



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

February 2006



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.

Young Lawyers Bring Cheer to the Elderly

The Young Lawyers write much better briefs than they can sing, but they sure have their hearts in the right place. They recently took a break from their busy law practices and personal lives to bring holiday cheer to elderly residents living at Sutton Place in Lake Worth. This was the third year the attorneys graced the hallways of the nursing home singing holiday songs to the residents. Next year, the group plans to include presents for those who have no family.



pictured from left to right:
Mike Dixon, Brett Barner, Stefanie Shelley, Elisha Roy, Grier Pressly, Maryl Burns, Carrie Pateman, Mark Pateman, Grey Tesh and Robert Arzonetti



North County Goes Irish

The North County Section is planning its annual barbeque at the Bonnette Hunt Club in Palm Beach Gardens. Make plans to attend the party from 5:30 p.m. to 8:30 p.m. on Thursday, February 9 for Irish music, Irish beer and an all you can eat barbeque dinner.

The cost is just \$35.00 for NCS members; \$40.00 for non-members. Judges are welcome as our guests. You can register on line at www.palmbeachbar.org.

Sponsors for the evening are Global Property Sales, Hess Investigative Services, Land America Financial Group, Lexis Nexis, and Signature Land Title Company.



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THE
BULLETIN

THEODORE J. LEOPOLD
President

www.palmbeachbar.org

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



**President-Elect and Director Positions Available
for the North County Section**

The North County Section is seeking nominations for 5 director positions (two-year term) and president-elect for its 2006/2007 fiscal year. If you would like to become more active within our Bar, we hope that you will consider serving on the North County Section's Board of Directors. The Board typically meets on the second Tuesday of every month to plan various networking events for its 600 members; as well as CLE luncheons, and community service programs.

To apply for a director position or president-elect, you must submit a completed nomination petition to the Bar Office no later than 5:00 p.m. on Thursday, April 6. The petitions will be available through the Bar Office beginning on March 6.

The winners will be announced on May 18, 2006.

Current Board members include President, William Fleck; President-Elect, Andrew Pineiro; Secretary, Adam Doner; Treasurer, Ned Reagan; Immediate Past President, Scott Kramer; Directors Joseph Ward, Marina Petillo, Jerry Beer, Jeff D'Amore, Laura Starr, Ryon McCabe, Debra Jenks, and Bard Rockenbach. Past Presidents serving on the Board are Michael Slavin, Scott Zappolo, Donna Adams, Colleen Nelson, Stan Klett and Mitch Beers.

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.

John Pankauski

West Palm Beach

M E D I A T I O N

5 6 1 - 6 5 5 - 1 5 5 6

john@panklaw.com

- Certified Circuit Civil
- NASD Arbitrator
- BBB Trained Arbitrator
- Florida Arbitrator
- Adjunct Professor, Graduate Studies, Dept of Finance, FAU
- Insurance Instructor

pankauski

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President's Message



"2006: Looking Ahead"

By Theodore J. Leopold, President

The Holiday Season is over. We have a whole year to recover from all the parties, the holiday crowds, and wondering where the year has gone. But with the New Year also comes new opportunities, and for our growing and thriving community, the new opportunities are unlimited.

Along with the normal New Year's resolutions, I hope that you resolved to improve the practice of law and to enjoy life. There are, of course, many ways to do this. Get more involved in the Bar Association and its committees. Get active in your local community. Strive to make your professional life something that you will always be proud of, and make professionalism a cornerstone of your practice. Also take a step back and enjoy life, your family, your hobbies and all the things that make you happy. Keeping balance in your life is the best medicine you can take.

Every New Year brings new challenges. These challenges take various forms. Some are pleasant and, unfortunately, some are not. But what we can do each and every day is to have a positive attitude in everything that we do and by doing that you will already be far ahead in making this New Year the best year ever.

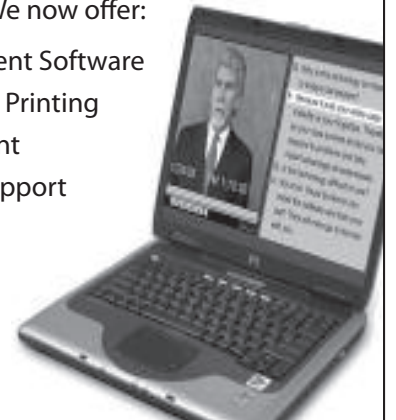
Board of Directors Meeting Attendance

	July Retreat	Aug	Sept.	Oct. No Meeting Due To Wilma	Nov.	Dec.
Leopold	x	x	x			x
Farach	x	x	x		x	x
Poulton	x	x	x		x	x
Suskauer	x	x	x		x	x
Murray	x	x	x		x	x
Whitfield	x	x	x		x	x
Schuler	x	x	x		x	x
Sasser	x	x	x		x	x
Fleck	Beer	x	x			Pineiro
Bowden	Pressly		Pressly		x	x
Marks	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 10



Minutes of the Junior Bar Section May 1, 1968 – Holiday Inn

Forty members and guests were present.

Larry Klein once again presided in the absence of our president "What's his Name". Larry Klein called the membership's attention to the presence of numerous judges and other dignitaries include present state's attorney, and perhaps future assistant state's attorney, Tom Johnson.

Ted Babbitt complained that he wasn't receiving notices of our meetings, but his feelings were soothed by Tom Yeager who assured him that the omission was deliberate. Other members felt that Ted was indeed fortunate not to receive the notices.

Our first speaker was Judge White, the younger, who called our attention to the Summary Claims Procedure Rules on sale for \$1.00 from The Florida Bar. Our second speaker was former president Ray Royce who announced a meeting of the alumni of a small, provincial, southern university at which their minor league football team would be discussed. Our final speaker, who spoke at the insistence of David Faust's wife, was Bill Evans of the Classroom Teachers Association, who stated that the striking teachers would never give in until their demands were approved. Dave Faust clapped heartily.

There being no further business, the meeting was adjourned.

/s/ John Flanigan, Secretary



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)
Family Mediator (1998-Present)
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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.

