



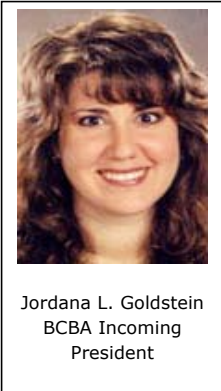
Broward County Bar Association BARRISTER

JUNE 2011 • WWW.BROWARDBAR.ORG • 954-764-8040 • VOLUME 42, ISSUE 6

Broward County Bar Association Annual Meeting and Installation Dinner Thursday, June 9, 2011

We invite you to join us to witness the induction ceremonies as **Jordana L. Goldstein** is sworn in as our 86th President, along with other Officers and Directors. Also, **Bart Ostrzenski** will be sworn in as President of the Young Lawyers Division with Officers and Directors of the YLS. The following coveted awards, among others, will be presented:

- The 2011 Stephen R. Booher Award, to a member of our judiciary
- The 2011 Lynn Futch Professionalism in Practice Award—W. George Allen
- The 2011 Joseph J. Carter Professionalism Award—Nydia Menendez
- The Young Lawyers' Paul May Professionalism Award—Louis Reinstein



Jordana L. Goldstein
BCBA Incoming
President



Bart Ostrzenski
BCBA YLS Incoming
President

Marriott Harbor Beach Resort
Grand Ballroom
3030 Holiday Drive
Fort Lauderdale
5:30 - Cocktail Reception
6:30 - Dinner
\$85 - BCBA Members • \$95 - Non-Members
Complimentary to the Judiciary
To Register – log on to www.browardbar.org/events
For more information, please call Traci at (954) 832-3618

Broward County Bar Association and Legal Aid Service of Broward County Announce Launch of the Tracey McPharlin Pro Bono Initiative *Local lawyers being recruited to represent at-risk children in court*

On June 9, 2011 the Broward County Bar Association and Legal Aid Service of Broward County will launch the Tracey McPharlin Pro Bono Dependency Recruitment Initiative, an innovative program that enables lawyers to provide pro bono services on behalf of at-risk children.

Its mission is to ensure that children in or at risk of entering the child welfare system are heard by the courts and afforded the full protection of the law. The Initiative will recruit, train and support pro bono attorneys who will represent at-risk children at all proceedings affecting their safety, permanency, health, and well-being. These goals will be accomplished through partnerships and collaborations with public and private entities involved in the child welfare system.

The program is in memory of Tracey McPharlin who passed away on November 6, 2010 after a courageous battle with cancer.

The Initiative is being spearheaded by the Broward County Bar Association, Legal Aid Service of Broward County, the 17th Judicial Circuit Pro Bono Committee, and Florida's Children First (FCF). Attorneys will be provided with basic Dependency Court process and procedure training by Florida's Children First, **on July 15, 2011 at the Broward County Bar Association's Norma B. Howard Center, 1051 SE 3rd Ave., Fort Lauderdale 33316.**

See page 6 to register for the July 15, 2011 training



PRESIDENT'S MESSAGE

by Bruce Weihe

It has been a fast year. It seems like about a week ago that I received my first email from Nydia Menendez arousing all the Bar officials in Broward County, inspiring all of us to get off our duffs and work to help the public learn about the judicial races that consumed our (but ultimately, not the public's) attention in the Summer of 2010. While Nydia's "Judicial Watch" program did not result in a 75% voter turnout, it did coalesce the many Voluntary Bars on issues of common interest, and that energy will have a truly lasting appeal.

Your Broward County Bar Association this past year has been extremely active, which is what our members wanted – and that will increase even more next year. We took enough time off to have a lot of fun, working to renew a spirit of collegiality and cooperation to blunt the "edginess" that too many of our members see happen much too frequently in our practice. Starting with a series of "The Bar at the Bar", we enjoyed cocktails and conversation at many pubs around the County, most underwritten by a sponsor so we could have fun without charge!

The YLS Golf Tournament raised \$17,000 for "Forever Family", while the Bar's Bowling League was much more exciting, well-received, and competitive than I had imagined. The Holiday Party at the Bar Center was blessed with perfect weather and great food, which resulted in the greatest attendance ever – plus a gazillion toys were contributed to benefit the YLS "Holiday in February" for deserving children, held at the Museum of Science and Discovery.

We had receptions for about everyone we could think of, from new members to old members, wishful judges to new judges to retiring judges, legislative wannabes to seasoned law-makers, and Section participants of all interests and specialties. The West Section really took off, thanks to Bar Board Member Michael Vines and the new leadership out west, now led by President Michael Rajtar, while downtown the Bar Center on Third Avenue was busier than it ever has been, with the Bench and Bar Committee taking great steps to be heard on pending legislation, and the Pro Bono Committee for the 17th Circuit inspiring much more involvement throughout the County

and within the many diverse Voluntary Bars.

Installation Dinner will turn the page and honor some wonderful people. On June 9, the gavel will be passed to Jordana Goldstein, who must be the most energetic and hard-working lawyer/Mom/Bar leader I have ever met. Jordana has many, many exciting ideas that will truly make the Bar the place to be next year.

During the Dinner, as you know, many individuals will receive well-deserved awards, and among the Award recipients will be three individuals who have put in particularly long hours during the past year directly for the Broward Bar, and one notable lawyer who has been providing service to the Bar for about thirty-plus years. **Jeff Solomon**, who heads the Bankruptcy Section, and **Gary Singer**, the Real Estate Section chair, will each receive a "Section Chair of the Year" plaque – Jeff and Gary both have produced many seminars and provided their Section members with great research and newsletter updates, which have been particularly notable in this year of too many foreclosures and bankruptcies.

The Committee Chair Award for 2010-2010 has been earned by **Charles Morehead** of the Bench and Bar Committee. Charles and I got together last summer to discuss ways that the Committee could better serve the judiciary and the Bar members, and the dialogue and the productivity of Bench and Bar has been spirited and meaningful. Great job!

