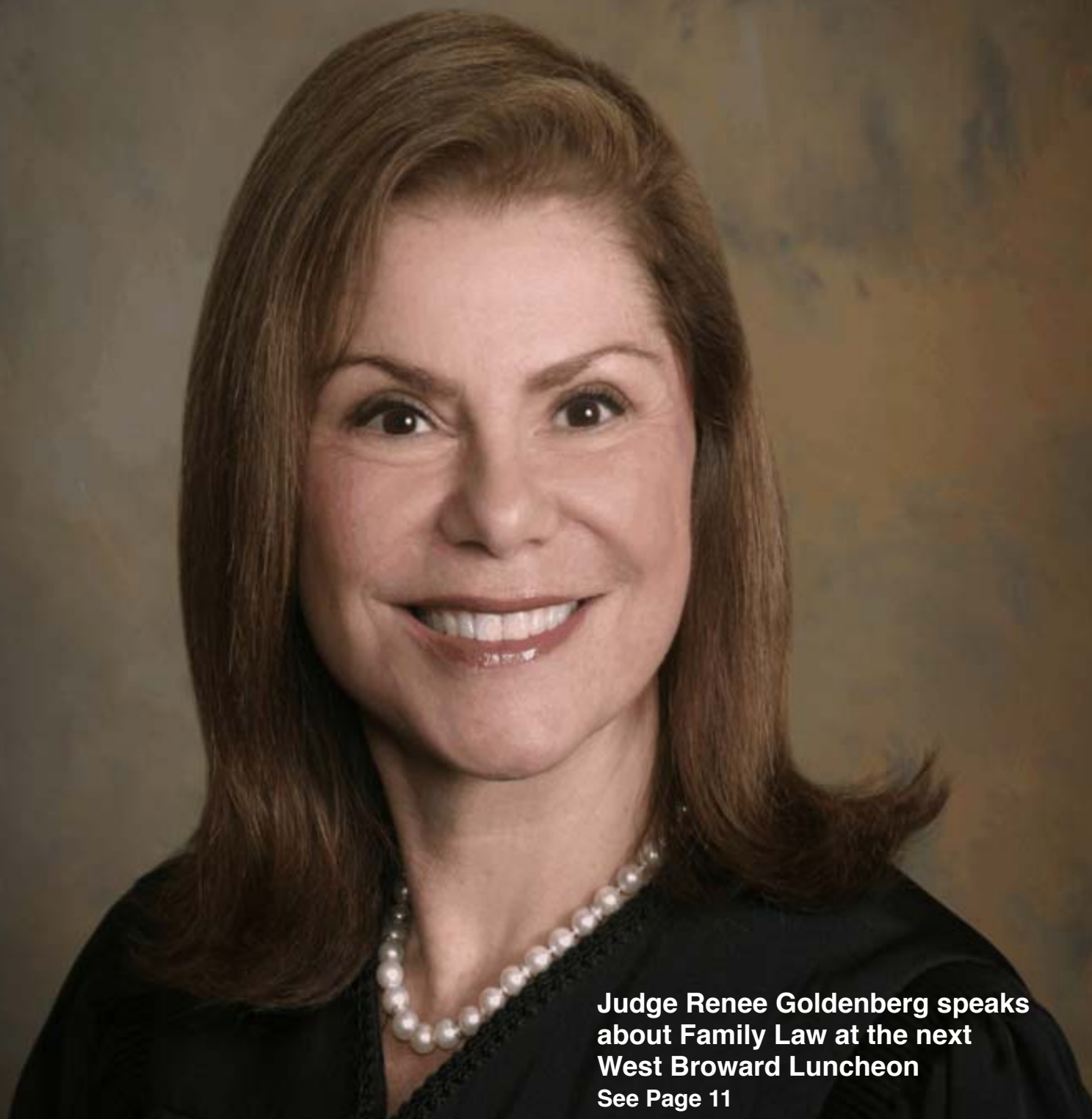


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MARCH 2014



**Judge Renee Goldenberg speaks
about Family Law at the next
West Broward Luncheon
See Page 11**

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EXECUTIVE EDITOR

Braulio N. Rosa
braulio@browardbar.org

LAYOUT AND PRINTING

Park Row Printing

MANAGING EDITOR

Bonnie H. Ross
bonnie@browardbar.org
954.832.3621

CONTRIBUTING WRITERS

Rick Ellsley
Nancy Little Hoffman
Sheri Fiske Schultz

BILLING INQUIRIES

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ON THE COVER:

The Honorable Renee Goldenberg is a Circuit Judge in the Seventeenth Judicial Circuit, Broward County, serving in the Family Division since January 7, 1997. Join Judge Goldenberg on March 27, 2014 at the West Broward Luncheon where she will be speaking on *What Nonfamily Lawyers Should Know About Florida Family Law and Procedure*.

inside this issue

5 Letter from the President *Alan S. Fishman*

7 Young Lawyers' Section Letter from the President *Marissa J. Pullano*

9 An Expert Explores Why Fair Value and Fair Market Value Are NOT Interchangeable *Sheri Fiske Schultz*

14 Independent Contractor *Rick Ellsley*

17 Recent Developments in The Law *Nancy Little Hoffman*

20 Calendar of Events



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



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letter from the president



Alan S. Fishman

The Broward County Bar Association bought the house which houses our administrative offices in 1988. By 1995, we had outgrown the building. With a successful capital campaign and by refinancing the mortgage, the Norma Howard Center was built. At the time, it was a very useful multipurpose building that well suited our needs.

In the years since then, our Bar Association has become a very different organization. We have grown to 2900 members and have an annual budget of over \$800,000. We have 19 practice sections that each put on at least 2 CLE seminars per year and some of them more. The building is

used almost every day of the week, yet we cannot accommodate the demand we receive for meeting space. The room is limited in capacity, and the parking is a problem, with our unique tree obstacle which is a constant headache.

Those of you who have been to conferences and meetings in the bar association buildings in Orlando, Tampa, and other large counties around the state have seen the attractive large buildings in which these associations host events for their members and visitors that we cannot even begin to consider. Orange County, with a similar number of members as we have, has a building four times as large as ours. Their facility is able to hold depositions, mediations, and a neighborhood dispute mediation program sponsored by their court system, as well as having the capacity to host local and statewide conferences and meetings.

One of the goals I expressed last summer was to begin the process of building such a facility of our own. As usual, all I had to do was ask for help. Past Presidents Vic Debianchi, Peter Portley, and Don Wich are chairing the committee, joined by Gavin Caddy, Michael Fischler, and others. An appraisal is being done on our present facility, which through the foresighted efforts of our past leadership, has no mortgage. The ideas being explored include rebuilding where we are, building nearby, or buying and renovating a building, which is what Legal Aid did a few years ago.

Whichever decision is made, we will have a new bar center in the near future which will be a destination for the entire legal community, including the many other voluntary bar associations. We plan to have places where you can do research or just relax between hearings, as well as meet with your clients.

You will have the opportunity to put your stamp on the project when we launch a capital campaign which will permanently recognize your contributions to this important and exciting project. We invite all of you to submit your ideas about how to make our new building something in which we can all take pride. **B**

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We are pleased to announce that Rose K. Wilson, Alice W. Weinstein and Megan F. McAteer have joined the Firm's Wealth Preservation, Trusts and Estates Practice Group in Tampa.

Ms. Wilson is a tax attorney whose practice focuses on estate and business planning. Rose works primarily with high net worth individuals and closely held business owners. In her practice, she handles matters such as developing individual estate plans, forming and restructuring family businesses, and administering estates and trusts. In addition, Ms. Wilson has particular experience with tax-exempt organizations. She has assisted numerous private foundations and public charities with matters ranging from formation and qualification for federal and state tax exemptions to ongoing tax compliance and dissolution.

Ms. Weinstein concentrates her practice in the areas of estate planning, trust, probate and guardianship administration, special needs trusts, elder law and real property law. Her estate planning practice includes the preparation of wills, revocable trusts, irrevocable trusts, durable powers of attorney and advanced health care directives. She also counsels clients on matters involving preservation of wealth, family limited partnerships, taxation of estates and trusts, insurance planning, charitable giving strategies and estate planning considerations that affect closely held businesses.

Ms. McAteer practices in the areas of estate planning, probate, guardianship, real estate and business law. She works with estate planning, estate administration and trust administration clients regarding fiduciary duties, responsibilities and requirements, and she formulates estate plans based upon each client's needs and circumstances. Her estate planning practice includes the preparation of trusts, wills, powers of attorney and health care directives.



