



Broward County Bar Association
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Broward County Bar Association BARRISTER

August 2008 VISIT OUR WEBSITE AT WWW.BROWARDBAR.ORG VOLUME 39, ISSUE 7

Annual Dinner June 12, 2008



Judge Robert Carney conducts oath of office at induction ceremony for incoming Officers and Directors 2008-09 BCBA Board of Directors.

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News and Notes

The Board of Directors of the Broward County Bar Association has elected



Jordana L. Goldstein to the position of Secretary for 2008-2009.

Ms. Goldstein is a partner in the Plantation law firm of Ferencik, Libanoff, Brandt, Bustamante & Williams, P.A.

The Board of Directors of the Broward County Bar Association has elected **Michael R. Vines** to fill a West Area vacancy on its 2008-2009 Board of Directors. Mr. Vines practices in Plantation.



Past-President Barbara Sunshine presents 2008 Stephen Booher Award to Broward County Judge Marcia Beach.



John Jordan accepts 2008 Lynn Futch Practice With Professionalism Award from Jim Cobb, Chair of BCBA Professionalism Committee.



PRESIDENT APPOINTS JUDICIAL LIAISON

BCBA President Christopher M. "Chris" Neilson appointed The Honorable John B. Bowman as the 2008-2009 Judicial Liaison to the Board of Directors at the June 12 Annual Dinner. The appointment was made pursuant to Article VII, Section 1 of the Bylaws.



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

It's "summer time, and the living is easy". Or at least, according to the great George Gershwin classic "Summertime", it should be. I really wouldn't know about easy living this summer, however, since I have been extremely busy as your 83rd President of the Broward County Bar Association. However, it's all good! BCBA had a successful Annual Dinner Meeting at the Fort Lauderdale Harbor Beach Marriott on June 12, 2008, where I and your 2008-2009 Board of Directors were installed, and The Honorable John B. Bowman was appointed as our Judicial Representative.

Congratulations to Scott Chitoff, incoming president of the BCBA Young Lawyers' Section, and all young lawyers. We look forward to having a great year.

BCBA is extremely fortunate to have such a talented Board of dedicated professionals. Thanks are in order to all those who made this event possible, including all of our generous sponsors. Special thanks to: BCBA Executive Director Art Goldberg; the entire BCBA Staff who worked so hard to make this event possible; Edwina Kessler for serving as Chair of sponsorship for the event; Finances Co-Chair Morrie Levine; our first ever Cuban-American President-Elect, Carlos Llorente, for his Power-Point photos and introduction of me; my wife Connie; and, to all of you, for your wonderful support and encouragement. I am deeply honored and privileged to have been elected as your President, and look forward to another productive year of serving BCBA.

For those of you who were unable to attend, over 300 judges, lawyers and guests attended our Annual Meeting and voted on four by-law amendments, published in our May 2008 Barrister. All passed, and may be viewed on our website at www.browardbar.org. Thanks to all of you all for supporting my suggested by-law change to bifurcate the Secretary/Treasurer position into two separate positions. This will allow greater oversight, advancement and accountability. In accordance with the provisions of this By-Law, a vote was held by the Board at our first Meeting (July 8) where Deborah Poore FitzGerald and Jordana Goldstein both sought the new Secretary position. They were both excellent candidates, and made great presentations to the board. Jordana Goldstein was elected as our new Secretary, and was immediately installed by Judge John Bowman. Congratulations, Jordana.

On June 10, I had the privilege of speaking of BCBA for President Stuart House and the North Broward Bar Association, a great group that meets at the Steak and Ale. On June 19, 20, I attended the Annual Meeting of The Florida Bar at the Boca Raton Resort and Spa, where our own Jesse H. Diner was sworn in as President-Elect of The Florida Bar. On July 3, I spoke about BCBA for President Kenneth Hassett and the South Broward Bar Association, another great group that meets at The Ark restaurant.

I also attended the American Inns of Court Professionalism luncheon, featuring Florida Supreme Court Justice Raoul Cantero. Frank and Phyllis Loconto had me on Beacon Communications Countywide TV program as a guest speaker about BCBA, which has been broadcasted countywide several times. David Singer had me arrested for his Bail and Jail American Cancer Society Fundraiser, where I was able to raise over a \$1000 from great friends to bail me out! I attended Broward Sheriff's Office Court Deputy Tim Sullivan's Retirement party; good luck Tim, it has always been a pleasure working with you. On July 24, I will be meeting with Kathleen Thomsen, Barbara Prager and Tony Karrat of Legal Aid Service of Broward County, along with Art Goldberg and President-Elect Carlos Llorente. BCBA Young Lawyers' president Scott Chitoff has invited me to speak to YLS at The Tower Club on Aug 21.

By the time you receive this Barrister, a Bi-Monthly edition for the summer, the Judicial Poll will have been finalized and released, thanks to Chair Bruce Weihe and his committee of David Berkowitz, Todd McPharlin, and John Primeau. Art, Carlos & I will be in Tampa July 17, 18 at the Fla. Bar Leadership workshop. We are also having a half-day Board function at the Norma Howard Center on August 2, to brainstorm on ways to continue to improve BCBA. And, we are working toward acquiring a generator to

power our back West building, in the event of a hurricane or power disruption, so our members will have a place to go, to utilize their wireless devices, etc., to continue their practice. Also, as part of our capital improvements, we plan on painting the Bar Center this year.

A LITTLE HISTORY

"BCBA is a not-for-profit organization, founded in 1925, to foster courtesy, ethics, and professionalism among lawyers, to educate the citizens of Broward County on their legal rights, and to provide necessary legal services to Broward County's residents."

One of our BCBA's co-founders was Carl Hiaasen, who was the grandfather of the famed novelist. Our first annual meeting was held in 1926 at the Middle River Inn, and was attended by over 35 lawyers and guests, including attorneys from Ohio and New York. In 1920, the population of Broward County was around 5,000. We now have close to 8,000 lawyers in Broward County, which is greater than the entire population back then!

