



Broward County Bar Association  
1051 SE Third Avenue  
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October 2008 VISIT OUR WEBSITE AT [WWW.BROWARDBAR.ORG](http://WWW.BROWARDBAR.ORG) VOLUME 39, ISSUE 9

**Saturday, November 1, 2008**

12 Noon

## 5th Annual Minority Mentoring Picnic

Sponsored by:

John Kozyak and Kozak Tropin & Throckmorton

Amelia Earhart Park, 401 E 65th St. Hialeah, FL.

Join the Broward County Bar, The Florida Bar and other South Florida Voluntary Bar Associations,  
Lawyers, Law Firms, Justices, Judges

Attendance at the picnic is free for minority law school students, mentors, sponsors, and invited guests.  
\$5 Parking is all you pay.

This picnic is designed to connect minority law school students with lawyers, judges and other legal  
luminaries in order to benefit from their experience, and use them as mentors for guidance and inspiration.

A fun family event with plenty of great food, games, children's activities.

Visit The BCBA Tent!

## FOURTH DCA JUDICIAL RECEPTION

**Tuesday, November 18th, 2008.**

110 Tower, 7th Floor Atrium

110 SE 6th Street

4:00- 6:00 p.m. p.m.

Cost: \$30

Hosted by: Broward County Bar Association

Join us for a reception honoring judges on the court and to recognize three outstanding jurists  
who have announced their retirement:

**Chief Judge The Honorable George A. Shahood**

**The Honorable Barry J. Stone**

**The Honorable Larry A. Klein.**

Tickets: \$35

For more information contact Art Goldberg, Executive Director of the Broward County Bar Association  
(954) 764-8040 [artg@browardbar.org](mailto:artg@browardbar.org)

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*Hold The Date:  
February 27, 2009*

*Noon — 4:00 p.m.*

*Riverside Hotel*

*for*

*BCBA's Annual  
Workers'  
Compensation  
Seminar*



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

September’s article was dedicated to hurricane preparedness. I am so very pleased that we dodged the bullets of Hurricanes Fay, Gustav, Hanna and Ike, and that they didn’t come crashing into us here in Broward County.

A good friend of mine is a tugboat Captain, and due to his job actually had to ride out the 100 mile an hour winds of Gustav, and accompanying tidal surge and waves, hunkered down in his tugboat in between two locks in Bayou Teche near Morgan City, Louisiana. Having considerable naval experience, and actually having been in over 50 Hurricanes, Captain Matthew said it was a real experience, and added that he is just fine. His biggest scare was when a huge oak tree next to his tugboat blew over. Fortunately, the tree blew in the opposite direction of his tugboat.

Captain Matthew said the courts of New Orleans had moved to Alexandria, Louisiana in anticipation of Gustav due to the devastation they experienced in Hurricane Katrina. Ironically, Alexandria ended up having more damage from Gustav than New Orleans did. Gustav and Ike devastated Louisiana, Texas and that entire Gulf area. Many people died or were seriously injured. Many others are still without homes or electricity. News reports suggest that some of those who stayed behind may have been washed out to sea. I really hope that everyone has prepared for the eventuality that at some point we are going to get hit. Along those lines, we have actually submitted the application for permitting of the emergency generator we are obtaining for BCBA, and hope to complete that project ASAP. Enough said.

Last month I said I was going to write about the Board retreat, the courthouse, some practice tips, the importance of civility, and, setting examples, so here they are.

## BCBA BOARD RETREAT

We held a BCBA Board Retreat in August, at our own Norma B. Howard Center, where our Board Members gave up their Saturday to meet and discuss ideas on how to continue to improve our Association and best serve our members. Accordingly, I would like to acknowledge our entire Board, and extend my sincere appreciation to all for their efforts in this regard. A great big thank you to Ms. Chantal Gagnon for facilitating our retreat, and to Jordana Goldstein for keeping great notes! We came to a consensus on both short term and long term goals, which, in a nutshell are to aspire to:

### Short Term Goals:

- 1) Plan to continue to increase our membership to 3,000.
- 2) To further develop and implement our Associate Member program.
- 3) Consider appointing Co-Chairs for certain Committees.
- 4) Increase BCBA’s Publicity.
- 5) Increase BCBA’s Funds.

- 6) Show support for construction of a new Courthouse, and educate the public about the importance of a new Courthouse.
- 7) Improve the image of lawyers in the community by participating in Community Service Programs in cooperation with Legal Aid of Broward.
- 8) Increase benefits and services to members, e.g. CLE programs, hosting social events throughout the county, creation of a speaker’s bureau, etc.
- 9) Continue to improve our bar center facilities, including installing an emergency generator and painting the buildings.

### Long Term Goals (during the next 5 years):

- 1) Increase BCBA membership to at least 50% of all lawyers in Broward.
- 2) Increase our Associate Members to 400.
- 3) Enhance our relationships with other voluntary bars.
- 4) Get a new Courthouse!
- 5) Adhere to the functions of our Executive Director and Board Members.
- 6) Improve the image of lawyers in the community.
- 7) Increase programs throughout the county for our members.

## WE NEED A NEW MAIN COURTHOUSE!

We have needed a new main courthouse for some time. Several years ago the public rejected a ballot initiative for a new courthouse. Our existing main courthouse is over 50 years old, and does not have the infrastructure or adequate parking to handle the masses of people coming through it on a daily basis. Hundreds of people are lined up in front of the courthouse (rain or shine, hot or cold) on a daily basis just waiting to get in. We are still awaiting installation of a canopy cover out front that has been missing since Hurricane Wilma (however, the Bench and Bar Committee has been working hard to have this replaced, and I have been advised it is in the process of being replaced shortly). The elevators do not accommodate the masses efficiently, and are often not working properly. Available parking is very expensive, and fills up quickly. The building is still recovering from storm and water damage of the past several years. I have heard that a mold lawsuit is pending. Seating is inadequate in the lobby. In my opinion, the building has outlived its usefulness and appears to be functionally obsolete.

