

Broward County Bar Association 1051 SE Third Avenue Fort Lauderdale, Florida 33316







**September 23, 2008** Co-Sponsored by the Family Law Section of the BCBA • One hour CLE Ethics Credit • Seminar 5:00 p.m. • Cruise 6:30 to 8:30 p.m. • Private Yacht • Includes food, open bar, live music • \$90 for members, \$125 for non-members • RSVP to BCBA at (954) 764-8040

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# September 23 CLECRUISE

## Seventh Annual CLE Cruise "On the River of Knowledge"





New Broward County Judges Group 18 Group 27 Ellen Feld Ian Richards

\*All other judicial election results were unofficial at press time.



## **PRESIDENT'S MESSAGE** by Christopher M. "Chris" Neilson

As I sit here at my keyboard, contemplating on what to write for my column this month, I can't help but to reflect somewhat. I don't know about you, but I kind of enjoy contemplating, and writing, while it is stormy and raining outside; and, right now, I am, and it is. I WAS going to write about the board

retreat, the courthouse, some practice tips, the importance of civility, and, setting examples; however, now Fay is coming!

Having been born and raised in Broward County, as well as residing here my entire life, I can't help but remember the string of storms that rolled through here in the early 1960's...the likes of Hurricane's Betsy, and Cleo, and Donna. While we did not receive the full impact of these passing storms, I remember them well. The media wasn't on steroids 24 -7, local people were generally well prepared, and forecasting wasn't hyped and anxious like it is now. Meteorologist's couldn't then, and they still can't now, tell us exactly where these forces of mother-nature were going, or what they were going to do when they got there.

My mother's flower shop, The Bouquet Shop, was located at 2125 Hollywood Boulevard, downtown Hollywood, just west of Dixie Highway. I remember going down to check on the shop after the storms mentioned earlier. While her flower shop was elevated, water was up to the front door, with several inches coming inside as well, and the tidal surge and heavy rain actually put Hollywood Boulevard under water! The flooding was unbelievable, especially that far inland (over a mile from the ocean; however, I recall my grandparents telling me that after one hurricane in Hollywood, the tidal surge actually pushed a large barge all the way from the beach to US1!).

While mom's flower shop is no longer there, the building it was in remains, and is located directly across the street from my current Law Office at 2122 Hollywood Boulevard. As you might imagine, I have my office secured, and my computer, and all files, are elevated off of the ground in the event of flooding.

#### **BCBA'S PLAN OF ACTION**

It is early Monday morning, August 18<sup>th</sup>, 2008, and Tropical Storm Fay is knocking on our door. What will you do? I just finished speaking with BCBA's Executive Director, Art Goldberg, and we decided that BCBA will be closing at noon today, and remain closed all day tomorrow, consistent with what is going on throughout South Florida.

We recently finished placing hurricane shutters and film on both of our buildings exposed areas, which are now being closed to protect our property as best we can. Inside, all of our equipment is being covered with heavy plastic. We have had the tree canopy maintained to protect the buildings as much as practicable from flying debris. Our alarms are activated, our insurance is in place, and we will keep a check on the property.

We are in the process of attempting to obtain a generator for BCBA, the kind that runs on natural gas, kicks in automatically, and runs everything in the building. We have already had the gas and generator companies out, and have determined we have high pressure gas lines next to the property, capable of powering the 25,000 KW Generator we have been advised we need to power the back Norma Howard Building, which is a huge benefit towards this project. The generator, permitting and requirements, delivery, **2 BARRISTER** 

installation, etc. are being reviewed at this time. As you can imagine, this is no small project, and we hope to accomplish this in due course, within our budget, if at all possible, so that in the event of another disaster our members can come to BCBA to continue their business in the interim.

In summary, we have at least given some thought, preparation and action to the fact that we live in South Florida, and Tropical Storms and Hurricanes are a fact of life. We hope that you let this storm serve as a reminder for you to be prepared and to take action when these storms approach. It is better to be safe than sorry. Plan in advance. Let the first call of the season, like Fay, set into motion your plan, even if it is a good test run. In the long run, you will be glad that you did!

#### **A PERSONAL PLAN OF ACTION**

We had shutters installed on our house right after Hurricane Andrew, and they are just great. All we have to do is simply slide them shut, and our house is protected very quickly. It is really easy to open them afterwards too, and there is no need to store them or hire anyone to put up panels.

The problem with these storms is they are very dicey. While waiting to see what is going to happen, the window of opportunity closes pretty quickly, usually a day or two out, after which the weather then turns from bad to worse, and continues to deteriorate, adding to the difficulty. When it starts looking bad two days out, we go into action. Simple things such as getting a tank full of gas for your vehicles, having plenty of food and water on hand, getting ample cash (since you can't count on Credit Cards, ATM's, or Banks after the storm, and might need cash to buy supplies, gas, pay workers, etc.). Have at least one non-electric telephone which is connected only by the telephone line, since they will often still work even when the power is out, while cordless phones will not. Know that if you have a DSL it might still work, even if your phone does not, as long as you have power to run your computer.

