

The **BROWARD** **BARRISTER**

JUNE 1981

Volume 10

Number 6

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

Executive Offices: 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

COMMITTEE AND SECTION CHAIRPERSON'S MEETING

THURSDAY, JUNE 18, 1981 — 5:00 P.M. - 6:00 P.M.

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(In lieu of June Membership Meeting)

PRESIDENT'S MESSAGE

I sought this position to serve the Bar—the Bench—and the Public.

Communication is the most important function of a leader. I hope to communicate with the Bar, the Bench, and the Public by being available. Specifically, I will be in the Bar Association office from four o'clock to five o'clock every day of June to receive and make calls or personal visits. If this improves communications, I plan to continue it for the balance of my term in office.

If you, or anyone else has a recommendation, suggestion, complaint or other communication which will serve the Bar, the Bench or the Public, please call or visit me at the Bar Association office.

I can't assure a solution. But I can assure you I will respond and I will try my best to fulfill this year of service.

Russell E. Carlisle
President

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ECONOMICS SEMINAR

The Committee on Economics and Management of Law Practice has rescheduled its Economics Seminar for the morning of Friday, June 19, 1981, at the Fort Lauderdale City Commission Room, 100 North Andrews Avenue, Fort Lauderdale. The seminar will run from 8:45 a.m. to 1:00 p.m. and will cover both administrative and substantive systems.

The first part of the program will cover accounting systems, filing systems, docketing systems and communications.

The second part of the program will cover criminal practice, bankruptcy, collections and real estate closing systems. The speakers are primarily local lawyers with extensive experience in the areas they will be addressing. This program is designed for the practitioner setting up his own office or organizing his existing office. It will be a practical presentation packed with useful and proven techniques. For additional information, contact John Hume at 771-9864.

Advance reservations are required. If there are insufficient registrations, this program will be rescheduled for the fall. Please send in your reservations immediately.

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Interest On Trust Accounts

On Tuesday, June 2, 1981, at 9:30 a.m., The Supreme Court of Florida will hear oral argument on Petition to Modify the Interest on Trust Accounts Program. The Petition is presented by The Florida Bar Foundation, Inc., and joined in by The Florida Bar.

If adopted by the court, the modification would eliminate the non-interest bearing trust account. Trust deposits which are small in amount or to be held for a short period of time would be deposited in a commingled interest bearing account (Now Account). The

interest earned on the total amount in such account would be remitted to The Florida Bar Foundation. The Foundation would use the money for legal aid to the poor, student loans, and programs to improve the administration of justice. Administrative costs would be borne by the Foundation. Trust deposits of significant amounts or held for a long period of time would be deposited in a separate account with interest to be remitted to the client.

On Friday, May 29, 1981, the Executive Committee of The Broward County Bar Association adopted a resolution opposing the amendment to the Integration Rule of the Florida Bar Rule 11.02 (4) that requires the establishment of interest bearing trust accounts with interest to be paid directly to the Florida Bar Foundation until more time and notice can be given to members of the Bar and to the public.

Russell E. Carlisle
President

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Fifth Circuit Court Of Appeals To Be Divided

On October 1, 1981, the U.S. Court of Appeals for the Fifth Circuit will be divided into the new U.S. Court of Appeals for the Fifth Circuit and the new U.S. Court of Appeals for the 11th Circuit. The 5th Circuit will consist of the States of Louisiana, Mississippi and Texas, while the 11th Circuit will consist of the States of Alabama, Florida and Georgia. The headquarters for the

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 733 N.E. Third Avenue
 Fort Lauderdale, Florida 33304
 764-8040

OFFICERS

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

11th Circuit will be in Atlanta, Georgia, and oral arguments for the 11th Circuit will initially be held in Atlanta, Montgomery, Alabama, Jacksonville and Miami, Florida.

A copy of the proposed Rules for the new 11th Circuit Court of Appeals are available on request from the Clerk of the 5th Circuit in New Orleans, Louisiana. Attorneys who are presently admitted to practice before the 5th Circuit will be admitted to practice before the 11th Circuit upon payment of the sum of \$5.00 and by making application in a letter to the Clerk of the 5th Circuit, 600 Camp Street, New Orleans, Louisiana 70130, wherein he certifies that he is a member in good standing of the Bar of the 5th Circuit and requests to be admitted to the 11th Circuit, setting forth his Social Security number and including the check for the fee. This must be done by December 31st, 1981.

If the attorney wishes to be admitted to both new Circuits, then he should send a check for the total sum of \$25.00 with his letter to the Clerk of the 5th Circuit.

