



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

December 2006



Mark your calendar for upcoming Membership Meetings

Annual Bar, NCS and YLS Holiday Party
December 7, 5:30 p.m.
BallenIsles Country Club

Membership Luncheon with guest speaker U.S. Supreme Court Justice Samuel Alito
January 26, 11:45 a.m. - 1:00 p.m.
Cohen Pavilion at the Kravis Center

North County Section Dinner
February 8, 5:30-8:00 p.m.
Bonnette Hunt club

Membership Luncheon with guest speaker U.S. Supreme Court Clerk William Suter
February 13, 11:45 a.m. - 1:00 p.m.
Crowne Plaza Hotel

Joint Membership Luncheon with South County Bar with guest speaker Florida Bar President Hank Coxe
March 20, 11:45 a.m. - 1:00 p.m.
Delray Beach Country Club

Membership Luncheon with Guest Speaker Richard Lapchick, Human Rights Activist, Director, UCF's DeVos Sport Business Management Program
Co-Hosted with FAWL and Malcolm Cunningham Bar Association
April 19, 11:45 - 1:00
Marriott West Palm Beach

Annual Law Week Judicial Reception
April 25, 5:30 p.m.
The Harriet at City Place

Annual Law Day Luncheon
May 4 (tentative date) 11:45 a.m. - 1:00 p.m.



This year's Bench Bar Conference was another great success with almost 900 attendees! Florida Supreme Court Justice Barbara Pariente and 15th Circuit Chief Judge Kathleen Kroll served as our keynote speakers. They are pictured here with Bar President Manny Farach and Judicial Relations Committee Chair Joe Ianno. More photos from this year's Conference can be found on Page 7.

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 22 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. 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 their petitions are members in good standing, otherwise, the petition will be deemed invalid.

NCS River House Dinner

Save the date for dinner at the River House on Thursday, January 11. This event is sponsored by the North County Section and is always sold out. To reserve your seat, please register on line at www.palmbeachbar.org.

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THE
BULLETIN

**PALM BEACH COUNTY
BAR ASSOCIATION**

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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

U.S. Supreme Court Swearing-in Ceremony



The Palm Beach County Bar Association will be co-hosting a membership lunch with the Federal Bar Association on February 13, 2007 with guest speaker U.S. Supreme Court Clerk General William Suter. During the luncheon, General Suter will perform a swearing-in ceremony for those seeking admittance to the U. S. Supreme Court. In order to be sworn in, you must first obtain a Certificate of Good Standing from the **FL Supreme Court** (not The Florida Bar).

Information about obtaining this form can be found

<http://www.floridasupremecourt.org/clerk/faq.shtml>. You will need to send that certificate along with your application to the U.S. Supreme Court, which can be found at <http://www.supremecourtus.gov/>. As the process takes a little bit of time, be sure to start working on this now, as only those attorneys who have followed these procedures will be permitted to be sworn in at this luncheon. ***The swearing in will be limited to members of the Palm Beach County and Federal Bar Associations.***

News Re: South County Uniform Motion Calendar

Please be advised effective January 1, 2007 Uniform Motion Calendar in South County will be held on the following days:

Tuesday at 8:45 AM

Wednesday at 8:45 AM

Thursday at 8:45 AM

There will no longer be a Monday UMC docket.



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President's Message



Faith

By Manuel Farach,
President

The Declaration of Independence mentions God three times in its first two sentences. Our modern jurisprudence evolved from Mosaic Law. The opening of sessions of the United States Supreme Court begin with "oyez, oyez, oyez" and end with "God save the United States of America and this honorable Court." Our profession is one that is inextricably intertwined with religion, yet faith often fails to make inroads into our professional lives.

Part of the reason may be that religion and law have always had a difficult co-existence in this country. The national debate over the proper role of religion in law and government started

well before the Declaration, and has not abated to this day. The debate often fails to recognize, however, that faith has always been a part of law. Law, as one of the three learned professions, has its roots in religion. And law is very similar to religion in that both have at their foundations a strong moral code and a need to serve society. The connection between the two is so historically strong, in fact, that a person is said to have been "called to the law" when they become a member of the Bar, much like a person is "called" to serve as a leader of his or her particular faith.

It is this connection we often fail to recognize and acknowledge. Joseph Allegetti, a lawyer and priest, claims that one reason many lawyers are unhappy is because they, believing that faith and the practice of law are hopelessly in conflict with each other, try to force faith out of their professional lives. These lawyers fail to realize that the basic tenets of law - service to the

community, respect for and obedience to a moral code, rewarding the good and punishing the bad - are the same basic tenets as all responsible faiths. These lawyers suffer because they compartmentalize their lives, and try to keep law in one box and faith in another.

Integrating faith into our practices is not easy. After all, we are directed by our rules of governance to set aside personal beliefs when representing our clients. But we need to recognize that our faiths, i.e., our morals, and our professional obligations are, at their core, one and the same. And we should not be afraid, especially during this holiday season, to welcome our respective faiths into our professional lives. Doing so will help restore the practice of law to the level of dignity it deserves as one of the three learned professions. Doing so is nothing less than part of our calling as lawyers.

Mr. Farach's e-mail address is mfarach@rmlawyer.com

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 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.



In Memoriam

Harold G. Maass

1923-2006

PBCBA President 1954



Board of Directors Meeting Attendance

	July Retreat	Aug	Sept	Oct
Farach	x	x	x	x
Sasser	x	x	x	x
Poulton	x	x	x	x
Suskauer	x		x	x
Murray	x	x	x	x
Bowden		x	x	x
Schuler	x	x		
Napoleone	x	x	x	x
Pineiro	x	x		x
Pressly	x	x	x	x
Isaacs	x		x	x

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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 14



Minutes of the Junior Bar Section, June 7, 1963

Of the 150th regular meeting of the Junior Bar Section of the Palm Beach County Bar Association held on Friday, June 7, 1963 at 12:15 P.M at the Town House Hotel, thirty-seven members and guests were present.

The minutes of the previous meeting were read and approved. The President recognized the presence of Circuit Judge, James C. Downey. Norman Kapner introduced his guest, Ted Sobil.

Ex President Pruitt presented a request from Captain Joseph Massey of

the West Palm Beach Police Department to purchase a film on highway safety. It was pointed out by several members present that this appeared to be a strong manifestation of masochism instincts on the part of Pruitt in view of his occupation. Pruitt was appointed a committee of one to determine the advisability of purchasing said safety film.

The Junior Bar party was announced for July 20, 1963 on the Paddlewheel Queen preceded by a party at Gavin Letts' house.

The Vice President introduced Dr. H.J. Roberts who spoke in apposition to the proposed Medicare Act of the Kennedy administration. In his brief, short, concise and sketchy coverage of this subject, Dr. Roberts convinced everyone that dentists make more money than doctors.

There being no further business, the meeting was duly adjourned.

