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ON THE COVER
The Broward County Bar Association along with Broward County celebrated the Grand Opening of the New Courthouse. See page 13 for a highlight of the event.

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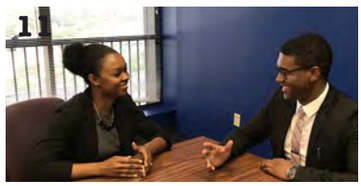

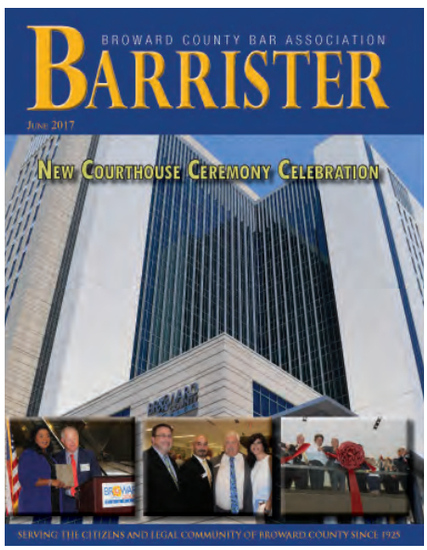

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letter from the president

Charles A. Morehead III

Greetings from your President,

What a whirlwind year we have had here at the Broward County Bar Association. When I first spoke to you last year on July 1, it was my thinking we would have a new courthouse by the end of my presidency. I was right. Our new courthouse is up and running and, despite some teething problems, the building is a vast improvement over what we had and one we can be proud of. The courthouse dedication last month solidified the relationship between Broward County and the Broward County Bar Association as well as the judiciary which we hold so dear.

We have been victorious in our fight before the Florida Supreme Court on the lawyer referral service rule amendments proposed by the Florida Bar. Our argument on April 5, 2017 was met with an order from the court on May 3, which dismissed the entire petition and ordered the parties to work together, with the Court, to research the issues properly before returning with a new rule petition. The Broward County Bar has and will continue to engage as a stakeholder with these important issues.

I want to extend a special note of appreciation to Executive Director, Braulio Rosa. Braulio has been my right-hand man, has done an excellent job of vetting the issues before us, brings common-sense solutions to the table, and understands that not every battle has to be won even if you are right. That is a trait long missing in many organizations or law firms for that matter and it is one that we could all take a lesson from.

Tom Oates, the incoming President, has my full support and allegiance. Tom is an excellent hard-working lawyer who has done a great job as President-elect in taking pressure off of me and in learning the ropes of the presidency. The Broward County Bar Association has never been stronger than it is today. With over 3,300 members, 160 CLE seminars annually, the most efficient and profitable lawyer referral service in the entire state, together with an unmatched staff, makes our bar simply the best it can be. B

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letter from the young lawyers' president

Todd L. Baker

Was the Judicial Reception not our best yet? Thanks to everyone who came out to support our Judiciary as we honored all of them for their efforts and involvement throughout 2016-2017. Your Honors not only support our legal community, but you do so much more than that. The YLS Judicial reception is our way to say thank you for everything you do.

We wanted to recognize a few judges for their commitment: Judge Peter Weinstein, Judge Robert Diaz, and Judge John Bowman. Judge Weinstein served as Chief Judge for six years through some very difficult times. He always handled things with poise and when appropriate, humor. Judge Diaz has been an integral part of the YLS for years and it is about time we recognized the contributions he has made. Many of you have witnessed the transformation the YLS has gone through. Braulio and his team, YLS leadership and BCBA leadership has helped us become the back-to-back statewide affiliate of the year, but I would be remiss if I did not include Judge Diaz as having a major impact on our programming and community involvement. For the 2016-2017, we had tremendous support from our judiciary, but one judge's contributions stood out: Judge Bowman. He participated in a professional panel during our August Luncheon, made YLS a part of National Adoption Day, hosted a new courthouse tour for young lawyers, and attended every Breakfast with the Judiciary we hosted. We appreciate everything you did in 2016-2017 and we want to thank you in advance for all you will do in the years to come.

