The BROVARD BARRISTER

PUBLISHED BY THE BROWARD COUNTY BAR ASSOCIATION
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MAY 1985

Volume 14

Number 5

Annual Meeting

Friday, May 31, 1985

Harris Imperial House Restaurant 50 North A1A Highway / Pompano Beach, Florida

Cocktails (cash bar) 7:00 P.M.

Dinner 8:00 P.M.

\$18.00 per person (spouses and guests invited)

Music by the Harold Mantel Trio

Installation of Officers

(see enclosed flyer for details)

Reservations are necessary. Please call 764-8040. Reservations made and not cancelled by May 29, 1985, must be paid.

Election Results

The results of the election of Officers and Executive Committee members for The Broward County Bar Association for the year June 1, 1985-May 31, 1986, are as follows:

President Patrick L. Bailey
President-Elect Roger H. Staley
Secretary-Treasurer J. David Bogenschutz

EXECUTIVE COMMITTEE

NORTH

John R. Gillespie, Jr. Peter A. Portley David D. Welch

CENTRAL

W. George Allen Walter G. Campbell, Jr. Rex H. Conrad Dale R. Sanders William J. Zloch

SOUTH Nicholas J. DeTardo Linda Raspolich Pratt Jeffrey P. Wasserman

WEST

Jesse S. Faerber Thomas R. Tatum

Farewell

When I took office on June 1, 1984, one of the things that I told you I believed was that an important function of a voluntary Bar President was to be your spokesman. We've raised a few hackles, and a lot of eyebrows, with some of the things that we've said in this column. The important thing for all of us to remember is that the opinions expressed over the last year in this column have not been mostly mine, but rather mostly yours.

It has, without question, been the most gratifying year of my professional career. I am deeply grateful to all of you for the support you have given me. I have particularly appreciated the help, support, counsel and advice of all of the members of the Executive Committee. It is, of course, the Executive Committee that sets the policy for The Broward County Bar Association and it is to each of those persons that we owe a great debt of gratitude.

I have particularly enjoyed my relationship with the Young Lawyers Section, its President, Romney Rogers, and President-Elect, D. David Keller. I commend the Young Lawyers for the programs they have put on and for the assistance they have given to us in establishing our new Law Student Division.

Each of our Section Chairpersons has likewise performed well. Both the Business Law and Criminal Law sections are planning CLE programs soon under the leadership of Bill Phillippi and Ralph J. Ray, Jr., respectively. Excellent programs have already been presented by Jeff Wasserman's Family Law Section, Alicia Zachman's Probate and Trust Law Section, and Brian Sherr's Real Property Section. The Trial Lawyers Section, ably headed by Bill Duke, cooperated with our Courts Committee in putting on our annual and highly successful Bar Beach Conference.

The Courts Committee additionally, under the leadership of its Co-Chairpersons, Harry G. Carratt and Judge Miette Burnstein, has met regularly to assist us in communicating with the Courts and to assist the Courts in resolving some of the nagging problems that Courts in major metropolitan areas seem to have to deal with from day to day.

I have also greatly appreciated the efforts of Bill Miller's Lawyer Referral Committee which is responsible for administering our Lawyer Referral Service and our low-cost criminal defense program.

One of our least recognized but most important committees is Ray Doumar's (Continued on Page 3)

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

OFFICERS

Terrence Russell President Patrick L. Bailey . . President-Elect Roger H. Staley Secretary-Treasurer Norma Howard . Executive Director

Motion Calendars Suspended

| Judge | From | Through |
|-----------------------|-------------|---------|
| Robert L. Andrews | April 29 | May 10 |
| Robert L. Andrews | May 30 only | |
| Gene Fischer | May 6 | May 23 |
| W. Herbert Moriarty | May 7 | May 10 |
| W. Herbert Moriarty | May 20 | May 22 |
| Estella M. Moriarty | May 7 | May 10 |
| Estella M. Moriarty | May 20 | May 22 |
| James M. Reasbeck | May 17 | May 28 |
| J. Cail Lee | May 20 | May 24 |
| George W. Tedder, Jr. | May 20 | May 27 |
| Barbara Bridge | May 20 | May 22 |