Harry G. Carratt

**Nova Law Library
 Announces
 Services For Attorneys**

The Nova Law Library announces two new services for members of the Bar. A telephone photocopy service and a telephone reference service are now available.

The photocopy service is designed to save attorneys' time and travel in order to obtain the research material they need. Now all attorneys associated with firms can call the Law Library and place their orders by telephone. The material will be copied, billed and mailed to the firm. Orders can be picked up at the Circulation Desk, if necessary. The cost of the service is 25 cents per page. Minimum mailing and billing charge is \$2.00 plus postage. To place a photocopy order call (305) 522-2300.

The expanded reference service offers attorneys "in person" and "telephone assistance" from professional law librarians. A reference desk is now staffed from 8:30 a.m. to 6:00 p.m. Monday through Friday. Experienced librarians will offer instruction in the use of the library and its research tools. For short, less involved questions, reference personnel can be reached by a direct telephone line. The phone number for reference assistance is (305) 522-2300, Ext. 115.

The Nova Law Library is now located close to the business center of Fort Lauderdale at 3100 S.W. 9th Avenue. The collection includes over 88,000 volumes and the library subscribes to 550 legal journals. It is rich in tax materials, international legal documents, and practice tools. We hope these new services will encourage members of the Bar to take advantage of our collection.

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**Civil Litigation
 Coordinating Council**

The Civil Litigation Coordinating Council has been formed to implement programs to reduce court delay. This is an outgrowth of a workshop held by

the National Judicial College.

The initial judicial panel will consist of Judges George W. Tedder, Jr., Gene Fischer, J. Cail Lee and W. Herbert Moriarty. The panel will set uniform policies and procedures and this information will be disseminated in the *Broward Barrister*.

The official beginning of the pilot program will July 1, 1981.

The Council to oversee this program will need your help. Suggestions from the Plaintiff's Bar, the Defense Bar, and the Bar as a whole will be accepted and should be sent to James H. Walden, Chairman of the Council.

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**Broward County Christian
 Lawyers Association**

The newly elected Officers of the Broward County Christian Lawyers Association for the 1981-82 year are:

President Douglas K. Silvis
 Vice President ... Romney C. Rogers
 Secretary W. Lawrence Larche
 Co-Treasurers ... Joseph W. Mannino
 William W. Crawford

(Continued on Page 6)

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YOUNG LAWYERS SECTION NEWS

YOUNG LAWYERS PRESIDENT'S COLUMN

As the incoming President of the Broward County Young Lawyers Section, I would like to take the opportunity to make some comments about the activities of our section. I am not going to attempt to write one of those long philosophical articles about the value of bar work nor am I going to write an article praising the various members of our section who have made contributions in the past. Instead, I am going to direct my thoughts to this coming year.

Recently, I prepared the agenda for the initial meeting of the Executive Committee of our section. A review of that agenda reveals the projects which are going to be undertaken during this next year. The following is a partial list of those projects and activities:

1. High School Education Project.
2. Clerk for Circuit Court Judges Project.
3. YLS United Way Run.
4. YLS Newsletter Insert in the Broward County *Barrister*.
5. After You Find the Courthouse Seminar for new admittees to the Florida Bar.
6. YLS Bench/Bar Conference Committee.
7. YLS Annual Golf & Tennis Tournament.
8. YLS Annual Softball Tournament.
9. YLS Softball & Football League.
10. YLS Media & The Law Committee.
11. YLS Luncheon Speakers Committee.
12. YLS New Projects Committee.

As you can see from the above, there are a variety of both social and community oriented projects.

During this coming year, I would like to initiate a committee of our section to investigate the possibility of starting a credit union for our bar organization. The purpose of this credit union is to serve its members in such ventures as the financing of the purchase of equipment, automobiles, and any other borrowing activities normally and customarily undertaken by lawyers. A similar project in Dade County has been functioning for several years with great success. As an example, the Young Law-

yers in Dade County had the opportunity to borrow funds from that credit union at 10% interest rates for the purpose of purchasing equipment for their offices. I am certain that with a total attorney population in this county of approximately 2,300 lawyers, that there is a great need as well as interest for such a program.

Perhaps, the most striking impression I have of reviewing the activities of our section is that these activities are carried out by an Executive Committee which consists of six members plus three officers. In the past, the Executive Committee has had projects undertaken primarily by the members. As an example, the YLS United Way Run which was held on November 1, 1980 was conducted primarily by the members of the section with some assistance from the officers. The result was a tremendous event for our community which had the added benefit of making a substantial contribution to the local United Way campaign. In this coming year, I would like to encourage greater participation by the members of our section in our activities.

