



Broward County Bar Association
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Broward County Bar Association BARRISTER

June 2008 VISIT OUR WEBSITE AT WWW.BROWARDBAR.ORG VOLUME 39, ISSUE 6



John G. Jordan to Receive 2008 Lynn Futch Professionalism in Practice Award

The BCBA's Professionalism Committee voted to present the 2008 Lynn Futch Professionalism in Practice Award to

John G. Jordan. The award presentation will be made at the BCBA's Annual Installation and Awards Dinner set for **Thursday, June 12 at the Marriott Harbor Beach Resort and Spa.**

\$75 per person • 5:30 p.m. Reception • 6:30 p.m. Dinner

Sponsored Tables Available

Event Sponsors Call Edwina Kessler,

Sponsorship Chair (954) 463-8593 R.S.V.P. call BCBA at (954) 764-8040

Art x 204 or Mike 210.

Congratulations, John.

"All In"

The 2007-2008 Board of Directors have unanimously contributed to the payoff of the Mortgage.



Front Row (from left) : Victor P. DeBianchi, Carlos M. Llorente, Christopher M. "Chris" Neilson, Barbara K. Sunshine, Art Goldberg, The Hon. Stacy Ross;
Second Row: Morrie I. Levine, Ted P. Galatis, Jr., Michele A. Cavallaro, Allison Bethel, Roshawn Banks, Diana Santa Maria, Angel Petti Rosenberg, Deborah Poore FitzGerald, Jorge Hurtado;
Back Row: Julie F. Klahr, Alan Fishman, Jordana Goldstein, Bruce Weihe, Todd McPharlin, John Primeau, Patrick Giunta, John Jordan.

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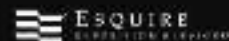
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PRESIDENT'S MESSAGE by Barbara K. Sunshine

COMMITTEE CHAIRS—WORKED HARD THIS YEAR!

It is time to thank the Committees:

Bench and Bar: Chair Lisa Bisagni

Members met the third Tuesday of every month. Lisa wrote an article for the December "Barrister." In February, the Committee honored former administrative judges: The Honorable

Thomas M. Lynch IV, The Honorable Jay Spechler, The Honorable Dale Ross, The Honorable Gary Cowart, The Honorable Peter B. Skolnik, The Honorable Howard M. Zeidwig, and The Honorable Linda L. Vitale.

Building: Chair Deborah P. FitzGerald
Donna McCann Benckenstein
Morrie I. Levine

In July, Deborah toured the buildings and grounds and drew up a list of proposed capital improvements. Starting in August, the committee met with decorator Irene Absher monthly coordinating the makeover of the Administration Building reception area and the Board room. Deborah asked Donna to take over in October so that Deborah could put her efforts into the Capital Campaign to solicit donations to pay-off the mortgage and continue the renovations.

We contracted with the City of Ft. Lauderdale in its Recycling Program, installed garbage disposals and fluorescent lighting, bought an Energy Star refrigerator and new flags, and removed the skylights.

Deborah wrote an article for the September "Barrister" entitled *President Barbara Sunshine Directs the BCBA Office to... "Go Green."*

Morrie met with Broward County commissioners and Chief Judge Victor Tobin and continues to work with the Board of Directors in trying to solve the parking problems we endure regularly at the Courthouse.

Bylaws: Chair Donald R. Walters

Don met with members and reviewed the Bylaws. He submitted the proposed changes at the April Board of Directors' meeting which were adopted and published in the May "Barrister." The membership will vote on the revisions at the June 12 Installation/Annual Meeting.

Clerk and Bar: Chair Michael R. Romm

Other than Bench and Bar, the Clerk and Bar Committee is the only other committee that meets monthly. Held the first Thursday of every month at the Public Defender's office at the Courthouse, Howard Forman and his clerks and staff attended for an open discussion of areas of interest and concern. Michael wrote an article for the October "Barrister" entitled *Clerk of Court—Top Ten Recommended Best Practices for Attorneys.*

Finance: Chair Carlos M. Llorente

Treasurer Carlos M. Llorente met with his members several times over the past year making recommendations that resulted in the hiring of Tish Guiffreda who is doing a great job of putting our finances in order. Other staff changes may be made as well as computer program updates as we work toward our goal of better fiscal responsibility and planning.

Judicial Evaluation: Chair Bruce A. Weihe

Bruce and his committee created the judicial evaluation form after reviewing others used in the state and contracted with BallotBox, a Texas company, to tabulate the results. The entire Florida Bar membership from Broward was emailed the evaluation which will be published in the July/August issue of the "Barrister." Bruce also wrote an article for the November "Barrister" entitled *Judicial Evaluation Survey Committee Goes Into Action.*

Law Week: Chair Allison K. Bethel
Angel Petti Rosenberg
Michael R. Romm

Allison began the year hoping to have a full calendar of events similar

to those in other Florida counties: Law-in-the Mall, Courthouse tours and events for the public, and teams of judges and lawyers in a spelling bee with proceeds donated to a literacy program. The only program that did occur was the Law Day Luncheon featuring keynote speaker The Florida Bar President Francisco Angones, organized by veteran planner Angel Petti-Rosenberg. We also co-sponsored the program at the Museum of Art with a panel discussion on "Dirty Money! What is the attorney's responsibility to ensure fees are clean?" with several other voluntary bar associations and the Jewish Federation of Broward County.

