

# the BROWARD BARRISTER

**MEMBERSHIP CARD  
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## *Annual Reception*

**Friday, December 12, 1986**

**California Federal Savings and Loan Association  
2400 East Commercial Boulevard, Ninth Floor  
Fort Lauderdale, Florida**

**6:00 P.M. — 8:00 P.M.**

California Federal Savings and Loan Association will host a cocktail reception for members of Broward County Bar Association on December 12, 1986. Invitations have been mailed by California Federal Savings and Loan Association. RSVP cards were enclosed. Please use these cards for reservations.

### **President's Message**

#### *Current Events*

Despite what appeared to be overwhelming odds, the bench and bar were successful in putting the "Justice Has No Home" bond issue over the top!

We can all be justifiably proud of our accomplishments in this matter. I, for one, was not terribly optimistic as to the outcome and I know there were many in our ranks who felt the same way. Notwithstanding this, our efforts were well received by the voters, who approved the bond programs by a 60 to 40 margin.

I want to personally thank, for their help and hard work, amongst others, Bob Curtis (who was responsible for raising funds for the advertising blitz), Skip

Campbell (who headed up the speakers bureau), Scott Johnson (who saw to the distribution of thousands of brochures) and, of course, our chief judge, Miete Burnstein, for all her efforts and long hours devoted to this cause.

#### *Be Prepared for . . .*

Sales tax on professional fees will be a fact after July 1, 1987—unless we can convince the legislature to preserve the exemption presently in effect.

Imposition of this tax will certainly impact on our clients, who are ultimately going to pay it. We can't let this happen. Can you see explaining to a client (who has come to you for help, as the result of his being sued), and telling him that in addition to your fee, he will be required

to pay another 5% for the "sale" of your services? Further, the tax will be due from you at the time the bill for services is rendered—not when it is paid! In some cases, you will have paid the tax only to find thereafter that you are unable to collect the fee—so you are further out of pocket.

It is my suggestion that you have your clients mail prepared postcards to those legislators who are in favor of this legislation. The cards should demand that they support the exemption for all professions. These cards should come from the clients (and not the attorney) if they are to have any impact on the people in Tallahassee.

#### *Caveat to the Property Lawyers*

Once again there is a plethora of redrafted purchase and sale contract forms out there. These appear to be "standard" forms—but are standard only as to size, type and number of pages. Many of the contract provisions are rewritten and as such can be deadly to either buyer or seller or both.

It is imperative that you review the *entire* contract. Take no comfort in the fact that the form appears to be identical to the Bar-approved forms. To do so may not set too well with your clients nor with your malpractice carrier (if you have one!).

*(Continued on Page 4)*

### *Season's Greetings*

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



## Young Lawyers Section

### President's Message

#### Wait 'Til Next Year

(Author unknown—attributed to a frustrated Gator fan following one of Florida's many losses to the Georgia Bull Dawgs)

Last month in this same space, I ventured out on a limb and wrote an article critical of attorneys and judges. I'm sure the article hit close to home for more than just a few lawyers and judges, but, surprisingly, I only heard one negative reaction and that was rather mild. An attorney told me that there were other jurisdictions that have it worse than we do and the motion calendar in Broward County "isn't that bad."

There is no doubt in my mind that there are places that are worse than Broward, but is that the yardstick we want to be measured by? I don't know where the 17th Judicial Circuit ranks in the latest AP and UPI polls, but I'm certain with our record, we won't be involved in any "post-season bowl games" this year.

With the passage last month of the courthouse bond issue, we can look to 1987 and beyond as a chance to improve not only our courthouse physical plant, but the way we as attorneys and judges utilize it. The 17th Judicial Circuit may not be "number one" this year, but with courageous leadership from the bench and the bar, we can and should move up in the rankings.

If I were the chief judge, the court administrator or the clerk of the court, I'd make it clear to everyone involved that if people in the system didn't pull their own weight, they would be replaced with new people who would. There is a lot of "fat" around our courthouse, and what we need is people in leadership positions who aren't afraid to take names and require accountability.

Have a happy, safe and fun-filled Holiday Season!

C. Glenn Leonard

## Young Lawyers Section

### Notice

Please note that there will be no Young Lawyers Section Luncheon in December.

