



Broward County Bar Association
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Broward County Bar Association BARRISTER

September 2009 • WWW.BROWARDBAR.ORG • 954-764-8040 • VOLUME 40, ISSUE 8

- Additions**
ONE Hour CLE Scheduled
- Appellate Practice**
FOUR Hours CLE Scheduled
- Arbitration**
Binding & NonBinding
SIX Hours CLE Scheduled
- Bankruptcy**
THREE Hours CLE Scheduled
- BSO**
THREE Hours CLE Scheduled
- Business Law**
TWO Hours CLE Scheduled
- Civil Practice**
SIX Hours CLE Scheduled
- Collections**
THREE Hours CLE Scheduled
- Construction Law**
FIVE Hours CLE Scheduled
- County Court**
FIVE Hours CLE Scheduled
- Criminal Practice**
SIX Hours CLE Scheduled
- Domestic Violence**
TWO Hours CLE Scheduled
- Drug Court**
ONE Hour CLE Scheduled
- Elder Law**
FIVE Hours CLE Scheduled
- Employment Law**
FOUR Hours CLE Scheduled

Special Convention Edition BCBA BARRISTER Broward County Bar Association

2009 Bench and Bar Convention Friday, October 16, 2009 Broward County Convention Center

Discount Registration
through
September 30

SEVEN HOURS CLE
SEE INSIDE FOR FULL
REGISTRATION
INFORMATION

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ONE DAY...
ONE LOCATION...
ONE VERY LOW PRICE!**

www.BrowardBar.org/BenchBar

- Ethics**
SIX Hours CLE Scheduled
- Evidence**
TWO Hours CLE Scheduled
- Family Practice**
SIX Hours CLE Scheduled
- Federal Practice**
TWO Hours CLE Scheduled
- Foreclosures**
FOUR Hours CLE Scheduled
- Government Law**
ONE Hour CLE Scheduled
- Intellectual Property**
FIVE Hours CLE Scheduled
- Juvenile/Dependency**
ONE Hour CLE Scheduled
- Law Office Economics**
FOUR Hours CLE Scheduled
- Legislative Update**
With Sen. Ring, Rep. Bogdanoff
- Mediation**
THREE Hours CLE
- Personal Injury**
FOUR Hours CLE Scheduled
- Probate**
THREE Hours CLE
- Real Estate Practice**
FOUR Hours CLE
- Tax**
FOUR Hours CLE
- Law Office Tech**
THREE Hours CLE
- Workers Comp**
THREE Hours CLE

2009 BCBA Bench and Bar Convention

Online Registration and Payment

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Member 2009 - 2010



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President
Carlos M. Llorente, Esquire
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Phone: 954-677-3700
Fax: 954-677-3710
Expires: June 30th, 2010

August is typically a slow month for those in the legal profession. Many families take time off before the start of the new school year or just get away to cooler climates. Traditionally, my family would pack up the camping gear and head north to Chimney Rocks in The Great Smokey Mountains, NC, where the nighttime temperature can drop below the lowest setting on our central air conditioning.

This August, with things heating up in the Association's stove top, Chimney Rock would have to wait, and solace from the heat was found under the many shade trees at the Bar Center. On August 6, 2009, Chief Judge Tobin, held what may be the first of several public forums to address (1) needed improvements, upgrades, and modernization of the Clerk of Courts' document filing process; (2) document and file retrieval; (3) access and file retention.

The discussion was excellent, and it was a shame the Clerk did not attend. Everyone that spoke had nothing but praise for Howard Forman's many years of public service, and expressed a genuine desire to assist his office to bring about the much needed changes. The BCBA has likewise offered their full assistance to bring about e-filing, web based access to files, timely filed documents, and the eradication of charges to view court documents. Sadly, as I write this month's message, I am still unable to announce that the Clerk has eradicated the unit fee charges to view court documents, as I have personally asked him to do.

Before I move on to September events, I want to take some space to discuss the topic of "public service". The term 'public service' can mean many things and be defined by many deeds. For lawyers who have specialized training beyond that of the general public, it should include service reviewing, interpreting, and if necessary, challenging rules, statutes, ordinances, or legislation for the public good; and not just for fees.

Such is the case of a concerned caller after receiving notice of his proposed property taxes for year 2009 and inquiring about challenges to the changes. The BCBA receives such calls from time to time. I must confess, I knew very little or understood even less until I heard the caller's concerns and reviewed my own tax statement. There, in plain letters and numbers, I read where my property values dropped 20% but my proposed taxes would be higher than last year. The Property Appraiser's brochure that accompanied the proposed tax statement

PRESIDENT'S MESSAGE

by Carlos M. Llorente

provided an explanation for why roughly 261,000 Broward homeowners who purchased and homesteaded their properties prior to 2003 will actually see their real property taxes rise in the face of declining values. Further research into the matter lead me to Florida's Administrative Code and the Florida Constitution, which lead to even more questions and the need for further research.

As a trial lawyer I often acquire what I consider to be expertise on numerous subjects and issues. However, that expertise may be short lived, as it fades soon after that trial or resolution, and as a new area of expertise may be learned for the next trial. My attempts to fully answer the caller's question fell short of the expertise I felt was needed to address the legal issues. However, it occurred to me that our members may have the expertise or may already be engaged in dealing with issues of wide public concern in their practice. I call upon all of us to provide 'public service' to the community by writing informative articles that may be posted on the BCBA website for public use and review. Any member with significant or specialized knowledge of proposed real property taxes, or challenges to the proposed taxes, can meet an immediate public service. Please submit your articles or informative information to info@browardbar.org

With September upon us we look forward to a drop in the thermometer, but your Association's stove top stays hot, as preparations for the Bench and Bar Convention on October 16 are in full swing. Committee Chairs and Hosts, Past President, Chris Neilson, Board Members, Robin Moselle, Jorge Hurtado, Morrie Levine, Member, Ross Schulmister and many others have been working countless hours on putting the finishing touches on what promises to be the best Bench and Bar ever. There are still some sponsor opportunities available. To be a sponsor, contact your Executive Director, Art Goldberg at 954 294-8646.

