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# Broward County Bar Association BARRISTER

May 2008 VISIT OUR WEBSITE AT [WWW.BROWARDBAR.ORG](http://WWW.BROWARDBAR.ORG) VOLUME 38, ISSUE 5

## SPRING INTO CLIENT DEVELOPMENT

May 21st Solo / Small Law Firm Networking Group Dinner Coming Up

by Loring N. Spolter

The upcoming Solo / Small Law Firm Networking Group dinner promises to be well attended, after more than 100 attorneys participated in the program in March. "This was our largest turn out ever and based upon the loyalty of past attendees, we expect to pack the

room again," said Loring N. Spolter, an employment law and DUI defense attorney who chairs the Networking Group. BCBA's Networking Group has succeeded in helping practitioners in firms having one to four attorneys develop a "web of referral sources," according to Spolter.

"Smaller law firms have narrowly focused practices, so they have frequent opportunities to refer out the types of cases they don't handle," according to Evan Ostfeld, a workers compensation attorney. "These firms now can direct prospective clients to firms they have become familiar with at our large interactive networking dinners and our localized smaller lunches," states Ostfeld, who coordinates the lunches taking place in Weston, Hollywood, Lighthouse Point, Coral Springs,

Plantation and Fort Lauderdale. Area lunches will take place on various June dates.

Networking Group dinners feature four to six speakers from within the group itself, each speaking about their own legal practices. Dinner participants are listed in the group's networking Directory by their names and up to three areas of practice type. Members refer to this directory when hearing from clients in need of legal services outside their fields of practice. Virtually all frequent participants report receiving calls from attorneys trying to refer them cases.

"The group really works," notes Roshawn Banks, who has a real estate and criminal defense practice. A longtime participant, Banks heads a program introducing Networking Group participants

*Continued on page 3*

### Monday May 5 BCBA Law Day

Luncheon  
Tower Club, Noon.

\$30 per person  
RSVP to BCBA at  
(954) 764-8040

Art x 204 or Mike x 210

### Monday, May 12 5th Annual Judicial Reception and Program Dirty Money!

What is the attorney's  
responsibility to ensure fees  
are clean?

See page 7 for full details.

Wednesday,  
May 14  
Employment Law Seminar at  
the Tower Club.  
See page 19 for details

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## Thursday, June 12

**Broward County Bar Association's  
Annual Meeting and Installation Dinner  
Marriott Harbor Beach Resort and Spa**

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

**Sponsored Tables Available**

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**R.S.V.P. call BCBA at (954) 764-8040**



# PRESIDENT'S MESSAGE by Barbara K. Sunshine

**MY TIME IS ALMOST OVER AS PRESIDENT**

**MY APPRECIATION TO THE PRACTICE SECTION CHAIRS**

What have the Practice Section Chairs been doing this year? Lots!

**Alternative Dispute Resolution**

(ADR): Chair Rhonda Hollander/Board Member Liaison John G. Jordan

July-August "Barrister" article entitled *You've Been Referred to Arbitration: Now What?* by Judge Robert W. Lee and Rhonda Hollander

Dinner Meeting on January 9 entitled Updates in Dispute Resolution

Annual Spring Seminar on February 9 entitled The Mediation Toolbox: Enhance Your Skills in ADR

Luncheon Meeting on March 11 entitled Updates in Family Law

**Appellate Practice:** Chair John J. Uustal/Board Member Liaison Todd R. McPharlin

Monthly "Barrister" articles entitled *Recent Developments in the Law* by Nancy Little Hoffmann

Seminar on December 6 entitled Inside the Appellate Court: An Afternoon with the Judges of the Fourth District Court of Appeal

April "Barrister" article entitled *Hands-On Deliberations: When Juries Experiment with Evidence* by Kristin Bianculli and John Uustal

**Bankruptcy Law:** Chair Jeffrey D. Solomon/Board Member Liaison Patrick B. Giunta

Meeting on October 30 at the Bar Center

February "Barrister" article entitled *Homestead in Bankruptcy* by Jeffrey Solomon

Seminar on April 25 entitled Bankruptcy for the Family Law Attorney

**Business Law:** Chair John Christopher/Board Member Liaison Bruce A. Weihe

**Construction Law:** Chair Brian A. Wolf/Board Member Liaison Jordana L. Goldstein

Meeting on August 30 at the Bar Center

January "Barrister" article entitled *Fraudulent Liens* by Brian A. Wolf

Seminar on March 31 entitled Arbitration Best Practices and Strategies for Successful Arbitrations, Part II

**Criminal Law:** Chair Joseph J. Carter/Board Member Liaison Carlos M. Llorente

**Elder Law:** Co-Chairs Arlene H. Lakin and Robert M. Trinkler/Board Member Liaison Victor P. DeBianchi, Jr.

Seminar on September 27 entitled The New Trust Code

December "Barrister" article entitled *Estate Planning Can Include Provisions for Organ Donation* by Ken Trachy, Director of Special Projects, Life Alliance Organ Recovery Agency, Miller School of Medicine University of Miami

