

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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APRIL 1985

Volume 14

Number 4

General Meeting Thursday, April 18, 1985

Stouffer's Anacabri Inn / 1901 North Federal Highway / Fort Lauderdale, Florida

Cocktails 6:30 P.M.

Price \$16.00

Dinner 7:30 P.M.

Speaker: *Honorable Joseph A. Boyd, Jr., Chief Justice, Supreme Court of Florida*

Topic: *Modernizing Florida's Judicial System*

Reservations are necessary. Please return the enclosed reservation card by April 16, 1985. Reservations made and not cancelled in time must be paid if guarantee is not met and the Bar is charged for dinners.

*Chief Justice
Joseph A. Boyd, Jr.*



Chief Justice Joseph A. Boyd, Jr., was born November 16, 1916, and reared on a farm at Hoschton, Jackson County, Georgia, the son of Joseph Arthur Boyd and Esther Puckett Boyd.

He attended Piedmont College and Mercer University Law School before coming to Florida in 1939. After serving in the United States Marine Corps during World War II, he received his Juris Doctor degree from the University of Miami Law School in 1948. In 1963 he received an LL.D. degree from Piedmont College and in 1981 he received an LL.D. degree from Western State University College of Law. He is a Trustee of Piedmont College. He has written a history of the Florida Supreme Court and has written law review articles for the University of Miami and Nova University.

He practiced law in the City of Hialeah from 1948 to 1968. He was elected to the Florida Supreme Court in 1968 and reelected in 1974 and 1980 by substantial margins.

He is married and has five children.

"As I See It"

Lil' ol' Fort Lauderdale

As a native of Florida, originally from Jacksonville, I have had the opportunity to visit and become fairly familiar with virtually every major metropolitan area of this state. I'm no stranger to small towns either, having members of my family in the citrus belt around DeLand, having gone to school for two years around Dade City (Pasco County), and having represented clients in areas like Panama City, Pensacola, Vero Beach, Bartow, Melbourne, and a few other places where every lawyer is on a first name basis.

I have to reluctantly say I've never seen anything quite like Broward County. This is the biggest town with the littlest attitude in Florida. There are 1,200,000 people in Broward County now. By the year 2000, growth in this community is expected to outstrip any other in the state, including Dade County.

They built the first expressway system in Florida up in Jacksonville in 1956, ten years before there was a need for it. Tampa and Miami weren't far behind. In the twelve years that we've been trying to build an adequate air terminal in this town, Orlando and Tampa built beautiful ones. Some communities in this state have gotten along and gotten ahead by convincing others that they were larger than they were, like Jacksonville. Those politicians from North Florida sure have demonstrated they know how to handle

(Continued on Page 3)

LAW DAY LUNCHEON

Wednesday, May 1, 1985—12:00 Noon

Pier 66 Hotel Panorama Room
2301 S.E. 17th Street Causeway
Fort Lauderdale, Florida

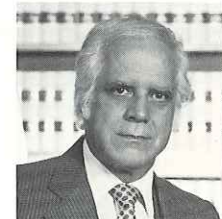
Lunch \$17.00

Speaker: *Sheriff Nick Navarro*

Topic: *"Liberty and Justice for All"*

Reservations are necessary. Please return the enclosed reservation card by April 29, 1985. Reservations made and not cancelled in time must be paid if guarantee is not met and the Bar is charged for lunches.

Sheriff Nick Navarro



Nick Navarro was born in Havana, Cuba. He attended the University of Havana, the U.S. Treasury Department Law Enforcement Academy, the U.S. Justice Department Narcotics School, and St. Petersburg Junior College-Police Administration. He was an instructor, International Academy of Law Enforcement, Washington, D.C., and Certified Police Instructor, State of Florida.

He has been in law enforcement since 1960 and became the Sheriff of Broward County on January 8, 1985.

