



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

June 2010



CLE COURSES NOW BEING OFFERED ONLINE

We are very pleased to bring you another way to obtain your CLE credit. In addition to the CD's that we currently sell, these same programs are now being offered for purchase online to either download to your MP3 player or to listen to right on your computer. That means when your CLER reporting period is approaching, you can go right online and download seminars any time of the day or night. To view a full listing of the seminars available, be sure to log on to our website at www.palmbeachbar.org/continuing.php

Mark your calendar for upcoming Membership Events

Young Lawyers Section Fishing Tournament
Saturday, June 5

Diversity Committee Happy Hour with Cunningham Bar, FAWL & Hispanic Bar
June 10, 5:30 – 7:00 p.m.

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

Judicial Candidate Forum
June 16, 11:45 – 1:00 p.m.
Crowne Plaza Hotel

Annual Membership Happy Hour & Spelling Bee
August 19, 5:30 – 7:30 p.m.

Membership Luncheon
October 19, 11:45 – 1:00 p.m.
Speaker: ABA President Steve Zack

Annual Holiday Party & Silent Auction
December 9, 5:30 – 7:00 p.m.

New Officers/Directors to be sworn in at banquet June 12

Congratulations to our incoming Board members who will be sworn in at this year's Installation Banquet on Saturday, June 12 at the Breakers Hotel in Palm Beach. Invitations have been mailed and you can register online at www.palmbeachbar.org

President: Michael Napoleone

President-elect: John Howe

Directors:

Wade Bowden

Robin Bresky

Jason Guari

Theo Kypreos

Grier Pressly

Adam Rabin

Jill Weiss

John Whittles

Also serving on the Board will be North County Section President Ned Reagan, Young Lawyers Section President Allison Kapner and Immediate Past President Michelle Suskauer. Ex-officio members will be South County Bar President Ted DiSalvo and Board of Governors Members Greg Coleman, Lisa Small, Michelle Suskauer and David Prather.

Summer Cocktail Reception & Spelling Bee set for August 19

Please join the Lawyers for Literacy Committee for their 8th Annual Summer Cocktail Reception and Spelling Bee on Thursday, August 19 from 5:30 pm to 7:30 pm at Bear Lakes Country Club in West Palm Beach.

Due to space and time, the Spelling Bee portion of this event is limited to 12 spellers. If you would like to compete, please call Lynne at the Bar Office at 687-2800.

The top three spellers will go on to represent the Bar Association's Team in the Palm Beach County Literacy Coalition's Great Grown Up Spelling Bee later this summer.

The cost to enter the contest is \$50.00 and includes your name and your firm's name on the Team T-shirt. You'll also be recognized in *Bar Bulletin* and in upcoming eNewsletters.

The cost to attend the cocktail party will be \$25.00. Proceeds benefit local literacy programs. A special thank you to our sponsors from Sabadell United Bank, LexisNexis, MetLife and the law firms of Gunster and Searcy Denney Scarola Barnhart & Shipley.

To register for the cocktail party, log onto www.palmbeachbar.org
We look forward to seeing you there!



Thank you Lynne!

Lynne Poirier is celebrating her 10 year anniversary with the PBCBA and we can't thank her enough for all that she has done for this organization. Always willing to lend a hand and coming up with creative projects for the Bar, we thank her for her 10 years of dedication! Thank you Lynne!

Inside...

President's Message	3
Who Are They?	4
Judicial Profile	4
Bankruptcy Corner	6
Take Stock in Children	6
Hanser Robing	7
Legal Aid Gift Gathering Party	8

YLS Happy Hour.....	8
Probate Corner.....	9
Technology Corner	11
New Members	12
Lawyers vs Judges Softball Game	13
Professionalism Corner	16
Prison Tour	17
Bulletin Board	18

THE
BULLETIN

**PALM BEACH COUNTY
BAR ASSOCIATION**

MICHELLE R. SUSKAUER
President

www.palmbeachbar.org

PATIENCE A. BURNS, CAE
Executive Director

Officers

Michelle R. Suskauer, *President*
Michael J. Napoleone, *President-elect*

Directors

Jason J. Guari
John M. Howe
Maureen Martinez
James "Grier" Pressly III
Adam T. Rabin
Jill G. Weiss
John R. Whittles

Richard D. Schuler, *Immediate Past President*
Theodore S. Kypreos, *Young Lawyers Section
President*
Debra A. Jenks, *North County Section President*
Seth A. Marmor, *Ex Officio, South County Bar
President*

FL Bar Board of Governors Representatives

Gregory W. Coleman
Scott G. Hawkins
David C. Prather
Lisa S. Small

**FL Bar Young Lawyers Division
Board of Governors Representatives**

Adam Myron
Matthew T. Ramenda
Elisha D. Roy

**1601 Belvedere Road, Suite 302E
West Palm Beach, FL 33406**
(561) 687-2800
FAX (561) 687-9007
e-mail info@palmbeachbar.org.

Advertising Information:

Shoshanah Spence • spence@palmbeachbar.org

Views and conclusions expressed in articles and advertisements herein are those of the authors or advertisers and not necessarily those of the officers, directors, or staff of the Palm Beach County Bar Association. Further, the Palm Beach County Bar Association, its officers, directors, and staff do not endorse any product or service advertised. Copy deadline is the first of the month preceding publication.

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



Attorneys Andrew & Christina Riso (left) and Jason Lazarus (back right) assisted the students in the Youth Court program with their annual mock trial competition. The YLS has been sponsoring this project for over 15 years.



Register for Bar Events Online at...
www.palmbeachbar.org



ALEXANDER "SANDY" MYERS, ESQUIRE

Mediator/Arbitrator



- J.D. Stetson University College of Law (1970)
- Florida Bar Board Certified Civil Trial Lawyer (1983-2007)
- Florida Bar Board Certified Emeritus Specialist Civil Trial Lawyer (2007-Present)
- Florida Certified:
 - Circuit Civil Mediator (1998-Present)
 - Family Mediator (1998-Present)
- Florida Qualified Arbitrator (1991-Present)
- NASD/FINRA Approved Arbitrator
- Practice Limited to Attorney Represented Cases Only
 - No Travel Charges Within Palm Beach County
 - No Charges for Pleading/File Review
 - \$250.00 per hour
- Collaborative Divorce

Since 12/31/2005 Practice limited to Pre-Suit and Court Ordered Mediation, Arbitration, and Special Master Appointment

**1665 Palm Beach Lakes Blvd., Ste 1000
West Palm Beach, FL 33401**
Office (561) 689-8335 • Fax (561) 689-8337
Cell (561) 758-7300 • email: samyeresq@aol.com



Lisa SMALL

FOR CIRCUIT COURT JUDGE · GROUP 33

Experience, Integrity and Committed to Serve

Please join us in supporting Lisa Small

Sharon Bock, *Palm Beach County Clerk and Comptroller*
Susan Whelchel, *Mayor of Boca Raton*
Woodie McDuffie, *Mayor of Delray Beach*
Jose Rodriguez, *Mayor of Boynton Beach*

Frank Barbieri, *Palm Beach County School Board Member*
Barry Krischer, *Former Palm Beach County State Attorney*

Presidents of Palm Beach County Bar

Ted Babbitt
Greg Coleman
Timothy Gaskill
Scott Hawkins
Stanley Klett, Jr.
Michael Kranz
Ted Leopold
Patrick Massa
James G. Pressly, Jr.
Joseph J. Reiter
David Roth
Richard Schuler
D. Culver "Skip" Smith III
Sidney A. Stubbs
Michelle Suskauer
Michael Viscomi
John "Jay" White, III

Thomas J. Ali
Claudia Amie
Scott Atherton
Judy Ballen
Barry Balmuth
Nancy Banner
Frank A. Barbieri
F. Gregory Barnhart
James Beasley
Kevin Bennett
Robert Bertisch
Andrew Blasi
Carlos Bodden
C. Wade Bowden
Keith Braun
Jeff Brown
Lawrence E. Brownstein
Robin Bresky
Jessica Callow
Kristina Candido

Venus Caruso
Barbara Cheives
Patricia Christiansen
Alan Ciklin
Ian Comisky
Aaron Cohen
Bennett S. Cohn
Alexander Conde
Fred Cunningham
G. Joseph Curley
Gregory Dell
Brian Denney
Earl Denney, Jr.
Rafael M. Diaz
Kalinthia Dillard
Ted DiSalvo
Sean Domnick
Adam Doner
John C. Dottererr
Chris Duke
James Eisenberg
Michael J. Faehner
Joel H. Feldman
Preston J. Fields, Sr.
Patricia Flanagan
William A. Fleck
Kent Frazer
Ronald Gache
Joseph Galardi
Jeffrey Garber
Mariano Garcia
George E. Gelb
Irwin Gilbert
David H. Gold
Marcos Gonzalez
Alan Goodman
Melanie Grout
Jason Guari
Rosemarie Guerini
Bradley Harper
Jason Haselkorn
Robert Hauser
Ron Herman
Theodore Herold
Jack Hickey
Jack P. Hill
Christine Hoke
John Howe
Gregory Huber
W. Jay Hunston
Sherry Hyman
Jay Jacknin

William E. Johnson
Michael Jonas
Brian Joslyn
Dennis G. Kainen
Stuart N. Kaplan
Allison Kapner
Lewis Kapner
Joseph S. Karp
Arlene Kline
Kathy Klock
Darryl Kogan
Raymond Kramer III
Scott Kramer
Spencer Kuvin
Brian Labovick
Matthew Lane
Nancy La Vista
Bernard A. Lebedeker
Patricia Leonard
Gary Lesser
Matt Levy
Laird A. Lile
Julia Luyster
Stuart R. Manoff
Greg Margre
Seth Marmor
Rachelle McBride
James McCann
Carlos Megias
Michael Mopsick
Mary Morris
John Morrissey
Scott Murray
Georgia Newman
Scott Newman
Dan Norton
Harvey Oyer
John Pankauski
Robert Pasch
F. Martin Perry
Charles Pickett, Jr.
David Prather
David S. Pressly
Grier Pressly
Kristy Pressly
Nicholas J. Purvis
Adam Rabin
John ("Randy") W. Randolph
Justus W. Reid

Ann Marie G. Rezzonico
C. Brooks Ricca, Jr.
John Riordan
Lawrence Rochefort
Bard Rockenbach
Erskine Rogers
John Romano
Bruce Rosenwater
Elisha Roy
Adam Saben
David Sales
Michael Salnick
Elisabeth Salvadore
Andrew Sasso
Jack Scarola
Carl Schwait
Steve Schwarzberg
Siobhan H. Shea
Harry Shevin
David Shiner
Jeremy Slusher
J.D. Small
Michael Small
Stuart Small
Clark Smith
Jack Sobel
Keith E. Sonderling
Peter Sosin
David I. Spector
Todd Stewart
David Tadros
Grey Tesh
Karen Terry
Matt Thibaut
Roy Watson, II
Ethan Wayne
Joel Weissman
Jeanmarie Whalen
Bill Williams
John Willis
Kurt Wyland
Stuart Young
Gregory Zele
Maura Ziska
Craig R. Zobel

*List in progress as of publisher's deadline of 04/30/10.

