



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

January 2014

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

U.S. Supreme Court Justice Samuel Alito to Speak February 3



The PBCBA and the Forum Club of the Palm Beaches are pleased to present U.S. Supreme Court Justice Samuel Alito as its guest speaker for a joint membership luncheon to be held on Monday, February 3 at the Palm Beach County Convention Center.

Samuel A. Alito, Jr. was nominated as an Associate Justice of the Supreme Court by President George W. Bush and was sworn in on January 31, 2006. He previously served as a judge of the United States Court of Appeals for the Third Circuit, having been appointed by President George Bush in 1990.

He began his legal career as a law clerk for the Hon. Leonard I. Garth of the United States Court of Appeals for the Third Circuit. From 1977 to 1981, he was an Assistant United States Attorney in Newark, New Jersey. From 1981 to 1985, he was an Assistant to the Solicitor General of the United States, and

in that capacity he briefed and argued numerous cases in the United States Supreme Court. From 1985 to 1987, he was Deputy Assistant Attorney General in the Justice Department's Office of Legal Counsel, which is responsible for providing legal advice to the Justice Department and other components of the Executive Branch. In 1987, Justice Alito was appointed by President Reagan as the United States Attorney for the District of New Jersey. He held this office until his appointment to the Third Circuit.

Transaction Committee to host its first Happy Hour



Members are invited to join the Transaction Law Committee for their first cocktail reception on Wednesday, January 15 from 5:30 p.m. to 7:00 p.m. at 264 in Palm Beach. The cost is \$15.00 and includes two drinks, plus food. Kindly RSVP online at www.palmbeachbar.org

Mark your calendar for upcoming Membership Events

February 3:

Joint Luncheon with Forum Club with guest speaker U.S. Supreme Court Justice Samuel Alito

March 7:

Bench Bar Conference; Luncheon guest speaker will be Laurence Leamer, author of fifteen books including five New York Times bestsellers. Leamer is best known for his trilogy on the Kennedys including *The Kennedy Women*.

April 22:

Law Day Luncheon with guest speaker Former FL Supreme Court Chief Justice Charles Wells

April 29:

Annual Judicial Reception

June 7:

Annual Installation Banquet

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 will be available on December 13 and are due back in the office by 5 p.m. on January 13. Petitions for director-at-large seats will be available on December 20 and are due back in the Bar office by 5 p.m. on January 21. Petitions may be obtained by calling the Bar office at 687-2800 or by sending an e-mail requesting it to 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 sign their petitions are members in good standing, otherwise, the petition will be deemed invalid.

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THE
BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

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www.palmbeachbar.org

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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
1507 Belvedere Road
West Palm Beach, FL 33406

Bench Bar Conference scheduled for March 7 at Convention Center

This year's Bench Bar Conference has been scheduled for **Friday, March 7** 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 will be 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 and look for new sessions for attorneys this year.

Sponsorship opportunities are 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, 1507 Belvedere Road, WPB, FL 33406.



North County Section Welcomes the New Year with a Cocktail Reception

Date: Thursday, January 23
Time: 5:30 p.m. to 7:00 p.m.
Place: Marriott, Singer Island



Early registration is \$20.00 for NCS Members and complimentary for the Judiciary. Attorneys who are not NCS members (and spouses) are welcome for \$35.00.

RSVP online at www.palmbeachbar.org

Sponsored by Visual Evidence, Law Office of Mitchell J. Beers, D'Amore Law Firm, P.A. and Fox Rothschild LLP



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- CERTIFIED MEDIATOR FOR THE UNITED STATES DISTRICT COURT (S.D. FLA.)
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(561) 832-9127
DEBENEDETTO@FMC-LAWFIRM.COM

President's Message



Make Your New Years' Resolution to be More Professional

By Jill G. Weiss

Welcome to 2014! Like many of us, you may make some resolutions for the coming New Year. There are the common place resolutions – lose weight, go the gym more often, drink less coffee. But what about your career related resolutions? Have you resolved to work harder, seek new clients? What about resolving to be more professional in your all communications to opposing counsel?

In 2007, the Palm Beach County Bar Association approved the revised Standards of Professional Courtesy which were endorsed by the judges of the Fifteenth Judicial Circuit. Article III, Section 1 of the Standards provides the following: "Attorneys should refrain from criticizing or denigrating the court, opposing counsel, parties or witnesses, before their clients, the public or the media, as it brings dishonor to our profession." In furtherance of promoting professionalism, the Florida Supreme Court, in 2011, revised the Oath of Admission to The Florida Bar to include a pledge of "fairness, integrity, and civility" to the court and opponents "in all written and oral communications"

Before electronic mail and texts, all written communication in the legal world was by letter. The letter would be written on a yellow legal pad or dictated to an assistant. The letter would then be typed and reviewed by the writer. Often the communication would be revised multiple times prior to its mailing. This permitted the attorney to reflect on the language and tone of the communication.

Now with the advent of instant communication, attorneys respond quicker and sometimes with a brusqueness in tone

that is off putting to say the least. For example, I received the following short but not so sweet email from a fellow attorney:

YOU ARE NOT GETTING THE POINT. WHAT DON'T YOU UNDERSTAND?

Whether intentional or not, the implication of the statements along with the shouty capitals can be enough to escalate into a full-fledged email war. As a point of reference (for those older than 30), upon reading this email, I immediately thought of the SNL routine of Point/Counterpoint with Dan Akroyd and Jane Curtin – Jill, you ignorant.... While still seething, I drafted a quick response but instead of pushing send, I saved the email to my draft folder. A little while later, I returned to my response and reread what I had written. While I do not believe it was an unprofessional response, I knew that I could better. I revised my response. The email response that I sent highlighted that I did get "his point", I just did not agree with it. The final result was that the attorney and I were able to have a meaningful telephone conversation agreeing to disagree amicably.

There are a number of matters sent to the Professionalism Council due to communications that lack civility or are denigrating between attorneys. Quick trigger responses to these emails only serve to exacerbate the problem. We all need to draft our emails and texts with the same precision as we do with our longer, more formal communiques. Take the time to review your emails and responses. Do not hit reply without thinking about what you have written. Do not use all capital letters. Be civil. Treat other attorneys with the same respect you deserve. Make a resolution to be more professional in 2014.

Board Meeting Attendance

	August	September	October	November
Barnes	X	Phone	Phone	Phone
Huber	X	X	X	X
Kypreos	X	X	X	X
Mason	X	X	X	X
McElroy	X	X	X	X
Pressly	X	X	X	X
Rabin	X	X	X	X
Reagan	X	X	X	X
Stewart	X	X	X	X
Weiss	X	X	X	X
Whittles	X	X	X	X
Wyda	X	X	X	X
Xenick	X	X	X	X

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Palm Beach Gardens, Florida 33410

SOLO & SMALL FIRM PRACTITIONERS CLE & COCKTAIL MIXER

presented by the Solo & Small Firm Committee

Wednesday, January 8, 2014

4:00 p.m. to 6:00 p.m.

Abacoa Golf Club

105 Barbados Drive, Jupiter



Just Opened Your Own Practice And Have Questions?

Join us for this Solo & Small Firm Mixer including an open discussion on what has and what has not worked in starting and maintaining practices.

We'll talk about purchasing office supplies, latest computer and technology, malpractice and liability insurance.

Plus, one lucky member will win a Weekend Jag Drive courtesy of Alpine Jaguar!

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Take advantage of your early registration price of \$20.00. Price goes up by \$5.00 after 1-6-14.

HOW TO REGISTER



BY CHECK
Return this form



BY CREDIT CARD
For security purposes, you must register online at www.palmbeachbar.org

Name: _____

Telephone: _____ Email: _____

Address: _____

Young Lawyers November Happy Hour



Colleen Farnsworth, W Mason, Laura Zborowski, YLS President Julia Wyda and Reeva Oza pictured with Pampas Grille hostess



Santo DiGangi, Matt Ockrider, Ann Breeden and Christine Wang



Danielle Watson and Malik Leigh



Sarah Primrose, London Ott and Chief Bankruptcy Judge Paul Hyman

Young Lawyers Section Joint Happy Hour with South PBC Bar YLS

January 16, 2014 - 5:30 – 7:00 p.m.
Salt Seven in Delray Beach

Thank you to our sponsors:



YLS Sidebar Series

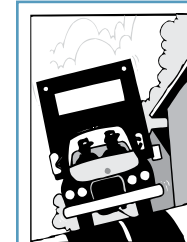
January 22 – 11:45 a.m. – 1:00 p.m.
Judge Meenu Sasser's Chambers

The Young Lawyers Section is pleased to present the first in a "Sidebar Series." Each event will explore a different subject with the first session providing young lawyers with the opportunity to participate in an in-depth examination of motions for summary judgment. Participating attorneys will be Joanne O'Connor, Sid Stubbs, Jessica Callow Mason and Laura Zbrowski. Attendance is limited and no walk-ins can be accommodated, so be sure to register today at palmbeachbar.org.

Upcoming CLE Seminars

Your CLE Committee Chairs have been very busy at work planning live CLE seminars for our membership for this year. For more information about these seminars, please visit the Bar's website: palmbeachbar.org

- January 10: Judicial Luncheon
- January 14: Personal Injury Law Seminar
- January 15: Criminal Law Luncheon Seminar
- January 17: Technology Seminar
- January 24: Criminal Law Seminar
- January 31: Appellate Law Seminar
- February 5: Judicial Luncheon
- February 10: ADR Seminar
- February 19: Criminal Law Luncheon Seminar
- February 24: Employment Law Seminar
- February 28: Workers' Comp Seminar
- March 14: Employment Law Seminar
- March 19: Criminal Law Luncheon Seminar
- March 21: Paralegal Seminar
- March 27: Criminal Law Seminar
- April 4: Family Law Seminar
- April 10: Elder Law Dinner Seminar
- April 11: Technology Seminar
- April 16: Criminal Law Luncheon Seminar
- April 17: Judicial Luncheon
- April 24: Securities Law Seminar
- May 2: Employment Law
- May 7: Estate and Probate Seminar
- May 14: Judicial Luncheon
- May 16: PI Seminar
- May 21: Employment Law Seminar
- June 6: Community Association Law Seminar
- June 20: Employment Law Seminar



Have you recently moved?
Be sure to send your updated address, phone and email info to sspence@palmbeachbar.org



The Continuing Evolution of Lien Stripping

by Jason S. Rigoli

Since May of 2012, lien stripping has been evolving in this circuit as result of the opinion issued

by the Eleventh Circuit in McNeal v. GMAC mortgage, LLC. This article provides a brief update on recent events and opinions rendered in this circuit that have occurred as a result of the still pending McNeal case

McNeal v. GMAC Mortgage, LLC

On May 11, 2012, the United States Court of Appeals for the Eleventh Circuit issued an opinion in McNeal v. GMAC Mortgage, LLC et al., Case No. 11-11352. The Eleventh Circuit held that the Supreme Court's opinion in Dewsnup v. Timm, 112 S. Ct. 773 (1992), was to be narrowly construed and Dewsnup did not abrogate Folendore v. United States Small Bus. Admin., 862 F.2d 1537 (11th Cir. 1989), as a number of lower courts in the circuit have held. McNeal held that "[u]nder our prior panel precedent rule, a later panel may depart from an earlier panel's decision only when the intervening Supreme Court decision is 'clearly on point.'" McNeal at *2. In Folendore, the Eleventh Circuit, interpreting 11 U.S.C. §§ 502 and 506, held that a Chapter 7 debtor could "strip off" a wholly unsecured junior lien. Id. Because Dewsnup dealt only with "stripping down" a partially secured mortgage it did not abrogate this circuit's earlier decision. Id. However, the McNeal, decision was not originally selected for publication, which under Eleventh Circuit Rule 36-2 means that the opinion was not binding, merely persuasive. (11th Cir. R. 36-2).

