



PALM BEACH COUNTY BAR ASSOCIATION

BULLE^TIN

www.palmbeachbar.org

June 2014



YLS to Host Fishing Tournament June 14

The Young Lawyers Section will be hosting its fifth annual fishing tournament on Saturday, June 14 to benefit a local charity. Entry fee is \$250 per boat and all activities will be held at the Palm Beach Yacht Club. For more information, go to the Bar's website at www.palmbeachbar.org



Members of the Young Lawyers Section, together with members from the Catholic Lawyers Guild, provided toys and dinner for the families at Quantum House. A special appearance was also made by the Easter Bunny (special thanks to Chris Cortez). Volunteers pictured above are Dane Leitner, Lindsay Demmery, Jamie Gavigan, Leslie Metz, Julia Wyda, event chair Christine Bialczak, Jack Rice, Colleen Farnsworth, Bill Bosso, Louise Marra, Bridget Berry and Alison Percy. *Not pictured is Brian McMahon*

Mark your calendar for upcoming Membership Events

June 7
Annual Installation Banquet

June 14
Young Lawyers Section Fishing Tournament

June 19
Young Lawyers Section Happy Hour

September 8
Diversity Event & Reception with
Appellate and Supreme Court Justices

December 4
Annual Holiday Party

March 27
Bench Bar Conference



Dues Statements Mailed

Annual membership dues statements have been mailed to all PBCBA members for fiscal year 2014-2015, which begins July 1. If you did not receive a bill, contact Shoshanah at the Bar Office (687-2800) or sspence@palmbeachbar.org

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THE
BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

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

LETTERS TO THE EDITOR

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



Send letters to:
EDITOR Bar Bulletin
Palm Beach County Bar Association
1507 Belvedere Road
West Palm Beach, FL 33406



The YLS hosted their second Sidebar Series, this session on Uniform Motion Calendar hearings. Pictured above are participants: Adam Rabin, Patti Leonard, Dan Barsky, Dan Zuniga, Judge Meenu Sasser, event chair Alison Percy, Judge Lisa Small, Judge Lucy Brown, Scott Perry, YLS President Julia Wyda and Judge Don Hafele

Upcoming CLE Seminars

Your CLE Committee Chairs have been very busy at work planning live CLE seminars for our membership for this year. For more information about these seminars, please visit the Bar's website: palmbeachbar.org. And remember, if you can't attend the live seminar, sign up for the webinar to watch it from your office or home. You can watch it live, or afterwards at your convenience.

June 6: Community Association Law Seminar

June 17: Real Estate Seminar

June 20: Employment Law Seminar

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President's Message



Thanks for an Outstanding Year

By *Jill G. Weiss*

Thanks for an Outstanding Year! I cannot believe how quickly time passes. I usually reserve this thought for my children's milestones – kindergarten, Bar Mitzvahs and graduations. Now as I pen my last column as President, and reflect on the past year, I am struck by how amazing this year has been for our Bar. The PBCBA continues to be a leader among voluntary bars in this country. This does not happen by chance, but is a direct result of the leadership at all levels of the Bar, from our committee chairs to committee members, and from the Board of the PBCBA to its amazing staff.

This year the PBCBA launched our new website. It is interactive and provides easier navigation for our members. Registration for events is improved and pertinent information is shown on the home page. Under the committee & sections tab, a number of the practice committees now have their own webpages. These webpages are a work in progress, and I hope the committees continue to develop content to educate and inform our members.

Though space does not allow me to list all the accomplishments of our committee chairs and members, I would like to highlight a few. This year's successful Bench Bar Conference was attended by over 1,000 jurists, attorneys and law students. It included more practice sessions than ever before. Its continued success is a tribute to co-chairs **Sarah Shullman and Bill Lazarchick** and their hard working committee. New life was breathed into the Family Law BBC Session by **R.T. White**, chair of the Unified Family Practice Committee and his committee members. The laughter and applause coming from the ballroom spilled out into the convention center. A job well done! **Grasford Smith** served as the chair of the newly formed Transactional Law Committee. This committee is an integral part of the Bar's effort to reach out to attorneys whose practice areas include real estate transactions, corporate law and trust and estates; areas not traditionally encompassed by existing bar committees. The committee participated in the Bench Bar Conference by holding the very first session devoted to transactional practice. The Alternative Dispute Resolution Committee chaired by **Amber McMichael** also held their first bench bar session this year and was well-received by the mediators and attorneys in attendance.

Liz Herman and the Law Related Education Committee visited churches, temples, scout troops, rotary clubs, and other civic organizations and presented The Florida Bar's Benchmark adult civics education programs. The committee educated Palm Beach County residents about the judicial system, the Constitution and importance of an independence and impartial judiciary. The Circuit Civil Practice Committee addressed professionalism and Unified Motion Calendar Procedures publishing tips in the Bulletin. **Larry Rochefort** and his committee also reviewed possible changes in procedures for filing memoranda of law and pretrial orders. The Professionalism Committee chaired by **Mike Mopsick** and **Amy Borman** continued its hard work in promoting civility and professionalism by writing monthly columns, mentoring new attorneys, hosting the third breakfast for new attorneys and participating in the Joint Civility Project. The Committee for Diversity and Inclusion co-chaired by **Chioma Deere** and **John Whittles**, in addition to a hosting our Diversity Luncheon with Florida Bar president Eugene Pettis, launched the first Diversity database that seeks

to match employers and employees. The Lawyers for Literacy Committee chaired by **Abigail Jorandby** organized a Books & Bears collection to give to newly adopted children as well as continuing their participation at Reading Ally where they records books on tape for the visually impaired. Other key committees that continued to be active and did outstanding work were chaired by **Brian O'Connell** (Guardianship Education); **Joanne O'Connor** (Judicial Relations); **Kirsten Herndon** (Law Week); **Lloyd Comiter** (Small Claims Court Clinics); **Shannon Sagan** (Solo & Small Firm Practitioners); **Tama Beth Kudman** (Criminal Law); **Tara Duhy** (Environmental Law) and **Amy Beller & Ben Brown** (Probate & Guardianship).

The Elder Law Affairs Committee chaired by **Benjamin Greenberg** hosted their very popular dinner seminar with the Judges at the Colony Hotel and the Family Law CLE Committee chaired by **Debra Welch** held multiple sold out CLE seminars that garnered rave reviews. **Matt Thibaut** and the Securities Law CLE committee held a standing room only seminar on FINRA Arbitration. The PBCBA held its first ever Spa Day CLE at the PGA National Spa where attendees picked up invaluable tips on Marketing and Social Media before enjoying a well-deserved massage. Other CLE Committee chairs that did a great job this year were **Sue-Ellen Kenney** (Appellate Practice); **Brian McMahan** (Bankruptcy); **David Steinfeld** (Business Litigation); **Tanique Lee** (Community Association); **Cathleen Scott** (Employment Law); **John Severson** (Estate & Probate); **Kelly Hyman** (Personal Injury); **Greg Cohen** (Real Estate); **Ed Walker** (Technology) and **Kurt Wyland** (Workers' Comp). All in all, our CLE Committees produced 43 CLE programs this year! All of our seminars were available via webinar for those attorneys not able to attend the live version and they have all been added to our large library of seminars for those who still need CLE credit.

The above is just a small taste of the work done by all our committees. I cannot thank you enough for your spirit of volunteerism. You are what makes our Bar so great.

The Board of Directors of the PBCBA has also worked very hard this year. This spring, the Bar began its launch of Palm Beach County Find-A-Lawyer program. This project, spearheaded by **Grier Pressly**, is a new benefit to PBCBA members and will enable attorneys to set up their own attorney

Continued on page 4

Board Meeting Attendance

	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
Barnes	X	phone	phone	phone	X	X	X	X	X
Huber	X	X	X	X	X	X	X	X	X
Kypreos	X	X	X	X	X	X	X	X	X
Mason	X	X	X	X	X	X	X	X	X
McElroy	X	X	X	X	X	phone	X	X	X
Pressly	X	X	X	X	X	X	X	X	X
Rabin	X	X	X	X	X	X	X	X	X
Reagan	X	X	X	X	X	X	phone	X	phone
Stewart	X	X	X	X	X	X	X	X	X
Weiss	X	X	X	X	X	X	X	X	X
Whittles	X	X	X	X	X	X	X	X	X
Wyda	X	X	X	X	X	X	X	X	X
Xenick	X	X	X	X	X	X	X	X	X



Clients are looking for you.

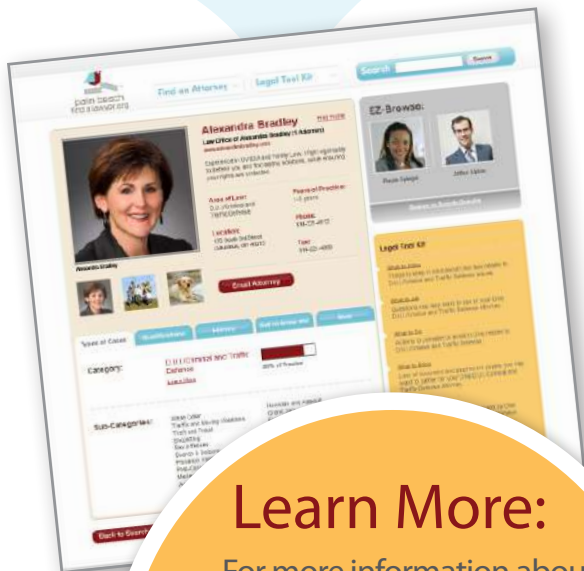
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Consumers are searching for attorneys online. Be there when they come looking with the Palm Beach County Bar Association's online consumer resource for local lawyer listings and legal information.

Your profile includes:

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Join Palm Beach County Find a Lawyer today. Please complete the form below and send it to lpoirier@palmbeachbar.org. We will contact you.

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For more information about Palm Beach County Find a Lawyer, contact Lynne Poirier (lpoirier@palmbeachbar.org) or Patience Burns (pburns@palmbeachbar.org).



