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Broward County Bar Association BARRISTER

February 2009 • WWW.BROWARDBAR.ORG • 954-764-8040 • VOLUME 40, ISSUE 2

Broward County Bar Association The Robing Ceremonies for

CIRCUIT JUDGES
William W. Haury, Jr.
Lisa M. Porter
Bernard I. Bober
Merrilee Ehrlich
Steven B. Feren
Kenneth L. Gillespie

COUNTY COURT JUDGES
John Hurley
Ellen M. Feld
Ian J. Richards



For the Seventeenth Judicial Circuit
In and For Broward County, Florida
On Friday, February 6, 2009 at 1:00 p.m.
Broward County Courthouse
Jury Assembly Room, Third Floor
201 S.E. 6 Street, Fort Lauderdale, FL 33301
No R.S.V.P. Required to attend Robing Ceremonies

*You are invited to attend a
Reception immediately following on the
7th Floor of the AutoNation Building
110 SE Sixth Street, Fort Lauderdale
(across from the courthouse)
R.S.V.P. to attend the Reception (954) 764- 8040*

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Thursday March 12, 2009
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2 C.L.E.R, 1.5 Certification
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Topics:

1. When does mediation really begin?
2. What is the purpose of an introductory statement anyway?
3. Separate Sessions
4. Final documents
5. Impasse...How do you respond?
6. Mediator Rapport

At the Broward County Bar Association
1051 SE 3rd Ave

For more information contact the Bar at
(954) 764- 8040

Or Register online at www.Browardbar.org.

CONGRATULATIONS TO RUSSELL E. CARLISLE THE FLORIDA BAR PRESIDENT'S 2009 TOBIAS SIMON RECIPIENT



Legal Aid Service of Broward County and Coast to Coast Legal Aid of South Florida, Congratulates Russell E. Carlisle, Esq. who was chosen as the recipient of the 2009 Tobias Simon Pro Bono Service Award. The award was presented by Chief Justice Peggy Quince at a January 29 ceremony at the Florida Supreme Court. The award, which commemorates Miami civil rights lawyer Tobias Simon who died in February 1982, recognizes extraordinary contributions by Florida lawyers in making legal services available to persons who otherwise could not afford them. He and his wife Janet, will join Terrence E and Mary Kay Russell as the Honorary Chairs of Legal Aid Service's 8th Annual For the Public Good celebrating our 35th Anniversary at the Ft. Lauderdale Grande Hotel and Yacht Club on Friday, May 15, 2009.

Build your Prospecting System for 2009 Profitability

By Margaret Grisdela

One of the most important determinants of business development success for any lawyer is adherence to a prospecting system that consistently generates new clients for the firm. While many attorneys use separate but integrated marketing campaigns, the best results will come from a carefully designed prospecting system that builds a relationship between the prospect and the firm.

In this article we will examine one highly effective technique used to convert professional services prospects into clients

The “Five Touch Philosophy” is a prospecting system that Canadian financial advisor Grant Hicks outlines in one chapter of the book “Guerilla Marketing on the Front Lines,” by Jay Conrad Levinson and Mitch Meyerson. The basic concept is that a prospect will not choose you as a service provider until they have determined, over a period of time and multiple contacts, that you are trustworthy.

Consider the following “Five Touch” conversion statistics outlining your chances of generating new business following your first outreach effort:

- 5 – 10% chance of converting a prospect to a client after only one contact
- 10 – 20% chance of client conversion with two contacts
- 20 – 30% chance of client conversion with three contacts
- 30 – 40% chance of client conversion with four contacts
- 50 – 70% chance of conversion after five contacts

Are you stuck in the 5 to 10% category? Many attorneys send a “nice to meet you” letter or email, and stop there. Perhaps you make it to the 20-30% level, but give up at that point. You are only half way to your goal with three contacts or “touches.”

Secrets to Successful Prospect Communication

What is a “touch point,” you may be asking. Think of it as a “get acquainted” process based on effective use of your prospect list. Communications can take many forms, including:

- Direct mail, like a client letter, newsletter, or an advisory
- Seminar invitation or participation
- Reading an article you wrote
- Referral by a trusted third party
- Email communication (permissioned, of course)
- Phone call to confirm receipt of information that was requested
- Free consultation
- Advertisements in print or online
- Press coverage about your firm

A simple system of a New Year letter, followed by

three newsletters and one invitation to a seminar creates a positive impression that will attract more business to your firm. Your law firm’s message and branding should be professional and consistent across all your outreach efforts, with a common unifying goal of offering high quality service to the client.

Three Reasons Why Multiple Contacts Work Best

1. The timing must be right for the prospect. Your prospect may not need your services on the day you meet them, but chances are good that this will change over time. If you are a family lawyer, for example, you know that about 50 of every 100 married people you meet are likely to need your services over the course of 8-10 years. A similar but shorter timeline applies to a corporate lawyer, who meets 100 CEOs over 12-18 months. Periodic contact keeps you “top of mind” when your services are needed.

2.The prospect gets to know you better. Your prospect is likely to have many unexpressed questions about your service, like how much it will cost, how long will it take, and how you have helped other clients. Educating your prospects and showing that you care about their needs will build trust, paving the way for an eventual engagement.

3.You build a sense of urgency. While learning about your services through multiple touch points, your prospects will begin to understand that they can improve their circumstances with your services.

Be sure to sell the benefits your prospect will receive, not only the features of your law firm. Every law firm will say that they offer quality service delivered by dedicated professionals. You can stand out by clearly describing how your service will help your prospect save time, reduce expenses, increase compliance, or avoid litigation.

Don’t Stop Prospecting Too Soon!