As I informed you in last month's President's Message, we are issuing photo identification cards for all members. BCBA staff will be mailing your card. During the last Board meeting I announced that in addition to the member discounts associated with the card, I would pursue some relief from the long lines or shakedowns at the courthouse entrances for members presenting their cards. Board members looked at me as if I was crazy, an impossible quest, some said. Maybe so, but just this week I was encouraged by my trip to the Brevard County courthouse in Titusville.

The courthouse is typical of the old Florida courthouses built in the 1920s and preserved as Historic. The entrance had the familiar metal detectors and security guards. The first thing I noticed was that the guards were friendly and greeting visitors rather than loudly barking orders. As I approached the guard, hands in my pockets emptying all metals, the guard asked if I had a bar card. I presented my Florida Bar card and my drivers' license. To my surprise, he waved me around the metal detectors to a separate entrance. Keeping all metals in my pockets, I walked into the courthouse as if I was an Officer of the Court. How nice it was to be back in the old days.

SEPTEMBER 2009

CALENDAR OF EVENTS

Wednesday, September 2nd:

Christian Legal Society Luncheon. Noon. Daily Grill at Calvary Chapel, 2401 W. Cypress Creek Road, Fort Lauderdale, FL 33309. Cost: by entrée. RSVP to: (954) 627-6616.

Tuesday, September 8th:

BCBA Board of directors meeting. 5:30p.m. Broward County Bar Association, Conference room, 1051 SE 3rd Ave., Fort Lauderdale, FL 33316.

Wednesday, September 9th:

Solo Small Law Firm Networking Dinner. 6:00p.m. Cocktail Hour; 6:30p.m. Dinner. At Dave & Buster's Hollywood, 3000 Oakwood Blvd. Hollywood, FL. \$35 Members; \$40 Non-members. To RSVP call Mike at (954) 764-8040 x 202 or at www.browardbar.org/events.

Saturday, September 12th:

4 Hour Minor Guardianship Class. 9:00a.m. to 1:00 p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave. Ft. Lauderdale, 33316. Cost: \$100.00. Guardian for anyone under the age of 18. To sign up please contact Tish at BCBA (954) 764- 8040 ext. 200.

Monday, September 14th:

Grievance Committee 17G Meeting. 2:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave, Ft. Lauderdale, 33316.

Monday, September 14th:

Free CLE Seminar. Topic: B- Trust Case Study. 1 Hour CLE. 4:00p.m. At the Broward County Bar Association, conference room, 1051 SE 3rd Ave., Fort Lauderdale, FL 33316. Please RSVP to (561) 961-9311.

Tuesday, September 15th:

Grievance Committee 17H Meeting. 2:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave, Ft. Lauderdale, 33316.

Tuesday, September 15th:

Bench and Bar Meeting. 12:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave., Fort Lauderdale, FL. To RSVP call (954) 764-8040.

Friday, September 18th:

Ethics, Elder Law, and End-of-Life Issues (Hospice) 4-hour CLE Seminar. \$77. 8:30 am to 12:30 pm. Held at Hospice by the Sea, 1531 W. Palmetto Park Rd., Boca Raton, FL 33486. To reserve space and for info: hbts.org/cle or (561) 416-5013.

Saturday, September 26th:

8 Hour Adult Guardianship Class. 9:00a.m. to 5:00 p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave. Ft. Lauderdale, 33316. Cost: \$180.00. Guardian for anyone over the age of 18. To sign up contact Tish at BCBA (954) 764- 8040 ext. 200.

Monday, October 5th:

Grievance Committee 17G Meeting. 2:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave. Fort Lauderdale, FL 33316.

Saturday, October 10th:

4 Hour Minor Guardianship Class. 9:00a.m. to 1:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave, Fort

Lauderdale, FL 33316. Cost: \$100.00 For a guardian for anyone under the age of 18. Attorneys welcome, approved by the Florida Bar for CLE credits. To sign up please call Tish at (954) 764-8040 Ext. 200.

Tuesday, October 13th:

BCBA Board of Directors Meeting. 5:30p.m. Broward County Bar Association, conference room, 1051 SE 3rd Ave., Fort Lauderdale, FL 33316.

Friday, October 16th:

Broward County Bar Association's 2009 Bench and Bar convention. Held at the Broward county Convention Center. 7 Hour of CLE, nearly 100 different seminars/ breakouts to choose from. Only \$245 registration includes breakfast and lunch. Get a \$25 early sign-up discount, County Bar Association members get another \$25 discount. For more information or to sign up visit www.browardbar.org, or call BCBA at (954) 764-8040.

Monday, October 19th:

FREE CLE Seminar. Topic- Taxation of life Insurance and Annuities. 2 Hours CLE. 4:00p.m. at the Broward County Bar Association, conference room, 1051 SE 3rd Ave, Fort Lauderdale, FL 33316. Please RSVP to (561) 961-9311.