Judicial Reception Highlights



Over 350 members attended this year's reception. Pictured above are Andrea Robinson and Judges James Martz and Caroline Shepherd



Judges John Kastrenakes and Charles Burton



Tim Gaskill, Steven Winig, Judge Ron Alvarez and Ken Spillias



Judge Robert Panse and Edmond Gonzalez



Judges Peter Blanc, Laura Johnson, Jeffrey Colbath and FL Bar President-elect Greg Coleman



Sally Still and Kelly Hyman



Tanique Lee, Andrea Robinson and Nadine White-Boyd



Fred Cunningham and George Bush



Scott Simon, Ron Gache and Judge Kenneth Marra

Thanks for an Outstanding Year

Continued from page 3

profiles in an on-line search engine linked to the Bar's website. You will be hearing more about this program in the coming months. **Greg Huber** worked diligently assisting our CLE committees with their programming. Since Greg began aiding the committees, the number of CLE offerings and the revenues to the organization have increased. **Dean Xenick** was the board liaison to the practice committees. He attended many committee meetings and was the "go to" guy for all questions. **Jessica Mason** and **Sia Baker-Barnes** concentrated their efforts on increasing bar membership. **Ned Reagan** and Immediate Past President, **Adam Rabin** continued their efforts on the Joint Voluntary Bar Civility Project. **Lee McElroy** worked diligently as the Bench Bar Conference liaison and, as stated earlier, John Whittles served as co-Chair of the Diversity Committee. This year the Board voted to name the Professionalism Award in honor of Sid Stubbs. Sid epitomizes professionalism in PBC and the Board is proud to have been able to honor him in this way. President-Elect, **Theo Kypreos**, chaired the Long Range Planning Committee with the mission of examining the long term goals of the PBCBA and implementing a plan to achieve them. **Todd Stewart** served the NCS well as President and his enthusiasm

for NCS events was apparent. I wish every Bar president had a YLS President like **Julia Wyda**. She led her section to new heights this year bringing energy to every YLS event and meeting.

Thank you all. I could not be prouder or more grateful to have served with you this past year. It was truly a pleasure.

None of the above would have been possible without the best voluntary bar staff in the state. I have said it before that our staff is a bunch of superstars! Our Bar staff is our soul. Patience, Lynne, Kathy, Shoshanah, Nancy, Eva and Dee, without you, the Bar could not achieve its level of excellence. Your dedication, and willingness to help us achieve our objectives is outstanding. You have truly made this year outstanding for me and the Bar. Thank you does not seem sufficient.

I want to thank my family, Alan, Eden and Jake, my friends (far too many to mention) and my many mentors who have supported me not only during my term as president, but also throughout my entire legal career. Your love and support has been immeasurable in allowing me to achieve my goals.

Last but certainly not least, I want to thank the members of the Palm Beach County Bar Association for allowing me to serve as your President this year. Thank you.

Going to the movies this summer?



Don't forget to save money by purchasing your discounted tickets from the Bar Office.

Savings are available for the following theaters:

- * **Muvico Theater - \$8.00 each**
- * **Regal Theaters \$8.00 each**

Come by the office and pick up your tickets today (**payment only by check or credit card**). Tickets will only be FedEx'd (not mailed) if member provides us with a FedEx number. **PRICES ARE SUBJECT TO CHANGE**



The Palm Beach County Bar Association's
Community Association Law Continuing Legal Education Committee presents:

THE 25th ANNUAL COMMUNITY ASSOCIATION LAW SEMINAR

Friday, June 6, 2014 7:45 a.m. – 12:15 p.m.
Bar Association Office - 1507 Belvedere Rd., WPB

Program Schedule

7:45am - 8:00am	Late Registration and Check In
8:00am - 8:05am	Welcome - <i>Tanique G. Lee, Esq., Committee Chairperson, Gelfand & Arpe, P.A.</i>
8:05am - 8:45am	What's New at the Office of Equal Opportunity - <i>Pamela Guerrier, Esq., Palm Beach County Office of Equal Opportunity</i>
8:45am - 9:45am	Defending Fair Housing Claims - <i>Ron M. Campbell, Esq. and Katie M. Merwin, Esq., Cole Scott & Kissane, P.A.</i>
9:45am - 9:55am	BREAK
9:55am - 10:55am	Retroactive "?" Application of Amendments to Condominium and HOA Acts - <i>Mark B. Schorr, Esq., Mark B. Schorr, P.A.</i>
10:55am - 11:45am	Legislative & Case Law Update: Practical and Ethical Implications - <i>Michael J. Gelfand, Esq., Florida Bar Board Certified Real Estate Attorney, Gelfand & Arpe, P.A.</i>
11:45am - 12:15pm	The Ins and Outs of the Foreclosure Division - <i>The Honorable Richard L. Oftedal, Fifteenth Judicial Circuit</i>

**This course has been granted 5.0 CLER including 1.0 Ethics credits /
5.0 Real Estate Certification credits from The Florida Bar.**

Early registration cost is \$140 for PBCBA members/paralegals; \$180 for non-PBCBA attorney members/paralegals if registered by 5/30/14; add \$25.00 late 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.

PAYMENT OPTIONS:



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



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



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



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

Name: _____

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Address: _____

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Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD. (cost same as listed above/allow four weeks for delivery)
(25th Annual Comm. Assn Seminar 6/6/14)

Palm Beach County Bar Assn., 1507 Belvedere Road, West Palm Beach, FL 33406.(561)687-2800



The Exempt Status of Non-spousal Inherited IRA's

by Jason S. Rigoli

On March 24, 2014, the Supreme Court heard oral arguments in the case *Clark v. Rameker*, Case No. 13-299, on

the question of:

Whether an individual retirement account that a debtor has inherited is exempt from the debtor's bankruptcy estate under Section 522 of the Bankruptcy Code, 11 U.S.C. 522, which exempts "retirement funds to the extent that those funds are in a fund or account that is exempt from taxation" under certain provisions of the Internal Revenue Code.

Questions Presented, <http://www.supremecourt.gov/Search.aspx?FileName=/docketfiles/13-299.htm>

Florida is an "opt-out" state, which means a Florida resident who files for bankruptcy must use Florida's enacted exemption scheme. *See*, 11 U.S.C. §522(b)(2), 522(b)(3); Fla. Stat. §222.20. In 2011, in response to a number of cases regarding whether a non-spousal, inherited IRA was exempt under Florida law, the Florida legislature amended Fla. Stat. §222.21, to expressly provide that

non-spousal inherited IRAs are in fact exempt. *See*, Fla. Stat. §222.21(2)(c); 2011 Fla. Sess. Law Serv. Ch. 2011-84 (H.B. 469) (WEST).

The decision in *Rameker* is important to individual debtors in Florida because of the unique structure of the Bankruptcy Code with respect to IRAs. BAPCPA¹ amended section 522 of the Bankruptcy Code to add sections 522(b)(3)(C) and 522(d)(12), both of which enact an exemption for retirement funds for debtors who elect (or are required, as Florida residents are) to proceed under a state exemption regime or under federal law, respectively. *See*, 11 U.S.C. §§ 522(b)(3)(C) and 522(d)(12). In addition, both provisions are identical and contain the following language:

retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986

See, 11 U.S.C. §§ 522(b)(3)(C) and 522(d)(12).

¹ The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, PL 109-8, April 20, 2005, 119 Stat 23 (2005).

If the Supreme Court decides that inherited IRAs are not exempt under 522(b)(3)(C), the concern for Florida individual debtors becomes whether 522(b)(3)(C) preempts Florida's express statutory exemption of inherited IRAs. The legislative history for this provision appears to be Congress expanding the protection of retirement funds in the bankruptcy process, and attempting to increase the exempt amount of retirement funds in those states with very limited exemption statutes. *See*, H.R. Rep. 109-31(I). 109th Cong., 1st Sess. 2005 at *63-64. The effect, however, may be negative for individual debtors in Florida; affecting not only inherited IRAs, but also how much an individual may exempt in an IRA in bankruptcy.

If the Supreme Court determines that inherited IRAs are not exempt in bankruptcy, some debtors in Florida, whose assets mainly consist of retirement monies, may be dissuaded from filing, because the protection afforded to them under Florida state law may be greater than in bankruptcy.

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



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Circuit Court Report CIVIL DIVISIONS • As of April 16, 2014

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
AA BLANC	09-14	09-14	06-14	1315
AB BARKDULL	08-14	08-14	08-14	1359
AD G. KEYSER	11-14	11-14	05-14	1465
AE FINE	10-14	10-14	05-14	1556
AF J. KEYSER	09-14	09-14	04-14	1276
AG HAFELE	09-14	09-14	04-14	1360
AH BROWN	08-14	08-14	06-14	1308
AI SASSER	09-14	07-14	04-14	1046
AJ MCCARTHY	09-14	09-14	05-14	1106
AN COX	11-14	11-14	07-14	1494
AO BRUNSON	09-14	08-14	04-14	1453



**YOUNG LAWYERS SECTION
 FIFTH ANNUAL KDW FISHING TOURNAMENT
 JUNE 14, 2014
 PALM BEACH YACHT CLUB
 TO BENEFIT LEGAL AID'S EDUCATIONAL ADVOCACY PROJECT**



The cost is \$250 per boat which includes the fees for a captain and four anglers plus their tickets to the Awards Dinner and dock party. Additional tickets can be purchased for the dock party (please indicate below how many extra tickets are needed and include total of dock party tickets with cost of boat). Please fill out the attached information and return it with a check to Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406. Deadline to return is June 6. Thank you!