P.O. Box 2035 • West Palm Beach, FL 33402 • 561.822.9992

www.smallforjudge.com

Political advertisement paid for and approved by Lisa Small for Fifteenth Judicial Circuit Court Judge Group 33

President's Message



Never Can Say Goodbye

By Michelle Suskauer

That's it? It's over? No, it can't be true! This has been such a special year for me, one that I will never forget. I am so fortunate to be surrounded by amazing friends and family. I must thank my husband and law partner, Scott for being very patient and supportive. He has made this all possible for me and I am so lucky to have him in my life. My daughters, Talia and Becca still love me even though I have been running in 15 different directions and I must thank my paralegal, Rebecca Epstein, for not quitting this year.

The Staff: It has been such an honor to lead this incredible Bar Association. The best part of being President is getting to work with the "best staff ever": Lynne, Nancy, Eva, Shoshanah, Paula and especially our Executive Director, Patience Burns. She is the true heart and soul of this organization. Working with Patience, I have seen her unwavering dedication, attention to detail, and love for our Bar Association. She had to deal with me all year and she has lived up to her name "Patience"! At the Bench Bar Conference this year, the Board surprised her with gift of diamond earrings. I loved watching over 800 attorneys and judges give her a standing ovation for her 30 years of service.

The Board: How lucky can you get? I could not have asked for a more supportive, creative and hysterical bunch! Here are some of the things that kept them busy: John Howe and Adam Rabin chaired our new Diversity Task Force and ran our first Diversity Symposium; Jason Guari and Richard Schuler have been working on our building search; Maureen Martinez has been organizing our High School Moot Court Competition; John Whittles was our Bar Bulletin "Editor-in-Chief"; Wade Bowden was the CLE Czar; Grier Pressly was our Pro Bono Liaison; Jill Weiss worked with the future lawyers at the Law Magnet Program at Palm Beach Lakes High School; Jill and Grier have also chaired our new Residential

Mortgage Foreclosure Managed Mediation Committee, a tremendous undertaking. I loved working with Young Lawyers President Theo Kypreos, North County President Debra Jenks, and South Palm Beach County Bar Association President Seth Marmor. Each of them did a terrific job leading their respective groups and also put together some great events for their members and for the public. Of course, President-Elect Michael Napoleone was a constant source of support and bad jokes.

The Committees: I would like to thank all of our committee chairs and committee members for their tireless work and dedication to our Bar Association. The work of all of these individuals for the benefit of our members and the public, truly is what makes this Bar the best!

The Events: The year started off with a great party at the Breakers with a crowd of over 550, oh what a night! We created a Facebook site, started "tweeting", and created video messages so that we could brag and boast about all the wonderful Bar happenings. In August, we held our annual Bar Spelling Bee to benefit literacy and our winning team competing in the Great Grown Up Bee. In September, Florida Supreme Court Chief Justice Peggy Quince was our keynote speaker at our

first Diversity Symposium. Palm Beach County Schools Superintendent Dr. Art Johnson joined us in October and our annual Holiday Party at Frenchman's Reserve raised much needed funds for disadvantaged children in our county. Our first wine tasting event was held in January and was a tremendous success. And who can forget our Inaugural Variety Show at the Eissey Theater that benefited Legal Aid and the North County Section's Scholarship Fund. The over 500 attendees saw that lawyers really do have talent and we plan to make this an annual event. Our Bench Bar Conference chaired by Robin Bresky was bigger and better than ever, and we had a visit from Florida Bar President Jesse Diner and his wife, Adele Stone, President of The Florida Bar Foundation, at our joint luncheon with the South Palm Beach County Bar Association. Law Week was highlighted by our inspirational keynote speaker, Alabama Circuit Judge Helen Shores Lee, and we finished off with U.S. Supreme Court Justice Anthony Kennedy.

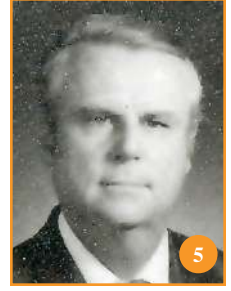
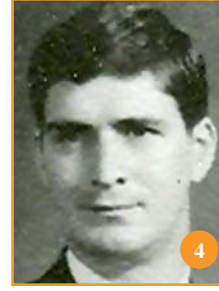
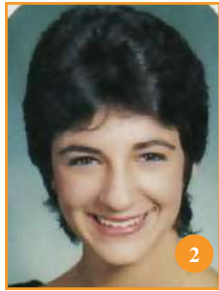
Thank you for the privilege to serve as your President. I loved every minute of it.

Board of Directors Meeting Attendance

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

Who are they?

Can you guess who these members are? Answers can be found on page 12. If you have old pictures of yourself or other members that you'd like featured, please send them to Patience Burns at the Bar Office.



Judicial Profile: The Honorable Jack S. Cox

By Terry Resk on behalf of the Judicial Relations Committee

If you see someone who looks like Judge Jack Cox cruising behind the wheel of a '65 Mustang or '67 Sunbeam Tiger, it could very well be him on his way to his getaway on the Steinhatchee River. There, and at his Hobe Sound home, he enjoys the hunting, fishing and boating he has done his entire life. With his fleet of vintage automobiles, riverboats, airboats and kayaks, he is a true Florida outdoorsman.

There is, however, an image of the judge with which the members of the bar have become more familiar. Buried behind a stack of files, he is the epitome of a man who loves his work and delves into each case with zeal and commitment. He even has an apartment in West Palm Beach so that he will be closer to the courthouse. For someone who did not have any attorneys in his family, or even know any attorney as a youngster, he is now firmly entrenched in the legal system.

Judge Cox was born in Jacksonville, and had an early lesson on life's injustices. When he was three, his father died of polio – just one year before the vaccine was made available. He lived in Georgia with his grandmother for a short time before moving to Palm Beach Shores with his mother, stepfather, sister and stepbrother. There, he attended Riviera Beach Elementary School, Howell L. Watkins Junior High, and Rivera Beach High School, and concluded his undergraduate education studying math and social sciences at Florida State University. After graduation, he returned to the Palm Beaches and taught math at one of the local public schools he had attended.

Judge Cox did not even consider law as a career until some friends in the local Bar urged him in that direction. Due to their persuasiveness, he applied to law school and attended Cumberland School of Law in Birmingham, Alabama before returning to Palm Beach County. Back home, he practiced with the well regarded firm which was then known as Levy Plisco. His primary focus for many years was construction litigation, and he particularly enjoyed his role of handling the firm's appeals. It was this strong interest in the appellate process which led to his decision to become a judge.

In September of 2009, Governor Crist appointed Judge Cox to the circuit court bench. Since assuming this position, Judge Cox

has been impressed – though not surprised – by the quality of preparation and level of professionalism exhibited by the members of our bar. There are many aspects to his career which he finds rewarding. He relishes the opportunity to learn new things with each case, and enjoys the camaraderie among his fellow judges. Pressed to identify anything about his current job which he would like to change, it would be the volume of work. Since his goal is to analyze everything presented to him, he would like to be able to devote even more time to certain issues.

Mary, the judge's wife of approximately 25 years, continues the nursing career she has had at Good Samaritan Hospital since they met on a blind date. Now that their son, Michael, an administrative hearing officer in Tallahassee, and their daughter, Katlin, a student at Indian River Community College, have their own children, he and Mary may find more time for their boats and classic cars. Having spent a little time with the judge, however, I suspect that he will use any additional time he may have to work his way through those files.



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, judicial evaluations, online voting, and important court information via email. Don't be left out of the loop! Send your email address to us today to sspence@palmbeachbar.org



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



Spring Seminar - "Is It Safe to go Back in the Water Yet?"

Friday, June 11, 2010 - 8:15 a.m. - 12:00 p.m.
Bar Association Offices, 1601 Belvedere Road #302E, WPB



Program Schedule

8:15am - 8:35am Late Registration/Check In

8:35am - 8:45am Welcome and Opening Remarks - *Steven D. Rubin, Esq., Board Certified Real Estate Attorney, Real Estate Committee Chairperson*

8:45am - 9:30am Chinese Drywall and Mold Issues in the Transactional Context, and Ethical Considerations. - *Gregory S. Weiss, Esq., Leopold ~Kuin, P.A.*

9:30am - 10:15am Title Insurance Coverage, Claims, and Defenses, and Ethical Considerations - *Alberto C. Gomez-Vidal, Esq., Fidelity National Title Group*

10:15am - 10:30am Break

10:30am - 11:15am Commercial Mortgage Foreclosures, Receiverships, Assignment of Rents, and Ethical Considerations - *John R. Hart, Esq., Carlton Fields, P.A.*

11:15am - 12:00pm Legislative and Case Law Update, and Ethical Considerations - *Michael J. Gelfand, Esq., Board Certified Real Estate Attorney, Gelfand & Arpe, P.A.*

SPONSORED BY:



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

The cost of the seminar is \$120 for PBCBA members/paralegals, \$160 for non-PBCBA members/paralegals if registered by 6/4/10; Add \$25 to registration fee after that date.

