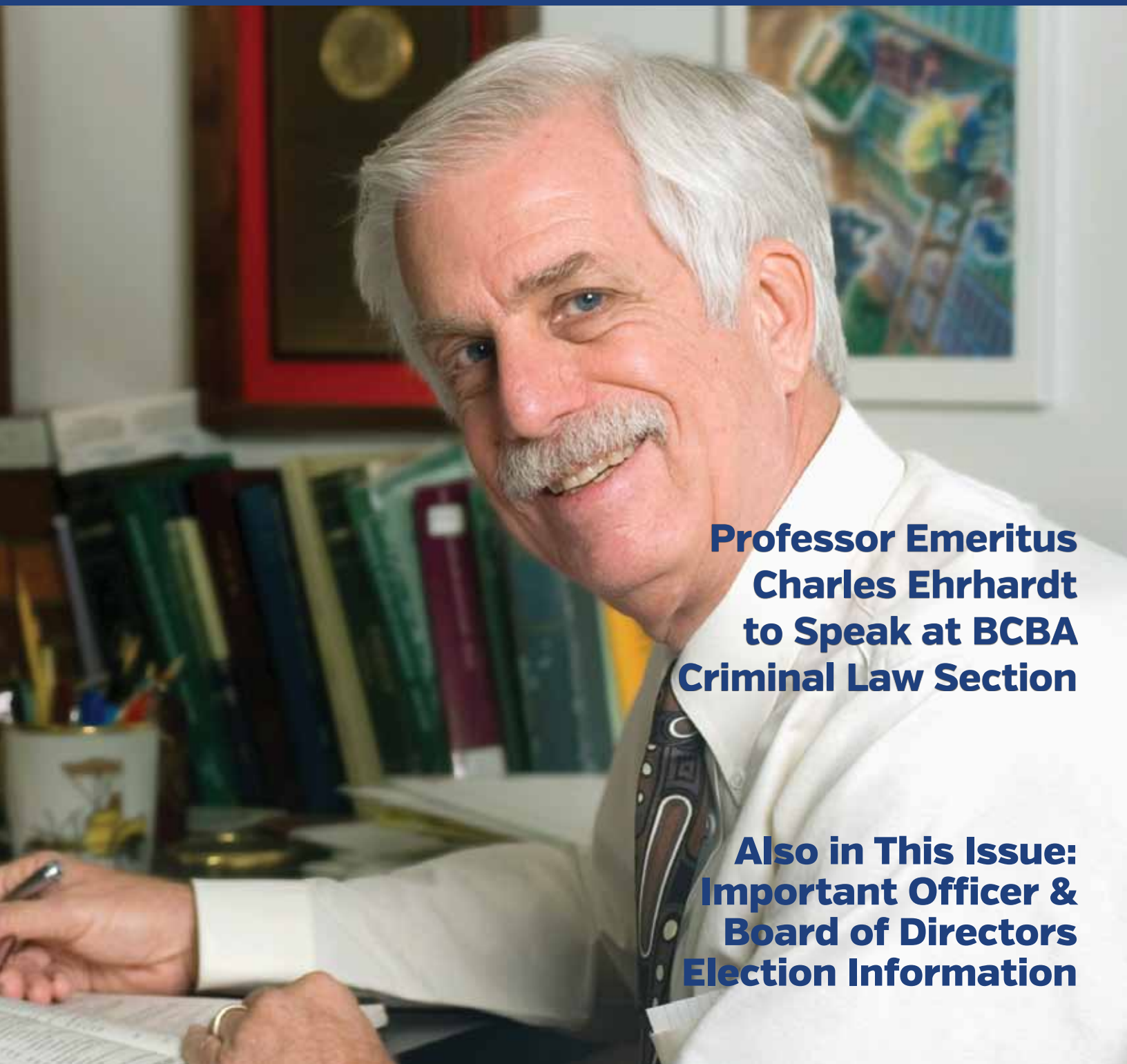


BROWARD COUNTY BAR ASSOCIATION BARRISTER

APRIL 2013



**Professor Emeritus
Charles Ehrhardt
to Speak at BCBA
Criminal Law Section**

**Also in This Issue:
Important Officer &
Board of Directors
Election Information**

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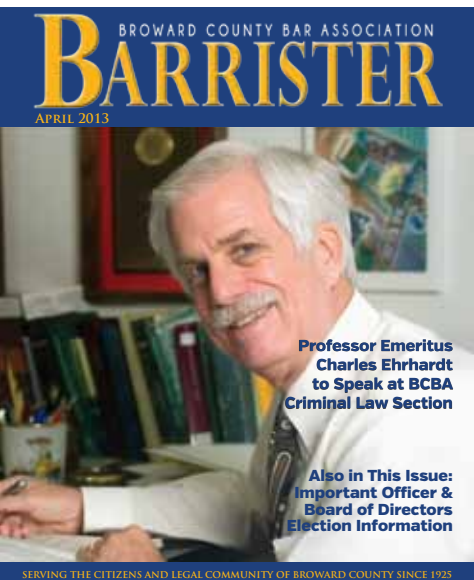
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Save The Date

May 4th ~ 8:00 am - 2:00 pm

***The West Section of the Broward County Bar
Association and The South Broward Bar
Association Joint Golf Tournament
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Jacaranda Golf Club
9200 W. Broward Blvd., Plantation

June 20th ~ 5:30 - 8:00 pm

BCBA Annual Installation Dinner

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letter from the president



Deborah FitzGerald

April is jam-packed with activity at the BCBA, and I want to take this time to highlight some of what is going on.