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RESUMES

463-2313

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Designation of Judicial Officers For Weekend First Appearance Proceedings

| Date | | Judge |
|-----------|---|-------------------|
| May 4, 5. | | Larry Seidlin |
| May 11, 1 | 2 | George A. Shahood |
| | | Steven Shutter |
| May 25, 2 | 6 | Alfred J. Skaf |
| | | . Mark A. Speiser |

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YOUNG LAWYERS SECTION LUNCHEON MEETING Thursday, May 23, 1985 at 12:00 Noon

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(Name)

Schedule of Circuit Court Civil Division and Criminal Division Duty Judges

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

| Week Commencing | Judge |
|-----------------|------------------|
| May 3 | |
| May 10 | . Gene Fischer |
| May 17 Bol | by W. Gunther |
| May 24 W. H | |
| May 31 Pau | ıl M. Marko, III |

The following assignments are for Circuit Court Criminal Division Duty Judge: Week Commencing Judge May 3..... Stanton S. Kaplan May 10..... George A. Shahood May 17 Russell E. Seay, Jr. May 24 Thomas M. Coker, Jr. ay 31 Leroy H. Moe

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Farewell

(Continued from Page 1)

Fee Arbitration Committee. Thank you Ray for another year's worth of tremendous efforts on your part and on the part of all of your committee members in helping members of The Broward County Bar Association resolve fee disputes with their clients. It is an important and thankless job your committee does for the Bar.

We have an exciting Law Day schedule this year, thanks primarily to the efforts of Henry Latimer's Law Day Committee. The activities center around our Law Day Luncheon on May 1 and the basketball contest between the Miami Dolphins and ourselves scheduled for May 4. Additionally, our Young Lawyers Section is once again sponsoring activities within the local high schools.

Don Wich chaired our Legislative Committee this year. Don did an extraordinary job in putting together our legislative program and in promoting and publicizing our Annual Legislative Appreciation Dinner where Florida House Speaker, James Harold Thompson, was our guest. Thank you Don for a particularly helpful and capable job as the Chairman of that very important committee

This year, our contribution to the Medical-Legal Committee was through our Co-Chairman, O. Edgar Williams, Jr. The medical community contributed Dr. Paul A. Flaten as its Co-Chairman. This extremely important committee has met with regularity in an attempt to resolve fee disputes between doctors and lawyers. It is a long-standing and effective committee, and we owe its Co-Chairmen and the committee members a great debt of gratitude.

Our Public Relations Committee was ably chaired by John DiChiara. John convinced the Fort Lauderdale News/Sun-Sentinel to reinstitute its program of cosponsoring with us a series of "legal forums." The Sun-Sentinel's contribution is free promotion of the forums. A third legal forum is planned during the month of May. The two legal forums that preceded it drew over 500 people. Thank you John for great assistance and great work for The Broward County Bar Association. Thanks also to the editors and staff of the Fort Lauderdale News/Sun-Sentinel.

Last and certainly not least, thank you to Judge Larry Seidlin for chairing both the Publications Committee and the Special Committee for the Needs of Children. Judge Seidlin and his 40-member Special Committee for the Needs of Children, consisting both of attorneys and laymen, met regularly to help us provide concrete ideas and initiate solid programs to begin to provide for the legal rights and needs of children. I commend

the committee's effort with respect to the Guardian Ad Litem programs and the committee's continuing liaison with the various state, county and local agencies dealing with children's needs.

I am particularly proud of the success of our membership drive this year. Through the assistance of Group II Advertising, Inc., which was provided to The Bar at no charge, and the Broward Bank, we were able to obtain approximately 200 new members. The overall membership increase at The Broward County Bar Association since June 1, 1984, has been approximately 300. It has been gratifying to watch the membership increase so significantly. There are still, however, approximately 1,500 attorneys practicing law in Broward County who are not members.

