



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

www.palmbeachbar.org

July/August 2008

## Join us for our Annual Summer Cocktail Reception & Spelling Bee

*presented by the  
Lawyers for Literacy Committee*

**Thursday, August 28  
5:30 p.m. to 7:30 p.m.**

**President Country Club  
in West Palm Beach**

Cost: \$20.00 for members,  
complimentary for judges.



A B C



A B C

Proceeds benefit local literacy programs  
RSVP on line at [www.palmbeachbar.org](http://www.palmbeachbar.org).  
(spellers to date)

Bob Bertisch	Andrew Pelino
Leigh Cowden	Richard Schuler
Angela Miller	Tereina Stidd
Adam Myron	Michelle Suskauer
Scott Zappolo	Kara Baxter
Maureen Martinez-Schwab	

*We look forward to seeing you there!*

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## Mark your calendar for upcoming Membership Meetings

### Annual Spelling Bee and Cocktail Reception

President Country Club  
August 28, 5:30 p.m.

### Joint Luncheon with FAWL

Marriott West Palm Beach  
September 17, 11:45 – 1:00 p.m.  
Speaker: Author Virginia G. Drachman  
Enterprising Women: 250 Years of American  
Business

### Bench Bar Conference

Palm Beach County Convention Center  
November 7

### Annual Holiday Party

BallenIsles Country Club  
December 11, 5:30 p.m.

### Annual Law Week Judicial Reception

The Harriett at City Place  
April 22, 2009

### Law Day Luncheon

Location TBA  
May 1, 2009



The Palm Beach County Bar Association joined with the Hillsborough County and Clearwater Bar Associations to provide the opportunity for members to be sworn in before the U.S. Supreme Court. Members from Palm Beach County included Robert Tribuiani, Catherine Eaton, Lesley Hogan, Rosemarie Guerini, Steven Sessa, Scott Newmark, Joshua White and Mary Viator. Next year's trip is scheduled for June 15, 2009.



Members of the Board of Directors were recently sworn in during the Annual Installation Banquet, which was held at the Breakers Hotel in Palm Beach for more than 400 guests. Richard Schuler became the Bar's 86th President. Seated Front: Michelle Suskauer, President-Elect; the Honorable Kenneth Marra from the United States District Court performed the installation ceremony; Richard Schuler, President; Adam Rabin, Director. Standing: John Whittles, YLS president; Jason Guari, Director; Jill Weiss, Director; Meenu Sasser, Immediate Past President; Maureen Martinez-Schwab, Director; Michael Mopsick, South County Bar President; Ryon McCabe, NCS President and Bryan Poulton, Director. Additional banquet photos can be found on page 8.

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THE  
**BULLETIN**

**PALM BEACH COUNTY  
BAR ASSOCIATION**

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*President*

[www.palmbeachbar.org](http://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  
1601 Belvedere Road, #302E  
West Palm Beach, FL 33406



**Bar and FAWL to Host September 17 Luncheon**

The PBCBA and FAWL will be co-sponsoring a membership luncheon to be held on **Wednesday, September 17** at 11:45 a.m. at the West Palm Beach Marriott. The guest speaker will be author and Virginia G. Drachman who wrote *Enterprising Women: 250 Years of American Business*, published in association with the Schlesinger Library, Radcliffe Institute for Advanced Study, Harvard University. This book, her fourth, introduces you to Katharine Goddard, owner of a print shop and publisher of the first signed copy of the Declaration of Independence; Madam C. J. Walker, whose hair care products brought her from her slave parents' dilapidated cabin to her own Hudson River estate; and Katharine Graham, publisher of the Pentagon Papers and owner of the Washington Post Company. These are just three of the diverse women whose lives unfold in this engaging history of women entrepreneurs in America from the colonial era to the end of the twentieth century.

Since 2000, Drachman is an Arthur Jr. and Lenore Stern Professor of American History at Tufts University in Medford, Massachusetts. In 1988-90 she served as a Visiting Scholar at Harvard Law School. Cost to attend the luncheon is \$22 for members; \$25 for non-members and you can register at [www.palmbeachbar.org](http://www.palmbeachbar.org).



**Past PBCBA President Jay White was sworn in as president of The Florida Bar by FL Supreme Court Justice Fred Lewis on June 20. His sister, Celeste, holds the Bible for the swearing-in.**

**HAVEN'T PAID YOUR PBCBA DUES YET?**

**This will be your last issue of the *Bulletin***

PBCBA dues statements were mailed in April.

If you have not already paid, we hope you will renew today.

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or renew online at [www.palmbeachbar.org](http://www.palmbeachbar.org)**

# President's Message



## "Legal Trends You Can't Afford to Miss"

By Richard D. Schuler, President

On March 13th through 15th, 2008, I was privileged to attend the ABA Bar Leadership Institute (BLI) in Chicago, Illinois. As part of that Institute, lectures were presented on various topics. One of the most interesting lectures was presented by Fred Ury, Past President of the Connecticut Bar Association and Thomas Lyons, Past President of the Rhode Island Bar Association. These two gentlemen are still practicing attorneys but they also teach and have focused and specialized on approaching trends in the legal practice. The lecture was so fascinating that I thought I would share some of the information they provided with you.

### Demographics

1. Approximately 55% of lawyers nationally are baby-boomers, the eldest of whom are reaching retirement age.
2. Fewer lawyers are coming into the profession than are approaching retirement age.
3. Bar Associations may have to plan for reduced memberships unless these demographics reverse themselves.

### Legal Education and Law School Debt

1. After several years of decline, law school enrollments increased slightly last year.
2. Female enrollments are declining.
3. Minority enrollments appear to be declining.
4. Law school tuitions are up 267% since 1990.
5. Starting salaries are up 60% since 1990.
6. Graduates of private law schools have debts of about \$80,000.00 or more not including undergraduate debt.

### Career Mobility

1. One in four workers have been on the same job for one year.
2. One in two less than five years.
3. Today's graduates will hold 10 to 14 jobs by their 38th birthday.
4. The Palm Beach County Bar Association experiences 20 to 30 address changes per month.

### Technology and the Economics of the Practice

For a real eye-opener, one should take a look at a couple of the legal sites that I will list below. In fact, there are legal sites that promote the preparation of legal papers such as leases, trusts, wills, etc., across state lines over the Internet and there are even legal sites such as one listed below, that large industrial clients post assignments on to be bid upon by large law firms within a specified time period. The client, e.g. Exxon Mobil, will then select the bid that it deems most appropriate for its legal task and contract with the particular law firm or law firms selected. A selection of these sites for your review are as follows:

1. [www.legaladviceline.com](http://www.legaladviceline.com)
2. [www.legalzoom.com](http://www.legalzoom.com)
3. [www.elawforum.com](http://www.elawforum.com)
4. [www.legalpath.com](http://www.legalpath.com)
5. [www.completecase.com](http://www.completecase.com)
6. [www.titleBPO.com](http://www.titleBPO.com)

The above are just a sampling. There are many more than these.

