

BROWARD COUNTY BAR ASSOCIATION BARRISTER

DECEMBER 2012



*A Tribute to
Our Retiring
Judges*

**"How did it get so late so soon?"
~Dr. Seuss**

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On the Cover: Left to right: Retired and Retiring judges of the 17th Judicial Circuit: The Hon. Lisa Von Tefs, The Hon. Ronald J. Rothschild, The Hon. Fred J. Berman, The Hon. David Krathen, The Hon. Richard D. Eade, The Hon. Susan Greenhawt, and The Hon. Robert A. Rosenberg. Original picture (shown top right) provided by the Jewish Federation of Broward County.

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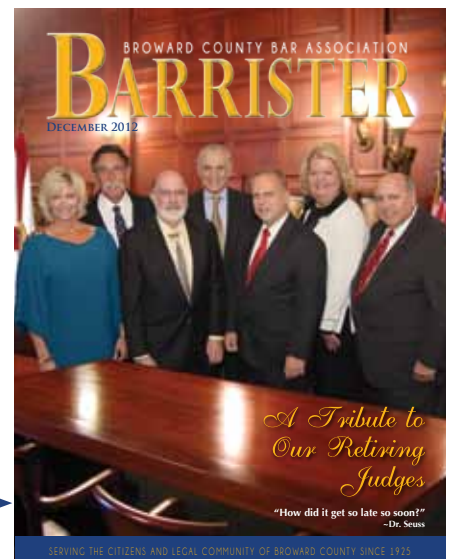
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Deborah FitzGerald

“How did it get so late so soon? It’s night before it’s afternoon. December is here before it’s June. My goodness how the time has flown. How did it get so late so soon?”

~ Dr. Seuss

It’s December and I have the same feelings as Dr. Seuss, especially as it relates to our nine retiring Judges. Where has the time gone? It seems just yesterday when they joined the Bench. We pay special tribute to our nine retiring Judges in this month’s issue of the Barrister:

- Honorable Marcia Beach
- Honorable Fred J. Berman
- Honorable Richard D. Eade
- Honorable Leonard Feiner
- Honorable Susan Greenhawt
- Honorable David Krathen
- Honorable Robert A. Rosenberg
- Honorable Ronald J. Rothschild
- Honorable Lisa Von Tefs

Each of these Judges were accomplished and successful lawyers before joining the Bench. They each embody the qualities of a successful judge---intelligence, integrity, fairness, impartiality, and ethics. Each of these Judges demonstrated leadership in both civic and professional organizations. They were always active in and supportive of the BCBA. Each of these Judges leaves an indelible mark on our profession and our Judiciary. We owe them a debt of gratitude for their service to the Bar and to the public. We wish them well in their new endeavors and look forward to honoring them at our upcoming Bench-Bar Conference in October 2013.

On another note, our December Holiday Party is slated for December 6 at the Bar Center. I hope you will take time from your busy schedule and join us. It is always a wonderful event where we celebrate the Holiday Season together in an informal setting. It is again being co-sponsored by the BCWLA. The food is always great, particularly the sushi boat (Past President Chris Neilson’s favorite), and abundant. There’s music and libations. How great is that!!!

On behalf of the Entire Executive Committee and Board and Staff, I wish you a Joyous Holiday Season and a Happy and Prosperous 2013! **B**

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letter from the young lawyers' president



Meghan Clary

"Tis the season" for giving gifts to those in need, and that is exactly what the Broward County Bar Association Young Lawyers Section will be doing at our holiday luncheon on December 6th at noon at the Tower Club. Before hearing carols from the students of Dillard High School's Magnet Center of Performing Arts and seeing them perform swing dancing routines, YLS will present Florida's Children First, the charitable beneficiary of our Twenty-Fifth Annual Charity Golf Tournament, with a check for \$31,000 — the most money we have ever raised and donated to a charity! Additionally, at our holiday luncheon we will be donating numerous toys to Smiling Faces Forever Foundation, Inc.,

which is a local charity that helps children in hospitals smile during the holidays by delivering toys. To attend our holiday luncheon, the cost is \$25 and you may RSVP to the Broward Bar at 954-764-8040.

