

# The **BROWARD BARRISTER**

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION  
Executive Office: 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304  
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JULY 1984

Volume 13

Number 7

## General Meeting

Tuesday, July 17, 1984

12:00 Noon

\$10.00/person

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

### PROGRAM:

*Peaks and Valleys in Tallahassee—Spring of 1984*

### SPEAKER:

*Rayford H. Taylor, The Florida Bar*

Reservations are necessary. Please return the enclosed reservation card by July 13, 1984. Deadline for reservations and cancellations, Friday, July 13, 1984. Reservations made and not cancelled in time must be paid if guarantee is not met and the Bar is charged for lunches.

### President's Message "As I See It"

#### *Judicial Nominating Commissions*

Perhaps one of the greatest achievements of the 1973 revision of Article V of the Constitution was the creation of Judicial Nominating Commissions. There are twenty-six Judicial Nominating Commissions within the State responsible for screening applicants for Judicial positions in each Circuit, Appellate District, and the Supreme Court. Commissioners serve a four-year term with little notoriety and no compensation for the hundreds of hours they normally spend discharging their responsibilities. Each Commission has nine members, three of whom are appointed by the Governor, three of whom are appointed by The Florida Bar, and three of whom are appointed by the first six. At least three must be laymen.

The Commissions are powerful Constitutional bodies, so far held exempt from the requirements of the Sunshine Law and each operating autonomously in its own right.

In four recent editorials appearing in the *Fort Lauderdale Sun Sentinel* and *Fort Lauderdale News*, Judicial Nominating Commissions have been taken to task for

their almost universal refusal to open their proceedings to the public. Actually, the "public" has seldom demanded to observe the proceedings of any Judicial Nominating Commission. It is only the media that wishes the opportunity.

The repeated editorials appearing in the *Sun Sentinel* and the *News* are a perfect example of an attempt by the media to generate an issue where none exists. The simple fact is that there has been no public clamor, indeed not even a whimper, for access to the tedious and usually boring work of the Commissions.

In my experience, as a current member of the Seventeenth Judicial Circuit Nominating Commission, and as derived from conversations with other Commissioners from around the State, it is not secrecy that the Commissions protect, but rather privacy. Prospective applicants for Judicial positions, and in particular for positions on the County Court, have a right to privacy which should be respected. Applications are reviewed and scrutinized carefully. Occasionally embarrassing questions are asked with candid answers given in response. Often the knowledge of an employer that the applicant is seeking a Judicial position jeopardizes the applicant's job. The irony is that there is no reduction in the ability of the public to scrutinize the candidates

who are ultimately recommended to the Governor. Public participation during the political/appointive stage is fully protected. Names of the successful applicants are immediately released to the press and public comment to the Governor invited.

Now we learn that, with the blessing of The Florida Bar, both the Florida Senate and the House of Representatives passed a joint resolution (HJR 1130) to amend Article V so as to require that all proceedings and records be open to the public with the exception of the final deliberations of the Commissions.

If HJR 1130 is approved in November, the public interest won't be served. The public doesn't care. The newspapers will be ecstatic.

Justice Ben Overton of the Florida Supreme Court recently pointed out at a State-wide conference of Judicial Nominating Commissioners that during the ten-year history of the Judicial Nominating Commission process no judge or justice who had been appointed through the JNC process has ever been disciplined. That is a commendable accomplishment. Judicial Nominating Commissions are working well and they shouldn't be meddled with to serve any special interest. **TERRENCE RUSSELL**  
*President*

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

**OFFICERS**

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the Fifteenth Judicial Circuit

**Designation of Judicial Officers**

**For Weekend First Appearance Proceedings**

July 7, 8 . . . . . Judge Arthur M. Birken  
July 14, 15 . . . . . Judge Stephen R. Booher  
July 21, 22 . . . . . Judge Barbara Bridge  
July 28, 29 . . . . . Judge J. Bart Budetti  
August 4, 5 . . . . . Judge Miette K. Burnstein

**Motion Calendars Suspended**

Judge	From	Through
George Richardson, Jr.	June 26	July 6
Stephen R. Booher	July 2	July 6
Mel Grossman	July 2	July 22
Gene Fischer	July 2	July 31
Bobby W. Gunther	July 10	July 13
H. Mark Purdy	July 16	July 30
Robert C. Scott	July 23	July 27
Mark E. Polen	July 30	August 13
Estella M. Moriarty	August 6	August 27
W. Herbert Moriarty	August 6	August 24
George W. Tedder, Jr.	August 6	August 17
George Richardson, Jr.	August 13	August 24

