President’s Message
The Year in Review

Calendar
Make note of meetings, CLE and court holidays

Legal Aid Notes
Annual Barrister’s Bash scheduled

Community Outreach
Florida Lawyers Assistance offers help and hope

Board of Directors Notes
2010 Member Survey Results

Holidays in March
Photos from the zoo
The year in review

It is hard to believe this is my last President’s Message. We will be combining the May and June editions of the Adverse Witness, as well as July and August, so this is it, my last address, my swan song if you will. Guess it better be a good one.

Back in January I gave you a progress report on meeting the goals I had enumerated at the beginning of my term. I believe all of those goals have been reached. You received a membership survey in March and I thank everyone who responded. We had about a 10% response rate which I understand is fairly typical for a survey of this nature. Overall, the responses were positive and included some meaningful comments that will be helpful in building a better association. See this issue for a full report on the survey.

You may recall I wanted to take a close look at the operation of our Lawyer Referral Service (“LRS”). To that end, we formed an LRS committee at the beginning of my term and through the committee’s efforts, I feel we have LRS on track for future growth and success. The LRS committee considered the possibility of forming a low-fee panel to provide assistance to those who may not qualify for Legal Aid or pro-bono services but who nonetheless would have trouble affording an attorney. Given the relatively small size of our current LRS panel and taking into consideration the responses to our survey, a low fee panel is probably too ambitious at this time. However, I hope this will be considered again in the future as such a service would be a great benefit to our community.

When we started our 2009-2010 bar year, the financial meltdown was at full boil and the effects were being felt far and wide, including here in Collier County. I was concerned about our membership, not only as to the financial strength of our association but also as to the stability of our local legal practice which relies so heavily on real estate and related legal services. While we are in no way out of the woods yet, our association has remained strong and anecdotal evidence suggests this season was better than last as far as transactional legal work. Our membership rolls actually increased a bit this past year allowing our cost savings measures to have a positive impact on our budget. By adjusting current staff duties and eliminating our summer internship position, we were even able to add a part-time staff person to assist with data entry. This will give Lisa Mead more time to focus on member services and Kathy Williams more time to focus on our law library and LRS. If you are in the Bar office, please say hello to our new part-time employee, Hilda Taylor.

Finally, I wanted to promote our association’s pro-bono and community outreach activities and to generally support Legal Aid Service of Collier County. This past year our Foundation, under the leadership of Jon Scuderi, again held fundraisers, two free legal clinics with Legal Aid and a number of community outreach events. In addition, the Collier County Foreclosure Task Force, originated by CCBA members, continued to amaze all with their tireless efforts to address foreclosure problems facing our community. While my role in these activities was a minor one, I want to thank each and every volunteer for their support and participation over the past year. From what I have observed, I know you will be back to donate your time again, not just because it is a great thing to do for your community, but because it is also a great thing to do for yourself.

I want to thank each and every member of the board of directors for their efforts this past year. We had a number of unusual issues arise and a few special projects over and above the norm, but everyone contributed without complaint and all served on one or more subcommittees focusing on specific issues or events.

“If you have not been actively involved with our association, I hope you will give it a try. If you do, I think you will find it a rewarding and meaningful way to contribute to your community and your profession.”

See “Year in Review” page 12
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.

MAY

5 CCWBA Networking Extravaganza
Galerie du Soleil
5:30 p.m. – 7:30 p.m.

6 Trusts and Estates Luncheon
Northern Trust, 12:00 p.m.
Free – bring your own lunch

7 Foundation Golf Tournament
Quail Creek Country Club
Lunch begins at noon
$140 per golfer

11 Young Lawyers’ Board Meeting
Aurelio’s, 12:00 p.m.

14 CCBA Membership Luncheon
Carrabba’s, 12:00 p.m.
Members - $20; Non-members - $25

14 YL President’s Party
McCormick & Schmick’s
5:30 p.m. – 7:30 p.m.
Free to YL members
Pre-registration is required

20 CCBA Board Meeting
CCBA Offices, 7:30 a.m.

20 Trial Law Board Meeting
St. George & the Dragon, 12:00 p.m.

21 Judicial Appreciation Luncheon – Hosted by Young Lawyers
Naples Yacht Club, 12:00 p.m.
YL Members - $30; Non-members - $35
Members of the Judiciary and their administrative staff are our guests

26 CCB Foundation Board
CCBA Offices
7:45 a.m.

27 Real Estate Section Luncheon
Carrabba’s
12:00 p.m.
RE Members - $20; Non-members - $25

31 CCBA Offices Closed for Memorial Day

31 Race Judicata
North Collier Regional Park
Registration at 6:30 a.m.
Race begins at 7:30 a.m.
See flyer in May AW for additional details or visit the website

