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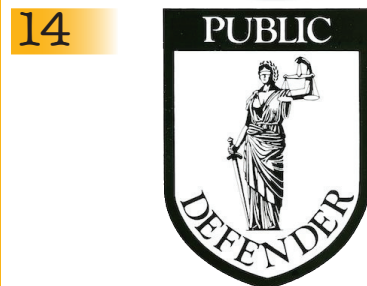
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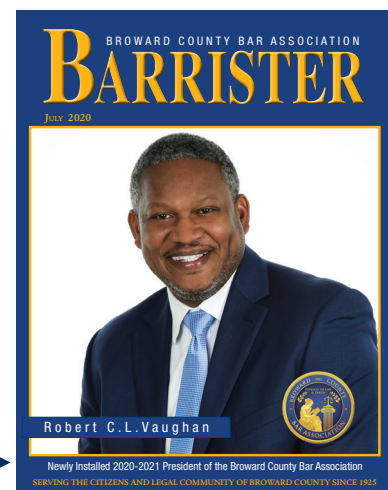
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Robert C.L. Vaughan, Esq.

I am proud and excited to begin this year as the 95th President of the Broward County Bar Association. Upon being sworn into office, I will become the organization's first Jamaican-American president and its third Black president. As president, I intend to continue and improve upon the initiatives which have kept us relevant to our members in this challenging virtual environment. In addition to my service to the Bar, I am a father, a husband, a son, a friend, an immigrant and a citizen of Broward County and these United States. I am also a lawyer—sworn by oath to protect our Constitution and obligated by a shared humanity to preserve certain fundamental truths—that as human beings we are all created equal and entitled to life, liberty and the pursuit of happiness.

Today, almost 250 years after the Boston Tea Party, and 55 years after Rosa Parks refused to give up her seat on the bus, we are still grappling with the painful reality that despite our shared humanity, we are not all treated equal. The ugly truth is that despite how far we have come as a society there are many who

refuse, or who are unable to acknowledge that our social, economic and moral progress has been crippled by the shackles of our country's long history of slavery, prejudice, bias and intolerance. Today, once again, we are being confronted by the remnants of our unresolved past.

But through the dark clouds of inequality, intolerance and bias, there shines a ray of hope. In the wake of several recent killings of black men and women, abuses of police power and other incidents of prejudice and violence—some captured on video and thrust before the world in a manner too glaring to ignore—we have seen a redoubled global commitment to racial justice, equality and tolerance. We have all been forced to question our own humanity and the humanity of our neighbors, as many of us found ourselves silent for far too long and therefore (indirectly) complicit in these deaths and other atrocities. In the last three weeks, we have seen an almost viral awakening to the fundamental truth that if we deny the humanity of any one of us, we deny the humanity of all of us. In response, we have seen protesters—ordinary citizens—take to the streets to say “enough!” We have seen mothers with their sons, fathers with their daughters, protesters arm-in-arm with law enforcement—a tidal wave of black, white, brown, young, old, male and female—all marching towards a common goal. During a global pandemic, we have witnessed strangers celebrating their shared humanity, leading to an increase in empathy and, maybe, the eventual promise of true equality.

So, what can we do?

We can facilitate and lead constructive, civil, meaningful dialogue to effect change. Dialogue between law enforcement and civilians, between the legislature and the voters, between the courts and the lawyers and amongst all races and ethnicities. We can lead dialogue free of politics or prejudice but filled with diverse perspectives and restrained only by truth. Only then can we tackle—honestly—much needed reforms as a community. We can lead dialogue about reforms to our criminal justice system that has for decades meted out justice with a bum scale. We can lead dialogue about reforms to our social and economic infrastructure that continues to perpetuate a permanent underclass of black and brown communities that are too accustomed to being “last in and first out.” We can lead dialogue about gender, or sexual orientation, or about a healthcare system that disproportionately seems to exclude the very minority communities who need it most. We can lead dialogue about our role as stewards of the third branch of government and whether we have risen to the task of acting as a check and balance to the other two branches.

I know that at this point, many of you are wondering if I have forgotten that we are just a bar association—a voluntary bar at that! It is true that we are not the ACLU, nor are we the ADL. But we are lawyers—citizens who, in exchange for the privilege of admission to this honorable profession, have sworn an oath to protect the Constitution of the United States and “... to never reject, from any consideration personal to [ourselves], the cause of the defenseless or oppressed....” So, I ask you, if not our Bar, then who and if not now, then when?