December "Barrister" article entitled *Why Should I Care About Guardianship in my Law Practice?* by Michelle Kenney, RG, CMC

April "Barrister" article entitled *The Times-They Are A-Changin' Medicaid & Other Musings* by Arlene Lakin

Seminar on May 20 entitled Medicaid: Legislative Update

**Employment and Labor Law:** Chair Kimberly A. Gilmour/Board Membership Liaison Michele A. Cavallaro

November "Barrister" article entitled *Teenagers Sexually Harassed at their Jobs; Federal Government Reports an Increase in Complaints* by Loring N. Spolter

Seminar on May 14 at the Bar Center

**Family Law:** Chair Juliette E. Lippman/Board Member Liaison Jorge E. Hurtado

Seminar on September 20 entitled On the River of Knowledge

Seminar on October 26 entitled Raising the Bar

Seminar on March 14 entitled Intermediate CLE Family Law Seminar

**Government Law:** Chair Julie Klahr/Board Member Liaison Angel Petti Rosenberg

January "Barrister" article entitled *You Are My Sunshine* by Julie Klahr

**Intellectual Property Law:** Chair Joseph R. Englander/Board Member Liaison John C. Primeau

January "Barrister" article entitled *Copyright Infringement Made Easy, File Sharing* by Lorri Lomnitzer and Eric N. Assouline

February "Barrister" article entitled *Dissolved Corporations Lose Federal Standing Requirements* by Nick Lewis and Joe Englander

February "Barrister" article entitled *Giving Things Away on the Internet Can Get You in Hot Water* by Alan Weisberg

**Probate and Trust Law:** Chair Jody Leslie/Board Member Liaison Christopher M. Neilson

September "Barrister" article entitled *Why Should I Care About Guardianship in My Law Practice?* by Michelle Kenney, RG, CMC

**Real Property Law:** Chair Richard L. DeNapoli/Board Member Liaison Barbara K. Sunshine

October "Barrister" article entitled *Is Your Three-Day Notice Legally Sufficient?* by Karen Williams North

**Solo and Small Firm:** Chair Loring N. Spolter/Board Member Liaison Roshawn J. Banks

March "Barrister" article entitled *Are You Making Too Much Money? No...* by Morrie I. Levine

Six luncheons in February in geographical areas

Networking Dinners on September 19, November 14, January 16, March 19, and May 21

Six luncheons in April in geographical areas

**Tax Law:** Chair Laurence I. Blair/Board Member Liaison Morrie I. Levine

April "Barrister" article entitled *Poor Spouse, Rich Spouse: Utilization of Irrevocable Lifetime Q-Tip Trusts* by Laurence I. Blair

**Trial Lawyers:** Chair Bruce L. Udolf/Board Member Liaison Allison K. Bethel

**Workers' Compensation Law:** Chair Richard L. Wagenheim/Board Member Liaison Deborah Poore FitzGerald

Seminar on February 15 entitled Stayin' Alive in Workers' Comp. Today

February "Barrister" article entitled *Worker's Compensation—OJCC Overview* by Deputy Chief Judge David Langham

February "Barrister" article entitled *Worker's Compensation—OJCC Overview* by Deputy Chief Judge David Langham

**Don't forget the Cooperative Feeding Program Brown Bag Lunch Day—May 21**

Send your donation made payable to the Cooperative Feeding Program to the Broward County Bar Association, 1051 Southeast Third Avenue, Ft. Lauderdale, Florida 33316, to the attention of Tish.

Thank you.

MAY 2008

# CALENDAR OF EVENTS

**Thursday, May 1**

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

**Thursday, May 1**

Young Lawyers Judicial Reception at the New River Rotunda(a/k/a) Sun Sentinel Building) 200 East Las Olas Blvd. Individual tickets \$35.00 for BCBA members and \$45.00 for non-members, which includes hors d'oeuvres, cocktails and desserts. RSVP to Lynn Hudson at (954) 522-2200. You can also contact Ms. Hudson for sponsorship opportunities. Advance checks should be made out to: Y.L.S.- BCBA can be mailed to Scott P. Chitoff, Esq. 200 East Olas Blvd., Suite 1900, Fort Lauderdale, FL 33301.

**Monday, May 5**

BCBA Law Day Luncheon, Tower Club, Noon. Guest Speaker Florida Bar President Frank Angones, Cost \$30 per person. RSVP to BCBA at (954) 764-8040 Art x204 or Mike x210.

**Saturday, May 10**

4 Hour Minor Guardianship Class This is a certification class for non-lawyers. The class is 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.

**Monday, May 12**

5th Annual Judicial Reception and Program Dirty Money! What is the attorney's responsibility to ensure fees are clean? Coordinated by the Jewish Federation of Broward County, Fort Lauderdale Museum of Art See page 2 for full details.

