

The **BROWARD BARRISTER**

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION
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AUGUST 1984

Volume 13

Number 8

No General Meeting In August

“As I See It” A Sorry What?

It's a little frightening isn't it? Apparently one of our local Grievance Committees has found probable cause to discipline an attorney for uttering an obscenity at a former client. Rumor has it that the attorney, in a face-to-face confrontation with the former client, called him a sorry — —. In a four/three vote, the Grievance Committee sent it on for consideration by a referee. What a “sorry” example of bureaucracy gone awry. Maybe this is a good way for The Florida Bar to handle the problem of lawyer over-population. We will just discipline every lawyer who has ever uttered an obscenity at, or about, a client. Maybe the question “Do you cuss?” should be included on the application form for admission to The Florida Bar exam.

Perhaps the jurisdiction and discretion vested in our Grievance Committees should be re-examined. I prefer to think this entire episode was merely an aberration and that the countless thousands of hours contributed by our fellow attorneys in our self-disciplining processes are for far more worthwhile purposes. In the meantime, watch what you say. You never know who will be listening.

* * *

From June 17 to the 20, 1984, I had the privilege of attending the Circuit Specialty Program on Delay Reduction (in trial courts). The Program was sponsored by the State Courts Administrator's Office and was presented by the Institute

for Court Management of the National Center for State Courts. I was accompanied by our former President, Hugh T. Maloney, both of us having been invited by Chief Judge John Ferris. Carol Ortman, our Court Administrator, and JoAnn Burrell of the Clerk's office were in attendance, as well as two other distinguished Circuit Judges, Miette Burnstein and Mel Grossman.

The Program consisted of three intensive days of lectures, discussions, and breakout sessions with representatives of the Institute for Court Management and with other participants from the 13th, 15th and 18th Circuits. I found the Program particularly useful and I believe Judges Ferris, Burnstein and Grossman did as well. We are likely to see some recommendations made by the Institute for Court Management implemented in Broward County, particularly in the areas of earlier judicial intervention in case-flow management. Such things as mandatory discovery schedules, pretrial issues, and settlement conferences may be tried in this Circuit on a pilot basis in the near future.

One thing that became disturbingly clear during the course of the Program was the failure of our Clerk, Robert Lockwood, to provide the Court the necessary cooperation to function more efficiently. The failure of the Clerk to provide proper backup and support to our judges is an unfortunate outgrowth of our political system which dictates that these administrative officers be elected. The Clerks of this State are a powerful lobbying force in Tallahassee and so far all efforts to remove them from politics have proven fruitless.

Hopefully our legislative delegation will take heed of the need to place all responsibility for the administrative operation of the Courts directly under the Chief Judge and the Judges. The Clerks of the Florida Supreme Court and the District Courts of Appeal are not elected officers but rather employees of the Court. Hopefully, at some time in the not too distant future, the jurisdiction of our Circuit Clerks will at least be changed to remove from their control and responsibility all matters having to do with the operation of the Courts.

There is no question that in this day of overcrowded dockets, restricted Courtroom facilities, and budgetary cutbacks, partisan politics, engaged in by the Clerk, cannot be allowed to affect the efficient administration of justice.

TERRENCE RUSSELL
President

Judicial Poll Correction

Under Circuit Court Judicial Candidates, Group 4, the correct names should be—

Patti L. Englander
Robert J. O'Toole

The 1984 Judicial Qualifications Poll has been mailed to all members of Broward County Bar Association. The return deadline is August 10, 1984. If you have not mailed your completed poll, do not hesitate. Mail it today!

