



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

January 2010

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



Mark your calendar for upcoming Membership Meetings

Inaugural Lawyer Variety Show

January 9, 6:00 p.m.
PBCC Eissey Theatre

Wine Tasting Event

January 13, 5:30 – 7:30 p.m.
Phillips Point Club, West Palm Beach

Bench Bar Conference

February 19, 2010
Palm Beach County Convention Center

Joint Luncheon with South County Bar Association

March 16, 11:45 – 1:00 p.m.
Guest Speaker: FL Bar President
Jesse Diner and FL Bar Foundation
President Adele Stone

Annual Judicial Reception

May 5, 5:30 – 7:00 p.m.
The Harriett at City Place

Law Day Luncheon

May 7, 11:45 – 1:00 p.m.

Annual Installation Banquet

June 12, 7:00 p.m.
The Breakers Hotel, Palm Beach

Nominating petitions available for Board of Directors

The annual election of officers and directors for the Palm Beach County Bar will take place via online voting in April. Persons seeking to run for a position on the Board of Directors will need to obtain a nominating petition and must be a member in good standing of the Palm Beach County Bar Association. The nominating petition must be signed by no fewer than 20 members in good standing of the Association. Petitions for President-elect are now available and due back in the office by 5 p.m. on January 15. Petitions for director-at-large seats are available and due back in the Bar office by 5 p.m. on January 22. Petitions may be obtained by calling the Bar office at 687-2800 or by sending an e-mail requesting it at pburns@palmbeachbar.org. For any of the positions, it is the candidate's responsibility to verify ahead of time through the Bar office that the members that are signing their petitions are members in good standing, otherwise, the petition will be deemed invalid.

Bench Bar Conference scheduled for February 19 at Convention Center

This year's Bench Bar Conference has been scheduled for Friday, February 19 at the Palm Beach County Convention Center. The Bench Bar Conference is an opportunity for attorneys and judges to meet informally in a roundtable atmosphere to discuss issues of concern to both the Bench and Bar. Registration forms are available online. Last year, over 1,000 people attended throughout the day and unfortunately, due to space limitations, many attorneys were turned away. Be sure to register early!

Sponsorship opportunities are still available to assist in the underwriting of this year's conference in the following amounts:

- \$575 for law firms of 11 or more attorneys;
- \$375 for law firms with 3-10 attorneys; and
- \$225 for law firms with 1-2 attorneys.

Checks should be made payable to the PBCBA and mailed to: Patience Burns, 1601 Belvedere Road #302E, WPB, FL 33406.



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THE
BULLETIN

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

LETTERS TO THE EDITOR

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



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



Members of the Palm Beach County Bar Association attended the 6th Minority Mentoring Picnic in Hialeah in November. Pictured above (back row) are: Adele Stone, FL Bar Foundation President; 15th Circuit Board of Governors Rep David Prather; FL Bar President Jesse Diner; Adam Rabin; John Whittles; Michelle Suskauer; Michael Napoleone; Laurie Cohen; Adrian Alvarez; and Broward County Chief Judge Victor Tobin. Front Row: Tasha Dickinson, Jill Weiss, Jessica Callow, W Mason, Judge Meenu Sasser, Julia Wyda and 15th Circuit Board of Governors Rep Scott Hawkins.

Is your Law Office interested in going green?



Do you want to learn about the ABA-EPA Climate Challenge and other ways your office can conserve resources and save money? If so, please contact Tim Stevens, a board member with the PBCBA Young Lawyers Section, at (561) 822-9707. You can also check out the ABA's website

www.abanet.org/enviro/climatechallenge/ to learn more.



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President's Message



All I Ever Needed to Know

By Michelle R. Suskauer, President

I love January. A new year. A new beginning. A chance to change things, to change yourself. Every New Year's Eve, without fail, I make resolutions. Usually they involve being more patient, organizing the pile of photos that seems to accumulate year after year, starting a journal, sticking to an exercise routine. I do my best to keep them. I try, I really do. Despite all my good intentions, on January 2nd or 3rd, I seem to forget all about them.

As attorneys, what resolutions should we make and how do we follow through? I think the best thing we can do is to keep it simple. This reminds me of one of my favorite books, a collection of essays by Robert Fulghum, *All I Really Need to Know I Learned in Kindergarten*.

Here is my version for 2010, *All I Really Need to Know I Learned From the Bar Association*:

- 1. Learn something new.** We all have to keep up with our CLE credits, and now it is easier than ever! The PBCBA not only offers courses on CD's, but now you can now purchase your CLE's online to either download on your MP3 player or listen to right your computer any time you want (even at 3 am when you can't sleep!)
- 2. Explore your inner child.** The PBCBA has partnered with our School District to bring attorneys into schools during the school year. Volunteer to go into one of the 186 different schools in Palm Beach County. Teach our children what attorneys do, enlighten them about our system of justice, be a positive role model and impact the life of a child.

3. Do a good deed. The Florida Bar has initiated the "One Campaign" - One Client One Attorney One Promise - to reinvigorate the pro bono effort across the state. If every attorney in Florida agreed to take on just one pro bono matter, it would make a tremendous difference to the thousands of individuals desperately needing legal assistance. Contact the Legal Aid Society of Palm Beach County to get your case today and to make a donation to the Campaign for Equal Justice.

4. Have fun. It is always important to take a break a have some fun. The PBCBA is providing an incredible opportunity to have a fantastic evening out: the Inaugural Lawyer Variety Show will be held on January 9th at the Eisey Theater in Palm Beach Gardens. Enjoy cocktails and shows filled with music and laughter.

We may not be able to keep all of our resolutions, but always remember that your Bar Association is here for you: to support you, to educate you, and to give you opportunities to interact with our community. Robert Fulghum got this one right:

"Share everything. Play fair. Don't hit people. Put things back where you found them...hold hands and stick together..."

**I wish you and your family
a happy and healthy New Year!**

Board of Directors Meeting Attendance

	June Retreat	Aug	Sept	Oct	Nov.
Bowden	x	x	x	x	x
Guari	x	x	x	x	Phone
Howe	x	x	x	Phone	x
Jenks	x	x	x		x
Kypreos	x	x	x	x	x
Martinez	x	x	x	x	x
Napoleone	x	x	x	x	x
Pressly	x	x	x	Phone	x
Rabin	x	x	x	x	x
Schuler	x	x	x	x	x
Suskauer	x	x	x	x	x
Weiss	x	x	Phone	x	x
Whittles	x	x	x	x	x

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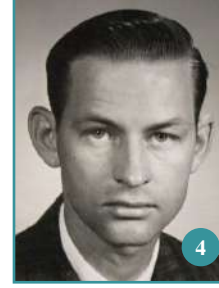
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Who are they?

Can you guess who these members are? Answers can be found on page 10. If you have old pictures of yourself or other members that you'd like featured, please send them to Patience Burns at the Bar Office.