Boat Name: _____

Make/Model/Length: _____

Owner: _____

Captain: _____

Mailing address: _____

Telephone: _____ Cell Phone: _____

Email: _____

Angler # 1 Name: _____

Email: _____

T-Shirt Size: ___ Small ___ Medium ___ Large ___ Extra Large ___ XXL

Angler # 2 Name: _____

Email: _____

T-Shirt Size: ___ Small ___ Medium ___ Large ___ Extra Large ___ XXL

Angler # 3 Name: _____

Email: _____

T-Shirt Size: ___ Small ___ Medium ___ Large ___ Extra Large ___ XXL

Angler # 4 Name: _____

Email: _____

T-Shirt Size: ___ Small ___ Medium ___ Large ___ Extra Large ___ XX

I would like ___ extra tickets to the dock party @\$25 per adult ticket Total: \$ _____
 ___ extra tickets to the dock party @\$15 per child ticket (under 10) Total: \$ _____

Post-Death Payment Of Guardianship Administration Expenses



By: David M. Garten

Pursuant to §744.521, F.S., the guardianship ends when the ward dies. See, Fla. Pro. R. 5.680(a). Since the guardian's authority over the assets of a ward terminates upon the ward's death, the assets then become assets of the decedent's estate and are subject to the authority

of the estate's personal representative. See *Batzle v. Baraso*, 776 So.2d 1107 (Fla. 5th DCA 2001); *In re Guardianship of Jensen*, 834 So.2d 376 (Fla. 2d DCA 2003). Upon the ward's death, the proper procedure is for the personal representative to retain the decedent's assets and pay the estate and guardianship administration expenses through the estate account.

For example, in *Batzle v. Baraso*, 776 So. 2d 1107 (Fla. 5th DCA 2001), after the ward died, the guardian incurred legal fees and other expenses in terminating the guardianship and petitioned the guardianship court for payment of those expenses. The court held that those expenses were properly expenses of the estate and should have been handled through the estate. The court criticized the guardian for wanting to use the guise of the guardianship proceedings to circumvent the probate court's oversight as to claims and other administration issues of the estate. "This results in a delay in the administration of the estate and in two Florida courts effectively competing for jurisdiction over the decedent/ward's assets." *Id.* at 1109. See also, *Stabinski v. Meyer, Weiss, Rose, Arkin, Shampanier, Ziegler & Barash, P.A.*, 439 So. 2d 330 (Fla. 3d DCA 1983)(an estate may be charged attorney's fees where services rendered were for the benefit and protection of the guardian).

A guardian of the person is discharged upon the filing of a certified copy of the ward's death certificate. See, Fla. Prob. R. 5.680(a). However, a guardian of the property may not be discharged and the guardianship terminated until all of the administration expenses of the guardianship estate have been paid, the guardian has delivered a complete and accurate final report to the court, all objections to the final report are resolved, and the guardian has delivered the assets of the ward to the person entitled to them. See, Fla. Prob. R. 5.680(g) and §§744.528 and 744.531, F.S.

How does a guardian of the property protect himself so that he has sufficient funds available to finalize the guardianship without having to petition the probate court for payment?

Pursuant to § 744.527(2), F.S., if the ward has died, the guardian applying for discharge may retain from the funds in his or her possession a sufficient amount to pay the final costs of administration, including guardian and attorney's fees accruing between the filing of his or her final returns and the order of discharge.

What "funds" can a guardian retain post-death to pay the final costs of administration? This question was answered, in part, in *Romano v Goldberg*, 2014 Fla. App. LEXIS 3464; 39 Fla. L. Weekly D 515 (Fla. 4th DCA March 12, 2014) where the court held that the death of the ward did not terminate the guardian's access to the ward's brokerage account held jointly with the ward's estranged spouse. The court reasoned:

It is true that ownership of the account passed to Irene upon the Ward's death, but Chapter 744 requires a guardian of property to perform tasks related to the guardianship after the death of the ward. Along with these post-death obligations, the Guardian retained

"possession" of the account within the meaning of section 744.527(2) for the purpose of winding up the guardianship. It is as if Chapter 744 created a tacit equitable lien on a survivorship account to pay legitimate expenses of the guardianship.

Chapter 744 contemplates that a guardian will perform services and be able to access the guardianship estate even after the death of the ward. The guardian of property is not discharged upon the ward's death, but must continue the administration until a petition for discharge is granted and his or her final accounting is approved. See § 744.531, Fla. Stat. (2012). Section 744.441(16), Florida Statutes (2012), allows a guardian, with court approval, to pay "reasonable funeral, interment, and grave marker expenses for the ward from the ward's estate, up to a maximum of \$6,000." Upon applying for discharge, the guardian may also "retain from the funds in his or her possession a sufficient amount to pay the final costs of administration, including guardian and attorney's fees regardless of the death of the ward, accruing between the filing of his or her final returns and the order of discharge." § 744.527(2), Fla. Stat. (2012); Fla. Prob. R. 5.680(b)(3). The trial court was therefore authorized to approve the Guardian's request for payments from the Oppenheimer Account.

If the ward's death rendered a survivorship account inaccessible to a guardian of property, then serving as a guardian or the guardian's attorney would be a risky financial proposition. Many wards are in frail health and a guardian's compensation should not require a race to the courthouse to secure a court order prior to a ward's death. Severe restrictions on access to survivorship accounts that are part of the guardianship estate would deter many qualified persons from serving as guardians, a result contrary to the public purpose of protecting wards Chapter 744 should be construed liberally to ensure a compensation framework that encourages competent, qualified guardians to serve. See § 744.1012, Fla. Stat. (2012).

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The Business Litigation CLE Committee of the Palm Beach County Bar Association
presents:



**Proceedings Supplementary:
Collecting on Your "Uncollectible" Judgment**

Tuesday, June 10, 2014 - 11:30am - 1:00p.m.
Bar Offices - 1507 Belvedere Road, WPB 33406

Program Schedule

- 11:30am - 11:55am **Lunch / Check In / Late Registration**
- 11:55am - 12:00pm **Welcome - Opening Remarks** - *David Steinfeld, Esq.,
Law Office of David Steinfeld, P.L., Board Certified Business
Litigation Attorney, Business Litigation CLE Committee Chairperson*
- 12:00pm - 1:00pm **Proceedings Supplementary** - *Alan L. Goodman, Esq.,
Alan L. Goodman, P.A.*
- *What are Proceedings Supplementary*
 - *Fla. Stat. §56.29 - Governing Statute*
 - *Impleading Third Parties in Proceedings Supplementary*
 - *Seek Appointment of Special Master*

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\$65 for non-PBCBA member attorneys/paralegals if registered by 6/3/14; add \$15 late fee after that date.


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


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

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

Young Lawyers April Happy Hour Highlights



Colin White, Jarryd Rochford, Misty Sheets and Robert Bertisch



Shayla Waldon, Kurt Ciell and Tanique Lee



Greg Salnick and Julia Wyda



Santo DiGangi, Judge John Kastrenakes and Matthew Fiorella



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Welcome New Members!

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

Leslie A. Ames: Law Student Membership, Tallahassee.

Jordan Bachenheimer: Law Student Membership, Cooper City.

Grace Burgh: Law Student Membership, Boynton Beach.

Kelsey Burke: Law Student Membership, Boynton Beach.

Bobbie Celler: Nova Southeastern University, 2003; Solo Practitioner, Boca Raton.

Jonathan W. Chambers: Nova Southeastern University, 2013; Law Ofc of David W. Spicer P.A., West Palm Beach.

John E. Courtney: Seton Hall University, 2004; Affiliate Membership, West Palm Beach.

Geoffrey A. Cowen: Nova Southeastern University, 2011; Associate in Kirwan & Spellacy, P.A., Ft. Lauderdale.

Jeannene R. Cox: Florida Registered Paralegal Membership, West Palm Beach.

Marissa DeBellis: Touro College of Law, 2012; Associate in Grabie & Grabie, LLP, Smithtown, NY.

Jonathan Gigele: University of Pittsburgh, 2011; Associate in Mitchell I. Kitroser, P.A., Palm Beach Gardens.

Samuel C. Gold: University of Wisconsin, 2001; Solo Practitioner, West Palm Beach.

Lauren M. Heggestad: University of Florida, 2010; Associate in Albertelli & Associates, P.L., Boca Raton.

Mickale Linton: Florida Registered Paralegal Membership, West Palm Beach.

Krysta Matheis: Stetson University, 2011; Associate in Albertelli & Associates, P.L., Boca Raton. .

Jonathan E. O'Connell: University of Florida, 2005; Associate in Law Ofc. of Glen J. Torcivia, P.A., West Palm Beach.

Martha A. Pardo: Coastal School of Law Florida, 2006; Florida Rural Services, West Palm Beach.

Clelia Patrizio: Florida Registered Paralegal Membership, West Palm Beach.

Marc Postelnek: University of Miami, 1976; Solo Practitioner, Boca Raton.

Mark A. Sapirie: William and Mary, 2006; Solo Practitioner, Palm Beach Gardens.

Dale W. Schley, II: Nova Southeastern University, 2005; Associate in Laing Weicholz, P. L., Boca Raton.

Michael J. Smith: Louisiana State University of Florida, 2011; Office of State Attorney, Palm Beach County.

Richard Tullie: Stetson University, 1981; Associate in the Law Offices of Craig Goldenfarb, P.A., West Palm Beach.

Desiree' R. Yacko: Florida Registered Paralegal Membership; Deerfield Beach.



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has joined the firm as a partner in its West Palm Beach office. Jill's practice focuses on construction defect, real-estate, business, and class-action litigation. Jill is also the current President of the Palm Beach County Bar Association.

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\$9.1 million arbitration award	\$3.75 million settlement
\$2 million settlement	

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Relation Back of Complaint

By Ted Babbitt

The Supreme Court opinion of *Caduceus Properties, LLC v. Graney*, 39 Fla. L. Weekly S93 (Feb. 27, 2014) resolves a conflict between the First District Court of Appeal in *Graney v. Caduceus Properties, LLC*, 91 So. 3d 202 (Fla. 1st DCA 2012) and the Fifth District opinion in *Gatins v. Sebastian Inlet Tax District*, 453 So. 2d 871 (Fla. 5th DCA 1984) both of which interpreted RCP 1.190(c) on the issue of whether an amended complaint which seeks to add as a party a third party defendant relates back to the filing of the third party complaint for the purpose of statute of limitations.

In *Gatins, supra*, the Fifth District held that an amended complaint which was filed against a third party defendant was timely under the statute of limitations so long as the third party defendant had been impleaded prior to the running of the statute of limitations even though the statute of limitations had run at the time of the amended complaint. This was with the proviso that the claim of the plaintiff related to the same issues as were raised in the third party complaint.

