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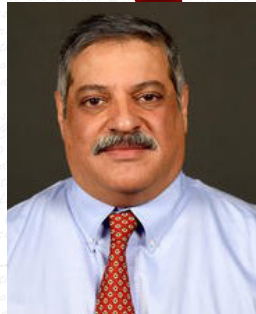
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**ON THE COVER**

On Friday, May 3, 2019 the Broward County Bar Association will host its Annual Law Day luncheon at the Bahia Mar – Fort Lauderdale Beach. This year our Law Day Luncheon Speakers are, NBC6 Journalist, Willard Shepard, Esq.; Sun Sentinel Journalist, Anthony Man & NSU Shepard Broad College of Law, Dean Jon M. Garon. Learn more about this extraordinary event on Page 15.

**5 Letter from the President**  
*Edwina V. Kessler*

**7 Young Lawyers' Section  
Letter from the President**  
*Brent M. Reitman*

**9 The Qualified  
Opportunity Zone Program**  
*Thomas Treece*

**11 Electronic Scooters**  
*Rick Ellsley*

**15 What is a Free Society?**  
*Janette M. Smith*

**18 Workers' Compensation  
Conference Recap**  
*William Soler*

**17 Non-Cash Contributions**  
*David Ratcliffe*

**20 Case Law Update**  
*Debra P. Klauber*

**22 Legal Health Corner**  
*Jacqueline Costoya Guberman*

**23 Calendar of Events**



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*Edwina V. Kessler*

Over the last few months I have attended several events wherein the topic of conversation shifted to civility and the lack thereof. The Oxford definition of civility is: formal politeness and courtesy in behavior and speech. As the youngest daughter of a lawyer, I grew up hearing about the law and was present on many occasions when my father interacted with opposing counsel, whether it was in conversation or during a Trial. At that time, there was, for the majority of attorneys, an unspoken rule that if you agreed to something with a handshake there was no need to follow up. The parties knew and understood that their agreement was solid. I was drawn to the comradery amongst the parties. When I began practicing law, that type of comradery had had shifted and with some attorneys, whenever you had an agreement, it was a battle to see who could get to the fax machine to memorialize the conversation first. Now, we work in an age of instant messenger, email, and other almost instantaneous forms of communication. Sometime, it is even difficult to get a person to actually speak with you on the telephone as opposed to just leaving voicemail messages back and forth. The tone of our communication with each other is even more important than the method we use to relay the message.

The efforts of the 17<sup>th</sup> Judicial Circuit working with the BCBA have been at the forefront of promoting civility in the legal profession. The BCBA professional committee began the “Got Civility” campaign several years ago in which there was a large judiciary participation in our CLE’s. Last year, Chief Judge Tuter issued an administrative order #2018-35-CIV detailing the new “Professionalism and Civility Magistrate Program.” The stated purpose of the program is to, “promote and better enforce the appropriate level of professionalism and civility amongst the lawyers participating in the civil court divisions of Broward County Civil Court.” A participating Judge may refer a matter to a volunteer Magistrate if in the Court’s judgement the conduct of an attorney should be examined. The referrals to a Magistrate are only those that concern behaviors that involve issues of civility in the Court Room, Discovery, or other interactions between Counsel, that undermines the integrity or professionalism of the bar, including:

1. Non routine discovery disputes involving conduct that has occurred more than once;
2. non-routine discovery disputes where one party/counsel’s conduct is a subject of multiple motions;
3. Conduct that is subject of a sanctions motion that the Trial Court determines has prima facie merit based on written submissions; and
4. Repetitive disregard for scheduling protocols.

The Magistrates are managing partners that have at least twenty years of civil litigation experience. The Attorneys that are referred to the Magistrates can be of any years of experience whether it is a brand new attorney or one who has been practicing for numerous years.

This month’s Judicial Jaunt series will feature The Honorable David A. Haimes on Thursday, April 18<sup>th</sup> at the Broward County Bar Center.

This year’s Law Day will take place on May 3<sup>rd</sup> at the Bahia Mar at 11:30am. This year’s topic is free speech, free press, and free society. The panel will consist of, NBC 6 Journalist and Attorney, Williard Shepard, Sun-Sentinel Columnist Anthony Man and NSU Shepard Broad College of Law Dean, Jon M. Garon. The panel will focus on the cornerstones of representative government. **B**

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## letter from the young lawyers' president



*Brent M. Reitman*

April is always an exciting month for the Young Lawyer's Section.

April always bring with it the promise of new beginnings. On an annual basis, the Young Lawyer's Section holds its "Election Luncheon" where members of the Young Lawyer's Section can vote to elect the Board of Directors for the upcoming year. This election sets the stage for the year in that at the end of the meal, we will know will be filling the vacancies on the board for our previous directors who have aged off of the board and also know the identities of the new Executive Board for the Young Lawyer's Section. This year, the election luncheon will be held on April 25, 2019 at the Broward County Bar Association.