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## Young Lawyers Section

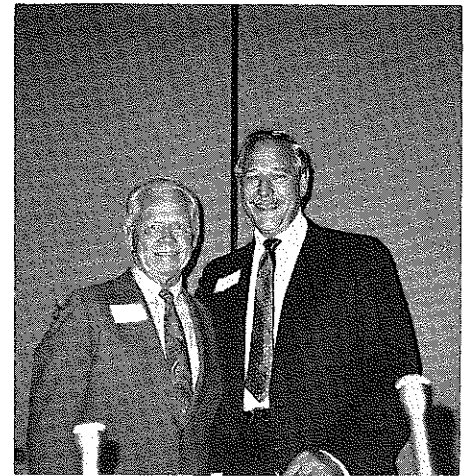
### 1987 Judicial Reception

The Young Lawyers Section is already planning the annual Judicial Reception honoring our state, local and federal judiciary. This year's reception will be held at the Marriot Harbor Beach Resort on February 12, 1987, from 6:00 P.M. to 8:00 P.M.

It should be a gala affair consisting of a cocktail party, complimentary hors d'oeuvres and a very short program. We all look forward to the opportunity to honor our judiciary.

In order to make this event as elegant and enjoyable as it has been in the past, we will require assistance in sponsoring this event. As in the past, we will be contacting both firms and individual practitioners to assist us in the form of contributions. All contributions will be acknowledged at the reception, and contributors will receive complimentary tickets to the reception.

Make your plans now for this exciting event. We look forward to seeing all of you there.



J.B. Spence with Ray Ferrero, Jr., at the September 1986 meeting.



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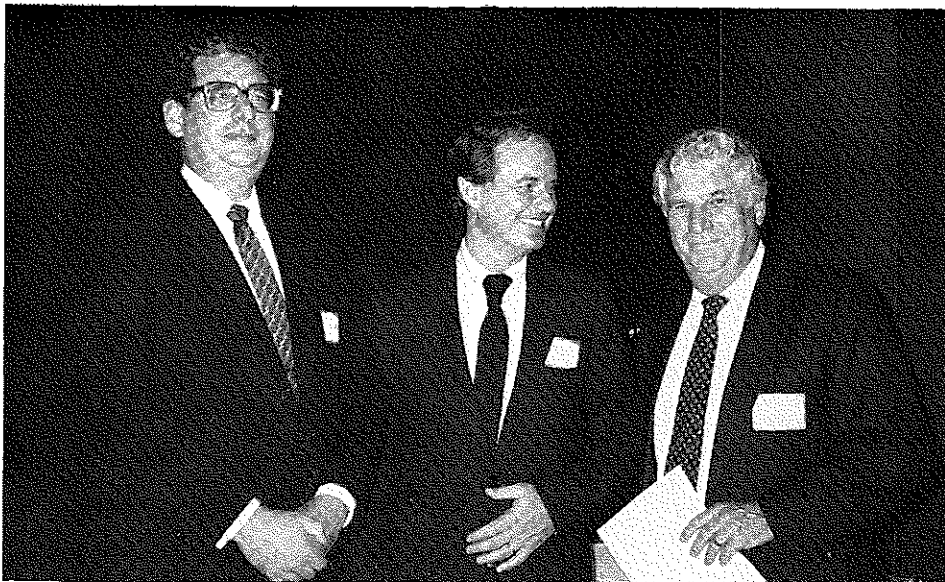
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*James Fox Miller, David Boies and Roger Staley at the November meeting.*



*Michele Cummings, Linda Pratt and Gloria Pomerantz (and Barbara Curtis in the background) at the November meeting.*

## **President's Message**

*(Continued from Page 1)*

### **Coming Attractions**

On December 11, 1986, the Board of Realtors, in conjunction with Attorneys Title Insurance Fund and the Real Property Section of the Broward County Bar, will host a holiday cocktail party at the offices of the Board of Realtors, 1765 N.E. 26th Street, Wilton Manors, commencing at 6:00 P.M. Attendance is not limited to the real property lawyers, so you all come! However, reservations are

necessary. Call 563-7261 for reservations.

California Federal will again host a cocktail reception for all members of the Broward County Bar on Friday, December 12. The party, which begins at 6:00 P.M., will be held in the main offices of California Federal at the Paragon Building, Federal Highway and Commercial Boulevard. Since California Federal has sponsored this party for many years, your support of that organization and your attendance at this gala event is not only welcome, but is encouraged.

**Roger H. Staley**  
President

## **November 1986 Meeting**

Those of you who failed to attend the regular membership meeting of the Bar on Thursday, November 20, really missed a bet. The facilities (Emerald Hills Country Club) were great, the food was exceptional and the program outstanding!

