

The BROWARD BARRISTER

MARCH 1981

Volume 10

Number 3

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

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

GENERAL MEETING THURSDAY, MARCH, 19, 1981 Annual Meeting Honoring Legislative Delegation

PIER 66 — Panorama Room
2301 S.E. 17th Street Causeway
Fort Lauderdale, Florida

Cocktails — 6:30 P.M. ■ Dinner — 7:15 P.M.

Cash Bar Dinner — \$15.00/person

Speaker: Robert L. Parks, Chairman Legislation Committee of The Florida Bar, Member of Board of Governors of The Florida Bar and Immediate President of the Dade County Bar Association

Program: Legislative Program of The Florida Bar This meeting will be honoring the Legislative Delegation. RESERVATIONS ARE NECESSARY. PLEASE CALL 764-8040 by noon, March 17, 1981, for reservations. Deadline for reservations and cancellations, Tuesday, March 17, 1981. Reservations made and not cancelled must be paid if guarantee is not met and the Bar is charged for dinners.

NOMINATING COMMITTEE REPORT

Peter Portley was nominated for the Executive Committee in Group I (North). This was inadvertently omitted in the report in February. We apologize!

Deadline for filing is March 15, 1981.

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NOTICE

Broward County Circuit Court orders approving Masters' Findings for Temporary Support will now have an additional paragraph 3, reading as follows:

3. All findings and recommendations of the Masters' report providing for payment of temporary support of the wife and children, temporary child custody and temporary use of the marital residence *shall be immediately* complied with until further court order to the contrary. Any timely filed objections to said temporary relief shall be heard by the assigned circuit judge upon proper notice. All payments made pursuant hereto are subject to adjustment

nunc pro tunc to the initial effective date if the court grants the exceptions hereon.

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ECONOMICS COMMITTEE PLANS SEMINAR

The Committee on Economics and Management of Law Practice of the Broward County Bar Association has scheduled their first annual seminar for Friday, May 1, 1981.

The Committee plans a highly practical, bread and butter presentation on practicing law profitably and efficiently.

The highlight of the program will be a panel presentation by experienced practitioners in designated areas who will share their secrets and techniques for running a profitable operation. If you have been wondering how some attorneys in town are able to practice so much more profitably than others, this may be your chance to find out.

The program will also include presentations on simple but efficient docket control systems and accounting and management systems.

The creation of a landlord/tenant practice system will form the basis of a discussion on how to systemize routine legal procedures such that they can be handled efficiently and profitably.

Please watch the *Barrister* for further details on this exciting program.

PRESIDENT'S REPORT

During the past several years, I have attended leadership conferences where I have met Presidents and other officers of Bar Associations. We considered and discussed the many problems which the Bar Associations and the members of the Bar are facing. Many of these problems may well affect the practice of law in the future.

A recent example of this is an attempt by the Federal Trade Commission to subject attorneys to the Commissioner's jurisdiction. Wm. Reece Smith, Jr., President of the ABA, spoke to the members of the Broward Bar at a past dinner meeting of the FTC's attempt to assert jurisdiction over the regulation of attorneys and urged the Bar Associations to fight the mandatory questionnaires which the FTC was seeking to compel all Bar Associations to answer. As a result of the objection of President Smith and the Bar Associations, the initial attempt was defeated, but it is anticipated that further attempts will be made in the future. Justice Alan C. Sunberg has advised The Florida Bar that "it is the considered judgment of the court that The Florida Bar should respectfully decline to respond to the voluntary questionnaire" of the Federal Trade Commission.

Another movement that was recently defeated was the suggested adoption of a rule that would require manda-

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 764-8040

OFFICERS

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

tory pro bono service by every attorney. The suggested rule would require each attorney to provide pro bono service to the poor as a condition on the privilege of practicing law. President Smith has suggested that pro bono service should remain on a voluntary basis, with the Bar Associations assisting the poor with their legal needs. Another area of recent concern is the attempts by lay persons to enter into the practice of law by the use of stock ownership of legal clinics. The Florida Supreme Court has entered a decision prohibiting such practice, but it is anticipated that further attempts will be made by non-attorneys or corporations to engage in the practice of law.

