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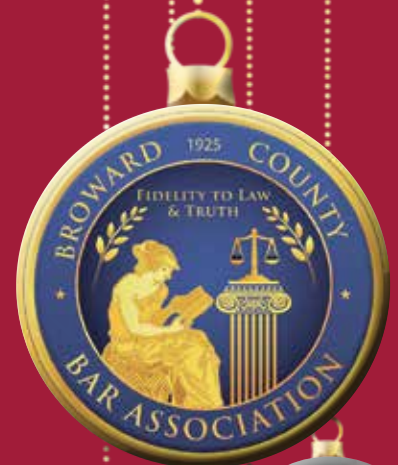
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Thursday, November 30th - Read inside for more information

Inside this issue:

- Hurricanes & The Vulnerable: What Have We Learned?
- Make the Most of Interrogatories Using a Forensic Accounting Expert
- Residential Tenant Remedies in the Wake of Irma
- ...and more!



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ON THE COVER

The Broward County Bar Association invites our members to our 2017 Annual Holiday Party at the Fort Lauderdale Antique Car Museum on Thursday, November 30th. Register at www.browardbar.org/calendar.

5 Letter from the President

Thomas D. Oates

7 Young Lawyers' Section Letter from the President

Sara M. Sandler

9 Hurricanes & The Vulnerable

Arlene Lakin

12 Interrogatories

Sheri Fiske Schultz & Katie Gilden

13 Bench & Bar Convention

Brent M. Reitmand &
Robert C.L. Vaughan

16 Going Forth

Alan Bryce Grossman

19 Tenant Remedies

Joseph S. Hughes

20 Recent Developments

Nancy Little Hoffmann

22 Legal Health Corner

Shari Scalone

25 Calendar of Events

inside this issue



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letter from the president




Thomas Daniel Oates

The leadership of the Bench & Bar Convention planning committee deserves a huge thank you for another successful convention. Co-Chairs, Robert Vaughan (BCBA Secretary) and Brent Reitman, worked tirelessly to organize, and implement this extraordinary event. The Bar resources and the staffing requirements necessary to execute an event of this magnitude are great. Looking back, it is easy to understand why BCBA's leadership chose to host the event bi-annually, instead of every four years. Many thanks to everyone that helped make it possible.

In October, we welcomed Aaron Jay "AJ" Horowitz, a Shareholder and litigator in Gunster's Fort Lauderdale office, to BCBA's Board of Directors. AJ will fill a central area board vacancy. I was pleased by the large number of applicants we received for the position, and hope BCBA members will continue to seek out ways to stay active and contribute to the Bar.

Last month's BCBA new attorney orientation breakfast was an excellent opportunity to display the benefits of membership to the newly minted attorneys. Many of Broward's newly licensed attorneys attended a discussion with Chief Judge Tutor, and the administrative judges from each division. Courthouse tours were offered to the attendees, as well as networking opportunities for those seeking their first job.

If you've been by the BCBA Center you probably noticed the large Banyan tree adjacent to the parking lot has toppled over and crushed the large oak tree beside it. Although the Banyan tree withstood Hurricane Irma's wind gusts, the tree ultimately succumbed to internal damage. However, before the tree was removed it served as the perfect backdrop to film the Young Lawyers Section (YLS) Thriller Dance Challenge video. YLS produced the video challenge to encourage Voluntary Bar Associations (VBA) throughout Florida to raise money for the hurricane relief effort. For every like the BCBA YLS video receives on the YLS Facebook page, YLS will donate a dollar (up to \$500) to the Ronald McDonald House of Fort Lauderdale, thanks to the support of Ross Amsel Raben Nascimento PLLC, Yello!, and US Legal Support.

The 2017 BCBA Annual Holiday Party is scheduled for November 30, 2017. To register for events please call 954-832-3618 or visit <https://www.browardbar.org/calendar>. 



YLS Thriller
Dance Challenge

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letter from the young lawyers' president



Sara M. Sandler


"Once in a while you get shown the light, in the strangest of places if you look at it right."

