

The **BROWARD BARRISTER**

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION
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JANUARY 1984

Volume 13

Number 1

GENERAL MEETING

Tuesday, January 24, 1984

12:00 Noon Price \$10.00



*Gibby's Steaks & Seafood Restaurant
2900 N.E. 12th Terrace
Oakland Park, Florida*

Speaker:

*John G. Ferris
Chief Judge, 17th Judicial Circuit*

Topic:

Status Report of the Judiciary

Reservations are necessary. Please return the enclosed reservation card by January 20, 1984. Deadline for reservations and cancellations, Friday, January 20, 1984. Reservations made and not cancelled in time must be paid if guarantee is not met and the Bar is charged for lunches.

Law Library Committee Report

*Judge Barry J. Stone
Chairman, Law Library Committee*

The Law Library Committee has authorized the purchase of audio tapes which will be loaned on the same basis as books, with a \$10.00 deposit being required from Broward attorneys. There will be no rental charge for the tapes and the deposit will be refunded when the tapes are returned undamaged. A list of the tapes available will be posted in the Library.

A complete legal research computer system is being investigated and it is hoped that the system will be in operation in the near future. The charge per minute for the use of the system has not yet been estimated. However, it is expected to be competitive and is being structured to cover costs and overhead.

It is the hope of the Committee that the attorneys in the community will utilize and benefit from the above additional services being provided by the Law Library. The Committee is also planning a questionnaire to be sent to attorneys regarding their library needs.

Special Committee on the Needs of Children

Judge Hugh S. Glickstein is Chairman of The Florida Bar Special Committee on the Needs of Children. He has requested that a local committee be appointed to help in this study. A committee will be appointed in January. If you are interested in serving on the committee, please contact Broward County Bar Association, 764-8040, by January 15, 1984. A meeting will be noticed to all interested parties, and a chairman of the committee will be selected.

Schedule of Circuit Court Civil Division Duty Judges

The following assignments are for Circuit Court Civil Division Duty Judge commencing January 6, 1984.

Week Commencing

January 6
January 13
January 20
January 27
February 3
February 10

Judge

Lawrence L. Korda
J. Cail Lee
Mark E. Polen
Gene Fischer
Bobby W. Gunther
W. Herbert Moriarty

Bench-Bar Workshop

The Bench-Bar Workshop held on November 18, 1983, at Nova Law Center was a great success. It was well attended by both judges and lawyers. The suggestions and recommendations made by each group will be reviewed by the Courts Committee in January and a complete report will be printed after this review.

It was *almost* unanimous that the workshop be an annual event. There were two votes that the event be held bi-annually. Credit for the success of the event is due to O. Edgar Williams, Jr., Chairman, and the discussion leaders: Bruno DiGiulian, Harry G. Carratt, Bruce M. Lyons, Davis W. Duke, Jr. and J. Peter Friedrich.

**Happy
New Year**

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733 N.E. Third Avenue
Fort Lauderdale, Florida 33304
764-8040

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Welcome New Members

ROBERT L. BOGEN, a native of Columbia, South Carolina, received his undergraduate and law degrees from University of Florida. He is associated with Braverman & Holmes in Fort Lauderdale.

* * *

KAREN KANTNER, a native of Fort Lauderdale, Florida, received her undergraduate degree from University of Kentucky and her law degree from Nova Law Center. She is associated with Britton, Cohen, Kaufman & Schantz in Miami.

* * *

STEVEN M. KRAMER, a native of Pittsburgh, Pennsylvania, received his undergraduate degree from University of Florida and his law degree from Nova Law Center. He is a sole practitioner in Miami.

* * *

JOSEPH M. LOUGHREN, a native of Pittsburgh, Pennsylvania, received his undergraduate degree from University of Pittsburgh and his law degree from Duquesne University School of Law. He is associated with Wicker, Smith, Blomqvist, Tutan, O'Hara, McCoy, Graham & Lane in Fort Lauderdale.

MARTIN P. McDONNELL, a native of Columbus, Ohio, received his undergraduate and law degrees from Florida State University. He is associated with Marc Finkelstein in Fort Lauderdale.