We purchased our generator before Wilma, which runs our essentials, and this really came in handy for those three long weeks without FPL electricity. It is gas, so we start it every few months and then turn off the gas to run the line dry to prevent sludge in the carburetor. During power outages, we only run it periodically, to cool the house, and keep the house shut tight.

We had natural gas lines installed years before, since our property had no prior gas line, and converted our electric clothes dryer and water heater to gas, to save energy and money. Someday we hope to purchase a natural gas generator, but for now ours is paid for and works just fine. We also have a small emergency weather alert radio we put on standby, which notifies us of severe weather in the area. We keep our freezers full of ice, have several rechargeable flashlights, AM / FM radios, and have small portable TV's we can watch. We have developed fantastic relationships with our great neighbors up and down our street, and have block parties with twice a year. After Wilma, we all helped each other out, which is a good thing to keep in mind in your neighborhood.

I hope "Fay goes Away", and I wish all of you the very best! See ya, Chris



#### **FINAL CALENDAR OF EVEN**

#### Tuesday, September 2

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EPTEMBER

2008

B'nai B'rith Justice Unit's 4th Annual Night at the Marlins, Help Children while enjoying the Marlins in a catered suite!Florida Marlins v. Atlanta Braves @ 7:00 p.m. Tickets are \$65 per person, including food, and seating is limited. Cash bar. The Marlins will be donating tickets the future home games to the children of JAFCO. Please direct all questions and reservations to Jeffrey Bakman: jbackman@adorno.com or call (954) 766-7803.

#### Thursday, September 4

The Broward Alliance: Luncheon, 11:15a.m. T Renaissance hotel, 1230 S. Pine Island Rd., Plantation. Cost: \$60 investors-partners, \$75 guests. Call (954) 627-0127.

#### **Tuesday, September 9**

BCBA Board of directors meeting at the Broward Count Bar Association. 5:15p.m.

#### Wednesday, September 10

Palm Beach County Bar Association: Small Claims lawsuit and mediation program, 7p.m. North County Regional Library, 11303 Campus Drive, Palm Beach Gardens. Free. Call 561-687-2800.

#### Wednesday, September 10

Solo Small Networking Event Broward County Bar Association invites you to benefit from participation in to Solo/Small Law Firm Networking Group. 6:00p.m. NEW LOCATION: Dave & Busters, 3000 Oakwood Blvd. Hollywood, FL 33020 When reserving at least 48 hours in advance: \$35 for BCBA members; \$40 for non-members. At door, \$5 mc on a space available basis. Credit card and check payments accepted. For further information, contact

Broward County Bar Association (954) 764-8040.

#### Friday, September 12

The Florida Bar Continuing Legal Education Committee and the Labor and Employment Law Section presents "FLSA \* FMLA \* GINA \* ADEA-- It's All Alphabet Soup: Emerging Issues for Today's Employment Law Practitioner." Course Classification: Advanced Level Date: September 12, 2008 Time: 8:30 a.m.- 5:00 p.m. Location: Seminole Hard Rock Hotel and Casino, 1 Seminole Way, Hollywood, FL, 33314 CLER Information: General: 8.0 Hours, Ethics: 1.0 Hou Certification Program: Max. Credit: 6.0 Hours, Labor & Employment Law: 6.0 Hours Registration Information: The Florida Bar, CLE Programs, Course No. 0675R \$250.00 if member of Labor & Employment Law Section \$275.00 if non-section member \$180.00 full-time law college faculty or full-time law student

TS	\$85.00 persons attending under the policy of fee waivers
to	Saturday, September 13 4 Hour Guardianship Class for minors Held at the Broward County Bar Association, 1051 SE 3rd Ave, Fort Lauderdale, FL 33316 \$100.00 per person, 9:00a.m 1:00p.m. This class is for the public, it is not intended for attorneys. To register please call Tish at (954) 764- 8040 Ext. 200.
1	<b>Thursday, September 18</b> Cuban American Bar Association Cocktail Reception with Florida Bar Young Lawyers Division
The ty	<b>Thursday, September 18</b> South Broward Bar Association Monthly luncheon on Thursday, September 18, 2008. All monthly luncheons are scheduled on the first Thursday of every month. Location: The Ark Restaurant in Davie, Florida. This month's speaker is Raymond Ferrero, Esq. President of Nova Southeastern University If you are interested in speaking at one of our events, be sure to contact the South Broward Bar Association by logging on to SouthBrowardbar.org, or call (954) 791-3939.
	<b>Tuesday, September 23</b> BCBA Annual "River of Knowledge" Cruise See "Save the Date" announcement below.
the	<b>Thursday, September 25</b> Broward County Chapter of the Federal Bar Association monthly Luncheon with Special Guest Speaker Eleventh Circuit Judge Rosemary Barkett, Noon- 1:30 p.m. Riverside Hotel, Fort Lauderdale RSVP to ctobin@abravermanlaw.com
ore	<b>Thursday, September 25</b> Young Lawyers Section Luncheon With Guest speaker County Commissioner Ken Keechl. Held at the Riverside Hotel, 625 East Las Olas Blvd. Fort Lauderdale. The cost per person is \$25.00, reservations are recommended due to limited seating. Please call the Bar Center at (954) 764-8040.
e	<b>Friday, September 26</b> Cuban American Bar Association Pro Bono Fundraiser Location: Fairchild Tropical Gardens, 10901 Old Cutler Road Coral Gables, FL 33156
ırs r	Saturday, September 27 8 Hour Adult Guardianship Class Held at the Broward County Bar Association's Norma B. Howard Center 1051 SE 3rd Ave, Ft. Lauderdale Cost: \$180.00, 9:00a.m 5:00p.m. This Class is for the public, it is not intended for attorneys. Please call Tish at (954) 764- 8040 Ext. 200.
on	