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letter from the young lawyers' president

Marissa J. Pullano, President

While YLS hosts and partakes in many philanthropic events throughout the year, this month our organization is focusing on the importance of pro bono work. As such, members of our board and organization have signed up to staff the Legal Aid Society ("LAS") Hotline as another means of giving back to our community. The Legal Hotline is offered one afternoon per week (Tuesdays from 2-5 pm) and offers advice and counsel to low income residents of Broward County in a variety of areas of the law which include primarily landlord/tenant, consumer, and family law matters. YLS members first volunteered in 2013 and each volunteer reported on their positive experience. Enthused by our experiences, in November 2013, the Young Lawyers Section launched a challenge to all voluntary bar associations in Broward County to become involved in the LAS/CCLA hotline. YLS is proud to announce that all twelve (12) months have been staffed. Special thanks and kudos to the Caribbean Bar Association (January), Haitian Lawyers Association (February), BC-BA-YLS (March), South Broward Bar Association (April), T.J. Reddick Bar Association (May), Broward Chapter of the Federal Bar Association (June), Broward County Women's Lawyer Association (July), Cuban American Bar Association (August), Broward County Justice Association (September), BCBA (September), Broward County Christian Lawyers Association (November) and Florida Bar Attorneys (December). Your efforts help to fulfill the promise of equal justice for all.

Continuing our efforts to support the LAS, we will be hosting a happy hour with NEXT, their Young Professionals Group on March 13th from 5:30 – 7 pm at Stache 1920's Drinking Den, located at 109 SW 2nd Avenue, Fort Lauderdale. Admission is \$5.00 which includes one drink ticket and complimentary appetizers! Proceeds will benefit the NEXT Summer Fellowship Program. Please join us!

For those of you who were unable to attend our February luncheon that we co-hosted with the T.J. Reddick Bar Association and the Caribbean Bar Association, you missed a phenomenal presentation by Florida Bar President, Eugene Pettis. Mr. Pettis, we thank you for sharing your experiences with us, and we are grateful to have you as the President of the Florida Bar.

Please join us on March 20th at the Tower Club when we will host former judge Mark Purdy for our monthly Luncheon on the informative topic of recovery of Attorneys Fees and Costs. CLE credit is available for this luncheon. The cost to attend is \$25.00 per person if prepaid and \$30.00 at the door, and you may RSVP to the Broward Bar at www.browardbar.org and click on the upcoming events calendar.

We will be hosting our quarterly "Breakfast with the Judiciary" event in the Broward County Courthouse law library on Friday, April 4, 2014 8:30 a.m. This is great opportunity for young lawyers and the judiciary to get acquainted with one another in an informal setting outside of the courtroom. This catered breakfast is complimentary to the members of the judiciary and \$25.00 for all non-judiciary. Space is limited so please RSVP to Eric Rosen, Esq. at esr@kulaw.com.

Lastly, since May is just around the corner, it is not too early to calendar one upcoming major YLS event. We will host our annual Judicial Reception on Thursday, May 15th from 5:30 p.m. to 7:30 p.m. at the New River Center Rotunda. For information on sponsoring and/or attending this event, please visit our website www.browardbar.org/yls or contact me directly.

As always, if anyone has any questions about joining YLS or to learn more information about YLS and our events, please feel free to call me at 954-522-2200 or email me at marissa.pullano@brinkleymorgan.com. You can also find a calendar of our events on the Broward County Bar Association web site at www.browardbar.org/yls. **B**

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An Expert Explores Why Fair Value and Fair Market Value Are NOT Interchangeable

By Sheri Fiske Schultz, CPA/ABV/CFF

Clients rely on their attorney to effectively plan, structure and implement agreements. Attorneys can ensure clear and accurate agreements when using valuation terminology by understanding the meaning of, and differences between, Fair Value and Fair Market Value. In some instances where the word “market” is incorrectly omitted from “Fair Market Value”, the standard of value has unknowingly and inappropriately been changed and can have unintended results. Often the term “Market Value” is erroneously used when in fact “Fair Value” or “Fair Market Value” is the correct and appropriate term for the agreement.

Fair Value and Fair Market Value are different from Market Value. Market Value is not a defined term under the business valuations standards of value. In a recent case in which I was involved as a “neutral” expert, an attorney incorrectly used the terminology “Market Value” in a shareholder agreement and litigation later ensued in which the proper standard of value to be used became a critical question: was it to be Fair Value or Fair Market Value? In different types of shareholder disputes, different standards might apply.

Definitions of value are important, as is the purpose of a valuation, since the reason for the valuation will dic-

tate which standard of value has to be applied. A credentialed expert in business valuation knows that Fair Market Value is the standard of value used by the IRS whereas Fair Value is commonly used in matters involving dissenter’s rights and shareholder oppression cases.

Fair Market Value is defined as the amount at which property would change hands between a hypothetical willing buyer and a hypothetical willing seller, when neither is under any compulsion to buy or sell, where each has reasonable knowledge of all the relevant facts. This definition implies that the property was placed on an open and unrestricted market for a reasonable amount of time and may assume the existence of a non-compete agreement between the seller and the buyer. Fair Market Value assumes payment in cash or cash equivalents.