I have been attending these luncheons for as long as I can remember. When I first became a practicing attorney, it was my older sister, Shayna, who got me involved in the Young Lawyer's Section as she was on the Board of Directors. I would go to the luncheons during my first years of practice as an Assistant State Attorney so that I could vote for her when her seat was up for election.

In fact, the first time that I ran for the Young Lawyer's Board – I lost my election! However, I did not give up there. The next year, I ran and won my election at the luncheon and won the rest of my elections since then.

Now at the end of my term as the Young Lawyer's Section President – this luncheon is probably the first time in the last decade or more that someone with the last name "Reitman" will not be on the ballot.

I share this memory to encourage all young lawyers to run for the YLS Board. Routinely, I strongly advocate for all to become involved in their local bar associations. For Young Lawyers – there is no better way to do it than joining the YLS. The amount of programming that we have for the benefit of our members and our involvement within and charity for our community is at a level that is unmatched throughout the State of Florida.

In addition – I share the story to let everyone know that even if they are unsuccessful in their endeavor to become elected that their efforts should not end there. There are only a few seats that are available for election each year – but there are an unlimited number of seats on any of our event committees! Even if a bid for an elected seat fails – there are still numerous and meaningful ways to become involved.

On a separate note, April also is the time of year for the Young Lawyer's Section to host its Annual Judicial Reception, which is our largest event of the year. This year, the Judicial Reception will be held on April 18, 2019 at the Museum of Discovery and Science. During this amazing night of fun and celebration, the Young Lawyer's Section, along with many members of the local Bar come together to celebrate and honor our wonderful judiciary. This is a great way to express gratitude for our judicial members who strive tirelessly to advance our profession and to give back to our community. There is still time to register for the event and to purchase one of our many sponsorship packages that can be found at our website. This year seeks to be our largest Judicial Reception yet! 





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# The Qualified Opportunity Zone Program

by Thomas Treece

The Qualified Opportunity Zone Program (“QOZ Program”) incentivizes taxpayers to invest in economically distressed communities by offering to investors significant income tax benefits. For example, if a taxpayer purchases and renovates a dilapidated building for the purpose of operating a business in a neighborhood designated as a Qualified Opportunity Zone (“QOZ”), the taxpayer can eventually sell that investment for a profit and incur zero income tax liability.

The QOZ Program is potentially the most significant tax driven legislation in U.S. history with regards to incentivizing taxpayers to invest in economically distressed communities (or QOZs). With this goal in mind of stimulating the economy and creating jobs in such communities, Congress enacted Section 1400-Z, which was added to the Internal Revenue Code (“IRC”), under the 2017 Tax Cuts and Jobs Act (“TCJA”), on December 22, 2017. By investing in business development in QOZs, a taxpayer can obtain significant income tax deferral on otherwise recognizable capital gains, and also completely eliminate income tax liability on any appreciation in such investment upon its disposition.

In July of 2019, the Secretary of Treasury Department (“Treasury”) certified and designated certain communities throughout the country as QOZs. Under Section 1400-Z, taxpayers can get deferral of recognition on realized capital gains by rolling over such gains in a timely manner into a QOZ investment and reduce such deferred gain by continuing to hold the QOZ investment for

a requisite holding period.

In order to enjoy the tax benefits of Section 1400-Z, a taxpayer must roll over capital gains within six months of the sale of the capital asset into a QOZ investment. A timely roll over of such capital gains enables a taxpayer to defer 100% of income tax liability on such capital gains for a period of up to five years. In addition, a taxpayer can reduce such deferred capital gains tax liability by 10% if such QOZ investment is held for at least five years and by 15% if such QOZ investment is held for at least seven years. Perhaps most significantly, if the taxpayer holds such QOZ investment for ten years, the taxpayer can sell the QOZ investment free of any capital gains tax liability, i.e. any appreciation in the actual QOZ investment will not be subject to tax upon disposition.

For an investment in a QOZ to be eligible for the tax benefits under Section 1400-Z, the taxpayer must satisfy a panoply of nuanced technical requirements. Generally, the reinvestment vehicle must be a Qualified Opportunity Fund (“QOF”). A QOF is an investment vehicle that is organized in the U.S. as a corporation or partnership for the purpose of investing in QOZ Property and which holds at least 90% of its assets in QOZ Property. QOZ Property can be stock in a U.S. corporation (or an interest in a U.S. partnership) that conducts a QOZ Business, but only where the taxpayer purchased the stock or partnership interest after December 31, 2017. QOZ Property can also be QOZ Business Property, which must be tangible, used in a trade or business of a QOF, acquired by the QOF after Decem-

ber 31, 2017, and either (i) “originally used” in the QOZ by the QOF or (ii) “substantially improved” by the QOF. For example, if a taxpayer renovates a dilapidated building located in a QOZ, the taxpayer needs to at least double his tax basis in the building in order to qualify under the substantial improvement requirement.

