



Broward County Bar Association  
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# Broward County Bar Association BARRISTER

April 2009 • WWW.BROWARDBAR.ORG • 954-764-8040 • VOLUME 40, ISSUE 4

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**HOLD  
THE DATE...**

**October 16, 2009**


**Bench and Bar Convention**

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**HOLD THE DATE...**

**Friday, May 1, 2009**  
Noon  
At the Tower Club



**Law Day Luncheon**  
**Keynote speaker- Professor**  
**Bruce Rogow, Nova Southeastern**  
**Shepard Broad Law Center**

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**HOLD  
THE DATE...**

**Thursday, May 7**

**Broward County Bar Young  
Lawyers Section Judicial  
Reception**

For details see page 19.

**HOLD  
THE DATE...**

**Monday, May 11**

6th Annual Judicial Reception  
and Program coordinated by the  
Jewish Federation of Broward  
County

For details see page 8.

**THE 17th JUDICIAL CIRCUIT ANNOUNCES ONLINE SCHEDULING**

Circuit Civil Division 13 (Judge Jack Tuter) is pleased to announce a pilot project that will allow for requesting and cancellation of UMC hearings, via an online web based system.

The goals of this project are to allow users to self-set 8:45 motions; view and change the dates motions are set; alleviate the necessity of calling judicial assistants to confirm, cancel or change hearings set on motion calendar.

Judges Tuter, Carney and Tobin will evaluate the project after substantial usage and implement any necessary changes to make the program as user friendly and efficient as possible.

The system will eventually be available to all general civil division judges once the stability and functionality of the system is fully tested.

**Local Rule 10 A and all Florida Rules of Civil Procedure are not changed.**

The online system is simply an electronic way of self - scheduling motions. All motions must have been filed before scheduling any hearing and a courtesy copy of the motion must be mailed to the Judge's Judicial Assistant. Users having cases in Division (13) are encouraged to participate and learn how the program works. Judges Tuter, Tobin and Carney want to offer special recognition to the JIS unit of Court Administration for their tireless work in setting up and helping to implement the program. Visit [www.browardbar.org](http://www.browardbar.org).

**If you have any technical questions please send e-mail to [calendar@17th.flcourts.org](mailto:calendar@17th.flcourts.org)**



**Jack Seiler Sworn in as Mayor**  
Newly elected City Commission were sworn in on Tuesday March 17, 2009.  
From left: Commissioner Bobby B. Dubose (District III), Vice Mayor Charlotte E. Rodstrom (District II), Mayor Jack Seiler, Commissioner Bruce G. Roberts (District I) and Commissioner Romney Rogers (District IV)



## PRESIDENT'S MESSAGE by Christopher M. "Chris" Neilson

This has been the driest winter on record in South Florida. As I write my column on Saint Patrick's Day, we finally just got some badly needed rain, which is so very refreshing.

It is springtime, and students and parents are planning on college. Please support whatever scholarships you can, so students can have an opportunity to go to college. I was the first of my family to become an attorney, and had to work my way through law school. I was fortunate to at least receive government student loans, a scholarship while at Nova Law School, and some additional financial aid, but it was still really hard. With the economy so upside down lately, scholarships are more important than ever.

I enjoyed the 59th Annual Breakfast of the Emerald Society of Fort Lauderdale on March 15th, 2009, at Bahia Mar, where Attorney Charles Whitelock was honored as Irish Person of the Year; Attorney Scott Rothstein was honored as Humanitarian of the Year; Sheriff Al Lamberti was Honored as Irish Person of the Day; and the wife of our own BCBA Board Member John Jordan - Diane Jordan --was honored as Irish Mother of the Year. The Society always presents a cheerful and colorful way to start a Sunday Morning (Kelly Green everywhere...Irish Dancers, Music, Prizes, and great fellowship), and annually award a scholarship based on an essay by a deserving student.

Likewise, I had the pleasure to attend the Hollywood Kiwanis Annual Pancake Breakfast, where our own Past-President Victor DiBianchi, Jr., BCBA Member Alan Paoli, and their families always participate. The Kiwanis also provide Scholarships to deserving students.

I also had the honor of sitting on the Scholarship Committee this past month for Hollywood Hills High School (where I graduated in 1972!) for my Hollywood Rotary Club, which also provides scholarships to deserving students. Rev. Terry Danger of St. John's Lutheran Church chaired the committee, and we were able to provide several thousand dollars of Rotary scholarships to six students.

Welcome to April. If you didn't get the Barrister on April 1st, well, April Fools' Day!

Many of you are unfamiliar with what goes on behind the scenes at BCBA, causing the old adage "Out of sight is out of mind" to ring familiar. For those of you who may not know, there is always a flurry of activity going on at, and by, BCBA.