Sometimes it's all about taking a risk. The Young Lawyers Section recently tried to bring something new, not only to Broward County, but to all Voluntary Bar Associations throughout the State. Our Thriller Dance Challenge started out as a fun idea, a way to live out this YLS President's love for simultaneous, spontaneous song and dance. We hoped to engage our membership in a new and different way of getting involved, while hopefully bringing something a little more lighthearted and fun to our members. We committed to our vision and even found a way to give back to the community in the process. To the YLS members (and their adorable children!) who participated in our Thriller Dance

Challenge, to everyone who has "liked" our video to help us raise money for the Fort Lauderdale Ronald McDonald House, and to all of the Voluntary Bar Associations who took on the Challenge, YLS thanks you. Thank you for being a part of something different, thank you for putting yourselves out there, thank you for helping us take this vision and making it a reality.

As The Dead remind us, every once in a while, if you're brave enough to step outside your comfort zone, if you're brave enough to take a risk, you might just find what you've been looking for. And sometimes, being in leadership, that's really what it's all about. Taking a risk. Embracing an idea and taking it to fruition. We can't be afraid of failure – there is no one size fits all when it comes to measuring success. If we keep doing the same thing all the time, if we're always worried that something will fail, we'll never know what we're really capable of; we'll miss out on opportunities that we didn't even know we had. For YLS, "taking a risk" is all about finding new and different ways to engage our membership – all of our membership. We love putting together new events and seeing faces of YLS members we've never seen before. Success for us is finding a way to get more of our membership involved.

Over the last year, YLS has made it a goal to add new and different programs to our year. We started our Lawyers for Literacy program, gathering volunteers once a month to read to local kindergarten students – this program will pick up again this month, so if you know what it means to sit crisscross applesauce, we hope you'll volunteer. We also started putting together sweatworking events to engage our members looking to incorporate some fitness into their networking (have you joined our YLS Miles for Smiles team to benefit Broward Children's Center?). In October, YLS joined with Legal Aid and the 17th Judicial Circuit Pro Bono Committee to put together an incredible event for our community – our first ever Know Your Rights Clinic, where local attorneys provided free legal advice about tenant rights, employee rights, and how to interact with the police. In early 2018, YLS will be putting on its very first Charity Fashion Show which will benefit local cancer treatment centers and patients going through chemotherapy.

All of these events began because someone was inspired to bring something new and different to YLS' programming. We're always open to taking on new challenges and bringing events to our members that will help them get involved in something they would've otherwise never tried and maybe even helping them realize a passion they didn't know they had – sometimes that passion is reading to children, sometimes that passion is putting on zombie makeup and dancing to Michael Jackson's Thriller, either way, we're happy to be a part of your journey. 

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HURRICANES & THE VULNERABLE: WHAT HAVE WE LEARNED?

by Arlene Lakin

Hurricane Harvey caused devastation in Texas. We all saw video of seniors in a nursing home sitting in filthy water midway up their wheelchairs.

Hurricane Irma caused devastation in Florida and throughout the southeastern USA. We all saw video and news articles about 12 seniors who died in a Hollywood nursing home from heat prostration due to no electric power. While these individuals were fighting for their lives, there was Memorial Hospital next door and no action was taken in a timely, appropriate fashion to rescue them.

“On September 16, 2017, following the tragic deaths of eight people at the Rehabilitation Center at Hollywood Hills in Broward County, Governor Rick Scott is directing Florida Agency for Health Care Administration (AHCA) Secretary Justin Senior and Florida Department of Elder Affairs Secretary Jeffery Bragg to issue emergency rules to keep Floridians safe in health care facilities during emergencies. Pursuant to the emergency action, within the next 60 days, all assisted living facilities (ALFs) and nursing homes must obtain ample resources, including a generator and the appropriate amount of fuel, to sustain operations and maintain comfortable temperatures for at least 96-hours fol-

lowing a power outage. This is based on standards already in place at all hospitals in Florida.