In just the first half of 2020, we have faced two invisible but deadly challenges. But rather than divide us, the shared pain, tragic loss of life and almost paralyzing economic uncertainty have brought us closer than we have ever been to a chance for real, meaningful change.

We must be steadfast, clear-eyed and resolute about the immediate need for positive change. We must be better and we must do better. I invite each of you to start a real conversation with someone new, someone different, someone who does not think or look like you. I invite you to attend a webinar, organize a panel discussion, or submit an idea for a speaker or a topic. I invite you to listen.

Together, as one Bar, almost 4,000 strong, we can make a difference. Let's talk!



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Omar A. Giraldo, Esq.

Letter from the Young Lawyers' President

by Omar A. Giraldo, Esq.

I have been lucky enough to be a member of the Young Lawyers Section for over six years. My only regret is that I did not start sooner. YLS has been integral in helping me forge friendships and true relationships in the legal community. And, while 2020 is not turning out to be the year that any of us envisioned, I could not be more excited to be elected as President, leading this amazing team.

What sets us apart? Our Young Lawyers Section has consistently been recognized as the premier affiliate in our State for voluntary bar organizations. We have achieved this prestigious designation by consistently putting on quality programming for our members. These events include presentations by the judiciary, relevant CLEs, a Boot Camp series preparing new attorneys for the practice and business of law, legal updates, networking, and joint ventures with our sister voluntary bar associations in Broward, Miami and Palm Beach counties. Recognizing that these events are usually in person, the 2020 setup will look a bit different. However, our organization, and the 17th Circuit as a whole, has shown that we are not only capable of putting on successful events, but we will continue to be a statewide leader in this regard, leading by example. This will be accomplished with the help of our executive director, Braulio Rosa, who has graciously ensured that we had quality programming throughout this pandemic and has served as a point person for several statewide Zoom CLEs.

With my presidency also comes the distinct pleasure of serving alongside incoming BCBA President Robert C.L. Vaughan. YLS is excited to partner with the "Big" board throughout the year, putting together quality events that improve our legal community, and beyond. I have every confidence that with the leadership we have in place, from top to bottom, we will finish this year strong!

Finally, my charge to our board and our membership is this: help someone to avoid making the same mistake that I did; not getting involved sooner. Sign up. Bring a friend. Create an idea. Help see it through.

I couldn't be more excited to see what this year holds in store for us. The first half of 2020 has been a challenge, but also an opportunity for the YLS to continue its great work in the areas of diversity, inclusivity, kindness, support, and awareness. I believe that the YLS will continue to be a shining example of all of the above. I'm confident that with the leadership of the BCBA Board of Directors and Executive Board, YLS Board and Executive Board, and the BEST staff of any voluntary bar association across the state, that we will not only survive, we will thrive!



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NEW 2020-2021 BCBA PRESIDENT

by Jay Kim, Esq. and Cherine Smith Valbrun, Esq.

Robert C.L. Vaughan Installed as 2020-2021 BCBA President

As Robert C.L. Vaughan is sworn in as the 95th President of the Broward County Bar Association, he does so as the first Jamaican-American. You may be interested to know that Robert is an instrument-rated private pilot. And as you might expect from your captain when flying, Robert is cool under pressure, decisive in his leadership, and unforgiving in ensuring things are done right. This might be important to you because our world looks quite stormy at this time and the conditions do not look optimal for our excursion. But not to worry—under Robert’s direction, the BCBA will maneuver through today’s challenges and help us find clear skies. So welcome aboard, fasten your seatbelts, and get ready for takeoff.

Since we have both known Robert for our entire legal career, we feel like he needs no introduction, as Robert seems to know everybody. But for the benefit of those of you who do not know Robert, and because we always enjoy the opportunity to boast about one of our closest friends, here are a couple of quick stories.

In late 1998, Jay Kim was a young associate at the Miami office of Steel Hector & Davis. He had been on the job only a few months and did not know everyone (there were probably 300 people dispersed over five floors). Jay was walking down the stairs at the firm when a smiling associate was walking up the same staircase. As they passed each other, the other associate smiled even more broadly at Jay and said hello. Well, not just hello . . . more like a verbal hug. Jay wondered to himself if he had just forgotten not only that the two of them were previously acquainted, but also that they were actually good friends. He felt bad that he was such a forgetful, uncaring friend, at least until he realized that no, they had not met before, and no, they were not friends, yet.