Re-Elect

Scott G. Hawkins

Currently Serving

The Florida Bar
Board of Governors
15th Circuit, Seat 3



*Professionalism
Experience
Leadership, Dedication*

- Florida Bar Board of Governors (June, 2004 - present)
 - Budget Committee
 - Disciplinary Procedures Committee
 - Special Committee on Florida Constitutional Amendment Process
 - 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 vote in March:

Miriam Acosta-Castriz
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Mark F. Bideau
David E. Bowers
Michael D. Brown
John N. Buso
Douglas Duncan

Daniel Funk
Timothy W. Gaskill
Paul R. Golis
Michael T. Kranz
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Wesley A. Lauer
Patricia A. Leonard

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David Pratt
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Gerald F. Richman

Kara Berard Rockenbach
Raymond Royce
Siobhan Helene Shea
D. Culver Smith
Sidney A. Stubbs
Paul A. Turk, Jr.
Robert W. Wilkins

We endorse the Re-Election of Scott Hawkins:

- | | | | | | |
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| Dan Bachi | Glenn L. Criser | Judith B. Goodman | Patricia Lebow | Adam T. Rabin | Cynthia C. Spall |
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| Hardee Bass | Joseph Curley | Kara E. Hagen | Eric Light | Matthew Ramenda | Brad Sprayberry |
| David G. Bates | Romin N. Currier | Nicholas H. Hagoort Jr. | John W. Little III | Bruce M. Ramsey | Joel T. Strawn |
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| Jerry Beer | Alan Dimond | William T. Hennessey | Marc Matthews | Terry Ellen Resk | Stephanie Reed Traband |
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| | | | | Greg Schwinghammer | |
| | | | | Gregory Scott | |
| | | | | Robert Scott | |

Holiday Highlights

More than 300 members attended our annual holiday party at BallenIsles Country Club in Palm Beach Gardens. The evening included a silent and live auction, which raised close to \$20,000 for local charity programs of the Young Lawyers and North County Sections.



Elisha Roy, Judge Jeffrey Winikoff, Robin Rosenberg and Stefanie Shelley



Stan Klett, Andrew Pineiro, and our live auctioneer Bob Nichols.



Shirley DeLuna, Mitch Beers and David Prather



Judge Amy Smith, Bard Rockenbach and Kara Rockenbach.



Morris Aherne and Colleen Nelson



Judge David Crow, Tim Gaskill and Charles Bennardini



President, Ted Leopold; Young Lawyers President, Wade Bowden; and North County Section President, Bill Fleck



Jamie Murray, Scott Murray, Ned Reagan, Patricia Reagan, Cathy Johnson and Ken Johnson.

100 Club Created

The Palm Beach County Bar Association has created 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. The 100 Club listing will be published quarterly in the newsletter as well as posted on our website.

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!

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

Adams, Coogler, Watson, Merkel, Barry & Kellner, P.A.
Devore & Devore, P.A.
Corbett and White, P.A.
Fisher & Bendeck, P.A.
Gaunt, Pratt, Radford & Methe, P.A.
Gelfand & Arpe, P.A.
Glen J. Torcivia and Associates, P.A.
Kirk Grantham, P.A.
Pressly & Pressly, P.A.
Ricci-Leopold, P.A.
Richman Greer Weil Brumbaugh Mirabito & Christensen, P.A.
Robin Roshkind, P.A.
Schuler, Halvorson & Weisser, P.A.
Stuart R. Manoff & Associates, P.A.
The Karp Law Firm

Construction Law CLE Happy Hour February 24

The Construction Law CLE Committee will be hosting a one-hour seminar to be followed by a happy hour on February 24 from 4:30 - 6:30 p.m. at the Bar Association Offices. Topics will include: "Owner Controlled (OCIP) and Contractor Controlled (CCIP) Insurance Programs - Their Use and Abuse in the Construction Industry" by *Andrew J. Palmer, Esq.*, Ft. Lauderdale; and "Case Law Updates in Construction Law" by *David J. Valdini, Esq.*, Ft. Lauderdale. Cost to attend is \$25 for PBCBA members; \$45 non-members and will include 1 CLER hour, .5 Construction Law Certification Credit, beer, wine and snacks. Register online at www.palmbeachbar.org.



Register for Bar Events Online at
www.palmbeachbar.org



New Online Membership Directory

We are very pleased to unveil our new online membership directory! We sincerely thank *Regent Bank* and *Visual Evidence* 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 other 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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DAVID C. PRATHER

The Florida Bar Board of Governors – Seat 3

In March 2006, Vote for Proven Leadership and Dedication

“I am not content to sit back and complain when negative issues arise. I want to be ‘in there’ changing things for the better, to be the one who gets the work done.”

– David Prather

David Prather is a Florida Bar Board Certified Civil Trial Lawyer practicing with the West Palm Beach plaintiff’s firm of Lytal, Reiter, Clark, Fountain & Williams, LLP.

The Florida Bar

- Board of Governors, Young Lawyer’s Division (1996-2000)
- Equal Opportunities in the Profession Section

Palm Beach County Bar Association

- Judicial Relations Commission (2004-2005)
- Diversity Sensitivity Committee (2004-2005)
- Executive Committee Young Lawyers Section (1996-2000)

Palm Beach County Trial Lawyers Association

- President (2005)
- President-elect (2004)
- Treasurer (2003)
- Secretary (2002)
- Board of Directors (1998-2005)

In the Community, David has served on the Boards of Directors for:

- Café Joshua
- Urban League of Palm Beach County
- Education Foundation of Palm Beach County

Those Endorsing David Prather for The Florida Bar Board of Governors Include:

- | | | | | |
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| Marci Fuentes Ball | Rhonda Ellis | William King | John Patterson | Jose “Pepe” Sosa |
| Barry Balmuth | Mike Eriksen | Vivian Knapp | Heide Perlet | Thomas Spall |
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| Cunningham | Robert L. Johnson | Montgomery, Jr. | Robert Shalhoub | |
| T.J. Cunningham, Sr. | William Johnson | Iola Mosley | Harry Shevin | |

List complete as of 11/18/2005. Contact David to offer your vote of support – (561)655-1980



Depositions of Senior Officers

by Ted Babbitt

In some states, a Court created rule of procedure known as the “apex doctrine” provides that a party may not take the deposition of a senior corporate officer unless the deposing party can show that that officer has special knowledge of the facts at issue and that all other less burdensome avenues of obtaining the necessary information have been attempted. In the recent case of Citigroup v. Holtsberg, Case No. 4D05-1389 (Fla. 4th DCA, Dec. 21, 2005), the District Court, in a per curiam opinion, set forth the ground rules for taking those depositions.

In that case, which was a variant on a securities fraud case, the plaintiff sought to take Sanford I. Weill, Citigroup’s former chief executive officer and the present Chairman of its Board, and Charles O. Prince, Citigroup’s current CEOs’, depositions. The defendants moved for a protective order, invoking the apex doctrine and contending that Department of Agriculture and Consumer Services v. Broward County, 810 So. 2d 1056 (Fla. 1st DCA 2002), adopted that doctrine in Florida. In that case, the First District held that the head of a government agency should not be subjected to deposition over objection until the deposing party had exhausted other reasonable methods of obtaining discovery.

