



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

[www.palmbeachbar.org](http://www.palmbeachbar.org)

December 2005

## North County Section schedules dinner at the River House

The North County Section will host a dinner for its members on Thursday, January 19 at the River House Restaurant in Palm Beach Gardens. Space is limited and will be offered on a first come first served basis. RSVP on line today at [www.palmbeachbar.org](http://www.palmbeachbar.org). But hurry, this event will be sold out.

## Membership Holiday Party

It's not too late to RSVP for our annual holiday party. This popular event will be held on Thursday, December 8 at BallenIsles Country Club in Palm Beach Gardens.

The Young Lawyers and North County Sections have worked hard to put together another terrific silent and live auction, including trips, jewelry and other great buys. In addition to the shopping, the evening includes drinks, food and entertainment.

The cost to attend is \$25, or a toy of comparable value. RSVP on-line at [www.palmbeachbar.org](http://www.palmbeachbar.org).

## Nominating petitions available for Board of Directors

The annual election of officers and directors for the Palm Beach County Bar will take place in April. Persons seeking to run for a position on the Board of Directors will need to obtain a nominating petition and must be a member in good standing of the Palm Beach County Bar Association. The nominating petition must be signed by no fewer than 20 members in good standing of the Association. Petitions for President-elect will be available on December 15 and will be due back in the office by 5 p.m. on January 17. Petitions for director-at-large seats will be available on December 30 and will be due back in the Bar office by 5 p.m. on January 31. Petitions may be obtained by calling the Bar office at 687-2800 or by sending an e-mail requesting it at [pburns@palmbeachbar.org](mailto:pburns@palmbeachbar.org). For any of the positions, it is the candidate's responsibility to verify ahead of time through the Bar office that the members that are signing the petitions are members in good standing, otherwise, the petition will be deemed invalid.

The Bar recently selected the first recipients of its Minority Initiative Program. The program was created to give minority students an opportunity to receive on the job experience with prominent law firms. Eight students from the top half of their classes from south Florida law schools, including Nova Southeastern University, St. Thomas University, University of Miami and Florida International University are participating in our program. A special thank you to the following law firms for making the program possible: **Boose Casey Ciklin Lubitz Martins McBane & O'Connell; Lytal Reiter Clark Fountain & Williams; Gunster Yoakley & Stewart; Greenberg Traurig; Ruden McClosky; Walton Lantaff Schroeder & Carson; Fourth District Court of Appeal; and the Clerk and Comptroller for Palm Beach County.**



This picture was recently taken during a membership luncheon where the students and law firms were recognized. Standing from left to right, law firm representatives: V. Lynn Whitfield, Walton Lantaff Schroeder & Carson; David Prather, Lytal Reiter Clark Fountain & Williams; Meenu Sasser, Gunster Yoakley & Stewart; Denise Coffman, Clerk & Comptroller's Office; Theodore Leopold, president of the Palm Beach County Bar Association; Sharon Bock, Clerk & Comptroller for Palm Beach County; Nisha Wright, Ruden McClosky; Al Malefatto, Greenberg Traurig; and Marc Matthews, Greenberg Traurig. Students pictured from left to right: Patrick McKinley, University of Miami; Barbara Petit-Homme, St. Thomas University; Jessica Menjivar, St. Thomas University; Sue-Anne Robinson, Florida International University; Gabriel Mejia, Nova Southeastern University; Cleve Glenn, University of Miami; and Shelly Springer, University of Miami (not pictured Armando Edmiston, Nova Southeastern University)

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THE  
**BULLETIN**

THEODORE J. LEOPOLD  
*President*

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PATIENCE A. BURNS, CAE  
*Executive Director*

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The mission of the PBCBA is to foster professionalism, serve its members, and enhance public access to the legal system through education and service.

**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



**“100 Club” Being Formed**

The Palm Beach County Bar Association will be founding a “100 Club”. The 100% Club is a special category of membership that demonstrates a commitment to the legal profession and our community from law firms, law departments and legal organizations with more than three attorneys who enroll 100% of their attorneys as members of the Palm Beach County Bar Association.

If you think your firm is eligible, fax a listing of your attorneys to (561) 687-9007, Attn: Nancy Reidler and we’ll let you know!

The 100 Club listing will be published quarterly in our newsletter as well as posted on our website.

**Congratulations Inaugural Members of 100% Club**

Many thanks to the following law firms and legal organizations that are our inaugural members of the 100% Club:

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## President's Message



### What would be written if you were to retire from the practice of law today?

By Theodore J. Leopold, President

Nobel Prizes are perhaps the world's most famous. Presented in literature, peace, economics, medicine and the sciences, they were created a century ago by Alfred Nobel, a man who amassed a fortune through the production of explosives. He invented dynamite, among other things.

The creation of the Nobel Prize came about by chance. When Nobel's brother died, a newspaper ran a long obituary of Alfred Nobel, believing that he had passed away. This gave Nobel an opportunity few people ever had. To

read his obituary while alive. What he read horrified him. The newspaper described him as a man who had made it possible for more people to be killed more quickly than anyone else who had ever lived.

At that moment, Nobel realized two things: This was how he was going to be remembered, and that this was not how he wanted to be remembered. Shortly thereafter, he established the Nobel Prize. Today everyone is familiar with the Nobel Prize, but relatively few can recall how Nobel made his fortune.

What does this story tell us about how we practice law? How will you feel when you look back upon your career? Will you have helped your clients? Will you have made your community better? Will you have left the legal community better off than it was? These are all questions we should think about as we ponder our careers.

If you were to retire today what would people say about your legal career? Would they say things you would like to hear? And if not, what can you do now to change it?

### Need CLE Credit?

The Palm Beach County Bar Association has a large library of audiotapes available if you are in need of some extra CLER credit hours.

Be sure to check the Bar's website at [www.palmbeachbar.org/continuing.php](http://www.palmbeachbar.org/continuing.php) to download the complete list of tapes available, see the insert in this issue, or call 687-2800 to have an order form faxed to you.



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# Re-Elect!

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  - Disciplinary Procedures Committee
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  - Special Committee on Judicial Independence
- President, Palm Beach County Bar Association (2000-2001)
- President & Board Member, PBC Bar Assoc., Young Lawyers Sec. (1988-1995)
- Director, Palm Beach County Bar Association (1995-2002)
- Chair, PBC Bar Association Revitalization Committee (1999-2000)
- Center for Family Services "Shooting for the Stars" Award (legal) 1995
- Florida Bar Association's Young Lawyers Section,  
"Most Productive Young Lawyer" 1995
- Florida Bar Board Certified Business Litigation Lawyer
- President, Children's Place and Connor's Nursery (1989-1992)

***Scott's Steering Committee urges you to re-elect him to  
The Florida Bar Board of Governors:***

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Robert W. Wilkins**

**Please e-mail Scott at [shawkins@jones-foster.com](mailto:shawkins@jones-foster.com) to join his list of supporters.**

## Staying On When Everything Is Off

by Bard D. Rockenbach, Chairman, Technology Committee

As I write this, Hurricane Wilma is raging outside. My power is still on, but probably not for long. For me, the worst part of any storm isn't the actual storm, but the aftermath. Being without power and phone service is difficult, at best, and can be dangerous at its worst. It is especially hard to keep a business going. In the wake of Katrina, Rita and now Wilma, I thought it would be useful to share options for surviving the aftermath.

Fortunately, our industry can be kept going easily in the face of adversity. While most businesses depend on a physical structure to operate, the practice of law can be conducted, to a large degree, anywhere. All it requires is a little planning and investment.