Therefore, if you are interested in any of the projects which are listed above, or if you have an idea for a new project which is of interest to our section members, I would appreciate it if you would contact Bob McFann (764-4646, Steve Lauer (565-0501) or myself (473-1500) so that we can have the benefit of your participation. Finally, I would like to encourage your attendance at our monthly luncheon meetings which are held on fourth Thursday of each month. In keeping with our tradition, each luncheon meeting features a speaker of interest. If there are some particular areas of law, or of interest to lawyers in general, I would appreciate it if you would drop me a note suggesting future topics or speakers.

Since I indicated in the opening paragraph of this article that I would not make any philosophical comments, I won't conclude by telling you that the success of these projects depends on the participation of our members.

JESSE S. FAERBER
President

* * * * *

JUNE YOUNG LAWYERS SECTION LUNCHEON

The June Meeting of the Young Lawyers Section of the Broward County Bar Association will be held Thursday,

June 25, 1981, at—

Gibby's Restaurant
2900 N.E. 12th Terrace
Oakland Park, Florida
12:00 Noon

The guest speaker will be Theodore Sobo, Esquire. The topic of speech will be "The Effective Use of Post - Judgment Proceedings or How to Beat the Deadbeats." Please phone in your reservation(s) to Charlotte, Secretary to Steve Lauer, Esquire at (305) 565-0501, prior to June 23, 1981. You may bring your check with you to the luncheon if you wish, but *Reservations Are A Must!!!*

* * * * *

1981-82 Members Of The Executive Committee Of The Young Lawyers Section Of Broward County Bar Association

The new Officers of the Young Lawyers Section who were elected at the April 23, 1981 meeting were announced in the May issue of the *Barrister*. The members of the Executive Committee elected at that time are as follows:

Teresa B. Widmer
Martha A. Snedaker
Betty Ann Palmer
Romney C. Rogers
Richard T. Woulfe
Frederick C. Heidgerd

* * * * *

Young Lawyers Softball League Results

The final play-offs of the Young Lawyers Softball League were held Saturday, May 16, 1981, at Croissant Park with five teams participating in the finals. The winning team consisted of the following members: Don Gorenberg, Neil Jaffe, Chris Cloney, Julian Mack, Jack Maitland, William Haymond, Josh Nussbaum, Ed Cohn, Mike Behera, Gary Smith and Neil Duprey.

This league event is coordinated each spring by members of the Young Lawyers Section of the Broward Bar. The next league event will be the football league this fall. Look for further information in upcoming months.

1st Annual Bar/Bench Conference Results

The first Seventeenth Judicial Circuit Bench and Bar Conference was a great success. The conference was held on Saturday, April 25, 1981, at the Bahia Mar Hotel. Forty-one attorneys and twelve judges were in attendance. Discussion groups comprised of attorneys and judges were held during the morning. There were two civil law discussion groups, one criminal group and one domestic relations group. Each group came back to the afternoon session with a number of suggested resolutions. The resolutions were discussed in an open forum and voted upon.

The suggestions ranged from the adoption of a uniform motion calendar to be held from 8:45 to 9:30 a.m., Monday through Thursday with a limit of five minutes per side for each case scheduled and a notice of hearing to be delivered to the judge's secretary no later than four working days prior to the date of the hearing; a recommendation that all attorneys' fee affidavits be required to set forth the criteria which the expert considered in reaching his or her opinion to a recommendation that all calendar calls be held on Friday. The resolutions were taken down by a court reporter and transcribed, including some discussion from the floor. A copy of this transcript is available for review at the office of Linda Conahan, English, McCaughan & O'Bryan. The transcript will be furnished to the Court's Committee with copies to the Chief Judge and the President of the Broward County Bar Association for further consideration, and hopefully implementation of some, if not all, of the recommendations.

Those who participated found the conference enjoyable, as well as beneficial. It was rewarding to hear members of the judiciary and the bar discuss issues frankly, openly and with a sincere desire to listen and understand for the benefit of all.

The conference will be held again next year. Any comments and suggestions for improving the format are welcomed.

Linda A. Conahan



"Your Honor, my client wishes to exercise his right to remain silent."



