

# The BROWARD BARRISTER

SEPTEMBER, 1978

Volume 7

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 21, 1978

**PIER 66 — VENETIAN BALLROOM**  
2301 S.E. 17th Street Causeway  
Fort Lauderdale, Florida

6:30 P.M. .... Cocktails  
7:15 P.M. .... Dinner  
Price ..... \$15.00

The program will be in honor of those members of the Broward County Bar Association who have been admitted to The Florida Bar for 35 years or more. The list includes:—

Stanley Beckerman  
Eliot Berkwit  
Francis K. Buckley  
Grace W. Burwell  
N. B. Cheaney  
Robert J. Davis  
James E. Edwards  
George W. English  
Otis Farrington  
Robert W. Frazier

Carl A. Hiassen  
William F. Hunter, Jr.  
G. Earl James  
Emory S. Kates  
James B. Kerr  
C. H. Landefeld, Jr.  
G. H. Martin  
Russell McCaughan  
John E. Morris  
Ross E. Mowry

Samuel O. O'Bryan, Jr.  
W. M. O'Bryan  
J. B. Patterson  
Dwight Rogers  
Sherwood Spencer  
Joseph A. Varon  
Lamar Warren  
Julian Williams

Mark your calendar and make your reservation. An interesting evening is planned.

☞ Please use enclosed card for reservations. ☞

### YOUNG LAWYERS SECTION MEETING

Thursday, September 28, 1978

— 12:00 Noon —

**Stouffer's Anacapri Inn**  
1901 North Federal Highway  
Fort Lauderdale, Florida

**Luncheon:** \$5.00 — YSL Members  
\$6.00 — Non-Members

**Program:** The Present Status of the  
Federal Courts in the Southern  
District —

**Judge Norman C. Roettger, Jr.**

Reservations and checks (payable to Young  
Lawyers Section) should be sent to:—

James B. Davis  
Post Office Box 9027  
Fort Lauderdale, Florida 33310

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### Investiture of Jose A. Gonzalez

The investiture for Judge Jose A. Gonzalez will be held on September 29, 1978 at 4:00 p.m. at the Federal Courthouse, 330 N.E. First Avenue, Miami, Florida. All members of Broward County Bar Association are cordially invited to attend.

### Operation: Update/Transition

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JON E. KRUPNICK, ESQ.

for a talk on what's what in the field of  
**PRODUCTS LIABILITY.**

The Broward County Bar Association proudly announces that Mr. Krupnick will speak and answer questions on the subject of Products Liability, September 20, 1978, 4:30 p.m.-6:00 p.m. in Room 324, First National Bank of Hollywood, 2001 Hollywood Boulevard.

Contribution: \$3.00 per person

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### Reception for Judge Jose A. Gonzalez

The Broward County Chapter of the Federal Bar Association will host a special reception in honor of the appointment of Jose A. Gonzalez as United States District Court Judge for the Southern District of Florida on September 28, 1978 at Beethovens, 1495 Southeast 17th Street, Fort Lauderdale. The reception will be from 5:30 p.m. to 7:30 p.m. All members of the Broward County Bar Association are invited.

### Message From The Secretary of State

The Secretary of State has announced that the Division of Corporations in the Department of State has extended its hours of telephone service as of July 31, 1978. The Division's telephone lines are open from 8:00 a.m. to 5:00 p.m. to answer requests for information dealing with corporations, name availability and Uniform Commercial Code. For more efficient responses, it is suggested that calls be placed at times other than the peak-load hours of 10:00 a.m. and 2:00 p.m.

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### PRESIDENT'S MESSAGE

Do you know that within the next twelve calendar months more than 3,000 lawyers will be added to the roster of The Florida Bar? And do you know that probably 10% of these lawyers will be practicing here in Broward County, Florida? And by virtue of **Bates and Goldfarb**, many of them just recently admitted as well as those who are already here will be advertising their services in the newspapers and maybe even over the radio and on television.

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

**OFFICERS**

Paul B. Anton \_\_\_\_\_ *President*  
Maurice O. Rhinehardt \_\_\_\_\_ *Pres.-Elect*  
Harry G. Carratt \_\_\_\_\_ *Secretary*  
Russell E. Carlisle \_\_\_\_\_ *Treasurer*  
Norma Howard \_\_\_\_\_ *Executive Director*

It is not my purpose in writing this message to debate the merits of either decision. But it is my purpose to suggest to all of us who are members of The Broward County Bar Association that the organized Bar is facing substantial problems in the years to come.

Just the sheer weight of numbers is a problem. The fact that there may be an oversupply of lawyers will most certainly cause a problem as the new admittees enter the marketplace searching for clients. Temptation to accept and litigate the very marginal case will be there.