JUNE

1 Trial Law Luncheon
Bonefish Grill, 12:00 p.m.
TL Members - $25; Non-members $30

8 Young Lawyers’ Board Meeting
Aurelio’s, 12:00 p.m.

11 Installation Luncheon
Ritz-Carlton - Tiburon, 12:00 p.m.
Members - $35; Non-members - $40

17 CCBA Board Meeting
CCBA Offices, 7:30 a.m.

17 Trial Law Board Meeting
St. George & the Dragon, 12:00 p.m.

30 CCB Foundation Board
CCBA Offices, 7:45 a.m.
Barrister’s Bash 2010 – thank you!

Legal Aid Service of Collier County’s (LASCC) 2nd Annual Barrister’s Bash Fundraiser Dinner and Awards Ceremony was a huge success - thanks to the overwhelming support of the local Bar and business community! Over 200 local attorneys, judges, and community leaders joined us at the Hilton Hotel in Naples on April 22nd for the ‘Bash.’ This amazing turnout is a testament to the strong bond that has been forged between the Collier County Bar Association and Legal Aid.

Thanks to the generosity of everyone involved, Legal Aid was able to raise a substantial amount of money through the Barrister’s Bash event - establishing a new record! All proceeds benefit LASCC and its mission to provide high quality free civil legal assistance to the poor in Collier County. Legal Aid extends a hearty thanks to everyone who attended - we are incredibly grateful for your generosity, passion, and commitment to our program. Thanks also to our hard-working Barrister’s Bash Steering Committee members and to our LASCC Advisory Board members for sharing the Master of Ceremonies duties. Thanks also to local artist Michael St. Amand for donating the exciting raffle item this year.

We were deeply honored by the presence of the following local Judges who were able to attend our event: Hon. Cynthia Pivacek, Hon. Hugh Hayes, Hon. Elizabeth Krier, Hon. Janeice Martin, Hon. Lawrence Martin and Hon. James Shenko. Thanks again to our 2010 Honorary Co-Chairs: Ernie Bretzmann (Pres. & CEO of United Way of Collier County), Eugene Milhizer, Esq. (Dean & President, Ave Maria School of Law), and Mike Reagen, PhD. (President & CEO, Greater Naples Chamber of Commerce).

Congratulations once again to our Major Award Winners: Kathleen Passidomo, Esq. (Attorney of the Year), Quarles & Brady (Law Firm of the Year), Pieter Van Dien, Esq. (Special Recognition Award - Leadership), Eric Veenstra, Esq. (Special Recognition Award - Pro Bono Service), and Lisa A. Mead (Volunteer of the Year Award - Outstanding Volunteer Service). Congratulations also to our 2009 - 2010 Attorneys of the Month Award winners who were honored at the event.

Legal Aid thanks the following Sponsors of the 2010 Barrister’s Bash:

- Legacy Level - Fifth Ave. Magazine; Hilton Hotel - Naples.
- Visionary Level - Real Estate Section of the Collier County Bar Association.
- Leadership Level - Cheffy Passidomo; Quarles & Brady, LLP
- Partner Level - Northern Trust, NA
- Associate Level - Cohen & Grigsby; First National Bank of the Gulf Coast; Hahn, Loeser & Parks, LLP; Law Offices of Eric J. Vasquez; Law Offices of Michelle L. Hill; Westlaw; Yale T. Freeman, P.A.
- Friend Level - Asbell, Ho, Klaus, Goetz & Doupe, P.A.; AGZ Personalized Medical Care, LLC; Stephany S. Carr, Esq.; Mary McDonald Mascott; Tara A. Mucha, Esq.; Penny Taylor Photography; Randall Business Development; Naples Town Hall Distinguished Speaker Series.

Legal Aid thanks the following Silent Auction Donors:

- Arrowhead Golf Club; Banfield The Pet Hospital; Jon Beason - Carolina Panthers (NFL); Brochure Factory; Carrabba’s Italian Grill; Cheesecake Factory; Chet’s Automotive; Dinosaur Playground; Dolce Vita Hair Salon; Donovan Court Reporting; Eagle Creek Golf and Country Club; Elite Martial Arts; Fleming’s; Florida Everblades; Florida State University Football - Coach Jimbo Fisher; Gulfshore Clothier; Hanna Lee Barber Salon & Haircuts; Hamilton Harbor Yacht Club; Haskell’s; Inn on Fifth; JABZ Health & Fitness; Jewelry by Beverly That; King Richards Park; Jim Krieger; La Playa; Marsala Italian Eatery & Pizzeria; Massage Envy; Mary Kay Cosmetics - Stephanie Grogooza; Michael Biondo Lifestyle Design; Moorings Country Club; My Gym; Naples Grande Golf Club; Naples Princess; Neopolitan Car Wash; Tamara...
Meeting summary

At its March 26, 2010, meeting in New York City, The Florida Bar Board of Governors:

• Approved, as recommended by the Budget Committee, the Bar’s 2010-2011 budget, which calls for expenditures of $38.2 million. Incoming Budget Committee Chair Dan DeCubellis said the budget is balanced and has a good chance of producing a surplus. He also said the budget is based on the assumption the Bar Journal directory issue will no longer be printed and that Clients’ Security Fund operations next year will be financed by fund surpluses.