The best place to start with preparations is at home. If the office is destroyed in a storm or without power, my first choice for an alternate is to work at home. The investment needed there is a monster backup generator. An automatic backup generator turns on when it senses that the main electric is off, usually after waiting a few minutes to make sure that the electric grid isn't going to correct itself. Of course, even a generator needs fuel and fuel is something that is in short supply after a storm. Different models run on natural gas, propane, diesel or gasoline. The best option is natural gas, since it is piped in and would present a virtually endless source. Second best would probably be propane, since you can store several hundred gallons in a tank underground. But even that will run out after about a week, so it is a good, but not great, solution. The least desirable option would be gasoline or diesel, since obtaining and transporting fuel is a constant headache. (It is amazing how quickly we revert to a hunter/gatherer society after a storm, with most of our time and energy being wasted on securing gasoline, ice and food.) A 10 kilowatt generator to run a house might cost as little as \$2,000.00 - \$3,000.00, and would reduce the need to hunt and gather.

There is no specific guideline for what size each home needs. I consider it imperative that any generator run the air conditioner, for at least part of the house if you have multiple zones. Start your calculation there and then add up the other appliances and lights which you will be using. It is probably best to seek the assistance of an electrician to make sure the calculation is accurate. Installing a generator gives you a place to work, but what about the files and client information?

After Katrina, many lawyers were unable to work because they lost their files and client information. The best way to solve that problem is to scan absolutely everything. Once documents are digitized, they can be easily transmitted to a secure location before the storm, or onto a laptop with a very large hard disk. Obviously, this means that you will have to scan documents as part of the ordinary course of business for

the entire year, and that can be time consuming. For me, however, the prospect of losing files is frightening, and I am willing to take the extra time to scan everything to prevent the loss of those files.

Even if you have a place to work with power, and your files, you still need an Internet connection. (As I write this my power is now off, by the way, courtesy of Wilma.) If you have a generator, then electricity is not the problem. If you don't have a generator, then a simple but temporary solution is a battery backup for the modem and wireless access point. I recently installed battery backup units for the television, TiVo, DSL modem and NetGear Wireless hub, so the fact that the electricity is off doesn't stop me from using my laptop to write this article and surf the Internet. The battery also acts as a good surge protector to prevent damage to those devices when the power flickers on and off. A battery backup will keep a modem and access point operating for several hours after the power goes out, however, but it isn't a permanent solution. (By the way, I am now writing this part of the article the day after Wilma, sitting in my car outside of the courthouse on Quadrille so I can charge my computer battery and use the courthouse wireless Internet network. My Internet access at home is now dead.)

Another option for hurricane survival is to get the wireless Internet access from Cingular or Verizon. Their systems use a PC card to transmit Internet traffic over the existing cell phone tower infrastructure. Either carrier will charge about \$60.00 -

*Continued on page 17*

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## Who are they?

In continuing with a project started by the Historical Committee, we will continue to run old photos of some of our members. Can you guess who they are?

Answers on page 16

## Minutes of the Junior Bar Section March 5, 1965

The 169th meeting of the Junior Bar Section was held on March 5, 1965 at the Town House with 49 members present.

The president recognized the presence of Circuit Court Judges White, Knott and Hewitt.

Dick Burk introduced and proposed for membership Jerry Kern who is now associated with his firm. Mr. Kern was unanimously accepted subject to the payment of dues. Jim Adams, contrary to our custom and policy, made a serious proposal; that we investigate the possibility of having the Fourth District Court of Appeals, if and when one is created, located in Palm Beach County. This matter was seconded by Shepo Lesser who was promptly appointed to investigate the matter and draft a resolution for the Junior Bar to support it. Additional members appointed to Shep's committee were Mike Shalloway, Jim Adams, Vaughn Rudnick and the then little known Reid Moore.

Our guest speaker, Hank McCall, gave a most interesting talk on "T.L.C. for your Clients Who Think They Are Going Broke" which could have been subtitled "If You Have to Owe Somebody, Make Sure He is From Out of Town... Way Out of Town".

There being no further business to come before the meeting, it was duly adjourned.

/s/ Angus J. Campbell, Secretary

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**SAMANTHA SCHOSBERG FEUER**



Samantha Schosberg Feuer dedicates her practice to a broad spectrum of areas, including labor and employment litigation, commercial litigation, and white collar criminal defense. She has extensive litigation experience, having previously served as a prosecutor for the Miami-Dade County State Attorney's office. Having honed her skills in motion practice, negotiation skills, and trial practice she is able to aggressively represent her clients through all aspects of the litigation process.

Samantha graduated from the University of Florida Levin College of Law. Samantha was also recently named Top Government Attorney in South Florida in the South Florida Legal Guide 2005.

E-mail: [ssfeuer@schwarzberglaw.com](mailto:ssfeuer@schwarzberglaw.com)

**SCOTT W. ATHERTON**



Scott Atherton concentrates his practice in the areas of labor and employment law, commercial litigation, insurance coverage disputes, and appellate practice. Scott's employment law experience includes defending discrimination, retaliation, and harassment claims, supervising internal investigations, and creating personnel policies that seek to minimize his clients' employment-litigation exposure. Scott also prosecutes and defends a wide range of contract and business tort actions, including those arising from non-compete agreements.

Scott graduated from Nova Southeastern University, where he served as an Associate Editor for the Nova Law Review. Before joining Schwarzberg Spector Duke Schulz & Rogers, Scott worked as an academic clerk for Steel Hector & Davis LLP and served the Honorable Judge Robert M. Gross as a judicial clerk at the Fourth District Court of Appeal.

E-mail: [scott@schwarzberglaw.com](mailto:scott@schwarzberglaw.com)

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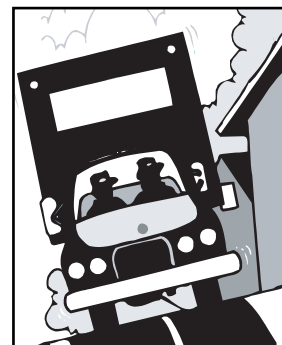
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**MOVING?**

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## Juror Misconduct

by Ted Babbitt

It has become common following an adverse verdict for the losing party to research the litigation history of jurors in the hopes of showing juror misconduct which would justify a new trial. In a recent case, the Fourth District Court of Appeals had the opportunity to review the law on this subject and clarify the requirements for establishing juror misconduct.

The case of Taylor v. Magana, 30 Fla. L. Weekly D2343 (Fla. 4th DCA, Oct. 5, 2005) was a medical malpractice case which resulted in a verdict for the defendant doctor. The trial judge conducted the initial voir dire examination by utilizing a written questionnaire which specifically asked each of the jurors whether they or their immediate family had been a party to a lawsuit or whether a personal injury claim had ever been made against them or their family. One of the jurors responded in the negative to a series of questions which included the information requested concerning prior lawsuits or claims. After the verdict another juror gave that juror a ride home from the courthouse and discovered that not only had the juror and his mother been sued for a personal injury claim but that the juror believed that the attorney for the plaintiff in the case in which the jurors sat was representing the plaintiff in the suit against the juror and his mother. A review of the docket reflected that not only was the juror a defendant in a pending case but that the case was about to go to trial two weeks hence.

The trial court granted a motion to interview the juror and the juror claimed lack of understanding as his explanation for failing to disclose the requested information. The trial court in denying the motion for new trial relied, in part, on the finding that the plaintiff had failed to establish that the juror had purposely concealed the relevant information during voir dire. The Fourth District reversed relying principally on De La Rosa v. Zequeira, 659 So. 2d 239 (Fla. 1995). The De La Rosa Court established the three part test which applies to determine whether juror misconduct warrants a new trial:

First, the complaining party must establish that the information is relevant and material to jury service in the case. Second, that the juror concealed the information during questioning.

