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ON THE COVER

The 2019 BCBA Bench and Bar Convention will take place on Friday, October 18th at the Signature Grand. "A View from the Bench – Do You Measure Up?" judiciary panel is scheduled for our morning session. The panel will discuss the current state of their respective courts and will speak to the most recent changes and updates. Register today at www.browardbenchandbar.org

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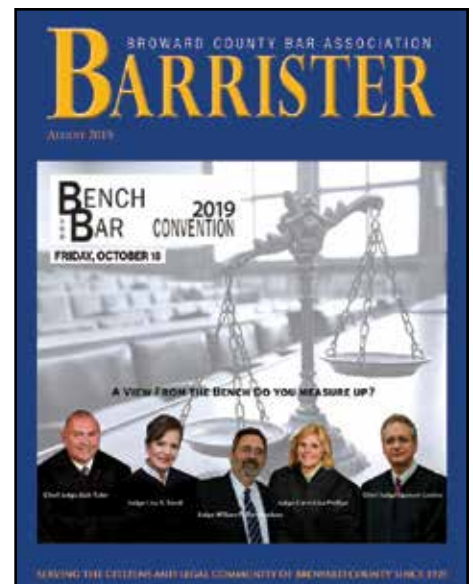
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Michael A. Fischler

the evening with their very entertaining welcoming video, highlighted by John Uustal's dancing prowess ("what cool moves") and Robert Kelley's casino skills (I believe he won again), which was enjoyed by all. Congratulations and thank you to this year's BCBA and YLS installed officers and directors, whose voluntary service is very much appreciated and affords the BCBA the opportunity to continue to grow and reach new milestones. Congratulations are also extended to all award recipients, who were more than deserving of their award by reason of their outstanding service and because they set the standard for all of us to follow. A special thank you to VBA Chairperson Aron Gibson, who organized our first VBA picnic (what a huge success) and together with other VBA leaders presented our dedicated and talented BCBA staff with individual awards (very thoughtful and very much appreciated by the staff).

I, along with President-Elect Robert Vaughan, Braulio Rosa, Lauren Riegler Capote, Young Lawyers' Section President Lindsey M. Massillon and President-Elect Omar A. Giraldo, Brian Koch, Janice Haywood, Florida Bar Board of Governor Lorna E. Brown-Burton, as well as other Broward County Voluntary Bar Leaders, attended the July 2019 Florida Bar Voluntary Bar Leadership Conference in Tampa. We met and had discussions with Florida Bar President John M. Stewart (a great leader and person, with a good sense of humor) and various Voluntary Bar Association leaders and executive directors from across the entire State, attending many informative presentations (some entertaining) and renewed and made some great connections, especially with our local counterparts in Miami Dade and Palm Beach Counties. All of us were reminded of how lucky we are in Broward County at the BCBA to be able to put on so many CLE's, have so many dynamic practice and regional sections, publish a first class Barrister Magazine twelve times a year (thanks to the Publicity Committee), a great working and mutually beneficial relationship with our Judiciary (thank you for supporting and being participants in our many events, activities and educational endeavors), our Clerk of the Court, Brenda Forman (thanks for the BCBA lawyer's lounge) and our many annual and event sponsors whose generous support allows the BCBA to host CLE's covering a variety of topics, socials and other events.

At this is the time of year we renew and solidify our membership. I would ask you to please renew your membership and recruit new members, so our Association remains strong and vibrant. Finally, thanks to all of you who have congratulated the incoming Officers and Directors and those who have personally reached out to me, as your support, positive comments and enthusiasm for the BCBA is contagious.

Until next month, stay safe, stay healthy and enjoy your summer. **B**

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letter from the young lawyers' president



Lindsay M. Massillon

For those of you who attended our Installation Gala on June 22, 2019, you know what a phenomenal night it was. I was honored to be among so many of our esteemed judges, lawyers, and those businesses who support the Broward Bar. It was a great reminder of the strength and diversity of Broward County's attorneys.