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**Schedule of Circuit Court  
Civil Division Duty Judges**

The following assignments are for  
Circuit Court Civil Division Duty Judge:

Week Commencing	Judge
July 6 . . . . .	Judge Bobby W. Gunther
July 13 . . . . .	Judge W. Herbert Moriarty
July 20 . . . . .	Judge Paul M. Marko, III
July 27 . . . . .	Judge George Richardson, Jr
August 3 . . . . .	Judge Barbara Bridge

**Office Hours for  
Clerks Office**

Effective Friday, June 15, 1984, the  
doors to all offices of the Clerk of the  
Circuit Court at all Courthouse locations  
will be open to the public for the transac-  
tion of business from 8:30 A.M. until  
5:00 P.M., Monday through Friday. The  
following are the locations:

**Broward County Courthouse**  
201 S.E. 6th Street  
Fort Lauderdale, Florida

**North Broward Satellite Courthouse**  
2301 West Sample Road, Building 5  
Pompano Beach, Florida

**South Regional County Courthouse**  
3550 Hollywood Boulevard  
Hollywood, Florida

**West Broward Satellite Courthouse**  
1980 N.W. 56th Avenue  
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## Criminal Defense Bar and Bench Pitch In

By **JEFFREY P. WASSERMAN**  
Past Chairman  
Lawyer Referral Committee

Several months ago, I submitted an article for the *Barrister* relating to the establishment of the Low-Cost Criminal Defense Attorneys Program which is being co-sponsored by the Broward County Bar Association and the Broward County Criminal Defense Attorneys Association. As you might recall, I pointed to the fact that it appeared quite incongruous that an attorney who specializes in the civil area of the practice would find himself involved in a program of this nature. Fortunately, I had the able assistance of Tom Lynch and Ralph Ray, who were the co-chairmen of the Criminal Law Section of the Broward Bar, Nina Jacobsohn from the Broward County Criminal Defense Attorneys Association, and Judge Patricia Cocalis to formulate the Program so that it would become viable, workable and in place at this time. It has been a true experience working within a realm of the law with terminology which I found to be totally foreign. I dare say a lot was learned, but I remain convinced that I do not want to practice in the criminal sphere.

I am pleased to report that the Program is finally in place and with the assistance of Judges Cocalis, Fleet, Hinckley, Shahood and Tyson, who volunteered for the Pilot Program, it was found to be effective, so that all of the Circuit Court Judges will now have the Program available to them. It is anticipated that by September 1st, the Program will also be available to all of the County Court Judges in Broward County.

We presently have 43 attorneys on the Panel, and as you will recall, in order to qualify for the Panel, you have to be a member of both the Broward County Bar Association and the Broward County Criminal Defense Attorneys Association. We hope that those members of the Broward County Criminal Defense Attorneys Association who did not join the Broward County Bar Association will now join since the membership renewals have just gone out. Likewise, those members who are a member of the Broward County Bar Association, who would like to become a member of the panel of attorneys, should contact the Broward County Criminal Defense Attorneys Association in order to become a member of that organization as well.

As you will recall, the Program was established to help a segment of our society who has been charged with a crime who cannot qualify for the Public Defender's Program because of finances, yet does not have sufficient funds to hire private counsel. Through this Program, we have

established a maximum fee for the different types of criminal offenses, which fees are designed to make the services of a private lawyer affordable to those who can least afford these services.

The program was established through the Broward County Bar Association's Lawyer Referral Service, and was designed to work similarly to the Lawyer Referral Service. In the case of this Program, the referrals come to the Bar Association from the Court. It would be up to the Judge before whom the defendant initially appears to determine whether the defendant would qualify for the program, and upon making said determination, the Broward County Bar Association office would be contacted. The Bar office would then contact one of the attorneys on the list to secure an appointment for the defendant. After the initial interview (for which a fee of \$50.00 would be charged by the attorney, \$20.00 to be remitted to the Broward Bar Association for expenses), if the attorney finds that the individual did in fact qualify for the Program and was able to make the satisfactory financial arrangements with the defendant, the attorney would proceed in his representation of the defendant. In the event appropriate arrangements could not be made, or if in fact it was found that the defendant may not qualify for the Program but instead may qualify for a public defender, the Bar and the Court would then be contacted with reference to the attorney's findings.

As part of the low-cost services, the attorney would be required, if appropriate, to file the necessary motions to find the defendant indigent for costs, either wholly or partially. Additionally, it has been determined that electronic reporting would be utilized in this Program, so as to reduce expenses of court reporters.

