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ATTORNEY AT LAW

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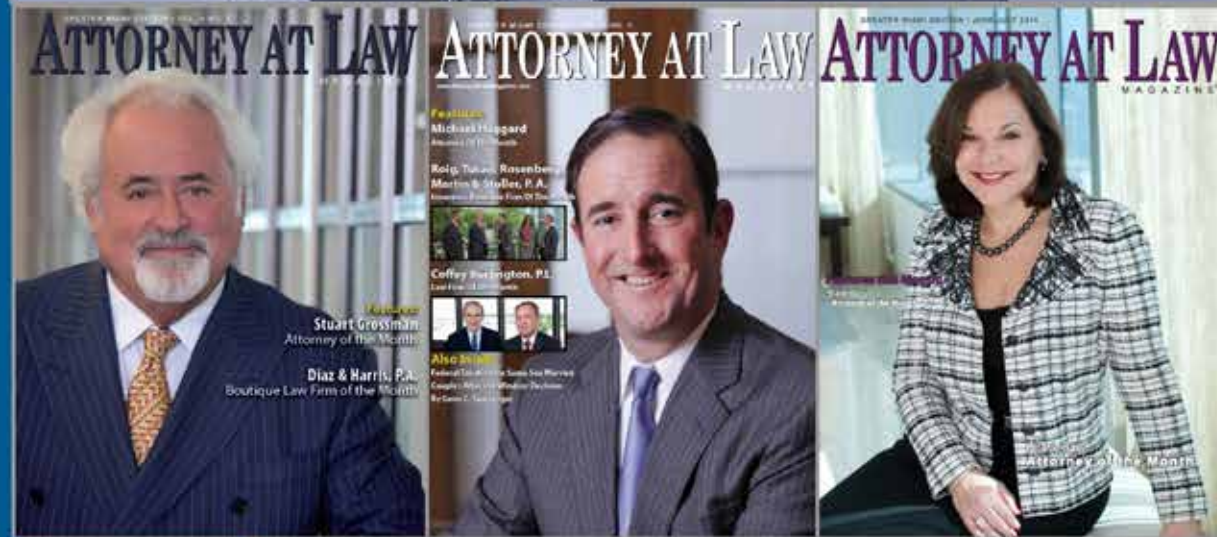
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From the publisher

Welcome to our first issue of 2015. We are delighted to spotlight the fine attorneys that grace our cover and the pages of the first issue of the year in our Attorneys to Watch in 2015 issue.

Moving forward in 2015, I cordially invite all law firms in south Florida to send in charitable announcements, special events, firm moves, promotions, new hires and special honors directly to me for publication in our Talk of the Town section.

Attorney at Law Magazine is here you help the legal community grow and flourish. Please call or email for any nominations, suggestions or to find out how you can be involved in the magazine.

¡Feliz ano Nuevo 2015! Happy New Year 2015!



Amanda Lundergan
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Rhenne Leon
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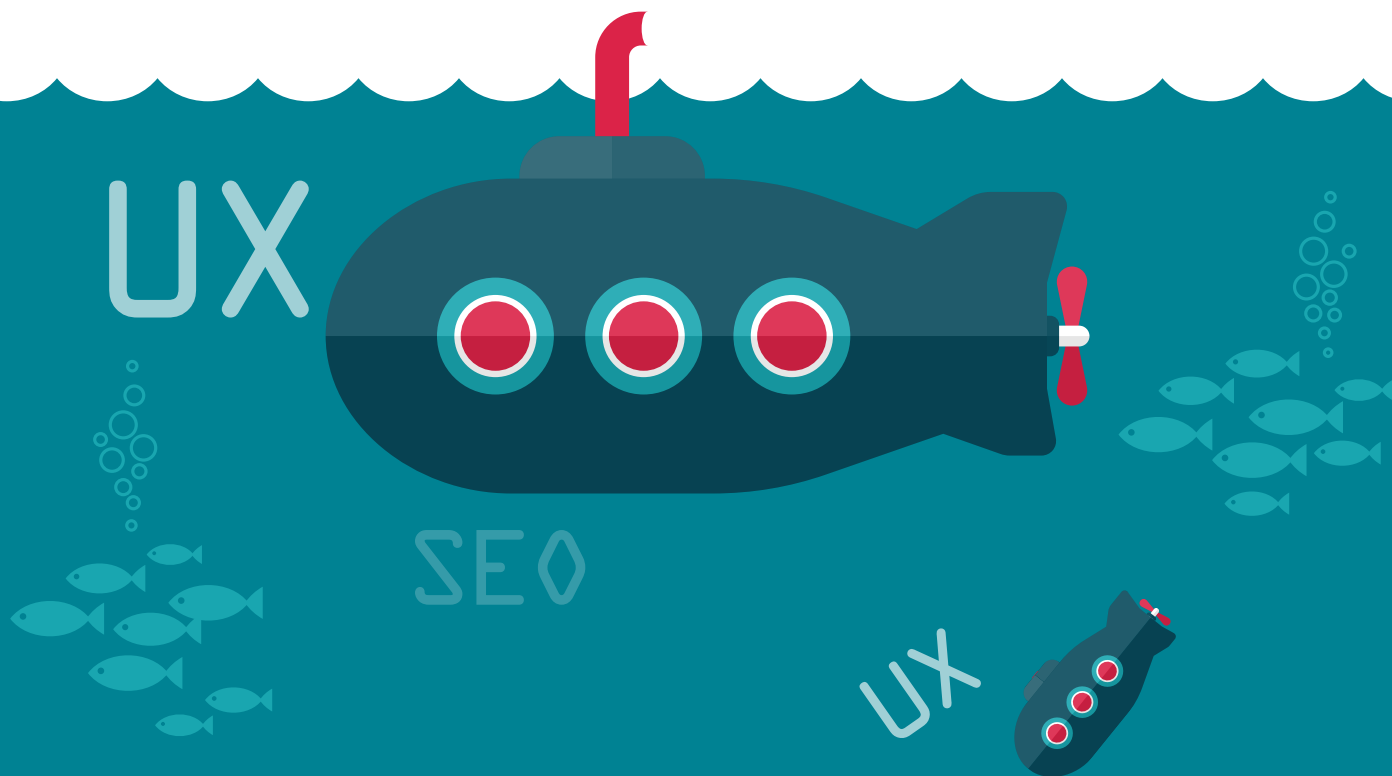
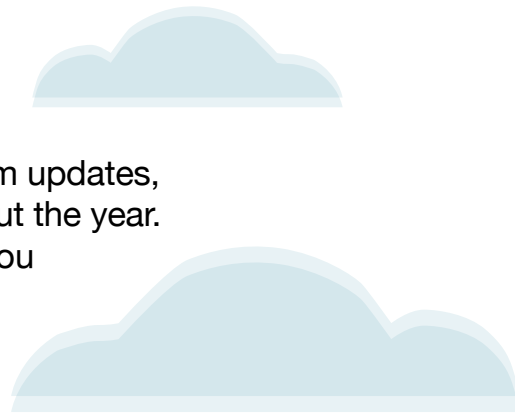
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SEARCH ALGORITHM, TODAY



By Tanner Jones

Online searches give users results based upon specific rules, called algorithms. Algorithms are often updated to improve user experience or UX. Google is legendary within the tech community for its algorithm updates, often issuing hundreds of smaller updates throughout the year. Google periodically issues substantial updates. You have probably heard the terms Penguin, Panda and Hummingbird. Those updates significantly altered the search engine results page (SERP) for many law firms. In some cases, law firms saw their website rankings plunge. That, in turn, sharply cut search traffic being referred to the site, which led to a decrease in conversions and, ultimately, a decrease in signed cases.



How Algorithms Affect Website Ranking

Algorithm updates from Google, both in the past and more recently, have greatly impacted the ranking of various websites. Penguin updates have cut out the majority of “spammy” websites from the picture, knocking these sites off the first page. Sites that were created with quick tricks are now languishing in the never-never land of the back pages.

Black hat SEO companies are constantly searching for ways to outsmart the various Google algorithms. Some of these companies once used backlinks that were specifically designed to boost rankings. It is clear that many of Google’s algorithm updates are intended to negatively affect sites that have used black hat methods to improve rankings. At the same time, these updates have benefited sites that provide users with valuable answers to queries typed into the search bar.

The takeaway: providing users with accurate information of real value is more important than ever before.

Attorneys that are concerned about site ranking can avoid worries about their site ranking by simply ensuring that their site is created, managed and updated with strict adherence to recognized best practices. The next update – whether an algorithm that affects content or any other aspect of how a site is ranked on the SERP — will have little to no negative impact on sites that are created correctly. You can be prepared for future algorithm changes, without knowing the specifics of each change, by investing the hard work now to enjoy the benefits later.

User Experience: It Matters.

While it is true that content is king, user experience has advanced as one of the most critical issues in website creation. If you place the user above yourself by maintaining quality standards in every aspect of your site, then it is a safe bet that your site will not be greatly impacted by any algorithm updates. Ensure that your website is not only stocked with useful information, but that it provides an enjoyable and easy experience for all.

Examples of Good UX

Some of the best practices for UX include how you use headings. Called H1 and H2, these heading tags help to split a site up so it is easy to read for a user. Sites that are created with headings that actually describe the content below, and that have simple top navigation buttons so users can easily move through the site to find the data they need, will rank better. Users tend to stay longer and read more of the information presented on a navigable site.

Descriptive metadata (the information about what the page on the site covers) is also critical, and must be created with the end-user in mind. Having the right URL can make a big difference in how your site ranks, and providing strong calls to action – directing the user about what to do – is also an effective white hat SEO technique.

Responsive site design that is not only attractive but easy to use is a crucial aspect in how well a site will function as a marketing tool for a law firm.

Examples of Bad UX

When a website is overfilled with poorly-written, disorganized, or cluttered content and images or has no clear top navigation buttons, user experience suffers immensely. These mistakes can be extremely costly, as you have only seconds to engage the user. Long, complex URLs don’t work, and multiple calls-to-action on a page are a detriment. Your site must function fast and correctly when accessed by a mobile digital device.

More and more people now perform searches with a smartphone or tablet rather than a desktop, causing sites that do not provide an

aesthetically pleasing mobile experience to suffer.

