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ON THE COVER: The Judicial Robing Ceremony to welcome our newest members of the Broward Circuit and County Judiciary was held on Friday, January 18, 2013. Top row (l to r): Judge Ari Abraham Porth, Judge Lynn D. Rosenthal, Judge Christopher P. Pole, Judge Laura M. Watson, Judge Michael Ian Rothschild, Judge Olga Levine, Judge Tim Bailey. Seated (l to r): Judge Kathleen McHugh, Judge Elizabeth Scherer. Photo credit: Dave Dakota. Cover Layout & Design: April Bordeaux

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For information on upcoming events, please check out:
<http://www.browardbar.org/calendar/>

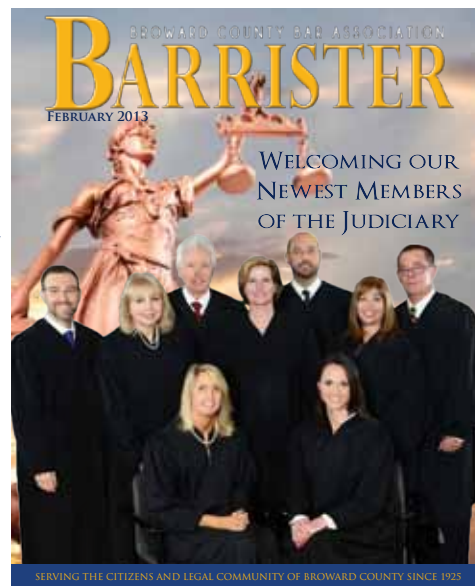
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letter from the president



Deborah FitzGerald

“Nothing is as important as passion. No matter what you want to do with your life, be passionate.” Jon Bon Jovi

It's all about.....passion. February seems an appropriate time to talk about passion. According to the American Greetings Company, more cards are exchanged on Valentine's Day than any other holiday, not to mention flowers and candy (my personal favorites).

I was reminded of the importance of passion in all we do, including our profession, when I attended the celebration of Past President Hugh Maloney's life earlier this year. Dr. Roberto Palma delivered a eulogy and focused on Hugh's passions, which were

many. I did not know Hugh well but when I think of Hugh I remember his ever-present smile and his obvious passion for his profession.

After that day, I took notice of several interesting articles about passion, particularly passion for our profession. For example, in the July 2012 ABA Journal it was noted that according to a study at the University of California at Berkeley 'passion and engagement' was one of twenty-six factors that influences lawyer effectiveness. In a different article, I read that a Gallop-Healthway Well-Being Index which polls 1,000 people every day and asks them to rate themselves in six categories concluded that 'work environment' had the lowest rating, i.e. the lack of passion for one's profession.

*“Nothing is as important as passion.
No matter what you want to do
with your life, be passionate.”*

~Jon Bon Jovi

We can all learn from Hugh's life about being passionate in all aspects of our lives. Hugh was passionate about the law. He loved to read new decisions and discuss the law. It's not surprising that another of the factors which influences lawyer effectiveness is researching the law. It is so important to our core level of competence to keep up with the law and how it impacts our society as a whole, our clients, and our profession.

Hugh was also passionate about his family and friends and hobbies. He loved to entertain friends and was an avid snow skier. It is important for all of us to remember that lawyer effectiveness includes self-development, community involvement and service, and stress management.

Hugh was also passionate about the BCBA. Hugh remained active in the BCBA until his passing and even though he was a seasoned and well accomplished lawyer, he found opportunities to participate in our association whenever he could.

This month, and beyond, I urge each of you to strive for that elusive attribute of lawyer effectiveness.....passion. **B**

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letter from the young lawyers' president



Meghan Clary

The Broward County Bar Association Young Lawyers Section is grateful for the support of our judiciary throughout the year, especially their continuous support of our quarterly "Breakfast with the Judiciary" event. We would like to congratulate all of the incoming judges who were recently robed in the Seventeenth Judicial Circuit, and we welcome you to attend our "Breakfast with the Judiciary" on March 8th at 8:30 a.m. in the Broward County Courthouse Law Library. This is an opportunity for young lawyers to get acquainted with members of our bench in an informal setting outside

of the courtroom. This catered breakfast is complimentary to the members of the judiciary and \$25.00 for all non-judiciary. Space is limited so please RSVP to Eric Rosen, Esq. at esr@kulaw.com.