Tuesday, October 20th:

Grievance Committee 17H Meeting. 2:00p.m. At the Norma B. Howard Bar Center, 1051 SE 3rd Ave, Fort Lauderdale, FL 33316.

Saturday, October 24th:

8 Hour Adult Guardianship Class. 9:00a.m. to 5:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave, Fort Lauderdale, FL 33316. Cost: \$180.00. For a guardian for anyone over the age of 18. Attorneys welcome, approved by the Florida Bar for CLE credit. To sign up please call Tish at (954) 764- 8040 Ext. 200.

HOLD THE DATE...
THE BROWARD COUNTY BAR ASSOCIATION'S

ANNUAL HOLIDAY PARTY HAS BEEN SCHEDULED FOR FRIDAY DECEMBER 18, 2009

5:30P.M.
1051 SE 3RD AVE
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OCTOBER 2009

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A Message from Michael B. Gilden, President, Young Lawyers' Section

Unfortunately, the legal profession as a whole and specifically lawyers remain tainted with less than stellar reputations in the eyes of the public. The common perceptions or misperceptions about attorneys probably only emanates from a small percentage of our colleagues, but as the saying goes, it only takes a few bad apples to spoil the bunch. However, the negative view of the legal profession does not need to remain constant and should be combated from the time each one of us takes our Oath of Attorney, as well as from that point forward.

In my capacity as the President of the Young Lawyers Section, I have the unique opportunity to impart advice to hundreds of attorney's considered "young" by the Bar, but I hope that my recommendations are heeded by everyone reading this article, regardless of their age or number of years of practice. There are many ways that lawyers can serve their communities and improve the profession's reputation, but this article will focus on three (3) specific ideals: professionalism, leadership, and service.

Professionalism:

Whether it is towards each other, opposite parties, or the Court, there is no substitute for acting like a professional in every circumstance. Regardless of whether you litigate or if your practice is transactional, how you will be thought of as a lawyer will largely depend on how you treat other people. Acting with dignity and respect towards others will get you much further than acting contemptuously and callously. Being courteous makes you no less "tough" than someone who acts with utter disregard for our professional standards and basic common decency. It takes years and years to build a reputation, but only seconds to ruin it. Therefore, being conscious of how you act every day, and in every circumstance, is critical to how you will be thought of and will also have a tremendous impact on your career. For a young lawyer it is critical to begin your career with a high level of professionalism as this is something difficult to attain if not developed from the beginning.

Leadership:

There are countless opportunities for all of us, both younger and older, to step into leadership roles whether professionally, in the community, or otherwise. There is no better way to demonstrate what lawyers have to offer than by getting out there and leading. There are countless opportunities in local, regional, state and even national Bar associations to get involved and rise to a leadership position. Here at the local Broward County Bar level, there are dozens of practice sections, voluntary Bar associations and the Young Lawyers Section in which to participate. Each of these groups has openings and positions available for people to take on significant responsibility and to shape the direction of these various organizations. There are also community groups, religious organizations, business associations, governmental bodies and other ways to become involved. These opportunities are also excellent for networking and business building. A person cannot complain about something being wrong if they are not willing to

get involved and try to make it right. It is never too early to join an organization and strive towards a leadership role.

Service:

Most lawyers are in a very fortunate position to have financial opportunities that others may not have. With this good fortune comes the responsibility to give back. Many of the same organizations which I have mentioned in paragraphs above have charitable components which are always in need of assistance. Charity is not only about giving your money, but it is also about giving your time to those in need. Despite being a duty of the profession, giving back will wind up providing you with more rewards than you likely could imagine.

If anyone has any questions about how they can participate with or in the Young Lawyers Section, please feel free to call me at Kopelowitz Ostrow Ferguson Weiselberg Keechl at (954) 525-4100 or gilden@kolawyers.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.

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BROWARD COUNTY BAR ASSOCIATION
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TWENTY-SECOND ANNUAL YOUNG LAWYERS CHARITY GOLF TOURNAMENT

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9200 West Broward Boulevard, Plantation, Florida

6:30 A.M. CHECK IN * 7:00 A.M. RANGE OPENS * 8:00 A.M. SHOTGUN START

- * Four Person Scramble Format
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- * Awards for Longest Drive, Closest-to-Pin, and Straight Drive
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- * Cold Beverages During Play
- * Awards Luncheon Following Tournament
- * Goodie Bags and Raffles

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Hole Sponsorships: \$100.00 per hole / Other Sponsorship Opportunities Available

FOR ADDITIONAL INFORMATION CONTACT:

Meghan M. Clary, Esquire at 954-525-6566 or via email at meghan@cmfamilylaw.com

TO REGISTER:

Send this entry form along with a check made payable to "Young Lawyers Section" for \$100 per person to: Meghan M. Clary, Esq., 600 S Andrews Ave. Ste. 503, Fort Lauderdale, FL 33301

PLAYER	ADDRESS	PHONE
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

****Please also join us at our Tee Off Happy Hour on ****

****Friday, November 6, 2009 at YOLO on Las Olas from 5:30-7:30****



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TWENTY-SECOND ANNUAL CHARITY GOLF TOURNAMENT

Saturday, November 14, 2009 at Jacaranda Golf Club

TEE OFF HAPPY HOUR

Friday November 6, 2009 at YOLO on Las Olas from 5:30-7:30

PROCEEDS TO BENEFIT:



Sponsorship Commitment Form

<input type="checkbox"/> <i>Title Sponsor</i>	<u>\$5,000.00</u>	Title sponsor will have their name included in the name of the tournament, on printed material, and a banner may be displayed at the tournament. A representative of the title sponsor may host the awards luncheon and make presentations. Recognition in the tournament brochure - full page as well as back page. The Title sponsor may place an item in the gift bag given to all tournament participants.
<input type="checkbox"/> <i>Happy Hour Sponsor</i>	<u>\$2,500.00</u>	Happy Hour Sponsor will have their name on printed material relating to the happy hour. A banner may be displayed at the Happy Hour. Recognition in the tournament brochure - a full page. The Happy Hour sponsor may place an item in the gift bag given to all tournament participants.
<i>Beverage Sponsor</i>	<u>\$1,000.00</u>	A banner may be displayed on all beverage carts. Recognition in the tournament brochure - a full page. The Beverage sponsor may place an item in the gift bag given to all tournament participants.
<i>Registration Table Sponsor</i>	<u>\$500.00</u>	A banner may be displayed at the registration table. Recognition in the tournament brochure - a half page. The Registration Table sponsor may place an item in the gift bag given to all tournament participants.
<input type="checkbox"/> <i>Leaderboard Sponsor</i>	<u>\$500.00</u>	A banner may be displayed above the leaderboard. Recognition in the tournament brochure - a half page. The Leaderboard sponsor may place an item in the gift bag given to all tournament participants.
<input type="checkbox"/> <i>Cart Sponsor</i>	<u>\$500.00</u>	A banner may be displayed on all golf carts. Recognition in the tournament brochure - a half page. The Cart sponsor may place an item in the gift bag given to all tournament participants.
<input type="checkbox"/> <i>Trophy/Award Sponsor</i>	<u>\$500.00</u>	A banner may be displayed on the trophy table. Recognition in the tournament brochure - a half page. The Trophy/awards sponsor may place an item in the gift bag given to all tournament participants.
<i>Driving Range Sponsor</i>	<u>\$500.00</u>	A banner may be displayed on the driving range. A representative of the driving range sponsor may have a promotional table at the driving range. Recognition in the tournament brochure - a half page. The driving range sponsor may place an item in the gift bag given to all tournament participants.
<input type="checkbox"/> <i>Putting Contest Sponsor</i>	<u>\$500.00</u>	A banner may be displayed by the putting contest area. Recognition in the tournament brochure - a quarter page. The Putting Contest sponsor may place an item in the gift bag given to all tournament participants.
<input type="checkbox"/> <i>Breakfast Sponsor</i>	<u>\$300.00</u>	A banner may be displayed in the breakfast area. Recognition in the tournament brochure - a quarter page. The Breakfast Sponsor may place an item in the gift bag given to all tournament participants.
<input type="checkbox"/> <i>Hole/Tee Sponsor</i>	<u>\$100.00</u>	A sign recognizing the sponsor will be on either the tee or green of the sponsor's choosing. Honorable mention in the tournament brochure. The Hole/tee sponsor may place an item in the gift bag given to all tournament participants. A business card ad in the tournament brochure is available for only an additional \$25.00.

Please make all checks payable to: "Young Lawyers Section". Please return checks with this form, as well as your logo or business card, to: Meghan M. Clary, Esq., Chorowski & Moore, P.A., 600 South Andrews Avenue Suite 503, Fort Lauderdale, FL 33301.

Authorized Signature _____

Sponsor Name: _____ Contact Person: _____

Address: _____

Phone Number: _____

For more information please contact Meghan Clary at 954-525-6566 or via email at meghan@cmfamilylaw.com

The 17th Judicial Circuit Court Announces Online Scheduling for Special Set Hearings

The Civil Division of the 17th Judicial Circuit is pleased to announce a pilot program allowing users to self-schedule special set hearings beginning **September 1, 2009**. Judges Tuter, Carney, and Gardiner will permit users to schedule 15 and 30 minute special set hearings without having to contact the judicial assistant. Registered users may use their current log on information. New users must register (www.17th.flcourts.org) and secure access to the system.

All notice and time provisions of the Florida Rules of Civil Procedure and 17th Judicial Circuit local rules and administrative orders apply to the notice of hearing and motions.

IT IS MANDATORY that all parties consult regarding availability of each attorney. Users may log on at the same time to see the Court's schedule of available times when selecting the date and time for a hearing. **A copy of the confirmation receipt, notice of hearing and motion shall be sent to the judicial assistant.**

For help using the system please go to:
<http://www.17th.flcourts.org/mHelp.html>

If you have technical questions please send an e-mail to calendar@17th.flcourts.org

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For more information please contact Mike at
BCBA Mike@browardbar.org

Important Information from Palm Beach County Circuit Civil Division "AW": Foreclosure

Effective August 17, 2009, all hearings in the 15th Circuit Civil Division AW may be scheduled on-line, including all special set hearings and all summary judgment hearings.

Please refer to the Division website, <http://15thcircuit.co.palm-beach.fl.us/web/guest/judges/sasser>, for all divisional instructions and email addresses.

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10 Free Ways to Maximize Your Client List

By Margaret Grisdela



When was the last time you reached out and communicated with your clients outside of normal legal matters?

If the answer is yesterday, or last week, or even last month, that's great! But if your marketing communications with clients are few and far between, you are probably leaving money on the table.

In the eternal quest for new business, discover the power in your law firm's own client list as a primary source for new revenue. Your clients know you, they trust you, and they are receptive to hearing from you. When your firm is looking for new business fast, your client list should be the first place you look.

