

NOTABLE ACHIEVEMENTS

For these standout lawyers, it was all about the client

Every year, the Daily Business Review selects the Most Effective Lawyers of South Florida.

This year, in its seventh annual special report, the Review is recognizing the work of 85 attorneys in 14 categories: class action, complex/business litigation, corporate securities, real estate, bankruptcy, international, criminal, appellate, public interest, pro bono, medical malpractice, personal injury, product liability and probate.

Lawyers recognized in this project include those who reached a \$410 million settlement with the Bank of America on overdraft charges, retried a notorious child-murder case 21 years after the crime, dealt with a complex international real estate insolvency and challenged the denial of housing vouchers to elderly and disabled people.

The attorneys were measured on one critical benchmark: results for the client. Other criteria included obstacles overcome, impact on public policy and business interests, and the professional track record of the nominees.

The Most Effective Lawyer recognition program is designed to identify highlights from the vast body of work delivered each year by South Florida attorneys who serve clients in the private and public sectors.

The program is not a popularity contest, nor is it based on anonymous surveys. Selections are made by the editors after a rigorous evaluation process.

MOST EFFECTIVE LAWYERS 2011

The Review's editors conducted a three-month selection process that focused on client outcomes and the complexity of cases.

The process of selecting the Most Effective Lawyers began with hundreds of nominations in more than a dozen practice areas. Only South Florida lawyers qualify for results achieved from October 2010 through September 2011.

An initial cut was made to eliminate nominations that were incomplete, did not meet the criteria or clearly did not belong in this recognition program. The Review's research director reached out to many of the nominees for information to buttress their nominations.

The editors then scored the nominees before meeting to select the semifinalists.

Once the semifinalists were identified, reporters and freelance writers furthered the research process to gather more details about the cases. With the assistance of this additional reporting, editors selected the finalists.

Some of the categories that proved to be the most competitive this year were civil/complex business litigation, criminal justice, real estate, appellate and public interest.

The editors reconvened in November to finalize the selection of this year's Most Effective Lawyers — one case in each category.

Still, all of the lawyers featured in today's special report — whether they are finalists or ranked at the top of their categories — deserve recognition. All of the selections published here represent significant victories on behalf of clients, the ultimate measure for any lawyer.

— The Editors

FINALISTS**Attorney scores victory for minors who were in need of representation****Stephen F. Rosenthal**
Podhurst Orseck

When probate judges strictly enforce the rules, it can be difficult for children needing guardians to exercise their rights. Stephen Rosenthal's victory before the 2nd District Court of Appeal may reverse that.

In a victory of the spirit of the law over the letter of the law, the Lakeland appellate court ruled a trial court should have given a reasonable amount of time for three minor children to obtain a property guardian. They needed one to be able to vote to choose the personal representative of their father's estate.

The probate issue arose out of a wrongful-death case. Thomas Scott Long was single when he died intestate in a crop-duster crash. Long, who had married twice, had two adult children and three minor children — his only legal heirs.

The adult children agreed to have their aunt, Robin Willis, appointed as personal representative. After the statutory deadline expired for selecting the representative, Renee Long, mother of the three minor children, filed documents seeking her own appointment and trying to prevent the court from issuing letters of administration to Willis. Long claimed she missed the deadline because she was

**Stephen F. Rosenthal**

served during the holidays.

The probate court denied her objection and petitions as untimely and because she was not the court-appointed guardian of the property.

Disputes over who would serve as personal representative “happen more often than you think, especially in fractured families,” Rosenthal said.

Long believed she was in the best position to represent her children.

The 2nd DCA recognized that possibility as well: “It is likely, given the dynamics of this family and the pending wrongful death action, that this estate needs a personal representative who can adequately consider the interests of all five children, but the probate court effectively disenfranchised the three minor children under circumstances where they should have been given an opportunity to vote for the personal representative.”

While a parent does not have statutory preference to serve as personal representative, a parent may raise objections on behalf of a minor child — even if filed after the procedural deadline — because of the “significant procedural impediments” involved for a minor to participate, the appeals court found.

The decision provides guidance for probate courts, which should give parties reasonable time to obtain a guardian.

Rosenthal was pleased with the outcome he obtained for his client. “The rules are designed to serve the rights of the people, and these were children in this case who deserved their day in court.”