

# The BROWARD BARRISTER

DECEMBER, 1973

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PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION  
Executive Offices, 735 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

## General Meeting . Wednesday, December 19th

12:00 Noon

### THE SHERATON HOTEL

303 North Atlantic Boulevard, Fort Lauderdale, Florida

Lunch: \$5.00

PROGRAM: UNIFORM PROBATE CODE  
JUDGE FRANK B. DOWLING

The Courts Committee studying the Uniform Probate Code will make a report of its work. It will ask approval of the general membership to speak before the Uniform Probate Study Commission. If you have any particular changes, comments and/or suggestions on any part of the Code, please contact Mr. James D. Camp, Jr. Mr. Nicholas J. DeTardo, or Norma Howard immediately.

All members are requested to invite their secretaries to attend this meeting. It is the Holiday Season and a time to honor and express gratitude to these faithful people.

PLEASE USE THE ENCLOSED CARD FOR RESERVATIONS

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SECRETARIES INVITED



*Happy Holidays*

### Young Lawyers Section OF BROWARD COUNTY BAR ASSOCIATION

ANNUAL CHRISTMAS PARTY  
THURSDAY, DECEMBER 13, 1973

COCKTAILS (cash bar)  
7:00 P.M. - 9:00 P.M.

GALT OCEAN MILE HOTEL  
3200 Galt Ocean Drive  
Fort Lauderdale, Florida

Free Admission to all MEMBERS of the Young Lawyers Section. Guest Admission: \$5.00 per couple.

RESERVATIONS are necessary and should be sent to the office of Broward County Bar Association, 735 N.E. Third Avenue, Fort Lauderdale, Florida 33304, by December 11, 1973.

The Young Lawyers are pleased to announce that Earl Hadlow, President of The Florida Bar, will be a guest at this occasion.

### Highlights of Board of Governors Meeting

#### CONFIDENTIALITY RULE

During the past two years, very few subjects have created more interest than the subject of confidentiality of Bar grievance proceedings. Former President Reece Smith actively pushed for a change in the rules, and the push has been followed by President Earl Hadlow. This year, confidentiality has been the subject of debate at several Board meetings and at special Committee meetings. At the most recent Board meeting on November 14, 1973, the Board voted 15 to 11 to recommend that the Supreme Court approve a rule waiving confidentiality when probable cause has been found by a Grievance Committee and approved by staff counsel and the designated reviewer (a Board member in whose Circuit the case arose) in any

case involving (a) a felony or serious crime, or (b) any conduct by an accused which shows general unfitness to practice law, or (c) where the public interest clearly outweighs the interest of the accused.

The Bar will recommend that the waiver of confidentiality in those limited cases be predicated upon the accused lawyer's having been given the opportunity to be present, confront accusers, cross-examine witnesses, and present testimony at the Grievance Committee level. The right to confront and to cross-examine will not be unlimited, and the Grievance Committee chairmen will be given discretion to limit these rights to prevent undue delay in the Grievance Committee procedures and to prevent cross-examination of a purely harassing or abusive nature.

Your delegates supported these

Broward County Bar Association  
735 N.E. Third Avenue  
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#### OFFICERS

*President* ..... Nicholas J. DeTardo  
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*Secretary* ..... George A. Patterson  
*Treasurer* ..... Ray Ferrero, Jr.  
*Past President* ..... L. Fred Austin  
*Executive Secretary* ..... Norma Howard

changes and feel that they will benefit the Bar. My personal view, expressed during the debate, is that when we lawyers worry about in-roads into our profession, we should realize that many people who need lawyers avoid using them for fear that the profession will wrap the incompetent and dishonest lawyer in a cloak of secrecy. In my personal opinion, the profession suffers from this image.

It should be noted that the recommendation to the Supreme Court for waiver of confidentiality is not a blan-

ket recommendation. The Board specifically rejected another proposal to waive confidentiality in all cases after a referee has made a finding of guilt. To illustrate, there may be a case in which a lawyer has been guilty of neglect but not guilty of dishonesty or intentional wrongdoing. A Grievance Committee could find probable cause, and a referee could find the lawyer guilty of neglect and recommend a private reprimand. This finding of guilt and recommendation of punishment could be approved by the Supreme Court, and the lawyer would be privately reprimanded. In a great many instances, a private reprimand is sufficient punishment to a lawyer for a singular act or omission in his practice.