You might feel discouraged if you don’t hear anything from a prospect after three efforts to communicate with them. In fact, you are half-way to creating a new client and should not give up easily.

Successfully converting your prospects to clients will positively influence your law firm profitability in 2009. Let’s get started!

About the Author: Margaret Grisdela is President of the South Florida legal marketing agency Legal Expert Connections, Inc. She is the author of “Courting Your Clients,” and served as 2008 Co-Chair of the Legal Marketing Association, South Florida City Group. Contact her at mg@legalexpertconnections.com or 561-266-1030.

FEBRUARY 2009

CALENDAR OF EVENTS

- Monday, February 2nd:**
Grievance Committee 17G Meeting. 2:00 p.m. Broward County Bar Association’s, Norma B. Howard Bar Center, 1051 SE 3rd Ave, Ft. Lauderdale, 33316.
- Thursday, February 5th:**
South Broward Bar Association Monthly Luncheon. Noon. At the Ark Restaurant in Davie. With Guest Speaker Judge Robert A. Rosenberg. Please contact 954- 791-3939 for more information.
- Thursday, February 5th:**
The Public Interest Law Section of The Florida Bar presents Lunch & Learn CLE. "Ethics on Representation of People (Particularly homeless people) With Mental Health and Substance Abuse Issues". 12:10 pm- 1:00 pm. 1.0 hour CLE and hour of Ethics applied for. Will be presented by Linda Mann, Bay Area Legal Services. Email to cshovlain@flabar.org no later than Thursday, January 29, 2009 to register. Questions: Call 850-561-5624.
- Friday, February 6th:**
Solo/ Small Law Firm Networking Lunch. Olive Garden, 1555 N. University Drive, Coral Springs (954) 344- 5226, RSVP to: Evan M. Ostfeld (954) 227-7529 and or Evan@Attorney4life.com.
- Friday, February 6th:**
Broward County Bar Association Judicial Robing Ceremony. 17th Judicial Circuit, Of and for Broward County. 1:00p.m. Third Floor Jury Room, Main courthouse.
- Monday, February 9th:**
Free CLE Seminar. Topic- Leveraging Life Insurance – Premium Financing. 1 Hour CLE. 4:00 p.m. At the Broward County Bar Association, conference room, 1051 SE 3rd Ave, Fort Lauderdale, FL 33316. TO RSVP contact (561) 961-9311.
- Tuesday, February 10th:**
BCBA Board of Directors meeting. 5:15 p.m. Broward County Bar Association, 1051 SE 3rd Ave, Ft. Lauderdale, 33316.
- Wednesday, February, 11th:**
Estate Litigation Seminar Sponsored by The probate and Trust Section of the Broward County Bar Association. With Guest Speaker Adrian Thomas of Adrian Thomas P.A. At the Norma B. Howard Bar Center, 1051 SE 3rd Ave, Ft. Lauderdale, FL 33316. 5:15p.m. Cost to attend \$15. RSVP to BCBA at (954) 764-8040 or register online at www.browardbar.org.
- Thursday, February 12th:**
Broward County Bar Association Health Law Section Meeting. 5:30 p.m. Broward County Bar Association offices, 1051 SE 3rd Ave, Ft. Lauderdale, FL 33316.
- Friday, February 13th:**
Solo/ Small Law Firm Networking Lunch. East City Grill, 1800 Tower Bell Lane, Weston (954) 659-3339, RSVP to: Rick Woolf (954) 252-0043 and or rickwoolf@woolffinancial.com.
- Saturday, February 14th:**
4 Hour Minor Guardianship Class. 9:00a.m. to 1:00 p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave. Ft. Lauderdale, 33316. Cost: \$100.00. Guardian for anyone under the age of 18. To sign up please contact Tish at BCBA (954) 764- 8040 ext. 200.
- Saturday, February 14th:**
Broward County Hispanic Bar Association’s 20th Anniversary Reception. Aboard the party yacht “Caprice”. A very special St. Valentines evening Cruise along the Intracoastal. Open bar, Hors D’oeuvres, Dancing. Boarding 5:45 p.m. Admission \$120 per person. RSVP to Carmen@Velasquez-law.com.