# Hold the Date

## Friday, November 14, 2008

## **Raising the Bar Family Law** Seminar

## **Full-day Seminar with Judges and General Magistrates**

## Fort Lauderdale Renaissance Hotel

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

The Young Lawyers started the year with an inspirational luncheon featuring Broward County Bar Association's President Christopher M. "Chris" Neilson on August 21, 2008 at the Tower Club. He

challenged all lawyers to act with a great for five years, regardless of age, on June 30, 2008.

As you might know, the Seventeenth Judicial Circuit has a level of professionalism and civility toward each other to significant involvement in the Florida Bar's Young Lawyers raise up our collective bar. Division Board of Governors. I am currently privileged to serve on that board along with Z. Felicia Jordan, Ghenete Our luncheons are typically the third Thursday of each Wright Muir, Adam Rabinowitz, and Gregory Haile (exmonth at 12:00 p.m. at the Tower Club. The cost per person officio appointment). My four years on the Board have been is \$25.00. Reservations are recommended to the Bar's office truly rewarding. Both myself and Z. Felicia Jordan will be at (954) 764-8040. Please go to www.browardbar.org/yls for retiring from the board due to age limits; therefore, there will further details on upcoming luncheon dates, topics and be two open seats on the board. To be eligible to run you speakers. However, September's luncheon will be on must have been under the age of 36 on June 30, 2008 or Thursday, September 25, 2008 at the Riverside Hotel. This have not been admitted to practice law in the State of Florida is only for September's luncheon due to construction at the Tower Club. September's luncheon speaker is Broward Nomination forms will be available in the Florida Bar News County Commissioner Ken Keechl. We asked Ken to this fall. The election will be held in March, 2009. If you are join us to talk about the County Commission's efforts to interested in running for one of the seats, please feel free to review the health and safety concerns regarding the Main call me. It is important that our Circuit continues its Courthouse and their efforts toward the future funding of involvement with the Florida Bar and the Young Lawyers. construction for a new courthouse. As you all know the Main Courthouse has outlived its viability. The building has numerous problems and the surrounding parking infrastructure cannot even support the daily rush of individuals coming to it. However, the general public did not vote for the bond issue that would have financed the construction of a new courthouse during the last general election two years ago. If our legal community wants a new courthouse built, then it is incumbent upon all of us to educate the general public who does not regularly (or ever) come to the courthouse as to reason why a new courthouse is needed. Ken has been working closely with Chief Judge Victor Tobin and will have great information to share on these topics.

This year the Young Lawyers will be hosting their 21<sup>st</sup> Annual Golf Tournament 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 upcoming emails. You can also contact the event chair's David Hirschberg [dlh@mjalaw.net] or Meghan Clary [meghan@cmfamilylaw.com] for more information or to make reservations. We will also be having a pre-Golf Tournament Happy Hour on Thursday, October 30, 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.

part of our commitmen issues and concerns on t signed materials are th views of this pub	t to provide I he local level ose of the au lication or th	by the Broward County Bar nembership with informati . Opinions and positions ee thor and may not necessar e Broward County Bar Asso Ft. Lauderdale, FL 3:	on relating to opressed in the ily reflect the ciation.
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#### RECENT DEVELOPMENTS IN THE LAW

by Nancy Little Hoffmann

Supreme Court Summer Highlights not app

1. <u>Contracts/Sovereign Immunity</u>

<u>Florida Dept. of Environmental</u> <u>Protection v. ContractPoint Florida Parks, LLC</u>, 33 Fla. L. Weekly S493 (Fla. July 10, 2008).

Answering a certified question from the First District, the Supreme Court, in a four to three decision, held that the State or a state agency must pay a valid judgment for breach of a legislatively authorized contract with a private entity even in the absence of a specific appropriation. The court rejected the State's argument that section 11.066 applied to breach of contract actions; the court concluded, in this case of first impression, that a contract would be illusory if the State could claim that it provides no remedy by way of enforcement of a valid judgment.