Fair Value is statutorily a legally mandated standard of value. The definition can vary from state to state, and jurisdiction to jurisdiction, and can be dependent on circumstances and the case. When courts are concerned with fairness, the valuation is intended to be “equitable” for the disadvantaged party. One of the fundamental differences between Fair Value and Fair Market Value is that in the “Fair Value” situation there is

rarely a “willing” seller such as in divorce or stockholder disputes. Fair Value can be higher than Fair Market Value. The definition of Fair Value in some jurisdictions may prohibit valuation experts from applying certain discounts such as the “Discount for Lack of Marketability” and “Discount for Lack of Control”. In Florida, if there are 10 or fewer shareholders or partners, discounts are not necessarily taken into account when applying the Fair Value standard.

Depending on their purpose, valuations in Florida have an applicable standard of value. Fair Market Value is used for the following: Marital Dissolution, Estate and Gift Taxes and ESOP’s. Fair Value is used for Corporate or Partnership Dissolution. On the other hand, either standard can be used in Stockholder Disputes. **B**



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Broward County Bar Association thanks Frank, Weinberg, Black, P.L. for sponsoring our February 12, 2014 Bankruptcy CLE titled *Impact of Owner Bankruptcy on Associations Collection Rights*. Speaker David Neal Stern focuses his practice in the areas of business bankruptcy, creditor's rights, and commercial litigation. Mr. Stern has been certified in the area of business bankruptcy law by the American Board of Certification, which is accredited by The Florida Bar. He is the chairman of the Bankruptcy Section of the Broward County Bar Association.



David Neal Stern, BCBA Bankruptcy Section Chair with Jeffrey Solomon, BCBA Board Member and past Bankruptcy Section Chair.



BCBA BEGINS NEW INITIATIVE TO OFFER CJE CREDITS AT THIS MONTH'S WEST BROWARD SECTION LUNCHEON.

On March 27, 2014, Judge Renee Goldenberg is presenting "What Nonfamily Lawyers Should Know About Florida Family Law and Procedure," at the West Broward Bar Association luncheon. CLE and CJE credit has been applied for. Nonfamily lawyers seem to view Family Law as an area of practice which is easily mastered, and take on the occasional case that comes into the office or as a favor to an employee, neighbor, relative, or friend. There are many legal and nonlegal complications and nuances in what seems to be a clear statutory and rule practice, especially in the Fourth District. Florida Family Law is a complex area

of law dealing with complex issues surrounding changes in Florida's families. Judge Goldenberg will lead the non-family lawyer where and how he or she may tread carefully in the world of Family Law and when and why he or she should refer to a family lawyer in her session "The Future of Florida Family Law" at BCBA's April 11th Raising the Bar event. Visit www.browardbar.org to register for these events.

** Checklists and materials created by Judge Goldenberg for judges and lawyers will be provided. The use of the reprinted materials is for educational purposes. The reprinted materials are primarily from Florida Family Law and Practice, by Judge Renee Goldenberg. Permission to reprint has been provided by JAMES PUBLISHING www.jamespublishing.com 866-72-JAMES* **B**



BROWARD LEGAL COMMUNITY SUPPORTS NATIONAL ADOPTION DAY

I was honored to be the Chairman of the Broward County National Adoption Day which was held on November 22, 2013 at the Broward County Courthouse. This wonderful event, which was organized by Circuit Court Judge John B. Bowman, was one of the greatest events I have ever attended in my life. Imagine, over a dozen families adopting children from foster homes and within their own families, having their adoptions finalized on a Saturday in a joyous atmosphere. I would like to thank Judge Scherer, Judge Tieman-Bristol and Judge Rosenthal for their volunteering to preside over the adoption proceedings. I especially want to thank Judge Bowman who organized the event, as well as presiding over the proceedings.

Jerome R. Siegel, P.A. is a current Board Member at the Broward County Bar Association and Chairman of the 2013 Broward County National Adoption Day. Mr. Siegel is a certified Family and Circuit Court Mediator. He can be contacted at 954.229.2226 or by email at jsiegel@lawfirminflorida.com.

National Adoption Day is a totally voluntary experience organized by ChildNet, an organization that truly was the back bone of this event. Imagine clowns, Santa Claus, a disco, Steak 'n Shake food, and a complete day full of fun and joy at the Broward County Courthouse. As someone paraphrased it to me, it is not often that people walk into our courthouse and leave with a smile, this was such an occasion.