In late 2003, while in law school (over 1,000 miles away from Miami), Cherine Valbrun was told by an attorney that she needed to meet Robert. That attorney made Robert sound like the greatest thing since sliced bread. So Cherine made it her duty to introduce herself to Robert. Her experience with Robert was like Jay’s. It felt like he was a brother from another mother.

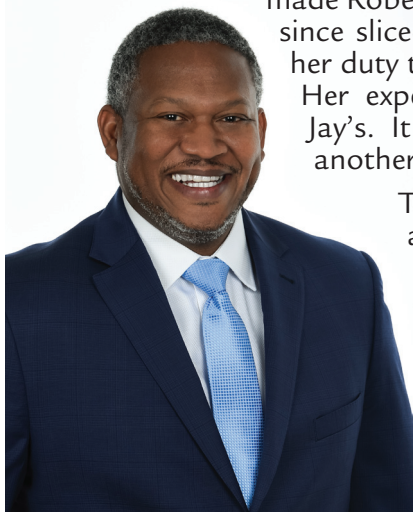
These anecdotes describe, in a nutshell, both the dynamic between Robert and us and Robert’s impact on everyone he encounters. If you have met him, you know exactly what we are talking about. He is warm, caring, and inclusive, and you instantly

feel a bond with him. This is important because in this time of crisis, with people feeling frightened and uncertain, BCBA members should be comforted, not only that their president knows what he’s doing, but that he will be inclusive while making hard decisions guided by unimpeachable values and principles. Robert has years of experience serving on boards and different associations. In those roles, he worked with colleagues to create a safe space for facilitating meaningful conversations and civil discourse about controversial issues.

Robert takes his responsibilities and obligations as a lawyer very seriously. He has served as a member of the BCBA board for years. He has served on the Task Force to Study the Enforcement of Diversity in the Judiciary and on the JNC, as vice-chair of The Florida Bar Judicial Nominating Procedures Committee, on the Bar’s Committee on Diversity and Inclusion, and the Leadership Academy Committee. He is a past president of the Caribbean Bar Association and currently serves on the CBA Foundation board. He has served on the board of the Black, Latino, Asian Pacific American Law Alumni Association at New York University School of Law and on the board of Hands on Miami, a volunteer organization for the elderly, disadvantaged and homeless. In 2007, Robert received the prestigious Presidential Volunteer Service Award for his dedication and service to Hands on Miami.

For more than fifteen years, Robert has been an instructor at the National Institute of Trial Advocacy (NITA), teaching trial skills in various programs around the world. He has taught internationally with NITA in Scotland, Northern Ireland, and with the U.S. Department of Justice OPDAT program in Pristina, Kosovo, as well as for the U.S. State Department, Center for State Courts in St. Lucia, Trinidad, and Jamaica, where he served as an instructor to experienced advocates and judges.

Upon meeting Robert Vaughan, you will see that his dedication to his craft, the legal profession, and the community, his passion for mentoring young lawyers, and his commitment to diversity and inclusion are exceeded only by his care and empathy for others. As the president of BCBA, Robert will apply to his tenure all of these attributes that make him who he is. So get onboard and let’s all work together to take our BCBA to new heights.



MEET YOUR NEXT CLERK OF COURTS

by Arielle Demby Berger

In order for the Courts to operate efficiently attorneys and the judiciary rely daily on the Clerk of Courts. Especially now during these tumultuous times, having a strong leader is imperative. The Broward County Clerk's office is a massive undertaking with over 750 employees! This is an important race with all members of the county having a vested interest. The Primary Election is August 18, 2020 and the General Election is November 3, 2020. We asked each of the candidates with 250 words or less to answer these questions: What makes you the most qualified for this role over your opponents? What is the biggest change you would implement if you are the Clerk of Courts?

Welcome our next Clerk of Court for Broward County!

