

The BROWARD BARRISTER

JULY, 1978

Volume 7

Number 7

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

Executive Offices: 733 Northeast Third Avenue, 508/764-8040, Fort Lauderdale, Florida 33304

GENERAL MEETING Thursday, July 20, 1978

— P I E R 6 6 —
Suite 66

2301 S.E. 17th Street Causeway
Fort Lauderdale, Florida

Cocktails: 6:30 P.M.

Dinner: 7:15 P.M.

Price: \$15.00

TOPIC:—

CONTROL OF THE COURTS: A PROVINCE OF THE BENCH OR THE BAR?

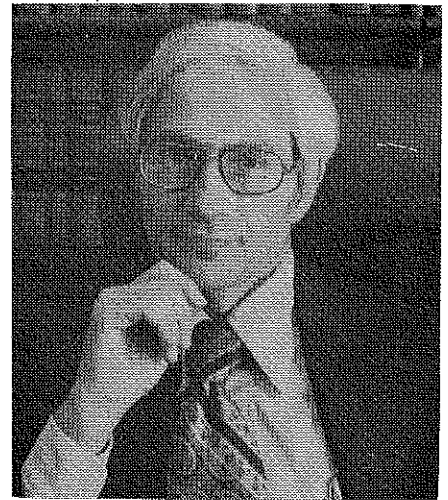
Chief Justice Arthur J. England, Jr., was born in Dayton, Ohio. He grew up in Cleveland, Ohio and attended high school in Shaker Heights, Ohio. He attended and graduated with honors from the Wharton School of Finance and Commerce of the University of Pennsylvania, the University of Pennsylvania Law School (LL.B. magna cum laude, Order of the Coif, and Law Review), and the University of Miami Law School (LL.M. taxation).

He is a graduate of New York University's Appellate Judges Seminar (1976) and the National College of the State Judiciary (1977). He is Florida's representative member on the National Center for State Courts. He has served as chairman of the Florida Supreme Court's Judicial Education Committee (1976-77) and Advisory Committee on Appellate Rules (1976-77).

Justice England was admitted to the bars of New York and Florida in 1961. He practiced tax and corporate law in New York (1961-64) and in Florida (1964-70, 1973-74). In 1971 and 1972, Justice England served as special tax counsel to the Florida House of Representatives, and in 1972 and 1973, he served as consumer advisor and special counsel to the Governor of Florida. He served as draftsman for a number of laws enacted by the Florida Legislature, including the Florida Corporate Income Tax Code (1971) and the Florida Deceptive and Unfair Trade Practice Law (1973). As reported to the Florida Law Revision Council, he drafted Florida's Administrative Procedure Act (1974). Justice England was elected to the Supreme Court on September 10, 1974 and took office on January 7, 1975. On March 27, 1978, he was elected by the members of the Court to serve as their Chief Justice for a two year term commencing July 1, 1978.

Justice England serves as an adjunct professor of law at Florida State University's College of Law (1971 and 1978), and he has taught for the Florida Bankers Association and for the continuing legal education program of The Florida Bar. He has authored numerous works, including "Corporate Income Taxation in Florida; Background, Scope and Analysis", Fla. State Univ. Law Review (April 1972), and "Consumer Affairs in Florida: A Report to Governor Reubin O'D. Askew" in 4 volumes (1973), "Quantity Discounts in Appellate Justice", 60 Judicature 442 (April 1977) and a survey of Florida administrative law which appears in 31 Univ. Miami Law Review 749 (1977).

▶ Please use enclosed card for reservations — return by July 18, 1978 ◀



CHIEF JUSTICE ARTHUR ENGLAND

YOUNG LAWYERS SECTION MEETING

Thursday, July 27, 1978

— 12:00 Noon —

The Swiss Chalet Restaurant
321 West Broward Boulevard
Fort Lauderdale, Florida

Members YLS \$5.00
Non-Members YLS \$6.00

Program: —

**Legislative Update — Tom Gustafson,
State Representative**

Reservations and checks should be sent to:—
James B. Davis
Post Office Box 9027
Fort Lauderdale, Florida 33310
565-0501

OPERATION: UPDATE/TRANSITION

Programs will resume September 20,
1978

PRESIDENT'S MESSAGE

THE PRIMARIES ARE COMING!