The "notable lawyer" I referred to is **Nancy Little Hoffmann**, who will receive the President's Award for distinguished service to the Bar. Nancy has long been a devoted member of the Broward Bar, and her columns on "Recent Developments in the Law" have provided guidance and good advice to so many lawyers, that we all should show up and express our gratitude to Nancy.

As this term ends, I also must thank the Bar's advisor and able Executive Director, **Art Goldberg**. Art has been an integral part of the successes realized by the Bar this year and in years past – starting this year with the Judicial Watch coordination, all the way through planning the upcoming Installation Dinner on June 9 at the Marriott Harbor Beach. Thanks, Art, for all your hard work and your good friendship.

That'll do it! Best wishes to you all.



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

On Thursday, May 12, 2011, the Young Lawyers Section hosted its annual Judicial Reception from 5:30 to 7:30 p.m. at the New River Rotunda in downtown Fort

Lauderdale. I am proud to announce that the event was attended by over 350 professionals, including over 80 members of the Broward County judiciary (County, Circuit, Federal, and Fourth DCA). Thank you to everyone that attended, sponsored, and/or supported the event. Special recognition goes to the Judicial Reception chairperson, Shayna Reitman, who did an outstanding job with the event, as well as Board members Tobi Lebowitz and Aaron "A.J." Horowitz.

Additionally, on Thursday, May 19, 2011, newly elected Chief Judge Peter Weinstein was the guest speaker at the YLS monthly luncheon at the Tower Club. Judge Weinstein discussed his goals as Chief Judge, ongoing projects at the Courthouse, budget cuts, as well as other interesting topics. Thank you to everyone that attended the event, as well as Judge Weinstein for speaking at the luncheon.

Looking ahead, on Sunday, June 12, 2011, from 12:30 p.m. to 3:30 p.m. the YLS will hold its annual Family Day event at TY Park in Hollywood. This truly unique and wonderful event is open to your staff, friends, and family. Enjoy delicious food, refreshments, ice cream, snow cones, outdoor games, and access to the water park. Children/Adults are \$5.00 each (12 months and under are free). For more information regarding the Family Day or to R.S.V.P. for this event, please contact Jon Stief at jon@cmfamilylaw.com or refer to the flyer that is contained in this edition of the Barrister.

Finally, on June 9, 2011, the BCBA will hold its annual Installation Dinner, thus ending my term as YLS President. This year has truly been an amazing year for the YLS. Our Golf Tournament, Bowl-a-Thon and other events raised over \$20,000.00 for local charities, the Judicial Reception was more successful than ever, our monthly luncheons at the Tower Club were well-attended and featured excellent speakers, and our other events, including the Holiday in February, were executed beautifully. I am also proud that we were able to partner with the Broward County Bar Association and other affiliates for many of the events.

All of the above-mentioned accomplishments were made possible with the efforts of the entire Board of Directors, and I thank them from the bottom of my heart. Also, a special thanks to this past year's Officers for all of their hard work

and efforts: Bart Ostrzenski (President-Elect), Meghan Clary (Treasurer), and Ashley Sawyer (Secretary). I know how hard they worked to make this year a success.

I first became a YLS Board member in 2004, and it has been a honor and privilege to serve the Broward County legal community, and its young lawyers, the past seven years. As I say goodbye, I leave knowing that the YLS is in great hands. The incoming President, Bart Ostrzenski, is passionate about the YLS, a natural born leader, and he has many great ideas. Together with the rest of the 2011-2012 Board of Directors, I know the YLS will continue to do great things in the future. For more information about the YLS, or to get involved, please contact Bart at Ostrzenski@oslawyers.com.

The Broward Barrister is published by the Broward County Bar Association a part of our commitment to provide membership with information relating to issues and concerns on the local level.

Opinions and positions expressed in the signed materials are those of the author and may not necessarily reflect the views of this publication or the Broward County Bar Association.

1051 SE Third Avenue, Ft. Lauderdale, FL 33316
BROWARD COUNTY BAR ASSOCIATION
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Pick Your Prospects for More Business

By Margaret Grisdela

Simply waiting for the phone to ring is certain to slow your sales growth in today's economy. Law firms that want to be proactive in attracting new business should have a list of ideal prospects they are actively working for new business development.

Create a Prospect "Wish List"

Your wish list is 10-20 high quality prospects that you would really like as clients. This is where you want to spend a considerable part of your personal business development time. Determine who the hiring contact is for your legal services, and how you might arrange an introduction to this person. Research what community or industry organizations they might support, and try to attend the same events. Perhaps you can make an initial connection on LinkedIn or through a trade association.

Always focus on what the next steps are with each wish list prospect. These steps will follow the basic business development activities of getting an introduction, becoming acquainted with the person and/or firm, building a relationship, discussing specifics of a business proposal, and hopefully signing an engagement letter. By focusing on several wish list prospects, you can keep each one moving forward at a comfortable pace without being rushed.

Don't confuse your wish list with firms that may already be in your sales pipeline. Wish list prospects are those who have not yet established contact with your law firm. Keep in mind also, that 5-6 touch points are a minimum before most prospects feel comfortable engaging your firm.

Build a Prospect List Reflecting Your Ideal Client

In addition to your wish list, consider building a target list of at least 200-500 prospects for your legal services. These prospects will meet the basic criteria of your ideal clients. You can use your list for mailings of your quarterly firm newsletter or to invite prospects to one or more seminars or webinars you offer.

Law firms that focus on a corporate market for services like employment law or intellectual property can obtain lists from firms like Dun & Bradstreet, Experian, or InfoUSA. Create the targeted list you need by selecting companies based on industry, headquarters location, annual revenue, number of employees, number of years in business, or type of ownership. Once you have identified the companies, you may also be able to get the names of key personnel, like the CEO, CFO, or Human Resources Director.

