

BROWARD COUNTY BAR ASSOCIATION BARRISTER

MARCH 2012 WWW.BROWARDBAR.ORG • 954-764-8040 VOLUME 43, ISSUE 3

2012 Election Calendar

for
Officers & Directors

Electronic
Ballot Only



Online Voting
April 1st-15th

Congratulations to
Lorna Brown-Burton
on being elected to
The Florida Bar
Board of Governors
17th Judicial Circuit



Save the Date
Raising the Bar
Family Law Annual Seminar
April 27, 2012 • 8:30 a.m. – 4:30 p.m.

8:30 - 9:00 Registration
9:00 - 4:30 Includes breakfast and lunch
4:30 - 5:30 Cocktail Reception

\$125 BCBA Members • \$150 Non-Members

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Traci Lewis (954)832-3618 or traci@browardbar.org

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President's Message

By Jordana Goldstein

Assault Against the Judiciary- Just When You Thought It Was Behind Us....



Remember the time when several members of the Florida legislature suggested that judicial "reforms" were necessary? Seems like just yesterday when proposals were floated in the legislature to strip the state Supreme Court of its rule making authority, as well as to split the Supreme Court into two divisions, which

would allow the Governor to appoint three new justices and gain control over the court. How can we forget the attempt to gain control over the judicial nominating process, when it was recommended that the governor be given the authority to appoint all new members to all of the judicial nominating commissions. What about the proposal to allow the governor to appoint the chief justice of the Supreme Court. As you know, none of these proposals passed in the last legislative session. However, a new assault on the Supreme Court is beginning to take shape. Just recently, I received a letter from former Florida Bar President, Kelly Overstreet Johnson, in which she reminded me of the upcoming merit retention election of three of our Supreme Court Justices, Barbara Pariente, Fred Lewis, and Peggy Quince in addition to fifteen appellate judges.

Our merit retention system was approved by Florida voters when the Florida Constitution was amended in the 1970s. Under merit retention, the Governor appoints new justices from a list of three to six names submitted by a Judicial Nominating Commission. Once appointed by the Governor, the justices must face the voters in a "yes" or "no" vote as to whether they should remain on the bench. The goal of merit retention is to minimize politics from the judicial selection process, while still giving the voters the right to remove judges who for whatever reason are no longer fit to serve. However, in yet another effort to try to take control of our courts, several politicians and special interest groups have signaled plans to try to keep Justices Pariente, Lewis and Quince from retaining their seats. Such efforts are a direct threat to judicial independence, which is the cornerstone of our third branch of government. This effort is not something we can ignore, because organized anti-retention efforts have been successful in the past. For example, in November 2010, voters in Iowa at the encouragement of various well-funded special interest groups, voted to remove three sitting Supreme Court justices, including the chief justice, who were all part of a controversial but unanimous decision in 2009 that permitted same-sex marriages. Clearly, this sets a very bad precedent. Our judges should not be worried that they will be voted out of office if they make a controversial and sometimes unpopular decision when such a ruling abides by established law. As lawyers, I firmly believe we have a duty and responsibility as officers of the court to prevent the politicization of the judicial selection process. One way you can help do so, is by

educating your friends, neighbors, and co-workers about the merit retention system and its significance, and to encourage them to vote "yes" to retain our Justices and appellate judges in the next election. Additional information about the merit retention process can be found on the Florida Supreme Court's website, and I expect you will hear and read a lot more about this issue in the coming months.

Some Other Important Happenings....

Speaking about elections, please do not forget that the election for the officers and board of directors of the Broward Bar for the 2012-2013 term, will be taking place from April 1st through April 15th. Voting will be by electronic means only, which means that paper ballots will not be mailed to members. A link will be provided on the Bar's website to enable you to vote. In addition, emails containing the same link will be sent out to members. Election results will be announced May 15th.

I would also like to invite you to attend the inaugural luncheon of the newly created Northwest Section of the Broward Bar. Join your colleagues from Margate, Tamarac, North Lauderdale, Coral Springs, Coconut Creek and Parkland at 12:00 p.m., on Friday, March 2nd, at Bru's Room Sports Grill, located on the corner of University Drive and Atlantic Avenue (1000 N. University Dr., Coral Springs) for good food and even better company.

Also, do not forget to attend the Young Lawyers Section's 10th Annual Bowl-A-Thon on Saturday, March 24th, from 5:00 p.m.-8:00 p.m. at Manor Lanes, 1517 NE 26th St., Wilton Manors. This event is particularly dear to my heart since I was responsible for organizing the first Young Lawyers' bowl-a-thon (I am feeling really old right now). The cost to individual participants is \$50, which includes 3 hours of bowling, shoes, food and drink. There will be raffles, music, and awards (I believe there may still even be an award for "dead-ass" last). Sponsorship opportunities are available. This year's event will benefit Abi's Place, a non-profit school for children with developmental disabilities.

On March 29th, at 5:30 p.m., we will be hosting our monthly "Bar at the Bar" happy hour at Quarterdeck Neighborhood Grill, located at 1541 Cordova Rd., Ft. Lauderdale. This event will also serve as the kick-off for our new Paralegal Section. I hope you and your paralegal will attend this great networking event.

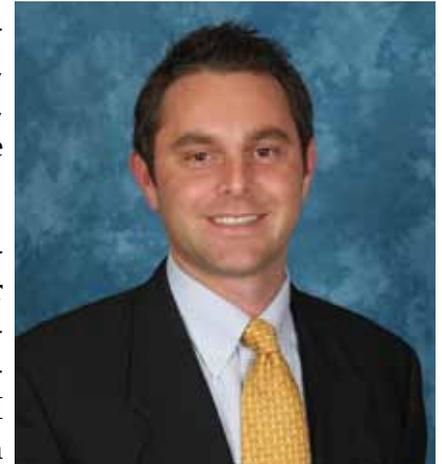
Finally, on March 30th, Cheney Mason, one of Casey Anthony's defense attorneys, has been invited to speak on various topics including handling high-profile trials. This free event has been organized by our Criminal Law Section and will be taking place on the third floor of the courthouse in the jury room. You are required to RSVP in order to attend this event. For more information about other events taking place this month, please visit our website at browardbar.org.

A Message from Bart Ostrzenski President, Young Lawyers Section

Spring is in the air; frankly, I would say it feels a lot more like summer. As such, we are blooming with exciting events this month. But, before I get to those events, I would like to recap a February event, which for those of you who did not attend; you missed one of the most compelling speakers I have had the opportunity to hear.

First, I must say that we are in good hands with Florida Bar President-Elect, Eugene Pettis. Mr. Pettis was our featured speaker for our 6th Annual Raising the Bar; Pioneers in the Legal Profession luncheon, which was held in conjunction with the T.J. Reddick Bar Association. As much as Mr. Pettis took issue to the title "Pioneer", I know that we all agree that the title suits Mr. Pettis. I am very much looking forward to his Presidency and wish him the best of luck at the helm of the Florida Bar.

I would also like to thank David Hirschberg for his efforts to make this luncheon possible as well as the President of the T.J. Reddick Bar Association and our own YLS Director, Sue Ann Robinson Caddy, for all of her efforts as well.



Back to March. On Friday, March 9, 2012, at 8:30 a.m. located in the Law Library at the Fort Lauderdale courthouse, we will be hosting our second Breakfast with Judges of this year. This is a great opportunity to talk to a number of Judges in a very intimate venue and also enjoy a hearty breakfast. Space is limited, so I highly recommend that you RSVP ASAP. Please contact Lindsay Corcoran at Lindsay@brydgerporras.com to RSVP.

Calling all bowlers; who is looking for a spring turkey? On Saturday, March 24, 2012 from 5:00-8:00 p.m. at the Manors Lanes bowling alley in Wilton Manors, the YLS will be hosting its 10th annual Bowl-a-Thon. This event is a party with a heart. All proceeds from the Bowl-a-Thon will be donated to Abi's Place, which is a family-oriented, non-profit school for children with moderate to severe developmental disabilities. This event always sells-out, so look for our flyer in this issue of the Barrister, which provides all of the details, including sponsorship opportunities, or just contact Jennifer Hirschberg at jbh@kblglaw.com or by telephone (954) 617-2311 to reserve your lane now.

