“A Century of Service to Miami-Dade County”

Programs and Services That Help You GROW Your Practice, GAIN Experience & GIVE Back

Jeffrey Rynor

“I’m standing here talking to you now about the most important thing that I have ever said in my life. And, I have a sense that I have spent a lifetime, fifty years to be exact, preparing somehow for this moment with you. And so, I’m proud to be here with you, and I’m awed and I’m a little frightened, and I know that’s hard for you to believe because I don’t look frightened. But I’ve been frightened from time to time throughout this trial. I’ve learned how to cover that up pretty well ... What I am setting out to do today is frightening to me. I hope I have the intelligence, the insight, the spirit and the ability - and just the plain old guts - to get to you what I have to get to you.”

In an effort to embrace openness, I think it is appropriate to thank the people and law firms who have made this year a success by giving of their time, intelligence and enthusiasm to help our profession. In no particular order I would like to thank the following people.

1. Treasurer, Jane Muir: Ralph Waldo Emerson said “Nothing great was ever achieved without enthusiasm.” Jane has done it all, from spending countless hours dealing with the accounting to implementing new initiatives.

2. Board members, Brad Trushin and Antonio Romance: Thank you for your presentations on professionalism and bringing such luminaries to speak as the Chief Judge of the Florida Supreme Court, Fred Lewis.

3. Board member, Latoya Browne: Thank you for creating two unique programs that helped children in our community be better prepared to start school and for your program celebrating Black History month.

4. DCBA YLS President, Stuart Weissman: Thank you for putting together YLS events that were creative and successful. Your articles and your leadership were much appreciated.

5. Secretary, Gilbert Squiers: Nelson Mandela said “If you talk to a man in a language he understands, that goes to his head. If you talk to him in his own language, that goes to his heart.” Although Gilbert speaks over 10 languages fluently, his greatest gift is his insight and ability to find solutions. Thank you.

6. Vice President, Stephanie Carman: John Quincy Adams said “If your actions inspire others to dream more, learn more, do more and become more, you are a leader.” Thank you for your past leadership as President of the Young Lawyers Section of the Dade County Bar and for your continuing contributions to our profession and the DCBA.

President’s Message continued from cover

III. Edith Osman and Jason Murray for your continued and much appreciated support of the Dade County Bar Association.

8. Thank you to H.T. Smith, Richard Miletine, Brian Spector, Stephen Zack, Judge Dresnick (retired) and Edward Blumberg for your senior leadership this past year.

9. Thank you to our Executive Director of Legal Aid, Karen Lasdis, for all of your wonderful lawyers and staff and for changing the lives of so many people in our community.

10. Thank you to our distinguished past-president, Joseph Serota, for doing an excellent job chairing the building committee.

11. Thank you to all the judges and lawyers for participating in our DCBA programs.

12. Thank you to Governor Scott, Senator Nelson, Congresswoman Ileana Ros-Lehtinen, CEO Arnold Donald, CEO Richard Fair, President of Miami-Dade College Eduardo Padron, noted historian Arva Moore Parks McCabe and Law Professor Alan Dershowitz for speaking to our lawyers.

13. Thank you to our incoming treasurer of the DCBA, Effie Silva, for chairing our program, Women of Distinction.

14. Thank you to Greenberg Traurig, Coffey Burlington, Stearns Weaver Miller Weissler Alhadeff & Sitterson, 11th Circuit Civil Court and Criminal Court in becoming a Workplace Mentor with Big Brothers Big Sisters of Miami through the School to Work Program aimed at helping students improve their chances of graduating and transitioning to the workplace.


16. Jordan Dresnick, President-Elect: Vince Lombardi said “The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand.” Jordan’s creative genius, brilliant programming and his hard work have been a game changer. Thank you.

17. Thank you to my beautiful wife Kayla and my four wonderful children Helen, Morgan, Sam and Jack.

18. Thank you to my law partners, Isaac Mitrun, Steven Adamsky, Howard Roland, Pam Chambers, Loren Cohen, Elana Goodman, Eric Colburn Sage, and James Webb.