You will have an additional opportunity to share holiday cheer on December 6th by joining us at the Broward County Bar Association Center from 5:30 p.m. to 8:30 p.m. for the BCBA Holiday Party. At the party, YLS will be collecting unwrapped toys or cash donations for foster care children for our Holiday in February event. No RSVP is necessary, and we hope to see you there.

While this article is being written before hosting any of our November events, I would like to thank family law attorney Terry E. Fixel, Esq., criminal defense attorney Michael E. Dutko, Esq., civil litigation attorney Paul O. Lopez, Esq. and The Honorable Ronald Rothschild for taking the time to present the topic, "How to Use the Rules of Evidence in Your Favor" at our November 15th luncheon. We appreciate you sharing your tips and wealth of knowledge on this important area of litigation practice. Further, I would like to thank Sabadell United Bank for sponsoring our second quarterly Breakfast with the Judiciary on November 30th, as well as the members of the judiciary for supporting this event.

If anyone has any questions about joining YLS or to learn more information about our events, please feel free to call me at Chorowski & Associates, P.A. at 954-525-6566 or email me at meghan@cmfamilylaw.com. You may also find a calendar of our upcoming events on the Broward Bar web site at www.browardbar.org/yls.

I hope you have a wonderful holiday season! **B**



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Ten Tips for Getting the Most Out of Your Mediation Process



By: Bruce A. Blitman, Esq.

Supreme Court of Florida Certified Circuit, Family and County Court Mediator

During the past 20 years, mediation has become one of the most popular Alternative Dispute Resolution (ADR) processes in the United States. Lawyers, insurance companies, risk managers and corporate legal departments use mediation on a daily basis to resolve claims and lawsuits as quickly as possible.

Mediation is an “assisted negotiation” in which the parties and their counsel involved in a dispute sit down with a neutral, impartial person called a mediator in an effort to reach a mutually acceptable agreement. The mediator works with the parties and counsel to help them voluntarily fashion their own acceptable solution to their dispute. Negotiating is an important part of every attorney’s career. Whether dealing with opposing counsel, an insurance adjuster, clients, partners and staff, you are constantly negotiating. The quality and success of your practice can be directly affected by your ability to effectively negotiate. For 23 years, I have been privileged to mediate thousands of disputes. Many have settled due to the exceptional negotiating skills of the participants. Unfortunately, others have not been resolved because of the participants’ ineffective negotiating skills. I hope the following tips will help you and your clients hone your negotiating techniques and enable you to get the most out of your mediation experiences:

#1 - KNOW WHAT YOU AND YOUR CLIENTS WANT

Your clients can’t get what they want from others if you don’t know what your clients want for themselves. Establish a specific goal. Consider what it will take to satisfy your clients’ interests, needs and objectives. If you are an attorney representing a client on a contingent fee basis, wouldn’t it be helpful to know as early on that your client really only wants

an apology, rather than money damages?

#2 - DEVELOP A GAME PLAN

Once you know what your clients want, establish a negotiating strategy to achieve their objectives. Before presenting your first offer, consider where you and your clients want to start and where you want to finish. Give yourselves some room in which to move.

#3 - KNOW WHAT THE OTHER PARTY NEEDS

It takes two-to-tango and to negotiate. To reach an agreement, all parties must feel that some, if not all, of their interests have been satisfied. Your negotiating partners also have motivations and concerns. Ask open-ended questions to gather information to understand their positions and perspectives.

#4 - BE AN EMPATHETIC LISTENER

There are hundreds of courses about public speaking, but very few that teach us how to listen. Attentive listening enables us to better understand the motivations of others. Make eye contact when anyone else in the mediation is speaking. Pay attention to the words and language they use. At one of my recent mediation training courses, a student in the class told me that her child would admonish her by saying, “Mommy, listen to me with your face!” when she was distracted and not paying attention. What wonderful advice for us all.

