

The BROWARD BARRISTER

APRIL, 1977

Volume 6

Number 4

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

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

GENERAL MEETING, THURSDAY, APRIL 21, 1977 - 12:00 NOON

WILLIAMSON'S RESTAURANT
1401 South Federal Highway - Fort Lauderdale, Florida

◆ Lunch: \$4.00 ◆

PROGRAM: "Up-date of County Affairs"
by Lewis Hester
Broward County Administrator
"Activities in the Chief Judge's Office"
by Judge John H. Moore
Chief Judge of the Seventeenth Judicial Circuit
BUSINESS: Budget - June 1, 1977 - May 31, 1978

PLEASE USE THE ENCLOSED CARD FOR RESERVATIONS

BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING

Wednesday, May 4, 1977

5:00 p.m. Case Evaluation
6:00 p.m. Workshop: Problem Solving Clinic.
(Bring your own cases and questions)
6:30 p.m. Cash Bar
7:00 p.m. Dinner - \$10.00

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

Speaker: Professor Charles W. Ehrhardt
Topic: "New Evidence Code"

Please RSVP before April 4, 1977

Please send reservation with check to:
Wilton Strickland, Esq.
707 S.E. Third Avenue
P.O. Box 14604
Fort Lauderdale, Florida 33302
Phone: 462-4500

PLEASE MAKE CHECK PAYABLE TO:
Broward County Trial Lawyers Association

YOUNG LAWYERS SECTION MEETING

Thursday, April 28, 1977

- 12:00 Noon -

VALLE'S STEAK HOUSE
1605 W. Oakland Park Boulevard
Fort Lauderdale, Florida

◆ Lunch: \$4.75 ◆

Program: Election of Officers
Positions open are:
President-Elect
Secretary-Treasurer
Executive Committee

Nominations for the above will be made from the floor.

Please send reservations with check to:

Mr. William E. Quisenberry
One Financial Plaza - Suite 1500
Fort Lauderdale, Florida 33394

(Make Checks payable to Young Lawyers Section)

2631 East Oakland Park Boulevard
Suite 208
Fort Lauderdale, Florida

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BCBA Trial Lawyers Section & Nova Law School Seminar

April 22, 1977

OPERATION: UPDATE/TRANSITION

Sponsors: BCBA, BCTLA and Nova Law School

Wednesday, April 20, 1977

4:30 p.m.

"Trial Practice Before Administrative Agencies"

Speakers: J. Robert Olian,
Former Asst. Attorney General,
Miami Office
Kenneth Oertel,
Hearing Examiner, Division of
Administrative Hearings, State
Florida, Tallahassee, Florida

Room 250, Broward County
Courthouse

May 18, 1977

"Real Property Trials including Specific Performance, Quiet Title, Ejectment"

(\$1.00 printing donation requested)

9:00 a.m. - 1:00 p.m.

Auditorium
Hollywood Mailman Buildnig

Nova University
3301 College Avenue
Davie, Florida

(See enclosed notice for registration)

Real Property, Probate & Trust Law Section

Real Property Division Meeting

Wednesday, April 13, 1977

4:45 P.M.

Law Offices of Moraitis and Cofar

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

BROWARD COUNTY BAR ASSOCIATION PROPOSED BUDGET

June 1, 1977 — May 31, 1978

OFFICERS

Ray Ferrero, Jr. _____ *President*
 A. J. Thomas, Jr. _____ *President-Elect*
 Ronald P. Anselmo _____ *Secretary*
 Maurice O. Rhinehardt _____ *Treasurer*
 Norma Howard _____ *Executive Secretary*

MECHANICS' LIENS

Priorities F.S. 713.13(5), Florida Statutes 1975 provides that a Notice of Commencement is not effective "as to any person acquiring title or any interest in real property from the owner or under him after one year from the date of recording and Notice of Commencement".