We are always busy planning for "the next"...the next seminar, section or committee meeting, ballot, directory,

survey, board meeting, robing, luncheon, Barrister, event, etc., etc., etc. Our staff and volunteers work extremely hard, and must constantly multi-task to complete the current project in a timely manner within set deadlines, while simultaneously beginning to plan the next project. And on and on it goes. It is kind of like painting the Golden Gate Bridge ... by the time you begin prepping and painting at one end and complete the job at the other end, it is already time to start all over on the end you began with!

At the same time, daily tasks continue...such as processing the considerable mail we receive, greeting visitors, receiving deliveries, answering the ever-ringing telephones, emails, faxes, maintaining the property, ordering and stocking supplies, dealing with advertising, marketing, and membership needs. Whew!

We are currently in the process of completing the ballot for the election of Board Members, which will be mailed out shortly. Please take the time to review, complete, and return the ballot promptly, so we truly have an important representative vote of all of our members.

The Bench and Bar Committee are working diligently to plan our upcoming Quadrennial Bench-Bar Convention, which is scheduled for all day on Friday, October 16, 2009. This event only is held once every four years, and has been a tremendous success in the past, growing considerably every time. In fact, over the past several decades, this event has outgrown all prior locations, and beginning in 2005, is now held at the Broward County Convention Center.

This should be an outstanding convention. We expect to have up to 1000 judges and lawyers attending. The seminar will allow all of our Broward County Bar Association Sections and Committees, as well as all Voluntary Bar Associations in Broward County, to participate and present meaningful programs. In fact, on March 23 we hosted a luncheon for all of these Voluntary Bar Association leaders at BCBA, and requested and encouraged their participation. Our convention will include breakfast, a nice sit down plated luncheon, great keynote speakers, and multiple seminars in all areas of the law will proceed simultaneously throughout the day. Seven hours of CLE credit will be available, numerous Exhibitors and great Door Prizes will fill the event ... and we plan on having a nice reception at the end of the day.

We are very grateful to Mellon Bank for once again stepping up to be the overall sponsor for our 2009 BCBA Quadrennial Bench and Bar Conference, as they have been in the past. Likewise, the Law firm of Krupnick, Campbell, Malone, Buser, Slama, Hancock, Lieberman and McKee once again has agreed to be the overall Law Firm Sponsor.

## CALENDAR OF EVENTS

APRIL 2009

### Wednesday, April 1st:

Solo Small Law Firm Networking Lunch. Olive Garden, 1555 N. University Drive, Coral Springs (954) 344-5226, RSVP to: Evan Ostfeld (954) 227-7529 or Evan@attorney4life.com.

### Thursday, April 2nd:

South Broward County Bar Association Monthly Luncheon. Noon. At the Ark Restaurant in Davie. Guest Speaker- Mike Satz- State Attorney. For more information contact 954- 791-3939.

### Friday, April 3rd:

Solo Small Law Firm Networking Lunch. The Ark, 6255 Stirling Road, Hollywood (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 or david@dsilverstone.com.

### Monday, April 6th:

Grievance Committee 17G Meeting. 2:00 p.m. Broward County Bar Association's, Norma B. Howard Bar Center, 1051 SE 3rd Ave. Ft. Lauderdale, 33316.

### Tuesday, April 16th:

Federal Bar Association Broward County Chapter Lunch. Guest Speaker: Judge Kenneth Marra. Riverside Hotel in Fort Lauderdale. Cost: If reservation and prepayment are received by April 9th: Members: \$30; Non-members: \$35; Judiciary \$15. If reservation received and payment made at the door, Members \$35; Non-members \$40; Judiciary \$20. RSVP required, to reserve a seat please E-mail lwilliams@bergersingerman.com.

### Friday, April 17th:

Solo Small Law Firm Networking Lunch. East City Grill, 1800 Bell Tower Lane, Weston Town Center, Weston (954) 424-7201, RSVP to: Rick Woolf (954) 252-0043 or rwoolf@woolffinancial.com.

### Friday, April 17th:

Broward County Hispanic Bar Association April Luncheon. Featuring Jesse H. Diner, President Elect of the Florida Bar. 11:45 a.m. Riverside Hotel. Please RSVP by April 14, to Carmen@Velasquez-law.com.

### Monday, April 20th:

FREE CLE Seminar. Topic- Features and Benefits of Annuities. 1 Hour CLE. 4:00p.m. At the Broward County Bar Association Conference Room, 1051 SE 3rd Ave, Ft. Lauderdale. Please RSVP to 561-961-9311.

### Tuesday, April 21st:

Grievance Committee 17H Meeting. 2:00 p.m. Broward

County Bar Association's, Norma B. Howard Bar Center, 1051 SE 3rd Ave. Ft. Lauderdale, 33316.