- Tuesday, February 17th:**
Solo/ Small Law Firm Networking Lunch. Olive Garden, 807 S. University Drive, Plantation (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 or johnrizvi@ideaattorneys.com.
- Tuesday, February 17th:**
Grievance Committee 17H Meeting. 2:00 p.m. Broward County Bar Association’s, Norma B. Howard Bar Center, 1051 SE 3rd Ave, Ft. Lauderdale, 33316.
- Tuesday, February 17th:**
Bench and Bar committee meeting. Noon. Broward County Bar Association, 1051 SE 3rd Ave. Ft. Lauderdale, 33316.
- Friday, February 20th:**
Solo /Small Law Firm Networking Lunch. The Ark, 6255 Stirling Road, Hollywood, (954) 584- 3075, RSVP to: David Silverstone (954) 367- 0770 and or david@dsilverstone.com.
- Tuesday, February 24th:**
Solo /Small Law Firm Networking Lunch. At J. Marks Restaurant, 1490 Copans Road, Pompano Beach, (954) 782-7400, RSVP to Jane Bolin, (954) 316- 1339 and or jane@peytonbolin.com.
- Tuesday, February 24th:**
Electronic Discovery CLE Seminar. \$15. Noon. Held at the Broward County Bar Association, 1051 SE 3rd Ave, Ft. Lauderdale, FL 33316. To RSVP contact the Bar at (954) 764- 8040.
- Wednesday, February 25th:**
Broward County Bar Association Young Lawyers Section, Board of Directors meeting. At the Broward County Bar Association, 1051 SE 3rd Ave, Ft. Lauderdale, FL 33316.
- Thursday, February 26th:**
Broward County Bar Association’s Young Lawyers Section Lunch. Topic- Black History Month. Held at the Tower Club in Ft. Lauderdale. Cost: \$25 per person. Please reserve your seat with the Bar at 954- 764-8040.
- Thursday, February 26th:**
Bankruptcy v. Construction law Seminar. 12:00 p.m. At the Broward County Bar Association, 1051 SE 3rd Ave, Ft. Lauderdale, FL 33316. For more information contact Randall Gilbert (954) 620-5000.
- Friday, February 27th:**
Broward County Bar Association’s Annual Worker’s Compensation Seminar. Noon- 4:30 p.m. \$75 members; \$90 Non-members. At the Riverside Hotel, for reservations please call Mike at 954- 764- 8040 x 202 or sign up online at www.browardbar.org
- Friday, February 27th:**
Solo /Small Law Firm Networking Lunch at Bimini Boat Yard, 1555 SE 17th Street, Fort Lauderdale, FL 33316 (954) 525-7400, RSVP to: Beth Lindie (954) 764-5400 and or blindie@lawyers.com.
- Saturday, February 28th:**
8 Hour Adult Guardianship Class. 9:00a.m. to 5:00 p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave. Ft. Lauderdale, 33316. Cost: \$180.00. Guardian for anyone over the age of 18. To sign up contact Tish at BCBA (954) 764- 8040 ext. 200.
- Monday, March 2nd:**
Grievance Committee 17G Meeting, 2:00p.m. Norma B. Howard Bar Center, 1051 SE 3rd Ave, Ft. Lauderdale, 33316.
- Thursday, March 5th:**
South Broward Bar Association Installation Dinner. 6:00 p.m. at The Signature Grand, 6900 W. State Rd. 84, Davie. Speaker: Florida Supreme Court Chief Justice Peggy A. Quince. Contact Nellie Hassett hassettlawdavie@aol.com (954) 791-3939 or Mary Jacobs mjacobs@thomasadamlaw.com (954) 581- 6632.

MARCH 2009

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

We would like to thank Chief Judge Victor Tobin for joining us for lunch in January and commenting on the State of Circuit. We always appreciate how generous he is with his time.

The Young Lawyers Section, in conjunction with T.J. Reddick Bar Association, would like you to join us for lunch to celebrate Black History month on Thursday February 26, 2009 at the Tower Club at noon. The luncheon will feature a very special guest, Florida Supreme Court Chief Justice Peggy Quince (pending confirmation). Seating will be reserved quickly, so if you are interested in attending, please RSVP as soon as possible to the Broward County Bar Association at 954.764.8040. Cost per person is \$25.00.

Thank you to everyone who donated their time, money and toys to the annual Florida Bar Holidays in January program. We are hosting a fabulous holiday party for at least 100 foster and disadvantaged children at the Museum of Discovery and Science in late February. We are especially thankful to Broward County Bar Association Treasurer Bruce Weihe for volunteering to serve as Santa Claus for the event. If you would like to make a donation or provide toys for the children, please email Sue-Ann Robinson at srobinson@sao17.state.fl.us or Ashley Sawyer at ashley.sawyer@akerman.com.

The annual Bowl-A-Thon is coming up on Saturday March 21, 2009 from 5-8 pm. As always, the event will feature raffle prizes, food, trophies and lots of entertainment. Please see the flyer in this issue of the Barrister for more information concerning tickets and sponsorship opportunities or contact the event chair, Bart Ostrzenski at Ostrzenski@oslawyers.com.

Due to the current economic environment, we wanted to make everyone aware of the date of our annual Judicial Reception and ask any interested sponsors to budget sponsorship monies for it. The event will be held at the Sun-Sentinel Building on Thursday, May 7, 2009 at 5:30 p.m. The sponsorships levels are \$1,000.00 (4 tickets included), \$500.00 (2 tickets included), \$300.00 (1 ticket included), and \$150.00.

All sponsors will have their names prominently displayed at the event and in the Barrister. Individual tickets will be \$40.00. For more information, please call the event chair, Alan Raines at 954.522.2200 or email him at alan.raines@brinkleymorgan.com. The scheduled date for this year's Family Day is Sunday June 7, 2009. Please reserve that date on your calendar now. Details will be forthcoming.

As always, should you have any questions or if you would like to join our email list, please feel free to contact me. I look forward to hearing from you. Scott Chitoff, Brinkley Morgan, 954.522.2200 or scott.chitoff@brinkleymorgan.com

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

1051 SE Third Avenue, Ft. Lauderdale, FL 33316

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RECENT DEVELOPMENTS IN THE LAW

by Nancy Little Hoffmann

1. Comparative Negligence/Intentional Tort Exception

Petit-Dos v. School Board of Broward County, 34 Fla. L. Weekly D108 (Fla. 4th DCA January 7, 2009).

A deaf student, struck by a pickup truck as she was crossing the street after exiting a school bus, sued the school board for negligence. Over her objection, the driver of the pickup truck, who was fleeing the police at a high speed, was included on the verdict form. After the jury found the pickup truck driver 70% responsible, plaintiff appealed based on the statutory intentional tort exception to comparative negligence. The Fourth District affirmed, holding that such conduct by the driver did not “cross the line” from negligence to an intentional tort.