Section 1400-Z, and the accompanying Proposed Treasury Regulations, consist of highly technical provisions that a taxpayer must adhere to in order to qualify for the income tax benefits provided under the QOZ Program. Treasury has indicated that additional guidance will be provided to taxpayers in the next set of regulations that are expected to be released by Treasury later this year. Although the QOZ Program, in theory, should benefit both the investors and the residents of QOZ neighborhoods, the author notes that the program has elicited criticism from certain factions who believe the program is unlikely to directly benefit the existing residents of such communities. **E**



*Thomas Treece (J.D., LL.M.), of KPMG, limits his practice to exclusively international taxation and serves as Assistant Director of the Education Committee of The Florida Bar, Tax Section.*

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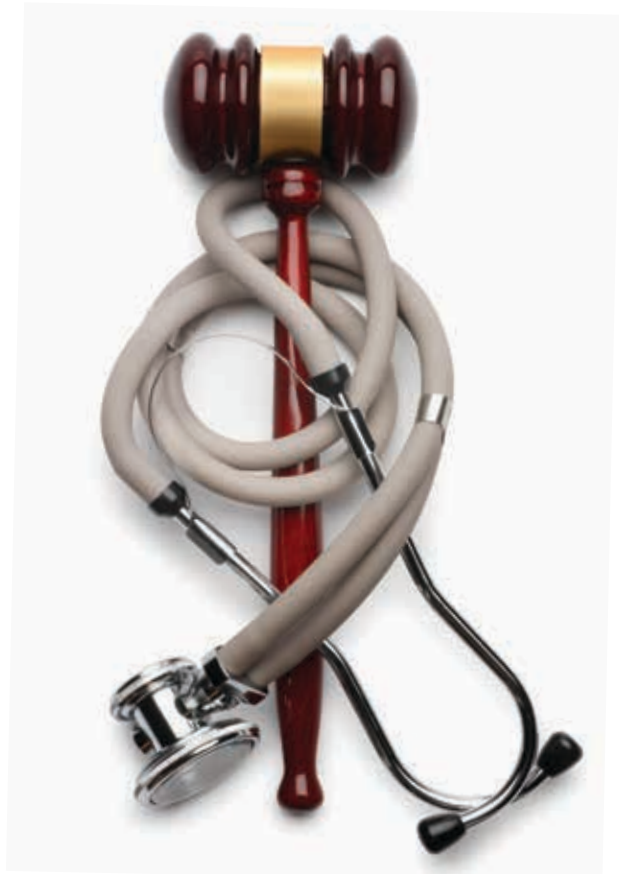
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by Rick Ellsley

Lime, Bird, Bolt, and Spin? Sounds like a group of energy drinks! Not quite. These are the names of a few of the companies that are operating e-scooters, a revolutionary transportation technology.

E-Scooters are new, fun, and fast. They seem to be everywhere in South Florida. You will find them at the beach, weaving through traffic on Las Olas Blvd. and Himmarshee St., and even in the suburbs. The City of Fort Lauderdale reported that since November 2018, there have been 322,541 rides taken and that an average ride lasts for 30 minutes. The scooters are accessible by an app that takes only a few seconds to download and then the driver is off and running. These scooters move at speeds that can reach up to 15 mph, are quiet, and do not emit pollution like gasoline-powered scooters do.

Now for the bad news – these things are dangerous! Most new riders do not have the skill to safely operate them. The companies often use poorly manufactured scooters, do not properly maintain them, and provide inadequate instruction and warnings. Some of the manufacturers are in Asia and are therefore not regulated by our federal government.

Did you know that Florida law currently does not permit motorized scooters to be ridden on public roads? Are you aware that the scooters are only allowed to be

operated on sidewalks if the local governmental authority passes an ordinance that specifically allows motorized scooters on their sidewalks? See generally Chapters 316 and 320, Florida Statutes.

In contrast, most of the companies tell their customers to ride in the street, obey local laws, and stay off of the sidewalks. The apps also require that the user should wear a helmet. How many people actually wear a helmet as they are flying down the street to their next meeting or bar? A recent report from the local ABC station, WPLG, stated that in December and January, Fort Lauderdale Fire Rescue responded to 40 e-scooter incidents with 31 individuals transported to the emergency room.

On January 25, 2019, Senate Bill 542 was filed to address e-scooters. In summary, the bill provides that an operator (rider/driver) of a “micromobility device” or “motorized scooter” ... “has all of the rights and duties applicable to the rider of a bicycle ...”

