

JULY/AUGUST 2010 • WWW.BROWARDBAR.ORG • 954-764-8040 • VOLUME 41, ISSUE 7

# **BCBA's Installation Dinner - June 10, 2010**

More than 325 local attorneys, judges and political figures attended the Annual Meeting and Installation Dinner of the Broward County Bar Association held at the Marriott Harbor Beach in Fort Lauderdale. Bruce Weihe, was installed as president for the 2010-2011 term, along with David L. Hirschberg, who will head the Broward County Bar's Young Lawyers' Section. Several awards were presented to local attorneys and judges who were voted by their peers to exemplify the highest standards of professionalism in the practice of law. They include:

The Lynn Futch Professionalism Award was presented to Executive Director, Legal Aid Service of Broward County, Anthony J. Karrat;

The Young Lawyer's Section Paul May Professionalism Award, to Scott P. Chitoff; The Steven R. Booher Award, to The Honorable Thomas Lynch; The Joseph J. Carter Professionalism Award to Walter H. Honaman



Carlos Llorente with Anthony
J. Karrat, recipient of The
Lynn Futch Professionalism
Award.



Scott P. Chitoff, Recipient of the Paul May Professionalism Award.



Carlos Llorente presenting The Steven R. Booher Award to The Honorable Thomas Lynch.



Carlos Llorente with Walter H. Honaman, recipient of The Joseph J. Carter Professionalism Award.



YLS President David L. Hirschberg



BCBA Past-President Carlos
M. Llorente and BCBA President Bruce Weihe.

Check out BCBA's newly launched blog at: www.browardbarblog.org/

Judicial Candidates Videos
now available for
viewing on our
website at

www.browardbar.org/ judicial-candidates/

# PRESIDENT'S MESSAGE



by Bruce Weihe

When I moved to Fort Lauderdale in 1974, summertime still was marked by the absence of snowbirds and a much more relaxed schedule. In the legal community, trials were

continued for virtually any reason, business was not too stressful, and everyone pretty much just waited for football season to start, since the Dolphins had just won two straight Super Bowls....we are still waiting for the third.

Judicial races are concluding – be informed and inform others. Summers since have grown much more hectic, and this summer in particular the pace has become feverish, with twenty judicial races up for grabs. Putting aside any editorials about why races are being contested and whether any individual is either challenging or being challenged for racial or ethnic strengths or perceived vulnerabilities, an important responsibility of lawyers in Broward is to work individually or with others to inform the public of whom you – if you are qualified by your experience – would recommend as the better candidate to serve our community.

Your Broward Bar has worked to make information available to the public, providing a platform for all candidates last May to create videos at the Bar offices that now are available on the Broward Bar Website at www.browardbar.org. I urge all of you to check out the videos and get better acquainted with the judicial candidates so that you can make recommendations on an informed and intelligent basis.

Your Broward Bar also has worked with other local voluntary Bars in a project titled "Broward Judicial Watch", organized by Nydia Menendez from the Puerto Rican Bar Association. The Watch has planned two judicial forums, to be held at Nova Southeastern Law on July 22 (for circuit) and July 29 (for county court), and the public is invited to what promises to be a spirited and informative event for the public good.

The judicial primary will be August 24, and in virtually every instance the primary will be the final election, since all but two races have only two candidates. The public looks to the legal community for guidance in making these selections, and I cannot emphasize enough how important it is for each of you to gather information that you can share with your friends and relatives to ensure that this campaign is concluded fairly and intelligently, and that the voters select the judiciary based upon relevant information and appropriate reasons.

Roger and Me ... or better, Roger and All of Us. We celebrated our annual dinner and installation on

June 10, and some of you may have noticed a segment of the Association was missing. Our installation was held the same evening as the quarterly meeting of the Attorneys' Real Estate Council of Broward County, where many of the finest "dirt lawyers" in Florida were telling stories about our very good friend, Roger Staley.

As you read in the May issue of The Barrister, your Broward Bar adopted a Resolution honoring the storied career of Roger Staley, who passed away on April 11. Roger was, to everyone who knew him, the epitome of the good lawyer to whom ethics was a way of life, and a friend and mentor beyond compare.

Roger ranked with the best of the best. Founder and first president of the Real Estate Council, Roger personally answered questions for any young (and not-so-young) lawyers who happened to have the good fortune to know that in Roger they had an ally who, without charge, would spend hours providing answers to problems that never arose in law school or the case law.

A gifted storyteller, a character seemingly out of Damon Runyan who was a former bartender and frequently warned speeder who could talk his way out of virtually any predicament, Roger's nature was captured in the eulogy given by Michelle Gomez, his partner at Saunders Curtis Ginestra & Gore (where Roger spent his entire career): "...when I would tell people where I worked or who I worked with, once I mentioned Roger Staley's name, their faces would light up. They would share stories with me of how Mr. S helped them become the real estate attorney they are today or how, even though they never met Mr. S in person, he answered their calls for advice ... He would always make time to share his knowledge and he enjoyed doing so."

Roger had a profound impact on the BCBA, serving as its president in 1986 and 1987 -- more importantly, Roger was the guiding force along with Don Norman in the purchase of our Bar Center on Third Avenue. Loving the law and loving the Bar, Roger has left us all quite a bit better for having known him.

We at your Broward Bar are working to keep up with the times, and in that vein we have started up our own Blog – www.browardbarblog.org. While Roger probably never took time out to read or post anything on any Blog, I encourage you to spend a moment, if you have a reflection on Roger Staley, to share that moment with us at www.browardbarblog.org.

See you next month.



# A Message from David L. Hirschberg President, Young Lawyers' Section

It is with great honor that I write to you as the newly installed President of the Young Lawyers Section. For the past six years, I have served on the YLS

Board of Directors. I am very proud of the Board's accomplishments and look forward to the upcoming year.

During my time on the Board, our programming, membership, and charitable contributions have all grown. Much of our success can be attributed to the hardworking members of the Board. One Board member that deserves special recognition is the outgoing YLS President, Michael Gilden. Michael has been a valuable member of the Board for many years and he was a true leader this past year. Thank you, Michael, for everything that you gave to the Board and for being a friend.

Moving forward, my goals this year are for the YLS to set a new organizational standard with respect to money raised for local charities, to improve the quality and interest in YLS programming, and to increase YLS membership. Fortunately, I am joined on the Board by passionate and dedicated young leaders in the legal community.

In addition to twelve outstanding directors, I am joined on the Board by three other officers: Bart Ostrzenski (President-Elect), Meghan Clary (Treasurer), and Ashley Sawyer (Secretary). I have known Bart, Meghan, and Ashley for years and know that they are equally committed to improving the YLS and accomplishing great things this upcoming year. I am also happy and thankful to announce that Judge Imperato and Judge Levenson have both returned as YLS judicial liaisons.

I encourage you to immediately calendar a few upcoming events of the organization. On Thursday, August 19 at noon at the Tower Club, the YLS will host a judicial panel luncheon. Judges Imperato, Luzzo, Lynch and Rothschild will present the topic "Common Mistakes by Lawyers." The luncheon is \$25.00 per person and you can RSVP to the Broward Bar at 954-764-8040.

On Thursday, August 26 from 6 to 8 p.m., the YLS will co-host with Emerge Broward a meet and greet happy hour at the Tower Club. The event is free to YLS and Emerge Broward members (\$10 for non-members) and includes drink specials and appetizers. For more information, contact Jennifer Pollock at jbp@kblglaw.com

Additionally, it is not too early to calendar the YLS Annual Charity Golf Tournament. This year's Tournament will benefit local charity Forever Family and will take

place on Saturday, November 13 at Jacaranda Golf Club. There will also be a happy hour in support of the charity and Tournament on Friday evening, November 5. For more information, contact Meghan Clary at meghan@cmfamilylaw.com

Finally, I would like to recognize Sabadell Bank United, who has returned as the YLS annual sponsor. Sabadell Bank United (formerly BNY Mellon), also known as "The Lawyers' Bank," has been a valuable partner of the YLS for years and I am proud that we are continuing to build on our relationship.

If anyone has questions about how they can participate with or in the Young Lawyers Section, please feel free to call me at Gladstone & Weissman, P.A. at 954-761-9994 or dh@gwpa.com. Again, I look forward to a wonderful year.

