



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

April 2009



Mark your calendar for upcoming Membership Meetings

Justice Jorge Labarga Investiture

April 6, 3:00 p.m.
FL Supreme Court, Tallahassee

Good Friday – Court Holiday

PBCBA Office Closed

North County Section Dinner at Saito's

April 16, 5:30 p.m.

Annual Law Week Judicial Reception

April 22, 5:30 – 7:00 p.m.
The Harriet at City Place

Lawyers vs. Judges Softball Game

April 25, 9:00 a.m.
John Prince Park

Law Day Luncheon

May 1, 11:45 – 1:00 p.m.
Guest Speaker: The Honorable James Martz

Leadership Seminar

May 8, 8:30 – 1:00 p.m.
Bar Association Office

Dinner Honoring Justice Jorge Labarga

May 12, 5:30 – 7:30 p.m.
Marriott West Palm Beach

Texas Hold 'Em Happy Hour Event

May 19, 5:30 p.m.
Mar Iguanas (formerly Gatsby's)

Annual Installation Banquet

June 20, 7:00 – 12 Midnight
The Breakers in Palm Beach

Joint Luncheon with FAWL and Cunningham Bar

September 24, 11:45 – 1:00
Guest Speaker: FL Supreme Court Justice Peggy Quince
Marriott West Palm Beach

Bench Bar Conference

February 19, 2010
Palm Beach County Convention Center



Judge James Martz to speak at May 1 Law Day Luncheon

We are very pleased to present our very own Judge James Martz as this year's Law Day luncheon speaker. The meeting will be held on Friday, May 1 from 11:45 – 1:00 at the Marriott West Palm Beach. Judge Martz will discuss some of his international efforts in teaching emerging democracies how to fight corruption and reinvigorate the rule of law.

In 1996 Jim began a two year project working with the war crime tribunals of the former Yugoslavia and Rwanda. His efforts entailed the reinvigoration of the rule of law in these two regions, where mass genocide was being investigated and prosecuted. The efforts focused on increasing public awareness and implementing systems to increase efficiency to handle the large number of crimes being investigated. This work included establishing public/private collaboration for the automation of the information systems within the tribunals and the communications between the United Nations in New York, Europe and Africa. Donations from corporate sponsors were estimated to exceed two million dollars in equipment and services.

This past year Jim assembled and led a Diplomatic Delegation, at the request of the Attorney General of the Commonwealth of the Bahamas and the United States Ambassador to the Bahamas to assist them in addressing an explosion of criminal activity resulting in a critically high crime rate highlighted by a homicide rate that is ten times that of Palm Beach County. The Delegation met with the Chief Justice, Attorney General, Appeals Court, Police Department, Defense Attorneys, and community and business groups to evaluate and formulate recommendations for reformation of the Bahamian Justice System. Jim was also part of a team of four judges and elected legislators who traveled to the CEELI Institute in Prague, Czech Republic to teach emerging democracies in Eastern Europe how to fight corruption in their Ministry of Justice and Courts systems. These efforts will continue later this year with Montenegro as the process of refining the democratic rule of law evolves in the region.

Don't Forget to Vote!

This year's election for Board directors will be conducted electronically. An email will be sent to all members in good standing. **Please be sure to set your spam filters to preapprove anything from ballotboxonline.com.** Voting will take place through April 17 through April 27 at 5 p.m. Winners will be announced via e-mail and will be posted on the Bar's website. There are eight members running for five director seats: C. Wade Bowden, John Howe, Scott Haft, Greg Huber, Walter "Casey" Jones, Grier Pressly, Adam Rabin and John Whittles.

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THE
BULLETIN

**PALM BEACH COUNTY
BAR ASSOCIATION**

RICHARD D. SCHULER
President

www.palmbeachbar.org

PATIENCE A. BURNS, CAE
Executive Director

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Board of Governors Representatives**

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1601 Belvedere Road, Suite 302E

West Palm Beach, FL 33406

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The mission of the Palm Beach County Bar Association is to serve its members, foster professionalism and enhance the public's understanding and awareness of the legal system.

LETTERS TO THE EDITOR

The Palm Beach County Bar Association Bulletin welcomes your comments on topics relating to the law, the legal profession, the Palm Beach County Bar Association or the Bar Bulletin. Letters must be signed, but names will be withheld upon request. The editor reserves right to condense.



Send letters to:
EDITOR Bar Bulletin
Palm Beach County Bar Association
1601 Belvedere Road, #302E
West Palm Beach, FL 33406

Volunteers needed to serve on committees

This is the time of year that the president-elect, Michelle Suskauer, will begin working on appointing volunteers to serve on the various Bar committees. Your involvement is essential to the success of this organization. Please give us the benefit of your ideas and talents by volunteering to serve on one or more of our committees. If you are **currently** serving on a committee, please be sure to **fill out** the form to indicate your willingness to **continue** serving. Committee preference forms were recently e-mailed to all Bar members. Additionally, the form is also available on-line at the Bar's web site – www.palmbeachbar.org. Please take the time to volunteer to serve YOUR Bar Association.

Save the Date - Annual Banquet!

Mark your calendar now for the **PBCBA's Annual Installation Banquet** which has been scheduled for **Saturday, June 20** at the Breakers Hotel in Palm Beach. A reception will be held from 7:00 - 8:00 p.m. with dinner and dancing immediately following.



Dues Statements Mailed

Annual membership dues statements have been mailed to all PBCBA members for fiscal year 2009-2010, which begins July 1. If you did not receive a bill, contact Shoshanah at the Bar Office (687-2800) or spence@palmbeachbar.org. Please take a moment to see a list of the many benefits of remaining a member on page 4.

Schwab & Enright to serve as Law Week Co-Chairs



Maureen Martinez-Schwab and Kim Rommel-Enright have been named as co-chairs for Law Week, April 27 – May 1. Hundreds of lawyers are expected to volunteer to present mock trials in elementary, middle and high schools; serve as guest speakers; answer calls during 21 hours of Dial A Lawyer; present legal education seminars; and be guides during three days of Shadow a Judge at the Courthouse. If you would like to volunteer, please contact Lynne at the Bar Office at 687-2800.

Save the Date! Dinner Honoring Justice Labarga May 12

Be sure to put May 12 on your calendar for a dinner honoring Florida Supreme Court Justice Jorge Labarga. The meeting will begin with cocktails at 5:30 with dinner and a roast at 6:30. The dinner will be held at the Marriott West Palm Beach.





Clerks v. Courts (or Really the State of Florida?)

By **Richard D. Schuler, President**

For those of our members who don't read the *Daily Business Review*, but who practice law in almost any specialty, you need to familiarize yourselves with House Bill 1121 and Senate Bill 2108 pending in the Florida Legislature. The question is: will this legislation make our Court System and Clerk more efficient with better use of our limited economic resources or is it a "wolf in sheep's clothing" which, under the pretense of economy and helping to relieve the Court's funding crisis, will provide an avenue for the State to funnel more local money into its coffers?

The Courts' Position

- 1) This legislation is supported by the Chief Judges of all Circuits and by all Justices of the Florida Supreme Court. It is sponsored by two "political heavyweights" - former Senate President Pruitt and Representative Bogdanoff.
- 2) It is in keeping with Chief Justice Quince's "Seven Principles for Stabilizing Court Funding" – namely principle 2: User fees should be dedicated to the Court System and not other areas of government, and principle 7: Court filing fees should go into Court trust funds.
- 3) Clerk's budgets have grown 33% to \$539 million in the last four years compared with 13% to \$433 million for the Courts.
- 4) The clerk's budgets are not approved by the legislature and need more oversight.
- 5) Some Clerk's duties that are really "court-related" services, (some of which were previously handled by the Courts years ago) such as case maintenance, records management, the assignment, reopening and re-assignment of cases; processing jurors, collection and distribution of fines, fees, service charges and court costs should be shifted to the Courts to help streamline the process and save money.

The Clerk's Position

- 1) The Courts' numbers are not accurate. Clerk spending has increased by only 13.7% over the last four years. The figures quoted by the Court are for budgeted amounts, not actual spending.
- 2) There is oversight to Clerk's budgets. Statutorily (F.S. 328.35-37). Clerk's budgets are submitted to the Clerk of Court Operations Corp., a subsidiary of the State, which certifies them using the process approved by Florida's Chief Financial Officer (currently Alex Sink) who then certifies the budgets to the heads of the Florida Legislature and Department of Revenue by 10/15 of each year.
- 3) The Clerks provide services to the judiciary, attorneys, other agencies and the public. The services must still be provided regardless of who is in control. There is no cost savings whether the services are provided through the auspices of a Court Administrator or the Clerks' office.
- 4) The Clerk's role as a Constitutional independent record keeper, elected by the public, is important in protecting the integrity of public records and public funds.

The Palm Beach County Bar Association can take no stand with respect to legislation due to its non-profit status. I think most of our members would agree with me, however, that this is important legislation that will impact our practices and we need to be as knowledgeable as possible about the consequences of these bills. In the 15th Circuit, we have great Judges and a great Clerk, so no matter what, we know they will work together to make the best of whatever situation prevails. The Courts have managed jurors and distributed revenues before with great precision. However, there is a lingering concern that State legislators, having already raided the tobacco trust fund to meet State budget shortfalls, would be tempted to do the same with Court trust funds. Now, this would be difficult to do with the Clerks since they are independently elected constitutional officers.

Ultimately, and maybe by the time this article goes to press, there will be compromise on these issues instead of adversity. After all, the public should expect nothing less than that our public servants - legislators, Judges and Clerks alike, will want to provide the best and most economically efficient judicial system possible – with access to all – not just those that can afford it. As someone once said: we don't need cash register justice.

