

The BROWARD BARRISTER

MARCH, 1979

Volume 8

Number 3

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

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

NO GENERAL MEETING IN MARCH

The next General Meeting will be April 19, 1979 at 6:30 P.M., Pier 66 — The Venetian Ballroom — and the program will be to honor the legal secretaries. Mark your calendars now.

YOUNG LAWYERS SECTION MEETING

Thursday, March 22, 1979

HEILMAN'S RESTAURANT

1701 East Sunrise Boulevard
Fort Lauderdale, Florida

— 12:00 Noon —

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

Speaker: JUDGE BOBBY W. GUNTHER

TOPIC: MEN AND WOMEN IN THE PROFESSION—IS IT WORKING?

Reservations should be made with:

James B. Davis
P.O. Box 9027
Fort Lauderdale, Florida 33310

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Operation: Update/Transition

Wednesday, March 21, 1979

— 4:30 P.M. —

Courtroom 417
Broward County Courthouse
201 S.E. 6th Street
Fort Lauderdale, Florida

Speaker: P. Dianne Weaver

Topic: Admiralty, Including Personal Injury Aspects, Purchase and Sale of Boats and General Aspects of Admiralty

\$3.00 contribution for printed materials please.

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LAW DAY COMMITTEE

The Law Day Committee needs lawyers' wives to help with activities and promotion. Please ask your wife, if she can participate, to call Beth Purdy at 563-9196 for further information.

PRESIDENT'S MESSAGE

In almost every mail I receive a resume from a prospective graduate from Law School or by the graduate who has just been admitted to practice law or by the lawyer admitted to Florida but practicing up north who found this past winter just too hard to handle. And almost every day I get a call — "What can we do about finding a job for Tom or Dick or Harry?"

More than 35,000 lawyers were admitted to the Bar in 1978 in the United States. The Florida Board of Bar Examiners recommended to the Board that more than 2,000 lawyers be admitted to the Bar in Florida in 1978.

I recently read statistics which purported to show that there was one lawyer for every 500 living in Broward County. The California Young Lawyers Association recently published a report on "Employment Among Attorneys." That Association found that:

- (1) 4.1% of the lawyers admitted to the California State Bar within the past five years are unemployed;
- (2) 15.3% are practicing attorneys with insufficient work;
- (3) 71% were dissatisfied with their law school placement service and
- (4) 72% believe that the California State Bar should help lawyers find employment.

I know of nothing that The Florida Bar is doing. Should we do something? There are those who advocate a moratorium of accreditation of new law schools, a tightening of enrollment, proper academic standards, residency requirements and other restrictive bar admission policies in an effort to solve the problem. Obviously, this will be met with the cry that it is but another

selfish attempt by lawyers to control the delivery of legal services, to restrict competition and inflate prices.

There must be an alternative. I have no ready answers. I thought I would call the problem to your attention and invite some responses for appropriate publication in the next issue of the **Barrister**.

Paul B. Anton
President

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Legislative Meeting Notice

All judges, lawyers and interested lay persons are cordially invited to appear before the Broward County Bar Association Legislative Committee on the 19th day of March, 1979 at 4:00 p.m., Room 250, at the Broward County Courthouse to present comments, views and recommendations concerning legislation involving the legal profession.

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CORRECTION

Nominating Committee Report — Executive Committee Members

In the February, 1979 issue of the **Barrister**, a list of the nominees for the Executive Committee was printed. Inadvertently **Terrence J. Russell's** name was omitted from Group 3. Apologies are made for this omission and his name will be include on the ballot to be mailed April 15, 1979.

This is also a reminder that anyone wishing to submit a petition for any office or for the Executive Committee must do so by March 15, 1979.

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*

**Corporation, Banking and
Business Law Section Meeting**

Thursday, March 8, 1979

— 4:30 P.M. —

TOWER CLUB

One Financial Plaza
Fort Lauderdale, Florida

Program: New Regulations of Florida
Division of Securities Under
Chapter 517, Florida Statutes.

Speaker: William C. Phillippi, Esq.