2. Judicial Candidates/Political Activity

#### <u>In Re Amendment to the Code of Judicial Conduct –</u> <u>Amendments to Canon 7,</u> 33 Fla. L. Weekly S462 (Fla. July 3, 2008).

The Supreme Court has adopted an amendment to Canon 7 (Political Activity) to provide that judicial candidates shall not "commend or criticize jurors for their verdict, other than in a court pleading, filing or hearing in which the candidate represents a party in the proceeding in which the verdict was rendered."

3.Landlord-Tenant/Commercial Lease

#### Pro-Art Dental Lab, Inc. v. V-Strategic Group, LLC, 33 Fla. L. Weekly S503 (Fla. July 10, 2008).

In a case stemming from a procedurally convoluted commercial landlord/tenant dispute, the Supreme Court held the circuit court has exclusive original jurisdiction of ejectment actions. Rather than dismissing for lack of subject matter jurisdiction, however, the county court *sua sponte* amended the complaint to avoid the jurisdictional defect; yet it did not grant the tenant the corresponding opportunity to submit a responsive pleading. The county court erred for the further reason that it applied ch. 51 summary proceedings, which do

not apply to ejectment actions.

#### 4. Real Estate/Rule Against Perpetuities

#### <u>Old Port Cove Holdings, Inc. v. Old Port Cove Condo</u> <u>Assn. I, Inc.</u>, 33 Fla. L. Weekly S478 (Fla. July 10, 2008).

The Supreme Court has held that the statutory abolition of the rule against perpetuities in 2000 was not retroactive. The court also held, however, that the common law rule does not apply to rights of first refusal.

#### 5. <u>Taxation/Property Appraiser</u>

#### <u>The Crossings at Fleming Island Community Dev.</u> <u>District v. Echeverri</u>, 33 Fla. L. Weekly S445 (Fla. July 3, 2008).

Resolving a conflict among the district courts, the Supreme Court held that a property appraiser does not have standing in his or her official capacity to raise the constitutionality of a statute as a defense in a tax suit filed by a taxpayer.

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 Email at **NLHappeals@aol.com.** 

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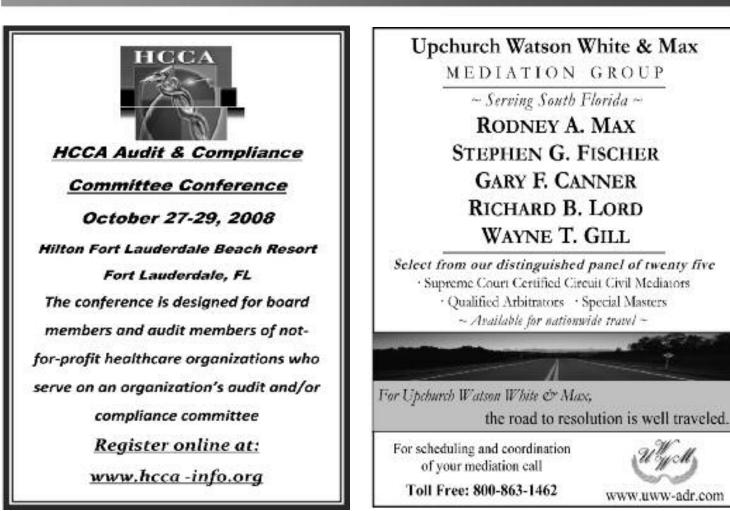
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Is your Web Site Generating Optimal Results? By Margaret Grisdela

You must be present to win on the Internet. The law firm that does not take advantage of Internet advertising and online marketing is very likely losing business to their competitors. Don't let this happen to you!

Here are five Internet marketing "best practices" you can use on your own law firm web site to create better search engine visibility:

Develop "in-bound links" from independent web sites Identify the keywords that drive traffic to your law firm web site and build these keywords into the headlines, meta tags and body copy on the web site Include your law firm's location (i.e., Fort Lauderdale divorce attorney rather than just divorce attorney) wherever possible

Post fresh content to your web site on a regular basis (like a news release or case announcement) Consider writing a blog, which gives you a chance to frequently publish more in-depth coverage on newsworthy topics of interest to your current and prospective clients

Google offers two excellent Internet marketing tools for law firms that want to generate online leads and monitor their web site performance. The first is "Google AdWords," which offers "pay-per-click" online ads. This auction-based system allows you to create text ads that will run when Internet users are searching for key words that you select. You can get a good idea of how this works by going to Google and searching for attorneys who offer your services. If your law firm does not appear on the first page in either the main search results and/or a text ad, you are losing potential clients.

Google also offers "Google Analytics," a free web site performance tracking tool that gives you valuable statistics on your daily web site traffic volume, source of visitors, geographic location, and more. You will be able to measure your site's performance over time,

24 BARRISTER

## Is your Web Site Generating Optimal Results?

#### By Margaret Grisdela

giving you insight to fine tune the effectiveness of your web site copy and navigation.