I also want to thank Chief Judge Peter Weinstein, who gave the annual "State of the Circuit Address" at our January luncheon at the Tower Club. We appreciate your informative presentation Judge Weinstein, and as always, thank you for your assistance in helping our circuit grow and advance.

Our next luncheon will be on February 21st and it is our Black History Month Luncheon, featuring Florida Bar President-Elect, Eugene K. Pettis. Mr. Pettis is the first African American to serve as the President of the Florida Bar, and he will be sharing his story and speaking about raising the bar. YLS will be co-hosting this luncheon with the T.J. Reddick Bar Association and the Caribbean Bar Association. The luncheon will begin at noon at the Tower Club, and the cost to attend is \$25.00 per person. You may RSVP to the Broward Bar at 954-764-8040 or visit www.browardbar.org and click on the upcoming events calendar.

The week following our luncheon, on Wednesday, February 27th, YLS will be hosting a free happy hour at American Social on Las Olas from 5:30 p.m. to 7:30 p.m. for the charitable beneficiary of our 11th Annual Bowl-A-Thon, Voices for Children of Broward County. Please stop by to enjoy a free drink and free appetizers.

Since April and May are just around the corner, it is not too early to calendar two upcoming major YLS events. Our 11th Annual Charity Bowl-A-Thon will be Saturday, April 13th from 5:00 p.m. to 8:00 p.m. at Wilton Manors Lanes. Also, we will host our annual Judicial Reception on Thursday, May 16th from 5:30 p.m. to 7:30 p.m. at the New River Center Rotunda. For information on sponsoring and/or attending these events, please visit our website www.browardbar.org/yls or contact me directly.

As always, if anyone has any questions about joining YLS or to learn more information about any of our events, please feel free to call me at Chorowski & Associates, P.A. at 954-525-6566, or email me at meghan@cmfamilylaw.com. **B**

LITIGATION PRACTICE & PROCEDURE TIPS FOR YOUNG LAWYERS

By Jennifer Kane Waterway



Navigating through the court system can be challenging, especially as a young lawyer. Consider these basic tips to help find your way.

1. Know Your Jurisdiction

Every jurisdiction is different and changing constantly. Become familiar with the jurisdictions you frequent and research those you visit less often. Review and adhere to Local Rules and Administrative Orders, online scheduling, and e-filing requirements where applicable, and pay attention to notices regarding changes in procedure. Know where to find Clerk of Court information, including dockets, forms, and filing fees. Most jurisdictions have websites, which can be saved in your browser “favorites” for ease of access.

For state and county court in Broward County, for example, visit <http://www.17th.flcourts.org/> to find Local Rules and Administrative Orders under the “Rules and Policies” tab, online scheduling and the e-filing program under the “Self Help” tab, and recent changes in procedure under the “Announcements” tab. Visit the Clerk of Court at <http://www.clerk-17th-flcourts.org/ClerkWebSite/Welcome2.aspx> for “Quick Links” to “Forms and Filing Fees” and “Online Services/Public Access Case Search” for online dockets.

2. Know Your Judge

Each judge and division is different, even within the same jurisdiction.

Learn and follow each judge’s rules and procedures, which often are posted online. In Broward County, for example, go to <http://www.17th.flcourts.org/> under the “Judges” tab, find your judge by division, and a link to “Procedures” (if one exists) is on the right. A Judicial Directory containing important information about judges and their staff can be located under the “Judges” tab at “Judges and Judicial Staff.”

Talk to other lawyers who have appeared before or know the judge. They can provide invaluable insight as to what to expect in court and otherwise.

3. Know Your Opposing Counsel

It is important to know your adversary. Look them up on The Florida Bar website (<http://www.floridabar.org/>), review the lawyer’s website, and do a quick search online. Ask other lawyers about their experiences with the lawyer.