Another area of concern has been the extent of advertisements allowed legal clinics or attorneys in the practice of law. Recently, the New York Courts have held that attorneys may write letters to prospective clients as permissible advertisements, even though they were not acquainted with those persons and they were offering to perform future legal services. A similar case is pending in Dade County, Florida. The extent and effect of advertising on the

practice of law is yet to be determined and the effect of the U.S. Supreme Court's decision in Virginia Supreme Court v. Consumers Union of U.S., Inc. will be the subject matter of future decisions of the Courts.

I would urge all of the members of the Bar to participate more actively in The Florida Bar and the Broward Bar Association and to become more aware and concerned with the problems which must be dealt with by the Bar Associations.

HARRY G. CARRATT,
 President

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Guide for Non-Lawyer Personnel in Law Offices

In recent years more and more law firms have undertaken to utilize the services of non-lawyer personnel to assist the lawyer in preparation of legal documents and investigation of their clients' matters.

As the use of the non-lawyer personnel becomes more widely accepted and more common, the lawyer must guard against permitting the non-lawyer personnel to engage in the practice of law or to appear to engage in the practice of law.

The lawyer may employ non-lawyers to do any task for him except (1) counsel clients about legal matters, (2) appear in court or appear at proceedings which are part of the judicial process, or (3) otherwise engage in unauthorized practice of law; provided, however, the lawyer must become and remain responsible to the client for any work undertaken by the non-lawyer office personnel, supervise the work and maintain a direct relationship with the client.

When communicating with persons outside the law office, including other lawyers, a non-lawyer must disclose his status as such. The disclosure must be made in a way that avoids confusion. With respect to oral communications, disclosure must be made at the outset of the conversation. It is permissible for non-lawyer office personnel to sign let-

ters on the firm stationery as long as the non-lawyer status is clearly indicated. A supervising attorney has the ultimate responsibility for compliance by the non-lawyer with the applicable provision of the code of professional responsibility.

Failure of an attorney to ensure that his non-lawyer personnel comply with the above limitations is a violation of Disciplinary Rule 3-104. However, in recognition of the increasing use and status of non-lawyer personnel in the legal profession, the Supreme Court changed Disciplinary Rule 2-102(A) and eliminated many of the restrictions placed on a lawyer or law firm in regard to professional cards, professional announcements, office signs, letterheads, telephone directory listings, Bar list, legal directory listings, and other professional notices and devices. The current rule provides that a lawyer may use any of the above enumerated items if they do not include a statement or claim that is false, fraudulent, misleading or deceptive, within the meaning of Disciplinary Rule 2-101(B) or that violates the regulations contained in Disciplinary Rule 2-101(C).

Based on the above change in the rule, it appears that Florida Ethics Opinion 77-28 which prohibited non-lawyer employees from placing their names on firm business cards may be outdated. Use of a business card by a lay employee, so long as the lay employee is clearly identified as a non-lawyer, appears to be permissible. In addition, the lay employee may also be identified on the stationery of the law firm, so long as the nonlawyer is clearly identified as a non-lawyer.

Harris K. Solomon
 Member, Ethics Committee

For professionalism in legal advertising

broward review 463-1432
and Business Record
 official legal newspaper for the Seventeenth Judicial Circuit

377-3721 **miami review**
and Daily Record
 official legal newspaper for the Eleventh Judicial Circuit

Palm Beach Review 832-0386
and Business Record
 leading legal newspaper for the Fifteenth Judicial Circuit

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YOUNG LAWYERS SECTION NEWS

YOUNG LAWYERS PRESIDENT'S COLUMN

Wanted:

New YLS members from *all* geographic areas of Broward County.

As you are no doubt aware — and probably tired of hearing — the YLS is presently undertaking a significant drive to encourage membership in the Broward County Bar Association which will also mean automatic YLS membership for those who are eligible. What you probably don't know is that we are in need of new members from the north, south and west areas of Broward County.