Take a look at this link to view an example of a hideous UX: <http://www.theworldsworstwebsiteever.com/>.

Content Best Practices

When creating content for your site, it is critical that you avoid content that is simply wallpaper. Many site designers pay little attention to the quality of content – a massive error. You must avoid shallow or non-substantive content that says little or nothing and takes the user nowhere. Provide accurate, usable data with links to relevant and trusted sources.

Pages that focus on one field of law are effective for those searching the area for an attorney, but you must present your firm in a manner that engages the user and answers his or her questions or concerns. As mentioned before, headings and sub-headings should break up the page for easy reading and scanning of data.

Here is an example of a site that has all of these elements in place with the user in mind: <http://www.cohenjaffe.com/>.

Design Best Practices

Less is more. You want clean, simple and attractive design. A cluttered, busy site with too much going on is not only confusing; it will direct the attention of the user to the wrong places. Prioritize your subpages by allowing only the most important informational pages to be linked to the home page. Ensure your site has simple navigation on the top of the site that functions perfectly no matter what type of digital device is used in a search.

Search Best Practices

Be very careful and on high alert about who and what has linked to your firm’s website. Consider finding a trusted company involved in online marketing to fully evaluate all of the backlinks to your site, as the wrong links impact ranking. Eliminating disreputable backlinks is an important factor in maintaining your online presence as clean, trusted and reputable for search engines – and users.

You can earn relevance and leverage your firm’s authority by engaging with your local community in various activities. In doing so, your firm will earn more and more trusted links to your site. Create assets on your site that are valuable to users and worth sharing. These assets can include infographics, e-books, white papers, giveaways, checklists and other information that is useful and shareable. Here are two examples of assets that add value and relevance to a website: <http://www.burch-george.com/oklahoma-football/> and <http://www.frankeidson.com/craft-brew-bac-calculator/>.

Final Thoughts

There is no shortage of companies that are aggressively marketing to attorneys, and who promise fast and attractive results. It is extremely important that you understand the strategies you employ now to get fast results could have a detrimental impact on your site’s long term success. The Web will continue to grow and is already the place where prospective clients search for the right lawyer and evaluate law firms.

The bottom line: now is the time to make absolutely sure that your firm’s search marketing initiatives are in line with all Google guidelines and recommendations for best practices. This is the only strategy that will actually protect your site from the release of tomorrow’s algorithms.

Tanner Jones is the marketing director for Consultwebs.com, the premier provider of online legal marketing. For more information, email tjones@consultwebs.com or call (800) 872-6590.



APPELLATE LAW

The Truth About Verbal Acts

By Amanda Lundergan

The determination whether a statement should be excluded as hearsay was described by famed legal writer and scholar, Irving Younger, as a “thicket” and an “incredible mishmash of rules.” One area of hearsay analysis that is particularly thorny is referred to confusingly as verbal acts, verbal parts of an act, or the verbal act doctrine.

According to Black’s Law Dictionary, a verbal act is a statement offered to prove the words themselves because of their legal effect (e.g., the terms of a will) and therefore is not considered hearsay. Known to linguists (and some particularly erudite jurists) as “performatives,” these are utterances, such as promises, threats, and warnings that do things rather than assert things. The sincerity of the speaker is not an issue – all that matters is that the words are said. For example, defamatory statements are not hearsay because they are not being introduced for their truth. Indeed, the proponent of this evidence hopes to prove they are false.

In contrast, “verbal parts of an act” are words that accompany and help explain an ambiguous physical act. This type of verbal act is seen most often in criminal cases where a transaction can only be understood as illegal by the words that are spoken at the time. A non-criminal example would be where one person hands something of value to another while saying “I am giving this to you as a gift.” This statement is not hearsay if it is introduced to explain the ambiguous physical act of delivering possession of the property – i.e., that it was gift, rather than a loan or a purchase.

Unlike the performative type of verbal act, the “verbal parts of an act” must meet four criteria before being admissible. For utterances to be admissible as verbal parts of an act (1) the conduct to be characterized by the words must be independently material to the issue; (2) the conduct must be equivocal; (3) the words must aid in giving legal significance to the conduct; and (4) the words must accompany the conduct. *Banks v. State*, 790 So. 2d 1094, 1098 (Fla. 2001).

In Florida, the term “verbal act” as well as the term “verbal act doctrine” has been applied to both kinds of verbal acts – the type that is performative by itself and the type that is explanatory of accompanying physical conduct. Black’s Law Dictionary, however, reserves “verbal act doctrine” for the latter type. Both types, however, are similar in that they are not exceptions to the hearsay rule, but rather, are considered not to be hearsay to begin with because they do not fit the definition – they are out-of-court statements, but they are not being offered for the truth of the matter asserted. § 90.801(1)(c), Fla. Stat. (2013).

The most simple, and arguably, the most reliable approach to determine whether the statement qualifies as a verbal act is to test whether it is still

effective even if it is false, i.e., even if the speaker intended to deceive the listener. For example, contractual words, such as acceptance of an offer, will make a binding contract even if the speaker had no intention to be bound.

But context is everything in a hearsay analysis and the determination of whether a statement is hearsay depends on why it is being introduced. Identical words may be verbal acts in one context and hearsay in another context.

A recent case from the Fourth District demonstrates how reliance on verbal acts as an end run around hearsay can be a trap for the unwary. In *Holt v. Calchas, LLC*, 4D13-2101, 2014 WL 5614374 (Fla. 4th DCA 2014), the court declared in dicta that an alleged notice of acceleration required before foreclosure proceedings can be commenced was a verbal act that would be immune from a hearsay objection. The court indicates a belief that the statements in the notice – typically that certain payments were overdue and that the loan must be brought current by a certain deadline to avoid foreclosure – were not being offered for their truth, but rather to show the contents of the notice.

But unlike the words of contract, the words of a notice of breach do not create legal rights even if they are false. Because the bank is attempting to show compliance with a condition precedent in the mortgage, the contents of the notice must be true and the document is offered to show that it truthfully reported the status of the loan. Stated differently, the contents would be entirely irrelevant if they were false, because the document would not serve as the notice required by the mortgage.

Consider one element – if not the most important element – of the contents of the notice, the date at the top of the letter. The mortgage requires that the notice be sent 30 days before the deadline for cure and before the acceleration of the mortgage. The lender, therefore, must prove when the letter was sent and offers the date in the letter itself as an assertion that it sent the letter on that date. There can be no question that the date is an assertion that is being offered for the truth of the matter asserted. It is classic hearsay.

Because the comments in *Holt* were dicta, there is no precedential value to the court’s reasoning on the subject of verbal acts, but because that reasoning is also patently incorrect, the practitioner would be well-advised to avoid relying on its rationale.



REAL ESTATE

Fall-Into-Winter Financial Checkup

By Laurie Dubow

In October, many of us took a closer look at our physical health and disease prevention during Breast Cancer Month, and in November we focused on things to be grateful for during Thanksgiving. As we say goodbye to the fall and move through the holiday season, it is a great time for a fall-into-winter financial checkup. In other words, focus on our financial health. One way to do this is to evaluate our income versus housing expenses, otherwise known as debt to income ratio.

Traditionally, we tend to view housing expenses as our mortgage, taxes, insurance and homeowners’ dues. These are important, but there are other expenses and issues to consider when deciding how much house we can afford. Factors such as: other types of debt, various types of insurance, utilities, reserves for home repairs and emergencies, reserves for medical expenses and potential illness, education expenses, and basic necessities like food, clothing, etc. Plus, it would be nice to have something leftover at the end of the month for retirement planning and leisure!

Debt can be broken down into several categories. Secured debt is usually secured by a lien on a property, vehicle or some other tangible asset. There is revolving debt, including credit cards. Other loans may include school or business loans. Monthly payments are usually associated with these debts and need to be taken into account when we are analyzing monthly expenses.

In addition to homeowners’ insurance, remember to factor in insurance for automobile, life, disability and health. Whether paid monthly, quarterly, semi-annually or yearly, they can take a big chunk out of income.

Utilities, such as electric, water, cable, Internet and telephone, will also take a big bite out of a budget. But don’t forget other housing expenses, such as pest control, lawn care, cleaning service, pool maintenance, window washing, service contracts on appliances, security systems, etc. Bundling several services with one provider may offer a discount. When budgets get tight, homeowners may decide to take care of some maintenance themselves. Also

remember about less regularly scheduled maintenance items, such as roof cleaning, house painting, driveway sealing or landscaping.

There are many types of emergencies that can occur and these can often be the most costly. I remember my parents telling me as a child to always leave something for a rainy day. I quickly learned this lesson as a newly divorced homeowner...a new roof in 2005, a new air conditioner in 2006, and new appliances and hot water heater in 2007. Remember that roofs, windows/doors, appliances, carpeting/flooring and air conditioners may need to be replaced and at some point the kitchen, bathrooms or other areas of the home may also need a facelift.

Despite the high insurance rates we pay in Florida, most of us have very large hurricane deductibles, up to 2 percent, which can offer a challenge if the worst case scenario occurs. On a \$400,000 house, for example, that translates to an \$8,000 deductible. Deductibles also apply for other losses, such as when my son’s toilet cracked and we had to replace most of the flooring in the house.

Beyond those that are home-related, other emergencies include sudden illness or death of a loved one, job loss or increases to our homeowners’ insurance or special assessments. These are some of the reasons why it is important to also set aside sufficient money in your monthly budget for reserves for repairs and emergencies.

As we consider how much house we can afford, and *chose* to afford, we all need to contemplate our priorities. What percentage of our income should go toward basic necessities, housing, education, leisure and retirement planning? None of us have a crystal ball to tell us what the future will bring, but we all have the ability to evaluate our financial health on a regular basis, and make adjustments based on our comfort level and choices we make about our lifestyle.

As we start a new year, this might be a great time for a fall-into-winter financial checkup. The end result will be greater physical and financial health in 2015.

Did you know...During the Third Quarter of 2014...

- The average home in Palm Beach County sold for 93% of the listing price!

