

The BROWARD BARRISTER

NOVEMBER

Volume 9

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

GENERAL MEETING THURSDAY, NOVEMBER 20, 1980

Pier 66 — Suite 66

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

Cocktails — 6:30 P.M.

Dinner — 7:30 P.M.

Price: \$15.00

Speaker: Alan C. Sundberg
Chief Justice, Supreme Court of Florida

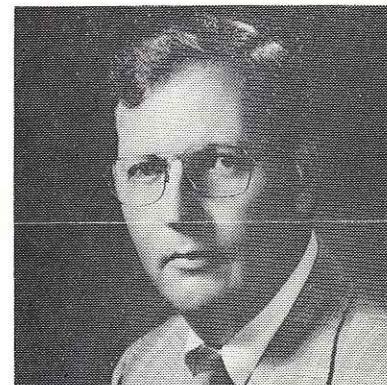
Topic: "Professional Responsibility and Pro Bono"

Justice Alan C. Sundberg is a native Floridian. He attended public school in Duval County, received a B.S. degree from Florida State University and an LL.B from Harvard Law School. He was admitted to The Florida Bar in 1958 and began the general practice of law in St. Petersburg, Florida the same year. He was appointed to the Florida Supreme Court in May, 1975.

He has served on the Board of Governors of The Florida Bar and numerous bar committees. He has also contributed many hours to civic organizations and has received many honors. He received an honorary degree of Doctor of Laws from Stetson University College of Law in 1977.

He began serving as Chief Justice on July 1, 1980.

Please call 764-8040 by noon, November 18, 1980, for reservations. RESERVATIONS NECESSARY. Deadline for reservations and cancellations, Tuesday, November 18, 1980. Reservations made and not cancelled in time must be paid if guarantee is not met and the Bar is charged for dinners.



NOTICE OF CHANGE IN MAILING PROCEDURES

Beginning with the November Barrister, there will be no reservation card enclosures. Increasing costs in printing, envelopes and time have made this necessary. IT WILL BE NECESSARY FOR YOU TO CALL designated numbers to make reservations for various functions. Please see "Calendar of Events for all notice of meetings. Your cooperation in this procedure is requested. NOTE: Young Lawyers Section Meeting Notice Page 6.

Notice To All Attorneys

Will you please check your files to determine if you are holding a will for William N. Little? If you have this will in your file, please call Norma Howard, 764-8040.

* * * * *

THANK YOU

The Broward County Bar Association would like to express its gratitude to the law firm of Saunders, Curtis, Ginestra and Gore for the contribution of Legal Prints for the Broward County Bar Association conference rooms.

Your Photograph Is Needed!!

All members of Broward County Bar Association have been noticed that photographs of all members will be needed for a proposed desk handbook. Allen Photographic Corporation has been designated as the photographer. Its photographer will begin this work about November 5, 1980. A secretary will call you to arrange an appointment. You are urged to cooperate.

Current pictures will be used in the pictorial roster that is to be prepared. Pictures made prior to June 1, 1980 will not be acceptable.

Membership Records

Broward County Bar Association membership records are being computerized at the present time and some of the records are incomplete. You will be called for this information, and your prompt response to the request will be greatly appreciated.

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The Florida Bar Code and Rules of Evidence Committee

The Florida Bar Code and Rules of Evidence Code Committee monitors the working of the Code of Evidence, makes

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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*

suggested changes to the Code, evaluates the operation of the Code and has wide contact with the bench and bar to determine how the Code is working.

Any attorney having any input with respect to the problems that have arisen or any anticipated problems with the Code in trials should contact—

Judge George A. Shahood,
Vice-Chairman
3550 Hollywood Blvd., Room 216
Hollywood, Florida 33021

★ ★ ★ ★ ★

**Nova Law Library
Announces
Services For Attorneys**

The Nova Law Library announces two new services for members of the bar. A telephone photocopy service and a telephone reference service are now available.

The photocopy service is designed to save attorneys' time and travel in order to obtain the research material they need. Now all attorneys associated with firms can call the Law Library and place their orders by telephone. The material will

be copied, billed and mailed to the firm. Orders can also be picked up at the Circulation Desk, if necessary. The cost of the service is 25 cents per page. Minimum mailing and billing charge is \$2.00 plus postage. To place a photocopy order call (305) 522-2300.