I also had the opportunity of attending the Florida Bar's 2019 Voluntary Bar Leaders Conference in Tampa last month. If you haven't checked out the photos posted on Facebook, please do. Broward showed up in droves; and, while there is always room for growth, it became apparent to me that Broward leads the pack in what we provide for our membership. One of my favorite moments of the Conference was a joint lunch with all our Broward colleagues, including leaders of the Broward County Hispanic Bar Association, Caribbean Bar Association, the Federal Bar Association, Broward County Women Lawyers' Association, and (of course) BCBA and YLS. Looking around the table at what Broward has to offer was something to behold.

Another highlight was chatting with leaders to our North and South. While it is important that YLS build relationships with our intra-county voluntary bar associations (VBAs) it is also important to me that I provide our members with an opportunity to network with attorneys in Palm Beach and Miami-Dade Counties as well. We all know how rare it is to only practice in Broward, no matter how hard we all try to stay away from traveling on 95 or the Turnpike. The more our Broward lawyers can feel as "at home" as we all feel walking in the Broward County Courthouse, the better. Attending motion calendar is already stressful enough for new attorneys when you're in your home court; how nice would it be if you could see a friendly face when you're walking down the hall of the Miami-Dade Courthouse? My Board and I will be working together to come up with networking opportunities with our local VBAs, as well as with attorneys in the tri-county area.

My Board is also working on our calendar of events for the fall, which includes our premier fall event, the 2019 Walter G. "Skip" Campbell, Jr. Memorial Charity Golf Tournament, benefitting the Nicklaus Children's Hospital Foundation, which will be held on November 9, 2019 at the Jacaranda Golf Club. We are sure to sell out this year, and you do not want to miss this event. Keep an eye on our calendar and newsletter for registration and sponsorship opportunities. In the meantime, if you want more information and want to get the ball rolling on sponsorship, please contact me at LMassillon@fowler-white.com.

With that, I encourage you to take advantage of the last days of #vacayvibes and be prepared to join us for a great YLS fall. See you next month! **B**



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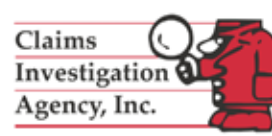
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2017 Bench and Bar Morning Judicial Plenary - A View from the Bench addressing convention attendees.

Chief Judge Jack Tuter, Fourth DCA Chief Judge Spencer Levine, Federal Judge William P. Dimitrouleas, Broward Administrative Judge Carol-Lisa Phillips and Palm Beach Administrative Judge Lisa S. Small will be the morning plenary A View From the Bench: Do you Measure Up? for the 2019 Bench and Bar Convention.

The Convention will be held on October 18th at the Signature Grand. The Bench and Bar Convention is a must-attend event that appeals to attorneys and judges from Dade, Broward, and Palm Beach Counties. The 2019 Convention will attract over 600 participants. Our Convention Co-Chairs Brent M. Reitman and Alison F. Smith have worked to bring you this extraordinary legal event that will feature a morning judiciary panel, a premier quality lunch, “break-out” sessions, and an afternoon plenary session. The morning judiciary panel discussion will be moderated by 17th Circuit Chief Judge Jack Tuter. The panel will discuss the current state of their respective courts and will speak to the most recent changes and updates. This year, the breakout sessions will cover various practice sections such as Family Law, Appellate, Malpractice, Probate, ADR, PIP, Immigration, and Bankruptcy. Breakout session panels will have diverse speakers, including tri-county judiciary. This year we will also again have our highly anticipated Trial Track. The Trial Track will be an interactive journey delving into the many different aspects of contemporary trial practice, featuring some of the most well-known practitioners in the state, and will conclude with a two-hour mock trial. The convention will offer intermediate and advanced-level CLE’s as well as CME’s. Attendees will have time throughout the day to visit various exhibitor booths while interacting with firms, companies and other attendees. The day concludes with a networking cocktail reception. **B**

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Scared Straight: The Real-Life Consequences to Managers Who Allow a Hostile and Toxic Workplace Environment



by Paul B. Ranis and Brian H. Koch

There are daily stories about discrimination and hostile workplace claims. Lawsuits are not just targeting companies but also naming managers and other supervisors in their individual capacities, due to their alleged failure to prevent a hostile and toxic workplace environment. This article focuses on some of the consequences an individual manager may face for causing, or failing to prevent, a toxic work environment. Companies must be pro-active in their approach to complaints of harassment and discrimination in the workplace, and train their managers and supervisors to understand the potential negative, real-life consequences when a manager engages in or knowingly permits such misconduct.

