



Broward County Bar Association BARRISTER

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BCBA Sponsors Legal Aid 'For the Public Good' Event

BCBA Board Member Todd McPharlin, right, presents \$2500 sponsorship check to Legal Aid Services of Broward County, Inc. Executive Director Anthony Karrat, for BCBA's support of the 'For The Public Good' Event to benefit Legal Aid Service of Broward County, Inc. The event is scheduled for October 14, 2011.

Important Upcoming Dates

- The Bar at the "Bar" Networking Happy Hour, September 15 at 5PM
- The West Broward Luncheon, September 22 at 12PM
- The Solo/Small Networking Dinner, September 21 at 6PM
- 24th Annual YLS Charity Golf Tournament, October 15 at 8AM
- BCBA Holiday Party, December 8 at 5:30PM

For more information see page 32

Thank you to Sabadell Financial Bank for their generous yearly sponsorship



From Left to right: Bruce Hecker, Jordana Goldstein, Frank Wagner, Bruce Weihe



PRESIDENT'S MESSAGE

by Jordana Goldstein

This month I would like to introduce myself to those of you I have not had the opportunity to meet and to share with you some of my goals for the coming year. As some of you may know, I am Board Certified in Construction Law and I am a partner with the law firm of Ferencik Libanoff Brandt Bustamante and Williams, P.A., in Plantation, which is a full service construction law firm focusing on the enforcement and defense of construction defect claims, construction lien and payment bond claims, construction products liability actions, professional liability claims and defense, delay claims and other construction contract disputes as well as the negotiation and drafting of construction contracts. Our clients include developers, general contractors and their sureties, major subcontractors, suppliers and manufacturers, state and local government agencies, and design professionals. For the past fourteen years, I have had the opportunity to practice amongst some of the most highly skilled lawyers I have ever known in an area of the law that was at one time foreign to women. I am so grateful for having had incredible mentors and to be part of a firm that continues to support and encourage my involvement in the Broward County Bar Association.

Back in 1997, I first became active in the Young Lawyers Section of the Broward Bar, and ultimately served as President of the Section for a one year term beginning in 2003. During my tenure on the Young Lawyers' Board, one of my most memorable experiences was having had the opportunity to serve in the capacity as chairperson for their annual "Holiday in January" event, which benefits children in foster care. I was elected to the "Big Bar" in 2005, and chaired various committees until 2008, when I became a member of the Executive Committee of the Bar during which time I served as Secretary, Treasurer, President-Elect and now finally President. I chose to become a member of the Broward Bar for one simple reason - because I fundamentally believe that all lawyers in our community should be active members of "their" Bar Association. I have learned over the years that you really get more out of being a member of the Bar, then what you put in. The networking and professional opportunities are endless. So are the educational opportunities. Nowhere can you find more diverse CLE programs at such little cost than at the Broward Bar. Besides the myriad of member benefits and discounts, the Bar also offers ample opportunity for attorneys to socialize with their fellow colleagues and judges at various Bar sponsored events.

As President of the Broward Bar this year, my first goal is to increase membership which is the lifeblood of our organization. To accomplish this goal, I plan on working with our membership committee to develop ideas on how we can offer more benefits to our members. In addition, I plan on working

with our social committee to organize and plan events which will increase the amount of networking and social opportunities for members. My second goal is to increase educational opportunities for the attorneys in our community and their staff, by offering more CLE programs. This year each of our twenty practice sections are being required to conduct a minimum of two CLE programs as well as to write a substantive article for the Barrister. My third goal is to raise additional funds for the Bar. It goes without saying that if the Bar offers more programs and events for its members, the more the Bar's costs will increase and, therefore, we will be required to find ways to offset those costs. Another important goal is to increase our involvement in pro bono activities. Through the efforts of the Seventeenth Judicial Circuit Pro Bono Committee, we intend to develop a way to gather and report on the pro bono activities already being performed by the various voluntary bar associations in our area, which information will then be shared with our members so they are made aware of the various ways they can provide pro bono services to the community. Additionally, we will continue to educate, support and encourage our members to participate in the Tracey McPharlin Dependency Initiative, which is a program that provides pro bono attorneys to represent children in Dependency Court. Another objective I hope to achieve is to arrange community service projects and/or events for our members to participate in. Whether it be participating in a walk-a-thon for a particular charity or cause or organizing the collection of canned good for the various food pantries in our community, I believe it is important for the members of the Bar to give back to the community in which we all live and work. Finally, while my term as President lasts only a year, I believe it is important to develop a long term plan for the Bar. As I envision our membership continuing to grow and more programs and benefits being offered to our members, I believe that the building in which our Bar staff works and where so many of our events take place, will no longer be functional. The main building is deteriorating in parts and is in desperate need of updating. At this point, we simply have outgrown the space. For these reasons, I plan to create an exploratory committee to investigate the feasibility of constructing a new bar facility. I imagine a building that not only will house our bar staff, but will be a place where we can host large events, and where various individuals and entities can rent space, which will allow the Bar to generate income for years to come. While some of these goals may be more difficult to achieve than others, I am confident that with the assistance of the Bar staff, the current Board of Directors, the chairpersons of our various Sections and Committees, and you the members, these goals are surely attainable.



A Message from Bart Ostrzenski President, Young Lawyers' Section

Although at the time this article was written, the August 25, 2011 Judicial Panel CLE Luncheon at the Tower Club had not yet happened, I believe

that when you have a panel consisting of distinguished Judges, as we do, you simply can't go wrong. As such, I am going to call it a smashing success, in advance, and thank Judges Imperato, Levenson, Rothschild and Diaz for providing a comprehensive and insightful presentation. Also, I want to thank everyone who attended. We very much appreciate your support.

Moving back to the recent past, on Thursday, August 11, 2011, the YLS co-hosted a happy hour meet-and-greet with Emerge Broward at the Tower Club. For all of you who attended, you know what a great event it was. The Tower Club was filled with young professionals who are unquestionably the future leaders of South Florida. Judging from the participants there, I firmly believe that we are in good hands. This was our third collaboration with Emerge Broward and I sincerely look forward to working with them again.

This year, we are holding the YLS Annual Charity Golf Tournament a full month earlier than ever before, which is on Saturday, October 15, 2011 at Jacaranda Golf Club in Plantation. As I mentioned last month, this year's Tournament beneficiary is a very special project; The Tracey McPharlin Pro Bono Dependency Recruitment Initiative, which is associated with Florida Children's First. I am very excited about this partnership. The YLS mission statement specifically sets forth our goal to carry out projects for the betterment of relations between the members of the Section, Bar, bench, and community, as well as to organize charity and community events helping the community. In this case, we have a perfect mix of legal and public need merged into one charitable cause. We need your support. As such, I am formally extending an invitation to participate as a golfer or a sponsor. There is a golfer sign-up sheet contained in this Barrister issue. For sponsorship opportunities or other general questions, please contact Meghan Clary at meghan@cmfamilylaw.com. Don't forget, the hour in support of the charity and Tournament is Thursday, October 6 happy. This year, the Happy Hour will be Vibe Las Olas, which is located at 301 Las Olas Boulevard. We will be providing a complimentary drink and appetizers.

Looking ahead, I am happy to announce that Paula Black has agreed to be our speaker for the Thursday, September 22, 2011 luncheon at the Tower Club at noon. For those of you who are not familiar with Paula Black, she has 26 years of experience in branding and positioning. For the last 15 years she has focused specifically on the business of law, working with firms ranging from 1 attorney to 1,000 attorneys to separate themselves from their competitors and achieve the growth they desire through powerful branding, consulting and one-on-one coaching. We are very grateful to have Paula Black speak and you will be seeing e-mails about this luncheon. Nevertheless, if you have any additional questions, please contact Lindsay Corcoran at Lindsay@brydgerporras.com.

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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SEO or Social Media: Finding Your Best Law Firm Marketing Mix

By Margaret Grisdela

Internet marketing, like the law, is becoming very specialized. Rapid changes in technology and the number of outlets available to promote your law firm's services make it difficult if not impossible to keep up with all your online marketing options.

A busy attorney like yourself is faced with a bewildering array of Internet marketing choices. This article compares SEO to social media, in an effort to help you determine the right blend for your law firm.