2. Criminal Law **State v. Kelly,**

34 Fla. L. Weekly S15 (Fla. December 30, 2008).

Answering a certified question, the supreme court held that where an indigent defendant unrepresented by counsel was convicted of a misdemeanor, the State may not use such convictions to increase or enhance the defendant’s later misdemeanor to a felony, unless the defendant validly waived his or her right to counsel with regard to the prior convictions. The State may, however, constitutionally seek increased penalties and fines short of incarceration associated with the defendant’s relevant number of DUI offenses. The opinion set forth the facts which the defendant must establish in order to shift the burden to the State to show that counsel was provided or that the right to counsel was validly waived.

3. Insurance/Umbrella Policy

O’Brien v. State Farm Fire & Casualty Company, 34 Fla. L. Weekly D110 (Fla. 1st DCA January 8, 2009).

In 1992, when he purchased personal umbrella coverage, the insured rejected uninsured motorist coverage. Over the years, he added new vehicles and new drivers to the underlying automobile policy. State Farm did not again offer UM coverage on the umbrella policy. Despite the various changes to the underlying policies, the First District held as a matter of law that State Farm was not required to renotify the insured that he could purchase UM coverage when the umbrella policy was renewed or changed; accordingly, the

umbrella policy provided no UM coverage for the death of the insured’s daughter in a 2004 accident.

4. Jurisdiction/Forum Non Conveniens

The Scotts Company v. Hacienda Loma Linda, 34 Fla. L. Weekly D18 (Fla. 3rd DCA December 24, 2008).

After an action has been dismissed for forum non conveniens, the plaintiff may not obtain reinstatement in Florida by inducing the foreign court to dismiss the action. If Florida courts determine that a foreign forum is available and adequate, the plaintiff must assent to jurisdiction there. Accordingly, the Third District ordered that the action was improperly reinstated and must again be dismissed.

5. Medical Malpractice/Pre-Suit Requirements

Darling v. Palm Beach County Sheriff, 34 Fla. L. Weekly D23 (Fla. 4th DCA December 24, 2008).

A jail inmate whose broken wrist was not promptly treated sued the sheriff and prison health care services for medical malpractice and negligence. Because the pro se plaintiff failed to satisfy pre-suit requirements for a medical malpractice action, the trial court entered summary judgment for the sheriff. Reversing, the Fourth District held that the action was not solely for medical malpractice, but that it raised disputed issues of material fact regarding the sheriff’s liability for negligent custodial care.

6. Nursing Home Residents/Amendment Seven

Benjamin v. Tandem Healthcare, Inc., 33 Fla. L. Weekly S1006 (Fla. December 23, 2008).

Answering a certified question by the Fourth District, the supreme court has held that because of a distinction between nursing home “residents” and health care “patients,” nursing homes are not encompassed by Amendment 7. Accordingly, nursing home residents are not entitled to the access to records which was granted to patients by that amendment (the “Patients’ Right to Know About Adverse Medical Incidents.”)

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.

Special Needs Trusts & Estate Planning

By: Alan J. Paoli

Survey data compiled by the 2007 Census revealed that over 40 million Americans age 5 and older have some type of disability. In addition, because individuals with disabilities are living longer, many children with disabilities will outlive their parents. Many families are concerned about the continuation of support for their child with a disability, and how their assets will be managed once they are not around.

A number of groups, including the Academy of Special Needs Planners, provide referrals to lawyers involved in special needs planning. A “special needs” or supplemental needs” trust is often the recommended instrument. The trust provides the funds to pay a number of expenses for the disabled person, while still remaining eligible to receive government benefits, such as Medicaid or Supplemental Security Income (SSI).

A Special Needs Trust can be prepared as an Intervivos or a Testamentary Trust. An Intervivos Special Needs Trust functions while the parents are still living, while the Testamentary Special Needs Trust would be included in the parents’ Last Will and Testaments. After the death of the parents, the will would be probated, and the special needs trust would be created.

There are two types of special needs trusts; a third party special needs trust, and a self-settled special needs trust.

A third party special needs trust is established for the benefit of a disabled person by a third party, with assets of the third party. These trusts are normally set up by a parent for the benefit of a disabled child. Parents or relatives can be the trustee of the funds. However, in order to remain eligible for public assistance, the income must not be available to the beneficiary, nor can the assets of the trust be made available to the beneficiary. Distributions are made directly to third party providers, and the trust is not subject to Medicare claims, Medicaid liens, or age limits

relating to the beneficiary.

A self-settled special needs trust is set up with the assets of the disabled person, and must be established by the parent, grandparent, guardian of the disabled person, or by a court. This trust is used when an injured party receives funds as a result of a tort action. A self-settled special needs trust must be an intervivos trust, and it must be irrevocable. Distributions from the trust are made directly to third party providers, the trust is subject to Medicare claims and Medicaid liens, and cannot be set up if the beneficiary is over 65 years of age.

It is important for parents, grandparents, and other relatives, to make sure any gifts or inheritances are left to the special needs trust, and not directly to the person with disabilities. Retirement accounts and life insurance policy beneficiary designations should also go to the trust, in order for the person with disabilities to remain eligible for public assistance.

One other key step for families with a special needs child is for parents to create guardianship documents, naming themselves as guardian when the child turns 18 years of age. Without this, parents of a special needs child may not have access to their child’s medical records, or be able to make healthcare or financial decisions on their child’s behalf.

As part of any estate planning for a client, preparing the proper special needs trust could alleviate some of the anxiety and concern in providing support for their special needs child now, as well as when they are no longer around to provide that care and support

Alan J. Paoli

The Law Office of August C. Paoli, P.A.