We also had the pleasure of welcoming Judge Jack Tuter into his new role as Chief Judge. You have the respect of your peers and the rest of the legal community. We know you will excel in this position like you have in every other role you have been asked to perform.

I also want to formally introduce the 2017-2018 newly elected members of the YLS Board: Jacqueline DerOvanesian, James Heaton, and Alejandra Mendoza. Jackie is an associate at Gunster Yoakley and has been a regular attendee and volunteer at YLS events throughout the year. She is smart, passionate, and welcoming. She will be a great addition to the YLS Board. James works for Legal Aid and runs their Mission United Veterans Pro Bono Legal Project. He cares about the community and as we increase our support of Legal Aid, it is the perfect synergy. Ale Mendoza is an associate at Rogers, Morris, and Ziegler. She has volunteered throughout the year and hosted an Easter event at the Broward Children's Center. She made an impact before joining the Board, we cannot wait to see what she will do now that she is on the Board.

You are all in great hands next year and I am sure under Sara Sandler's leadership, will we again be a contender for Affiliate of the Year. No pressure Sara - ☺

"Fees for Fees": A Familiar Trend May Come to an End

by Andrew Polenberg

Lawyers and clients alike may soon have reason to rejoice—or sulk, depending on which side you fall—at the prospect of recovering the fees to litigate the quantum of attorneys' fees. Attorney's fees are a hot topic in litigation, with prevailing parties looking for ways to recover all they spent while prosecuting or defending a lawsuit. A recent decision from the Second District may continue opening the door for additional attorney's fees claims for litigating the amount of fees, commonly referred to as "fees for fees".

In Florida, attorney's fees incurred in preparing for and participating in the hearing to determine the amount of attorney's fees from a lawsuit are unrecoverable. *State Farm Fire & Casualty Ins. Co. v. Palma* 629 So. 2d 830 (Fla. 1993). Since *Palma*, other courts in Florida have expanded that ruling to disallow recovering "fees for fees" under statutory authority, including section 57.105.

That trend may end by a recent decision by the Second District Court of Appeal in *Trial Practices, Inc. v. Hahn Loeser & Parks, LLP*. 2017 WL 1363916, Case Nos. 2D13-6051, 2D14-86 . As the prevailing party of the lawsuit, Hahn Loeser & Parks, LLP moved for, and was awarded, its reasonable attorney fees, including those incurred to determine the amount of the fees. Trial Practices, Inc. appealed the award. The Second District upheld the award on the basis of the language of the fee-shifting provision in the underlying contract. *Id.*

The fee provision permitted the prevailing party *"in any action arising from or relating to this agreement" to recover its attorney's fees "incurred in any way in connection with the matter."* The court found the provision broadly encompassed "all claims" connected in any way with the contract, and considered litigating the amount of attorney's fees a "claim" contemplated by the contract provision, and "fees for fees" was permissible. The Second District's opinion follows and adopts a recent decision from the Fourth District Court of Appeals, *Waverly at Las Olas Condo. Assoc., Inc. v. Waverly Las Olas, LLC*, 88 So. 3d 386, 389 (Fla. 4th DCA 2012). In Waverly, the Fourth District held a contract provision authorizing recovery of attorney's fees for "any litigation" includes those incurred in litigating the amount of attorney's fees.

Trial Practices demonstrates a continued departure from the previously-held idea that an attorney or client cannot recover "fees for fees." What does this mean for litigations of the future? It must necessarily begin with the contracts between the parties that inevitably form the basis of the lawsuits. Where boilerplate language would state the prevailing party is entitled to its attorney's fees, drafters might opt for stricter language to shield their clients from an increased risk in the event they lose a lawsuit.