Board of Directors Meeting Attendance

July Aug Sept Oct Nov Dec Jan Feb
Retreat

Guari	X	X	X	X	X	X	X	X
Howe	X	X	X	X		X	X	X
Martinez-Schwab	X	X	X	X	X	X	X	X
McCabe	X	X	X	X	X	X	Jenks	X
Poulton	X	X	X	X	X	X	X	X
Rabin	X	X	X	X	X	X	X	X
Sasser	X	X	X	X	X	X	X	X
Schuler	X	X	X	X	X	X	X	X
Suskauer	X	X	X	X	X	X	Phone	X
Weiss	X	X	X	X	Phone	Phone	X	X
Whittles	X	X	X	X	X	X	X	X

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(561) 687-2800, Eva Gray
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Client Referrals (561) 687-2800
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Bar welcomes Justice Scalia



United States Supreme Court Justice Antonin Scalia pictured with our Board of Directors before addressing more than 700 at the Kravis Center.



Members Larry Buck, Marybel Coleman and James Sweet purchased autographed books.

*It is with profound pride and respect that
David Roth and Douglas Duncan of
Roth and Duncan, P.A.,
Congratulate our dear friend for life and
former long-time partner,*

Jorge Labarga

Upon his appointment to the
Florida Supreme Court on
January 2, 2009.

Roth and Duncan, P.A.

515 N. Flagler Drive, Suite 325
West Palm Beach, FL 33401

561-655-5529

561-655-7818 FAX



Palm Beach County Bar Association LEADERSHIP FOR LAWYERS SEMINAR

Friday, May 8, 2009 - 8:00 a. m. - 1:15 p.m.

Palm Beach County Bar Association Office, 1601 Belvedere Road, Suite 302E, West Palm Beach

This program is designed to help attorneys develop the skills necessary to become leaders with respect to professional, ethical and community service issues with a goal of raising the overall professional standards of lawyers in the community.

Program Schedule

- 8:30am - 9:00am** **Late Registration**
- 9:00am - 9:10am** **Welcome and Opening Remarks - Michael J. Napoleone, Richman Greer, Chairperson**
- 9:10am - 11:15am** **Five Themes of Leadership: The Hard Science and Soft Skills You Need to be a Great Leader**
Great leaders know that leadership encompasses far more than mere technical or administrative expertise. And just like other skills, leadership skills must be constantly refined and improved to meet the challenges of a rapidly changing world. Great leadership involves communication and listening, coaching, giving feedback, team building, delegating, resolving conflict and self-management. You'll leave this presentation understanding what it takes to be a truly great leader.
Nora Riva Bergman, Practice Advisor, Atticus, Inc.
- 11:15am - 11:30am** **Break**
- 11:30am - 12:30pm** **Lead, don't follow: Panel Discussion about the importance of taking on a leadership role, the benefits of leadership and involvement, and building your reputation. - The Honorable Patricia A. Seitz, U.S. District Court—Southern District of Florida and past Florida Bar President; Senator David Aronberg; The Honorable Peter D. Blanc, 15th Judicial Circuit; Scott G. Hawkins, Florida Bar Board of Governors; and the Honorable Edward Rodgers, Retired, 15th Judicial Circuit**
- 12:30pm - 1:15pm** **Lunch and Dessert Reception**

This course is expected to receive 3.5 CLER and ethics credits pending from The Florida Bar.
Early Registration Fee: \$75 per person; \$50 for Government Attorneys if registered by 5/5/09;
Add \$25 to registration fee after that date.

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

___ Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.



Name: _____ **Telephone:** _____
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Name on Credit Card: _____ **Signature:** _____
Credit Card #: _____ **Visa** __ **Amex** __ **MC** __ **Exp. Date:** _____ **Amount \$** _____

___ I will not be able to attend the seminar but would like to order the CD (cost same as listed above/please allow two weeks for delivery) (Leadership Seminar 5/8/09.)

Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.



Anti-Dumping Statute

by Ted Babbitt

Fla. Stat. 395.1041 was enacted July 1, 2004. The introduction

describes the Legislature's concern that every citizen in need of emergency services has it provided by the hospitals of this state. Sec. 3 requires every hospital with an emergency department to provide emergency care and prohibits a hospital from turning away any patient based upon any extrinsic factor including the patient's inability to pay for the services. The statute expressly requires every hospital to have a physician available within every specialty for which the hospital provides service or make alternative arrangements with physicians or other hospitals for the provision of any emergent care in that specialty. The statute provides for the revocation of the hospital's license, a fine and for a civil action by any person who suffers personal injury as a result of the violation of the statute. In addition to damages, any person bringing an action under this statute is entitled to recover reasonable attorney's fees.

The recent slip opinion of St. Joseph's Hospital, Inc. v. Cintron, 34 Fla. L. Weekly D99 (Fla. 2nd DCA, Jan. 16, 2009) answers a number of questions about an action brought under the statute. In that case, a writ of certiorari was sought by the defendant hospital because the trial court denied a motion to dismiss based upon the plaintiff's failure to follow the presuit screening requirements set forth in Chapter 766 of the Florida Statutes. In addition, the instant action was filed more than two years after the events complained of and thus would be barred by the medical malpractice statute of limitations. The question before the District Court was whether or not an action brought under Fla. Stat. 395.1041 was or was not a medical malpractice action and, thus, whether presuit screening or the malpractice statute of limitations applied. The Second District

held that an action for "patient dumping" or "anti-dumping" under the above-cited statute is not an action for medical malpractice. The statute itself provides for a statutory cause of action in Sec. 5(b):

Any person who suffers personal harm as a result of a violation of this section or the rules adopted hereunder may recover, in a civil action against the responsible hospital administrative or medical staff or personnel, damages, reasonable attorney's fees, and other appropriate relief. . . .

The Second District simply denied the petition for writ of certiorari finding that there was insufficient evidence that the trial court had departed from the essential requirements of law but cautioned in a footnote that if the case developed into a medical malpractice claim appropriate

objections could be raised by the defendant.

Hospitals and physicians faced with the same economic realities that plague this entire country are reluctant to accept patients without insurance or the financial ability to pay. This statute requires the provision of emergency services regardless of ability to pay and creates a cause of action in the event of an injury which is created as a result of the violation of this statute.

NOTE: BECAUSE A NUMBER OF PEOPLE HAVE REQUESTED COPIES OF PAST ARTICLES, A COMPILATION OF THESE ARTICLES IS NOW AVAILABLE TO MEMBERS OF THE PALM BEACH COUNTY BAR ASSOCIATION, FREE OF CHARGE, BY CALLING (561) 684-2500.

probate litigation

(5 6 1)

5 1 4 - 0 9 0 6

referral fees

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West Palm Beach

2009-2010 Board of Directors Election Candidates' Statements

Once again, the Bar's elections for Board of Directors will be conducted online. This year there are eight (8) members running for five (5) Board seats. Each member in good standing will receive an email with information on how to vote (please be sure to set your spam filters to pre-approve anything from ballotboxonline.com) beginning on April 17 and voting will end at 5 p.m. on April 27. The winners will be announced via email and will also be posted on the Bar's website. To assist you in making your selection, please take the time to read the information about the candidates below. Successful candidates will be sworn in at the Bar's annual installation banquet at the Breakers Hotel on June 20.



C. Wade Bowden

Firm: *Jones, Foster, Johnston & Stubbs, P.A.*
Year admitted to practice: 1996
Law School: *Boston University School of Law*
Year joined PBCBA: 1998
What do you feel you can contribute to the Association as a Board member?

I have served the Bar Association since 1998, when I started as a member of the PBCBA Young Lawyers Section board. Since then, I have served as Treasurer, Secretary and President of the YLS, as well as a member of the PBCBA Board for three years. In addition, I have served as a member of The Florida Bar Young Lawyers Division Board of Governors since 2001. In that time, I have developed and demonstrated the knowledge and dedication necessary to be a productive member of the PBCBA Board of Directors. I ask for your vote to allow me to continue my service.



John Howe

Firm: *Law Offices of John M. Howe, P.A.*
Year admitted to practice: 1998
Law School: *University of Florida*
Year Joined PBCBA: 2000
What do you feel you can contribute to the Association as a Board member?

First, I would like to say "thank you" all of our membership for giving the opportunity to serve for the last two years on the PBCBA board of directors. I always had an idea of the role that the Bar played in my professional practice and development (like enlightening seminars and enjoyable social events). During my term, however, I have learned much more about all the projects the Bar undertakes each year, many of which affect us all.

During my term, I had the opportunity to be witness and be



Scott Haft

Firm: *Watterson & Zappolo, P.A.*
Year admitted to practice: 2008
Law School: *Nova Southeastern University*
Year Joined PBCBA: 2008
What do you feel you can contribute to the Association as a Board member?

As a Palm Beach County Bar Association director, I will bring a fresh perspective to our Bar leadership. I am a native Floridian who grew up and attended school in Palm Beach County. My athletic and other organization affiliations have earned me the leadership experience necessary to serve our Bar.

The Palm Beach County Bar Association has a long, well-respected tradition of providing support and outreach to local causes and I am committed to devoting the time and energy necessary to further that tradition. Given the current financial crisis in our economy, the Bar's support of the community and its own membership is needed more than ever.

I would like to focus my efforts on opportunities for individual attorneys to participate in more community outreach programs, which I have found to be very fulfilling at both the personal and professional level.

Finally, a large portion of the PBCBA and Florida Bar membership has been admitted within the last 5 years. My young lawyer perspective and sincere commitment to our profession would enhance the board and achieve a membership representation that would be an asset to the entire bar. I will work to ensure that mentoring programs foster professionalism and quality of life exchanges between young and more experienced attorneys. If elected, I will serve the entire membership with enthusiasm and great vigor.

involved in many exciting things like improving access to the courts and the opening of the beautifully restored 1916 Historical Museum and Courtroom.

When I was first elected, one of my goals was to improve our profession's image. During my term, I was assigned the project of organizing tours of the Historical Courthouse for grade school students. Our committee members worked very hard creating a curriculum, arranging transportation and recruiting lawyers and judges to volunteer as tour guides. The program has allowed lawyers and judges to directly interact and influence the most important people in our community – children.

If elected to another term, I would focus on helping our bar achieve objectives such as increasing diversity in our membership and local legal community, educating citizens about the role of lawyers and courts, and ensuring sustained access to the courts for all people. I would be honored to have your support and your vote!