The Dade County Bar Association has celebrated 100 years of service to the bench, bar and our community.

With much appreciation, I thank everyone for giving me the honor of serving as the President of the Dade County Bar Association this past year.

Jeffrey Rynor

Judicial Reception

The 51st Annual Judicial Reception presented by the Dade County Bar Association’s Young Lawyers Section was held on April 20, 2017 at the Hyatt Regency in Downtown Miami. Attorneys and Judges were able to gather and network in a social environment.

Jenna Friedman, Judge Jonathan Goodman, and Luis Cao

Michael Olm, Paul Lipton, and Judge Frederico Moreno

Sorina Pappas, Jennifer Golden, and Rob Dagan

Lara Beck, Effie Silva, and Jane Muir, DCBA Treasurer

Isabella Prosper, Michelle Scally, and Leandres Fernandez

Lucas Peinado, Denise Georges, and Matt Kaplan

Izabella Pochw, YLS Treasurer, Evan White, YLS Secretary, Jenna Slates, and Rachel Mitchell Fagenson

Judge Richard Hirsch, Jeffrey Rynor, DCBA President, Brian Blumberg, and Edward Blumberg

Chief Judge Brittia Soto, Judge Andrew Haage, Pamela Perry, Judge Escalante, Jeffrey Rynor, DCBA President, and Dennis Kainen, DCBA Past-President

Eric Bluestein, President-Elect, and Maretta Malfit

Vince Lombardi said “The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand.” Jordan’s creative genius, brilliant programming and his hard work have been a game changer. Thank you.

Jeffrey Rynor
DCBA YLS Goodbye Message: Thank You to Our Community!

BY STUART J. WEISSMAN

How time flies! It’s hard to believe that about a year ago, my incredible journey as President of the Dade County Bar Association Young Lawyers Section (a mouthful) was about to begin. It was an incredible success. It began last summer in Key West for our annual DCBA YLS retreat. We certainly had some fun, but also put in a lot of work. The journey took us to some places we had been before with programming that needed no modifications. But, we wanted to implement a progression towards some new and innovative programming.

This year, we created some incredible new events and programs which proved to be true success stories. For example, the DCBA YLS Board, along with our friends, incredible sponsors, and DCBA staff were able to put on the party of the year. Our signature charity event, Miami Nights, (where we raise just about all of our funding to support our annual community endeavors) was a phenomenal hit. Those who joined us on our journey to Calle Ocho will never forget the evening. I know the future signature DCBA YLS events will only get better, and I cannot wait to attend. If there is one DCBA party not to miss during the summer in Key West for our annual events this year, this is the one!

The DCBA YLS also held some fascinating CLEs with innovative content, new social and sporting events, a successful law week, an exciting mock trial program with a local middle school, and of course the popular Judicial Reception in its 31st year!

I am also thrilled to report that our first annual Miami-Dade Public High School Essay Contest was a hit. And, our prospects to launch an internship experience for students looks quite promising. The future is bright indeed!

In my last message to you, please let me take a moment to thank very special folks out there who made this year’s journey a resounding success. Thank you to all of our attendees and sponsors at all of our events this year. Thank you to the entire DCBA staff and especially Alice Ramirez. This year was perhaps more difficult than any year before. You made it! Thank you for everything you do for which you put so much effort and time into. Thank you to our DCBA YLS Board of Directors. We did it! Because of you and your effort, this year was an unquestionable success. Thank you to our amazing Executive Officers, Evian White, Isabella Poschl, and your new incoming YLS President, Eric Bluestein. I leaned on each of you in various ways. Without your support, our successes would not have been possible. The DCBA YLS is in great hands! I look forward to watching your journeys from the outside now.

Lastly, thank you to my beautiful wife, Ashley, and our two daughters, Emma and Joey. You allowed me to be a little busier than normal, and I appreciate that so much.

I urge all of you out there, please continue to support the DCBA YLS and join the journey for the years ahead!