A SOLICITATION

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Are you pleased or upset with what your Broward County Bar Association is doing or not doing? **THE BARRISTER** is your forum for well-reasoned views. Do you have professional information or news of interest to other members of the Broward County Bar Association? If so, submit it in the form of a brief article for publication in the **BARRISTER** under your byline. Are you bursting with professional humor? Submit a cartoon, humorous article or legal lim-

**United States District Court
Southern District of Florida**

Amendments to General Local Rules.

General Local Rules 4 and 5.5 were amended as follows:

RULE 4. ASSIGNMENT OF ACTIONS AND PROCEEDINGS

A. All civil and criminal cases, including those within a weighted category, shall be assigned on a blind rotational basis so that the district workload is fairly and equally distributed among the active Judges irrespective of jury division; provided that, whenever necessary in the interest of justice and expediency the Court may modify the assignments made to active or senior Judges.

B. At the time of filing a civil action, the plaintiff shall complete and submit a cover sheet statement on forms prescribed by the Court as to category, county of venue, related cases and other required information.

C. Neither the Clerk nor any member or his staff shall have any power or discretion in determining the judge to whom any action or proceeding is assigned, the Clerk's duties being ministerial only. The method of assignment shall assure that the identity of assigned judge shall not be disclosed to the Clerk, nor any member of his staff, nor to any other person, until after filing.

D. The assignment schedule shall be designed to prevent any litigant from choosing the judge to whom an action or proceeding is to be assigned, and all attorneys shall conscientiously refrain from attempting to vary this rule.

RULE 5.5 DUTY JUDGE

B. Any active or senior Judge sitting at Fort Lauderdale, West Palm Beach, Fort Pierce or Key West shall preside over the above-described functions in those respective divisions.

ORDERED September 25, 1978.

General Local Rule 10 I (2)

The last unnumbered paragraph of General Local Rule 10 I(2) was amended to read:

3. CERTIFICATE OF COUNSEL. Prior to filing a motion to compel supra, or a motion for protective order pursuant to Rule 26(c), Fed. R. Civ. P., counsel for the moving party shall confer with counsel for the opposing party and file with the Clerk at the time of filing the motion, a statement certifying that he has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised and that counsel have been unable to do so. If certain of the issues have been resolved by agreement, the statement shall specify the issues so resolved and the issues remaining unresolved.

ORDERED January 31, 1979.

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erick for publication in the **BARRISTER** (limerick writers way wish to remain anonymous). Perhaps the legal profession can spawn another Howard Cossell.*

The Broward County Bar's goal is to have all members read and benefit from their reading of the **BARRISTER**. It is your publication and can be as informative, interesting and entertaining as you help make it.

Deadline for consideration of materials for publication is the 25th of each month. Materials should be sent to Mrs. Norma Howard, Broward County Bar Association, 733 North East Third Avenue, Fort Lauderdale, Florida. All material submitted must be original.

———* A comedic newsman who is also an attorney.

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LEGAL ETHICS ALERT

The amount of a lawyers' fee gives rise to more complaints by clients than almost any other aspect of the practice of law, according to the American Bar Association pamphlet, *Avoiding Unintentional Grievances* (1975).

One of the easiest ways to avoid fee disputes is to enter a clear, written agreement with your client regarding your fee as soon as possible after you agree to represent a client. The agreement should incorporate what is and what is not included in the fee arrangement.

This will not only help prepare your client to pay legitimate fees earned by you and reduce the likelihood that a fee dispute will develop, but will leave you in a better position to substantiate your fee in the event of a dispute, since a contract between you and your client made after the relationship is established is generally construed most strongly against the lawyer.

As Ethical Consideration 2-19 points out: "... A lawyer should be mindful that many persons who desire to employ him may have had little or no experience with fee charges of lawyers, and for this reason he should explain fully to such persons the reasons for the particular fee arrangement he proposes."