The May 11, 2012 opinion has created a flurry of events and opinions.. Appellee, GMAC Mortgage, filed a motion for rehearing *en banc*. The Eleventh Circuit granted the motion for rehearing, but has not yet heard argument of counsel.¹ The Appellant,

¹The delay is in-part due to the Appellee, GMAC Mortgage filing bankruptcy and the stay being entered.

Ms. McNeal, filed a motion requesting the Eleventh Circuit publish the opinion which was granted on August 2, 2013. Consequently, the McNeal opinion is now binding precedent in the Eleventh Circuit, and Chapter 7 debtors may "strip off" wholly unsecured junior liens under Folendore.

The issue of whether a Chapter 7 debtor may "strip off" a junior lien is not completely settled. The Appellee's motion for reconsideration *en banc* is still pending before the Eleventh Circuit, which could result in reversal of the current opinion that is now binding. All bankruptcy practitioners must remain vigilant as to state of law on this issue of "lien stripping" in Chapter 7.

In re Sain

An ancillary issue related to the lien stripping issue, is the effect of stripping off the junior lien held by a Homeowners' Association or Condominium Association (an "Association"). An issue raised before the Honorable Judge Laurel Isicoff, was the whether the stripping of a lien of an Association acquired pursuant to Florida Chapters 718 or 720, affected the Association's right to collect the unpaid balance for assessments, owed by the Debtor, from the successor owner of the property or first mortgagee. See, In re Sain, 2013 WL 5852496 (Bankr. S.D.Fla. 2013).

In a well-reasoned opinion, Judge Isicoff held that the Association's right to collect under Florida Chapter 718 or 720, from the successor owner or first mortgagee is not affected. A bankruptcy discharges a "debtor's *in personam*" liability on the debt. However, the liability of a successor owner or first mortgagee is an independent statutory liability and cannot be discharged through the bankruptcy of another. A bankruptcy "discharge of a debt of the debtor does not affect the liability of any other entity on, or the property of any other entity, for such debt." Id. at *3 (quoting 11 U.S.C. § 524(e)).

This opinion, while having minimal impact on debtor's counsel;

is especially important for practitioners that represent Homeowners' or Condominium Associations. In order for the Associations to make the best business decisions possible and protect their rights, they must be aware of the ramifications that this opinion might have when defending these actions in bankruptcy court.

This article submitted by Jason S. Rigoli, Furr and Cohen, P.A., One Boca Place, Suite 337W, 2255 Glades Road, Boca Raton, FL 33431, jrigoli@furrcohen.com



The Bar offers on-line traffic and parenting courses

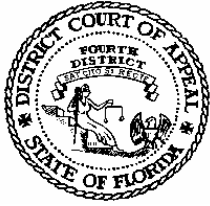
The Palm Beach County Bar Association continues to look for non-dues sources of revenue to assist in keeping the cost of Bar dues down. Accordingly, we offer online courses in Business & Personal Services and Traffic Safety such as:

- Basic Driver Improvement Course
- First Time Driver Course
- Mature Driver Course
- Florida Notary Service
- Florida Internet Parenting Course (approved course by the State of Florida)

These are all approved courses through the American Safety Council. The Palm Beach County Bar Association will receive a small stipend for each course that is taken through a link on our website. Please help us by remembering to refer your clients to this link if they are in need of taking any of these courses. For more information, visit www.palmbeachbar.org/online_courses.php

The Palm Beach County, South Palm Beach County and Broward County Bar Associations present:

Inside the Appellate Court: An Afternoon with the Judges of the Fourth DCA



Friday, January 31, 2014

11:00 a.m. - 6:00 p.m.

Boca Raton Country Club, 17751 Boca Club Blvd., Boca Raton, FL 33487

Program Schedule

- 11:00 am - 11:25 pm **Registration / Check-In**
- 11:25 am - 11:30 am **Welcome and Introductions** - Sue-Ellen Kenny, Esq., Law Office of Scott Glassman, P.A., Appellate Practice Committee Chairperson
- 11:30 am - 12:15 pm **Lunch with Keynote Speaker "Brief Writing for the Electronic Reader"** - Robert Dubose, Esq., Alexander Dubose & Townsend, LLP
- 12:15 pm - 12:25 pm **BREAK**
- 12:25 pm - 1:15 pm **"Scoring a Slam Dunk With an Appellate Panel" - Effective Oral Argument** - Honorable Robert M. Gross, Fourth District Court of Appeal
- 1:15 pm - 1:45 pm **Meet Your New Judges (moderated discussion)** - Honorable Judges Alan O. Forst, and Honorable Mark W. Klingensmith, Fourth District Court of Appeal
Moderated by: Chief Judge Dorian K. Damoorgian, Fourth District Court of Appeal; and Jack J. Aiello, Esq., Board Certified Appellate Practice Attorney, Gunster
- 1:45 pm - 2:15 pm **Legal Jeopardy** - Honorable Jonathan D. Gerber, Fourth District Court of Appeal
- 2:15 pm - 2:30 pm **BREAK**
- 2:30 pm - 3:15 pm **Daubert in Florida** - Speaker: Stephen E. Mahle, Esq.; Special Appearance by the Honorable Burton C. Conner, Fourth District Court of Appeal
Moderator: John J. Uustal, Esq., Board Certified Civil Trial Attorney, Kelley Uustal
- 3:15 pm - 4:15 pm **Moderated Panel Discussion** - Chief Judge Dorian K. Damoorgian, Honorable Judges Martha Warner, W. Matthew Stevenson, Robert M. Gross, Melanie G. May, Jonathan D. Gerber, Spencer D. Levine, Burton C. Conner, Carole Y. Taylor, Alan O. Forst and Mark W. Klingensmith, Fourth District Court of Appeal.
Moderated by: Jack J. Aiello, Esq., Board Certified Appellate Practice Attorney, Gunster
- 4:15 pm - 6:00 pm **Cocktail Reception / Welcome New Judges**

This course has been granted **5.0 CLER/**

2.5 Appellate Practice Certification credits from the Florida Bar

The cost of the seminar, lunch and reception is **\$135** if registered by **1/24/14**; **\$175** after that date;

Govt. attorneys & law clerks \$110.00 if registered by 1/24/14; \$135.00 after that date.

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

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25.

____ 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



BY CHECK
Return this form



BY CREDIT CARD
For security purposes, your must register online at www.palmbeachbar.org



Materials will now be emailed to all registrants prior to the seminar

Credit card registration payment not accepted by Fax to comply with PCI regulations

Name: _____

Telephone: _____

Address: _____

City/Zip _____

Email Address: _____

Please indicate if you will be attending the reception

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Appellate Seminar 1/31/14) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK ONLY**, WITH THIS FORM.

Palm Beach County Bar Association, 1507 Belvedere Rd., West Palm Beach, FL 33406



Probable Causation

By Ted Babbitt

I thank Rebecca Mercier-Vargas who was the appellate attorney who successfully obtained a reversal in the case of Friedrich v. Fetterman and Associates, P.A., 38 Fla. L. Weekly S768 (Oct. 24, 2013).

Gooding v. University Hospital Building, Inc., 445 So. 2d 1015 (Fla. 1984) established the causation test in a negligence action in Florida. There, the Supreme Court held that in order to be successful, the plaintiff must show that there is sufficient evidence that it is more likely than not that the negligence of a defendant caused plaintiff's injury. The issue of what kind of evidence is sufficient to support that conclusion was the subject of Friedrich, supra.

In that case, the plaintiff was in an automobile accident and sought the services of a personal injury firm. While sitting in a conference room chair in the attorney's office, the chair collapsed and plaintiff was seriously injured. Plaintiff alleged that he was a business invitee and that the law firm owed a duty of reasonable care to warn him of the chair's dangerous condition.

The evidence established the chair had been purchased years before and had been used daily without incident but that the law firm had not made any physical inspection of the chair. The experts for both sides agreed that the defect in the chair was a manufacturing defect which had been there since the chair was produced and that it was not visible to a visual inspection.

Plaintiff's expert testified that it was appropriate to do a "flex test" of the chairs every six months and that a hands on inspection of the chair in that manner would have found the weakness. The defendant's expert testified that that kind of inspection would reveal nothing and that the best test was daily use. The jury found for the plaintiff and a substantial judgment was awarded against the law firm.

The Fourth District reversed in Fetterman and Associates, P.A., v Friedrich, 69 So. 3d 965 (Fla. 4th DCA 2011). The Court relied for its reversal on the cross examination of plaintiff's expert in which he admitted that he had no opinion as to when exactly the failure of the chair would have been discoverable and that it could have been at any time prior to the accident. Thus, he testified that he had no time frame as to when the testing would have been effective.

The Supreme Court reversed the Fourth District and reinstated the verdict, finding that the Fourth District had impermissibly reweighed the evidence that was presented to the jury and that there was sufficient evidence to support the verdict. At Page 770, the Supreme Court held:

Here, the jury was presented with conflicting testimony as to whether the negligence probably caused the injury and whether the injury would not have occurred but for the negligence. Evidence was presented that could serve as a basis to support a finding that the defendant's negligence caused the injury, i.e., Friedrich's expert testified that a hands-on inspection should have revealed the defect.

