

The **BROWARD** **BARRISTER**

JULY, 1980

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Executive Offices: 733 Northeast Third Avenue, 305/764-0040, Fort Lauderdale, Florida 33304

GENERAL MEETING THURSDAY, JULY 24, 1980

Stouffer's Anacapi Inn & Restaurant

1901 North Federal Highway

Fort Lauderdale, Florida

Cocktails: 6:30 P.M.
(Cash Bar)

Dinner: 7:15 P.M.
\$10.00/person

Speaker: Fletcher G. Rush
Topic: Merit Selection and Merit Retention

Fletcher Rush is a member of the law firm of Rush, Marshall, Bergstrom and Robison in Orlando, Florida. He received his law degree from the University of Florida. He was president of The Florida Bar from 1966-1967 and is the immediate Past President of the American Judicature Society.

Please note that the meeting date has been changed from the third Thursday to the fourth Thursday. The closing date for qualifying for an elective office is July 22, 1980. All persons qualifying for judicial office will be invited to attend this meeting. Please use the enclosed card for reservations.

YOUNG LAWYERS SECTION MEETING

Thursday, July 31, 1980

12:00 Noon

Seaview Restaurant

Bahia Mar Hotel and Yachting Center
Second Floor

801 Seabreeze Boulevard
Fort Lauderdale, Florida

Luncheon: \$6.00 — Members
\$7.00 — Non-Members

Speaker: Elliott Barnett
Topic: The Future of Downtown
Fort Lauderdale.

Reservations:

Robert J. McFann
One Financial Plaza
Suite 1500

Fort Lauderdale, Fla. 33394

Checks should be made payable to
"Young Lawyers Section"

Legal Services Corporation Sponsors Recruitment Effort

Legal services programs throughout the nation that provide free legal aid to the poor, will be recruiting attorneys at a two-day recruitment session July 18-19, 1980, at the Holiday Inn-Mart Plaza in Chicago, Illinois.

The two-day recruiting effort is sponsored by the Legal Services Corporation, a private nonprofit organization established by Congress. LSC funds 321 legal services programs which provide civil legal assistance to the poor. Programs operate in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands and Micronesia.

Attorneys, law graduates and third-year law students are urged to attend the session to apply for available positions with the legal services programs. A special effort is being made to recruit bilingual attorneys.

Employment opportunities are available for qualified program and litigation directors, lawyers' assistants, managing and staff attorneys.

For information about registering for the session, contact: W. Burnett Edwards, Jr., Recruitment Unit, Legal Services Corporation, 733 - 15th Street, N.W., Suite 650, Washington, D.C., 20005, (202) 272-4248.

BAR DUES

Broward County Bar Association

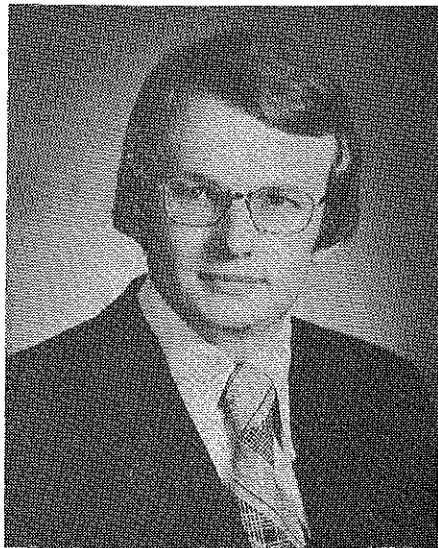
Dues are due. Prompt payment

will be appreciated.

Broward County Bar Association
 733 N.E. Third Avenue
 Fort Lauderdale, Florida 33304
 764-8040

OFFICERS

Harry G. Carratt *President*
 Russell E. Carlisle *Pres.-Elect*
 Hugh T. Maloney *Sec. - Treas.*
 Norma Howard .. *Executive Director*



Michael J. McNerney Elected President-Elect of the Young Lawyers Section of The Florida Bar

The Board of Governors of the Young Lawyers Section of The Florida Bar met during The Florida Bar's Annual Convention at Boca Raton, Florida to elect new officers.