**Tuesday, May 13**

BCBA Board of Directors Meeting, 5:30 p.m.

**Tuesday, May 13**

Association of South Florida Mediators and Arbitrators luncheon. 11:30a.m.- 1:00p.m. at the Tower Club Please RSVP on or before May 9th to Jane Goldberg (954) 764-8040 Ext. 202 or email (www.asfma.org), if you plan to attend.

**Wednesday, May 14**

Employment Law Seminar at the Tower Club. See page 19 for details.

**Wednesday May 14**

B'nai B'rith Justice Unit #5207 Happy Hour 5:15 p.m. - 7:15 p.m. Samba Room - 350 East Las Olas Blvd. Cost: \$10; includes two drinks and appetizers RSVP to Richard Sachs at RAS@BermanKean.com

**Wednesday, May 14-16**

"Health Care Fraud Seminar" at the Fort Lauderdale Grande Hotel and Yacht Club. To register or for additional information, please call (800) 285-2221.

**Saturday, May 17**

8 Hour Adult Guardianship Class, This is a certification class for non-lawyers, and is held at the Broward County Bar Association 1051 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.

**Saturday, May 17**

Caribbean Bar Association is having a Service Juris Day: A Day

of Volunteering at the Juvenile Justice Center. Time and event registration information will be available in the coming weeks.

**Tuesday, May 20**

BCBA Bench and Bar Committee Meeting, Noon, Norma B. Howard Bar Center.

**Tuesday, May 20**

17H Florida Grievance Committee Meeting at the Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale

**Tuesday, May 20**

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

**Tuesday, May 20**

Elder Law Seminar from 3:30p.m.-5:30p.m. at the Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale For more information, please call Arlene Lakin (954) 975-5159 or email: lakinesqlaw.com

**Wednesday, May 21**

Solo-Small Networking Dinner at the Airport Hilton 6:00p.m. Great for referrals and networking!! To make a reservations, please call Jane Goldberg at the BCBA (954) 764-8040 Ext. 202

**Wednesday, May 21**

Young Lawyers' Section Board of Directors Meeting, 5:30 p.m. Norma B. Howard Bar Center.

**Wednesday, May 21**

Federal bar Association Annual Installation See Page 20 for details

**Thursday, May 22**

BCBA -YLS Section Luncheon. Last luncheon of the current term. Tower Club. Noon. Guest Speaker: Jay White incoming President of the Florida Bar. RSVP to the BCBA (954) 764-8040. Cost is \$25.00

**Thursday, May 29**

Construction Law Committee meeting Topic: "How the Attorney and Expert Work Together" held at the Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale from 12:00p.m-1:30p.m. Cost to attend: \$10.00 RSVP call Brian Wolf's office. (954) 769-5323

**Friday, May 30**

Ethics Seminar presented by Stephen R. Booher American Inns of Court Guest Speaker: Justice Raoul G. Cantero III Cost \$45 RSVP to Juliette Lippman (954) 522-2200 juliette.lippman@brinkleymorgan.com

**Sunday, June 1**

YOUNG LAWYERS SECTION 5TH ANNUAL FAMILY DAY. TY Park 3300 N. Park Rd., Hollywood, FL. Pavilion #11. Children/Adults \$5.00 (12 months and under free) R.S.V.P. Meghan Clary, Esq. at 954-525-6566 or meghan@cmfamilylaw.com

**Monday, June 2**

South County Bar Association Luncheon. Ark Restaurant (Ballroom), 6255 Stirling Road, Davie, FL 33314 Speaker: Judge Peter Weinstein; RSVP to Ken Hassett (954) 791-3939.



Continued from page 1

to students from Nova Southeastern and St. Thomas law schools who are looking for clerkship and associate positions. "Law students and recent graduates give small law firms flexibility in filling staffing needs," Banks explained. Networking group members become acquainted with "a talent pool" of applicants available for hire on either a project-by-project or long-term basis, without incurring fees charged by staffing agencies. Banks, who typically recruits six law students to attend each Networking Group dinner, explains

her project has proven to be a "win-win" situation for smaller law firms and students.

To participate in the Wednesday, May 21st Solo / Small Law Firm Networking Group dinner taking place at the Airport Hilton located at I-95 and Griffin Road, phone BCBA at (954) 764-8040. The event begins at 6:00PM with a one hour cocktail networking session, followed by the dinner program. The cost is \$35 when reserving in advance, \$40 at the door on a space available basis.

## Why is there hunger?

The Cooperative Feeding Program has spent the past 23 years helping educate our community about the destructive nature of food insecurity and hunger. At the same time, we have battled against hunger by teaching people how to prepare nutritious food, helping them locate free or low cost food, and working with them to improve their standard of living. By doing all this, we have improved their access to healthier food for themselves and their children.

Recently, a hunger survey was conducted in Broward County. USDA core indicators were used to track and evaluate hunger. The results of this food security survey are alarming. Households with children are the most severely impacted by hunger.