The emergency action also requires:

State Fire Marshal Jimmy Patronis to conduct inspections of these generators within 15 days of installation at the facilities;

Local emergency management officials to either approve or deny the emergency management plans already required to be submitted to them by law from residential healthcare facilities to ensure it sufficiently protects life;

Each local emergency management agency must post all approved facility emergency management plans to their website within ten days of the plan's approval; and

Facilities must submit proof of compliance with the emergency rules to AHCA and Elder Affairs within 48-hours of each plan's approval.”

This is a good beginning and something that should have been instituted years ago. Tragically, too late for these 12 seniors in Hollywood.

So, these hurricanes have brought to our attention the potential abuse of seniors in facilities. Action is being taken. That

is a good thing. However, there is daily abuse of seniors in their own homes - you do not have to be an elder law attorney to be wary of a suspicious situation with a family member, a neighbor, or an acquaintance. If you suspect abuse or self-neglect, how can you look away? Contact family. If family is the problem, then dial Adult Protective Services at 1-800-962-2873. And this does not just apply to seniors (persons 65 or older); this applies to vulnerable persons of any age. **B**



Arlene Lakin is a Florida Bar “board certified” & A-V (Martindale-Hubbell) rated elder law attorney whose law offices are located in Margate and in Pompano Beach. Mrs. Lakin's law practice focuses on wills, trusts (including special needs trusts), probate, guardianship, as well as public benefits, such as Medicaid, social security, and veterans' benefits. She can be reached at Lakin-EsqLaw@gmail.com or (954) 975-5159



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Make the Most of Interrogatories Using a Forensic Accounting Expert

by Sheri Fiske Schultz and Katie Gilden

The discovery process provides an opportunity to take a deep dive into the financial records of the opposing party. Attorneys drafting interrogatories and requests for documents should avoid practices that work against their clients. Working with a forensic accountant can be beneficial in obtaining the requisite financial information and also in responding to claims of abusive conduct.

All too often, plaintiff attorneys start the discovery process by submitting a standard set of questions that experienced defense attorneys bat away with a pre-arranged set of responses that are deliberately inadequate, uninformative, or nonresponsive. Then begins the blame game: who is manipulating the discovery process – the overreaching plaintiff or the evasive defendant?

Anticipating deflection and delay tactics is a better approach. With respect to financial records and damage related issues, a forensic accountant can provide guidance on crafting questions that are adequately specific and narrow. Under federal court rules, for example, all interrogatories should have a reasonable particularity so that the Court can determine whether the respondent has complied with the requests.

Before submitting interrogatories and production requests, the accountant and attorney, in collaboration, should examine how opposing counsel has responded to similar questions in the past. Court records, anecdotal advice from colleagues who have previously faced the other lawyer, and direct observation of the attor-

ney can produce insights that shape both the wording of the interrogatories and the strategies behind them.

For example, opposing counsel may regularly respond that providing large swaths of financial records is “overly burdensome.” This is often recognized as a tactic to hide information. The records requests should be honed to uncover documents and data often withheld due to insufficiently focused generic requests. If the attorney consistently “dumps” large quantities of documents, counsel can work with their forensic accountant to peruse through the files in an efficient and effective manner.

The teamwork does not end once documents and data are in hand. A forensic accountant can sift through the records to determine not only what was produced, but what was NOT produced. He or she can then work with the attorney to draft follow-up requests and prepare deposition questions that could uncover the existence of further documents and data.

Staying one step ahead of opposing counsel leads to faster responses to delays, omissions and other stall tactics. This makes it more difficult for an opposing attorney to wait until the last minute to produce documents and data that can inform the line of questioning in depositions.

Further, a schedule that tracks interrogatories can demonstrate reasonableness when one side accuses the other of abusive conduct. The schedule can also show the court that when problems arose,

they stemmed from defense counsel’s responses. That can move a case in a direction that favors the plaintiff.

While motions for sanctions or to require one side to bear the cost of discovery do not often succeed, the chances of them being granted diminish if counsel can show that interrogatories were justified.