Online legal directories are another great source for lead generation. Traditional favorites include Martindale-Hubbell, FindLaw, Super Lawyers, Best Lawyers in America, Chambers and Partners, HG.org, and many others.

- Legal matching services are also available as a way to link lawyers with prospective clients. Existing services include Attorney Match, LegalConnection, Legal Match, LegalFish, and Injury HelpLine.
- WhoCanISue.com is a new entrant that is generating a lot of media buzz. Based in Boca Raton, the firm has developed a patent-pending model that allows attorneys to bid on real-time ad placements delivered to users who have completed question paths to determine their qualification for a particular claim. The prospect then can select from up to five attorneys to contact for further discussion.

Of course, the Broward Bar Association's own Lawyer Referral Service has been operating in Broward County for more than thirty years and refers a total of three thousand clients in an average year.

- What Internet marketing program is right for you? That depends on your budget and business development goals. Many South Florida law firms are realizing tremendous success in generating qualified leads from their Internet marketing campaigns. If you want to be among this crowd, now is a great time to re-evaluate the best online advertising opportunities for your firm. You too can turn your web site into a 24/7 lead generation system.

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.

### **NETWORKING GROUP MORE POPULAR THAN EVER**

By Loring Spolter

Why "Scrape By" When You Can "Tap Into" Our Case Referrals?

There's a good reason why the Solo / Small Law Firm Networking Group's recent dinners have had as many as 100 participants each and why the "drop out rate" among those attending its dinner and lunch events is extremely low. Case referrals flow to those who "plug into the network," reports Art Goldberg, BCBA Executive Director.

For small law firms, the Networking Group has been a great source for finding new clients, Goldberg notes.

Open to law firms comprised of up to four attorneys, BCBA's Networking Group has become a model which other bar associations have been keeping tabs on. As a guest speaker explaining at an American Bar Association conference how the Solo / Small Law Firm Networking Group structures its events, organization founder Loring N. Spolter was bombarded with questions on how BCBA's group has been able to become much larger than counterparts at other bar associations. "We have committed participants who have generated lots of momentum," Spolter responded. "At each of our events, those attending at least a few recent sessions all boast of how many other participants contact them about case referral opportunities," he explained.

"New participants are amazed how frequently cases are referred by law firms hearing from potential clients with needs outside their fields of practice, Spolter commented. "Once becoming involved, participants don't want to 'drop out of the loop,'" he added.

On Wednesday, September 17th at Dave & Buster's at Oakwood Plaza, directly off I-95 between Sheridan Street and Stirling Road in Hollywood, the next Solo / Small Law Firm Networking Group dinner program gets underway at 6:00PM. The first hour centers around networking over cocktails. Then during dinner, five or six participants speak briefly about the practice scope of their law firms. Unlike other types of bar events, there are no outside guest speakers. A dinner of chicken, beef or vegetarian choices, and complete participation in the event is just \$35 for BCBA members. To RSVP, phone BCBA at 954-764-8040.

## Lawyers in the **LIMELIGHT**

Broward County Women Lawyers (BCWLA) was recognized and awarded a National Public Service Award at the National Conference of Women's Bar Associations 2008 Leadership Summit. Judge Stacy Ross, BCWLA President Tonja Haddad Coleman and BCWLA Board Member Jacquelyn Holden attended the meeting at the Waldorf Astoria Hotel in New York City.

Vanessa Casullo has joined The Weinstein Law Firm in Coral Springs as an associate. She was an assistant State Attorney with The Broward State Attorney's Office.

Mike Colodny of Colodny, Fass, Talenfeld, Karlinsky & Abate has become chair of the Joseph Meyerhoff Senior Center, formerly known as the Southeast Focal Point Senior Center.

Michele Kane Cummings of Ruden McClosky was elected as Second Vice President of The Florida Bar Foundation.

Rene D. Harrod with Berger Singerman in Ft. Lauderdale was appointed as President of the Federal Bar Association's Broward County Chapter for a one-year term.



Fred Karlinsky, a shareholder with the Fort Lauderdale-based law firm of Colodny, Fass, Talenfeld, Karlinsky & Abate recently completed his fifth consecutive year as an instructor for the London, England-based Insurance Market Conference (IMC).

Thomas Mullin of Ruden McClosky in Ft. Lauderdale has been designated a "Leadership in Energy and Environmental Design Accredited Professional" by the Unites States Green Building Council.

Michael S. Schimmel of Gunster Yoakley in Ft. Lauderdale joined the advisory board of The John Marshall Law School Foundation in Chicago.

Adele I. Stone of Atkinson Diner Stone Mankuta & Ploucha was elected as president-elect of The Florida Bar Foundation.