Other Fun Facts:

- Closed home sales were up by approximately 18% from 2013.
- Pending home sales were up by approximately 20% from 2013.
- The number of active home listings has increased by approximately 23% from 2013.
- The number of new home listings went up by approximately 13% from 2013.
- The median sales price has changed by less than 1% since 2013.

If you or someone you know has any real estate related questions, you can email Laurie at Laurie@SignatureParadise.com and look forward to possibly getting your questions answered in upcoming issues of our magazine.

Along with her real estate and mortgage expertise, Laurie Dubow has a 20-year background in counseling with a master’s degree in psychotherapy and a post-master’s degree in business administration. A licensed real estate broker and mortgage broker, Laurie is the founder and owner of Paradise Realty International, LLC. She is a trained certified distressed property expert, as well as a real estate owned specialist. This training included instruction on how to perform a broker price opinion or letter of opinion of value, which she has utilized in her experience testifying in court as an expert witness. For more information, visit www.MyParadiseRealty.com or call (561) 929-3329.

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Saving for Retirement

By Gene C. Sulzberger

How much money do you need in order to retire? This is a question that haunts many of us; yet so few of us actually meet with a Certified Financial Planner™ to learn more about what amount each of us needs for retirement and how to budget for retirement.

According to the Transamerica Center for Retirement Studies, only 1 in 10 people have calculated the amount they need for retirement.

Setting long-term financial goals and creating a financial plan are important elements of long-term financial well-being. You may want to seek the assistance of a Certified Financial Planner™ to help you set your financial retirement goals and understand the steps you need to take to achieve them.

There are some general ideas as to a minimum needed for retirement. Please note that as usual, these are generic estimates – personalized planning has not been taken into consideration nor have inflation rates and myriad other figures that can influence each person's distinct numbers. One recommended shortcut to an estimated total needed for retirement is to multiply your annual salary by 12. So, if you make \$100,000 a year, you should have, at a minimum, \$1,200,000 in savings at retirement.

Another consideration is the percentage of your current income you will need annually when retired. Most retirees will need to replace up to 80 percent of their current income. If you currently make \$100,000 a year, in retirement you should budget for \$80,000 a year in expenses. On average though, Americans are only budgeting for close to 60 percent of their income during retirement.

Studies report that American employees contribute 7.5 percent of their income into retirement accounts on average. However, studies also show that most medium wage earners should be saving at least 18 percent of their income each year in order to have enough money on which to retire. Savings rates are based on a number of factors which include income, age of retirement, age that you start saving, and average rates of return.

Many of these general ideas for saving, however, do not take into account some very important issues. Consider, we are living longer, thus requiring more money in retirement. Also, health care costs are rising at alarming rates. Many retirees plan to be very active in retirement ... spending more

money than retirees have traditionally.

Retiring has also taken a different direction with many workers today. The United States has become a country with fewer pension plans. Pension plans used to be the primary mode of retirement savings for American workers. Thirty years ago, roughly 62 percent of workers received their retirement benefits through defined benefit plans. Today, that number is reversed, with over 60 percent of workers now relying solely on 401(k) plans. Instead of fixed benefits at retirement that had been crafted by your employer; now, more often than not, employees are put in the position of having to plan their savings for retirement and be responsible for investing those dollars (and there are many employees who are not doing a very good job of that).

Certified Financial Planners™ are able to use professional programs – like MoneyGuidePro – to assist in the creation of a detailed retirement model.

Through these programs a Certified Financial Planner™ can look at a client's long-term goals and tailor a financial and spending plan specific to that person. For example, one of the issues typically addressed is when to take your Social Security retirement benefit. The advantages for some retirees in holding off on taking Social Security can be quite substantial. One Social Security study shows that an individual who has an earned income up to the maximum Social Security wage base each year, who then waits to take his/her Social Security retirement benefit at age 70, will receive 77 percent more income per month than if he/she had taken the retirement benefit early at age 62. Understanding the pros and cons of when to take your Social Security benefit is very important.

One thing to remember is that there are many items that need to be taken into account in establishing a comprehensive financial plan. These include, but are not limited to, the following: determining a rate of inflation; determining investment goals and estimated rates of return; estimating health care expenses and the average rate of inflation associated with health care costs; the location of assets, be they in qualified plans or non-qualified accounts; estimating expected financial obligations like children's or grandchildren's college expenses or major planned purchases; and life expectancies.

Planning ahead will save you headaches down the road.



Florida's New Law to Help Social Entrepreneurs

By Laurie A. Thompson

On July 1, 2014, Florida joined 25 other states as well as the District of Columbia in changing its law to allow for the formation of a new kind of corporate legal entity, i.e., a for-profit corporation that is set up to serve a public purpose. This new type of legal entity is generally referred to as a benefit corporation aka B corporation. (On a side note, do not be confused by the nickname. The name B corporation has nothing to do with the tax status of the entity. The owners of a B corporation must determine whether they want to classify their B corporation as either a C corporation or an S corporation for tax purposes.)

The rapid development of the sustainable business movement, impact investing and social entrepreneurship created the need for a new corporate form which allows such businesses to distinguish themselves in the marketplace and remove the constraints imposed by an outdated legal framework ill-equipped to accommodate for-profit entities whose social benefit purpose is central to their existence.

Specifically, prior to the passage of this legislation corporate directors who made business decisions based upon considerations other than maximizing profit for the shareholder risked being sued for breaching their fiduciary obligations, see, e.g., *Dodge v. Ford*, 170 N.W. 668, 684 (1919) (“A business corporation is organized and carried on primarily for the profit of the stockholders.”). Moreover, such companies had no way to distinguish themselves from other companies which had no social benefit purpose but paid millions for slick marketing campaigns to fool consumers into thinking they did. The benefit corporation is a comprehensive yet flexible legal entity devised to address the needs of entrepreneurs and investors whose focus is on the triple bottom line, i.e., profits, people and the planet.

The law creating the benefit corporation generally requires that the corporate entity have a purpose to create a “material positive impact on society and the environment.” Additionally, it expands the duties of the directors to require consideration of nonfinancial stakeholders as well as the normal consideration of the financial interests of shareholders. Finally, a hallmark of the benefit corporation is transparency in that it imposes an obligation to report on the corporation's overall social and environmental performance using a comprehensive, credible, independent and transparent third-party standard.

Florida's recently enacted statute differs from that of most other state statutes because it creates

two types of benefit corporations, i.e., the benefit corporation and the social purpose corporation. A social purpose corporation has the purpose of creating a public benefit, which is defined as “a positive effect, or the minimization of negative effects, on the environment or one or more categories of persons or entities, of an artistic, charitable, economic, educational, cultural, literary, religious, social, ecological or scientific nature, due to the business or operations of the corporation.” On the other hand, a benefit corporation has the purpose of creating a *general* public benefit which is broadly defined as “a material, positive effect on society and the environment, as assessed using a third party standard, which is attributable to the business and operations of the corporation.”

Directors and officers of social purpose corporation *must* consider the effects of any action by the corporation on the shareholders and on the corporation's ability to accomplish any public benefit identified in its articles. Consideration *may* also be given to the effect of a corporate decision on the corporation's workforce, its customers and suppliers, the community and societal factors, the environment, the interests of the corporation, and any other pertinent factors or the interests of any group they deem appropriate (hereinafter referred to as larger public interest factors.) On the other hand, directors and officers of benefit corporations *must* consider the effects of any action on the larger public interest factors in addition to the corporation's ability to accomplish its general public benefit.

Because this law is so new it is impossible to know whether it will serve the intended purpose of assisting for-profit social enterprises and the investors who fund them. However, it certainly appears to be a step in the right direction in that it attempts to address the legal obstacles experienced by social entrepreneurs and offers them a way to distinguish themselves in the crowded marketplace.



Laurie Thompson is a partner at Weiner, Lynne & Thompson, P.A. and practices in the area of commercial litigation in both state and federal courts. Ms. Thompson is the immediate past president of the South Palm Beach County chapter of the Florida Association for Women Lawyers and is the development committee chair for the State Florida Association for Women Lawyers. For more information, please call (561) 265-2666 or email lthompson@zonelaw.com.

Gene Sulzberger is president of Sulzberger Capital Advisors in Miami, Florida. He works with U.S. and international investment clients, helping them meet their wealth management goals. Gene is a CERTIFIED FINANCIAL PLANNER™ and a registered trust and estate practitioner (TEP). He is also an attorney who previously practiced law in the area of trust and estate planning. He has over 20 years of experience in financial services. Sulzberger Capital Advisors offers investment advisory services through Rose Capital Advisors, an SEC registered investment advisor. Sulzberger Capital Advisors is affiliated with Dynasty Financial Partners in New York. Gene can be reached at (305) 573-4900 or gene@sulzbergercapital.com.

ATTORNEYS TO WATCH IN 2015

Profiles of Professionalism

HONORABLE MENTIONS



DAX BELLO

Dax Bello is a trial lawyer at Stewart Tilghman Fox Bianchi & Cain, P.A. where he represents plaintiffs in catastrophic personal injury matters. Bello served as in-house counsel for MasTec, Inc. and as a homicide prosecutor in Miami-Dade County. He is a board member of the Cuban American Bar Association, the Latin Builders Association and Legal Services of Greater Miami. He is an active member of the Kiwanis Club of Little Havana and chairs several Carnival Miami events. He was selected as a fellow of the Florida Bar's Leadership Academy and was appointed to the Miami-Dade County school board's committee on professional education.



D. PORPOISE EVANS

A partner at Perlman, Bajandas, Yevoli & Albright, P.L. in Miami, D. Porpoise Evans counsels and represents clients in government investigations

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JANE MUIR

Jane Muir focuses her practice on business law, especially for creative, technology and social benefit organizations. She was named 20 Under 40 by the Miami Herald for 2014, and has served the local legal profession. In particular, she served as president of the Coral Gables Bar Association and as a member on Dade County Bar Association's executive committee. She has been honored with numerous awards for her contributions to the community and has been rated AV Preeminent by Martindale-Hubbell. Her firm Gersten & Muir, P.A. is a certified woman-owned business by the Women's Business Enterprise Council.