* * *

TERRENCE PATRICK O'CONNOR, a native of Fort Lauderdale, Florida, received his undergraduate and law degrees from University of Florida. He is associated with Morgan, Carratt & O'Connor in Fort Lauderdale.

* * *

JODY HURST OLIVER, a native of West Palm Beach, Florida, received her undergraduate and law degrees from University of Florida. She is associated with Ruden, Barnett, McClosky, Schuster & Russell in Fort Lauderdale.

* * *

ROBERT PASIN, a native of Brooklyn, New York, received his undergraduate degree from University of Florida and his law degree from Nova Law Center. He is associated with Abrams, Anton, Robbins, Resnick, Schneider & Mager in Hollywood.

* * *

LLOYD W. PROCTON, a native of Great Neck, New York, received his undergraduate and law degrees from University of Florida. He is a sole practitioner in Fort Lauderdale.

* * *

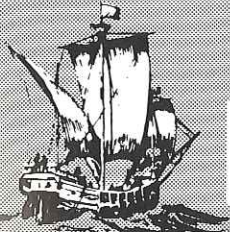
MICHAEL PAUL SHIENVOLD, a native of Kingston, New York, received his undergraduate degree from State University of New York at Albany and his law degree from University of Miami. He is associated with Bacen & Kaplan in Hollywood.

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**Judge Russell E. Seay
Administrative Judge
17th Judicial Circuit**



By Jenifer Young

Appointed to the bench by Governor Ferris Bryant on April 1, 1963, Judge Russell E. Seay said he "kept waiting for the governor to say it was an April Fool's joke." No joke. As a senior member of the bar, Judge Seay has witnessed the abundance of growth and change Broward County has undergone over the past two decades.

Those were the days when the county's population stood at under 50,000 and case loads were one-third as heavy as they are today. Marshland existed between cities and everyone in the courthouse knew everyone else. Today, Judge Seay says he misses those days. "There are so many young lawyers now. Many of them say hello in the hall and I sometimes don't know their names. I'd like to know them all."

Born in Lakeland on August 30, 1923, he moved to Dania with his family when he was 12. Enrolled at South Broward High School, the fascination of the war was too enticing for school to hold him. 1943-1946 afforded him the opportunity to serve with the Navy in the South Pacific. On completion of his duty, he returned to Broward and finished at Pine Crest. From there it was on to law school.

"As veterans, we had the benefit of going to law school before we got our undergraduate degree. The government felt that by being in the service for three years, we already had the equivalent of a degree." That year, Judge Seay attended the University of Miami, later graduating with classmates Judge Raymond Hare and Judge Gene Fischer.

After receiving his degree, the judge practiced in Dania for a year before deciding to move to Tampa to be with the firm of MacFarlane, Ferguson, Allison and Kelly. At that time the firm handled the Lykes Bros. account and Judge Seay spent most of his time on negligence and defense work. Several years later he decided to return to the Gold Coast.

In the late '50's, Dania became home once again. Judge Seay was shortly thereafter elected to the Dania City Commission as Vice Mayor and became actively involved in the community. He has

**Designation of Judicial Officers
For Weekend First Appearances**

January 7, 8	Judge Ross E. Mowry
January 14, 15	Judge Constance R. Nutaro
January 21, 22	Judge Frank A. Orlando
January 28, 29	Judge Mark E. Polen
February 4, 5	Judge Joseph E. Price
February 11, 12	Judge H. Mark Purdy

Motion Calendars Suspended

<i>Judge</i>	<i>From</i>	<i>Through</i>
Stephen Booher	January 3	January 16
Bobby W. Gunther	January 9	January 30
Linda L. Vitale	January 16 (only)	

served as president of the Optimist Club, commander of the American Legion Post and has belonged to various other organizations such as Little League and his children's P.T.A.

Five years ago, Judge Seay gave up smoking, lost 30 pounds and started jogging, which he has found to have tremendous benefits. "I used to tell everyone around here how great running was, but they got sick of hearing me preach about it, so I enjoy it quietly now." Today, he averages five or six miles a day and enters organized runs whenever he gets a chance.

Judge Seay and wife, Pat (who also keeps order as the judge's judicial assistant), enjoy camping and hiking in the Carolinas and fishing in their spare time. They spend their vacations just outside of Franklin, N.C., and enjoy canoeing along the Peace River near Arcadia.