• Approved a request from the Criminal Law Section that the board adopt a Bar legislative position opposing any legislation that would reduce pay or benefits for assistant public defenders, assistant state attorneys, and assistant attorney generals. The position also “urges that the Justice Administration Commission (JAC) is adequately funded for all costs and fees associated with criminal justice matters.”

• Heard Bar President Jesse Diner warn that the Bar could face severe challenges in the 2011 Legislature. One challenge may be maintaining court funding when the state could be looking at a $6.8 billion deficit and no federal stimulus money to offset that. Another difficulty could be a possible attempt to have the Legislature take over court procedural rule-making authority from the Supreme Court.

• Heard Board member Greg Coleman report that the Clients’ Security Fund Procedures Committee will be presenting several recommendations at the board’s May meeting. Those include allowing the fund to compensate a client when a partner of the client’s lawyer has stolen from the client and the client has no other means to recover the loss. The committee discussed, but has made no recommendation, on compensating third parties in certain cases when a lawyer has stolen from them, such as the lawyer had received money from the third party to be held in trust for a client and then stole the money. Coleman said the committee has decided not to recommend random audits of trust funds as a way to prevent losses, but is looking at other methods to prevent losses that could lead to claims on the CSF.

• Received on first reading a rule that prohibits lawyers from signing blank trust account checks, using a signature stamp on trust account checks, or allowing nonlawyers to sign trust account checks.

• Received on first reading a rule amendment that would allow lawyers facing financial hardships to pay their annual membership fees in installments.

• Approved a revision to the Bar’s annual membership fee statement, to clarify the trust account certificate. The change will add a new category for judges, government attorneys, and others to report that they do not handle trust funds and are not required to have a trust account. On a related matter, Bar President Jesse Diner reported that the statement will include an option to make a voluntary donation to FLAME, the Florida Lawyers Association for the Maintenance of Excellence. FLAME has significantly enhanced our efforts to secure funding for our state courts including commissioning studies by Washington Economics Group and TaxWatch to illustrate the consequences of inadequate funding and by conducting a public awareness campaign to gain widespread support. FLAME has also supported the statewide General Election Voter’s Guide by the League of Women Voters for many years.

• Approved two new member benefits. One is property insurance coverage for law offices, including offices in low-lying coastal areas. The second offers a 20 percent clothing discount at Ann Taylor.

Respectfully submitted,
Laird A. Lile
Scott Wm. Weinstein
20th Circuit BOG Representatives
Florida Lawyers Assistance, Inc. (FLA) is a lawyers-helping-lawyers program which offers confidential help to judges, attorneys, and law students dealing with alcohol and drug abuse problems, compulsive gambling, stress, depression, other types of compulsive disorders, and similar conditions which may impair these individuals’ quality of life and ability to practice in a competent, ethical and professional manner. FLA was created in 1986 by recovering attorneys and addiction professionals in order to help other lawyers deal with their impairments. The backbone of FLA is a network of over 200 attorneys throughout the State of Florida who are themselves recovering from substance abuse, psychological problems, and impairment caused by other conditions. These volunteers stand ready to assist their peers in all areas of their recovery. The staff and volunteers of FLA know the problems faced by impaired attorneys and how to help overcome these problems because they’ve been there.

Because of the sensitive nature of addiction and psychological problems, attorneys who may be in need of help are often very reluctant to seek that assistance. Recognizing this concern and in order to foster early and confidential contact with FLA, in 1986 the Supreme Court of Florida approved Rule 3-7.1(j) which states that any treatment provided to an impaired attorney shall be deemed confidential and may not be admitted as evidence in any disciplinary proceeding. In 1998, the Florida Legislature adopted §397.482-486, F.S. providing confidentiality for any voluntary communications made to FLA.

Among the confidential services provided by FLA are:

- **Assessment and Referral**: A trained member of the FLA staff will meet with an affected attorney, either at FLA’s Ft. Lauderdale office or off-site, to evaluate the problem and recommend available treatment and rehabilitation options.

- **Interventions**: In appropriate situations, a member of the FLA staff will plan, rehearse, and facilitate a formal intervention to assist an impaired attorney.

- **Peer Support Network**: The affected attorney will be paired with a recovering lawyer in their geographical area to act as a mentor and to help with their rehabilitation.

- **Attorney Support Meetings**: FLA sponsors over 30 weekly meetings around the state where recovering attorneys network to help each other deal with the problems and stresses of practicing law without having to resort to using substances or engaging in self-destructive behavior.

- **Education and Prevention**: FLA works with law firms, the courts, The Florida Bar, and the Florida Board of Bar Examiners to educate members of those entities concerning attorney impairment and recovery. In addition, FLA makes regular presentations at CLE seminars and law schools throughout the state regarding addiction and mental health issues.