Ultimately, coordination of efforts between attorneys and financial experts early on leads to higher productivity during the tedious and often costly discovery process. Even if your case does not warrant a financial expert for testimony purposes, a consulting expert hired on a limited basis can assist counsel at the beginning of the case, frequently reducing costs and avoiding pitfalls further down the litigation path. **B**



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BENCH AND BAR CONVENTION

by Brent M. Reitman & Robert C.L. Vaughan

On Friday, October 20, 2017, many attorneys and members of the Judiciary made their way to the Broward County Convention Center for another exceedingly successful Bench and Bar Convention!

The morning began with an inspiring and informational session designed to help practitioners develop client portfolios through improvement in interpersonal relationship skills.

From there, the attendees heard from Chief Judge Jack Tuter, Chief Judge-elect Spencer Levine, Administrative Chief, Carol-Lisa Phillips, and the Honorable Jeff Levinson regarding the state of the 4th District and Courts of the Seventeenth Circuit and heard about all the improvements that have been made to increase judicial and attorney efficiency.

The breakout sessions were engaging and informative, based in large part upon a diverse array of amazing attorneys and judges who participated in record numbers. This year featured two new full-day "tracks" focused on Trial Advocacy and Medical Marijuana. Both tracks were extremely well attended and featured some of the County's most venerated practitioners sharing their legendary, battle tested trial techniques (in the case of the Trial Track) as well as pioneers in a burgeoning area of the law with implications far beyond the Courtroom (in the case of Medical Marijuana).

The 2017 Convention boasted a number of extremely well-attended sessions including, but not limited to the Constitutional Revision Committee which updated attendees on the ongoing Constitution revision process; the Perils and Pitfalls of Proposals for Settlement which attempted to navigate the fluctuating state of the law regarding

the enforcement of settlement proposals. There were some amazing sessions discussing various areas of alternate dispute resolution led by some of the most accomplished mediators and arbitrators in the business and an advanced CLE offered for a seminar on the use of arbitration clauses to privatize probate and trust litigation. Technology credits were offered for several topics including discussion on integrating technology in day-to-day practice, the importance of technology in jury selection, and information security.

There were seminars addressing updates in PIP litigation, Criminal Law, and hot topics in family law which were also well-attended and featured a number of top-tier practitioners and a large number of judges. There was also a seminar to raise awareness about the growing epidemic of human trafficking.

The day's highlight, however, was the keynote presentation from Florida Supreme Court Justice C. Alan Lawson, who drove down from Central Florida to give an inspiring and heartwarming address to the convention during lunch. The Justice reminded us all that as we search for a more perfect union, we should never take for granted the rights and privileges that we now enjoy and which were secured by the struggles of those who came before us.

All told, it was a wonderful event. Our deepest gratitude goes out to all the sponsors, vendors, attorneys and members of the judiciary who attended the convention. We are also extremely grateful to our many speakers and panelists who expended a tremendous amount of time and effort in participating in our event. Our thanks as well to The Bench and Bar Committee, the Bench and Bar Convention Committee, all of the volunteers and most importantly, the Broward County Bar Association Staff for

all of their hard work in organizing and pulling off another flawless Broward County Bench and Bar Convention! **B**



Brent M. Reitman joined the Law Office of Krupnick Campbell Malone Buser Slama Hancock Liberman, P.A., in 2013. Prior to joining the firm, Brent was a prosecutor for the Office of the State Attorney where he was responsible for thousands of criminal convictions and conducted scores of jury trials. Brent is a Board-Certified Trial Attorney in the area of Criminal Law and is AV Rated by Martindale-Hubbell, which is the highest rating in both Legal Ability and Ethical Standards. While not working, Brent volunteers his time on the Board of Directors for the B'Nai B'Rith Justice Unit for Broward County. Brent also serves as the President-Elect on the Executive Board of the Young Lawyer's Section of the BCBA. He can be reached at breitman@krupnicklaw.com