Based on the conflicting testimony above, whether the weak joint in the chair would have been discovered if Fetterman had a procedure in place to inspect the chair was ultimately an issue to be determined by the jury. In this case, there is sufficient "proof that the negligence probably caused the plaintiff's injury," such that the trial court did not err in denying Fetterman's motion for a directed verdict. *Gooding, supra*, at 1018.

What is interesting about this opinion is that the cross examination of plaintiff's expert resulted in an admission that it was possible that an inspection, even if performed as plaintiff's expert thought was reasonable, might not have revealed the defect. Notwithstanding that testimony, the Supreme Court relied upon the expert's conclusion that it was probable that an inspection would have revealed the defect. The Supreme Court held, in essence, what Gooding, supra, requires is any admissible evidence that there is a probability that defendant's negligence caused plaintiff's injury. Once that testimony is admitted, even if its underpinnings are rendered suspect by an inability of the witness to establish within certainty that that probability would have occurred under the facts of the case, the assertion of the expert opinion that it is more likely than not that the negligent act caused the injury is sufficient to support a jury determination. While reasonable people could differ as to the sufficiency of the support for the expert's opinion, that is precisely why jury trials are utilized to make findings of fact and a directed verdict is prohibited under those circumstances.

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.

Mediation Services

Kent S. Pratt

Supreme Court Certified Circuit Mediator



- Florida Supreme Court Certified Circuit Mediator (2011-Present)
- Florida Bar Certified Civil Trial Lawyer (1986 – Present)
- AV Preeminent Rated
- J.D. Stetson University College of Law (1976)

Hourly Rates/Per Diem Rates Available on Request; No Administrative Fees. For Scheduling, contact Kelly Martyn.

Kent S. Pratt
Pratt & Radford, P.L.

340 Columbia Drive, Suite 111, West Palm Beach, FL 33409

Phone: (561) 640-0330/ Fax: (561) 471-4240

Email: KPratt@pratttradford.com

Kelly Martyn, Assistant: KMartyn@pratttradford.com

Website: www.PrattRadford.com

The Palm Beach County Bar Association's PI Wrongful Death CLE Committee Presents:



"TRIAL SKILLS: OPENING AND CLOSING"

Tuesday, January 14, 2014 - 11:45am - 2:00 p.m.
Bar Association Office, 1507 Belvedere Road, WPB, FL

Program Schedule

- 11:45 a.m. - 12:00 p.m. **Lunch / Late Registration and Check In**
- 12:00 p.m. - 12:05 p.m. **Welcome & Opening Remarks -**
Kelly Hyman, Esq., Searcy Denney Scarola Barnhart & Shipley, P.A.
- 12:05 p.m. - 2:00 p.m. **Trial Skills: Opening and Closing -**
William T. Abel, Esq., Board Certified Civil Trial Attorney, McLaughlin & Stern, LLP; and
Cory Saban, an EMMY-nominated and AP award-winning journalist, VP, Sales and Affiliates,
THELAW.TV

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This course is expected to receive **2.5 CLER** from The Florida Bar.


Early Registration cost is **\$60** for PBCBA members/paralegals; **\$100** for non-PBCBA members/paralegals if registered by **1/7/14**.
Add \$15 late fee 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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Using an iPad in Depositions

By **Christopher B. Hopkins**

At most depositions, shortly after the witness is sworn, the attending lawyers pull out iPads and smartphones. By that I mean every lawyer *except* the one asking questions. In classic form, the questioning-lawyer is typically armed with paper exhibits, a yellow pad, and the aging deposition skills handed down from mentor lawyers. The remaining lawyers at the table, meanwhile, are unrestrained by the scrutiny of senior partners or clients and resort to their devices to email, make travel arrangements, or adjust fantasy team rosters.

The tools needed are an iPad, a stylus, Skitch and Google Maps apps (both free), and your photographic images. Essentially, you will be *annotating*, or marking up, digital images which are typically in JPG or GIF formats. Simply stated, you will transfer your exhibits to your iPad, show them to the witness during the depo, annotate them during questioning, and email the final, marked-up exhibits to the court reporter and attending lawyers.

Practice Annotating Images

Download Skitch and Google Maps and let's practice annotations. Open Skitch and allow it access to your photos. Open Skitch's camera app by hitting the down arrow in the upper right corner. Now you have a camera with an arrow in the middle of the shot. Take a random picture. Hit "More Tools" at the top of the screen. Now your photo should fill the screen and there will be a vertical row of editing tools. That arrow should still be on the screen. Tap and hold the arrow and you can move it around; tap and hold the blue dots to rotate or re-size the arrow. Play with the arrow which you might use to emphasize aspects of a photo. To delete the arrow, tap it and hit delete at the bottom of the screen.

There are other tools to annotate your photo: text, shapes, freehand, buttons, and pixelate. To add text, tap "a." For example, press an empty area of your picture, hold, and type "Exhibit 1." The "a" button will return you to the palette. The square icon will allow you to draw lines, circles, ovals, and boxes. The magic marker on the palette is for freehand drawing. Likewise, play with the buttons and pixelate options to become comfortable with these annotation tools.

If you make mistakes, there is a "retake" button at the top left or you can use "undo" at the top of the page. Also important, you can use two fingers to zoom, for greater detail, before you annotate. When you are done, hit the box with up-arrow in the top right corner to "share" (email) the edited image.

Also, you can discard your changes by hitting "new" in the upper left corner. This returns you to the camera. Hit the up arrow in the lower right corner. This returns you to the main page. If you want to draw or annotate on a clean slate, hit the white box with the "+" symbol in the upper right corner.

Practice Annotating Maps

Let's assume that you need a map or a view from the street

in order to question your witness. Skitch has a basic map while Google Map can give you the Street View perspective.

On Sketch's main screen, hit the square with the inverted teardrop icon to open the map. Type in an address and zoom down to the level of detail you need and hit "snap" in the upper right corner. You have now captured the map image and can use the palette of tools discussed above. After annotating, hit "new" in upper left to discard or, to email it, tap the box with up-arrow in the right corner.

Google Maps, on the other hand, provides satellite photos as well as Street View (or "man on the street") perspectives. Open Google Maps, type in an address, and then hold your finger on the road in the location you want to use in depo. It will drop a red pin and a white box with the address will appear in the upper left corner. Take a screenshot (hit home and power button).

Now let's get a Street View. Tap on the white box with the address in the upper left corner. A new screen appears and hit "Street View." Find the perspective you want and take a screenshot. Finally, open Skitch. Tap "Photo Library" and you will find both Google Maps (aerial and Street View) pictures. Open each image and use the palette of tools discussed above.

Using Annotation At Deposition

Confirm that your deposition location has wifi and collect the court reporter's and lawyers' email addresses.

During questioning, show the deponent images on your iPad. Zoom and annotate as you wish. You might mark an overview image as one exhibit and then zoom or annotate a portion, take a new screenshot, and mark that as the next exhibit (so you have a succession of more detailed exhibits). Use the text editor to write the exhibit number on the image. Email the exhibits to the court reporter and lawyers as you proceed.

Consider the example of a deponent who has witnessed a car accident. Using Skitch or Google Maps, you can have the witness confirm the location of the accident from the aerial map. Mark and email that exhibit. Then zoom in and annotate buildings, cars, or other details. That's another exhibit. Then open Google Maps and, using Street View, have the witness show you his or her first person perspective of the accident. Take a screenshot, annotate, and mark/email your final exhibit.

Christopher B. Hopkins is a partner at Akerman LLP. Zoom in and annotate your comments to Christopher.Hopkins@Akerman.com.



TECHNOLOGY SEMINAR

"Visual Evidence/Trial on a Shoestring Using an iPad"

January 17 from 11:45 a.m. - 1:00 p.m.

Pre-registration required.

Thank you to our sponsor:





The Palm Beach County Bar Association's
Technology Practice Committee Presents:

"Visual Evidence/Trial on a Shoestring Using iPad"

Friday, January 17, 2014 - 11:45a.m. – 1:00p.m.
Bar Association Offices
1507 Belvedere Road, WPB, FL

Program Schedule

- 11:45 a.m. - 12:00 p.m. **Late Registration / Check In / Lunch**
- 12:00 p.m. - 12:05 p.m. **Welcome & Opening Remarks** - *Edwin M. Walker, III, Esq., Walker Law Firm, P.A. Committee Chair*
- 12:05 p.m. - 12:15 p.m. **Equipment and software needed to present visual evidence to the Jury without the need of support staff** -
Ryan J. Wynne, Esq., Slinkman & Slinkman, P.A.
- 12:15 p.m. - 12:20 p.m. **Downloading evidence to the iPad** -
Ryan J. Wynne, Esq., Slinkman & Slinkman, P.A.
- 12:20 p.m. - 12:45 p.m. **Presenting evidence to the Jury through the iPad including pictures, documents, google earth, having witness highlight, zoom in and out, and annotate evidence live for the jury while on the stand** -
Ryan J. Wynne, Esq., Slinkman & Slinkman, P.A.
- 12:45 p.m. - 1:00 p.m. **Open floor for question and answer session**

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This course has been granted 1.0 CLER from The Florida Bar.

The **early registration** cost of the seminar is **\$25.00 (includes lunch)** for PBCBA members/paralegals; **\$65.00** for non-PBCBA members/paralegals if registered by **1/10/14**; add \$15 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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Credit card registration payment not accepted by Fax to comply with PCI regulations.

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PROFESSIONALISM COUNCIL

Per Administrative Order No. 2.105/9-10, In Re: Fifteenth Circuit Professionalism Council, when an attorney appears before the Council because of conduct inconsistent with the Standards of Professional Courtesy or the Ideals and Goals of Professionalism, a summary of that meeting is to be published in the Bar Bulletin with the name(s) redacted.

Re: Fifteenth Judicial Circuit Professionalism Panel

Dear Attorney:

On August 26, 2013 the Fifteenth Circuit Professionalism Panel (“Panel”) considered a referral from a presiding judge (“Referral”) regarding your behavior in open court. You were present when the Panel met, together with your supervisors, to consider the Referral.