The judge has three children: Richard, 30, a lawyer; Bill, 32, a contractor; and Jackie, 26.

Following the resignation of Judge Dan Futch last spring, Judge Seay was appointed by Judge Lou Weissing to fill the position of Administrative Judge, Criminal Division, and continued in that capacity after the appointment of Chief Judge John Ferris. While maintaining the same caseload, Judge Seay does not find the position too taxing on his other duties. "With 13 criminal judges in the circuit, someone's got to keep them organized," he said. Keeping abreast of new developments and disseminating the ideas of his division are the responsibilities he feels are most important.

On the bench, Judge Seay sees the rapid flow of cases as one of the disadvantages of the system today. "Being able to devote time and study to a case is a luxury we no longer have. We are busy, but I think sometimes judges tend to forget that the attorneys are doing their job as we're doing ours. Occasionally we tend to cut someone a little short in order to move on to the next number. Keeping patience and the proper perspective and giving everyone the chance to be heard without overriding the attorneys is of the utmost importance."

**Real Property, Probate
& Trust Law News**

By
Reuben M. Schneider, Hollywood
Bruce L. Hollander, Hollywood
George R. Moraitis, Fort Lauderdale
David D. Welch, Pompano Beach

This periodic column highlights action taken by or pending before the Real Property, Probate & Trust Law Section of The Florida Bar on matters affecting your practice. If you are among the 5,500 Section members, we are your local representatives and participation is solicited. If you are not a Section member, but practice in the fields of real property, probate or trust law, we urge you to join the Section and become involved in its many activities.

The Executive Council of the Section met on November 4 and 5, 1983, at The Florida Bar Headquarters in Tallahassee. Action was taken on a number of items:

1. The Executive Council began the review process for a proposed Real Estate Certification Plan. The designation and certification committee will be submitting a proposal for action at the January 27, 1984, Executive Council Meeting.
2. The Executive Council voted to support legislative action in a number of areas, including the following:
 - a. A proposal to give "legalization" by foreign notaries the same status as acknowledgments under Florida law.
 - b. A proposal to dispense with the filing of estate inventories, unless required by the Court (to preserve the confidentiality of information about a decedent's assets).
 - c. A proposed amendment of Florida Statute S732.402, to clarify the procedure for determination of exempt property. (Continued on Page 5)

United Way 10K November 1983

The Young Lawyers Section has received credit for sponsoring and organizing the 4th Annual United Way 10K Run. The October 29th run went off "without a hitch" according to Todd Smith, attorney and part-time race course coordinator. Over 650 applicants signed up to run in what proved to be a race in cool and sunny weather—a first for this event and the beginning of what is hoped to be a trend.

The proceeds of the run were presented to United Way at the Young Lawyers Luncheon in December. This event, which brings benign community recognition to attorneys, failed to muster sufficient support and participation from the legal community. This, I hope, is not a trend.

The first three finishers in each of the ten racing divisions, as well as the top finishers overall, received medallions and coupons for complimentary dinner or drinks at Bennigans. There were similar gifts awarded to the top finishers in the judge's and attorney's divisions. The top finishers for members of the judiciary were: General Master Michael Carbo (1st place), Judge Irwin Berkowitz (2nd) and Judge Larry Seidlin (3rd). Finishing first in their respective divisions were Jack Coyle, Esq., and attorney Joan Walker.

Special thanks and recognition should be attributed to the race's sponsors without whose generous contributions this event would not have been possible: Miami Herald, Winn Dixie, FIU, Bennigans, the City of Sunrise and the Sunrise Musical Theater, Motorola, Lemon Rush, Florida Level and Transit Company and Jack Finch Flags.

Last, but certainly not least, I would like all to know, recognize and congratulate those members of the committee who have spent four months in the preparation and organization of the race. They have expended numerous hours before, during and after the run to assure that this race continues to be a viable event. Those members are Carey Fischer, Naomi Smith, Melanie May, Glenn Webber and Todd Smith. Special thanks to other committee members Bruce Toland, Mark Greenspan and Richard Wagenheim.

