

Adverse Witness

A PUBLICATION OF THE COLLIER COUNTY BAR ASSOCIATION

Volume 105 • December 2011





Adverse Witness

Editorial Board

Sonia Diaz, Editor

**Publication Deadline: 10th day
of month preceding publication**

Officers

President

Maggie McMorrow

President Elect

Jeanne Seewald

Treasurer

Tamara Lynne Nicola

Secretary

Sonia Diaz

Immediate Past President

Jon Scuderi

Directors

John T. Cardillo

Tara Miller Dane

Sharon Hanlon

Starling Hendriks

Marc Huling

Andrew Solis

Carlo Zampogna

Executive Director

Lisa A. Mead

**Collier County Bar Association
3315 East Tamiami Trail, Suite 505
Naples, Florida 34112
(239) 252-8711
(239) 775-5858 Fax
lmead@colliercountybar.org
www.colliercountybar.org
Hours: 8:30- 4:30 p.m. M-Thu
8:30-4:00 Fridays**

The Adverse Witness is pleased to feature articles submitted by Collier County Bar Association members, affiliates and the general public that may be of interest to Collier County Bar Association's membership. The Collier County Bar Association does not verify the accuracy of the information contained in the articles published in the Adverse Witness, nor are the articles published in the Adverse Witness intended to express the views of the Collier County Bar Association. If you have any questions or concerns about information contained in articles published in the Adverse Witness, please contact the author of the article directly.

Adverse Witness

December 2011

ISSUE HIGHLIGHTS

3 President's Message
Happy Holidays!

4 Legal Aid Notes
Award Winners Announced

5 Calendar
Make note of upcoming meetings, luncheons and events

6 Hardt of the Matter
Use of Demonstrative Evidence at Trial

12 Guest Editorial
Asset Protection for LLCs

14 2nd DCA Appreciation Dinner
Centerspread



Happy Holidays, everyone!

PRESIDENT'S MESSAGE

By Maggie McMorrow, Esq.



Happy holidays!

Well, it's official - the holidays are upon us! As I write this message, there are 10 days left before Thanksgiving, and I just heard "Here Comes Santa Claus" on the radio! It seems like the holidays came fast and furious (and really early) this year. We all are so tied up with our work, our clients, and our day-to-day activities, that sometimes we forget to take the time to enjoy the holiday season. My hope for all of you this year is that you will be able to take some time during the holidays to relax, spend time with family and friends, and enjoy all of the traditions and merriment of the holiday season.

While the CCBA Board is taking off the month of December, Lisa Mead and her staff will be recovering from recent events, and planning our upcoming events.

In November, the Collier County Bar Foundation conducted its annual Pro Bono Clinic in Immokalee. I would like to thank all of the attorneys that took the time to drive to Immokalee on a Saturday morning to volunteer their time for this worthy cause. In addition to the attorney volunteers, several law students from Ave Maria Law School participated in the event. Thanks also to Legal Aid for partnering with the Foundation each year to make this event a success!

The CCBA Holiday Party will be held on Thursday, December 8 at the Naples Bay Resort. This is a fun family event. There will be fun crafts and games for the kids, and of course Santa will be on hand with gifts for the children!

On Saturday, January 14, our annual Barbeque will be held at the home of Joe and Louise Stewart. Larry Farese and his band, The Dazzling DelRays will be the entertainment, and there will be plenty of great food and drink. Each year, the Collier County Bar Foundation chooses a recipient for the proceeds of the annual Barbeque, and this year, the recipient is Grace Place for Children and Families. Grace Place's mission is to teach literacy, language and life skills to at-risk children and impoverished families. Please join us to support this great charity and to have a great time!

Happy Holidays!

"I would like to thank all of the attorneys that took the time to drive to Immokalee on a Saturday morning to volunteer their time for this worthy cause."



Remember when?

The Zulian family posed with Santa at the 2008 Holiday party.



Legal Aid Service of Collier County is committed to working alongside the private bar and membership of CCBA to make the Collier Lawyers Care pro bono attorney program the best of its kind in the State of Florida. Two immediate goals they want to achieve are increasing the number of pro bono volunteer attorneys in the CLC program, and expanding public awareness about CLC and the impact Legal Aid Service of Collier County has on the community by offering free civil legal services to the underserved population of Collier County. To learn more about LASCC and Collier Lawyers Care, contact Mr. Jeffrey A. Ahren or Ms. Ana de la Cruz at (239) 775-4555.

Major award winners announced

Legal Aid Service of Collier County (LASCC) is proud to announce the recipients of the following awards, to be conferred at the 4th Annual Barrister's Bash event at the Hilton Hotel in Naples on April 19, 2012:

Law Firm of the Year - Law Offices of Michelle L. Hill

Attorney of the Year - Tamara L. Nicola, Esq.

Leadership Award - Patrick H. Neale, Esq.

Special Recognition Award - Pro Bono Service - David E. Steckler, Esq. (Professor, Florida Gulf Coast University)

Outstanding Volunteer Service Award - Margaret L. McMorrow, Esq. (Northern Trust)

Look for in-depth profiles on each of these award winners in upcoming issues of *Adverse Witness*. Legal Aid's 'Attorneys of the Month' will also be honored at the Barrister's Bash. Congratulations to each of our award winners!

What is the 'Barrister's Bash?' It is LASCC's annual Fundraiser Dinner and Awards Ceremony. All members of the legal community, as well as business and community leaders and all friends and supporters are cordially invited. Attending the Barrister's Bash is a great way of demonstrating your support for Legal Aid, while honoring those who will be receiving awards for their outstanding pro bono service to the community. Legal Aid welcomes your support during these challenging times. We need your support more than ever in 2012, as we have assisted a record number of underprivileged clients since 2010 while coping with significant reductions in funding.

This fun and festive event was attended by over 225 patrons last year. The Barrister's Bash is attended each year by many of our local Judges, Attorneys, and Business and Community Leaders. Join us Thursday, April 19, 2012 from 6:00 p.m. to 9:30 p.m., at Hilton Naples (5111 Tamiami Trail North, Naples FL 34103). Ticket price is \$90 per person and includes dinner, cocktail hour, silent auction, and a community awards ceremony. There are wonderful sponsorship (and advertising) opportunities available. For more information, contact Jeff Ahren at (239) 298-8130 or jahren@legalaid.org, or visit www.legalaid.org/collier and www.barristersbash.org. You can order tickets online, or by contacting Ana De La Cruz at (239) 298-8143 or adelacruz@legalaid.org.

LEGAL AID NEWS AND NOTES

Foreclosure Prevention Breakfast Benefit Recap - Legal Aid would like to thank everyone who attended the October 19, 2011 Foreclosure Prevention Breakfast Benefit held at the Hilton in Naples! Over 125 patrons supported this event, raising almost \$7,000 for Legal Aid and the Housing Development Corp. of SW Florida. The proceeds will be utilized to bolster the foreclosure prevention efforts of these two non-profit agencies. Special thanks to the following sponsors: H2Technologies, Inc.; Moorings Park; Conant Mediation Center; Sonia Diaz, Esq.; Carl Kuenher; and Isabel Barbosa. Thanks also to the following Table Captains: Salvatori, Wood & Buckel; Patrick H. Neale, Esq.; Deryl Patterson; Quarles & Brady, LLP, and Law Offices of Michelle L. Hill. . . . **Immokalee Pro Bono Clinic Recap** - Legal Aid would like to thank all the attorneys who volunteered their time on Saturday, November 5, 2011 to provide pro bono legal services to clients at the RCMA Charter School! This 4th annual Pro Bono Legal Clinic, sponsored by the Collier County Bar Association and co-sponsored by Legal Aid, offered a wide range of free legal services to the members of the public who attended. The Lions Club also offered free vision screening and glasses. We hope that this clinic continues to grow in the future, and Legal Aid applauds the leadership of the CCBA for putting this event together each year! . . . **Adopt A Family Holiday Gift Program** - Legal Aid will hold the annual 'Gift Exchange Party' on December 2, 2011 from 5:30 p.m. to 7:00 p.m. at the Legal Aid offices. This special event culminates in the children and families receiving the toys and other gifts so generously furnished by our donors. Look for full details about the 2011 'Adopt A Family' program in the January 2012 issue of *Adverse Witness*. **A special thanks** to everyone who made a donation this year to brighten the holiday season of an underprivileged child!

