



FAMSEG, the Family Law Section Email Group

July 2010

The Family Law Section's 2010 Leadership Conference and 2010 Legislative Update

Dates: July 29, 2010 - August 1, 2010

Location: Hammock Beach Resort

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Chair's Message

WELCOME TO THE "NEW" FAMSEG! If you are reading this edition of FAMSEG you realize that we have changed the look and feel of this electronic publication. It contains the newly designed Family Law Section logo and FAMSEG masthead, as well as numerous useful sidebar links. At my request, FAMSEG's Co-Editors, LUIS E. INSIGNARRES and EDDIE STEPHENS, will strive to produce at least 10 editions of FAMSEG to be email delivered to you between the 15th and 20th of the month. Since the "new" FAMSEG is in the embryonic stage feel free to contact LUIS, EDDIE or myself with any constructive suggestions you have to improve our product. Our email addresses are contained herein.



It was my privilege to be sworn in as the Chair of the Family Law Section for the 2010 - 2011 Bar Cycle on June 23rd, 2010. The officers of the Section's Executive Committee (DAVID L. MANZ, Chair Elect; CARIN M. PORRAS, Treasurer; ELISHA D. ROY, Secretary, and PETER L. GLADSTONE, Immediate Past Chair) and Executive Council leadership, many of whom are your friends and colleagues from around the State, along with myself, are here to serve you. You are our constituency and we truly want to hear from you. Share your ideas



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on how the Section can address your professional needs. Are there legislative or rule changes that you think would enhance the practice of law to help us better serve Florida's families? Are there seminar topics that you would like to see the Section offer or articles on substantive or practice areas you would like to have the Section publish? If so, let us know but either by phone, email or when you see us in person. If you are not presently serving on a Section Committee, consider taking that first step. Get involved with the Section through a Committee appointment. A complete listing of the Section's Standing and *Ad Hoc* Committees is contained on the Section website. In fact, this year's current Committee assignments are posted at: www.familylawfla.org. If you failed to complete a Committee Preference form for this Bar Cycle but still desire to serve on Section Committee(s) please email SUMMER HALL {shall@flabar.org} our Program Administrator with your appointment request. The members of Executive Committee and Executive Council look forward to engaging you in Section service.

FAMSEG



Call for Articles

FAMSEG is a monthly electronic newsletter.



This year the Section enjoyed the culmination of a decade long effort to substantially revise Florida law governing support issues (alimony and child support)

through the passage of House Bill 907. On **July 30th, 2010** THOMAS J. SASSER and ELISHA D. ROY will present the Section's 2010 Legislative Update. You can attend *live* as part of the Section's 2010 Leadership Conference and Legislative Update at the beautiful Hammock Beach Resort in Palm Coast, Florida; or, alternatively, *telephonically*. Other legislation aside from House Bill 907 will be included in the seminar. Your questions will be taken and answered by these "experts" who were the Section's point persons lobbying the legislation in Tallahassee during this past session. Links for the brochures/registration are contained in this edition of FAMSEG.



**2010 Legislative Update
Telephonic Seminar**

July 30, 2010

If you plan to attend the 2010 Leadership/Legislative Conference, you do not need to register separately for the 2010 Legislative Update. The 2010 Legislative Update will be offered live to all who will be attending the Leadership Conference.

The goal of the Section this year is to fulfill our theme of "BUILDING BETTER RELATIONSHIPS." Each edition of FAMSEG will explore an aspect of this theme. In this edition, Co-Editor, LUIS E. INSIGNARRES, shares with us his personal philosophy on the 3 tools that he finds helpful in building better relationships. Over the next several months marital and family law attorneys will share with us how becoming parents has altered the way they practice marital and family law and relate to their clients on parenting issues. MICHAEL GILDEN, provides us with his "take" on "PARENTHOOD AND THE PRACTITIONER" in this edition of FAMSEG.



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Register Online for the 2010 Legislative Update



2010 Family Law Fall Retreat

Date: September 30 - October 3, 2010

Location: Casa Marina resort, Key West

My friend EDDIE STEPHENS has been sharing his case law "squibs" with members of the bench and bar here in the Fifteenth Judicial Circuit for the past several years. Now he will be sharing those "squibs" in a regular FAMSEG feature called "STEPHENS' SQUIBS."

The Publications Committee is always looking for authors for the Section's

various publications. Information on how **you** can get published in a Section publication is contained in "WANTED: YOUR SUBMISSIONS."

In pursuit of BUILDING BETTER RELATIONSHIPS the Section is asking you to help us identify Section Members and Affiliate Members who reach out to help others by providing pro bono services or by engaging in other types of volunteer pursuits which improve the lives of children and families within the State of Florida. In each subsequent edition of FAMSEG we will be honoring a Section "Member" of the month and "Affiliate Member" of the month, by focusing the spotlight on those Members' efforts to serve Florida's families. These selections will culminate in the designation of 1 of the honorees from each category as the "Member" and "Affiliate Member" of the year to be honored at the Section's Annual Luncheon in June, 2011. We need your help! **Please see** the article authored by KIMBERLY ROMMEL ENRIGHT and ROBIN J. SCHER describing the nomination process in this FAMSEG.