Fired or Demoted

A supervisor or manager who causes or permits a hostile and toxic work environment may be subject to immediate termination or demotion. Key questions whenever there is a complaint of harassment in the workplace include: What actions did the company take where there was evidence of inappropriate behavior? Was the company pro-active? Was the accused properly disciplined?

In counselling clients, we often conduct training with managers to emphasize that the company may be forced to terminate the employment of any manager who either causes or permits a hostile or toxic work environment. This is particularly true in Florida, an at-will state, which allows a private business to immediately terminate an employee for any non-discriminatory reason, with or without cause.

Lawsuits and Potential Criminal Charges

While allegations of workplace harass-

ment routinely lead to lawsuits against the company under Title VII or the Florida Civil Rights Act, managers are now frequently sued in their individual capacities for an assortment of tort claims (e.g., infliction of emotional distress and defamation). Tort claims carry potential liability for punitive damages. Should the individual manager be sued, a company may agree to defend the manager or require the manager to retain his or her own legal counsel at the manager's expense. Of course, many individual managers do not have the financial wherewithal to pay for legal fees, costs or a potential judgment.

Under Florida law, a supervisor or manager who engages in certain harassing conduct may also be subject to criminal charges. Harassment using a person's personal identification information or the sending of lewd text messages may constitute a first-degree misdemeanor (Fla. Stat. § 784.048). In short, certain egregious acts can subject a manager to criminal liability even if they took place during the manager's employment.

Bad Publicity and Workplace Disruption

When one is fired or sued for an employment law violation, there is potential for bad publicity. We often ask the following questions of managerial personnel during anti-harassment trainings: Do you want your alleged behavior to be on the front page of a newspaper or shown on TV, YouTube or Facebook? Would you behave this way in front of your significant other or your parents? Not only can bad publicity last a lifetime, but it can cause great disruption, increase mistrust and ruin careers. Morale is also negatively impacted because other employees begin to take sides. Instead of working together, there can be a rise in

distrust and disrespect.

Overall, it is important to understand that it is necessary to show respect for employees and create a culture of trust. When a company's managers respect the law and treat employees fairly, employees will trust managers and internalize the company's values as their own. Once that happens, ethics become embedded in the workplace culture. However, if managers participate in or allow a hostile workplace environment, employees lose trust and there are significant consequences for all involved. **B**



Paul B. Ranis is a shareholder with Greenberg Traurig's Ft. Lauderdale Litigation Department and chairs the office's employment practice. As an employment law litigator, Ranis represents local and national clients in jury and nonjury trials involving discrimination, retaliation, harassment, restrictive covenants, nationwide class actions and collective wage-and-hour issues. Ranis can be reached at ranisp@gtlaw.com.



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Stepping Up to Human Trafficking

by Arielle H. Demby-Berger

Have you gone to the gym today or taken a ride on your Peloton? Well, Court Deputy Roger DeHart is beginning his journey through the entire state of California, on foot! This is not his first excursion, either, because last year Roger walked from South Florida to Washington D.C. He begins his 605 mile walk on August 11 and he estimates this walk will take 40 days; 10 days less than last year's walk. So, who is this man and why is he trekking through our nation?

Roger DeHart has been a Court Deputy for over 22 years and has seen his fair share of tragedy throughout his courthouse days. He recalls first hearing a case about human trafficking. Why hadn't he heard about this before? Like most others he believed that it was an issue for other countries. Human trafficking and slavery are not topics we expect to see in a developed country like the United States. He wondered to himself why people weren't talking about this. It is the type of crime that hides in the underbelly of society. There is a big resistance to human trafficking awareness since it is a topic lots of people don't want to hear about. From this realization a new passion was born to bring awareness to the epidemic of human trafficking.