### Tuesday, April 21st:

Solo Small Law Firm Networking Lunch. Olive Garden, 807 S. University Drive, The Fountains, Plantation (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 or johnrizvi@ideaattorneys.com.

### Thursday, April 23rd:

The Florida Bar Continuing Legal Education Committee Presents a Seminar: Basic Labor and Employment 2009. At the Hyatt Regency Pier 66, Fort Lauderdale, FL. 8:30-4:45p.m. To register log on to www.flabar.org/CLE.

### Friday, April 24th:

Solo Small Law Firm Networking Lunch. J. Marks Restaurant, 1490 Copans Road, Pompano Beach (954) 782-7000 RSVP to: Jane Bolin (954) 316-1339 or jane@peytonbolin.com.

### Wednesday, April 29th:

The Broward County Bar Association's Probate and Trust Section Presents: Trust Administration Seminar. Speaker: Brian Felcoski, Begins at 5:15p.m. At the Norma B. Howard Bar Center, 1051 SE 3rd Ave, Ft. Lauderdale, FL 33316. Cost: \$15. To register log on to www.Browardbar.org/events or call 954- 764- 8040.

### Thursday, April 30th:

Solo Small Law Firm Networking Lunch. Bimini Boat Yard, 1555 SE 17th St., Fort Lauderdale, (954) 525-7400, RSVP to: Beth Lindie (954) 764-5400 or blindie@lawyers.com.

### Friday, May 1st:

Broward County Bar Association Law Day Luncheon. 12:00 noon. Speaker: Bruce S. Rogow, Esq. At the Tower Club, 1 Financial Plaza, 100 SE 3rd Avenue, 28th floor. RSVP to Broward County Bar Association at (954) 764-8040.

### Thursday, May 7th:

South Broward Bar Association monthly Luncheon. Noon. At the Ark Restaurant in Davie. Guest speaker Judge Robert Rosenberg. For more information contact 954-791-3939.

### Thursday, May 7th:

Young Lawyers Section Judicial Reception. 5:30- 7:30p.m. New River Center Rotunda, 200 East Las Olas Blvd. Fort Lauderdale. Cost is \$35 for members of the BCBA and \$45 for non-members. RSVP via phone to Sharon McGuire at (954) 522-2200.

MAY 2009

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Office space to share with two other attorneys. Sublease of 2 offices and 1 legal assistant area for immediate use. Conference room, copier, facsimile, and phone system available. Contact John Sorkin, Esq. at 954- 515-0011 or john@johnsorkinpa.com.

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Broward County Court Administrator's Office is presently seeking applicants for the following State-funded position: Circuit Judicial Assistant -- \$34,039.56

This position will remain open until filled. Official application and additional information may be obtained from the Court Administrator's Office, Broward County Courthouse, 201 S.E. 6th Street, Room 470, Ft. Lauderdale, FL 33301 or visiting our website at www.17th.flcourts.org. E/O/E

**HOLD THE DATE...**  
**Friday June 19, 2009**

**A Marlins outing with the  
North Broward Bar  
Association**

**Start time: 7:00 p.m.**

**Sign up now at [www.northbrowardbar.org](http://www.northbrowardbar.org)**

Please save the date and plan on attending this fabulous seminar. We are currently looking at around \$175 for early registration fees for members, and will include breakfast, lunch, 7 CLE'S, and the reception and great door prizes. We have asked the Chief Judge and Court Administration to request the courts to clear the docket for this date so that everyone will be able to attend.

In fact, right now is a great opportunity to get in on the ground floor, and secure one of the coveted limited Exhibitor opportunities. If you or one of your clients or contacts has a product or service they would like to market to a great group, this is the opportunity. Please contact our BCBA Executive Director, Art Goldberg at 954-764-8040 if you are interested. If you are interested in sponsorship, please contact BCBA Board Member and Sponsorship Chair Attorney Robin Moselle at 954-315-0923. If you would like to present a seminar, please contact BCBA Board Member and CLE Seminar Chair Morrie Levine at 954-925-9000. If you have any other ideas or input, please feel free to contact our Bench and Bar Chair Attorney Michael Fischler at 954-763-5778, or myself, Chair of the 2009 Convention.

On March 14, BCBA hosted a seminar on how to conduct effective mediations, presented by the South Florida Mediators and Arbitrators. We also hosted a Judgment Collection Seminar and lunch, which was filled to capacity, on March 19th, at our Norma Howard Education Center. I had the pleasure of introducing Attorney Robin Moselle, who presented the Collection Seminar, and delivered an excellent power-point and handout presentation on Collections.

