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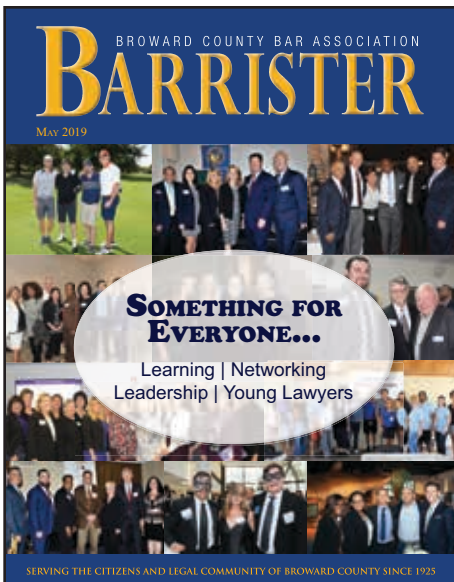
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*Edwina V. Kessler*

For those of you who are members of the BCBA, you should have received your renewal for membership in the mail. There are approximately 9200 licensed attorneys in Broward County and I am pleased to report our membership has reached an all-time high this year of 3400 members. I would like to personally thank Patricia Hernandez, the BCBA membership coordinator for all of her efforts following up with potential new members as well as those who have not renewed.

At our recent past president's luncheon, we discussed why we became involved with the BCBA and what the current added value for the membership is for each person. I started volunteering for the Young Lawyers while in Law School. At that time there was not an

opportunity for students to become members. Now, membership is gratis for Law students and first year attorneys. Upon graduation, the firm I began working for and continue to work for has always stressed 100% membership. I also did not think twice about getting involved with the Young Lawyers, which eventually led me to become a member of the "Big Board." Membership of the BCBA has many benefits, one being an opportunity for all our members to get involved, work and socialize together and the opportunity for us to simply get to know each other better – as just regular folks – not merely as lawyers advocating on a given case. These interactions outside of our client advocacy go a long way toward building the foundation for future trust, cooperation and quality interactions with each other on behalf of our clients. Getting involved in the BCBA, especially as a Young Lawyer, allows you to meet many of those you will be advocating against, as well as many of the Judiciary. The BCBA is one of the few counties in Florida that has almost 100% Judicial membership. We are very fortunate that our Judiciary are not only members but participate on panels at many of the 150 plus CLE's the BCBA hosts a year. With over 30 section and committees to join, there is an interest for everyone to get involved. Please go to the BCBA website to learn more about the committees, as well as the many other benefits offered to members. If any of you are aspiring authors and would like to submit an article for the Barrister, please contact [ads@browardbar.org](mailto:ads@browardbar.org).

The May Judicial Jaunt will take place on Friday the 10th at 12:00 and will feature Judge Keathan Frink. Judge Frink will discuss his procedures and answer questions. I have attended many of the Judicial Jaunts, and the information provided has been extremely useful.

Two of the BCBA's signature events will be in new locations this year. For the last several years, our Installation dinner has taken place at Pier 66. Unfortunately, they will be closing in June to start massive renovations. Therefore, this year's Installation will take place on June 22 at the Ritz Carlton on Fort Lauderdale Beach. The theme is Casino Royale. Please join me in playing some craps, dancing and installing new President Michael Fischler, President-Elect Robert Vaughan, Treasurer Jamie Finizio-Bascombe, Secretary Alison Smith and the Board of Directors.

For as long as I can remember, the Bench and Bar Conference has been held at the Fort Lauderdale Convention Center. This year it will take place at The Signature Grand. The planning has already begun and already has commitments on panels from the Judiciary in all three South Florida Counties, as well as the 4th DCA. **B**

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## letter from the young lawyers' president



*Brent M. Reitman*

My personal rubric for determining whether a year is “just beginning” occurs at that moment that I put pen to paper and try and write the date. For me, it takes an absurd amount of time to break the habit/instinct of writing the previous year in as the date. Even when I went to save this article for last month’s edition of the Barrister, I still had erroneously typed out “President’s Message for April 20189.” It wasn’t until, finally, this month, that I have been able to break my old habit where my mind instinctively knows that it is 2019. To me, that signals that the year is well-underway.

