Inaugural Newsletter

Welcome to the inaugural edition of the newsletter for the Broward County chapter of the Federal Bar Association! I'm so delighted that this newsletter has finally come into being, and so very proud of the editorial board that made this happen.

This newsletter started as one of those overly-ambitious and “next year” types of projects, until it found root with our Editor-in-Chief, Gabriel Pinilla, who not only made it happen but took it to the next level. Gabe stepped up, designed the project, created a team, and accomplished the mission along with his colleagues on the editorial board. This juxtaposition of initiative and opportunity is one of the reasons that I so enjoy the Federal Bar Association. To all of its members, the FBA offers a great opportunity to brush shoulders with the judiciary and fellow federal practitioners, as well as a host of other benefits such as The Federal Lawyer magazine, practice groups, national seminars, professional discounts, and more. But to those who make the effort to get involved, the FBA is a limitless opportunity for leadership and service.

When I first joined the FBA, I attended the monthly luncheons and not much more. The lunches (usually chicken) were interesting if not particularly delectable, but I often left the luncheon having shaken several hands but not really met many colleagues. In simply attending the occasional luncheon, I failed to appreciate the full opportunity the FBA offered, and certainly failed to do my part in giving back to the federal bar. Then one year the national convention came to Ft. Lauderdale, and I happened to volunteer for the convention committee. What began as an obligation became an interest and then a passion: the Federal Bar Association not only provides a common ground between those behind the bench and those advocating before it, but also works in Washington and across the country to elevate federal practice to serve the interests of both the federal practitioner and judiciary. In any given month, chapters across the country hold luncheons, practice seminars, swearing-in ceremonies, law clerk receptions, CLE events, social gatherings, moot court competitions, and more. Meanwhile, the various FBA sections and divisions hold regional and national seminars, creating the opportunity to tap into a national network of professionals in specific practice areas across the country. And at the same time, the national FBA organization might be petitioning Congress for better security for our judges, more funding for federal court systems and their employees, and changes to rules and substantive law designed to improve federal practice.

At one of our recent FBA events, an “Orientation to the Southern District of Florida,” Judge Zloch encouraged the 50 or so attendees to get involved in the FBA. I echo his encouragement, and we would welcome your involvement! Whether you get involved for a single event, you contribute one article to the newsletter, or – like many of us – you become entrenched in the FBA, our chapter and our federal practice will benefit from your involvement. And if that were not enough encouragement, how about improved job satisfaction and a thicker wallet? A recent study of professionals found that those actively involved in a voluntary bar association were more satisfied with their careers and earned between 14% and 52% more than their peers who were not involved in a voluntary bar association.

In this newsletter and in the editions to follow, you will find many opportunities to get involved. I encourage you to take advantage of them by joining the FBA’s Broward Chapter (a membership enrollment form is included in this edition on page 15).
Letter from the Editor

Welcome to the inaugural edition of the Broward Chapter of the Federal Bar Association's quarterly newsletter! This project was inspired by this year’s chapter president René Harrod, who has been instrumental in launching the newsletter. Our mission is in lock-step with that of the FBA and our chapter, which is to help raise the level of practice and professionalism in the federal bar community. We hope to do this by bringing the local federal bar community together, both the judiciary and practitioners and their staff, by featuring local events, providing profiles on the judiciary, presenting insightful articles on key legal issues or happenings in our district, and serving as a conduit of information between the judicial institutions in our area and the attorneys and litigants they serve.

We have already had a generous outpouring of support from the judiciary and local FBA members and we are grateful to all who have helped contribute whether by providing information or even partnering with us to produce special recurring features. We hope to grow the newsletter in the coming editions to incorporate even more involvement from our community counterparts whether it is by submitting articles or stories, giving us a heads up on special events or issues we should feature, providing insight into practice tips for our readers, or even just posting ads or classifieds with our publication. Please join us in celebrating publication of our first edition. We hope you enjoy the features and articles in this edition and those that follow, and we encourage you all to help shape the face and impact of the newsletter in the years to come.

Best,
Gabe Pinilla
Editor-in-Chief

The FBA Newsletter Needs a Name

Our newsletter needs a name. We’ve narrowed it down to three finalists:
1) BenchBriefs
2) The Southern District Reporter
3) The Standard Review

Now it’s up to YOU to vote to pick the winner.

Please send your votes to fba_newsletter@wardkim.com with “Vote” in the subject field and type the name or number of your pick for the winning name in the email text. The winning name will headline our next edition. Thanks for your participation, we look forward to tallying the votes and giving our Newsletter a proper title.

Featured Articles – CALL FOR PAPERS!!!

Each edition we will feature full length “articles” submitted by members of the legal community in South Florida. A typical article should be no more than 2500 words and have a substantial relationship to the South Florida federal bar. We want to feature traditional articles providing insightful analysis on legal issues of importance to federal practice in our district, however, we will also publish non-law review-style essays and works of non-fiction or short fiction, so long as there is a sufficiently strong nexus to legal issues or current events touching the South Florida federal bar. So, we encourage our local scholars and writers to submit their scholarly works, insightful pieces on locally important legal happenings or issues, and even well crafted accounts of your favorite federal court war stories. Please send all submissions to fba_newsletter@wardkim.com with “Featured Articles” in the subject field.
Chief Judge Federico Moreno – A Story of Success Fueled by Passion
by Gabriel D. Pinilla

I have a theory about success—combine talent with passion for what you do and it will rain down from the sky, whether you seek it out or not. Maybe this is obvious, and I'm sure it has its exceptions, but some people embody the truth of this formula so much that it can't be ignored. I couldn't ask for a better example of my equation in action than Federico Moreno, Chief Judge of the United States District Court for the Southern District of Florida. I spent some time talking with Chief Judge Moreno recently and found myself repeatedly drawn back to this idea—that passion and love for what you do can equal (and no doubt exceed) other qualities that drive success.