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BROWARD COUNTY BAR ASSOCIATION

JUNE 1, 1981 – MAY 31, 1982

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President-Elect Hugh T. Maloney

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J. David Bogenschutz	Terrence Russell	Harry G. Carratt,
T. Randolph Buck	Dale R. Sanders	Past President
John Hume	William S. Spencer	Jesse S. Faerber, President
James O. Murphy, Jr.	Roger H. Staley	Young Lawyers President
Daniel D. Peschio, Jr.	James H. Walden	Robert J. McFann, President-Elect
		Young Lawyers Section

YOUNG LAWYERS SECTION OFFICERS

President Jesse S. Faerber **Secretary-Treasurer** E. Steven Lauer
President-Elect Robert J. McFann

SECTION CHAIRMEN

Corporation, Banking and Business Law Section Michael R. Casey	Probate and Trust Law Section W. Lawrence Larche
Criminal Law Section C. Edward McGee, Jr.	Real Property Section Welcom H. Watson, Jr.
Family Law Section James Fox Miller	Trial Lawyers Section Frank C. Walker

BROWARD COUNTY BAR ASSOCIATION STANDING COMMITTEES

1. HOUSE COMMITTEE

Chairman: Theodore P. Mavrick Sharon Miller Entin **Liaison** — Hugh T. Maloney
Fred C. Bamman, III W. Lawrence Larche

2. FINANCE COMMITTEE

Chairperson: Angeline G. Weir E. Steven Lauer **Liaison** — Angeline G. Weir
William C. Davell Hugh T. Maloney

3. JUDICIAL SELECTION, COMPENSATION AND TENURE COMMITTEE

Chairman: John S. Neely, Jr.	Vice-Chairperson: Judge Bobby W. Gunther
Maurice Berkowitz	William J. Zloch
Alvin Capp	
Eugene L. Heinrich	
Judge William W. Herring	
Sanford L. Muchnick	
Peter S. Sachs	
Cliffort B. Selwood, Jr.	
M. Ross Shulmister	
	Liaison — Terrence Russell

Court Adopts Jury Instructions Effective July 1

Newly adopted standard jury instructions in criminal and misdemeanor cases and grand jury instructions go into effect July 1, according to an order of the Supreme Court issued on April 16.

The court directed The Florida Bar to publish the schedule of lesser included offenses of the standard jury instructions in criminal cases to facilitate comment from the Bar. Commentary should be submitted to the court no later than June 1, 1981.

Subject to modification following commentary received by that date, the court stated it intends to approve the table of lesser offenses for use beginning July 1. It directed the Supreme Court Committee on Standard Jury Instructions in Criminal Cases and the Criminal Procedure Rules Committee of The Florida Bar to jointly submit to the court by June 1 proposed revisions of Rules 3.510 and 3.490 consistent with the table of lesser included offenses and the committee's recommendations.

Until July 1, trial judges are directed to continue to follow the requirements of *Brown v. State* and current Rules 3.510 and 3.490.

The new standard jury instructions in criminal cases represent a revision of the petit jury instructions in criminal cases adopted in 1970 and amended in 1976. In 1977, the Supreme Court requested the committee to revise and modify the instructions to make them more easily understood by citizen jurors, to consider the approval of instructions and a handbook for a grand jury and to establish a schedule of lesser included offenses.

IN MEMORIAM

John F. Ginestra

April 7, 1981

The Florida Council of Bar Executives was organized in April, 1981.

Bar Executives by the nature of their jobs, are geographically isolated and opportunities for exchange of ideas and interaction are few. The purposes of the Council are:

To serve as a vehicle for the interchange of ideas among bar executives;

To strengthen the professional status of bar executives;

To provide educational programs of benefit to bar executives;

To develop a mentor program for new bar executives;

To provide inter/intra relations with other bar related professional groups, and

To serve as a resource for bar associations who are considering the hiring of a bar executive.

The following officers were nominated at the Charter meeting:

President Patricia H. Hicks
St. Petersburg Bar Association

Vice-President Norma Howard
Broward County Bar Association

Secretary Catherine Royce
Palm Beach County Bar Association

Treasurer Diane Williams
Sarasota County Bar Association

Executive Member
at Large Dot Vines
Hillsboro County Bar Association

Have You Moved?

There have been many moves of offices in the past two months. If you have *not notified* the following of your correct address and telephone number PLEASE DO SO NOW.

Broward County Bar Association
The Florida Bar
American Bar Association
Clerk of The Circuit Court

LAWYER REFERRAL SERVICE

Attention: All Lawyer Referral Panel Members

If you have not renewed your Lawyer Referral Service Panel Membership for the year beginning June 1, 1981, you should do so immediately as referrals are being made to new members of the panel only. Your help is needed in this program.

