

# The BROWARD BARRISTER

JULY, 1979

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

## GENERAL MEETING THURSDAY, JULY 19, 1979

PIER 66 — SUITE 66  
2301 S.E. 17th Street Causeway  
Fort Lauderdale, Florida

★ Cocktails .. 6:30 P.M. — Dinner .. 7:15 P.M. ★

— Price .. \$15.00 —

Program: LEGAL INSURANCE

Speaker: PAUL B. COMSTOCK, Member of the Board of Directors of Florida  
Lawyers' Prepaid Legal Services Corporation

In 1977, the Board of Governors of The Florida Bar authorized a special committee to create an organization to help develop and experiment in alternative systems of delivery of legal services. A non-profit organization was formed in 1978 with the name of Florida Lawyers' Prepaid Legal Services Corporation, abbreviated as FPLSC. This corporation has conducted studies in the area for which it was organized and during recent months has been negotiating with an insured open panel legal services plan with Midwest Mutual of West Des Moines, Iowa. That carrier has underwritten state bar sponsored prepaid legal expense plans in ten other states, and several others are in process of development. Every member of The Florida Bar in good standing, engaged in the private practice of law, is invited to become a Participating Attorney in the Plan. Initially the Plan will be made available only to groups, although that term is a flexible one. A sales force will begin soliciting groups as soon as there are rosters of Participating Attorneys sufficiently representative of an area to assure genuine choice of attorneys and the availability of sufficient numbers as groups enter the Plan.

This program is of vital importance to the legal profession. Manuals with description of the plan, the attorney agreement and application will be available at the meeting.

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### YOUNG LAWYERS SECTION MEETING

THURSDAY, JULY 26, 1979

— 12:00 Noon —

Stouffer's Anacapi Inn  
1901 N. Federal Highway  
Fort Lauderdale, Florida

Program: **A 1979 Legislative Update**

Speaker: State Representative,  
**Tom Bush**

Please make reservations with:  
Jesse S. Faerber  
Post Office Box 11022  
Fort Lauderdale, Fla. 33339

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### Medical-Legal Committee Report

The Medical-Legal Committee of Broward County was advised by a local group of doctors that there is a prevailing tendency lately for lawyers to advise their doctors of depositions and trial dates a few days in advance.

The Medical-Legal Committee strongly urges all lawyers to notify doctors well in advance, and preferably notify them of trial dates as soon as the trial date is received, and notify them of depositions at least 2 weeks in advance, whenever possible.

Please direct any questions concerning doctor-lawyer questions or problems to the Broward County Medical-Legal Committee:

735 N.E. Third Avenue  
Fort Lauderdale, Florida 33304

### FEE ARBITRATION COMMITTEE

Now that members of the Broward County Bar Association are more familiar with the existence of the Fee Arbitration Committee, the activities of the Committee for the past year have been accelerated. Twenty-six requests for arbitration were filed by either members of the Broward County Bar Association or clients. Nine of the requests filed were declined by the other party. Of the remaining seventeen requests where agreements for arbitration were reached, one settled before arbitration hearings, eight went to full arbitration hearings wherein awards were rendered and three were referred to The Florida Bar or to the courts. At the present time, there are five requests pending.

The Committee requested certain changes in the Fee Arbitration Com-

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mittee rules, which were passed at the Executive Committee Meeting of the Broward County Bar Association on May 9, 1979. Except for certain house-keeping changes in the rules, the major changes are as follows:

1. One member of the Committee will act as sole arbitrator in all actions where the amount in controversy is \$2,500.00 or less, and three Committee members will serve as an arbitration panel where the amount in controversy exceeds \$2,500.00. Previously the breaking point as to the number of members on the arbitration panel was at \$500.00 rather than \$2,500.00. This change was made in an attempt to cut down on the amount of time required to be expended by Committee members in handling the hearings.
2. The rules of evidence applicable to trials of civil actions are to apply to the arbitration hearings but are to be liberally construed in the interest of justice to all parties. This is a new addition to the rules and was added because there were no evidentiary guidelines set forth in the rules.

Any member of the Broward County Bar Association desiring to receive a copy of the Fee Arbitration Committee rules, need only call the Bar Association office and they will be happy to send you a copy.

In order for a fee dispute to be heard by the Fee Arbitration Committee, 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.

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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**WELCOME, NEW MEMBERS**

VAN E. ANASTASIOU, a native of Fort Lauderdale, Florida, received

his undergraduate degree and law degree from the University of Miami. He is associated with Carey, Dwyer, Cole, Selwood & Bernard, Fort Lauderdale.