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

1051 SE Third Avenue, Ft. Lauderdale, FL 33316 BROWARD COUNTY BAR ASSOCIATION OFFICERS AND DIRECTORS JULY 1 2010– JUNE 30, 2011 OFFICERS

PRESIDENT - BRUCE A. WEIHE 568-7000
PRESIDENT- ELECT- JORDANA L. GOLDSTEIN 474-8080
TREASURER – DEBORAH POORE FITZGERALD 463-8456
SECRETARY- ALAN S. FISHMAN 975-7800
PAST PRESIDENT- CARLOS M. LLORENTE 485-4470

### **BOARD OF DIRECTORS**

Michele A. Cavallaro • James A. Cobb, Jr. • Raymond G. Ferrero III
Paul G. Finizio • Edward F. Holodak • Stuart N. House • Jorge E. Hurtado
John G. Jordan • Edwina V. Kessler • Todd R. McPharlin • Charles A.
Morehead III • Robin Sobo Moselle • Angel Petti Rosenberg • Michael
R.Vines • Andrea Gundersen • Thomas D. Oates • Kenneth P. Hassett

JUDICIAL REPRESENTATIVE The Honorable Marina Garcia-Wood

EXECUTIVE DIRECTOR
Art Goldberg 764-8040 Fax: 764-8060

YOUNG LAWYERS SECTION OFFICERS
President- David Hirschberg 761-9994 Michael B. Gilden 525-4100
President-Elect Bart Ostrzenski 229-2468
Treasurer- Meghan Clary 525-6566
Secretary- Ashley Sawyer 463-2700

BCBA YOUNG LAWYERS DIVISION BOARD OF DIRECTORS Lindsay Abernatha, Jason Alperstein, Tobi Lebowitz, Matthew Lerner, Jennifer Pollock, Marissa Pullano, Shayna Reitman, Sue-Ann Robinson, Sara Sandler, Liza Smoker, Stacy Weissman

JUDICIAL REPRESENTATIVES:

The Honorable Cynthia Imperato  $\bullet$  The Honorable Jeffrey Levenson

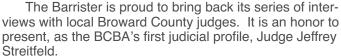
FLORIDA BAR BOARD OF GOVERNORS-17TH JUDICIAL CIRCUIT
Walter G. 'Skip' Campbell 763-8181
Nancy W. Gregoire 617-2300
Eugene K. Pettis 523-9922
Jay Cohen 763-6939
Timothy L. Bailey 941-4920



# JUDGE'S PROFILE

# JUDGE JEFFREY STREITFELD

By Sara Sandler



Judge Streitfeld is originally from the nation's capital, Washington D.C. Like any good Washingtonian, Judge Streitfeld is an avid Redskins fan, anxiously awaiting the team's return to its 1980's glory days. Judge Streitfeld attended the University of Maryland, where he received his B.A. in 1969, majoring in Government and Politics. Thanks to the lawyer television shows that dominated the airwaves when he was a child, Judge Streitfeld always knew he wanted to be an attorney. Referring to Owen Marshall: Counsel At Law and The Defenders, Judge Streitfeld explained that the attorneys depicted on those t.v. shows were people you wanted to emulate, "it was about justice," the Judge said with a smile, "lawyers were depicted as honorable and trustworthy" and this caused him to want to be an attorney. But it was the Watergate scandal and subsequent investigations, hearings, and trials which fortified his decision to practice law.

After graduating from Stetson Law, Judge Streitfeld spent the first year of his legal career at a mid-sized general practice civil firm in Central Florida. It was through working with this firm that he met Alan Becker of Becker & Poliakoff. Judge Streitfeld went to work for Becker & Poliakoff in late 1974, which became Becker, Poliakoff & Streitfeld in 1978. While with Becker & Poliakoff, Judge Streitfeld practiced a wide range of law including family, personal injury, construction defects, and, what most people know him for, condominium law. Judge Streitfeld stayed with the firm until he was elected to the Bench in January of 1991. The Judge noted that when he started with the firm, there were four attorneys, and when he left, there were fifty-five.

Judge Streitfeld began his career on the Bench in civil court. Two years later, he would find himself in criminal court, which he found very rewarding, but very challenging; pointing out that it was difficult to develop a thick skin. "You don't realize the tragic flow of humanity that comes through," he said. The Judge then spoke about the great respect he has for the attorneys, on both sides, who dedicate themselves to the criminal justice system, noting the high stress level coupled with the fact that both sides are unappreciated and under compensated. After a little over two years in the criminal division, Judge Streitfeld moved to the family division. Almost two years later, in 1997, he went back into the general civil division where he stayed until 2007 when he began presiding over Division 19 of the Complex Litigation Unit. The Complex Litigation Unit handles business and tort claims, or, in Judge Streitfeld's Division, a mix of the two, which require extensive judicial management over a case that's likely to involve multiple claims, multiple pre-trial motions, a substantial time needed for trial, multiple post-trial motions, or numerous other factors. To learn more about Broward County's Complex Litigation Unit, Judge Streitfeld invites you to view the Unit's website at

http://www.17th.flcourts.org/complex\_litigation\_unit.html. For those who may find themselves in Judge Streitfeld's courtroom, he reminds you that there is no such thing as

being over-prepared. "Every time I see a young lawyer come in with a manila folder and two pieces of paper, I chuckle," the

Judge said wryly. He also wishes that lawyers would be more candid, making the point that a lawyer can affect the credibility of his or her case by taking the wrong positionsometimes the facts just aren't there or the case law does not support the argument, at these times, a lawyer should concede, focus on their strong arguments, and avoid stretching their own credibility. But, it is the Golden Rule that Judge Streitfeld finds to be the most important, and the only use of the Golden Rule that can't be objected to in his courtroom. Though he concedes that it's a bit "cheesy," the Judge points out that the Rule still remains, whether it's the people in your professional life-partners and associates at your firm, legal staff, clients, opposing counsel-or the people in your personal life, treating others with consideration and respect, or, as you would like to be treated, is the quintessential rule for attorneys to practice, as its focus is on justice and just treatment.

If Judge Streitfeld had never had an affinity for Owen Marshall or the Preston duo that made up The Defenders, he would undoubtedly be spending his days and nights performing. At the age of 14, the Judge started his own band, which remained his source of income until he graduated law school. Since graduating law school, Judge Strietfeld has found a way to continue performing, appearing in many semi-professional and community shows. He has performed the role of Daddy Warbucks in Annie, Tevye in Fiddler on the Roof, Captain Von Trapp in The Sound of Music, Don Quixote in Man of La Mancha, and Horace Vandergelder in Hello Dolly, among many other roles. Judge Streitfeld jokes that he used to wait every night to be discovered and then laments, "and here I sit, undiscovered."

Judge Streitfeld is a strong believer in a well-rounded, balanced life. He encourages younger attorneys to take vacations, pointing out that in his first three years at Becker & Poliakoff, he never took a day off—something he regrets. Although he recognizes the difficult balance for young attorneys to make a good impression in the beginning of their careers, he notes that having an employer who doesn't understand the need for time off, may be an employer who should be reevaluated. To the more seasoned attorneys, Judge Streitfeld suggests spending time with family, "those young years go by fast, lawyers who find a way to be there for their kids grow to be more successful and happy in practice."



Sara Sandler is an associate with Walton, Lantaff, Schroeder & Carson specializing in appellate law and insurance coverage.



# Ten Tips for Young (at Heart) Lawyers

By Margaret Grisdela

Associates on the path to partner face the best and worst of times. Sure, the economy is tough, but this just means that young lawyers will be forced early in their career to hone the busi-

ness development skills that will serve them well for an entire legal career. Plus, social media, Internet marketing, and other uses of free or low cost technology provide dozens of ways to attract the attention of qualified prospects.

Here are ten easy tips to build an active and effective attorney marketing plan.

- 1. Invest in your client contact database. Time is the major investment in building your client and prospect file; you don't have to buy any fancy software. A clean, accurate database easily translates into future billable hours. An Excel file will work fine. Note that if you keep your contact file in Microsoft Outlook, it can be difficult to export this critical data.
- **2. Ask for permission to call.** Don't be afraid to ask if you can call someone after a meeting to schedule a get together for lunch, breakfast, or coffee. Then do so!
- **3. Remember names and places.** This is where your database can be a lifesaver. When you meet a new person, jot a few notes on the back of their business card after the event to remind you of items you discussed. Record personal items they might mention (i.e., kids, spouse, or previous employment).
- **4. Develop a strategic plan for your referral network.** Most lawyers find that referrals from clients, non-competing attorneys, accountants, and bankers can supply a steady stream of qualified leads. Take this one step further and write down your plan. Prepare a timeline for how often you want to meet with your best referral sources. Once every 45-60 days is perfect. Referral sources with less frequent leads can be scheduled for every 3-6 months. Always be on the look-out for new "A" level referral sources.
- **5. Stay in touch.** It may take at least 5-6 contacts before you warrant a place in your prospect's mem-

ory bank. Don't take this personally! Everyone is busy, so you need to maintain a reasonably high profile.

