



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

March 2015

Contributions sought for 2015 Law Week Judicial Reception

The Law Week Committee is requesting contributions from law firms for its annual Judicial Reception honoring the local judiciary and judicial assistants. The event will be held on Tuesday, April 28 at The Harriett in West Palm Beach. Sponsors will be recognized on email notices, on a sign at the reception and in the Bar Bulletin.

Those interested in making contributions should send a check no later than March 20 to the Palm Beach County Bar Association, ATT: Patience Burns, 1507 Belvedere Road, WPB, FL 33406. Sponsorship amounts are as follows:

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

Thank you for your consideration!

Mark your calendar for upcoming Membership Events

March 27:
Bench Bar Conference

April 28:
Judicial Reception

May 1:
Law Day Luncheon with guest speaker Mark Curriden, attorney, award-winning legal journalist, and senior writer for the ABA Journal

May 9:
Legal Aid's Pro Bono Recognition Evening

June 6:
Annual Installation Banquet at the Breakers Hotel

Don't Miss the 2015 Bench Bar Conference

The 2015 Palm Beach County Bench Bar Conference aims to appeal to both new and veteran attendees. Among the highlights of the March 27th event will be an entertaining luncheon keynote by legal humorist Sean Carter, whose topic will be "Nice Lawyers Finish First."

Mr. Carter has crisscrossed the country delivering comedic professional educational seminars for more than 300 organizations, including over 150 to bar associations or their sections, in three dozen states. His presentations run the gamut from legal ethics to diversity to stress management, but they all have one thing in common – humor; and plenty of it. Sean Carter graduated from Harvard Law School in 1992. His ten years of legal practice focused on corporate securities and mergers and acquisitions. In 2002, Mr. Carter left the practice of law to pursue a career as the country's foremost Humorist at Law. Sean lives in Mesa, Arizona with his wife and four sons.



Sessions for attorneys this year will again include Transaction Law, Probate, Federal, ADR, Commercial Litigation, Personal Injury, Appellate, Family, Criminal, County Civil and Juvenile. This year, there will also be sessions for paralegals, legal assistants and secretaries including topics on Discovery and Ethics as well as practical information from court administration and judicial assistants.

Be sure to sign your staff up for these sessions!

The 2015 Bench Bar Conference, an all day event, will be held on March 27 at the Palm Beach County Convention Center. You can register online at www.palmbeachbar.org. Deadline to register is March 20 and as space is limited, registrations are reserved on a first come first serve basis.

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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

North County Section to host joint annual mixer with members of the Palm Beach County Justice Association

Thursday, March 5

5:30 p.m. to 7:00 p.m.

Yard House, Palm Beach Gardens

Cost: \$10.00 for NCS & PBCJA members; Judges are complimentary; attorneys who are not members of either group may attend for \$20.00

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A Special Thank You To Our Outgoing Judges

by Theo Kypreos

In the past year, we have witnessed unprecedented turnover within our local judiciary. Circuit Court Judges Ron Alvarez, Lucy Chernow Brown, Edward Fine, Diana Lewis, Timothy McCarthy and Sandra McSorley have all departed the bench after over 135 years of collective service as members of our local judiciary. Additionally, Magistrate Larry Weaver is also retiring after nearly three decades of service as magistrate.

Different paths led these individuals to the bench. Several served as prosecutors with the U.S. Attorney or State Attorney's offices, others were in private practice, and some worked in both the government and private sectors along the way. Regardless of their respective and unique paths that led them to becoming members of our local judiciary, they have each shared the same responsibilities as jurists and performed as such dutifully. During their many collective years on the bench and as members of our Palm Beach County judiciary, they have positively affected those of us who have appeared before them or interacted with them in other ways. Their commitment and dedication to conducting their judicial duties have contributed significantly to the excellent reputation and high regard our local judiciary maintains throughout Florida.

At our most recent membership luncheon on February 26, the Bar paid tribute to these outgoing jurists and their many years of service to our community. When asked about the impact these individuals have had on the bench and the legal profession during their tenure, Fifteenth Judicial Circuit Chief Judge Jeffrey Colbath summed it up best as follows:

"All seven of these jurists will leave a lasting and meaningful impact on the high quality of our local judicial system. They have enhanced professionalism and set standards

that keep Palm Beach County at the forefront of jurisprudence. The lawyers, litigants, colleagues and staff will miss them. Their successors have big shoes to fill."

Aside from being dedicated and committed jurists, Judges Alvarez, Brown, Fine, Lewis, McCarthy and McSorley, and Magistrate Weaver have remained active members of our bar association throughout the years. Recently, the Palm Beach County Bar Association made a monetary contribution to the Legal Aid Society of Palm Beach County on behalf of each of them to recognize their service and contribution to our community, profession and bar association. More importantly, we hope each of these individuals will continue their involvement in our bar association, as we look forward to seeing them at future bench bar conferences, CLE programs, and membership receptions and luncheons. Although their service as members of the judiciary may be over, their legacies and contributions toward our community and profession continue.

tkypreos@jonesfoster.com

Board Meeting Attendance

	JUL	AUG	SEP	OCT	NOV	DEC	JAN
Barnes	x	x	x	Phone	Phone	x	x
Demmery	x	x	x	x	x	x	x
Huber	x	x	x	x	x	x	x
Kypreos	x	x	x	x	x	x	x
Mason	x	x	x	x	x	x	x
McElroy	x	x	x	Phone	Phone	x	x
Pressly	x	x		x	x	x	x
Reagan	x	x	x	x	x	x	x
Weiss	x	x	x	x	x	x	x
Whittles	x	x	x	x	x	x	x
Wyda	x	x	x	x	x	x	x
Xenick	x	x	x	x	x	x	x
Yaffa	x		Buck	x	x	x	Phone



Once again, the Palm Beach County Bar Association will be joining with members of the Clearwater Bar Association for a CLE @ Sea cruise.

Mark your calendar for September 26 – October 3, 2015 for a Mediterranean cruise on the Emerald Princess.

The cruise leaves from Rome and you will visit Sicily, Tunis, Florence, Genoa, Toulon and Barcelona.

Rates are as follows (rates are per person, based on double occupancy and subject to availability. Additional taxes are \$95 pp):

Inside staterooms \$1249; Ocean view (obstructed) \$1399;
Ocean view (unobstructed) \$1649; Balcony staterooms \$1799;
and Mini-suites start at \$2099.
Prices subject to change.

A total of 6 CLE credits will be presented at an additional cost of \$150.

For more information about booking the cruise, contact David Moorcroft, Ships-N-Trips, Inc. at (727) 736-1318, dmoorcroft@tampabay.rr.com.

To register for CLE or inquire about speaking opportunities, contact Karen France at the Clearwater Bar Association kfrance@clearwaterbar.org

Boardroom has a name: EstateBuyers.com

We are proud to announce that our Boardroom has graciously been sponsored by Art Samuels and Alon Ruschin, partners in *EstateBuyers.com* – buyers and sellers of diamonds, gems and jewelry. Art, a retired Navy Commander, is respected as one of the country's top Graduate Gemologists, with impressive credentials including being on boards of many of the most prestigious professional trade organizations. Alon, raised in South Africa in the diamond industry, is internationally recognized for his unparalleled expertise and use of cutting edge technology. Both Art and Alon own multiple successful and reputable estate jewelry companies and are known for their honesty, integrity and hard work.

EstateBuyers.com has been buying estates through Bank Trust Officers and Attorneys in Palm Beach County for more than two decades. Art often points out the fiduciary responsibilities of attorneys when assisting clients liquidate tangible personal property. Clients clearly deserve maximum monetary compensation for their property and this can only be achieved when



Bar President Theo Kypreos unveils our most recent room signage with sponsors Alon Ruschin and Art Samuels from EstateBuyers.com

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“Lien-stripping” Exempt or Abandoned Assets?”

by Jason S. Rigoli

The ability to strip mortgages or liens wholly-unsecured by the collateral in Chapter 7 bankruptcy cases may be coming to an end soon. However, until the Supreme Court issues its opinion; debtors in the Eleventh Circuit will continue to seek to strip these mortgages or liens under *McNeal v. GMAC Mortgage, LLC* (In re *McNeal*), 735 F.3d 1263 (11th Cir. 2012), and *Folendore v. United States Small Bus. Admin.*, 862 F.2d 1537 (11th Cir. 1989). In this period of Chapter 7 bankruptcy lien stripping, the question arises as to whether a debtor may strip off a wholly-unsecured mortgage, pursuant to section 506 of the Bankruptcy Code that has been claimed as exempt or abandoned? Two recent opinions have addressed this issue and came to opposite conclusions.

La Paz at Boca Pointe Phase II Condominium Ass’n, Inc. v. Bandy

In *La Paz at Boca Pointe Phase II Condominium Ass’n, Inc. v. Bandy*, –B.R.–, 2014 WL 6908431 (S.D.Fla., Dec. 8, 2014), the debtor filed bankruptcy to stay a pending foreclosure sale. *Id.* at *1. The creditor moved for relief from the automatic stay and the debtor responded with a motion to value and determine secured status of the lien. *Id.* Prior to hearing on either motion, the Trustee abandoned the subject real property. The Bankruptcy Court determined that the creditor’s lien were unsecured “[] due to the value of the real property in relationship to the primary and secondary liens on the property[]”. *Id.*

On appeal the District Court reversed the Bankruptcy Court decision, relying on the Tenth Circuit’s analysis in *Dewsnup v. Timm* (In re *Dewsnup*), 908 F.2d 588, 590-91 (10th Cir. 1990). The District Court reasoned that upon abandonment, the asset is no longer property of the estate; therefore, the “plain language of section 506(a)” requires that the estate have an interest. *Id.* at *3-5.

