

Dec./Jan. 2013

Volume 1 Issue 9



Palm Beach County Chapter

The Palm Beacher

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President's Message



Gloria E. Hernandez, CLM
Burlington & Rockenbach, P.A.
geh@flappellatlaw.com

HAPPY NEW YEAR! I wish all of you a very happy and prosperous 2013! Looking back, it is amazing how much our Chapter has accomplished this past year. Do you remember all the events? Let me recap the highlights for you...

In March, we hosted a Hawaiian themed Legal Expo that was well attended by our members and business partners.

April found us in Hawaii collecting our Gold Level Chapter Award at the Annual National Convention.

June ushered in PBCALA's First Annual Golf Tournament held at the PGA National Resort, which was a tremendous

success by raising over \$27,000! Also in June, in partnership with our Sunshine City business partner, the Chapter awarded \$1,000 scholarships to three of our members' college bound children.

July found us having fun at our social at Duffy's in Palm Beach Gardens.

The Chapter hosted a special seminar in August with over 200 attendees!

September was also a busy time for our members with some attending the Region 2 Conference held in Atlanta, GA; while others participated in Keiser University's Career Fair.

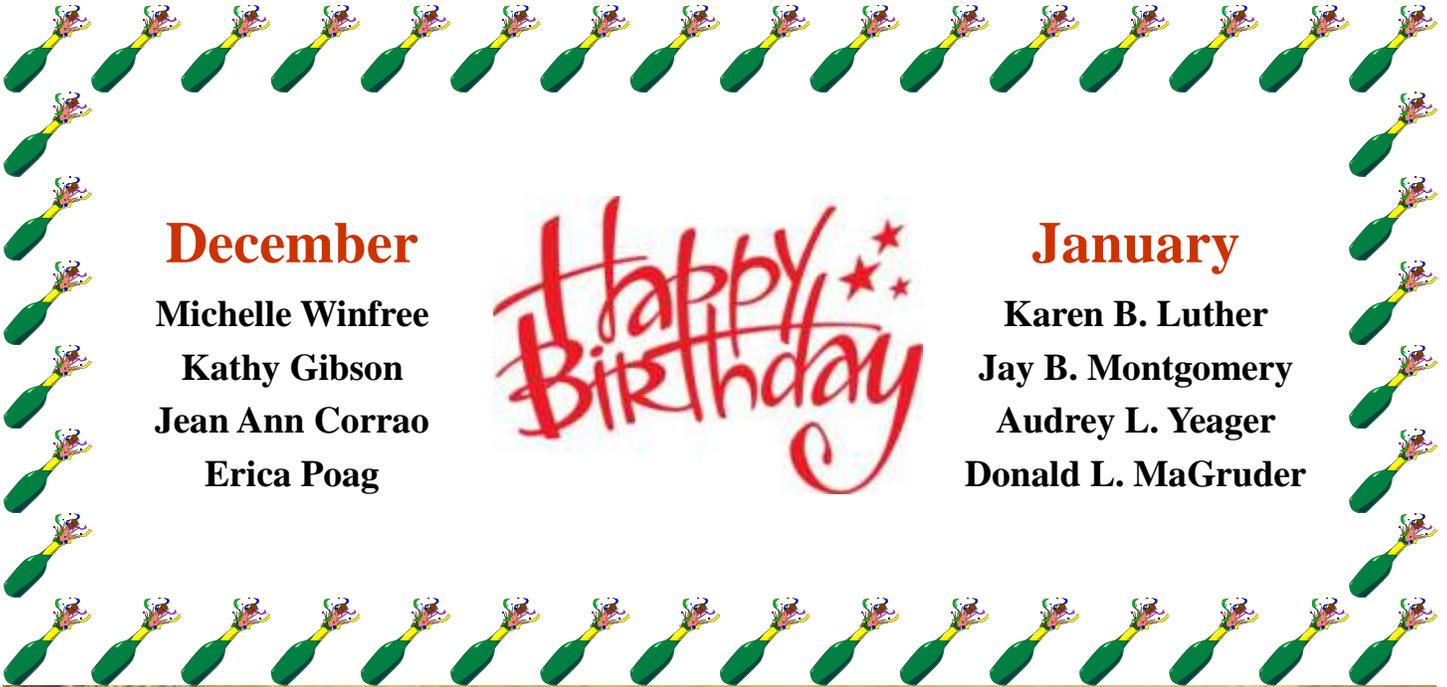
October ushered in our attorney appreciation luncheon with guest speaker former Senator George LeMieux.

