

The BROWARD BARRISTER

JANUARY 1982

Volume 11

Number 1

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

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

GENERAL MEETING TUESDAY, JANUARY, 5, 1982

The Broward County Criminal Defense Attorneys Association and Broward County Bar Association are pleased to hold a joint meeting to present Senator Strom Thurmond on January 5, 1982.

GALT OCEAN MILE HOTEL
3200 Galt Ocean Drive — Fort Lauderdale, Florida

Cocktails: 6:30 P.M. (cash bar)
Dinner: 7:15 P.M.—Members—\$20.00
Non-Members \$25.00

SPEAKER: **Senator Strom Thurmond**
Chairman of the Senate Judiciary Committee

For tickets contact: Sheldon Schapiro 525-6690
Norma Howard 764-8040

(Checks should be made payable to "Broward County Defense Attorneys Association.")

PRESIDENT'S MESSAGE

I am happy to report to you that the combined efforts of the Bench and Bar have accomplished considerable advances in the past six months. Our Circuit Court is functioning at more efficient levels than at any time in recent years. Some factors which have contributed include:

1. Judges have been assigned to divisions where their experience is most effective in moving cases.

2. Several divisions instituted case management procedures which have increased the number of case dispositions and reduced continuances.

3. The civil pilot program featuring a uniform motion practice commenced August 31 with 4 divisions. As of January 1 we will have 12 civil divisions participating.

4. Civil and criminal divisions communications among Judges have been improved by Bar sponsored monthly luncheons.

5. The Court is asking for and receiving help from outside consultants.

6. Our retired Judges continue to do yeoman work in trying our overflow of cases.

Yet all of this is not enough to solve the congestion clogging our dockets.

Just as we reached full Judicial

strength for the first time early in December, the ranks were thinned by the death of Judge King and the health problems of others.

Despite all these efforts resulting in increased dispositions the increased case filings exceeded the ability of the system to cope with them. The result is an increase in pending cases over the past four years amounting to over 91%.

The solution remaining is more Judges. Accordingly, Chief Judge Weissing asked and your association has approved a request for fifteen additional Circuit Judges, ten in the Circuit Court and five in the County Court.

This request is currently under consideration by the Supreme Court. Even if additional Judges are certified, the extremely tight fiscal situation in state government will make legislative adoption difficult.

The Circuit Court of the county needs your help now!

First, to continue your support of the programs to improve case dispositions, and second, to support our Chief Judge's request for additional Judges.

You can help by contacting the Court and your State Legislature. Let them know you support the additional Judges for Broward County.

Russell E. Carlisle, President

BROWARD COUNTY LEGISLATIVE DELEGATION

For your information, the following is a list of your representatives in Tallahassee:

SENATE

J. W. "Bill" Stevens, Van B. Poole, Jim Scott, Kenneth C. Jenne, John A. Hill, Sherman S. Winn.

HOUSE OF REPRESENTATIVES

Ray Liberti, Eleanor Weinstock, James Watt, Reid Moore, Jr., Bernard Kimmel, Frank Messersmith, Tom Bush, Terry O'Malley, Linda Cox, Robert M. Woodburn, Tom Gustafson, Tom McPherson, Harold Dyer, Fred Lippman, Walter C. Young, Lawrence Smith, David J. Lehman.

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JUDICIAL VACANCIES

Seventeenth Judicial Circuit

This is to notify you that the Judicial Nominating Commission in and for the Seventeenth Judicial Circuit announces one Circuit Court vacancy. All qualified members of The Florida Bar interested in making application may obtain Application Forms at the Office of the Court Administrator, Broward County Courthouse, Room 880, 201 Southeast

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

O F F I C E R S

Russell E. Carlisle *President*
Hugh T. Maloney . . . *Pres.-Elect*
Angeline G. Weir . . *Sec.-Treas.*
Norma Howard . . *Executive Dir.*
Martha Snedaker *Editor*

Sixth Street, Fort Lauderdale, Florida 33301.

