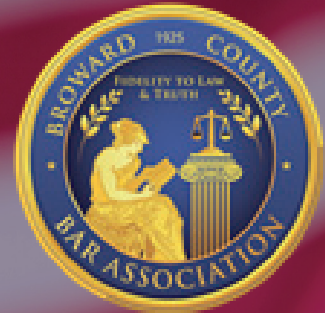


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Veterans day is celebrated this year on November 11, 2020. The Young Lawyers Section of the Broward County Bar Association hosted their third annual Veteran Stand Down Court this September, more information about this great event can be found on page 13.

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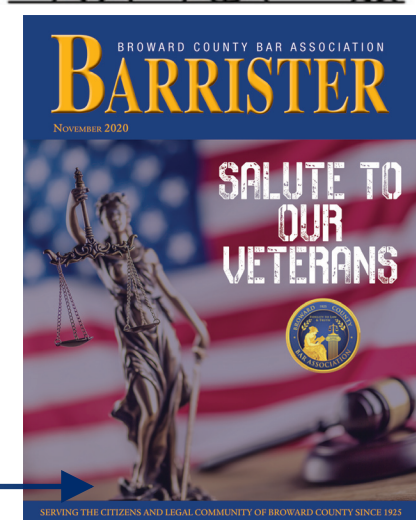
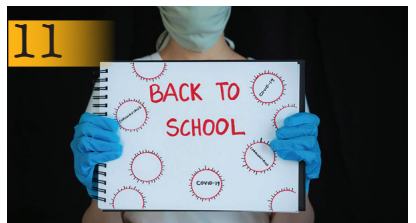
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Robert C.L. Vaughan, Esq.

What truly matters ...

I recently suffered the deep, personal loss of one of my best friends. He was an irrepressible spirit and a loyal and true friend to many who had the pleasure of meeting and spending time with him. He was the kind of person who would make any sacrifice for his friends and would go to any lengths to help someone in need. As my friends and I grieved this enormous loss and wondered openly (and unapologetically) about the cosmic cruelty inherent in the loss of this particular life—(of all the myriad possibilities, why this one?)—we couldn't help but fondly remember and marvel about all the good he had done and all of the lessons he had taught

us just by being here, just by living the life he had, the way he had lived it. As one friend aptly stated, it truly wasn't about how many years were in his life, it was about how much life was in his years. A silver lining, of sorts.

I travelled to his funeral, from South Florida to Delaware, concerned about exposing myself to people outside of my informal "pod" but determined to be there to honor the life and legacy of my friend. As I travelled up to his home, mentally preparing to attend his homegoing services and still confronting my increasing pain, I found myself rehashing the slew of "tragedies" that has befallen many of us this year. Pandemic, job loss, storms, elections (yes, that entire process was a tragedy), social unrest, the loss of so many celebrities, friends, family members, and on and on.

But a funny thing happened as I grappled with the unhappy memory of one tragedy after the other. As I thought about my friend, I smiled through tear-filled eyes as he seemed to reach out to me to remind me of a few "truths". Compared to the loss of a father, a brother, a husband and one of my best friends, in that moment, everything else seemed less important and less permanent.

As my thoughts turned to what was truly important in the moment—giving permanent meaning to his life and honoring his legacy of philanthropy and mentorship—it seemed dishonest to ignore the plight of so many who needed my help, however small. I thought about his tremendous global network of friends and how through this network, my friends and I had become so much more enriched through new relationships. It seemed hypocritical and selfish to not want to expand my own personal network to continue to pass that on.

As I thought about his 28 month-long battle against brain cancer, I thought of my own cowardice every time I hesitated to call out an injustice or failed to speak truth to power when I saw something that needed to be addressed. As I reflected on what I had lost with his passing, I felt ashamed of some of my other "priorities" which now seemed, in comparison, pitiful. I am happy to have called him a friend and a brother. I am richer for having known him and having learned the lessons from his life.

Cherish your family and friends. Treat people with respect and always be willing to lend a helping hand. Always try to walk a mile in someone else's shoes—it is the best way to learn from whence they have come. Never pass up an opportunity to tell someone that you appreciate them.



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Omar A. Giraldo, Esq.

If you are a Young Lawyer, now is a great time to get involved! The year is well under way, and the Young Lawyers Section of the Broward County Bar Association (“YLS”) has many events lined up to help make our attorneys even better. YLS provides a unique opportunity to provide our members the tools to organize an event that they are passionate about, and has the support and infrastructure to pull it off.