Legal Aid Society
of Palm Beach County

SAVE THE DATES

Mark these dates on your calendar; invitations are forthcoming. All events benefit the Legal Aid Society and help to meet the growing demand for legal services this year.

Thursday, January 28, 2010
Girls Night Out at Saks
in the Gardens

Fashion, fun and philanthropy for the girls! Ladies, please join us for a Lafayette 148 "Resort 2010" fashion presentation and Laura Mercier beauty products MasterClass as well as cocktails, hors d'oeuvres and raffles galore. Tickets are \$45.

Saturday, February 13, 2010
Gift Gathering Gala

at the home of Christine and Michael Hanley in West Palm Beach

Saturday, April 17, 2010
Gift Gathering Gala

at the home of Lisa McNelis and Richard Roselli in Boca Raton

Saturday, April 24, 2010
Gift Gathering Gala

at the home of Dr. Stuart Graham and Marjorie Gadarian Graham in Jupiter Island

Saturday, May 8, 2010
Musical Magic
22nd Annual Pro Bono Recognition
Evening and Auction

at the Palm Beach County Convention Center

For more information about upcoming events, please contact

Harreen Bertisch, Director of Development,
at 561-655-8944, ext. 257.



Wine Tasting Event January 13

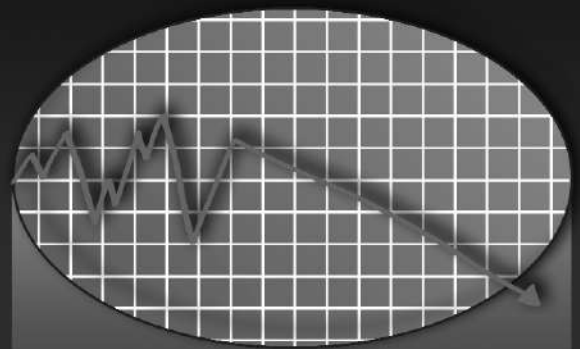
We hope that you will join us for our first wine tasting event to be held on Wednesday, January 13 at 5:30 p.m. at the Phillips Point Club (formerly the Governors Club). This event is limited to members of the PBCBA at a cost of \$35 per member (member can bring spouse/guest at same rate) prior to January 7 (add \$5 after that date) Judges complimentary and total number of registrants will be limited to 75. Pre-registrations required by going to our website www.palmbeachbar.org.

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Young Lawyers Section
Happy Hour



Julia Wyda, Erica Grossman and Sheri Hopkins



Richard Carey, Edwin Ferguson & Bill Lazarchick



Wade Bowden, Michelle Suskauer and
YLS President-elect Allison Kapner



Debra Jenks, Jason Guari and
Gregg & Stacy Margre

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INVITE YOU TO LUNCH AND LEARN THIS YEAR. . . .

OBTAIN CLE CREDIT, INTERACT WITH JUDGES AND FELLOW PRACTITIONERS
AND HAVE LUNCH ON US!

COST: \$35/Members per seminar; \$75/Non-members
(add \$10 late registration fee if not registered 7 days before seminar date)

Date	Topic	Speaker	Location
January 15, 2010 <i>Lunch Sponsored By: Sasser, Cestero & Sasser, P.A.</i>	Charging Liens, Retaining Liens and Collecting Fees in a Difficult Economic Climate	Ersine Rogers, Esq., Rutherford Mulhall, P.A.; Michael Koenig, Jr., Adorno & Yoss, P.A.	Palm Beach County Bar Offices
March 24, 2010 <i>Lunch Sponsored By: Complete Legal Investigations</i>	Presenting a Temporary Relief Case	Roundtable Judicial Panel	Main Courthouse North End of Cafeteria
April 14, 2010 <i>Lunch Sponsored By: Complete Legal Investigations</i>	Client Intake and Consultation... Getting the Best Client	Jeffrey A. Weissman, Esq., Gladstone & Weissman	Palm Beach County Bar Offices

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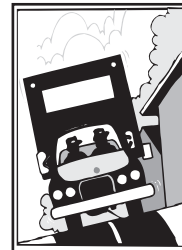
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On September 30, 2009, numerous members of the Palm Beach County Bar Association (“PBCBA”) attended the first of a series of monthly judicial luncheons organized by the Judicial Relations Committee of the PBCBA. Judge Garrison, Judge Colbath, Judge McCarthy, and Judge Lewis participated in the panel discussion. The luncheon was held in the Judicial Dining Room and was co-moderated by Larry Rochefort, Esq.; Michelle Suskauer, Esq.; Lloyd Comiter, Esq.; and Laurence Brownstein, Esq. The participating judges shared the following valuable insights on voir dire:

1. Cases can be won or lost in jury selection, and it is vital to eliminate jurors who will not be fair.
2. A judge should talk to the jurors prior to the start of voir dire and try to make the jurors feel comfortable answering even awkward questions truthfully. Prospective jurors should be reminded that they are not going to get in trouble for honestly stating their opinion.
3. Leading questions in voir dire are generally okay – an objection on the basis of “leading” will generally not be sustained.
4. Jury selection can be very time-consuming in the circuit civil division.
5. An effective technique in jury selection is to listen to the people on the jury panel – let them talk instead of giving a speech to them; many attorneys in voir dire are not listening to the answers given by the jurors.
6. If a juror states that he/she doesn’t feel comfortable answering a potentially awkward or embarrassing question, that person should be given an opportunity to respond to the attorneys and judge privately. Some judges have this private question and answer session after questioning of the others is complete, so that the flow of voir dire is not interrupted.
7. Jury questionnaires can be used – they can be especially beneficial in lengthy trials to show which people would have a financial hardship from serving for a long time.
8. Judges should protect jurors from aggressive questioning by attorneys or from criticism of a juror by an attorney.
9. The Florida Supreme Court has issued an order limiting the number of jurors on a panel to 16 for civil cases; this order provides that you must choose your 6 jurors from the panel of 16. There is a local rule that says you can double that number in a lengthy case, but if a lawyer wants extra people on his or her panel, the lawyer must make a request to the presiding judge, and the judge needs to file a petition with the chief judge at least 3 weeks in advance of the trial date to request a larger panel. Attorneys may want to rethink their voir dire strategy in light of the limited size of the jury panels, because if you go through the potential jurors on the panel you are given without selecting a jury, you may be rolled to the next trial docket.
10. Jury selection is now sometimes being started on Thursdays or Fridays because of limited space for jurors in the main jury room.
11. Some judges do not like the “what kind of bumper sticker do you have” question but it seems to interest jurors.
12. It can be effective to write out your voir dire questions in advance, and to get comfortable with them ahead of time. It is effective to use plain, simple language in your questions, and to make them precise. Too many times, lawyers use phrases like “damage caps,” “tort reform,” and “insurance crisis”, and many people on the jury don’t know what they are talking about. Instead of asking a question such as “do you believe in damage caps?”, try to make it simpler by instead asking something like “is there a number in your head that you wouldn’t feel comfortable awarding more than in terms of damages?”
13. Some judges believe that you should try to keep voir dire brief; you want to get a fair jury and questions should be directed to that goal. Jurors seem to want to get on with hearing the evidence and rendering a decision.
14. One tip is to turn trial boards away from the jury during voir dire, and remove any other distracting items. If the jurors can see those items during voir dire, they may focus on them and be less attentive to the questioning.
15. Make sure you don’t have anything set up like projectors with cords that could present a tripping hazard to jurors; make sure jurors have unimpeded access to go where they need to.
16. Consider requesting individual voir dire in the jury room on “hot button” issues, where one person’s answers could have the effect of tainting the entire panel (issues such as tort reform, medical malpractice, etc.). For individual voir dire, you can bring the juror and the attorneys into the jury room. This is likely more time consuming, but can help avoid having to dismiss the entire panel.
17. One of the most important questions to ask a juror is “can you keep an open mind?”



