

The **BROWARD** **BARRISTER**

SEPTEMBER, 1975

Volume 4

Number 9

— PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION —
Executive Offices, 733 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

GENERAL MEETING THURSDAY, SEPTEMBER 25, 1975

— 12:00 Noon —

THE GOVERNORS' CLUB HOTEL
236 S.E. 1st Avenue
Fort Lauderdale, Florida

Buffet Luncheon: \$3.50

PROGRAM: Justice Alan C. Sundberg
Supreme Court of Florida

This will be a joint meeting of the Broward County Bar Association and the Young Lawyers Section.
Please mark your calendar.

Please use the Enclosed Card for Reservations

BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING

Wednesday, October 1, 1975

5:00 P.M. Workshop
6:30 P.M. Cash Bar
7:00 P.M. Dinner — \$10.00

THE SHERATON HOTEL
303 N. Atlantic Blvd. (A1A)
Fort Lauderdale, Fla.

Program: Workman's Compensation
by Jon Krupnick

RSVP before September 26, 1975

Please send reservation with check to:
Jon Krupnick — Tel. 763-8181
Suite 1318
One Financial Plaza
Fort Lauderdale, Florida 33394

PLEASE MAKE CHECKS PAYABLE TO:

**BROWARD COUNTY TRIAL LAWYERS
ASSOCIATION**

OPERATION: UPDATE/TRANSITION

Sponsors: BCBA & BCTLA

September 17, 1975 — 4:30 p.m.

FEDERAL COURT PRACTICE
AND PROCEDURE:

Speakers

Judge Norman C. Roettger, Jr.
United States District Court for the
Southern District of Florida

Eugene L. Heinrich
McCune, Hiaasen, Crum, Ferris &
Gardner, P.A.

Broward County Commission Room 250
Broward County Courthouse

October 15, 1975

Trial of Constitutional Issues
(Speakers to be announced.)

Speakers Outlines and Hand-Outs—\$1.00

PICTORIAL ROSTER

At long last the Pictorial Roster of the Broward County Bench and Bar Association is being printed. As the material was proof-read, it was noted that there are no pictures for some lawyers. For this we are sorry. However, every effort was made to obtain pictures.

The book will be available in September, 1975, and the price is \$15.00.

An order form is enclosed for your convenience. Please return with your check payable to the Broward County Bar Association.

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LOST WILL

Lost will of CHARLES A. BAIRD of Pompano Beach. Anyone having information on this will please call Benjamin V. Haywood, 941-5110.

FOR RENT

The Broward County Bar Association has a small office for rent. While the Executive Committee has determined that it would not be proper to rent the space to an attorney, your assistance in helping find a suitable tenant is solicited. Rental terms are negotiable and your help is needed.

Please call 764-8040, Mrs. Howard, for details.

Tennis Tournament Winners

The tennis tournament that was "rained out" on May 30, 1975 was rescheduled for August 9, 1975. The winners were:

First Place — Thomas Clark &
Russell Hayson

Second Place—Thomas Lehrer &
Rick Holton

Trophies will be presented at the meeting on September 25, 1975.

Refunds will be made to those members who had paid for the May 30 date and were unable to play at this time.

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GOLF TOURNAMENT

OCTOBER 3, 1975

(see enclosed flyer for information)

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

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George A. Patterson _____ *President*
Ray Ferrero, Jr. _____ *President-Elect*
Lawrence J. Meyer _____ *Secretary*
Ronald P. Anselmo _____ *Treasurer*
Norma Howard _____ *Executive Secretary*

**SCHEDULE OF NON-COURTHOUSE HEARINGS—
CIRCUIT COURT**

Date	1 9 7 5 Pompano	Hollywood
Sept. 16	Judge Warren	Judge LaMotte
Sept. 23	Judge Johnson	Judge Booher
Sept. 30	Judge Minnet	Judge Ferris
Oct. 7	Judge Nance	Judge Seay
Oct. 14	Judge Gonzalez	Judge McCauley
Oct. 21	Judge Richardson	Judge LaMotte
Oct. 28	Judge Johnson	Judge Fischer

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SMALL BOAT LAW I

October 8 - November 26, 1975

Place: Broward Community College,
Central Campus.