#5 - ATTACK THE PROBLEM, NOT THE PEOPLE

Focus on finding solutions to your shared problems. Screaming at the other party may let off steam, but it isn’t conducive to effective joint-problem solving. Be courteous and tactful.

#6 - TREAT THE OTHER SIDE AS YOUR ALLY, NOT YOUR ENEMY

Your negotiating partners at mediation

may have to persuade others in their organization to agree to your offer. As your friends, they can sell your proposal; as your enemies, they can sink it.

#7 - EDUCATE, DON’T INTIMIDATE

Be prepared to explain, document and justify to your negotiating partners why they would be well-advised to accept your client’s proposal. Help them understand your client’s position.

#8 - BE PATIENT AND PERSISTENT

Don’t be angry or insulted if the first offer you receive is not what you and your client hoped it would be. Treat this proposal as the first of several in the negotiating process. Slow but steady movement can lead you down the road to resolution.

#9 - CONSIDER THE CONSEQUENCES OF NO AGREEMENT

Think about what could happen—both good and bad—if your clients are unable to agree. Can your clients afford to “walk away” from the table or are they desperate to make a deal now?

#10 - BE FLEXIBLE AND CREATIVE

Rolling Stone Mick Jagger made famous the line “You can’t always get what you want.” In negotiations, this is often true. Always have a fall-back position, some alternative that satisfies your clients and the other parties enough to make a deal. Be imaginative. You just might find you get what you need. **B**



Bruce A. Blitman has been a member of The Florida Bar since 1982 and a longtime member of The Broward County Bar Association. A full-time mediator and ADR neutral for more than two decades, Bruce’s office is located in Pembroke Pines. He can be contacted at (954)437-3446 or BAEMediate@aol.com

A Dedication to Service

RETIRING JUDGES REFLECT ON THEIR ENDURING LEGACY

by Sara Fitzpatrick Comito

The time has come again to say thank you to our retiring judges for their lasting contributions to the Seventeenth Judicial Circuit, The Broward County Bar Association and the community. The BCBA and its members have fond memories of all the judges from the time of their service and are grateful for their mentorship and example of

judicial virtue.

The nine retiring judges – The Honorable Marcia Beach, Fred J. Berman, Richard David Eade, Leonard Feiner, Susan F. Greenhawt, David Krathen, Robert A. Rosenberg, Ronald J. Rothschild and Lisa von Tefs – are enjoying various stages and versions of retirement. Some remain on the bench

until their tenure is up, others are taking some much-deserved time off before they begin the next chapter of their professional and personal lives.

Barrister caught up with them and asked them to reflect on their time of service and offer words of advice to their peers.

The Hon. Marcia Beach



Judge Marcia Beach considers herself “one of those very privileged members of the judiciary to have been in a helping position in all of the years that I’ve served.”

She served in Adult Felony Drug Court since 2002 and presided in Post Adjudicatory Drug Court since it was created in 2009. She knows the numbers by heart, having dismissed more

than 8,500 cases for people who had completed at least one year of therapeutic treatment and terminated probation for more than 4,000 individuals. “It’s always a great pleasure to see people change their lives,” she confirmed.

She acknowledged a drug court judge doesn’t exist in a vacuum. “We never work alone,” she explained, “especially in drug court, it really was a team effort.” She cited the valuable contributions of her fellow judges, the Fourth DCA and court staff.

Her advice to new and current judges: “Just work hard and remember that we serve the public and it is truly an honor to serve.”

The Hon. Fred J. Berman

Judge Fred Berman’s advice to new and current judges is, “Pay attention, listen and rule.”

With the changing pace of justice, focus is key. “Our dockets and caseload grow daily every year,” he explained. “Keeping up with the law while fulfilling your responsibility is imperative.”

