

The BROWARD BARRISTER

APRIL, 1979

Volume 8

Number 4

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

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

SECRETARIES NIGHT SECRETARIES NIGHT SECRETARIES NIGHT GENERAL MEETING THURSDAY, APRIL 19, 1979

PIER 66

Venetian Ball Room
2301 S.E. 17th Street Causeway
Fort Lauderdale, Florida

Cocktails 6:30 P.M. — (Cash Bar)

Dinner 7:15 P.M.

Price \$15.00 per person

Agenda

1. Proposed Budget
2. Program —

Speaker: Hon. James C. Downey, Chief Judge, Fourth District Court of Appeal

Topic: Recommendations of the Appellate Court Structure II Commission to The Supreme Court — The Supreme Courts' Certification to the Legislature and an update on The Fourth DCA.

The meeting is to honor the legal secretaries and give recognition to the vital role they play in the delivery of legal services. TAKE THIS OPPORTUNITY TO SHOW YOUR APPRECIATION AND BRING THEM TO THE MEETING.

PLEASE USE THE ENCLOSED CARD FOR RESERVATIONS.

YOUNG LAWYERS SECTION

The annual election of the officers and members of the Executive Committee of the Young Lawyers Section of Broward County Bar Association will be held —

April 26, 1979

— 12:00 Noon —

Cafe de Paris

Lunch:—

\$5.00 members \$6.00 non-members

Speaker: Sheriff Robert A. Butterworth

Topic: "The Cluttered Criminal Justice System"

Reservations should be made with:
James B. Davis
Post Office Box 9027
Fort Lauderdale, Florida 33310

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LAW DAY U.S.A.

MAY 1, 1979

"OUR CHANGING RIGHTS"

Committee Plans

Free conference with an attorney May 5th and 6th, 1979
(Saturday-Sunday), Noon to 6:00 P.M.

Broward Mall
Hollywood Fashion Center
Pompano Fashion Square
Sunrise Shopping Center

- Florida Bar public information pamphlets will be distributed at all locations. Broward County Legal Secretaries will help.
- "Liberty Bell" Awards will be presented at the Annual Broward County Bar Association meeting in May.
- Municipal and County Proclamations have been obtained recognizing Law Day and the place of law in our society.
- Posters will be displayed in retail stores and governmental offices proclaiming the day and theme,

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Operation: Update/Transition

Wednesday, April 18, 1979

— 4:30 P.M. —

Courtroom 950
Broward County Courthouse
201 S.E. 6th Street
Fort Lauderdale, Florida

Speaker: Marshall Cooper

Topic: "Changes in Bankruptcy Laws"

\$3.00 contribution for printed materials please.

ROBING CEREMONY

The Broward County
Bar Association

cordially invites you to attend

The Robing Ceremony of

Hugh S. Glickstein

CIRCUIT JUDGE
Seventeenth Judicial Circuit, Florida

on Monday, April 30, 1979
at 4:30 P.M.

— Room 250 —

Broward County Courthouse
201 S.E. 6th Street
Fort Lauderdale, Florida

Please mark your calendar as individual invitations will not be mailed to members of Broward County Bar Association.

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BROWARD COUNTY BAR ASSOCIATION PROPOSED BUDGET

June 1, 1979 — May 31, 1980

RECEIPTS:

DUES:

BCBA (1300 members

@ \$45) \$ 58,500

Sections 7,500

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*

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463-1432

*official legal newspaper for the
Seventeenth Judicial Circuit*

LRS (240 members @ \$50) ..	12,000
Advertising	2,400
Interest	3,500
LRS Income	20,000
TOTAL	\$106,400

EXPENSES:

Administrative:	
Salaries & Payroll Taxes	\$ 43,000
Supplies	2,000
Postage	4,900
Dinners	4,000
Printing	3,260
Committees	1,100
Sections	3,750
Utilities	6,050
Expense Allowance	1,500
LRS Supplies	1,000
Dues, Service Contracts & Equipment Rental	2,950
Polls & Surveys	2,000
Robing Ceremonies	1,500
Pension-Employees	4,000
Insurance-Employees	3,100
Audit	1,500
LRS Expense (Advertising) ..	10,000
Building:	
Insurance	500
Mortgage Payments	3,648
Repairs & Improvements	1,000
Maintenance	750
Capital expenditures for	
Equipment	1,892
Copier Rental	2,400
Equipment Reserve	1,500
TOTAL	\$106,400

This budget has been approved by the Executive Committee and will be presented to the General Membership on April 19, 1979. If there are any questions, please call Russell E. Carlisle, Treasurer or Norma Howard.