MARLENE QUINTANA

Board certified in labor and employment law, Marlene Quintana represents both private and public sector employers. Quintana has experience in labor arbitrations, collective bargaining and related union issues, day-to-day client counseling, policies and procedures and employment-related training. She has proven to be an effective mediator, having mediated hundreds of cases for her clients. She is former chair of the judicial nominating commission for the 11th Judicial Circuit, a board member and gala chair of Miami Bridge Youth and Family Services, and continues to be active within the community. She was recently recognized on the national 2014 Hispanic Business 50 Influentials List.



EFFIE D. SILVA

Partner Effie D. Silva of McDermott Will & Emery LLP is based in the Miami

office. She focuses her practice on complex commercial litigation, international arbitration and health care litigation. Silva has earned Martindale-Hubbell's AV rating. She is recognized as one of the Top 50 Women Lawyers in Florida and one of the Top 100 lawyers in Miami by Super Lawyers. American Lawyer Media/Daily Business Review named her as one of the most effective lawyers of 2012 and a rising star in 2014. She is consistently ranked among Florida's Legal Elite, as well as South Florida Legal Guide and Legal Leaders.



ELIJAH STIERS

Elijah Stiers, an AV-Preeminent trial attorney, focuses his practice on medical malpractice, wrongful death, vehicle/auto negligence, nursing home abuse and neglect, premises liability, negligent security and federal court litigation. He has received numerous awards, including being honored as a Rising Star, an Up and Comer and one of the Top 40 Under 40 litigation lawyers in Florida. Prominently involved in the community, he serves as chair of the city's parks advisory board. An avid cyclist, he was instrumental in the passage of the Aaron Cohen Act, resulting in recognition as a Best Newcomer in Miami Today's Best of Miami 2014 issue.

JAIME J. BACA

By Katherine Bishop

Personal injury defense attorney, Jaime Baca, comes from a family legacy in the law. "My father was an attorney in Nicaragua – where I was born – and my great grandfather was also a judge," he said. "I was always fascinated with their stories about cases."

While in college, Baca began working for an insurance company, handling injury claims. "I loved negotiating cases and investigating them," he said. "I attended mediations and dealt with attorneys. That's when I realized personal injury was my calling."

One of Baca's professors, Judge David Gersten, was one of the more influential mentors in his life. "I often joke I was not the best in his class, but I was a hard worker and worked on what he taught me after graduation." During one of Baca's trials – just before he stepped up to cross examine the plaintiff – Gersten brought a school field trip into the courtroom. "It was pure coincidence," he said. "He walked over to me and whispered, 'You better win.' I did."

Since that time, Baca has been involved with the school, talking to students and volunteering on the moot court team.

Today, Baca is a senior partner at Adams Adams Baca & McMillen "We've grown from a regional firm to handling cases statewide," he said. "I used to know all the judges and all court personnel early in my career. Now I have cases in many jurisdictions. Although, I miss the comfort of being local, I love the diversity I see in our courtrooms."

Baca describes founding partners, Rich-



ard Adams, Jr. and Wade Adams as his legal heroes. "I've never seen better and more ethical trial lawyers," he said. "They're amazing in the courtroom and have been a strong inspiration to me. They are approachable and caring people. I think they are a big part of who I am today."

As a defense lawyer, Baca says, "I believe that my work has an effect in society; it discourages bad behavior and keeps our tort system fair."

Baca recalls one of his most career defining cases, *Sosa v. Freedman*. "It was one of the first controversial spinal procedure cases we took on," he said. "The victory convinced our clients and other defendants that jurors could understand the medical

and legal issues posed in these cases."

Over the years, Baca has refined his style in the courtroom. "One of my greatest compliments was when an adverse expert witness shook my hand as he left the witness stand. In a very sincere manner, he said, 'I don't want to see you again in court.'"

According to Baca, the simple thank you he receives from clients after a trial are the highlights of his career.

Outside of the office, Baca loves to travel and spend time with his family. He plays tennis and is very involved in his kids sports and activities. "Other than that I love to dance, I would say I'm very mild mannered; people are surprised at the change they see during trial."

Looking ahead in 2015, Baca has several large trials that are both exciting and challenging. "I like the detective aspect of our jobs. I love figuring things out and solving mysteries. Each case I work on has a twist that needs to be found."

“ I love the diversity I see in our courtrooms. ”

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PAUL J. BATTISTA

By Katherine Bishop

Education was important to bankruptcy attorney Paul J. Battista and his parents. “My father was in construction his whole life; my parents were determined I stay in school and use my brain as opposed to my arms and back to make a living,” he said.

Following high school, Battista went on to earn his accounting degree from the University of Rhode Island with the intent of becoming a CPA. After interviewing with several accounting firms, he knew he needed a back-up plan. “I wasn’t able to get a job,” Battista said, “so I asked myself if I should go to law school or medical school.”

Law school won the coin toss. “In hindsight, I know I made the right decision,” he said.

Having worked for several law firms over his 28-year career after graduating, magna cum laude, from Boston University School of Law, he was taken under the wing of many accomplished attorneys. “At each firm, I had the good fortune of working with several great mentors who gave me guidance and new insights into my career.”

Now as one of the founding partners at Genovese Joblove & Battista, P.A., with offices in Miami, Fort Lauderdale and an affiliate office in Caracas, Venezuela, he receives the deepest gratification guiding clients to a stable future. “Most clients don’t come to see us unless there is a serious economic issue threatening their future,” he said.

The pressure his clients face throughout bankruptcy proceedings can be an added concern to any case. Trying to recognize and lessen the emotional strain, while bal-



ancing the litigation aspects of the matter, can be a challenge. “I have found that you really need to spend time with each client to understand their concerns – whatever they may be – and provide not only legal advice but practical advice to navigate them through difficult situations,” Battista said. “Many times, it is as simple as taking the time to explain the process to a client afraid of the unknown. Overcoming their uncertainty can usually overcome the accompanying stress.”

Over the years, Battista has seen some things. “There are many funny stories,” he said. “But many of them are not appropriate for publication for one reason or another,” he said with a smile. “We often find ourselves saying, ‘you can’t make this stuff up’ throughout our day.”

Having had the privilege to work on many high-profile cases, Battista received

his greatest compliment following the successful representation of Fred Goldman – the father of Ron Goldman, the victim in the O.J. Simpson murder case. He represented Goldman in successfully obtaining the ownership rights to the book, “If I Did It,” written by Simpson.

“In the acknowledgements, Fred was kind enough to say that I ‘handled myself with grace under tremendous pressure.’”

Looking to the future, Battista is excited to spend more quality time with his family and his children as they grow up – one of the most important parts of his life. Otherwise, he looks forward to continuing his work, serving his clients the best he can.

For those considering the law, his advice, “They really need to love the practice of law. To be good at this, you need to commit a great deal of time and energy and it can be overwhelming at times. You need the right personality to succeed in these conditions.”

“ I had the good fortune of working with several great mentors who gave me guidance and new insights into my career. ”

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STEPHANIE L. CARMAN

By Katherine Bishop

Enamored with the role of the attorney as a differentiator in the community, Stephanie Carman entered law school at her father’s heels. Beyond her ultimate role model, her father, Carman was brought into the legal system under the wing of some very influential men and women, including U.S. Senator Connie Mack, U.S. District Court Judges, Ungaro and Graham and Professor Richard Hausler.

Following a few years of general state and federal litigation matters, Carman was exposed to enough health care legal issues to choose a specialty. “I work with universities, hospitals, hospices, physician practices, physicians, laboratories and home health agencies,” she said.

One of Carman’s main joys in the practice of health law is learning about her clients’ businesses. “In particular, I enjoy arriving at a strategy to effectively and efficiently meet their needs and their goals,” she said. “I’m continually presented with challenging and unique matters and enjoy working through them by expanding my knowledge.”

With regulations constantly in flux, Carman works hard to stay abreast of the health care industry’s legal needs.

“My colleagues at Hogan Lovells are among the leading experts in their fields,” she said. “I have been fortunate to have many of them as mentors since joining the firm after law school. In particular, Carol Licko, Richard Lorenzo, Torrey McClary, Jeff Schneider, Peter Spivack and Cliff Stromberg have been wonderful mentors. I have also been mentored by other bar leaders and co-counselors.”



Carman’s hard work has not gone unnoticed, she was recently invited to be an American Bar Association fellow and is proud to have been the recipient of various awards, including the Florida Bar young lawyers division’s Lynn Futch Most Productive Lawyer Award. Carman has also been fortunate to be elected to officer positions in various local bar associations, including her time as president of the Dade County Bar Association’s young lawyers division.

Carman is also involved in the local community, “I served as the chair of the annual Step Out Walk for the local American Diabetes Community board,” she said. She is also a member of the Legal Services of Greater Miami board of directors.

Of all her honors and recognitions, Carman still believes that the greatest compli-

ment she can receive for her practice is a client’s thank you for a job well done.

When asked about her advice for other attorneys, Carman said, “Be a people person and get involved. While it can be risky to run for leadership positions, serving in these positions is very satisfying and rewarding. I have learned immensely from my leadership roles, met some of my best friends through them and feel we have made a difference in our community.”

In looking to the overall judicial system, Carman’s recommendation for the overburdened judiciary is to follow the federal court system model. “Each state court judge should be assigned a law clerk to assist them in handling these overloaded calendars.”

Outside of the office, Carman enjoys traveling, shopping, photography, reading and spending time with family and friends. She also shared that she has been a vegetarian for over 33 years.

In looking ahead to 2015, Carman said, “I am excited to see the development of my cases, investigations and hospital projects this year. I also look forward to continuing my work in the bar and the community.”

“ Be a people person and get involved. ”

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MARTY F. ELFENBEIN

By Katherine Bishop

“In law school, I wasn’t aware aviation law existed; there were no courses offered in that field,” said attorney Marty Elfenbein.

After law school, she was recruited by Rumberger Kirk & Caldwell PA where she had clerked for two summers. Elfenbein graduated third in her law school class and achieved one of the highest scores on the February 2006 Florida Bar exam.

“I knew I wanted to be a defense attorney,” she said. At first, Elfenbein dabbled in a few areas of law from casualty work and trucking cases to asbestos litigation, then she tested out her first aviation case.

“I fell in love,” she said. “I began taking more and more aviation cases. Now, my practice is almost exclusively devoted to aviation matters.”