Along with the above information, you should be aware of these additional facts bearing on technology's impact on our practices:

*Continued on page 17*



Visit the  
Bar's Website

[www.palmbeachbar.org](http://www.palmbeachbar.org)

## Board of Directors Meeting Attendance

	July Retreat	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Bowden	X	Phone-in		X	X	X	Phone-in	X	X	X	X
Doner	McCabe	X	X	X	X	X	X	X			
Farach	X	X	X	Phone-in	X	X	X	X	Phone-in	X	X
Guari	X	X	X	X	X	X	X	X	X	X	X
Howe	X	X	X	X	Phone-in	X	X	X	X	X	X
Napoleone	X	X	X	Phone-in	X	X		X	X	X	X
Poulton	X	X		X	X	X	X	X	X	X	X
Rabin	X	X	X	X	X	X	X	Phone-in	X	X	X
Sasser	X	X	X	X	X	X	X	X	X	X	X
Schuler	X	X	X	X	X	X	X	X		X	X
Suskauer	X	X	X	X	X	X	X	X	X	X	X



## Bar Hosts Candidate's Forum

When you go to the polls in August, you'll be asked to select a new State Attorney, plus three local judges.

To help our members be better informed, the Bar recently held a Candidate Forum at the Crowne Plaza Hotel in West Palm Beach. Participating candidates included incumbent Judge Diana Lewis and Lisa Small for the Circuit Judge Group 14; incumbent Judge Richard Wennet and Bill Abramson for Circuit Judge Group 23; and incumbent Judge Reginald Corlew and Ted Herold for the County Court Judge Group 3. The program was moderated by Chandra Bill from WPTV News Channel 5.

Many thanks to Mellon Bank for sponsoring the event.



**Immediate Past President, Meenu Sasser; Judicial Campaign Practices Chairperson, Ted Deckert and Moderator Chandra Bill from WPTV News Channel 5**



**Penny Martin and Larry Buck**



**Casey Jones, Bud Osborne from Mellon Bank, Skip Smith and Tim Lewis**



**Judges Roger Colton, Jack Cook and Jorge Labarga**



**Patricia Christiansen, Jerry Beer and Judge Reginald Corlew**



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FOURTH DISTRICT  
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P. O. BOX 3315  
WEST PALM BEACH, FLORIDA 33402  
561-242-2000**

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DEPUTY MARSHAL

May 30, 2008

### IMPORTANT NOTICE CHANGE IN COURT HOURS OF PUBLIC ACCESS

Due to the recent mandated budget cuts, the Fourth District has been required to make a major reduction of its staff. The court greatly regrets the inconvenience to the attorneys and public, but the staff reduction in the clerk's office necessitates implementation of significant changes to provide uninterrupted clerk time to keep case processing current.

As a result, the public areas of the Fourth District Court of Appeal, including the Clerk's Office, Library, and entrance to the building, will be closed to the public each business day at 4:00 P.M., effective July 1, 2008. The court will continue to open at 8:00 A.M. Monday through Friday.

No filings will be accepted at the courthouse after 4:00 P.M. There will be no physical drop box, but any filing, other than one which is jurisdictional, brought to the Clerk's Office by 9:00 A.M. will be stamped as filed the previous business day.

Additionally, the court is closing its Post Office Box. All mail should be directed to:

Fourth District Court of Appeal  
1525 Palm Beach Lakes Blvd.  
West Palm Beach, FL 33401

All changes take effect July 1, 2008.

## Ponzi Schemes: Let the Investor Beware!

By: Marc P. Barmat

In 1919 Charles Ponzi became one of the most notorious persons to develop an elaborate plan for swindling people out of money. In the “original” Ponzi Scheme, Charles Ponzi promised investors a 50% return on their money in 90 days. In the economic mess following World War I, Ponzi’s tale was to tell investors he would buy international postal coupons in foreign countries and sell them in other foreign countries at a 100% mark-up. Before long, Ponzi brought in millions of dollars in investments and in fact paid out significant returns on investments.

Unfortunately for the investors, this was a just a scheme and the international postal coupons were never actually purchased. This scheme, like other schemes which now carry the “Ponzi” name, was nothing more than a phony investment plan in which monies paid by later investors were used to pay

artificially high returns to the initial investors, with the goal of attracting more investors. Ultimately, all Ponzi Schemes fail when the truth is discovered and/or the investors just dry up.

When a Ponzi Scheme fails, a bankruptcy often ensues and a bankruptcy trustee is entrusted with the responsibility of equalizing the financial pain of the creditors of the estate. One of the significant assets of the bankruptcy estate are claims against the “winners” in the Ponzi Scheme, i.e., those who received returns in excess of their initial investment.

Once the existence of a Ponzi Scheme operated by a debtor is established, payments received by the winning investors as purported profits, are deemed to be fraudulent transfers as a matter of law. *In re Slatkin*, – F.3d –, 2008 WL1946739 (9th Cir.). The “profits” are considered fraudulent transfers because the source of the “profits” was a theft from

other investors, as none of the trades made by the debtor were legitimate. *Id.* Therefore, requiring investors to return the purported profits on their investments prevents the injustice that would result if they were allowed to retain these purported profits at the expense of other defrauded investors. *Id.*

The age old lesson of “if it sounds too good to be true, it probably is” is alive, well and applicable to get rich quick schemes similar to the one made famous by Charles Ponzi. In the case of a Ponzi Scheme which ends up in bankruptcy court, those who thought they were “winners” will ultimately end up having earned nothing more than a lesson on greed.

*This article was submitted by Marc P. Barmat, Furr and Cohen, P.A., One Boca Place, Suite 337 West, 2255 Glades Road, Boca Raton, FL 33431, mbarmat@furrcohen.com*



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# Gerber receives North County Section's — Jurist of the Year Award

The North County Section recently honored Judge Jonathan Gerber with its 6th Annual Jurist of the Year Award. The award was presented during the section's end of the year dinner at Ruth's Chris Steak House in North Palm Beach for more than 125 members and the judiciary. Previous award winners are Mary Lupo, Roger Colton, Peter Blanc, Tom Barkdull, and Barry Cohen. The evening was sponsored by Debra Duran & Associates, Gulfstream Bank, Ricci Leopold, and Rutherford Mulhall.



NCS President Adam Doner (right) congratulates Jurist of the Year winner Judge Jonathan Gerber



Judge John Phillips and Sharon Bock



Ethan Kominsky, Greg Yaffa, Donna Adams and Greg Zele




(front) Samantha Feuer, Ryon McCabe and Ned Reagan  
(back) Bryan Miller and Debra Jenks



Judges Sandra Bosso-Pardo and Janis Keyser



Richard Schuler and Judge Reginald Corlew



THE CIRCUIT COURT OF THE  
**FIFTEENTH JUDICIAL CIRCUIT**  
OF FLORIDA

CHAMBERS OF  
**JONATHAN D. GERBER**  
CIRCUIT JUDGE

COUNTY COURTHOUSE  
WEST PALM BEACH, FLORIDA 33401  
561/355-1774

February 4, 2008

Adam Doner, Esq.  
Gordon & Doner, P.A.  
4114 Northlake Boulevard, Suite 200  
Palm Beach Gardens, Florida 33410

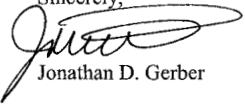
Ms. Lynne Poirier  
Palm Beach County Bar Association  
1601 Belvedere Road, Suite 302 East  
West Palm Beach, Florida 33406


Ms. Patience Burns  
Palm Beach County Bar Association  
1601 Belvedere Road, Suite 302 East  
West Palm Beach, Florida 33406

Honorable Barry Cohen  
Palm Beach County Courthouse  
205 North Dixie Highway  
West Palm Beach, Florida 33401

Dear Adam, Patience, Lynne, and Barry:

I just wanted to express my appreciation in writing to all of you and the North County Section of the Palm Beach County Bar Association for the humbling honor of being chosen for this year's Jurist of the Year award. Barry, thank you for the kind introduction. Adam, on behalf of myself and the other judges, thanks to you and the Section for the recognition, the camaraderie, and the dinner. Patience and Lynne, the crystal gavel is beautiful and enjoys a welcome spot in my office. To all of you and the members of the Section, thanks again for providing me and Tracy with a memorable evening. I look forward to the privilege of introducing one of my colleagues as next year's Jurist of the Year.

