

Jenn C. Lussier

**From:** The Florida Bar <careercenter@flabar.org>  
**Sent:** Tuesday, April 06, 2010 2:49 PM  
**To:** Julian E. Collins  
**Subject:** Job Flash: 26 new legal jobs

26 new legal jobs | [View this email in your browser](#)

## Florida Bar Job Flash

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### 26 new legal jobs

**Chapter 11 Bankruptcy Paralegal Confidential - Downtown Tampa Firm, FL**

3 years minimum experience in Chapter 11 bankruptcy debtor work. Knowledge of commercial litigation and transactional law a plus. [more info...](#)

**Family Law Attorney Law Office of Andrew F. Rier, P.A. - North Miami Beach, FL**

Miami Beach law firm seeks bilingual family law attorney. [more info...](#)

**Commercial Litigation Attorney Lydecker, Lee, Berga & de Zayas, LLC - Miami, FL**

Mid-sized Brickell law firm seeking a motivated attorney with 5 years of commercial litigation experience. Federal and State background required. Trial experience preferred. Excellent benefits. Salary commensurate with experience. Email or fax resume to: mah@lydeckerdiaz.com or (305)416-3190 (Attention: Mark Hendricks) [more info...](#)

**Commercial Litigation Secretary StormStaff - Miami, FL**

Our customer is seeking a Litigation Secretary who has commercial litigation experience and will be responsible for assisting Founding Partner. This person should have high level of Administrative/Executive Secretary Skills. [more info...](#)

**Senior Family Law Associate Curry Law Group - Tampa, FL**

Family Law Attorney for Premier Litigation firm. [more info...](#)

**Commercial Litigator Conroy, Simerg, Ganon, Krevans, Abel, Et Al - Miami, FL**

Broward insurance defense firm seek associate with minimum of 5 years experience. [more info...](#)

**Human Resources Generalist The Law Office of Daniel C. Consuegra - Tampa, FL**

Tampa statewide creditor's rights / foreclosure firm seeking focused human resources generalist for growing HR department. F/T 8-5pm. Will be responsible for multiple aspects of HR for a small business under direction of HR manager. Must have at least 1 year human resources generalist experience. Prefer experience in legal field, but not required. This position deals with confidential information and complete

discretion is required. Exceptional communication and interpersonal skills required. [more info...](#)

**Compliance Attorney BankAtlantic - Fort Lauderdale, FL**

Great Opportunity for Vice President, Compliance Attorney at Bank Atlantic in Fort Lauderdale! Local bank is seeking a Compliance Attorney who is highly knowledgeable in all consumer regulations with a minimum of five years direct compliance experience. Must be able to work closely across department lines to update Bank operating policy and procedures, review of bank products and services for regulatory compliance. Prior experience at US Banking regulatory agency a plus. Great benefits! [more info...](#)

**Paralegal Carolyn S. Zisser, P.A. - Neptune Beach, FL**

Av Rated well established Jacksonville area Family Law firm seeks an experienced Paralegal with 5 years of verifiable Family Law experience. Who has excellent communication skills, excellent legal and organizational skills and who is a real team player with good customer relations. We have an excellent team working environment, challenging and high level cases and offer a very competitive salary and benefits. [more info...](#)

**Legal Assistant Groelle & Salmon PA - Tampa, FL**

LEGAL ASSISTANT opportunity with multi-office AV rated insurance defense firm to provide support in our Tampa location. Seeking experienced legal assistant with min. 2 yrs. litigation exp. Must be organized, ability to multi-tasking and proficiency in MS Outlook and Word. Knowledge of Time Matters and office management experience a plus. [more info...](#)

**Associate Attorney Forizs & Dogali, P.A. - Tampa, FL**

14-lawyer Tampa litigation firm seeks 0-4-year associate(s) in practice areas of construction law, insurance coverage and/or commercial litigation. [more info...](#)

**CDD Lateral Associate Hopping Green & Sams - Tallahassee, FL**

Hopping Green & Sams, P.A. is presently seeking a lateral associate attorney with 1 - 2 years of experience to join the firms dynamic and expanding Community Development District (CDD) practice group. [more info...](#)

**Trial Attorney Associates & Bruce L. Scheiner P. A. - Fort Myers, FL**

The successful candidate must have experience conducting a minimum of 5 jury trials. Personal injury experience helpful. Insurance industry defense experience preferred [more info...](#)

**Associate Attorney Cordell and Cordell - Central Florida, FL**

Cordell & Cordell, P.C. is currently seeking two experienced attorneys to practice in its Orlando and Tampa, FL offices. We are looking for one attorney at each office. The candidate must be licensed to practice law in the state of FL; a minimum of 2-3 years of litigation experience and demonstrate strong interpersonal skills. Ideal candidate would have a dynamic personality to handle initial client consultations and increase client retention for the office. Family law experience is preferred. [more info...](#)

**PI Attorney Steinger, Iscoe & Greene - West Palm Beach, FL**

As an established and expanding South Florida PI Law Firm, we look forward to meeting the strongest and most driven PI professionals toward the continued growth of our legal team. The ideal candidate will have at least 5 years experience in a Plaintiff PI law firm and have strong communication and people skills, both written and interpersonal. Professionalism and prioritization of client customer service and representation are paramount. [more info...](#)

**Assistant IT Manager Siegfried, Rivera, Lerner, De La Torre & Sobel - Coral Gables, FL**

Assistant IT Manager for Coral Gables law firm with approximately 110 stations. [more info...](#)

**Litigation Associate Groelle & Salmon PA - Vero Beach, FL**

Statewide AV rated defense firm seeking motivated attorneys with experience or interest in property

loss claims and liability defense to join our growing Vero Beach office. Litigation and Trial experience a plus. Send resume in confidence to [rbermal@gspalaw.com](mailto:rbermal@gspalaw.com) [more info...](#)

**Bankruptcy Paralegal Supervisor** **The Law Office of Daniel C. Consuegra - Tampa, FL**  
Tampa statewide creditor's rights/foreclosure firm seeking front-line paralegal supervisor for bankruptcy practice. Working supervisor responsible for a team of 10 including training and case processing. Requires 1 year of bankruptcy and supervisory experience, creditor representation preferred. Requires paralegal skills in drafting motions, orders, etc. Requires great communication skills, ability to lead attention to detail and ability to meet deadlines. Send resume to [hr@consuegralaw.com](mailto:hr@consuegralaw.com). [more info...](#)

**Litigation Attorney** **Conroy, Simer, Ganon, Krevans, Abel, Et Al - Jacksonville, FL**  
Jacksonville insurance defense firm seeks associate with 3-7 years liability experience. [more info...](#)

**Insurance Defense Attorney** **Bell & Melamed, LLC - Fort Lauderdale, FL**  
Fort Lauderdale Insurance Defense Firm seeks experienced Litigation Attorney with a minimum of 5 years of experience. Qualified candidate should have knowledge of complex litigation cases from inception through completion. Insurance Defense/Construction Defect and trial experience a plus. Must have stable work history, strong academic credentials and be Florida Bar admitted. [more info...](#)

**Senior Litigation Associate** **Baker & McKenzie LLP - Miami, FL**  
The Miami office of Baker & McKenzie seeks a Litigation Associate having 4-7 years experience. The ideal candidate will have superior academic credentials and excellent analytical and writing skills. A critical qualification is demonstrated experience in handling and managing litigation matters in both state and federal court. Proficiency in Spanish a plus. [more info...](#)

**Litigation Attorney** **Parker Waichman Alonso LLP - Bonita Springs, FL**  
AV-rated Plaintiff's Personal Injury national law firm seeks highly motivated and experienced attorneys with 10 years experience in auto accidents, medical malpractice and products liability for Bonita Springs office. Candidates must be well-versed in all aspects of litigation from case inception through trial. [more info...](#)

**Litigation Attorney** **Confidential - Tampa Bay Area, FL**  
Litigation attorney needed for a personal injury firm in the Tampa Bay area. [more info...](#)

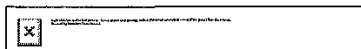
**Associate Attorney** **Martin Law Firm, P.L. - Fort Myers, FL**  
Martin Law Firm P.L. seeks entry level attorney for its bankruptcy department. Candidates should be diligent, motivated, and organized. Excellent client relation skills are essential. [more info...](#)

**Litigation Associate** **Groelle & Salmon PA - Tampa, FL**  
Statewide AV rated defense firm seeking motivated attorneys with 3 to 5 years of experience in property loss claims and liability defense to join our growing Tampa office. Litigation experience is necessary. Send resume in confidence to [dsalmon@gspalaw.com](mailto:dsalmon@gspalaw.com). [more info...](#)

**Attorney** **Dalan, Katz & Siegel, PL - Clearwater, FL**  
Attorney with at least 2 years of experience in Construction Litigation. [more info...](#)

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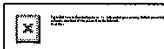
**From:** Daily Business Review <dbr\_Editor@alm.com>  
**Sent:** Tuesday, April 06, 2010 11:34 AM  
**To:** Julian E. Collins  
**Subject:** Litigation Alert

<p><b>Subscribe to the Review</b></p> <p><a href="#">Subscribe to the print &amp; Web editions</a></p> <p><a href="#">Free 30-day Web Trial</a></p> <p>x x</p>	<p>April 6, 2010</p>	
<p><b>Today's Headlines</b></p> <p><a href="#">Lawmakers target trust to offset budget shortfalls</a></p> <p><a href="#">Special prosecutor likely to handle Miami attorney's court case</a></p> <p><a href="#">Controversial proposal dropped from Senate jobs bill</a></p> <p><a href="#">The Rodent: The lawyer makes the uniform, or is it the other way around?</a></p>	<p><input type="checkbox"/> <b>Legal News And Information You Can't Get Anywhere Else</b></p>	
<p>DailyBusinessReview.com</p>	<p><b>Bar Discipline</b></p> <p><b>Seidlin whistle-blower scolded, gets public reprimand</b></p> <p><b>By:</b> Jordana Mishory</p> <p>The attorney who alleged that former Broward Circuit Judge Larry Seidlin engaged in misconduct by asking lawyers who practice before him buy him expensive gifts received a public reprimand from The Florida Bar.</p>	
	<p><b>Sponsor Spotlight</b></p> <p><b>Expert E-Discovery Advice : How and What should be preserved</b></p> <p>Once the question is asked, the legal practitioner is faced with Pandora's box of techno-legal issues they often wish they had never opened.</p>	
	<p><b>Judiciary</b></p> <p><b>Judge Ana Gardiner to stand trial on ethics violations</b></p> <p><b>By:</b> Jordana Mishory</p> <p>The Broward circuit judge will go to trial for</p>	

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ethics violations in September after the head of the Judicial Qualifications Commission denied her motion to dismiss.