SEO Gets You Noticed in Google

Search engine optimization (SEO) is a set of techniques designed to increase the visibility of your website in the "free" or "natural" search engine results that typically appear on the left side of the search engine results page below any paid Google AdWords listings.

Appearing on the first page of the natural search results for your primary keywords (like "Fort Lauderdale divorce lawyer") is extremely valuable in driving traffic to your website, since the majority of users prefer to click on a free listing rather than a sponsored ad.

An entire industry of search engine "optimizers" has developed to help companies achieve high rankings in the natural search engine results. Common techniques to improve your placement on Google include:

- Build inbound links from relevant independent sites (like the BCBA)
- Maximize use of keywords throughout your website
- Keep website content fresh with current articles and news items
- Use a distinct "title tag" and other meta tags for each web page

Social Media is about Online Conversations

Facebook, Twitter and LinkedIn are leading examples of "social media," which refers to a class of Internet and mobile tools for online networking, collaboration, and information sharing of user-generated content among web-based communities. Static web pages are yielding to dynamic interaction between people and businesses

around the world.

Social media does not have pure SEO value, primarily because of the way the links that originate at the social media site and point your website are structured. (Technically speaking, these are "no follow" links that do not carry the Google Page Rank from the originating site.)

Social media does, however, offer extremely strong incentives for law firm marketing. Specifically, sites like Facebook, Twitter and LinkedIn drive inbound traffic to your website, create conversations among your followers, inform your audience about upcoming events, and attract new prospects.

What Marketing Mix is Right for You?

Both approaches have value, and either one can be successful on a stand-alone basis. The most powerful results will be achieved when you can blend both strategically to attract and keep an online audience. Don't feel that you have to do it all yourself, however. Lining up dedicated internal or external resources with responsibility for maintaining a consistent marketing program is a profitable investment in the long term.

***About the Author:** Margaret Grisdela is president of Legal Expert Connections, a national legal marketing agency, and the author of *Courting Your Clients*. She is the social media sponsor for the BCBA and manages the blog. Contact her at 561-266-1030, via email at mg@legalexpertconnections.com, or www.courtingyourclients.com.*

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RECENT DEVELOPMENTS IN THE LAW

By Nancy Little Hoffmann

1. Attorney's Fees/Second Tier Certiorari Review

Ramirez v. United Automobile Insurance Company,
36 Fla. L. Weekly D___, Case No.: 3D11-1208
(Fla. 3rd DCA August 17, 2011).

The successful plaintiff in a county court PIP case was denied attorney's fees by the appellate division of the circuit court, although it simultaneously affirmed the money judgment. The plaintiff then sought certiorari review, which the Third District granted. In a strongly worded opinion, the court held that where "absolutely nothing can be said for the correctness of the order in question," and the insurer acknowledged as much, its counsel should have confessed error.

2. Attorney's Fees/Offer of Judgment

Gonzalez v. Claywell,
36 Fla. L. Weekly D1784 (Fla. 1st DCA August 15, 2011).

Where a plaintiff's proposal for settlement required that defendant's insurer tender a check well in excess of its policy limits, even though there had been no determination that the insurer was liable to do so, the proposal for settlement was invalid and unenforceable since it was impossible for the insured to meet the conditions of the proposal. Accordingly, the First District reversed an award of attorney's fees.

3. Certiorari Jurisdiction

TBE Group, Inc. v. Banerjee,
36 Fla. L. Weekly D___, Case No.: 4D11-1580,
(Fla. 4th DCA August 17, 2011).

Because it has previously dismissed petitions for certiorari challenging non-final orders that denied claims of sovereign immunity, the Fourth District dismissed a petition challenging the denial of summary judgment based on a corporation's claim of immunity as an agent of the state. However, acknowledging that the supreme court has accepted review of a similar issue, the court certified to the supreme court the question of whether review in such cases should await the entry of a final judgment.

Florida State University Board of Trustees v. Monk,
36 Fla. L. Weekly D1704 (Fla. 1st DCA August 4, 2011).

After being sued for defamation for publishing an allegedly false report concerning an academic learning specialist, which suggested that she was involved in providing test answers to student athletes, FSU moved to dismiss on immunity grounds. The trial court denied the motion as premature. The First District granted certiorari, explaining that denial of certiorari would render immunity meaningless, since absolute immunity protects a party from having to defend a lawsuit at all. On the merits, the court found that FSU was immune from suit, since statements made by government officials in connection with their official duties is absolutely privileged, and FSU is an executive branch entity.

4. Certiorari/Discovery/Medical Malpractice

Acevedo v. Doctors' Hospital, Inc.,

36 Fla. L. Weekly D___, Case No.: 3D10-2257,
(Fla. 3rd DCA August 17, 2011).

Although acknowledging that certiorari is rarely granted to review denial of discovery, the Third District granted certiorari and quashed a trial court order directing redaction of comments and opinions from adverse medical incident reports. The court held that not only was the information sought material and essential to plaintiffs' case, but redacting the information presented an unwarranted interference with their constitutional right under Amendment 7 ("Patients' Right to Know About Adverse Medical Incidents"). Denying access to the redacted portions of the Amendment 7 reports would deprive plaintiffs of a constitutional right, justifying certiorari review on that ground as well. The court declined to extend the work product privilege to the comments and findings of hospital personnel contained in the reports, since to do so would undermine the broad scope of Amendment 7.

5. Collateral Source/Police Pension Death Benefit

Russo v. Lorenzo,
36 Fla. L. Weekly D1758 (Fla. 4th DCA August 10, 2011).

In a trial for the wrongful death of a police officer in a vehicle collision, the trial court refused to permit the defendants to elicit testimony concerning the payments the officer's widow was receiving from the city, which represented about 60% of the decedent's salary. The plaintiffs had argued that the benefit was not a pension but was a death benefit akin to life insurance; the defendants argued that plaintiffs had unfairly suggested to the jury that plaintiffs had wholly lost the decedent's pension. After analyzing the collateral source statute, the Fourth District held that the admissibility of the evidence turned on its character or nature. The court concluded that to the extent the payments the wife received were paid in lieu of the decedent's anticipated pension benefits, there was no "loss" of the source of support, and the defendant should have been permitted to cross-examine the plaintiffs' economist on this issue. The court affirmed the verdict for the plaintiffs, but remanded for entry of a corrected judgment on damages.

6. Dissolution of Marriage/Enforcement of Final Judgment After Death of One Party

Estate of King v. King,
36 Fla. L. Weekly D1651 (Fla. 4th DCA August 3, 2011).

After entry of the final judgment of dissolution, incorporating a marital settlement agreement, and the subsequent death of the former husband, his estate sought to be substituted in his place in order to enforce the settlement agreement with respect to the former marital residence. The trial court denied the request and ordered the estate to proceed in probate. Reversing, the Fourth District held that since the former husband's death did not occur until after entry of the final judgment, it did not terminate the proceedings, and the trial court should have permitted substitution to allow the estate to preserve its rights.

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.

COURTHOUSE LAW LIBRARIAN CELEBRATES 30TH YEAR

by
William G. Crawford, Jr.

Jeanne Underhill, Law Librarian of the Lamar Warren Law Library of Broward County, always wanted to be a librarian. In fact, Jeanne didn't go to law school to become a lawyer; she went because she wanted to become law librarian. On Wednesday, August 24, Jeanne celebrates thirty years as Broward County Courthouse Law Librarian.



Born and raised in Texas, Jeanne became so interested in becoming a librarian, she even volunteered in her high school library. After high school, Jeanne attended colleges in San Francisco and Honolulu. She obtained her bachelor's degree in English and a master's degree in library science at the University of Hawaii at Honolulu. Several years later, she earned a law degree at South Texas College of Law at Houston. After serving as a law librarian for several law firms in Houston, Jeanne took a job in Florida as a Reference Librarian at Nova University's Law Library in March 1978, teaching students how to use a law library.

On August 24, 1981, the Broward County Law Library Committee of the Bar Association, headed by Judge Herb Moriarty as Chairman, picked Jeanne as the Courthouse Library's first professional law librarian, succeeding Estra Pillau. Pillau had served twenty-four years as librarian on the fourth floor of the old George W. Tedder, Sr. Wing of the Courthouse. Pauline Steuer, the first lawyer to serve as librarian, headed the library for four years, following

Angeline Weir, the first librarian, who served for five years from 1955 until 1960, while she went to law school at night and worked in the County Solicitor's office.