The Young Lawyers held their 7th Annual Bowl-AThon on March 21, at Manor Lanes in Wilton Manors, which we always support and attend. This year, Art and Jane Goldberg, Carlos and Maria Llorente, BCBA Bookkeeper Tish Guiffreda and her grandson David, Attorney Mark Rickard, and my wife Connie and I bowled for BCBA. Mark used to tour with the PBA, and Tish's grandson is up and coming...as for the rest of us, well, there is always next year. At least our team bowled somewhere between first and last on the combined scores of our second game (within the thirteen teams bowling), and we did not come in last! And, it does seem to be rather Presidential this year in any event! A big thank you to Bart Ostrzenski and his wife, Matt Lerner, Vicki Swain, YLS President Scott Chitoff, and all of the YLS and BCBA members and their friends and families for once again making this a very successful event for Cystic Fibrosis.

The South Broward Bar Association held its first Annual Installation Dinner on March 5th at Signature Grand. Their President Ken Hassett and members hosted a really nice event. Florida Supreme Court Chief Justice Peggy A. Quince was the keynote speaker. Chief Justice Quince stressed the importance of adequate court funding, noting

that as a co-equal branch of government, our Florida Judicial Branch receives only approximately .7% of the state budget, with the Executive and Legislative branches receiving the remaining 99.3%! I have always thought that this is disproportionately unfair to our Judicial Branch. This becomes even more severe under the current economic crisis we are in.

We are all ambassadors to our profession. I encourage each and every one of you to educate yourself as to the severe issues we face, and in turn help educate those you come into contact with to support full and adequate funding for our court system. Anything less should not be tolerated.



All the best!  
Chris

## 2009 BCBA ELECTION

**Don't forget to mail your  
BCBA Ballot to the Bar Office.  
Please sign ballot envelope.  
Ballot must be received on or before April 15.  
Don't be discounted - VOTE!**

The Broward Barrister is published by the Broward County Bar Association a part of our commitment to provide membership with information relating to issues and concerns on the local level. Opinions and positions expressed in the signed materials are those of the author and may not necessarily reflect the views of this publication or the Broward County Bar Association.

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BROWARD COUNTY BAR ASSOCIATION  
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## RECENT DEVELOPMENTS IN THE LAW

by Nancy Little Hoffmann

### 1. Child Custody/ UCCJEA **Karam v. Karam,** 34 Fla. L. Weekly D544 (Fla. 3d DCA March 11, 2009).

Although a proceeding concerning custody had been commenced in a French court, the Third District held that Florida could exercise jurisdiction over the custody issue because the French court did not exercise its jurisdiction substantially in conformity with the UCCJEA. Under the UCCJEA, Florida would be the children's home state, whereas the French court applied different jurisdictional criteria. Accordingly, the trial court departed from the essential requirements of law in dismissing the custody portion of the wife's petition for dissolution of marriage.

### 2. Civil Procedure/Default **Moynet v. Courtois,**

34 Fla. L. Weekly D401 (Fla. 3rd DCA February 18, 2009).

In an action for civil theft, the defendant did not answer and suffered a default judgment. In her motion to vacate, she failed to show excusable neglect, instead arguing that the complaint had failed to state a cause of action. Because there was no showing of excusable neglect, the trial court denied the motion. On appeal the Third District reversed, holding that even though there was no showing of excusable neglect, the judgment could not stand because the complaint failed to state a cause of action.

### 3. Civil Procedure/Notice of Evidentiary Hearing **Herranz v. Siam,** 34 Fla. L. Weekly D400 (Fla. 3rd DCA February 18, 2009).

After the trial court granted a motion to strike a complaint as a sham pleading, based on testimony received at a motion calendar hearing, the Third District reversed because the notice setting the hearing on a motion calendar did not specify that it was to be an evidentiary hearing. The court noted that although a trial judge is not prohibited from hearing testimony at a motion calendar on an undisputed matter, specific notice of intention to allow testimony on a contested matter must be given in advance of the hearing in order to allow the other party a reasonable opportunity to prepare.

### 4. Covenant Not to Compete **Miller v. Preefer,**

34 Fla. L. Weekly D383 (Fla. 4th DCA February 18, 2009).

Although a non-competition covenant did not satisfy the relationship requirements of the applicable statute and acted as a restraint of trade, the Fourth District held that it could not declare it unenforceable because the covenant had previously been incorporated into a final judgment resolving a prior lawsuit. The court held that it essentially became "sheltered within the judgment" as a result of the settlement agreement in the prior case, and it could not thereafter be collaterally challenged in the present declaratory action.

### 5. Intentional Interference with Custodial Relationship **Stewart v. Walker,**

34 Fla. L. Weekly D441 (Fla. 4th DCA February 25, 2009).

In a dispute between the unwed parents of a child, both appearing pro se, the Fourth District affirmed a trial court's decision that the father had no standing regarding his claim of intentional interference in custodial rights. However, the court held that the concept of standing in terms of custodial rights was irrelevant to his additional claim of intentional infliction of emotional distress based on the mother's removal of their child from the state. Accordingly, it reversed the dismissal of that portion of the father's complaint.