- **6.** Remember to reciprocate when you get a referral. Returning the favor with reciprocal referrals wins extra points, especially when the referral comes from an accountant or fellow attorney. When you get a referral from a client, be sure to express your appreciation.
- 7. Thank your referral source. A handwritten note works wonders, or a small but thoughtful gift might be appropriate. (A referral fee is up to the two parties, within ethical guidelines.)
- **8. Follow up!** It's true; 90% of success can be just showing up. It takes at least 3-4 contacts before a prospect becomes a client. Most attorneys give up or forget after one contact, leaving a lot of business on the table for their competition.
- **9.** Write articles in legal and trade publications. A well-written article looks great on your CV and can attract prospects for years to come. Plus, there are lots of ways to market your articles (post to your website, send to clients, include in proposal packages, etc.).
- **10. Stay LinkedIn.** As you meet new contacts and stay in touch with your existing network, invite everyone to become part of your LinkedIn account. LinkedIn is an easy way to maintain your visibility. (Visit the author on LinkedIn at www.linkedin.com/in/legalexpertconnections.)

Remember, never stop marketing! The author invites your questions and comments.

About the Author: Margaret Grisdela is the author of Courting Your Clients and president of Legal Expert Connections, a national legal marketing agency. She is an Associate Member of BCBA. She is available to conduct CLE marketing seminars approved by The Florida Bar in the convenience of your office. Reach her at 561-266-1030 or mg@legalexpertconnections.com.

# **Recent Developments In The Law**



By Nancy Little Hoffmann

1. Attorney's Fees/Lack of Authority

Nedd v. Gary 35 Fla. L. Weekly D1235 (Fla. 4th DCA June 2, 2010).

After a case was settled and notice of voluntary dismissal filed, the defendants filed a motion to enforce, which was opposed by the plaintiff. The court denied the motion and awarded fees to the plaintiff but did not state the basis for any entitlement to fees. On appeal, the Fourth District found no statute supporting the award, because no motion had been served as required by section 57.105; moreover, the facts did not rise to the egregious level necessary to justify the assessment of fees under the inequitable conduct doctrine.

# 2. Attorney's Fees/Review of Appellate Fee

D'Alusio v. Gould & Lamb, LLC, 35 Fla. L. Weekly D1226 (Fla. 2nd DCA June 2, 2010).

The appellate rules provide a procedure for reviewing by motion a trial court's determination of the amount of appellate fees ordered by the DCA, within thirty days of its rendition, and an appeal is not appropriate. In this case, the Second District held that, nonetheless, such an order would be considered a "final order," and that a motion for rehearing postponed its rendition and extended the time for filing the motion for review, just as it would for filing a notice of appeal. The court further held that the amount awarded was inadequate, as was the trial court's failure to award expert witness fees as costs.

# 3. Procedure/Death of Indispensable Party

Schaeffler v. Deych, 35 Fla. L. Weekly D1296 (Fla. 4th DCA June 9, 2010).

When the allegedly negligent motorist, the sole defendant in a personal injury action, died shortly before trial, his counsel filed a suggestion of death but then proceeded to defend the action instead of seeking to abate until an estate could be substituted. The case was tried and resulted in a substantial judgment against the deceased defendant. The parties were unaware that an estate had been opened in New York several weeks before trial. After the estate was substituted as the party defendant and the judgment entered against it, the estate appealed. The Fourth District reversed, holding that the action abated upon death of the defendant, and that failure to substitute the proper representative nullified all subsequent proceedings; that defense counsel had no authority to continue to represent the deceased; and that the estate's due process rights had been violated as a result. A new trial was ordered.

# 4. Wrongful Death/Psychologist's Duty of Care

Estate of Rotell v. Kuehnle, 23 Fla. L. Weekly D1223 (Fla. 2nd DCA June 2, 2010).

A licensed psychologist, appointed to treat the minor children of a divorced couple after one of the children threatened to kill himself, allegedly received reports from other counselors and experts indicating that the mother had previously abused the children, who were in her custody. When the mother actually killed one of the children and seriously injured the other, the father sued the psychologist for negligence in failing to warn him and appropriate authorities of the ongoing abuse. Reversing summary judgment in favor of the defendant, the Second District held that the psychologist owed a duty to the children and that the prevailing professional standard of care required her to warn of the abuse in order to protect her patients.

Nancy Little Hoffmann is a Board-Certified Appellate Lawyer practicing in the Fort Lauderdale area. She has been a BCBA member since 1974. She may be contacted at 954-771-0606 or by e-mail at NLHappeals@aol.com.

# FLORIDA BOARD OF GOVERNORS MAY MEETING SUMMARY

**Compiled by Florida Bar Staff** 

At its May 28 meeting in Key West – the final meeting for the 2009-10 Bar year – The Florida Bar Board of Governors:

• After an extensive discussion including concerns it may be impractical, approved proposed amendments for advertising rules governing attorney and law firm websites, as ordered by the Supreme Court. The approval included requesting a delay on the July 1 effective date on website rules until the court acts on the amendments. The proposed amendments require website visitors to take an affirmative action by clicking a link or similar action before they can view sections of the websites that contain testimonials, refer to past results, or characterize the quality of the lawyer or firm's legal services, or otherwise do not comply with lawyer advertising rules.

• Made no changes to the proposed 2010-11 Bar budget, which now goes to the Supreme Court.

• Approved a proposed rule change regarding hiring law firms to resolve medical liens in personal injury cases. The change would allow hiring such firms in some cases, but the fees paid would still be limited by contingency fee restrictions in Rule 4-1.5 and referral fees could not be paid by the hired firm.

• Approved, as amended, a Standing Board Policy on public reprimands. The policy says that all reprimands do not have to be administered in person, but those that are will be done by the Bar President at Board of Governors meetings. The designated reviewer in the case, with advice from Bar staff, will decide which reprimands will be personally administered.

• Approved to be sent to the Supreme Court a rule amendment prohibiting: attorneys from signing blank trust account checks; nonlawyers from signing trust account checks; or using a signature stamp on trust account checks. Board members acknowledged the rule could pose problems for small and solo firms, but said those would be no more difficult that complying with other rules that require lawyers to personally sign pleadings, motions, or other legal documents. They also said the benefits of the improved check procedures would outweigh the drawbacks.

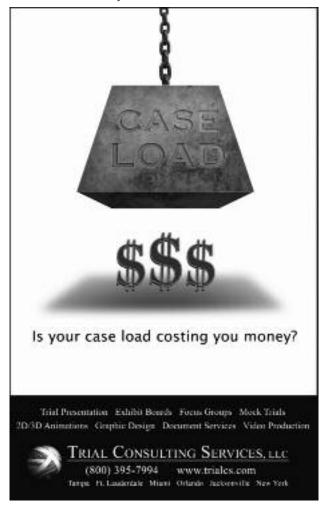
• Requested the Professional Ethics Committee to prepare an ethics opinion on the proper ways to handle hard drives from discarded computer equipment to protect confidential client information. President-Elect Mayanne Downs noted that recent news reports have found that hard drives from high speed scanners and other like computer equipment keeps records of scanned documents that can be accessed after the equipment is discarded. That, she said, raises concerns about protecting client information.

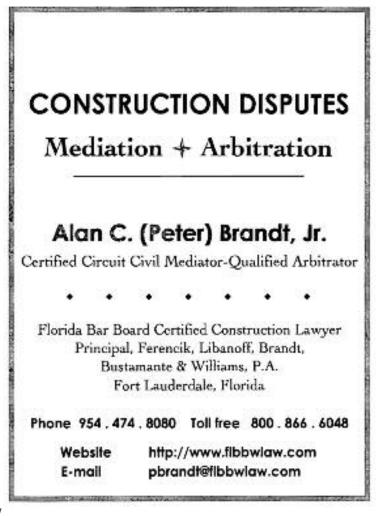
Approved several rule and regulation changes for the Clients' Security Fund.

Approved a resolution that the Bar strongly supports the implementation of a mandatory e-filing system for state courts.

Heard a recommendation from the Communications Committee that attorneys

not be allowed to include any rating from an attorney rating service on their profile page on the Bar's website. Currently, attorneys are allowed to list their Martindale Hubbell rating. Committee Chair Juliet Roulhac noted that Avvo.com had requested that attorneys be allowed to include their Avvo ratings on the profile pages – and other rating services could make the same request – and that no other state bar allows ratings to be listed on their bar websites. The board will vote on the recommendation in July.







# Save the Dates: August 19 and 26, 2010

**August 19<sup>th</sup> at Noon: Judicial Panel Luncheon** Judges Imperato, Luzzo, Lynch and Rothschild will present the topic "Common Mistakes by Lawyers" at the Young Lawyers Section luncheon at the Tower Club located at 100 S.E. 3<sup>rd</sup> Avenue, 28<sup>th</sup> Floor, Fort Lauderdale, FL 33394. The cost of the luncheon is \$25.00 per person.