It is especially important to avoid fee disputes in light of Ethical Consideration 2-23 which provides: "A lawyer should be zealous in his efforts to avoid controversies over fees with clients and should attempt to resolve amicably any differences on the subject. He should not sue a client for a fee unless necessary to prevent fraud or gross imposition by the client." See also Opinion 78-4 rendered by The Florida Bar Committee on Professional Ethics, June 14, 1974, which declares it unethical to use a collection agency to collect legal fees.

by: Clair F. White,
Broward County Bar Association
Legal Ethics Committee

CONCILIATION COURT

There are several proposed bills for the establishment of a Conciliation Court. One such Bill authorizes the Chief Judge of a Circuit Court to establish a Conciliation Division of the Circuit Court and to appoint a Director of counselling and other staff and personnel, as necessary. The Bill also authorizes a spouse to file a Petition with the Court prior to any dissolution proceedings, to request the aid of the Conciliation Division of the Court. The Judge of the Conciliation Division may require one mandatory conference between the parties, but other further hearings can only be ordered upon the request of both parties.

The Bill further provides that upon the filing of a Petition for Conciliation, a Petition for dissolution may not be filed for a period of 60 days. There are other provision in the Bill and it appears that some Bill relating to the establishment of a Conciliation Court will be enacted by the Legislature. The Bill also provides for the funding of said Division by appropriation of County funds.

NOTICE OF BAR GROUP MEETINGS

Date	Organization	Location	Time
3/13/79	North Broward Bar Assn.	Flaming Pit Restaurant 1150 N. Federal Highway Pompano Beach, Florida	Noon
3/7/79	Trial Lawyers Assn.	Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, Florida	5:00 P.M.
3/13/79	Criminal Defense Lawyers Assn.	Sheraton Hotel 303 N. Atlantic Blvd. Ft. Lauderdale, Florida	6:30 P.M.
3/8/79	South Broward Bar Assn.	Emerald Hills Country Club 4100 N. Hills Drive Hollywood, Florida	6:30 P.M.
3/28/79	Broward County Legal Secretaries Assn. (Annual Meeting — Members only)	Stouffer's Anacapi Inn 1901 N. Federal Highway Ft. Lauderdale, Florida	6:30 P.M.

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SYNOPSIS OF THE SEVENTEENTH JUDICIAL CIRCUIT ADMINISTRATIVE ORDERS & DIRECTIVES

Pursuant to the Florida Rules of Judicial Administration, Rule 2.050 (e)(3), all previous local rules of the Seventeenth Judicial Circuit were abolished. Although five previously published local rules have been approved for the Circuit by the Supreme Court, the Chief Judge of the Circuit will enter administrative orders and directives governing matters of local procedure which may be inspected at the office of the Clerk of the Court. A synopsis of those orders and directives of interest to local members of the Bar which have been promulgated by the Chief Judge is contained herein. They are presented in chronological order from the earliest to the most recent administrative orders (A.O.) and then directives (D.)

A schedule of Court Reporter fees for their attendance at hearings and for transcripts of proceedings (A.O. 78-1).

Pursuant to Florida Rules of Judicial Administration 2.070 (c), electronic recording of proceedings is permissible with a few exceptions noted within the order. Special Court Reporters and/or General Masters are authorized to record and file the tapes of proceedings. Parties may request transcripts of the recorded sessions from designated Court officers. Charges for the above services are included in A.O. GWT-65 and amendments thereto (A.O. 78-2).

Pursuant to Sections cited of Florida Statutes and R.J.A. 2.050, the method of selection of Court-appointed attorneys (Special Public Defenders) and the amount of compensation for their professional services is contained in this order. A detailed outline of compensable and non-compensable expenses of representation are included. This order provides model orders of the Court for compensation of these appointees (A.O. 78-3).

Parties bringing uncontested civil matters and ex parte proceedings may be heard at one of the appropriate Satellite Courthouses designated within the order. Determination of the judges to hear such matters will be made by the Chief Judge and the assignments will be posted at the Clerk's office (A.O. 78-4).

Under Rule of Summary Procedure 7.090 (b), written defensive pleadings are not necessary unless required by the Court. This order provides that a defendant is "expected" to file an answer, but if none is filed, one continuance will be granted the plaintiff if the defendant appears to defend the case. (A.O. 78-5).

Only following an order of the Court may the Clerk issue a subpoena duces tecum upon praecipe of defense counsel (A.O. 78-8).