The bill also states that “a county or municipality may require” that an e-scooter company have a license to market and lease for-hire e-scooters, and that a license to do so must be granted by the governmental entity if the company carries a commercial general liability insurance policy of at least \$1 million per occurrence/\$5 million aggregate limit.

Attorneys who handle cases involving e-scooters have a litany of issues to deal with. The most common legal theories are careless riding, failure to properly instruct, warn, and maintain the scooter, unsafe operating environment, and product liability. Unfortunately, the injuries that riders sustain are sometimes catastrophic and the litigation is often lengthy, complex, and quite expensive.

In the preservation of evidence letter, an attorney should include a request that the operating company secure all electronically-stored information regarding routes, speeds, loop records, impact data, and trip logs. Additionally, the request to preserve should include all inspection, maintenance, and repair records, as well as all software updates that were installed into the scooter’s operating system.

Enjoy these new e-scooters, but please do so safely! **B**



*Rick Ellsley is a Board Certified Civil Trial Lawyer with The Ellsley Law Firm in Plantation. He may be reached at 1-800-SCOOTER (726-6837) or at [www.800SCOOTERLAW.com](http://www.800SCOOTERLAW.com)*



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*Joel T. Lazzarus has a distinguished legal career spanning over 41 years. A native of Massachusetts, he graduated from Babson College and then received his Masters in Business Administration from Columbia University. He graduated from Nova Southeastern Law School with High Honors in 1977. After 16 years with the Broward County State's Attorney's Office he was appointed to the Broward County Court where he served with distinction for over 25 years. He presided over more than 900 jury trials. His accomplishments include receipt of the prestigious Ford Award as the Outstanding County Court Judge in Florida in 2010. He is a Florida Supreme Court Certified Circuit Civil Mediator and a Qualified Arbitrator.*



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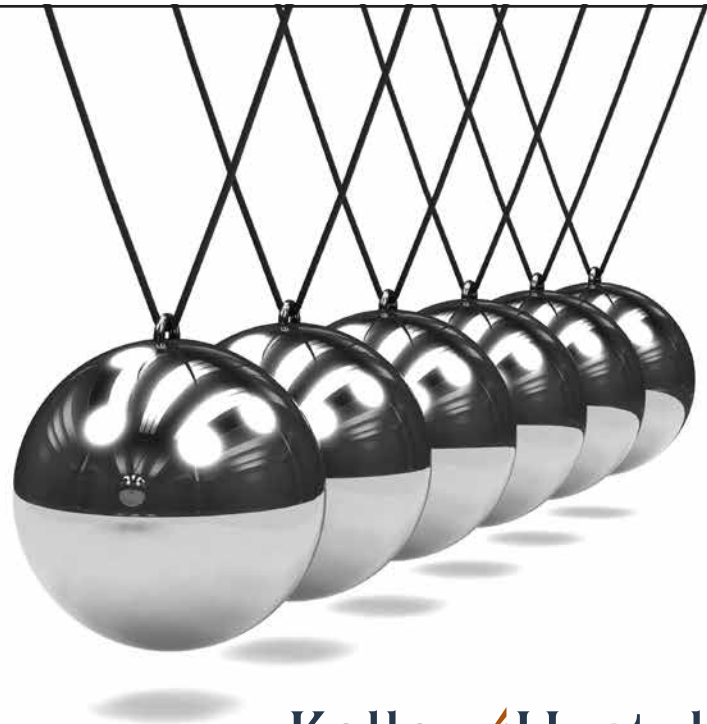
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# What is a free society without freedom of speech and freedom of the press? Not Free!

## Law Day 2019: Free Speech, Free Press, Free Society

by Janette M. Smith

Our founding fathers had the foresight to enumerate fundamental rights through the adoption of the Bill of Rights in 1791 including the First Amendment that protects some of our most important freedoms:

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.*

Among the most cherished protections of the First Amendment is freedom of the press, which guarantees the right to publish and distribute information in all media, including books, magazines, newspapers, and the Internet without government interference. Freedom of the press protects the rights of journalists, who some refer to as the fourth branch of government, so that the public can be informed about government and the effect on their community.

Americans have significant rights, under both the First Amendment and laws passed by Congress, to access information about their government's work, including the courts. Florida takes this right one step further. Since 1909, Florida demonstrated openness and access to information with the passage of Chapter 119 of the Florida Statutes known as the "Public Records Law." This law was solidified as a fundamental constitutional right in 1992 with the passage of the constitutional amendment codified as Article I, Section 24(a) of the Constitution of the State of Florida.