Due to the geographically sprawling nature of Broward County (not to mention lack of adequate roads), the BCBA/YLS membership has consisted primarily of lawyers from the central area of Broward County, since participation in activities for lawyers in the

north, south and west areas has been difficult due to the time-consuming nature of travel to the BCBA office, which is located in central Broward County.

The Executive Committees of both the BCBA and the YLS have already undertaken aggressive expansion programs to specifically encourage membership and participation of lawyers from these areas of Broward County. We need not only members from these areas, but would also like to encourage active participation in the YLS Executive Committee membership by lawyers from the north, south and west areas.

The election of new YLS Executive Committee members will be held at the April 23 luncheon at a location yet to be designated. These elections are open to all BCBA members who are eligible for YLS membership to join the BCBA and run for a position either on the

Executive Committee or join one of our numerous committees. Nominations are made from the floor at the luncheon, so only BCBA membership and YLS eligibility are necessary.

Some members have voiced the opinion that it would be a good idea to hold at least one luncheon meeting per year in each of these three geographic areas; however, we need to first have input from interested lawyers situated in these areas. I personally think that you will find participation worthwhile from both a professional and social perspective.

Please call me at 764-3000 if you are interested in membership or if you just have comments or suggestions. Your input is both necessary and appreciated.

James B. Davis
President, YLS

MARCH YOUNG LAWYERS SECTION LUNCHEON

PLACE: Yesterday's
3001 E. Oakland Park Boulevard
Fort Lauderdale, Florida

DATE AND TIME: Thursday, March 26, 1981, — 12:00 Noon

SPEAKER: MR. JACK SPELLACY

TOPIC: "EFFECTIVE TACTICS AND TECHNIQUES
IN ARBITRATION"

_____ No. Reservations — \$6.00 Members, \$7.00 Guest

_____ Name

Please make check for reservation (s) payable to YOUNG LAWYERS SECTION, and mail to Robert J. McFann, One Financial Plaza, Suite 1500, Fort Lauderdale, Florida, (305) 764-4646. **RESERVATIONS ARE A MUST!**

Announcing The First Seventeenth Judicial Circuit Bench And Bar Conference

To Be Held April 25, 1981

The Young Lawyers Section of the Broward County Bar is organizing and sponsoring a special conference of lawyers and judges to be attended by invitation only. The conference was announced in the February Broward *Barrister* but attorney response has been limited. The conference will be held on Saturday, April 25, 1981, at the Bahia Mar Hotel. It is the first conference of its kind in Broward County. The purpose of the conference is to allow attorneys and judges to meet in an informal setting to discuss goals, to review problems related to the administration of justice in Broward County, and to develop rapport between the Bench and the Bar.

So far, over twenty of our Broward County judges have volunteered to participate in the conference. Only a handful of attorneys have indicated an interest. In order to achieve the special rapport for a conference of this nature, we must limit participants to 100 attorneys. It is imperative that any attorney who wishes to be considered for invitation contact Linda Conahan, Chairperson (or her secretary, Frances Lesard), English, McCaughan & O'Bryan, Post Office Box 14098, Fort Lauderdale, Florida 33301, Telephone: (305) 462-3301, at the earliest possible date.

There will be a registration fee of \$25.00 for the conference, to include lunch. Please be prepared to pay this fee if you are selected to attend. We encourage everyone's suggestions for discussion topics, even if you cannot attend. Our tentative schedule will begin

UPCOMING EVENTS

Date	Event	Time & Place
3/26/81	March Young Lawyers Section Luncheon Speaker: Jack Spellacy, Topic: "Effective Tactics and Techniques In Arbitration"	Yesterday's 3001 E. Oakland Park Blvd. Fort Lauderdale, Florida 12:00 Noon
4/9 - 4/12/81	Florida Bar Young Lawyers Section Convention	Intercontinental Hotel, Miami, Florida (Time to be Announced)
4/25/81	1st Annual Broward County Bench & Bar Conference (By Invitation)	To Be Announced

FOR INFORMATION ON ANY OF THE ABOVE EVENTS, CONTACT:
JIM DAVIS, 764-3000

at 8:30 with coffee and opening remarks. Workshop discussions will be held from 9:00 to 12:00, then lunch, and there will be a general assembly and voting on resolutions from 1:00 to 3:30. Those resolutions adopted will be presented to the Broward County Bar Association's Courts Committee for their consideration and presentation to the Judiciary. A cocktail reception will follow.

