



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

January 2008

The Board of Directors and Bar Staff wish you and your families a Happy New Year



Several hundred members attended our annual Holiday Party at BallenIsles Country Club in Palm Beach Gardens. Kudos to the Young Lawyers and North County Sections for hosting another terrific silent auction, which raised more than \$13,000 for local charity programs. For more photos of this event, please see page 10.

Bar President Meenu Sasser pictured with immediate Past President Manny Farach and Robin Bresky

Mark your calendar for upcoming Membership Meetings

Western County Happy Hour

January 9, 5:30 - 7:30 p.m.
The Players Club in Wellington

Young Lawyers Section Happy Hour

January 10, 5:30 - 7:30 p.m.
Roxy's in Downtown West Palm Beach

Joint Luncheon with South County Bar Association

Guest Speaker: FL Bar President Frank Angones
Wednesday, March 5, 2008, 12 noon
Delray Beach Golf Club

Trial Superstars Seminar: Trying the Catastrophic Injury Case

March 7, 8 am - 5 pm
(see insert inside this issue)
Speakers to include Ted Leopold, John H. Richards, Ted Babbitt, Spence Silverglate, Ervin Gonzalez, David Knight, Joe Reiter, Roy Watson, Chris Searcy and Eric Peterson

Leadership Academy

April 25, 8:30 - 1:00
Speakers to include Former ABA President Dennis Archer, FL Supreme Court Justice Raoul Cantero; FL Bar President-elect Jay White; and Nora Bergman, Atticus Practice Advisor

Annual Law Week Judicial Reception

Thursday, April 29, 2008 5:30 p.m.
The Harriett at City Place

Annual Installation Banquet

Saturday, June 8, 2008, 7 p.m.
The Breakers Hotel, Palm Beach

North County hosts Annual BBQ & Casino Night

Make plans to join the North County Section for its 3rd Annual BBQ & Casino Night at the Bonnette Hunt Club in Palm Beach Gardens on **Thursday, February 7**. There will be tables for blackjack, roulette and craps, plus an all you can eat BBQ buffet. Drinks, live music and prizes will also be included in your membership price of just \$40, (non-section members and spouses are welcome to attend for \$50. Judges are complimentary).

Please let us know you will be attending by registering on line at www.palmbeachbar.org.

Sponsors for the evening include LexisNexis, Mellon Bank, MetLife, Rock Legal Services & Investigations, Stuart R. Manoff & Associates and Visual Evidence.

*(*tables are for entertainment purposes only)*



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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
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As of November 30, 2007

February Judicial Luncheon

The Judicial Relations Committee is hosting its second in a series of Judicial Luncheons. Charles Bennardini will moderate the luncheon on February 14, 2008, 12:00 - 1:00 pm in the Judicial Dining Room. This luncheon's topic will be "Good Courtroom Practice" featuring Judges Jeffrey A. Winikoff, Jonathan D. Gerber, Edward H. Fine and Robin L. Rosenberg.

Cost to attend is \$15 PBCBA Members; \$25 non-members if registered by February 7th; add \$10 after that date. Includes lunch and 1 hour CLER has been applied for to The Florida Bar. This event is limited to 40 registrants and RSVP's are required. Please register at www.palmbeachbar.org/register.php. Walk-ins cannot be accommodated.





“Lawyers Rise Up in Support of the Rule of Law”

By Meenu Sasser, President

On November 15, 2007, the Board of Directors of the Bar adopted a resolution supporting the reinstatement of constitutional law in Pakistan, joining dozens of other state, local and national bar associations. The Resolution urged the restoration of Pakistani Constitution, the reinstatement of the power, authority and independence of the Pakistani judiciary and the release of judges and lawyers and the restitution of the rule of law for the Pakistani people. The Resolution provides as follows:

Whereas, the principle that a judiciary be independent is essential to the fair and impartial administration of justice and the operation of a free and open government; and

Whereas, the sovereign nation of Pakistan was created on August 14, 1947 adopting a constitution in 1956, and its present constitution in 1973 which provided for a parliamentary system with a President as head of state and popularly elected Prime Minister as head of government, and a Supreme Court; and

Whereas, On November 3, 2007, President Gen. Pervez Musharraf of Pakistan declared a state of emergency. In addition, Musharraf suspended the Constitution, dissolved the Supreme Court and the four Provincial High Courts, and detained eight members of the Supreme Court, citing rising extremism and a judiciary “at cross purposes” with the rest of the government as reasons for this action; and

Whereas, the suspension of the Pakistani constitutional government has resulted in the firing of the nation’s chief justice, his arrest and the arrest of other members of the Pakistani judiciary as so-called threats to the nation; and

Whereas, On November 5, 2007, thousands of attorneys took to the streets of several Pakistani cities, protesting these actions by Musharraf and demanding the restoration of the rule of law; and

Whereas, the Palm Beach County Bar Association recognizes and commends the courage and conviction of the members of the Pakistani bar, the judiciary, and the public who are working to correct this injustice; and

Whereas, the Palm Beach County Bar Association unequivocally supports the rule of law and the efforts of

lawyers and judges in Pakistan and across the globe to restore the rule of law. The Palm Beach County Bar Association encourages all people to respect the rule of law. It is a vital and fundamental aspect of a free society and a principle of democracy that all citizens should understand and expect as a way of life; and

Whereas, the American Bar Association and the International Bar Association have deplored the imposition of emergency in Pakistan and called for the restoration of constitutional rule;

THEREFORE, LET IT BE RESOLVED, by the Board of Directors of the Palm Beach County Bar Association that we concur in the statements issued by the American and International Bar Associations respectfully urging that President Pervez Musharraf revoke Emergency Rule in Pakistan including the restoration of the Pakistani Constitution, the reinstatement of the power, authority and independence of the Pakistani judiciary, the release of judges and lawyers so far imprisoned; and the reinstatement of the rule of law for Pakistan and its people.

Though a half a world away from the situation in Pakistan, as a Bar association, we ourselves can resolve to work to support the independence of the judiciary and the rule of law. We can work to counter attacks on judicial independence, though they may not be as dramatic as the jailing of attorneys and the removal of justices of the Supreme Court. The steps we can take include writing letters to the editor in support of the judiciary when they are unfairly attacked in the press, and encouraging the education of our citizenry, especially our children on the importance of the rule of law and an independent judiciary.

Board of Directors Meeting Attendance

| | July Retreat | Aug | Sept | Oct | Nov |
|-----------|--------------|----------|------|----------|----------|
| Bowden | X | Phone-in | | X | X |
| Doner | McCabe | X | X | X | X |
| Farach | X | X | X | Phone-in | X |
| Guari | X | X | X | X | X |
| Howe | X | X | X | X | Phone-in |
| Napoleone | X | X | X | Phone-in | X |
| Poulton | X | X | | X | X |
| Rabin | X | X | X | X | X |
| Sasser | X | X | X | X | X |
| Schuler | X | X | X | X | X |
| Suskauer | X | X | X | X | X |

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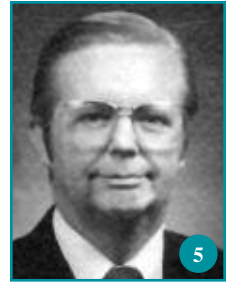
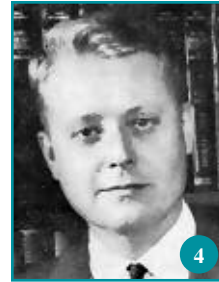
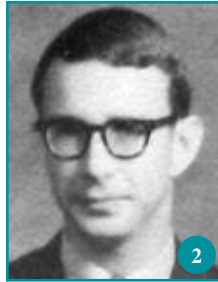
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Who are they?

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?

Do you have old pictures of yourself or your associate? If so, send them to Patience Burns at the Bar office for use in future issues.