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

___ Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

HOW TO REGISTER		MAIL the completed form w/check		FAX the completed form to 561/687-9007		ON-LINE at www.palmbeachbar.org
------------------------	---	---------------------------------	---	--	---	---

Name: _____

Telephone: _____

Address: _____

City/Zip _____

Email Address: _____

Name on Credit Card: _____

Signature: _____

Credit Card #: _____ Visa ___ Amex ___ MC ___ Exp. Date: _____ Amount \$ _____

___ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (Real Estate Seminar 6/11/2010) Cost is the same as listed above, **in addition to \$10 for shipping and handling.**

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

THE LAW OFFICES OF

CATHLEEN SCOTT, P.A.

Got

Labor Pains?

We Can Help



Lindsay Hanson, Cathleen Scott, Deborah Baker

EMPLOYMENT • HEALTHCARE • CRIMINAL LAW

www.floridalaborlawyer.com

250 S. Central Blvd, Suite 104A • Jupiter, FL 33458

Satellite - 101 Northpoint Parkway • West Palm Beach, FL 33407

(P) 561-653-0008 • (F) 561-653-0020



Madoff Update: Court Rules on Net Equity Determination

Submitted by: *Marc P. Barmat*

The SIPA¹ liquidation of the Bernard L. Madoff and Bernard L. Madoff Investment Securities LLC (“BLMIS”) estates² involves more than 15,000 claimants with claims totaling billions of dollars. Some of these 15,000 claimants withdrew funds in excess of their investments in BLMIS (“net winners”) while others withdrew less money from BLMIS than they invested (“net losers”). One of the critical issues before the presiding bankruptcy judge was how to define a claimant’s “net equity.” The court’s determination of “net equity” will have a direct effect on the distributions that will be made to the 15,000 claimants. The Trustee, Irving H. Picard, argued one view and a group of net winner creditors argued the opposing view.

The Trustee argued that “net equity” should be defined as the actual amount of cash deposited by the customer into their BLMIS account, minus the actual amounts withdrawn by the customer. In support of his argument, the Trustee points out that the BLMIS customer account statements were fictitious and

¹ Securities Investor Protection Act.

² Securities Investor Protection Corporation v. Bernard L. Madoff Investment Securities LLC, SIPA Liquidation No. 08-01789, is pending in the Bankruptcy Court for the Southern District of New York.

therefore claims cannot be discharged based upon the false premise that customers’ securities positions are what the account statements purport them to be.

The net winner claimants objected to the Trustee’s “net equity” position and argued that “net equity” should be defined as the balances reflected on their final customer statements. In short, the net winners believe that their “legitimate expectations” should be dispositive.

After hearing argument on both sides and reviewing over 30 briefs and more than 20 pro se submissions, the bankruptcy judge agreed with the Trustee’s position that customer claims must be based on deposits and withdrawals indicated in BLMIS books and records. The court found that “it would be simply absurd to credit the fraud and legitimize the phantom world created by Madoff when determining net equity.” The bankruptcy court further found that the Trustee’s approach should be relied upon “because it relies solely on unmanipulated withdrawals and deposit and refuses to permit Madoff to arbitrarily decide who wins and who loses.” The court reasoned that the net winners’ contention would lead to an “absurd” result.

Not surprisingly, the net winners have appealed the bankruptcy court’s decision. If the bankruptcy court’s decision is upheld, the net winners will likely be sued by the Trustee and demand will be made for them to repay the amounts they received in excess of their total deposits, i.e., their false profits.

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

Take Stock in Children

By *Bettee M. Collister, Esq.*
RUTHERFORD MULHALL, P.A.

Take Stock in Children was established in 1995 as a non-profit organization in Florida that provides a unique opportunity for low-income and at-risk students to escape the cycle of poverty through education. Their comprehensive services start in middle school, continue through high school, and include college transition.

I have become personally dedicated to Take Stock in Children of Palm Beach County as a mentor and Board member. Take Stock in Children’s philosophy is not a quick fix, nor a band-aid, but a systemic community and education reform movement that begins with changing the lives of our students, permanently.

The Take Stock program is based on the principal that given extensive support, motivation and accountability, children will work hard to ensure that they graduate from high school and attain a college degree. Take Stock in Children’s multi-year commitment to at-risk children throughout Florida is also an investment in the communities in which our students live. We all know that the education of a child is an investment in their future and the assured way of breaking the cycle of poverty. Take Stock’s goal is

to continue to reduce the number of high school drop-outs and to increase the number of students who finish college and enter the workforce successfully.

Each child is typically selected in middle school based on a variety of educational and financial criteria. The student is then matched with a caring adult mentor who meets with them once a week, at school (usually during lunch) for at least 30 minutes. The goal is to maintain this critical mentor relationship until the student graduates high school. Upon graduation the student receives a four-year full-tuition college scholarship! Talk about incentive! Take Stock students graduate high school at a rate of 92% compared to less than 60% of their non Take Stock peers in Palm Beach County.

Take Stock is a state-wide initiative, with programs in all 67 counties. Due to the committed relationship between Take Stock and the state of Florida, we are able to purchase Florida Prepaid scholarships at a drastic discount, making this one of the more distinctive and cost effective programs in the nation.

YOU can join Take Stock as a mentor, volunteer, donor and help pave the way to better lives and a stronger community for us all. Please visit www.takestockpalmbeach.org



Newly appointed County Court Judge Leonard Hanser takes the oath of office from Chief Judge Peter Blanc as his wife Lisa looks on



Magistrates Joy Shearer, Linda Goodwin, Tom Baker, Peter Bassaline, Judge Hanser, Sara Alijewicz, Maxine Williams and Larry Weaver

Of all the banks in South Florida, only one has the distinction of being called "The Lawyers' Bank."

For over 25 years, we have concentrated on providing law firms, their partners, associates, staff and clients with an uncommon level of attention and service. Which is why so many law firms in South Florida count on Mellon.

Whether it's business or personal banking, or wealth management, our goal is to make a significant difference in all relationships through exceptional service, and constant focus on delivering measurable results to our clients.

For more information, please call
Bud Osborne, Executive Vice President,
or Donn Londeree, Vice President, at (561) 750-0075.



Mellon

The difference is measurable.™



Member FDIC

www.mellonunited.com

©2006 Mellon Financial Corporation

New this Summer!

Join the North County Section for its first Summer CLE & Happy Hour on Thursday, July 29 from 4:00 pm to 6:00 pm at Abacoa Golf Club in Jupiter. The topic will be Legislation and Its Impact on Attorneys. For just \$25.00, you'll receive 1.00 General CLER credit from the Florida Bar, plus drinks and hors d'oeuvres. To take advantage of this Super Summer Special register online @ www.palmbeachbar.org.



Its' time...

...to renew your Palm Beach County Bar Association Membership Dues. Statements were mailed in early April. Only members can take advantage of these:

Discounts

- CLE - live seminars plus a large library of CD's to help meet those last-minute CLER requirements (savings of \$40 per seminar)
- Movie Tickets (savings of \$2 per ticket)
- Theme Park Tickets
- Brooks Brothers (savings 15%)
- Daily Business Review
- Three free classified ads in Bulletin (value of \$150)
- Office Supplies
- Credit Card Processing
- Disability Insurance
- Free Happy Hours (\$25 per event)
- Paychex Payroll and HR Service (savings 15%)
- Members only events (such as luncheons with U.S. Supreme Court Justices)

Professional Benefits

- Mentor Program
- Public service opportunities
- Annual printed pictorial directory as well as an on-line membership directory
- Weekly eNewsletters
- Monthly Bar Bulletin newsletter
- Lawyer Referral Service
- North County Section
- Young Lawyers Section

Renew your Bar Association Dues Promptly

It pays to be a member!

renew online at www.palmbeachbar.org

Legal Aid Thanks Gift Gathering Party Hosts

Lisa and Rick Roselli, together with the South Palm Beach County Bar Association, recently hosted a gift gathering cocktail party at their home in Boca Raton to benefit the Legal Aid Society of Palm Beach County's 22nd Annual Pro Bono Recognition Evening. Over 100 supporters of Legal Aid enjoyed the festivities and donated over 50 gifts to be auctioned at this year's event, which was held on May 8. On April 24th, Marjorie Gadarian Graham hosted a Tropical Gift Gathering Gala at her oceanfront home on Jupiter Island. The evening featured tropical food and drinks as well as entertainment from the Dreyfoos School of the Arts.



Scott & Jamie Murray and Robin & Ken Bresky



Ron and Rachel Ponzoli and Bob Bertisch



Hank & Michelle Jackson



Katie & Jerry Beer



W. JAY HUNSTON, JR. Mediator/Arbitrator

- J.D. Stetson Univ. College of Law (1976)
- Florida Bar Board Certified Civil Trial Lawyer (1983-2003)
- Florida Bar Board Certified, Emeritus in Civil Trial Law (2003-Present)

- Florida Certified:
Circuit Civil Mediator (1991-Present)
Family Mediator (1998-Present)
- NASD/FINRA Approved Mediator
- Qualified Florida Arbitrator
- Admitted to Practice in Florida and Montana
- Hourly and Per Diem Rates Available upon Request

Since 1/1/01, limiting his practice to all forms of effective dispute resolution, including pre-suit and Court-ordered mediation, arbitration, conciliation, special master proceedings, and private judging.

W. Jay Hunston, Jr., P.A.
P.O. Box 508, Stuart, FL 34995
(772) 223-5503; Fax: (772) 223-4092
(800) 771-7780; Fax: (866) 748-6786
Email: wjh@hunstonadr.com
website: <http://www.hunstonadr.com>

The YLS Hosted a Happy Hour at Don Ramon's in April



Ari Bargil, Jennifer Fleming and Jeremy Dicker



Lauren Godden and George Lagos



Roy Zachariah, Noelle Page and Patti Flanagan



Marla Neufeld and Lily Chang



www.palmbeachbar.org

Bulletin



Who is a “Qualified Beneficiary” Of A Trust?

By David M. Garten, Esq.

Sec. 736.0103(14), Fla. Stat. defines a qualified beneficiary as a living beneficiary who, on the date the beneficiary’s

qualification is determined:

- (a) Is a distributee or permissible distributee of trust income or principal;
- (b) Would be a distributee or permissible distributee of trust income or principal if the interests of the distributees described in paragraph (a) terminated on that date without causing the trust to terminate; or
- (c) Would be a distributee or permissible distributee of trust income or principal if the trust terminated in accordance with its terms on that date.