The date is September 12, 1978!

Qualifying is July 11 through July 25,
1978!

Would you believe that just a few short years ago a majority of the members of the House of Representatives and the Senate of the State of Florida were lawyers. The same was true of the School Boards, the County Commis-

sions, the City Commissions, the City Councils, etc. What has happened?

Their numbers, or better yet our numbers, have been eroded. If the trend continues what little voice we have left will be silenced. Did you know that the next largest group in the House of Representatives is made up of insurance agents?

And what has happened in the House of Representatives and the Senate has happened in local government. We have one lawyer out of seven members on the County Commission and he is expected to run for another office and will be forced to resign. The School Board is composed of six women and one man. One of the women is an attorney. The

(Continued on Page 2)

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

OFFICERS

Paul B. Anton *President*
 Maurice O. Rhinehardt ... *Pres.-Elect*
 Harry G. Carratt *Secretary*
 Russell E. Carlisle *Treasurer*
 Norma Howard ... *Executive Director*

Broward County Legal Secretaries Association

Broward County Legal Secretaries Association has adopted a new Chapter Project, collecting Hearing Aids for the Broward County Hearing and Speech Association, Inc., a United Way Agency. "The Hearing Aid Bank" program is for the needy senior citizens trying to live on monthly Social Security Income. When someone donates a hearing aid to the Association, they will receive a letter from them, for income tax purposes, stating the donation and value of the Aid donated. Donations received by: Mrs. Lucy Bernat, Chairman, 2130 N.E. 36th Street, #68, Lighthouse Point, Florida 33064.

(Continued from Page 1)

one man is an attorney who is completing the term of a non-lawyer who was forced to resign because of a conflict of interest and he is not expected to run for re-election.

The same holds true for the City Commissions and the City Councils throughout Broward County. What are we going to do? Are we going to get with it? I hope so.

The opportunity is there! The need is there! Candidly, the rewards are there! Let us stop complaining about what has happened to our profession. Let us take off our coats and roll up our sleeves. Let us find qualified attorneys as candidates for legislative offices, for the School Board, for the County Commission, for the City Commissions, and let us support their efforts to hold public office.

I submit it is important to our profession. And even more so, it is important to our society.

Paul B. Anton

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Convention Report of the Board of Governors

At a Special Meeting of the Board of Governors held during the Convention,

two subjects were discussed:

1. Lawyer-Legislator Lee Moffitt of Tampa urged each member of the Board to encourage attorneys to qualify for seats in the Florida Legislature. (Filing to be in July). He emphasized that the depreciation in individual rights which we are witnessing is directly tied to the decreasing number of lawyers in the legislature. He stressed that the protection of these rights can only come from within the legislature; and that "from within" means a turn-around in the number of lawyers willing to make the sacrifice to serve.

We urge you to give this your immediate attention to call Bill Wiley at The Florida Bar 1-800-342-8060 NOW for more information.

2. The Board gave its approval to the changes required in the Charter of The Florida Bar Foundation to implement the decision of the Supreme Court of Florida, permitting interest on lawyers' trust accounts to be paid to the Foundation.

Chief Justice England attended the meeting and later addressed the entire convention on the importance of this concept and the ease with which the arrangements can be made with your bank. The interest paid to the Foundation should greatly assist the administration of justice.