However, for the Board of Directors and Executive Committees for the Young Lawyers Section and the Broward County Bar Association, our year is nearly over. Our current constitution of Officers and Directors began last June on the amazingly fun night when all the new officers are installed at the annual Installation Gala. In fact, in just a little less than two months from now, the BCBA and YLS will be installing *new* executive committees and boards of directors at the upcoming Installation Gala and discharging all of the previous Officers and Directors in what has historically proven to be one of the most entertaining events of the year.

Each year, Braulio and his team seem to *somehow* make each year top quality of its predecessor. This year’s upcoming gala stands to be no different. This year’s event will be taking place at a NEW location – The Ritz-Carlton Fort Lauderdale on June 22, 2019 starting with a cocktail reception at 6:00pm. This year’s “Casino Royale” gala will feature live music, dancing and casino games. It looks to be another memorable evening where we can celebrate the installation of the new Boards and Executives for the YLS and BCBA and wish them luck! I hope to see you there.

In addition, I want to thank everyone who attended our Judicial Reception that took place on April 18, 2019 at the Museum of Discovery and Science, including all our sponsors who made the event possible. It was a fantastic event that was extremely well-attended. The venue was kind enough to even leave many of their attractions open during the event so that event-goers could observe the sea-otters or even take a simulated airboat ride in the Everglades! Judge Rothschild even named a turtle that inhabited the museum. Most importantly, I am extremely thankful for the support we had from our Judiciary who arrived on the eve of multiple Holidays to support the YLS. We had over 80 Judges in attendance! I am so proud of the hard work of our Board and its committee members, especially Kim Wald and Alejandra Ramirez, who worked tirelessly to make this such a successful event. It was an extremely memorable evening. Thank you all. **B**





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# TIPS & TRICKS

## When Dealing With Clients Who Want To Use A Funding Company

by Jeff Muchnick

If you practice in the areas of personal injury, workers compensation, or medical malpractice then you have inevitably encountered a client with a financial hardship. For people without savings, family/friends to assist, or credit cards taking a cash advance against, their case seems like the only option. This article discusses ways for attorneys to handle this situation.

First and foremost, discourage the client from taking the advance in the first place. If this is not an option make sure the client knows to ask the potential funding companies about their rates, whether they are compounding and if so how often, what fees or other costs are involved, whether their fees are charged before or after the compounding, and whether there is a cap on the total repayment. Many companies advertise 2.99% per month which seems cheap enough considering the risk involved but if you pay close attention to the language of the agreement most companies are adding their admin, origination, or transfer fees onto the principle amount and compounding monthly or quarterly of the total including the fees. Thus, a \$1000 advance with a total of \$350 in admin,

origination, or transfer costs compounded monthly at 3% is \$1924.78 at the end of year one (92.4% annualized). Further, be wary of rates that compound for any case which filing a lawsuit is going to be necessary (such as all slip and falls) as the compounding effect makes the payback amounts extremely high in years 2 and 3.

The industry is generally financed by hedge funds, venture capital firms, or private investors because traditional banks do not consider the legal claim receivables collateral due to their non-recourse nature. The fact that there is no traditional money sources for funding companies is another reason the rates are typically very high industry wide. Ideally, you want your client dealing with a funding company who is self funded or mostly self funded so their cost of capital is low and in turn they will be able to be flexible with reductions when necessary. At the end of each case remember these payback amounts are subject to negotiations and you can ask for reductions.

At the end of case it is effective to produce a closing or disbursement statement which reflects the client's

net proceeds if they had not taken a cash advance. This will easily illustrate to the client the real results of your legal efforts. Many times, clients do not remember or care about the funds they have already received during the pendency of their cases because the money has been spent.