The disciplinary problems will most certainly be there. And The Florida Bar has increased our dues by 67%. A substantial portion of the increase will be

used to fund Faulkner's Army. We have to be alert. We have to be vigilant. We have to make certain that the situation does not get out of hand. We have to take steps to protect the interests of the practicing lawyers here in Broward County, Florida.

Your Association has to be an effective voice and to make sure that your Association is an effective voice, you have to be involved and you have to make sure that all of the others lawyers here in Broward County are involved. Right now the Association represents approximately 72% of the lawyers practicing right here in Broward County. We would like it to be 100%.

To increase our membership roles, we need your assistance. We would like each of you to be a member of our Membership Committee. Would you please help us reach that goal?

Enclosed with this issue of the Bulletin, find several membership applications for you to use in soliciting members. If you need more, just call Norma at our Bar Association Office. The telephone number is 764-8040.

ten days of repairs . . .". The cost of termite repairs is unlimited. In the event of default, the broker is paid his fee in full with the balance payable to the Seller.

While it should go without saying that all form contracts must be carefully reviewed, you must also carefully check that a "Standard" form has not been altered.

John Hume

Recently there have been questions as to what occupational licenses are necessary for lawyers. There is particular concern for those attorneys who are incorporated. It is suggested that attorneys check the ordinances concerning this matter.

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**FEE ARBITRATION COMMITTEE**

The Fee Arbitration Committee has been in existence for approximately two and one-half years. The Committee was formed for the purpose of establishing rules which would allow the Broward County Bar Association to arbitrate attorney's fee disputes between attorneys and their clients where the parties are willing to voluntarily submit their dispute to arbitration.

The Fee Arbitration Rules were established approximately one year and a half ago and were disseminated to all members of the Broward County Bar Association. However, if you have not received a copy or may have misplaced the same, then you can write the Bar Association requesting a copy and it will be sent to you.

In order for the dispute to be heard by an arbitration panel, it is necessary for both the attorney and the client to voluntarily submit the matter to arbitration in writing on forms provided by the Bar Association. The initial request for arbitration can come either from the attorney or the client. A small fee for handling administrative expenses must also accompany the request for arbitration.

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**ATTORNEY'S ALERT**

It has come to the attention of the Executive Committee that certain real estate brokers are using the old form of "Deposit Receipt and Contract for Sale and Purchase" as approved by the Broward County Bar Association and the Greater Fort Lauderdale Board of Realtors, Inc., but are then changing the "Standards for Real Estate Transactions" set forth on the reverse side of that form.

For example, Zabik Realty, Inc. (Century 21) uses the form which purports to be the standard form and contains the legend at the bottom of the face of the contract but the "Standards" are completely different. For example, the seller agrees to pay the broker his full commission "in the event the seller fails to close for any reason . . .". The seller is obligated to complete all termite damage repairs and "then either party may cancel the contract within

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*official legal newspaper for the  
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Once the attorney and the client have agreed to the arbitration, a panel is chosen by the Fee Arbitration Committee chairman and the matter is heard by the panel in informal proceedings. The Rules provide for a three member arbitration panel composed of Fee Arbitration Committee members for fee disputes in excess of \$500.00 and a one member panel for fee disputes in an amount less than \$500.00. The present case load of the Committee allows a hearing within thirty days of the agreement of the parties to arbitrate. The award of the arbitrators is binding upon the parties and can be enforced in a court of law.

The Fee Arbitration Committee welcomes the opportunity to serve the Bar and the public in the resolution of fee disputes.

CARL SCHUSTER,  
Chairman

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## OFFICE MANAGEMENT

What is involved in office management? Refined down to its simplest common denominator, it is "paying attention"! If the office is not managed the general practitioner is in serious trouble.

I can recall years ago when I had to help take over the practice of an attorney that left town. The attorney had accepted a number of matters for which he was paid fees and costs. Unfortunately, he did not pay attention to what it cost him to handle these matters. By costs, I mean not only his out-of-pocket expenses in the preparation of the suits, but also his time in prosecuting the suits and in attempting to affect collection. And, in those days, the cost of mailing a letter was only five cents, not fifteen cents. And secretaries — good ones — were employed for \$75.00 per week and not \$200.00 per week. And,

in those days, we rented office space for \$2.00 per square foot and not \$7.00 or \$8.00 per square foot. And, I could go on ad nauseum.

It is imperative that the practitioner today pay attention to what it costs to operate a law office; what it costs to take that deposition, etc. If he does not, he will soon find himself swamped. Or, more important, he will find himself without funds to meet his day-to-day operating expenses and these costs are constantly increasing.