For the last thirty years, Jeanne has overseen major changes in the library from its removal to new digs in the first floor of the North Judicial Wing, to struggling over forecasting budgets under state court funding challenges, to a change in law resources from primarily books to a growing collection of electronic resources. Believe it or not, Jeanne supervised the installation of the first computerized search and retrieval system, LOISLAW. The company installed the system for free to demonstrate its usefulness. Today, the Law Library enjoys one of the most beautiful and spacious environments for legal research in south Florida. The Library offers free public access to WESTLAW, LEXIS, and FLORIDA LAW WEEKLY as well as one of the finest collections of hardbound books anywhere, and beautiful conference and study rooms. And the view of the New River from the Library's re-configured northern space is just, well...magnificent. We congratulate Jeanne on her thirtieth anniversary as Law Librarian and thank her for her thirty years of dedicated service.



How David beats Goliath in 2011

By
Janet Kyle Altman

In the story of David and Goliath, the underdog beats a bigger, more experienced and better-armed opponent with five smooth stones. David is nimble, and his tactics are unconventional. And though it's tempting to call him an outlier, according to political scientist Ivan Arreguín-Toft, smaller and nimbler forces win all the time using unconventional and unexpected strategies.

The iPad provides a growing arsenal to the Davids of the legal profession. Its portability, ease of use and innovative apps help solo practitioners and small to mid-sized firms beat larger and more powerful opponents all the time.

It's rare to walk into a courthouse these days without seeing an attorney scrolling through email or doing some quick research on his iPad. Many professionals have been drawn to the iPad's convenience for document sharing, email monitoring and more. For lawyers whose practices span several counties or states, the iPad's portability is a tremendous advantage. Now apps are available which take the iPad beyond convenience to deliver tangible benefits. Here, a few examples.

1. Improve effectiveness in court, and cut costs

If it seems like jurors are less focused on your case than they used to be, it's not your imagination. Technology (first the Internet, now smartphones and tweets) has changed the way messages are delivered and absorbed. Your spellbinding oral argument about the breach of contract that damaged your client's widget distribution empire just doesn't deliver the volume of stimulation our brains have come to expect. Presenting evidence electronically has become virtually essential.

And if you thought it was only available for the big budget matters, the news is excellent: the power of technology is now at the fingertips of any attorney, for any matter, using TrialPad for iPad for just \$89.99.

TrialPad lets you organize documents in case folders and annotate, highlight and redact them for presentation to judge or jury. You can annotate the same document in different ways for different witnesses and save them as "HotDocs" for easy access. And if you need to redact or highlight something on the fly, it's not projected to the courtroom till you're ready. If you've ever wrestled presentation boards into a courthouse during a rainstorm, faced the exclusion of an important exhibit because one small section was inadmissible, or hauled towers of boxes to court in case you needed an additional document, this App is a game-changer.

2. Access files from anywhere, and improve efficiency

Dropbox is a must-have. It gives you instant access to your documents from your iPad, or pretty much any other device. Put case files, transcripts or exhibits in your little piece of the cloud and they're at your fingertips. Files and transmission are encrypted. 2GB are free, and subscriptions up to 100GB are available for just \$19.99 a month, with a discount for annual subscriptions. You can even create shared folders, so your associates, clients and experts can add documents or see your annotations.

3. Get legal research on the fly, cost effectively.

Legal research apps abound, from familiar providers like Westlaw and Lexis Nexis to newer players focused on mobile access and powerful search tools. Your needs will drive your choices here, but check out Fastcase. The iPad app is free, and includes many of the benefits of their highly regarded web-based application, including cases and statutes from all 50 states and the federal government, and excellent search functions. Fastcase was voted #1 in Customer Satisfaction by Law Technology News.

4. Streamline practice management and client development

If you think practice management is just about keeping track of time and billing for existing clients, you're missing the boat. The lean nimble law firm recognizes that tactics used in other industries can make the difference in business development. My Real Practice gets it: this app gives mobile access to contacts, matters, tasks, and billing tools. You get templates to create a website, and tools to monitor incoming prospective client leads. The basics are free and premium membership starts at \$29 setup plus \$19 per month.

Advances in technology have always helped innovative small to mid-sized firms leapfrog larger firms that can be weighed down by bureaucracy and politics. The iPad is the best example yet, helping agile players improve productivity, cut costs, and deliver better results for clients.

Janet Kyle Altman is marketing principal with Lit Software, LLC, a joint venture of Kaufman, Rossin & Co., and Saurian Litigation Support. She can be reached at janet@litsoftware.com.

The opinions expressed are those of the author and do not necessarily reflect the opinions of the Broward County Bar Association and/or its members.

A number of blogs discuss and review iPad apps for lawyers. Check out:

- Tablet Legal by Josh Barrett <http://www.tabletlegal.com/>
- Legal iPad by Niki Black <http://legal-ipad.com/>
- WalkingOffice by Rob Dean <http://www.walkingoffice.com/>
- TechnoEsq by Finis Price <http://www.technoesq.com/>
- iPad 4 Lawyers by Tom Mighell <http://ipad4lawyers.squarespace.com/>
- iPhone J.D. by Jeff Richardson <http://www.iphonejd.com/>
- The Mac Lawyer by Ben Stevens: <http://www.themaclawyer.com/>
- MacLitigator by Peter Summerill <http://www.maclitigator.com>
- Court Technology and Trial Presentation by Ted Brooks <http://trial-technology.blogspot.com>
- Macs in Law by Brett Burney: <http://www.macsinlaw.com/>
- The Hytech Lawyer by Bill Latham: <http://hytechlawyer.com/>

At its July 29, 2011 meeting in Palm Beach, The Florida Bar Board of Governors:

Heard from Bar President Scott Hawkins that Gov. Rick Scott had rejected two of the 26 slates of judicial nomination commission candidates submitted by the Bar in May. Scott rejected the slates for the 17th Circuit JNC (although he appointed one nominee on the 2011 slate to a 2010 position) and the Fourth District Court of Appeal JNC. Hawkins said the governor's general counsel did not give a reason for the rejection but did note F.S. §43.291 gives the governor authority to reject a Bar-nominated slate. Hawkins said the Bar would advertise for new applicants and the Executive Committee would select another slate for those two JNCs.

Heard Supreme Court Justice Charles Canady warn that the courts still face money shortfalls because funding remains heavily reliant on foreclosure filing fees. He said foreclosures have increased slightly from earlier in the year but not enough to meet the revenue projections that legislators used in setting the courts budget. Without a further significant increase in those filings, the courts will have to go back to lawmakers and the governor for additional loans to make it through the 2011-12 fiscal year, which began with a \$54 million loan from the state. "This is an intolerable situation for our branch and we have got to in this next session of the Legislature get . . . a funding arrangement that is reliable," the chief justice told the board.

Approved, upon the recommendation of the Legislation Committee, allowing the Legal Needs of Children Committee to advocate for legislation allowing children sentenced in adult criminal court for more than 10 years to have a meaningful opportunity for early release based on demonstrated maturity and rehabilitation.

Approved, upon the recommendation of the Board Review Committee on Professional Ethics expressing concerns to the ABA on changes to two preliminary proposals from the ABA Commission on Ethics 2020 affecting outsourcing of legal services and on technology, largely because the suggested changes were less strict than current Supreme Court rules. Upon recommendation of the Standing Committee on the Unlicensed Practice of Law the board voted to object to three proposed changes from the ABA ethics commission. Those are to allow attorneys from other states to practice for a certain amount of time, to be determined by the Supreme Court, either as attorneys or authorized house counsel while their petition to join The Florida Bar or to become an authorized house counsel is pending; to allow a lawyer licensed in another country to appear pro hac vice in Florida; and to allow attorneys licensed in other countries to become authorized house counsel in Florida. The board, on the recommendation of the Standing Committee on UPL, voted to support the ABA ethics commission's recommendation that attorneys from other countries can engage in limited and temporary practice in Florida, since that tracks the Supreme Court's rule on multijurisdictional practice.

