BROWARD COUNTY BAR ASSOCIATION

MARCH 2020



about the speakers ///

- Both speakers are members of the prestigious "invitation only" Inner Circle of Advocates whose membership consists of the top 100 trial lawyers in the US
- Gary D. Fox has 100 verdicts and settlements in excess of \$1,000,000 and is only 1 of 52 litigation lawyers inducted into the Lawdragon Hall of Fame
- C. Steven Yerrid has been repeatedly acknowledged as one of America's top Trial Lawyers. He has had over 250 verdicts and settlements of \$1 million or more - among those the largest medical malpractice award in FL history of \$217 million



C. Steven Yerrid, Esq.



SERVING THE CITIZENS AND LEGAL COMMUNITY OF BROWARD COUNTY SINCE 1925

KELLEY KRONENBERG CELEBRATES BLACK HISTORY MONTH!



ALISON SMITH

PARTNER DIVERSITY & INCLUSION OFFICER EMPLOYMENT & LABOR LAW ASMITH@KKLAW.COM 954.370.9970 FORT LAUDERDALE I MIAMI LAKES I MIAMI I WEST PALM BEACH | TAMPA ORLANDO I JACKSONVILLE I TALLAHASSEE | DAYTONA | CHICAGO

WWW.KELLEYKRONENBERG.COM

BROWARD COUNTY BAR ASSOCIATION Recognizes 100% Membership Club

 \star For Firms with 5 attorneys or more \star

Baker Donelson Bernstein Chackman Liss Billing, Cochran, Lyles, Mauro & Ramsey, P.A. Birnbaum, Lippman & Gregoire, PLLC Boies Schiller Flexner, LLP - Hollywood Office Boyd, Richards, Parker & Colonnelli Brinkley Morgan Brodzki Jacobs & Brook Buchanan Ignersoll & Rooney, PC Catri, Holton, Kessler & Kessler, P.A. Chimpoulis, Hunter & Lynn, P.A. Coast to Coast Legal Aid of South Florida Cole, Scott, and Kissane Colodny Fass Conrad & Scherer, LLP Cooney Trybus Kwavnick Peets, PLC Doumar, Allsworth, Laystorm, Voigt, Wachs, Adair & Dishowitz, LLP Ferenick, Libanoff, Brandt, Bustamante, & Goldstein, P.A. Fowler, White, Burnett, P.A. Gladstone & Weissman, P.A. Gray Robinson, P.A.

Green, Murphy & Murphy Haliczer, Pettis & Schwamm, P.A. Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A. Keller Landsberg, P.A. Kelley/Uustal Kelley Kronenberg Kim Vaughan Lerner, LLP Krupnick, Campbell, Malone, Buser, Slama, & Hancock, P.A. Legal Aid Services of Broward County MacLean & Ema Moraitis, Cofar, Karney, Moraitis & Quailey RAS LaVrar, LLC Rissman, Barrett, Hurt, Donahue, McLain & Mangan, P.A. Rogers, Morris & Ziegler, LLP Schlesinger Law Offices, P.A. Seiler, Sautter, Zaden, Rimes & Wahlbrink Shutts & Bowen Walton, Lantaff, Schroeder & Carson, LLP Weiss Serota Helfman Cole & Bierman, P.L. Wicker, Simth, O'Hara, McCoy and Ford, P.A. Zebersky Payne, LLP

United We Stand... For the Accused

All Criminal Charges, Felonies and Misdemeanors, State & Federal



Aggressive Criminal Defense Over 150 Years of Combined Experience

Attorney JOHN MUSCA 19 Year Veteran Defense Attorney



BROWARD COUNTY BAR ASSOCIATION

Staff Box PUBLISHER Broward County Bar Association 954.764.8040

PUBLICATIONS & PUBLICITY COMMITTEE

Edwina V. Kessler, Co-Chairperson Jared Guberman, Co-Chairperson

CO-EDITOR

Collins DelPercio Elana H. Fornaro Debbie Rivero Yanina Zilberman Chris Traina Karina Rodrigues

EXECUTIVE EDITOR Braulio N. Rosa braulio@browardbar.org

LAYOUT AND PRINTING

COORDINATING EDITOR Lauren Riegler Capote lauren@browardbar.org

CONTRIBUTING WRITERS

Michael Fischler Lindsay M. Massillon Joshua Lida Jeffrey J. Molinaro Brendan A. Sweeney Marc Marra Brenda D. Forman Judge Stacey Schulman

BILLING INQUIRIES 954.764.8040 Ext. 204

The Barrister is published monthly by the Broward County Bar Association. All editorial, advertising and photos may be submitted for consideration through email to **ads@browardbar.org**. We reserve the right to reject any ad for any reason.

We make every effort to ensure the accuracy of the information published, but cannot be held responsible for any consequences arising from omissions or errors. Opinions expressed by our writers and advertisers are not necessarily opinions shared by the BCBA or the Barrister.

ON THE COVER

4 MARCH 2020

The BCBA Trial Law Section will host War Stories with a Lesson featuring esteemed lawyers C. Steven Yerrid, Esq. and Gary D. Fox, Esq. on Friday, April 3, 2020 at the Riverside Hotel. For more information about event see page 13. **Letter from the President** Michael Fischler

Young Lawyer's Section Letter from the President Lindsay M. Massillon







Trial Technology Brendan A. Sweeney

New Appellate



Clerk Article : Jury Services Brenda D. Forman

Legal Health Center Judge Stacey Schulman

Calendar of Events

Young Lawyer's Sectio



5







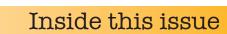








www.browardbar.org



PRESIDENT'S MESSAGE

2019 - 2020 BCBA Officers

Michael A. Fischler • President Robert C.L. Vaughan • President Elect Jamie Julia Finizio Bascombe • Treasurer Alison F. Smith • Secretary Edwina V. Kessler • Past President Braulio N. Rosa • Executive Director

BOARD OF DIRECTORS

NORTHEAST Michele McCaul Ricca J. Anthony Van Ness

NORTHWEST Nancy K. Brodzki Matthew Fornaro

WEST

Alejandro Larrazabal Marc A. Marra Louis Reinstein

CENTRAL

Catalina M. Avalos Jamie Alan Cole Joseph M. Goldstein Stephen R. Gross Aaron J. Horowitz Kenneth J. Joyce Brian M. Karpf

SOUTHEAST

Justin Nepola Anita Paoli

SOUTHWEST

Alan David Danz Kenneth P. Hassett

JUDICIAL LIAISON

Honorable Kenneth L. Gillespie

Broward County Bar Association 1051 SE 3rd Avenue Fort Lauderdale, FL 33316 954.764.8040



Michael A. Fischler, Esq.