Broward County has around 2 million people and is smack dab in the middle of South Florida’s East coast burgeoning populations corridor, from St. Lucie to the Florida Keys, where 8 million people reside, not to mention the considerable statewide, national and international tourists who visit us by air, land and sea. Many people travel through here on a regular basis, so our courts have that extra impact as well.

Broward County Court’s current administration is doing the

*Continued on Page 6*

# CALENDAR OF EVENTS

OCTOBER 2008

## Friday, October 3

Solo Small Law Firm Networking Lunch, 1555 N. University Drive, Coral Springs. RSVP to: Evan M. Ostfeld (954) 227-7529 and or [Evan@attorney4life.com](mailto:Evan@attorney4life.com)

## Wednesday, October 8

BCWLA Monthly Luncheon at the Tower Club in Fort Lauderdale. More information at [www.bcwla.com](http://www.bcwla.com)

## Friday, October 10

Solo Small Law Firm Networking Lunch, East City Grill, 1800 Tower Bell Lane, Weston. RSVP to: Rick Woolf (954) 252-0043 and or [rwoolf@woolffinancial.com](mailto:rwoolf@woolffinancial.com).

## Tuesday, October 14

Board of Directors Meeting. 5:15p.m. 1051 SE 3rd Ave, Fort Lauderdale.

## Thursday, October 16

Joint Luncheon. Broward County Bar Association and the North Broward Bar Association Galuppi’s Restaurant, 1103 North Federal Highway, Pompano Beach. Guest Speaker: Laurence Miller, Ph.D. Topic: Forensic Psychology. Cost: \$25; One Hour CLE applied for. RSVP to BCBA at (954) 764-8040 or email to [info@browardbar.org](mailto:info@browardbar.org).

## Thursday, October 16

Broward County Hispanic Bar Association  
HISPANIC HERITAGE MONTH LUNCHEON  
11:45 a.m., Riverside Hotel  
Recognizing the accomplishments of:  
Cindy Guerra, Deputy Attorney General, South Florida Region  
Josie Bacallao, CEO, Hispanic Unity of Florida  
Al Otero, Executive Director, Broward County Chamber of Commerce  
Adria Quintela, Chief Branch Counsel, The Florida Bar  
Please R.S.V.P. to [Carmen@velasquez-law.com](mailto:Carmen@velasquez-law.com)

## Friday, October 17

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

## Saturday, October 18

4 Hour Minor Guardianship Class. At the Broward County Bar Association’s Norma B. Howard Center. 1051 SE 3rd Ave, Ft. Lauderdale, FL 33316. \$100 per person. 9:00 a.m.- 1:00 p.m. To register call Tish (954) 764- 8040 Ext. 200.

## Tuesday, October 21

Bench and Bar Committee meeting. Noon. At the Broward County Bar Association.

## Thursday, October 23

Young Lawyers Section Luncheon. Topic: Medical Malpractice Roundtable. Held at the Tower Club in Ft. Lauderdale. Noon. \$25 per person. Reservations are recommended, seating is limited. Call (954) 764- 8040.

## Thursday, October 23rd:

Broward County Crime Commission invite you to attend The 2008 Broward County Prosecutor of the Year Gala. Palm-Aire Country Club & Resort. 2600 Palm-Aire Drive North, Pompano

Beach, FL 33069. 6:00-7:00p.m. Cocktail Hour. 7:00-9:00p.m. Dinner and Program. For more information call: 754-423-1976. Seating is limited, RSVP by October 13, 2008.

## Friday, October 24

Cocktail Party to kick off the Young Lawyers Charity Golf Tournament. 5:30p.m., at the Himmarshee Side Bar. EVERYONE WELCOME!

## Friday, October 24

Solo Small Law Firm Networking Lunch, Bimini Boat Yard, 1555 SE 17th Street, Fort Lauderdale. RSVP to: Beth Lindie (954) 764- 5400 and or [blindie@lawyers.com](mailto:blindie@lawyers.com).

## Saturday, October 25

8 Hour Adult Guardianship Class. At the Broward County Bar Association’s Norma B. Howard Center. 1051 SE 3rd Ave, Ft. Lauderdale. \$180.00 per person. 9:00a.m.-5:00p.m. Register with Tish at (954) 764- 8040 Ext. 200.

## Saturday, October 25

Florida’s Voice on Developmental Disabilities Conference. In the Hull Auditorium at Nova Southeastern University. Theme: “Nuts ‘N Bolts : Everything You Need To Know About Guardianship, Special Needs Trusts, Medicaid Waiver Tiers and Administrative Appeals.” Registration begins 8:15a.m. Program starts at 9:00a.m. Advanced registration is only \$25.00 per person, including lunch, but will be \$40.00 at the door. Limited vendor space is available for the day at \$150.00. Registration forms are available at: [www.floridasvoice.org](http://www.floridasvoice.org). Telephone: 954- 975-5159 (Arlene Lakin, Esq.)

## Saturday, October 25

Puerto Rican Bar Association’s Sixth Annual Gala – The Hyatt Regency Pier Sixty-Six, 2301 S.E. 17th Street, Fort Lauderdale, FL 33316; Cost: \$125 per perso; Join us beginning at 7:00 pm for cocktail reception, followed by dinner and dancing. Keynote Speaker: The Honorable Supreme Court Justice Harry Lee Anstead. For further information please contact Nydia Menéndez at (954) 963-7220 or [nydia@menendezlawfirm.com](mailto:nydia@menendezlawfirm.com).