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What does an accomplished prosecutor who was named the most effective criminal lawyer in South Florida by the Daily Business Review, who is a three-time recipient of the U.S. Department of Justice Director's Award, and who has successfully tried cases that were the subject of television shows and crime novels, do for a career encore? For Judge John Kastrenakes, a move to the bench was a natural progression in a career defined by public service.

After ten years sharpening his trial skills at the Dade County State Attorney's Office, where he prosecuted several high profile murder cases in the major crimes division, Judge Kastrenakes was recruited to the U.S. Attorney's Office in 1995. It was as a federal prosecutor that Judge Kastrenakes gained his reputation as a superior trial lawyer feared by international drug traffickers and foreign spies, and more recently, as a crusader for honest local government. While he relished the experience of trying cases in front of the best judges in the world as an advocate, Judge Kastrenakes feels like he has reached the

pinnacle of public service as a member of our Circuit bench. Moreover, having spent the last 15 years in federal court, Judge Kastrenakes is grateful to be back in the state court system which he considers to be a true "public system", rich with opportunities to interact with dedicated and talented (though underpaid) people every day. Judge Kastrenakes vows to be a judge known for his preparation and his respect for the lawyers and their clients in his courtroom.



Judge Kastrenakes is not alone in his love for the law. His wife, Pia, is a practicing attorney, and Judge Kastrenakes swore in his oldest child, Eleni, during his own investiture ceremony in October. Eleni will begin her legal career with Holland & Knight in Miami. Judge Kastrenakes' middle child is an investment banker in Atlanta and his youngest is a senior at UNC-Chapel Hill. Off the bench Judge Kastrenakes is an avid

follower of Gator football, making the trek to Gainesville several times each Fall. When the Gators aren't playing Judge Kastrenakes enjoys playing golf and reading military history.



Annual Judicial Reception

Florida Association for Women Lawyers Palm Beach County Chapter

Wednesday, Jan. 27th, 2010 5:30 – 7:30 pm Norton Museum of Art

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Saitos



Debra Jenks welcomes North County Section members to Saito's Japanese Restaurant for its 2nd Annual Hibachi style dinner



Judges Jeffrey Colbath, Edward Garrison and Ted Booras



Jane and Jay Hunston



Erskine Rogers and Kim Rommel-Enright

North County to host Happy Hour

Join the North County Section as they celebrate the New Year with a Happy Hour on Thursday, January 21 from 5:30 p.m. to 7:30 p.m. at Brio's at the Gardens Mall. The cost is \$25.00 for NCS Members; \$30.00 for spouses and attorneys who are not NCS Members. Judges are complimentary.

Register online at www.palmbeachbar.org no later than 5pm on 1/18 to avoid a \$5.00 late fee.

We'll see you there!

North County to host Annual BBQ & Casino Night

Join the North County Section for its annual BBQ & Casino Night on Wednesday, February 10 from 5:30 pm to 8:00 pm at the Bonnette Hunt Club in Palm Beach Gardens.

The evening includes blackjack, roulette, craps tables, plus drinks, live music and prizes.

The cost is \$45.00 for NCS members; \$55.00 for lawyers who are not NCS members and \$55.00 for spouses. Judges are complimentary. Please register online by 2/5 to avoid a \$5.00 late fee.

Sponsors include Behavioral Health of the Palm Beaches, Mellon Bank and LexisNexis.

(*tables are for entertainment purposes only)

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Pro Bono Corner

Armed Services Advocacy Project

The Legal Aid Society of Palm Beach County announces the launch of its new Armed Services Advocacy Project (ASAP), made possible through a grant from the Florida BRAIVE Fund at the Dade Community Foundation.

With over 1.7 million veterans in the State of Florida, including 1,200 veterans from Iraq and Afghanistan residing in Palm Beach County alone, the need for services is tremendous. The mission of this new project is to provide civil legal assistance to active duty Armed Forces service members and veterans who are serving or have served in Operation Enduring Freedom or Operation Iraqi Freedom and/or their families living in Palm Beach County. The Armed Services Advocacy Project will provide legal advice, education, counsel and representation with regard to pre-deployment, deployment and post-deployment issues free of charge.

Legal services offered to military personnel and/or their family members will include access to benefits, appeals of benefit denials, disability determinations, discharge matters, housing and financial issues (e.g. foreclosure), access to healthcare and mental health resources, employment rights, domestic violence and family issues. The ultimate goal of the Armed Services Advocacy Project is to improve the lives of Palm Beach County residents who have served or are serving in Iraq or Afghanistan and their families through legal intervention aimed at providing safer living conditions, meeting medical needs or reducing the time and frustration involved in navigating social services and veterans' assistance systems.

Legal Aid Golf Tournament

The Legal Aid Society of Palm Beach County's 9th Annual Cup of Justice Golf Classic raised \$20,000 to support its Educational Advocacy Project. The project's goal is to ensure positive educational outcomes for disabled children attending Palm Beach County Schools.

Attorney Robert Shalhoub chaired the October 12th tournament at Bear Lakes Country Club. The presenting sponsor of the event was CityPlace Tower, The Related Companies and Crocker Partners, LLC.

Additionally, the dinner sponsorship was shared by Caler, Donten, Levine, Porter & Veil CPA's, P.A. and Akerman Senterfitt. Other major sponsors included: Daily Business Review, Martindale-Hubbell/Lawyers.com, CBIZ Benefits Insurance & Services, ABA Retirement Funds, Dex Imaging Inc. and National City, an Official Sponsor of Legal Aid. The golf tournament committee members included Harreen Bertisch; Rick Collier; Devin Krauss; David McClymont; Scott Murray, Esq.; Linda Norris; Grier Pressly, Esq.; Heath Randolph, Esq.; Michael Spillane; Vicky Vilchez, Esq.; Gary Woodfield, Esq.; and Bob Bertisch, Esq.