The allegations from the presiding Judge were as follows:

- a) Repeated interruption of a witness after being cautioned by the Court;
- b) Being argumentative with the Court;
- c) Failing to provide case law to opposing counsel until directed to do so by the Court;
- d) Citing events that did not occur during trial;
- e) Interrupting counsel;
- f) Failing to follow the Court’s standing order regarding speaking motions;
- g) Failing to obey a Court order to not proceed with further oral argument;
- h) Arguing with the Court after the Court made a ruling;
- i) Failing to look up from a computer screen when being addressed by the Court; and
- j) Failing to follow the Court’s verbal and written order to permit a witness to respond to questions before making an objection.

Recognizing an attorney has an obligation to represent the best interest of the client, and to act as a zealous advocate, and further to create a record for the purpose of an appeal, the transcript of the proceeding, as well as a review of the video recordings of the proceedings in question support the allegations set forth in the Referral. From a review of the transcripts and the videos in question, it appears the following violations of the Palm Beach County Standards of Professional Courtesy may have occurred:

First Violation:

You made an objection and the Court sustained the objection. Thereafter you made three objections in a row and the Judge ruled on at least two of the objections. The concern was not that the presiding Judge failed to rule on one of the objections, but that you interrupted the witness, contrary to the Court’s prior ruling.

You requested a Richardson Hearing in an argumentative manner. Although the Judge deferred ruling, you were persistent in asking the Judge for a ruling and an advisory opinion regarding the Richardson Hearing request. Once the Judge deferred his ruling, it was inappropriate to persist in

asking for a ruling. The Judge had no obligation to you or your client to explain the ruling.

Second Violation:

The Court admonished you for failing to provide the legal authority to the Court and opposing counsel. Aside from the Rules of Professional Conduct, it is a common courtesy to provide case law you intend to use to opposing counsel. It would fall below the Standard of Professional Courtesy to fail to provide the case law to the Court, either during the proceedings or in a supplemental memorandum.

While opposing counsel was making an argument, you interrupted to waive the issue of “public place.” A better approach would have been to wait until opposing counsel had finished the presentation.

You were looking up a case when the Judge was addressing you. Professional behavior would have been to stop what you were doing and to look at the Judge directly. This would have acknowledged that the Judge was speaking to you, would have been polite, professional and courteous. In part, the behavior displayed a lack of respect for the Court’s authority. Merely because you perceived the Judge was being unfair did not permit you to disregard the Judge’s authority.

Regarding the Court’s standing order regarding objections, once you were admonished by the Judge in the courtroom, you had an obligation to abide by the Judge’s ruling. You went on to argue with the Judge and made an improper objection and self-serving statement on the record.

Third Violation:

During another appearance, when you were addressed by the Court, the Judge paused to look directly at you; you again failed to look up from your computer and listen to the Judge. Further, after acknowledging the Court’s preference to permit a witness to respond to the questions before making a hearsay objection, you persisted in interrupting the witness; you then received a verbal admonishment by the Court.

Palm Beach County Standards of Professional Courtesy:

Palm Beach County Standards of Professional Courtesy, Section III (2) states that attorneys should be courteous and respectful and not rude or disruptive with the Court, opposing counsel, parties and witnesses.

Palm Beach County Standards of Professional Courtesy, Section III (4) states that an attorney should respect and abide by the spirit and letter of all rulings of the Court.

Palm Beach County Standards of Professional Courtesy, Section III (5) states in part that attorneys should endeavor to be knowledgeable about the local rules and each judge’s published or posted practices and procedures.

Palm Beach County Standards of Professional Courtesy, Section IV (2) states in part that an attorney must provide case law to opposing counsel by substantially the same method of delivery by which it was provided to the Court.

In the courtroom, the Judge has an obligation to control the witnesses, the presentations of attorneys and to assure the witnesses are not subjected to inappropriate behavior. If you were of the opinion that abiding by the Judge’s ruling would

Continued on page 10



What makes you volunteer?

Join our Lawyers for Literacy Committee and Read on Tape

By Judge Lucy Chernow Brown

My mother was an avid life-long reader who suffered loss of vision in her later years.

Volunteers who regularly went to her retirement home to read to the residents brought her great joy. This is what motivated me to volunteer as a reader with The Learning Ally. I always loved reading aloud to my daughters and granddaughters, so being a reader was appealing. Now, it adds a meaningful new dimension to my life to help visually impaired students experience their textbooks. As a judge, finding volunteer opportunities in the community is challenging. Being a volunteer reader/recorder is perfect for me. Join me and read on tape too! The Lawyers for Literacy Committee is planning an Open House at The Learning Ally on Thursday, March 6 from 6:00 p.m. to 8:00 p.m. and on Saturday, March 22 from 10:00 a.m. to Noon. Let us know you can make it by sending your RSVP to jmigdalmack@legalaidpbc.org If you'd like more information on volunteering for Learning Ally or obtaining audiobooks, contact the Boca Raton studio at (561) 297-4444.

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A VIEW FROM THE BENCH: PROFESSIONALISM FROM THE JUDGE'S PERSPECTIVE

Presented by the North County Section

Friday, February 7, 2014

11:45 a.m. to 1:15 p.m.

Palm Beach Gardens Marriott
4000 RCA Blvd.
Palm Beach Gardens

Attend this one hour CLE Luncheon and find out what Judges are saying about Civility and Professionalism; Standards of Professional Conduct; Scheduling and Discovery Issues; Disputes Between Parties and Conduct Toward Other Attorneys.

Bring questions as there will be time for Q and A.

As a bonus for attending, one lucky member will win a one night stay with breakfast for two at the Palm Beach Gardens Marriott!



Participating Judges include 4th DCA Judge
Jonathan Gerber, Circuit Court Judge Meenu Sasser and
Chief Bankruptcy Judge Paul Hyman

Lunch sponsored by



Fowler White Burnett
ATTORNEYS AT LAW

Wineman, Wienke & Associates

This course has been granted 1.0 general and 1.0 ethics credits from The Florida Bar. Early registration for NCS members is just \$25.00; attorneys who are not NCS members are welcome for \$35.00. Add \$5.00 if registered after 5:00 p.m. on 2.4.14

HOW TO REGISTER



BY CHECK
Return this form



BY CREDIT CARD
For security purposes, you must register online at www.palmbeachbar.org

Name: _____ Telephone # _____

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North County Section members, along with members of the judiciary, recently enjoyed cocktails, conversation and dinner at Brio's in Palm Beach Gardens. Join the Section for its next event on Thursday, January 23 at the Marriott on Singer Island and help us celebrate the New Year!



Judge Laura Johnson, Judge John Phillips and Magistrate Thomas Baker



David Prather and NCS President Elect Greg Yaffa



Jerry Beer, Stan Klett and NCS President Todd Stewart

Professionalism Council

Continued from page 8

not allow your client to obtain a fair and impartial trial or hearing, then you could have sought a recusal of the Judge prior to the proceeding.

Once you were directed by the Judge to allow the witness to provide uninterrupted testimony before making an objection, it was inappropriate for you to ignore the order of the Court and to further interrupt the witness. In a bench trial, there is an assumption that a judge will not consider excluded testimony in rendering an opinion. When you allowed the witness to complete the testimony, and then make an objection, the Judge granted some of your objections. In failing to comply with the court order, you appeared to agitate the Judge and potentially compromise the rights of your client, while subjecting yourself to potential sanctions.

A single action, or discrepancy, would have been excusable, but the entire body of activity over a short period of time displayed what appears to be a disregard for the Court's authority. Your presentation and demeanor in the courtroom were unacceptable.

An attorney must be able to balance the zealous advocacy for a client and the respect due to a judge. You have an obligation to act in a professional and respectful manner in the courtroom, regardless of who the presiding judge may be. In each of the above described circumstances, you could have abided by the prescribed courtroom conduct and still have provided effective counsel and preserved the record for appeal. Courtroom behavior must remain within the rules of procedure, with professionalism, and with appropriate demeanor.

The Panel would encourage you to familiarize yourself again with the Standards of Professional Courtesy, the Florida Rules of Court, and Chapter 4 of the Rules Regulating the Florida Bar. We trust that your experience in appearing before the Panel and discussing the behavior that resulted in this referral has been beneficial and will guide your future behavior in the courtroom.

Very truly yours,

Michael D. Mopsick, Co-Chair
*Palm Beach County Bar Association
 Professionalism Committee
 For the Fifteenth Judicial Circuit
 Professionalism Panel*

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“Strength in Diversity”

Gender Inequality: The Reward, The Fight and the Need For Your Involvement!

Submitted by Nicole Hessen



The promotion of gender equality in the workplace and in leadership has been consistently recognized as an issue by members of the legal community. As a result, a group of professional women gathered to start the Palm Beach County Chapter of FAWL. The list of women included, but definitely is not limited to, Justice Barbara Pariente, Honorable Rosemary Barkett, Honorable Kathleen Kroll, U.S. Representative Lois Frankel, Sara Blumberg and Magistrate Joy Shearer.

The first local Palm Beach County Chapter President of FAWL was Sara Blumberg in 1981. There have been many Palm Beach County Chapter Presidents of FAWL over the years including, Magistrate Joy Shearer, Honorable Lucy Brown, U.S. Representative Lois Frankel, Linda Cargill Smith, Cathy Chimera, Julie Littky Rubin, Ellen Malasky, Kathryn Bass, Ann Marie Rezzonico, Donna Greenspan, Joan McDermott, Claudia Hughes, Ann Carrion Pinson, The Honorable Lisa Small, Siobhan Shea, Michelle Suskauer, Cynthia Spall, Victoria Vilchez, Elisa Roy, Jill Weiss, Kimberly Rommel Enright, Jessica Callow Mason, Samantha Schosberg Feuer, Sarah Cortvriend, Leora Freire and Allison Lane. These leaders in our local community have assisted in continuing to make strides in the promotion of gender equality in the workplace. As a result, we have seen great change over the years. However, there is still need for change, and as the Palm Beach County Chapter of FAWL continues to grow its membership with both male and female attorneys, we continue the fight.

In an effort to honor law firms and professionals who have continued to make change in the promotion of gender equality two awards are handed out annually by the Palm Beach County Chapter of FAWL. The first award is the Annual Justice Barbara Pariente Award, which honors a member or organization who has demonstrated a commitment to promoting women in the legal community through innovation and leadership. This award was named in honor of Justice Barbara Pariente, who exemplifies these attributes. Past recipients of this award

include, but are not limited to, Justice Barbara Pariente in 2007; Patience Burns, Executive Director of the Palm Beach County Bar Association in 2008; The Honorable Kathleen Kroll in 2009; The Honorable Lisa Small 2010; The Honorable Lucy Brown in 2011; Jerry Beer in 2012 and Samantha Schosberg Feuer in 2013.