When asked why he chose to do a walk, Roger said that he had to do something that would bring attention to this cause. Surely one man walking halfway down the East Coast of America could generate some awareness! His purpose was to walk to Washington D.C. with hopes of creating enough buzz that lawmakers would pay attention. Thankfully lots of lawmakers and courthouse insiders have started paying attention, and he



has been inundated with stories from survivors and their families.

The one story that resonated the most with Roger was a story about a young lady he met in South Carolina. Her little sister was a straight "A" student and went to church. She was fifteen when she met a 26-year-old man. The man had his younger sister befriend her and then began to groom the young girl. After a year of grooming and manipulation, this girl became a sex slave. She would still continue to go to school but every night she was prostituted by this man. Eventually, her family was able to get her out, but they still worry about the long-term effects. From all of the victims and families that Roger has spoken to, he found that the biggest commonalities that traffickers look for are children with low self-esteem, signs of abuse, and growing up without a father figure. Roger says that making this journey takes a lot of inner strength which he gets "refueled" from all the people that reach out to him along the way.

Fun Facts:

No specialized training, simply jogging

Averages from the last walk: 22 miles a day

Each morning he would check into a hotel approximately 25 miles away; he would send an Uber with his luggage ahead to the hotel

Shocked by all the good Samaritans he met along the way

Met retired NY police officer in South Carolina, Jim Gomerly. He was going to walk with him through his town but stayed on until Washington DC!

He wears Hoka Sneakers donated from Runner's Depot and only went through 2 pairs

Food: he eats everything, nothing special. He is trying to lose less weight this walk

Biggest advice for logistics of walking through the country- don't google it! Buy a trucker's roadmap.

If you are interested in learning more about Roger DeHart or donating to this worthy cause, please see: <https://first-stops.org/> **B**



Arielle Demby-Berger is an Assistant Attorney General and Special Assistant Statewide Prosecutor at the Office of the Attorney General, Medicaid Fraud Control Unit.



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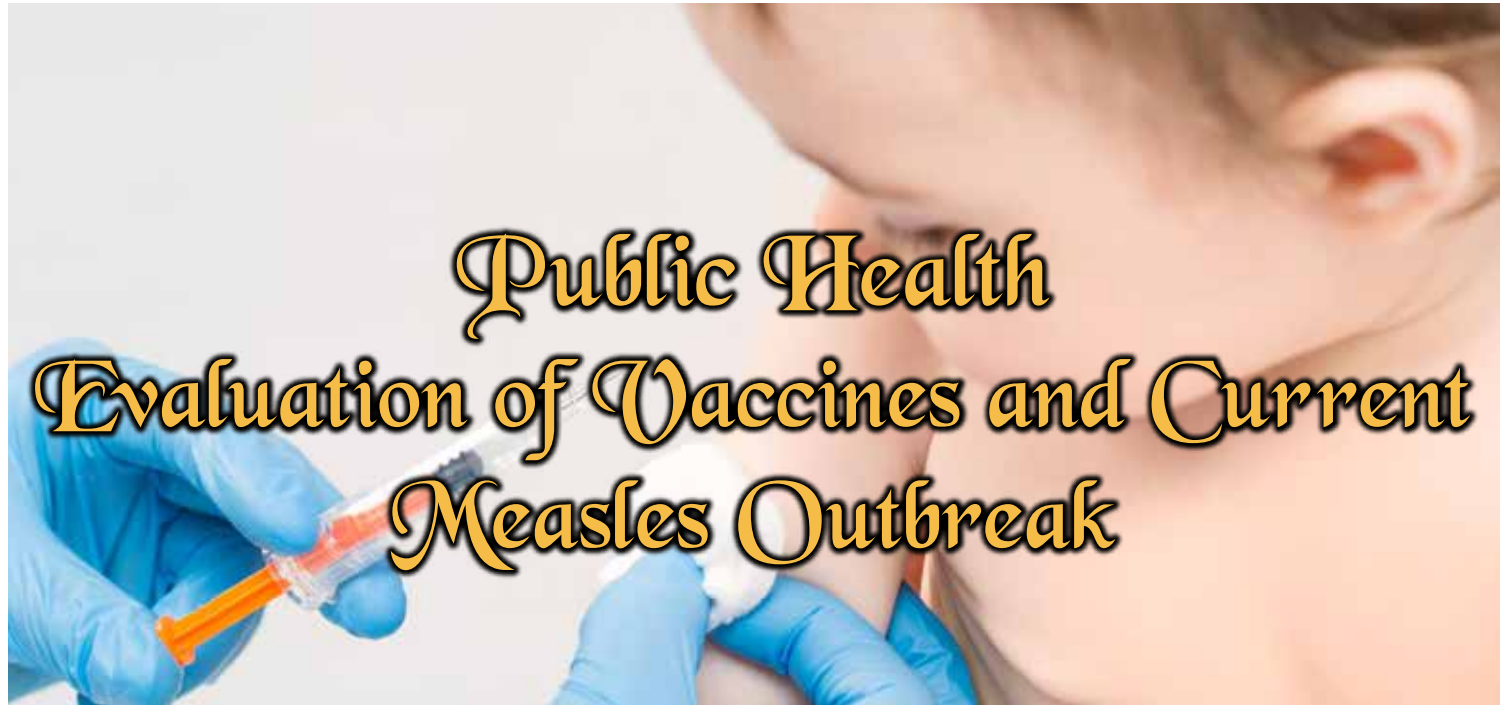
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Public Health Evaluation of Vaccines and Current Measles Outbreak

