

The BROWARD BARRISTER

SEPTEMBER, 1974

Volume 3

Number 9

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION
Executive Offices, 735 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

GENERAL MEETING

Wednesday, September 18, 1974

12:00 Noon

THE SHERATON HOTEL
303 North Atlantic Boulevard
Fort Lauderdale, Florida

—: Lunch: \$5.00 —:

Speaker:
Marshall Criser,
Chairman of Board of Regents

Topic: "Problems of Higher Education"

Please use the enclosed card for reservations

YOUNG LAWYERS SECTION MEETING

Thursday, September 26, 1974

— 12:00 noon —

GOVERNORS' CLUB HOTEL
236 S. E. First Avenue
Fort Lauderdale, Florida

Lunch: \$3.50

Send reservations with check to:
Mr. Ed Sciarretta
3081 E. Commercial Boulevard
Fort Lauderdale, Florida 33306

PLEASE MAKE CHECKS PAYABLE TO
YOUNG LAWYERS SECTION.

BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING

Wednesday, October 2, 1974

5:30 p.m. Case Evaluating Committee Meeting
(Bring your cases for evaluation)

6:30 p.m. Cash Bar
7:00 p.m. Dinner \$9.50

TOP OF THE SHERATON HOTEL
303 N. Atlantic Blvd. (A-1-A)
Fort Lauderdale Beach

"The Federal Courts: When?"
Honorable Peter T. Fay, Judge
United States District Court (Miami)

Workshop on timely topics
"Hand-outs of Trial Practice forms"
New Members will be recognized

Please send reservations with check for dinner
and 1975 dues (\$10) to:

Frank C. Walker (Ph. 764-7676)
Suite 1800
One Financial Plaza
Ft. Lauderdale, Florida 33394

FLORIDA CONFERENCE OF CIRCUIT COURT JUDGES

The Florida Conference of Circuit Judges will hold its annual meeting October 13-16, 1974, at the Dutch Inn, Lake Buena Vista, Florida.

ooOOoo

COURT DECISIONS

By Henry J. Prominski

The recent case of *Henley vs. City of Cape Coral* 292 So. 2nd 410 upheld a municipal restriction for having trailers parked over four hours on a residential subdivision. Chief Judge Mann blithely stated that, although there may be circumstances in which the ordinances may be unconstitutional, there is a presumption in favor of constitutionality and that such a restriction is reasonable. No constitutional reasons were included for the enactment of this ordinance. There was no spelling out of health, safety and welfare, no delineation that this detracts from the esthetics of the community or that this interferes in any way with traffic. The court stated that commercial vehicles could be kept in a garage and of course this made it reasonable.

The famous needle on the beach case was also discussed in 294 So. 2nd 73. Here the owner of adjacent beach front land erected on presumably his own land a space needle — an observation tower for amusement by the payment of a small charge to have the thrill of riding high above the beach and observing the bathers and traffic below. The lower court held that since this area had been used by the public in conjunction with the public beach for many years and that the observation tower could not be properly built upon the land. The Supreme Court reversed in essence stating that, although the populous might have a prescription easement over the land of the defendant, the erection of an observation tower was inconsistent with the prescriptive use for public enjoyment.

ooOOoo

Broward County Trial Lawyers Association

A. J. Thomas, Jr., President of the BROWARD COUNTY TRIAL LAWYERS ASSOCIATION announced the kick-off of its 1975 membership campaign. New members will be recognized

at the BCTLA dinner meeting to be held on Wednesday, October 2, 1974 at the Top of the Sheraton, Fort Lauderdale Beach.

The BCTLA is an independent, county-wide, professional organization of lawyers whose interestes are focused mainly on general trial practice. Membership is open to members of the Florida Bar who are in good standing and who do not, for the most part, represent defendants in personal injury litigation or workmens' compensation proceedings.

The meetings are held on the first Wednesday of each month commencing at 6:30 p.m. At the monthly meetings, there is an opportunity to meet with, and discuss cases and trial experiences with, some of the most experienced trial lawyers in Broward County. The annual dues are \$10.

At 5 p.m. preceding each regular meeting, the BCTLA evaluation committee meets and evaluates cases submitted by members. This committee is composed of experienced trial lawyers and its purpose is to provide a forum where a member can obtain an appraisal of his cases.

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

OFFICERS

William F. Leonard *President*
George A. Patterson ... *President-Elect*
Ray Ferrero, Jr. *Secretary*
Lawrence J. Meyer *Treasurer*
Nicholas J. DeTardo *Past President*
Norma Howard *Executive Secretary*

At each meeting the Association has available "hand-outs" of commonly used trial practice forms and procedures.