Broward County Bar Association
 733 N.E. Third Avenue
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**Designation of Judicial Officers
 For Weekend First Appearance Proceedings**

August 4, 5 Judge Miette K. Burnstein
 August 11, 12 Judge Patricia W. Cocalis
 August 18, 19 Judge Thomas M. Coker, Jr.
 August 25, 26 Judge Patti L. Englander
 September 1, 2 Judge John G. Ferris

Motion Calendars Suspended

Judge	From	Through
Linda L. Vitale	July 23	August 22
Mark E. Polen	July 30	August 13
M. Daniel Futch, Jr.	August 2	August 13
Robert C. Abel, Jr.	August 6	August 9
Stephen R. Booher	August 6	August 31
George W. Tedder, Jr.	August 6	August 17
Estella M. Moriarty	August 6	August 27
W. Herbert Moriarty	August 6	August 24
George Richardson, Jr.	August 13	August 24
Estella M. Moriarty	August 29 only	
Bobby W. Gunther	September 4 and 5 only	

**Schedule of Circuit Court
 Civil Division Duty Judges**

The following assignments are for
 Circuit Court Civil Division Duty Judge:

Week Commencing	Judge
August 3	Judge Barbara Bridge
August 10	Judge H. Mark Purdy
August 17	Judge Stephen R. Booher
August 24	Judge Joseph E. Price
August 31	Judge Linda L. Vitale
September 7	Judge James M. Reasbeck

Florida Bar Appointments

The Board of Governors and the President of The Florida Bar are called upon throughout the year to make a number of appointments to various groups and organizations. Pursuant to Standing Board Policy, these vacancies are advertised in The Florida Bar News at least 30 days prior to the Board meeting at which they are filled. Board members are urged to seek qualified applicants from among their constituents, but even all of these efforts sometimes fail to secure enough good applicants.

The Board of Governors will make appointments to the following at its September Board meeting:

Florida Board of Bar Examiners (two vacancies)

Florida Disability Law Center, Inc. (one vacancy)

Inquiries and requests for applications should be sent to Mindy Byars, The Florida Bar, 904-222-5286.

Judge Otis Farrington



When Otis Farrington's father, a young Texas lawyer, heard a new county was being created in an untamed paradise known as South Florida, he loaded a cow, horse and furniture into a boxcar and utilizing Flagler's recently completed Florida East Coast Railroad headed south to Fort Lauderdale—"just a quiet place in the road." C.E. Farrington arrived in Broward in 1912 seeking relief for his wife's hay fever which he believed had been aggravated by the dry western dust and the idea to establish one of the area's first law practices. He did, and the practice endured for 38 years. After nearly 37 years of service to the same institution, his son, Circuit Judge Otis Farrington, has witnessed a lifetime of growth in Broward's legal system.

Born on August 27, 1917, Farrington "never had any other idea than to become a lawyer." Upon graduation from Fort Lauderdale High (then known as Central High), there was no discussion. Law school was and always had been the intention. Farrington attended the University of Florida undergraduate and Law School where he graduated with honors in 1940 and returned to join his father's practice. The war beckoned him away two years later, however, and army life was his for four years. It was on a three-day pass that he married the former Kathryn Allen from Wisconsin.

Farrington returned to Broward County in 1946, and after re-establishing himself (the county had grown tremendously to his amazement) found himself in a race for county prosecuting attorney. After election over several opponents, he participated in securing the creation of a separate criminal court for Broward County of which he was appointed prosecutor.

At that time, George W. Tedder, Sr., father of the present Judge Tedder, was Broward's only circuit judge. With occasional help from the Palm Beach County Judges Chillingworth and White—Palm Beach and Broward Counties were in the

same judicial circuit at that time—Judge Tedder was able to take care of all circuit court civil litigation as well as capital criminal cases until Judge Warren was appointed as an additional Broward County Circuit Judge in 1952. Judge W.T. Kennedy and Prosecutor Farrington comprised Broward's main system of criminal justice in the Criminal Court with jurisdiction over all non-capital felonies and misdemeanors.