During the past year, especially in the State of Florida, there has been public debate and litigation surrounding freedom of the press and free speech. Our society has changed and is influenced by the immediate access to information. Technology has drastically transformed the platform in reaching the public to provide informed decisions and opinions. In 1997, the Supreme Court recognized in *Reno v. American Civil Liberties Union* that the First Amendment rights of free speech and free press applied to this new communication frontier held in favor of the ACLU. (See *Reno v. American Civil Liberties Union*, 521 U.S. 844 (1997)) Although free speech and freedom of the press is standing law, it does not negate liability as demonstrated by lawsuits and bar complaints. In the past year, multiple lawsuits have been filed by media outlets and citizens under the public record law to ensure open and transparent government.

For Law Day 2019, Broward County Bar Association is proud to present Free Speech, Free Press, Free Society on Friday, May 3, 2019

at the Bahia Mar with doors opening at 11:30am. The community panelists include William Shepard from NBC6, Anthony Man from Sun-Sentinel and Dean Jon M. Garon from NSU Shepard Broad College of Law to discuss and debate the importance of free speech and free press as a foundation of a free society.



Janette Smith is a solo practitioner dedicated to the areas of government, technology and corporate law. She has provided training on public record law, sunshine law and ethics law throughout Florida. She currently serves on the Executive Council of the City, County and Local Government Law Section and the Florida Bar Committee on Technology. Contact Janette at [janette@jms-law.us](mailto:janette@jms-law.us)

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FREE SOCIETY**

**Willard Shepard, Esq.**  
NBC6 Journalist

**Anthony Man**  
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# A Recap of the 2019 Workers' Compensation Conference

by William Soler

On February 22, 2019, the Workers' Compensation Section of the Broward County Bar Association presented the 2019 Workers' Compensation Section Educational Conference and Reception at the Riverside Hotel in downtown Fort Lauderdale. By all accounts, it was a great success! The event was completely SOLD OUT! If you were unable to make it this year, make sure you register early next year! Thank you to our section chairs, Diana Castrillon and Henry Roman, our sponsors and the Broward County Bar Association. Last but not least, thank you to our illustrious speakers and Broward County Judges of Compensation Claims. Without everyone's continued support of this section, this event would not be possible.

The first topic involved labor and employment related issues that come up in workers' compensation cases and the impact on those cases. The second topic included a direct and cross-examination of an orthopedic surgeon as a Claimant and Defense attorney walked you through the deposition of an Independent Medical Examiner. In addition to those topics, a Case Law Update was presented discussing recent decisions from the First District Court of Appeals. Lastly, the final topic involved a question and answer discussion with Broward County Judges of Compensation Claims. These Judges provided valuable, practical insight on a variety of topics. A special thank you to these Judges for taking time out of their busy schedules and providing an edu-

cational discussion on these topics. The day concluded with a reception on the hotel's veranda for all attendees, speakers and sponsors to enjoy.

Be on the lookout for the next section event! If you would like to assist in next year's conference, please reach out to any of the section chairs. **B**



*William R. Soler, Esq. is an Attorney at Velasquez Dolan Arias, P.A., and focuses his practice on Workers' Compensation and Personal Injury litigation. He can be reached at WSoler@VDAtrial-Lawyers.com or by calling 954-382-0533.*

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# Thinking Beyond Cash: How Non-Cash Contributions Can Amplify Your Clients' Philanthropy

by David Ratcliffe

Cash is king as the source of charitable giving in America. However, cash is only part of a client's overall wealth. Their asset mix typically includes publicly traded securities, real property, tangible property, life insurance and perhaps non-publicly traded private stock or closely held business interests. Donors, advisors and non-profits are increasingly paying attention to these alternative sources for charitable contributions.

During our 35 years as a local philanthropy leader, the Community Foundation of Broward has found that donors who create endowed charitable funds often use non-cash assets. These types of contributions can help your client accomplish their financial goals as well as create bold philanthropic impact.

## Long-term appreciated, publicly traded securities

Shares of appreciated publicly traded securities, held for more than one year, are straightforward assets to donate. The appreciated stock has built-in capital gain associated with it. If sold, the seller must recognize that gain on which capital gains tax is due. However, if the stock is gifted to the Community Foundation or another public charity and it is sold by that charity, neither your client nor the charity pay any capital gains tax. The donor will realize an income tax deduction equal to the stock's fair market value on the date of the contribution. As a result, your client will have employed a tax-advantaged strategy to put the stock's full value at work

to meet their philanthropic objectives.

Contributing stock can also help rebalance your client's portfolio to realign asset allocation and can reduce their investment risk by reducing concentrated positions. Whatever the reasons for contributing stock, it can be a positive outcome for your client and the charitable causes they wish to support.

## Long-term appreciated real estate

An outright gift of unencumbered, appreciated real estate can be made by your client. If gifted to a public charity, the deduction is based on the real estate's fair market value as determined by a timely, qualified and independent appraisal. However, the deductible value to a private foundation is limited to cost basis.