We are proceeding with plans to improve our facilities, both near- and long-term. You may not know that the BCBA is among only five voluntary bar associations in Florida that own their facilities. And we have no mortgage! This is due to the planning and vision of many bar leaders over the years. Having served on the Board for many years and now as President, I can assure you the BCBA is fiscally conservative with your money.

Like any property, ours is in need of attention. In the coming months, we will be upgrading our office space to better meet the needs of our dedicated and hard-working Staff – with new carpet and work stations and a fresh coat of paint. Long-range plans include more upgrades to our Bar offices and improvements to the Norma B. Howard Center where we hold many of our meetings, as well as needed landscaping. We hope you will stop by and see these improvements and introduce yourself to our Staff.

Board elections occur each year in April. A decision was made several years ago to go to electronic-only voting because of the significant cost savings. I hope you will take the time to open the electronic ballot on your computer and vote. A Sample Ballot can be found on page 19 of this month's Barrister.



There are many wonderful programs planned for this month and beyond. One particularly incredible program is slated for Friday, April 19 in the Jury Room at the Courthouse. Through the extraordinary efforts of Board member Jeff Harris, Florida State Law School Professor Emeritus Charles Ehrhardt will be presenting a two-hour lecture on Civil and Criminal Evidence. The lecture is sponsored by the Criminal Law Section but is open to all BCBA members. If you did not go to FSU and have not heard Prof. Ehrhardt lecture, you are in for a great experience. Reservations are a must, as we expect capacity attendance.

I also encourage you to 'Save the Dates' and plan to attend the Installation Dinner set for June 20 at Pier 66 as well as the upcoming Bench Bar Conference on Friday, October 18. Plans are underway for both events and they are 'must attends.'

Finally, I want to extend our Best Wishes to the Honorable Judge Mark Polen, who will be retiring at the end of April. Judge Polen started his judicial career in Broward County as a Circuit Judge and was elevated to the Fourth DCA in 1989. He leaves an indelible legacy on the trial and appellate courts and we will miss him! **B**

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YOUNG LAWYERS' SECTION JUDICIAL RECEPTION

(Complimentary for all Members of the Judiciary)

Thursday, May 16, 2013

5:30 p.m. – 7:30 p.m.

New River Center Rotunda

200 East Las Olas Boulevard

(New River Center -- SW corner of Las Olas Blvd. & SE 3rd Ave.)

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- Advance RSVP Non-Members \$45
- Walk-In Attendees \$55
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- Must receive payment for Advance RSVP on or before May 1, 2013.

For sponsorship information or to RSVP, please contact:

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letter from the young lawyers' president



Meghan Clary

Last month was a busy month for YLS, as we focused on pro bono work and giving back to the community. For instance, members of our board and organization dedicated several hours to working at the Legal Aid Hotline. In addition, we featured a panel presentation at our March luncheon on "Pro Bono Made Easy – Three Projects for Busy Lawyers," to offer quick and easy pro bono options to attorneys who would like to do pro bono work, but do not know how to fit it into their busy professional and personal lives. Thank you to all of our members who participated in our organization's efforts last month to advocate and do pro bono work.

Coming up this month, on Saturday, April 13, YLS will be hosting its 11th Annual Charity Bowl-A-Thon from 5 to 8 p.m. at Wilton Manors Lanes. All proceeds raised from this event will go to the Bowl-A-Thon's charitable beneficiary, Voices for Children of Broward County. Please contact Bowl-A-Thon Co-Chairperson, Stacy Weissman, at (954) 474-2001 to sign up for this event, as well as to learn about sponsorship opportunities.

Shortly thereafter, on April 18, YLS will hold its Annual Election Meeting/Luncheon at noon at the Tower Club. All members in good standing in the Broward County Bar Association Young Lawyers Section are eligible to run for a position on the YLS Board of Directors per our Bylaws as long as: (1) the member will not have attained the age of thirty-six (36) by July 1, 2013; or (2) the member has not begun his/her sixth (6th) year following the first date of admission to the highest court of any state. Also, YLS members interested in running for a position must be present at this meeting/luncheon, and only YLS members in good standing are eligible to vote. The cost to attend the luncheon is \$25 per person, and you may RSVP to the Broward Bar at www.browardbar.org and click on the upcoming events calendar.

Looking forward to May, on Thursday, May 16, YLS will host its annual Judicial Reception from 5:30 to 7:30 p.m. at the New River Rotunda in downtown Fort Lauderdale. This is a special event, as every member of the Broward County judiciary, as well as every judge sitting on the Fourth District Court of Appeals, has been hand-delivered a special invitation to this reception being held in their honor. In addition, all Broward County Bar Association members should have already received a postcard invitation for the event. The deadline to register or sponsor the Judicial Reception is May 1. Please contact Tobi Lebowitz, at tlebowitz@stearnsweaver.com for further information, including sponsorship opportunities.

Finally, YLS is looking for nominees for our annual Paul May Professionalism in Practice award. A nomination application is posted on our website at www.browardbar.org/yls, which provides all the qualifications and details for the award.