## Monday, October 27

Solo Small Law Firm Networking Lunch, J. Marks Restaurant, 1490 Copans Road, Pompano Beach. RSVP to: Jane Bolin (954) 316-1339 and or [jane@pevtobolin.com](mailto:jane@pevtobolin.com).

## Tuesday, October 28

Law Marketing and Recruiting Practices for the Law Office Administrator. See Page 17 for details. Noon- 1:30 p.m. Broward County Bar Association’s Norma B. Howard Bar Center 1051 SE Third Ave, Fort Lauderdale, FL 33316 One hour CLE applied for. \$25. RSVP to BCBA at (954) 764-8040 [info@browardbar.org](mailto:info@browardbar.org)

## Thursday, October 30

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

## Friday, October 31

Workers’ Compensation Section Meeting, 12:30 p.m. Norma B. Howard Bar Center, 1051 SE Third Ave, Fort Lauderdale. Lunch provided. \$10. RSVP via email to Rich Wagenheim, [richw@sportsinjurylaw.com](mailto:richw@sportsinjurylaw.com) <<mailto:richw@sportsinjurylaw.com>>



VOLUNTEERS NEEDED FOR FORECLOSURE CLINICS

Legal Aid Service of Broward County (LAS), Coast to Coast Legal Aid of South Florida (CCLA) and the Broward County Bar Association (BCBA) are joining forces to combat the foreclosure crisis ravaging Broward County and **we need your help**. In the past year, Legal Aid’s Consumer and Foreclosure Unit has seen a 4 fold increase over the previous year’s intake volume. LAS, CCLA and BCBA are seeking volunteers in the following areas:

- 1. “Telephone Advisors“ will answer or return calls from clients seeking foreclosure assistance.
- 2. “Advisors” - will participate in clinics with up to 30 attendees. Each clinic will begin with a 30 minute introduction to the foreclosure process conducted by a Legal Aid advocate. **Time commitment is 3 hours per clinic**. Clinics will be held early evenings or Saturday mornings.
- 3. “Trial Attorneys“ will represent homeowners sued for foreclosure to present defenses and negotiate settlements. Volunteers in this category should have some experience in real estate litigation and should be familiar for example with consumer protection statutes such as the Truth in Lending Act.

Please respond by e-mail to Kimberly Zaffere, Pro Bono Coordinator at [kzaffere@legalaid.org](mailto:kzaffere@legalaid.org) if you are able to assist us with this important project or you need more information.

All time volunteered for this effort will be given pro bono credit, and training will be provided.

THANK YOU!!!!

Lawyers in the LIMELIGHT

**Joseph Englander** of Shutts & Bowen hosted the International Trademark Association Roundtable on Electronic Discovery in Orlando.

**Mark A. Levy** of Brinkley, Morgan, Solomon, Tatum, Stanley, Lunny & Crosby has been appointed to the Broward County Chapter of the Federal Bar Association’s Board of Directors.

**Candy Marcus**, a partner in McIntosh, Sawran, Peltz & Cartaya, P.A., a practitioner in the Firm’s Medical Malpractice/Healthcare Law Division, is now resident in the Firm’s Fort Lauderdale office.

**Steven A. Mason** of Hollywood has been elected president of the Association of South Florida Mediators and Arbitrators, Inc.

**Shayna Reitman**, an associate with Fowler White Burnett in Fort Lauderdale, has been named to the advisory board for the Reitman Unit of the Boys & Girls Club of Broward County.

**John H. Richards**, a partner with Cooney Mattson Lance Blackburn Richards & O’Connor in Fort Lauderdale, has been recognized by the Florida Defense Lawyers Association with the 2008 Florida Liability Claims Institute Conference award in appreciation for his leadership.

**David W. Singer**, managing partner of David W. Singer & Associates in Hollywood, has been named unit operating board chairman- elect of the American Cancer Society.

**David N. Tolces** of Goren, Cherof, Doody & Ezrol in Ft. Lauderdale was elected vice chair of the South Coastal Division of the Children’s Home Society.



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

The Young Lawyers had the great honor of hosting Broward County Commissioner Ken Keechl for an insightful discussion regarding health and safety concerns at the Broward County Courthouse. We asked Ken to join us to talk about the County Commission’s efforts to review the health and safety concerns regarding the Broward County Main Courthouse and their efforts toward the future funding of construction for a new Broward County Main Courthouse. We learned from Ken that there is no quick-fix to the numerous problems in the building and the surrounding parking infrastructure. Ken also made clear that while he was a strong advocate of the Broward judiciary’s need for a new courthouse, there is no current viable plan to start construction or even renovation of the current courthouse.

Our luncheons are typically the third Thursday of each month at 12:00 p.m. at the Tower Club. The cost per person is \$25.00. Reservations are recommended to the Bar’s office at (954) 764-8040. Please go to [www.browardbar.org/yls](http://www.browardbar.org/yls) for the further details on upcoming luncheon dates, topics and speakers.

Our next luncheon is set for Thursday, October 23, 2008 featuring Professor Adam Ostrzenski, PhD, MD and our own board member Bart Ostrzenski, Esq. will be presenting an overview of the medical and legal challenges relating to medical malpractice claims based upon a diagnosis of cerebral palsy. The presentation will take both Plaintiffs and Defendants prospective into account along with the considerations for medical experts. Professor Adam Ostrzenski is an experienced medical-legal consultant and expert witness. His particular interest in the medical-legal field is cerebral palsy, on which subject he co-authored an educational paper published in one of the most prestigious medical peer review journals in the US. He is recipient of numerous domestic and international awards for his contribution to the progress in medicine. Bart Ostrzenski co-authored an article with Dr. Ostrzenski in the area of cerebral palsy. Cerebral Palsy is a condition that can develop over the first few years of life, and can occur due to impaired development or damage to particular parts of the brain. This is a condition that often occurs as the result of medical malpractice or negligence, and although the condition does not tend to get any worse as the child gets older, it can still have a dramatic effect on the child’s life as well as on the life of his or her family.

