

The **BROWARD BARRISTER**

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION
Executive Office: 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304
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DECEMBER 1984

Volume 13

Number 12

"As I See It" "Reform" School

The legal profession and the Judiciary are undergoing significant reform in this decade of the 80's whether we as lawyers and judges like it or not, or need it or not. What is apparent from my conversations with members of this Bar Association is that most proposed reforms affecting our profession are, in their opinions, neither liked nor needed.

On his recent visit to Broward County, Justice John Paul Stevens expressed a concern with respect to the effect of politics on Judicial selection. It's hard to quarrel with his reasoning. Most of us would agree that political gamesmanship doesn't mix well with the dignified impression of the Judiciary that we all like to convey to the public.

Senate President Harry Johnston, himself a lawyer, stated on the occasion of his induction this year that the Circuit Judges of this State needed to be appointed instead of elected. He expressed a personal concern about what he described as "several disgraceful races (for Judicial vacancies) this fall." There probably is a need for some reform with respect to the election of Circuit Judges. I'm not sure that a pure appointive process is the answer. Presumably Senator Johnston will study the question and, in light of the experiences of Justices Raymond Ehrlich and Leander Shaw this year, he will likewise study the question of the Merit Retention System in Florida as it applies to Appellate Judges, before introducing any legislation designed to reform the System.

For those of you who adhere to the philosophy of "if it ain't broke don't fix it," you'll be pleased to know that the new speaker of the Florida House, Representative James Harold Thompson, also a lawyer, says: "I've never liked the idea of appointing judges, I don't see why they shouldn't have to run."

As a member of our local Judicial Nominating Commission, I watched with interest as over 80% of the voters of this State "reformed" the procedures of our Judicial Nominating Commissions. Now, all Judicial Nominating Commissions must operate under uniform rules and

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their proceedings, with the exception of their final deliberations, must be open to the public. The fact that the State's Judicial Nominating Commissions were excelling in their performance (see my Message in the July issue of the *Barrister*) did not prevent The Florida Bar from supporting the Constitutional Amendment that effected the changes.

You should also be aware that the reformers within The Florida Bar are hard at it. Under serious consideration are mandatory Continuing Legal Education requirements, mandatory professional

liability insurance requirements, and the addition of lay members to the Board of Governors.

Of course, everyone concerned is well-intentioned. You've got to wonder though if we shouldn't seriously consider sending some of these people to "reform" school. The simple fact is that reform for the sake of it or simply because we're running scared from public opinion, or some media-generated impression of "public opinion," just isn't enough.

Terrence Russell
President, BCBA

Season's Greetings

*The Officers and Executive Committee of
Broward County Bar Association
wish for you and your family
a very happy holiday season
and a prosperous New Year.*

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OFFICERS

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Motion Calendars Suspended

Judge	From	Through
Mel Grossman	December 3	December 7
M. Daniel Futch, Jr.	December 12 only	
Robert L. Andrews	December 17	January 1
H. Mark Purdy	December 17	January 1
Mel Grossman	December 19	December 31
Paul M. Marko, III	December 24	December 31
Estella M. Moriarty	December 24	December 31
W. Herbert Moriarty	December 24	December 31
Bobby W. Gunther	December 24	January 1
Stephen R. Booher	December 24	January 1
George W. Tedder, Jr.	December 24	January 1
M. Daniel Futch, Jr.	December 24	January 2
J. Cail Lee	December 24	January 6

Judge Ferris will be hearing Judge Richardson's Motion Calendar in Room 1010, beginning November 26 through January 7. There will be no Motion Calendar for December 24, 25, 31 and January 1.