Moreno's quick wit is well-known, but even if you've never seen him in action on the bench, it's not hard to imagine how a courtroom in Miami has provided fertile ground for Moreno's engaging personality. In fact, to figure out that Chief Judge Moreno loves being a trial judge and has a tremendous passion for the law, you only need to spend about 15 seconds talking with him. I got over an hour—more than enough time to see my plain-vanilla judicial profile interview turn into a compelling dialogue filled with great laughs, philosophy and a clear view into how passion for the law propelled this talented lawyer to the apex of South Florida's District Court.

Let's start with the bio and resume. Moreno was born in Caracas, Venezuela in 1952. His family origins stem from Spain and France, and he is fluent in both Spanish and French. Moreno moved to the United States at 12 years of age when his family first settled into the state of Indiana. He attended Notre Dame for undergraduate studies in government and international relations then earned his J.D. in 1978 at the University of Miami. During his last year of law school, Moreno served as a certified legal intern with the Florida State Attorney's office. During this internship Moreno was immersed in courtroom proceedings for the first time. Moreno immediately knew he loved trial work and being in the courtroom. It was there that he first thought about someday serving as a judge.

Following his admission to The Florida Bar, Moreno entered private practice and later served as an assistant federal public defender before starting his own firm in 1982. In 1986, Governor Bob Graham appointed Moreno to the Miami-Dade County Court at only 34 years of age. A year later, Moreno was elevated to the Circuit Court of the Eleventh Judicial Circuit where he served for three years before being appointed to the U.S. District Court by President George H. W. Bush in 1990. At the time, Moreno was the youngest sitting district judge in the country and the first Latin American-born judge to serve in the Southern District of Florida.

As if this meteoric rise weren't enough on its own, Moreno was tapped for elevation to the Eleventh Circuit Court of Appeals just two years later. But Moreno's nomination was not processed because President Bush lost the election that same year, a twist of fate Moreno has no complaints about. "You can do it all at this level" Moreno says. "You can be scholarly with your written rulings. But you also get that human dimension," referring to the real life drama that plays out in his courtroom every day. "It's more exciting than Court TV," Moreno says. I laugh, but he is only half joking as he points out that his courtroom is usually packed with spectators and the media.

Moreno comes alive as he talks about that human dimension of trial work and court proceedings. "I love jurors and lawyers" Moreno says, "and the back and forth of trial and legal arguments." Moreno confesses that he gets frustrated when attorneys before him do not advocate as effectively as they should. Here, Moreno betrays his passion for lawyering again. He wrings his hands in the air for emphasis as he tells me he sometimes wishes he could step off the bench and make the arguments himself.

But it's not just the complexities and drama of trial work and the heat of a great legal argument that feed Moreno's passion. As Chief Judge, a position he assumed in 2007, Moreno speaks humbly and sincerely about maintaining the respect and integrity of the judicial system. He tells me how he thinks courthouses should be like "secular temples," to inspire respect in the community just as cathedrals were built on a grand scale to

continued on next page
Chief Judge Moreno clearly takes his role as custodian of the institution in South Florida seriously. He says “when you're a judge you rule your own fiefdom, as Chief you are accountable for the whole kingdom.” Moreno is quick to praise his fellow district judges, who he says make his job of managing administrative issues at the court easy because of the collegial and cooperative group dynamic. Moreno is also very modest about having been appointed to the position, saying “it's not something I earned, it's something I survived,” noting that the job is assigned based on seniority every seven years.

Despite Moreno's appreciation and respect for his custodial role as Chief, there's no question that his first love of the job is the courtroom work. Moreno has maintained a 100% caseload, which is rare given the administrative duties and time commitment that come with the Chief's post. Of course, his answer is simple and consistent, “I love the trial load.”

It seems obvious to me that his passion for “the work” has played no small part in Moreno's success in managing extraordinarily complex and high-profile cases. Moreno's docket has seen organized crime cases, battles over Everglades restoration, and a massive class-action lawsuit against the country's largest health care providers. Some of the most significant cases he has been assigned also include controversial drug cases such as the Willie Falcon and Salvador Magluta prosecutions in the mid 1990's where jurors were bribed and witnesses were killed. A more recent drug case involved the Rodriguez-Orejuela brothers of the Cali cartel, which resulted in a multi-billion dollar forfeiture and lengthy prison terms.

Perhaps most impressive is the massive multidistrict health care litigation that was assigned to Moreno in 2000 by the Judicial Panel on Multidistrict Litigation. The so-called Aetna matter consisted of over 50 lawsuits against HMO's across the country. The litigation involved more than 900 lawyers, 700,000 doctors and the country's largest health care providers.

Moreno says he is proud of the work he and his clerks have done on that litigation, and he has been called a pioneer in managed care reform for his involvement. By way of example, the Connecticut State Medical Society observed that the “historic settlement gives everyone reason for optimism and it is Judge Moreno's wisdom that has made possible the better healthcare system that will result for all.”

Moreno points to this multi-district case as one of the most significant in his career when I ask him which cases stand out most in his mind. In particular, he points to the caliber of attorneys involved in the case, as well as the logistical hurdles of running a case with so many parties and lawyers that made it so interesting and challenging for him.