The ruling from the Second District is a double-edged sword: on one side, prevailing parties with broad language in the contract may be able to recover additional fees, but on the other, they risk owing those fees. It is an important consideration given lawsuits can easily reach the hundreds of millions of dollars in fees depending on complexity and duration of the case, and the fees incurred in determining the amount of attorney's fees can be tens of thousands more. Regardless of position, parties to contracts, and the attorneys drafting those contracts, must be increasingly mindful of the risk of drafting broad attorney's fees provisions with this shifting trend. B

Andrew Polenberg is a business litigation associate at Becker & Poliakoff, P.A. in Fort Lauderdale, Florida (apolenberg@bplegal.com)...

On the Frontline: a day in the life of an Assistant State Attorney and Assistant Public Defender

by Arielle Demby-Berger

Most trial attorneys will tell you that some of the best training they have ever had came while working as an Assistant State Attorney ("ASA") or Assistant Public Defender ("APD"). Are you curious what it is like to be an ASA and/or APD? I had the privilege to meet with two on the frontline: 1) Andrew Courtney is a University of Scranton and NSU law grad working for the State Attorney's Office of the 17th Judicial Circuit. He has been an ASA for a little over eighteen months and is a misdemeanor prosecutor handling county court cases such as batteries, petit thefts, drugs, and DUIs; and 2) Ashley Mitchell hails from the University of Florida and NSU law. She has been with the Broward County Public Defender's Office for almost eight months and is in the misdemeanor domestic violence division.

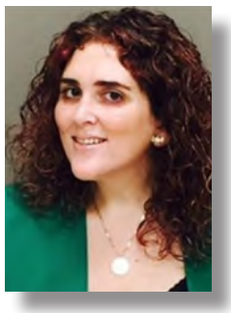
Despite being on opposite sides of the courtroom, Ashley and Andrew, like many ASAs and APDs, have quite a lot in common. They both describe a caseload that would intimidate even top legal gurus. They each handle hundreds of cases. Andrew described one docket when seventeen cases were set for trial at the same time and Ashley, who is certainly getting her share of experience, has had twenty-four cases set all on one day! A typical day for both begins at 7 a.m. prepping for court. Andrew says that after court he spends time on witness prep, training, discovery, and victim outreach. Ashley, on the other hand, is busy doing depositions, meeting clients, and squeezing in as many jail visits as possible. Each has been known to burn the midnight oil. To get a work-life balance, they have initiated a rule about trying to leave the office by 7 p.m. on non-trial days.

Ashley and Andrew have very similar ideas on how to improve the justice system. Andrew believes that there are times when the criminal justice system rolls forward so relentlessly that people just get lost in the system. Sometimes a victim just wants to be heard. Andrew says, "Justice is very fluid, there is a time to drop the hammer and a time to drop the case." They both feel that racial disparity

Continued on next page

is a problem. Racial disparity in criminal law is nothing new and "It has always historically been this way," says Ashley. Now that it's widely known and accepted, they both wish the biases could be eliminated to truly make justice blind. Ashley finds motivation from her supervisors and mentors especially one who has a great quote that she likes: "When defending the poor, we defend the public and when defending the public we defend us all."

They share the same worries and their biggest fear is that they will get to a point where they no longer care. They know that having a good work-life balance can prevent this burnout and would advise future law students who want to work as ASAs and APDs to make sure they are in it for the right reasons. Andrew explains that sometimes the job is extremely rewarding while sometimes it's thankless. You must have the right mindset to take this life on. Ashley's biggest advice is to always remember that clients are people too. If you forget that, then you cannot defend them. They each love being trial attorneys and see themselves at their respective offices in ten years and, hopefully, will have their law school loans paid off. These are the newest generation of attorneys on the frontline - their passion and dedication are inspiration for all in our profession. B



Arielle Demby-Berger is an Assistant Attorney General and Special Assistant Statewide Prosecutor at the Office of the Attorney General, Medicaid Fraud Control Unit.