Heard former Bar President Herman Russomanno, a member of the ABA Commission on Ethics 2020, report on the commission's activities. He said the commission welcomed any input and would not be making any recommendation to the House of Delegates before the ABA's August 2012 annual convention.

Heard Florida Bar Foundation President Michele Cummings report that Florida IOTA income has declined 88 percent because of low interest rates, with little improvement expected until late next year at the soonest. The Foundation has used most of its reserves set aside for difficult economic times, she said, and is now exploring working with banks and capital markets on getting a loan to help continue funding legal aid programs, with the loan to be repaid when interest rates recover.

Heard Investment Committee Chair Ian Comisky report that the committee is closely monitoring federal debt ceiling extension negotiations because of the potential impacts a deadlock could have on Bar investments. He also reported the Bar's investment funds, after another positive quarter ending in June, are at an all time high.

Recommended the Supreme Court approve expedited amendments from the Civil Procedure Rules Committee. Committee Chair Kevin Johnson said the rules are the first codification in Florida procedural rules for handling electronic discovery and are based, with some changes, on federal rules. The board also recommended approval of three-year cycle rules amendments for Juvenile Procedure Rules, Traffic Court Rules, and Criminal Procedure rules.

Heard a lunchtime address from Prof. Thomas Morgan of the George Washington College of Law on changes in the legal profession. He said the rapid growth in the number of lawyers, a difficult economy, technology, and the lack of control by bar associations over the legal marketplace are combining to put new pressures on the practice and also leading to rapid changes. Lawyers are likely to have to become more specialized to deal with those changes and be expected to deliver "Wal-Mart efficiency with a Neiman-Marcus feel."

Heard Program Evaluation Committee Chair Jay Cohen report the committee would be examining in the coming year a designated seat for government lawyers on the Board of Governors or alternative way of bringing government lawyers into the operations of the Bar and board. Other committee projects are a review of the Lawyer Referral Service Committee, study of what is being done to help the perception of lawyers and judges including relating to next year's merit retention elections, renaming the Judicial Independence Committee, and looking at the role of the procedural rule committees.

Heard Communications Committee Chair Greg Coleman report that the committee is working at improving all levels of Bar communications. He noted President Hawkins has sent a short video to all Bar members and which is also posted on the Bar's website. He said a similar video is planned quarterly. The committee is looking at how to effectively communicate both with Bar members and board members during legislative sessions, and with Bar committees, sections, and divisions and with local bars. He said the committee also will be looking at how technology is affecting the practice of law. The committee also recommended and the board approved adding two new areas to the profiles members can post on their member page on the Bar's website. One is to allow lawyers to list their certification in civil and/or family law by the National Board of Trial Advocacy and their status as a civil law notary, which allows lawyers to assist in Hague Convention issues worldwide.

Heard Disciplinary Procedure Committee Chair Clif McClelland report the committee will be recommending a change to trust accounting regulations to require law firms to have written policies spelling out who in the firm is responsible for trust accounts and the duties of other partners and associates. He said the committee is soliciting sample policies from lawyer and law firms so one can be included in the rules. The change recognizes the reality that in many firms, especially large firms, associates and some partners have little effective control or oversight of trust funds.

Heard Executive Director John F. Harkness, Jr., report that 3,500 people – the largest number every – were taking the next bar exam. He said typically 75 to 78 percent pass and become Bar members. He added that the Bar used to get around 2,000 new members annually, but that is now running 2,500 and is combined with another trend of fewer older lawyers choosing to retire, leading to a rapid growth in Bar membership.

Obama and the Middle East: Applying Mediation Methodology to the Peace Process

By Denise Tamir, Esq.

Florida Supreme Court Certified / Circuit Civil and Family Mediator

In watching the deteriorating relationship between the Obama administration and Israeli leadership this summer, it occurred to me that if the US administration's role is a neutral facilitator of the peace negotiation process, then President Obama's failure in the Middle East can be explained through the paradigm of mediation. Mediation is process that invokes the skills of a trained neutral who facilitates a dialogue between adversarial parties to help them craft their own agreement. Unlike a judge or arbitrator, a mediator can not impose an agreement on the parties. In a sense, President Obama holds himself out as such a neutral, purporting to facilitate the Middle East peace talks as an outsider. When evaluating the President's recent conduct using mediation methodology, however, President Obama shows that he is anything but neutral.

In order to understand why the Obama strategy is failing, just consider the mediation process. A mediation usually begins with all parties together so that each side can hear the other's point of view directly from them, unfiltered by attorneys and evidentiary rules (or in this case of international relations- diplomats and negotiators). Each party will hopefully become more realistic about what parts of its position are achievable and what parts are not (think President Clinton's Camp David). The process is confidential and barring very limited exceptions, including agreement of the parties, neither the parties nor the mediator may discuss what happened during the mediation with outsiders after it is over. The rationale is that the parties must be comfortable enough to speak freely, without worrying that what they say will be used against them in subsequent litigation, or in this case, in the UN and world public opinion.

More often than not, mediators will also speak to the parties privately in order to learn more about a party's position, understand issues a party may want to keep confidential, and push a party to be more realistic in its evaluation of its own position. This private meeting, a caucus, is confidential between the parties to the extent the party wishes it to be. In other words, the mediator may only share the parts of a caucus discussion that the disclosing party gives permission to share. In successive private or joint meetings, the mediator will question and discuss the merits of each party's position in an effort to bring them closer to an agreement. (For those old enough- and it pains me to admit that I am old enough- think Henry Kissinger's shuttle diplomacy). One cardinal rule of this process; the mediator must only negotiate each party's position- no more and no less. The mediator should never demand something the party did not ask for. To do so crosses the line from neutral mediator to advocate for a party.

So how well has President Obama done as a mediator of the Palestinian-Israeli conflict? In a word; abysmally. First, he disclosed confidential discussions with parties, not just to the other party, but to the world. Claiming that he needed to jump start the process, President Obama violated the pact of confidentiality required for any successful mediation. If, as President Obama claimed, Israel discussed the return to pre-1967 borders behind closed doors, Israel certainly did not give him permission to disclose this publically. To the contrary, U.S. administration officials assured Prime Minister Netanyahu as late as days before the speech that President Obama would not mention pre-1967 borders. Not only was the disclosure made without Israel's permission, it was made while the Prime Minister was on a flight bound for the U.S. and unable to respond. Sandbagging a party in this manner destroys trust between the party and mediator, rendering any future dialogue extremely difficult.

Second, not only did President Obama disclose Israel's bargaining position without permission, he misrepresented it as well. He stated that Israel should return to pre-1967 borders* as a starting position, without mentioning Israel's condition for such a move; that the Palestinian refugees and their descendants give up the Right of Return into Israel in favor of a Right of Return to the newly created Palestinian state. President Obama demanded Israel's bottom line from Israel, without pressuring the Palestinians for Israel's condition, thus leaving Israel with no bargaining chip. Only Jerusalem, which Israel has always stated is not negotiable, remains as leverage against a flood of refugees that will turn the Jewish state into a Palestinian one. Thus, President Obama has fundamentally changed the equation long understood between the parties: from land concessions in exchange for giving up the right of return, to land concessions to start, and Jerusalem in exchange for the right of return.

Third, President Obama asked for more than the parties themselves requested on two occasions. The first time was during the Cairo speech in 2009 when President Obama demanded that Israel freeze settlement development as a precondition of continued peace talks. He made a demand of Israel that the Palestinians themselves had never asked for; and once he asked for it, the Palestinians would certainly accept nothing less. In this instance, President Obama crossed the line from neutral mediator to advocating for the position of the Palestinians. Even so, Prime Minister Netanyahu froze settlement construction for ten months (paying a huge domestic political price in the process) but the Palestinians never stepped up, and instead refused to return to the negotiating table.

In his May 19, 2011 speech, once again, President Obama asked for something the Palestinians themselves never did; retreat to pre-1967 borders as a starting point with no concession in return. Once Obama put himself out in front of Palestinian demands, there was no reason for the Palestinians to return to the negotiation table with anything less. Rather than being a neutral and impartial facilitator of a discussion between the parties, President Obama began advocating the Palestinian position better than the Palestinians.