Lawyer Referral: Chair Anthony V. Scalese
Jorge Hurtado

Lawyer Referral is a program that allows members to sign up for new client matters. It continues to be one of our premier benefits. The public calls our referral service and a case manager refers clients to members for legal advice and possible legal representation.

Membership: Chair Jordana Goldstein

Jordana met with her committee and formulated ideas to encourage new members to join and former members to renew. She also met with law school students offering them a free membership. Discounts for services and products for members were printed in the February, March, April, May, and June "Barristers." Membership luncheons were held in the West on February 22, the North on April 8, and the South on April 11.

Professionalism: Chair James A. Cobb, Jr.

Jim set several Professionalism Committee meetings which were well attended. He presented our two newest judges Matthew Destry and Carlos Rebollo with professionalism plaques at their Robing Ceremony in January and will be honoring John Jordan as the latest recipient of the Lynn Futch Professionalism in Practice Award at the Installation/Annual Meeting in June.

Publications: Co-Chairs Morrie I. Levine and Patrick B. Giunta

At some point, the "Barrister" may go completely on-line; however, many members enjoy receiving the "hard" copy every month. The "Barrister" is a work in progress and will continue to be: layout, editing and spelling, master calendar coordination, and getting it delivered timely. You will note that this year there were substantive articles every month. Great job!

Social/Sports/Goodwill: Chair Diana Santa Maria

Diana didn't just sit back this year. She chose the Cooperative Feeding Program as our charity, meeting with Development Director Scott Woodburn and Executive Director Marti Cohen the day before Thanksgiving to hand out Publix gift certificates and boxes of food. On May 21, members were encouraged to donate a cost of a lunch to the Program as "Brown Bag Lunch" day. Members helped paint a house on November 16 for Habitat for Humanity. Chris Neilson helped her organize the Holiday Party on December 14 at the Bar center—decorations, music, and food.

Voluntary Bar and Law School Liaison: Chair Roshawn J. Banks

Roshawn organized the Voluntary Bar Leaders' luncheon sponsored by the Board of Directors on September 18 at the Riverside Hotel. Eleven bar associations were represented. She listed all of the bar associations and contact information in the November issue of the "Barrister." Roshawn also attended the membership meetings and went with Membership Chair Jordana Goldstein to make presentations at the law schools.

CLE COURSE NUMBERS

Last month I listed the seminars we held this year. These are the Course Numbers for credit with The Florida Bar:

9/20/07 Family Law Section:

JUNE 2008

CALENDAR OF EVENTS

Thursday, June 5

Clerk and Bar Committee meeting at noon.
Broward County Courthouse 201 SE 6th Street, Fort Lauderdale

Friday, June 6th

Solo/ Small Law Firm Networking Lunch:
Olive Garden Coral Springs, 1555 N. University Drive, (954) 344-5226, RSVP to: Evan M. Ostfeld (954) 227-7529 and or

Evan@Attorney4life.com.

Tuesday June 10

Association of South Florida Mediators 11:30AM-1:00PM, The Tower Club. Final meeting of the year. RSVP to Jane Goldberg at (954)764-8040, ext 202, or email (www.asfma.org).

Thursday, June 12

Broward County Bar Association's Annual Meeting and Installation dinner

Marriott Harbor Beach Resort and Spa \$75.00 per person 5:30p.m. Reception 6:30 p.m.

Dinner Sponsored Tables Available Event Sponsors Call Edwina Kessler, Sponsorship Chair (954) 463-8593 RSVP Call BCBA at (954) 764-8040 Ext. 210

Friday, June 13th

Solo/ Small Law Firm Networking Lunch:The Ark, Hollywood, 6255 Stirling Road, (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 and or david@dsilverstone.com.

Saturday, June 14

4 Hour Minor Guardianship Class held at the Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale, 9:00 a.m.- 1:00p.m. Cost to attend: \$100.00.

Please call Jane (954) 764-8040 ext. 202 to register.

Tuesday, June 17

Bench and Bar Committee Meeting Noon. Lunch included. Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale RSVP to (954) 764-8040

Tuesday June 17,

Solo/ Small Law Firm Networking Lunch:NEW LOCATION @ 15th Street Fisheries at Lauderdale Marina,1900 S.E. 15th Street, Fort Lauderdale, (954) 763-2777, RSVP to: Beth Lindie (954) 764-5400 and or blindie@lawyers.com.

Friday, June 20

Solo/ Small Law Firm Networking Lunch: Olive Garden Plantation, 807 S. University Drive, (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 and or johnrizvi@ideaattorneys.com.

Tuesday, June 24

Solo/ Small Law Firm Networking Lunch:NEW LOCATION @ J. Marks Restaurant, 1490 Copans Road, Pompano Beach, (954)782-7000, RSVP to: Jesse Lieberman (954) 596-9944 and or Andrea@jlieberman.com.

Friday, June 27

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

Saturday, June 28

8 Hour Adult Guardianship Class held at the Broward County Bar Association SE 3rd Avenue, Fort Lauderdale, 9:00 a.m.-5:00p.m. Cost to attend: \$180.00. Please call Jane (954) 764-8040 ext. 202 to register.