Stuart J. Weissman
Past-President
DCBA RDABA P A.
www.dadecountybar.org
On April 21, 2017, the Dade County Bar Association hosted the investiture for Judge Robert Luck at the Third District Court of Appeal. Chief Judge Bertila Soto and DCBA Past-President William Aaron were speakers at the investiture among others. Immediately following the ceremony a reception was held and attended by over 400 attorneys and judges.
Seeking Punitive Damages On A Breach of Contract Claim Cloaked As Fraud

BY GENNY CASTELLANOS

Imagine you are defending a client in a commercial dispute arising from a breach of a settlement agreement. In addition to the breach of contract claim, you also have to contend with allegations of constructive fraud against your client. Several months into the litigation, you receive the dreaded Motion for Leave to Plead Punitive Damages. You begin to worry that the fraud claim could expose your client to financial worth discovery and the potential for punitive damages at trial. Before hitting the panic button, it is critical to dissect the fraud allegations in the complaint and determine whether or not they truly state a claim for punitive damages. The following is a guide:

When a plaintiff creatively pleads separate counts for breach of contract and fraud, it is incumbent upon the court to review the allegations in detail to determine whether the two counts are intertwined or are distinct. A breach of contract claim masquerading as a fraud claim will not carry the day. If the allegations of fraudulent conduct are no different than the allegations surrounding the alleged breach, the two claims are one in the same and no punitive damages are allowed. If the fraud allegations, however, are independent of and have no bearing on the breach of contract, then it is more likely a plaintiff will be given leave to plead punitive damages. The latter, of course, assumes an appropriate profile of evidence is presented.

Genny Castellanos is an attorney, legal researcher and writer, consultant, and founder of De Novo Review, LLC. De Novo Review provides solo practitioners and small law firms with associates on an “as needed basis.” Areas of specialty include commercial, foreclosures, and family law matters. Ms. Castellanos can be reached at genny@denovoreview.com or (786) 251-5814.

PROFESSIONALISM TIP OF THE MONTH

From the Eleventh Judicial Circuit Standards of Professionalism and Civility

REMEMBER

all attorneys practicing within the Eleventh Judicial Circuit are bound by the Eleventh Judicial Circuit Standards of Professionalism and Civility. The standards are controlling authority. In drafting a proposed letter of intent, the memorialization of an oral agreement or a written agreement reflecting an agreement reached in concept, a lawyer should draft a document that fairly reflects the agreement of the parties. Section 3.1, Honesty and Candor.
BY NANCY C. WEAR

The 24-Hour Rule: Surviving the Transition from the Postage Stamp to the “SEND” Button

As communications between you and opposing counsel have moved more and more from the telephone and letters sent via the U.S. Postal Service, to e-mail, your treatment of these communications has had to change. Today, there is no filter, electronic or human, between you and the sender of an e-mail, so you may be inclined to respond immediately, acting in haste and without careful thought. This is in sharp contrast to the days when your assistant would answer (and screen) your phone calls, and put on your desk a detailed message. That earlier process gave you valuable time to think about the incoming query or comment, and consider a variety of responses. Each potential response might differ in tone as well as in content, as you read and re-read letters or messages you received. Only then would you send out a reply, or return the call.

And even if the phone call came to your direct line, you knew that what was said could be withdrawn, modified, or re-visited, short of a firmly-expressed agreement or stipulation; any verbal accord would have to be modified, or re-visited, short of what was said could be withdrawn, or overlooked, but I do not want to be too quick to address the substance of their query or comment. Maybe I need to review the file, look at prior e-mail traffic with the client, or even do legal research, in order to respond appropriately. Experience has shown, too, that responding to a client-query is often less time-consuming if I speak to the client on the telephone about the subject of the e-mail. Drafting an e-mail to explain clearly and fully why “it depends . . .” will take much more time than a phone call, even including time to answer questions, and to ensure that the client understands what you mean.

In dealing with opposing counsel, leisurely thought may reveal that there are several options, not just the yes/no or on/off that the opponent offers. Primarily, though, the delay is required because every e-mail sent to an opposing counsel must be drafted with the same degree of care which lawyers habitually gave to communications on the firm’s letterhead.