Even Prime Minister Netanyahu's subsequent conduct in the Oval office, which has been both criticized and praised, can be explained through the paradigm of mediation. Once a party's position is undermined, the party will usually respond by becoming defensive, rude, or even leaving the negotiation entirely. To his credit, the Prime Minister did none of these. Instead, he masterfully reframed the discussion from what Israel must do to help create a Palestinian state to what the Palestinians must do to recognize a Jewish one.

Before President Obama's mediator missteps, Israeli and Palestinian officials were meeting on a regular basis to coordinate anti-terror investigations and lay the groundwork for so called final status talks. Since President Obama has taken office, however, the relationship between Israel and the Palestinians has never been more distant. By betraying Israel's confidences, undermining Israel's bargaining position, and asking more from Israel than the Palestinians themselves had asked, President Obama has forced the parties to harden their respective positions. Moreover, he has shown bias toward one party over the other and any claim he is a neutral and impartial facilitator of the peace process is no longer credible.

Of course President Obama is not a trained mediator and the rules of mediation methodology are not applied to international relations. In watching the deterioration of the Israeli - Palestinian negotiation process this summer, however, I can only wonder how many lives might be saved if they were.

* Though Obama also included mutually agreed land swaps, this condition was rejected by the Palestinians at Camp David 2000, Taba in 2001, and the 2008 Olmert-Abbas negotiations.

Denise Tamir, Esq. is a Florida Supreme Court Certified Circuit Civil and Family Mediator with The Family Law Cooperative, (954) 367-547, www.familylawcooperative.com.

The opinions expressed are those of the author and do not necessarily reflect the opinions of the Broward County Bar Association and/or its members.

Closing the Courthouse Door

By John Uustal

In its 2011 Business Agenda, Florida's Chamber of Commerce identified "Legal Reform" as one of its top legislative priorities: "Florida is open for business once again. This simple phrase sums up the message Florida is sending the nation and the world." The Chamber, along with other special interest groups, argued that these bills would create jobs in Florida. They successfully lobbied the legislature to pass bills limiting the liability of auto manufacturers for defective vehicles, granting immunity to various entities for negligence and wrongful death, and capping recoveries against certain health care providers at \$200,000 even for wrongful death and gross negligence resulting in catastrophic injury. Florida taxpayers will now have to pay the medical bills for many Florida citizens injured by defective automobiles, injured by those who have been granted immunity by the legislature, and injured by certain health care providers.

Senate Bill 142 was drafted to reverse one of Florida's most important consumer safety laws, the "Crashworthiness Doctrine." This doctrine made manufacturers fully responsible for injuries in a crash which would not have occurred if there had been no defect. The manufacturer was never responsible for any injuries that would have occurred even if there was no defect. The new law was intended to shift part of the liability for the injuries caused by the defect to the driver who caused the crash, even though these injuries would not have occurred if there had been no defect. Obviously, the vast majority of Floridians do not have enough insurance coverage to compensate someone for catastrophic injuries; therefore, catastrophically injured victims will go uncompensated. The burden of caring for these Floridians injured by defective automobiles will shift from the foreign manufacturers of these vehicles to Florida taxpayers. The Florida Chamber of Commerce did not respond to requests to explain the new legislation and how it would create jobs in Florida.

The Medicaid Reform (SB 1972/HB 7107, 7109) signed by the governor but still awaiting federal approval, would privatize Florida's Medicare program by allowing for-profit managed care companies and HMOs to bid on recipient contracts. These private companies will be making medical decisions for Florida citizens and will have authority to limit access to services or reduce benefits. The bill will also limit the liability of practitioners, and the businesses where they practice, to \$200,000 for malpractice lawsuits brought by Medicaid recipients. Once again, the legislation shifts the cost of caring for these victims from the negligent to Florida taxpayers.

The Medical Malpractice Reform bill creates even more hurdles for victims of medical malpractice in pursuing a claim and adds more limits to potential recovery, including: new certification requirements for experts; burden of proof raised to 'clear and convincing' in wrongful death claims based on failure to order/perform supplemental diagnostic testing; malpractice policies can now contain clauses giving physicians veto power over settlement offers and liability admissions; inadmissibility of insurer reimbursement policies or determinations; inadmissibility of provider's failure to comply with federal requirements; completed HIPAA authorizations must now be attached to pre-suit notices; new disciplinary provisions for experts that the State finds to have given deceptive testimony; clarification that pre-suit work product is not discoverable or admissible by opposing parties; sovereign immunity is extended and immunizes hospitals from liability for their contracted health care providers unless they authorize or exert control over the conduct causing the injury. The legislation creates whole categories of individuals and entities that have immunity for their negligence.

These are just some of the laws passed this session which limit access to the courts for Florida citizens while limiting liability for negligent corporations and insurance companies, and even granting immunity to certain individuals and companies. It is easy to see how immunity for wrongful death and gross negligence would result in greater negligence, and it is easy to see how the cost of caring for these injured Floridians has shifted to Florida taxpayers, but it is difficult to see how this will create jobs in Florida. The Chamber of Commerce did not return requests to answer this question for this article.

BROWARD COUNTY JUSTICE ASSOCIATION SUPPORTS THE TRACEY MCPHARLIN DEPENDENCY PRO BONO PROJECT

The Broward County Justice Association, Inc. (BCJA) has approved a \$10,000 donation to the Tracey McPharlin Dependency Pro Bono Project (the Project). The BCJA's very generous donation will enable the Project to continue the pro bono work done by Tracey McPharlin during her brief but outstanding legal career. The BCJA's hope is that its donation will inspire others in the legal community to make a donation to support the Project's goal of providing an attorney and a voice for dependent children.

The Project was developed in memory of Tracey McPharlin, a Broward County Bar member and a former chair of the Florida Bar Public Interest Law Section, who passed away on November 6, 2010. Tracey, who was a partner at the firm of Colodny, Fass, Talenfeld, Karlinsky & Abate, P.A., had a profound and lasting impact on the lives of foster children through her individual representation of children in Juvenile Court and Federal class action litigation intended to improve Florida's child welfare system. In a career that lasted only 10 years, Tracey did a lifetime of work that has and will continue to improve the lives of thousands of foster children.

The goal of the Project is to recruit, train, mentor and support pro bono attorneys to represent at-risk children at all proceedings affecting their safety, permanency, health, and well-being. These goals will be accomplished through partnerships with public and private entities involved in the child welfare system. The Project is a collaborative effort of Legal Aid Service of Broward County (LAS), the Broward County Bar Association, Florida's Children First and the 17th Judicial Circuit Pro Bono Committee. The Project is up and running and held its first training, attended by 50 attorneys, on July 15, 2011. A second training will be presented on October 12, 2011 at the Broward County Bar Association.

The Project is housed at Legal Aid Service of Broward County (LAS) and attorneys who join will be enrolled in Broward Lawyer's Care, have malpractice coverage and receive the benefit of ongoing CLE certified trainings. The Project will be overseen by David S. Bazerman, Esq. and will draw on the expertise of the attorneys of LAS's Children's Advocacy Program to support to the pro bono attorneys. The Judges and Magistrates in the Dependency Division support the Project and will accommodate the schedules of the pro bono attorneys.

The Florida Bar has long recognized the need for children to be represented in Florida's Juvenile Courts and has supported legislative action to attain that goal through the Florida Bar Legal Needs of Children Committee. Until the Bar's legislative goals for children are achieved it is imperative that Florida's attorneys step up and provide desperately needed pro bono support to vulnerable children. It is our hope that the Project will help meet the needs of our at risk children and continue Tracey's advocacy efforts by ensuring that children in or at risk of entering the child welfare system in Broward County have zealous advocates who will ensure that their voices are heard in matters that will affect their lives for years to come.