Respectfully submitted,
EDWARD D. LEWIS
Secretary

Historical PBCBA Facts

Judge Emery Newell, a member of the Bar's Historical Committee, compiled data by combing through old minutes of the Association. Some of the interesting facts that he discovered:

From 1952:

- ❖ law library reported that you can now use the law library at night
- ❖ Horner Fisher was elected as president-elect of The Florida Bar
- ❖ Lloyd Fisher, chief defense attorney in the Lindberg case, spoke at membership luncheon
- ❖ Mary Esarey was elected as president-elect of the Women's Section of The Florida Bar
- ❖ new members of the Association: John Born, Ted Prior, William Foster, Bernie Cahill, Margaret McKeown, Grover C. Herring and William Bosso
- ❖ Henry Lilienthal reported on plans for a new addition to the courthouse
- ❖ Harold Maass reported on plans of the Junior Bar to assist in getting a large voter turnout by dividing the telephone directory into sections and distributing lists to lawyers and other in order that they might make calls to remind people to vote. Culver Smith also proposed a resolution that each member of the Bar suspend their usual business activities for the day on election day in order to work toward a larger voter turnout.



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First Party Spoliation

by Ted Babbitt

Fini v. Glascoe, 936 So. 2d 52 (Fla. 4th DCA 2006) is a case with a bizarre set of facts that clarifies the distinction between first and third party spoliation. In that case, plaintiff had an alarm system installed in his vehicle by the defendants. The vehicle had numerous problems including accelerating while the car was out of gear. After numerous attempts to correct the problem, the plaintiff was driving on the turnpike when his truck suddenly and uncontrollably accelerated causing him to lose control of his vehicle and suffer serious injuries in a roll over accident. The facts established that one of the defendant's employees went to the impound lot where the vehicle was located, hopped the fence and proceeded to systematically take the car apart for the purpose of destroying evidence of the installation of the alarm system. Evidence was presented that this employee was overheard telling his wife that he had intentionally taken every wire traceable to the alarm system out to cover the tails of both he and his employer.

The plaintiff brought an action and alleged an independent cause of action for spoliation under Florida law. The trial court granted the defendant's motion for summary judgment and the Fourth District reversed.

The District Court explained that the trial court correctly concluded that an independent cause of action does not exist for first party spoliation of evidence under Florida law relying upon *Martino v. Wal-Mart Stores, Inc.*, 908 So. 2d 342 (Fla. 2005). In *Martino*, the Supreme Court explained that there was a distinction between first party and third party spoliation claims. First party spoliation involves destruction of evidence by the tortfeasor who initially caused the injuries to the plaintiff while third party spoliation occurs

when a nonparty to the original action destroys critical evidence.

In the case of first party spoliation, the *Fini* Court, at Page 55 held:

"In rejecting an independent action for first-party spoliation, the supreme court (in *Martino*) made clear that sanctions and a presumption of negligence, rather than an independent cause of action, were the appropriate remedies for first-party spoliation. Id. at 347. Relying on *Public Health Trust of Dade County v. Valcin*, 507 So. 2d 596 (Fla. 1987), the court explained that where the first-party intentionally loses, misplaces, or destroys evidence, trial courts are to rely on sanctions found in Florida Rule of Civil Procedure 1.380(b)(2) and a jury inference of negligence from a finding of intentional destruction. Id. at 346. However, where the spoliation of evidence was merely negligent, a presumption

of negligence applies. Id. at 347."

Notwithstanding the lack of an independent first party spoliation claim, the District Court in *Fini* reversed the trial judge because the existence of the *Valcin* presumption precluded the granting of a summary judgment. At Page 55, the Court held:

"Although the trial court correctly granted summary judgment as to the plaintiffs' claims for first-party spoliation, which is adequately remedied through sanctions or a *Valcin* presumption of negligence, there remain genuine issues of material fact precluding summary judgment as to the remainder of the plaintiff's claims against Glascoe and Sawgrass Ford."

One cannot imagine clearer facts which justify the imposition of sanctions for destruction of evidence than existed in this case. There can be little doubt that

Continued on page 15

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Prices Fall and Deals Abound

by *Bard D. Rockenbach, Chairman, Technology Committee*

Toward the end of every year, computer manufacturers have various sales and specials designed to take advantage of year-end gift giving and to move some merchandise which has stalled. Although I've seen some great deals before, I don't think I've ever witnessed a meltdown in prices like the one we are in right now.

Prices of everything technology related have been plunging all year. Digital televisions, desktops, laptops, you name it. They have all become downright cheap. For example, I went to the Dell website and configured a brand new desktop computer with the new Intel Core Duo processor (2.13 GB), 2 GB RAM, a 160 GB hard drive, a DVD-RW drive, and a 19 inch digital LCD monitor. It was a mere \$1,000.00. When I think of how I spent \$3,000 to buy my first PC in 1984 (128 KB – not MB RAM, 2 floppy drives and a green monitor), I want to either laugh or cry, I can't decide. That was back when \$3,000 was real money. In fact, I went to an inflation calculator (<http://www.westegg.com/inflation/>) and found that \$3,000 in 1984 is equivalent to \$5,552.92 in 2005. All that money for a computer that was barely more than a simple calculator.

I performed a similar search at CDW and found more than 300 desktop computers selling for less than \$1,000.00 (<http://www.cdw.com/shop/search/>). Although most do not have monitors included, the monitors themselves were inexpensive. Less than \$250.00 buys a respectable 19 inch LCD monitor, while a good 17 inch LCD monitor can be purchased for around \$170.00.

While we're on the subject of flat screens, digital televisions have come way down in price while the quality continues to improve. Plasma televisions from 40-50 inches are now down to \$1,500-\$2,500, while the contrast ratio (difference between white and black) is the highest I have seen. Four years ago I purchased a 42 inch plasma Sanyo EDTV (480p resolution) for \$2,500. For that same price today, it is easy to find a 45-50 inch plasma HDTV (720p) or smaller, 40-42 inch (1080p) plasma televisions. The lower resolution EDTVs are now hovering around \$1,000. By the way, if you are still reluctant to purchase the more expensive televisions, don't automatically exclude EDTVs. A high definition signal on an EDTV (480p) is beautiful. It doesn't have the absolute crispness of a 720p or 1080p, but it beats

the heck out of the old 480i CRT you are watching now. While prices of all these toys will be lower in six months, that will always be true. Waiting for the lowest price means you will never buy.

The same thing is happening to LCD televisions. The contrast ratios and brightness of LCD TVs have increased a great deal over the past year, and they now rival plasma for picture quality. The one continuing nag is that the refresh rate is still not fast enough to keep up with a fast-moving action movie. The improving quality has done a great deal to increase sales and decrease prices. Sony recently announced that it expects the price of LCD TVs to drop 30 percent between March 2006 and March 2007. This is less than the 53% in 2005, but still respectable. Most industry analysts expect 2007 to be a good year for price reductions as more people buy LCD TVs and more HDTV programming comes on line. Prices between plasma and LCD are comparable in the larger models (bigger than 42 inches), but plasma TVs are still cheaper

than LCD in the less than 40 inch market. For most people, the decision of whether to buy an LCD or plasma is one of personal preference rather than price.

Prepare for Vista

Many manufacturers are hoping that Microsoft's new operating system, Vista, will stop the price slide in computers. It remains to be seen, however, whether Vista will be the catalyst for new sales. XP Professional is a great operating system, and there is little reason to abandon it. In addition, Vista is designed to be used on higher end computers, and most people don't need that much power. Vista is aimed at power users and most of us just don't need that much horsepower. Eventually, we will all upgrade to Vista, but it will be on schedule with normal computer replacement. Most people will not run out to buy a new computer just to have a new operating system.

