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## letter from the president



*Robin S. Moselle*


### BCBA - Become a Member and Change Your Life

When I passed the Bar I thought there were two absolutes: that you must become a member of the Florida Bar, and that you must also become a member of the Broward County Bar Association. I was aware of the BCBA even before I became an attorney. While interning at the State Attorney's Office, and later clerking at a Broward County law firm, I would hear stories from the attorneys I worked with about the BCBA functions they attended. Judges I appeared in front of would mention that they were speaking at a BCBA seminar, or ask me if I was attending a BCBA event. I longed for the time when I would pass the Bar and be able to join this exciting world

called the Broward County Bar Association.

My naiveté turned out to be life-changing for me. Once I joined, I quickly realized the benefits of BCBA membership. I attended seminars where I learned the latest case law updates. I met attorneys in my field of practice who I could consult with, and attorneys who would refer me business. I had the opportunity to sit next to judges at luncheons and mingle with them at receptions! I duplicated an ethics and professionalism seminar that had been presented at the BCBA for a national organization I belong to, and received complimentary comments for years along with invitations for return engagements. Best of all, I was encouraged by a BCBA leaders to run for a board position with the Young Lawyers Section. Thus began 20 year journey into BCBA leadership which has led me to the position of its president, which at least in its infancy stages, has been an extremely rewarding experience.

Now, becoming a BCBA member is easier than ever before. No longer does one have to wait until becoming a licensed attorney before joining the BCBA. Membership starts in law school, at no cost to the law student. In addition, an attorney's first year of practice is free. There are more events one can choose to attend, ranging from the customary seminars for CLE credit to Masters of Trial workshops, and Bar at the Bar events to "Sweatworking" with the Young Lawyers Section. BCBA members can assist with planning for the Bench & Bar Conventions, submit articles for publication in our Barrister, help produce seminars, serve as a mentor, or participate in the development of a social event. Of course, none of this would be possible without the guidance from the board of directors and the exceptional staff at the BCBA led by our Braulio Rosa, executive director; Bonnie, Ross, assistant executive director; Lauren Riegler, event and CLE coordinator; Patricia Hernandez, membership coordinator; Debbie Rivero, bookkeeper; and the great people who help run our Lawyer Referral Service: Lyssette Bedon, Malaine Moran, and Ana Balcazar.

Whether by accident or design, I hope that once you become a member of the BCBA, you remain a member. That is one of my goals as BCBA President; to ensure that every member receives value in their membership. I invite you to reach out to our staff or to me if you have a suggestion, if you want to help, and even if you have a complaint. This is YOUR organization, and we are here to make sure that we provide the best service to our members. Who knows, it might even be life changing for you. 

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## letter from the young lawyers' president



*Jeffrey M. Wank*

The Young Lawyers' Section (YLS) of the BCBA strives to enhance the educational and professional advancement of less experienced attorneys. It is deeply rooted in the section's mission to give back to our community through various events and charitable donations. Since my time on the Young Lawyers' Section board of directors, I have seen the impact our organization has made on young attorneys and Broward County. Like my predecessors, I have experienced the rapid growth of YLS and its diverse membership base.

As we move into 2015-2016, it is clear YLS has become an integral part of the BCBA. No longer is there a mindset of simply asking younger attorneys to sit at the table, but rather, it is the new lawyer

who is helping shape how our profession will advance through this ever-changing technological age. It is the new lawyer who is taking on leadership roles, engaging in speaking events, advocating vigorously for a client, and molding the future of the BCBA. YLS has become an integral vehicle in the community for any associate, partner, law student, or judge to promote our profession, and is an organization in which our community can hold in high regard.

