

# The **BROWARD BARRISTER**

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION  
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JANUARY 1985

Volume 14

Number 1

## No General Meeting in January

Next Meeting

February 21, 1985 — 6:30 P.M.

*Fort Lauderdale Country Club, Inc.  
415 Country Club Circle  
Plantation, Florida*

**Annual Dinner Honoring Legislative Delegation**  
*Speaker James Harold Thompson*

### “As I See It”

#### Let's Share Our Pride

We attorneys have a lot to be proud of. The December 15, 1984, issue of *The Florida Bar News* discloses that Florida lawyers, during 1983, donated 57.5 million dollars worth of legal services to the poor. 575,600 hours of free time, at an average going rate of \$100 per hour, were donated by 70% of the active members of The Florida Bar.

Meanwhile, the Florida Cabinet, sitting as the State's Clemency Board, voted unanimously to spare Rosemary Furman any jail time. You've got to wonder about it. She is the hero, we are the goats, and 57.5 million dollars poorer collectively, in 1983 alone.

Rosemary Furman, of course, was providing legal services to the poor . . . at an average rate of \$150 per hour. It was worth it though because most of the legal advice that she gave was bad. If Rosemary Furman were a NFL running back, you would describe her as small but slow. There is nothing wrong with the unauthorized practice of law if you are on the receiving end of it like Rosemary was.

Meanwhile, those of us who earned our law degrees get with those degrees the privilege, and a proper obligation, to see to the delivery of legal services to the poor. In my opinion we have responded magnificently.

Be proud that you are a card-carrying licensed practicing attorney. Be proud of

the service that you and over 70% of your fellow members of the Bar provide to your community. Do your job, hang in there, have a Happy New Year. Maybe, when it is all over, Warner Brothers will want to make a movie about your life, like they are going to do for Rosemary.

**Terrence Russell**  
President BCBA

### For the Record

It is the responsibility of the organized bar to speak out on behalf of members of the judiciary who receive unfair or undeserved public criticism, as canons of judicial ethics effectively inhibit judges from publicly conducting their own defense. An instance of need for the exercise of this duty of the bar seems to have occurred recently.

An article in the *Fort Lauderdale News*, and a subsequent editorial by the paper based upon that article, criticized United States District Court Judge Norman C. Roettger for alleged excessive absences from his chambers and courtroom, and for a claimed backlog of pending cases. While the newspaper largely contrasted Judge Roettger to statistics for the Southern District, the article stated that Judge Roettger works at a slower pace than “the average federal district court judge.” This is not true.

The fact is that in Judge Roettger's twelve years on the bench, he has never produced below the national average for federal trial level judges. Statistics compiled by and obtained from the Administrative Office of the United States Courts appear on page 4.

*The Barrister* is informed that this statistical analysis was given verbally to the reporter writing the article on Judge Roettger three days before the article appeared, and was again offered in writing on the morning of the day of printing.

(Continued on Page 4)

### Bench-Bar Workshop

January 11, 1985

#### Burt and Jacks Restaurant

(Berth 23-Port Everglades)

Fort Lauderdale, Florida

1:00 P.M.-5:00 P.M.

See December *Barrister* for details. All suggestions for topics to be discussed and reservations should be delivered to Broward County Bar Association, 735 N.E. 3rd Avenue, Fort Lauderdale, Florida, by January 8, 1985.

### The Florida Bar

#### 5th Annual Midyear Meeting

January 23-26, 1985

Hyatt Regency, Miami

See November 15th issue of *The Florida Bar News* and the January *Florida Bar Journal* for details.

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

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Terrence Russell . . . . . *President*  
Patrick L. Bailey . . *President-Elect*  
Roger H. Staley *Secretary-Treasurer*  
Norma Howard . *Executive Director*

**Motion Calendars Suspended**

<i>Judge</i>	<i>From</i>	<i>Through</i>
J. Cail Lee	December 24	January 4
Louis Weissing	January 7	January 10
Miette K. Burnstein	January 14, 15 and 16	only
Bobby W. Gunther	January 21	February 18

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

<i>Date</i>	<i>Judge</i>
January 12, 13 . . .	W. Herbert Moriarty
January 19, 20 . . . .	Estella M. Moriarty
January 26, 27 . . . . .	Susan Lebow
February 2, 3 . . . . .	Geoffery D. Cohen

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

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

<i>Week Commencing</i>	<i>Judge</i>
January 4 . . . . .	Robert C. Scott
January 11 . . . . .	Barbara Bridge
January 18 . . . . .	H. Mark Purdy
January 25 . . . . .	Stephen R. Booher
February 1 . . . . .	Joseph E. Price
February 8 . . . . .	Linda Vitale

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

<i>Week Commencing</i>	<i>Judge</i>
January 4 . . . . .	Patti L. Englander
January 11 . . . . .	Harry G. Hinckley, Jr.
January 18 . . . . .	Arthur J. Franza
January 25 . . . . .	Mark A. Speiser
February 1 . . . . .	Robert W. Tyson, Jr.
February 8 . . . . .	Stanton S. Kaplan

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## Young Lawyers Section

### Judicial Reception

The Young Lawyers Section will be hosting its annual Judicial Reception on February 7, 1985, in honor of our local judiciary. Please note that the date which appeared in last month's *Barrister* has been changed to February 7. 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.

