

The BROWARD BARRISTER

MAY, 1979

Volume 8

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PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

Executive Offices: 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

ANNUAL MEETING AND DINNER-DANCE

FRIDAY, MAY 18, 1979

PIER 66 — SUITE 66
2301 S.E. 17th Street Causeway
Fort Lauderdale, Florida

Cocktails: 6:30 P.M. — Dinner: 7:15 P.M.

Price — \$15.00 per person

Dress: Semi Formal

SPOUSES INVITED

SPOUSES INVITED

SPOUSES INVITED

Music: Steve Abbey Trio

Installation of Officers of

Broward County Bar Association

Young Lawyers Section

Criminal Defense Lawyers Association

Presentation of Awards

The Criminal Defense Lawyers Association will join with The Broward County Association for its installation ceremony and for a social evening.

PLEASE USE THE ENCLOSED CARD FOR RESERVATIONS. PREPAID RESERVATIONS WILL BE APPRECIATED.

YOUNG LAWYERS SECTION

Thursday, May 24, 1979

— 12:00 Noon —

HEILMAN'S RESTAURANT

1701 East Sunrise Boulevard
Fort Lauderdale, Florida

Lunch: \$5.00 Members
\$6.00 Non-Members

Program: Annual Meeting Honoring
the Judiciary

Reservations should be made with:
James B. Davis
Post Office Box 9027
Fort Lauderdale, Florida 33310

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Corporation, Banking & Business Law Section Meeting

Thursday, May 17, 1979

— 4:30 P.M. —

TOWER CLUB

One Financial Plaza
Fort Lauderdale, Florida

PROGRAM:

The New Bankruptcy Act: How Will
Your Documents Hold Up?

SPEAKER: Marshall Cooper

Refreshments: Wine and Cheese

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YOUNG LAWYERS SECTION

Tennis and Softball Tournament

June 2, 1979

George English Park

9:00 A.M. — Tennis

12:00 Noon — Softball

Entries and inquiries should be made
with:

Bruce A. Weihe — 764-6510

Jesse S. Faerber — 566-0600

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PRESIDENT'S MESSAGE

This is the last time I will be able to address you as President of our Broward County Bar Association. I want to take this opportunity to extend my thanks and grateful appreciation to our Executive Director, Norma, and to all of her staff; also to Okie Rhinehardt, our President-Elect and to all of the other members of the Executive Committee and the Chairmen and members of our Standing

and Special Committees who have worked so hard this past year.

I want to give special thanks to George Naze, who has left us, and the entire Public Relations Committee who handled our Public Forums for our Association in cooperation with the Fort Lauderdale Daily News and also for the time and attention he spent in trying to improve the liaison between the Bar and the Press; Jim Davis, for his fine work in handling the Bar Foundation work; Zale Bernstein and Allan Meyer who worked so hard and so long to resolve our problems with the Internal Revenue Service, my partner, Bob Kasky, for his yeoman service in heading our CLE Program, Terry Russell for assuming the responsibility of handling the Judicial Poll. There are many others too numerous to name whom I thank for their fine cooperation and contributions to our Bar Association.

I would like to extend my heartiest congratulations to Harry Carratt who will become our President-Elect. It is an honor justly deserved for all of the hundreds, if not thousands, of hours he devoted to the Bar in selfless service.

Finally, I want to thank each and ev-

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*

ery member of our Association for giving me the opportunity to serve. I am very grateful and I promise that I will continue to work with our officers and our Executive Committee as long as they give me the opportunity to do so.

Paul Anton

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**Report of the Members
 of
 The Board of Governors
 Of The Florida Bar**

The Board of Governors of the Florida Bar met March 15 through 17 at Clearwater Beach, Florida.

Thursday morning was spent in executive session during which disciplinary actions and client security fund matters were considered.

On Thursday afternoon, Justice Ben Overton of the Florida Supreme Court spoke to the Board and discussed the problems of easing the caseload in the various District Courts of Appeal and the Supreme Court, which is now under consideration by the Supreme Court. He revealed statistics which show that the average number of cases handled by each court in 1968 was 791.5 and in 1978, 2341.5. The average caseload for each judge rose from 158.2 in 1968 to 341.5 in 1978. Justice Overton indicated that the goal would be to bring the caseload down to 250 cases per judge. Among the measures being considered are the revision of boundary lines of the present District Courts of Appeal and the creation of a new District Court of Appeal, both of which actions would now be permitted by the Supreme Court under Section 9, Article V, of the Florida Constitution without the necessity of further legislation or constitutional amendment.