We have started our Annual Golf Tournament! While in years past it was a marquee event where we could all gather, we certainly had to get creative this year. Thanks to our secretary Maria Fischer who, along with board members Paul May, Kyle Roberts, and Kerry Valdez, organized a month-long virtual golf tournament! Please go to <https://www.browardbar.org/yls/ylsgolf2020/> to learn more. We are offering some tremendous prizes for our participants, including cash awards and free entries into next year’s in person tournament.

A huge thank you goes to board member Kyle Roberts, who organized this year’s “Read for the Record” program. We had a record number of volunteers this time around—a total of 46 readers to Broward County Public School students. In years past we were short on volunteers, making it necessary for readers to do multiple classrooms. By contrast, this year we had more volunteers than classrooms, so some “virtual” classes had multiple readers. This is one of the best events that we organize, and I would urge you to go to our calendar as we have set several Lawyers for Literacy events for the remainder of the school year. Please sign up to volunteer; it will be a very rewarding experience.

We greatly appreciate your commitment to our Young Lawyers. If you have any ideas for virtual events you think would be entertaining, educational, or needed, please reach out to myself or another board member. We would love to partner with you to make it a reality.






Lastly, please mark your calendars for upcoming events, details of which can be found on our online calendar: www.browardbar.org/calendar/. If you are interested in joining YLS, partnering with YLS on an event, or have any questions, please feel free to contact me at VG Law Group at (954) 500-2422 or ogiraldo@vg.law

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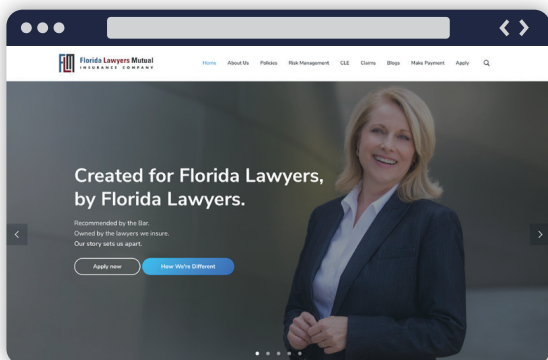
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GENESIS

CHARITY GOLF GOES VIRTUAL

by Maria Schiuma Fischer

For 33 years, YLS has proudly hosted its Annual Charity Golf Tournament—an all-day event heavily attended by local professionals, sponsored by generous donors, and for the benefit of incredibly worthy charities. Necessity is the mother of invention, and Covid-19 has forced us to create alternatives to our favorite events, including our annual golf tournament. YLS is excited to announce that this year's tournament is moving forward—with some major modifications to ensure everyone's safety.

Welcome to The Walter G. "Skip" Campbell, Jr. Virtual Golf Tournament! While this year's event will look very different than those in past years, we expect to meet our same goals of raising money for worthy causes and providing an enjoyable experience for all participants.

Logistically, this virtual event will provide more flexibility for our golfers. Instead of a one-day event, the tournament will run the entire month of November. For only \$15, golfers can sign up to participate on our website. Participants will then play 18 holes at any course of their choosing, anywhere in the world, at their own expense. This opens our tournament up to our friends far away, even in other states or while on vacation. Our website has instructions for how to submit your scores—we trust everyone will abide by the honor system. Prizes will be given for the top individual scores and best tournament photo, and a leaderboard will be updated weekly for our most competitive golfers. Think you can beat the newest top score? Play again for only \$10 for each additional entry.

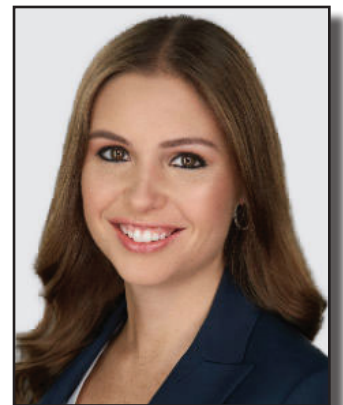
Multiple sponsorship opportunities are also available. Sponsors have the opportunity to connect with an enthusiastic and varied audience across the virtual platform, ranging from young professionals to South Florida's largest corporate supporters. Please visit our event page for a detailed description of each opportunity and the benefits of sponsorship.