Answers on page 16



Minutes of the Junior Bar Association – February 4, 1966

A meeting of the Junior Bar Association was held at the Holiday Inn on February 4, 1966. Thirty-five members and guests were present.

President Lewis presided and recognized the presence of Judges White, Hewitt, Smith and MacMillan. Norman Kapner introduced H. Loy Anderson, Jr.; Larry Cooper introduced Phil O'Connell, Jr. and Dan O'Connell; and Hank James introduced and proposed for membership John Young. Mr. Young's membership was approved subject to payment of dues.

President Lewis announced that the Mock Trial Committee had held a real mock trial.

Jon Moyle reported on the activities of the Legal Services Financing Committee. More meetings and more reports are planned.

President Lewis announced that at the request of the local Jaycees, the Junior Bar Section had nominated a man of the year. He stated that Marvin Mounts, self-acclaimed authority on selective law enforcement, had been nominated by our organization, but the award went to Shep Lesser, self-acclaimed authority on everything.

Marshall Criser introduced the guest speaker, Carl Bertoch, Executive Director of the Florida Land Installment Sales Board. Mr. Bertoch gave an interesting and informative talk, despite constant interruptions, suggestions and stage whispers by Messrs. Criser and

Moyle. Following his talk, he answered most of Mr. Criser's and Mr. Moyle's questions.

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

/s/ Raymond W. Royce, Secretary

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Judicial Profile: Judge Ted Booras

By: Maureen Martinez-Schwab

Recently during a meeting of the Judicial Relations Committee for the Palm Beach County Bar Association, the committee chair asked for volunteers to author judicial profiles. As I reviewed the list of jurists, one in particular stood out to me. It was most fitting for me to write about County Court Judge Ted Booras, as he offered me an interview at the Office of The State Attorney (15th Judicial Circuit) when I graduated from law school, was my first mentor, and a former “boss”/supervisor.

Some of you may not know this, but there are many sides to Ted Booras: Ted Booras the son; Ted Booras the father; and, Ted Booras the overachiever.

TED BOORAS the SON: Judge Booras absolutely adores his mother. Marie Durham provided an ideal and loving home for Ted. And, although she was met with many obstacles faced by a young single parent of a boy in the 60’s, she overcame and taught all of life’s important lessons to young Ted. All the while, she ensured he seized every opportunity available to him, backed by a sense of pride, self respect and amazing work ethic. Marie continues to live in Broward County where she has lived since 1968. Although a county away, Ted continues to share a loving relationship with Marie. It has been said that behind every successful man stands a woman - behind Judge Ted Booras, stands Marie.

TED BOORAS the FATHER: Judge Booras’ son Dalton, born in 1993 and currently a freshman in high school, is literally his world, and he does not have to tell anyone that, as it is very obvious. When speaking of Dalton, the sparkle in his eye is blinding. Ted enjoys speaking about Dalton and will proudly go on and on about him and his many accomplishments – at school, with the boy scouts (where Ted is the Assistant Scout Master), on the soccer field (where Ted coached for more than 5 years), and at sea (Dalton and Ted spend most of their time together on the boat and scuba diving). In fact, Ted and Dalton have such a bond that Dalton, when discussing going away to college, has stated he wants to stay close to home so he can be near his dad.

TED BOORAS the OVERACHIEVER: Judge Booras attended high school in Dania Beach, Florida. Upon graduation he enlisted with the United States Marine Corps, where he served on active duty status for 4 years, reaching the rank of Sergeant. He received a Bachelors degree from Florida Atlantic University in 1983 and his J.D. Degree from Nova University in 1986. In 1985, while still a law student, he moved to Palm Beach County to intern at the Office of The State Attorney, and remained there for approximately 18 months. He then went into private practice (2 years with Salnick & Krischer and 4 years as a solo practitioner) where he specialized in appellate practice and criminal defense. In 1993, he returned to the Office of the State Attorney where he remained for 14 years until he was elected County Court Judge. While an Assistant State Attorney, Ted was ‘Chief of County Court’ and then one



of four Chief Assistants to the Hon. Barry Krischer (for a total of 10 years). His responsibilities included handling all appeals from county court to circuit court, supervising 28 attorneys (on average), and handling his own case load. As if he did not have enough to do, Ted was also an auxiliary Captain with the Florida Highway Patrol for approximately 12 years.

Judge Ted Booras is one of the brightest legal scholars in town. He has a reputation of being a “walking encyclopedia” when it comes to the law... he knows *everything*, regardless of what the issue is. And, he has always been more than willing to share his knowledge. While at the Office of The State Attorney, he worked tirelessly creating outlines on all current topics and issues, and provided copies to young lawyers and assistant state attorneys across the state and country. All knew that when walking in to a courtroom, armed with one of Ted’s outlines, it would be a successful day.

Over the years, Ted took the lead in authoring and arguing motions that formed the law on pressing legal issues, such as the admissibility of Field Sobriety Tasks (argued before a panel of County Court Judges), and Control Test procedures (concerning the intoxilyzer/breath testing machines). He also authored and lobbied for the Reckless Driving with Serious Bodily Injury criminal statute, which became law in October 2001.

When the Florida Prosecuting Attorneys Association held a conference, it was almost guaranteed that Ted was on the faculty. He has lectured on all topics, but takes pride in focusing on ethics, and even created a seminar dedicated to same. Ted built a national reputation arising from the numerous occasions he served as an instructor at the National Advocacy Center, teaching assistant state attorneys from across the country.

Ted’s accomplishments have not gone unnoticed. Over the years he has been recognized by many organizations. He has received, to name a few, the following awards: 1999 MADD Florida Prosecutor of the Year; Publication Award (FPAA); Distinguished Faculty Award (twice) - FPAA; and Florida Wildlife Commission Florida Prosecutor of the Year-2006.

Ted Booras loves the role of Judge, but he misses teaching and lecturing. He hopes this new adventure will not limit the opportunity to teach young lawyers. One thing is certain... if he is not in the courtroom, in his chambers, or lecturing across the state or country, he will be found with Dalton and Dixie (their Australian Shepherd) in the Atlantic maintaining his sanity. His boat is, after all, named “Sanity Maintenance”.



Contact Management Software and Client Development

by Mark Powers

Rapport with referrals sources is built one conversation at a time. Like a string of pearls, each time you meet a prospective or an existing referral source and gather information about them, a new pearl is added to the strand. Once a certain number is reached, the relationship moves from acquaintance to friendship. Becoming friends with your referral sources is both personally and financially rewarding, but requires an investment of time and energy as you learn about them and their lives.

If you've ever fumbled when asking about a referral source's family or couldn't remember their spouse's name, you've experienced the limitations of keeping all of this data in your memory. Add to this the fact that the list of people you know will continue to grow (many law firms have thousands of contacts who have either been clients or referral sources), your memory shrinks. Now you've got a problem. Contact management software can help. It is specifically designed to help you maintain up-to-date information on prospective and present clients and referral sources. Remembering their pertinent details – and being able to access those details – demonstrates you've paid attention and that you care. This is how relationships are built.

Building Your Database

These relationships are critical because they send the referrals that keep your practice alive and thriving. But not all referral relationships are equal, nor can you afford to spend an equal amount of time cultivating each one. Keep in mind that 80% of your referrals will probably originate with only 20%-30% of your influencer base. We refer to this group as your Top Twenty list. Since this list will change over time, you must focus on cultivating the people on it, and on adding new influencers over time.

Types of Information To Collect

If you don't have a Top Twenty list, collect names from your billing system, case lists or information sheets. The following list identifies the type of information you'll need to collect on clients and influencers in your target market for each of your practice areas.

- Name, title, address (work or home, whichever is more pertinent);
- Telephone numbers (work and home) and fax number;
- Secretary's name (if applicable);
- Status (prospect, influencer, client);
- Last activity or next activity;
- Income range;
- Occupation;
- Marital status;
- Spouse's name; children and/or parents' names/ages;
- Date of birth;
- Hobbies or passions;
- Legal services they desire;
- How they were referred to your office;
- A, B, C, or D rating.

