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ON THE COVER

The Broward County Bar Association and the BCBA Publicity Committee wish everyone a wonderful holiday season. The committee members meet monthly and work collaboratively to provide up to date legal content to our readers. If you are interested in joining the Publicity Committee, please let us know by emailing membership@browardbar.org. Pictured (left to right): Deborah Ward, Natalie Giachos, Braulio N. Rosa, Jeni L. Meunier, Edwina V. Kessler, Amanda R. Marks and Alan Bryce Grossman.

5 Letter from the President

Thomas D. Oates

7 Young Lawyers' Section Letter from the President

Sara M. Sandler

9 Back to Basics

Jason Blank

12 Cyber Vulnerabilities

Jeni Meunier

14 Appellate Practice Section Update

Amy M. Wessel

16 Going Solo

Brendan A. Sweeney

18 Leverage LinkedIn

Natalie Giachos

20 Recent Developments

Nancy Little Hoffmann

22 Legal Health Corner

Deborah Ward

23 Calendar of Events

inside this issue



14



16



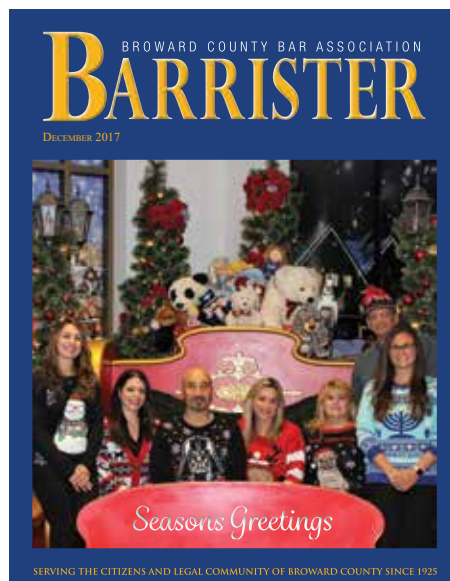
18



20



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letter from the president



Thomas Daniel Oates

This month's President's message is about remembering to take some time off. In our profession, it is difficult to fully disconnect. Occasionally, hurricanes and illness force us to take a step back, but we should reflect on the reasons why it is important to take regular time off.

The creation of the weekend wasn't just a reflection of the Jewish and Christian workforce wanting time off to observe their traditional day of worship or rest. Weekends were an invention of the industrial revolution. Factory owners needed to balance the fact that more goods could be created during a seven-day work week, with the demands of their workforce to carve-out more time for their religious beliefs and family. Henry Ford wasn't going to sell many cars if there wasn't any time

for people to use them. Ford also recognized the boost to the economy when workers had time off. At least back then, workers could remove themselves from their work. Nowadays, we carry our phones and have access to email pretty much everywhere we go.

As a young attorney, I recall my father and law partner's advice: "Nothing good ever results from answering the phone after 5 p.m. on a Friday." Perhaps I shouldn't admit that we used to turn the fax machine off for the weekend. Nowadays, the practice of law moves at a rapid pace. Instant delivery of pleadings and correspondence keeps us glued to our connected devices. This holiday season we should recognize the benefits of taking time off.

An article in *The Conversation* titled, "How a week of camping resets the body clock," recently caught my attention. I admit it, as slightly cooler temperatures become the norm in South Florida, and the offshore breeze blows away the mosquitoes; I am eager to spend time backcountry fishing and camping in the remote Ten Thousand Islands off Florida's southwest coast.

Current Biology published findings that show a humans' internal biological clock will synchronize to its natural sleep rhythms if the opportunity arises. This scientific study is all the evidence I need to schedule a long overdue camping trip.

Physical and mental health issues have been spotlighted recently for members of our profession. With some high profile loses in the legal community, we are reminded that even the best attorneys can suffer in silence from depression and other health issues. Numerous studies report the high correlation of mental health issues with infrequent vacations, time away from the office, and high-levels of work-related stress.

Breaks increase productivity, and are crucial to maintain a high-quality of life. Our profession is one substantially built on the billable-hour model. Productivity, measured by a fixed commodity such as time, puts us at odds between time spent at work, and time spent with family.

During this holiday season, I hope you will remember the importance of spending time with family and friends. We also should remember that as attorneys when we make the effort to take care of ourselves, we can better help others.