And an increased burden is constantly being placed upon the general practitioner. Look what our Congress has done as it relates to Social Security. By 1981 Social Security tax on most professional staff will increase approximately \$1,000.00 per individual. For the non-professional staff there will be an increase of  $\frac{3}{4}$  of 1% in the tax rate which could equal many thousands of dollars for the larger firms. Individual employees will also face these increases which will cause law firms to have increased salary demands.

These increases can be compounded by the increases that you are going to have to pay for utilities, for rent, for real estate taxes, for stationery, for equipment, because it will all be built into the cost of living.

Your operating expenses must be constantly monitored along with an increased awareness of productivity so that you can realistically set your fees and so that you can be properly compensated for your services.

This problem of paying attention is also directed to the matters on hand. Hand-in-hand with making sure that you get fairly compensated is the obligation and the responsibility to do the work competently. Otherwise you will be spending time before a Grievance Committee, or worse, in the courtroom while a carrier defends you on that mal-

practice claim assuming, of course, that you can afford the coverage. Paying attention requires development of a good tickler system. It requires follow-up. It means you must pay attention.

Paul B. Anton

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## SEMINARS

The Third Institute on Condominium and Cluster Housing will be held —

October 27 & 28, 1978

Eden Roc Hotel  
Miami Beach, Florida

Registration Fee: \$90

For further information write:

Institute on Condominium &  
Cluster Housing  
University of Miami Law Center  
Post Office Box 248087  
Coral Gables, Florida 33124

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## 13th Annual Institute On Estate Planning

January 8—12, 1979

Americana Hotel  
Miami Beach, Florida

Registration Fee: \$225

For information write:—

13th Annual Institute on  
Estate Planning  
University of Miami Law Center  
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## WELCOME, NEW MEMBERS

DAVID R. WELLENS, a native of Fort Lauderdale, received his undergraduate degree from Florida Atlantic University and his law degree from the University of Miami. He is associated with the law firm of Sobo & Wellens, Plantation.

BARBARA LUCILLE WOLF, a native of Wisconsin, received her undergraduate degree from the University of Wisconsin and her law degree from Nova University. She is presently attending the University of Miami attaining additional law degree in tax.

JAMES ERNEST YONGE, a native of Miami, Florida, received his undergraduate degree from Stetson University and his law degree from the University of Florida. He is associated with the law firm of Houston, Cooper & Easthope, Fort Lauderdale.

BRUCE J. BENENFELD, a native of Brooklyn, New York, received his undergraduate degree from New York University and his law degree from the University of Miami. He is associated with the law firm of Snyder, Young, Stern, Barret & Tannenbaum in North Miami Beach.

RICHARD B. BERMAN, a native of Freeport, N.Y., received his undergraduate degree from American University and his law degree from the University of Miami. He is associated with James N. Henderson & Associates, Fort Lauderdale.

PEGGY L. CARRY, a native of Hamilton, Ohio, received her undergraduate degree from Florida Atlantic University and her law degree from the University of Miami. She is associated with the firm of Hallows and Carry, Fort Lauderdale.

LINDA A. CONAHAN, a native of Jacksonville, Florida, received her undergraduate and law degrees from

## OTHER BAR GROUPS MEETING

Organization	Location	Date	Time
North Broward Bar	The Flaming Pit Pompano Beach, Fl	Sept. 12, 1978	12:00 Noon

the University of Florida. She is associated with the firm of English, McCaughan & O'Bryan, Fort Lauderdale.

BRUCE L. FINEMAN, a native of Chicago, Illinois, received his undergraduate degree from the University of Miami and his law degree from Nova University Law Center. He practices alone in Fort Lauderdale.

SHIRLEY B. FISCHLER, a native of Brooklyn, N.Y., received her undergraduate degree from Brooklyn College and her law degree from Nova University. She is associated with the firm of Panza, O'Donnell & Jacobson, Fort Lauderdale.

ALAN H. KONIGSBURG, a native of Sharon, Pennsylvania, received his undergraduate and law degrees from the University of Florida. He is associated with the firm of Mav-

rides, Latimer, Shamres & Platt, Ft. Lauderdale.

MARTIN MONCARZ. He was born in Poland and received his undergraduate and law degrees from the University of Baltimore. He is in the Public Defender's Office in Fort Lauderdale.

SAMUEL SHERES, a native of New York City, received his undergraduate degree from New York University and his law degree from St. John University. He practices alone in Hollywood.

JOSEPH TEICHMAN, a native of Dallas, Texas, received his undergraduate degree from the University of Texas and his law degree from the University of Miami. He practices alone in Hollywood.

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