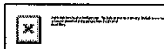


**Ethics**

**Coral Gables firm in hot water again**

**By:** Jose Pagliery

For the second time in two weeks, the 3rd District Court of Appeal has taken a Ganguzza & Associates to task for unethical conduct by its lawyers.

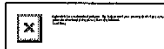


**Justice Watch**

**Harshest sentences still being handed to blacks**

**By:** John Pacenti

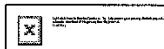
With federal legislation to close the 100 to 1 gap for sentences for crack and cocaine crimes, the talk of fairness in prison sentencing is once again up for debate.



**Sponsor Spotlight:**  
**How to Become a Target for the IRS**

**By:** Sponsor Spotlight

The chances of getting audited are probably higher than ever this year. Like everyone else, the IRS is looking for revenue. Dennis Fitzpatrick looks at factors that may increase your chances of being a target.



**Malpractice**

**\$100 million malpractice claim proceeds against Greenberg Traurig**

**By:** New York Law Journal

A federal judge largely denied a motion to dismiss a \$100 million malpractice case against Greenberg Traurig stemming from its patent work for an electronics manufacturing

client.



### **Toyota Litigation**

#### **Attorneys argue over venue as cases expand**

**By:** Amanda Bronstad

The U.S. Judicial Panel on Multidistrict Litigation heard arguments as more than a dozen lawsuits with new types of claims have been filed against Toyota.



### **Supreme Court**

#### **Case could shut door on private prosecutions**

**By:** Jordan Weissman

Robertson v. U.S. ex rel. Watson challenges the way restraining orders are enforced in the District of Columbia.



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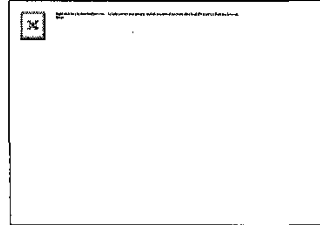
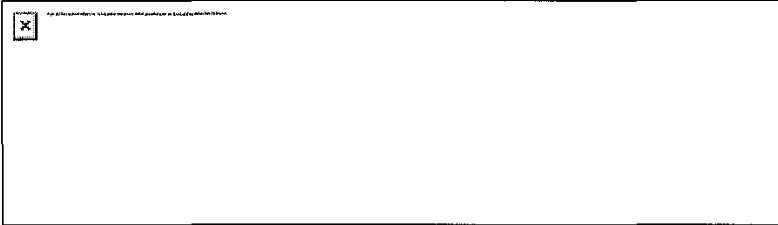
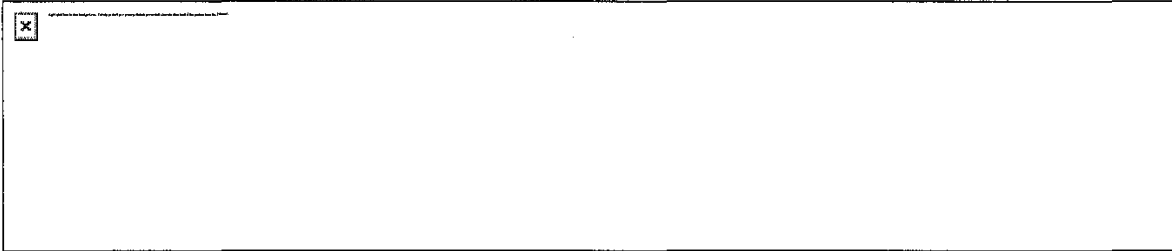


**Jenn C. Lussier**

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**From:** AmStar CLE <cleseminar@amstarlit.com>  
**Sent:** Tuesday, April 06, 2010 8:01 AM  
**To:** Julian E. Collins  
**Subject:** May 18, 2010

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Dear Julian,

If you're not practicing Foreclosure Defense, this is the time to start.

**As an active member of the Florida Bar**, you have a great opportunity to help families stay in their home, while increasing your firm's revenue. To get started, register now for "Foreclosure Defense—Recession-Proof Your Practice" on May 18 in Clearwater, Florida.

Approved by the Florida Bar for 7.5 hours of CLE credit, this is one of the most important courses you could take today. Whether you're currently practicing or considering foreclosure defense, this CLE course provides you with practical information and latest developments regarding:

- Substantive mortgage loan law
- Pleading and procedure
- Securitization
- Remediation
- Ethics and more

**"This is the best  
CLE course"**

- Scott K., Real-estate,  
Personal Injury and  
Foreclosure Defense  
Attorney

**Register now to  
reserve your seat!**

May 18th - Clearwater, FL

Time: 8:30 a.m. - 5:00 p.m.

Tuition: \$395 (\$495 at the door)

**Florida Bar Approved:**  
7.5 hours, includes .5 hours  
of ethics.

**Complimentary Luncheon**



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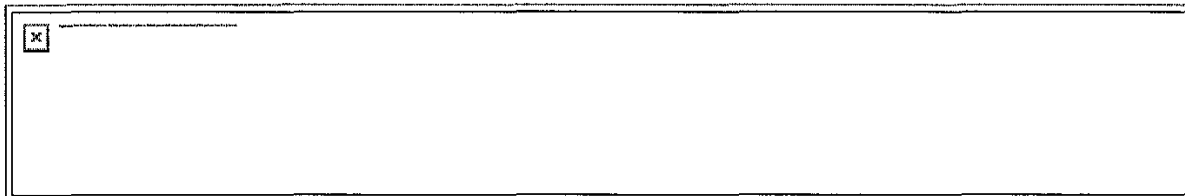
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**From:** FloridaBarCLE - Online Programs <OnlineCLE@flabar.org>  
**Sent:** Thursday, April 01, 2010 12:39 PM  
**To:** Julian E. Collins  
**Subject:** The Florida Bar - Online CLE Program Update, April



Online CLE Seminars
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Representing Main Street: A Consumer Law Primer
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The Changing World of Estate Planning
Basic Skills Course Requirements: Rules Change

Online CLE seminars and downloadable audio programs from The Florida Bar offer you flexibility and convenience. All programs are created for Bar Members by the Bar and allow you to:

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### Featured Items

#### Survey of Florida Law 2010

12.5 Total CLE Units, 4.0 of which may be applied toward Ethics, 1.0 of which may be applied toward Criminal Trial, 1.0 of which may be applied toward Elder Law, 2.0 of which may be applied toward Wills, Trusts, & Estates, 2.0 of which may be applied toward Appellate Practice, 2.5 of which may be applied toward Real Estate, 1.0 of which may be applied toward Criminal Appellate, 1.0 of which may be applied toward Intellectual Property, 1.5 of which may be applied toward Marital & Family Law, 2.5 of which may be applied toward Business Litigation.

#### Topics included:

- Ethics of Real Estate Practice
- Truth-in-Lending and the Financial Crisis- A Discussion of the Latest TILE Amendment
- The View of Advocacy from the Bench: Civility, Professionalism & Competency

- First District Court of Appeals
- Ethics for Public Officials and Employees
- The Professionalism and Ethics of Practicing in Federal Court
- Hot Topics in Criminal Law
- May the Force Be with You: Authority and Obligations of the Trustee
- Housing Issues In Bankruptcy
- Electronic Discovery: How to Preserve It; How to Ask for It; and How to get It Into Evidence
- Practical Guide: Financial Affidavits and Child Support
- Guidelines without an Accountant
- Preserving the Record
- Ethical Considerations of the Attorney-Consultant Partnership
- Recent Developments in Charitable Planning
- Security Interests in Intellectual Property

REGISTER NOW

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### **Representing Main Street: A Consumer Law Primer**

7.0 Total CLE Units, 5.5 of which may be applied toward Business Litigation, 5.5 of which may be applied toward Civil Trial (No Ethics).