In re Bodensiek

In *In re Bodensiek*, –B.R.–, 2015 WL 145997 (Bankr. S.D.Fla. 2015), Judge Kimball was confronted with the same issue and determined that

the Bankruptcy Court has jurisdiction to bifurcate a claim secured by a lien where the collateral has a value less than the amount of the claim. Addressing the arguments set forth in *La Paz*, Judge Kimball reasoned that while the Supreme Court affirmed the Tenth Circuit in *Dewsnup v. Timm*, 502 U.S. 410, 112 S.Ct. 773, 116 L.Ed.2d 903 (1992), its decision was based on a matter different from the issue before the Court. *Id.* at *2. Judge Kimball went on to cite the dissent issued by Justice Scalia and joined by Justice Souter. The Justices addressed the logic of reading section 506(a) and (d) to mean that a determination made under these provisions of the Bankruptcy Code, with respect to property of the estate as of the petition date, could later be undone by abandonment by a trustee. *Id.*

Judge Kimball rationalized that this same logic applies to property claimed as exempt by a debtor, because a debtor may amend his or her schedule to claim property as exempt or remove property from being claimed as exempt, at any

time until the close of the case. *Id.* at *3 (citing Fed. R. Bankr. P. 1009(a); *In re Allen*, 454 B.R. 894, 897 (Bankr. S.D.Fla. 2011)).

Finally, Judge Kimball determined that a motion to value and bifurcate a claim under section 506 “fall[s] squarely within federal bankruptcy jurisdiction[.]” *Id.* (citing 28 U.S.C. § 1334(b)), and that the bifurcation of a claim is the “claims allowance process,” which [is a] “core matter[s] subject to referral to the bankruptcy court for final order[s].” *Id.* (citing 28 U.S.C. § 157(b)(1); *Stern v. Marshall*, –U.S.–, 131 S.Ct. 2594, 2618, 180 L.Ed.2d 475 (2011)).

Conclusion

This issue is not settled based upon the foregoing opinions. However, Chapter 7 debtors’ attorneys are still able to make the argument to “strip-off” wholly unsecured liens on exempt or abandoned assets. This argument offers debtors’ more bang for their buck, at least until the Supreme Court weighs in.

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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Bill Smith with popcorn for the movie



Tequisha Myles



Theo and Jennifer Kypros



Look who found the hidden chocolate with the golden ticket!



Melissa and Bill Lazarchick



Chocolate fondue was a big hit too!



Members and their families recently enjoyed dinner and watching Willy Wonka and the Chocolate Factory. This new event was held at the Lake Pavilion in West Palm Beach and included an adult and child's buffet, live music, popcorn, and desserts with lots of chocolate! A huge thank you to our gracious sponsors from Lytal Reiter Clark Fountain and Williams, Deutsche Bank, Jaguar Palm Beach, Northwestern Mutual, Pressly & Pressly, P.A., Complete Legal Investigations, Hoffman's Chocolate, Jones Foster Johnston and Stubbs, Veritext and Visual Evidence.

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Elective Share Made Easy – Part III (Exclusions)

by David M. Garten

Once you have made the initial determination as to what property is included in the elective estate, the next step is to determine what, if any, exclusions apply. The following fourteen categories of property are excluded from the elective estate:

1. Prior irrevocable transfers. §732.2045(1)(a), F.S.

This category excludes from the elective estate any transfer of property by the decedent to the extent the transfer is irrevocable before October 1, 1999¹ or after that date but before the date of the decedent's marriage to the surviving spouse. Exception: Transfers to an elective share trust made prior to October 1, 1999. These transfers are treated as if they were made after October 1, 1999 and in satisfaction of the elective share. §732.2155(4), F.S.²

2. Transfers for adequate and full consideration.

§732.2045(1)(b), F.S. This category excludes from the elective estate any transfer of property by the decedent to the extent the decedent received adequate consideration in money or money's worth for the transfer.

3. Transfers with the written consent of spouse.

§732.2045(1)(c), F.S. This category excludes from the elective estate any transfer of property by the decedent made with the written consent of the decedent's spouse. Exception: Spousal consent to split-gift treatment under the United States gift tax laws does not constitute written consent to the transfer by the decedent.

4. Life insurance in excess of the net cash surrender value. §732.2045(1)(d), F.S. This category excludes from the elective estate the proceeds of any policy of insurance on the decedent's life in excess of the net cash surrender value of the policy whether payable to the decedent's estate, a trust, or in any other manner.

5. Life insurance maintained pursuant to court order.

§732.2045(1)(e), F.S. This category excludes from the elective estate any policy of insurance on the decedent's life maintained pursuant to a court order.

6. Decedent's one-half of community property.

§732.2045(1)(f), F.S. This category excludes from the elective estate the decedent's one-half of the property to which §§732.216-732.228, or any similar provisions of law of another state, apply and real property that is community property under the laws of the jurisdiction where it is located.

¹ §732.2155(1) (1) reads: "Sections 732.201-732.2155 are effective on October 1, 1999, for all decedents dying on or after October 1, 2001. The law in effect prior to October 1, 1999, applies to decedents dying before October 1, 2001."

² Example - Prior Lifetime QTIP. D transfers property worth \$100,000 to an elective share trust prior to October 1 1999, providing for the income to be paid annually to S for life, then for the corpus of the trust to go to X. The trustee has no authority to distribute principal to S. D dies five years later, survived by S and X. At D's death, the property in the trust is worth \$500,000. D's elective estate includes the \$500,000 value of the trust at D's death. S's interest in the trust will satisfy \$250,000 of S's elective share right.

7. Qualifying special needs trusts. §732.2045(1)(g), F.S.

This category excludes from the elective estate property held in a qualifying special needs trust as defined in §732.2025(8), F.S. on the date of the decedent's death.

8. General power of appointment. §732.2045(1)(h), F.S.

This category excludes from the elective estate property included in the gross estate of the decedent for federal estate tax purposes solely because the decedent possessed a general power of appointment as defined in §732.2025(3), F.S.

9. Protected homestead and exempt property.

§732.2045(1)(i), F.S. This category excludes from the elective estate the decedent's homestead³, whether held by the decedent or by a trust at the decedent's death.

10. Certain property held in trust. §732.2155(6), F.S.

This category excludes from the elective estate property held in a revocable or irrevocable trust at the decedent's death if: **(a)** The property was an asset of the trust at all times from October 1, 1999 until the time of the decedent's death; **(b)** The decedent was not married at the time the property was first transferred into the trust; and **(c)** The property was a non-marital asset within the meaning of §61.075, F.S. at the time of the decedent's death.

11. Exempt property. §732.2105, F.S. This category excludes from the elective estate exempt property as defined in §732.402, F.S. because the surviving spouse is entitled to receive these assets in addition to the elective share. Exempt property includes: up to \$20,000 of household furniture, furnishings, and appliances in the decedent's home; two motor vehicles as defined in §316.003(21), F.S.; all qualified tuition programs under IRC §529; and all benefits paid under §112.1915, F.S. (Teachers and school administrators; death benefits).

12. Family allowance. §732.2105, F.S. This category excludes from the elective estate a family allowance as defined in §732.403, F.S. because the surviving spouse is entitled to receive a family allowance not to exceed \$18,000.00 in addition to the elective share.

13. Claims. §732.2055(5)(a), F.S. This category excludes from the elective estate claims paid or payable from the elective estate.

14. Mortgages, liens or security interest. §732.2055(5)(b), F.S. This category excludes from the elective estate mortgages, liens or security interest on property in the elective estate.

³ The term "protected homestead" means property described in Article X, section 4(a)(1) of the Florida Constitution, on which at the death of the owner, the exemption inures to the owner's surviving spouse or heirs under Article X, section 4(b) of said state constitution. See § 731.201(29), F.S. Exception: property held as tenants by the entirety or JTWR0S.

Elect *Santo DiGangi*

**Young Lawyers Division Board of Governors -
Seat 3, Fifteenth Judicial Circuit**



**VOTING PERIOD IS
MARCH 1 TO 23**

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- Judicial Nominating Procedures Committee

PALM BEACH COUNTY BAR ASSOCIATION

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- Judicial Relations Committee
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 - o Pro Bono Committee, Chair
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 - o Habitat for Humanity Project
 - o School Supply Drive
 - o Holiday Party for Kids
 - o Café Joshua

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- University of Florida, B.A.

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.

Dear Attorney:

Pursuant to a referral by a member of our local judiciary, a Professionalism Panel was convened on November 17, 2014 to discuss your conduct and the manner in which you should act in the future consistent with The Florida Bar approved Ideals and Goals of Professionalism ("Ideals") and the Palm Beach County Bar approved Standards of Professional Courtesy ("Standards"), endorsed by the Judges of the Fifteenth Judicial Circuit. Please allow this letter to summarize the matters discussed by the Panel with you.

During an appearance before a local judge in a foreclosure matter to obtain more time on a summary judgment motion, your foreclosure case was set for a one-day jury trial in what you considered an inadequate period of time for a complex foreclosure case. According to the Judge, you became visibly agitated. You concede that you expressed in open court the belief that the judge was "railroading" you. At an earlier hearing, you had also indicated that if the Judge did not rule in your favor, you would immediately seek a writ of certiorari with the Fourth District Court of Appeal.