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

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Motion Calendars Suspended

<i>Judge</i>	<i>From</i>	<i>Through</i>
Linda L. Vitale	April 1	April 5
Stephen R. Booher	April 1	April 12
H. Mark Purdy	April 3 only	
M. Daniel Futch, Jr.	April 8	April 12
Mel Grossman	April 8	April 12

**Schedule of Circuit Court
Civil Division and Criminal
Division Duty Judges**

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

<i>Week Commencing</i>	<i>Judge</i>
April 5	Miette K. Burnstein
April 12	Robert C. Abel, Jr.
April 19	Lawrence L. Korda
April 26	J. Cail Lee
May 3	Mark E. Polen

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

<i>Week Commencing</i>	<i>Judge</i>
April 5	Harry G. Hinckley, Jr.
April 12	Arthur J. Franza
April 19	Mark A. Speiser
April 26	Robert W. Tyson, Jr.
May 3	Stanton S. Kaplan

**Designation of Judicial
Officers For Weekend First
Appearance Proceedings**

<i>Date</i>	<i>Judge</i>
April 6, 7	James M. Reasbeck
April 13, 14	Dale Ross
April 20, 21	Robert C. Scott
April 27, 28	Russell E. Seay
May 4, 5	Larry Seidlin

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"As I See It"

(Continued from Page 1)

the Florida Legislature, haven't they? Every morning as I fight the traffic on Interstate 95 coming in to work, I think about all of those magnificent four-lane highways leading to Gainesville.

I had decided against doing this particular editorial, having privately expressed my sentiments about this subject matter to just about every politician who would listen to me over the past few years. Some recent events touching directly upon the practice of law in this community, however, really concern me. Try some of the following facts on for size. There are two United States District Judges stationed in Fort Lauderdale. Of the three new United States District Judges recently nominated by Senator Paula Hawkins, none are from Broward County and none will be stationed here.

There are two Judges from Broward County on the Fourth District Court of Appeal. Broward County provides the Fourth District with 56% of its case load.

When ESM, the recently collapsed government securities firm, went under, the Securities and Exchange Commission requested and obtained the appointment of a Receiver from Miami.

One of the cities out west that not so wisely invested several millions of dollars of its taxpayers' funds with ESM hired a Miami law firm to represent it.

With respect to the tens of millions of dollars of bond work done here regularly by our county government, our County Attorney recently failed to recommend a single Broward-based law firm to handle it, choosing instead to recommend a Miami firm, one based in Tampa and one from Jacksonville.

In our recent efforts to establish a new Court of Appeals in Fort Lauderdale, it has become perfectly obvious to me that many influential people in Tallahassee and other places around this state still perceive Broward County and Fort Lauderdale in particular as that "lil' ol' city just north of Miama." To any of you influential people who may be reading this column or who may hear about it, you must understand something. This is a big community with big community problems. A small town perception won't help solve them.

The Broward legal community is as sophisticated and as capable as any. Our personal injury practitioners, our insurance defense practitioners, our commercial and real estate practitioners, our bankruptcy and federal practitioners are generally highly capable and intelligent lawyers. More importantly they care most about the community in which they reside and earn their living.

As long as we continue to think of ourselves as a small town, we will be thought of that way. It's time for a change, but the change has to start at home first. The rest of the state will quickly get the message.

**Terrence Russell
President**

Thank You

To my brethren of the Bar and Bench, I would like to sincerely thank you for your concern, thoughtfulness and courtesies shown during my time of illness and hospitalization.

Richard M. Birnbaum

The Legal and Tax Committees of the Foundation of Jewish Philanthropies of the Greater Fort Lauderdale Jewish Federation and the Foundation of the Jewish Federation of South Broward Invites You to a Seminar for Tax Professionals

Thursday, May 7th, 1985, 8:00 A.M.-10:00 A.M.
(Breakfast 8:00 A.M.-8:30 A.M.)

The Holiday Inn
2275 State Road 84 (I-95 and State Road 84)

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William J. Zloch Receives Award

William J. Zloch was one of 17 Florida lawyers to receive The Florida Bar President's Pro Bono Service Award for his voluntary commitments in making free legal services available to the poor in Broward County. The purpose of the award is to "encourage lawyers to volunteer free legal services to the poor by recognizing those who make such public service commitments, and to communicate to the public some sense of the substantial volunteer services provided by Florida lawyers to those who cannot afford legal fees."