I would be remiss if I did not conclude this message by extending the Section's heartfelt thanks to ROBIN J. SCHER and JACK MOORING who each have expended extraordinary efforts in keeping FAMSEG active over the past several years. My thanks to LUIS and EDDIE who have taken over from the helm this year, especially for their hard work in designing the new look and turning around the publication of this edition in such an expeditious manner.

Stay safe, healthy and happy until the next edition of FAMSEG,

DIANE M. KIRIGIN

3 Tools For Building Better Relationships

by Luis E Insignares
Attorney At Law

These three tools are helpful in building relationships:

- ~ Taking Responsibility
- ~ Being Open & Acknowledging Others
- ~ Being Vulnerable

All of these tools allow each of us to serve and interact with each other and our clients on a "personal" level versus a "business" level, which in the eyes of your clients...makes us human.

As lawyers, each of us has to be willing to take responsibility for any part we play in interacting with one another. We have to be willing to put our ego aside and "listen" to the other person for a moment versus thinking of what we are going to say next while the other person is giving their opinion or view. Often times, we don't really want to hear what the other person is saying as we feel our opinion is the only one that counts, therefore we have a tendency to "close ear" while the other person speaks wishing we would hurry so we can say what we are thinking. This is definitely not being open.

Being open to listening and acknowledging each other for each other's opinions, whether you agree or disagree, is a good tool. It does two things...1) it makes the receiving party feel that you were giving them the respect that they deserve and 2) when you respond to what they were saying, it tells them you were listening and not tapping fingers with closed ears. However, in responding, one must be cautious not to "attack" the



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cle Hedline
Navigating the Perfect Storm: Legal Malpractice in Family Law (Telephonic -1122R)

October 1, 2010

If you plan to attend the 2010 Fall Retreat in Key West, the above CLE (live) will be included in your registration. For more information about the Fall Retreat visit the Meetings and Events page of the Family Law website.

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other person. Simply stating you agree and why or disagree and why is more beneficial as the other person will not become defensive.

Another tool to building better relationships is to allow vulnerability sometimes. We as individuals feel we must be a certain way or act a certain way in order to gain respect. We have a tendency to guard against hurt from others. However what does that tell the other person.....we automatically inform them we expect them to hurt or attack us. By being vulnerable, we show our "human" side. We show that we have feelings and we care what someone might think.

Parenthood And The Practitioner

By: Michael Gilden, Esq., Fort Lauderdale, Florida

As my former boss and forever mentor, Charles Fox Miller, says, I "had three kids in about the span of [a] car lease". There is no doubt that having two little boys, ages four and two, and a baby girl expected in November, requires careful navigation of my family law career and my family life.



I am fortunate that my wife, who is a forensic certified public accountant, faces many of the same challenges that I do in juggling our daily family and work schedules. What makes my life even better is that my wife is Superwoman: she seems to accomplish a seemingly infinite number of tasks each week, flawlessly.

I have no doubt that, for me, having children has made me a better and more caring marital law practitioner, and it has especially improved my relationships with my parent-clients. I have learned that it is often comforting for a client to hear that I have children of similar ages, and they often enjoy it when I share with them about my life as a parent.

As hard as we work, my wife and I try hard to put family first. We also try to find a little time, here and there, to spend time alone, just the two of us. While the definition of a "balanced life" is different for everyone, my ultimate goal is to be happy at work, and happy with my family, and thus, simply happy.

Stephens' Squibs

Florida Family and Marital Case Summaries
By Eddie Stephens, Esquire

Early in my career I learned the value of keeping up with current legal developments by reviewing the weeklies, summarizing the cases that pertain to my practice.



The end result is a summary of ALL Florida family law cases that have taken on the name *Squibs*. These *Squibs* are not meant to be a scholarly analysis but rather, a quick snapshot of a rule of law. Over the years I've shared these squibs with more and more attorneys, many of whom have found the squibs useful.

Section Chair Kirigin asked me to share these squibs each month. Since this is our first edition of FAMSEG of the year, we have provided squibs

from the past six months.

[Click here](#) to read a summary of these cases from January - June 2010.

A few highlights:

Roshkind v. Machiela, 2010 Fla. App. LEXIS 10348, (Fla. 4th DCA 2010). Denial of charging lien reluctantly affirmed. Certifies question: Is expert witness testimony necessary to establish attorney's fees due under a charging lien against a client, who has entered into a retainer agreement that requires all fee disputes to be made in writing within thirty days of the bill's receipt and has failed to object?

Herbst v. Herbst, 35 Fla.L.Weekly D1453 (Fla. 4th DCA 2010). Court reversed for requiring Former Husband to reimburse Former Wife 75% of her attorney's fees where Former Wife has demonstrated no need for reimbursement of such fees and the record reflects that the parties have the same approximate disposable income, we conclude that the trial court's finding is not supported by the record. See Satter v. Satter, 709 So.2d 617 (Fla. 4th DCA 1998).