In light of the short time limitations for appeals in criminal cases, the attorney of record for the defendant, whether privately retained or a public defender, shall not withdraw from or be relieved of his duties (except for good cause) until the cited appeal documents have been filed or the time for notice of appeal to be filed has elapsed (A.O. 78-9).

Prisoners may not be released from the Broward County Jail or Stockade before sunrise on the date scheduled for his/her release (with stated exceptions) (A.O. 78-11).

Included in this A.O. are: four County Court locations; the process for filing misdemeanors, traffic infractions and violations of municipal ordinances in the County Court system; the process for obtaining jurisdiction over and giving notice to an individual charged under one of the above; the authority of a State Attorney to handle specific ordinance violations in absence of a City Prosecutor; the issuance of process for ordinance violations; the authority to issue witness subpoenas; and the processing of municipal parking violations (A.O. 78-14).

The establishment of the Broward County Division of Support Enforcement to aid the Court Trustee in administering child support and alimony payments made to the Trustee; the authority of the Trustee to collect and disburse the payments, with the assistance of the Broward County State Attorney's office when needed; and the service charge to go to the Board of County Commissioners for such services performed. (A.O. 78-16).

This order contains the guidelines to be followed in establishing the Uniform Motion Calendar, allocations of time for hearing motions, motions which will not be heard on the Calendar, and other matters affecting the hearing of motions (A.O. 78-17).

When a suit is dismissed voluntarily or for lack of prosecution, and the "same suit" is refiled without "substantial change" in either the parties or issues, the judge who dismissed the original case shall be notified by counsel and an order shall be entered to transfer the case to that original judge (A.O. 78-18). (See also A.O. 79.1).

If the same defendant is involved in any two or more



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criminal cases in the Courts, a consolidation of the cases to the division with the lowest case number for the purpose of entry of a plea of guilty or nolo contendere shall take place. Transfer back to the original divisions may occur if the above process is impaired in any manner. (A.O. 78-19).

The Clerk will assign Medical Malpractice Mediation actions to Civil Division and Probate Division Judges as per the Directives of the Chief Judge and a filing fee of \$25.00 must accompany each claim filed (A.O. 78-20).

Court costs and other costs will be assessed against traffic offenders and criminal defendants upon determination of guilt, except pursuant to F.S. 939.05 (A.O. 78-22).

Prevailing or designated counsel's proposed orders on hearings must be submitted to the Court within 48 hours following the hearing. The same time period shall apply to the submission of final judgments to the Court, (A.O. 78-24; same as A.O. 79-4).

There will be a blind assignment of Judges to handle cases filed with the Court. Domestic relations cases may fall under an exception to the dismissal order in A.O. 78-18. Procedures as to the transferring of cases from one judge to another when required are outlined, as well as procedures for urgent matters necessitating immediate relief (A.O. 79-1).

The exclusive original jurisdiction of the Probate Division extends to the matters listed in the order (A.O. 79-2).

Procedural guidelines for notification of the Court Reporter and compensation for his/her services (A.O. 79-5).

Beginning March 12, 1979, all felony arraignments shall be held in Room 336, Broward County Courthouse, at 1:00 P.M., Monday through Friday (A.O. 79-8).

Depositions shall be taken in the county where the deponent resides at the County Courthouse, the Court reporter's office, or the branch Courthouse, unless there is a stipulation of Court Order to the contrary. Documents offered into evidence at the deposition shall be filed with the deposition unless it is too cumbersome, in which case said documents may be retained by the attorney or witness and noted accordingly in the record (A.O. 79-9).

The third Thursday of each month has been earmarked for one judge of the Circuit Court, Civil Division for hearing requests for all Orders of Taking from the Department of Transportation (D. 78-12).

This Directive provides a Family Support Schedule to guide, when applicable, the Court in determining the amount of temporary support to be paid. Other extraordinary expenses and/or unusual factors having a bearing on this determination should be considered. In the Court's discretion, other costs of living may be awarded pursuant to the formula provided (D. 78-14).

If a criminal case is in danger of being dismissed because of the "speedy trial" rule, the reassignment of the case shall be subject to the provisions of this directive (D. 78-17).

When one or more final support order under the Uniform Reciprocal Enforcement of Support Law has been entered, all subsequently filed cases dealing with support payments of the same individual shall be transferred to the judge who was assigned to the original support action (D. 79-8).