Paul L. Backman (DEM)



I, Paul Backman am a retired jurist who served as both a County and Circuit Court Judge in Broward County with distinction for over 34 years. I would be the first attorney and judge to ever serve as Broward's Clerk of the Courts. Serving the public and the justice system's professionals, and as a user of the Court Clerk's personnel and procedures, I have an expertise in recognizing the needs for a more efficient service provider administration. I have the grasp and understanding of the laws of the State of Florida to bring improved service, transparency, as well as priorities to time sensitive procedures to the Broward County Court services.

After serving in various capacities locally and on State's Judicial Qualifications Commission and ethics committees, I would bring an ethical respect to the business operations and fiscal responsibilities of the Clerk's office.

My priorities include the following:

1. Conduct an instant forensic audit of the Clerk's office fiscal responsibilities in response to Supreme Court findings regarding the Broward Clerk's Office operations as recently as 2017-2020.
2. Streamlining the filing process to expedite court assignments;
3. Revamp document control and access;
4. Establishment of process and procedures between the courtrooms and our jails;
5. Responsive and efficient coordination for attorneys and court filings;
6. Compliance with Florida Statutes/Florida Law/Administration Orders/Supreme Court Rulings;
7. Establishing new guidelines for operations and staffing needs with the CDC guidelines;

In conclusion, it is time we had a Clerk who knows the law and can administrate with professional integrity that the office deserves. www.backbackman2020.com

Brenda D. Forman (DEM) (Incumbent)



I am the incumbent elected clerk and have been effectively running the office since January 3, 2017. I have completed 240 hours of new clerk training and have completed 36 hours of continuing education each year since. Additionally, I am a graduate of the Leadership Hollywood XLII and West Broward Leadership Classes that provided extensive leadership training. I consider myself the "Clerk that Works" as I work side by side with my 682 team on a daily basis because that's what a good leader does. I was also recognized by Legacy South Florida as one of South Florida's Most Influential & Powerful Black Professionals of 2020.

I have successfully partnered with the courthouse and county stakeholders to implement improvements to the court system. Community events such as seal/expunge workshops, passport days, Operation Greenlight, DL Clinics, mass marriage ceremonies, and human trafficking summits are now an important part of what we do. I have also championed technological improvements to the Clerk's website and case maintenance systems to enhance services to customers such as upgrading technology through the use of artificial intelligence that results in about 20% of our pleadings getting docketed without any human intervention.

The Covid-19 epidemic has demonstrated a need which previously did not exist, that is, to be ready for long-term remote operations. So, the biggest change I would like to implement when I am re-elected is to work with stakeholders to further reduce the dependence on paper documents with a goal of 100% paperless court operations.

Continued to Page 13

Christopher C. Hugley (DEM)



What makes me uniquely qualified, outside of being the only candidate for this seat that was born and raised in Broward County, is that I am an advocate for justice, efficiency, and fairness across all government systems throughout the county. I will consistently be dedicated to ensuring equality and inclusion for under-served individuals and all communities. Also, with a background in Homeland Security and Counterterrorism, I have no tolerance for corruption; nor will it be tolerated. Therefore, I look forward to shaping the future by creating a new wave of customer relationship management systems that will enhance access to the Clerk's office.

The biggest change I would implement as your next Clerk is to create an environment that cultivates new ideas and technological advances that will aid to provide better support services and communications between the public, judicial/legal systems, and government agencies. We have also got to modernize technology and overhaul the filing and retrieval of court documents for everyone, especially judges and attorneys. When it comes to principles of ethics, integrity, and the urgency to ensure that all people are treated with dignity and respect; all who work for or deals with the Clerk and the office must be allowed the opportunity to suggest changes they would like to see implemented. With the cultivation of new ideas and technological advances for the Clerk's office, I intend to put the needs of the community, first, for which we can all be proud.

www.HUGLEY2020.COM

Mark A. Speiser (DEM)



Four years as a prosecutor and 36 years as a Circuit Judge in Juvenile Delinquency and Dependency, Criminal, Mental Health, Probate and Civil afforded me the opportunity to observe every facet of the Clerk's Office and identify from different perspectives areas of proficiency but also areas of concern requiring overhaul.

I continuously served in leadership and administrative positions; Chief Narcotics Prosecutor and Administrative Chief Judge of both the Criminal Division and the Probate Division. I am a proven innovator having chaired task forces that created the nation's first Mental Health Court, Florida's second Drug Court, and Broward's first Veteran's Court. The Florida Supreme Court, National Conference of Judges, and Legislature have recognized my leadership and administrative skills by appointing me to serve on and chair numerous task forces addressing diverse issues of state-wide impact.