The Gordon & Doner, P.A. Team was awarded the "Cup of Justice" after a magnificent round of golf. Other winners included Gordon & Doner, P.A. (Flight A – 1st Place); CityPlace Tower (Flight B – 1st Place); CityPlace Tower (Flight C – 1st Place); Pressly & Pressly, P.A. (Flight A – 2nd Place) Martindale-Hubbell/Lawyers.com (Flight B – 2nd Place) and CBIZ Benefits, Insurance & Services (Flight C – 2nd Place).



LEGAL AID SOCIETY AND FLORIDA POWER AND LIGHT INITIATE JOINT PROJECT TO ADDRESS FORECLOSURE CRISIS

The Legal Aid Society's Pro Bono Program, in conjunction with Florida Power and Light, is pleased to announce a pilot project to address the current foreclosure crisis and the demand for assistance that far outweighs the resources available. In response to the overwhelming request for services from people who have been served with foreclosure papers the Legal Aid Society approached the in house counsel at Florida Power and Light about the possibility of assisting Legal Aid in responding to this need. The project, spearheaded by attorneys Robert Sendler and Ellen Malasky, with the full support of General Counsel, Charles Sieving, is slated to start in January 2010. The project will begin as a clinic with FPL attorneys coming to the Legal Aid offices one evening a month and meeting with clients who have been served with foreclosure papers. The attorneys will assist them in filling out answers and help them to understand the foreclosure process. Several other possible options for participation by the FPL counsel will be explored from actual case representation to intake assistance. On November 19th over 40 FPL attorneys attended a two-hour training on foreclosure and bankruptcy given by Legal Aid attorney Tequisha Myles and private attorney Alan Crane.

The FPL project is the perfect local launch for the statewide "One Campaign," One Client, One Attorney, One Promise, initiated by the Supreme Court's Standing Committee for Pro Bono the One Campaign gives attorneys the opportunity to renew their promise to never reject the cause of the defenseless or oppressed. Through the One Campaign, attorneys are encouraged to take one case in which they can utilize their unique skills to help regular citizens navigate the law. For more information on the One Campaign or the FPL Project please contact Kimberly Rommel-Enright, Esq., Pro Bono Project of the Legal Aid Society, 561-655-8944 ext. 265 or kenright@legalaidpbc.org.



Who Are They?

From Page 4

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Professionalism

Re-Examining Our Roles as Counselors

By Kevin L. McNamara, Esq.

Submitted on behalf of the Professionalism Committee



Rather than give you a lecture on some topic of professionalism, I instead offer a couple of scenarios, intended to provoke some thought and perhaps generate discourse. In thinking about these, be honest with yourself. No one is looking over your shoulder or sending your answers to the bar. This is intended to draw attention to some important, but often overlooked, professional responsibilities inherent in the practice of law. With each scenario, ask yourself to identify the issues presented. Are any "real" issues worthy of attention? What do I do with this, if anything?

Client hires you in a case with a vitriolic and often public history. Client has clear goals to not only win, but also to destroy the opponent. Being a litigator, you relish the idea of a confident client who will pay your rate, won't cap your hours and provides the added bonus of a little media attention for your practice. Client wants you to use all means necessary to inconvenience the opposition. Client instructs you to take depositions "everyone", including many who do business with the opposition and to set the depositions at the farthest end of the county. Client also wants separate motions and separate hearings on every issue raised during litigation.

Client refuses to tender certain document requested in discovery. Client informs you that if he does tender the documents, the result will be exposure of assets and income, which have been secreted, including from the IRS. Client is concerned that such exposure will not only hurt his case, but may expose him to criminal liability for tax fraud.

Now a little food for thought:

This situation exemplifies the "scorched earth" type of litigation, which has become increasingly common. Using every means available to make your opponent surrender, although lawful and perhaps technically permitted, is nevertheless contrary to professional behavior and may subject an attorney to sanctions. The "golden rule" seems applicable here too. But there is more than that, since as a profession, we have an obligation to use the law for legitimate purposes and "not to harass or intimidate others." Preamble to Rules Regulating the Florida Bar. One could argue that such broad discovery is permitted, and it is up to the opposition to seek a protective order, but this argument misses the point. In a case such as this, the lawyer should confront the client about the limits of professional conduct, since no client is worth destroying your reputation. Moreover, Rule 4-1.4(a)(5) requires a lawyer to consult with his or her client when the lawyer's conduct is limited or if the client expects conduct from the lawyer in contravention of the rules. Permitting ourselves to be used in such a manner demeans us as individuals and hurts the profession as a whole. The question in our minds should not be whether the action will result in personal trouble for us, but whether it is the right thing.

This scenario is fairly common in family law actions, but is likewise applicable to civil matters, especially actions involving joint owners of a business or partners in investments. The first question which may arise is whether you have a duty to the IRS. The short answer is no, since you still have a duty of confidentiality to your client and cannot divulge past criminal conduct disclosed by a client. However, problems may arise if the client continues to engage in the criminal conduct or engage in behavior which perpetrates a fraud upon the court. Clearly, the attorney has a duty to tender proper discovery under the rules. But in this instance, the client is refusing to tender the documents to you and has told you of his purpose for withholding them. The client should be counseled regarding his action of withholding the documents in contravention to the court rules (see #1 above), and failing that solution, the lawyer should likely withdraw. Rule 4-1.16(a)(4) mandates withdrawal when "the client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent, unless the client agrees to disclose and rectify the crime or fraud."

The above examples are just a couple of situations arising with some frequency in litigation. Although the choices may not be clear for the attorney faced with difficult clients and difficult situations, must can be gained by following your gut instinct. Does it feel wrong? Ask yourself, would I be angry if the opposition litigated against me in this manner? Do I want to be known as the lawyer with no respect for the truth? By periodically going through some self analysis, we can better ourselves and provide better counsel for our clients. And of course, we act as true professionals, not just bullies with law degrees, and this will benefit all of us.



Personal Jurisdiction – Service by Formal Notice or Summons?

By David M. Garten, Esq.

Section 731.301(2), Fla. Stat. states that “[f]ormal notice shall be sufficient to acquire jurisdiction over the person receiving formal notice to the extent of the person’s interest in the estate.” [emphasis added].

I. Who has a sufficient “interest in the estate” for purposes of service by formal notice?

Service by formal notice is only effective on parties interested in an estate. These parties include, but are not limited to, beneficiaries, claimants, and personal representatives. See Galego v. Robinson, 695 So. 2d 443 (Fla. 2d DCA 1997).