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

Broward

County

Bar

Association

dues were due

June 1.

Prompt payment

will be

appreciated.

WELCOME NEW MEMBERS

JAY C. ANDERSON, a native of Takoma Park, Md., received his undergraduate degree from Florida Southern College and his law degree from Nova Law Center. He is associated with the firm of Goldberg, Young, Goldberg and Borkson in Fort Lauderdale.

WILLIAM J. BARNES, a native of New Jersey, received his undergraduate degree from New York University and his law degree from Rutgers University. He is a sole practitioner in Fort Lauderdale.

WILLIAM A. CALVO, a native of Colombia, South America, received his undergraduate degree from The Citadel and his law degree from St. John's University. He is associated with Ruden, Barnett, McCloskey, Schuster & Russell in Fort Lauderdale.

ROBERT J. COUSINS, a native of Dearborn, Michigan, received his undergraduate degree from LeMoyne College and his law degree from Nova Law Center. He is associated with Bunnell, Graham & Denman in Fort Lauderdale.

JOSEPH F. DALY, a native of Troy, New York, received his undergraduate degree from Union University and his law degree from Albany Law School. He is a sole practitioner in Lauderdale-by-the-Sea.

DAVID R. DAMORE, a native of Brooklyn, N.Y., received his undergraduate degree from the University of Miami and his law degree from Florida State University. He is associated with Michael D. Gelety in Fort Lauderdale.

MICHAEL P. GABLE, a native of New York City, received his undergraduate degree from the University of Florida and his law degree from Nova Law Center. He is associated with Meyer, Nortman and Pearlman in Fort Lauderdale.

NEIL F. GARFIELD, a native of New York City, received his undergraduate degree from Dickenson College and his law degree from Nova Law Center. He is associated with Garfield, Meisler and Blatt in Lauderhill.

LEONARD HELFAND, a native of Brooklyn, N.Y., received his undergraduate degree from Hobart College and his law degree from the University of Miami. He is District Legal Counsel with the Florida Department of Health and Rehabilitative Services.

LAWRENCE L. KORDA, a native of Hollywood, Florida, received his undergraduate degree from The Citadel and his law degree from Mercer University. He is a Circuit Judge in Broward County.

ELEANOR JANICE LAW, a native of Flint, Michigan, received her undergraduate degree from the University of Michigan and her law degree from Nova Law Center. She is associated with the Broward State Attorney's Office.

RONALD E. LEE, a native of Atlanta, Georgia, received his undergraduate degree from Florida State University and his law degree from Stetson College of Law. He is a sole practitioner in Hollywood.

CRAIG J. MANDELL, a native of New York City, received his undergraduate degree from Boston University and his law degree from Florida State University. He is associated with Goldberg, Young, Goldberg & Borkson in Fort Lauderdale.

ARNOLD PEARLSTEIN, a native of New York City, received his undergraduate degree from Williams College and his law degree from the University of Michigan. He is associated

with Hodgson, Russ, Andrews, Woods & Goodyear in Fort Lauderdale.

WILLIAM B. SEIDEL, a native of Pittsburgh, Pa., received his undergraduate and law degrees from the University of Miami. He is associated with Jack P. LaMarr in Fort Lauderdale.

MARK SKIPPER, a native of Akron, Ohio, received his undergraduate degree from the University of Michigan and his law degree from Detroit College of Law. He is a sole practitioner in Fort Lauderdale.

BENJIE S. SPERLING, a native of New York City, received his undergraduate degree from the University of South Florida and his law degree from the University of Florida. He is a sole practitioner in Hollywood.

PHILIPPE M. SYMONOVICZ, a native of Metz, France, received his undergraduate degree from the United States International University and his law degree from South Texas College of Law. He is associated with Chicago Title Insurance Company.

CRAIG TALESMAN, a native of Miami Beach, received his undergraduate degree from Temple University and his law degree from Nova Law Center. He is associated with Dana Stoker in Fort Lauderdale.

PATRICIA G. WILLIAMS, a native of Miami, received her law degree from the University of Miami. She is associated with the Equal Employment Opportunity Commission in Miami.