Broward County, BCBA, & 17th Circuit Celebrate New Courthouse

By: Braulio Rosa

On May 11, 2017, the Broward County Bar Association partnered with Broward County and the 17th Circuit to host a Ribbon Cutting Ceremony and Reception to celebrate the new Courthouse. With a large crowd in attendance, Broward County Mayor Barbara Sharief, Chief Judge Peter Weinstein, and other local community and legal leaders, including BCBA President Charles Morehead, commemorated the event with thoughtful words of gratitude and recognition. President Morehead represented the Bar well by commending the county government elected officials, staff, as well as the judiciary, and other key stakeholders.

"Our courthouse shapes our community and its perception of justice," stated President Morehead. Further, he added, "A courthouse must be dignified, solemn, secure, technology-driven, and efficient. This building is all those things and more." President Morehead then presented Mayor Sharief with a plaque marking the date. The language of the plaque is similar to the language of a bronzed plaque that will be placed in the courthouse lobby at a later date. The plaque will be presented by the BCBA to Broward County to permanently commemorate the courthouse Ribbon Cutting and to express gratitude from the Bar and its members. After the ceremony, the BCBA hosted a reception across the street at the 110 Tower. 250 plus attended and celebrated the ribbon cutting ceremony. We thank our partners in this endeavor, including Mayor Sharief, Commissioner Tim Ryan and the entire Broward County Commission, County Administrator Bertha Henry, Assistant County Administrator Alphonso Jefferson, and Public Communications Office Assistant Director Ric Barrick. Further we thank Chief Judge Peter Weinstein and the judges of the 17th Circuit, as well Trial Court Administrator Kathy Pugh. Additionally, we thank Broward County Clerk of Court Brenda Forman. Finally, and with much appreciation and gratitude, we thank our event sponsors for enabling us to host this wonderful event.

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"The Ins and Outs of the New Courthouse"

by Jeni Meunier

By statute, Court Administration is responsible for providing due process technologies in criminal cases. The newly built courthouse presented an opportunity to incorporate much needed courtroom features. While video conferencing and remote witness testimony has always been supported, even in the old buildings, the equipment required had to be brought in by attorneys. Consideration was given to those requirements, and with careful thought and consensus, user friendly features were installed in an effort to minimize the amount of self-provided hardware required in the new building.

I sat down with Craig Burger, director of video operations for the 17th Judicial Circuit of Florida, to discuss the technologies that have been implemented at the new courthouse, and how they will benefit the attorneys, judges and clients. Craig has 36 years of experience in the design and implementation of video systems for the courts and was excited to sit down and let our members know what they can expect.

The first things attorneys will notice when they sit down at their tables will be the built-in cables at the top of the table. Gone are the days of climbing down under the table to plug power in. Each table provides pre-connected cables for power, HDMI video, a 15-pin VGA connector, and a 3.5 mm audio connection. The evidence podiums feature connection jacks, but cables will have to be brought. The podiums also include, a document camera and DVD player (MPEG-2 or MPEG-1 format only). HDMI is the preferred interface. The system will support up to 4k resolution, and it auto scales depending on the output of the source device. Audio that is integrated with the HDMI signal is automatically fed through the sound reinforcement system, so no additional speakers are necessary. For any tablets that do not output through any of the supplied connections, Craig recommended bringing an adjunct device that can be plugged into the HDMI or VGA cables, and then broadcast the content over wi-fi to that device. An example would be an iPad streaming to an Apple TV box.

Once connected into the system, whether the source is from the attorneys' table, evidence podium, witness box, or even the judge's bench, content distribution is ultimately controlled by the judge. Monitors are located in the jury box, witness stand, on the bench, on each attorney's table, and for the spectators.

To alleviate any concern about cyber security, Craig stated that any device plugged into the courtroom system is on a closed loop. There is no outside network access to the system.

Craig cautioned against reliance on Apple products, saying, "We are not an Apple shop. If you use Apple products, make sure you have the right adapters for our connections." Sorry Apple fans, maybe the next courthouse. B

Jeni Meunier is a Senior Consultant at Logicforce. LOGICFORCE consults with law firms specializing in IT optimization, cyber security, eDiscovery, digital forensics, document management and document review. Jeni can be contacted at JMeunier@Logicforce.com or (754) 666-5900.

