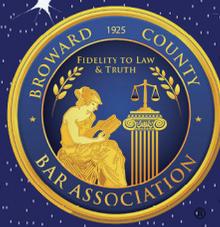


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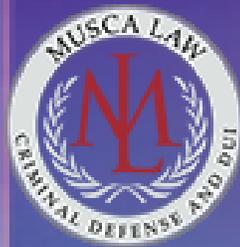
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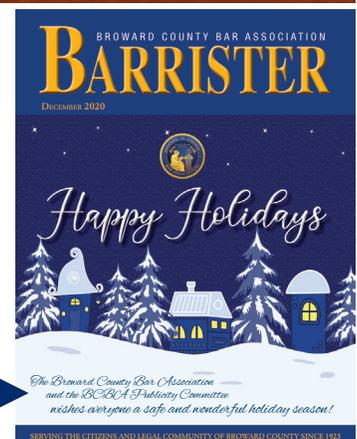
Approaching 2021 Positively

Jeni Meunier

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Robert C.L. Vaughan, Esq.

My Holiday Wish ...

Most major religions and cultures have a celebration or recognition that falls somewhere between the end of November and the end of January. Whether you are Christian, Muslim, Jewish, Pagan or Buddhist; whether you are of African, European, Hispanic or Asian descent, there is an opportunity at the end of the year to stop and reflect on the year that has just passed. For many of us, it is the time of year that we stop to reflect on what we could have, or should have, done better and it is the time where we pledge to make changes that will improve who we are as individuals.

While so much has been different about this year—2020—so much remains the same. As we stop to reflect on an unquestionably difficult year, let us give thanks for the good that we have experienced through its multitude of challenges. For those of us who have thus far survived the ravages of an unprecedented global pandemic, let us say thanks. For those who have managed to survive a very challenging and difficult economy, let us say thanks. For those of us who have emerged healthy and physically unscathed from months of civil and social unrest, let us say thanks.

We should also, however, take the opportunity to reach out to our friends, colleagues and neighbors who have been less fortunate. Many have suffered the loss of a loved one in the pandemic, the loss of employment or income, or have been struggling in one form or another under the weight of social and civil justice issues that seem to challenge the rights of many to exist as equals in society. In the face of such loss, your outreach, your conversation, your single act of kindness might prove to be an island oasis—the one thing that they are most thankful for in a most difficult year.

As I look back on 2020, I sometimes cannot help but smile. It is the kind of smile that you would expect from someone having just completed a grueling marathon, or having survived a terrible accident, or I imagine, having survived battle. It is not so much an expression of joy but an expression of survival – I beat that! It is also an expression of gratitude because I know full well that I didn't do it alone. WE beat that!!

My wish for you is that as you reflect on 2020, you find one thing to be truly thankful for and that before this year is done, you give someone else something to be thankful for.

On behalf of our Board of Directors, our Executive Director and our amazing staff, we at the Broward County Bar Association thank you all for a year that showed who we really are as lawyers, neighbors and human beings. We rallied together to forge new alliances and to address all challenges. We leaned in to address difficult but important social issues and we were there to support each other. We broke new ground in providing legal services and we managed to keep the wheels of justice turning, against all odds.

Yes, there is still more to be done in 2021, but I can't wait!