Tight lines my friends, and Happy New Year. **B**

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letter from the young lawyers' president



Sara M. Sandler

It is officially here – the most wonderful time of the year! If you attended the BCBA's Annual Holiday Party, then you know I speak the truth. A very big thank you to everyone who attended the party and brought toys to donate to the foster children who will be taking part in the Young Lawyers Section annual Holiday in February event. Holiday in February is one of our most rewarding events of the year and we wouldn't be able to make it such a special day for the foster children who attend without the generous donations from all of you.

While, for the most part, everyone gets excited in one way or another for the holidays, there tend to be two types of people in this world. Those that pull out their holiday decorations on November 1st and those that remember to pick up a tree on December 24th. The former finds themselves in the holiday wing of Target


on Sunday mornings with a Starbucks peppermint mocha in one hand and a light up pug lawn ornament in the other (but no one is speaking from experience here). The latter finds themselves doing whatever the exact opposite of that is. Regardless of which group you fall into, there is one thing we can all agree on: there's something about this time of year that brings out the best in everyone. Maybe it's the cooler weather, maybe it's the smell of cinnamon everywhere, maybe it's those darn Publix commercials (I'm not crying, you're crying). Whatever it may be, we all tend to want to do more good come the holiday season.

With that in mind, the Young Lawyers Section has decided to try something new in the hopes of bringing the Broward community together in order to give back. For the entire month of December, YLS will be promoting random acts of kindness through its RAK Up Some Kindness campaign. We'll be asking the entire Broward community (not just lawyers) to participate in doing random acts of kindness throughout December. We'll then be sharing those random acts of kindness on our Facebook page to highlight the wonderful things people are doing throughout the community to brighten someone else's day or lend a helping hand to someone in need. Stay tuned to our weekly newsletter and social media pages for more information on how to participate and help us spread the word on our RAK Up Some Kindness initiative. And, don't worry, we'll be sure to provide plenty of suggestions for different random acts of kindness you can do throughout the month. Here are a few easy ones to get you started:

- Do you find yourself at Dunkin Donuts before heading into the office? Buy some coffee for the person in line behind you!
- Check out operationgratitude.com for ways to send letters to our troops currently serving.
- Carry some extra bottles of water in your car to give out to the homeless.
- Is someone's parking meter expired? Throw in some change so they don't get a ticket.
- Leave a friendly note for someone with a compliment or words of encouragement.
- Agree to that request for extension of time!

We'll keep adding to this list on our Facebook page, so there is no excuse not to participate, my friends! So help us RAK up Some Kindness this month. Use the hashtag #YLSKindness to help alert us to all the good you'll be doing in December. You'll be surprised at just how far one random act of kindness can go and then there's nothing left to do but smile, smile, smile.

The Young Lawyers Section wishes all of you and your families a very happy, healthy, and safe holiday season, filled with lots of love and, yes, lots of kindness.

Until next time, keep truckin'. 



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Back to the Basics: Simple, but effective, Direct Examination

by Jason Blank

Open-ended questions. The questions that don't suggest an answer and let the witness explain what they mean. You know, the five "w"s (plus one "h"): who, what, when, where, why, and how. These were the basics for our direct examination script during my first mock trial with the local "Law Explorers" program when I was in sixth grade. The trial was held in the lobby of a big (or so it seemed at the time) law firm. We trained tirelessly for weeks (or for the few nights our parents would let us get together to prep), writing and re-writing our scripted examinations for the simplistic fact pattern that was presented to us about a gruesome murder with a hammer. Oh, the drama! (cue silent movie dramatic music) We had a one-page sheet that laid out the basics of direct examination. Little did I realize at the time that it would be the guide for so many of my witness examinations during my career.

As criminal practitioners, we often see the courtroom more than any other practice area. We are constantly examining witnesses in simple hearings held at the podiums, evidentiary hearings with only a couple lawyers and one witness, or during the fanfare of a jury trial. And so, with all of this "practice" at examining witnesses, you'd think we'd all be amazing at it. Ready for the stunner? We're not. But, there is hope! We just need to get back to the basics.

Funny enough, the same thing was on that one-page direct examination guide in sixth grade was told to me during my mock trials in college, in law school during my trial advocacy course and mock trial practices, and during our trial prep sessions at the Public Defender's office. Know why? Because the most basic of

direct examinations can often be the most effective.