There is just no end to the price reduction train for now. That is great for consumers, and I really do enjoy consuming technology. Email me. bdr@flappellatlaw.com

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Bench Bar Conference Highlights



Gerry Richman and Bob Montgomery



Judge Ron Alvarez, Jason Guari, Scott Murray, Sharon Bock and Judge Peter Blanc



Tobi Perl and Allison Sabocik



Caught on tape! Judge Sheree Cunningham, Judge Paul Moyle and Elaine James pose for a quick picture before having lunch. But, look closely, can anyone identify whose arms behind Judge Moyle belong to? Sources say he's a North County Judge with the last name that begins with a "C!"



Amy Cosentino, John Pankauski and Allison Kapner



David Spicer and Judge Tom Barkdull



Dena Foman and Robin Pekkala



Joe Ianno, Judge Karen Miller, Judge Diana Lewis, Manny Farach, Judge Jon Gerber and Judge Jorge Labarga



Michael Napoleone and Judge Don Hafele

Emma Ranking and Shirley DeLuna



Hank Jackson, Adam Rabin, Harley Chivers and Scott Zappalo

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Circuit Court Judge Martin Colin

“This is where lawyers do the most public good”

submitted by Irwin Gilbert on behalf of the Judicial Relations Committee

Born in Newark New Jersey, Judge Colin wanted to be lawyer since he was a child watching episodes of Perry Mason on television on Sunday nights. He was the middle child in a middle class family living in a melting pot neighborhood. There was never hesitation or doubt in his mind as to his career choice. After graduating American University in 1971, he attended Rutgers Law School, obtaining a J.D. in 1974. He clerked at Arnold & Porter and for the U.S. Attorney before moving to Florida in 1974 when he joined the Palm Beach County Public Defender’s Office. He worked there with attorneys Lois Frankel, now Mayor of West Palm Beach, and Richard Lubin. He became Chief of the Felony Division before leaving for private practice in 1977. While in private practice, Peter Blanc was one of his associates until 1990. In 1992 he became a solo practitioner.

There are events in our lives that can defeat us or empower us, moments that can define us or take our lives in an entirely new direction.

For more than thirty years Martin Colin was a successful lawyer practicing both family and criminal law. More than that, he was a husband to Ellen and the father of their two sons, Matthew and Michael. The “plan of his life” was built around his family and the practice of law. He was part of a community of lawyers in Palm Beach County he considered part of his extended family, “the glue that holds us together”.

For an instant time simply froze when his wife Ellen was diagnosed with Leukemia and then the fight was on. The Palm Beach County legal community responded overwhelmingly and supported her five year long struggle, including countless donations of blood for transfusions. But this battle could not be won.

His sons grown and out of the house, Martin Colin reexamined the plan of his life and realized that his personal pain drove his compassion for others. Now he would turn to public service. He believes the public interest is best served by having Judges that can bring knowledge and experience to bear. Thirty one years of experience as a trial lawyer provided

those skills. He was elected to the Circuit Court Bench in 2004.

Judge Colin believes that service on the bench is where lawyers do the most public good. There is an extraordinary ability to affect people’s lives. He gives no thought to the sacrifices a lawyer with a successful practice must make to assume the bench. With Matthew and Michael established in their own careers (both are school teachers and basketball coaches) it was the right time for public service.

He finds a great camaraderie among the Judges in this Circuit and considers Judge LaBarga to be his mentor. He feels that his fellow Judges really care about doing the right thing. In listening to him speak and observing his manner, one finds Judge Colin to be a humble and grounded man, simultaneously altruistic and practical. Currently assigned to the Family Division, his goal is to have Court orders complied with. Some

national studies have shown that seventy five percent of family division orders are not complied with. Judge Colin takes time to explain his rulings and orders so that parties will understand their obligations and believe that the Judge has the will to enforce those orders. This practice seems to be effective as he sees fewer post judgment enforcement motions since he began in the division. He also emphasizes that the public must perceive that the Courthouse is open to hear their grievances.

The Judge states plainly that he could not do his job without the valuable assistance of Judicial Assistant Sherrie Norton and Courtroom Deputy Phil Sherman. Ms. Norton provides organization and manages communications, allowing the Judge to concentrate on substance. Working in the Courthouse does not insulate you from

Continued on page 15



W. JAY HUNSTON, JR. Mediator/Arbitrator

- J.D. Stetson Univ. College of Law (1976)
- Florida Bar Board Certified Civil Trial Lawyer (1983-2003)
- Florida Bar Board Certified, Emeritus in Civil Trial Law (2003-Present)
- Florida Certified:
 - Circuit Civil Mediator (1991-Present)
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Exemptions: Which State's Law Applies?

By Alan R. Crane

The issue of which state's exemption law apply to a debtor's bankruptcy can have a dramatic impact on what assets a debtor may retain. Prior to October 15, 2005, determining which state's exemption laws applied was a simple exercise. For example, if a debtor was otherwise eligible to file for bankruptcy protection in Florida, then the debtor could claim Florida's exemptions. However, since the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA"), this issue is now more complex.

Pursuant to 11 U.S.C.A. §522(b)(3), passed as part of BAPCPA, a debtor may elect state law exemptions in the state in which he/she has lived for the 730 days before the filing of the bankruptcy petition. If, however, the debtor moved during the 730 day period, the applicable state law exemptions will be those of the state in which the debtor lived for the majority of the 180 day period before the 730 day period. However, according to recent case law interpreting BAPCPA, if the debtor's prior state of residence's laws require the debtor to reside in that state in order to take advantage of that state's exemptions, then the debtor may be compelled to use Federal exemptions.

Since BAPCPA's enactment, several bankruptcy courts have issued opinions in cases wherein the debtor's prior state of residence's exemption laws contained

a residency requirement, i.e., in order to use that state's exemptions, the debtor must actually reside in that state. See *In Re: Underwood*, 342 B.R. 358 (Bankr. N.D. Fla 2006); *In Re: Crandall*, 346 B.R. 220 (Bankr. M.D. Fla 2006); *In Re: Jewell*, 347 B.R. 120 (Bankr. W.D.N.Y.2006). In each of those cases, the debtor was prohibited from using the exemptions of the state from which the debtor moved or the state in which the debtor lived. Therefore, the debtor was compelled to use Federal exemptions. This interpretation can create pitfalls and opportunities for debtors.

An example of a potential pitfall is if a debtor who owns a home in Florida files bankruptcy in Florida, but within and before the 730 days before filing, the debtor also lived in, e.g., Colorado. In this case, the debtor would not be able to take advantage of Florida's generous homestead exemptions, nor Colorado's \$30,000 homestead exemption. Instead, the debtor would be compelled to use the federal homestead exemption of \$18,450.00. 11 U.S.C. §522(d)(1).