In the First District case of *Graney v. Caduceus Properties*, a third party defendant was joined after the statute of limitations had run and the trial court denied a motion for involuntary dismissal based upon the statute of limitations. On appeal, the First District reversed the trial court and held that relation back under RCP 1.190(c) was only permitted where there was a mistake or a misnomer in identifying a party defendant and that that rule had no application to adding a party defendant.

The Supreme Court in *Caduceus v. Graney, supra*, resolved the conflict between the District Courts by holding that an amended complaint against a third party defendant filed after the statute of limitations has expired relates back under Rule 1.190(c) to the filing of the third party complaint so long as plaintiffs' claims arose from the same conduct transaction or occurrence as was set forth in the third party complaint. The Court adopted the dissenting opinion in the First District case holding at S95:

As Judge Van Nortwick pointed out in his dissent in *Graney*, the purpose underlying statutes of limitations – namely, preventing lack of notice and prejudice to the defendant – is not implicated where the plaintiff's amended complaint relates back to the filing of the third-party complaint, as long as the third party was brought into the suit prior to the expiration of the statute of limitations and the plaintiff's claims concern the same conduct, transaction, or occurrence at issue in the third-party complaint. See *Graney*, 91 So. 3d at 229 (Van Nortwick, J., dissenting).

In other words, in determining whether a time-barred amendment to a pleading that names a third-party defendant as a party defendant relates back to the date of the third-party complaint, the key inquiry is whether the third-party complaint put the third-party defendant on notice of the conduct, transaction, or occurrence from which the plaintiff's claims against that defendant

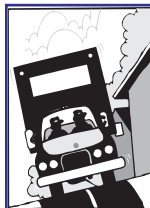
arose. If so, then the statute of limitations should not bar such claims. Therefore, in a case in which the third-party complaint puts the third-party defendant on notice of the conduct, transaction, or occurrence from which the plaintiff's claims arose, and the third-party defendant is already a party to the lawsuit when the plaintiff seeks to name the third-party defendant as a party defendant, the plaintiff's amended complaint naming the third-party defendant as a party defendant should relate back to the timely filed third-party complaint.

The Supreme Court rejected the First District's conclusion that Rule 1.190(c) should be applied only where there is a mistake or misnomer and relied upon those cases which hold that Rule 1.190(c) should be liberally construed and that the Florida Rules of Civil Procedure reject form over substance to allow cases to be resolved on the merits whenever possible. In addition, the Court reasoned that adding a third party defendant as a defendant does not introduce a new party but merely recharacterizes an existing party. The Court reconfirmed the precedent of those cases which hold that the relation back doctrine does not apply where an entirely new defendant is sought to be brought in after the statute of limitations has expired. The Court pointed out that the third party defendant had been in the lawsuit for years and was actively involved in the litigation rather than being an entirely new defendant who was a stranger to the litigation. The Court holds at S95:

Accordingly, we conclude that an amended complaint filed after the statute of limitations period has expired, naming a party who was previously a third-party defendant as a party defendant, relates back under rule 1.190(c) to the filing of the third-party complaint. For the amended pleading to be timely in this situation, the third-party complaint must have been filed prior to the expiration of the statute of limitations and the plaintiff's claims in the amended complaint must arise from the same "conduct, transaction, or occurrence" set forth in the third-party complaint.

This case holds that an amended complaint which adds a third party defendant as a defendant after the statute of limitations has expired relates back to the filing of the third party complaint and will withstand a statute of limitations defense so long as the third party complaint was filed prior to the expiration of the statute of limitations and the allegations of the amended complaint arise from the same conduct, transaction or occurrence set forth in the third party complaint.

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 EITHER CALLING (561) 684-2500 OR GOING TO THE BAR'S WEBSITE.



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Law Week Highlights

Kirsten,

Thank you so much for inviting us to the Law Week tour of the Courthouse. It was an outstanding presentation by everyone involved and a great culmination to our Seniors' Academy experience.

Captain Bob Price
Criminal Justice Academy
Lake Worth High School

Celebrating Law Week with five days of activities. Thank you to our Law Week Committee and all of our members who volunteered and made a difference!



Chief Judge Jeffrey Colbath pictured with our Law Day Luncheon Keynote Speaker Former Florida Supreme Court Justice Charles Wells and his wife Linda. With a great sense of humor, Justice Wells talked about the 2000 Presidential Election and lessons learned from that time, which was respect the judicial system and its process.



Law Week Committee Chair Kirsten Herndon and Paralegal Sherry Ingram



Abby Jornadby and Kelly Landers



Sherri Collins, Eunice Baros and Amber McMichael



Shannon Sagan and Greg Huber



Chris Searcy and Clerk & Comptroller Sharon Bock



Judge James Martz oversees a mock trial competition he has been coordinating for six years for students that are home schooled.

Dial-a-Lawyer LIVE on WPEC News 12



Volunteers answered legal questions from viewers of Channel 12 – LIVE – on air during the station's noon show. Tequisha Myles, Robin Scher, Michael Gelfand, Tanique Lee and Law Week Chair Kirsten Herndon.



Jeremy Bloor was one of our many volunteers answering calls from the Bar Office



Germaine English passes the Bar and is sworn in by Judge Perez during Shadow A Judge. Congratulations, Germaine!

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



“The NEW World: New Closing Disclosures, NEW Best Practices and NEW Law”

**Tuesday, June 17, 2014 - 8:15a.m. - 12:05p.m.
Bar Association Offices**



Program Schedule

- 8:15am - 8:25am **Late Registration/Check In**
- 8:25am - 8:30am **Welcome and Opening Remarks** - *Gregory R. Cohen, Esq., Cohen, Norris, Wolmer, Ray, Telepman & Cohen, Board Certified Real Estate Attorney, Real Estate Committee Chairperson*
- 8:30am - 9:45am **NEW Mortgage Disclosures (the NEW “New HUD”) and NEW CFPB Rules and Revisions** - *Deborah Boyd, Esq., Assistant Vice-President and Underwriting Counsel, Fidelity National Title Group*
- 9:45am - 11:00am **NEW Best Practices - What are They and How do I Prepare?** - *Deborah Boyd, Esq., Assistant Vice-President and Underwriting Counsel, Fidelity National Title Group*
- 11:00am - 11:15am **BREAK**
- 11:15am - 12:05pm **NEW Law: Case Law Update with a Focus on Foreclosures, and New Statutes** – *Catherine Mulcahey, Esq.,*

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Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406. Telephone: (561) 687-2800

Per Administrative Order No. 2.105/6-13, In Re: Fifteenth Circuit Professionalism Panel, when an attorney appears before the Panel because of conduct inconsistent with the PBCBA's Standards of Professional Courtesy or the Ideals and Goals of Professionalism, a summary of that meeting is to be published in the Bar Bulletin with the name(s) redacted.

Re: Fifteenth Judicial Circuit Professionalism Panel

Dear Attorney:

This letter serves as a follow up to your meeting on Wednesday, October 23, 2013 with the Fifteenth Judicial Circuit Professionalism Panel ("Panel"). You were asked to appear before the Panel to address what appeared to be unprofessional conduct in sending correspondence containing legal arguments relating to a pending lawsuit to the presiding judge at the judge's home address. Your correspondence also contained unflattering commentary about the judge's ruling, as well as your unflattering opinions about the clerk's office. Further, the judge's judicial assistant reported that you were rude and upset when you called her, prior to sending your letter, to complain about the judge's ruling and the clerk's office.

This letter sets forth the Panel's findings. It is intended to point out to you the unprofessional nature of your communications and to remind you of the importance, and the requirement, of civility and professional conduct in your dealings with the Court. As the Panel discussed with you, your communications with the Court, and its personnel, were inappropriate for the following reasons:

First, you sent a letter to the judge presiding over a matter in which you appeared as counsel. In the letter you made substantive legal arguments about an order that judge entered, and you then mailed that letter to the judge's home address as well as to the Court. You told the Panel that the reason you sent your letter to the presiding judge's home address, in addition to sending it to the Court, was because you "wanted to get his attention," and because you didn't trust the Clerk to deliver the letter if you followed the proper procedures for delivery. You also stated that in upstate New York, where you previously practiced law, it was common practice for attorneys to send correspondence to the presiding judges at their homes. The Panel explained to you that sending mail to judges' home addresses regarding pending cases is not an acceptable practice in our county, for a variety of reasons that include, among other things, the judges' safety, the appearance of an ex-parte type communication, and respect for the judges' privacy. Sending correspondence about pending cases to a judge's home address is not professional conduct.

Second, in the letter you sent to the judge at his home address, you were critical of the Court's ruling, and you were also critical of the clerk's office. Examples include:

- You said that you were "disturbed" by a statement in the Court's Order.
- You suggested that "the Court consider holding the Clerk in contempt for making material false statements," specifically, an apparent error regarding whether or not a filing fee had been paid. You did not provide a copy of your letter to the Clerk.
- You stated that, "[o]ne of my concerns on this appeal has been the Clerk's failure to follow proper procedures. This miscommunication about payment of the filing fee is further evidence that the Clerk is not handling things properly. Since I cannot trust the Clerk to actually deliver this letter to your chambers, I am sending a copy to your home address."
- You disagreed with the judge's ruling, and stated that your interpretation of the rule at issue (which was different from the judge's interpretation) was "the only sensible conclusion." Your

letter contained 7 paragraphs on your interpretation of what the word "disposition" means, (which again was different from the judge's interpretation of that word), and these paragraphs were written in an argumentative and disrespectful manner.

These statements are not consistent with The Ideals and Goals of Professionalism adopted by the Board of Governors of The Florida Bar, which provide that lawyers should act with "respect and courtesy for others with whom [they come] into contact . . . including members of the judiciary," should take the "abrasions" out of their conduct with others, and should "respect[] the dignity of others." Further, they are not consistent with The Palm Beach County Bar Association Standards of Professional Courtesy, which provide that "[a]ttorneys should refrain from criticizing or denigrating the court, opposing counsel, parties or witnesses, before their clients, the public, or the media, as it brings dishonor to our profession."