The second award distributed annually by the Palm Beach County Chapter of FAWL is the Family Friendly Firm Award. Each year, members nominate law firms whom they believe have a commitment to legal excellence while also offering a flexible work schedule for working parents. The Board of Directors and Committee Chairs submit a vote on the winner of the award each year. Past recipients of this prestigious award are Rosenthal, Levy & Simon in 2010; Carlton Fields in 2012 and Wender, Hedler & Hessen, P.A. in 2013.

Inequality still exists and is not limited to gender. As a result, the Palm Beach County Bar Association organized the Committee for Diversity

and Inclusion, which addresses all issues of inequality in leadership and advancement. The committee has grown over the years and has been responsible for the advancement of change in the community. This committee and the Palm Beach County Bar Association partner routinely with other Voluntary Bar Organizations including, the Palm Beach County Hispanic Bar Association, The Palm Beach County Chapter of FAWL and the F. Malcolm Cunningham Bar Association to be certain all issues of concern are addressed. Please do your part and join the Palm Beach County Bar Association’s Diversity and Inclusion Committee and/or one of the voluntary bar associations that continues to work tirelessly in making a difference for the leaders of the future.

Nicole Hessen is a partner at the law firm of Wender, Hedler & Hessen, P.A. Her practice is focused solely on representing people who have been injured on the job in workers’ compensation claims. She is the President-Elect of the PBC Chapter of FAWL and a Board member for the Palm Beach County Hispanic Bar Association.

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



"The Yin and Yang of Mediation: The Mediator and The Attorney"

Monday, February 10, 2014 - 8:00a.m. – 4:30p.m.
Bar Association Offices, 1507 Belvedere Rd., WPB 33406

Program Schedule

8:00a.m. – 8:30a.m. **Late Registration/Check In**
8:30a.m. – 8:40a.m. **Welcome & Opening Remarks** - *Amber E. B. McMichael, Esq., Clarfield, Okon, Salomone & Pincus, PL., Certified Circuit Civil, Appellate and Family Mediator, Committee Chair*

MEDIATOR SEMINAR:

8:40a.m. – 9:30a.m. **Cultural Diversity** - *George F. Knox, Jr., Esq., Certified Circuit Civil Mediator and Professor at FIU College of Law*
9:30a.m. – 10:20a.m. **Promoting Your Mediation Practice and Complying with the Rules**– *Cathleen A. Scott, Esq., Cathleen Scott & Associates P.A., Board Certified Labor and Employment Law Attorney*
10:20a.m. – 10:30a.m. **BREAK**
10:30a.m. – 11:20a.m. **Domestic Violence** - *Eunice I. Baros, Esq., Certified Circuit Civil Mediator*
11:20a.m. – 12:10p.m. **Mediator Practice Tips from the Attorney Point of View** -
Panel Moderated by Amber E. B. McMichael, Esq., Clarfield, Okon, Salomone & Pincus, PL

*****LUNCH SPONSORED BY: MATRIX MEDIATION, LLC*****

ATTORNEY SEMINAR:

12:10p.m. – 1:00p.m. **ADR Ethics: Recent Case Law & MEAC Update** - *W. Jay Hunston, Jr., Esq., W. Jay Hunston, Jr., P.A., Certified Circuit Civil and Family Mediator, Board Certified Civil Trial Lawyer Emeritus*
1:00p.m. – 1:50p.m. **What to Expect from your Mediator** - *Michael D. Mopsick, Esq., Shapiro Blasi Wasserman & Gora, P.A., Certified Circuit Civil Mediator*
1:50p.m. – 2:00p.m. **BREAK**
2:00p.m. - 2:50p.m. **When Should You Mediate?** - *William J. Cea, Esq., Becker & Poliakoff P.A., Certified Circuit Civil Mediator, Board Certified Construction Law Attorney*
2:50p.m. – 3:40p.m. **Preparing for Mediation and Tips for Session** - *Louis L. Williams, Esq., Matrix Mediation, LLC, Certified Circuit Civil Mediator*
3:40p.m. – 4:30p.m. **Closing the Deal—What Works & What Doesn't** - *Theodore A. Deckert, Esq., Theodore A. Deckert P.A., Certified Circuit Civil and Family Mediator*

This course has been granted **9.0 CLER including 1.0 Ethics credits/7.0 Civil Trial; 7.0 Labor and Employment; 7.0 Marital & Family Law** Certification credits by the Florida Bar.

Early registration cost is \$240 for PBCBA members/paralegals; \$280 for non-PBCBA members/paralegals if registered by 2/3/14; add \$25 late 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 9.0 CME hours; Diversity and Domestic Violence credits are pending. 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, 1507 Belvedere Road, West Palm Beach, FL 33406.

Welcome New Members!

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

Hope N. Baros: Nova Southeastern University, 2013; Office of the State Attorney, West Palm Beach.

Rachel Belcher: Emory University, 2013; Fifteenth Judicial Circuit, West Palm Beach.

Monica N. Betancourt: University of Chicago, 2013; Associate in Gilbert | Yarnell, Palm Beach Gardens.

Mark A. Bilawsky: Brooklyn Law School, 2013; Law Office of Mark A. Bilawsky, PA, Boynton Beach.

Lisa M. Boswell: Nova Southeastern University, 2013; Wellington.

Sue-An Caruso: Florida Registered Paralegal Membership, Richman Greer, West Palm Beach.

Domenic Joseph Celeste: Florida Coastal University, 2013; Associate in Celeste Law Firm, West Palm Beach.

Craig Distel: University of Miami, 2013; Associate with Cole, Scott & Kissane, P.A., West Palm Beach.

Eli DuBosar: Florida State University, 2013; U.S. Bankruptcy Court, West Palm Beach.

Kelly A. Gardner: Tulane University, 2013; Associate in Jones Foster Johnston & Stubbs, P.A., West Palm Beach.

Danielle F. Grundt: University of Florida, 2013; Office of the State Attorney, West Palm Beach.

Elaine A. Humphreys: Wake Forest College of Law, 1987; Solo Practitioner, Lake Worth.

Peter R. Hunt: St. Thomas University, 2013; Associate in LaBovick Law Group, West Palm Beach

Scott I. Ismach: Florida International University College of Law, 2013; Parkland.

Gabrielle N. Jackson: Wake Forest College of Law, 2013; Fifteenth Judicial Circuit, West Palm Beach.

Adam H. Jacobson: Law Student Membership; University of Florida, West Palm Beach.

Brad Thomas Jankowski: Seton Hall University, 2006; Associate in the Law Office of Jack B. Owen, Jr., P.A., Palm Beach Gardens.

George D. Karibjanian: Notre Dame University, 1987; Associate in Proskauer Rose LLP, Boca Raton.

Adam Seth Kramarow: Florida State University, 2013; Associate in Gunster, Yoakley, & Stewart, P.A., West Palm Beach.

Rachel Holladay LeBlanc: University of Memphis, 2005; Partner in Shutts & Bowen, LLP, Ft. Lauderdale.

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South County Supporters of Legal Aid Host First Annual Brooks Brothers Event

In November, 100 friends and supporters of the Legal Aid Society of Palm Beach County mingled, partied and shopped at Brooks Brothers at the Town Center Mall. This was the inaugural event for Legal Aid and Brooks Brothers in Boca Raton and was hosted by Patricia Alexander, Richard Benrubi, Robin Bresky, Charles Cohen, Lloyd Comiter, Howard Dubosar, Stacey Dubosar, Lisa Glass, Leorah Greenman, Jeffrey Grubman, Meryl Haber, Denise Isaacs, Lisa Lullove, Seth Marmor, Michael Mopsick, Andrea Reid, Alan Rosenthal, Matthew Sackel, Christopher Sajdera, Tammy Saltzman, Audrey Schneiderman, Greg Shavitz, Robert Sheres, Taryn Sinatra, Pamela Stern, Andrew Thomson, Laurie Thompson, Matthew Triggs, Jeffrey Wasserman, Robert Weingard, Julia Wyda and David Zappitell.



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Photos taken by Tracey Benson



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

Representing Public Employers

WEBINAR ONLY

February 24, 2014 - 11:55 a.m. - 1:15 p.m.

Program Schedule

- 11:55 am - 12:00 pm **Welcome** - *Cathleen Scott, Esq., Cathleen Scott & Associates, P.A., Board Certified Labor and Employment Law Attorney, Employment and Labor Law CLE Committee Chair*
- 12:00 pm - 1:15pm **Presenters:** *Glen J. Torcivia, Esq., and Lara D. Donlon, Esq., Law Office of Glen J. Torcivia and Associates, P.A.*

This webinar provides practical tips and information on common issues that arise in representing public employers including: presenting to governing board, public record requests, ethical issues, and related matters.

Please e-mail your questions to: cscott@floridalaborlawyer.com

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- **November 5, 2013** - "The Patient Protection and Affordable Care Act, What You and Your Clients Need to Know about "Obama Care" Presented by: *Joseph G. Santoro, Esq., Tanya M. Reed, Esq., and Steven D. Muscatello, Esq., Gunster, West Palm Beach, FL*
- **February 24, 2014** - "Representing Public Employers" Presented by: *Glen J. Torcivia, Esq., and Lara D. Donlon, Esq., Torcivia and Associates, P.A., West Palm Beach, FL*
- **March 14, 2014** - "Employment Arbitration" Presented by: *Matthew N. Thibaut, Esq., Ciklin Lubitz Martens & O'Connell, West Palm Beach, FL*
- **May 21, 2014** - "Restrictive Covenants. I'm Leaving My Job, Can I Compete? What Information Can I Use? Who's Coming With Me?" Presented by: *Daniel R. Levine, Esq., Bennardo Levine, LLP; and Joseph Curley, Esq., Gunster, West Palm Beach, FL*

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Civil: To Be or Not To Be

By Alicia M. Phidd

The standards of the legal profession were built on moral and ethical behavior, pursuit of justice and representing your clients' interest with the understanding that you would be civil to all parties concerned. Now, herein lies the problem, "...the understanding that you would be civil to all parties concerned." It was taken for granted for decades that once you take the oath of admission to the bar, you would automatically know how to behave.