Competition, an event or contest in which people compete, where individuals and teams strive to be the best and consistently look to win. Competition is a part of the fabric of our society, starting at the earliest ages and continuing throughout life. The above concepts applicable to sports, like last month's Super Bowl and this month's March Madness, are equally applicable to our legal profession. The stress on us, from being accepted to law school, doing well in academics, obtaining employment, litigating, negotiating otherwise handling client and firm related matters, as well as balancing our professional/ work life with our personal life presents major challenges.

I attended the later portion of a recent seminar hosted by the T.J. Reddick Bar Association where representatives of the Florida

Bar Lawyer Assistance Program addressed and enlightened those in attendance about their program and methods to deal with stress. We were informed that stress can lead to and can manifest itself in many ways, such as: depression; alcoholism; gambling; eating disorders, marital issues and work-related concerns. So, each month, when in my President's Message I ask you to "be safe, be happy and take care of yourself and those around you", I mean it! While exercise was suggested as a means to deal with stress (a suggestion I should follow) being involved with the BCBA and/or other organizations, attending events, being with friends and family, taking time for a few deep breaths, being mindful and focusing on all the big and little things we should be grateful for, will go a long way to keep stress in perspective and under control.

At the South Florida Legal Mentoring Picnic last month, the BCBA was able to bring various groups and stakeholders in our legal community together, for what was an enjoyable, social, educational, relaxing and unifying day. Thanks to all who supported and worked to make the picnic a huge success. The picnic facilitated many new members joining the various participating bar associations, offered opportunities for law students to ask questions of partners and associates at leading law firms and make inquiries of representatives of government entities in addition to mentoring. The picnic allowed us to say "hello" to and socialize with each other, maybe even receive a hug from "Judge Flo". Braulio, don't know how you and your team kept the rain away until the picnic was over! Truly unbelievable!

The BCBA continued to celebrate diversity on February 21st for Black History Month, with a Celebration of our Black Mayors. If you have not read Alison Smith, Esq., BCBA Secretary's article in last month's Barrister, then please do, as it provides insight, perspective and highlighted the importance of this Celebratory Event. Speaking of our first-class Barrister, thank you to Edwina "Winnie" Kessler, Esq., Past President of the BCBA, the Barrister committee, editors and BCBA staff, for publishing each month such a first class and informative publication. Thanks also to the many advertisers and authors, for without their support, it would not be possible to publish the Barrister in its current form.

On Wednesday, March 4th, commencing at 5:30 PM, the Broward County Bar Association Hispanic Lawyers and the Broward County Hispanic Bar Association Present "Latinas in Law" in the BCBA Conference Center.

17th Judicial Circuit Judges Olga M. Levine, Tarlika Navarro, Marina Garcia-Wood and Marylin Batista, Esq. Attorney Broward County Public Schools, Catalina Avalos, Esq. of Tripp Scott, and Lorena V. Mastrarrigo, Esq. of the Public Defender's Office will be speaking and enlighten all attendees. This will be a sold-out event so register early.

Please check out the monthly Calendar of Events in the Barrister and on the BCBA website, attend the many CLEs and events and get involved in the BCBA, as it will improve your quality of life!

Until next month, be safe, be happy and take care of yourself and those around you.



ANNUAL SPONSORS

Brightline Cash Now Funding Group LLC. **CBRE Claims Investigation Agency Community Foundation of Broward CopyScan Technologies CPT Institute** Danz Law, PLLC **Dixon & Odom Attorneys at Law** The Ellsley Law Firm FAYR Co-Parenting App Fiske & Company **FHE Health** Florida Lawyers Mutual Insurance Company Florida Power & Light Company Fowler White Burnett, P.A. Genesis Motor America NEW Haliczer, Pettis & Schwamm, PA **IBERIABANK Keller Landsberg PA** Kelley | Uustal Trial Attorneys **Kelley Kronenberg** King Lindsey, P.A. LAN Infotech Lawyers Insurance Group LexisNexis Legal Search Solutions Mass Tort Nexus **Matrix Mediation** The Quackenbush Law Firm **Quest Workspaces** Shutts & Bowen Upchurch Watson White & Max Mediation Group **U.S. Legal Support**

IN SEARCH OF

Broward County attorney/firm that prepared will prior to December 2018 for:

MARGUERITE E. KUSCHNER AKA MARGE E. KUSCHNER

PLEASE CONTACT:

MARGEKUSCHNER1022@GMAIL.COM



CELEBRATING BROWARD'S BLACK MAYORS Congratulations to the Honorees

Fort Lauderdale Office One Financial Plaza, Suite 1100 100 SE 3rd Avenue Fort Lauderdale, FL 33394 Tel: 954.449.8700 Orlando Office 121 S. Orange Avenue Suite 1500 Orlando, FL 32801 Tel: 407.675.3590

JayCohenLaw.com Abogados.JayCohenLaw.com



YLS PRESIDENT'S MESSAGE

2019 - 2020 BCBA Young Lawyer's Section

OFFICERS

Lindsay M. Massillon • President Omar A. Giraldo • President Elect James Heaton • Treasurer Kimberly L. Wald • Secretary Brent M. Reitman • Past President

BOARD OF DIRECTORS

Jamie D. Alman Anisha Atchanah Jacqueline DerOvanesian Maria Schiuma Fischer Josiah Graham Brooke Latta Paul M. May David Newman Kyle Roberts H. Seth Rosenthal Vanessa Seblano

Florida Bar Board of Governors 17th Judicial Circuit

Lorna E. Brown-Burton 954.463.8322

> Hilary A. Creary 954.783.9737

Jay Kim 954.527.1115

Adam Glenn Rabinowitz 954.764.7060

> Diana Santa Maria 954.434.1077

Broward County Bar Association 1051 SE 3rd Avenue Fort Lauderdale, FL 33316 954.764.8040



Lindsay M. Massillon, Esq.

I hope you, dear reader, are finally getting into the groove of writing 2020 rather than 2019, and that this year has been kind to you so far. A LOT has happened already this year. Sadly, it is not all good and welfare. Regardless of your feelings and thoughts about Kobe Bryant, the sudden death of Kobe and his daughter Gianna Bryant hit me hard. Their loss impacted many who grew up watching Kobe play, and saw how dedicated he was to educating Gianna and other young girls about

the game after his NBA career ended. His loss was sudden, and a poignant reminder that each time a loved one leaves home, there is no guarantee that they will return.