Other cases that Moreno recalls as having an impact on him fall into what he calls the “emotional significance” category. Some of these include a case where a woman had given her child up for adoption but later changed her mind and sought to regain custody. The law prohibited return of custody under the circumstances, a difficult ruling given the intense emotions at issue.

Moreno also discussed how sentencing can sometimes be difficult, especially in the case of young people with bad family circumstances or in death penalty cases. He becomes solemn and steady with his words when he tells me about these cases, noting that as hard as these situations can seem, they are part of the job. No doubt part of the complex “human dimension” Moreno finds so compelling about his work.

I catch him for the interview under simpler circumstances—administering the oath of attorney to a newly minted graduate. Moreno does not disappoint; his charm and wit soaring as he talks and jokes with the young man's family. He starts out by asking his judicial assistant: “How much are we charging for this one?” and “I'd rather swear you in than take your guilty plea.” Then he gregariously welcomes the family and invites them onto the courtroom floor so they can get a good view for pictures.

The well-timed one-liners continue, and help provide warmth and a sense of intimacy for the family, who are all smiles. After the oath is completed, anticipating the family's hesitance to take up their child, Moreno encourages and even orchestrates different poses for several pictures. You can tell this is one part of the job he especially enjoys.

During our meeting, I ask him about another swearing-in he is known for. After having passed the bar exam and lining up a job, Moreno's oldest daughter was getting ready to fly out to start her career in Washington, D.C. Moreno insisted that he swear her in before she left for the airport. Grabbing a spare judicial robe he keeps at home, his daughter in her pajamas, Judge Moreno proudly administered the oath of attorney to one of his own.
Yet Moreno’s advice to South Florida lawyers recalls this same creed—Do what you love if you can. He suggests a hypothetical in case anyone needs further clarification on the advice: “If you were to win the Lotto, how would your practice be different—would you still be a lawyer? [You should] enjoy what you are doing.” Moreno hasn’t won the Lotto, but there’s no question he is right where he wants to be, having arrived there through tremendous talent and a bottomless passion for his work.

I asked him what advice he gave his daughter about working as an attorney. His response echoed what seems to have been the beacon of his own career—“Do what you like if you can.” For his daughter, this advice shed a light on her employment options. She could take a lucrative job with a highly-respected national firm, or hit the ground running with the U.S. Department of Justice where she would immediately get courtroom experience. Perhaps in part because of her father’s love affair with trial work, she opted for the latter choice.

Chief Judge Moreno At-A-Glance

**Biggest Issues for Federal Bar**
Budget for judiciary, independence of judiciary. Must properly equip the legal system and maintain culture of respect for process and institution.

**Advice to Attorneys’ Before Him**
Be prepared. Chief Judge Moreno will make sure you have done a proper work-up. Just as important, you have a “good will account” that is depleted every time you are dishonest. Guard your good name and reputation. “No case is worth blemishing your name—it is your most important possession.”

**First Job in College**
Worked as a Janitor at Notre Dame during summers.

**Favorite Movies**
“Rudy” (if you haven’t noticed, C.J. Moreno is a huge N.D. Fan) and “Remember the Titans”

**Favorite Songs**
Generally likes “the Oldies” but has a soft spot in his heart for the Notre Dame Victory March and God Bless America (Moreno is fiercely patriotic, which he attributes to his experience coming to the U.S. from Venezuela).

**Favorite Hobbies**
Golf, which he calls an obsession; Travel, his favorite places are Buenos Aires and Spain, in particular the small village where his family is from—as to his love of travel, he quotes a Spanish proverb he has modified “No te quitan lo viajado” (“No one can take away from you what you have traveled”). He says he loves history, and that he makes sure to visit the courthouses wherever he travels; and, Food, where he and I both recall the wonders of farm-cured hams and chorizo of Spain, among other savory delights.
Tips From A Federal Law Clerk
By Phil Rothschild
Law Clerk, Judge James I. Cohn

United States District Judges may hire two or three attorney law clerks, depending upon whether they also have a judicial assistant/secretary. United States Magistrate Judges may hire one or two law clerks, again depending upon whether the judge decides to employ a judicial secretary. Most law clerks are recent graduates of law school, though recent hiring indicates many judges now prefer one or two years of private practice experience by the incoming law clerk before the clerkship begins. While most law clerks have one or two-year terms, most magistrate judges and a few district judges employ a career clerk, an attorney who usually has some experience prior to clerkship, and who does not have a fixed term with that judge. The career law clerk may also perform administrative duties if the judge does not employ a secretary.

The primary role of a law clerk is to help the judge research and draft written orders for motions, and to brief the judge on any in-court hearings or trials. Most of this work is done in civil matters. Depending upon the chambers, contact with law clerks may or may not be appropriate. The Florida Bar’s Federal Court Judges’ Practice Guide, available by hyperlink on the Southern District website, includes information on whether a judge allows attorneys to speak to law clerks, as opposed to limiting contact to a judicial assistant/secretary. Even if contact with law clerks is allowed, please do not discuss the merits or substance of your case with the law clerk – as the law clerk is often considered an extension of the judge for ex parte purposes.

Of course, a practitioner will also come across as more informed if he or she first tries to find the answer to a procedural question in the Local Rules or on the Court’s website. One rule that is relevant on a frequent basis is Rule 7.1.A.3, which requires a pre-filing conference with opposing counsel (or unrepresented party) before filing of every non-dispositive motion to see if the relief is unopposed. This rule is particularly important with regard to motions for extension of time, as well as motions to amend pleadings. Motions may be processed much faster if they are agreed to or unopposed.