In *United of Florida v. Illini Fed. S & L Assoc.*, 2d DCA No. 76-459,-504, Jan. 12, 1977, the trial court held that the liens of certain mortgages obtained after one year from the recording of the Notice of Commencement were superior to certain Mechanics' Liens. The D.C.A. reversed, but under the rationale that the mortgages were not "any interest in Real Property".

(Continued on Page 7)

*BETTER ABSTRACTS

at
**Broward County
 Title Company**

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RECEIPTS:

Dues:	
Current (1023 members x \$35)	\$35,805.00
New (130 members x \$25)	2,600.00
Lawyer Referral Service	12,000.00
Section	3,500.00
Advertising	2,200.00
Lawyer Referral Service Income	8,000.00
Interest	2,000.00
Continuing Legal Education	7,500.00
	\$73,605

EXPENSES:

Administrative:

Salaries & Payroll Taxes	\$37,500.00
Supplies	1,000.00
Postage (day to day & 18 mailings/year)	3,500.00
Luncheons	1,000.00
Printing	2,950.00
Committees & Sections	1,000.00
Utilities	5,000.00
Continuing Legal Education	4,500.00
Expense Allowance	1,500.00
Lawyer Referral Service Supplies	750.00
Dues, Service Contracts, Equipment Rental	2,800.00
Robing Ceremonies	750.00
Judicial Polls	2,000.00

Building:

Insurance	300.00
Equipment Reserve	1,000.00
Repairs & Improvements (parking lot, painting)	1,500.00
Maintenance	600.00
Mortgage Payments	3,528.00
Unappropriated Reserve:	*2,427.00

\$73,605.00

\$

*May be utilized for employee benefits if plans are approved by Finance Committee and Executive Committee vote.

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ELECTION OF OFFICERS

The By-Laws of Broward County Bar Association provide for the election of officers and executive committee members by written ballot. The Nominating Committee presented its nominees in January, 1977 and the list was published in the February 1977 Barrister.

The offices of President-Elect, Secretary and Treasurer are uncontested in this election and those offices will not appear on the Ballot that will be mailed on April 15, 1977. Only the executive committee positions are contested.

A brief resume of each candidate is presented below for your information.

This is NOT THE BALLOT, Ballots will be mailed April 15, 1977. Please read the instructions in the cover letter WHEN you receive your ballot.

EXECUTIVE COMMITTEE CANDIDATES Group 1 (North)	LAW SCHOOL ATTENDED & DATE OF ADMISSION TO THE FLORIDA BAR	LOCAL BAR ACTIVITIES	STATE BAR ACTIVITIES	OTHER
PATRICK L. BAILEY	Marquette University 1964	Past member, Executive Committee of BCBA; Past President of North Broward Bar; Executive Committee member of BCBA, 1976	Special Grievance Committee	Director & member of Executive Committee of Henderson Clinic, Pompano Beach Chamber of Commerce
JOHN HUME	University of Florida 1971	Past President, Young Lawyers Section of BCBA; Member of Long Range Planning Committee; Member of Fee Arbitration Committee, Entertainment and House, Broward County Council of Bar Presidents, Judicial Selection & Tenure, High School Law Education Committee; Chairman of Public Relations Committee of BCBA (1976); Chairman of Real Property, Probate & Trust Section of BCBA (1976)	Long Range Planning Committee of The Florida Bar	
PETER A. PORTLEY	Saint John's Univ. 1968	Law Library Committee; Vice-President of North Broward Bar Association; Member of Board of Governors of the Broward County Trial Lawyers Association; Executive Committee member of the BCBA (1976)		American Trial Lawyers; Academy of Florida Trial Lawyers; ABA; Member of Broward Health Planning Council
HENRY J. PROMINSKI	University of Miami 1959	Chairman of Publications Committee of BCBA; Past Chairman of Legal Institutes Committee; Member of Long Range Planning Committee; Executive Committee member of BCBA (1974 to present)	The Florida Bar International Law Committee; Aeronautics Committee; Governmental Law Section	Attorney of Area Planning Board, 1968-1974