#### Fifth Judicial Circuit Conference

I received a large amount of personal pleasure from the fact that my partner, John W. Fleming, was elected by the Board of Governors as an alternate delegate to the Fifth Judicial Circuit

Conference. I should hasten to add that while I was very pleased with this action, I did not initiate it. John was nominated by Board member Paul Louis from Miami without my knowledge or John's. John was contacted after the nomination and agreed to serve if elected. At the Board meeting, the speeches on John's behalf were led by Mr. Louis who said, among other things, that "Broward County has become an important place and deserves more than Carlisle and Neely."

#### General Committee Meetings

The Board meeting was followed by the General Committee meetings of the Bar. These Committee meetings were well attended, and the ones I attended were most productive. I would urge each one of you who has an interest covered by one of the standing Committees of The Florida Bar to make your interest known the next time Committee membership is solicited and to seek a place on a Committee. Committee service can be most rewarding and most educational.

#### Personal Note Concerning the Future

Many of you know that for a short period of time I was a candidate for President-Elect of The Florida Bar for the year 1974. The circumstances of my practice have made it necessary for me to withdraw from that race, but it is still my belief that Broward County should produce a President of The Florida Bar. We now have more than 1,000 members of The Florida Bar in Broward County. It is not only the second most populous county in the State, but it also has the second highest lawyer population. Paul Louis was correct when he stated that Broward County has "become an important place." I have enjoyed representing the lawyers of Broward County on the Board of Governors, and I have decided to seek re-election to the Board in February, 1974.

John Neely

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December 14, 1973

Late Registration: 8:30 a.m.-9:00 a.m.  
Registration Fee: \$25.00  
Advance Registration is made with CLE,  
The Florida Bar, Tallahassee, Florida  
32304.

## PR Suggestions

**WATCH YOUR DESKSIDE MANAGERS**—Client relations are of primary importance. Opinion polls show clients rate a lawyer's "evidence of interest" in a case more important than the results. Chief complaints about lawyers, according to the poll, are boredom, indifference, superior attitude.

**DISCUSS FEES AT THE OUTSET**—Fear of costs keeps many people from seeking needed legal advice. Invite clients to discuss fees at the beginning, and avoid possible misunderstandings about what legal services will cost.

**KEEP CLIENTS INFORMED**—Failure to keep a client informed of his case's status is a major client complaint. Regular status reports will avoid many complaints, and save time answering client inquiries.

**DON'T LET A CLIENT LEAVE DISSATISFIED**—Many grievances arise from misunderstandings about fees, billing, lack of awareness about a particular legal service. Most of these grievances can be avoided if you take time to explain your procedures. An aggrieved client—right or wrong—is apt to be talkative, and he can damage your reputation and that of the bar.

From "BRIEFS"  
Orange County Bar  
Association

## Florida Adoption Act

Important changes in the adoption procedure became effective October 1, 1973.

Among the major revisions is that this act requires the Division of Family

Services to be given 30 day notice of proposed adoptive placement of all children not placed by licensed Child Placing Agencies.

The Division of Family Services is required to do a preliminary evaluation on adoptive homes in addition to the usual 90 days supervision.

A favorable recommendation from the Division of Family Services *must* be attached to the petition for adoption. To meet this requirement, the intermediary, (an attorney or physician licensed to practice in Florida) must file "Notice of Intent to Place Minor for Adoption." The following must be attached to the notice:

1. Preliminary Information on Prospective Adoptive Parents (DFS-S-2042)
2. Physician's Report on Adoptive Applicants (DFS-A-213)
3. Background Information on Prospective Adoptive Child (DFS-S-2043)
4. Physician's Report on Child (DFS-CS-202)

If the adoption is a relative or stepparent adoption "A Request for Waiver of 30 Day Notice of Intent to Place Minor for Adoption with Relative or Stepparent" may be requested. In this case, the approved waiver must be attached to the petition. The physician's report and background forms on relative adoptions must be completed during the 90 day supervision period.

These forms are available at the local office of the Division of Family Services.

For complete information on all changes, see chapter 73-159, 1973 Laws.

## Boss of the Year

Donald W. Eakin was elected Boss of the Year by the Broward County Legal Secretaries Association. The presentation was made by Judge James B. Balsiger, Boss of the Year, 1972, at a dinner honoring all Legal Executives on November 27, 1973, at the Tennis Club, Fort Lauderdale, Florida.

## Attention! Criminal Defense Lawyers and Public Defenders

The First regional institute of the National College of Criminal Defense Lawyers and Public Defenders is slated for January 4-6, 1974, in Richmond, Virginia.