PETER M. EDELSTEIN, a native of New York City, received his undergraduate degree from Boston University, his J.D. from Boston University, and his LLM, from New York University. He is associated with the firm of Peschio, Rockwood, Edelstein & Duffy in Pompano Beach.

MARTHA J. EICHELBERG, a native of Kalamazoo, Michigan, received her undergraduate degree from the University of Michigan and her law degree from Wayne State University. She practices alone in Deerfield Beach.

PATTI L. ENGLANDER, a native of Miami Beach, Florida, received her undergraduate degree from Cornell University and her law degree from the University of Florida. She is associated with the State Attorney's Office in Fort Lauderdale.

RICHARD J. DUFFY, a native of Tarrytown, N.Y., received his undergraduate degree from Marietta College and his law degree from Case Western Reserve University. He is associated with the firm of Peschio, Rockwood, Edelstein and Duffy, in Pompano Beach.

JAMES W. FLANAGAN, a native of Scranton, Pa., received his undergraduate degree from the University of Scranton and his law degree from Nova University. He is associated with Ronald E. Solomon, in Fort Lauderdale.

ROBERT M. FOURNIER, a native of Flushing, N.Y., received his undergraduate degree and law degree from the University of Florida. He is associated with Paul J. McDonough in Coral Springs.

CAROL A. GART, a native of Pennsylvania, received her undergraduate degree from the University of Pennsylvania and her law degree from Emory University. She is associated with the firm of Abrams, Finkel & Weisman in Fort Lauderdale.

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JEROME L. HALL, a native of Miami, Florida, received his undergraduate degree from Florida State University and his law degree from Lewis University. He is associated with the Builders Association of South Florida.

JON M. HENNING, a native of Worcester, Mass., received his undergraduate degree and law degree from Florida State University. He is associated with the State Attorney's Office in Fort Lauderdale.

K. PAUL McGUIRE III, a native of St. Louis, Mo., received his undergraduate degree and law degree from the University of Florida. He is associated with the firm of English, McCaughan & O'Bryan in Fort Lauderdale.

GREGG J. POMEROY, a native of Flushing, N.Y., received his undergraduate degree from the University of Florida and his law degree from the Cumberland School of Law. He is associated with the firm of Esler, Kirschbaum & Pomeroy in Fort Lauderdale.

WILLIAM O. ROCKWOOD, a native of Poughkeepsie, N.Y., received his undergraduate degree from Princeton University and his law degree from Columbia University. He is associated with the firm of Peschio, Rockwood, Edelstein & Duffy in Pompano Beach.

THEODORE A. SCHVIMMER, a native of New York City, received his undergraduate degree and law degree from Wake Forest University. He is associated with Le Roy W. Nelson in Miami.

FRANK THOMAS, a native of Nashville, Tennessee, received his undergraduate degree from the University of Miami and his law degree from the Cumberland Law School. He is associated with

the firm of Thomas & Thomas in Hollywood.

REED S. TOLBER, a native of Los Angeles, California, received his undergraduate and law degrees from the University of Florida. He is associated with the firm of DiGiulian, Spellacy & Bernstein of Fort Lauderdale.

ANDREW D. WASHOR, a native of New York City, received his undergraduate degree from University of Miami and his law degree from Nova University. He is associated with the Broward State Attorney's Office.

GEORGE ZEDNEK, a native of Chicago, Ill., receiving his undergraduate degree from the University of Illinois and his law degree from the University of Indiana. He practices alone in Fort Lauderdale.

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## LAW OFFICE MANAGEMENT

*Procrastination: An Enemy of the Busy Lawyer* by Lawrence A. Dubin in the August 1978 issue of *Detroit Lawyer*. Examples of procrastination which may not result in disciplinary action but can cause clients to suffer frustration and anxiety are unreturned telephone calls, inadequate status reports, unnecessary adjournments of trials and delays in filing pleadings. Acknowledging and coping with procrastination tendencies would serve the best interests of both lawyer and client. To right and overcome such tendencies, the author suggests the following:

1. Take on additional work only when your schedule will reasonably permit the time necessary to perform the work.
2. Involve yourself only in work that is both challenging and interesting to you.
3. Deal with procrastination as soon as you identify it, e.g. bringing in an-

other lawyer to assist you, or deciding to promptly perform the work yourself.

4. Maintain a systematic priority list that can be incorporated into office procedures to provide constant reminders of work to be done.

5. Keep in close contact with the client, including status letters, telephone calls, forwarding copies of pleadings, briefs and other matters of interest to the client.