The operation was such a small one that Farrington remembers, "At first I didn't even have a secretary." Soon, however, he had not only a secretary but several assistants. What propelled him from the position of prosecuting attorney to that of Broward's third circuit judge (Lamar Warren had been appointed as the second judge) was boredom. With assistants trying most of the cases, Farrington found himself becoming too much of a bureaucrat and "getting into the administrative end of it rather than the trial work I loved." When Judge Tedder announced that he would not seek reelection in 1954, Farrington ran and won over four opponents including the former State Senator, George Laird. He was appointed to the bench six months early due to the retirement of Tedder. That was in July 1954 and Farrington remained on the bench until retirement in 1979, never drawing opposition after his first election.

What happened after Farrington took the bench he terms as "an explosion." The county grew and along with it its justice system. The one courtroom shared by him and Warren was soon insufficient and accommodations were made for a second by dividing it down the middle to provide separate courtrooms for the circuit and criminal courts. Farrington recalls that the wall was so thin "you could hear the lawyers arguing in both courtrooms at the same time."

He describes the atmosphere around the courthouse when he first practiced law there in 1940 as neighborly, with less than 100 attorneys in the county. But

things have changed. The number of attorneys in Broward has increased 30 times, and Farrington has observed, among other problems, that matters are litigated today that never would have been in the past.

"It used to be that when you fell down in a store you would apologize to the owner for messing up the floor—today you sue him." Farrington attributes the change to new concepts of negligence and an increase in the number of skilled attorneys. He also feels "the rules have become more generous and the courts have become more accommodating to litigants."

To meet the need for relief on Broward's overburdened courts, Farrington sees several possibilities for more efficient methods of resolving disputes.

He describes Broward as a county of people with "strong principles and enough cash to support them," but the problem lies in the fact that lawyers and litigants still insist on full-blown trials. It is this traditional but cumbersome machinery for dispensing justice which is responsible for the backlogging of cases.

One necessary but unpopular alternative is the use of general masters who are presently used for a great number of domestic relations hearings. Farrington believes that the general masters have developed skills in their specialized fields equal to the skills of the trial judges. The problem is the lack of finality of proceedings before the general masters.

"The people who lose a case before a general master complain about not having received justice—although they have most likely received just as fair and expert a decision as from any judge."

Cutting down on the number of jury trials is another obvious solution, but a renewed communication between judges would also help.

(Continued on Page 5)




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Young Lawyers Section Luncheon

The August luncheon of the Young Lawyers Section of the Broward County Bar Association will be held on Thursday, August 23, 1984, at 12:00 Noon at:

Cafe de Geneve
1519 South Andrews Avenue
Fort Lauderdale, Florida

Two candidates for Sheriff have agreed to attend and speak to the membership. **Sheriff George A. Brescher** and **Major Nick Navarro** will present their respective viewpoints on the Office of Sheriff at the luncheon. **Please make your reservation** by mailing your check in the amount of \$7.50 payable to **Young Lawyers Section** to: Betty Ann Beavers, 8751 West Broward Boulevard, Suite 307, Plantation, Florida 33324, no later than Monday, August 20, 1984.

Sporting Events

The Young Lawyers Section has traditionally organized, sponsored or subsidized athletic events for attorneys, young and old. This provides an excellent means for those in the legal profession to meet, compete and develop warm and trusting relationships in a more casual and cordial atmosphere than would be permitted in the daily work schedule.

In the fall of 1983 there was a flag football league, a racketball tournament, the United Way 10K run, and a golf tournament. While there is no 10K run scheduled for the fall, the expansion and interest expressed in the other events, as well as the prospects of commencing a basketball league or tournament, necessitate the need for the development of a committee of more than one.

Romney Rogers, President of the Young Lawyers Section, had requested volunteers in last month's *Barrister*. While I am certain that most of your responses are still in the mail, if we are to continue to improve and expand the existing programs, I would suggest that you let your fingers do the walking and contact one of the following to volunteer to be on a committee of your choice:

Golf Tournament

Glenn Leonard 563-2671
David Keller 761-8600

Football, Racketball and Basketball

John P. Wilkes 563-4803

Flag Football

Last year a challenge was issued to attract new teams and players into the attorneys' flag football league. The overwhelming response necessitated some last minute hustling and arrangements to accommodate the eleven teams. This year I am anticipating an even greater response, so for those of you who read this publication, contact your friends in the profession now to formulate a team and plans for participating in this year's league.