This year's reception will be held on the Sunrise Terrace at the Marriott Harbor Beach, located at 3030 Holiday Drive, Fort Lauderdale, Florida. The reception is scheduled from 6:00 to 8:00 p.m. There will be an admission charge of \$5.00 per person, and a cash bar.

All reservations must be confirmed by February 1, 1985. To confirm your reservation, please send your check and reservation card to Melanie G. May, Bunnell, Denman & Woulfe, P.A., 1080 S.E. Third Avenue, Fort Lauderdale, Florida 33316. We must receive your reservation by February 1, 1985. No reservations will be accepted by phone.

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 or more
Barrister Contributor	\$100 to \$499
Solicitor Contributor	Less than \$100

Please send all contributions directly to Betty Ann Beavers, Treasurer of the Young Lawyers Section. Her address is: 8751 W. 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.

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## Young Lawyers Section

### President's Message

Last month I apprised you of our December Luncheon Meeting where our topic was our Guardian ad Litem Program. The Honorable Larry Seidlin, Chairman of The Broward County Bar's Committee for Special Needs of Children, gave us a good overview of the status of the Guardian ad Litem Program. Judge Seidlin apprised us of where the program is now, where it has been, and where he perceives its future. The bottom line is that this program will not operate effectively without volunteer attorney participation.

As I have mentioned in this column on other occasions, our Section has undertaken to provide a service to the community as well as to our Judiciary in the area of Guardian ad Litem, Guardian Advocate and other areas involving the special needs of children. Those of you who attended this year's Promenade at Holiday Park more than likely saw our Young Lawyers Booth where, through a lot of hard work by numerous attorneys from our Section and generous donations by the public as well as the supplier of the prizes awarded at our booth, your Section turned over almost \$500 to Kids In Distress, Inc.

Many of you who attended our December Luncheon Meeting gave me your business cards and expressed your interest in volunteering and providing service in the Guardian programs. I would hope that many more of you would add your names to this growing list of volunteers. I promise that if you do so, you will forfeit a minimum amount of time for a maximum amount of benefit not only to the people involved in the system, but also to our Judiciary who have on numerous occasions requested our assistance.

Speaking of our Judiciary, our Section is again sponsoring a Judicial Reception this year for all the Circuit Court, County Court Judges of the 17th Judicial Circuit, and all Fourth District Court of Appeal Judges, as well as our local Federal Judges. The Reception will be held February 7, 1985, and you should be receiving something in the mail requesting the assistance of you or your firm in sponsoring this most successful event. As was done last year, all contributors will be recognized at the reception. Your checks should be mailed to the treasurer of our organization, Betty Ann Beavers, at 8751 West Broward Boulevard, Suite 307, Plantation, Florida 33324. Please support the event with both your contribution and your presence. I look forward to seeing everyone there.

Romney C. Rogers

## Young Lawyers Section

### "Meet the Press"

Young Lawyers (and, in fact, all members of The Bar) will be afforded an excellent opportunity to "Meet the Press" at the January Young Lawyers Luncheon. Earl Maucker, the Managing Editor of the *Fort Lauderdale News & Sun-Sentinel*, will be the Guest Speaker on Thursday, January 24, 1985, at the Cafe de Geneve, 1519 South Andrews Avenue, Fort Lauderdale, Florida, at 12:00 Noon. Mr. Maucker encourages audience participation in the informal question and answer session which will follow his opening remarks. This informative and lively discussion is sure to include not only the daily operation of a major metropolitan newspaper, but the more serious issues of balancing the public's right to information against the right to privacy. Bring your questions and comments, and look forward to an interesting luncheon meeting.