#### **Topics included:**

- Credit Reports and Credit Scores
- Overview of the Fair Credit Reporting Act: How to Spot a Good Case
- Making Lemonade Out of Lemons – Auto Fraud and the Lemon Law
- Do You Have What It Takes to File a Consumer Class Action Suit?
- The Fair Debt Collection Practices Act and How to Use It to Protect Your Clients
- Stop the Insanity: How to Defend a Foreclosure

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### **Protecting Consumers from Housing Havoc**

4.0 Total CLE Units, 3.0 of which may be applied toward Real Estate (No Ethics)

#### **Topics included:**

- Foreclosure Defense
- Mortgage Fraud
- Renegotiating Mortgages
- Housing Issues in Bankruptcy

**User Feedback:**

*"This was a fabulous program that is very timely. Though it is not my specific area of practice, it gives me a general background to lead my clients to the right places to get information. The number of questions that I am getting from estate planning and elder law clients is increasing geometrically over time. You may want to suggest this to all lawyers in Florida as it is so necessary to send your clients in the right direction."* (Sebastian, FL)

*"Excellent. Very timely and useful material."* (Hialeah, FL)

*"Extremely informative and educational"* (Naples, FL)

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**The Changing World of Estate Planning**

7.0 Total CLE Units, 7.0 of which may be applied toward Elder Law, 7.0 of which may be applied toward Tax, 7.0 of which may be applied toward Wills, Trusts, & Estates (No Ethics)

**Topics Include:**

- Defined Value Formula Gifts: Do They Work and How!
- Take Caution at the Settlement Table: The IRS May Want a Piece of the Pie
- Estate Planning in Turbulent Times
- The New Frontier – IRA to Roth Conversion, Recharacterizations and Reconversions
- Decanting – An In-Depth View of the Latest Techniques
- Recent Developments in Charitable Planning
- Risk Management for the Life Insurance Trust “Accommodation Trustee”
- Hot Topics – The Future of the Estate Tax and Recent Judicial Rulings

**User Feedback:**

*"The quality of all presentations were excellent. The ability to pause and replay portions of the presentations enabled me to go deeper into points which I was not clear on first viewing, resulting in greater*

*comprehension and understanding of the materials. Setting my own periods of recess and refreshment enabled me to absorb the contents of one presentation and to think about its meaning before going to the next presentation." (Juno Beach, FL)*

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### **Basic Skills Requirement Courses - Rules Change**

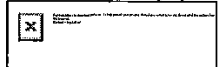
Effective March 6, 2010, new lawyers or members that have not yet completed their three Basic CLE course component of the Basic Skills Course Requirement (BSCR), Rule 6-12, Rules Regulating The Florida Bar, will be able to fulfill this requirement either by attending a live Basic CLE presentation or participating in the 24/7 online CLE version of the Basic program and obtaining a certificate of completion. This online CLE option will replace the previously offered video replays. Live webcasts/virtual seminars, audio-CD and video-DVD programs will **not** satisfy this requirement. You can register for upcoming live seminars or participate in the 24/7 On-line CLE at your convenience and any time, 24 hours a day, by accessing [The Florida Bar CLE website](#).

The in-person attendance requirement for Practicing with Professionalism has not changed.

The expanded delivery method option for satisfying the BSCR only affects those attorneys who have not yet completed the BSCR. To verify your compliance and reporting dates, please check our website at [www.floridabar.org/cler](http://www.floridabar.org/cler).

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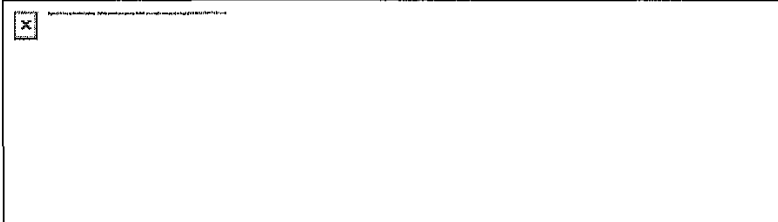
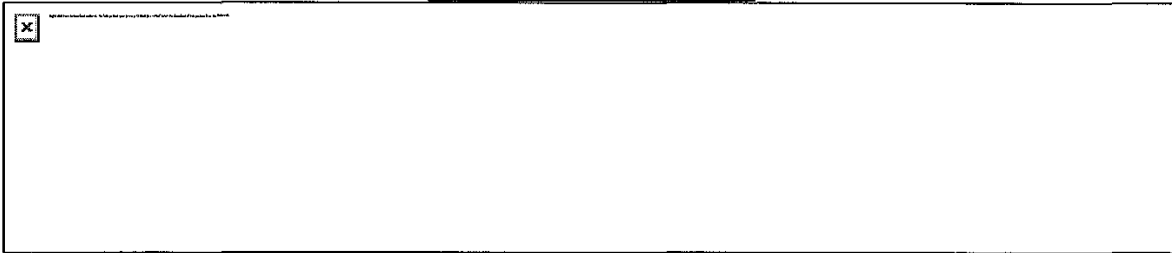


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**From:** AmStar CLE <cleseminar@amstarlit.com>  
**Sent:** Thursday, April 01, 2010 8:00 AM  
**To:** Julian E. Collins  
**Subject:** CLE in Clearwater/St.Pete's: 7.5 CLE credits and .5 ethics

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Dear Julian,

If you're not practicing Foreclosure Defense, this is the time to start.

**As an active member of the Florida Bar**, you have a great opportunity to help families stay in their home, while increasing your firm's revenue. To get started, register now for "Foreclosure Defense—Recession-Proof Your Practice" on May 18 in Clearwater, Florida.

Approved by the Florida Bar for 7.5 hours of CLE credit, this is one of the most important courses you could take today. Whether you're currently practicing or considering foreclosure defense, this CLE course provides you with practical information and latest developments regarding:

- Substantive mortgage loan law
- Pleading and procedure
- Securitization
- Remediation
- Ethics and more

**"This is the best  
CLE course"**

- Scott K., Real-estate  
Personal Injury and  
Foreclosure Defense  
Attorney

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Jenn C. Lussier

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**From:** FloridaBarCLE@lexisnexis.com <FloridaBarCLE@mail.lexisnexis.com>  
**Sent:** Wednesday, March 31, 2010 6:44 PM  
**To:** Julian E. Collins  
**Subject:** The Florida Bar April 1st CLE E-newsletter

x

## The Florida Bar CLE e-Newsletter

April 2010

Your source for information about upcoming [CLE Seminars](#) and new editions of CLE Publications. Reporting date coming soon? [Look for CLE Seminar](#) programs in your area.

### Online CLE Catalog Offerings

For maximum flexibility in obtaining your CLE credits, see our listing of upcoming live webcasts, tele-seminars, tele-web seminars, online on-demand courses, as well as CLEtoGo (downloadable audio) seminars [here](#).

### April 2010 CLE Seminars

[Traditional Labor Law: Recent Developments in the Private and Public Sector and Legislative Initiatives](#) | [Criminal Law Update 2010](#) | [Advanced Labor Topics 2010](#) | [State & Federal Government & Administrative Practice Certification Review Course 2010](#) | [Wills, Trusts and Estates Certification Review and Advance Practice Update 2010](#) | [Advanced Construction Law & Certification Review Course 2010](#) | [3rd Annual Construction Law Institute](#) | [Advanced Real Estate Law and Certification Review Course 2010](#) | [Basic Tax Practice 2010](#) | [Current Issues in Condominium and Community Association Law: What All Practitioners Need to Know](#) | [IRS: We Got What It Takes to Take What You Got](#) | [Practicing with Professionalism \(Spring 2010\)](#)

### **Traditional Labor Law: Recent Developments in the Private and Public Sector and Legislative Initiatives**

Course Classification: Intermediate Level

Webinar Presentation: Wednesday, April 7, 2010 - 11:30 a.m. to 1:30 p.m. EST

The two-hour webinar (audio by phone with slides via internet) will address recent developments at the NLRB and recent NLRB decisions; recent



developments at PERC and recent PERC decisions; and EFCA, RESPECT Act and other proposed legislation. As a webinar attendee you will listen to the program over the telephone and follow the materials on-line. Registrants will receive webinar connection instructions 2 days prior to the scheduled course date via e-mail. If you do not have an e-mail address, contact Order Entry Department at 850-561-5831, 2 days prior to the event for the instructions.

[Click here for more information.](#)

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### **Criminal Law Update 2010**

Course Classification: Intermediate Level

Live & Webcast Presentation: April 16, 2010 - Hilton Miami Downtown, Miami, FL

This seminar is intended to apprise the criminal justice practitioner of significant developments in law and procedure over the past year, as well as engage the bench and bar in our on-going dialogue to foster a rational and humane criminal justice system. Substantive areas to be covered include DUI, immigration, appeals, juveniles, and sexual predator and offender crimes, along with recent state and federal case law, legislation, and ethics opinions impacting criminal law practice. Our "spotlight" issue this year is Gideon and our shared legal, ethical, and moral obligations to fulfill its promise of the effective assistance of counsel.

[Click here for more information.](#)

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### **Advanced Labor Topics 2010**

Course Classification: Advanced Level

Live Presentation: April 23-24, 2010 - South Seas Island Resort, Captiva Island, FL

The two-day advanced seminar on labor topics will take place at the beautiful South Seas Island Resort on Captiva Island. The topics will include a view from the bench: Judge Mary S. Scriven of the U.S. District Court for the Middle District will discuss how to persuade the court. The Family and Medical Leave Act, the Genetic Information Nondiscrimination Act and Supreme Court and 11th Circuit Updates will also be discussed. In addition, the seminar will provide an in-depth discussion of e-discovery and computer forensics.

[Click here for more information.](#)

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### **State & Federal Government & Administrative Practice Certification Review Course 2010**

Course Classification: Advanced Level

Live & Webcast Presentation: April 8-9, 2010 - FSU Conference Center, Tallahassee, FL

Those who have applied to take the certification exam may find this course a useful tool in preparing for the exam. It is developed and conducted without any involvement or endorsement by the BLSE and/or Certification committees. Those who have developed the program, however, have significant experience in their field and have tried to include topics the exam may cover. Candidates for certification who take this course should not assume that the course material will cover all topics on the examination.

[Click here for more information.](#)

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## **Wills, Trusts and Estates Certification Review and Advance Practice Update 2010**

Course Classification: Advanced Level

Live & Webcast Presentation: April 23-24, 2010 - Hyatt Regency Orlando Airport, Orlando, FL

Those who have applied to take the certification exam may find this course a useful tool in preparing for the exam. It is developed and conducted without any involvement or endorsement by the BLSE and/or Certification committees. Those who have developed the program, however, have significant experience in their field and have tried to include topics the exam may cover. Candidates for certification who take this course should not assume that the course material will cover all topics on the examination.