In Payette v. Clark, 559 So. 2d 630 (Fla. 2nd DCA 1990), the court held that in a closed estate, the former personal representative and beneficiaries had a sufficient “interest in the estate” under this section, regarding claims for relief within the jurisdiction of the probate court. The court reasoned:

At the inception of the probate proceedings the appellee Theodore W. Clark, by obtaining appointment as personal representative, submitted himself to the jurisdiction of the court for all purposes, including the resolution of the issues raised by this petition. The appellees Carter S. Clark and Shirley Lorraine Warner filed consents to his appointment with requests that he be permitted to serve without posting bond. All appellees accepted distribution of the estate assets, thereby availing themselves of the judicial powers of the Florida court, and filed receipts and consents to the discharge of Theodore W. Clark as personal representative. Additionally, the petition alleges that all the appellees had knowledge of the existence of the appellant and knowingly appropriated her interest in the estate assets. We conclude that this participation in the estate process by the remaining appellees is sufficient to constitute a voluntary submission to the jurisdiction of the court for the purpose of determination of counts one through four of the petition. [citations omitted]

Parties in possession of estate assets that had been improperly distributed by the personal representative could be served by formal notice. See Hall v. Tungett, 980 So. 2d 1289 (Fla. 2nd DCA 2008). In Hall, the court found that the following allegations in the personal representative’s motion sufficient to support service by formal notice:

The PR’s motion alleged that the brokerage account was titled in the decedent’s name at the time of his death, was wrongfully distributed to Ms. Hall by Ms. Green as the predecessor personal representative, and was in Ms. Hall’s possession. The motion claimed that the account and other property belonged to the Estate and must be returned to it, or if the account and property were no longer in Ms. Hall’s possession then she had to return to the Estate the equivalent value, as well as any income earned on the assets or any gain received with respect to the assets.

II. Who does not have a sufficient “interest in the estate” for purposes of service by formal notice?

If the litigation is to determine whether the estate, in the first instance, had an interest in the assets, then service of process on the party in possession of those assets must be by summons. See Hall v. Tungett, *supra*.

A person who has no claim to estate property, and who does not otherwise claim any right to participate in the administration of the estate, does not possess an “interest in the estate” under s. 731.301(2). In re Estate of Vernon, 608 So. 2d 510 (Fla. 4th DCA 1992), involved an estate where the personal representative sued defendants claiming that shares of stock in a bank previously held in one of the defendant’s names were in truth owned beneficially by the decedent, and therefore should have been marshaled into the probate estate, rather than being liquidated by the defendant outside the estate. The court held that the probate court could not obtain jurisdiction over the defendants by formal notice, and that the estate’s remedy was to institute an ordinary civil action against the defendants.

In Galego v. Robinson, 695 So. 2d 443 (Fla. 2d DCA 1997), the court held that the probate court lacked jurisdiction over appellant, who allegedly damaged the estate through mismanagement of the decedent’s assets using the decedent’s power of attorney. The appellees should have instituted a normal civil action against appellant for any mishandling of funds under the power of attorney.

In Kountze v. Kountze, 2009 Fla. App. LEXIS 15621; 34 Fla. L. Weekly D 2142 (Fla. 2nd DCA 10/16/09), appellee personal representative filed a petition against appellants, a decedent’s former wife and a remainder beneficiary of a trust, to determine the whereabouts and the value of missing estate assets. The PR served the appellants with a notice of the personal representative’s taking possession of assets of the estate; the notice was served by formal notice. In the notice, the PR alleged that he had taken possession of certain assets which had been listed in the trust. The court held that the formal notice that the appellants received in the estate proceeding was not sufficient for the trial court to acquire personal jurisdiction over them. The court reasoned:

An interested person is defined in the probate code as “any person who may reasonably be expected to be affected by the outcome of the particular proceeding involved.” § 731.201(23). However, the meaning of interested person “may vary from time to time and must be determined according to the particular purpose of, and matter involved in, any proceedings.” *Id.*

The appellants contend they are not interested persons within the meaning of section 731.201(23). Specifically, they disclaim any interest in the estate assets. Our understanding of appellants’ position is that the assets in question are trust assets that are separate and distinct from the estate assets and therefore they would not “reasonably be expected to be affected by the outcome” of the estate proceedings. § 731.201(23). If that assertion is true, then the formal notice they received in the estate proceedings was not sufficient for the trial court to acquire personal jurisdiction over them.

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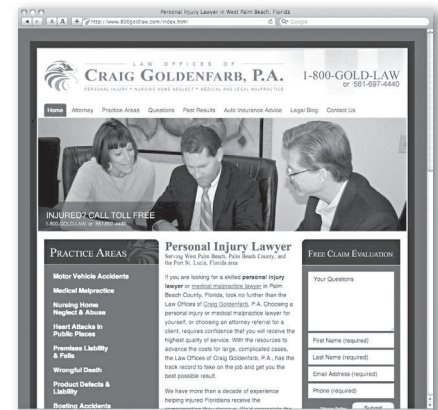
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The following represents each new member's name, hometown, law school, and date of admission to the Florida Bar and law firm association.

TIMOTHY J. ALLEN, JR. –

Michigan State University College of Law, 2007; Associated with Law Office of Tim Allen, P.A., West Palm Beach

JESSICA M. BLACKMAN – Maine; Florida Coastal School of Law, 2008; Associated with Kelley Kronenber Gilmartin Fichtel & Wander, Greenacres

ALEXANDRA D. BLYE – New York; University of Florida Levin College of Law, 2009; Associate in Genovese, Joblove, & Battista, P.A., Ft. Lauderdale

MARIANO A. CORCILLI –

Argentina; American University, 2009; Office of the State Attorney, West Palm Beach



MEGHAN M. COX – Florida; Nova Southeastern University, 2009; Sole Practitioner, Stuart

SHANNON O. DARSCH – Florida; Florida International University, 2009; Fourth District Court of Appeal, West Palm Beach

JEREMY S. DICKER – Florida; Nova Southeastern University, 2009; 15th Judicial Circuit, West Palm Beach



SANTO DIGANGI – New York; University of Florida, 2009; 15th Judicial Circuit, West Palm Beach



LISA P. ELLISON-CHERNY – Florida; University of Florida, 2009; Law Clerk for Judge Gerber, 4th District Court of Appeal, West

Palm Beach

ADAM R. FARKAS – Illinois; Nova Southeastern University, 2009; Office of the State Attorney, West Palm Beach

PATRICIA M. FLANAGAN – Florida; Stetson University College of Law, 2008; Associate in Akerman Senterfitt, West Palm Beach

RYAN A. FOGG – Florida; Charleston School of Law, 2009; Associate in Wicker, Smith, O'Hara, McCoy & Ford, West Palm Beach

ANDREW L. HOFFMAN – Florida; University of Florida Levin College of Law, 2009; Fourth District Court of Appeal, West Palm Beach

KATIE A. KAPLAN – Florida; Nova Southeastern University, 2009; Associate in Masnikoff & Sternberg, P.A., West Palm Beach

RINA R. KUNDALKAR – California; Florida Coastal School of Law, 2009; Palm Beach County Public Defender's Office, West Palm Beach

GINA M. LAKATOS – Nova Southeastern University, 2009; Associate in Bobo, Ciotoli, Bocchino, Newman, Corsini, White & Buigas, P.A., North Palm Beach