The legal profession has struggled with its image to outsiders for centuries. In 1996, A Sun Sentinel newspaper article titled Florida Lawyers Want Better Image stated that lawyers were "frustrated with their image as money grubbing mercenaries." While we may still need to fight that image in 2013, the profession noticed a greater issue brewing which was how we treated each other behind closed doors, mainly the litigation door.

The Supreme Court of Florida realized in 2011, that voluntary civility was becoming a challenge to some attorneys and now the verbiage "***To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications;***" is a part of the oath of admission to The Florida Bar.

The Supreme Court's action is a step in the right direction that will hopefully normalize the expected behavior throughout the twenty judicial circuits. For now, it appears some jurisdictions may appear less civil than others. I interviewed several attorneys on the subject of civility. One seasoned attorney who practiced civil litigation and criminal law in Central and West Florida felt for the most part all attorneys are courteous. When asked to compare West Florida to South Florida, he felt in Tampa the attorneys "are more willing to share information in discovery." As for South Florida, he felt that "you are more likely to be ambushed." He went on to state that while attorneys in South Florida may be more "cunning" and "less civil" than in other jurisdictions he finds them to be ethical. This led me to pry into his interpretation of the word "professionalism" and, sure enough, it is interchanged with ethics.

I interviewed a female attorney based out of Broward County, also a seasoned attorney. She has experience practicing in Florida and New York, in federal and state courts. Her take is that it simply comes down to the individual. She found that different practice areas lend themselves to different professional behavior which may be part of the litigation process. This behavior is along the spectrum from small firms to big firms. She found in her general practice, which also includes business law; some big firms will reach out to find "common points to settle a case." On the other hand, she finds some big firms want to "pile it on" and just litigate and this behavior she believes generates lack of civility among the lawyers.

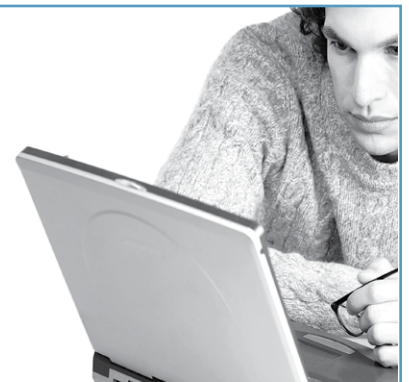
Civil versus uncivil behavior among lawyers, however, cannot be judged by locality or jurisdiction. There are

individuals "who are good to work with and others who are far more difficult."

My interviews were by no means scientific but I believe they shed some light for us to move forward. Here are three suggestions for you to ponder. The first is to have every attorney electronically sign that they have received and read the Ideals and Goals of Professionalism. The second is to have the current Palm Beach County Bar Association's *Professionalism Enhancement* presentation shown to every attorney within Florida's borders. The third is to encourage citation to the Ideals and Goals of Professionalism when seeking Court intervention due to uncivil behavior in the litigation process.

This article submitted by Alicia M. Phidd of the Professionalism Committee. Alicia is a corporate lawyer and commercial litigator. She may be reached at info@aliciaphidd.com.

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Circuit Court Report CIVIL DIVISIONS • As of November 18, 2013

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
AA BLANC	04-14	04-14	01-14	1227
AB GILLEN	04-14	04-14	12-13	1309
AD G. KEYSER	04-14	04-14	01-14	1388
AE FINE	04-14	04-14	01-14	1448
AF J. KEYSER	05-14	05-14	11-13	1218
AG CROW	05-14	03-14	12-13	1309
AH BROWN	04-14	04-14	01-14	1240
AI SASSER	02-14	01-14	11-13	1079
AJ J. MARX	03-14	03-14	01-14	1077
AN COX	06-14	06-14	02-14	1457
AO BRUNSON	03-14	02-14	12-13	1388



By Manuel Farach

Higgins v. Timber Springs Homeowners Ass'n, Inc., – So.3d –, 2013 WL 5849282 (Fla. 5th DCA 2013).

The Servicemembers' Civil Relief Act is to be liberally construed, and a court may, on its own volition, order a stay despite the servicemember not strictly complying with the Act.

Nationwide Mut. Fire Ins. Co. v. Advanced Cooling and Heating, Inc., – So.3d –, 2013 WL 5807880 (Fla. 4th DCA 2013).

"Property damage" as defined in a post 1986 standard CGL form only covers proper other than the property being repaired; defective work is not a property damage claim.

Golden v. Jones, – So.3d –, 2013 WL 5810360 (Fla. 4th DCA 2013).

A guardianship's statement of claim is governed by the two year statute of limitations.

Merriman Investments, LLC v. Ujowundu, – So.3d –, 2013 WL 5813970 (Fla. 3d DCA 2013).

Whether a garnishee has given her wages to a religious order as part of an agency agreement or merely to avoid having wages garnished is a factual question determined by a party showing (1) acknowledgement by principal that agent will act for him, (2) the agent's acceptance of undertaking, and (3) control by the principal over actions of the agent.

Beyer v. City of Marathon, – So.3d –, 2013 WL 5927690 (Fla. 3d DCA 2013).

A subjective expectation that land can be developed into a more intensive use does not constitute a taking when there remains investment back expectations; the granting of Residential Rate of Growth Ordinance (ROGO) points and current recreational uses reflect that an "as applied" taking has not occurred.

Browning v. Poirier, – So.3d –, 2013 WL 5950842 (Fla. 5th DCA 2013) (en banc).

The Fifth District, sitting en banc, partially reverses its earlier decision and holds that an oral agreement to share lottery proceeds is not barred under a theory unjust enrichment but is barred by the Statute of Frauds since the parties contemplated their personal relationship (and corresponding lottery ticket purchases) would last more than one year.

Ripps v. City of Coconut Creek, – So.3d –, 2013 WL 5925093 (Fla. 4th DCA 2013).

Fla. Stat. § 380.06 (19) allows changes be made to a Development of Regional Impact (DRI) without requiring new D.R.I. review unless the changes constitute a "substantial deviation." The proposed change on appeal is not a "substantial deviation," and therefore the proposed change is not a departure from law remediable by certiorari.

Illinois Union Ins. Co. v. Co-Free, Inc., – So.3d –, 2013 WL 5932244 (Fla. 1st DCA 2013).

Manrique v. Fabbri, 493 So.2d 437 (Fla. 1986), holds that forum selection clauses should be enforced unless the clause

is the result of unequal bargaining power, contravenes strong public policy, and transfers a local dispute into a foreign forum.

King v. U.S. Bank, Nat. Ass'n, – So.3d –, 2013 WL 5941553 (Fla. 1st DCA 2013).

A final judgment of foreclosure must contain a final money amount to be paid, otherwise judicial labor is not complete on the case.

Norberto Sanchez v. Renda Broadcasting Corporation, – So.3d –, 2013 WL 6030085 (Fla. 5th DCA 2013).

Proceedings supplementary may be used to pierce the corporate veil without first alleging fraud.

Talton v. CU Members Mortg., – So.3d –, 2013 WL 5988967 (Fla. 4th DCA 2013).

If allegations of motion to quash service entitle movant to relief if deemed true, then court must conduct evidentiary hearing on the motion.

Popescu v. Laguna Master Ass'n, Inc., – So.3d –, 2013 WL 5988984 (Fla. 4th DCA 2013).

Orders on motions to vacate foreclosure sales are "final orders" separate from the foreclosure judgment itself, and as a result, motions for rehearing lie for orders denying motions to vacate foreclosure sales.

Rocca v. Rones, – So.3d –, 2013 WL 5989826 (Fla. 3d DCA 2013).

Florida Rule of Civil Procedure 1.280(b)(5)(B) protects from disclosure an expert who is initially disclosed as a testifying expert but is later withdrawn from testifying.

Manuel Farach is Of Counsel to Richman Greer, P.A. in West Palm Beach and practices in the areas of Real Estate, Business Litigation and Appellate Law. Request the Weekly Update by sending an email to mfarach@richmangreer.com and writing "Request Update" in the subject line.

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Jurisdiction Over Fiduciaries And Beneficiaries In Trusts And Estates



By: David M. Garten

TRUSTS

§ 736.0202.

Jurisdiction over trustee and beneficiary

(1) In rem jurisdiction. – Any

beneficiary of a trust having its principal place of administration in this state is subject to the jurisdiction of the courts of this state to the extent of the beneficiary's interest in the trust.

(2) Personal jurisdiction.

(a) Any trustee, trust beneficiary, or other person, whether or not a citizen or resident of this state, who personally or through an agent does any of the following acts related to a trust, submits to the jurisdiction of the courts of this state involving that trust:

1. Accepts trusteeship of a trust having its principal place of administration in this state at the time of acceptance.
2. Moves the principal place of administration of a trust to this state.
3. Serves as trustee of a trust created by a settlor who was a resident of this state at the time of creation of the trust or serves as trustee of a trust having its principal place of administration in this state.
4. Accepts or exercises a delegation of powers or duties from the trustee of a trust having its principal place of administration in this state.
5. Commits a breach of trust in this state, or commits a breach of trust with respect to a trust having its principal place of administration in this state at the time of the breach.
6. Accepts compensation from a trust having its principal place of administration in this state.
7. Performs any act or service for a trust having its principal place of administration in this state.
8. Accepts a distribution from a trust having its principal place of administration in this state with respect to any matter involving the distribution.

(b) A court of this state may exercise personal jurisdiction over a trustee, trust beneficiary, or other person, whether found within or outside the state, to the maximum extent permitted by the State Constitution or the Federal Constitution.

S. 2, ch. 2006-217, eff. July 1, 2007;

s. 10, ch. 2013-172, eff. Oct. 1, 2013.

Effective Date: Although this statute went into effect on October 1, 2013, §736.1303(1)(b) reads: "This code [Ch. 736] applies to all judicial proceedings concerning trusts commenced on or after such date [July 1, 2007]."

ESTATES

Personal Representative: In personam jurisdiction over the personal representative is acquired by the filing of the petition for administration and is for all purposes related to the administration, including surcharge. *See, Payette v. Clark*, 559 So.2d 630 (Fla. 2d DCA 1990). Once personal jurisdiction is gained over the personal representative, that jurisdiction is persistent and pervasive. For example, in *Levey v. Adams*, 609 So.2d 163 (Fla. 4th DCA 1992), the court held that a nonresident personal representative had submitted himself to personal jurisdiction in the Florida courts for an alleged breach of contract with his lawyers by serving as personal representative of a Florida estate and retaining and agreeing to pay attorneys for their representation. Additionally, in *Laushway v. Onofrio*, 670 So.2d 1135 (Fla. 5th DCA 1996), the court

found the former personal representative guilty of undue influence and rejected a challenge to its jurisdiction to order to account for property given to him by the decedent before the decedent's death. The court held that "the trial court had the authority to continue jurisdiction over Mr. Laushway and any property in his possession to which the estate has a claim, including inter vivos gifts which the court considered procured by undue influence."