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Broward County Bar Association President Christopher Neilson with The Attorney General for the State of Florida Bill McCollum at the Florida Bar Voluntary Bar Leaders Conference in Wesley Chapel, Florida at Saddelbrook Resort on July 18, 2008.

# HINSHAW

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The Ft. Lauderdale office of Hinshaw & Culbertson LLP, a leading law firm with over 450 attorneys nationwide, is seeking an associate to join its growing defense litigation practice. We are seeking someone with at least five years of complex defense litigation experience in the areas of products liability and accident reconstruction. This is an excellent opportunity for candidates seeking a high level of responsibility in a diverse and progressive law firm environment. The Firm provides an excellent work environment, competitive benefits package and opportunity for advancement. Compensation is commensurate with experience. Please submit your resume and cover letter in confidence to: **Beverley Greenland** Hinshaw & Culbertson LLP One East Broward Boulevard Suite 1010 Ft. Lauderdale, FL 33301 Fax: (954) 467-1024 Email: bgreenland@hinshawlaw.com www.hinshawlaw.com Only candidates contacted for an interview will receive a response. EOE.



#### Re-visiting Wage and Price Controls And the Meany Man Said "Goody-Goody"

Recall the *catch phrase* "creeping inflation" that was trendy in the 1970's? Prices

climbing, wages falling, consumers *caught* in the squeeze?

I am no economist but certainly a pragmatist - I prefer the opposite pocketbook position: wages climbing, prices falling. I put a high value on *inflated* power to purchase whatever I please.

What's tomorrow to bring? How do we obtain a sound inkling? Before looking forward, let's check back on the political fracas of the early 1970's.

What lessons can we cull from the archive? No such luck. Leonard Woodcock, President of the United Auto Workers said, "what is denied the We had it all - high unemployment, weak value of worker is just going into the pockets of the the dollar, new tax cuts for big corporations, credit corporations in increased profits and a tax difficult to come-by, cosmic level of Pentagon bonanza." (NYT Aug 25, 1971) spending, less for Human Services funding, labor relations hitting rock bottom, oil-turmoil, foreign Democrats, feeding on political hay, were quick to governments eager to swallow our limited supply criticize the President. (NYT Aug 25, 1971) of gold. When George Meany said "Goody, Harrison Williams of New Jersey said, "It seems Goody!" in testimony before Congress, what did obvious that very little of the benefits of reducing that mean? We had the GOP and Dems primed to business taxes will trickle down to the working kick-off the '72 election, to boot. There was people." (NYT Aug 25, 1971) Henry 'Scoop" plenty of drama for everybody. Jackson expressed concern about salaries of teachers and other state employees. Senator Early 1971, 'Creeping inflation' had picked up William Proxmire, Chairman of the Joint speed, became described as "runaway". The Economic Committee of Congress said, "It is now Consumer Price Index was shooting through the apparent that this anti-inflation program must have roof. The government deficit for FY71 was \$23 the support of organized labor to succeed. Without billion-plus, a figure in the stratosphere. it, not only will the President be a loser, the Unemployment rate had worked up to 6.2 per cent. country will be a loser." He invited George Meany

to appear.

The government was accused of being slow to react; President Nixon himself, 'soft' on fighting inflation. Not a reform re-election platform for him to 'take the country by storm'.

So in mid-August, via Executive Order, President Nixon, in short order, slapped a freeze on prices for "rent, used cars, houses, antiques, doctors and By Art Goldberg

lawyers fees, transportation of goods, public utilities, insurance rates, wholesale and retail goods". (NYT Aug 17, 1971) Compliance was voluntary, during the ninety days; there was no enforcement authority.

Stabilization required cooperation from both sides. Maurice Stans, Commerce Secretary asked Giants of Industry - titans in their time - from GE, US Steel, Texaco, General Motors and TWA (NYT Aug 25, 1971) to hold the line on price increases. The question of the day was whether Big Labor would play, would hold down union wages.

On Sept 23, President Nixon told the nation that the controlled US economy would extend beyond Nov 14. Phase II of Economic Stabilization was initiated. (NYT Sept 24, 1971)

Continued on Page 9

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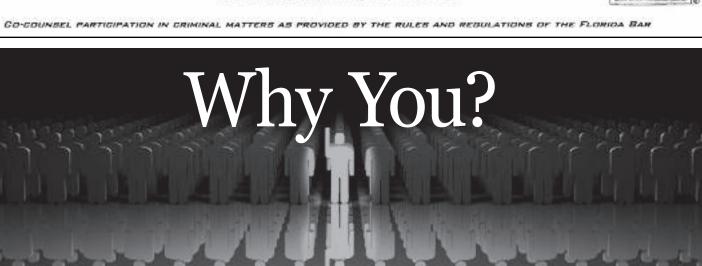
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CRIMINAL TRIAL LAW

## **Glazier Mediation Group, LLC**

Navigating the Road to Resolution



#### Continued from Page 7

Basically, here's the low-down: the Price Commission would control wholesale, retail pricing. Manufacturers could not automatically maneuver a price increase through government bureaucratic echelons. In order to raise prices, Big Business had to prove to the Price Commission that their costs had risen. Sounds easy enough. But if the company had benefited from an increase in productivity and/or realized a higher profit margin, no price increase would be approved.

