



BROWARD COUNTY BAR ASSOCIATION

BARRISTER

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Announcement of Open Seats for 2012 BCBA Board of Directors

Election to the Board of Directors of the 2500 member Broward County Bar Association offers any member the unique opportunity to participate in helping to shape an annual agenda of professional and public education programs aimed at addressing the needs of attorneys, law firms, the Clerk's Office and the Courts, and to strive to improve the quality and administration of justice in Broward County.

Candidates for Executive Committee Officers as well as the Board of Directors must complete the Nomination Petition. The signed Petition must be received in the BCBA Office no later than March 1, 2012, at 5:00 p.m. Contact Executive Director Art Goldberg at (954) 764-8040 x7 or artg@browardbar.org for more information.

EXECUTIVE COMMITTEE OFFICERS:

- President-Elect
- Secretary
- Treasurer

DIRECTORS:

Directors shall be elected to the Board from each of the following geographical areas and shall serve a two (2) year term, starting July 1, 2012.

NORTHEAST

On the ballot, there will be TWO (2) seats. BOTH incumbents are eligible to seek re-election. Office Location must

be North of the centerline of Commercial Blvd. and East of the centerline of State Road 7 (441).

CENTRAL

On the ballot, there will be THREE (3) seats. Only ONE (1) incumbent is eligible to seek re-election. Office Location must be East of the centerline of State Road 7 (441), North to the centerline of Commercial Blvd. and South to the centerline of State Road 84.

WEST

On the ballot there will be ONE (1) seat. The incumbent is ineligible to seek re-election. Office Location must be West of the centerline of State Road 7 (441), North to the centerline of Commercial Blvd. and South to the centerline of State Road 84.

SOUTHEAST

On the ballot, there will be TWO (2) seats. Both incumbents are ineligible to seek re-election. Office Location must be South of the centerline of State Road 84 and East of the centerline of State Road 7 (441).

SOUTHWEST

On the ballot, there will be ONE (1) seat. The incumbent is eligible to seek re-election. Office Location must be South of the centerline of State Road 84 and West of the centerline of State Road 7 (441).

See page 9 for the Nominating Petition.



BCBA Congratulates Eugene K. Pettis

The Broward County Bar Association would like to congratulate Eugene K. Pettis for his election to President-elect designate of The Florida Bar for 2012-13.

Mr. Pettis, a co-founder of Haliczzer Pettis & Schwamm, focuses his practice in the areas of medical malpractice, personal injury, commercial litigation and employment law. Mr. Pettis has earned Martindale-Hubbell's top "AV" rating for his high professional and ethical standards. Mr. Pettis attended the University of Florida in Gainesville, FL, where he received a bachelor's degree in political science in 1982 and graduated from the University of Florida's Levin College of Law in 1985. He co-founded Haliczzer Pettis in 1996 with James S. Haliczzer, adding Richard B. Schwamm as partner in 1999.

President's Message

By Jordana Goldstein

A Tribute to My Father.....



When arranging the program for the Bar installation dinner last June, I had to decide who was going to give the invocation. Since my father was a Rabbi it seemed natural just to ask him to do it. However, I hesitated asking him because my father had significant health issues, requiring him to be on oxygen 24

hours a day. I was concerned that he would be unable to walk to the dais, let alone walk up the few stairs that would enable him to reach the podium. Ultimately, someone suggested that he use a wireless microphone, which would allow him to give the invocation from his seat. Problem solved. When I asked my dad to give the invocation, he said it would be his honor to do so. So on June 9th, my father, Rabbi Bernard Stefansky, gave the invocation at an event that was so important to me both personally and professionally. He sat at a table right before me and before the evening ended, he handed me a bouquet of roses and said some beautiful things to me in front of very many people. He made me feel proud to be the President of the Broward Bar, and I was very proud he was my father.

I never imagined that my father would not be sitting in front of me at the next installation dinner, when my tenure as President comes to an end. However, on Friday, December 23rd, my father passed away at the age of 78. He fought a long and courageous battle against heart and lung disease. I have never known anyone who had such a will to live as my father did, which is why he survived as long as he did with such an insidious disease. While my father was sick for many years, I do not want to remember him that way. Instead, I am choosing to focus on what he accomplished in his life and to celebrate his life. My father was an incredible person, because he was so selfless. His passion, and really his mission in life, was to help others and to inspire others to do the same. He was the Rabbi and spiritual leader of several congregations in New York, Massachusetts and Florida. In that role, he mentored and counseled hundreds of people, which is something he truly loved to do. So many people benefitted from his ideas and words of encouragement. He visited people in the hospital on a weekly basis until he became sick himself, where he often prayed for their recovery and provided emotional support for patients' family members and friends. I can remember accompanying my father on these visits because often times the patients were elderly, and he felt they enjoyed having children visit.

Despite the fact that my parents were of modest means, my

father always emphasized the importance of giving to charity. He worked tirelessly to raise money for various causes and encouraged many others to do the same. He was also an educator. He enjoyed conducting adult education classes on various topics. I believe so many people attended his classes not only to learn something new, but to hear him tell his famously funny stories and jokes. He truly loved to learn and to read. He loved history and prided himself on becoming a World War II aficionado. He was a war veteran himself, having served as a paratrooper in the Korean War. He offered comfort and strength to so many in difficult times, particularly when he was the Chaplain for the Massachusetts State Police and Medford Fire Department.

Most significant was the love he had for his family and friends. On December 27th, my parents would have celebrated their 47th wedding anniversary. My parents were true partners in life who supported and encouraged each other throughout their marriage. My brother and sister can attest to the fact that my father expected a lot from us, and, therefore, could be pretty tough at times. But we knew he truly loved us, because he took the time to tell us so. It is difficult to fathom that he will no longer be calling me to express how much he loved me. My father was the very proud grandfather (believe me when I say he had absolutely no shame when it came to bragging about them) to seven wonderful children who will miss him terribly. He loved his friends, he loved being with his friends, and most importantly he loved laughing with his friends.

I am so thankful for my father because he was the one who taught me the value of an education, the importance of giving back to the community, and to always strive to be the best that I can be. He taught me to be strong, to work hard, and to believe in myself. I have always worked to make him proud and I hope I accomplished that in some small way. He was a man of honor and a true fighter. No matter how difficult life could be, he handled everything with courage and grace for which I will always be proud of him.

I have received phone calls, emails, texts, and condolence cards from so many of you. I cannot express to you in words how much I have appreciated you reaching out to me during this difficult time. While I cannot thank each one of you individually, please know that I will always be grateful for your support. You have reminded me just how kind and compassionate people can be. At the start of each new year my father would always say, "I wish for you in the coming year, what you wish for yourself." In his memory, I extend that same sentiment to you. But I also wish for you to follow in his footsteps. My hope is that you will be more helpful to others, be more charitable, remember to tell your family how much you love them, be a good friend, and remember to laugh even during the most difficult of times.

A Message from Bart Ostrzenski President, Young Lawyers Section



Happy New Year! I, for one, have a number of resolutions, some of which are the traditional retreads, work-out more, eat better, and remind myself that the olive display at Publix is not a tasting station. But besides those trite resolutions, the one I hope to keep the most is to continue the wildly successful year the YLS has been enjoying. As such, I need to thank the entire legal community for their support, as you are the reason that this has been possible.

Turning to recent events, there was a week-long stretch where three Bar events were held. All the events were unbelievably successful. First was the return of the Breakfast with Judges, which was held on December 2, 2011. If you are a young lawyer and want an opportunity to speak to the judiciary in an intimate setting, keep an eye on your email for the next breakfast, because this is your event. The judges outnumbered attorneys 3 to 1 and the accessibility was unparalleled, except perhaps the Judicial Reception. I would like to thank Judge Birken for reintroducing the event to the YLS and putting it back on the docket. I also want to thank YLS President-Elect Meghan Clary for making all the arrangements. The Breakfast was held in the law library, which reminds me that becoming a member of the law library has its privileges, and it is very affordable. For more information regarding law library memberships, contact Judge Rothschild, as they are always looking for your support. I believe that this will become a quarterly event, so look for email blasts for a March-April breakfast.

On December 8, 2011, the BCBA held its annual Holiday Party. Personally, I had a great time. I would like to thank all of you who donated a toy, which will be distributed to foster children at our Holiday in February. I would also like to thank everyone who made cash donations, as we raised just over \$1,400.00, which helps to cover the Holiday in February operating expenses. The Holiday in February is a multi-cultural holiday celebration, which will be held at the Children's Museum in Fort Lauderdale on February 11, 2012. Although it is not open to the public, if you would like to volunteer feel free to contact me at Ostrzenski@oslawyers.com. We will be hosting a fund-raising happy hour for the Holiday in February. Details for the happy hour will be forthcoming.