Programs scheduled for the remainder of the year are as follows:

October 2, Federal District Judge Peter T. Fay "The Federal Courts: When" (New membership meeting)

November 6, Henry P. Trawick, Jr., "Florida Practice and Procedure" (Annual Judge's meeting; also to be honored, Dean Thornton and the faculty of Nova Law School)

December 4, John A. Thabes, "Leg-

islation of Interest to the Trial Bar" and election of officers.

Following the formal presentation at each meeting, a work-shop is held on subjects of general interest to the trial bar. The November meeting will be preceded by a Cocktail Reception hosted by the Harrison Company. The Harrison Company will display current publications on Florida civil procedure, furnish door prizes, discount auto forms and favors for all guests. Mr. Trawick who authored Florida Practice and Procedure will be available both before and after the formal program to answer questions.

The annual dues are \$10. If you would like to join BCTLA, please contact either President Thomas, P.O. Box 4078, Fort Lauderdale, Florida 33304, phone 525-0531, or Treasurer Frank C. Walker, Suite 1800, One Financial Plaza, Fort Lauderdale, Florida 33394, telephone 764-7676, for a membership application.

ooOOoo

NEW PROCEDURES

In a move to streamline the operation

of the Civil Division of the Broward Sheriff's Office, the practice of maintaining credit balances for law firms will be discontinued as of September 30, 1974, at which time all monies on hand will be refunded. Separate checks for each paper submitted will be required thereafter.

Attorneys will not only benefit from a quicker and smoother handling of process but will also be able to absolutely indentify costs for each individual case.

Any questions concerning this procedure should be referred to Ms. Linda Sweeney, Civil Division Bookkeeper.

ooOOoo

Operation Update / Transition

Desiring to better serve the new admittees, and veteran Lawyers as well, the Broward County Bar Association and Trial Lawyers Association are considering "Operation Update/Transition."

The presentations would be spaced over a period of six (6) months with three (3) schedules for each month and starting at the close of office hours. The Program will stress the practical aspects of trial practice, emphasizing local practice.

Topics will include client relations, legal ethics, criminal prosecution and defense, domestic relations, personal injury and other timely trial topics.

Judges and Lawyers who endorse and will participate in this Program are requested to sign and return the enclosed card.

ooOOoo

Welcome, New Members

MICHAEL AMENDOLA, a native of Newark, New Jersey, received his undergraduate and law degrees from the University of Florida. He is associated with the firm of Graham, Carroll, Hodge & Swan in Fort Lauderdale, Florida.

T. RANDOLPH BUCK, a native of Washington, D.C., received his undergraduate degree from American University and his law degree from the University of Virginia Law School. He is employed by Leadership Housing, Inc. in Fort Lauderdale, Florida.

JESSE H. DINER, a native of New York, N.Y., received his undergraduate degree from Gettysburg College and his law degree from St. John University. He is associated with Hunter and Atkinson, P.A. in Hollywood, Florida.

JAN STUART DUBIN, a native of Philadelphia, Pa., received his undergraduate degree from the University

***BETTER ABSTRACTS**

at
**Broward County
Title Company**

8 CONVENIENT OFFICES

FORT LAUDERDALE
DEERFIELD BEACH
HOLLYWOOD
PLANTATION
POMPANO BEACH
LAUDERDALE LAKES
CORAL SPRINGS

Our 58th year of
Preparing Better Abstracts



Executors, Guardian,
Probate, Replevin,
Attachment Bonds

920 North Federal Highway
Fort Lauderdale, Florida
763-7800

Robert Ross — Rocci Lombard — E. D. Ballard



**LAUDERDALE ABSTRACT
and TITLE COMPANY**

T. M. Gregg, President

Title Insurance/Abstracts/Escrow
now 5 convenient locations

Ft. Lauderdale—West
1941 West Oakland Park Blvd.

Ft. Lauderdale—East
3024 East Commercial Blvd.

Pompano Beach
2651 Atlantic Blvd.

Davie
7200 Griffin Road

Hollywood
4539 Hollywood Blvd.

For All (305) 735-4600 Offices

of Miami and his law degree from Stetson College of Law. He is associated with Gerald Beyer in Fort Lauderdale, Florida.

JUDGE JOHN G. FERRIS, received his undergraduate and law degrees from the University of Detroit. He is the Chief Judge for the Seventeenth Judicial Circuit, Broward County, Fla.

DAVID A. GRAHAM, a native of Garrett, Indiana, received his undergraduate degree from Purdue University, Ball State University, and his law degree from the University of Miami. He is associated with Freddy, Haddad, Kutner & Hardy, P.A. in Fort Lauderdale, Florida.