In other words, the “speed and convenience” attributed to e-mail is a myth in the practice of law. The prudent lawyer does not emulate the informality or sloppiness, the intertemporal language, and the “What is wrong with you?” exclamations which may be a feature of your opponent’s e-mails, but instead ensures that the responsive e-mails are carefully crafted and neutral in tone. Lawyers, especially litigators, are accustomed to thinking fast, and responding immediately; that is a useful tool in the courtroom, but speed in e-mail correspondence is fraught with danger.

Consider this: Just because communications can be e-served does not mean that you must accept your opponent’s speed involved. The rules of procedure with respect to e-service and e-filing have not shortened the time allowed to receive, digest, react to or counter any document (including e-mail). The 24-Hour Rule ensures that you remember that, and encourages you to take all the time you need to respond civilly and professionally.

Ms. Wear is a sole practitioner who practices litigation and appeals in Coral Gables. She may be reached at ncwear@gmail.com, but her response may take awhile.

The Honorable Milton Hirsch has been a judge of the 11th Judicial Circuit of Florida since January of 2011. He is also an adjunct professor of law at the University of Miami School of Law and at St. Thomas Law School. In 2016, he became the recipient of the Dade County Bar Association’s “Criminal Justice Award” for his outstanding contribution to Miami-Dade County’s criminal justice system. The above passage is an excerpt from Judge Hirsch’s Constitutional Calendar. If you would like to be added to the Calendar’s distribution list, please contact Judge Hirsch at milton.hirsch@gmail.com with your name and e-mail address.
Looking Back in Order to Move Forward

BY PAUL LIPTON

It doesn’t seem that long ago when I made the below presentation. But here we are, 15 years later, and I believe the concept is even more relevant today. Either we have a moral code, a noble creed, an honorable purpose or are lost. More than ever the past is calling us to seize back the narrative of our profession’s story.

Speech from June 25, 2002

When I was growing up, I read about King Arthur and Camelot. It captured my imagination. A group of knights joining together to do right. Might for right. The concept is living on in film, stage, books, and me.

Honor, nobility, rectitude, integrity, a certain elegance to it all. Elegance. A word not used often, but a great word to bring back.

And all in mortal men attempting to do justice. It was and is a great challenge when one thinks of about it. Has it been lost? Is it alive still? As I grew up, the myth stayed with me, and affected how I live and think. Some call it “corny.” Some say “childish.” But, is a desire to be noble in action, elegant in gesture, honorable in conduct “childish” and out-of-date?

And, so, the question grew in me—can there be the tangible embodiment of these intangible concepts? Can the intangible concepts find tangible outlet?

What is it about judges that makes you rise to the occasion and be aware of this role of nobility you fill? You are women and men who come together to learn, grow and embody the intangible concept. It is a world that is special. You enter a world of myth. I have been here lecturing for many years. I have practiced law in front of many of you over the past 30 years. I have witnessed those who do see the myth that you become part of when you don the robe. You are an exclusive club. Honored to get in. Honorable in name. “Honorable” is not a throwaway word. It has great meaning. The words “your honor” or “honorable.” Sometimes we forget it because you see it or hear it so often. Yet, with this exclusive club comes great responsibility and obligation. Obligation to act with honor, rule with integrity. When one enters your court or chambers, they enter a world filled with hope. A hope that might will be used for right and justice will be true. We are here to continue to learn and gather tools and skills, so we can better serve the community that comes before you. But, in the end, a window opens. We turn to you for guidance. I submit that when you do the robe, and “honorable” appears before your name, you take on a legacy of myth in a real world.

Paul R. Lipton is the Director of Professionalism, Career and Skill Development at Rumberger, Kirk & Caldwell, PA. Mr. Lipton has been in practice more than 40 years and has tried numerous jury and non-jury trials in complex litigation matters. Mr. Lipton is Co-Chair of the 11th Circuit Committee on Professionalism. He is also the author of the book Hour of the Wolf. Mr. Lipton can be reached at plipton@rumberger.com.