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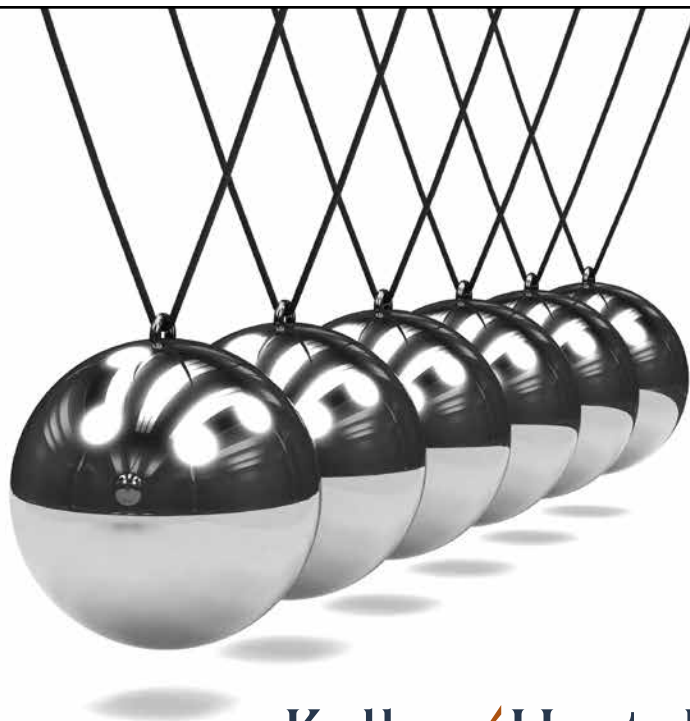
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GOING FOURTH

Musings By the Fourth District Court of Appeal

New Case Explains Method to Present a Proper Proposal of a Single Amount to Settle Under the Offer of Judgment Statute

by Alan Bryce Grossman

In the context of Florida's offer of judgment statute and implementing rule (F.S. 768.79; Rule 1.442), settlement of civil cases involving monetary damages often involves one side deciding that a single monetary amount is acceptable to pay, or to accept in payment, to settle the case. In that situation, an offering party found a drafting challenge in properly implementing the statute and rule when there existed more than one party to submit a proposal to settle, that would properly invoke the rule and permit attorney's fees if the offer was not accepted and the offering party properly prevailed.

In a recent decision, the Fourth District provide litigants in the above situation clear guidance on the proper method to use to submit an effective offer of judgment. The facts in *Golisting.com, Inc., v. Papera*, will further explain the situation. There, the plaintiff submitted a standard offer of judgment to each of the two defendants, with one key difference. It was the plaintiff's intention to present a proper offer of judgment to accept the total amount of \$40,000.00 as settlement. The tricky part here was that the plaintiff did not care whether one or both of the defendants agreed and paid the \$40,000.00, and wanted to make it clear in the submitted proposal that upon payment of \$40,000.00, whether from one defendant or both, that the case would be dismissed as to

both defendants. If both accepted and paid \$40,000.00, the plaintiff had every intention of keeping only \$40,000.00 total and returning the second \$40,000.00 equally to both defendants.

To present as clear a proposal to the defendants as possible, the plaintiff sent the same proposal to both defendants, except as to their names. The key provision as recognized by the Fourth District was contained in a footnote to the proposal. That footnote explained that "if either Defendant accepts their proposal ... it pertains to both Defendants." To ensure clarity in the proposal, the plaintiff continued in the footnote to state "it should be clear to both Defendants that PBPRE is not seeking \$40,000.00 from each Defendant, but is instead seeking a total of \$40,000.00 from both Defendants." The plaintiff further added in the footnote that if both defendants accepted and paid the \$40,000.00, that each defendant would receive a refund of \$20,000.00.

The above proposal was rejected by the defendants and the plaintiff recovered a judgment of \$51,000.00 and pursued attorney's fees under the statute. The Fourth District reversed the trial court's denial of attorney's fees. The appellate court rejected the defendants' argument that the two proposals were identical and failed to apportion the amount as appeared to be required by the Rule.