16.7% of Broward families with incomes of \$35,000 or less experience severe hunger. 33.2% experience moderate hunger. Another 38.8% are food insecure, which means they worry about having enough food. A mere 11.3% reported that they are food secure and without any struggle to provide adequate food for their children.

Families without children scored slightly better, with 13.2% indicating that they were not food insecure. However, 39% of families without children said they had experienced hunger. Another 22.3% said that some time in the past year they were food insecure. That means they worried about having access to food, had to cut back on quantity of food, or were eating less nutritious food to save money. All of these situations create extreme stress.

**One out of six Broward residents are hungry. Families with children suffered the most. Only 11.3% of modest income Broward families with children said food was not a worry and that they had adequate food for their families. For all the rest, hunger is a threat, a worry or a constant reality.**

*The Cooperative Feeding Program is the Lifenet4Families which are experiencing hunger. Please help us continue to help those in need by making a financial contribution.*

*Marti Forman, CEO*

# Kelley Uustal

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**Message From Broward County Bar Association's Young Lawyers' Section President  
by Chris D. Connally**

We are coming down the homestretch as the YLS year is nearing an end! As with every year, April is the YLS' Election Luncheon for vacant YLS Board of Directors positions. Last year was a very tightly contested race with an impressive turnout. This year's April 24<sup>th</sup>, 2008 luncheon was no different. As my term has come to an end and two previous board members are not running for the following term, there are 3 vacant board positions. Make sure to call the BCBA office at 954-764-8040 to make your reservation for the June 12<sup>th</sup>, 2008 Installation Dinner to see which new BCBA and YLS board members and officers will get installed. Also keep an eye out for email blasts and Barrister articles for more information!

The last YLS lunch of the current term is Thursday, May 22<sup>nd</sup>, 2008 at the Tower Club in downtown Ft. Lauderdale starting at noon. We are very pleased to have the incoming President of the Florida Bar, Jay White, as our guest speaker! Please join us to hear what Mr. White has planned for his upcoming term. As always, it is a good idea to RSVP with the BCBA office at 954-764-8040 to reserve your seat. Cost is \$25.00 and checks can be made in advance simply to Y.L.S. Look forward to seeing you there!

As previously mentioned in last month's article, the Bowl-A-Thon was a tremendous success and actually raised \$4,000.00 for the Cystic Fibrosis Foundation! My wife, two boys and I attended the April 5<sup>th</sup>, 2008 Great Strides 5k Walk at Birch State Park in Ft. Lauderdale to benefit the Cystic Fibrosis Foundation and learned that over \$100,000.00 was raised locally for this amazing charity! Keep up the good work!

We also want to remind everyone that the Judicial Reception will be held on May 1, 2008 at the New River Center Rotunda (a/k/a Sun Sentinel building) at 200 East Las Olas Blvd! Individual tickets are \$35.00 for BCBA members and \$45.00 for non-members, which includes hors d'oeuvres, cocktails and desserts. As in the past, we are expecting to have a large turnout. Please make sure to RSVP to Lynn Hudson at (954) 522-2200. You can also contact Ms. Hudson with the office of Brinkley, Morgan, Solomon, et al and President-Elect, Scott P. Chitoff, Esq. for sponsorship opportunities. Advance checks should be made out to Y.L.S.-BCBA and can be mailed to Scott P. Chitoff, Esq., 200 East Las Olas Blvd.,

Suite 1900, Ft. Lauderdale, FL 33301. Keep an eye out for the email blasts for more details.

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](mailto:CDConnally@hotmail.com).

**The YLS Board will be selecting its charitable beneficiary on May 21, 2008 for the 2008 YLS Golf Tournament, which is scheduled to take place on October 18, 2008.**

Any charities interested in attending the May 21, 2008 meeting should contact David Hirschberg, Esquire at either 954-967-5458 or via email at [dlh@mjalaw.net](mailto:dlh@mjalaw.net).

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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## RECENT DEVELOPMENTS IN THE LAW

by Nancy Little Hoffmann

**1. Attorney's Fees/Consumer Law  
Mady v. Daimler Chrysler Corporation,  
33 Fla. L. Weekly 866 (Fla. 4th DCA March 26, 2008).**

The Fourth District affirmed the denial of a plaintiff's request for attorney's fees under the Magnuson-Moss Act, holding that based on the terms of a proposal for settlement, the plaintiff did not "finally prevail" under the terms of the Act. The Fourth District acknowledged that its decision was contrary to a decision of the Second DCA under identical circumstances, and it certified that conflict to the supreme court.

**2. Attorney's Fees/Offer of Judgment  
Frosti v. Creel,  
33 Fla. L. Weekly S199 (Fla. March 20, 2008).** Resolving a certified direct conflict of decisions between the Second and Fifth DCAs, the supreme court held that a motion for attorney's fees and costs need not be denied as premature simply because the underlying proposal for settlement was filed in the trial court before the judgment was entered.