This article in no way promotes the use of funding. Most honestly it is a negative event for the file. However, in the event it is necessary, please consider working with a self funded local attorney for your funding needs. **B**



*Jeff Muchnick, Esq. is the owner of Cash Now Funding Group, LLC and is a practicing injury attorney. He has personally underwritten over 5,000 advances. If you need to reach Jeff his email is [underwriter@getsome-cashnow.com](mailto:underwriter@getsome-cashnow.com)*

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# AN IMMIGRATION LAWYER'S THOUGHTS ON EMPLOYMENT OF FOREIGN LABOR

by William Gerstein

After practicing immigration law for 24 years, it has become readily apparent how broken our immigration system has become. There are more aspects to this argument than can fit into an article of this nature, so I will address some solutions that have come to mind especially during these past few years when there has been talk of a border wall on our southern border as well as migrant caravan scares.

I believe that people are fundamentally good. Those less fortunate than us come here for a better life, not to hurt or kill us or sell drugs to us. There are elements in every country, including ours. My suggestions are for practical solutions that address real world economics and needs. Policy should not be based upon placating people who have never met a foreigner yet believe that they are taking our jobs, killing our citizens and other nastiness unsupported by real facts. The reality is that we need foreign labor and we could not exist without it. What we need to do is to finally recognize this reality so that we can find a practical solution.

In these days of low unemployment, I believe that any American who wants to work can find work. Many industries cannot find enough labor to fill their ranks. This is where a foreign guest worker program, a real and functional

one, can fulfill our needs. The current H-2B program for low or unskilled labor has so many hoops, regulations and red tape that it requires very precise timing and skilled practitioners to have any chance of securing much needed labor. There are insufficient numbers of visas and quotas are frequently reached prematurely. The result is that people cross our borders illegally looking for work not only because they need the income, but because we need them, and we employ them regardless of consequences.

We need to create a real guest worker program that encourages people to apply for temporary jobs from abroad, come to the US for a short period of time, be paid and return to their home countries to spend US dollars to improve their lives and those of their children. We should have a job bank whereby if an employer cannot fill needed positions within a reasonably short period of time by hiring Americans or others who are legal to work in the US that the job is now open to foreign labor. We could make a range of number of visas available in any fiscal year that would slide up or down depending upon the USDOL's calculated unemployment rate. If jobs are scarce and Americans are hurting, then we take care of our own first. If our economy is booming and we cannot get enough help domestically, then let us recruit from abroad.

The idea will be to bring labor to the US in an orderly manner where wages are taxed, also benefiting our nation. We will know who is here, when they come and when they go. Perhaps we can offer an incentive such as a path to permanent residence if a guest worker has diligently complied with the law for 15 years. We could even mandate that the employer withhold a certain percent of an employee's salary, releasing it upon the conclusion of their stay to remit to their family back home. This would ensure that they do not blow their pay in the US and they will be working to improve their families' lives back home. What we have now is truly a mess. With a properly planned visa program, we can solve our own labor needs as well as improving the lives of those less fortunate than us. **B**

*\*Opinions expressed by our writers and advertisers are not necessarily opinions shared by the BCBA or the Barrister.*



*William Gerstein is Board Certified in Immigration and Nationality Law by the Florida Bar and practices immigration law in Fort Lauderdale with his wife, Dori and their associates.*



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*The BCBA is committed to serving a diverse membership, strengthening our justice system, and building a stronger community.*



"As a long-time member of the BCBA, I have witnessed the organization's growth and ability to make meaningful contributions to the practice of law. Recently, I have been honored to be part of an initiative to improve professionalism and civility among lawyers in the circuit civil and family divisions. Our committee of Broward law firm managing partners, working closely with Chief Judge Tuter, created the first-of-its-kind "Volunteer Professionalism and Civility Magistrate Pilot Program" under the auspices of the BCBA. The program provides an alternative avenue for judges to identify, report and hold accountable attorneys engaged in unprofessional and uncivil behavior. It is this type of proactivity and hands-on approach to lawyering that makes membership in the BCBA valuable."