This Scrivener’s Summary, dated 5/21/06 explains the new Trust Code, with special emphasis on the changes made to existing law, together with the Ad Hoc Trust Code Revision Committee’s rationale supporting those changes. The Scrivener’s Summary is helpful in defining who is a qualified beneficiary of a trust. The relevant portion of the Scrivener’s Summary reads:

Beneficiary: The term “beneficiary” refers to the universe of persons who have a beneficial interest in a trust as well as to any person who has a power of appointment over trust property in a capacity other than as trustee. It is immaterial for this purpose whether the beneficial interest is present or future, vested or contingent, or whether the person having the interest is ascertainable or even living. ⁴⁶

Example 1 – Meaning of Beneficiary. At his death, ninety-year-old D leaves \$1,000,000 to T as trustee “to pay the income to D’s spouse S for life, then to distribute trust property to such of D’s descendants as S by will appoints, and in default of

appointment in continuing trust to spray income among D’s children from time to time living, and at the death of the last to distribute all trust property per stirpes to D’s then living descendants and if there be none, to D’s alma mater, QB University.” D is survived by S, by two children, C1 and C2, by a grandson Bob (C1’s child) and by a great-granddaughter Fay (Bob’s child). On these facts, the beneficiaries of D’s trust include S, C1, C2, Bob, Fay, QB University, and an indeterminate and unascertainable class of as yet unborn descendants of D. Note that T’s power to spray trust income among D’s children does not make T a beneficiary because T holds that power as a trustee. ⁴⁷

Qualified Beneficiary: The term “beneficiary” is to be contrasted with “qualified beneficiary.”⁴⁸ The latter encompasses only a limited subset of all trust beneficiaries. In effect the class is limited to living persons who are current beneficiaries, intermediate beneficiaries, and first line remainder beneficiaries, whether vested or contingent.⁴⁹ An example may be helpful.

Example 2 – Meaning of Qualified Beneficiary. Same facts as Example 1. The qualified beneficiaries of D’s trust, as of his death, include S, C1, C2 and Bob. S is included because she is a permissible distributee. C1 and C2 are included because they would become permissible distributees were S’s interest to terminate at D’s death (i.e., were she to die at that time). Bob is also a qualified beneficiary because he would take the trust property were the trust to terminate at D’s death (because of the death of S, C1 and C2). As of D’s death, neither Fay nor QB University are qualified beneficiaries. Note however, that if Bob were to die after D’s death, Fay would then become a qualified beneficiary because she would be entitled to trust property as a consequence of a hypothetical trust termination at that time. That is, the determination of who is a qualified beneficiary is made as of a specific point in time and can change over time.

FOOTNOTES:

⁴⁶ Nor is it relevant how the person acquired the beneficial interest. The term ‘beneficiary’ includes persons who received their interests by assignment, exercise of a power of appointment, resulting trust, or by operation of an antilapse statute. See generally the discussion of “beneficiary” in the comments to UTC § 103.

⁴⁷ Suppose S’s power in this example extended to D’s descendants and their spouses. Would a current or future spouse of the descendants be beneficiaries by virtue of the fact that they are permissible objects of S’s power? The better answer is no because, under traditional property law, the objects of a power of appointment have no beneficial interest in the property subject to the power; they have a mere expectancy.

⁴⁸ It is this latter term that the Code employs in the various provisions dealing with notice and consent.

⁴⁹ More precisely, the term includes only living beneficiaries who are either present distributees (or present permissible distributees) of trust income or principal or who would become present or permissible distributees if the interests of present distributees or the trust itself terminated on the date the class of qualified beneficiaries is being determined.

Circuit Court Report				
CIVIL DIVISIONS • March 2010				
DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
I GARRISON	08/10	06/10	04/10	863
JROSENBERG	08/10	08/10	04/10	1599
DFRENCH	07/10	07/10	04/10	1702
AKELLEY	08/10	08/10	06/10	1703
H FINE	10/10	10/10	05/10	1726
F MARX	09/10	09/10	05/10	1763
BHAFELE	09/10	09/10	06/10	1809
G CROW	08/10	06/10	05/10	1877
OBARKDULL	08/10	08/10	05/10	1916
N COX	09/10	09/10	06/10	2024
E MCCARTHY	01/11	01/11	04/10	2124



IN NEED OF CLER CREDIT? WE CAN HELP!

Rev 5/13/10

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). **CLE content is now available to purchase online to download either to your computer or your iPod at our webpage @ www.palmbeachbar.org** Members and non-members can benefit from this simple way of acquiring CLE and Ethics hours. To order, place an "x" next to the tapes you would like to order, complete this form and return to the Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406 or **fax to 561/687-9007. PLEASE WATCH EXPIRATION DATES.**

✓	Sponsor	Course Title	Credit Gen'l	Ethics Hours	PBCBA Member	Non Member	Expires
	PBCBA	11 th Annual Elder Law Update (CD) +++4.0 Civil/4.0 Elder Law/4.0 Wills, Trusts/1.0 Tax Cert. Credits	5.5	1.0	\$145	\$185	6/12/10
	DCBA	Plan for Citizens Facing Foreclosure(CD) +++8.0 R/E	8.0	2.0	\$225	\$265	7/23/10
	PBCBA	Winter 09 Real Estate (CD)+++3.0 R/E Cert. Credits	4.0	4.0	\$160	\$200	7/23/10
	PBCBA	ABC's of FL Construction Law (CD)+++5.5 Constr Law Cert.	7.5		\$185	\$225	8/06/10
	PBCBA	Mediation & Arbitration in 2009 (CD)	8.0	3.0	\$185	\$225	8/09/10
	PBCBA	Environmental Permitting & Land Planning (CD) ** 1.5CM credit	1.5	**1.5CM	\$35	\$75	8/10/10
	PBCBA	Effective Settlement Strategies(CD)+++4.0 Civil Trial Cert.	5.0	2.5	\$150	\$190	8/20/10
	PBCBA	Practicing Divorce Law...(CD)+++5.5 Marital Fam Law Cert credits	7.0		\$175	\$215	8/27/10
	PBCBA	Marketing Yourself Every Way Possible(CD) Solo seminar	1.5		\$35	\$75	9/06/10
	PBCBA	Don't Worry Be Happy:Down Cycle Issues(CD)+++4.0 Bus Lit	5.0	3.0	\$150	\$190	9/13/10
	PBCBA	Trial Superstars "Planes, Trains, Trucks & Boats"(CD)+++2.0 Aviation; 2.0 Admiralty; 7.0 Civil Trial Cert. credits	9.0		\$200	\$240	9/27/10
	DCBA	Bankruptcy Prev of Mortgage(CD)+++2.0 R/E Cert credits	2.0		\$50	\$90	10/21/10
	PBCBA	Technology & Ethics Seminar(CD) (Solo Seminar)	3.5	2.5	\$100	\$140	10/21/10
	PBCBA	Leadership for Lawyers(CD)	4.0		\$75	\$115	11/08/10
	PBCBA	26 th Estate&Probate Seminar(CD)+++1.0Crim;.50Marital;Tax;R/E - 6.5Wills Cert. credits	9.5	.5	\$225	\$265	11/13/10
	PBCBA	20 th Ann'l Community Assn. Law(CD)+++1.0Constr / 1.0R/E Cert.	3.5	3.5	\$125	\$165	12/05/10
	PBCBA	We Will Survive R/E Spring Sem.(CD)+++5.0 R/E Cert.	5.0	4.5	\$155	\$195	12/12/10
	PBCBA	Practice and Procedure (Fam Law) (CD)+++1.0 Marital/Fam Law	1.0		\$25	\$65	03/22/11
	PBCBA	Preparing Client For Mediation (Fam Law) (CD)+++1.0 Marital/Fam Law	1.0		\$25	\$65	04/16/11
	PBCBA	Entity Selection and Structuring (CD) +++1.0 Bus Lit Cert.	1.0		\$25	\$65	05/12/11
	PBCBA	Inside the Appellate Court(CD)+++2.5 Appellate Practice Cert.	5.0	1.0	\$150	\$210	06/04/11
	PBCBA	Special Needs Trusts(CD) +++1.0 Civil Trial; 4.5 Wills; 4.5 Elder Law; .50 Tax Cert.	6.0	1.0	\$165	\$205	06/15/11
	PBCBA	Charging Liens, Retaining Liens...(Fam. Law) (CD) +++1.0 Marital/Family Law Cert.	1.0		\$25	\$65	7/15/11
	PBCBA	Winter R/E - Hot Topics in a Cold Market (CD)+++4.0 R/E	4.0	4.0	\$145	\$185	7/27/11
	PBCBA	The View From the Bench (Bankruptcy Seminar) (CD)	2.0		\$25	\$65	7/29/11
	PBCBA	Real Estate Issues in Bankruptcy Cases (Bankruptcy Seminar)(CD)	2.0		\$25	\$65	8/26/11
	PBCBA	Trial Superstars "Trying the Catastrophic Injury Case" (CD) +++5.5 Civil Trial Cert.	7.0		\$175	\$215	9/07/11

+++Indicates Certification credits available; **CM credits. Please contact the Palm Beach County Bar Association for more detailed information. Please call Eva Gray 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 PALM BEACH COUNTY BAR ASSOCIATION FOR \$100. APPLICATIONS FOR MEMBERSHIP CAN BE OBTAINED ON OUR WEBSITE AT www.palmbeachbar.org. RENEWAL OF DUES FOR PREVIOUS MEMBERS IS \$125.

ORDER INFORMATION: Orders can be faxed to (561) 687-9007

Name: _____ Firm Name: _____

Street Address (no P.O.Boxes): _____

City _____ State _____ Zip _____ PBCBA Member Non-PBCBA Member

Telephone: _____ Email Address: _____

Add \$25 for rush fee (order processed w/in 3 business days) Please call when order is ready to be picked up

Please mail (add \$10.00 for shipping and handling) (**payment must be received before items will be mailed or picked up**)

PAYMENT INFORMATION:

Tape Order Subtotal: \$ _____

Shipping/Handling: + \$10.00

Rush Fee: + \$25.00

Total Due: \$ _____

Payment Enclosed: Check # _____ Amount: \$ _____

Please bill my credit card: MC VISA AMEX Amount: \$ _____

Signature _____

Credit Card #: _____

Expiration Date: _____

NOTE: THE PURCHASE OF EACH CD IS VALID FOR INDIVIDUAL USE ONLY. DEFECTIVE RECORDINGS WILL BE REPLACED ONLY IF RETURNED WITHIN 30 CALENDAR DAYS FROM INVOICE DATE.



