

# The BROWARD BARRISTER

OCTOBER, 1977

Volume 6

Number 10

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

## GENERAL MEETING FRIDAY, OCTOBER 14, 1977

JOINT MEETING W/ NORTH AND SOUTH BROWARD BAR ASSOCIATIONS

8:00 P.M. — 11:00 P.M.

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### OPERATION: UPDATE/TRANSITION

Sponsors: BCBA, BCTLA and Nova  
Law School

October 19, 1977

— 4:30 p.m. —

"Use of Extraordinary Writs"

Speakers: Frank E. Maloney, Jr.  
Joel L. Kirschbaum

Courtroom 465  
Broward County Courthouse

November 16, 1977

Topic:

"Trial of a Personal Injury Case"

(\$1.00 printing donation requested)

### BROWARD COUNTY TRIAL LAWYERS ASSOCIATION MEETING

Annual Judges Night

Wednesday, November 2, 1977

5:00 p.m. Case Evaluation Committee

6:00 p.m. Workshop: Problem Solving  
(Bring your own cases and  
questions)

6:30 p.m. Cash Bar

7:00 p.m. Dinner — \$10.00

**THE SHERATON HOTEL**  
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Speaker:

Honorable James C. Dauksch, Jr.  
Fourth District Court of Appeal

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Fort Lauderdale, Florida 33302

PLEASE MAKE CHECK PAYABLE TO:

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### YOUNG LAWYERS SECTION MEETING

Thursday, October 27, 1977

12:00 Noon

#### THE SWISS CHALET RESTAURANT

321 West Sunrise Boulevard  
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Lunch \$5.00 members,

\$6.00 non-members

Speaker: Dale Sanders

Topic: Update on Family Law

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Broward County Bar Association  
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A. J. Thomas, Jr. \_\_\_\_\_ *President*  
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For details for registration and fees contact:—

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**Do You Have Good Relations  
With The Media?**

**Suggestions Regarding Professional  
Relations with the Media**

Many attorneys in Broward County have had or will have occasion to respond to inquiry by the media. This may be the print media or the electronic media. When the occasion arises, the cardinal rule should be: "If you aren't prepared to comment, then say so." Of course, you should immediately follow that response with a request for the reporter's or interviewer's deadline and then advise him when, if at all, you would be ready to comment on the subject matter in question.

The journalist has a job to do, with a responsibility to his or her editor. Your willingness to return a telephone call even if you have no specific knowledge regarding the subject matter, insures that, the journalist will continue to attempt verification of information before a story is printed. You might also expect to have the ear of the journalist in the future.

Avoid "no comments" at all costs. If you cannot comment, explain your reason. Don't leave a thing to the imagination of the journalist, his readers or viewers. Make your explanations as complete as is possible from first hand knowledge available to you. Always assume that the reporter is making notes. "Off the record" does not mean the same thing to a journalist as it does to a court reporter. While most good journalists will tell you when they cannot accept information anonymously, some will not.

Finally, it is not a bad idea to have the reporter repeat to you his understanding of your position on the question posed. This allows you to check to make sure that the reporter's shorthand

notes are complete and that there are no critical omissions.

If you are cooperative, candid and helpful, you have the best chance of a story being reported accurately and completely. Be part of the solution, not part of the problem.

(Excerpted from **LAWYERS MEDIA HANDBOOK** Published by the Media Relations Committee of The Florida Bar).

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**SECTION NEWS**

**Corporation, Banking and  
Business Law Section**

Lee Harvath, Chairman of the Section, has announced that regular meetings will be held on the first Thursday of each even month at 4:30 p.m. in the private dining room of the Tower Club, Landmark Bank Building, One Financial Plaza, Fort Lauderdale, Florida.

The scheduled meetings have been well attended and include presentations by the Divisions of the Section of programs of interest to all business lawyers. The Divisions are as follows: Corporate Law, Financial Law, Business Law, Bankruptcy Law, Patent, Trademark and Copyright Law, and Securities Law.

**Family Law Section**

**Update on Proposed Family Support  
Schedule**

The Family Law Section has made a recommendation to the Bar-Bench Committee on Court Reorganization, after study of various existing schedules throughout the nation, letters received in response to requests in the **Barrister**, and review of many suggestions from attorneys throughout Broward County. It was determined that further study is necessary and a revised schedule will

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be presented to the Bar-Bench Committee on Court Reorganization on November 1, 1977.

No support scheduled has been formally adopted at the present time.

If you are not a member of one of the Sections of Broward County Bar Association and have interests in these areas, you are encouraged to join — Membership dues are \$10.00 per Section and should be sent to Broward County Bar Association, 735 N.E. 3rd Avenue, Fort Lauderdale, Florida 33304.