Even if you can successfully remember key facts about your clients and referral sources when you meet them face-to-face, you can't easily perform many of the additional marketing functions

made so simple with contact management software. Once installed the software allows you to perform the following functions with ease, speed and accuracy.

It will permit you to:

- Track your last conversation or any commitments you've made.
- Remind you to communicate with key referral sources and clients on a regular basis.
- Track trends among your various clients, thereby refining your demographic data. This allows you to predict the best opportunities for new clients and influencers.
- Generating reports on all legal services performed and future legal needs identified.

In addition to these basic functions, the software should allow you to perform more highly leveraged functions to cross-sell services to existing clients and influencers.

These functions include the ability to:

- Mail to groups of clients and influencers informing them of future events in your office; inviting them to stop by and update their files; and keep them abreast of current legal issues.
- Mail to target groups of clients in your database who fit the criteria for other firm services, i.e., the real estate client who qualifies for Estate Planning services. These letters can be invitations to attend information sessions or an offer for a complimentary consultation.
- Track the follow-ups to each referral and "tickling" an appropriate response such as a thank-you card or phone call.

Database Features

When it comes to finding contact management software that will guarantee you an organized database, look for a program that has the ability to:

- Create many databases - having a generous number of customizable fields will allow you to do this.
- Import data from other formats.
- Merge several databases into one.
- Auto-dial any phone number within the database.
- Date-stamp the notes you take for each contact.
- Store an unlimited number of contacts.
- Have a clear, readable format. The contact information pages are the backbone of the system and will be referred to constantly.

A number of *case management* software systems have the ability to perform contact management functions and can serve a dual purpose. Investigate this possibility if you are in the process of buying new software. If you are interested in just installing contact management software, *ACT!*, *Goldmine* and *Outlook* are the most popular with our clients.

The importance of maintaining an up-to-date database should not be underestimated. Most of your new business will be referrals from the people whose names are in this file. Treasure and cultivate this cache of information – your practice depends on it.

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



Erosion of the Impact Rule

by Ted Babbitt

Gilliam v. Stewart, 291 So. 2d 593 (Fla. 1974) is the seminal case requiring a physical touching to recover damages in Florida. See also Pazo v. Upjohn, 310 So. 2d 30 (Fla. 2nd DCA 1975) and Zell v. Meek, 665 So. 2d 1048 (Fla. 1995). However, the Courts of Florida have gradually eroded the requirement for a physical touching.

In Eagle-Pitcher Industries, Inc. v. Cox, 481 So. 2d 517 (Fla. 3rd DCA 1985), rev. denied 492 So. 2d 1331 (Fla. 1986), the Court held:

“The essence of impact, then, it seems, is that the outside force or substance, no matter how large or small, visible or invisible, and no matter that the effects are not immediately deleterious, touch or enter into the plaintiff’s body.”

That case found impact existed based upon the inhalation of asbestos fibers, which, over time, caused serious lung damage.

What is sufficient to constitute an impact seems to be in the eye of the beholder. In R.J. v. Humana of Fla., Inc., 652 So. 2d 360, 362 (Fla. 1995) the Supreme Court found that “touching of a patient by a doctor and the taking of blood for ordinary testing would not qualify for a physical impact, other more invasive medical treatment or the prescribing of drugs with toxic or adverse side effects would so qualify.” In Jones v. Dept. of Health and Rehabilitation Services, 661 So. 2d 1291 (Fla. 4th DCA 1995), the District Court held that making a diagnosis of HIV and prescribing caustic medication was sufficient to constitute an impact. On the other hand in Ellington v. United States, 404 F. Supp. 1165, 1166, 1167 (M.D. Fla. 1975), the Federal Court held that a plaintiff who was on the ground in the vicinity of a plane crash and felt a mild change in temperature and pressure and heard the explosion did not suffer an injury that was cognizable in law based upon a

lack of impact. In Davis v. Sun First National Bank, 408 So. 2d 608 (Fla. 5th DCA 1981), rev. denied 413 So. 2d 875 (Fla. 1985), a bank teller’s case against her employer for failing to take reasonable security measures failed when the only impact alleged was the bank robber handing the teller a note. In Ruttger Hotel Corp., v. Wagner, 691 So. 2d 1177 (Fla. 3rd DCA 1997), the Court held that being pushed by robbers while a robbery takes place was not sufficient impact because no physical injury was suffered. In Tanner v. Hartog, 696 So. 2d 705 (Fla. 1997) a cause of action for negligent stillbirth was upheld for the mental pain and anguish suffered by the parents.

The Supreme Court has gradually removed the burden of showing an impact. In Gracey v. Eaker, 837 So. 2d 348 (Fla. 2002), the Court held that where a psychologist breached his fiduciary relationship with a patient the patient had a cause of action notwithstanding the lack of impact. In Hagan v. Coca-Cola Bottling Co., 803 So. 2d 1234 (Fla. 2001) the Court held that physical injuries were unnecessary to have a cause of action for ingestion of a foreign object.

Two recent cases underscore the Supreme Court’s willingness to erode and perhaps eliminate the necessity for impact in Florida. In Fla. Dept. of Corrections v. Abril, 32 Fla. L. Weekly S635 (Fla. Oct. 18, 2007) the Supreme Court held that a cause of action arose as the result of the negligent dissemination of information concerning a positive HIV test even though the only claim was for emotional damages and there was no impact. The Court pointed out that the impact rule did not apply to intentional torts such as defamation, invasion of privacy or intentional infliction of emotional distress and analogized the case to that of Gracey v. Eaker, *supra*.

“Because the only reasonable damages arising from a breach of section 381.004(3)(f) are emotional distress, and because this emotional damage

would be akin to that suffered by victims of defamation or invasion of privacy, we conclude they should not be barred by the impact rule, See Gracey, 837 So. 2d at 356-57 (holding that the impact rule should not bar recovery because “[t]he emotional distress that [plaintiffs] allege they have suffered is at least equal to that typically suffered by the victim of a defamation or an invasion of privacy’ and that ‘[i]mposition of the impact rule in this context would render the legislative intent and its statutory implementation meaningless and without substance’). Thus, based on our recent precedent in Gracey we agree that an exception to the impact rule should be made when a laboratory or other health care provider is negligent in failing to keep confidential the results of an HIV test.”

In Willis v. Gami Golden Glades, LLC, 32 Fla. L. Weekly S643 (Fla. Oct. 18, 2007), the Supreme Court held that being “patted down” during a robbery was sufficient impact to satisfy the rule. Citing Zell v. Meek, *supra*, the Court concluded “for a plaintiff to have endured an impact or contact sufficient to render an action sustainable ‘the plaintiff may meet rather slight requirements.’”

Some might argue that the time has long since past for abolition of the impact rule in Florida. For the time being, it is apparent that the rule is being gradually eroded and will eventually be eliminated.

Note Bene: In last month’s Bar Bulletin this author wrote an article entitled “Insured Physician’s Bad Faith Action” based upon the Fourth District’s ruling in Rogers v. Chicago Ins. Co., 32 Fla. L. Weekly D1280 (Fla. 4th DCA 2007). It should be noted that on rehearing in Rogers v. Chicago Ins. Co., 964 So. 2d 280 (Fla. 4th DCA 2007), that opinion was withdrawn and an opposite holding resulted which concluded no cause of action exists on behalf of a doctor for alleged bad faith in settling a case within the doctor’s policy limits.

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.

Young Lawyers Section

November Happy Hour



The YLS recently honored its immediate past president, Grier Pressly, for his contribution to the Young Lawyers Section. He is pictured above as current president Jason Guari presents him with a basket of "Gator Goodies".