Now that I am training soon-to-be lawyers when I coach mock trials, or helping practicing lawyers hone their skills, I too am stressing the basics of direct examination. Stick to the basics and you can't go wrong. Regardless of how long you've been practicing, or how many witnesses you've examined, I can't stress this enough: Stick to the basics and you will be more effective. There is a reason that the same techniques have been taught for generation after generation. Who, what, when, where, why, and how.

Direct examination is when your witness tells their story. It is not your time to shine, your time to argue, or your time to be heard. You will be at your best during an effective direct examination when you are barely noticed. Remember, you want the witness to explain what they saw; what they heard; what they smelled; what they felt. Let them paint the picture for the judge or the jury. The way that I often explain a direct examination to my witness is that it's like we are playing a book on tape. They are the Tim Robbins having the conversation with the warden while I am Morgan Freeman playing the role of the narrator. My job is simply to guide the story along, their job is to tell it. Direct the witness down the path of the story. Use the witness as a paint brush to help develop the picture you are trying to portray to the jury.

First, figure out what portion of the painting you want that witness to develop. Are they describing what your client was doing prior to his arrest? Are they laying out a bunch of facts necessary for you

to prove an element of your claim? You have to know for what purpose you are calling this witness before you begin down the path of your direct. Next, figure out how you want them to tell the story. Do you need a ton of background, or do you just want the witness to hit a few key points, so you can limit their exposure to cross examination? After you've figured all of that out, then develop your questions. Who are they? What were they doing with your client that day? Why were they at that high school party? When did they get there? How did they come to see your opposing party shacking up with the maid on that deserted island in Tahiti? The answers that they give will lay the foundation for all that you intend to argue later. Once you've got that down, then you can start to get cute by working in looping and directional responses. But until then, remember, stick to the basics and you can't go wrong. You will paint that beautiful picture that you want revealed in the end to the benefit of your client. **E**



Jason B. Blank is a partner with Haber Blank, LLP in Fort Lauderdale, Florida where his practice focusses in criminal defense work. He is the Vice-Chair of the BCBA Criminal Law Section, a Director-At-Large of the Florida Association of Criminal Defense Lawyers, and is the Vice President of the Broward Association of Criminal Defense Lawyers. You can contact Jason at jblank@haberblank.com



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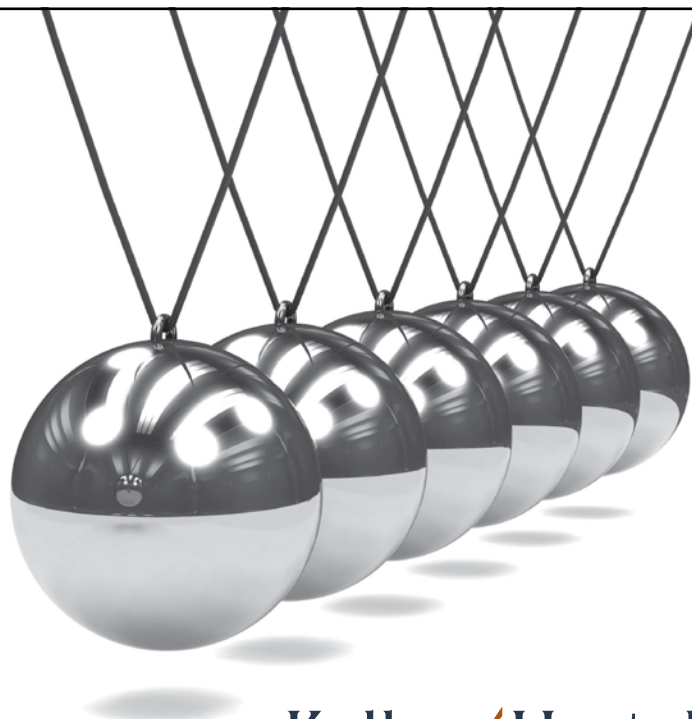
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A Firm's Biggest Cyber Vulnerabilities Originate Internally

by Jeni Meunier

Cyber hacks attacks make big headline news with most attacks originating internally. Experience shows an external attack is far less likely to cause a breach than internal threats. Therefore, awareness of internal vulnerabilities is the first step in preventing attacks.