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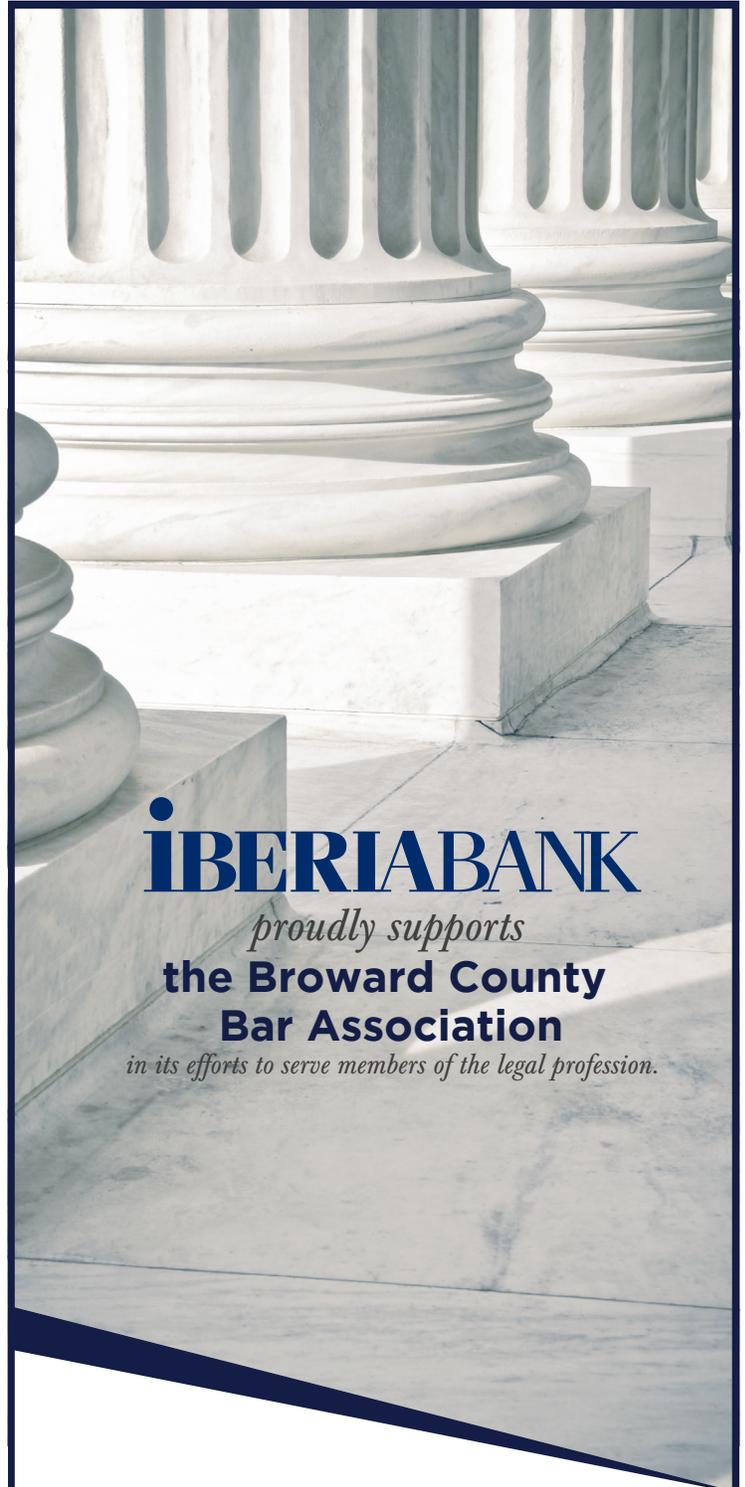
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Omar A. Giraldo, Esq.

Our golf tournament is in full swing! The month of November certainly put a damper on our golf plans with all the rain, so we decided to extend the virtual golf tournament for the rest of 2020. Ok I'm done with the cheesy puns. Please go to <https://www.browardbar.org/yls/ylsgolf2020/> to learn more about it! This year we are offering up cash prizes and entries to next year's tournaments.

Our members have been reading to elementary school children through our Lawyers for Literacy program. I personally had a great time engaging the kids and learning what they all want to be when they grow up. Keep an eye out for upcoming dates as we will pick it back up in January.

This year has been incredibly different for a long list of reasons and we haven't been able to put on some of the programming. Keep your eye out for an upcoming announcement on a Judicial Series that we hope will be a close substitute for one of my favorite events, Breakfast with the Judiciary.

If you have any ideas for virtual events you think would be entertaining, educational, or needed, please reach out to myself or another board member. We would love to partner with you to make it a reality.

We greatly appreciate your commitment to our Young Lawyers. If you are interested in joining a YLS, partnering with YLS on an event, or have any questions, please feel free to contact me at VG Law Group at (954) 500-2422 or ogiraldo@vg.law

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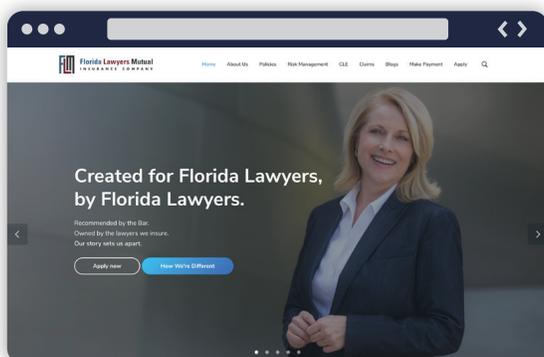
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SEASON OF GIVING: THE 2020 REMIX

By Elisabeth Rodriguez

Every year around this time talk about giving back to the community, to those less fortunate, to those that may be struggling and in 2020, that sentiment has taken on a whole new meaning. This year has brought a series of events no one would have predicted or prepared for. From the Pandemic that has shut our down our schools and businesses for much of the year, to the record setting hurricane season that (knock on wood) South Florida seems to have mostly snuck past, this year has felt strangely like the hunger games where every month brought on a new and unexpected challenge. However, just because we can't get together doesn't mean we can't work together and honor the real spirit of the Holidays. If you're struggling to think of how to give back, consider the following...