However, this very same interpretation of the law, can also create an opportunity for certain debtors, because Florida's personal property and motor vehicle exemptions are not generous. Consider the case of a debtor who has recently moved to Florida from Ohio, rents a home, has more that \$2,000.00 in

personal property and more than \$1,000.00 in equity in a motor vehicle. This debtor will be unable to claim Florida's exemptions because he has not lived in Florida for a long enough period of time to satisfy the new requirements. He will not qualify for Ohio's exemptions because he is not a resident of Ohio. However, he will be able to claim more property as exempt using the federal exemption scheme than under Ohio law. Ohio only allows debtors, not having homestead property, to claim up to \$2,000.00 in personal property as exempt and \$1,000.00 of equity in a vehicle as exempt. However, applying the federal exemption scheme, this same debtor would be able to claim as exempt up to \$2,950.00 of equity in a vehicle, up to \$9,850.00 in household goods and furnishings, and up to \$10,225.00 in any property. Therefore, a debtor may be able to protect a significant amount of personal property using the federal exemptions. Timing, therefore, becomes critical in considering a bankruptcy filing.

There are no district or circuit court cases which has answered the question of which law applies to a debtor filing bankruptcy within the 730 days. Debtors and attorneys can expect that there will be substantial litigation on these issues for an extended period of time.

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Legal Aid Happy Hour to benefit Children's Programs

Please Join Bob Bertisch, Mariano Garcia, Dick Kleid and Michelle Suskauer as they give a Toast to Justice at Amici's Palm Beach on Wednesday, November 29, 2006; 5:30 - 7:30 p.m. All proceeds benefit Legal Aid's Children's Programs.

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National Adoption Day



The Special Needs of Children committee recently participated in National Adoption Day. The committee held a fundraiser at ER Bradley's to raise money for their event, which was held at the main courthouse and included brunch and presents for all of the families.

Many thanks to the following law firms for their support:
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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.

New Member Breakfast



The Bar recently hosted a breakfast for new members of the Association. Pictured are Sara Coen-Giovanelli, Manny Farach, Richard Dewitt III and Danielle Conn Rosenberg.



Jeffrey Cox, Jonathan Jones and Eric Severson



Sandra Rodriguez-Hickman, Manny Farach and Alette Charles

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North County Section News

These pictures were recently taken during a North County Section luncheon, which was held at Abacoa Golf Club in Jupiter



Judge Richard Oftedal and Judge Jeffrey Colbath



Seth Honowitz, Miriam Acosta-Castriz and Michael Leibowitz



Scott Wortman, Donna Adams and Barry Byrd



Andrew Pineiro, North County Board President pictured with Board members Colleen Nelson and David Spicer



Bard & Kara Rockenbach with Judge Jonathan Gerber



Drew Lovell, Denise Nieman and Barry Heisler



Judge Don Hafele and Stan Klett



Ryon McCabe, Mitch Beers and Jane Hunston

Members of the North County Section recently enjoyed a cocktail party at the new Yard House in Palm Beach Gardens. The cooler weather made for a great outdoors event!



Richard Kay and Bar President Manny Farach



Steven Harris and Shirley DeLuna



Judge Richard Oftedal and Judge Robert Gross

The Adversary System: A Matter of Theology?

by D. Culver "Skip" Smith III
On behalf of the
Professionalism Committee

While testifying on deposition recently as an expert-witness in a lawsuit against a lawyer accused of overzealous representation, I was asked by opposing counsel, "Do you believe in the adversary system?" My perhaps irreverent response: "'Believe in'? Do you mean like some sort of theological devotion?" The questioner replied, "Well, it is to me." I then offered the following piece of evasive astuteness: "I believe that it has its limitations, but no one seems to have produced anything better."

To "believe in" something means "to have faith, confidence, or trust in" that something, whether it be a philosophy, one's own abilities, your bullpen, or the Holy Ghost. Regrettably, my confidence in the adversary system as a mechanism for producing the truth is less than unbounded. This sentiment is not mine alone.

Why is this? The rationale for the adversary system is that the best method of resolving disputes between parties asserting competing or contradicting rights is "single-minded representation by client-centered advocates who, in their zeal to assist their clients, are motivated to discover facts and elaborately research and argue the law."¹ The adversary system, thus, depends upon zealous advocacy. Thus is Truth most likely to be revealed. In matter of fact, however, how often is the "zealous advocate" more eager to obfuscate the truth, perhaps not with outright dishonesty but with such habit-forming toxins as knee-jerk discovery objections, vague or evasive answers to interrogatories, or a litany of deposition objections that border on coaching? How often is the "zealous advocate" more interested in composing a sordid novelette detailing the defendant's dastardly deeds worthy of his being skewered in the court of public opinion than in drafting a complaint containing a "short and plain statement of the ultimate facts showing the pleader's entitlement to relief"? How often does the "zealous advocate" pose intimidating or embarrassing but irrelevant questions on deposition? How often does the "zealous advocate" put an intellectually indefensible spin on "facts"? This is a search for the truth?

Zealous representation is a traditional aspiration, but "it should not be

misunderstood to suggest that lawyers are legally required to function with a certain emotion or style of litigating, negotiating, or counseling."² The usual articulation of the principle itself presumes the use of legal and ethical means.³ Indeed, many of the profession's ethical rules impose limits on zealous representation. A lawyer may not assist a client in the commission of criminal or fraudulent conduct, present false evidence, suborn perjury, disobey court rules or orders, assert in trial personal knowledge of facts in issue, create prejudicial pretrial publicity, communicate with a person represented by a lawyer without that lawyer's consent, or make a false statement of law or fact to a third person. All legal and ethical limits on zealous representation are important because of the legitimate interests of third persons and of the legal system itself.

It falls on us lawyers who work in the adversary system to nurture and protect it, lest its limited ability to deal with obfuscation and mendacity become fatal. This can be done without revealing client confidences. It can be done without leading the opposition by the hand to the promised land. It cannot be done by treating litigation as a game of Texas Hold

'em. It is our obligation to the adversary system, to the public whose system it is, and to our own profession to set and maintain a culture of reasonableness, candor, and accountability. This is the essence of professionalism. It ultimately may be a matter of self-preservation. Seasoned lawyers practicing in large firms set the ethical and professional tone for the entire legal community. They set the tone for one another, for their associates, and even for their opponents. Seasoned solo and small-firm practitioners set the tone through the professional networks on which their brethren are so dependent. Whether intentionally or accidentally, seasoned lawyers are mentors each and every day.

Okay, so perhaps the adversary system is a matter of theology. If so, some among us need to repent.

¹ Charles W. Wolfram, *Modern Legal Ethics* § 10.3.2 (1986).

² Restatement (Third) of Law Governing Lawyers § 16 cmt. d (2000).

³ See R. Reg. Fla. Bar 4-1.3 cmt. (2006) ("whatever lawful and ethical measures are required").

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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.

JOHN BURKE – New York; St. John's University School of Law, 2001; Solo Practitioner in Jupiter.

PAUL HUNN – Affiliate Member; California; Texas Tech University, 1983; Partner in Heidgerd & Hunn in Deerfield Beach.

BRADLEY MIRKIN – Boston, MA; University of Pennsylvania, 1989; Partner in Fowler White Burnett in Miami.

SCOTT NEWMARK – Boston, MA; University of Miami, 1986; Associated with Sheldon J. Schlesinger in Fort Lauderdale.

THOMAS D. ROEBIG, JR. - Jacksonville, FL; Stetson University, 1986; Partner with Florin Roebig in Boca Raton.

HENRI SPEHAR – Helsinki, Finland; Georgia State University, 2004; Sole Practitioner in Georgia.

ANDRIJ SUSLA – Indiana University, 2003; Associated with Tenet- St. Mary's Medical Center and Nicklaus Children's Hospital.