Lastly, that the failure to disclose the information was not attributable to the complaining party's lack of diligence.

The District Court explained that the trial judge misapplied the law by basing her denial of the motion for new trial on the lack of evidence of purposeful concealment. At Page 2344, the District Court held:

It is clear that the trial judge applied the wrong standard in determining whether juror Hill's misconduct violated the second prong of De La Rosa, i.e., that the juror concealed the information which was relevant and

material to his jury service. As we stated above, "a juror's nondisclosure need not be intentional to constitute concealment," because the impact remains the same, counsel is prevented from making an informed judgment regarding the composition of the jury and the utilization of his or her peremptory challenges. Roberts, 814 So. 2d at 343. It is clear that the trial judge mistakenly concluded that the concealment must be purposeful and the application of this incorrect standard played a significant role in her conclusion not to grant a new trial.

The District Court in overturning the trial court warned trial counsel that it is not every misstatement of a juror which justifies a new trial. The Court emphasized that the questions posed to the juror must be in terms that would permit an average person, without legal training to be fully capable of understanding the information that is requested. Words such as "litigation" may be very clear to someone with three years of legal education but a total mystery to a layman. In this case, however, the Court pointed out that it was the trial judge who propounded the questions and that she did an admirable job of avoiding legalese so that the information requested could not have been clearer.

The District Court also warned that if a juror's response about litigation history is ambiguous or ambivalent, it is counsel's duty to inquire further. It is the responsibility of counsel to ask follow-up questions to clarify a juror's answers or to obtain any additional information which is relevant to the question. See Birch v. Albert, 761 So. 2d 355, 358 (Fla. 3rd DCA 2000). In this case, however, the District Court pointed out that there was nothing to put counsel on notice that the juror did not understand what appeared to be clearly sought information. The Court was incredulous about the juror's explanation of lack of understanding. The District Court ruled that the circumstances of this case fell within the requirements of Birch, supra, at 358 that the information was "squarely asked for and not provided."

A party has a right to conduct a meaningful voir dire examination. Probably nothing in the trial is more important than the selection of jurors. The foundation of any verdict must be based upon a decision by a fair and impartial panel of people. The test enunciated by the Florida Supreme Court in De La Rosa, supra, is designed to ensure that the attorneys are not prevented from making an informed decision regarding the composition of the jury or the use of peremptory challenges. See Roberts v. Tejada, 814 So. 2d 334, 333 (Fla. 2002). Nevertheless, counsel must do their part in ensuring that the questions posed are clear and any ambiguity is resolved before a juror is accepted.

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.

# Membership Luncheon Highlights

Attorneys in the highly publicized Terri Schiavo case recently appeared before our members and spoke about their experiences. This was the first time the lawyers David Gibbs and George Felos had spoken together outside of the courtroom.



Attorneys representing both parties in the Schiavo case pictured (left to right) David Gibbs, the attorney for Terri Schiavo's parents; Ted Leopold, president; and George Felos, the attorney for Terri's husband.



Judge Barry Cohen, Manny Farach and Judge Charles Burton



David Schwartz and Michael Lampert



Marianne Rantala, Brian Mangines and Lisa Small



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	<p><b>Profile:</b> 17 years in the real estate business in Palm Beach County. Four generations of experience in real estate from farming to brokerage. Florida Real Estate Commission ethics, broker ethics and due diligence.</p>
	<p><b>Accomplishments:</b> Palm Beach County Elected Official - 1998-2002 District Supervisor Group one-Palm Beach County Soil and Water Conservation District.</p>
	<p><b>Affiliations:</b> National Association of Realtors • Florida Association of Realtors • National Association of Mortgage Brokers • Florida Association of Mortgage Brokers • Member American Mediation Society</p>
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# Special Needs of Children Committee

The Special Needs of Children Committee recently hosted a membership cocktail reception to help raise money for their annual National Adoption Day program, which took place last month and included lunch, gifts and finalizing adoptions for more than 30 children. A special thank you to Penny Martin and Joe Ackerman for their tireless efforts on behalf of children in need.

The committee sincerely thanks the following law firms for their support:

- Hausmann & Hickman
- Jones, Foster, Johnston & Stubbs
- Kathryn Beamer
- Reid & Zobel
- Searcy Denney Scarola Barnhart & Shipley
- Stuart Manoff & Associates
- Victoria Vilchez & Associates
- Williams, Leninger & Cosby
- Boose Casey Ciklin Lubitz Martens
- McBane & O'Connell



**Rick and Lonnie Martens**



**Arlene Friedman and Penny Martin**

## North County Section Board Meeting Attendance for 2005-2006

	Aug.	Sept.	Oct.
Bill Fleck	x		x
Andrew Pineiro	x	x	x
Ned Reagan	x		x
Scott Kramer		x	x
Jerry Beer	x	x	x
Jeff D'Amore	x	x	x
Adam Doner	x	x	
Ryon McCabe	x		x
Marina Petillo	x	x	x
Laura Starr	x	x	x
Donna Adams	x		x
Mitch Beers	x	x	x
Stan Klett	x	x	
Colleen Nelson	x	x	
Michael Slavin	x	x	x
Scott Zappolo	x	x	x
Bard Rockenbach	x	x	
Debra Jenks	x	x	x
Joe Ward	n/a	n/a	x



### Do You Need a Mentor?

The Palm Beach County Bar Association's Mentor Program is designed to provide members with a quick and simple way to obtain advice, ideas, suggestions, or general information from an attorney that is more experienced in a particular area of law. The mentors provide a ten-to-fifteen-minute telephone consultation with a fellow attorney, at no fee. Any member of the Palm Beach County Bar, whether newly admitted or an experienced practitioner, can use the program. Call the Bar office at 687-2800, if you need a Mentor.



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- > Former Assistant General Counsel and Vice President to National & Regional Brokerage Firms (1992-2002)
- > Assistant Public Defender, 15th Judicial Circuit in and for Palm Beach County (1987-1992)
- > Series 7 Securities License (1997-2004)
- > **JD** – University of Miami School of Law (1987)
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The Bar Association will be collecting shampoos, deodorant, tooth paste, tooth brushes, and other personal items to benefit The Lord's Place, which is a temporary shelter for the homeless - many of which are families with children. So the next time you go on a business trip or take a vacation, be sure to collect all of the personal hygiene items and bring them home with you. It will make a world of difference to a family in need. Thank you in advance for your support of this worthy project.

## Pro Bono Attorneys Who Closed Cases In October 2005

We salute the following attorneys that closed their pro bono cases in October 2005:

Andrea Bernstein	Gene S. Devore	James C. Gavigan
Gilbert Brophy	Craig D. Earnhard	cynthia J. Jackson
Tony Cao	Brett Elam	Stuart Karden
Peter A. Cooke	Ansley Ellmyer	John Little
Phillip Crenshaw	John Farina	Donia Adams Roberts
Steven Cripps	Peter M. Feaman	David r. Schwartz
J. Burke Culler, Jr.	Tara A. Finnigan	Bradley Shraiberg
Georgina Dambra	Kirk Friedland	
Joseph R. DeLucca	Lance C. Fuchs	

The total amount of hours: 458.10

## Peter A. Cooke Recognized As Pro Bono Attorney Of The Month

The Fifteenth Circuit Pro Bono Committee is pleased to announce this month's Pro Bono Attorney of the Month, **PETER A. COOKE**. Peter, a partner in the West Palm Beach law firm of Adams, Coogler, Watson, Merkel, Barry and Kellner P.A., practices primarily in the area of medical malpractice defense. At the request of the Legal Aid Society, Peter undertook representation of a client in a consumer case. The client entered into a contract to purchase a used car. He gave the car dealership a down payment and then made monthly payments for a little over a year totaling over \$4,000.00. The client was never provided loan documentation or a registration for the car. It was later discovered that the dealership never had title to the vehicle so the car could not be registered. The client requested his money back. The dealership gave him a check that was returned for insufficient funds. When Peter got involved in the case a lawsuit for negligence and civil theft was filed. Within one year the case went to trial. At the non jury trial the client was awarded damages of over \$13,000.00. For his outstanding efforts on behalf of the client, Peter is recognized as this month's Pro Bono Attorney of the Month.