I am grounded, easily accessible, and my mantra is, "I am a public servant, charged with listening to and serving the public".

The Clerk's Office serves judges, attorneys and individuals without counsel navigating services. These individuals are frequently frustrated. I would propose appointing ombudsmen/liaisons to be immediately accessible and available to resolve routine/extraordinary issues.

The Clerk's Office is top-heavy with administrators whose positions need to be re-evaluated if their continued services/current salary is necessary/excessive. The wages paid to clerks working in the trenches are embarrassing low. To the best of my ability I would work earnestly to improve their compensation.

Lastly, a review of the technology and procedures currently employed by the Clerk's Office is absolutely essential!

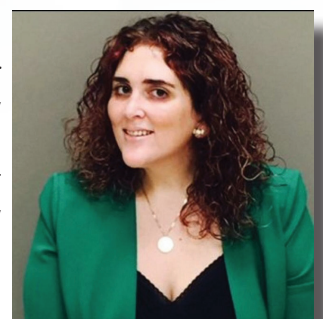
www.markspeiserforclerkofcourts.com

Anthony L. Robbins (IND)

At the time of publication, Mr. Robbins had not responded to our inquiry



*Arielle Demby Berger
is an Assistant State Attorney
and head of the
Conviction Review Unit
for the Broward County
State Attorney's Office.*



MEET YOUR NEXT PUBLIC DEFENDER

by Arielle Demby Berger

2020 is shaping up to be a year of firsts. This is the first year that Broward County could potentially have its first African American Public Defender. In fact, this may be the first African American Public Defender within the entire State of Florida! Howard Finkelstein, the elected Public Defender since 2004, is retiring. All of the candidates are either employed by the Law Office of the Public Defender, 17th Judicial Circuit, or started their career here. This will be an interesting race to watch. The Primary Election is August 18, 2020 and the General Election is November 3, 2020.

We asked each of the candidates with 250 words or less to answer these questions:

1. What makes you stand out from your opponents?
2. Your vision for a successful Public Defender's office?
3. One of these talented attorneys will become the next Public Defender for the 17th Judicial Circuit!

Ruby Lenora Green (DEM)



My life experiences prepared me to be The Public Defender. I am from Collier City/Pompano Beach, where three jails are unsuccessfully used to deter crime. At thirteen, I was sold for drugs. I am the only one of fifteen children to attend and graduate from College, doing so within three years and graduating from Law School two years later. I'm the only candidate that is both a Public Defender and working in the trenches going to court, filing/arguing motions, taking depositions, trying cases, visiting clients at the jail even as a Supervisor and Chief of County Court at the Public Defender's office. I am the only candidate who has been a Public Defender their entire career. I am a mother, zealous advocate, and active member of our community as a steadfast leader.

My vision of a successful Public Defender's Office includes a holistic approach focused on a system that benefits the entire community to:

1. Give clients better access to mental health/substance abuse programs, jobs, schooling, promote more and greater inclusion in diversion programs and housing. Decrease recidivism.
2. Provide a social worker for Misdemeanor/Felony Units.
3. Provide assistance with driver's license reinstatement and provide competent immigration legal services
4. Create an equitable fiscal plan inclusive of technology updates, qualified experts, and competent training for Attorneys. Champion for funding to ensure retention and longevity of attorneys and staff.
5. Support criminal justice reform by pushing waiver of minimum mandatories, tracking and admonishing sentencing disparities.

My experiences, commitment and advocacy make me the best choice. www.voterubygreen.com

Tom Lynch (DEM)



I was hired by the Broward Public Defender when I graduated from law school. Within two years I was selected to be chief assistant of county court, mental health, interns, and juvenile divisions, while carrying a full caseload of death penalty cases. In four years, I tried 90 jury trials, including 12 death penalty cases. I left the office and started a law firm, concentrating on criminal cases. At age 33 I was selected as a county court judge and was later appointed as a circuit judge. I spent 32 years on the bench without opposition. I left the bench and started a law firm concentrating on mediation and expert witness testimony.