MARK YOUR CALENDAR

**Register for any event
through Hilda Taylor.**

Phone: 239-252-8711

htaylor@colliercountybar.org

www.colliercountybar.org.

Event Policy

It is the policy of the Collier County Bar Association to request that all reservations for our events are placed at least two days prior to the event.

We are always willing to accommodate our members; however, event sites must order food two days prior to an event.

Also, it is the policy of the Collier County Bar Association to issue refunds ONLY if a member cancels a reservation two days prior to an event. If a member cancels the day before, or the day of an event, a refund will not be issued.

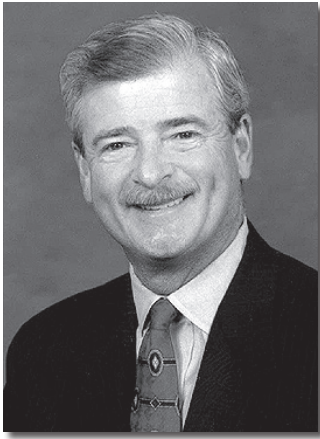
We appreciate your consideration of this policy.

DECEMBER

- | | | | |
|---|--|----|---|
| 1 | Trusts and Estates Section Luncheon
Northern Trust, 12:00 p.m.
Free Event - Bring your own lunch | 13 | Young Lawyers Board Meeting
Cosmo's, 12:00 p.m. |
| 1 | CCWBA Holiday Party
Trudy Labell Fine Art Gallery, 5:30 p.m. | 13 | Trial Law Section Luncheon
Bonefish Grill, 12:00 p.m.
TL Section Members - \$25; Non-members - \$30 |
| 2 | Legal Aid Adopt-a-Family Party
Legal Aid Offices, 5:00 p.m. | 13 | Inns of Court
Naples Bay Resort, 5:45 p.m. |
| 8 | Real Estate Section Luncheon
Carrabba's, 12:00 p.m.
RE Members - \$20; Non-members - \$25 | 14 | Trial Law Board Meeting - <i>subject to change</i>
St. George and the Dragon, 12:00 p.m. |
| 8 | CCBA Holiday Party
Naples Bay Resort, 5:30 p.m.
Adults - \$30; Children - \$20; 4 and under - free
Cash Bar | 23 | CCBA Offices Closed
/26 for Christmas Holiday |
| | | 30 | CCBA Offices Closed
for New Year's |

JANUARY

- | | | | |
|----|---|----|---|
| 2 | CCBA Offices Closed for New Year's | 14 | CCB Foundation Bar-B-Q -
benefiting Grace Place
Home of Joe & Louise Stewart
6570 Sable Ridge Road
6:00 p.m. - 9:00 p.m.
\$40 per individual ticket or
two tickets for \$60 |
| 5 | CCBA Board Meeting
CCBA Offices, 7:30 a.m. | 16 | CCBA Offices Closed
for Martin Luther King Day |
| 5 | CCB Foundation Board Meeting
CCBA Offices, 8:30 a.m. | 17 | Inns of Court
Naples Bay Resort, 5:45 p.m. |
| 10 | Young Lawyers' Board Meeting
Cosmo's, 12:00 p.m. | 18 | Family Law Section Luncheon
Bonefish Grill, 12:00 p.m.
FL Members - \$25; Non-members - \$30 |
| 11 | Trial Law Board Meeting
St. George and the Dragon
12:00 p.m. | 27 | Ethics Seminar, Co-sponsored by
the CCWBA, Young Lawyers and
Trial Lawyers
Naples Bay Resort
7:30 a.m. - 12:00 p.m.
Members - \$60; Non-members - \$70 |
| 12 | Real Estate Section Luncheon
Carrabba's, 12:00 p.m.
RE Members - \$20; Non-members - \$25 | | |
| 13 | CCBA Membership Luncheon
Naples Sailing and Yacht Club
12:00 p.m.
Members - \$35; Non-members - \$40 | | |



Use of demonstrative evidence at trial

Demonstrative evidence is a valuable tool that trial counsel should use to assist the jury in understanding the facts of a case. Demonstrative evidence is not “real evidence” that is commonly offered into evidence at trial. For example, fingerprints, surveillance photos of a crime scene, DNA specimens, blood splatter on clothing, or narcotics are exhibits that actually play a role in the case and which are considered “real evidence.”

Real evidence exists because of the activities of the parties or witnesses. It is discoverable and can be preserved, but it is never created by the attorneys.

On the other hand, “demonstrative evidence” is created or prepared by the attorney (or an expert witness or consultant) for use at trial.

Demonstrative evidence is usually in the form of diagrams, charts, aerial photographs or drawings. There is no limit to the creativity of counsel in producing demonstrative evidence. Some complex examples that have been used include “day in the life” videos in personal injury cases, computer simulations of accidents or explosions, anatomical models of the human body or video recreation of a crime scene.

When listening to testimony which describes an event, such as an accident or a crime, jurors will often try to visualize what happened. By using demonstrative evidence, the jury can visualize and better understand the testimony of the witness.

Before demonstrative evidence may be shown to the jury, a proper foundation must be laid.

First, the item should be marked as an exhibit and shown to opposing counsel, just like any other exhibit. Even though demonstrative evidence is generally not admitted into evidence as an exhibit, it becomes part of the record. If the item is large or bulky, counsel should stipulate to substitute a photograph for purposes of the record. The Clerk and the District Court of Appeal will appreciate that.

Second, have the witness testify that the object or exhibit is a fair and accurate reproduction of the item or matter to be depicted or demonstrated.

“Officer Jones, I show you State’s Exhibit 9 for identification, which is an aerial photograph. Can you describe what area is shown?”

“Yes, it shows the area where the shooting occurred and the route of pursuit I followed before apprehending the defendant.”

“Officer, prior to your testimony, did I ask you to place a red “x” on the aerial photograph and a red line with an arrow to accurately show your route?”

“Yes, you did, counselor.”

“And did you do that?”

“Yes, sir.”

Third, you may ask the witness if the object or exhibit will aid the jury in understanding a material fact or issue.

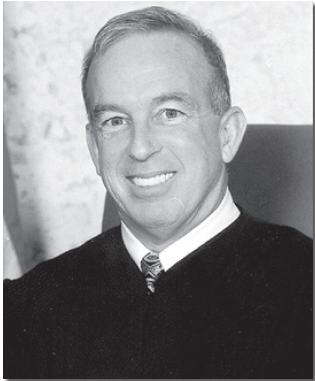
“Officer Jones, does Exhibit 9 for identification help explain what you have told us in your testimony?”

“Absolutely, yes.”

“Your honor, may the witness stand down to show the jury what is depicted in this aerial photograph?”

The judge asks opposing counsel, “Any objection, counsel?”

continued on page 13



“I hereby swear to be civil ...”

Every year, we are privileged to review the *curriculum vitae* of attorneys nominated for the Lion of the Law, and then we undertake the nearly impossible task of selecting one from among the nominees to receive the award. The nominees come from many practice fields, from criminal law to probate practice and everything in between. Even dirt lawyers have made the short list. Many have distinguished themselves in the courtroom, while others have made extraordinary contributions to our profession through The Florida Bar or other outlets. In addition to great success in their fields, something else each of our recipients share in common is what we have come to label generically as, “civility.”