Visit the Bar's Website  
[www.palmbeachbar.org](http://www.palmbeachbar.org)

## Circuit Court Report CIVIL DIVISIONS • September 2005

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
A	05/06	03/06	12/05	1195
B	03/06	01/06	09/05	1503
D	08/06	02/06	12/05	1413
E	02/06	12/05	01/06	1439
F	12/05	12/05	01/06	1161
G	09/06	06/06	11/05	966
H	08/06	08/06	11/05	1259
I	01/06	01/06	12/05	1210
J	02/06	01/06	12/05	1380
N	04/06	02/06	11/05	1243
O	05/06	02/06	12/05	1424
Asbestos				520

All Civil Division Judges schedule their own Jury and Non-Jury Trials.  
 Pending cases as of 10/03/05

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## Happy Hour Highlights

The YLS, along with the Bar's Diversity & Gender Sensitivity Committee, the Cunningham Bar, Hispanic Bar and the law firm of Greenberg Traurig recently hosted a reception. This reception welcomed and introduced the interns involved with the Bar's new Minority Student Initiative to lawyers in the area.



**Meenu Sasser, Janna Nugent, Neichole Hess, Bradley Harper, Phil Hutchinson, Jessica Larramendi Menjvar and Robert Arzonetti**



**Andrea Silva and Cori Marshall**



**Manny Farach, Tracy Mitchell & Jerry Beer**



**Miriam Acosta-Castriz, Callan Garcia and Tequisha Myles**



**Ron Crescenzo, Kent Frazer and Matt Thibaut**



**Judge Don Hafele, Lynn Whitfield, Heath Randolph & Spencer Crowley**

## 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.*

**JOSHUA A. BLACKSTEN** – San Antonio, TX; University of Miami; 1998; Associate with Groelle & Salmon, P.A.

**DANIELLE BRATEK** – Philadelphia, PA; Nova Southeastern University; 2004; Associate with Redgrave & Rosenthal LLP.



**ANNE BROWER** – Trenton, NJ; Mercer University; 2004; Associate with Cathleen Scott, P.A.

**ARLENE FRANCONERO** – New York, NY; Capital University Law School; 1996; Associate with Rigell, Ring & Ardman, P.A.

**SHERRI GREENBLATT** – New York, NY; New York Law School; 1995; Associate with Redgrave & Rosenthal, LLP.

**DEBORAH IGDALOFF** – Erie, PA; University of Richmond; 2005; Associate with Intertech Worldwide Corporation.

**MICHAEL KAUFMAN** – West Palm Beach, FL; New England School of Law; 2001; Sole Practitioner.

**JACK E. LONDON** – Hartford, CT; University of Miami; 1974; Sole Practitioner.

**DEAN A. MORANDE** – Miami, FL; Florida State University; 2004; Associate with Carlton Fields, PA.

**SUSAN V. SAMALIN** – Bronx, NY; Hofstra Law School; 1983; Affiliate Member.

**RANDALL M. SHOCHET** – Philadelphia, PA; University of Miami; 1995; Sole Practitioner.

**JOSHUA G. WHITE** – FSU College of Law; 2003; Associate with Akerman Senterfitt.

**RUSSELL A. YAGEL** – Dunedin, FL; Capital University; 1987; Sole Practitioner.



## Sherry L. Hyman, Esquire

Arbitrator/Mediator



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### Do we have your email address?

Is your current email address on file with the Palm Beach County Bar Association? If not, please be sure to send it to [pburns@palmbeachbar.org](mailto:pburns@palmbeachbar.org). We send out a weekly eNewsletter with updated legal news and information about upcoming events and seminars. Bar members were sent emails after the hurricanes to keep them up-to-date on courthouse and clerk's offices closings and we also post information about judicial openings and any other critical information that comes from the Chief Judge's office. Don't be left out, send your email address in today.



## Director's Note

by Dick Schuler, Director, PBCBA Board of Directors

Last year in this space I advocated for the institution of a barrister/solicitor system for attorneys doing civil and criminal trial work. The response to that was generally favorable, but no one has taken up the banner and brought this before the Florida Bar Board of Governors yet.

This year, I will take the analysis one step further and propose that the Florida Bar propose minimum requirements for Circuit and County Court judgeships.

As we all know, judges occupy a crucial and powerful role as the "Third Branch of Government". Their decisions can cost individuals, corporations and taxpayers millions (even billions) of dollars and cost

criminal defendants their very lives. Doesn't sound like a position where OJT is adequate, does it?

In the past, the old joke goes, there were only two requirements to be a judge: "a head full of gray hair to look wise and a case of hemorrhoids to look concerned"! All joking aside, cronyism and the ability to raise a war chest of money seems to have been the rule lately. "It's not what you know but who you know" may allow a politician to get by but not a judge in most cases.

Requiring that a Circuit Court Judge have experienced a certain number of trials as lead counsel (certification in Civil Trial requires 15), or that a County Court Judge have represented litigants in a certain

number of procedures there would elevate (in my view) the quality of the decisions and justice in those arenas. If a County Court Judge has served for a number of years (say five), that might satisfy the requirements to move on to Circuit Court, etc.

This is not to say that someone of intelligence, industry, common sense, compassion, honesty, even temperament and objectivity couldn't be a good judge, airline pilot or surgeon without some minimum requirements. But next time you take your seat on a commercial jet or look up from the operating table, who would you want to be making the decisions that will affect your life? Think of how our clients feel!

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## Florida Bar Board of Governors Meeting

At its October 21, 2005, meeting in Palm Coast, The Florida Bar Board of Governors:

- Heard a report from the Rules of Criminal Procedure Committee's Fast Track Subcommittee on a proposed rule amendment affecting first appearance bonds for those charged with serious violent offenses. Board members said they hadn't had enough time to give the changes proper consideration. They voted to tell the subcommittee the board would take them up in December and invited the Fast Track panel to make any further changes they might think needed. They also voted to write the Supreme Court to tell them of the board's action, with the understanding if the court wants faster action, the Executive Committee can act for the board and make recommendations on the proposed amendments.
- Approved two-year cycle rule amendments from Criminal Procedural Rules, Appellate Rules, Juvenile Rules, Traffic Court Rules, and Code and Rules of Evidence committees.
- Got on first reading from the Disciplinary Procedure Committee and extensively discussed Standing

Board Policy amendments that would provide guidance for board members acting as designated reviewers. Final board action is expected at its December meeting.

- Approved the Program Evaluation Committee's recommendation that the Animal Law Committee be made a permanent standing Bar Committee.
- Gave final approval to the new policies governing the financial relationship between the Bar and its sections, including how fees are split for CLE programs.
- Heard Bar President Alan Bookman ask board members to begin recruiting applicants now for upcoming vacancies on judicial nominating commissions, including approaching minority and local bar associations for their help. The Bar must submit 156 names for 52 JNC seats to the governor by April.

Greg Coleman  
Scott Hawkins  
Lisa Small  
Jay White

## New Online Membership Directory

We are very pleased to unveil our new online membership directory! We sincerely thank **Regent Bank** for their sponsorship of this new member benefit. This directory not only contains address and photo information on your fellow members, but it will soon have archived copies of the Bar Bulletin. Please keep in mind that this directory and the ListServ is available only to members of the Palm Beach County Bar Association.