Thank you to all the volunteers, Florida Panthers and the Broward legal community who made this event possible. Adoption is a wonderful thing, we should all encourage more of it and plan on being involved in activities and functions, such as National Adoption day. **B**



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Independent Contractor – Is He or She Truly an Actual Agent or Apparent Agent?

By: Rick Ellsley
Ellsley Sobol, P.L.

Last month I wrote about a situation in which a large company finds it less expensive to pay a non-employee contractor to perform work on its behalf, rather than to actually hire the contractor as an employee. In such an arrangement, the company may be liable for the negligent acts of that non-employee contractor. In the prior article, I discussed the various requirements to prove that a person or entity who hires the active tortfeasor is vicariously liable for the damage inflicted by that bad actor as outlined in **Florida Standard Jury Instruction 402.9**. I also provided some applicable case law regarding negligent selection, hiring, and retention of an independent contractor.

This month I will go through some of the case law that is helpful to prove that the contractor who damaged your client was either an **actual agent** or an **apparent agent** of the company at the time of the incident, thus establishing that the company is vicariously liable for the losses suffered.

Initially, as outlined by the Fifth District Court of Appeal in *Font v. Stanley Steamer International, Inc.*, 849 So. 2d 1214, 1216 (Fla. 5th DCA 2003), “the essential elements of **actual agency** are: 1) acknowledgement by the principal that the agent will act for him or her; 2) the agent’s acceptance of the undertaking; and 3) control by the principal over the actions of the agent.” The Court cited *Goldschmidt v. Holman*, 571 So. 2d 422 (Fla. 1990); and *Ilgen v. Henderson Properties, Inc.*, 683 So. 2d 513 (Fla. 2d DCA 1996), rev. denied, 686 So. 2d 578 (Fla. 1996). The Court in *Font* followed its general proposition of the rule with a corollary pronouncing that despite what the express provisions of an agreement between the parties states as to the status of the hired worker, “the nature of the parties’ relationship is not determined by the descriptive labels employed by the parties themselves”. The Court further cited to the Fourth District’s opinion in *Parker v. Domino’s Pizza, Inc.*, 629 So. 2d 1026 (Fla. 4th DCA 1993) rev. denied. 639 So. 2d 977

(Fla. 1994) to explain that:

Whether one party is a mere agent rather than an independent contractor as to the other party is to be determined by measuring the right to control and not by considering only the actual control exercised by the latter over the former . . . If the employer’s right to control the activities of an employee extends to the manner in which a task is to be performed, then the employee is not an independent contractor. *Parker v. Domino’s Pizza, Inc.*, 629 So. 2d at 1027.

Font at 1216. Accordingly, the key issue for actual agency is the degree of control that the employer is entitled to exercise, and/or actually exercises, over the employee.

Font and *Parker* were franchisor/franchisee cases involving torts committed by the employees of the franchisee for which the victim was seeking to hold the franchisor vicariously liable. In both cases, despite extensive contractual language between the company and the contractor expressly disclaiming any actual agency, the courts held that summary judgment for each company on actual agency was inappropriate where there was evidence as to the control exercised by one over the other.

In cases not involving a franchisor/franchisee situation, the courts have issued holdings that require the case to go to the jury because of the myriad of factual scenarios that give rise to these type of claims. In *Del Pilar v. DHL Global Customer Solutions (USA), Inc.*, 993 So. 2d 142 (Fla. 1st DCA 2008) an injured motorist sued DHL for vicarious liability for the negligence of a local delivery company that DHL hired to do its work, and while doing so, crashed into the victim causing serious injuries. DHL required the local delivery company to sign a contract which stated that the local company was an “independent contractor” and that “the manner and means by which Contractor performs

the services shall be at Contractor’s sole discretion and control and are Contractor’s sole responsibility.” *Id.* at 144. However, the contract also listed certain tasks that the local company was required to do, ordered the company’s employees to dress in a DHL uniform, display the DHL trademarks and logo on its vehicles, and indemnify DHL for property losses. *Id.* at 145.

The Court cited *Keith v. News & Sun Sentinel Co.*, 667 So. 2d 167, 171 (Fla. 1995) (“the actual practice and relationship of the parties should control”); *Debolt v. Dep’t of Health & Rehab. Servs.*, 427 So. 2d 221, 226-27 (Fla. 1st DCA 1983); and *Carrazana v. Coca Cola Bottling Co.*, 375 So. 2d 345, 346 (Fla. 3d DCA 1979), reasoning that the status of a person or entity as an agent is not determined by the bare, conclusory language of a contract, but by many factors, including the day-to-day practices of the purported principal in relation to the purported agent. Accordingly, the Court held that factual questions remained as to agency and the case needed to go to the jury.