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CASE NOTE

Henry J. Prominski

ALFRED V ALFRED Fla. App., 364 So. 2d 1255 was a divorce case from the second district court of appeal in which child support was reversed for inadequacy. The trial court's award of \$125.00 per month for support of one child, from a husband who is totally disabled drawing a government disability pension, where the wife works netting \$656.00 per month, was found unrealistic.

The Appellate court substituting its judgments for the trial court, which heard the testimony and weighed the evidence and demeanor of the witness, decided that the child's horse required \$43.00 per month and therefore there would be insufficient money left for food, clothing, medical, and dental care.

If possible, one would suppose that the reversal by the Appellate court, could be based on the trial court's overlooking necessary support for the horse. This indeed would be an innovation in child support and alimony awards, but perhaps an area that should require further attention by our System of Justice.

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COURTS COMMITTEE REPORT

In an effort to alleviate the problem of papers filed with the Clerk of the Circuit not being in the Court file at the time of hearing, the Courts Committee has had several meetings with Robert Lockwood. Mr. Lockwood is most interested in any suggestions which make for more efficient operation of his office, and has made the following suggestions:

1. Telephone requests be limited to absolutely essential matters.
2. Papers should be delivered to the Clerk's Office as early as practicable.
3. All documents filed should be checked for signatures, notarizations, etc., and, where applicable, checks should be attached.
4. In mortgage foreclosure cases, should the attorney desire return of the note or notes, a stamped, self-addressed **certified** letter for mailing must be delivered to the Clerk.
5. Upon special request, filing of papers may be expedited, but this request should be made only when absolutely necessary and should not be abused.

The Courts Committee is endeavoring to assist the Clerk's Office to become more proficient. Your cooperation is requested, as are your complaints and suggestions. Please make complaints and suggestions by letter addressed to the Courts Committee, c/o Broward County Bar Association Offices so that we may maintain a record of same.

CHARLES M. PRINCE
Chairman, Courts Committee
BCBA

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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, 1979 and the list was published in the February, 1979 **Barrister**.

The offices of President-Elect and Secretary-Treasurer and Group 1 nominees are uncontested as no petitions were filed. Ballots will be mailed on April 15, 1979.

Those nominated are:

President-Elect Harry G. Carratt
Secretary-Treasurer James H. Walden

Group 1 (North)
Patrick L. Bailey
John Hume
Peter A. Portley

Group 2 (South)
James Fox Miller
Jack B. Packar
Jerry Pollock
William S. Spencer
Angeline G. Weir

Group 3 (Central)
Thomas E. Byrd
Russell E. Carlisle
E. Hugh Chappell, Jr.
Rex H. Conrad
Eugene L. Heinrich
Hugh T. Maloney
Charles M. Prince
Terence J. Russell

Maurice O. Rhinehardt will take office as president June 1, 1979.

NOTICE OF BAR GROUP MEETINGS

Date	Organization	Location	Time
4/27/79	Christian Lawyers Association	Williamson's Restaurant 1401 S. Federal Highway Ft. Lauderdale, FL	12:15 P.M.
4/20/79	Federal Bar Assn.	Riverside Hotel 620 E. Las Olas Blvd. Ft. Lauderdale, FL	12:00 Noon
4/4/79	Trial Lawyers Assn.	Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, FL	5:00 P.M.
4/10/79	Criminal Defense Lawyers Assn.	Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, FL	6:30 P.M.
4/10/79	North Broward Bar Assn.	Flaming Pit Restaurant 1150 N. Federal Highway Pompano Beach, FL	12:00 Noon
4/10/79	South Broward Bar Assn.	Emerald Hills Country Club 4100 N. Hills Drive Hollywood, FL	6:30 P.M.

Be Cautious In Rendering Gratuitous Legal Advice

A lawyer has been found guilty of malpractice as the result of a law suit filed by a client with whom he never entered into a written employment agreement and from whom he never received a consultation fee or retainer.

In this recent Minnesota case, the "client" consulted the defendant attorney about a possible malpractice suit against a physician who had treated her husband, who, subsequent thereto, became disabled, being unable to speak, read or write. After their meeting the defendant advised plaintiff that there were no legal grounds for a suit, but told her that he would check with another attorney and contact her if his opinion changed. Defendant never contacted plaintiff again, and by the time she realized that defendant refused her case and retained another counsel, the statute of limitations barred any action.