Additionally, we are pleased to provide you with the opportunity to join a ListServ for the various committees and practice areas that we have and encourage you to do so. We have found that members really benefit from sharing information with our members who practice in the same area of law. To subscribe to an eList, simply click on your profile and follow the directions at the top of the screen. Once you have selected the eList group(s) be sure to save the record. You will receive an email confirmation providing you with the address you will need in order to send a message to a particular eList group. To access the new site, bookmark <http://my.memberclicks.com/pbcba> today.



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## Photo Answers:

*From Page 6*

**1966-67 Officers of the Palm Beach County Bar Association – (back row): John Beranek, Peter Van Andel, Ted Babbitt, John Flanigan and Sid Stubbs; (front row): Ray Royce, Chubby Damsel, Ed Lewis and Larry Klein.**

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## Staying On

from page 5

\$80.00 per month for unlimited access with a separate charge to buy the wireless access PC card. This system will work as long as the cellular phone towers are up and running, which we all know after Francis and Jeanne last year, is far from certain.

About the only sure bet for Internet access is the DirectWay satellite dish. As long as you have power and are able to realign the dish with the satellite after the storm, then your Internet access problems are solved. DirectWay provides DSL speed transmission without the need for a phone line. It will provide sufficient speed for most business use.

The final problem is telephone service. The obvious solution there is cell phone but, as we saw after the storms last year, cell phone service cannot be depended on after a hurricane. The Internet could come to the rescue here, too, if you have installed an IP telephone system which uses the Internet to transmit and receive calls. The advantage of IP phones (available from Cisco, Panasonic and others) is that they operate with a specific IP address, like a computer, and not with a specific phone line. This means that phone calls will ring on your phone no matter where you are when you plug it in. When someone dials your phone number, it is converted to a web IP address and the call is routed to your phone. Even if you have to take the phone out of the office and start working out of your house, you can plug your IP phone into the home computer network and it will ring when someone dials your office number. No one will even notice that you aren't in your office!

The goal of hurricane business survival is to keep the practice running without missing a beat, even if your actual office was blown away by the storm. It isn't something that can be done a few days before the storm hits. To truly be a hurricane survivor you have to plan for the worst and set up your practice accordingly. Keep your data safe, and ensure access to important technology after the storm. We can't prevent another hurricane, but we can at least be ready for it.

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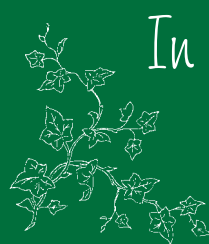
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## In Memoriam

William A. Johnson  
1916 - 2005



## Contributions sought for 2006 Law Week Judicial Reception

The Law Week Committee is beginning its efforts to request contributions from law firms to underwrite the cost of the annual judicial reception honoring the local judiciary to be held on April 26, 2006. Sponsors will be recognized on the invitation, in the Bar Bulletin and on a sign at the reception.

Those interested in making contributions should send a check no later than March 1 to the Palm Beach County Bar Association, ATT: Patience Burns, 1601 Belvedere Road, Ste. 302E, WPB, FL 33406. Sponsorships have been set as follows: \$200 for firms with 1-2 attorneys, \$300 for firms with 3-10 attorneys, and \$500 for firms with 11 or more attorneys.



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**GREGORY TENDRICH:** Former Vice President & Asst. General Counsel (with Series 7 license) to regional & national NYSE/NASD brokerage firms, current NASD Arbitrator and Florida Supreme Court Certified County Court Mediator, is available to mediate all securities related matters, as well as business and commercial disputes. Mr. Tendrich is also accepting referrals and is available to co-counsel and/or provide trial consultation & assistance in all securities related matters, including state, federal and SRO regulatory enforcement. Please call 561-417-8777 or visit our website [www.yourstocklawyer.com](http://www.yourstocklawyer.com) or email the firm at [10drich@bellsouth.net](mailto:10drich@bellsouth.net).

**MARK R. HANSON:** All admiralty and maritime matters, including personal injury actions, boating accidents, cruise line injuries and insurance claims. 240 Tenth Street, West Palm Beach, FL 33401, (561) 833-7828  
[Mhanson@PalmBeachInjuryLawyer.com](mailto:Mhanson@PalmBeachInjuryLawyer.com).



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# Bulletin Board

**W. GREY TESH:** Criminal Defense Attorney. Over 50 jury trials. Former assistant public defender experience in felony, misdemeanors, juvenile, and appeals. Federal and State cases. Private investigator services included. Director, Palm Beach Association Criminal Defense Lawyers. Young Lawyers Section, PBCBA. 1610 Southern Blvd. WPB, FL 33406. www.wgtlaw.com (561-686-6886).

**RICHARD D. NADEL:** Bankruptcy. Twenty years experience in the Southern and Middle District. Florida Bar designated 1996. Address: 3300 PGA Blvd., Ste. 970, Palm Beach Gardens, FL 33410, Telephone: (561) 622-9353 Email: nadelgrp@bellsouth.net.

**KATE LYNN:** The Law Offices of Kate Lynn, LLC are pleased to announce the relocation of their offices on July 1, 2005 to: The Comeau Building, 319 Clematis Street, Suite 109, West Palm Beach, FL 33401, Tel: (561) 659-2280; Fax (561) 659-2208 E-mail: katelynnlaw@bellsouth.net. The Law Offices of Kate Lynn, LLC concentrates on criminal defense (felony, misdemeanor, DUI, traffic), family law and civil litigation.

**RICHARD HUIJBER:** Former Immigration Attorney-Advisor to the Miami Immigration Court and the Board of Immigration Appeals, is pleased to announce the opening of his new law office in Boca Raton. Mr. Hujber has 10 years experience, exclusively in immigration law. He and his staff speak Spanish, Hungarian, and Portuguese fluently. The office accepts ALL types of immigration matters. 980 N. Federal Hwy. Suite 306, Boca Raton, Florida, 33432. Tel: (561) 417-VISA (8472); Fax: (561) 417-2575; Richardhujber@yahoo.com.

**MICHAEL J. MCHALE:** Board Certified Admiralty and Maritime Lawyer. All maritime and admiralty matters in State and Federal Court including personal injury, seizures of vessels, limitation of liability, purchase and sale of boats, cruise ships injuries, longshore claims, and BUIs. 112 S. "F" Street, Lake Worth, FL 33460 (561) 585-3220, admar1@earthlink.net and www.admiraltyatty.com.

**KEVAN BOYLES:** Contributing Fellow – National Network of Estate Planning Attorneys. Probate; Guardianship (Minors); Special Needs and Protective Trusts; Estate Planning (Financial Retirement, Business Succession, Charitable, Medical, Disability, Legacy and Gift); Estate and Gift Tax Returns. 350 Royal Palm Way, Ste. 405, Palm Beach, FL 33480; (561) 833-2472.

**CHRISTOPHER HOPKINS:** Appellate counsel for appeals in state and federal courts. Mr. Hopkins focuses on state appeals, particularly personal injury and malpractice. Cole, Scott & Kissane, P.A., 1645 Palm Beach Lakes Blvd., 2nd Floor, WPB, FL 33401; Email: Hopkins@csklegal.com.

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## HEARSAY



**John Clough** has joined the law firm of Fowler White Boggs Banker as an associate. Mr. Clough will practice in the area of business litigation including contract

disputes, restrictive covenants, business entity disputes including shareholders and member disputes. Mr. Clough received his law degree from the University of Miami School of Law.