*- Jamie Alan Cole, Weiss, Serota, Helfman, Cole, & Bierman, P.L.*

"With the encouragement of my firm, friends and colleagues, I joined the BCBA three years ago. The BCBA is a rich resource for my personal professional development as a young attorney and provides an avenue to network with fellow professionals and judges in the 17th Judicial Circuit. This past year I had the pleasure of serving on the Board of Directors for the BCBA Young Lawyers Section. I look forward to continuing to serve the legal community and cultivate lasting business relationships and friendships through BCBA programming.

The BCBA connects us, educates us, and is an indispensable partner to our profession, bar none."

*- Anisha C. Atchanah, Kim Vaughan Lerner LLP*



"Unfortunately, I did not get smart until recently. I have been a member of the Broward Bar, paying my dues just so I can get some referrals from the referral service. However, over the last year, I have become a more active member. I joined some committees and participated in several after hour events and continuing education seminars. From each of these increased activities, I have made many contacts and improved my AVVO rating. As a result, I have gained contacts to bounce ideas off of, gained a few more referrals and have improved my skills. The best part is the extra amplification I receive for some of the not for profit work that I do for Florida Community Support where the bar is always happy to help a good cause." - Eric Yankwitt, Yankwitt Law Firm P.L.L.C.

"Having moved back to Broward County after law school, I found that the Broward County Bar Association (BCBA) made it easy to connect with other attorneys in the community. By attending several of the many events put on by the BCBA member sections, I was able to build valuable relationships that are still intact today. Additionally, joining the Board of Directors for the BCBA Young Lawyer Section (YLS) has been one of the most positive experiences of my legal career. Being a part of YLS has given me a platform as an attorney to give back to the community that I grew up in. Furthermore, the BCBA has helped nurture my professional career with events focused on providing legal education, meeting members of the judiciary, and engaging community leaders. I can confidently say that joining the BCBA, and engaging with the wealth of resources that it provides, has been one of the best decisions that I have made as a young attorney." - James Heaton, Legal Aid Service of Broward



"As a prosecuting attorney for a state government agency, much of my professional career has been centered in one area of practice. The greatest benefit to joining the Broward County Bar Association is having the opportunity to meet other attorneys from outside of my limited practice scope and to continually gain knowledge in all legal arenas. The programs sponsored by the Broward County Bar Association are something truly special that go above and beyond other voluntary bar associations. There really is something for everyone! This year's Black History and Women's History programming were especially impressive. The Broward County Bar Association is filled with a variety of unique courses and trainings that garner the interest of many as well as provide opportunities for leadership. Volunteering for the Publicity and Publication Committee has been an enriching way for me to become more involved and actively engaged in Broward county. I invite others to embrace our local Bar in a meaningful way by not only joining but participating in the Broward County Bar Association for the 2019-2020 term."

*- Arielle Demby-Berger, Office of the Attorney General*

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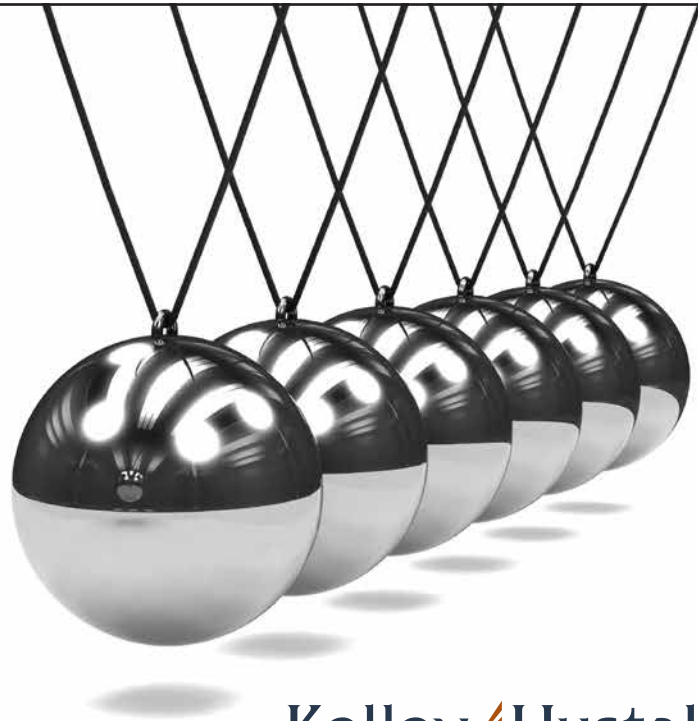
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# "What to Do When Law Enforcement Wants An Interview"