As lawyers, we can sometimes become numb to tragic events because we tend to see them occur with some frequency: clients who have just been sued, clients dealing with the loss of a loved one, or the loss of a marriage. As attorneys, we are sympathetic to our clients, but also are expected to be objective and not wrapped up in the emotion of the situation so that we can solve the problem. As we all know, it is this precise expectation which leads many attorneys to emotional burnout and adds to the stresses of our profession.

Often, and sadly, it is tragedy—or the threat of tragedy—which forces us to reprioritize. But, good news! This does not have to be you. It's never not a good time to refocus on just being human. May I suggest taking a few seconds right now to text (or better yet, call) a friend or family member who is on your heart today to let them know you're thinking about them. Perhaps you recently heard about a colleague or acquaintance who has a sick family member, or who is going through a difficult situation. A quick "You're in my thoughts" means so much and will refocus you on what matters.

Another practice which I like to engage in every few months is identifying people who I am thankful for and sending them a handwritten thank you note. Another form of this is starting your day off by listing three things you're thankful for right now. These suggestions are quick but powerful ways to realign one's thoughts on something positive, if just for a few minutes.

Perhaps you have some of your own positivity hacks which you'd like to share with other attorneys. If so, I invite you to stay tuned for the YLS Health and Wellness May which will feature a causal forum for attorneys to share their tips for handling stress, reprioritizing, and reconnecting. I hope to see you there!

BERIABANK proudly supports the Broward County Bar Association

in its efforts to serve members of the legal profession.



Debra L. Vasilopoulos Market President 561.514.4914

jeffrey.ginocchi@iberiabank.com debra.vasilopoulos@iberiabank.com

www.iberiabank.com



Defending Reputations[®]



- Legal Malpractice Defense
- Commercial Litigation
- Florida Bar Grievance Proceedings
- Risk Management



D. David Keller, Founding Shareholder
Best Lawyers in America, Legal Malpractice since 2008
Defended hundreds of legal malpractice claims

- Approved counsel for many legal malpractice insurers
- AV Preeminent[®] rated by Martindale-Hubbell[®] since 1992
 Florida Super Lawyers 2010-2019
- Top Lawyer, South Florida Legal Guide
- Past President, ABOTA, Fort Lauderdale
- Federation of Defense and Corporate Counsel



Raymond L. Robin, *Managing Shareholder*Former Clerk to the Honorable Joseph Nesbitt of the Third District Court of Appeal of Florida
Business, insurance, reinsurance, real property and commercial litigation in all Florida state and federal trial and appellate courts
Admitted to Florida state and federal courts and the United States Supreme Court

• AV Preeminent[®] rated by Martindale-Hubbell[®]

Proud Annual Sponsors of the Broward County Bar Association

KELLER LANDSBERG PA

Broward Financial Centre 500 E. Broward Boulevard, Suite 1400 Fort Lauderdale, FL 33394 P: 954.761.3550

www.kellerlandsberg.com

D. David Keller Raymond L. Robin Dena B. Sacharow Elizabeth Izquierdo Maria P. Gonzalez Maria Vernace Karene Tygenhof Jose R. Riguera Kerry Valdez Johanna C. Cipau Jamie K. Lint Alan L. Landsberg, of Counsel Charles B. Morton, Jr., of Counsel

8 | MARCH 2020

BROWARD COUNTY BAR ASSOCIATION BARRISTER

THE "NEW" WORKPLACE ENVIRONMENT

by Joshua Lida

GOOD VIBES, P.A.: Increasing Productivity Through A Positive Workplace Environment

I know what you're thinking, and no, Good Vibes, P.A. is not the name of a niche law firm focusing on fraudulent Grateful Dead and Phish memorabilia producers.

This article discusses the increasing focus on "workplace environment" in law firms and the positive impact that "good vibes" can have on a firm's productivity and output.

Take a moment to think about what you pictured the working environment for a stereotypical law firm to be before you were in law school. Many of you will picture the following: high intensity, incredibly competitive, late work nights, impossible hour requirements, clients calling at all hours, and encouragement of cutthroat behavior amongst associates. Sound familiar?

Rightly or wrongly this is the perception many believe to be the natural state of being for a lawyer. An incredibly high-stress environment where only the "toughest" survive. The general concept being that the harder you push people the more productive they become, attorney and non-attorney staff alike.

The possible mental and physical health problems associated with this type of environment have largely been ignored with an emphasis on the bottom line and final product.

However, there is an increasing body of research which indicates emphasizing a more positive working environment leads to happier and healthier employees and higher productivity.

That was the conclusion of the 2015 Harvard Business Review ("HBR") Article, Proof that Positive Work Cultures Are More Productive.

Some highlights from the HBR article: 550 million workdays are lost each year due to stress from jobs, stressful jobs lead to higher work disengagement, studies found disengaged workers had 37% higher absenteeism, 49% more accidents, 60% more errors and defects, 18% lower productivity, 16% lower profitability, and 37% lower job growth, and higher voluntary job turnover.

That HBR article is written generally regarding high-stress workplace environments, not just law firms. However, as the legal profession is an incredibly highstress environment, there has been more focus on addressing negative workplace law firm environments.

Some companies are going so far as to test out

shortened work weeks or shortened work hours, including full pay, with surprising and encouraging results.

To help ensure positive work cultures, managing partners and firm owners can take a few steps to see if there is an issue and then determine how to address it: does it feel as if everything is moving 100 MPH?; discuss (in a non-judgmental manner!) with employees what they feel can be improved to make the workplace more enjoyable; be honest with oneself and do not be defensive regarding any issues which may exist in the workplace culture.

Even if your office does have a positive workplace environment, it can still be beneficial to put systems in place to encourage some of the following: caring about colleagues as friends; providing support for each other, especially when someone is struggling; avoiding blame and forgiving mistakes (no one is perfect); emphasizing the meaningful nature of the work; and encouraging everyone treat each other with respect.

There is no one singular solution to creating a positive work environment, nor is it an easy task. But taking the time to recognize there is either a problem, or room for improvement, is the first step on the rewarding journey of improving your colleagues' and employees' workday, and maybe improving the law firm in the process.

Emma Seppala, Ph.D., and Kim Cameron Ph.D., Proof that Positive Work Cultures Are More Productive, December 1, 2015, https://hbr. org/2015/12/proof-that-positive-work-cultures-are-more-productive.