ROBERT WUTT

Marquette Univ.
1956

North Broward Bar Association
Treasurer 1971-1972
Secretary 1972-1973
Vice President .. 1973-1974
President 1974-1975

Active in Local
Community Affairs

Group 2 (South)

ROSS BECKERMAN

University of Florida
1963

Past President of South Broward Bar Association; Executive Committee member of BCBA

Former member of Grievance Committee

Member Board of Directors of Mental Health Society of Broward County; Easter Seal Clinic; United Fund of Broward County

JACK PACKAR

University of Miami
1966

Past President of South Broward Bar Association; Board of Directors of South Broward Bar Association; Social & Entertainment chairman of South Broward Bar Association; Chairman of Broward County Council of Bar Presidents

Family Law Section
Real Estate Section
Corporation and Business Law Section

ANGELINE G. WEIR

University of Miami
1960

Executive Committee of BCBA (1973 to present); Publisher & Editor of Broward Bar Association Bulletin (1958-1962); Liaison member of Law Library Committee Family Law Section; Real Estate Section

Past President of South Broward Bar Association Auxiliary; President Municipal Judges Association of Broward County; President Greater Hollywood Chamber of Commerce; County Solicitor for Broward County (1966-1969)

JAMES WALDEN

University of Florida
1948

CLE Committee of BCBA; History Committee

Member of ABA, Circuit Court Judge (1955-1965); Fourth Court of Appeal (1965-1976)

JAMES FOX MILLER

Northwestern Univ.
1966

Pres. South Broward Bar Association (1976); Family Law Committee of BCBA; Broward County Bar Association President; BCTLA

Member of ABA; Member of Ill. Bar; Active in Local Community affairs

Group 3 (Central)

JAMES J. BLOSSER

University of Miami
1965

Board of Directors of Legal Aid Services, Inc.; Chairman of the Committee on Cooperation with Banks and Trust Companies; Executive Committee of BCBA-1976

Member Board of Governors Young Lawyers Section (1969-1973)

Member of ABA; Member American Trial Lawyers

RUSSELL E. CARLSLE

George Washington University -- 1955

Executive Committee (1974 to present); Chairman of Professional Conduct and Professional Ethics Committee; Past President of Legal Aid Services, Inc.

Board of Governors (1968-1973);

Member of ABA; Secretary of Taxation and Professional Ethics Comm.

Chairman of Economics of Law Practice; Chairman of Budget Committee; Chairman of Integration Rule and By-Laws Committee; Member of Executive Committee

HARRY G. CARRATT	University of Florida 1957	Chairman of Committee on Legal Institutes (1973-1975); Co-Chairman on Operation: Update/Transition; Member Executive Committee (1975 to present); Chairman, Committee on Continuing Legal Education	Local CLE Representative (1973-1975); Member and Chairman of Grievance Committee "B" (1973 to present); Member and past vice-chairman of Appellate Rules Committee (1972 to present)	Member and Vice-chairman 4th District Judicial Nominating Committee
CARL SCHUSTER	University of Miami 1963	Chairman of Economics Committee and the sub-committee on Legal Assistants; Executive Committee of BCBA — 1976	Grievance Committee 4 years	
O. EDGAR WILLIAMS	University of Florida 1950	Chairman of Committee on Circuit Courts; Executive Committee of BCBA (1976); Co-chairman of Committee on Court Reorganization		Judge—Court of Record Broward County (1960-1963); July Circuit Court (1963-1970); Member of ABA
JAMES D. CAMP, JR.	University of Florida 1951	Past chairman of Public Relations Committee of BCBA; Past chairman of Law Day Program for BCBA	Past Pres. of Young Lawyers Section; Member Board of Governors of Young Lawyers Section; Past vice-chairman of Probate and Guardianship Rules Committee	Member Broward County Estate Planning Council; ABA; Member of American Judicature Society; Past Sec. and Director of Ft. Lauderdale Junior Chamber of Commerce
CHARLES PRINCE	University of Florida 1961	Past Pres. of Broward County Trial Lawyers Section; 4 years as Director of Academy of Florida Trial Lawyers; Member of Bench-Bar Committee and Broward County Legislative Committee; CLE Committee	Member of No-fault Insurance Committee	
HUGH MALONEY	University of Miami 1960	Broward County Trial Lawyers Association; Chairman of Judicial Selection & Tenure Committee	Admitted to practice in front of Supreme Court of Florida	ABA; American Trial Lawyers Association