If anyone has any questions about joining YLS or running for a board position, please feel free to call me at Chorowski & Associates, P.A. at 954-525-6566, or email me at meghan@cmfamilylaw.com. **B**

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SEMINOLE MIDDLE SCHOOL DECAL PROGRAM STUDENTS VISIT THE BROWARD COUNTY COURTHOUSE

Andrea R. Gundersen, Esq

On January 25, 2013, 133 students from Seminole Middle School DECAL Program from Plantation, Florida had the opportunity to spend the day at the Broward County Courthouse to see how the judicial system that they have been studying in class works in practice. Now in its third year, the Seminole Middle School DECAL program is the only active non-magnet middle school government and law program in Broward County.

This year's trip was arranged through the efforts of their teacher, Mell Rupp, and

Andrea R. Gundersen, Esq. and Judge Michele Towbin Singer who coordinated the speakers, activities and volunteers for the visit, as well as participated in activities with the students.

The students participated in observations of hearings and presentations by the BSO DUI division and the DNA Crime Lab. With the cooperation of Judge Towbin Singer and her fellow jurists including, Judges Levinson, Ehrlich, Bidwell, Holmes, Porter, Imperato and Williams, the students were able to observe various phases of court hearings in the Juvenile Division, Criminal Division, and Drug Court ranging from plea hearings, and VOP hearings to various motions and sentencing.

Some of the judges who participated in the courtroom observations this year, were gracious enough to take the time out of their docket to address the students and answer any questions they may have had and explain the process of what was occurring in their respective courtrooms. Myself, along with other

members of the Broward County Bar Association, including, Mark Rickard, Jerome Seigel, Carol Lynn Kendall, Victoria Morales, Julie Herzlick, Kelly Charles-Collins, Michael Rajtar, Jason Kaufman, Karol Pierce and Laura Varela, volunteered our time to act as "guides" to escort the students during their courtroom observations and to answer any questions from the students.

It was a pleasure to see the enthusiasm from the students who were able to see not only how the curriculum they have been studying in class is applied in the real world, but also to highlight the work that the judiciary and the staff of the Seventeenth Judicial Circuit are involved with on a day to day basis. **B**



Andrea R. Gundersen is an AV rated Family Law attorney and a Certified Family Mediator. She has been in practice for over 20 years, focusing on family law, and her office is in Davie. For more information visit www.gundersenlaw.com or email arg@gundersenlaw.com.

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BITS AND BYTES OF MANDATORY eFILING

by Christin Gallardo

We are finally in the homestretch of what has been a seemingly endless road to mandatory eFiling. Unfortunately, there's not just one place to look when trying to determine how to begin eFiling. Your first stop should be Rule 2.525 of the Rules of Judicial Administration. After that, the Florida Supreme Court's Statewide Standards for Electronic Access to the Courts is a resource you'll want to keep handy. The Florida Bar and Broward Bar are also a very good resources for keeping informed about upcoming changes in eFiling. Lastly, although the goal of statewide eFiling is a single access point, local clerks of court will always have unique policies and procedures, as do individual judges, so you'll want to visit the websites of the court and clerk for each jurisdiction in which you practice.

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Christin Gallardo is an attorney at Wintter & Associates, P.A. practicing in the areas of Probate, Trust and Guardianship Litigation and Administration. For more information, visit www.wintterlaw.com or email ccg@wintterlaw.com.

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Law Day Luncheon

Friday, May 3, 2013 • 12 Noon

Speaker: W. George Allen, Esq.

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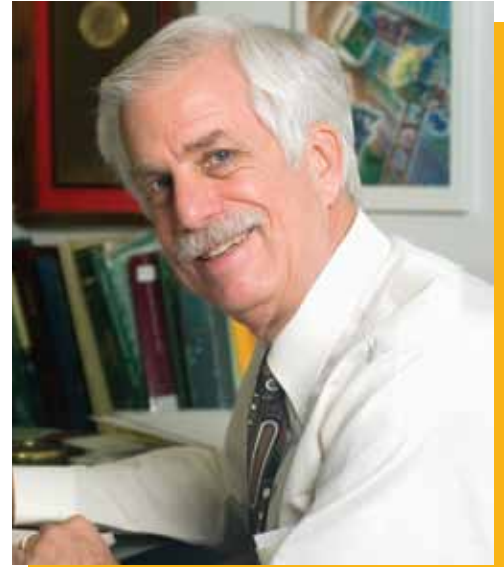
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PROFESSOR EMERITUS CHARLES EHRHARDT TO SPEAK AT BCBA CRIMINAL LAW SECTION

The Criminal Law Section of the Broward County Bar Association is proud to announce that Professor Emeritus Charles Ehrhardt from Florida State University will be speaking on the topic of "Evidence" to members of the Broward County Bar, civil and criminal practitioners, and all others who wish to attend this free seminar on April 19, 2013, from 1:00 pm to 3:00 p.m. in the Jury Room (Room 380) at the Broward County Courthouse located at 201 S.E. 6th Street, Fort Lauderdale. To RSVP for CLE credit and to receive the free syllabus or for sponsorship information, contact Traci Lewis at 954-832-3618 or register at www.browardbar.org.