Greg Huber

Firm: *Lytal, Reiter, Clark, Fountain & Williams*

Year admitted to practice: 1997

Law School: *Stetson University*

Year Joined PBCBA: 2004

What do you feel you can contribute to the Association as a Board member?

As a Palm Beach County Bar Association Board Member, I believe I can bring a fresh perspective and a strong work ethic to help tackle the everyday problems that our members face. I would also make all efforts to educate the community on the importance of the judicial system and the need to ensure proper funding for our Courts and the need to protect the independence of the Judiciary.

In my twelve years practicing law, I have gained valuable leadership skills. I am currently a member of the Palm Beach County Bar Association 2009 Law Week Committee. I have served on the Independence of the Judiciary, Client Relations and Professionalism Committees of the PBCBA. These experiences within the Association have given me direct insight into the responsibilities that will be expected of me as a board member.

As a trial lawyer, I am also an active member of the Florida Justice Association. I served on the Board of Directors for the Young Lawyers Section of the FJA from 2005 to 2008. In that role, I have had the privilege of lobbying the Florida Legislature on consumer rights issues. I also planned educational events for the legal community. I have served as Co-Chair of the Al J. Cone Trial Advocacy Institute Seminar, as a committee member of the E. Earle Zehmer Annual Mock Trial Competition and as a speaker at FJA and ABOTA seminars.

I look forward to the chance to represent your interests as a PBCBA Board Member.



Walter "Casey" Jones IV

Firm: *Freeman & Jones, LLC*

Year admitted to practice: 1981

Law School: *Samford University*

Year Joined PBCBA: 1981

What do you feel you can contribute to the Association as a Board member?

I am running for the Board as I feel it is my opportunity to give back to the legal community. I have served on numerous committees over the years including the Mentor, Circuit Court Civil Practice, Fee Arbitration and Small Claims Court Clinics. I currently serve on the Construction and Personal Injury CLE committees and the Judicial Evaluation Committee. I currently chair the Judicial Technology Committee that was created at my urging to help our Trial Courts cope with decreasing budget dollars by utilizing existing technology such as the internet and email. In less than eight months we now have two circuit civil divisions that are accepting email to schedule and cancel hearings as a pilot project. We have eliminated the use of collect phone calls for telephone hearings, implemented voicemail to email and each Division now has its own fax to email capability. All of this has been implemented at no cost to our judiciary. We hope to expand the email project to other divisions and to set up an online scheduling system similar to Hillsborough County.

I have previously served on the board of the Palm Beach County Trial Lawyers Association where I was elected Secretary, Treasurer and President. Our organization had over four hundred members. I know what it takes to serve on a board and the importance of attending meetings and working with others. I know I can contribute and I ask for your vote.



Grier Pressly

Firm: *Pressly & Pressly, P.A.*

Year admitted to practice: 1999

Law School: *University of Florida*

Year Joined PBCBA: 1999

What do you feel you can contribute to the Association as a Board member?

I have been privileged to serve the Bar in numerous fulfilling roles since I joined the PBCBA in 1999. I immediately joined the Young Lawyers Section and rose through the officer ranks before serving as President of the YLS for the 2006-2007 term.

In addition to my leadership roles with the YLS I have been an active member of several PBCBA committees, including the Law Week Committee, the Historical Committee, and the Judicial Relations Committee. Two years ago the Bench-Bar Conference added a new session tailored to young lawyers

which has been well received. I am grateful for the opportunity to have coordinated this session the last two years.

During my year of service as President of the YLS I also had the opportunity to serve as a member of the Board of Directors of the PBCBA. I learned a great deal about the governance issues facing the PBCBA, the strategic plan guiding the PBCBA, and the teamwork necessary to accomplish organizational goals. I left this one-year experience convinced that I wanted to become a productive member of the Board for a longer stint.

I recognize that our profession and the PBCBA are not immune to the challenges of today. The needs of the Bar membership and of the community we serve are rising at a time that resources are dwindling. I believe that I can contribute to a Board that needs to be nimble and innovative to meet today's challenges.

Thank you for your consideration and your vote!!



Adam Rabin

Firm: *McCabe Rabin*

Year admitted to practice: 1993

Law School: *University of Miami*

Year Joined PBCBA: 2001

What do you feel you can contribute to the Association as a Board member?

I am running for re-election to the board and would appreciate your vote. During my first term on the board, I have worked actively towards making our bar association better.

Over the last two years, I have served as the Chair of the Judicial Relations Committee, where we have done remarkable things. First, we transformed the Bench Bar Conference from a routine, half-day conference to a full-day, signature event with over 1,000 attendees. Second, our committee has continued to make the Judicial Lunch Series one of the most well received programs within the bench and bar. Third, our committee created its "spokesperson" program, where our committee members meet with every judge in the circuit, promoting better communication.

As a board member, I served as the liaison responsible for overseeing all of the bar's CLE programs. While I served in this role, the bar hosted one of its most successful and profitable seminars ever – Trial Superstars. The bar also had one of its best attendance years for all of its CLE programs.

Going forward, I will be working on improving the bar's diversity in its leadership positions and the placement of more minority law students in our legal community. On this note, I am planning to co-chair a Diversity Summit for the bar in the fall that will focus on these issues.

I am humbled to have secured the endorsements of 20 past PBCBA presidents and would appreciate your vote.



John Whittles

Firm: *Richman Greer, P.A.*

Year admitted to practice: 1999

Law School: *Nova Southeastern University*

Year Joined PBCBA: 2000

What do you feel you can contribute to the Association as a Board member?

As the current President of the Palm Beach County Bar Association's Young Lawyers Section, I have sat as a voting member of the Palm Beach County Bar Association Board of Directors in 2008-2009. My experience as a current Board member and Young Lawyers Section President, having served on the Young Lawyers Section Executive Committee in every elected officer position and in virtually every committee chairperson position for eight consecutive years, as well as my appointment in 2008 as co-Chair of the "Making a Good Name for Yourself as a Lawyer" breakout session for the Bench Bar Conference, have all provided me with the leadership skills and experience necessary to represent (and motivate) our membership.

Moreover, my partners and my law firm have a proud history of leadership in both the Palm Beach County Bar Association and in The Florida Bar and I intend to draw upon their experiences in continuing that tradition of service.

Plus, I'm funny.

Bulletin Goes Green



We are pleased to announce that the Bulletin is now being printed on recycled paper. In addition, we are interested in hearing from you if you would be willing to receive your Bulletin in an online version only. The Bulletin will be converted each month to an online "flipbook" where you would simply click on a link and it would open up in a booklet form that would allow you to turn the pages. If you would be interested in opting out of receiving the paper version, please send an email to sspence@palmbeachbar.org

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Technology & Ethics Seminar

Presented by the Solo Practitioners & Small Firm Committee



For attorneys in firms with five or fewer lawyers.
No more than 3 of whom work in the same practice area.

April 21, 2009
9:45 a.m. to 2:00 p.m.

Program:

- 9:45 a.m. - 9:55 a.m. Registration
- 9:55 a.m. - 10:00 a.m. Welcome, Debbie Block, Solo Chairperson
- 10:00 a.m. - 10:55 a.m. Practice Management Software:
Time & billing software vs. Docket/Document/Contacts; On-line vs. Off-line;
the ethics of keeping Information together, conflict checks, calendaring
- 10:55 a.m. - 11:00 a.m. Network Structure and Purpose:
Backing up, self back up vs. on-line; DSL vs. Cable; firewalling; ethics of having
computer information on a network, security issues
- 11:00 a.m. - 12:00 p.m. Mobile Computing:
PDAs, iPhone, Blackberry; receiving documents, faxes and emails on your
phone; wireless and hotspots; places to work; ethics of having confidential
information in a portable state
- 12:00 p.m. - 1:00 p.m. Lunch
- 1:00 p.m. - 2:00 p.m. Sites and Tips:
Format & Content, 30 different useful and free websites for every lawyer

Cost: \$50.00 for PBCBA Solo & Small Firm Members; \$75.00 for attorneys who are not solos or PBCBA members.
This course is discounted by \$60.00 for solo members and \$35.00 for non-members.

RSVP: On line @www.palmbeachbar.org no later than 4/17/09. Add \$5.00 after this date.
Or, fill out the bottom of this form and mail it with payment to the Bar Office.

This seminar has been granted 3.5 CLER credits and 2.50 ethics credits from The Florida Bar.

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RSVP for the Technology Seminar, April 21

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At its January 30 meeting in Tallahassee, The Florida Bar Board of Governors:

- Heard a report from Budget Committee Chair Gwynne Young that the Bar's 2008-09 budget, originally projected to be balanced, will be in deficit because of the downturn in the national and state economies. The primary impact has been from returns on the Bar's investments, although other parts of the budget have also been affected. She also noted that Bar expenditures are running below projections for the year. Incoming Budget Committee Chair Jake Schickel reported that the 2009-10 budget, which will be presented to the board in April, is also expected to have a deficit, although less than the current year. He said an increase in annual membership fees is not expected because the Bar has adequate reserves.
- Approved a request from the Family Law Section to file an amicus brief with the Third District Court of Appeal supporting a ruling of an 11th Circuit judge striking down the state's law banning homosexual couples from adopting. Board members said this was a different matter than the section's 2004 request to lobby for a change in the state law, which was rejected, in that it seeks to uphold a judicial ruling. The amicus brief will be filed in the name of the Family Law Section, not The Florida Bar. No Bar or section funds are being used to write the brief, which is being prepared by a volunteer.
- Heard Chief Justice Peggy Quince outline a program for getting better funding for the state court system. That includes a review of the around \$1 billion in court fees and fines collected annually, but little of which reaches the courts. She said, however, that judicial salaries should come from state general revenues, and not court fees or fines.
- Conceptually approved, upon recommendation of the Program

Evaluation Committee, a public survey on attitudes about lawyer advertising as part of a new study of Bar advertising regulations ordered by the Supreme Court. The poll will be conducted by the University of Florida Research Center and the Bar will get final review of the questionnaire before it is used.