STRENGTH STAMINA STRATEGY

WORKERS' COMPENSATION - IT'S A JUNGLE

Choose Your Pride Wisely



Fighting for the Injured

Rosenthal, Levy & Simon, P.A.

ATTORNEYS AT LAW

Referral Fees Paid in Accordance with All Rules Governing the Florida Bar.

RosenthalLevy.com ♦ Facebook.com/RosenthalLevy 866-640-7117 West Palm Beach ♦ Port St. Lucie ♦ Nationwide



Facebook Privacy Settings

Submitted by Christopher B. Hopkins and Diana L. Martin on behalf of the Technology Committee

Last year, the Palm Beach Bar Association held a “Tweet, Meet & Eat” seminar to discuss how lawyers and paralegals could sign up to use Twitter and Facebook. Since the Bar seminar, Facebook has twice revised their privacy settings. It is important to modify privacy settings when using social networking sites since the sites control what information can be discovered about litigants, witnesses, experts – and you. Proper adjustment of your personal settings can maximize your visibility while maintaining your privacy.

The broadening of Facebook settings creates a great researching opportunity for paralegals and lawyers. Overall, we are seeing our society change its attitude about privacy. That said, many people believe that these privacy decisions should be made by the individual user. Since the “Tweet, Meet & Eat” seminar was such a success, here’s an updated primer for your Facebook privacy settings.

In late 2009, Facebook reconfigured every users’ setting to default to “everyone.” This meant everyone on the internet could see everything about a Facebook user unless that person affirmatively turned off that access. More recently, Facebook announced at an April 2010 conference that “connections” and “instant personalization” features were being implemented. Again, these new “features” permit personal data, photos, and video of users to spread throughout the internet.

To begin, log into Facebook.com and click “Account” in the upper right corner. We will focus on “Account Settings,” “Privacy Settings,” and “Application Settings.” The general rules of privacy settings are that you likely want to limit your information to “only friends,” turn off any instant or automatic publishing, and curtail other applications from distributing your personal data.

Account Settings

/Settings: make sure your “security question” is not something which could be guessed by browsing your public data (e.g., name of high school or hometown). Skip “manage privacy” on this page since we will address it below.

/Networks and /Payments: most users have not configured networks or payment information. Unless you use these tools, just ensure they are set to “none” or zero.

/Facebook ads: there are two drop-down menus on the page. Set both to “no one.” Facebook will quibble with you via pop-up windows that you should let them use your name and image. Stick with “no one.”

Privacy Settings

/Personal Information: set your bio to “everyone” and everything else to “only friends.” Under “photo albums,” make your profile picture public and everything else limited to “only friends.” These settings will likely not provide much greater information than your law firm biography but will give people enough information so they can be sure they are communicating with you and not just someone with the same name.



/Contact Information: everything but “your website,” “add me as a friend,” and “send me a message” should be set to “only me.” Your email address should be limited to “only friends.” Again, these settings provide enough flexibility for someone to contact you.

/Friends, Tags, Connections: set everything to “only friends” except city and education/work (this information is likely already on your firm’s website). Double-check your settings with the “preview my profile” button in the upper right corner. Note that “fan pages” are now controlled by connections.

/Applications and Websites: an entire new page appears under this option. Below are the suggested settings, with “Instant Personalization” being the most important.

/Friends Can Share: uncheck everything but “website.”

/Activity on Applications: set to “only friends” or consider “customize” to reduce even further.

/Instant Personalization: uncheck the box so Facebook cannot share your information. Much like de-selecting Facebook ads, the website will seek to convince you to participate in Instant Personalization. Given the controversy and unclear extent of this “feature,” uncheck the box so you are not participating.

Application Settings

Facebook controls its applications under privacy (above) as well as another list of settings under Application Settings. If you use applications, then you may decide not to follow the suggestions below. If you do not use applications on Facebook, the following conservative settings are recommended.

/Events: remove the box and tab and set to “only me.”

/Gifts: remove the box and set to “only me.”

/Groups: this includes alumni and other groups so it may be ok to keep as “added.” But set privacy to “only me.” People in the group will still see you as a member.

/Links: remove the box and tab and set to “only friends.”

/Marketplace: remove tab and set to “only friends.”

/Notes: keep box as “added,” remove tab, and set to “only friends.”

/Photos and /Video: keep box as “added” and set to only friends.

When you are finished, review your Profile (button at the top right of screen). It may be a good idea to go onto an available computer at work and search [your name city] on Facebook to see what information “anyone” can find. Alternatively, if your browser has an “incognito” feature, perform the search that way. As a test, enter your Facebook user name on www.zesty.ca/facebook to see what it can find out about you. If you feel you are missing any Facebook features, then just turn them back on. Happy (and safe) surfing.

Christopher B. Hopkins is a shareholder at Butzel Long and Diana L. Martin is an associate with Leopold~Kuvin. You can send them a friend request on Facebook at christopherbhopkins and martin.diana.l.

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.

KATHLEEN I. BARBER – 2007;
Associate in Robbins Geller Rudman
& Dowd LLP, Boca Raton

KALEB BELL – Oklahoma;
University of Florida Levin College of
Law, 2008; Associate in Rosen &
Winig, P.A., Palm Beach Gardens

JENNIFER D. BOKANKOWITZ
–Nova Southeastern University, 2005;
South Florida Water Management
District, West Palm Beach

DANIEL S. CANEDO – Florida;
University of South Carolina School of
Law, 2009; Associate in Hightower &
Partners, West Palm Beach

JAMES J. DUFFY – New Jersey;
University of Miami, 2009; Associate
in Marc S. Dobin, P.A., Jupiter

DAVID A. FAGERSTROM -
Massachusetts; University of Miami
School of Law, 2006; Associate in
Walton, Lantaff, Schroeder & Carson,
LLP, West Palm Beach

DANIEL L. FRANKS – Florida;
Florida International University, 2010;
Associate in John W. Carroll, P.A.

VICTOR R. GUZMAN – New York;
Seton Hall University School of Law,
1995; Associate in Ellis Ged & Bodden,
P.A., Boca Raton

SETON T. HENGESBACH – Florida;
Nova Southeastern University, 2009;
Associate in Law Offices of Maria
Dantes-Sanchez, Boca Raton

MOJAN KAZEMI – Nova
Southeastern University; Law Student
Member; Coral Springs

MICHELLE C. MOORE – New
York; Nova Southeastern University,
1998; Associate in the Law Office of
Malcolm E. Harrison, P.A.

MARTHA PLATTS – Nova
Southeastern University – Shepard
Broad Law Center, 2008; Associate in
Becker & Poliakoff, West Palm Beach

ALLAN C. SAMUELS – New York;
Brooklyn Law School, 2010; Partner
in McLaughlin & Stern, LLP, West
Palm Beach

GARY M. SHERES – Montreal; Nova
Southeastern Shepard Broad Law
Center, 2005; Law Office of the Public
Defender, Ft. Lauderdale

MARTA STYPULKOWSKI –
University of Florida, 2008; Associate
in Adams, Coogler, Watson, Merkel,
Barry & Kellner, West Palm Beach



SANDRA I. TART –
Washington, D.C.; Case
Western Reserve School
of Law, 1982; Associate
in Fowler White Burnett,
P.A., West Palm Beach

PATRICK J. TIGHE – New York;
St. John's School of Law, 2002; Sole
Practitioner, Patrick J. Tighe, P.A.,
West Palm Beach

MARGARET R. YOUNG – Florida
State University, 1989; Sole
Practitioner, Wellington

AVI M. ZWELLING – Cardozo
University, 2004; Associate in The
DuBosar Law Group, P.A., Boca Raton

WELCOME

Historical Committee

Who Are They?

From Page 4

1. Ted Babbitt
2. Kim Enright
3. Ray Osborne
4. Joe Reiter
5. Chuck Nugent

probate litigation



(561)

514 – 0906

support@pankauskilawfirm.com



Join the North County Section for its first
SUMMER CLE & COCKTAIL RECEPTION



Thursday, July 29
 4:00 pm to 6:00 pm
 Abacoa Golf Club, 105 Barbados Drive, Jupiter

PRIVACY LEGISLATION AND ITS IMPACT ON ATTORNEYS

Presented by Mark J. Murnan, CLI, CFE

Attorneys know how valuable witness testimony is to the success of their client's case. Proposed privacy legislation is threatening attorneys' ability to locate witnesses, judgment debtors, co-workers and physical assets in a cost-effective time and manner. This legislation will make it illegal to sell or have possession of personal identifiers (Social Security number dates of birth, driver license numbers), the means by which electronic data bases distinguish between individuals with similar names, addresses or dates of birth.

Attend this course and learn:

- *Growing concerns about identity theft
- *Legislation restricting access to SSN and personal identifiers
- *Trending toward European-style (EU) privacy environment
- *Electronic data bases impact and restricted
- *Dramatic increase in costs to locate witnesses, defendants, co-workers, assets, etc.
- *Need for lobbying effort to ensure that exemption language exists for "business purposes"



This course has been approved for 1.0 General CLER from The Florida Bar.

The cost is just \$25.00 for NCS members and includes CLE credit, plus the cocktail reception.

Non-section members are welcome for \$35.00 and judges are complimentary. Register before 5pm on 7/26 to avoid a \$5.00 late fee.

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

HOW TO REGISTER		MAIL the completed form w/check		FAX the completed form to 561/687-9007		ON-LINE at www.palmbeachbar.org
------------------------	--	--	--	---	--	--

NCS SUMMER CLE & RECEPTION

Name: _____ Telephone #: _____
 Address: _____ Email: _____
 Credit Card # _____ Visa _____ AmEx _____ Mastercard _____
 Name on Card: _____ Exp: _____
 Amount to Charge: _____ Signature: _____

Mail payment along with this form to: The Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406.