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Nomination Petitions Now Being Accepted for Officers, Directors for 2009 BCBA Election

Nomination Petitions are now being accepted from BCBA members interested in running for one of the nine (9) seats that become available in the BCBA Board of Directors' 2009 Election
According to BCBA Bylaws, ARTICLE VIII, Nomination and Elections, Section 1 – Nominations

"There shall be no Nominating Committee. Any regular member 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 1st. No member may be nominated for more than one (1) position".

For a full set of the BCBA Bylaws, visit www.browardbar.org

Also, the following positions on the Executive Committee will be decided in the April, 2009 election.

President-Elect
Treasurer
Secretary

Here are the geographic areas of representation on the BCBA Board of Directors:

NORTHEAST- (1) Director shall be elected in April 2009

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

NORTHWEST- (1) Director shall be elected in April 2009

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

CENTRAL- Four (4) Directors shall be elected in April 2009

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 - Two (2) Directors shall be elected in April 2009

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- (1) Director shall be elected in April 2009

South of the centerline of State Road 84 and East of the centerline of State Road 7 (441)

2009 ELECTION CALENDAR

MARCH 1

Nomination Petitions Due in Bar Office,
no later than 5:00 p.m.

APRIL 1

Paper Ballot mailed.

APRIL 15

Ballots due back to BCBA office
no later than 5:00 p.m.
to be valid.

MAY 1

Deadline for ballots to be counted.



**Broward County Bar Association
Board of Directors
2009 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, Secretary or Treasurer.

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, 2009.**

Signature	Print Name
1 _____	_____
2 _____	_____
3 _____	_____
4 _____	_____
5 _____	_____
6 _____	_____
7 _____	_____
8 _____	_____
9 _____	_____
10 _____	_____

Broward County Bar Association Preferred Lender Program



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Fax: 954-252-2491
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Preferred Lender Program availability and terms are subject to change without notice.



Lawyers in the LIMELIGHT

Douglas M. McIntosh, Managing Partner at McIntosh, Sawran, Peltz & Cartaya, recently lectured on the topic "The Three R's: Rainmaking, Recruiting and Retention; Building Firms in Generation 'Y' and Beyond" at the annual CLE program of the Oklahoma Defense Counsel Association in Oklahoma City (OK). The program was co-sponsored by DRI, The Voice of the Defense Bar.

Elizabeth W. Finizio, joined the law firm of Finizio & Finizio after practicing at the prominent Philadelphia defense firm of Dechert, LLP.

Member of the Broward County Bar Association, **Sandra E. Krumbein, Esq.**, has been appointed as a Partner of the law firm of Ruden McClosky. Ms. Krumbein is one of nine attorneys elected as partner in 2009.

Member of the Broward County Bar Association, **Steven W. Marcus, Esq.**, has been appointed as a Partner of the law firm of Ruden McClosky. Mr. Marcus is one of nine attorneys elected as partner in 2009.

The law firm of Ruden McClosky is pleased to announce that **Sundeep K. Mullick, Esq.** has been appointed partner in the firm. Mr. Mullick is a resident in the firm's Fort Lauderdale office located at 200 East Broward Blvd., Suite 1500.

The law firm of Weiss Serota Helfman Pastoriza Cole & Boniske, P.L. has announced that **Scott A. Robin** and **Alexander Palenzuela-Mauri** have both been selected to become partners in the firm, effective January 1, 2009.

The Law firm of Lawlor, Winston & Justice is pleased to announce the appointment of managing partner **Andrew Winston** to the Community Outreach Committee of the YMCA of Broward County, Sheinberg YMCA Family Center.

Susan Verini, former corporate counsel to several large insurance associations and corporations, has joined Colodny, Fass, Talenfeld, Karlinsky & Abate as an Associate in the firm's Regulatory and Transactional Law Division.

Broward County **Mayor Stacey Ritter** has appointed a task force to develop a plan to resolve infrastructure problems at the Broward County Courthouse, including flooding twice in the last year.

The Fort Lauderdale office of **Gunster Yoakley** continued its tradition of supporting the Jack and Jill Children's Center this year by donating hundreds of toys to the organization. For several years, the firm has 'adopted' the Jack and Jill Center as one of its beneficiaries

BARBARA K. SUNSHINE FOR THE FLORIDA BAR BOARD OF GOVERNORS



Barbara has proven her commitment and dedication to the members of the Broward County Bar Association by serving as a Director since 1997.

Barbara was President of the Broward County Bar Association from 2007-2008; she served as President-elect from 2006-2007, and was elected Secretary-Treasurer for the term 2005-2006.

"I will bring my leadership and energy to The Florida Bar if elected to Seat 5 of the Board of Governors, Seventeenth Judicial Circuit."

Ballots will be mailed on or before March 1, 2009.

Board of Governors Elections



Tim Bailey

Over the past 30 years, I have spent a lot of time, some might say an inordinate amount of time, in the company of lawyers. My dad is a lawyer, and has been my law partner my entire legal career. A late grandfather, two brothers, a sister-in-law, and several uncles also share my occupation. During the past three decades, the practice of law has allowed me to enjoy life. It is payback time. I would very much like to participate in a process that ensures others will be as lucky as I have been should they decide to practice law in our great state. I enjoy the world of lawyers, and that is why I am running for the Board of Governors. I am not interested in slowing down or targeting a life of leisure. Thoreau once observed that most of us lead lives of quiet desperation. I believe that is the result of becoming disconnected from the big picture, too preoccupied with our own egos. I want to stay active and I am convinced the Board of Governors is a challenge worth pursuing.

Who am I? I am a thirty year veteran of the legal profession blessed with good health and lots of energy. I am anxious to become an active member of the Board of Governors. I am concerned about the future of lawyers in Florida and I want to get in the mix...make the sacrifice...take the chance. I am ready and ask for your support.