- **Annual Workshop**: FLA presents a CLE seminar in July of each year dealing with such issues as recent developments in the treatment of various impairments, disciplinary proceedings in which lawyer impairment was involved, and Board of Bar Examiners and Supreme Court decisions and procedures concerning admission of applicants with histories of chemical dependency or psychological problems.

- **Structured Rehabilitation Program**: In cases involving attorney discipline or admissions problems, FLA can implement a structured rehabilitation program which will document an attorney’s or law student’s recovery. Such evidence of recovery will often be taken into consideration by The Florida Bar or Board of Bar Examiners when determining discipline or recommendations for admission.

Addiction is not a moral issue, but rather is a treatable illness which causes a deterioration of moral and ethical values. The stigma is not in having the illness, but in failing to seek treatment once its presence is recognized. Seeking treatment is perfectly acceptable social behavior. Addiction is a progressive disease - it never gets better by itself.

Free, confidential help is available to you or a lawyer you know who may be having problems with drugs, alcohol, gambling, or a psychological condition which is impairing the ability to practice law or live life. If you or someone you care about is suffering from such a problem, professional and peer assistance is available to help bring about a positive change.

**FLORIDA LAWYERS ASSISTANCE CAN HELP.** Call the FLA Hotline or visit the FLA web site: (800) 282-8981 or www.fla-lap.org.
PERSONAL PROPERTY APPRAISALS BY ELDRIDGE APPRAISALS INC. David C. Eldridge, senior member American Society of Appraisers, and Morgan W. Eldridge, member American Society of Appraisers, Automotive Specialties Group, have 39 years’ experience. USPAP ASA compliant, appraising fine and decorative arts, antiques, automobiles, residential contents, commercial vehicles, office equipment and furniture. 800-940-1819.

MEDIATOR/ARBITRATOR, state and federal courts. Attorney Robert R. Hagaman, 239-860-4554. Mortgage foreclosures, personal injury, commercial cases, dissolution of marriage. Email: roberthagaman@comcast.net.

The Ruhl Law Group announces that Daniel M. Cavanaugh, formerly with the State Attorney’s Office, will be joining the firm at it’s Fort Myers location where he will be primarily servicing Fort Myers and Naples in the areas of Personal Injury, Civil and Criminal Trial law. He can be reached at 1617 Hendry Street, Suite 309, Fort Myers, FL 33901, (239) 362-3670, dan@ruhllawgroup.

The law firm of Vernon Healy is pleased to announce the relocation of its main offices to The Fifth Third Bank Center, Suite 200, 999 Vanderbilt Beach Road, Naples, FL 34108. The firm maintains a south Naples satellite office at the 3080 Tamiami Trail East location.

CORRECTION: Please note the following correction to the 2010 Collier County Bar Association Membership Directory: The correct e-mail address for David E. Leigh is: dave@davideleigh.com.

Roetzel & Andress is pleased to announce that Christen Spake has joined the firm’s Naples office as an Associate Attorney. Ms. Spake’s practice is focused in the area of civil litigation with an emphasis on business, commercial and real estate litigation.

BREAKFAST MEETING: The Southwest Florida chapter of ALA will meet June 17, 2010 at 8:00 am. “Preparing for Hurricanes and Other Disasters” will be held at Sterling Oaks, across from Audubon on Hwy. 41, North Naples. Speaker will be Dan Summers, Collier County Emergency Management. RSVP Wenke, 597-7088 by June 14. Cost is $15 for breakfast.

The Florida Bar Board of Legal Specialization and Education invites you to consider board certification. By your involvement in the Florida Adoption Council, you may be well suited for board certification in adoption law, the first specialty of its kind in the U.S. Applications will be available March 15 at FloridaBar.org/certification. If you’re ready for the challenge, applications for board certification in adoption law must be filed by July 31, 2010, for the March 2011 exam.

JUDICIAL LAW CLERK needed for U.S. District Court, Fort Myers for one- to two-year term; salary range $57,408-$96,690. The judicial law clerk researches issues of law, drafts bench briefs and opinions, attends trials and other court proceedings and acts as advisor to the Honorable Sheri Polster Chappell, U.S. Magistrate Judge. Applicants should submit a cover letter, current resume with class rank, transcripts, no more than three letters of recommendation, and a self-edited writing sample to: Federal Clerkship #10-14, Chambers of the Honorable Sheri Polster Chappell, United States Magistrate Judge, 2110 First Street, Room 5-107, Fort Myers, Florida 33901.
Back in February we sent out an electronic survey – a first for the CCBA. We asked you your thoughts on many topics related to the association and its operation. We promised to let you know the results and, due to the positive comments, this is a promise we are happy to keep. We had no idea how many of you would respond, but received a respectable 10% rate of reply.

Demographics
While parts of the population in Collier County are migratory, we were impressed by the longevity of our membership as we discovered that 57% of the respondents have been members of the association for 11 years or more. This wasn’t a surprise when you consider that 76% have been practicing for more than 10 years.