Florida Bar Board of Governors Report

At its September 29 meeting in Ponte Vedra, The Florida Bar Board of Governors:

- Adopted a position in support of Amendment 3, which would require broader support for amending the Florida Constitution. The board voted 42-1 to support the November ballot initiative that would amend Section 5 of Article XI to require that any proposed amendment to or revision of the state constitution, whether proposed by the legislature, by initiative, or by any other method, be approved by at least 60 percent of the voters, rather than by the current simple majority.
- Heard a report on the Supreme Court Commission on Professionalism's proposal to enact rule 3-5.4. The proposed rule would allow judges to order an attorney who exhibits unprofessional conduct to attend a Bar professionalism and practice enhancement class and pay a \$100 to \$500 fine to the Bar's Center for Professionalism. The board heard that there appears to be significant opposition to the plan from the Bar's sections and committees.
- Got its first look at the proposal from the Bar's Special Committee on Website Advertising Rules' proposal that would subject lawyer Web sites to the same advertising regulations as other media,

except the requirement that they be filed with the Bar for review.

- Approved the creation of a Bar Task Force on the Attorney-Client Privilege. The action is in response to prosecutors asking corporations to waive the privilege and the work-product exception when they are investigating wrongdoing by corporate employees and are considering whether to charge the company itself.
- Approved the creation of a Florida Registered Paralegal Program Committee in anticipation that the Supreme Court will soon adopt the rules allowing a Florida Registered Paralegal Program.
- Declined to endorse a proposed rule of criminal procedure dealing with closing arguments promulgated to replace a rule the legislature repealed last session. The board voted 30-5 to withhold support for proposed criminal rules 3.250 and 3.381 – written by the Criminal Procedure Rules Committee – that would give the prosecution the final closing argument in cases where the defense calls only the defendant to testify and no other witnesses. Instead, the board adopted the committee's minority report as its own. The rule will still be presented to the Supreme Court as drafted by the committee – but with the board's objection noted – for final action.

- Learned the Out-of-State Practitioners Division has dropped, for now, its opposition to the Real Property, Probate and Trust Law Section's renewing its longtime opposition to any legislation that would expand the class of nonresidents who may serve as personal representatives in estates. The division expects to work with the section on that issue in the coming year.
- Heard from Sen. Jim King, Rep. Mark Mahon, and Rep. Dick Kravitz about the upcoming legislative session. King told the board if, as expected, Ken Pruitt is elected Senate president and Marco Rubio becomes House speaker, he does not expect an assault on the legal profession.
- Endorsed amendments offered by the Criminal Procedures Rules Committee to amend rules 3.131 and 3.132, which concern pretrial release of defendants charged with violent crimes.
- Authorized the Public Interest Law Section to oppose the indiscriminate use of chains and shackles on juvenile defendants during court proceedings.

If you have any questions or comments, please contact one of your four local delegates to the Board of Governors: Jay White, Scott Hawkins, Greg Coleman or Lisa Small.



Photo Answers:
From Page 4

1. Steve Brannock
2. Garry Glickman
3. Kara Rockenbach
4. Judge Howard Harrison
5. Bill Hyland

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First Party Spoliation

from page 5

the jury hearing about the actions of the defendant's employee will undoubtedly conclude that the alarm system in question was improperly installed and that defendant intentionally destroyed evidence to prevent the plaintiff from proving that fact. Under those circumstances the distinction between first and third party spoliation is a distinction without a difference. It is nevertheless important, from the standpoint of appropriate pleading, to distinguish between those two scenarios and be certain that the pleadings accurately reflect the parameters available to the trial judge in remedying this kind of destruction of evidence.

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.

Judge Martin Colin

from page 8

the violence and anger of the outside world. If anything, serving on the bench can make you a focal point of threats. Keeping Judges safe is essential to keeping them independent.

Away from the bench, Judge Colin is an avid tennis player and bicyclist. He can be found on the court playing against girlfriend Betsy Savitt. She also helped to elect him to the bench, working tirelessly on his campaign.. He is an active supporter of the American Leukemia Society and competes in the Lake Tahoe "TNT 100" a 100 mile bike race around the Lake. The Leukemia & Lymphoma Society's Team In Training® ("TNT") is the world's largest endurance sports training program. The program provides training to run or walk a whole or half marathon or participate in a triathlon or century (100-mile) bike ride. It has also helped to raise millions of dollars for medical research. Fair warning, Judge Colin also trains for kick boxing.

Being a Judge is different than he imagined...it is far better and more satisfying than he expected. His goal is to continue to serve until he just can't anymore. He cannot see beyond that day yet. Neither can the community of lawyers that has known him for more than thirty years.

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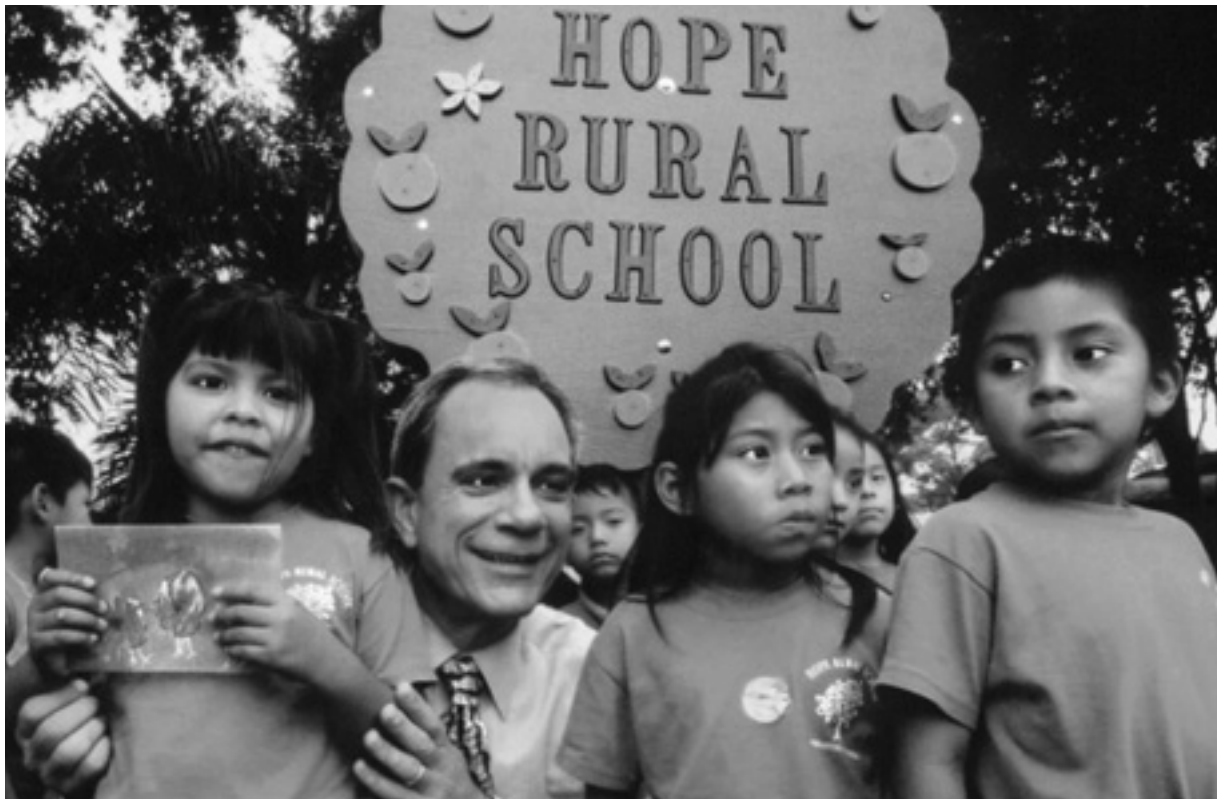
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GREGORY TENDRICH, Esq: Former Series 7 licensed VP & Asst. General Counsel to local & national (First Union & Wachovia) NYSE/NASD brokerage firms, and current NASD Arbitrator and Florida Supreme Court Certified County Court Mediator, is available to mediate investment-related matters, including prudent-investor and commercial disputes. Mr. Tendrich also accepts referrals and is available to co-counsel or consult in investment-related matters, SEC, NASD, NYSE and other regulatory enforcement matters. Please call 561-417-8777 or visit our website www.yourstocklawyer.com.