Recognizing that proposals should be as specific as possible, the court applied the purpose of apportionment which allows "each offeree to evaluate the terms and the amount of the offer as it pertains to him or her."

As the court stated, "[t]he wording made it clear that the offer to settle was \$40,000.00" and that the plaintiff "would provide a refund if the codefendant accepted the same offer." These were held as not ambiguous provisions. More importantly, "[t]he provision for a partial refund does not negate that there was an apportionment of the joint settlement proposal between the parties." This is a welcome result that rewards content and clarity over form. A proper method has been presented by the Fourth District to allow a single amount to be the amount to settle a case as proposed to multiple litigants. The holding of *Papera* can be used by litigants as a clear guide when a single amount will resolve the case to invoke the offer of judgment statute. **B**



Alan Bryce Grossman is a sole practitioner in Cooper City, practicing in South Florida, and around the state, and elsewhere, for 26 years. His areas of practice include litigation and appeals in commercial, property, and probate matters. He is a graduate of the University of Florida and the University of Baltimore School of Law. He can be reached at alan@abgrossman.com or by calling 954-364-6294.



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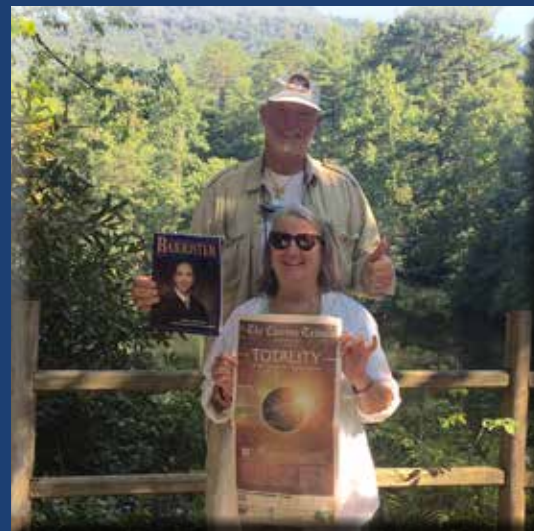
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RESIDENTIAL TENANT REMEDIES IN THE WAKE OF IRMA

by Joseph S. Hughes

In the wake of Hurricane Irma, many of Florida's tenants returned to damaged and destroyed homes. This article discusses the tenant's options for compelling a landlord's performance under a lease and Florida Statutes, or modifying or terminating a lease.

If casualty damage to the premises substantially impairs the tenant's enjoyment of the premises through no fault of the tenant, under section 83.63, Florida Statutes, the tenant may terminate the lease and immediately vacate the part of the premises rendered unusable by the casualty. The tenant's rent is then reduced by the fair rental value of that part of the premises damaged or destroyed. If the entire premises is rendered unusable, the tenant may vacate the premises entirely, terminate the lease, and not be held responsible for any further rent.

If all parts of the premises are still usable and the tenant's enjoyment of the premises is not substantially impaired, but damage exists that necessitates repairs, the tenant should turn to sections 83.51 and 83.56. Under section 83.51, landlords in Florida are generally required to maintain the roofs, windows, doors, floors, steps, porches, exterior walls, foundations, and all other structural components in good repair. If the damage to the premises constitutes a violation of section 83.51 or a material breach of the lease by the landlord, the tenant may unilaterally vacate and terminate the lease early without incurring liability for further rent and damages if he or she strictly complies with section 83.56.



To comply with section 83.56, the tenant must deliver written notice to the landlord specifying the non-compliance, and indicating the intention of the tenant to terminate the rental agreement by reason thereof if the noncompliance is not corrected within seven days of the delivery. If the notice is sent by mail, five additional days should be added to the seven-day period. If the final day lands on a weekend or legal holiday, then the deadline becomes the next business day.

If the landlord's failure to comply is due to causes beyond his or her control and the landlord continues to make every reasonable effort to correct the failure to comply, the rent is reduced by an amount proportionate to the loss of rental value caused by the non-compliance for as long as the non-compliance continues.