Frequent communications with your clients will also reinforce your reputation as an expert in your field of law. Maintaining a "top of mind" presence is important so that clients remember to call you or refer you when your services are needed.

Here are some business development techniques that are easy to implement, and won't cost you much more than time.

1. Stay in touch electronically. Get in the habit of sending a personal email to those current or past clients you don't interact with often. If your day is too busy with current commitments, write your email at night or on the weekend and time the release for normal business hours. Share your recent legal successes, to indicate how your firm can help others in a similar situation.

2. Make courtesy phone calls to current or past clients. While bar guidelines frown on calls for prospecting, there is nothing wrong with calling a current or inactive client periodically to ask about what's new. You may just discover that they have a need for more legal services.

3. Mail an article you recently published. If you have not published an article in the past couple of months, now is a good time to do so. Clients will view you as the expert you are.

4. Invite a client to lunch off the clock. Breaking bread together in a comfortable setting opens the door to discussions about challenges faced by your client. Listen carefully.

5. Invite a client to a speaking engagement.

Successful rainmakers are out in the community speaking to various groups. Call up a few clients and invite them to join you for your next event.

6. Schedule a webinar. If your clients are scattered around the country or the globe, bring them together online for an educational program. In today's busy world, even a 30-minute session is welcomed.

7. Introduce a client to another service provider. Think of how you might bring people together in a way that adds value to all parties. Perhaps a banker can help your client find financing, or an accountant can help with cash flow. Your client will appreciate it, and your fellow service provider will owe you a favor.

8. Plan now to send a Thanksgiving card. It's not too early to start planning for the holidays. You might even get an early bird discount.

9. Write a white paper. Changes in legislation, funding, technology, and business practices may be confounding your clients. As a legal expert, you can separate fact from fiction and offer guidance on key decision making criteria to help clients select the right future path for them.

10. Follow your clients on social media. Are your clients on Twitter? LinkedIn? Facebook? If the answer is "yes," you should be too! If you don't know, now is a good time to find out.

Some of the marketing techniques outlined above focus on one-to-one communications. This works well with the clients you know the best, or your most promising prospects. Larger campaigns with email or direct mail work efficiently to let you reach a much larger list while still using elements of personalization.

Keeping your "house list" of clients, friends and prospects current is essential. In the direct marketing business, this is called "list hygiene." Using your list often is a perfect way to identify people who have changed jobs, companies that have gone out of business, and change of addresses.

Have fun, and remember – never stop marketing!

ABOUT THE AUTHOR: Margaret Grisdela is the president of the legal marketing agency Legal Expert Connections, Inc. She is the author of the book "Courting Your Clients: The Essential Guide to Legal Marketing." Contact her at mg@legalexpertconnections.com.

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RECENT DEVELOPMENTS IN THE LAW

by Nancy Little Hoffmann



1. Attorney's Fees/Failure to Plead Save On Cleaners of Pembroke II, Inc. v. Verde Pines City Center Plaza, LLC,
34 Fla. L. Weekly D1635 (Fla. 4th DCA August 12, 2009).

In an action for breach of a commercial lease, which provided for attorney's fees to the prevailing party, the tenant did not claim fees in its pleadings. However, before trial it had filed several documents claiming such fees should it prevail. After ruling in favor of the tenant, the court granted fees but then, on the landlord's motion, struck those fees from the final judgment. The Fourth District reversed, holding that the landlord was on notice that the tenant claimed entitlement to fees, and that it should have objected when the tenant attempted to claim fees without a formal pleading.

2. Attorney's Fees/Prejudgment Interest McCarthy v. Estate of Krohn,
34 Fla. L. Weekly D1564 (Fla. 4th DCA August 5, 2009).

The Fourth District has held that when a law firm is discharged in a contingency fee case and then obtains a quantum meruit fee recovery, it is entitled to prejudgment interest on that award as well as on a cost award. The court held that interest began to run when the client received the settlement proceeds, and that the trial court erred in awarding interest based on the date the law firm paid or incurred each cost.

3. Attorney's Fees/Section 57.105 Williams v. Cadlerocks Joint Venture, LP,
34 Fla. L. Weekly D1636 (Fla. 4th DCA August 12, 2009).

The Fourth District has clarified that the trial court may award section 57.105(1) attorney's fees as sanctions for a party's conduct in the trial court, even though the appellate court had denied appellate fees in a previous appeal.

4. Civil Rights/Unlawful Employment Practices Blizzard v. Appliance Direct, Inc.,
34 Fla. L. Weekly D1604 (Fla. 5th DCA August 7, 2009).

In a comprehensive opinion, the Fifth District discussed the criteria necessary to set forth a prima facie case for sexual harassment. Reversing a directed verdict for the

employer, the court held that offensive language need not be directed at the plaintiff in order to support a claim of a hostile workplace environment. The appellate court concluded that the evidence was sufficient to have the jury consider whether harassment was sufficiently pervasive to alter the terms and conditions of employment.

5. Discovery/Blood Sample Wicky v. Oxonian,
34 Fla. L. Weekly D1612 (Fla. 2nd DCA August 7, 2009).

Granting a petition for certiorari, the Second District held that the trial court departed from the essential requirements of law in granting the plaintiff's request to test the surviving portion of defendant's blood sample, already tested by law enforcement for alcohol and control substances, in order to determine the presence of prescription cough medication. The appellate court held that a request to test human bodily fluids must satisfy the stricter requirements of rule 1.360 for examination of the person, rather than a request for production, and that the plaintiff had failed to show good cause as required by rule 1.360.