- Approved the Bar's 2009-2012 Strategic Plan. The plan keeps the same top four priorities from the 2008-2011 plan: ensuring that the judicial system is fair, impartial, independent, and adequately funded; promoting the legal profession and improving the public perception of the judicial system; ensuring access to the courts and legal services; and improving the value of Bar membership for its members and improving the Bar's relationship with its members. However, President-elect Jesse Diner said the ways those goals are accomplished is changing because of the economy and other factors, and there will be an increasing emphasis on technology.
- Heard that the Board Review Committee on Professional Ethics is continuing to consider a rewrite of Ethics Opinion 90-6, which advises lawyers who have clients in a criminal case who are proceeding under a false name. Committee Chair David Prather said the committee is trying to resolve potential conflicts between Bar rules and constitutional protections before bringing the issue to the board.
- Were invited by Rachele Munson of the Virgil Hawkins Florida Chapter of the National Bar Association to the Legacy Gala on June 27 at the Bar's Annual Convention to honor the publication of Florida's First Black Lawyers (1869-1979).

Should you have any questions, please contact one of the Circuit's four representatives: Greg Coleman, Scott Hawkins, Lisa Small, David Prather or Florida Bar President Jay White.

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Nonprofits First Certification Award

Serena Baldwin of Nonprofits First presented the Legal Aid Society of Palm Beach County with her agency's Certification Award at Legal Aid's January 27, 2009 Board of Director's meeting. Ms. Baldwin stated that, "This award signifies that Legal Aid is certified as an agency



having sound nonprofit management." Bob Bertisch, Executive Director, accepted the award on behalf of Legal Aid.

having sound nonprofit management."

Bob Bertisch, Executive Director, accepted the award on behalf of Legal Aid.

Closed Pro Bono Cases

Thank you to the following attorneys who have closed their pro bono cases in December 2008 and January 2009:

Lawrence E. Brownstein
Nina Dang
D. Scott Elliot
Guillermo Farinas
Steven M. Greenberg
Susan M. King
Lawrence E. Moncrief
Donald A. Pickett

Arne Siegel
Michael Simon
Lynn Solomon
Richard W. Springer
Angela K. Thompson
Donald Tiller, III
Colin White
Victoria A. Vilchez.

Thank you for all that you do! Please return your closing forms in a timely manner.

TOTAL NUMBER OF CASES: 16
TOTAL NUMBER OF HOURS: 151.35

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Thomas C. Gano Receives the Florida Bar President's Pro Bono Service Award



West Palm Beach attorney, solo criminal law practitioner Thomas C. Gano, was recently awarded the 2009 Florida Bar Presidents Pro Bono Service Award for the Fifteenth Judicial Circuit. The Florida Bar Presidents Pro Bono Service Award was established in 1981. Its purpose is twofold: to further encourage lawyers to volunteer free legal services to the poor and to

communicate to the public a sense of the substantial volunteer services provided by Florida lawyers to those who cannot afford legal fees. The award was given at a ceremony before the Florida Supreme Court in January.

Tom was nominated for this award for his lifelong work in the community on behalf of the homeless and illegal immigrants. In particular he is recognized for his work on the case of an incarcerated man who had been sent back to jail because he had no place to live. After hearing the story, Tom agreed to meet with him. The man had been sentenced to prison for twelve years for lewd assault. The Department of Corrections determined that he was eligible for "conditional release" based on his gain time. However, when asked where he would live upon release the man gave his family's address which happened to be within a thousand feet of a school bus stop. Because he was a sexual offender DOC could not approve a residence at this address. His family was poor and could not afford to provide him a separate place that would satisfy statutory requirements. As a result of this economic dilemma, the man was "released" from prison in Belle Glade, driven across the street by DOC guards to the parole office where he was immediately declared in willful violation of the terms of the conditional release based on the inability to provide an adequate address. He was arrested for this violation and taken to the Palm Beach County Jail—where he sat for several months until meeting Tom Gano.

Tom finally managed to get the client out of the county jail and back into a prison—which may not sound like much to a person not familiar with county jail environments, but the client was thrilled. Unfortunately, the prison was in Hamilton County, more than five hundred miles from Tom's office. Despite the distance, Tom insisted on appearing in person for the client's final violation of parole hearing. Tom drove the five hundred miles, despite being given the option of appearing by phone, because he felt strongly he could be more effective in person. Tom won the parole hearing.

After sixteen months of effort on behalf of this client, he was released from DOC and sent back to South Florida. Tom met him, bought him breakfast and accompanied the client to the parole office. Thanks to Tom Gano's selfless efforts this client is getting a second chance at life.

For his dedication to Pro Bono work and the less fortunate citizens of Palm Beach County, Thomas is the deserving recipient of The Fifteenth Judicial Circuit Florida Bar President's Pro Bono Service Award.



Statutory Exceptions to the Attorney-Client Privilege

By David M. Garten, Esq.

There are five exceptions to the lawyer-client privilege. If one of the exceptions applies, there is no attorney-client privilege and the attorney is free to discuss the privileged communications with counsel. The five exceptions to the lawyer-client privilege are as follows:

1. CRIME/FRAUD EXCEPTION:

Pursuant to §90.502(4)(a), there is no attorney-client privilege when the services of the lawyer were sought or obtained to enable or aid anyone to commit or plan to commit what the client knew was a crime or fraud. For example, in First Union National Bank v. Turney, 824 So. 2d 172 (Fla. 1st DCA 2001), judgment was entered against the bank. The bank contended that it was entitled to a new trial because certain correspondence and memoranda between bank officers and legal counsel (inside and outside the bank) was admitted into evidence, despite objections on grounds the bank's attorney-client privilege protected them from disclosure. In rejecting the bank's argument, the appellate court found that the crime-fraud exception applied because: (1) the bank acted fraudulently when it sought to obtain a general release from the beneficiary without making full disclosure of all material facts; and (2) the bank's lawyers, on behalf of the trustee, took steps designed to set up a defense under the statute of limitations to defeat the beneficiary's potential claims for breach of fiduciary duty by giving the beneficiary an accounting while concealing material facts about the bank's breaches of fiduciary duty.

2. TESTAMENTARY EXCEPTION:

Pursuant to §90.502(4)(b), there is no lawyer-client privilege when a communication is relevant to an issue between parties who claim through the same deceased client, i.e., a will contest based on undue influence, incapacity, fraud, etc.. This section also authorizes the introduction of an attorney's

testimony regarding evidence of the decedent's intent when two claimants are claiming the same bank accounts through the decedent who was the attorney's client. See Caputo v. Nouskhajian, 871 So. 2d 266 (Fla. 5th DCA 2004). The rationale for such disclosure is that it furthers the client's intent. See Swindler vs. United States, 524 U.S. 399, 118 S. Ct. 2081(1998); Gould, Larson, Bennet, Wells & McDonnell, P.C. v. Panico, 273 Conn. 315, 321, 869 A.2d 653 (2005).

3. BREACH OF DUTY: Pursuant to §90.502(4)(c), there is no lawyer-client privilege when a communication is relevant to an issue of breach of duty by the lawyer to the client or by the client to the lawyer, arising from the lawyer-client relationship.

4. INTENTION OR COMPETENCE OF A CLIENT:

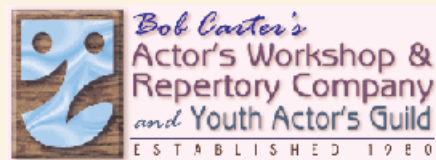
Pursuant to §90.502(4)(d), there is no lawyer-client privilege when the communication is relevant to an issue concerning the intention or competence of a client executing an attested document to which the lawyer is an attesting witness, or concerning the execution or attestation of the document. Thus, an estate planning lawyer who is an attesting witness to a will or trust instrument can testify with respect to the circumstances surrounding execution of the instrument, including opinions on the issue of the client's competence at the time. Under this exception, testimony "concerning the intention" of a client is limited to the client's intention to execute the document, and does not extend to the client's communications of intent in regard to the disposition of the estate or having the document drafted. See In Re Guardianship of Muller, 650 So. 2d 698 (Fla. 4th DCA 1995); See also The Law Revision Council Note to §90.502.

5. COMMON INTEREST EXCEPTION:

Pursuant to §90.502(4)(e), there is no lawyer-client privilege when a communication is relevant to a matter of common interest

between two or more clients, or their successors in interest, if the communication was made by any of them to a lawyer retained or consulted in common when offered in a civil action between the clients or their successors in interest. This statutory exception is based on "a matter" of common interest, a flexible concept involving "one transaction, event, or occurrence". Additionally, the common interest exception applies only to communications to an attorney "retained or consulted in common." See Cone v. Culverhouse, 687 So.2d 888 (Fla. 2d DCA 1997). A typical example: Both the husband and wife retain an attorney to prepare their estate planning documents. In litigation between the decedent's estate and the surviving spouse regarding their estate planning documents, the prior communications between the lawyer and the surviving spouse are not privileged.

Law Week PBCBA day at the Children's Show, The Big Bad Musical



Bob Carter's Actor's Workshop & Repertory Company and the Cuillo Centre for the Arts, presents *The Big Bad Musical* (a courtroom comedy/musical) during Law Week on May 2 with performances at 11 a.m. and 2 p.m.. Tickets are \$8 each for members of the PBCBA and their families. The first 75 to purchase tickets will also be able to attend a mini-musical theatre workshop. Also, join them after the show for a "meet and greet" with the cast. For more ticket information, call the Cuillo box office at (561) 835-9226.