He’s had the chance to see a lot of young attorney progress, and it’s been one of his favorite parts of the job. “I really enjoyed the opportunity to mentor so many young attorneys,” he said. “It was absolutely thrilling to watch them mature in both their personal and professional lives.”

He hopes to continue serving the community by assisting in mediation for both county and circuit court. As far as his legacy on the bench? “I hope that I imparted some desire and awareness in many attorneys to concentrate on professionalism, integrity and absolute concern to do the right thing.”



The Hon. Richard David Eade



When Judge Richard David Eade became a judge, he asked his attorney peers for words of advice. He expected them to point out the virtues of patience, preparation, temperament and some other soft metrics. Instead, this is what they said: “Rule, damn it, rule.”

“Over my last 25 years, if I’ve done anything right, it’s to follow

that phrase,” said the judge. Whether all parties are pleased with his decision or not, at least they have direction and can either accept the ruling or appeal. “At least they’ve got resolution,” he continued. “I rarely reserve on anything.”

The judge’s retirement will be nominal in nature. “I have no intentions of retiring,” he insisted. “I want to keep my mind active.” He will be providing mediation and arbitration services at Salmon and Dulberg. He also plans to come back as a senior judge after a year “unless legislation changes in the spring to allow those who have retired to come back sooner.”

The Hon. Leonard Feiner

Judge Leonard Feiner most values the friendships he’s made along the way and seeing the professional progress made by many young attorneys who began their careers practicing before him.

He’s had some interesting cases, too, including the Bobby Brown DUI trial. “My daughter kept seeing it on MTV, and she kept calling about it saying, ‘Hey, you’re on TV!’”

Something else his kids used to say was, “We think we have the only father that really enjoys his job.”

He cites the politicizing of the judicial process as a challenge to judges and advises them to follow the law and proper

procedure in the handling of their cases. However, he also said, “Try not to allow things to get personal, and show the attorneys and litigants that you want to keep things professional in the courtroom.”

The judge will be moving out of state, where he hopes to do some mediation when he’s not golfing and traveling.



The Hon. Susan F. Greenhawt



Judge Greenhawt was traveling in Europe and Africa at press time, and so was unable to comment for Barrister’s story. We found a couple of friends to help.

“She was the superstar,” said Judge Renee Goldenberg of Judge Greenhawt, recalling her from when she took the Family Law Litigation Workshop led by

Judge Goldenberg at Nova Law School. “She always was and she still is.”

Judge Goldenberg counts a steady temperament and an ability to read people among Judge Greenhawt’s strengths. Much of that was likely informed by her long career as a registered nurse. “Those skills – organization, management and triage – served her very well as judge, and especially as administrative judge.”

Judge Carol-Lisa Phillips described Judge Greenhawt as a hard worker and someone who was always willing to help. “A lot of days she was working three divisions,” she remembered, “and she was always in a good mood, which is pretty impressive.”

The Hon. David Krathen

Judge David Krathen said he owes a debt of gratitude to Judicial Assistant Gigi Rosende, Bailiff Antonio Eques and law clerks Terry Giordano and Susan Spence. “These friends were devoted to me and gave me great joy throughout my judicial career,” he acknowledged. “Without any one of them, I would have never made it through the tough times.”

He identified case management as being critical to the effectiveness of any judge. “Developing many of the forms now utilized in the Civil Division enabled my colleagues and me to target extra attention to more-demanding matters.”

The judge said he’s looking forward to “not fighting the traffic on I-595!” – as well as a new career in mediation. He offered this as a secret of success: “Have a great judicial assistant, bailiff, and clerk! Take them out for their birthdays!”



Continued on Page 13

Many thanks ...

To our retired and retiring judges for your dedication to justice and your years of service to the community.

Our sincerest congratulations, and our warmest best wishes for a long and happy future.