Most of the respondents were men (76%) who work in solo practices or small firms (61%). And although the practices seem to be fairly evenly split among the various specialties, 51% stated that they are litigators.

Another interesting point reflected in this survey is that our population is shifting northward. The majority of you still practice in the areas south of Pine Ridge Road, but 32% claim North Naples as home base.

Bar Activity
We knew that our members were active, but were satisfied to see the results prove us right. The majority of the respondents (82%) belong to sections; with 68% stating that was an important reason for their CCBA membership.

You also come to our events, with 54% of you having attended six or more this year. The reasons you attend are fairly split between CLE credits, networking opportunities and the scheduled speaker. Whatever the reason, we’re happy that you’re there.

As you know, most of the CCBA luncheons are held at Carrabba’s. This appears to be a good choice as 78% of you returned positive comments about the location and the menu.

Communications
We were pleasantly surprised to discover that 87% of the respondents read our monthly newsletter, the Adverse Witness, either frequently or every month. We will strive to keep the newsletter fresh and relevant so you’ll continue to enjoy it.

Many of you are using the website as well, or at least your assistants are doing so. A majority (51%) reported no problems at all, while 36% stated that it was fairly easy to use but there have been a few issues. I promise we’ll continue to update the site to make it more user-friendly. We’ll also be packing it with more information, so please keep checking it out.

“I do not use the website often. My assistant is the primary user of the website. She thinks it is easy to understand and works well.”
- excerpt of an anonymous survey comment

You also seem to appreciate our email communications, with an astounding 94% of you reporting that you are mostly or completely satisfied with the level of communication that you receive from us.

“We get timely notice of all upcoming events. I prefer this to all the notices in the mail.”
- excerpt of an anonymous survey comment

Services

See “Member Survey Results” page 14
User-error or product defect?

Abundant waterways and warm weather make for hours of boating fun. However, boating can turn dangerous quickly due, in some instances, to poorly designed boats or personal watercraft. Additionally, many boat owners and operators unfortunately do not have the proper training and/or experience to properly operate their vessels, or simply do not keep safety top-of-mind.

Safety issues can arise if the manufacturer did not adequately research and address inherent hazards in the design of the watercraft. Manufacturers have an obligation when designing watercraft to anticipate not only the foreseeable uses of their products as sold, but also foreseeable misuses. Then, with that knowledge they must design with safety in mind, install guarding mechanisms where feasible, and warn the consumer of potential risks during such foreseeable uses. For example, many accidents involve the moving prop of a boat. These accidents can be minimized or avoided through the use of prop guards and better instructions and warnings regarding safe boating operation and prop related dangers. In such cases, it is our responsibility to evaluate what was known by the manufacturer or industry, and to seek the assistance of experienced and qualified experts to determine if reasonable steps were taken to appropriately consider safer design alternatives or other accident prevention mechanisms.

Jet skis and other personal watercraft also offer plenty of fun during summer months. The Boat Owners Association of the United States says personal watercraft account for 9% of all registered watercraft in the U.S. and yet are involved in 26% of the total boating accidents reported. Further, 70% of all PWC collisions occur with other vessels, most of which are other personal watercraft.

As designed many jet skis and personal watercraft have inherent flaws which can lead to serious injuries and death. Many jet skis are grossly overpowered and often come to be out-of-control in the hands of inexperienced or younger riders. Further problems arise when, once riders are dislodged or fall off, the uncontrolled water craft becomes hazardous to others if not designed properly to stop. This creates risks not only for the users, but for those in the area.

Another concern with many jet-propelled watercraft is the propulsion system itself. When users are thrown from or fall off such jet skis, the thrust of water from the jet propulsion system can cause severe orifice and internal damage. Lastly, often the instructions and warnings relating to the inherent risks associated with the safe use of such personal watercraft are inadequate, and accidents and injuries result. For all of these reasons, when a jet ski or personal watercraft accident happens, the design, instructions and warnings related to the safe use of the jet ski must be examined to determine if product defect or warnings claims exist.

Also, like any gasoline powered vehicle, fuel system defects can pose serious risk. If the release of dangerous flammable fluids or a build up of fumes in unventilated spaces occurs, it can lead to a situation ripe for fires and explosions.

There are steps you can take to better ensure a safe and happy boating experience. Following basic safety precautions such as wearing a personal flotation device, keeping the engine kill switch lanyard attached, and avoiding alcohol use, can go far in ensuring a safe boating event. There are an abundance of safe boating and personal watercraft safety courses offered online, which are recommended for all inexperienced users. Watercraft users should always act to protect oneself. But, as a legal community and as advocates for product safety, it’s important to be aware that sometimes accidents result...
GUEST EDITORIAL

Association of legal administrators – we know your business!