**Robin Rosenberg** recently was appointed to the American Arbitration Association's (AAA) National Research Exchange Panel, a group of 40 members nationally

that provides impartial resolution of equity research-related disputes between investors and companies.

The Palm Beach County Film & Television Commission (FTC) announced that former County Commissioner **Kenneth G. Spillias** was appointed to chair the FTC board of directors. Mr. Spillias is a shareholder in the West Palm Beach office of Lewis, Longman, & Walker, P.A.

## MISCELLANEOUS

**STOWE, VERMONT VACATION RENTAL-** Available after January 7, 2006 through March 2006. Newly constructed fully furnished four bedroom (3 queen and 1 bunk bed), 2 1/2 bath home. Ideal for one to two families. Panoramic mountain views, ten minutes from skiing, fireplace, Jacuzzi bathtub, kid's playroom with wide screen television with Tivo, internet access. Short drive to restaurants and shopping. \$500/per night. Call Evonn at 704-8556.



# CALENDAR

## December 2005

Thursday, December 1,  
12 noon  
**Special Needs of  
Children Committee**  
Chair Joe Ackerman's Office

Friday, December 2,  
8:30 a.m.  
**PBCBA Elder  
Law Seminar**  
Bar Association Office

Friday, December 2,  
10:00 a.m.  
**FAWL Event at Barnes &  
Noble at City Place**

Wednesday, December 7,  
12 noon  
**Hispanic Bar  
Association Meeting**  
Call Miriam Acosta-Castriz  
625-1122

Wednesday, December 7,  
12 noon  
**North County Section  
Board Meeting**  
Offices of McHale & Slavin

Wednesday, December 7,  
6:00 – 7:30 p.m.  
**Small Claims Court Clinic**  
North County  
Regional Library

Thursday, December 8,  
5:30 p.m.  
**Holiday Party  
at BallenIsles**  
Palm Beach Gardens

Friday, December 9,  
8:30 a.m.  
**ADR Committee Meeting**  
Bar Association Office

Tuesday, December 13,  
12 noon  
**Young Lawyers  
Section Executive  
Committee Meeting**  
Bar Association Office

Wednesday, December 14,  
12 noon  
**Solo Practitioner's  
Networking Luncheon**  
Bar Association Office

Friday, December 16,  
12 noon  
**Cunningham Bar  
Association Meeting**  
Contact Edrick Barnes  
(561) 616-3333

Thursday, December 19,  
5:00 p.m.  
**Board of  
Directors Meeting**

Happy  
Holidays



### PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

1601 Belvedere Road, Suite 302 East, West Palm Beach, FL 33406

PRESORT STD  
US POSTAGE  
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PERMIT NO. 1946

#### PAST PRESIDENTS...

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\* DECEASED  
\*\* FLORIDA BAR PRESIDENT  
\*\*\* DECEASED, FLORIDA BAR PRESIDENT, SUPREME COURT JUSTICE  
\*\*\*\* DECEASED, FLORIDA BAR PRESIDENT  
\*\*\*\*\* DECEASED, FLORIDA BAR PRESIDENT, FEDERAL COURT JUDGE

The Palm Beach County Bar Association's Alternative Dispute Resolution Committee Presents:

## “Do’s and Don’ts of Dispute Resolution in Today’s World”

Wednesday, February 15, 2006 8:00 a.m. – 5:00 p.m.

Bar Association Offices 1601 Belvedere Road, #302E, WPB, FL



### Program Schedule

- 8:00 – 8:30 **Late Registration/Check In**
- 8:30 – 8:45 **Welcome & Opening Remarks**, *W. Jay Hunston, Jr., Esq., Committee Chair*
- 8:45 – 9:15 **Alternative Dispute Resolution in Condominium Disputes**, *Michael J. Gelfand, Esq., Gelfand & Arpe*
- 9:15 – 10:00 **Mediation Tactics – What Works and What Doesn’t**, *Theodore A. Deckert, Esq.*
- 10:00 – 10:15 **Break**
- 10:15 – 11:00 **Emerging Technologies for ADR - Is it a Case of Pulling the Profession Kicking and Screaming into the 21<sup>st</sup> Century?**, *Robin Rosenberg, Esq., Rosenberg & McAuliffe*
- 11:00 – 12:00 **Arbitration Practices in Florida**, *Albert J. Orosa, American Arbitration Association*
- 12:00 – 1:15 **Lunch (on your own)**
- 1:15 – 2:15 **Dispute Resolution and the Criminal Mind**, *Hon. Peter Leavitt, Retired*
- 2:15 – 2:45 **Family Mediation – Ethical Danger Zones**, *Andrew Helgesen, Esq., Harris & Helgesen*
- 2:45 – 3:00 **Break**
- 3:00 – 4:00 **ADR Ethics: Recent Case Law Update**, *W. Jay Hunston, Jr., Esq.*
- 4:00 – 5:00 **Ethical Dilemmas in Dispute Resolution Practice**, *Panel Discussion*

This course is expected to receive **8.0 CLER hours including 2.5 Ethics** credit from The Florida Bar

The cost of the seminar is \$155 for PBCBA members/legal assistants

\$195 for non-PBCBA members/legal assistants if registered by 2/8/06; 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](http://www.palmbeachbar.org)

Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

Credit Card #: \_\_\_\_\_ Visa: \_\_\_\_\_ AMEX: \_\_\_\_\_ Mastercard: \_\_\_\_\_

Name on the Card: \_\_\_\_\_ Exp: \_\_\_\_\_

Amount to Charge: \$ \_\_\_\_\_ Signature: \_\_\_\_\_

\_\_\_\_ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (2/15/06 ADR) Cost is the same as listed above.

Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406. Telephone: (561) 687-2800



# Palm Beach County Bar Association Professionalism Award

There has been a significant interest in promoting professional conduct in the practice of law. The importance of promoting professionalism and ethical conduct has been recognized by local bar associations and state bar organizations all over the country, as well as the American Bar Association. For the last six years, the Palm Beach County Bar Association's Professionalism Committee has worked on these issues on a local level through the able leadership of previous Chief Judges and former chairs of the Professionalism Committee. A Professionalism Council has been set up where referrals can be made by an attorney who has decided that another attorney's conduct has violated the Florida Bar Ideals of Professional Conduct and the Palm Beach County Bar Standards of Professional Guidelines.

For the seventh year, our own Palm Beach County Bar Association will be presenting the Annual Professionalism Award to be given at the Professionalism Seminar which it sponsors every year. This year's Professionalism Seminar is presently scheduled for Friday, April 28, 2006. While the Professionalism Awards will be given at that time the nomination process for these awards is right now. You will find enclosed with this issue of the Palm Beach County Bar Bulletin nomination forms which need to be properly filled out and returned to Patience Burns of the Palm Beach County Bar Association no later than February 1, 2006.

There are three separate and distinct Professionalism Awards that are given each year. The first award is for an **individual** whose conduct embodies professionalism. We do not want to have a "good guy" award, and the nomination form requests clear examples and detailed information regarding the nominee's qualifications for this award.

The second award is for a member of the **Judiciary**. The purpose of this award is to recognize a judge who best exemplifies strength of character, service and competence as a jurist with an excellent reputation for sound judicial decisions and an unblemished record of integrity as a lawyer, and public servant.

The third award is for a **firm or organization** that has an in-house program designed to encourage mentoring. Bar organizations all over the country have concluded that proper mentoring is a very effective way of fostering professional and ethical conduct by attorneys. If you are aware of any firm or organization that has such a mentoring program, please take a few minutes to fill out the nomination form that is included with this issue of the Palm Beach County Bar Bulletin.

Once the nomination forms have been submitted, they will be reviewed by a selection committee, which will pick the most worthy nominees for the individual attorney, judicial member and firm/organization professional's awards.

