

# The BROWARD BARRISTER

JUNE, 1980

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

## NO GENERAL MEETING IN JUNE

Next General Meeting in July

Date, Time and Place to be announced

### YOUNG LAWYERS SECTION MEETING

Thursday, June 26, 1980

12:00 Noon

**Bubba's Restaurant**  
1624 East Sunrise Boulevard  
Fort Lauderdale, Florida

Luncheon: \$6.00 — Members  
\$7.00 — Non-Members

Reservations and checks made payable to "Young Lawyers Section" should be sent to —

Robert J. McFann  
One Financial Plaza  
Suite 1500  
Fort Lauderdale, Florida 33394

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### THE FLORIDA BAR CONVENTION

June 18-21, 1980

**Boca Raton Hotel & Club**  
Boca Raton, Florida

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### ABA President-Elect Describes Peer-Review Plan For Lawyers

A peer-review system for lawyers that stresses rewards for excellence could improve the quality of work lawyers do, but still add only minimal cost for the public and the profession. This is the conclusion of the American Law Institute-American Bar Association (ALI-ABA) Committee on Continuing Professional Education, which spent three years studying peer-review and drafting a proposed system.

Wm. Reece Smith, Jr. of Tampa, President-Elect of the American Bar Association, surveys the ALI-ABA plan in

### ELECTION RESULTS

The new Officers and Executive Committee Members of Broward County Bar Association were installed at the Annual Meeting on May 30, 1980.

They are:—

#### Officers

Harry G. Carratt ..... President  
Russell E. Carlisle ..... President-Elect  
Hugh T. Maloney ..... Secretary-Treasurer

#### Executive Committee Members

North	Central	South
John Hume	Maurice Fixel	Thomas E. Byrd
Daniel D. Peschio, Jr.	William S. Spencer	James O. Murphy, Jr.
Peter A. Portley	Angeline G. Weir	Terrence Russell
		Dale R. Sanders
		Roger H. Staley
Maurice O. Rhinehardt, Past-President		
James B. Davis, President YLS		

#### Committee appointments will be published in the July Barrister

an article in the current edition of the *ABA Journal* titled, "Peer Review: Its Time Has Come."

The program, a model offering remedial assistance on a voluntary basis for individual lawyers, "is selective and emphasizes personal improvement," says Smith. It also affords all lawyers the opportunity to request peer review, "so that they would have the additional assurance that their practice was the very best," he says.

Smith cites "the assumption that there are serious deficiencies in professional performance," but says "serious questions have been raised as to the validity of the statistical data advanced to show lawyer failings." Critics of such data "object to the imposition of remedial regimens on the bar as a whole in an effort to cure the delinquencies of a few," he notes.

On another ground, there is question over the relative weights of the costs and benefits of remedial measures, he

adds. "This is a legitimate inquiry, because it is not the profession alone which bears the cost; ultimately, the cost in some form is passed on to the consumer or taxpayers," notes Smith.

Under the system proposed by the ALI-ABA committee, review could be instituted by any one of three means. Under referral review, a third party complaint about a lawyer's performance would be reported to a board, which would investigate and, if warranted, would offer to consult with the attorney. The lawyer could accept or ignore the board's offer.

With the second approach, disciplinary peer-review, two additional elements would be present — a substantial indication of incompetence threatening serious harm to clients and either refusal by the lawyer to accept remedial assistance or evidence a remedial program would be useless. The review board would report to a disciplinary agency, which could compel remedial training.

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

**OFFICERS**

Harry G. Carratt ..... *President*  
Russell E. Carlisle ..... *Pres.-Elect*  
Hugh T. Maloney ..... *Sec. - Treas.*  
Norma Howard .. *Executive Director*

Under the third approach, law practice peer-review, attorneys or firms could seek outside evaluation of their practices by the peer-review board, which would include such steps as interviews with their clients and legal peers. One incentive to make the request would be to authorize the lawyer or firm to publicize the board's report.

"This part of the system provides a substantial reward for self-referral: the right to inform the public that one's practice has undergone peer-review and that its quality has been authenticated," says Smith.

Smith says the plan may gain substantial support in the legal profession, because it is "well-balanced and largely voluntary."

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**PAST PRESIDENTS HONORED**

One hundred fifty members of the Association honored the past Presidents of the Broward County Bar Association at the April, 1980 dinner meeting.

J. B. Patterson, one of the early past Presidents, acted as Master of Ceremony for the occasion and, with the able assistance of Bill Leonard, told the members about the humorous stories regarding each of the honorees, including himself.