**3. Costs/Expert Witness Fees  
Massey v. David,  
33 Fla. L. Weekly S229 (Fla. April 3, 2008).** Section 57.071(2), Florida Statutes, which provides that expert witness fees may not be awarded as taxable costs unless the party retaining the expert furnishes a written report and supporting documentary evidence within a specific time, has been declared unconstitutional by the supreme court. The court concluded that the statute is procedural rather than substantive, and that it impermissibly encroached on the rule making authority of the supreme court.

**4. Criminal Jury Instructions  
In Re Standard Jury Instruction in Criminal Cases,**

**33 Fla. L. Weekly S165 (Fla. March 6, 2008).** The supreme court has amended certain standard jury instructions, including justifiable use of force, indecent assault upon a child, fleeing to elude a law enforcement officer, animal cruelty, disturbing an assembly and disturbing a military funeral.

**5. Medical Malpractice/Amendment 7  
Florida Hospital Waterman, Inc. v. Buster,  
33 Fla. L. Weekly D154 (Fla. March 6, 2008).** Reviewing two separate cases from the First and Fifth DCAs, the supreme court held that Amendment 7, the Patients' Right to Know About Adverse Medical Incidents, which was passed by the voters in 2004, is a self-executing provision and applies retroactively. The court further found that several subsections of section 381.028, Florida Statutes, conflict with Amendment 7 and are therefore unconstitutional; however, the court severed those provisions and held that the remainder of the statute was valid.

*Nancy Little Hoffmann is a Board-Certified Appellate Lawyer practicing in the Fort Lauderdale area since 1974. She may be contacted at 954-771-0606 or by e-mail at [NLHappeals@aol.com](mailto:NLHappeals@aol.com).*

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For additional information, please contact Pepi Dunay at [pdunay@jewishbroward.org](mailto:pdunay@jewishbroward.org) or  
954-252-6949. [www.jewishbroward.org](http://www.jewishbroward.org)

**Joint Luncheon with North Broward Bar Association, April 8, 2008**




The Honorable Jill Levy,  
Jorge Hurtado,  
The Honorable Stacy Ross



The Honorable Louis H. Schiff, Jorge E. Hurtado,  
BCBA President Barbara K. Sunshine,  
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The Honorable Steven P. DeLuca


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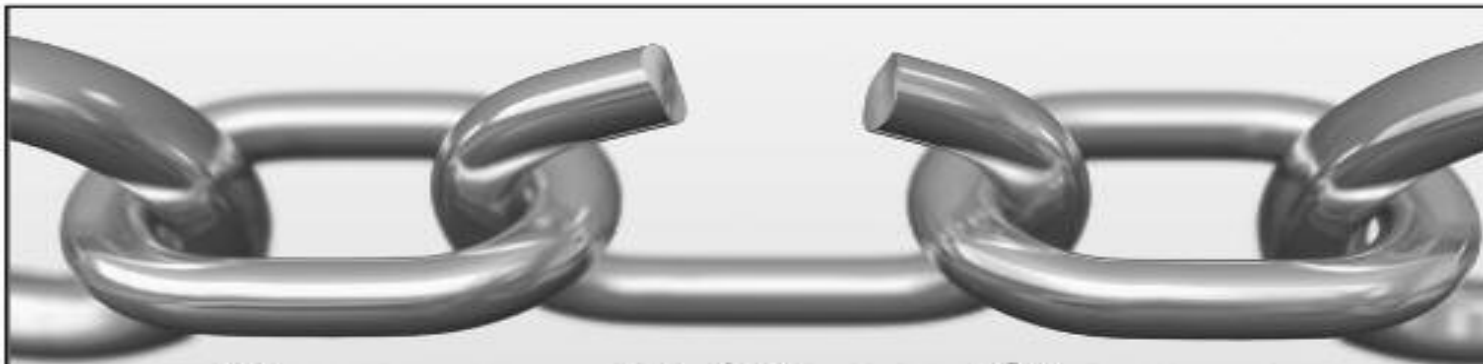
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## Accepting Pro Bono Case Provides Service to Community Are You Up to the Challenge?

by Jorge E. Hurtado

In 1993, not too long after I opened my own practice in Fort Lauderdale, I accepted from Broward Lawyers Care one of my very first challenging family cases. The pro bono client was the wife and mother of three (3) beautiful girls who was anguishing because her husband had improperly removed the children from Broward County and she suspected he had actually removed the children from the country.

Sadly, she was able to confirm that her husband had in fact picked up the children from their school and the baby sitter one afternoon, took them to the airport and flew them out of the country and into a South American country. After further investigating and obtaining the necessary facts, I filed the appropriate emergency proceeding in the family court in Broward and, after successfully resolving all jurisdictional hurdles with the court, did obtain an order specifically requiring the father to return all the children to Florida immediately, granting temporary custody of the children to the mother, preventing any further removal, and granting certain related relief.