Philip M. Snyder

Cataclysmic events on Wall Street and in the economy shake foundations. Lawyers in Broward County are not invulnerable to the change in markets. The time is now to elect an individual without a political agenda who will advocate to all branches of the legislature and the public the importance of increased pay and resources for our judiciary and public servants and about the financial challenges lawyers, especially small and solo practitioners face. As a former Assistant State Attorney of the 17th Judicial Circuit and founding partner at the LyonsSnyder Law Group, I am patently aware of the dilapidated and crumbling Broward County Courthouse. As a Board of Governors member, I promise I will support any strategic plan that focuses on the continued financial stability of our profession and will help spearhead any proposal that protects the financial interests of the Seventeenth Judicial Circuit. Embrace change; elect an individual with fresh ideas who remains in touch with the important issues facing small firms and solo practitioners. Please feel free to call or email me with any questions. (o) 954.462.8035. (c) 954.551.7740. Philip@lyonssnyder.com. I appreciate your consideration.



Barbara Sunshine

The Florida Bar consists of over 86,000 lawyers representing many minorities, ethnicities, and religions, and that diversity should be reflected in its Board of Governors. I would be honored to be your next Governor from the Seventeenth Judicial Circuit to work with the incoming President Jesse H. Diner to reflect its diverse membership.

I have served on the Broward County Bar Association Board of Directors since 1997, and as you know, served as President last year. I met many of you, and hope to meet many more of you if you elect me to The Florida Bar Board of Governors.

If elected to The Florida Bar, Seat 5, I promise to serve with the commitment I have shown to the Broward County Bar Association. I will continue to make a public presence, both at County and small firm events, and will communicate with you regarding the current events and news from the Board. I will bring integrity to the work, my dedication and years of service to the BCBA, and my commitment to holding up the values of diversity in The Florida Bar and inclusion of all its members.

Gearing up for The 2009 Bench and Bar Convention



BCBA President Christopher M. "Chris" Neilson accepts sponsorship check from Frank Wagner, Vice President, Commercial Loans/ Business Development of BNY Mellon. The bank will be OVERALL CONVENTION SPONSOR for The BCBA's 2009 BENCH AND BAR CONVENTION that will be held on Friday, October 16, 2009, at the Broward County Convention Center.

Christopher M. "Chris" Neilson accepts sponsor contribution from Kelly Hancock and Walter Skip Campbell. The firm of Krupnick Campbell Malone Buser Slama Hancock Liberman & McKee, P.A. has signed on as PLATINUM SPONSOR for the 2009 BCBA BENCH AND BAR CONVENTION.



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(954) 581-2611

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or place to shop?

We'd like to hear from you!

Email Mike: mike@browardbar.org

or Art: artg@browardbar.org

Solo Small/ Law Firm Networking Confirmed February Lunch Dates!

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

Friday, February 13th: East City Grill, 1800 Tower Bell Lane, Weston, (954) 659-3339, 11:45 a.m. RSVP to: Rick Woolf (954) 252-0043 and or rwoolf@woolffinancial.com.

Tuesday, February 17th: Olive Garden, 807 S. University Drive, Plantation (954) 424-7201, RSVP to: John Rizvi (954) 452-0033 and or johnrizvi@ideaattorneys.com.

Friday, February 20th: The Ark, 6255 Stirling Road, Hollywood (954) 584-3075, RSVP to: David Silverstone (954) 367-0770 and or david@dsilverstone.com.

Tuesday, February 24th: At J. Marks Restaurant, 1490 Copans Road, Pompano Beach, (954) 782-7000, RSVP to: Jane Bolin, (954) 316- 1339 and or jane@peytonbolin.com.

Friday, February 27th: At Bimini Boat Yard, 1555 SE 17th Street, Fort Lauderdale, FL 33316 (954) 525- 7400, RSVP to: Beth Lindie (954) 764-5400 and or blindie@lawyers.com.

BCBA's Annual Workers' Compensation Seminar February 27, 2009 Noon- 4:30p.m. Riverside Hotel

For reservations call Mike at 954-764-8040 x 202 or sign up online at www.browardbar.org

Cost: \$75 for members; \$90 for non-members

Topics and speakers:

"View From the Bench" – Broward County Judges of Compensation Claims

"Navigating Through the Workers' Compensation System"- Deputy Chief Judge of Compensation Claims David Langham and Barry Keyfetz, Esquire

"How to effectively Secure and Defend Hourly Attorney Fees"- Cory Schnepfer, Esquire and Neal Falk, Esquire

"Practicing with Professionalism"- Mal Steinberg, Esquire and Barbara Wagner, Esquire

"Retraining and Job Placement"- Seth Abrams, Esquire and Alan Sokol, Vocational Rehabilitation Counselor State of Florida Bureau of Rehabilitation and Re-employment Services

**Broward County Bar Association's
Young Lawyers Section Lunches**
All YLS Luncheons are held at
the Tower Club in Fort
Lauderdale at 12:00p.m. The
cost per person is \$25.00.
Reservations are recommended
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Featuring Florida Supreme Court
Chief Justice Peggy Quince
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March 26, 2009

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A Special Thank You...

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

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FORT LAUDERDALE

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PLANTATION

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WESTON TOWN CENTER

Office space to share with two other attorneys. Sublease of 2 offices and 1 legal assistant area for immediate use. Conference room, copier, facsimile, and phone system available. Contact John Sorkin, Esq. at 954- 515-0011 or john@johnsorkinpa.com.