The league, which will commence September 15, 1984, will consist of an eight or nine game season followed by playoffs. The games are played on Saturday morning at Holiday Park (permit pending). The league is not restricted to young attorneys. Places on the roster will be permitted without discrimination based on age, sex or attendance at a Florida university not located in Gainesville, Florida. However, the league is restricted to law students and attorneys unless a special dispensation has been granted by the league official(s). The fee for participation will be \$120 per team plus \$5 for each member on a team who is not a member of the Broward County Bar Association. Individuals wishing to participate can do so by contacting the undersigned. Arrangements will be made so that all can participate, if possible.

For further information on rules, teams, player selection, and fees, please contact the undersigned. If we are to acquire adequate facilities and referees, you must contact the undersigned at the earliest possible date.

John P. Wilkes
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Public Notice

The terms of Honorable Arthur S. Seppi and Honorable Arthur P. Pumpian, Deputy Commissioners of the Division of Workers' Compensation of the Department of Labor and Employment Security, State of Florida, expire March, 1985.

Pursuant to Section 440.45(2), Florida Statutes 1981, the Fourth District Court of Appeal Judicial Nominating Commission is required to review the conduct of Deputy Commissioner Seppi and Deputy Commissioner Pumpian prior to the expiration of their terms and to determine whether they shall be retained in office for an additional four-year term.

Notice is hereby given in conformity with Section 440.45(1), Florida Statutes 1981, of a public hearing on these matters commencing at 9:30 A.M. Thursday, August 30, 1984, at the offices of Cone, Wagner, Nugent, Johnson, Hazouri & Roth, P.A., Main Conference Room, Third Floor, Servico Centre East, 1601 Belvedere Road, West Palm Beach, Florida.

WARD WAGNER, JR.
Interim Chairman
Fourth District Court of Appeal
Judicial Nominating Commission

Lawyer Advertising Levels Off Public Relations Grows

In 1983, the growth of advertising by attorneys leveled off for the first time since 1977, when the U.S. Supreme Court opened the doors to lawyer advertising. However, the use of public relations by lawyers continued to grow last year.

A LawPoll survey published in a recent issue of the *ABA Journal* indicates that 13 percent of ABA lawyers surveyed said they had tried advertising during 1983, the same percentage as in 1982. But 26 percent of the respondents said they had used public relations services last year, compared to 14 percent in 1982. A random sample of 521 regular members of the ABA was surveyed by telephone for the poll.

Advertising was slightly more common among lawyers in the Northeast and West, lawyers in general practice, women lawyers and lawyers with lower incomes. Public relations was more common among firms in larger cities and lawyers with higher incomes.

Judge Otis Farrington

(Continued from Page 3)

"When there were only three judges in the county, we helped each other out if we got behind. Today, with the size of the system, we don't even know what the other judges are doing."

While court administration is experimenting with a technique known as the "pod system" which establishes an organized cooperation between judges to accommodate overflow, Farrington believes this is a good system, but that an even greater effort by the judges themselves is necessary to make it work. It is very difficult for a judge who is struggling to keep his own docket current to find time to assist another judge whose backlog of cases has become excessive.

And as long as he is on the subject, an increase in the number of courtrooms, together with full utilization of available retired judges, would clear out a large percentage of the cases pending. The reason? "When attorneys are faced with the actuality of jury selection, they often speedily proceed to the settlement they should have reached long before."

Although he retired in 1979 after four terms, the judge found that golf was not enough to occupy his time. Upon recommendation to the state by Chief Judge John Ferris, he is one of 25 retired judges who are on reserve to the needs of the state's judiciary.

Farrington is what Broward's circuit judges term a godsend. He is most often given the cases dreaded by others—the "docketbusters." Awaiting him next week is a seven volume case, the first installment of which is piled two feet high on his desk.