Report of April 24 Lawyers v. Judges Softball Game

Submitted by Dennis Koehler



Judge's Team

The Lawyers team included four judges: U.S. District Court Judge Ken Marra, 4th DCA Judge Jon Gerber, Circuit Judge Peter Blanc and County Court Judge Jim Martz. Rounding out the lawyer team's lineup were Val Rodriquez, Leon St. John and Sara Alijewicz, who organized the game for the Bar Association.

Judge Eissey's team made a nine-run statement to open the game, as 13 players batted with Kirk Volker, Jacob Noble and Carl Cascio each delivering 2 hits in the inning. The team stayed hot the rest of the way, totaling 27 runs on 34 hits in 49 at bats, for a sizzling team BA of **.694**. David Prather led the team with 6 hits in 8 trips, including a 3-run homer, and 4 RBIs. Jacob Noble collected 6 hits in 9 ABs, scoring 6 runs. Cleanup hitter Carl Cascio went 5 for 7, drilling a 3-run homer and leading all hitters with 8 RBIs. Leadoff batter Kirk Volker went 5 for 9 with 4 runs scored, and Thom Baird, Judge Oftedal and Judge Eissey each collected 4 hits.

The Lawyer's 8-member team (Sara Alijewicz played in the outfield) had a much tougher time at the plate, scoring just 7 runs on 14 hits in 35 ABs. Showing no ill effects from an injury-plagued 6-month layoff, team captain Phil Mugavero played flawlessly at short and went 4 for 5 (including 2 triples and 1 double), scoring 3 times and driving in 3 runs, for a game-leading BA of **.800**. Judges Marra and Blanc each collected 2 hits in 5 trips, with Judge Blanc scoring 3 times, and cleanup hitter Val went 2 for 4 with 3 RBIs.

During the outstanding picnic following the game at the Osborne Pavilion, all agreed that a better promotional effort will be necessary next year to avoid the dearth of players – judges and lawyers – that we experienced this year. DUFFY'S SPORTS BAR catered this year's picnic, offering barbeque ribs, wings, Caesar salad and turkey sandwiches. Linda Sims, Manager of the Palm Beach County Law Library, served as the game's official photographer. Local news coverage was provided by Francis Burke Goodman of the Lake Worth Herald/Coastal Observer.

One added note: With this win, a Judges-led team snapped the Lawyers' six-year win streak.

In the latest installment of this annual Law Week contest, the team led by County Court Judge Mark Eissey crushed lawyer Phil Mugavero's crew on Saturday, April 24 by a final seven inning score of 27-7. Judge Eissey's seven-man team included Circuit Court Judge Richard Oftedal and attorneys Kirk Volker, Jacob Noble, Thom Baird, Carl Cascio and David Prather. [Unlike previous years, when as many as 15 lawyer softballers alone turned out, only 15 players total showed up for this year's game.] With the writer on the disabled list, umpire Dick Wilson filled in as pitcher for both teams.



Lawyers' Team



A BETTER COPY CENTER
supports the
**Palm Beach County
Bar Association**

**"You know us...
we do all the
event signs!"**

**919 North Dixie Highway
West Palm Beach, FL. 33401**

**"Celebrating our 21st year!"
(561) 655-4944**

www.bettercopycenter.com

- All Litigation Support Services
Including but not limited to...
- Trial Exhibit Enlargements
Color and Black & White -
Documents & Photos - Xrays/MRI
- Document Scanning
Summation - Concordance - Sanction
iPRO - Tiff - PDF to Disk
- Document Production
Copying - Color Copying - Print Documents from Files
Binding - Digital Photo Printing - Blueprints Copied
Video / Audio Tapes / DVDs / CDs Duplicated

Video tapes Converted to DVD
Audio Cassette Tapes Converted to CD

Free Pickup & Delivery
(in our extensive delivery area)



EXPERIENCE

EFFICIENCY

ETHICS

Endorsed by

Palm Beach County Fire Rescue

“Marni Bryson has the balance and knowledge necessary to serve the citizens of Palm Beach County on the bench. Her experience on both sides of the law as a defense attorney and in the public sector proves she is the most experienced and qualified candidate for County Court, Group 7.”

– Grey Tesh, Esq.

MARNI 
BRYSON
FOR COUNTY COURT JUDGE

“Marni Bryson has committed her legal career serving the public. Her experience in the courtroom and the community demonstrate her ability to serve on the bench. As lawyers, we need someone who will be impartial and has the highest ethical standards. Marni Bryson is the right choice for County Court.”

– Alka R. Sharma, Esq.

VOTE ON AUGUST 24

Political advertisement paid for and approved by Marni A. Bryson for County Court Judge, Group 7, Non-Partisan



Mathematical Formulas in Punitive Damage Cases

by Ted Babbitt

When it comes to punitive damages the two cases most often cited are the United States Supreme Court cases of State Farm Mutual Automobile Insurance Company v. Campbell, 538 U.S. 408 (2003) and BMW of North American Inc. v. Gore, 517 U.S. 559 (1996). Both of these cases are cited as concluding that the United States Supreme Court has set a mathematical formula regarding the ratio of compensatory damages to punitive damages and holding that that ratio cannot exceed somewhere between 4 to 1 or 9 to 1. The recent case of Lawnwood Medical Center, Inc. v. Sadow, 35 Fla. L. Weekly D655 (Fla. 4th DCA, March 24, 2010) disabuses that notion.

In that case Dr. Sadow, a cardiovascular surgeon, brought suit against Lawnwood Medical Center for breach of contract for intentionally refusing to grant him staff privileges as a cardiovascular surgeon in favor of an exclusive arrangement with his former partner. During the pendency of the litigation, Dr. Sadow amended his complaint to make a claim for slander per se as a result of statements made by a senior executive officer of Lawnwood to other doctors in the community stating that Dr. Sadow was “not qualified to perform surgery on a dog” and informing physicians in the community that Dr. Sadow, as well as members of the medical staff who had approved his credentials and thereafter sued the hospital, were “problem doctors,” were physicians who other doctors “should not refer patients to,” “were not good doctors” and were “bad persons.”

At the conclusion of a jury trial, the jury found that Lawnwood had breached its contract with Dr. Sadow, that Lawnwood had intentionally and maliciously defamed Dr. Sadow, that Lawnwood had specifically intended to harm Dr. Sadow and, in fact, had harmed him by their slanders per se. While the jury found no compensatory damages, it awarded \$5 million in punitive damages.

Lawnwood relied for reversal on State Farm and BMW, *supra*, claiming that those cases precluded an award of punitive damages that was not mathematically consistent with the formulas used in those cases. The Fourth District disagreed and upheld the verdict.

Judge Farmer, speaking for a unanimous Court, analyzed both the State Farm and BMW cases and compared them with TXO Production Corporation v. Alliance Resources Corporation, 509 U.S. 443 (1993). In the latter case, the United States Supreme Court upheld a \$10 million punitive damage award juxtaposed with a \$20,000.00 compensatory damage award. TXO involved intentional wrongdoing and its opinion was authored by Justice Kennedy who was also the author of the majority opinion in the State Farm case. In that opinion the Supreme Court held:

“It was rational for the jury to place great weight on the evidence of TXO’s deliberate, wrongful conduct in

determining that a substantial award was required in order to serve the goals of punishment and deterrence.”

The Fourth District in Lawnwood cites with approval the opinion of the Supreme Court in the BMW case as follows:

“We have consistently rejected the notion that the constitutional line is marked by a simple mathematical formula, even one that compares actual and potential damages to the punitive award. Indeed, *low awards of compensatory damages may properly support a higher ratio than high compensatory awards, if, for example, a particularly egregious act has resulted in only a small amount of economic damages.* A higher ratio may also be justified in cases in which the injury is hard to detect or *the monetary value of noneconomic harm might have been difficult to determine. It is appropriate, therefore, to reiterate our rejection of a categorical approach.* Once again... we need not, and indeed we cannot, draw a mathematical bright-line between the constitutionally acceptable and the constitutionally unacceptable that would fit every case.”[e.s.]

This quote from BMW belies the notion that a mathematical formula is appropriate for every case. In fact, a comparison of TXO and BMW makes it clear that it is reprehensibility that is the key question in analyzing whether a punitive damage award is excessive or not.

The Lawnwood case also quotes from State Farm and cited at 660, with approval, the following quote from the State Farm case at 425:

“We decline again to impose a bright-line ratio which a punitive damages award cannot exceed. 538 U.S. at 425. The Court made clear that ‘ratios greater than those we have previously upheld may comport with due process where *‘a particularly egregious act has resulted in only a small amount of economic damages.’* [e.s.] 538 U.S. at 425. State Farm underlined that ‘[t]he precise award in any case... *must be based upon the facts and circumstances of the defendant’s conduct and the harm to the plaintiff.*’ [e.s.]

The Fourth District in Lawnwood points out that Florida Statute 768.73(1)(a) Fla. Stat. (2009) specifically holds:

“Where the fact finder determines at the time of injury the defendant had a specific intent to harm the claimant and determines that the defendant’s conduct did in fact harm the claimant, *there shall be no cap on punitive damages.*” [e.s.]

The Fourth District points out that Florida has had a long history of supporting punitive damage awards for the purpose of punishment and deterrence. At 661 the court holds:

“This statute gives all who would consider such misconduct here clear warning that for intentional and malicious harm they can lawfully be punished to the extent of their personal ability to pay. It is apparent to us that the statute’s provision allowing punitive damages without proportionality for intentional, malicious harm satisfies any BMW and State Farm concern for fair notice. The Due Process Clause is thus satisfied by this statute.”

Continued on page 17

Injury Case to Refer?

We gladly pay a 25% referral fee in accordance with Florida Bar rules.

"AV" rated by Martindale Hubbell

- American Association for Justice, National Chairperson: Automated External Defibrillator Litigation Group
- Florida Justice Association
- Palm Beach County Justice Association
- The Florida Bar
- Palm Beach County Bar Association, Former Chairperson: Solo Practitioner's Committee, Elder Law Committee
- Trial Bar of the U.S. District Court, Southern District of Florida
- Trial Bar of the U.S. District Court, Middle District of Florida



Craig Goldenfarb

- Auto Accidents
- Slips & Falls
- Wrongful Death
- Motorcycle Accidents
- Medical Malpractice
- Legal Malpractice
- Nursing Home Abuse
- Truck Accidents
- Boating Accidents
- Fatal Heart Attacks in Public Places

Our pledge to referral attorneys:
We keep you informed of the status of your referrals. You sign our contract. You receive copies of important documents. You are always kept informed of the progress of the case.