Eric Severson, Jeff Cox and Lee McElroy



Lily Chang & Jacqueline Wood



Kristy Pressly,
JenniLynn Lawrence
& Patti Leonard



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for Women Lawyers
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Tuesday, January 29th, 2008
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WPB District Office of Compensation Claims is Dedicated and Effective

By Deputy Chief Judge David Langham

The Office of the Judges of Compensation Claims (OJCC) is part of the executive branch, but is often erroneously referred to as a "court." The OJCC operates eighteen offices in which thirty-two Judges manage the entire volume of workers' compensation (WC) litigation in Florida. In 2001 the Department of Labor was abolished and the OJCC was transferred to the DOAH, which now provides extensive expertise and support to the OJCC operations in many ways. For instance, DOAH recognized the immense potential that the internet holds for improved public service in the WC litigation system. Leadership, vision, and sound fiscal management have resulted in the OJCC making a quantum leap in the last six years, to the undeniable benefit of the litigants, attorneys, and the State.

Florida WC seems to be always changing. The Florida Legislature has amended the WC statute repeatedly in the last twenty years. Significant alterations were made in 1989, 1990, 1991, 1994, 2001, and 2003. These statutory amendments have made the practice of WC law challenging for all involved. Rules may have been confusing also. In 1973 the Florida Supreme Court adopted WC rules of procedure. In 1993 the Legislature directed the OJCC to undertake this responsibility and to publish procedural rules. In 2003 DOAH published procedural rules pursuant to the Legislature's 1993 mandate. This was challenged, and the Florida Supreme Court concluded the DOAH rules were appropriate.

Certainly, attorneys have struggled with these changes in substantive and procedural laws and processes. In the midst of it all, they have been further called upon to understand and embrace the benefits that technology has brought to the WC system. We find that despite these many challenges, the vast majority of workers' compensation attorneys are persevering. The computer hardware and software improvements allow the OJCC to track changing trends in litigation volume and processing. These information management improvements allow the OJCC to track both the volume of petitions and new cases filed. We are also able to monitor the lifespan of petitions, from filing through closure by voluntary dismissal, judicial dismissal, or adjudication. In short, the OJCC can now measure work volume, identify performance issues, and track trends in both work volume and performance.

An integral part of the OJCC is the West Palm Beach (WPB) district office. This operation services three counties (Glades, Hendry, and Palm Beach). Judges Mary D'Ambrosio, Timothy Basquill, and Shelley Punancy manage the WPB OJCC operations, which has seen a significant decrease in filings since 2003. In 2003, 16,985 petitions were filed in WPB District, compared to 9,582 (-44%) in 2007. Statewide, petition filings decreased 45% during that time. Concurrently, "new case" filings decreased from 5,083 to 3,349 (-34%) in WPB. New case filings decreased 36% statewide during the same period. Thus, WPB district has experienced slightly below average decreases in both petition and "new case" filings over the last 5 years.

Judge D'Ambrosio is the administrative Judge in WPB, and manages the overall operations. She is assisted by mediator Iris DeGennaro, Deputy Clerk Kim Cardone, Executive Secretary Miguel Castillo-deFeuntes, and Administrative Secretary Theresa Sullivan-Hadden. Petitions were mediated in an average of 114 days after filing in Judge D'Ambrosio's division in 2007. Judge D'Ambrosio entered her trial orders in an average of 29 days following trial, which is within the 30 day statutory period. During 2007, Judge D'Ambrosio closed 9,048 petitions, which is more than double the statewide average.

Judge Basquill is assisted by mediator Charlotte Hill, Deputy Clerk Linda Morse, Executive Secretary Myrna Ramos, and Administrative Secretary Matilda Veillard. Cases were mediated in Judge Basquill's division within an average of 126 days after petition filing. This is less than the 130 day statutory period. Following trial, Judge Basquill entered his trial orders in an average of 29 days, within the 30 day statutory period. Notably, Judge Basquill closed 9,879 petitions in 2007.

Judge Punancy is assisted by mediator Larry Langer, Deputy Clerk Yolanda Bradshaw, Executive Secretary Regina Key, and Administrative Secretary Therese Burnside-Mullings. Judge Punancy closed 8,037 petitions were closed by in 2007. She also significantly reduced the time required to trial and in publication of her trial orders.

Decreasing filing rates can be expected to result in corresponding opportunities for better workload and docket management in the WPB office in 2008. The tremendous efforts of all three of these Judges in closing petitions should result in the ability to better identify cases in need of attention. The operations of WPB are further detailed in the 2007 OJCC Annual Report, available on the OJCC website under the "reports" tab, www.fljcc.org. The OJCC continues to look to the horizon and plan for the future of Florida workers' compensation litigation. However, we also remain focused also on the here and now. We are working hard to provide Florida with timely performance and accurate statistical analysis of the WC litigation process. WPB is working diligently to address a heavy docket, and is demonstrating dedication and success.



Holiday Party Highlights



Jayne Barkdull and husband
Judge Thomas Barkdull



Jonathan Levy, Greg Zele and Carl Wald.



Penny Martin, Charlie Pickett and Debra Jenks



Joyce Conway and Vicki Vilchez



North County Section President Adam Doner pictured
with Judge Amy Smith and Michael Slavin



Greg Yaffa, Young Lawyers Section President
Jason Guari and Stephen Fischer



Cindy Spall and Clerk & Comptroller
Sharon Bock



Theo & Jennifer Kypreos



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Sticklers Unite! Ban Verbing the Noun!

by D. Culver "Skip" Smith III
(The fourth in a "When Space Permits" Series)

Sticklers Unite! Insist on good grammar!

We resume our crusade for proper use of the language by taking up the annoying practice of Verbing the Noun. This abomination is the refuge of haughty bureaucrats, economists, and strategic planners – and "me, too" big-firm lawyers. I speak of forcing perfectly respectable but ill-equipped, inanimate nouns to do the work of otherwise available, beautifully crafted, action-packed verbs. This practice negatively impacts communication. It makes for authoring bad prose. It really frosts me.

There are many words that properly serve as both noun and verb. When we take a walk, we walk. When we use paint, we paint. When we seek a bargain, we bargain. But many nouns are poor choices for verbs, even if recognized as a verb by one's favorite dictionary (more likely by the carefree, twice-used-forever-accepted standard of Merriam-Webster's Philistines than by the cautious, loyal-to-the-language standard of American Heritage's fellow Sticklers). Even when a verbed noun is accepted by lexicographers, a far more serviceable and poetic verb usually awaits.

This linguistic malpractice takes various forms. One is to *-ize* the noun: Bureaucrats "prioritize"; normal folk set priorities. Another is to back-form the noun: Highfalutin executives "incent" the rank-and-file; normal leaders provide their employees with incentives. (And don't even mention *incentivize*.) A third is simply pushing the noun into the public square stark naked: A big-firm lawyer's billable hours "impact" the bottom line; a solo practitioner's billable hours affect the bottom line. (You will be enthralled to know that fully 95% of

American Heritage's Usage Panel disapproves of the use of *impact* as a transitive verb.)

Much of the fault for this verbal cross-dressing lies with (1) advertisers, whose primary objective is to separate people from their money through promulgation of information that resembles the truth only to the extent necessary to avoid legal liability, and (2) cyberneticists, who have taken it upon themselves – without the permission of the UN or Harvard – to create a whole new tongue, with such noun-verbs as *boot*, *power*, *bookmark*, *blog*, and *Google* – not to mention the cyberplague of words formed with the prefix *cyber*. These are people who are "headquartered" somewhere. (I would not want to be "headquartered" – my collection of brain cells is small enough without dividing it into four parts.)

A verbed noun sounds forced, artificial, stilted, egocentric. It draws attention to itself. It inevitably causes the reader/listener to pause to note its use, thus drawing attention away from the very message being communicated.