Our March 22, 2012 YLS luncheon is going to be phenomenal. One function that most attorneys don't contemplate until it's too late is the Bar's grievance process. Attorneys Juan C. Arias and Alan Pascal are going to present their topic; "Inside the Lawyer Disciplinary Process: Do's and Don'ts", which includes 1 CLE credit. The luncheon will be located at the Tower Club. Please contact Traci at traci@browardbar.org or you can register for this lunch, as well as stay current on all YLS activities by visiting www.browardbar.org/yls.

This is the time of year in which we start looking for annual sponsors for our next fiscal year. So, if you are interested or if you have a client that is looking to spread the word in the legal community with cost effective and broad advertising, feel free to contact me to discuss such opportunities at Ostrzenski@oslawyers.com.

Wrongful Death Actions Against Florida State Agencies & Subdivisions

Important Changes to Notice Requirements & the Statute of Limitations



By Eric S. Rosen, Esq.

This article discusses significant changes to Florida law concerning sovereign immunity and wrongful death actions against Florida State agencies and subdivisions. Specifically, this article explores the recent amendment to Florida Statute section 768.28, a statute that requires claimants to provide notice of claims against Florida State agencies and subdivisions as a condition precedent to bringing a lawsuit against the State. This article further explores the amendment's effect on the statute of limitations for wrongful death actions against the State's agencies and subdivisions.

Florida State agencies and subdivisions as a condition precedent to bringing a lawsuit against the State. This article further explores the amendment's effect on the statute of limitations for wrongful death actions against the State's agencies and subdivisions.

PRE-AMENDMENT NOTICE REQUIREMENT AND STATUTE OF LIMITATIONS UNDER FLORIDA STATUTE §768.28 FOR WRONGFUL DEATH ACTIONS

The statutory notice requirement as a condition precedent to filing lawsuits against Florida State agencies and subdivisions is codified in Florida Statute section 768.28, et seq. The pre-amended version of Florida Statute section 768.28(6) stated in pertinent part:

(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency . . . *within 3 years after such claim accrues* and . . . the appropriate agency denies the

claim in writing. . . .

(b) For purposes of this section, the requirements of notice to the agency and denial of the claim pursuant to paragraph (a) are conditions precedent to maintaining an action

(d) . . . The failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 6 months after it is filed shall be deemed a final denial of the claim for purposes of this section. For purposes of this subsection, in medical malpractice actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The provisions of this subsection do not apply to such claims as may be asserted by counterclaim pursuant to s. 768.14.

See Fla. Stat. §768.28(6)(a), (b), and (d) (2010).

Furthermore, the pre-amendment version of the statute provided a 4 year statute of limitations for both personal injury and wrongful death claims. See Fla. Stat. §768.28(14) (2010). The previous version of Florida Statute section 768.28(14) stated in pertinent part:

(14) *Every claim against the state or one of its agencies or subdivisions for damages for a negligent or wrongful act or omission pursuant to this section shall be forever barred unless the civil action is commenced by filing a complaint in the court of appro-*





priate jurisdiction within 4 years after such claim accrues; except that an action for contribution must be commenced within the limitations provided in s. 768.31(4), and an action for damages arising from medical malpractice must be commenced within the limitations for such an action in s. 95.11(4).

Fla. Stat. §768.28(6) and (14)(2010)(prior to amendment)(emphasis added).

The pre-amended statute required claimants to provide written notice to State agencies and subdivisions of claims for negligence and other wrongdoing, including wrongful death claims, prior to filing a lawsuit against the entity, within 3 years from the date the cause of action accrued. Fla. Stat. §768.28(6). Once the agency is provided proper notice, the agency has 6 months to resolve the claim, deny the claim or simply allow the 6 month investigatory period to expire; which acts as a denial. Fla. Stat. §768.28(6), (14). Once the government entity denies the claim by actual denial or expiration of the 6 month period, the condition precedent to filing suit has been met.

Although the above procedure, and the time periods therein, still apply to personal injury actions, the statute has been significantly altered with respect to wrongful death actions as discussed more fully below.

PRE-AMENDMENT NOTICE REQUIREMENTS AND STATUTE OF LIMITATIONS FOR WRONGFUL DEATH ACTIONS AGAINST GOVERNMENT ENTITIES: FLORIDA CASE LAW

“The purpose of section 768.28(6) is to provide the state and its agencies with sufficient notice of claims filed against them.” See *Williams v. Henderson*, 687 So. 2d 838, 839 (Fla. 2d DCA 1996)(citation omitted). “[T]he notice requirement is to provide the State and its agencies . . . time to investigate and respond to those claims.” *Cunningham v. Fla. Dep’t of Children and Families*, 782 So. 2d 913, 915 (Fla. 1st DCA 2001). Furthermore, “[a]n action may not be instituted on a claim against the State or one of its agencies unless the claimant presents the claim in writing to the appropriate agency.” *Id.* citing 768.28(6)(a). “Under the statute, a party wishing to institute suit has three years from the time of the incident giving rise to the suit to file the notice with the appropriate agency.” *Askew v. Volusia County*, 450 So. 2d 233, 234 (Fla. 5th DCA 1984)(citation omitted).

The *Broward Barrister* is published by the Broward County Bar Association as part of our commitment to provide membership with information relating to issues and concerns on the local level. Opinions and positions expressed in the signed materials are those of the author and may not necessarily reflect the views of this publication or the Broward County Bar Association.

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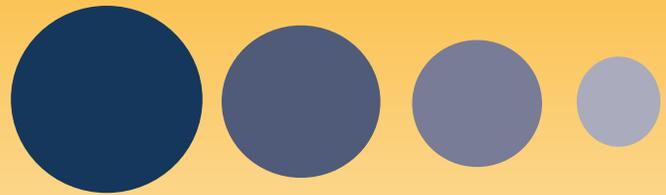
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Wrongful Death Claims continued from page 5

Once the 6 month statutory period has passed with no State action, the condition precedent to filing suit is met. *Id.* at 235. In other words, “under the statute, if notice of the incident is given on the last day, then suit could be delayed by the state’s inaction until three-and-half years after the incident (three years for notice plus six months for denial), thus falling within the four-year statute of limitations for negligence.” *Id.* at 234. Courts strictly construe legislative waiver of sovereign immunity and compliance with Florida Statute section 768.28. See *Metropolitan Dade County v. Reyes*, 688 So. 2d 311 (Fla. 1996).

The prior version of Florida Statute section 768.28(14) stated, “[e]very claim against the state or one of its agencies or subdivisions for damages for a negligent or wrongful act or omission pursuant to this section shall be forever barred unless the civil action is commenced by filing a complaint in the court of appropriate jurisdiction within 4 years after such claim accrues.” See Fla. Stat. §28(14)(2010)(emphasis added). The only previous exception was for claims of contribution or medical malpractice which were governed by separate sections of the Florida Statutes. *Id.*

The Florida Supreme Court and Florida appellate court decisions interpreting the above statute held that the applicable statute of limitations in a wrongful death action against a government entity was governed by Florida Statute section 768.28(14)(2010) which provided a 4 year statute of limitations period for plaintiffs pursuing wrongful death actions against government entities. See, e.g. *Beard v. Hambrick*, 396 So. 2d 708, 712 (Fla. 1981)(citing *Dubose v. Auto Owners Ins.e Co.*, 387 So. 2d 461 (Fla. 1st DCA 1980)).

In *Dubose v. Auto Owners Insurance Company*, the First District Court of Appeal noted that “[s]ection 768.28, Fla. Stat. provides the waiver of sovereign immunity The unambiguous language of that statute allows wrongful death actions to be brought against the state and its agencies or subdivisions subject to the limitations specified therein Section 768[] establishes a four-year statute of limitations for such actions.” *Id.* at 462. *Dubose* further considered the 2 year statute of limitations applicable for wrongful death actions in Chapter 95 of the Florida Statutes and concluded, “[c]onsidering Chapter 95 in pari material with § 768, it is obvious that the applicable

statute of limitations for the present action is the four-year time period set forth in § 768.28[]” *Id.*

Furthermore, under the pre-amended Florida Statute section 768.28, a plaintiff was permitted to serve written notice of the wrongful death claim on the appropriate agency within 3 years from the date the cause of action accrued. See, e.g. *Cunningham v. Fla. Dep’t of Children and Families*, 782 So. 2d 913, 915 (Fla. 1st DCA 2001)(discussing a December 9, 1992 date of death with timely written notice given on October 11, 1995). Thus, based on the previous version of Florida Statute section 768.28, a 4 year statute of limitations applied to wrongful death actions against government entities and claimants were required to present written notice to the State agency or subdivision within 3 years from the date the cause of action accrued.