Mr. Zloch is active in the Broward Lawyers Care Program, The Broward County Bar Association's project for involving both private attorneys and legal services lawyers in pro bono representation. He provided over 60 hours of pro bono service in family law matters while maintaining an active civil litigation practice. He also serves on the Executive Committee of The Broward County Bar Association as well as The Florida Bar's Health Law and Unauthorized Practice of Law Committees.

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Young Lawyers Section Elections

The Election of Officers and Young Lawyers Section Executive Committee members for the year 1985-86 will be held Thursday, April 25, 1985, at the April Young Lawyers Section Luncheon. The Election Meeting and Luncheon will be held at the Cafe de Paris, 715-A East Las Olas Boulevard, Fort Lauderdale, Florida, at 12:00 Noon.

Nominations for offices will be taken from the floor at that time. Six (6) Executive Committee members will be elected, as well as a Secretary-Treasurer and President-Elect. The present Executive Committee strongly urges your attendance at this meeting, since the election of dedicated officers and committee members is vital to a successful and active Young Lawyers Section.

Ed Krieger, the President-Elect of the State Young Lawyers Section, will attend the meeting to make a short presentation. In order to attend reservations are necessary.

Please mail the attendance card, along with a check for \$7.50 made payable to the Young Lawyers Section, to Betty Anne Beavers, 8751 West Broward Boulevard, Suite 307, Plantation, Florida 33324.

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American Bar Association Project

Federal Forfeiture of Legal Fees

Chapter III, Sections 301-323, and Chapter XXIII, Sections 2301-2304, of the Comprehensive Crime Control Act of 1984 (Title II, P.L. No.98-473) clarify and vastly expand the forfeiture authority of the government in federal drug and racketeering cases.

These statutes are being read by some United States Attorneys to extend this forfeiture authority to professional legal fees paid criminal defense counsel in such cases. This is a matter of serious concern to the Section of Criminal Justice of The American Bar Association.

The ABA desires to survey criminal defense practitioners in order to make an accurate determination of the manner in

which these forfeiture statutes are being utilized by United States Attorneys against professional legal fees paid for the defense of federal drug and racketeering cases. Your assistance is fundamental to the success of this project.

All members are asked to report in writing all instances of such forfeiture attempts to The American Bar Association.

Please have these reports mailed to:

Thomas E. Smith
Associate Director
Section of Criminal Justice
American Bar Association
1800 M Street, N.W.
Second Floor
Washington, D.C. 20036-5886

BROWARD COUNTY BAR ASSOCIATION PROPOSED BUDGET

JUNE 1, 1985-MAY 31, 1986

RECEIPTS:

BCBA Dues (1800 x 60)	\$108,000.00
Section Dues	9,500.00
LRS Dues	13,500.00
Advertising	4,000.00
Interest	15,000.00
LRS Income	15,000.00
Low Cost Criminal Defense	1,000.00
	<hr/>
	\$166,000.00

DISBURSEMENTS:

YLS	\$ 5,000.00
Salaries	88,000.00
Pension	7,268.00
Insurance (Medical)	8,800.00
Postage	5,500.00
Supplies	2,000.00
Dinners	2,000.00
Printing	12,000.00
Sections and Committees	3,000.00
Utilities	7,000.00
Expense Allowance	1,500.00
LRS Supplies	1,000.00
Dues	500.00
Equipment Rental	2,600.00
Service Contracts	1,500.00
Polls and Surveys	3,500.00
Robing Ceremonies	750.00
Audit	2,100.00
Awards and Plaques	500.00
LRS Advertising (YP)	3,000.00
Addressograph	750.00
Insurance	800.00
Contingency	932.00
Building:	
Mortgage Payments	4,000.00
Repairs	1,000.00
Maintenance	1,000.00
	<hr/>
	\$166,000.00

Please review the budget. If you have any questions, please call Norma Howard (764-8040).

Young Lawyers Section President's Message

At our April Luncheon Meeting the election for Young Lawyers Section Officers and Board will be held at the Cafe de Paris. I would encourage any of you who are interested in running for Secretary-Treasurer, President-Elect or one of the six Board positions to be sure and attend this meeting. Nominations will be taken from the floor and the vote will be held on that day.