As for hearings, in civil cases, motion hearings are not routine, even if requested. Because a district judge is assigned both criminal and civil cases at the same time, criminal cases take priority when it comes to court time. Some judges, particularly if they are not in a criminal trial, will grant requests for hearings on motions in civil cases. Nonetheless, one’s written product is essential in securing the requested relief. The quality of written motions in federal court is critical to success as an attorney. As important as quality is the accuracy in case analysis, particularly in stating the holdings of cited cases. Nothing hurts a lawyer’s credibility more than misstating the holding of a case. Also, do not ignore adverse precedent from the United States Court of Appeals for the Eleventh Circuit. Find some way to address it, because whether or not opposing counsel finds it, the judge or the law clerk surely will. As far as which cases to cite, the focus should be on published Eleventh Circuit cases. If there is no published opinion on the issue, then district court decisions from within the Eleventh Circuit (preferably Florida, but if none, then Georgia and Alabama) can be helpful if on point. Precedent from other Circuits around the country can be helpful if there are no Eleventh Circuit cases on point. Such cases are not helpful if the Eleventh Circuit has already spoken to the issue, as any District Court in Florida is only going to follow Eleventh Circuit precedent.

A final writing tip is not to overuse adjectives. If you have a good argument, you do not need to hammer home the point by using strong adjectives or adverbs to bludgeon your opponent. If your argument is not strong, then using those words can overstate your argument, leading to loss of credibility. In fact, the reader might wonder if you are overcompensating for a weak argument by using such strident language. Unfortunately, this happens more than is necessary.

Phil Rothschild has been a career law clerk in the Southern District of Florida since 1998. He has clerked for three United States District Court Judges during this time. The views expressed herein are solely Mr. Rothschild’s views.

In this feature, we will provide the information you may not even know you really need to succeed – the practical preferences and pet peeves of our district’s Judges and their staff. Each edition will include tips on what to do and what to avoid doing to navigate confidently through all the procedural and housekeeping details that come with federal practice. Our lead editor for In Camera is Laurie Richter, who will continue to hunt down those elusive practice tips from chambers across the district. We encourage readers to submit tips on judicial preferences from their own experience to fba_newsletter@wardkim.com with “In Camera” in the subject field.

Many thanks to Phil for taking the time to prepare the In Camera feature for this edition and for his many contributions to the FBA and our newsletter. He has been a great source of information and support in launching this publication.
Introduction to the Clerk’s Corner
By Steven M. Larimore

I would like to thank the Broward County Chapter of the Federal Bar Association for the opportunity to address members through the “Clerk’s Corner.” As a former practicing attorney, I understand how Clerk’s Office policies can directly impact the Bar. As the end of the first year of my tenure as the Clerk of this District approaches, my priority is to improve communication about procedural changes that will be of interest to the public that we serve.

As with every aspect of modern life, technology is becoming more and more integral to the operation of the Clerk’s Office and the Courts. Through our new CM/ECF system, we have become partners with the Bar in producing a remotely available electronic docket. The Bar benefits from immediate access for filing, and electronic service of filings. The public benefits by having remote access to dockets. The Court benefits by providing better public service.

Like any database, CM/ECF and by extension the electronic docket, is only as accurate as the information put into the system. Approximately 80% of filings are now directly uploaded into CM/ECF by attorneys. We need to do a better job of educating the Bar, as primary users, about the proper use of the system. The Clerk’s Office is working on achieving that educational goal on many fronts. Soon we plan to offer training classes off-site for large user groups such as the U.S. Attorney’s Office, the FPD, and large law firms.

As we all know, technology is also changing courtroom practice. All of the courtrooms in the new Wilkie D. Ferguson, Jr. Courthouse in Miami are equipped with state-of-the-art sound and evidence presentation systems. We are also installing such systems elsewhere in the District as funds become available. Early next year, our audio-visual staff will begin offering hands-on training with such systems at our courthouses so that members of the Bar can become familiar with those systems prior to going to trial.

The number one goal of the Clerk’s Office is to provide excellent customer service. To assist us in achieving that high aspiration, we have created an on-line survey to provide an easy and quick way to submit feedback on what we can do better. The survey can be accessed at our website found at www.flsd.uscourts.gov.

I look forward to hearing your suggestions and to working with members of the Broward County Chapter of the Federal Bar Association.

In this feature we will bring you news and notes from Steve Larimore, Court Administrator and Clerk of Courts for the Southern District of Florida. Steve has been incredibly supportive in our efforts to produce the newsletter and we are extremely grateful for his contributions. We look forward to continuing this partnership with Steve to keep the federal bar and the Clerk’s Office connected with the goal of fostering a higher caliber of practice in our community. Our lead editor for this feature is Julia Luyster. If you have comments or questions for Steve or related to this Feature, please send them to fba_newsletter@wardkim.com with “Clerk’s Corner” in the subject field.
Significant Rulings
Case summaries by Michael Caruso

**United States v. Schwartz, ___ F.3d ___, 2008 WL 4097271 (11th Cir. September 5, 2008).**

In a prosecution for a fraudulent scheme to sell high yield promissory notes issued by defendants’ companies to individual investors, the Court held that the Confrontation Clause was violated by the admission of a codefendant statement that, in light of the government’s “whole case” compelled an inference of the defendant’s guilt.