In Rem Jurisdiction - Probate proceedings are in rem proceedings. *See*, §731.105, F.S. The court, therefore, has jurisdiction over the res (the assets of the decedent's estate) without the necessity of original process. *See, Klem v. Espejo-Norton*, 983 So. 2d 1235 (Fla. 3rd DCA 2008). However, Constitutional due process requires that notice of the proceedings be given to interested persons to bind their interests in the estate. In a probate proceeding, formal notice is sufficient to acquire jurisdiction over the person receiving formal notice to the extent of the person's interest in the estate or in the decedent's protected homestead." *See*, §731.301(2), F.S.

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Tuesday, February 25, 2014 - 11:45a.m. - 2:00p.m.

Bar Offices - 1507 Belvedere Rd., WPB

Program Schedule



- 11:45am - 12:00pm **Check In / Late Registration**
- 12:00pm - 12:25pm **Buffet Lunch**
- 12:25pm - 12:30pm **Welcome - Opening Remarks** - *Brian K. McMahon, Esq.,
Brian K. McMahon, P.A., Bankruptcy CLE Committee Chair*
- 12:30pm - 2:00pm **Hot Topics in Consumer Bankruptcy Law** -
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The entrance to the Bar Office is paved with engraved bricks, which are seen by hundreds of attorneys and judges who visit our building for meetings and seminars on a weekly basis. The bricks are personally engraved in a variety of ways. Some include law firm names, others are engraved with the names of children and spouses and some were purchased in memory of loved ones. If you haven’t already purchased a brick, please do so! Your brick will be placed along the walkway for the life of our building. Bricks are sold in two sizes, 4” x 4” for \$1,000.00 and 8” x 8” for \$2,500.00. To purchase your signage, or for further details, call Lynne at 687-2800.

ATTORNEY OFFICES: Beautifully decorated just renovated large offices with use of two very large conference rooms, video conferencing equipped, IP phones (keep your phone number), receptionist, high speed printer/copier/scanner, parking in Barristers Building in West Palm Beach. New owner. Relaxed professional atmosphere. Available December 2013. Richard Zaretsky (561) 689-6660.

PROFESSIONAL OFFICE SPACE

AVAILABLE: Located in Boca Raton, space for lease in a Class “A” professional office building. Convenient to I-95, the Tri-Rail Station and the Florida Turnpike. Up to 6,000 sq. ft. and can be divided into smaller spaces, if needed. Very competitive rates. Contact Gary Lesser (561) 367-7799 or glessler@lesserlawfirm.com.

BOCA RATON LAW FIRM: Class A building sublease of one or more fully furnished windowed offices. Parking is included. Small kitchen and conference room use available. Secretarial cubicle use may be included. Rent negotiable. Must install own telephone line and internet. Please call Kristin (561) 999-9925.

HEARSAY

Darren Leiser has joined Jeck, Harris, Raynor & Jones as an Associate in the firm’s Northern Palm Beach County office.

Squire Sanders is pleased to announce Partner **Patricia E. Lowry** has been named Vice Chair of the American College of Trial Lawyers’ Florida State Committee.

Jones, Foster, Johnston & Stubbs, P.A. announces that **Kelly A. Gardner** and **Nicole P. Kunch** have joined the firm as Associate Attorneys.

The Palm Beach County Bar Association's Workers' Compensation Committee Presents:



"NOT JUST COMP"

Friday, February 28, 2014

11:15am - 6:00pm

Bar Association Offices 1507 Belvedere Road, WPB, FL 33406

Program Schedule

- 11:15a.m. - 11:30a.m. **Late Registration / Check In / Welcome & Opening Remarks - Kurt A. Wyland, Esq., Wyland & Tadros, LLP, Chair of the Workers' Compensation Committee**
- 11:30a.m. - 12:15p.m. **PRP Injections - Lawrence Gorfine, M.D., Palm Beach Spine & Diagnostic Institute**
- 12:15p.m. - 12:45p.m. **LUNCH**
- 12:45p.m. - 1:30p.m. **WC Immunity, Spoliation and Election of Remedies - David C. Prather, Esq., Board Certified Civil Trial Attorney, Clark, Fountain, LaVista, Prather, Keen & Littky-Rubin, and David S. Tadros, Esq., Wyland & Tadros, LLP**
- 1:30p.m. - 2:15p.m. **Social Security and Work Comp Interplay - Jeffrey Friedman, Esq., Bilotta, Friedman and Davis, and Joy Greyer, Esq., Rosenthal, Levy, Simon and Ryles**
- 2:15p.m. - 3:00p.m. **How to Interpret MRIs - Bruce A. Rodan, M.D.**
- 3:00p.m. - 3:15p.m. **BREAK**
- 3:15p.m. - 4:00p.m. **Employment Issues in Worker's Compensation Cases Dealing With the FMLA, ADA and FCRA - Louis P. Pfeffer, Esq., Louis P. Pfeffer, P.A., and Christopher C. Copeland, Esq.**
- 4:00p.m. - 4:45p.m. **Q & A Session and Comments from the Bench with Palm Beach County, Martin County, St. Lucie County and Indian River County Judges of Compensation Claims - Judge Timothy Basquill, Judge Mary D'Ambrosio, Judge Shelley Punancy and Judge Robert McAliley**
- 4:45p.m. - 6:00p.m. **Cocktail Reception and Presentation of the Kennie Edwards Award**

This course is expected to receive **5.5 CLER / Worker's Compensation Certification credits are pending from the Florida Bar.**

The cost of the seminar, lunch included, is **\$135.00 PBCBA Attorneys/Paralegals; \$175.00 Non-PBCBA Attorneys/Paralegals** if registered by **2/21/14**; add **\$15** late fee after that date.

All refund requests must be made in writing 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.

PAYMENT OPTIONS:



If paying by credit card, please go to our secure website to register: www.palmbeachbar.org



Materials will now be emailed to all registrants prior to the seminar



If you can't leave your office, you can attend this via live webinar by registering here <http://www.palmbeachbar.org/>. PLEASE NOTE: If you register for the webinar, you cannot attend the live version.



If paying by check, please send payment, along with this form, to the Bar office.

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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Worker's Comp. 2/28/14) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK ONLY**, WITH THIS FORM.

Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406



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

CALENDAR

January 2014

<p>Tuesday, January 7, Noon – 1PM Worker’s Comp. Committee Mtg. PBCBA Office</p> <p>Tuesday, January 7, 6pm -7pm Law Related Education – Raising the Bar on Civics Education Lantana Road Library</p> <p>Wednesday, January 8, 4pm -6pm Solo CLE & Happy Hour Abacoa Golf Club</p> <p>Thursday, January 9, Noon – 1:30pm NCS Board Meeting Duffy’s North Palm Beach</p> <p>Thursday, January 9, Noon – 1pm South County FAWL Luncheon La Cigale, Delray Beach, FL</p> <p>Thursday, January 9, 5:30pm – 7pm PBC FAWL Networking Reception Cabana’s</p> <p>Friday, January 10, 8:30am – 9:30am ADR Committee Meeting PBCBA Office</p> <p>Friday, January 10, 11:45am – 1pm Judicial Luncheon Main Cafeteria, north end of cafeteria</p> <p>Friday, January 10, Noon – 1pm Federal Bar Meeting The Colony Hotel</p>	<p>Tuesday, January 14, 11:30am – 2pm PI Wrongful Death CLE Lunch Seminar PBCBA Office</p> <p>Tuesday, January 14, Noon – 1pm YLS Board Meeting PBCBA Office</p> <p>Wednesday, January 15, 11:30am – 1pm Criminal Law Practice Judicial Luncheon Main Courthouse, north end of cafeteria</p> <p>Wednesday, January 15, Noon – 1pm Professionalism Committee Mtg. PBCBA Office classroom</p> <p>Wednesday, January 15, 5:30pm – 7pm Transaction Law Committee Reception 264 The Grille, Palm Beach</p> <p>Thursday, January 16, Noon – 1pm Bench Bar Conference Comm. Mtg. PBCBA Office</p> <p>Thursday, January 16, 5:30pm – 7pm YLS Joint Happy Hour with South PBC YLS Salt 7 in Delray Beach</p> <p>Friday, January 17, 11:45am – 1:30pm Technology Committee Seminar PBCBA Office</p>	<p>Friday, January 17, Noon – 1pm Cunningham Bar Association Mtg. Law Library Conference Room</p> <p>Monday, January 20 Court Holiday – MLK, Jr. Day Bar Office closed</p> <p>Tuesday, January 21, Noon – 1pm CDI Committee Meeting PBCBA Office</p> <p>Tuesday, January 21, 5:30pm – 6:30pm American Inns of Court Meetings JCR, Main Courthouse</p> <p>Wednesday, January 22, 11:30am – 1pm YLS Sidebar Series Lunch/Seminar Chambers of Judge Meenu Sasser</p> <p>Wednesday, January 22, Noon – 1pm Law Related Education Comm. Mtg. PBCBA Office</p> <p>Wednesday, January 22, 5pm – 6:30pm PBCBA Board of Directors Mtg. PBCBA Office</p> <p>Thursday, January 23 – 24 TFB Midyear Meeting Hilton at Disney World, Orlando</p> <p>Thursday, January 23, 11:45am – 1pm PBC FAWL Luncheon West Palm Beach Marriott</p>	<p>Thursday, January 23, 5:30pm – 7pm NCS Happy Hour Singer Island Marriott</p> <p>Friday, January 24, Noon – 1pm PI Wrongful Death CLE Comm. Mtg. PBCBA Office</p> <p>Tuesday, January 28, 11:45am – 1pm Membership Luncheon Marriott WPB</p> <p>Wednesday, January 29 – February 1 The Florida Bar Board of Governors Meeting Tallahassee</p> <p>Wednesday, January 29, 10am – 11:30am New Attorney Seminar PBCBA Office</p> <p>Wednesday, January 29, 6:30pm – 8pm Small Claims Clinic WPB Public Library</p> <p>Thursday, January 30, Noon – 1pm Circuit Civil Committee Meeting JCR, Main Courthouse</p> <p>Friday, January 31, 11am – 6pm Appellate Seminar Boca Country Club</p>
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The Palm Beach County Bar Association (PBCBA) offers CLE hours from the sale of audio CD's recorded at previously held live seminars of the Association. We also have copies of audio CD's of live seminars from the Orange Co. Bar Assoc. (OCBA), Clearwater Bar Assoc.(CBA), Hillsborough Co. Bar Assoc.(HCBA), and the Dade Co. Bar Assoc.(DCBA). Members and non-members alike can benefit from this simple way of acquiring CLE and Ethics hours. To order, place an "x" next to the tapes you would like to order, complete this form and return to the Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406. **To order with credit card, please place your order online at <http://www.palmbeachbar.org/continuing.php> PLEASE WATCH EXPIRATION DATES.** we attempt to remove expired CD's but due to the distribution of this list occasionally courses will appear even though they have expired.