When you call to have your name considered for invitation, please indicate your primary interest, either domestic relations, criminal, or civil practice. This conference is *not* limited to young lawyers. All members of the Broward County Bar are encouraged to participate.

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High School Education Project

For the third consecutive year, the Young Lawyers Section has sponsored a High School Education Project. This project has received recognition for its excellence from both The Florida Bar and the American Bar Association.

The basic concept is simple: a lawyer speaks to a high school class and then answers questions. Topics for discussion are selected by the teacher, and the Young Lawyers Section matches an attorney (hopefully with expertise on the subject) with the teacher. The project is designed to be flexible and informal.

This year fifty-seven (57) attorneys have participated. Even though the school year is not over, twenty-eight (28) teachers at twenty-two (22) county high schools have availed themselves of the program. Young Lawyers Section also coordinates a mock trial program. The mock trial exposes students to the jury system by presenting a brief trial in which the student participate as witnesses and jurors.

As with all Young Lawyers Section projects, all members of the bar are invited to participate. Any attorney that would like to get involved should contact Todd L. Smith, 200 S.E. 6th St., Suite 502, Fort Lauderdale, Florida 33301.

BROWARD COUNTY BAR ASSOCIATION

COMMITTEE PREFERENCE

1981 — 1982

Work on committee appointments will begin very soon. A list of standing committees is provided, and you are asked to designate your first, second and third preference for committee assignment. Please designate with numbers (1, 2 and 3). A designation of preference is a commitment that you will take the necessary time to attend meetings and fully participate in committee work if appointed to that committee.

COMMITTEES

- _____ HOUSE COMMITTEE
- _____ FINANCE COMMITTEE
- _____ JUDICIAL SELECTION AND TENURE COMMITTEE
- _____ COURTS COMMITTEE
- _____ LAW LIBRARY COMMITTEE
- _____ LEGAL AID COMMITTEE
- _____ LAWYER REFERRAL COMMITTEE
- _____ CONTINUING LEGAL EDUCATION COMMITTEE
- _____ LEGAL ETHICS COMMITTEE
- _____ LEGISLATIVE COMMITTEE
- _____ COMMITTEE ON MEMORIALS AND RESOLUTIONS
- _____ PUBLIC RELATIONS COMMITTEE
- _____ LAW DAY COMMITTEE
- _____ COMMITTEE ON THE ECONOMICS OF LAW PRACTICE
- _____ PUBLICATIONS COMMITTEE
- _____ FEE ARBITRATION COMMITTEE

To be considered for Committee Appointments it is *necessary* that this form be returned by March 20, 1981. Please complete and return to: Broward County Bar Association, 735 N.E. Third Avenue, Fort Lauderdale, Florida 33304.

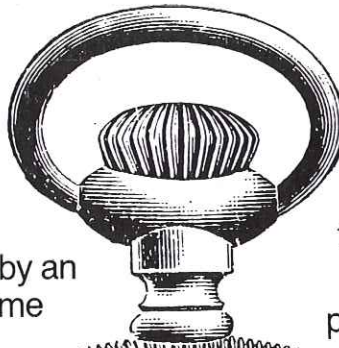
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CLE SEMINARS

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Condominium Conversions and Tenant's Rights:

Legislative Update

September 24, 1980

Appellate Practice	2 Hrs
Corporation & Business Law	2 Hrs
General Practice	2 Hrs
Real Property Law	2 Hrs
Trial Practice — General	2 Hrs
Trial Practice — Commercial	2 Hrs