As discussed below, the amendment has significantly altered the statute of limitations for wrongful death actions against government entities and the statutory notice requirements.

**THE 2011 AMENDMENT
TO FLORIDA STATUTE §768.28**

On June 2, 2011, the Governor of the State of Florida approved an amendment to Florida Statute section 768.28 concerning wrongful death actions and sovereign immunity. See 2011 Fla. Sess. Law Serv. Ch. 2011-113 (C.S.C.S.H.B. No. 277). The amendment took effect on July 1, 2011 and applies to causes of action accruing on or after that date. See *id.*; see also Fla. Stat. §768.28 (2011).

The newly amended version of Florida Statute section 768.28 governing the statutory notice procedure and statute of limitations for claims against State agencies and subdivisions provides, in pertinent part:

(6)(a) An action may not be instituted on a claim against the state or one of its agencies or subdivisions unless the claimant presents the claim in writing to the appropriate agency, and also, except as to any claim against a municipality . . . , presents such claim in writing to the Department of Financial Services, within 3 years after such claim accrues and the Department of Financial Services or the appropriate agency denies the claim in writing; except that, if:

. . . continued on page 7

2. *Such action is for wrongful death, the claimant must present the claim in writing to the Department of Financial Services within 2 years after the claim accrues.*

...

(d) Except as provided otherwise in this subsection, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 6 months after it is filed shall be deemed a final denial of the claim for purposes of this section. *For purposes of this subsection, in medical malpractice actions and in wrongful death actions, the failure of the Department of Financial Services or the appropriate agency to make final disposition of a claim within 90 days after it is filed shall be deemed a final denial of the claim. The statute of limitations for medical malpractice actions and wrongful death actions is tolled for the period of time taken by the Department of Financial Services or the appropriate agency to deny the claim.* The provisions of this subsection do not apply to such claims as may be asserted by counterclaim pursuant to s. 768.14.

...

(14) Every claim against the state or one of its agencies or subdivisions for damages for a negligent or wrongful act or omission pursuant to this section shall be forever barred unless the civil action is commenced

by filing a complaint in the court of appropriate jurisdiction within 4 years after such claim accrues; except that an action for contribution must be commenced within the limitations provided in s. 768.31(4), and an action for damages arising from medical malpractice *or wrongful death* must be commenced within the limitations for such actions in s. 95.11(4).

Fla. Stat. §768.28(6) and (14) (2011)(amended language emphasized).

As a result of the foregoing statutory changes, the Florida Supreme Court’s opinion in *Beard v. Hambrick* and the First District Court of Appeal’s opinion in *Dubose v. Auto-Owners Insurance Company*, holding that wrongful death actions against Florida State agencies and subdivisions have a 4 year statute of limitations, have no doubt been superseded by the amendment. Therefore, wrongful death claimants no longer have a 4 year statute of limitations to file suit against the government entity. Claimants pursuing wrongful death cases no longer have a 3 year window to provide statutory notice to the State. The statute now unambiguously states that the statute of limitations for wrongful death claims against government entities are governed by the 2 year statute of limitations found in Chapter 95 of the Florida Statutes. Fla. Stat. §768.28(14) (2011). Furthermore, wrongful death claimants must provide written notice to the Florida Department of Financial Services within 2 years from the date the claim accrued. **continued on page 18**





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Recent Seminars & Events



Above: Donna Kadosh, President of Boss Certified Realtime Reporting, presents BCBA President Jordana Goldstein with an annual sponsorship check.



Above: (r to l) BCBA Board Member and Co-Chairperson of the Law School Liaison Committee Jay Kim and his daughter Rachael with Jay's mentee Yelina Angulo at the NSU Law School Diversity Picnic.



Above: (r to l): Victor DeBianchi (BCBA President 2006/07) with his mentee, NSU law student Natasha Shaikh.



Above: (r to l): Pro-Bono Chairperson Jorge Hurtado with his mentee, NSU law student Daniel Lewin.

BCBA EVENTS



l to r: Andy Hyman with Kathleen Thomsen, Regional Director of Development, Legal Aid Service & Coast to Coast Legal Aid of South Florida, and BCBA Secretary John Jordan at Bar at the Bar, hosted by the BCBA at Bierhaus.



l to r: Gavin Cady and BCBA Board Member Anita Paoli at Bar at the Bar, hosted by the BCBA at Bierhaus.



l to r: Sabadell Bank Vice President Frank Wagner, Arianne Levin, and BCBA West Section President Michael Rajtar at Bar at the Bar, hosted by the BCBA at Bierhaus.



The *Young Lawyers Section of the Broward County Bar Association* and *Abi's Place* are pleased to present the 10th Annual

BOWL-A-THON!

Saturday, March 24, 2012 • 5:00 pm to 8:00 pm

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Includes 3 hours of bowling, shoes, food, and soda!

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Recent Cases of Interest

By Nancy Little Hoffmann



Accident Report Privilege

A 14 year old boy was struck and killed by a vehicle operated by the defendant while trying to cross a major highway. At the scene, his friends told a deputy sheriff that the deceased had been looking down at his phone and texting while crossing the highway, and the deputy included those statements in his report. At trial, only one of those witnesses testified in person. After the trial court ruled in limine that defense counsel could not cross-examine him regarding the report, the witness testified that he did not know whether the deceased was texting or not. On appeal, the Second District held that the accident report privilege did not apply to witness statements, and that it applies only to those who are required to make a report. Accordingly, the court set aside the plaintiff's verdict and ordered a new trial. *Sottilaro v. Figueroa*, 37 Fla. L. Weekly D330 (Fla. 2nd DCA February 8, 2012).

Attorney's Fees/Wrongful Death

In a medical malpractice action arising from his wife's death, the personal representative (who was the sole survivor) settled with the hospital and apportioned the entire settlement to his sole survivor claims. He then rejected an offer of settlement by the defendant physicians but suffered an adverse verdict. The physicians obtained an attorney's fee award against the estate and persuaded the probate court to require the personal representative to pay the fee award before distributing the remaining settlement proceeds to himself as the sole survivor. The Fifth District reversed, holding that the fees could only be collected from the estate, despite the fact that the husband was the sole survivor as well as the personal representative. *Kadlecik v. Haim*, 37 Fla. L. Weekly D__ (Fla. 5th DCA February 17, 2012)

Automobile Accident/Rear-end Collision

Plaintiffs injured in a rear-end collision, which occurred after their vehicle stalled in a traffic lane on a rainy night, received a verdict against the following motorist. Prior to trial, the court had granted motions for summary judgment on liability, one finding that the defendant was negligent and was the sole cause of the accident, and the other holding that the defendant was not entitled to the non-economic damages threshold defense under section 627.737, Florida Statutes. Reversing, the Second District held that the trial court erred in granting both motions because there was a factual issue as to whether the plaintiffs' vehicle had emergency flashers illuminated. As to the threshold defense, the court held that the defendant, who had recently moved to Florida and was subject to Florida's No-Fault Law, did in fact

have the required coverage through a clause in her Illinois insurance policy. *Jiminez v. Faccone*, 37 Fla. L. Weekly D325 (Fla. 2nd DCA February 8, 2012).

Cross-Examination/Defense Medical Expert

A plaintiff who experienced severe back pain after an automobile accident was awarded only a fractional percentage of her damages by the jury. On appeal, the Fourth District reversed and ordered a new trial because the trial judge improperly limited her attorney from questioning the defense board-certified orthopedic surgeon (unnamed in the opinion), who opined that the accident caused only a temporary cervical sprain and that her surgery was "fraudulent" and "worthless". When plaintiff's attorney tried to cross-examine the witness on the causation issue, the trial court refused to allow it. Reversing, the Fourth District held that although a trial judge may impose reasonable limitations on cross-examination, the judge must nonetheless permit full and fair cross-examination of matters testified to on direct, and that the court's denial of full cross-examination of the medical issue regarding the proximate cause of plaintiff's injuries and resulting surgeries was an abuse of discretion. *Poland v. Zacheo*, 37 Fla. L. Weekly D417 (Fla. 4th DCA February 15, 2012).