The defendants also relied upon Horne v. School Board of Miami-Dade County, 901 So. 2d 238 (Fla. 1st DCA 2005) in which the former Commissioner of Education’s deposition was sought. In both cases, either present or former state department heads were involved. The First District relied, at least in part, in its decisions on the assumption that if government officials were subjected to these kinds of depositions, it could lead to discouraging people from accepting positions as public servants.

In Citigroup, *supra*, the Fourth District held that the consideration of discouraging people from accepting public positions did not apply to corporate heads. The Court further pointed out that even in states such as Texas which have adopted the so-called apex doctrine, motions seeking to invoke that doctrine are required to be accompanied by the corporate official’s affidavit denying any personal knowledge of relevant facts. In the Florida Bar Journal, Adam M. Moskowitz, “Deposing ‘Apex’ Officials in Florida: Shooting Straight for the Top,” 72 Florida Bar Journal 10 (Dec. 1998), Mr. Moskowitz concludes that before a motion for protective order can be filed on the basis of this doctrine, an affidavit alleging lack of knowledge must also be filed.

The Fourth District concluded that Florida has not

adopted the apex doctrine and that only the Supreme Court could adopt such a doctrine because it would arguably conflict with the liberal discovery rules of Florida.

Florida’s discovery rules do not contain a requirement that a party must show that a high level officer has unique or superior knowledge before the officer can be deposed. Fla. R. Civ. P. 1.280(b)(1) (allowing a party to discover any matter that is not privileged and is relevant to the subject matter of the pending action or appears reasonably calculated to lead to the discovery of admissible evidence).

The Fourth District drew a distinction between the above-cited Department of Agriculture and Horne cases because they do arise in a governmental context where there are policy considerations involving discouraging people from seeking public office. The Court further concluded that even if the apex doctrine were held by the Supreme Court to apply in Florida, the defendants would have to file an affidavit showing that the company officials had no knowledge of any relevant facts and that the burden would be on the defendants to establish that before a protective order could be issued. In this particular case since the corporation’s involvement in what was alleged to be a fraudulent scheme was at issue, the Court concluded that that could only be established through persons who could testify to that corporation’s intent. Those persons most likely would be the senior officers, the very persons sought to be deposed. Quoting from the above-cited Florida Bar Journal article, the Court concluded:

“[C]ourts should not hesitate to deny protection if it appears that the apex official has personal knowledge of the relevant claims at issue or if the motivations behind corporate actions are at issue.” Moskowitz, *supra* note 1, at 12.

In Florida, the Rules of Procedure provide that any person may be subjected to deposition without prior leave of court. This case stands for the proposition that the “apex doctrine” does not prohibit the taking of a corporate officer or director in Florida and that the burden of establishing lack of relevant knowledge rests with the proposed deponent.

NOTE: BECAUSE OF 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.



Sylvan B. Burdick
1922-2006

In Memoriam

George H. Bailey
1925-2006



Florida Bar Board of Governors Report:

At its December 16, 2005, meeting in Amelia Island, The Florida Bar Board of Governors:

- Voted unanimously to approve a motion expressing the sense of the board that the board considers it unprofessional and unethical for lawyers to mine metadata from electronic documents. Metadata is hidden information in an electronic document that can reveal changes, authors, notes, and other potentially confidential information about how a document was created and edited. The board also asked the Professional Ethics Committee to study the issue and determine whether it would best be addressed by a rule amendment or an ethics opinion
- Received on first reading policies to guide Bar staff counsel when they oversee undercover UPL investigations. It will be presented for a final vote to the board at its February meeting.
- Approved a strategic plan for the Bar for the next three years that calls for, among other things, encouraging support of state legislative candidates who support judicial independence, getting adequate

state and local funding for the courts, and supporting the Supreme Court's certification of new judges.

- Approved a legislative position opposing proposed state House and Senate bills as originally filed that would creating a licensing and regulation system for paralegals. The board noted that it further believes more meaningful recognition of paralegals can be achieved by continuing discussion with the legal profession and judicial branch before enactment of this particular legislation.
- Endorsed a proposed amendment to Rules 3.131 and 3.132 of the Rules of Criminal Procedure on pretrial release and detention proposed by the Fast Track Committee of the Criminal Procedural Rules. The committee suggested to the Supreme Court that temporary rules it adopted after striking down a bill that conflicted with the rules be made permanent. But the committee also submitted, if the court wants to consider an alternative, a rule based on the bill, which passed in 2000. That bill denied non-monetary bail on first appearance to defendants charged with a

violent crime, which the court held was an infringement on its procedural rule-making authority.

- Voted to ask the Professional Ethics Committee for an opinion on the propriety of lawyers making electronic copies of old files and records they must keep, and whether rules should be changed to accept digital copies on court records and other filings. The issue has become increasingly important as lawyers have turned to electronic copies to preserve files as part of their hurricane preparedness plans.
- Approved a poll on Floridian's knowledge of civic issues, including the separation of powers, as a parallel to a similar nationwide ABA poll. The results will be used by Bar President Alan Bookman as he meets with newspaper editorial boards and makes public appearances around the state.
- Approved creating a new certification area of State and Federal Government and Administrative Practice. Rules setting up the new area now go to the Supreme Court.
- Heard President Alan Bookman announce he is appointing a committee, pursuant to an order from the Supreme Court, to draft a proposed rule on attorney contingency fees in medical malpractice cases. The court is considering a rules petition that would prevent clients from waiving fee limits set under a constitutional amendment approved by voters in November 2004.
- Approved the recommendation of the Program Evaluation Committee to conduct a survey to lawyers with disabilities in Florida to see what barriers they face.

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.

John Pankauski, JD, LLM

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From Page 4

1. Stephen Koons
2. Denise Parrotta
3. Kevin Beuttenmuller
4. Peter Sachs
5. Judge Jeff Colbath

Florida Bar Board of Governors Contested Elections

A contested election will take place for Seat 3 for the 15th Circuit Florida Bar Board of Governors race. There are two candidates running for this seat: Scott G. Hawkins (incumbent) and David Prather. Ballots in this race will be mailed on or before March 1 and must be returned to The Florida Bar's election office no later than midnight March 21. As in previous years, Bar members will have the choice of voting by paper ballot or electronically via the Internet. Instructions on voting will be included with the ballots.

Candidate profiles are listed below for your information.



Scott G. Hawkins
Jones, Foster Johnston
& Stubbs, P.A.