RAYMOND O. HOLTON, JR., a native of Dayton, Ohio, received his undergraduate degree from Broward Community College; University of Miami, and his law degree from the University of Miami Law School. He is associated with Bird and Carpenter, P.A. in Fort Lauderdale, Florida.

PERRY S. ITKIN, a native of Brooklyn, New York, received his undergraduate degree from Pennsylvania State University and his law degree from Dickinson Law School. He is associated with Kirsch & Mills, P.A. in Fort Lauderdale, Florida.

HENRY LATIMER, a native of Ocilla, Georgia, received his undergraduate degree from Florida A & M; Florida Atlantic, and his law degree from the University of Miami. He is associated with Ford & Mavrides in Fort Lauderdale, Florida.

ALTON A. LINN, JR., a native of Detroit, Mich., received his undergraduate degree from UWM and his law degree from the University of Wisconsin. He is associated with Graham, Carroll, Hodge & Swan in Fort Lauderdale, Florida.

DONALD J. MURRAY, a native of New York, N.Y., received his undergraduate degree from New York University and his law degree from the

University of Miami. He is associated with Greenberg and Murray in Hallandale, Florida.

M. ROSS SHULMISTER, a native of Atlanta, Georgia, received his undergraduate and law degrees from the University of Florida. He is associated with Zeiher & Brinkley in Fort Lauderdale, Florida.

ooOOoo

SCHEDULE OF NON-COURTHOUSE HEARINGS — CIRCUIT COURT

Date	Pompano	Hollywood
Sept. 10	Judge Gonzalez	Judge Minnet
Sept. 17	Judge Moe	Judge Franza
Sept. 24	Judge Richardson	Judge LaMotte
Oct. 1	Judge Minnet	Judge Seay
Oct. 8	Judge Hare	Judge Ferris
Oct. 15	Circuit Judges' Conference	
Oct. 22	Judge Johnson	Judge Fischer
Oct. 29	Judge Warren	Judge Farrington
Nov. 5	Judge Tedder	Judge Booher
Nov. 12	Judge Richardson	Judge Weissing
Nov. 19	Judge Gonzalez	Judge LaMotte
Nov. 26	Judge Booher	Judge Franza
Dec. 3	Judge Johnson	Judge Seay
Dec. 10	Judge Hare	Judge Ferris
Dec. 17	Judge Moe	Judge Fischer

ooOOoo

Prepaid Legal Services

Thomas E. Kauper, Assistant Attorney General, Antitrust Division, U.S. Department of Justice, in a speech to the National Conference of Bar Presidents on August 12, 1974, stated that the Division on August 5 declined to issue a business review clearance of a proposed prepaid legal services program to a non-profit organization sponsored by a state bar association which had adopted "discriminatory rules . . . similar to the Houston amendments" to the Code of Professional Responsibility.

On August 21, Mr. Kauper's Special Assistant, Joe Sims, appearing before the Committee on Professional Ethics of the New York State Bar Association, proposed specific amendments to the "Hou-

ston amendments" which, according to Sims, "would, in my view, largely eliminate the competitive and, thus, the antitrust, problems which the current rules . . . now pose."

In Honolulu, the ABA House of Delegates adopted a resolution creating an *ad hoc* study group charged with making recommendations to the House at its February 1975 meeting regarding the Houston amendments. In the resolution, the House suggested "to all interested entities that further action on the amendments . . . be taken only with knowledge that the matter is scheduled for further consideration by the American Bar Association."

ooOOoo

Legal Services Corporation

A large number of nominations reportedly are being considered for membership on the eleven-member board of directors of the Legal Services Corporation created by Public Law 93-355, signed into law on July 25, 1974. Since Senate confirmation of the nominees is required, it may be some time before the Corporation becomes operational.

Bert Gallegos, Director-Designate of the Office of Economic Opportunity, has announced that he anticipates making no substantive changes in the operation of the Legal Services Program while it remains in the OEO.



The Florida Bar Insurance Plans

- Lawyer's Liability Package
- Major Medical
- Disability Income
- Accidental Death and Dismemberment
- Life Insurance
- Workmen's Compensation

For detailed information, call or write:

Florida Bar insurance plans
Poe and Associates, Inc.
P.O. Box 1348
Tampa, Fla. 33601
(813) 228-7361

Poe and Associates, Inc.
We stand by you.

Administrators for
The Florida Bar insurance plans

FOR A
LAW LIBRARY

Tailored to the needs of your practice

see

RICHARD G. "DICK" CLARKE

WEST PUBLISHING CO.

Representative

P.O. Box 8983

ORLANDO, FLORIDA 32806

Broward County Phone: 522-8585

To save Time, Space, and Money tomorrow.

Get in touch with me today!