The Clerk of the Court shall keep a current roster of attorneys practicing in Broward County. The list will include: 1) the name of the attorney, 2) the date he/she was admitted to practice in Florida, and 3) the office address and phone number of the attorney (D. 79-9).

NOTICE

Any attorney having the original or copy of any instrument purporting to be the Last Will and Testament of YOLANDE R. KLEIN, a former resident of Broward County, is requested to contact Joseph G. Heyck, Jr., Attorney, P.O. Box 2111 Tampa, Florida 33601 or phone 813-223-5351.

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WELCOME, NEW MEMBERS

PHILIP M. BERMAN, a native of New York City, received his undergraduate and law degrees from Brooklyn Law School. He practices alone in Fort Lauderdale

JAMES JAY BROWN, a native of Cleveland, Ohio, received his undergraduate degree from University of Pennsylvania, his J.D. from Cleveland State and his L.L.M. from Washington University. He is a professor at Nova University Law Center.

F. BLANE CARNEAL, a native of Paducah, Kentucky. He received his undergraduate degree from Georgetown College and his law degree from Nova University. He is associated with the

firm of Vaughan & Delegal in Fort Lauderdale.

STEVEN R. COHEN, a native of Brooklyn, N.Y., received his undergraduate degree from the State University of New York at Stony Brook and his law degree from the University of Florida. He practices alone in Coral Springs.

HUNTER B. CRAIG, a native of Charlottesville, Virginia, received his undergraduate degree from Georgia Institute of Technology and his law degree from Nova University Law Center. He is associated with the firm of Grimditch, Bentz, Witte & Wunker in Pompano Beach.

PAUL J. DI GIULIO, a native of Buffalo, received his undergraduate and law degrees from the State University of New York. He practices alone in Fort Lauderdale.

STEVEN I. ENGEL, a native of Brooklyn, New York, received his undergraduate and law degrees from the University of Miami. He is associated with Development Corporation of America in Hollywood.

ROBERT W. FREER, a native of Wash-

ington, D.C. He received his undergraduate degree from the University of Maryland and his law degree from the University of Miami. He is associated with the firm of Bunnell & Graham in Fort Lauderdale.

JOHN PATRICK FLOYD, a native of Apalachicola, Florida, received his undergraduate degree from the University of Florida and his law degree from Nova University. He is associated with the firm of Pyszka, Kessler & Adams in Ft. Lauderdale.

LOUIS GIOVACHINO, a native of Belleville, New Jersey, received his his undergraduate degree from Northeastern University and his law degree from the University of Florida. He practices alone in Fort Lauderdale.

BRYAN S. HENRY, a native of Chicago, Illinois, received his undergraduate degree from the University of South Florida and his law degree from Stetson University. He is associated with the firm of Hunter, Atkinson & Golden in Hollywood.

HOWARD B. HERSKOWITZ, a native of Miami, Florida, received his un-

dergraduate degree from the University of Miami and his law degree from Nova Law Center. He is associated with Robert J. Compton in Fort Lauderdale.

R. H. HITCHCOCK, a native of Baltimore, Maryland. He received his undergraduate degree from the University of Minnesota and his law degree from the University of Baltimore. He is associated with Samuel F. Berman in Pompano Beach.

ROBERT J. HUNT, a native of Syracuse, N.Y., received his undergraduate degree from LeMoyne College and his law degree from Cornell University. He is associated with the firm of Bond, Schoneck & King in Fort Lauderdale.

MALCOLM H. KAHL, a native of New York City, received his undergraduate degree from New York University and his masters of law from New York University. He is associated with the firm of Meyer, Leben, Fixel & Cantor in Hollywood.

ROBERT PAUL L. KEELEY, a native of Minneapolis, Minn., received his undergraduate degree from the University of South Florida and his law degree from Stetson University. He is associated with the firm of Weaver & Weaver in Fort Lauderdale.

ROBERT P. KELLY, a native of New Britain, Conn., received his undergraduate degree from Syracuse University and his law degree from the University of Miami. He is associated with the firm of Pyszka, Kessler & Adams in Fort Lauderdale.