Designation of Judicial Officers For Weekend First Appearance Proceedings

Date	Judge
December 8, 9	Stanton S. Kaplan
December 15, 16	Brian P. Kay
December 22, 23	Lawrence L. Korda
December 29, 30	J. Cail Lee
January 5, 6	Paul M. Marko, III

Schedule of Circuit Court Civil Division Duty Judges

The following assignments are for Circuit Court Civil Division Duty Judge:

Week Commencing	Judge
December 7	Bobby W. Gunther
December 14	W. Herbert Moriarty
December 21	Paul M. Marko, III
December 28	George Richardson, Jr.
January 4	Robert C. Scott

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Young Lawyers Section

President's Message

I would like to take this opportunity to "spot-light" our Section's December Luncheon Meeting to be held on Thursday, December 6, at Cafe de Paris on Las Olas Boulevard. Our speaker for this meeting will be the Honorable Judge Larry Seidlin, who is the Chairman of our local Bar Committee for Special Needs of Children. His topic will be the Guardian ad Litem Program which so much attention has been focused on recently.

The Executive Committee of the Young Lawyers Section has voted to involve our Section in both the Guardian ad Litem Program and the Guardian Advocate Program. Bob Cousins has been assigned the task of heading up these programs on behalf of the Executive Committee of the Young Lawyers Section.

The Guardian ad Litem Program needs volunteers to act as both Guardians and Attorneys for Guardians. The Guardian Advocate Program needs volunteers to act as Guardian Advocates for involuntary patients in psychiatric facilities who have no known relatives and due to their mental state cannot give informed consent as to medication.

The Guardian Advocate Program deserves our immediate attention in that our Judiciary is charged with the Statutory duty of appointing Guardian Advocates when the situation arises, and in that this is a volunteer position, the Judges have been reluctant to appoint attorneys who have not expressed an interest in serving in this capacity. In that our Executive Committee has made a decision to support the involvement of Young Lawyers as Guardian Advocates, I would like to personally solicit your help in providing a service not only to the Judiciary, but to the public and our profession as well.

Although your time involvement as a volunteer Guardian Advocate should be minimal due to the nature of the position, I have been given assurances by Judge Johnson of the Probate Division that he feels Young Lawyers who volunteer for this function should be given preferential treatment when it comes to other Court appointments that provide for compensation. I am sure that other Judges involved in the Guardian Advocate Program would concur with Judge Johnson on this topic.

Although this column does not lend itself to enough space to explain all the details of both the Guardian Advocate and Guardian ad Litem Programs, I would hope that those of you who feel as I do, that we are charged with the responsibility to serve the public and our profession as well as the Judiciary, would sign up as volunteers for these two programs. Please contact me, Bob Cousins, or Judges Johnson, Hare and Seidlin and provide your name, address and telephone number. Also, please be sure to attend our December Luncheon where both these topics will be discussed.

Romney C. Rogers

Young Lawyers Section

Judicial Reception

The Young Lawyers Section will be hosting its annual Judicial Reception on February 21, 1985, in honor of our local judiciary. This event made its debut last year and was well attended by members of the bar and the judiciary. Personal invitations to this year's reception will be extended to all Circuit Court and County Court Judges of the Seventeenth Judicial Circuit, Fourth District Court of Appeal Judges, local and federal judges.

In order to defray the cost of the Judicial Reception, the Young Lawyers are asking both firms and individual practitioners to assist in sponsoring this event. As in the past, all contributions will be acknowledged at the reception and the following designations will be assigned according to the amount of contribution:

Justice contributor	\$500.00 or more
Barrister contributor	\$100.00 to \$499.00
Solicitor contributor	Less than \$100.00

Please send all contributions directly to Betty Ann Beavers, Treasurer of the Young Lawyers Section. Her address is: 8751 West Broward Boulevard, Suite 307, Plantation, Florida 33324.

To properly prepare the reception, the Young Lawyers Section requests that contributions be sent as soon as possible, but not later than January 21, 1985.

Young Lawyers Section

Golf Tournament

The 6th Annual Young Lawyers Section Golf Tournament was held on Saturday, October 27th, at Colony West Country Club. The tournament was a huge success with 68 golfers participating. A tough course and windy day made for a competitive tournament with scores much higher than those turned in last year at Jacaranda. First place went to the foursome of B.J. Cummins, Mike Bass, Ken Cooper and A.J. Belt. Second place honors went to Alan Woolf, Ray Windsor, Tom Cazel and Chuck Curtis. Third place went to Judge M. Daniel Futch, Judge John T. Luzzo, Bob McFann and Tim Beavers. Long drive prizes were captured by Alan Woolf and Phil Morgan and the closest to the pin contests were captured by Alan Woolf and Tom Cazel.