If referrals from other attorneys are important to you, consider purchasing a mailing list from The Florida Bar. Pricing is reasonable at about \$.10 per name in an Excel file format. You will be able to specify selection parameters like county, zip code, section, and other variables.

Attorneys who target consumers for family law, trust and estate, or personal injury services can also purchase lists. Demographic selection criteria including location and type of residence, age, income, presence of children, and education level all help to refine your target audience.

Many magazines rent subscriber lists, either directly or through a list broker. If there is a magazine that caters to your target market, explore whether you can reach out to their readers through direct mail marketing as a supplement or an alternative to a print ad in the magazine.

Even insurance defense firms, which need to be named as panel counsel, can create a list of insurance carriers and self-insureds they would like to serve.

Marketing to Your List

According to Dr. Jeffrey Lant, it takes a minimum of seven contacts within an 18-month period for prospects to develop into clients. While this may sound like a long time, once you get an effective marketing system in place it will begin to build your practice for the longer term.

A typical campaign schedule might include a printed or electronic newsletter every 2-3 months, supplemented by seminar invitations, emails introducing an informative video, and direct mail copies of articles you have published.

Over time, your prospects will become more familiar with your firm's services. Prospects eventually turn into clients, at which point your goal is to provide the best service possible.

Remember that marketing is a process and not an event; prospect development is just one of many marketing initiatives available. Referral networking, speaking, publishing, and Internet marketing also remain essential.

*About the Author: Margaret Grisdela is the author of *Court-ning Your Clients* (now in its 2nd edition) and president of *Legal Expert Connections*, a national legal marketing agency. She is the social media sponsor for the BCBA and manages the blog. Contact her at 561-266-1030 or mg@legalexpert-connections.com.*

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RECENT DEVELOPMENTS IN THE LAW

By Nancy Little Hoffmann

1. Attorney's Fees/Prevailing Party

Nudel v. Flagstar Bank, FSB,
36 Fla. L. Weekly D1065 (Fla. 4th DCA
May 18, 2011)

Under the terms of a mortgage, the bank was entitled to recover a reasonable attorney's fee in foreclosure proceedings. After the borrower succeeded in obtaining a dismissal of the foreclosure action without prejudice, because the bank lacked standing as a result of an untimely assignment, the borrower moved for attorney's fees and costs. The trial court denied the motion because the borrower had not sought attorney's fees in her motion to dismiss. The Fourth District reversed, holding that the borrower had not waived her claim for fees since she had not yet filed a responsive pleading. Furthermore, she was entitled to fees as the "prevailing party" in the dismissed action even if the bank should refile the action and ultimately prevail.

2. Attorney's Fees/Proposal for Settlement

Tierra Holdings, Ltd. v. Mercantile Bank,
36 Fla. L. Weekly D1049 (Fla. 1st DCA May 18, 2011)

In a case of first impression, the First District rejected an argument that a valid proposal for settlement under section 768.79 cut off a prevailing party's claim for contractual attorney's fees and costs incurred after the date of the proposal. Thus, the defendant was properly awarded fees and costs incurred after the date of its settlement proposal; and the plaintiff, which prevailed in its breach of contract action, received all of its attorney's fees and costs through the date of trial.

3. Equitable Subrogation/Graves Amendment

Daimler Chrysler Insurance Company v. Arrigo Enterprises, Inc.,
36 Fla. L. Weekly D1067 (Fla. 4th DCA May 18, 2011)

The vicarious liability insurance carrier for a vehicle lessor, which entered into a long term lease with a driver who did not maintain the level of liability insurance required by the lease agreement, settled a wrongful death claim arising out of a 2004 accident involving that vehicle. Congress passed the Graves Amendment after the accident but before the settlement. Nonetheless, the insurer and lessor concluded that it would not apply and that they would be liable. It then filed an equitable subrogation action against the lessee and dealership, which the trial court dismissed based on the Graves Amendment's preemption. The Fourth District affirmed, not because of the Graves Amendment (which it held would not preclude an equitable subrogation action), but because there was no legal duty to the lessor to see that the lessee acquired a certain level of insurance.

4. Medical Malpractice/Limitation of Actions

Patrick v. Gatien,
36 Fla. L. Weekly D1046 (Fla. 1st DCA May 18, 2011)

In an opinion affirming summary judgment for the defense in a medical malpractice action, because the statute of limitations had run, the First District discusses the relationship between the basic statutory presuit framework and the statutory provision that allows the plaintiff to purchase a 90-day extension. The plaintiff's counsel unsuccessfully navigated these statutory provisions, and the complaint was filed 18 days late.

5. Permanent Injury/Directed Verdict

Wald v. Grainger,
36 Fla. L. Weekly S211 (Fla. May 19, 2011)

At trial of a motor vehicle personal injury claim, the trial court directed a verdict in plaintiff's favor as to the permanency of one of his injuries. The First District reversed, holding that permanency of an injury was a jury question and that the jury could reject any testimony regarding permanency, including uncontradicted testimony. The supreme court quashed that opinion, concluding that those statements by the First District were "overly broad and do not accurately reflect Florida law on these issues." Where, as here, the medical evidence on permanence was undisputed and not otherwise subject to question based on other evidence presented, the jury was "not free to simply ignore or arbitrarily reject that evidence and render a verdict in conflict with it." The supreme court further held that although the permanent injury was asymptomatic, plaintiff could still recover pain and suffering damages arising from his other injuries, even if they were nonpermanent.

6. PIP/Benefits Schedule

Kingsway Amigo Insurance Company v. Ocean Health, Inc.,
36 Fla. L. Weekly D1062 (Fla. 4th DCA May 18, 2011)

Answering a certified question from county court, the Fourth District held that when a PIP policy specifies that the insurer will pay 80% of medically necessary expenses, and does not mention the statutory alternative method of computing benefits, the insurer is precluded from using that alternative method in calculating the amount of its payment.

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.



One Child, One Attorney, One Life Made Better

The Tracey McPharlin Pro Bono Dependency Recruitment Initiative

What?