by Mark Eigarsh

Recently, federal law enforcement officers gathered at the Fort Lauderdale home of former adviser to President Trump, Roger Stone, and arrested him. Many wondered if the allegations involved Russia or the White House. Instead, we learned that the crux of the indictment stemmed from his allegedly lying to law enforcement. Stone's case, and many others like his, has people wondering, "What should you do when law enforcement wants an interview?"

## What If You are Innocent?

All individuals enjoy the Fifth Amendment right to remain silent. That means that a person is generally not required to speak to law enforcement. Most people are not qualified to know whether they have violated the law. If someone had knowledge of a crime and committed some minimal act that in some way advanced the crime, he or she may be arrested as a principal or an accessory after the fact. Additionally, many crimes do not even require criminal intent.

Another problem is that informal law enforcement interviews typically are not recorded. Thus, a law enforcement officer may intentionally or mistakenly report that a person made an admission that the person never made. Additionally, the potential interviewee may not have thought about the subject matter for

years. A person could easily make a factual error during the interview. If a person makes an unintentional false statement to agents, the "mistake" can easily be interpreted as an incriminating intentional falsehood.

## What If Agents Think You are Lying?

It is a crime to lie to federal agents even if the perceived lie is oral and not under oath. Title 18, U.S. Code, Section 1001 makes it a crime to "knowingly and willfully make any materially false, fictitious or fraudulent statement..." It is not necessary for the government to prove that the lie actually ever influenced someone. *U.S. v. Gaudin*, 515 U.S. 506 (1995). It simply needs to show that the person knew the statement was false at the time, regardless of whether the person knew it was a crime or was given any warnings prior to initiating the interview. Martha Stewart was convicted of lying to federal agents, in violation of this statute.

## What To Do?

Clients should be instructed to tell the agents that they respectfully decline to be interviewed. They should inform the agents that they have an attorney or will be seeking representation and that they do not want to discuss anything without first conferring with counsel. The client should never respond to any statements other than to repeat that an attorney has

been or will be retained and that the attorney may subsequently contact the agent. Just as one's invocation of the Fifth Amendment can never be used against the person, invoking one's Sixth Amendment right to counsel is likewise inadmissible. *U.S. ex rel. Macon v. Yeager*, 476 F.2d 613 (3rd Cir. 1973).

What a person does when law enforcement comes knocking and desires an interview, as evidenced by Roger Stone's indictment, can have a profound impact on the person's future. While there may be certain instances when it may be appropriate for a client to grant an interview with law enforcement officers, one should never do so without first discussing the matter in great detail with an experienced attorney. **B**



*Mr. Eigarsh enjoys an "AV rating" from Martindale-Hubbell, and serves as an adjunct law professor at the University of Miami. He provides legal analysis to numerous local and national media outlets. To contact Mr. Eigarsh, visit [www.SpeakToMark.com](http://www.SpeakToMark.com); email him at [Mark@EigarshLaw.com](mailto:Mark@EigarshLaw.com); or call (954)500-0003.*



# Lamar Warren Law Library of Broward County

by Barbara J. Brush

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the indigent public as well as attorneys with both civil and criminal needs from Adoption to Probate. Members are entitled to after-hours access 7 days a week. Please feel free to contact me for any further information or to purchase a law library membership. **B**

*Barbara J. Brush is Director of the Law Library. She has tried over 200 cases and is a Board Member/Chair of the Legislative Advocacy Committee for the Humane Society of Broward County. BBrush@Broward.org*

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# I Question Your Questioning: When Subparts Count as Single/Separate Interrogatories

by Scott Mager

Since there is a limit to the number of interrogatories you can serve in State and Federal courts (without leave of court), paralegals (and lawyers) should understand when subparts of questions should not be counted as separate interrogatories (i.e., considered a single interrogatory).