I am the first of my family to become an attorney, and put myself through Law School by working very hard. My Grandfather used to tell me that the best lawyer is the one who can read the best, and taught me to read between the lines and to see the big picture. When I was a teenager, family friend and local Attorney Jake Watson, a former Hollywood Municipal Judge under our old system, gave me a book "You and the Law", and encouraged me to pursue a career in the law.

I became BCBA President by diving into BCBA service with both hands about a decade ago. I worked very hard and enthusiastically at countless projects and events, served on the Board multiple terms, and continued my service with a positive outlook. BCBA has enabled me to give back to our community and to develop both personally and professionally. It is a wonderful organization, and I encourage each and every one of you to become fully involved in the myriad of opportunities that are available.

Speaking of summer time, I was born and raised in Broward County, and have lived here all of my life. Broward County is so very special to me. I grew up in an old two story house built in the 1920's in the old East section of Hollywood, close to South Lake, *before air conditioning was readily available*. There were four generations of us under one roof, my Great-Grandmother, working Grandfather, Grandmother, and working single Mother. They taught me old fashioned values, courtesy, respect, loyalty, hard work, punctuality, and honoring your word.

As a very young boy, I used to ride my Stingray bike to Hollywood Beach. Many times, I would bring home fresh lobsters, in my bike's basket, that I caught by hand at the old wooden jetties on the beach (these jetties are now gone...as well as most of the lobsters!). Often, I would bring home fresh snapper I caught under the OLD Hollywood Bridge. My grandmother was a wonderful cook, and made delicious meals from these.

I used to sit with my Great-Grandmother, Nana, in her upstairs room, and feel the delightful summer ocean breezes come through her unobstructed open East window. I would watch as she wrote to her friends from her antique 1900's secretary, which I still have.

Many of us from the Broward County Stephen Booher Chapter of the American Inns of Court went to the United Supreme Court a few years ago to have a formal swearing in. This was before the entire Court, just feet away from all of the Justices. I was seated directly next to the table where an attorney who was appearing before The Court was sitting. As a memento, he graciously presented me with a white feather, symbolic of the feather pens they used to write with a very long time ago. Even though my family above have all long since passed on, I have placed this very special feather on Nana's Secretary, where she used to keep her pen, in memory of my family. I only wish they could be here now. I wish you and yours a great summer time, where the living is easy. Enjoy it! All the best! Chris



CALENDAR OF EVENTS

AUGUST 2008

Saturday, August 9

4 Hour Minor Guardianship Class held at the **Broward County Bar Association** 1051 SE 3rd Avenue, Fort Lauderdale, 9:00 a.m. 1:00p.m. Cost to attend: \$100.00. Please call Tish (954) 764-8040 ext. 200 to register.

Monday, August 11

University of Miami Paralegal Open House from 6-9p.m. held at the Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale For more information, please call the University of Miami (305) 284-4000

Thursday August 14th

Broward County Hispanic Bar Association's Judicial Candidates forum Sponsored by Ana G. Mendez University Systems 11:30a.m. Riverside Hotel, 620 E. Las Olas Blvd. Ft. Lauderdale, FL 33301 \$25.00 RSVP to: Carmen@velasquez-law.com

Tuesday, August 19

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

Wednesday, August 20

Myles German, Financial Advisor offers a FREE seminar at the Broward County Bar Association 1051 SE 3rd Avenue, Fort Lauderdale 4:00p.m.-6:00 p.m For more information and to RSVP, please call

Mr. German (561) 961-9311

Friday, August 22nd

Broward County Women Lawyer's Association Annual Installation Luncheon The Tower Club, One Financial Plaza Ft. Lauderdale, FL \$35.00 Non-members; \$30.00 BCWLA members; \$20.00 Judiciary RSVP by August 15th to rsvp@bcwla.com NOW ACCEPTING SPONSORSHIPS

Thursday, August 28

Construction Law Committee Meeting held at the Broward County Bar Association, 1051 SE 3rd Avenue, Fort Lauderdale from 12:00-1:30p.m. For more information, please call Loraine Cherubin, Secretary to Brian A. Wolf (954) 524-6927

Wednesday & Thursday, August 27-28

Cuban American Bar Association 2008 FMCRC Annual Summit Diplomat Hotel in Hollywood, FL Contact Millie Ramirez at fmcrc@yahoo.com

Tuesday, September 23

BCBA Annual "River of Knowledge" Cruise See "Hold the Date" announcement below.

Thursday, September 25

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

SAVE THE DATE

Seventh Annual "On the River of Knowledge"

Tuesday, September 23, 2008
Sponsored by BCBA Family Law Section featuring Family Law Judicial Dinner and Cocktail Reception

- One hour CLE Ethics Credit
 - Seminar 5:00 p.m.
 - Cruise 6:30 to 8:30 p.m.
 - Private Yacht
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Message From Broward County Bar Association's Young Lawyers' Section President by Scott Chitoff

YOUNG LAWYERS SECTION SET FOR BUSY YEAR.

The Young Lawyers Section has an exciting year planned. Please mark your calendars for our monthly luncheons beginning in August. Please visit our website at www.browardbar.org/yls for the luncheon dates and speakers. Also on the website you will find information about our special events including our annual Golf Tournament, happy hours/receptions, Bowl-A-Thon, and of course, the Judicial Reception.

We are co-sponsoring a Judicial Candidates Forum Luncheon on August 14, 2008, 11:30 a.m., at the Riverside Hotel along with our good friends from the Broward County Hispanic Bar Association, B'nai Brith Justice Unit, Broward Chamber of Commerce, Broward County Women Lawyers Association, Caribbean Bar Association, Colombian Bar Association, Puerto Rican Bar Association, and the T.J. Reddick Bar Association. The cost is \$25.00. RSVP are recommended, and will be honored until 12:00 p.m. the day of the event, due to space limitations. Please email them to Carmen@Velasquez-Law.com.