Michael J. McNerney, past president of the Broward County Young Lawyers, and partner in the law firm of Brinkley, McNerney & Morgan, 2881 E. Oakland Park Blvd., Suite 202, Fort Lauderdale, FL was elected President-Elect of the Section for the 1980-81 term.

Mr. McNerney is the first Broward County lawyer to hold office in the statewide Young Lawyers Board of Governors. In the past year, Mr. McNerney served as Convention Chairman for the Young Lawyers Section of The Florida Bar and was responsible for scheduling, arranging, and producing the state-wide Young Lawyers Convention held this past March at Grenelefe, Florida.

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HAVE YOU MOVED?

Please notify Broward County Bar Association when you change your address!! All notices to members are not mailed "First Class". The Broward *Barrister* is mailed under a bulk rate permit and is not forwarded if you have moved.

Your help in keeping Broward County Bar Association office informed will be appreciated.

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DEPOSIT RECEIPT CONTRACTS

The standard Deposit Receipt Contract forms and the Condominium Deposit Receipt Contract forms (in limited supply only) are available at the Bar Association office.

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WELCOME NEW MEMBERS

LEILA D. ANDERSON, a native of Minneapolis, Minnesota, received her undergraduate and law degrees from the University of Florida. She is associated with the firm of Osborne & Hankins in Pompano Beach.

IRWIN J. FAYNE, a native of Salem, Massachusetts, received his undergraduate degree from the University of Florida and has law degree from the University of Miami. He is with the firm of Glass, Schultz, Weinstein & Moss in Fort Lauderdale.

LAWRENCE H. FEDER, a native of New York, received his undergraduate degree from Boston University and his law degree from Nova University. He practices alone in Hallandale.

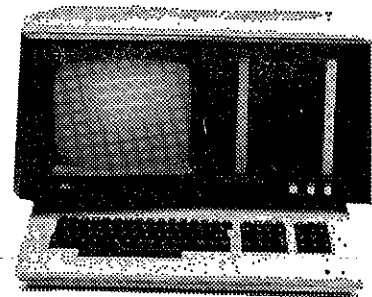
MARK D. GREENSPAN, a native of Charlotte, North Carolina, received his undergraduate degree from the University of North Carolina and his law degree from George Washington University Law School. He is with the firm of English, McCaughan & O'Bryan in Fort Lauderdale.

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MICHAEL MALLIN, a native of Atlantic City, New Jersey, received his undergraduate degree from New York University and his law degree from the University of Miami. He is associated with the firm of Mallin, Massey and Kleiman in Fort Lauderdale.

IVOR MASSEY, JR., a native of Richmond, Virginia, received his undergraduate degree from the University of Virginia and his law degree from the University of Miami. He is associated with Michael Mallin and Mark Massey in Fort Lauderdale.

JOSEPH F. MURRAY, a native of Lowell, Mass., received his undergraduate degree from the University of Notre Dame and his law degree from Suffolk University. He is associated with Lunny, Tucker and Heidgerd in Fort Lauderdale.

MARK A. NORDEN, a native of Grand Forks, North Dakota, received his undergraduate and law degrees from the University of North Dakota. He is associated with the firm of McCune, Haaesen, Crum, Ferris & Gardner in Fort Lauderdale.

CYNTHIA S. PRETTYMAN, a native of Detroit, Michigan, received her undergraduate degree from the University of Michigan and her law degree from the University of Florida. She is with the firm of DiGiulian, Spellacy & DiChiara in Fort Lauderdale.

PAUL F. PROBST, JR., a native of Clearwater, Florida, received his undergraduate degree from St. Bonaventure University and his law degree from the University of Miami. He is with the firm of Devitt, Friedrich, Blackwell, Mikos & Ridley in Fort Lauderdale.

VIVIEN RODRIGUEZ - ESPADA, a native of Havana, Cuba, received her undergraduate and law degrees from the Catholic University in Puerto Rico. She is with the firm of Gibbs & Zei in Fort Lauderdale.