EDWARD L. KIND, a native of New York City, received his undergraduate degree from Syracuse University and his law degree from Nova University. He is associated with the firm of Litman, Muchnick & Waserman in Hollywood.

DAVID J. KINGSLEY, a native of New York City, received his undergraduate degree from Monmouth College and his law degree from George Washington University. He practices alone in Fort Lauderdale.

EDWARD I. LACK, a native of New York City, received his undergraduate and law degrees from Ohio State University. He is associated with Rothenberg and Lack in Coral Springs.

STEVEN Y. LEINICKE, a native of St. Louis, Missouri, received his undergraduate degree from DePauw University and his law degree from

the University of Miami. He is associated with the firm of Wicker, Smith, Blomqvist, Davant, McMath, Tutan & O'Hara in Fort Lauderdale.

ANDREA M. LEITER, a native of New York City, received her undergraduate degree from Hunter College and her law degree from New York University School of Law. She is associated with the firm of Schwenke, & Carlson in Fort Lauderdale.

CHARLES F. McCLOSKEY, JR., a native of Providence, Rhode Island, received his undergraduate degree from University of South Florida and his law degree from the University of Miami. He is associated with Richard R. Kirsch in Fort Lauderdale.

DONALD R. McCLUNG, a native of Columbus, Ohio, received his undergraduate degree from Western Illinois University and his law degree from Drake University. He is associated with First Federal of Broward in Fort Lauderdale.

BETTY ANNE PALMER, a native of St. Petersburg, Florida, received her undergraduate and law degrees from Florida State University. She is associated with the firm of Saunders, Curtis, Ginestra & Gore in Ft. Lauderdale.

CHARLES E. PETTIT, received his undergraduate degree from Florida State University and his law degree from Nova University. He is associated with the firm of Hamilton & Douglas in Fort Lauderdale.

NOEL M. PFEFFER, a native of New York City, received his undergraduate degree from American University and his law degree from Nova University. He is associated with the firm of Graham, Hodge, Larson & Hume, in Fort Lauderdale.

RICK D. RAVINE, a native of Kenosha, Wisconsin, received his undergraduate and law degrees from the University of Florida. He is associated with William R. Hussey in Fort Lauderdale.

MICHAEL S. ROSS, a native of New York City, received his undergraduate degree from University of Florida and his law degree from Nova Law Center. He is associated with the firm of Grand, Krupnick & Miller in Hallandale.

ARCHIE JOHN RYAN, a native of Gainesville, Florida, received his undergraduate degree from the University of Florida and his law degree from Stetson College of Law. He is associated with A. J. Ryan, Jr. in Dania.

STEVEN T. SAMILJAN, a native of New York City, received his undergraduate and law degrees from the University of Florida. He is with the firm of Berryhill, Avery, Williams & Scott in Fort Lauderdale.

CHARLES E. SAMMONS, a native of Boston, Massachusetts, received his undergraduate and law degrees from the University of Florida. He is with the firm of Blackwell, Walker, Gray, Powers, Flick & Hoehl in Fort Lauderdale.

DEBORAH A. SATZ, a native of Brooklyn, N.Y., received her undergraduate degree from Brooklyn College and her law degree from Western New England University. She practices alone in Fort Lauderdale.

LARRY SEIDLIN, a native of New York City, received his undergraduate degree from Lehman College City University of New York and his law degree from University of Miami. He is a Broward County Court Judge.

STEPHEN S. SIEGEL, a native of New York City, received his undergraduate degree from State University of New York and his law degree from New York Law School. He practices alone in Pembroke Pines.

LIZA M. SIEGLE, a native of Fort Lauderdale, received her undergraduate degree from Vanderbilt University and her law degree from the University of Florida. She is associated with the firm of Maurer & Maurer in Fort Lauderdale.

STUART L. STEIN, a native of Brooklyn, N.Y., received his undergraduate degree from the University of Maine and his law degree from Nova University. He practices alone in Fort Lauderdale.

JUNE G. THOMAS, a native of Rienzi, Miss., received her undergraduate degree from Mississippi State College for Women and her law degree from the University of Miami. She practices alone in Pompano Beach.