Guest speaker was David Boies of the firm of Cravath, Swaine & Moore in New York. It was reported by *Time Magazine* (which featured him on its cover on a recent issue) that he is probably the most "in demand" trial attorney in the country for the handling of complex litigation.

Mr. Boies discussed a lot of the problems he encountered in jury selection, cross-examination and opening and closing statements in defense of CBS in the libel action brought against it by General Westmoreland and in defense of Texaco in its \$12.3 billion judgment problem it has with Pennzoil. He will argue the Texaco appeal before the United States Supreme Court on January 7.

While having the reputation of being one of the most outstanding trial counsels in the United States, he was nevertheless low key and down to earth. Everybody in attendance enjoyed his remarks and found his answers to questions from the floor to be always responsive, generally informative and sometimes humorous.

We owe a debt of gratitude to James Fox Miller (who was a classmate of David Boies in their first year of law school at Northwestern), Bill Spencer and Ross Beckerman for bringing this outstanding personality to our Bar meeting.

I hope that Mr. Boies will visit with us again so that those of you who were unable to attend will be able to gain a bit of knowledge from one of the country's most outstanding litigators.

### **Don't Lose Your Job!**

If you are a new parent and you need to keep working - we understand and help by providing quality day care for infants - please call or visit

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## Position of Attorney-Advisor to be Filled

**Closing Date December 19, 1986**

Anniston Army Depot is accepting applications for the position of Attorney-Advisor (General), GS-905-12, \$31,619 per annum.

**Qualification Requirements:** Applicants must meet the following before being referred for consideration:

(1) Education: Must have successfully completed a full course of study in a school of law accredited by the American Bar Association (ABA) and have the first professional law degree (LLB or JD).

(2) Bar Membership: Must be a member of the bar of the state, territory of the United States, District of Columbia or the Commonwealth of Puerto Rico.

(3) Experience: Must have two or more years of professional legal experience commensurate with the duties and responsibilities of the position. Graduation from an ABA-accredited law school in the top 10% of the class or an advanced law degree such as an LLM or LJD will be recognized as a substitute for one year of the required experience.

**Other Requirements:** Selected candidates will be required to pass appropriate physical examination prior to being appointed. All persons considered for appointment, or appointed, will be subject to appropriate background investigation.

**How to Apply:** Applicants must submit the following documents:

(1) A completed Standard Form 171 (Personal Qualification Statement). Forms may be obtained at the Anniston Army Depot Civilian Personnel Office by calling (205) 235-6227.

(2) Three recent letters of recommendation from military or civilian attorneys.

(3) Official transcript for the applicant's law school record together with an official statement of his or her relative standing in the class. A photostatic copy is acceptable.

(4) Official certificate showing that the applicant is a member in good standing of the bar, together with a sworn statement by the applicant that his or her fitness to practice law or conduct as an attorney has never been challenged in any jurisdiction; or, if either has been challenged, a sworn statement concerning the facts and circumstances, together with any explanation which the applicant may deem appropriate may be submitted. The statement and certificate should be dated within three months of the date the application is submitted.

(5) Examples of writing skills as demonstrated by legal briefs, memorandums and/or letters.

(6) A completed SDSAN Form 273 (Background survey questionnaire) (voluntary).

**Where to Apply:** Commander, Anniston Army Depot, Attention: SDSAN-DAS-CP (Ms. Deese), Anniston, Alabama 36201-5007.

**Deadline:** Application must be received or postmarked by December 19, 1986.

All applicants will receive consideration without regard to race, creed, color, religion, age, lawful political affiliation, marital status, sex, national origin, physical handicap or other non-merit factors.

## Applicants Sought for New Statewide Prosecutor

TALLAHASSEE, November 18—The Florida Supreme Court Judicial Nominating Commission is seeking qualified applicants to fill the newly created position of Statewide Prosecutor.

During the November general election, the electorate adopted a constitutional amendment authorizing the position of Statewide Prosecutor. Previously enacted legislation which will become effective January 6, 1987, establishes an Office of Statewide Prosecution in the Department of Legal Affairs and prescribes the powers and duties of the Statewide Prosecutor.

The JNC will nominate not less than three persons to the Attorney General who will appoint the Statewide Prosecutor for a term of four years. Each applicant must be an elector of the state, a member of The Florida Bar for the preceding five years, and must devote full time to his duties and not engage in the private practice of law. The Statewide Prosecutor is prohibited from running for or accepting appointment to any state office for a period of two years following vacation of office. The salary is to be set by the Attorney General. Additional information concerning the powers and duties of this position can be obtained from Bill Bryant, Deputy Attorney General, Department of Legal Affairs, Tallahassee, Florida 32301, (904) 487-1963.