6. Wrongful Death/Status of Son as Survivor Daniels v. Greenfield,
34 Fla. L. Weekly D1568 (Fla. 4th DCA August 5, 2009).

At the time of death of the plaintiff's decedent, he had a biological son and was listed as father on the son's birth certificate. However, because the mother had been married to another man when the child was born, the trial court ruled as a matter of law that the child was not a survivor under the Wrongful Death Act, even though the mother had not seen her husband for several years. Reversing, the Fourth District held that given the mother's attestation that the decedent was the father, the listing of his name on the birth certificate, and DNA results establishing that he was the biological father, it was error to give conclusive effect to the presumption of legitimacy and that applying the presumption in this case was not the in the child's best interest.

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.

Summary of the FLA BAR Board of Governors Meeting

At its July 17 meeting in Naples, The Florida Bar Board of Governors:

- Approved the “judicial candidate voluntary self-disclosure statement” as proposed by the Judicial Administration and Evaluation Committee and slightly modified by the Program Evaluation Committee. The statement will be given to all trial court candidates in future elections and their answers posted on the Bar’s website. The approval included providing copies of the self-disclosure statement to candidates in Creole and Spanish, but it will be up to candidates to provide translations of their answers.

- Approved, on the recommendation of the Member Benefits Committee, an agreement with Affiniscap Merchant Solutions, which provides credit card services for law firms. Affiniscap, when attorneys accept credit card payments for retainers, will automatically deposit the retainer in the attorney’s trust account but take the expenses related to the transaction from the law office operating account, as required by Bar rules. Under the agreement, Affiniscap, which has similar arrangements with 40 other state and local bars, will offer discounted rates for Bar members.

- Endorsed, on the recommendation of the Legislation Committee, the ABA position opposing the Federal Trade Commission’s efforts to include lawyers and law firms in its Red Flag regulations requiring extra efforts by creditors to protect debtors from identity theft. The ABA argues that existing ethical rules protect client information and that providing legal services to clients does not make lawyers creditors.

- Heard a report from Florida Bar Foundation President Adele Stone that Foundation IOTA revenues have been declining, from \$44 million three years ago, \$24 million two years ago, and \$11 million last year to an anticipated \$5.7 million in the coming year. The Foundation is pushing to increase lawyer pro bono efforts and also to get more private donations, she said.

- Received on first reading proposed rule amendments that would impose additional requirements on lawyers who are suspended and have not been reinstated for a period of three years or longer. The proposed rule amendments will come back to the board for final reading at its


September meeting. Among the proposed new requirements, lawyers would have to show that they have taken 10 hours of CLE for each year or part of a year during which they are ineligible to practice, show familiarity with the law, and if they waited more than 5 years to seek reinstatement retake the MPRE and Florida portions of the bar exam.

- Heard President Jesse Diner announce what he sees as the major issues confronting the Bar this year. Those include: Working to implement electronic filing for the courts; continuing to advocate for adequate funding for the courts; defending SB 2108 which passed this year and put the funding of court-related functions of elected clerks of the court under legislative overview; pushing to address the legal needs of children, especially carrying out recommendations from the Commission on the Legal Needs of Children; and helping lawyers address the current difficult economic conditions.

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Chose from 114 course offerings in more than thirty topical ‘tracks’. Times are also listed for each session. Register on line at www.browardbar.org/convention for your selections. Pre-registration is vital so that we can make the proper room assignments based on available space of each meeting room.