### 6. Medical Malpractice/Contribution **Healthcare Staffing Solutions, Inc. v. Wilkinson,** 34 Fla. L. Weekly D406 (Fla. 1st DCA February 19, 2009).

After a medical malpractice suit was settled, with the hospital funding the settlement, the hospital sought contribution from the medical staffing service which provided the traveling nurse who was primarily responsible for the patient's care. Although the service proffered evidence of negligence by certain physicians, the trial court held that this was irrelevant in the contribution action. On appeal, the First District reversed, holding that the contribution statute required a determination of the "entire liability," and that, as in the case of Fabre defendants, the court was required to consider the relative degrees of fault of "all other actors who contributed to the injury."

*Nancy Little Hoffmann is a Board-Certified Appellate Lawyer practicing in the Fort Lauderdale area since 1974. She may be contacted at 954-771-0606 or by e-mail at NLHappeals@aol.com.*



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**Jesse H. Diner**  
President Elect  
The Florida Bar

Friday, April 17, 2009  
11:45 a.m., Riverside Hotel  
Please R.S.V.P. by April 14 to [Carmen@velasquez-law.com](mailto:Carmen@velasquez-law.com)

Co-Sponsored by: **Broward County Bar Association** **TJ Reddick** **Caribbean Bar Association**  
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## 2009 BCBA Bench and Bar Convention set for October 16

The Bench and Bar Committee of the Broward County Bar Association, chaired by Michael Fischler, Esq., is working hard to organize the 2009 Quadrennial Bench-Bar Conference scheduled for Friday, October 16, 2009. Conference Chairman and current B.C.B.A. President, Christopher Neilson, Esq., believes this conference is the best CLE value available. Seven hours of CLE credit (including 1.0 hour of ethics credit or more) will be available for less than the price of most 90 minute teleconferences (\$195.00 for early pre-registration).

If you are interested in presenting one of the 50 minute seminars or an entire track of seminars (3 in the morning and 3 in the afternoon), please contact Morrie Levine, Esq., 2009 B.C.B.A. Bench-Bar Conference CLE Chairman and Coordinator at 954-925-9000. Also, there are limited sponsorship opportunities still available. If you are interested in becoming a sponsor of this event, please contact Robin Moselle, Esq. at 954-315-0923. Remember, there were over 500 participants (Judges and Attorneys) at the 2005 Bench-Bar Conference despite the fact that Hurricane Wilma was approaching Broward County.

## *Legal Aid Service of Broward County and The Broward County Bar Association Team Up to Fight Foreclosure*

Plantation (February 26, 2009) -- Legal Aid Service of Broward County (LAS) and The Broward County Bar Association recently held a free CLE Seminar on basic foreclosure, followed by three foreclosure clinics in a joint effort to combat the growing crisis.

"In Broward the foreclosure rate is estimated at more than 300 times the national average, leaving countless low-income families homeless due to lack of legal counsel," said Kimberly L. Zaffere, Pro Bono Coordinator for LAS.

The CLE Seminar was held at the Norma B. Howard Center on November 14, 2008. LAS Attorney Shawn C. Boehringer and Florida Debt Relief Center, LLC Attorney Jeffrey H. Tromberg, spoke about the legal issues surrounding foreclosure, emphasizing ways to help low-income homeowners avoid foreclosure. Approximately 25 attorneys attended the seminar, each of whom received four CLE credits for his/her participation in the event.

Participating attorneys agreed to attend a foreclosure clinic at LAS and accept one or two clinic cases for further pro bono representation. Foreclosure Clinics were held at the Legal Aid Center for Law and Social Justice in Plantation on November 19, 2008, December 18, 2008, and February 3, 2009. A total of 44 individuals received FREE one hour consultations. Twenty-one private practice attorneys volunteered in the clinics, each agreeing to take one or two foreclosure cases on a pro bono basis.

**Legal Aid Service of Broward County (LAS)** is a 501(c)(3) not-for-profit law firm and has been providing free civil legal services to Broward County children, families and senior citizens in the low income and underserved communities for 35 years. Last year LAS assisted over 10,000 family members and over 3000 children at no charge. LAS also manages the largest pro bono program in Broward County, Broward Lawyers Care (BLC).

## THE ECONOMIC IMPACTS OF DELAYS IN CIVIL TRIALS IN FLORIDA'S STATE COURTS DUE TO UNDER-FUNDING

From The Executive Summary of a report prepared for the Florida Bar  
By The Washington Economics Group, Inc.

Due to Florida's growing population and the significant increase in the number of Real Property/Mortgage Foreclosure cases filed, the court caseload throughout the State has grown dramatically and, as a result, has created growing and serious backlogs within the court system. This situation is adversely impacting the competitiveness of the State to create, retain and expand jobs and private-sector enterprises.

