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John G. Jordan to Receive
2008 Lynn Futch Professionalism
in Practice Award

The BCBA’s Professionalism Committee voted to
present the 2008 Lynn Futch Professionalism in
Practice Award to
John G. Jordan. The award presentation will be
made at the BCBA’s Annual Installation and Awards Dinner set for
Thursday, June 12 at the Marriott Harbor Beach Resort and Spa.
$75 per person • 5:30 p.m. Reception • 6:30 p.m. Dinner
Sponsored Tables Available
Event Sponsors Call Edwina Kessler,
Sponsorship Chair (954) 463-8593 R.S.V.P. call BCBA at (954) 764-8040
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Congratulations, John.

"All In"
The 2007-2008 Board of Directors have unanimously contributed to the payoff of the Mortgage.

Second Row: Morrie I. Levine, Ted P. Galtiis, Jr., Michele A. Cavallaro, Allison Bethel, Roshawn Banks, Diana Santa Maria, Angel Petti Rosenberg, Deborah Poore Fitzgerald, Jorge Hurtado;
Back Row: Julie P. Klahr, Alan Fishman, Jordana Goldstein, Bruce Weibe, Todd McPharlin, John Primeau, Patrick Guanta, John Jordan.
PRESIDENT’S MESSAGE

by Barbara K. Sunshine

COMMITTEE CHAIRS—WORKED HARD THIS YEAR!

It is time to thank the Committees:

Bench Bar: Chair Lisa Bisagno


Building: Chair Deborah P. FitzGerald

Donna McCann Benkenstein Morrie L. Levine

In July, Deborah toured the buildings and grounds and drew up a list of proposed capital improvements. Starting in August, the committee met with decorating Irmo Absher monthly coordinating the makeover of the Administration Building reception area and the Board room. Deborah asked Donna to take over in October so that Deborah could put her efforts into the Capital Campaign to solicit donations to pay off the mortgage and cause the renovation.

We contracted with the City of F. Lauderdale in its Recycling Program, installed garbage disposals and fluorescent lighting, bought an Energy Star refrigerator and new flags, and removed the skylights.

Deborah wrote an article for the September “Barrister” entitled Presents Barbara Sunshine to the CBCA Office to ... "Go Green." 

Morrie met with Broward County commissioners and Chief Judge Victor Tobin and continues to work with the Board of Directors in trying to solve the parking problems we endure regularly at the courthouse.

Bylaws: Chair Donald R. Walters

Don met with members and reviewed the Bylaws. He submitted the proposed changes at the April Board of Directors’ meeting which were adopted and published in the May “Barrister.” The membership will vote on the revisions at the June 12 Installation/Annual Meeting.

Clark and Bar: Chair Michael R. Ronan

Other than Bench and Bar, the Clark and Bar Committee is the only other committee that meets monthly. Held the first Thursday of every month at the Public Defender’s office at the Courthouse, Howard Forman and his clerks and staff attended for an open discussion of areas of interest and concern. Michael wrote an article for the October “Barrister” entitled Clerk of Court—Top Ten Recommended Best Practices for Attorneys.

Finances: Chair Carlos M. Llorente

Treasurer Carlos M. Llorente met with his members several times over the past year making recommendations that resulted in the hiring of Tish Guifreida who is doing a great job of putting our finances in order. Other staff changes may be made as well as computer program updates as we work toward our goal of better fiscal responsibility and planning.

Judicial Evaluation: Chair Bruce A. Weibe

Bruce and his committee created the judicial evaluation form after reviewing other uses in the state and contracted with HallieCo, a Texas company, to tabulate the results. The entire Florida Bar membership from Broward was emailed the evaluation which will be published in the July/August issue of the “Barrister.” Bruce also wrote an article for the November "Barrister" entitled Judicial Evaluation Survey Committee Goes Into Action.

LAW WEEK: Chair Allison K. Bethel

Angel Pett Rosenberg

Michael R. Ronan

Allison began the year hoping to have a full calendar of events similar
to those in other Florida counties: Law-in-the-Mall, Courthouse tours and events for the public, and teams of judges and lawyers in a spelling bee with proceeds donated to a literacy program. The only program that did occur was the Law Day Luncheon featuring keynote speaker The Florida Bar President Francisco Angonez, organized by veteran planner Angel Pett Rosenberg. We also co-sponsored the program at the Museum of Art with a panel discussion on "Dirty Money." What is the attorney’s responsibility to ensure fees are clean? with several other voluntary bar associations and the Jewish Federation of Broward County.