Thus far, it has been the opinion of those who have been involved in the Program that it has been quite successful, considering that it is only in its fledgling stages. All those who are connected with

the Program are very optimistic for its success and longevity. The members of the Bench and Bar who are participating in this program should be congratulated for their efforts in once again coming to the aid of a segment of our society who in the past has had little assistance. Perhaps the Bar can utilize this Program to obtain some favorable press for all of us.

Lastly, I want to personally extend a special thank you to Norma Howard, without whose persistence and continuing involvement this Program would never have been a reality. Working with Norma on this Program has been most gratifying, and I look forward to being able to work with her in the future on other Bar Programs.

### Administrative Order

No. 3.05.15

(amends 3.05.14)

IN RE:

SERVICES OF PROCESS IN CERTAIN CRIMINAL CASES BY MAIL

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

ORDERED that effective immediately and until further notice, all service of process on witnesses, whether for trial or for taking of discovery depositions, for all *third degree felonies* in the Circuit Court shall be by U.S. Mail, with postage paid by the Broward Sheriff's Office.

Ordered that effective immediately, all service of process on witnesses in *misdeemeanor cases*, whether for trial or for the taking of discovery depositions, in the County Court shall be by U.S. Mail, with postage paid by the Broward Sheriff's Office.

DONE and ORDERED at Fort Lauderdale, Florida, this 7th day of June, 1984.

**JOHN G. FERRIS**  
Chief Judge

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## Young Lawyers Section

### President's Message

BY ROMNEY C. ROGERS  
President, Young Lawyers Section

The annual Young Lawyers Beach Party was held on Saturday night, June 16, at the Harbor Beach Surf Club. Although it rained all day Saturday, it turned out to be a beautiful evening and, as usual, the party was the best over-budgeted affair of the year and everyone there thoroughly enjoyed themselves. I would like to take this opportunity to personally thank the Social Committee, spearheaded by Christine Lee and Melanie May, for all their hard work.

During the summer months, the only scheduled Young Lawyers activities are our monthly luncheons. However, the Executive Committee tends to use these months for planning the coming year, with events to begin in September. I would like to solicit suggestions from Young Lawyers outside of the Executive

Committee as to what projects, activities, or events in which they would like to see our Section involved. Accordingly, I have included in this article a "check off sheet" which I would appreciate being returned to me so that the Executive Committee might have the benefit of feed back from other members of the Section. In that the Young Lawyers will not be sponsoring the United Way Run this year, I would particularly appreciate suggestions as to what type of community involvement in which each of you would like to see our Section involved. Suggestions along these lines would be greatly appreciated.

Again, let me reiterate my request from last month's *Barrister* that anyone who would like to get involved in the Section will be placed on a Committee of their choice by just notifying me or any other member of the Executive Committee of their interest. Accordingly, if you would like to get involved with the Section, please make a notation on this "check off list."

## Young Lawyers Section Luncheon

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

**Riverside Hotel**  
620 East Las Olas Boulevard  
Fort Lauderdale, Florida

**David R. Gold, Esquire**, will speak on "Stress and Success for Lawyers." **Please make your reservation** by mailing your check in the amount of \$7.50, payable to **Young Lawyers Section**, to: Betty Anne Beavers, 8751 West Broward Boulevard, Suite 307, Plantation, Florida 33324, no later than Monday, July 23, 1984.

## We the People of the United States

BY NEIL POMERANTZ

"The one thing that safeguards our liberty is the Constitution. Unravel it, walk upon it, in any way diminish and vitiate it and you are diminishing and vitiating the most essential and marvelous thing that we have got in this country—liberty." So declared Donald J. Mitchell, Representative of New York, in a speech before the Congress of the United States in 1979. His words accurately describe the relationship between the bulwark of America's legal system, the Constitution, and the freedoms it has produced. Indeed, without a strict and universal code of laws, the opportunity to enjoy "life, liberty, and the pursuit of happiness" would vanish. By presidential proclamation, Law Day was first established in 1958 in recognition of the importance of these goals. Since that year, it has been observed annually on May 1. The aims of Law Day are both ambitious and admirable. Chief among them is the desire to advance the equality and justice which is such an integral part of American society. In addition, observers of the day seek to increase community understanding, support, and respect for the law. Law Day awakens people to the role of laws in fulfilling the aspirations of the Founding Fathers. Laws provide the atmosphere, definitions, and protections necessary for freedom to exist.