On December 9, 2011, the Dillard Choir made their annual appearance at our December luncheon at the Tower Club. For those of you who were there, you know how special that was. In fact, I am still singing Santa Baby in my head. For those of you who did not attend, ba humbug! In all seriousness, they are a very talented bunch who have been selected for several state and national competitions and exhibitions. I look forward to seeing them again next year.

Looking to the future, the YLS is co-hosting a happy hour with the Boys and Girls Club on Wednesday, January 11, 2012 at Whiskey Blue in Fort Lauderdale from 6:00 to 8:00. We will be taking donations for the Holiday in February and just for showing up, you get a drink on the house and some appetizers. An email blast will be hitting your in-box soon. It will be our first happy hour at Whiskey Blue, so I am counting on your support to show them the strength of our membership.

On Thursday, January 19, 2012, at noon located at the Tower Club, one of our most popular monthly luncheons will take place, which is the State of the Circuit featuring Chief Judge Peter Weinstein. If you are looking for an update as to the status of the new courthouse, what's happening at the current courthouse and how your life as an attorney will be affected during construction, you don't want to miss this event. You can RSVP on the BCBA website or email Lindsay Corcoran Lindsay@brydgerporras.com. Space is limited, so RSVP now.

Just to touch on some upcoming events further down the road, we have confirmed newly elected President-Elect for the Florida Bar, Eugene K. Pettis, as our speaker for our February 16, 2012, Black History Month Luncheon. As you may have read in the Florida Bar News, Mr. Pettis is the first continued on page 14

Spotlight on BCBA Paralegal Chairperson

Broward County Bar Association is proud to welcome Paralegal/Legal Assistant members to its Community.

Belinda Martinez, Chairperson, for the Broward County Bar Association's Paralegal Section, was selected one of twelve "Paralegal Superstars" by Paralegal Gateway. Belinda will be spotlighted in the June 2012 Online Edition at www.ParalegalGateway.com.

Ms. Martinez received her Paralegal Certificate from Florida International University in 1991 and earned the designation CLA/CP in 2005, passing a two day examination administered by the National Association of Legal Assistants. In 2008, Ms. Martinez further earned the Advanced Paralegal Certification in Trial Practice administered by the National Association of Legal Assistants. Ms. Martinez has been a Florida Registered Paralegal member of The Florida Bar since 2008.

In 2010, Ms. Martinez was appointed the Paralegal Liaison to the South Broward Bar Association. In 2011, Ms. Martinez was awarded the South Broward Bar Association's President's Award by Anita Paoli who stated:

It was very hard to single out just one person this year. There is a tremendous amount of time spent behind the scenes of which the rest of the membership may not be aware. The SBBA has no full-time staff and relies on voluntary contributions of time from its members who are already overloaded with work in their chosen profession. The President's Award is being given tonight to someone who worked on every event and program and helped the SBBA and my job as President this past year. She initiated a campaign to welcome paralegals to our organization.

In addition to Ms. Martinez' contributions to the South Broward Bar Association, she is the Inaugural Chair of the Broward County Bar Association's Paralegal Section, Florida's second largest voluntary bar organization, and has been nominated to serve as a Non-Lawyer Member on The Florida Bar's Unlicensed Practice of Law Committee.

Ms. Martinez is employed by Becker & Poliakoff,

P.A., as the Litigation Legal Assistant to Shareholder Kevin Markow, who is also the Chair of the Broward County Bar's Business Litigation Section and a Director with the South Broward Bar Association; Shareholder Daniel Wallach, who is a Board Certified Appellate Attorney; and Thomas Cantwell, who earned his J.D. from Harvard Law School. Ms. Martinez states:

Being an active member of the legal community in South Florida has been very rewarding. I have met so many wonderful people over the years. I encourage law firms, lawyers, law students, paralegals, legal assistants, and legal students to get involved with your local Bar Associations. There is no greater contribution you can give to yourself, your firm, or your firm's clients. By being involved, I believe that I better serve my at-





torneys and firm. I have an increased knowledge and awareness of my chosen profession that I would not otherwise have without the continuing education and networking opportunities afforded to me by the local Bar Associations and their committees. I know I have a lot more fun!

Aside from her commitment to the legal community, Ms. Martinez enjoys riding her Harley-Davidson motorcycle and attending charity rides benefiting children. She has three grown children and one granddaughter.

Memberships:

- 2010-Present: Broward County Bar Association, Chair Paralegal Committee
- 2010-Present: Association of E-Discovery Specialists
- 2009-Present: South Broward Bar Association
- 2008-Present: The Florida Bar Registered Paralegal Section
- 2007-present: Miami-Dade Association of Legal Support Specialists

You can contact Belinda at browardbarparalegal@gmail.com. Belinda also recently created a blog for Broward County paralegals and legal assistants: browardparalegal.blogspot.com. News regarding our Broward Legal Community is always welcome.

Sublease Available

Partner and associate-sized offices. With or without secretarial space. Newly renovated. Ceiling to floor window views. 20th Floor view overlooking Fort Lauderdale. Across from Federal Courthouse. Collegiate environment. Receptionist, kitchen, copy room, conference room use provided. Call Richard Rosenblum 954-463-8456.

Insurance Coverage Lawyer Wanted

Statewide established AV rated defense firm seeks associate with 10 years experience in both first and third party coverage law. Send resume and cover letter to Hiring Partner WLSC 110 E. Broward Blvd. Suite 2000, Fort Lauderdale, Fl 33301-3503

The *Broward Barrister* is published by the Broward County Bar Association as part of our commitment to provide membership with information relating to issues and concerns on the local level. Opinions and positions expressed in the signed materials are those of the author and may not necessarily reflect the views of this publication or the Broward County Bar Association.

1051 SE Third Avenue, Ft. Lauderdale, FL 33316

**BROWARD COUNTY BAR ASSOCIATION
OFFICERS AND DIRECTORS JULY 1 2011- JUNE 30, 2012**

Officers

- Jordana Goldstein- President
- Deborah Poore FitzGerald- President- Elect
- Alan S. Fishman- Treasurer
- John G. Jordan- Secretary
- Bruce Weihe- Past-President
- Arthur Goldberg- Executive Director

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<p>West Charles A. Morehead, III Michael R. Vines Robin Sobo Moselle</p>		<p>Southwest Kenneth P. Hassett</p>

JUDICIAL REPRESENTATIVE

The Honorable Marina Garcia-Wood

Executive Director

Art Goldberg 764-8040 Fax: 764-8060

Young Lawyers Section Officers

- Bart Ostrzenski, President
- Meghan Clary, President-Elect
- Marissa Pullano, Treasurer
- Liza Smoker, Secretary
- David Hirschberg, Past-President

BCBA YOUNG LAWYERS DIVISION BOARD OF DIRECTORS

- Lindsay Corcoran, Sue-Ann Robinson Cady,
- Jennifer Hirschberg, Aaron "A.J." Horowitz, Tobi Lebowitz,
- Shayna Reitman, Sara Sandler, Jonathan Stief, Diana, Sulea,
- Jeff Wank, Laurie Weinstein, Stacy Weissman

JUDICIAL REPRESENTATIVES

The Honorable Cynthia Imperato • The Honorable Jeffrey Levenson

Florida Bar Board of Governors-17th Judicial Circuit

- Walter G. 'Skip' Campbell 763-8181
- Adele Stone 925-5501
- Eugene K. Pettis 523-9922
- Jay Cohen 763-6939
- Timothy L. Bailey 941-4920

E-Filing FAQ

By Greg Medalie

Broward County now allows probate, guardianship, mental health and family law filings to be submitted electronically. Following are frequently asked questions about e-filing, with an emphasis on probate.

Why should I E-File?

It is to your advantage to learn and use the e-filing system. It can reduce turn-around time, potential errors, and clerical tasks. E-filing is expected to become mandatory in 2013.

What are the system requirements?

You need a scanner, Internet Explorer version 8 or later, and Adobe Reader version 8 or later (both of which are free). It is helpful to have a program that allows you to combine PDF files, such as Adobe Acrobat Professional. If you do not have Acrobat, Google "PDF combine" to find a less expensive alternative.

How do I start?

Register at www.myfloridacourtaccess.com. Only attorneys can register. In the registration, you will be asked for your email addresses. Provide yours as well as that of your legal assistant, so that filing confirmations and rejections will be sent to both of you.

How do I prepare documents for e-filing?

All e-filings must be submitted in PDF format. Each PDF file must begin with a "Lead Document" and include any associated exhibits and supporting documentation. For example, to file a Proof of Service of Notice to Creditors, you would create a PDF of this document followed by the corresponding Notice to Creditors and images of the certified mail return receipts for the creditors to whom notice was sent. A list of permissible Lead Documents is posted at www.17th.flcourts.org/Judges/Probate/E-Filing.