### New Members

The Membership Drive has been very productive and we welcome the following members:

Scott Raymond Austin  
Peter H. Barber  
Ron L. Baum  
Mark J. Berkowitz  
Sharon Bourassa-Diaz  
Marc H. Brawer  
John W. Carry  
Leslie Gern Cloyd  
Gregory G. Coican  
Bennett L. David  
Joseph R. Dawson  
Christopher Allen DeBock  
Holly Geyer Doro  
Jeffrey R. Eisensmith  
Charles A. Finkel  
Mark L. Gaeta  
Glenn E. Goldstein  
Robert Thorner Goodman  
Kelly Hancock  
Peter G. Herman  
Francine Hurwitz  
Robert B. Jabara, Jr.  
Daniel E. Jacobson  
Garry W. Johnson  
Cheryl M. Kaplan  
Katherine J. Langley  
Paul N. Lashbrook  
David M. Lazarus  
Alan Jay Lewis  
Bruce D. Lincoln  
Jack R. Loving  
Robert David Malove  
Bernard S. Mandler  
John V. Marinelli  
Steven G. Miller  
Casey W. Mills  
Terry Beth Moldoff  
Morton J. Morris  
Martin W. Murphy

(Continued on Page 4)

## For the Record (Continued from Page 1)

Year Ending June 30	National Average	NCR Totals	Civil	Criminal	% More Than National Average
1978	388	468	332	136	21
1979	325	429	319	110	32
1980	349	451	347	104	29
1981	384	455	295	160	18
1982	409	624	496	128	52
1983	463	544	439	105	17
1984	Not yet available	434	285	149	Not yet available
	2,318	3,405	2,513	892	
7 year average 1978-1984	Not yet available	486	359	127	Not yet available
6 year average 1978-1983	386	495	371	124	28

Either a rush to publish or a decision to ignore these statistics kept the figures from the public and resulted in an unfair portrayal of Judge Roettger's attentiveness and productivity.

Aside from the unfairness of the newspaper's selective statistics on Judge Roettger, it seems increasingly clear that the current quest for statistical analysis and "score-keeping" of judicial labor leaves much to be desired and, in the main, begs entirely the most important question: the quality of judicial activity.

Federal and state judges, especially Florida's circuit courts, are being continuously monitored and evaluated by computer analysis and computation. Every judicial or quasi-judicial activity, from case filing through disposition, is being counted and accounted for, but always in quantitative, numerical terms. Qualities such as intelligence, demeanor, fairness, wisdom and dedication are admittedly difficult to program into a computer analysis—but they are the qualities most needed in a judge and must not be ignored.

Rather than evaluating judges like assembly line workers, perhaps what this state needs is as much emphasis on "judging" cases as is being given to "moving" them.

### New Members (Continued from Page 3)

Steven Newburgh  
 Howard J. Nussbaum  
 Eileen O'Connor  
 Donna S. O'Neil  
 Susan Owens  
 Lindsey A. Payne  
 Stanley Eugene Peacock  
 Hampton C. Peterson  
 Raymond J. Powers  
 Lyman H. Reynolds, Jr.  
 John B. Rogers  
 Robert C. Rogers, Jr.  
 Ronald M. Rogers  
 Kenneth A. Rubin  
 James P. Ryan  
 Richard B. Sabra  
 Todd M. Saunders  
 Matthew J. Schaefer  
 Hale Schantz  
 Robert M. Schwartz

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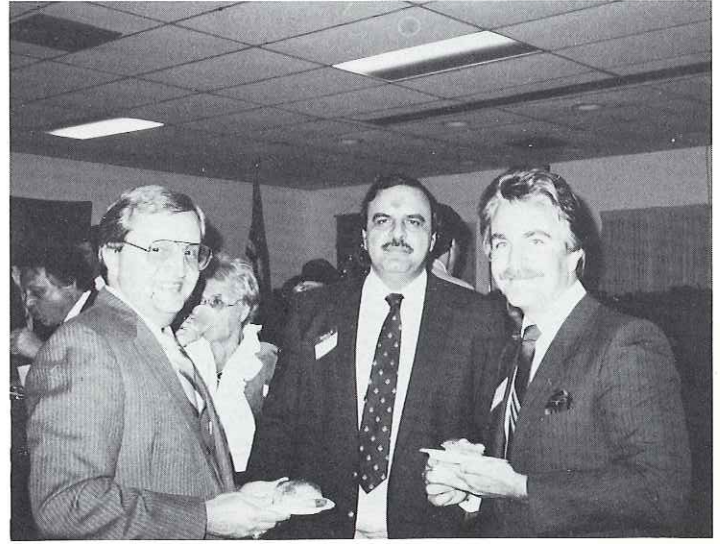
*Judge Morton L. Abram; Terrence Russell, President BCBA; Judge George Richardson, Jr. Plaques of Appreciation were presented to Judges Abram and Richardson as they retired December 31, 1984.*



*Michele K. Cummings, Judge William Clayton Johnson, Patrick G. Kelley, John Hume attend the reception sponsored by the Board of Realtors, the Real Property Section of BCBA and Attorneys Title Service.*



*Dr. and Mrs. William Ryan, Richard M. Birnbaum, Harry G. Carratt share "war stories" at the cocktail reception hosted by Broward Bank on December 6, 1984.*