Therefore, in the spirit of public service, I have tasked myself to critique all written works. I shall dog all offenders until they properly leverage their education. I do not intend to parent them, but I will pressurize them to access proper resources. I will dialogue with them. I will interface with them. If need be, I will breakfast them, lunch them, or wine and dine them. With my help, they will enthuse over grammar and transition to proper usage. At the very least, I will stop all the gifting.

Sticklers unite! Ban verbing the noun! Listen, I'm sorry that Bode Miller didn't medal at Torino, but he was there to ski, not to weld. Trust me: It's perfectly acceptable to disagree

Continued on page 21

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Julie Littky-Rubin Receives the Florida Bar President's Pro Bono Service Award

The Fifteenth Judicial Circuit Pro Bono Committee Chair Scott Hawkins, Esq. is pleased to announce that West Palm Beach attorney **Julie Littky-Rubin** was awarded the 2008 Florida Bar President's Pro Bono Service Award for the Fifteenth Judicial Circuit. The Florida Bar President's Pro Bono Service Award was established in 1981. Its purpose is twofold: "to further encourage lawyers to volunteer free legal services to the poor by recognizing those who make such public service commitments, and to communicate to the public some sense of the substantial volunteer services provided by Florida lawyers to those who cannot afford legal fees." The award is given at a ceremony before the Florida Supreme Court in January.

This year's recipient, Julie H. Littky-Rubin was raised in Palm Beach. She went to Brown University graduating magna cum laude and Phi Beta Kappa in 1989, and received her JD at the University of Florida in 1993. She served for one year as staff attorney to the Honorable George W. Hersey III, at the Fourth District Court of Appeal in West Palm Beach, before joining Lytal, Reiter, Clark, Fountain and Williams, LLP, in 1994. Julie is the head of the firm's appellate practice where she provides trial support and handles appeals arising out of all areas of civil trial law.

Julie was nominated for this award for her work on two appeals that originated from a case handled by the Legal Aid Society of Palm Beach County's Foster Children's Project. The first appeal involved a high profile termination of parental rights case involving two severely neglected and developmentally delayed children. The case was heavily litigated at the trial level and the appeal encompassed a multitude of issues. After preparation of briefs and oral argument, the Fourth District Court of Appeals upheld the Termination of Parental Rights Order. The two boys were subsequently adopted. Following the adoption, the father filed another Petition which resulted in an appeal that went all the way to the Supreme Court of Florida where it was dismissed. During the course of this second appeal Julie prepared two more briefs as well as conducted two more oral arguments. Throughout this case Julie provided in excess of 200 hours of pro bono service. As a result of Julie's assistance, the two children are currently in a loving and stable adoptive home after living the early years of their lives under perilous circumstances.

For her dedication to Pro Bono work and the children and families of Palm Beach County, Julie is the deserving recipient of The Fifteenth Judicial Circuit Florida Bar President's Pro Bono Service Award.

Pro Bono Attorneys Who Closed Cases in November 2007

Clients met and/or served by the attorneys listed below88
 Hours of pro bono services by these attorneys870.10
 Their dedication to the less fortunate in our community ...PRICELESS!

- | | |
|--------------------------|-------------------------|
| Richard Abedon | Morris G. Miller |
| Geoffrey C. Burdick | Steven G. Miller |
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| William Cavanaugh | Lawrence Moncrief |
| Jennifer Chiampou-Geiser | H. Michael Muniz |
| Audrey Harris | Karyl H. Neal |
| Charles D. Jamieson | Mark J. Nowicki |
| Brian B. Joslyn | Keith H. Park |
| Evan B. Klinek | Bruce Parrish, Jr. |
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| Kathleen G. Kozinski | Ann Porath |
| Jeffrey B. Lampert | Michael Posnor |
| Alfred A. Lasorte, Jr. | Jared Quartel |
| Joseph D. Lee | Stephen F. Radford, Jr. |
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| Keith W. Meisel | Cary P. Sabol |
| Larry Mark Mesches | David R. Schwartz |
| Marjorie Miller | Russell M. Smiley |



Circuit Court Report CIVIL DIVISIONS • October 2007

| DIVISION | JURY TRIALS | NON-JURY TRIALS | MOTIONS | CASES PENDING |
|----------|-------------|-----------------|---------|---------------|
| A | 02/08 | 02/08 | 01/08 | 1542 |
| B | 05/08 | 02/08 | 11/07 | 1298 |
| D | 03/08 | 03/08 | 12/07 | 1745 |
| E | 04/08 | 02/08 | 03/08 | 1709 |
| F | 01/08 | 01/08 | 02/08 | 1413 |
| G | 06/08 | 06/08 | 12/07 | 1125 |
| H | 08/08 | 08/08 | 12/07 | 1445 |
| I | 03/08 | 03/08 | 01/08 | 1316 |
| J | 03/08 | 03/08 | 01/07 | 1404 |
| N | 06/08 | 06/08 | 11/07 | 1623 |
| O | 05/08 | 05/08 | 01/08 | 1644 |

All Civil Division Judges schedule their own Jury and Non-Jury Trials.
 Pending cases as of 11/06/07.

Developing The Leader Within

by Michael Napoleone

Lawyers are leaders. You don't have to hold a particular position or have a title to be a leader. Whether in the courtroom, the workplace, the community or our places of worship, lawyers are in leadership positions every day. A leader leads by example - whether he or she wants to or not. Your actions and words set an example for others and that example should be one worth following.

The first step in realizing your leadership potential is an awareness that the effective leadership begins with yourself; you are the first person that you will lead. With that in mind, the PBCBA is launching its first "Leadership Academy" with the goal being to awaken and educate the leader inside us all. The scheduled speakers include Florida Supreme Court Justice Raoul Cantero, former ABA president, former Justice of the Michigan Supreme

Court and former mayor of Detroit Dennis Archer, president-elect of The Florida Bar Jay White, and Nora Bergman, a practice advisor for Atticus.

Justice Cantero, will address the obligations and importance of lawyers taking on leadership roles, the influential positions of lawyers in society, and the value in conducting yourself with professionalism and civility in all that you do.

Dennis Archer will address the participants on the service nature of the legal profession, leading and lawyering in a diverse society, and the importance of personal motivation.

Jay White, will speak to leadership styles, the importance of building your reputation, how and why lawyers can and should get involved in a leadership role with the bar, and the benefits of leadership and involvement,

Once you have absorbed all of that,

Nora Bergman will offer some practical advice on how you can accomplish all of the daily activities of being a lawyer and a leader, and still find time for a life.

We hope that participants will not only gain insight on why taking on leadership roles should be an obligation for lawyers, but will find purpose in the needs around you and seize upon the opportunity to get involved and make a difference. Leaders not only know where they are going, but they know how to get there and will bring others with them. Leadership is more than words; it is action, it is deeds. Take the first step toward becoming a more effective leader and sign up and participate in the bar's Leadership Academy on April 25.

Michael Napoleone is a member of the PBCBA Board of Directors. He practices with Richman Greer in West Palm Beach, P.A.

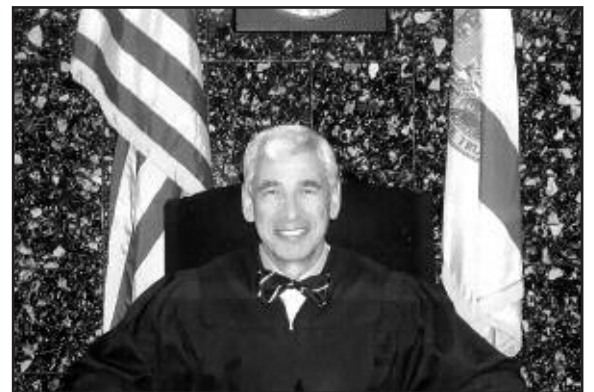
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Welcome New Members!