How do I open a new case?

You can e-file documents for both existing and new probate cases. To create a case through the e-filing portal, log in to the system and select "New Case." When prompted to add parties, add the decedent and yourself (as "Representative"). Note that when you deposit a will with the court, a case will be created for the decedent. If you then create a new case, your e-filings for the case will be rejected. Therefore, before creating a new case, determine whether one has already been created for the decedent by searching [www.clerk-17th.flcourts.org/Online Services/Case Search](http://www.clerk-17th.flcourts.org/Online%20Services/Case%20Search).

How do I submit documents for an existing case?

Log in to the system, select "Existing" and enter the case number in the exact format shown (e.g., PR-C-11-0000345),

including dashes, leading zeroes and capital letters. Then click "Add Document," and you will be prompted to select the document type for the Lead Document (e.g., "Petition for Discharge" or "Notice of Service to Creditors") and upload the PDF file. Click "Add Document" again if you are e-filing more than one document. Once you have uploaded all the documents to be e-filed, click "Submit."

How do I pay filing fees?

If you e-file a document type that requires a filing fee, the e-filing portal will calculate the amount due and prompt you for credit card or bank account information. You can pay by American Express, MasterCard or ACH. Visa is not accepted. There is a 3% charge for paying by credit card and a \$3 charge for ACH payment.

How do I e-file proposed orders?

A proposed order is not a permissible Lead Document, so it cannot be e-filed on its own and cannot be at the beginning of a PDF submission. However, you can append a proposed order to the PDF for the corresponding petition. To obtain True and Certified Copies of an order, you still need to mail a check and a self-addressed, stamped envelope.

Which documents must still be submitted on paper?

The court requires originals of certain documents such as wills, bonds, death certificates, and pre-need guardian declarations. If you e-file PDF scans of these documents, you need to follow up by submitting the paper originals.

When do I need to use Smart Forms?

If there is a Smart Form for a certain document, then only the Smart Form version of the document can be e-filed. Smart Forms are located at www.17th.flcourts.org/index.php/judges/probate/probate-and-guardianship-smart-forms. Most Smart Forms are for guardianship and mental health filings. The primary probate document for which a Smart Form exists is the Inventory. The Smart Form Inventory is similar to the corresponding FLSSI form, but only the former requires you to enter the value of homestead property. This requirement is consistent with the 17th Circuit's philosophy that a property is not exempt homestead unless and until the judge so determines. For now, the FLSSI Inventory can still be filed by mail. However, Smart Forms are expected to become mandatory in early 2012.

How do I know whether the document I filed has been accepted?

Two confirmations will be emailed to you. The first states that the document was successfully transmitted and pro-

continued on page 7

vides a confirmation number. Expect this within an hour after e-filing. The second email tells you that the document was processed and accepted, or it states the reason it was rejected. Expect this within 24 hours after e-filing. If you do not receive the second email, send an email with the confirmation number in the subject line to efiling@browardclerk.org.

What are common reasons for e-filing rejections?

- Attempting to create a new case for a decedent for whom a case has already been opened.
- Attempting to e-file a FLSSI inventory, rather than the Smart Form version.
- Submitting a PDF that does not begin with the Lead Document.
- Submitting a document that contains more than the last 4 digits of a Social Security or bank account numbers.

Are there any implementation “features” I should know about?

- The “Emergency Filing” checkbox and the “Simple E-File” option are not implemented in Broward, even though they show up on the interface.
- “Add Party” and “Service through E-Filing” work only for cases opened through the e-filing portal.

Tips

- Give descriptive names to the PDF files. This will help ensure that you upload the correct files. The names cannot include periods or commas (other than “.pdf”).
- If you are filing numerous documents or if you get interrupted, click “Review and Submit” periodically rather than waiting until you have added them all. If you take too long, you will get an error message when you try to

submit them, and you will have to start over.

- If Broward does not appear on the dropdown list of counties, you may have selected “Simple E-File,” which has not been implemented in Broward. Select “Existing Case” or “New Case” instead.
- If you are filing on behalf of a creditor or other non-party, do not try to add your client as a party. Instead, click “Next” without selecting “Current Party.”

Resources

- E-filing portal: www.myflcourtaccess.com
- Registration issues or technical problems with e-filing portal: support@myflcourtaccess.com
- E-filing reference materials:
www.17th.flcourts.org/index.php/judges/probate/probate-efiling
- Smart Forms:
www.17th.flcourts.org/index.php/judges/probate/probate-and-guardianship-smart-forms
- Search open probate cases: www.clerk-17th-flcourts.org/Clerkwebsite/BCCOC2/OnlineServices.aspx
- Questions regarding e-filings confirmations: efiling@browardclerk.org
- Questions about clerk actions: Allison Woodham at 954-831-7331
- General questions about e-filing or Smart Forms, or to be added to the e-filing mailing list: efileinfo@17th-flcourts.org or Christin Gallardo at 954-831-6340

Greg Medalie is chair of the BCBA’s Probate & Trust Law Section. He practices with Don Medalie at Medalie & Medalie, PA in Fort Lauderdale. His primary practice areas are wills, trusts, estates, corporate and contracts.



In Memoriam

Robert J. Derham, Ft. Lauderdale
Admitted 1960; Died August 17, 2011

George Thomas Green, Ft. Lauderdale
Admitted 1987; Died July 23, 2011

David Fabian Hannan, Plantation
Admitted 1971; Died July 3, 2011

John Levine, Pompano Beach
Admitted 1979; Died July 17, 2011

Donald Charles McClosky, Ft. Lauderdale
Admitted 1960; Died September 7, 2011

Gerald T. Nolan, Plantation
Admitted 1956; Died June 20, 2011

Donald H. Norman, Sea Ranch Lakes
Admitted 1955; Died August 28, 2011

John Harold Oltman, Ft. Lauderdale
Admitted 1968; Died January 8, 2011

Bennett Oppenheimer, Ft. Lauderdale
Admitted 1977; Died August 24, 2011

James A. Pearson, Plantation
Admitted 1977; Died June 30, 2011

Jean Pearson, Deerfield Beach
Admitted 1977; Died January 8, 2011

Kenneth W. Pezoldt, Wilton Manors
Admitted 1953; Died March 21, 2011

Edward Paul Phillips, Coral Springs
Admitted 1971; Died June 3, 2011

Melissa Sue Robin, Ft. Lauderdale
Admitted 1994; Died March 3, 2011

Murray Sams, Jr., Hollywood
Admitted 1949; Died August 5, 2011

Ray A. Schlichte, Jr., Hollywood
Admitted 1953; Died August 22, 2011

Samuel Frank Schoninger, Pompano
Admitted 1970; Died July 26, 2011

Russell E. Seay, Jr., Davie
Admitted 1951; Died October 13, 2011

Andrea Margaret Smith, Fort Lauderdale
Admitted 2003; Died September 28, 2011

Michael Leslie Trop, Ft. Lauderdale
Admitted 1972; Died February 13, 2011

Alan Paul Woolf, Plantation
Admitted 1979; Died September 8, 2011



Sabadell United Bank

Sabadell United Bank is truly honored to once again be the Exclusive Bank Sponsor of the Broward County Bar Association.

We look forward to another mutually beneficial year of partnership with the BCBA and our friends in the legal community.

Frank Wagner
Vice President
954 768 5972

Rossy Rosario
Assistant Vice President
954 472 9158



**Broward County Bar Association
Board of Directors
2012 NOMINATING PETITION**

This Nominating Petition needs to be completed if seeking either a seat on the Board of Directors or seeking a position as an officer on the Executive Committee, including President-Elect, Treasurer or Secretary.

The office of President shall be filled by the person elected President-Elect at the preceding year's election.

No member may be nominated for more than one (1) position.

CANDIDATE _____

GEOGRAPHICAL AREA _____
(office location)

POSITION SOUGHT _____

Signatures of Ten (10) current BCBA members are required. Completed petition must be submitted to the bar association office no later than 5:00 p.m. on **March 1, 2012.**

Signature

Print Name

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

7 _____

8 _____

9 _____

10 _____

Holiday Events



Above: BCBA President Jordana Goldstein with BCBA Board Member Todd McPharlin, and YLS President Elect Meghan Clary present a check to Executive Director Christina Spudeas of Florida's Children First and Director of the Tracey McPharlin Dependency Pro Bono Project David Bazerman with Legal Aid Service of Broward County. YLS raised the money via its golf tournament to support the Tracey McPharlin Pro Bono Dependency Recruitment Initiative.