Since March, YLS has had to cancel most of its events that generate the funds needed to ensure



successful future programming. To continue providing the same great programming into 2021, the proceeds of this tournament will benefit YLS. YLS will use these funds to host our yearly events: Holiday in February, which brings Christmas to foster children; Lawyers for Literacy/Read for the Record, where young lawyers read books to elementary school classrooms; Legal Aid Hotline Staffing, to answer legal questions from the less-fortunate; the South Florida Legal Mentoring Picnic, to encourage young students from diverse backgrounds to seek meaningful careers in law; Veteran Stand-Down, to help veterans resolve pending legal issues; the Judicial Reception, honoring Broward County's judiciary; Breakfast with the Judiciary, providing an opportunity for young lawyers to meet our judges in an informal setting; monthly CLE luncheons; and numerous networking happy hours and socials, almost all of which benefit local charities. These events are an integral part of our organization and benefit our community in many ways.

Registration is now open. Visit our website at browardbar.org/ylsgolf2020 for more information. We look forward to a great month of golf!



Maria Schiuma Fischer is an attorney at Steinger, Greene & Feiner P.A. and helps clients address Personal Injury - General: Plaintiff legal issues. She is also the Secretary for the Young Lawyers' Section of the BCBA.

by Diana I. Castrillon, Esq

Worker's Compensation and the Return of Educators and Staff to On-Campus Live Instruction During the Coronavirus Pandemic?

In most of Florida, teachers are officially "Back To School" or gearing up for a return to live on-campus teaching, but educators and school administration and staff may not be afforded legal protections if they contract Coronavirus while on the job.

Chief Financial Officer Jimmy Patronis directed the state's self-insurance fund in March to grant workers' compensation coverage for COVID to state employees in health care, law enforcement, corrections, child safety investigations and emergency services, such as firefighting and paramedicine. An April 6 memorandum from the Office of Insurance Regulation appeared to apply that to all "public servants on the front line of COVID-19," but left unsaid whether it would bind school boards and other local governments.

Those individuals specifically listed by Patronis are given a legal presumption that they contracted COVID-19 on the job. However, any other individuals who contract Coronavirus while working are not given that presumption and bear the burden of proof. This is an especially challenging burden when considering the airborne nature of the virus and the concept that it could be contracted anywhere, at any time. So, how can someone prove that they contracted Coronavirus on the job at not elsewhere?

This question is surfacing even more once again as teachers are being required to return to school campuses to provide live instruction. Students are still being given the option to continue virtual learning from their homes, but teachers are not being given that same opportunity unless they can prove a medical reason to remain at home and even that remains "up in the air."

However, if teachers contract the virus at school from a student or fellow staff member, they may be unable to collect workers' compensation benefits to cover the cost of their medical treatment and to cover their lost wages while they are unable to work. In addition, their families may not be entitled to any death benefits if a teacher dies after contracting COVID-19. This is a challenging concept to a lot of educators in Florida who are being told that they are essential and that the schools are essential for our economy to thrive, yet they are not afforded any coverage if they get sick while carrying out their essential duties.

Florida does have some precedent specifically with how the Court's deal with toxic mold cases that provide some guidance on how the Courts will view these types of cases. The law states:

"An injury or disease caused by exposure to a toxic

substance, including, but not limited to, fungus or mold, is not an injury by accident arising out of the employment unless there is clear and convincing evidence establishing that exposure to the specific substance involved, at the levels to which the employee was exposed, can cause the injury or disease sustained by the employee."

But even the appellate court judges who apply this law, concede that meeting the current standard of proof for these cases is a "Herculean task." There have been some recent cases decided by the First District Court of Appeals in Florida that are notably unfavorable decisions for injured workers in the state. These cases decided in November 2019, dealt with toxic mold exposure on the job by two public employees. One employee died from the exposure. In these cases, the employees contracted a rare form of meningitis that is known to be caused by a fungus that they likely encountered on the job. Even in those circumstances, the appellate court denied workers' compensation benefits.

When trying to prove exposure to Coronavirus it will be an even more challenging task because, while the individuals in the toxic mold case described above contracted a very rare disease, Coronavirus is sadly scouring the nation and has already killed over 200,000 individuals and infected millions. In these unprecedented times, it is expected that workers' compensation claims will be filed by sick workers and the decision on compensability will remain in the hands of the individual county school boards. So far, employers who are not subject to the presumption, have been handling these claims on a "case by case" basis. I suspect we will see the same from the school boards in the coming months. "Back to school" has developed an entirely new meaning for educators today and the law will have to shift and to meet the ever-changing needs of the community.

