

The BROWARD BARRISTER

DECEMBER 1982

Volume 11

Number 12

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

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



HAROLD HUGHES

HUGHES AND DUKE HIGHLIGHT JANUARY BANQUET

HAROLD E. HUGHES, the only two-time Democratic Governor of the State of Iowa, former United States Senator and one-time candidate for President of the United States, will be the featured speaker at the jointly sponsored Broward County Bar Association / Broward Christian Lawyers Association Banquet, scheduled for Saturday, January 15, 1983, at the Patricia Murphy's in Fort Lauderdale.

Still a close friend of many Washington notables, both Republican and Democrat, and now active in a national prison reform movement, Mr. Hughes will address the topic, "Washington and Hughes: Inside and Out".

As a special guest star and added attraction, Davis W. "Bill" Duke, Chairman of the Litigation Department of McCune, Hiaasen, Crum, Ferris and Gardner, P.A., has agreed to be the featured soloist for the event. Many Broward attorneys have faced Bill Duke in the courtroom, but no judge, jury, or fellow attorney can testify to having ever heard him "sing" in court. For various reasons, scores of local barristers, self-appointed



DAVIS W. DUKE, JR.

critics, and talent scouts have promised to attend to hear him "croon".

A frequent visitor of Florida Governor Bob Graham and other Democratic leaders around the United States and as President of "The Hughes Foundation", Harold Hughes is a well-known speaker. He has also tried his hand at acting and played himself in the feature motion picture, *Born Again*, documenting the life of Charles Colson through the Watergate era. The Hughes Foundation is active in its outreach to meet the needs of such diverse groups as native Americans (primarily American Indians), government and prison officials and prisoners. A recovered alcoholic and one-time truck driver, Hughes is noted for his "no holds barred" direct approach and is a popular speaker.

The price for the banquet will be \$17.50 per person. Spouses and guests are invited. Members of the general public will only be admitted if accompanying a registered member of the Broward County Bar Association. Local dignitaries are also invited. Persons wishing to reserve a table may do so by paying for their table in advance. Otherwise, seating will be on a first come, first served basis.



The Officers and Executive Committee
of Broward County Bar Association
Wish You "Happy Holidays".

FOR RESERVATIONS CALL BCBA AT
764-8040. RESERVATIONS AND PAY-
MENT MUST BE MADE NO LATER
THAN FRIDAY, JANUARY 7, 1983.

7:00 P.M. - 7:30 P.M. — Reception
7:30 P.M. Dinner

Free parking is offered by the hotel.

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Of The Seventeenth Judicial Circuit
In and For Broward County, Florida
On Tuesday, January 4, 1983
At 4:00 O'Clock P.M.

Bailey Concert Hall
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 Norma Howard *Exec. Dir.*
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**Confidentiality and Disclosure
 Of Patient Records**

On October 1, 1982, §395.017(4) (Supp. 1982) went into effect. The statute is of particular interest to hospitals and persons seeking the disclosure of a hospital's patient records. In short, §395.017(4) provides that before a hospital can disclose patient records, it must be presented with an authorization signed by the patient or a court order issued upon a proper motion and a showing of good cause.

Prior to the enactment of §395.017(4), a patient could authorize the release of his or her records to anyone. This has not changed under the act. A signed authorization is still sufficient to obtain patient records.

Until October 1, 1982, a subpoena was sufficient process to obtain hospital records under normal circumstances. Of course, there could be objections to the relevancy of the records depending on the nature of the litigation. And certain records, such as psychiatric admissions, and those of drug or alcohol programs have always enjoyed an extra measure of confidentiality under the law. However, it is our feeling that the new statute has dramatically altered this earlier practice. We have advised our hospital clients that a subpoena is no longer sufficient legal process to compel the disclosure of patient records. A *bona fide* court order is now necessary.

Our hospital clients will refuse to honor subpoenas that are not accompanied by a court order or a signed authorization. They will object in writing, and send carbon copies of their objections to the Clerk of the Court as well as to the attorney who subpoenaed the records. This procedure allows the hospital to object without the intervention of the hospital's attorneys.

The letter cites the new statute as the grounds for refusing to disclose the records. It also tells the attorney who issued the subpoena that the records custodian would prefer not to ap-

pear personally for a disposition, but invites the attorney to call the records custodian if he wishes to take testimony. If the attorney does this, the records custodian will appear personally but not disclose the records at the deposition.

We feel that the new statute is also applicable to trial subpoena. However, in the trial setting, we advise the records custodian to appear at the time and place designated on the face of the subpoena, and to take the records to the court. If the court orders disclosure or the records custodian is presented with an authorization at that time, the records are to be disclosed and left at that time, at the trial.

