

The BROWARD BARRISTER

FEBRUARY, 1980

Volume 9

NUMBER 2

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION

Executive Offices: 730 Northeast Third Avenue, 305/764-8040, Fort Lauderdale, Florida 33304

GENERAL MEETING THURSDAY, FEBRUARY 21, 1980

Cocktails — 6:30 P.M. — Cash Bar

Dinner — 7:15 P.M.

GIBBY'S RESTAURANT

2900 N.E. 12th Terrace
Oakland Park, Florida

Dinner: \$15.00 per person

Speaker: Judge Peter T. Fay
Circuit Judge, U.S. Court of Appeals
Fifth Circuit

Topic: Trends in the Federal Court

Your secretaries are invited to attend this meeting.

Reservations are **necessary** for this meeting. Only 130 reservations can be accepted. Please make your reservations immediately.

YOUNG LAWYERS SECTION MEETING

Thursday, February 28, 1980

12:00 Noon

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

Members: \$5—Non Members: \$6.00

Speaker: Mayor John Lomello, Jr.

Topic: "Problems in Administering Sub-urban City Government"

Reservations made with:

Jesse S. Faerber
Post Office Box 11022
Fort Lauderdale, Florida 33339

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CASINO PARTY

Sponsored by the Broward County
Young Lawyers Section

Saturday, March 29, 1980

at Holiday Inn
2275 State Road 84,
Fort Lauderdale, Florida

8:00 P.M. til ?

For additional information, call E.
Steven Lauer, 565-0501

ROBING CEREMONIES

You are invited to attend the Robing Ceremonies of Judges Mark E. Polen and Harry G. Hinckley, Jr. on Friday, February 29, 1980, at 4:00 p.m. in the County Commission Room 250, Broward County Courthouse, Fort Lauderdale.

Please Mark Your Calendar. Individual invitations will not be mailed to Broward County Bar Association members.

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Family Law Section Meeting

Tuesday, February 26, 1980

5:30 P.M. — 7:00 P.M.

The Tower Club
One Financial Plaza
Fort Lauderdale, Florida

Speaker: James Fox Miller

Topic: Strategy, Assessment and Pitfalls: A Practical Approach to Dis-resolution Practice

Wine and Cheese will be served.

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ATTORNEY'S ALERT

International Investment Survey Act of 1976.

Any attorney handling the closing of

real estate transactions or business acquisitions involving foreign purchasers should review the excellent article by Robert J. Irvin contained in the December, 1979 issue of *The Florida Bar Journal*.

Certain foreign acquisitions must be reported to the Bureau of Economic Analysis of the U.S. Department of Commerce within forty-five days of such acquisition. Failure to comply is punishable by a civil penalty not exceeding \$10,000.00 and willful failure to comply is punishable by a fine or not more than \$10,000.00 and imprisonment for not more than one year or both.

The attorney assisting or intervening in the transaction may also be required to report the transaction directly.

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VACANCY

A vacancy in the position of Deputy Commissioner of the Division of Labor and Employment Security, serving the Broward County area, now exists.

The professional qualifications required for the appointment to the position of Judge of Industrial Claims is set out in Florida Statutes Section 440.

All qualified persons who are interested in being considered for appointment to this position should contact the Nominating Commission Chairman, Cal-

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

OFFICERS

Maurice O. Rhinehardt *President*
Harry G. Carratt *Pres-Elect*
James H. Walden *Sec.-Treas.*
Norma Howard .. *Executive Director*

vin B. Brown, Esquire, Post Office Box 3686, Vero Beach, Florida 32960; or call his office at (305) 567-3463, to obtain written application which must be submitted to his office no later than 5:00 p.m. on March 3, 1980.

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LEGAL AID SERVICE OF BROWARD COUNTY, INC.

In 1974, the Broward County Bar Association created and operated the County's first funded Legal Aid Society. At that time, the program was supported solely by County funding. In 1977, the program obtained substantial funding from the National Legal Services Corporation which was created by Congress. With these Federal dollars, the constituency of the Board of Directors changed, as required by the Federal statutes and regulations which now govern the program. 42 U.S.C. 2996; 45 C.F.R. 1600.

Legal Aid Service of Broward County, Inc. represents persons in civil matters who are within specified financial guidelines and have the type of problems handled by the program. When a person's eligibility for Legal Aid Service of Broward County, Inc. is questioned by a member of the Bar, Bench or the client himself, there are administrative procedures which should be followed. Such complaints are initiated by contacting Anthony J. Karrat, the Executive Director of Legal Aid Service of Broward County, Inc., who will review the case. That decision is then reviewable, if necessary, by the Eligibility Committee of the Legal Aid Service of

Broward County, Inc. Board of Directors.