Year admitted to practice : 1985
Law School: University of Florida

What do you feel you can contribute to The Florida Bar as a member of the Board of Governors:

Members of the Board of Governors are responsible - to the region and state - to provide ethical leadership that represents the whole profession. I have demonstrated effectiveness, both locally and on the state Board, in building consensus and challenging conventional thinking to improve our profession's standing and Bar services. I am grateful for prior opportunities and emphasize the following qualities:

Experience: For 19 months I have served on the Board of Governors and on its Budget, Disciplinary Procedures, and Judicial Independence committees, and confronted difficult issues currently facing our profession. I have been involved in restructuring the budget process to improve accountability, in clarifying responsibilities of individual governors in the grievance process to ensure uniformity and fairness, and in studying judicial independence. Significant responsibility has been entrusted to me and I believe my view is valued in Board debate.

Perspective: As President of the Palm Beach County Bar Association, President of its Young Lawyers Section and Chairman of its Revitalization Committee, I worked first hand to develop a more open election system and enhance relations with south and north county lawyers. Since the election system was revitalized, there has been great Board diversity and energy in Bar programs and committees.

It is a privilege to be an attorney and member of The Florida Bar. I trust you value this privilege and request your vote as I seek re-election to The Florida Bar Board of Governors.

Thank you.



David C. Prather
Lytal, Reiter, Clark, Fountain
& Williams, LLP

Year admitted to practice: 1991
Law School: Rutger's Law School 1990

What do you feel you can contribute to The Florida Bar as a member of the Board of Governors:

I am running for the Board of Governors of The Florida Bar because I believe I can make a difference. Since becoming an attorney, over fifteen years ago, I have committed myself and my career to performing public service. This dedication is fueled by my strong desire to give something back to our profession.

My extensive history of service has given me a solid and diverse background in handling challenges. Consequently, I have established a history of leadership that is crucial in being an effective representative on the Board of Governors.

The Florida Bar currently has over 76,000 members, many of whom come from diverse backgrounds. The Board of Governors does not reflect that diversity. This is another key reason why I have chosen to seek a position as a representative from this circuit.

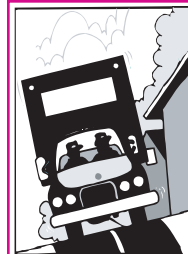
As a board certified civil trial lawyer, a former assistant state attorney and criminal defense attorney, all in Palm Beach County, I have established relationships with numerous individuals in the legal field. In order to be an effective representative, it is important to be aware of critical issues that concern our members, and be able to formulate a balanced approach to solve them.

I have had the privilege to serve as President, Secretary, and Treasurer of the Palm Beach County Trial Lawyers Association, and served on the Board of Governors of the Florida Bar - Young Lawyers Division for four years. I am also extremely involved in the community at large.

Thanks for your support in March.

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North County hosts annual charity party

The North County Section recently sponsored their annual holiday party for more than 200 children in the Guardian ad Litem program. These children have been abused or neglected and are involved in the Palm Beach County court system. Many thanks go to our hard working Board of Directors for arranging the afternoon of bowling, lunch and presents.



Board members, along with support from community elves, help Santa prepare for the arrival of hundreds of children.

Front left: Jeff D'Amore, Debra Jenks, Jerry Beer, and Deborah Igdaloff.
Middle: Michael Slavin, Adam Doner, Stanley Klett, Jr., Santa Claus (aka: Chris Nichols) Donna Adams, Scott Zappolo, Sherri Nichols and Keith Campbell.
Back row: Joy Cripe and Andrew Pineiro.

Elder Law Dinner Seminar

Mark your calendars. On Thursday, April 6, 2006, the Elder Law CLE Committee will be presenting a dinner seminar at the Colony Hotel in Palm Beach. The cost of the seminar will be \$50 for PBCBA members/legal assistants; \$90 for non-PBCBA members/legal assistants. Details to follow in an upcoming issue of the Bulletin as well as the eNewsletters.

Circuit Court Report CIVIL DIVISIONS • November 2005

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
A	05/06	05/06	01/06	1153
B	08/06	06/06	02/06	1521
D	10/06	06/06	01/06	1387
E	03/06	02/06	02/06	1407
F	02/06	02/06	04/06	1169
G	12/06	12/06	01/06	991
H	08/06	08/06	01/06	1276
I	03/06	03/06	01/06	1189
J	05/06	05/06	02/06	1354
N	07/06	04/06	03/06	1280
O	07/06	05/06	01/06	1442
Asbestos				523

All Civil Division Judges schedule their own Jury and Non-Jury Trials.
Pending cases as of 12/03/05

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On December 2, FAWL hosted a gift-gathering event for Legal Aid's silent auction to be held on Saturday evening, May 13, 2006 as part of the 18th Annual Pro Bono Recognition Evening. In addition, monies were raised for Legal Aid's Children's Fund. Guests purchased and donated over 170 learning books and gifts for the Pro Bono Night Silent Auction and raised over \$1,000 for the Children's Fund. The fund provides medicine, clothing and school supplies to the disadvantaged children in our community. The event was chaired by Michelle Suskauer and a wonderful continental breakfast and luncheon was provided courtesy of Carlton Fields, P.A. and Grand Bank & Trust of Florida.



At its November 2005 Board Meeting, the Legal Aid Society of Palm Beach County elected its new officers for 2006. Pictured above are: Mariano Garcia, V. Pres.; Jerry Beer, Treasurer; Miriam Acosta-Castriz, Secretary; Gary Woodfield, President; not pictured, Robert Shalhoub, Immediate Past President.

Legal Aid Participates in Training as part of the Statewide Mentoring Program

The Legal Aid Society's Pro Bono Program, in conjunction with the Florida Pro Bono Coordinators Association, and the Family Law Section of the Florida Bar, is currently participating in a statewide program through which lawyers who do not regularly practice family law will be recruited and trained to handle pro bono family law cases. In addition, the Family Law Section will be providing experienced family law attorneys to act as mentors to any of the attorneys who request this assistance. In furtherance of this program the **Legal Aid Society has joined the Palm Beach County Bar Association's Family Law CLE Committee** in presenting a training on **March 3rd** called "A Fish Out of Water" Family Law for the Non-Family Law Practitioner. A *fee waiver* is available to attendees who agree to accept two family law pro bono cases through the Legal Aid Society Pro Bono Program. In addition, an experienced family law attorney/mentor will be available to assist those attorneys who participate in the fee waiver program. If you would like more information about this Program, contact Kim Rommel-Enright, LAS Pro Bono Coordinator, at 561/655-8944 ext. 265 or email kenright@legalaidpbc.org.