\*Please RSVP to Broward County Bar Association at 954-764-8040 or at www.browardbar.org/events

# August 26<sup>th</sup> from 6:00 to 8:00 p.m.: Happy

Come join the Young Lawyers Section and Emerge Broward for a meet-and-greet happy hour at the Tower Club. The happy hour is free to YLS and Emerge Broward members (\$10 for non-members) and includes drink specials (two for one) and appetizers.

\*For more information, e-mail Jennifer Pollock at <a href="mailto:jbp@kblglaw.com">jbp@kblglaw.com</a>

# Special thanks to the YLS Annual Sponsor:



"The Lawyers' Bank"

# The Courthouse bell of 1928: Where is it?

By William G. Crawford, Jr. With commentary by Sara M. Sandler

Almost no one knows where or what it is, but the bronze bell from the 1928 Courthouse, its sole remaining artifact, is located in an obscure concrete plaza built in 1988 between the Main Courthouse and the judicial administration garage. Once atop a ninety-foot-tall octagonal tower joining the north and west wings of the Courthouse built in 1928 at the northwest corner of Southeast Sixth Street and Third Avenue, the bell clock tolled time from 1928 until 1960 when workers

began plans to dismantle the tower during

courthouse renovations.

The 1928 Courthouse almost had no tower clock and bell. Early in 1927, when county commissioners first considered local architect John Peterman's plans for a new courthouse to replace the first one on Andrews Avenue and Southwest 5th Street, commissioners balked at paying extra for a tower and clock. Commissioners had budgeted only \$375,000 for the new courthouse, a substantial sum at the time but funded by a bond issue that also financed State Road

7's construction. On November 2, 1927, however, commissioners decided to install the tower and clock for an additional \$15,903.15. The Seth Thomas Clock Company of Thomaston, Conn., supplied the clock and bell, one of thirty-two such tower clocks installed in the state of Florida from Jacksonville to Key West from 1877 until 1936.

The new courthouse opened to the public on May 24, 1928, to great acclaim. The ground floor housed maintenance and service rooms, automatic fire equipment, an incinerator, the sheriff's offices, the Boy Scouts headquarters, and a county engineer's storage room. The first floor, reached by a set of stairs rising from street level, housed the county agricultural agent, the county tax assessor and tax collector departments, the county clerk's office, and large fireproof vaults for storing county records and papers. The second floor accommodated the grand jury room, the school board's offices, the county prosecuting attorney's office, the county judge's chambers and a courtroom accommodating 75 participants and members of the public, the county commission's board room, the county auditor and bookkeeper, the county road department's offices, and the county enaineer.

The third floor provided space for a law library, the state attorney's office, the circuit judge's chambers and a circuit court room capable of seating 250, with travertine walls and a 21-foot ceiling. From an elevator lobby on the third floor, a private metal stairway led to the jail warden's quarters and a jail described by the Fort Lauderdale Daily News as "one of the finest in the state," with housing for 64 male and female prisoners, installed at a cost of \$64,000, an astounding sum at the time. Enclosed circular stairs led to the clock room and an observation balcony. The clock had four large five-point dials.

For more than three decades the courthouse clock kept time, more or less, and the bell tolled on the hour and half hour. On November 16, 1960, Frank J. Rooney Construction Co., began razing the tower and removing the clock and the large bronze bell. In April 1961, the contractor donated the bell to the City of Fort Lauderdale's Parks Department, which, in turn, installed the bell over the New River (Henry Kinney) Tunnel in a small grassy area east of Stranahan House on the north side of the New River. There it remained for some years when workers returned the bell to its rightful place and installed the bell on a wooden base in the Courthouse lobby.

In the late 1980s, however, county contractors moved the bell a third time to a rather nondescript plaza west of the Main Courthouse. The plaza garnered a city Community Appearance Award in 1989 for outstanding achievement in urban environmental design. The 1928 bronze bell hangs suspended fifteen feet in the air from a concrete frame structure in this harsh concrete-and-paver open space with benches but few shade trees.

> From all appearances, the plaza attracts more pigeons than people on most days. Worse, no plaque explains what the bell is or what it signifies. A plaque placed by the Broward County Bar Association on Law Day, May 1, 1987, in the Main Courthouse lobby commemorates the bell, but the plaque is inside the Courthouse - where the bell should be, protected and respected, as the sole remaining artifact from the 1928 Courthouse. It's part of our his-

> The article above was originally printed in The Barrister in 2007, however, as Broward

County is about to begin construction on the new courthouse, it seems an appropriate time to discuss a place for such a historic artifact of our court system. As a legal community, we should be proud to display the last remaining piece of history that our legal system was literally built on.

But for whom shall the bell toll? Some may argue that there is no place for the 1928 bell in the new courthouse for various reasons. Perhaps the added expense of removing the bell from its current location despite, what some consider, an already overpriced new courthouse is not worth the relocation. Others may argue that the bell belongs with the Broward County Historical Commission and Museum. But, as a legal community, we should move to have the bell rightfully restored to the Broward County Courthouse, among those who have an appreciation and respect for what our legal community of Broward County was built on. We should find it empowering to know that during the first rebuilding of the Courthouse in 1960, Broward County had only 276 lawyers and 4 circuit judges. As of 2008, Broward County has over 6,000 practicing attorneys and a judiciary of 88 circuit and county judges. This is truly an amazing feat and one that should be recognized through whatever remaining pieces of history we can display.

Anyone who has seen the courthouses in other Florida counties, or even other states, can appreciate the sense of pride an attorney should feel walking into a courthouse that looks like a place where justice is served. Whether it be large columns or statues of historical figures from the legal community, there is something to be said about a county that boasts its history and reminds attorneys of their own legal community's roots. The 1928 bell belongs in the new Broward County Courthouse, where it may be displayed and recognized in the way it deserves. The bell that once reminded us of the time of day, should now remind us of the time when the Broward County justice system began to take shape. Although the bell has long been rendered silent, as a legal community, we should chime in to give the bell a voice and a proper place to resonate.

William G. Crawford, Jr. is a shareholder in McDonald & Crawford, P.A., past president of the Fort Lauderdale Historical Society, and past chair and a longtime member of the Broward County Historical Commission



# How Certain Are You That Your Business Could Be Back Up And Running After A Disaster?

By David Bennett

Have you ever lost an hour or two of work on your computer because it crashed? Now imagine if you lost days or weeks of work – or imagine losing your client database, financial records, and all of the work files your company has ever produced or compiled. Imagine what would happen if your network went down for days where you couldn't access e-mail or the information on your PC. How frustrating would that be?

Most small business owners have no idea of the importance of disaster recovery planning because they are already swamped with more immediate day-to-day fires demanding their attention. If their network is working fine today, it goes to the bottom of the pile of things to worry about. In most cases, no one is watching to make sure the backups are working, the virus protection is up-to-date, or that the network is "healthy."

This is like saying you're too busy driving your car on the highway to put your seatbelt on. Taking that simple preventative step doesn't really show its true value until you get into a head-on collision; at that point you are either extremely relieved that you had it on or incredibly sorry that you didn't.

The same holds true with your data backup. Obviously the information on the disk is far more valuable than the disk itself. If your company depends on having access to the information stored on your server or PC, then it's time to get serious about protecting it from damage or loss.

I have written about this issue several times, and will keep on doing so as long as I still see companies not making absolutely sure that they can recover from a disaster. It sickens me to read the statistics the 2001 Cost of Downtime Survey Results when asked "At what point is the survival of your company at risk?" 40%

said 72 hours, 21% said 48 hours, 15% said 24 hours, 8% said 8 hours, 9% said 4 hours, 3% said 1 hour, 4% said within the hour. Here are some more numbers that will shock you...

- 6% of all PCs will suffer an episode of data loss in any given year. Given the number of PCs used in US businesses in 1998, that translates to approximately 4.6 million data loss episodes. At a conservative estimate, data loss cost US businesses \$11.8 billion in 1998. (The Cost Of Lost Data, David M. Smith)
- 30% of all businesses that have a major fire go out of business within a year. 70% fail within five years. (Home Office Computing Magazine)
- 31% of PC users have lost all of their files due to events beyond their control. (Boston Computer Network)
- 34% of companies fail to test their tape backups, and of those that do, 77% have found tape back-up failures. (Boston Computer Network)
- 60% of companies that lose their data will shut down within 6 months of the disaster. (Boston Computer Network)
- American business lost more than \$7.6 billion as a result of viruses during first six months of 1999. (Research by Computer Economics)

So how do you know that your data is safe? Your computer network health is important, and face it— you are most likely not the expert in assessing whether it's healthy or not. Don't allow your firm to become a statistic. Call us today at 954-920-9604. Mention the code BROWARD BAR for a free consultation.

David Bennett is the President of Connections for Business, the IT Department for over 50 leading South Florida firms. The company is an Annual In-Kind Sponsor of the BCBA.