If you want to have a profound and lasting effect on the life of a dependent child please consider making a donation to the Project and/or enrolling in our next training to be held on October 12, 2011 at the Broward County Bar Association and accept a pro bono case and. You can make donations and enroll in the Project by contacting:

David S. Bazerman, Esq., Director
Tracey McPharlin Pro Bono Dependency
Legal Aid Service of Broward County
491 N. State Road 7
Plantation, FL 33317
(954) 736-2417
dbazerman@legalaid.org,

You are Cordially Invited to:
The Broward County Women Lawyers' Association's
Annual Installation of Officers and
Board of Directors

Administering the Oath of Office:
The Honorable Barbara Lagoa
Third District Court of Appeal

Friday, September 9, 2011

Registration 11:30 a.m.; Luncheon 12:00 p.m.
Riverside Hotel, Fort Lauderdale

\$35 BCWLA Members \$40 non-members \$30 Judiciary
RSVP by September 2, 2011 to rsvp@bcwla.com

Sponsorship Levels

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SILVER (*Includes 4 tickets*) \$500
BRONZE (*Includes 2 tickets*) \$250
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Robinson Pecaro P.A.

5599 S. University Dr., Ste 103

Davie, Florida 33328-5323

For more information, please email: rsvp@bcwla.com

**ROBYN VINES REAPPOINTED TO FLORIDA SUPREME COURT
FAMILY LAW FORMS WORKSHOP**



FORT LAUDERDALE, FL – August 19, 2011 – Robyn L. Vines, shareholder in the Fort Lauderdale office of GrayRobinson, P.A., has been reappointed to the Florida Supreme Court Family Law Forms Workshop. Dedicated to improving the practice of family law, Vines has previously held membership with the Florida Supreme Court Family Law Forms Workshop throughout her career.

“Robyn is devoted to the welfare of Florida’s children and families,” said GrayRobinson President, Byrd F. “Biff” Marshall, Jr. “We congratulate her on her recent reappointment and are confident that she will be an excellent GrayRobinson ambassador.”

Vines’ career has focused on the area of family matters. She has worked in this field within a variety of capacities over the years, including divorce, alimony obligation, modifying and enforcing child support, establishing timesharing schedules, and drafting and negotiation prenuptials. For the past six years, she has served the Family Law Rules Committee of The Florida Bar in a range of positions while remaining actively involved with The Florida Bar Civil Rules of Procedure Committee, the Family Law Sections' Rules and Forms and Publications Committees and the Family Law Section's Continuing Legal Education Committee.

An “AV”-rated attorney, Vines has served on the board of governors for the Young Lawyers Division of The Florida Bar and as an officer and board member of the Broward County Bar Association's Young Lawyers’ Section. She is a member of Fort Lauderdale Women's Executive Club and a graduate of the Indiana Military Academy Officer Candidate School.

She received her juris doctorate from the Nova Southeastern University and her undergraduate degree from Purdue University.

**Fort Lauderdale Attorney Marcy Resnik
Named President, Aventura Turnberry Jewish Center**



Fort Lauderdale, FL -August 16, 2011 - Family law attorney and commercial litigator Marcy S. Resnik, Esq., a partner with Kahn, Chenkin & Resnik, P.L., www.kcrlawyers.com, Dania Beach, Florida, has been appointed President of the Aventura Turnberry Jewish Center in Miami.

Having served on the Synagogue's Board of Directors for the past 15 years, she was previously membership vice president.

A member of the Florida Bar since 1988, Ms. Resnik also is a member of the Broward County Bar Association, the Miami-Dade Chapter of the Florida Association for Women Lawyers, and the Bankruptcy Trial Bar. She is admitted to practice in the U.S. District Court in the Southern District of Florida.

She earned her Juris Doctor degree from the Shepard Broad Law Center at Nova Southeastern University and her Bachelor of Science degree in Political Science from the University of Maryland.



TWENTY-FOURTH ANNUAL YOUNG LAWYERS CHARITY GOLF TOURNAMENT

Proceeds to Benefit:



A Tribute to the Tracey McPharlin Initiative to fight for at-risk children

SATURDAY, OCTOBER 15, 2011
Jacaranda Golf Club
9200 West Broward Boulevard, Plantation, Florida

6:30 A.M. CHECK-IN * 7:00 A.M. RANGE OPENS * 8:00 A.M. SHOTGUN START

- *Four Person Scramble Format*
- *Prizes for 1st, 2nd, and 3rd Place Foursomes*
- *Awards for Longest Drive, Closest-to-Pin and Straightest Drive*
- *Complimentary Continental Breakfast at Check-In*
- *Complimentary Range Balls*
- *Unlimited Cold Beverages during Play*
- *Awards Luncheon following Tournament*
- *Goodie Bags and Raffles*

Sponsorship Opportunities Available

TO REGISTER:

Send this entry form along with a check made payable to “Young Lawyers Section” for \$100 per person to: Jeffrey M. Wank, Esq., One Financial Plaza, Ste. 2300, Fort Lauderdale, FL 33394

PLAYER	ADDRESS	PHONE
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4. _____	_____	_____

Please also join us at our Tee-Off Happy Hour
Proudly sponsored by Kelley Uustal
Thursday, October 6, 2011 at VIBE/YOLO from 5:30 p.m. to 7:30 p.m.

For additional information contact Meghan M. Clary, Esq. at 954-525-6566 or via email at meghan@cmfamilylaw.com



**Invites you to the
Annual “Eid-ul-Fitr” Holiday Reception**

Yolo

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Fort Lauderdale, FL 33301

Complimentary appetizers and soft drinks

Thursday September 8, 6:30 to 8:30 pm

No cost to the judiciary and members of the bar

RSVP at Carmen@wvmlawfirm.com

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Well, Folks it happened. I became Certified by the Supreme Court of Florida as a Circuit Mediator. I would appreciate the opportunity to be of service to you and your clients.

Steve E. Moody Office: 954-880-2021
1333 S. University Dr. Cell: 954-336-2305
Suite #201 Fax: 954-667-0294
Plantation, FL 33324 Email: smoody@moodyjones.com
F.B.N. 0134302 Website: www.moodyjones.com



September 15, 2011: FBA Broward County Chapter Installation Luncheon

GUEST SPEAKER: Chief Judge Federico A. Moreno
United States District Judge
Southern District of Florida

DATE: **Thursday, September 15, 2011**

TIME: Noon - 1:30 p.m.

PLACE: Riverside Hotel, Fort Lauderdale

RSVP: To attend, **RSVP to Terri Katler at Tripp Scott** tlk@trippscott.com

If RSVP by September 8, 2011: FBA Members \$40.00; Non-Members \$45.00; Government attorneys \$25.00; Judiciary & Judicial Law Clerks \$20.00.

After September 8, 2011: FBA Members \$45.00; Non-Members \$50.00; Government attorneys \$30.00; Judiciary & Judicial Law Clerks \$20.00

Please make checks payable to “FBA Broward Chapter” and mail to Mark Levy, Esq. at Brinkley Morgan 200 E Las Olas Blvd., Ste 1900 Fort Lauderdale, FL 33301.

We look forward to seeing you there. Please contact Paul O. Lopez (pol@trippscott.com) with any questions.

NEW TRIAL COURT ADMINISTRATOR FOR BROWARD COUNTY

Fort Lauderdale, FL – Ms. Kathleen Pugh, Esq. begins today as the new Trial Court Administrator for Florida’s second-largest circuit court, the Seventeenth Judicial Circuit, which serves all of Broward County. After a unanimous recommendation by a selection committee in May, Ms. Pugh was confirmed by the circuit’s judges in July, to begin official duties as Trial Court Administrator on August 1. She takes over for Carol Lee Ortman, who retired as the Seventeenth Circuit’s Trial Court Administrator after more than 27 years.

Ms. Pugh comes to this position with an extensive amount of education and work-related experience. She earned her Bachelor of Science degree from Empire State College of the State University of New York, her Juris Doctor from Touro College Jacob D. Fuchsberg Law School and her Masters of Law degree from the University of Miami. A member of both the New York and Florida Bars, Ms. Pugh worked as a senior court clerk and court attorney for Nassau County, NY before beginning her career with the Seventeenth Judicial Circuit in 1999 as a staff attorney. Ms. Pugh had been Supervisor to the circuit’s 16 staff attorneys when she was chosen for her new role as Trial Court Administrator.

Assisting the Chief Judge in carrying out the administrative duties of the court, the Trial Court Administrator ensures that the day-to-day operations of the court run smoothly, with the mission of the Seventeenth Circuit in mind.