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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.

DAVID T. BEROZA - Boynton Beach; Stetson College of Law, 2005; Solo Practitioner in Delray Beach.

J. HARLEY CHIVERS - Stetson College of Law, 2005; Judicial Clerk at the Fourth District Court of Appeal.

LAURA L. FORTNEY - Van Wert, Ohio; University of Toledo, 2005; Judicial Clerk at the Fourth District Court of Appeal.

KATHLEEN A. FRY - Camden, NJ; University of Florida, 2003; Associate with Murphy, Reid & Pilotte, P.A. in Palm Beach.

EMILY E. GANNON - New York; Wake Forest University, 2005; Associate with Bruce F. Silver, P.A. in Boca Raton.



SARA I. GERSHBEIN - Palm Beach Gardens; University of Miami, 2005; Solo Practitioner in North Palm Beach.

JORGE HERRERA - Miami; University of Florida, 2005; Associate with Roberts, Reynolds, Bedard and Tuzzio, P.A. in West Palm Beach.

LORA D. HOWE - Elmhurst, Ill.; Nova Southeastern University, 2001; Associate with Hilley & Wyant-Cortez, P.A. in North Palm Beach



LEANNE M. INNET - New York; Nova Southeastern University, 2005; Associated with Fourth District Court of Appeal.

ALAN KELMAN - New York City; Nova Southeastern University, 2003; Sole Practitioner in Boca Raton.

ERIC S. LAKIND - Paterson, NJ; University of Miami, 1993; Associate with Rosenthal & Levy, P.A. in West Palm Beach.

CORI N. MARSHALL - Plantation, FL; Emory University, 2005; Associate with Moyle, Flanigan, Katz, Raymond & Sheehan, P.A. in West Palm Beach.

KARENA MATTINGLY - University of Florida, 2005; Staff Attorney with Fourth District Court of Appeal.

PRISCILLA C. MOXAM - Jamaica, West Indies; Nova Southeastern University, 2005; Partner with Law Offices of Cheesman & Moxam in West Palm Beach.

NICOLE M. ROCCO - Beverly, Mass.; Cumberland School of Law, 2000; Associate with Broad and Cassel in West Palm Beach.

MICHAEL I. SANTUCCI - New Jersey; Nova Southeastern University, 1996; Partner in Silverman Santucci, LLP in Ft. Lauderdale

JOHN W. SMITH - Del Rio, Texas; Nova Southeastern University, 2005; Associate with The Law Office of Allen R. Seaman & Associates, P.A. in West Palm Beach.



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Can You Waive Your Constitutionally Protected Homestead Exemption

by Marc P. Barmat, Esquire
Furr and Cohen, P.A.
(561) 395 0500
mbarmat@furrcohen.com

Until recently, it appeared to be settled Florida law that a debtor's voluntary waiver of his or her homestead exemption was unenforceable and contrary to public policy. Sherbill v. Miller Manufacturing Company, 89 So.2d 28 (Fla. 1956). However, on November 30, 2005, the Third District Court of Appeal issued an opinion which arguably contradicts Florida Supreme Court precedent by allowing a debtor to waive his or her right to the homestead exemption protections afforded by the Florida Constitution¹. Demayo v. Chames, 2005 WL 3180187 (Fla. 3rd DCA 2005). In Demayo, Mr. Demayo executed a retainer agreement with his lawyers which, among other things, stated "the client hereby knowingly, voluntarily and intelligently waives his right to assert his homestead exemption in the event a charging lien is obtained to secure the balance of attorney's fees and costs." Id. Mr. Demayo failed to pay his attorney's fees and subsequently a final judgment was entered in the law firm's favor. The trial court expressly enforced the waiver provisions of the retainer agreement and the case was appealed to the Third District Court of Appeals. In holding that a client can waive his constitutional right to an exemption of his homestead property from a charging lien, the court was guided by the following three considerations: (1) the homestead exemption only applies to "forced sales," which the court determined this was not; (2) a prohibition of a waiver would "conflict with several expressed provisions of the Florida Constitution, which have long been construed to provide all citizens of the state with both the right to contract and the right to own, use and dispose of one's real property as he or she deems fit"; and (3) Mr. Demayo could have achieved the same result by simply exercising the right to mortgage his or her homestead for the benefit of a creditor. Id. at 3.

In holding as it did, the Demayo Court recognized that it is not their place to overrule a Supreme Court decision, but found that "in this case we consider, based upon the 1984 amendment to Article X, section 4 and the recent pronouncements of our high court, that Sherbill is not a viable guide to interpreting Article X, section 4 as it presently is constituted." Id. at 5. The specific 1984 amendment which the Court refers to expanded the class of persons who could take advantage of the homestead exemption by substituting "natural person" for "the head of a family." In a strong dissent, Judge Wells expressly disagreed with the majority's view that the 1984 amendment substituting the term "natural

person" for the term "head of a family" changed the character and the purpose of the homestead exemption to permit exceptions to the exemption other than those expressly provided in Article X, Section 4. Id. at 7. Judge Wells found the Florida Supreme Court decision in Sherbill to be dispositive. Id. at 6.

In Sherbill, the debtors obtained a loan by executing a note that specifically provided that "the makers and endorsers of this note hereby waive the benefit of their homestead exemption as to this debt..." Sherbill at 29. When the debtors defaulted, the creditor obtained a judgment and sought to levy on the debtors' realty, contending that the debtors had waived their homestead exemption. The Florida Supreme Court rejected this argument and refused to enforce the waiver on public policy grounds, observing that no policy of this state is more strongly expressed in the constitution, laws and decisions of this state and the policy of our exemption laws. Id. at 31.

In support of his dissenting opinion, Judge Wells poignantly illustrates what he most fears "about the change the majority has wrought today." Demayo at 9. Specifically, the fear that "the waiver of the homestead exemption will become an everyday part of contract language for everything from the hiring of counsel to purchasing cellular telephone services." Id. Judge Wells states that "The average citizen, who is of course charged with reading the contracts he or she signs, as this court knows all too well, often fails to read or understand boiler plate language detailed in consumer purchase contracts, language which the contracts themselves often permit to be modified upon no more than notification in a monthly statement or a bill." Id.

At the time of publication of this article, counsel for Demayo will surely have filed her notice of appeal to the Florida Supreme Court. Those concerned with preserving the Florida Homestead exemption and protecting those who need the exemption most, should keep a careful watch on this case.