The trial court denied defendant's motion for a new trial, holding (1) that a contractual attorney-client relationship arose as a result of defendant's meeting with plaintiff even though defendant was not formally retained or even paid a fee for the consultation; (2) that defendant was negligent in rendering an opinion without first examining the hospital and medical records and consulting medical experts; and (3) that defendant was negligent in not advising the plaintiff to seek other counsel or warning her that the statute of limitations would run in ten (10) months. Although the report of this case made available to your editor does not make it clear whether plaintiff delayed in seeking other counsel because she believed she had no claim or because she believed defendant was representing her, the court felt that the plaintiff justifiably relied on defendant's legal opinion. The award of damages was substantial (\$650,000);

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defendant's malpractice liability insurance was inadequate (\$50,000). The case is now on appeal.

The lessons are clear:

1. Even gratuitous legal advice can give rise to an attorney-client relationship;
2. Where serious injury or damage is involved, check the facts and seek expert opinions before rendering your legal opinion;
3. If, for whatever reason, you decline to undertake representation, advise the "client" to seek other legal opinions and especially warn him regarding the applicable statute of limitations; and
4. Don't do anything for nothing.

Courtesy GENERAL PRACTICE Newsletter, Illinois State Bar Association, February, 1979.

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Fourth District Court of Appeal

There is an Advisory Committee of the Fourth District Court of Appeal, which is comprised of members of the Bar located throughout the area of the Fourth District Court of Appeal. The Committee Chairperson is Ms. Edna Caruso of West Palm Beach, and the local member of the committee is Harry G. Carratt of Fort Lauderdale. Constructive criticism and suggestions regarding the operation of the Court, its procedure, or other matters should be directed to the Chairperson or local member of the Committee.

A this time, the Fourth District Court of Appeal has one of the heaviest case loads of any Appellate Court in the country and this causes substantial time delay between the filing of the appeal and the ultimate disposition of the case. Because of the Court's heavy case load, oral argument is usually not had on motions, extraordinary writs, interlocutory appeals or petitions for writ of certiorari.

WELCOME, NEW MEMBERS

FRANK AMIGO, a native of New York City, received his undergraduate degree from Fairleigh Dickinson University and his law degree from the University of Miami. He is associated with Continental Insurance Company in Fort Lauderdale.

ALAN S. GLUECK, a native of Queens, New York. Received his undergraduate and law degrees from New York University. He practices alone in Fort Lauderdale.

THOMAS A. HASIS, a native of Fort Lauderdale, Florida, received his undergraduate and law degrees from the University of Florida. He practices alone in Fort Lauderdale.

DAVID W. HORVITZ, a native of Cleveland, Ohio, received his undergraduate degree from Kenyon College and his law degree from the University of Florida. He is associated with Hollywood, Inc. in Hollywood.

STEPHEN D. JEROME, a native of Philadelphia, Pa., received his undergraduate degree from George Washington University and his law degree from the University of Miami. He is associated with Robert Eimers in Deerfield Beach.

BRIAN L. KIMBER, a native of Beverly, Mass., received his undergraduate degree from the University of Miami and his law degree from Southwestern University School of Law. He is associated with the firm of Allsworth, Doumar, Schuler, Padula & Laystrom in Fort Lauderdale.

JOHN T. KINSEY, a native of Fort Lauderdale, Florida, received his undergraduate degree from the University of Florida and his law degree from the

University of Miami. He is associated with the firm of English, McCaughan & O'Bryan in Fort Lauderdale.

ANDREW J. KOHAN, a native of New York City, received his undergraduate degree from the University of Florida and his law degree from Nova University. He is associated with Continental Insurance Company in Fort Lauderdale.

STEVEN V. LEITNER, a native of New York City, received his undergraduate degree from the University of Chicago and his law degree from the University of Miami. He practices alone in Fort Lauderdale.

THOMAS J. MCGOVERN, a native of Bronx, New York, received his undergraduate and law degrees from the University of Miami. He practices alone in Fort Lauderdale.


DOMINICK F. MINIACI, a native of New York City, received his undergraduate degree from Boston University and his law degree from New England School of Law. He is associated with Ben W. Grigsby, William C. Purcell and Sam C. Caliendo in Fort Lauderdale.

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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



United Federal.

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