<p>Ethics 8:40 - 9:30 am Avoiding Fee Disputes – Preemptive Strategies 9:40 - 10:50 am Diversity Issues – Just When You Thought It Was Safe 11:00 - 11:50 am Avoiding Malpractice – Preemptive Strategies 1:50 - 2:40 p.m. Judicial Roundtable – Inns of Court</p> <p>Broward Comedy Court presents: 1:50 - 2:40 p.m. Denny Crane Ethics, Part 1 3:00 - 3:50 p.m. Denny Crane Ethics, Part 2 4:10 - 5:00 p.m. How to Respond to a Bar Complaint</p> <p>Evidence 8:40 - 9:30 am Getting Polygraphs Admitted, Part 1 9:40 - 10:50 am Getting Polygraphs Admitted, Part 2</p>	<p>Foreclosures 11:00 - 11:50 am Using Chap 13 to Prevent Foreclosure 1:50 - 2:40 p.m. Condo & Homeowner Assoc Foreclosure 3:00 - 3:50 p.m. Federal Homeowners Truth-in-Lending Equity Protection Act 4:10 - 5:00 p.m. New Mortgage Workouts</p> <p>Government Law 4:10 - 5:00 p.m. Sunshine law update</p> <p>Intellectual Property Law 9:40 - 10:50 am OMG – My Atty Needs to Learn Face-Book issues ASAP 11:00 - 11:50 am At Least Talk The Talk – a Lexicon for IP Cases 1:50 - 2:40 p.m. Bankruptcy Consequences on IP Rights 3:00 - 3:50 p.m. How to Recognize an IP Cause of Action 4:10 - 5:00 p.m. Patent Pitfalls for the Gen. Practitioner</p> <p>Juvenile/Dependency 9:40 - 10:50 am Getting Court Appointments - With Pay</p>	<p>Probate 9:40 - 10:50 am Reducing Time Between Filing and the Judge’s Signature 11:00 - 11:50 am eFiling 1:50 - 2:40 p.m. Litigating in Probate Division</p> <p>Real Estate practice 8:40 - 9:30 am eRecording – Are We There Yet? 9:40 - 10:50 am Foreclosure Defense: What To Do When Your Bank Comes Calling 11:00 - 11:50 am Closing fraud – How to Avoid Calling Your Carrier 3:00 - 3:50 p.m. Landlord/Tenant – Staying Home in a Bad Economy 4:10 - 5:00 p.m. Reverse Mortgages</p> <p>Tax 8:40 - 9:30 am Taxing annuities & life Insurance Benefits 1:50 - 2:40 p.m. Recent changes to Income Tax Law 4:10 - 5:00 p.m. Recent Developments in Ad Valorem Taxation</p>
<p>Family Practice 8:40 - 9:30 am Parenting Plans & Coordinators- New Statutes 9:40 - 10:50 am Alimony – Does “Standard of Living” Still Apply? 11:00 - 11:50 am Lively Debate: Business Valuation and Double Dipping 1:50 - 2:40 p.m. Basic Immigration for Family Lawyers 3:00 - 3:50 p.m. Confronting RAIDS in This Economy 4:10 - 5:00 p.m. Judicial Roundtable on Parenting and Financial Issues</p> <p>Federal Practice 8:40 - 9:30 am Criminal Procedure Getting It Right 9:40 - 10:50 am Civil Procedure – Getting It Right</p>	<p>Law Office Economics 11:00 - 11:50 am Starting & Building Your Own Practice 1:50 - 2:40 p.m. Market Your Practice 3:00 - 3:50 p.m. FaceBook, Linked-In and Twitter 4:10 - 5:00 p.m. InterNet Marketing</p> <p>Legislative Update 4:10 - 5:00 p.m. With State Sen. J. Ring & Rep. E. Bogdanoff</p> <p>Mediation Mediator Ethics and Misconduct: 8:40 - 9:30 am Yes, You CAN Screw It Up, Part 1 9:40 - 10:50 am Yes, You CAN Screw It Up, Part 2 4:10 - 5:00 p.m. Do’s and Don’ts for Mediators Drafting Documents</p>	<p>Technology 9:40 - 10:50 am Electronic Discovery Tools 11:00 - 11:50 am Future of Electronic Discovery 4:10 - 5:00 p.m. Electronic Discovery Cost Management</p> <p>Workers Compensation 11:00 - 11:50 am Pain Mgt. - Painless or Pain in the Neck? 1:50 - 2:40 p.m. Mediation Strategies 3:00 - 3:50 p.m. Workplace Injuries – Recognizing Issues and Resolving Liens</p>

Chose from 114 course offerings in more than thirty topical 'tracks'. Times are also listed for each session. Register on line at www.browardbar.org/convention for your selections. Pre-registration is vital so that we can make the proper room assignments based on available space of each meeting room.

<p>Addictions 8:40 - 9:30 am Recognizing and Helping Someone with an Abuse/ Gambling Problem</p> <p>Appellate Practice 8:40 - 9:30 am Practicing in 4th DCA 9:40 - 10:50 am The 4th DCA – Behind Closed Doors 11:00 - 11:50 am Practicing in 3rd DCA 1:50 - 2:40 pm Preserving the Record</p> <p>Arbitration (Binding & NonBinding) 8:40 - 9:30 am Whether to Arbitrate; Getting Started 9:40 - 10:50 am Arbitrators & Other Early Matters</p> <p>11:00 - 11:50 am Pre-Trial Proceedings</p> <p>1:50 - 2:40 pm Getting Ready & Starting "Trial"</p> <p>3:00 - 3:50 pm "Trial"; Briefs & Memos</p> <p>4:10 - 5:00 pm Post trial, Enforcing Awards, Drafting Arb. Agreements, NonBinding Arbitration, Relief, Misc.</p> <p>Bankruptcy 1:50 - 2:40 pm Fraudulent Transfers 3:00 - 3:50 pm Filing for Consumers 4:10 - 5:00 pm Creditor Representation</p>	<p>Civil Practice 8:40 - 9:30 am Pet Peeves of Judges and JAs 9:40 - 10:50 am Complex Litigation Division 11:00 - 11:50 am Proving Damages – Proper Use of Experts 1:50 - 2:40 pm Criminal Issues for Civil Attorneys – Staying Out of Trouble 3:00 - 3:50 pm Consequential Damages – What Are They? 4:10 - 5:00 pm Judicial Roundtable – Circuit Civil</p> <p>Collections 1:50 - 2:40 pm I Got My Judgment, Now what? Part 1 3:00 - 3:50 pm I Got My Judgment, Now what? Part 2 4:10 - 5:00 pm Plastic Explosion Credit Card Litigation</p> <p>Construction Law 8:40 - 9:30 am Lien law for the Gen. Practitioner 9:40 - 10:50 am Twenty Construction Causes of Action 11:00 - 11:50 am Chap. 558 Construction Defects Minefield 1:50 - 2:40 pm Getting Insurance for Sub-K defects 3:00 - 3:50 pm Atty fees after Trytek and Port-a-Weld</p>	<p>Criminal Practice 8:40 - 9:30 am Pet Peeves of Judges & JAs 9:40 - 10:50 am Felony Judicial Roundtable 11:00 - 11:50 am Misdemeanor Judicial Roundtable 1:50 - 2:40 pm Interactive Discussion of Criminal Practice Problems 3:00 - 3:50 pm Chuck Morton's Trial Advocacy 4:10 - 5:00 pm First Appearance and Bail</p> <p>Domestic Violence 9:40 - 10:50 am From Onset to Sunset – Dating Violence 11:00 - 11:50 am From Onset to Sunset – Senior Abuse</p> <p>Drug Court 8:40 - 9:30 am Expansion of PTI and Post-Adjudication Authority</p> <p>Elder Law 8:40 - 9:30 am Elder Law for Non-Elder Law Attys 9:40 - 10:50 am How to Draft Airtight Advance Directives 11:00 - 11:50 am Getting Public Benefits for Seniors 1:50 - 2:40 pm Asset Protection for Long Term Care 3:00 - 3:50 pm Elder Law and the Baby Boomer</p>
<p>BSO 9:40-10:50 am Dealing with a Child Protective Services Investigation 11:00 - 11:50 am Profiling, Discrimination, Hate Crimes 3:00 - 3:50 pm Process, Levies, Enforceable Writs</p> <p>Business & Corporate Law 8:40 - 9:30 am Asset Protection – Refine Your Strategy 4:10 - 5:00 pm Finer points of Business Leases</p>	<p>County Court 8:40 - 9:30 am Small Claims Refresher for Lawyers and Judges 8:40 - 9:30 am Judicial Roundtable Satellite Courts 9:40 - 10:50 am Landlord-Tenant Issues 11:00 - 11:50 am Traffic Court – What Lawyers and Judges Need to Know 3:00 - 3:50 pm Judicial Roundtable – County Civil</p>	<p>Employment/Labor Law 9:40 - 10:50 am New Labor, Employment & Discrimination Laws 11:00 - 11:50 am Coming changes will Impact Employers 1:50 - 2:40 p.m. Frequent Issues Not Commonly Addressed 3:00 - 3:50 p.m. Hot in Fla. – Overtime & Unpaid Wages</p>