Florida Construction Law Update

by Jared Guberman

AIA Revised Documents: About a month ago, the American Institute of Architects ("AIA") released its revised contract documents. Every ten years the AIA reviews and updates its family of documents to reflect the current developments and practices in the construction industry. These documents are recognized as the "industry standard," which define relationships and terms involved in design and construction projects. Some of the major changes as per the AIA include:

- Agreements allow the parties to discuss and insert an appropriate "Termination Fee" for terminations for the owner's convenience. This allows the architect to be compensated for costs associated with the termination, such as lost overhead or profit on unperformed services.
- Architect is no longer required to re-design for no additional compensation if he/she couldn't have reasonably anticipated the market conditions that caused the bids or proposals to exceed the owner's budget.
- Parties will be able to indicate whether the architect will be compensated based on a stipulated sum, a percentage of the owner's budget for the cost of the work, or on some "other" basis.
- New provisions relating to direct communications between the owner and contractor, as opposed to communicating with the architect.
- Revised provisions pertaining to the owner's obligation to provide proof that it has made financial arrangements to pay for the project.

Third DCA Affirms Lien Foreclosure: On April 12, 2017, President Trump's company lost a Miami-Dade County construction lien dispute. The Third District Court of Appeal (Trump Endeavor LLC v. Fernich, Inc. d/b/a The Paint Spot) affirmed the trial court's determination that Paint Spot substantially complied with the provisions of section 713.06(2)(a), (b), and (c), Florida Statutes, and that Paint Spot strictly complied with the time requirements of subsection (2)(a). It further held that that Trump failed to establish that it was adversely affected by the error contained in the Notice to Owner ("NTO").

Trump hired two different general contractors to complete renovations at two different projects at Trump National. Notably, both projects shared the same address. In order to preserve its lien rights, Paint Spot timely served its NTO on Trump and the general contractor. However, Paint Spot unknowingly served the wrong general contractor. Paint Spot continued supplying materials to the Lodge Project, but Paint Spot was never paid for those items. Paint Spot recorded a lien against Trump National.

In this case, Paint Spot strictly complied with the time requirements for serving an NTO. Even though the NTO was served on the wrong contractor, it was served within 45 days after commencing to furnish labor, services, or materials. Further, the NTO was substantially in the form provided by section 713.06(2)(c), with one exception: the name of the contractor. Additionally, evidence established that Trump and the correct contractor had actual, express and timely notice that: Paint Spot mistakenly named the wrong contractor in its NTO; Paint Spot was supplying materials to the Lodge Project under an order given by the subcontractor; and Paint Spot intended to lien the property if payment was not timely made. Further, the evidence established that the correct contractor treated Paint Spot as a potential lienor for the duration of the Lodge Project. The court agreed that Paint Spot made a minor error; however, Trump provided no evidence that it was in any way adversely affected by this mistake. As a result, Paint Spot foreclosed on its lien.

Eleventh Circuit Bars Bond Claim: On February 28, 2017, the Eleventh Circuit (Int'l Fidelity Ins. Co. v. Americaribe-Moriarty JV), applying Florida law, barred a performance bond claim for failure to comply with the notice provisions in the bond and in the subcontract.

The dispute arose from a performance bond issued for a subcontract between Americaribe-Moriarity JV ("AMJV"), a general contractor, and Certified Pool Mechanics, Inc. ("CPM"), a pool subcontractor. The subcontract required AMJV to provide three-days notice before being able to terminate CPM. The bond, which incorporated the subcontract, included termination provisions that gave the surety the right to elect one of four options to rectify the alleged default after AMJV sent the termination notice. If the surety failed to elect an option within "reasonable promptness," AMJV had to provide the surety seven-days notice before it could enforce other remedies.