Tobacco/Damages

The First District upheld a \$10.8 million verdict for a widow's pain and suffering damages for the death of her husband, a long-time smoker. After reduction for comparative negligence, the trial court entered judgment against R. J. Reynolds for \$5.5 million in compensatory and \$40.8 million in punitive damages. Rejecting the defense argument as to excessiveness of the compensatory damage verdict, the appellate court recognized that the \$10.8 million verdict was higher than the non-economic damage awards affirmed in the other Engle progeny cases, but that it did not exceed the "reasonable range within which the jury may properly operate." The court did, however, agree with the defendant that the \$40.8 million punitive damage award was constitutionally excessive, "in view of the substantial compensatory damages awarded." The court reversed the punitive damages award for the limited purpose of permitting plaintiff to choose between a new jury trial on that issue alone or to accept a remittitur judgment in an amount to be established by the trial court. *R.J. Reynolds Tobacco Company v. Townsend*, 37 Fla. L. Weekly D391 (Fla. 1st DCA February 14, 2012).

About the author: *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 NL-Happeals@aol.com. For more information, see NancyLittleHoffmann.com.*

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YLS & TJ Reddick Bar Host Black History Luncheon



Judge Ilona Holmes, General Magistrate Phoebe Francois, Judges Raag Singhal, Arlene Backman, Mary Robinson, Michael Robinson, Renee Goldenberg, Broward County Commissioner Dale Holness, 4th DCA Judge Carole Taylor, and Chief Judge Peter Weinstein.



YLS President Bart Ostrzenski, YLS Past-President David Hirschberg, The Florida Bar President-Elect Designate Eugene Pettis, and YLS Board Member Sue-Ann Robinson-Cady.



4th DCA Judge Carole Taylor, Chief Assistant State Attorney Chuck Morton, YLS Board Member Sue-Ann Robinson-Cady.



YLS President Bart Ostrzenski, Chief Judge Peter Weinstein, and Judge Elijah Williams.



BCBA Board Member Andrea Gundersen, State Attorney Michael Satz, and BCBA Board Member Jay Kim.

Continuing Legal Education



Co-chair of the BCBA Elder Law Section Arlene Lakin speaking at the Elder and Probate Law Seminar.



BCBA Board Members Denise Jensen was one of the speakers at the Nuts & Bolts Family Law Seminar..



West Area Section President Michael Rajtar at the West Area Luncheon which featured Judge Dorian Damoorgian



Judge Dorian Damoorgian was the featured guest speaker at the West Area Luncheon.



The guest speakers and committee members of the Workers' Compensation Annual Seminar. (l to r): Mal Steinberg, Rich Wagenheim, Section Chair Neal Falk, Judges Kathryn Pecko, Daniel Lewis, Geraldine Hogan, Diana Castrillon, Henrique Roman, Jim Price, and Barbara Wagner.

THE PRACTICAL EFFECT OF THE AMENDMENT TO FLORIDA STATUTE §768.28

Practitioners handling wrongful death actions must be thorough in exploring every possible avenue of recovery for their clients. This requires, in many instances, consideration of liability arising out of the conduct of Florida State agencies and subdivisions.

Attorneys representing both plaintiffs and defendants in wrongful death claims are undoubtedly familiar with the 2 year statute of limitations applicable to wrongful death actions under Chapter 95 of the Florida Statutes. Attorneys familiar with the exception to the 2 year statute of limitations that existed in the pre-amendment Florida Statute section 768.28 which provided a 4 year statute of limitations in wrongful death actions against Florida State entities and subdivisions must take note of the newly amended Florida Statute section 768.28, which now applies a 2 year statute of limitations in wrongful death actions against government entities. Furthermore, lawyers representing clients in wrongful death cases must be well versed in the procedure for providing timely and proper statutory notice to the State. According to the current statute, this notice, which acts as a condition precedent to filing suit against the State agency, must be done within 2 years from the date the cause of action accrued.

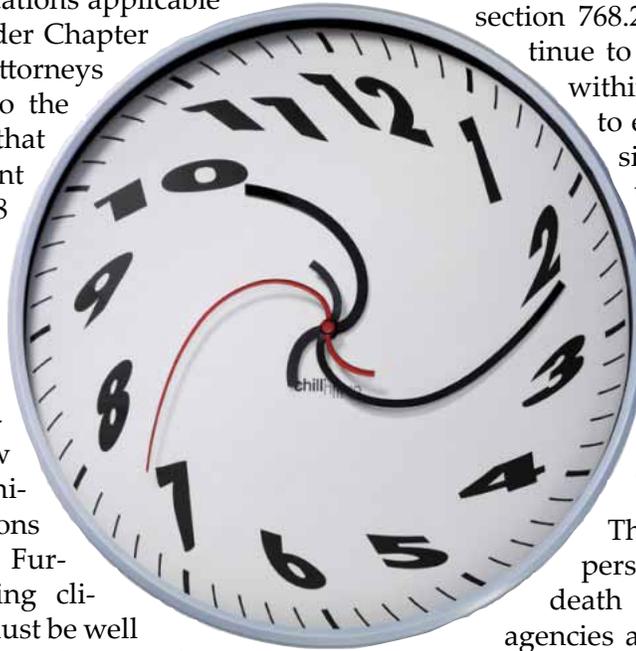
In cases where the potential government defendant is identified early in the case, and strategic reasons for waiting to provide notice are not present, notice should be given well within the 2 year statute of limitations and notice period. Under the newly amended statute, once notice is provided, the agency will have a 90 day period (as opposed to a 6 month period) to expressly deny the claim, resolve the claim, or effectively deny the claim by taking no action and allowing the period to expire. In practice, many government entities wait for the investigatory period to expire rather than providing claimants with an express denial. Although the new amendment provides a 90 day

tolling of the statute of limitations once notice is filed, expiration of the 90 day period may fall outside the 2 year statute of limitations. In this instance, counsel must be vigilant with timing and be prepared to file suit at the appropriate time.

Finally, one may read the newly amended Florida Statute 768.28(6)(a)(2) to suggest that, in wrongful death cases, claimants are only required to serve statutory notice of the claim on the Florida Department of Financial Services. Considering Florida Statute section 768.28 in its entirety, the purpose behind the notice requirements, and the case law interpreting section 768.28, practitioners should continue to provide the statutory notice within the applicable time period to each State agency or subdivision potentially liable for the wrongful death and also provide the notice to the Florida Department of Financial Services. This will ensure proper notice has been received by each of the appropriate agencies including the Florida Department of Financial Services.

Those representing clients in personal injury and wrongful death cases against Florida State agencies and subdivisions must be reminded that failure to strictly comply with the provisions of Florida Statute section 768.28 may result in harsh action by the trial court, including dismissal of the lawsuit with prejudice. See *Levine v. Dade County School Board*, 442 So. 2d 210 (Fla. 1983) (affirming dismissal of complaint for failing to comply with notice provisions of Fla. Stat. 768.28(6) within the applicable time period).

Eric Rosen is co-chair for the Trial Section of the Broward County Bar Association. Eric is a trial attorney with the law firm Kelley/Uustal Trial Attorneys. Eric represents plaintiffs in the areas of personal injury and wrongful death, including motor vehicle accidents, motorcycle accidents, premises liability, product liability, medical malpractice and tobacco litigation.



BCBA
Criminal Law Section

Proudly Presents

J. Cheney Mason

Topic: His representation in the **Casey Anthony** trial and his legal representation in other high profile cases

March 30, 2012

1:00 p.m. - 3:00 p.m.

Broward County Courthouse
Jury Room on the 3rd floor
201 S.E. 6th street

All are welcome to attend this free presentation



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WORKERS' COMP 101: TOP 10 QUESTIONS & ANSWERS

Barbara B. Wagner, Esq



During my 25 years of practicing Workers' Compensation law there have been so many revisions and overhauls of the statute (Chapter 440, Florida Statutes) that even a seasoned practitioner can become confused as to the basic substantive law and procedure governing claims arising from work-related injuries. The following "Top 10" list is by no means exhaustive, but reflects questions regarding the "basics" which have been posed by clients, lawyers, law students, and others with an interest in this unique and important field of law. All references to the statute are to the most recent version, as amended in 2009.

10. I was hurt on the job. Can I sue my employer and get paid for my pain and suffering?

Generally, no. Workers' compensation is an injured employee's exclusive remedy except if the employer has committed an intentional tort, proven by clear and convincing evidence.