Introduce yourself and try to develop a rapport. This typically makes it easier to work together and might help resolve the case.

4. Know the Law

It is important to know not only the substantive law, but also the procedural law that applies to a case. There are different rules of procedure for different types of cases, including the Florida Rules of Civil Procedure, Florida Rules of Criminal Procedure, Florida Probate Rules, Florida Family Law Rules of Procedure, and Florida Rules of Juvenile

Procedure, to name a few. The Florida Rules of Judicial Administration apply to administrative matters in all courts to which the various rules apply, and the Florida Rules of Appellate Procedure apply to appellate proceedings. See the “Table of Contents” or “Margin Index” on the back of Florida Rules of Courts books for a list of rules that apply to different types of matters. The Florida Evidence Code and Rules Regulating The Florida Bar can be found here as well.

Remember with regard to all of these tips that state and federal courts differ significantly, as do different states and countries. **B**



Jennifer Kane Waterway is a former civil and commercial litigator turned family lawyer with an office in downtown Fort Lauderdale. For more information, visit www.waterwaylaw.com or email jkw@waterwaylaw.com.

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The Honorable Elizabeth A. Scherer
The Honorable Laura M. Watson

Thank you to all retiring judges for your dedicated service to our community.



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We are proud to support the **Broward County Bar Association** and its 2013 Robing Ceremony.

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A Dedication to Service

WELCOMING OUR NEWEST MEMBERS OF THE JUDICIARY

By Braulio Rosa

The Broward County Bar Association is proud to honor and recognize our newest members of the Broward Circuit and County Judiciary. The official Judges Robing Ceremony was held on Friday, January 18, 2013 at the main courthouse in Fort Lauderdale. We thank the following judges for their continued dedication and commitment to serving the good of our community. Please join us in congratulating our new judges.

Judge Tim Bailey



The experience that one gains by being the father of four will provide Judge Tim Bailey the needed balance and wisdom to serve on the bench. Judge Bailey's motivation to become a judge is the challenge, and the advice that he adheres to is, "Be on time."

Prior to serving on the bench, Judge Bailey practiced law for 33 years in private practice: general civil and

family law.

Judge Bailey is a Marquette Law School graduate and has served on various association boards. He is a Past President of the Broward Bar Association, Past President of the North Broward Bar Association, Chairman of the Broward County Judicial Nominating Committee, two-term member of the Board of Governors of The Florida Bar, President of the Pompano Beach Chamber of Commerce, and President of the Pompano Board of Trade. Currently, Judge Bailey is on the Board of Directors of the John Knox Village and on the Orange Bowl Committee.

In his spare time, Judge Bailey enjoys reading and running.

Judge Kathleen McHugh

A balance between empathy and order are two valued qualities that Judge Kathleen McHugh will bring to the bench. These two values speak to her commitment to serve on the bench.

Prior to serving on the bench, Judge McHugh practiced law for 15 years, first as an Assistant Public Defender in Broward County and afterwards in private practice. In her private practice, Judge McHugh handled criminal defense, business

and commercial litigation.

Judge McHugh is a Florida State University Law School graduate. She is a former member of the Make a Wish Foundation and is a member of the Fort Lauderdale Kiwanis Club.



Judge Michael Ian Rothschild



"Stay humble and always remember who you serve—the community." This is the advice that Judge Michael Ian Rothschild will bring with him when serving on the bench. Judge Rothschild was motivated to become a judge because he "wanted to help people resolve their legal issues in a fair and timely manner."

Prior to serving on the bench, Judge Rothschild practiced law for 12 years: 6 in criminal, working as an Assistant Public Defender, and 6 in civil litigation,

working in private practice. His diverse legal experience has afforded him "the ability to listen and apply the law in a fair and respectful way."

Judge Rothschild is a Nova Southeastern University law school graduate and is a member of various associations, including the Broward County Bar Association, National Institute for Trial Advocacy, and National Alliance on Mental Health.