Third, the letter you sent to the judge at his home address contained legal arguments. The Palm Beach County Bar Association Standards of Professional Courtesy are clear that "[l]egal arguments should be submitted to the court in a memorandum of law and not in the form of a letter." Standard IV.2. Sending a letter to a judge which contains substantive legal arguments is not consistent with this Standard.

Fourth, the judge's judicial assistant reported that you were rude and upset when you called her prior to sending your letter. The judicial assistant provided you with instructions about how to deliver a letter to the judge, but you did not follow those instructions. Again, this conduct is not consistent with The Ideals and Goals of Professionalism, for the above-stated reasons. Further, it is not consistent with The Palm Beach County Bar Association Standards of Professional Courtesy, which provide that "[a]ttorneys should act and speak civilly to courtroom deputies/bailiffs, clerks, court reporters, judicial assistants, and law clerks with an awareness that they, too, are an integral part of the judicial system. Attorneys should be selective in inquiries posed to judicial assistants to avoid wasting their time. Attorneys should endeavor to be knowledgeable about the court administrative orders, local rules, and each judge's published or posted practices and procedures." Standard III.5

A primary focus and design of the Panel is to educate attorneys who practice in the Fifteenth Judicial Circuit as to the requirements of professionalism and civility in the daily practice of law. We thank you for your participation and appearance before the Panel. It is our hope that your experience with the Panel will have a positive impact and serve as a guide to your future conduct. It is further recommended that you 1) familiarize yourself with the Administrative Orders on the Fifteenth Judicial Circuit's website; 2) review the Palm Beach County Bar Association's (PBCBA) Standards of Professional Courtesy at www.palmbeachbar.org; 3) sign up for PBCBA's mentoring program and request to be matched with a local mentor; 4) join PBCBA or another local voluntary bar association that will allow you to develop relationships with local practitioners and judges that may help guide you as to locally accepted practice and 5) attend the PBCBA Bench Bar Conference on March 7, 2014. Registration will begin in early 2014 for the conference.

From accepting some of these recommended steps, the Panel is hopeful that you will gain an improved sense of the expected level of civility and professionalism in Palm Beach County.

/s/ Michael D. Mopsick
Co-Chair, Professionalism Committee
For the Fifteenth Judicial Circuit
Professionalism Panel



What is Bitcoin: Currency, Property... or Tulips?

By Christopher B. Hopkins

If you heard about bitcoin early, it was likely 2011. At first, the public's impression of bitcoin was positive: a digital currency, imbedded in a string of code, which could be transmitted and verified without cost across a peer-to-peer network using open source software. Readers of this column may recall, "Will Your Law Firm Accept Bitcoin?" from September 2011. A Google Trends search depicts our increasing interest in "bitcoin" over the last three years however the major spikes of attention were premised on *bad news*: hacking of wallets, ban in China, and the closure of the Mt. Gox exchange.

Bitcoin has also been negatively associated with the Silk Road drug trafficking website, fraud charges, and even (so far, speculative) links to terrorist financing. The concern is that bitcoin can be transmitted (somewhat) anonymously without oversight, regulation, or tax. A dark perception of bitcoin does not match its bright potential.

Few people understand that every bitcoin transaction is verified by broadcasting the details across the network and the information is then posted on a public ledger. By tracing the ledger and IP addresses, law enforcement does not appear significantly hampered by bitcoin anonymity. Fewer people understand the reliability of the bitcoin protocol or that blockchain technology has an array of alternate, fascinating uses; in March 2014, UBS boldly praised the "robust and secure way of securing customer funds" yet that report drew scant attention.

Not surprisingly, the combination of money, instability of an emerging technology, and the specter of criminal behavior has drawn the attention of civil lawyers, prosecutors, as well as state and federal agencies which are grappling with how to make claims, bring charges, oversee, regulate, and tax. A landmark in bitcoin's development will be its final legal definition: is it a currency? Property? Something else? Here is a summary of how various agencies presently categorize bitcoin:

Florida Office of Financial Regulation

The Florida OFR issued a March 2014 alert which cautioned consumers about unpredictable value and security, noting that "oversight of virtual currencies has not been thoroughly developed." The Florida OFR Commissioner was appointed to the Conference of State Bank Supervisors' task force which is expected to issue guidance to state regulators later in 2014. Florida OFR has issued at least one money transmitter license for a bitcoin ATM. *Verdict: currency.*

Financial Crimes Enforcement Network

In March 2013, FinCEN cautioned that an "administrator" or "exchanger" of bitcoin must register as a money services business (MSB) and comply with the Bank Secrecy Act (anti-money laundering laws). Ordinary "users," who use bitcoin to purchase goods and services, do not. This guidance has led bitcoin ATMs as well as some "miners" to register with FinCEN; typically, federal registration is coupled with state licensing. *Verdict: currency.*

GAO and IRS

In May 2013, the Government Accountability Office issued a report indicating that, while the IRS had described the taxable

consequences of virtual economy transactions in 2009, the IRS should now explain the tax reporting requirements for virtual currency.

Ahead of the April 2014 filing date, the IRS held that bitcoin was property. This creates bookkeeping headaches and may lead states to apply sales tax – also be aware of confusion due to the IRS's and FinCen's contradictory definitions.

Verdict: property.

Federal Election Commission

Political candidates angling for the "tech vote" have been interested in accepting bitcoin contributions (much like candidates in prior elections took to social media). The FEC considered the issue in November 2013 but deadlocked. As of early 2014, FEC is considering alternative proposed advisory opinions on whether a PAC could accept and transact bitcoins. Proposed "draft A" confirms that a PAC could accept bitcoin as in-kind contributions as well as buy and sell with limitations. Draft B limits bitcoin contributions to \$100, same as cash, and disallows exchanging for goods or services. The FEC postponed its April 2014 vote. *Verdict: (likely) currency.*

Criminal Cases

Avoid confusing *criminals who use bitcoin* and the *criminal use of bitcoin*. On April 24, 2014, a U.S. Attorney announced an anticipated guilty plea to drug conspiracy charges after a man was caught selling drugs on Silk Road. Despite use of Tor anonymizer and bitcoin, the government tracked their international suspect, made an arrest in Florida, and cashed in bitcoin for over \$3 million dollars. Bitcoin was a nominal feature to that case -- in the 7-page information, there are three references to bitcoin.

On the other hand, bitcoin can be the centerpiece of criminal charges, such as the case of two Florida men who allegedly sought to use bitcoin to buy stolen credit card numbers. They were charged under anti-money laundering statutes (trading in currency in excess of \$10,000) as well as for acting as unlicensed money transmitters. Defense counsel reportedly challenged that bitcoin was not "money" and therefore the statutes did not apply.

In a case of first impression, a district court in Texas held, in *SEC v. Trendon Shavers et al.*, that, under federal securities laws, bitcoin "is a currency or form of money." That said, this 3-page order from August 2013 was merely a jurisdictional finding from a single court. *Verdict: currency.*

Other States

Texas: *not currency* (April 2014). New York: undetermined but accepting applications for virtual currency exchanges: *currency* (March 2014).

Netherlands

The Dutch, meanwhile, take a more elegant view of bitcoin: it is not money but more like a property item which once experienced a frenetic jump in value: tulip bulbs.

Christopher B. Hopkins is a partner at Akerman LLP (West Palm Beach) and the host of InternetLawCommentary.com. Christopher.Hopkins@Akerman.com and @cbhopkins.

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



Employment Litigation At Its Best

June 20, 2014 - 12:00 p.m. - 6:00 p.m.
1507 Belvedere Road, West Palm Beach, FL 33406

Program Schedule

12:00 pm - 12:25 pm	Late Registration / Lunch
12:25 pm - 12:30 pm	Welcome - <i>Cathleen Scott, Esq., Cathleen Scott & Associates, P.A., Board Certified Labor and Employment Law Attorney, Employment and Labor Law CLE Committee Chair</i>
12:30 pm - 1:15 pm	Case Law Update - <i>Lindsey B. Wagner, Esq., Cathleen Scott & Associates, P.A.</i>
1:15 pm - 2:00 pm	Jury Selection & Voir Dire - <i>Gerard J. Curley, Jr., Esq., Gunster</i>
2:00 pm - 2:10 pm	BREAK
2:10 pm - 3:00 pm	Expert Witnesses - <i>Sally Still, Esq., Ward Damon Posner Pheterson & Bleau, Board Certified Labor and Employment Law Attorney</i>
3:00 pm - 4:00 pm	Motions in Limine - <i>Robyn S. Hankins, Esq., Hankins & Ator, P.L., Board Certified Labor and Employment Law Attorney</i>
4:00 pm - 5:00 pm	Show me the money - Ethical and Practical considerations for obtaining and defending attorney fee awards - <i>Arthur T. Schofield, Esq., Arthur T. Schofield, P.A.,</i>
5:00 pm - 6:00 pm	Happy Hour

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Rule 1.442(h): Proposals for Settlement Made in Good Faith

By Matt Triggs and Jonathan Galler

Determining whether a defendant’s proposal for settlement was made in good faith will turn on a number of factors. But one of those factors may surprise you – namely, whether the proposal was made in a case pending in the Third District Court of Appeal or the Fourth District Court of Appeal. Those two district courts apply distinct standards for determining good faith, and, on occasion, the difference makes a difference.

Florida Rule of Civil Procedure 1.442(h)(1) provides: “If a party is entitled to costs and fees pursuant to applicable Florida law, the court may, in its discretion, determine that a proposal was not made in good faith. In such case, the court may disallow an award of costs and attorneys’ fees.”

The issue of whether a proposal for settlement was made in good faith typically arises when the proposal is nominal. In *Citizens Prop. Ins. Corp. v. Perez*, 2014 WL 1373817 (Fla. 4th DCA Apr. 9, 2014), Citizens served a proposal for settlement in the amount of one-thousand dollars. The plaintiff in that case brought suit to enforce a homeowner’s insurance policy, but the plaintiff had not informed Citizens of the alleged damage until four years after it occurred. Further, the plaintiff failed to timely provide certain information requested by Citizens. The claim was dismissed on summary judgment, and Citizens moved to recover its attorneys’ fees on the basis of its statutory proposal for settlement.