If an employer is required by law to have WC coverage and does not have it, an employee may elect an action at law, and the employer may not assert defenses of comparative negligence, assumption of risk, or negligence of a fellow employee. Sec. 440.11. Workers' compensation benefits include payment for lost wages and medical care, but not pain and suffering or loss of consortium.

9. Can I choose my own doctor?

No. The employer/carrier chooses the doctor. Upon written request, an employee is allowed "one change of physician during the course of treatment for any one accident." If the carrier does not authorize an alternative doctor within 5 days of the request, the employee may select the doctor who will then be considered authorized "if the treatment being provided is compensable and medically necessary." Sec. 440.13(2)(f).

8. How do I establish that my condition is work-related?

Simple (lol). "The injury, its cause, and any resulting manifestations or disability must be established to a reasonable degree of medical certainty, based on objective relevant medical findings, and the accidental compensable injury must be the major contributing cause [more than 50 percent responsible] of any resulting injuries." If the condition is an occupational disease, or from repetitive exposure, the exposure and causation must be proven by clear and convincing evidence. Sec. 440.09(1).

7. How much will I receive when I am out of work, and who pays the medical bills?

Compensation benefits for temporary total disability are paid bi-weekly at 66 2/3 percent of an employee's Average Weekly Wage (average of gross earnings during 13 weeks prior to the accident) until maximum medical improvement, but for no more than 104 weeks. Sec. 440.14(1)(a); Sec. 440.15(2)(a). The weekly amount is subject to a "maximum compensation rate", which is \$803 in 2012. Permanent total disability benefits (based on a catastrophic injury and total inability to work), are paid to age 75. There are no benefits for economic loss resulting from diminished wage-earning capacity (the inability to earn pre-injury income because of permanent physical restrictions) resulting from a work injury.

The employer/carrier pays for authorized medical care. Sec. 440.13(2). However, compensation and medical benefits may be apportioned, and the employer/carrier may pay less (with the employee responsible for the balance), if the work injury aggravated or merged with a pre-existing condition. Sec. 440.15(5)(b).

6. Can I get a lump sum settlement? How much is a workers' comp case worth?

Although there is no "right" to a settlement, and no obligation on the part of either party to settle, the statute allows a claimant to waive all rights to benefits in exchange for a lump sum payment. Sec. 440.20(11)(c). Since there is no compensation for pain and suffering, the settlement amount is based only on the employer/carrier's exposure/anticipated responsibility for future medical and wage replacement benefits. .

5. Are there time limits for notifying an employer of an injury and filing a claim for workers' compensation benefits?

Yes. An employee must report the injury within 30 days of an accident or "initial

continued on page 22



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BCBA Walking for Autism Speaks

The BCBA is putting together a team to support the 2012 Autism Speaks Walk scheduled for Saturday, April 14. To join the team, go to <http://www.walknowforautismspeaks.org/faf/home/default.asp?ievent=993672>.

On the left side of the screen, you will see "Join or Support a Team." Type "Broward County Bar Association." Click on the blue underlined "Broward County Bar Association," and you will be brought to the BCBA Team Page. Click on Join Our Team (blue underlined) and follow the instructions to register.



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Workers' Compensation continued from page 20 manifestation of the injury”, with a few statutory exceptions. Sec. 440.185(1). A Petition for Benefits (formal claim) must be filed within 2 years “after the date on which the employee knew or should have known that the injury or death arose out of work performed in the course and scope of employment”, or within 1 year from the last payment of compensation or furnishing of remedial treatment by the employer/carrier, whichever is later. Thus, without settlement, an injured employee’s right to claim benefits remains open indefinitely so long as he/she does not allow a period of one year to go by without receiving authorized medical care or compensation benefits.

4. Can I collect unemployment benefits, Social Security disability benefits, and Medicare while on workers' compensation?

Yes, but... There are exceptions and offsets. You are not permitted to receive temporary total or permanent total disability workers' compensation payments if you are collecting unemployment benefits. Sec. 440.15(10). The weekly amount of unemployment benefits received is deducted from temporary partial disability workers' compensation benefits payable to an employee who has work restrictions.

Workers' compensation indemnity benefits are reduced to an extent by Social Security disability benefits (pursuant to a statutory formula) up to age 62. Sec. 440.15(9).

Medicare does not accept responsibility for payment of medical expenses for compensable work-related conditions. If Medicare pays such bills, they will request reimbursement of these “conditional payments.” If a workers' compensation case is settled, Medicare’s interests must be considered, and under certain circumstances a Medicare Set-Aside Allocation (MSA) must be included in the settlement [a topic and explanation which is important, but beyond the scope of this article dealing with “simple” issues].

3. Are workers' compensation payments taxable or subject to the claims of creditors?

No. Benefits paid for a work-related injury under a workers' compensation statute are not taxable. Benefits may not be assigned or attached, and are exempt from all claims of creditors, except with regard to awards of child support or alimony. Sec. 440.22. A lump sum settlement “must consider and provide for appropriate recovery of past due support.” Sec. 440.20(11)(d).

2. If I get money from a third-party case, do I have to reimburse the workers' compensation carrier? How much?

The employer/carrier may assert a lien upon a judgment or settlement recovered from a third party tortfeasor, and is entitled to recover their “pro rata share” for compensation and medical benefits paid or to be paid. The employer/carrier’s share



is calculated by comparing the employee's "full value of damages" to his/her net tort recovery (after deduction of attorney's fees and costs). This percentage is the amount the employer/carrier can recover as to past and future benefits. If the amount cannot be agreed upon by the parties, it is determined by the trial court judge upon a Motion for Equitable Distribution. Sec. 440.39.

And last, but not least - for helping an injured worker understand and wade through this substantively and procedurally complex law, you may wonder....

1. How does a workers' compensation lawyer get paid?

For explaining the workers' compensation law and procedures, and for giving advice, no fees are allowed. A fee may not be paid in connection with workers' compensation proceedings unless approved by the judge of compensation claims, and the judge must consider only "benefits secured" by the attorney. The fee must equal 20% of the first \$5000 of benefits secured, 15% of the next \$5000, 10% of the remaining amount of benefits secured to be provided during 10 years after the claim is filed, and 5% of the benefits secured after 10 years. Sec. 440.34. By way of example, if an attorney assists an injured worker in claiming and receiving payment for a month of lost time after an injury (approximately \$1200-\$1500), the attorney is entitled to receive \$240-\$250, regardless of the amount of time required in litigating entitlement to the benefits. From a lump sum settlement of \$15,000, an attorney is allowed to receive a fee of \$2,250.

It is unlawful, and a misdemeanor of the first degree, for an attorney to receive a fee which has not been approved by a judge of compensation claims. Sec. 440.105(3)(c).

Now that the basic questions are answered, those practitioners who have never ventured into this area of the law are probably happy that they have not - and the rest of us are left to wonder "what's next?" Our social conscience compels us to assist injured workers who cannot help themselves, while the legislature has made the task increasingly difficult.



BCBA Members

Are you interested in submitting an article for the *Barrister*?

We encourage you to do so. You may want to develop a story about current issues. Or, you may have a great war story to tell that can be educational. The BCBA staff can assist you. Both Art Goldberg and Braulio Rosa have backgrounds in writing and have graduate degrees in that specific discipline.

Contact us with your ideas at braulio@browardbar.org.

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For more information, contact Braulio Rosa at 954-832-3620 or via e-mail at braulio@browardbar.org.



Congratulations to Beverly Vesel for being nominated by the Nova Law School for the Nova Southeastern University Alumna of the Year Award.



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Google Announces Search Engine Enhancements

By Margaret Grisdela



If your Google AdWords pay-per-click budget is going up, up, and away, you will want to be aware of recent search engine enhancements that can help you get or maintain organic placement.

Google announced 40 search changes in February 2012, which sets a new record. Here are some of the tweaks, big and small, that are relevant to law firms dependent on website traffic for lead generation.

Local Search

Ranking improvements are being used to refine local search results. Translate this in part to mean an increasing emphasis on Google Places and associated search capabilities. A new system is now being used to find and display results from a user's city with greater accuracy. For example, Google can now determine when both queries and documents are local to the user.