With no professional piloting background, Elfenbein relies on a strong team of experts and her clients to educate her on new technical nuances. “Aviation work can be very technical,” she said. “Over the years, I have studied it closely.” On any case she could be dealing with issues from international treaties and federal regulations to meteorology, piloting and aircraft component part failure issues.

The complexities of aviation law can be best demonstrated in a January 2010 case that Elfenbein, along with other members of her practice group, closed a few months ago. According to Elfenbein, the American Airlines Flight 331 litigation defined her career. For close to four years, they handled 130 lawsuits involving passengers on the flight that overran the Jamaican runway. “We worked with simultaneous deadlines, took depositions that were scattered across the country, and worked with dozens of experts.” Ultimately, they tried two cases; one



went to verdict and the other settled during trial. “After four years of eating, sleeping and breathing Flight 331, I was sad to close that chapter of my career,” she said.

Throughout her eight-year career, Elfenbein says she is fortunate to have gained so much trial experience. “In our current legal landscape, in which most cases settle, I have been fortunate,” she said. “I hope my clients continue to have faith in my abilities and allow me to continue trying cases on their behalf.”

Whether she’s in the midst of litigation or just beginning a new case, Elfenbein has often experienced an amusing misconception. When she receives the first correspondence on most cases, she inevitably is presented with “Dear Mr. Elfenbein.”

“Attorneys are always surprised when I show up at a hearing,” she said. “I even had a federal judge comment that – based on my name – he was expecting a middle-aged man, not a young female attorney. At this point in my career, I’ve come to expect this and always find it humorous.”

Throughout her time at Rumberger Kirk

& Caldwell, Elfenbein has been under the wing of senior partner Greg Palmer. “He has been my mentor since my second week at the firm,” she said. “Greg has taught me how to litigate cases, how to try cases and how to evaluate cases.”

After establishing her career, Elfenbein now looks to guide the younger associates at her firm to their own niche. “I enjoy meeting with younger attorneys and teaching them about what we do as defense lawyers,” she said. “I don’t think law school teaches students enough practical aspects of being a lawyer.” For that reason, she devotes her time to mentoring new lawyers.

Outside of the office, Elfenbein is devoted to her family. She married her high school sweetheart. Together, they have two boys, Landon, 4, and Jake, 19 months. “I have a demanding career,” she said, “so when I’m not at work, I’m focused on them. I take my kids to soccer, to the park, on bike rides, to college football games and to the occasional Miami Heat and Marlins games.”

Looking ahead to 2015, she is looking forward to introducing her sons to snow for the first time and to visiting family in Spain in the spring.

“Attorneys are always surprised when I show up at a hearing.”

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SHAHRZAD EMAMI

By Katherine Bishop

High school valedictorian, classically trained ballerina, and college theatre and communication studies major, Shahrzad Emami continued her academic excellence through law school. “During my first year, I thought I had made a huge mistake,” she said. “After I graduated with my Juris Doctor, I enrolled in the real property LL.M. program at the University of Miami School of Law. During that year, I really blossomed.”

Looking over her own career, there is one case that propelled her to this moment. During her first year at Legal Services, Emami interviewed a young mother, who recounted her horrible living conditions. Beyond the open sewage in the back of her building and the mushrooms growing on the walls, she had a baby screaming at night because of the termites crawling into her ears. “I had never heard such an appalling story,” she said. The case eventually turned into her first affirmative case. At the age of 26, she was representing over 20 plaintiffs in a multiple count lawsuit.

“I had spent the last four years in Miami not realizing places like Liberty City – one of the economically forgotten neighborhoods – existed,” she said. “It opened my eyes and lit a fire in my belly. No human should have to live like that.”

Today, Emami practices transactional real estate law, specifically affordable housing and community economic development with Legal Services of Greater Miami, Inc. She represents local nonprofits engaging in affordable housing development as well as those that work in job creation, small business development and access to education and the arts in low-income communities. “I actually never envisioned engaging in this type of legal work,” she said. “It’s a very spe-



cialized area of law; one that most people – even attorneys – aren’t aware exists.”

“I really enjoy being a part of the affordable housing development process and seeing the finished product,” Emami said. “It is especially rewarding when I see a fully occupied affordable housing development with happy families as residents. If I can be just a small part of making an individual or a child’s life more comfortable by helping to create affordable stable living environments then that is the greatest reward.”

One of the greatest challenges Emami faces is the limited resources. “I want to fix everything,” she said. “I had to learn that you’re not always able to solve every client problem.”

With the recent economic downturn and the passage of the Economic Recovery Act, Emami has had a chance to impact more of the Miami area. “I was able to help my clients access and implement a large amount of federal recovery dollars, \$89 million to be exact, for the stabilization of neighbor-

hoods in Miami,” she said. It has since resulted in the production or preservation of more than 1200 units of affordable housing.

Outside the office, Emami is adjunct law professor at The University of Miami and FIU College of Law. She still enjoys the arts – particularly the theatre and ballet. “I’m thrilled Miami has evolved so rapidly in this area,” she said. She also enjoys music, yoga, dancing and spending time with her husband and their cat, Romeo.

As she looks ahead to next year, Emami encourages each lawyer to take on one pro bono matter. “We need to make legal assistance available to a wider group. In the short term, I believe we could achieve better access to the legal system if attorneys participate in more pro bono matters. I’m also a proponent of law school clinical programs. I co-teach The Small Business Clinic at FIU College of Law. The format benefits the clients and is a great learning experience for the students.”

Emami is also pleased to announce that she and her husband will be welcoming their first child in March.

“It opened my eyes and lit a fire in my belly.”

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DOLLY HERNANDEZ

By Katherine Bishop

Being a Miami native has its perks, for one, it has afforded complex marital and family law attorney, Dolly Hernandez the opportunity to cover a wide range of cases, including domestic and international matters, as well as appreciating cultural diversity. Since the beginning of her career, Hernandez has catered to clients from all over the globe and as a result, her approach has evolved, over time. “Early on in my legal career the only thing that mattered was winning the case and now I am focused on delivering high quality legal work product sprinkled with a human element.”

It is the return of clients or the clients who keep in touch following their divorce that shows Hernandez that she’s done a good job representing them.

“Being an attorney allows me to advocate for my clients during a difficult and tumultuous period in their lives,” she said. “There is nothing more gratifying than a client telling you they consider you a friend and that they were never treated like a number.”

Inspired by Sandra Day O’Connor, who paved the way for women in the judiciary, Hernandez has many mentors who have helped propel her career. Beyond the courtroom, Hernandez does her part with the local legal community. As a member of the Legal Services of Greater Miami board of directors, she encourages attorneys to dedicate a portion of their time to pro bono cases. “The affordability of legal represen-



tation for those that are underprivileged is a major flaw in our system,” she said

Hernandez is also involved in Kidside Miami – a not-for-profit devoted to supporting family court services to distressed families with pending cases in family court in the Miami area.

In her first Hague Convention case, Hernandez experienced the legal system’s power to protect children. Specifically, Hernandez secured the return of three children, after a one week trial in the Southern District of Florida, to the place of their habitual residence after the children were abducted. Hernandez mounted a case, with the use of experts, against the absconding parent who lodged Article 13(b) defenses

against her client. By prevailing in this case, I understood that believing in your client’s case can make a difference.

Outside of the office, Hernandez enjoys traveling – she had the opportunity to visit London and Madrid this year – and also enjoys the performing arts. She is an avid animal lover and is proud to call her two miniature pinschers, Belle and Ariel, a significant part of her life.

As the co-chair of the American Bar Association section of litigation’s family law committee, Hernandez has been able to expand her practice from a local to a national level. Through this platform, Hernandez has been able to make contacts around the country.

“The affordability of legal representation for those that are underprivileged is a major flaw in our system.”

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J.B. HARRIS

By Katherine Bishop

After interning for a U.S. senator in college, attorney J.B. Harris made the decision to become a lawyer. “Most of the senior staff were attorneys,” he said. “I got a dose of Washington fever and came away ready to earn my law degree and pursue a career in politics.”

While he’d briefly dabbled with the possibility of becoming a reporter for the New York Times – he even published some letters in the Grey Lady – his mother quickly redirected him toward more practical pursuits. And he didn’t disappoint. Today, Harris dedicates his career to suing large corporations for defective and dangerous products, especially those produced by the cigarette industry.

Once he found his way into a courtroom, Harris was hooked. “Being a trial lawyer is not for the faint of heart,” he said. “It takes an entrepreneurial spirit, a gambler’s nerve and a willingness to risk it all for justice.”

“And there’s nothing more rewarding than big litigation,” Harris continued. “You are the producer, the director, the script writer, the lead actor and the narrator of your client’s story.”

As a products attorney, Harris works closely with his clients, even standing by their bedsides when they die. He is constantly overwhelmed with their appreciation, even in the face of loss. One client, an 80-year-old woman who lost her husband to cigarettes, says she and her kids pray for him every day. “Their words of gratitude are incredibly meaningful,” he said. “It makes all the blood, sweat and tears worth it.”

When asked about the challenges of his



practice, Harris said, “Unfortunately, justice costs money. It requires a small army of human resources. There never seems to be enough of either when taking on big business.”

Looking to the legal community as a whole, Harris is quick to condemn the retrogressive actions of many legislators. “They are relentless in their efforts to curtail access to the civil justice system. By passing laws that limit the damages and rights of injured parties, they prove they’re beholden to big money backers. Among other things, if it were up to me, I would have super progressive majorities in both state and federal legislatures, scuttle tort reform, enact campaign finance reform, overturn *Citizens United*, extinguish the Patriot Act, and put an end to the FISA court.

Harris looks to his legal hero, the late Ron

Motley for inspiration. “He was one of the first attorneys to hold asbestos manufacturers liable for producing and selling one of the most lethal substances on earth to an unsuspecting public,” Harris said. Motley is also known for representing the states’ Attorneys General in their suit against the tobacco industry for Medicaid reimbursements. “He was a fierce advocate, a courageous courtroom combatant and a charismatic leader.”

Outside the office, Harris – a fan of the Grateful Dead – enjoys rock and mountain climbing, fishing and traveling to exotic places. With all these activities, he enjoys spending time with his kids the most.