Immigration Seminar and Luncheon

On March 17, 2017, the Dade County Bar Association Immigration Law Committee hosted Immigration During the Trump Era: What to Expect and How to Prepare. This timely seminar was produced by Mayra Joli of the Joli Law Firm, PLLC. Former DCBA President and ABA Delegate, Steven P. Befera of Cole Scott & Kissane, PA., served as moderator. Attendees at the event included representatives from the Trump South Florida campaign and local immigration rights advocates, which made for a lively debate. The distinguished panelists were former Miami-Dade County School Board Member and County Commissioner, Raquel Regalado, Immigration Law Specialist and TV commentator, Joseph Lackey, Iranian Bar Association Member and Immigration Law Specialist, Saman Movassaghi-Gonzalez, Ms. Joli, and Guatemalan Madam Secretary of CONAMIGUA, Melanie Muller. The recent actions by the Trump Administration were addressed and discussed, as were the important issues of unaccompanied alien children’s rights and ABA Resolutions passed on both sets of issues at the ABA Midyear Meeting held in Miami in February. Practical recommendations for immigration law practitioners defending deportation cases were provided. Also providing comment and insights on the panel discussion was special guest, New York native, and 40-year resident of Guatemala, Steven Hecht, Publisher of The Impunity Observer, Guatemala. Immediately following the seminar, Mr. Hecht presented a fascinating luncheon address on the current political climate in Central America and its effect on undocumented immigration to the United States through Mexico. The event was covered by Marily Llanos Telemundo 51.

Moderator: Steven Befera, DCBA Past-President Panel: Mayra Joli, Raquel Regalado, Saman Movassaghi-Gonzalez, Joseph Lackey and Melanie Muller.
MARK YOUR CALENDAR

JUNE 1
JUVENILE COMMITTEE SEMINAR
LOCATION: CHILDREN’S COURTHOUSE
TIME: 11:30 AM

JUNE 8
PROBATE & GUARDIANSHIP SEMINAR
TIME: 12:00 NOON
LOCATION: LAWSON THOMAS COURTHOUSE

JUNE 9
LEGAL AID PSB AND UMLAW BANKRUPTCY SKILLS WORKSHOP
LOCATION: UM SCHOOL OF BUSINESS
TIME: 8:00 AM

Giants of the Courtroom
LOCATION: HYATT REGENCY MIAMI
TIME: 8:00 AM
MEMBER ADMISSION: $49
NON-MEMBER ADMISSION: $79

JUNE 16
LABOR AND EMPLOYMENT SEMINAR
LOCATION: GREENBERG TRAURIG
TIME: 8:00 AM

JUNE 21
WOMEN OF DISTINCTION GALA
LOCATION: RUSTY PELICAN
TIME: 6:00 PM
ADMISSION: $89
JUDICIARY ADMISSION: $69

JUNE 28
GOVERNMENT RELATIONS COMMITTEE BREAKFAST
LOCATION: STATE ATTORNEY’S OFFICE
TIME: 8:45 AM

JULY 7
PASSING OF THE GAVEL
LOCATION: THIRD DISTRICT COURT OF APPEAL
TIME: 3:00 PM

JULY 26
LEGAL LUMINARIES
LOCATION: RUSTY PELICAN
TIME: 6:00 PM
ADMISSION: $89
JUDICIARY ADMISSION: $69

SEPTEMBER 14
PROBATE & GUARDIANSHIP SEMINAR
TIME: 12:00 NOON
LOCATION: LAWSON THOMAS COURTHOUSE
MEMBER ADMISSION: $10
NON-MEMBER ADMISSION: $20

OCTOBER 12
PROBATE & GUARDIANSHIP SEMINAR
TIME: 12:00 NOON
LOCATION: LAWSON THOMAS COURTHOUSE
MEMBER ADMISSION: $10
NON-MEMBER ADMISSION: $20

For more information visit www.dadecountybar.org