Time: 7:00 p.m. October 8, 1975;

2 hours each Course Fee: \$10.00

For registration and further information
phone 581-8700, Ext. 228, Office of Com-
munity Services.

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PRESIDENT'S MESSAGE

"The first thing we do, let's kill all the lawyers." Dick the Butcher's often quoted line in Shakespeare's play, *Henry the Sixth*, is vaguely familiar to almost every lawyer. Seemingly, up until the recent past, we could make joking reference to that statement, secure in the knowledge that ours is a true and honorable profession, respected and admired by most citizens and above serious attack by any substantial segment of our society. Now it appears that we may have to re-evaluate our thinking in that regard, particularly in the light of recent happenings. We cannot erase, for example, the fact that the Chief Justice of the United States has been publicly critical of the way in which we have allowed our trial practice to be conducted. We cannot any longer hide from the questionable criticism being leveled at us, more and more everyday, that only the very rich and the very poor are well able to obtain lawyers, while the great majority of our society, the so called "silent majority" in effect, are not able to afford legal counsel. Does the popular cartoon showing the lawyer asking his client, "Just how much justice can you afford?" strike a responsive chord? Probably it does with most of us.

It is difficult to determine all that has brought about increased ferocity and the number of the recent attacks on our profession. Probably, part of the answer rests in the great rise in consumerism which lawyers have so greatly assisted; and also a substantial part should be attributed to improved communication facilities. As a result, these times seem to call out for a greater effort on the part of lawyers to coordinate our actions in behalf of our profession and also to strive to make known to the general public the many services performed by members of our profession. We also should strive to increase our efforts to see to it that the public is assured of the fact that legal services are in fact available to all of our citizens. One way to promote this may be to realistically review the charges which we make for services rendered; and another may be to seriously study prepaid legal services plans so that they may be available to be used as appropriate. It seems clear that one of the great challenges facing our profession today is not that we need more lawyers, but that we must make it known to more "clients" that we want to provide service to them and that our services are readily available to them at a cost which is fair, reasonable and within their ability to pay. We must jointly resolve to strive to eliminate the problem pointed out in a recent article entitled *The High Cost of Lawyers* written by Mark J. Green, a lawyer and published in the *New York Times Magazine*. Mr. Green quotes Circuit Court Judge Shirley M. Hufstедler as saying that "a regular civil trial today, with or without jury, is beyond the economic reach of all except the rich, the nearly rich or the person seriously injured by a well-insured defendant." Mr. Green also tells us that James Fellers, the immediate past president of the American Bar Association has estimated that over 80 million middle-income Americans "just are not receiving legal services today. They don't know how to find a lawyer; they are afraid of lawyers (and) they think they cost too much."

Some of the criticisms we have received are valid and should have been made. Most of them are not. Our only alternative, it seems, is for all of us to make substantial effort daily to act in such fashion and to earnestly begin to establish programs so that we reverse the downward trend of public confidence in our profession.