**Estate & Gift Tax —
Substantive Law Changes
Created By Tax Reform
Act of 1976**

Nova University Law Center will present a seminar on the substantive changes caused by the Tax Reform Act of 1976.

The new law changes, among other things, the marital deduction; the separate tax rates for gifts and estates and eliminates the stepped up basis for inherited property. Virtually every estate plan needs to be re-examined.

These topics, and others, will be on the program designed for those concerned with estate and gift taxes and planning.

DATES and LOCATION

April 21, 1977

Sheraton Ocean Inn
3200 North Ocean Drive
Riviera Beach, Florida 33404
(305) 842-6171

May 19, 1977

Dupont Plaza Hotel
300 Biscayne Boulevard Way
Miami, Florida 33131
(305) 358-2541

(Registration fee: \$65.00. (Approved accreditation by The Florida Bar)

Additional Information:

Nova University Law Center
P.O. Box 600009
North Miami Beach, Florida 33160

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WELCOME, NEW MEMBERS

THOMAS P. BELL, a native of Philadelphia, Pa., received his undergraduate degree from University of North Carolina and his law degree from University of Miami. He practices alone in Pembroke Pines.

JOHN STEVEN BERK, a native of Fort Lauderdale, Florida, received his undergraduate degree from University of Miami and his law degree from University of Miami Law School. He is associated with the U.S. Attorney in Miami.

MICHAEL J. CARBO, a native of Port Jefferson, N.Y., received his undergraduate degree from Rutgers College and his law degree from Rutgers Law School. He is associated with Ray A. Schlichte, Jr., P.A., Hollywood, Fla.

GERRY L. DONDANVILLE, a native of Joliet, Illinois, received his undergraduate degree and law degree from University of Illinois. He is associated with Spear, Deuschle, & Curran, P.A., Fort Lauderdale.

DAVID ROBERT FARBSTAIN, a native of New York City, N.Y., received his undergraduate degree from University of South Florida and his law degree from University of Florida. He practices alone in Fort Lauderdale.

BRUCE L. GLASKIN, a native of Boston, Mass., received his undergraduate degree from University of Miami and University of Miami and University of Florida and his law degree from University of Miami. He is associated with Sheldon H. Hoffman, Esq., and Ellis S. Simring, Esq., Hollywood, Florida.

JOSEPH P. MULLEN, a native of Philadelphia, Pa., received his undergraduate degree from University of Notre Dame and University of Pennsylvania and his law degree from Georgetown Law Center. He is associated with Di-Giulian, Spellacy, Bernstein, Lyons & Sanders, Fort Lauderdale.

JONAS JEFFREY SCHATTNER, a native of Brooklyn, New York, received his undergraduate degree from University of Pittsburgh and his law degree from Kent University. He practices alone in Fort Lauderdale.

JOSEPH J. TITONE, a native of New York City, N.Y., received his undergraduate degree from Pace University and his law degree from Brooklyn Law School. He practices alone in Fort Lauderdale.

PEGGY J. TRIBBETT, a native of Lebanon, Indiana, received her undergraduate degree from University of Florida and her law degree from University of Denver. She is associated with Fleming, O'Bryan & Fleming, Ft. Lauderdale.

BRUCE WAGNER, a native of Steubenville, Ohio, received his undergraduate degree and law degree from University of Miami. He is associated with Berk and Wagner, Fort Lauderdale.