Below are five of the major internal cyber security risks firms face:

Email Phishing Scams Exposing Firm Data

Phishing attacks are attempts to trick users by hiding behind what appears to be a legitimate entity. Commonly, a phisher may send an email that looks like it comes from a trusted source, such as a bank. A user clicking on links in the email may be brought to a website that, at first glance, appears legitimate. Once the user enters login credentials, their login details are stolen. Phishers may use these types of attacks to gain full access to a firm's email system, virtual private network, or other core systems. When access is granted, the phisher may even install malware to obtain a back door into the system. With such access, a firm's data can be taken, leaked, sold, ransomed or used for other disreputable purposes.

To hackers, phishing is a numbers game. A brute force phishing scam that sends well-crafted emails to large numbers of users costs little to launch, and even a low success rate can be very profitable or disruptive.

Misplaced Devices

Devices, such as external hard drives, thumb drives, tablets and laptops, are misplaced more frequently than most people realize. When the device con-

tains sensitive or irreplaceable data, this can be a significant blow. In the U.S. 49 states require a data breach notification be sent if personally identifiable information is lost.

Use of Public Wi-Fi Networks

Attorneys who travel frequently can expose firm data and systems simply by joining public wi-fi networks in an airport, airplane, hotel, coffee shop, or even by simply leaving wi-fi turned on. Joining an unsecured network, then logging into an email account or the firm network allows a hacker to eavesdrop and capture all information to breach a firm's systems.

Theft by Insiders

Lawyers tend to move around a good deal, with individual attorneys and entire practice groups leaving one firm for another or to start their own business. Often, according to their agreements with the firm and established norms, they are allowed to take active case data with them. But that does not extend to firm-wide data. Nevertheless, it is often all-too-easy for a departing attorney or practice group to copy data to an external hard drive, thumb drive, or other external media such as the Cloud. Once copied, the data can be used for economic advantage or even blackmail, and in extreme cases may even be deleted from the firm's records.

Once aware of these problems, there are many cybersecurity standards to help law firms to realize the most secure environment possible and to protect client data.

Some remedies to combat a threat of a breach:

1. Inventory and evaluate the risk of all

software systems and data. Not all client data should be created equal. Some client's data may need to be segregated on a highly secure server.

2. Creating a data remediation plan with specific deletion policies is critical

3. Establish an incident response team, include management, Internet providers, insurance providers, legal advisors, technical, and forensic experts.

4. Data loss protection systems need to be put in place. Ensure all data leaving and coming into the law firm is protected.


5. Conduct third-party assessments.

6. Have regularly scheduled training programs for your staff from third party experienced data security companies.

7. Use multifactor authentication for any application that is accessed directly from the Internet.

8. Encryption should be enabled on all devices; laptops, desktops, phones, tablets and anything that stores sensitive information.

9. Penetration testing should be done on an annual basis for law firms.

Cyber Security Insurance is a must for law firms. 



Jeni Meunier is a Senior Consultant at Logicforce. LOGICFORCE consults with law firms specializing in IT optimization, cyber security, eDiscovery, digital forensics, document management and document review. Jeni can be contacted at JMeunier@Logicforce.com or (754) 666-5900.

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Appellate Practice Section Update: Fourth District Court of Appeal at the 2017 Bench & Bar Convention

by Amy M. Wessel

During the October 2017 Bench and Bar Convention, the BCBA's Appellate Practice Section hosted the panel discussion entitled "Behind Closed Doors at the Fourth DCA," with esteemed Fourth District Court of Appeal Judges Dorian K. Damoorgian, Spencer D. Levine, and Mark W. Klingensmith.

Among other topics, the panel provided useful tips on effective briefing. The judges encouraged practitioners to submit shorter, more succinct briefs, and discouraged the use of footnotes. In Judge Klingensmith's view, footnotes often interrupt the flow of the argument and divert the reader's attention. If the content is important enough to appear in a footnote, it should be placed in the body of the brief. The panel also noted that many judges now read briefs on their electronic devices. Judge Damoorgian noted that studies show that people read very differently on electronic devices than on paper, and he encouraged attorneys to become familiar with writing more effectively for the electronic reader.

The judges also gave suggestions on improving oral argument. They recommended that practitioners focus on their strongest arguments; assume that the panel is familiar with the record; minimize emotional or equity-based arguments that are better suited for a jury; and tell the judges exactly what you want them to do,

citing the legal authority that enables them to do it.