Due to word constraints and for brevity, the information regarding studies for this article has been gleaned from the Harvard Business Review article, the author encourages curious readers to do further research.

For example, see Rodney S. Dowell and Jeff Fortgang, Cleaning Solutions for the Toxic Workplace, April 2, 2019, https://www.americanbar.org/groups/gpsolo/publications/gp_solo/2011/january_february/cleaning_solutions_for_thetoxicworkplace/.

Josh Lida is a partner at Lida Law, PLLC primarily practicing criminal defense and professional license defense. He can be reached at Josh@lidalaw.com.



SERIOUS INJURIES. PROVEN RESULTS.

Medical Malpractice · Wrongful Death Personal Injury · Workers' Compensation



Contact us for co-counsel opportunities.

WWW.HPSLEGAL.COM wecare@hpslegal.com

Fort Lauderdale 954.523.9922 · Orlando 407.841.9866



• **LEGAL SEARCH**

people + passion + purpose

Geniune connections, personalized solutions, great partnerships

Legal Search Solutions offers customized legal staffing solutions to law firms of all sizes, businesses and corporate legal departments.

CONNECT WITH US! www.TopLawJobs.com

Do you follow us?

Palm Beach 561-391-3331 Miami-Dade 305-358-3337 Broward 954-523-7600

PLANTATION CLASS A SPACE - 3 YEAR SUBLEASE

3 Attorney suite looking to sub-lease one attorney and separate secretary office in Plantation. Pine Island Road north of 595. Space includes use and access of conference room, copy machine and kitchen. Attorney office is spacious, lots of natural light. Building has ample parking, easy access to 595, and the West Satellite Court house. Share space with 2 other commercial litigators. Perfect for sole practitioner looking to have other attorneys to bounce ideas.

Call for details 954-927-3436.

10 | MARCH 2020

BROWARD COUNTY BAR ASSOCIATION BARRISTER

by Jeffrey J. Molinaro

Seventeenth Judicial Circuit Appoints Judge Bowman as Circuit's First Appellate Division Chair

On January 29, 2020, the Seventeenth Judicial Circuit announced a restructuring of its Appellate Division. As part of this restructuring process, Circuit Judge John Bowman was appointed by Chief Judge Jack Tuter as the division's first Appellate Chair.

Pursuant to Article V, § 5(b) of the Florida Constitution, the circuit courts of Florida have appellate jurisdiction when provided by general law. The scope of the circuit courts' appellate jurisdiction is found at § 26.012(1), Florida Statutes. The Appellate Division's restructuring comes as it braces for a potential increase in appeals as a result of the legislature's expansion of the County Court's jurisdictional limit of \$15,000 to \$30,000, which became effective January 1, 2020.

As currently composed, the Appellate Division hears appeals of County Court decisions in three judge panels. However, circuit judges are neither permanently nor exclusively assigned to the Appellate Division. Instead, circuit judges are appointed to appellate panels on a six-month rotation. Previously, the Circuit relied upon court staff to oversee the Appellate Division. However, due to the potential influx of additional appellate cases, the rotation of appellate panel members, and to ensure consistency within and supervision over the Appellate Division, a permanent judicial chair was created to oversee the division. The appointment of a permanent chair is designed to allow the Court to continue to handle County to Circuit appeals in an efficient manner despite an increase in caseload which might arise.

The Appellate Division's restructuring comes at a time when County to Circuit appeals have come under increased scrutiny due to the lack of uniformity in the County to Circuit appeals process across the state. Critics of the County to Circuit appeals process have focused on three areas: i) the lack of uniformity in the use of three judge panels instead of single judges to hear such appeals; ii) the fact that not all circuits publish their appellate opinions either online or within Florida Law Weekly; and iii) circuit appellate rulings are not binding on

other circuit panels; thus, intra- as well as intercircuit conflicting decisions occur. (It should be noted that the Seventeenth Judicial Circuit both uses three judge panels and publishes its opinions on its website.)

As a result of these deficiencies, in its 2017 regular-cycle report, the Florida Bar's Appellate Court Rules Committee proposed amending rule 9.030 (Jurisdiction of Courts) of the Florida Rules of Appellate Procedure to require that all circuit courts adopt three judge panels. However, the Florida Supreme Court rejected this proposal. Instead, the Court created a workgroup to research these issues and propose substantive changes if necessary. Ultimately, the workgroup recommended that the legislature pass legislation to strip the circuit courts of jurisdiction over county court appeals and instead have such appeals heard by the District Courts of Appeal. While no legislation is pending, the Florida Supreme Court endorsed the workgroup's recommendation on November 8, 2019.

A lifelong Broward County resident and graduate of Florida Atlantic University and St. Thomas University School of Law, Judge Bowman was first elected to the Circuit Court in 2002. Judge Bowman currently serves in the Circuit Civil Division. In announcing Judge Bowman's appointment, Chief Judge Tuter explained that Judge Bowman will serve as chair of the Appellate Division while continuing his full-time civil trial duties. We wish Judge Bowman success in his new endeavor.

Jeffrey J. Molinaro is a partner with Fuerst Ittleman David & Joseph where he chairs the firm's appellate practice group. He can be contacted at jmolinaro@fidjlaw.com.





WWW.KULAW.COM | (954) 522-6601 | FORT LAUDERDALE | MIAMI | PALM BEACH | FLORIDA KEYS



Fayr Co-Parenting Simplified

#bekind #befriendly #befayr

fayr.com

in f ⊡ У @befayr

Everything Your Clients Need to Co-Parent in One App

Fayr's fresh, easy to use interface allows co-parents to effortlessly communicate, create a shared calendar, keep track of expenses, prepare legal documents and more. Most importantly, it allows them to experience co-parenting in a totally new way: simply, inexpensively, transparently, and fairly.

Offer your clients a 20% discount. Email us at partners@fayr.com or visit fayr.com/partner-form to receive a code that you can share with your clients.

Rest assured, your personal information and data is safe with us.Your privacy is of the utmost importance, and you're in control of how it is shared and used. Please see our privacy policy, at fayr.com/privacy for more information.