Below:
Judge Louis Schiff and
Victor DeBianchi (BCBA
President 2006/07)



Above: YLS Officers and Directors.
Front row from Left to Right: President-Elect
Meghan Clary, Tobi Lebowitz, Stacy Weisman,
Jon Stief, and Laurie Weinstein
Back Row from Left to Right:
President Bart Ostrzenski and A.J. Horowitz

Below: BCBA Board Member
Charles Morehead and BCBA
President Jordana Goldstein



YLS Breakfast With Judges



Judge William Haury, Judge Sandra Perlman, Judge Carlos Rebollo, Judge Marina Garcia-Wood, and Judge John Bowman



YLS President Bart Ostrzenski addressing the attendees at the breakfast.



BCBA Board Member Anita Paoli, Chief Judge Peter Weinstein, and Judge Cynthia Imperato



Judge Ilona Holmes and Judge Nicholas Lopane

NEXT Celebration

Legal Aid Service of Broward County and Coast to Coast Legal Aid of South Florida's newest organization, NEXT (Next Executive Team), hosted a special birthday-themed networking event to celebrate NEXT's 2nd anniversary, generously sponsored by Transworld Business Advisors.



Over 65 guests attended this second annual networking event enjoying an evening of new friends, as well as an opportunity to learn more about NEXT – a joint project between Legal Aid Service of Broward County and Coast to Coast Legal Aid of South Florida. Comprised of Broward County “young-ish” legal and business professionals, NEXT exists to better inform and educate the Broward County legal and professional community about the two agencies in a spirit of fun and congeniality. The members of NEXT are joined in the common goal of contributing to the success of both agencies.

Special guests Michelle “Mickey” Cummings, President of The Florida Bar Foundation, and Scott Hawkins, President of The Florida Bar, were among the many to donate a toy to the agencies Holiday Adopt-A-Family project, assisting families who cannot afford a holiday celebration.

NEXT will continue to host similar social networking events on a quarterly basis to raise awareness about the two agencies. For more information about becoming a member of NEXT, or our upcoming event, please contact Larry Marin at lmarin@izquierdomarin.com or visit www.legalaid.org.

Broward Lawyers Care

Thank you to the following attorneys
who accepted a Pro Bono case
from Broward Lawyers Care
November 2011

- Anthony S. Adelson
- Harrison Bergman
- John D. Bristol
- Stephanie Cawein
- Scott Fishman
- Christopher Getzinger
- Jennifer Gomez
- Ronald P. Hansen
- Jorge E. Hurtado
- Mindy R. Kraut
- Kimberly Lehrman
- Navin Persad
- Michael J. Quarequio
- Hale Schantz
- Felicia Shaman
- Jonathan Silverman
- Russell M. Thompson
- Stuart B. Yanofsky

Broward Lawyers Care Attorneys contributing over 100 hours in 2011

We would like to give a special thanks to the following attorneys for donating 100 or more hours of their time in 2011 to help improve the lives of low income persons in Broward County:

- Brion L. Blackwelder, Esq.
- Robert A. Bogdan, Esq.
- Russell E. Carlisle, Esq.
- Gregory A. Haile, Esq.
- Peter N. Hanna, Esq.
- Jodi J. Jaffe, Esq.
- Marian A. Lindquist, Esq.
- Charles Fox Miller, Esq.
- Dale F. Webner, Esq.

HOLIDAY ADOPT-A-FAMILY PROJECT

The 2011 Legal Aid Service of Broward County (LAS) and Coast to Coast Legal Aid of South Florida (CCLA) Holiday Adopt-A-Family Project was a huge success due to the kindness of 37 Adopters that consisted of individual attorneys, law firms, families, and organizations outside of the legal community.

This year, 73 families were adopted, including 143 children and 21 senior citizens. Adopters helped make this holiday season memorable by giving toys, clothing, food, gift cards, and holiday dinners for the families.

“We want to thank everyone involved for their generosity,” said Kathy Thomsen, Director of Development, LAS and CCLA. “A very special thanks goes out to US Legal Support for dedicating the proceeds of their holiday party toward adopting these children and families—almost 200 toys and over \$800 to purchase gift cards for gas, food, prescriptions, and clothing for our families. Because of the generosity of all of our adopters many families who were facing a bleak Holiday Season now have reasons to smile.”

This year’s adopters included: The Almeida Family; Amerindias; Atkinson, Diner, Stone, Mankuta & Ploucha, P.A.; Arnstein & Lehr LLP; Michael and Tarnish Beecher; General Magistrate Barbara M. Beilly; Dive Bar; United Bar Association; Jacquelyn Casey; The Chia Family; Law Offices of Chorowski & Associates, P.A.; Colodny Fass Talenfeld Karlinsky & Abate, P.A.; Doumar, Allsworth, Laystrom, Voigt, Wachs, Mac Iver & Adair, LLP; Greenberg Law Group; Kaplan Law Group, P.A.; Gladstone & Weissman, P.A.; Legal Aid Services Development Department; Diane

and Mark Jones; Kristine M. Johnson; John and Diane Jordan; Adam Macleod; Judge Linda Pratt & Family; Steve and Dahlia Lessne; Steve Mankodi; Judy McPharlin; Patrice Paldino, Esq.; Neutralogistics; Peru, Vanessa and Jean Regalado; Antonette Russell; LAAlA of Broward; South Broward Bar Association; Arlene Swail; Natalia Soto; Phyllis and Robert Schlorff; St. Thomas More Society of Broward County; US Legal Support; Transworld Business Advisors; and West Broward Bar Association.



Colodny Fass Talenfeld Karlinsky & Abate, P.A. staff wrapping party

2011 Broward Lawyers Care

The Florida Bar Rule 4-6.1 advocates 20 hours of pro bono service per year. Broward Lawyers Care would like to recognize the following attorneys who have contributed more than 20 hours of their time in 2011.

- Anthony S. Adelson
- Terrence Ayala
- Evan H. Baron
- Mitchell Berger
- Gail Bird
- Lori Black Ogene
- Melanie Campbell
- Bonnie Canty
- George Cavros
- Sean Collins
- Michele Cummings
- Andrew J. Daire
- Lea Salama Dimitri
- Brian Dolan
- Georgette Sosa Douglass
- Lynnette Ensign
- Jonathan Ewing
- Paul E. Gifford
- Elias Hilal
- Andrew Hoffman
- William M. Howard
- Jorge E. Hurtado
- Odalys Ibrahim
- Neil Karadbil
- Theodore C. Kaufman
- Maureen Kelley
- Hollie Kirsner
- Christina Kitterman
- Milton Kleiman
- Jennifer Laufgas
- Daniel Lavin
- Andrew Lieberman
- Juliette Lippman
- Samuel D. Lopez
- Lawrence G. Marin
- Nydia Menendez
- Ninowtza Mier
- Robert W. Murphy
- Sharon Nowell
- Terrence P. O'Connor
- Nathalie Parchment
- Caroly Pedersen
- Deborah Pino
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- Joanna Sackel
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continued from page 3

African-American in Florida Bar history to hold the top job. Congratulations to you, Mr. Pettis, and we look forward to your comments. Additionally, we have set a date for our popular annual Bowl-a-Thon, which will be Saturday, March 24, 2012 at Manors Lanes. Stay tuned for details.

Finally, I wanted to share with you a program that I personally believe deserves a lot of praise. The BCBA has recognized the need for the mentoring of young attorneys. The program was developed by the BCBA Professionalism Committee. The Mentoring Program is designed to provide a resource for law students and new lawyers to receive guidance, tips and non-legal advice from veteran practitioners. Among the areas in which a mentor can assist are practical case management issues, law office management advice, research and reference tips, and community involvement and professional development suggestions. The Mentoring Program will provide an opportunity for both personal and professional growth by assisting new lawyers in developing good character, competence, and a deeper appreciation for the profession.

To qualify, mentors must be active members in good standing of The Florida Bar and the BCBA, have at least five years of experience in the mentee's preferred practice area, and commit to serve as a mentor for at least one year. Thanks to Jay Kim, Andrea Gundersen and Art Goldberg, the Mentoring Program will join various other bar organizations offering mentoring to young lawyers for the benefit of the legal profession. For more information, contact Art Goldberg at artg@browardbar.org.

If anyone has questions about the Young Lawyers Section, its upcoming event or sponsorship opportunities, please feel free to call me at (954) 229-2468 ostrzenski@oslawyers.com. Again, Feliz Navidad!

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Atkinson Diner Stone Mankuta & Ploucha Shareholders Selected to South Florida's Best Lawyers 2012 Edition

The Ft. Lauderdale business law firm of Atkinson, Diner, Stone, Mankuta & Ploucha, P.A., announced that five of its shareholders have been selected for the 2012 edition of *Best Lawyers in America*® including Wilson C. Atkinson, III, Jesse H. Diner, David B. Mankuta, Lawrence M. Ploucha and Adele I. Stone. All were recognized in their respective legal practice areas.