Our first luncheon of the year is on August 21, 2008, 12:00 p.m., at the Tower Club featuring the Broward County Bar Association's recently installed President, Christopher "Chris" M. Neilson. The cost is \$25.00 per person. Advance reservations are requested for all of our luncheons by calling the Bar Center at (954) 764-8040.

Our annual Golf Tournament is set for November 1, 2008 at Jacaranda Country Club. The charity beneficiary again this year is Healthy Mothers/Healthy Babies.

My goal this year is to provide both Young Lawyers and the broader local bar community with meaningful opportunities to meet and network with each other. Our local bar must show its faith and commitment to the next generation of attorneys. It is incumbent upon all of us to instill in new lawyers the ideals of professionalism and service that have made our local Bar community so great for so many years. I urge you to join us at our monthly luncheons, receptions, and special events in the coming year.

Without our annual sponsors the Young Lawyers Section would not be able to do the many things that it does each year. Returning as annual sponsors this year are **BNY Mellon, The Lawyers Bank** and **Berenfeld CPAs**. Joining as annual sponsors this year are **Credence Corp. and Brown & Gallo**. Thank you all for your financial support.

I want to recognize and thank the Board of Directors of the Young Lawyers Section. This past year's Board accomplished many great things and we are looking forward to even greater success in the coming year. This year I am

fortunate to be joined on the executive committee by **President-Elect Michael Gilden** and **Secretary/Treasurer David Hirschberg**.

I want to welcome back our returning board members **Alan Raines, Brandan Pratt, Bart Ostrzenki, Meghan Clary and Sue Ann Robinson**. I also want to welcome our new Board Members **Matthew Lerner, Shayna Reitman, Louis Reinstein and Ashley Sawyer**.

Thank you all for your hard work, dedication, and sacrifice of your time away from your law firms, clients and families.

I want to thank and acknowledge **Chris Connally** for his service to the Young Lawyers for the past 7 years. Chris did a great job this year of allowing members of our Board to flourish and develop programs and events while providing the necessary guidance when needed. Chris' leadership will be missed. Chris left the Young Lawyers Section in outstanding shape and is a tough act to follow.

I am honored to begin this year as president of the Young Lawyers Section. I hope that I will be equal to its past and its promise. This is a privilege and honor. Thank you.

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. Adoption G.S. v. T.B., 33 Fla. L. Weekly S325 (Fla. May 22, 2008).

Answering a certified question, the supreme court held that a trial court should not have denied an adoption petition by an

orphaned child's maternal grandparents in order to ensure involvement by the paternal grandparents. Since the trial court found the petitioning grandparents to be fit prospective parents, the judge erred as a matter of law in denying the petition for adoption. The supreme court stressed the importance of affording a permanent and stable home, noting that that goal had been codified by the Florida Legislature in the Florida Adoption Act.

2. Asbestos/Retroactivity of Legislation Williams v. American Optical Corporation,

33 Fla. L. Weekly D1401 (Fla. 4th DCA May 28, 2008).

The Fourth District has held that the Florida Asbestos and Silica Compensation Fairness Act cannot be applied retroactively to prejudice or defeat causes of action already accrued and in litigation. The court held that the Act in its entirety may not constitutionally be applied to require claimants with accrued causes of action for damages resulting from exposure to asbestos to plead and prove that any malignancy or physical impairment resulted from their exposure to asbestos. Such claimants are required to show only that they suffered an injury from an asbestos-related, non-malignant disease.

3. Attorney's Fees/Section 57.105(1)

Magee v. American Southern Home Insurance Company,
33 Fla. L. Weekly D1433 (Fla. 1st DCA June 2, 2008).

Where a defendant/appellee continued to assert on appeal that summary judgment in its favor should be affirmed, even after it knew or should have known that its defense of the trial court's order was not supported by the necessary material facts, it had a duty to timely confess error. Since it did not, the appellate court granted section 57.105 attorney's fees in favor of the plaintiff/appellant.

Danziger v. Alternative Legal, Inc.,

33 Fla. L. Weekly D1357 (Fla. 4th DCA May 21, 2008).

After the trial court awarded attorney's fees under section 57.105(1) to the prevailing party, but assessed fees only against the losing plaintiff and not against her attorney, the plaintiff appealed. The Fourth District held that since the trial court had held that there was no good faith attempt by plaintiff to create new law, the trial court was required to assess attorney's fees in equal amounts against both the plaintiff and her attorney, stressing the mandatory nature of the statute.

4. Attorney's Fees/Prevailing Party

Port-A-Weld, Inc. v. Padula & Wadsworth Construction, Inc.,

33 Fla. L. Weekly D1358 (Fla. 4th DCA May 21, 2008).

In an action for breach of contract, both parties claimed to be the prevailing party for the purposes of attorney's fees and costs. The Fourth District held that although the contract contained a provision that a party could not be considered a "prevailing party" if recovery was less than 75% of the

party's claim, that provision could not be given effect. The Florida Supreme Court's "significant issue" test for prevailing party attorney's fees was controlling, and it could not be modified by contract.

5. Civil Theft/Treble Damages Ocala Jockey Club, LLC v. Rogers,

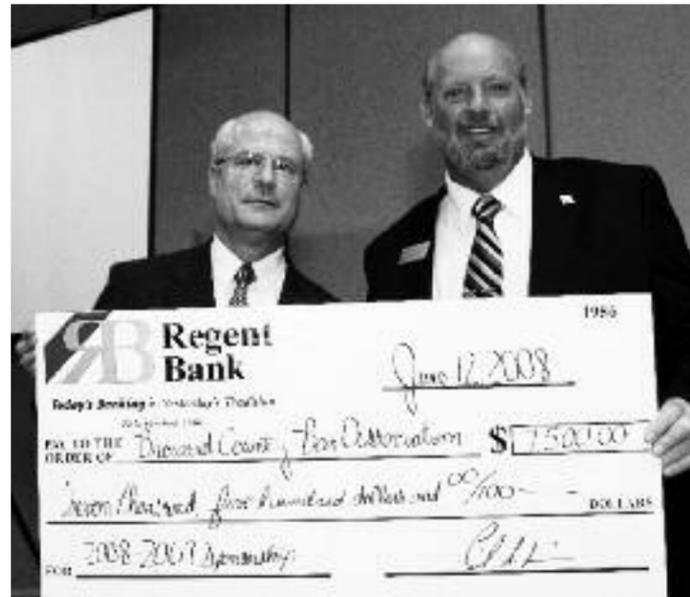
33 Fla. L. Weekly D1320 (Fla. 5th DCA May 16, 2008).