Sincerely,  
  
Jonathan D. Gerber



In Memoriam  
Judge Jeffrey  
Winikoff  
1949 - 2008





## Proposal for Settlement to Multiple Parties

by Ted Babbitt

Fla. R. Civ. P. 1.442 was designed to encourage and facilitate settlement. It provides that either side can make an offer of settlement under the rule and if it is not accepted and the ultimate verdict differs by a sufficient percentage, attorney's fees are taxed against the rejecting party. The rule has a provision for making a joint offer among multiple parties and provides that such an offer state the amount and terms attributable to each party and state with particularity any relevant conditions.

In *Clements v. Rose*, 33 Fla. L. Weekly D1088 (Fla. 1st DCA, April 21, 2008) the plaintiff made a proposal for settlement of \$75,000.00 to be distributed between the two defendants, who were husband and wife, with each defendant to pay \$37,500.00. The defendants rejected the settlement offer and a jury returned a verdict against both defendants, jointly and severally for \$120,000.00. Since this amount was 25% greater than the proposed settlement amount, the plaintiff moved to tax attorney's fees pursuant to Fla. Stat. 768.79. The trial court rejected that request finding that the offer was ambiguous as to whether each defendant could have settled separately or whether the settlement offer required both of the defendants to be in agreement to pay the total amount.

The appellate court reversed, finding that there was no ambiguity in the offer. The Court explained that the key to making a valid offer of settlement under the rule is to make it clear to each defendant what their respective responsibility is, should the offer be accepted. At 1089, the Court held:

When a party offers to settle with multiple parties at the same time, the joint proposal shall state the amount and terms attributable to each party. Fla. R. Civ. P. 1.442(c)(3). "Each defendant should be able to settle the suit knowing the extent of his or her financial responsibility." *Lamb v. Matetzschk*, 906 So. 2d 1037, 1040 (Fla. 2005). "If ambiguity within the proposal could reasonably affect the offeree's decision, the proposal will not satisfy the particularity requirement." *State Farm Mut. Auto. Ins. Co. v. Nicholas*, 932 So. 2d 1067, 1079 (Fla. 2006). Rule 1.442 requires that a settlement offer be "sufficiently clear and definite to allow the offeree to make an informed decision without needing clarification." *Id.*

Here the offer clearly stated that the total amount to be paid was \$75,000.00 and the amount each defendant was responsible for was delineated as \$37,500.00, clearly apportioning the amount each defendant had to pay as required by the rule. The Court stated:

The settlement proposal is conditional upon both Appellees – who are, after all, husband and wife – accepting it and paying their respective portions. The offer is not ambiguous. Although it is conditional, the offer is as definite as it is within Appellant's power to make, because the condition depends not on Appellant's election, but on each Appellee's election. Rule 1.442 is designed to facilitate settlements, not to render settlement of a case impossible where there are multiple defendants.

Rule 1.442 has been the subject of innumerable appellate decisions. Most of these hold that the rule, since it is in derogation that the common law, must be strictly construed and every provision must accordingly be followed with particularity. The purpose behind this rule, encouragement of settlement, sometimes gets lost in the requirements imposed by appellate courts. This opinion recedes from that trend and clarifies how and when an offer to multiple parties can be accomplished.

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.

<p><b>A BETTER COPY CENTER</b></p> <p>supports the</p> <p><b>Palm Beach County Bar Association</b></p> <p><i>"You know us... we do all the event signs!"</i></p> <p> <b>919 North Dixie Highway West Palm Beach, FL 33401</b></p> <p><i>"Celebrating our 21st year!"</i> <b>(561) 655-4944</b></p> <p><a href="http://www.bettercopycenter.com">www.bettercopycenter.com</a></p>	<ul style="list-style-type: none"><li>• All Litigation Support Services Including but not limited to...</li><li>• Trial Exhibit Enlargements Color and Black &amp; White - Documents &amp; Photos - Xrays/MRI</li><li>• Document Scanning Summation - Concordance - Sanction iPRO - Tiff - PDF to Disk</li><li>• Document Production Copying - Color Copying - Print Documents from Files Binding - Digital Photo Printing - Blueprints Copied Video / Audio Tapes / DVDs / CDs Duplicated</li></ul> <p>Video tapes Converted to DVD Audio Cassette Tapes Converted to CD</p> <p><b>Free Pickup &amp; Delivery</b> (in our extensive delivery area)</p>
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## Annual Installation Banquet



Richard Schuler and Kimberly Rallo



John Romano and Joe Reiter



Ted and Roslyn Leopold



Tim and Patti Leonard



Judge Karen Miller and Stephen Alexander



Judy Ballen and Larry Brownstein



Keith Arnette and Gloretta Hall



Judge Peter Blanc and  
Juliana Blanc

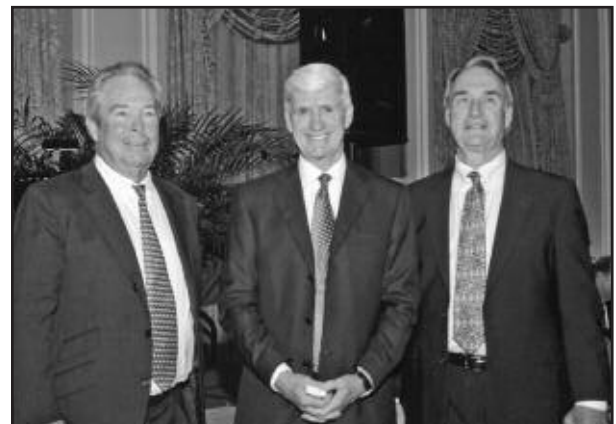
## Other Banquet Highlights

### Outstanding Member Award



Meenu Sasser presented the Outstanding Member Award to Retired Judge I.C. Smith, Margaret Holland (on behalf of her late husband William Holland) and T.J. Cunningham, Sr (on behalf of his brother F. Malcolm Cunningham, Sr). As pioneers for civil rights, the three were honored for their 17-year journey to desegregate our local public schools. Their story is recorded on tape and can be seen in one of the exhibits currently on display in the 1916 Historic Courtroom.

### Recognizing 40 Year Members



A special presentation was made honoring the 40 year members of our Association.

(Pictured from left to right) Roy Watson, Joe Reiter & David Dickenson. Other 40-year members unable to attend were Jerry Goodmark, Judge Fred Hazouri, Phil O'Connell, Justus Reid, William Rutter, Don Sasser and Judge John Wessel.

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## Top 10 Ethical Minefields Involving Law Firm Staff When Does Your Nonattorney Staff Cross the Line into UPL?-Part 2

By Francine Shay, CP, FRP  
on behalf of the Professionalism Committee  
Paralegal Manager/Florida Registered Paralegal  
Lewis, Longman & Walker, P.A.