Selection to Best Lawyers in America is based on an exhaustive and rigorous peer-review survey that is evaluated by the top attorneys in the country.

Wilson C. Atkinson, III was recognized for his work in the Land Use and Administrative Law category.

Jesse H. Diner was honored in several categories including Banking and Finance Law, Bet-The-Company Litigation, Trusts and Estates, Commercial Litigation, Construction Law and Real Estate Law.

David B. Mankuta was recognized for his work in Construction Litigation.

Lawrence M. Ploucha received recognition for the Employee Benefits (ERISA) Law category.

Adele I. Stone was recognized for her work in the Real Estate Law category.

About Atkinson, Diner, Stone, Mankuta & Ploucha, P.A.

Founded in 1966, Atkinson, Diner, Stone, Mankuta & Ploucha, P.A. is a full-service law firm based in Fort Lauderdale, FL. The firm's practice is concentrated in the areas of Commercial and Residential Real Estate Law; Commercial and Construction Litigation; Land Use and Administrative Law; Business Law, including Corporate Partnership and Charitable Organizations; Intellectual Property; Tax, Health Care; Defense Litigation; Estate Planning; Elder Law and Probate. For more information, visit www.atkinson-diner.com.



Wilson C. Atkinson, III



David B. Mankuta



Jesse H. Diner



Lawrence M. Ploucha



Adele I. Stone

CONUNDRUM CAPITAL LLC ANNOUNCES CHALLENGE GRANT

Jordan D. Serlin, Chief Executive Officer and Founder of Conundrum Capital LLC and Charles Gregoire de Rothschild, Chairman of Conundrum Capital LLC have announced a challenge grant to benefit Legal Aid Service of Broward County's (LAS) Dependency Project for 2011. Conundrum will extend the challenge grant per annum through 2014.

Mr. Serlin stated, "The goal of the challenge grant is to encourage new donors to support the Dependency Project of LAS. As LAS faces funding reductions of 1.2 million dollars in 2012, the Dependency Project has been reduced to one part-time attorney. In Broward County, approximately 2,400 children/youth are in state care with only 350 of them (8.4%) being provided an attorney in 2010. Without an attorney, the child has no voice in the court system. Conun-

drum believes that it is the right of every child to have representation in the court and encourages donors to match this challenge grant."

"This challenge grant will provide for LAS to have a full-time attorney in the Dependency Project," stated LAS's Executive Director, Anthony Karrat. "We thank Conundrum Capital for recognizing the needs of the children in Broward County and stepping forward to lead this endeavor."

For further information and to donate matching funds for this challenge grant, please contact Kathleen Thomsen, Director of Development for LAS, at kthomsen@legalaid.org or 954-736-2429 or Jordan Serlin, CEO of Conundrum Capital LLC, at LASGrant@conundrum-capital.com.

NSU Law Students Aid In Foreclosure Division

Judge Garcia-Wood took over the Residential Foreclosure Division on July 11, 2011. Due to the budgetary cuts, she was left with no case managers or senior judges to assist with the handling of 42,000 plus cases. The Residential Foreclosure Division has two dockets, Monday through Thursday, morning and afternoon, and each docket has approximately 100 cases per day. It takes approximately 45 minutes just to process the dockets, get everyone signed in and then lined up to be called for their hearing. The Broward County Bar's Real Property section suggested to Judge Garcia-Wood that she contact the Nova Law School for assistance. Ms. Denise Corin, Associate Director of Career and Professional Development at Nova, immediately responded and sent two students per day for both dockets. Judge Garcia-Wood and her staff were delighted to have the assistance of the law students, and, they in turn had the opportunity to observe and participate in the residential foreclosure proceedings. Judge Garcia-Wood would like to thank Ms. Denise Corin for coordinating the law interns in the residential foreclosure division. Addition-



ally, Judge Garcia-Wood and her staff thank the following law students who volunteered countless of hours in the Residential Foreclosure Division:

- **Caroline Lewis**
- **Katherine Hustis**
- **Nicole Sanchez**
- **Lisa Bloch**
- **Vanessa Romero**
- **Harry Dominguez**
- **Robert Jackson**
- **Jaclyn Kennard**
- **Julie Liva**
- **Jenna Kulbersh**

BCBA Mentor Program Ready to Launch

In a legal market where increasing numbers of newly minted lawyers are starting their own law firms immediately upon graduating from law school, the Broward County Bar Association has recognized the need for the mentoring of those young attorneys by those with more experience. Developed by its Professionalism Committee, the Mentoring Program is designed to provide a resource for law students and new lawyers to receive guidance, tips, and non-legal advice from veteran practitioners.

“Mentorship for young lawyers and law students provides a positive experience that can aid young practitioners in refining real-world skills” stated Jay Kim, Co-Chairperson of the Law School Liaison Committee, “I am proud that I can be part of the BCBA’s efforts to engender courtesy, ethics, and professionalism in our Broward County legal community.”



For more information or to register, go to <http://browardbar.net/broward-county-mentor-program/>.



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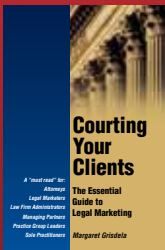
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| 9:00a.m.-9:05a.m. | Welcome
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| 9:05a.m.-9:45a.m. | Office Management
(Initial Interview, Consultation Fee, Retainer Agreements)
Lauren Alperstein, Esquire / Lindsay Corcoran, Esquire |
| 9:45a.m.-10:45a.m. | Jurisdiction (Personal/Subject Matter)/Venue, Pleadings (Petition for DOM, Petition for Paternity), Service of Process, Default
Denise Jensen, Esquire |
| 11:00a.m.- 11:30a.m. | Discovery (Mandatory Discovery, Financial Affidavits, Request to Produce, Standard Family Law Interrogatories)
Ariel Shultz, Esquire / Ted Uno, Esquire |
| 11:30a.m.-12:15p.m. | Equitable Distribution (unequal distribution)
David Hirschberg, Esquire / Chris Rumbold, Esquire |
| 12:15p.m.-1:15p.m. | LUNCH |
| 1:15p.m.-2:00p.m. | Alimony (Temporary and All Forms of Alimony)
Meghan Clary, Esquire |
| 2:00p.m.-3:00p.m. | Parenting Plan
(Temporary and Permanent), Child Support (Temporary and Permanent)
Marissa Pullano, Esquire / Jodi Colton, Esquire |
| 3:15p.m.-4:05p.m.- | Attorney's Fees
Michael Gilden, Esquire |
| 4:05p.m.-4:45p.m. | Mediation, Marital Settlement Agreement, Final Judgment (Final Hearing)
Angela Neave, Esquire |
| 4:45p.m. – 5:00p.m. | Closing
Heather Apicella, Esquire |

Now You See It, Now You Don't!

By: Henry J. Roman, Esq.



Since January 1, 1994, workers compensation practitioners have attempted to get a handle on the slippery occupational causation standard of major contributing cause ("MCC") in both the prosecution and defense of their cases. After a decade of appellate opinions, and an attempt at statutory refinement by the legislature in

2003, practitioners are still wondering how, and even if, it applies to claims today. This article attempts, humbly, to make some sense of the MCC standard.

In 2006, the First DCA rendered an opinion en banc in *Checkers Restaurant v Wiethoff* which outlined how and when an employer can discontinue workers compensation benefits. In that opinion, the First DCA held that despite an acceptance of compensability, an employer can discontinue benefits when the compensable injury is no longer a 51% or greater cause of the need for said benefits. As a result of this opinion, employers and carriers alike filed a flurry of denials in relation to continuing workers' compensation benefits. Shortly after *Checkers*, the First DCA refined its opinion.

In 2007, the First DCA rendered an opinion in *Pearson v Paradise Ford*, which clarified its initial opinion on major contributing cause. In *Pearson*, the injured worker suffered two employment related accidents. The first occurred in 1999 with one employer/carrier, and the second occurred in 2004 with a different employer/carrier. The lower court found that each injury resulted in an injury to the claimant's back which, when combined, caused his current need for care. The lower court found that the 1999 accident was 80% responsible for the need for continuing benefits and the 2004 accident was 20% responsible. While the appellate court agreed with the lower court's 80%/20% split of responsibility, the

appellate court held that the employer/carrier with 20% responsibility could not avail itself of the major contributing cause defense because the pre-existing condition on which its defense was based was, in and of itself, a work-related condition.