In November, our members ratified the new Chapter Bylaws to conform with ALA's Bylaws.

Last, but certainly not least, our fabulous Holiday Party in December at the Grandview Gardens Bed & Breakfast!

What a year 2012 has been for the Chapter! Let's work together to make the new year even better!

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December

Michelle Winfree
 Kathy Gibson
 Jean Ann Corrao
 Erica Poag

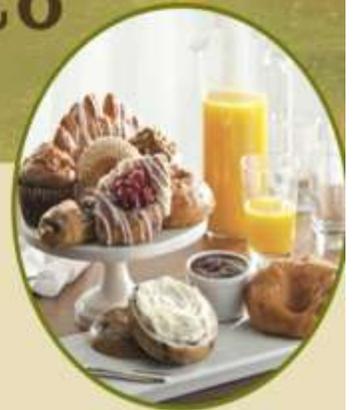
*Happy
 Birthday*

January

Karen B. Luther
 Jay B. Montgomery
 Audrey L. Yeager
 Donald L. MaGruder



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2013 Schedule

January 16, 2013

Microsoft Office ®
Tips & Tricks for Law Firms (OM)

February 20, 2013

Profitable Law Firms:
There's No App for That (FM)

March 20, 2013

Initiating Alternative Fee Arrangements (FM)

April 17, 2013

Mentoring: It's Déjà Vu All Over Again (LI)

May 15, 2013

Marketing (Mis)Alignment: Closing the Gap
Between Marketing and Law Firm Leadership (LI)

June 19, 2013

Leveraging Technology for Small Firms (OM)

July 17, 2013

Negotiate the Lease:
Manuever the Maze of Real Estate Options (OM)

August 21, 2013

Financial Reporting Methods
that Allow Intelligent Business Decisions (FM)

September 18, 2013

Forecasting the Realistic Budget (FM)

October 16, 2013

Saying the Hard Things with Aloha (CM)

November 13, 2013 (2nd week of November)

The Ethics of Email and Social Media (LI)

All programs are conducted in a
convenient one hour format.

WEBINAR
Wednesdays



A New Year of ALA Webinars!

Mark the 3rd Wednesday of the month
on your calendar for ALA Webinars.

2013 Pricing

\$179 for non-members, \$129 for members

Great Ways to Save:

Yearly Pass

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by ordering all 11 Webinars in advance.
Purchase before February 15, 2013.

Coupon Bundle

Save more than \$150
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Holiday Party...

Grandview Gardens Bed & Breakfast

www.grandview-gardens.com



The holidays got a kick start with the Chapter's annual participation in the Salvation Army's Angel Tree program. Members and business partners came together at the Grandview Gardens Bed and Breakfast on December 8th to help 125 kids have a terrific holiday season!



Holiday Party Cont...



**Erin Fisher
Gloria E. Hernandez
Lana Goldstein**



**Kanlaya and Chris Wilson
Mary Aguiar**



Laura Stolzman and Debbie Giordano



Erica Poag and Sherry Zabriskie



**L-R: Ilene Bennett, HALO,
Steve Laskowitz, LanInfotech,
Marilyn Fong, MaryEllen Castellano
Michael Goldstein, LanInfotech**

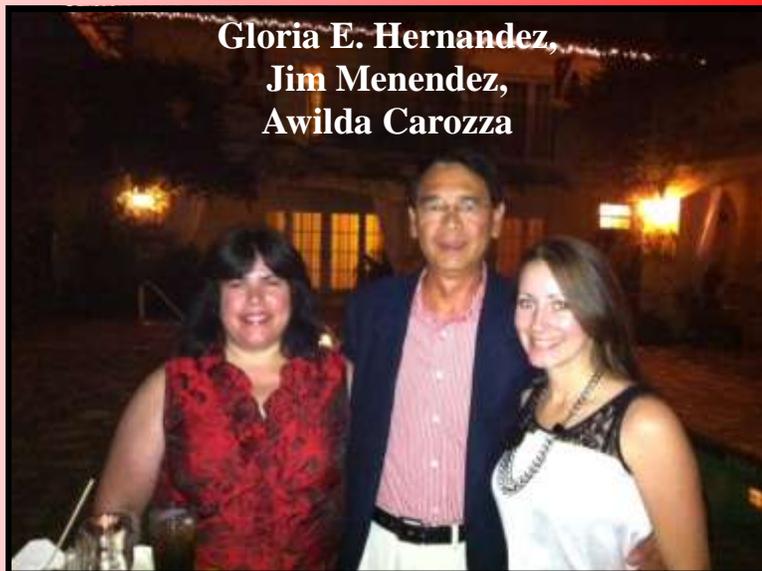


Bill Sayers Eden DiGregorio

Holiday Party Cont...(So much fun!)