by Kathleen K. Peña & Deborah Ward

Vaccines, State Requirements and Exemptions

History

Advancements in science and medicine now allow for more thorough and accurate diagnosis and treatment, leading to prolonged healthier lives. In the past centuries, preventable infectious diseases, such as smallpox, polio, measles, and diphtheria, had devastating effects on the public health and resulted in countless deaths, or had damaging effects for patients.

Over the 20th century, significant progress was made regarding the development of vaccines. In the United States, vaccines resulted in remarkable declines in rates of infectious diseases. In 1999, the CDC reported in their assessment of the impact of vaccines from the years 1900 -1999 that the prevalence of smallpox and polio had declined nearly 100%, and nearly 100% for other diseases including measles, mumps, rubella, influenza b, diphtheria, pertussis, and tetanus. (1, 2)

Although certain vaccines have been recommended in the United States since the 1940's, the official annual vaccine schedule, Vaccine for Children program, did not appear until the mid-1990's. This program was implemented in response to the reappearance of measles in the United States between 1989-1991, which was attributed to decreased immunization rates for uninsured children. In 2014, the CDC conducted an analysis evaluating the 'Benefits from Immunization During the Vaccine for Children Program Era,

1994-2013', and reported that millions of illnesses, hospitalizations, and deaths were prevented by childhood immunization, not to mention healthcare cost. (1, 2)

Vaccination Requirements in Florida

Florida requires that children be vaccinated against eight (8) certain infectious diseases before they can go to public or private school. Many institutions now recommend that before entering college, students receive vaccination for meningitis due to increased risk among college students living in residential housing. (2) See Resource #2 for full list of required vaccines at end of article.

Vaccination Exemptions Available

In Florida, there are several exemptions from vaccines. Private healthcare providers may grant a Temporary Medical Exemption (TME), using Form DH 680, Florida Certification of Immunization, for those who are in the process of completing any necessary immunizations. The exemption has an expiration date, and the immunizations must be completed before or by that time.

A Permanent Medical Exemption, documented on the Form DH 680, can be granted if a child cannot be fully immunized due to medical reasons. The child's physician must state in writing the reasons for the exemption based on valid clinical reasoning or evidence.

