

The BROWARD BARRISTER

MARCH, 1978

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Executive Offices: 733 Northeast Third Avenue, 305/744-8040, Fort Lauderdale, Florida 33304



GENERAL MEETING THURSDAY, APRIL 6, 1978

PIER 66 VENETIAN BALL ROOM
2301 S.E. 17th Street Causeway, Fort Lauderdale, Florida

Cocktails 6:30 P.M. — Open Bar

Dinner 7:15 P.M. \$15.00 per person
(Spouses are invited)

Speaker: Griffin B. Bell, Attorney General of the United States

Topic: "The Delivery of Justice"

Griffin B. Bell was nominated as the 72nd Attorney General by President Carter on December 20, 1976. He was confirmed by the U.S. Senate January 25, 1977, and sworn in on January 26, 1977. Prior to his swearing in, Mr. Bell resigned as U.S. Circuit Judge, Court of Appeals, 5th Judicial Circuit, after serving on the court from October 6, 1961 until March 1, 1976, taking a partnership for a short time with the Atlanta law firm of King & Spalding. Mr. Bell resigned from the firm on December 31, 1976.

A native of Georgia. Mr. Bell was born October 31, 1918, in Americus and still maintains his legal residence in Georgia. He received his LL.B. degree Cum Laude from Mercer University Law School, Macon, Georgia. In addition he received the Order of the Coif from Vanderbilt Law School, and honorary degrees from Mercer University and Morris Brown College. From 1941 until 1946 Mr. Bell served with the U.S. Army, attaining the rank of Major.

Mr. Bell was admitted to the Georgia bar in 1947. He began his practice of law in 1948 with the Savannah, Georgia, law firm of Lawton & Cunningham. In 1952 he was a member of the firm of Maddox & Bell in Rome, Georgia, where he remained until August, 1953.

Mr. Bell held the honorary position of Chief of Staff to former Georgia Governor Ernest Vandiver from January, 1959, to October 3, 1961. He is married to the former Mary Foy Powell, and they have one son, Griffin, Jr., a member of the Savannah, Georgia Bar.

Mr. Bell has served as Chairman of the Atlanta Commission on Crime and Juvenile Delinquency, 1965-1966; the Committee on Innovation and Development, Federal Judicial Center, Washington, D.C., 1968-1970; the Board of Deacons, Second-Ponce de Leon Baptist Church; and recently as Chairman of the American Bar Association Division of Judicial Administration.

His memberships include the American Law Institute; the Commission on Standards of Judicial Administration, ABA, 1971 to the present; the Board of Directors, Federal Judicial Center, 1973 to 1976, and the Visiting Committee, Vanderbilt University Law School. He is also a trustee of Mercer University and The Institute for Continuing Legal Education in Georgia.

Next Meeting April 20, 1978. The Hilton Hotel, Meeting to honor secretaries, speaker will be Sam Smith, Miami Beach, Fla. (All Secretaries are urged to remind their employer!!)

PLEASE USE THE ENCLOSED CARD FOR RESERVATIONS.

YOUNG LAWYERS SECTION MEETING

Thursday, March 23, 1978

— 12:00 Noon —

CAFE DE GENEVE
1519 S. Andrews Avenue
Fort Lauderdale, Florida

Lunch: \$5.00 Members
\$6.00 Non-Members

Speaker: Jon Krupnick

Topic: Trial Techniques for a
Successful Practice

Please use the enclosed card for reservations.

OPERATION: UPDATE/TRANSITION

Wednesday, March 15, 1978

— 4:30 P.M. —

Broward County Courthouse,
Courtroom 415

Topic: "New Appellate Rules"

Speakers: Harry G. Carratt &
Frank E. Maloney, Jr.

April 19, 1978

Comparison of the Local Rules for
Dade, Broward & Palm Beach
Counties

Speakers to be Announced
(\$1.00 printing donation requested)

(Apologies are made for any confusion for the program in February. The bank cancelled the scheduled use of the auditorium without notice to the Bar Association.)

Deposit Receipt Contract

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

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PRESIDENT'S MESSAGE

The Florida Supreme Court by opinion filed February 9, 1978, published elsewhere in this issue, approved the Board of Governor's Apportionment (?) plan giving an additional seat to Complainants Broward, Dade and Leon Counties and a second appointive vote to the President-Elect of the Young Lawyers Section. This despite the Court's "clear recognition that the Board's proposal offers little change from the present method of selecting Board members".

The Court concluded by stating that it did not intend to foreclose "further efforts to find ways to select Board members on a basis more acceptable to all members of the Bar."

I am proud that our association did not compromise its principles by succumbing to the sop of the additional seat in the new plan whereby 39% of the resident members elect a majority of the Board. The Broward and Dade lawyer population exceeds that of the fifteen smaller circuits by 6,945 to 6,804. Despite this, these fifteen smaller circuits will elect a majority of the elective members of the Board, eighteen out of thirty-four, while Broward and Dade will elect only ten, an inequity approaching 2 to 1.