Charles W. Ehrhardt, Ladd Professor Emeritus, Florida State University College of Law, Tallahassee, Florida. Professor Ehrhardt has written the renowned treatise Ehrhardt's Florida Evidence which is widely recognized as the gold standard for Florida evidence. Professor Ehrhardt began his legal career clerking for Martin D. Van Osterhout of the United States Court of Appeals for the Eighth Circuit and served as an Assistant United States Attorney for the Northern District of Iowa. Since 1967 he has been on the faculty of the Florida State University College of Law. In 1977 he was named the Mason Ladd Professor of Evidence. He has been a visiting professor at the University of Georgia College of Law and the Wake Forest School of Law. Professor Ehrhardt has taught state trial judges at the National Judicial College in Reno, Nevada, and United States District Judges for the Federal Judicial Center in Washington, D.C. Professor Ehrhardt has published widely in law reviews and his treatise on evidence has been cited over 500 times by the appellate courts. He also served as a Commissioner of the National Conference of Commissioners on Uniform State Laws. **B**



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Raising the Bar on Family Law

Jason H. Haber, Esq.



This article discusses the application of Florida's family law relocation statute, §61.13001, Fla. Stat., as it relates to temporary relocation in a post-judgment modification action. More specifically, this article explores the conflict between §61.13001(6), Fla. Stat., regarding temporary orders for relocation, and §61.13, Fla. Stat., which requires the showing of a substantial change in circumstances prior to any modification of an existing parenting plan and/or timesharing arrangement, particularly in light of the doctrine of *res judicata*.

As those who practice family law are aware, during the past decade, among other things, the legislature enacted §61.13001, Fla. Stat., which precludes a parent from relocating with a child to a residence more than 50 miles away from their present residence absent an agreement between the parents or court order. The statute excludes judgment and/or settlement agreements that contain a clause restricting relocation, requiring the existing restriction apply. See §61.13001(11), Fla. Stat. Often times, a parent needing to relocate may be under a sense of urgency due to a new job, sudden loss of residence or urgent

family matters. However, §61.13001, Fla. Stat., does not address the potential conflict between its terms with respect to temporary orders and §61.13, Fla. Stat. coupled with the doctrine of *res judicata*.

Sub-paragraph (6) of §61.13001, Fla. Stat., states, in pertinent part:

(a) The court may grant a temporary order restraining the relocation of a child, order the return of a child, if a relocation has previously taken place, or order other appropriate remedial relief, if the court finds...3) from an examination of the evidence presented at the preliminary hearing that there is a likelihood that upon final hearing the court will not approve the relocation of the child.

Further, sub-paragraph (10) requires a court give priority hearing to a temporary relocation motion, holding the preliminary hearing referenced in sub-paragraph (6)(a) within thirty (30) days. See §61.13001(10), Fla. Stat. In determining whether to approve or disapprove the temporary relocation, the

court must consider the several factors set forth in sub-paragraph (3)(e), the same factors considered for a permanent relocation.

A conflict arises when a parent seeks a temporary relocation in a post-judgment modification action for permanent relocation. Section 61.13, Fla. Stat. provides that a party may modify a parenting plan or timesharing arrangement by proving a substantial change in circumstances and that the modification is in the child(ren)'s best interest. See §61.13, Fla. Stat. Neither §61.13, Fla. Stat., §61.13001, Fla. Stat., nor any other statute states how these two statutes should be construed in light of one another, with respect to a temporary modification seeking relocation. Accordingly, courts should apply relevant case law.

There is little case law specifically addressing temporary relocation issues, which is not surprising given the timing set forth in the statute. Hearings on temporary relocation motions must occur within thirty (30) days and final hearings on relocation matters must occur within ninety (90) days. This, coupled with a higher burden of proof

in relocation matters, limits the number of cases that may be ripe for an appeal dealing with the issue. Thus, courts must look to other relevant and persuasive case law to determine the appropriate course of action.

In this regard, applicable case law tracks the statutory requirement that a modification of parental responsibility and time sharing requires an adjudication of legal issues following a substantial change in circumstances since entry of the prior final judgment. *See Wade v. Hirschman*, 903 So. 2d 928, 934 (Fla. 2005); *see Blosser v. Blosser*, 707 So. 2d 778, 780-81 (Fla. 2d DCA 1998). This imposes a higher burden of proof than that required for an initial final judgment based on the policy to promote the stability of the original judgment. *Gaston v. Kanter*, 982 So. 2d 34, 34 (Fla. 1st DCA 2008).

Thus, courts must decline to modify parenting plans and provide parties a full and complete opportunity to be heard on the merits of the modification claim, except in emergency cases. *See Gielchinsky v. Gielchinsky*, 662 So. 2d 732, 733 (Fla. 4th DCA 1995). An exception applies to emergencies. *See id.* Emergency situations include the threat of physical harm to a child or where the child may be improperly removed from the state. *See Smith v. Crider*, 932 So. 2d 393, 398 (Fla. 2d DCA 2006). The Seventeenth Judicial Circuit has defined a child emergency and set forth procedures for handling emergency matters, as follows:

(1) CHILD EMERGENCIES. A child emergency is a matter of imminent or impending abuse, neglect or abandonment affecting the health, safety or welfare of a child...

(5) CERTIFICATE AND SANCTIONS. All emergency motions shall be verified and shall include a certificate by the lawyer or pro se litigant that the motion is an emergency....



See Seventeenth Judicial Circuit Administrative Order Number 2008-60-UFC.

In *Gielchinsky*, the Fourth District Court of Appeals overturned a trial court's temporary modification of child custody because the trial court improperly held a hearing after the father's counsel admitted that they only alleged an emergency in order to obtain an expedited hearing and the motion was not an actual emergency. *See Gielchinsky*, 662 So. 2d at 733. In its opinion, the Fourth District stated:

There was no evidence of an actual emergency, and once the court became apprised of that fact, it should not have proceeded... When the court here took such action in the absence of an emergency, however, it essentially determined the case without giving the parties the opportunity to have a full and complete hearing on the issues. *Id.*

The Fourth District issued its *Gielchinsky* opinion nearly a decade before the legislature enacted §61.13001, Fla. Stat., but the ruling remains binding precedent.