One of the matters being considered is the question of realigning the workmen's compensation cases in the District Courts of Appeal. He felt that the creation of a separate state-wide court for workmen's compensation would be impractical and it would be more practical to simply assimilate these cases among the various District Courts of Appeal so that the same could be handled in the areas where they arise. He

cited, for example, that 60 percent of all workmen's compensation cases originate in the lower east coast.

The Board further approved a number of prepaid legal services plans which were presented and passed an amendment to the by-laws to enlarge the definition of group legal services to permit programs assisting the general public in obtaining a lawyer under procedures similar to those currently in use by the Lawyers Title Guaranty Fund.

The Board received a report from the chairman of the Dues Structure Committee, Dave Shear, which recommended a continuing study of the possibility of establishing classifications of membership and revision of the dues structure there-to.

On Friday, March 16, 1979, the entire day was spent on the legislative agenda.

After an overview given by Bill Sherman, Terrell Sessums gave the following as the schedule of proposed increases in judicial salaries:

Supreme Court	\$57,500
District Courts of Appeal	53,500
Circuits Courts	49,500
County Courts (above 40,000) ...	45,500
County Courts (below 40,000)	32,000

The Board voted to endorse this recommendation and, further, to recommend a 7 percent increase effective July 1, a 7 percent increase the following year, and increases annually thereafter at the same percentage as other state employees are increased.

The Board voted to support the Workmen's Compensation Section's legislative program which was summarized at the meeting.

It was voted to allow the Family Law Section to go forward with legislation, (1) to allow an out-of-state resident to sue a Florida resident for divorce where the Florida resident has met the residence requirements, (2) on the parentage bill they are proposing, and (3) on a bill permitting an allowance of damages for personal injury to be considered in alimony awards. The Board voted against allowing the Section to proceed with legislation proposing to resurrect the validity of the common law marriage.

Approval was given for the employ-

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ment of legislative counsel by the Real Property and Probate Section and by the Administrative Law Section, the latter being without compensation.

The Automobile Insurance Committee was authorized to go forward with a bill to reinstate mandatory insurance coverage on a 15/30 basis, and with Senate Bill 190 which proposes to eliminate endorsements worded as releases on the back of all insurance company drafts for settlement proceeds.

The Board elected to oppose Senate Bill 14 which would award attorneys' fees to the prevailing party in any civil action, to oppose House Bill 156 which would require attorney's fees in condemnation cases to be set by juries, and to oppose Joint Resolution 241 making all proceedings of Judicial Nominating Com-

missions open to the public. It approved, however, legislation to allow attorneys' fees for collection efforts after judgment and to provide the prevailing party to be entitled to attorneys' fees in an action on any written instrument which calls for one party to get attorneys' fees.

Senate Bill 161, which provides for Bar dues of Government attorneys to be paid by the state, was approved, but Senate Bill 72, which would preclude court filing fees' being using in any part to finance county law libraries, was opposed.

It was decided, after long debate, to renew the contract of the Bar's legislative Counsel, Richard McFarlain, for the coming year at the rate of \$60 per hour, with the ceiling for fees and costs as set forth in the budget and with the provision for termination on reasonable no-

tice.

The proposed budget was accepted, which effected some changes of interest in the CLE program. It was reported that the CLE program has finally reached a break-even basis, and, in fact, the Bar is actually subsidizing the program, rather than making any income from it. Several of the Sections have disagreed with the Board's position that the Continuing Legal Education Program should not be revenue-producing. The Sections resent the loss of income to the Sections, since they feel that they are the ones that are actually putting the programs on and should obtain the income therefrom.

It was proposed and adopted in the budget that all future CLE programs have a base charge of \$35 (+ add-ons for lunch or other charges), that there would be no discount given to Section members, but that each Section can elect to charge an additional \$5 for non-members, which amount would go to the Section in addition to 10 percent of the base price, or \$3.50, making a total of \$8.50 on each registration to go directly to the Section. It was felt that this would be better than the cost accounting basis and would be out in the open so that all persons would know precisely what amount of income would be going to the Sections with the balance going purely for costs.

John Frost of the Young Lawyers Section related the concern of the Young Lawyers Section with the Devitt Committee's recommendation for complicated experience requirements for admission to the federal bar. The Board voted to advise the Federal Committee that no serious problem exists in this regard in the federal courts of the state of Florida.