Our firm has also changed its procedure for obtaining hospital records. We now dispense altogether with the use of subpoenas. We simply file a Motion to Disclose Hospital Records and generally do not seek signed authorizations. It takes time to obtain these and we feel that the Motion to Disclose Hospital Records is the most efficient procedure. In most cases, we feel an agreed order can be obtained. In personal injury suits there is rarely a colorable argument against the relevancy of a plaintiff's medical history.

Frankly, we do not see the benefit of the statute. It cost the litigants more time and money and will undoubtedly take judicial time. Furthermore, we do not feel the statute provides any important additional protection to patient records. Relevant hospital records

will always be obtained, whether by court order or by subpoena. This statute will not, and we feel was not designed to, prevent obtaining relevant hospital records.

Naturally, we have not anticipated every nuance in the new statute. We may modify our procedures for both disclosing and obtaining hospital records as we gain experience with the practice under the new Act. But, it is hoped that the foregoing discussion will provide some guidance for litigants who find the need for hospital records in the prosecution or defense of their cases. And we would certainly welcome the advice of other attorneys who are faced with similar problems.

James S. Haliczzer
 For The Firm Of
 Conrad, Scherer & James

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PRESIDENT'S MESSAGE



"Davis W. Duke, Jr."

"FANTASIZE ALONG WITH . . ."

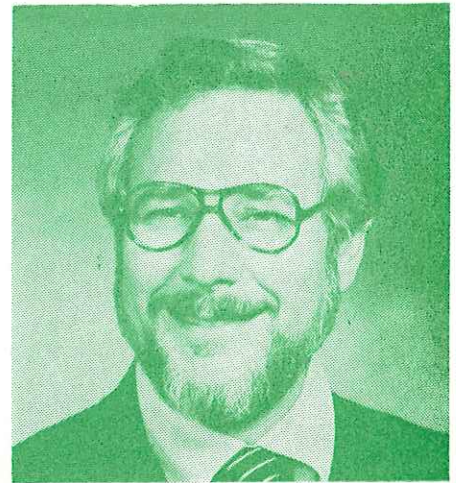
Hugh T. Maloney,
President
Broward County Bar
Association

**THE FLORIDA BAR
MID YEAR MEETING**

Don't forget to register for the Third Annual Midyear Meeting of The Florida Bar to be held January 27-29, 1983 at the Hyatt Regency Miami. For registration form, please refer to the December issue of The Florida Bar Journal, Page 868.

**Three Nominees Certified To
Governor Bob Graham**

The Judicial Nominating Commission for the Seventeenth Circuit (Broward County), has completed its deliberations in connection with the existing County Court Judiciary vacancy, and has selected and recommended for gubernatorial appointment, the following nominees: Nancy A. Cousins, John G. Jordan and Zebedee W. Wright.



RAY FERRERO, JR. – LEGAL EXECUTIVE OF THE YEAR

Ray Ferrero, Jr. was presented with the Legal Executive of the Year Award by the Broward County Legal Secretaries Association at the Annual Executive Dinner held on November 12, 1982 at the Marriott Hotel. He was selected as the Legal Executive of the Year based on his outstanding qualifications, extremely active involvement in civil and legal organizations and his significant contributions to the legal profession.



MOTION CALENDAR SUSPENDED

JUDGE	FROM	THROUGH
Henry Latimer	12/6/82	12/17/82
Stephen R. Booher	12/13/82	—
Mel Grossman	12/20/82	1/1/83
Robert L. Andrews	12/20/82	12/31/82
Mark E. Polen	12/23/82	1/3/83
Estella May Moriarty	12/23/82	1/3/83
Barry J. Stone	12/23/82	1/6/83
W. Herbert Moriarty	12/27/82	12/30/82
Henry Latimer	12/27/82	12/31/82
Paul M. Marko, III	12/27/82	1/3/83
Barbara Bridge	12/23/82	1/3/83
J. Cail Lee	12/20/82	1/3/83

YOUNG LAWYERS SECTION NEWS

PRESIDENT'S MESSAGE

This month marks the halfway point of our fiscal year. Already, we have completed some exceptional programs, thanks to the hard work and perseverance of a number of section members. I would like to devote this month's column to a recognition of their efforts and achievements.

The Young Lawyers Division of the ABA has given a special recognition award to the Young Lawyers Section of Broward County Bar Association for its Bar/Bench Conference held in April 1981 and chaired by Linda Conahan. This was one of the

three awards received by in Florida for service to the Bar. Linda and Teresa Widmer planned, promoted and produced the Second Annual Bar/Bench Conference held in June 1982.