The supreme court has recently added a requirement that each new member of The Bar swear to be civil. It should be a matter of concern to all of us when our collective conduct has finally caused the supreme court to act. I have always been a proponent of the adage that the less government we have, the better. Here we have the highest court in our jurisdiction telling us to behave professionally, essentially the way our parents probably taught us.

I hope everyone has made the connection between the first paragraph, above, and the second. The most respected and effective lawyers among us (at least in the opinion of your judiciary) are those whose professional conduct is above the slightest reproach. You will be hard-pressed to recall a single incident where any of our Lions of the Law personally disparaged opposing counsel, or where any of them interrupted an opponent’s presentation, or where any of them wrote a letter to a judge, dripping with crudely crafted sarcasm or innuendo about the motives, morals, and ancestry of opposing counsel. That negative form of advocacy may satisfy some primordial urge, but it is not effective. It does not allow your decision-maker to focus on the facts and the law applicable to your client’s case.

It should not be the supreme court or any other governmental agency which compels us to behave civilly, nor should it be simply our desire to look good in the public’s eye. Whenever you are inclined to act or react inappropriately, think about your Lions of the Law. Think about how positively they are viewed in the eyes of your judges. Then think about how effective is their representation of their clients time after time. Trust me.... there IS a connection!

“So let us begin anew - remembering on both
sides that civility is not a sign of weakness,
and sincerity is always subject to proof.”

—John Fitzgerald Kennedy

Got news?
Contact Lisa Mead by
calling 252-8711 or
drop an email
line to lmead@
colliercountybar.org

CLASSIFIED

OFFICE FOR RENT: Attorneys (5) and other professional (1) with one executive office to rent. Attractive building/offices in great location at Pine Ridge and Airport Road, Naples, FL. Space for an assistant, shared conference room with law library and shared kitchen is included in rent of \$700 per month. Call Rob or Kathy at 239-593-1444.

ATTORNEY/PROFESSIONAL OFFICE SPACE AVAILABLE FOR SUBLEASE/SHARE. 1400 Sq. Ft. available for sharing/sublease, perfect location-close to courthouse, 1100 Fifth Avenue South-Regions Bank Building, top floor. Shared reception, kitchen and conference room areas. For more details call Sue at 239-403-0611.

ANNOUNCEMENTS

Please note that every Wednesday **Magistrate Amy Wilson (now officially Amy Ellis)** and **Magistrate David Friedman** will alternate three hours of afternoon hearing time beginning January 4th to hear the same motion practice matters heard by **Magistrate James McGarity, III.** All attorneys requesting hearing time with Magistrates Wilson and Friedman will be unable for the time being to access Wednesday hearing time on the JACS system. Therefore hearing time must be requested by placing a call to Administrative Assistant Sherry Lucas (252-8670) for that purpose. Please be reminded that the attorney setting the hearing must provide to the assigned Circuit Judge (Hayes, Manalich, Pivacek) the original Order of Referral naming the correct Magistrate and copies for conforming with self-addressed stamped envelopes. The Order of Referral should not be sent to the Office of the Magistrate.

Cohen & Grigsby, a business law firm with headquarters in Pittsburgh, PA and an office in Bonita Springs, FL, is pleased to announce that Florida-based attorney **Thad Kirkpatrick** was recently honored by Florida Rural Legal Services and the Lee County Bar Association for his exceptional pro bono work involving foreclosure matters in Lee County, Florida. Kirkpatrick is a director at Cohen & Grigsby and is a member of the Construction and Real Estate groups. He is Board Certified by The Florida Bar in Real Estate Law and practices in the areas of commercial and residential real estate, real estate development law.

The Florida Bar's Grievance Mediation and Fee Arbitration program is seeking volunteer arbitrators and mediators. This program is offered by The Florida Bar as a public service to our members, clients and the court system and attempts to resolve disputes between attorneys and clients or between attorneys. There is no charge for the parties to engage in our program. Arbitrations and mediations are conducted throughout the state of Florida and are held in the geographical location of the parties. A panel of 3 arbitrators is assigned to hear fee disputes over \$75,000. If the parties elect mediation, the case is assigned to a sole mediator.

Florida Bar members who participate as volunteer arbitrators and/or mediators as part of this program are eligible for CLE credit for an hour-for-hour basis, with a maximum of five (5) credit hours in the area of ethics for the 3-year reporting period.

Please refer to Chapter 14 of The Rules Regulating The Florida Bar for complete information on this program. Eligibility requirements for certification as program arbitrators and/or mediators can be found in the Procedural Rules of Chapter 14.

If you are interested in participating as a volunteer arbitrator and/or mediator for The Florida Bar Grievance Mediation and Fee Arbitration Program, please contact: Susan Austin, Program Administrator
The Florida Bar, 651 E. Jefferson Street
Tallahassee, FL 32399-2300
(850) 561-5719
saustin@flabar.org

continued on page 10



Ten things you may not know about me

1. Recently, my petite (5'4") wife and I were blessed with a brand new baby, weighing in at over 10 pounds.
2. I was born in Chicago, Illinois raised in Lansing, Illinois.
3. I have over 25 years of government service, which began when I was 16 years old as a Law Enforcement Explorer.
4. While in college I was an Emergency Medical Technician and coincidentally delivered my mail lady's baby boy (and contrary to tradition, she did not name it James, after me).
5. I received a Bachelor of Arts from Purdue University, Juris Doctor from Michigan State University College of Law, a Masters of Laws in Information Technology and Privacy Law from the John Marshall Law School, and a Masters of Business Administration from the University of Florida.
6. I am a graduate of the Chicago Police Academy and served as a police officer while I was in law school.
7. After graduating law school, I worked as an associate in my father's law firm for five years, concentrating primarily in the areas of civil litigation, wills, trusts & estates.
8. I am a member of the Leadership Collier Class of 2012.
9. I am an Assistant State Attorney, presently assigned to the Collier County Economic Crimes Unit; and
10. I enjoy speaking in public, on behalf of the State Attorney's Office about different areas of White Collar Crime, including identity theft, the dangers of Facebook and Geotagging, and Elderly Exploitation. Therefore, because I try to take my own advice, I am trying to be as vague as possible about myself and my family in this very public forum.

ANNOUNCEMENTS

continued from page 8

The law firm of *Grant, Fridkin, Pearson, Athan & Crown, P.A.* is pleased to announce that **Charles C. Whittington** has joined the firm as an associate. Charles C. Whittington is a graduate of the Florida State University College of Law, where he was a member of Florida State University Law Review and served as a research assistant to Professor Fredrick M. Abbott.

The *American Red Cross of Collier County* honored **Carl E. Westman**, an attorney in the Naples office of *GrayRobinson, P.A.*, with its annual Legacy Award on Oct. 13. Each year, the Collier County Red Cross recognizes one community member who has made outstanding contributions in the promotion of planned giving and philanthropic endeavors. Mr. Westman practices in the areas of estate planning, charitable planning and estate administration and has experience in health care law, taxation and wealth transfers.

Laird A. Lile, a wills, trusts and estates attorney in Naples, will be a featured presenter at his *alma mater*, Ohio Northern University, at the 17th annual Estate, Business and Financial Planning seminar scheduled for Nov. 9 in Lima, Ohio. The event is sponsored by ONU's Office of Gift Planning and the Claude W. Pettit College of Law. Lile earned his Juris Doctorate at Ohio Northern University in 1984. An attorney in the state of Florida since 1984, Lile is certified by The Florida Bar as a Wills, Trusts and Estates lawyer and is a Fellow in the American College of Trust and Estate Counsel. An elected member of the Board of Governors for The Florida Bar and past chair of its Real Property, Probate and Trust Law Section. *Laird A. Lile, P.A.*, offers legal counsel on estate- and trust-related matters, including estate planning, estate and trust administration, probate-related litigation and tax matters. The firm's office is located at 3033 Riviera Drive, Suite 104, in Naples. For more information, call 239-649-7778 or visit www.LairdALile.com.