In line with the recent Executive Committee Action, I have asked President-Elect candidates Ray Royce and Dave Shear if they would support "one-man, one-vote" apportionment of the Board of Governors. Each candidate stated that he favored the concept, but would not commit to support it until the other matters such as the non-resident and circuit representation was worked out.

All four candidates for the new seat on the Board of Governors from the Seventeenth Judicial Circuit have committed themselves to "one-man, one-vote" apportionment of the Board of Governors.

At least the Court listened to our plea and that is more than can be said for The Florida Bar hierarchy and Board these past three years.

The late Chief Justice Campbell Thornall said it well when he wrote:

To be accepted as a representative agency, the governing board of the unified bar should be equally apportioned among the various circuits or other trial court jurisdictions. This is simply the application of the "one-man, one-vote" concept for the election of members to the board. It

makes the governing board a truly representative body. **The Unified Bar Integration or Disintegration**, 360 *Judicature/Vol. 52*, number 9/April 1969.

So with your support our association will continue the fight until that day, which will surely come, when all lawyers are granted equal representation on the Board which regulates our profession.

A. J. THOMAS, JR.,
President

★ ★ ★ ★ ★

The Supreme Court Order on Reapportionment of the Board of Governors of The Florida Bar

The Board of Governors of The Florida Bar has asked the Court to amend Article III of the Integration Rule, and the By-laws thereunder, to reapportion and expand the membership of the Board. The genesis of the Board's proposal is three years of pressure for more proportionate representation on the Board among the state's lawyers principally from Dade, Broward and Leon County attorneys. The proposal brought to us is the result of analysis by the Board's reapportionment study committee and represents the Board's best efforts to reapportion itself.

The Board's proposal is opposed both by the Broward County Bar Association, which has submitted an alternate plan, and by the Dade County Bar Association, which recommends that the Court appoint a committee of its own to reapportion the Board.

We have considered in detail the vexing and complex questions posed by

(Continued to Page 4)

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official legal newspaper for the Seventeenth Judicial Circuit

NOTICE FOR OTHER BAR GROUPS MEETINGS

Date	Organization	Location	Time
March 14, 1978	North Broward Bar	Flaming Pit Pompano, Beach	12:00 Noon
March 9, 1978	Broward County Chapter Federal Bar Association	Pier 66 Venetian Ball Room	12:00 Noon
March 9, 1978	South Broward Bar	Emerald Hills Country Club, Hollywood	6:30 P.M.
April 5, 1978	Broward County Trial Lawyers Association	The Sheraton Hotel	6:30 P.M.

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ADMINISTRATIVE ORDER NO. GWT — 58
FAMILY SUPPORT

1. Temporary support pursuant to Florida Statute 61.071 and 61.13 shall be guided, when applicable, by the following Family Support Schedule:

D E P E N D E N T S

Avge. Weekly Take-Home Pay	ONE	TWO	THREE	FOUR	FIVE	SIX OR MORE
\$ 30.00	7.50	7.50	7.50	7.50	7.50	7.50
\$ 40.00	10.00	15.00	15.00	15.00	15.00	15.00
\$ 50.00	12.50	20.00	25.00	25.00	25.00	25.00
\$ 60.00	15.00	25.00	30.00	30.00	30.00	30.00
\$ 70.00	17.50	26.00	35.00	35.00	35.00	35.00
\$ 80.00	20.00	27.00	36.00	40.00	40.00	40.00
\$ 90.00	21.00	30.00	40.00	45.00	45.00	45.00
\$100.00	22.00	32.00	42.00	50.00	50.00	50.00
\$110.00	23.00	35.00	45.00	55.00	55.00	55.00
\$120.00	24.00	36.00	48.00	60.00	60.00	60.00
\$130.00	25.00	38.00	51.00	64.00	65.00	65.00
\$140.00	26.00	40.00	54.00	68.00	70.00	70.00
\$150.00	27.00	42.00	57.00	72.00	75.00	75.00
\$160.00	28.00	44.00	60.00	76.00	80.00	80.00
\$170.00	29.00	46.00	63.00	80.00	85.00	85.00
\$180.00	30.00	48.00	66.00	84.00	90.00	90.00
\$190.00	31.00	50.00	69.00	88.00	95.00	95.00
\$200.00	32.00	52.00	72.00	92.00	100.00	100.00
\$210.00	33.00	54.00	75.00	96.00	105.00	105.00
\$220.00	34.00	56.00	78.00	100.00	110.00	110.00
\$230.00	35.00	58.00	81.00	104.00	115.00	115.00
\$240.00	36.00	60.00	84.00	108.00	120.00	120.00
\$250.00	37.00	62.00	87.00	112.00	125.00	125.00

- (a) The above chart assumes that the custodial parent is employed. In the event that the custodial parent is not employed she (he) shall be counted as two (2) dependents.
- (b) Use the lower take-home pay figure to determine support. Do not interpolate.
- (c) Average weekly take-home pay is defined as the gross wages or income of the chargeable party less deductions for appropriate withholding taxes and social security.