The Pay Board set wages: union rank-and-file took the hit when cost of living zoomed, with no guarantee their salary demands held sway with officialdom. Labor unions became enraged because many collective bargaining contracts signed prior to 1971 had forthcoming pay raises built in, and these raises were no longer 'automatic', as the Pay Board had the power to over-ride them.

Stabilization was wobbly. There were many exemptions granted to various sectors of the economy; wage/price decisions made by appointees appeared inequitable, at times. Big Business, Big Labor would not come to the table, would neither break bread nor seek common ground, except, that is, in their shared distaste for the rules and red tape of the new status quo.

Mr. Russell DeYoung, Chairman of the Goodyear Tire and Rubber Company, said this: "History holds no examples of healthy economic growth and prosperity under a permanent structure of stringent controls. Controls would only be deferring a confrontation over the real issue – the power yielded by the strongest, largest monopoly in the nation today, American Labor." (NYT Jan 9, 1972)

George Meany, president of the AFL-CIO told Congress the unions had lived up to the bargain, but that big business had not. He blamed the Price Commission for failing to control prices. "We agreed to wage controls. For God's sake, give us the rest of the deal," he said. *(NYT, Jan 21, 1972)* Meany also told Congress good news about the economy didn't move him towards compromise. "Food prices are going up, so the GNP is going up. Goody, goody. What does that do for my people?"

- g Wage and Price Controls lasted until mid-1974, yet by the time of Watergate, inflation rate had climbed
- But to 12%, mostly because companies had not increased production when prices were strictly
- n, controlled. Some products had become just too expensive to bring to the marketplace. Strong demand for goods and raw materials in the face of
- bk low supply eventually forced prices to rise, fueling double-digit inflation. Economists at the time generally agreed that bureaucratic red tape, inequities in application of the rules and failure to appease Big Labor made the experiment generally one that should not be repeated.

What's to fish up from this exercise? Perhaps one might extract non-exact, yet practical strategies. Current state budget shortfalls have caused layoffs in the state court system. The state will no longer fund our Traffic Magistrates. What's next? Will the Florida legislature consider new taxes, perhaps on legal fees? Before the next budget go-round in Tallahassee, we should to talk to the County Commission to seek common ground; promote reduction in wasteful spending and bureaucratic red tape to reduce costs; and, address the needs of our courthouse and our dedicated courthouse personnel.

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#### **Broward County Bar Association** 2008-2009 Budget for Income and Expenses

INCOME	Budget 2008-2009	Sub- Totals
Dues Associate Member Dues Practice Sections	\$250,000 \$3,500 \$16,200	\$269,700
BROWARD LRS LRS Dues Low Cost Percentage Fees Referral Fees DADE LRS JULY - OCT only	18600 4000 20,000 75000 \$10,000	\$117,600
PRODUCTS Labels	\$2,500	\$2,500
MEMBERSHIP SERVICES Annual Cruise Bench Bar Comm Dues Holiday Party (est) Installation Judicial Robing Law Week (estimated) Member Meetings Retiring Judges Dinner Solo Practice Dinners Unrestricted Underwriting	6500 1800 1600 15000 5000 2100 5000 20000 20,000	\$82,000
<b>CLE SEMINARS</b> CLE Section Seminars CLerk's Access Workers Comp 2006 Seminar RAISING THE BAR Guardianship Classes	\$6,000 \$6,000 \$5,000 \$15,000 \$30,000	\$32,000
MISCELLANEOUS	ψ00,000	¥00,000

Coalition of Broward County, Inc. 6:30 A.M. CHECK IN \* 7:00 A.M. RANGE OPENS \* 8:00 A.M. SHOTGUN START KICK-OFF COCKTAIL PARTY FRIDAY, OCTOBER 24, 2008 @ 5:30 P.M. Entry Fee: \$100.00 per player

FOR ADDITIONAL INFORMATION CONTACT: David Hirschberg at 954-967-5458 or email DLH@MJALAW.NET