I am humbled by this honor to serve as the Young Lawyers' Section president, and relish the opportunity to make a difference. Past YLS Boards have raised the bar, and this year's YLS Board, which is comprised of 12 dedicated and ambitious young lawyers, as well as Kelly Vogt president-elect; Todd Baker, treasurer; and Sara Sandler secretary, certainly have tremendous shoes to fill. Most notably, YLS thrived under the leadership of its past president, Liza Smoker Faw. More than ever, our events have yielded renowned success, and participation from the legal and non-legal community alike has distinguished YLS from any other voluntary bar association. The creation of the YLS Boot Camp, for example, has sparked new lawyers and law students' interest in developing their legal skills. Our Breakfast with the Judiciary and Judicial Reception provides one on one access to our judiciary. The YLS Golf Tournament, Holiday-in-February and numerous charitable events have raised thousands of dollars and brought awareness to local charities. I am proud to say that our group has truly made a difference in the legal profession and local community.

This year, with the assistance of Braulio Rosa and his staff at the BCBA, and joint efforts with Robin Moselle, BCBA president, YLS seeks to climb new heights. If you are under the age of 36, practicing less than five years, or a law student, I invite you to reach out to me or anyone of the YLS board of directors to join our mission to better our profession and community. Help shape the future of Broward County's ever growing legal profession and come serve the community which has provided us all so many opportunities in our legal careers. I know you will find it to be a rewarding and beneficial experience.

I look forward to serving the community and our profession this upcoming year as the YLS president. To get involved with any of our events, or to serve on a committee, please contact me at 954-847-4920 or [jmwank@mdwecg.com](mailto:jmwank@mdwecg.com).



# HACKERS BEWARE

## Florida's New Computer Law Protects Businesses

by Robert C. Kain

The Computer Abuse and Data Recovery Act, Fla.Stat. §668.801 ("CADRA") (effective October 1, 2015) establishes a new civil action against unauthorized persons, such as computer hackers, who damage business computers or online data storage systems which contain business information. CADRA is limited to business computer hardware and business information stored in computers or online, in the cloud, on the Internet. If a hacker or a terminated employee takes data and causes damage, the business owner can sue under CADRA and recover damages and obtain injunctive relief.

The data or software must "protected" under CADRA with a password, access control, security system, key fob or lock, biometric identifier (fingerprint, retina scan), or other technological access device (a "TAB")(defined as "protected" computers and data).

The CADRA actor must: "knowingly and with intent to cause harm or loss: (1) obtain[] information from protected computer without authorization and, as a result, cause[] harm or loss; (2) cause[] the transmission of a program, code or command to a protected computer without authorization and .... cause[] harm or loss; or (3) traffic[] in any technological access barrier through which access to a protected computer may be obtained without authorization". Liability is based upon harm and loss to the business owner.

CADRA specifies "authorized users"



and others "without authorization." An authorized user is a "director, officer, employee, third party agent, contractor, or consultant of the owner [a "DOE3"] ... [who] is given express permission by the owner ... to access the protected computer" through a TAB. DOE3s are not authorized if they are "terminated" by the owner or "upon cessation of employment, affiliation or agency." An act "without authorization" is one where the actor: (a) is not an authorized user; (b) steals a TAB; or (c) "circumvent[s] a technological access barrier ["TAB"] on a protected computer without the express or implied permission of the owner." Some passwords are not effective controls (e.g., 1234; password; admin). Therefore, a CADRA "without authorization" TAB circumvention "does not include circumventing a technological measure that does not effectively control access to the protected computer or the information stored in the protected computer."

As for remedies, the business owner can recover: actual damages, lost profits, economic damages, violator's profits, loss due to impairment of the data-code, harm due to denial of access, damage assessment costs, remediation costs, and damages for interruption of SAAS ser-

vice. An injunction permits recovery of originals and all copies of the data-program. Attorneys' fees are available to the prevailing party.

In the past, practitioners employed the Florida Computer Crimes Act, Fla. Stat. § 815.01, and the Federal Computer Fraud and Abuse Act, 18 U.S.C. § 1030 ("CFAA"), which are criminal statutes with an appended civil remedy. The CFAA's scope has been called into question by several contradictory appellate court cases primarily over the meaning of "authorized access." Florida's Computer Crimes Act is not effective because a civil action can only be brought after a conviction by the State.