Link Evaluation

Google uses characteristics of links to help them identify the nature of content on a linked page. They are now discontinuing a link analysis method that has been in use for several years; the exact method is not disclosed however. This is an apparent effort to "keep our system maintainable, clean and understandable." It also works to keep a bit of the mystery in SEO.

YouTube results are more localized

The ranking for predictions in YouTube are enhanced to present the user with geographically relevant data. At a high level, this translates into country relevance. Law firms using a video channel on YouTube will want to make sure and optimize video clips for geographic terms as well as practice areas.

Fresher images

Google now finds new images more quickly, reinforcing the need to keep refreshing the content on your website. Attorney photos, community events, and practice-related images should all be evaluated.

Fresher Content

New content now shows up in search results even more quickly than before. If you use Google Alerts, you know that Google is now finding material within minutes or hours. Law firms that may be on a monthly update schedule (or worse) will find themselves left in the dust of daily dispatches being pumped out by some firms. Stay substantive, of course.

Panda Update

One year ago Google launched the "Panda" system, designed to penalize websites with thin content. The new version 3.3 "refreshes data in the Panda system, making it more accurate and more sensitive to recent changes on the web," according to Google.

"Site:"Query Update

This is a useful search feature, particularly for research and competitive intelligence. Lawyers can monitor their own or competitor law firms by searching for a specific term on a website. When searching, place the full URL path immediately after "site:" followed by your search term, as in: `site: http://www.sun-sentinel.com lawyer`

Spam Detection

Always on the lookout for spam, Google continues to find and fix spam issues.

Read about all 40 February changes on the Google Inside Search blog at:

<http://insidesearch.blogspot.com/2012/02/search-quality-highlights-40-changes.html>

About the Author: Margaret Grisdela is president of *Legal Expert Connections*, a national legal marketing agency, and the author of *Courting Your Clients*. She focuses on insurance defense marketing, personal injury marketing, social media, and other legal marketing campaigns. Contact her at 561-266-1030 or mg@legalexpertconnections.com

CCLA's Economic Advocacy & Community Health Project

Helps Family Keep Home and Wedding Ring

Jane* worked as a teller for a major bank. Unfortunately, during her pregnancy, she suffered from severe migraine headaches, which resulted in attendance issues at work. During one of her especially bad migraines, Jane asked her supervisor for permission to go home. Her supervisor denied her request and insisted she continue working. Jane's migraine caused her to have trouble concentrating, and she made a mistake on a transaction, for which she was then fired. When Jane filed for unemployment compensation, she was denied.

The EACH Project stepped in and filed an appeal on Jane's behalf. On the day of her hearing, Jane, who was facing eviction, pawned her wedding ring to get rent money. When an advocate for the EACH Project found out the hearing decision was in Jane's favor, he immediately contacted the Department of Economic Opportunity to request expedited processing based on her financial hardship. The department quickly processed the case and by mid-day deposited funds into Jane's account. Jane was then able to use some of the funds to get her ring back.

Additionally, our Adopt-a-Family holiday gift program

donated gift cards to the family, toys to Jane's five-year-old daughter and formula and clothing for her baby who will be born in February.

For more information on Coast to Coast Legal Aid of South Florida, visit:

www.CoasttoCoastLegalAid.org

*In order to protect the identity of our clients, names have been changed. Any and all photographs, pictures, or images depicting clients are dramatizations only and not actual depictions of our clients.

The Economic Advocacy and Community Health (EACH) Project at Coast to Coast Legal Aid of South Florida (CCLA) represents eligible clients free of charge in unemployment compensation cases, cases involving food stamps, Medicaid, and temporary cash assistance. Our attorneys and advocates understand the challenges facing families and individuals in this difficult economy, and we make every effort to help clients obtain benefits that they may be entitled to receive. The EACH Project can be reached at 954-736-2400.

Broward Lawyers Care

Thank you to the following attorneys
who accepted a Pro Bono case
from Broward Lawyers Care
January 2012

- Evan Appell
- Timothy Arcaro
- Elizabeth Daugherty
- Steven B. Dolchin
- Shayna Freyman
- Carol Green
- Renita Henry
- Joshwa Huff
- Cortney Kaiserman
- Jarred Leibner
- Michael Lessne
- Andrew Marcus
- Calrie Marsh
- Timothy McFarland
- David Netburn
- Richard Sachs
- Jason Elliot Slatkin
- Alison Smith
- Steven Wherry

New Date - Takeover & Makeover Legal Aid Service and Coast to Coast Legal Aid - May 5th

Join the NEXT team on Saturday, May 5, to "paint it forward" and give the Legal Aid Service and Coast to Coast Legal Aid offices a much-needed makeover. (This event was previously scheduled for February 4.) The only requisite to join is a generous heart! Volunteers meet on May 5 at 9 a.m. at Legal Aid, 491 North State Road 7, Plantation. For more information or to sign up, email jjpalma@legalaid.org or call (954) 736-2423.



Broward Lawyers Care – Attorney of the Month, February 2012

Robert F. Bouchard

SHAREHOLDER, FOWLER WHITE BURNETT, P.A.
CERTIFIED CIRCUIT COURT MEDIATOR
QUALIFIED FLORIDA ARBITRATOR



With more than 35 years of experience as a civil litigator, Robert Bouchard focuses his practice on matters dealing with medical malpractice, professional liability, toxic torts, product liability and personal injury defense. The University of Miami Law School graduate is a member of the American Bar Association, The Florida Bar, Florida Defense Lawyers Association, Florida Medical Malpractice Claims Counsel, Broward County Bar Association, and is a Past President of the Dade County Bar Association. He also served as Judge Advocate and Military Judge for the Judge Advocate General's Corps, U.S. Army. Bouchard is a Shareholder with Fowler White Burnett, P.A.

Mr. Bouchard has shown a true commitment to pro bono work through his recent casework with Broward Lawyers Care. Although his client actually passed away before the case was completed, he spent many hours working with her as well as her landlord's attorneys. The client's apartment was completely covered in mold, and Bouchard was able to convince the landlord to let the client stay in another apartment in the complex until she could formally relocate.

Before she passed away, the client executed an assignment of all her rights of the potential lawsuit and settlement to her long-time friend. Bouchard recently settled the case for \$10,000. "I got to know this client quite well and was saddened by her passing," said Mr. Bouchard. "It is unfortunate that she didn't get a chance to enjoy the settlement."

NEXT March Madness Happy Hour

Thursday, March 15, 2012 • 5:30pm - 7:00pm

Tap 42 bar & kitchen

1411 South Andrews Ave.
Fort Lauderdale

\$5 members, judiciary & law students

\$10 non-members

\$25 new membership & event admission



Price includes one drink ticket and appetizers

RSVP to 954-736-2423 or JPalma@legalaid.org

NEXT (Next EXecutive Team) is comprised of Broward's legal and business professionals with an interest in contributing to Legal Aid Service of Broward County (LAS) and Coast to Coast Legal Aid of South Florida (CCLA) by supporting their missions and shaping their futures. Learn more at www.legalaid.org.



NEXT is created, funded and managed by Legal Aid Service of Broward County Inc, and Coast to Coast Legal Aid of South Florida.

Calendar of Events

Unless otherwise noted, all BCBA events require an RSVP

Northwest Area Organizational Luncheon

March 2, 2012 • 12:00 pm • 1:30 pm
Monthly Meetings to Follow
Pay for your own lunch off the menu
Bru's Room
1000 N. University Drive J, Coral Springs
Traci: (954)832-3618 or traci@browardbar.org

4 Hour Minor Guardianship Class

March 3, 2012 • 9:00 am - 1:00 p.m., \$100
Attorneys welcome, Florida Bar approved for CLE credits
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale
Contact Tish at (954)832-3617

Professionalism Committee

March 6, 2012 • 5:30 p.m. - 6:30 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

Bankruptcy/Probate CLE Luncheon

March 7, 2012 12:00 pm – 1:30 pm
“Bankruptcy Issues for Estate Planners: Estate Planning Issues for Bankruptcy Attorneys”
Speakers: Jeffrey Solomon, Greg Medalie, Jason Slatkin, Thomas Katz and Marc Barbat
\$15 BCBA Members
\$25 Non-Members
BCBA Offices 1051 SE 3rd Avenue Fort Lauderdale
Traci Lewis traci@browardbar.org or (954)832-3618

Membership Committee

March 13, 2012 • 4 p.m. - 5 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