The expanded reference service offers attorneys "in person" and "telephone assistance" from professional law librarians. A reference desk is now staffed from 8:30 a.m. to 6:00 p.m. Monday through Friday. Experienced librarians will offer instruction in the use of the library and its research tools. For short, less involved questions, reference personnel can be reached by a direct telephone line. The phone number for reference assistance is ((305) 522-2300, Ext. 115.

The Nova Law Library is now located close to the business center of Fort Lauderdale at 3100 S.W. 9th Avenue. The collection includes over 88,000 volumes and the library subscribes to 550 legal journals. It is rich in tax materials, international legal documents, and practice tools. We hope these new services will encourage members of the bar to take advantage of our collection.

★ ★ ★ ★ ★

**Judge M. Daniel Futch
Elected Chairman**

Circuit Judge M. Daniel Futch of Broward County has been elected as chairman for the coming year of the Florida Conference of Circuit Judges. The 308 judge Conference met last week in Orlando to consider and make recommendations to the Attorney General, the Supreme Court and the Legislature for the betterment of the judicial system of the state and for the improvement of rules and methods of procedure and practice in the courts.

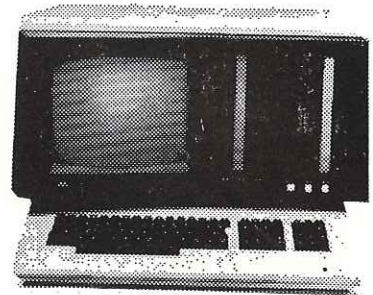
Judge Futch, who has been on the local bench for ten years, announced the appointment of Judge Arthur J. Franza as chairman of the Civil Justice Section, Judge Paul M. Marko III as chairman of the Probate Section, Judge Raymond J. Hare as vice-chairman of the Judicial Manpower Selection and Tenure Committee, and Judge Robert C. Abel, Jr., as vice-chairman of the Law Student Liaison Committee. Judges Franza and Marko will also serve on the Conference Executive Committee.

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LEGAL NEWS IN BRIEF

JAMES LINUS, formerly a partner of the firm of McCune, Hiassen, Crum, Ferris & Gardner, has resigned from that firm and become a member of the firm of Scott, Dickenson and Linus, 150 E. Palmetto Park Road, Boca Raton, Florida.

LYLE D. LIEBERMAN, Social Security Judge, has resigned his Federal appointment to open law offices in Social Security, Disability, Administrative and Governmental law at 303 S.W. 6th Street, Fort Lauderdale, Florida.

Death: **McCONNAUGHEY, ROBERT S.** — October 5, 1980, 2801 E. Oakland Park Boulevard office.

Next Meeting: December 19, 1980—
Pier 66 — United Federal S&L will host the Cocktail Hour.

New Members

ANTHONY J. BEISLER, III, a native of Mt. Vernon, New York, received his undergraduate degree from Ohio Dominion College and his law degree from South Texas College of Law. He is associated with Anthony J. Beisler in Fort Lauderdale.

DOUGLAS A. BLANKMAN, a native of New York City, received his undergraduate degree from the University of South Florida, his law degree from Nova University and his L.L.M. from the University of Florida. He is associated with Meyer, Nortman and Pearlman in Fort Lauderdale.

LIN BRETT-MAJOR, a native of Brooklyn, N.Y., received her undergraduate degree from the University of Michigan and her law degree from Nova University. She is a sole practitioner in Fort Lauderdale.

LINDA CHAMBLISS, a native of Miami, Florida, received her undergraduate degree from Florida Atlantic University, her law degree from Nova University and her L.L.M. from the University of Miami. She is associated with Copeland and Chambliss in Fort Lauderdale.

JERRIE S. COLISH, a native of Flint, Michigan, received his undergraduate degree from the University of Michigan and his law degree and L.L.M. from the University of Miami. He is associated with Michael M. Wallack in Fort Lauderdale.

RICK S. CULLEN, a native of Miami Beach, Fla., received his undergraduate degree from the University of Florida and his law degree from the

University of Houston. He is a sole practitioner in Hollywood.

GERALD M. CUNNINGHAM, a native of Philadelphia, Pa., received his undergraduate degree from St. Joseph's University and his law degree from Nova Law School. He is associated with R. H. "Bo" Hitchcock in Fort Lauderdale.

MICHELE K. CUMMINGS, a native of Tuscaloosa, Alabama, received her undergraduate degree from the University of Alabama and her law degree from Nova University. She is associated with Ernst G. Wintter & Associates in Hollywood.

