

The BROWARD BARRISTER

SEPTEMBER, 1980
Volume 9
Number 9

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION
Executive Offices: 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

GENERAL MEETING THURSDAY, SEPTEMBER 18, 1980 - 7:30 P.M.

PIER 66 — PANORAMA ROOM
2301 S.E. 17th STREET CAUSEWAY
FORT LAUDERDALE, FLORIDA

Dinner: \$15.00 per person
Speaker: Justice Arthur J. Goldberg
Topic: "Is It Worthwhile To Devote A Lifetime
To The Profession of Law?"

Justice Arthur Goldberg is a jurist, diplomat, lawyer and academician. He was Secretary of Labor of the United States in 1961-62; Associate Justice, United States Supreme Court, 1962-65; Permanent Representative of the United States to the United Nations, 1965-68; and many other accomplishments too numerous to list. He has authored numerous articles and legal publications.

He graduated from City College of Chicago (AA with Honors), and Northwestern University (BSL and JD, summa cum laude). Justice Goldberg is presently the visiting professor at Nova Law Center.

Spouses and guests are invited to attend this meeting. **Reservations NECESSARY.** Deadline for reservations and cancellations Tuesday, September 16, 1980 at 12 Noon. Reservations made and not cancelled in time must be paid if guarantee is not met and the Bar is charged for dinners.



YOUNG LAWYERS SECTION MEETING

Thursday, September 25, 1980

12:00 Noon

CHI-CHI'S RESTAURANTE
6500 North Federal Highway
Fort Lauderdale, Florida

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

Speaker: Charles M. Prince

Topic: "The Effective Use of Expert
Witnesses"

Reservations should be made payable to "Young Lawyers Section" should be sent to—

Robert J. McFann
One Financial Plaza
Suite 1500
Fort Lauderdale, Fla. 33394

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RECEPTION

All members of Broward County Bar Association are invited to attend a re-

ception for—

Justice Arthur J. Goldberg

on

September 18, 1980

5:30 P.M. — 7:00 P.M.

Pier 66 — Venetian Ball Room
2301 S.E. 17th Street Causeway
Fort Lauderdale, Florida

Hors d'Oeuvres — Cocktails

\$10.00 per person

◆ **Reservations are a must** ◆
Deadline: Sept. 16, 1980 12 Noon

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Association of American Law Schools Announces Plans For Law Teacher Recruitment For The 1981-82 Academic School Year

The Association of American Law Schools (AALS) will hold its sixth annual Law Faculty Recruitment Conference at the Hyatt Regency O'Hare Ho-

tel in Chicago on Friday and Saturday, December 5 and 6, 1980.

Although the demand for outstanding law teachers continues to be strong, the number of available appointments is considerably less than it was during recent years when enrollment in accredited law schools was growing at phenomenal rates. Faculty appointments are based on academic success and exceptional professional experience. Law schools are seeking more diverse faculties to meet the needs of their increasingly diverse student populations. Law schools seek candidates whose background and educational and professional experience can enrich current programs and contribute to the development of new ones and thus improve the quality of legal education.

The registration fee is \$35.00. Payment of it entitles each registrant to have his or her curriculum vitae included in the Register which is placed in the hands of each law school dean in the fall, a month before the Recruitment Conference, and in the spring several weeks before faculties make final recruitment

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*

decisions. The closing date for this fall's Register is November 3, 1980. Forms are available from any of the AALS member schools as well as from the Association's national office at One Dupont Circle, N.W., Suite 370, Washington, D.C. 20036.

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BRIDGE-THE-GAP SEMINAR

**YOUNG LAWYERS SECTION —
THE FLORIDA BAR**

October 6, 7, 8, 1980

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eral Practice

**Young Lawyers Section
High School Education
Project**

The Young Lawyers Section of the Broward County Bar Association is again sponsoring their award-winning High School Education Project. There are two main aspects to the Project which will be operating throughout the 1980-1981 school term: the Speakers' Program and the Mock Trial Program, both of which are being expanded this year.