The weather was beautiful, and we trust that all who participated enjoyed themselves thoroughly. We hope those of you who missed this year's tournament will be able to join us next year. This means you, too, Rick Woulfe!

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Robert M. Curtis



If you ask Bob Curtis what it was that inspired him to study law as an incoming freshman at the University of Alabama in 1936, he'll give you a somewhat less than inspiring answer.

Waiting in a registration line, he was, at 17, unaware of the sophisticated process launching an education could be.

"When the girl behind the desk asked me what school I wanted to register in, I gave her what I thought was an accurate and intelligent answer and said, 'I'm going to college.' She said, 'I know that, fool, but what school?' I said, 'You mean you have more than one?'"

It was due to the unexpected interjection of his brother, also a student at the university, that Curtis received direction.

"Well, I'm in pre-med," his brother said, "put him in pre-law."

That was the tremendous decision that began a 37-year dedication to law.

It was ironic that a kid born in Tuscaloosa, whose father had given up the practice of law after three years to support a "habit of eating regularly" for a job in lumber manufacturing, should not learn by his father's example, but Curtis is a man with his own opinions—many of them.

Educated at the University of Alabama, Northwestern University and the University of Florida, Curtis spent four years of involuntary servitude in the army after receiving his degree. Halfway through a one-year bout with tuberculosis in a Denver hospital, he was married to the former Marie Collett, of Roanoke, Va., and made the first step to keep a promise to his wife.

"I told her that we would someday live in the palm tree section of Florida."

Not exactly renowned in Florida for its tropical setting, Ocala was as close as he came to keeping that promise in 1946. Curtis practiced with the firm of then Senate President Wallace E. Sturgis who made him a fine offer to stay after a year

and a half, but Curtis felt he would never be satisfied with the position in the future.

Curtis blew into Fort Lauderdale with his wife, a baby and \$1,000 with the September hurricane in 1947. Fort Lauderdale was chosen because it was a growing community and because of naivete.

"I stupidly thought that I had as good a shot as anyone, not realizing that if you don't have any money you can't go where money is, and if you don't go where money is, you aren't going to make any."

But, the proverbial catch-22 was not enough to hinder his efforts. Don't let him fool you.

From a second floor walk-up location at 25 W. Broward Blvd. he shared with six others, among them Ross Mowry and C.L. Chancey, he has come to be one of the most respected members of the Broward legal community.

Tuberculosis took its toll again in 1952 forcing Curtis to spend a year in the Veterans Administration Hospital in Coral Gables. It was due to his insistence on the use of an experimental drug that Curtis recovered. Isonicotinic acid later became the medication that eliminated T.B. as the "white man's plague."

The firm of Saunders, Curtis, Ginestra and Gore, which represents Atlantic Federal Savings and Loan, was incorporated in 1969 after nearly 15 years of combined practice. Ten attorneys comprise the firm's litigation, tax and probate, criminal law and property divisions. In 1954 the firm moved to its present location at 1750 E. Sunrise Blvd.

Those who know Bob Curtis know him not only for his noteworthy legal career but for his interest in the Broward political scene. While serving as chairman of the Broward County Democratic Executive Committee, he ran for the office of county solicitor in 1953, losing that position to attorney Emerson Allsworth. He also served as city attorney to Lauderdale-by-the-Sea in 1953 and to Fort Lauderdale in 1959 for a short time. He was elected chairman of the Executive Committee again in 1966 and held that position for six years.

Curtis has refrained from seeking public office since, but he never severed the ties to his political convictions. Just ask him. He'll tell you, with no reservations, that he is a man of strong opinions. In fact, he attributes the reason he prefers to stay out of the turmoil associated with public office to the fact that he says what he thinks—always—a fatal flaw for a politician.

But his abstention from office has not taken his eye away from Broward's progression. Curtis is frustrated by the leadership he observes and its unwillingness to hold a firm hand over the development of Broward's land, water and waste management. He does sympathize, however, with officeholders he feels are constrained by a constituency hostile to all increases in taxation, however worthy the cause.