# The Changing Face of Legal Aid Clients - Part 1



# Elder Exploitation on the Rise in Broward County

Low-income elderly homeowners being pressured into unnecessary and overpriced contracts for "home improvements."

A family member convincing a parent to sign over the deed to their property and then placing a mortgage on the property.

Coast to Coast Legal Aid of South Florida's (CCLA) Senior Unit has witnessed these and other occurrences of elder exploitation in Broward County.

While the U.S. population of people over the age of 65 makes up 13% of the total population, seniors account for 30% of all scam victims. In fact, CCLA has seen an increase of opened cases in the senior unit of more than 40% mid-way through 2010 as compared to the same period for 2009.

Although CCLA has handled more than 400 cases in the senior unit in the past six months ranging from medical bill disputes to social security benefit cases, sometimes the cases can be extreme.

An example of an extreme case involves a 66 year-old disabled client and her now deceased husband who were victims of fraud and in danger of losing their home.

Due to unforeseen circumstances, Edna and her husband were in danger of losing their home to foreclosure. During this time, they were contacted by an individual who played on their fears and insecurities assuring them that he could help them "save their home" by having them sign a series of documents. Instead of taking steps to keep their house, the couple had actually signed a deed and various option and lease documents. Edna is not only legally blind, but both she and her husband were ill - so ill, that her husband passed away within weeks of the transaction.

By the time Edna came to CCLA for help, her property had been sold twice, an \$87,000 mortgage was placed on the property and an eviction action had been filed against her. It was only after meeting with a CCLA attorney that Edna learned she had signed away her home. CCLA filed a law suit against the individual, claiming breach of contract, misrepresentation and constructive trust and requested the deed be cancelled. After more than two years of litigation, the case was finally settled. An ecstatic Edna is able to remain in her home with a reverse mortgage on the property.

"It is difficult enough for a younger person to face foreclosure or eviction," says CCLA Executive Director Barbara J. Prager.
"It is even more devastating for an elder person to be threatened with the loss of their housing."

It is estimated that more than 2.5 million older people in the nation are victims of some form of reported or non-reported abuse each year - making the need for legal aid organizations more important than ever before.

Coast to Coast Legal Aid Of South Florida is a 501(c)(3) not-for-profit law firm that provides free civil legal services to Broward County families and senior citizens. Last year, CCLA assisted over 2,000 people at no charge. Through the Senior Citizen Law Project, CCLA provides legal advice and representation to Broward County residents who are 60 years of age or older. While there are no specific financial eligibility requirements, the Project targets its services to those with the greatest economic and social need.

This article was submitted by members of Senior Unit of Coast to Coast Legal Aid of South Florida and edited by Tamara Pluviose.

# Congratulations to Lawrence M. Ploucha, Broward Lawyers Care Attorney of the Month!

A native of Michigan, Larry graduated cum laude from Western Michigan University with his Bachelor of Science Degree in 1972 and graduated cum laude with his Juris Doctorate from Thomas M. Cooley Law School in 1978. He went on to earn his Master of Laws in Taxation from the University of Miami School of Law in 1980 and is listed in "The Best Lawyers in America" (employee benefits) by Woodward (since 1995). Larry is the contributing author of the widely utilized "Florida State and Local Taxes Manual" published by the Florida Bar (1984) and "Advising Professional Corporations After TEFRA" published by P.L.I. (1982-1983). Larry is a member of the Florida Bar, and the Tax, Corporate and Business Law and Health Law Sections. He is also a member of the Broward County Bar Association and a Past President of the South Florida Employee Benefits Council.

The emphasis of Larry's practice is business law and estate planning, with particular concentration in the areas of health law, corporate, partnership and employee benefits. He is a lecturer with the Florida Bar, Practicing Law Institute and the National Business Institute, Inc.



Larry Ploucha ,of Fort Lauderdale firm Atkinson, Diner, Stone, Mankuta & Ploucha has been a member of Broward Lawyers Care since 1999. He averages 2 Family Law cases a year sometimes handling several cases at once. He never rejects our requests and he has donated close to 200 pro bono hours.

Broward Lawyers Care

is the pro bono project within Legal Aid Service of Broward County and Coast to Coast Legal Aid of South Florida and is the recognized pro bono program in Broward County, Florida.

Broward Lawyers Care (BLC) was formed in 1983 as a joint effort of the Broward County Bar Association and Legal Aid. For more information, visit

www.LegalAid.org/bro ward.

# Ten Family Law Traps for the Unwary!

By Robert M. Schwartz, Esq.

Those who practice in the area of marital and family law know that it is a "malpractice minefield". The following is a compilation (in no particular order) of "traps" that I have encountered:

- 1. Transfers of Appreciated Property to a Nonresident Alien Spouse is a Taxable Event The general rule is that the transfer of appreciated property incident to a divorce is a non-taxable event. The transferor of the property does not recognize any gain and the transferee takes over the transferor's tax basis. However, this rule does not apply when the spouse of the individual making the transfer is a non resident alien, IRC Sec. 1041 (d). If the transferee is a nonresident alien, then the transferor is required to recognize gain at the time of the transfer. The gain is the difference between the fair market value of the property and the cost basis. *TIP:* Ask the prospective client during the initial consultation whether his or her spouse is a nonresident alien.
- 2. Reduction or Termination of Alimony as a Result of a Supportive Relationship is a Modification Florida Statute Section 61.14 (1) (b) provides that a court may reduce or terminate alimony if the court finds that a supportive relationship exists between the obligee and a person with whom the obligee resides. Florida Statute Section 61.14 (1) deals with alimony modification. Many marital settlement agreements provide that alimony is non-modifiable as to amount and/or duration. If that provision is included in the agreement, then it could be argued that the obligor has waived any right to seek modification even though the obligee is involved in a supportive relationship. *TIP*: If the agreement provides for non-modifiable alimony, then consider carving out an exception in order to permit modification in the event that the obligee enters into a supportive relationship.
- 3. Forgetting to Advise Clients to Change Death Beneficiary Designations after Divorce Insurance companies and retirement plan administrators are going to distribute death benefit in accordance with their procedures and pursuant to the beneficiary designation forms that they have in their possession. Therefore, if a former spouse is named as beneficiary; he or she will receive the death benefits even if a marital settlement agreement provides to the contrary. This situation was the subject of a recent United States Supreme Court decision, Kennedy v. Plan Administrator for DuPont Sav. And Investment Plan (U.S., no. 07-636, January 26, 2009). *TIP:* Write a letter to the client at the conclusion of the case which, among other things, reminds him or her to change the beneficiary designations.
- 4. Preparation of Deed with Incorrect Legal Description Deeds are frequently prepared at the conclusion of a case in order to transfer real property from one party to the other. The attorney who is preparing the new deed must be very careful not to include an incorrect legal description. The legal description to be inserted in the new deed is generally found on the deed that conveyed the real estate to the grantor(s) (original deed). The legal description on the new deed should be compared with the legal description on the original deed by having the legal description on the original deed read out loud. Unfortunately, there are exceptions to any general rule. For example, a portion of the property could have been conveyed after the property was acquired by the grantor. If there is any doubt on how to prepare the deed, the family law attorney should consult with a real estate attorney.
- 5. Alimony Recapture If alimony terminates or is reduced during the first three post separation years, then the recapture rules might apply. The first post separation year is the first calendar year when alimony is paid. The result of recapture is that the payor would have to include as taxable income, alimony that was previously deducted. The payee would be entitled to a deduction. It is important to note that a downward modification of alimony during the first three years could result in recapture. TIP: Leave nothing to chance, if alimony is going to terminate or be reduced during the first three years, then prepare a computation to see if there is going to be recapture.
- **6. Mediation Provisions** Attorneys frequently include provisions in marital settlement agreements that require mediation prior to the filing of a post-judgment action. This type of provision could prejudice a party seeking enforcement or modification. For example, a modification cannot be made retroactive to a date prior to the date that the petition is filed. Therefore, a requirement that mediation take place before filing unduly benefits the party defending a modification, at the expense of the party seeking it. *TIP:* Provide that mediation will not be required prior to the filing of an

enforcement or modification action. In addition, consider, as an alternative, a provision that requires mediation within a certain number of days from the filing of a modification action.

7. Omissions and False Assumptions When Dividing Retirement Benefits -- If retirement benefits are divided in kind by way of a Qualified Domestic Relations Order (QDRO), then the marital settlement agreement or final judgment should specifically state whether or not the party receiving the benefits (alternate payee) is being provided with survivorship protection in the event that the participant predeceases him or her. In other words, if the final judgment or marital settlement agreement does not provide for survivorship protection, then it can be argued that the QDRO should not contain this provision.