The Speakers' Program involves placing lawyers in area high schools for the purpose of giving brief talks on a specified legal topic to a class and then answering the students' questions. Certain basic topics such as criminal law, business law, real estate law, family law and trials have been selected. However, if an attorney has a particular area of expertise which is of interest to the class then the attorney can address that issue.

In addition, this year the Mock Trial Program will cover criminal and civil trials. Teams of three attorneys each will be used as Plaintiffs and Defense attorneys and as the Judge. Witnesses will be class members who have been briefed in advance on the facts in the case. The Mock Trial will last about 1½ hours, followed by a short period at the end for answering the students' questions. These programs are by no means limited to "young lawyers." Any attorney who is interested is encouraged to volunteer. For further information on either program, please contact Todd Smith at 765-0537 or Teresa Widmer at 765-4853.

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CLE SEMINARS

**Products Liability —
September 20, 1978**

Appellate Practice	2 Hours
Registered General Practice	2 Hours
Trial Practice — General	2 Hours
Trial Practice — Personal Injury and Wrongful Death	2 Hours

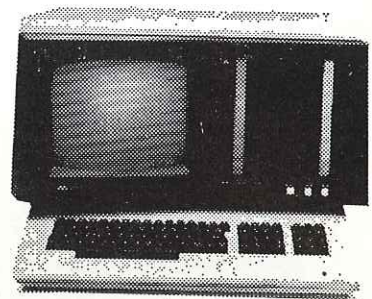
**Review of Florida's Corporations
Statutes —
February 8, 1979**

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Corporation and Business Law 1 Hour
 General Practice 1 Hour

Florida Securities Act —

March 8, 1979

Corporation & Business Law 1 Hour
 General Practice 1 Hour
 Securities 1 Hour

Corporation, Banking & Business Law Section —

May 17, 1979

Bankruptcy 1 Hour
 Collections 1 Hour
 Corporation and Business Law 1 Hour
 General Practice 1 Hour

Usury Law —

August 9, 1979

General Practice 1 Hour
 Corporation and Business Law 1 Hour

Tax Strategy of Property Settlement Agreements —

October 26, 1979

Appellate Practice 1 Hour
 General Practice 1 Hour
 Marital and Family Law 1 Hour
 Taxation 1 Hour
 Trial Practice — General 1 Hour

Corporation, Banking & Business Law Section Seminar —

December 7, 1979

Administrative and Governmental Law 2 Hours
 Bankruptcy 2 Hours
 Collections 2 Hours
 Corporation and Business Law 4 Hours
 General Practice 4 Hours
 Securities 1 Hour

Corporation, Banking and Business Law Section —

January 31, 1980

Corporation and Business Law 1 Hour
 General Practice 1 Hour
 Securities 1 Hour

Corporation, Banking & Business Law Section —

February 28, 1980

Corporation and Business Law 1 Hour
 General Practice 1 Hour

Probate and Trust Law Section

Seminar —

February 29, 1980

General Practice 4 Hours
 Marital and Family Law 1 Hour
 Wills, Estates and Estate Planning 4 Hours

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PRESIDENT'S MESSAGE

During the past years, the Broward County Bar Association has developed or participated in numerous programs for the benefit of its members and the public. Some of the programs have been public forums, continuing legal education, lawyer referral, legal aid and the preparation of deposit receipt contracts. The success of these programs has been dependent upon the participation of the members of the Bar and we are looking to your continued participation in the programs for this year.

At the present time, one of the matters of most concern to all of us is that of congestion and delay in the Broward Courts. As the result of the efforts of the Broward Legislative Delegation, the circuit bench and the representatives of the Broward Bar, we were able to obtain three new circuit judgeships from the 1980 legislature. These judgeships are not enough, but we were very fortunate to obtain these positions in the light of the fact that the legislative leaders were opposed to creating new judgeships during the past year. We are most appreciative of the tremendous efforts of the Legislative Delegation in overcoming this opposition so that we could obtain the judgeships.