The Fifth District clarified that an award of damages for civil theft pursuant to section 772.11 is limited to three times the amount of actual damages. The court rejected plaintiff's analogy to the worthless check statute, which does permit recovery of the amount of the check plus damages of triple that amount.

6. Loss of Consortium/Life Partners Bashaway v. Cheney Brothers, Inc.,

33 Fla. L. Weekly D1316 (Fla. 1st DCA May 15, 2008).

The party injured in an automobile accident brought a civil action for damages, joining her same-sex life partner as a plaintiff. After the partner's loss of consortium claim was dismissed, the partner appealed, arguing that a claim for loss of consortium should turn on the seriousness of the relationship and not whether the partners are technically married. She further argued that Florida common law should recognize an exception to the marriage requirement for same-sex partners because they are prohibited in Florida from becoming legally married. The First District rejected both arguments, holding that a loss of consortium claim under Florida law is a derivative claim dependent upon a legal status that did not exist in this case.



BCBA President Christopher M. "Chris" Neilson accepts Annual Sponsorship check from Tim Zivku, of Regent Bank.

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Section 2 - The fiscal year of the Association is July 1st through June 30th.

**ARTICLE XI
Amendment to Charter and By-laws**

The Association may, at any meeting wherein a quorum is present, amend its Charter or By-laws. Any proposed amendment must be presented to the Board of Directors for review at least sixty (60) days prior to the date of such meeting. If the Board of Directors endorses the proposed amendment by a majority vote, the proposed amendment shall be submitted to the membership, which may adopt the proposed amendment by a vote of the majority of the regular members present at the meeting. If the Board of Directors fails to endorse the proposed amendment by majority vote, the proposed amendment will still be submitted to the membership, but must receive the affirmative vote of two-thirds (2/3) of the regular members present at the meeting to be adopted. No proposed amendment shall be acted upon unless the text of the amendment is given in a notice of the meeting, which notice shall be given at least seven (7) days prior to the date of such meeting.

**ARTICLE XII
Effective Date**

These By-laws shall be effective July 1, 2008.

**JAG- IRAQ
Rebuilding the Iraqi Courts**

By Michael Ortiz



Chris Royer engages an appellate judge in west Baghdad with Arabic translator.



Chris Royer (L) with fellow soldier at groundbreaking ceremony for a new courthouse in Iskandariyah, Iraq."

While many lawyers are engaged in navigating the intricacies of the *hallowed halls of the courthouse*, Chris Royer, of Bunnell Woulfe, was recently charged with the unique task of helping to re-construct the *Iraqi* court system. Chris, third generation military (his father served two tours in Vietnam, while his grandfather was in the Air Force during WWII), has served three tours of duty as a reservist in Iraq (in the JAG Corps). During his most recent deployment, Chris, Rule of Law Officer in Charge, was assigned to help rebuild the Iraqi Criminal Court system in a large war-torn zone around Central Iraq, an area the size of West Virginia. How did he do it? According to Chris, what many people fail to realize is that Iraq had a fairly sophisticated legal system, a cadre of "very intelligent and talented" judges (in excess of 750), under Saddam. However, as war broke out, the courts had, for the most part, collapsed under the ongoing hostility of sectarian violence.

Yet after the 'Surge', US and Iraqi troops were stationed outside the Green Zone, and satellite installations were constructed throughout the country. This helped establish local security, which in turn allowed Chris to reach the 280 judges in his zone. Meeting face-to-face, Chris was able to establish relationships with these judges, gaining their trust and convincing them that harsher sentences in criminal cases would no longer provoke retaliatory attacks. The judges were, essentially, free to conduct trials without fear of retribution (as a direct result of improved security). In the Arab culture, trust must be earned; it was not conferred upon him by the nature of his title or his uniform. Without the ability to gain their trust, little to no change could ever be affected.

Next order of business? Chris focused his

attention on the coordination between local Iraqi law enforcement, the Iraqi military, and the judiciary in the courtroom.

Chris recalls that team building was the essential goal. "I came in and I started my relationships with the judges; that helped me with the Iraqi army commanders, and the Iraqi police commanders; and after I had traction with the judges I said 'We are all going to rebuild.'"

Next project? Refurbishing (using Iraqi engineers) of many local courthouses that had been run-down due to security issues. Chris spent 2 million dollars refurbishing buildings, providing lap tops to judges, and making sure the Iraqi criminal court system was operating efficiently *and* effectively. These courthouses now serve as a central location linking the military, local law enforcement, and judiciary. In fact, Chris watched the court system begin to flourish during his final 15 month tour, as daily attacks decreased, from twenty-five per day to less than two.

Chris takes great personal satisfaction that he was able to play a part in aiding the new Iraqi democracy. His hope is that the strong foundation he helped establish translates to long term safety and security. "We were able to step in and help these institutions become more robust...and these institutions have since blossomed; I do think it will be continuing," he said.

Chris was awarded his Bronze Star Medal, *twice* for his service in Iraq. He says he could not have made such a tremendous impact without the support of his parents, wife Lynda, son Aaron, and his "extended second family" at the Bunnell Woulfe firm.

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ARTICLE I
Name

The name of this corporation, not for profit, shall be "BROWARD COUNTY BAR ASSOCIATION, INC." (the Association).