The challenging part of the case was the service and enforcement of the Florida family court order in this foreign country which, at that time, was not a signatory member of the 1980 Hague Convention on the Civil Aspects of International Child Abduction. After locating the children and their father, he was personally served through a similar local process procedure, but he filed a contested similar family action there purporting to obtain custody of the three children under his country's family laws. Efforts to persuade the father to obey the Florida order were fruitless and he either sought advise of local legal counsel on his own or was told by the local family judge he needed to do so.

Fortunately, his legal counsel was a prudent and reasonable professional who saw that what the father had done in trying to abduct and conceal the children from the mother was not right and proceeded to counsel him accordingly.

However, it helped tremendously that the foreign family judge had wide discretion in such aspects of the law, but she applied more good "common sense" in making a favorable determination for the mother rather than applying the strict letter of the law there which would have been detrimental for the client and the children as the case would have lingered indefinitely in the foreign country courts. Also, I was allowed to participate by telephone in the foreign family court hearings, not as attorney per se, but in order to provide guidance to the court there and persuade the judge that she should enforce the Florida court order. Naturally, having obtained the favor and trust of opposing counsel in the matter facilitated the efforts in getting the good news the client was expecting.

The good news were that the foreign family judge entered a clear and strong ruling describing how jurisdiction had remained in Florida, that notwithstanding one or two of the children were born in that country, and, applying a similar "best interests of the children" standard, she ruled that the children should be returned immediately to the mother in Florida and that the father needed to abide to subsequent orders that were to be entered in Florida concerning the children and the parties.

Since that time, I have always enjoyed accepting cases from BLC and made it my personal goal to always accept a pro bono case from BLC, no matter what, each time I was asked to do so. I truly believe there has not been one single instance where I have declined a BLC case when asked to volunteer. I encourage and challenge my colleagues to do the same and become more proactive in accepting not just one case, but also in promoting the great purpose of Broward Lawyers Care throughout our great community.

Jorge E. Hurtado has been named Broward Lawyers Care Pro Bono Attorney of the Year by Legal Aid Service of Broward County, Inc.

# Many Thanks!

To our sponsors Brinkley, Morgan, Solomon, Tatum, Stanley, Lunny & Crosby, LLP and our Seminar Chair Juliette Lippman, Esq., for helping make Broward Lawyers Care, Legal Aid Service of Broward County, Coast to Coast Legal Aid of South Florida and the Broward County Bar Association Family Law Seminar a huge success!

We could not do it without your generous support! Thank you to all who supported our seminar financially or accepted a BLC case Pro Bono. You are our heroes!

Sponsorship Opportunities are available for the next seminar!

Please contact

Kimberly Zaffere at (954) 736-2426

## Top Broward County Lawyers Get ‘Served’

On Friday, April 25, Legal Aid Service of Broward County hosted its 7th Annual FOR THE PUBLIC GOOD event at the Fort Lauderdale Grande Hotel and Yacht Club.

Broward County’s finest lawyers, judges and community leaders attended this annual event to celebrate individuals and entities who have demonstrated leadership in helping all people, regardless of income level, gain access to justice.

Proceeds from the event benefited 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.

“FOR THE PUBLIC GOOD has become the premier fundraising event in Broward County’s legal community,” said Kathy Thomsen, Director of Development for Legal Aid Service of Broward County.

This year’s event was themed: “You’ve Been Served.” Honorary Chairs were Walter G. “Skip” and Lynn Campbell. Event Committee Co-chairs were Douglas Greenbaum, Esq. and Randi Glick Boven, Esq. Master of Ceremonies is 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 have given their time, through Legal Aid Service of Broward County, to represent individuals who would not have access to the justice system without their assistance.

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



BROWARD COUNTY WOMEN LAWYERS’  
ASSOCIATION/  
BROWARD COUNTY BAR ASSOCIATION’S  
ANNUAL EMPLOYMENT LAW SEMINAR  
Wednesday, May 14, 2008  
Tower Club, Fort Lauderdale  
\$60 for BCWLA/BCBA Members; \$70 for Non-

RSVP to BCBA  
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### Agenda- 8 CLE Credits Applied For