ROGELL X. LEVERS – Jamaica; FAMU College of Law, 2009; Sole Practitioner, The Levers Law Firm, West Palm Beach

DANIEL J. LIEBERMAN – New York; Nova Southeastern University, 2003; Sole Practitioner, West Palm Beach

ADRIANA M. LOPEZ – New York; Florida Coastal School of Law, 2009; Office of the State Attorney, West Palm Beach

JASON L. MARGOLIN – Florida; University of Florida, 2009; Associate in Greenberg Traurig, P.A., Boca Raton

W. SCOTT MASON – Connecticut; Tulane University Law School, 2009; Associate in Cole, Scott & Kissane, P.A., West Palm Beach

MICHELLE MERSON – Mississippi; Nova Southeastern University, 1993; Associated with Law Office of Guy Fronstin, West Palm Beach

ELIZABETH E. MOUM – Illinois; University of Florida Law, 2009; Associate in Greenberg Traurig, P.A., West Palm Beach

CYRUS S. NIAKAN – Tennessee; University of Arizona, 2004; Associate in Lytal, Reiter, Clark, Fountain & Williams, West Palm Beach

MELISSA M. PHILLIPS – Florida; University of Florida, 2009; Office of the State Attorney, West Palm Beach

CAROL ANNE PLOWMAN – Stetson, 2000; Associate in Korte & Wortman, PA, West Palm Beach

ROBERT M. PRESLEY – Florida; Stetson University, 2009; Partner in Presley Law and Associates, Wellington

TRICIA M. PRIDE – Florida; Pepperdine University School of Law, 2009; Sole Practitioner, Port St. Lucie

RYAN C. SANCHEZ – Georgia; Georgia State University College of Law, 2009; Legal Aid Society of Palm Beach County, West Palm Beach

RACHEL A. SEIDEN – Florida; Syracuse University, 2009; Associate in Seiden, Alder, Matthewman & Bloch, Boca Raton

AMANDA A. SIMPSON – New York; University of Florida, 2009; Associate in Page, Mrachek, Fitzgerald & Rose, P.A., West Palm Beach

EDWIN M. WALKER – Florida; Thomas M. Cooley, 2009; Sole Practitioner, West Palm Beach

JEFFREY M. WANK – New Jersey; Nova Southeastern University, 2009; Associate in Cole, Scott & Kissane, West Palm Beach

LAWONDA R. WARREN – Nova Southeastern University, 2009; Office of the State Attorney, West Palm Beach

JENNIFER A. WATKINS – Paralegal Member, Butzel Long, Palm Beach

MICHAEL WHEELER – California; Detroit College of Law, 2009; Sole Practitioner, Law Office of Michael Wheeler, Palm Beach Gardens



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Members of the Palm Beach Lakes High School Mock Trial Team were recently treated to a day at the courthouse. The students are pictured above with their teacher, Luis Bonilla, Jill Weiss and Judge Meenu Sasser.

Thank you to 100% Club Members

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.

Show your firm’s support in the Palm Beach County Bar by becoming a member of the 100% Club. It’s easy! If you think your firm is eligible, fax a copy of your firm’s letterhead and a contact name to (561) 687-9007, Attn: Nancy Reidler and we’ll let you know!

Don’t Forget About this Member Benefit

PAYCHEX

The Palm Beach County Bar Association is pleased to announce a new benefit discount program available only to its members. New enrollees of Paychex will be entitled to a 15% discount off Paychex services. Some of their services include Payroll, 401K Administration, New Hire Reporting, HR Benefits, Employee Handbooks and much more. For more information, **contact Justin Williams at (561) 655-5542.**

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Problem Solving Through Art

Students from Jupiter High School recently placed first, second and third in our annual ADR Poster Contest. The contest is held each year by the ADR committee as a way to teach students how to solve problems through conflict resolution. Catherine Eaton, chair for the event, presented the students and art teacher with cash prizes.



Pictured from left to right: Catherine Eaton with first place winner Greg Lacher; second place, Kaitlin Marsh; third place, Stephanie Byrne; Art Teacher Elizabeth Bruno and Principal Cheryl Alligood.

Planned Giving



A planned gift to the American Cancer Society combines your desire to give to charity with your overall financial, tax and estate planning goals.

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Web-site advertising is also available for a cost of \$50 for a two week run. Payment must be received prior to publication and renewable only upon receipt of next payment.

The Palm Beach County Bar Association, its officers, directors, and staff do not endorse any product or service advertised.

PROFESSIONAL ANNOUNCEMENTS:

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

SCOTT SUSKAUER: "AV" rated, Board Certified Criminal Trial Lawyer. Over 20 years of experience. All criminal matters in State and Federal Court including felonies, misdemeanors, DUI, juvenile and traffic matters, 1601 Forum Place, Ste. 1200, WPB, FL 33401; (561) 687-7866.
www.suskauerlaw.com.

GREGORY TENDRICH, Esq.: FINRA Arbitrator, Certified County Court Mediator & Former Series 7 licensed VP & Asst. General Counsel to Wachovia Securities and other local NYSE/FINRA brokerage firms, is accepting referrals and is available to co-counsel, provide trial/arbitration consultation or assistance in stock loss and investment related disputes, including prudent-investor, suitability, churning and misrepresentation claims in addition to SEC, FINRA, NYSE and other regulatory enforcement matters. Please call (561) 417-8777 or visit www.yourstocklawyer.com.

GREY TESH: "Criminal Law is not black & white, it's Grey." Board certified criminal trial specialist. President, Palm Beach Association of Criminal Defense Lawyers. Federal and State cases. www.aacriminaldefense.com (561) 686-6886.

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www.injuryattorneysforjustice.com

MARK R. HANSON: All admiralty and maritime matters, including personal injury actions, boating accidents, cruise line injuries and insurance claims. 4304 Main Street, Jupiter, FL 33458 (561) 833-7828
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OFFICE SPACE:

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DELRAY/BOYNTON: Law office has several space options available near Delray Beach courthouse. Includes use of reception area, conference room, file room and kitchen. Call for options and prices. (561) 737-3133.

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HEARSAY

Kenneth J. Scherer, partner at Cohen, Norris, Scherer, Weinberger & Wolmer, completed the Ironman Triathlon in Kona, Hawaii on October 10, 2009.

Zadanosky & Associates, P.A. is pleased to announce its new location at 8461 Lake Worth Rd., Suite 128, Lake Worth 33467.



Ryon McCabe and Adam Rabin, shareholders with McCabe Rabin, P.A. in West Palm

Beach, have received the U.S. District Judge James C. Paine "Unsung Hero" award for service to the southern District of Florida courts.

Shannon J. Sagan has opened a second location in Downtown Lake Worth at 101 N. J Street, Suite 2, Lake Worth 33460. Mr. Sagan will continue to focus on all types of injury matters. The firm may be reached at (561) 533-7800 or www.1800FLALAWYER.com.