This is a reminder that the Young Lawyers’ 21st Annual Golf Tournament is on November 1, 2008. This year’s beneficiary, Healthy Mothers-Health Babies Coalition of Broward County, is a fantastic organization who is returning after serving in that capacity last year as well. They truly make a difference for so many babies, parents and families in Broward County that we thought it important to continue to support them in this way. It is easy to support them by participating at the Golf Tournament as a player or sponsor. Please look for our reservation forms in our recent emails and mailers. You can also contact the event chair David Hirschberg [[dlh@mjalaw.net](mailto:dlh@mjalaw.net)] or co-chair Meghan Clary [[meghan@cmfamilylaw.com](mailto:meghan@cmfamilylaw.com)] for more information or to make reservations.

We are having a pre-Golf Tournament Happy Hour on Friday, October 24, 2008 at Himmarshee & Grille Side Bar. This is always our biggest happy hour of the year so mark your calendar now and join us to kick-off the golf tournament. There is no charge for the happy hour but a small donation of \$5.00 per person would be appreciated. In return we will give you a free drink and appetizers.

Also on November 1, 2008 from 12:00 to 3 p.m., please join the Broward County Bar Association and the Florida Bar at the Sixth Annual Minority Mentoring Picnic at Amelia Earhart Park in Miami. Details will be forthcoming from the Broward County Bar Association about how you can participate.

Finally, we are happy to announce the Circuit Court Judge Cynthia Imperato has accepted our invitation to serve as this year’s judicial liaison for our Board. Judge Imperato will be working with us to increase not only judicial attendance at our events but creating opportunities for young lawyers to engage members in the judiciary in non-judicial settings. We appreciate her willingness to give of her time and help us this year.

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.

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RECENT DEVELOPMENTS IN THE LAW

by Nancy Little Hoffmann

1. Attorney’s Fees/Proposal for Settlement  
Attorneys’ Title Insurance Fund, Inc. v. Gorka,  
33 Fla. L. Weekly D2081 (Fla. 2nd DCA September 3, 2008).

The Second District certified conflict with a recent opinion from the First District, Clements v. Rose, on the issue of whether proposals for settlement that condition joint offers on the mutual acceptance of all joint offerees are valid and enforceable.

2. Attorney’s Fees/57.105  
Perlman v. Ameriqurest Mortgage Company,  
33 Fla. L. Weekly D2055 (Fla. 4th DCA August 27, 2008).

The Fourth District has held that when a trial court awards attorney’s fees pursuant to section 57.105, Fla.Stats., it must make an express finding that the claim was frivolous; and where liability is imposed against counsel, there must be an express finding that the attorney was not acting in good faith based upon the representations of his client. Where there was no such finding regarding the attorney, the court reversed, directing the trial court to either make the required finding regarding the attorney or to deny the imposition of fees as to counsel.

3. Civil Rights/Pregnancy Discrimination  
Carsillo v. City of Lake Worth,  
33 Fla. L. Weekly D2154 (Fla. 4th DCA September 10, 2008).

The Fourth District has held that the Florida Civil Rights Act bars discrimination on the basis of pregnancy. Reversing summary judgment for the employer of a pregnant firefighter/paramedic, the court held that since the Florida Civil Rights Act is patterned after the Federal Civil Rights Act, Florida should follow federal decisions holding that sex discrimination includes pregnancy discrimination and is therefore prohibited under the Act.

Carter v. Health Management Associates,  
33 Fla. L. Weekly D2171 (Fla. 2nd DCA September 12, 2008).

In a similar case, the Second District did not specifically rule whether the Florida Civil Rights Act prohibits pregnancy discrimination; however, the court reversed the dismissal of an employee’s retaliation claim, because her belief that the employer engaged in an unlawful employment practice was objectively reasonable when measured against existing substantive law.

4. Estates/Homestead Property  
Cutler v. Cutler,  
33 Fla. L. Weekly D2103 (Fla. 3rd DCA September 3, 2008).

In an opinion *en banc*, the Third District held that where a decedent’s residence was titled in trust at the time of her death, it retained its homestead character. Nonetheless, because the decedent directed in her will that her debts be satisfied from the property in the event there were insufficient funds in her estate to satisfy the debts – which she had the legal right to do – the devisee

of the property was not entitled to the constitutional exemption from creditors’ claims.

5. New Trial/Admission of Evidence  
Thigpen v. United Parcel Services, Inc.,  
33 Fla. L. Weekly D2133 (Fla. 4th DCA September 10, 2008).

In affirming a new trial based on the trial court’s ruling that it had erroneously admitted irrelevant and unfairly prejudicial evidence, the Fourth District addressed the applicable standard for ruling on evidentiary issues at both the trial and appellate levels. In a lengthy two-to-one opinion, the majority relied on the familiar abuse of discretion standard; the dissent argued that rulings as to relevancy under the evidence code should be judged by a stricter standard since a judge’s discretion is limited by the rules of evidence.

6. Procedure/Authority of Successor Judge  
Alcenat v. Alcenat,  
33 Fla. L. Weekly D2139 (Fla. 4th DCA September 10, 2008).

Where the presiding judge left the bench after entering a final judgment but before ruling on post-judgment motions, the successor judge entered an order granting the wife certain credits. Reasoning that this was an impermissible substantive change to the final judgment, the Fourth District held that since the successor judge had not presided over the trial, she had no authority to amend the final judgment without holding an evidentiary hearing.