Legal Aid's Latest Win!

Words can't even begin to express my extreme gratitude to Legal Aid Service of Broward County. Without Legal Aid's intervention, my family and I would be homeless.

I was referred to Legal Aid by the Homeless Prevention and Rapid Re-Housing Program (HPRP) at Broward County Family Success due to the expedient nature of my housing situation.

I personally watched the attorney "literally" spring into action in my family's behalf. She didn't pull any punches and was very direct in informing me that my case was complicated and I may need to seek other housing options. However, that did not deter her from assisting my family. Not only did the housing attorney follow up on my case, she followed through with contacting all parties involved until a settlement agreement was reached. The attorney then went a step further by extending me the opportunity to have the agreement reviewed by Legal Aid to ensure the pending eviction was properly dismissed.

It is because of the attorney's relentless and tireless effort, dedication and commitment to her profession and to the indigent of Broward County that my children and I still have a place to call home.

Thank you, Legal Aid. And special, heartfelt thanks to my housing attorney - the work you do save and touch lives. I know. Your agency touched mine.

For more information on Legal Aid Service of Broward County, visit: www.LegalAid.org

**Any and all photographs, pictures, or images depicting clients are dramatizations only and not actual depictions of our clients*



Broward Lawyers Care Attorney of the Month

Jonathan A. Ewing, Esq.

Aviation and Complex Real Estate Litigation Attorney
707 S.E. 3rd Avenue, Ft. Lauderdale, FL 33316

Jonathan Ewing is currently an associate at the Law office of Griffin & Serrano, P.A. He earned his Juris Doctor Degree from the law School of Nova South Eastern University and was admitted to the Florida Bar in the year 2007 in the Young Lawyers Division. His primary areas of law practice are in the area of aviation and complex real estate litigation matters. Jonathan Ewing joined the Broward Lawyers Care panel in the year of 2008 and has provided great legal representation and life changing effects on our LegalAid client's life. He has provided over 100 hours of legal assistance for clients in the areas of housing, landlord/tenant, and guardianship cases. His most recent accomplishment was the assistance on a landlord tenant matter. Mr. Ewing stepped in on a case at a point when a client was at her lowest. The client was living in her car due to a flood that happened in her apartment. Due to no fault by the client, plumbing pipes caused about 20 gallons of water to flood her apartment while the client was out of town visiting family. The landlord did not attempt to find the client alternate housing, but rather evicted the client from her home. After several attempts to reach an arrangement with the landlord attorney Jonathan Ewing had no other recourse but to file suit on behalf of the client. He was successful in acquiring a court order of double the client's security deposit which helped the client tremendously. He continues to provide great legal service for our clients.



Legal Aid Service of Broward County &
Coast to Coast Legal Aid of South Florida



SAVE THE DATE

10.14.2011

10th Annual For the Public Good
Hilton Fort Lauderdale Marina
6:00 p.m. - 10:00 p.m.

Honorary Co-Chairs:

Andy & Allison Cagnetta - Transworld Business Brokers
Howard & Julie Talenfeld - Colodny, Fass, Talenfeld, Karlinsky &
Abate/ Boardroom Communications

For more information, please contact Melisa Malone
mmalone@legalaid.org or 954-736-2426.

www.ForThePublicGoodEvent.org



Thank you to the following attorneys who accepted a Pro Bono case from Broward Lawyers Care June - July 2011

W. George Allen
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Iris M. Bass
Karin A. Bayne
Robert J. Bigge
Fredric Buresh
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Robert E. Paradela
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Marcia Samuels
Jason Elliot Slatkin
David Stearns
Broderick Taylor
Russell M. Thompson
Thomas Truex



Congratulations 2011 Honorees!

James Boone, Esq.
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Sabadell United Bank
Corporate Partner Award

Douglas Reynolds, Esq.
Tripp Scott P.A.
Family Law Award

Reed McClosky, Esq.
Freedman & McClosky, P.A.
Housing Law Award

**Colodny, Fass, Talenfeld,
Karlinsky & Abate, P.A.**
Law Firm of the Year Award

Daily Business Review
Public Awareness Award

Walter Honaman, Esq.
Legal Aid Service of Broward County
Russell E. Carlisle Advocacy Award

Lawrence G. Marin, Esq.
Law Offices of Izquierdo & Marin
Attorney of the Year Award

Tracey McPharlin, Esq.
(Posthumous Award)
Children's Advocacy Award

Elizabeth G. Daugherty, Esq.
Commitment to Justice Award

Quarterdeck Restaurants
Community Support Award

Happy Felt Hat Day!



Thursday, September 15, 2011

Vibe Lounge NEW Location!
301 Las Olas Boulevard, Ft Lauderdale 33301
5:30 pm - 7:30 pm
\$5 (members, judiciary and law students)
\$10 (non members)
\$25 (new membership + event admission)

Admission includes 1 FREE drink ticket and appetizers.

www.legalaid.org/felthatday

Event Sponsor:



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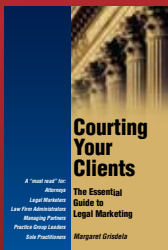
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Meet Your BCBA Board Members

Jay Kim is one of the newest members of the board of directors. Since 2005, Jay has been the managing partner at the downtown Fort Lauderdale firm of Ward Kim Vaughan & Lerner LLP, which concentrates its practice in commercial litigation, insurance litigation and employment litigation.

Jay's family moved to Fort Lauderdale from South Korea when he was six years old, and he and his younger sister grew up in Broward County. First grade was a challenge—he didn't speak a word of English—but his teacher didn't let him fall behind. He graduated from the University of Pennsylvania in 1990 and then worked as a bank examiner for the Office of the Comptroller of the Currency. He then attended the University of Florida College of Law and earned his JD in 1997. He has been a BCBA member since 2005, when he and Greg Ward established Ward Kim Vaughan & Lerner. Before that, Jay was a litigation partner in the Miami office of Steel Hector & Davis. He was that firm's first Korean-American partner. All four of the partners at Ward Kim Vaughan & Lerner, in fact, worked together at Steel Hector & Davis.

Last year, Jay was a member of the BCBA's Professionalism Committee, where he chaired the Mentoring Subcommittee, which developed the BCBA's mentoring program, to be launched this fall. Jay currently co-chairs the BCBA's voluntary bar and law school liaison committee and is the board liaison to the BCBA's bankruptcy law section.

Jay also currently serves as vice-chair of The Florida Bar's Judicial Administration and Evaluation Committee, and as vice-chair of the board of directors of Legal Aid Service of Broward County and Coast to Coast Legal Aid of South Florida. He is also a board member of the Asian Pacific American Bar Association of South Florida and was that organization's founding president.

In addition to practicing law and serving in various roles in the legal community, Jay spends his time trying to keep up with his two daughters, ages 12 and 8, who are tired of hearing how much easier they have it compared to their dad. By the way—about that first grade teacher who didn't let Jay fall behind—she and Jay still exchange Christmas cards 35 years after he left her class.

Attorneys' Fees CLE Seminar

Available for purchase on DVD with handout

Speaker: James Hauser, Esq.

\$25 plus sales tax & postage (if mailing requested)
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Contact: Traci Lewis at (954)832-3618 or
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Solo/Small Law Firm Networking Dinner

September 21, 2011

6:00 p.m.

Dave & Busters

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Hollywood, FL

\$35 for members of Broward County Bar Association

\$50 for non-members

\$5 Additional Charge if not rsvp'd in advance

For attorneys or law firms of 4 or less

To RSVP, please call Traci at (954) 832-3618

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Joel Stewart found niche helping Brazilians with immigration issues

In a way, you could trace Joel Stewart's diplomatic work at Florida's Brazilian consulate all the way back to his original career as a Russian language teacher in Stamford, Conn.

That was before law school, before he and his family moved from Connecticut to Florida, and before the late 1980s, when Brazilians started emigrating to the U.S. in serious numbers.

"I started as a Russian teacher, and studied Russian language and literature," Stewart said. "I spent 12 years teaching Russian and studying Russian. I made a career switch at 34 and went to the University of Connecticut Law School at night."