Our efforts to help improve the appellate court system of the state likewise met with significant success. We appear extremely close to having the Chief Justice of the Supreme Court appoint an Appellate Court Study Commission. Hopefully, the membership of that commission, when appointed, can be convinced that a Sixth District Court of Appeal needs to be established in Fort Lauderdale. Our Broward Legislative Delegation has expressed support.

I am particularly gratified by the support almost all of you have expressed to me for the construction of a new Bar Center near the Courthouse south of the river. We have identified three potential sites for the Bar Center, and the developers of those sites have expressed a serious interest in discussing their plans with us. I am more convinced than ever that the membership of this Association supports the move and agrees with me that it needs to be made.

We have every reason to be optimistic about the future of The Broward County Bar Association and about the future of our profession, both here in Broward County and across the state. Our programs with respect to increasing and serving our membership, the creation of a new Bar Center, and the creation of a new Sixth District Court of Appeal here in Fort Lauderdale are worthwhile programs that need to be carried forward by my successors.

I extend my sincere appreciation to Norma Howard and the Bar staff for their great help and support this year. We sometimes forget that it takes three full-time and two part-time employees to operate The Broward County Bar Association. Norma is an able administrator who celebrated her twentieth anniversary with The Broward County Bar Association this year. I also deeply appreciate the support and encouragement of my law partners who have continuously shown me that they appreciate the need for a strong local Bar Association and

that they believe as I do that you only get as much out of a community as you put into it

It's been a great experience. I look forward to working with and assisting our future Bar leaders in any way that I can.

Terrence Russell President

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Young Lawyers Section May Luncheon

Installation of the newly elected officers and Executive Committee members of the Young Lawyers Section will be held at the May 23, 1985, luncheon at Stouffer's Anacapri Inn, 1901 North Federal Highway, Fort Lauderdale, Florida, beginning at 12:00 Noon.

Winners of the Law Day Essay Contest will be presented with their awards by the Honorable Bob Abel, Gene Cryer and Dr. William Leary. Guest speaker at the luncheon will be Dr. Leary, Superintendent of Schools in Broward County.

Reservations can be made by mailing a check payable to the Young Lawyers Section in the amount of \$7.50 to Betty Anne Beavers, 8751 West Broward Boulevard, Suite 307, Plantation, Florida 33324.

Young Lawyers Section Annual Beach Party

It's coming! On May 18, 1985, the Young Lawyers Section of The Broward County Bar Association will host its Annual Beach Party at the Harbor Beach Surf Club. If you are interested in attending, please fill out and return the reservation card enclosed. Hope to see you there!

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New Members

We welcome the following new members to The Broward County Bar Association.

Heidi R. Rosenberg Terry M. Rosenblum Alan B. Rosenfeld Gary J. Rotella Henry B. Rothblatt David A. Schwartz Ian S. Seitel Robert A. Serrone William C. Shaw John P. Shevock Robert A. Shupack D. Robert Silber Michael G. Smith Warren F. X. Smith Ronald T. Spann James T. Sparkman Jack Stein Eugene M. Steinfeld John Mark Stolfi Craig R. Stone Michael J. Styles Ricki Tannen Ronald E. Temkin Allan H. Terl Thomas Karl Topor Nancy A. Trease Richard E. Tullie Peter L. Tunis Jerome P. Ventura Lavne Verebay Christine Vitolo John D. Voigt, Jr. Barbara B. Wagner John L. Walkden Peter M. Weinstein Harold Weissman Alan J. Werksman Robert A. White James J. Wich Thomas M. Wich Edward J. Williams Patricia Graham Williams Jeffrey H. Wolfson Pamela Wynn Robert S. Zack Ronald M. Zakarin Karen Zann Kurt L. Barch Charles S. Caulkins Renee Goldenberg Daniel O. Gonzalez, Jr. Bruce A. Harris Deborah Marks Ilene Dianne Napp Bodan Neswiacheny Barbara J. Prager Kevin A. Raudt Stan L. Riskin Carole Yvonne Taylor Daniel W. Bivins, Jr. Dominic Brandy E. Scott Golden Maureen Brennan Kelley