In 2010, the First DCA rendered an opinion in *Byszynski v UPS* which upheld the reasoning set forth in *Pearson*. In the *Byszynski* case, the injured worker suffered two employment related accidents, the first in 2005 and the second in 2007. Both accidents were with the same employer (and presumably the same carrier). As a result of the 2005 accident, the injured

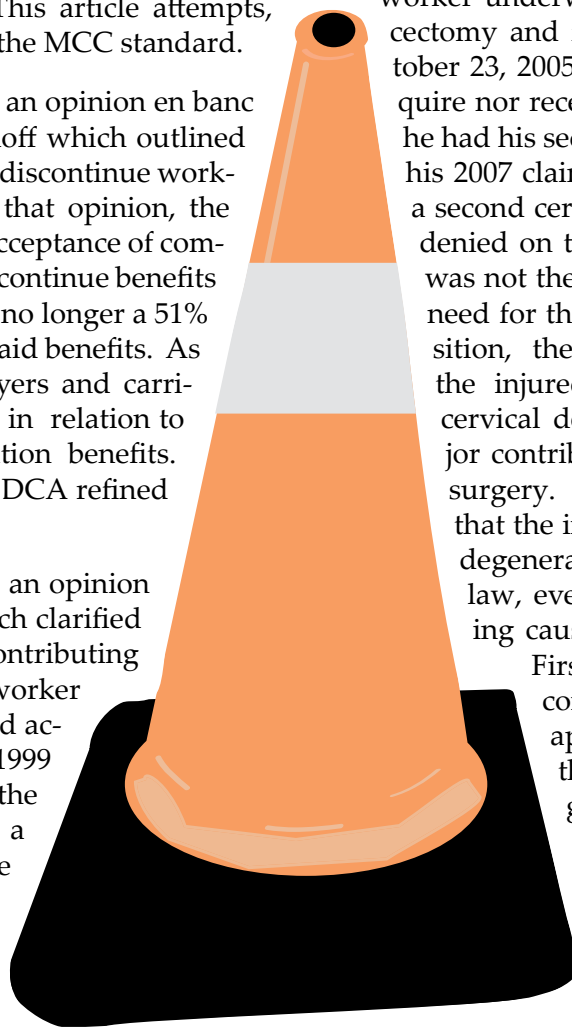
worker underwent an authorized cervical discectomy and fusion. Following MMI on October 23, 2005, the injured worker did not require nor receive any medical treatment until he had his second accident in 2007. As part of his 2007 claim, the injured worker requested a second cervical fusion which the employer denied on the grounds that the 2007 injury was not the major contributing cause of the need for the surgery. In support of its position, the employer/carrier argued that the injured worker had age-appropriate cervical degeneration which was the major contributing cause of the need for the surgery. The First DCA, however, held that the injured worker's age-appropriate degeneration could not, as a matter of law, even be considered as a contributing cause of the need for surgery. The

First DCA concluded that the major contributing cause defense was inapplicable because, in its opinion, the only cause of the need for surgery was the "natural sequelae" of the original compensable surgery from 2005.

In 2011, the First District rendered an opinion in *Fortner v Town of Longboat Key* which upheld the major contributing

cause defense because the injured worker failed to present "concrete information" as to the major contributing cause of his injury. In *Fortner*, the injured worker sought benefits for a left ankle

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Caution!

Attorney Lori Adelson Joins Arnstein & Lehr LLP as Partner



Arnstein & Lehr LLP is pleased to announce that attorney Lori Adelson has joined the firm as a partner in the Fort Lauderdale office. Adelson focuses her practice on labor and employment litigation and is a member of the firm's Labor & Employment Practice Group.

Adelson has extensive experience with labor and employment litigation and has handled a broad range of labor and employment discrimination matters for both public and private sector employers including race, national origin, pregnancy, gender, religion, and disability discrimination and retaliation, as well as sexual harassment and housing discrimination. She has represented businesses in litigation matters arising under federal, state, and local employment and civil rights laws, such as Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the Fair Labor Standards Act, Federal Constitutional claims asserted under 42 U.S.C. 1981 and 1983 and the Florida Civil

Rights Act. She also represented clients in collective bargaining agreement and labor matters including arbitrations and grievance proceedings. Adelson also consults with businesses on ADA accessibility and compliance issues.

Adelson is a graduate of the University of Michigan and received her juris doctor from Hofstra University School of Law. She is admitted to the Florida and New York Bar Associations, the U.S. Court of Appeals, 2nd Circuit, and the U.S. District Court, Southern and Middle Districts of Florida and Eastern and Southern District of New York. In 2010, Adelson was named a "Rising Star" by Florida Super Lawyers magazine.

Prior to joining Arnstein & Lehr, Adelson was of counsel at Ruden McClosky. She is active with a number of professional associations, including the Broward County Bar Association, the Broward County Women Lawyers' Association, the Federal Bar Association, the Society for Human Resources Management and the Human Resources Association of Broward County. Adelson also serves on the Board of Directors of the Girl Scouts of Southeast Florida, Inc., and is on the Benefit Committee of the Jewish Adoption and Foster Care Options.

continued from page 20

injury which he claimed was the result of multiple work-related repetitive traumas occurring in 2002, 2005, 2009, and 2010. Detrimental to his claim, however, was the fact that he did not report his 2002 and 2005 traumas to his employer and, while he reported his 2009 claim to his employer, he did not receive any medical care for same. As a result, the First DCA upheld the lower court's denial of compensability on the basis that the injured worker failed to present "concrete information" as to the major contributing cause of his injury.

Interestingly, the First DCA in Fortner did not define what might constitute "concrete information" and it did not offer any guidance as to how the Pearson and Byszczynski decisions might be affected, if at all, by this apparently new standard of proof. It is this author's impression that Fortner is an aberration and is

otherwise unique to its facts. Had the injured worker in Fortner received authorized care prior to his 2010 trauma, he would have been able to utilize the reasoning set forth in Pearson and Byszczynski to support his 2010 claim.

Based on this line of cases, the author would submit that major contributing cause should be addressed at the inception of any claim in relation to compensability. For it is usually at the inception of the claim that the injured worker may have a pre-existing condition (i.e. age appropriate degeneration) which is: (a) not work-related and (b) not the natural sequelae of the compensable injury. Once the injury is accepted as compensable, and once medical care is authorized, major contributing cause loses its relevance.

Courts Use iPad For Speedy Service

Florida's 17th Judicial Circuit (Broward County) Chief Judge, Peter M. Weinstein and Circuit Technology Committee Chair, Judge Mel Grossman are pleased to announce the Circuit's next step in electronic case management. "The 17th Circuit is in the testing phase of a system," said Judge Grossman, "and will replace facsimile transmission of domestic violence injunctions issued after normal business hours with the Apple iPad and an App Store application called Sign-N-Send." The initial testing was done by Judge John Murphy who is serving as Circuit Civil Duty Judge this week.

Using the Apple iPad in conjunction with the Sign-N-Send application, judges will be able to review petitions and proposed orders and make any necessary changes to the proposed order before signing the document and sending it back to clerk staff for filing and for copies for the petitioner.

This system will allow faster response time for the designated judges who are "on-call" for emergency and time-sensitive issues after 5 p.m. on evenings and on weekends. It will also provide for quicker processing times for litigants in emergency situations. "Our direction," said Chief Judge Weinstein, "represents a response to the needs of the trial court by utilizing user-friendly, off-the-shelf products created by the private sector, which enables the Circuit to operate in a more efficient and cost-effective manner."

For further information, please contact Christin Gallardo at 954-831-6340 or cgallardo@17th.flcourts.org.



YOUR USED COMPUTERS & PRINTERS CAN HELP!

"Deerfield Park Elementary is in dire need of working computers and printers, and they have no money to buy any due to budget cuts," says St. Thomas Aquinas senior Josh Venkataraman, who has made it his senior project to help the school out. His efforts include collecting gently-used computers, printers, and children's books, as well as delivering them to the school. He has also set up enrichment programs for the students, which include interesting speakers, donated services, and goods from people and businesses. If you are interested in donating computer equipment, children's books, or other services, please contact Josh at 954 568-3409. Thanks!

In the photo: Delvoehn Worthy on left and Jamar McFadden on right use a donated computer.