By creating societal order, laws allow liberty to flourish. Conversely, where chaos prevails, freedom simply cannot. A brief examination of many heavily publicized nations lends testimony to this fact. In Lebanon, religious and political strife have created an environment where its people are afraid of walking the streets, much less exercising any liberties they possess. Likewise, the actions of persons

(Continued on Page 5)

### Check Off List

I would like to see Young Lawyers Section more involved in:

- |   | Yes                      | No                       |
|---|--------------------------|--------------------------|
| 1. Community Projects   | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Education for its members (Seminars)   | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Activities for its members   |                          |                          |
| a. Social   | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Athletic   | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Specific suggestions _____<br>_____<br>_____   |                          |                          |
| 5. I would like to personally get involved in the Section. My name and address are: _____<br>_____<br>_____ |                          |                          |
| Phone number _____  |                          |                          |
| 6. I am totally apathetic and don't care about any of this stuff.   | <input type="checkbox"/> | <input type="checkbox"/> |

Please designate in which area listed above you are interested in participating.

Please complete and return ASAP to **Romney C. Rogers**, 800 East Broward Boulevard, Suite 700, Fort Lauderdale, Florida 33301.

## We the People

(Continued from Page 4)

living in El Salvador, Iran, and Iraq are severely limited by the chaos caused by virtually continuous warfare. Needless to say, it would be absurd to believe that order in itself constitutes freedom. Soviet governments have maintained strict control over their country for decades, but place harsh restrictions on their people. However, only in an atmosphere where some degree of harmony exists does freedom have a chance for survival.

Probably the most obvious consequence of laws is that they define freedoms. Without assurance of liberties, a democratic government like that of the United States would be inconceivable. Law professor Thomas Goodnight summarized this attitude when he stated that "guarantees of rights are the only means to obtaining a just society and the only impediment to tyrannical oppression of the individual by the state." Often, rules of conduct define liberties by stating what cannot be done. Any action which does not fall under such guidelines is deemed permissible. In so doing, laws allow people to better understand and more easily exercise their privileges.

Finally, laws serve to protect one's freedoms from abuse by another. When the Founding Fathers established the Constitution in 1776, one of their primary goals was to "secure the blessings of liberty" for all Americans. In pursuing this objective, legislatures on both the state and federal level have established and refined proper mechanisms for the prosecution of offenders. While the criminal justice system in the United States is based on the presumption of innocence, it nevertheless prevents widespread violations of the law. Unless people can enjoy their liberties without fear of persecution by supporters of opposing viewpoints, their freedoms are worthless.

An analysis of the function of laws leads to the conclusion that they are the means by which the atmosphere, definitions, and protections necessary for true freedom have been created. American colonists saw the need for such rules to insure the liberties which they were denied. For over two hundred years laws have upheld the freedoms which are the foundation of America's unique democratic process. In a world where the denial of personal liberties has become increasingly common, Law Day is instrumental in promoting democratic ideals. Only with such unified demonstrations can the voice of freedom, justice, and equality be heard throughout the world. To put it simply, laws and Law Day make freedom work.

*(This is the winning essay of the Law Day Essay Contest sponsored by the Young Lawyers Section. Neil Pomerantz attends Pine Crest School and was in the eleventh grade when the essay was written.)*

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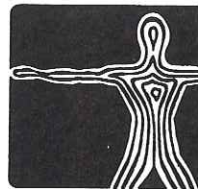
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## Welcome New Members

**CHANNING E. BRACKEY**, a native of Nashville, Tennessee, received his undergraduate degree from Notre Dame and his law degree from Florida State University. He is a sole practitioner in Fort Lauderdale.

\* \* \*

**VICTORIA A. CALABRESE**, a native of Long Island, New York, received her undergraduate degree from University of Miami and her law degree from Nova Law School. She is associated with Patterson & Maloney in Fort Lauderdale.

\* \* \*

**JOHN REEDER CATES**, a native of Miami, Florida, received his undergraduate degree from Florida State University and his law degree from Detroit College of Law. He is associated with Frank Mallory Shooster in Fort Lauderdale.

\* \* \*

**RICHARD I. GLICK**, a native of Bronx, New York, received his undergraduate degree from State University of New York at Binghamton and his law degree from State University of New York at Buffalo. He is associated with Abe Rosenberg in Hollywood.

\* \* \*

**CURTIS J. GRODIN**, a native of Brooklyn, New York, received his undergraduate degree from State University of New York at Stony Brook and his law degree from Nova Law School. He is associated with Bacen & Kaplan in Pembroke Pines.