GEORGE A. PATTERSON
President



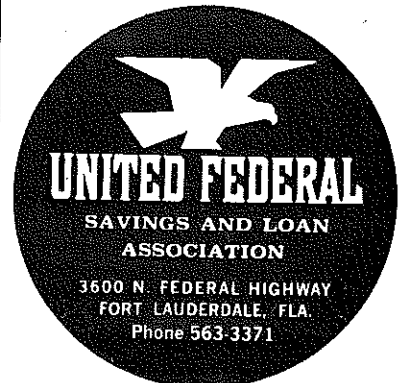
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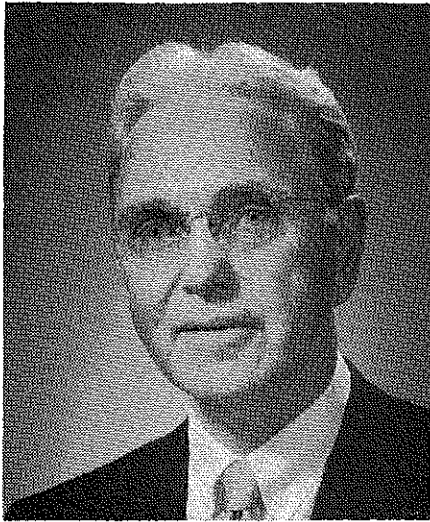
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**SENIOR BAR MEMBER
CARL A. HIAASEN**

By Mary Copeland

He was born in 1894 in a sod house in North Dakota. The son of a Norwegian who began life in America as an indentured servant, Carl Hiaasen did not speak English until he was 10 years old. Today he is considered the senior member of The Florida Bar currently in practice.

At the age of 81, he arrives at his Broward National Bank Building office at 6:30 a.m. daily. By the time Helen Woodruff, his secretary of 38 years arrives at 7, he's begun stacking up the work. He is the senior member of the city's oldest law firm: McCune, Hiaasen, Crum, Ferris, and Gardner, P.A.

Hiaasen, whose mind and posture seem unaffected by age, concedes that he leaves the office earlier now than he

once did. "I remember the great psychological crisis of many years ago," he recalled during a recent interview. "The big question was whether or not to work on Saturday. Mr. McCune and I decided to go ahead and work because we didn't know what else to do."

McCune and Hiaasen met during World War I as machine gun officers. McCune, a school superintendent in Pennsylvania, and Hiaasen, a school superintendent in North Dakota, decided to pursue law degrees after the war. McCune, who died in August, 1964, founded the firm in September, 1921 and was joined by Hiaasen the following July.

The firm served as general counsel for Joseph Young, the founder of Hollywood, and incorporated some of the county's oldest cities. During the land boom of the 1920's, the firm grew to 26 lawyers who worked day and night shifts, most of the business involving property.

After the crash, the number dwindled to four attorneys. Today there are 18 lawyers in the firm, and Hiaasen says they would rather send work to other lawyers than grow bigger.

The men who join the firm (a couple of women have been hired but haven't stayed) are expected to read and sign a four volume code of conduct that was authored by Hiaasen and is kept locked in a cabinet in his office.

"They've got to lead the kind of lives that bring honor on themselves and this firm," Hiaasen said of his associates. "The last man we had trouble with was a married man who began to fool around

with girls. We fired him. One man went through a terrible tragedy and turned to drink. But we have a heart too, and we helped him over the rough spots for a couple of years. "The Ten Commandments are not more severe," Hiaasen said of the office code.

A lawyer who has done some of many kinds of legal work, he says he has always preferred and developed a specialty for "only the most difficult cases that cover the whole gamut of human behavior — the cases nobody else wants."

He has had many offers of judgeships, he says, including three different offers to serve on the Florida Supreme Court.

"The compensation is too low, and I want to be too independent to be a judge," he said. "Of all the judges I have seen before, I could count the few great ones on one hand. We have some excellent judges here — about five. The rest are just learning. I think they're honest, but they're just learning."

Hiaasen's only son, K. Odel, is a member of the firm and he hopes a grand son will eventually join. He has been a widower since his wife, Clara Landmark Hiaasen, died in a diabetic coma in 1930.

"We had a tremendous love affair. She's still on my mind all the time," Hiaasen said of his wife. "I could never have married again."



Editors Note: Beginning this month a series of articles, SENIOR BAR MEMBERS, will be published. There are many interesting, colorful, and little known facts about our "senior" bar. These members have seen tremendous growth and changes in Broward County and have very keen observations about life.

Mary Copeland, a Nova Law Student and former newspaper reporter, will be

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writing these articles. We welcome Mary to our Publications Committee.