¹Homestead; exemptions – (a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty . . . Art. X, § 4(a), Fla. Const. (2004).

Director's Comment

by Michelle Suskauer



I am typing this article at the end of a windy year. A record-breaking windy year that went through all of the chosen hurricane names and dove into the Greek alphabet for more. I actually took a breath in the crazy holiday season to look back on the events of the last twelve months. What did I accomplish both personally and professionally? Did my new year's resolutions fall by the wayside again? How much have my kids changed? But I cannot help but reflect at our good fortune to be spared the devastation of Hurricane Katrina.

As we watched on television from the safety of our homes, Katrina unleashed her fury. And we saw the results: loss of lives, livelihoods, destruction of towns and cities, and an absence of social order. Although many of us have undergone our share of hurricane chaos and confusion, this storm surpassed our common experience. The legal community in the region was simply devastated. When Hurricane Wilma forced the closing of our Courts for several weeks, left us without power, telephones, any means to run our practices, we had a small taste of what the gulf communities experienced.

We take the normal running of our business and our lives for granted. We have electricity, the roof is solid, the courts will be open. We go about our days. If memories of Frances and Jeanne faded, we were given a certain reminder with Wilma.

We are in a constant state of movement in our lives, our own private hurricane. And the winds seem to blow harder each year. We are trying to hold our ground while we remember our deadlines, every nuance about our cases, our spouse's birthday or anniversary, getting to our kid's activities that seem to grow in number, like the ballet performances, piano lessons or softball games.

Can we slow down or even briefly pause? Just try for a moment. Look up. The lights are working today, you are online, the cell is ringing. Now look over at the kids' pictures and be thankful. We are here.

Florida Rural Legal Service Seeks Board Member

The Palm Beach County Bar Association has been requested to nominate an attorney to serve on the Board for the Florida Rural Legal Services; a public interest firm which serves low income clients in a 13 county area in civil legal matters. Applicant must be a member of The Florida Bar and the Palm Beach County Bar and willing to serve a 3 year term. The Board meets throughout the 13 county area with 6 meetings a year normally on Saturday from 10:30 to 1:30. Reimbursement of travel costs. Minorities encouraged to apply. More information contact pat.fuller@frls.org. Or 239-334-4554. Interested parties should send a letter of interest along with a resume to Patience Burns, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406 no later than February 20 in order to be considered.



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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)
- > BSM – Tulane University School of Business (1984)

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Bulletin Board

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Prioritystaf@msn.com.

Paralegal; Boca firm, Probate & Trust administration, experience necessary, fax resume to 561-392-5533.

AV-RATED Fox, Wackeen, Dungey et. al. Law firm is also seeking a motivated, self-starting associate with 5+ years civil litigation experience. Candidate must have strong academic credentials. Career path opportunity in well established firm. We offer a competitive salary and benefits package. The firm is located in Martin County. Please forward resume and law school transcripts to Maryellen Castellano, HR Director, @ mcastellano@foxwackeen.com or fax to 772.220.1489.

AV-RATED Fox, Wackeen, Dungey et. al. Law Firm seeks a qualified, motivated attorney with 10+ years experience handling estate planning, estate and trust administration, business organizations and agreements and related tax issues. Candidate must have a strong academic background with LLM in tax or estate planning preferred. Seeking a strong candidate with short-term partnership potential. Competitive salary with an excellent benefit package. Firm is located in Martin County, which offers an excellent quality of life and a best-in-the-state school system. Please forward resume and law school transcripts to Maryellen Castellano, HR Director, @ mcastellano@foxwackeen.com or fax to 772.220.1489.

PROFESSIONAL ANNOUNCEMENTS:

The following announce their availability for referral, assistance and consultation.

SCOTT SUSKAUER: Board Certified Criminal Trial Lawyer. All criminal matters in State and Federal Court including felonies, misdemeanors, DUI and traffic matters, 1601 Forum Place, Ste. 1200, WPB, FL 33401; 561-687-7866.

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 or email the firm at 10drich@bellsouth.net.

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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 .

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).

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.

THOMAS R. BAKER, III: Establishment and maintenance of guardianships for property of minors as a result of personal injury settlements, including approval of settlements. 270 South Central Blvd., Suite 203, Jupiter, FL. 33458; (561) 744-0802.

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JUPITER OFFICE SHARING: Office at Jupiter Gardens (South Central Blvd.). Room for attorney and 1 secretary. Copier, reception area, kitchen, conference room available. Call Tom Baker (561) 744-0802.

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HEARSAY



The law firm of Ricci-Leopold, P.A., is pleased to announce that **Spencer T. Kuvin** from the firm was recently listed as a top upcoming attorney, in the 2006 Annual edition of The South Florida Legal Guide's "Top Up & Comers" list.

Jones, Foster, Johnston & Stubbs, P.A. honored two of its retired partners, **The Honorable James C. Paine** and **George H. Bailey**, during a firm reception and portrait unveiling which was attended by family members and firm shareholders. The firm recognized the career highlights of Paine and Bailey, who enjoyed impressive careers with the firm not only as partners, but also as role models, trusted advisors and mentors to the firm's current senior partners.

The Law Office of Celeste and Associates proudly welcomes **Jacqui Charbonneau**, Esq. as an associate of the firm who will concentrate her practice in representing people injured on the job in Workers' Compensation cases.

Jerry E. Aron of West Palm Beach was named one of the best lawyers in America in the 2006 edition of The Best Lawyers in America and also was named to the 2005 Florida's Trend's Legal Elite in the Florida Trend Magazine.

DeSantis, Gaskill, Smith & Shenkman, P.A., is pleased to announce that **Hector A. Rivera, Jr.** has joined the firm. Mr. Rivera formerly practiced in Connecticut for eight (8) years before moving his family to Jupiter. Mr. Rivera received his law degree from Wake Forest University. He is concentrating in the firm's real estate and corporate practice.



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CALENDAR

February 2006

Wednesday, February 1, 12 noon
Solo Practitioners Luncheon Seminar
 Bar Association Office

Thursday, February 2, 12 noon
Special Needs of Children Committee Mtg.
 Chair Joe Ackerman's Office

Thursday, February 2, 5:30 p.m.
Special Reception Honoring Justice Barbara Pariente, Justice Harry Lee Anstead and Judge Rosemary Barkett
 Cohen Pavilion at the Kravis Ctr.

Friday, February 3, 8:15 a.m.
PBCBA Real Estate Seminar
 Bar Association Office

Friday, February 3, 12 noon
Real Estate CLE Committee Mtg.