The Estate and Probate Continuing Legal Education Committee presents:

The 26th Annual Estate and Probate Seminar
Wednesday, May 13, 2009 - 8:55a.m.- 5:00p.m.
Crowne Plaza West Palm Beach, 1601 Belvedere Rd., West Palm Beach, FL

Program Schedule

- 8:30a.m. - 8:55a.m. Late Registration and Check In
8:55a.m. - 9:00a.m. Welcome & Opening Remarks - Brian M. O'Connell, Esq., Board Certified Wills, Trusts & Estates, Casey Ciklin Lubitz Martens & O'Connell, Committee Chair
9:00a.m. - 10:30a.m. Case Law Update - J. B. Murray, Esq., Squire Sanders & Dempsey
10:30a.m. - 10:40a.m. Break
10:40a.m. - 11:10a.m. Legislative Update - Deborah Bojet, Esq., Board Certified Real Estate, Ruden McClosky Smith Schuster & Russell, P.A.
11:10a.m. - 11:40a.m. Tax Law Update - Michael A. Lampert, Esq., Bd. Certified Tax Law, Michael Lampert, P.A.
11:40a.m. - 12:00p.m. Judicial Update - Honorable John L. Phillips, 15th Judicial Circuit
12:00p.m. - 1:00p.m. Lunch, including a presentation by State Attorney Michael McAuliffe, and Detective Sean Bozdech, PBSO regarding Palm Beach County Sheriff's Office handling of crimes against the elderly.
1:00p.m. - 1:45p.m. Topic TBA - Rohan Kelley, Esq., Bd. Certified Wills, Trusts & Estates, The Kelley Law Firm
1:45p.m. - 2:15p.m. Ethical and Professional Considerations in Dealing with a Non-Performing or Malperforming Fiduciary - Michael D. Simon, Esq., Gunster, Yoakley & Stewart, P.A.
2:15p.m. - 2:45p.m. Dealing with Real Estate in Estate Administration During Uncertain Economic Times - Warren E. Avis, Esq., Board Certified Real Estate, Avis & Avis, P.A.
2:45p.m. - 3:00p.m. Break
3:00p.m. - 3:45p.m. Effective Use of Mediation in Probate Litigation - Peter Forman, Esq., Gutter Chaves Josepher Rubin Forman Fleisher, P.A.
3:45p.m. - 4:15p.m. Post-Death Challenges to Marriage and Spousal Rights: Out of the Frying Pan and Into the Fire - John C. Moran, Esq., Gunster, Yoakley & Stewart, P.A.
4:15p.m. - 5:00p.m. Coping with the New Florida Trust Code - an Examination of Glitches and Gotcha's - Abraham M. Mora, Esq., Bd. Certified Wills, Trusts & Estates, Kaye, Scholer, LLP and David M. Garten, Esq., Law Offices of David M. Garten

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Probate & Investment Litigation

HOW TO REGISTER MAIL the completed form w/check FAX the completed form to 561/687-9007 ON-LINE at www.palmbeachbar.org

This course is expected to receive 9.0 CLER including .5 Ethics credits / Certification credits are pending from The Florida Bar. The cost of seminar, which includes lunch, is \$225 for PBCBA member attorneys/paralegals; \$265 for non-PBCBA member attorneys/paralegals if registered by May 6, 2009; add \$25 after that date. This seminar is for attorneys only. If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made in writing and made no later than 48 hours prior to the date of the seminar.

Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

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The Appealing Professional

By Jane Kreuzler-Walsh
On Behalf of the
Professionalism Committee

Appellate practice is generally viewed as a “civilized” profession with little opportunity for misconduct and confrontation. But, like other professions, unprofessionalism occurs. And, like obscenity, you know it when you see it. What follows are, what I hope, some helpful guidelines for every appellate attorney.

Professionalism requires three preliminary evaluations for most appeals: (1) potential client and issue conflicts; (2) whether an appeal should be taken at all; and (3) a risk-benefit analysis from a cost and outcome perspective. Lawyers who litigate an appeal for clients “for the principle of it” typically lose. No one likes to lose, particularly these days with the threat of sanctions for frivolous appeals. Representing an appellee should involve a similar analysis.¹

After deciding to go forward with an appeal, consider whether you are competent to handle the appeal. While we all view ourselves as “experts,” the truth is that some experts are more knowledgeable in some areas than others. So, when in doubt, refer it out.

During the appeal, professionalism involves knowing and abiding by the court rules, procedures and deadlines. Adherence requires knowing what record to compile and ensuring that it is done accurately. Failure to provide an adequate record for review can subject the lawyer to sanctions for failure to provide competent representation. Diligence is mandatory. Appellate courts have sanctioned counsel for failing to follow the deadlines in the appellate rules.

Tell the truth. Do not take words out of context or misstate the record or a holding. Do not cite to matters outside the record. Deal with adverse or troubling authority head-on. A court **will** find it. Make concessions where

necessary and appropriate. As one Fourth District decision observed:

Lawyers who are candid with the court, and understand when concessions are necessary in order to maintain any semblance of credibility, are much more effective advocates than those who are unwilling to give an inch. When counsel takes a position that is patently absurd, it can provide further questions and take an oral argument off on a tangent which can only benefit the opponent.²

Be courteous to the court, your opposing counsel, and your client. Avoid ad hominem attacks. They are ineffective, distracting and unethical. Avoid disparaging comments about the court. Keep your client informed of all developments. Educate your client so he or she understands that agreeing to extensions or other procedural motions is not a sign of weakness and will not affect the merits of the case.

We have an obligation to not only present legally correct arguments, but to present them in a professional manner.³

¹ See *Boca Burger, Inc. v. Forum*, 912 So. 2d 561, 569-71 (Fla. 2005) (sanctioning an appellee for defending a “patently erroneous order” on appeal, rather than conceding error).

² *Kaminer v. Eckerd Corp. of Fla., Inc.*, 966 So. 2d 452 n.1 (Fla. 4th DCA 2007).

³ *Weiland v. State*, 701 So. 2d 562, 565 (Fla. 2d DCA 1997).



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Law Suit Day Clothing Drive



To help those in need during these difficult times, the Law Week committee will be collecting ladies and men’s clothes suitable for court and for every day wear. All sizes are needed and will be donated to the Public Defender’s Boutique and The Lord’s Place. In addition, personal hygiene items are also needed. If you’re going away for spring break, or taking a business trip, collect the hotel shampoos, soaps, toothpaste and tooth brushes.

To make your donation, please bring your items to the Bar Office between now and April 24.



The PBCBA Community Association Law Continuing Legal Education Committee presents:

The 20th Annual Community Association Law Seminar

Friday, June 5, 2009 8:55 a.m. – 12:00 p.m.

Bar Association – 1601 Belvedere Rd., WPB #302E



Program Schedule

8:30am - 8:55am	Late Registration and Check In
8:55am - 9:00am	Welcome - Michael J. Gelfand, Esq., Committee Chairperson, Gelfand & Arpe, P.A.
9:00am - 9:20am	View from the Bench: Practical and Ethical Considerations for Appearances Before the Bankruptcy Court - Honorable Erik P. Kimball, United States Bankruptcy Court
9:20am - 9:40am	Assessment Collection: Times of Trouble and Ethical Considerations - Jeffrey A. Rembaum, Esq., Siegfried, Rivera, Lerner, De La Torre & Sobel, P.A
9:40am - 10:05am	Ethically Coordinating Claims with Insurance Counsel, Including Fair Housing Claims - Ron Campbell, Esq., and Miles A. McGrane IV, Esq., Cole, Scott & Kissane, P.A
10:05am - 10:30am	Fair Housing Law: Case Law Update and Ethical Expectations - Pamela Guerrier, Esq., Palm Beach County Office of Equal Opportunity
10:30am - 10:45am	BREAK
10:45am - 11:20am	Construction Defects: Common Law, Statutory Law and Ethical Issues - Bruce G. Alexander, Esq., Board Certified Construction Law, Casey Ciklin Lubitz Martens & O'Connell
11:20am - 12:00pm	Case Law and Statutory Law Update and Practice Ethics - Michael J. Gelfand, Esq., Board Certified Real Estate, Gelfand & Arpe, P.A.

This course is expected to receive **3.5 CLER including 3.5 Ethics credits / Certification credits are pending** from The Florida Bar

The cost of the seminar is \$125 for PBCBA members/paralegals; \$165 for non-PBCBA members/paralegals if registered by 5/29/09; add \$25.00 after that date. ***This seminar is for attorneys only.***

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

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____ I will not be able to attend the seminar but would like to order the CD. (cost same as listed above/allow two weeks for delivery) (20th Annual Comm. Assn Seminar 6/5/09)

Palm Beach County Bar Assn., 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.(561)687-2800

North County Section

The North County Section held its annual BBQ and Casino Party at the Bonnette Hunt Club in Palm Beach Gardens. More than 130 members, judges and spouses enjoyed the evening.



April Castoro, Devon Coughlan and Curtis Shenkman



Greg Yaffa, Greg Zele and Ryon McCabe



Adam and Lissa Gumson



Ned and Patricia Reagan



Ryon McCabe, president of the North County Section congratulates door prize winners Ken Johnson, Gary Gomoll and Rodney Romano



What's next for North County?

Thursday, April 16

Cocktails and Dinner at Saitio's, Palm Beach Gardens

Friday, April 17

CLE Luncheon at Abacoa Golf Club, Jupiter

Thursday, May 21

Jurist of the Year at Ruth's Chris Steak House, North Palm Beach

Tour of The Scripps Research Institute, Jupiter (date pending at the time of printing)

To reserve your seat, RSVP on line today at www.palmbeachbar.org and click on Register for Events.





Top 7 Client Grievances and How to Avoid Them

Presented by the North County Section

Friday, April 17, 2009

11:30 to 1:00 p.m.

Abacoa Golf Club

Lunch

Speaker

Alan A. Pascal

Florida Bar Counsel, Legal Division-Lawyer Regulation

Overview of The Florida Bar Disciplinary Procedures from initial Complaint thru Appellate Review

Top 7 Ethical Rules Violations and How to Avoid Them

Other Relevant Ethical Rules

Attorney Services provided by The Florida Bar to Assist members in their practice

Question and Answers

Cost

\$35.00 for NCS members who register before 4/14/09; \$40.00 for non-section members. After this date add \$5.00.

THIS SEMINAR HAS BEEN APPROVED FOR 1.0 CLER CREDIT FROM THE FLORIDA BAR.

RSVP

On line @ www.palmbeachbar.org (or) fill out the form below & mail it along with payment to the Palm Beach County Bar, 1601 Belvedere Road, Suite 302 E, WPB 33406.