For more information, attend the upcoming CLE luncheon, Florida's New Computer Abuse and Data Recovery Act (CADRA) on Wednesday, July 29 at the Broward County Bar Association. Register at [www.browardbar.org](http://www.browardbar.org). **B**



*Robert Kain of the Fort Lauderdale firm of Kain Spielman has practiced intellectual property ("I.P.") law for over 30 years and is a Board Certified I.P. Specialist by the Florida Bar. He has B.E. Degree in E.E. and Law Degree from Vanderbilt University. In 1982 for G.E., he drafted his first computer system patent and since that time, has authored over 300 computer program patents, and published many law review and journal articles on computer and Internet law. He secures domestic and international I.P. rights for his clients and litigates patent, trademark, copyright and Internet related disputes throughout the United States..*





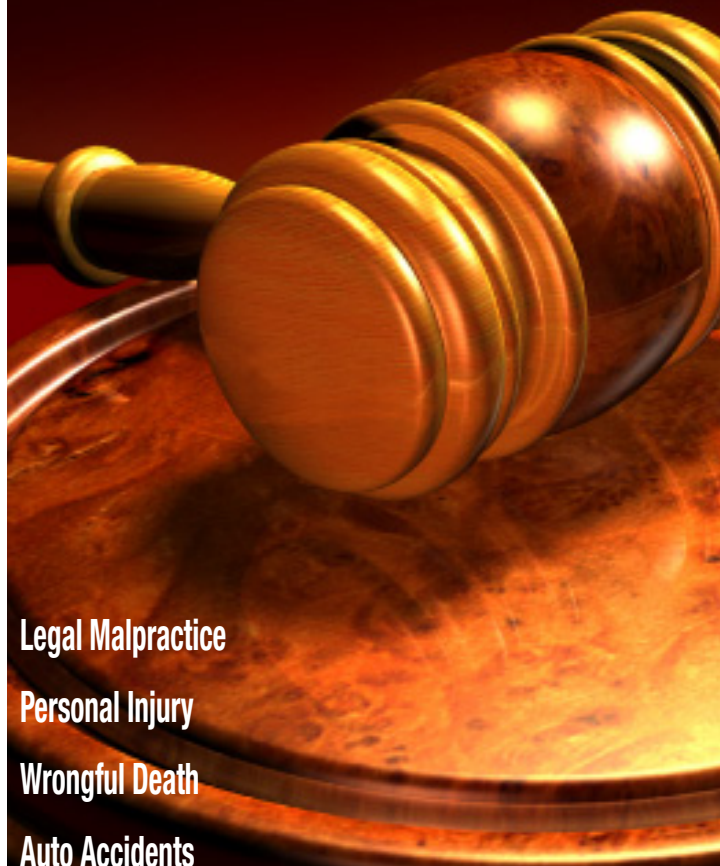
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# SPECIAL SECTION

## *2015 Installation*





# Robin S. Moselle

## BCBA President 2015-2016

*by Jacqueline Revis*



Robin Moselle with her husband Blake and children, Alec (far left) and Jared (far right).

Robin S. Moselle is the 90th President of the Broward County Bar Association and only the 8th female President in BCBA history. As the Broward County Bar Association's (BCBA) chief officer entrusted with the direction and administration of its policies, Robin has a progressive vision for our organization and its future. Robin has already made many positive changes to the BCBA while serving in various previous roles within the organization.

Robin is driven by passion and determination that stem from deep within her roots. She is a proud great granddaughter of a suffragette and a third generation attorney. Robin grew up in Plantation, Florida. Robin attended Tulane University in New Orleans, Louisiana where she received a Bachelors of Science in Psychology in 1987. After graduation, Robin applied to and was accepted to both Nova Southeastern University Law School (NSU) and University of Miami Law School. Instead of immedi-

ately starting law school, Robin decided to take a year off and worked in the field of commercial real estate. That year helped Robin realize that law was her calling and that she wanted to follow in the footsteps of her father and grandfather, both attorneys, so she began her journey at NSU. In 1991, Robin received her JD from NSU and was admitted to the Florida Bar.