In addition, attorneys sometimes work under the false assumption that the alternate payee will receive an immediate distribution of the benefits that are assigned by way of a QDRO. Although an immediate distribution is often available when dealing with a defined contribution plan such as a 401K plan, it generally is not available when dealing with a defined benefit plan such as a pension. Attorneys should be aware that there are hybrid plans such as cash balance pension plans that look like defined contribution plans but are really defined benefit plans and might not permit immediate distribution. *TIP:* Review the plan summary description and, if necessary, consult with the plan's administrator in order to determine when the alternate payee is entitled to receive the assigned benefits. Florida Family Law Rule of Procedure 12.285 (10) requires the production of plan summary descriptions as part of mandatory disclosure.

- 8. Ignoring the Issue of Credits and Offsets in Connection with Exclusive Possession of Marital Home – Parties, as a result of the real estate recession, are frequently agreeing that one of them should have exclusive possession of the marital home, pending its sale. Marital settlement agreements that provide for exclusive possession often omit important details relating to the parties' rights to credits and offsets when the home is eventually sold. This omission creates a problem because Florida Statute Section 61.077 states that credits and offsets are not permitted unless the settlement agreement specifically provides that credits and/or offsets are allowed at the time of sale. Therefore, it is better practice for the agreement to specifically address this issue and set forth 1) which party is to be responsible for payment of the mortgage, real estate taxes, insurance, and maintenance 2) whether or not the party responsible for the payments will be entitled to a credit at the time of sale and 3) whether the party out of possession is entitled to receive the reasonable rental value of the residence as an offset against a claim for credits.
- 9. ERISA Regulations Preempt Prenuptial Agreement Provisions That Waive Death Benefits The Employee Retirement Income Security Act of 1974 (ERISA) contains provisions that protect the pension rights of a spouse in the event that the participant predeceases him or her. These rights cannot be waived in a prenuptial agreement because a prenuptial agreement is not being signed by a spouse. Therefore, if the proper documents are not signed after the marriage, then the waiver in the prenuptial is ineffective. *TIP*: The prenuptial agreement should include a requirement that the waiving party execute the necessary documents after the marriage. Furthermore, in an abundance of caution, a letter should be sent after the agreement is signed in order to remind the client that a waiver form, which is to be obtained from the retirement plan administrator, will need to be signed after the marriage.
- 10. Prenuptial Agreements Imprecise Drafting When Dealing with Active Appreciation of Non-Marital Assets Some courts, such as those in the 2nd DCA, utilize a narrow approach in construing attempts in prenuptial agreements to treat active appreciation of non-marital assets as non-marital. Those courts have held that the use of the general term "appreciation" will only treat passive appreciation as non-marital. Specific language that addresses active appreciation is required. *TIP*: Do not be creative. Use the language found in Florida Section 61.075(5)(a)2 when including active appreciation in the definition of non-marital assets.

Robert M. Schwartz is counsel to Boies, Schiller & Flexner, LLP; Hollywood, Florida. He mediates family law matters throughout Florida. Mr. Schwartz is board certified in marital and family law, and is also a certified public accountant.

# **INSTALLATION DINNER**



Frank Wagner, Vice President, with Bruce Hecker, Executive Vice President of Sabadell United Bank, presenting a check for BCBA annual sponsorship to Carlos Llorente, Jordana Goldstein and Bruce Weihe.



Christopher Neilson accepting the President's award, with Carlos Llorente.



Jesse Diner, Past-President of the Florida Bar and Christopher Neilson, Past-President of the BCBA.



The Honorable Robert A. Rosenberg, accepting the Special Recognition Award.



BCBA President-Elect Jordana Goldstein and BCBA President Bruce Weihe.



Incoming President Bruce Weihe, with family.



BCBA's Judicial Representative, The Honorable Marina Garcia-Wood and Alan Pascal.



Carlos Llorente and Randall Gilbert, recipient of the Executive Director's Award..



David L. Hirschberg, incoming YLS President, Michael B. Gilden, YLS Past-President and Carlos Llorente, BCBA Past-President.



Michael B. Gilden, YLS Past-President with Bart Ostrzenski, YLS President-Elect.



The Honorable Victor Tobin, recipient of the President's Award.



Carlos Llorente and Mel B. Grossman, recipient of the Special Recognition Award.



BCBA Board members Edward F. Holodak, Andrea R. Gundersen and Todd R. McPharlin..



The Honorable Matthew Destry with Governor Kirk.



The Honorable Spencer Levine, The Honorable Ellen Feld and Todd Stone.



Claudia Jo Willis, Dale Sanders and The Honorable Sharon Zeller.



Past-President Carlos Llorente and BCBA board member Jorge Hurtado.



Carlos Llorente with Denise Jensen, Chair of the BCBA Family Law Section..



On Sunday, June 6, 2010, the Young Lawyers Section hosted its 7th Annual Family Day at TY Park in Hollywood. This annual event allows families within the community to come together and enjoy great food and fun. Admission to the event includes access to Castaway Island Water Park. The event is made possible through the generosity of our annual sponsors, Esquire; Berenfeld, Spritzer, Shechter & Sheer LLP; Sabadell United Bank; and Solomon Mortgage Advisors. The Young Lawyers Section and the Family Day Committee are grateful to the YLS members, their families, and the members of the Judiciary who attended the event this year. Your continued support of Family Day is requested for the years to come!



# **WRITERS WANTED**

Attention all Broward County Bar Association members! Publication in The Barrister is a great opportunity to make your voice, and the voice of your legal practice, heard throughout our legal community. Accordingly, we are offering

more participation to our membership in the upcoming issues of The Barrister. Please feel free to submit articles regarding legal topics, recent opinions, or local events in the legal community. We are accepting a wide range of submissions, including photographs from various community functions. We look forward to making The Barrister a publication for our Broward County Bar Association members to actively take part in as well as present an opportunity to our members to promote their legal practice. If you would like to see your piece in an upcoming issue of The Barrister, please contact Sara Sandler at ssandler@waltonlantaff.com. All submissions will be reviewed by the BCBA's Publicity Committee for further publication.

HOLD THE DATE
7th Annual Minority
Mentoring Picnic
Saturday, November 13,
2010
Noon
Amelia Earhart Park

401 E. 65th Street Hialeah, FL

# Thank you to the Sponsors of the BCBA 2010 Installation Dinner



# Changing the World for the Better

We thank the **Broward County Bar Association** and its past and future leadership for their commitment to our community.

Congratulations to **President Bruce Weihe** and the BCBA Board of Directors and its Officers.

GT GreenbergTraurig

Greenberg Traurig, P.A. 401 East Las Clas Boulevard Suite 2000 Fort Lauderdale, FL 33301 www.stlaw.com

[800 ATTORNEYS IN 32 LOCATIONS"] USA LAW FROM OF THE YEAR, CHAMBERS GLOBAL AWARDS!]

Greenberg Traurig is a service mark and trade name of Greenberg Traurig, LLF and Greenberg Traurig, LLF Attorneys at Law, All rights reserved. Contact: Clarm Goldstein or Francis Brogan y. in Fort Lauderdale at 954,765,0500. These numbers are subject to fluctuation. "Greenberg Traurig was selected by Chambers and Partners as USA. Law Firm of the Year, 2007.



# Courting Your Clients

# We Wrote the Book on Legal Marketing

Proud to be the BCBA Sponsor for Social Media

# **Courting Your Clients**

Marketing and Business Development for Law Firms

# Legal marketing services:

- Business development
- Internet marketing
- Referral networks
- Web site development
- Client retention
- Law firm brochures
- Social media
- Speaking and publishing

Call for a free consultation.



# LEGAL EXPERT CONNECTIONS, INC.

866-417-7025 • www.legalexpertconnections.com



# REPRESENTING

Chicago Title Commonwealth Land Title Fidelity National Title Lawyers Title and Ticor Title

# CONGRATULATES Michele Cavallaro on her re-election to the BCBA Board

# SOUTH FLORIDA PRODUCTION OFFICES

Key West Miami Weston Palm Beach Gardens Stuart

### Regional Office

15951 SW 41st Street, Suite 800, Weston, FL 33131 800-736-0094

Fidelity National Title Group (FNTG) is one of the nation's largest and most respected title insurance and escrow services companies. With \$2.54 billion in claims reserves, the Company's underwriters issue approximately half of all title insurance policies in the U.S.

# BRYDGER & PORRAS LLP

100 N.E. Third Avenue, Suite 480 Fort Lauderdale, Florida 33301 Telephone: 954-527-2855

www.brydgerporras,com

Gordon C. Brydger

and

Carin M. Porras

of

**Brydger & Porras, LLP** 

**Family Law Lawyers** 

congratulate

our associate

Lindsay P. Abernatha

On her election to the Board of Directors of The Young Lawyers

Section of The Broward County Bar Association



# SERVICES:

- PROJECT CONSULTANTS/ADVISORS
- PROJECT PROGRAM MANAGERS/ OWNER'S REPRESENTATIVE SERVICES
- PROJECT & CONSTRUCTION MANAGEMENT
- CONSTRUCTION CLAIMS CONSULTANTS

2255 Glades Road, Suite 324A, Boca Raton, FL 33431 • 561.477.9911 www.pjdconsulting.net

# Ellsley Sobol Attorneys at Law



"Let our family help your family"

The attorneys and staff of Ellsley Sobol, P.A. proudly support the great work of the Broward County Bar Association.