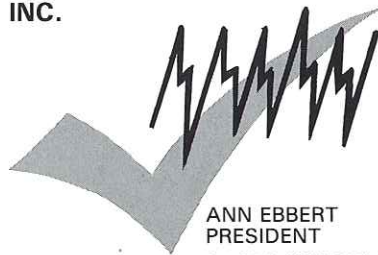
*John Hume; Terrence Russell, President BCBA; Daniel Drew, Treasurer Board of Realtors, at a reception on December 13, 1984.*

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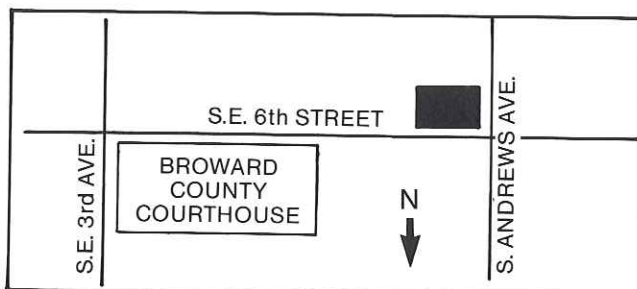
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## Special Motion Calendar for Temporary Pre-Trial Relief and Contempt in Dissolution Cases

Effective January 4, 1985, and each Friday thereafter, the undersigned Judge will hear applications for temporary pre-trial relief and for contempt unrelated to discovery in domestic matters **commencing 1:30 P.M. on Fridays**. The following provisions apply:

1. Financial affidavits are required.
2. Cases are limited to ten minutes.
3. Counsel *shall not* make appointments with Judge's Judicial Assistant but shall notice the opposing party in accordance with applicable statutes and Rules of Procedure.
4. A copy of the Notice Of Hearing, Motion and Financial Affidavit shall be in the hands of the Judge's Assistant (not just the Clerk) *four days in advance of the hearing*. This requirement may be relaxed if adequate notice is given to the opposing party and if the moving party hand-carries the file to the courtroom.

5. Contempt and Post Trial matters may be referred to the General Master unless either party objects.
6. Petitions for modifications shall be treated as new proceedings and noticed for Non-Jury Trial rather than motion calendar.
7. Effective March 18, 1983, no motions for pre-trial relief will be referred to the General Master.

Estella May Moriarty  
Circuit Judge

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# CALENDAR OF EVENTS

Date	Group & Event	Time & Place	Reservations
1/7/85	Family Law Section of BCBA	Broward County Courthouse Courtroom 345 201 S.E. 6th St., Ft. Lauderdale 5:00 P.M.-6:30 P.M.	BCBA 764-8040
1/8/85	North Broward Bar Association Monthly Meeting	Flaming Pit Restaurant, 1150 N. Federal Hwy., Pompano Beach, 12:00 Noon	William E. Stockman 941-4920
1/8/85	Robing Ceremonies	Bailey Concert Hall, 3501 S.W. Davie Rd., Davie, 4:00 P.M.	
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
1/11/85	Broward Christian Lawyers Association Monthly Meeting	Cafe de Geneve, 1519 S. Andrews Ave. Ft. Lauderdale, 12:00 Noon	Ronald Houchins 486-1777
1/11/85	Bench-Bar Workshop	Burt and Jacks Restaurant, Berth 23, Port Everglades, Ft. Lauderdale Workshop 1:00 P.M.-5:00 P.M. Cocktail Reception 5:00 P.M.-6:00 P.M. Registration Fee \$20.00	Registration form and fee to be delivered to BCBA Office 735 N.E. 3rd Ave., Ft. Lauderdale
1/18/85	Federal Bar Association Broward County Chapter Luncheon Meeting	Riverside Hotel, 620 E. Las Olas Blvd. Ft. Lauderdale, 12:00 Noon Members \$8.00, Non-Members \$10.00	Joan Kaliff 462-5500
1/21/85	Broward County Legal Secretaries Assn. Seminar on Mortgage Foreclosure Procedures	Broward County Main Library, 8th Floor, Meeting Rooms A & B, 100 S. Andrews Ave. Ft. Lauderdale, Members \$10.00 Non-Members \$15.00	Sharon Bauer 761-2228
1/24/85	Young Lawyers Section Monthly Meeting	Cafe de Geneve, 1519 S. Andrews Ave. Ft. Lauderdale, 12:00 Noon, \$7.50	Betty Anne Beavers 473-1500
2/7/85	Young Lawyers Section Judicial Reception	Sunrise Terrace, Marriott Harbor Beach 3030 Holiday Dr., Ft. Lauderdale 6:00 P.M.-8:00 P.M., \$5.00	Check and reserva- tion to Melanie G. May, 1080 S.E. 3rd Ave., Ft. Lauderdale
2/28/85	Broward County Women Lawyers Assn. Monthly Meeting/CLE	Marriott Hotel, 1881 S.E. 17th St., Ft. Lauderdale, 12:00 Noon Luncheon only \$15.00, CLE including luncheon \$75.00 (15 days preregistered)	Lorry 561-2230

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