ARTICLE II
Purpose

The objects of the Association are as set forth in its Charter.

ARTICLE III
Membership

Section 1 -

Regular members shall be the charter members and those members of The Florida Bar applying for regular membership and paying dues.

The Board of Directors (the Board), in its discretion, may from time to time grant honorary membership to worthy and qualified individuals. Honorary members shall be entitled to all privileges of regular membership except those of voting and holding office, and shall be exempt from the payment of dues.

Lifetime memberships shall be available to all regular members who have been members for forty years or more. Lifetime members shall have the rights of regular members but shall not be required to pay dues.

Associate memberships shall be available, at the discretion of the Executive Committee by invitation or of the Board by majority vote, to those members of the community who are involved with the practice of law, directly or indirectly, including but not limited to attorneys in good standing in other jurisdictions, law school faculty, law school administrators, and law school students, legal nurse consultants, paralegals, legal assistants and secretaries, mediators and arbitrators, government employees, law firm administrators, and law librarians. Associate members shall be entitled to all privileges of regular membership except those of voting and holding office, but shall be required to pay dues.

Section 2 - Admission to, or reinstatement of regular or associate membership, shall be by application signed by the proposed member and the payment of dues.

Section 3 - The suspension of any attorney member by the Florida Supreme Court or by the court of any other jurisdiction in which the member has been admitted shall constitute suspension of membership in the Association. The disbarment of any attorney member by the Florida Supreme Court or by the court of any other jurisdiction in which the member has been admitted or the resignation of any attorney member from the Florida Bar shall constitute termination of membership. Any suspension or other disciplinary proceeding against any non-attorney member shall be reason for the Association to suspend or terminate membership.

Section 4 - No regular, honorary, lifetime or associate member of the Association shall have any vested right, interest or privilege of, in or to the assets or property of the Association or any right, interest or privilege which may be transferable or inheritable or which shall continue if membership ceases.

ARTICLE IV
Dues

Section 1 - Dues shall be determined by the Board each year when the budget is adopted.

Section 2 - Annual dues shall be payable by each regular member and associate member on or before July 1st. Any regular member or associate member who fails to pay dues within sixty (60) days thereafter shall cease to be a member.

Section 3 - Any former member who shall have ceased to be a member by reason of non-payment of dues shall be fully reinstated as a member upon payment of dues for the year of reinstatement.

ARTICLE V
Membership Meetings

Section 1 - There shall be an annual meeting of the members on a day to be designated by the Board. The business to be conducted will be the installation of officers and Directors for the following fiscal year and may be any other business duly noticed and necessary at that time.

OFFICE SPACE

DAVIE

To share with two other attorneys, share reception area, conference, free parking, possibility to share legal assistant. Use of printer, paper, all inclusive without receptionist at \$1,250.00 per month with receptionist, \$2200.00 per month. Call Romaine Brown at (954) 880-0159.

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East Las Olas impressive suite for four attorneys. Two offices are available with secretarial stations, conference room, receptionist, mail room and kitchen. Call (954) 838-8880.

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Close to Port, hospital and Courthouse. Approximately 1500 square feet available mid-August 2008 in new office building. Ample parking, secured access, 9 foot ceilings, high impact glass. E-mail: eri@itzler.com 954-764-8225

DOWNTOWN

Class A downtown Broward law offices within established firm. Nice appearance, collegial atmosphere. One or two offices available, with secretarial stations. Receptionist, copier, fax, scanner and library. Call Richard at 954-463-8456.

DOWNTOWN

Up to 6 furnished offices available in existing renovated law firm. Includes reception area w/receptionist, two conference rooms, internet access on T1, WI-FI, electricity, ample parking, janitorial service, copier, fax, kitchen & more. Referrals very probable. Respond to Josh@joshbennett.com or call Jenny at 561-827-3197.

DOWNTOWN

Law Office Sublease Across from Broward County Courthouse 2,023 sq. ft. corner office suite available for sublease in newly renovated building across from Broward County Courthouse. Tastefully decorated space offers three large offices, large conference room/library, reception area, kitchen, bathroom, storage room, and bright and spacious staff area. Offices and conference room boast beautiful city views through large windows. Lease includes on-site client parking and five employee parking spaces in secured parking garage nearby. Call Rae Chorowski at 954-525-6566.

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Class A partner-size office spaces with secretarial stations and amenities within established law firm. Windows, view, opportunity for referrals, parking provided. Museum Plaza. Call Mark Rosen: (954) 755-3425.

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800 sq.ft. office with w/2 secretary stations on Federal Highway near Holy Cross Hospital; share reception area, conference room, copier and phone system. Call 954-772-4460

FORT LAUDERDALE

Rent Office Space - Corner Building - One large office and secretarial space (built in secretarial desk), share copier - many windows- 400 SE 18th Street - Call 954-525-1008

FORT LAUDERDALE – NORTHEAST

Furnished Class A office space for one Attorney and two support

staff. Includes large conference room, copier/scanner, fax, T1 internet access, kitchen facilities covered parking and well appointed reception area. Respond to tmc@thomasmclarkpa.com or call 954-776-3800.

HOLLYWOOD

On Sheridan St. W. of I-95, office with sec. station, receptionist, voice mail, kitchen, etc. Contact Jeffrey Solomon, 954-967-9800.

HOLLYWOOD

Space for Lease (Immediate Availability) Perfect for Solo Professional-First Class, lakeview office space, in suite. Emerald Lake Corporate Park, 3111 Stirling Road, Hollywood/Ft. Lauderdale. w/wo secretarial space, beautiful conference room, parking, security, maintenance, 1 or 2 offices in suite, all amenities available including: Internet, Westlaw, telephone, etc. Call Diane (954) 962-5900

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Law Office For Lease, Terms Negotiable, 180 sq. ft., Available Receptionist, Secretarial Space, Conf. Rm., 4 blks. from Courthouse, Referral Work, Call Mark Skipper, 954-523-5994

HOLLYWOOD

Office space for solo attorney. (954) 921-2882.