When does it make sense to donate real estate? Considerations include:

- The property has been held for more than one year and has appreciated significantly.
- It is marketable and with clear title, is debt-free and faces no environmental issues.
- The owner is willing to donate the property understanding that the charity will negotiate the sale price and process. There must be no binding, prearranged sale agreement on the property.

In certain instances, your client may wish to continue to live in the property by retaining a life estate and gifting the remainder interest to a charitable organization. The charitable deduc-

tion is based on the actuarial value of the remainder interest to the charity. In addition, there will be a gift agreement to address the prospect of a future sale or accelerated receipt by the charity as well as the ongoing expenses of maintaining the property over the life tenancy.

## Other asset options

Stocks and real estate are only two examples of non-cash gifts that most public charities can accept. Other examples include:

- Restricted stock.
- Private, closely-held business interests.
- Life insurance policies.
- Tangible personal property, artwork and collectibles.

All non-cash asset donations require proper due diligence and review by all parties involved before acceptance, as these assets may carry greater complexity and require a more disciplined approach than cash. However, they are valuable sources of philanthropic capital for charitable organizations – and powerful ways for donors to make a difference. **B**



David Ratcliffe, a philanthropic services executive for the Community Foundation of Broward, is the former managing director and national philanthropic manager for U.S. Trust. He has 35 years of experience in the financial services industry. David can be reached at [dratcliffe@cfbroward.org](mailto:dratcliffe@cfbroward.org) or 954-761-9503.



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# Case Law Update

by Debra P. Klauber

**Neither lawyer, nor law firm, were entitled to participation/referral fee absent clear compliance with Rule 4-1.5.** Where a lawyer refers a matter to another attorney (here, a *qui tam* action), the referring lawyer is only entitled to a “participation” fee (often referred to as a referral fee, which is generally 25%) if there is strict compliance with Rule 4-1.5. That Rule specifically requires: (1) an agreement reduced to a written contract; (2) signed by each participating attorney or law firm; (3) that each attorney assume legal responsibility to the client for the performance of the services in question; and (4) that the client be furnished with a copy of that written contract. In a special concurrence, one judge also found an attorney’s “participation” (which consisted of spending a few hours a year checking on the progress of the case), and the law firm’s “participation” (in employing that lawyer), insufficient under the Rule which, itself, is designed to prevent “participation fees” from becoming “kickbacks.” *Katz v. Frank, Weinberg & Black, P.L.*, Case No. 4D18-1215, 44 Fla. L. Weekly D332 (Fla. 4th DCA Jan. 30, 2019).


**Fourth District clarifies that section 57.105(3)(c) permits the filing of a section 57.105(1)(b) motion solely against an attorney, and not the client.** At its most basic, section 57.105 of the Florida Statutes allows a party to seek sanctions against an opposing party and its counsel if it is determined that a claim or defense is not supported by the material facts or the application of then-existing law to those facts. In the 2010 amendment to the statute, the Florida Legislature added that sanctions may not be awarded against a *represented party* if the basis for the award

is that the claim or defense is not supported by the law. Under such circumstances, only a party’s attorney may be ordered to pay the opposing party’s fees. Thus, where the litigation privilege barred one of the claims presented, as a matter of law, the Fourth District concluded that a fee award against the attorney alone was proper. *Davis v. Bailynson*, Case No. 4D18-1040, 44 Fla. L. Weekly D328 (Fla. 4th DCA Jan. 30, 2019).

**In the personal injury context, Florida’s appellate courts distinguish video evidence of the incident itself from post-incident surveillance when determining whether it can be withheld from the plaintiff until his or her deposition has concluded.** The Florida Supreme Court has previously held that a defendant may properly withhold surveillance video of a purportedly injured plaintiff until his or her deposition is concluded. The Florida appellate courts, however, distinguish surveillance video of the plaintiff taken after the subject accident from video of the actual incident in question. Accident scene photos and security video of the incident itself cannot be withheld from disclosure until after the plaintiff’s deposition is taken. The cases do leave open the opportunity for a trial court to use its discretion to allow such surveillance to be withheld if there are specific factual circumstances in a particular case that warrant such a ruling. *Business Telecommunications Servs., Inc.*, Case No. 3D18-2106, 44 Fla. L. Weekly D326 (Fla. 3d DCA Jan. 30, 2019).