Based on the foregoing, courts are left to apply the doctrine of *in pari materia* to determine the applicability of §61.13001(6), Fla. Stat. and §61.13, Fla. Stat. To determine whether a statute is clear and unambiguous, courts must first

read a statute's plain language or look to rules of statutory construction. *See Fla. Dep't of Highway Safety and Motor Vehicles v. Hernandez*, 74 So. 3d 1070, 1074 (Fla. 2011) (quoting *Koll v. State*, 934 So. 2d 1226, 1230-31 (Fla. 2006) and *Daniels v. Fla. Dep't of Health*, 898 So. 2d 61, 64 (Fla. 2005)). When interpreting two statutes relating to the same subject matter, courts must adhere to the basic principle of *in pari materia*. *See, e.g., Hernandez*, 74 So. 3d at 1074. In *in pari materia* states that "statutes relating to the same subject matter must be read together to harmonize the statutes and to give effect to the Legislature's intent." *See id.* (quoting *Fla. Dep't of State, Div. of Elections v. Martin*, 916 So. 2d 763, 768 (Fla. 2005)). Since §61.13, Fla. Stat., particularly in light of the doctrine of *res judicata*, precludes a temporary modification of a parenting plan or timesharing arrangement, and the fact §61.13001(6), Fla. Stat., does not create a statutory exemption to §61.13, Fla. Stat., or *res judicata*, the doctrine of *in pari materia* requires the statutes be read together. Thus, temporary relocation in a post-judgment action for modification and relocation must be prohibited.

This analysis and application of these statutes does not nullify the ability of a court to issue a temporary relocation order under §61.13001(6), Fla. Stat., altogether, as they may be issued in original dissolution proceedings. However, unless or until the legislature creates a specific exception permitting a temporary modification of a parenting plan or timesharing arrangement in temporary relocation matters, courts remain precluded from issuing such orders by §61.13, Fla. Stat., and *res judicata*. **B**



Jason H. Haber, Esq. is co-founder of the firm of Haber & Stief, P.A., which is expanding and will soon be Haber, Stief & Blank, LLP. Jason focuses his practice in the areas of family law, real estate law, business law and appellate practice.

RECENT DEVELOPMENTS IN THE LAW



Nancy Little Hoffmann

Supreme Court Limits Economic Loss Rule

In a lengthy split opinion, the court analyzed the development of the economic loss rule in Florida, receded from some of its past opinions, and held that the rule will now be limited to products liability cases. The majority explained that the expansion of the rule to other types of cases over the years, which resulted in the development of exceptions to the rule, had been “unwise and unworkable in practice.” It held that the rule should be returned to its original purpose of limiting to contract remedies the liability of a manufacturer whose product is damaged by reason of a defect in the product itself. Thus, in other contexts, the fact that parties are in contractual privity with one another will no longer bar an action in tort. Tiara Condominium Assn. Inc. v. Marsh & McClennan Cos., Inc., 38 Fla. L. Weekly S151 (Fla. March 7, 2013).

Fourth DCA Allows Insurer to Recover Attorney’s Fees Under Sec. 627.428

In a coverage dispute between two insurance companies, one of which was the assignee of its insured’s claim against

the other insurer, the successful insurer claimed a right to recover attorney’s fees under sec. 627.428. Although that statute speaks in terms of allowing fees only where judgment is rendered in favor of an “insured or beneficiary” under the policy, that right may be asserted by an assignee. The fact that the assignee is itself an insurer does not preclude it from recovering the fees it expended in successfully litigating the assigned claim. Indiana Lumbermen’s Mut. Ins. Co. v. Penna. Lumbermen’s Ins. Co., 38 Fla. L. Weekly D562 (Fla. 4th DCA March 6, 2013).

First DCA Explains Exceptions to Employer Tort Immunity in Construction Accident

Resolving two appeals from the same workplace accident on a construction site, the First District reversed a summary judgment in favor of an HVAC subcontractor whose failure to cover a cutout in the floor allegedly caused a drywall finisher, employed by a different subcontractor, to fall to his death. When a worker sues a separate subcontractor on the job, under sec. 440.10(1) such “horizontal immunity” applies only where the subcontractor’s own gross negligence was not the major

contributing cause of injury. Plaintiff presented a prima facie case of gross negligence, and whether the alleged negligence was simple or gross was a jury question. Villalta v. Cornn Intl. Inc., 38 Fla. L. Weekly D515 (Fla. 1st DCA March 6, 2013).