Kelley Uustal

TRIAL ATTORNEYS

Catastrophic Injury | Wrongful Death | Defective Products | Medical Malpractice | Consumer Fraud | Business Litigation

- River of Knowledge Cruise #89117
- 9/27/07 Elder Law Section:
The New Trust Code #89077
- 10/26/07 Family Law Section:
Raising the Bar #89057
- 11/8/07 Legal Malpractice #79287
- 11/15/07 YLS luncheon:
Nuts & Bolts #43418
- 2/15/08 Workers' Compensation Section:
Stayin' Alive in Workers'
Comp. Today #28978
- 4/25/08 Bankruptcy Law Section:
Bankruptcy for the Family
Law Attorney #43428
- 5/12/08 Dirty Money! What is the
attorney's responsibility to ensure fees are clean? #43408

WHAT DID I DO THIS YEAR?

Committee meetings: Bench and Bar, Clerk and Bar, Building, Finance, Judicial Evaluation, Law Week, Membership, Nominating, and Professionalism

Practice Section meetings: Elder Law, Family Law, Solo/Small Firm, Workers' Compensation

Board Retreat: September 8

Bar Association Luncheons:

- Board luncheon at the Riverside on June 20
- Voluntary Bar Leaders' luncheon at the Riverside on September 18
- Committee and Practice Section Chair luncheon at the Riverside on October 11
- Past Presidents' luncheon at the Riverside on November 28
- Past Presidents' luncheon at the Bar Center on February 20
- West Membership Luncheon at Jacaranda Country Club on February 22
- North Membership Luncheon at Gallupi's on the Green on April 8
- South Membership Luncheon at Dave & Buster's on April 11
- Law Day Luncheon at the Tower Club on May 5

Speeches: North Broward Bar Association luncheon on September 11
The Florida Bar Practicing with Professionalism on February 27
Young Lawyers' Section luncheon on March 27

Events: Holiday Party at the Bar Center on December 14
Judicial Robing on January 25
Young Lawyers' Section Judicial Reception on May 1

Charity/Goodwill:

- Habitat for Humanity on November 16
- Cooperative Feeding Program on November 21
- Legal Aid Service 7th Annual For The Public Good on April 25
- "Brown Bag Lunch" Day for Cooperative Feeding Program On May 21

Other Voluntary Bar Events:

- Broward County Hispanic Bar Association Installation
Dinner on June 2
- Demystifying the JQC at the Tower Club on September 28
- North Broward Bar Association luncheon on April 8
- "Dirty Money! What is the attorney's responsibility to ensure fees are clean?" on May 12

Greater Ft. Lauderdale Chamber of Commerce:

- New Member Orientation on July 31
- Downtown Council Breakfast on September 27

My Travels: July—Manistee, Michigan
July—Disney World for Voluntary Bar Leaders' Convention
August—Manistee, Michigan
October—Chicago, Illinois
October—Islamorada, Florida
January—Cape Coral, Florida
February—Lake Lure, North Carolina
March—New Orleans
May—St. Petersburg, Florida
May—San Francisco/Big Sur/Santa Barbara/LA

Company:

Christmas/New Year's/February/March

Please come to the Annual Meeting and Installation Dinner on Thursday, June 12 at 5:30 at the Marriott Harbor Beach Hotel where I will be presenting my President's Award, Committee Chair Award, and Practice Section Award, and passing the gavel on to your new President Chris Neilson.

Gone Fishin'



My brother, Rick, and Bill
Manistee, Michigan July, 2007

**Congratulations to 2008-2009
Broward County Bar Association Board of Directors**

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Ray Ferrero, III
Deborah P. FitzGerald
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Edwina V. Kessler
Todd R. McPharlin
Angel Petti Rosenberg

and
**Congratulations to 2008-2009
Young Lawyers Section Board of Directors**

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Dean Joseph Harbaugh, Nova Southeastern University Shepard Broad Law Center, was recognized for his contributions to legal education at the Law Day Luncheon.

Left to right front row:

Marilyn Eisler, Director of Alumni Relations; Sharon Booth, Director of Public Interest Programs and Disability Services; Joseph Harbaugh, Law Center Dean & Professor of Law; Fran Tetunic, Director, Alternative Dispute Resolution Clinic & Associate Professor of Law.

Back row:

William Adams, Associate Dean, International, Online & Graduate Programs & Professor of Law; Linda Harrison, Associate Dean, Critical Skills Program & Associate Professor of Law; Janet Mosseri, Associate Dean for Student Affairs.



Message From Broward County Bar Association's Young Lawyers' Section President

by Chris D. Connally

As indicated in last month's Barrister article, we had 4 vacancies on the YLS Board for the upcoming term. On behalf of the current Board members and officers, I would like to congratulate and welcome our newest Board members: Matthew G. Lerner, Louis Reinstein, Shayna M. Reitman and Ashley A. Sawyer! I have no doubt that they will each make tremendous contributions to the YLS Board and to Broward County as a whole. I would also like to congratulate Scott Chitoff, who I know will do a fine job as he assumes the position of YLS President, and Michael Gilden who will move up to President-Elect position. David Hirschberg's hard work as a Board member has paid off, as he will be installed as the new Secretary / Treasurer of the YLS.

great event for children and their families, which has grown each year and we expect another solid turnout. Those in attendance will have an opportunity to enjoy the water park, bounce house, clown for the kids, face-painting, as well as food and beverages for only \$5.00! This event is by no means only limited to attorneys or those in the legal community. Please contact Meghan Clary to R.S.V.P. at Meghan@cmfamilylaw.com.