The elections are initiated by the floor being opened for nominations. Any member of The Broward County Bar Association, Young Lawyers Section, can nominate any other member of the Section for these positions. A majority vote wins the elections for the Officers and the top six vote-getters from those nominated for the Board are the winners.

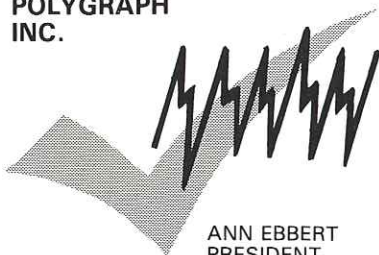
I personally have found by Bar involvement to be very rewarding. Although it does take some time out of your schedule, I feel as if the benefits far outweigh the burdens in that you can help to create programs and activities for your fellow Young Lawyers which hopefully will improve their abilities as lawyers and provide them with an opportunity of interaction with their peers.

On May 4, 1985, the Annual Young Lawyers Softball Tournament will be held at Croissant Park which is located on the corner of Southwest Fourth Avenue and 17th Street, just west of the railroad tracks. This event is always well-attended and provides a Saturday packed full of softball, food and fun, for both participants and spectators. If you plan to field a team, please get your registration in early in that last year we had to turn down a number of late entries.

Next month we will announce the date for our Annual Beach Party. This end of the year bash is always a highlight for the Section where the Social Committee always outdoes itself. Keep your eyes peeled for the Beach Party announcement.

Romney C. Rogers

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Young Lawyers Section Softball Tournament

Long range weather forecasts have dictated that Saturday, May 4, 1985, be the day of the YLS-sponsored Softball Tournament, held at Croissant Park, located on S.W. 17th Street between Andrews Avenue and S.W. 4th Avenue in Fort Lauderdale. The first ten teams to submit rosters and the \$75.00 entry fee will be permitted to participate. Due to a generally strong response to this event, early entries are recommended.

Prior softball experience is **not** a prerequisite to play or to enjoy the tournament.

Last year's title went to a team without a name—which was appropriately dubbed "Sine Nomen." I am certain they will be back to defend their crown, whether we know they are there or not.

Food and drinks will be provided throughout the day. So come on out to watch or play!

All inquiries and rosters shall be submitted to John P. Wilkes of O'Neal, Booth & Wilkes, P.A., at 2900 East Oakland Park Boulevard, Fort Lauderdale, Florida 33306, telephone 563-4803.



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 - Expert Witness Index
 - Insurance Company Index
 - Judge Index
- **Wide Coverage.** Each issue contains cases from circuit courts in the following Florida counties:
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 - Leon
 - Hillsborough-Pinellas
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Appointment of a Full Time United States Magistrate in Tampa, Florida

At its September, 1984, meeting the Judicial Conference of the United States authorized the appointment of a full time United States magistrate position for the United States District Court for the Middle District of Florida. The Conference also determined that the resident station for this magistrate position shall be located in Tampa, Florida.

A merit selection panel composed of attorneys and other members of the community will review all applications and recommend to the judges of the district court, in confidence, the five persons whom it considers best qualified. The district court will make the appointment, following and FBI and IRS investigation of the appointee. An affirmative effort will be made to give due consideration to all qualified candidates, including women and members of minority groups. The salary of the position is \$68,400.

Application forms may be obtained at any of the District Court Clerk's Offices or by writing directly to the Clerk of the Court at the following address:

Donald M. Cinnamond, Clerk
U.S. District Court
Attn: Magistrate Appointment
Post Office Box 53558
Jacksonville, Florida 32201

The names and addresses of all applicants shall be maintained in strict confidence except as necessary to the processing of applications by Clerk's Office personnel and consideration by the Merit Selection Panel and the Court unless the applicant consents to disclosure.

To be considered, applications must be submitted only by potential nominees personally, and must be received not later than Wednesday, May 15, 1985.