The successful promotion of professionalism and ethical conduct by attorneys will be most successful with all of our involvement and cooperation. Please take the time to fill out the nomination forms and we will look forward to seeing you at the Professionalism Seminar on April 28, 2006.

**PROFESSIONALISM AWARD NOMINATION FORM  
LAW FIRM/ORGANIZATION**

This award is for a firm or organization that has an in-house program designed to encourage mentoring. Firm or organization must be member of the Palm Beach County Bar Association.

Name of law firm/organization being nominated: \_\_\_\_\_

Name of Nominator: \_\_\_\_\_

Please state your relationship, if any, to the law firm/organization being nominated:

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Please state your knowledge as to all activities of the law firm/organization internally or externally to the community in general that promotes professionalism in general and mentoring in particular. Please state your specific knowledge as to the law firm/organization mentoring program in question, including but not limited to how long the program has been in existence, the exact format/nature of the program, as well as your actual knowledge of any of the programs participants.

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Please provide any additional information regarding this law firm/organization's program that you believe will be helpful to the selection committee (use separate sheet if necessary).

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**DEADLINE TO RETURN NOMINATION:** February 1, 2006. Please return to Patience Burns, Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302 East, West Palm Beach, FL 33406. *Past Winners Include: Craig S. Bernard, Inns of Court; Jones, Foster, Johnston & Stubbs; Law Week Committee; FAWL; Jani Mauer & Nova Law School; Carlton Fields and the Legal Aid Society of Palm Beach County.*

# PROFESSIONALISM AWARD NOMINATION FORM INDIVIDUAL ATTORNEY AND MEMBER OF JUDICIARY

Please use this form to nominate either an attorney or a judge whose conduct embodies professionalism. The individual must be a member of the Palm Beach County Bar Association. An award will be given to **both** an attorney and a judge this year.

This nomination is for (please check one): \_\_\_Attorney \_\_\_Judge

Name of Nominee: \_\_\_\_\_ Name of Nominator: \_\_\_\_\_

Employer of Nominee: \_\_\_\_\_ How long have you known the Nominee  
and in what capacity: \_\_\_\_\_

Your knowledge as to the Nominee's number of years in the Palm Beach County legal  
community: \_\_\_\_\_

Your knowledge of Nominee's involvement in Palm Beach County Bar Association, Florida Bar  
and other community organizations:

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Please reference any specific occurrences or instances where the Nominee displayed professionalism in accordance with The Florida Bar Ideals and Goals of Professionalism, the Palm Beach County Bar Association Standards of Professional Courtesy or otherwise. Please be sure to give as much factual information regarding these specific instances for the selection committee to consider.

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Briefly discuss in the space provided why you believe the Nominee has exhibited exemplary professionalism in the course of his or her practice of law or on the Bench. Please reference any specific occurrences.

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DEADLINE TO RETURN NOMINATION: February 1, 2006. Please return to Patience Burns, Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302 East, West Palm Beach, FL 33406. *Past Winners include: Jack Ackerman, Douglas Duncan, Judge Walter N. Colbath, Jr., D. Culver "Skip" Smith III, Judge Edward Rodgers, Judge Peter Blanc and Sidney A. Stubbs, Jr. Judicial Award Winners: Judge Lucy Chernow Brown*



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

**WINTER 2006  
REAL ESTATE SEMINAR**

**"PRACTICING IN TODAY'S REAL ESTATE ENVIRONMENT:  
A TANGLED WEB OF ETHICAL RESPONSIBILITIES"**



**Friday, February 3, 2006  
8:15 a. m. - 12:00 p.m.  
Bar Association Offices**

**Program Schedule**

- 8:15 - 8:40**      **Late Registration**
- 8:40 - 8:45**      **Welcome and Opening Remarks** - *Steven D. Rubin, Esq.*
- 8:45 - 9:30**      **Affiliated Business Arrangements, Referrals, Kickbacks and RESPA: The real estate attorney's relationship with the developer, the real estate broker, title agent, mortgage broker, and lender, including ethical considerations.**  
*Deborah Boyd, Esq., First American Title Insurance Company*
- 9:30 - 10:15**      **Attorney and Client Business Relationships with the Real Estate Broker and Sales Associate: Broker and sales associate duties and liabilities including the attorney's ethical duty of loyalty, and real estate commission litigation.**  
*Michael Simon, Esq., Simon, Sigalos & Spyredes, P.A.*
- 10:15 - 10:30**      **Break**
- 10:30 - 11:15**      **Ethical and Legal Duties of the Attorney as Settlement Agent: The 2005 Commercial Real Estate Sales and Leasing Commission Lien Acts and the settlement agent's new authority to satisfy mortgages of record.**  
*Jessica Callow, Esq., Boose, Casey, Ciklin, Lubitz, Martens, McBane & O'Connell*
- 11:15 - 12:00**      **When the Bubble Bursts: Enforcement and litigation of real estate contract and lien rights, including changes effected by the 2005 Amendments to the Bankruptcy Code.** *Manuel Farach, Esq., Rutherford Mulhall, P.A.*

This course is expected to receive 4.0 CLER including 3.0 Ethics Credit from The Florida Bar. The cost of the seminar is \$100 for PBCBA members/legal assistants, \$140 for non-PBCBA members/legal assistants if registered by 1/27/06; after that \$125 for members, \$165 for non-members.

**On-site registration add \$15.**

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](http://www.palmbeachbar.org)

**Name:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_

**Address:** \_\_\_\_\_ **City/Zip** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**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) (Real Estate Seminar 2/3/2006)

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

**Palm Beach County  
Bar Association**

December's luncheon  
sponsored by:



**Noon-time  
Networking  
Luncheons**  
11:45 a.m. - 1:00 p.m.

At each luncheon, every participant will have the opportunity to introduce themselves and give a 60-second presentation on their practice. Plus, a list of all participants will be distributed at each luncheon. Be sure to bring plenty of business cards!

Bar Association Office  
1601 Belvedere Rd. #302E  
West Palm Beach, FL 33406  
Call the Bar Office if  
you have questions:  
Phone: (561) 687-2800



**Solo Practitioners & Small Firm Committee  
Presents**

**“Practice of Law Meets The Business of Law”**

*For Attorneys in Firms with Five or Fewer Lawyers—  
no more than 3 in the same practice area.*

Next Luncheon Scheduled for  
**Wednesday, December 14**  
**11:45 a.m.**  
**Bar Office**

Topic: Basic Law Practice Necessities  
What types of outside service providers are out there that every law practice needs in their rolodex?  
Share experiences regarding copy services, off site storage for files & evidence, plus more.

**LUNCHEON MEETING DATES**

- Wed., December 14—Basic Law Practice Necessities
  - Wed., February 1—Client Development & Getting Paid
  - Wed., March 29—Law Office Technology
  - Wed., May 10—Law Practice Accounting
  - Wed., June 21—Staffing Your Office
- Plus, there will be one networking dinner. Location and Date, TBA

**COST:**

Noon-time Luncheons - \$10/per luncheon or \$40 for the remaining series for PBCBA members (\$20/\$60 for non-members) price includes one dinner event.

Clip & Mail

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State and Zip \_\_\_\_\_

Phone \_\_\_\_\_ Email Address \_\_\_\_\_

Method of Payment  Check Amount Enclosed: \_\_\_\_\_

Credit Card # \_\_\_\_\_

Signature \_\_\_\_\_ Exp. date \_\_\_\_\_

- Visa
- MasterCard
- American Exp

Check all events that you wish to attend:

- December 14, 2005
- February 1, 2006
- March 29, 2006
- May 10, 2006
- June 21, 2006
- Dinner, TBA

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 in house of audiotapes of live seminars from the Orange County Bar Association (OCBA), Clearwater Bar Association (CBA), and the Dade County Bar Association (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.