AMJV sent CPM and the surety a letter terminating CPM. However, before AMJV sent the letter, another subcontractor already sent a proposal to AMJV for completing the work remaining on the subcontract. Two days after the letter was sent, the other subcontractor had commenced some work required for the project. There was also ample evidence that AMJV paid the new subcontractor to do the work during the period immediately after AMJV sent the letter. The Eleventh Circuit affirmed the Southern District of Florida's ruling that AMJV did not comply with the subcontract's three-day notice requirement nor did it comply with the bond's requirements, which expressly afforded the surety to elect four options for completing the defaulted work. As a result, the surety was not liable on the bond. B

Jared Guberman, Esq. is a construction litigation attorney with Ferencik Libanoff Brandt Bustamante & Goldstein, P.A. in Fort Lauderdale. He may be contacted at 954-474-8080 or by e-mail at jguberman@flblawyers.com

Where in the World is the Barrister?!?

BCBA's President-Elect Thomas Oates & Secretary Michael Fischler, at Everglades Holiday Park, Broward County, Florida.
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Recent Developments in the Law

by Nancy Little Hoffmann

ATTORNEY-CLIENT PRIVILEGE PROTECTS A PERSONAL INJURY PLAINTIFF FROM HAVING TO DISCLOSE WHETHER THE PARTY WAS REFERRED TO A PHYSICIAN FOR TREATMENT BY HIS OR HER ATTORNEY.

Reviewing conflicting opinions from the Fifth and Second districts, the Florida Supreme Court upheld the attorney-client privilege as applied to the question of whether a party should be required to disclose that his or her attorney referred the party to a physician for treatment. In a four to three opinion, the majority rejected an argument that Boecher applied, primarily because the law firm is not a party to the litigation, and secondarily because the treating physician is not an expert "hired for the purposes of litigation." It noted that the defense has other means of attacking the credibility of a treating physician based on bias, including whether a letter of protection relationship existed between the law firm and the physician. It concluded that the attorney-client privilege must be applied to shield the party from forced disclosure of all communications with counsel, including whether counsel had referred the client to a particular physician. Worley v. Central Florida YMCA, 42 Fla. L. Weekly S443 (Fla. April 13, 2017).

CHILD SUPPORT: CAN INCOME BE IMPUTED TO INCARCERATED PARENT? CONFLICTING OPINIONS CERTIFIED TO SUPREME COURT FOR RESOLUTION.

A father serving a lengthy sentence in federal prison appealed a final judgment dissolving his marriage and ordering him to pay child support. Whether income could be imputed to him posed a case of first impression in the Fifth District, which noted that there were conflicting opinions from the Fourth and First districts.

The Florida Supreme Court ruled in 2003 that a parent with a pre-existing support order could seek modification upon incarceration based on an inability to pay, but that the petition would be held in abeyance throughout the incarceration. In 2010, the Fourth District, in considering how that opinion should be applied to setting an initial support obligation, held that income should be imputed to the incarcerated parent so that arrearages could accumulate until that parent was able to earn an income, and then establish a payment plan. In a conflicting 2016 opinion, the First District held that a trial court should not impute income without a demonstrable ability to pay.

The Fifth District aligned itself with the Fourth, concluding that the individual's actions leading to incarceration should be considered voluntary for purposes of section 61.30(2)(b), Fla. Stats., which allows imputation if the parent's inability to pay is voluntary. It certified the conflict to the Supreme Court. Wilkerson v. Wilkerson, 42 Fla. L. Weekly D918 (Fla. 5th DCA April 21, 2017).

ORDER GRANTING SUMMARY JUDGMENT CONSIDERED FINAL WHERE IT ALSO DISMISSED CASE WITHOUT PREJUDICE.