Applications for the position can be obtained from Ms. Vicki Russell, c/o The Florida Bar, Tallahassee, Florida 32301-8226, (904) 222-5286. Ten copies of the completed application with attachments *must be received by Ms. Russell no later than 10:00 A.M., December 18, 1986.*

The names of all applicants and the contents of their applications will be available to the public immediately

following the filing deadline. All interviewing of applicants will be done in open session.

The names of the members serving on the Supreme Court Judicial Nominating Commission are: Chairman Bill Colson of Miami, Charles Wilson of Tampa, Frank Soler of Coral Gables, Fletcher Rush of Orlando, William Clark of West Palm Beach, Dr. Jere W. Annis of Lakeland, Sammy Cacciatore of Melbourne, Marvin Urquhart of Panama City and Mrs. Philip B. Phillips of Pensacola.

## ABA Recognizes Donors in Observing First National Philanthropy Day

CHICAGO, November 10—The American Bar Association joined other non-profit organizations around the nation in celebrating the first National Philanthropy Day (NPD), designated November 15 by Congressional resolution.

"The ABA joins in heartfelt gratitude to all those who help others and those who so generously donate their dollars, their time and their talents to extend the enjoyment of liberty, health, security and prosperity to more and more of our citizens, in an effort to fulfill the promise of our nation and the dream of our forebears. National Philanthropy Day is appropriately timed in November, a month of thanksgiving, for it is a day on which we celebrate our gratitude to those who so willingly share," said ABA President Eugene C. Thomas of Boise.

The ABA's Fund for Justice and Education supports law-related public service and education programs and received \$14.5 million during 1985-86.

Additionally, the ABA coordinates the volunteer efforts by lawyers who participated in more than 1,000 programs to deliver free or reduced cost legal services in civil matters to low income persons in 1985. More than 86,000 lawyers take part in volunteer service programs each year, assisting persons who would otherwise have no access to legal services.

The annual observance was kicked off with a White House ceremony November 14, in which one participant was Douglas Freeman, a member of the Los Angeles County Bar Association and chairman of the NPD organizing committee.

Also participating in the White House ceremony were Robert Beck, chairman and chief executive officer of Prudential Insurance Company and honorary NPD chairman, and Fred Ryan, director of the White House Office of Private Sector Initiative, which sponsored the White House event.

## Bench-Bar Workshop

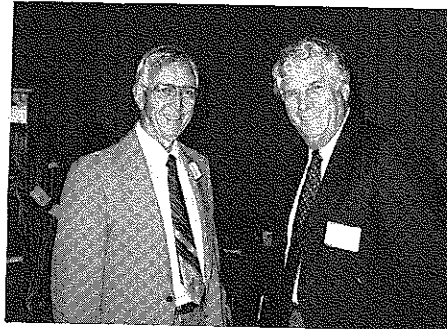
The Bench-Bar Conference held on November 21, 1986, had the largest registration ever. The workshop was held at Marina Bay and was a great success. Recommendations made at the conference will be printed in the *Barrister* as soon as possible. Linda A. Conahan and Robert M. Curtis did an outstanding job in organizing the event.



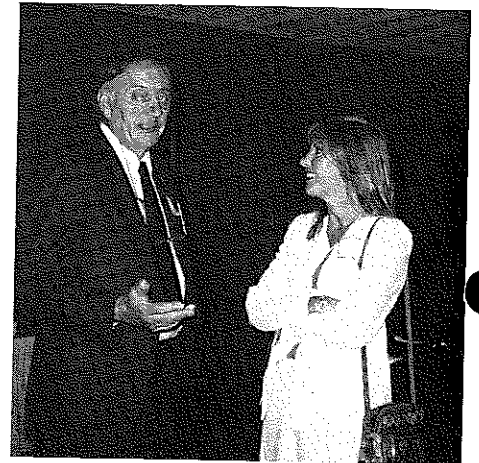
*Criminal Law Division—Bench-Bar Workshop.*