Form DH 681, Religious Exemption From

Immunization, is issued if immunizations are in conflict with the religious tenets and practices of the child's parent or guardian. This exemption is issued by a County Health Department (CHD) and based on established religious beliefs or practices only.

Additional Recommended Vaccines

The success of vaccines has led to several recommendations to prevent serious illness or death. The seasonal flu (influenza) vaccine is especially important for people with chronic health conditions, pregnant women, and older adults. Every adult should get the Tdap vaccine once if they did not receive it as an adolescent to protect against pertussis (whooping cough), and then a Td (tetanus, diphtheria) booster shot every 10 years. In addition, women should get the Tdap vaccine each time they are pregnant, preferably at 27 through 36 weeks. Adults 19-26 years of age should also get the HPV vaccine, which protects against human papillomaviruses, reducing the risk of cancer. (1)

Mandatory vaccine programs have shown that lives can be saved and health care costs can be reduced. Vaccine information should be shared freely with the public in general to educate about the benefits and risks of any vaccine. Responsible programs should include the ability of parents or adults to opt out for religious or valid medical/health reasons. Promoting communication between adults, families and the medical community provides the environment necessary to build a strong resilient society that trusts and relies on its medical system.

Measles-What Should I Know?

Current State of Measles

In 2019, the CDC reported the largest number of measles cases in the United States since measles was considered eliminated in 2000, affecting 28 states, including Florida. The CDC noted an increase in measles can occur due to a rise in travelers who contract measles abroad and bring it into the US and/or increase in unvaccinated individuals within communities. (1)

About Measles

Measles is a highly contagious disease caused by a virus which is spread from person to person by coughing, sneezing, inhaling contaminated air, or touching infected surfaces. It is so contagious that if one person has it, up to 9 out of 10 people around him or her will also become infected if they are not protected. A child can get measles just by being in a room where a person with measles has been, even up to two hours after that person has left. An infected person **can spread measles to others even before knowing he/she has the disease**—from four days before developing the measles rash through four days afterward. (1)

Symptoms, which typically appear about 1 to 2 weeks after exposure, include fever, cough, runny nose, sore throat, inflammation of the eyes, and rash. Complications of measles can include diarrhea, ear infection (sometimes leading to hearing loss), respiratory complications (resulting in pneumonia), encephalitis (brain swelling that can lead to developmental delays), and pregnancy complications. Severe cases can lead to hospitalization or death. Risk factors for measles include being unvaccinated or inadequately vaccinated, travel to areas where measles is present, or having a compromised immune system. (1, 2)

There are several concerning complications from measles, but one that doesn't receive enough attention is Subacute sclerosing panencephalitis (SSPE). It is a very rare, but fatal disease of the central nervous system that results from a measles virus infection acquired earlier in life. SSPE generally develops 7 to 10 years after a person has measles, even though the person seems to have fully recovered from the illness. Since measles was eliminated in 2000, SSPE is

rarely reported in the United States. However, among people who contracted measles during the resurgence in the United States in 1989 to 1991, 4 to 11 out of every 100,000 were estimated to be at risk for developing SSPE. The risk of developing SSPE may be higher for a person who gets measles before they are 2 years of age. (1)

Exposure/Prevention

Healthcare agencies and medical communities advise that the most important way for individuals to protect themselves against the measles is proper vaccination. If you are concerned you have been exposed to the measles or may have symptoms, the Department of Health advises to immediately call your healthcare provider, medical facility, or county health department to obtain instructions as to how to be evaluated timely and safely, to minimize the risk of exposure to others.

The CDC states that most adults born after 1957 should have received vaccination against measles. It is recommended that everyone age 18 or older, born after 1956, receive at least one dose, and that children receive 2 doses by the age of 6. It is important to know your immunization status. If you are unsure of your immunization history or immunity status against the measles, speak with your healthcare provider. (1, 2)

Routine health hygiene practices should always be implemented, including covering your cough or sneeze, proper hand washing, staying home if you are ill and not exposing others, avoiding touching your face, and steering clear of sharing dishware, cups, and utensils.