In his spare time, Judge Rothschild enjoys reading and listening to music. He is also involved with charities including various Jewish charities, Team of Life, and child services non-profits.

Judge Ari Abraham Porth



Patience and compassion are two valued qualities that Judge Ari Abraham Porth brings to the bench. These two values contribute to his strong belief in community service and volunteerism. Judge Porth served the residents of Coral Springs, Tamarac, Lauderhill, Sunrise, and North Lauderdale as their State Representative in the Florida House of Representatives for four terms. His “strong sense to serve” is his motivation to become a judge.

Prior to serving on the bench, Judge Porth practiced law for 17 years, as an Assistant State Attorney in Broward County. During that time, he headed the Truancy Intervention Division, which endeavored to improve school attendance

with local schools, law enforcement, parents, and children. In a similar vein, Judge Porth endeavored as a legislator to aid the vulnerable and needy by seeking to protect victims of domestic violence, reducing restaurant liability for donating food to the homeless, and stricter background checks for those who care for the vulnerable. “Being respectful of others time, being punctual, and working hard” is the advice that Judge Porth brings to the bench.

Judge Porth is a Nova Southeastern University Law School graduate.

During his spare time, Judge Porth enjoys jogging and cooking. He is a Past President of the B’nai B’rith Justice Unit, member of the Coral Springs 50th Anniversary Advisory Committee, Past Chair of the Florida Oceans Sciences Institute, and Board Member of the Children’s Home Society.

Judge Laura M. Watson

“Patience, intelligence, and a good work ethic,” are three of valued qualities that Judge Laura Watson brings to the bench. She believes that via “an unbridled work ethic” and “hard work” many things can be accomplished. Judge Watson acquired this philosophy via her upbringing by her dedicated parents. Her motivation to become a judge is her commitment to give back 100% to the community.

Prior to serving on the bench, Judge Watson practiced law for 27 years, both as a prosecutor in the State Attorney’s Office and in private practice. As a prosecutor, she first worked in Fort Myers, and then served as a member of the City of Fort Lauderdale’s Prosecution Team, which endeavored to reduce crime in the city’s blighted areas. In private practice, Judge

Watson’s practice focused primarily on “fighting large insurance companies on behalf of individuals and small business owners.” Reviewing the pleadings is the advice that Judge Watson brings to the bench.

Judge Watson is a Broward County native and a Stetson University Law School graduate.

During her spare time, Judge Watson enjoys yoga and outdoor activities. She is also active with the Sierra Club and the Audubon Society.



Judge Lynn D. Rosenthal



“Be prepared, thoughtful, and professional; then listen and rule.” This is the advice that Judge Lynn D. Rosenthal will bring to the bench. Judge Rosenthal’s motivation to become a judge is her strong commitment to public service and a desire to use her experience in a different way.

Prior to serving on the bench, Judge Rosenthal practiced law for 32 years, 27 of those as federal prosecutor. Before joining the United States Attorney’s Office, she was in private practice focusing on a

variety of civil work. Judge Rosenthal feels that her experience, acquired wisdom, and strong work ethic will enable her to serve well on the bench.

“I am humbled and grateful for the opportunity I have been given and will work diligently to be an asset to the bench and community,” said Judge Rosenthal

Judge Rosenthal is a University of Florida law school graduate. She is also an instructor at the National Advocacy Center and teaches basic and intermediate trial advocacy.

In her spare time, Judge Rosenthal enjoys cooking and reading. She is also involved in veterans’ causes as well as variety of local charities.

Judge Christopher P. Pole



Judge Christopher P. Pole began his term on July 2, 2012, in County Court, filling the seat vacated by Judge Lisa von Tefs, after being appointed by Governor Scott. Judge Pole earned his law degree from Nova Southeastern University and is a native of Fort Lauderdale.

He served as an Assistant State Attorney for the 17th Circuit from 1981 to 1985, and then worked in private practice until his appointment in 2012. While in private practice, he also worked as an adjunct professor at his alma mater. His law practice focused on criminal and insurance defense law.