Testament to her exemplary work ethic, Robin began her professional

career while still in law school. Despite a demanding study schedule, Robin somehow found time to clerk for two prestigious South Florida law firms and also participated in NSU's Criminal Clinic working for the Broward County State Attorneys Office. Robin's first position as an attorney was at her father's firm, Sobo & Levine. Robin began working for her father at his request when her father's law partner fell ill. To Robin's surprise, she fell in love with being in court on a daily basis, arguing cases in the areas of commercial litigation and collection law. She also realized that she not only loved the practice area, but also thoroughly enjoyed working with her father. After only six years of practice, Robin became a partner in the firm. During this time, Robin also served as a Special Public Defender in Dependency Court. This role fulfilled her strong desire to work with children. After the birth of her second child, Robin decided to merge her practice with another firm that became known as Jacobson, Sobo & Moselle (now "LAWCRAFT"). LAWCRAFT focuses on commercial litigation and complex debt recovery throughout Florida.

On a more personal note, Robin and her husband Blake live in Plantation and have two sons, Alec (16) and Jared (14) along with two adorable but "crazy" dogs. Robin and her husband are very proud that both of their boys are studying Environmental Science at South Plantation High School. With two teenage boys, Robin says that her current hobby is following her kids around at their vari-

ous sporting events, but when time allows, Robin enjoys water sports, traveling, and spending time with family and friends.

Robin is also a philanthropist and an admired member of her community. She is very generous with her time and has always been active in the community. She has served on the Board of several organizations, including Legal Aid, the NSU Board of Governors, and Debbie's Dream Foundation: Curing Stomach Cancer. Robin has a special place in her heart for Debbie's Dream Foundation. Debbie's Dream Foundation was founded by Debbie Zelman, a practicing attorney in Broward County until her diagnosis of Stage 4 stomach cancer. Debbie and Robin were colleagues in their practices, and Debbie introduced Robin at the BCBA Installation Dinner.

Robin's vision for the future of BCBA is "to continue the extraordinary growth of the association." Robin is proud that "the last few years have shown an increase in membership, collaborations with other voluntary bar associations and participation by the judiciary." The BCBA now has events on an almost daily basis throughout Broward County. Robin wants to ensure that "there is a plan in place to ensure the viability and development of the BCBA for years to come." She cannot accomplish this alone, however, and welcomes your help. Robin wants to hear your ideas and wants us to make this the best year BCBA has ever had. With her leadership, we can do it! Please

join me in congratulating Robin in becoming the 90th President of the BCBA! **B**



*Jacqueline A. Revis, Esq. practices in the areas of real estate, estate planning, and probate and trust administration with Krause & Goldberg P.A. Ms. Revis is a member of Attorneys Title Fund Services and has closed over 1,500 real estate transactions during her 11 years working in the real estate field. She can be reached at [jacqueline@krauseandgoldberg.com](mailto:jacqueline@krauseandgoldberg.com). For more information, visit [www.krauseandgoldberg.com](http://www.krauseandgoldberg.com).*



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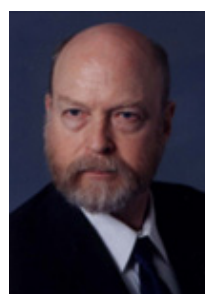
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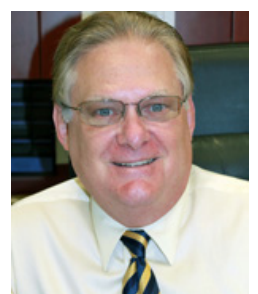
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## The Power of Music

by Dominique Martinez

Music is powerful. Can you name one person who does not love a good tune? For most of us, music is part of our daily lives. Whether you listen to it on the drive to the office, turn it up to drown out the sound of the neighbor's annoying dog, or the neighbor tries to drown you out when you become that "shower pop star," music is everywhere. Often times we forget how great of an impact music can have on our lives.

We live in a fast-paced society. There are so many deadlines to adhere to, we are continually on the move, overcommitted and unable to disconnect. There is a constant need for an outlet to escape. Let music be your escape. Whether you are into rock 'n' roll, hip-hop, classical, jazz, rhythm and blues or country music, there is genre of music that touches your soul.