To prove a case involving **apparent agency**, the Fourth District Court of Appeal in *Ginsberg v. Northwest Medical Center*, 14 So. 3d 1250, 1252 (Fla. 4th DCA 2009) laid out three factors: “(1) a representation by the purported principal, (2) a reliance on that representation by a third party, and (3) a change in position by the third party in reliance on the representation.” See also *Guadagno v. Lifemark Hosps. of Fla., Inc.*, 972 So. 2d 214, 218 (Fla. 3d DCA 2007); *Sears Roebuck and Co. v. Williams*, 877 So. 2d 5 (Fla. 3d DCA 2004); *Robbins v. Hess*, 659 So. 2d 424, 427 (Fla. 1st DCA 1995); *Kobel v. Schlosser*, 614 So. 2d 6 (Fla. 4th DCA 1993); and *Sapp v. City of Tallahassee*, 348 So. 2d 363, 367 (Fla. 1st DCA 1977) (agency may be inferred from prior dealings between the parties and may be proven by the facts and circumstances of each particular case, including the words and conduct of the parties).

In some cases, an agent or representative takes actions which he or she may assume or hope are within the furtherance of the business interests or goals of the principal, but which the principal had not authorized nor would authorize. In these situations the principal may be held liable (or bound by a contract) for the damages caused by the agent's acts if the actions were taken within the scope of the agent's **apparent** authority. See *Bradley v. Waldrop*, 611 So. 2d 31, 32-33 (Fla. 1st DCA 1992); *Board of Trustees of the City of Delray Beach v. Citigroup*, 622 F. 3d 1335, 1343 (11th Cir. 2010); and *Outlaw v. McMichael*, 397 So. 2d 1009, 1010 (Fla. 1st DCA 1981) (holding that the principal/landowner is responsible for his agent's unauthorized and untruthful misrepresentations regarding the condition of real property and reasoned that "in the normal real estate transaction, a real estate agent should have at least implied actual authority or apparent authority to make representations concerning the description and characteristics of the property to be sold.")

In *Bradley*, the Court held that a landowner could be vicariously liable for the acts of a real estate developer in contracting for sur-

veyor's services despite the fact that landowner never authorized the work to be done. The Court reasoned that the developer had implied authority from the landowner to list the property with a real estate agent, set the price, and take actions consistent with control of the property such that the surveyor could reasonably assume that the real estate developer had the authority to work on behalf of the landowner.

Overall, an **actual agent** is one who is given actual authority by the company to act for the company in furtherance of the business interests of the company. An **apparent agent** is one who because of the company's words, deeds, or conduct (seen through the perspective of the third party victim) has the authority to act for the company. As to actual agency the focus is on what agreements, financial incentives, or communications were made between the agent and the company. As to apparent agency the analysis is of the substance of the words, deeds, or conduct of the company as it relates to the victim. The victim must prove that it was reasonable for the victim to rely on the company's representation that the tortfeasor was the company's agent. When a victim has sued the principal

company generally the courts decline to permit a summary judgment, agreeing almost uniformly that the issue of agency is one requiring an in depth analysis of the totality of the circumstances.

So, the next time that you face a contract that the corporation's lawyers flooded with the words "independent contractor" take a closer look at that document, take the necessary depositions of the people actually involved in the work, and obtain the discovery that proves your agency case --- more likely than not, the facts are there for you and you will be able to prove agency.

Good luck! **B**



Rick Ellsley is a Board Certified Civil Trial Lawyer and the Co-Chair of the Trial Lawyers Section of the BCBA. He may be reached at ellsley@ellsleysobol.com.

**Broward County Bar Association &
Broward County Women Lawyers' Association
Inaugural Annual**

Women Leaders in the Law

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- **April 17, 2014, 4 p.m. - 6:30 p.m.**
GENERAL COUNSEL
Carmen Johnson, JM Family
- **July 17, 2014, 3:30 p.m. - 6:30 p.m.**
JUDICIAL PANEL
Judge Renee Goldenberg, 17th Circuit
Judge Laurel Myerson Isicoff, US Bankruptcy Court
Judge Robin Rosenbaum, US Southern District Court of FLA
- **October 8, 2014, 4 p.m. - 6:30 p.m.**
MANAGING & SENIOR PARTNERS
Adele Stone, Fowler White Boggs
Michele Cummings, Gray Robinson, PA
Stephanie Toothaker, Tripp Scott



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Criteria for Nomination:

1. Current active and contributing member of the BCBA.
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3. Demonstrates respect for the law and preservation of decorum and integrity of the legal system.
4. Conduct which has enhanced the image of the legal profession either through practice or programs and activities that educate the public about the law or the American legal system.
5. Professionalism Committee members may not be nominated.