BCBA Board of Directors Meeting

March 13, 2012 • 5:00 p.m. - 6:30 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

Bench and Bar Committee Meeting

March 15, 2012 • 12:00 p.m. - 1:30 p.m.
Speaker: Congressman Deutsch
BCBA Offices: 051 SE 3rd Avenue, Fort Lauderdale
Traci: (954)832-3618 or traci@browardbar.org

SBBA Installation Dinner w/ Supreme Court Justice Ricky Polston

March 15, 2012 • 6:00 pm - 9:00 pm
\$75 SBBA Members and their Significant Others
\$95 non-members \$60 Governmental Attorneys and Law Students (all prices increase \$20 after 3/2/2012)
Signature Grand, 6900 West State Road 84
Contact: Shauna Doan (954)921-2001
Contact Info: southbrowardbarassoc@gmail.com

Kelley Uustal St. Patrick's Day Parking Lot Pub Crawl

March 16, 2012 • 5:00 pm - 8:00 pm
Gourmet food trucks, drinks, music

Benefits the Tracey McPharlin Pro Bono Dependency Recruitment Initiative
Kelley Uustal Building Parking Lot
700 SE 3rd Avenue, Fort Lauderdale
Contact: invite@justiceforall.com

Government Section Planning Luncheon

March 19, 2012 • 12:00 pm - 1:30 pm
BCBA Offices, 1051 SE 3rd Avenue, Fort Lauderdale
Traci: (954)832-3618 or traci@browardbar.org

Solo/Small Law Firm Networking Dinner

March 21, 2012 • 6:00 pm - 8:00 pm
\$35 BCBA members; \$50 non-BCBA members
\$5 Additional Pay at the Door
Dave & Busters, 3000 Oakwood Boulevard, Hollywood
Traci: (954)832-3618 or traci@browardbar.org
Register: <http://www.browardbar.org/calendar/>

YLS Luncheon

March 22, 2012 • 12:00 pm - 1:30 pm
Speakers: Alan Pascal and Juan Carlos Arias
“Grievance and Attorney Liability”
\$25 payable at the door
Tower Club, 100 SE 3rd Avenue, 28th Floor, Fort Lauderdale

West Broward CLE Luncheon with Judge Imperato

March 22, 2012 • 12:00 pm – 1:30 pm
\$25 if registered prior to 2/23/2012
\$30 at the door
Plantation Preserve Golf Course
7050 W. Broward Plantation
Traci Lewis (954)832-3618 or traci@browardbar.org
Register: <http://www.browardbar.org/calendar/>

Inn of Court Lunch with Supreme Court Justice Jorge Labarga

March 23, 2012 • 12:00 pm 1:30 pm
Free to Inn of Court Members \$45 for Non-Members
Renaissance Hotel
1617 SE 17th Street Causeway Fort Lauderdale
Traci: tracilewis@bellsouth.net or (954)832-3618

8 Hour Adult Guardianship Class

March 24, 2012 • 9:00 am – 5:00 pm, \$180
Attorneys welcome, Florida Bar approved for CLE credits
BCBA Offices 1051 SE 3rd Avenue Fort Lauderdale Please
Register with Tish: (954)832-3617

YLS Annual Bowl-a-thon

March 24, 2012 • 5:00 pm - 8:00 pm
Manor Lanes, 1517 NE 26th Street, Wilton Manors

B'nai B'rith Justice Unit Installation Brunch

March 25, 2012, 9:30 am • 11:30 am
Renaissance Hotel, 1230 S. Pine Island Road, Plantation

Calendar of Events Continued

Unless otherwise noted, all BCBA events require an RSVP

Publicity Committee Meeting

March 27, 2012 • 12:00 p.m. - 1:30 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

BCWLA Luncheon

March 28, 2012 • 12:00 pm - 1:30 pm
Bankruptcy Basics - A View From the Bench
the Chapter 7 Trustee's Panel and the Practitioner
\$35 BCWLA Members • \$40 non-members • \$30 Judiciary
Riverside Hotel, 620 E. Las Olas Blvd., Fort Lauderdale
Contact Info: rsvp@bcwla.com

Bar at the Bar Networking Event In Conjunction with Paralegal Section Kick Off Quarterdeck Restaurant

March 29, 2012 • 5:30 pm - 7:30 pm
No RSVP Necessary • No Charge
1 Free Drink and Complimentary Appetizers
Quarterdeck Restaurant
1541 Cordova Road, Fort Lauderdale
Traci: (954)832-3618 or traci@browardbar.org

April Events & Meetings Membership Committee

April 10, 2012 • 4 p.m. - 5 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

BCBA Board of Directors Meeting

April 10, 2012 • 5:00 p.m. - 6:30 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

Ethics / Professionalism CLE Lunch

April 13, 2012 11:30 am - 1:30 pm
"Putting Civility Back into the Practice of Law"
with Judge Rothschild, Judge Gates, Judge Richards and
Jay Cohen, Esq.
\$25 BCBA Members
\$35 Non-Members
Includes Lunch
Registration begins at 11:30; Presentation at 12:00
BCBA Offices 1051 SE 3rd Avenue Fort Lauderdale
Traci Lewis (954)832-3618 or traci@browardbar.org
Register: <http://www.browardbar.org/calendar/>

Bench and Bar Committee Meeting

April 17, 2012 • 12:00 p.m. - 1:30 p.m.
BCBA Offices: 051 SE 3rd Avenue, Fort Lauderdale
Traci: (954)832-3618 or traci@browardbar.org

"Raising the Bar" Family Law Annual Seminar

April 27, 2012 8:30 am - 4:30 pm
8:30 - 9:00 Registration
9:00 - 4:30 Seminar includes breakfast and lunch
4:30 - 5:30 Cocktail Reception
\$125 BCBA Members

\$150 Non-Members
Embassy Suites Hotel
1100 SE 17th Street Causeway Fort Lauderdale
Traci Lewis (954)832-3618 or traci@browardbar.org

Heart/Lung Worker's Compensation Lunch and CLE Seminar

April 27, 2012 12:00 pm - 3:00 pm
"Heart/Lung Presumptions in Workers Compensation
Cases Involving Firefighters, Law Enforcement and
Correctional Officers"
Panel to include Honorable Gerardo Castiello, Geoff Bichler,
Esq., George Helm III, Esq. and Alan Kalinoski, Esq.
\$25 BCBA Members
\$35 Non-Members
Includes Lunch and 3.5 CLE Credits
BCBA Offices 1051 SE 3rd Avenue Fort Lauderdale
Traci Lewis (954)832-3618 or traci@browardbar.org

Law Day Luncheon with Justice Cantero

May 3, 2012 12:00 pm - 1:30 pm
Speaker: Justice Raoul Cantero
Renaissance Hotel
1617 SE 17th Street Causeway Fort Lauderdale FL, 33316
Traci Lewis (954)832-3618 or traci@browardbar.org

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Online Radiology Images

<http://rad.usuhs.edu/medpix/>

These online radiology images are part of the MedPix database, which is offered as a public service by the departments of radiology and biomedical informatics at the Uniformed Services University in Bethesda, Maryland. The target audience for the site is “physicians and nurses, allied health professionals, medical students, graduate nursing students and other post-graduate trainees.” Visitors to the homepage will find much of the materials here contained within two sections: Anatomy and Teaching File. In the Anatomy area, visitors can read through a radiologic anatomy glossary and atlas, look over labeled brain scans, and also look at different radiology images of the chest. Moving on, the Teaching File area contains radiology tutorials, online seminars, and even mock exams. The collection here is voluminous, containing over 11,000 teaching file cases and over 54,000 images

SAVE THE DATE

“Heart/Lung Presumptions in Workers Compensation Cases Involving Firefighters, Law Enforcement & Correctional Officers”

Panel to include

Honorable Gerardo Castiello,
Geoff Bichler, Esq., George Helm III, Esq.
Alan Kalinoski, Esq.

April 27, 2012

12:00 - 3:00

3.5 CLE Credits Available

Broward County Bar Association
1051 SE 3rd Avenue
Fort Lauderdale

\$25 BCBA Members

\$35 Non-Members

Lunch Included in Fee

To register: <http://www.browardbar.org/calendar/> or
Traci Lewis (954)832-3618 or traci@browardbar.org

Save the Date

Ethics/Professionalism CLE Lunch

April 13, 2012 12 pm – 1:30 pm

“Putting Civility Back into the Practice of Law”

with

Judges Rothschild, Gates, and Richards
and Jay Cohen, Esq.