The public defender's office needs a new direction. If I am successful, I will dramatically increase training and, unlike today, all chiefs and supervisors will be required to carry caseloads and try cases. Public defenders are trial lawyers, and people that cannot afford an attorney deserves to have great attorneys.

Another issue that must be addressed is the money that is owed by the clerk's office. The public defender's office claims that the clerk's office owes over \$12 million dollars. Over the years letters were written but the funds were not turned over. I would give the clerk 60 days for an audit. If the funds are not given to the public defender's office, I would file suit. There is no reason to be shortchanged. The employees, and the clients, deserve what they are entitled to.

lynchforpublicdefender.com

Continued to Page 15

Gordon Weekes (DEM)



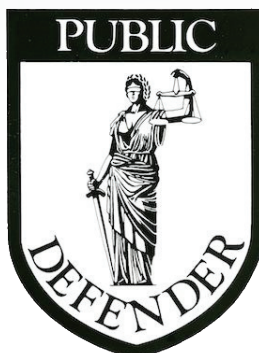
I am running for Public Defender to ensure that Each Shall Stand Equal in the criminal justice system. I have worked my entire career to act as a voice of reason to counteract poor public policies that criminalize youthful misbehavior, people living with mental illness and those battling addiction. As Public Defender, I will continue to work to ensure that equality, fairness, and justice is accessible to everyone in the community through the work we do in each individual case.

I appreciate fully the complexity of managing, funding, and leading the Public Defender's Office in a diverse and active community. We are one of the largest law firms in Broward County. It requires a strong and diverse skill set to effectively run an organization of over 200 employees while staying focused on our mission.

I have a deep reservoir of trial experience to draw from. I have the managerial experience and temperament that is needed to make our office more united. I created a supportive environment as head of the Juvenile Division that was widely recognized as client-centric with an emphasis on attorney development and training. I will implement that approach office wide. I am a strong proponent of diversionary programs that emphasize rehabilitation over incarceration. My experience with the legislative and budget process, workload analysis and Public Defender Association, makes me ready to effectively address funding. I have developed relationships that allow for open communication on important issues. With your support, I faithfully guide the Public Defender's Office in the future with a steady hand. www.gordonweekes.com

Brion Ross (WRI)

At the time of publication, Mr. Ross had not responded to our inquiry



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RECENT DEVELOPMENTS IN LAW

by Debra P. Klauber

The COVID-19 Workgroup Recommends “Best Practices”

By Administrative Order (20-23, Amendment 1), the Florida Supreme Court has required the trial courts to conduct essential and critical proceedings in a way that minimizes the risk of COVID-19 to all, and has required all non-essential and non-critical court proceedings to use electronic means unless a judge determines that there is an exception that applies.

In addition, the Florida Supreme Court, through its Workgroup on the Continuity of Court Operations and Proceedings During and After COVID-19 has released guidelines and logistical considerations to assist the Florida courts in facilitating remote court proceedings. The 17-member COVID 19 Workgroup is charged with developing recommendations for a phased return to full court operations following the guidance of public health and government authorities.

The guidelines first set forth recommendations for the courts by including issues of which the trial courts should be mindful, instructions for how to plan for, notice, start and hold remote proceedings, and logistical recommendations for hosting meetings and obtaining evidence and materials in advance.

The guidelines also provide tips directly to pro se litigants, reminding them that even though proceedings are being held remotely, they are court proceedings and all rules and standards still apply.

Additionally, the guidelines make specific recommendations for managing evidence and handling witnesses in remote hearings in family and civil cases, including a recommendation that local administrative orders should establish procedures for filing and managing exhibits and taking witness testimony.

Finally, the guidelines provide links to other resources that may assist with remote hearings and proceedings. The Supreme Court Memorandum and the Best Practices Guidelines can be found at:

<https://www.floridasupremecourt.org/content/download/635269/7217957/05-11-2020-Best-Practices-Guidelines.pdf>

Discovery ruling denying a motion to compel depositions “without explanation” warranted certiorari review.