Jacqueline J. Buyze is pleased to announce that her children's book, entitled "A Story of Lawyers," is about to be released! The book, written entirely in rhyme and personalized for each recipient, features illustrated likeness of some of our favorite local attorneys. Published by Mascot Books and illustrated by Klaus Schmidneiser, "A Story of Lawyers" was written to educate children of all ages about the work lawyers do, improve public perceptions, and honor those who admirably serve our wonderful profession. It is the first in a series that Ms. Buyze plans to release and there is nothing like it on the market today. "A Story of Lawyers" will be available nationwide both in stores and on-line with a retail price of \$14.95. Advance purchase is anticipated to begin on December 1 at www.Mascotbooks.com. A portion of the proceeds will be donated to Legal Aid of Collier County. For additional information about the book, the author, launch dates and book signings visit www.BuyzeMediation.com or call Jacqueline at 239-404-6926.

The national law firm of *Quarles & Brady LLP* announced that **Tina M. Eckert** has joined the Firm's Naples office as an associate in the Labor & Employment Group. Prior to joining Quarles & Brady, Ms. Eckert served as a law clerk in the Superior Court of New Jersey, Appellate Division.

Nicole L. Goetz, P.L., announces the relocation of its office to 4933 Tamiami Trail North, Suite 201, Naples, Florida 34103. Nicole L. Goetz, P.L., is a boutique firm focused on marital and family law at the trial and appellate level. Ms. Goetz can be reached at 239-325-5030 or by e-mail at ngoetz@nlg-pl.com. More information about Ms. Goetz and the firm is located on the web at www.nlg-pl.com.

Patrick C. Coughlan, Esq., President of Conflict Solutions, Portland, and one of the country's leading construction mediators, spoke to the Annual American Bar Association's Forum on Construction Law Conference in Atlanta, on October 14, 2011. The subject of his presentation: ethics in the context of complex construction mediation and what it means to "tell the truth." Conflict Solutions also has offices in Raymond, Maine and Naples and West Palm Beach, Florida.

VACANCY ANNOUNCEMENT for JUDICIAL LAW CLERK

Salary \$57,408 - \$96,690* Announcement No.: 12-03 Position open until filled and is available as of January 2012. The judicial law clerk researches issues of law, attends trials and other court proceedings, and acts as advisor, making recommendations based on the law, to the **Honorable Virginia M. Covington, United States District Judge**. The caseload in the jurisdiction is heavy, and the types of cases presented are varied, often involving novel issues of law. While the nature of the matters presented is serious, the office environment is personable. There is daily interaction with the Judge and other law clerks concerning legal and court-related issues. Minimum Qualification Requirements: At the time of appointment, the applicant must be a law school graduate and must possess excellent research and writing skills, and PC proficiency in Windows and WordPerfect. Experience on the editorial board of law review, moot court, and/or publication of noteworthy article is preferred. Good character, maturity, and willingness to work long hours are also required. Bar membership and post-graduate experience in actual litigation a benefit. Information for Applicants: Employment with the United States District Court offers a generous benefit package, civil and criminal law experience at the federal court level, and an environment providing significant responsibility and challenge. Applicants should submit a cover letter, current resume with class rank, and transcripts to: Federal Clerkship, Attention: 12-03, 801 N. Florida Ave, Suite 1458, Tampa, Florida 33602. Deadline for Receipt of Resumes: All resumes will be considered when received. Selected interviews will be scheduled until the positions are filled. Due to the volume of applications usually received, receipt of individual applications will not be acknowledged. Calls to chambers to check status of an application are strongly discouraged. THE UNITED STATES GOVERNMENT IS AN EQUAL OPPORTUNITY EMPLOYER* Starting salary commensurate with work experience and prior pay history. (Salary may be higher with previous experience as a law clerk to a federal judge.) Applicants must be U.S. citizen or eligible to work in the United States and are subject to a background check. Employees are required to use the Electronic Fund Transfer (EFT) for payroll deposit.



Making strides against breast cancer

On October 21st, seventeen Naples law firms participated in a flash mob to support the American Cancer Society's Making Strides Against Breast Cancer "Put On Your Pink Bra" campaign to end breast cancer.

The organizer, Yale Freeman of Yale T. Freeman, P.A., and his wife Susan got other firms on board and worked out the logistics for the big event. Guerilla Media filmed the "happening" and created a fantastic video (Search "Lawyers v. Breast Cancer, Put On Your Pink Bra Flash Mob" on YouTube).

The following law firms participated, including staff, family members and friends: Aughton Law Firm; Cardillo, Keith & Bonaquist; Cheffy Passidomo; Coleman, Hazzard & Taylor; Cummings & Lockwood; Yale T. Freeman, P.A.; Garber, Hooley & Halloway; Grant, Fridkin, Pearson, Athan & Crown; Hollander & Hanuka; Legal Aid Service of Collier County; Patrick Neale & Associates; The Livingston Firm; Office of Public Defender; Porter Wright; Ross, Lanier & Deifik; Treiser Collins and Vernon Healy.

Why did they do it? Breast cancer or other cancers, in some way, have touched many of the participants' lives and they wanted to show their support for finding a cure. They came together to help promote the American Cancer Society's 5K Walk that was held October 29th at the Village on Venetian Bay. Several people signed up for the walk as a result of the event, and that was the goal: to raise awareness and garner support. Mission accomplished!





Asset Protection for LLCs

Until last year, many Florida business lawyers believed that the assets owned by a Florida limited liability company ("LLC") were safe from a creditor of an owner of an LLC membership interest, even if the LLC was owned by only one person. The basis for such belief was Florida Statute Section 608.433(4), which provided that a judgment creditor of a member of a Florida LLC could charge the LLC membership interest of the member with the payment of the unsatisfied amount of the creditor's judgment and, to the extent so charged, the judgment creditor only had the rights to the profits and distributions to which such member was otherwise entitled. This statutory provision, which is commonly referred to as the "charging order" statute, did not state that the creditor may become a substitute member of the LLC and thereby have an interest in the assets of the LLC or have any management rights.

However, on June 24, 2010, the Florida Supreme Court, in the case of *Olmstead v. Federal Trade Commission*, held that Florida law permits a court to order a judgment debtor to surrender all right, title and interest in the debtor's single-member limited liability company to satisfy an outstanding judgment. The practical effect of this case was that a creditor of a person who is the sole member of a Florida LLC could take over the ownership of the LLC and thereby obtain effective ownership of the LLC's assets. The Court determined that the Florida statutory provision cited above should not apply to single-member LLC's, even though no distinction is made between single-member LLC's and multiple-member LLC's in the statute.

In light of this Florida Supreme Court case, many business lawyers advised their clients who owned and operated their businesses using single-member LLC's to consider adding one or more additional members to the LLC, converting the LLC into a different type of business entity, such as a limited partnership or limited liability limited partnership, or converting the LLC from a Florida LLC into an LLC in a state whose law is well-settled regarding charging order protection. It is also important to note that the Court's opinion left open the possibility that even creditors of members of multiple-member LLC's might be able to take over the ownership of the member's LLC interest. There clearly was a need for the Florida Legislature to address these important Florida business law issues as soon as possible.