The trial court found that Citizen’s nominal proposal for settlement was not made in good faith and, for that reason, the court disallowed the recovery of attorneys’ fees. But the Fourth District reversed, concluding that the trial court had improperly relied on the “too onerous” standard of the Third District. *Perez*, 2014 WL 1373817 at *3.

The standard applied by the Third District provides that “[a] reasonable basis for nominal offer exists only where the undisputed record strongly indicates that the defendant had no exposure in the case.” *Event Servs. America, Inc. v. Ragusa*, 917 So. 2d 882, 884 (Fla. 3d DCA 2005).

By contrast, the standard applied by the Fourth District provides that “a minimal offer can be made in good faith if the evidence demonstrates that, at the time it was made, the offeror had a reasonable basis to conclude that its exposure was nominal.” *State Farm Mut. Auto Ins. Co. v. Sharkey*, 928 So. 2d 1263, 1264 (Fla. 4th DCA 2006).

In *Perez*, the Court discussed the difference between these two “good faith” tests. The Third District appears to demand an undisputed record that there is no exposure, whereas the Fourth District requires only a reasonable basis to conclude that exposure is nominal.

Applying the Fourth District’s standard, the Court in *Perez* concluded that Citizen’s nominal proposal for settlement of one-thousand dollars had been made in good faith because the plaintiff’s failure to report the alleged damage for nearly four years constituted “enough evidence in the record to conclude that Citizens only faced nominal exposure.” *Perez*, 2014 WL 1373817 at *3.

Of course, the Third District never



actually had a chance to apply its standard to the facts of *Perez*, but the opinion suggests that the Third District might well have affirmed, meaning that “good faith” in one district may not amount to “good faith” in another – another excellent reminder that the appellate courts are not always consistent with one another in their respective interpretations and applications of the rules of civil procedure.

Matt Triggs is a partner in the litigation department of Proskauer Rose LLP and the head of the department in Boca Raton. Jonathan Galler is a senior counsel in the department. Both concentrate their practices in commercial and probate litigation.

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Book Review - Avoiding Extinction: Reimagining Legal Services for the 21st Century

By Nora Riva Bergman

“In my view, firms that do not change their business model and embrace innovation are dousing themselves in gasoline and marching along a burning platform to their own destruction.”

*- Sylvester Bowen, CEO and chairman of
Bowen, Fong & Chandri*

That quote is from the book *Avoiding Extinction: Reimagining Legal Services for the 21st Century*, by Mitchell Kowalski. In the book, which is written as a short novel, Kowalski introduces us to the law firm of Bowen, Fong and Chandri (BFC). BFC's motto is that it “sells results – not time.” And its acronym “BFC” not-so-coincidentally also stands for “Better, Faster, Cheaper.”

We're introduced to CEO Sylvester Brown via the transcript of a YouTube video in which he gives his view of the future of the legal profession:

In the traditional law firm model, there is immense pressure on lawyers to pound out more billable hours each year; to work harder in order to make more profits. This mindset inhibits innovation. It encourages each lawyer to act in his or her own self-interest rather than in the interests of the firm as a whole. It encourages the pursuit of short-term profits at the expense of long-term stability and profitability. This mindset encourages lawyers to see the firm as nothing more than the sum of its parts instead of something that is greater than the sum of its parts.

This old-school thinking was successful at first; and that success bred an arrogance that reinforced the notion that we were practicing law in the correct manner. Couple this with the fact that lawyers are trained to be slaves to precedent, to revere the past, and Marshall McLuhan's famous quote comes true: “We look at the present through a rear-view mirror. We march backwards into the future.”

After reading Bowen's YouTube comments, you know that BFC is not your ordinary law firm. What you might not be prepared for is just how extraordinary BFC is. We learn about the firm through the eyes of Mark Reynolds. Reynolds is a new attorney at the firm, and the book follows him during his first few days at BFC. For far too many law firms the “orientation process” consists of, “There's your desk. Get started.” The orientation process – like everything else at BFC - is quite a bit different.

Through his mentor, Nancy Kwan, and various other members of the BFC team, Mark learns about everything from BFC's commitment to the environment (their offices are certified LEED Platinum), to its approach to value pricing, and its comprehensive knowledge management processes. BFC has even implemented its own in-house Lean Six Sigma program – BFSigma. As Nancy explains, BFSigma is “a rigorous way of thinking that forces you to methodically move through a process without jumping to a conclusion.” Kowalski explains that like Lean Six Sigma on which it is based, BFSigma “in its simplest form, is a way to improve all processes at BFC.” Well-said!

Some of the other innovations at BFC include:

- No billable hours; all services are value-priced

- Integrated Legal Process Outsourcing (LPO)
- Allowing its attorneys to work from anywhere
- A compensation system based on, among other things, individual contributions to the firm's knowledge management (KM) system and living the firm's values
- Comprehensive legal project management

Bowen, Fong and Chandri might be a fictitious law firm, but the innovations they are implementing are the path to survival for real law firms right now. Your firm may not be ready to embrace all of the ideas employed by BFC. You might even think some of them are crazy, even frightening. But Kowalski has painted a vivid picture of what the practice and business of law can look like – and in my opinion will look like – for the most successful firms of the 21st Century. Big firm lawyers, small firm lawyers, and even solo practitioners have something to learn from his book.

Toward the end of the book, Bowen says, “Law firms themselves are far too cautious and incremental to make these types of changes on their own. They need to be prodded by clients and they need to lose business to other legal service providers. Only then will meaningful change occur.”

Let this book be your “prod” to begin thinking in a whole new way about your law firm. I highly recommend it.

Nora is a business coach and practice advisor with Atticus. She has practiced as an employment law attorney and certified mediator and has served as an adjunct professor at both Stetson University College of Law and the University of South Florida. She has also served as the Executive Director of the St. Petersburg Bar Association. Nora is a graduate of the Leadership Development Institute at Eckerd College, and is certified in the Conflict Dynamics Profile® developed by Eckerd to help individuals and organizations learn how to deal with conflict constructively. She is also certified in Lean Six Sigma the DISC Behavioral Style Assessment. Visit Nora online at www.reallifeppractice.com and www.atticusonline.com.

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



“CRASH COURSE ON AUTOMOBILE NEGLIGENCE CASES”

Friday, July 25, 2014 - 11:45 a.m. - 1:00 p.m.
Bar Association Office, 1507 Belvedere Road, WPB, FL

Program Schedule



- 11:45 a.m. - 12:00 p.m. **Lunch / Late Registration and Check In**
- 12:00 p.m. - 12:05 p.m. **Welcome & Opening Remarks - Kelly Hyman, Esq., Searcy Denney Scarola Barnhart & Shipley, P.A.**
- 12:05 p.m. - 1:00 p.m. **Crash Course on Automobile Negligence Cases - Marci Fuentes Ball, Esq., Lytal, Reiter, Smith, Ivey & Fronrath, LLP**

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Real Property and Business Litigation Report



By Manuel Farach

Orlando/Orange County Expressway v. Tuscan Ridge, – So.3d –, 2014 WL 1325670 (Fla. 5th DCA 2014).

“Excessive litigation” does not warrant fee award in eminent domain proceedings over and above that set forth in statute; question certified to Florida Supreme Court.

Wright v. Czariki, – So.3d –, 2014 WL 1344479 (Fla. 2d DCA 2014).

Parol evidence permissible in contract dispute over stock sale when sale terms are vague or incomplete.

Bristol v. Wells Fargo Bank, Nat. Ass’n, – So.3d –, 2014 WL 1301505 (Fla. 4th DCA 2014).

Assignment of mortgage without assignment of note (or debt obligation) does not confer standing as the debt confers standing.

Small v. Devon Condominium B Ass’n, Inc., – So.3d –, 2014 WL 1301540 (Fla. 4th DCA 2014).

In order for a condominium association’s actions to be valid, the action must be within the association’s authority and reasonable.

In re Ware, – Fed.Appx. –, 2014 WL 1329151 (11th Cir. 2014).

Relief from the automatic stay is not valid until after 14 days from order, unless otherwise ordered by the court.

Comins v. Vanvoorhis, – So.3d –, 2014 WL 1393081 (Fla. 5th DCA 2014).

Blog and blog posts are “other medium” within meaning of Fla. Stat. § 770.01 requiring pre-suit notice, and blogger is entitled to pre-suit notice before being sued.

FI-Tampa, LLC v. Kelly-Hall, – So.3d –, 2014 WL 1396593 (Fla. 2d DCA 2014).

A party must present proof of anticipated costs in order to establish that a contract is procedurally unconscionable as the result of requiring dispute resolution through a procedure (arbitration) that prohibits effective representation or dispute resolution.

Neiman v. Kahn, Chenkin & Resnick, P.L., – So.3d –, 2014 WL 1464576 (Fla. 4th DCA 2014).

Summary judgment against one defendant must be denied when all defendants are similarly situated and some affidavits in opposition preclude summary judgment.

Rusniaczek v. Tableau Fine Art Group, Inc., – So.3d –, 2014 WL 1485205 (Fla. 3d DCA 2014).

A party seeking to vacate a final judgment due to fraud must state the purported fraud with particularity. Liquidated damages for breach of contract are permitted so long as actual damages are ascertainable and the stipulated (liquidated) damages are not disproportionate to the actual damages.

San Francisco Distribution Center, LLC v. Stonemason Partners, LP, – So.3d –, 2014 WL 1491633 (Fla. 3rd DCA 2014).

The Third District aligns with the Fourth District and holds that a contractual provision permitting a non-breaching party to elect either specific performance or liquidated damages upon a defendant’s breach is enforceable.

Dutra v. Kaplan, – So.3d –, 2014 WL 1491639 (Fla. 3d DCA 2014).

An anticipatory breach gives the non-breaching party three

options: rescind the contract, treat the contract as immediately breached (by bringing suit or changing position based on the repudiation), or await the time for performance to see if the party actually performs or breaches. If a party elects the third option, the statute of limitations begins to run at the contracted time for performance.

Harding v. Orlando Apartments, LLC, – F.3d –, 2014 WL 1408634 (11th Cir. 2014).