The petitioners in a declaratory judgment action sought to depose 18 individuals, and the respondents (and counter-petitioners) sought a protective order. In advance of the hearing, the petitioners provided the court with a proffer which identified each of the individuals and summarized the relevant testimony sought. The respondents, on the other hand, sought a protective order based on the cost of the depositions and the financial impact on their business if these employees and customers were required to appear for deposition. The trial court denied, without prejudice, the motion to compel the depositions. However, where the trial

court did not set forth any findings, and the ruling was not based on specific findings of immateriality or good cause, the appellate court found that certiorari review was proper. Taking issue with the “blanket denial” of the discovery (and contemporaneous entry of a protective order), the appellate court accepted review and quashed the order since there was no showing rebutting the materiality of the witnesses. *Hepco Data, LLC v. MSKLM Hold., LLC*, 2D19-2134, 45 Fla. L. Weekly D843 (Fla. 2d DCA April 15, 2020).

A motion to tax costs does not have to be verified or accompanied by affidavit.

In this case, the trial court denied the motion to tax costs because it was not verified. Because there is “no requirement” that a motion to tax costs include verification or an affidavit, the appellate court reversed for further proceedings. The motion, which set forth the types of costs, categories, and amounts, was sufficient to justify a hearing on the amount of costs, at which evidence could be presented. The appellate court reaffirmed that a claim for costs does not need to be included in the pleadings, and that a motion for costs does not have to be accompanied by a supporting affidavit.

Campos v. Arana Auto Ins. & Multiservices Agency Corp., 4D19-1419, 45 Fla. L. Weekly D852 (Fla. 4th DCA April 15, 2020).

When multiple cases are consolidated, the trial court must consider them separately when determining which party prevailed with respect to claims for attorneys’ fees.

Multiple cases which arose out of construction contracts were consolidated by the court. The trial court heard motions for fees and costs filed by each of the parties and ultimately concluded that there was one party who was the prevailing party on all significant issues. But the appellate court held that the trial court erred by considering all three cases together for the purpose of awarding fees, noting that the consolidation of the cases “does not change the nature of each individual case or the rights of each party.” The matter was remanded so that the trial court could determine who was the prevailing party on the significant issues contained in each case. *Daake v. Decks N Such Marine, Inc.*, No. 1D18-2659, 45 Fla. L. Weekly D1170 (Fla. 1st DCA May 15, 2020).

Debra P. Klauber, Esq., a partner with Haliczer Pettis & Schwamm, oversees the firm’s trial support and appellate practice and provides guidance to litigators throughout Florida. Debbie can be reached at: 954-523-9922 or dklauber@hpslegal.com



THE 2020 ELECTORAL SEASON IN BROWARD COUNTY

by *Brendan A. Sweeney*

The 2020 electoral season in Broward County will most likely be one of the most important in recent history, due to many high-profile positions having open seats for the first time in years. These include, but are not limited to, State Attorney, Public Defender, as well as elections for Clerk of the Court and Sheriff. The logistics of the elections have been greatly complicated by the pandemic. The Judiciary in Broward County has been preparing for the election season for some time, with in-person training that was conducted on the eve of the pandemic in early March. On July 7, 2020 statewide training was conducted addressing the electoral process during the pandemic.

Pursuant to section 102.141, Fla. Stat., each Florida county shall have a canvassing board, that shall be composed of the supervisor of elections, a county court judge who shall act as chair, and the chair of the board of county commissioners. The duties of the canvassing board are to meet in a building accessible to the public in the county where the election occurred at a time and place to be designated by the supervisor of elections to publicly canvass the absent electors' ballots as provided for in section 101.68, Fla. Stat., and provisional ballots as provided by sections 101.048, 101.049, and 101.6925, Fla. Stat. In addition to training workshops, a board member's duties will commence as early as the pre-election testing of voting equipment scheduled within ten days before early voting. Thereafter, as the vote-by-mail ballots begin as early as fifteen days before an election, the duties of the canvassing board intensify through election night reporting, post-election voting system audits, and certification of election results.

While during normal times having a Broward County Court Judge assigned to the canvassing board can create issues with managing dockets, at this juncture it is even more difficult. There will be one Broward County Court Judge assigned full-time to the canvassing board and will be working for a six-week period, eighteen hours a day from 7:00 am to 1:00 am. In addition to the one County Court Judge assigned to the canvassing board there will also be three alternates selected as well, these alternates are usually Judges, however, they can also be trained hearing officers and staff attorneys. Due to the pandemic, there are approximately eight thousand civil county cases that have been reset into June and July in addition to the normal cases coming into the system in June and July. This, coupled with the potential absence of Judges serving on the canvassing board, means that the dockets for the Broward Judiciary may increase significantly during the election season.