Looking over his career, he said, “If you pursue my path, be prepared to ride the wave of adrenaline that washes over you the moment freedom and security divide. I opted for freedom. Above all, you must love what you do and fight for social justice and success will follow.”

“It takes an entrepreneurial spirit, a gambler’s nerve and a willingness to risk it all for justice.”

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LINDA WORTON JACKSON

By Katherine Bishop

Known for her ability to close deals quickly and think outside the box, Linda Worton Jackson, co-founder of Salazar Jackson, has rightfully earned the name “Action Jackson” among her clients and peers. She has spent the last 25 years leading businesses and individuals through mergers, acquisitions, debt and equity financing transactions, venture capital investments and distressed transactions, both in and out of bankruptcy. Whether it’s guiding a startup business through fundamental structuring and finance issues or counseling clients on growth and acquisition strategies, Jackson is widely regarded as an attorney who can take a corporate transaction from negotiation to closing regardless of the obstacles.

Recently, Jackson led the team for Miami icon Florida Gaming, Inc. (Miami Jai Alai) in an \$87 million refinancing and restructuring and subsequent sale of the enterprise for \$155 million through a Chapter 11 bankruptcy. The representation followed her role as lead corporate counsel for First Foliage, one of the largest plant nurseries in the country, in which she wore many hats as corporate counsel, litigator and bankruptcy counsel. In the First Foliage case, she conducted an auction which yielded a purchase price of \$20 million, and closed the deal within three days.

“I enjoy deals that bring together my background in both corporate transactions and litigation,” Jackson said. Jackson was the recipient of the 2012 Deal of the



Year award by M&A Advisor for her work on the First Foliage case, and was selected as a “Most Effective Lawyer” by the Daily Business Review for her work on the Miami Jai Alai case.

Jackson is a go-to corporate lawyer, and one of the top attorneys in the South Florida legal community.

In 2012, she co-founded Salazar Jackson, a business boutique firm that is lean, mean and client focused. She has served as chairperson of the Corporate Transactions and Restructuring Department since the firm opened. This modernized environment is perfect for Jackson, who has a tenacious approach in her practice and is known for driving the deal forward. “I focus on stra-

tegic direction,” she said. “Strategy and focus are key elements in my practice.”

Jackson has earned the respect of her peers and the recognition she deserves from the legal field for her outstanding work, which is demonstrated through her inclusion in Florida Super Lawyers Magazine and being named a Key Partner by the South Florida Business Journal. Additionally, she was named a Top Lawyer in the South Florida Legal Guide, and selected as a finalist for Lifestyle Media Group’s Leaders in Law Awards. An AV Preeminent rated attorney, Jackson was also the recipient of the 2014 International Deal of the Year by International M&A. She is one of the top dealmakers in South Florida and certainly an attorney to watch in 2015 as well as many years to come.

“I focus on strategic direction.”

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JASON KELLOGG

By Katherine Bishop

After two years of PR work in Chicago, business litigation attorney, Jason Kellogg, chose to escape the cold, head back to Florida and enroll in law school.

Following graduation, Kellogg joined Akerman and then Hogan Lovells. The time he spent in these large firms molded him. “They were terrific places to learn,” he said.

Having spent the majority of his career at the defense table, Kellogg was ready for a new adventure. “When I joined LKLSG at its inception five years ago, we had only nine lawyers. One of the main attractions to making the leap was have more of an opportunity to work on the plaintiff’s side of a case.”

Kellogg believes the time at the other table has brought some invaluable experience to his clients.

The transition to the new firm also gave Kellogg the opportunity to work with his father, Larry Kellogg. “Throughout my life, my biggest mentor has been my father. I’m sure that – subliminally – my decision to become a lawyer had something to do with wanting to follow his example. I took a chance joining him five years ago to help start a new firm; it has worked out very well.”

Kellogg found another mentor in John O’Sullivan at Akerman and Hogan Lovells. “For my first eight years, I watched a brilliant strategist at work every day. He valued his associates and was great at including me in every facet of a case while also pushing me to do what it takes to produce high-end work.”

Early on in his career, Kellogg learned that the law isn’t always as it would appear. He was in trial against a tough assistant U.S. attorney, litigating her last case before retirement. “At one point, she pulled me aside and paid me a very nice compliment about my rapport with the jury. It not only boosted my confidence; it



taught me that even in the most contentious cases, there is room for civility.”

An early case that Kellogg believed would be resolved quickly demonstrated the unpredictable nature of litigation. “We filed in 2005. Within a month we had secured a preliminary injunction,” Kellogg said. He believed the case was over. He was wrong. Subsequently, the case went through a federal appeal in Atlanta, a bankruptcy in Alabama, state court litigation in the Florida panhandle and two trials.

“This case followed me through three law firms,” he said. “We obtained some great rulings, some of which continue to be cited. A month turned into six years. Our client ultimately came out on top. That case was my tour through the United States legal system.”

Outside the office, you’ll find Kellogg with his wife, Cassandra – a family law attorney in Coral Gables – and their two sons.

A former rock and blues lead singer in law school, Kellogg still enjoys playing guitar. “We played in bars in Tallahassee and the sur-

rounding towns,” he said. “We once played in a bar with chicken wire in front of the stage, like in ‘The Blues Brothers.’ It was a blast.”

He also makes time for the community. He is involved with two great charities – Switchboard of Miami and Legal Services of Greater Miami, Inc. Switchboard of Miami provides confidential telephone counseling. They will be hosting their Cirque de Soleil event at Sun Life Stadium Jan. 15.

He also lends his support to LGSMI’s Together We Must Campaign Committee. “LGSMI is as much a part of Miami’s legal fabric as any law firm and deserves our full support,” he said.

Looking to the future, Kellogg would like to continue to grow with LKLSG. The firm has doubled in size since its founding. He is also excited to keep learning about his clients’ businesses. “Litigation is like the continuation of a liberal arts education; you learn so much every day. That mostly has to do with working with clients from diverse fields.”

He is also looking forward to celebrating his 40th birthday in March.

“We once played in a bar with chicken wire in front of the stage, like in ‘The Blues Brothers.’ It was a blast.”

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ETAN MARK

By Katherine Bishop

Commercial litigation attorney, Etan Mark, had set out to be a veterinarian until a faculty adviser recognized that he had a penchant for fixing “human” problems. And while he has spent his career solving clients’ business problems – particularly in real estate litigation and complex fraud matters – Mark admits to still spending “too much” time focused on his dog’s mental health.

Straight out of law school, Mark entered a top 10 AmLaw firm in New York. His experience, while instrumental in teaching him some fundamental concepts, discouraged him from the traditional legal path. “Many millions of dollars were being billed for fairly rudimentary legal work, which didn’t sit well with me,” he recalled. “When I go home at night, I need to feel that a client who pays for sophisticated legal work is getting real value.” Following a federal clerkship, Mark embarked on an entrepreneurial journey to bring more cost-effective legal solutions to clients.

It was this belief that brought Mark to Berger Singerman. “The firm inculcates a philosophy that every client is a firm client rather than an individual attorney’s client. This breeds a culture of accountability and collaboration.”

In his practice, Mark has come to value the opportunity to co-pilot his clients through turbulent waters and emerge vindicated. “It’s important to always consider what is driving a case,” he said. “Behind every litigant is a person – an entrepreneur, a general counsel, a businessperson. Often, litigation can take a significant emotional and financial toll on someone’s life.” In looking at the legal system as a whole, Mark recognizes that very few clients truly understand its flaws. He views it as important to



explain the realities of complex commercial litigation early in his retention.

“We don’t live in the world of ‘Suits’ or ‘Ally McBeal,’” he said. “The court system is overwhelmed with cases and seriously understaffed. A case that should be resolved in six months can take years in this system.” Looking to the future, Mark is a strong proponent of the adoption of rules to rein in civil discovery, which he sees as a driver of unnecessary time and costs to many commercial litigation matters. In the meantime, he discloses the true toll litigation can have with clients at the beginning of the engagement, encouraging them to enter pre-suit mediation, if appropriate.

Looking to the attorney mentors who inspired him, Mark speaks of his father-in-law, Alan Weisberg, who, according to Mark, is at the top of his field, is extremely community oriented, and is a terrific father and grandfather. “He walks the walk and he taught me – through actions, not words – how every lawyer should, in his own way, also be a community activist.”

Mark also points to name partners Paul

Singerman and Mitchell Berger, who, together, have taught him the characteristics of a successful attorney – exhibit technical excellence, commit to the community and work hard at developing business.

As one of the managers of Berger Singerman’s litigation practice group, Mark takes pleasure in passing on his knowledge to the associates. “I hope they see me as a mentor. And, when they are listed in the Attorneys to Watch 2025 issue, I hope to be seen as someone who inspired them.”

Outside of the office, Mark spends his time with his wife and kids. Beyond serving as the vice president of his temple and a member of the HistoryMiami board of trustees, Mark admits to being somewhat of a dilettante. His latest hobby, smoking meats, springs from his belief that “Nothing brings a family together like a good smoked brisket.”

Looking to the future of his career, Mark aspires to make a mark on Miami. “There is no other major city in the United States that provides such an opportunity for a lawyer to effect real change. I hope I can be a part of that.”

“When I go home at night, I need to feel that a client who pays for sophisticated legal work is getting real value.”

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KYMBERLEE CURRY SMITH

By Katherine Bishop

With one foot firmly planted in motherhood and the other in real property law, Kimberlee Curry Smith, shares that without family support it couldn’t be possible.

She had originally set out to be a pediatrician, but her acknowledgement of a lack of mathematical skills and love of a good argument led her to law as a career path. Her parents fully supported her decision. Each encouraged her as she sought to fulfill her legal ambitions. “My parents made sure to steer me toward every internship and summer shadowing experience they could find,” Smith laughed.

Having jumpstarted her career at Adorno & Yoss, LLP, Smith moved from private to public service. After working as an assistant city attorney for some time, she admits that the transition back to private practice was challenging.

“Around three years ago, I made the decision to go out on my own. It was during the rebuilding and recovery stage of the real estate market; it was risky,” she said. “I really learned the hard way. The reintroduction to billing was big. Building a brand and court- ing clients was new to me.”