B. MARK WEINTRAUB, a native of Cincinnati, Ohio, received his undergraduate degree from University of Babson and his law degree from University of Miami. He is the City Attorney of North Lauderdale, Florida.

LANCE E. WOOTEN, a native of Jacksonville, Florida, received his undergraduate degree from Jacksonville University and his law degree from Memphis State University. He is associated with James F. Johnson, Jr., Coral Springs, Florida.

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Have You Moved?

There have been many moves of offices in the past two months. If you have *not* notified the following of your correct address and telephone number PLEASE DO SO NOW.

Broward County Bar Association
The Florida Bar
American Bar Association
Clerk of The Circuit Court

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**"Light is the task when
many share the toil"**

★ ★ ★ ★ ★

Please Mention THE BARRISTER

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Lawyers Title Guaranty Fund has traditionally taken the position that the one year effective life provided for in the statute could not be relied upon to insure title to Real Property over a possible claim of Mechanics' Liens which could revert back to the date of the filing of the Notice of Commencement. Based on this case, the Fund has changed its position according to Robert H. Threadgill, Vice President of the Fund. The Fund will now allow reliance upon the statute as to Deeds actually delivered more than one year after the Notice of Commencement.

For additional information, please contact the Fund.

REAL PROPERTY, PROBATE
TRUST LAW SECTION

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Highlights of the Board of
Governors Meeting of
The Florida Bar

The Board of Governors took the following actions at its recent meeting:

1. Voted to request the Supreme Court to rescind a By-Law requiring all lawyers to file an annual certificate that their trust accounts are in compliance with the Code of Professional Responsibility. The Board took this action based upon a report indicating that the time and cost of such procedure may be disproportionate to the benefit received.

2. Approved an amendment to the At-

torney/Realtor Accord to create joint grievance panels formed of members of both professions to receive complaints and conciliate differences between attorneys and realtors.

3. Tabled a recommendation by the Disciplinary Procedure Committee to amend the Integration Rule to grant limited transactional immunity to complainants from suits by lawyers after no probable cause has been found by a grievance committee. More study of this proposal was felt needed before adding this to the grievance procedures in Florida.

4. Filed the reports of the Bar's Committee to study reapportionment of the Board of Governors. A motion to reappoint the Board by Bill Leonard, seconded by Don Norman, adding one more member for Broward and one more for each of the two next most mal-apportioned circuits was tabled. Your board members will continue to work for reapportionment of the Board of Governors.

5. Approved a report by the Judicial Poll Committee recommending preference polls for Judges in an election year and performance polls for Judges in non-election years, with the performance poll to be kept absolutely confidential by the Bar Association and all Judges involved.

6. Heard a report of the Committee lawyer advertising which recommended awaiting the Supreme Court's decision in the Arizona case presently before it. Heard a report that Maine now permits

lawyer advertising with the only restriction being against deception.

7. Heard a report that the Young Lawyers had a successful convention, with 474 young lawyers registered and 550 attending their annual banquet. The Young Lawyers Section continues to be very active in many areas of the Bar's work.

8. Heard a report from the committee liaison representative to the Board of Florida Bar Examiners that there has been no action taken on recommendations for a residency requirement and a more difficult bar examination with minimum passing levels. These matters are presently pending before the Supreme Court.

9. Referred a report on the Committee for Fee Arbitration Act to the Committee for revision of a proposed statewide fee arbitration plan. The proposed plan did not contain complete mutuality of rights for the lawyer as well as the client.

10. Deferred a proposal to restructure the Board of Directors of the Florida Legal Services until the May meeting of the Board of Governors at Key Biscayne. It has been proposed to restructure the Board to permit Florida Legal Services to receive Federal funds for its work.

11. Heard a report from the Designation Coordinating Committee regarding new areas of designation. Changed an area to read Marital and Family Law. Abolished the designation of Consumer Law and created two new areas of Immigration and Naturalization Law and Aviation Law.