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Is your current email address on file with our office? If not, please be sure to send your current information to us. As postage rates continue to rise, the Bar is sending notices of all of its functions – membership luncheons, free happy hours, judicial receptions and important court information – to its members via email. Don't be left out of the loop! Send your email address to us today and make sure your email provider accepts our emails. You can send your updated information to sspence@palmbeachbar.org

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



WINTER 2010 REAL ESTATE SEMINAR "Hot Topics in a Cold Market"

Wednesday, January 27, 2010 - 8:00 a.m. - 12:15 p.m.
Bar Association Offices, 1601 Belvedere Road #302E, WPB



Program Schedule

- 8:00am - 8:20am **Late Registration/Check In**
- 8:20am - 8:30am **Welcome and Opening Remarks - Steven D. Rubin, Esq.,
Board Certified Real Estate Attorney, Real Estate Committee Chairperson**
- 8:30am - 9:00am **Homestead Tax Exemption Portability: What you need to advise your clients in every residential transaction, and ethical considerations. - Robert I. MacLaren, II, Esq.,
Osborne & Osborne, P.A., Board Certified Real Estate Attorney**
- 9:00am - 10:00am **FAR/BAR Form vs. FAR Form: Where they diverge, case law construction of competing terms, and ethical considerations. -
John R. Banister, Esq., Rutherford Mulhall, P.A., Board Certified Real Estate Attorney**
- 10:00am - 10:15am **Break**
- 10:15am - 11:15am **Compliance With (new) RESPA: Mock HUD-1/1A preparation and ethical considerations. - Deborah Boyd, Esq., First American Title Insurance Company,
Board Certified Real Estate Attorney**
- 11:15am - 12:15pm **The Latest: Foreclosures, Short Sales, and Loan Modifications and Ethical Considerations:**
 - From the Borrower's and Purchaser's Perspectives - Gregory Cohen, Esq.,
Cohen, Scherer, Norris & Weinberger, Board Certified Real Estate Attorney**
 - From the Lender's Perspective - Robert Santom, Short Sales Specialist,
Sterling Bank, and Michael W. Simon, Esq., Simon, Sigalos & Spyredes, P.A.**
 - View From the Bench - Honorable Meenu T. Sasser, Fifteenth Judicial Circuit**

SPONSORED BY:



**This course has been granted 4.0 CLER including 4.0 Ethics credits /
4.0 Real Estate Certification credits from The Florida Bar.**

The cost of the seminar is \$145 for PBCBA members/paralegals, \$185 for non-PBCBA members/paralegals if registered by 1/20/10; 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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Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.

The Bankruptcy Law CLE Committee of the Palm Beach County Bar Association
presents:



“The View From the Bench”

Friday, January 29, 2010 - 11:45pm - 2:00p.m.

Bar Offices - 1601 Belvedere Rd., Suite 302E, WPB

Program Schedule

11:45am - 12:00pm **Check In / Late Registration**

12:00pm - 12:25pm **Buffet Lunch - Sponsored by:**



12:25pm - 12:30pm **Welcome - Opening Remarks** - *Julianne R. Frank, Esq., Frank, White-Boyd, P.A., Bankruptcy CLE Committee Chair*

12:30pm - 2:00pm **The View From the Bench: The Words and Wisdom of Our Bankruptcy Judges** - *Honorable Paul G. Hyman and Erik P. Kimball, United States Bankruptcy Court - Moderated by Julianne R. Frank, Esq.*

This course has been granted 2.0 CLER from The Florida Bar.

The cost of the seminar, **including lunch**, is **\$40** for PBCBA members/legal assistants, **\$80** for non-PBCBA members/legal assistants. Register now to save \$10.00. **After 1/22/10, add \$10.00.**

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$15. 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 Alternative Dispute Resolution Committee Presents:



"ADR in 2010—The Challenges of a New Decade"



Monday, February 8, 2010 8:30a.m. – 5:00p.m.
Bar Association Offices
1601 Belvedere Road, #302E, West Palm Beach, FL

Program Schedule

- 8:00a.m. – 8:30a.m. **Late Registration/Check In**
- 8:30a.m. – 8:45a.m. **Welcome & Opening Remarks - W. Jay Hunston, Jr., Esq., Committee Chair**
- 8:45a.m. – 9:15a.m. **Rights - Who Has What Rights in Mediation? - Dr. Bernard H. Shulman, Esq., Associated with Alternative Resolution Consultants**
- 9:15a.m. – 10:00a.m. **ADR Ethics: Recent Case Law & MEAC Update - W. Jay Hunston, Jr., Esq., Board Certified Civil Trial, Committee Chair**
- 10:00a.m. – 10:15a.m. **BREAK**
- 10:15a.m. – 10:45a.m. **Creative ADR - Functioning Outside the Box - Steven A. Stinson, Esq., Stinson Alternative Dispute Resolution LLC**
- 10:45a.m. – 11:15a.m. **Civility Matters - Charles D. Damsel, Esq., Board Certified Civil Trial**
- 11:15a.m. – 11:45a.m. **The Psychology of Impasse In Negotiations and Mediations - Catherine S. Eaton, Esq.**
- 11:45p.m. – 12:45p.m. **LUNCH - Sponsored By: Sonneborn, Rutter, Cooney & Klingensmith, P.A.**
- 12:45p.m. – 1:45p.m. **What Are the Boundaries for Deception in Mediation? - Robin Carol Shaw, Esq., Moyle, Flanigan, Katz, Breton, White & Krasker, P.A., and Amy Wolsky, Esq.**
- 1:45p.m. – 2:45p.m. **Ethical Dilemmas in Dispute Resolution Practice - Panel Discussion**
- 2:45p.m. – 3:00p.m. **BREAK**
- 3:00p.m. – 3:15p.m. **Mandatory Real Estate Foreclosure Mediation - Where Are We Today? - W. Jay Hunston, Jr., Esq., Board Certified Civil Trial, Committee Chair**
- 3:15p.m. – 3:50p.m. **R/E Foreclosure Mediation - the Debtor's Perspective - James A. Bonfiglio, Esq.**
- 3:50p.m. – 4:25p.m. **R/E Foreclosure Mediation - the Lender's Perspective - Roy A. Diaz, Esq., Smith Hiatt & Diaz, P.A.**
- 4:25p.m. – 5:00p.m. **R/E Foreclosure Mediation - Challenges for the Future! - Panel Discussion**

Sponsored By: 

This course has been granted **8.0 CLER/CME hours including 2.0 Ethics CLE/CME - 6.0 Civil Trial; 8.0 Real Estate Cert. credits** from The Florida Bar. The cost of the seminar is **\$200 for PBCBA members/paralegals; \$240 for non-PBCBA members/paralegals** if registered by 2/1/10; add \$25 to registration fee after that date. **All refund requests must be made no later than 48 hours prior to the date of the seminar**

"This course is eligible for up to 8.0 CME hours including 2.0 Ethics credit. Mediators are required to self report those hours applicable to their areas of certification at the time of their renewal. For more info on the CME requirement, visit, www.flcourts.org, select Alternative Dispute Resolution/ Mediation."