Diana Castrillon is an attorney at Freeman Injury Law and has been in practice for over 19 years. She represents injured workers in Workers' Compensation cases. Diana currently sits on the Board of Directors for the Broward County Bar Association and co-chairs the Workers' Compensation section.



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BCBA VETERAN STAND DOWN COURT

by: James Heaton

On September 14, 2020, the Young Lawyers Section of the Broward County Bar Association hosted their third annual Veteran Stand Down Court. The Stand Down Court is a specialty docket that focuses on resolving barriers to reinstating driving privileges for low-income and disabled Veterans in Broward County. Additionally, by working with community partners, Veterans receive holistic legal check-ups, connectivity to essential resources, and assistance navigating benefits provided by the Department of Veterans Affairs.

This year YLS collaborated with the 17th Judicial Circuit, Legal Aid Service of Broward County, the United Way of Broward County's Mission United, the Broward Sheriff's Office, the Department of Veterans Affairs, the Offices of the Public Defender and State Attorney, and the Broward Clerk of Courts. Unlike previous years, no in-person services were provided; however, each Veteran received a personal legal screening by a Legal Aid attorney and was connected to additional resources through the VA and the United Way of Broward County. By utilizing procedures established by the 17th Judicial Circuit to address safety concerns surrounding COVID-19, all hearings were held virtually.

The process began in August when representatives from each organization met over Zoom to discuss how best to hold a virtual Stand Down - one of the first of its kind since COVID-19 shut down in-person events in March of this year. The Department of Veterans Affairs, 17th Judicial Circuit's Veterans Treatment Court, Broward Sheriff's Office, Mission United, and Legal Aid contributed by identifying Veterans who could potentially benefit from the Stand Down Court's services. The main focus of this group was to locate Veterans who had their driving privileges suspended or revoked due to accumulated Broward County court fines and fees, and to provide a holistic legal screening to determine what barriers prevented them from resolving these issues.

During this two-day event, twenty-one Veterans received legal screenings and services from the Stand

Down Court. This included four Veterans who were able to resolve all barriers to reinstating their driving privileges, five Veterans Treatment Court graduates who received expungement services, five Veterans who received services to address VA benefits issues, three Veterans who are receiving extended legal services from Legal Aid, and one Veteran who was able to resolve an outstanding warrant. In total, the Stand Down Court helped Veterans resolve over \$2,000 of outstanding court costs.

While the majority of participants resided in South Florida, one Veteran in particular was able to receive services from his home in California. With help from the Broward Public Defender's Office, this Veteran was able to resolve an outstanding warrant from when he last resided in Florida in the 1980s. The Veteran and his wife had been experiencing homelessness in California for almost a year until the VA provided them with subsidized housing through the HUD-VASH program in December of 2019. However, the existence of his Broward County warrant threatened his eligibility for the benefits that were keeping him and his family off the streets in California. Because of the Stand Down Court, this Veteran no longer has to worry about losing his housing, and can focus on spending time with his ailing wife.

The BCBA Young Lawyers Section extends a huge thank you to all those who helped make this event a reality and looks forward to hosting another Veteran Stand Down Court in 2021!

James Heaton is the Supervising Attorney for MISSION UNITED Veterans Pro Bono Project at Legal Aid Service of Broward County. He is also the President-Elect for the Young Lawyers Section of the BCBA.



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THE PATH TO PPP FORGIVENESS

by Sheri Fiske Schultz, CPA/ABV/CFF and Jaime Feldman, CPA

The past seven months have been unprecedented, to say the least. Small business owners have faced unmatched challenges unlike ever before. On March 27th, the Paycheck Protection Program (PPP) was signed into law as part of the \$2 trillion Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136. The available funds were to assist small businesses to stay afloat during periods of shutdowns and uncertainty. Congress approved a total of \$659 billion in PPP funding. The PPP application window closed on August 8.

Many business owners are seeking guidance on the acceptable use of these funds and are now navigating to seek forgiveness for the amounts borrowed. Like the confusion of the PPP loan application process so is the path to loan forgiveness. What should business owners do to ensure the best possibility of receiving loan forgiveness? First, it is imperative to remain on top of forgiveness guidance issued by the U.S. Small Business Administration (SBA) and Treasury. Below are some key facts, guidelines, and best practices to consider during the application process.