REMEMBER US
WHEN YOU NEED A TRUST

specialist

Broward County's oldest and largest Trust organization.
(One of Florida's largest, too.)



BROWARD NATIONAL BANK
Downtown on Andrews

CORAL RIDGE NATIONAL BANK
Oakland Park East

Broward Bancshares Banks
FDIC

Young Lawyers Section

The Young Lawyers' Section has undertaken a project to prepare suggested pleadings for use under the new replevin act, Ch. 73-20. Bruce Weihe of the firm of Ferrero, Middlebrooks & Houston has been appointed to head up this project. Forms have been drafted and are available for examination and suggestions at Mr. Weihe's office or at the Broward County Bar Association office.

ooOOoo

WANTED

Deputy Director
for the

Legal Aid Service of
Broward County, Inc.

Dedicated trial attorney; 2 years Florida civil trial experience needed for very new but **necessary** poverty law program

Send written resume to:

The Legal Aid Service
735 N.E. Third Avenue
Fort Lauderdale, Fla. 33304

ooOOoo

DONATIONS REQUESTED

The Committee on Facilities of the Legal Aid Service of Broward County, Inc. has requested your help in implementing the program. Tax deductible contributions of books, equipment, supplies, furnishings, etc. may be made to the program. Please call Barry Klein, 764-8110, to make contributions.

FLORIDA TRIAL LAWYERS

The Academy of Florida Trial Lawyers approved the formation of the Criminal Law Section of the Academy in September, 1973. This section plans to offer seminars from time to time at key locations throughout Florida. These seminars will feature lectures by nationally prominent criminal defense lawyers on recent developments and changes in law and procedure in criminal law.

Under the leadership of Bruce Lyons, Esq., Fort Lauderdale, Chairman of AFTL Criminal Law Section, such a seminar will be offered on Friday, Nov. 15, 1974, at the Doral Golf and Country Club, Miami, Florida, as a part of the AFTL annual convention, more details will follow, but the program will include:

1. "Eye Witness Identification and Line-ups."
Lecturer: Stuart Kinard (Co-Chairman of the Harris County Bar Association; Professor of Law, University of Texas; and, member of the College of Criminal Defense Lawyers and Public Defenders).
2. "Defense of Criminal Tax Frauds."
Lecturer: Mr. George D. Crowley,

Chicago, Illinois. (Member, Criminal Justice Counsel; Director, the National Criminal Defense Attorneys' Association; and, Professor, College of Criminal Defense Lawyers and Public Defenders.)

3. "Jury Instructions — New and Innovative Approaches."
Lecturer: Mr. James Shellow (Director, National Criminal Defense Lawyers' Association; and, Professor, National College of Criminal Defense Lawyers and Public Defenders).
4. "Aggressive Approach In Defending Those Charged With Criminal Offenses." Tentative: Lecturer: Dean C. Anthony Friloux (Dean, College of Criminal Defense Lawyers and Public Defenders).

Anyone interested in becoming a member of the Criminal Law Section should write to:

The Academy of Florida Trial Lawyers
220 Center Building
330 South Adams Street
Tallahassee, Florida 32301

for the membership application form.



POINSETTIA PRESS, INC.
325 S.W. FIRST AVENUE
FORT LAUDERDALE, FLORIDA
33301
PHONE 522-0542

Quality  Service

Your letterhead is the
"Voice" of your business.

Engraved and Printed Stationery needs
to the Legal Profession.

The H. & W.B. Drew Company
of Greater Miami
P.O. Box 758
Coral Gables, Florida 33134

For Special Information,
Service or Appointments
(305) 445-3619 Collect
"In Florida since 1855"

FREE SERVICES FOR ATTORNEYS

Use of our financial library for pricing, complete stock transfers to legatees or to trustees. Portfolio Reviews, Investment Advice and asset valuation for Administrators and Trustees.

Contact:

DOUGLAS DELANOY
Institutional Account Executive
Merrill Lynch,
Pierce, Fenner & Smith, Inc.
Fort Lauderdale, Florida 33394
764-7600

For Experienced
Trust Services
In South Broward:

FIRST NATIONAL
BANK
OF HOLLYWOOD

H. C. Satchell—Exec. V.P.
L. E. Mitchell—V.P. & T. O.

Do your clients a favor . . .
Use a **Professional** in Real Estate

Edward O' Cleary, President
Royal Crest Realty, Inc. (Realtor)
Suite 805 Gibraltar Tower
2929 E. Commercial Boulevard
Fort Lauderdale, Florida 33308
Phone 776-1101

We only service acreage, commercial or industrial properties with a value of \$300,000 or more. Will accept non-exclusive listings.

After 13 years of law practice in Ft. Lauderdale, now full time in Real Estate development and brokerage.