

The BROWARD BARRISTER

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

GENERAL MEETING

THE SHERATON HOTEL
303 N. Atlantic Boulevard
Fort Lauderdale, Florida

THURSDAY, JANUARY 16, 1975

Cocktails — 6:30 P.M. (cash bar)

Dinner — 7:30 P.M.

DINNER — \$10.00

PROGRAM: The Little FTC ACT
by Robert L. Shevin

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YOUNG LAWYERS SECTION MEETING

THE PLAYERS CLUB
1299 E. Oakland Park Boulevard
Fort Lauderdale, Florida

THURSDAY, JANUARY 23, 1975

— 12:00 Noon —

LUNCH: \$3.75

PROGRAM: "CLASS ACTIONS
by Marshall Curran

Please send reservations with check to:

Mr. Ed Sciarretta
3081 E. Commercial Boulevard
Fort Lauderdale, Florida 33308

(Make Checks Payable to Young Lawyers Section)

BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING

WEDNESDAY, FEBRUARY 5, 1975

5:00 p.m. Case Evaluation Committee
and Trial Clinic
(Bring your cases and questions)

6:30 p.m. Cash Bar

7:00 p.m. DINNER — \$10.00

THE SHERATON HOTEL
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Workshop on Timely Trial Topics

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Suite 1818
One Financial Plaza
Fort Lauderdale, Florida 33394

OPERATION:

UPDATE/TRANSITION

In an effort to perform a service to the lawyers of Broward County (of all age groups), the Bench, the public and other supportive agencies, the Broward County Bar Association and the Broward County Trial Lawyers Association have developed the initial lecture-program following:

February 19

A. Client relations in trial practice, legal ethics. A discussion of the most frequent complaints clients express about lawyers. Speaker: Paul B. Anton, Esquire.

B. Mal-practice prevention. Speaker: Clifford B. Selwood, Jr., Esquire.

March 19

A. Structure of and practice in Circuit County Courts — civil.

B. Courtroom decorum.

April 16

A. Evidence, examination and cross-examination.

B. Use of video tape.

All programs will be presented at 4:30 o'clock P.M. on the dates indicated (third Wednesday of each month) in the County Commission hearing room No. 250 on the second floor of the Broward County Courthouse.

The initial presentations will consist of two fifty-minute lectures with a ten minute question period for each. Lecture outlines and/or trial practice forms will be furnished for each lecture.

This program is a pilot effort. If sufficient interest is shown by lawyer participation, the program will be expanded and continued.

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ECONOMICS SEMINAR

A MUST

Inflation! Recession! High attorney's

fees! Exorbitant overhead! . . . All of these problems are the concern of every practitioner. Whether by himself or a member of a large law firm, too often attorneys do not have time to consider the operation of their own offices. As a result, their own economic well being suffers due to this negligence. It has been several years since the Florida Bar has had a seminar dealing specifically with the problems of economics in the practice of law.

The Legal Economics Committee of the Bar has scheduled a one and one-half day seminar on January 24 and January 25, 1975 at the Tampa Host Hotel, which is located at the Tampa International Airport. This seminar is titled, "Salvation for the Overworked Attorney," and is designed specifically as a "bread and butter" approach to law office economics. It has equal application to the solo practitioner or the member of a large law firm.

The panel which has been assembled is probably the most prestigious, best

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

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recognized, most entertaining and educational panel ever presented on the subject of economics. The panelists include: J. Harris Morgan, Greenville, Texas; Kline Strong, Salt Lake City; Bernard Sternin, New York; Samuel S. Smith, Miami Beach; and Clayton B. Burton, Clearwater.

J. Harris Morgan is the star of the American Bar Association film entitled, "Romancing Fees into the 20th Century." Mr. Morgan's wry wit and down to earth approach to the question of legal economics has made him a much sought after national speaker on the subject.

Doctor Kline Strong is the country's foremost authority on the use of legal and practicing systems, the training of para-legals and office organization. The Economics Committee has been so impressed with his work that they have adopted as their major project the adaptation or preparation of legal practice systems for use by the Florida Bar. Those attending the seminar may enjoy their first exposure to this new and revolutionary approach.

Bernard Sternin from New York is acknowledged as the nation's foremost authority on word processing systems. He is the author of many published articles on the subject and is currently with the firm of Altman and Wiel, Management Consultants, as well as being a practicing attorney in the State of New York.

Another featured speaker on the program is Samuel S. Smith, a practicing attorney in Miami Beach, who has previously served as Chairman of the Florida Bar Committee on Economics, and has now been elevated to the Board of Governors. Mr. Smith is also a nationally recognized and traveling lecturer on the subject of economics and has recently spoken to many local and state bar associations throughout the nation on this subject. His topic will be in the area of "paper clips and pencils" and is entitled, "Breakthroughs in Ordinary Office Supplies that You need to Know About."

To round out the panel, the Committee has requested the Clearwater Attorney, Clayton B. Burton to speak on the experiences he has had with the consideration, the decision, and the experience of installing a computer in a small law office.