Additional general characteristics:

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firm:

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email:

Person Nominating:

firm:

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email:

Additional Information About the Nominee:

1. Practice Area and Years of Practice

2. Organization Affiliates:

3. Bar Activities:

4. Community Activities:

5. Detailed Description / Explanation of How and Why Nominee Rises Above Others in Exhibiting Professionalism in His/Her Practice of Law, Including Specific Examples of Conduct (Please attach a separate sheet if the space below is insufficient):



Recent Developments in the Law

By Nancy Little Hoffman

CERTIORARI IS STILL ALIVE AND WELL IN SOME CASES, AS THESE OPINIONS SHOW:

1. Denial of Stay of Related Action

A former husband filed a post-judgment petition in the family law division asking the court to revisit issues surrounding a payment he was obligated to make under the property settlement agreement. The former wife then filed an action in circuit court based on the same set of facts. The circuit judge denied the former husband's motion to consolidate, transfer, and/or stay that action pending disposition of the family law petition. The Second DCA quashed that order, holding that denial of the stay was a departure from the essential requirements of law. Flynn v. Flynn, 39 Fla. L. Weekly D373 (Fla. 2d DCA Feb. 14 2014).

2. Stay of Declaratory Action

An insurer sought certiorari to review an order staying its declaratory action against its insured pending the outcome of an underlying arbitration action and liability action between its insured and a third party. The Second DCA quashed that order and held that certiorari was appropriate, because an insurer would suffer irreparable harm if ordered to pro-

vide a defense when it was under no obligation to do so. FCCI Commercial Ins. Co. v. Armour, 39 Fla. L. Weekly D279 (Fla. 2d DCA Feb. 5, 2014).

3. Imposition of *Lis Pendens*

A property owner filed a non-final appeal from an order imposing a *lis pendens* and finding probable cause for forfeiture of four parcels of property. The Fifth DCA dismissed the appeal as unauthorized by Rule 9.130(a)(3)(C)(ii), because a *lis pendens* does not involve the "immediate right to possession of property." However, it quashed the order finding probable cause, because real property is not subject to forfeiture under the Florida Contraband Forfeiture Act, if the only basis for forfeiture is that the property was acquired with the proceeds derived from violations of Florida's gambling laws. Accordingly, the order was a departure from the essential requirements of law, and certiorari was proper. Alascia v. State of Florida, Department of Legal Affairs, 39 Fla. L. Weekly D301 (Fla. 5th DCA Feb. 7, 2014).

4. Production of Irrelevant, Personal Facebook Postings

In an action for her minor child's personal injuries, the mother was ordered

to produce numerous postings from her Facebook account. While some were discoverable, the Second District quashed those of a personal nature such as postings regarding any counseling or psychological care, past personal relationships, and similar postings which defendants had claimed to be relevant to her claim for loss of consortium. Certiorari was proper because defendants failed to establish sufficient relevance, and the loss of the mother's privacy constituted irreparable harm. Root v. Bal-four Beatty Construction Co., 39 Fla. L. Weekly D277 (Fla. 2d DCA Feb. 2, 2014). **B**



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

CCLA & LAS Install New Officers and Board Members



CCLA Executive Director Barbara Prager, 2014 CCLA/LAS Board Chair Michael Lockwood, 2014 CCLA/LAS Executive Council Chair Mark Schwartz, LAS Executive Director Anthony Karrat

Coast to Coast Legal Aid of South Florida (CCLA), Legal Aid Service of Broward County (LAS) announced that Michael Lockwood will serve as the 2014 Chair of their Boards of Directors. Lockwood was sworn into office by The Honorable Ilona Holmes at a reception held at the Broward County Bar Association on January 29th, sponsored by Corporate Insurance Advisors (CIA).

Board Officers sworn into office included: Nydia Menendez, J.D., LL.M., of Menendez Moncarz, PL (Vice Chair); Jacqueline F. Howe, Esq., of Katz, Barron, Squitero, Faust (Secretary); and Arlene Ravalo-Jao, CPA, ABV, CFF, of KPMG (Treasurer).

New Board members Fabienne Fahnestock, Esq., (Gunster); Tobi Leibowitz, Esq., (Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.); and Brian Lerner, Esq., (Kim Vaughan Lerner LLP) were sworn into office.

Mark Schwartz, Corporate Insurance Advisors, was sworn in as Chair of the CCLA/LAS Executive Council for 2014.