Thursday, February 9, 8:30 a.m.
TFB Videotape Replay Seminar "Representing the Physician in 2006"
 Bar Association Office
 Call 800-342-8060 to register

Thursday, February 9, 5:30 p.m.
North County Section Dinner
 Bonnette's Hunt Club,
 Palm Beach Gardens

Friday, February 10, 8:30 a.m.
ADR Committee Meeting

Tuesday, February 14, 12 noon
Young Lawyers Section Executive Committee Meeting
 Bar Association Office

Wednesday, February 15, 8:00 a.m. - 5:00 p.m.
PBCBA ADR Seminar
 Bar Association Office

Thursday, February 16
The Florida Bar's Practicing with Professionalism Seminar
 Marriott West Palm Beach
 Call 800-342-8060 to register

Friday, February 17, 11:45 a.m.
Cunningham Bar Association Wm. Holland Scholarship Luncheon
 Contact Edrick Barnes
 (561) 616-3333

Friday, February 17, 5:30 p.m.
Employment Law CLE Committee Happy Hour
 E.R. Bradley's in Downtown
 West Palm Beach

Monday, February 20
Court Holiday
 President's Day

Tuesday, February 21, 7:50 a.m.
TFB Videotape Replay Seminar "Proving and Defending Damages"
 Bar Association Office
 Call 800-342-8060 to register

Tuesday, February 21, 12 noon
Joint Luncheon Meeting with South County Bar Association
 Delray Beach Country Club

Tuesday, February 21, 5:30 p.m.
Inns of Court Meeting
 Palm Beach County Courthouse

Wednesday, February 22, 8:00 a.m.
TFB Videotape Replay Seminar "Basic Corporate & Intellectual Property Law"
 Bar Association Office
 Call 800-342-8060 to register

Wednesday, February 22, 12 noon
FAWL Membership Luncheon Presidential Country Club
 Contact Elisha Roy 832-5500

Thursday, February 23, 12 noon
Lawyers for Literacy Committee Mtg
 Bar Association Office

Thursday, February 23, 5:00 p.m.
Board of Directors Meeting
 Bar Association Office

Friday, February 24, 8:30 a.m.
PBCBA Bankruptcy Law Seminar
 Bar Association Office

Friday, February 24, 4:30 p.m.
PBCBA Construction Law Committee Happy Hour/Seminar
 Bar Association Office

Saturday, February 25, 6:00 p.m.
PB County Trial Lawyers Inaugural Ball
 Contact Susan Maynor
 (561) 999-9490



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

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 *** DECEASED, FLORIDA BAR PRESIDENT, SUPREME COURT JUSTICE
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 ***** 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 21st 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 has been granted **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.

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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) (2/15/06 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

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

"New World Bankruptcy Mechanics: Nuts and Bolts of Bankruptcy Practice under BAPCPA"

Friday, February 24, 2006 8:30 a.m. – 12:40 p.m.

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

Program Schedule

- 8:15 – 8:30 **Late Registration/Check In**
- 8:30 – 8:40 **Welcome & Opening Remarks, *Julianne R. Frank, Esq., Committee Chair***
- 8:40 – 11:40 **A Panel Presentation and Discussion of Practice and Procedures for Attorneys and Legal Assistants.**

Panel Mediated by Julianne R. Frank, P.A., Chair Bankruptcy CLE committee.

Panel members to be announced.

Topics to Include:

- *"Living with BAPCPA: Challenges and Case Law Update"*
- *"Real world suggestions and methods: Feedback on Credit Counseling, Financial Education and Means Testing"*
- *"Due Diligence practice pointers"*
- *"Chapter 13 developments"*
- *"CM-ECF update"*
- *"Trustee and Clerk issues"*

11:40 – 12:40 **Lunch Presentation by Special Guest to be announced.**

This course has been granted **5.0 CLER and 4.0 Business Litigation Certification credit hours** from The Florida Bar.

The cost of the seminar, which includes lunch, is \$110 for PBCBA members/legal assistants;

\$150 for non-PBCBA members/legal assistants if registered by 2/17/06; 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.

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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 Family Law CLE Committee Presents:

**“A Fish Out Of Water”
Family Law for the Non-Family Law Practitioner**

*A program offering the essentials of substantive and procedural family law in the
Fifteenth Judicial Circuit; for attorneys who conduct a general practice.*

Friday, March 3, 2006 8:00 a.m. – 12:45 p.m.

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

Sponsor: LexisNexis

Program Schedule

- 8:00 – 8:30 **Late Registration/Check In**
- 8:30 – 8:40 **Welcome & Opening Remarks** - *Curtis L. Witters, Esq., Glickman, Witters & Marell, Family Law CLE Committee Chair*
- 8:40 – 9:00 **Indigency** - *Robin Scher, Esq., Legal Aid Society of Palm Beach County*
- 9:00 – 9:20 **Pro Bono and Mentoring Programs** - *Kim Enright, Esq., Legal Aid Soc. of Palm Beach County*
- 9:20 - 10:20 **Family Law Procedure** - *The Honorable Diane M. Kirigin, General Magistrate*
- 10:20 – 10:30 **Break**
- 10:30 – 11:30 **Substantive Family Law** - *Melinda P. Gamot, Esq., The Gamot Law Firm, LLC and John F. Schutz, Esq., John F. Schutz, P.L*
- 11:30 – 12:00 **Ethical Issues in Family Law** - *Eddie E. Stephens III, Esq.*
- 12:00 – 12:45 **The View From the Bench** - *Tips from Judges in the Family Law Division*

This course has been granted **4.5 CLER hours including .5 Ethics** and **3.5 Marital & Family Law Certification** credits from The Florida Bar. The cost of the seminar is \$105 for PBCBA members/legal assistants;

\$145 for non-PBCBA members/legal assistants if registered by 2/24/06; 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.

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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) (3/03/06 Family) Cost is the same as listed above.

____ Legal Aid Scholarships: The Legal Aid Society is offering a limited number of scholarships for this semester. There will be NO REGISTRATION FEE for attorneys selected. In exchange, attorneys agree to accept at least two family law pro bono cases through the Pro Bono Project. If you are interested please contact Kim Enright, (655-8944 ext. 265) to determine availability. If you are selected you will check below and forward this form to Legal Aid (fax 655-5269).

____ I will attend the “A Fish Out Of Water” Seminar and I agree to accept two pro bono family cases from The Legal Aid Society Pro Bono Dept.

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 PI Wrongful Death CLE Committee Presents:

"Neuro-Imaging For The P.I. Practitioner" Decoding & Mastering MRI Terminology & Pathology of The Spine and Brain

Friday, March 24, 2006 12:00 p.m. – 1:00 p.m.