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



The Bankruptcy Law CLE Committee of the Palm Beach County Bar Association
presents:

“Real Estate Issues in Bankruptcy Cases”

Friday, February 26, 2010 - 11:45pm - 2:00p.m.

Bar Offices - 1601 Belvedere Rd., Suite 302E, WPB

Program Schedule

11:45am - 12:00pm **Check In / Late Registration**

12:00pm - 12:25pm **Buffet Lunch - Sponsored by:**



12:25pm - 12:30pm **Welcome - Opening Remarks -** *Julianne R. Frank, Esq., Frank, White-Boyd, P.A., Bankruptcy CLE Committee Chair*

12:30pm - 2:00pm **Real Estate Issues in Bankruptcy Cases -**
Julianne R. Frank, Esq., Frank, White-Boyd, P.A., Eric A. Rosen, Esq., Rosen & Winig, P.A., and Norman L. Schroeder, Esq., Norman L. Schroeder, P.A. - Moderated by Brian K. McMahon, Esq., Brian K. McMahon, P.A.

This course has been granted 2.0 CLER from The Florida Bar.

The cost of the seminar, **including lunch**, is **\$40** for PBCBA members/legal assistants, **\$80** for non-PBCBA members/legal assistants. Register now to save \$10.00. **After 2/19/10, add \$10.00.**

All refund requests must be made no later than 48 hours prior to the date of the seminar.

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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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Please register me for the February 26, 2010 Bankruptcy Law CLE 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
Commercial Litigation CLE Committee Presents:

"Practical and Ethical Considerations in eDiscovery"

Friday, March 5, 2010 9:00 a.m. – 1:00 p.m.

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



Program Schedule

- 8:45 a.m. - 9:00 a.m. **Late Registration/Check In**
- 9:00 a.m. - 9:15 a.m. **Welcome & Opening Remarks - Phillip A. Hutchinson, Esq.,
Greenberg Traurig, P.A., Commercial Litigation Committee Chairperson**
- 9:15 a.m. - 10:45 a.m. **Practical and Ethical Considerations in E-Discovery - John Scarola, Esq.,
Florida Bar Board Certified Business Litigation and Civil Trial Attorney,
Searcy Denney Scarola Barnhart & Shipley, West Palm Beach**
- 10:45 a.m. - 11:00 a.m. **BREAK**
- 11:00 a.m. - 11:45 a.m. **Use of Expert in eDiscovery Process - Jack Throckmorton, Credence Corp.,
Ft. Lauderdale**
- 11:45 a.m. - 12:00 p.m. **Lunch Buffet**
- 12:00 p.m. - 1:00 p.m. **Lunch With The Judiciary: Open Panel Discussion on eDiscovery, Ethics and
Sanctions - Fourth District Court of Appeal Judges Jonathan D. Gerber
and Dorian K. Damoorgian**

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This course has been granted **4.0 CLER including 4.0 Ethics credits / 3.0 Business Litigation; 3.0 Civil Trial Certification credits from The Florida Bar**. The cost of the seminar is **\$100(includes lunch)** for PBCBA members/paralegals; **\$140** for non-PBCBA members/paralegals if registered by **2/26/10**; add \$25 to registration fee after that date.

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 Elder Law Affairs Committee presents:

"The 10th Annual View From The Bench"

Thursday, March 18, 2010 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 Martin H. Colin*
- *Honorable Jack H. Cook*
- *Honorable Sandra K. McSorley*
- *Honorable Richard L. Oftedal*



This course has been granted **2.0 CLER hours / 1.5 Elder Law Certification credits** from The Florida Bar. The cost of the seminar is \$60 for PBCBA members/paralegals; \$100 for non-PBCBA members/paralegals if registered by 3/11/10; add \$25 to registration fee after that date.

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PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

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CALENDAR

January 2010

Friday, January 1, 2010
New Year's Day
Bar Office Closed

Wednesday, January 6, Noon – 1pm
Judicial Relations Committee Meeting
Judicial Dining Room – Main Courthouse

Thursday, January 7, 2010, 6:30 – 8:30 pm
Christian Legal Society Women's Gathering
Panera Bread Café, 771 Village Boulevard, West Palm Beach
Contact Betty at bdunkum@trialpractice.com

Saturday, January 9, 6pm – 8:45pm
Variety Show
Eissey Campus Theatre, PBG

Monday, January 11, Noon – 1pm
Bench Bar Conference Meeting
Bar Association Office

Tuesday, January 12, 11:45am – 1pm
SPBCBA Membership Lunch

Tuesday, January 12, Noon – 1pm
Young Lawyers Section Board Meeting
Bar Association Office

Wednesday, January 13, 11:30am – 1pm
Solo Luncheon
Bar Association Office

Wednesday, January 13, Noon – 1pm
North County Section Board Meeting

Wednesday, January 13, 5:30pm – 7pm
Wine Tasting Event
Phillips Point Club (formerly the Governor's Club)

Thursday, January 14, Noon – 1pm
SPBC FAWL Luncheon
Bogart's

Thursday, January 14, 6pm – 7pm
Palm Beach Justice Association Meeting

Friday, January 15, 8:30am – 9:30am
ADR Committee Meeting
Bar Association Office

Friday, January 15, 11:45am – 1pm
Family Law CLE Luncheon "Charging Liens, Retaining Liens..."
Bar Association Office

Monday, January 18
Court Holiday - Martin Luther King Holiday
Bar Office Closed

Tuesday, January 19, Noon – 1pm
Professionalism Committee Meeting
Bar Association Office

Wednesday, January 20 - 22
The Florida Bar Midyear Meeting
Orlando

Thursday, January 21, Noon – 1pm
Joint Luncheon - Probate & Guardianship/ Elder Law/Estate & Probate Committees
Judicial Dining Room

Thursday, January 21, 5:30pm
North County Section Happy Hour
Brio's in Palm Beach Gardens

Friday, January 22, 11:30am – 1pm
Tech Seminar "Blogging for Lawyers"
Bar Association Office

Friday, January 22, Noon – 1:00pm
Federal Bar Luncheon

Wednesday, January 27, 8am- 12:15pm
Real Estate CLE Seminar "Winter 2010 – Hot Topics in a Cold Market"
Bar Association Office

Wednesday, January 27, 12:15pm – 1:15pm
Real Estate CLE Committee Meeting
Bar Association Office

Thursday, January 28, 5pm – 7pm
PBCBA Board of Directors' Meeting
Bar Association Office

Thursday, January 28, 5:30pm – 7:30pm
Saks Event for Legal Aid
Gardens Mall

Friday, January 29, 11:30am – 1:30pm
Bankruptcy CLE Lunch Seminar "The View From The Bench – Words and Wisdom of our Bankruptcy Judges"
Bar Association Office