12. Voted to accept a definition of tax law practice offered by the Unauthorized Practice of Law Committee with the advice of the Tax Section.

13. Voted to dispute a tax on the mortgage on The Florida Bar Center.

14. Voted to support efforts by Judicial Nominating Commissions to deliberate confidentially where the committee chooses to do so.

15. Approved a recommendation to increase the fee for approval of pre-paid legal service plans to more nearly cover the cost of supervision.

16. Approved a bill offered by the Workmen's Compensation Section regarding revisions of Chapter 440 with particular reference to attorneys' fees. While the Board felt the gravest reservations regarding any statutory regulation of an attorney's fee, it voted to permit the Section to represent the Workmen's Compensation Bar in proposing a compromise to certain proposed legislation adversely affecting the award of

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an attorney's fee in this area by bringing in the standards of the Code of Professional Responsibility into the award of the fee with discretion in the Judge of Industrial Claims to award a fee in each case as under present law.

17. The Board disapproved a proposal of the Family Law Section to amend Chapter 61 to permit alimony to be awarded after an annulment of marriage and permit a court to discontinue alimony when a former spouse was living with another person of the opposite sex and holding themselves out as married although not actually espoused to such person. The Board felt that the bill should be re-drafted by the Family Law Section.

18. The Board continued its interest in the legislative policy of The Bar with a full-time outside general legislative counsel as well as full-time staff support for this very important activity.

19. Heard that The Florida Bar Center drive had less than \$50,000 to go to meet its goal of \$1,500,000 for the complete new building addition.

20. Heard a report by the Travel Committee that a charter flight from Miami to Luxembourg leaving August 7th and returning August 24th will be offered to members of The Florida Bar for \$349 on Icelandic Airways. This will be at absolutely no cost to The Florida Bar for any item of expense involved in this charter flight.

Don Norman, Board Member
17th Judicial Circuit

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BAR-BENCH LIAISON

In 1976, the Bar-Bench Liaison Committee was established to open lines of communications between lawyers and judges. The committee members are:

Ray Ferrero, Jr., Pres. BCBA

Charles Prince, Joseph Varon
O. Edgar Williams, Jr.
Judge John H. Moore II, Chief Judge
Judge George Tedder
Judge Jose A. Gonzalez
Judge M. Daniel Futch

The committee meets once a month to discuss problems encountered in the courtroom between lawyers and judges. The discussions are quite candid. The meetings have resulted in the lawyers having a better understanding of procedures and working conditions of the judges, and hopefully the lawyers are more aware of the necessity for proper courtroom courtesies.

The committee solicits your help and suggestions. If you (a lawyer) are having any problems with any judge or if you (a judge) are having difficulties with an attorney, please call any of the above members or contact Norma Howard at the Bar Association office. Names will be held in strict confidence, and only the situation will be discussed.

Please help to keep the lines of communication open.

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Nova University Law Student Elected To Important ABA Post

Barbara Mitchell, a second-year law student at Nova, has been elected Governor of the Fifth Circuit of the Law School Division of the American Bar Association (ABA).

At the Spring Roundtable meeting, hosted by Nova University and University of Miami Law Schools, the students of the Fifth Circuit elected Ms. Mitchell their new Circuit Governor.

Ms. Mitchell will represent the 5th Circuit during the coming academic year and will attend the Board of Governors meetings in April and during the ABA annual convention in Chicago in August.

As a second year law student at Nova, Ms. Mitchell has been a member of the Student Bar Association, the Budget Commission, the Admissions Committee, the Women in Law Caucus and a Legal Research Assistant.

The Law School Division of ABA divides all accredited law schools into circuits, roughly equivalent to the make-up of the federal courts of appeal districts. The Fifth Circuit encompasses the sixteen schools located in Alabama, Florida, Georgia, Mississippi and Tennessee.

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