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The Hon. Robert A. Rosenberg



Judge Robert Rosenberg approached his service on the bench with a “grab the bull by the horns” attitude. “I’m content with what I’ve done because I know I’ve put full effort into it,” he reflected, adding, “I spent a lot of hours here.”

He thinks new judges will do well to follow that

same example. “A job done right requires effort, industry and intellectual ability,” he explained. “They need to put the energy into it, or they won’t be satisfied with the job they’ve done or the reputation they’ve garnered.” With the proper research and dedication, he said, “It’s enjoyable to come to work and face the various matters you have.”

The judge is looking forward to traveling, especially in North America. “There are a lot of places in Florida I’d like to see,” he said, and also listed some of our national parks. Additionally, he’d like to work on his Spanish, “which needs a lot of work.”

The Hon. Ronald J. Rothschild

“My life has been enriched by the dedicated individuals who serve the ends of justice and our community,” said Judge Ronald Rothschild of his 21-year tenure on the bench.

He considers being a Judicial Mentor and the circuit’s mentor coordinator for more than 15 years one of his most important contributions. “Our Judicial Mentorship Program has been recognized as a model program for courts across our great state,” he said.

We can use all the help we can get. “The courts have been under attack by our governor and legislature for too

long,” he asserted,. “We must continue to mete out justice as directed by the U.S. and Florida Constitutions.”

And the judge will be on hand to help. “This is not the last you will see of Ron Rothschild. I intend to continue to serve the legal and community at large in a variety of ways into the future.”



The Hon. Lisa von Tefs



Judge Lisa von Tefs encourages current and new judges to take a good hard look in the mirror.

On the bench for 18 years, she said, “It’s very easy to get comfortable in your job, but it’s a mistake not to constantly evaluate yourself.”

She considers the Florida Supreme Court’s Judicial Feedback program a useful tool, as well, to help judges understand how they

are really perceived by others.

One memorable case for her involved a county commissioner who had been charged with campaign offenses. “It was a difficult case in part because politically powerful people attempted to pressure me to be lenient,” she remembered. But her commitment was always “to do the right thing. The public put their trust in me to be impartial and administer the law fairly regardless of outside influences.”

The judge warns against becoming “a lone wolf,” and said bouncing ideas off colleagues is indispensable. She also recommends getting plenty of exercise. “Budget it into your existence,” she encouraged. “Unhealthy does not make a good judge.” **B**

We would like to recognize our retiring Judges for their service to our Judicial System and to the Bar. We wish you well.
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To all of our retiring Judges, Thank you for your commitment and service to our community.
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The attorneys of Chorowski & Associates appreciate your decades of hard work and service to our community. We hope each of you will now dedicate your considerable talents to enjoying yourself through a long and fulfilling retirement.
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All of us at Nova Southeastern Shepard Broad Law Center congratulate the retiring and retired judges who have served South Florida.

As a trial attorney I both respect and appreciate your service to our legal community. My personal best wishes on your retirement.
Barry G. Roderman & Associates, P.A.
954-761-8810
bgr@barryroderman.com

Sheryl A. Moore, Esq. & Angela R. Neave, Esq. congratulate all of the retiring Judges. Thank you for your years of hard work and great service to our wonderful community. Have a prosperous and healthy retirement.
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We wish you Peace and Prosperity all the year through, and a good time with your family during the Holidays, too.



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Best wishes to our honorable retiring judges for their many years of outstanding and dedicated service to our community and Broward County:

Honorable Marcia Beach	Honorable Ronald Rothschild
Honorable David Krathen	Honorable Leonard Feiner
Honorable Fred Berman	Honorable Lisa von Tefs
Honorable Robert Rosenberg	Honorable Susan Greenhawt
Honorable Richard Eade	