The Family Law Section's "MAKING A DIFFERENCE" PUBLIC RECOGNITION PROGRAM

By: KIM ROMMEL-ENRIGHT, ESQUIRE and ROBIN J. SCHER, ESQUIRE

This year, the new Section Chair Diane M. Kirigin formed an *Ad Hoc* Committee to address the need for public recognition of those attorney/judicial officers and affiliate members of The Family Law Section of The Florida Bar who are really making a difference in our State. She appointed us as the committee's Co-Chairs. By way of background, Kim is the *Pro Bono*



Coordinator for the Legal Aid Society of Palm Beach County and Robin is currently in private practice, but she spent many years also working at Legal Aid, coincidentally, with Kim. As such, we both have a heightened appreciation for the legal, financial and emotional needs of the underserved and disadvantaged in our State. Chair Kirigin has assigned our Committee with the task of identifying, selecting and publicly acknowledging the efforts of The Florida Bar, Family Law Section members (including Affiliates) who "make a difference" in the lives of the underserved and/or disadvantaged in our State. Public perception of marital and family law attorneys and those professional and paraprofessionals who provide forensic and/or support services to us is at an all time low. In keeping with this year's Section theme of "Building Better Relationships" (as well as the Big Bar's "ONE" *pro bono* program), it is the two-prong goal of this Committee to educate the public at large about those Section Members who "make a difference" by providing outstanding *pro bono* services or by engaging in other types of outstanding volunteer community activities/pursuits that improve the lives of Florida's children and families; **and** to encourage other Section members to undertake new or continuing *pro bono*/volunteer services/activities.

Beginning October, 2010 and in each subsequent edition of FAMSEG, the Committee will select the Section "Member" and "Affiliate Member" of the month. Those selected will be honored in feature articles in FAMSEG, accompanied by press releases, and will receive recognition plaques memorializing their service/activities. These selected nominees will be

finalists in what will culminate in the designation of one of the honorees from each category as the Section "Member" and "Affiliate Member" of the Year, to be honored at the Section's Annual Luncheon in June, 2011. We need **your** help in identifying worthy nominees. We are reaching out and soliciting nominations from the Statewide legal service and legal aid organizations, voluntary bar associations, judicial Circuits, charitable, social service and humanitarian organizations, minority, children and senior citizen groups, and government social service agencies. However, **YOU** may already have personal knowledge of friends or colleagues who are deserving of this recognition.

TO BE ELIGIBLE THE NOMINEE MUST:

- **If the Nominee is an attorney/judicial officer, he or she must be a member of The Florida Bar, in good standing.**
- **Be a member of The Family Law Section.**
- **May be an employee or member of an organization providing free or low cost legal services to the disadvantaged or underserved; however, the *pro bono* services or volunteer activities for which the person is nominated cannot arise from a work related service or activity for which the Nominee is paid {i.e. as part/scope of his or her normal, everyday workload}.**
- **The Nominee's overall or cumulative *pro bono* and/or volunteer service/activities record may be considered. For the inaugural year of the "Making A Difference" public recognition program (the 2010-2011 Bar year), consideration of the service/activities is not limited to the immediate past year.**
- **The *pro bono* and/or volunteer service/activities must be verifiable by the Committee.**

Please assist us by sending in your nominations today. We have provided a [NOMINATION APPLICATION link](#) for your convenience. If you have any additional questions, please feel free to contact us: **KIMBERLY ROMMEL-ENRIGHT** at: 1-561-655-8944 Extension #265 or kenright@legalaidpbc.org or **ROBIN J. SCHER** at: 1-561-478-0312 or rjscher@cjamiesonlaw.com.

Instructions for submission are on the application.

Wanted: Your Submissions

Articles

Have you just finished a case or appeal where you had to become well-versed in a particular family-law issue? Well, how about sharing your genius with the rest of us?!



We are accepting submissions for upcoming issues of The Florida Bar Journal, The Family Law Commentator, and even FAMSEG.

The Journal

To be considered for publication in The Florida Bar Journal, the article should be scholarly and relate in some manner to family law. It should be twelve to fifteen pages in length, complete with endnotes.

Contact co-editor: Sarah Sullivan at ssullivan@fcsf.edu
Or co-editor: Amy Hamlin at ahamlin@helpisontheway.cc

The Commentator

Commentator articles are theme-specific. Upcoming theme issues include:

Summer '10 -- Children's Issues

Further on will be issues related to Tax Issues, Hot Tips, Alimony, and Agreements.

Send your Commentator submissions to Laura Davis Smith to lds@greenesmithlaw.com.

The Family Law Section provides section members and the public with information on attorneys practicing in the areas of divorce, child custody, adoption, modification of judgments and enforcement of alimony and child support. Family law deals with legal problems arising from family relationship of husband and wife and parent and child, including litigation of civil controversies arising from those relationships. In addition to actual pretrial and trial process, marital and family law includes evaluating, handling and resolving such controversies prior to the institution of suit and post-judgment proceedings.

Sincerely,

Diane Kirigin, Chair

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