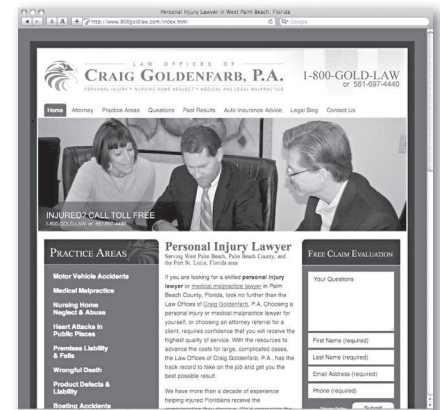
For more information
www.800GoldLaw.com



LAW OFFICES OF

CRAIG GOLDENFARB, P.A.

PERSONAL INJURY • NURSING HOME NEGLECT • MEDICAL AND LEGAL MALPRACTICE



Free Phone Consultation 24 Hours A Day & On Weekends

800-GOLD-LAW

Se Habla
Español

Main Office: 2090 Palm Beach Lakes Blvd. • Suite 402 • West Palm Beach

Judge Mounts' Prison Tour Still Going Strong

In the early 1970's, Judge Marvin Mounts decided to take a group of judges, prosecutors, and defense lawyers on a tour of Florida's prisons. Judge Mounts said, "If you play a part in confining a human being, you are under an obligation to understand what that confinement will be like on a firsthand basis." Judge Mounts continued the tour annually for the next thirty years. Before Judge Mounts passed away in 2003, he asked Judge Jonathan Gerber to continue the tour. Judge Gerber



said, "We were driving between two prisons in North Florida and he asked me to keep the tour going. Of course, there was no saying 'no' to Marvin. I feel very fortunate that I was able to go on his last tour." Judge Bill Bollinger joined Judge Gerber as the tour's co-leader. When Judge Bollinger retired, Judge Moses Baker kindly volunteered to join the tour. Judge Gerber and Judge Baker have continued to lead the tour each year, taking a new group of people involved in the criminal justice system to the same eight facilities which Judge Mounts used to visit. The two-day tour starts at a minimum security facility located on Southern Boulevard, then moves to a youthful offender facility in Vero Beach. From there the tour goes to a prison in Clermont which houses the state psychiatric ward. The first day ends at a prison in Bushnell which houses vocational programs for printing and

furniture manufacturing. The group stays at a hotel in Ocala and has dinner together, with a toast in Judge Mounts' honor. On the second day, the group tours the women's prison in Ocala before heading north to Lake Butler, where one of the state's four reception centers for new inmates is located. The tour ends in Raiford at Union Correctional Institution and Florida State Prison, where the group tours death row and the execution chamber. "To say it's an eye-opening experience is an understatement," according to Judge Gerber. Palm Beach County Bar member Mariano Garcia attended this year's tour in March and suggested we write this article to commend Judges Gerber and Baker for continuing Judge Mounts' good work of educating our community about our state's prison system. Mariano provided us with the above picture of this year's attendees, and said the tour was "one of a kind."

Mathematical Formulas

Continued from page 15

This case, according to the jury's determination, involved a large corporations' intentional and malicious effort to destroy the character and reputation of a well-respected physician. The jury's award was a clear reflection of their feeling that this conduct should be both punished and deterred. The Fourth District supports unequivocally that desire. At 662 the Court holds:

To sum up, Florida's unusually high protection of personal reputation derives from the common consent of humankind and has ancient roots. It is highly valued by civilized people. Our state constitution and common law powerfully support it. This is a value as old as the Pentateuch and the Book of Exodus, and its command as clear as the Decalogue: 'Thou shall not bear false witness against thy neighbor.' The personal interest in one's own good name and reputation surpasses economics, business practices or money. It is a fundamental part of personhood, of individual standing and one's sense of worth. In short, the wrongdoing underlying the punitive damages in this case has Florida law's most severe condemnation, its highest blameworthiness, its most deserving culpability. For slander per se, reprehensibility is at its highest."

This case argues strongly against the notion that the United States Supreme Court in the State Farm and BMW cases has decreed a bright-line rule which precludes awards of punitive damages that do not meet a mathematical equation. In fact, neither of those cases supports that notion. To the contrary, the overriding principal in punitive damage awards relates to the gravity of the defendant's conduct which necessitates both punishment and deterrence. The State Farm and BMW cases should be read in the context of their factual underpinnings. Both cases relate to commercial losses where harm was limited to what amounts to property damage without the possibility of extensive personal harm. Those opinions were not intended to impose a mathematical formula of certainty on other kinds of cases and this opinion concludes that citing them for that proposition is unsupported.

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.



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

"Second Annual Martinis and Migraines"

Employment Law Update, Getting Paid and Paying Out,
Issues with Solvency, Bankruptcy & Sanctions

Thursday, September 30, 2010 - 1:30pm—5:00pm

Bar Association office- 1601 Belvedere Rd., Suite 302 East West Palm Beach, FL

Program Schedule



1:00 - 1:30pm - **Late registration check-in**

1:30 - 1:35pm - **Welcome & Opening Remarks** - *Cathleen A. Scott, Esq., Employment Law CLE Committee Chairperson, Cathleen Scott, P.A.*

1:35 - 2:20pm - **FLSA Update & Hot Topics** - *Matthew N. Thibaut, Esq., Casey Ciklin Lubitz Martens & O'Connell*

2:20 - 3:10pm - **Insolvency, Bankruptcy, & How to Enforce Employment Law Judgments** - *Alan R. Crane, Esq., Furr & Cohen PA*

3:10 - 3:20pm - **BREAK**

3:20 - 4:10pm - **The New Employment Reality, Sanctions & Rule 57.105** - *Richard E. Johnson, Esq., Board Certified Labor & Employment Law Attorney*

4:10 - 5:00pm - **Listen and Learn - Judicial Round Table Discussion With Judges:** *Honorable Judge Glenn D. Kelley, 15th Judicial Circuit, Honorable Judge Edward A. Garrison, 15th Judicial Circuit, and Honorable Judge Jonathan D. Gerber, 4th District Court of Appeal*

5:00 p.m. **Happy Hour:** *Share a Martini with colleagues compliments of ARC Mediation*

Sponsored By:



Please drink responsibly

This course has been granted **4.0 CLER / 1.0 Ethics credits/ 3.0 Labor & Employ Certification credits** from The Florida Bar.

Seminar cost is \$115 for PBCBA members/paralegals; \$155 for non-PBCBA members/paralegals if registered by 9/23/10; add \$25 after that date. All refund requests must be made no later than 48 hours prior to the date of the seminar.

____ Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

HOW TO REGISTER



MAIL the completed form w/check



FAX the completed form to 561/687-9007



ON-LINE at www.palmbeachbar.org

Name: _____ Telephone #: _____

Address: _____ Email Address: _____

Credit Card #: _____ Visa: _____ AMEX: _____ Mastercard: _____

Name on the Card: _____ Exp: _____

Amount to Charge: \$ _____ Signature: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (9/30/10 Employ) Cost is the same as listed above, in addition to \$10 for shipping and handling.

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

Bulletin Board

*** Ad Rates ***

CLASSIFIED ADVERTISING RATES: TO PLACE AN AD: 1) Please fax all ads to 561/687-9007 by the 25th of the month. 2) Upon receipt you will be notified of cost. 3) Send payment by the 25th of the month. 4) Cost: 50 words or less \$50, 50-75 words \$65, up to 75 words \$75. 5) Members receive one free classified ad per year (excluding professional announcements). Web-site advertising is also available for a cost of \$50 for a two week run. Payment must be received prior to publication and renewable only upon receipt of next payment.

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

POSITIONS AVAILABLE:

PRIORITY STAFFING SOLUTIONS, INC:

Do you need help in filling a position at your law firm? Priority Staffing has been providing qualified paralegals, legal assistants, filing clerks, receptionists and office services to Palm Beach County law firms since 2000. We provide Perm/Temp & Temp to Perm personnel. Call Becky Miles (561) 222-7717.

Richman Greer is seeking a 3-5 year commercial litigation associate for its Miami office. Candidates should have a strong academic background and federal court experience. Please email resumes to jvernier@richmangreer.com.

FAMILY LAW ASSOCIATE- Small Christian Family Law firm in Downtown Delray Beach is seeking an Associate with 1+ year Family Law experience. Must be a self-starter and able to handle their own caseload. Please fax cover letter and resume to (561) 819-6209.

KEISER UNIVERSITY, WPB seeks energetic professionals to teach day and evening courses in the legal studies, criminal justice and business departments. Applicants must possess a J.D., have 5 years practice and/or teaching experience and the ability to work as part of a team. Email resume and transcript to jwillens@keiseruniversity.edu.

ASSOCIATE ATTORNEY: West Palm Beach firm seeking associate with 3+ years experience in family law. Must be admitted and licensed in Florida and have strong research and writing skills. All inquiries will remain confidential. Email resume with salary requirements to: famlawatty@hotmail.com.

A-V RATED West Palm Beach, Florida construction and employment litigation boutique seeking highly motivated zero to two year associate with excellent research, analytical and writing skills; top 20% of class required. For further information, please review our website at www.lorenlawfirm.com. Highly qualified applicants only apply. Please include a cover letter, two writing samples and a transcript for new graduates.

PROFESSIONAL ANNOUNCEMENTS:

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

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

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

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

OFFICE SPACE:

WEST PALM BEACH: Multiple law offices with secretarial areas available in prestigious lakefront office building. Rent includes receptionist, use of conference room(s), telephone system, DSL service and kitchen facilities. Copier/scanner and garage parking available. Call (561) 659-6457.

PROFESSIONAL OFFICE SPACE FOR LEASE: First floor in Downtown West Palm Beach. Room for two professionals and staff. Walk to courthouse, off street parking. Move-in-ready. Many built-in features. Flexible lease terms. Call Steven at (561) 659-7009.