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### **RELATED FLORIDA BAR CLE PUBLICATIONS**

#### **The Florida Bar Probate System, Fourth Edition**

©2010

*The Florida Bar Probate System*, once again authored by Rohan Kelley, joined in this new edition by Tae Kelley Bronner as co-author, provides a detailed roadmap for all facets of probate administration, and also serves as a powerful training tool for the law office support staff. You'll find all this and much more in *The Florida Bar Probate System*:

- Detailed how-to instructions for each step in the probate process
- Over 140 pleading and practice forms, with information on service requirements and statutory and rule authority for each form, all cross-referenced to other parts of the System
- Over 75 sample letters
- Essential office forms and information lists
- Extensive legal and tax commentary
- Critical date schedule

[Click here for more information.](#)

#### **Administration of Trusts in Florida, Sixth Edition**

©2009

The revised and expanded Sixth Edition of this perennial best-seller addresses in-depth a truly landmark piece of legislation - the Florida Trust

Code, effective July 1, 2007, and subsequent amendments to the Code passed by the Legislature in 2008 and 2009. In addition, this new edition features extensive treatment of all facets of trust administration, including:

- Powers and duties of the trustee;
- Operation of the revised Principal and Income Act;
- The Modern Portfolio Theory of investments;
- Trust "decanting;"
- Unique situations involving entities such as offshore trusts and Medicaid trusts.

Tax considerations are stressed throughout the text, and are treated in depth in Chapter 12 of the manual. With the explosive increase in the use of trusts by Florida residents, this updated manual addresses a myriad of issues that attorneys practicing in this area are likely to confront on a daily basis.

[Click here for more information.](#)

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### **Advanced Construction Law & Certification Review Course 2010**

Course Classification: Advanced Level

Live Presentation: April 9-10, 2010 - Omni ChampionsGate Resort, ChampionsGate, FL

This course is designed to assist in the preparation for The Florida Bar's Construction Certification Examination. It will include practice pointers on taking the exam from people who have previously served on the Construction Certification Committee. It is also an excellent survey and refresher in advanced construction law topics. Those who have applied to take the certification exam may find this course a useful tool in preparing for the exam. It is developed and conducted without any involvement or endorsement by the BLSE and/or Certification committees. Those who have developed the program, however, have significant experience in their field and have tried to include topics the exam may cover. Candidates for certification who take this course should not assume that the course material will cover all topics on the examination.

[Click here for more information.](#)

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### **3rd Annual Construction Law Institute**

Course Classification: Advanced Level

Live Presentation: April 8-10, 2010 - Omni ChampionsGate Resort, ChampionsGate, FL

This two-day advanced course will cover the following topics: Interpreting Construction Documents: How to find that hidden nugget to support your client's position from typical construction documents, Construction Loan and Bond Underwriting Issues, Integration of, and conflicts between, insurance policies, bonds and contract clauses provided by contractors, subcontractors, and design professionals, Ethics and open microphone issue on The State of Prevailing Party Attorney Fee Awards in Florida After Trytek, Complex Damage Calculations: Computing delay damages, lost profits, and indemnity damages and getting around waivers of consequential damages and limitation of liability clauses, Advanced Lien Law, Court Ordered Non-

Binding Arbitration, Bid Protests, State of the Economy in Construction, Advanced Litigation Skills Training: Selecting, Preparing, Attacking, & Defending, Expert Witnesses, Federal and State Public Construction Contracting and False Claims Act, Forum Selection for Design/Build Claims, Designing and Building to LEED Standards, Legislative & Case Law Update.

[Click here for more information.](#)

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## **Advanced Real Estate Law and Certification Review Course 2010**

Course Classification: Advanced Level

Live & Webcast Presentation: April 23-24, 2010 - Hyatt Regency Orlando Airport, Orlando, FL

This seminar will cover the following topics: FAR/BAR Contract, Case Law and Statutory Update, Construction Liens, Homeowners Associations, Business Entities, Real Property Ethical Considerations, Tax Liens and Tax Titles, Public Lands and Water Boundary Issues, Marketable Record Title Act & Curative Statutes, Foreclosures, Florida Homestead, Condominiums and Condominium Associations, Environmental Issues, Documentary Stamp Taxes, Surveys and Legal Descriptions, Tenancies and Conveyancing Issues, HUD-1 Settlement Statement, Title Insurance - Affirmative Coverages, Zoning and Permitting, Landlord/Tenant Disputes and Evictions, Bankruptcy Issues, Real Estate Opinion Letters, Land Trusts, Judgments & Judgment Liens. Those who have applied to take the certification exam may find this course a useful tool in preparing for the exam. It is developed and conducted without any involvement or endorsement by the BLSE and/or Certification committees. Those who have developed the program, however, have significant experience in their field and have tried to include topics the exam may cover. Candidates for certification who take this course should not assume that the course material will cover all topics on the examination.

[Click here for more information.](#)

### **RELATED FLORIDA BAR CLE PUBLICATION**

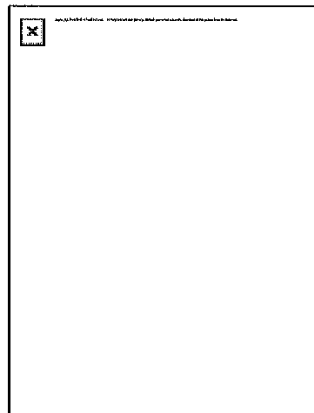
## **Florida Real Property Complex Transactions, Fifth Edition with CD-ROM**

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From commercial development to subdivisions to mobile home parks, Florida Real Property Complex Transactions provides the practical, step-by-step guidance that will be welcomed both by attorneys new to this area and by experienced practitioners.

The new Fifth Edition features:

- New chapter explaining mixed-use communities and mixed-use buildings
- Practical concerns that must be considered when the land includes timberlands, natural resources, and waterfront
- Evictions, potential litigation, closing deliveries and statutory notice



requirements pertaining to mobile home parks.

- Discussion of the multi-factor test for "shopping center"
- New section on 1031 exchanges
- Determination of value of acreage and timberlands, including a detailed explanation of "best cut"

Forms and checklists are provided throughout the book and on the included CD-ROM, making this a comprehensive yet accessible reference that you will consult often in your practice.

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### **Basic Tax Practice 2010**

Course Classification: Basic

Live Presentations: April 8, 2010 - Hyatt Regency Downtown, Miami, FL - April 9, 2010 - Tampa Airport Marriott, Tampa, FL

A Basic Overview of Tax Practice to include topics on tax codes; choice of entity; estate, gift, and charitable planning; business and real estate transactions; IRS matters; and forms and resources.

[Click here for more information.](#)

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### **Current Issues in Condominium and Community Association Law: What All Practitioners Need to Know**

Course Classification: Intermediate Level

Live & Webcast Presentation: April 16, 2010 - Tampa Airport Marriott, Tampa, FL

This seminar will cover the following topics: Arbitration Update; Developer and Associations, Embezzlement - The Problems for Community Association, Owner's Turnover Meeting; Annual Four-Sided Round Table Discussion; Case Law Update and a panel discussion on Ethics & Advertising with Bar Counsel.

[Click here for more information.](#)

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### **IRS: We Got What It Takes to Take What You Got**

Course Classification: Advanced Level

Live & Webcast Presentation: April 30, 2010 - Seminole Hard Rock Hotel and Casino, Hollywood, FL

We Got What It Takes to Take What You Got seminar will feature panels consisting of a member of the IRS, a Practitioner and a Moderator. Each topic will be debated and discussed by the panels.

[Click here for more information.](#)

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### **Practicing with Professionalism (Spring 2010)**

Course Classification: Basic Level

Live Presentations (10 locations): January 8, 2010 - May 27, 2010  
Miami - Orlando - West Palm Beach - St. Petersburg - Ft. Lauderdale - Gainesville - Tallahassee -

Panama City

A one day seminar providing a broad overview of ethical and professional issues designed for new lawyers in fulfillment of phase 1 of the Basic Skills Requirement. The Florida Supreme Court in The Florida Bar Re: Amendment to Rules Regulating The Florida Bar, Rule 6-12 (Basic Skills Course Requirement, 524 So. 2d 634 (Fla. 1988)), made Practicing with Professionalism, mandatory for attorneys admitted to The Florida Bar after October 1, 1988. Effective on May 12, 2005, the Supreme Court of Florida amended Rule 6-12.3 and Rule 6-12.4. These amended rules state that in addition to attending Practicing with Professionalism, new admittees must attend three "basic" level substantive continuing legal education programs presented by the YLD. The Basic Skills Course Requirement must be completed within the initial 3-year continuing legal education cycle after admission to The Florida Bar or within 2 years after the expiration of any exempt status. The Practicing with Professionalism requirement must be met within the first year of admission to The Florida Bar or one year prior to being admitted to The Florida Bar. Out-of-State Practitioners, Military lawyers and Governmental lawyers may be exempt from the Basic Skills Course Requirement and should refer to Rule 6-12.4 to determine eligibility for an exemption.

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Visit [The Florida Bar CLE Website](#) for more information about CLE seminars, video tapes and cassettes, online courses, and other information about your CLE requirements.

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**Jenn C. Lussier**

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**From:** Paul Smith <smithp@ffsb.com>  
**Sent:** Wednesday, March 31, 2010 9:46 AM  
**To:** Julian E. Collins  
**Subject:** FW: INDUSTRY ALERT - Designation of Plaintiff Liaison on Mandatory Mediations - Administrative Orders in 4th, 11th and 14th Judicial Circuits  
**Attachments:** 4th Circuit 2010-1 unmarked.pdf; 11th circuit AO-amended-effective 3-2010.pdf; 2010-00-02.pdf

Judge,

We were talking about Administrative Orders yesterday and I have three here for your review. I've sent to Judge Fina who I know has the last say but I'm sure all judges would have some input.

Paul Smith.

---

**From:** Karsten Cannon  
**Sent:** Wednesday, March 31, 2010 8:02 AM  
**To:** Paul Smith  
**Subject:** FW: INDUSTRY ALERT - Designation of Plaintiff Liaison on Mandatory Mediations - Administrative Orders in 4th, 11th and 14th Judicial Circuits

I think we already have this. but I'm sending to you just incase.