OAKLAND PARK

Atty. office for rent@ only \$450/month. On Oakland Park Boulevard, 2 blocks west of I-95. Office space includes high speed Internet, use of conference room and reception area for clients. Contact 954-494-4102. pmaveriskesq@yahoo.com.

PLANTATION

1-3 spacious executive offices (furnished or unfurnished)— includes all amenities in 1st-class building with law firm. High ceilings with hurricane glass and window treatments. 5 conference rooms/2 kitchens/ample parking & Internet-ready. Copies/faxes/phones included. 954-474-8000—Mary.

PLANTATION

Office space to share with CPA firm on Broward Blvd. Receptionist, conference room, copier, fax, phone system, T-1 line. Separate work station for staff. Call 954-473-4900 or email phil@lernerkliston.com

PLANTATION

Plantation: Office space to share with transactional attorney on Broward Blvd. Conference room, copier, facsimile & phone system available. Separate office for staff available. Referrals also available. (954) 474-5988."

POMPANO

Unfurnished office for rent. \$800.00/month includes utilities, conference and reception rooms, copier and fax. If interested, contact (954) 781-8230

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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Effective Client-Attorney Relationships

by Chantal M. Gagnon

When I was twenty-three, I decided to buy my first house. I had *no* idea what I was doing. So, I called an attorney. The secretary took a message, and the attorney, who happened to be the senior and managing partner of the firm, called me back within the hour. I was shocked! Surely, his timely responses would end as soon as he figured out I was a little 23-year-old girl with hardly any money. I was wrong. Four closings, one lawsuit, and many years later, Jason still returns my phone calls within a few hours and makes me feel that I'm among his most important clients.

What Your Clients Really Want

When I started my own private practice, albeit in a different profession, I researched and read a lot about client satisfaction, retention, and referrals. What I discovered is that therapy clients have a very different perspective of the quality of the service being delivered than their psychotherapists do. Therapists generally rely on two indicators: their own assessment of the client's progress, and objective measurement of symptoms. Clients, on the other hand, perceive they are making progress and have fewer problems or symptoms when they feel they have a good relationship with their therapist. Further, the therapeutic relationship is second only to clients' contributions and involvement in the process when determining actual improvements in mental health.

Thus, I was not overly surprised to discover that the same holds true in the practice of law. The greatest cause of dissatisfaction leading to negligence claims against attorneys is related to how the attorney interacts with the client, and not the outcome of the case. In the studies reviewed for this article, clients cite rapport, trust, and mutual respect as the most important qualities when assessing their attorneys' effectiveness. Read that sentence one more time. Now think about this: How do you assess your effectiveness as an attorney? I'm just guessing here, but you are probably not thinking about your listening skills. The problem is that clients have no way of evaluating your legal skills and expertise or the amount of diligence and preparation that goes into your work!

Whenever someone tells me they need to buy or sell property, I give them Jason's number and tell them he's, by far, the best real estate attorney in Broward County. Now, how do I really know that? I don't. But I know this: I have a great relationship with him, and I feel like a valued customer. He returns my calls personally and promptly and makes me feel like he is never too busy for me. In my mind, that makes him the best, and I give out his card whenever I have the chance.

First Contact and Initial Interview

I had a professor in grad school who would always tell us, "You gotta hook 'em in the first session!" He taught us that when a client walked through our door for the first time, if they don't feel a strong initial connection, they will not come back. They'll go to another therapist, or worse, abandon the idea of seeking mental health care at all. First impressions stick.

Being constantly mindful of this truth is a smart business practice. Building a good client-attorney relationship from day one, indeed from minute one, will lay the foundation you will need when you must convince your client a settlement is truly in their best interest or when you send a bill and want it paid in full and on time.

The most important thing you can do during the first telephone contact and the initial face-to-face interview is listen with empathy. Instead of paying attention to the details of the case (you can always ask to clarify those later), simply pay attention to the person

in front of you. Try to imagine a time you have felt the same emotion he/she is feeling. Although you may think the client is overreacting to their particular circumstance, and be quite accurate and justified in your assessment, that part isn't really important. What's important is that you identify what the client is feeling: betrayed, let down, taken advantage of, humiliated, or so on. Then, think of a time you have strongly felt this same emotion, and imagine what kind of response or dialogue you needed from others at that time. Give that response to your client.

When people feel heard, understood, and cared for, they value your opinion and advice, they think more highly of you and your services, and they will not blame you for an unsatisfactory result.

Ongoing Communication

Once you have initiated a good relationship with your client, you must maintain that gain. Clients consistently rate four factors that determine their ongoing level of satisfaction with their attorney's performance. These are an attorney's accessibility and responsiveness; willingness to listen; ability to explain legal issues in simple language without making the client feel unintelligent; and skill at giving clients a sense of control over the process and decisions.

If this is beginning to sound like you are expected to be more of a "hand holder" than a litigator, you're right. To gain respect and develop a good reputation among your peers and in the broader legal community, you have to display strong legal expertise. But to gain respect and develop a good reputation among current and potential clients, you have to display good people skills. That's simply the way it is. Just one more thing they forgot to mention in law school!

Final Thought

At psychotherapy conferences, I often hear the following humorous comment: "Psychiatrists don't like psychologists, psychologists don't like social workers, social workers don't like mental health counselors, and all of them don't like their clients!" If we could only do our jobs without having to deal with the clients! But the clients are, in reality, the best source of personal satisfaction and professional accomplishment for each of us. They entrust us with their problems, their hopes, and their fears. We are strangers to them, and they turn over some of the most sensitive areas of their lives to us – their families, their finances, and their homes. That is truly a special relationship and one to be handled with respect and great care.

About the Author: Chantal is a psychotherapist, author and speaker in Plantation, Florida. She can be reached directly at 954-559-2936. For additional information on Chantal's psychotherapy practice, please visit www.LifeCounselor.net. For additional information on Chantal's speaking services, please visit www.Chantal-Gagnon.com.