- **Put your money where your mouth is** – whether it's choosing a charities, schools, and other nonprofits receive a percentage of your eligible purchases on amazon (smile.amazon.com) or supporting a local business directly, or becoming a really good tipper, being mindful and deliberate with where you spend your money can make all the difference to our community.
- **Declutter and Donation** – Most of us probably cleaned out our closets by month 2 of quarantine but why stop there? As hurricane season winds to a close go through your stockpile of random food and supplies you put together at the beginning of the summer and donate one of the many struggling food pantries.
- **Don't talk about it be about it** – this is a tough one this year, but if you can manage to give of your time in a socially distant, sufficiently masked set up, go for it. Many local charities, food pantries included, have experienced a combination of increased demand for services and a simultaneous decrease in helping hands. Partially, because many day to day volunteers are members of our retired population, the same population which is at a greater risk of contracting COVID and suffering from it more severely.

Personally, the project I'm most proud of this year was the HLC Back to School PPE fundraiser.

Understanding that this school year was going to be different the HLC wanted to do something that would make an impact for a local school. The suggestion came from member Stewart Valencia to collect PPE items instead of book bags and highlighters. Initially we thought of doing a traditional collection/ drive for masks, gloves, sanitizer etc. but through member, Shari Scalone, I was telephonically introduced to Josh Pollock, the owner of Silver Bill Solutions a company whose business is PPE.

After several phone calls, emails and brain storming sessions we were able purchase ___ gallons of hand sanitizer and 8,000 child sized masks which were donated to Markham Elementary a local Title I School located in Pompano Beach. Annette Torry, a Program Specialist for Broward County Public Schools, said "It becomes more and more difficult in such unprecedented times to support families and children without the support of our community... every bit helps because we know that it truly takes a village". However, the HLC could not have made such a significant donation without the support of the Broward County Hispanic Bar Association and the Broward County Women's Lawyers Association and some of Mr. Pollock's fraternity brothers, all who donated allowing us to make such a significant contribution.

So, remember, no matter how you chose to give back, think outside the box! Just because we can't celebrate, share and support each other how we did 12 short months ago, doesn't mean we can't come together, make a difference and end 2020 on a high note.



Elisabeth Rodriguez is the chairperson of the Hispanic Lawyers Committee of the Broward County Bar Association, a director of the Broward County Hispanic Bar Association, and a board member of the Broward County Women's Lawyers Association. She works for the Florida Attorney General as an Assistant Statewide Prosecutor.

DECLARATORY JUDGEMENT CLASS ACTIONS

by Morgan Weinstein

Surviving Standing Challenges in Declaratory Judgment Class Actions

Litigants in class actions seeking declaratory relief may lack or lose standing where an appellate court has passed on the same type of declaration. In *Brown-Peterkin v. Williamson*, the Fourth District Court of Appeal opined on such an issue, and its decision is expository of the fact that such plaintiffs must be certain that an appellate court has not passed on the question. The opinion also alludes to the fact that a plaintiff who is uncertain as to its standing to pursue a declaratory claim should also assert a claim for damages, if appropriate.

In *Brown-Peterkin*, the court was presented with non-final orders from two circuit court cases denying class certification. The plaintiffs had moved to certify a statewide class of insurance policyholders who were seeking declaratory relief against their insurer. More specifically, the plaintiffs had asked the circuit courts to declare that the insurer's coverage rejection process failed to comply with Florida law and did not properly advise policyholders regarding their options. When their motions to certify the class were denied, the plaintiffs appealed.

The Fourth District had already passed on the validity of the specific coverage process. In the underlying disputes, the insurer had argued that the plaintiffs had made a knowing, informed written rejection of coverage based upon the coverage rejection process. While the circuit court cases were ongoing, the Fourth District issued its opinion in *Jervis v. Castaneda*, in which it upheld a summary judgment finding that the coverage rejection process, as it had existed at the time of that case, failed to comply with Florida law. The Third District dealt with a similar issue during the same year.

The circuit court judges noted *Jervis* and

the Third District case and entered orders denying certification of the classes. The *Brown-Peterkin* court explained, “[b]oth [circuit] courts explained that *Jervis*’ holding that the failure to use the statutorily mandated form for rejecting UM coverage precluded Geico from arguing that *Jervis* could orally reject coverage.”

In *Brown-Peterkin*, the court reasoned, “once a prior appellate decision settles a question of law as to which declaratory relief is sought, the relief requested is moot.” Having already addressed the same question in *Jervis*, the court explains, “[t]he plaintiffs cannot have standing to represent the proposed class, because our decision in *Jervis* has already determined the relief sought as

to the plaintiffs in the declaratory judgment action, the only action upon which class action status is requested.”

The court expressed that the outcome may have been different had the plaintiffs also pleaded a claim for damages.

To maintain a case or controversy in a class action for declaratory relief, plaintiff’s counsel should review whether an appellate court has passed upon the question and should, if appropriate, usually include a claim for damages.



Mr. Weinstein is board certified by the Florida Bar in appellate practice. He is a partner at Twig, Trade, & Tribunal, PLLC, focusing on appellate practice and trial support.