A collaborative effort of the Broward County Bar Association, Legal Aid Service of Broward County, Inc., The 17th Judicial Circuit Pro Bono Committee, and Florida's Children First to recruit, train and support pro bono attorneys to represent children in Dependency Court.

Why?

By joining this Initiative you can have a lasting and profound impact on the life of a child. Children, the subjects of Juvenile Dependency Court proceedings, are the only parties who are not provided with counsel. As a pro bono attorney you will speak for your child client and ensure that his or her rights are not obscured by and lost to the maze of bureaucracy of our child welfare system.

Who?

The Initiative will serve newborns to children 19 years of age currently in or at-risk of entering the child welfare system. These children have legal issues involving permanency (excessive time in state care), mental health and medical problems, assistance with transitioning out of foster care, denial of needed social and educational services, and other concerns identified by the Judges of The Juvenile Court.

When?

The launch will be on June 9, 2011 at the Broward County Bar Association Installation Dinner. Attorneys will be provided with training on July 15, 2011 in basic Dependency Court process and procedure and then matched with a child client.

How?

To participate, attorneys MUST enroll in Broward Lawyer's Care and attend a CLE certified Dependency Court training. Upon completion, attorneys will be matched to a child client and mentored and supported throughout the case by attorneys experienced in Juvenile Court proceedings. **Pro bono attorneys will have one million dollars malpractice coverage through Broward Lawyer's Care.**

Please Return Completed Form to:

David S. Bazerman, Esq., Director
Tracey McPharlin Dependency Pro Bono Initiative
Legal Aid Services of Broward County
491 State Road 7
Plantation, FL 3317
(954) 736-2417
dbazerman@legalaid.org

**I Want To Make A Difference
In the Life of A Child**

Attorney

Firm

Email

Phone



RESOLUTION

WHEREAS, THE LAMAR WARREN LAW LIBRARY OF BROWARD COUNTY is presently located in the North Wing of the Broward County Court House; and,

WHEREAS, the existing facility of **THE LAMAR WARREN LAW LIBRARY OF BROWARD COUNTY** appears adequate for current and future purposes; and,

WHEREAS, a public law library within the Court House promotes trust and confidence in the judicial system; and,

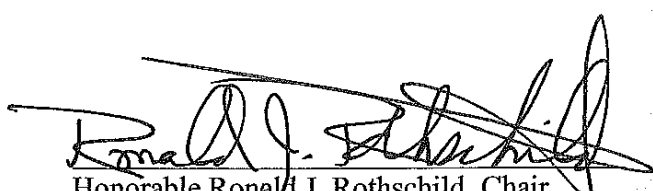
WHEREAS, an accessible public law library is a necessary component of the equal administration of justice for all County residents; and

WHEREAS, a special law, Chapter 30639 of the Laws of Florida (1955), provides for “[t]he establishment and maintenance of a Law Library in the Court House at the County seat of Broward County, Florida;” and,

WHEREAS said special law vests the Broward County Law Library Committee with “full authority to prescribe and enforce rules and regulations as to the use, maintenance, and operation of said library;”

IT IS RESOLVED that **THE LAMAR WARREN LAW LIBRARY OF BROWARD COUNTY** remains in its current facility in the Broward County Court House.

Dated: May 5, 2011


Honorable Ronald J. Rothschild, Chair
William G. Crawford, Esquire, Member
Anita Paoli, Esquire, Member
Gene Reibman, Esquire, Member
Miriam Richter, Esquire, Member

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
BROWARD COUNTY BAR ASSOCIATION**

WHEREAS, the Broward County Bar Association is an organization dedicated to the promotion of justice, the enhancement of the delivery of quality legal services to the citizens of Broward County and the State of Florida, and the support of a strong, safe, and independent judiciary; and

WHEREAS, the Broward County Bar Association has been providing service to the community since its inception in 1925, and currently is comprised of over two thousand three hundred (2,300) lawyers, many of whom represent clients on a regular basis at the various County Courthouses located in Broward County; and

WHEREAS, the Board of Directors of the Broward County Bar Association is aware of and is sensitive to the need to provide enhanced security at the various Broward County Courthouses, specifically the main courthouse in Downtown Fort Lauderdale, and the satellite courthouses in Deerfield Beach, Plantation, and Hollywood, Florida; and

WHEREAS, the Board of Directors of the Broward County Bar Association is aware of facts which reveal that of all the Counties in the State of Florida, Broward County is the one County that provides the fewest armed deputies of any County in the State of Florida; and

WHEREAS, recent events occurring at the Central Broward County Courthouse located in downtown Fort Lauderdale have underscored the fact that enhanced security and the presence of armed deputies are needed at each of the Broward County Courthouse in order to provide a safe environment for the public, for litigants, for counsel representing clients' interests, for Courthouse employees, and for the judiciary; and

WHEREAS, the Board of Directors of the Broward County Bar Association believes that in order to provide a safe and secure environment, sufficient funds must be allocated by the County Commission of Broward County to fully staff an effective Security Detail at each of the Broward County Courthouses, enabling the various judges throughout Broward County to be protected and safeguarded by armed courtroom deputies, and enabling those individuals providing services or conducting business at the various County Courthouses – including but not limited to judges, jurors, litigants, the public, courthouse employees, attorneys, and service providers – to provide those services and to conduct their business safely and without fear.

IT IS THEREFORE RESOLVED that:

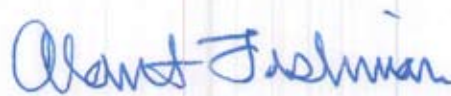
1. The Broward County Bar Association fully supports the request by the Sheriff of Broward County for adequate funding to fully staff an effective Security Detail at each of the various County Courthouses, in order to provide a safe and secure environment for all those individuals providing services or conducting business at the various County courthouses.

2. The Broward County Bar Association respectfully requests that the County Commission of and for Broward County, Florida, take all steps necessary to provide for the funding requested by this Resolution.