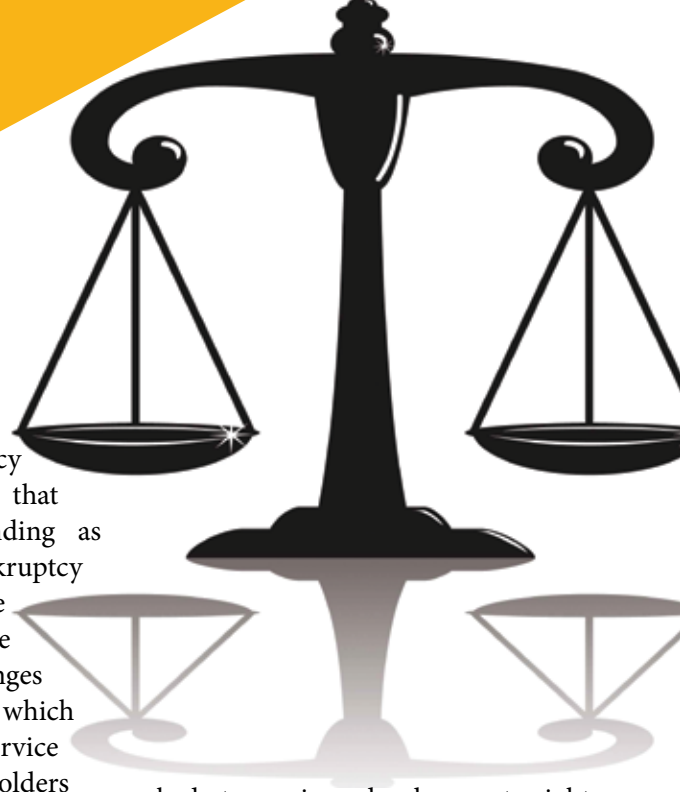
On the other hand, the court affirmed summary judgment in favor of the drywall subcontractor which had subbed out its work to the decedent’s employer. It explained that sec. 440.11(1) applies where the subcontractor stands in a vertical relationship to the worker and becomes his “statutory employer.” In such a case, the subcontractor is entitled to “vertical immunity” and can be liable only if its conduct was intentional. Villalta v. Cornn Intl. Inc., 38 Fla. L. Weekly D516 (Fla. 1st DCA March 6, 2013). **B**



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. For more information, see NancyLittleHoffmann.com.

COMMUNITY DEVELOPMENT DISTRICT UPDATE

by Anitra D. Lanczi



Community Development Districts (CDDs) are a type of special district set up under Chapter 190 of the Florida Statutes, commonly used by developers to finance the cost of land acquisition and infrastructure development for large tracts of land. Financing is provided by the CDD issuing tax exempt bonds, which are revenue obligations to be repaid only from assessments on the lands within the special district. This type of financing flourished during the real estate boom. However, when houses stopped selling like hotcakes those CDDs that were still under construction were often not able to meet their debt service obligations. The most recent and serious issues being faced by this type of financing are:

1. The recent “GFC”, which is an acronym for the “global financial crisis”, caused huge disruption and losses to developers, lenders, and bondholders involved in providing financing related to CDDs, arising in large part from the enormous drop in property values and dramatic decrease in demand for new homes.

2. The tax exempt status of interest on CDD bonds is being challenged on two fronts. The IRS is asserting that at least some CDDs are not political subdivisions, and therefore do not have the power to issue tax exempt debt. If the SEC were to take the same position these bonds could also lose their exemption from the registration requirements of the federal securities laws. Congress is also considering modifying or eliminating the tax exempt status of interest on municipal bonds.

3. In addition, a bankruptcy court in Florida has ruled that bondholders don’t have standing as creditors of a developer in bankruptcy proceedings. In that case, the developer and the CDD were allowed to agree to make changes to the assessment payments, which affected the payment of debt service on the bonds, and the bondholders were not allowed to object because they were not deemed to be creditors.

In spite of this, it was reported that there are new CDDs being formed and new deals being done. About half of currently pending CDD bond deals were reported to be new money deals with the balance being refinancings. As a result of these developments, CDD bonds today are being structured with different terms than in the past. Some of the new developments of interest are:

1. Most are being done as private placements. This provides an alternative exemption from the registration requirements of federal securities law, and allows bondholders to have a greater say in the financing terms.

2. More equity is being required and the bond funds may have to be spent last and paid back first.

3. Private placements allow for the delivery of qualified or reasoned opinions from Bond counsel, instead of the unqualified opinions that have historically been required.

4. Bond purchasers are requiring tax gross up provisions to protect them from changes in tax treatment if interest on the bonds becomes taxable or if the tax treatment is changed.

5. Developers and CDDs are being

asked to assign development rights, permits, entitlements and impact fee credits as collateral for the bonds and to recognize the bondholders as creditors of the developer. Although bondholders are asking for mortgages as well, this may cause problems with the rules for tax exemption of interest on the bonds.

6. New default triggers are being required, including a draw, or the occurrence of an event which could permit a draw, on the debt service reserve fund, and delinquencies in payment of assessments for operations and maintenances. Default remedies are being crafted to allow foreclosures for delinquencies in payment of assessments for debt service or for operations and maintenance as separate remedies.

As the housing market recovers and developers start their new projects, they are facing a newly gun shy lending environment. CDD financing may once again become a much needed part of financing these types of projects. **B**



Anitra Lanczi is an attorney with Anitra Lanczi, P.A. She can be reached at Anitra@LancziLaw.com or 954-278-6723

Congratulations!

Lisa Callahan, Esq.

Broward Lawyers Care Attorney of the Month



Congratulations to Lisa Callahan, Esq. – Broward Lawyers Care Attorney of the Month!


To jump start the New Year, Broward Lawyers care (BLC) wishes to recognize Lisa Callahan, Esq. as the February 2013 Attorney of the Month.

Ms. Callahan earned her Juris Doctor degree from the Shepard Broad Law Center of Nova Southeastern University in December 2011 and has been volunteering with Broward Lawyers Care (BLC) since May 2012.