As genuine subparts should not be counted as separate interrogatories, courts look at whether subsequent questions within a single interrogatory are related; that is, can the subsequent question(s) stand alone, independent of the first? Courts find that interrogatory subparts are counted as one interrogatory if “they are logically or factually subsumed within and necessarily related to the primary question” (or said another way, adopting a “common theme” approach, stating that “an interrogatory containing subparts directed at eliciting details concerning the common theme should be considered a single question”).<sup>1</sup>

By way of example, courts have found each of the following questions to be considered one interrogatory: (1) questions about persons with knowledge and the subject area of their knowledge; (2) questions about prior lawsuits, the nature of the cause of action, the parties, the court in which the lawsuit was filed, and the dates filed; (3) questions about witness statements, by and to whom

made, when made, and the substance and context of the statements; (4) questions about persons with documentary evidence in their possession, custody, and control, what documents they have, the location of the documents, and when the documents were prepared; (5) questions about expert witnesses, their addresses, qualifications, subject matter of their testimony, and grounds for their opinions; (6) questions about damages, when the damages occurred, to whom expenses were paid; and (7) questions about lost income, benefits, or earning capacity, the nature of each loss, and how the loss was computed.<sup>2</sup> In the author’s opinion, doubts should be resolved in favor of considering the subparts to be one interrogatory. There are many more cases, so contact me if you need more information. **B**

In *Porto Venezia Condo. Ass’n, Inc. v. WB Fort Lauderdale, LLC*, 11-60665-CIV, 2012 WL 7635868 (S.D. Fla. 2012) (giving other examples).

<sup>2</sup> Id. See also Local Rule 26.1(g)(1) provides that “[i]nterrogatories propounded in the form set forth in Appendix B to these Local Rules shall be deemed to comply with the numerical limitations of Federal Rule of Civil Procedure 33(a).” *Forum Architects, LLC v. Candela*, 1:07CV190-SPM/AK, 2008 WL 217119, at \*1 (N.D. Fla. 2008) (“The ‘related question’ test was deemed consistent with the Advisory Committee’s Notes: ‘a question asking about communications of a particular type should be treated as a single interrogatory even though it requests that the time, place, persons present and contents be stated separately for each such communication.’”).



<sup>1</sup> *Perez v. Aircom Mgmt. Corp., Inc.*, 12-60322-CIV, 2012 WL 6811079 (S.D. Fla. 2012), quoting *Paananen v. Cellco Partnership*, No. CO8-1042 RSM, 2009 WL 3327227, at \*2 (W.D. Wash. Oct. 8, 2009) (taking “pragmatic approach,” looking to see if an interrogatory threatens the purpose of Rule 33 by combining into one interrogatory several lines of inquiry that should be kept separate”), also citing to *Safeco of America v. Rawstron*, 181 F.R.D. 441, 445 (C.D. Cal. 1998); *Trevino v. ACB American, Inc.*, 232 F.R.D. 612, 614 (N.D. Cal. 2006). *Safeco*, 181 F.R.D. at 444 (quoting 8A Charles A. Wright, Arthur R. Miller & Richard L. Marcus, *Federal Practice and Procedure* § 2168.1, at 261 (2d ed. 1994)) (Subparts relating to a “common theme” should generally be considered a single interrogatory);



*Scott Mager (Service@MagerParuas.com) is an “av” rated renowned trial and appellate attorney with over 150 articles, case summaries and presentations to his credit. He can be reached at (954) 763-2800.*