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New Member Reception

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(1) Board Member and Real Property Section Co-Chair Gary Singer, Ronald Scott Kaniuk, and Real Property Co-Chair John Primeau at the Real Property CLE titled: "Roundtable Discussion of Current Issues Facing Condominium and Homeowner Associations" (2) BCBA Judicial Liaison Judge Jeffrey Levenson, Chief Judge Peter Weinstein, and BCBA President Deborah FitzGerald at the Northwest Area luncheon. (3) Membership Co-Chairperson Gary Landau and Sara Rodriguez. (4) Victoria Morales and BCBA Treasurer John Jordan (5) Edgar Velazquez, BCBA Secretary Robin Moselle, Board Member Michael Fischler, and Joseph Fahrendorf (6) Board Member Michael Kean and Executive Director Art Goldberg

Congratulations!

to Michele Kane Cummings, Esq.
Broward Lawyers Care Attorney of the Month



Broward Lawyers Care (BLC) has announced Michele Kane Cummings as the October 2012 Attorney of the Month. Ms. Cummings obtained her Juris Doctor degree from the Shepard Broad Law Center of Nova Southeastern University with Magna Cum Laude, and is currently a Shareholder at Gray Robinson's Fort Lauderdale office. Board Certified by the Florida Bar as a specialist in the practice of marital and family law, Ms. Cummings has earned a high degree of peer recognition being rated "AV" by Martindale-Hubbel.

Ms. Cummings serves as a representative to the American Bar Association House of Delegates and is an

appointee of the Florida Supreme Court, to The Florida Bar Foundation Board of Directors. She serves as Immediate Past-President of the Foundation Board and as a member of the Executive Committee.

For more than twenty years, Ms. Cummings has assisted BLC as a pro bono attorney. She currently is working on her 20th family law case. Broward Lawyers Care is fortunate to have attorneys like Ms. Cummings, who are willing to dedicate their time and efforts to help members of our community who cannot afford private legal representation.

To get involved with BLC and to take cases, visit www.legalaid.org/broward/broward-pro-bono-project.

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Records Search / Court Filing / Landlord Services / Courier Service / Small Claim / Medical Records /

5 "Creditor's Rights Issues in Bankruptcy" CLE Luncheon
12:00 pm - 1:30 pm
Speakers: Harris Solomon, David Neal Stern, and Scott Weiss
Contact: Traci Lewis at 954.832.3618 or traci@browardbar.org
 \$15 BCBA Members
 \$25 Non-Members
 Includes lunch & CLE Credit
 Registration 11:45 am - 12:00 pm

6 Broward Construction Lawyers' CLE Luncheon
12:00 pm - 1:30 pm
 "Water Intrusion" by Paul McCollough, P.E.
 Lunch sponsored by: Scientific Expert Analysis
Contact: Leonardo Ortiz at Ino@taylorandortiz.com

6 YLS Luncheon
12:00 pm - 1:30 pm
Venue: Tower Club
Contact: Broward Bar at 954-832-3618
 \$25

6 BCBA Holiday Party
5:30 pm - 8:30 pm
Contact: Traci Lewis at 954.832.3618 or traci@browardbar.org
 No RSVP required.
 Live music, food & drinks

8 8-Hour Adult Guardianship Class
9:00 am - 5:00 pm
 Approved by Florida Bar for CLE credits
Contact: Tish at 954.832.3617

8 Hanukkah Begins

13 BCWLA Annual Holiday Judicial Reception
5:30 pm - 7:30 pm
Venue: Riverside Hotel
 620 E. Las Olas Blvd., Fort Lauderdale
Contact: Jennifer Erdelyi at jerdelyi@cftlaw.com
 \$50 BCWLA Members
 \$60 Non-Members
 Judiciary Complimentary

14 Mentor/Mentee Breakfast
8:00 am - 9:00 am
Contact: Braulio Rosa at braulio@browardbar.org

18 Bench-Bar Committee Meeting
12:00 pm - 1:30 pm
Contact: Traci Lewis at 954.832.3618 or traci@browardbar.org

25 Christmas

Unless otherwise noted, meetings are held at BCBA offices.

To register for all BCBA events, go to: www.browardbar.org/calendar



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