Although it is well established that an order which merely grants a motion for summary judgment is not final or appealable, such an order is deemed a final order for appellate purposes if there is other "evidence of finality." In this case, the order also dismissed the action without leave to amend, but without prejudice to the plaintiff's filing of a new lawsuit. The Fifth District held that the order was thus final, and that it lacked jurisdiction because an appeal was not filed within thirty days. Bank of New York, etc. v. Swain, 42 Fla. L. Weekly D916 (Fla. 5th DCA April 21, 2017). B

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"Learning to be Appealing in the Third and Fourth DCAs"?

by Meredith A. Chaiken

On April 20, 2017, the Appellate Practice Section hosted a Spring Seminar on how the Third and Fourth DCA Clerks' Offices operate, and how appeals are processed. The panel consisted of Lonn Weissblum, Clerk of the Fourth DCA; Joseph E. Levis, Director of Central Staff for the Fourth DCA; Grace Streicher, Staff Attorney at the Fourth DCA; Mary Cay Blanks, Clerk of the Third DCA; and Mercedes (Mercy) Prieto, Staff Attorney at the Third DCA .

Attendees were treated to a wealth of "inside information" from the esteemed panel, who started by answering questions regarding the process by which briefs are analyzed. In the Fourth DCA, staff attorneys review briefs and the record on appeal, and then prepare bench memoranda. In the Third DCA, each judge has his or her own process. For example, some judges require staff attorneys to prepare a brief summary of the appeal, while others have staff attorneys do preliminary research and create a small index of what is in the record.

With regard to oral argument ("OA"), the Third always sets it when requested (except in post-conviction cases), though it may later be dispensed with. Both the Third and Fourth DCAs expect attorneys not to request OA if it would not enhance the argument. In the Third, there may be some advantage to not requesting OA, because perfected cases are set each month for panel conference. In the Fourth, cases with no OA are typically conferenced two to three months after the case has been perfected.

As expected, there is no set time frame for issuing opinions. If an attorney calls either DCA for a case's status, the Clerk is directed to send an email to the panel that there has been an inquiry as to why an opinion is taking so long. However, both DCAs review the status of active cases quarterly. Per Florida Rules of Judicial Administration, all five Florida DCAs are required to report cases to the Florida Supreme Court that have been pending for longer than 120 days.

The panel offered other valuable advice as well, including:

- The judges prefer hyperlinks within briefs; yet in the Fourth, unlike the Third, a motion asking for permission to include hyperlinks is required.
- To avoid OA conflicts, Notices of Unavailability may be filed in the Third DCA. If you have a conflict with a scheduled OA in the Fourth DCA, file a Motion to Continue OA.
- The Third does not like Notices suggesting that a case is ripe for summary affirmance. The Fourth, however, says that filing such Notices can be a good vehicle for suggesting that a case is ripe for summary affirmance.
- Judges and clerks deal with all areas of law. As such, educate the court in the specialized area of law that is the focus of your appeal.
- Avoid emergency filings. They are very disruptive to the court. Instead, file a motion and tell the court that while it is not an emergency, a faster-than-usual ruling is needed for "X" reason.

This article was submitted on behalf of the BCBA Appellate Practice Section, Michele K. Feinzig, Esq. of the Law Offices of Robin Bresky, Chair, and Louis Reinstein, Esq. of Kelley Kronenberg, Vice Chair. For more information about the Appellate Practice Section, please check the BCBA calendar, or email mfeinzig@bresky-appellate.com or LReinstein@kelleykronenberg.com. B

Meredith A. Chaiken is a Partner at Tenberg Chaiken, focusing on appellate practice and commercial litigation in both state and federal courts throughout the State of Florida.

How to Turn "Fitness Fads" into "Forever Fit"

by Michelle Suarez

Every year, come January (New-Years-resolution-motivated) and April (getting 'summer-body' ready) we are inundated with the newest exercise trends and fads. The attraction to these 'Fitness Fads' is that they are usually easy to follow, require no thinking because the program is designed to do the planning for you, and you can usually see results almost immediately. But first things first, of course you're going to see results when you go from couch potato to crouching tiger hidden exercise buff! Secondly, if you are going to turn into a fit-fad extremist one of the following is certain to occur: 1.) overtraining: your body will regress and you will eventually hit a plateau because you became an extremist attending 5 classes a week; 2.) boredom: doing the same thing over and over will lead you back to square one (doing nothing at all and dropping your exercise program); or 3.) you will love your program and stay consistent but will only develop the physical benefits specific to the type of training you are engaging in. That is why the best approach is to diversify your fitness portfolio by combining several different types of these regimens dependent of course on what your personal goals are.