The Committee appreciated the sincere, constructive and

critical manner in which you analyzed your actions in this matter. Your intent was to "throw up a red flag" to the Court that this case was not ready for trial. Nevertheless, you readily agreed that your comments were discourteous and disrespectful. You informed the committee that even before you were notified of this referral, you had unsuccessfully attempted to informally apologize to the Judge.

The Committee recognizes that both attorneys and judges are frustrated with the heavy caseload in the foreclosure division. Nevertheless, your conduct violated the standards of professionalism. "A lawyer should treat all persons with courtesy and respect and at all times abstain from rude, disruptive and disrespectful behavior." See Ideals at Section 5 ("Courtesy"). Attorneys must always refrain from criticizing or denigrating the court, opposing counsel, parties and witnesses. See Standards at Section III(1).

As we mentioned during our meeting, a primary focus of the Panel is to educate and remind attorneys who practice in the 15th Judicial Circuit about the requirements of professionalism and civility in this circuit and the State. You have been admitted to the Florida Bar for more than 20 years. The Panel counseled you about the importance of setting a positive example for lawyers new to the foreclosure division and to Uniform Motion Calendar. We hope that your experience with the Panel will guide your future conduct and encourage you to set such an example.

/s/ Joanne M. O'Connor
Chair, Professionalism Committee

Re-Elect Greg Huber to the Palm Beach County Bar Association Board of Directors



Palm Beach County Bar Association

- Board of Directors (2012-present)
- CLE Liaison (2012-2014)
- Co-Chair of Bench Bar Conference (2012)
- Law Week Committee
- Independence of Judiciary Committee
- Client Relations Committee
- Professionalism Committee
- Judicial Relations Committee

Florida Bar

- 15th Circuit UPL Committee (6/2013-present)

Florida Justice Association Young Lawyers Section

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- HBA Member
- FAWL Member
- PBCJA Member

I am committed to the PBCBA and ask for your vote to allow me to continue to serve the Bar and its members.

Thank you for your support!

Greg Huber

Rule 1.280(b)(4): Work Product Privilege

by Matt Triggs and Jonathan Galler

Ever wonder whether by submitting an affidavit as to fees and costs you risk a compelled disclosure of your otherwise-sensitive work product? Ever consider that the submission of such an affidavit could result in a waiver of your client's attorney-client privilege? If these questions haunt you, the First District's recent decision of *Butler v. Harter*, No. 1D14-1342, 2014 WL 6755985 (Fla. 1st DCA Dec. 2, 2014) should give you *some* comfort. *Butler* was a personal injury action in which the defendant served a proposal for settlement for \$20,000 and ultimately prevailed at trial. And that's apparently where the real fighting began. The defendant sought fees under section 768.79, Florida Statutes, and filed affidavits from her lawyer in support of the motion, which affidavits attached invoices for costs and fees and stated that those charges were necessarily incurred.

The plaintiff opposed the request, arguing that because she had suffered \$150,000 in past and projected future medical expenses, the \$20,000 offer could not have been made in good faith. The plaintiff thus requested the "entire file" of the defendant's counsel, alleging that "[c]rucial in the court's decision-making process will be evidence of the knowledge considerations of the defense at the time the offer was made." *Id.* at * 5.

Recognizing that her request for production arguably included privileged materials, the plaintiff argued that (i) the attorney-client privilege had been waived by virtue of the submission of affidavits from counsel, and (ii) there was no longer any applicable work product objection because the trial was over. The trial court agreed. In ordering production of the entire file, the trial court accepted the waiver argument with respect to the attorney-client privilege, and it concluded that a party cannot claim work product in connection with a claim for recovery of attorneys' fees.

The Second District granted certiorari and quashed the order on review. It started its analysis by noting that good faith is indeed an issue that must be addressed in determining whether to award fees under section 768.79, Florida Statutes, but it held that such a determination does not require the disclosure of privileged communications. Instead, it concluded that such a determination is based on objective criteria. *Id.* at * 7.

The court next tackled the work product analysis, concluding that a qualified work product immunity exists even after the original litigation terminates, whether or not the subsequent litigation is related. *Id.* at * 8. It also held that, based on the facts presented, the plaintiff had failed to meet her burden of demonstrating the need for the materials or that she would have been unable to obtain the substantial equivalent of them without undue hardship. Just as important, the court concluded that, even had such a showing been made, there would have been no basis to require production of "opinion" work product, which the court explained is "never discoverable." *Id.* at * 9.

The final question addressed was whether the submission

of an affidavit by counsel, which claimed that legal services were necessary, constituted a waiver of the attorney-client privilege.

Significantly, however, the affidavit at issue did not discuss or disclose privileged communications. Moreover, the court noted that case law has already held that the mere disclosure of rates and hours charged is not information protected by either the attorney-client privilege or the work product doctrine. The court went on to explain that, even if the affidavit gave rise to waiver of some privileged communications, it would only apply with respect to communications relevant to the communication already disclosed. *Id.* at * 10. In other words, even in that setting, the affidavit would not give rise to a blanket waiver.

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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The U.S. Supreme Court's "Facebook Case"

by Christopher B. Hopkins

If you think of free speech proponents, you tend to recall our Founding Fathers or even famous Justices. The defendants in free speech cases, meanwhile, are often unpopular or controversial figures who distribute obscenity, burn flags, or advocate the inane "bong hits for Jesus." Florida's contribution to these legal champions, for example, was 2 Live Crew and their song, "Me So Horny."

To the extent anyone is paying attention to these beta testers of the First Amendment, we may add another name to the roster of advocates, although he is an unassuming guy who was fired from an amusement park. The case of *U.S. v. Anthony Elonis* has been heralded as one of the most important cases before the U.S. Supreme Court this term. Will the Court clarify a rare exception to the First Amendment? Will our Facebook posts now require (gasp) forethought? Is there a 2 Live Crew rap music defense?

Mr. Elonis was convicted of four counts for his threatening communications on Facebook. His social media misdeeds landed him a nearly four year prison sentence. Specifically, he wrote about murdering his ex-wife, shooting up schools, and killing an FBI agent.

As to his estranged wife, he wrote, "If I only knew then what I know now, I would have smothered your *** with a pillow... and made it look like rape and murder." On the topic of local schools, he posted, "[there are] enough elementary schools in a 10 mile radius in initiate the most heinous school shooting ever imagined." When the FBI agents arrived, he dismissed them from his doorstep and returned to Facebook to announce, "Little Agent Lady stood so close, took all the strength I had not to turn the ***** into a ghost; pull my knife... slit her throat..."

The 2013 Third Circuit opinion set out each of his posts in greater (but noticeably, not complete) detail and affirmed the judgment that Mr. Elonis had violated 18 USC 875(c). Section 875 is entitled "Interstate Communications" and has four sub-sections which criminalize: (a) demanding ransom for kidnapping; (b) extorting money; (c) threatening to kidnap or harm; and (d) extorting money relative to damaging property or reputations. Noticeably, all of those subsections require an element of intent – except section (c) under which Mr. Elonis was convicted. Was this an intentional omission or a Congressional oversight? More confusing, while making a "true threat" is not protected speech, the Supreme Court has yet to squarely define "true threat." Is a "true threat" something that a reasonable person would deem as threatening or must the speaker intend to make a threat?

There are unsatisfying consequences under either standard. If there is no requirement to prove intent, a speaker's careless, galling, or non-contextualized statement could be read later as threatening to some "reasonable person" even if he/she is not the intended recipient. In short, a speaker could be jailed for being provocative or just dumb. On the other hand, if the government

has to prove intent, prosecuting a school shooting threat would be difficult since "just kidding!" is a defense.

The Third Circuit also marginalized some facts: Mr. Elonis posted under his rap name; he was not Facebook-friends with his ex-wife; and he hyperlinked his posts to rap and law sites for context. He even had a disclaimer. But, under a reasonable person standard, if you have to resort to an explanatory hyperlink or emoticon to soften or contextualize your statements... doesn't that imply you knew the risk that your words could be misunderstood as a threat? Mere use of a winking, tongue-in-cheek emoticon could be a perceived admission!

One of Elonis' defenses was that he was drafting rap lyrics and that the genre is embodied with violent and threatening (but protected) speech. This fell on deaf ears when his ex-wife testified that she never witnessed him write or sing rap. Compare, however, the December 2014 5th Circuit *Bell v Itawamba* opinion where a high schooler wrote allegedly threatening rap lyrics but his conviction was overturned because he entered a recording studio to produce his hyperbolic, rhetorical, and "protected" music.

On the internet, "vituperative, abusive, and inexact" language rules the comment sections of even benign news stories (that quote comes from a 1960's free speech case, *Watts v. US*). If you have spent any time on Xbox Live after, say, midnight, nearly every invective meets that description. Under a "reasonable person" standard, speakers are supposed to know, and restrain themselves ahead of time, from speech that might be viewed as threatening even if said sarcastically, in jest, or due to unbridled immaturity.

One student group's *amicus* noted that "young people are particularly at risk of being misunderstood...[because] teens post information on social media that they think is funny or is intended to give a particular impression to a narrow audience without considering how this same content might be read out of context." In an unusual alliance of PETA and abortion protestors, their *amicus* argued that, "this statute might be used as a weapon... against protesters... who challenge controversial policies or seek to promote change."

As a former amusement park employee, Mr. Elonis knows rollercoaster rides both literally and figuratively. In this case, all but one of the federal appellate circuits disagree with him. Worse, his counsel's January 2015 oral argument to the Court was confusing ("Court Difficult to Read on Facebook Threat," noted *Scotusblog.com*). A decision is expected mid-2015.