Everyone wholeheartedly enjoyed the remarks made by Messrs. Patterson and Leonard, and at the end of the meeting,

a standing ovation was given to the speakers and honorees.

As to one of the early past Presidents, J. B. Patterson, as he tells it, he was chosen President of the Broward County Bar Association at a local lounge, by the then members of the Association, some 3 others and himself. Since that time, there have been 32 Presidents of the Bar Association and it now exceeds 1300 members. The Broward County Bar Association owes a great debt of gratitude to the past Presidents for the service and leadership that have been shown over the past 40 years.

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**WELCOME NEW MEMBERS**

R. ANTHONY ANGEL, a native of Chicago, Illinois, received his undergraduate degree from Tulane University and his law degree from the University of Wisconsin. He is with the Public Defender's Office in the Broward County Courthouse.

BERNARD BERMAN, a native of Chicago, Illinois, received his undergraduate degree from Purdue University and his law degree from John Marshall Law School. He is associated with Barry G. Roderman in Fort Lauderdale.

MARC C. DARLING, a native of Bridgeport, Conn., received his undergraduate degree from the University of Florida and his law degree from Holland Law Center, University of Florida. He is associated with Byrd and Ferrell in Fort Lauderdale.

BRUCE M. HAYMAN, a native of Chicago, Illinois, received his undergraduate degree from the University of Illinois and his law degree from DePaul University. He is with the firm of Perlow and Hayman in Hallandale.

BARBARA S. KIPNIS, a native of Mississippi, received her undergraduate degree from the University of Florida and her law degree from the University of Miami. She is associated with Ruden, Barnett, McClosky, Schuster and Russell in Fort Lauderdale.

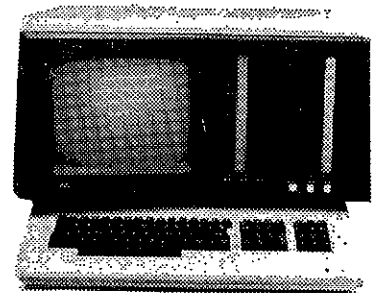
OSMUNDO O. MARTINEZ, JR., a native of Cuba, received his undergraduate degree from the University of Miami and his law degree from Villanova University School of Law. He is associated with Saunders, Curtis, Ginestra and Gore in Fort Lauderdale.

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# REPORT OF MEETING OF THE BOARD OF GOVERNORS OF THE FLORIDA BAR

May 8-9, 1980

A regular meeting of the Board of Governors of the Florida Bar was held at the Grenelefe Resort in central Florida on Thursday and Friday, May 8 and 9, 1980. The newly-elected members who were attending as visitors were Bill Trickle, Orlando; John McNatt, Jr., Jacksonville; Ed Moore, Pensacola; Sid Stubbs, West Palm Beach; and Toby Simon and Jerry Richman of Miami.

Thursday morning was spent in executive session for the handling of disciplinary matters and the rendition of several private reprimands.

The Thursday afternoon session commenced with a report from John Grimsley of the CLE Committee. He reported that the videotaping program had been a real success. It is planned to increase the use of this process for greater savings and greater coverage to more members of the Bar.

Earl Hadlow, Chairman of the Search Committee, gave a report on the efforts of that committee to find a replacement for the Executive Director, Marshall Cassidy. He reported that, after all considerations, Jack Harkness was determined to be the unanimous recommendation of the committee. After a thorough report, it was voted to engage the services of Jack Harkness and he then assumed the reins of Executive Director.

Chairman Barry Davidson reported that, at the request of the Court/Bar Specialization Regulation Committee, he had met with Justice Overton and discussed what changes in the proposed certification plans might be acceptable to the Supreme Court. It was voted to proceed with a petition for rehearing to seek the acceptance by the Court of the proposed certification plans with the changes suggested.

A designation appeal was considered by the Board from Stanley J. Bartell of Miami and the appeal was denied. A motion was made to abolish the designation plan, but, after a discussion, the motion failed. It was brought out that some 4600 attorneys are now participating in the plan and it was felt that it was premature to abolish the plan at this time, but that further trial of the plan should be made until we are ready with certification.

At the request of Chairman Don Beverly of the Professional Ethics Committee, a special committee was appointed to consider rules for appeals from ethics opinions.