I've done my research on the following fitness trends and have found them all to be excellent fitness programs when not relied on exclusively: (1) Orange Theory Fitness ("OTF"); (2) Cross-Fit ("CF"); (3) Yoga. There are more, but I will only discuss these top three choices.

OTF is based in anaerobic (think squats and bicep curls) and aerobic exercises (lots of rowing and running) and does a great job of hitting various facets of fitness components making it one of the most well rounded exercise programs out there. I especially love that they have trainers that are constantly monitoring individuals for safety concerns and also rely on each fitness enthusiast's heart rates to encourage them to get into an optimal fat burning zone. OTF seems to have one of the safer programs around while also proving some amazing results in their participants.

CF is great if followed with strict form (many of the moves can be dangerous if performed improperly). CF is also an excellent introduction to learning the fundamentals for many classic compound exercise moves such as the deadlift and squat. However, this program seems better as a compliment to other programs that focus less on power moves and more on a combination of anaerobic and aerobic exercises.

Finally, the benefits of Yoga are numerous and go without saying. See my article on the benefits of yoga in last month's Barrister. However, in my opinion, even Yoga is not sufficient alone. It is a necessary addition to any exercise regimen, but compliment yoga with exercise programs based in weights and fast/explosive movements such as those in OTF or CF in order to have the most beneficial combination. For example, try a weight-based exercise program 3-4 times a week, and Yoga 2-3 times a week. I have seen ideal results using this combination and would encourage you all to try it for a month and record your progress in strength, flexibility, and body fat percentage every week. Stay healthy my friends!

Michelle K. Suarez is a Partner at Odroniec Suarez, P.A.. She practices business law and helps Start-Ups and Entrepreneurs throughout the state with their corporate and litigation needs. She is a fitness enthusiast, a student of tech, and a lover of life.

June

2 **2017 Labor and Employment Section Summit**
Time: 11:30 a.m. - 4:30 p.m.
Venue: BCBA Conference Center
Cost: $60 Section Member; $75 BCBA Member; $90 Non-Member

6 **Young Lawyers Boot Camp**
Session 4
Time: 5:30 p.m. - 7:30 p.m.
Venue: Broward County Courthouse
Cost: $15 BCBA Member; $25 Non-Member

9 **Government CLE: Resolutions, Ordinances, Proclamations, Oh My!**
Time: 12:00 p.m. - 1:30 p.m.
Venue: BCBA Conference Center
Cost: $15 BCBA Member; $25 Non-Member

14 **CLE: How to Manage High Conflict People**
Time: 11:00 a.m. - 1:00 p.m.
Venue: BCBA Conference Center
Cost: $25 BCBA Member; $35 Non-Member

16 **Investiture of The Honorable Yael Gamm**
Time: 1:30 p.m.
Venue: Broward County Courthouse Room # 16175

17 **Annual Installation Dinner & Gala Great Gatsby Themed! Live Music!**
Black Tie optional
Time: 6:30 p.m. Cocktail Reception| 7:30 p.m. Dinner
Venue: Hyatt Regency Pier 66 – Crystal Ballroom
Cost: $100 BCBA Member; $125 Non-Member
Sponsorships Available!

29 **South Regional Courthouse CLE**
Time: 12:00 p.m. – 1:30 p.m.
Venue: South Regional Courthouse
Cost: $15 BCBA Member; $25 Non-Member

29 **Group Speed Mentoring!**
BCBA Members Only
Time: 5:30 p.m. - 7:00 p.m.
Venue: BCBA Conference Center
Cost: $10 Mentees; No charge BCBA Mentors

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