-----Original Message-----

**From:** David J. Stern [mailto:dstern@dstern.com]  
**Sent:** Tuesday, March 30, 2010 5:25 PM  
**Cc:** David J. Stern  
**Subject:** INDUSTRY ALERT - Designation of Plaintiff Liaison on Mandatory Mediations - Administrative Orders in 4th, 11th and 14th Judicial Circuits

<<4th Circuit 2010-1 unmarked.pdf>> <<11th circuit AO-amended-effective 3-2010.pdf>> <<2010-00-02.pdf>>

Pursuant to paragraph 21 of the Administrative Orders (AO) for the Residential Mortgage Foreclosure Mediation Program (RMFM) in the 4<sup>th</sup>, 11<sup>th</sup> and 14<sup>th</sup> Judicial Circuits, it is required that a Liaison name is provided to the Chief Judge in each circuit. A copy of the respective orders have been attached for your review. It is necessary that all Liaisons' are familiar with this AO.

The wording in paragraph 21 that sets out the two liaisons shall be a lawyer and a "representative of the entity servicing the plaintiff's mortgages, if any, and if none, a representative of the plaintiff" was intended to mean a lawyer from the plaintiff's firm plus a representative from the plaintiff servicing the lender/company, i.e., someone who works for the company - outside the law firm.

The intent is reflected in the 2nd paragraph of 21, where it indicates that the liaison will need to be capable of answering questions concerning the "party's internal procedures relating to the processing of foreclosure cases ...administrative and logistical issues affecting the progress of the plaintiff's cases," and a "point of contact in the event the plaintiff fails to comply with the Administrative Order."

If you provide the name of the plaintiff's representative, we will be happy to provide the contact information to the Chief Judge in each circuit on your behalf. Please advise at your earliest convenience if you will be requesting our firm to handle these reporting criteria on your behalf.

NOTICE: This e-mail message and any attachment to this e-mail message contains confidential information that may be legally privileged. If you are not the intended recipient, you must not review, retransmit, convert to hard copy, copy, use or disseminate this e-mail or any attachments to it. If you have received this e-mail in error, please notify us immediately by return e-mail or by telephone at 954-233-8000 and delete this message. Please note that if this e-mail message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by the sender.

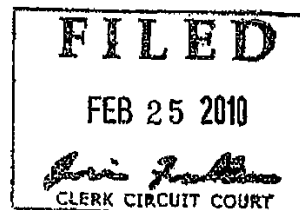
DISCLAIMER REGARDING UNIFORM ELECTRONIC TRANSACTIONS ACT ("UETA") (FLORIDA STATUTES SECTION 668.50): If this communication concerns negotiation of a contract or agreement, UETA does not apply to this communication. Contract formation in this matter shall occur only with manually affixed original signatures on original documents.



IN THE CIRCUIT COURT, FOURTH JUDICIAL CIRCUIT  
IN AND FOR DUVAL, CLAY AND NASSAU COUNTIES, FLORIDA

ADMINISTRATIVE ORDER DRAFT - NO. 2010-1

IN RE: RESIDENTIAL HOMESTEAD FORECLOSURE CASES  
MANDATORY REFERRAL TO MEDIATION



WHEREAS, pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice, and Rule 2.215(b)(3), Florida Rules of Judicial Administration, mandates the Chief Judge to "develop an administrative plan for the efficient and proper administration of all courts within the circuit"; and

WHEREAS, Rule 2.545(b) of the Rules of Judicial Administration requires that the trial courts "... take charge of all cases at an early stage in the litigation and ... control the progress of the case thereafter until the case is determined ...," which includes "... identifying cases subject to alternative dispute resolution processes"; and

WHEREAS, Chapter 44, Florida Statutes, and Rules 1.700-1.750, Florida Rules of Civil Procedure, provide a framework for court-ordered mediation of civil actions, except those matters expressly excluded by Rule 1.710(b), which does not exclude residential mortgage foreclosure actions; and

WHEREAS, residential mortgage foreclosure case filings have increased substantially in the Fourth Judicial Circuit, and state and county budget constraints have limited the ability of the courts in the Fourth Judicial Circuit to manage these cases in a timely manner; and

WHEREAS, high residential mortgage foreclosure rates are damaging the economies of the counties in the Fourth Judicial Circuit; and

WHEREAS, the Supreme Court of Florida has determined that mandatory mediation of homestead residential mortgage foreclosure actions prior to the matter being set for final hearing will facilitate the laudable goals of communication, facilitation, problem-solving between the parties with the emphasis on self-determination, the parties' needs and interests, procedural flexibility, full disclosure, fairness, and confidentiality. Referring these cases to mediation will also facilitate and provide a more efficient use of limited judicial and clerk resources in a court system that is already overburdened; and

Doc # 2010043833, OR BK 15165 Page 1098,  
Number Pages: 17  
Recorded 02/25/2010 at 12:34 PM,  
JIM FULLER CLERK CIRCUIT COURT DUVAL  
COUNTY

STATE OF FLORIDA  
DUVAL COUNTY  
I, THE UNDERSIGNED Clerk of the Circuit Court, Duval County,  
Florida, DO HEREBY CERTIFY the within and foregoing is a true  
and correct copy of the original as it appears on record and file  
in the office of the Clerk of Circuit Court of Duval County,  
Florida.

WITNESS my hand and seal of Clerk of Circuit Court at  
Jacksonville, Florida, this the 25 day of FEB, 2010

JIM FULLER  
Clerk, Circuit and County Courts  
Duval County, Florida.

By Shonda Goble  
Deputy Clerk

**WHEREAS**, the Jacksonville Bar Association is an independent, nonpartisan, nonprofit organization that has demonstrated the ability to assist the courts with managing the large number of residential mortgage of foreclosure actions that recently have been filed in the Fourth Judicial Circuit.

**NOW, THEREFORE, IT IS ORDERED:**

**DEFINITIONS**

As used in this Administrative Order, the following terms mean:

“Borrower” means an individual named as a party in the foreclosure action who is a primary obligor on the promissory note which is secured by the mortgage being foreclosed.

“Borrower’s Financial Disclosure for Mediation” means those documents described in Exhibit 5 attached as page A-29 to Order No. AOSC09-54.

“Communication Equipment” means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of the participants is audible to all persons present.

“Foreclosure Counselor” means a counselor trained in advising persons of options available when facing a mortgage foreclosure, who does not have a criminal history of having committed a felony or a crime of dishonesty, and who is certified by the United States Department of Housing and Urban Development (HUD) or National Foreclosure Mitigation Counseling Program (NFMC), which are agencies experienced in mortgage delinquency and default resolution counseling.

“Form A” means the certifications required herein in the format of Exhibit 1, attached as page A-20 to Order No. AOSC09-54.

“Homestead Residence” means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

“Mediator” means only those mediators who are members of The Florida Bar, certified by the Florida Supreme Court as Circuit Civil Mediators, who reside or have a primary practice in the Fourth Judicial Circuit, and also who have received and completed the special mortgage foreclosure training required by Exhibit 12, attached as page A-59 *et seq* to Order No. AOSC09-54, and any additional training provided thereafter by the Fourth Judicial Circuit’s Program Manager.

“Plaintiff” means the individual or entity filing to obtain a mortgage foreclosure on residential property.

“Plaintiff’s Disclosure for Mediation” means those documents requested by the borrower pursuant to paragraph 7 below.

“Plaintiff’s Representative” means the person who will appear at mediation who has full authority to settle without further consultation and resolve the foreclosure suit.

“Program Manager” means The Jacksonville Bar Association (hereinafter, “Program Manager”), which is qualified in accordance with the Parameters stated in Exhibit 13, attached as page A-68 to the Supreme Court of Florida’s Administrative Order No. AOSC09-54 on Residential Mortgage Foreclosure Cases, entered on December 28, 2009 (hereinafter, Order No. AOSC09-54). This Order is available online on the Florida Supreme Court’s website at [www.floridasupremecourt.org](http://www.floridasupremecourt.org).

“RMFM Program” (Residential Mortgage Foreclosure Mediation Program) means the mediation program managed by The Jacksonville Bar Association to implement and carry out the intent of this Administrative Order.

#### **SCOPE**

##### **1. Residential Mortgage Foreclosures - Origination Subject to Truth in Lending Act (TILA)**

This Administrative Order shall apply to all residential mortgage foreclosure actions filed in the Fourth Judicial Circuit in which the origination of the note and mortgage sued upon was subject to the provisions of the Federal Truth in Lending Act, Regulation Z. However, requirement of compliance with this Administrative Order depends on whether the property secured by the mortgage is a homestead residence.

**The parties to the foreclosure action shall comply with the conditions and requirements imposed by this Administrative Order.**

Upon the effective date of this Administrative Order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless:

- (a) the plaintiff and borrower agree in writing otherwise or
- (b) unless pre-suit mediation was conducted in accordance with paragraph 23.

In actions to foreclose a mortgage on a homestead residence, the plaintiff and borrower shall attend at least one mediation session unless:

- (a) the plaintiff and borrower agree in writing not to participate in the RMFM Program or
- (b) the Program Manager files a notice of borrower nonparticipation.

Upon the effective date of this Administrative Order, all newly filed residential mortgage foreclosure actions involving property that is not a homestead residence shall file with the Court Form A (attached as page A-20 to Order No. AOSC09-54, and hereinafter referred to as "Form A") as required by paragraph 5 below and paragraph 18 below (i.e., plaintiff's certification as to settlement authority).

At the discretion of the presiding judge, compliance with this Administrative Order may be required:

(a) for homestead residential mortgage foreclosure actions filed prior to the effective date of this Administrative Order,

(b) for residences which are not homestead residences, and

(c) for any other residential foreclosure actions the presiding judge deems appropriate.

A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached as page A-25 to Order No. AOSC09-54.