Forgiveness application due date: First, borrowers must choose between an 8-week or 24-week loan covered period. A forgiveness application may be submitted any time before the maturity date of the loan, which is either two or five years from loan origination. If a borrower does not apply for loan forgiveness within 10 months after the last day of the borrower's loan forgiveness covered period, loan payments are no longer deferred, and the borrower must begin making payments on the loan. The submission of a forgiveness application triggers deadlines for lenders and the SBA. As of now, the application submission prompts a lender decision outcome to the SBA within 60 days. The SBA then must then turn around a forgiveness amount to the lender with any interest accrued through the date of the payment within a 90-day period.

Owner-employee definition: The PPP loan forgiveness application established a PPP owner-employee compensation rule for determining the amount of their compensation eligible for loan forgiveness. The application did not define owner-employees, causing a good amount of raised questions. An interim final rule issued August 24 established that the PPP owner-employee compensation rule does not apply to individuals with less than a 5% stake in a C or S corporation.

Reductions to Loan Forgiveness Amount: As of October 8, the SBA and Treasury released SBA Form 3508S, a simpler loan forgiveness application for PPP loans of \$50,000 or less. Form 3508S requires fewer calculations and less documentation for borrowers. Borrowers that use this form are exempt from reductions in loan forgiveness amounts based on reductions in full-time equivalent employees, salaries, or wages. The form does not require borrowers to show the calculations used to determine their forgiveness amounts, the SBA can request information and documents at any time during the review process.

Document, document, document! Documentation is crucial. Hold onto your invoices and receipts. Maintain



records on how and when you came to stated conclusions on your application and maintain notes on what guidelines were used.

Slow down and keep tabs on changes: There have been many gray areas regarding the rules for PPP loan forgiveness. Specifically, guidance is still expected on deductibility and other rules including automatically discharging loans under \$150,000 are still pending. For this reason, borrowers may want to wait on applying for loan forgiveness while these issues are being resolved.

Good judgment comes from experience: Many business owners may decide to complete the application themselves. Uncertainty is ever-present when it comes to PPP. There are still many ill-defined areas as continued issued SBA and Treasury guidance for loan forgiveness unfolds. Your trusted CPA will be there to assist you through this process. Their knowledge base and familiarity with the ever-changing issued guidelines and ability to achieve maximum forgiveness will make a difference in the completion of your application.

**The above information is based on SBA guidelines as of October 13, 2020 and provided for informational purposes only. It is recommended that borrowers make decisions after consultation with individual lenders or a trusted CPA.*

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WHEN WINNING FEELS LIKE LOSING

by Collins Spencer DelPercio

I am a personal injury attorney; I work hard to make my clients' whole again. I get to protect, advocate, and get the very best results for my clients; I work with a great staff of attorneys who are all fantastic mentors and friends—a family. This article is not about my work or my firm; it is about the family bond we have with people, the bond we have that connects all of us—maybe in a religious or cosmic sense, maybe at the most basic level of biology and anatomy—but there is a bond between all of us.

I have felt this way, especially since I was lucky enough to grow up in a loving home with great parents and have found the love of my life—my wife Jen. But I had a rude awakening of how fragile the bond of love is and what it means to lose that love.

In my free time, I give back to the community; I am a Guardian ad Litem, the voice of the unheard and the champion of the best interest for a child who is in foster care because of life's circumstances. It is my role to provide a voice for the child's best interests, even when the best interests may not be what the child wishes or desires. I look at his needs and swear to protect this child to the best of my abilities and authority—his own personal superhero.

But, sometimes, even as the superhero of a foster child, there is no way to protect the child from harsh reality. Here in lies the situation I found myself dealing with: I believe that the best interest of my foster child was served—by losing his mother. No, not from death but by her own actions. My foster child's blood mother, who professed her love for her son to the judge, case workers, and to me, was not willing to try and complete her parental plan, even with the abundant resources provided and multiple extensions offered—she simply chose not to participate. Of course, she might “love” her son, but she would not do anything to prove it.

Perhaps he lost his mother long before he legally lost his mother, but he did not know it; he did not comprehend the loss outside of physical presence before the proceeding. My foster child did not know what his mother did not do, and if he did, he did not understand why she chose this path—and the “win” we have now is that he is free to be adopted by a family who will choose to adopt him, to love him, and keep him.