Lawyer Referral: Chair Anthony V. Scalise

Jorge Hurtado

Lawyer Referral is a program that allows members to sign up for new client matters. It continues to be one of our premier benefits. The public calls our referral service and a case manager refers clients to members for legal advice and possibly legal representation.

Membership: Chair Jordana Goldstein

Jordana met with her committee and formulated ideas to encourage new members to join and former members to renew. She also met with law school students offering them a free membership. Discounts for services and products for members were printed in the February, March, April, May, and June “Barristers.” Membership luncheons were held in the West Palm on February 22, the North on April 8, and the South on April 11.

Professionalism: Chair James A. Cobb, Jr.

Jim set several Professionalism Committee meetings which were well attended. He presented our two new judges Matthew Detroy and Carlos Rebello with professionalism plaques at their Robing Ceremony in January and will be honoring John Jordan as the latest recipient of the Lynn Fish Professionalism in Practice Award at the Installation/Annual Meeting in June.

Publications: Co-Chairs Morrie I. Levine and Patrick B. Giunta

At some point, the "Barrister" may go completely on-line; however, many members enjoy receiving the "hard" copy every month. The "Barrister" is a work in progress and will continue to be: layout, editing and spelling, master calendar coordination, and getting it delivered timely. You will note that this year there were substantive articles every month. Great job!

Social/Politics/Goodwill: Chair Diana Santa Maria

Diana didn’t just sit back this year. She chose the Cooperative Feeding Program as our charity, meeting with Development Director Scott Woodburn and Executive Director Marii Cohen the day before Thanksgiving to hand out Public gift certificates and boxes of food. On May 21, members were encouraged to donate a cost of a lunch to the "Bottled Lunch Day." Members helped paint a house on November 16 for Habitat for Humanity. Chris Neilson helped her organize the Holiday Party on December 14 at the Bar center—decorations, music, and food.

Voluntary Bar and Law School Liaison: Chair Roshawn J. Banks

Roshawn organized the Voluntary Bar Leaders’ luncheon sponsored by the Board of Directors on September 18 at the Riverside Hotel. Eleven bar associations were represented. The Clerk of the bar associations and contact information in the November issue of the “Barrister.” Roshawn also attended the membership meetings and went with Membership Chair Jordana Goldstein to make presentations at the law schools.

CLE COURSE NUMBERS: Last month I listed the seminars we held this year. These are the Course Numbers for credit with The Florida Bar:

9/2007 Family Law Section:

CALENDAR OF EVENTS

July 2008

Thursday, June 5

Clark and Bar Committee meeting at noon.

Broward County Courthouse 201st floor, Fort Lauderdale

Friday, June 6th

Solo’s Small Law Firm Networking Luncheon: Olive Garden Coral Springs, 1555 N. University Drive, (954) 344-5226, RSVP to: Evan M. Ostfeld (954) 227-7529 and or Evan@AttorneyLife.com

Tuesday, June 10

Association of South Florida Mediators 11:30AM-1:00PM, The Tower Club. Final meeting of the year. RSVP to Jane Goldberg at (954)764-8040, ext 202, or email (www.asfma.org).

Thursday, June 12

Broward County Bar Association’s Annual Meeting and Installation dinner

Marriott Harbor Beach Resort and Spa 1250 W. McArthur Blvd. Hollywood, FL 33019, (954) 6727700, Saturday dinner 6:00PM-9:30PM.

Friday, June 13th

Solo’s Small Law Firm Networking Luncheon: The Ark, Hollywood, 6255 Stirling Road, (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 or david@dsilverstone.com

Saturday, June 14

4 Hour Minor Guardianship Class held at the Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale, 9:00 a.m.-1:00p.m. Cost to attend: $100.00. Please call Jane (954) 764-8040 ext. 202 to register.

Tuesday, June 17

Bench and Bar Committee Meeting Noon. Luncheon included. Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale RSVP to (954) 764-8040.

Tuesday June 17.

Solo’s Small Law Firm Networking Lunch: NEW LOCATION @ 15th Street Fisheries at Lauderdale Marina,1900 S.E. 15th Street, Fort Lauderdale, (954) 763-2777, RSVP to: Beth Lindie (954) 764-5400 and or blinde@lawyers.com.