Richard P. McCully Susan L. Porter William C. Riethmiller Robert H. Schwartz

Petition for Reinstatement

Steven L. Berzner has petitioned The Florida Bar for reinstatement. Any comments concerning this application should be directed to:

Mrs. Jacquelyn Plasner Needelman The Florida Bar 915 Middle River Drive Fort Lauderdale, Florida 33304

Administrative Order No. 2.14.4

(amended April 12, 1985)

IN RE: FAST TRACK PILOT TEAM

Pursuant to the authority vested in the Chief Judge by Rule 2.050, Florida Rules of Judicial Administration, it is

ORDERED that effective April 1, 1985, the Clerk of the Circuit Court shall, in the Fast Track Pilot Team Divisions CA, CH, CJ, and CV and the Control Group Divisions CB, CL, CM, and CN, adhere to the following:

- 1. Furnish to the attorney of record a copy of the instruction letter and procedures of the Fast Tracking Pilot Team upon filing of a new case. In the event a motion to withdraw by the attorney of record and a notice of appearance by the new attorney of record is filed, a copy of the instruction letter and procedures for the Fast Tracking Pilot Team shall be furnished to the new attorney.
- 2. Be held responsible for flagging all pleadings within the Fast Tracking Pilot Program and the Control Group as well as following set procedures for the monitoring of the eight divisions.
- 3. Be held accountable for the funding, hiring and training of the Data Terminal Operator(s) in compliance with the previously established agreement.
- 4. The Data Terminal Operator(s) shall comply with set procedures as well as any amended procedures for the monitoring of the eight divisions.
- 5. Attached hereto this Administrative Order is the letter of instruction and the procedures from the Fast Tracking Pilot Team and Control Group.

DONE and ORDERED at Fort Lauder-dale, Florida, this twelfth day of April, 1985.

John G. Ferris Chief Judge

You Are Cordially Invited to Attend the Annual Meeting and Inauguration of Officers of the

Enclosed is check payable to Broward County Bar Association.

Please make ___

Name_

| of the | | | | | |
|--|---|------------------------|--|--|--|
| Broward Co | ounty Bar Association | | | | |
| President-Elect Secretary-Treasurer | Patrick L. Bailey Roger H. Staley J. David Bogenschutz Terrence Russell | | | | |
| E | xecutive Committee | | | | |
| W. George Allen Walter G. Campbell, Jr. Rex H. Conrad Nicholas J. DeTardo Jesse S. Faerber John R. Gillespie, Jr. Judge Wm. Clayton Johnson Peter A. Portley | Linda Raspolich Pratt Dale R. Sanders Thomas R. Tatum Jeffrey P. Wasserman David D. Welch William J. Zloch D. David Keller, President YLS C. Glenn Leonard, President-Elect YLS | | | | |
| | and the | | | | |
| Vaun | g Lawyers Section | | | | |
| President | | | | | |
| Robert N. Berube Robert J. Cousins Melanie G. May | xecutive Committee Paul M. May Robert A. Plafsky John P. Wilkes | | | | |
| | icers by Judge Jose A. Gonzalez ay, May 31, 1985 | | | | |
| Harris Ir | nperial House Restaurant lighway, Pompano Beach, Florida | | | | |
| Cocktails (cash bar) 7:00 P.M Music & | Dinner 8:00 P.M. by the Harold Mantel Trio | | | | |
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| make reservations for the Annu | al Meeting of The Broward County Bar Association o | n Friday, May 31, 1985 | | | |
| | Phone | | | | |

Phone

Summer Dress Code

A majority of the Circuit and County Court Judges have indicated that, in view of the need for energy conservation and in consideration for the comfort of the public, they look with favor on the Summer Dress Code as was authorized last

Accordingly, it shall be the policy of the Courts from April 19, 1985, through September 30, 1985, that attorneys, the public, and employees attending Court need not wear neckties, coats, or jackets. Their manner of dress, however, shall comport with acceptable casual business attire.