At trial, the government introduced a nontestifying defendant’s affidavit that did not incriminate Schwartz by name, but instead, named corporations that Schwartz owned or controlled. Through the introduction of other evidence the government linked Schwartz to the corporations named in the affidavit. Finally, during closing argument, the government directly linked Schwartz to the corporations. In reversing Schwartz’ convictions, the Court concluded that the affidavit, the other evidence, and the prosecution’s closing argument compelled an inference that Schwartz directed the company to use investor monies to line the coffers of his personal business enterprises in violation of the Confrontation Clause.

**Greenberg v. National Geographic Society, 533 F.3d 1244 (11th Cir. 2008)(en banc)**

In this case, Greenberg, a freelance photographer, brought a copyright infringement suit against National Geographic. National Geographic had published a searchable electronic collection of each monthly issue of the magazine for a 108-year period. The electronic database included issues in which Greenberg’s copyrighted pictures had appeared.

Sitting en banc, the Eleventh Circuit held that the electronic collection did not violate the Copyright Act. The Court found that the database contained an image based reproduction of each individual magazine. Each page appeared in the database as it did in original print version and differed from the originals only in the size and resolution of the photographs and text. Therefore, the database preserved the original context of the magazines, and thus was a privileged “revision” of the original works. Additional features of the collection, including a search function, indexes, a zoom function, and brief visual introductory sequence, did not destroy the original context of the monthly issues.

**United States v. Campa, 529 F.3d 980 (11th Cir. 2008)**

The Court upheld various convictions from an espionage conspiracy prosecution arising from the domestic activities of the Cuban intelligence agency. In particular, the Court upheld, over a strongly worded dissent, the conspiracy to commit murder conviction that stemmed from the shooting down of aircraft that belonged to Brothers To The Rescue over international waters.

**United States v. Hassoun, 476 F.3d 1181 (11th Cir. 2007)**

In a decision connected to the Padilla terrorism case, the defendants were charged with various crimes arising from their alleged participation in a support cell with the aim of promoting violent jihad as espoused by a radical Islamic fundamentalist movement. On double jeopardy grounds, the defendants moved to dismiss the first count of the indictment, which charged a conspiracy to murder, kidnap, and maim outside the United States, as multiplicitous of counts two and three, which charged a conspiracy to provide material support for the conspiracy alleged in the first count, and actual provision of such material support.

On appeal, the Court held that because the first count did not require proof that defendants provided material support or resources, and the third count did not require any agreement to murder, kidnap, or maim the counts were not multiplicitous and did not violate the Double Jeopardy Clause.

Each edition we will keep practitioners up to date on important court rulings and judicial opinions that originate or have an impact on the Southern District of Florida. Our case summaries will identify the case citation and spell out why the case or ruling is important so that you can stay on the cutting edge of your practice. Michael Caruso is our lead editor for this feature. He has done a great job pulling together high profile criminal and civil cases of great importance for our federal district. We also encourage readers to submit their own suggestions of cases that should be featured. If you know of a federal district court ruling or appellate opinion important to our district that you think we should feature, send us the information to fba_newsletter@wardkim.com with “Significant Rulings” in the subject field. Please be sure to provide the case citation and one or two sentences on why the case is significant. You should also feel free to draft and submit your own case summary to our board of editors. Cases submitted should be no older than one year.
### Event Spotlight

#### Southern District of Florida Orientation ~ Friday, October 10, 2008

*Summary by Dora Kaufman*

On October 10, 2008, the FBA's Broward County Chapter helped host a Southern District of Florida Orientation conference. The conference included presentations by panelists who led discussions designed to increase the level of effective practice in the district and provide information about court procedures. Among other issues, the discussions touched on the differences between federal and Florida state court practice, including ethical considerations, magistrate judge’s roles in discovery, communications with judge’s chambers and the functions of law clerks. The panel speakers also addressed CM/ECF protocols, including new amendments to electronic filing procedures, as well as tips for brief writing and oral argument. More than 50 attorneys attended this free orientation, which included comments from the Honorable William J. Zloch, the Honorable Robin S. Rosenbaum, Michael Beck of the office of the Clerk of the Court, and federal judicial clerk Phil Rothschild. The event was organized by Dora Kaufman and Lorianne Williams, both members of the Board of Directors of the Broward chapter.

![Event Picture]

Pictured are (l to r) Phil Rothschild, clerk to Hon James I. Cohn, Hon. William J. Zloch, Dora Kaufman (Director of Broward FBA), Hon. Robin Rosenbaum, Lorianne Williams (Treasurer, Broward FBA), and Michael Beck of the office of the Clerk of the Court.

### Summer Associates/Law Clerks’ Day At Court ~ June 25, 2008

*Summary by Valorie Chavin*

On June 25, 2008, the Broward County Chapter of the Federal Bar Association proudly held its first annual “Summer Associates/Law Clerk Day at the Federal Courthouse.” This event invited all Summer Associates and Law Clerks to observe both civil and criminal hearings before the Honorable William P. Dimitrouleas and the Honorable Barry Steven Seltzer. Prior to attending the hearings, the Summer Associates and Law Clerks enjoyed breakfast sponsored by Greenspoon Marder, P.A., interacting with, among others, Judge James I. Cohn, Judge Barry Seltzer, Magistrate Judge Robin Rosenbaum, and Judge John Olson.