How to Receive Vaccines

The easiest way to protect yourself and your family is to talk to your primary physician. Ask questions of your medical professional to understand the benefits and risks associated with any vaccine.

Children who are uninsured or under insured can still receive vaccines through the Vaccines for Children Program (VFC). (2) **B**

References

1. Centers for Disease Control
Achievements in Public Health, 1900-1999, Impact of Vaccines Universally Recommended for Children—United States, 1990-1998. April 2, 1999. 48(12); 243-248

<https://www.cdc.gov/mmwr/preview/mmwrhtml/00056803.htm#00003753.htm>

Benefits from Immunizations During the Vaccines for Children Program Era- United States, 1994-2013.

<https://www.cdc.gov/mmwr/preview/mmwrhtml/mm6316a4.htm>

Measles (Rubeola)

<https://www.cdc.gov/measles/index.html>

Measles Cases and Outbreaks

<https://www.cdc.gov/measles/symptoms/complications>

Recommended Vaccine Schedules

<https://www/cdc.gov/vaccines/schedules>

2. Florida Department of Health

<http://www.floridahealth.gov/diseases-and-conditions/measles/index.html>

Resources

1. Florida Department of Health- Broward County
<http://broward.floridahealth.gov/>

2. Florida Department of Health Vaccines for Children Program Outlines: Full Program Description, Resources for Healthcare Providers and Patients


<http://www.floridahealth.gov/programs-and-services/immunization/vaccines-for-children/index.html>;
<https://www.fachc.org/find-a-health-center/>



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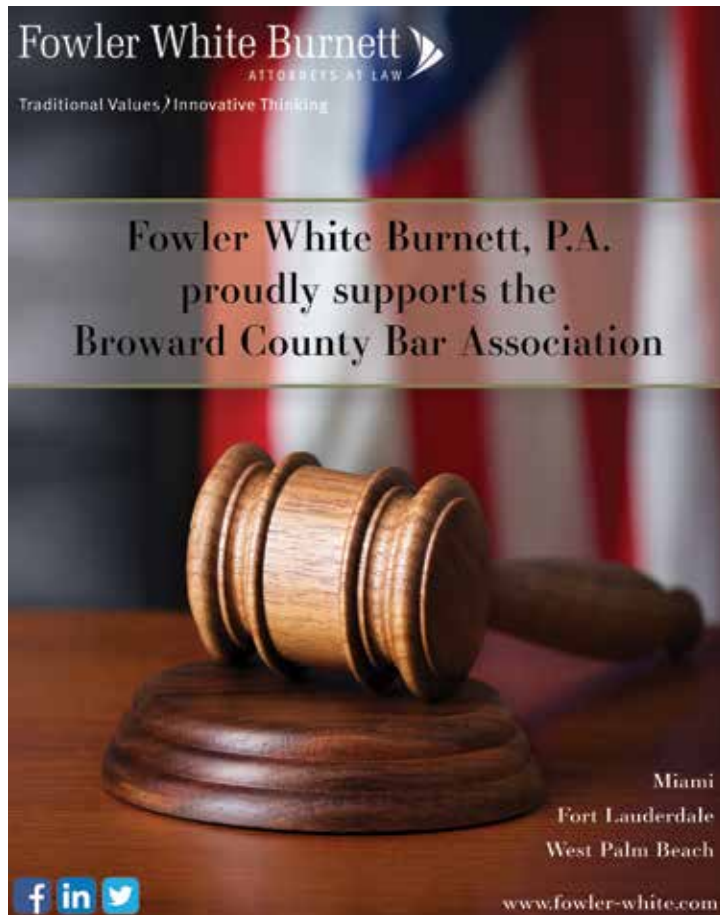


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9 Immigration CLE: T Visa Symposium - Human Trafficking

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Venue: BCBA Conference Center

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16 Family Law CLE: Mission United Veterans Pro Bono Legal Project

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Venue: BCBA Conference Center

Cost: Free BCBA Member; \$25 Non-Member

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