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Panel Member Profile



William T. Laswell Certified Circuit Mediator and Qualified Arbitrator, has over 40 years of intense litigation experience. He is a graduate of Indiana University School of Business and Law School and has litigated both civil and criminal cases since 1972. From 1990 until 2005 he specialized in death penalty defense as Senior Attorney in the Public Defender's Capital Crimes Division. Since retirement from government service he has served as a Special Magistrate and Umpire in addition to mediation and arbitration of civil cases.

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For **barristers** (trial attorneys), this will give an opportunity to discuss new technologies, and how lawyers and judges are adapting. And we have not lost sight of our continuing goal to give judges a chance to let lawyers know what judges expect (and do not get), and for lawyers to let judges know what lawyers expect (and do not get).

For **barristers and solicitors**, we will have a plethora of subjects which include substantive seminars and procedural breakouts. This convention is designed for **ALL attorneys, regardless of their field of practice**. That includes office practice (solicitors).

tors). **Check out the seminar list on the back cover of this flyer.**

We will present **nineteen different choices** of seminars for **each** of three hours in the morning, and again for **each** of three hours in the afternoon.

We will have dozens of highly qualified judges and lawyers and some other experts to plan and moderate **114 different seminars and breakout sessions**, designed to cover a wide variety of legal subjects.

Lunch will feature a **gourmet double entree and dessert**. Bar President **Jesse Diner** and Bar Foundation President **Adele Stone** will be our featured speakers.

You'd pay over \$300 for any other all-day seminar, and you'd have to buy your own breakfast and lunch. But the BCBA has held the cost to attorneys to **\$220** for BCBA members, **\$245** for non-members.

That includes all the **CLE credits, lunch, and even breakfast**. In honor of 100% 17th Circuit judicial membership in BCBA, **ALL Judges are welcome without charge**.

Others can take a **\$25 discount** for registering **on or before September 30th**.

up to 7 hrs of CLE/CJE credit

\$25 advance purchase discount



DINER



STONE

[Sorry, but late registrations caused long lines and delays at the 2001 Conference and 2005 Convention.]

We're going to close this convention with a **reception**. Imagine that – breakfast, lunch AND a reception all for one low price! And **door prizes** !!

You can register ten and get a **lunch table with-a-view** for ten for **\$2,200** (while they last), or a half-table for five for **\$1,150**. Reserved lunch tables will be in a **central location** near the head table.

About forty judges will be a part of our seminars and breakout sessions as the BCBA's guests.

A limited number of sponsorships are still available – call Robin Moselle at (954) 587-1968 if you are interested, and she'll see that you get a Sponsor Prospectus. Attorney sponsors will have preferred lunch seating.

Two dozen exhibitors will also be displaying their products and services, and will be available in the conference area from 7:30 AM until the Convention ends at 6:30 PM.

Sponsorships & Reserved Tables available

There are a **limited number of lunch tables "up front"**, so reserve a table as soon as you can block your calendar.

[For a reserved table or half table, send your check and a list of attendees on your letterhead.]

Clip the reservation form below, and mail it to BCBA with your check.

Want more information? Check out the Website, get answers to **Frequently Asked Questions**, (and register on-line) at **BrowardBar.org**

Attorneys from other counties who are members of their countywide bar association (Dade County Bar Assoc.; Palm Beach County Bar Assoc.) can pay the member price - just send proof of membership with your reservation.

RESERVATION 2009 Bench-Bar Convention

Please reserve space for the following attorneys, and send us Seminar and Breakout preference forms:

Address:

Enclose your check (payable to B.C.B.A.) for \$220* per BCBA member, \$245* per non-member. Mail to:

B.C.B.A.
1051 SE 3 Avenue
Ft. Lauderdale, FL 33316

*Take a \$25 discount if your reservations are made on or before September 30, 2009.

Most subjects will have ethics or professionalism credits; Most subjects in certified fields carry some certification credit.