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

ADRIAN J. ALVAREZ – New York; University of Miami School of Law, 2007; Associate with Bruce E. Loren & Associates in West Palm Beach

YELIZAVETA A. BATRES – Moscow, Russia; University of Florida, 2007; Associated with Fourth District Court of Appeal

ANDREW T. BLASBAND – Florida; Stetson University, 2006; Associated with The Professional Golfers' Association of America in Palm Beach Gardens

JONATHAN B. BUTLER – Ohio; Florida State University, 1995; Partner in Fowler White Burnett, P.A. in West Palm Beach

LEIGH K. COWDEN – Illinois; Nova Southeastern University, 2007; Sole Practitioner in North Palm Beach

NICOLE W. GOLDEN – Florida; University of Miami School of Law, 2007; Associated with Fourth District Court of Appeal

JAMES G. GRAVER – Alabama; St. Thomas University School of Law, 2002; Associate with Rutherford Mulhall, P.A. in Boca Raton

JAIME D. GUTTMAN – Venezuela; University of Miami School of Law, 2007; Associate with Edwards Angell Palmer & Dodge LLP in West Palm Beach

JUSTIN D. HERTZBERG – New York City; University of Miami School of Law, 2007; Associate with Broad and Cassel in West Palm Beach

KATHY M. KLOCK – Texas; University of Miami School of Law, 1982; Partner in Fowler White Burnett, P.A. in West Palm Beach

RYLAND F. MAHATHEY – West Palm Beach; Washburn University School of Law, University of Florida, 1996; Associate with Redgrave and Rosenthal LLP in Boca Raton

PHILLIP J. MITCHELL – Louisiana; Florida Coastal School of Law, 2001; Partner in Mitchell & West LLC in Miami

ELLEN S. MORRIS – New York; University of Florida, 1990; Partner in Elder Law Associates in Boca Raton

MICHAEL R. ODRUBINA – New York; University of Miami School of Law, 2007; Associate with Office of the Public Defender

KRISTINA B. PETT – Pennsylvania; Temple University, 1993; Partner in Pett Furman, PL in Boca Raton

ALEJANDRO T. REYES – Puerto Rico; Howard University, 2006; Associate in Migrant Farmworker Justice Project – FLS

GARY ROSEN – New York; Hofstra, 1999; Associate in Gary Rosen Law Firm PA in Palm Beach Gardens

LISA H. RUBIN – Florida; University of Miami School of Law, 1994; Associate in Palm Beach County Sheriff's Office

JORDAN I. WAGNER – Florida; Nova Southeastern University, 2007; Associate in Richard Goldstone, P.A. in Ft. Lauderdale

SPENCER D. WEST – Massachusetts; Suffolk University Law School, 2002; Partner in Mitchell & West, LLC in Miami

RYAN J. WYNNE – Liverpool, England; St. Thomas University, 2007; Associate in Hilley & Wyant-Cortez, P.A. in North Palm Beach



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 - Personally responsible for raising \$25,000
- **The Florida Bar Young Lawyers Division Board of Governors**
 - Governor for 15th Judicial Circuit 2001-07
 - Currently Ex-Officio, Sergeant at Arms
- **PBC Bar Association Young Lawyers Section, Past-President**
 - Member, Executive Committee 1998-2005
 - Past-Secretary, Past-Treasurer
 - Chair: Holidays in January Belle Glade event 2001-2006
- **Up and Comer, *South Florida Legal Guide*** (listed 2006, 2007, 2008)
- **Shareholder: Jones, Foster, Johnston & Stubbs, P.A.**

North County Section

Members of the North County Section recently enjoyed cocktails and dinner at the River House Restaurant in Palm Beach Gardens.



Sally Benson & Jerri Blaney



NCS Board members Debra Jenks and David Spicer



Judge Jorge Labara (middle) with NCS Board members Ned Reagan and Ken Johnson



Doug Sanders, Marty Perry, Susan Taylor and David Taylor



Scott Suskauer and NCS President Adam Doner

Holiday Book Drive

Members of the Lawyers for Literacy Committee recently collected new and gently used books for the Wood Memorial Holiday Book Drive. Many thanks to all of our attorneys who participated in this annual event.



Attorneys pictured from left to right: Andrew Pelino, County Attorney's office; Georgina Jimenez-Orosa, Attorney General's Office; Cindy Spall, Gunster Yoakley & Stewart, P.A.; Mark Greenberg, LaBovick & LaBovick, P.A.; pictured along with Christina Wood from the Wood Memorial Book Drive.

2008 Court Holiday Schedule

New Years Day (observed)

Tuesday, January 1st, 2008

Martin Luther King Jr. Birthday

Monday, January 21st, 2008

President's Day

Monday, February 18th, 2008

Good Friday

Friday, March 21st, 2008

Memorial Day (observed)

Monday, May 26th, 2008

Independence Day

Friday, July 4th, 2008

Labor Day

Monday, September 1st, 2008

Rosh Hashanah

Tuesday, September 30th, 2008

Yom Kippur

Thursday, October 9th, 2008

Columbus Day

Monday, October 13th, 2008

Veterans Day (observed)

Tuesday, November 11th, 2008

Thanksgiving Day

Thursday, November 27th, 2008

Friday after Thanksgiving Day

Friday, November 28th, 2008

Christmas Day

Thursday, December 25th, 2008

Floating Holiday

Friday, December 26th, 2008

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Who Are They?

From Page 4

1. David Blutworth
2. John Flanigan
3. Judge Debra Moses Stephens
4. Tom Hoadley
5. Ward Wagner



MICHAEL J. NAPOLEONE

for **PRESIDENT-ELECT** of the

PALM BEACH COUNTY BAR ASSOCIATION

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- › Chair of the PBCBA's first Leadership Academy
- › Past Chair of the PBCBA's Committee for Diversity and Gender Sensitivity
- › Past Chair of the PBCBA's Minority Internship Initiative program
2007 winner of the Florida Bar Young Lawyers Division Diversity Award
- › Five year member of the Florida Bar's Standing Committee on Professionalism
- › Chair of the 2008 Masters Seminar on Professionalism presented at the annual meeting of the Florida Bar
- › Five year member of the Executive Board of the PBCBA Young Lawyers' Section
- › Past Chair of the YLS Adopt-a-School Career Day, Holidays-in-January and Judicial Breakfast committees
- › Served on PBCBA's Judicial Relations, Circuit Civil Practice and Appellate Practice committees

Legal Aid's 7th Annual Cup of Justice Golf Classic Raises Funds to Advocate for Disabled Children in Palm Beach County Schools

The Legal Aid Society of Palm Beach County's 7th Annual Cup of Justice Golf Classic raised over \$30,000 to support its Educational Empowerment Initiative. The program works to ensure positive educational outcomes for disabled children attending Palm Beach County's lower performing schools. Attorney Robert Shalhoub chaired the October 8th tournament at BallenIsles Country Club in Palm Beach Gardens. The Related Companies and Crocker Partners, the co-developers of the new City Place Tower office building were presenting sponsors of the event. Additionally, Merrill Lynch and Florida Crystals Corporation were respectively lunch and dinner sponsors of the tournament.

The Babbitt, Johnson, Osborne & LeClainche Team was awarded the "Cup of Justice" for the year. Other winners included Schwed, McGinley & Kahle (Flight 1-First Place); Eisenberg, Abramson & Cohen (Flight 3-First Place).