11/15/05

Sponsor	Course Title	Credit General	Ethics Hours	PBCBA Member	Non Member	Expires
DCBA	Modern Jury Selection+++	1.0		\$20	\$60	12/22/05
CBA	Recent Developments in Probate+++	1.0		\$20	\$60	03/16/06
DCBA	ABC'S of Educational Loans	3.0		\$60	\$100	04/01/06
DCBA	Probate & Structured Settlement	1.0		\$20	\$60	04/10/06
DCBA	Protection from Persecution	4.0		\$80	\$120	04/15/06
DCBA	Civil Lawyers/Criminal Law	1.0		\$20	\$60	04/21/06
CBA	Wage and Hour Law (CD)	1.0		\$20	\$60	04/26/06
DCBA	Probate & DCF	1.0		\$20	\$60	05/09/06
CBA	Family Law Case Update	1.0		\$20	\$60	05/17/06
DCBA	Nuts & Bolts of Divorce	4.0	.5	\$85	\$125	05/19/06
CBA	Avoiding Conflicts in Litigation (CD)	1.0	1.0	\$30	\$70	05/30/06
PBCBA	Elder Law – Nursing Homes & Assisted Living Facilities +++(CD)	4.5		\$90	\$130	06/03/06
CBA	Working Effectively with Law Office Staff (CD)	1.0	1.0	\$30	\$70	06/07/06
DCBA	Probate & Guardianship	3.5	.5	\$75	\$115	06/10/06
CBA	Ethical Strategies & Untimely Exit (CD)	1.0	1.0	\$30	\$70	06/14/06
PBCBA	Bankruptcy Law – Avoiding the Icebergs +++(CD)	6.5		\$130	\$170	06/15/06
PBCBA	Residential Transactions	3.5	2.0	\$90	\$130	07/28/06
DCBA	Workers Compensation	1.5		\$30	\$70	08/10/06
PBCBA	Securities Arbitration (CD) +++	6.0		\$120	\$160	08/11/06
PBCBA	Modern Face of ADR +++(CD)	8.0	3.0	\$190	\$230	08/16/06
PBCBA	Class Actions +++(CD)	7.0		\$140	\$180	08/16/06
DCBA	Role of Courts in a Politicized System	1.0		\$20	\$60	08/17/06
PBCBA	Construction Law Update +++ (CD)	4.5		\$90	\$130	08/25/06
OCBA	Veteran Reemployment	2.0		\$40	\$80	08/25/06
DCBA	Overview/Personal Bankruptcy	3.5		\$70	\$110	09/04/06
PBCBA	Trying The Case +++ (CD)	6.0	1.5	\$135	\$175	09/04/06
DCBA	The Road to Partnership	1.5		\$25	\$65	09/16/06
CBA	Probate Update 2005+++	4.5	1.0	\$100	\$140	09/17/06
DCBA	DUI 101+++	1.0		\$20	\$60	09/31/06
PBCBA	Inside Information: Direct from the Bench Bar II (CD)	2.0		\$40	\$80	10/06/06
PBCBA	14 <sup>th</sup> Annual Professionalism (CD)	3.0	3.0	\$90	\$130	10/08/06
DCBA	CIV/CRIM Sec Investigation+++	2.0		\$40	\$80	10/12/06
DCBA	Guardianship: Responsibilities	1.0		\$20	\$60	10/14/06
DCBA	19 <sup>th</sup> View From the Bench+++	3.5		\$70	\$110	10/15/06
CBA	Long Term Care Issues+++	1.0		\$20	\$60	10/21/06
PBCBA	Stress Management Part II (CD)	4.0	1.5	\$95	\$135	10/22/06
DCBA	3 <sup>rd</sup> DCA/Standards of Review+++	2.0		\$40	\$80	10/22/06

DCBA	Basic Federal Practice	1.0		\$20	\$60	10/27/06
DCBA	Domestic Violence	2.0		\$40	\$80	11/03/06
DCBA	Legislative Update/Probate	1.0		\$20	\$60	11/12/06
PBCBA	22 <sup>nd</sup> Annual Estate & Probate+++ (CD)	7.5	1.0	\$160	\$200	11/18/06
CBA	Real Estate Appraisals	1.0		\$20	\$60	11/18/06
CBA	Organ Donation	1.0		\$20	\$60	11/19/06
PBCBA	16 <sup>th</sup> Annual Community Association+++ (CD)	3.0	1.5	\$75	\$115	11/20/06
DCBA	Nuts & Bolts of Divorce 2005	4.0	1.0	\$90	\$130	12/03/06
DCBA	Probate & Guardianship+++	1.0		\$20	\$60	12/07/06
PBCBA	Trial Strategies of the Masters+++ (CD)	6.0	1.0	\$130	\$170	12/10/06
PBCBA	Modern Real Estate Contracts+++ (CD)	3.5	1.0	\$80	\$120	12/17/06
DCBA	Nuts & Bolts of Inc. & 501	3.0		\$60	\$100	01/19/07
DCBA	Trafficking in Person	3.0		\$60	\$100	02/12/07
DCBA	Probate/Guardianship	1.0		\$20	\$60	03/08/07
CBA	Ethics in Probate	1.0	1.0	\$30	\$70	03/15/07
CBA	Medicaid Reform+++	1.0		\$20	\$60	03/21/07
DCBA	Ethics & The Probate	1.0	1.0	\$30	\$70	04/11/07
CBA	Disclaimer New Florida+++	1.0		\$20	\$60	04/20/07
PBCBA	Malpractice & Bankruptcy Reform+++ (CD)	4.5		\$90	\$130	04/21/07

(CD) = indicates seminars that are also available on CD Rom. Please indicate your choice of CD Rom, where applicable on the order form.  
 +++Indicates Certification credits available. Please contact the Palm Beach County Bar Association for more detailed information.

Please call Shoshanah Spence at 561/687-2800 with any questions or for additional information

PLEASE ALLOW TWO (2) DAYS PREPARATION TIME WHEN ORDERING TAPES. THERE WILL BE A \$25 FEE FOR RUSH ORDERS. NEW MEMBERS MAY JOIN THE PALM BEACH COUNTY BAR ASSOCIATION FOR \$75. APPLICATIONS FOR MEMBERSHIP CAN BE OBTAINED ON OUR WEBSITE AT [www.palmbeachbar.org](http://www.palmbeachbar.org). RENEWAL OF DUES FOR PREVIOUS MEMBERS IS \$100.

- Please call when tapes/CD's are ready to be picked up
- Please mail (\$5.00 postage fee will be added)  
 (payment must be received before items will be mailed)

**PAYMENT INFORMATION**

Payment enclosed Check # \_\_\_\_\_ Amount \$ \_\_\_\_\_  
 (payable to the Palm Beach County Bar Association)

Or charge my Credit Card **MC VISA AMEX**

Expires \_\_\_\_\_ Amount \$ \_\_\_\_\_

Credit Card Number \_\_\_\_\_

Signature \_\_\_\_\_

**Order Information**

Firm Name \_\_\_\_\_

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Telephone \_\_\_\_\_

Fla Bar # \_\_\_\_\_

Circle One: Member Non-Member

**ONLY ONE CLE CARD IS PROVIDED PER PURCHASED SET OF TAPES. IF ANY OTHER PERSON IN YOUR OFFICE WISHES TO RECEIVE CLER CREDIT FOR A SET OF TAPES, THEY MUST PAY THE APPROPRIATE FEE PER SEMINAR.**