Friday, June 20

Solo’s Small Law Firm Networking Lunch: Olive Garden Plantation, 807 S. University Drive, (954) 424-7201, RSVP to: John Rizivi (954) 452-0033 and or johnrizivi@ideateattorneys.com.

Tuesday, June 24

Solo’s Small Law Firm Networking Lunch: Olive Garden Plantation, 807 S. University Drive, (954) 424-7201, RSVP to: John Rizivi (954) 452-0033 and or johnrizivi@ideateattorneys.com.

Friday, June 27

East City Grill, 1800 Tower Bell Lane, Weston, (954) 659-3339, RSVP to: Rick Woolf (954) 252-0043 and or rwoolf@woolffinancial.com.

Saturday, June 28

8 Hour Adult Guardianship Class held at the Broward County Bar Association SE 3rd Avenue, Fort Lauderdale, 9:00 a.m.-5:00p.m. Cost to attend: $180.00. Please call Jane (954) 764-8040 ext. 202 to register.

Tuesday June 16, Thursday June 5, Friday June 6th, Tuesday June 10, Thursday June 12, Friday June 13th, Tuesday June 17, Tuesday June 24, Friday June 27, Saturday June 28.

2 BARRISTER
River of Knowledge Cruise #89117
9/27/07 Elder Law Section:
The New Trust Code #89077
10/26/07 Family Law Section: Raising the Bar #89057
11/3/07 Legal Malpractice #79287
11/15/07 VLS Luncheon: Nuts & Bolts #843418
2/15/08 Workers’ Compensation Section:
Stayin’ Alive in Workers’ Comp. Today #28978
4/25/08 Bankruptcy Law Section:
Bankruptcy for the Family #843428
5/12/08 Dirty Money! What is the attorney’s responsibility to ensure fees are clean? #843408

WHAT DID I DO THIS YEAR?

Committee meetings: Bench and Bar, Clerk and Bar, Building, Finance, Judicial Evaluation, Law Week, Membership, Nominating, and Professionalism

Practice Section meetings: Elder Law, Family Law, Solo/Small Firm, Workers’ Compensation

Board Retreat: September 8

Bar Association Luncheons:
Board luncheon at the Riverside on June 20
Voluntary Bar Leaders’ luncheon at the Riverside on September 18
Committee and Practice Section Chair luncheon at the Riverside on October 11
Past Presidents’ luncheon at the Riverside on November 28
Past Presidents’ luncheon at the Bar Center on February 20
West Membership Luncheon at Jacaranda Country Club on February 22
North Membership Luncheon at Gallup’s on the Green on April 8
South Membership Luncheon at Dave & Buster’s on April 11
Law Day Luncheon at the Tower Club on May 5

Speeches: North Broward Bar Association luncheon on September 11
The Florida Bar Practicing with Professionalism on February 27
Young Lawyers’ Section luncheon on March 27

Events: Holiday Party at the Bar Center on December 14
Judicial Robing on January 25
Young Lawyers’ Section Judicial Reception on May 1

Charity/Goodwill:
Habitat for Humanity on November 16
Cooperative Feeding Program on November 21
Legal Aid Service 7th Annual For The Public Good on April 25
“Brown Bag Lunch” Day for Cooperative Feeding Program On May 21

Other Voluntary Bar Events:
Broward County Hispanic Bar Association Installation Dinner on June 2
Demystifying the JOC at the Tower Club on September 28
North Broward Bar Association luncheon on April 8
“Dirty Money! What is the attorney’s responsibility to ensure fees are clean?” on May 12

Greater Ft. Lauderdale Chamber of Commerce:
New Member Orientation on July 31
Downtown Council Breakfast on September 27

My Travels: July—Manistee, Michigan
July—Disney World for Voluntary Bar Leaders’ Convention
August—Manistee, Michigan
October—Chicago, Illinois
October—Islamorada, Florida
January—Cape Coral, Florida
February—Lake Lure, North Carolina
March—New Orleans
May—St. Petersburg, Florida
May—San Francisco/Big Sur/Santa Barbara/LA

Company:
Christmas/New Year’s/February/March

Please come to the Annual Meeting and Installation Dinner on Thursday, June 12 at 5:30 at the Marriott Harbor Beach Hotel where I will be presenting my President’s Award, Committee Chair Award, and Practice Section Award, and pass the gavel on to your new President Chris Neilson.

Gone Fishin’.