\$25 BCBA Members

\$35 Non-Members

Includes Lunch

Registration begins at 11:30; Presentation at 12:00

BCBA Offices 1051 SE 3rd Avenue Fort Lauderdale
Traci Lewis (954)832-3618 or traci@browardbar.org
Register: <http://www.browardbar.org/calendar/>

SAVE THE DATE

Law Day Luncheon

with

Justice Raoul Cantero

May 3, 2012

12:00 pm – 1:30 pm

Renaissance Hotel
1617 SE 17th Street Causeway
Fort Lauderdale FL, 33316

For Information

Traci Lewis (954)832-3618 or
traci@browardbar.org



JUDICIAL RECEPTION

(Complimentary for all Members of the Judiciary)

Thursday, May 10, 2012

5:30 p.m. – 7:30 p.m.

New River Center Rotunda

200 East Las Olas Boulevard

(New River Center -- SW corner of Las Olas Blvd. & SE 3rd Ave.)

LEVELS OF SPONSORSHIP

TITLE CONTRIBUTOR	\$2,500.00 (includes 20 tickets)
SUPREME CONTRIBUTOR	\$1,000.00 (includes 8 tickets)
JUSTICE CONTRIBUTOR	\$500.00 (includes 4 tickets)
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SOLICITOR CONTRIBUTOR	\$150.00 (includes 1 ticket)

All sponsors will also receive their name displayed on signage at event and recognition in the BCBA monthly newsletter, the *Broward Barrister*.
Title Contributors will receive additional independent signage at the event.

INDIVIDUAL TICKETS

Advance RSVP BCBA Members	\$35.00
Advance RSVP Non-Members	\$45.00
Walk-In Attendees	\$55.00

Entrance tickets include complimentary hors d'oeuvres, cocktails and desserts.
RSVP by May 3, 2012.

For sponsorship information or to RSVP, please contact:

Tobi B. Lebowitz, Esq.
Judicial Reception Chairperson
200 East Las Olas Boulevard, Penthouse A
Fort Lauderdale, Florida 33301
tlebowitz@stearnsweaver.com
(954) 462-9525

Checks should be made payable to: Young Lawyers Section.

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Fill out and return with your check(s) payable to: **BCBA**

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c/o Traci Lewis 1051 SE Third Avenue, Ft. Lauderdale, FL 33316

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For more information contact **Michael Rajtar at 954-241-0154**
or **Marika Guyton 954-549-8602**

WBBA Hosts Golf Tournament to Benefit Middle School Law Program

West Broward Bar Association (WBBA) will host the West Broward Bar Inaugural Golf Classic on Saturday, May 12, 2012, at the beautiful Plantation Preserve Golf Course and Club in Fort Lauderdale. This partnership between the WBBA and Seminole Middle School will help raise funds to buy computers and materials for the 8th grade law students in the Division of Enhanced Communication and Law (DECAL) program.

The DECAL program is an innovative curriculum for high achieving learners. Students are put through a rigorous curriculum offering up to seven high school credit classes that include speech and debate. A Law Studies is taught in the 8th grade year in which the students participate in mock trials, interaction with law professionals, and a trip to the Main Broward Courthouse sponsored by the WBBA. The Seminole Middle School DECAL program is the only active non-magnet middle school government and law program in Broward County.

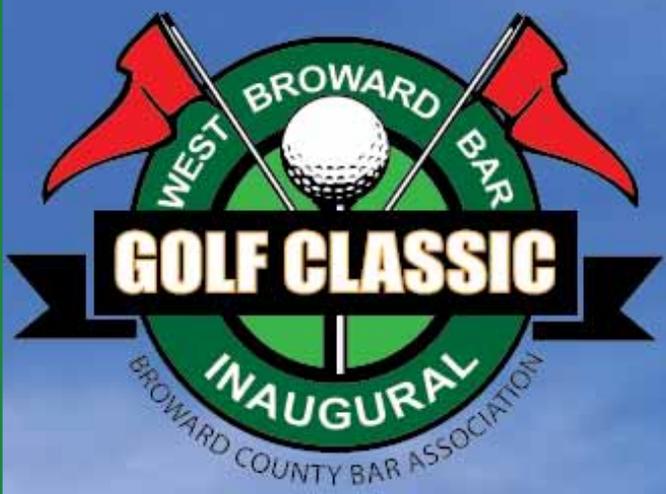
“With the increased funding cuts to the public schools there is a need to step up and assist those affected in our community,” said Michael Rajtar, President of the WBBA. “This is a perfect pairing of a legal organization and a law program partnering to benefit the next generation.”

The tournament will kick off with registration and lunch at 11:30 a.m., followed by a shotgun start 1 p.m. After the tournament, guests will enjoy cocktails and hors d'oeuvres from 5 to 6 p.m., followed by an awards dinner, silent auction, and a raffle.

The West Broward County Bar Association is a chapter of the Broward County Bar Association, a not-for-profit organization founded in 1925 to foster courtesy, ethics, and professionalism among lawyers. The organization works to educate the citizens of Broward County on their legal rights and to provide necessary legal services to Broward County's residents.

Tickets are \$100 per golfer and several sponsorship levels are available starting at \$250.

For more information and to register online, go to www.WestBrowardBar.com.



Benefitting:
The Law Curriculum of the DECAL Program
of Seminole Middle School

DATE: SAT. MAY 12, 2012 **JOIN US!**
TIME: REGISTRATION BEGINS 11:30AM
SHOTGUN START 1PM
LOCATION: PLANTATION PRESERVE GOLF
7050 W. BROWARD BOULEVARD
PLANTATION, FL 33317
954-585-5020

FOURSOMES AVAILABLE AT \$400

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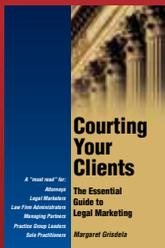
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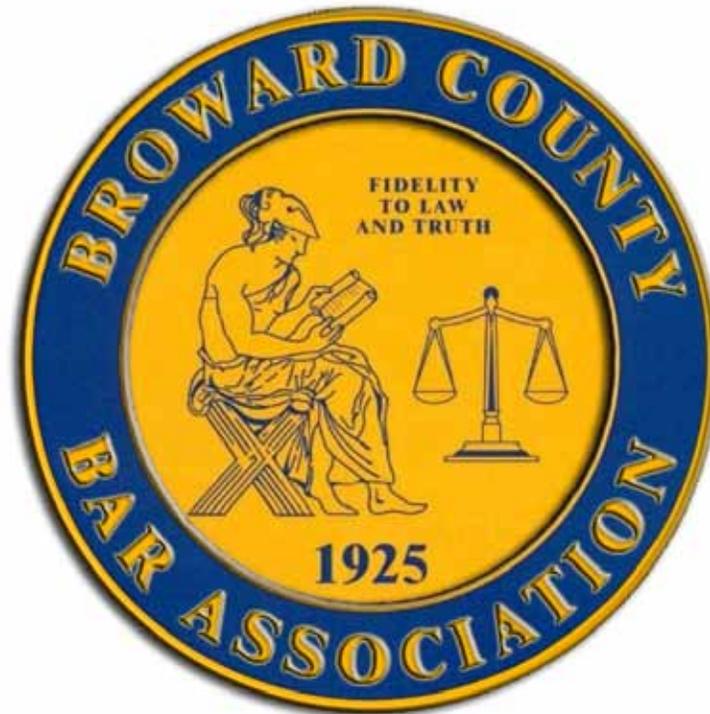
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Broward County Bar Association

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phone: 954-764-8040 • fax 954-764-8060



Mentor/Mentee Program

In a legal market where increasing numbers of newly minted lawyers are starting their own law firms immediately upon graduating from law school, the Broward County Bar Association has recognized the need for the mentoring of those young attorneys by those with more experience. Developed by its Professionalism Committee, the Mentoring Program is designed to provide a resource for law students and new lawyers to receive guidance, tips and non-legal advice from veteran practitioners.

To learn more or to register as a mentor or a mentee, visit us on the web at:

<http://browardbar.net/broward-county-mentor-program/>

Visit our website at www.browardbar.org

Check out our blog at www.browardbarblog.org/

Follow us on Twitter at <http://twitter.com/#!/browardbar>