Attendees then heard about the factors the judges consider in deciding whether to hold oral argument. While the criteria varies by judge, Judge Klingensmith considers whether the appeal involves an interesting issue or fact pattern, or novel area of the law. Judge Levine added that the judges also consider whether the case will have an impact beyond the specific case. He also encouraged attorneys to explain in their requests for oral argument how it will aid the court in resolving the case.

The judges also described the procedure by which appeals are decided. Once the appeal is perfected, it is assigned to a panel of three judges, one of whom is designated the "responsible judge." Although the handling of the appeal may vary by judge, the responsible judge usually reviews the briefs and assigns the appeal to his or her law clerk. After reviewing the briefs and the record and performing independent legal research, the law clerk prepares a bench memo. The responsible judge provides input on the bench memo, and it is then sent to the other two judges on the panel. The panel will discuss the case at conference and determine how to decide the appeal. If oral argument is granted, the panel discusses the case after oral argument takes place.

The judges then spoke about the

opinion-writing process. Judge Levine explained that opinion-writing is a "collaborative effort" between the judges on the panel and their law clerks. Judge Damoorgian emphasized the importance of writing succinct opinions in which the reader can ascertain the issues on appeal and the disposition of the case within the first few minutes of reading the opinion.

All in all, the seminar gave attendees a wonderful opportunity to gain invaluable insight into the Fourth DCA.

This article is submitted on behalf of the BCBA Appellate Practice Section, the Section's Chair, Michele K. Feinzig, Esq., Of Counsel at the Law Offices of Robin Bresky, and the Section's Vice Chair, Louis Reinstein, Partner at Kelley Kronenberg. For more information about the Appellate Practice Section, please check the BCBA calendar, or email mfeinzig@breskyappellate.com or lreinstein@kklaw.com. **B**



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Going Solo: Tips for Success

by Brendan A. Sweeney

Starting your own law practice is a daunting task. I will never forget my first day of officially opening for business, the sense of accomplishment of going out on my own and starting my own office was immense. However, shortly thereafter, probably just after lunch hour of my first day, the sense that I am now responsible for all business generation, marketing efforts, the actual practice of law, administrative and secretarial tasks, overhead/paying the bills, along with a myriad of other tasks became very real. Below is a candid list of tips to consider implementing whether you are planning on starting your own shop or you already have your own and are looking for some new ideas.

Spread the Word. Let family, friends, colleagues, and former opposing counsel know that you are open for business. Just let them know that you are excited about the future and what area(s) you are going to be focusing on. I say former counsel because I have received several referrals from former opposing counsel from prior contentious matters. I had no idea that these attorneys, whom I sometimes had very difficult times dealing with, respected me enough as an attorney to send work my way. This opened the door to relationships with former opposing counsel which has led to co-counseling with them on matters as well.

Always Develop your skill set. In addition to regularly reading the authorities and secondary sources in your practice area, the Broward County Bar Association's continuing legal education programs are top notch and very affordable to members. I regularly attend their CLE's and will continue to do so. The amount of information that I have learned from the Broward County Bar CLE's is amazing. I just recently attended a CLE for the Construction Law Committee and the speaker was flown in from the north-

east for the day. The caliber of presentations is excellent.

Pro Bono is a good thing. I have always felt honored to be an attorney in this community and enjoy giving back to the community through pro bono efforts. Determine what type of pro bono activity is good for you and what are the time requirements. I started out doing my pro bono with the Guardian Ad Litem's office in Broward and made a lot of great relationships with attorneys and Judges. Today, I regularly take cases from Legal Aid Service of Broward County. It is a wonderful organization that serves our community and can always find a spot for an attorney interested in giving their time. If you do a pros and cons list of taking on pro bono cases, the pros always significantly outweigh the cons, in addition - it makes you feel good.

Know Your Clients. Let your clients know what you can do to help them out. I try to spend at least an hour for initial consultations, this allows me to get to know the client, their business, what pressures they are under, what is the ultimate objective. If you are representing a consumer then you have to understand that retaining a lawyer and litigation is very daunting, as a lawyer you need to be sure to put yourself in your client's shoes. Some of my best matters have come from repeat business from clients and their family and friends. I attribute this to the quality of services provided, as well as developing relationships with them.