ROBERT J. FRIEDMAN, a native of New York, received his undergraduate degree from New York University and his law degree from the University of Miami School of Law. He is a sole practitioner in Hallandale.

DALE H. GEISLER, a native of York, Pa., received his undergraduate degree from Florida State University and his law degree from Nova University. He is associated with Rogers, Morris & Ziegler in Fort Lauderdale.

CHARLES J. GOLDMAN, a native of Miami Beach, Fla., received his undergraduate degree from the University of Miami and his law degree from Cumberland University. He is associated with Gary L. Kurlwitz in Hallandale.

GEORGENE M. GORE, a native of Fort Lauderdale, Florida, received her undergraduate degree from the University of Miami and her law degree from Nova Law Center. She is associated with Saunders, Curtis, Ginestra and Gore in Fort Lauderdale.

GERALD W. GRITTER, a native of Grand Rapids, Michigan, received his undergraduate degree from Calvin College and his law degree from the University of Michigan. He is associated with English, McCaughan & O'Bryan in Fort Lauderdale.

BRADLEY S. HARTMAN, a native of New York City, received his undergraduate degree from the University of Florida and his law degree from the University of Florida Holland Law Center. He is associated with Litman, Muchnick & Wasserman in Hollywood.

JAMES M. HENDERSON, a native of Chicago, Illinois, received his undergraduate and law degrees from the law office of James M. Henderson & University of Miami. He is with the Associates.

JEFFREY ALLAN HIRSCH, a native of Chicago, Illinois, received his undergraduate and law degrees from the University of Florida. He is associated with Glass, Schultz, Weinstein and Moss in Fort Lauderdale.

BRUCE L. HOLLANDER, a native of Queens, N.Y., received his undergraduate degree from the University of Miami and his law degree from the University of Miami School of Law. He is associated with Garlick, Cohn, Darrow & Hollander in Hollywood.

M. DANIEL HUGHES, a native of Louisville, Kentucky, received his undergraduate degree from University of Georgia and his law degree from Nova Law School. He is associated with Chappell, Brandt & Gore in Fort Lauderdale.

MARC J. Kleiman, a native of New York City, received his undergraduate degree from the University of Connecticut and his law degree and L.L.M. from Boston University. He is associated with Mallin, Massey and Kleiman in Fort Lauderdale.

ALAN JAY KLUGER, a native of New York, received his undergraduate degree from Bryant College and his law degree from the University of Miami School of Law. He is associated with Fieldstone, Oliver, Kluger, Sumberg & Mondre in Miami.

STEPHEN A. LE CLAIR, a native of Boston, Mass., received his undergraduate degree from Boston College and his law degree from the University of Miami. He is with the law offices of Raymond V. Perosino in Fort Lauderdale.

LYLE D. LIEBERMAN, a native of Chicago, Ill., received his undergraduate degree from Northwestern University and his law degree from Northwestern University Law School. He is a sole practitioner in Fort Lauderdale.

WILLIAM NORTMAN, a native of New York City, received his undergraduate degree from Brooklyn College and his law degree from George Washington University. He is associated with Meyer, Nortman & Pearlman in Fort Lauderdale.

JEFFREY I. ORSECK, a native of New York City, received his undergraduate degree from School of Foreign Service of Georgetown and his law degree from Fordham University Law School. He is associated with Layne & Brill in Fort Lauderdale.

HOWARD L. POMERANTZ, a native of Englewood, New Jersey, received his undergraduate degree from the

University of Rochester and his law degree from Vanderbilt Law School. He is associated with Wicker, Smith, Blomqvist, Davant, Tutan, O'Hara and McCoy in Fort Lauderdale.

GENE F. REIBMAN, a native of New York City, received his undergraduate degree from the University of Miami and his law degree from American University. He is with Legal Aid Service of Broward County, Inc.

CAROLYN RUBIN, a native of St. Louis, Missouri, received her undergraduate degree from Maryland University and her law degree from Nova University. She is an Assistant Dean at Nova Law Center.

JON A. SALE, a native of Brooklyn, New York, received his undergraduate degree from the University of Pennsylvania and his law degree from New York University Law School. He is associated with Bierman, Sonnett, Beiley & Shohat in Miami.

ANDREW H. SCHUSTER, a native of Miami Beach, Florida, received his undergraduate and law degrees from the University of Florida. He is associated with Byrd and Ferrell in Fort Lauderdale.