My brother, Rick, and Bill
Manistee, Michigan July, 2007
Congratulations to 2008-2009
Broward County Bar Association Board of Directors
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Christopher M. "Chris" Neilson
President-Elect:
Carlos M. Llorente
Secretary-Treasurer
Bruce A. Welhe
Area Representatives:
Northeast:
Alan S. Fishman
Patrick B. Giunta
Julie F. Klahr
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Roshawn J. Banks
Jordana L. Goldstein
Robin S. Moselle
Southeast:
Michele A. Cavallaro
Edward F. Holodak
Morrie I. Levine
Central:
Ray Ferrero, III
Deborah P. FitzGerald
John G. Jordan
Edwina V. Kessler
Todd R. McPharlin
Angel Petli Rosenberg

and
Congratulations to 2008-2009
Young Lawyers Section Board of Directors
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Michael Gilden - President-Elect
David Hirschberg - Secretary/Treasurer
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As indicated in last month’s Barrister article, we had 4 vacancies on the YLS Board for the upcoming term. On behalf of the current Board members and officers, I would like to congratulate and welcome our newest Board members: Matthew G. Lerner, Louis Reinstein, Shayna M. Reitman and Ashley A. Sawyer! I have no doubt that they will each make tremendous contributions to the YLS Board and to Broward County as a whole. I would also like to congratulate Scott Chittock, who I know will do a fine job as he assumes the position of YLS President, and Michael Gilden who will move up to President-Elect position. David Hirschberg’s hard work as a Board member has paid off, as he will be installed as the new Secretary/Treasurer of the YLS.

Please join us for the June 12th, 2008 Installation Dinner, where each of the new YLS and BCBA Board members and officers will be installed. Make sure to call the BCBA office at 954-764-8040 to make your reservation and inquire about sponsorship opportunities for the June 12th, 2008 Installation Dinner. Also keep an eye out for email blasts and Barrister articles for more information!

The Judicial Reception held on May 1, 2008, was a tremendous success and there were well over 200 judges, attorneys and others in attendance at the Sun Sentinel Building in downtown Ft. Lauderdale. As usual, a good time was had by all and it was a wonderful opportunity for judges and attorneys to mingle outside of a courtroom setting. The BCBA Board members and officers worked very hard to put together another fantastic Law Week, including the well-attended luncheon!

The last YLS lunch of the current term took place on May 22nd, 2008 and we cannot thank the incoming President of the Florida Bar, Jay White, enough for taking time out of his busy schedule to speak about what he has planned for his upcoming term! The YLS luncheons will resume with the start of the upcoming term in August. Keep an eye out for updates in the Barrister, as well as email blasts on future luncheons.

Last, but certainly not least, the YLS is having its 3rd Annual Family Day event on Sunday, June 1st, 2008 from 12:00 p.m. to 3:00 p.m. at TY Park in Hollywood (off of Sheridan Street and just west of I-95). This is a great event for children and their families, which has grown each year and we expect another solid turnout. Those in attendance will have an opportunity to enjoy the water park, bounce house, clown for the kids, face-painting, as well as food and beverages for only $5.00! This event is by no means only limited to attorneys or those in the legal community. Please contact Meghan Clary to R.S.V.P. at Meghan@cmfamilylaw.com.

Remember, you do not have to be young or a lawyer to attend our events! As always, should you have any questions, please do not hesitate to contact Chris D. Connally at CDConnally@hotmail.com.

Message From Broward County Bar Association’s Young Lawyers’ Section President
by Chris D. Connally

Mission Statement
The Broward County Bar Association, a not-for-profit organization, was founded in 1925 to foster courtesy, ethics and professionalism among lawyers; to educate the citizens of Broward County on their legal rights, and to provide necessary legal services to Broward County residents.

The Broward Barrister is published by the Broward County Bar Association as a part of our commitment to provide members with information regarding past events. This publication is not intended to be a legal advisor and the authors are not responsible for any legal advice provided therein.
RECENT DEVELOPMENTS IN THE LAW

by Nancy Little Hoffmann

1. Attorney’s Fees/Trial De Novo

Antonucci v. Whitefield,
33 Fla. L. Weekly D1180 (Fla. 4th DCA April 16, 2008).