Mark Dickstein definitely knows about using music as an outlet. At Mr. Dickstein's bustling law firm, music is not only a central part of his life, but also his practice. The first thing clients notice when they enter his office is the music. There are photos indicating his love of music. A large keyboard adorns the corner of Mark's office.

Mark believes that many people have musical abilities, but they keep it to themselves. Some may be afraid of judgment and others may not be confident in their musical abilities. Initially, Mark had had concerns that the "music will take away from his credibility as a litigator and attorney," he said. To his amazement, he has found that most of his clientele and peers appreciate his talent.

Mark has been a musician since he was 9 years old, but he is confident that music can make a positive impact at any age. For those without training in music, Mark declares they can always learn. They can hire a musical instructor, download apps on their phones or train using online videos.

Mark has been at the forefront of the Legal Jam, a BCBA event where members network and play music for their peers.

The occasion "is an outlet for them to play and not be judged," Mr. Dickstein says. "There are a lot of closet musicians."

He is sure that at the end of the day several attorneys go home and rock out by themselves. He urges those people to break out of their shell and share their talent.

Singing, playing, writing or simply listening to music is a great way to break away from a demanding schedule. Taking 10 minutes out of the day to turn on a favorite song or pull out a guitar will give well-deserved peace and relaxation time. Don't be afraid to share. **B**



*Dominique Martinez is an attorney at Dominique Y. Martinez Law P.A. Her practice focuses on family law and small business law. She can be contacted at [dominique@dym-law.com](mailto:dominique@dym-law.com) or 954-951-3264. For more information see [www.dym-law.com](http://www.dym-law.com).*

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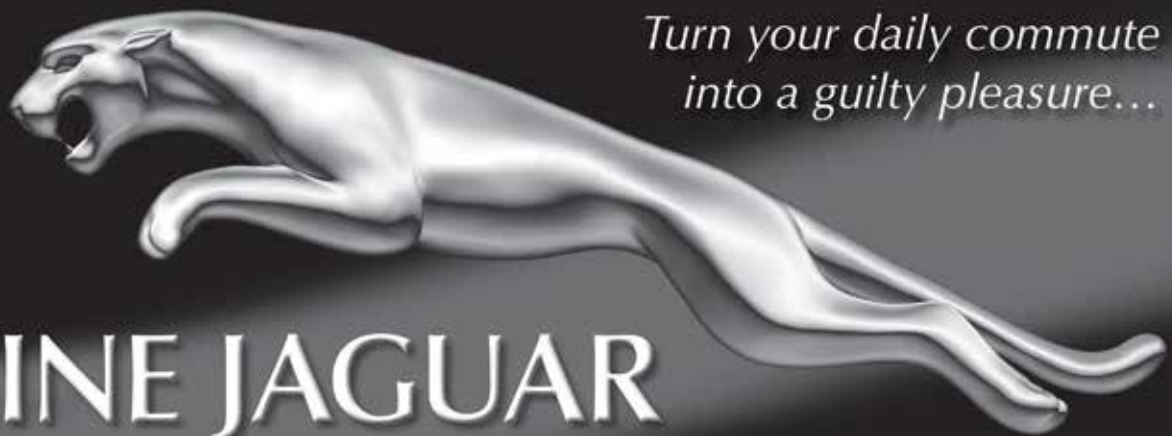
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## THANK YOU Pro Se Volunteer Instructors

Howard C. Forman, the Clerk of Courts, and Tonya Green, Manager of the Clerk of Courts Domestic Violence and Pro-Se Division, would like to extend heartfelt thanks to the following attorneys who gave back to the community by donating their time teaching the Pro Se class:

**Lauren Alperstein, Marissa Pullano, Lindsay Corcoran,**  
**Jamie Alman and Stacy Weissman,**  
whose dedication to teaching the class  
from 2012 until March 2015 has served the public well.

Welcome to the attorneys who have volunteered to contribute their services June 2015 - June 2016: **Anna Maria Capizzi, Carol Ann Mazza, Doreen Inkeles, Marla Killmon, Jennifer Waterway, Natascha Abbott, Rhoda Sokoloff and Stephanie Matalon.**

Thank you all.