It would be appreciated if the original application and nine (9) copies were completed and returned no later than the deadline which is:

Friday, January 8, 1982,
5:00 P.M.

at the following address:

Chairman, Judicial Nominating
Commission
c/o Court Administrator's Office
Broward County Courthouse,
Room 880
201 Southeast Sixth Street
Fort Lauderdale, Florida 33301

Fourth District Court of Appeal

On December 15, 1981, a vacancy for one position as Judge of the Fourth District Court of Appeal exists. The vacancy was created by the resignation of the Honorable John Moore, which became effective on that date. The Fourth District Court of Appeal Judicial Nominating Commission is now accepting applications to fill the vacancy. Applicants must have been a member of The Florida Bar for the preceding ten years and electors of the State of Florida. Applicants must reside in Palm Beach County, Broward County, Indian River County, Martin County, Okeechobee County or Saint Lucie County. Application forms may be obtained from

CIVIL DIVISION PILOT PROGRAM

Judges participating in Pilot Program —

George W. Tedder, Jr.)	Suspend Motion Calendar 12/21/81 —
Gene Fischer)	1/1/82 inclusive
J. Cail Lee)	" "
W. Herbert Moriarty)	" "
Barbara Bridge)	Suspend Motion Calendar 12/24/81
Barry Stone)	Vacation 12/18/81 - 12/24/81 & 1/1/82 - 1/17/82
Joseph E. Price, Jr.)	Suspend Motion Calendar 12/22/81 - 1/1/82 in- clusive
Estella M. Moriarty)	Will continue Motion Calendar through holidays
Linda Vitale		Starting 1/18/82
Mark Polen		Starting 2/1/82

either Marjorie D. Gadarian, Post Office Drawer E, West Palm Beach, Florida 33402 (305) 659-3000 or Curtin R. Coleman, II, Post Office Box 11025, Fort Lauderdale, Florida 33339 (305) 563-2671. Nine completed copies must be delivered to Chairman Marjorie D. Gadarian, 601 Flagler Drive Court, West Palm Beach, on or before 5:00 P.M. on Tuesday, December 28, 1981. Those having previously applied for the July 1981 Fourth District Court of Appeal vacancy need only request by letter to the Chairman that the Commission use the application already filed and include their Social Security number and a complete copy of their 1980 income tax return.

Any attorney with suggestions on areas of trust law which should be reviewed are urged to provide their comments to the Trust Law Committee Chairman, Thomas M. Dachelet, at his office — (525-0531).

Administration Committee

The Administration Committee of the Broward County Bar Association has met on a regular monthly basis since its detailed Phase I Report, wherein it advised the Executive Committee of its findings upon review of the DuRant Report, and reported to the Committee the status of completion of each of DuRant's suggestions.

Phase II has consisted of a thorough examination of these suggestions and a segregation into three "priority areas" for further review and eventual recommendation to the Executive Committee. The three priority areas with accompanying responsibilities which the Administration Committee is now reviewing in detail are as follows:

1. Office Administration—John Hume: to include a review of the internal workings and procedure of the Bar office itself.
2. Public Relations — Terry Russell: to include a review of public relations with the general public, and separately, a review of the Bar's relations with its members themselves.
3. Financial — Bill Davell: to include a review of the Bar's financial struc-

(Continued on Page 4)

COMMITTEE REPORTS

Trust Law

The Trust Law Committee of The Florida Bar Real Property, Probate and Trust Law Section is undertaking a review of the Florida trust statutes to determine the need for statutory clarification or codification of case law not now appearing in the statutes.

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YOUNG LAWYERS SECTION NEWS

PRESIDENT'S MESSAGE

MANDATORY PRO BONO

As the New Year begins, I think that it is appropriate to look back at last year. In my opinion, the single most important issue confronting Young Lawyers in 1981 was mandatory pro bono. The explanation is simple.

In the first instance, over half of the attorneys practicing law in this state are Young Lawyers. Further, if mandatory pro bono is instituted, obviously the Young Lawyers in each of the law firms are going to bear the responsibility of handling these cases. Therefore, every Young Lawyer has a significant stake in the resolution over the mandatory pro bono debate.