After observing the civil and criminal hearings, the thirty-five attendees participated in an informative question-and-answer session with the assistant U.S. attorney, the public defender, and an investigator with the FBI. All involved with the event, including its organizers, Rene Harrod, Greg Ward, and Valorie Chavin, were very impressed with the positive feedback, and they look forward to repeating the event next year. Our FBA Chapter was awarded a “Presidential Citation” for this special event by the FBA's national body at this year’s national convention in Huntsville, Alabama. Special thanks to all the judges and lawyers who participated in making this event such a great success and to those chapter members who helped organize and execute.
General Membership Luncheon with Judge Rosemary Barkett ~ September 25, 2008  
Summary by Gabriel D. Pinilla

The September general membership luncheon took place on September 25, 2008. Keynote speaker at the event was The Honorable Rosemary Barkett, Circuit Judge for the Eleventh Circuit Court of Appeals. Judge Barkett kept the audience of well over 80 attendees on the edge of their seats with her remarks which were followed by a question and answer session. Prior to Judge Barkett’s address, FBA National Delegate Gregory C. Ward, of WardKim LLLP gave a briefing on this year’s national FBA convention in Hunstwille, Alabama. Greg formally presented the two certificates awarded to our Chapter at the convention to the membership in attendance. The awards were related to the Summer Associate Day at Court and the Presidential Achievement award.

Judge Barkett’s prepared remarks focused on providing the membership with a survey of the functionality and inner-workings of the Eleventh Circuit Court of Appeals, from how judicial panels are selected to the current volume of cases handled by the Court and where judges are located throughout the Circuit. During the Q & A session, Judge Barkett pointed to the value of diversity on a judicial panel, not just based on ethnicity or gender, but rather “diversity of viewpoint.” “When you have diversity of viewpoints, you are forced to say why you think a case should come out a certain way.” Barkett also provided numerous pointers and tips for the federal appellate practitioner. “The most important element of an effective brief is clarity . . .” Barkett emphasized. She said a good test for the effectiveness of your brief is to have a non-lawyer read it. If they can clearly understand each of your arguments you have most likely succeeded. Barkett also noted that lawyers should never waive oral argument, though you should always approach your written submission as if the entire case will be decided solely on the briefings.

Other tips for writing effective briefs is not to repeat your arguments; not to make jury arguments or sound argumentative; to employ brevity and condense or distill your arguments as much as possible; and finally, to edit, edit, edit—she recommends 122 times. Judge Barkett’s tips for oral argument included: Making sure to directly answer questions, and to never try to avoid answering a question by spring-boarding to another point; never tell a judge that “they must be confused” – there are much more effective ways of pointing out a misunderstanding. Thanks so much to Judge Barkett for her remarks and for providing such practical and insightful information about the Eleventh Circuit and how its judges think and respond to everyday practice.
FBA National Convention – Huntsville, Alabama ~ September 18, 2008
Summary by Greg Ward

The Federal Bar Association held its Annual Meeting and Convention in Huntsville, Alabama during September. Huntsville is home to the Huntsville Botanical Garden Nature Center, the U.S. Space and Rocket Center and other great attractions, and the local hospitality is difficult to top. Several hundred local FBA chapter members attended this year’s annual retrospective of the FBA’s achievements nationally and on an individual chapter level.

Of particular note, the Broward County Chapter of the Federal Bar Association received two special awards at the convention this year. First, the Chapter received a “Presidential Citation” for the Summer Associate Day at Court organized by Valorie Chavin and Greg Ward with help from René Harrod. The Chapter also received a “Presidential Achievement Award” for the overall performance of the Chapter during the past year. Special recognition goes to Todd Stone and René Harrod for their efforts as Past-President and President, as well as to the entire FBA Board of Directors for this distinction. We look forward to seeing you at the mid-year meeting in Washington, D.C. on March 20, 2009.

Greg Ward, second from the left, is pictured with other chapter representatives after receiving their national awards.

FBA Annual Board Installation Luncheon ~ May 21, 2008
Summary by Gabriel D. Pinilla

On May 21, 2008, we celebrated this year’s Annual Officers and Directors Installation Luncheon. Immediate Past President Todd Stone formally passed the torch to the newly appointed board members and officers. René Harrod, incoming chapter President, led the membership in thanking Todd and his board for their dedicated service and previewing this year’s goals and agenda. (Both Todd and René are pictured left).

The Honorable James I. Cohn gave the keynote address, recounting a story told by Paul “Bear” Bryant, famed head coach of the University of Alabama football team. Coach Bryant’s story starts on a scouting trip his first year as head coach. He stopped in at a local restaurant and traded a free lunch for a promise to send a signed photo, a promise he kept.

Years later, Bryant was turned down by a player from the same part of Alabama, only to get a call two days later asking if Bryant still wanted him. Surprised, Coach Bryant asked him why the change of heart. The young man told Bryant that his grandfather, the restaurant owner, would not let him play for anyone but Bryant. He said his grandfather had never expected Bryant to send him the picture but that he kept his word and because of that, Bryant could teach him more than just football.

This story crystallized the message he wanted to convey to his team: It really doesn’t cost anything to be nice, and the rewards can be unimaginable.” Judge Cohn picked up on the theme, remarking that “we do define ourselves by how we treat others and how we behave in the presence of others, and most of the time we only have minutes or seconds to leave a lasting impression – we can be rude or arrogant or we can be courteous. Courteous is always a better choice.”