The Association of Legal Administrators (ALA) is an organization of law office management professionals founded in 1971. Today, there are over 10,000 ALA members in 30 countries around the world. We are called Office Managers, Administrators, Business Managers or any number of sub titles for the areas of Human Resources, Financial Management, Information Technology and the like. We are all colleagues sharing the same goals... to promote and improve the efficient business operation of the law office.

The local SW Florida Chapter of the ALA traces its roots back to 1981 and became affiliated with the National ALA in 1987. We presently have 20 members from firms in Lee, Collier, and Charlotte counties. Our members are employed by local law firms and branch offices of regional and national firms. Our offices range in size from 3 to more than 50 lawyers. As a group, our local membership averages over 11 years of law office management experience. The chapter provides educational programs on current topics and trends in our business. We frequently invite guest speakers to bring us up to speed on topics related to our responsibilities such as new laws and human resource regulations, disaster preparedness, and trends in technology and management. We also invite vendors to assist us in evaluating products and services vital to the successful operation of our offices. Recent local programs included presentations about the Department of Labor’s Red Flags regulations, requirements by The Florida Bar Association regarding lawyer trust accounts, Tips and Tricks in Technology, and recruiting and hiring quality personnel in difficult economic conditions. Over the years, our local chapter has also sponsored vendor shows and participated in community activities.

The highlight event of our year is the annual Partner dinner. This event brings ALA members together with the partners in the law offices we serve. This year’s event was held on April 20 at The Club Pelican Bay with over 50 lawyers, ALA members and bar association officials in attendance. We were proud to announce that our chapter has sponsored a $1,000 educational scholarship to support a local member to be a first time attendee at our National Educational Conference in Boston in May. Over 2,000 ALA members from around the world will attend and participate in more than 100 educational sessions.

The SW Florida Chapter of ALA has set a goal of raising awareness of our organization in the Lee, Collier and Charlotte county area’s legal and business communities. Often, managing the business of the office comes in second place to helping those pesky clients with their problems. ALA members strive to keep lawyers doing what they do best and presumably what they want to do.....practice law.

“We appreciate this opportunity to re-introduce ourselves. Our local ALA chapter members strive to be a resource to the legal community and to share our knowledge and experience in our “area of practice”. We have provided our contact information to Lisa. Feel free to connect with ALA at any time. We already know your business.

SW Florida ALA Board Members
Paul Bagley – Osterhout, McKinney & Prather, P.A. – 239-277-1718 – paulb@omplaw.com
Wenke Brandes – Garlick, Hilfiker & Swift, LLP – 239-591-7088 – wbrandes@garlaw.com
Lori Irons – Paulich Slack & Wolff, PA – 239-261-0544 – pswolff@pswpa.com
Bill Murphy – Pavese Law Firm – 239-336-6264 – williammurphy@paveselaw.com
Chuck Mustard – Cheffy Passidomo, P.A. – cemustard@napleslaw.com
Terry Steele – Salvatori, Wood & Buckel – 239-552-4126 – trs@swbnaples.com
The year in review
continued from page 3

I want to especially thank this year’s officers. I thank the Honorable Janeice Martin for serving as a very active past president and for providing her wisdom and insight from the past president’s chair (a pretty comfy chair as I understand it). I thank Jeanne Seewald for creating another great year for the Adverse Witness and for crafting computer policies for the bar and the law library in addition to heading up our law library trustees. Maggie McMorrow, who was always ready to help out where needed, managed the bar’s fiscal affairs throughout the year and ensured our finances stayed on track. Finally, I thank Jon Scuderi for his leadership of the Collier County Bar Foundation and for being a supportive and always available president-elect.

No thank-you list would be complete without including Lisa Mead and Kathy Williams. I thank Kathy for her flexibility over this past year and for her efforts to improve our Lawyer Referral Service. I thank Lisa for her dedication to our Association. On more than one occasion I asked Lisa to take some time off as she literally worked around the clock. Lisa’s dedication to her job shows in the improvements to our association. Further, Lisa always kept me on task. With her organizational skills being two or three steps ahead and mine being one or two behind, I think we balanced out in the end.

Finally, I want to thank all of you for the opportunity to serve. I remember first getting involved with the Collier County Bar Association through the Young Lawyers Section. After serving on that board and finishing a stint as chair of that section in 2003, I went on to join the bar board. I served two 2-year terms as a director and then moved through the officer positions. By my rough calculation, I have served the bar association in one capacity or another for the past ten years. It has been a wonderful experience.

If you have not been actively involved with our association, I hope you will give it a try. If you do, I think you will find it a rewarding and meaningful way to contribute to your community and your profession. I hope to see you at the installation luncheon on June 11th for the swearing in of our new board members. Have a great summer.

Quotables
“I was married by a judge. I should have asked for a jury.”
- Groucho Marx

Watercraft safety
continued from page 10

because manufacturers and sellers of watercraft fail to use or provide better designs, effective guards or adequate warnings.