NOTICE OF BAR GROUPS MEETINGS

Date	Organization	Location	Time
July 5, 1978	BCTLA	The Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, Fla.	6:30 P.M.
July 11, 1978	North Broward Bar	Harris Imperial House 50 N. A1A Highway Pompano Beach, Fla.	12:00 Noon
July 12, 1978	Broward County Chapter Federal Bar	The Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, Fla.	6:00 P.M.
July 13, 1978	South Broward Bar	Round Table 1931 E. Hallandale Beach Blvd. Hallandale, Fla.	6:30 P.M.
July 26, 1978	Broward County Legal Secretaries Association	(To be announced)	6:30 P.M.
July 28, 1978	Christian Lawyers Association	Williamsons Restaurant 1401 S. Federal Hwy. Ft. Lauderdale, Fla.	12:15 P.M.

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Don Norman, retiring Board member, did a superlative job as Chairman of the Convention. Board activities included (1) the annual dinner for past, present and incoming members, and (2) the annual lunch to roast the outgoing Board members.

The two main issues decided by the general assembly were (1) to increase the annual dues and (2) to maintain the present composition of the Board, subject to the on-going study by the Reapportionment Committee of those areas delineated by the Supreme Court in its February decision, not the least of which is the question of participation by the non-resident members.

The Board next meets on July 6, 7 and 8 in Homasassa Springs. Each of the bi-monthly meetings is for three days.

William F. Leonard
O. Edgar Williams, Jr.
Hugh S. Glickstein

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JUDICIAL POLLS

On August 1, 1978, Broward County Bar Association will be mailing each attorney in Broward County the 1978 Judicial Poll. Since this is an election year, this poll will be particularly significant and we urge you to fill out and return the questionnaire as quickly as possible.

If you will be out of town during the month of August, try to arrange to have the questionnaire forwarded to you so that you can return it before the August 25 deadline.

A large response to the Poll will insure its fairness and accuracy and quiet the criticism that has been voiced in the past.

Terrence J. Russell
Chairman, Judicial Selection &
Tenure Committee

ABA LAW POLL SURVEY

A survey of lawyers shows there is a high degree of acceptance for Chief Justice Warren Burger's assertion that between one third and one half of the nation's attorneys are not qualified for trial advocacy.

Although Burger's remarks concerning trial competency touched off a furor at the American Bar Association's mid-year meeting in New Orleans last February, the latest LawPoll discloses that 41 percent of the lawyers surveyed are in agreement.

The Survey, conducted for the ABA Journal by Kane, Parsons and Associates, a New York public opinion research firm, appears in the June issue, published this week.

While 51 percent of the 599 polled in a telephone interview disagreed with Burger's remarks, a majority of lawyers with incomes of \$50,000 or more and those working in larger firms supported the chief justice. Disagreement, on the other hand, appeared strongest in smaller cities and in middle sized firms.

Fifty-one percent of those whose incomes are in excess of \$50,000 and 53 percent of those in larger firms agreed with Burger.

There was even greater support for Burger's statement that a specialty certification should be required for trial advocacy and only those certified should be allowed to appear in court.

Some 60 percent agreed with those proposals, while only 33 percent said no. The remaining 7 percent were not sure. Again, for lawyers making more than \$50,000 and working for large firms, those in agreement exceeded 60 percent.

To cope with the problem of competency, LawPoll found that lawyers thought special training in law school

or an immediate period of apprenticeship following admission to the bar was the best way to solve the problem.

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DUES, DUES, DUES

Annual dues for BCBA are due—
If you have not paid your dues, —
your prompt attention to this matter will be greatly appreciated.

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Report of Corporation, Banking and Business Law Section

Under the Chairmanship of Lee W. Harvath, Jr. in 1977-78, the Corporation, Banking and Business Law Section of the Broward Bar obtained Florida Designation Plan credit approval for regular meetings of the Section. While approval is conditional on the maintenance of the quality of the programs, all section programs since October, 1977 have been given 1 hour of designated course credit for either Corporation and Business Law or Registered General Practice. In addition, the Section was given 4 hours of designated course credit in either Corporation and Business Law, Tax or Registered General Practice for its seminar held on December 1, 1977 at the Nova Law School.