Rapid growth has taken its toll on the area as well, according to Curtis, who believes one of Broward's most prevalent problems is its identity crisis.

"I think one of the biggest issues to be faced in the near future is the question, 'What is it that South Florida desires to be?'"

Curtis is optimistic, however, that with Broward's wide reservoir of talent, the area will attract the direction it needs.

His ideal public servant must be able to command the financial resources of those interested in Broward's growth, must possess an interest in Broward's problems, the desire to serve, the ability to compromise and the willingness to work. Curtis comes armed with credentials to offer such advice.

He served the community as president of the American Cancer Society of Broward County in 1953, as a member of the North District Hospital Board from 1960 to 1964 (chairman 1962-1964), and

(Continued on Page 5)

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Public Notice Bankruptcy Judges

The Judicial Council of the United States Court of Appeals for the Eleventh Circuit announced today further procedures to be followed in making 14-year term appointments for persons to serve as bankruptcy judge in light of the Bankruptcy Amendments and Judgeship Act of 1984 and the Regulations published by the Judicial Conference of the United States. The Judicial Council has been and will continue publishing separate public notices for each bankruptcy judgeship position as it is appropriate to do so. The notice outlines duties of the position, the location of the judgeship, and the qualifications for an applicant. The United States Court of Appeals intends to follow an open selection process for all positions and welcomes applications from all qualified candidates including women and members of minority groups.

In order to receive and process applications a subcommittee of the Judicial Council has been established. Members of the subcommittee are as follows: Circuit Judge Paul H. Roney, St. Petersburg; Circuit Judge Gerald Bard Tjoflat, Jacksonville; Circuit Judge Peter T. Fay, Miami; Circuit Judge Joseph W. Hatchett, Tallahassee; and Chief Judge William Terrell Hodges, U.S. District Court, Tampa.

For further information about these judgeships or the screening and appointing process, contact Norman E. Zoller, Circuit Executive and Judicial Council Secretary, 56 Forsyth Street, Atlanta, Georgia, 404/221-5724.

Social Security

Lawyers, accountants, and others who advise people on their Social Security rights and responsibilities should add the new edition of the *Social Security Handbook* to their reference library, according to Caril Stephens, manager of the Fort Lauderdale Social Security office.

The eighth edition of the handbook contains the major provisions of the Social Security Act, as amended through June 30, 1984. Copies may be purchased directly from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at \$9.00 per copy. Order by stock number 017-070-00406-7.

NOTICE

The Circuit Court Committee on Court Reporters will meet on Wednesday, December 12, 1984, at 5:00 P.M. in Courtroom 418 of the Broward County Courthouse.

The purpose of this meeting will be to discuss the revision of Administrative Order No. 7.01.1, as amended on June 12, 1981, with regard to the schedule of maximum fees to be charged by the court reporters of the Seventeenth Judicial Circuit.

All interested court reporters, attorneys and other interested parties are requested to attend.

Judge W. Herbert Moriarty
Chairman, Court Committee on
Court Reporters

Robert M. Curtis
(Continued from Page 4)

as president of the Chamber of Commerce in 1976.

Curtis served the legal community as president of The Broward Bar Association in 1966 at which time 450 attorneys of 650 comprised the bar association's membership. Today, with over 1,500 members, Curtis sees the bar association's role as a changing one.

"I don't think it's possible for the bar to meet all the needs of the expansive Broward community as one unit, but we need to see the west, north, south and central bars get together and define their spheres of activity and see if they can compliment each other. However, the county-wide organization is necessary because there are many times when the bar should speak as a unit."

Curtis sees the major obstacle in the unification of the bar to be the individual attorney who doesn't realize the potential advantages afforded him by association membership. He would like to see Broward's remaining 1,400 attorneys join the association and compares failure to participate to the failure of citizens to vote.

"The bar needs their ideas, their work and their criticism. One of the things they (attorneys) forget is if you're going to criticize, you ought to join and make something happen. It does make a difference."

Curtis should know. At 65, he has taken the initiative that has made a difference in Broward County and made it a life's work.