Remember, you do not have to be young or a lawyer to attend our events! As always, should you have any questions, please do not hesitate to contact Chris D. Connally at CDConnally@hotmail.com.

Mission Statement

The Broward County Bar Association, a not-for-profit organization, was founded in 1925 to foster courtesy, ethics and professionalism among lawyers; to educate the citizens of Broward County on their legal rights, and to provide necessary legal services to Broward County residents.

The Broward Barrister is published by the Broward County Bar Association as 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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The Honorable Stacy Ross

EXECUTIVE DIRECTOR

Art Goldberg 764-8040 Fax: 764-8060

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Please join us for the June 12th, 2008 Installation Dinner, where each of the new YLS and BCBA Board members and officers will be installed. Make sure to call the BCBA office at 954-764-8040 to make your reservation and inquire about sponsorship opportunities for the June 12th, 2008 Installation Dinner. Also keep an eye out for email blasts and Barrister articles for more information!

The Judicial Reception held on May 1, 2008, was a tremendous success and there were well over 200 judges, attorneys and others in attendance at the Sun Sentinel Building in downtown Ft. Lauderdale. As usual, a good time was had by all and it was a wonderful opportunity for judges and attorneys to mingle outside of a courtroom setting. The BCBA Board members and officers worked very hard to put together another fantastic Law Week, including the well-attended luncheon!

The last YLS lunch of the current term took place on May 22nd, 2008 and we cannot thank the incoming President of the Florida Bar, Jay White, enough for taking time out of his busy schedule to speak about what he has planned for his upcoming term! The YLS luncheons will resume with the start of the upcoming term in August. Keep an eye out for updates in the Barrister, as well as email blasts on future luncheons.

Last, but certainly not least, the YLS is having its 3rd Annual Family Day event on Sunday, June 1st, 2008 from 12:00 p.m. to 3:00 p.m. at TY Park in Hollywood (off of Sheridan Street and just west of I-95). This is a

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RECENT DEVELOPMENTS IN THE LAW

by Nancy Little Hoffmann

1. Attorney's Fees/Trial De Novo

Antunez v. Whitfield,

33 Fla. L. Weekly D1030 (Fla. 4th DCA April 16, 2008).

According to the Fourth District, the 2007 amendment to Section 44.103(6), dealing with

trial *de novo* after a court-ordered non-binding arbitration, is substantive in nature and does not apply retroactively. Under the earlier version, taxable costs were considered as part of the judgment when determining whether the party received a more favorable award at trial than in arbitration; accordingly, since the amendment affected the right to attorney's fees, it was substantive in nature and thus did not apply retroactively.

2. Dissolution of Marriage/Real Property

Aderhold v. Aderhold,

33 Fla. L. Weekly D1236 (Fla. 1st DCA May 5, 2008).

Where the marital home was conveyed to the parties as husband and wife and to the husband's mother, the trial court concluded that each of the three parties took title as tenants in common with an undivided one-third interest. Reversing, the First District held that the husband and wife together held a one half interest in the property as tenants by the entireties, and the mother held a one-half interest in the property as a tenant in common with them.

3. Garnishment/Attorneys

Arnold, Matheny & Eagan, P.A. v. First American Holdings, Inc.,

33 Fla. L. Weekly S268 (Fla. May 1, 2008).

Answering a certified question, the supreme court held that an attorney garnishee has a duty to issue a stop payment order for a check drawn on his or her trust account and delivered to the payee prior to the receipt of a writ of garnishment, if the service of that writ occurs prior to the presentment of the check for payment to the attorney's bank. The court held that the attorney has the obligation to inquire of the bank as to the status of funds in its account, and to issue a stop payment order if the attorney has the ability to do so.

4. Judges/Disqualification

Miami Dade College v. Turnberry Investments, Inc.,

33 Fla. L. Weekly D1217 (Fla. 3rd DCA April 30, 2008).

Where a trial judge expressed displeasure with the case, engaged in extemporaneous exchange with counsel and predicted in open court that the defendant would lose the property in question, those statements were sufficient to instill fear in the defendant that it would not receive a fair and impartial trial, and thus disqualification should have been granted.

5. Procedure/Standing

Maynard v. Florida Board of Education,

33 Fla. L. Weekly D1110 (Fla. 2nd DCA April 23, 2008).

The Second District certified to the supreme court as a question of great public importance the issue of whether the defense of standing to bring a cause of action is preserved for appellate review when raised for the first time in the trial court after trial by a motion to set aside, but not in an affirmative defense filed before trial.

6. Standard Jury Instructions/Criminal

In re Standard Jury Instructions in Criminal Cases,

33 Fla. L. Weekly S258 (Fla. April 24, 2008).

The supreme court has created new standard jury instructions covering those offenses established by the legislature in 2005 regarding identity theft.