Available for iOS and Android



BROWARD COUNTY BAR ASSOCIATION'S

JOSEPH J. CARTER PROFESSIONALISM AWARD Applicants in Practice in Broward County less Than 20 Years

AND

LYNN FUTCH PROFESSIONALISM AWARD Applicants in Practice in Broward County More Than 20 Years

Awards will be presented during our Annual Installation Dinner & Gala on June 27, 2020

Submit Nomination by visiting: <u>www.browardbar.org/professionalism-in-broward/</u>

Deadline for nomination submissions: Friday, March 27, 2020

Criteria for Nomination:

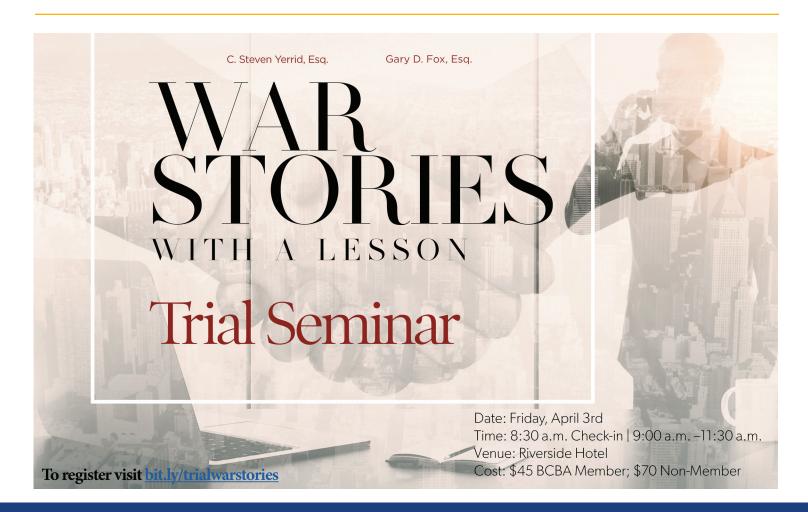
1. Current active and contributing member of the BCBA.

- 2. Exhibition of the highest degree of professionalism in accordance with BCBA Standards of Professional Conduct and the Florida Rules of Professional Conduct.
- 3. Demonstrates respect for the law and preservation of decorum and integrity of the legal system.
- 4. Conduct which has enhanced the image of the legal profession either through practice or programs and activities that educate the public about the law or the American legal system.
- 5. Professionalism Committee members may not be nominated.

Additional general characteristics:

A role model for the legal community • Integrity • Timeliness and promptness • Mentoring of others • Zealous advocacy while maintaining civility • Decorum and demeanor • Credibility Courtesy to counsel, the court, and the parties • Preparedness

For questions regarding nominations please contact Braulio Rosa, Executive Director at braulio@browardbar.org





BROWARD COUNTY BAR ASSOCIATION BARRISTER

TRIAL TECHNOLOGY STEPS

by Brendan A. Sweeney

Use of Courtroom Technology in The 17th Judicial Circuit

Attorneys we regularly have to use technology in the courtroom, which ranges from evidentiary hearings with the use of a video clip, to a full-blown trial with several videos, power point presentations, online presentations, and the like. The last thing you want to do is arrive at the courthouse with your client and not be able to have anything function properly. Below is a brief overview of items to consider the next time you have an evidence presentation in Florida's Seventeenth Judicial Circuit.

New Evidence Presentation System. A new evidence presentation and video monitor system has been installed in the Circuit Civil and County Criminal courtrooms located in the Seventeenth Circuit's new West Tower of the main judicial complex. Each courtroom has been equipped with video monitors at the judges' bench, witness stand, attorney tables, jury box and even for the spectators. Any sound source that needs to be presented is processed through the courtroom sound reinforcement system. Note though, the judge controls what is presented through the system. Anything put into the system for presentation is first viewed by the judge and then can be displayed and published on the courts monitors. The judge then has the ability to publish the evidence to just the attorneys table or to the entire courtroom.

Interface Connection. As part of the presentation systems each of these new courtrooms has an interface connection installed at each of the attorneys' tables. Should a litigant need to present something, they can simply connect almost any device to the presentation system through these provided connections. This includes devices such as laptop computers via VGA or HDMI connections. Under an access panel on the top of the table a user will find a single grounded electrical outlet for power and pull out cables for the connection of a device through a full-sized HDMI cable, a mini 3.5-millimeter stereo audio jack, or a 15-pin VGA cable. Once the device is connected by any of these cables the source is available for display.

Evidence Presentation Podium. Another feature of the evidence presentation system is the evidence presentation podium. Each evidence presentation podium is equipped with a built-in document camera and an installed VHS/DVD player. These podiums are also equipped with the same interface jacks at the attorney tables for VGA, mini audio, and HDMI inputs. However, users of these ports must provide their own cables for connection to the ports on the podium. Each evidence presentation podium is also equipped with a touch screen control panel that acts as the remote control for all applicable devices that may be accessed through the podium.

Does Not Support Apple Devices. Any individual looking to use the new presentation systems should know that the Seventeenth Judicial Circuit does not support Apple devices. Anyone wishing to use Apple devices with the evidence presentation systems must provide any and all interfaces needed to do so.

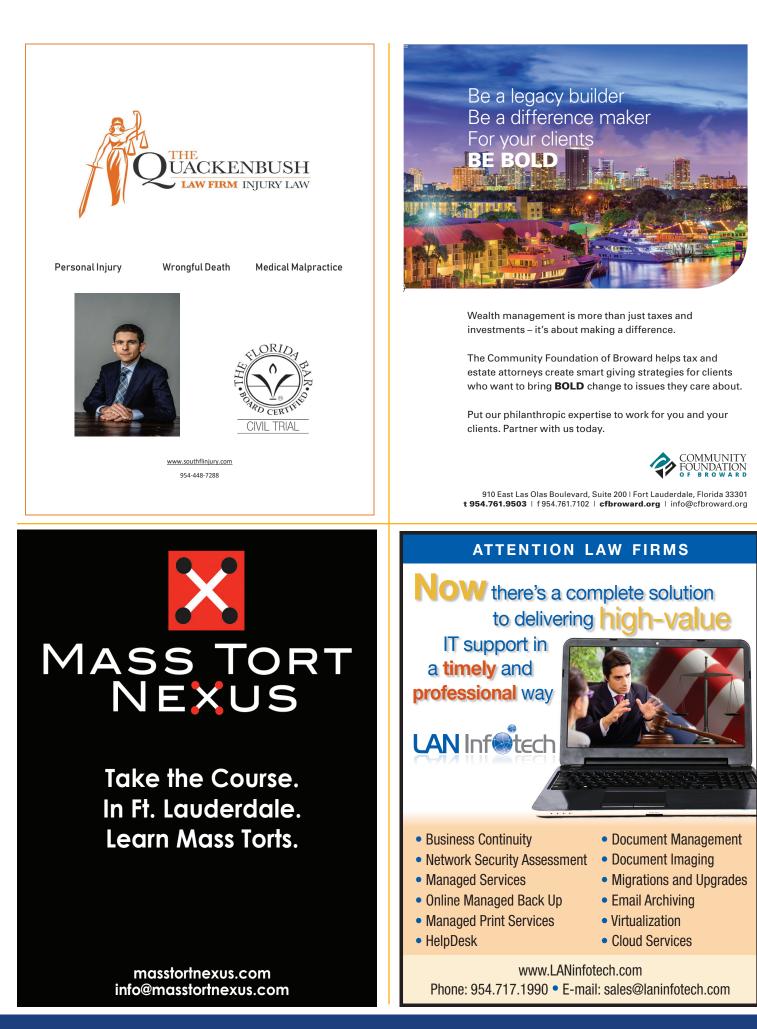
Please remember that this equipment is provided by the court and is the property of the Trial Court Administrator's Office.