Jenifer Young

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Overview of Amendments to Florida Rules of Summary Procedure

The following article is a brief overview of the changes represented by the recent amendments to the Florida Rules of Summary Procedure, which take effect January 1, 1985.

The most significant change is that RSP 7.090 now mandates a pretrial conference, requiring the following changes in Summary Claims procedures in the Central Courthouse (satellite courts will have similar procedures).

1. The Clerk's Office is now setting approximately 120 small claims suits per week. Effective January 1, 1985, the Clerk has been directed by this office to set 30 cases for pretrial conference at 9 A.M. and 30 cases at 10:30 A.M. on Monday and Tuesday in Courtroom 364.

2. Any contested cases will be set for trial on the dates when the Judge assigned to the pretrial conference is in Chambers 5 (as per rotation schedule) on Wednesday and Thursday in his/her Chambers or Courtroom 364.

3. All pending motions, excluding continuances, will be heard at the time of the pretrial conference.

4. On the trial notes at the pretrial conference, the Judges will specify how

much time they think the case is going to take. If there is no time specified, the Clerk will set four cases every hour.

5. Jury trials on Summary Claims will be set by the Judges, not the Clerk's Office.

6. The party or attorney must be present at this pretrial conference in order to avoid a judgment by default against the defendant. The filing of a defensive pleading shall *not* excuse the personal appearance of a party or his attorney on the initial appearance date.

7. The party or attorney should be prepared to confer with the Court and explain the nature of the dispute and if settlement efforts have been made, state the names and addresses of the witnesses, estimate how long it will take to present the case and such other matters as may aid in the disposition of the action.

8. At the pretrial conference all matters specified in Rule 1.200(A) Florida Rules of Civil Procedure shall be considered. The purpose of the pretrial is to record your appearance, to enable the Court to determine the nature of the case and to set the trial date.

9. You must advise the Clerk and all parties by mail of any change in your mailing address.

Larry Seidlin
Administrative Judge
County Court

Bar Activities

"Those lazy, hazy days of summer" do not exist for the Executive Committee of Broward County Bar Association. Meetings have been held with Committee and Section Chairmen, the Judicial Poll has been held, Resolutions opposing the procedure used for nominations for federal judicial vacancies, committees have met, dues have been collected, a membership drive is being prepared—your support, suggestions and help are needed by the Executive Committee.

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CALENDAR OF EVENTS

Date	Group & Event	Time & Place	Reservations
12/11/84	North Broward Bar Association Monthly Meeting	Flaming Pit Restaurant, 1150 N. Federal Hwy., Pompano Beach, 12:00 Noon	William E. Stockman 941-4920
12/12/84	BCBA Real Property Section Seminar	Ft. Lauderdale City Commission Room 100 N. Andrews Ave., Ft. Lauderdale 9:00 A.M.—12:00 Noon Real Property Members \$10.00 Real Property Non-Members \$20.00	BCBA 764-8040
12/14/84	Broward Christian Lawyers Association Monthly Meeting	Cafe de Geneve, 1519 S. Andrews Ave. Ft. Lauderdale, 12:00 Noon	Ronald Houchins 486-1777
1/9/85	Broward County Women Lawyers Assn. Monthly Meeting	Tower Club, One Financial Plaza Ft. Lauderdale, 12:00 Noon, \$8.50	Lorry 561-2230
2/9/85	Dade Association of Legal Assistants, Inc. & Florida Legal Assistants, Inc. Region IV Joint Seminar and Workshop "Trial Preparation and the Court System"	Sheraton Americas, Palmetto Expressway & N.W. 103rd St., Hialeah Gardens DALA/FLA, Inc. Members and Students \$40.00; Non-Members \$50.00 9:00 A.M.-4:30 P.M.	Check payable to DALA/FLA, Inc. Reg. IV. Mail to Mrs. Sharon Sechen, CLA, 6901 Edgewater Dr., Coral Gables 33133
3/6-9 1985	University of Miami Law Center 17th Medical Institute and 1st Engineering Institute for Attorneys	Sheraton Bal Harbour Hotel Miami Beach	University of Miami Law Center, P.O. Box 248087, Coral Gables 33124

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