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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.

RICHARD HUIJBER: Former Immigration Attorney-Advisor to the Miami Immigration Court and the Board of Immigration Appeals. 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.

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HEARSAY



Kim N. Phan has joined the West Palm Beach law firm of Beasley Hauser Kramer Leonard & Galardi, P.A. as an associate in complex commercial and business litigation. Phan is a 2006 graduate of the Florida State University College of Law.



The Karp Law Firm is pleased to announce that attorney **Joseph S. Karp** has been selected as a 2006 Florida "Super Lawyer." Mr. Karp focuses his practice in the areas of elder law and estate planning.

Arnstein & Lehr LLP West Palm Beach partner **Guy E. Quattlebaum** was named to the Advisory Board of Directors of the Palm Beach County Chapter of Cystic Fibrosis Foundation



Palm Beach County Circuit **Judge Lucy Chernow Brown** was the commencement speaker at the graduation ceremony for the Palm Beach County Drug Court. Judge Brown is pictured here with drug court **Judge William Bollinger** and the drug court Assistant State Attorney, **Marty Epstein**.

The law firm of Rutherford Mulhall, P.A. is pleased to announce that **John Banister** and **Manuel Farach** have become shareholders in the firm. Mr. Banister manages the firm's Palm Beach Gardens office, practicing in Real Estate, Probate Litigation, and Corporate Law. Mr. Farach, manages the firm's West Palm Beach office, practicing in Commercial Litigation, Real Estate, and Appellate Practice.



Richard W. Slawson, founding partner of the law firm of Slawson, Cunningham, Whalen & Gaspari has been selected to receive the Academy of Florida Trial Lawyer's most prestigious award, the Al J. Cone Lifetime Achievement Award. The award was presented at the organization's Founder's Luncheon.

The Law Firm of LaBovick LaBovick & Wald, P.A. is pleased to announce that **Mark A. Greenberg** has joined the firm as an Associate. Mr. Greenberg has extensive experience in litigation, negligence, products liability and bad faith claims.

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CALENDAR

December 2006

Friday, December 1, 10:30 a.m.
FAWL/Legal Aid Event
 Barnes & Noble, City Place

Friday, December 1,
 12:00 noon
**Quality of Life
 Comm. Meeting**
 Columbia Restaurant –
 CityPlace

Friday, December 1, 12:00 noon
**Small Firm &
 SOLO Luncheon**
 Bar Association Office

Tuesday, December 5, 12:00 noon
**Professionalism
 Committee Meeting**
 Bar Association Office

Thursday, December 7, 5:30 p.m.
PBCBA Holiday Party
 Ballen Isles Country Club

Friday, December 8, 8:25 a.m.
**Elder Law Affairs
 Committee Seminar**
*“Medicaid – The New Law
 & Then Some”*
 Bar Association Office

Friday, December 8, 9:30 a.m.
Breakfast at the 4th DCA

Friday, December 8, 11:30 a.m.
**Juvenile Practice Committee
 Holiday Party**
 Palm Beach Co. Courthouse
 Judicial Dining Room/Cafeteria

Monday, December 11, 5:00 p.m.
Board of Directors Meeting

Tuesday, December 12,
 12:00 noon

**Young Lawyers Section
 Board Meeting**
 Bar Association Office

Wednesday, December 13,
 5:30 p.m.
FAWL Holiday Reception
 Chelsea Home Furnishings,
 4916 S. Dixie Highway
 Contact fawl@adelphia.net

Thursday, December 14,
 6:00-10 p.m.
**South County Bar
 Holiday Party**
 Brazilian Tropicana Restaurant
 (formerly Pete’s Grand Terrace)
 Contact (561) 482-3838

Friday, December 15, 8:30 a.m.
ADR Committee Meeting
 Bar Association Office

Friday, December 15, 9:00 a.m.
**Real Estate CLE
 Committee Meeting**
 Bar Association Office

Friday, December 15, 12:00 p.m.
**Cunningham Bar
 Association Meeting**
 Law Library

Saturday, December 16,
 11:30 a.m.
**North County Section
 Guardian Ad Litem
 Bowling Party**
 Jupiter Lanes

Tuesday, December 19,
 12:00 noon
Historical Committee Meeting
 Bar Association Office

Wednesday, December 20,
 12:00 noon
**Independence of the Judiciary
 Committee Meeting**
 Bar Association Office

Monday, December 25
Court Holiday - Christmas



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

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

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Solo & Small Firm Practitioners Committee Presents

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*(For Attorneys in Firms with Five or Fewer Lawyers
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*Whether you've
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and see what the
Bar can do
for you!*

**Noon-time
Networking
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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
Fax: (561) 687-9007

Luncheon Topic:

Basic Law Practice Necessities

Wednesday, January 10
11:45 a.m. to 1:00 p.m.
Bar Offices



*What types of outside service providers are out there that every law practice needs in their rolodex?
Share experiences regarding office supplies, copy services, video conferencing, court reporters, process servers, off-site storage for files and evidence, CLEs, and more. Meet and hear from SPSF “preferred” service providers and sponsors.*

Cost: \$10:00

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

WINTER 2007 REAL ESTATE SEMINAR
"What Every Real Estate Lawyer Should Know But Might Be Afraid to Ask - Nuts and Bolts of Homestead, Survey, Trust, and Water Law"

Friday, January 19, 2007 - 8:35 a. m. - 12:00 p.m.
Bar Association Offices



SPONSOR:



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Program Schedule

- 8:15am - 8:35am** Late Registration
- 8:35am - 8:45am** Welcome and Opening Remarks - *Steven D. Rubin, Esq., Real Estate Committee Chairperson*
- 8:45am - 9:30am** Homestead: Inter-vivos and Post Mortem Transfers, and Ethical Considerations - *Stephen Mackey, Esq., Lloyd Granet, P.A.*
- 9:30am - 10:15am** Surveys: Encroachments, Set Back Violations, and Boundary Line Disputes Which May Constitute Defects in Title, and Ethical Considerations - *Alan Fields, Esq., Florida State Counsel, First American Title Insurance Company*
- 10:15am - 10:30am** Break
- 10:30am - 11:15am** Trusts: Insuring Title When a Trustee is the Grantor or Grantee, Including Land Trusts, IRA Trusts, PRT's, and Revocable and Irrevocable Trusts, and Ethical Considerations - *Deborah Boyd, Esq., Associate Counsel, First American Title Insurance Company*
- 11:15am - 12:00pm** Water Law: Canals, The Intracoastal Waterway, and Sovereignty Lands in Palm Beach County, and Ethical Considerations. - *Keith L. Williams, Esq.,*

This course has been granted **3.5 CLER hours including 3.5 Ethics credits/2.5 Real Estate Certification Credits** from The Florida Bar.