Christopher Hopkins is a partner with Akerman LLP. As long as it rhymes, send your invective and fulminations to christopher.hopkins@akerman.com.

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.

Gary Ross Alexander: George Washington University, 1967; Partner in Alexander & Cleaver, P.A., West Palm Beach

Bryan Ashlock: University of Miami, 2014; Associate in Gaebe, Mullen, Antonelli & DiMatteo, West Palm Beach.

Naomi Susan Berman: Valparaiso University, 2010; Solo Practitioner, Hypoluxo.

Lydia Fils Charles: Nova Southeastern University, 2013; Solo Practitioner, West Palm Beach.

Phoebe J. Elder: University of California, Berkeley, 2013; Surfside, FL.

Christopher R. Evans: Florida Coastal University, 2013; Associate in Clarfield, Okon, Salomone & Pincus, P.L., Jupiter.

Bailey E. Fore: University of Florida, 2014; Associate Schwed, Kahle & Kress, P.A., Palm Beach Gardens.

Alberto R. Leal: Florida Atlantic University, 2013; Law Student Membership, Green Acres.

Renier Ledezma: Thomas Jefferson School of Law, 2005; Solo Practitioner, Boynton Beach.

Adam Lusthaus: Georgetown University, 2007; Solo Practitioner, Boca Raton.

Gregory M. Mitchell: University of Florida, 2012; Associate in Law Office of Paul J. Burkhardt, LLC, Palm Beach Gardens.

William K. Norvell: Law Student Membership, West Palm Beach.

Amy Pettway: New York Law School, 2013; Solo Practitioner, Palm Beach Gardens.

Jennifer E. Reisler: University of Miami, 2012; Associate in Greenstein & Associates, Wellington.

Jennifer S. Shafer: St. Thomas University, 2013; Associate in Shapiro Blasi Wasserman & Gora P. A., Boca Raton.

Montaye Sigmon: Duke University, 2004; Associate in Akerman, West Palm Beach.

James Clark Solomon: Florida Coastal University, 2011; Associate in Rosenthal, Levy, Simon & Ryles, West Palm Beach.

Jessilyn Thiboult: Stetson University, 2014; West Palm Beach.

Stanley Weissman: Brooklyn Law School, 1962; Solo Practitioner, Boca Raton.

Annie T. Zaffuto: Catholic University of America, 2000; Ocwen Financial Corporation, West Palm Beach.



DANIEL ZUNIGA

FOR
PALM BEACH COUNTY BAR ASSOCIATION
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PALM BEACH COUNTY BAR
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Palm Beach County FAWL, Board of Directors
Florida Justice Association, YLS Board Member
Palm Beach County Justice Association

FLORIDA BAR
Florida Bar Leadership Academy, Fellow
Voluntary Bar Liaison Committee, Chair



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Elections for North County Section Board of Directors

Here's a great opportunity to get involved with our Bar and network with colleagues by running for the North County Section's Board of Directors.

How do you apply? Petitions for six (6) Director seats, plus president-elect will be available starting on Monday, March 2.

The Board meets once a month to plan various networking events for its members. To be considered, you must submit a completed nomination form to the Bar Office no later than 5:00 p.m. on Tuesday, March 31. If there is a contested election, voting will take place online in April and winners will be announced online in May.

The current Board includes President, Greg Yaffa; President-Elect, Larry Buck; and Immediate Past President Todd Stewart.

Directors serving terms ending June 2015 are Eunice Baros, Rosemarie Guerini, W Mason, Erskine Rogers and David Steinfeld.

Directors serving a two year term expiring June 2016 include Bette Collister, Malinda Hayes, Wayne Richter and Larry Strauss.

North County Section Networking

North County Section members and members of the judiciary recently met for a networking mixer at Rocco's Tacos in Palm Beach Gardens. Join the group for their next Happy Hour on Thursday, March 5 at the Yard House. This event will be held along with members of the Palm Beach County Justice Association.



Arthur Cavaturo, NCS President Greg Yaffa and NCS Director Wayne Richter



Nicholas Johnson and NCS Director Eunice Baros



NCS Immediate Past President Todd Stewart, Adam Doner and Marc Dobin



Judge John Kastrenakes and Judge Laura Johnson



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Karly Dreker and Stephen Walker

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As one of your member benefits, you can purchase discount movie tickets at the Bar Office. These tickets make great holiday gifts for family, babysitters, staff, clients and teachers. Savings are available for the following theaters:

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Diversity: Bringing a Unique Perspective to the Table

By Christa McCann

Being that March is Women's History Month, I thought it would be appropriate for this month's article to discuss gender diversity and the unique perspective that women bring to the practice of law. However, as a young, female, Hispanic attorney, I fall into a number of "diversity categories" that affect my daily practice, from working with many brilliant women attorneys in Palm Beach County FAWL to being part of a growing (but still disproportionately small) group of Hispanic/Latino attorneys advocating on behalf of a large, underprivileged and underrepresented community of people.

In Florida, and in Palm Beach County specifically, we are lucky to have a relatively diverse population, but we have a long way to go in terms of fully utilizing the many talents and ideas that our diverse attorneys have to offer. According to recent census data and surveys, women make up 51.1% of the Florida population and Hispanics make up 23.6%, but those percentages are much lower when it comes to the Florida legal community, which is approximately **32% women** and only **3% Hispanics**. Looking at the higher levels of achievement within our profession, the disparity becomes more apparent, with only 2.3% of managing partner or shareholder positions in Florida being held by Hispanics (no comparable statistic was available for women, but it should be noted that only 12% of all women attorneys in Florida achieve the position of managing partner or shareholder, compared with 26% of men).

That's not to say that there haven't been achievements overall among Hispanics or women in the practice of law. My mother, who is Puerto Rican, was a successful land development attorney and shareholder at a prominent Florida law firm and, as I'm writing this, there are two very accomplished and respected women shareholders in my firm, many other female and/or Hispanic partners, shareholders and judges statewide, a Hispanic Chief Justice of the Florida Supreme Court, and a Hispanic female Justice of the U.S. Supreme Court. But this isn't the norm for either women or Hispanics/Latinos within the practice of law. Although minorities are fully capable of achieving similar levels of success, many don't. As a result, all of us miss out on a broader range of ideas and perspectives that could be drawn from minorities that never get the opportunity to share their talents or ideas through leadership positions within our firms, courts and legal/civic organizations.

Of course, the disparity between the successes of minorities and non-minorities within the practice of law will continue to change gradually over time but, as professional advocates, we can do more to advance the cause of diversity. More needs to be done to foster the diversity of our profession and encourage the future generations of minorities that could be a part of it so that a very small percentage of minority attorneys aren't charged with representing a much larger proportion of the general population.

There are local programs that are working to build up and diversify the potential future members of our Bar, such as the Palm Beach County Bar's Diversity Internship Program; PBC FAWL's work with the PACE Center for Girls, which works to provide opportunities for young women through goal development and progress monitoring, community service, one-on-one counseling, and skills training; and the Palm Beach County Hispanic Bar Association's annual legal career fair that provides seminars to local Hispanic and minority students about the career options available within the legal community and, specifically, the path to becoming an attorney. There are also joint networking opportunities between various voluntary bar associations that bring together attorneys that otherwise may not interact with each other in their daily practice. Although there are male and non-minority members of these organizations, there are many more Hispanic and women attorneys that dedicate their time and efforts to these causes and that actively participate in the networking opportunities that they provide. Women and Hispanic attorneys are also encouraged to take on leadership and mentoring positions within these organizations, bringing their ideas to the table and advancing the interests of their members; the problem is that there are few non-minorities there to benefit from it.

My hope is that over the coming years, participation in these organizations will extend to greater numbers of non-minority members and, as a result, more minorities will be recognized for their contributions and propelled into leadership positions outside of minority-specific bar associations. The fact of the matter is that diversity of any kind – age, gender, race/ethnicity, socioeconomic background – is so important to our profession. We are, after all, in the business of representing – standing in the place of and speaking on behalf of – the interests of clients who come in all different forms and with diverse backgrounds. By working, interacting with, and supporting diverse members within our own legal community, we learn to be better advocates ourselves. In my opinion, Palm Beach County is ahead of other Florida counties in this area, but with greater participation and involvement in these organizations by our non-minority colleagues, we will more fully see the many benefits of our diverse membership.

To find out more about the Palm Beach County Bar Association's Committee for Diversity and Inclusion and all of its programs, go to the bar's website www.palmbeachbar.org and click on the diversity tab.

Christa L. McCann, Esq. is an attorney with the law firm of Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin, LLP. She handles cases in all areas of personal injury and wrongful death and can be reached at CMcCann@clarkfountain.com. She is the President-Elect of the Palm Beach County Hispanic Bar Association and the Co-Chair of the Florida Association for Women Lawyers' mentoring committee (Palm Beach County Chapter).

Real Property and Business Litigation Report



by Manuel Farach

Tropic Ocean Airways, Inc. v. Floyd, – Fed.Appx. –, 2014 WL 7373625 (11th Cir. 2014).

A trademark is descriptive and not suggestive if it combines a geographic term and a common industry term as doing so does not “require[] a leap of the imagination to get from the mark to the product.”

Kelly v. BankUnited, FSB, – So.3d –, 2015 WL 71694 (Fla. 4th DCA 2015).

Mortgagor is entitled to an award of attorneys’ fees as the prevailing party in a foreclosure action if suit is voluntarily dismissed as part of a voluntary short sale.