In a previous issue of the Bar Bulletin, Part 1 of this series of articles discussed the ethical duty of an attorney to ensure that nonattorney staff members do not practice law by their failure to identify themselves as nonattorneys, by signing attorneys' names to pleadings, by giving legal advice and discussing case assessment and representation agreements with clients.

### **Minefield #4 – Attorneys must not delegate to nonattorneys their responsibility to be actively involved in their clients' matters.**

You may think that that the ideal situation is to have staff to whom you can delegate virtually all aspects of your matters with little need for your attention. According to The Florida Bar, an attorney must ensure that nonattorney staff does not perform activities that require independent judgment. *Fla. Ethics Op. 70-62*. Although you may be lucky enough to employ or work with bright nonattorneys who are capable of developing legal strategy and who enthusiastically take the initiative to move your matters forward, it is your responsibility to train your staff to advise you of the status of all matters they are working on and their proposed strategy, and receive your approval prior to performing any actions to implement their strategy. *Fla. Bar Rule 4-5.3*.

### **Minefield #5—Attorneys must review all work product that is being sent out.**

Do you often dictate a pleading or letter, review and make handwritten edits on the draft, and when your staff returns the final version to you, do you review the final version before you sign off on it? Do you employ nonattorney staff who are so talented that they are capable of preparing such excellent, on-point correspondence and simple pleadings, that you sign off on them without thoroughly reading the documents? According to The Florida Bar, that attorney is ultimately responsible for all work product that leaves the office, and the attorney is ultimately responsible for everything that nonattorney staff does regarding the law office and clients. *Fla. Bar Rule 4-5.3; Fla. Ethics Op. 87-11*. In addition, if you use nonattorneys to handle real estate closings without your presence, you must review all the work performed up to the closing, you must disclose in writing and obtain client consent that only the nonattorney will attend the closing on behalf of the client, you must ensure that the nonattorney provides no legal advice at the closing, and you

must be readily available in person or by phone to provide any legal advice at the closing. *Fla. Ethics Op. 89-5*.

### **Minefield #6 – Nonattorneys must not take depositions.**

How many times have you been faced with the need to attend a deposition during which testimony will be provided that may not be crucial to your case, and all you need to do is attend to make an appearance on your client's behalf and possibly ask a couple of clarification questions if the need arises? Wouldn't it be ideal and cost-effective to send an experienced paralegal, summer law clerk, or law clerk admitted to another state's bar association? It would not be ideal in the opinion of The Florida Bar. *Fla. Bar Op. 73-41*. The only time a nonattorney may attend a deposition without the supervising attorney's presence is if the nonattorney is there for activities that do not constitute the practice of law, such as taking notes, or assist in the document distribution process. The nonattorney must not in any way imply that the nonattorney is attending on behalf of the client, or ask questions to elicit testimony.

### **Minefield #7 – Attorneys may not delegate settlement negotiation to nonattorneys.**

Nonattorneys must not independently handle negotiations with insurance company adjustors on behalf of their supervising attorneys' clients. *Fla. Ethics Op. 74-35*. What is the difference between your nonattorney staff's performing settlement negotiations and a nonattorney insurance adjustor, performing settlement negotiations? Insurance adjustors are licensed by the Florida Department of Insurance and are regulated under The Public Adjusters Act. F.S. 626.861 through 626.8795. Public adjustors may not give legal advice, nor act on behalf of anyone in negotiating or settling a claim relating to bodily injury, death, or noneconomic damages. F.S. 626.854(3). Although pursuant to the Act attorneys are exempt from licensing in order to adjust claims, this is not a function that may be delegated to nonattorneys. It is considered the practice of law, and the client hires the attorney for his or her legal judgment and participation in the negotiations. At most, nonattorney staff may function as the messenger between the attorney and the insurance company's adjuster when negotiating settlements. This means the nonattorney must keep the attorney apprised of the status, discuss strategy with the attorney, receiving the attorney's instructions, and pass along to the insurance company the attorney's instructions.

Stay tuned for at least one more article that completes the top ten minefields that attorneys must watch out for when they use nonattorney staff to assist them in representing their clients.

## Pro Bono Attorneys Who Have Earned Their Angel Wings by Closing Their Pro Bono Cases in May and June 2008

### THANK YOU FOR ALL YOU DO

Richard Abedon  
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 Miriasm Acotsa-Castriz  
 Paul I. Auerbach  
 Michael R. Bakst  
 Thomas A. Berger  
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 Joseph a. Escoto  
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 Audrey Harris  
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 Paul A. Krasker  
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 Paul Rampell  
 Kimberly Rommel-Enright  
 David R. Schwartz  
 Michael Stern  
 Paul M. Sullivan  
 Gwendolyn Key Tuggle  
 Steven T. Utrecht  
 Lesleigh Varner  
 Barry Weiss  
 Edward John Welch  
 Noreen Wiscovitch-Renatas  
 Anne Zimet

Number of attorneys: .....	60
Number of cases handled by these attorneys: .....	126
Total number of hours: .....	686.93

## Thomas A. Dye & Dean Morande Recognized as Pro Bono Attorneys of the Month

The Fifteenth Circuit Pro Bono Committee is pleased to announce this month's Pro Bono Attorneys of the Month, **THOMAS A. DYE** and **DEAN MORANDE**. Thomas, a shareholder and Dean an associate with the West Palm Beach firm of Carlton Fields, practice primarily in the area of business litigation. At the request of the Legal Aid Society, Thomas and Dean undertook representation of a family in a contract dispute with a roofing company. In 2006 the family suffered hurricane damage to their roof. They signed a contract with a roofing company to make the repairs before further damage was sustained to the house. The roofer did an inadequate repair job and the roof would not pass inspection. Thomas and Dean filed a lawsuit on behalf of the client against the roofer. Ultimately the roof was repaired and the case was settled to the client's satisfaction. Thomas and Dean spent over 80 hours representing the client through the process of discovery and settlement. For their exceptional efforts on behalf of the client, Thomas and Dean are recognized as this month's Pro Bono Attorneys of the Month.

## 20th Annual Pro Bono Recognition Evening

The 20th Annual Pro Bono Recognition Evening held on May 10th at the Palm Beach County Convention Center was attended by over 700 of Legal Aid's friends and supporters and raised more than \$200,000 to help support Legal Aid's 16 projects which serve the disadvantaged children, families, elders and individuals in our community.



The annual event was chaired for the second year in a row by Michelle and Scott Suskauer and Amy and Matt Triggs. A special thank you goes to our emcee Bill Bone, Director/Choreographer, Garry Q. Lewis and the talented students from the Dreyfoos School of the Arts. Our thanks also go to our generous sponsors as well as congratulations to our deserving award winners and their families.

Justice Barbara J. Pariente, 4th DCA Judge Fred Hazouri, and new FL Supreme Court Chief Justice Peggy Quince



Mariano & Shelly Garcia with Jeff & Amy Devore

## Know Your North County Candidates Debate Set for September 19

The North County Section will host a debate between candidates running for State Senator in Senate District 25 and State Representative in House District 83. Participating candidates will be Senator Jeff Atwater, State Representative Carl Domino and Former State Senator Walter "Skip" Campbell. Also, contingent upon the outcome of the Democratic primary in House District 83, either Rick Ford or Bryan Miller will participate in the post-primary debate.