Name: _____ Address: _____

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Amount enclosed: _____ Ck / AmEx / MC / Visa

Card Number _____ ex date: _____



Welcome New Members!

The following represents each new member's name, hometown, law school, and date of admission to the Florida Bar and law firm association.

DEBORAH S. BAKER – Ohio; Ohio State University, 2008; Associate in Law Office of Cathleen Scott, P.A., Jupiter

EUN K. CHANG – University of Miami, 2008; Fourth District Court of Appeal, West Palm Beach

DENA M. DEBUSK – Virginia; Vanderbilt, 2005; Associate in Smith & Gromann, P.A., Boca Raton

BYRNES N. GUILLAUME – Haiti; Western New England College, 2006; Associated with State Attorney's Office-Broward

LISA A. HANSON – Florida; Florida State University, 1991; Boca Raton

GLORIA E. HERNANDEZ – Paralegal Member; Burlington & Rockenbach, P.A., West Palm Beach

ADAM J. LANGINO – New York; University of Minnesota, 2006; Associated with Office of the Public Defender, West Palm Beach

VERA LONG – Paralegal Member; Gunster, West Palm Beach

ANDREA C. MACK – Florida; University of Florida, 2008; Associate in Walton Lantaff Schroeder & Carson, West Palm Beach

TIM PATYKULA – Hawaii; Barry University School of Law, 2008; Associate with Davis & Giardino, West Palm Beach

LORRAINE M. RAMUNNO – Delaware; Widener University School of Law, 1995; Sole Practitioner; Pennsylvania

MICHELE VOGEL – Illinois; University of Miami, 1987; National City, Palm Beach

DANTE A. WESTON – New York; Stetson University College of Law, 2009; Associate in Gordon & Doner, Palm Beach Gardens

VAUGHN L. YEAGER – Alabama; Birmingham School of Law, 1999; Affiliate Member; Citicorp Trust, N.A., Palm Beach



Elect John R. Whittles for Palm Beach County Bar Association Board of Directors



Leadership and a History of Service

- > President, Palm Beach County Bar Association Young Lawyers Section ("PBC YLS"), 2008 – 2009
- > President-Elect, PBC YLS 2007 – 2008
- > Secretary, PBC YLS, 2006 – 2007
- > Treasurer, PBC YLS, 2005- 2006
- > Executive Committee Member, PBC YLS, 2000 – Present
- > Committee Chair, Various PBC YLS Projects, 2001 - Present
- > Palm Beach County Liaison to Florida Bar Young Lawyers Division Affiliate Outreach Conference, 2004, 2005, 2008, 2009
- > Co-Chair, Bench-Bar Conference Young Lawyers Sessions, 2008
- > Palm Beach County Bar Association Judicial Relations Committee, 2002 – 2003
- > Florida Bar Federal Practice Committee, 2008-2009

Prathers Host Gift Gathering Gala to Benefit Legal Aid

On February 7, David and Glynetter Prather hosted a gift gathering party at their home in Jupiter to benefit the Legal Aid Society's 21st Annual Pro Bono Recognition Evening. Over 100 supporters of Legal Aid enjoyed the evening and

donated over 50+ gifts to be auctioned at this year's event, which will be held on May 9, 2009 at the Palm Beach County Convention Center. The 21st annual celebration honors outstanding volunteer attorneys and law firms and raises funds

to benefit Legal Aid's 17 projects. In addition to the awards ceremony, guests at the recognition evening will be entertained by students from the Dreyfoos School of the Arts.



David & Glynetter Prather and Bob Bertisch



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Market Yourself Through Storytelling

By Mark Powers & Shawn McNalis

You've heard me say this before: the least expensive, most ethical and effective way to market yourself and your law firm, is through a well-structured word-of-mouth marketing program. Unlike print or television advertising, it produces enough trust to generate the highest quality and least price-sensitive clients. When referred clients show up at your office because someone said you were good at what you do, studies show they are more motivated, more likely to pay and will be more loyal in the long run.

What you haven't heard us mention is that word-of-mouth marketing is also effective because it taps into a very basic urge. An urge most of us find irresistible. What is it?

It's the urge to tell our stories; to talk about what's happening with the world, the workplace, and, especially, with our lives. Consequently, the river of information flowing through everyday communications the world over is enormous. And on close examination, the narrative device used to convey much of the information will be some form of a story.

As it turns out, this is no accident. Listening to stories is how we learn.

"Stories are one of the oldest and most persistent forms of communication," explains Richard Stone of the StoryWorks Institute, located in Winter Park, Florida. "In fact, they are so much a part of us that the human brain is hardwired to learn best when stories carry the message." A look around will confirm his words. In our modern society stories are everywhere. They provide the plots for books, movies, theater, and television shows. The twenty-four hour news channels bring you the stories of the day. The best teachers, leaders and communicators have always recognized the importance of storytelling and have used them to convey lessons, messages and inspiration. A well-told story

has the power to evoke images and fill the listener with emotion

Because of this, stories achieve what no other form of communication can. Harness the power of storytelling in your word-of-mouth marketing program and capitalize on the receptivity built into those you want to educate about your service. Use stories in conversations with potential clients to demonstrate your expertise, with referral sources to illustrate how you can help their clients, and in social settings to educate people about your firm. "Look for the drama in your everyday actions to formulate your stories," says Stone, "Just as a good author can find a story where others see only the commonplace deeds of ordinary people, it's possible for each of us to frame our work in heroic terms. Stories are your narrative assets."

According to Stone, a well-crafted story about why you became an attorney, why you are compelled to help people or how you fought to succeed in spite of great difficulty, becomes an important conversational strategy. These stories are verbal commercials for you and your services. These narrative assets are the hidden gems of your word-of-mouth marketing program.

How can you harvest the wealth of experiences you've had in order to craft your own stories?

Read the following prompts and write down the ideas that come to mind when you hear them:

- I became a lawyer because...
- I'm passionate about my practice area because...
- The type of people (your primary client) I like to help is...
- The reason I like to help these people is...
- I make a difference for people because...
- The most interesting problem or challenging conflict I've had to resolve is?

The stories you tell, whether short or long, reflect your values and your ideals – and often are successful because they do this indirectly. At Atticus we call stories the "stealth bombers" of marketing because you can convey a great deal of information about yourself and your

practice and entertain your listener at the same time. Your stories are powerful teaching tools and can teach people about you as a lawyer, demonstrating what you value, whom you help and how you help. Stories that are humorous show that you are human. You don't have to be the hero in every story, stories that are self-deprecating can be engaging, humbling and among the most memorable.

The spirit of your legal approach and the values that form that approach are encoded in your conversations – make powerful stories, or your "narrative assets" one of your most powerful rainmaking assets. Beyond this, Richard Stone suggests we are each driven to create the story of our own life and practice. "Fundamentally, every business is a stage for the enactment of human myths. We found, lead, manage, nurture, serve, suffer with, and exalt our businesses not just to create wealth and financial security. At the heart of every such pursuit is something much more essential and innate to the human spirit - the need to create a story with a satisfying ending."

In your marketing game plan, I recommend having at least three stories, that you can identify by name, and that share information about the kind of client you serve, why you are great at what you do, or that allows the listener to relate better to you. As Stephen Covey, the author of *Seven Habits of Highly Effective People* said; "They don't care how much you know, until they know how much you care."

Mark Powers, President of Atticus, Inc. and Shawn McNalis, co-authored "*The Making of a Rainmaker: An Ethical Approach to Marketing for Solo and Small Firm Practitioners*," and are featured writers for *Lawyers, USA* and a number of other publications. To learn more about the work that Atticus does with attorneys or the Atticus Rainmakers™ program, please visit www.atticusonline.com or call 352-383-0490 or 888-644-0022.

The Palm Beach County Bar Association's Real Estate CLE Committee presents:



Spring Seminar - "We Will Survive"

Friday, June 12, 2009 - 8:00 a.m. - 12:30 p.m.
Bar Association Offices, 1601 Belvedere Road #302E, WPB



Program Schedule

- 8:00am - 8:15am Late Registration/Check In
- 8:15am - 8:20am **Welcome and Opening Remarks** - *Steven D. Rubin, Esq., Board Certified Real Estate, Real Estate Committee Chairperson*
- 8:20am - 8:30am **Presentation** - *Anderson G. Carr, Anderson & Carr, Inc., Real Estate Appraisers*
- 8:30am - 9:15am **Searching For and Clearing County and Municipal Hidden Liens, and Ethical Considerations** - *Deborah Boyd, Esq., Board Certified Real Estate, First American Title Insurance Company*
- 9:15am - 10:00am **Real Estate Statutory and Case Law Update, and Ethical Considerations** - *Michael J. Gelfand, Esq., Board Certified Real Estate, Gelfand and Arpe, P.A.*
- 10:00am - 10:15am **Break**
- 10:15am - 11:00am **Evolution of Short Sales and REO Properties, Including New Government Programs and Ethical Considerations** - *Chandra P. Doucette, Esq.*
- 11:00am - 11:45am **Treatment of Mortgage and Other Real Property Secured Liens in Bankruptcy, and Ethical Considerations** - *Alan R. Crane, Esq., Furr and Cohen, P.A.*
- 11:45am - 12:30pm **Purchase and Sale of Florida Real Estate by Foreign Investors, and Ethical Considerations** - *Mr. Thomas Roberge, Thomas Roberge & Company, US International Tax Services*

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This course is expected to receive 4.5 CLER including 4.5 Ethics credits / Real Estate Certification credits are pending from The Florida Bar.

The cost of the seminar is \$155 for PBCBA members/paralegals, \$195 for non-PBCBA members/paralegals if registered by 6/5/09; Add \$25 to registration fee after that date.

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

HOW TO REGISTER	 MAIL the completed form w/check	 FAX the completed form to 561/687-9007	 ON-LINE at www.palmbeachbar.org
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I will not be able to attend the seminar but would like to order the CD (cost same as listed above/please allow two weeks for delivery) (Real Estate Seminar 6/12/2009)

Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.