**Audrey Yeager
David True**



**Gloria E. Hernandez,
Jim Menendez,
Awilda Carozza**

*Happy
Holidays*



**Elizabeth Houlihan of
Keiser University and
Jim Menendez**



Michele Parcels

Holiday Party Cont...(Really had fun!)

The Chapter in conjunction with its Barefoot Mailman business partner, Integrated Data Technologies, presented Vinceremos Therapeutic Riding Center with a check for \$27,500 from the Chapter's First Annual Golf Tournament!



L-R: Dawn Tasca, Jim Menendez, Ruth Menor, Debbie Giordano, Gloria E. Hernandez, Laura Stolzman and Rick Gallo of Integrated Data Technologies



**Laura Stolzman,
Deb Moore and Susan Jennings**



Marilyn Fong and Ruth Menor

Nominations for members of the Board of Directors were accepted and voted on at our January 8th meeting. The members of the Board of Directors for the 2013-14 term are:



- | | | |
|--------------------------|---|--|
| Debbie Giordano | - | President |
| Sue Recchia | - | Vice President |
| Marilyn Fong | - | Treasurer |
| Lori DeMayo | - | Secretary |
| Gloria Hernandez- | | Immediate Past President |
| Dawn Tasca | - | Past² President (not pictured) |

Congratulations!

**Susan B. Williams, Office Administrator
Fox Rothschild LLP**

New Member!

Susan is currently the Office Administrator at the West Palm Beach Office of Fox Rothschild LLP. She has been a member of NYC chapter of the ALA since October 2001. Susan was formerly the Office Manager at Constantine Cannon LLP in New York City from 2007-2012; and prior to that she was the Office Administrator at Wolf Popper LLP from 1998-2007, also in New York City. In addition to her office management experience, Susan has significant background in the litigation support arena. She is married to Scott Williams, and enjoys spending time with her family and friends, and her two dogs.

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January Meeting Recap

Our first meeting of the year included a panel of the Chapter's business partners speaking on the topic of professional liability insurance. The panel consisted of Missy Van Vurst of Brown & Brown Insurance; Brian Kouwenhoven of Kouwenhoven & Associates; and Vern Barclay of Thaxton Barclay. They discussed the intricacies of the application form and what to do when presented with a possible claim against an attorney or the firm.



Luncheon sponsored by



Firms Grow Bolder About Suing Clients for Unpaid Legal Fees

By Christine Simmons
New York Law Journal

Suing clients for unpaid legal fees could become routine as firms are growing more assertive about collecting overdue bills.

"There was a time when a lot of firms would feel it was unseemly to bring an action against a client" regardless of the amount owed, said Martin Wasser, a partner at 75-lawyer Phillips Nizer. "I think that's changed."

"Firms are more aggressive in following up with bills than they've ever been," said Wasser, whose firm is among the many that have filed suit to collect fees from former clients this year.

The New York Law Journal reviewed law firm collection suits against former clients filed in the past two months in Manhattan Supreme Court. Each week, between three and seven such suits were filed during the period.

Several attorneys said lawsuits are a last resort and that whether to sue a client is decided on a case-by-case basis depending on factors such as the amount owed, the length of the relationship and whether the client can afford to pay.

The fee suits were brought by large and small firms, and boutiques and solo attorneys who have pursued amounts ranging from a few thousand to hundreds of thousands of dollars or more.

On one day in September, Epstein Becker & Green filed four complaints against former clients, seeking a collective \$390,000. The legal services provided to clients ranged from litigation to loan and corporate advice and general legal work.

Epstein Becker's former clients included a T-shirt vendor owing \$80,438; a cable company owing \$53,335; a produce wholesaler with bills totaling \$55,138; and four individuals owing a total \$198,946, according to the complaints.