The program takes place on Friday, September 19 from 11:30 a.m. to 1:00 p.m. at City Club in North Palm Beach.

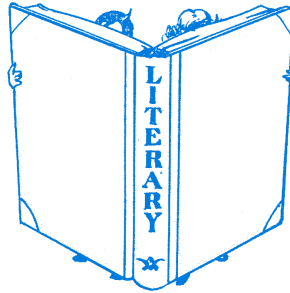
The cost is \$25.00 for NCS members; \$35 for non-members and the public. To RSVP, please register on line no later than 9/15 at [www.palmbeachbar.org](http://www.palmbeachbar.org).

This event is sponsored by the Law Office of Scott B. Smith, P.L., Lawrence P. Buck, P.A. , and Preston J. Fields, P.A.

## Adult Literacy Day – Volunteers Needed

The Lawyers for Literacy committee needs attorneys to participate in "Adult Literacy Day" on Monday, September 8 from 8:30 a.m. to 10:00 a.m. at the Adult Education Center in West Palm Beach. Help make this a great event by talking to the students about your career, the legal system, and the importance of an education.

Many of the students are from another country and speak Spanish or Creole, so if you speak either of these languages, your help is especially needed. To volunteer, please call Cindy Spall at 650-0563 or Lynne Poirier at 687-2800.



## YLS/Federal Bar Happy Hour



YLS President John Whittles, Gerry Richman and Miles McGrane



Zoë Panarites, Grey Tesh and Trish Duthiers



Ryon McCabe, U.S. Magistrate Judge James Hopkins and Patricia Lowry



Timothy Grice and Mark Shiver

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# Welcome New Members!

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

**ANDREA C. N'ADDARIO** – Ft. Lauderdale; Nova Southeastern University, 2006; Associate in Ellis & Hodes, Boca Raton

**JAMES E. CHARLES** – Miami; University of Florida, 2002; Associate in Lewis, Longman & Walker, P.A., West Palm Beach

**CHIOMA R. DEERE** – Jamaica; Pace University School of Law, 2008; Associate in Reid & Zoel, PA, West Palm Beach

**WILLIAM R. FOMAN** – Washington D.C.; University of North Carolina, 2001; Associate in Sonneborn Rutter Cooney & Klingensmith, West Palm Beach

**KENNETH G. FRANCONERO** – New Jersey; Rutgers School of Law – Camden, 2004; Associated with Wadsworth, King and Huott, West Palm Beach

**OMID M. GHAFARI-TABRIZI** – Minnesota; University of Miami School of Law, 2007; Associated with Cousins Law Firm, P.A., West Palm Beach

**ASHLEY N. GIROLAMO** – Boynton Beach; University of Florida, 2007; Associate in Casey Ciklin Lubitz Martens & O'Connell, West Palm Beach

**SCOTT E. HODES** – Brooklyn; University of Florida, 2002; Partner in Ellis & Hodes, Boca Raton

**DAWN M. KELLY** – New York; Tauro College, 2008; Associate in Page Mrachek Fitzgerald & Rose, P.A., West Palm Beach

**EDMOND J. KUNMANN** – New York; Capital University, 1985; Partner in Kunmann & Kunmann, P.A., Boca Raton

**KRISTEN N. LARSEN** – West Palm Beach; Florida Coastal School of Law, 2008

**JOSEPH R. LOWICKY** – New Jersey; Rutgers Camden Law School, 1986; Associate in Glickman, Witters & Marell, P.A., West Palm Beach

**JEFFREY MCCANN** – West Palm Beach; Nova Southeastern University, 2003; Associate in Adams, Coogler, Watson, Merkel, Barry & Kellner, P.A., West Palm Beach

**MILES AMBROSE MCGRANE, IV** – Miami; Cumberland School of Law, 2007; Associate in Cole, Scott & Kissane, P.A., West Palm Beach

**MICHAEL H. NULLMAN** – Miami; Florida State University, 2005; Associate in Cole, Scott & Kissane, P.A., West Palm Beach



**GRASFORD W. SMITH** – Jamaica; NYU, 2006; Associate in Squire, Sanders & Dempsey, LLP, West Palm Beach

**STEPHEN P. SMITH** – Tampa; Florida State University, 2002; Associate in Gelfand & Arpe, P.A., West Palm Beach

**JUSTIN C. SOREL** – Miami; Florida State University, 2005; Associated with Cole, Scott & Kissane, P.A., West Palm Beach

**KARLY A. SPIRA** – Florida; Barry University, 2007; Associated with Cole, Scott & Kissane, P.A., West Palm Beach

**DARREN STEELE** – Massachusetts; University of Wyoming, 1994; Partner in Watson & Steele, Stuart

**DAMIAN J. TURCO** – New England School of Law, 2008; Sole Practitioner, Palm Beach Gardens

**ISAAC J. WANNOS** – Illinois; University of Florida, 2006; Associated with Cole, Scott & Kissane, P.A., West Palm Beach

**ETHAN M. WAYNE** – Honolulu; OCU Law School, 2007; Associated with Gonzalez, Porcher, Albear & Garcia, Lake Worth

**DEREK R. YOUNG** – West Palm Beach; St. Thomas, 2007; Associate in Buckingham Doolittle Burroughs, LLP, West Palm Beach

**MAMMEN P. ZACHARIAH, JR.** – Ft. Lauderdale; University of Florida, 2008; Associated with Akerman Senterfitt, West Palm Beach



## Do You Need a Mentor?

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



## Appellate Court Reception



The Appellate Practice Committee of the Palm Beach County Bar Association hosted a reception to welcome new 4th DCA Judge Dorian Damoorgian (right) and to honor retiring Judges Barry Stone, George Shahood and Larry Klein.



Florida Bar Presidents Gerry Richman (1984), Jay White (current president) and Joe Reiter (1986)



Appellate Practice Committee Co-chairs Robin Bresky and Kara Rockenbach



Circuit Judge Jorge Labarga and 4th DCA Judge Melanie May



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## Circuit Court Report

### CIVIL DIVISIONS • May 2008

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
A	10/08	10/08	08/08	1515
B	10/08	10/08	08/08	1398
D	09/08	09/08	08/08	1734
E	11/08	10/08	10/08	1654
F	10/08	10/08	09/08	1416
G	01/09	01/09	07/08	1272
H	01/09	01/09	08/08	1542
I	10/08	10/08	07/08	1128
J	12/08	12/08	09/08	1454
N	12/08	12/08	08/08	1691
O	10/08	10/08	08/08	1628

All Civil Division Judges schedule their own Jury and Non-Jury Trials.  
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## 2008 Annual Lawyer vs. Judge Softball Game

*By Dennis Koehler*

In a departure from the approach used during the first 12 years of the Lawyers v. Judges Law Week softball competition, two mixed teams of lawyers and Judges played a very competitive softball game at John Price Park on Saturday, April 26 with the lawyer's team led by Dennis Koehler posting an 18-12 win in 9 innings over the Judge Mark Eissey-led Judge's team.

The change to a mixed lawyer-judge team format was made at the suggestion of lawyer's third baseman and Assistant County Attorney Phil Mugavero. Noting the lawyer's recent domination (winning by an average score of 20-5 over the past four years), Phil suggested that this year's annual game ought to feature teams composed of both lawyers and Judges, selected playground-style. When Judge's Jon Gerber and Mark Eissey bought into the concept, the stage was set for what proved to be a very competitive game.