While the number of cases has increased sharply in recent years, funding of Florida's state court system has remained constant or has declined. In real terms (adjusted for inflation), funding for Florida's state courts has declined every year since FY 2004-2005. Delays within the court system create a significant burden throughout the system and on its personnel, including judges, Clerks of Court and other court administrators.

System-wide funding challenges have forced the courts to cut and/or decrease the services offered. As of October 2008, WEG estimates the backlog of civil cases to be approximately 338,000 cases. This is impacting the ability of the private sector to conduct business in Florida.

In total, the backlog of Real Property/Mortgage Foreclosure cases alone directly results in an estimated \$9.9 billion of added costs and lost property values for Floridians each year. Backlogs of other civil cases create an additional \$200 million of added costs each year.

The aggregate of all quantifiable costs associated with court-related delays in civil case adjudication results in direct economic impacts (i.e., costs to the economy) approaching \$10.1 billion annually.

These added direct costs and burdens on the economy adversely impact employment, the generation of labor income, economic output and public revenues throughout the State of Florida. In the current economic climate, the State cannot afford the loss of economic dynamism attributable to the under-funding of the court system.

An estimated 120,219 permanent jobs for Florida's residents are adversely impacted by civil case delays resulting from inadequate funding for Florida's courts. This situation will continue to deteriorate until proper funding for the court system is re-established. Best Practices for court funding are based on the principles that court funding should be adequate for the courts to discharge their constitutional responsibilities, stable across budget periods, and equitable across jurisdictions in order to provide impartial justice for all citizens. Finally, the courts have a responsibility to utilize resources in an efficient manner by advancing best management products and the deployment of new technologies.

The Seven Principles for Stabilizing Court Funding recently set forth by the Chief Justice of the Supreme Court of Florida are sound and consistent with the broad principles that underlie Best Practices in Court Funding. They will serve as an excellent starting point for discussions between the courts, the Legislature, and the Executive Branch on proper stabilization and allocation of court funding.

### **Seven Principles for Stabilizing Court Funding**

*1) The elements of the State Courts System codified in section 29.001, Florida Statutes, should be adequately funded by the State to ensure the guarantee of court access by Florida's citizens.*

*2) Court fees assessed and paid by Florida's citizens to access their court system should be dedicated to the court system, as already provided for by state law.*

*3) Unless adequate safeguards are in place, court-related revenue other than filing fee revenue (revenue derived from fines, service charges, and costs) should not be dedicated to court funding but used to support other justice system partners.*


*4) All current court-related revenue being collected should be reevaluated to determine what portion of current filing fee revenue should be dedicated to court funding.*


*5) Additional or increased filing fees should be considered, but only after an adequate review of the distribution of the current filing fee revenue has been made.*

*6) Some components of the State Courts System are more appropriately funded from the general fund and should remain so.*

*7) State Court Trust Funds are the appropriate depositories for court filing fee revenue.*

For more Court Funding Facts and the full 33 page report of the Washington Economics Group, visit the Florida Bar's Website at <http://www.floridabar.org/fundingfloridacourts>

  
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**Wednesday, April 1st, Olive Garden, 1555 N. University Drive, Coral Springs (954) 344-5226, RSVP to: Evan M. Ostfeld (954) 227-7529 and or [Evan@Attorney4life.com](mailto:Evan@Attorney4life.com).**

**Friday, April 3rd, The Ark, 6255 Stirling Road, Hollywood, (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 and or [david@dsilverstone.com](mailto:david@dsilverstone.com).**

**Friday, April 17th, East City Grill, 1800 Bell Tower Lane, Weston Town Center, Weston (954) 659-3339, RSVP to: Rick Woolf (954) 252-0043 and or [rwoolf@woolffinancial.com](mailto:rwoolf@woolffinancial.com).**

**Tuesday, April 21st, Olive Garden, 807 S. University Drive, Plantation (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 and or [johnrizvi@ideaattorneys.com](mailto:johnrizvi@ideaattorneys.com).**

**Friday, April 24th, J. Marks Restaurant, 1490 Copans Road, Pompano Beach, (954) 782-7000 RSVP to: Jane Bolin (954) 316-1339 and or [jane@peytonbolin.com](mailto:jane@peytonbolin.com).**

**Thursday, April 30th, Bimini Boat Yard, 1555 SE 17th Street, Fort Lauderdale, FL 33316 (954) 525-7400, RSVP to: Beth Lindie (954) 764-5400 and or [blindie@lawyers.com](mailto:blindie@lawyers.com).**

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**Broward County Bar Association  
Law Day Luncheon**