Robert Shalhoub (Chair of Golf Tournament Committee); Charles Cartwright (1st Flight Winner from Team Schwed, McGinley & Kahle); Steve Schwed (1st Flight Winner from Team Schwed, McGinley & Kahle) and Jon Blunk (Presenting Sponsor/City Place Tower)

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b) Bad Tires

c) Crushed Roof



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Board of Directors 4 years
Past Chair Bench Bar Conference
Past Chair Criminal Practice Committee

Legal Aid Society

Board of Directors - 2 years
Co-Chair Pro Bono Recognition Evening 2007
Co-Chair Pro Bono Recognition Evening 2008

American Inns of Court

Member 12 years
Past Chair Programming

Florida Association for Women Lawyers

Member - 15 years
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Continued from page 11

with promiscuous lexicographers and say, “Just because some supposedly learned idiot thinks it’s okay to use *medal* as a verb doesn’t mean that I have to join in.” Yes, your author suffers from the relationship-impairing ARTS virus (Anal Retentive Twit Syndrome), but what is one to do in a world bombarded by such prose as “manufacturing executives agree that outsourcing factory production maintenance offers the highest productivity economies realization and fastest asset performance improvement”? As the great philosopher Hobbes once said to Calvin, “Maybe we can eventually make language a complete impediment to understanding.” Meanwhile, I believe I will cowboy up and vacation out West.

Due to considerations of space, the acknowledgments and disclaimers for this article will appear in an undetermined future edition.



Do You Need a Mentor?

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

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January 2008

Monday, January 4, 8:30 am
ADR Committee Meeting
 Bar Association Office

Tuesday, January 8, 12 noon
YLS Executive Committee Meeting
 Bar Association Office

Wednesday, January 9, 12 noon
NCS Board Meeting
 Law Office of Michael Slavin

Wednesday, January 9,
 5:30 - 7:30 p.m.
Western County Happy Hour
 The Players Club, Wellington

Thursday, January 10, 5:30 -
 7:30 p.m.
Young Lawyers Section Happy Hour
 Roxy's in Downtown
 West Palm Beach

Friday, January 11, 8:00 - 1:15
Employment Law CLE Seminar
 Bar Association Office

Monday, January 14, 12 noon
Independence of the Judiciary Committee
 Bar Association Office

Tuesday, January 15, 12 noon
Historical Committee Meeting
 Bar Association Office

Wednesday, January 16, 12 noon
Membership Committee Meeting
 Bar Association Office

Friday, January 18, 12 noon
Malcolm Cunningham Bar Association Meeting
 Law Library, PB Cty Courthouse

Friday, January 18, 12 noon
Federal Bar Association Meeting
 The Colony Hotel in Palm Beach
 To RSVP please contact Beverly Gray (561) 689-7222

Monday, January 21
COURT HOLIDAY
 Martin Luther King, Jr. Day

Wednesday, January 23, 12 noon
Professionalism Committee Meeting
 Bar Association Office

Thursday, January 24 8 - 5
Fla Bar Videotape Replay Seminar "Basic Family Law"
 Bar Association Office

Thursday, January 24, 5:00 p.m.
Board of Directors Meeting
 Bar Association Office

Friday, January 25, 8 - 12
PBCBA Real Estate Seminar
 Bar Association Office

Friday, January 25, 12 noon
Real Estate Committee Meeting
 Bar Association Office

Tuesday, January 29, 5:30 p.m.
FAWL Judicial Reception
 Norton Art Gallery

Wednesday, January 30,
 11:45 - 1:00
Solo & Small Firm Practitioners Luncheon
 Bar Association Office

Thursday, January 31,
 8:15 - 4:30
Fla Bar Videotape Replay Seminar "Basic Trial Practice"
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WINTER 2008 REAL ESTATE SEMINAR
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- 8:00am - 8:20am** Late Registration
- 8:20am - 8:30am** Welcome and Opening Remarks - *Steven D. Rubin, Esq., Real Estate Committee Chairperson*
- 8:30am - 9:15am** Mortgage Foreclosures, Workouts and Bankruptcy, and Ethical Considerations - *Manuel Farach, Esq., Rutherford Mulhall, P.A*
- 9:15am - 10:-00am** Breach of Real Estate Contract Litigation including Retention and Return of Deposits, Specific Performance, Damages, and Ethical Considerations - *Henry N. Portner, Esq., Henry N. Portner, PA*
- 10:00am - 10:15am** Break
- 10:15am - 11:15am** Fraud and Title Alerts: Detecting and Avoiding Fraud and Unfair Trade Practices in the Transaction, including Ethical Considerations - *Alan Fields, Esq., Florida State Counsel, First American Title Insurance Company, and William Stern, Supervisory Special Agent, Federal Bureau of Investigation, Palm Beach County - Financial Crimes*
- 11:15am - 12:00pm** The New August 2007 FAR/BAR Contract and Related Riders, and Ethical Considerations - *James A. Cioffi, Esq., Jeffer, Cioffi & Cicalese, P.A.*

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

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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 1/25/2008.)

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

**THE FEDERAL BAR ASSOCIATION
PALM BEACH COUNTY CHAPTER**

Monthly Luncheon
Speaker

HONORABLE KENNETH A. MARRA
UNITED STATES DISTRICT COURT JUDGE FOR
THE SOUTHERN DISTRICT OF FLORIDA

**Friday, January 18, 2008
12 noon to 1:30 p.m.**

The Colony Hotel, Palm Beach
Cost: \$30 - Federal Bar Association Members
\$35 - Non-Members and walk-ins
RSVP by Jan. 16, 2008

THE LUNCHEON IS SPONSORED BY:

***AKERMAN SENTERFITT
LAW OFFICE OF JOHN C. DOTERRER
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Checks should be made payable to the *Federal Bar Association Palm Beach County Chapter* and sent to *Paul M. Sullivan, Jr., 580 Village Blvd., Suite 280, West Palm Beach, FL 33409*. To **RSVP** or **BECOME A SPONSOR** please contact Beverly Gray (561) 689-7222 or via email at psulliv@bellsouth.net

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

“HOW **NOT** TO DEFEND CONDOMINIUM CONSTRUCTION LITIGATION”



Friday, February 1, 2008 8:30 a.m. – 5:00 p.m.

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

Program Schedule

- 8:30 a.m. - 8:55 a.m. **Late Registration/Check In**
8:55 a.m. - 9:00 a.m. **Introduction & Opening Remarks** – *Linda Dickhaus Agnant, Esquire - Committee Chair, Casey Ciklin Lubitz Martens & O'Connell*
- 9:00 a.m. - 9:30 a.m. **Statutory Warranties** – *John R. Young, Esquire, Casey Ciklin Lubitz Martens & O'Connell*
9:30 a.m. - 10:00 a.m. **Statutes of Limitations** – *John R. Young, Esquire, Casey Ciklin Lubitz Martens & O'Connell*
10:00 a.m. - 10:15 a.m. **BREAK**
10:15 a.m. - 11:00 a.m. **Effective Use of Expert Witnesses in Construction Disputes** – *Charles B. Hemicz, Esquire, Hemicz Legal Services, P.L.*
- 11:00 a.m. - 11:45 a.m. **Discovery in Delay Damage Claims** – *Richard R. Chaves, Esquire, Casey Ciklin Lubitz Martens & O'Connell*
11:45 a.m. - 12:00 p.m. **Insurance Coverage (Legislative and Case Updates)** – *Richard Chaves, Esquire, Casey Ciklin Lubitz Martens & O'Connell*
- 12:00 p.m. - 1:00 p.m. **LUNCH (on your own)**
1:00 p.m. - 2:00 p.m. **How to Protect Yourself From a Work Comp Stop Work Order** – *Brian S. Fischer, Esquire Premium Disputes*
- 2:00 p.m. - 2:30 p.m. **Chapter 558** – *Jason C. Maier, Esquire, Casey Ciklin Lubitz Martens & O'Connell*
2:30 p.m. - 3:00 p.m. **Discovery of Electronic Data** – *David Valdin, Esquire, Valdin & Palmer, P.A.*
3:00 p.m. - 3:15 p.m. **BREAK**
3:15 p.m. - 3:45 p.m. **Conversion of Apartments to Condominiums** – *Bruce G. Alexander, Esquire, Casey Ciklin Lubitz Martens & O'Connell*
- 3:45 p.m. - 4:00 p.m. **Legislative Updates (Construction Liens)** - *Bruce G. Alexander, Esquire, Casey Ciklin Lubitz Martens & O'Connell*
- 4:00 p.m. - 5:00 p.m. **Panel Discussion - A Few Words From Our Elder Statesmen** - *Monroe A. Coogler, Jr., Esquire; James E. Glass, Esquire; and Louis R. McBane, Esquire*

This course is expected to receive **8.0 CLER Credits** / Construction Law Cert. Credit has been applied for and is pending approval from The Florida Bar.