Hank Didier, founder of the Didier Law Firm, P.A., exclusively represents consumers statewide and nationally in complex product defect cases against manufacturers, distributors and retail entities. An Honors graduate of Duke University School of Law, he specializes in litigating cases involving automotive defect and crashworthiness claims, consumer and industrial products, heavy equipment, medical device and pharmaceutical drug defects. He holds an AV rating by Martindale-Hubbell, has been recognized in Super Lawyers magazine, named one of Florida Trend’s Legal Elite, one of the Top 100 Trial Lawyers by the American Trial Lawyers Association, and one of the “Best of the Bar” and “40 Under 40” by Orlando Business Journal. He is a frequent speaker on product safety-related topics. He can be reached at Didier@productsafetyattorneys.com.

Legal Aid Notes
continued from page 5

Nicola; Norman Love; Real Fitness Naples; Robert of Philadelphia; Riding in Style; Sea Salt; Shula’s Steak House; Simply Cupcakes of Naples; Simply Natural; Souplantation & Sweet Tomatoes; Michael St. Amand; Sweet Treats; The Naples Players; The Ritz-Carlton, Naples; The Ritz-Carlton Golf Resort, Naples; Tommy Bahama Restaurant; Tropic Chill; University of Miami Football Team; Frank Bencivenga; Stevie Tomato’s Sports Page; and Marissa Collections.

Thanks again to one and all - and we look forward to seeing you at the 3rd Annual Barrister’s Bash!

Law Week Pro Bono Legal Clinic

The Law Week Pro Bono Legal Clinic at Legal Aid on Saturday, April 17th, brought legal assistance to almost 100 members of the public who braved the heat and humidity to speak with pro bono attorneys. The more than 25 attorneys who volunteered, rendered advice and counsel on legal matters within their practice areas to those who attended the clinic.

The ‘record crowd’ received assistance on Family Law, Housing, Bankruptcy, General Civil Litigation, Immigration, and many other areas. Many of the pro bono attorneys - particularly those handling family law and bankruptcy matters, stayed well beyond the 2 hour clinic schedule to make sure that each and every person who showed up at the clinic received assistance.

The hallways of our Legal Aid office in Naples were buzzing with activity, and students from Ave Maria School of Law also were on hand to help administer the event. The Law Week Pro Bono Legal Clinic is now firmly entrenched as an annual tradition each April, and this year was as heavily attended as anyone could remember. Lisa Mead, Executive Director of the Collier County Bar Association, once again did a masterful job planning and administering the event - efficiently enabling almost 100 people to receive assistance in just over 2 hours. The Collier County Bar Association is the leading sponsor of this event, and Legal Aid is proud to partner with the CCBA each year to bring help and hope to those members of our community who are looking for answers to legal problems of great significance and impact upon their lives. Thank you to each and every one of our outstanding pro bono attorneys and other volunteers for your service to our community!

Page 12

Adverse Witness, May-June 2010
This year marks the eighth anniversary of our Holidays in March event; a unique opportunity to brighten the lives of foster and disadvantaged children from Collier County under the care of Children’s Network of Southwest Florida. The children that attended this event enjoyed a day at the Naples Zoo at Caribbean Gardens, were treated to lunch in the “Rainforest Grove,” and received an age-appropriate toy from the Young Lawyers Division. As most of the children who attended the event would not normally have the opportunity to visit the Naples Zoo, our event provided very special and exciting day for both the children and their families.

The Collier County Bar Association gratefully acknowledges the 2010 Holidays in March sponsors:

- Julie B. Fisher
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- Zelman & Hanlon
Members Survey Results
continued from page 9

The best news of all for the staff here at the CCBA is that 95% of you are mostly or completely satisfied with the level of customer service that we provide. We are both humbled and honored by your positive comments. And know that we'll be working to win over the remaining 5% of you.

“I think we have been blessed with good Bar leadership over the years. I applaud the efforts of Board members.”
- excerpt of an anonymous survey comment

Only about a third of you were using the CLE Lending Library at the time the survey was posted. We have noticed an increase since that time; possibly due to the reminder that it is here for our members included in the survey. Whatever the reason we are happy to be able to provide you with this service.

We posited a question about the amount of our dues and discovered that 78% percent of the respondents found them to be just right. We are happy to hear that and will work to give you real value for your membership dues.

“As to the dues, I don’t really know what they cover. $150 seems reasonable for the Adverse Witness, the website, the organization of the seminars and events, the CLE tapes. Maybe you should let the members be aware of all the good services you provide in an article.”
- excerpt of an anonymous survey comment

Lawyer Referral Service
We knew the numbers would be low as we currently have only 41 panel members in our referral service. Therefore, we were not surprised when 70% reported that you are not using the service. There were a variety of reasons, but the most commonly reported was that it is not relevant to your practice. Currently, the service is busier than ever and panel members are reaping the rewards. If you’re not involved with LRS, now might be a good time to try it. We heard from you that there is little interest in creating a low-fee panel so we have decided not to pursue one at this time. Additionally, we found pro-bono service is not a high priority right now; with only 28% reporting that they have accepted a pro-bono case from Collier Lawyers Care.