\*\* Make reservations early as seating is limited

**LAW DAY LUNCHEON**

**DATE:** Friday, May 1, 2009  
**TIME:** 12:00 Noon  
**SPEAKER:** Bruce S. Rogow, Esq.  
**LOCATION:** Tower Club, 1 Financial Plaza  
100 SE 3rd Avenue, 28<sup>th</sup> Floor

**LEVELS OF SPONSORSHIP**

LIBERTY SPONSORSHIP.....\$1,000.00 (8 lunch tickets)  
JUSTICE SPONSORSHIP.....\$500.00 (4 lunch tickets)  
FREEDOM SPONSORSHIP.....\$250.00 (2 lunch tickets)

All sponsors will also receive:

- Name and sponsorship level in the Law Day Program.
- Name displayed on signage at events.
- Recognition in the BCBA monthly newsletter, the *Broward Barrister*, which will be distributed to all Broward County Bar Members.

- \*\* Additional seats for luncheon are \$30.00 per person
- \*\* Members of the Judiciary - complimentary entrance

Please make checks payable to "The Broward County Bar Association" and mail to:

Angel Petti Rosenberg, Esq.  
Hall & Rosenberg, P.L.  
14 Rose Drive

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e-mail questions to: [angel@hallrosenberg.com](mailto:angel@hallrosenberg.com)

R.S.V.P. to Broward County Bar Association at (954) 764-8040

## ***6TH Annual Judicial Reception and Program***

Coordinated by the Jewish Federation of Broward County

**Is Florida Gambling on Its Future?**

**Monday, May 11, 2009**

5:30pm -6:15pm – Judicial Reception

6:15pm – 7:30pm – Program

Fort Lauderdale Museum of Art

One Las Olas Boulevard, Fort Lauderdale

A special award will be presented to Chief Judge Victor Tobin, 17th  
Judicial Circuit

### **Speakers**

Steve Geller, Greenspoon Marder, P. A.

George LeMieux, Gunster Yoakley

State Representative David Rivera

James Allen, CEO Seminole Gaming and  
Hard Rock International, Inc.

Couvert \$20 per person

To register go to: [www.jewishbroward.org](http://www.jewishbroward.org) after April 1.

### **Participating Organizations**

Broward County Bar Association

Broward County Justice Association

Broward County Women Lawyer s Association

B nai B rith Justice Unit 5207

Broward Hadassah Attorneys Council

The Caribbean Bar Association

The Hispanic Bar Association

The Puerto Rican Bar Association

The T.J. Reddick Bar Association

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***Broward County Bar Association's  
Young Lawyers Section Lunches***

**All YLS luncheons are held at  
the Tower Club in Fort  
Lauderdale at 12:00 p.m. The  
cost per person is \$25.00.**

**Reservations are recommended  
with the Bar (954) 764- 8040**

**Board Elections  
April 23, 2009**

**Florida Bar President-Elect  
Jesse Diner  
May 21, 2009**

**2009 YLS Golf Tournament  
Charitable Beneficiary Meeting**

The Young Lawyers Section of the  
Broward County Bar Association will  
be selecting its Charitable  
Beneficiary

on

April 22, 2009 for the 2009 YLS Golf  
Tournament that is scheduled to  
take place in  
October/November 2009.

Any Charities interested in attending  
the April 22, 2009 meeting should  
contact Meghan M. Clary, Esquire  
at 954-525-6566 or via e-mail at  
meghan@cmfamilylaw.com.



**YOUNG LAWYERS SECTION  
JUDICIAL RECEPTION**

*(\*\*Complimentary for all Members of the Judiciary)*

**DATE: Thursday, May 7, 2009**  
**TIME: 5:30 - 7:30 p.m.**  
**LOCATION: New River Center Rotunda**  
**200 East Las Olas Boulevard**  
**(Sun-Sentinel Building --**  
**S.W. corner of Las Olas & 3rd Ave.)**

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All sponsors will also receive:

-Name displayed on signage at event.

-Recognition in the BCBA monthly newsletter, the *Broward Barrister*

Individual tickets for reception are \$35.00 for members of the BCBA  
and \$45.00 for non-members. Entrance tickets include complimentary  
hors d'oeuvres, cocktails and desserts.

Please make checks payable to "Young Lawyers Section-BCBA" and mail to:  
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alan.raines@brinkleymorgan.com

Kindly R.S.V.P. via phone to Sharon McGuire at (954) 522-2200

## A Special Thank You...

At press time, these are the individuals who have made contributions this current fiscal year to our Mortgage Reduction program that was created to help BCBA pay down the mortgage on the Norma B. Howard Bar Center. Each individual received a blue and gold BCBA lapel pin.