The Judge's team, which included attorneys Mugavero, Tom Spall, Assistant State Attorney Kirk Volker, David Prather and Legal Aid lawyer Tim Stevens, jumped out to a 3-0 lead in the first inning, Tom Spall driving in the singling Judge Gerber, followed by RBIs by Court bailiff Noble and David Prather. The lawyer's team rallied with 6 runs in the top of the second, Federal District Court Judge Ken Marra doubling in the singling Dennis Koehler for the team's 1st run, quickly followed by run-scoring singles from Carl Cascio, Judge Glenn Kelley, Todd Stewart and shortstop Thom Baird's 2-run double. The lawyer's team extended their lead to 9-3 in the top of the third, the key hit a 2-run single delivered by Greg Schiller of the State Attorney's Office. The Judge's team answered with 3



David Prather and Judge Mark Eissey





runs of their own in the bottom of the fourth inning. Phil Mugavero drove in Judge Gerber with a double, followed 2 batters later by young Jeff Martz' double driving in a pair. The fourth inning proved costly for the lawyer's team, as speedy left fielder Dan Marshall aggravated an old knee injury on a play in the outfield and had to be helped off the field.



**Judge John Phillips made his annual bike trek from Jupiter to Lake Worth for the softball game pictured here with Tim Stevens, Law Week Chair Maureen Martinez-Schwab and Bill Pruitt**

Thom Baird and Todd Stewart each drove in a run in the top of the fifth, putting the lawyer's ahead by a score of 14-9. Neither team scored in the sixth and seventh innings. The Judge's jumped on pitcher Koehler for 3 runs in the bottom of the eighth, however, narrowing the lawyer's team lead to 14-12. Five consecutive Judges' hits did the damage. Jeff Martz opened the inning with his 4th hit (a triple), followed by bailiff Noble's RBI single and David Prather's double, setting the stage for

Judge Jim Martz' single driving in the Judge's final 2 runs. Mark Eissey's sharp line drive was snagged by 3B Judge Marra, who rifled a throw to Judge Rich Oftedal at first, doubling off Judge Peter Blanc and ending the rally.

Going into the top of the ninth, the lawyer's team held only a slim 2-run lead, having been shut out by the Judge's' sharp-fielding lefty pitcher Judge Blanc over the previous three innings. The lawyer's team rose to the occasion in the top of the ninth, however, scoring 4 times, the last by diminutive catcher and Boca Raton attorney Debbie Igladoff who drew her 2nd walk of the game. Thom Baird singled in 2, massive outfielder Joe Walsh driving in Debbie with the final run of the game and producing the final score of 18-12.

The hitting was remarkably balanced between the two teams. The Judge's team collected 24 hits in 49 at-bats, for a .490 average, while the lawyer's team had the same number of hits in one less AB, for an even .500 average. The Judge's team was led by Judge Martz' son Jeff (4 for 4), followed by Judge Jon Gerber, bailiff Noble, David Prather and Judge Jim Martz, each going 3 for 4. Although six members of the lawyer's team managed 3 hits apiece, only Greg Schiller matched the Judge's foursome by going 3 for 4, with 3 runs scored. Thom Baird led both teams with 5 RBI while going 3 for 5 with a sacrifice fly. Judge Ken Marra played flawlessly at third base, turning that nifty 5-3 doubleplay to end the Judge's' 8th inning rally while going 3 for 6 at the plate with 3

### 2008 Teams

RBI's. Other lawyer's team members picking up 3 hits included Joe Walsh, Carl Cascio and Judge Glenn Kelley.

Everyone who participated agreed that the new, mixed lawyer-judge team format was a competitive success as neither team dominated. Judge's team captain Judge Mark Eissey, who delivered an RBI single in the bottom of the fourth, was especially enthusiastic about the new format. Special thanks go to the following individuals: Veteran lawyer ballplayer Bill Pruitt, out with a hamstring injury but doing an admirable job of keeping the game's box score; Law Week Chair Maureen Martinez-Schwab and committee member Sara Alijewicz who coordinated the event and the traditional family picnic following the game; and Bar Association Past President Lisa Small, who once again secured a donation from her client Banshee Enterprises d/b/a Subway Subs who donated the six-foot sub for the players and their families.



**Judges Richard Oftedal, Peter Blanc and Timothy McCarthy**

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## "Legal Trends"

Continued from page 3

1. More than 50% of U.S. 21 year olds have created content on the web.
2. 70% of 4 year olds have used a computer.
3. It was December of 1992 when the first commercial text message was sent over the Internet.
4. Today alone, commercial text messages exceed the population of the planet.
5. Today information is doubling every two years on the Internet.
6. It is predicted by the year 2010, information on the Internet could double every 72 hours!

These are some of the trends made apparent at the BLI. If you're going to further your practice, it is fairly clear that all of us need to be aware of these and other fast-paced developments for, as the old saying goes "if you're not on the train, you might be on the tracks."

Throughout the rest of this year, I will try my best to alert our members to issues like these through this President's Message column and at our meetings.

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## Non-Statutory Grounds for Objecting to the Appointment of a Personal Representative

By: *David M. Garten, Esq.*

You filed a Caveat and your client was served with the Notice of Administration.

Your client wants you to object to the appointment of the personal representative. What's the basis for your objection? The purpose of this article is to provide examples of *non-statutory* grounds for objecting to the appointment of a non-institutional personal representative. The statutory grounds (§§733.301 – 33.304 and 733.307, Fla. Stat.) are self explanatory and are not discussed.

### I. TESTATE ESTATE:

The testator's selection of a personal representative should be afforded great deference, and only in exceptional circumstances does a court have the discretion to refuse to appoint a nominated personal representative. See Schleider v. Estate of Schleider, 770 So.2d 1252 (Fla. 4th DCA 2000). The term "exceptional circumstances" as applied to non-statutory grounds has been loosely defined by the courts. As a result, the courts have broad discretion in refusing to appoint a personal representative on non-statutory grounds.

In Schleider, Judge Barkdull provided the following examples of exceptional circumstances sufficient to refuse the appointment of a personal representative in a testate estate:

- The trial court may exercise its discretion if, after the execution of the will naming that personal representative, unforeseen circumstances arise which clearly would have affected the testator's decision, but the testator had no reasonable opportunity prior to death to change the will. See Pontrello v. Estate of Kepler, 528 So. 2d 441(Fla. 2nd DCA 1988).
- A trial judge may refuse to appoint a personal representative named in a will upon the basis of facts presented to the appointing judge at the time of appointment that, if presented after the appointment, would support removal of the personal representative. See Pontrello, (Campbell J., dissenting). Judge Campbell also added that "it would . . . be absurd to force the appointing court to wait until the estate or persons interested in the estate had actually suffered the detriment that was reasonably demonstrated would occur." Compare In re Estate of Maxcy, 240 So. 2d 93 (Fla. 2d DCA 1970)(probate court should have refused to appoint testator's widow as coexecutrix when court found widow was involved in planning testator's murder).
- The probate court has the inherent authority to consider a person's character, ability and experience to serve as personal representative. Where the record supports the conclusion that a person occupying the position of statutory preference does not have the qualities and characteristics necessary to

properly perform the duties of an administrator, it would be an anomaly to hold that a probate court, which has historically applied equitable principles in making its judgments, does not have the discretion to refuse to appoint him simply because he did not fall within the enumerated list of statutory disqualifications. See In re Estate of Snyder, 333 So. 2d 519 (Fla. 2nd DCA 1976); Padgett v. Estate of Gilbert, 676 So. 2d 440 (Fla. 1st 1996)(the court may take into account and rely upon the circumstances surrounding petitioner's prior felony conviction in determining whether he should be appointed as personal representative).