Preparation in Advance. It is important that attorneys appearing in these new courtrooms prepare in advance of any hearing or trial for the use of the courtroom's evidence presentation system. Attorneys are advised to spectate other court proceedings and speak with court deputies or judicial assistants regarding the use of these systems. The deputies and assistants may also be able to provide insight on how specific judges like the presentation system to be handled. Finally, it may be possible, with proper permission, to conduct a dry run of using the evidence presentation system before any trial or evidentiary hearing so as to familiarize yourself with the equipment and make sure everything is compatible. It is worthwhile to speak with the bailiff and request to schedule a dry-run of the courtroom technology; they are always very accommodating with the request.

For more information please consult the 17th Judicial Circuit's webpage and their YouTube channel.

Brendan A. Sweeney, Esq., LL.M., is the founding partner of Sweeney Law, P.A. a boutique two-attorney law firm in downtown Fort Lauderdale, Florida, and is an AV Preeminent Martindale Rated Attorney, that has been selected as a Florida Super Lawyer and Florida Legal Elite in 2019, and regularly handles construction, real estate, and business matters throughout Florida.





BROWARD COUNTY BAR ASSOCIATION BARRISTER

March 2020 |15

EXCLUSIVE FUNDING COMPANY OF THE BROWARD COUNTY BAR ASSOCIATION CASH NOW FUNDING GROUP LLC.

"PRE-SETTLEMENT LEGAL FUNDING"

- Flexible Reductions, Never a Hassle
- Owned & Operated by a Fellow, Local, Personal Injury Attorney
- Attorney Underwritten, We Understand the Dynamic of Each Case
- Quick & Easy Underwriting Process
- Same Day Funding

844-677-CASH (2274) • GetSomeCashNow.com CREATING VALUE FOR YOUR FIRM & CLIENTS.

South Florida Neutrals



Mediators. Arbitrators. Neutral Evaluators. Problem Solvers.

Mercedes Armas Bach Retired Judge 11th Judicial Circuit Ted E. Bandstra Retired Chief US Magistrate Judge Gary Birnberg, Esq. Lucy Chernow Brown Retired Judge 15th Judicial Circuit David F. Crow Retired Judge 15th Judicial Circuit Joseph P. Farina Retired Chief Judge 11th Judicial Circuit Gill S. Freeman Retired Judge 11th Judicial Circuit Jeffrey Grubman, Esq. Gerald Kogan Retired Chief Justice Florida Supreme Court Cristina Pereyra-Alvarez Retired Judge 11th Judicial Circuit Ronald B. Ravikoff, Esq. Scott J. Silverman Retired Judge 11th Judicial Circuit Richard J. Suarez Retired Judge, District Court of Appeals Patricia H. Thompson, Esq. John W. Thornton, Jr. Retired Judge 11th Judicial Circuit

MIAMI • 305.371.5267 • jamsadr.com/miami Brickell World Plaza • 600 Brickell Avenue • Suite 2600 • Miami, FL 33131 BOCA RATON • 561.393.9733 • jamsadr.com/bocaraton 2500 N. Military Trail • Suite 200 • Boca Raton, FL 33431

Local Solutions. Global Reach."

JUDGE'S CORNER

by Marc Marra

Judges Corner: The Honorable Natasha DePrimo



The Honorable Natasha DePrimo of the Seventeenth Judicial Circuit recently sat down to share her insights and wisdom with Broward County Bar Association Director Marc Marra. Judge DePrimo is the first Asian American female Judge in Broward County, and manages both civil and criminal county court cases from the West Regional Courthouse.

1. What was your family experience like growing up?

I was born in New York and raised by a single mom trying to make ends meet. My mom and I moved around quite a bit. My grandparents retired to Jupiter, Florida when I was about nine, and we followed.

My mother worked different jobs, and raised me on her own with the help of my grandparents. When I was six my mom received her degree in nursing, and recently she received her Master's in Nursing, and Doctorate in Health Education. I am very proud of her.

I was very close with my grandfather; he was a major influence in my life. He received his law degree from Brooklyn Law School but never practiced. He was an entrepreneur in New York City. My grandmother was a homemaker and smart as a whip. I was so blessed to have them both in my life.

2. Did any particular member of the judiciary inspire you to become a judge?

Many judges have inspired me, but Circuit Court Judge Daliah Weiss in the Fifteenth Judicial Circuit is one of the most inspirational members of the judiciary for me. Judge Weiss epitomizes hard work, fairness, and she is a true mentor. She made attorneys, litigants, and support staff feel heard and always showed patience, which I believe is of the utmost importance as a member of the judiciary.

3. What do you hope most to accomplish as a judge?

My hope is that every person I encounter, whether in the courtroom, a seminar, or even bumping into them at the grocery store, thinks of me with reverence for the legal justice system. I hope to give the community confidence in the judiciary by showing litigants, lawyers, and members of the non-legal community that a judge is approachable, fair, thoughtful, hardworking, and follows the law as it is written.

At the end of my judicial career if I have accomplished that, I would be truly fulfilled.

4. What advice do you have for current law students?

Don't overthink everything, try to enjoy learning the law. The pressure you place on yourself is mostly "self-imposed" and it is OK to take a moment and enjoy the process.

5. The Florida Bar and the Broward County Bar Association are diligently working to assist legal professionals achieve better mental health and wellness. How do you manage stress?