The Fair Housing Act does not impose obligations on an apartment complex purchaser to insure the complex complies with the Act’s design and construction guidelines.

Lamm v. State Street Bank and Trust, – F.3d –, 2014 WL 1410172 (11th Cir. 2014).

Without additional facts, a custodian bank has no duty to monitor a customer’s account to verify or ensure investment adviser’s actions taken through the custodian bank.

Hancock Bank v. D.S.C. of Newark Enterprises, – So.3d –, 2014 WL 1632120 (Fla. 5th DCA 2014).

A vendor’s lien for uncompleted subdivision improvements does not gain priority over a prior and properly recorded mortgage.

U.S. Bank Nat. Ass’n v. Bartram, – So.3d –, 2014 WL 1632138 (Fla. 5th DCA 2014).

A borrower’s default after a failed foreclosure attempt creates a new cause of action for statute of limitations purposes, even where the loan has been previously accelerated.

Lindsey v. Cadence Bank, N.A., – So.3d –, 2014 WL 1632241 (Fla. 1st DCA 2014).

A supervisor sufficiently knowledgeable as to the creation and maintenance of business records may testify to those records based on the Business Records Exception. Attorneys’ fees for anticipated future work may not be awarded based on “estimated time to complete” work on a case.

Deutsche Bank Nat. Trust Co. v. Huber, – So.3d –, 2014 WL 1612460 (Fla. 4th DCA 2014).

The original (not a copy) of the promissory note must be moved into evidence and surrendered in order for lender to be entitled to foreclosure.

Deutsche Bank Trust Co. Americas v. Nash, – So.3d –, 2014 WL 1613412 (Fla. 2d DCA 2014).

A bankruptcy discharge releases borrowers from properly scheduled personal obligations but does not release the security (real property) from foreclosure.

E.I. DuPont De Nemours & Co., Inc. v. Sidran, – So.3d –, 2014 WL 1613656 (Fla. 3rd DCA 2014).

An “evolving” and “self-edited” database collection used as response to production that has errors is not a fraud on the court unless it can be demonstrated the responding party attempted to deprive the requesting party of its ability to present a claim or defense. Of note; the case is twenty-two years old (with the collection of documents evolving from paper to electronic during that time), and the requesting party has filed thousands of document requests and has received almost 1,000,000 documents.

Manuel Farach is Of Counsel to Richman Greer, P.A. and practices in the areas of Real Estate, Business Litigation and Appellate Law. You are welcome to request the weekly version of the Case Law Update by sending an email to mfarach@richmangreer.com and writing “Request Update” in the subject line.



Simplifying Business Evaluations By Identifying Personal Goodwill

By Christopher R. Bruce

The valuation of a business in a divorce case can represent a serious headache to divorce and family law practitioners. Not many find any real pleasure in laboring alongside a forensic accountant to analyze the balance sheets, income statements and tax return schedules necessary to value a closely held business for purposes of divorce. That said, valuing a business in a divorce case does not always have to be difficult. This article explains the basics behind valuing “goodwill” in divorce cases, including how distinguishing “enterprise goodwill” from “personal goodwill” can greatly simplify the valuation process.

Goodwill: Who Cares?

To facilitate early settlement (and potentially save significant legal and accounting expenses) in cases involving the valuation of a closely held business it is imperative for the divorce practitioner to determine early on whether the situation is an “enterprise goodwill case” or a “personal goodwill case”. Making this determination upfront is critical, because the character of a business’ goodwill determines the methodology used for valuing the business. With few exceptions, when a “personal goodwill case” is identified the valuation of the business is much simpler, especially in cases where the inventory or other assets of the business do not present any unique valuation issue. In most situations, the upfront identification of “personal goodwill cases” makes it easier for the parties to agree upon a value of a business without devoting significant resources towards a full blown business evaluation.

Personal Goodwill

Personal goodwill is goodwill attributable to the skill, reputation and continued participation of a spouse in a business. Personal goodwill must be excluded when assigning a value to a business for purposes of equitable distribution as any value that attaches to a business as a result of personal goodwill represents nothing more than a spouse’s probable future earning capacity. See *Schmidt v. Schmidt*, 120 So. 3d 31, 33 (Fla. 4th DCA 2013).

Practitioners should take note that most cases involving a professional practice, such as a legal or accounting practice, almost always represent “personal goodwill cases”. With many professional practices the valuation is relatively simple, as the company’s value will primarily consist of the money in the company bank accounts, accounts receivable, accounts payable, and the whatever fair market value there is to the assets of the practice (the desks, computers and the outdated phone system).

Enterprise Goodwill

Enterprise goodwill is defined as the value of a business “which exceeds its tangible assets” and represents “the tendency of clients/patients to return to and recommend the practice irrespective of the reputation of the individual practitioner”. *Thompson v. Thompson*, 576 So. 2d 267, 269 (Fla. 1991). Unlike personal goodwill, enterprise goodwill is a marital asset subject to equitable distribution. A classic example of enterprise

goodwill would be the goodwill associated with a food or automobile franchise. With these businesses, most consumers will frequent the business due to reputation of the product/brand and not the name of the franchisee.

A Non-Compete is Everything

The distinction between “personal goodwill cases” and “enterprise goodwill cases” can seem harder to make with some businesses, especially quasi-franchise type businesses. A classic example would be the valuation of the dental and healthcare clinics (like Gentle Dental or Urgent Care) that seem to now be occupying office space everywhere or other businesses where some but not all of a customer base is drawn to a business because of the reputation of its owner.

The key to determining whether the goodwill is personal goodwill or enterprise goodwill in these “close call” cases is the necessity or existence of a covenant not to compete. Typically, Florida case law considers the goodwill of a business associated with the owner executing a covenant not to compete to be personal goodwill that is not subject to equitable distribution. The three main cases from the Fourth District that should be reviewed on this issue are: *Schmidt v. Schmidt*, 120 So. 3d 31 (Fla. 4th DCA 2013)(reversible error not to separate personal goodwill from enterprise goodwill when determining the value of a business subject to equitable distribution); *Held v. Held*, 912 So. 2d 637 (Fla. 4th DCA 2005)(determining goodwill was personal when sale of insurance agency would require husband to sign a non-solicitation agreement preventing him from poaching clients); and *Walton v. Walton*, 657 So. 2d 1214 (Fla. 4th DCA 1995)(“The most telling evidence of a lack of any [enterprise] goodwill was the wife’s expert’s testimony that *no one* would buy the practice without a non-competes clause”).

Bottom Line

Although valuing a business can be complicated, in many divorce cases the process can be simplified and fees can be saved by initially determining whether the goodwill associated with a business is personal or enterprise goodwill. If the goodwill is personal in nature the parties and their professionals can usually streamline settlement discussions to focus on determining the book value of the business’ other assets and liabilities.

Christopher R. Bruce is a divorce and appellate attorney with Nugent Zborowski & Bruce. The firm’s practice is limited to resolving matrimonial matters through mediation, litigation and related appeals. Chris can be reached at (561) 844-1200 or cbruce@nugentlawfirm.com.



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North County Beach Bash

North County Section recently hosted its third Annual Beach Party for members and their families at the Hilton on Singer Island. This year's event included hula and fire dancers, a cartoonist, face painting, lunch, live music and more!



NCS Director Dan Zuniga and his family sit for a portrait by the cartoonist



NCS Director, and sandcastle co-chair, Reid Bierer and his wife Amy



Hula Dancers



NCS Director Mitch Beers and Judge Laura Johnson



The Fire Dancer added to the excitement of the afternoon



Judge John Phillips and his grandson



Ron Ponzoli makes it under the limbo



Cindy Crawford and her sons

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Legal Aid Gift Gathering Events

Art Lovers Party at the Boca Museum of Art: On May 29th, over 100 friends and supporters of the Legal Aid Society of Palm Beach County enjoyed a special evening of “Pop Art”, cocktails and hors d’oeuvres at the Boca Museum of Art benefitting Legal Aid’s 26th Annual Pro Bono Recognition Evening held on May 10th. The theme of this year’s event was “Shaken, Not Stirred...A Bond Affair” and recognized eight attorneys, a law firm, a psychiatrist and the Young Lawyers Section of the Palm Beach County Bar Association, who have gone above and beyond in providing volunteer services to the disadvantaged children, families, seniors and individuals in our community.



Ken and Robin Bresky and Seth Marmor

Williams-Sonoma Hosts Brunch: Early Sunday morning on April 6th, Williams-Sonoma at the Gardens Mall hosted a brunch and cooking demonstration for 50 friends and supporters of the Legal Aid. In addition to mimosas and delicious pancakes, frittatas and other wonderful breakfast treats, guests were able to purchase cooking items for Legal Aid’s silent auction.



Gary Lesser and
Katie & Jerry Beer



Jill Weiss and
Michelle Suskauer

Photos by Tracey Benson

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- One free classified ad per year (valued at \$50)
- Daily Business Review
- Brooks Brothers
- Credit Card Processing
- Disability Insurance
- Annual Judicial Reception
- Members only events (such as luncheons with US Supreme Court Justices)

and Programs:

- Mentor Program
- Professionalism Council
- Young Lawyers Section (Free Happy Hours valued at \$25 per event)
- North County Section
- Community Service Opportunities
- Participation in the PBCBA’s Lawyer Referral Service

If you did not receive a statement, please contact Shoshana Spence at (561) 687-2800.

Motion Calendar Tip #3

By Chris Searcy, Searcy Denney Scarola Barnhart & Shipley



- A. Time is of the essence!
- B. Read local rule 1.004
- C. If you’re bringing the motion, be ready to summarize in 45 seconds:
 - 1) Your name
 - 2) Who you represent
 - 3) Your client’s status in the case
 - 4) Nature of case
 - 5) Specific issue this morning
 - 6) Why you should prevail

You then have the majority of your time remaining to focus on the most important points and/or authority supporting your position.

e.g. Your honor, I am Chris Searcy representing Jane Smith who has brought an action for damages against John Jones, M.D. for medical malpractice. We propounded interrogatories to defendant, they answered some, have agreed to answer others, but still object to answering #'s 3, 12 and 14. This is our motion to overrule their objections and compel them to answer on the grounds each of these interrogatories request information, not privileged, that is reasonably calculated to lead to the discovery of admissible evidence for the following reasons:

- Be sure to have order and self-addressed envelopes
- Address court with comments, not opposing counsel.