Over the years, Smith has come to realize that her marketing dollars are best spent becoming involved in community and Florida Bar activities. She was an inaugural member of the bar’s leadership academy, is a real property probate trust law section fellow, serves as a member of the law related education committee, and as a board member of the South Florida Community Development Coalition. “I truly enjoy both bar and community work,” she said. “I’m growing up as a lawyer and building my practice this way.”

As a solo practitioner in a non-tradition-



ers clinics, and organizing numerous law clinics, Smith is heavily involved in community projects. “I cannot get enough of planning activities for the community, especially young people, to encourage them to get a solid education and dream big,” she said. Recently, she and her husband helped their 4-year-old son publish his first book, “Guess Who, Mr. Dinosaur?” This major accomplishment has made child literacy an important passion for Smith.

In the immediate future, Smith hopes to continue to grow her practice, but in the not so distant future, she hopes to found a school. “Right now, the SEED School of Miami is the model for my school.”

As Smith continues to grow her practice through technology and relationships, she also hopes to empower her clients by providing access to quality legal representation at reasonable fees.

When asked what advice she would give other attorneys, she said, “Find a few good people who are more experienced than you to bounce ideas off. Always be kind and respectful. Be a mentor and be available to help those who need you but can’t always pay.”

“The biggest flaw is access to the legal system.”

Kimberlee Curry Smith, P.A.

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THERESA VAN VLIET

By Katherine Bishop

Raised in a strong Irish Catholic family, Theresa Van Vliet was taught the values of hard work and dedication early on.

“I entered law school at my father’s suggestion,” she said. “He was of the view - and I agreed - that regardless of my career path, a background in the law would be invaluable.”

After graduating from Nova Southeastern Law University, Van Vliet was hooked. “I happened to really enjoy the intellectual and practical sides of the law,” she said.

A trial lawyer with an emphasis in white-collar and complex civil litigation, Van Vliet is proud of the trust the public and private sectors have placed in her. She began her career as a federal prosecutor in the Southern District of Florida. She then went on to work in the Department of Justice, serving as the chief of narcotics. Throughout her time with the DOJ, she tried over 40 federal jury trials, including a 14-month RICO trial which resulted in the conviction of all parties. In this role she oversaw national and international drug and money laundering investigations.

Her time in public service did not go unrecognized. She was singled out to assist on a special project involving terrorism by then-Attorney General Janet Reno. She was further honored with the Award for Distinguished Service from the attorney general and the Drug Enforcement Administrator’s Award for Exceptional Service.

Having won her fair share of accolades, Van Vliet was ready to move onto the next



challenge, private practice. Her experiences from the other side of the table prepared her to defend her clients. “I’m so honored to work among such exceptional attorneys; I learn something new from them each day. It has made my transition into private practice that much smoother,” she said.

Today, working in the Fort Lauderdale office of Genovese Joblove & Battista, P.A., Van Vliet approaches each case with the chance to learn something new and overcome unique challenges.

In looking to her mentors, Van Vliet recognized her first boss, the late James C. Paine of the United States District Court for the Southern District of Florida. “He was one of the strongest professional ex-

amples I could imagine. He was unfailingly professional, prepared and fair.” Attorney General Janet Reno is another legal hero. “I was honored to have worked for her,” Van Vliet said. “She was without a question a person of the utmost integrity and so smart it scared me to realize how much I still had left to learn.”

Outside the office, Van Vliet is a dedicated Pilates addict, which she hopes offsets her other hobby, cooking. She also enjoys spending time with her husband. In fact, when asked for the greatest compliment she’d ever received, Van Vliet admitted it was when her husband asked her to marry him. “You probably wanted a legal compliment,” she laughed, “but that’s not what you asked for.”

As she looks to the future, she has only one simple hope, “to do the best job I can to help my clients.”

“ I happened to really enjoy the intellectual and practical sides of the law. ”

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How to Create Your 2015 Marketing Plan: Setting Objectives and Implementing Your Plan

By Terrie S. Wheeler, MBC

Happy New Year! I would like you make a commitment to complete your marketing plan and actively implement your plan throughout 2015. Conduct discovery and due diligence on your 2014 results. Look at the broader goals you have for your life financially, in your practice, with your family, travel you want to pursue, and overall, how you are going to enjoy the life you are working so hard to build. Now it's time to set objectives and implement a creative and cost-effective marketing plan for 2015.

The Plan: Where you Want to Be

Reflect on the information gathered in the assessment phase. Then, follow these steps to put your marketing plan in place. Next on the docket? Set measurable objectives. Every lawyer in private practice should build their marketing plan around activities that produce high impact results at a low cost. Your objectives should each be specific and measurable and should be built under what I have termed, The Four Pillars of Marketing. After you set objectives, you will then develop the marketing tactics designed to help you achieve each objective. Following are sample objectives with a number of suggestions on how to accomplish each. Marketing objectives serve as the roadmap to achieving your marketing goals for 2015.



Retain and Grow Relationships with Existing Clients and Contacts

Client Satisfaction Objective: Achieve a 95 percent client satisfaction rating with existing clients.

How: Conduct a client survey, schedule client interviews or send end-of-matter surveys.

Client Service Objective: Create replicable processes that define the XYZ law firm way of delivering services.

How: Define your process to serving clients including new client intake, ongoing client service, rapport building with clients, keeping clients informed, and communications via email, voicemail and returning telephone calls. Read "The E-Myth Attorney" by Michael E. Gerber for step-by-step instructions on how to run a successful and lucrative practice.

Cross Marketing Objective: Generate \$15,000 of new business by offering estate planning services to the firm's divorce clients.

How: Introduce our estate planning lawyer to divorce clients at the end of the representation; develop a handout on "The Top Reasons you Need a New Will Post-Divorce."

Referral Source Development Objective: Attract five new referral sources in 2015 that will each generate one client matter or case valued at \$5,000.

How: Assess past referral source traits. Identify where best referrals have come from, tap into contacts on LinkedIn to introduce you to more referral sources like your best. Meet these people. Ask great questions. Be the first to refer business to them.

New Business Development

Networking Objective: Attend at least one networking functions each week throughout 2015 with people who could become clients or refer business to you.

How: Analyze where your best clients have come from. Join an industry group that attracts prospective clients or referral sources. Become an active member. Write and speak for the organization. Remember networking is all about how you can help others succeed.

Targeted Business Development Objective: Identify three to five new clients or referral sources you would like to do business with in 2015.

How: Conduct research to identify people and companies that would be a great fit for your expertise. Search your LinkedIn contacts for connections. Ask your contacts to introduce you. Follow up and follow through. Conduct research on your targeted new clients or relationships.

Proposal Development Objective: Develop a proposal content archive by February 2015 that can be used to respond to new business development opportunities.

How: Develop a proposal response template that includes the sections: Our Understanding of your Needs, Our Approach to Meeting your Needs, About our Team and Fees Proposed. When responding to a

proposal always start with the client and their needs not the firm and its credentials.

Market Research Objective: Conduct market research on each new prospective client or referral source prior to first meeting.

How: Define an objective related to incorporating market research into your practice before meeting with a new prospective client or referral source.

Increase Name Recognition in the Marketplace

Trade and Professional Associations Objective: Research and join one trade association attracting prospective clients or referral sources.

How: Ask clients which organizations they value, join the association, attend meetings, become a high-profile member by writing, speaking and serving as a resource to members. A trade association is a long-term strategy. Make the commitment and stick with it.

Social Media Objective: Become a thought leader on social media by building your base of contacts on LinkedIn to over 500, and posting relevant content using social media a minimum of four times per month.

How: Spend 15 minutes per day focused on building your online reputation. Add contacts, comment on others' content, answer questions, start discussions, congratulate contacts who received promotions and write one blog post per month.

Advertising Objective: Limit advertising budget in 2015 to less than \$1,000.

How: Focus efforts on social media and PR, only advertise in directories for organizations in which you are a member. Make sure you track how clients heard of you when they call in. Chances are they were referred to you versus seeing an ad you placed.

Public Relations Objective: Publish three articles in 2015 that will be read by prospective clients or referral sources; build a relationship with two reporters covering your practice area so they call you as a source.

How: Media outlets are always looking for fresh new perspectives. Create a list of ideal publications, radio or television shows on which you would like to be featured. Write an article outline, send it to an editor with a note on why readers, viewers or listeners would be interested and follow up!

Community Involvement Objective: Secure a board position for a nonprofit organization you support.

How: Research opportunities online, search LinkedIn for others involved in the organization, reach out to your best contacts with your message of wanting to serve on the board. Nonprofit boards love having bright, talented and dedicated lawyers on their boards.

Targeted Communications

Client Communications Objective: Distribute a timely and relevant communication to clients on a quarterly basis.

How: Develop topics that are timely and relevant to



your clients and referral sources. Create content and import your contact list into a communications tool like Constant Contact, Mail Chimp or Campaigner, send the communication and track reader analytics.

E-based Communications Tool Objective: Select and implement a communications tool that will allow me to cost-effectively produce quarterly communications by Feb. 15, 2015.

How: Research the most popular tools and subscribe to one. Research those referenced above.

Website Development Objective: Conduct a comprehensive review of your current website and enhance or redesign a new website by July 1, 2015.

How: Visit websites of other lawyers with whom you compete. Select the elements you like most and create a new sitemap for your website. Solicit bids from qualified companies. Make sure you choose a website developer willing to give you full access to your content for future updates, and who knows the critical importance of writing content with search engine optimization in mind.

Event Planning Objective: Host one client appreciation event in 2015.

How: Pick a date, determine a budget, develop a theme for the event, select the venue, send invitations, host event and follow up with attendees.

Finally, Implement your Plan!

This is the phase where the best laid plans fall short. Implementing your marketing plan is analogous to the commitment you likely made earlier in the month to go to the gym four days a week or to achieve the objectives you have set for yourself physically. Imple-

menting your marketing plan will be accomplished at two distinct levels:

Following up with your Contacts - Remember that 70-80 percent of next year's business will come from your existing clients and contacts. Based on the list of top contacts you created, commit to following up with each person in the first quarter of 2015. Track your efforts in a sales pipeline document so you always have next steps to follow up on. Determine what a logical "win" would be with each person. It might be an opportunity to market together, or an introduction your contact can make for you. Think also about how you can help your contacts including introductions you can make that will help them, or referrals you can make to them. It's a two-way street.