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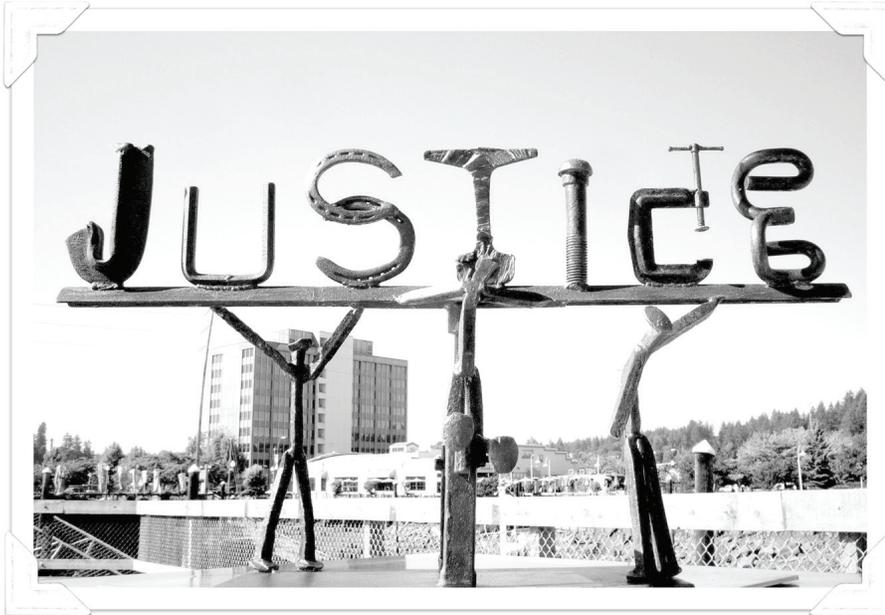
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CRIMINAL JUSTICE REFORM

by Ashley Gantt

Criminal Justice Reform. These three words have become cliché for many while remaining a matter of life or death for many others. After the horrific murders of George Floyd and Breonna Taylor earlier this year, many more acknowledged that words alone were not enough; meaningful change became imperative. A global pandemic forced us to re-evaluate the value of everyday interactions that we have all come to take for granted. Gauging the pulse of our community, the Broward County Bar Association took up the mantle of leading much needed dialogue on issues of Social and Racial and Economic justice in our community through its Enlightenment through Engagement series. Among a variety of topics to be discussed, the Bar tackled Criminal Justice Reform—a Goliath of a topic—requiring analysis of history, data, and societal norms with the hope of creating action steps toward meaningful change.

Meaningful change to our Criminal Justice system goes beyond mere reform. Our system needs to be reimaged. How? First, we must acknowledge that our system has a disparate impact on minorities and people from lower socio-economic backgrounds. We must acknowledge that our policies and practices fracture families and entire communities with generational implications. Finally, we must acknowledge that our system is primarily punitive with little regard to addressing the socio-economic factors behind what is deemed “criminal” conduct.

This installment of the ETE series focused on the successful utilization of therapeutic courts. The program began with a sobering recitation of data about our system. The United States accounts for five percent (5%) of the world’s population, yet we have twenty-five (25%) percent of the world’s incarcerated population.

The panel featured several Broward County specialty courts judges and Chief Judge Jack Tuter. It was moderated by Judge Tarlika Navarro, Sue Ann Robinson and Christopher Saunders. The specialty courts represented on the panel included Drug Court, Mental Health Court, Veterans Court, Juvenile Court, and Community Court. Judge John Fry, County Court Veterans court judge, began the discussion stating, “...the best effect of the system is to get people out of the system....” Juvenile Court

Judge Stacy Ross, emphasized the importance of programs that addressed the unique challenges that juveniles face to prevent future involvement in the adult criminal system.

Community Court Judge Florence T. Barner, explained her approach of partnering with the community provides solutions for the ‘whole person’ reminding us that “It takes a village.” Drug Court Judge Tarlika Navarro, highlighted her ability to gain valuable insight into a particular defendant through creative measures such as essay writing, which provides insight into the participants’ trauma to create an action plan that is unique and beneficial to them.

Judge Ari Porth, who presides over the felony mental health court, provided solution-oriented action steps for change—with a strong emphasis on civic engagement. He encouraged attendees to run for office to create legislation, join boards to create policy, and to contact your elected officials to hold them accountable.

As he reflected on the impact of the specialty courts, Chief Judge Tuter explained that each was borne out of clear necessity. What was also evident was that with all the good being realized through our therapeutic courts, none of it would be possible without the support of effective and supportive leadership at the very top of our Circuit. While we have made significant headway with Broward leading the way in utilizing therapeutic and specialty courts, it is clear that this is a first step towards a reimaged justice system that creates opportunities for individual growth and change and promotes rehabilitation over incarceration. Together, we can make change happen.