Nucci v. Target Corp., – So.3d –, 2015 WL 71726 (Fla. 4th DCA 2015).

The function of social networking sites is to share personal information, thus information posted on social networking sites are neither privileged nor protected by any right of privacy.

Bank of New York v. Calloway, – So.3d –, 2015 WL 71816 (Fla. 4th DCA 2015).

A witness may testify to the business records acquired from another business so long as the acquired records are now business records of the acquiring business and the trial court is satisfied of the trustworthiness of the acquired records through additional evidence, clarifying the holding of *WAMCO XXVIII, Ltd. v. Integrated Electronic Environments, Inc.*, 903 So.2d 230 (Fla. 2d DCA 2005).

Richardson v. Everbank, – So.3d –, 2015 WL 71850 (Fla. 4th DCA 2015).

Lender does not violate § 15 U.S.C. § 1691(a)(1) (2012) of the Equal Credit Opportunity Act of 1974 (lenders may not discriminate on the basis of gender or marital status of a credit applicant) by requiring spouse to sign loan instruments when a substantial amount of the assets pledged as security are owned by both spouses.

Infrac Systems, Inc. v. Wood, – So.3d –, 2015 WL 72260 (Fla. 2d DCA 2015).

A party may not claim damages under Florida Statute § 68.065 (treble damages for dishonored checks) when it merely inquires at the account holder’s bank whether the account has sufficient funds but never presents the check.

Allied Shelving & Equipment, Inc. v. National Deli, LLC, – So.3d –, 2015 WL 72487 (Fla. 3d DCA 2015).

“Hybrid” contracts sales contracts have a sale of goods component (covered by the Uniform Commercial Code) and a provision of services component (not covered by the Uniform Commercial Code).

Collins v. Experian Information Solutions, Inc., – F.3d –, 2015 WL 55345 (11th Cir. 2015).

A consumer’s credit report need not be published to a third party for actual damages to accrue under 15 U.S.C. § 1681i(a).

Jomar Properties, L.L.C. v. Bayview Const. Corp., – So.3d –, 2015 WL 159055 (Fla. 4th DCA 2015).

Asking questions to understand the issues does not demonstrate

the “evident partiality” required to vacate an arbitration award. “Results obtained” under Florida Patient’s Compensation Fund v. Rowe, 472 So.2d 1145 (Fla.1985), means both examining what issues were won or lost and how much was won (or not won).

Snow v. Wells Fargo Bank, N.A., – So.3d –, 2015 WL 160326 (Fla. 3d DCA 2015).

A notice of default is not an automatic or self-executing acceleration that starts the running of the statute of limitations if it does not state the debt has been accelerated, does not state the full amount due, and merely states that the debt will be accelerated in the future.

Jesinoski v. Countrywide Home Loans, Inc., – S.Ct. –, 2015 WL 144681 (2015).

The Truth In Lending Act only requires that written notice of intent to seek rescission be given within three-year period; the filing of suit within that time is not required.

National Maritime Services, Inc. v. Straub, – F.3d –, 2015 WL 151703 (11th Cir. 2015).

A district court has ancillary jurisdiction over a judgment creditor’s supplementary proceedings filed to avoid a fraudulent conveyance.

In re Florida Rule of Judicial Admin. 2.420, – So.3d –, 2015 WL 263902 (Fla. 2015).

Florida Rule of Judicial Administration 2.420 is amended to include new categories of information (behavioral health evaluations and drug court program referral records) to the list of categories considered confidential.

Appel v. Bard, – So.3d –, 2015 WL 248642 (Fla. 4th DCA 2015).

A party cannot be forced, over invocation of his Fifth Amendment privilege against self-incrimination, to answer questions whether he has filed tax returns for prior years.

Murray v. HSBC Bank USA, – So.3d –, 2015 WL 248651 (Fla. 4th DCA 2015).

A non-holder in possession under Florida Statute § 673.3011 seeking to enforce a promissory note that has been transferred multiple times must prove the “chain of transfers” of the note.

CCM Pathfinder Palm Harbor Management, LLC v. Unknown Heirs of Gendron, – So.3d –, 2015 WL 248796 (Fla. 2d DCA 2015).

A waiver of statute of limitations defense contained in a mortgage is enforceable. The statute of repose for obligations secured by mortgages is 20 years unless the maturity date is ascertainable from the face of the instrument.

Gonzalez v. Barrechea, – So.3d –, 2015 WL 249254 (Fla. 3d DCA 2015).

A homeowner is entitled to the reasonable rental value of his home when renovations make the home un-livable.

Micosukee Tribe of Indians of South Florida v. Bermudez, – So.3d –, 2015 WL 249274 (Fla. 3d DCA 2015).

Court registry fees are a taxable cost under Florida Rule of Appellate Procedure 9.400(a) (4).

Re-Elect Rosalyn Sia Baker-Barnes

**TO THE BOARD OF DIRECTORS,
PALM BEACH COUNTY BAR ASSOCIATION**

I am so pleased to be a member of this energetic, collaborative Board of Directors.

As I complete another term on your Board, I am grateful for your help with the programs and activities we have initiated to benefit our members and enhance our reputation as one of the most progressive bar associations in the state.

I especially applaud the benefits we provide to our members and our ongoing efforts to increase membership and to bring more local lawyers into the fold. And as a member of the Committee for Diversity and Inclusion, I appreciated the opportunity to speak to law students about the practice of law as a panelist at the Bench Bar Conference Diversity Session.



**SO MUCH OF WHAT WE DO AS A BOARD IS A TEAM EFFORT,
AND I AM PROUD OF OUR TEAM'S ACCOMPLISHMENTS.**

At the same time, I am also proud of the individual recognition I have received in the last two years:

- Named one of the "Top 20 Women in Law" for South Florida by the Daily Business Review for exemplary performance in the legal profession and community service.
- Continued selection as one of Best Lawyers in America and as a Florida Super Lawyer.
- Chaired West Palm Beach training session for Academy Fellows as member of Florida Bar Leadership Academy Committee.
- Chapter representative and membership luncheon program co-chair for Palm Beach County Chapter of Florida Association for Women Lawyers.

There is so much more to do . . . and I want to continue to work on your behalf as a member of your leadership team. In the next few weeks, I hope that you will give me the opportunity to earn your vote for re-election to the Board of Directors.

YLS Joint Happy Hour with FAWL



Sherri Collins and Judge John Kastrenakes



Jeff Collier, Judge Stephen Rapp and Colleen Farnsworth



Cindy Crawford, Sarah Cortvriend, Patricia Christiansen and Tanique Lee



FAWL President Nicole Hessen and Immediate Past President Allison Lane



YLS President Lindsay Demmery, YLS Secretary Ashley Wilson and YLS Board Member Greg Salnick



Krista Downey, Sarah Jeck and Abigail McCall

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Volunteer, singing & playing guitar, Christmas carols, YLS • Performer, Lawyer Variety Show benefitting Legal Aid

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Vote for Grey Tesh on April 8th

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ELECT: Scott B. Smith

to the Palm Beach County Bar
Association's Board of Directors



EDUCATION

- U.S. Air Force Academy
- Florida State University, B.S.
- Florida State College of Law, J.D.

PROFESSIONAL

- Assistant State Attorney, 19th Circuit
- Lytal, Reiter, Clark, Fountain & Williams
- Law offices of Scott B. Smith
- Smith, Ivey & Fronrath
- Lytal, Reiter, Smith, Ivey & Fronrath

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- Chair, Academy of Florida Trial Lawyers (AFTL) Young Lawyers Section
- Florida Bar Rules of Evidence Committee
- March of Dimes Board of Directors
- Past Jupiter H.S. Mock Trial Team Coach
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PALM BEACH COUNTY BAR ASSOCIATION

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- PI/Wrongful Death CLE Committee, Past Chair
- North County Section Director
- Bench Bar Committee
- Judicial Relations Committee
- Lawyers for Literacy Committee
- Law Week Committee
- Solo & Small Firm Practitioners Committee

ACCOMPLISHMENTS

- Florida Bar Board Certified Civil Trial Attorney
- Best Lawyers in America
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- More than 60 civil and criminal cases tried in both State & Federal Courts

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the Legal Profession & Community***



Legal Aid Receives Cy Pres Award

On December 30, 2014, the Legal Aid Society of Palm Beach County received \$115,000 as a cy pres award in the class action litigation of Hewitt v. Law Office of David J. Stern, P.A. The presentation of the award was made by class counsel Louis Silber, Kirk Friedland and Phil Burlington. Approximately 40 individuals attended the ceremony at the Legal Aid office, including Supreme Court Justice Barbara J. Pariente, Mona Reis, Robert Friedman, Esq. and Ilene Silber.

Executive Director Bob Bertisch stated “I am pleased and honored to accept this cy pres award that the Honorable Lucy Cherow Brown authorized in her order of December 8, 2014, especially in light of these critical financial times for legal aid organizations”.



Sally Feaman, Kirk Friedland, Louis Silber, Bob Bertisch, Nicole Segal, Phil Burlington

Photo by Tracey Benson Photography

Laptop computers needed

As part of my work on behalf of a dependent child, I learned that many kids in the system are on the other side of the digital divide. If they have shared access to a computer, they're lucky. I thought of a solution for my client, which was a spare laptop in my office that could be reformatted and given to her. Then I found one at home that was reformatted and will go to another child that needs one.

It then hit me. I can't be alone in this. There are probably closets and piles of laptop computers sitting in law offices and houses throughout Palm Beach County. There is a free program run by a group of retirees that will rebuild the computers if you don't have the time or skill. Otherwise, all you need to do is reinstall the operating system as a new installation, then contact me to arrange for pickup. We will handle the rest.