# SETTING THE PLAN FOR YOUR FIRM



by Assad S. Mirza

According to various business and industry surveys, it is estimated that only about 4% of businesses make more than \$1,000,000 of revenues per year, and only about 0.4% make more than \$10,000,000 per year. This series of articles is dedicated to providing business practice pointers and tools for attorneys who are responsible for the management of their firms.

In our last article, we discussed the importance and how to set a strategic direction for your law firm – often referred to as a mission statement: 1) identify your firm's target, a very specific type of client and/or area of law; 2) identify your competitive edge over your competitors; 3) identify the services you will provide to achieve that. With those three identified, that sets the purpose or the mission statement for your firm. These same principles can be applied at a firm level, or even at a smaller level for each department or even individual attorney level. Next comes the setting of goals, strategies and tactics (GST); this is the “planning” part.<sup>1</sup>

**Goals** are key initiatives, they are what your firm needs to achieve in the coming year, and often times they span several years. Identify the most important key initiatives, and make that your “new

year's resolution” for the firm. If you pick just five key initiatives, that will keep you and your firm very busy. Examples of goals or key initiative are – a) increase revenues; b) deepening the focus in your practice area; c) improving employee retention/efficiency/team work; d) improving processes and technology/ efficiency/profitability; e) strengthening the firm's weak spots; e) improving client satisfaction/repeat clients, etc. Separate the goals by major categories: 1) revenues, 2) area of practice, 3) operations (space/it, etc.), 4) employee/staff retention, 5) communications and meetings, etc. There will be a lot of work, so pick the top priority that will have the greatest impact on your firm's longevity and sustainability.

**Strategies** are the legs that support each goal. Strategies are the things that must be done to in furtherance of that goal. For example: If your goal is to increase revenues by 10%; then you may employ various strategies such as strategy #1 – increase referral sources, strategy #2 – increase client satisfaction, strategy #3 – Increase advertising. There will be strategies you will identify that are more impactful than others, hence, prioritizing the strategies will be important.

**Tactics** are the types of tasks you will implement to support the strategy. For example in strategy #1 – to increase referral sources; you will have to identify your optimal referral sources and implement tactics. Examples are tactic #1 – reach out to existing referral sources and let them know what you do and that you are open to do more business for them; tactic #2 – ask affiliates, colleagues,

vendors and friends if they know of your ideal referral source and connect with those new referral sources.

**Tasks** are the actual activities that will support each tactic. The tasks are similar to your “to do” list. The tasks must have the action needed, the person(s) who is assigned to doing or overseeing the task, the completion date, and the desired result.

In deploying your goals strategies and tactics, you will have to assess other areas like operations, technology, human resources, marketing, time management and communications. For a more detailed sample GST worksheet visit the Broward County Bar Association website link at <http://www.browardbar.org/?p=7055>.

Our upcoming articles include further discussions on establishing core values and firm metrics, getting your firm into a production rhythm, effective time management techniques, do's and don'ts of marketing. **B**

1 Goals, strategies and tactics have been used interchangeably in the business world, but come to eventually net the same result... a definable realistic business plan.



*Assad S. Mirza, Esq., LLM, Member of AICPA, is a managing partner at Mirza Basulto & Robbins, LLP. The firm focuses its practice on community association law. He may be reached at (954)641-9600 or via email at [amirza@MBRLawyers.com](mailto:amirza@MBRLawyers.com)*

## WHERE IN THE WORLD IS THE BARRISTER?!?



BCBA member **Laura Varela** with her sister Linda and nephew Brennan in front of Windsor Castle, England in April 2015.



BCBA member **Jamie Finizio Bascombe** visiting Negril Coast, Jamaica in April 2015.

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**17 Masters of Trial Session 4- Closing Arguments**  
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**22 CLE: Settlement and Guardianship Answers**  
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**29 CLE: Florida's New Computer Abuse and Data Recovery Act (CADRA)**  
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