Congratulations to the incoming Board Members!

# Ellsley Sobol, P.A.

A civil trial law firm specializing in personal injury and wrongful death matters

> Pine Island Professional Centre 111 North. Pine Island Road Suite 103 Plantation, Florida 33324

# www.gotinjured.com 954-got-injured

(468-4658)



# Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L.

Tox Attorney

# Is a proud sponsor of the Broward County Bar Association

# Annual Meeting & Installation Dinner

Congratulations to the Incoming President, Officers and Directors and Best Wishes to All

> Farmer, Jaffe, Weissing, Edwards, Fistos & Lehrman, P.L. 425 North Andrews Avenue, Suite 2 Fort Lauderdale, Florida 33301 954-524-2820 954-524-2822 fax 800-400-1094 toll free www.pathtojustice.com



Defending Reputations



### D. David Keller

Defined in America - Legal Majprostice
Defineded more than 400 legal molpractice claims
Againsted counted for sent legal majprostice encarres.
AV rated - Marcedole-Hubbell
Top Laugest - South Handla Legal Coalle
Past Freederin ABOTA Fore Laudendale

### Alan L. Landsberg

Soard Certified Civil Trial Lawyer Certified Orcart Ovil Mediator Allottis Member Terrier Managing Attorney, Hartford Insurance Co. Walesconduct Committee, 805X

### Keller Landsberg PA

- Legal Malpractice and Professional Liability Defense
   Law Firm Counseling and Risk Management
  - Commercial Litigation
    - Insurance Coverage

D. David Keller Alan L. Landsberg Todd E. Brant Janelle Schor James E. Mitchell Andres H. Lopez

Ana Laura Olman Lauren G. Dreilinger Wendy J. Stein (Of Course)

Keller Landsberg PA
One Financial Plaza, 100 SE Third Avenue, Suite 1050
Fort Lauderdale, FL 33394
P: 954.761.3550 | F: 954.525.2134
www.kellerlandsberg.com

Jan 1, 2015





# Kelley Uustal

TRIAL ATTORNEYS

Fort Lauderdale, FL | 954.522.6601 | 888.522.6601

Catastrophic Injury | Wrongful Death | Defective Products | Medical Malpractice

# The Law Firm of

Brinkley, Morgan, Solomon, Tatum, Stanley, Lunny & Gordon, LLP

IS PLEASED TO CONGRATULATE PARTNER

# SCOTT P. CHITOFF

FOR RECEIVING THE
PAUL MAY
PROFESSIONALISM AWARD

Brinkley, Morgan, Solomon, Tatum, Stanley, Lunny & Gordon, LLP has been serving Miami-Dade, Broward and Palm Beach County for more than 30 years.

200 East Las Olas Boulevard, 19th Floor Fort Lauderdale, FL 33301 (954)522-2200 (telephone), 954-522-9123 (facsimile) www.brinkleymorgan.com



Banco Sabadell has recently acquired Mellon United National Bank, now known as Sabadell United Bank.

We are committed to understanding the financial needs and interests of our clients, with the support, experience and solid infrastructure of Banco Sabadell, the fourth largest banking group in Spain.

# Sabadell United Bank



Formerly known as Mellon United National Bank

**Sabadell** United Bank is very proud to be the exclusive Bank Sponsor for the Broward County Bar Association.

Sabadell United Bank's unparalled commitment to the legal profession goes beyond providing superior banking services. We also recognize the importance of supporting outstanding organizations like BCBA that are dedicated to professional excellence.

Sabadell United Bank "The Lawyers' Bank".

Frank C. Wagner Vice President 954-768-5972 Rossy Rosario Assistant Vice President 954-472-9158

1111 Brickell Avenue, 30th Floor Miami, Florida 33131





# Celebrating 34 years of excellence serving all of Florida since 1975

# "MORE THAN EVER PROTECT YOUR RECEIVABLES!"

# WE DO IT ALL!

Full Notice to Owner Services
Dial up Services
Lien Flash Reports
Network Credit Reports
Claims of Liens thru our law firm
Notice of Non-Payment
Releases, & much more

# CONTINUING EDUCATION CREDIT

education seminars coming up, find out how you can come as our guest Tampa, Orlando, Naples, WPB, Ft Laud, Miami

MAKE THE SWITCH, WE WILL BEAT ANY PRICE!!!



708 South Andrews Avenue Fort Lauderdale, FL 33316

Phone: 1-800-432-1959 ext. 134

Fax: 1-800-226-1631

visit us on the web at www.buildersnotice.net

THE LAW DIFFICES OF RALPH BEHR SUPPORTS THE BARRISTER AND THE BROWARD BAR ASSOCIATION

# CRIMINAL DEFENSE STATE AND FEDERAL COURT



# RALPH BEHR

BOARD CERTIFIED IN CRIMINAL TRIAL LAW BY THE FLORIDA BAR

A/V MARTINDALE-HUBBELL RATING

954-761-3444

888 SOUTHEAST THIRD AVE, SUITE 400 FORT LAUDERDALE, FL. 33316



GO-COUNSEL PARTICIPATION IN CRIMINAL MATTERS AS PROVIDED BY THE RULES AND REGULATIONS OF THE FLORIDA BAR

# We know you can leap tall legal hurdles in a single brief



but when it comes to your firm's computer network, DON'T BE A HERO.

Data loss, hardware failure, and network downtime can be like Kryptonite to the success of your firm. At Connections For Business, we keep your office network up and running (faster than a speeding bullet) so you can focus your efforts on what you do best: serving the needs of your clients. We'll be your hero, so you can be theirs.

Connections For Business • 954.920.9604 • www.LawFirmTechies.com



# Nathaniel N. McKenzie, CFE, MBA

Former Adjunct Professor Managing Partner

Available to serve you at 954-274-6718

# **Expert Witness**

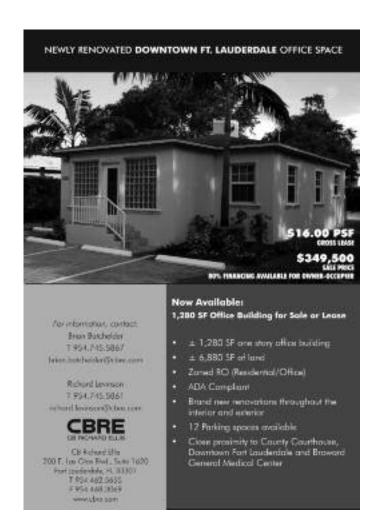
# Forensic Accounting & Litigation Support

Our group has the expertise and litigation experience to assist attorneys and their clients in applying financial facts to legal problems.

- Family Law
- Commercial Litigation
- Fraud investigations
- Personal Injury
- Valuation & damages analysis

Our rate is \$95 per quality hour!

Visit us at http://nathanmckenziecpa.com



# SOLO/ SMALL LAW FIRM NETWORKING AUGUST 2010 LUNCH DATES

# Tuesday, August 3rd:

Solo/ Small Law Firm Networking Lunch. Noon. Oliva Garden, 807 S. University Dr., Plantation. (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 or johnrizvi@ideaattorneys.com.

# Friday, August 20th:

Solo/ Small Law Firm Networking Lunch. Noon. Champps, 6401 N. Andrews Avenue, Fort Lauderdale, (954) 491-9335, RSVP to: Jane Bolin (954) 316-1339 or jane@peytonbolin.com.

# Monday, August 23rd:

Solo/ Small Law Firm Networking Lunch. Noon. Olive Garden, 1555 N. University Drive, Coral Springs (954) 344-5226, RSVP to: Evan Ostfeld (954) 227-7529 or Evan@Attorney4life.com.

# Tuesday, August 24th:

Solo/ Small Law Firm Networking Lunch. Noon. The Ark, 6233 Stirling Road, Hollywood, (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 or david@dsilverstone.com.

### Friday, August 27th:

Solo/ Small Law Firm Networking Lunch. Noon. East City Grill, 1800 Bell Tower Lane, Weston Town Center, Weston. (954) 659-3339, RSVP to: Rick Woolf (954) 252-0043 or rwoolf@woolffinancial.com.

### **Tuesday, August 31st:**

Solo/ Small Law Firm Networking Lunch. Noon. Bimini Boat Yard, 1555 SE 17th Street, Fort Lauderdale, (954) 525-7400, RSVP to: Beth Lindie (954) 765-5400 or blindie@lawyers.com.