Jerry Morris was kind enough to volunteer for stewardship of the High School Education Project. I don't know if Jerry knew what he was getting into, but this program runs for about eight months out of the year. He has kept busy matching schedules for seventy or so lawyers and all of the high schools in Broward County.

A month ago the golfing legal community was treated to a day of fun, sun and competition all wrapped up in our annual golf tournament. We had

sixty entries this year, which reflects a 50% increase over last year. Tim Beavers can take all the credit for a well run tournament.

And speaking of running, a field of almost one thousand runners enthusiastically pounded the pavement over ten thousand kilometers in the third annual YLS United Way Run. It all ran like clockwork thanks to the long hours and great work of Carey Fischer and Mark Greenspan.

On behalf of the entire section thank you for all your time and support.

Robert J. McFann
President
Young Lawyers Section

How To Gain Admittance To The Federal Bar For The Southern District Of Florida

As of January 1, 1982, in the Southern District of Florida there became effective special rules governing the admission and practice of attorneys before the United States District Court for the Southern District of Florida. The new guidelines establish both a (non-trial) general bar and a trial bar. The purpose of this letter is to assist by explaining the means by which one may gain admittance to practice before the United States District Court for the Southern District of Florida.

Admission to the general bar requires the attorney applicant to be (1) a current member in good standing of The Florida Bar and (2) receive a passing score on a written examination, testing knowledge of the Federal Rules of Criminal and Civil Procedure, Federal Rules of Evidence, the law of Federal Jurisdiction and Venue, and the local Rules for this district. In order to apply for admission to the general (non-trial) bar, it is necessary to

complete a Petition for Admission to that bar.

In addition to completing the Petition for Admission to the General Bar, the Petitioner must either submit with the Petition evidence of active membership in good standing with The Florida Bar and certificates from two members admitted to practice before the bar of the United States District Court for the Southern District of Florida, stating how long and under what circumstances the Petitioner is known to each and what they know of Petitioner's character, or the Petitioner must submit evidence of active membership in good standing with The Florida Bar and certificate in good standing from the United States District Court in and for either the Northern or Middle District of Florida.

For admission to the trial bar, the applicant must be admitted to the general bar and in addition, demonstrate not less than four "units" (see explanation below) of trial experience including at least one participation unit, but not more than two simulation units. At least one of the participation or observation units must have been acquired in the United States District Court for the Southern District of Florida, and at least one of the applicant's participation or observation units must have been acquired in a qualifying jury trial.

The following definitions may be useful in understanding the requirements stated above:

(a) "Qualifying Trial" means an adversary proceeding (1) in which testimonial evidence going to the merits is taken and (2) which is tried to verdict or judgment or which is heard in open court for at least three hours and (3) which is conducted before a Judge in the State court of general jurisdiction or before a judge or magistrate in a United States District Court; (b) "Qualifying Jury Trial" means a qualifying trial in which a jury is chosen and empanelled after *voir dire*;

(c) "Unit of Trial Experience" means an experience acquired by an attorney or a student enrolled in a law school approved by the American Bar Association by participation in or observation of a qualifying trial;

(d) "Participation Unit" means a unit of trial experience acquired by active participation as counsel of record to a party in a qualifying trial;

(e) "Observation Unit" means a unit of trial experience acquired by attentive observation of a qualifying trial; and shall include a discussion of the trial with the presiding judge, and, where feasible, with one or more of the participating attorneys, or other members of the trial bar who are present;

(f) "Simulation Unit" means an experience that would constitute a participation unit if the trial were conducted before a court but which is acquired in an approved advocacy training program by participation in proceeding fully simulating a qualifying trial; provided that an attorney or student may acquire only one simulation unit for work on a particular trial problem no matter how many times the trial is repeated.

Petitions for Admission to the Trial Bar are available at the Clerk of the U. S. Court, 299 East Broward Boulevard, Fort Lauderdale, Florida. In addition to completing the Petition for Admission to the Trial Bar, it is necessary to complete the certificates which accompany the Petition, concerning either the use of the observation units, participation units, or simulation units. If one is going to utilize the simulation units, it is necessary to have the program director or dean or agency director fill out the accompanying certificates to verify participation in the programs.

Once the Petition materials have been completed, they are to be submitted with a filing fee of \$27.50 (personal checks not accepted) to the Clerk of the United States District Court for the Southern District of Florida, United States Courthouse, 300 N.E. First Avenue, Miami, Florida 33101.