Dan Bradley, Director of the Legal Services Corporation in Washington, D.C., gave a summary and history of the corporation, which makes grants to local non-profit corporations designed to provide legal services to low-income people. This was followed by a report from Sandy D'Alemberte regarding recommendations concerning the Furman Study for providing for the legal needs of the poor. He reported that the committee was basically against requiring mandatory "pro bono" services on the integrated Bar, or even mandatory reporting procedure, but that emphasis should be placed on encouraging voluntary participation in "pro bono" service programs. As incentives in this purpose, he recommended consideration of the following, and the Board voted to appoint committees to consider means of providing for the following:

1. Reduction in Bar dues.
2. Discount for CLE programs and publications.
3. Possible malpractice insurance provided at Bar expense to lawyers handling "pro bono" cases.
4. The publication of public service honors lists giving acclamation to those performing "pro bono" services.
5. A Government Lawyers Program to review government contracts of em-

ployment to allow lawyer employees to perform "pro bono" services where such contracts prohibit same.

Louis Adcock, Chairman of Prepaid Legal Services, stated that the Florida Bar Prepaid Legal Services Plan had a good reception, but the enrollment of attorneys to participate in the program had been somewhat slow. There were a total of 704 throughout the state who enrolled, including 72 from Broward County.

Bob Parks, Chairman of the Legislation Committee, reported on proposed legislation and action was taken as follows:

1. A bill to allow county court judges to run for other judgeships without resigning. The Board of Governors voted not to support this bill.

2. A bill in Congress (HR 5200) to permit a landlord to be brought before an administrative agency and fined rather than to be subjected to a court procedure. The Board voted not to support this bill.

Chairman Parks pointed out that his committee is considering a serious re-vamping of the legislative policy of the Board of Governors because of some recent experience. The feeling is that the policy should be that the Bar would have only one chief lobbyist and all lobbyists of any sections of the Bar should be under his absolute control. He pointed out that a public hearing on this proposal will be considered at The Florida Bar Convention at 3:00 p.m. on Thursday of the week of the convention in Boca Raton and that all interested attorneys or section members should be present at the meeting and make their views known.

Richard McFarlain reported that the Bar had totally cooperated with the special committee investigating "Sunset" of The Florida Bar.

A resolution was adopted to endorse the concept of splitting the United States Fifth Circuit Court of Appeals to estab-



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lish a new 11th Circuit.

John French of the Group Insurance Committee gave a report on the status of the Bar-sponsored plans and indicated that the committee was considering recommending hiring an insurance consultant to make recommendations regarding changes in the various plans. The committee is considering the alternatives of multi-employer group or the possibility of a 501-(C)-3 trust, which is essentially self-insurance.

The Board voted to petition the Supreme Court to amend the integration rule to clearly permit executive sessions by the Board of Governors for personnel matters and attorney-client matters in addition to disciplinary matters.

Russell Carlisle, president of The Florida Bar Foundation reported on the meetings which he held with the Internal Revenue Service in an effort to obtain exemptions for the interest earned on trust funds, which is proposed as a source of income to The Florida Bar Foundation.

It was voted to amend the Board policies to provide that the president and immediate past president shall be Florida Bar delegates to the American Bar Association. Also elected as delegates to the American Bar Association were past president, Bob Floyd, Harris Dittmar, Jerry Brown, and Jose Garcia Pedrosa. The recent changes in the rules of the American Bar Association now require that at least one of the delegates must

be under age 35, and Mr. Pedrosa was the recommendation of the Board of Governors of the Young Lawyers Section for that seat.

New members of the various Judicial Nominating Commissions were elected, including Gerald Mager as the new member of the Judicial Nominating Commission for the Circuit Court for the 17th Circuit.

A resolution was adopted commending Eunice Adams for her long service as secretary to the Board of Governors, and Mindy Byars was appointed as her replacement since Eunice has been forced to retire because of illness.

Bill Henry reviewed the Long-Range Planning Retreat recently held and said that he felt that the retreat was a success. He stated that there were 92 participants, consisting of approximately 80 percent lawyers and 20 percent non-lawyers, with a very wide cross-section being represented.

Although it was a very busy meeting, the Board was able to conclude its business on Friday evening and a Saturday session was avoided.

O. Edgar Williams, Jr.  
Hugh S. Glickstein  
Drake Batchelder

### NOTICE OF BAR GROUP MEETINGS

Date	Organization	Location	Time
7/8/80	North Broward Bar Assn.	Flaming Pit Restaurant 1150 N. Federal Hwy. Pompano Beach, FL	12 Noon

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