Ironically, he shares chambers again with Judge Warren who also serves as a retired judge. The two have found history repeating itself in their judicial careers.

They began as Broward's only two circuit judges and today find themselves serving as the county's two most utilized retired magistrates.

And what compensation? There is the pension of course, and in the mid-70's retired judges were granted \$100 a day for their services (to be increased later this year to \$150). But what has held Farrington's devotion to the judiciary is the feeling of satisfaction he receives in contriving a good solution to a case. He has the option as a retired judge to refuse to hear the custody cases which kept him awake years ago. Instead, he finds the time to enjoy the "happy results" of the law he has studied for nearly half a century.

(Written by Jenifer Young in collaboration with Judge Otis Farrington.)

Welcome New Members

A. BRYANT APPLGATE, a native of New Brunswick, New Jersey, received his undergraduate degree from Davis & Elkins College and his law degree from Nova University Law Center. He is associated with Pompano Beach City Attorney Donald C. Roberge in Pompano Beach.

* * *

JUDGE J. BART BUDETTI, a native of Yonkers, New York, received his undergraduate degree from Wichita State University and his law degree from University of Texas. He is a County Court Judge, Seventeenth Judicial Circuit of Florida.

* * *

KEITH B. DARRELL, a native of Cleveland, Ohio, received his undergraduate degree from University of Florida and his law degree from Emory University. He is associated with Calvo & Bofshever in Fort Lauderdale.

* * *

BARRY I. FINKEL, a native of Brooklyn, New York, received his undergraduate degree from Tulane University and his law degree from Nova University Law Center. He is associated with Ken M. Frankel in Pompano Beach.

* * *

KEN M. FRANKEL, a native of Brooklyn, New York, received his undergraduate degree from University of California at Berkeley and his law degree from Nova University Law Center. He is associated with Barry I. Finkel in Pompano Beach.

* * *

PETER J. GIACOMA, JR., a native of Nevada, Illinois, received his undergraduate degree from St. Louis University and his law degree from Washington University. He is associated with Raymond W. Russell in Fort Lauderdale.

* * *

GEOFFREY J. MASCARO, a native of Huntington, New York, received his undergraduate degree from Long Island University and his law degree from John Marshall Law School. He is associated with Louis F. Mascaro in Huntington, New York.

* * *

MARK RICHARD McCOLLEM, a native of Kansas City, Kansas, received his undergraduate degree from The Citadel and his law degree from Nova University Law Center. He is associated with Patrick N. Chidnese in Fort Lauderdale.

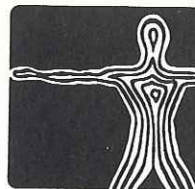
* * *

ROBERT E. O'CONNELL, a native of Pittsburgh, Pennsylvania, received his undergraduate degree from University of Pittsburgh and his law degree from Duquesne University. He is associated with Wicker, Smith, Blomqvist, Tutan, O'Hara, McCoy, Graham & Lane in Fort Lauderdale.

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(Continued on Page 7)

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Medical-Legal Committee

In 1980, because of action taken by the Justice Department, the previously adopted fee schedule agreement between Broward County Bar Association and Broward County Medical Association was rescinded since it was felt to be in violation of anti-trust laws. Reactivation of the committee was an attempt to improve communications and relations between the two professions. O. Edgar Williams, Jr., and Dr. Paul Flaten are Co-Chairmen of the Committee.

Appointments to the committee have been made by both Broward County Bar Association and Broward County Medical Association. Studies made by the committee have concluded that no schedule of fees previously agreed upon by the two professions can be adopted without being in violation of anti-trust laws. Efforts are being continued to resolve the problem.

A sub-committee has compiled a Professional Code of Conduct which has been approved by the Executive Committees of both associations and will be ready for distribution in the fall of 1984.

O. Edgar Williams, Jr.
Co-Chairman



O. Edgar Williams, Jr., left, and Dr. Paul Flaten, right, Co-Chairmen, Medical-Legal Committee.

Welcome New Members (Continued from Page 5)

JAMES A. PEARSON, a native of Lawrence, Massachusetts, received his undergraduate degree from University of Miami and his law degree from Nova University Law Center. He is associated with Samuel M. Silver in Hollywood.