According to the Fourth District, the 2007 amendment to Section 44.10(6), dealing with trial de novo after a court-ordered non-binding arbitration, is substantive in nature and does not apply retroactively. Under the earlier version, taxable costs were considered as part of the judgment when determining whether the party received a more favorable award at trial than in arbitration; accordingly, since the amendment affected the right to attorney’s fees, it was substantive in nature and thus did not apply retroactively.

2. Dissolution of Marriage/Real Property

Aderhold v. Aderhold,
33 Fla. L. Weekly D1126 (Fla. 1st DCA May 5, 2008).

Where the marital home was conveyed to the parties as husband and wife and to the husband’s mother, the trial court concluded that each of the three parties took title as tenants in common with an undivided one-third interest. Reversing, the First District held that the husband and wife together held a one-half interest in the property as tenants by the entirety, and the mother held a one-half interest in the property as a tenant in common with them.

3. Garnishment/Attorneys

Arnold, Matheny & Eagan, P.A. v. First American Holdings,
33 Fla. L. Weekly D1152 (Fla. 1st DCA April 24, 2008).

An agreement providing for a garnishment against the defendant without prior notice to defendant or the court was not a valid exercise of the power of the court to order garnishment. The judgment was reversed.

4. Judges/Disqualification

Miami Dade College v. Turnberry Investments, Inc.,
33 Fla. L. Weekly D1217 (Fla. 3rd DCA April 30, 2008).

Where a trial judge expressed displeasure with the case, engaged in ex parte communications with the parties and in open court, the defendant would lose the property in question, those statements were sufficient to instill fear in the defendant that it would not receive a fair and impartial trial, and thus disqualification should have been granted.

5. Procedure/Standing

Maynard v. Florida Board of Education,
33 Fla. L. Weekly D1110 (Fla. 2nd DCA April 23, 2008).

The Second District certified the supreme court as a question of great public importance the issue of whether the defense of standing to bring a cause of action is preserved for appellate review when raised for the first time in the trial court after a motion to dismiss, but not in an affirmative defense filed before trial.

6. Standard Jury Instructions/Criminal

In re Standard Jury Instructions in Criminal Cases,
33 Fla. L. Weekly S258 (Fla. April 24, 2008).

The court held that the instruction covering the identity of an accomplice, divided area w/zeptos, is impractical and is a matter for the prosecution to prove in the trial court.

7. Stay Pending Appeal/Constitutionality of Statute

BBD Seidman, LLP v. Banco Espirito Santo International, Ltd.,
33 Fla. L. Weekly D1100 (Fla. 3rd DCA April 16, 2008).

In 2006, the Florida Legislature adopted section 45.045, establishing a cap on the amount of a supersedeas bond necessary to obtain an automatic stay of execution pending appeal, in the amount of $50 million for each appellant, regardless of the amount of the judgment appealed. The trial court held that statute unconstitutional because it infringed on the Florida Rules of Appellate Procedure. The Third District reversed, holding that the legislature acted within its authority in enacting the bond cap.

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OAKLAND PARK
Atty. office for rent@ only $450/month. On Oakland Park Boulevard, 2 blocks west of I-95. Office space includes high speed Internet, use of conference room and reception area for clients. Contact 954-494-4102.

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PLANTATION
Office space to share with CPA firm on Broward Blvd. Receptionist, conference room, copier, fax, phone system, T-1 line. Separate work station for staff. Call 954-473-4900 or email phil@jernikelson.com

PLANTATION
Plantation: Office space to share with transactional attorney on Broward Blvd. Conference room, copier, facsimile & phone system available. Separate office for staff available. Referrals also available. (954) 474-5988.

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One office available. 10 x 10 with window. Located in Weston near Royal Palm Blvd. Private entrance, shared Reception, conference rooms and kitchen. Internet included. 954-349-7988.
A Special Thank You...

At press time, these are the individuals who have made contributions this current fiscal year to our Mortgage Reduction program that was created to help BCBA pay down the mortgage on the Norma B. Howard Center.

2009 Contributors
Michael J. Alman
Elizabeth Abrahamson
Scott A. Auerbach
The Honorable Martin Bailey
Carl D. Barry
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Toni B. Berkey
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The Honorable Barry S. Saltz
Arleyne Joy Simon
Susan E. Satko
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Barbara K. Sarnoone
Maggie D. Wadsworth
William Young
Glenn C. Wright
Alicia Zachman
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The Honorable Martin Bailey
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Samuel A. Price
Barbara K. Sarnoone
Tanzi R. Wolfe
Alicia Zachman
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Frederick V. Beeby, Jr.
The Honorable Martin Bailey
Anthony J. Belcher III
The Honorable Martin Bailey
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The Honorable James J. Colin
Michael J. Alman
David W. Crane
Elizabeth G. Daugherty
Brenda Di Iulo
Michael N. Seman
Ben J. Farberston
Gary M. Fish, Jr.
Michael A. Fischler
Each individual received a blue and gold BCBA lapel pin.