Hopefully, the explanations above will encourage members of the Broward County Bar who have not already applied, to apply and gain admission to practice before the courts of the United States District Court for the Southern District of Florida.

WILLIAM R. SHERER
President, Broward County
Chapter of the Federal Bar
Association

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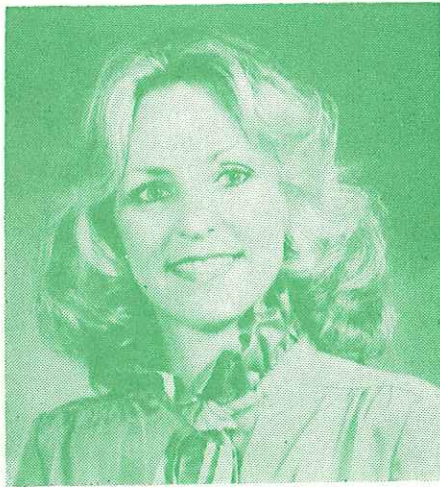
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JUDGE BOBBY W. GUNTHER
"JUDICIAL INSIGHTS"

Bobby Gunther is a Judge with a sense of style! For many people the Court has symbolized tall benches, somber jurists and black robes. It is refreshing to find a Judge who combines a high level of professionalism without sacrificing personality.

In a community noted for snow-birds and tourists, Judge Gunther's background is indeed unusual. She comes from a family steeped in Southern history and is proud to be a "fourth generation Floridian." She grew up in Melbourne, Florida where her family still resides. An only child, she contributes her entry into the legal profession to her father who encouraged her to find a "well-paying job." True to being a native Floridian, the Judge attended the University of Florida where she received her Bachelor of Arts in 1963 and her Juris Doctorate in 1965.

After eight years of private practice with the law offices of Dick Kirsch, Esquire, Ferrero and Middlebrooks and later DiGiulian and Spellacy, Bobby Gunther was elected to the County Court Bench in 1973. During that period of time, she also contributed much to the continuing education of Judges by attending and teaching at judicial colleges.

In 1979 she was a faculty advisor to the general session of the National Judicial College in Reno, Nevada. In 1980 she was an instructor at the Florida College for New Judges in Gainesville, Florida. Governor Graham honored her efforts by appointing the Judge to the Governor's Task Force on Criminal Justice System Reform in 1981.

Judge Gunther feels that the most advantageous background for a Judge to bring to the bench is a variety of legal experiences. She has proven her

ability to judge competently in many different areas of the law: criminal, civil and family law.

In 1981, Judge Gunther was appointed by Governor Graham to the Circuit Court Bench. It is a public statement of support and professional respect that except for a short appearance by George Naze, Esquire in the recent election, Judge Gunther has run unopposed in every election.

Bobby Gunther is not "just" a Judge, but also a proud mother of 14 year-old Jason. Why the name Jason? . . . "because after growing up with a name like 'Bobby' I want-

ed my son to have a very masculine name."

This January will see Judge Gunther making her 12th annual skiing trek to Kitzbuhl, Austria. Truly a Judge with style!

By: Maria R. Lorts
Associate at Ruden, Barnett,
McClosky, Schuster and
Russell

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CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservations
12/8/82	BCBA	Annual Cocktail Reception sponsored by United Federal Savings and Loan Association	Stouffer's Anacapri Inn 1901 North Federal Highway Fort Lauderdale 6:30 P.M. — 8:30 P.M.	BCBA 764-8040
12/10/82	Broward Christian Lawyers Association	Monthly Meeting	Cafe de Geneve 1519 S. Andrews Avenue Fort Lauderdale — 12:00 Noon — \$5.75	W. Lawrence Larche 764-7777
12/17/82	North Broward Bar Association	Christmas Party (Members Only)	Harris' Imperial House Restaurant 50 North A1A Highway Pompano Beach — 6:00 P.M. —	For further information call John Hume 771-9864
1 / 4/83	BCBA	Robing Ceremonies	Bailey Concert Hall 3501 S.W. Davie Road Davie — 4:00 P.M.	
1 / 15/83	BCBA — Broward Christian Lawyers Association	Joint Meeting	Patricia Murphy's Bahia Mar Hotel & Yachting Center 801 Sea Breeze Boulevard Fort Lauderdale Reception: 7:00 P.M. — 7:30 P.M. Dinner: 7:30 P.M.	BCBA 764-8040
2/6/83	BCBA YLS	"Beerbust" Tag Football Picnic	Holiday Park	See January 1983 Barrister

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