Epstein Becker also has filed at least three other collection suits this year, those totaling about \$176,070, according to court documents.

"We only file collection actions after very deliberate and careful consideration, and we do not file often. The filing of more than one case on the same day was simply the culmination of a lengthy

review process coupled with post-summer scheduling," said Marichelli Hughes, a spokeswoman for Epstein Becker.

Not all fee disputes wind up in court. The number of cases closed in arbitration and mediation programs overseen by the state court's Attorney-Client Fee Dispute Resolution Program increased to 1,179 last year from 579 in 2004. The figures don't capture disputes going to private ADR providers.

Generally, attorneys can't file suit against clients who have chosen to use the ADR program. The amount in dispute must be between \$1,000 and \$50,000, although it could be more if the attorney and client consent to arbitration.

Daniel Weitz, coordinator of ADR for the state court system, said he believes the rising caseload is likely due to the program's increased exposure over the years, rather than a struggling economy.

Malpractice Counterclaims

Shari Klevens, a McKenna Long Aldridge partner in Washington, D.C., and Atlanta who represents malpractice insurers and firms sued for malpractice, said she believes the number of suits against clients is increasing because of the economic environment, where firms are less likely to let go of a large fee.

But she said she doesn't recommend litigation as a first step.

"As soon as you say 'you didn't pay it,' they say 'well the work isn't good,'" Klevens said.

Malpractice claims are brought against firms in 42 percent to 47 percent of cases where the firm has sued for fees, Klevens said. Firms also face the risk of forfeiture or disgorgement if the client claims the legal services didn't meet the appropriate standard, she said.

The number of suits against former clients tends to increase at the end of the year when firms try to wrap up their collections, she said.

"Clients who are not paying are identified in the third quarter" and through the fourth, she said.

(Continued on page 13)

Firms Grow Bolder (Cont.)

Klevens said the ratio of reward to costs of suing should be less than 2:1, regardless of the size of the firm. For instance, if a firm is seeking \$3,000 in fees, the cost to pursue the fees should be less than \$1,500.

Klevens said that in her experience, most litigation settles, with the firm accepting a discounted fee.

Firm Factors

Howard Koh, of 50-attorney Meister Seelig & Fein which has sued clients for fees in the last year, said that before initiating litigation, the firm considers the client's ability to pay, what the firm considers to be the value of its work, the client's expectations of cost and the risk of counterclaims.

"If we honestly and genuinely believed we had not served the client well, we would not bring suit," Koh said. "When we bring a lawsuit we have made a decision that despite what the client may say after the fact, no malpractice occurred."

Koh drafts and oversees collections suits at his firm in addition to his commercial litigation practice.

"It's not the most glamorous but it's the straw I drew," Koh said. Time spent on these cases, he recognized, is "time that could be spent billing existing clients and generating revenue that way."

While the firm has no set guideline for how long it waits to be paid, Koh said, "any invoice that's been outstanding for more than two months is fair game" to initiate collection efforts.

Paul Goldberger, of three-attorney Goldberger & Dubin, which recently filed suit against a former client for \$8,800, said if the firm knows a client is in financial difficulty, it may let the bill pass.

"But somebody who does have the financial means to pay the bill they've committed to, then they've got to pay," he said.

Overall, lawyers "are much more aggressive about collecting money," he said. "The economy is part of it. I just think that people feel like we've put in the time and business isn't great. Now I want to get paid."

Judd Burstein, who runs a three-lawyer litigation boutique, recently filed suit for \$2 million against a former client.

"This was an extreme situation," he said. "I wasn't going to walk away from that kind of fee based upon what I thought was a flatly wrong interpretation of our agreement."

In billable hour cases, Burstein said he takes a retainer and requires the client to replenish the retainer at certain points so he's always significantly ahead of the client on fees, he said.

"The simple rule is this: I would never think about suing a client for fees unless I was owed a significant six-figure amount. And the way I run my practice, that's almost impossible," Burstein said.

Wasser, from Phillips Nizer, said that before suing, the firm would consider the amount owed, any good faith efforts made to pay and the quality of the relationship with the client.

Most of the time the firm has filed collection suits, it recovers most or near the amount it was seeking, said Wasser, chair of the firm's finance committee, which authorizes every fee suit.

While his firm has taken part in the courts arbitration program, Wasser said the process is slow because of volume and it can take months for an arbitrator to be assigned and a conference to be set.