Ashley Gantt, Esq. graduated from Nova Southeastern University School of Law. Ashley serves as president of the TJ Reddick Bar Association and is an associate at Shutts & Bowen LLP.

LANDLORD RIGHTS & COVID-19 EVICTION STAYS:

by Ebryonna Wiggins

Federal Legislation and Agency Action and State of Florida Orders

We have received numerous calls from landlords and tenants regarding a landlord's right to recuperate delinquent rent and possession of a property during this unfortunate pandemic. Fighting our instinct to launch into the value of a 3-Day Notice under Section 83.56, Fla. Stat., our response generally explains the CARES Act, Governor DeSantis' Executive Orders, the Florida Supreme Court Administrative Order 20-17, the Center for Disease Control and Prevention (CDC) Order and Declaration Form, and any subsequent legislation or Orders that extend or modify pertinent timelines, restrictions or requirements. The short of it is that there is not much a residential landlord can do to recover possession of a property if the tenant has availed him or herself of the latest CDC Order, and the landlord seeks possession because of the non-payment of rent.

CARES Act

• **The Eviction Moratorium in General**

Under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), within 120 days of March 27, 2020, the enactment date of the CARES Act, the lessor of a covered dwelling may not (1) file a lawsuit, or request that another person file a lawsuit on the lessor's behalf, to regain possession of the covered dwelling because the tenant failed to pay rent, or (2) charge any fees, penalties or other charges to the tenant that are related to the failure to pay rent. The evictions moratorium under the CARES Act was therefore July 25, 2020. Nevertheless, a landlord cannot file for possession of a covered dwelling after July 25, 2020, until after the landlord gives the tenant a 30-day notice to vacate and such notice expires. If the tenant fails to vacate and to pay the outstanding rent after the expiration of the 30-day notice, then and only then may a landlord file a lawsuit to recover possession of the property due to the non-payment of rent. The 30-day notice requirement applies regardless of when the landlord actually begins the eviction process. In this manner, the CARES Act has a

lingering beneficial effect for tenants struggling due to financial burdens of the COVID-19 pandemic.

• **Does the CARES Act Apply to Me?**

The relevant section of the CARES Act that governs the eviction moratorium contains a hefty list of definitions to determine to what types of landlords the moratorium applies. You may have noticed the repeated use of "covered dwelling" in the above section to describe the type of building a landlord must own for the eviction moratorium to apply. A "covered dwelling" is "a dwelling that is occupied by a tenant pursuant to a residential lease, or without a lease, or with a lease terminable under State law, and is on or in a covered property." A "dwelling" is "any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof." A "covered property" is any property that participates in a covered housing program as defined in section 12491(a) of title 34, or the rural housing voucher program under section 1490r of title 42, or has a federally backed mortgage loan, or federally backed multifamily mortgage loan." The likely most common type of covered property are those that have a federally backed mortgage loan such as those under Fannie Mae or Fannie Mac, both of which have provided an online search tool to determine if your mortgage is with either of them. Other federally backed mortgages are those with the Department of Housing and Urban Development (HUD) and the Department of Veteran Affairs (VA). The only distinction between a federally backed mortgage loan and a federally backed multifamily mortgage loan is that the latter applies only to residential multifamily real property designed principally for the occupancy of 5 or more families, as opposed to 1 to 4 families, which is the cutoff for a simple federally backed mortgage loan.

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If your property falls within the definitions in the CARES Act, then you must comply with the federal eviction moratorium and the 30-day notice requirement.

Governor DeSantis Florida Executive Order 20-94

Florida State-Wide Eviction Moratorium

The eviction moratorium under Florida Executive Order 20-94 is much more straightforward than its federal counterpart. For forty-five (45) days from the execution of the Order on April 2, 2020, all Florida statutes that provided for a residential eviction cause of action due solely to the non-payment of rent were suspended. The Governor extended this initial moratorium three times, with Florida Executive Orders 20-121, 20-137, and 20-159, making the expiration of the moratorium August 1, 2020. Nevertheless, Florida courts still took swift action to ensure that landlords were aware that they must comply with the 30-day notice requirement of the CARES Act, and implemented compliance certification procedures for the landlord to attest that the CARES Act either (a) does not apply to the property at the time of filing the eviction lawsuit, or (b) does apply and the landlord complied with all notice requirements under the Act. A failure to comply could be turned into a condition precedent and serve as a tenant's defense to the action.

As predicted, Florida extended its eviction moratorium first with Executive Order 20-180, then with Executive Order 20-211, implementing a current expiration of October 1, 2020. These Orders, however, amended Section 2 of Executive Order 20-94 to only "suspend and toll any statute providing for final action at the conclusion of an eviction proceeding under Florida law solely when the proceeding arises from non-payment of rent by a residential tenant adversely affected by the COVID-19 emergency." Thus, a landlord could file an eviction proceeding, but could not remove the tenant upon a final judgment. As of the date of this article, though, the state eviction moratorium has not been extended.