RESOLVED by the Board of Directors of the Broward County Bar Association on this _____ day of June, 2011.



Bruce A. Weihe
President, Broward County Bar Association



Alan S. Fishman
Secretary, Broward County Bar Association

SEMINOLE MIDDLE SCHOOL DECAL PROGRAM VISIT TO COURTHOUSE

By Andrea R. Gundersen, Esq.

On May 10th and 11th, the students from the Seminole Middle School DECAL Program had the opportunity to spend the day at the Broward County Courthouse to see how the judicial system works. The class was broken into two different groups with 88 students attending on the 10th and 66 students attending on the 11th. The excursion was arranged with the assistance of the students' teacher, Mell Rupp, Andrea R. Gundersen, Esq., liaison for the Broward County Bar Association, and Judge Towbin Singer who took an enormous amount of time out of her schedule to coordinate and participate in the activities for the students during their visit, which included observations of hearings, a presentation by the crime lab and a visit from the K-9 unit bomb squad.

With the cooperation of her fellow jurists including, Judge Bidwell, Judge Imperato, Judge Kaplan, Judge Orlando and Judge Siegal, the students were able to observe various phases of court hearings ranging from arraignment and plea hearings, direct and cross examination of witnesses during trial, injunction hearings and legal arguments on motions. After their courtroom observations, the students had the opportunity to listen to a presentation from the crime lab and then the K-9 unit of the bomb squad.

The judges who participated were gracious enough to take the time to answer questions and explain the process of what was occurring in their respective courtrooms. One teacher commented to me that he was impressed at how accommodating the judges were to take the time to welcome and acknowledge the students and answer their questions during their docket.

Along with volunteers from the courthouse staff, there were also attorneys from the West Broward County Bar Association such as Robin Moselle, Michael Rajitar, Michael Vines and Andrea R. Gundersen who volunteered their time to escort the students during the courtroom hearing observations and answer any questions. It was a pleasure to see the enthusiasm from the students. They were able to see how the curriculum they have been learning in class is applied in practice and to highlight the work that the judiciary and the staff of the Seventeenth Judicial Circuit are involved with on a day to day basis. At the end of the two days, Seminole Middle School presented Judge Towbin Singer with a plaque acknowledging their appreciation for the efforts she put in to arrange their visit.

About the Author: Andrea R. Gundersen serves on the board of the Broward County Bar Association. She concentrates her practice in family law and family mediation. She can be reached at arg@gundersenlaw.com or 954-362-0313.





Presents the

8TH ANNUAL FAMILY DAY

TY Park

3300 N. Park Rd., Hollywood, FL

Pavilion #5

Sunday June 12, 2011

12:30 p.m. - 3:30 p.m.



Bring Your Friends & Family to Enjoy Delicious
Food, Refreshments, Ice Cream, Snow Cones,
Outdoor Games, Bounce House & access
to Castaway Island Water Park
(water park access from 1:30-3:20)

Children/Adults \$5.00 (12 months and under free)
For more information and to R.S.V.P. for this event
please contact Jon Stief, Esquire at
954-525-6566 or jon@cmfamilylaw.com

Thank you to our Annual Sponsors:

Sabadell
United Bank



"The Lawyers' Bank"



Legal Aid Service of Broward County &
Coast to Coast Legal Aid of South Florida



SAVE
THE
DATE

10.14.2011

10th Annual For the Public Good
Hilton Fort Lauderdale Marina
6:00 p.m. - 10:00 p.m.

Honorary Co-Chairs:

Andy & Allison Cagnetta - Transworld Business Brokers
Howard & Julie Talenfeld - Colodny, Fass, Talenfeld, Karlinsky &
Abate/ Boardroom Communications

For more information, please contact Melisa Malone
mmalone@legalaid.org or 954-736-2426.

www.ForThePublicGoodEvent.org

**Thank you to the following attorneys
who accepted a Pro Bono case
from Broward Lawyers Care
during the first quarter of 2011!**

Alan Jay Braverman	Jennifer Laufgas
Alberto Calvo	Jesse H. Diner
Andrew Hoffman	John Sommer
Anthony S. Adelson	Jonathan Ewing
Beverly Brennan	Jorge E. Hurtado
Brion Blackwelder	Kenyetta Alexander
Bruce Herman	Lawrence Ploucha
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George Castrataro	Susan Mills
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Ira Zuckerman	Thomas A Truex
Jason Elliot Slatkin	



Coast to Coast
Legal Aid
of South Florida

Are you familiar with Coast to Coast Legal Aid of South Florida? Have you heard the name and wondered why there are two legal aid programs in our community? Coast to Coast Legal Aid of South Florida is the regional partner of Legal Aid Service of Broward County. The two non-profit organizations are located in the same building in Plantation and work together to provide free civil legal assistance to low income residents of

Broward County. Coast to Coast, as it is commonly known, was established in January 2004 to limit the impact of funding restrictions implemented by the Legal Services Corporation (LSC), a federal agency that funds legal aid programs across the country.

Since January 2004, Coast to Coast has received funding from LSC, accepting restrictions with regard to both the cases that a legal aid program can handle and the clients that are eligible to receive services. For example, an organization that receives LSC funding cannot handle class action litigation and cannot represent undocumented persons, except in very limited circumstances. Since it is only Coast to Coast that receives LSC funding, the restrictions apply only to Coast to Coast and do not extend to the cases handled or the clients served by Legal Aid Service of Broward County. Thus, by creating a second organization, Coast to Coast and Legal Aid are able to represent more individuals in need of civil legal assistance.

Coast to Coast provides legal assistance in three primary areas: family law, public benefits, and civil legal problems of senior citizens. Examples of the services provided by the organization include representing senior citizens threatened with foreclosure and eviction, representing victims of domestic violence to obtain an injunction for protection and a divorce, and representing persons who have been denied Medicaid, food stamps, SSI and unemployment benefits. The success stories published in this edition of The Barrister are representative of the services provided by Coast to Coast attorneys.