> John C. Ferris Chief Judge

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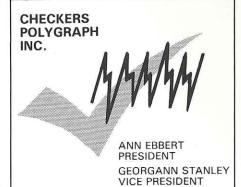
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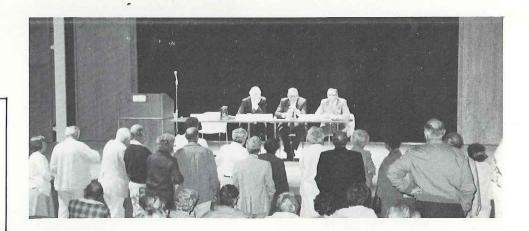
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Top, Gerald M. Morris reports on the Law Day activities. Middle, Judge Raymond J. Hare, J. Peter Friedrich and George A Patterson remain to answer questions after the Public Forum on March 27, 1985. Bottom, Terrence Russell gives recognition to Chief Justice Joseph A. Boyd, Jr., for his contribution to the administration of justice.

Guardian Ad Litem

We who have the privilege of serving as lawyers are not engaged in business or commerce. Ours is a learned profession, which imposes upon us a higher standard of morality than that of the market place. We have a higher duty, a more compelling responsibility which includes, as a priority, serving without compensation the poor and the helpless, especially children who have been the subject of abuse or neglect. In what better way can you discharge the conscience and your profession than volunteering to do pro bono work on behalf of children? Whenever a neglected or abused child cries out in vain for justice, all of us are diminished.

The Bar is reaching out to you to volunteer to act as a guardian ad litem on behalf of these unfortunate and helpless children. The administration of justice implores your positive response.

Guardian Ad Litem

While the child abuse and neglect in our society is not of recent origin, it is only in relatively recent years that society's consciousness has been aroused to the point of public concern. It was not until the latter half of the 1960's that this consciousness had developed to the point that all fifty states, the District of Columbia and the Virgin Islands mandated the reporting of child abuse and neglect.

On January 13, 1974, a comprehensive federal law was signed which was designed to deal specifically with this problem of child abuse. This act, called the Federal Child Abuse and Treatment Act. Public Law 93-247, provides financial assistance to states for programs in the prevention, identification and treatment of child abuse and neglect, and established the National Center on Child Abuse and Neglect. Of special interest to us is the statutory requirement that all states seeking to qualify for assistance under this act must provide that a Guardian Ad Litem be appointed to represent the abused or neglected child's best interest in every case which results in a judicial proceeding.

The State of Florida responded to this mandate with the passage of the aforementioned Comprehensive Abuse of Children of Disabled Persons Act (Chapter 827, F.A. 1979). This law requires the appointment of guardians ad litem: "A guardian ad litem shall be appointed by the court to represent the child in any abuse or neglect judicial proceeding." (827.07(16))

(627.07(10))

Roles of the Guardian Ad Litem

Philosophically, the volunteer guardian ad litem is to represent the child's best interest by making an independent evaluation of what is truly in the child's best interest, both for the immediate future and for the long-term outlook. He or

she should make available to the Court viable options for the child so that the judge will be in a better position to make a decision which suits the child's unique needs.

in accomplishing this goal, the volunteer guardian ad litem must assume four roles or functions, which are clearly interdependent.

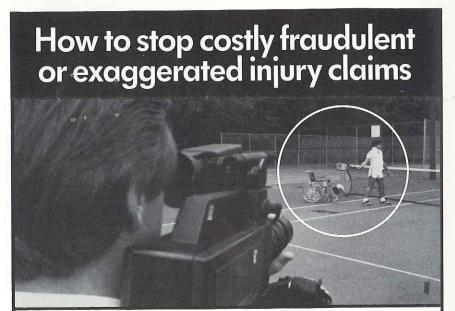
- 1. Investigator
- 2. Spokesperson and Reporter
- 3. Monitor
- 4. Protector

A society is judged by how it treats those in the twilight of life, the elderly;

those upon whom the sun seldom shines, the severely handicapped; and those in the sunrise of life, our children. If we do not give them, the least among us, the opportunity to lead productive and contented lives, all of us must hang our heads in shame.