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12:00 P.M. - 1:00 P.M.	Lunch (included in program cost)
1:00 P.M. - 1:50 P.M.	Medical Apportionment & Science Based Evidence Michael Celeste, Esq
1:50 P.M. - 2:40 P.M.	Longshore & Harbor Workers' Compensation Act - What You Need to Know! James T. Armstrong, Esq.
2:40 P.M. - 2:50 P.M.	Break
2:50 P.M. - 3:40 P.M.	Strategies for Ethical & Effective Mediations Judith Nelson, Esq. and Melanie Jacobson, Esq.
3:40 P.M. - 4:30 P.M.	Emerging Trends From the 1st DCA Barbara Wagner, Esq. and Henrique Roman, Esq
4:30 P.M. - 4:50 P.M.	Q & A Session with Broward JCCs Hon. Geraldine B. Hogan Hon. Daniel A. Lewis Hon. Kathryn S. Pecko Please E-mail Questions for Judges to Seth Abrams, Esq: sabrams@marlowconnell.com
5:00 P.M.	Complimentary Cocktail Reception Renaissance Lounge

Your Law Practice: A Rainmaker Via Cloud

By Milana V. Kuznetsova



We are presently living in challenging times where the nation's economy is in a state of turmoil. Our vision of a brighter future is clouded with a perplexed perspective of realities and opportunities, which remain masked by this state of transition. In light of such hindrances, we find a profession that has been grown out of

very traditional roots forced to adopt alternative means to ensure a profitable return on work product and time management. Cloud computing is a growing trend in the legal industry and is one that is approached with caution, as it is a radical shift in gears to running a law practice.

While cloud computing is an emerging concept among attorneys and the legal industry in general, it is important to note that cloud computing is not a novel practice in information technology. This idea was formerly labeled "time-sharing" and was originally introduced in 1964 at Dartmouth College. Today, cloud computing delivers hosted services for users over the Internet in three popular forms: Infrastructure-as-a-Service (IaaS), Platform-as-a-Service (PaaS), and Software-as-a-Service (SaaS). These services have consistently enabled business growth and development over time. The 2011 American Bar Association (ABA) technology survey, conducted annually by the ABA Legal Technology Resource Center, suggests that cloud computing affords valuable benefits to attorneys, virtually two-thirds (65%) of firms use cloud computing, and that the use of cloud computing has increased this year in nearly half (47%) of the responding firms.

It is common that every office aims to establish some form of data regulation. However, not all forms of information management prove to be effective. Cloud computing – no longer overlooked as mere evolution of information technology, but recognized as an effective business model – affords law practitioners and managers a single source for collaborative effort data access, regardless of geographical position. While gaining an advantage over opponents and competition by having all required resources at the fingertips may be attractive to users, many remain alarmed that confidential data may end up in the wrong hands.

Evidently, users are conflicted with an accessibility and security paradox. Each feature provides individual substantial value to a software system user, yet it is unimaginable

how the two factors are not mutually exclusive. Taking the prevalent concern into consideration, Sean M. McNamara, Chief Technology Officer of LegalFile at ESENER, LLC, responds that his team is committed to creating the solution to this seeming discord by "striving to achieve the required amount of accessibility while still adhering to the required security to protect lawyers, their clients, and the ethical commitments of confidentiality that are in place."

In its Proposed Advisory Opinion 10-2, the Professional Ethics Committee of the Florida Bar advises that "[a] lawyer's supervisory responsibility extends not only to the lawyer's own employees but over entities outside lawyer's firm with whom the lawyer contracts..." As such, half the battle is understanding the services offered by the provider, where the ultimate goal should be assurance of confidentiality, to conform to the duty of confidentiality implicated in Rule 4-1.6(a) of the Rules Regulating the Florida Bar; the other half is to ensure that due diligence is done to comply with the supervisory responsibility, as mandated by Rule 4-5.3(b) of the Rules Regulating the Florida Bar, to make reasonable efforts to ensure that the provider's services are compatible with a lawyer's professional obligations.

As law offices advance to tighter integration in implementing this superior business model in their practice, triumph over competition is inevitable. It is unsurprising that law practitioners find themselves drawn to the desirable solutions of mobility, elasticity, and security offered by cloud computing and away from traditional hosting, which can present greater financial and operational burdens. It is commonly said that when it rains, it pours. Likewise, as a result of rapidly maturing information technology, it becomes easier than ever to cut costs all the while enabling your law practice to prosper without compromising security.

Milana V. Kuznetsova, Founder, Chairwoman, and Chief Executive Officer of ESENER, LLC.

Ms. Kuznetsova is an experienced law practice management and technology entrepreneur. Prior to the formation of ESENER, LLC, Ms. Kuznetsova served in the capacity of an ambitious litigator, having experienced a number of legal office settings in the civil and criminal law practice areas, navigating cases from the initial intake stages to assisting at trial. Ms. Kuznetsova is a published authority, commenting on law practice management and technology. She holds a Juris Doctor degree from University of Miami School of Law and is a member of The Florida Bar.



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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 1525 PALM BEACH LAKES BOULEVARD
WEST PALM BEACH, FLORIDA 33401

ADMINISTRATIVE ORDER No. 2011-2
In re: Agreed Extension of Time for Briefs

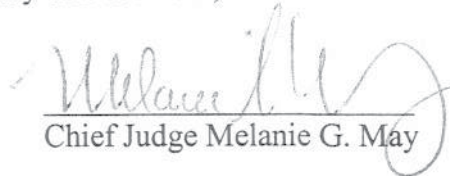
Effective February 1, 2012, in lieu of an agreed motion for extension of time to file an initial, answer, or reply brief, pursuant to Fla. R. App. P. 9.300(a), the court will accept a notice from a party that the parties have agreed to a specific extension of time. This notice shall state:

The undersigned, as counsel for (appellant[s] or appellee[s], and name[s]) has agreed with (name[s]), counsel for (appellant[s] or appellee[s], and name[s]) that the time for serving (appellant's or appellee's) (initial, answer or reply) brief may be extended for _____ days to _____(date).

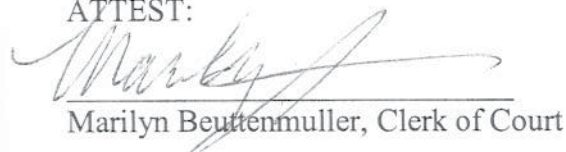
An agreed notice of extension of time will be accepted for up to a total of 120 days for an initial or answer brief, and 60 days for a reply brief. The notice need not be signed by both parties. No order will issue from the court.

This procedure shall apply to criminal and civil appeals, including dissolutions of marriage. It shall not apply to appeals from adoptions, dependency, termination of parental rights, non-final orders, or any expedited or emergency appeal.

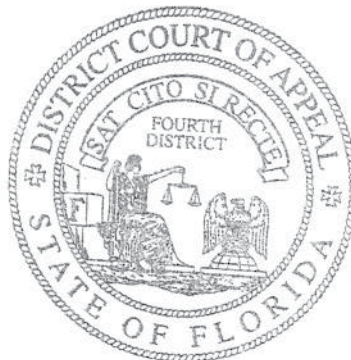
DONE and ORDERED at West Palm Beach, Florida on the 7th day of December, 2011.


Chief Judge Melanie G. May

ATTEST:


Marilyn Beutenmuller, Clerk of Court

SEAL



Target 10 Ideal Prospects for 2012

By Margaret Grisdela

Hot trends in 2012 legal marketing tend to be digital. Here are five communications techniques that should be in your marketing mix for the New Year.

Social Media Magnified

Facebook now has more than 800 million active users, 50% of whom log on in any given day. The average Facebook user has 130 friends! Meanwhile, Twitter has grown to 100 million users from the first tweet in 2006, while LinkedIn also boasts 100 million professional users worldwide.

Social media marketing is a significant and growing part of the 2012 business development plan for law firms with a strong online leadership vision. Priorities include high quality posts, growing your online audience, and increasing the level of engagement between online users and your law firm.

Mobile Marketing

The Pew Research Center reports that 83% of U.S. adults own a cell phone, and 42% of these cell phone users rely on a smartphone. Smartphone global sales were expected to reach 450 million units in 2011 compared to the 303 million units shipped in 2010. Smartphone owners use their phones for text messaging, taking photos, social media applications, watching videos and online research.

Lawyers need to consider that prospects and clients will increasingly be viewing the law firm's website, email correspondence, and social media posts on a smart device. This is particularly true for attorneys who serve a younger or more tech-savvy clientele, like IP, business and family lawyers. Consider mobile apps and make sure your site is mobile friendly.

Online Reputation Management

Rapid growth in social media messaging and the mobile platform calls for caution when it comes to monitoring comments made online about your attorneys, law firm, and clients. Set your Google Alerts to detect early signals (both positive and negative) about the online conversation surrounding your firm and clients. The Florida Bar publishes guidelines on the ethical use of social media, including the need to correct any false or misleading statements by others.

Content is King

While cash is king when it comes to law firm operations, content is king on the marketing front. Timely articles on the emerging and recurring issues facing your practice area can now be disseminated virally through social media outlets, video, blogs, web pages, and even in print. If you don't like to write, or don't have the time, consider hiring a freelancer (like a law student) or purchasing a news feed.

Old-Fashioned Legal Marketing Never Goes Out of Style

Of course, online marketing is only one part of an integrated marketing program. Don't forget the tried and true campaigns revolving around referral networking, speaking, publishing, and marketing to your existing clients. Whatever you do, never stop marketing!