Meet the Environmental and Land Use Law Committee



By Jeff Collier, Committee Chair

After a five year hiatus, the Palm Beach County Bar Association's Environmental & Land Use Law Committee (ELULC) is back. With over 20 members, the ELULC is certainly not the Bar's largest committee, but its membership is quickly growing.

"Our goal is to grow the ELULC into a diverse group of attorneys, from both the public and private sectors, who meet monthly to discuss emerging trends, legislative affairs and hot topics in the ever changing practice of environmental and land use law," said ELULC

Chairman Jeff Collier, of Greenberg Traurig, P.A. "In addition to providing a forum for attorneys in this practice area, the ELULC is committed to serving as a resource on environmental and land use issues for the Palm Beach County Bar and the public at large."

In February, the ELULC presented its first seminar, "Environmental Permitting and Land Planning in a Down Market." Attorneys Amy Petrick, of the Palm Beach County Attorney's Office, and Michelle Diffenderfer, of Lewis, Longman, & Walker P.A., both members of the ELULC, spoke on the unique land planning and environmental permitting challenges and opportunities that developers and landowners face in a slow real estate market. The program included a tour of EcoPlex, the first LEED certified building of its kind in Palm Beach County. Over forty local attorneys and planners participated in the program which was co-sponsored by EcoPlex and the Palm Beach County Planning Congress.

This Spring, the ELULC will continue its monthly series of lunch meetings and hopes to feature a social meet-and-greet in a few months. The purpose of these events is to provide attorneys and professionals who work in the environmental and land use fields a chance to network outside of the office.

The ELULC meets every third Thursday of the month and alternates holding its meetings between the Palm Beach County Bar office and local restaurants. For more information on joining the ELULC, or if you have a topic or question for the committee, please contact Nancy Reidler at the Palm Beach County Bar (561) 687-2800.



Second Annual Texas Hold 'Em Tournament May 19

We hope that you will join us for our Second Annual Texas Hold 'Em tournament and happy hour on Tuesday, May 19 from 5:30 – 8:00 p.m. This event will be held at Mar Iguanas (formerly Gatsby's) at 901 Village Blvd (next to Outback) in West Palm Beach. The tournament will be limited to the first 20 players who sign up and in conjunction with the tournament will be a happy hour. Whether you play or just want to watch, come on out for a fun night; every registrant is eligible to win a door prize! Registration information is available on the Bar's website at www.palmbeachbar.org.

Elect: C. Wade Bowden

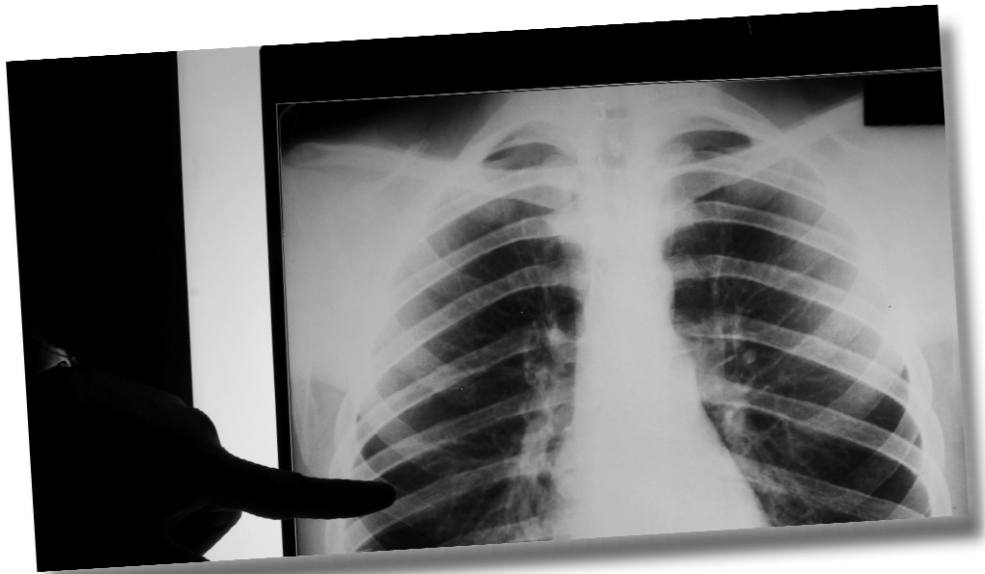
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 - Member, Executive Committee 1998-2005
 - Past-Secretary, Past-Treasurer
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- **Up and Comer, *South Florida Legal Guide* (listed 2006, 2007, 2008)**
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Profile in Professionalism: Gary Lesser

Submitted By: David Ackerman

Gary Lesser's career story in Palm Beach County is well known. His grandfather, Joseph Lesser, formed the Lesser law firm in 1927. Joseph Lesser believed in hard work, professionalism and personal attention for his clients. He also believed in active community involvement and volunteered for a wide spectrum of causes. His legacy was carried on by Gary's father, Shepard Lesser. Gary speaks with great pride of the examples set by his grandfather and dad and has run a successful law practice, focusing on serious personal injury and wrongful death cases. As I said, that part of the Lesser family tradition in Palm Beach County is well known.

But what makes Gary deserving in recognition in professionalism goes beyond running a successful law firm and being involved in the community. (For his part, Gary has chaired bar and charitable organizations, and has been active in fund raising for worthy causes. He has received a number of awards for his contributions in the community.)

To deserve recognition for professionalism, I believe it is also important to demonstrate scholarship in legal ethics and professionalism. Gary has done that by serving on the Florida Bar's Professional Ethics Committee for a number of years. He took on a leadership role by acting as Vice Chair from 2001-2003 and then as Chair for the year 2003-2004. This is a committee which publishes ethics decisions relied upon by Florida Bar members and The Florida Bar staff in advising lawyers on difficult ethics questions. He also served as chair of the Palm Beach County Bar Association's Professionalism Committee. Gary and I served as Co-Chairs for a number of years, not only because of the efficiency in dividing up the work of the Chair, but also because we quickly became friends and enjoyed working together on professionalism committee projects.

Perhaps the most important reason why Gary deserves recognition is that professionalism is a real challenge for any active and busy trial lawyer. In the quiet setting of a professionalism

committee meeting, or at a Bar seminar, we all agree on the appropriate norms of behavior.

Professionalism is an easy topic to discuss. Where it becomes hard is in the day-to-day interaction with clients, difficult opposing counsel and overworked judges. In those settings, the professional lawyer finds the high road to be a lonely path. Gary and I remain great friends to this day and often exchange experiences in dealing with tough circumstances. Gary always has good suggestions for how to behave ethically and professionally, when every lawyer instinct tempts to do otherwise. Let us recognize the fine example he sets for the legal community.



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The Palm Beach County Bar Association (PBCBA) offers CLE hours from the sale of audiotapes recorded at previously held live seminars of the Association. We also have copies of audiotapes of live seminars from the Orange County Bar Association (OCBA), Clearwater Bar Association (CBA), and the Dade County Bar Association (DCBA – **cassettes only from DCBA**). Members and non-members alike can benefit from this simple way of acquiring CLE and Ethics hours. To order, place an “x” next to the tapes you would like to order, complete this form and return to the Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406 or **fax to 561/687-9007**. **PLEASE WATCH EXPIRATION DATES**, we attempt to remove expired tapes but due to the distribution of this list occasionally courses will appear even though they have expired. **3.05.09.**

✓	Sponsor	Course Title	Credit General	Ethics Hours	PBCBA Member	Non Member	Expires
	DCBA	Est. Plan End of Life Dec+++ 1.0 Elder Law / 1.0Wills,Trust	1.0		\$20	\$60	4/11/09
	PBCBA	Professional & Personal Development (YLS)	5.0	2.0	\$120	\$160	4/26/09
	PBCBA	Business of Law Meets Practice of Law (SOLO)	1.0		\$20	\$60	5/7/09
	CBA	Homestead Law Review+++ (1.0 R/E Cert.) (CD)	1.0		\$20	\$60	5/13/09
	PBCBA	Inside The Appellate Court (CD)+++	5.0	1.0	\$110	\$150	6/6/09
	PBCBA	10 th Annual Elder Law Update” +++ (CD)	5.5	2.5	\$135	\$175	6/7/09
	DCBA	Bank Secrecy Act & Relate+++ (1.0 Wills, Trusts & Est)	1.0		\$20	\$60	6/13/09
	PBCBA	Tips for Trial Practice In Criminal Court(Jud'I Lunch) +++ (1.0 Crim Appellate/1.0 Crim Trial Cert credit (CD)	1.0		\$20	\$60	6/13/09
	PBCBA	The Business of Employ Law(CD)+++ (3.5 Labor Employ)	4.5	1.0	\$115	\$155	7/11/09
	CBA	Concerns Client Memory Loss+++ (1.0 Elder Law Cert) (CD)	1.0		\$20	\$60	7/17/09
	DCBA	Civil Lawyer/Crim Law +++ 1.5 Crim Appellate/1.5 Crim Trial/1.5 Civil Trial	2.0		\$40	\$80	7/23/09
	PBCBA	Winter '08 R/E “Keeping Up in a Down Mkt”+++ (CD) (2.5 R/E Cert. Credits)	3.5	3.5	\$105	\$145	7/25/09
	PBCBA	A Practical Guide to the New FL Trust Code+++ (CD) (2.0 Elder Law Cert. Credits)	2.5		\$50	\$90	7/31/09
	PBCBA	How Not To Defend Condo Constr. Lit.+++ (CD) (8.0 Constr. Cert. Credits)	8.0	1.5	\$175	\$215	8/1/09
	PBCBA	Conflicts of Interest (CD) (Prof Committee)	1.5	1.5	\$45	\$85	8/6/09
	PBCBA	ADR in 2008 (CD)	8.0	3.0	\$190	\$230	8/11/09
	DCBA	Medicare: Chall Early Rehab	1.0		\$20	\$60	8/14/09
	DCBA	Advocacy in Mediation (CD)	2.0		\$40	\$80	8/12/09
	CBA	2008 Probate Update+++ (3.5 Elder Law/3.5 Wills Trusts Estates Cert. Credits) (CD)	4.5	1.0	\$100	\$140	8/21/09
	PBCBA	Pitfalls Equitable Distribution +++ (CD) (6.0 Marital/Fam Law Cert. Credits)	8.0	2.5	\$180	\$220	8/29/09
	PBCBA	CD - Trial Superstars: Trying the Catastrophic Injury Case+++ 5.5 Civil Trial Cert. Credits	7.0		\$175	\$215	9/7/2009
	PBCBA	DVD - Trial Superstars: Trying the Catastrophic Injury Case +++ 5.5 Civil Trial Cert. Credits	7.0		\$175	\$215	9/7/2009
	DCBA	View from Bench on Probate	1.0		\$20	\$60	9/11/09
	CBA	Estate Planning & Public Benefits+++ 1.0 Elder Law/1.0 Willis Trusts Estates Cert. (CD)	1.0		\$20	\$60	9/20/09
	DCBA	Dealing with Difficult Op (CD)	1.0		\$20	\$60	9/27/09
	DCBA	How to Handle Cases Invol +++ 1.0 Wills, Trust Est	1.0		\$20	\$60	10/10/09
	DCBA	Color of the Law	1.0		\$20	\$60	10/16/09
	CBA	Time for New Look Credito (CD) +++ 1.0 Elder/ 1.0 Wills, Trusts, Estates Cert.	1.0		\$20	\$60	10/17/09
	PBCBA	“E-Discovery” (NCS) (CD)	2.0	0.5	\$45	\$95	10/18/09
	CBA	Disaster Preparedness and Recovery for Lawyers & Law Offices (CD)	1.0	.5	\$30	\$75	10/22/09
	PBCBA	Art of Leadership (CD)	4.0	1.0	\$90	\$130	10/25/09
	PBCBA	25 th Annual Estate/Probate Seminar (CD) +++ 2.0 Civil/ 5.5 Wills, Trusts & Estates / .5 Real Est Cert.	7.5	1.5	\$165	\$205	11/14/09
	OCBA	DVD Criminal Law Seminar+++ 3.5 Criminal Appellate Cert/ 3.5 Criminal Trial Cert.	4.5	1.5	\$110	\$150	11/29/09
	DCBA	Update from the Bench (CD)++ 1.5 Civil Trial Cert.	2.0		\$40	\$80	12/4/09
	PBCBA	19 th Annual Community Assn. Law Seminar(CD)+++ 3.5 R/E Cert.	3.5	3.5	\$105	\$145	12/06/09
	DCBA	Appropriate Investments (CD)+++ 1.0 Elder Law/1.0 Wills,	1.0		\$20	\$60	12/10/09