With his law degree in hand, Stewart moved his family to Florida and passed the Florida Bar in 1981. He ran his own practice in Ft. Lauderdale and in Boca Raton. In the late 80s he noted the influx of Brazilians into the U.S., and started a national immigration newspaper for Brazilians in the U.S., entitled Green Card. The paper was published in Portuguese, Brazil's national language.

Brazilian clients found him, and told their friends and relatives.

Stewart notes that Brazil is Florida's Number One trading partner, and that 550,000 Brazilians visit Florida every year.

Having done so much immigration law on behalf of Brazilians, Stewart became known at the Brazilian consulate. In 2005, he was asked to work at the visiting Brazilian consulate, which moves around to serve Brazilian citizens in various Florida locales.

"By that time I had a national reputation within the Brazilian community," Stewart said. "Also, I had standing in immigration law."

Today, Stewart works in the Brazilian consulate in Miami. He is also of counsel at Fowler White Boggs in Ft. Lauderdale, specializing in immigration law. He spends time nearly every day providing counsel on immigration matters to lawyers from around the country who call seeking advice in immigration matters.

Meet Your Section Chairs



Heather Apicella of Patterson & Maloney in Fort Lauderdale was recently appointed Chair of the Family Law Section of the Broward County Bar Association for 2011-2012. Mrs. Apicella is also very active in the Family Law Section of the Florida Bar. She served as Co-Vice Chair of the Legislation Committee for 2010-2011 and continues to serve for 2011-2012. Mrs. Apicella served on the Support Issues Committee as Senior Co-Chair from 2009-2011. She also serves on the Continuing Legal Education Committee and the Children's Issues Committee.



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David Singer with Melanie May and Peter Weinstein at last month's S. Broward Bar Association meeting



Jordana Goldstein and Marshal Watson at the West Broward Lunch



The BCBA Summer Bowling League First Place Team

Welcome 2011-2012 New BCBA Members

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Heather	Apicella	Joanne C.	Charles	Aimee	Gross
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Alvan	Balent	Jodi	Cohen	Matthew	Herman
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Aaron	Behar	Nicole	Coniglio	Michael	Hoffman
Scott	Bender	Gabrielle	D'Agostino	Sloane	Howard
Christopher	Benjamin	Maria S.	Daneri	Mindy E.	Jones
Olivia S.	Benson	Cindy	Diez	Marck	Joseph
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Michelle	Levitas	Charles B.	Patrick	Ariel P.	Shultz
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Geoffrey	Lottenberg	Sal	Picataggio	Steven	Sklar
Jocelyn	Lummis	Kim L.	Picazio	Jason Ari	Smith
Karen	Lungarelli	Martha	Rabbitt	Rhoda	Sokoloff
Madeleine	Mannello	Michael	Reilly	Amy	Spagnole
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Maura Bulman	McCarthy-	Veronica	Robinson	Penny	Taylor-Miller
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		Jeffrey	Shanbom		

CALLENDAR OF EVENTS

Wednesday, September 7th:

Probate Law Seminar, Florida's New Durable Power of Attorney Act Elder, at 4PM till 6PM, 1051 SE 3rd Avenue, Fort Lauderdale, FL 33316, for more information contact Traci Lewis at (954)832-3618 or traci@browardbar.org

Wednesday, September 7th:

Hispanic Bar Association Presents Lunch with US Dist. Judge Adalberto Jordan, at 11:45 AM, The Tower Club, 100 Southeast 3rd Avenue, Fort Lauderdale, Florida 33301, \$20 BCHBA members/students, \$25 non-BCHBA members, Please pay at the door, cash or check only (check made to Broward County Hispanic Bar Association), RSVP to kkennedy@cwiplaw.com by September 3, 2011

Thursday, September 8th:

FMBA Annual "Eid-ul-Fitr" Holiday Reception, 6:30-8:30pm, Yolo, 333 E Las Olas Blvd, Fort Lauderdale, FL 33301, No cost to judiciary and members of the bar, RSVP at Carmen@wvmlawfirm.com

Friday, September 9th:

BCWLA Installation Luncheon, at 12PM till 1:30PM, 20 East Las Olas Boulevard, Fort Lauderdale, FL 33301 RSVP by September 2nd at rsvp@bcwla.com

Saturday, September 10th:

4 Hour Minor Guardianship Class, Saturday, September 10 at 9AM till 1PM, \$100 Attorneys welcome, approved by the Florida Bar for CLE credits, 1051 SE 3rd Avenue, Fort Lauderdale, FL 33316, for more information contact Contact Tish at tish@browardbar.org or (954)832-3617

Tuesday, September 12th:

Happy Felt Hat Day
September 12, 2011, Vibe Lounge, 301 Las Olas Blvd, Ft. Lauderdale 33301, 5:30-7:30PM, for more information, contact Melisa Malone at mmalone@LegalAid.org

Thursday, September 15th:

"Bar at the Bar" Networking Happy Hour, at 5PM till 7PM, Duffy's Sports Grill Lauderdale, 1804 Harbor Shops Drive East, Fort Lauderdale, FL 33316, for more information, contact Traci Lewis at (954)832-3618 or traci@browardbar.org

Thursday, September 15th:

FBA Broward County Chapter Installation Dinner, 12-1:30PM, Riverside Hotel, 20 East Las Olas Boulevard, Ft. Lauderdale, FL 33301, RSVP at tlk@trippscott.com

Saturday, September 17th:

8 Hour Adult Guardianship Class, Saturday, September 17 at 9AM till 5PM, \$180 Attorneys welcome, approved by the Florida Bar for CLE credits, 1051 SE 3rd Avenue, Fort Lauderdale, FL, 33316, for more information, contact Tish at (954)832-3617 or tish@browardbar.org

Wednesday, September 21st:

ALA Webinar, Wednesday, September 21 at 2PM till 3PM, 1 Free CLE credit for BCBA members, "Ethics in the Wireless World", 1051 SE 3rd Avenue, Fort Lauderdale, FL, 33316, for more information, contact Victoria Allen at victoria@rmzlaw.com

Wednesday, September 21st:

Solo/Small Law Firm Networking Dinner, Wednesday September 21, 6PM till 8PM, \$35 BCBA members; \$50 non-BCBA members \$5 Additional Pay at the Door, Dave & Busters, 3000 Oakwood Boulevard, Hollywood, FL, for more information, contact Traci Lewis (954)832-3618 or traci@browardbar.org

Thursday, September 22nd:

West Broward Section Luncheon, at 12PM till 1:30PM, Speaker Judge Jeffrey Levenson, \$25 if registered prior to 9/22/2011 \$30 at the door, Plantation Preserve Golf Course, 7050 W. Broward Boulevard, Plantation, FL, 33317, for more information, contact Traci Lewis at (954)832-3618 or traci@browardbar.org

Thursday, September 22nd:

YLS Luncheon, at 12PM till 1:30PM, \$25 payable at the door, Tower Club, 100 SE 3rd Avenue, 28th Floor, Fort Lauderdale, FL, 33394, for more information, contact Traci Lewis at (954)832-3618 or traci@browardbar.org

Thursday, September 22nd:

Inn of Court Dinner Meeting, at 5:30 till 8PM, Renaissance Hotel, 1617 SE 17th Street, Fort Lauderdale, FL, 33316, for more information, contact Traci Lewis at (954)832-3618 or traci@browardbar.org

Thursday, September 22nd:

Legal Aid Gift Gathering Party, at 5:30PM till 7:30PM, \$25 Minimum Contribution or gift valued at \$25 for silent auction at the 10th annual For the Public Good, Blue Martini, Galleria Mall, Fort Lauderdale, for more information, contact Elizabeth Daugherty at (954)767-6300 or esqegd@aol.com

Friday, September 23rd:

BCBA Past President's Luncheon, Friday, September 23 at 12PM till 1:30PM, Bimini Boat Yard, 1555 SE 17th Street, Fort Lauderdale, FL, 33316, for more information, please contact Traci Lewis at (954)832-3618 or traci@browardbar.org

Monday, September 26th:

Elder/Probate Law Seminar, Florida's New Durable Power of Attorney Act Elder, at 4PM till 6PM, 1051 SE 3rd Avenue, Fort Lauderdale, FL 33316, for more information contact Traci Lewis at (954)832-3618 or traci@browardbar.org