He noted that most law firms today send partners daily emails on billing and collections.

"There's more pressure in general and more oversight," Wasser said.

Solo practitioner Sanford Young, who represents clients in fee disputes with their former attorneys, said some firms are very deserving of the funds they are seeking, while others are not. Most of the fee disputes he handles arise from matrimonial cases, he said.

"There are many cases in which firms overcommitted. They did things in the case and put in time and effort that was not commensurate with what the case was worth and deserved," Young said.

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Tom Lowe
Wells & Drew

IN MEMORIAM

SOMEWHERE

Somewhere beyond the sunsets end
The skies are bright and fair
No shadows dim, no darkness falls
The land is peaceful there

Someone with the power to heal
To guide and understand
Is waiting there to claim our fears
And take us by the hand

So when a dear one heeds the call
Our hearts should be at rest
For there beyond the rainbow end
A loving God knows best

~ Unknown ~

Membership Application

I hereby apply for membership in the Palm Beach County Chapter of the Association of Legal Administrators as either 1) a Regular Member or 2) an Associate Member. Membership criteria are defined on the following page.

- 1)
 - a) I have completed the application for membership in the National Association of Legal Administrators and returned, along with appropriate dues to Association of Legal Administrators, 75 Tri-State International, Suite 222, Lincolnshire, IL 60069-4435.
 - b) I am currently a member in good standing of the National Association of Legal Administrators. Member No. _____
- 2)
 - a) Check payable to Palm Beach Chapter Association of Legal Administrators. *Please mail c/o Michele Parcels, Office Administrator, Nason, Yeager, Gerson, White & Lioce, P.A., 1645 Palm Beach Lakes Blvd., Ste 1200, West Palm Beach, FL 33401.

Annual Dues\$150.00 _____

*NOTE: Annual PBCALA dues will be prorated based on the date you join.
(First quarter 100%; second quarter 75%; third quarter 50%; fourth quarter 25%)

Luncheons / Yearly – inc. 10% Discount (optional).....270.00 _____

(Does not include March or December)

Total Due \$ _____

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PHONE: _____

(Office) (Direct Line) (Cell) (Fax)

BIRTHDAY (month & day only): _____

MANAGING PARTNER’S NAME: _____

NUMBER OF ATTORNEYS: _____ NUMBER OF STAFF: _____

PRACTICE AREAS: _____

FIRM’S WEB ADDRESS: _____

WHAT TIME MANAGEMENT SOFTWARE DOES YOUR FIRM USE? _____

NAME OF PERSON WHO REFERRED YOU TO ALA (if applicable) _____

WOULD YOU BE INTERESTED IN SERVING ON A COMMITTEE? _____

DATE

APPLICANT’S SIGNATURE





Palm Beach County Chapter

BOARD OF DIRECTORS

The Association of Legal Administrators (ALA) was formed in 1971 to provide support to professionals involved in the management of law firms, corporate legal departments and government legal agencies. ALA provides educational opportunities and services to more than 10,000 members representing more than 5,300 employers in 21 countries. ALA is structured into six regions with more than 100 chapters in the United States, Puerto Rico, Canada and New Zealand.

- Gloria E. Hernandez, CLM, President
- Debbie Giordano, Vice-President
- Marilyn Fong, Treasurer
- Sue Recchia, Secretary
- Dawn Tasca, Immediate Past President
- Jim Menendez, CLM, Past Past President

ALA’s mission is to improve the quality of management in legal services organizations; promote and enhance the competence and professionalism of legal administrators and all members of the management team. The Association’s members are law office administrators who manage such areas as finance, human resources, systems and technology, facilities, marketing and practice development.

Please contact:
 Michele Parcels, Membership Chair
 for membership information
 (561) 686-3307
 mparcells@nasonyeager.com

Calendar of Events

- January 8, 2013** **Member Luncheon - Liability Ins. Panel Discussion**
- January 22, 2013** **Board Meeting**
- February 12, 2013** **Member Luncheon - Speaker: Henry Smith, Esq.
Topic: Patient Protection and Affordable Care Act (Obamacare)**
- February 26, 2013** **Board Meeting**
- March 22, 2013** **Legal Expo at PBC Convention Center**
- March 26, 2013** **Board Meeting**
- April 9, 2013** **Member Luncheon
Installation of new Board of Directors**



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If you have news you'd like to see included in the newsletter, please email