Anyone interested in being on next year's committee please contact John P. Wilkes, Race Committee Director, 2900 East Oakland Park Boulevard, Fort Lauderdale, Florida 33306, telephone 563-4803.

Luncheon

The January meeting of the Young Lawyers Section of the Broward County Bar Association will be held on Thursday, January 26, 1984, at 12:00 Noon at:

Cafe de Paris

715 East Las Olas Boulevard
Fort Lauderdale, Florida

Please make your reservation by mailing your check in the amount of \$7.50, payable to "Young Lawyers Section," to Frederick C. Heidgerd, 4901 North Federal Highway, Suite 400, Fort Lauderdale, FL 33308, or telephone 771-1850 (ask for Helen), no later than Monday, January 23, 1984.

"Anatomy of a Civil Trial" Seminar

By *Romney C. Rogers*
President-Elect

Young Lawyers Section

On November 16, 1983, the Young Lawyers Section of the Broward County Bar Association presented its Second Annual "Anatomy of a Civil Trial" Seminar. It was attended by eighty-five participants who received judicial instruction on the mechanics of trial practice, from Voir Dire to Closing Argument. The program was very informative and well received.

The Young Lawyers Section would like to take this opportunity to publicly thank the following judges for their participation and support:

Hon. M. Daniel Futch, Jr.
Hon. W. Herbert Moriarty
Hon. Larry Seidlin
Hon. J. Bart Budetti
Hon. Bobby W. Gunther
Hon. Barry J. Stone
Hon. Mark E. Polen
Hon. Robert C. Abel, Jr.
Hon. Miette K. Burnstein

We greatly appreciate your time and effort.

Judicial Reception

The Young Lawyers Section is currently organizing a judicial reception, which they hope will become an annual project, to honor all local, state and federal judges. The reception is scheduled to be held at Pier 66 on Thursday, February 9, 1984. Although all local judges will be honored, special recognition will be given to those judges with over 15 years service on the bench.

A committee composed of Linda Conahan, Christine Lee, Melanie May, Jim Sawran, Karen Kantner, Bob Martin, Paul May and David Keller is actively soliciting donations from all Broward County firms to underwrite the cost of renting a reception hall and provide hors d'oeuvres for those who attend. There will also be a cash bar at the reception. Those firms who have not been contacted for contributions by the committee and who would like to make a donation should send their check made payable to the Young Lawyers Section to Fritz Heidgerd, Treasurer of the Young Lawyers Section, 4901 North Federal Highway, Suite 400, Fort Lauderdale, FL 33308. The response so far has been tremendous; however, the cost of this project is substantial, and all contributions will be greatly appreciated.

The reception will provide a good opportunity for local lawyers to meet other members of the Bar, as well as members of the local judiciary. We are looking forward to a good turnout, and we encourage all members of the local Bar to attend and honor our local judges. If you are planning on attending, mark the date on your calendar and R.S.V.P. by returning the enclosed reservation card to Linda Conahan at P.O. Box 14098, Fort Lauderdale, FL 33302.

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Administrative Order

No. 2.14.1

Internal Procedure Rules for Seventeenth Judicial Circuit

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

ORDERED that the internal procedure rules for the 17th Judicial Circuit are as follows:

Setting Cases for Trial

All contested cases for trial shall be set in accordance with the Florida Rules of Civil Procedure.

When conflicts occur in Jury Trials so that counsel is expected to be present in more than one division at the same time, the case with the earliest filing date would take precedence. Counsel shall advise all judges of the divisions concerned and the opposing counsel, well in advance of the trial date.

Companion Cases

When two or more cases concerning the same subject matter have been filed in this Court but which have been assigned to different judges, the judge to whom the lower numbered case has been assigned, upon determining that such case or cases pertain to the same subject matter, shall have such companion cases reassigned to the judge who has been assigned the one bearing the lowest docket number, and thereafter the issues shall be heard, tried, and determined by the judge having said lowest docket number. When companion cases are assigned to different judges, it shall be the duty of counsel in any such case to notify forthwith the judge having said lowest docket number of any companion cases or cases pertaining to the same subject matter, for any re-assignment action.