CDC Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19

New Federal Agency Protection

Issued under Section 361 of the Public Health Service Act, the CDC used its regulatory powers to promulgate an Order to invoke a country-wide residential eviction moratorium effective through December 31, 2020, to prevent the further spread of COVID-19. To invoke the protections of the Order appears quite simple. A tenant must read the CDC Declaration Form instructions and the seven (7) enumerated statements, attest that the statements are applicable to him or her under penalty of perjury, and then return the Form to their landlord. Each tenant residing in the property must complete the Form. This should then prevent the landlord, property owner, or any other person with a right to evict the tenant from filing a lawsuit in a Florida state court until the expiration of the CDC Order. The CDC Order does not create a post-expiration waiting or notice period. As with the other eviction moratoriums, the CDC Order applies only to evictions premised on the non-payment of rent. Importantly, though, the CDC Order may supersede a state mandated eviction moratorium where the state moratorium does not provide "the same or greater level of public-health protection than the requirement listed" in the CDC Order. Now that the Florida Executive Order 20-211 is expired, the CDC Order is the most formidable hurdle to a landlord's recovery of possession based on the non-payment of rent.

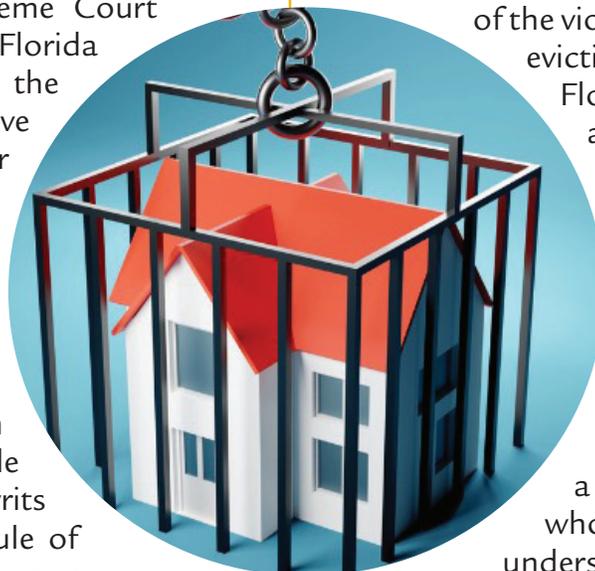
Supreme Court of Florida Administrative Order 20-17

Expiration of Florida State-Wide Stay on Writs of Possession

There were of course pending residential eviction actions at the beginning of the state of emergency that the Florida court system had to decide how to handle. Likely in consideration of this fact, on March 24, 2020, the Supreme Court of Florida entered Administrative Order 20-17 concerning

Continued to Page 17

COVID-19 emergency measures in the state courts of Florida, which addressed writs of possession. A writ of possession is a court’s order to a county sheriff to remove a tenant. Specifically, on page 7 of Order 20-17, the Florida Supreme Court declared that the requirement under “Florida Rule of Civil Procedure 1.580(a) for the clerk to issue a writ of possession “forthwith” shall be suspended through the close of business on Friday, April 17, 2020, or as provided by subsequent order.” In other words, no county sheriff could be ordered to remove a tenant until the Florida Supreme Court lifted this suspension. The Florida Supreme Court then extended the suspension with Administrative Order 20-23 and through four (4) amendments to this Order, providing an expiration date of June 30, 2020, in Amendment 3, which carried into Amendment 4. Amendment 5, entered on July 2, 2020, accordingly deleted the section that implemented the state-wide suspension of the issuance of writs of possession under Florida Rule of Civil Procedure 1.580(a). In essence, then, the primary factor at this junction for a landlord to consider regarding the filing of an eviction action due to the non-payment of rent is the expiration of the eviction moratoriums, whether under Florida state or federal law, as applicable.



this provides the landlord an opportunity to accept partial rent payments pending the expiration of any applicable eviction moratorium.

Recall that the eviction moratoriums apply only to those evictions that are brought due to the non-payment of rent for residential, i.e., not commercial, properties. Therefore, if a tenant violated the lease, for example, by disturbing the peace or failing to maintain the property as required and permitted by law, then a landlord may still follow the steps under Section 83.56, Fla. Stat., to notice the tenant of the violation and subsequently file an eviction action if necessary. Some Florida circuit courts, however, are screening even these types of evictions to ensure that the alleged violation is not a guised attempt to evict based on the non-payment of rent.

COVID-19 and its globally felt impact on our economic stability make this is a difficult time for everyone. We wholeheartedly advocate showing understanding and kindness, in addition to landlords and tenants engaging in productive conversations, prior to either side taking any action. To the extent that such conversations unfortunately break-down or cannot fully resolve the issues, the above discussion represents the legal remedies for landlords to make a business decision on how to proceed with the tenancy if the tenant is unable to pay once the applicable eviction moratoriums expire.