It is improper to ask a Court to rule on a Legal Services' client's eligibility for representation. The issue is not a proper one for judicial determination. *Marten v. Hall*, 444 F. Supp. 34 (S.D. Fla. 1977); *State v. Carlton*, 314 So.2d 593 (Fla. 2d D.C.A. 1975).

No authorization, either state or federal, permits judicial inquiry into a client's eligibility for representation in a Florida Court by an attorney who is a member of The Florida Bar in good standing who has been designated by the client. Where the federal government makes legal services available under Congressional authority, eligibility for rendering and receiving such legal services is a matter (to be resolved) by the federal agencies which make such services available. *Id.* at 594.

In the Legal Services Corporation Act, Congress specified the means by which alleged violations of the Act or Regulations should be investigated, and gave the Corporation the authority and responsibility to investigate such complaints and to prescribe remedies where violations are found. 42 U.S.C. 2996c.

Legal Aid Service of Broward County, Inc., in an effort to cooperate with the private Bar and Bench, will respond to eligibility complaints as expeditiously as possible.

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Corporation, Banking and Business Law Section Meeting

Thursday, February 28, 1980

TOWER CLUB
One Financial Plaza
Fort Lauderdale, Florida

— 4:30 P.M. —

Program: Secured Transactions —
Florida Practice After the Overhaul of Article 9

Speaker: Keith Kanouse, Esq. of
Fleming, O'Bryan & Fleming

Refreshments: Wine and Cheese

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and Business Record of Palm Beach County

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the Fifteenth Judicial Circuit

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Board Of Governors Of The Florida Bar Report

The Board of Governors of the Florida Bar met in a regular meeting in Ponte Vedra Beach, Florida, on January 10 and 11, 1980.

As usual, the entire morning on Thursday, January 10, 1980, was spent in executive session for the consideration of disciplinary actions and the administration of private reprimands.

The first order of business for the regular meeting after formal approval of the previous minutes, etc., was the receipt of the report of the Search Committee by its chairman, Earl B. Hadlow. This committee had the monumental task of finding a replacement for the Executive Director, Marshall Cassedy, who has submitted his resignation. Chairman Hadlow reported that their recommendation was Reginal T. Hamner, Executive Director of the Alabama State Bar for the past ten years. Following a summary of the background of Mr. Hamner by Mr. Hadlow and a discussion among the Board members and a presentation by Mr. Hamner, the Board voted to approve the appointment of Mr. Hamner as Executive Director of the Florida Bar and to authorize the president to negotiate a contract, which contract was later ratified by the Board in the next day's session.

John Germany, chairman of the special committee to study the integration of law school graduates into the practice of law, announced a pilot program which will be used on a trial basis in the cities of Ocala, Tallahassee, and Tampa. This plan is to be coordinated with the Young Lawyers Section's "Bridge the Gap" program and is tentatively planned for a one-month program, or possibly shorter, utilizing local Bar members for the faculty. The first program is planned to commence in August, 1980. Mr. Germany stated that the demand is not from the senior Bar, but from the Young Lawyers for a program of this type. The programs will be divided into the categories of "Office Management," "Client Relations," "Local Practice," and "Practical Legal Skills."

An amendment to Board policy was adopted to provide a means of immediate emergency action and temporary suspension when a misappropriation of a client's funds appears to be involved.

In response to the mandate of the Supreme Court in *The Florida Bar vs.*

Furman, a report was received by Hugh McMillan on the study of the legal needs of the poor and underprivileged citizens of Florida prepared by the Center for Governmental Responsibility at the Holland Law Center, University of Florida. The report was almost 300 pages long and the members of the Board saw the report for the first time at the meeting. It was decided, after a call to the Chief Justice, to file the report with the Supreme Court without the formal approval of the Board of Governors and to advise the Court a further study would be made by the Florida Bar.

Certain revisions of the by-laws of the Real Property, Probate, and Trust Sections requested by them were approved by the Board.

On the legislative agenda, the Board of Governors considered a number of legislative matters pending before the next session of the legislature and approved proposed action by the Real Property Section regarding certain pending legislation. It was pointed out in the report of Richard McFarlain, the Bar Legislative Counsel, that the crucial concern in this session of the legislature will be the "Sunset" hearings conducted by the Special Sub-Committee of the House considering whether or not to "sunset" The Florida Bar and whether its control and disciplinary review should be under the regulation of the legislature instead of the Supreme Court. The responses of The Florida Bar to the questionnaire sent to it by this special sub-committee were distributed to the members of the Board and consisted of a stack of documents almost five inches high. A tremendous amount of work went into the preparation of these responses by the staff. A public hearing is scheduled by this committee in Orlando on February 4, and subsequent hearings will be held in Tallahassee on February 14 and March 13. The February 14 session will be devoted primarily to The Florida Bar and the March 13 session will be devoted primarily to the Board of Bar Examiners. The local circuit legislative committees will be called upon for help in connection with this vital matter.