HOWARD I. WEISS, a native of Queens, N.Y., received his undergraduate degree from Cornell University and his law degree from Fordham Law School. He is associated with Sachs & Weiss in Boca Raton,

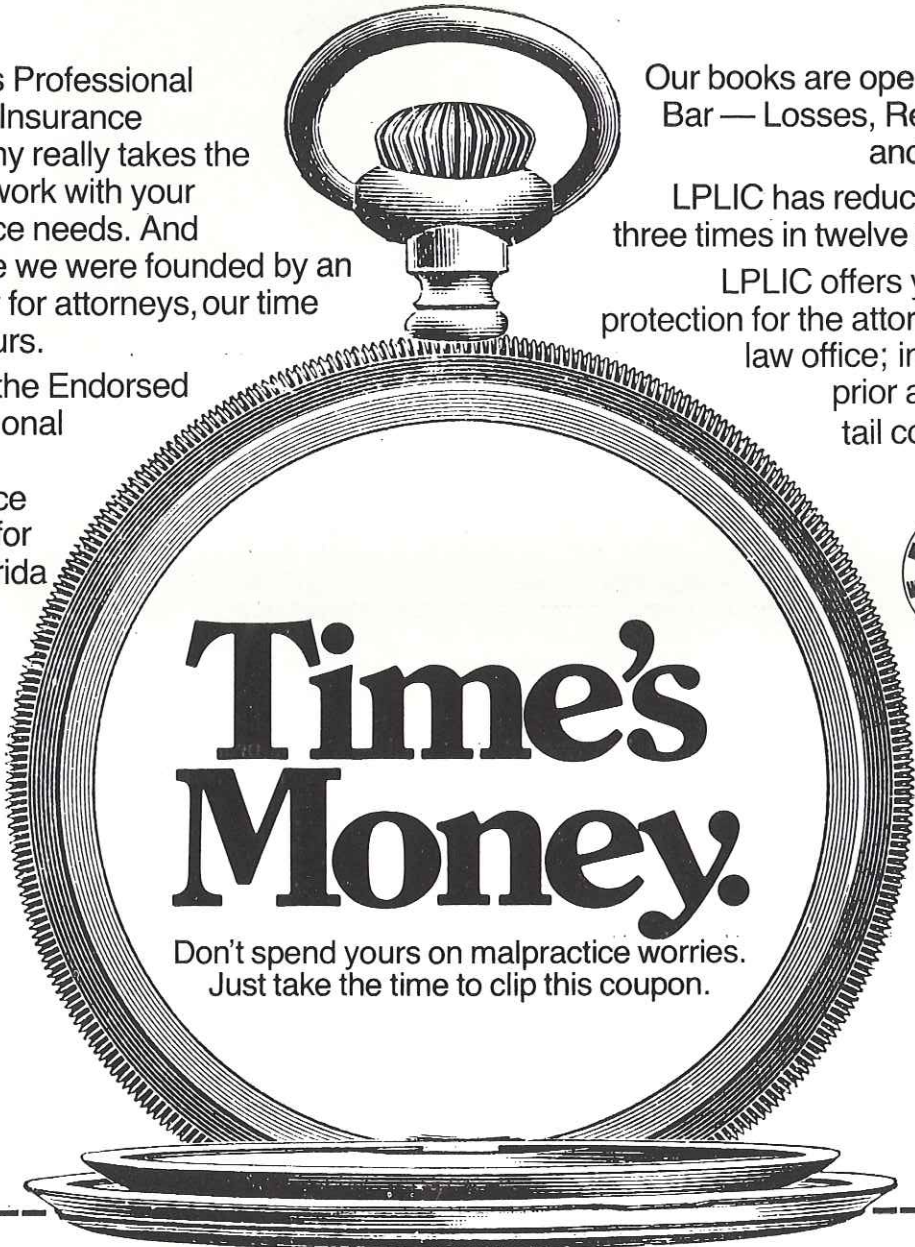
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CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservations
6/13/81	Christian Lawyers Association	Summer Family Picnic	Home of Ed Middlebrooks 10950 S.W. 42nd Place Davie 4:00 P.M.	Larry Larche 764- 7777
6/18/81	BCBA	Committee & Section Chairperson's Meeting	Orangerie Restaurant 230 E. Las Olas Blvd. Fort Lauderdale 5:00 P.M. - 6:00 P.M.	BCBA 764-8040
6/25/81	Young Lawyers Section	Monthly Luncheon Meeting	Gibby's Restaurant 2900 N.E. 12th Terrace Oakland Park 12:00 Noon	E. Steven Lauer 565-0501
7/14/81	North Broward Bar Assn.	Monthly Meeting	Flaming Pit Restaurant 1150 N. Federal Highway Pompano Beach 12:00 Noon	Donald A. Wich, Jr. 941-4920

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