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

Calendar of Events

4 Hour Minor Guardianship Class

January 7, 2012 • 9:00 am - 1:00 p.m., \$100
Attorneys welcome, Florida Bar approved for CLE credits
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale
Contact Tish at (954)832-3617

NBBA & BCBA Lunch with CLE

January 10, 2012 • 12 noon
“Amendments to the Oath, Funding of the Judiciary and Merit Retention”
President of the Florida Bar Scott G. Hawkins
The Grill Private Dining Room
2101 W. Cypress Creek Rd., Ft. Lauderdale
\$17 for NBBA or BCBA members/\$20 for Non-Members
RSVP to stevenson2@bellsouth.net

Membership Committee

January 10, 2012 • 4 p.m. - 5 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

BCBA Board of Directors Meeting

January 10, 2012 • 5:00 p.m. - 6:30 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

NBBA & BCBA Lunch with CLE

January 10, 2012 • 12 noon
“Amendments to the Oath, Funding of the Judiciary and Merit Retention”
President of the Florida Bar Scott G. Hawkins
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2101 W. Cypress Creek Rd., Ft. Lauderdale
\$17 for NBBA or BCBA members/\$20 for Non-Members
RSVP to stevenson2@bellsouth.net

Professionalism Committee

January 11, 2012 • 5:30 p.m. - 7 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

Probate Law Lunch & Learn Seminar

January 12, 2012 • 12:30 p.m. - 2 p.m.
THIS EVENT IS SOLD OUT
“Probate Law: A View from the Bench”
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale
Contact Traci: traci@browardbar.org or (954)832-3618

Criminal Law Lunch & CLE Seminar

January 13, 2012 • 12 noon - 2 p.m.
“Domestic Violence in 2012”
with Judges Cohen, Kaplan and Richards
THIS EVENT IS SOLD OUT
Free and only open to BCBA and BACDL Members
Sponsored by: Transitions Recovery Program
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale
Contact Traci: (954)832-3618 or traci@browardbar.org

DiveBar-Underwater Bar Association Happy Hour & a Half

January 13, 2012 • 5:30 p.m. - 7 p.m.
Presentation: “Urban Legends of the Deep”
Free to members and non-members
Quarterdeck Restaurant, 1541 Cordova Rd., Ft. Lauderdale
Contact: Kim or Lindsay (954)522-6601
kim@thedivebar.org or lindsay@thedivebar.org

Legal Night with the Florida Panthers Hockey with CLE

January 13, 2012 • 6:00 p.m. - 10:00 p.m.
\$65 Per Person
Includes CLE with NHL Commissioner Gary Bettman, beer, wine, soda, buffet, parking and post-game slap-shot
BankAtlantic Center
Contact: Pat Malek 954-835-7239 or malekp@sselive.com

BCBA Offices Closed

January 16, 2012

Bench and Bar Committee Meeting

January 17, 2012 • 12:00 p.m. - 1:30 p.m.
BCBA Offices: 051 SE 3rd Avenue, Fort Lauderdale
Traci: (954)832-3618 or traci@browardbar.org

DiveBar-Underwater Bar Association Local Dive

January 18, 2012 • 1:30 p.m. - 4:30 p.m.
\$65.00 (includes two tanks)
The cost does not include a tip for the boat staff or cost of rental gear (other than the tanks),
Sea Experience-Bahia Mar
801 Seabreeze Blvd., Ft. Lauderdale
Contact: Kim or Lindsay (954)522-6601 or kim@thedivebar.org or lindsay@thedivebar.org

Solo/Small Section Networking Dinner

January 18, 2012 • 6:00 p.m. - 8:30 p.m.
\$35 BCBA Members/\$50 Non-Members
Only for attorneys in firms of four or less
Dave & Busters
3000 Oakwood Boulevard, Hollywood
Contact Traci: traci@browardbar.org or (954)832-3618

YLS Luncheon w/Chief Judge Peter Weinstein

January 19, 2012 • 12:00 p.m. - 1:30 p.m.
\$25 Pay at the Door
Tower Club, 100 SE 3rd Avenue, Fort Lauderdale FL
Contact Traci: (954)832-3618 or traci@browardbar.org

Probate E-Filing With CLE

January 19, 2012 • 12:00 p.m. - 2:00 p.m.
\$15 BCBA Members; \$25 Non-Members
Lunch Included
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale
Contact Traci: traci@browardbar.org or (954)832-3618

Bar at the Bar Networking Happy Hour

January 19, 2012 • 5:00 p.m. - 7:00 p.m.
NO RSVP NECESSARY
1/2 Priced Drinks (excludes bourbon)
Complimentary Happy Hour Food
Tap 42, 1411 S Andrews Avenue, Fort Lauderdale

Broward Christian Lawyers Association Dessert Social

January 20, 2012 • 7:30 p.m. - 9:30 p.m.
No charge. Bring a dessert. All welcome, spouses and friends.
Golden household: 5410 Buchanan Street, Hollywood
Contact Nisi: nisir@goldenlaneve.com or (954) 764-6766

Broward County Bar Association Trial Lawyers Section

Presents

How To Pick A Winning Jury Jury Selection CLE Seminar

Thursday, February 2, 2012
BCBA Norma B. Howard Center
1051 SE 3rd Avenue, Ft. Lauderdale, Florida

Free to BCBA members

Register online at www.browardbar.org/events
or by phone at (954) 764-8040 ext 2

**Speakers: Judge Thomas Lynch, IV
and Robert W. Kelley, Esq.**

11:30 - 12:00 Registration

12:00-1:30 Lunch and Presentation

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Kelley Uustal
TRIAL ATTORNEYS

The Investiture of the Honorable Raag Singhal Circuit Judge of the Seventeenth Judicial Circuit

Friday, January 20, 2012, 1:15 p.m.
Broward County Courthouse
201 S.E. 6th Street
Jury Assembly Room
Fort Lauderdale, FL 33301



Calendar of Events Continued

The Investiture of the Honorable Raag Singhal Circuit Judge of the Seventeenth Judicial Circuit

Friday, January 20, 2012, 1:15 p.m.
Broward County Courthouse
201 S.E. 6th Street
Jury Assembly Room
Fort Lauderdale, FL 33301

8 Hour Adult Guardianship Class

January 21, 2011 • 9:00 am - 5:00 p.m., \$180
Attorneys welcome, Florida Bar approved for CLE credits
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale
Contact Tish at (954)832-3617

Family Law E-Filing Training

January 25, 2012 • 12:00 p.m. - 2:00 p.m.
\$15 BCBA Members; \$25 Non-Members
Lunch Included
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale
Contact Traci: traci@browardbar.org or (954)832-3618

West Broward Section Luncheon with Chief Judge Peter Weinstein

January 26, 2012 • 12:00 p.m. - 1:30 p.m.
\$25 if registered prior to 1/26/2012
\$30 at the door
Plantation Preserve Golf Course
7050 W. Broward Boulevard, Plantation

Publicity Committee Meeting

January 31, 2012 • 12:00 p.m. - 1:30 p.m.
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale

Early February Events

Jury Selection CLE Seminar

February 2, 2012 • 12:00 p.m. - 1:30 p.m.
12:00 p.m. - 1:30 p.m.
"How to Pick a Winning Jury"
Judge Thomas Lynch, IV and Robert W. Kelley, Esq.
Free to BCBA Members
**Sponsored by: Sabadell United Bank and
Kelley Uustal Trial Attorneys**
Lunch Included
BCBA Offices: 1051 SE 3rd Avenue, Fort Lauderdale



2012 LEGAL NIGHT

Featuring NHL Commissioner Gary Bettman



FRIDAY, JANUARY 13, 2012
7:30PM @ THE BANK ATLANTIC CENTER

CLE Credit Hour

Topics to be discussed:

- Collective bargaining
- Effect of NFL & NBA lockouts on brands
- Agents relationships with NHL teams
- Importance of NHL in South Florida

TICKET DETAILS

\$65/person includes:

CLE credit, all-inclusive beer, wine, soda & buffet, parking, and post-game slap-shot.

LEGAL NIGHT AGENDA

- | | |
|---------|---|
| 6:00pm | Check-In/Networking |
| 6:20pm | Continuing Education Panel
featuring the following:
NHL Commissioner Gary Bettman
Panthers Assistant GM, Mike Santos |
| 7:15pm | Group escorted to the Duffy's
Sky Club for food and drinks |
| 7:30pm | Panthers vs. Pens face-off |
| 10:00pm | Post-game slap-shot on the ice |

WE SEE RED

contact
PAT MALEK
954.835.7239
MalekP@sselive.com