I am pleased to advise that the Florida Legislature did, in fact, act quickly to partially overrule the *Olmstead* case and to provide guidance to the business community with respect to asset protection for both single-member and multiple-member LLC's. Effective May 31, 2011, Florida Statute §608.433 has been amended to provide as follows:

1. The holding in the *Olmstead* case does not apply to multiple-member LLC's. Rather, a charging order is the sole and exclusive remedy available to a judgment creditor of a member of a multiple-member LLC.
2. A charging order is the sole and exclusive remedy available to a judgment creditor of a single-member LLC, unless the judgment creditor establishes to the satisfaction of the court that distributions under a charging order will not satisfy the judgment within a reasonable time. If the judgment creditor successfully makes such a showing, the court may order the sale of the membership interest pursuant to a foreclosure sale.
3. The amendment does not limit (a) the rights of a creditor that has been granted a consensual security interest in an LLC membership interest to pursue its creditor's rights, (b) the principles of law and equity which affect fraudulent transfers, or (c) the availability of the equitable principles of alter ego, equitable lien, constructive trust or other equitable principles not inconsistent with the charging order statute.

In light of the new legislation, which confirms that charging order protection is available to members of multiple-member LLC's but is not available in certain circumstances to a member of a single-member LLC, it seems that adding one or more additional members to a single-

continued next page

Demonstrative Evidence

continued from page 6

Counsel responds, "Oh, no, that's fine."

The judge: "Counsel, you may proceed."

Demonstrative evidence which purports to recreate the actual events that are the focus of the trial must be substantially similar to those events. The judge's decision regarding the use of demonstrative evidence is subject to an abuse of discretion standard. The judge must conduct a balancing test under Section 90.403 to determine whether the probative value is outweighed by unfair prejudice. For example, the judge may exclude items that would be difficult to set up or move during trial or which would tend to distract the jury from the proceedings.

In addition, the judge should consider whether the use of the item or exhibit during the testimony of a witness may be misleading or confusing to the jury. Remember the spectacle of O.J. Simpson standing in front of the jury to demonstrate how the glove did not fit? Tests or experiments conducted by a lay witness should be carefully reviewed by the judge due to the risk of a misleading or "staged" demonstration.

Demonstrative evidence may be used in opening statements or closing arguments. However, the exhibit or item should always be shown to opposing counsel in advance. Often times counsel will not object. If counsel does object, ask the judge for permission to use it. Remember, if you show the item or exhibit to the jury without a stipulation or permission of the court, you risk a possible mistrial or other sanctions imposed by the judge.

Demonstrative evidence can make the testimony of a witness "come alive" to ensure the attention of the jury during your trial.

In a future article, we'll discuss the proper method of refreshing the recollection of a witness and the distinction between it and past recollection recorded.

Take Stock in Children

The Immokalee Foundation's Take Stock in Children (TSIC) has awarded more than \$1 million in scholarships since 2001. Qualified seventh-grade students who successfully fulfill their required pledge to earn good grades, exhibit good behavior and meet weekly with a mentor are awarded a full college scholarship upon high school graduation.



Immokalee students have a 43% high school dropout rate; our TSIC students have a 97% graduation rate. Much of this success is due to the hard work of our volunteer mentors who coach and support them throughout the school year.

Students are selected based on economic need, essay questions and an interview.

We hope to induct 25 new students in January 2012, but we cannot do that if we don't have 25 mentors for the students.

TSIC mentors enjoy the opportunity to empower individual students, helping those students to find their own personal paths to success. With a time investment of just 40 minutes each week to meet with the student at school, a volunteer can get to know a student and help them navigate the challenges of education and life.

For more information on becoming a mentor or to learn more about The Immokalee Foundation please contact Lois Gomez at lois.gomez@immokaleefoundation.org or call 239-657-2461. Visit our website www.immokaleefoundation.org

Asset Protection

continued from page 12

member Florida LLC will often be the most practical approach for business owners who own and operate their businesses using single-member LLC's. It would appear to be very risky for a single-member LLC to rely on the charging order protection set forth in paragraph #2 above. Because the member of a single-member LLC typically controls whether distributions will be made from the LLC, and, therefore, could prevent such distributions from being made to satisfy a charging order within a reasonable time, it is possible that a court could shift the burden of proof from the judgment creditor to the single-member LLC and require the single-member LLC to establish that distributions will be made from the LLC to satisfy the judgment within a reasonable time in order to qualify for charging order protection. Regardless of whether a court places the burden of proof on the judgment creditor or the single-member LLC, a single-member LLC may have a difficult time persuading the court not to order the sale of the membership interest pursuant to a foreclosure sale. If one or more additional members

are added to a single-member LLC, the charging order protection will be available without the risk of costly and possibly unsuccessful litigation.

An analysis of the alternatives and legal and tax consequences of making changes to a single-member LLC is beyond the scope of this article. A key aspect of such analysis is how important it is to the business owner to protect the assets of the business from the owner's potential creditors. Business owners should consult with their legal and tax advisors to discuss their particular situations in order to make an informed decision on whether to make any changes to their existing LLC's or on how to structure their new business.

Jeff M. Novatt, Esq. is a shareholder and principal of the Naples law firm, Cheffy Passidomo, P.A., and practices in the areas of business transactions, corporate, partnership and tax law. He is admitted to practice law in Florida and California and has been practicing law for 27 years. Mr. Novatt graduated from Duke University with a degree in accounting, obtained his law degree from the University of Florida College of Law and also received a Master of Laws in Taxation from New York University.



Second District Court of Appeal Appreciation Reception & Dinner

October 13, 2011



The Port Royal Club provided a glorious backdrop to another wonderful DCA event. The Collier County Bar Association was delighted to host a panel of judges from the Second DCA including Chief Judge Morris Silberman, Judge Darryl Casanueva, Judge Charles Davis and Judge Edward LaRose. There was an interesting juxtaposition as both new and experienced attorneys were showcased during the event. Two new attorneys, Kyle Kelly and Charles Whittington, had the honor of being sworn in to The Florida Bar by Judge Silberman. It was a touching reminder of why many in the room chose to become attorneys. We were also privileged to present our annual Lion of the Law award to Laird Lile for all of his accomplishments. The award was accepted on his behalf by his wife, Laurie. The rich tradition of this award and the high ideals of its recipients were an inspiration for all.



The Collier County Bar Association gratefully acknowledges the generous sponsors who made this event possible.

GOLD SPONSORS

Akerman Senterfitt
Cardillo, Keith & Bonaquist, PA
Cheffy Passidomo
Hahn, Loeser & Parks, LLP
Laird A. Lile, PA
Musca Law
Real Estate Section of the CCBA
Robins, Kaplan, Miller & Ciresi, LLP

SILVER SPONSORS

Quarles & Brady, LLP

BRONZE SPONSORS

Berry, Day & McFee
Coleman, Hazzard & Taylor
Goldman, Felcoski & Stone
Grant, Fridkin, Pearson, Athan & Crown
Roetzel & Andress
Trial Law Section of the CCBA
Westlaw
Zelman & Hanlon

Thank you!

2011

Collier County Bar Association

Attorney Support Services

Bankruptcy Law	Page 17
Mediation & Arbitration	Page 17, 22
Banking	Page 18
Elder Family Care	Page 19
Email Discovery Services	Page 19
Legal Research	Page 20
Immigration, Naturalization and Deportation Defense.....	Page 20
Legal Notices	Page 20
Patent & Trademark Law	Page 21
Wills, Trusts & Estates	Page 21
Tax Law.....	Page 21
Employment Law	Page 21
Long Term Care Insurance	Page 23
Retirement Planning	Page 24
Printing & Copies	Page 25
Paralegal Association.....	Page 26
Education.....	Page 26
Estate Business Valuations.....	Page 27
Computer Support.....	Page 28

Advertising Rates

If you are interested in advertising in *The Adverse Witness*, please contact the Collier County Bar Association office at (239) 252-8711 or lmead@colliercountybar.org.