Although it is easy to argue the merits of mandatory pro bono, I think that it should be clear to every lawyer that mandatory pro bono is going to be a reality. The proposal presented recently to the Board of Governors of the Florida Bar tying pro bono to both local and statewide lawyer referral systems is unacceptable. Clearly, the access of the public through the lawyer referral system should not be abridged by mandatory pro bono. More importantly, the lawyers participating in such lawyer referral program should not be the only ones to bear the pro bono workload.

An answer must be found which serves to provide legal services to those who cannot afford it through a system which fairly apportions the pro bono cases. Since the Supreme Court has indicated that it will require every practicing lawyer to take pro bono cases if a solution is not found, I think that every Young Lawyer has a vested interest in participating in the decision-making process which resolves this difficult issue.

Jesse S. Faerber, President
Young Lawyers Section

JANUARY YOUNG LAWYERS LUNCHEON

The January Meeting of the Young Lawyers Section of the Broward County Bar Association will be held on Thursday, January 28, 1982, at 12:00 Noon at:

Bubba's
1624 East Sunrise Boulevard
Fort Lauderdale, Florida

The Guest Speaker will be The Honorable Alcee L. Hastings who will speak on the topic "Role of the Media in the Judicial Process".

Please phone in your reservations to Charlotte, secretary to Steve Lauer, at 565-0501 no later than January 26, 1982.

Cost of the luncheon is \$7.00. You may mail your check payable to YOUNG LAWYERS SECTION to E. Steven Lauer, Post Office Box 9027, Fort Lauderdale, Florida 33310, or bring it to the luncheon.

RESERVATIONS ARE A MUST!!

* * * * *

JOB FAIR — 1982

The 1982 JOB FAIR is a program for the benefit of lawyers and third year law students to get together for employment interviews. The program is sponsored by the Young Lawyers Section of The Florida Bar. It will be held

Saturday, February 13, 1982
Marriott Hotel, Tampa, Florida

Interview schedules are
9:00 A.M. - 12:00 Noon
1:20 P.M. - 5:00 P.M.

The JOB FAIR provides the practitioner with an opportunity to interview Florida law students at one site. A registration fee of \$25.00 will be required for all law firms, government agencies, corporations and practitioners participating

in the program. For information contact Debbie Ginn, The Florida Bar (904) 222-5286 or Ed Krieger (305) 374-3181.

Each participant will be required to reserve a room in the Marriott Hotel from which to conduct his or her interviews.

* * * * *

THE YOUNG LAWYERS FOOTBALL LEAGUE

After a grueling six game regular session and two game playoff, one team emerged from the pack as a super-power of footballing Broward Barristers. In the final playoff game, the "Mr. Meanors" dressed in their new garnet and white jerseys, jumped out in front of Cohen's Comrades early and the stiff defense anchored by first round draft choice, Pat "Crazy Legs" O'Neil (who says he is over the hill) stymied the big Blue team all day long. The final score was 19-0. This victory was exceptionally sweet for the Mr. Meanors after having played in three prior playoffs and only emerging as Bridesmaids. Finally they made it to the altar. Six teams participated in this years league and Commissioner Philip Morgan is to be congratulated for a job well done.

* * * * *

YOUNG LAWYERS TENNIS TEAM

The Fourth Annual Young Lawyers Tennis Tournament was held December 5, 1981, at George English Park. Thirteen doubles teams participated in two divisions, A and B.

Despite the sub-zero weather, everyone seemed to enjoy themselves. There were no reported injuries, although a few bruised egos emerged from the aftermath.

The winners in Division A were the dynamic duo of Peter Portley and Martin Zevin. Well-known sandbaggers, Bob Beals and George Ollinger, wound up on the top of the heap in Division B.

Trophies will be awarded to the winners at one of the Young Lawyers Luncheons and no, Steve Fayne, there are no booby prizes.

(Continued from page 2)

ture, planning, and internal procedures.