Petition for Reinstatement

Suspended attorney William Charles Smith, who practiced in Broward County and now resides in Vero Beach, Florida, has filed a petition for reinstatement. He was suspended pursuant to Rule 11.07 following his conviction in federal court for mail fraud and conspiracy to commit mail fraud in January, 1974. The events giving rise to his conviction apparently occurred while he was practicing in Broward County. Any comments or queries should be directed to David G. McGunegle, Branch Staff Counsel, The Florida Bar, 605 East Robinson Street, Suite 610, Orlando, Florida 32801, telephone number (305) 425-5424.

United States District Court Middle District of Florida

At the most recent meeting of judges for the United States District Court for the Middle District of Florida, the Court adopted a policy to require the United States Magistrates to begin imposing sanctions pursuant to Fed.R.Civ.P. 11, 16 and 37, as the usual rule or course, rather than the exception in all cases in which the magistrate determines that the motion was filed or resisted on insubstantial grounds, or in clear violation of the rules.

In addition, as of March 1, 1985, all discovery motions filed on or after that date shall be automatically assigned to the United States Magistrates for resolution. Although the magistrates in Jacksonville, and most recently in Orlando, have been handling discovery matters, this has not been the practice in the Tampa/Fort Myers Division. The Court's decision to refer all discovery matters to magistrates shall now apply district-wide, effective March 1, 1985.

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**Broward County Bar Association
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**BASKETBALL GAME
ADVOCATES vs. MIAMI DOLPHINS
Saturday, May 4, 1985
7:00 P.M.**

**Nova High School Gymnasium
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Admission \$5.00 per person

Lawyers and law students will test their skills against a select team of Miami Dolphins. All proceeds above costs will be donated to the restoration of the Statue of Liberty. Come and support your team!

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Broward County Bar Association Probate and Trust Law Section Seminar

April 26, 1985
9:00 A.M.-12:30 P.M.

Fort Lauderdale City Commission Room
100 North Andrews Avenue
Fort Lauderdale, Florida

MODERATOR

Ronald P. Anselmo

PROGRAM

8:30 A.M.-9:00 A.M. Late Registration

TOPICS

9:00 A.M.-9:40 A.M. Living Trust: A Closer Look
W. Lawrence Larche

9:40 A.M.-10:20 A.M. Recent Decisions Affecting Wills and Trusts
James I. Ridley

10:20 A.M.-10:35 A.M. Coffee Break

10:35 A.M.-11:25 A.M. Regent Legislation Re: Estate and Gift Taxes
Francis B. Brogan, Jr.

11:25 A.M.-11:40 A.M. Practical Probate Problems from the Court's Viewpoint
Judge Wm. Clayton Johnson

11:40 A.M.-12:20 P.M. Overview of New Probate and Guardianship Rules
Rohan Kelley

REGISTRATION FEE

BCBA Probate Trust and Law Section Members	\$ 10.00
Non-Members of Probate and Trust Law Section	\$20.00

DETACH HERE

Registration Form

Please register me for the Probate and Trust Law Section Seminar on April 26, 1985. My check for \$_____ is enclosed.

Name _____

Address _____

Please make checks payable to Broward County Bar Association and mail to:
Broward County Bar Association
735 N.E. Third Avenue
Fort Lauderdale, Florida 33304

Liberty Bell Award Nominations

Members of The Broward County Bar Association are invited to submit nominations for the Liberty Bell Awards to be given on Law Day U.S.A., May 1, 1985, by submitting the names of eligible candidates to Mrs. Norma Howard at The Broward County Bar Association Executive Offices on or before Friday, April 19, 1985.

The Liberty Bell Awards are given in order to accord public recognition to laymen for outstanding community service. The awards recognize outstanding service activities which:

1. promote a better understanding of our form of government, and especially the Bill of Rights;
2. encourage greater respect for law and the courts;
3. stimulate a deeper sense of individual responsibility to the end that citizens recognize their duties as well as their rights;
4. contribute to the effective functioning of our institutions of government; and
5. inculcate a better understanding and appreciation of the rule of law.