Like so many other non-profit organizations in our community, Coast to Coast is also facing funding reductions this year, as a result of cuts in LSC funding. With Congress focused on trimming the federal budget, LSC expects even greater funding reductions in 2012. Since LSC is the largest source of Coast to Coast's budget, we are bracing for a more significant hit in 2012. These cuts will clearly have an impact on the services we provide in the community.

We are asking the legal community to help us ensure that low income seniors, victims of domestic violence, families who rely on Medicaid for their health care and others like them continue to have a voice in the legal system. Please consider making a tax deductible contribution to our organization by sending a check to Coast to Coast Legal Aid of South Florida, Inc., 491 N. State Road 7, Plantation, FL 33317 or by visiting our website at www.coasttocoastlegalaid.org.

[Congratulations to our Broward Lawyers Care April Attorney of the Month, Xiomara L. Cruz!](#)

Xiomara Cruz earned her Juris Doctorate from Benjamin Cardozo School of Law in New York. She was admitted to the Florida and New Jersey Bar and is currently active in Florida. Mrs. Cruz started as a solo practitioner in 2004 - focusing on assisting clients in immigration and real estate matters such as: tenant/landlord disputes, sales contract negotiations and representing buyers.



After taking a family leave, she recently re-established and relocated her practice in Coral Springs. Aside from personal Injury cases, Mrs. Cruz represents clients in real estate litigation including evictions (Plaintiff OR Defendant) and foreclosure defense.

Ms. Cruz joined our Broward Lawyers Care pro bono panel in 2004, and has assisted on immigration cases and home ownership cases - providing more than 100 hours of service. Recently, Ms. Cruz assisted a client with 36 hours of service on a foreclosure case and is always ready to assist with any legal matters when needed.

Want to work on cases such as Xiomara's? Fill out our online form today: <http://www.legalaid.org/blcform.php>

About Broward Lawyers Care:

Broward Lawyers Care (BLC) enables busy attorneys to make a difference in their community through pro bono work. BLC manages the administrative issues so that the attorney's time is spent directly on the clients' legal needs. Services at Legal Aid are designed to help clients build self-sufficiency. When you help a Legal Aid client through our pro bono program, you have the satisfaction of knowing that you are part of a process that is geared towards helping people in need turn their lives around.

[CCLA's Latest Win! "A Voice for Kitty"](#) www.CoasttoCoastLegalAid.org

By Laurie Yadoff - Supervising Attorney, Public Benefits

Kitty Torres* is a 20 year old young woman from Pompano. A year ago she was living in an assisted living facility in the protective custody of the Department of Children and Families. Adopted from Romania as a young girl, Kitty had been born without a right arm, blind in one eye and deaf in one ear. She also had learning disabilities.




Abused by her adopted mother, she was removed from her home without any independent source of income. She applied for Social Security Disability Benefits because she was unable to work full-time and was now also experiencing post-traumatic stress disorder and depression. Her application was denied. At the request of the Department of Children and Families, Coast to Coast Legal Aid of South Florida took on the representation of Kitty on her Social Security claims. Her attorney contacted Social Security Disability Review and provided them with additional information.

When Kitty was denied again, her attorney appealed her case and continued to provide letters and information to the hearing office, suggesting that this may be a case of dire need. Kitty's benefits were granted without a hearing. Immediately, Kitty's life changed. She moved into her own apartment, began intensive mental health and life skills therapy and is working with vocational rehabilitation towards possible future employment. Because she now has health insurance, she was able to get new glasses and medical treatment for stress related stomach problems. For the first time, Kitty feels independent and confident about her future.

**In order to protect the identity of our clients, names have been changed.*

Any and all photographs, pictures, or images depicting clients are dramatizations only and not actual depictions of our clients.

**Raising the Bar Family Law Seminar,
held on Friday, May 20, 2011 in Fort Lauderdale**



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Judge Ronald Rothschild, Dale R. Sanders, Lisa K. Bennett**





Broward County Attorneys Give Back: The Mock Trial Files

By Sara M. Sandler, Esq.*

As attorneys, most of us share a love for a good ol' fashioned argument—the legal kind, of course. Some of us were members of the debate club in high school, some of us went further and joined a mock trial team in college, and some of us shined on our law school's moot court team. But for the everyday attorney, going to trial is a rare occasion and perhaps there's something about that process that we all miss from time to time.

But there are some Broward County attorneys who have found the loophole, finding a way to squeeze in one extra trial per year, while, more importantly, giving back to their community.

Spencer Multack has been an Assistant State Attorney in Broward County since 2001, but the most rewarding part of his career began in 2008, when he began devoting his time to McArthur High School in Hollywood, Florida. It was around this time that Judge Lazarus, an advocate of the mock trial team program, asked Mr. Multack to get involved with starting his own mock trial team at McArthur, which already had a criminal justice program in place. And so it was that Mr. Multack and McArthur's criminal justice instructor, James Neeck, established the McArthur High School Mock Trial Team. This season the team was also joined by volunteer Stacey Schulman, an attorney with Morgan & Morgan, and formerly of the Office of the State Attorney.

A similar path was taken by Broward County criminal defense attorney, Eric Schwartzreich, of Schwartzreich & Yates, who has been the head of the American Heritage Mock Trial Team since 2006. A former Broward County Public Defender, Mr. Schwartzreich was encouraged to head up the team by fellow Public Defender, Nikki Laurie, who is the director of the legal program at American Heritage, located in Plantation, Florida. The two run the team with fellow Broward County attorneys, Ani Porter and Michael Goldfarb.

Each year, Broward County students are given a fictitious criminal or civil case and take on the roles of prosecuting/plaintiff's attorneys, defense attorneys, and witnesses. They then learn how to develop their case and strategize to come up with a winning argument. As Mr. Multack noted, the students learn everything an attorney does in his or her everyday practice. The students then present their case before a Broward County judge, with Broward County attorneys serving as the jury. This program is coordinated with the Florida Law Related Education Association, a non-profit education organization with a focus on hands-on law related education programs for students.