Local Government Law

October 22, 1980

Administrative & Governmental Law	1 Hr
Appellate Practice	1 Hr
Corporation & Business Law	1 Hr
General Practice	1 Hr
Trial Practice — General	1 Hr
Trial Practice — Commercial	1 Hr

Family Law Section Seminar

November 20, 1980

Appellate Practice	4 Hrs
General Practice	4 Hrs
Marital & Family Law	4 Hrs
Trial Practice — General	4 Hrs

Corporation, Banking & Business Law Section Meeting

January 15, 1981

Antitrust & Trade Regulation Law	1 Hr
Corporation & Business Law	1 Hr
General Practice	1 Hr

Temporary Injunctions & Commercial Litigation

January 21, 1981

Appellate Practice	1 Hr
Collections	1 Hr
Corporation & Business Law	1 Hr
General Practice	1 Hr
Trial Practice — General	1 Hr
Trial Practice — Commercial	1 Hr
Trial Practice — Personal Injury & Wrongful Death	1 Hr

WELCOME NEW MEMBERS

LAWRENCE C. CALLAWAY, III a native of West Palm Beach, Florida, received his undergraduate degree from Stetson University and his law degree from Stetson University College of Law. He is associated with Fleming, O'Bryan & Fleming in Fort Lauderdale.

RAYMOND W. GEAREY, a native of Schenectady, N.Y., received his undergraduate degree from State University of New York, his law degree from Florida State University and his L.L.M. from the University of Miami. He is associated with Ruden, Barnett, McClosky, Schuster & Russell in Fort Lauderdale.

AARON A. GOERLICH, a native of Washington, D.C., received his undergraduate degree from Tulane University and his law degree from Tulane University School of Law. He is associated with Fleming, O'Bryan & Fleming in Fort Lauderdale.

D. DAVID KELLER, a native of Glen Cove, New York, received his under-

graduate degree from Florida Atlantic University and his law degree from the University of Florida. He is associated with Bunnell, Graham & Denman in Fort Lauderdale.

BARRY N. NATTER, a native of New York City, received his undergraduate and law degrees from the University of Florida. He is associated with George A. Patterson in Deerfield Beach.

DAVID S. SALSBURY, a native of Norfolk, Virginia, received his undergraduate degree from the University of Virginia, his law degree from the University of Miami and his L.L.M. from Georgetown University. He is associated with Fleming, O'Bryan, & Fleming in Fort Lauderdale.

JOAN H. WALKER, a native of Deland, Florida, received her undergraduate degree from the University of Maryland, her MBA from Stetson University and her law degree from the University of Florida. She is associated with Fleming, O'Bryan & Fleming in Ft. Lauderdale.

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CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservation
3/18/81	South Broward Bar Assn.	Monthly Meeting	Emerald Hills Country Club 4100 North Hills Drive Hollywood Cocktails — 6:30 P.M. Dinner — 7:30 P.M.	Jerald C. Cantor 981-2300
3/19/81	BCBA	General Meeting	Pier 66, Panorama Room 2301 S.E. 17th Street Causeway Fort Lauderdale 6:30 P.M.	BCBA 764-8040
3/26/81	Young Lawyers Section	Monthly Luncheon Meeting	Yesterday's Restaurant 3001 E. Oakland Park Blvd. Fort Lauderdale 12:00 Noon	Robert J. McFann 764-4646
4/1/81	Broward County Trial Lawyers Association	Monthly Meeting	Stouffer's Anacapri Restaurant 1901 N. Federal Highway Fort Lauderdale Case Evaluation — 5:30 P.M. Dinner — 6:30 P.M.	E. Hugh Chappell, Jr. 565-2767
4/3/81	Federal Bar Association	Seminar given by Federal Judges	Pier 66 2301 S.E. 17th Street Causeway Fort Lauderdale 9:00 A.M.	Bruce Wagner 467-2602
4/14/81	North Broward Bar Assn.	Monthly Meeting	Flaming Pit Restaurant 1150 N. Federal Highway Pompano Beach 12:00 Noon	Wm. F. Sullivan 781-7600

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