The next meeting of the Board of Governors is scheduled for May 10 through 12 in Atlantic Beach, Florida. We would welcome any comments you may have or suggestions for matters which you

NOTICE OF BAR GROUP MEETINGS

Date	Organization	Location	Time
5/8/79	North Broward Bar Ass.	Flaming Pit Restaurant 1150 N. Federal Highway Pompano Beach, Fl	12:00 Noon
5/18/79	Federal Bar Association (For reservations, call Patrick Barry (462-3301)	Riverside Hotel 620 E. Las Olas Blvd. Ft. Lauderdale, Fl	12:00 Noon
5/8/79	Criminal Defense Lawyers Ass.	Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, Fl	6:30 P.M.
5/10/79	South Broward Bar Assn.	Emerald Hills County Club 4100 N. Hills Drive Hollywood, Fl	6:30 P.M.
6/6/79	Trial Lawyers Assn.	Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, Fl	5:00 P.M.
5/10/79	Broward County Legal Secretaries Assn. (Installation Meeting)	Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, Fl	6:30 P.M.
5/23/79	Broward County Legal Secretaries Assn. (Membership Meeting)	Stouffer's Anacapri 1901 N. Federal Highway Ft. Lauderdale, Fl	6:30 P.M.

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would like to have put on the agenda for that meeting.

O. EDGAR WILLIAMS, JR.
WILLIAM F. LEONARD
HUGH S. GLICKSTEIN

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SUMMER SOCIAL STUDIES PROGRAM

The Broward County School Board hopes to offer a special social studies program this summer for outstanding social studies students who have completed their junior year. The nomination of the students will be made to the Supervisor of Social Studies by the department chairperson. One student from each high school will be accepted. Students will be selected based on the following criteria:

1. Completion of the junior year and entering the senior year of high school in the fall.
2. Judged to be the most outstanding social studies student among those qualified.
3. Capable of self-direction.
4. Able and willing to supply own transportation.
5. Willingness of parents for student to participate in the six weeks program.

Students will be assigned to working professionals and will play an active part in this work. It is expected that the students will be with the professionals four days a week and in a seminar on the fifth day when special topics will be

discussed and a program analysis will be made. The students do not receive compensation for this program. Any law office or judicial office interested in participating in this program should send a letter to Broward County Bar Association, 735 N.E. Third Avenue, Fort Lauderdale, Florida 33304, no later than May 15, 1979.

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LETTER TO THE EDITOR

I read with interest Mr. Anton's discussion as to what should be done with all the new admittees, and also duly noted your apparent feelings that the profession is over-crowded.

Personally, I do not feel that the profession is over-crowded. In fact, many more attorneys are needed in order to create competition, provide better services, and lower legal expenses. For several years, I was employed by firms, and until recently, never had an office of my own. While I learned a great deal during these many years of working for someone else, the situations were such that I never enjoyed true independence, nor did I build up my own clientele. It is my strong recommendation that all new admittees consider the rewards of opening their own office, and enjoying the many benefits of being their own master. However, I am aware that many new attorneys probably had the same feelings as I did when first admitted. See *The Florida Bar Journal*, Vol. 45, No. 4, April 1971, page 202.

Unfortunately, greed does motivate many established practitioners. No one does enough *pro bono* work. And, to a certain extent, there is a reason for doing this. We simply run up our overhead, voluntarily, to the point where we cannot afford to charge reasonable fees. This fact is also emphasized by the article in the April 1979 *Broward Barrister* entitled: "Be Cautious In Rendering

Gratuitous Legal Advice." It winds up with the comment that we are to never do anything for nothing. This kind of attitude is unprofessional and unethical. This attitude is being promulgated by our own Broward County Bar Association, and is probably shared by many practitioners in this county. Shame on us!

In this same vein, I would like to register a complaint about something which seems to drive up overhead, and reduces our ability to delivery quality legal services at reasonable fees. That fact is the ridiculous and constant demand to pay exhorbitant amounts of money to belong to the "elite little exclusive club" called the practice of law. I sit here with the items included in my issue of the *Broward Barrister* dated April 1979. Enclosed therewith is a notice of seminar for Friday, April 27th on the topic of family law. My notice advises that the admission fee is \$25.00, which I cannot afford simply because I refuse to pass along such nonsense to my clients. Also included in the materials is a notice of general meeting of the Bar Association on April 19th, wherein I am advised that there will be a cash bar and dinner will cost me the nominal sum of \$15.00. The BCBA budget published in this issue of the *Broward Barrister* notes that we now have 1300 members paying annual dues of \$45.00 Why so much? All the BCBA ever does is try to sell us insurance and arrange for social events at exhorbitant prices.

Yes, I do favor getting in some new attorneys. It is high time we started worrying providing competent legal services at affordable prices, and stop worrying about parties and a closed shop where everyone is guaranteed a good living.

Very truly yours,

Don Lacy

DUES - - PLEASE

A STATEMENT FOR ANNUAL DUES HAS BEEN MAILED TO ALL MEMBERS. PROMPT PAYMENT WILL BE APPRECIATED.



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