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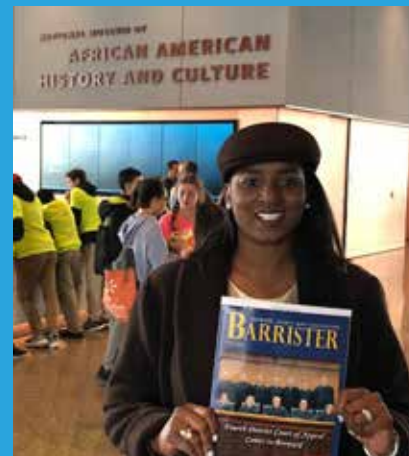
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# Case Law Update

by Debra P. Klauber

## **Appellate jurisdiction can seem evasive; knowing the ins and outs can save the attorney and client time and effort when seeking review of trial court decisions.**

Understanding what constitutes a final, appealable order, and knowing when a notice of appeal *must* be filed, can be critical in establishing appellate jurisdiction. Inexperience with the appellate rules or a lack of knowledge about the nuances of appellate jurisdiction can be fatal to an appeal. In the latest decisions to come out of Florida's appellate courts, there are a number of cases that help provide some clarity on this complex issue.

An order dismissing a case with prejudice is a final, appealable order. Only the motions listed in Florida Rule of Appellate Procedure 9.020(h)(1) will postpone "rendition" of that order and toll the time for filing a notice of appeal. Of particular note, a timely filed motion to vacate the order of dismissal is not one of the motions that tolls the time for an appeal. *Landson v. Reid, et al.*, No. 3D18-9516, 44 Fla. L. Weekly D650 (Fla. 3d DCA March 6, 2019).

Similarly, in a post-trial proceeding, an order denying a party's renewed motion for a directed verdict, or for a new trial, is also a final, appealable order which must be appealed within 30 days. A party's failure to invoke appellate jurisdiction within that time frame requires dismissal. *R.J. Reynolds Tobacco Co. v. Olson*, No. 1D18-4938, 44 Fla. L. Weekly D604 (Fla. 1st DCA Feb. 28, 2019).

Because the notice of appeal is jurisdiction-

al, and acts to transfer jurisdiction to the appellate court, the failure to file the notice of appeal on or before the 30th day prevents the court from accepting review. Even a notice filed one day late is untimely and the appellate court is without jurisdiction, as it has no discretion to accept review. *Johnson v. Fla. Dept. of Corrections*, No. 1D19-0166, 44 Fla. L. Weekly D604 (Fla. 1st DCA Feb. 28, 2019).

An order setting aside a clerk's default is not a final, appealable order, and is also not reviewable by certiorari absent extraordinary circumstances. *Hall v. Reynolds*, No. 2D18-2948, 44 Fla. L. Weekly D495 (Fla. 2d DCA Feb. 20, 2019).

Likewise, an order briefly staying the underlying case is not a final, appealable order (and is also not an order granting injunctive relief which might justify an immediate, non-final appeal). *Safepoint Ins. Co. v. Schmitz*, No. 5D18-2054, 44 Fla. L. Weekly D548 (Fla. 5th DCA Feb. 22, 2019).

Appellate courts also disfavor "piecemeal" appeals and will not accept review of a single issue in a multi-count lawsuit where the issues are interdependent or interrelated. *MV Senior Mgmt., Inc. v. Redus Fla. Housing, LLC*, No. 1D17-4688, 44 Fla. L. Weekly D739 (Fla. 1st DCA March 20, 2019).

## **Similarly, understanding when an appellate court does, and does not, have jurisdiction to review an issue can save counsel, and their clients, time and effort.**

An appellate court does not, for example, have the authority to review matters related

to judicial assignments arising out of administrative orders at the county and circuit court level. Accordingly, where a petitioner sought appellate review to challenge a county court judge's actions in presiding over a circuit court proceeding, the appellate court dismissed the petition. *Polanco v. Citizens Prop. Ins. Co.*, No. 3D18-2364, 44 Fla. L. Weekly D587 (Fla. 3d DCA Feb. 27, 2019).