MILTON P. SHAFRAN, a native of Brooklyn, N.Y., received his undergraduate from New York Institute of Technology and his law degree from Delaware Law School of Widener University. He is associated with Joel R. Lavender in Fort Lauderdale.

Mortgage Funding At Closing

by Welcom H. Watson, Jr.

Over the past three years most Mortgage lending institutions serving Broward County have adopted the practice of not funding mortgage loans at closing. Because of the gap period between the date of the most recent recording information and the closing date, it is not possible for an attorney to issue an opinion of first lien on the date of closing. This is obviously not a new problem and most institutions, previously managed the risk by observing a maximum funding limitation. The shift of policy was the result of a new regulatory response to the gap problem. Many institutions were instructed to either withhold funding until complete title update was possible or insure against loss during the gap. Fortunately, statutory changes have resulted in the trend now moving toward funding at closing. Many institutions have recently reinstated funding at closing or are preparing to do so. The problem faced by the practitioner is to

determine what is the present policy of a particular institution and how to best take advantage of that policy.

Many lenders have consistently maintained a policy of funding at closing or offering it as an option at closing. Some base their policy upon risk management and therefore continue to impose a ceiling on same day disbursement. Others require the purchase of some form of escrow disbursement insurance in order to immediately fund the loan. Some lenders and their attorneys have relied upon Florida Statute 627.7841 to overcome the gap problem. This statute provides for the insurance of the gap as part of the title insurance commitment. However, this provision is only applicable where the Mortgage relies upon a commitment to insure title. Therefore, if the lender's attorney only issues an opinion of title, this statute is not applicable. The logical answer would seem to be for the borrower's attorney to issue the lender a Mortgage title insurance commitment in lieu of delivery of an abstract.

Although this would insure the lender during the gap period, most institutions, for reasons of administration, do not change their general procedures in this situation. However, many lenders do disburse when the title policy is received and this, the borrower's attorney can control. Although the lender may not wish to rely upon Section 627.7841, the borrower's attorney may, and thereby substantially shorten the period of time loan proceeds are withheld. The attorney must obtain the Mortgage recording information as soon as possible, but fortunately most lenders and their attorneys are willing to cooperate. The requirements of the particular underwriter should, of course, be observed and this may require the execution of an additional affidavit at closing. If mortgagee title insurance is to be issued most

lenders require that the loan proceeds be distributed to the issuer of the insurance. This can result in substantial delay if the attorney is not present at closing.

The entry of Dade County-based institutions into the Broward lending market has exposed local attorneys to a procedure which is at first glance very confusing. In order to fund at the buyer-seller closing, these institutions hold the mortgage closing several days in advance. The mortgage documents are executed and recorded and the buyer-seller closing is scheduled after a title update establishes the mortgage's priority. This procedure does raise substantial title questions and the issuer of title insurance should consult T.N. 22.03.10. In most instances title questions are overcome by referring to the mortgage on the face of the deed, stating that the transfer is subject to the mortgage and identifying the mortgage by date and recording information. The lender or its attorney usually has a stamp for this purpose.

Although attorneys seldom have an effect on the lender's policy in any one insurance, they can significantly reduce its impact on their clients. Merely being informed avoids the friction caused by unfulfilled expectations. The effects of withholding funding can be extensive in the chain closing situation and can affect other parties. Knowledge of funding policies is therefore essential to the scheduling of such transactions. Where existing mortgages are being satisfied, the seller will be concerned as to the date these funds will be released and the transit time expected. On occasion special logistics may be arranged but such a request is more likely agreed to if made early. In the long run attorneys can effect a lender's policy and their influence is in part responsible for the trend back to funding at closing.