## ***2. Referral to Mediation***

This Administrative Order constitutes a formal referral to mediation pursuant to the Florida Rules of Civil Procedure in actions involving a mortgage foreclosure of a homestead residence. The plaintiff and borrower are deemed to have stipulated to mediation by a mediator assigned by the Program Manager unless, pursuant to Rule 1.720(f), Florida Rules of Civil Procedure, the plaintiff and borrower file a written stipulation choosing not to participate in the RMFM Program. Referral to the RMFM Program is for administration and management of the mediation process and for assignment of a Florida Supreme Court certified circuit civil mediator who has been trained in mediating residential mortgage foreclosure actions and who has agreed to be on the panel of available certified circuit civil mediators.

Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 12, attached as page A-59 to Order No. AOSC09-54. Mediation through the RMFM Program shall be conducted in accordance with the Florida Rules of Civil Procedure and Florida Rules for Certified and Court-Appointed Mediators.

## ***3. Compliance Prior to Judgment***

The parties shall comply with this Administrative Order, and the mediation process shall be completed before the plaintiff applies for default judgment, a summary judgment hearing, or a final hearing in an action to foreclose a mortgage on a homestead residence unless a Notice of Nonparticipation is filed by the Program Manager.

**4. *Delivery of Notice of RMFM Program with Summons***

After the effective date of this Administrative Order, in all actions to foreclose a mortgage on residential property, the Clerk of Court shall attach to the summons to be served on each defendant, a notice regarding managed mediation for homestead residences in the format of Exhibit 2, attached as page A-23 to Order No. AOSC09-54.

**PROCEDURE**

**5. *Responsibilities of Plaintiff's Counsel; Form A (page A-20 to Order No. AOSC09-54)***

When suit is filed, counsel for the plaintiff must file a completed Form A with the Clerk of Court. If the property is a homestead residence, all certifications in Form A must be filled out completely.

Within one (1) business day after Form A is filed with the Clerk of Court, counsel for plaintiff shall electronically transmit a copy of Form A to the Program Manager along with the case number of the action and contact information for all of the parties. The contact information must include, at a minimum, the last known mailing address and phone number for each party.

In Form A, plaintiff's counsel shall certify whether the origination of the note and mortgage sued upon was subject to the provisions of the Federal Truth in Lending Act, Regulation Z. In Form A, plaintiff's counsel shall certify whether the property is a homestead residence. Plaintiff's counsel shall not respond to the certification with "unknown," "unsure," "not applicable," or similar nonresponsive statements.

If the property is a homestead residence and if the case is not exempted from participation in the RMFM Program because of pre-suit mediation conducted in accordance with paragraph 23 below, plaintiff's counsel shall further certify in Form A the identity of the plaintiff's representative who will appear at mediation. Plaintiff's counsel may designate more than one plaintiff's representative. At least one of the plaintiff's representatives designated in Form A shall attend any mediation session scheduled pursuant to this Administrative Order.

Form A may be amended to change the designated plaintiff's representative, and the amended Form A must be filed with the Court no later than five (5) days prior to the mediation session. All amended Forms A shall be electronically transmitted to the Program Manager via a secure dedicated e-mail address or on the web-enabled information platform described in paragraph 8 no later than one (1) business day after being filed with the Clerk of Court.

**THE ELEVENTH JUDICIAL CIRCUIT  
MIAMI-DADE COUNTY, FLORIDA**

**CASE NO. 10-1  
(Court Administration)**

**ADMINISTRATIVE ORDER  
NO. 10-03 A1  
(Amending and Superseding  
Administrative Order No. 10-03)**

**IN RE: CASE MANAGEMENT OF  
RESIDENTIAL FORECLOSURE CASES  
AND MANDATORY REFERRAL OF  
MORTGAGE FORECLOSURE CASES  
INVOLVING HOMESTEAD RESIDENCES  
TO MEDIATION**

---

**WHEREAS**, pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the Chief Judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice, and rule 2.215(b)(3), Florida Rules of Judicial Administration, mandates the Chief Judge to “develop an administrative plan for the efficient and proper administration of all courts within the circuit;” and

**WHEREAS**, rule 2.545 of the Rules of Judicial Administration requires that the trial courts “...take charge of all cases at an early stage in the litigation and...control the progress of the case thereafter until the case is determined...”, which includes “...identifying cases subject to alternative dispute resolution processes;” and

**WHEREAS**, Chapter 44, Florida Statutes, and rules 1.700-1.750, Florida Rules of Civil Procedure, provide a framework for court-ordered mediation of civil actions, except those matters expressly excluded by rule 1.710(b), which does not exclude residential mortgage foreclosure actions; and

**WHEREAS**, residential mortgage foreclosure case filings have increased substantially in the Eleventh Judicial Circuit, and state and county budget constraints have limited the ability of the courts in the Eleventh Judicial Circuit to manage these cases in a timely manner; and

**WHEREAS**, high residential mortgage foreclosure rates are damaging the economy of Miami-Dade County in the Eleventh Judicial Circuit; and

**WHEREAS**, the Supreme Court of Florida has determined that mandatory mediation of homestead residential mortgage foreclosure actions prior to the matter

being set for final hearing will facilitate the laudable goals of communication, facilitation, problem-solving between the parties with the emphasis on self-determination, the parties' needs and interests, procedural flexibility, full disclosure, fairness, and confidentiality. Referring these cases to mediation will also facilitate and provide a more efficient use of limited judicial and clerk resources in a court system that is already overburdened; and

**WHEREAS**, the Collins Center For Public Policy, Inc. is an independent, nonpartisan, nonprofit organization that has demonstrable ability to assist the courts with managing the large number of residential mortgage foreclosure actions that recently have been filed in the Eleventh Judicial Circuit; and

**WHEREAS**, on February 26, 2010, Administrative Order No. 10-03 was issued establishing the Residential Mortgage Foreclosure Mediation ("RMFM") Program; and

**WHEREAS**, subsequent to the issuance of Administrative Order No. 10-03, upon further review of said Order, it was determined that certain RMFM Program requirements needed further clarification or amending; and

**WHEREAS**, there were also scrivener's errors in Administrative Order No. 10-03 to be corrected;

**NOW, THEREFORE**, pursuant to the authority vested in me as Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, of the Florida Rules of Judicial Administration, it is hereby **ORDERED** that Administrative Order No. 10-03 is amended and superseded as follows:

### **Definitions**

As used in this Administrative Order, the following terms mean:

**"RMFM Program"** (Residential Mortgage Foreclosure Mediation Program)<sup>1</sup> means the mediation program managed by the Collins Center For Public Policy, Inc. to implement and carry out the intent of this Administrative Order.

**"The Program Manager"** means the Collins Center For Public Policy, Inc., qualified in accordance with parameters attached as Exhibit 14, also referred to as the "Mediation Manager."

**"Plaintiff"** means the individual or entity filing to obtain a mortgage foreclosure on residential property.

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<sup>1</sup> The RMFM Program replaces the prior program known as "CHAMP" (Eleventh Circuit Homestead Access to Mediation Program) as of March 29, 2010.

**"Plaintiff's representative"** means the person who will appear at mediation who has full authority to settle without further consultation and resolve the foreclosure suit.

**"Borrower"** means an individual named as a party in the foreclosure action who is a primary obligor on the promissory note which is secured by the mortgage being foreclosed.

**"Homestead residence"** means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

**"Form A"** means the certifications required herein in the format of Exhibit 1 attached.

**"Plaintiff's Disclosure for Mediation"** means those documents requested by the Borrower pursuant to paragraph 7 below.

**"Borrower's Financial Disclosure for Mediation"** means those documents described in Exhibit 5 attached.

**"Foreclosure counselor"** means a counselor trained in advising persons of options available when facing a mortgage foreclosure, who has no criminal history of committing a felony or a crime of dishonesty, and who is certified by the United States Department of Housing and Urban Development (HUD) or National Foreclosure Mitigation Counseling Program (NFMC) as an agency experienced in mortgage delinquency and default resolution counseling.

**"Communication equipment"** means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of the participants is audible to all persons present.

### **Scope**

1. ***Residential Mortgage Foreclosures (Origination Subject to TILA).***  
This Administrative Order shall apply to all residential mortgage foreclosure actions filed in the Eleventh Judicial Circuit in which the origination of the note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z.<sup>2</sup> However, compliance with this Administrative Order varies depending on whether the property secured by the mortgage is a homestead residence.

---

<sup>2</sup> Condominium and homeowner's association fee foreclosures and mechanics and construction lien foreclosures are not included in the RMFM Program.



Upon the effective date of this Administrative Order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless the Plaintiff and Borrower agree in writing otherwise or unless pre-suit mediation was conducted in accordance to paragraph 23. The parties to the foreclosure action shall comply with the conditions and requirements imposed by this Administrative Order. In actions to foreclose a mortgage on a homestead residence, the Plaintiff and Borrower shall attend at least one mediation session, unless the Plaintiff and Borrower agree in writing not to participate in the RMFM Program or the Program Manager files a notice of Borrower nonparticipation.

Upon the effective date of this Administrative Order, all newly filed residential mortgage foreclosure actions involving property that is not a homestead residence shall comply with the requirements of filing a Form A as required by paragraph 5 below and the requirements of paragraph 18 below (Plaintiff's certification as to settlement authority).

At the discretion of the presiding judge, compliance with this Administrative Order may also be required for homestead residential mortgage foreclosure actions filed prior to the effective date of this Administrative Order, to residences which are not homestead residences, and any other residential foreclosure action the presiding judge deems appropriate. A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached.

2. ***Referral to Mediation.*** This Administrative Order constitutes a formal referral to mediation pursuant to the Florida Rules of Civil Procedure in actions involving a mortgage foreclosure of a homestead residence. The Plaintiff and Borrower are deemed to have stipulated to mediation by a mediator assigned by the Program Manager unless pursuant to rule 1.720(f), Florida Rules of Civil Procedure, the Plaintiff and Borrower file a written stipulation choosing not to participate in the RMFM Program. Referral to the RMFM Program is for administration and management of the mediation process and assignment of a Florida Supreme Court certified circuit civil mediator who has been trained in mediating residential mortgage foreclosure actions and who has agreed to be on the panel of available certified circuit civil mediators. Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 13 attached. Mediation through the RMFM Program shall be conducted in accordance with Florida Rules of Civil Procedure and Florida Rules for Certified and Court-Appointed Mediators.