As to our present needs, we are concerned with providing early dates for motion hearings and trials, and the pub-

lic and the Bar are entitled to early hearings and trial dates as exist in the other circuits of the state. In this regard, there are several problems. First, there is a lack of space in the courthouse for additional judges and for additional courtrooms to provide for these trials. County offices in the courthouse must be moved to other locations so as to meet the needs of the judiciary and I understand that the county administrator is now considering several possibilities in that regard. Through the efforts of Judge Tedder, the judiciary, and the executive committee of the Bar Association, a special committee co-chaired by James Walden and Judge Johnson has been established to find ways whereby we can obtain the earliest possible dates for motion hearings and trials. Further information as to committee recommendations will be provided to you in subsequent *Barristers*.

We also expect cooperation from the Florida Supreme Court as to our needs, and Chief Justice Sundberg will visit with us during the month of November to consider the problems and needs of the Broward County Bar and the Broward Courts. He will also be the speaker at our general meeting to be held on Thursday, November 20, 1980. We also anticipate that the respective chairmen of the judiciary committees for the Senate and the House will also be present at the November meeting. We hope to exert all of our best efforts to meeting the needs of the bench and the Bar so that we can obtain early dates for hearings and trials.

Harry G. Carratt

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NOTICE OF MEETING

OCTOBER 14, 1980

North Broward Bar Association
Flaming Pit Restaurant
 Pompano Beach, — 12 Noon



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Mystery Of Rising Claims Against Lawyers Attracts Bar Study

Parallel to the medical malpractice and product liability crises, concern has arisen recently about the upward trend in lawyers' professional liability. Thus far the problem has attracted little attention outside the legal profession, whose members have had to pay more for insurance protection and have sometimes had difficulty finding an insurer. The public's interest, however, is also at stake, since more claims against lawyers

are bound to further erode that confidence in the legal profession that is an essential part of our system of administration of justice. A new article by American Bar Foundation Research Attorney Werner Pfennigstorf, "Types and Causes of Lawyers' Professional Liability Claims: The Search for Facts," published in *ABF Research Journal*, Vol. 1980, No. 2, examines this development and discusses the ways in which increased knowledge of the nature and causes of claims can help reverse the trend.

There are indications that the rise in claims is not caused by carelessness or

lack of competence on the part of lawyers, but rather by the increasing complexity of our economy and law, and the general trend toward more vigorous assertion of individual rights and interests. No one knows for sure, however, and both lawyers and the public are laboring under a number of misconceptions. A better understanding of the claims that are made against lawyers is indispensable for any meaningful effort to control the risk.

While the liability insurers would seem to be best equipped to collect the needed information, the competitive situation in the insurance market and the relatively limited importance of this line of business have so far discouraged any effort to develop a nationwide system for collecting and reporting claims data on the basis of a uniform classification code. Thus, in 1979, the American Bar Association's Special Committee on Lawyers' Professional Responsibility undertook the task of designing such a system. In cooperation with leading insurers, the Committee has developed a questionnaire that is structured to provide a three-dimensional image of each claim: (1) the subject matter or field of law out of which the claim arose; (2) the type of activity or service the lawyer performed when committing the act or neglect causing the claim, and (3) the type of mistake, error, or misconduct on which the claim is based. Questionnaires are completed by the insurers for each claim, and the accumulated data will then be tabulated and presented in a number of ways and combinations showing interrelationships between any of the elements included in the questionnaire.

The Committee hopes that as a result of more meaningful and accurate information individual lawyers will develop not only a basic awareness of the risk of liability but also a more active interest in loss prevention programs. Pfennigstorf cautions, however, that "the collection and dissemination of data is only the first step and can have an effect only if followed by well-designed and aggressively promoted educational and motivating programs," and reiterates the value of the program as a source of information for those concerned with the delivery of legal services and the administration of justice.

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