- |                |   |
|----------------|---|
| 8:30—8:55 AM   | Registration and Continental Breakfast  |
| 8:55—9:00 AM   | Welcome Remarks   |
| 9:00—9:50 AM   | Eric Gabrielle, Esq. Stearns Weaver Miller Weissler Alhadeff & Sitterson, P.A.<br>USERRA (Uniformed Services Employment and Reemployment Rights Act)  |
| 10:00—10:50 AM | Earlene Horne, Director<br>Office of Equal Opportunity, Civil Rights Division, Broward County<br>Filing a Case with the Broward County Civil Rights Division: Who are We and What do We do? |
| 10:50—11:10    | BREAK   |
| 11:10—12:00PM  | Dr. Michael Brannon<br>The Institute for Behavioral Sciences and the Law<br>The Use and Misuse of Psychological Experts: How to Get More from Your Expert... and Theirs!                    |
| 12:00—1:00 PM  | Buffet Lunch<br>Lunchtime Speaker Dr. Helen Turnbull<br>Diversity in the Workplace – Cross Examining Culture  |
| 1:00—1:50PM    | Michelle A. Williams, Esquire Litigation Solutions<br>eDiscovery - Amendments to the Federal Rules regarding Electronic Data Discovery, and how to comply in a cost-effective manner.       |
| 2:00—2:50PM    | Loring Spolter, Esq.<br>Loring Spolter, PA<br>Discrimination and the Underage Employee  |
| 2:50—3:10PM    | BREAK   |
| 3:10—4:00PM    | Magistrate Judge Barry Seltzer & Law Clerks, Southern District of Florida<br>Q & A Session  |
| 4:10—5:00PM    | Frank Scruggs, Esq.<br>Berger Singerman<br>Mandatory Arbitration of Employment Disputes: Employers and Employees Adapt  |

# PROFESSIONALISM IN THE LAW

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Noon

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**Proposed Bylaw Revisions;  
Vote Set for Annual Meeting June 12**

Article IX, Section 2(a) of the Broward County Bar Association ByLaws sets forth that the membership of the association may "Adopt and amend Bylaws for its own governance."

The article below lists four proposed changes to the BCBA Bylaws. The membership will vote on these proposed changes at the Broward County Bar Association's Annual Meeting and Installation Dinner scheduled for Thursday, June 12 at the Marriott Harbor Beach Resort in Fort Lauderdale.

**2008 Proposed Bylaw Revisions**

**Proposal 1 (Submitted by BCBA Bylaw Revision Committee, Endorsed by BCBA Board of Directors – Requires Majority Vote of BCBA Membership):**

Amends Article VII (Board of Directors), Section 2 (Executive Committee) to clarify the role of the Executive Director as a member of the Executive Committee.

Section 2 - There shall be an Executive Committee of the Board, consisting of the President, the President-elect, the Secretary-Treasurer and the immediate past-President. The Executive Director, if any, shall be an ad hoc member of the Executive Committee, but shall not have the right to vote.

**Proposal 2 (Submitted by BCBA Bylaw Revision Committee, Endorsed by BCBA Board of Directors – Requires Majority Vote of BCBA Membership):**

Amends Article VIII (Nominations and Elections) to eliminate the Nominating Committee; establishes the procedure for candidates for the Board of Directors and Officers to run for office; ensures that voting shall be by secret ballot; assigns to the President the responsibility for printing ballots; assigns to the Board of Directors the responsibility for establishing procedures for conducting the election; requires a written report of the election; requires the written report to be included in the minutes of the next regularly scheduled Board of Directors Meeting; establishes procedure for notifying candidates of elections results; and authorizes candidates to request and receive portions of the written report pertaining to that candidate's race.

Section I – Nominations

~~A. There shall be a no Nominating Committee, consisting of the President, President-elect, the immediate past President and one (1) regular member from each of the six (6) geographical areas as set forth in Article VII, Section 10 who shall be appointed by the President.~~

~~B. The Nominating Committee shall call for nominations in the December issue of the Broward Barrister. By January 15<sup>th</sup>, the Nominating Committee shall~~

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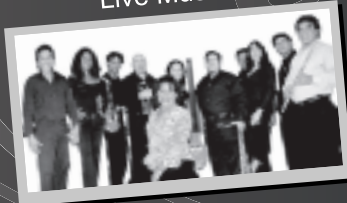
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~~prepare for publication in the February issue of the Broward Barrister, a slate of nominees for each vacancy. The Nominating Committee shall contact the proposed candidates and obtain their consent to the nomination before publication. No member may be nominated for more than one (1) position, nor may any member of the Nominating Committee seek election.~~

- ~~C.~~ Any regular member who is not nominated by the Nominating Committee, and who desires to seek election, may obtain the signatures of ten (10) members on one or more Nominating Petitions. The Petitions must state the office or group for which the member seeks election. The signed Petitions must be received in the Association office no later than 5:00 p.m. on March 1<sup>st</sup>. No member may be nominated for more than one (1) position.

Section 2 - Elections

- A. Voting shall be by secret ballot and the requirements of secret ballot may not be waived except by amendment of these Bylaws.

- ~~A-B.~~ The President shall cause ballots to be printed containing the names of all candidates seeking election. Procedures for mailing, receiving and tabulating ballots shall be established by the Board of Directors and shall be such as to preserve the confidentiality of individual ballots. On or Bby April 1 a the ballot containing the names of all those seeking election shall be mailed to all voting members, along with return envelopes. To be valid, completed ballots must be received at the Association office by 5:00 p.m. on April 15<sup>th</sup>, and must cast a vote for the total number of Directors to be elected. The Association may hold elections by electronic means, in whole or in part.