BILINGUAL MEDIATORS, INC. SEEKING BILINGUAL MEDIATORS

Bilingual Mediators Inc. recently formed by trial attorney, Diana Santa Maria, is seeking supreme court certified mediators who are fluent in 2nd languages for full or part time work on a contract basis. If interested please submit your CV or Resume by email to : diana@santamarialaw.net or by fax to 1-866-314-4808 .

Notice...
Effective January 24, 2009 The Ft. Lauderdale office Of the Florida Bar will operate from a new location:

**Lake Shore Plaza II
1300 Concord Terrace
Suite 130
Sunrise, FL 33323
(954) 772- 2245**

AV-rated Fox Wackeen, Dungey, et.al. Law firm seeks a motivated, self-starting associate with 2-4 years civil litigation experience, preferably in insurance defense or condo/HOA litigation. Candidate must have strong academic credentials. Career path opportunity in well established firm. We offer a congenial work atmosphere and competitive salary and benefits package. The firm is located in Martin County which offers an excellent quality of life and a best-in-the-state school system. Please forward resume and law school transcripts to Maryellen Castellano, HR Director, @ mcastellano@foxwackeen.com or fax to 772.220.1489

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STARTING A NEW JOB TEN TIPS FOR SMOOTHING THE TRANSITION

By Joseph E. Ankus, Esq.
Ankus Consulting, Inc.

Happy New Year! Along with a change in the calendar, many attorneys are making changes in their careers as well. In my experience as a former large firm lawyer and veteran legal recruiter, the first weeks of a new hire are absolutely key to ensure a smooth and orderly transition. New attorneys are often somewhat apprehensive about meeting new attorneys, staff and employees, settling into their office and otherwise joining the team. This process doesn't have to be fraught with mystery...and over the last seventeen years of recruiting, I have found that the following tips can help you significantly:

1. Don't be afraid to ask questions- it is expected. It's better to ask and get an answer than try to "wing it". Everyone knows you are new and still getting acclimated so take advantage of the honeymoon period to learn everything you need to know.

2. Take the time to greet people and introduce yourself at all levels (attorneys, staff, etc.). Be genuinely friendly to everyone you meet and try to remember their names for future reference. Invite people to lunch if you are not invited by others. Don't eat alone!

3. Make sure you understand your assignments clearly, any deadlines, and all people that need to be kept in the loop. Don't try to impress your new boss by assuming you know what they may want you to do- make certain that you understand the level of client contact and depth of involvement you are supposed to have before you begin any particular project.

4. Understand the structure of your department from top to bottom and how it fits into the overall organization if you are with a large or mid size firm.

5. Get a tour of the entire office- know your way around. If you need keys or passes, get them.

6. Bring in a dish of candy (chocolate preferred!) and place it on your desk to share with visitors. Have some interesting photos or mementos on your desk that

will stimulate conversation and serve as an "ice breaker".

7. Set up your office shortly after you begin work- personalize it with your diplomas and other items that "make it your own space". It also gives a nice way for co-workers to get to know you easily and makes you feel more at home. Don't stack your diplomas up on the floor to collect dust in the corner.

8. Arrive at work on time (early if possible), dress conservatively until you know the office "style" and have a positive, helpful attitude (eagerness to learn).

9. Make an appointment with Human Resources to review benefits, etc.

10. Commit to review your progress weekly with your supervising attorney(s).

*Joseph E Ankus,
Ankus Consulting Inc.
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Panel Member Profile



Philip S. Shailer has more than 40 years of combined experience in private practice, public office, and as a senior executive of Alamo Rent-A-Car. He received his undergraduate degree from Yale University and his law degree from Duke University. He has held the elected positions of State Attorney and Public Defender, and the appointed office of City Attorney of the City of Fort Lauderdale. While in private practice, he specialized in commercial and police liability litigation and in real estate transactions, and served as counsel to four sheriffs. He is certified as a Circuit Court Mediator.

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**Many thanks to our volunteers
If not us...then who?**

Legal Aid Service of Broward County (LASBC), Broward Lawyers Care (BLC) and the Broward County Bar Association (BCBA) joined efforts in hosting a Free CLE Basic Foreclosure Seminar at the Norma B. Howard Center located at the BCBA on Friday, November 14th.

Shawn Boerhinger, Esq., Director of Advocacy for Legal Aid Service of Broward County and Jeff Tromberg, Esq., of Florida Debt Relief Center, LLC were the featured speakers with a cameo appearance by Jeffrey Solomon, Esq., BCBA's Bankruptcy Section Chair.

Attendees received 4 CLE credits and a basic overview of foreclosure issues facing our most vulnerable citizens in Broward County. In return, each attorney agreed to volunteer their time at one of the two Foreclosure Clinics held at LASBC and agreed to accept a minimum of one foreclosure case on a pro bono basis.

All in all everyone that participated in the clinics during this past Holiday season benefited in one way or another, whether you were the one giving advice or receiving it.

A big round of applause to: Lorna Banister, Esq., Roshawn Banks, Esq., Rebecca Covey, Esq., Adrian Kaser, paralegal, Paul Gifford, Esq., Kanisha Griffin, Esq., Vene Hamilton, Esq., Dan Humbert, Esq., Alex Johnson, Esq., Paul Ryu Kim, Esq., Marian Lindquist, Esq., Doris Mitchell, Esq., Jeffrey Solomon, Esq., and Bruce Weihe, Esq. Combined these individuals assisted over 40 people in Broward County facing foreclosure.

Remember foreclosure affects all of us.