	(Member)		Non Member
	B&W	Color	
Classified (<25 words)	\$25.00	n/a	\$30
Business card (3.625 x 2.125)	\$50.00	n/a	\$75
1/4 Page (3.625 x 4.375)	\$75.00	n/a	\$100
1/2 Page Vertical (3.625 x 9.75)	\$125.00	n/a	\$150
1/2 Page Horiz. (7.5 x 4.375)	\$125.00	n/a	\$150
Full Page (7.5 x 9.375)	\$220.00	n/a	\$300
1/2 Page Horiz. inside cover* (7.5 x 4.375)	n/a	\$350.00	\$400
1/2 Page Vert. inside cover* (3.625 x 9.75)	n/a	\$350.00	\$400
Full Page inside back cover* (7.5 x 9.375)	n/a	\$700.00	\$800
1/2 page back outside* (7.5 x 4.375)	n/a	\$425.00	\$500

***As space permits**

Discounts are offered for multiple months. Pre-payment is required. Ads must be emailed in PDF, MS Word, MS Publisher, JPG or EPS format to LMead@colliercountybar.org.

*Please support our advertisers.
They make your newsletter
possible!*

MEDIATION & ARBITRATION

LPR

Leonard P. Reina, P.A.
Mediator

20 Years - 2,000 Mediations

239-263-2059

No travel charge for Collier & Lee Co.

If you are interested in advertising in *The Adverse Witness*, please contact the Collier County Bar Association office at 239-252-8711 or email lmead@colliercountybar.org.

BANKRUPTCY LAW



**Don't Let Your
Clients Face
Bankruptcy Alone**

CHAPTER 7 AND 13 BANKRUPTCY

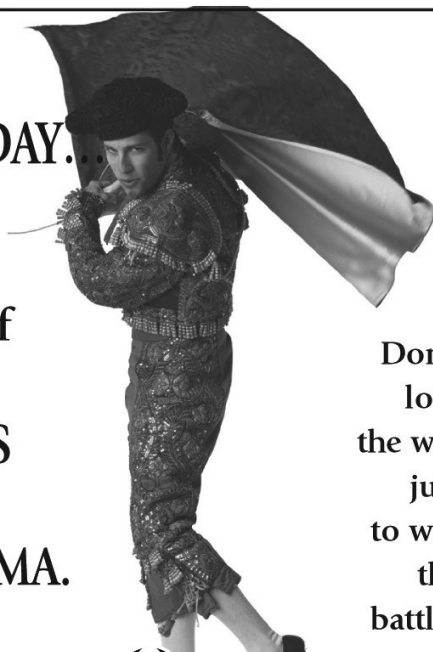
The Boatman Law Firm offers a low-volume consumer bankruptcy practice with direct one-on-one contact between client and attorney. We also handle pre-bankruptcy foreclosure defense and general creditor defense, so bankruptcy is filed only when strategically appropriate.

It's a referral you can feel good about.



3021 Airport-Pulling Rd. N, Suite 202
(239) 330-1494
www.boatman-law.com

**SOMEDAY.
you'll
find
yourself
on the
HORNS
of a
DILEMMA.**



**Don't
lose
the war
just
to win
the
battle!**

CONFLICT SOLUTIONS

MEDIATION · ARBITRATION

(800)762.5582

Patrick C. Coughlan, Esq.
239.417.5959
Naples, Florida

Devon G. Coughlan, Esq.
561.308.9494
West Palm Beach, Florida

www.conflictsolutionsinc.com



REASONABLE MEDIATOR

AbercrombieMediates.com

950 N. COLLIER BLVD. SUITE 400
MARCO ISLAND, FL 34145
Phone: 239.206.4275
Cell: 509.679.5343
Residence: 239.970.2253
Fax: 239.642.4086
Email: CONCLUDEIT@cs.com
FL Supr. Ct. Cert. #: 24088 CFRA

**EXPERIENCED, CREATIVE, FLEXIBLE &
PERSISTENT, IF THE DISPUTE CAN BE
RESOLVED, DAVID ABERCROMBIE
WILL HELP YOU AND YOUR
CLIENTS FIND THE WAY AT A RATE
THEY CAN AFFORD.**

DAVID M. ABERCROMBIE

Mr. Abercrombie, a member of the Hawai'i Bar, is also available for consultation on Hawai'ian legal matters.

Gibraltar Private's Law Firm Banking



Gibraltar Private Bank & Trust remains committed to supporting our friends in the legal community. We continue to be a **safe, strong, well-capitalized organization** with a team of dedicated professionals experienced with the needs of attorneys and law firms.

Gibraltar Private offers services that are custom-tailored to legal professionals, including:

- Full deposit & Treasury Management Services
- Lines of credit
- Term loans
- Letters of credit
- IOTA accounts
- Corporate Trustee
- Guardianship of property
- Investment Management Services
- Special Needs Trusts
- Court restricted and unrestricted accounts
- Mortgage Lending
- Safe Deposit Boxes

Christi Lunsford, *Client Advisor*
239.254.2963
clunsford@gibraltarprivate.com

GIBRALTAR PRIVATE
Bank & Trust

5551 Ridgewood Drive, Suite 100, Naples, FL 34108-2753 www.gibraltarprivate.com



Coral Gables • Miami (Downtown) • Fort Lauderdale • Miami Beach • Naples • New York • Ocean Reef • South Miami

ELDER FAMILY CARE



Do you work with older adults or their children?

Let LifeBridge Solutions, LLC be your partner as you help families to manage *the business of life.*

- Family transition planning
- Daily money management (mail handling, bill pay, personal recordkeeping, tax documentation, budgeting)
- Caregiver coaching & support
- Power of attorney services
- Estate administration support
- Medical billing advocacy



Sheri L. Samotin, President

239.325.1880

999 Vanderbilt Beach Rd., Suite 200 * Naples, FL 34108

We are bonded and insured for your peace of mind.

www.LifeBridgeSolutions.com

EMAIL DISCOVERY SERVICES

Lit & More

E-mail Discovery



OR



Copy / Scan / Image / Color / Large Format /
E-mail Discovery / Opposing Counsel Billing & more!

Three Locations to Serve you

205 N. Orange Avenue, Sarasota, FL 34236 • 941-587-8633

1629 Hendry Street, Ft Myers, FL 33901 • 239-332-3369

5100 North Tamiami Trail #103, Naples, FL 34103 • 239-332-3369

www.litnmore.com

LEGAL RESEARCH



**LEGAL RESEARCH
THAT SPEAKS
THE SAME
LANGUAGE
YOU DO:
HUMAN.**

WestlawNext™

Introducing a new Westlaw.®
Legal research goes human.
Discover more at WestlawNext.com



THOMSON REUTERS™

© 2010 Thomson Reuters L-357276/2-10
Thomson Reuters and the Kinesis logo are trademarks of Thomson Reuters.

IMMIGRATION & NATIONALITY LAW

Immigration Naturalization and Deportation Defense



David J. Mourick

Member American Immigration
Lawyers Association

Concentrating in Immigration and Nationality Law

Over 25 years experience
representing criminal defendants;
and non-citizens in applications for
Permanent Residence, Citizenship,
and Deportation Defense

Law Offices of David J. Mourick, P.A.
11100 Bonita Beach Rd., Suite 108A
Bonita Springs, Florida 34135

Telephone: 239-947-0535

Fax: 239-498-5398

POSITION AVAILABLE

TRUSTS & ESTATES LAWYER SOUGHT

Cummings & Lockwood LLC seeks a
Trusts & Estates Lawyer for their Bonita
Springs office. Excellent opportunity for
ambitious attorney to assist 4 partners with
established practices. Ideal candidate
to have minimum 3 years experience
and strong academic or professional
background in tax law; LL.M. in Tax or
Estate Planning preferred.

Top pay and excellent benefits.
Resumes may be faxed to 239-430-3344,
emailed to oeldridge@cl-law.com or
mailed to Administrator,
P.O. Box 413032, Naples, FL 34101.
EOE/AA.