*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.*

Thursday, October 16  
Joint Bar Luncheon

Broward County Bar Association and the North Broward Bar Association will meet at Galuppi’s Restaurant, 1103 North Federal Highway, Pompano Beach, FL.  
Guest Speaker: Laurence Miller, Ph.D.  
Topic: Forensic Psychology  
Discussion on Diagnostic and Family Health Issues in Family Law;  
Civil and Criminal Competencies; Psychological Issues.

Cost : \$25; One hour CLE applied for.  
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## The Economy, The Bailout, and What Do I Do with my Investments... Now?

**By Rick Woolf**

How do you begin to describe what happened in the last week (week of Sept. 15th) in the financial markets? Wall Street will never be the same.

- Lehman Brothers declared bankruptcy.
- Merrill Lynch agreed to be purchased by Bank of America.
- AIG, one of the world's largest insurance companies, was effectively nationalized.
- A large money market fund announced its exposure to Lehman Brothers and "broke the buck," causing a panicked run on this once perceived-safe asset class.
- The United Kingdom banned short selling on all financial firms until January.
- The SEC followed the U.K. lead and did the same but for a shorter period of time.
- And finally, the Fed announced a massive government program enabling banks to get bad debt off their balance sheets at a cost that could exceed \$700 billion. That, combined with the bailout of Fannie Mae and Freddie Mac, exceeds \$1 trillion (\$1,000,000,000).

Do you know how much \$1 trillion really is? It's an almost incomprehensibly large amount of money. To help put it in perspective, here are some comparisons...

- A stack of one trillion dollar bills would stand more than 55,000 miles high (over twice the distance around the earth's equator).
- The stack would weigh more than one million tons (more than the fully loaded weight of all ten of the Navy's Nimitz class aircraft carriers).
- It would take a military jet flying at the speed of sound, reeling out a roll of dollar bills behind it, 14 years before it reeled out one trillion dollar bills.

I'm sure you've got the picture. In our lifetime, there's never been so much major financial news to hit in this short a timeframe. The market certainly had difficulty digesting it. The S&P 500 lost almost 5% of its value on Monday and Wednesday. Then it snapped back on Thursday and Friday to end the week slightly higher than where it started. Last week's news was another step in the long, painful process of restructuring our financial system for the uncontrolled and unregulated bull markets in housing and credit.

So what's an investor to do? Well, it's certainly not the time for overly optimistic predictions about the short-term direction of the stock market. Nor is it the time to let short-term volatility sidetrack you from your long-term investment plan. Despite the grim headlines and 24/7 market analysis we'll continue to hear, one fundamental market fact remains unchallenged: Over time, through up and down markets, the stock market's trend line has gone only in one direction...up. While there are no firm guarantees this trend will continue, investors who have stayed invested have been

rewarded in the long run. A well-diversified portfolio is your best defense against market volatility. And let's not forget that old standby: dollar cost averaging...a wealth-building strategy that involves investing a fixed amount of money at regular intervals over a long period.

I know there are some skeptics saying, "Hey, this guy's just trying to make a case to say 'Stay the Course'." I did that in the bear market of 2000 to 2002, and I got burned badly." And I'll bet it will take some solid facts to get you to even consider changing your thinking. So try these...

- The average bear market lasts for less than 1.5 years with the market dropping by 33% over that time. (Bloomberg. Based on S&P 500).
- Bull markets typically start with a bang and last for an average of 4.5 years. The average (Post-WWII) percent change over this 4.5 year period was 141%. (Bloomberg and Ibbotson. Based on S&P 500).
- The market's best-performing month each year accounted for an average 72% of the yearly returns (since 1950 and based on S&P 500).
- Missing the market's top-performing days can prove costly. A \$10,000 Investment from 12/31/97 to 12/31/07 for an investor who remained invested the entire period would have accumulated \$17,758. An investor who missed just five of the top-performing days over a 10 year period would have accumulated only \$13,782. (Standard & Poor's).

Market cycles depend as much on peoples' emotions as they do on market fundamentals. When a stock or fund you bought goes up, you feel euphoric. When it goes down, you feel deflated. But making a decision based on emotions instead of analytics can lead to costly mistakes. It's like a roller coaster...you can only get hurt if you jump off in the middle of the ride.

This article was written on September 22, 2008. The performance data represents past performance, which does not guarantee future results.

*About the Author: Rick Woolf, a member of the BCBA, is a former IRS Special Agent and former Assistant US Attorney. He has an MBA in Finance and is a Chartered Financial Consultant (ChFC) and a Chartered Life Underwriter (CLU). Rick has been a Financial Planner in South Florida for the past 30 years. Email him at [rwoolf@woolffinancial.com](mailto:rwoolf@woolffinancial.com).*

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best it can under the current circumstances and lack of funding. I have been to other courthouses throughout our great state, and ours is embarrassing compared to many of them. The next time you are in Kissimmee or West Palm Beach go see their courthouses. If you are in Orlando, go see the beautiful Orange County Courthouse. These courthouses are attractive, clean and useful. Our citizens deserve no less.

It is up to all of us to begin to advocate for a new courthouse. We can do this by speaking out on this topic, writing about it, educating our families, friends and clients about it, and conditioning the public about it. Our BCBA Board feels strongly enough about a new courthouse that it was included in both our short term and long term goals listed above. YLS President Scott Chitoff wrote about the importance of a new courthouse in his September 2008 Barrister message, and this will be the topic of the YLS September luncheon featuring Broward County Commissioner Ken Kechl at the Riverside Hotel. Our Executive Director Art Goldberg also wrote about the needs of our courthouse in his September Barrister Article.