2008 has been a busy year for employment law and case law. The following is a summary of some of the statutes and case law that may impact your clients as well as your law firm.

Effective January 1, 2008, the Florida Minimum Wage is $6.79. The Florida Minimum Wage for tipped employees is $4.77. These rates will be effective for the year 2008. Please remember that the Federal Minimum wage is only $5.85 and will increase to $6.55 on July 24, 2008. Florida employers must pay the Florida minimum wage and not the federal rate, as employers must pay the higher of the two. Along with this change, Florida Employers must post the new “Notice To Employees Florida Minimum Wage” poster which must be displayed in the workplace. This is in addition to other workplace posters that must be prominently displayed. If you have not obtained the revised version, you can download the Florida poster at http://www.floridajobs.org/resources/FL_min_wage.html

Another important Florida statute involves guns in the workplace. Effective July 1, 2008 a new statute (790.251 F.S.) the “Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act” of 2008 goes into effect. This new statute prohibits public and private employers from prohibiting an employee, customer, or invitee from possessing a legal firearm that is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot. Further, no public or private employer may violate the privacy rights of a customer, employee, or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle or in an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle.” An employer may not take any action based on the verbal or written statements as to the possessions of firearms. The statute also discusses employees that conduct searches and makes it an employment issue involving conditions of employment and termination. A review of the statute is recommended for all employers.

On the federal side, there have been changes to the Family and Medical Leave Act. First, the new military leave law requires employers to provide up to 26 weeks of FMLA leave to eligible employees to care for recovering injured or ill service members and 12 weeks of leave because of any qualifying “exigency” arising out of the fact that a covered family member is or has been called to be on active duty. The “qualifying exigency” provisions will not be effective until the DOL issues final FMLA regulations defining the term “qualifying exigency.” The rest of the law went into effect on January 28. If the FMLA applies to your workplace, you need to update your policy and work your poster updates.

There are proposed changes to the regulations: including “duty” waiver, worker’s rights, serious health condition definitions, tightening of notice requirements of employees and employers, easing of Federal certification and timing issues. It is important to review the statute and regulations as they are very detailed and specific.

In addition to the Florida Supreme Court, the United States Supreme Court has been busy as well. In the case of Sprint/United Management Co. v. Mendelsohn, No. 06-1221, 2008 U.S. LEXIS 2196 (February 27, 2008), and held that an EEOC intake questionnaire constitutes a charge of discrimination for purposes of fulfilling the statute preclusion with respect to an administrative charge. The Mendelsohn case, the FedEx case involving-age discrimination allegations. The Court held that the filing with the EEOC must be considered a request for the agency to take remedial action to protect the employee’s rights, even if the agency does not actually take any action.

In another case, Hall Street Associates, L.L.C v. Mattel, Inc. No. 06/999, 2008 U.S. LEXIS 2911 (March 25, 2008), the U.S. Supreme Court ruled that parties to an arbitration agreement may not contractually provide for more expansive judicial review of an arbitration agreement beyond the narrow scope required pursuant to the Federal Arbitration Act (“FAA”). The Court held that the FAA provides the exclusive statutory grounds for vacating or modifying arbitration awards and prohibits parties from expanding those grounds by an agreement. Employers that have arbitration clauses in their agreements should take a look at the language as to grounds for challenging the awards.

Finally, U.S. Supreme Court in LaRosa v. DeWolf, Robeger & Associates, Inc. 128 S.Ct. 1020 (February 20, 2008), ruled that when fiduciary misconduct reduces the value of an individual account in a defined contribution plan, such as a 401(k), the harmed employee can sue for damages. In the past, courts have taken the contrary position that the federal employee benefits law only allows lawsuits for harm to the plan as a whole. For those of you practicing employment law, it is an always changing body of law. For those of you who are employers, it is a good idea to consult one of the attorneys who practice in this area that can provide guidance on these issues. Be careful, do not stick your head in the sand; being an ostrich is no defense.