PUBLISH YOUR LEGAL NOTICES

**in the Gulf Coast
Business Review**

Serving Eight Florida Counties:

**Sarasota | Manatee | Hillsborough
Pinellas | Pasco | Lee | Collier | Orange**

GULF COAST

Business Review

The Weekly Newspaper for Gulf Coast Business Leaders

Call: (941) 906-9386

Visit our website: www.review.net

PERSONAL INJURY LAW

The personal attention your clients deserve . . .

Automobile Accidents
Bicycle Accidents
Slip and Falls
Negligent Security
Wrongful Death
Construction Accidents
Abuse/Molestation
Product Defects
Premises Liability

Member

Florida Justice Association



Richard Weldon

Available for Attorney Referrals

(239) 262-2141

rweldon@weldonrothman.com

WELDON ROTHMAN, P.L.
Attorneys and Counselors at Law

7935 Airport-Pulling Rd N, Suite 205

Naples, Florida 34109

www.WeldonRothman.com

- Representing Southwest Florida -

AV® Preeminent™ is a certification mark of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies. The hiring of an attorney is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.

WILLS, TRUSTS & ESTATES

PROUD CCBA GOLD SPONSOR

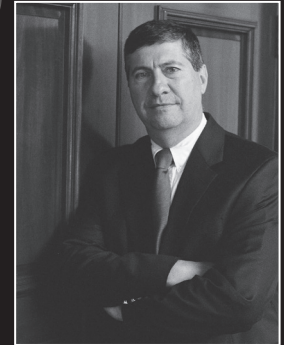


LAIRD A. LILE, P.A.
ATTORNEY AND COUNSELLOR AT LAW

YOUR COLLIER COUNTY
COLLEAGUE SINCE 1987

Florida Bar Certified in Wills,
Trusts and Estates

Fellow, American College of
Trust and Estate Council



3033 RIVIERA DRIVE • SUITE 104 • NAPLES, FLORIDA 34103

239.649.7778

LAIRDALILE.COM

EMPLOYMENT LAW

Representing *Plaintiffs/Employees*

Employment Law Claims

Sexual Harassment
Fair Labor Standards Act
(Overtime & Unpaid Wages)
Whistleblower Claims
Family Medical Leave Act
Wrongful Retaliation
Discrimination & EEOC
Unemployment Appeals
ERISA/Employee Benefits
Employment Contracts
Non-Compete Agreements
Business Torts

Member

Florida Chapter of the
National Employment Lawyers Assn.



Bradley Rothman

Available for Attorney Referrals

(239) 262-2141

brothman@weldonrothman.com

WELDON ROTHMAN, P.L.
Attorneys and Counselors at Law

7935 Airport-Pulling Rd N, Suite 205

Naples, Florida 34109

www.WeldonRothman.com

- Representing Southwest Florida -

The hiring of an attorney is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.

PATENT/TRADEMARK LAW

THE LIVINGSTON FIRM

**PATENT • TRADEMARK • COPYRIGHT
FRANCHISE & RELATED BUSINESS LAW
AND LITIGATION**

**REGISTERED U.S. PATENT
ATTORNEYS**



(239) 262-8502

Office: 963 TRAIL TERRACE DRIVE
NAPLES, FL. 34103

www.thelivingstonfirm.com

Lives
changed,
lives saved.



©2010, American Cancer Society, Inc.

*Lives for yearly ski trips with the family. Trusted advisor, providing valuable solutions to his clients. **Believes everyone can fight cancer – and create more birthdays.***

"I don't ask if someone wants to give to charity; I ask how much they want to give."

Hyman believes in giving to the American Cancer Society because we fight for every birthday threatened by every cancer, in every community. And, we've taken part in almost every major cancer breakthrough. You can help by educating your clients on planned giving opportunities. Our National Professional Advisor Network (NPAN) provides solutions through free, valuable gift planning tools and resources and access to the latest in estate planning, charitable tax and finance news.

To register or receive a free NPAN brochure email pat.baier@cancer.org or call 1-800-444-1410 ext. 3856.

THE OFFICIAL SPONSOR OF BIRTHDAYS.™



MEDIATION & ARBITRATION



BAVIELLO

Mediation & Arbitration

**We not only know the law,
we understand business.**

FL Supreme Ct Certified Appellate Mediator
FL Supreme Ct Certified Circuit Mediator
Federal Mediator
State of FL Qualified Arbitrator

Specializing in business, construction,
foreclosure, probate and real estate disputes.

239.434.0446

Easy online scheduling at FloridaMediator.us

PROTECT.

Because the most noble fight of all is
the fight for justice.

Our law firm proudly supports
Collier County Bar Association

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

Lawrence A. Farese | Michael J. Volpe | Erica L. Airstman
711 Fifth Avenue South, Suite 201 | Naples, Florida 34102
239-430-7070 | rkmc.com

© 2011 Robins, Kaplan, Miller & Ciresi L.L.P.

Okay, you have insurance. But is it the right coverage for you today? (When did you last look at your policies?)

“We were pretty skeptical, when we first sat down with Mitchell to review our options for life insurance. Our fears quickly disappeared, as it became very obvious he really cares - and is passionate about doing what is right for his clients. It was great to meet someone who shares the same values and principles as we have in our business. Best of all, Mitchell and the LTCi Marketplace team were able to provide us with policies for much less than we had been paying.”

— Cori and Daniela Craciun
Co-Owners Daniela's Restaurant
North Naples



Mitchell Dannenberg, CLTC
(239) 461-5511

<http://ltcmarketplace.com>

REPRESENTING ALL MAJOR COMPANIES

Long Term Care Insurance • Life Insurance • Income Protection • Critical Illness Coverage

LTCi MarketplaceSM

Your Long Term Care Insurance Broker & More.SM



- Do all the good you can,
- By all the means you can,
- In all the ways you can,
- In all the places you can,
- At all the times you can,
- To all the people you can,
- As long as ever you can.

—John Wesley, 1703-1791
Founder of Methodism

May we each
do all the good we can,
during the holidays and always.
Wishing you peace and joy!

YALE T. FREEMAN P.A.
ATTORNEY AT LAW
STRATEGY • STRENGTH • SOLUTIONS

ytfreemanlaw.com 239 530 2500

Representing individuals and companies faced with
allegations of criminal impropriety, and facilitating
internal investigations on behalf of victims of fraud.

PROUD SUPPORTER OF



RETIREMENT PLANNING

Now you can build – and control – your future retirement income!

With Flexibility

You get a guaranteed¹ income stream tailored to help you meet your own unique retirement needs.

With Security

You receive an income stream that is not subject to stock or bond market risk, and backed by an institution you can trust.

And Simple

You get a worry-free stream of income without recurring fees.

A Guaranteed Future Income Annuity from New York Life may be suited for individuals ages 40-75 who don't need income now, but would like to lock in a future guaranteed income stream for life.

Example: Male, age 45²

Initial premium.....\$25,000

Recurring premium
for 23 years\$10,000

Monthly income
starting at age 70,
with four different
income payment options
available\$3,106

Call us!



AGENTS

New York Life Insurance Company

3033 Riviera Drive, Suite 101 • Naples, Florida 34103



Jeffrey M. Galati
jgalati@newyorklife.com



Roxane Kronon Galati, CPA
rgalati@newyorklife.com

239-263-5010

¹ Guarantees are subject to contract terms, exclusions and limitations, and the claims paying ability of the issuer, New York Life Insurance and Annuity Corporation (NYLIAC), a Delaware Corporation, a wholly-owned subsidiary of New York Life Insurance Company. This contract has no cash surrender value and no withdrawals are permitted prior to the income start date. Income payments are guaranteed at least as long as the annuitant is living, provided the annuitant is alive on the designated income start date. Contracts in which a Life Only payout option is selected do not provide a death benefit either prior to or after the designated income start date.