This year, McArthur placed first in the 17th Circuit Mock Trial Competition held on February 26, 2011 which allowed the team to continue on to Orlando to compete in the statewide mock trial tournament, which was held on March 31–April 2, 2011. The state competition consisted of the top 20 mock trial teams from the state and 3 wildcard teams, which included American Heritage, all of which were whittled down from over 100 competing schools.

The students from both McArthur and American Heritage went on to compete in every round of the tournament. The McArthur Mock Trial Team, led by Mr. Multack, took home the very impressive

Steven Schenkman Professionalism Award, which is voted on by the other competing teams. The award is given to the team that exhibits the qualities most desired in an attorney: fairness, honesty, integrity, and professionalism.

While the competition was fierce, the American Heritage Mock Trial Team, led by Mr. Schwartzreich, walked away with the state title and went on to represent Florida on the national level in Phoenix, Arizona from May 2–8, 2011. American Heritage is the first Broward County team to have made it to this level. The team went on to place 17th in the nation and, like their fellow Broward County mock trial team from McArthur, won the Sportsmanship Award. The fact that both Broward County teams won awards for their professionalism speaks volumes about the attorneys that coached these teams.

Thinking about getting involved? Both Mr. Multack and Mr. Schwartzreich agree that this is the most rewarding experience they've had as attorneys. "One of the most important things you can do as an attorney is give back and teach the future of this profession," said Mr. Schwartzreich. Mr. Multack further explained that watching the students learn about the justice system and hearing them start to talk like lawyers and talk about evidence and how they're going to win their case makes this a rewarding process. He also explained the benefits of a mock trial team program in our local high schools. "Most kids don't experience the legal system until they're forced into it, but with programs like this, the kids can learn the law without having to be forced into it."

The coaching doesn't end once the students graduate. Both Mr. Multack and Mr. Schwartzreich keep in touch with their prior students. Mr. Schwartzreich travels to see his graduates compete at the college level and has kept in touch with one of his students who plans to attend law school next year. The students also make an effort to stay in touch. A past McArthur Mock Trial Team member came to support his alma mater at the most recent competition in Orlando.

"It's a selfless endeavor for the attorney coach," said Mr. Multack, who points out that most attorney coaches are volunteering their time. But it's time both attorneys are happy to give. There is no doubt that Mr. Multack and Mr. Schwartzreich will continue to coach their teams, whether their students win or not. "Seeing the kids appreciate the law is the reward," said Mr. Multack, "winning is on the side." "You really feel like you're making a difference," adds Mr. Schwartzreich. It's an enthusiasm both attorneys share that Mr. Multack summed up best: "I can't wait for next year's problem to come out."

So, are you interested in reliving those debate team and moot court glory days? Ready to start molding future Broward County attorneys? To get involved in a Broward County high school mock trial team, contact Dr. Mark Quintana, the K-12 curriculum specialist for Broward County Public Schools, who will help match you up with a school's team.

**Sara M. Sandler is an associate with Walton, Lantaff, Schroeder & Carson practicing primarily in appellate law and insurance coverage.*

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As a former chair of the Real Property Section of BCBA for several years, I saw first-hand the wonderful work the BCBA does for area lawyers. And during my 15 years as a member, I have attended many wonderful programs of the bar, including the terrific Solo Attorneys Networking and Referral Group which provides such great support for solo practitioners. Now that I have joined the board as the representative of the Northwest area, I look forward to getting even more involved with the organization. I have long viewed the law as a forum for resolving conflicts in a way that, whenever possible, diminishes the tension between the parties. For several years I served as a board member of the International Alliance of Holistic Lawyers, an organization that promotes rational problem-solving within the law.

Broward County Bar Association

Presents

Blogger's Breakfast

Friday, June 3, 2011

With



Don Silver

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8:00-8:30 Registration and Continental Breakfast

8:30-9:30 Presentation

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Real Estate Forms now available to BCBA Members

The BCBA's Real Property section is pleased to announce a new benefit for all BCBA members. BCBA members, and only BCBA members, now have access to a password protected area of the website containing more than forty real estate forms prepared by the REALTOR®/Attorney committee of REALTOR® Association of Greater Ft. Lauderdale (RAGFL). This committee is comprised of some of the most well respected BCBA real estate attorneys and RAGFL members.

The forms include: contracts, riders, addenda, listing agreements, brokerage disclosures, and 1031 exchange documents. The forms are reviewed on a regular basis by the REALTOR® / Attorney committee of the RAGFL to be sure they incorporate the latest changes in Florida law. Updated forms will be posted to the BCBA website as the forms are revised.

BCBA Young Lawyers' Section Monthly Luncheon held on May 19, 2011 at the Tower Club in Fort Lauderdale



Guest speaker newly elected Chief Judge Peter Weinstein discussed his goals as Chief Judge, ongoing projects at the Courthouse, budget cuts and other topics.



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ANNOUNCEMENTS

Deborah FitzGerald, a senior partner at Walton Lantaff Schroeder & Carson LLP, was recently installed as President of the Fort Lauderdale



Chapter of ABOTA for 2011. ABOTA is a national organization limited to trial lawyers with an equal split between defense and plaintiffs lawyers in each chapter and is invitation-only. She was also elected to the position of President-Elect of the Broward County Bar Association for the year 2011-12. The Broward County Bar Association has over 2100 members.

Kelly O'Riordan Vogt, who received her Juris Doctor from Tulane University Law School and her undergraduate degree from Villanova University joins Walton Lantaff Schroeder & Carson LLP in its Fort Lauderdale office, where she will concentrate her practice on professional malpractice defense and on liability defense.

Solo/Small Law Firm Networking Dinner

July 20, 2011

6:00 p.m.