With social distancing measures being vitally important the canvassing board is going to be faced with some new challenges in canvassing the ballots in public as required by statute. Marion County had already

created a plan addressing how to have the appropriate personnel canvass the ballots. Broward County along with the other counties in Florida are working on the logistical layout of the canvassing board.

The Broward County Supervisor of Elections, Peter Antonacci, has been encouraging voters to vote by early voting due to the pandemic. The important dates to consider are the primary election that will be conducted on August 18, 2020 and the general election that will be conducted on November 3, 2020. The vote-by-mail ballot 'send' deadline for the primary election is September 19, 2020 for the general election. Voters that are concerned about the vote-by-mail process have the option to drop off their ballots at the Supervisor of Elections offices, located downtown and in Lauderhill, and request a receipt when they drop off their ballot. With the potential significant increase in vote-by-mail ballots this may result in a longer time in canvassing the votes. Each four-page ballot will need to be precisely fed into the voting equipment, and with approximately one million voters in Broward County, this process can potentially take a great amount of time. Voters that wish to vote in person on election day can be assured that appropriate measures and safeguards will be in place to address the current issues with the pandemic. In person voting will most likely take longer than it has in the past because there will not be the same amount of voting equipment in the voting space, in order to meet social distancing requirements.

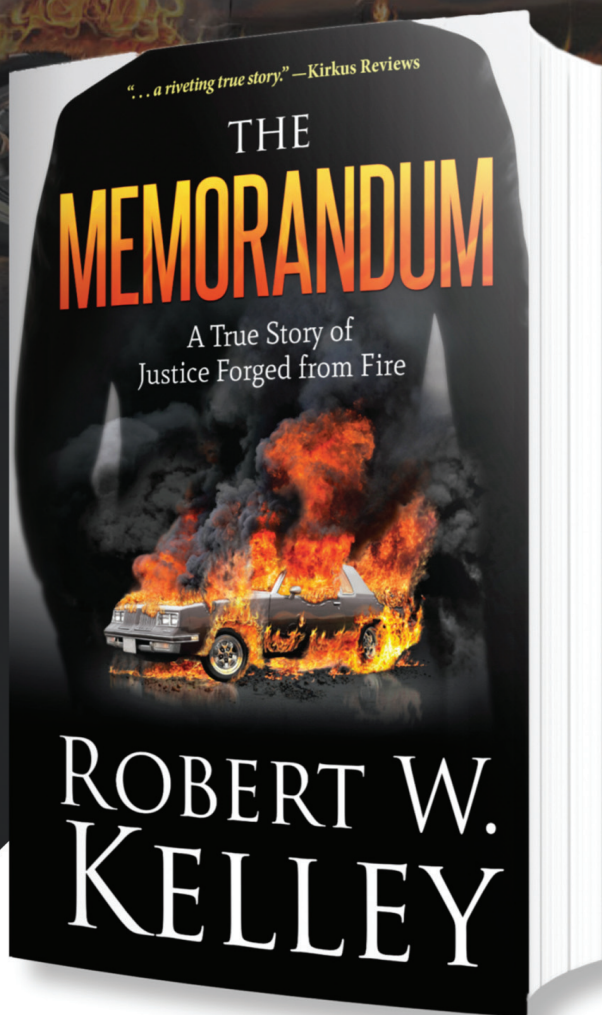
What does this all mean for members of the Broward Bar? We should all do our best to vote early, and to encourage other Broward voters to do so. Additionally, if the dockets in Broward are larger than usual, or there are issues in obtaining hearing dates, we need to do our best to be patient during these trying times and understand the importance of democracy. As President Theodore Roosevelt stated on September 7, 1903 “[i]n the history of mankind many republics have risen, have flourished for a less or greater time, and then have fallen because their citizens lost the power of governing themselves and thereby governing their state.”

Brendan A. Sweeney, Esq., LL.M., Sweeney Law, P.A. a boutique law firm in downtown Fort Lauderdale, Florida, is an AV Preeminent Martindale Rated Attorney, that has been selected as a Florida Super Lawyer and Florida Legal Elite in 2020, and regularly handles construction, real estate, and business litigation matters throughout Florida.



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