Broward’s own County Line TV host Frank Loconto interviewed me recently, and among the things I spoke about was the need for a new courthouse. The show is being rebroadcast on a regular basis, and is also linked on our BCBA website. I equated the need for a new courthouse to an insurance policy, which is there when your need it, and said that eventually we all will go through there, whether as a witness, juror, litigant, or other business. I said that our citizens are not going to like what they encounter, i.e. the parking, crowding, lines, delays, etc., and emphasized the importance of supporting a new courthouse now. I was also interviewed by Mr. Jim Depelisi (who is also the President of Broward County Crime Commission) on Local AM Radio Station 740 WSBR, and discussed the importance of a new courthouse as well.

A FEW PRACTICE TIPS

- Being involved in our court and legal system in various capacities for 36 years, I suggest the following techniques to utilize when appearing in court, whether as an attorney or party:
- \* 1) BE PUNCTUAL: There is nothing worse than getting off on the wrong foot by being late to court. Remember, early is on time and on time is late! It's good practice to be in the courtroom when the Judge takes the bench!
  - \*2) BE PREPARED: Review your entire file before appearing in court. Have extra copies of case law and exhibits for the judge and opposing counsel. Give the Judge the opportunity to read the cases presented and do not speak until the Judge is ready to continue. Know what it is you are asking for, and be prepared with alternatives if you don't get what you want. Be creative and practical. "Think outside the box!"
  - \* 3) BE POLITE: Extend simple courtesy. Treat everyone with respect. Ask, don't demand. Don't boss people around. Say "Thank You."
  - \* 4) BE PROFESSIONAL: Dress appropriately, and

- instruct your clients to do the same. Establish eye contact. Speak slowly, clearly, & loud enough to be heard.
- \* 5) DON’T INTERRUPT: Speak when it is your turn.
  - \* 6) GET TO THE POINT: And, know when to stop. When you get what you want, don't ask for more. I've seen good case resolutions unravel when parties get what they say they can live with, but then try to get more.
  - \* 7) TAKE THE TIME to speak with opposing counsel prior to the hearing, and stipulate to areas you can agree on (e.g. a known expert witness or jurisdiction where appropriate).
  - \* 8) PUT YOUR EGO ON THE SHELF!

CIVILITY

Much can be written and said about the importance of civility, and I will have more to say about this in future articles.

In the interest of space and time, for now I just wanted to remind everyone of BCBA’s Standards of Professional Courtesy, which are great practice guides and are available for free at BCBA, and which I am going to have posted on our website.

STANDARD 3: CONDUCT TOWARD OTHER ATTORNEYS, THE COURT AND PARTICIPANTS

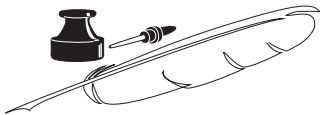
Standard 3.1 says: Attorneys should refrain from criticizing or denigrating the court, opposing counsel, parties or witnesses, before their clients, the public or the media, as it brings dishonor to our profession.

Regardless of how you feel, please adhere to it. Not only is it the right thing to do, it also makes good business sense, and helps to improve our image to the public.

SETTING EXAMPLES

We can all be a positive example to those we come into contact with. Extend simple courtesy to others we don’t know, and do simple things like holding an elevator or door, and take time to answer a question. One day a woman was hopelessly lost, and I got off of the elevator to try to help her. She was so grateful that she wanted to hire me. That is not at all why I did it, but an example of how much people appreciate such actions. By doing simple things, we can improve our image, and maybe the next time a courthouse bond issue comes on the ballot the public will actually vote for it.

Thanks so very much! Chris



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## Web Gems

London School of Economics Video Archive

<http://www.lse.ac.uk/collections/informationSystems/newsAndEvents/videoArchive.htm>

The London School of Economics and Political Science sponsored this site that holds video of a wide range of guest speakers and scholars, and this website lets interested parties watch these talks at their leisure. All told, there are over twenty five talks currently available, and they include Ricky Burdett's talk on "Social Aspects of Urban Form", Leopoldina Fortunati's "Discussing the Meaning of the Mobile Phone", and Danny Quah's "Digital Goods and New Economy". Visitors can also chime in with their two cents via the weblog discussion thread that resides under each video. Enjoy!

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Email: bgreenland@hinshawlaw.com  
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Only candidates contacted for an interview will receive a response. EOE.

# Help, My Clients are Bankrupt!

By Margaret Grisdela

So I lamented a Broward County bankruptcy attorney at a business development seminar I recently taught. "My clients need therapy," chimed in another lawyer with a real estate practice.

Many attorneys today are struggling to generate the high volume of qualified leads needed to keep the lights on while achieving the goal of a six-figure salary.

Where can you find all these prospects? Read on for ten FREE or LOW COST business development techniques proven to help you achieve your practice expansion goals.

1. Ask for referrals. This FREE marketing initiative sounds simple, but the fact is that many attorneys don't ask for referrals. Be specific! For example, a trust and estates attorney may say, "If any of your friends are the parents of young children and do not have a will, I can offer them some ideas on how to plan for college tuition and long term financial security." Follow this up with 2-3 of your business cards for pass-along purposes. When you do get a referral, send a thank you note to the originating party.

2. Network with other attorneys. Take advantage of LOW COST networking opportunities available through the Broward County Bar Association and other local legal groups. Try to make at least 3-5 new contacts at every meeting you attend. Spending all your time talking to the attorneys you already know might be fun and comfortable, but it doesn't help you expand your referral network.

3. Market to your current clients. This LOW COST, HIGH RETURN initiative is actually the best way to generate new revenue quickly, because you already enjoy the trust of your existing accounts. Don't forget to reach out to your inactive accounts, who may need your services once again.

4. Build positive "word of mouth." Tell everyone you talk to about a recent client success story. This FREE technique is memorable and gives people a reason to recommend you to others.