The cost of the seminar is \$160 for PBCBA members/paralegals; \$200 for non-PBCBA members/paralegals if registered by 1/25/08; 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) (2/1/08 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 Family Law CLE Committee Presents:

The Pitfalls of Equitable Distribution - "Look Before You Leap"

Friday, February 29, 2008 8:20 a.m. – 4:00 p.m.

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

SPONSORED BY: LexisNexis



Program Schedule

- 8:20am - 8:50am **Late Registration and Networking**
- 8:50am - 9:00am **Welcome & Opening Remarks** - *Patricia Alexander, Esq.,
Law Offices of Patricia Alexander, P.A., Family Law CLE Committee Chair*
- 9:00am - 10:00am **Drafting Marital Settlement Agreements, Malpractice Concerns and Ethical Considerations** - *Brenda M. Abrams, Esq., Shapiro Blasi Wasserman & Gora P.A.*
- 10:00am - 11:15am **QDRO's and Other Domestic Relations Orders** - *Timothy Voit,
Voit Econometrics Group, Inc.*
- 11:15am - 11:30am **BREAK**
- 11:30am - 12:15pm **Enforcement** - *Thomas J. Sasser, Esq., Sasser, Cestero & Sasser, P.A.*
- 12:15pm - 12:45pm **Valuation Issues Surrounding Government and Military Retirement Plans** -
Timothy Voit, Voit Econometrics Group, Inc.
- 12:45pm - 1:30pm **Lunch - Question & Answer Session**
- 1:30pm - 2:00pm **DROP's, COLA's and Deferred Compensation** - *Eddie E. Stephens III, Esq.,
Law Office of Eddie Stephens, P.A.*
- 2:00pm - 3:00pm **Determining the Value and Marital/Non-Marital Components of Retirement Plans, Stock Options and Restricted Stock** - *Robert H. Manis, CPA/ABV,
Manis & Company CPA's, P.A.*
- 3:00pm - 4:00pm **View from the Bench: Judicial Panel - Ethical Considerations** -
*Moderator: Matthew Jay Lane, Esq., Matthew Lane & Associates, P.A.,
Family Law CLE Committee Vice Chair*
- 4:00pm **Cocktail Reception**

This course has been granted **8.0 CLER including 2.5 Ethics / 6.0 Marital & Family Law Certification credits** from The Florida Bar.

The cost of the seminar is \$180 for PBCBA members/paralegals;

\$220 for non-PBCBA members/paralegals if registered by 2/22/08; 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) (2/29/08 Family) 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 PI Wrongful Death CLE Committee Presents:

"Trial Superstars: Trying the Catastrophic Injury Case"

Friday, March 7, 2008 8:00 a.m. – 5:00 p.m.

Crowne Plaza West Hotel, 1601 Belvedere Road, WPB, FL

This Program is open to all Attorneys and Paralegals, Plaintiff and Defense

Program Schedule

| | |
|-------------------------|---|
| 8:00 a.m. – 8:20 a.m. | Late Registration/Check In |
| 8:20 a.m. – 8:30 a.m. | Welcome & Opening Remarks - <i>Scott Smith, Esq., Lytal, Reiter, Clark, Fountain & Williams, LLP, Committee Chair</i> |
| 8:30 a.m. – 9:40 a.m. | Jury Selection <i>Plaintiff: Theodore J. Leopold, Esq., Ricci Leopold, P.A. Defendant: John H. Richards, Esq., Cooney, Mattson, Lance, Blackburn, Richards & O'Connor, P.A.</i> |
| 9:40 a.m. - 10:50 a.m. | Opening Statement <i>Plaintiff: Theodore Babbitt, Esq., Babbitt, Johnson, Osborne & LeClainche, P.A. Defendant: Spencer H. Silverglate, Esq., Clarke Silverglate & Campbell, P.A.</i> |
| 10:50 a.m. - 11:00 a.m. | BREAK |
| 11:00 a.m. - 12:10 p.m. | Direct Examination <i>Plaintiff: Ervin A. Gonzalez, Esq., Colson Hicks Eidson Defendant: David Knight, Esq., Kubicki Draper</i> |
| 12:10 p.m. - 1:30 p.m. | LUNCH |
| 1:30 p.m. - 2:40 p.m. | Cross Examination <i>Plaintiff: Joseph J. Reiter, Esq., Lytal Reiter Clark Fountain & Williams, LLP Defendant: Roy R. Watson, II, Esq., Adams, Coogler, Watson, Merkel, Barry & Kellner, P.A.</i> |
| 2:40 p.m. - 3:50 p.m. | Closing Argument <i>Plaintiff: Christian D. Searcy, Esq., Searcy Denney Scarola Barnhart & Shipley, P.A. Defendant: Eric A. Peterson, Esq., Peterson Bernard</i> |
| 3:50 p.m. - 4:00 p.m. | Closing Remarks/Adjournment |
| 4:00 p.m. - 5:00 p.m. | Reception |

SPONSORED BY:



This course is expected to receive **7.0 CLER credits** from The Florida Bar.

The cost of the seminar (including lunch) is **\$175** for PBCBA members/paralegals;
\$215 for non-PBCBA members/paralegals if registered by 2/29/08; 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



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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) (3/7/08 PI Wrongful Death) Cost is the same as listed above. 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 Elder Law Affairs Committee presents:

“The 8th Annual View From The Bench”

Wednesday, April 16, 2008 6:00pm - 8:30pm
The Colony Hotel, Palm Beach, 155 Hammon Avenue

Program Schedule

6:00pm - 6:30pm Registration and Cash Bar

6:30pm - 8:30pm Dinner and Presentation:

- *Honorable Richard L. Oftedal*
- *Honorable John L. Phillips*



This course is expected to receive **2.5 CLER hours** including **2.5 Civil Trial Certification credits** from The Florida Bar.

The cost of the seminar is \$50 for PBCBA members/paralegals; \$90 for non-PBCBA members/paralegals if registered by 4/9/08; add \$25 to registration fee after that date.

Sponsored by:

*MetLife - Bob Greenberg, CLTC; Lynda Cairo, CLTC; & Branden Schiralli, CLTC
Jo Ann Abrams, Attorney at Law*






Probate & Investment Litigation



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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Please select one: Romano Crusted Chicken ___ **Mahi Mahi** ___ **Wild Mushroom Ravioli** ___

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___ I will not be able to attend the seminar but would like to order the CD Rom. (cost same as listed above/please allow two weeks for delivery) (Elder Law 4/16/08)

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

Solo Practitioners & Small Firm Committee Presents: Networking & Learning Luncheon Series

“Practice of Law Meets the Business of Law”

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



**Topic: Public Relations:
Getting Your Name Out There**

Learn how to market yourself through self-promotion by making newspapers and other publications work for you, looking beyond the Yellow Pages, and also Networking 101.

Date: Wednesday, March 12

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

Bar Offices

Cost: \$10.00 for PBCBA members who register before 3/10 and \$20.00 for non-members.

RSVP: On line @ www.palmbeachbar.org

Upcoming luncheon
dates & topics:

April 23:
Law Office
Technology

June 4:
Employment

July 18:
Office Supplies

Sponsored by:



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West Palm Beach, FL 33406
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**Noon-time
Networking
Luncheons Every 6 Weeks!**

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!