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

This Program is open to all Attorneys and Paralegals, Plaintiff and Defense, who handle Personal Injury matters.

Program Schedule

- | | |
|-------------------------|---|
| 11:30 a.m. – 11:55 a.m. | Late Registration/Check In |
| 11:55 a.m. – 12:00 p.m. | Welcome & Opening Remarks - Jason J. Guari, Esq.,
Murray & Guari Trial Attorneys PL, Committee Chair |
| 12:00 p.m. – 1:00 p.m. | "Neuro-Imaging For The P.I. Practitioner" - Decoding & Mastering MRI Terminology & Pathology of The Spine and Brain -
Mircea Morariu, M.D., of Florida Neurologic Center, P.A. <ul style="list-style-type: none">•Board Certified Neurologist•Fellowship Trained in MRI & CT•Voluntary Assistant Professor of Neurology
at the University of Miami School of Medicine |

This course has been granted **1.0 CLER hour**
including **.50 Health Law Certification credit** from The Florida Bar.

The cost of the seminar, **which includes lunch**, is \$30 for PBCBA members/legal assistants;
\$70 for non-PBCBA members/legal assistants if registered by 3/17/06;
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
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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) (3/24/06 PI Wrongful Death) 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**

Future Solo Luncheon
dates to calendar:

Wednesday, May 10
Law Practice
Accounting

Wednesday, June 21
Staffing Your Office

**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
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Call the Bar Office if
you have questions:
Phone: (561) 687-2800
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**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.*

Thursday, March 2

11:45 a.m. to 1:00 p.m.

Bar Office

TOPIC:

Law Office Technology

Learn your options for computer hardware and software (document, billing and calendar programs); as well as how to set up email addresses and websites.

COST:

\$10.00 for PBCBA members; non-members are welcome to attend for \$20.00.

Lunch sponsors:



..... Clip & Mail

Name

Address

City, State and Zip

Phone

Email Address

Method of Payment Check

Amount Enclosed:

Visa

Credit Card # _____

MasterCard

Signature

Exp. date

American Exp

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. **01/03/06.**

✓	Sponsor	Course Title	Credit General	Ethics Hours	PBCBA Member	Non Member	Expires
	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 th 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 th 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 rd 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 nd 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 th 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
	PBCBA	It's Hard To Stay Current+++ (CD)	4.0	2.0	\$100	\$140	06/02/07

(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. 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: PBCBA Member PBCBA 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.

18th Annual Pro Bono Recognition Evening



Saturday, May 13, 2006 at the Kravis Center's Cohen Pavilion



Benefitting

Legal Aid Society
of Palm Beach County, Inc.



The Sun-Sentinel/WB39 Children's Fund's portion of the proceeds will be matched by the McCormick Tribune Foundation, increasing the amount of money available to support agencies such as Legal Aid and other charitable organizations in our community.

Grand Benefactors **\$10,000 and above**

- ◆ Prominent exposure in advertising, the event program and sponsor board and inside the event invitation.
- ◆ Special recognition at pre-event parties and during the event.
- ◆ **20 complimentary event tickets** and a commemorative piece.

Benefactors **\$5,000 - \$9,999**

- ◆ Prominent exposure in advertising, the event program, sponsor board and event invitation.
- ◆ Special recognition at pre-event parties and during the event.
- ◆ **10 complimentary event tickets** and a commemorative piece.

Patrons **\$3,000 - \$4,999**

- ◆ Prominent exposure in advertising, the event program, sponsor board and event invitation.
- ◆ Special recognition at pre-event parties.
- ◆ **8 complimentary event tickets** and a special gift.

Donors **\$1,500 - \$2,999**

- ◆ Listed in advertising, the event program, sponsor board and event invitation.
- ◆ **6 complimentary event tickets.**

Champions **\$1,000 - \$1,499**

- ◆ Listed in advertising, the event program, sponsor board and event invitation.
- ◆ **5 complimentary event tickets.**

Leaders **\$550 - \$999**

- ◆ Listed in advertising, the event program, sponsor board and event invitation.
- ◆ **4 complimentary event tickets.**

Sponsors **\$400**

- ◆ Listed in advertising, the event program, sponsor board and event invitation.
- ◆ **2 complimentary event tickets.**

Checks must be payable to "Pro Bono Recognition Evening". Please detach or photocopy and mail to:
Development Department ♦ Legal Aid Society ♦ 423 Fern Street, Suite 200 ♦ West Palm Beach, FL 33401



***YES, I/we are proud to support Legal Aid and the Sun-Sentinel Children's Fund
with a gift/pledge to the 18th Annual Pro Bono Recognition Evening.***

- Check enclosed payable to "Pro Bono Recognition Evening" Please accept my pledge of \$ _____
(to be paid by July 14, 2006)
- Please bill the total contribution \$ _____ to my credit card. VISA MasterCard Discovery American Express

Print name as it appears on card

Expiration Date

Card #

Signature

Sponsorship Name (will be listed in printed publicity)

CONTRIBUTIONS TO THE PRO BONO RECOGNITION EVENING BENEFIT BOTH THE LEGAL AID SOCIETY OF PALM BEACH COUNTY AND THE SUN-SENTINEL CHILDREN'S FUND, A FUND OF THE MCCORMICK TRIBUNE FOUNDATION. THE PORTION OF CONTRIBUTIONS BENEFITTING THE SUN-SENTINEL CHILDREN'S FUND SHALL NOT BE SUBJECT TO ANY DONOR RESTRICTIONS. THE LEGAL AID SOCIETY OF PALM BEACH COUNTY, INC. AND THE ROBERT R. MCCORMACK TRIBUNE FOUNDATION ARE 501(C)(3) NOT FOR PROFIT, TAX EXEMPT ORGANIZATIONS. A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION OF THE LEGAL AID SOCIETY (CH187) AND THE ROBERT R. MCCORMACK TRIBUNE FOUNDATION (CH811) MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL FREE 1-800-435-7352 WITHIN THE STATE OF FLORIDA. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL OR RECOMMENDATION BY THE STATE. THE LEGAL AID SOCIETY RECEIVES 100% OF EACH CONTRIBUTION WITH 0% GIVEN TO A PROFESSIONAL SOLICITOR. THE MCCORMICK TRIBUNE FOUNDATION HAS PAID 0% OF CONTRIBUTIONS TO OUTSIDE PROFESSIONAL SOLICITORS AND RETAINS FOR CHARITABLE PURPOSES, 85% OF ALL CONTRIBUTIONS RECEIVED.