5. Get out and speak. The Florida Bar Association maintains a Speakers Bureau for use by community groups. It's FREE to add your name to the list of

available speakers. To register, look for "Speakers Bureau" under the "Public Information" link at [www.floridabar.org](http://www.floridabar.org). Check for similar speaking opportunities with your other membership organizations.

6. Join a legal referral network. The Florida Bar Lawyer Referral Service provides referrals to attorneys who will conduct an initial one-half hour office consultation for \$25. The Broward County Bar Association also offers a referral service. Once you have the prospect in your office for a meeting, chances are good that they will select you to represent them. This LOW COST effort increases your traffic, adds clients, and gives you more people to ask for referrals.

7. Send an e-newsletter. Constant Contact ([www.constantcontact.com](http://www.constantcontact.com)) is one of many LOW COST online communications programs that helps you send messages to clients and prospects quickly and affordably. Be sure to comply with Bar and anti-spam guidelines.

8. Get listed in legal directories. Martindale, FindLaw and HG.org all offer FREE basic listings in addition to paid placements. Every place you can get your law firm listed on the Internet will help you attract visitors to your website.

9. Join a leads group. This could be a FREE online networking group like LinkedIn ([www.linkedin.com](http://www.linkedin.com)) or a LOW COST group like BNI ([www.bni.com](http://www.bni.com)). If these are not right for you, create your own leads group.

10. Never stop marketing!

Join the author and the Broward County Bar for lunch on Tuesday, October 28th to learn more about "Legal Marketing & Recruiting for the Law Office Manager." Details at [www.browardbar.org](http://www.browardbar.org).

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 2008 Co-Chair of the Legal Marketing Association, South Florida City Group. Email her at [mg@legalexpertconnections.com](mailto:mg@legalexpertconnections.com).



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**YOU CAN MAKE A DIFFERENCE!** Legal Aid Service of Broward County (LAS), along with its partner agency, Coast to Coast Legal Aid of South Florida (CCLA), is inviting your law firm, social group, sports team or family to become an adopter in our annual **2008 HOLIDAY ADOPT A FAMILY** project. The staff at LAS and CCLA identifies families who cannot afford a holiday celebration and matches them with an "Adopter."

Last year, the generosity of **34** adopters from firms, organizations and individuals provided **116** families that included **230** children and **14** senior citizens with food, decorations, clothes, televisions, furniture, bikes, toys and gift certificates.

We wish to again thank all of last year's adopters that included: Atkinson Diner Stone Mankuta & Ploucha, P.A.; General Magistrate Barbara M. Beilly; Elizabeth Bender LMHC & Associates, P.A.; Borrás & Latino, P.A.; Kelly Brown & Family; Dr. Julie Bruno; Bunnell Woulfe Kirschbaum Keller McIntyre Gregoire & Klein, P.A.; James & Maria Camp Family; Jordana Contrucci; Elizabeth G. Daugherty, Esq.; Doumar Allsworth Laystrom Voigt Wachs Mac Iver & Adair, LLP; Episcopal Church of St. Ann Junior Daughters of the King; Gladys Gerson, Esq.; Jerry Hert, MRI Financial Services, Inc. DBA Liberty Tax Services; Jacobson Sobo & Moselle, Attorneys at Law; James Cary Jacobson, Esq.; Mark and Diane Jones; John Jordan, Esq. & Family; Anthony Karrat, Esq. & Family; Law Offices of Denise E. Kistner, P.A.; The Brooke & Robert Lochrie Family, Pembroke Pines Fire Rescue-Santa's Express Project; Kathleen Pena, Esq.; Janet Riley Esq.; Christopher and Vera Rossilli; Meah Rothman Tell, Esq.; Sawgrass Elementary School; Robert W. Schlorff II, Esq.; Soto Law Group; St. Thomas More Society; Kathleen Thomsen & Andy Hyman; Unlimited Heath Care; Vezina, Lawrence & Piscitelli, P.A.; James Wells Jr.

Legal Aid Service of Broward County and Coast to Coast Legal Aid of South Florida are nonprofit law firms with a mission to help children and families access equal justice. Each year, nearly 12,000 people are assisted as they strive to resolve legal problems and become more self-sufficient. To adopt a family or obtain further information about LAS/CCLA's **HOLIDAY ADOPT A FAMILY** project please contact Marilyn Bach-Nunez, Grant Specialist at **954-736-2424** or e-mail at [mnunez@legalaid.org](mailto:mnunez@legalaid.org) and Sherice Gordon, Assistant at **954-358-5639** or e-mail [sgordon@legalaid.org](mailto:sgordon@legalaid.org). Information about specific families will be available by early November.



## 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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**SATURDAY, NOVEMBER 1, 2008**

**Jacaranda Golf Club**

**9200 West Broward Boulevard, Plantation, Florida**

**6:30 A.M. CHECK IN \* 7:00 A.M. RANGE OPENS \* 8:00 A.M. SHOTGUN START**

- \* Four Person Scramble Format
- \*Prizes for 1st, 2nd, and 3rd Place Foursomes
- \*Awards for Longest Drive, Closest-to-Pin, and Straight Drive
- \*Complimentary Continental Breakfast at Check In
- \* Complimentary Range Balls
- \*Cold Beverages During Play
- \*Awards Luncheon Following Tournament
- \*Goodie Bags and Raffles

**KICK-OFF COCKTAIL PARTY FRIDAY, OCTOBER 24, 2008 @ 5:30 P.M.**  
**Location: Himmarshee Side Bar**

**EVERYONE WELCOME!**

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**TO REGISTER:**

Send this entry form along with check made payable to “Young Lawyers Section” for \$100 per person to: David Hirschberg, 3107 Stirling Road, Suite 208, Fort Lauderdale, FL 33312