Once the seven-day period expires, if the landlord has failed to comply with the tenant's notice, the tenant should cease remitting further rental payments to the landlord, or risks waiving the right to terminate the lease and bring a civil action for damages.

If the lease is a month-to-month tenancy, it may in some cases make more

sense for the tenant to terminate the lease by simply providing the landlord with a notice of termination at least fifteen days prior to the expiration of the rental period.

Even if the tenant strictly follows all of the proper statutory procedures, the tenant must be prepared to defend against an eviction action by the landlord. The tenant should save all rent that would have otherwise been paid to the landlord so that same can be remitted into the clerk's registry pending a court's determination of rent paid and owed. The tenant's timely remittance of unpaid rent together with properly raised affirmative defenses and a Motion to Determine Rent will be necessary for the tenant to defend against the landlord's action.

Florida's tenants would be well advised to strictly adhere to the above statutory guidelines if they wish to modify or terminate their lease while avoiding liability for rent and damages. **B**



Joseph Hughes is a sole practitioner and trial lawyer in Fort Lauderdale, practicing in South Florida and around the state. He can be contacted at Jhughes@Jhugheslegal.com or (954) 256-5125.



Recent Developments In The Law

by Nancy Little Hoffmann

SUPREME COURT LIMITS APPLICATION OF “STAND YOUR GROUND” DEFENSE.

The Florida Supreme Court reviewed this case to resolve conflicting opinions from the Second and Third Districts as to whether an immunity determination in a criminal proceeding based on the Stand Your Ground statute controls in a later civil lawsuit. The defendant, who was attacked by another patron in a Tampa bar, retaliated by striking that patron in the face with a cocktail glass, blinding him in one eye. He was arrested and charged with felony battery. The circuit court granted the defendant's motion to dismiss, holding that the defendant was immune under section 776.032, Florida Statutes, the Stand Your Ground statute.

When sued in a civil complaint for battery and negligence, the defendant asserted the prior immunity finding as an affirmative defense and moved for summary judgment. After the trial court denied that motion, the defendant sought a writ of prohibition, which the Second District granted, holding that the statute guarantees a single Stand Your Ground immunity determination for both criminal and civil actions. It certified direct conflict with a Third District opinion.

The Supreme Court agreed with the Third District, based in part on collateral estoppel principles, since a potential civil plaintiff

would not have been a party to the criminal proceedings. The Court also cited procedural issues which, it explained, mandated against the argument that the Legislature intended that there be only one immunity determination for both types of proceedings. *Kumar v. Patel*, 42 Fla. L. Weekly S828, SC16-1457 (Fla. September 28, 2017).

SUPREME COURT AMENDS FAMILY LAW RULES AND FORMS.

In response to the Family Law Rules Committee's regular-cycle report, the Court adopted amendments to Rule 12.130 (documents required to be attached to pleadings), Rule 12.200 (case management and pretrial conferences), Rule 12.400 (confidentiality of records and proceedings), Rule 12.4501 (judicial notice), Rule 12.490 (general magistrates), and Form 12.902(f)(3) (agreement for simplified dissolution of marriage). These amendments will become effective on January 1, 2018). In re: Amendments to the Florida Family Law Rules of Procedure, 42 Fla. L. Weekly S834, SC17-91 (October 5, 2017).

SUPREME COURT AMENDS APPELLATE PROCEDURE RULES.

In 2015, the Court amended rules 9.200 (the record on appeal) and 9.210 (briefs) in light of the mandatory statewide electronic records on appeal. In re Amendments to Rule 9.200, 177 So. 3d 1254 (Fla. 2015). It has

now adopted additional amendments, effective October 1, 2017. These include Rule 9.020 (adding a definition of the term “E-filing System Docket”) and Rule 9.120(e) (requirements for DCA clerks in electronically sending records to the Court in discretionary review proceedings). It also amended Rule 9.220 (appendix in discretionary review proceedings) to parallel its 2015 amendments to Rule 9.200, setting forth the electronic format requirements for preparation and filing of appendices.