The Judge understands that everyone who appears in his courtroom deserves to have their case heard and to be treated fairly and with respect.

Judge Pole approaches his role with a philosophy of, "Be punctual, prepared, polite and professional."

Judge Pole now presides over a criminal division as a County Court judge at the main courthouse in Broward County.

Judge Pole has been a certified criminal trial lawyer since 1993, a Florida Bar member since 1981, a member of the Colorado Bar since 1988. He is also a member of the Broward Bar Association and the Americans Inns of Court, as well as is the recipient of the Harry Gulkin award.

*Gary Singer contributed to this article.

Judge Olga Levine

Her 23 years of courtroom experience, but mostly, her work "representing thousands of clients from all walks of life" will serve as valuable assets to Judge Olga Levine. Her motivation to become a judge is her desire to serve the public. As she puts it, "My desire to run for County Court Judge grew naturally as a result of my work in public service and being in the courtroom day in and day out".

Prior to serving on the bench, Judge Levine practiced law for 23 years, both in the civil and criminal areas. As an Assistant Public Defender for 15 years, she represented children and adults in all areas of criminal law. As a private attorney she worked in civil litigation, guardianship, attorney ad litem in family court, and represented children and adults in adult protective service.

In her own words, the advice that Judge Levine will adhere to is:

"It will be my priority to make sure that everyone that comes

through the door will leave being satisfied that they were heard and were treated fairly with dignity and respect."

Judge Levine is a University of Florida law school graduate. She is a member of the Broward County Women Lawyers' Association, Florida Association for Women Lawyers, Florida's Supreme Court Historical Society, Broward County Hispanic Bar Association, and The Florida Bar Education Law Section.

During her spare time, Judge Levine enjoys reading, going to the beach, and playing with her dogs. She is also a foundation board member of Broward Children's Center and board member of Soref JCC.



Judge Elizabeth Scherer



Fairness and humility are the two valued qualities that Judge Elizabeth Scherer brings to the bench. She believes that "part of being a good judge, is first being a good person and understanding the importance of humility." Judge Scherer's motivation to become a judge is her commitment to serve the public.

Prior to serving on the bench, Judge Scherer was an Assistant State Attorney for 11 years. During that time, she spent the last six years serving in the Career Criminal Trial Unit. Judge Scherer has extensive jury trial

experience in criminal cases. The advice that she brings to the bench is "do unto others as you would have done to you."

Judge Scherer is a University of Miami Law School graduate. She is a faculty member at Nova Southeastern University's NITA trial advocacy program and served as a judge at the American Association for Justice regional trial competition.

During her spare time, Judge Scherer enjoys spending time with her family and being a mother. She also contributes to her community by volunteering her time at St Anthony Catholic Church and School, including serving as a Kindergarten room mother. Judge Scherer is also involved with Gilda's Club of South Florida. **B**

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RECENT DEVELOPMENTS IN THE LAW

Nancy Little Hoffmann

Appellate Attorney's Fees/ Certiorari

The Fourth District denied a motion for appellate fees as untimely since it was not filed until after the petition seeking certiorari was granted. Of note, the court further held that rule 9.400(b), which governs attorney's fee requests in appeals, does not apply in original proceedings such as certiorari. Instead of serving a fee motion as a separate document no later than the time for service of the reply brief, as required by rule 9.400(b), this opinion holds that the request for fees must be included in the petition, response, or reply. [My suggestion: until this is clarified by a rule change, do both.] Advanced Chiropractic & Rehabilitation Center v. United Automobile Ins. Co., 38 FLW D10 (Fla. 4th DCA December 19, 2012).

Criminal Law/ Denial of Post-Trial Release

After reversing the trial court's denial of post-trial release pending appeal and remanding for more specific findings, the Fourth District again reversed. The court held that the findings in the second order again failed to comply with Younghans v. State, 90 So. 2d 308 (Fla.

1956) and Fla. R. App. P. 9.140(h)(3), which require specific reasons for the court's ruling, and not just conclusory findings. The DCA granted the motion for release and directed the trial court to set a reasonable bond. Baptiste v. State, 38 FLW D54 (Fla. 4th DCA December 21, 2012).