Chairman Bill Henry reported on The Florida Bar retreat being considered for long-range planning. This retreat is currently scheduled for March 20, 1980, and will be a two-day session by a select representative group constituting a cross-section of the membership of The Florida Bar.

It was reported that the present Election Committee which has sought to

study a means of reducing the great expense of campaigning by candidates for president-elect of The Florida Bar had established a pilot program for the up-coming election. This was accomplished through an agreement between the announced candidates, Sam Smith and Jerry Brown, to adopt certain limitations providing for use of advertising made available The Florida Bar publications and limitations on the number of mail-outs, etc. The success of the procedure will be determined after the election.

Certain amendments to the civil and criminal rules proposed by the Rules Committee were adopted, most of which were minor changes and which will be reported in future Bar publications.

A proposed professional guide for physicians and attorneys was adopted by the Board of Governors and will now be considered by the Florida Medical Association for its concurrence. This is intended to facilitate understanding between physicians and attorneys regarding procedures for examinations, court appearances, etc.

As the last order of business, a very humorous "public and private reprimand" was administered to departing Executive Secretary, Marshall Cassedy, with all ladies and wives in attendance. The meeting room shook with laughter as President Shear chided Marshall for all his "transgressions" and "misdoings" over the period of his 21 years of service to the Florida Bar. The reprimand ended in a most unusual manner in that all members of the Board toasted Marshall with raised glasses of champagne at the conclusion of the reprimand.

O. Edgar Williams, Jr.
Hugh S. Glickstein
Drake M. Batchelder

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LEGAL ETHICS COMMITTEE

Each month the Legal Ethics Committee will contribute to the *Barrister* opinions of The Florida Bar Professional Ethics Committee recently supplied to the local committee. Only opinion headnotes will be supplied; the full opinion may be found at the County Law Library or at the office of the Broward County Bar Association.

OPINION 77-23
March 14, 1978

An attorney engaged by the Florida Department of Health and Rehabilitative Services may not ethically represent, in

actions for back child support payments, both wife A against former husband A, and wife B, who is husband A's second wife, against former husband B, because of actual or potential conflicts of interest and because of the appearance of impropriety.

CANONS: 9

C.P.R. DR 5-105

Vice-chairman Richman stated the opinion of the committee.

OPINION 77-25

November 8, 1977

If confidentiality or secrecy of a particular client's identity exists, a lawyer who is also a public official, required to disclose clients and financial interests by Florida Statutes and the Florida Constitution, must choose between continuing representation of the client or continuing in his capacity as a public official, since the Code prohibits revelation of clients secrets and confidences by the attorney.

CANONS: 4, 8, 9

C.P.R.: EC 4-1, EC-8-1, EC 8-2, EC 8-8, DR 4-101(A), (B), (C)(2), and (D)(1) and (2)

OPINIONS: 67-5, 68-31, 70-40, 71-29, 75-19, 76-5; ABA Formal Opinion 341; ABA Informal Opinions 1188, 1200, 1314, 1318

CONST.: Article II, Section 8, Florida Constitution

Chairman Lehan stated the opinion of the committee.

OPINION 77-28

February 21, 1978

A law firm may not ethically list lay personnel such as paralegals, administrative assistants or investigators on the firm's stationery or the firm's business cards.

C.P.R.: DR 2-102(A)(1) and (4)

OPINIONS: 62-55, 73-4, 73-43, 76-15; ABA Informal Opinions 909, 1185

Vice-chairman Richman stated the opinion of the committee.

OPINION 78-5

April 5, 1978

An attorney may not serve as an assistant state attorney, even if only prosecuting misdemeanors, while his partner engages in criminal defense practice in the same jurisdiction, defending both felony and misdemeanor charges.

C.P.R.: DR 5-105(D)

OPINIONS: 75-14, 75-43

Chairman Lehan stated the opinion of the committee.

WELCOME, NEW MEMBERS

TIMOTHY L. BAILEY, a native of Milwaukee, Wisconsin, received his undergraduate degree from the University of Notre Dame and his law degree from Marquette University. He is associated with the firm of Sullivan, Ranaghan, Bailey & Gleason in Pompano Beach.

LUKE S. BROWN, a native of Stamford, Conn., received his undergraduate degree from the University of Maryland and his law degree from Marshall College of Law. He is associated with Miller & Squire, Chartered, in Fort Lauderdale.

ALAN R. BURTON, a native of Cambridge, Mass., received his undergraduate degree from Boston College, his law degree from Suffolk University and his LL.M. from Boston University. He is associated with Steven Fine in Fort Lauderdale.