CLE content is now available to purchase to download either to your computer or your iPod

✓	Sponsor	Course Title	Credit Gen'l	Ethics Hours	PBCBA Member	Non Member	Expires
	PBCBA	The Nuts and Bolts of Heart & Lung+++3.5 Wkrs Comp. Cert.	3.5		\$35	\$75	01/13/14
	OCBA	Basic Asset Protection+++1.0 Bus Lit; 1.0 Wills, Trusts; 1.0 R/E Cert.	1.0		\$25	\$65	01/17/14
	OCBA	Ethical Issues in Electronic Filing & Electronic Service	1.0	1.0	\$40	\$80	03/10/14
	PBCBA	Perspectives from New Chapter 7 Trustees+++1.5 Bus Lit.Cert.	2.0		\$50	\$90	04/03/14
	OCBA	Forensic Examination of Ins. Policies Part 1	1.0	1.0	\$40	\$80	04/17/14
	PBCBA	Diversity 2.0 Prologue (Employ)+++2.5 Labor & Employ Cert.	3.5	1.0	\$100	\$140	04/19/14
	PBCBA	VIDEO (DVD) Diversity Luncheon "Women in Law"	1.5		\$40	\$55	04/19/14
	OCBA	Dynamics of Domestic Violence & Its Relation to Child Custody+++1.0 Marital & Family Law Cert.	1.0		\$25	\$65	04/19/14
	PBCBA	Family Law Case From Intake to Outcome+++7.0 Marital Fam Law Cert.	9.0	1.0	\$210	\$240	04/26/14
	PBCBA	VIDEO (DVD) Family Law Case From Intake to Outcome +++7.0 Marital Fam Law Cert.	9.0	1.0	\$210	\$240	04/26/14
	OCBA	Practical Pointers for Drafting Powers of Atty New Statute +++1.0 Elder Law; 1.0 Wills, Trust, Estates Cert.	1.0		\$25	\$65	05/05/14
	PBCBA	How to Effectively Use Tech in Your Practice	3.5		\$75	\$115	05/08/14
	PBCBA	30 th Ann'l Estate & Probate Seminar+++4.0 Elder Law/4.0 Wills, Trusts Cert.	5.0		\$125	\$165	05/14/14
	PBCBA	Nuts and Bolts of Bankruptcy	3.5	1.0	\$100	\$140	06/05/14
	PBCBA	Ethically Speaking 15 th Elder Law+++1.5 Civil/4.5 Elder/1.0 Tax Cert.	6.0	3.0	\$185	\$225	06/14/14
	OCBA	Forensic Examination Of Ins. Policies Part II	1.0	1.0	\$40	\$80	06/19/14
	OCBA	Common Issues in Litigation of IP Disputes-Middle District of FL +++1.0 Bus Lit; 1.0 Intel Prop. Law Cert.	1.0		\$25	\$65	07/08/14
	PBCBA	Use of Social Media in Litigation+++1.0 Civil Trial Cert. (Tech)	1.0		\$25	\$65	07/11/14
	OCBA	How to Predict Your Mediation Outcome +++1.0 Civil Trial Cert.	1.0		\$25	\$65	07/15/14
	PBCBA	Ethics , Advertising & Marketing	1.0	1.0	\$35	\$75	07/15/14
	PBCBA	Jury Selection in Civil Cases+++1.0 Civil Trial Cert.	1.0		\$25	\$65	07/16/14
	OCBA	Drug Testing in Family Law Cases+++1.0 Marital Fam Law Cert.	1.0		\$25	\$65	07/18/14
	PBCBA	Here Today. More Tomorrow. +++1.0 Labor & Employment Cert.	1.0		\$25	\$65	07/18/14
	HCBA	Preparing Your Family Law Case for Trial+++3.5 Marital Family Law Cert.	4.5	1.0	\$125	\$165	07/23/14
	PBCBA	Closing R/E Transactions in Year 2013 – From Start to Finish +++4.0 R/E Cert. credits	4.0	2.5	\$135	\$175	07/25/14
	PBCBA	First Ann'l Workers Comp. Seminar+++4.- Wkrs' Comp Cert.	5.0	.50	\$135	\$175	08/01/14
	PBCBA	VIDEO (DVD) eService and eFiling	1.0		\$25	\$65	08/08/14
	PBCBA	***Mediation and Arbitration 2013+++5.5 Civil Trial Cert. credits	7.5	4.0	\$255	\$295	08/11/14
	DCBA	The 21 st Ann'l Nuts & Bolts of Divorce	3.5	1.0	\$100	\$140	08/13/14
	PBCBA	E-Discovery +++1.0 Labor & Employ Cert. credits	1.0		\$25	\$65	08/19/14
	OCBA	Construction Law & Related Ins Points to Assist Gen'l Prac. Atty. +++1.0 Constr. Law Cert. credits	1.0		\$25	\$65	08/19/14
	OCBA	Recent Dev:Copyright Preemption & Contract Claims+++1.0 Bus Lit; 1.0 Intellectual Prop. Cert. credits	1.0		\$25	\$65	09/12/14
	PBCBA	What's New at the Alphabet Agencies – EE)C, FCHR, OEO +++1.0 Labor & Employ Cert. credits	1.0		\$25	\$65	09/15/14
	DCBA	Electronic Filing in State Court	2.0		\$50	\$90	09/18/14
	OCBA	Complex Trust Planning +++1.0 Elder; 1.0 Wills, Trusts Cert.	1.0		\$25	\$65	09/19/14
	DCBA	Probate & Guardianship – A View From The Bench (Basic Level)	3.5		\$85	\$125	09/22/14

PBCBA	Florida Bar Trust Accounting Rules	2.0	2.0	\$75	\$115	10/03/14
PBCBA	PI – Before the Case is Filed+++3.0 Civil Trial Cert.	4.0	.50	\$110	\$150	10/12/14
PBCBA	Discovery That Wins Cases (Family Law)+++6.0 Marital & Family Law Cert.	8.0	1.0	\$215	\$255	10/19/14
PBCBA (DVD)	Discovery That Wins Cases (Family Law)+++6.0 Marital & Family Law Cert. ----DVD----	8.0	1.0	\$215	\$255	10/19/14
PBCBA	Ethical Issues in Negotiation and Mediation+++1.0 Civil Trial Cert.	1.0	1.0	\$40	\$80	10/26/14
PBCBA	Lawyers from all Disciplines-Be Aware! (Securities) +++3.5 Bus. Lit; 3.5 Criminal Appellate; 3.5 Criminal Trial Cert. credits	4.5	1.0	\$115	\$155	11/08/14
HCBA	Advanced Appellate Jurisdiction & Ethics+++3.5 Appellate Cert.	3.5	1.0	\$100	\$140	11/02/14
PBCBA	Legal Legends vs. Younger Guns+++6.5 Bus Lit Cert.	8.5	1.0	\$175	\$225	11/10/14
PBCBA	---DVD--- Legal Legends vs. Younger Guns+++6.5 Bus Lit Cert.	8.5	1.0	\$175	\$225	11/10/14
HCBA	IP Hot Topics:What You Need to Know in 2013+++3.5 IP Cert.	3.5		\$85	\$125	11/15/14
PBCBA	The 30 th Annl Est/Probate Seminar – Part 2+++3.5 Elder Law; 3.5 Wills, Trusts Cert. credits	4.5	.05	\$110	\$150	11/15/14
DCBA	The 28 th Annl View from Family Bench+++2.0 Marital/Fam Cert.	3.0	1.0	\$90	\$130	11/17/14
DCBA	2013 Landlord Tenant Issues +++2.0 R/E Cert.	2.0		\$50	\$90	11/22/14
PBCBA	The View from the Local Bench (Bankruptcy)	2.5	.50	\$50	\$90	11/24/14
PBCBA	The 24 th Annual Community Assn. Law Seminar+++4.5 R/E Cert.	4.5	4.0	\$165	\$205	12/07/14
PBCBA	Important Factors for Every R/E Attorney+++4.0 R/E Cert.	4.0	.50	\$110	\$150	2/23/15
PBCBA	Social Media Tips (Solo)	1.0	1.0	\$35	\$75	3/20/15
PBCBA	Panel Discussion on E-Discovery for Comm'l Litigators +++1.0 Business Lit. Cert.	1.0		\$25	\$65	3/24/15
PBCBA	Technology in and out of Law Office	1.0		\$25	\$65	4/11/15
PBCBA	Patient Protection and Affordable Care Act +++1.0 Labor & Employment Law Cert.	1.5		\$35	\$75	5/05/15
PBCBA	Law Office Management (SOLO event)	1.0		\$25	\$65	5/07/15
PBCBA	Spying Spouses: Divorce in a World of Cyber Warfare +++4.0 Marital and Family Law Cert.	5.0	1.0	\$135	\$175	5/08/15

+++Indicates Certification credits available; **CME credits.

Please contact the Palm Beach County Bar Association for more detailed information.

Please call Kathy Clark at (561) 687-2800 with any questions or for additional information.

PLEASE ALLOW SEVEN (7) BUSINESS DAYS PREPARATION TIME WHEN ORDERING TAPES. THERE WILL BE A \$25 FEE FOR RUSH ORDERS. NEW MEMBERS MAY JOIN THE PBCBA FOR \$100. APPLICATIONS FOR MEMBERSHIP, OR RENEWAL, CAN BE OBTAINED ON OUR WEBSITE AT www.palmbeachbar.org.

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