The cost of the seminar is \$105 for PBCBA members/paralegals; \$145 for non-PBCBA members/paralegals if registered by 1/12/07; 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.

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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 1/19/2007)

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

The Palm Beach County Bar Association's Employment Law Continuing
Legal Education Committee Presents:

"Hot Topics in Employment Law for the General Practitioner"

Monday, January 29, 2007 - 8:25a.m. – 12:00p.m.

Bar Association Office, 1601 Belvedere Road
Suite 302 East, West Palm Beach, FL



Program Schedule

- 8:10a.m. - 8:25a.m. **Late Registration/Check In**
- 8:25a.m. - 8:30a.m. **Welcome & Opening Remarks** - *Alexander D. del Russo, Employment Law
Committee Chair, Carlton Fields, P.A.*
- 8:30a.m. - 9:20a.m. **Drafting and Pursuing Claims Before the Palm Beach County Office
of Equal Opportunity** - *Debbie Singer, Senior Compliance Investigator with the
Palm Beach County Office of Equal Opportunity*
- 9:20a.m. - 10:10a.m. **Wage and Hour Claims: Traps for the Unwary** - *Christopher Copeland, Esq.,
Carlton Fields, P.A.*
- 10:10a.m. - 10:20a.m. **BREAK**
- 10:20a.m. - 11:10a.m. **Employee v. Independent Contractor** - *Don R. Boswell, Esq.,
Akers & Boswell, P.A.*
- 11:10a.m. - 12:00p.m. **Private Sector Whistleblower Claims** - *Arlene K. Kline, Esq.,
Schwarzberg Spector Duke Schulz & Rogers*

This course is expected to receive **4.0 CLER Credits** from The FL Bar.

The cost of the seminar is \$80 for PBCBA members/paralegals;

\$120 for non-PBCBA members/paralegals if registered by 1/22/07; 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.

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____ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (1/29/07 Employ) Cost is the same as listed above.

Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406

The Palm Beach County Bar Association's Construction Law CLE Committee Presents:



“DISCOVERY IN CONSTRUCTION DISPUTES”

Friday, February 2, 2007 8:00 a.m. – 12:00 p.m.

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

Program Schedule




7:30p.m. - 7:55a.m.	Late Registration/Check In
7:55a.m. - 8:00a.m.	Introduction & Opening Remarks - <i>David J. Valdini, Esq., Valdini & Palmer, P.A., Committee Chair</i>
8:00a.m. - 8:30a.m.	Discovery of Electronic Data - <i>Speaker TBA</i>
8:30a.m. - 9:00a.m.	New Defect Statute (Chapter 558) Discovery Requirements - <i>Jason Maier, Esq., Boose, Casey, Ciklin, Lubitz, Martens, McBane & O'Connell</i>
9:00a.m. - 9:15a.m.	BREAK
9:15a.m. - 10:00a.m.	Discovery in Delay Damage Claims - <i>Richard Chaves, Esq., Boose, Casey, Ciklin, Lubitz, Martens, McBane & O'Connell</i>
10:00a.m. - 10:30a.m.	Essential Requests for Production and Admissions - <i>Speaker TBA</i>
10:30a.m. - 11:00a.m.	Use of Expert Witness in Construction Disputes - <i>Charles B. Hernicz, Esq., Hernicz Legal Services, P.L.</i>
11:00a.m. - 11:10a.m.	BREAK
11:10a.m. - 12:00p.m.	Ethical Issues Related to Discovery - <i>David J. Valdini, Esq., Valdini & Palmer, P.A.</i>

This course is expected to receive **4.5 CLER** including **1.0 Ethics Credit/4.5 Construction Law Cert. Credits** from The Florida Bar.

The cost of the seminar is \$100 for PBCBA members/paralegals; \$140 for non-PBCBA members/paralegals if registered by 1/26/07; 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 (allow 2 weeks for delivery) (2/2/07 Constr.) 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

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

“ADR in 2007: Working Together to Resolve Disputes”

Monday, February 12, 2007 8:30a.m. – 4:45p.m.

Bar Association Offices 1601 Belvedere Road, #302E, West Palm Beach, FL



Sponsored By:

Program Schedule

pankauski

**LAW FIRM
P.L.L.C.**

8:00a.m. – 8:30a.m.	Late Registration/Check In
8:30a.m. – 8:45a.m.	Welcome & Opening Remarks , <i>W. Jay Hunston, Jr., Esq., Committee Chair</i>
8:45a.m. – 9:15a.m.	The Role of the Ombudsman in Modern ADR Practice , <i>Dr. Bernard H. Shulman, Esq.</i>
9:15a.m. – 10:00a.m.	Getting It Settled: Keys to Successful Mediation , <i>Theodore A. Deckert, Esq.</i>
10:00a.m. – 10:15a.m.	BREAK
10:15a.m. – 11:00a.m.	The Times are A-Changing – The New Mediator Certification and Re-Certification Rules , <i>John Pankauski, Esq., Pankauski Law Firm, P.L.L.C.</i>
11:00a.m. – 11:30a.m.	Arbitration Update – Emerging Trends , <i>Irwin J. Block, Esq., Adorno & Yoss</i>
11:30a.m. – 12:00p.m.	Ethical Mediation Practices: When to Stop, When to Go, When to Proceed with Caution , <i>Thomas G. Caprio, Esq., Alternative Dispute Resolution Director, 15th Judicial Circuit</i>
12:00p.m. – 1:00p.m.	LUNCH - provided by the Pankauski Law Firm
1:00p.m. – 2:00p.m.	Guided Role Play on Domestic Violence , <i>Amy S. Wolsky, Esq.</i>
2:00p.m. – 2:45p.m.	Collaborative Divorce – Where are we Today? <i>Lori Barkus, Esq., Lori Barkus, P.A.</i>
2:45p.m. – 3:00p.m.	BREAK
3:00p.m. – 3:45p.m.	ADR Ethics: Recent Case Law Update , <i>W. Jay Hunston, Jr., Esq.</i>
3:45p.m. – 4:45p.m.	Ethical Dilemmas in Dispute Resolution Practice , <i>Panel Discussion</i>

This course is expected to receive **8.0 CLER hours including 3.0 Ethics credit** from The Florida Bar.

The cost of the seminar (including lunch) is \$190 for PBCBA members/paralegals;
\$230 for non-PBCBA members/paralegals if registered by 2/5/07; add \$25 to registration fee after that date.

“This course is eligible for up to 8.0 CME hours including 3.0 Ethics credit and 1.0 Domestic Violence credit. Mediators are required to self report those hours applicable to their areas of certification at the time of their renewal. For more information on the CME requirement, visit, www.flcourts.org, select Alternative Dispute Resolution/Mediation.”