² This hypothetical example is for illustrative purposes only. Illustration is based on rates effective as of 08-10-11 for Life with a Cash Refund payout option. Rates are subject to change and payout will vary with age, gender, payout option selected and premium amount. Actual amounts are dependent upon interest rates in effect at time of policy issue. Income payments include return of premium and interest.

Collier County Bar Association

Proud supporter and member.



John Clough
Naples, FL
239.591.6766

john.clough@akerman.com

Akerman Senterfitt • Akerman Senterfitt LLP • Attorneys at Law
BOCA RATON DALLAS DENVER FORT LAUDERDALE JACKSONVILLE LAS VEGAS
LOS ANGELES MADISON MIAMI NAPLES NEW YORK ORLANDO PALM BEACH TALLAHASSEE
TAMPA TYSONS CORNER WASHINGTON, D.C. WEST PALM BEACH
akerman.com

©2011 Akerman Senterfitt, Akerman Senterfitt LLP. All rights reserved.
Prior results do not guarantee a similar outcome.

DIGITAL COPIES

COLOR OR B/W
DESIGN & TYPESETTING



FREE
PICK-UP and
DELIVERY
with most orders

Your Graphic Media
Solution!

Don't drive all over town!

With four locations in Collier, one is
near you! Got a big copy job?

Call us for pickup!

Naples 239-775-3553 • 2317 Davis Blvd.
North Naples 239-566-2606 • 13800 Tamiami Trail N.
Marco Island 239-394-0304 • 573 E. Elcam Circle
Immokalee 239-657-2822 • 1300 N. 15th Street

Place an order any time online at our website!

www.THEPRINTSHOP.tv

STEEL Litigation

Litigation Image and Copy Services

Serving Collier and Lee Counties

Pick Up and Delivery Services

Quality Guaranteed

Trial Exhibits

Closed File Imaging

OCR / EDD Services

PDF / TIFF Images

Hard Copies

Oversize Documents

Sequential Bates Numbering

Blowbacks

Color Copies / Images

CD / DVD / VHS Media Services

Jim Yoder 239.649.5155 steellitigation@ymail.com www.steellitigation.com

PARALEGAL



Paralegal Association of Florida, Inc.

*Southwest Florida Chapter, an affiliate of the
National Association of Legal Assistants, Inc.*

Paralegal Networking & Monthly Continuing Education Events

On the third Thursday of each month, the Paralegal Association of Florida, Inc. - Southwest Florida Chapter meets at 5:30 pm for social time/6:30 for CLE dinner meeting at Doubletree Guest Suites, 12200 Tamiami Trail North. Please contact Sue H. Smith, FRP; email shsmith@porterwright.com; phone 239-593-2928.



This device measures blood pressure. But it also says something about your common sense. Because using it for regular checkups helps detect high blood pressure before it's too late, which is definitely a smart move. To learn more, visit www.americanheart.org or call 1-800-AHA-USA1.

American Heart Association
Learn and Live...

This space provided as a public service.
© 1998, American Heart Association

Proud to serve as a Gold Sponsor to
the Collier County Bar Association

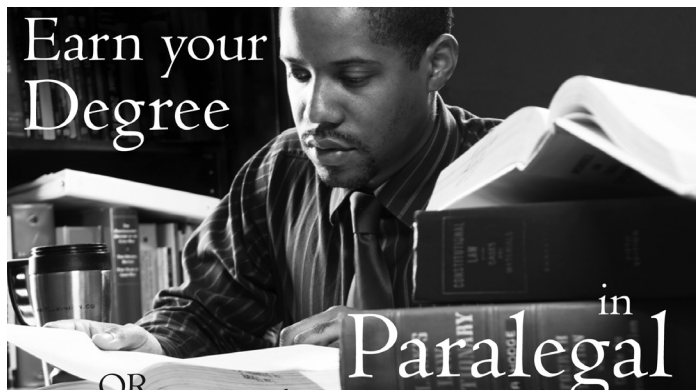
CHEFFY PASSIDOMO

ATTORNEYS AT LAW

www.napleslaw.com
821 Fifth Avenue South • Naples, Florida 34102

EDUCATION

Earn your Degree



OR in Paralegal Legal Studies

Change your career or update your skills with an Associate Degree in Paralegal Studies or a Bachelor's Degree in Legal Studies from Hodges University.

Students have the option to concentrate in a chosen legal specialty and complete the Legal Studies Program in an accelerated format, attending class only one evening per week. Call or visit our website today to learn more.



NAPLES (239) 513-1122 • FORT MYERS (239) 482-0019 • WWW.HODGES.EDU

HAHN LOESER

is proud to support the

COLLIER COUNTY BAR FOUNDATION

and the good work it contributes to
the Southwest Florida community.

HAHN LOESER & PARKS LLP

800 Laurel Oak Drive Suite 600 Naples, Florida 34108 239.254.2900
2532 East First Street Fort Myers, Florida 33901 239.337.6700
hahnlaw.com Naples Fort Myers Cleveland Columbus Akron Indianapolis

The hiring of a lawyer is an important decision that should not be based solely upon advertisement. Before you decide, ask us to send you free written information about our qualifications and experience.

IF YOUR CLIENT NEEDS AN ESTATE RELATED BUSINESS VALUATION... WE HAVE THE EXPERIENCE.

Over 5,000 accurate, independent and defensible valuations provided since the early 1980's. Decades of experience in estate valuations.

At DeLisi & Ghee, Inc. our practice is heavily concentrated in the estate and gift tax arena. We have successfully completed thousands of estate and gift tax purpose reports. Our work is highly defensible and meets the stringent IRS standards required of estate and gift tax appraisals.

We have valued estates ranging from \$1 million to nearly \$1 billion in value, and have successfully defended taxpayers at audit. Our experience includes all types of businesses from real estate and securities - backed Family Limited Partnerships and Limited Liability Companies, to multi-million dollar complex manufacturing and service companies.

**BUSINESS VALUATIONS ARE ALL WE DO.
ALL DAY, EVERYDAY.**



NAPLES OFFICE:
1415 Panther Lane
Naples, FL 34109
Ph: 239.591.6213

S. FLORIDA OFFICE:
1898 SE Port St. Lucie Blvd.
Port St. Lucie, FL 34952
Ph: 772.380.9997

WEBSITE:
www.delisiandghee.com
EMAIL:
john@delisiandghee.com



John D. Ghee, MS, MCBA, FAFEI
Leo J. DeLisi, Jr., ASA, MCBA, ABAR
Michelle E. Marvel, CBA

Extremely **Floridian**

GRAY | ROBINSON

is fiercely committed to Florida with ten full-service law offices. We are deeply connected to both our clients and the communities we serve.

Naples Attorneys

Gary Carman

Michael D. Randolph

Amy L. Garrard

Burt L. Saunders

Lisa H. Lipman

Carl E. Westman

GRAY | ROBINSON
ATTORNEYS AT LAW

FORT LAUDERDALE | JACKSONVILLE | KEY WEST | LAKELAND
MELBOURNE | MIAMI | NAPLES | ORLANDO | TALLAHASSEE | TAMPA

5551 Ridgewood Drive, Suite 101, Naples, FL 34108

www.gray-robinson.com



**COLLIER COUNTY
BAR ASSOCIATION**

3315 East Tamiami Trail, Suite 505
Naples, Florida 34112

ADDRESS SERVICE REQUESTED

PRSRT STD.
U.S. POSTAGE
P A I D
NAPLES, FL
PERMIT NO. 307



239-775-3553



IT Consulting, LLC

239-325-1480

www.coastal-it.com

*Providing Service Offerings
for the Legal Community*



**Wishing you the special gifts of this
holiday season
Peace, Joy and Lasting Happiness**