2. A uniform form of Financial Affidavit is hereby adopted, which shall be used by both parties in all cases. A copy is attached as Exhibit A.

3. The Court should consider extraordinary medical, educational, or dental expenses, large amounts of assets, substantial income of the custodial parent, or other factors which are unusual in nature in determining the amount of support to be paid; and upon the finding of these unusual factors, to then modify the amounts suggested accordingly.

4. In addition to the obligations under the Family Support Schedule, the court may order that the party pay all or a portion of the mortgage or rent, electric bill, water and sewer bill, and condominium and/or recreation assessment. The percentage of this payment shall be determined by adding the party's income and dividing that sum into the paying party's income. i.e.,

Husband's take-home income is \$250. per week. Wife's take-home income is 100. per week. Parties' income totals \$350. Husband pays 5/7 of bills under this paragraph.

Husband's income is \$100. per week, wife's income is \$100. per week. Total income is \$200. Husband pays 1/2 the bills under this paragraph.

The court shall consider and shall give credit where appropriate for the support paid under paragraph 1 or a portion thereof and for such other factors as may be raised by the pleadings and papers filed in the cause in determining the responsibilities under this paragraph. The examples may be modified by the court based upon the need of the custodial parent and the ability to pay of the other party.

5. In those cases where the chargeable party works on commission or is self-employed, the court may consider the last year's income tax return as well as other supporting documents filed by the parties in determining the average take-home pay.

6. An additional charge shall be added to the support figures to pay for the court expenses of administering the same, if administered through the Court Trustee.

7. Allocation of child support and alimony paid under all temporary support orders may be made by the court in its final judgment, nunc pro tunc.

8. A uniform Order is hereby adopted for the purposes of this schedule, a copy of which is attached as Exhibit B.

9. The Family Support Schedule adopted in this Administrative Order is for the purpose of setting temporary support only. The same should not be construed to be, nor utilized as, a guide for determining final support.

DONE AND ORDERED as Administrative Order in Broward County, Florida, this 25th day of January, 1978.

GEORGE L. TEDDER, JR., Chief Judge of the 17th Judicial Circuit.

The Support Schedule is to be used as a guide **only**.

The court approved forms are available in limited supplies from the Clerk of the Circuit Court.

(Continued from Page 2)

the Board and by the local bar associations which oppose the Board's proposal, including the value of the proposed reapportionment plan over the status quo, the relationship of the Board to the Court on the one hand and to the lawyers of Florida on the other, the desirability of a modified bicameral policy body to govern The Florida Bar, the practical ability of the Board (or indeed any representative body) to reapportion itself, the suitability of one-man, one-vote principles for the Board's selection process, the lack of lay representation on the reapportioned Board, and the lack of direct representation on the Board by non-resident Bar members. We have also considered and weighed the Board's request for prompt action by the Court so that the new (and more fair) plan can be put into effect for the 1978 Board elections, the fact that the Board unanimously approved the proposal (including, we

are told, the votes of the Dade and Broward Board members), and the fact that any Board selection plan will not fully resolve alleged inequities created by circuit as opposed to at-large representation or by the presence of identifiable classes of lawyers admitted to practice, such as governmental v. private, large firm v. small, male v. female, young v. older, etc. We have also considered the fact that no spokesman for or against the proposal has identified with particularly any action by or any instance in which the so-called malapportioned present Board, or any predecessor Board, has acted to the detriment or disadvantage of the Broward bar, the Dade bar, any geographical area, or any under-represented group of lawyers in the state.

Taking all these factors into account, and with a clear recognition that the Board's proposal offers little change from the present method of selecting Board members, we approve the pro-

posal as submitted. By our adoption, however, we do not intend to foreclose continued discussion on, or further efforts to find ways to select Board members on a basis more acceptable to all members of the Bar. In particular, we invite the Board to consider at the earliest opportunity such matters as lay representation on the Board, direct representation of non-resident lawyers, and financial assistance to Board members in order to attract attorneys who cannot meet the high financial burdens which Board membership now requires.

The following amendments to Sections 2 and 3 of Article III of the Integration Rule, and to Section 2 of the By-laws thereunder, are adopted as of the effective date of this order. Underlining indicates new material and strike-through indicate deletions.

It is so ordered.
OVERTON, C.J., ADKINS, BOYD,
ENGLAND, SUNDBERG, HATCHETT
and KARL, J.J., Concur

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