Jamie Finizio and
The Honorable James I. Cohn
## Upcoming Events

In this segment, we will provide all the information you need to know about upcoming FBA events. Stay tuned to this section to get the details and reminders you need to get the most out of your involvement in the FBA's Broward Chapter. Valorie Chavin is our lead editor for this feature and will be coordinating the information posted in each edition. Please contact us at fba_newsletter@wardkim.com to post an FBA or related event in this section by inserting “Events” in the subject heading.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 18, 2008</td>
<td><strong>Holiday Judicial Reception</strong>&lt;br&gt;Time: 5:30 p.m. – 7:30 p.m.&lt;br&gt;Place: Riverside Hotel, Fort Lauderdale&lt;br&gt;Cost: If Reservation and Prepayment Received by December 10, 2008, Members: $30.00, Non-Members: $35.00. If Reservation Received and Payment Made at the Door, Members: $35.00, Non-Members: $40.00&lt;br&gt;RSVP: To reserve your seat, please e-mail your RSVP to <a href="mailto:lwilliams@bergersingerman.com">lwilliams@bergersingerman.com</a>&lt;br&gt;Sponsor: Join the FBA – Broward Chapter as a Sponsor of this event! All sponsors will be recognized at the reception. Gold $500 (8 tickets included); Silver $250 (4 tickets included); Bronze $100 (2 tickets included).</td>
</tr>
<tr>
<td>January 29, 2009</td>
<td><strong>Luncheon – TBA</strong>&lt;br&gt;Time: Noon - 1:30 p.m.&lt;br&gt;Place: Riverside Hotel, Fort Lauderdale&lt;br&gt;Cost: If Reservation and Prepayment Received by October 15, 2008, Members: $30.00, Non-Members: $35.00, Judiciary: $15.00. If Reservation Received and Payment Made at the Door, Members: $35.00, Non-Members: $40.00, Judiciary: $20.00&lt;br&gt;Registration: To reserve your seat, please e-mail your RSVP to <a href="mailto:ctobin@abravermanlaw.com">ctobin@abravermanlaw.com</a></td>
</tr>
<tr>
<td>March 19, 2009</td>
<td><strong>Luncheon - District Court Judge Cecilia M. Altonaga</strong>&lt;br&gt;Time: Noon - 1:30 p.m.&lt;br&gt;Place: Riverside Hotel, Fort Lauderdale&lt;br&gt;Cost: If Reservation and Prepayment Received by October 15, 2008, Members: $30.00, Non-Members: $35.00, Judiciary: $15.00. If Reservation Received and Payment Made at the Door, Members: $35.00, Non-Members: $40.00, Judiciary: $20.00&lt;br&gt;RSVP: To reserve your seat, please e-mail your RSVP to <a href="mailto:ctobin@abravermanlaw.com">ctobin@abravermanlaw.com</a></td>
</tr>
<tr>
<td>April 16 2009</td>
<td><strong>Luncheon - District Court Judge Kenneth A. Marra</strong>&lt;br&gt;Time: Noon - 1:30 p.m.&lt;br&gt;Place: Riverside Hotel, Fort Lauderdale&lt;br&gt;Cost: If Reservation and Prepayment Received by October 15, 2008, Members: $30.00, Non-Members: $35.00, Judiciary: $15.00. If Reservation Received and Payment Made at the Door, Members: $35.00, Non-Members: $40.00, Judiciary: $20.00&lt;br&gt;RSVP: To reserve your seat, please e-mail your RSVP to <a href="mailto:ctobin@abravermanlaw.com">ctobin@abravermanlaw.com</a></td>
</tr>
</tbody>
</table>
WardKim congratulates the FBA’s Broward County Chapter on its national Presidential Citation and Presidential Achievement Award

One Financial Plaza • Suite 2600
Fort Lauderdale, FL 33394
954.527.1115
www.wardkim.com
Commercial litigation and business dispute resolution

Proudly Supports

The Broward County Chapter of The Federal Bar Association

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Miami 305-755-9500
Fort Lauderdale 954-525-9900
Tallahassee 850-561-3010
Broward County Chapter of the Federal Bar Association

HOLIDAY JUDICIAL RECEPTION

Thursday, December 18th, 2008
Reception 5:30 p.m. to 7:30 p.m.
Cocktails and hors d’oeuvres
The Riverside Hotel
Fort Lauderdale, Florida

Proceeds from the event benefit the Southern District of Florida Volunteer Lawyers’ Project.

Join us as a Sponsor of this event!
All sponsors will be recognized at the reception.
Gold $500 (8 tickets included)
Silver $250 (4 tickets included)
Bronze $100 (2 tickets included)

Name: ______________________________________________
Firm: ______________________________________________
Email: ______________________________________________
Phone: ______________________________________________
Sponsorship level:
___ Gold (8 tickets included)
___ Silver (4 tickets included)
___ Bronze (2 tickets included)

Additional purchased tickets: _____ Ticket price: _____
FBA Members pre-paid by December 10: $30; After December 10, $35
Non-members pre-paid by December 10: $35; After December 10, $40
Judiciary complimentary.

Register via email to lwilliams@bergersingerman.com or via facsimile (954.523.2872). Sponsorships checks must be received by December 10, 2008. Checks payable to “Federal Bar Association Broward Chapter” and mail to Lorianne Williams, Berger Singerman, 350 E. Las Olas Blvd., Suite 1000, Ft. Lauderdale, Florida 33301.
1. **Member Information** *(Please Print Clearly.)*

<table>
<thead>
<tr>
<th>First Name</th>
<th>M.I.</th>
<th>Last Name</th>
<th>Suffix (e.g. Jr.)</th>
</tr>
</thead>
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Title *(e.g. Attorney At Law, Partner, Assistant U.S. Attorney)*

Have you been an FBA member in the past? ☐ yes ☐ no

### Business Address

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<tr>
<th>Firm/Company/Agency Name</th>
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<th>Zip</th>
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Phone  Fax