**Appellate courts have limited review of orders addressing a plaintiff’s entitlement to amend a complaint to assert a claim for**

**punitive damages.**

A trial court’s ruling allowing a plaintiff to amend a complaint to assert a claim for punitive damages can be a turning point in litigation and parties often seek immediate appellate review. It should first be reiterated that an appellate court lacks jurisdiction to review the sufficiency of the evidence that is proffered to support a claim for punitive damages. So long as the trial court complies with the applicable procedural requirements, there is no immediate appellate or certiorari jurisdiction to second-guess the ruling. *Melendez v. Eversole*, Case No. 1D18-3534, 44 Fla. L. Weekly D491 (Fla. 1st DCA Feb. 18, 2019). That said, the appellate courts can, and will, review such orders where the trial court fails to follow the correct procedure by, for example, failing to make findings identifying the evidence that was deemed sufficient to support the claim for punitive damages, or refusing to consider the counter-arguments raised by the defense. *Cat Cay Yacht Club, Inc. v. Diaz*, Case No. 3D18-2369, 44 Fla. L. Weekly D324 (Fla. 3d DCA Jan. 30, 2019). 



*Debra P. Klauber, Esq., a partner with Haliczzer Pettis & Schwamm, oversees the firm’s trial support and appellate practice and provides guidance to litigators throughout Florida. Debbie can be reached at 954-523-9922 or [dklauber@hpslegal.com](mailto:dklauber@hpslegal.com).*



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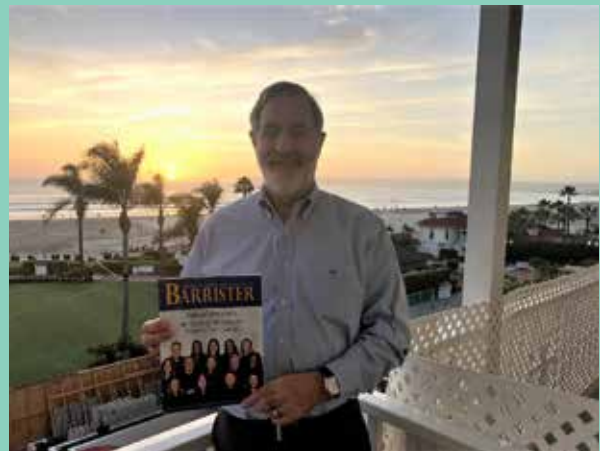
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**BCBA Member David Keller in San Diego, CA at Hotel Del Coronado**

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# Healthy Eating for the Busy Lawyer

By: Jacqueline Costoya Guberman

You're busy. I know. I get it. But no matter how hard we fight it, every year seems busier than the last in some way or another, and we are left scrambling to check every box on our never-ending to do lists. Balancing a legal career, business development, family obligations, and more can take a toll on even the most organized, well-intentioned professional. If you are anything like me, when the going gets crazy, healthy eating quickly finds its way sliding down my priority list. As I've learned the hard way more times than I care to admit, neglecting my health for the sake of other pressing matters does a disservice not only to myself, but also to my loved ones and the clients I serve. As a busy professional, finding easy, healthy meal solutions is key to keeping energized during the most stressful seasons of your career, and your life.

If you think your less-than-stellar healthy eating habits during hectic days are due to a lack of willpower, think again. Decision fatigue, or ego depletion, refers to the concept that your willpower or ability to make good decisions comes from a finite amount of mental energy. Once this energy runs low, self-control is impaired, and decision fatigue sets in. Studies have shown that those with the highest cognitive load are less likely to choose healthy foods as compared to their less mentally taxed counterparts. An attorney or legal professional's typical workday involves dozens upon dozens of decisions before lunch rolls around. Understanding this principle can help and inspire busy professionals to streamline the small decisions so they have more mental energy to tackle bigger decisions while simultaneously leaving enough mental energy to choose full, balanced meals as often as possible.

One way involves removing the decision making process from healthy eating all together. A healthy meal delivery service that delivers meals to your door, tailored to your specific healthy eating preferences, is a great way to avoid decision fatigue and make sure you are getting the best fuel for your busy life. If you prefer to cook for yourself, or if

a meal delivery service isn't in your budget, even simply utilizing grocery delivery services, such as Instacart, can save time, energy, and money – since you can't impulse buy that delicious bakery item calling your name. Finally, preparing easy, healthy meals ahead of time are a great tool to keep your healthy eating on track all week long. In fact, eating similar nutritious meals has been recognized as an effective strategy for weight maintenance. Towards that end, I've included a couple easy, make-ahead recipes you can make on Sunday and eat all week long. No matter which strategy you utilize, as long as you are caring for your long term health, you are taking a step in the right direction personally and professionally.

## Make-Ahead Kale, Walnut, and Goat Cheese Salad

Serving: 2- 4, depending on whether salad is used as meal or side dish

### Ingredients

- 1 bunch of kale, stems removed
- ½ lemon
- 2 cloves garlic, minced
- Olive oil
- Salt
- Pepper
- Walnuts
- Goat cheese, crumbed

### Instructions

1. Wash kale, remove stems, and cut or rip into bite sized pieces
2. Squeeze lemon juice, drizzle olive oil, sprinkle on a good quality salt (ex. Sea salt or pink Himalayan salt), freshly ground pepper, and garlic to taste.
3. Using your hands, massage the dressing into the kale, squeezing the leaves thoroughly to break-down and wilt the kale and distribute the dressing evenly.
4. When ready to serve, top with goat cheese and walnuts.