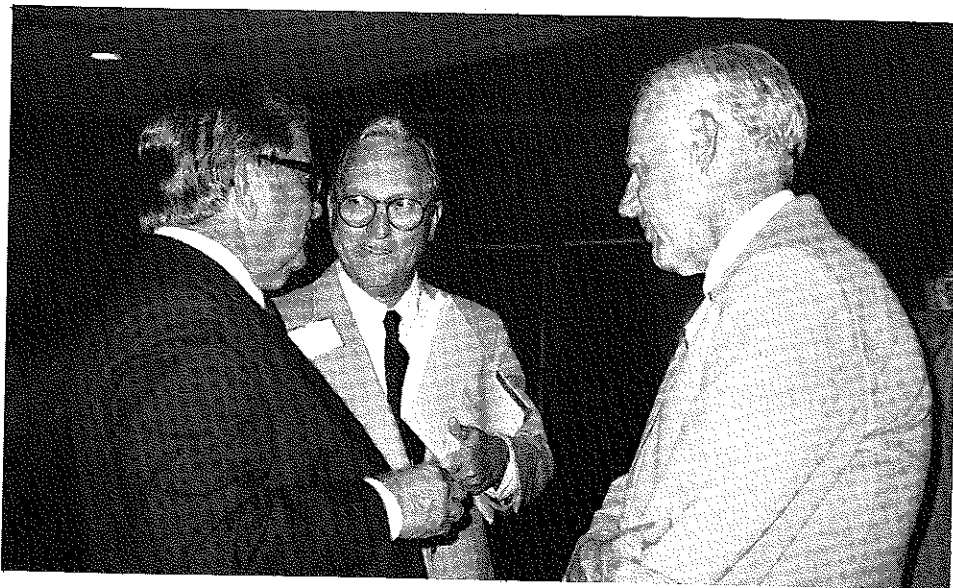
*Robert Ware and Linda Conahan at the Bench-Bar Workshop.*



*Judge George W. Hersey, 4th DCA, and Roger Staley at the Bench-Bar Workshop.*



*Judge Gavin K. Letts, 4th DCA, and Melanie May at the Bench-Bar Workshop.*



*O. Edgar Williams, Jr., Judge Robert C. Scott and Donald H. Norman at the Bench-Bar Workshop.*



*Robert M. Curtis and Judge Bobby Gunther, 4th DCA, at the Bench-Bar Workshop.*

## Welcome New Members

**JULIE A. BEUKE**, a native of Cincinnati, Ohio, received her undergraduate degree from Florida Atlantic University and her law degree from the University of Miami. She is associated with Kruse and Livoti in Fort Lauderdale.

**KENNETH C. BRONCHICK**, a native of Brooklyn, New York, received his undergraduate degree from State University of New York at Albany and his law degree from University of Florida. He is a sole practitioner in Fort Lauderdale.

**JAMES B. CHAPLIN**, a native of Miami, Florida, received his undergraduate and law degrees from Stetson University. He is a sole practitioner in Fort Lauderdale.

**JOHN H. FARO**, a native of Boston, Massachusetts, received his undergraduate degree from Northwestern University and his law degree from Boston University of Law. He is a sole practitioner in Boca Raton.

**JOEL S. FASS**, a native of New York, New York, received his undergraduate degree from SUNY-New Paltz and his law degree from the University of Buffalo. He is associated with Colodny, Fass & Talenfeld in North Miami.

**MARGARET H. FIORILLO**, a native of Paris, France, received her undergraduate degree from Duke University and her law degree from Vanderbilt University. She is associated with Fleming, O'Bryan & Fleming in Fort Lauderdale.

**ALAN L. GABRIEL**, a native of Brooklyn, New York, received his undergraduate degree from the University of Florida and his law degree from Nova Law Center. He is associated with Fine, Jacobson, Schwartz, Nash, Block & England in Fort Lauderdale.

**MARK S. GURALNICK**, a native of Philadelphia, Pennsylvania, received his undergraduate degree from Temple University and his law degree from Nova Law Center. He is a sole practitioner in Plantation.

## Circuit Civil Caseload Report

As of November 19, 1986

Submitted by the Court Administrator's Office

DIVISION	SETTING TIME		MOTIONS (30 minutes or less) excluding motion calendar
	JURY TRIALS (5 days or less)	NON-JURY TRIALS (2 days or less)	
	months	months	weeks
<b>Circuit Court Judges</b>			
James M. Reasbeck	7	4	4
Paul M. Marko III	6	3	4
J. Cail Lee	8	6	6
Gene Fischer	5	2	4
W. Herbert Moriarty	4	2	5
Barbara Bridge	6	2	6
Joseph E. Price, Jr.	7	3	10
George Shahood	4	2	3
Eugene S. Garrett	2	3	2
J. Leonard Fleet	9	6	10
Robert C. Abel, Jr.	2	5	10
Harry G. Hinckley, Jr.	5	5	10
Estella M. Moriarty	3	3	6
Linda Vitale	3	1	1
Robert L. Andrews	3	3	8
Robert C. Scott	4	4	2

**MICHAEL G. KAPLAN**, a native of Miami, Florida, received his undergraduate degree from the University of Miami and his law degree from Nova Law Center. He is associated with Spellacy and McFann in Fort Lauderdale.