The institute will focus on tactics and techniques for the experienced defense lawyer with emphasis on the use, strengths and weakness of scientific criminal evidence from a defense point of view. The institute will be held in conjunction with the T. C. Williams School of Law on the University of Richmond campus.

The College has made arrangements with a local hotel to provide lodging for all participants at a discount rate. A \$50.00 registration fee is required. A limited number of scholarships are available.

Application forms are available upon request by mail from the National Defense College, Bates College of Law, University of Houston, Houston, Texas 77004 or by telephone (713) 749-3520.

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## Attorney General's Opinion

"Section 83.59, supra (added by Chapter 73-330, Laws of Florida), makes clear that a simple eviction proceeding in which no claim for delinquent rent is made is to be tried *in the county court only*. It expressly provides that

"(2) A land lord applying for the removal of a tenant *shall* file a complaint describing the dwelling unit and stating the facts that authorize its recovery *in the county court* of the county where the premises are situated. The landlord is entitled to the summary procedure provided in Section 51.011, and the court may advance the cause on the calendar."  
(e.s.)

"As noted above, such a statute is well within the constitutional authority of the Legislature to enact under Section 6(b) of revised Article V, supra; and, insofar as it is in irreconcilable repugnance with Section 34.011, supra, it will be controlling, as the latest expression of the legislative intent. *Tamiami Trail Tours v. Lee*, 194 So. 305 (Fla. 1940)."

For full information, see complete opinion.

ROBERT L. SHEVIN  
*Attorney General*

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## Recession in 1974?

By DONALD H. BAXTER  
*The Robinson Humphrey Co. Inc.*

How is the U.S. economy doing right now, and how will it perform in 1974? While these questions are never easy to answer, some attempt must be made if we are going to effectively manage our business affairs.

The U.S. economy is near the zenith of a three year expansion in economic activity, while business capital expenditures are near the nadir of a seven year cycle. In order to continue growing, our economy must complete the transition begun in the 4th quarter of 1972 from a consumer dominated to a business led expansion in spite of inflation in the 5 per cent range.

The reasoning behind the above proposition is quite simple. Our economy is currently being throttled by bottlenecks which are arising out of shortages of raw materials and basic commodities. These shortages are due to undercapacity in the basic industries.

Federal Reserve Board figures show that output capacity utilization by producers of industrial materials has risen from 85.7 per cent on the 4th quarter of 1970 to over 96 per cent at the end of this year's third quarter. These figures indicate that we are producing as much metal, fibers, paper, cement, petroleum etc. as we can, but that current production is insufficient. This situation is the outgrowth of a profitability trend which began developing about eight years ago. Since the mid-60's, most corporate profit growth has taken place in consumer oriented fields rather than in raw materials. Because the basic indus-

tries were experiencing a severe profit squeeze, they minimized their expenditures for plant and equipment. By 1972 capital expenditures, adjusted for inflation were 13 per cent below 1966 levels (while gross national product had risen over 20 per cent) leaving the economy undercapitalized relative to the needs of a rapidly growing demand for goods and services.

The most severe shortage facing the world today is, of course, the petroleum shortage brought about by the drastic reduction of Arab crude shipments. While continuation of the Arab embargo would crimp U.S. expansion directly, the real impact will be felt on a world-trade level. Japan and the common market countries are heavily dependent upon mid-east crude for the continuation of their day-to-day productive activity. If they are unable to buy U.S. goods due to slack in their own economy, the currently favorable trend in our balance of payments will take a drastic turn for the worse.

If the petroleum situation remains as it is for an extended period of time, there is little doubt that the world is heading for a period of economic difficulty. However, intense negotiations are currently under way which should resolve the mid-east difficulties, at least for the time being. It seems logical that trade relationships favorable to everyone will be resumed in the near future. Given this assumption, the U.S. economy will probably experience a "growth recession" rather than a drastic drop in GNP. A growth recession is simply negative growth in *real* GNP (real GNP is GNP less inflation).

Corporate profits will probably decline on the order of 5 per cent during 1974, with a severe decline parried by our improved competitive position abroad after currency adjustments. In a nutshell then, 1974 should be a year during which the U.S. regroups for what may be a period of sustained expansion.

## Change of Address

The Broward County Bar Association office has been moved to

735 N.E. Third Avenue  
Fort Lauderdale, Florida 33304

The telephone numbers are as follows:  
Broward Co. Bar Association 764-8040  
Legal Aid 764-8110  
Lawyer Referral Service 764-8310

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many share the toil"

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