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### EDITORIAL

Henry J. Prominski

The Board of Governors of The Florida Bar have been debating in the past year the advisability of having an absolute or qualified privilege afforded a complainant against a member of The Florida Bar. The majority of the Board of Governors apparently felt that an absolute privilege should be afforded one who files a complaint. That is, if one is to file a grievance against a lawyer he should not be subject to a legal action should the complaint prove to be without merit.

The Broward County delegation to the Board of Governors felt that only a qualified privilege should be afforded to such a complainant. That is, if one had a complaint in which the grievance committee found probable cause then he would be protected from a recriminating action by the attorney so charged.

The Third District Court in *Stone vs. Rosen*, 348 So.2d 387, apparently has settled the matter for the time being by stating that a complainant against a member of the Bar of the State of Florida has an absolute privilege. The basic question is of public policy that on the one hand an attorney may suffer damage to his reputation and his ability to earn a living by groundless charges but on the other hand weighing the interest of the public in encouraging those who have knowledge of any unethical conduct of attorneys to present such information to the proper authorities.

The Appellate Court, however, recognizing the case to be one of first impression, has certified the question to the Florida Supreme Court as a question of great public interest.

It would appear that an absolute privilege would have some limitation. Malicious and slanderous charges against

attorneys without any basis at all can not and should not be protected with absolute privilege. When there is bad intent or negligent charges made in reckless disregard of standards of fairness and truth in asserting what would be the basis of a charge against an attorney for unethical practices, do not such conditions in our Juris Prudence fall outside of absolute privilege?

In the instant case such allegations were made and the Third District found absolute privilege notwithstanding. On the other hand, is it of any value for The Florida Bar to make rules and standards diluting the existing case law when the matter is in court? The legal profession has long been the leader in self policing and weeding out incompetent attorneys. The public, of course, not realizing these benefits is now taking attorneys to court. Why not take this method, and do away with our strict rules of ethical behavior and just function within the existing juris prudence the same as any other profession. If the people and the Supreme Court want less protection, why should we fight it?

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## WELCOME, NEW MEMBERS

PETER J. COLEMAN, a native of Washington, D.C., received his undergraduate degree from the University of Texas at Austin and his law degree from the University of South Carolina. He practices alone in Fort Lauderdale.

ROBERT KEITH KOGON, a native of New Haven, Conn., received his undergraduate degree from the University of Connecticut and his law degree from the University of Miami. He practices alone in Fort Lauderdale.

WILLIAM R. LEONARD, a native of Fort Lauderdale, Fla., received his undergraduate degree from the University of Florida and his law degree from Stetson University College of Law. He is associated with Coleman, Leonard & Morrison, Ft. Lauderdale.

NORMAN O'ROURKE, a native of Daytona Beach, Florida, received his undergraduate degree from Florida Tech University and his law degree from Florida State University. He is an Assistant State Attorney, Broward County, Florida.

RALPH F. PELAIA, JR., a native of Peekskill, N.Y., received his undergraduate and law degree from Notre Dame. He is associated with Di-Giulian, Spellacy & Bernstein, Fort Lauderdale.

JOHN C. RAYSON, a native of Oak Park, Illinois, received his undergraduate degree from the University of Rochester and his law degree from Case Western Reserve University. He is associated with Edwards & Dubner; Sherman & Rayson, Fort Lauderdale.

BARRETT M. ROTHENBERG, a native of Brooklyn, N.Y., received his undergraduate and law degrees from the University of Miami. He practices alone in Coral Springs, Florida.

REGGIE DAVID SANGER, a native of Sandusky, Ohio, received his undergraduate degree from the University of Colorado and his law degree from Nova University. He is associated with Alfred E. Johnson, Fort Lauderdale.

MICHAEL JOSEPH SATZ, a native of Philadelphia, Penna., received his undergraduate degree from Temple University and his law degree from the University of Miami. He is the State Attorney, Broward County, Florida.

DONALD G. SCHEFF, a native of Detroit, Mich., received his law degree from Wayne State University. He practices alone in Margate, Florida.

ARNOLD J. SLATER, a native of New York, received his undergraduate degree from New York University and his law degree from Brooklyn Law School. He is associated with Robert J. Pincket and Albert Lopatin in Ft. Lauderdale.

GILBERT E. THIESSEN, a native of Fort Lauderdale, Fla., received his undergraduate degree from the University of Notre Dame and his law degree from New York University. He is associated with Walsh, Kahn & Gustafson, Fort Lauderdale.

YOUNG T. TINDALL, a native of Lakeland, Fla., received his undergraduate and law degrees from FIU and his law degree from Nova Law Center. He is associated with Rogers, Morris, and Ziegler in Fort Lauderdale.

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