STEWART P. CHAMBERS, a native of New Bern, N.C., received his undergraduate degree from the University of Florida and his law degree from John Marshall. He is associated with Forkey & Kirsch in Fort Lauderdale.

GEOFFREY D. COHEN, a native of Brooklyn, N.Y., received his undergraduate degree from The American University and his law degree from The American University Law School. He is Legal Advisor for the City of Hollywood Police Department.

JOHN E. COUNTRYMAN, a native of Albert Lea, Minn., received his undergraduate degree from Harvard University and his law degree from Vanderbilt University. He is associated with Douglas S. Lambeth in Ft. Lauderdale.

TERRY ELLEN FIXEL, a native of New York City, received her undergraduate degree from Northwestern University and her law degree from the University of Miami. She is associated with the firm of Meyer, Leben, Fixel & Contor in Hollywood.

JOSEPH J. LEXA, a native of Painesville, Ohio, received his undergraduate degree from Wake Forest and his law degree from the University of South Carolina. He is associated with the firm of Coleman, Leonard & Morrison in Fort Lauderdale.

NORMAN A. MONROE, a native of Evanston, Illinois, received his undergraduate degree from Florida Tech. University and his law degree from Cumberland School of Law. He is associated with the firm of Wicker, Smith, Blomqvist, Davant, Tutan, O'Hara & McCoy in Fort Lauderdale.

JAMES M. MORGAN, a native of Dublin, Ireland, received his undergraduate and law degrees from Indiana University. He is associated with Patterson, Maloney, Blyler & Feige in Fort Lauderdale.

LAWRENCE C. ROBERTS, a native of Brunswick, N.J., received his undergraduate degree from Seton Hall and his law degree from the University of Miami. He is a Broward County Court Judge.

FRED L. RUSH, a native of Honnaker, Virginia, received his undergraduate and law degrees from Washington and Lee University. He is associated with Bernstein, Bernstein, Feinman and Rush in Fort Lauderdale.

JOSEPH M. RYAN, a native of Troy, New York, received his undergraduate degree from S.U.N.Y. at Brockport and his law degree from Memphis State University. He practices alone in Pompano Beach.

IRA W. STILL, III, a native of Port Jefferson, N.Y., received his undergraduate degree from Old Dominion University and his law degree from Catholic University Law School. He practices alone in Pompano Beach.

JAMES M. WILLIAMS, a native of Fort Lauderdale, Florida, received his undergraduate degree from Florida Atlantic University and his law degree from Nova University. He is associated with Julian L. Williams in Pompano Beach.

Florida Labor Law Seminar

March 3-4, 1980

Pier 66

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

Registration Fee: \$195.00

To register, contact Roland C. Graff:
Nova University Law Center
3100 S.W. 9th Avenue
Fort Lauderdale, Florida 33315

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Legal Writing Instructors Needed

At least twenty members of the local bar are requested to serve as volunteer assistant instructors in the Legal Writing Program at Nova University.

Each of the twenty attorneys will be assigned approximately ten students to supervise, with each attorney responsible for grading briefs, analyzing oral arguments, and assisting the student to grasp actual legal problems. The time needed for each attorney will extend from the second week of March through mid-May.

All members of the local bar who are interested should contact Bruce Weihe at 561-2700, or leave a message with his secretary, Charlene Adams, at the same number.

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Probate And Trust Law Section Seminar

February 29, 1980

— 8:30 A.M. — 1:00 P.M. —

Fort Lauderdale City Hall
City Commission Room
100 North Andrews Avenue
Fort Lauderdale, Florida

Registration forms with detailed information are enclosed.

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Broward County Legal Secretaries Association News

The Broward County Legal Secretaries Association will host the state wide Annual Convention of the Florida Association of Legal Secretaries in May, 1980. Your assistance is needed, and you are invited to become a sponsor of this convention by making a contribution of \$5.00 to the "FALS 1980 CONVENTION FUND." This contribution will help defray the cost of printed programs. For information contact:

ROSANNE T. MORSE
4311 N.E. 13th Avenue
Fort Lauderdale, Florida 33334
Telephone: 463-3765 (days)

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SEMINAR

Legal Descriptions Examination Of A Plat

Wednesday, February 13, 1980

Chicago Title Office
315 S.E. 7th Street
Fort Lauderdale, Florida

Registration fee: \$25.00

Limited Space. Space will be reserved upon receipt of fee. Mail to:

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NOTICE OF BAR GROUP MEETINGS

Date	Organization	Location	Time
2/15/80	Christian Lawyers Assn.	Williamson's Restaurant 1401 S. Federal Highway Fort Lauderdale, Florida (For reservations call John Nyce 772-4460)	12:15 P.M.

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