The monthly programs, held in the private dining room at the Tower Club, included a panel program with members of the Section and local CPA's participating in a discussion of the application of the American Bar Association's Statement of Policy regarding Lawyers' Responses to Auditors' Request for Information; a program on the new Copyright Law; and a program on the proposed revision of the Bankruptcy Act.

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The December Seminar included talks by Wilson B. Groaton, Jr., Esq., Mr. James C. Cox, Vice President, First National Bank of Broward County, Laz L. Schneider, Esq., Hyman Indowsky, CPA, and Frank B. Brogan, Jr., Esq.

This year, the Section intends to continue the successful format of the past, including a Section meeting every other month at the Tower Club with a presentation of developments in a substantive legal area by one of the divisions, together with regular Section business and reports. Another seminar, with a format to be decided upon at the next Section meeting, will be presented. One of the goals of the Section is to enable members to obtain sufficient Florida Designation Plan credits for the maintenance of either the Corporation and Business Law or the Registered General Practice designation by attending only Section sponsored meetings and seminars.

Your attendance at Section meetings is encouraged and your participation in the program is most welcome. Any member of the Section having a matter of interest to members of the Section should call and be placed on the agenda. Any significant development in an area of law of interest to members of the Corporation, Banking and Business Section, whether a recent case, administrative development or statutory revision, is an appropriate matter for presentation at a meeting. You should not assume that the rest of us know of developments within your area of expertise. Section meetings, with your active participation, should make us all better lawyers.

The next Section meeting (date to be announced) will include a presentation on the recently enacted revision of the Florida Sale of Securities Statute.

Laz L. Schneider, Chairman

WELCOME, NEW MEMBERS

RANDOLPH WAYNE ADAMS, a native of Little Rock, Arkansas, received his undergraduate degree from Southwestern University and his law degree from Vanderbilt University. He is associated with the law firm of Grimmett, Scherer & James, Fort Lauderdale.

BETTY CHOLST, a native of New York, received her undergraduate degree from Adelphi University and her law degree from New York University. She is associated with the law firm of Houston, Cooper & Easthope, Fort Lauderdale.

JAMES I. COHN, a native of Montgomery, Alabama, received his undergraduate degree from the University of Alabama and his law degree from the Cumberland School of Law. He is associated with the law firm of Widoff, Marino & Smith, Fort Lauderdale.

KENNETH YALE GORDON, a native of Middletown, Connecticut, received his undergraduate degree from the University of Hartford and his law degree from the University of Toledo. He is associated with the law

firm of Hulmes, Dreiling & Gordon, Hollywood.

MICHAEL JOEL HITTLEMAN, a native of New York, received his undergraduate degree and his law degree from the University of Florida. He is associated with the Public Defenders' Office.

DAVID R. MACKENZIE, a native of Chicago, Illinois, received his undergraduate degree from the University of Dubuque and his law degree from DePaul College of Law. He is associated with the law firm of Graham, Hodge, Swan & Larson, Fort Lauderdale.

MICHAEL C. MEISLER, a native of New York, received his undergraduate degree from the University of Rhode Island and his law degree from the Vermont Law School. He is associated with the law firm of Deutsch & Shnider, Margate.

LAWRENCE J. MILLER, a native of Newark, New Jersey, received his undergraduate degree from Lehigh University and his law degree from Emory University. He is associated with the law firm of Capp, Reinstein & Kopelowitz, Fort Lauderdale.

MICHAEL H. OLENICK, a native of the Panama Canal Zone, received his undergraduate degree from LaFayette College and his law degree from Nova University. He is associated with the State Attorney's Office, Fort Lauderdale.

DONALD A. ORLOVSKY, a native of East Orange, New Jersey, received his undergraduate degree from Cornell University and his law degree from Rutgers University. He is associated with the law firm of McCune, Hassen, Crum, Ferris & Gardner, Fort Lauderdale.

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