The Administration Committee members have already begun their respective analysis of these areas, and they are moving forward with the goal of a report of recommendations to be submitted as Phase III to the Executive Committee at its final meeting of 1981-82.

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BROWARD COUNTY CHAPTER FLORIDA LEGAL ASSISTANTS, INC.

The Broward County Chapter of Florida Legal Assistants Inc. has been formed, and meetings will be held on the first Thursday of the month at 6:00 P.M.

Leigh Williams has been selected as Associate Director for Broward County. Anyone interested in joining the group, please call Leigh Williams at 764-6660.

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CIRCUIT COURT, CIVIL DIVISION PROCEDURES

The Judges of the Circuit Court, Civil Division met at 5:00 P.M. on November 24, 1981, discussed and approved the following procedures:

- A. That all judges, after spirited debate and unanimous vote, would sign all pleadings and orders in black ink.
- B. That the Clerk shall be directed, upon administrative order from the Chief Judge, that all defaults may be obtained on the 21st day following the service of process.
- C. That it be recommended that the

Chief Judge, by administrative order or memorandum, should advise the Clerk that it will not be required at anytime that a Non Military Affidavit be filed prior to default.

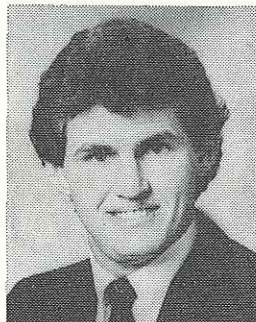
- D. That the Chief Judge, by administrative order or local court rule, shall direct that the Clerk shall not issue more than one Summons upon a defendant, other than by court order.
- E. That the Chief Judge, by administrative order or local rule, shall direct the Clerk not to issue more than one execution upon a Defendant other than by court order unless the original execution is returned to the Clerk.
- F. It was agreed among the members at the meeting, with regard to Spouse Abuse cases, that the Clerk or Judge shall not accept any Counterclaim for Dissolution of Marriage or Amendment For Dissolution of Mar-

riage on a case initially filed as a Spouse Abuse matter pursuant to F.S. 409.602.

In addition, it was agreed that the courts cannot order abusive spouses out of their homes under the Spouse Abuse Statute.

In addition, the civil court judges should review a copy of the Statute, along with a copy of the form petition and form order presently in use by the Clerk to determine some method whereby the order may become final after a specific period of time, so that the Clerk may consider it to be a Final Order and close the file.

- G. It was approved unanimously that the secretaries may require of attorneys noticing a case for trial to provide the secretary with stamped, self-addressed envelopes for the mailing of the Order Setting Trial. This applies in both jury and non-jury cases.



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WELCOME NEW MEMBERS

RONALD ERIC SHNIDER, a native of Washington, D.C., received his undergraduate degree from the University of Maryland and his law degree from the University of Miami. He is associated with Gerald S. Deutsch in Sunrise.

ANDREW L. SIEGEL, a native of Houston, Texas, received his undergraduate degree from the University of South Florida and his law degree from Nova Law Center. He is associated with Schwartz & Nash in Fort Lauderdale.

DAVID W. SINGER, a native of Lawrence, Mass., received his undergraduate degree from Tulane University and his law degree from Nova Law Center. He is associated with the law offices of Joseph J. Glazer in Hallandale.

KENNETH D. STERN, a native of Atlantic City, New Jersey, received

his undergraduate degree from Ohio University and his law degree from Cleveland State University. He is with the United States Attorney's office in Fort Lauderdale.

DAVID L. WAGNER, a native of Pittsburgh, Pa., received his undergraduate degree from Bucknell University and his law degree from Temple University. He is a sole practitioner in Plantation.

JAMES E. ZLOCH, a native of Fort Lauderdale, Florida, received his undergraduate and law degrees from the University of Notre Dame. He is associated with Patterson & Maloney in Fort Lauderdale.

ROBERT S. FORMAN, a native of Freeport, N.Y., received his undergraduate degree from Hofstra University and his law degree from the University of Puget Sound. He is associated with James B. Chaplin in Fort Lauderdale.