Diversity In The ABA

Submitted by Diversity Relations Subcommittee Member Jean Marie Middleton



PAULETTE BROWN

The ABA's 1st African-American Woman President-Elect

The American Bar Association ("ABA") is the signature voluntary bar association in the nation, and the model for local voluntary bar associations throughout the states. It may come as a surprise to some that even this premier bar association is still evolving in the area of diversity as it relates to their leadership.

Established on August 21, 1878, with just seventy-five lawyers, the ABA hails as one of the world's largest voluntary professional organizations. It boasts nearly 400,000 members and more than 3,500 entities. However, it was not until 1918 that the first two women, Mary Florence Latrop and Mary Grossman, were accepted as members of the ABA. Moreover, the first woman elected to the ABA House of Delegates was not accomplished until 1943 in the person of Marguerite Rewalt.¹

It took one hundred seventeen (117) years from its inception for the ABA to elect Roberta Cooper Ramo of New Mexico as the first woman President in 1995. Eight years later, Dennis Archer became the first African American president in 2003. Seven years after that, Florida's own Stephen Zack became the first Hispanic-American president in 2010.

Fast forward one hundred thirty seven (137) years from the ABA's establishment to February 10, 2014 and Paulette Brown becomes President-elect. In August 2015 she will become the ABA's first African-American woman president. She will be the 3rd African-American president in the Association's history. She has served in the ABA House of Delegates since 1997 and also served as a past member of the Board of Governors.

Paulette Brown is a member of Edwards Wildman's Labor & Employment Practice Group and the Firm's Chief Diversity Officer. She has been president of the National Bar Association and president of the Association of Black Women Lawyers of New Jersey.

In her candidacy profile, Ms. Brown noted that "just as the Constitution has been amended to safeguard our liberties... as the census data informs us, we must prepare ourselves to be more inclusive."²

Ms. Brown intends to make membership a high priority during her administration. She also intends to focus her attention on legal education, the lack of employment for law school graduates and the future of the legal profession. "I know that working together, widening our net, having diversity of opinion and thought, we can accomplish great things"³ said Brown.

Like the ABA, this history of the Florida Bar and the Palm

¹ About the ABA 2014, http://www.americanbar.org/about_the_aba.html

² About the ABA, Candidate Statement 2014, http://www.americanbar.org/content/dam/aba/administrative/leadership/paulette_brown_letter_of_intent_president.authcheckdam.pdf

³ ABA News Archives 2014, http://www.americanbar.org/news/abanews/aba-news-archives/2014/02/aba_nominates_paulet.html



Beach County Bar Associations are still evolving. The history of a statewide bar in Florida dates back to 1889. Ironically, the Florida State Bar Association was known as an "integrated bar" because government regulation of the profession and social aspects were combined.⁴ However, it was not until 1950 that "The Florida Bar" got its current name and all lawyers, including African-Americans, automatically became members upon the oath of admission.⁵ Not until 2013 did Eugene Pettis become the first African-American president of the Florida Bar, one hundred twenty four (124) years from the bar's inception.

While our own Palm Beach County Bar Association was founded in 1922, it was not until July 2011 that John Howe became the first African-American president. By comparison to the ABA and the Florida Bar Association, Palm Beach County's 89 year journey to having elected the first African-American president makes Palm Beach County Bar Association's commitment to diversity and inclusion look pretty progressive!

Jean Marie Middleton is a member of the Diversity Relations Subcommittee of the CDI. She serves as President of the F. Malcolm Sr. Bar Association. She is an Associate Counsel for the Palm Beach County School District where she practices Labor and Employment law.

⁴ Gary Blankenship, Diversity in the Florida Bar, 2000 <http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/0/785ef148a2f5068685256adb005d62ef?OpenDocument>

⁵ History of the Florida Bar, <http://www.floridabar.org/tfb/TFBOrgan.nsf/2FC809811C0105238525671100692F1C/9C81ADC9FC9FC8A585256B2F006CD27B?OpenDocument>

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The Palm Beach County Bar Association, its officers, directors, and staff do not endorse any product or service advertised. The PBCBA is committed to equal employment opportunity and does not accept employment ads which imply a preference based on race, color, sex, religion, national origin, disability, familial status, sexual orientation, age, marital status and gender identity or expression.

POSITIONS AVAILABLE:

CAREER CHANGER? Full-time teaching position available starting in August. Attorney sought to teach debate and law-related courses at growing pre-law program at local Title 1 charter high school. Must be or become certified in Language Arts/English. Don't apply for the money, but expect great job satisfaction. Email resume and inquiries to lonniek.martens@palmbeachschools.org.

CERTIFIED PARALEGAL SOUGHT FOR DELRAY BEACH FIRM:

Minimum 5 yrs experience as a litigation secretary/paralegal is required. Knowledge of FL Rules of Civil Procedures & FL Statutes required. Responsibilities include drafting correspondence, notices, analyzing legal documents, working with discovery documents; e-filing, scheduling hearings/appointments, preparing for hearings, depositions, trials and appeals. Send resumes to apiccolo@floridahealthcarelawfirm.com.

THE LAW OFFICE OF NICOLE C. MORRIS, P.A. is seeking a probate paralegal. Must have at least 5 years experience in this area. Mastery of WordPerfect and E-filing mandatory. Must be detail oriented and possess excellent communication, writing and organizational skills. Please send a cover letter and resume to nicolemmorrisq@gmail.com.

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GREGORY TENDRICH, Esq.: "AV Preeminent" rated, FINRA Arbitrator and Mediator, Certified County Court Mediator and former Series 7 licensed VP & Asst. General Counsel to national and regional stock brokerage firms. All securities & investment related matters involving the recovery of losses due to stock broker fraud, misrepresentation, churning and unsuitable recommendations, in addition to representation of advisors in SEC, FINRA, regulatory enforcement, contract and employment matters. (561) 417-8777 or visit www.yourstocklawyer.com.

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WPB PROFESSIONAL OFFICE SPACE FOR IMMEDIATE LEASE: 2 office suites available. 802 SF & 2100+ SF. Each space w/ multiple offices – a good deal! Near Good Samaritan, Downtown & Courthouse. Lake view. Asking \$10.00 SF-Gross- Call Frank Owen/Valore Group RE Cell: (561) 818-0877 fveo@att.net e-fax (561) 214-7712.

WEST PALM BEACH OFFICE SPACE FOR RENT: Few blocks north of Courthouse. Includes: 3 meeting rooms, scanner/printer/copier, kitchen and storage, high speed internet, room for expansion and friendly environment with long term tenants. Available IMMEDIATELY. Contact Jim (561) 838-9595.

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HEARSAY



Legal Graphicworks, a boutique litigation support firm, is pleased to announce its recent hire of **Amy L. Triggs** as Executive Director and Legal Consultant. Amy graduated from the Emory University School of Law in 1990.

Michael S. Smith has joined Clark, Fountain, La Vista, Prather, Keen and Littky-Rubin. Mr. Smith brings an impressive background, including two decades as a defense attorney.

Mark R. Hanson has joined Jeff Tomberg and Dean Halper in the formation of Tomberg, Hanson and Halper. The offices are in Boynton Beach and Jupiter. Mr. Hanson will continue to concentrate in the areas of personal injury, maritime law, real estate matters and estate planning.



PALM BEACH COUNTY BAR ASSOCIATION

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CALENDAR
June 2014

Friday, June 6, 8am – 1:30pm
**Community Assn. Law
CLE Seminar**
Bar Association Office

Saturday, June 7, 7pm
PBCBA Banquet
The Breakers Hotel, Palm Beach

Tuesday, June 10, 11:30am – 1pm
**Business Litigation CLE
Lunch Seminar**
Bar Association Office

Tuesday, June 10,
11:45am – 1pm
**Unified Family
Practice Meeting**
Judicial Conference Room,
Main Courthouse

Tuesday, June 10, Noon – 1pm
YLS Board Meeting
Bar Association Office

Wednesday, June 11 – 15
**RPPTL Attorney Trust
Officers Conference**
Naples

Wednesday, June 11 – 15
Florida Justice Assn. Meeting
The Breakers Hotel, Palm Beach

Wednesday, June 11,
Noon – 1pm
**Professionalism
Committee Meeting**
Bar Association Office

Thursday, June 12,
Noon – 1:30pm
South County FAWL Meeting
Mariposa @ Neiman Marcus,
Boca Raton

Thursday, June 12, 6pm – 8pm
ABOTA PBG Event
For information,
contact Kathy Cleveland,
clevelandsoffice@aol.com

Saturday, June 14
YLS Fishing Tournament

Tuesday, June 17,
8:15am – 12:05pm
Real Estate CLE Seminar
Bar Association Office

Tuesday, June 17, 6pm – 7pm
Small Claims Court Clinic
Okeechobee Branch Library,
WPB

Wednesday, June 18,
5pm – 6:30pm
**PBCBA Board of
Directors Meeting**
Bar Association Office

Thursday, June 19,
11:45am – 1pm
FAWL Pariente Lunch
Cohen Pavillion

Thursday, June 19,
5:30pm – 7pm
YLS Happy Hour

Friday, June 20, 11:30am – 5pm
**Employment Law
CLE Seminar**
Bar Association Office

Monday, June 23,
11:45am – 1pm
Judicial Luncheon
North end of cafeteria,
Main Courthouse

Tuesday, June 24, Noon – 1pm
CDI Committee Meeting
Bar Association Office

Tuesday, June 24,
5:30pm – 6:30pm
**Legal Aid Society
Board Meeting**
Bar Association Office

Wednesday, June 25 – 27
**The Florida Bar
Annual Meeting**
Gaylord Palms Resort, Orlando

Wednesday, June 25,
Noon – 1pm
**Circuit Civil
Committee Meeting**
Judicial Conference Room,
Main Courthouse

Wednesday, June 25,
Noon – 1pm
**Law Related Education
Committee Meeting**
Bar Association Office