As volunteer attorney, Ms. Callahan helps clients seeking assistance

through the BLC Advice & Counsel Hotline. She handled 62 cases in 2012, in addition to helping staff with client intake and training other volunteer attorneys. Ms. Callahan's tireless commitment helps members of our community build self-sufficiency and turn their life around. We look forward to her continued involvement in 2013.

Thank you Lisa for making a constant difference in our community!

To participate in BLC simply fill out our online form at www.legalaid.org. 



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SAMPLE BALLOT for 2013 ELECTION

Contested Seats on Ballot

(I) Indicates incumbent running for re-election

Central Area:

There are six candidates seeking to fill four open seats:

- Kimberly Gessner
- Jeffrey Harris (I)
- Edwina Kessler
- Jay Kim (I)
- Michael Leader (I)
- Glen Shroyer



West:

There are three candidates seeking to fill two open seats:

- Charles Eiss
- Donald Fucik
- Russell Thompson

CONGRATULATIONS

To

Incoming Officers of the 2013-2014 Board of Directors

Officers:

Alan Fishman, President
John Jordan, President Elect
Robin Moselle, Treasurer
Charles Morehead III, Secretary
Deborah FitzGerald, Past President

Congratulations to Board Members who were re-elected without opposition:

- Southeast: Anita Paoli
- Northwest: Gary Landau
- Northeast: Jerry Siegel

BROWARD COUNTY BAR ASSOCIATION BOARD OF DIRECTORS ELECTION INFORMATION

The Broward County Bar Association Board of Directors 2013 Election will be held via electronic ballot. BCBA regular members will be able to vote. A Regular Member is defined as, "...the charter members and those members of The Florida Bar applying for regular membership and paying dues." Members will receive an email with a direct link to the ballot on or before April 1, 2013. The electronic Ballot will stay live until 5 p.m. on April 15. A link, with candidate information as well as the ability to vote via the BCBA website, will also be available.

For more information, contact Braulio Rosa at 954-832-3620 or via email at braulio@browardbar.org

**BROWARD COUNTY BAR ASSOCIATION'S
JOSEPH J. CARTER PROFESSIONALISM AWARD**
Applicants in Practice in Broward County Less Than 20 Years

AND

LYNN FUTCH PROFESSIONALISM AWARD
Applicants in Practice in Broward County More Than 20 Years

Please indicate Carter or Futch Award by circling

Nominations should be submitted to:

Art Goldberg - Executive Director artg@browardbar.org

Fax: (954) 764-8060

Or mailed to: Broward County Bar Association
1051 Southeast Third Avenue • Fort Lauderdale, FL 33316

Forms must be received no later than Friday, May 17, 2013

Criteria for Nomination:

1. Current active and contributing member of the BCBA.
2. Exhibition of the highest degree of professionalism in accordance with BCBA Standards of Professional Conduct and the Florida Rules of Professional Conduct.
3. Demonstrates respect for the law and preservation of decorum and integrity of the legal system.
4. Conduct which has enhanced the image of the legal profession either through practice or programs and activities that educate the public about the law or the American legal system.
5. Professionalism Committee members may not be nominated.

Additional general characteristics:

- A role model for the legal community • Integrity • Timeliness and promptness • Mentoring of others • Zealous advocacy while maintaining civility • Decorum and demeanor • Credibility • Courtesy to counsel, the court, and the parties • Preparedness.

Person Nominating:

Nominee:

name: _____ ***name:*** _____

firm: _____ ***firm:*** _____

phone: _____ ***phone:*** _____

email: _____ ***email:*** _____

Additional Information About the Nominee

1. Practice Area and Years of Practice

2. Organization Affiliates:

Bar Activities:

BROWARD COUNTY BAR ASSOCIATION
FAMILY LAW SECTION PRESENTS RAISING THE BAR
Renaissance Hotel, Fort Lauderdale, Florida
April 26, 2013

8:30 am - 9:00 am ~ Registration

9:00 am - 9:05 am ~ Welcome

Lindsay P. Corcoran, Esquire
Lauren M. Alperstein, Esquire

9:05 am - 9:45 am ~

Common Lawyer Mistakes

Honorable Arthur Birken

**9:45 am - 11:15 am ~ A Day in the Life
of a Family Law Judge**

Honorable Renee Goldenberg

11:15 am - 11:20 am ~ BREAK

11:20 am - 12:00 pm ~

Domestic Violence 101

Honorable Michael Kaplan

12:00 pm - 1:00 pm ~ LUNCH

**1:05 pm - 1:45 pm ~ E-Service, E-
Filing, and E-Discovery: What does it
all mean?**

Honorable Jack Tuter

1:45 pm - 2:20 pm ~ GAL

Yueh-Mei Kim Nutter, Esquire

2:20 pm - 2:30 pm ~ BREAK

2:30 pm - 3:15 pm ~

The Wonderful World of Bankruptcy

Julie Hough, Esquire

3:15 pm - 4:00 pm ~ General

Magistrates Surprise

GM Barbara Beilly
GM Randi Glick-Boven
GM Giuseppina Miranda
GM Vicki Plant
GM Annette Szorosy
GM Phoebe R. Francois
GM Lucy Miller

4:00 pm - 4:20 pm ~

Legislative Update

Heather Apicella, Esquire

4:20 pm - 4:35 pm ~

Meet the New Family Law Judges

Judge Tim Bailey
Judge Dale Cohen
Judge Laura Watson

4:35 pm - 4:40 pm ~ Closing

Lindsay P. Corcoran, Esquire
Lauren M. Alperstein, Esquire

4:40 pm - 5:30 pm ~

Cocktail Reception

Office Space

Downtown Hollywood Law office space for sole practitioner for rent. Including shared library/conference room, client waiting room, and kitchen for \$650 a month. Secretarial area, fax and copy machine available for additional cost. Call (954) 663-7095.