Petitions for Rehearings

No Petition for Rehearing, Motion for Reconsideration, or like pleading shall be set for oral argument before the Court except upon Special Order and all such requests shall be accompanied by Memo-

randums of Law. Upon consideration of such matter, the Judge shall either deny the petition or motion, or set the same for oral argument. This order shall not apply to Motions for New Trial in jury verdict cases.

Emergency Matters & Inability of Judge to Act

(a) Emergency applications for extraordinary relief, such as ne exeat, injunction, receivership, etc., or for the dissolution or modification of any injunction, receivership, or other order granting extraordinary relief, shall be made to the judge before whom the cause is pending.

(b) The Chief Judge shall designate by order the alternates for the respective judges. If by absence, a judge shall be unable to perform any duty pertaining to his office, it shall be the duty of his alternate to hear all uncontested and emergency matters of such judge. If the judge to whom the case has been assigned is in the courthouse, litigants may not apply to his alternate for hearing.

(c) When both the assigned judge and his alternate are away from the courthouse, litigants must then present emergency matters to the duty judge for that week. In the absence of the judge assigned, his alternate and the duty judge, litigants may then apply to any Circuit Court judge.

Orders for Signature

In addition to the requirements of Rule 1.080(h)(1), Florida Rules of Civil Procedure, a party preparing an Order or Judgment shall also furnish the Court with sufficient copies and stamped, addressed envelopes to be given to all parties entitled to receive them, after entry of the Order of the Court. Copies will be conformed and mailed by the Court after signing. Therefore, counsel are advised not to make telephone requests to the Court for information regarding the signing of Orders.

All Orders and Final Judgments submitted to the Court shall be on blank stationery. The attorney's name shall not appear on such papers.

All attorneys appearing in uncontested final hearings shall have with them a proposed Final Judgment for signature of the Judge at the conclusion of said hearing.

DONE and ORDERED at Fort Lauderdale, Florida, this fifteenth day of November, 1983.

John G. Ferris, Chief Judge

Real Property, Probate & Trust Law News

(Continued from Page 3)

- d. A proposal relating to Landlord/Tenant Law which would provide two (2) methods of service of process on tenants pursuant to Florida Statutes §48.183.

The next meeting of the Executive Council will be held during The Florida Bar's mid-year meeting at the Orlando Marriott Inn, January 27, 1984. That meeting will be concerned with the proposed Real Property Certification Plan, the Section's legislative positions and other matters of interest. More detail on Section activities and developments may be found in the monthly newsletter, *Action Line*, which is mailed to all Real Property, Probate & Trust Law Section members.

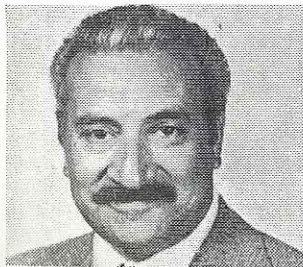
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CALENDAR OF EVENTS

Date	Group	Event	Time & Place	Reservations
1/10/84		North Broward Bar Monthly Meeting	Flaming Pit Restaurant 1150 North Federal Highway Pompano Beach 12:00 Noon	Fred C. Bamman, III 782-0500
1/13/84		Broward Christian Lawyers Association Monthly Meeting	Cafe De Geneve, 1519 S. Andrews Avenue, Fort Lauderdale 12:00 Noon	Paul May (or Peggy) 524-6800
1/24/84	BCBA	General Meeting	Gibby's Restaurant 2900 N.E. 12th Terrace Oakland Park 12:00 Noon	BCBA 764-8040
1/26/84	YLS	Monthly Meeting	Cafe de Paris 715 E. Las Olas Boulevard Fort Lauderdale 12:00 Noon	Helen 771-1850
3/1/84	BCBA PBCBA	Dinner with Wallace D. Riley, President of the American Bar Assn.	Palm-Aire Spa Hotel and Convention Center Cocktails: 6:30 P.M. (courtesy of Florida Coast Midland Trust) Dinner: 7:30 P.M.(\$18.00)	BCBA 764-8040 Further details in February <i>Barrister</i>
3/1-3/84		University of Miami 16th Medical Institute for Attorneys	Sheraton Bal Harbor Hotel Miami Beach, Florida	Medical Institute for Attorneys, University of Miami Law Center P.O. Box 248087 Coral Gables, FL 33124

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