Note: Citations for any of the research mentioned are available upon request

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SOLO SMALL/LAW FIRM NETWORKING CONFIRMED AUGUST LUNCH DATES !

Friday, August 1st, East City Grill,
 1800 Tower Bell Lane, Weston, (954) 659-3339,
 RSVP to: Rick Woolf (954) 252-0043 and or rwoolf@woolffinancial.com.
 Friday, August 8th, The Ark, Hollywood, 6255 Stirling Road, Hollywood,
 (954) 584-3075,
 RSVP to: David Silverstone (954) 367-0770 and or david@dsilverstone.com.

*Tuesday, August 12th, @ The Original Steakhouse,
 1804 Cordova Road, Ft. Lauderdale
 (954) 467-3535, RSVP to: Beth Lindie (954) 764-5400 and or
 blindie@lawyers.com.
 New Location!
 Friday, August 15th, Olive Garden Plantation, 807 S. University Drive,
 (954) 424-7201,
 RSVP to: John Rizvi (954) 452-0033 and or johnrizvi@ideaattorneys.com.

*Tuesday, August 19th, @ J. Marks Restaurant,
 1490 Copans Road, Pompano Beach,
 (954)782-7000, RSVP to: Jane Bolin, (954) 316-1339 and or
 Jane@JaneBolin.com
 New Lunch Captain!
 Monday, August 25th, Olive Garden Coral Springs, 1555 N. University Drive,
 (954) 344-5226, RSVP to: Evan M. Ostfeld (954) 227-7529 and or
 Evan@Attorney4life.com

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CONGRATULATIONS- TAGHRID HASSAN

Broward Lawyers Care- Attorney of the Month for July.
 Ms. Hassan assists Broward Lawyers Care with Family and Immigration cases. Ms. Hassan accepted three cases from BLC in one month! Thank you for your part in Equal Justice.

DO YOU HAVE AN IDEA?

Do you not have the time to accept a Pro Bono case or two but would like to have direct client interaction? If so, we are accepting fresh new ideas to assist multiple clients. There are so many ways we can help make a difference in the lives of others. Please contact Kimberly Zaffere at (954) 736-2426

JUST A REMINDER!

The Florida Bar Annual Membership Fees are due in August along with the mandatory reporting of your July 1, 2007- June 30, 2008 Pro Bono professional obligation. If you have not participated or contributed in any pro bono activities for this time period there is still time to make a minimum contribution of \$350.00. If you contributed your \$350.00 or volunteered your minimum 20 hours for July 1, 2007- June 30, 2008, please be sure to report that on your annual dues statement.

Broward Lawyers Care is the recognized Pro Bono Program in Broward County.
 Be a Hero! Join BLC today by contacting Kimberly Zaffere at (954) 736-2426



Lifetime Members Honored

Lifetime members of the Broward County Bar Association were honored at the June 12 Annual Meeting and Installation Dinner.

Front Row: Patrick Bailey, Hon. Jerry Pollock, Sanford "Sandy" Muchnick, George A. Moratis, William Ziegler, John Aurelius, Edward Marko, Hon. Robert Fogan and Russell Carlisle.

Back Row: John Jordan, George A. Patterson, James O. "Russ" Murphy, Arthur Parkhurst, George Allen and Hon. Leroy Moe.



The
Broward County Hispanic Bar Association
Cordially Invites You To The
Broward Judicial Candidates Forum

Thursday, August 14
11:30 a.m., Riverside Hotel
620 East Las Olas Boulevard
Fort Lauderdale, FL 33301



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Only candidates contacted for an interview will receive a response. EOE.

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

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

Section 3 - Vacancies

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

Vacancies of (1) Directors shall be filled from the respective groups by the Board; (2) of the Young Lawyers by the Young Lawyers; and (3) of the Judge by the Chief Judge, all of whom shall serve for the remainder of the unexpired term.

ARTICLE IX Committees and Sections

Section 1 - The Board may create such Committees as it determines appropriate for the operation of the Association. The President shall appoint the Committee chair and a liaison from the Board to the committee with the approval of the Board. Committee members shall be selected by the President from among those expressing interest. Committee members shall serve for the fiscal year of the Association except for members of those Committees with rules approved by the Board that provide for staggered two-year terms or termination of Committee membership for cause or nonparticipation. With the prior approval of the Board, each Committee shall have the power to adopt and amend By-laws for its own governance.

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

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

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

Section 3 - There shall be a Young Lawyers Section of the Association, whose membership shall include all Regular members of the Association in good standing who either: (1) have not attained the age of thirty-six (36) at the beginning of the fiscal year of the Association; (2) have not begun their sixth year following the first date of admission to the highest court of any state; or (3) are eligible for officer positions as defined in the Young Lawyers Section By-laws. The Young Lawyers Section shall be entitled to special funding as determined on a yearly basis and approved by the Board of Directors. The Young Lawyers Section may elect Officers and Directors and adopt individual By-laws to govern the Section's power and duties.

Section 4 - No Committee or Section shall obligate the Association, take any action or make any public statements in the name of the Association or of the Committee or Section except:

- A. upon specific approval from the Board or President, or
- B. to make financial commitments that are within its approved budget, or
- C. to publicize activities or events of the Committee or Section.

ARTICLE X Time

Section 1 - If any time or date specified in these By-laws falls on a weekend or legal or court holiday, the effective date shall be the next business date.

(4) Central	East of the centerline of State Road 7 (441), north to the centerline of Commercial Blvd. and south to the centerline of State Road 84	7
(5) Northwest	North of the centerline of Commercial Blvd. and West of the centerline of State Road 7 (441)	1
(6) Southwest	South of the centerline of State Road 84 and West of the centerline of State Road 7 (441)	1

Section 11 - The groups from the Northeast and Southeast shall have staggered terms so that two (2) Directors from each group shall be elected in the even years and one (1) Director shall be elected in the odd years. In the West group, one (1) Director shall be elected in the even years and two (2) Directors shall be elected in the odd years. In the Central Group, three (3) Directors shall be elected in the even years and four (4) Directors shall be elected in the odd years. In the Northwest group, the Director shall be elected in the odd years, and in the Southwest group, the Director shall be elected in the even years.