Immunity/Intoxicated Trespasser

The Third District affirmed summary judgment for an entity which had an agreement to use a city-owned private parking lot, on which an intoxicated individual was run over while sleeping under a parked trailer. The court held that sec. 768.075(1) afforded the defendant immunity from suit by an intoxicated trespasser. Ryan v. NMMA, 38 FLW D28 (Fla. 3d DCA December 19, 2012).

Physician/Patient Confidentiality/Predeposition Conference

In a split opinion, the supreme court quashed a Fourth District opinion which had permitted an ex parte predeposition conference between a non-party treating physician and an attorney who was selected and hired by the defendant's insurance company in a dental

malpractice case. The majority held that the physician/patient confidentiality statute, sec.456.057, prohibits such meetings and does not infringe upon the physician's right to free speech. Hasan v. Garvar, 37 FLW S769 (Fla. December 20, 2012).

Professional Malpractice/Expert Witness

An unsuccessful plaintiff in a consumer products warranty case sued his expert witness because of his poor performance, lack of preparation, and sloppy appearance at trial. The trial court dismissed the complaint based on witness immunity. Reversing, the Second District held that although the complaint probably failed to state a cause of action, it could not be dismissed based on the witness immunity doctrine, and that the plaintiff should be permitted to amend the complaint. Hoskins v. Metzger, 38 FLW D24 (Fla. 2nd DCA December 19, 2012). **B**



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

BCBA CONSTRUCTION LAW COMMITTEE CASE LAW UPDATE

Gavin D. Caddy, Esq

This article was prepared by outgoing BCBC Construction Committee Chair Leonardo N. Ortiz, Esq. of Taylor and Ortiz, P.A. and edited with permission by its incoming Chair, Gavin D. Caddy, Esq. of Gilbert and Caddy, P.A.

BONDS

Continental Casualty Company v. A. W. Baylor Versapanel Plastering, Inc., 37 Fla. L. Weekly D2167 (Fla. 5th DCA October 12, 2012). **Holding:** Section 713.29 controlled subcontractor's entitlement to attorney fees on payment bond claim.

Facts: Surety furnished a payment bond under F.S. Section 713.23 to Contractor (at the request of the owner to protect it from potential subcontractor claims for non-payment.) After a payment dispute, A.W. Baylor ("Subcontractor") filed suit against Contractor and Surety on the payment bond. The parties were ordered to arbitration based on an arbitration clause in the subcontract. Prior to final hearing, the parties entered into a stipulation that the arbitration

panel would determine rights to attorney fees under Section 713.29, as well as the amount of any award.

The arbitration panel ruled in favor of Subcontractor but the damages awarded were substantially less than the amount of its claim and the arbitration panel declined to award fees under Section 713.29 and determined that they were not authorized to address fees under Sections 627.756 and 627.428, which the Subcontractor had also requested.

Subcontractor then filed a motion with the Circuit Court seeking attorney fees under Sections 627.756 and 627.428, arguing the statutes provided an alternative basis to award fees. The Circuit Court ruled that Subcontractor was entitled to recover attorney fees under 627.756 and 627.428. The appellate court reversed the Circuit Court. **Held:** Section 713.29 was the controlling statute because Subcontractor's action against Surety was to enforce a payment bond claim, and due to the stipulation.

CC-Aventura, Inc. v. Weitz Co., LLC, 2012 WL 4839775 (11th Cir. October 11, 2012). **Holding:** Affirmed trial court's

ruling that surety was not liable on a bond where contractor failed to give notice required by bond.

Facts: Weitz Company ("Contractor") was the obligee (entitled to protection) on a bond provided by Aero ("Subcontractor") and Fidelity ("Surety") on a construction project. Contractor defaulted Subcontractor and remedied the default prior to giving notice to Surety. Surety denied liability based on Contractor's failure to provide notice.