7. Stay Pending Appeal/Constitutionality of Statute

BDO Seidman, LLP v. Banco Espirito Santo International, Ltd.,

33 Fla. L. Weekly D1036 (Fla. 3rd DCA April 16, 2008).

In 2006, the Florida Legislature adopted section 45.045, establishing a cap on the amount of a supersedeas bond necessary to obtain an automatic stay of execution pending appeal, in the amount of \$50 million for each appellant, regardless of the amount of the judgment appealed. The trial court held that statute unconstitutional because it infringed on the Florida Rules of Appellate Procedure. The Third District reversed, holding that the legislature acted within its authority in enacting the bond cap.

8. Voir Dire/Failure to Disclose Litigation History

Sterling v. Feldbaum,

33 Fla. L. Weekly D1197 (Fla. 4th DCA April 30, 2008).

After a medical malpractice trial, plaintiff's counsel discovered that three of the jurors had failed to report their involvement in prior civil litigation. The trial court denied the plaintiff's motion for juror interviews, even though plaintiff provided Westlaw printouts and information from the Broward County Court Clerk's website about the three jurors. Reversing, the Fourth District held that where such docket searches provide reasonable grounds to believe that the jurors identified in the motion concealed material information during *voir dire*, the trial court should have granted the request to interview the jurors. Then, depending upon the outcome of the interviews, the court could determine whether the appellant was entitled to a new trial.

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At press time, these are the individuals who have made contributions this current fiscal year to our Mortgage Reduction program that was created to help BCBA pay down the mortgage on the Norma B. Howard Bar Center
Each individual received a blue and gold BCBA lapel pin.

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Employment Law Statutes and Case Law Review

2008 has been a busy year for employment law statutes and case law. The following is a summary of some of the statutes and case law that may impact your clients as well as your law firm.

Effective January 1, 2008, the Florida Minimum Wage is \$6.79. The Florida Minimum Wage for tipped employees is \$3.77. These rates will be effective for the year 2008. Please remember that the Federal Minimum wage is only \$5.85 and will increase to \$6.55 on July 24, 2008. Florida employers must pay the Florida minimum wage and not the federal rate, as employers must pay the higher of the two. Along with this change, Florida Employers must post the new "Notice To Employees Florida Minimum Wage" poster which must be displayed in the workplace. This is in addition to other workplace posters that must be prominently displayed. If you have not obtained the revised version, you can download the Florida poster at: http://www.floridajobs.org/resources/fl_min_wage.html

Another important Florida statute involves guns in the workplace. Effective July 1, 2008 a new statute (790.251 F.S.) the "Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008" will impact employers. This new statute prohibits public and private employers from prohibiting an employee, customer, or invitee from possessing a legal firearm that is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot. Further, "no public or private employer may violate the privacy rights of a customer, employee, or invitee by verbal or written inquiry regarding the presence of a firearm inside or locked to a private motor vehicle in a parking lot or by an actual search of a private motor vehicle in a parking lot to ascertain the presence of a firearm within the vehicle." An employer may not take any action based on the verbal or written statements as to the possession of firearms. The statute also discusses who may conduct searches and employment issues involving conditions of employment and termination. A review of the statute is recommended for all employers.

On the federal side, there have been changes to the Family and Medical Leave Act. First, the new military leave law requires employers to provide up to 26 weeks of FMLA leave to eligible employees to care for recovering injured or ill service members and 12 weeks of leave because of any qualifying "exigency" arising out of the fact that a covered family member is or has been called to be on active duty. The "qualifying exigency" provisions will not be effective until the DOL issues final FMLA regulations defining the term "qualifying exigency." The rest of the law went into effect on January 28. If the FMLA applies to your workplace, you need to update your policy and the workplace posters.

There are proposed changes to the regulations: including "light duty", waiver of rights, serious health condition definitions, tightening of notice requirements of employees and employers, easing of medical certification and timing issues. It is important to review the statute and regulations as they are very detailed and specific.

In addition to the Florida and Federal statutes, the United States Supreme Court has been busy as well. In the case of Sprint/United Management Co. v. Mendelsohn, No. 06-1221, 2008 U.S. LEXIS 2195 (February 26, 2008), the U.S. Supreme Court refused to bar "me two" evidence as a matter of law on the grounds that the

evidence is either irrelevant or too prejudicial. This was an age discrimination case and the "me two" evidence was testimony by coworkers alleging similar discrimination but by different supervisors or decision makers. It is up to the discretion of the trial court as to whether or not to permit "me-two" evidence. The trial court will determine "how closely related the evidence is to the plaintiff's circumstances and theory of the case." Id. at 15.

The U.S. Supreme court also decided the case of Federal Express Corp. v. Holowecki, No. 06-1322 2008 U.S. LEXIS 2196 (February 27, 2008) and held that an EEOC intake questionnaire constitutes a charge of discrimination for purposes of fulfilling the statutory precondition of filing an administrative charge prior to litigation. Like the Mendelsohn case, the FedEx case involved age discrimination allegations. The Court held that the filing with the EEOC must be considered a request for the agency to take remedial action to protect the employee's rights, even if the agency does not actually take any action.