If you are interested in participating in one of our upcoming clinics, please contact Kimberly Zaffere at (954) 736-2426

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PRESIDENT’S MESSAGE by Christopher M. “Chris” Neilson

It seems like I just wrote my January article! We are going to press early this month in order to have this February Barrister to everyone before the February 6, 2009 robing of our nine new Broward County and Circuit Judges. This is the largest Robing Ceremony we have ever held! We hope that you will be able to attend the Robing Ceremony, which will be held from 1 pm until concluded, in the Jury Room of the main courthouse.

I don’t know about you, but we are still digging out from the holidays! However, we did have a great holiday. Connie and I made our annual road trip and pilgrimage to visit our families in the Tampa Bay area. We had a delightful dinner at the Columbia Restaurant, surrounded by the Bay, on the St. Petersburg pier, with a great sunset view over the water. Our four days went by very quickly, with visits to our numerous friends and family all around the area.



Birthdays around the holidays are always bittersweet, but this year we had a blast in Everglades City. My birthday started with an awesome airboat ride on a cool, clear morning, followed by fresh stone crabs for lunch that really hit the spot.



We then spent some time in the historic old Ted Smallwood store in Chokoloskee, and delighted in watching some fantastic video of Totch Brown’s anecdotes of old Florida. It was really special watching the video upstairs. Simultaneously, looking out of the large wooden open doors of the old store, we could see the actual bay where the stories were set. We could feel cool breezes coming off of the bay and through the store! We saw dolphins jumping in the bay out back, manatees swimming and diving, many wading birds, and a

variety of kayaks and fishing and pleasure boats passing by.

We finished our day with an absolutely beautiful and perfect sunset cruise from the National Park Service headquarters. A great guide showed us the actual shell mounds of many of the old islands. From the boat, you can see several feet of the islands shell foundations.



We then went to the Gulf of Mexico, and saw flocks of the giant White Pelicans that migrate there in the winter. They actually have a nine foot wingspan, dwarfing the Brown Pelicans that live in this area year round. It was very interesting to actually see the pelicans next to each other...we were kidding around saying the White Pelicans told the Brown Pelicans they will call them “Mini-Me”.



And, the sunset was, well, one of the most beautiful and spectacular sunsets I can ever remember seeing! While this may have been due in part to it just being a phenomenal sunset, and everything being just right, I also think it was due to a perfect trip-- it was so cool and clear that it was just a great sunset! There is nothing like watching a sunset on the water from a boat. The mangrove islands around, the incoming tide, the pelicans, and everything else just put the icing on the cake!

We finished off the big day with a fresh grouper dinner at Camellia Street Grill, dockside on the Barron River. It gets real dark real quick in Everglades City, since it is devoid of the brightness of the city lights we have over here. You can actually see the stars at night. They roll up the sidewalks over there at dark. If you ever go to Everglades City you should have your lodging set and check in early.

The next day, we drove through some of the back roads of Big Cypress on our way home. We saw lots of wonderful wading birds, turtles, fish and huge gators. It was also nice stopping in Clyde Butcher’s Gallery and seeing his magnificent photos of the Everglades and elsewhere.



We stopped at the Miccosukee Village on the way back and enjoyed speaking with some of the Miccosukee, and looking at their arts and crafts. Our trip may not be for everyone, but for a Florida boy like me it was just about as good as it gets!

Taking a break is not only fun and refreshing for your mind and body, but is important for your mental and emotional health. I believe that it is very important to have a variety of interests and friends, and not to just live, eat and breathe the law 24 x 7.

The point of all of this is, that as attorneys and judges, we deal with all of the problems in the world (which can be very stressful in the best of times). Adding to this, the economy is the worst it has been since the Great Depression. People are losing their homes and their jobs. Gas, insurance, taxes, and everything else are at an all time high. Times have changed. We are a global village. And the village is at war. Many people are stressed out, suspicious, cynical and jaded and have lost their sense of purpose, value, and direction. Our profession has been under attack.

We are all ambassadors of our professions. People come to us with their problems and we do our very best to help them. If you think about it, we have all been touched by someone. Whether it was your family, friends or others, someone has probably helped you along the line somewhere. And that probably made a difference. We all have the ability to touch someone and to make a difference, and I sincerely hope that each and every one of you will embrace that opportunity and do something with it.

It is no secret that attorneys want to move their cases and courts want to move dockets. The above concepts, however, are not necessarily mutually exclusive. Please, just take a breath, take a moment, and try to be

civil and courteous and professional with all of those that you come into contact with.

If you are an attorney, try to realize and be sensitive to the stresses of your client(s), opposing counsel and their client(s), the judges and court personnel, your staff, your families, and especially including yourself. Judges, too, should recognize the stresses of those before and around them. Sometimes it seems that many involved in the legal system have lost the insight of the importance of being mindful of the legitimate concerns of everyone involved. We all need to work together. And, we can all make a difference.

Maybe you can touch others, by listening to them, hearing and feeling what they are telling you, and taking the time to treat them the way you would like to be treated in a similar situation. Try to set an example. If we can all do this, I believe it would make a big difference to our profession, those we deal with, and to us as well.

To help eliminate your own stress, you do not have to go to New York or Europe - you can take a good old Florida vacation break right here, without spending a fortune. For example, the Old Ted Smallwood Store and Museum was only a couple dollars, which included the showing of the Totch video; the two hour sunset cruise was \$25; the Grouper was \$16, the one hour airboat ride with a coupon we picked up was under \$40, the stone crab lunch \$20...and, the drive through Big Cypress free, but priceless!

In the words of the old Moody Blues song, “there’s only two ways to unravel...one is to sleep, the other to travel.”

So, take a break and take care of yourself. You will be a better lawyer and a better person. And, maybe, it will help restore your insight to touch someone and perhaps to make a difference too!

All the best! Chris