For me, it is organization, a lot of organization, and accepting the support of your loved ones. I could not do my job without the support of my phenomenal husband, but the smiles of my three amazing sons is what keeps me calm and motivated every day.

6. What attributes do you look for in a Law Clerk?

Respectful, bright, inquisitive, prepared but most importantly willing to learn.

7. Can you share a hobby you have that people may not know?

I love to wakeboard and surf. I think that is something most people don't know about me.

8. What would you share with someone that may be interested in a life of public service?

Public Service is the backbone of our community. It runs our government, our legal system, and our functional operations; it is truly rewarding. I think public service is so wonderful because in life you normally only get a handful of moments when someone appreciates what you have done, or the ability to see the results of hard work which make your efforts worthwhile. In public service, you get handfuls and handfuls of those moments, which makes it really rewarding and unique.

Marc Marra is a Partner with Kelley Kronenberg in the firm's Fort Lauderdale headquarters, and focuses on assisting banks and other financial service providers with litigation related to real estate and bankruptcy.

Marra currently serves as Director of the Broward County Bar Association, Vice-Chair of the West Broward Section of the Broward County Bar Association, and President of the Broward Section of the Nova Southeastern University, Shepard Broad College of Law Alumni Association.



In The Spotlight







Martin A. Soll



Peter M. Weinstein



Offices in Broward! Fort Lauderdale & Plantation Call: 305-371-5490 Or Schedule Online at www.sd-adr.com Patience. Persistence. Professionalism.

MIAMI | FORT LAUDERDALE | PLANTATION | BOCA RATON | WEST PALM BEACH | JACKSONVILLE



Did you know....? JURY SERVICES

by Brenda D. Forman, Broward County Clerk of Courts

One of the Constitutional rights to all American citizens is the fundamental right to a trial by jury. As an American citizen it is your privilege and duty to serve as a juror when called upon to do so.

Prospective jurors are randomly selected from the Florida Driver Licenses Database of US citizens who are residents of Broward County and are 18 years of age or older. Jurors may serve only once in a calendar year.

Once in a courtroom, jurors are qualified by the presiding judge and attorneys through the "voir dire" process. This process is used to select individuals who will sit and hear the evidence of a trial.

One of the most common questions I'm asked is "what happens if there is scheduling conflict and a person can't serve on the required dates?"; or, "what if you qualify and choose not to serve or are ineligible to serve by law for one of the excusable reasons below?". Each juror is entitled to a one-time postponement. In order to have sufficient time to process your request, the clerk must receive your request at least seven (7) days prior to your report date. While you can notify the clerk of a postponement request via fax, or email, I encourage you to use the online Jury Excusal/Postponement web portal at www.browardclerk.org and select **Request Schedule Change** from the **Dashboard** page. You will be notified by mail regarding the status of your request and postponement date.

It is important to note that the Clerk of Court staff does not have the authority to excuse a juror from jury duty for any reasons other than those listed below.

You may choose not to serve if:

- 70 years of age or older and wish to be excused permanently or for this time only.
- Served on a jury in Broward County in the past 12 months

 Must provide proof of service if you served in Federal Court.
- **Expectant mother** Doctor's note is required.
- Parent not employed full time with custody of a child less than 6 years of age.
- Physical and/or mental incapacity or permanently incapable of caring for himself/herself Doctor's note is required.
- Full time SWORN Law Enforcement Officer with arresting powers Please call our office at 954-831-6089.
- Sole unpaid caregiver of a person incapable of caring for themselves due to physical and/or mental illness Doctor's note is required.
- Are Active Military

You may not serve if:

- You are not a citizen of the United States Must provide alien registration card, foreign passport or green card.
- Convicted felon and your civil rights have not been restored If your conviction was not in Broward/State Court, must provide your disposition or judgment.
- **No longer reside in Broward County** Must provide driver license, State ID or voters card.
- **Presently under criminal prosecution** If your case is not in Broward/State Court, must provide copy of future court date.

Presently on probation/parole — If you are not on probation in Broward County, you must provide your disposition.

One of the other common questions I receive is regarding juror compensation. Here are some fast facts:

- A juror who is regularly employed and who continues to be paid regular wages while on Jury Duty is not entitled to be paid by the State for the first three (3) days of service.
- A juror who is not regularly employed or does not continue to be paid regular wages while on Jury Duty is entitled to \$15.00 per day, by the State, for the first three (3) days of service.
- Each juror who serves more than three (3) days is entitled to be paid \$30.00 per day by the State, as of the fourth (4th) day, and each day thereafter.
- The Florida Legislature now permits jurors to donate compensation paid by the State of Florida for Jury Service. The compensation may be donated to a certified guardian ad litem program or to a domestic violence shelter in Broward County. Shelters are designated annually on a rotating basis.

Lastly, here are three other common questions posed by jurors.

• FAQ - How long is Jury Service?

• Jury Service is generally for one day; however, you must serve until the end of the jury selection process. If you are selected for a trial, you must serve for the length of that trial.

• FAQ - What happens if I do not appear?

• Failure to comply with a Jury Summons may result in a \$100.00 fine and/or Contempt of Court.

• FAQ - Can I bring my cellphone and/or electronic devices?

 Yes, however, cellphones and electronic devices cannot be used to research any civil or criminal cases online in any way, including searching for information about the attorneys or judges while serving as a juror. Electronic devices will be removed from all members of a selected jury panel before deliberations begin; they may also be removed at any other stages during a trial as directed by the presiding judge.

So, when that jury summons arrives in the mail, make your way to the courthouse, and answer the call to duty and serve with pride!

Don't forget that my door is always open if you have questions about this or any of the other services provided by my office.

Happy March!

Brenda D. Forman was elected as the Broward County Clerk of Courts in November 2016. She was sworn in on January 3, 2017, and is the first African American woman to be elected to the position.





Proud Sponsors

2020 Judicial Procession and State of the Circuit Broward County Bar Association

954-958-1200 | 800-425-9113 www.universalproperty.com We have the Protection You Deserve





BROWARD COUNTY BAR ASSOCIATION BARRISTER

LEGAL HEALTH CORNER

by Judge Stacey Schulman

Preparing for a 5k

Hopefully you've heard by now that the Broward County Bar will be hosting the "Barrister Bolt" on May 2, 2020. This 5k event, which was a tremendous success in years past, will be in support of Legal Aid Service of Broward County.