## **Understanding the proper standard of review on appeal is equally critical when evaluating the client's likelihood of success.**

By way of example, the standard of review following a bench trial is far different from the appellate standard after a jury trial. While the appellate court reviews a trial court's legal findings *de novo*, an appellate court is bound by the trial court's findings of fact as long as they are supported by competent, substantial evidence. In fact, the trial judge's findings of fact are "clothed with a presumption of correctness" and the appellate court will not disturb those findings unless they are clearly erroneous. *Negron v. Resolution Life Holdings, Inc.*, No. 3D17-2417, 44 Fla. L. Weekly D700 (Fla. 3d DCA March 13, 2019). **B**



*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).*





By Kathleen K. Peña

Spring cleaning is not just for the home. Clearing clutter allows new energy and ideas to enter your business. Reviewing files, clients, and business practices allows me to determine what is working and where I need to make cuts or improvements. I always feel renewed and focused once I have cleared out those items that are no longer needed or working.

Before despairing at the piles of paper, magazines, books and files in your office, decluttering the office can be less painful with a simple plan. First, commit to tidying up. This decision will help keep you inspired and excited.

Next imagine your ideal work environment. How do you envision your day and work going? What is the ideal routine that brings you joy? Is it arriving earlier in the morning, or later after a morning workout session? By identifying the desired elements of your day, you can be more productive and increase your satisfaction. Equally important is how do you envision your office and personal work space looking? Is the lighting adequate? Does the furniture meet your needs? The more specific you can be about how you want your space to be, the more motivated you will be achieving your goal.

Decluttering requires discarding. Gather forgotten unused pens, pencils, highlighters, and post it notes from conferences and donate them to a local school. Recycle random memo pads and scrap pieces of paper. Magazines and newspapers that have not been read in the last 6 months will remain unread. In the age

of the internet many articles are available online, which take up no physical space and are easier to digitally save and organize. Closed files can be scanned and kept digitally. However, an attorney should be mindful of The Bar requirements regarding retention of original documents and notifying a client before physically destroying a file.

When decluttering papers, sort out magazines and newspapers into a separate pile. Then pick up each piece of paper and decide if it needs to be acted upon, to be saved, or to be tossed/shredded. Handle each paper once and keep only what truly needs to be addressed and saved. This method can be utilized during the year to keep clutter at a minimum.

With the clutter gone you can focus on tidying your space. Japanese tidying guru and Netflix star, Marie Kondo, details her method to attacking clutter in the home. The Kondo method focuses on categories and it is important to follow the right order. The proper Kondo method is clothes, books, papers, household items and sentimental items. Adapting this method to your office could look like this: marketing, books, papers, office items and people. Where necessary, use subcategories. Kondo advises to leave the hardest for last which is why you should tackle everything else first before you deal with people.

Focusing on a category means reviewing your client lists or client files all at once. It may seem overwhelming, however, seeing everything you have in cat-

egories allows you to better assess what you have so you can determine what you need. This method can even be applied to your professional wardrobe at home.

The Kondo method focuses on holding each item and asking if it sparks joy. In the office setting, for example, if you have a reference book you consistently use and it reminds you of a great conference you attended with colleagues, keep it.

People are the hardest and are kept for last. Ask yourself, is the employee a good fit for the office? Can the employee project the image of the office you want to present to the public? Is there a client who monopolizes your time for minimal revenue? This can be expanded to determine whether the effort put into a certain type of work is worth the revenue generated.

When it comes to your office and your business, the goal is not to discard or donate as much as possible. The things you keep should be a useful part of your practice and make you happy. **B**



*Kathleen K. Peña, Esq., is a sole practitioner focusing in family, dependency and appellate law matters. She is also available for appointment as Guardian ad Litem. She can be reached at [kathleenkpenalaw@gmail.com](mailto:kathleenkpenalaw@gmail.com).*

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**10 Investiture of The Honorable Susan L. Alspector**  
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