The opinion analyzes and distinguishes *Dooley & Mack Constructors, Inc. v. Developers Surety & Indemnity Co.*, 972 So. 2d 893 (Fla. 4th DCA 2007,) because the subcontract in this case made reference to Contractor's ability to remedy the default, but only after Contractor terminated Subcontractor and provided reasonable notice.

CONTRACTS

Vila & Son Landscaping Corp. v. Posen Construction, Inc., 37 Fla. L. Weekly D22228 (Fla. 2d DCA September 19, 2012).

Facts: Posen Construction ("Contractor") was general contractor on a FDOT Project. Vila & Son ("Subcontractor") entered into an agreement to provide landscaping and irrigation work on the Project. The subcontract contained a termination for convenience clause. Contractor later terminated Subcontractor for





Liens

GMPP Framing, LLC, v. Villages at Lake Lilly Associates, LLC, 2012 WL 5364649 (Fla. 5th DCA November 2, 2012).

Holding: Award of attorney fees under Section 713.29 was premature where contractor had pending claims to be resolved.

Facts: Contractor recorded a claim of lien against Owner's property. Contractor filed suit against Owner to enforce the lien, for quantum meruit and equitable lien. The trial court discharged the lien claim and Owner filed motion for entry of final judgment of attorney fees pursuant to Section 713.29, claiming it was the prevailing party. The trial court entered a final judgment for fees in favor of the Owner.

On appeal, Contractor argued that the award of attorney fees and costs was premature because significant issues remained pending in the lawsuit. The

Fifth District noted that under Section 713.29 the prevailing party is the party that prevails on "significant issues" in the case. The Court cited *Trytek v. Gale Industries, Inc.*, 3 So.3d 1194 (Fla. 2009) and noted that an owner may not be entitled to recover attorney fees under Section 713.29 despite successfully defending a lien claim, if held liable in damages for breach of contract. The Court reversed the award of attorney fees because the Contractor's pending claims for quantum meruit and equitable lien should have been considered in the trial court's determination of the prevailing party under Section 713.29. **B**



Gavin D. Caddy is a Board Certified Construction Lawyer and Partner with the firm of Gilbert & Caddy, P.A. located in Hollywood, FL. Mr. Caddy specializes in construction, real estate and title issues. He can be reached at 954-620-5000 and at gcaddy@theconstructionlawyers.com

convenience after they found another subcontractor who agreed to perform the same work at a lower price. Subcontractor sued Contractor for breach of contract alleging wrongful termination.

Holding: Contractor properly exercised termination for convenience clause to obtain better price.

The contract gave contractor the right to terminate for convenience, with or without cause, where Contractor properly followed procedures (including written notice) to invoke the termination for convenience clause.

Congratulations!

Jorge E. Hurtado, Esq.

Broward Lawyers Care Attorney of the Month



of Jorge E. Hurtado, P.A., a boutique litigation law firm offering personalized legal services to its clients. During the past 21 years, Jorge E. Hurtado, P.A. has served individuals, professionals, businesses and families in Central and South Florida in the areas of Family Law Litigation, Business Law Litigation, and Criminal Law Defense both in State and Federal Courts.

Mr. Hurtado earned his Juris Doctor degree from the University Of Miami School Of Law, and he has been a licensed attorney in good standing of the Florida Bar and the Federal Bar since 1990. Mr. Hurtado is very active in the legal community being involved in various boards and numerous committees,

including the Broward County Bar Association, as well as Past-Chair of the 17th Circuit Pro Bono Committee.

Mr. Hurtado's contributions have been invaluable to BLC over the years. This past year, he made a New Year's resolution to take one Family Law case per month in 2012, for a total of 12 cases for the year! We are proud and grateful to announce that this was one New Year's resolution that was accomplished!!

Mr. Hurtado's willingness to take on new cases helps to continue the success of Broward Lawyers Care. BLC is fortunate to have attorneys like Mr. Hurtado that truly make a difference!

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Broward Lawyers Care (BLC) has announced Jorge E. Hurtado, Esq. as the February 2013 Attorney of the Month. Mr. Hurtado is at the Law office

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