The Court also adopted further amendments to Rule 9.200 (the record), requiring that the electronic record be uploaded to the “e-filing system docket” so that registered users may download the record in their cases. It also provided a mechanism for correction of records not in compliance with the technical and formatting requirements of Rule 9.200(d). In re Amendments to the Florida Rules of Appellate Procedure, SC16-1377 (Fla. September 7, 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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Leave It to the Turkey to Be The “Butterball” This Holiday Season

by Deborah Ward

It's hard to believe the holidays are just around the corner. The amazing food, drinks, treats.... Can you feel the pounds packing on already? Pants getting tighter, figure getting rounder, body getting heavier.

As wonderful as the holidays are, there are ways to manage weight gain and stay healthy. After all, New Year's resolutions rarely work long term. If you pack on the pounds, you better be willing to fight double time to regain your health. The key is to remember to exercise and stay active, indulge in moderation, and stick to healthy eating habits during your regular routine.

If you do not already have an exercise routine, start now. Aim for 20-30 minutes of exercise at least three days per week, and stick to your routine as much as possible. If you truly want to limit weight gain, add an extra day of exercise during the week or increase the intensity of your workout. You can intensify your exercise by increasing your pace or duration of your routine.

To keep workouts interesting and to avoid plateauing, you could also rotate among different types of exercise throughout the week.

Exercise should be enjoyable, and does not have to be expensive. A simple walking routine is great. You can sneak in an extra work out by dancing the night away at your holiday parties.

I would never say to completely avoid the wonderful holiday meals—after all, this is a time of year where memories are made around food, drinks, and time spent with friends and family. However, if you remember to only indulge for a meal or night and not the whole season, you can limit the holiday bulge. It is ok to treat yourself occasionally, but you get into trouble when you make it a habit.

Be meticulous when it comes to choosing

how you splurge on food and drinks. For instance, stick with special homemade foods that are only available during the holidays. Avoid store-bought dishes or those available year-round. Remember, drinks are full of calories also, so choose wisely.

How you eat and serve yourself wonderful holiday treats is just as important as what you choose to consume. Use small plates and make sure you can see the color of the plate through the food. Using a smaller plate leads to smaller servings, but the same fulfillment when we cleared compared to a larger dish.

The same concept applies to drinks. Opt for tall, skinny glasses over short, wide ones.

Also, use condiments including sauces, gravies, and toppings sparingly. Start by eating and finishing the healthiest options on your dish first before working your way through your plate to the good stuff. Chew slowly and wait at least 20 minutes before going for seconds, allowing your brain to send signals that you are full.

When you are not at a holiday gathering, stick to healthy eating habits as much as possible during your daily routine. Eat small, balanced meals during the day to help avoid binge eating on large, high-calorie meals. Keep only healthy food options at home and at work to decrease temptation throughout the season. To make your choices easier, offer to make healthier dishes for a pot-luck.

These tips are easy to apply during a single holiday meal. The true test arises with staying on track with multiple gatherings. Holding yourself accountable is crucial to limiting the holiday bulge. Keep track of your exercise and what you eat to monitor your calorie intake throughout the week.

If you do not want to check your weight

gain on the scale (because really, who does?) try on your favorite slender pair of pants each week and evaluate how they fit. Surround yourself with others who are looking to stay fit during the holidays, whether it be exercising or sticking with healthy eating habits.

With so much to be thankful for, remember that good health is priceless. Healthy habits during this time of year are vital to prevent not only the dreaded weight gain, but also the overwhelming work associated with losing it. It takes at least double the effort to lose the weight as it does to put it on. Improving and maintaining our health takes dedication but does not have to be sacrificial. The most difficult part is establishing and being consistent with healthy routines.

Stick with a simple plan of exercising, indulging in moderation, and being consistent with good eating habits throughout the season. If you really stay on track, those slim pants may even get loose. Remember these healthy tips apply year-round. Cheers to everyone having a healthy and happy holiday season. **B**



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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