**JOAN I. LIEBERMAN**, a native of Merrick, New York, received her undergraduate degree from State University of New York at Albany and her law degree from Washington College of Law, American University. She is associated with Ruden, Barnett, McClosky, Schuster & Russell in Fort Lauderdale.

**KENNETH W. MORGAN, JR.**, a native of Cleveland, Ohio, received his undergraduate degree from the University of Florida and his law degree from Nova

Law Center. He is associated with Gibbs and Silverberg in Fort Lauderdale.

**DEBRA LEVY NEIMARK**, a native of Brooklyn, New York, received her undergraduate degree from SUNY-Binghamton and her law degree from the University of Miami. She is associated with Neimark & Neimark in Coral Springs.

**JOHN W. PERLOFF**, a native of Evanston, Illinois, received his undergraduate degree from the University of Miami and his law degree from the University of Miami Law School. He is associated with Allsworth, Doumar, Cazel & Curtis in Fort Lauderdale.

**R. BARBARA RESSLER**, a native of Brooklyn, New York, received her undergraduate degree from the University

(Continued on Page 8)

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# CALENDAR OF EVENTS

Date	Group & Event	Time & Place	Reservations
12/9/86	North Broward Bar Assn. Monthly Meeting	Flaming Pit Restaurant, 1150 N. Federal Hwy. Pompano Beach, 12:00 Noon	Harry D. Dennis, Jr. 946-0360
12/12/86	Christian Lawyers Assn. Monthly Meeting	Holiday Inn, State Road 84 (just west of I-95) Ft. Lauderdale, 12:00 Noon	Alice Allen 475-1139
12/12/86	Christmas Cocktail Party hosted by California Federal Savings & Loan Assn.	2400 E. Commercial Blvd., Ninth Floor Ft. Lauderdale, 6:00-8:00 P.M.	Use RSVP Card
12/12/86	Legal Aid Service of Broward County, Inc. Board of Directors Meeting	609 S.W. 1st Ave., Ft. Lauderdale 5:30 P.M.	
1/7/87	Broward County Trial Lawyers Assn. Monthly Meeting	Riverside Hotel, 620 E. Las Olas Blvd. Ft. Lauderdale, Case Evaluation 5:30 P.M. Cocktails 6:30 P.M., Dinner 7:00 P.M.	Robert J. McFann 764-4646
1/16-17/87	Stetson University College of Law Annual Seminar on Bankruptcy	TradeWinds Beach Resort Hotel 5500 Gulf Blvd., St. Petersburg Beach	Stetson University College of Law Ms. Leslie A. Pratt Conference Coordinator, 1401 61st St. S., St. Petersburg, FL 33707



## Welcome New Members

*(Continued from Page 7)*

of Miami and her law degree from Nova Law Center. She is associated with Fine, Jacobson, Schwartz, Nash, Block & England in Fort Lauderdale.

**DOUGLAS H. REYNOLDS**, a native of Miami, Florida, received his undergraduate degree from the University of Virginia and his law degree from Emory University. He is associated with Buck and Golden in Plantation.

**MICHAEL ALAN SKELTON**, a native of Tampa, Florida, received his undergraduate degree from the University of South Florida and his law degree from the University of Florida. He is associated with Fleming, O'Bryan & Fleming in Fort Lauderdale.

**ALISA K. SMOLK**, a native of Corry, Pennsylvania, received her undergraduate degree from Westminster College and her law degree from the University of Florida. She is associated with Gibbs and Silverberg in Fort Lauderdale.

**JAMES S. TYLOCK**, a native of Buffalo, New York, received his undergraduate degree from Georgetown University and his law degree from SUNY-Buffalo. He is associated with the State Attorney's office in the Broward County Courthouse.

**STEPHEN L. ZIEGLER**, a native of Baltimore, Maryland, received his undergraduate degree from the University of South Florida and his law degree from the University of Florida. He is associated with Brinkley, McNerney & Morgan in Fort Lauderdale.

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