In another case, Hall Street Associates, L.L.C. v. Mattel, Inc., No. 06989,3008 U.S. LEXIS 2911 (March 25, 2008), the U.S. Supreme Court ruled that parties to an arbitration agreement may not contractually provide for more expansive judicial review of an arbitration award, beyond the narrow scope permitted pursuant to the Federal Arbitration Act ("FAA"). The Court held that the FAA provides the exclusive statutory grounds for vacating or modifying arbitration awards and prohibits parties from expanding those grounds by an agreement. Employers that have arbitration clauses in their agreements should take a look at the language as to grounds for challenging the awards.

Finally, U.S. Supreme Court in LaRue v. DeWolf, Boberg & Associates, Inc., 128 S.Ct. 1020 (February 20, 2008), ruled that when fiduciary misconduct reduces the value of an individual account in a defined contribution plan, such as a 401(k), the harmed employee can sue for damages. In the past, courts have taken the contrary position that the federal employee benefits law only allowed lawsuits for harm to the plan as a whole.

For those of you practicing employment law, it is an always changing body of law. For those of you who are employers, it is a good idea to know one or several of the attorneys who practice in this area that can provide guidance on these issues. Be careful, do not stick your head in the sand; being an ostrich is no defense.

On a personal note, I would like to thank all of the people who were responsible the success of the Employment and Labor Law Seminar on May 14, 2008. A special thank you to Tonja Haddad and her board of the Broward County Women Lawyers and to all the speakers: Eric Gabrielle, Earlene Horne, Dr. Michael Brannon, Dr. Helen Turnbull, Michelle A. Williams, Loring Spolter, Magistrate Judge Seltzer and Frank Scruggs.

Submitted on behalf of the Employment and Labor Law Section:
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Legal Aid Service of Broward County's

7th Annual FOR THE PUBLIC GOOD

Raises over \$100k to support Children's Advocacy Project

FORT LAUDERDALE, FL (May 2, 2008) – Legal Aid Service of Broward County (LAS) hosted its 7th Annual FOR THE PUBLIC GOOD event at the Fort Lauderdale Grande Hotel and Yacht Club on April 25th. A sold-out crowd of nearly 300 guests attended this year's event themed: "You've Been Served." Funds raised topped \$100,000.

Proceeds from the event benefit Legal Aid Service of Broward County's Children's Advocacy Project. The Project helps abused children in foster care, teenagers trying to avoid delinquency, and children in need of special education and behavioral services.

The event celebrated individuals and entities who have demonstrated leadership in helping low-income people gain access to justice; and featured a silent auction, award ceremony and dinner.

"This year's FOR THE PUBLIC GOOD was the most successful yet. The event highlights the generosity of Broward County's legal community in support of Legal Aid Service and its programs," said Kathy Thomsen, Director of Development for Legal Aid Service of Broward County.

Honorary Chairs were Walter G. "Skip" and Lynn Campbell. The Event Committee Co-chairs were Douglas Greenbaum, Esq. and Randi Glick Boven, Esq. Master of Ceremonies was Elizabeth G. Daugherty, Esq.

The prestigious 11th Annual Russell E. Carlisle Award was presented to Andrea L. Moore, Esq.,

Executive Director of Florida's Children First. Additionally, special awards were presented to: Atkinson, Diner, Stone, Mankuta & Ploucha, P.A.; Eric Gabrielle, Esq. - Stearns, Weaver, Miller, Weissler, Alhadeff & Sitterson, P.A. and Covenant House Florida; Jorge E. Hurtado, Esq.; Theodore C. Kaufman, Esq.; Robert W. Murphy, Esq.; Nova Southeastern University Children and Families Law Clinic; and Charles L. Simon, Esq. These honorees gave their time, through Legal Aid Service of Broward County's pro bono program, Broward Lawyers Care, to represent individuals who would not have access to the justice system without their assistance.

The 7th Annual FOR THE PUBLIC GOOD was supported by generous donations from the following major sponsors: Daily Business Review; The Sun-Sentinel; Colodny Fass Talenfeld Karlinsky Abate; J M Family Enterprises, Inc.; Minto Communities, LLC; Broad and Cassel; Katherine Birnbaum, Esq.; BNY Mellon Wealth Management; Walter G. and Lynn Campbell; Fowler White Burnett; Glantz and Glantz, P.A.; Douglas Greenbaum, Esq.; The Las Olas Company; Juliette Lippman, Esq.; and Transworld Business Brokers, LLP.

ABOUT LEGAL AID SERVICE OF BROWARD COUNTY: Legal Aid Service of Broward County (LAS) is a 501(c)(3) not-for-profit law firm and has been providing free civil legal services to Broward County children, families and senior citizens for more than 30 years. Last year, LAS assisted over 3,000 people at no charge. In addition to its own staff, LAS also manages the largest pro bono program in Broward County, Broward Lawyers Care.

DON'T FORGET THE MANDATORY REPORTING OF YOUR PRO BONO CONTRIBUTION FOR 2007-2008 ON YOUR FLORIDA BAR DUES.

Dues are payable beginning in June. If you have not made a \$350 contribution or volunteered a minimum of 20 hours...it is not to late!

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**CONGRATULATIONS TO JAMES BOONE, ESQ.
Broward Lawyers Care- Attorney of the Month for March**

Mr. Boone has been a member of Broward Lawyers Care since 1994. He has assisted BLC with 30 cases and has donated 300+ hours assisting the neediest in Broward County.