6. Seek assistant from others immediately when you feel your competency is being threatened by the work at hand.

Denial and repression of professional obligations simultaneously inflicts personal damage and destruction to the lives of clients and breeds tension, anxiety and possible professional disgrace for the lawyer. For a copy of this issue write to *Detroit Lawyer*, Law Center Building, 600 Woodward Avenue, Detroit, MI 48226. Price: 50 cents.

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## CREATING GREAT EXPECTATIONS

Another common complaint is the allegation that a lawyer upon accepting employment, "promised the moon" but has delivered "only green cheese."

Lawyers should recognize that optimistic statements about the soundness of the cause of a client unsophisticated in the legal system tend to create unjustifiably great expectations as to the ultimate results.

When the final outcome does not measure up to the client's expectations, he becomes frustrated and may file a complaint against the lawyer. Although such complaints rarely result in disciplinary action, they do embarrass and harass the respondent lawyer and consume the time and effort of those serving in the disciplinary process.

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Such malfeasance complaints can often be avoided if the lawyer moderates his optimism about the client's case with a strong caveat to the client explaining that "air-tight" cases do not exist and that the possibility of unforeseen circumstances or developments arising is always present.

—From AVOIDING UNINTENTIONAL GRIEVANCES, Published by the Standing Committee on Professional Discipline and the Center for Professional Discipline of the American Bar Association.

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*The following is a letter in response to an editorial in the Fort Lauderdale News:*

The Fort Lauderdale News is a newspaper which I have always enjoyed reading. Your news coverage is balanced and I respect, although I do not always agree with your editorials.

However, your recent article and editorial commenting about Broward County judges attending the Florida Bar Convention at Disney World has done a great disservice to the Judiciary in Broward County, as well as the entire State of Florida.

As a member of the American, Florida and Broward Bar Associations, and as a former member of the Florida Judiciary, I can tell you from first hand experience that the various programs and meetings conducted at the Annual Meeting of The Florida Bar are educational and instructive to judges as well as to lawyers. It is therefore puzzling to read your criticism of those Broward County judges who would not only seek to improve their basic knowledge of the law, but to strengthen their communication with the practising members of the Bar.

Judges have been unnecessarily criticized because they have either not kept pace with the law or kept in touch with

the people. Ironically, when judges actively seek to broaden their knowledge, either by attending recognized educational meetings or by simply communicating with people, they find themselves the brunt of critical comment.

I cannot believe that this criticism is leveled simply because the convention is at Disney World and the Broward County judges have asked their families to join them. The logic of such criticism would be beyond comprehension.

It is no wonder that many qualified lawyers choose to remain in private practice and thereby avoid much of the unnecessary and uncalled for comments. It is one thing for the media to selectively criticize those members of the Judiciary who do not fulfill their judicial duties and responsibilities; and, it is quite another thing for the media to publicize a judge's attendance at an annual meeting of The Florida Bar simply because the meeting is held at Disney World.

If you are sincerely interested in performing a public service by writing stories about the judge's activities, I would suggest that you assign a reporter to spend a day with a judge to see what judging is all about. Perhaps then you can better appreciate and understand the judicial function; perhaps, then, your criticism can be more constructive and meaningful than your recent article and editorial would indicate.

At the outset I stated that your article and editorial have done a great disservice to the Judiciary. Frankly, I cannot see how this type of "news" elevates the status of the media or contributes to the public's "right to know."

There is always room for improvement and meaningful comment. I can only hope that as we all strive to improve ourselves, that the media will take the time to reevaluate its own role and seek to achieve that degree of perfection that it often finds lacking in

others.

Thank you for the courtesy in reading this letter.

GERALD MAGER

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## INSTITUTIONAL ADVERTISING

A LawPoll survey for the American Bar Association *Journal* shows that lawyers are overwhelmingly in favor of institutional advertising by bar associations. It also reports that lawyers perceive the "most important" purpose of such advertising to be that of making people more aware of their legal rights.

The poll was conducted by the New York-based opinion research firm of Kane, Parsons and Associates.

Earlier LawPoll surveys have indicated that lawyers were concerned about their public image as a profession. When it comes to institutional advertising, however, this poll indicates that lawyers put the emphasis on making people aware of their legal rights, rather than on either enhancing the image of lawyers or drumming up legal business.

Responses obtained show that 64 percent consider that the most important purpose of such advertising is to make people more aware of their rights by explaining the law to them. On the other hand, 43 percent of those polled considered that the least important purpose was to interest and encourage people to go to lawyers.

When it comes to who should finance institutional advertising, a remarkable high 82 percent favored the use of regular bar association dues. Another 65 percent favored obtaining funds from foundations. As to the alternative of a special assessment by bar associations, lawyers were equally divided — 48 percent approving and 48 percent disapproving.



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