Have Mentors. I am fortunate to have practiced for eleven years before starting my own practice and worked with some excellent attorneys that I consider mentors. If there is an issue that comes up and you aren't aware, take your mentor out to lunch and pick their brain. If you don't have a mentor then sign-up with the Broward County Bar's Mentorship program immediately. The mentors in

this program area are some of the best attorneys in town. Younger lawyers should absolutely participate.

Non-Profit/Community Involvement. It is an honor to be a lawyer in this community, and as attorneys we need to give back to the community to make it a better place. Find a non-profit or a cause that speaks to you and donate your time to the cause. I am a proud member of the Board of Directors for Rebuilding Together Broward County whose focus is to improve the homes and lives of low-income homeowners. I am deeply passionate about this cause and always look forward to helping out.

Broward and Florida Bar Committees. Be sure to volunteer for Broward County Bar committees. I have served on various committees with the Broward Bar and continue to do so, I look forward to the meetings because I get to see a lot of friends and colleagues. Further, the Florida Bar committees are also excellent ways to meet other attorneys throughout the state. I currently serve as the 17th Judicial Circuit Liaison for the Florida Bar Unlicensed Practice of Law Committee and have served on various committees in the past. The relationships that I have made with other attorneys have been great. I regularly receive and send referrals with out of town attorneys that I know from my committee memberships. **B**



Brendan A. Sweeney, Esq., is the managing partner of Sweeney Law, P.A., an AV Martindale rated, boutique firm located in downtown Fort Lauderdale focusing on Plaintiff's Consumer Protection Litigation, Commercial Litigation, and Construction/Real Estate law and litigation. www.sweeneylawpa.com.



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How Lawyers and Law Firms Can Leverage LinkedIn



by Natalie Giachos

LinkedIn is the world's largest social network for professionals and with half a billion users and counting, it is not a platform law firms should be ignoring.

Lawyers can use LinkedIn to engage with prospective clients, network with other professionals, and establish themselves as thought leaders in their practice area in a way that cannot be done on any other platform.

Establish Your Presence on LinkedIn

Update Your Profile

The first step to an effective LinkedIn strategy is to make sure your personal profile is properly completed. You should start with a professional picture of yourself. According to LinkedIn, members who include a photo receive up to 21 times more profile views and up to 36 times more messages. Simply filling out basic information is not enough. Your summary should include information that conveys your value to your prospective clients, not just state practice areas. People should be able to read your profile summary and feel that you not only understand their legal issue, but that you also have the skills and experience necessary to achieve the best possible result for them.

Update Your Headline

The headline is often one of the most overlooked LinkedIn profile sections. By default, LinkedIn populates this

section with your current title and company name. However, since this section is the first thing people will see, you should use it to promote your practice areas, core marketing message, and anything else you want to highlight. This is where you want to make a strong first impression, so use it wisely.

Create or Update Your Firm's Page

The next step would be to create a company page for your law firm. The page should include your firm's logo and branding and describe your practice areas using keywords that prospective clients will search for. Your page should have links to all the firm's attorneys. Their LinkedIn profiles should also be up to date as prospective clients are likely to visit their pages as well.

Engagement

Once your personal and firm profiles are complete, you will need to come up with a strategy to engage prospective and current clients.

Publishing Content on LinkedIn

LinkedIn has a publishing tool available directly from your profile page. By publishing relevant and informative content, you can reach other LinkedIn users even if you are not directly connected to them. The more engagement your articles get, the more reach they will have. So be sure to publish engaging content.


LinkedIn Groups

Search for LinkedIn groups in your

industry and for groups where your prospective clients will likely be. By joining these groups, you can build relationships with other industry leaders and prospective clients, which can lead to referrals or new clients.

Schedule Time for LinkedIn

To get the most out of these LinkedIn strategies, you have to dedicate time to the platform. Even scheduling as little as 15 minutes a day to post content and engage with people in your network and groups can make a difference.

LinkedIn is growing every day, and yet only a small percentage of lawyers are using it to its fullest potential to bring in more clients, referrals, and publicity. Start using LinkedIn to grow your practice today! 