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\$ 7,477.77



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### Panel Member Profile



Mary H. McCleary received her BA from Florida Atlantic University in 1971 and an MBA in 1975. She received her JD from Nova University in 1978 and has pursued a diverse legal career including both civil and criminal cases. Since 1992 Mary has been Of Counsel to the AV rated firm of Bogenschutz and Dutko, P.A. She is active in multiple legal associations includes the Academy of Family Mediators and Association of Broward County Mediators. Mary is a Certified Civil Circuit Mediator and has been a Certified Family Law Mediator since 1994. Se Habla Español.

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CO-COUNSEL PARTICIPATION IN CRIMINAL MATTERS AS PROVIDED BY THE RULES AND REGULATIONS OF THE FLORIDA BAR

## Lawyers in the LIMELIGHT

**Nancy M. Stuparich, Esq.**, with the law firm of Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. recently spoke at a seminar in Jacksonville Florida, during the 2009 Planning Forum sponsored by the Center for Building Better Communities at the University of Florida, College of Design Construction and Planning. Stuparich spoke on the topic of "Planning Law in Florida: Constitutional & Legal Foundation for Planning."

GrayRobinson, P.A., Florida's leading law firm, today announced that **Charles T. Wells**, Justice of the Florida Supreme Court, has joined the firm in an "of counsel" capacity. He will maintain offices in the firm's Orlando and Tallahassee locations.

**John L. Lambros**, a partner with Brinkley, Morgan, Solomon, Tatum, Stanley & Lunny, has been appointed to Broward County's Animal Care Advisory Committee.

**Scott Chitoff** of Brinkley Morgan, Solomon, Tatum, Stanley & Lunny, has been named a member of the Broward County Courthouse Task Force.

**Quentin E. Morgan**, associate with the Ft. Lauderdale firm of Brinkley, Morgan, Solomon, Tatum, Stanley & Lunny, has been re-elected chairman of the Broward County Parks & Recreation Advisory Board.

**Susan L. Trevarthen** and **Nancy M. Stuparich** of Weiss Serota Helfman Pastoriza Cole & Boniske in Ft. Lauderdale spoke at a seminar titled "A Planner's Guide to Law and Ethics" held at Florida Atlantic University's Downtown Campus.

Fort Lauderdale based **McIntosh, Sawran, Peltz & Cartaya, P.A.** proudly celebrates its 20th anniversary.

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The Board of Directors of the Broward County Bar Association would like to thank Roger H. Staley and Barbara K. Sunshine for their tireless efforts on behalf of the BCBA Mortgage Reduction Campaign.

We honor the members of the Past President's Council of the BCBA for making a Major Gift to the Mortgage Reduction Campaign.

### Past President's Council Major Gift Contributors



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# PHOTO GALLERY



**Russ Carlisle, Recipient of 2009 Tobias Simon Pro Bono Service Award**  
From left to right: Frank Walker, Kim Zaffere, Kathy Thomsen, Tony J. Karrat, Russ Carlisle with his secretary Mary Alice Denny; Christopher M. Chris Neilson, Barbara J. Prager with Jeff Ahren, Legal Aid of Collier County, inside the Florida Supreme Court, in January.



More than eighty attorneys attended the BCBA's 2009 Annual Workers Compensation Seminar held last February 27th at the Riverside Hotel. Pictured from left, from the Office of Judges of Compensation Claims, are The Honorable Kathryn S. Pecko, The Honorable Daniel A. Lewis, The Honorable Geraldine B. Hogan and Chief Judge of Compensation Claims David Langham. At right is Rich Wagenheim, Wagenheim & Wagner, P.A., Chair of BCBA's Workers Compensation Section, who chaired the event.



**B'nai Brith Justice Unit #5207 Installation**  
Judge Peter M. Weinstein, with Broward County Mayor Stacy Ritter, at his Installation as president of the B'nai Brith Justice Unit, # 5207, on March 8.

## St. Thomas More Society of South Florida

### 20th Annual Red Mass, Reception & Dinner

Thursday, June 4, 2009

Red Mass Celebrated by Archbishop John C. Favalora  
6:00 P.M.

St. Anthony Catholic Church  
901 N.E. 2<sup>nd</sup> Street  
Ft. Lauderdale, Florida

Complimentary Reception - 7:30 P.M.  
Dinner – 8:30 P.M.

Marriott Harbor Beach Resort  
3030 Holiday Drive  
Ft. Lauderdale, Florida

**Guest Speaker: Cardinal Theodore Edgar McCarrick,  
Cardinal Archbishop Emeritus of Washington, D.C.**

\$ 65.00 per person

Limited Seating/Reservations only/Reservations Deadline is May 15, 2009

Mail Checks, made payable to "St. Thomas More Society", to:  
Donald A. Wich, Jr., Esq.  
WICH, WICH & WICH, P.A.  
2400 East Commercial Blvd., Suite # 620  
Fort Lauderdale, FL 33308

**Professionalism Seminar – 3 Florida Bar CLE Credits  
[Date to be announced.]**

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