LAW OFFICE SPACE AND CASE REFERRAL AVAILABLE: Centrepark Corporate Park off Australian Avenue. Law library, conference room, kitchen, copy machine, parking, excellent location, close to airport, downtown West Palm Beach and courthouse. Call (561) 471-4900.

EXECUTIVE SUITES/OFFICE SPACE: WPB, Forum Area, east of I-95, single office available. 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.

SHARE WITH A-RATED established attorney East Boca Raton Class A office space on US 1 and Camino Real. Ideal for solo attorney. Lobby very tastefully furnished. \$1800 mo. includes maintenance, CAM 12' x 12' corner office space, secretarial space, phones, DSL, 24/7 access, parking. Call Wanda (561) 393-6714.

HISTORIC DOWNTOWN FORT PIERCE- The Grand Bank Building is a premier professional office building located across from the SLC courthouse. On the Indian River, this location is adjacent to restaurants, banks, shops with a new Federal Courthouse opening soon less than a mile away. Space available from 265 to 2400 sf suites, some with river views and parking is available. Contact Sue (772) 466-6120 or suehiggins@lloydprop.com.

Bulletin Board

BOCA RATON- Best location. Glades Road near I-95. Luxurious “inside” office in newly renovated suite. Secretarial space, telephone, DSL, conference room, copier and facsimile. Reasonable rent.

Contact: Barbara
(561) 361-8300.

FORT PIERCE- Amazing two story office building directly across from the SLC courthouse. Ideal for prestigious law firm. It has everything. Private offices, secretary/clerk offices, lobby, receptionist, conference rooms, attached carport for parking plus other nearby parking lots. Over 8000 sf which can be one tenant or more. Contact Sue (772) 466-6120 or suehiggins@lloydprop.com.

BOCA RATON: One private windowed office with separate secretarial area in 5 attorney prestigious office. Sanctuary Centre (Yamato Road and Federal Highway). Class “A” office building, close to I-95. Includes covered garage parking, use of office facilities (conference room, kitchen, etc.). Contact Steve at (561) 367-7785 or sgmatty@aol.com.

FURNISHED OFFICE AVAILABLE IN JUPITER to share with real estate attorney and title agency. Use of phone, fax, copier, conference room included. Additional office space available in building. Will accept short term lease. Great opportunity for new Florida Bar members. Call (561) 748-8595 or fax (561) 575-7176.

WEST PALM BEACH: Office space located minutes from courthouse and close to I-95. Beautiful penthouse suite with 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 email craig@kelleylawoffice.com.

HEARSAY

Haile, Shaw & Pfaffenberger, P.A. is pleased to announce that **Gary A. Woodfield** and **John F. Flanigan** have joined the firm as a Shareholders. Also, **Wilton L. White** has joined the firm.

Rutherford Mulhall, P.A. is pleased to announce that **Kenneth N. Johnson** has been re-elected to a two year term on the Palm Beach County Bar Association’s *North County Section*.

David P. Slater has been appointed a Special Magistrate to the Department of Planning, Zoning and Building, Palm Beach County.



Joseph S. Karp has been elected Vice Chair of the Florida Bar’s 15th Judicial Circuit Grievance Committee E, which handles Bar complaints in Palm Beach County.



Law Firm, P.A.

Genny Bernstein has been admitted to practice before the U.S. Supreme Court. Ms. Bernstein is a Florida Bar Certified Elder Law Attorney with The Karp

Kevin T. Lamb, a Shareholder in Gunster’s corporate practice in West Palm Beach, has been appointed to the Board of Directors for the Angel Investment Forum of Florida (AIFFL). AIFFL is a not-for-profit organization that facilitates interactions between individual investors and local entrepreneurs.

PBCBA Online Courses & Services

- Florida Notary Public
- Florida Online Traffic School
- First Time Driver (D.A.T.A.) Course
- Mature Driver Course
- Parent Education and Family Stabilization Course

www.palmbeachbar.org/online_courses.php



Member Benefit Program

Affiniscap Merchant Solutions

Credit/Debit Card Processing
(866) 376-0950

Association Members Only

Discounted Office Supplies
(6% rebate on all purchases)
(260) 467-2222

Brooks Brothers Clothing

15% discount

www.palmbeachbar.org/benefits.php

Daily Business Review

Discounted Subscriptions
(877) 347-6682

East Coast Dry Cleaners

10% Discount
719 N. Dixie Highway, WPB

Group Personal Excess Liability Program

Call the Celedinas Insurance Group at
(561) 514-5649

Metlife Insurance

Discounted Policies
Bob Greenberg (772) 340-7741

Movie Theatre Tickets

Discounted tickets for
Muvico, Cobb & Regal
(561) 687-2800 Eva Gray

Online Courses

Classes for speeding tickets, first time drivers, notaries and many more
www.palmbeachbar.org/onlinecourses.php

Paychex

Discounted (15%)
NEW Paychex Clients Only
Payroll and HR Services
Justin Williams (561) 655-5542 x56484
Jwillia1@paychex.com

PBCBA CLE CD's

Discounted audio recordings of seminars
(561) 687-2800, Eva Gray
www.palmbeachbar.org/continuing.php

PBCBA Lawyer Referral Service

Client Referrals (561) 687-2800
Eva or Paula

Tickets at Work

Theme Park, Broadway/Las Vegas Shows & Other Entertainment Discounts
(800) 331-6483
www.ticketsatwork.com

USI Affinity

Professional Liability Insurance
Contact (877) LPL-4671



PALM BEACH COUNTY BAR ASSOCIATION
BULLETIN

PRESORT STD
 US POSTAGE
PAID
 WEST PALM BCH FL
 PERMIT NO. 66

1601 Belvedere Road, Suite 302 East, West Palm Beach, FL 33406

PAST PRESIDENTS...

M.D. CARMICHAEL*
 RICHARD P. ROBBINS*
 L.R. BAKER*
 HARRY A. JOHNSTON*
 GEORGE W. COLEMAN*
 H.C. FISHER****
 MARSHALL B. WOOD*
 E. HARRIS DREW***
 B.F. PATY*
 JOSEPH S. WHITE*
 HENRY P. LILIENTHAL*
 MANLEY P. CALDWELL*
 WILBUR E. COOK*
 W. MURRAY HAMNER*
 RICHARD PRESCOTT*
 RUSSELL MORROW*
 CULVER SMITH*
 RAYMOND ALLEY*
 C.Y. BYRD*
 WILLARD UTLEY*

C.H. ERNEST*
 PAUL W. POTTER*
 WAREING T. MILLER*
 CHARLES B. FULTON*****
 J. LEO CHAPMAN*
 ELWYN L. MIDDLETON*
 H. ELMO ROBINSON*
 J. STOCKTON BRYAN, JR.
 HAROLD G. MAASS*
 ROBERT F. CROMWELL*
 CHARLES H. WARWICK III
 PHILLIP D. ANDERSON
 FREDERICK C. PRIOR
 JAMES C. DOWNEY*
 WILLIAM A. FOSTER
 ALAN F. BRACKETT*
 ROBERT D. TYLANDER*
 ROBERT McK FOSTER*
 JOHN M. FARRELL
 H. LAURENCE COOPER, JR.*
 JOHN R. DAY*

JOHN L. BURNS*
 HARRY JOHNSTON II
 GAVIN LETTS*
 JAMES S. ROBINSON
 CHARLES H. DAMSEL, JR.
 EDWARD LEWIS
 RAYMOND ROYCE
 PETER VAN ANDEL
 LARRY KLEIN
 THEODORE BABBITT
 JOHN FLANIGAN
 SIDNEY A STUBBS, JR.
 JOSEPH J. REITER**
 JOHN B. McCRACKEN
 DAVID L. ROTH
 D. CULVER SMITH III
 TIMOTHY W. GASKILL
 ARTHUR G. WROBLE
 GUY C. HILL
 PATRICK J. CASEY
 JAMES G. PRESSLY, JR.

PATRICK C. MASSA
 STEVEN A. STINSON
 CARL M. MATHISON, JR.
 ROBERT V. ROMANI*
 MICHAEL P. WALSH
 JULIEANN ALLISON
 MICHAEL A. VISCOMI
 CAROL McLEAN BREWER
 JERALD S. BEER
 JOHN G. WHITE III**
 MICHAEL T. KRANZ
 EDWARD DOWNEY
 SCOTT G. HAWKINS
 AMY L. SMITH
 GREGORY W. COLEMAN
 LISA S. SMALL
 STANLEY D. KLETT, JR.
 THEODORE J. LEOPOLD
 MANUEL FARACH
 MEENU T. SASSER
 RICHARD D. SCHULER

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

CALENDAR

June 2010

Tuesday, June 1,
 9:00am – 5:00pm
**Residential Foreclosure
 Mediator Training**
 Bar Association Office

Thursday, June 3, 2010
 6-8 pm
**Christian Legal Society
 Women's Gathering**
 Panera Bread Café,
 771 Village Boulevard,
 West Palm Beach

Friday, June 4,
 8:55am – Noon
**Community Assn. Law
 CLE Seminar**
 Bar Association Office

Friday, June 5
**Young Lawyers Section
 Fishing Tournament**
 Palm Beach Yacht Club

Tuesday, June 8,
 Noon – 1:00pm
YLS Board Meeting
 Bar Association Office

Thursday, June 10,
 Noon – 1:00pm
SPBC FAWL Luncheon
 Bogart's

Thursday, June 10,
 5:30pm – 6:30pm
Diversity Happy Hour

Friday, June 11,
 8:35am – Noon
Real Estate CLE Seminar
 Bar Association Office

Saturday, June 12, 7:00pm
**PBCBA Installation
 Banquet**

Wednesday, June 16,
 11:45am – 1:00pm
Judicial Candidate Forum
 Crowne Plaza Hotel,
 West Palm Beach

Thursday, June 17,
 5:00pm – 6:00pm
**PBCBA Board of Directors
 Meeting**
 Bar Association Office

Friday, June 18,
 8:45 am – 5:00pm
**Residential Foreclosure
 Training**
 Bar Association Office

Tuesday, June 22,
 5:30pm – 6:30pm
Legal Aid Board Meeting
 Bar Association Office

Wednesday, June 23 – 25
**The Florida Bar
 Annual Meeting**
 Boca Raton