In order to make sure you're ready for this 5k (or any other in which you may want to participate), here are some tips and ways to prepare:

- 1. Tell yourself you can do this. Most people hear the event is 5 kilometers (or 3.1 miles) and say, "there's no way I can run that far!" However, you've probably already walked this far in a day without even realizing it. For example, have you ever done a day at a Disney Park? If so, you've probably walked 10 kilometers (it's almost a quarter mile just from the turnstiles to the Castle). Even if your only exercise is getting to court, you're probably walking a mile daily because the distance from the parking lots to the front door of the courthouse to the North Wing and back is about that far! This distance is totally doable, but you'll never get it done if you tell yourself you cannot. As such, your first step needs to be committing to the idea that you're going to complete a 5k.
- 2. Get off the couch and start walking/jogging/ running. Let's face it, the more you move between now and race day, the easier it will be. Whether you go out and walk or jog or run, the key is to get moving. If you don't love running, you can mix up your routine with other exercise like biking, swimming, or the elliptical. The more active you are, the more fun you will have and the better you will feel on the day of the event.
- **3.** Set up a routine. If you fail to set aside the time to get ready, it's not going to happen. Mark time in your schedule for this endeavor. Pick a few days a week where you will lace up your sneakers and move. Start with 1 mile as your goal. Jog for as long as you can and then walk until you hit the 1-mile mark. You may only be able to jog a half mile, but you can keep moving until you get to a mile. Your focus should not need to be on how quickly you cover the distance, but just getting to the finish. The next time you go out, do the same but try to jog a little further (maybe 6/10 of a mile)

so you walk a little less and run a little more to hit 1 mile. Continue to do that every time you go out until you're able to jog the full mile. As you approach the mile mark, increase your distance to 1.5 miles. Once again, jog as far as you can and then walk the rest. Keep incrementally increasing the total distance until you're at 3 miles.

- 4. Know your limits. While 5k's are usually timed events, there is nothing wrong with walking – especially if health issues preclude you from running or jogging. That's okay! The route for the Barrister Bolt will not close until the last participant finishes, and we will be as excited to see you cross the finish line at the hour mark as we will when the top runners come in!
- 5. Make sure you have a decent pair of sneakers. Just as you would not walk into court with a computer that doesn't work properly half the time, you don't want to wear sneakers that are going to give you blisters or cause your back to hurt. The right "equipment" can help make the difference.
- 6. Stretch and hydrate. Recovery is equally as important as the activity itself. By stretching, you will help avoid injury and minimize soreness. Likewise, hydration will help you feeling good both during and after your training sessions. The conventional wisdom is 4 to 6 ounces of liquid per 20 minutes of activity. However, listen to your body and if you need more, take more.

7. Sign up for your race!

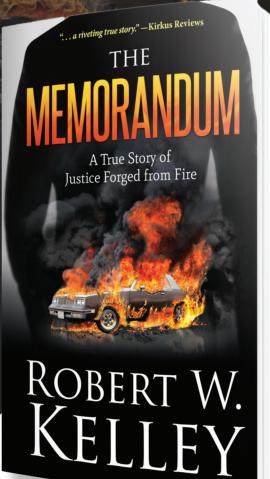
We are looking forward to seeing you on the course on May 2nd!

Judge Stacey Schulman is a Circuit Court Judge and serves as Chairperson for Broward's Dependency Division. An avid runner, most weekends Judge Schulman can be found running 5k's with her family for various charitable organizations in Broward County.



#1 in Legal Services | #1 in Personal Injury Law | #1 in Trial Practice | #1 in Juries | #1 in Litigation

THE MEDICAL Story of Justice Forged from Fire







"This book isn't just a saga about a family's redemption through a lawyer's skill and effort, but Kelley's insights ought to make this book required reading for trial lawyers at all stages of their careers. And frankly, the Florida Bar should give continuing legal education credit to the reader." Stuart Z. Grossman, Founding Partner, Grossman Roth PA, Miami

"In Bob Kelley's *The Memorandum*, you will learn how the system really works, what to expect if you take on the big corporations, and how to do it – and you'll learn some invaluable lessons in trial work and life along the way. On a personal note, I ordered copies for all our firm's lawyers and paralegals. It's that good." Philip Frieden, Past-President of the Florida Justice Association



PURCHASE YOUR COPY TODAY!





www.robertwkelley.com

BROWARD COUNTY BAR ASSOCIATION BARRISTER

22 | MARCH 2020

MARCH

calendar of events

Happy St. Patrick's Day

March 4 Latinas in Law

Time: 5:30 p.m. – 7:30 p.m. **Venue:** BCBA Conference Center **Cost:** \$25 BCBA Member & BCHBA Member; \$40 Non-Member

March 11 BCBA Small Solo Networking Dinner

Time: 6:30 p.m. – 8:00 p.m. Venue: Dave & Buster's Hollywood Cost: \$40 BCBA Member; \$55 Non-Member *\$5 price increase on 3/4/2020

March 18 ASFMA CLE: Jeffrey Levenson

Time: 12:00 p.m. – 1:30 p.m. **Venue:** BCBA Conference Center **Cost:** \$25 ASFMA/BCBA Member; \$40 Non-Member

March 31 Wills, Trusts and Estates/ Real Property - Property Appraiser CLE

Time: 12:00 p.m. – 1:30 p.m. **Venue:** BCBA Conference Center **Cost:** \$20 BCBA Member; \$45 Non-Member

March 31 West Broward Meet the Candidates -Event for Broward County State Attorney Race

Time: 6:15 p.m. – 8:00 p.m. **Venue**: Kelley Kronenberg **Cost:** No Cost; Space is Limited







April 24 2020 Raising the Bar Seminar Time: 8:30 a.m. - 5:00 p.m. Venue: Bahia Mar Fort Lauderdale Beach Cost: \$125 BCBA Member; \$175 Non-Member

May 1 2020 Law Day Luncheon

May 2 2020 Barrister Bolt 5k Time: Race Starts: 8:30 a.m. | Check-In: 8:00 a.m. Venue: Vista View Park Cost: \$30

June 27 2020 Annual Installation Gala Dinner

Time: 6:00 p.m. Cocktail Reception & Casino* Tables | 7:30 p.m. Dinner & Program | 9:00 p.m. Dancing! LIVE performance Venue: The Ritz-Carlton Attire: Black Tie

Cost: \$130 BCBA Member; \$155 Non-Member ***Early Bird pricing for first PAID 250 registrants*







• 305-244-9680 • sales@claimsinvestigationagency.com •