ROBERT L. GOSSETT, a native of Fort Lauderdale, Florida, received his undergraduate and law degrees from the University of Florida. He is associated with Hodges, Gossett, McDonald & Gossett in Hollywood.

MICHAEL, S. GREENE, a native of New York City, received his undergraduate and law degrees from the University of Florida. He is associated with Holland & Knight in Fort Lauderdale.

DAVID L. JORDAN, a native of Vineland, New Jersey, received his undergraduate and law degrees from the University of Florida. He is associated with Birr, Bryant & Saier in Fort Lauderdale.

MARLYNE (MARZI) KAPLAN, a native of Newark, New Jersey, received her undergraduate and law degrees from the University of Miami and her Masters from Florida Atlantic University. She is associated with the Office of the General Counsel in the

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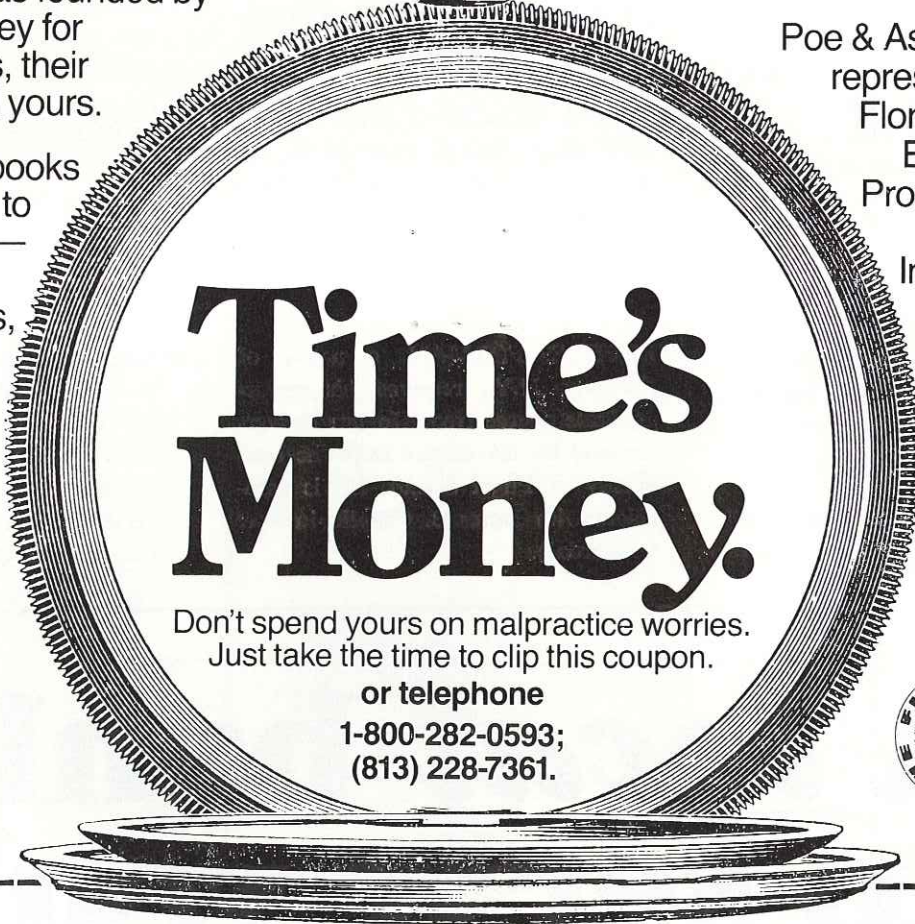
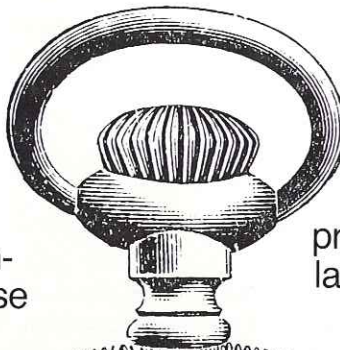
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WELCOME, NEW MEMBERS

(Continued from Page 4)

ROBERT C. RASMUSSEN, a native of Oelwein, Iowa, received his undergraduate degree from American University and his law degree from the University of Iowa. He is associated with Holland & Knight in Fort Lauderdale.