While it sounds picky, we should only do this with computers that run Windows 7 or newer. The reason for laptops as opposed to desktops is that they are smaller and easier to move. The kids do not necessarily have the room to set up a desktop machine. Additionally, their residential placement may change and a desktop is a more complicated moving endeavor.

If you have a laptop to donate, please email me at mdobin@dobinlaw.com

Marc S. Dobin

Dobin Law Group, P.A.

561.575.5880

MDobin@Dobinlaw.com

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 click on the calendar icon at the bottom of the page. Also, don't forget, most of these seminars are also held live via webinar if you are not able to leave your office to attend in person.

March 11:
Technology Luncheon Seminar

March 24:
Business Litigation
Luncheon Seminar

April 9:
Employment Law Webinar

April 15:
Business Litigation
Luncheon Seminar

April 16:
Elder Law Annual
Dinner Seminar

April 17:
Bankruptcy Law Seminar

April 22:
Securities Law Seminar

May 8:
Family Law Seminar

May 11:
Employment Law Webinar

May 15:
Estate & Probate Seminar

May 19:
Business Litigation
Luncheon Seminar

May 21:
Personal Injury
Lunch & Learn Seminar

May 29:
Real Estate Seminar

June 5:
Community Association
Law Seminar

June 12:
Employment Law
Seminar & Reception

June 19:
Business Litigation
Luncheon Seminar



Newly elected Judge Jessica Tickin as she takes her oath of office from Chief Judge Jeffrey Colbath



Re-Elect *Dean Xenick*

Palm Beach County Bar Association Board of Directors

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**VOTING BEGINS
APRIL 8**

PALM BEACH COUNTY BAR ASSOCIATION

- Board of Directors, 2013 to present
- Co-chair, Bench Bar Conference (2013)
- Professionalism Committee
- Bench Bar Conference Committee
- Wrongful Death/PI CLE Committee
- North County Section
- Young Lawyers Section

FLORIDA BAR INVOLVEMENT

- Code and Rules of Evidence Committee Member, 2011-present

ACCOMPLISHMENTS

- Craig S. Barnard American Inns of Court, Board Member
- Named to Best Lawyers, 2015 Edition
- Selected for inclusion in Super Lawyers Rising Stars Edition, 2009, 2013, 2015
- Included in Florida Legal Trend Legal Elite, Up and Comers, 2012, 2014, 2015
- Included in South Florida Legal Guide, Up and Comers, 2012, 2014, 2015
- A/V Rated by Martindale-Hubbe

MEMBERSHIPS

- Florida Association for Women Lawyers
- Palm Beach County Justice Association
- Florida Justice Association
- Admitted to Southern and Middle Districts of the U.S. District Court of Florida
- Admitted to United States 11th Circuit Court of Appeals
- American Association for Justice

EDUCATION

- University of Florida Levin College of Law, J.D.
- University of Florida, B.A., cum laude

Neutrals Like No Others



JAMS welcomes **Lucy Chernow Brown**

Retired Judge 15th Judicial Circuit

Lucy Brown spent 24 years on the 15th Judicial Circuit Court, presiding over thousands of civil matters, and a decade as a trial lawyer in private practice and as State's Attorney for the 15th Judicial Circuit. An acclaimed legal champion who is skilled in helping adversarial parties reach common ground, she is praised for being intelligent, thoroughly prepared, creative and collaborative. She is available nationwide to resolve **business/commercial, class action/mass torts, construction, employment, health care, insurance, personal injury/torts, professional liability and real property matters.**

[jamsadr.com/
lucy-brown](http://jamsadr.com/lucy-brown)

Case Manager
Sherman Humphrey
305.371.5267
or [shumphrey@
jamsadr.com](mailto:shumphrey@jamsadr.com)

Brickell World Plaza | 600 Brickell Ave.
Suite 2600 | Miami, FL 33131 | 305.371.5267
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Boca Raton, FL 33431 | 561.393.9733



Bulletin Board

*** Ad Rates ***

CLASSIFIED ADVERTISING RATES:
TO PLACE AN AD: 1) Please fax all ads to 561/687-9007. 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 with a box \$75. 5) Members receive 1 free classified ad per year (excluding professional announcements). Ads will only be re-run by re-faxing ad to 561/687-9007. Web-site advertising is also available for a cost of \$75 for a three 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. 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.

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.: "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.

GREY TESH: "Law is not black or white, it's Grey." Passionate, caring, truthful, prepared. Soul (sic) practitioner. Criminal Defense (Board Certified in Criminal Trial) and Personal Injury. Over 100 jury & non-jury trials to verdict. Federal & State | 515 N. Flagler Drive | greytesh.com (561) 686-6886.

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If you would like to establish a referral relationship, contact our Marketing Director, Tom Copeland, at (561) 697-4440 or TCopeland@800GOLDLAW.com to schedule a lunch with Mr. Goldenfarb - *our treat!*

OFFICE SPACE

OFFICE SPACE: \$1800 per month, 800 square feet, Newly renovated office space for rent in the Via Jardin Courtyard just off of Clematis Street. Beautiful office with a store front and courtyard views. Reception area, three offices and a private bathroom. No other office space like this on Clematis Street. Rent includes all utilities and CAM. Address is 330 Clematis Street, Ste 114, WPB, FL 33401

WEST PALM BEACH OFFICE SUITE

– 2,000 Sq Ft Office Suite on Dixie Highway North of Belvedere Rd. Beautiful hardwood floors, conference room, waiting room, kitchen, as well as 2 private offices. \$1,200/mth. Call Gayle Martin @ 561-358-1082

BOCA RATON LAW FIRM: Class A building sublease of one or more fully furnished windowed offices. 3 office suite also for rent. Small kitchen and conference room use available. Secretarial cubicle use may be included. Rent negotiable. Must install own telephone line and internet. Please call (561) 999-9925.

SPACE SHARING - Office Sublease in FCB Bank Building with established law firm, 1555 Palm Beach Lakes Boulevard, West Palm Beach. 1,564 square feet on the 16th Floor, Penthouse. Includes 4 window offices, 4 secretarial workstations, file space and use of common areas & conference rooms. Class "A" Rated building with 24/7 access & manned security, on site banking, café, fitness center, car wash, free guest parking, covered secure parking. Price upon request. Call Susan (561) 478-4500 x152 or email sjennings@adamscoogler.com

EXECUTIVE SUITES/OFFICE SPACE

– WPB, Forum Area, great building east of I-95. Single offices available with or without secretarial area. Larger space(s) also available if needed. Office set up with conference rooms, library, parking, full kitchen, and reception area. Great friendly environment with long-term tenants. Available immediately, no lease required. For more information call (561) 389-3468.

BOCA RATON: One private windowed office with separate secretarial area in 4 attorney prestigious office. Sanctuary Centre (Yamato Road & Federal Highway). Class "A" office building, very close to I-95. Includes Wi-Fi, covered parking garage private space, use of shared office facilities (conference room, kitchen, etc). Contact Steve at (561) 367-7785 or email sgmatty@aol.com.

PALM BEACH GARDENS Office Space to share with two attorneys – PGA corridor. Class A, luxury office space just steps from North County Courthouse. Use of reception area, conference room, kitchen, with electric included. Solo attorney wanted. \$1,200.00 per month plus sales tax. 561-512-8850.

PROFESSIONAL OFFICE SPACE

DOWNTOWN WEST PALM BEACH - 1 or 2 offices available for lease in beautiful office located on intracoastal block – 200 Butler Street in West Palm Beach near State, Federal & Bkc courts, Good Samaritan Hospital, island of Palm Beach, and downtown WPB. Ideal for professionals in law, real estate, accounting, engineering/construction and corporate offices. Nicely appointed and professional suite has large kitchen, bathroom, conference room and receptionist. Ample parking. Contact Joel at 561-313-9873 or jbblaw@bellsouth.net.

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- PGA CORRIDOR: Space available. Beautifully decorated and finished; One to Four turn-key offices with clerical assistant space, kitchen, file storage, conference room, copier, internet. Walk to Gardens Mall or Intracoastal; Great cross referral possibilities with growing firm; terms negotiable. Call Julianne Frank (561) 626-4700.

COMMUTE DOWNSTAIRS! – Unique Work/Live Opportunity. Go from your townhome via elevator to 20 X 40 square foot ground level office. Located in Juno Beach on US1 and Olympus Drive with southbound cut in median for easy access. Monument signage on US1. 2008 Key West Style townhomes w/ many custom finishes. 3 BD/3.5BA/2 Car Garage with private pools. Generators and impact glass. 2 Units for sale, \$888,000, \$898,000. Juliette Miller, Platinum Properties – 561-310-7761.

OFFICE SPACE: Large corner office and secretary area, as well as 3 large executive offices in completely renovated luxury suite in Barrister Building near PB Outlets, large kitchen, marble reception with Receptionist, VoIP phones, Broadband, Fax, Copiers, 2 Conference Rooms, Video Conferencing, Parking. Complement our real estate transaction, immigration and litigation practice. max@florida-counsel.com

OFFICE SPACE: Office space available in heart of downtown Lake Worth. Included: One office room, access to conference room, and internet. \$800 includes everything. Please call Shannon Sagan 561-533-7800.