Processing of residential mortgage foreclosure cases referred to mediation pursuant to Administrative Orders 2009-08 and 2009-09 shall not be

delayed while the specific mediation training requirements of this administrative order are satisfied during the ninety (90) days following the date of this order.

3. ***Compliance Prior to Judgment.*** The parties must comply with this Administrative Order and the mediation process must be completed before the Plaintiff applies for default judgment, a summary judgment hearing, or a final hearing in an action to foreclose a mortgage on a homestead residence unless a notice of nonparticipation is filed by the Program Manager.
4. ***Delivery of Notice of RMFM Program with Summons.*** After the effective date of this Administrative Order, in all actions to foreclose a mortgage on residential property the clerk of court shall attach to the summons to be served on each defendant a notice regarding managed mediation for homestead residences in the format of Exhibit 2 attached.

#### **Procedure**

5. ***Responsibilities of Plaintiff's Counsel; Form A.*** When suit is filed, counsel for the Plaintiff must file a completed Form A with the clerk of court. If the property is a homestead residence, all certifications in Form A must be filled out completely. Within one business day after Form A is filed with the clerk of court, counsel for Plaintiff shall also transmit in the electronic format approved by the Chief Judge, a copy of Form A to the Program Manager along with the case number of the action and contact information for all of the parties. The contact information must include, at a minimum, the last known mailing address and phone number for each party. The Program Manager shall notify Plaintiff's counsel of any incomplete or seemingly inaccurate information and Plaintiff's counsel shall provide correct information promptly. The Program Manager website address can be obtained at <http://www.collinscenter.org>.

In Form A, Plaintiff's counsel must affirmatively certify whether the origination of the note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z. In Form A, Plaintiff's counsel must also affirmatively certify whether the property is a homestead residence. Plaintiff's counsel is not permitted to respond to the certification with "unknown," "unsure," "not applicable," or similar nonresponsive statements.

If the property is a homestead residence and if the case is not exempted from participation in the RMFM Program because of pre-suit mediation conducted in accordance with paragraph 23 below, Plaintiff's counsel shall further certify in Form A the identity of the Plaintiff's representative who will appear at mediation. Plaintiff's counsel may designate more than one



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**IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA**

**ADMINISTRATIVE ORDER #2010-00-02**

**RE: CASE MANAGEMENT OF RESIDENTIAL FORECLOSURE CASES  
AND MANDATORY REFERRAL OF MORTGAGE FORECLOSURE  
CASES INVOLVING HOMESTEAD RESIDENCES TO MEDIATION**

**Whereas**, pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, *Florida Statutes*, the chief judge of each judicial circuit is charged with the authority and power to do everything necessary to promote the prompt and efficient administration of justice, and rule 2.215(b)(3), *Florida Rules of Judicial Administration*, mandates the chief judge to “develop an administrative plan for the efficient and proper administration of all courts within the circuit;” and

**Whereas**, rule 2.545 of the *Rules of Judicial Administration* requires that the trial courts “...take charge of all cases at an early stage in the litigation and...control the progress of the case thereafter until the case is determined...”, which includes “...identifying cases subject to alternative dispute resolution processes;” and

**Whereas**, Chapter 44, *Florida Statutes*, and rules 1.700-1.750, *Florida Rules of Civil Procedure*, provide a framework for court-ordered mediation of civil actions, except those matters expressly excluded by rule 1.710(b), which does not exclude residential mortgage foreclosure actions; and

**Whereas**, residential mortgage foreclosure case filings have increased substantially in the Fourteenth Judicial Circuit, and state and county budget constraints have limited the ability of the courts in the Fourteenth Judicial Circuit to manage these cases in a timely manner; and

**Whereas**, high residential mortgage foreclosure rates place an increased strain on the citizens and families in the Fourteenth Judicial Circuit who have lost jobs or who are otherwise suffering from the current downturn in the nation's economy.

**Whereas**, the Supreme Court of Florida has determined that mandatory mediation of homestead residential mortgage foreclosure actions prior to the matter being set for final hearing will facilitate the laudable goals of communication, facilitation, problem-solving between the parties with the emphasis on self-determination, the parties' needs and interests, procedural flexibility, full disclosure, fairness, and confidentiality. Referring these cases to mediation will also facilitate and provide a more efficient use of limited judicial and clerk resources in a court system that is already overburdened; and

**Whereas**, the Collins Center for Public Policy, Inc. is an independent, nonpartisan, nonprofit organization that has demonstrable ability to assist the courts with managing the large number of residential mortgage foreclosure actions that recently have been filed in the Fourteenth Judicial Circuit.

**NOW, THEREFORE, IT IS ORDERED:**

**Definitions**

As used in this Administrative Order, the following terms mean:

"RMFM Program" (Residential Mortgage Foreclosure Mediation Program) means the mediation program managed by Collins Center on Public Policy to implement and carry out the intent of this Administrative Order.

"The Program Manager" means the Collins Center on Public Policy, qualified in accordance with parameters attached as Exhibit 13 and is also referred to as the "Mediation Manager."

"Plaintiff" means the individual or entity filing to obtain a mortgage foreclosure on residential property.

“Plaintiff’s representative” means the person who will appear at mediation who has full authority to settle without further consultation and resolve the foreclosure suit.

“Borrower” means an individual named as a party in the foreclosure action who is a primary obligor on the promissory note which is secured by the mortgage being foreclosed.

“Homestead residence” means a residential property for which a homestead real estate tax exemption was granted according to the certified rolls of the last assessment by the county property appraiser prior to the filing of the suit to foreclose the mortgage.

“Form A” means the certifications required herein in the format of Exhibit 1 attached.

“Plaintiff’s Disclosure for Mediation” means those documents requested by the borrower pursuant to paragraph 7 below.

“Borrower’s Financial Disclosure for Mediation” means those documents described in Exhibit 5 attached.

“Foreclosure counselor” means a counselor trained in advising persons of options available when facing a mortgage foreclosure, who has no criminal history of committing a felony or a crime of dishonesty, and who is certified by the United States Department of Housing and Urban Development (HUD) or National Foreclosure Mitigation Counseling Program (NFMC) as an agency experienced in mortgage delinquency and default resolution counseling.

“Communication equipment” means a conference telephone or other electronic device that permits all those appearing or participating to hear and speak to each other, provided that all conversation of the participants is audible to all persons present.

### Scope

1. ***Residential Mortgage Foreclosures (Origination Subject to TILA)***. This Administrative Order shall apply to all residential mortgage foreclosure actions filed in the Fourteenth Judicial Circuit in which the origination of the

note and mortgage sued upon was subject to the provisions of the federal Truth in Lending Act, Regulation Z.1 However, compliance with this Administrative Order varies depending on whether the property secured by the mortgage is a homestead residence.

Upon the effective date of this Administrative Order, all newly filed mortgage foreclosure actions filed against a homestead residence shall be referred to the RMFM Program unless the plaintiff and borrower agree in writing otherwise or unless pre-suit mediation was conducted in accordance to paragraph 23. The parties to the foreclosure action shall comply with the conditions and requirements imposed by this Administrative Order. In actions to foreclose a mortgage on a homestead residence, the plaintiff and borrower shall attend at least one mediation session, unless the plaintiff and borrower agree in writing not to participate in the RMFM Program or the Program Manager files a notice of borrower nonparticipation.

Upon the effective date of this Administrative Order, all newly filed residential mortgage foreclosure actions involving properties that are not homestead residences shall comply with the requirements of filing a Form A as required by paragraph 5 below and the requirements of paragraph 18 below (plaintiff's certification as to settlement authority).

At the discretion of the presiding judge, compliance with this Administrative Order may also be required for homestead residential mortgage foreclosure actions filed prior to the effective date of this Administrative Order, to residences which are not homestead residences, and any other residential foreclosure action the presiding judge deems appropriate. A party requesting that the case be sent to mediation with the RMFM Program at the discretion of the presiding judge shall make the request in format of Exhibit 3 attached.

2. ***Referral to Mediation.*** This Administrative Order constitutes a formal referral to mediation pursuant to the *Florida Rules of Civil Procedure* in actions involving a mortgage foreclosure of a homestead residence. The plaintiff and borrower are deemed to have stipulated to mediation by a mediator assigned by the Program Manager unless pursuant to rule 1.720(f), *Florida Rules of Civil Procedure*, the plaintiff and borrower file a written stipulation choosing not to participate in the RMFM Program. Referral to

the RMFM Program is for administration and management of the mediation process and assignment of a Florida Supreme Court certified circuit civil mediator who has been trained in mediating residential mortgage foreclosure actions and who has agreed to be on the panel of available certified circuit civil mediators. Mediators used in the RMFM Program shall be trained in accordance with the standards stated in Exhibit 12 attached. Mediation through the RMFM Program shall be conducted in accordance with *Florida Rules of Civil Procedure* and *Florida Rules for Certified and Court-Appointed Mediators*.

3. ***Compliance Prior to Judgment.*** The parties must comply with this Administrative Order and the mediation process must be completed and the results transmitted to the presiding judge as required by the *Florida Rules of Civil Procedure*, before the plaintiff applies for default judgment, a summary judgment hearing, or a final hearing in an action to foreclose a mortgage on a homestead residence unless a notice of nonparticipation is filed by the Program Manager.
4. ***Delivery of Notice of RMFM Program with Summons.*** After the effective date of this Administrative Order, in all actions to foreclose a mortgage on residential property, the Clerk of Court shall attach to the summons to be served on each defendant a notice regarding managed mediation for homestead residences in the format of Exhibit 2 attached.