Conclusions

Is it still possible to file a lawsuit under Florida law given the eviction moratoriums to simply recover the past due rent without actually evicting the tenant? The short answer is yes, but if a tenant cannot pay pre-judgment, it is not likely that he or she will be able to pay even once a judgment is obtained. It would be prudent to consider waiting for the end of the moratoriums to enable both the recovery of damages and possession of the property, and therefore the ability to enter into a new lease with a tenant who is able to pay. This may be a better use of time and money. In addition,

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A VIEW FROM FLORIDA'S BENCHES

by Anisha C. Atchanah

A View From the Bench Across Florida: Practicing on Zoom in Various Florida Circuits During and Even After the Pandemic

“My mentor said, ‘Let’s go do it,’ not ‘You go do it.’ How powerful when someone says, ‘Let’s!’”
- Jim Rohn

For the month of November, through the BCBA Mentorship Committee’s series A View From the Bench Across Florida, the judiciary across the state said to young attorneys and seasoned attorneys alike, “let’s do this together.” Each Monday in November, esteemed judicial panelists dedicated their lunch hour to leading the discussion on best courtroom practices before the civil, criminal, domestic violence, family and dependency benches.

Since March, the legal community has found itself quickly adapting to a changing profession prompted by a global pandemic. However, young attorneys entering the legal profession found themselves in a particularly peculiar space; learning to traverse the virtual courtroom with the rest of us without the benefit of ever experiencing an in-person motion calendar hearing or popping into a courtroom to observe a special set hearing. Not surprisingly, newly minted attorneys entering the legal profession during these uncharted times often find themselves adrift and overwhelmed.

Enter our judicial panelists, led by moderator and BCBA Mentorship Committee Co-Chair Judge Florence Taylor Barner. The panelists spoke to attendees about proper procedure and decorum in their respective virtual courtrooms. The panelists offered creative solutions to young attorneys navigating the virtual courtroom, including inviting attorneys to virtually attend hearings to observe and gain invaluable experience so critical to a young attorney’s development. During the hour and a half sessions, attendees were reminded of the importance of reviewing judicial procedures, the ever-present significance of the meet and conferral requirement, and the benefits of proper preparation and practice with technology. From these discussions, a reoccurring theme presented itself amongst the judicial panelists. And thus, “The 4 P’s of Zoom Practice” was borne: Practice, Professionalism, Preparedness, and Punctuality. To learn more about the The 4 P’s, and other shared tips, you can find recorded videos of each session on the Broward County Bar Associations online CLE platform B-Connected® website: www.cle.browardbar.org

This statewide five-part virtual series was the first of its kind, a feat that is due and owing to the hard work of many hands. Thank you to all our judicial panelists and partner voluntary bar associations for their ongoing commitment to cultivating connections and fostering mentorship:

- Judge Cymonie Rowe (15th Judicial Circuit)
- Judge Carol-Lisa Phillips (17th Judicial Circuit)

- Judge William Thomas (11th Judicial Circuit)
- Judge Keathan Frink (17th Judicial Circuit)
- Judge Stefanie C. Moon (17th Judicial Circuit)
- Judge Tatiana Salvador (4th Judicial Circuit)
- Judge Michael Lynch (17th Judicial Circuit)
- Judge Mariya Weekes (17th Judicial Circuit)
- Judge Stacy M. Ross (17th Judicial Circuit)
- Judge Cheryl Caracuzzo (15th Judicial Circuit)
- Judge Luis Delgado (15th Judicial Circuit)
- Judge Melanie Dale Surber (15th Judicial Circuit)
- Judge Michael Bagge-Hernandez (13th Judicial Circuit)
- Judge Natasha DePrimo (17th Judicial Circuit)
- Judge Kristine Van Vorst (8th Judicial Circuit)
- Judge Roberto Arias (4th Judicial Circuit)
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- Judge Sherri L. Collins (15th Judicial Circuit)
- Judge Raul Cuervo (11th Judicial Circuit)
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- Judge Eric Dubois (9th Judicial Circuit)
- Judge Scott M. Bernstein (11th Judicial Circuit)
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- Judge Gloria Walker (8th Judicial Circuit)

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Broward Association of Criminal Defense Lawyers

Bio: Anisha C. Atchanah, Esq. is a senior attorney at Kim Vaughan Lerner LLP, where she focuses her practice on commercial litigation with an emphasis on Business/Corporate litigation, premises liability matters and insurance defense. Anisha can be reached at Aatchanah@kvllaw.com



APPROACHING 2021 POSITIVELY

by Jeni Meunier

As we approach 2021, I readily admit that 2020 really sucked! It appears that our way of life has been changed for the foreseeable future; some things even permanently. This realization brought home the fact that it is up to me to pull out of this slump.