In addition to the speakers who will be appearing, various exhibitors will be displaying the latest in office word processing, dictation, copying, and various types of other machines and equipment. The exhibitor's booths will be open during the entire seminar and for a period following the seminar so that you can see the latest in office machines.

Pre-registration is suggested since this seminar will be presented one time only. The cost of the registration is \$35.00 and your check, made payable to The Florida Bar should be sent to: Debbie Ginn, Florida Bar, Tallahassee, Florida 32304.

Overnight accommodations must be arranged separately, and you may contact the Tampa Host Hotel, but, again early registration is suggested.

Do yourself, your partners, your associates and your employees a favor and attend this seminar!

SCHEDULE OF NON-COURTHOUSE HEARINGS — CIRCUIT COURT

Date	Pompano	Hollywood
Jan. 7	Judge Gonzalez	Judge Farrington
Jan. 14	Judge Richardson	Judge McCauley
Jan. 21	Judge Warren	Judge Fischer
Jan. 28	Judge Johnson	Judge LaMotte
Feb. 4	Judge Tyson	Judge Franza
Feb. 11	Judge Hare	Judge Seay
Feb. 18	Judge Minnet	Judge Ferris
Feb. 18	Judge Minnet	Judge Booher
Feb. 25	Judge Nance	Judge Booher
Mar. 4	Judge Minnet	Judge Farrington

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Profile of the Charter Freshman Class at Nova University Law Center

Have you wondered about the makeup of the freshman class at Nova University Law Center?

An anonymous, voluntary survey was conducted at the opening of the semester which gives a statistical profile of the 178 charter students, who they are, where they come from, and what their hopes are for the future. It shows that most of the students are young, 56 per cent are under 25 years old (although 7 are over 40). Forty five per cent of the students are married, and 14 per cent are women.

Two-thirds had been Florida residents for more than six months before the Law Center opened.

The composite undergraduate grade average is B-minus, and the composite LSAT, 550 points.

The students' religious beliefs are almost equally divided among Catholic, Jewish, Protestant and other. Most have college educated parents and 45 parents hold advanced degrees.

There are only 5 Latin Americans and one Black in the class, and we urge our readers to help us identify and encour-

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age qualified minority group students to apply for admission next fall.

About one-half of the student body hope to enter private law practice in a small firm or office. One-third plan to practice criminal law, either prosecution or defense. Corporate law, international law, teaching, taxation, estate planning, and state and federal government drew about a dozen votes each as specialization goals.

A substantial number of students said they were attracted to a legal career in expectation of becoming community leaders. Many also see the legal profession as offering an opportunity to help others.

These statistics bear out this professor's impression that the members of the charter freshman class at Nova Law Center are varied in background and viewpoint, highly motivated, challenged by their introduction to legal education, and represent fine potential for our profession.

Nova is trying a unique approach to teaching professional responsibility and ethics. Instead of the usual senior course, often optional, our charter class is receiving a required first semester freshman course entitled "Legal Profession." It studies the profession, our system for the administration of justice, how legal services are delivered, the work of lawyers, the lawyer-client relationship, and the qualities, talents and skills lawyers bring to their tasks. In every facet of this, our classes will examine the lawyer's responsibilities to his clients, to the public, to the court, to his profession and to himself.

Further, the Dean and the entire faculty are in agreement that ethical and professional responsibility considerations should and will be dealt with as matters of importance as they arise in every course offered here.

This class will not only have studied

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the Code of Professional Responsibility, but will have professional responsibilities constantly before them during their entire law school careers.

We have high hopes for results.

Laurance M. Hyde, Jr.
Professor of Law

★ ★ ★ ★

Do You Need A Law Clerk?

Many students at Nova University Law Center are seeking part-time or full time summer positions as clerks in the Law Offices in the Fort Lauderdale area. The applicants are all first year Law students.

If you have any openings or any suggestions as to how students might obtain law related employment, please call or write:

Lawrence M. Hyde, Jr.
Professor of Law
Nova University Law Center
Fort Lauderdale, Fla. 33314
Tel. 587-6660

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SECOND ANNUAL JAMES F. MINNET, JR. SCHOLARSHIP TOURNAMENT THURSDAY, FEBRUARY 6, 1975 WOODLANDS COUNTRY CLUB

Best Ball Foursome—Choose your own if desired, if not foursome will be arranged to make up or round one off.
Starting Times: 8:00 a.m. — 1:30 p.m.
Submit your handicap, foursome, and request for starting time before January 15, 1975. Phone 765-4769.

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HELP NEEDED

The Florida Bar has been extremely well served in this area by the volunteer members of the Grievance Committee and by the volunteer Bar Counsel and the Referees; however, there is unfortunately a great deal of work to be done, and Don Norman and I are very interested in obtaining the names of all of you who are interested in helping with this work.