HEARSAY

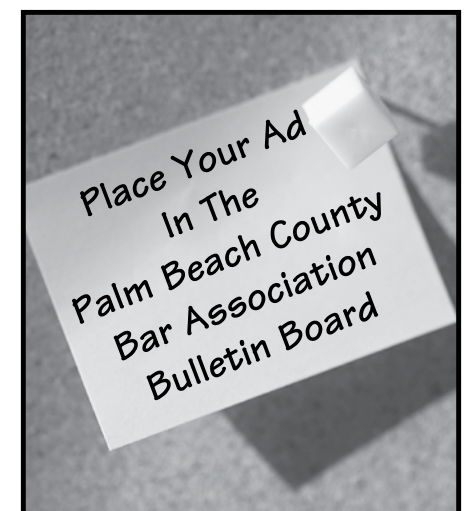
The law firm of Beasley Kramer & Galardi, P.A. announced that attorneys **James W. Beasley, Jr., Joseph G. Galardi** and **Amy Bloom** have been named "Top Lawyers" for 2015 by the *South Florida Legal Guide*. The firm was also recognized as a "Top Law Firm" by the publication. The *South Florida Legal Guide* evaluates attorneys based on nominations by attorneys and review of their credentials and achievements.

All six partners at the West Palm Beach law firm of **Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin** have been recognized as "Top Lawyers" for 2015 by the *South Florida Legal Guide*. The attorneys are **Mark W. Clark, Donald R. Fountain Jr., Nancy La Vista, David C. Prather, W. Hampton Keen** and **Julie H. Littky-Rubin**. The firm was also recognized as a "Top Law Firm" by the publication. The *South Florida Legal Guide* evaluates attorneys based on nominations by attorneys and review of their credentials and achievements.

I. Jeffrey Pheterson, of the West Palm Beach-based law firm Ward, Damon, Posner, Pheterson and Bleau, has been recognized as "Top Lawyer" in the 2015 *South Florida Legal Guide*. This peer nominated recognition represents lawyers well regarded in the legal profession who possess experience along with a distinguished record of achievement. Pheterson has been recognized with this honor for two consecutive years.



Jones, Foster, Johnston & Stubbs, P.A. announces that **Grasford W. Smith** has been elected as a firm Shareholder. Smith concentrates his practice in the areas of corporate and litigation law.





PALM BEACH COUNTY BAR ASSOCIATION
BULLETIN

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

CALENDAR

March 2015

Tuesday, March 3, 12-1 pm
North County Section Board Meeting

Thursday, March 5, 12-1 pm
Solo & Small Firm Practitioner's Lunch
"Five Tech Tips to Help You Work Smarter"
 Bar Association Office

Thursday, March 5, 5:30-7pm
North County Section Joint Happy Hour With PBC Justice Association
 Yard House, Palm Beach Gardens

Monday, March 9, 12-1 pm
Bench Bar Conference Committee Meeting
 Bar Association Office

Tuesday, March 10, 10-11 am
New Attorney Seminar
"Civility - Making sure you keep your cool under pressure"
 Bar Association Office

Tuesday, March 10, 12-1pm
F. Malcolm Cunningham Bar Meeting
 Law Library, PBC Courthouse

Tuesday, March 10, 12-1 pm
YLS Board Meeting
 Bar Association Office

Wednesday, March 11, 11:45 – 1 pm
Technology Seminar "Social Media for Lawyers"
 Bar Association Office

Thursday, March 12, 12-1 pm
South PBC FAWL Membership Luncheon
 La Cigale, Delray Beach

Thursday, March 12, 12-1 pm
Transaction Law Committee Meeting
 Bar Association Office

Friday, March 13, 8:30 – 9:30am
ADR Committee Meeting
 Bar Association Office

Friday, March 13, 4:00 pm
Investiture Ceremony for Judge Edward Artau
 PBC Courthouse, Room 11H

Tuesday, March 17, 12-1 pm
Judicial Luncheon
 PBC Courthouse - North End of Cafeteria

Thursday, March 19, 5:30-7pm
YLS Happy Hour
 O'Sheas, Downtown West Palm Beach

Friday, March 20, 12-1pm
Federal Bar Association Luncheon
 Cohen Pavilion at the Kravis Center

Tuesday, March 24, 11:30 – 1:00
Business Litigation CLE Luncheon
"Getting Paid From Your Own Client: To Sue or Not to Sue"
 Bar Association Office

Tuesday, March 24, 5:00 pm
Board of Directors Meeting
 Bar Association Office

Tuesday, March 24, 5:30 pm
Inns of Court Meeting
 PBC Courthouse

Friday, March 27
Bench Bar Conference
 PBC Convention Center

Tuesday, March 31, 5:30 pm
Legal Aid Board of Directors Meeting
 Bar Association Office

Tuesday, March 31, 6-8 pm
Small Claims Court Clinic
 West Boynton Beach Branch Library



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



“Anatomy of the Trial”

Friday, April 17, 2015 - 11:15a.m. - 3:00p.m.

Bar Offices - 1507 Belvedere Rd., WPB

Program Schedule



- 11:15am - 11:30am **Check In / Late Registration**
- 11:30am - 11:50pm **Buffet Lunch**
- 11:50pm - 12:00pm **Welcome - Opening Remarks** - *Brian K. McMahon, Esq.,
Brian K. McMahon, P.A., Bankruptcy CLE Committee Chair*
- 12:00pm - 3:00pm **Anatomy of the Trial: Mock Trial/Panel Presentation**
Judge Paul Hyman and Judge Erik Kimball

Sponsored by:



This course has been granted 3.5 CLER/3.5 Civil Trial Certification Credits from The Florida Bar.

The cost of the seminar, **including lunch**, is **\$ 90** for PBCBA members/paralegals,
\$ 130 for non-PBCBA members/paralegals. **After 4/10/15, add \$10.00 late fee.**

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

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

Webinar

If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbar.org>

Name: _____

Address: _____

Email Address: _____ Phone: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Bankruptcy Seminar 4/17/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.**

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

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



**“Getting Paid from Your Own Client:
To Sue or not to Sue”**

Tuesday, March 24, 2015 - 11:30am - 1:00p.m.
Bar Offices - 1507 Belvedere Road, WPB

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 **Panel Discussion with:**
*Garry W. O'Donnell, Esq., Greenspoon Marder Law
James H. Ryan, Esq., Gary, Dytrych, & Ryan, P.A.
Gordon A. Dieterle, Esq., McClosky, D'Anna & Dieterle, LLP*

Best Retainer Agreement provisions
Best practices to avoid disputes
Florida Bar fee arbitration
Charging and Retaining liens
Suing your former client for payment; the pros and cons


Lunch provided by:



.....
This course has been granted 1.0 CLER / 1.0 Business Litigation Certification credits from The Florida Bar.
Early registration cost for the seminar, which includes lunch, is **\$25** for PBCBA member attorneys/paralegals;
\$65 for non-PBCBA member attorneys/paralegals if registered by 3/17/15; 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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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Business Litigation CLE Seminar 3/24/15. Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK ONLY, WITH THIS FORM.**

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

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

presents:



“How to Grow Your Business Ethically - Within the Rules”

Wednesday April 15, 2015 - 11:30am - 1:00p.m.
Bar Offices - 1507 Belvedere Road, WPB

Program Schedule

11:30am - 11:55am	Lunch / Check In / Late Registration
11:55am - 12:00pm	Welcome - Opening Remarks - David Steinfeld, Esq., <i>Law Office of David Steinfeld, P.L., Board Certified Business Litigation Attorney, Business Litigation CLE Committee Chairperson</i>
12:00pm - 1:00pm	Bradley E. Neider, Founder & Managing Director VON Consulting Group, Inc.

Subjects covered: Build the System – Then hire the people! ; Managing the System and the people working it ; Setting Goals that drive results; Marketing... Within the RULES; Where to go when you need help (including The Florida Bar)

What you will learn...The foundation systems needed to support a growing practice; The right order to do things and why; How to know your systems work; How to move from managing the people to managing the “System”; The real value of Goals and how to create the right goals for YOUR practice; How to advertise and market your practice while following The Florida Bar rules


Lunch Sponsored by:



This course is expected to receive 1.0 CLER / 1.0 Business Litigation Certification credits from The Florida Bar.
Early registration cost for the seminar, which includes lunch, is **\$25** for PBCBA member attorneys/paralegals;
\$65 for non-PBCBA member attorneys/paralegals if registered by 4/8/15; 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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Email Address: _____

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



The Palm Beach County Bar Association's Elder Law Affairs Committee presents:

15th Annual View From The Bench

Dinner on Palm Beach with the
Palm Beach County Probate Division Judiciary

Thursday, April 16, 2015

The Colony Hotel, 155 Hammon Avenue, Palm Beach

6:00 p.m. Registration and Cash Bar

6:30 p.m. Dinner and Presentation

Judicial Panel Includes: Judges Martin H. Colin, Janis Keyser, John Phillips, David E. French, Krista M. Marx and Jeffrey D. Gillen

Have an issue or question you would like the judges to address?
Email Benjamin Greenberg: bgreenberg@floridaelderlawservices.com



This course is expected to receive **2.0 CLER/1.5 Elder Law Certification credits** from The Florida Bar. **Early registration cost** (including 1 complimentary drink) is **\$70.00** for PBCBA members/paralegals; **\$110.00** for non-PBCBA attorney members/paralegals if registered by 4/10/15; add \$25 after that date.