THOMAS G. SCHULTZ, a native of Minneapolis, Minnesota, received his undergraduate degree from Florida State University and his law degree from the University of Florida. He is associated with Holland & Knight in Fort Lauderdale.

HENRY T. SWANN, a native of Washington, Georgia, received his undergraduate and law degrees from the University of Georgia. He is a sole practitioner in Pembroke Pines.

SHARON L. ZELLER, a native of New York City, received her undergraduate degree from the University of South Florida and her law degree from the University of Miami. She is associated with Thompson & Burton in Hollywood.

COUNTY COURT DIVISION ASSIGNMENTS

ADMINISTRATIVE ORDER No. 8.40.6

In accordance with the authority vested in the Chief Judge by Rule 2.050, Florida Rules of Judicial Administration, it is

ORDERED that:

1. The division assignments for the County Court are as follows:

Division	Judge
A	George A. Brescher
B	Constance R. Nutaro
C	Steven Shutter
D	Larry Seidlin
E	Ross E. Lowrey
F	Robert Lance Andrews
G	Brian P. Kay
H	Dale Ross
J	John T. Luzzo
North Satellite	Harvey Ford
West Satellite	J. Bart Budetti
South Satellite	Morton L. Abram
South Satellite	William Herring
South Satellite	Patti L. Englander

2. Effective January 11, 1982, Judge Shutter shall be assigned to the West Sat-

ellite and Judge Budetti to Division C.

DONE AND ORDERED at Fort Lauderdale, Florida, this 14th day of December, 1981.

LOUIS WEISSING, Chief Judge

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The Case Assignment, Civil Division Circuit Court will appear in the February *Barrister*.

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CIRCUIT COURT, CIVIL DIVISION PROCEDURES

(Continued from Page 5)

H. It was unanimously approved that when an attorney has two separate cases set for trial at the same time in two separate divisions of the court, that the case with the lowest file number shall take precedence.

I. That Joann Driver, Administrative Aide of the Circuit Civil Division has advised that, where cases are consolidated, said cases will be filed under the lowest number so that when the file is ordered, all files of the consolidated cases will be forwarded to the judge's office.

In addition, Mrs. Driver advised that she will ask that the yellow P.S.U. slips from the clerk's office which accompany documents or files sent to the judge's office, have the clerk's name signed on the yellow P.S.U. slip, so that if there is any question concerning it, the secretary will know whom to call.

The meeting was concluded ten minutes late, at 6:10 P.M., due to the fact that Judge Tedder, who was in charge of lighting, failed to blink the lights a sufficient number of times to get the Chairman's attention.

W. HERBERT MORIARTY
ADMINISTRATIVE JUDGE,
CIVIL DIVISION

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the Fifteenth Judicial Circuit

CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservation
1/5/82	BCBA	General Meeting — Joint Meeting with Broward County Criminal Defense Attorneys Assoc.	Galt Ocean Mile Hotel 3200 Galt Ocean Drive Fort Lauderdale 6:30 P.M.	Sheldon Schapiro 525-6690 Norma Howard 764-8040
1/12/82	North Broward Bar Association	Monthly Meeting	Flaming Pit Restaurant 1150 N. Federal Highway Pompano Beach — 12:00 Noon —	Donald A. Wich, Jr. 941-4920
1/15/82	Broward County Christian Lawyers Association	Monthly Meeting	Williamson Restaurant 1401 S. Federal Highway Fort Lauderdale — 12:00 Noon —	W. Lawrence Larche 764-7777
1/28/82	YLS	Monthly Luncheon Meeting	Bubba's Restaurant 1624 E. Sunrise Boulevard Fort Lauderdale — 12:00 —	Charlotte — 565-0501
4/26-30, 1982	University of Miami School of Continuing Studies	37th Annual Tax Conference	Sheraton Bal Harbour Hotel Miami Beach	Mark your calendar

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