We hope you will enjoy the insight into the lives of certain members of the Bar who have made great contributions to the legal profession, our county, state and nation.

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FLOYD V. HULL

THE BRIAN PICCOLO CHAPTER of the National Football Foundation will hold its quarterly dinner meeting at the Coral Springs Golf & Tennis Club, 10800 W. Sample Road on September 10.

Floyd V. Hull will be honored at this meeting and will receive the Contribution to Amateur Football Award. Floyd — Mister Little League — has developed the best baseball stadium for baseball play in the Little Leagues of the country. Because of this and his efforts, the Big League comes to Fort Lauderdale every year for the championship games. Judge Hull has built this stadium for baseball and football from a swamp in seventeen years by persistent effort and dedication. The City of Fort Lauderdale has invested very little in the fields which represent a value of over one half million dollars. Without these fields a whole football program in south Fort Lauderdale would not have been developed. He has been the Citizen of the Month and has been awarded many citations by service clubs during the years as he developed this facility.

Anyone who would like to attend this dinner and give congratulations may do so. Reservations must be made with

Mr. William A. Mullen
P.O. Box 1390
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A check in the sum of \$10 should accompany the reservation.

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Administrative Order

No. JHM-4

IN RE: MEDICAL MALPRACTICE MEDIATION ACTIONS

Pursuant to Laws of Florida, Chapter 75-9 effective July 1, 1975 the following rules shall apply to all claims of alleged malpractice against any medical or osteopathic physician, hospital, or health maintenance organization as described in Florida Statutes 768.133:

1. All claims filed shall be made on forms provided by the Clerk of the Circuit Court and shall be filed with the Clerk of the Circuit Court. The claim shall be entitled "Medical Liability Mediation Claim" and such title shall appear on all pleadings and decisions filed thereafter.

2. A filing fee of \$25.00 is hereby established and such filing fee shall accompany each claim filed with the Clerk of the Circuit Court.

3. All Circuit Judges of the Seventeenth Judicial Circuit of Florida, except the Chief Judge, are hereby designated "Judicial Referees." Upon the filing of a claim the Clerk of the Circuit Court shall assign one of such Judges as the Judicial Referee to preside over the hearing panel for such claim utilizing a blind assignment system.

4. The Clerk of the Court shall develop a number filing system separate and apart from the Civil Case Number Filing system now in use.

5. Upon the filing of a claim the Clerk of the Court shall contact the secretary to the Judge assigned as the Judicial Referee and obtain a hearing date for a pre-trial conference before the Judicial Referee which conference shall be not less than forty (40) days nor more than seventy-five (75) days after the filing of the claim. The Judicial Referee may cancel the pre-trial conference if within his discretion he deems it advisable. The purpose of the pre-trial conference shall be:

- (1) the simplification of the issues;
- (2) the possibility of obtaining admis-

- sions of fact and of documents that will avoid unnecessary proof;
- (3) the limitation of the number of expert witnesses;
- (4) the designation of a Medical Specialist or of the specialty involved, if necessary; and
- (5) such other matters as may aid in the disposition of the claim.

6. Upon failure of the parties to agree upon a doctor and an attorney to serve on the hearing panel, the Clerk shall mail to the parties and to the panel members the names of five (5) attorneys and the names of five (5) physicians. The attorneys and the physicians shall be selected by the Clerk at random from the lists of physicians and attorneys previously provided to the Clerk by the Chief Judge, the physicians being selected from the designated specialty, if possible. SEE F.S. 768.133(3).

7. All hearings, including the final hearing, shall be set by the Judicial Referee.

8. Pursuant to Florida Statute 768-133(8) the decision of the majority of the hearing panel shall be in writing and shall be filed with the Clerk of the Court. The written decision of the hearing panel shall not be recorded in the official records but shall be in a form to be admitted into evidence in any subsequent trial on the merits of the claim.

JOHN H. MOORE II, Chief Judge

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