* * *

AMY R. REECK, a native of Brooklyn, New York, received her undergraduate degree from Lake Forest College and her law degree from Nova University Law Center. She is associated with Brinkley, McNerney & Morgan in Fort Lauderdale.

* * *

RICHARD L. ROSENBAUM, a native of Iowa City, Iowa, received his un-

dergraduate degree from University of Florida and his law degree from Nova University Law Center. He is associated with Michael J. Entin in Fort Lauderdale.

* * *

SIDNEY SOLOMON, a native of Springfield, Massachusetts, received his undergraduate degree from Western New England College and his law degree from Nova University Law Center. He is associated with Luis Rojas in Fort Lauderdale.

* * *

JAY S. SPECHLER, a native of Jacksonville, Florida, received his undergraduate degree from university of South Florida and his law degree from Nova University Law Center. He is associated

with Thomas M. Lynch IV in Hollywood.

* * *

STUART A. TARLOWE, a native of Newark, New Jersey, received his undergraduate degree from Syracuse University and his law degree from Rutgers University of New Jersey School of Law. He is associated with Jeffrey A. Glass and Patrick C. Rastatter in Fort Lauderdale.

* * *

JOSEPH MARTIN DOBKIN, a native of Pittsburgh, Pennsylvania, received his undergraduate and law degrees from University of Miami. He is a sole practitioner in Miami.

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CALENDAR OF EVENTS

Date	Group & Event	Time & Place	Reservations
8/8/84	Broward County Women Lawyers Association	Jungle Queen Dinner Cruise, Bahia Mar Yacht Basin, Fort Lauderdale, 7:00 P.M.	Sharon 463-3765
8/10/84	Broward Christian Lawyers Association Monthly Meeting	Cafe de Geneve, 1519 S. Andrews Avenue Fort Lauderdale, 12:00 Noon	Ronald Houchins 486-1777
8/14/84	North Broward Bar Association Monthly Meeting	Flaming Pit Restaurant, 1150 N. Federal Hwy., Pompano Beach, 12:00 Noon	William Stockman 941-4920
8/23/84	Young Lawyers Section Monthly Meeting	Cafe de Geneve, 1519 S. Andrews Avenue Fort Lauderdale, 12:00 Noon	Betty Ann Beavers 473-1500
8/29/84	Broward County Women Lawyers Association Candidates Night Meeting	Home of Dianne Weaver, 1924 Sunrise Key Blvd., Fort Lauderdale, 5:00—7:30 P.M.	Lorry 561-2230

Broward County Women Lawyers Association

The Broward County Women Lawyers Association announces that the following officers have been elected for the year 1984-1985:

<i>Christine M. Carsky</i>	President
<i>Karen Kugell</i>	Vice President
<i>Jo Ann Hoffman</i>	Secretary
<i>Annette Lustgarten</i>	Treasurer

The following will serve with the officers on the Executive Committee: Deborah A. Carman, Elaine Gatsos, Sharon P. Miller, Sandra Salter Jackson and Naomi Behar Smith.

Russell Carlisle Recipient of First Annual Pro Bono Publico Award

Russell Carlisle was one of four recipients of the first annual Pro Bono Publico Award given by the Special Committee on Lawyers' Public Service Responsibility. This award will be presented on August 5, 1984, during the American Bar Association Annual Meeting.

Broward Judges Elected to State Offices

County Court Judge Steven Shutter was elected Director of the Seventeenth Judicial Circuit for the Conference of County Court Judges of Florida, and Administrative County Judge Larry Seidlin was elected Vice President (Fourth District Courts of Appeal) of the Conference of County Court Judges of Florida.

The Annual Business Meeting for the Conference of County Court Judges of Florida was held June 26 through June 29, 1984, in Clearwater, Florida.

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