On a personal note, I would like to thank all of the people who were responsible the success of the Employment and Labor Law Seminar on May 14, 2008. A special thank you to Janon Haddad and her board of the Broward County Women Lawyers and to all the speakers: Eric Gabrielle, Earlene Horne, Dr. Michael Brannon, Dr. Helen Turnbull, Michelle A. Williams, Loring Spoter, Magistrate Judge Selzter and Frank Scruggs.

Submitted on behalf of the Employment and Labor Law Section:
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Legal Aid Service of Broward County’s 7th Annual FOR THE PUBLIC GOOD
Raises over $100k to support Children’s Advocacy Project

FORT LAUDERDALE, FL (May 2, 2008) — Legal Aid Service of Broward County (LAS) hosted its 7th Annual FOR THE PUBLIC GOOD event at the Fort Lauderdale Grande Hotel and Yacht Club on April 25th. A sold-out crowd of nearly 300 guests attended this year’s event themed: “You’ve Been Served.” Funds raised topped $100,000.

Proceeds from the event benefit Legal Aid Service of Broward County’s Children’s Advocacy Project. The Project helps abused children in foster care, teenagers trying to avoid delinquency, and children in need of special education and behavioral services.

The event celebrated individuals and entities who have demonstrated leadership in helping low-income people gain access to justice; and featured a silent auction, award ceremony and dinner.

“This year’s FOR THE PUBLIC GOOD was the most successful yet. The event highlights the generosity of Broward County’s legal community in support of Legal Aid Service and its programs,” said Kathy Thomsen, Director of Development for Legal Aid Service of Broward County.

Honorary Chairs were Walter G. “Skip” and Lynn Campbell. The Event Committee Co-chairs were Douglas Greenbaum, Esq. and Randi Glick Boven, Esq. Master of Ceremonies was Elizabeth G. Daugherty, Esq.

The prestigious 11th Annual Russell E. Carlisle Award was presented to Andrea L. Moore, Esq., Executive Director of Florida’s Children First. Additionally, special awards were presented to: Atkinson, Diner, Stone, Mankuta & Ploucha, PA; Eric Gabrielle, Esq.; - Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A. and Covenant House Florida; Jorge E. Hurtado, Esq.; Theodore C. Kaufman, Esq.; Robert W. Murphy, Esq.; Nova Southeastern University Children and Families Law Clinic; and Charles L. Simon, Esq. These honorees gave their time, through Legal Aid Service of Broward County’s pro bono program, Broward Lawyers Care, to represent individuals who would not have access to the justice system without their assistance.

The 7th Annual FOR THE PUBLIC GOOD was supported by generous donations from the following major sponsors: Daily Business Review; The Sun-Sentinel; Colody Fass Talenfeld Karlinsky Abate; J M Family Enterprises, Inc.; Minto Communities, LLC; Broad and Cassel; Katherine Birnbaum, Esq.; BNY Mellon Wealth Management; Walter G. and Lynn Campbell; Fowler White Burnett; Glantz and Glantz, P.A.; Douglas Greenbaum, Esq.; The Las Olas Company; Juliette Lippman, Esq.; and Transworld Business Brokers, LLP.

ABOUT LEGAL AID SERVICE OF BROWARD COUNTY: Legal Aid Service of Broward County (LAS) is a 501(c)(3) not-for-profit law firm and has been providing free civil legal services to Broward County children, families and senior citizens for more than 30 years. Last year, LAS assisted over 3,000 people at no charge. In addition to its own staff, LAS also manages the largest pro bono program in Broward County, Broward Lawyers Care.
CONGRATULATIONS TO JAMES BOONE, ESQ.
Broward Lawyers Care- Attorney of the Month for March

Mr. Boone has been a member of Broward Lawyers Care since 1994. He has assisted BLC with 30 cases and has donated 300+ hours assisting the neediest in Broward County.

CONGRATULATIONS TO MARY JO RIVERO, ESQ.
Broward Lawyers Care- Attorney of the Month for April

Ms. Rivero has also been a member of Broward Lawyers Care since 1994. She has assisted BLC with 22 cases and helped many get a fresh start in life.

Mr. Boone and Ms. Rivero are consistent in accepting Pro Bono cases from Broward Lawyers Care. We thank you for your hard work and dedication. It is people like the two of you that make Broward County a better place to live.