# **OFFICE SPACE**

### **DELRAY/ BOYNTON**

Law Office has several space options available near Delray Beach courthouse. Includes use of reception area, conference room, file room and kitchen. Call for options and prices. 561-737-3133.

# DOWNTOWN FORT LAUDERDALE

Full service, furnished/unfurnished offices in professional suite with conference room, kitchen, free parking in Bank building. contact JM@Markslaw.org or 954-261-9550.

# EAST FORT LAUDERDALE – AV RATED FIRM – TWO MONTHS' FREE RENT

Executive Corner Office (400 sq ft ) with wood floors, blinds and separate secretarial space - also includes: receptionist, conference room, full service law library, storage, internet, fax, photocopier and telephone lines. Kitchen, parking and other amenities. Very competitively priced. Call Joanne or Norma 954-563-8111 or reply by email to Alassistant@aol.com.

### FORT LAUDERDALE

Attorney office plus secretarial space. Includes internet, facsimiles, copier and use of conference room. 2 blocks from courthouse. Ilene - 954-463-6100

### FORT LAUDERDALE

Multiple Offices available in existing renovated law firm. Includes reception area, two conference rooms, internet access on T1, WI-FI, electricity, ample parking, janitorial service, copier, fax, kitchen & more. Possible legal referrals. Respond to Josh@joshbennett.com or call Jenny at 561-827-3197.

# **DOWNTOWN FT. LAUDERDALE**

Rent office- Free standing building to share with lawyer large office/ Secretarial space, conference room, copier, reception area, private parking- Call 954-525-1008.

### OAKLAND PARK

Two attorney offices w/ windows, and separate legal asst. area. 1 block west of I-95 on Oakland

Park Blvd. Separate conference room and reception area for clients. 954-494- 4102.

### PEMBROKE PINES

Furnished Office Suite with two workstations available in Pembroke Pines. Includes, DSL, utilities, telephone, fax, and receptionist to greet your clients. Shared use of conference room. Referral opportunities! Call for more information 954-437-4603.

### **PLANTATION**

Gorgeous Executive Office within law firm---everything included. High-end, beautiful view, new carpet/paint. Located just off 595/Pine Island. 954-474-8000(Mary)

### FORT LAUDERDALE

OFFICE SPACE AVAILABLE. MODERN PROFESSIONAL BUILDING. UNIQUE PRIVATE FLOOR. 2300 SQ. FT. GREAT LOCATION E. COMMERCIAL / FEDERAL HWY. CALL TO SEE 954 815-4213 OR 954 815-3122

# LOCATION, LOCATION

Prestigious Las Olas Executive Suite. Fully equipped professional offices. Breathtaking views. By the hour or by the month, offices and conference rooms are available with full-time, onsite support to meet your business needs. Call Erika Baer to schedule your tour today. 954-332-2300

# Interested in advertising with us?

Contact Anya at the Broward County
Bar Association (954) 764-8040 Ext.
203 or anya@browardbar.org for advertising and display rates.

# **CALENDAR OF EVENTS**

# Wednesday, July 21st:

Solo Small Networking Dinner. 6:00p.m. Dave & Buster's, Hollywood, 3000 Oakwood Blvd. \$35 members; \$40 Non-members. RSVP online at www.browardbar.org/events.

### Thursday, July 22nd:

Circuit Court Judicial Forum, presented by Broward Judicial Watch. Nova Southeastern University, Miniaci Center. 5:45p.m. Meet and Greet following each forum at 8:00p.m. For more details log on to www.browardbar.org/judicialcandidates22.php

### Saturday, July 24th:

8 Hour Adult Guardianship Class. 9:00a.m.-5:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave., fort Lauderdale. Cost: \$180. Attorneys welcome, approved by the Florida Bar for CLE Credits. To sign up please contact Tish at 954-764-8040 Ext. 200.

### Thursday, July 29th:

County Court Judicial Forum, presented by Broward Judicial Watch. Nova Southeastern University, Shepard Broad Law Center Atrium. 5:45p.m. Meet and Greet following each forum at 8:00p.m. For more details log on to www.browardbar.org/judicialcandidates22.php

### Tuesday, August 3rd:

Solo/ Small Law Firm Networking Lunch. Noon. Oliva Garden, 807 S. University Dr., Plantation. (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 or johnrizvi@ideaattorneys.com.

### Tuesday, August 10th:

North Broward Bar Monthly Luncheon. Speaker: The Honorable John T. Luzzo. Galuppi's Restaurant, Pompano Municipal Airport and Golf Course, 1103 North Federal Highway, Pompano Beach, FL 33062. Cost: \$17.00 and checks should be made payable to the "North Broward Bar Association". RSVP at www.northbrowardbar.org.

### Saturday, August 14th:

4 Hour Minor Guardianship Class. 9:00a.m.- 1:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave., Fort Lauderdale. Cost: 100. Attorneys welcome, approved by the Florida Bar for CLE Credits. To sign up please contact Tish at 954-764-8040 Ext. 200.

### Thursday, August 19th:

YLS Judicial Panel Luncheon, Judges Imperato, Luzzo and Rothschild will present the topic: "Common mistakes by lawyers". Noon. Tower Club, 100 SE 3rd Ave., 28th

Floor, Fort Lauderdale. Cost is \$25 per person. Please RSVP to the BCBA at 954-764-8040 or at www.broward-bar.org/events.

# Friday, August 20th:

Solo/ Small Law Firm Networking Lunch. Noon. Champps, 6401 N. Andrews Avenue, Fort Lauderdale, (954) 491-9335, RSVP to: Jane Bolin (954) 316-1339 or jane@peytonbolin.com.

# Monday, August 23rd:

Solo/ Small Law Firm Networking Lunch. Noon. Olive Garden, 1555 N. University Drive, Coral Springs (954) 344-5226, RSVP to: Evan Ostfeld (954) 227-7529 or Evan@Attorney4life.com.

### Tuesday, August 24th:

Solo/ Small Law Firm Networking Lunch. Noon. The Ark, 6233 Stirling Road, Hollywood, (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 or david@dsilverstone.com.

# Thursday, August 26th:

BCBA YLS Section and Emerge Broward meet-and-greet Happy Hour. Tower Club, 100 SE 3rd Ave., 28th Floor, Fort Lauderdale. FREE to YLS and Emerge Broward member, \$10 for non-members. Includes drink specials (two for one) and appetizers. For more information Email Jennifer Pollock at jbp@kblglaw.com

### Friday, August 27th:

Solo/ Small Law Firm Networking Lunch. Noon. East City Grill, 1800 Bell Tower Lane, Weston Town Center, Weston. (954) 659-3339, RSVP to: Rick Woolf (954) 252-0043 or rwoolf@woolffinancial.com.

### Saturday, August 28th:

8 Hour Adult Guardianship Class. 9:00a.m.-5:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave., fort Lauderdale. Cost: \$180. Attorneys welcome, approved by the Florida Bar for CLE Credits. To sign up please contact Tish at 954-764-8040 Ext. 200.

### Tuesday, August 31st:

Solo/ Small Law Firm Networking Lunch. Noon. Bimini Boat Yard, 1555 SE 17th Street, Fort Lauderdale, (954) 525-7400, RSVP to: Beth Lindie (954) 765-5400 or blindie@lawyers.com.

# It's that time again...

# Don't forget to renew your BCBA membership dues! Members receive the following benefits:

- Opportunity to join BCBA's Lawyer Referral Service
- Discounted CLE Seminars
- FREE CLE during your reporting period
- Member discounts at local vendors
- Solo Small Practice networking opportunities
- Annual special events and activities
- Special discounts for BCBA Members on Clerk Access Points
- Receive our monthly newsletter 'The Barrister'
- View our monthly calendar covering the entire legal community
- Receive a membership card annually upon renewal

Fill out your renewal application on our website: www.browardbar.org/application

# RESOLUTIONS INC. SM DISPUTE RESOLUTION PROFESSIONALS

# Rhonda Hollander, Esq.

ADR Chairperson, Broward Bar Assoc.

Professionalism, Integrity, Objectivity...

Finding more effective and cost efficient ways for resolving disputes.



We have over 20 Mediators & Arbitrators, with diverse expertise, available to assist you in settling your dispute.

PROFESSIONAL SERVICES:

MEDIATION

ARBITRATION

ARBITRATION/MEDIATION HYBRIDS

954.523.3888

323 SW 1st Ave. Dania Beach Florida www.ResolutionsInc.net

# Attention BCBA members: Looking for more clients?

# **Advertise with us!**

The Broward County Bar Association website receives over 500 visits per day and appears first or second on Google® when researching for Broward lawyers. Our enhanced website allows our members to add a photograph to the name listing, along with the firm name, post address, telephone and internet address by 'Practice Area'.

For more information please contact
Mike at
BCBA at:

Mike@browardbar.org