		Trusts & Estates					
	PBCBA	Food For Thought :Digesting Current Market Conditions (CD)+++2.5 R/E Cert.	3.5	3.5	\$105	\$145	12/13/09
	PBCBA	Corporate & Partnership Divorce(CD)+++4.0 Bus Lit Cert, 4.0 Labor & Employ Cert.	5.0		\$115	\$155	12/27/09
	CBA	Internet Marketing	2.5		\$60	\$100	02/14/10
	OCBA	Fair Labor Standards Act(CD)+++1.0 Labor Employ Cert.	1.0		\$25	\$65	2/27/10
	DCBA	Mort. Meltdown & Implications(CD)+++ 1.0 R/E Cert.	1.0		\$25	\$65	3/11/10
	CBA	Search Engine Marketing(CD)	2.5		\$60	\$100	3/11/10
	CBA	Adult Medicaid Programs (CD) +++1.0 Elder /1.0Marital Law	1.0		\$25	\$65	3/17/10
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	DCBA	Bench and Bar Meeting(CD)+++ 1.5 Work Comp Cert.	2.0		\$50	\$90	3/23/10
	CBA	Prudent Practitioner(CD)+++ 1.0 Wills, Trusts, Estates	1.0	1.0	\$40	\$80	4/16/10
	PBCBA	What Every Non-Bankruptcy Lawyer Needs to Know About Bankruptcy Law(CD) +++5.0 Marital/Family; R/E Cert Credits	6.5		\$160	\$200	4/24/10
	CBA	2008 Bench & Bar Conference(CD) +++3.0 Crim Trial; Wills, Trusts; Civil Trial; Marital Fam Law Cert. Credits	4.0	1.0	\$115	\$155	5/07/10
	PBCBA	11 th Annual Elder Law Update (CD) +++4.0 Civil/4.0 Elder Law/4.0 Wills, Trusts/1.0 Tax Cert. Credits	5.5	1.0	\$145	\$185	6/12/10

+++Indicates Certification credits available. Please contact the Palm Beach County Bar Association for more detailed information.
Please call Eva Gray at (561) 687-2800 with any questions or for additional information.

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Non-Dischargability of Post-Petition Condo/HOA Fees in a Chapter 7 Bankruptcy

Submitted By: *Marc P. Barmat*

Many people these days find themselves with negative equity in their home, unable to afford their monthly mortgage payments and buried with unsecured debt. These individuals often choose to file a bankruptcy in order to discharge their unsecured debt as well as the potential deficiency judgment arising from the negative equity in their home. A common practice for a person in this situation is to file a chapter 7 bankruptcy, surrender their home to the mortgage company and remain in their home until the completion of the foreclosure process. Due to the soaring number of defaulting homeowners, the banks and courts are understandably backlogged. As a result of the backlog and resulting delays, homeowners can often stay in their homes for a year or longer without

paying their mortgage before they are forced to leave their home. Although this typical situation is beneficial to debtors as they can live “rent free” for quite a while, an issue which is not often addressed is whether chapter 7 debtors are responsible for their post-petition condominium or homeowners’ association fees and assessments. In short, the answer is “yes” as the bankruptcy discharge applies only to fees and assessments that accrue before the commencement of the bankruptcy case. It does not apply to fees and assessments arising after the bankruptcy is filed¹.

Accordingly, if chapter 7 debtors chooses to remain in their home after filing bankruptcy, lawyers should advise their clients of the ramifications. One such ramification is that post-petition condominium and homeowners’ fees and assessments are nondischargeable and will have to be paid if pursued.

¹ Section 523(a)(16) of the bankruptcy code excepts from discharge “any debt for a fee or assessment that becomes due and payable after the order for relief to a membership association with respect to the debtor’s interest in a unit that has condominium ownership, in a share of a cooperative corporation, or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot, but nothing in this paragraph shall except from discharge the debt of a debtor for a membership association fee or assessment for a period arising before entry of the order for relief in a pending or subsequent bankruptcy case. . .”

This article was submitted by Marc Barmat, Furr and Cohen, P.A., One Boca Place, Suite 337 West, 2255 Glades Road, Boca Raton, FL 33431; mbarmat@furrcohen.com

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James W. Beasley, Jr., a shareholder of Beasley Hauser Kramer Leonard & Galardi, P.A. was named "Top Lawyer" in the 2009 edition of the South Florida Legal Guide. **Robert J. Hauser, Patricia A. Leonard**, and **Joseph Galardi**, also shareholders in the firm, were named "Top Up and Comers in the same publication."



Guy E. Quattlebaum has joined Butzel Long as a senior attorney in the firm's Palm Beach office. Mr. Quattlebaum has more than 12 years experience as a business litigator.



Adam Rabin, a partner with McCabe Rabin, has been appointed by S.D. Fla. Chief Judge Federico Moreno to serve as an attorney delegate to the 2009 Eleventh Circuit Judicial Conference in Birmingham, Alabama.



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CALENDAR

April 2009

Monday, April 6, 3:00pm – 4:00pm
Justice Jorge Labarga Investiture
FL Supreme Court

Wednesday, April 8, 8:00am
**The Florida Bar Live Seminar
“Practicing With
Professionalism”**
West Palm Beach Marriott

Friday, April 10
Court Holiday – Good Friday
Bar office closed

Tuesday, April 14,
11:45am – 1:00pm
**Judicial Luncheon,
“Motion/Special Set Calendar”**
North end of cafeteria
Palm Beach County
Downtown Courthouse

Tuesday, April 14,
12:00pm – 1:00pm
**YLS Executive
Committee meeting**
Bar Association Office

Wednesday, April 15,
12:00pm – 1:00pm
FAWL Luncheon, WPB Marriott
Thursday, April 16,

12:00pm – 1:00pm
SPBC FAWL Lunch
Bogart’s Bar & Grill, Boca Raton

Thursday, April 16, Noon
**Environmental Land Use
Committee Meeting**
Location TBA

Thursday, April 16,
5:30pm – 8:00pm
North County Section Dinner
Saito’s, 4675 PGA Blvd.
Palm Beach Gardens

Friday, April 17, 11:30am – 1:30pm
**North County Section
CLE Luncheon**
Abacoa in Jupiter

Friday, April 17
On-line Voting Begins

Tuesday, April 21,
10:00am – 1:00pm
Technology Seminar for Solos
Bar Association Office

Tuesday, April 21,
5:30pm – 8:00pm
Inns of Court Meeting
Palm Beach County Courthouse

Tuesday, April 21,
5:30pm – 6:30pm
Legal Aid Board Meeting
Bar Association Office

Wednesday, April 22,
5:30pm – 7:00pm
Judicial Reception
The Harriett at City Place in West
Palm Beach

Thursday, April 23,
5:00pm – 6:00pm
**PBCBA
Board of Director’s Meeting**
Bar Association Office

Friday, April 24
**South Palm Beach County
Bar Association
Golf Tournament**

Friday, April 24, 11:30am – 1:00pm
Solo Luncheon
Bar Association Office

Friday, April 24, Noon
Federal Bar Meeting
The Colony Hotel, Palm Beach

Saturday, April 25,
9:00am – 12 Noon
Law Week Softball Game

Saturday, April 25,
9:00am – 12 Noon
Youth Court Mock Trial

Monday, April 27, 5:00PM
Online Voting ends

Monday April 27 – May 1
Law Week

Thursday, April 30, Noon
**Professionalism
Committee Meeting**
Bar Association Office