\* \* \*

**GARLAND HOGAN**, a native of Greensboro, North Carolina, received his undergraduate degree from Southern Methodist University and his law degree from University of Miami. He is a sole practitioner in Fort Lauderdale.

\* \* \*

**MARK T. JUANICO**, a native of Roseville, California, received his undergraduate degree from Florida State University and his law degree from Nova Law School. He is associated with Bacen & Kaplan in Pembroke Pines.

\* \* \*

**JAY M. KOLSKY**, a native of Philadelphia, Pennsylvania, received his undergraduate degree from Allegheny College and his law degree from University of Toledo. He is associated with Winitz, Liroff & Kolsky in Sunrise.

\* \* \*

**CRAIG W. LEKACH**, a native of Norristown, Pennsylvania, received his undergraduate degree from Dickinson College and his law degree from University of Miami. He is a sole practitioner in Fort Lauderdale.

(Continued on Page 8)

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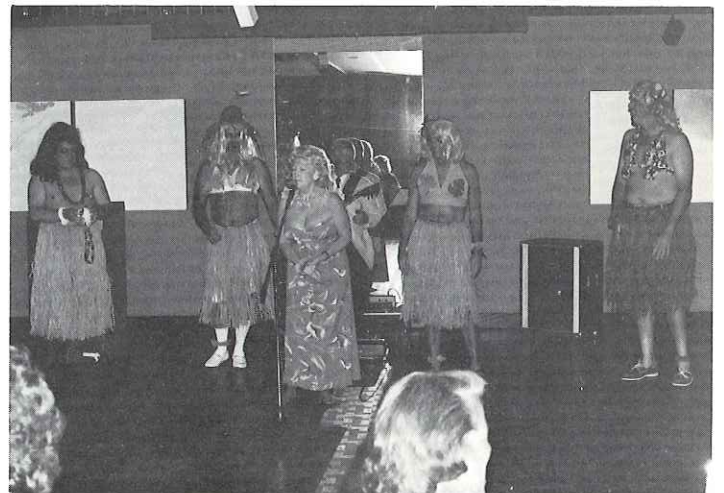
*Terrence Russell presents plaque to Angeline Weir for outstanding service as President.*



*Committee and Section Chairmen meet to plan year.*



*Executive Committee members approve membership applications.*



*North Broward Bar Past Presidents at Installation Dinner.  
(How many do you know?)*

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# CALENDAR OF EVENTS

Date	Group & Event	Time & Place	Reservations
7/10/84	North Broward Bar Association Monthly Meeting	Flaming Pit Restaurant, 1150 N. Federal Hwy. Pompano Beach, 12:00 Noon	William Stockman 941-4920
7/13/84	Broward Christian Lawyers Association Monthly Meeting	Cafe de Geneve, 1519 S. Andrews Avenue Fort Lauderdale, 12:00 Noon	Ronald Houchins 486-1777
7/15-18 1984	Fourth Conference for Lawyers of the Americas (in Spanish)	Key Biscayne Hotel and Villas Key Biscayne, Florida	Rene V. Murai, Dir. 305-358-5900 George Volsky, Vice-Director, 305-358-9015
7/17/84	BCBA General Meeting	Gibby's Steaks & Seafood Restaurant 2900 N.E. 12th Terrace, Fort Lauderdale 12:00 Noon	BCBA 764-8040
7/26/84	Young Lawyers Section Monthly Meeting	Riverside Hotel, 620 E. Las Olas Blvd. Fort Lauderdale, 12:00 Noon	Betty Ann Beavers 473-1500
8/8/84	Broward County Women Lawyers Association	Jungle Queen Dinner Cruise, Bahia Mar Yacht Basin, Fort Lauderdale, 7:00 P.M.	Sharon 463-3765
10/15-19 1984	University of Miami 39th Annual Tax Conference	University of Miami Knight International Center 400 S.E. Second Avenue, Miami, Florida	University of Miami Conference Center 400 S.E. Second Ave. 4th Floor Miami, FL 33131 305-372-0140

## Welcome New Members *(Continued from Page 5)*

**NATHAN ROSEN**, a native of Brooklyn, New York, received his undergraduate and law degrees from New York University. He is a sole practitioner in Hallandale.

**MARK A. SEFF**, a native of Baltimore, Maryland, received his undergraduate degree from University of Maryland and his law degree from University of Baltimore. He is a sole practitioner in Hollywood.

**BARBARA YORRA SIMONDS**, a native of Boston, Massachusetts, received her undergraduate degree from Temple University and her law degree from Nova Law School. She is associated with Broward State Attorney's Office in Fort Lauderdale.

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