CONGRATULATIONS AND THANK YOU TO OUR LAPEL PIN RECIPIENTS

(20-49 Hours- Bronze Pin, 50-99 Hours- Silver, 100+ Hours- Gold)

Attorneys volunteering their time to Broward Lawyers Care, the recognized Pro Bono program in Broward County are awarded with Lapel Pins along with a letter of recognition from Chief Justice R. Fred Lewis for their exceptional pro bono service in 2007.

DON'T FORGET THE MANDATORY REPORTING OF YOUR PRO BONO CONTRIBUTION FOR 2007-2008 ON YOUR FLORIDA BAR DUES.
Dues are payable beginning in June. If you have not made a $350 contribution or volunteered a minimum of 20 hours...it is not to late!
Please contact Kimberly Zaffere- 954-736-2426
2008 YLS Bowl-A-Thon Striking Success

The Broward County Bar Association, Young Lawyer Section 6th annual Bowl-A-Thon was held on March 8, 2008 at the Manor Lanes Bowling Center in Wilton Manors. This year, the Bowl-A-Thon was a charitable event which benefited the Cystic Fibrosis Foundation. The YLS is proud to announce that it raised and donated $4,000.00 for the Cystic Fibrosis Foundation and sold-out Manor Lanes. The YLS would like to thank everyone who attended, volunteered and made the event possible and would like to specifically thank the following:

Special Thanks:
Dwight Matlack for providing a wonderful venue at Manor Lanes: (954) 566-7457
EDCO Awards and Specialties for donating trophies: (954) 587-0137
The Florida Bar Association AOC for contributing $1,300.00 to the event
Debbie, Adam and Max Klauber
Vicki Swain, Director of Special Events for the Cystic Fibrosis Foundation
The Honorable Michele Towbin Singer

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On behalf of the Broward County Bar Association, Young Lawyer Section, we look forward to seeing all of those who attended again next year.

Bart Ostrzenski
YLS Director and Chair of the Bowl-A-Thon

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Friday, June 13th, The Ark, Hollywood, 6255 Stirling Road, (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 and or david@dsilverstone.com.

Tuesday June 17th, NEW LOCATION @ 15th Street Fisheries at Lauderdale Marina, 1900 S.E. 15th Street, Fort Lauderdale, (954) 763-2777, RSVP to: Beth Lindie (954) 764-5400 and or blindie@lawyers.com.

Friday, June 20th, Olive Garden Plantation, 807 S. University Drive, (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 and or johnrizvi@ideaattorneys.com.

Tuesday, June 24th, NEW LOCATION @ J. Marks Restaurant, 1490 Copans Road, Pompano Beach, (954)782-7000, RSVP to: Jesse Lieberman (954) 596-9944 and or Andrea@jlieberman.com.

Friday, June 27th, East City Grill, 1800 Tower Bell Lane, Weston, (954) 659-3339, RSVP to: Rick Woolf (954) 252-0043 and or rwoolf@woolffinancial.com.

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**LAW DAY**

Hon. Paul Backman, Jesse Diner

Christopher M. “Chris Neilson”, Angel Petti Rosenberg.

Adele Stone and Jesse Diner, from Atkinson, Diner, Stone, Mankuta & Plaucha, P.A., recipient of Legal Aid Society of Broward County Annual for The Public Good Law Firm of The Year Award.

Jorge Hurtado, recipient of Legal Aid Society of Broward County Annual for The Public Good Pro Bono Attorney of The Year Award.

Kimberly Zaffere, Assistant Director of Development/Pro Bono Coordinator, Legal Aid Service of Broward County, Inc.

Hon. Melanie May of 4th DCA, with 2008 Liberty Bell Award Winner, Gale Butler, VP of Corporate Affairs, AutoNation.

Mathew Geboide and Katerina Kurteva accept $5000 College Scholarship awards from Bob McGee (left) and Connie McGee (right) of The Shane McGee Foundation. Bob Kelley, of Kelley Uustal, is pictured in center.

**YLS JUDICIAL RECEPTION**

Frank Walker, Terrence Russell, Bruce Weihe

Hon. Susan Greenhaw, Meghan Clary, Sue-Ann Robinson

Greg Haile, Hon. Mary Rudd Robinson

Chris Connally, Michael O’Rourke

Alan Raines, Scott Chitoff, Hon. Jeffrey Streitfeld, Chris Connally

Hon. Thomas Lynch IV, David Hirschberg

Chuck Morton, Hon. James Cohn, Gordon James