Natalie Giachos is the Managing Attorney at The Solution Law Firm, P.A., where she practices Estate Planning and Personal Injury. Natalie has a passion for marketing and helps attorneys and entrepreneurs achieve success through online marketing. Natalie can be reached at Natalie@solutionlawfirm.com. Visit www.solutionlawfirm.com



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Recent Developments in the Law

by Nancy Little Hoffmann

UPHOLDING THE CONSTITUTIONAL RIGHT TO PRIVACY, SUPREME COURT STRIKES DOWN PORTIONS OF STATUTE IMPOSING PRESUIT REQUIREMENTS FOR MEDICAL NEGLIGENCE ACTIONS.

Since 2011, there has been in place a statutory scheme setting forth certain requirements as a precondition to filing a medical negligence action. In addition to conducting a presuit investigation to determine whether there were reasonable grounds for bringing the action, an injured patient was required to give notice to each prospective defendant, and to authorize the release of certain health information that was potentially relevant to the action.

In 2013, the Florida Legislature amended those statutes, adding a provision that the patient must now also consent to what the Court termed “secret, ex parte interviews” between the patient’s treating health care providers and the prospective defendant and/or defense counsel, without the presence of the patient or the patient’s attorney.

One amendment mandated that the patient or counsel arrange for an interview with the treating provider within 15 days of a request by the prospective defendant. If the defendant wants another interview with that provider, only 72 hours’ notice is required; and if the interview is not scheduled within that

time, the defendant is permitted to conduct the interview “without further notice to the claimant or the claimant’s legal representative.” Sec. 766.106(6)(b)5, Fla. Stat.

In addition, the authorization form required by statute was amended to expressly provide that the interviews may be conducted “without the presence of the Patient or the Patient’s attorney.” Sec. 766.1065(3)E, Fla. Stat. Moreover, the list of persons allowed to be present in these clandestine interviews was expanded to include other insurers, attorneys, expert witnesses, and support staff, thus exposing the patient’s confidential medical information to a broad category of persons.

In this case, the deceased patient’s widow sought a declaratory judgment that these amendments violated the right of access to courts and the right to privacy under the Florida Constitution. The trial court dismissed the privacy claim on the basis that the decedent’s rights terminated upon his death, and it granted summary judgment in favor of the physician. The First District upheld the constitutionality of both amendments.

In a 50-page four to three opinion which discussed extensively the constitutional right to privacy, the majority of the Supreme Court struck down as unconstitutional the language from both amendments which authorized the secret, ex parte interviews. The Court held

that the right to privacy which attaches during a citizen’s life is not retroactively destroyed by death. It further held that in a wrongful death case, as here, the administrator of the estate has standing to assert the decedent’s privacy rights. Finally, the amendments unconstitutionally required a plaintiff to waive his constitutional right of privacy in order to assert his right of access to courts for redress of injuries caused by medical malpractice.

The dissenting justices filed a 30-page opinion, expressing their views that the amendments were constitutionally permissible.

Weaver v. Myers. 42 Fla. L. Weekly S906 (Fla. November 9, 2017). **B**



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



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Why We Need to Take Time to Disconnect from Our “Tech”

by Deborah Ward

Our world requires us to be immersed in a technology bubble. Communication and entertainment centers around our constant use of cell phones, computers, and televisions. The instant communication expected as a result, leads to increased stress levels both professionally and personally. In addition, technology places us at risk of harm both physically and psychologically. If you have not evaluated your relationship with technology, take a moment to ask yourself, am I contributing to my own destructive practices?

Many of us are guilty of the inability to detach ourselves from technology. Gone are the days when you get up to talk to a coworker at the desk in front of you or office next door when all that is needed now is to sit in our chair and send an email or text message. The same goes with our communication with clients, peers, and personal relationships. Text or email is typically first choice as opposed to a phone call or meeting. The dinner table is usually consumed by attendees answering their phones or looking up information. Our sleep is constantly interrupted by rings and notification tones that cause us to awaken and at least evaluate its importance.