Evan Appell, Esq., GrayRobinson, P.A., was sworn in as Chair of the NExT Steering Committee and Pooneh Charkhian, Esq., Law Offices of Izquierdo & Marin, was sworn in as Vice Chair.

Sponsors of the event included Corporate Insurance Advisors (CIA), CopyScan, Batter Co., and the Broward County Bar Association.

For more information about the work of CCLA and LAS visit www.legalaid.org. **B**

Broward County Bar Association

Law Day Luncheon

Friday, May 2, 2014 • 12 Noon

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For Event and Sponsorship information, contact Felicia Zayne at felicia@browardbar.org or 954-832-3618

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**We are pleased to announce that
ROBERT S. ZACK
has joined our panel**

Robert S. Zack's distinguished legal career spans well over four decades and includes a successful private civil litigation practice handling personal injury, commercial litigation, family law matters, etc. (1968-1988). He served as a County Court Judge of Broward County for 22 years and since his retirement from the bench in 2009 has been engaged full time as a Florida Supreme Court Certified **Circuit Civil** and Florida Supreme Court certified **Family Mediator**.

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March

calendar of events

- 5 CLE - Arbitration Case Law Update**
(Construction Section)
12:00 pm - 1:30 pm
Speaker: Larry R. Leiby, Esq.
Cost: No Fee – BCBA Members; \$25 – Non-Members
Time: 12:00pm – 1:30pm Includes Lunch and 1 CLE
Venue: BCBA Conference Center
Contact: Felicia Zayne or 954.832.3618
Contact Info: felicia@browardbar.org
Register For Event: <http://www.browardbar.org/event-registration/?ee=59>
- 10 CLE - Meet the Broward County Bankruptcy Court Law Clerks**
12:00 pm - 1:30 pm
Speakers: Grant Lachman, Esq and Amanda Finley
Cost: \$15 – BCBA Members; \$25 – Non-BCBA Members; No Fee – Judiciary BCBA Members
Venue: BCBA Conference Center
Contact: Felicia Zayne or 954.832.3618
Contact Info: felicia@browardbar.org
Register For Event: <http://www.browardbar.org/event-registration/?ee=67>
- 11 North Broward Section Lunch**
12:00 pm
Venue: Champps Americana in Fort Lauderdale
Cost: \$20 Members/\$25 non-members
Contact: Tom Oates at 954.942.6500 ext. 3
- 13 YLS Happy Hour**
5:30 pm - 7:00 pm
Venue: Stache 1920's Drinking Den in Fort Lauderdale
Contact: Jamie Alman
Contact Info: Jamie.alman@gmlaw.com or (954) 527-2435
Register For Event: <http://www.browardbar.org/event-registration/?ee=78>
- 19 BCBA Small Solo Networking Dinner**
6:00 pm - 9:00 pm
Venue: Dave & Busters in Hollywood
Contact: Felicia Zayne
Contact Info: felicia@browardbar.org or 954.832.3618
Register For Event: <http://www.browardbar.org/event-registration/?ee=72>
- 20 YLS Luncheon**
12:00 pm - 1:30 pm
Description: \$25.00 admission
Venue: Tower Club
- 20 Paralegal Law Tech Seminar**
6:00 PM to 7:30 PM
Venue: BCBA Conference Center
Contact: Bonnie Ross
Contact Info: bonnie@browardbar.org or 954-832-3621
Register For Event: <http://www.browardbar.org/law-tech-certification-program/>
- 25 CLE - Alternative Dispute Resolution /On-line Dispute Resolution**
12:00 pm - 1:30 pm
Speaker: Mark Norych, Esq.
Venue: BCBA Conference Center
Contact: Felicia Zayne or 954.832.3618
Contact Info: felicia@browardbar.org
Register For Event: <http://www.browardbar.org/event-registration/?ee=63>
- 27 West Broward Section CLE Luncheon with the Honorable Renee Goldenberg**
12:00 pm - 1:30 pm
Cost: \$25 Advance Registration; \$30 Walk-in Registration; No Charge for Judiciary Members of BCBA
Venue: Plantation Preserve Golf Club
Contact: Felicia Zayne
Contact Info: felicia@browardbar.org or 954.832.3618
Register For Event: <http://www.browardbar.org/event-registration/?ee=70>
- 27 "Bar at the Bar" at Big City Tavern**
5:30 pm - 7:30 pm
Venue: Big City Tavern on Las Olas
Contact: Felicia Zayne
Contact Info: felicia@browardbar.org or 954.832.3618
Register For Event: <http://www.browardbar.org/event-registration/?ee=77>