During the course of my tenure on the Board of Governors, I have found the percentage of people willing to serve when asked to be remarkably high. Naturally, we have tended to ask people personally known to us, and we recognize that this County has gotten so large that there is no way for us to personally know all of the members of the Bar as much as we would like to.

Accordingly, if anyone is interested in serving as a Referee or Bar Counsel or as a member of the Grievance Committee, please contact either Don Norman or me.

BOARD SEAT VACANCY

One other position needs to be filled at the Bar Election to be held next spring. I am presently concluding my sixth year on the Board of Governors of the Florida Bar. It has been a remarkable experience and one that I shall remember fondly for the rest of my life. It has given me the opportunity to know a great many of you, and it has given me the opportunity to meet a great many lawyers throughout the State of Florida. It has been an interesting experience and it has sometimes been a trying experience but, above all, it has been a rewarding experience — but six years is enough.

I would urge each of one of you who is interested in this position, who is interested in travel throughout the State, who is interested in the structure and

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performance of the Florida Bar, and who is willing to spend somewhere between 200 to 400 hours a year (depending on Committee assignments) to file a nominating petition at the Florida Bar Headquarters in Tallahassee before 5:00 p.m., February 15, 1975. Please consult Article III of the By-Laws Under the Integration Rule, page 44 of the 1974 Bar Journal Directory.

John S. Neely, Jr.

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Whither Punitive Damages?

(Continued from December, 1974)

In Aaron, the plaintiff claiming punitive damages introduced no evidence whatsoever as to the defendant's financial ability to pay an award of punitive damages. The trial judge certified the following question to the First District Court of Appeals: "Whether or not the plaintiff must as a predicate for his claim for punitive damages introduce evidence of the defendant's financial worth and ability to pay an award of punitive damages in order for the issue to be considered by the jury." The court answered the question in the negative, totally ignoring other Florida cases on the matter, and citing cases from South Carolina and Arkansas. In its opinion, the court stated "it is apparent that the financial worth of the defendant is one of many elements, which properly may be considered by a jury in its determination of the amount to be awarded as punitive damages, but evidence of worth is not a requisite to such award. (Citations omitted) Further, although the defendant's financial worth is not exclusively upon the complainant as in absence of introduction of such proof by the complainant, defendant may introduce his financial ability to pay an award of punitive damages for the purpose of mitigation thereof. (Citations omitted)"

So much for clarity and consistency.

Lassiter, as previously noted, picked

up the jury discretion question, looked it over, and then dropped it substantially where it was before . . . in a kind of no-man's land between two opposing concepts. The court affirmed a line of cases holding that the determination of the amount of punitive damages to be awarded is a matter peculiarly within the province of the jury (e.g. *Richards Company Inc. v. Harrison* (Fla App '72) 262 So 2d 258, et al.), then proceeded to state that there must be some outer limit for such damages determinable at the appellate level, that there should be some indefinable relationship between punitive and compensatory damages, and that the pecuniary circumstances of the assessed defendant must be considered. Following this reasoning, they decided that the jury abused their peculiar province and overturned the punitive damage verdict. However, they left an escape hatch for themselves, for they ultimately grounded their verdict on what they concluded to be an absence of sufficient evidence to support any punitive damage award, that is, no net worth evidence.

So where are we now? Perhaps only God and the Florida Supreme Court know, and to date neither is telling.

For the moment, I guess it comes down to this. If you're trying a case in the First District, you can only, and must, utilize a duly authenticated financial statement to establish the defendant's net worth, if you can get it into evidence, but you can't show proof of income or profit and loss.

If you're trying a case in the Fourth District, you must prove net worth as a minimum, however and with what evidence you can, but you can also introduce evidence of income, cash flow, expenses, anticipated revenues and expenses, and any opportunity or right the defendant might have to assess somebody else for the damages, like his employees or organization members.

If you're trying to prove a case in

the Third District, you don't have to prove financial ability of the defendant at all, and may even be able to require the defendant to prove to what extent he can't pay a punitive damage award.

If you happen to be in the Second District, most likely you pay your filing fee, and take your choice, or your chances.

And, wherever you may be, if you are somehow expert, clever, or dumb lucky enough to get a punitive damage verdict, you may well lose part or most of it if the appellate court thinks it's too high.

Perhaps the Supreme Court will take pity on all us poor laborers in the legal vineyard and resolve with finality and erudition this hydra-headed legal monster. Let us hope so, for I don't really hold out much hope for direct enlightenment from God.

James D. Camp, Jr.

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PROBATE ADMINISTRATION

James H. Carroll

Attorneys are reminded of the importance of having claims filed against a decedent's estate in order to qualify such claims as deductions for Federal Estate Tax purposes. When an estate has a sole heir or is a relatively simple family-type proceeding, it is possible to overlook the filing of claims against the estate and later find that the Internal Revenue Service will disallow such claims as deductions on the Federal Estate Tax Returns as not being legal liabilities of the Estate. By such disallowance of the claim, the family will suffer a corresponding loss in the family's assets by the payment of a higher Federal Estate Tax.

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