- A dispute between the beneficiaries of the estate, standing alone, is not sufficient grounds to refuse to appoint the person named as personal representative in the decedent's will. However, if a dispute which will result in unnecessary litigation and impede the administration of the estate is combined with other factors such as those noted in Padgett, the dissent in Pontrello, and Estate of Snyder, the totality of the circumstances may rise to a level that allows the trial court to exercise its discretion in refusing to appoint the personal representative named in the will. Compare Werner v. Estate of McCloskey, 943 So. 2d 1007 (Fla. 1st DCA 2006) (alleged conflict of interest); Hernandez v. Hernandez, 946 So. 2d 124 (Fla. 5th DCA 2007) (acrimonious relationship).

### II. INTESTATE ESTATE:

A party having preference and not otherwise disqualified by statute does not have an absolute right to appointment. Rather, the appointment of a personal representative for an intestate estate is a discretionary act of the probate courts. But where a preferred individual is not being appointed, the record must show that the preferred person is not fit to be appointed because he is not qualified by character, ability, or experience to serve as the estate fiduciary. Such a determination would not frustrate the intent of the decedent as would be the case where a personal representative was nominated in a will. See In re Estate of Snyder, 333 So. 2d 519 (Fla. 2d DCA 1976); Garcia v. Morrow, 954 So. 2d 656 (Fla. 3rd DCA 2007), quoting Schleider and DeVaughn v. DeVaughn, 840 So. 2d 1128, 1132 (Fla. 5th DCA 2003). The court's reasoning in Garcia is a "must read" for any attorney challenging the appointment of a personal representative on the basis of character, ability, or experience.

### III. COSTS AND ATTORNEYS FEES:

Attorney's fees and costs incurred in objecting to the appointment of the personal representative may be recoverable under §733.106 and 733.3101, Fla. Stat.

# probate litigation

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**CITY ATTORNEY- CITY OF PALM BEACH GARDENS:** Seeking candidate to serve as chief legal advisor to city council, city manager, city departments and city boards/committees. Compensation and benefits are determined by city council. For qualifications and application information, please visit us on line at: [www.pbgfl.com](http://www.pbgfl.com). DFWP/EOE/V. Closing date: August 15, 2008.

**AV-RATED FOX, WACKEEN, DUNGEY** et. al. law firm seeks a motivated, self-starting associate with 2-4 years civil litigation experience, preferably in insurance defense or condo/HOA litigation. Strong academic credentials required. Career path opportunity in well-established firm. We offer a congenial work atmosphere, competitive salary and benefits package. Firm is located in Martin County offering an excellent quality of life and best-in-the-state school system. Forward resume and law school transcripts to Maryellen Castellano, [mcastellano@foxwackeen.com](mailto:mcastellano@foxwackeen.com) or fax 772.220.1489.

## PROFESSIONAL ANNOUNCEMENTS:

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

**SCOTT SUSKAUER:** 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](http://www.suskauerlaw.com).

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

**MARK R. HANSON:** All admiralty and maritime matters, including personal injury actions, boating accidents, cruise line injuries and insurance claims. 240 Tenth Street, West Palm Beach, FL 33401, (561) 833-7828 [Mhanson@PalmBeachInjuryLawyer.com](mailto:Mhanson@PalmBeachInjuryLawyer.com)

**W. GREY TESH:** “Criminal Law is not Black & White, it’s Grey” [aaacriminaldefense.com](http://aaacriminaldefense.com). Over 60 jury trials. Former assistant public defender. Defended over 1,000 criminal cases, Federal and State. Past Director, Palm Beach Association Criminal Defense Lawyers. 1610 Southern Blvd. WPB, FL 33406. [greytesh@aaacriminaldefense.com](mailto:greytesh@aaacriminaldefense.com). (561) 686-6886.

**MICHAEL J. MCHALE:** Board Certified Admiralty and Maritime Lawyer. All maritime and admiralty matters in State and Federal Court including personal injury, seizures of vessels, limitation of liability, purchase and sale of boats, cruise ships injuries, longshore claims and BUIs. (561) 835-3660 [admar1@earthlink.net](mailto:admar1@earthlink.net) and [www.admiraltyatty.com](http://www.admiraltyatty.com)

**RICHARD D. NADEL:** Bankruptcy. Twenty years experience in the Southern and Middle District. Florida Bar designated 1996. Address: 3300 PGA Blvd, Suite 810, Palm Beach Gardens, FL 33410. Telephone: (561) 622-9353. Email: [nadelgrp@bellsouth.net](mailto:nadelgrp@bellsouth.net).

**NATALIE M. GARLAND:** Florida Supreme Court Certified Family Mediator is available to mediate all Family Law related matters. Over 16 years Family Law experience in Florida and Pennsylvania. For rates and additional information contact (561) 373-1113 or [nataliegarland@comcast.net](mailto:nataliegarland@comcast.net).

**SCOTT B. SMITH:** “AV” rated trial attorney representing injured victims of tractor-trailer/commercial motor vehicle accidents. Member of AAJ Interstate Trucking Litigation Group and Association of Interstate Trucking Lawyers of America. Extensive experience in handling truck accident cases and with Federal Motor Carrier Safety Regulations. Admitted to Florida Bar and all U.S. District Courts within Florida. Law Office of Scott B. Smith, P.L., 5604 PGA Blvd., Suite 107, Palm Beach Gardens 33418 (561) 622-0622 [www.smithinjurylaw.com](http://www.smithinjurylaw.com).

## Bulletin Board

**JACOB NOBLE:** Former criminal trial attorney announces the opening of the Noble Law Firm, focusing on Estate Planning, Family Law & General Litigation. Call (561) 847-7095 or e-mail [noblelaw@bellsouth.net](mailto:noblelaw@bellsouth.net). 4400 Northcorp Parkway, Palm Beach Gardens 33410. Also, please visit my firm online: [www.thenoblelawfirm.com](http://www.thenoblelawfirm.com).

**CLARK SMITH:** Mediator- AV rated, practicing in WPB since 1977. Available to mediate Construction, Personal Injury, Medical Malpractice, Insurance Disputes (including appraisals) and Bad Faith. Onsite facilities available up to 25 people. Resume available at [www.paxsmith.com](http://www.paxsmith.com). (561) 684-2121 [cws@paxsmith.com](mailto:cws@paxsmith.com).

**JULIA LUYSTER:** Appellate counsel for appeals and trial support in state and federal courts. Valdini & Palmer, 5353 N. Federal Hwy. Suite 303, Ft. Lauderdale 33308. [www.vplawfirm.com](http://www.vplawfirm.com); [jluyster@vplawfirm.com](mailto:jluyster@vplawfirm.com). Satellite office located in Lake Worth, FL. (561) 493-9710.

### OFFICE SPACE:

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**JUPITER:** Window office available in 1st floor law office suite. Non-smoker. Shared use of conference room, copier & fax with 2 other lawyers. Will consider non-lawyer. Call (561) 745-0547.