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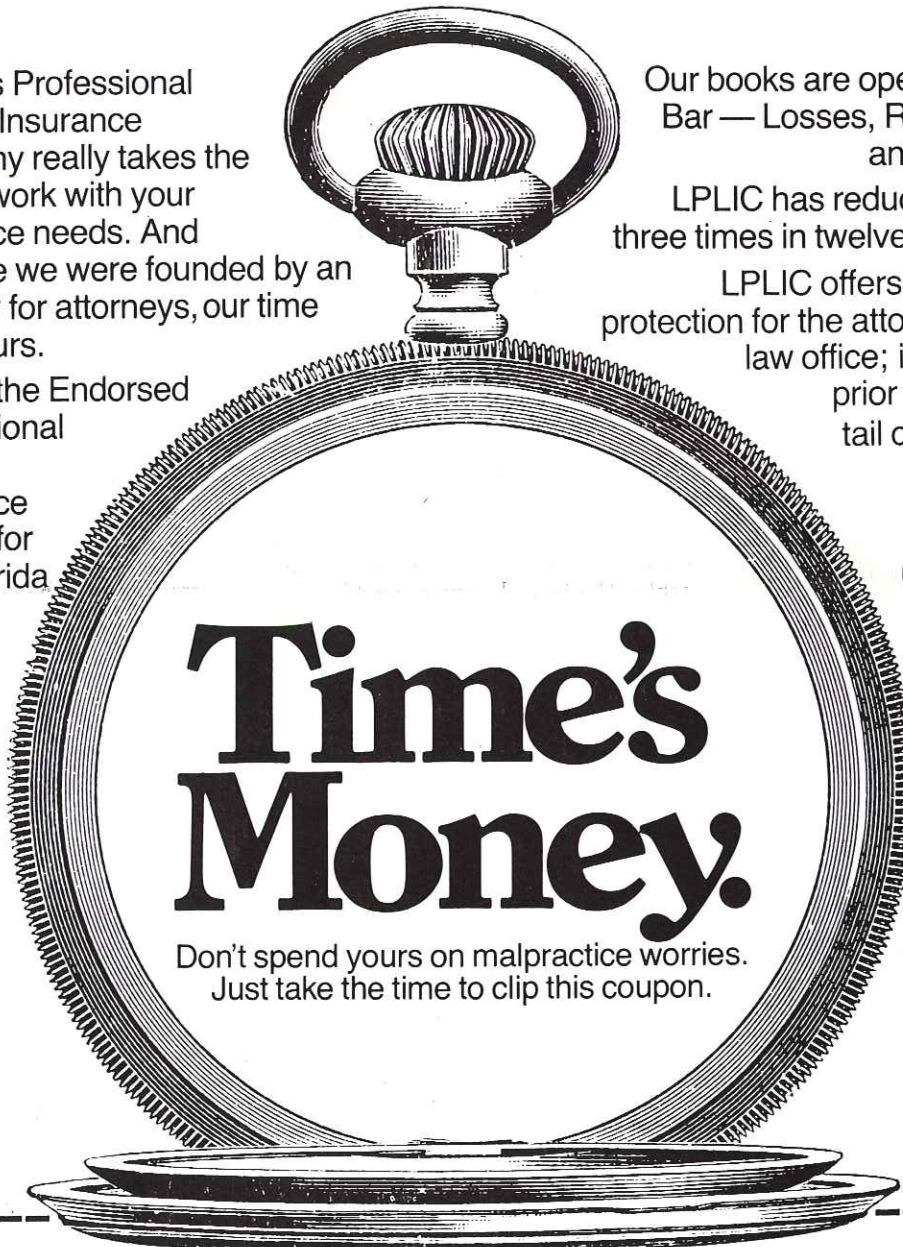
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CALENDAR OF EVENTS

Date	Groups	Time	Place	Topic	Speaker	For Reservations Call
11/20/80	CLE Family Law Seminar	8:30 A.M.	Ft. Lauderdale			764-8040
		1:00 P.M.	City Commission Room 100 N. Andrews Ave. Ft. Lauderdale			
11/20/80	BCBA	6:30 P.M.	Suite 66, Pier 66 2301 S.E. 17th Street Causeway Ft. Lauderdale		Justice Alan C. Sundberg	764-8040
11/25/80	Corporation, Banking & Bus. Law Section Meeting	4:30 P.M.	Tower Club 1 Financial Plaza Ft. Lauderdale	Florida's New Anti-Trust Law—An Overview—	Michael Nachwalter	764-3000 Keith Kanouse
12/4/80	Young Lawyers Section	12 noon	Bubba's 1624 E. Sunrise Blvd. Ft. Lauderdale	Drug Law Enforcement— How to Corral the Cocaine Cowboys —Capt. Nick Navarro		764-4646 Robert McFann
12/9/80	North Broward Bar Association	12 noon	Flaming Pit Rest. 1150 N. Federal Hwy. Pompano Beach			781-7600 Wm. Sullivan
12/11/80	Corporation Banking & Bus. Law Section Seminar	8:30 A.M.- 1:00 P.M.	City Commission Room Fort Lauderdale City Hall 100 N. Andrews Ave. Fort Lauderdale, Florida		Call 764-8040 for Registration Information	



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