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
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___ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (2/12/07 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

The Palm Beach County Bar Association's Bankruptcy Continuing Legal Education Committee Presents:

DA BANKRUPTCY CODE



"REVEALING THE HIDDEN SECRETS OF BANKRUPTCY PRACTICE"

Friday, February 23, 2007 8:25 a.m. - 3:00 p.m.

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

"Lunch Sponsored by Julianne R. Frank, Esq., Julianne R. Frank, P.A."

Program Schedule

8:00a.m. - 8:25a.m.	Late Registration/Check In
8:25a.m. - 8:30a.m.	Welcome & Opening Remarks - Julianne R. Frank, Esq., Committee Chair
8:30a.m. - 9:15a.m.	The Outer Limits: Going Where No Debtor Has Gone Before - Julianne R. Frank, Esq., Julianne R. Frank, P.A.
9:15a.m. - 10:30a.m.	Secrets of the Chapter 7 Trustees: A Panel Discussion - Michael R. Bakst, Esq., Elk, Bankier, Christu & Bakst; Robert C. Furr, Esq., Furr & Cohen PA; and Deborah Menotte, Esq.
10:30a.m. - 10:45a.m.	BREAK
10:45a.m. - 11:30a.m.	The Dark and Dirty of Robin Weiner - Robin Weiner, Esq.
11:30a.m. - 12:30p.m.	LUNCH and Round Table
12:30p.m. - 1:15p.m.	The Wisdom of the Judges - Honorable Steven H. Friedman; Chief Judge Paul G. Hyman: a Panel Discussion
1:15p.m. - 1:45p.m.	Secrets of the United States Trustee - Heidi Feinman, Esq., U.S. Trustees Office
1:45p.m. - 2:15p.m.	What the Creditors Do Not Want You To Know - Speaker to be determined
2:15p.m. - 3:00p.m.	The Secrets of the Tax Collectors - Brian Hanlon, Esq.




This course is expected to receive **6.5 CLER credit hours** from The Florida Bar.

The cost of the seminar (including lunch) is \$130 for PBCBA members/paralegals;

\$170 for non-PBCBA members/paralegals if registered by 2/16/07; 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 (allow 2 weeks for delivery) (2/23/07 Bankruptcy) 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

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. **12/1/06.**

✓	Sponsor	Course Title	Credit General	Ethics Hours	PBCBA Member	Non Member	Expires
	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
	CBA	Disaster Planning	2.0		\$40	\$80	02/01/07
	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
	DCBA	Domestic Violence Training	2.0		\$40	\$80	04/20/07
	PBCBA	Malpractice & Bankruptcy Reform+++ (CD)	4.5		\$90	\$130	04/21/07
	DCBA	Probate: Voluntary Disclo+++	1.0		\$20	\$60	05/10/07
	CBA	Homestead Made Easy+++	1.0		\$20	\$60	05/17/07
	DCBA	14 th Nuts & Bolts of Divorce	4.0	1.0	\$90	\$130	05/18/07
	DCBA	Deal W/Difficult Counsel	1.0	1.0	\$30	\$70	05/29/07
	PBCBA	(Elder Law) It's Hard To Stay Current+++ (CD)	4.0	2.0	\$100	\$140	06/02/07
	DCBA	How To Handle Bar Griev	3.0	1.0	\$70	\$110	06/02/07
	DCBA	Probate\When An Atty	1.0		\$20	\$60	06/08/07
	CBA	(Family Law) Case Law Update+++	1.0		\$20	\$60	07/18/07
	CBA	(Civil Law) 2005 Case Law Update+++	1.0		\$20	\$60	07/19/07
	PBCBA	(Constr Law) In The Wake Of TheStorm+++ (CD).	1.0		\$20	\$60	07/20/07
	PBCBA	Client Development (CD) (SOLO Pract.)	1.0		\$20	\$60	08/01/07
	DCBA	Life Coach: Family Law	1.0		\$20	\$60	08/01/07
	PBCBA	Today's RE Environment+++ (CD)	3.5	3.0	\$100	\$140	08/03/07
	DCBA	(Health Law) New Fed Legislation Medic+++	1.0		\$20	\$60	08/09/07
	PBCBA	Do's and Don'ts of Dispute Resolution (CD)	8.0	2.5	\$185	\$225	08/15/07
	PBCBA	(Constr. Law) Owner Controlled (OCIP) & (CCIP) Ins. Programs+++ (CD).	1.0		\$20	\$60	08/24/07
	PBCBA	New World Bankruptcy+++ (CD)	5.0		\$100	\$140	08/24/07
	OCBA	Business Court II+++ (CD)	4.0	.50	\$85	\$125	09/08/07
	DCBA	Leg. To Limit Atty. Fees	1.0	1.0	\$30	\$70	09/09/07
	DCBA	Hear From The Experts	3.0	1.0	\$70	\$110	09/20/07
	PBCBA	Neuro-Imaging for the P.I. Practitioner+++ (CD)	1.0		\$20	\$60	09/24/07
	PBCBA	FL Construction Industry Licensing Laws+++ (CD)	1.0		\$20	\$60	09/24/07
	PBCBA	Juvenile Law: Intro to Dependency Law & Practice+++ (CD)	5.5		\$120	\$160	09/31/07
	PBCBA	(Elder Law) Inside Information – Direct From The Bench+++ (CD)	2.0		\$40	\$80	10/06/07
	PBCBA	(Quality of Life Comm.) Stress Management (CD)	3.0	2.0	\$80	\$120	10/07/07
	DCBA	3DCA New Developments+++	2.0	.50	\$45	\$85	10/07/07
	DCBA	Admiralty Issues Probate+++	1.0		\$20	\$60	10/13/07
	PBCBA	JNC Process (No. Co. Section) (CD)	1.5	.5	\$35	\$75	10/19/07
	CBA	Elective Share Update	1.0		\$20	\$60	10/20/07
	CBA	Law Office Manage & Tips (CD)	1.0	1.0	\$30	\$70	10/27/07
	DCBA	20 th View From The Bench+++	3.0	1.0	\$70	\$110	10/27/07
	PBCBA	15 th Annual Professional Seminar (CD)	2.5	1.5	\$65	\$105	10/28/07
	OCBA	Estate Guardianship+++ (CD)	5.5	1.0	\$120	\$160	11/10/07
	DCBA	Probate: Flexible Trust+++	1.0		\$20	\$60	11/11/07
	PBCBA	23 rd Annual Estate & Probate Seminar (CD)+++	8.0		\$160	\$200	11/09/07

	PBCBA	Ins. Coverage of Constr. Disputes+++ (CD)	4.5	1.0	\$100	\$140	11/12/07
	OCBA	Advancing The Best Interests of the Children+++ (CD)	4.0	2.5	\$105	\$145	11/16/07
	CBA	Risk Management for FL Law+++ (CD)	1.0	1.0	\$30	\$70	11/17/07
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	PBCBA	17 th Annual Community Assn. Law +++ (CD)	3.5	3.0	\$100	\$140	12/09/07
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	DCBA	Workers Comp Bench & Bar+++	2.0		\$40	\$80	1/25/08
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	CBA	Deficit Reduction+++ (CD)	1.0		\$20	\$60	3/20/08
	CBA	E-Litigation: What It Is +++ (CD)	1.0		\$20	\$60	3/21/08
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 +++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

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