Any individual who has rendered outstanding service to his or her community in any of the areas mentioned may be considered by the nominating committee. All fields of endeavor are intended for inclusion, namely: (a) education, (b) business, (c) sciences, (d) communications, (e) labor, (f) government, (g) religion, (h) professions, and (i) youth organizations. Lawyers and judges are not eligible.

The Liberty Bell Awards are sponsored by the Law Day, U.S.A. Committee of The Broward County Bar Association.

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CALENDAR OF EVENTS

Date	Group & Event	Time & Place	Reservations
4/9/85	North Broward Bar Assn. Monthly Meeting	Flaming Pit Restaurant, 1150 N. Federal Hwy., Pompano Beach, 12:00 Noon	William E. Stockman 941-4920
4/12/85	Broward Christian Lawyers Assn. Monthly Meeting	Cafe de Geneve, 1519 S. Andrews Ave. Ft. Lauderdale, 12:00 Noon	Ronald Houchins 486-1777
4/17/85	Family Conciliation Unit, "Children and the Divorce Experience," Part I, Emotional Aspects, Legal Aspects and The Court	Broward County Courthouse, Room 416 201 S.E. 6th St., Ft. Lauderdale 7:30 P.M.-9:00 P.M.	T. Ailene Hubert, ACSW, LCSW, Court Program Supervisor 765-4012
4/24/85	Family Conciliation Unit, "Children and the Divorce Experience," Part II, Home Study, Psychological Evaluation and The Court	Broward County Courthouse, Room 416 201 S.E. 6th St., Ft. Lauderdale 7:30 P.M.-9:00 P.M.	Same as above
4/17/85	B'nai B'rith Justice Unit	Cafe de Geneve, 1519 S. Andrews Ave. Ft. Lauderdale, \$17.00 Cash Bar 6:30 P.M., Dinner 7:00 P.M.	Marilyn Liroff 763-2511
4/18/85	Broward County Bar Assn. General Meeting	Stouffer's Anacapri Inn, 1901 N. Federal Hwy., Ft. Lauderdale, Cocktails 6:30 P.M. Dinner 7:30 P.M., \$16.00	BCBA 764-8040
4/20/85	Broward Christian Lawyers Assn. Annual Banquet	Holiday Inn, Corner of Sunrise Blvd. & A1A Ft. Lauderdale, 7:30 P.M., \$17.00	Gail Mulligan 764-7777
4/23/85	Legal Aid Service of Broward County, Inc. Board of Directors Meeting	Legal Aid Service of Broward County, Inc. 609 S.W. 1st Ave., Ft. Lauderdale, 5:30 P.M.	
4/23/85	Federal Bar Assn. Broward County Chapter Federal Courts Practice Seminar	Pier 66 Crystal Ballroom, 2301 SE 17th St. Causeway, Ft. Lauderdale 9:00 A.M.-1:00 P.M.	Eydie Young 462-5500 Ext. 80
4/25/85	Young Lawyers Section Election Luncheon Meeting	Cafe de Paris, 715-A E. Las Olas Blvd., Ft. Lauderdale, 12:00 Noon, \$7.50	Betty Ann Beavers 473-1500
4/26/85	Broward County Bar Assn. Probate & Trust Law Section Seminar	Ft. Lauderdale City Commission Room 100 N. Andrews Ave., Ft. Lauderdale 9:00 A.M.-12:30 P.M.	BCBA 764-8040 See attached flyer
5/1/85	Broward County Bar Assn. Law Day Luncheon	Pier 66 Panorama Room, 2301 S.E. 17th St. Causeway, Ft. Lauderdale, 12:00 Noon Speaker Sheriff Nick Navarro, \$17.00	BCBA 764-8040
5/1/85	Broward County Trial Lawyers Assn. Monthly Meeting	Riverside Hotel, 620 E. Las Olas Blvd. Ft. Lauderdale, Case Evaluation 5:30 P.M. Dinner 7:00 P.M.	Theresa 764-4646
5/4/85	Young Lawyers Section Softball Tournament	Croissant Park, S.W. 17th St. between Andrews Ave. & S.W. 4th Ave. Ft. Lauderdale	John P. Wilkes 563-4803

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

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