The risk of physical injury related to driving and cell phone use is well known. However, studies have shown that technology negatively affects our physical health as well. Studies have found that increased technology use resulted in less physical activity, leading to obesity and decreased overall health.¹ Other studies have shown technology negatively impacts sleep quality, which is known to cause fatigue and impair cognitive performance.²

One of the most overlooked aspects that has suffered from advances in technology is our inherent need of human interaction. The quality of our verbal and non-verbal communication has decreased, leading to us being less satisfied with our lives.³ Excessive technology use has also been shown to affect our psychological well-being, with rises in anxiety and depression. The constant “need” to check and monitor our phones for new messages or updates, relating to both personal and professional matters, is con-

sistent with “addictive behaviors.” These behaviors have consequences of increased stress, decreased satisfaction with relationships, and difficulty balancing work and family.⁴

I recently had the pleasure of speaking with Kristin Bianculli, Esq., who understands the daily pressures attorneys face in our technology driven world. When asked about her thoughts on the effects of technology and the legal profession, she mentioned she feels the “art of conversation is slowly going away” with less personal interactions either face to face or by phone. As a byproduct, this creates more items to respond to, often causing increased frustration depending on one’s comfort level with technology use.

This past summer, she enjoyed a “technology free” vacation with her family. The one-week vacation consisted of attending a family resort with the requirement of no internet, phone, computer, or television. Her goal was to connect meaningfully with her family. She states the technology free environment caused her to be “more creative” with respect to daily activities. This included enjoying the outdoors, how she spent time with her family, and embracing times of silence.

Kristin states her vacation was an “amazing week” and she looks forward to spending quality time with her family again. She “encourages every person, in any field, to take time to turn off from technology.” Managing time with work, social media, and technology devices can easily become addictive. She gives great advice of structuring daily activities to include time each day to “disconnect” and focus on family and personal relationships.

The significance of natural human interaction was shown in one study by the fact that we are more satisfied with our lives and relationships when we participate in more personal communication such as face to face, phone, and video calls, as opposed to text, email, and messaging.⁵ Although technology is vital in our present world, we cannot underestimate the importance of meaningful interactions, both personally and professionally. Some of the best work derives

from having discussions and bouncing ideas around.

With the new year starting, I encourage everyone to evaluate your relationship with technology. Take the time to reconnect with colleagues, staff, and those you cherish most by speaking with others. Create appropriate boundaries for yourself and allot time daily to disconnect from your “tech”. It is also important to respect the time others have designated as well. Hopefully, we can all create a healthy relationship with technology without sacrificing our health and well-being. **B**

1 Rosen, L.D., Lim, A.F., Feit, J., Carrier, L.M., et al. (2014). Media and technology use predicts ill-being among children, preteens, and teenagers independent of the negative health impacts of exercise and eating habits. *Computers in Human Behavior*, 35, 364-375.

2 Gradisar, M., Wolfson, A. R., Harvey, A. G., Hale, L., et al. (2013). The sleep and technology use of Americans: Findings from the National Sleep Foundation’s 2011 sleep in

American poll. *Journal of Clinical Sleep Medicine*, 9(12), 1291-1299; Sansone, R. A. & Sansone, L.A. (2013). Cell phones: The psychological risks. *Innovations in Clinical Neuroscience*, 10(1), 33-37.

3 Goodman-Deane, J., Mieczakowski, A., Johnson, D., Goldhanber, T., & Clarkson, J. (2016). The impact of communication technologies on life and relationship satisfaction. *Computers in Human Behavior*, 57, 219-229.

4 Sansone, R. A. & Sansone, L.A. (2013). Cell phones: The psychological risks. *Innovations in Clinical Neuroscience*, 10(1), 33-37.

5 Goodman-Deane, J., Mieczakowski, A., Johnson, D., Goldhanber, T., & Clarkson, J. (2016). The impact of communication technologies on life and relationship satisfaction. *Computers in Human Behavior*, 57, 219-229.



Deborah Ward, ARNP, LNC is a board-certified nurse practitioner working as a legal nurse consultant. Her nursing expertise and legal nurse consultant services assist attorneys with full case development of a wide range of medical related cases. Deborah can be contacted at deborah@drwardconsulting.com or (954) 290-7311.

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6 YLS Wine Down & Tie Up
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Time: 6:00 p.m. – 7:30 p.m.
Venue: BCBA Conference Center

7 YLS Holiday Luncheon
Time: 12:00 p.m. – 1:30 p.m.
Venue: Timpano
Cost: \$25 BCBA YLS Member; \$30 Non-Member

13 Bankruptcy CLE
Time: 12:00 p.m. – 1:30 p.m.
Venue: BCBA Conference Center
Cost: \$15 BCBA Member; \$25 Non-Member

13 North Broward Holiday Party
Time: 5:30 p.m. – 7:30 p.m.
Venue: Funky Buddha Brewery
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