If this is a win, then why do I feel so bad, almost breaking into tears in the Courtroom as I had to testify to what I thought was in the best interest of the child even though it was to say his mother would not be the best mother for her son? I can be methodical, logical, and remove emotion from an equation or action so I can act in the best interest of my client or in this case, my foster child, but this defies my logic—why does it hurt to know what was done was in the best interest of my foster child?

My guess—I had a wonderful life with my parents who love me dearly; therefore, I know what it is like to have that family bond. I can see it in others, perhaps the feeling

of pain I feel is knowing that my foster child has lost this chance with his mother. Another guess: I was truly hoping for reunification—I love happy endings to movies; I was hoping that his biological mother was going to step up, prove her proclaimed love for her son, and fulfill the needs. The let down just feels terrible.

Moving forward, I know that my foster child will now have the opportunity to find a family that will love and adore him, give him all the things that his mother was lacking. The family that he ends up with for his forever home will have chosen to love him, chose to have him in their lives, and chose to do what he needed, in his best interest.

Being a Guardian ad Litem is a nearly thankless job—it is voluntary and without pay; a matter of fact, it costs me to do this as I not only need to give of my time, but I like to get my foster child toys (he loves Black Panther and Spider Man, I mean, who doesn't?), make sure he is taken care of; it is one of the best feelings.

I do not have children of my own as of yet, but when I do, this will always stick in my mind—protect my child, love my child, choose to do the right thing and that, I hope, will be my feeling of winning.

Now on the verge of his adoption almost a year later, I feel like I am winning again and losing. I win because his family connection will be made whole again, but in my heart, I know I will not be needed anymore. I guess Guardians win when we lose—but I am happy to have this pain because it means one more child gets a forever home.

I originally wrote this out of catharsis; but now, I am writing this as a call to arms—we need more people to give of their time as Guardians so children can be protected and saved. If this article gets just one more reader to volunteer and help as a Guardian ad Litem, this article will feel like another win—because one less child will be lost.

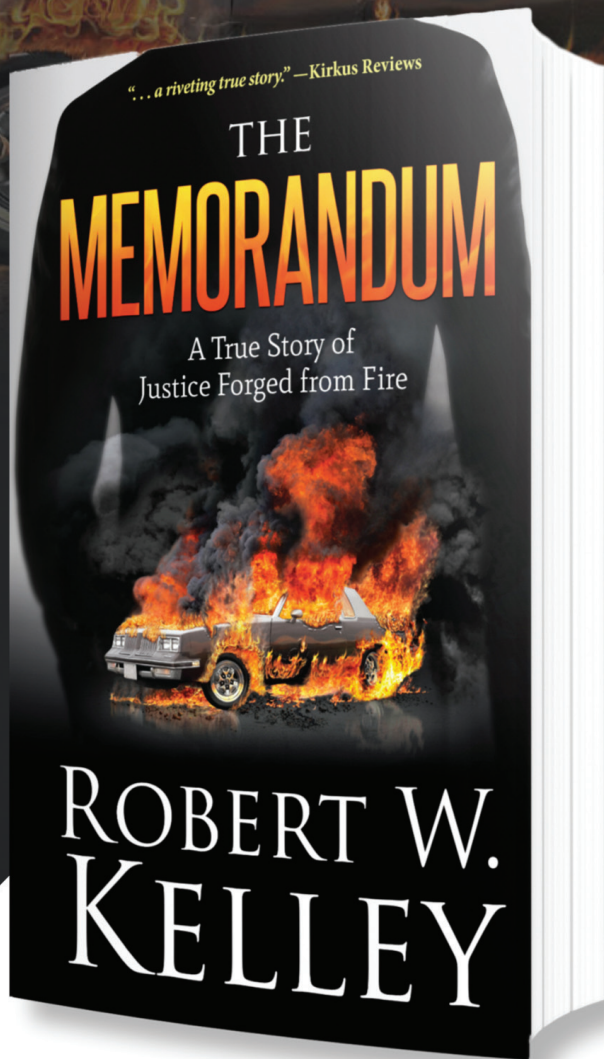
Please contact me if you are interested in participating and giving your time to the most worthwhile win you can get—being a guiding light for foster children as a Guardian ad Litem. Help me feel like this loss I experienced can turn into a win for all of those children in need.



Collins DelPercio is a plaintiff tort litigation attorney at Leeder Law handling vehicle accidents, premises liability, and medical malpractice throughout the entire state of Florida and a Guardian ad Litem.

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