- ~~B-C.~~ Ballots will be counted by the Nominating-The Elections Committee, consisting of the President, the immediate past-President and one (1) regular member from each of the six (6) geographic areas as set forth in Article VII, Section 10 not running for a position in the election, appointed by the President, must count the ballots no later than May 1<sup>st</sup>. Election shall be by the highest number of votes received. Tie votes shall be determined by choosing of straws by the candidates affected.

- ~~D.~~ The Elections Committee shall prepare a written report of the election immediately upon completion of the ballot count, and shall submit the written report to the Board of Directors by the next business day. The written report shall be included in the minutes of the next regularly-scheduled Board of Directors Meeting.

- ~~E.~~ The Elections Committee must notify the candidates of the elections results within twenty-four hours of its completion of the written report, and any candidate may request a copy of that portion of the written report related to the office or group sought by that candidate.

- ~~E-F.~~ Any controversy arising in connection with the elections shall be submitted to the Nominating Elections Committee within seven (7) days of the completion of the ballot count written report, or objection is waived. Controversies shall be considered and determined by the Nominating Elections Committee by May 15<sup>th</sup>. An appeal may be taken to the Board of Directors within ten (10) days of the Nominating Elections Committee's decision.

- ~~D-G.~~ The office of President shall be filled by the person elected President-elect at the preceding year's election.

**Proposal 3 (Submitted by BCBA Bylaw Revision Committee, Endorsed by BCBA Board of Directors – Requires Majority Vote of BCBA Membership):**

Amends Article IX (Committees and Sections), Section 2 (Sections) to authorize (but not require) the Board of Directors to create Sections based upon geographic location or special interests to accomplish the aims and purposes of the Association.

Section 2 - The Board may, in addition to Committees, create various Practice, Geographic or other Interest Sections to accomplish the aims and purposes of the Association. With the prior approval of the Board, each Section shall have the power to:

- A. Adopt and amend By-laws for its own governance.
- B. Select its own Chair/Vice Chair.

In the event a Section does not exercise its powers under a and b above, the President may select its Chair/Vice Chair. Dues for Section membership shall be established by the Board.

**Proposal 4 (Submitted by BCBA President-Elect Christopher Neilson, Endorsed unanimously by BCBA Board of Directors – Requires Majority Vote of BCBA Membership):**

Amends Article VI (Officers and Management), Sections 1 and 2, Article VII (Board of Directors), Sections 2 and 4, and Article VIII (Nominations and Elections), Section 3 (Vacancies) to divide the office of Secretary-Treasurer into two separate positions. If enacted, the current Secretary-Treasurer of the Association will assume the position of Treasurer, and the vacant office of Secretary shall be filled by a Board member selected by the Board who shall serve as Secretary for the remainder of the fiscal year in accordance with Article VIII, Section 3. Thereafter, the positions will be elected in accordance with the Bylaws.

**Article VI  
Officers and Management**

Section 1 - The officers shall be a President, a President-elect, a Treasurer and a Secretary-Treasurer.

Section 2 - The duties of the officers shall be as follows:

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\*

C. The ~~Secretary-Treasurer~~ shall have responsibility for all records, ~~shall attend membership and Board meetings and shall cause a record of the proceedings to be made.~~ The ~~Secretary-Treasurer~~ shall also have responsibility for all fiscal affairs. An accounting firm may be retained to perform such auditing functions as the Board may deem advisable.

~~CD~~ The Secretary shall have responsibility for all records, shall attend membership and Board meetings and shall cause a record of the proceedings to be made.

~~DE~~ The Board may employ an Executive Director and any other staff of the Association as it deems reasonable and necessary to accomplish the goals of the membership and the Board may delegate such duties to the Executive Director and any other staff of the Association as it deems appropriate from time to time.

**Article VII  
Board of Directors**

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Section 2 – There shall be an Executive Committee of the Board, consisting of the President, the President-elect, the Treasurer, the ~~Secretary-Treasurer~~ and the immediate past-President. The Executive Director, if any, shall be an ad hoc member of the Executive Committee.

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Section 4 – Five (5) members of the Board, by vote in any Board meeting or by a petition filed with the ~~Secretary-Treasurer~~ within seven (7) days after any action taken, may require any such action to be referred to the membership for approval or disapproval at any meeting of the membership at which a quorum is present.

**Article VIII  
Nominations and Elections**

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Section 3 – Vacancies

- A. A vacancy in the office of President shall be filled by the President-elect who shall serve as President for the remainder of the fiscal year and for the ensuing fiscal year. A vacancy in the office of President-elect shall be filled by a vote of the membership at the next election. A vacancy in the office of ~~Secretary-Treasurer~~ shall be filled by a Board member selected by the Board who shall serve as ~~Secretary-Treasurer~~ for the remainder of the fiscal year. A vacancy in the office of Secretary shall be filled by a Board member selected by the Board who shall serve as Secretary for the remainder of the fiscal year.

You can read the full version of the BCBA Bylaws at the BCBA Website:  
<http://www.browardbar.org/media/pdfs/By-Laws2005.pdf>