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\$35 for members of Broward County Bar Association

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To RSVP, please call Traci at

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2. Friday, June 10th Noon, The Ark, 6233 Stirling Road, Hollywood, (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 and or david@dsilverstone.com.

3. Friday, June 17th Noon, East City Grill, 1800 Bell Tower Lane, Weston, (954) 659-3339, RSVP to: Rick Woolf (954) 252-0043 and or rwoolf@woolffinancial.com.

4. Tuesday, June 21st Noon, Olive Garden, 807 South University Drive, Plantation (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 and or johnrizvi@ideaattorneys.com.

5. Friday, June 24th, Noon, Champps, 6401 N. Andrews Avenue, Ft. Lauderdale, (954) 491-9335, RSVP to: John O'brien, (954) 782-9066 and or johnobrienlaw@gmail.com.

6. Tuesday, June 28th Noon, Bimini Boat Yard, 1555 S.E.17th Street, Ft Lauderdale, (954) 525-7400, RSVP to: Beth Lindie (954) 764-5400 and or blindie@lawyers.com.

7. Wednesday, June 29th Noon, Macaroni Grill, 2004 N.W. Executive Center Circle, Boca Raton, (561) 997-5492, RSVP to: Michael Degnan, (561) 353-1631 and or michael@mjcdegan.com.



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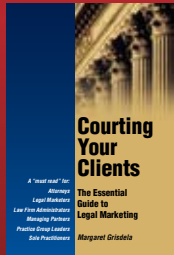
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Patrick Kelly, President of the Attorneys' Real Estate Council of Broward County, Inc., and John Hume, Secretary of the Broward Bar Foundation, with a portrait of the late Roger Staley, which the Attorney's Real Estate Council presented to the Broward County Bar. Roger Staley was a founding member of both the Attorney's Real Estate Council of Broward County and the Broward Bar Foundation.

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Friday, June 3rd:

BCBA Blogger's Breakfast. Speaker Don Silver, Chief Operating Officer Boardroom Communications. 8:00 a.m. Registration; 8:30-9:30 a.m. Program. Norma B. Howard Center Broward County Bar Association. Free to BCBA members, \$25.00 to non-members. Register at www.browardbar.org or contact Traci Lewis at (954)832-3618 or traci@browardbar.org.

Tuesday, June 7th:

BCBA Membership Committee Meeting. Noon. At the Broward County Bar Association Offices, 1051 SE 3rd Ave, Fort Lauderdale

Thursday, June 9th:

Broward County Bar Association 2011 Annual Meeting and Installation Dinner. Marriott Harbor Beach Resort, 3030 Holiday Drive Fort Lauderdale, FL. \$85 - BCBA Members. \$95 - Non-BCBA Members. Complimentary to the Judiciary. 5:30 p.m. Reception - 6:30 p.m. Dinner. To RSVP log on to: www.browardbar.org/events.

Friday, June 10th:

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

Sunday, June 12th:

BCBA Young Lawyers' Section 8th Annual Family Day, TY Park, 3300 N. Park Rd., Hollywood, FL. Pavilion #5. 12:30p.m.- 3:30p.m. Children/Adults \$5 (12 months and under free). For more information see page 15.

Tuesday, June 14th:

Association of South Florida Mediators and Arbitrators June Membership and Installation Dinner. Tropical Acres Restaurant, 2500 Griffin Road Fort Lauderdale. Speaker: Brian E. Spector, Esq. Topic: "Navigating the Mediator's Ethical Minefield". Registration begins at 5:30p.m. Dinner starts at 6:00p.m. 2 CME/CLEs applied for. E-mail: asfma1@gmail.com. Website: www.asfma.org.

Friday, June 17th:

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

Tuesday, June 21st:

Solo/ Small Law Firm Networking Lunch. Noon. Olive Garden, 807 South University Drive, Plantation. RSVP to: John Rizvi, (954) 452-0033 and or johnrizvi@ideaattorneys.com.

Thursday, June 23rd:

West Broward Section Luncheon. Speaker: Mayor John P. "Jack" Seiler Plantation Golf Preserve, 7050 W. Broward Blvd., Plantation. 11:45a.m. \$25 prior to 5/25/2011, \$30 at the door. To RSVP visit www.browardbar.org/events.

Friday, June 24th:

Solo/ Small Law Firm Networking Lunch. Noon. Champps. 6401 N. Andrews Ave., Ft. Lauderdale (954) 491-9335. RSVP to: John O'Brien (954) 782-9066 and or johnobrienlaw@gmail.com.

Tuesday, June 28th:

Solo/Small Law Firm Networking Lunch. Noon. Bimini Boat Yard. 1555 S.E. 17th Street, Fort Lauderdale, (954) 525-7400. RSVP to: Beth Lindie (954) 764-5400 and/or blindie@lawyers.com.

Tuesday, June 28th:

BCBA Publicity Committee Meeting. Noon. At the Broward County Bar Association Offices, 1051 SE 3rd Ave, Fort Lauderdale. RSVP to Chair Morrie Levine at 954-925-9000.

Wednesday, June 29th:

Solo/ Small Law Firm Networking Lunch. Noon. Macaroni Grill, 2004 NW Executive Center Circle, Boca Raton, (561) 997-5492. RSVP to: Michael Degnan (561) 353-1631 and or michael@mjcdegnan.com.

Wednesday, July 20th:

Solo/Small Law Firm Networking Dinner. 6:00 p.m. Dave & Busters. 3000 Oakwood Blvd. Hollywood, FL. \$35 for members of Broward County Bar Association. \$50 for non-members. \$5 Additional Charge if not rsvp'd in advance.

JULY 2011

It's that time again...

BCBA Membership renewal forms will be mailed in June

Members receive the following benefits:

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

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

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PERFECT FIT

The Broward County Bar Association would like to thank the law firm Brinkley Morgan for their generous donation of the new reception area's desk. From left to right: Maria Escobar, Tish Guiffreda, Valerie Bermudez, and Jennifer Palacio, BCBA Staff.