Pursuing Marketing Projects and Activities - As you review the marketing objectives above and the ideas on how to implement each objective, plan your marketing activities as you would a trial or a complex business transaction. Be organized and thoughtful as you consistently focus on reaching the objectives you have set for yourself. Create a tactical implementation plan that tracks the marketing activity, budget for the project, action items and next steps, and the date you would like to complete the project. Most important? Hold yourself accountable to achieving the objectives you have set forth in your plan.

By applying a strategic approach to assessing your practice and developing a marketing plan for 2015, you will be ready to approach 2015 with a roadmap that will lead to the continued growth and prosperity of your practice, and to your continued satisfaction as a lawyer.

Terrie Wheeler, MBC is the founder and president of Professional Services Marketing, LLC. For more information or to sign up for a free webinar visit www.PSM-Marketing.com or call (320) 358-1000.

> **Roy Altman** has joined **Podhurst Orseck** in Miami as a partner and will assist with complicated class actions, mass torts and aviation matters.



Marilee A. Mark

> **Genovese Joblove & Battista, P.A.** is pleased to announce that **Marilee A. Mark** has been named partner in the firm. She concentrates her practice on bankruptcy and insolvency matters in federal and state courts with a particular emphasis on complex bankruptcy, insolvency and commercial litigation.

> **Akerman** has added several new partners in Miami, **James Bombulie**, litigation; **Eric Matthew**, consumer finance litigation and compliance; **Ryan Roman**, litigation; **Larry Ross**, corporate; **Daniel Schwartz**, corporate; **Kenneth Wiggins**, corporate; and **Michael Gennett**, health care.

> **Margot Moss** is now a named partner at **Markus/Moss**, a criminal defense firm in Miami, which was previously known as Markus & Markus.

> **Ruben N. Gottlieb** has joined **GrayRobinson** in the firm's Miami and Ft. Lauderdale offices as a shareholder. Gottlieb focuses on international estate tax law, international and domestic estate planning, estate administration and pre-immigration tax planning.



Ruben N. Gottlieb

> **Aaron M. Dmiszewicki**, **Jesse Daniel Drwas**, **Alexander M. Rattner**, **Andrew E. Vogt** and **Kevin P. Yombor** have joined **Fowler White Burnett** in Miami as associates in the insurance practice group.

> **Jennifer E. Okular** has been named as a shareholder of **The Law Offices of Nelson & Nelson, P.A.**, in North Miami Beach. Okular practices primarily in the areas of tax, estate planning, asset protection planning and probate administration.



Eric Ray Monica Vila Castro

> **Monica Vila Castro** and **Eric Ray** have become partners with **Holland & Knight** in Miami. Castro practices in the areas of appellate litigation and trial support. Ray represents clients in the area of commercial litigation.

> **Thomas Scolaro** has become a named partner at **Leesfield & Partners** in Miami, which will now be known as **Leesfield Sco-**

laro. Scolaro focuses on a variety of complex liability and severe injury cases including negligent security, wrongful death and catastrophic personal injury claims.



Michael J. Higer

> **Michael J. Higer** has joined **Berger Singerman** in Miami as a partner and member of the dispute resolution team. Higer focuses on commercial, business and insurance litigation.

> **Marlon Hill** and **Michelle Delancy**, name partners with **DelancyHill**, have joined **Hamilton, Miller & Birthisel** as partners in the Miami office. Hill is an experienced corporate, intellectual property and government transactions lawyer. Delancy has been a



Marlon Hill & Michelle Delancy

civil trial attorney for 19 years and focuses her practice on commercial litigation matters with extensive experience in complex commercial, construction defense, real estate and administrative litigation matters.

> **Genny A. Castellanos** founded **De Novo Review** in Miami, a company that provides solo practitioners, small law firms and in-house counsel with an experienced appellate associate to handle the appellate process and provide trial support.



Francis Rodriguez

> **Shutts & Bowen** has named **Francis "Frank" Rodriguez** partner in charge of its Miami office. He focuses his practice on general business transactions, with an emphasis on federal and Florida tax issues.

> **Raul Perez Ballaga** and **Chad M. Freedman** have opened **Ballaga & Freedman, LLP**, at 396 Alhambra Circle, Suite 204, in Coral Gables. Ballaga is board certified in real estate law and particularly versed in title insurance matters. Freedman practices in the real estate and corporate arenas, both as a transactional attorney and as a litigator.

> **Boris Lavent** has opened **Lavent Law** in Aventura, dedicated to handling personal injury cases.



Boris Lavent

> **Steven Brodie** and **Amy Furness** have been named co-managing shareholders of **Carlton Fields Jordan Burt's** Miami office. Brodie is a commercial litigator in state and federal courts. His practice includes civil and regulatory litigation and he focuses his work on insur-

ance-related litigation, including coverage, defense and regulatory matters, as well as securities and complex business litigation. Furness represents a diverse clientele including both domestic and foreign corporations. Her practice focuses primarily on commercial, environmental and product liability litigation.

> **Beatriz Osorio** has joined **Gunster** in Miami and is involved in the preparation of employment-based nonimmigrant and immigrant visa petitions, as well as counseling employers regarding their compliance with U.S. immigration laws.

> **Jared E. "Jed" Dwyer** has joined **Greenberg Traurig** in Miami. Dwyer focuses on white-collar criminal matters, criminal and civil tax litigation, complex civil litigation and violations of the Bank Secrecy Act.



Jared E. "Jed" Dwyer

> **Brian W. Chaiken** has joined **Perlman, Bajandas, Yevoli & Albright** in Miami as a partner. Chaiken focuses on business law including corporate structuring, labor and employment, securities and business litigation.

> **Miguel Armenteros** has been elevated to partner with **Bajandas, Yevoli & Albright** in Miami. Armenteros focuses on business and real estate litigation.

> **Giselle Gutierrez Madrigal** has returned to **Stearns Weaver Miller Weissler Alhadeff & Sitterson** in Miami after clerking for U.S. District Court Judge Paul C. Huck.

> **Garrett Nemeroff** has joined the **Law Office of David B. Haber, P.A.** in Miami as an associate. His practice areas are condominium and community association law, construction law, as well as business and real estate litigation.



Garrett Nemeroff

> **Arturo L. Arca** and **Andres Millon** have joined **Roig Lawyers** in Miami. Arca concentrates on fraud (SIU) investigations, personal injury protection (PIP)/no-fault litigation and commercial litigation. Millon concentrates on personal injury protection (PIP)/no-fault litigation.

> **Alejandro Arias** has joined **Holland & Knight** in Miami as an associate. Arias focuses primarily on land use and zoning law.



Alejandro Arias

> **Alex A. Wagner** has joined the **Lamchick Law Group** in Miami as an asso-

ciate focusing on commercial, construction and foreclosure litigation, and real property transactions.



James D. Gassenheimer

> **Maegan Bridwell** and **Patricia Concepcion** have joined **Kubicki Draper** in Miami. Bridwell will focus on handling construction and insurance coverage litigation, as well as premises liability matters. Concepcion will focus on handling personal injury protection and SIU matters.



Steven W. Zelkowitz

> **James D. Gassenheimer** of **Berger Singerman** in Miami has joined the **Patricia and Phillip Frost Museum of Science** board of trustees.



Rolando Sanchez-Medina, Jr.

> **Steven W. Zelkowitz** of **GrayRobinson** in Miami was appointed to the Miami Shores Village planning and zoning board.



Rayfield M. McGhee, Jr.

> **Roland Sanchez-Medina, Jr.**, of **Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado & Preira** has been appointed chair of the Miami-Dade

County School Board's audit and budget advisory committee. **Rayfield M. McGhee, Jr.**, of **McGhee & Associates** in Coral Gables has become vice chair of the committee.

> **Michelle R. Weber** of **Bilzin Sumberg Baena Price & Axelrod** in Miami was elected to the Florida Foster Care Review board of directors.



Scott N. Wagner

> **Bilzin Sumberg** litigation partner **Scott N. Wagner** was recently elected to the board of directors of the Miami Children's Museum.

> **Francesca Ippolito-Craven** of **Kubicki Draper** in Miami was elected to the board of directors of the Academy of Hospitality Industry Attorneys.

> **Emilia A. Quesada** of **Sanchez-Medina, Gonzalez, Quesada, Lage, Crespo, Gomez, Machado & Preira** in Coral Gables has become co-chair of the insurance practice area committee of NAMWOLF.

> **Mindy A. Mora** of **Bilzin Sumberg Baena Price & Axelrod** in Miami was named a fellow of the American College of Bankruptcy.

> **E. Adriana Kostencki** of **Moreno Kostencki** in Miami has become president of the Venezuelan American Chamber of Commerce of the United States.

> **Francisco Ramos, Jr.**, of **Clarke Silverglate** in Miami has been elected to the board of directors of the Defense Research Institute.

> **Andrew M. Leinoff** of **Leinoff & Lemos** in South Miami achieved board certification as a family trial advocate from the National Board of Trial Advocacy.

> Miami-Dade state attorney **Katherine Fernandez Rundle** received the John Edward Smith Award by the benevolent organization Lawyers for Children America in recognition of her advocacy on behalf of vulnerable children, including those who have been victims of human trafficking.

> **Lawyers to the Rescue** presented the following honors during its annual Public Service Awards: 11th Judicial Court Judge **Steve Leifman**, Humanitarian of the Year; 11th Judicial Court Chief Judge **Bertila Soto**, Jurist of the Year; **David Sisselman, Esq.**, Lawyer of the Year; **Ahmad Abuznaid**, Young Lawyer of the Year; **HOPE Public Interest Resource Center**, Institution of the Year; and **Nejla Clavo**, Law Student of the Year.

> **Jorge Luis Lopez, Esq.** and his wife **Marile Lopez**, CFO of **Jorge Luis Lopez Law Firm** were presented with the Charles "Bebe" Rebozo Humanitarian Award by the Boys & Girls Club of Miami-Dade.

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