RICHARD W. SMITH, a native of Elmira, New York, received his undergraduate degree from Ohio State University and his law degree from Nova University. He is with the firm of Johnson & Smith in Fort Lauderdale.

JEROME L. TEPPS, a native of Chicago, Illinois, received his undergraduate degree from the University of Miami and his law degree from the University of Florida. He is associated with Ronald E. Kay in Fort Lauderdale.

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LAWYER REFERRAL SERVICE

Dues notices and Lawyer Referral Service applications have been mailed to all members of Broward County Bar Association. If you *have not* returned the application and dues, you are encouraged to participate in this needed program.

Lawyer Referral is a public service program to provide a consultation at a reasonable fee. The Service has experienced no decline in referrals because of lawyer advertising. In fact, there are many inquiries from the public about the ads placed by Legal Clinics and attorneys.

Members who practice in the following areas are especially needed:

- Social Security
- Administrative and Government Law
- Labor Relations
- Employer/Employee Problems
- Civil Rights
- Consumer Law
- Immigration

Senate Bill 18 Increasing The Jurisdictional Amount Of County Courts From \$2,500 To \$5,000

You are hereby notified that the jurisdictional amount of actions of law in the County Courts has been increased from \$2,500 to \$5,000 effective July 1, 1980. The Act provides that it shall apply *only to causes of action accruing on or after July 1, 1980.*

Accordingly, the Clerk of the Court will require a statement in the complaint or a certification that the cause of action accrued on or after July 1, 1980.


—George W. Tedder, Jr.,
Chief Judge,
Seventeenth Judicial Circuit

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NOTICE OF BAR GROUP MEETINGS

Date	Organization	Location	Time
8/12/80	North Broward Bar Assn.	Flaming Pit Restaurant 1150 N. Federal Hwy. Pompano Beach, FL	12 Noon


* * * * *



United Federal.
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& LOAN ASSOCIATION
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AVOIDING UNINTENTIONAL GRIEVANCES

Withholding Services Until Fee Is Paid

Refusal by a lawyer to complete a matter he has undertaken to handle for a client until the client has paid the re-

mainder of his fee is a frequent complaint.

Although not caused by the unintentional acts of the lawyer, this type of complaint has, nevertheless, been included here because many lawyers erroneously believe that they have the right to condition completion of their

representation of a client upon receipt of full payment of the fee. However, a lawyer has no such right under the Code of Professional Responsibility.

A lawyer may condition initial acceptance of employment upon payment of the fee in advance, but once services have been contracted for he may not condition completion of the services on payment of his fee. Disciplinary Rule 7-102(A) provides:

"A lawyer shall not intentionally: (1) Fail to seek the lawful objectives of his client through reasonably available means permitted by law . . . (or) (2) Fail to carry out a contract of employment entered into with a client for professional services . . ."

Once a lawyer undertakes to represent a client he is obligated to exert his best efforts to advance the client's legitimate interest with fidelity and diligence until he is relieved of that obligation either by his client or by the court. The failure of a client to pay for his services does not relieve a lawyer of his duty to perform completely and on time.

"No fee—no services" complaints can be prevented by conditioning the initial employment on payment of the fee in advance in those cases susceptible to such a fee arrangement. Yet in many other cases, the lawyer's specific recourse on refusal or failure by a client to pay fees on request or as they become due is to withdraw from the representation as permitted by Disciplinary Rule 2-110(C)(1)(f), because the client "(d)eliberately disregards an agreement or obligation to the lawyer as to expenses or fees." Under this rule the lawyer can properly withdraw, but he must first obtain permission from any tribunal before which he has acted as lawyer of record for that client. Further he must take:

" . . . reasonable steps to avoid foreseeable prejudices to the rights of his client, including giving due notice to his client, allowing time for employment of other counsel, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules." See Disciplinary Rule 2-110(A)(2).

Otherwise the lawyer would be obliged to complete his representation of the client notwithstanding the failure of the client to honor his financial obligations to the lawyer.

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