Collier County Bar Foundation
We were pleased to note that 61% of you are aware of the Foundation and its mission. You also support it as 59% of you have either donated to or attended Foundation events in the past year. The Foundation leadership is endeavoring to make the organization more visible to our members as well as the community. This past year has been one of the best yet. Look for more good things to come for the 2010-2011 season.

Conclusion
We wish to thank those of you that took the time to complete our survey. Please know that we heard what you had to say and will utilize your thoughts when forming the future plans for the CCBA. We will issue such surveys every few years so that we can keep our pulse on what’s happening with our members. After all we are here to serve you.

IMPORTANT NOTICE REGARDING CHANGES TO PORT ROYAL CLUB MEMBERSHIP QUALIFICATIONS

Current owners of property located within the boundaries of one of the several Port Royal plats have the privilege of applying for and immediately receiving a membership in the Port Royal Club (in accordance with and subject to the requirements of the Club By-laws). This preferred membership category is defined in the Club By-laws as a “Resident” or “Property Owner” membership category (as defined in the Club By-laws). All other Club memberships are available only on a first come, first served basis and are subject to membership caps and waiting lists.

The Club has recently enacted amendments to its By-laws that affect the Resident/Property Owner membership category. Current Port Royal property owners are not affected by the recently-enacted By-laws amendments. Effective as of April 15, 2010, anyone who purchases property within one of the Port Royal subdivisions must select one of the following two options within 90 days after taking title to their property in order to preserve their preferred Resident or Property Owner membership privileges:

1. Become a full Resident/Property Owner by paying the Club initiation fee and annual dues; or
2. Retain the Resident/Property Owner privilege associated with the property by paying 25% of the Club initiation fee and 25% of the annual dues for that year, and 25% of the annual dues for each subsequent year.

In the event a purchaser declines or neglects to exercise one of the foregoing options within 90 days after purchasing and taking title to Port Royal property, the Resident/Property Owner privileges associated with that property will be suspended. The purchaser (or subsequent owners of the property) may thereafter re-establish the Resident/Property Owner privileges associated with that property by paying a reinstatement fee equal to 75% of thethen-current initiation fee, plus the then-current initiation fee (or 175% of the then-current initiation fee), and the then-current annual dues. Once reinstated, the Resident/Property privileges exist only so long as the then-current owner retains a Club membership, and the privileges remain subject to the foregoing requirements upon a subsequent sale of the property. Purchasers of property in Port Royal shall be solely responsible for confirming that the Club rights associated with the purchased property have not been suspended. The Club will make reasonable efforts to track the status of each Port Royal lot, and will respond to written inquiries regarding such status from prospective purchasers of Port Royal property.

For your convenience, the Club has posted a copy of the new By-Law on its website: http://www.portroyalclub.org/hw/main/Membership-Information-9.html. If you have any questions or need further clarification, please don’t hesitate to contact Tom Birmingham, Club Manager, at (239) 261-7615 or tom@portroyalclub.org.
Judges vs. Collier County Bar Board of Directors

On Sunday, March 21st our local judges and members of the CCBA board gathered for their annual softball match. The atmosphere was fun and light, the fans excited and the athletic prowess amazing. A great time was had by all.
Collier County Bar Association
Attorney Support Services

Patent & Trademark Law ................................................................. Page 17
Paralegal Services ........................................................................ Page 19
Counsel Services ........................................................................ Page 19
Position Available ........................................................................ Page 19
Office Space .................................................................................... Page 20, 23, 25
Long Term Care Insurance ............................................................ Page 21
Legal Research ............................................................................... Page 22
Education ....................................................................................... Page 22
Employment Law ........................................................................... Page 22
Mediation/Arbitration ................................................................. Page 18, 22, 26
Wealth Management ...................................................................... Page 24
Business Machine/Copier Sales & Service .................................. Page 27
Family Law ....................................................................................... Page 27
Computer Support ......................................................................... Page 28

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Adverse Witness, May-June 2010

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A graduate of the Syracuse University College of Law, with more than 40 years of experience, Herman Tarnow limits his practice to family and matrimonial law matters. In the Naples, Florida office, he represents parties from the Collier and Lee County communities.

A Fellow of both the American Academy of Matrimonial Lawyers and the International Academy of Matrimonial Lawyers, Mr. Tarnow has delivered lectures to and participated in programs on matrimonial law with several Bar Associations including the American Bar Association, the Collier County Bar Association and the Association of the Bar of the City of New York.

The author of legal articles including a discussion on matrimonial law entitled "Distribution of Collectibles in Divorce Proceedings," and the "Tax Reform Act—a Matrimonial Lawyer’s Guide" both of which were published in the National Law Journal, Mr. Tarnow’s opinions have been quoted in numerous magazines and newspapers including Forbes Magazine and The New York Times.
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