### **Procedure**

5. ***Responsibilities of Plaintiff's Counsel; Form A.*** When suit is filed, counsel for the plaintiff must file a completed Form A with the Clerk of Court. If the property is a homestead residence, all certifications in Form A must be filled out completely. Within one business day after Form A is filed with the Clerk of Court, counsel for plaintiff shall also electronically transmit a copy of Form A to the Program Manager (the Program Manager website is <http://www.CollinsCenter.org>) , along with the case number of the action and contact information for all of the parties. The contact information must include at a minimum the last known mailing address and phone number for each party. The Program manager shall notify plaintiff's counsel of any incomplete or seemingly inaccurate information and plaintiff's counsel shall provide correct information promptly.

**Jenn C. Lussier**

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**March 30, 2010**

**Legal News And Information You Can't Get Anywhere Else**

**Tobacco Litigation**

**Broward jury awards smoker's widow \$26.6 million**

**By:** John Pacenti

A Broward Circuit jury found cigarette manufacturers R.J. Reynolds and Philip Morris liable for causing lung cancer and the death of Nathan Cohen.

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**Labor & Employment**

**By:** Susannah A. Nesmith

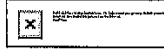
Attorneys such as Anne Marie Estevez say South Florida's cultural mix and abundance of small businesses can make for a litigation nightmare.



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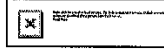


**Criminal Law**

**Miami attorney Michael Diaz Jr. faces road-rage charges**

**By:** Jose Pagliery

The prominent Miami attorney is set for arraignment on felony and misdemeanor charges for allegedly beating up a driver and his girlfriend in a road-rage incident.

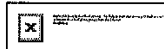


**Condo Meltdown**

**Miami project faces \$216 million foreclosure**

**By:** Eric Kalis

Paramount Bay, a Miami condo project financed by now-failed Corus Bank, is facing foreclosure over its \$216 million construction loan.

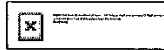


**U.S. Supreme Court**

**Can labor board make decisions with 2 members?**

**By:** Marcia Coyle

The U.S. Supreme Court appears divided in a politically charged case challenging the power of the National Labor Relations Board to operate with only two of five members.



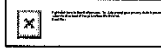
**Employment Law**

**Miami-Dade ordinance ensures workers get paid**

**By:** Jose Pagliery

A new Miami-Dade County ordinance offers

increased protection to workers dealing with employers who refuse to pay them in full or pay them late. The aggressive wage theft ordinance is believed to be the first county law of its kind in the United States.

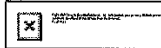


### **Health Care Reform**

#### **Scholars doubt McCollum's challenge will fly**

**By:** Gary Fineout

An assortment of law professors and attorneys see little chance of success for the attorney general's challenge to health-care reform on the legal merits.



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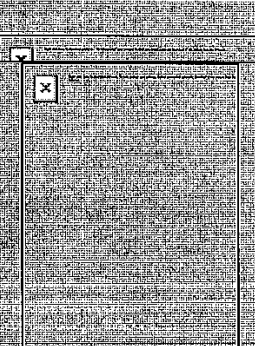
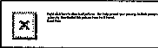
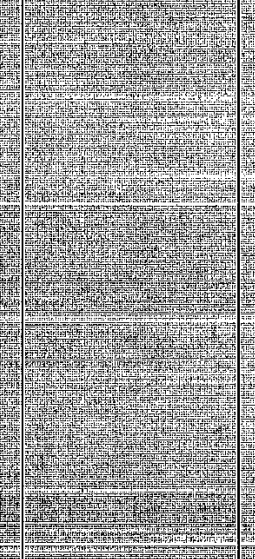
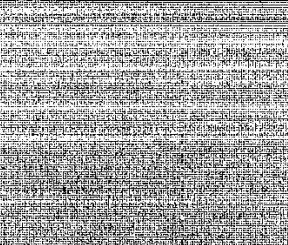

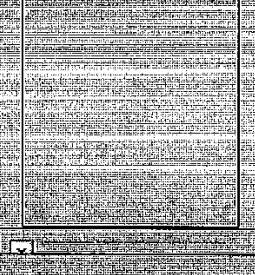
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Jenn C. Lussier

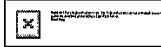
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for maintenance and operations fees. The fees are being used to subsidize Urgo Hotels, a lawsuit claims .

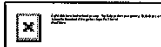


**Nadel Case**

**Judge lets suits stand against Holland & Knight**

**By:** Julie Kay

A Sarasota judge dismissed some counts but let stand malpractice and breach of fiduciary duty charges in a lawsuit filed against Holland & Knight by the receiver in a \$168 million Ponzi scheme.



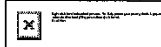
**Money Laundering**

**Wachovia to pay \$160 million in deferred prosecution**

**By:** John Pacenti

Wachovia Bank has agreed to pay \$160 million for failing to effectively monitor more than \$420 billion in transactions with Mexican currency exchange businesses.

DBR TV: Joint press conference announcing the terms of the deferred prosecution at the U.S. Attorney's Office

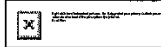


**Tobacco Suits**

**Appellate ruling deemed big victory by smoker attorneys**

**By:** Jose Pagliery

The 3rd District Court of Appeal has upheld a \$24.8 million smoker award against tobacco companies, scoring a win for attorneys representing people hurt by cigarettes.



**Transportation**

**Company shut out of Port of Miami gets \$3.54 million**

**By: John Pacenti**

The jury found Florida Transportation Services, a non-union company, was unfairly denied a permit in 2003, 2004 and 2005 to operate in the Port of Miami.

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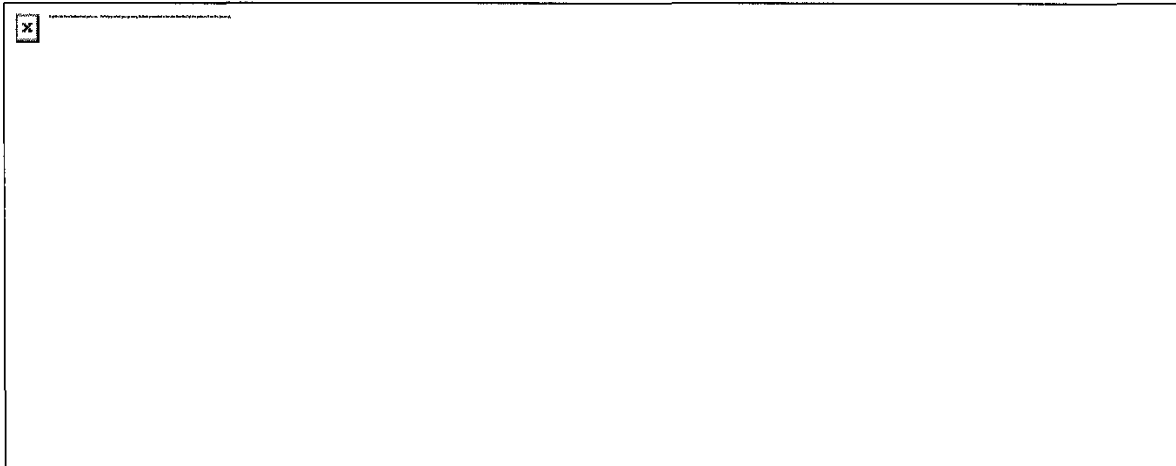
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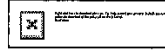
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<p><b>Today's Headlines</b></p> <p><a href="#">Judge lets suits stand against Holland &amp; Knight</a></p> <p><a href="#">Schulman to leave Greenberg for Weiss Serota</a></p> <p><a href="#">The Rodent: What your ride says about you</a></p> <p><a href="#">Woman becomes name partner at Quinn Emanuel</a></p> <p>DailyBusinessReview.com</p>	<p>A ruling by Senior U.S. District Judge James Lawrence King keeps alive a closely watched consumer lawsuit shining a national spotlight on bank policies that customers allege drive up overdraft fees on checking accounts.</p> <hr/> <p><b>Sponsor Spotlight</b></p> <p><b><u>Expert E-Discovery Advice : How and What should be preserved</u></b></p> <p>Once the question is asked, the legal practitioner is faced with Pandora's box of techno-legal issues they often wish they had never opened.</p>	
	<p><b><u>Fraud</u></b></p> <p><b>Former receiver Lewis Freeman pleads guilty to \$2.6 million fraud</b></p> <p><b>By:</b> John Pacenti</p> <p>Miami attorney-accountant Lewis Freeman</p>	



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pleaded guilty to a fraud charge, admitting he pilfered \$2.6 million from court-supervised accounts over a decade.

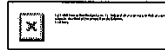


**Rothstein Fallout**

**Questions to Rothstein investment adviser go unanswered**

**By:** Julie Kay

An investment adviser who allegedly verified the legitimacy of phony settlements attracting investors to Scott Rothstein was grilled for hours about his role in the ousted law firm chairman's \$1.2 billion Ponzi scheme.

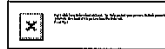


**Lawsuit**

**Charities sue over \$400 million fortune**

**By:** John Pacenti

Walter and Anna Bronner probably never anticipated a worldwide court battle over would still be brewing over their estate more than a decade after their deaths.

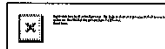


**Rothstein Fallout**

**Boca attorney faces contempt hearing for not halting lawsuit**

**By:** Jordana Mishory

U.S. Bankruptcy Judge Raymond Ray plans to enter an order to show cause for contempt against Boca Raton attorney Roderick Coleman and his client for failing to vacate a default malpractice judgment against Rothstein Rosenfeldt Adler that was entered after the firm was pushed into Bankruptcy Court.

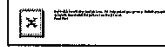


**Investigations**

**Greenberg partner accused of stealing \$1 million**

**By: Brian Baxter**

A Greenberg Traurig partner has been fired after being charged with overcharging a Chicago suburb more than \$1 million to pad his revenue numbers at the law firm.



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