Section 12 - No Director shall serve more than two (2) consecutive terms (including any term of more than one (1) year in length served by virtue of election or appointment to fill a vacancy.) After that, a Director must remain off the Board for a period of one (1) year before serving another term.

Section 13 - In the event a Board member is absent from three (3) consecutive Board meetings, or a total of four (4) Board meetings in any one year without written excuses acceptable to the Board, such Board member shall be automatically removed from the Board. At the following regular meeting, a regular member shall be appointed pursuant to Article VIII, Section 2 to serve for the unexpired term.

Section 14 - Board members shall take office as of July 1st in the year of their respective election, or in the case of an appointment to fill a vacancy, at the next Board meeting.

**ARTICLE VIII
Nomination and Elections**

Section 1 - Nominations

There shall be no Nominating Committee. Any regular member who desires to seek election may obtain the signatures of ten (10) members on one or more Nominating Petitions. The Petitions must state the office or group for which the member seeks election. The signed Petitions must be received in the Association office no later than 5:00 p.m. on March 1st. No member may be nominated for more than one (1) position.

Section 2 - Elections

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

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

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

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

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



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C. The Treasurer shall have responsibility for all fiscal affairs. An accounting firm may be retained to perform such auditing functions as the Board may deem advisable.

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

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

ARTICLE VII Board of Directors

Section 1 - The Board shall consist of the officers, the immediate past-President, the President and President-elect of the Young Lawyers Section, one (1) judge appointed by the Chief Judge of the 17th Judicial Circuit, and eighteen (18) elected Directors.

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

Section 3 - The property and business of the Association shall be managed by the Board. Nine (9) members of the Board shall constitute a quorum, but a smaller number may adjourn a meeting not attended by a quorum to a later specific date with notice thereof to all Board members. Minutes of each Board meeting shall be available to any member of the Association.

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

Section 5 - The Board shall not endorse any candidate for elective office.

Section 6 - The Board shall adopt a budget for each fiscal year, which budget shall be adopted no later than the final Board meeting of the preceding fiscal year, and may amend the budget at any time to reflect actual operations. The adopted budget shall be published in the *Broward Barrister*. The Board may transfer unexpended funds allocated from one budget line item to another if necessary to accomplish the goals of the membership and Board. The Board shall approve compensation of all employees and shall have all powers necessary to manage the affairs of the Association.

Section 7 - The Board shall not authorize contributions to any organizations or individuals unless such contributions are related to the legal profession.

Section 8 - Regular Board meetings shall be held as the Board may determine.

Section 9 - Special meetings may be called by the President and shall be called by the President at the request of three (3) Board members. Reasonable notice, verbal or written, of special meetings shall specify the matters to be considered.

Section 10 - Directors shall be elected to the Board from each of the following geographical areas and shall serve a two (2) year term. The principal office address shall determine the area from which a member is elected.

Group	Geographical Area	Number of Directors
(1) Northeast	North of the centerline of Commercial Blvd. and East of the centerline of State Road 7 (441)	3
(2) Southeast	South of the centerline of State Road 84 and East of the centerline of State Road 7 (441)	3
(3) West	West of the centerline of State Road 7 (441), north to the centerline of Commercial Blvd. and south to the centerline of State Road 84	3



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Panel Member Profile



Honorable Lawrence L. Korda has over 29 years of judicial experience. Judge Korda is a graduate of The Citadel and was a commissioned officer in the U.S. Army Reserves. He completed his law school training with a J.D. from Mercer University. The last 12 years of Judge Korda's tenure as Broward County Circuit Court Judge were spent in the Family Division. He is available to serve in all Family Law cases as a Mediator, Special Magistrate and Private Trial Judge. Will Travel

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Section 2 - Special meetings may be called at any time by the Board or by the President. A special meeting shall be called upon the written request of ten (10) members. Notice shall be given at least seven (7) days before the meeting, but no special notice of the purpose of the meeting shall be required.

Section 3 - Regular meetings may be held at times and places to be determined by the Board, and no special notice of the purpose of these meetings shall be required.

Section 4 - Five (5%) percent of the regular members shall constitute a quorum at any membership meeting. Actions required to be approved shall be by majority vote of regular members present, unless otherwise required by the Charter or By-laws.

Section 5 - At each meeting, the order of business shall be as follows, unless varied by the presiding officer:

- | | |
|------------------------------------|------------------------|
| a. Call to order | f. Committee reports |
| b. Invocation/Pledge of Allegiance | g. Unfinished business |
| c. Introduction of guests | h. New business |
| d. Guest Speaker or program | i. Adjournment |
| e. Officers' Reports | |

**ARTICLE VI
Officers and Management**

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

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

A. The President shall be the chief executive officer and shall preside over meetings of the membership and the Board and shall perform the duties delegated by the By-laws, the membership or the Board.

B. The President-elect shall attend membership and Board meetings, shall perform the duties of the President in the event of the President's absence or inability to act, and shall perform such other duties as may be delegated by the By-laws, the membership or the Board.

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Julie Klahr, recipient of 2008 President's Award



Richard Wagenheim (right), recipient of 2008 Executive Director's Award, with Art Goldberg.



Deborah Poore FitzGerald, 2008 Committee Chair of the Year.



Chris Connally, outgoing YLS president, with Anne Ogden, recipient of 2008 Young Lawyers Section Paul May Professionalism Award.



BCBA Past-President Barbara Sunshine with Loring Spolter, recipient of 2008 Section Chair Award.

Photo Gallery

2008 BCBA Annual Dinner
and Installation