E-mail

### Home Address

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<table>
<thead>
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<th>City</th>
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</table>

Phone  Fax

E-mail

**My preferred mailing address is** ☐ Business ☐ Home

Date of Birth ______ / ______ / ______ ☐ Male ☐ Female

### Practice Type (based on primary employment)

<table>
<thead>
<tr>
<th>Private Sector</th>
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<td>☐ Military ☐ Non-profit</td>
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<tr>
<td>Corporate/In-House ☐ Association Counsel ☐ University/College</td>
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### Number of attorneys in your firm/agency/office:

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<th>Financial Institutions</th>
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<th>International</th>
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<th>Labor/Employment</th>
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<td>Social Security</td>
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<td>ADR/Arbitration</td>
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<td>State/Local Government</td>
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<td>Taxation</td>
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<tr>
<td>Antitrust/Trade</td>
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<td>Health</td>
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<td>Transportation</td>
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<td>Taxation</td>
</tr>
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<td>Veterans</td>
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<td>Taxation</td>
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<td>Environment/Energy</td>
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<td>State/Local Government</td>
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<td>Taxation</td>
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2. **Required Membership Admission Information** *(Please select your member category.)*

- **Active membership** Open to any person admitted to the practice of law before a federal court or a court of record in any of the several states, commonwealths, territories, or possessions of the United States or in the District of Columbia, provided you are or have been an officer or employee of the United States or the District of Columbia, or you have a substantial interest or participate in the area of federal law.

  Court of Record for Admission: ________________

  State/District: ________________  Original Admission To Practice Date: ________________

  If you practice before a tribal court, please complete.

  Tribal Court of Record: ________________  State: ________________  Admission Date: ________________

- **Foreign Associate** Open to persons admitted to practice law before a court or administrative tribunal of a country other than the U.S. (Please provide proof of admission.)

  Country: ________________

  Court/Administrative Tribunal: ________________

- **Law Student Associate** Open to any law student currently enrolled in an accredited law school who is not currently admitted to practice law.

  Law School: ________________  State: ________________  Expected Date of Graduation: ________________

3. **Membership Dues**

### 3a. **Active Membership** Please choose one.

<table>
<thead>
<tr>
<th>Member</th>
<th>Admitted to practice 0-5 years</th>
<th>Private</th>
<th>Public</th>
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<tr>
<td>$80</td>
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<th>Member</th>
<th>Admitted to practice 6-10 years</th>
<th>Private</th>
<th>Public</th>
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<td>$105</td>
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<table>
<thead>
<tr>
<th>Member</th>
<th>Admitted to practice 11 years or more</th>
<th>Private</th>
<th>Public</th>
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<tbody>
<tr>
<td>$155</td>
<td>$120</td>
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</table>

<table>
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<tr>
<th>Retired (fully retired from the practice of law)</th>
<th>Private</th>
<th>Public</th>
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<tbody>
<tr>
<td>$75</td>
<td>$75</td>
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</tr>
</tbody>
</table>

### 3b. **Sustaining Membership**

Become a sustaining member today! This optional category is in addition to regular dues. It is used to support CLE programs & publications.

| $60 | $60 |

### 3c. **Associate Membership**

- **Foreign Associate** Admitted to practice law outside the U.S.

  | $155 | $155 |

- **Law Student Associate** Currently enrolled in law school

  $25  $25

<table>
<thead>
<tr>
<th>Dues Total</th>
<th>$</th>
</tr>
</thead>
</table>

Please enter amount in line 6A of the Dues Worksheet on reverse side.

4. **Practice Area Sections and Career Divisions Enrollment Dues**

### Career Divisions

- **Federal Career Service** (must be past/present employee of the federal government)
- **Judiciary** (must be past/present member or staff of a judiciary)
- **Corporate and Association Counsels** (past/present member of corporate/association counsel's staff)
- **Senior Lawyers** (must be age 55 or over)
- **Younger Lawyers** (must be age 36 or younger or admitted to practice less than 3 years)

*For eligibility, date of birth must be provided in the first section.*

### Practice Area Sections

- **Alternative Dispute Resolution** $15
- **Antitrust and Trade Regulation** $15
- **Bankruptcy Law** $10
- **Criminal Law** $10
- **Environmental Law** $15
- **Federal Litigation** $10
- **Financial Institutions and the Economy** N/C
- **Government Contracts** $20
- **Health Law** $10
- **Immigration Law** $10
- **Indian Law** $15
- **Intellectual Property and Communications Law** $10
- **International Law** $10
- **Labor and Employment Law** $15
- **Social Security** $10
- **State and Local Government Relations** $5
- **Transportation and Transportation Security Law** $20
- **Veterans Law** $10

**Division/Section Total** $ ______
5. **Chapter Affiliation.** Your FBA membership entitles you to a local chapter membership. Please choose one from the list below. Local chapter dues are indicated next to the chapter name (if applicable). If no chapter is selected, you will be assigned to the applicable chapter in your district based on geographic location.

<table>
<thead>
<tr>
<th>State</th>
<th>Local Chapters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Birmingham, Mobile, Montgomery, North Alabama</td>
</tr>
<tr>
<td>Alaska</td>
<td>Alaska, Phoenix, William D. Browning—Tucson ($10)</td>
</tr>
<tr>
<td>Arizona</td>
<td>Phoenix, Tucson ($10)</td>
</tr>
<tr>
<td>Arkansas</td>
<td>At Large, At Large</td>
</tr>
</tbody>
</table>