### Notes

- Since kale holds up well, this salad will last pre-dressed for a few days, so this is

the perfect make-ahead salad!

- To amp up the protein content, add slice pre-cooked rotisserie chicken, canned salmon, or a hardboiled egg.

## Batch Cook Protein Waffles

Serving 1; Serving Size: 2 waffles


### Ingredients

- 1 scoop or 28 grams of flavored whey protein powder
- 1 egg
- ¼ teaspoon of baking soda

### Instructions

1. Place all ingredients in a bowl and combine well until ingredients reach a batter-like consistency.
2. Spray waffle maker with non-stick spray.
3. Place half of the batter in waffle maker and cook until waffle is cooked through. Repeat with remaining batter.
4. Store until ready to eat. Once ready to eat, toast waffles to crisp up before serving with your favorite toppings.

### Notes

- The brand and flavor profile of the protein powder used can alter the taste of the waffles quite a bit. For best results, use a flavored powder such as chocolate, or my personal favorite, birthday cake! You can always add half of a banana, stevia, or a similar mix-in to add sweetness, if needed. 



*Jacqueline Costoya Guberman, Esq. is a real estate attorney with Kelley Kronenberg in Fort Lauderdale. She may be contacted at 954-370-9970 or by e-mail at [jguberman@kelleykronenberg.com](mailto:jguberman@kelleykronenberg.com)*



**3 Government CLE: Attack of the Small Cells**

**Time:** 12:00 p.m. – 1:30 p.m.  
**Venue:** BCBA Conference Center  
**Cost:** \$20 BCBA Member; \$30 Non-Member

**3 West Regional Courthouse CLE**

**Time:** 12:00 p.m. – 1:30 p.m.  
**Venue:** West Regional Courthouse  
**Cost:** \$20 BCBA Member; \$30 Non-Member

**5 2019 Raising the Bar**

7.5 General & 1 Ethics CLE Credits  
**Time:** 8:30 a.m. – 5:00 p.m.  
**Venue:** Bahia Mar Fort Lauderdale Beach Hotel  
**Cost:** \$125 BCBA Member; \$150 Non-Member

**10 After 5 – Eat. Drink. Connect. Southwest Section**

**Time:** 5:30 p.m. – 7:30 p.m.  
**Venue:** Gutierrez, Morales-Perez & Associates, PA

**12 The Investiture of The Honorable Natasha DePrimo**

**Time:** 1:30 p.m.  
**Venue:** Broward County Courthouse – Jury Assembly Room (#03320)

**13 Paralegal CLE Discover This**

**Time:** 8:30 a.m. – 1:00 p.m.  
**Venue:** BCBA Conference Center  
**Cost:** \$35 BCBA Member; \$50 Non-Member

**16 After 5 – Eat. Drink. Connect. Northwest Section**

**Time:** 5:30 p.m. – 7:30 p.m.  
**Venue:** BJ's Restaurant & Brewhouse  
**Cost:** Free Northwest Section Member; \$10 General Admission

**17 Bankruptcy CLE: Avoidable Preferences and Defenses**

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**Time:** 12:00 p.m. – 1:30 p.m.  
**Venue:** BCBA Conference Center  
**Cost:** Free Bankruptcy Section Member; \$15 BCBA Member; \$30 Non-Member

**18 Judicial Jaunt Series: The Honorable David A. Haimes**

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**Time:** 12:00 p.m. – 1:30 p.m.  
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**18 YLS Judicial Reception**

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**23 CLE: Law Firm Succession Planning**

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**24 Technology Committee: Apps with Apps**

**Time:** 5:30 p.m. – 8:00 p.m.  
**Venue:** Tarpon River Brewing  
**Cost:** \$15 BCBA Member; \$35 Non-Member

**25 YLS Election Luncheon**

**Time:** 12:00 p.m. – 1:30 p.m.  
**Venue:** BCBA Conference Center  
**Cost:** \$20 BCBA Member; \$25 Non-Member

**26 The Investiture of The Honorable Jackie Powell**

**Time:** 1:30 p.m.  
**Venue:** Broward County Courthouse – Jury Assembly Room (#03320)

**30 Employment & Business Law CLE**

**Time:** 12:00 p.m. – 1:30 p.m.  
**Venue:** BCBA Conference Center  
**Cost:** \$20 BCBA Member; \$30 Non-Member

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**2019 Law Day Luncheon**

**Time:** 11:30 a.m. – 1:30 p.m.  
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**Cost:** \$45 BCBA Member; \$70 Non-Member

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