**CONGRATULATIONS TO MARY JO RIVERO, ESQ.
Broward Lawyers Care- Attorney of the Month for April**

Ms. Rivero has also been a member of Broward Lawyers Care since 1994. She has assisted BLC with 22 cases and helped many get a fresh start in life.

Mr. Boone and Ms. Rivero are consistent in accepting Pro Bono cases from Broward Lawyers Care. We thank you for your hard work and dedication. It is people like the two of you that make Broward County a better place to live.

**CONGRATULATIONS AND THANK YOU TO OUR LAPEL PIN RECIPIENTS
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Attorneys volunteering their time to Broward Lawyers Care, the recognized Pro Bono program in Broward County are awarded with Lapel Pins along with a letter of recognition from Chief Justice R. Fred Lewis for their exceptional pro bono service in 2007.

Regent Bank Business Partner

The Broward County Bar Association is Over 80 Years Old

Formed in 1925, The Broward County Bar Association (BCBA) predates The Florida Bar. Arthur J. Goldberg has been with the BCBA for 10 years and has served as Executive Director since 2002. Attorney Barbara K. Sunshine is the 2007-2008 President of the BCBA.

"There are 17 voluntary bar associations in Broward County, of which this association is the largest," Barbara said. "Membership fluctuates, and was 2,500 at the highest point. The other county associations are ethnic, geographical, gender and practice specific."

Membership in The Florida Bar Association is mandatory, and the State association is 7,800 members strong. The Florida Bar issues licenses to practice and provides rules and regulations, in conjunction with the Supreme Court of Florida.

"BCBA builds membership by providing benefits, like our monthly newsletter, *The Barrister*, and our website. Both are filled with valuable information and event schedules for members," Art said.

"We hold business networking events for small firms, as well as member lunches in geographic areas. Events are held throughout the county, since Broward is large and spread out," Barbara added.

"Civics, which is no longer taught in middle schools, used to address the checks and balances of the law," Barbara noted. "My goal as BCBA President is to help promote professionalism among members and with the public. We have embarked upon programs to educate the public and provide forums for attorneys."

"During Law Week, BCBA will sponsor kiosks in local malls inviting people to come in for a free

5-minute consultation with an attorney on any subject," Art pointed out. "We want to bring awareness that lawyers are people, too," Barbara added. "A rule of thumb is that people should sit down with a lawyer every 5 years for a legal check-up and to review important documents."

The President of The Florida Bar will be the keynote speaker for Law Week activities, starting May 5. A spelling bee is scheduled with judges and attorneys as contestants, and BCBA is partnering with other groups for an outsourcing program on



Art Goldberg, Executive Director and Barbara Sunshine, 2007-2008 President, The Broward County Bar Association

May 12 at the Museum of Art. "We hope to schedule a meeting with the Broward Delegation to the Florida House of Representatives, too," Art added.

"Last year's lunch gathering of BCBA past presidents was so successful we plan to do it again in February," Barbara said. "We are also reviving judicial evaluations. A form will be mailed in the spring to all Florida Bar members in Broward County asking them to rate judges in several categories. For the first time since 2004, we will offer judicial rankings."

Legal aid is an important focus of BCBA. "We

have amended our membership form asking prospective members if they will serve or contribute to The Legal Aid Service of Broward County, Inc. It is mandatory for attorneys to report their pro bono hours to The Florida Bar every year, either voluntary time or dollars," Art noted.

Another important program of the BCBA is the Lawyer Referral Service. "If a person needs an attorney, they can call and speak to a BCBA staff case manager who will evaluate the practice area needed, refer an attorney, and set up an appointment to determine the best course of action," Art added.

On July 1, 2005, BCBA established a capital fund with the goal of paying off the mortgage on its property. "A Building Committee formed last year received authorization from the board to refurbish two highly visible areas in the main building, the conference room and the reception area," Barbara pointed out. "The 20-year-old conference table and donated chairs are gone and work is complete. Both areas now have beautiful cherry wood floors, the large glass-topped conference table is surrounded by comfortable black leather chairs, and the reception area is bright and welcoming."

"Our buildings are unique and the grounds are beautiful," Barbara said. "We plan to paint the exterior with new colors, put in paver walkways and enhance the landscaping. BCBA is growing and accomplishing good things for its members and the community. I'm planning the mortgage burning party in April."

"We're glad to do our banking with Regent Bank," Art noted. "The Bank handles our credit cards, various accounts, automatic payroll and we bank online. Regent Bank is our primary annual sponsor and corporate underwriter. They have an ad in our monthly newsletter and their website is linked to ours. We enjoy our relationship with Kim Serra-Rivera and Jane Katterhenry and the staff of the Bank's Fort Lauderdale office, which is right across the street from us." *

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2008 YLS Bowl-A-Thon Striking Success

The Broward County Bar Association, Young Lawyer Section 6th annual Bowl-A-Thon was held on March 8, 2008 at the Manor Lanes Bowling Center in Wilton Manors. This year, the Bowl-A-Thon was a charitable event which benefited the Cystic Fibrosis Foundation. The YLS is proud to announce that it raised and donated \$4,000.00 for the Cystic Fibrosis Foundation and sold-out Manor Lanes. The YLS would like to thank everyone who attended, volunteered and made the event possible and would like to specifically thank the following:

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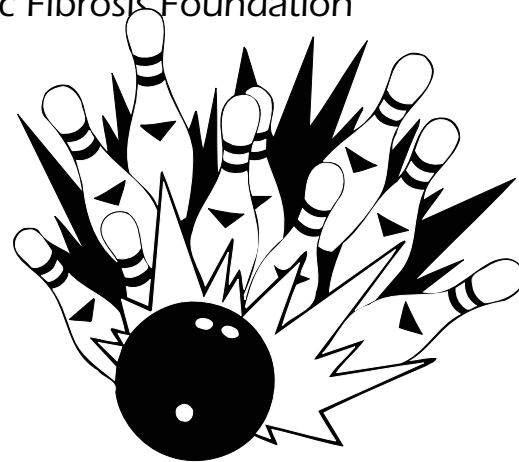
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Saunders, Curtis, Ginestra & Gore, P.A.



On behalf of the Broward County Bar Association, Young Lawyer Section, we look forward to seeing all of those who attended again next year.

Bart Ostrzenski

YLS Director and Chair of the Bowl-A-Thon



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SOLO SMALL/LAW FIRM NETWORKING JUNE LUNCH DATES !

Friday, June 6th, Olive Garden Coral Springs, 1555 N. University Drive, (954) 344-5226,
RSVP to: Evan M. Ostfeld (954) 227-7529 and or Evan@Attorney4life.com.

Friday, June 13th, The Ark, Hollywood, 6255 Stirling Road, (954) 584-3075,
RSVP to: David Silverstone (954) 367-0770 and or david@dsilverstone.com.

Tuesday June 17th, **NEW LOCATION** @ 15th Street Fisheries at Lauderdale Marina,
1900 S.E. 15th Street, Fort Lauderdale, (954) 763-2777, RSVP to: Beth Lindie (954) 764-
5400 and or blindie@lawyers.com.

Friday, June 20th, Olive Garden Plantation, 807 S. University Drive, (954) 424-7201,
RSVP to: John Rizvi (954) 452-0033 and or johnrizvi@ideaattorneys.com.

Tuesday, June 24th, **NEW LOCATION** @ J. Marks Restaurant, 1490 Copans Road,
Pompano Beach, (954)782-7000, RSVP to: Jesse Lieberman (954) 596-9944 and or
Andrea@jlieberman.com.

Friday, June 27th, East City Grill, 1800 Tower Bell Lane, Weston, (954) 659-3339,
RSVP to: Rick Woolf (954) 252-0043 and or rwoolf@woolffinancial.com.

Discount For BCBA Members

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Per Joe Studiale and Jack Studiale 12-11-07



*Broward County Hispanic Bar Association's
19th Annual Installation of Officers & Scholarship Gala*

Two Decades Celebrating Diversity

A special recognition to the Past Presidents of
Broward County Hispanic Bar Association

And

Official kick-off of the 20th Anniversary Celebration



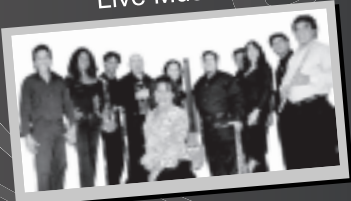
Saturday, June 7, 2008
Fort Lauderdale Grande Hotel & Yacht Club
1881 SE 17th Street Causeway,
Fort Lauderdale 33316

Cocktail hour and appetizers 7:00 p.m.
to 8:00 p.m. Dinner and dancing 8:00 p.m. to midnight

Gala Tickets: \$150 pp / Black Tie Event

For more information visit www.BrowardCountyHispanicBar.com
R.S.V.P. to carmen@velasquez-law.com

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Alex Arreaza, P.A.

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LAW DAY



Hon. Paul Backman, Jesse Diner



Frank Walker, Terrence Russell, Bruce Weihe



Christopher M. "Chris Neilson",
Angel Petti Rosenberg.



Adele Stone and Jesse Diner, from
Atkinson, Diner, Stone, Mankuta &
Plaucha, P.A., recipient of Legal Aid
Society of Broward County Annual for
The Public Good Law Firm of The
Year Award.



Jorge Hurtado, recipient of Legal
Aid Society of Broward County
Annual for The Public Good Pro
Bono Attorney of The Year Award,
Kimberly Zaffere, Assistant
Director of Development/Pro
Bono Coordinator, Legal Aid
Service of Broward County, Inc.



Hon. Melanie May of 4th DCA, with
2008 Liberty Bell Award Winner, Gale
Butler, VP of Corporate Affairs,
AutoNation.



Mathew Gebaide and Katerina Kurteva accept \$5000
College Scholarship awards from Bob McGee (left) and
Connie McGee (right) of The Shane McGee Foundation.
Bob Kelley, of Kelley Uustal, is pictured in center.

YLS JUDICIAL RECEPTION



Hon. Susan Greenhawt, Meghan Clary, Sue-Ann Robinson



Greg Haile, Hon. Mary Rudd Robinson



Chris Connally, Michael O'Rourke



Alan Raines, Scott Chitoff, Hon. Jeffrey Streitfeld, Chris Connally



Hon. Thomas Lynch IV,
David Hirschberg



Chuck Morton, Hon. James Cohn, Gordon James