All names are listed left to right: (1) Chief Judge Peter Weinstein, with Past Presidents Victor DeBianchi (2006-07), Chris Neilson (2008-09), Mark Butler (1999-2000), Alan "Peter" Brandt (2001-02), and Steve Moody (2004-05) at the Past Presidents' Luncheon. (2) Past Presidents Terrence Russell (1984-85), Peter Portley (1989-90), Ray Ferrero, Jr. (1976-77), Bruno Di Giulian (1971-72), Frank Walker (2000-01), and Donald Wich (1997-98) at the Past Presidents' Luncheon (3) President Deborah FitzGerald, Past Presidents David Welch (1993-94), W. George Allen (1988-89), BCBA Treasurer John Jordan, and President Elect Alan Fishman. (4) Judge Neal Pitts of Orlando, Judge Geraldine Hogan (Fort Lauderdale), BCBA Worker's Compensation Law Section Chairperson Neal Falk, Judge Daniel Lewis (Fort Lauderdale), and Judge Kathryn Pecko (Fort Lauderdale) at the Workers' Compensation Law Seminar that took place on February 22. (5) Judge Carlos Rodriguez and President West Area Section Randy Rosenblum at the West Area Section Luncheon that took place on February 28. (6) BCBA Appellate Section Chairperson John Uustal, Julie Hagar, 4th DCA Judge Mark E. Polen, and BCBA President Elect Alan Fishman at the reception recognizing Judge Polen upon his impending retirement. (7) Lorna Brown-Burton, Juliet Roulhac, and Legal Aid Executive Director Tony Karrat at the reception Honoring Judge Polen.

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April

calendar of events

- 5 Mentor/Mentee Breakfast**
8:00 am - 9:00 am
Venue: BCBA Offices
Contact: Braulio at braulio@browardbar.org
- 13 8-Hr Adult Guardianship Class**
9:00 am - 5:00 pm
Approved by the Florida Bar for CLE credits
Venue: BCBA Offices
Contact: Tish at (954)832-3617
\$180 Attorneys welcome
- 13 YLS 11th Annual Charity Bowl-A-Thon**
5:00 pm - 8:00 pm
Venue: Wilton Manor Lanes
Contact: Stacy Weissman at (954)474-2001
- 16 Bench-Bar Committee Meeting**
12:00 pm - 1:30 pm
Venue: BCBA Offices
Contact: Traci at 954-832-3618 or traci@browardbar.org
- 17 "Bankruptcy Basics for Dabblers" CLE Luncheon**
12:00 pm - 1:30 pm
Venue: BCBA Offices
Contact: Traci Lewis at (954)832-3618 or traci@browardbar.org
\$15 BCBA Members \$25 Non-Members Includes Lunch and CLE
- 18 YLS Election Luncheon**
12 noon
Venue: Tower Club
- 19 Northwest Area Section Luncheon**
12:00 pm - 1:30 pm
Venue: Mythos Greek Taverna, 2864 N. University Drive, Coral Springs
Contact: Traci at (954)832-3618 or traci@browardbar.org
\$25 BCBA Members
\$30 Non-Members
\$5 additional for walk-ins
- 19 Free Civil and Criminal Evidence CLE with Professor Emeritus Charles Ehrhardt from Florida State University**
1:00 pm - 3:00 pm
Venue: Broward County Courthouse, Jury Assembly Room - 3rd Floor - Room 380
Contact: Traci Lewis at traci@browardbar.org or (954)832-3618
No Charge. CLE Credit Pending
- 20 4-Hr Adult Guardianship Class**
9:00 am - 1:00 pm
Approved by the Florida Bar for CLE credits
Venue: BCBA Offices
Contact: Tish at (954)832-3617
\$100 Attorneys welcome
- 24 Probate CLE Luncheon**
12:00 pm - 1:30 pm
"Top Ten Takeaways from Heckerling 2013"
Speaker: Jeffrey A. Baskies of Katz Baskies LLC
Venue: BCBA Office
Contact: Traci Lewis at (954)832-3618 or traci@browardbar.org
\$15 BCBA Members
\$25 Non-BCBA Members
- 25 West Broward Section CLE Luncheon with Judge Carol-Lisa Phillips**
12:00 pm - 1:30 pm
Venue: Plantation Preserve Golf Course, 7050 W. Broward Blvd, Plantation
Contact: Traci: traci@browardbar.org or (954)832-3618
\$25 in advance, \$30 at the door
- 26 Raising the Bar Annual Family Law Seminar**
9:00 am - 5:30 pm
Venue: Renaissance Hotel, 1617 SE 17th Street Causeway, Fort Lauderdale
Contact: Traci: (954)832-3618 or traci@browardbar.org
\$125 BCBA Members \$150 Non-BCBA Members.
Judiciary: Free to those that are BCBA Members. Includes Breakfast, Lunch, Cocktail Reception, Self-Parking and CLE
- To register for all BCBA events, go to: www.browardbar.org/calendar**