**WPB:** Semi-furnished office space for rent in law office located on Palm Beach Lakes Blvd. west of I-95. Space includes three private window offices and reception area. Please contact Yamilys (561) 471-1301.

**WEST PALM BEACH:** Available sublet in Class A office building. Furnished offices with secretarial area. Use of conference room, kitchen, copier, fax, telephone, internet. Covered garage parking. Call (561) 712-4746.

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**NORTH PALM BEACH:** Office space available – 1000 sq. ft. Class A office space including reception area, conference room and three offices located on US1 in North Palm Beach. Perfect for non-PI attorney. Many referrals available. 16.75/sq.ft. triple net lease. Contact Evan Fetterman (561) 845-2510.

**PALM BEACH GARDENS:** Professional office, 1500 sq.ft., great location near PGA Blvd. & I-95. Reception, 2-3 offices, conference room, bathroom, kitchen, large open work area for staff. One-story building, assigned parking. Perfect for small law office or other professionals. Priced competitively. Call Lynn Focht, Watterson & Zappolo (561) 627-5000.

**WPB PROFESSIONAL OFFICES AVAILABLE:** Attorney, accountant, other – receptionist, 3 conference rooms, reception room, plenty of parking, great views, various space arrangements available. Susan (561) 689-6660.

**LUXURY OFFICE SPACE FOR RENT** in East Boca law office. Windowed office and secretarial station available. Common space with full service (receptionist service included). Access to large and small conference rooms along with the use of postage and copy machines. Please call (561) 447-0017.

**EXECUTIVE SUITES/OFFICE SPACE:** WPB, Forum Area, east of I-95, single office available with or without secretarial area. Office set up with conference rooms, library, parking, full kitchen and reception area. Available immediately, no lease required. For more information call (561) 389-3468.

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**WEST PALM BEACH:** Office space located minutes from courthouse and close to I-95. Beautiful 10th floor office with great views and professional and tranquil décor. Own secretarial area and use of conference rooms, copier, fax and kitchen/break area. Great for solo professional. Opportunity for referral cases from other attorneys. Call (561) 491-1200 or e-mail [craig@kelleylawoffice.com](mailto:craig@kelleylawoffice.com).

**OFFICE SPACE-** PGA & US1 Generous incentives to qualified tenants; Attractive building. Convenient parking, signage on US 1; (A) 1,040 sf – 3 offices, Conference, Reception (B) 1,250 sf – remodeling needed (C) 1,650 sf – 4 offices, Conference, Work Area, Kitchenette, Reception (D) 2,650 sf – 5 offices, 2 Conference, 2 Work Areas, Reception; Doug - Strategic Realty (561) 222-4696.

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# Bulletin Board

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**STUART:** Small private office one block from Courthouse. Approximately 722 Square feet. Near Courthouse and Hospital in Downtown Stuart. Small office with small rent. Great terms. Referral possibilities. Chuck Geary (772) 288-4357 or c.geary@yahoo.com.

## HEARSAY

**James W. Beasley, Jr.** and **Patricia A. Leonard**, shareholders in the law firm of Beasley Hauser Kramer Leonard & Galardi, P.A. have been named as 2008 Florida Super Lawyers in the category of Business Litigation.

The law firm of **Robin Roshkind, P.A.** has recently been named by the South Florida Business Journal as one of the largest (top 250) law firms in South Florida.

Jones, Foster, Johnston & Stubbs, P.A. announces that attorney **Scott G. Hawkins** has been sworn in and is now admitted to practice before the United States Supreme Court.

Rutherford Mulhall, P.A. is pleased to announce that **Kenneth N. Johnson** has been re-elected to the Board of Directors of the Palm Beach Association of Criminal Defense Lawyers for his fourth term as treasurer.



**Karen D. Lewis** has joined The Karp Law Firm as an Associate Attorney. She will focus on elder law, estate planning and estate administration.

**Patrick M. Whitehead** has been promoted to assistant vice president and university counsel at Palm Beach Atlantic University.



**Grey Tesh** was elected President-Elect of the Florida Association of Criminal Defense Lawyers, Palm Beach Chapter.



Rosenthal, Levy & Simon, P.A. announces that Attorney **Eric S. Lakind** has been certified as a member of the Million Dollar Advocates

Forum. Also the firm announces that



Attorneys **Nicole V. Hessen** and **Veniese A. Wilkinson** have joined

the firm's West Palm Beach office.



**Mark Walters, Esq.** of the U.S. Bank Private Client Group was recently elected to the Board of Trustees for the Thornwell Home for Children.

**Merry E. Lindberg** has joined Christine D. Hanley & Associates, P.A. as an Associate Attorney. Ms. Lindberg will focus on employment and labor law issues.



**Marianne S. Rantala, P.A.**, has relocated its main offices to 330 Clematis St., Suite 209, WPB 33401. Phone (561) 832-2233 Fax (561) 832-1857. Ms.

Rantala will continue to meet clients in its Boca Raton offices on an appointment basis. The firm concentrates in the areas of State and Federal criminal defense and family law.

**C. Michael Shalloway**, of Shalloway & Shalloway, P.A., has been invited to be a member of the Citizens Ambassador Programs delegation to China. This program was founded by President Dwight D. Eisenhower in 1956 and every U.S. President since then has served as honorary Chairman.

The law firm of Searcy Denney Scarola Barnhart & Shipley, P.A. announces that **Chris Searcy, Earl Denney, Jack Scarola, Greg Barnhart, John Shipley, Darryl Lewis, Christopher Speed** and **David White** and are on the list of Florida Super Lawyers.

## MISCELLANEOUS

**FOR SALE:** Lateral file cabinets. Steelcase, 5-drawer, 42" wide x 18" deep x 65" high, light gray, excellent condition. 3 available, \$350 each or best offer. (561) 615-6650 ext. 227.

## Missing Bar Events? Be Sure to Read Your eNewsletters

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 [pburns@palmbeachbar.org](mailto:pburns@palmbeachbar.org).



## MOVING?

Be sure to send your updated address, phone, fax and email information to the Bar at 561/687-9007.



# CALENDAR

## July/August 2008

Friday, August 1, 11:00am  
**Committee Chair Meeting**  
 Bar Association Office

Wednesday, August 6, 12Noon  
**NCS Board Meeting**

Thursday, August 7, 12Noon  
**Bench Bar Conference  
 Committee Meeting**  
 Bar Association Office

Tuesday, August 12, 12Noon  
**YLS Executive Committee Meeting**  
 Bar Association Office

Wednesday, August 12, 4:00pm  
**Estate/Probate Committee Meeting**  
 Office of Brian M. O'Connell

Thursday, August 14, 8:30am  
**Florida Bar Video Replay Seminar  
 "Basic ADR & Contract Drafting"**  
 Bar Association Office

Tuesday, August 19, 12Noon  
**Unified Family Practice Committee  
 Meeting**  
 Law Library, Main Courthouse

Thursday, August 21, 5:00pm  
**PBCBA Board of Directors' Meeting**  
 Bar Association Office

Thursday, August 21, 6:00pm  
**PBJA Barrister Bash**  
 Contact Kathy Baloga at 471-2807

Tuesday, August 26, 5:00pm  
**Legal Aid Board Meeting**  
 Bar Association Office

Thursday, August 28, 5:30pm  
**Spelling Bee & Cocktail Reception**  
 President Country Club



PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

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