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		
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BARRISTER		
Printing	\$40,0	
Postage	\$8,0	00 <b>\$48,000</b>
PERSONNEL		
Health Insurance	\$12,0	
Payroll taxes	\$16,0	
Retirement Plan	\$13,0	
Salaries Broward Salaries LRS	\$158,4	
Workers Comp	\$45,0 \$2,2	
Payroll Service	\$1,7	
	÷.,.	\$248,370
ADMINISTRATION		
Computer Maint	\$2,5	
D/O Insurance	\$2,7	
Dues/Licenses	\$5	
Education/Travel Equipment Leasing	\$2,5 \$4,0	
Equipment Purchase	\$4,0 \$5,0	
Financial Review	\$10,0	
Hospitality supplies	\$3,0	
Licenses/Permits	\$3,0	00
Mortgage	\$5,0	
Office supplies	\$4,5	
Other Maintenance	\$1,5	
Postage Printing	\$12,0 \$10,0	
Service Contracts	\$1,2	
Telephone Interntet	\$6,0	
		\$73,500
MISC		
Charitable Contributions		
Inspections	\$2	00
Petty cash	\$4,5	
State Sales Taxes	\$5	
Credit Card Charges	\$3,0	00 <b>\$8,200</b>
Total Expenses	\$575,5	<b>00</b> \$575,500

## **Broward County Bar Association Preferred Lender Program**

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## CONSTRUCTION CONTRACT CLAUSES - SUBTLE PROBLEMS INCLUDING 2007 REVISIONS TO A1A FORM A-201 GENERAL CONDITIONS

- Discussion of changes to A1A form A-201 general conditions.

Someone in your organization should be trained as a contracts specialist who should be familiar with subtle clauses that can make or break the job. This is where you can learn how to find the contract traps - or brush up on those skills. The contract doesn't matter and goes into the file until there is a dispute. When a dispute arises the language can make the experience a nightmare (that could have been avoided). Learn how a few words can change the outcome of a dispute.

The best way to avoid a costly dispute is to be prepared.

#### Changes made in 2007 include:

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7	) Change in required insurance.
8	) Change regarding statute of limitations.
	Replacement of "project manual" with "instrumenta of service."
1	<ol> <li>New standards and permission for consolidation of arbitrations (if applicable).</li> </ol>

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#### Panel Member Profile



Honorable Patricia W. Cocalis has over 25 years of Judicial experience, Judge Cocalis graduated from Emory University with a JD and received her undergraduate degree from Radoliffe-Harvard College (AB). Judge Cocalis served as a County Court Judge from 1977-81 and as a Circuit Court Judge from 1981-2003 for the Seventeenth Judicial Circuit. She also served as Associate Judge for the Fourth District Court of Appeals in 1983. Judge Cocalis is

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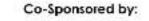
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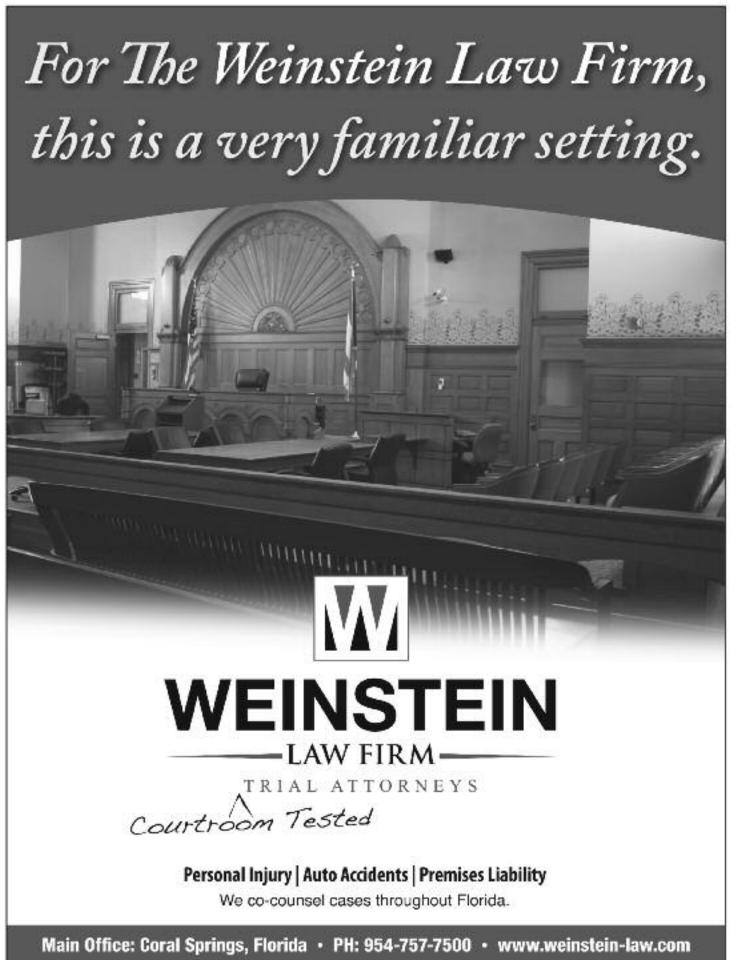
## **Broward Sheriff Candidates' Forum**

Thursday, September 11 11:30 a.m., Riverside Hotel

#### Please R.S.V.P. to Carmen@velasquez-law.com







### 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.

Thomas F. Panza

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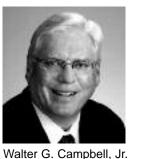
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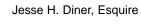


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