How do I incorporate all these changes? What have I learned and how can I better move forward? How have I met challenges? In looking for understanding, I need to take a good look at myself, especially my attitude and the choices I made. As I review all the changes that were forced upon me, what could I have done better?

Many of these challenges were caused by confusion and fear. The suddenness was daunting. There was no time to get accustomed to all the demands being made to prevent the spread of disease. As days turned to weeks, and then to months, fear and contradictory information seem to have caused a huge polarization into black and white opinions, with few shades of gray. Chaos on how to proceed not only medically but financially forced me to try to discern information responsibly and logically and not necessarily rely on the opinions of others – especially the news.

That was then and this is now, as we approach 2021. I am adapting to a new daily routine. Now is the time to reflect personally and to look at me, honestly. I must take what was forced upon me and change it to my having responded by choice. Am I still complaining and resisting this new way of life? What am I doing that I can now do better? What attitude do I project?

First and foremost, I learned I didn't appreciate being forced to slow down. I like being active and enjoy a full life with family and friends. How can I experience these same things, but differently?

My career took a 180-degree turn overnight. I miss meeting with clients, going to lunches, having social events. I now work remotely and have learned to enhance my abilities through

technology. I have improved my use of social media and actively use referrals. Now is the time to reflect on how to actually enjoy these changes, not just deal with them. I am so grateful for the huge time saver due to lack of daily commuting, and the reduced stress of no longer sitting in traffic jams! Television had never really been a part of my life. Now my daughter and I watch shows and events together. This was the first time either of us watched a presidential election and talked about it.

After having been exposed to COVID, we went through the testing, and the drama of "what if" scenarios. Our imaginings were far worse than reality, thankfully. Now we are taking an active role to stay healthy. To build up immunities, we get out in the sunshine by walking or riding bikes. The biggest challenge in 2021 will be to begin to eat better with more control and foresight – right after the holidays!!! Stress concerning my teenage daughter has lessened. She seems so much more adaptable than I am! She takes her daily life in stride and has taught me the joys of social media through a group of supportive friends.

I am determined to learn from this past year and look at the future in a positive light. I am grateful for all the big and little things I now experience by choice, and continue to focus my effort to appreciate life, not just endure. My key phrase is 'Awareness of my Choices'. It may be a different world but my attitude makes the difference.

Jeni Meunier is a Director at Trustpoint. One. Trustpoint. One provides end-to-end eDiscovery capabilities, in forensic consulting, processing, hosting, review/staffing, production and court reporting and translation services.

Jeni can be contacted at Jeni.Meunier@Trustpoint.One



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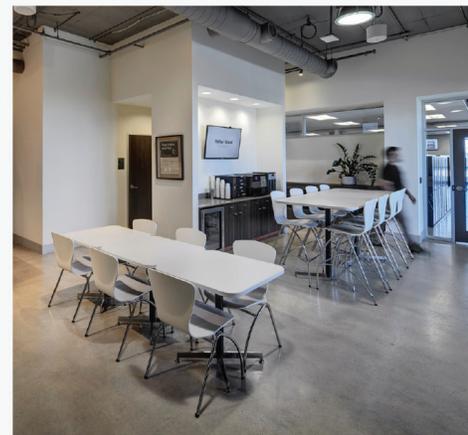
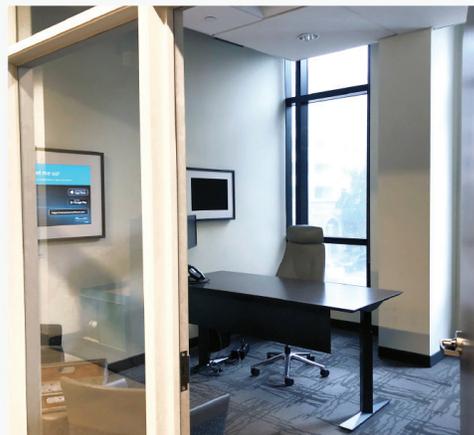
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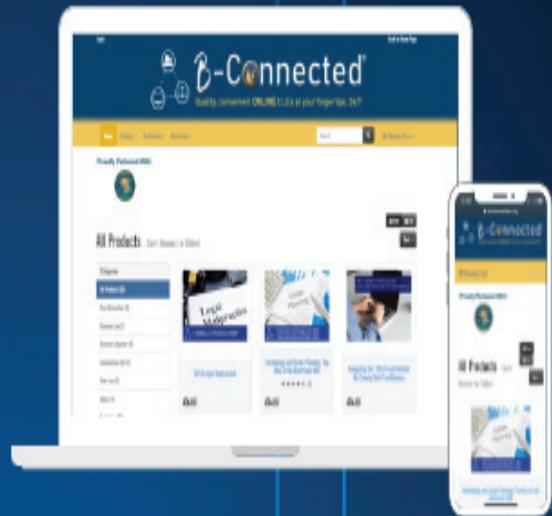
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