Give of yourself, your professional talent, a modicum of your time to ensure that you, who describe yourselves "proudly" as lawyers, have really earned that distinction.

Larry Seidlin, Chairman Special Committee for the Needs of Children



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Letter to the Editor

Having had the experience of practicing under systems where judges were appointed (in New Jersey) and here where they are elected, I would like to comment about the two and express my reasons for preferring an appointive bench.

Under the elective system as practiced here, the sole qualification for a judicial candidacy is, as it must be, the desire of a candidate to run and the funds to support a campaign. A party endorsement may or may not be involved, but it is certainly not mandatory. Only after the creation of the campaign do the people have the opportunity to scrutinize the candidates ... and the choice might then be limited to "the lesser of the evils." It also puts judicial candidates in a competitive political arena, where, if respect for the judiciary is of concern (and it should be of paramount concern), they do not belong. The most recent judicial contests in Dade and Broward did not serve the cause of the judiciary and, like advertising (but that is another story) served only to demean the bench and substantially to decrease its ability effectively to administer justice-the diminution of respect for the judiciary severely impacts its ability to accomplish the job which is its primary function.

A properly structured appointive system can, and has, produced a judiciary of

extraordinary caliber. It takes some doing, including notably the cooperation of the Bar and mutual trust between the Bar and the governor; but it can be done, and done well.

Each county Bar Association must have a respected judicial nominating committee, one that prepares a list of qualified candidates for pending judicial vacancies. These are sent to the governor for his consideration and for appointment when vacancies occur. While approval by the Senate may be required, that would normally flow under these circumstances. The other method is for the governor to make all "suggestions" for appointment to the various Association committees; but then the governor absolutely must not make any appointments vetoed by the committees. At the Supreme Court level proposed appointments should be submitted to a special Bar committee for screening and recommendation.

Any way you approach it, there is no question in my mind that the system can be made to function. One must, obviously, get over the hurdle of determining that an appointed bench is superior to an elective bench . . . To me there is no choice . . . and there should be no elections.

Sincerely, Alan J. Werksman

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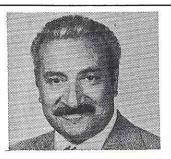
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CALENDAR OF EVENTS

| Date | Group & Event | Time & Place | Reservations |
|---------|--|---|--|
| 5/7/85 | The Legal & Tax Committees of the Foundation of Jewish Philanthropies of the Greater Ft. Lauderdale Jewish Federation & the Foundation of the Jewish Federation of South Broward—Seminar for Tax Professionals | The Holiday Inn 2275 State Road 84, Ft. Lauderdale 8:00-10:00 A.M., \$15.00 | 921-8810 |
| 5/10/85 | Broward Christian Lawyers Assn. Monthly Meeting | Cafe de Geneve, 1519 S. Andrews Ave. Ft. Lauderdale, 12:00 Noon | Ronald Houchins 486-1777 |
| 5/14/85 | North Broward Bar Assn. Monthly Meeting | Flaming Pit Restaurant, 1150 N. Federal Hwy., Pompano Beach, 12:00 Noon | William E. Stockman 941-4920 |
| 5/18/85 | Young Lawyers Section Annual Beach Party | Harbor Beach Surf Club, 1444 Harbor Beach Pkwy., Ft. Lauderdale, 6:00-9:00 P.M. \$3.00 | Melanie May P.O. Drawer 22988 Ft. Lauderdale FL 33335 |
| 5/23/85 | Young Lawyers Section Luncheon Meeting | Stouffer's Anacapri Inn, 1901 N. Federal Hwy. Ft. Lauderdale, 12:00 Noon, \$7.50 | Betty Anne Beavers 473-1500 |
| 5/31/85 | BCBA Annual Dinner Meeting and Installation of Officers | Harris Imperial House Restaurant, 50 N. A1A, Pompano Beach, Cocktails (cash bar) 7:00 P.M., Dinner 8:00 P.M., \$18.00 | BCBA 764-8040 |

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