	PLAYER	ADDRESS	PHONE
1.	_____	_____	_____
2.	_____	_____	_____
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The Board of Directors of the Broward County Bar Association would like to thank  
Roger H. Staley and Barbara K. Sunshine for their tireless efforts on behalf of the  
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## Legal Marketing & Recruiting for the Law Office Manager

DATE: October 28, 2008  
LOCATION: Broward County Bar Association  
TIME: 12:00 noon to 1:30 p.m.  
Cost: \$25  
RSVP: Broward County Bar Association (954) 764-8040 info@browardbar.org

Join the Broward County Bar Association as it asks the experts to reveal tips and techniques proven to develop profitable new business, create favorable media attention, and attract new talent. This program is designed to help attorneys and law firm administrators stand above the competitive crowd without breaking the bank. Register today. You won't want to miss these "best practices" designed to help you grow your law firm.

**Denise D. Corin, Esq.**  
**Founder and President, The JD Source, Inc., Attorney Placement & Career Advisors**

Denise Corin practiced law in NY and Florida for nearly 10 years, before finding her niche in legal recruiting. She has been counseling and assisting attorneys with their legal career transitions for the past seven years. Ms. Corin also consults with law firm Administrators, Managing Partners, and Professional Development Committees to provide guidance and ensure the existence of effective recruiting and retention procedures.

**Margaret Grisdela**  
**President, Legal Expert Connections, Inc.**

Margaret Grisdela is the author of the legal marketing book, "Courting Your Clients: The Essential Guide to Legal Marketing." Her legal marketing agency concentrates on marketing and business development for attorneys, law firms and experts. Ms. Grisdela is a 2008 Co-Chair of the Legal Marketing Association South Florida City Group, the 2005 President of the Florida Direct Marketing Association, and a Founder and former President of the South Florida Technology Alliance. She holds an MBA in Finance from The George Washington University and a B.A. from Wayne State University. She can be reached at [mg@legalexpertconnections.com](mailto:mg@legalexpertconnections.com).

**Kim Sailer**  
**Vice President, Business Development, BARD Marketing**

Kim Sailer is a recognized expert in the field of Law Firm Marketing with experiences spanning branding, marketing strategy, communications, web, advertising and PR. She built and drove the in-house marketing efforts for a highly respected and successful Florida Law Firm. She maintains strong relationships with the media, leading law firms, state and local BAR organizations and other legal associations.

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**Executive Chief Operating Officer, Boardroom Communications, Inc.**

Don's contacts with top-tier business, technology and trade publications have generated impressive media coverage for the firm's clients. Don has 25-plus years of successful public relations and marketing management experience in media relations, financial relations and crisis communications.

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### Panel Member Profile



Honorable H. Mark Purdy has 38 years of combined judicial and private-practice experience. He graduated from Florida State University College of Law (JD 1970). Judge Purdy served as a **County Court Judge** (1979-81) and as a **Circuit Judge** (1981-85) in the Seventeenth Judicial Circuit. Judge Purdy has also served as an **Adjunct Professor of Law** teaching Mediation and ADR at Nova Southeastern University Shepard Broad Law Center. He was certified in **Circuit Mediation** in 1990 and **Family Mediation** in 1993 and has been a **Qualified Arbitrator** since 1993.

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### BROWARD COUNTY BAR ASSOCIATION INVITES YOU TO BENEFIT FROM PARTICIPATION IN THE SOLO / SMALL LAW FIRM NETWORKING GROUP

**6:00 PM, WEDNESDAY  
NOVEMBER 19, 2008**

*\* For Attorneys in Firms with Four or fewer Lawyers*

#### WHAT WE OFFER:

- Functions Foster Interactive Networking
- Promote Your Law Firm / Enhance Visibility
- Development of Referral Relationships

#### WHY WE'RE DIFFERENT:

- No Outside Speakers
- You and other Participants of the Solo / Small Law Firm Networking Group are our "Guest Speakers"
- Pre-meal Business Card Exchange Session
- Choice of Chicken, Fish or Fruit Platter.

#### NEW LOCATION

Dave & Buster's 3000 Oakwood Blvd. Hollywood, FL 33020  
When reserving at least 48 hours in advance: \$35 for Broward County Bar Association members and \$40 for non-members. At door, \$5 more on a space available basis. Credit card and check payments accepted. For further information contact Broward County Bar Association (954) 764-8040.

## Solo Small/ Law Firm Networking Lunch October Dates!

Friday, October 3rd, Olive Garden, 1555 N. University Drive, Coral Springs (954) 344-5226, RSVP to: Evan M. Ostfeld (954) 227-7529 and or [Evan@Attorney4life.com](mailto:Evan@Attorney4life.com)

Friday, October 10th, East City Grill, 1800 Tower Bell Lane, Weston, (954) 659-3339  
RSVP to: Rick Woolf (954) 252-0043 and or [rwoolf@woolffinancial.com](mailto:rwoolf@woolffinancial.com)

Friday, October 17th, The Ark, 6255 Stirling Road, Hollywood, (954) 584-3075,  
RSVP to: David Silverstone (954) 367-0770 and or [david@dsilverstone.com](mailto:david@dsilverstone.com)

Friday, October 24th, At Bimini Boat Yard, 1555 SE 17th Street, Fort Lauderdale (954) 525-7400, RSVP to: Beth Lindie (954) 764-5400 and or [blindie@lawyers.com](mailto:blindie@lawyers.com)

Monday, October 27th, At J. Marks Restaurant, 1490 Copans Road, Pompano Beach, (954) 782-7000, RSVP to: Jane Bolin, (954) 316-1339 and or [jane@pevtonbolin.com](mailto:jane@pevtonbolin.com)

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