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Please select one of the following:

- Chicken Marsala, Mascarpone Mashed Potatoes, Grilled Zucchini
- Broiled Mahi-Mahi, Tropical Fruit Salsa, Rice Pilaf, Julienne Vegetables
- Wild Mushroom Ravioli, with Golden Tomato Fondue, White Truffle Essence



Jo Ann Abrams, Attorney at Law



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

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

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PAYMENT BY CHECK ONLY, WITH THIS FORM. PBCBA, 1507 Belvedere Road, West Palm Beach, FL 33406. Telephone: (561) 687-2800



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

BROWN BAG LUNCH SERIES



Monday, May 11, 2015, 11:55—1:15 p.m.

Bar Association Offices

1507 Belvedere Rd., West Palm Beach, FL 33406

“DOL UPDATE: Directives, Initiatives and Regs”

Program Schedule

11:55 am -12:00 pm **Moderator - Sally Still,**
Ward Damon Posner Pheterson & Bleau, P.A.

12:00 pm -1:00 pm **Department of Labor**
District Director Garnitz

**** Please e-mail your questions to lwagner@csapalaw.com ****

This course is expected to receive 1.0 CLER / 1.0 Labor and Employment Law Certification credits from the Florida Bar.

Early registration cost for the seminar is \$25 for PBCBA member attorneys/paralegals;

\$65 for non-PBCBA member attorneys/paralegals if registered by 5/4/15; 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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Webinar

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Name: _____

Address: _____

Email Address: _____ Phone: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Employment Law CLE Seminar 5/11/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK** ONLY, WITH THIS FORM.

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



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

BROWN BAG LUNCH SERIES



Thursday, April 9, 2015 - 11:55 a.m. - 1:15 p.m.
Bar Association Offices
1507 Belvedere Rd., West Palm Beach, FL 33406

"Public Employee Showcase"

Program Schedule

11:55 am - 12:00 pm	Welcome and Moderator - <i>Dana Spader, Esq.</i> <i>Reid Burman Lebedeker</i>
12:00 pm - 1:00pm	Public Employee Relations Commission (PERC): <i>Speakers: Steve Meck, Esq. and Gregg Morton, Esq.</i>

**** Please e-mail your questions to Committee member Dana Spader:
dls@reidburmanlaw.com****

This course has been granted 1.0 CLER / 1.0 Labor and Employment Law Certification credits from the Florida Bar.
Early registration cost for the seminar is **\$25** for PBCBA member attorneys/paralegals;
\$65 for non-PBCBA member attorneys/paralegals if registered by 4/2/15; 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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City/Zip _____

Email Address: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Employment Law CLE Seminar 4/9/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK** ONLY, WITH THIS FORM.

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



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

Friday, May 8, 2015 - 8:15 a.m. – 6:15 p.m.
Bar Association Office - 1507 Belvedere Road, WPB, FL 33406

THE BASICS OF FAMILY LAW YOU THOUGHT YOU ALREADY KNEW

Whether you are a newly licensed attorney who wishes to practice family law or are simply new to the practice of family law, this CLE will be beneficial, as it will address the basics every family law practitioner needs to know. Various procedural matters will be addressed and a mock Uniform Motion Calendar ("UMC") hearing will be presented which will show you what is proper and improper. You will have the opportunity to hear from some of our local highly experienced family law practitioners as well as Judges. This is a CLE you do not want to miss!

- 8:15am - 8:30am LATE REGISTRATION/CHECK-IN
8:30am - 8:45am WELCOME, Introduction of Program Committee, and Opening Remarks - C. Debra Welch, Esq., The Law Firm of C. Debra Welch, P.A., Family Law CLE Committee Chair
8:45am - 9:00am KNOW YOUR JUDGE; KNOW THE RULES - Cynthia M. Pyfrom, Esq. of Cynthia M. Pyfrom, P.A.
9:00am - 10:00am UMC HEARINGS vs. EVIDENTIARY HEARINGS - Magistrate Sara Alijewicz, *Martin L. Haines, III, Esq. of The Law Office of Martin Haines, III Chartered, and Andrea Reid, Esq. of Isaacs & Reid, P.A.
10:00am - 10:10am BREAK
10:10am - 11:10pm DISCOVERY BASICS - What do you need and how do you get it? - Andrea Reid, Esq. of Isaacs & Reid, P.A.
11:10pm - 12:10pm PRACTICE AND PROCEDURE - HOW TO MAKE HAPPEN WHAT YOU ACTUALLY WANT TO HAPPEN - *Jeffrey Weissman, Esq. of Gladstone & Weissman, P.A.
12:10pm - 1:10pm LUNCH (provided)
1:10pm - 2:10pm DEPOSITIONS - How to Take Them & How to Use Them in Court - *Ralph T. White, Esq. of Schutz & White, LLP
2:10pm - 3:10pm HOW TO PRESERVE THE RECORD FOR APPEAL - Julia Wyda, Esq. of Brinkley Morgan
3:10pm - 3:20pm BREAK
3:20pm - 3:50pm INCOME WITHHOLDING ORDERS & FLORIDA ADDENDUM - Magistrate Diane Kirigin
3:50pm - 4:30pm PROFESSIONALISM & PRACTICAL TIPS - *Jorge Cestero, Esq. of Sasser, Cestero & Sasser, P.A., C. Debra Welch, Esq. of The Law Firm of C. Debra Welch, P.A., and Stuart R. Manoff*, Esq. of The Law Offices of Stuart R. Manoff & Associates, P.A.
4:30pm - 5:00pm A VIEW FROM THE BENCH - Honorable Charles Burton, Honorable John Phillips and Honorable Amy Smith
5:00pm Happy Hour

*Board Certified Marital and Family Law Attorney

Sponsored by:

Matthew Lundy Law
QDRO Law

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Course expected to receive 8.5 CLER incl. 1.0 Ethics / 6.5 Marital & Family Law Certification credits from the Florida Bar.

Early Registration cost is \$175 for PBCBA member/paralegals 0-5 years experience; \$210 for PBCBA members/paralegals w/5+ yrs. experience; \$250 for non-PBCBA attorney members/paralegals. After 5/1/15 add \$25 late fee to registration. LEGAL AID ATTORNEY cost is \$175. PBCBA member Legal Aid attorney may register on line; non-PBCBA member Legal Aid attorney should mail in \$175 check to PBCBA, 1507 Belvedere Rd., WPB., FL 33406. After 5/1/15 add \$25 late fee to registration. 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 | BY CHECK | BY CREDIT CARD | CLE | Materials will now be emailed to all registrants prior to the seminar

Webinar | If you can't leave the office, you can attend via live webinar by registering at http://www.palmbeachbar.org

Name: _____
Address: _____
Email Address: _____ Phone: _____

I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (5/8/15 Family Law) Cost is the same as listed above, in addition to \$10 for shipping and handling. PAYMENT BY CHECK ONLY WITH THIS FORM.

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



VOLUNTEERS NEEDED FOR LAW WEEK:
MOCK TRIALS & SPEAKERS
May 4 – 8, 2015

The Law Week Committee needs volunteers to present Mock Trials and serve as guest speakers during Law Week, May 4 – 8. Programs are held in elementary, middle and high schools throughout the county. In return for your support, you'll receive pro bono credits. **If you can help, please fill out the form below and mail it back to** Sherry Ingram, Palm Beach County Attorney's Office, 300 North Dixie Highway, Suite 359, West Palm Beach, FL 33401. **Volunteer deadline is March 13.**

----- Clip and Mail -----



JUDGE/ATTORNEY NAME: _____

FIRM ADDRESS & PHONE: _____

E-MAIL ADDRESS (REQUIRED): _____

AREA(S) OF SPECIALTY: _____

PREFERRED DAY (please circle) Monday Tuesday Wednesday Thursday Friday

EVENT PREFERENCE: MOCK TRIAL SPEAKERS PROGRAM

SCHOOL PREFERENCE (if any): _____

SCHOOL LEVEL PREFERENCE: Elementary Middle High School

GEOGRAPHICAL PREFERENCE:

- | | | | |
|---|---|--|--|
| <input type="checkbox"/> Palm Beach | <input type="checkbox"/> Lake Worth/Lantana | <input type="checkbox"/> Jupiter/Tequesta | <input type="checkbox"/> Riviera Bch/Lake Park |
| <input type="checkbox"/> West Palm Beach | <input type="checkbox"/> Delray Beach | <input type="checkbox"/> Boca Raton | |
| <input type="checkbox"/> Boynton Beach | <input type="checkbox"/> North Palm Beach | <input type="checkbox"/> Wellington/Royal Palm Beach | |
| <input type="checkbox"/> Palm Beach Gardens | <input type="checkbox"/> Belle Glade | <input type="checkbox"/> Other, please specify _____ | |

PLEASE RETURN BY MARCH 13 TO:

Sherry C. Ingram, CP, FCP, FRP
Palm Beach County Attorney's Office
300 N. Dixie Highway, Suite 359
West Palm Beach, Fl 33401
Direct: 561/355-4389. Fax: 561/355-4234.
Email: singram@pbcgov.org



MOTION CALENDAR TIPS: EFFECTIVELY PRESENT YOUR CASE TO THE JUDGE

Friday, April 10, 2015

11:45 a.m. to 1:00 p.m.

PGA Marriott, 4000 RCA Blvd., Palm Beach Gardens

Speakers: Judge Peter Blanc and Judge John Phillips

Find Out:

Three simple steps to success.

Top 10 pet peeves from Judges.

Common mistakes.

Proper procedures and conduct.

Examples of good and bad.

How to earn respect from the Judge.

Consequences for not following rules.

Sponsored by:

Cathy Colet, Psy.D., P.A.
Clinical and Forensic Psychology Services
(561) 429-2397 and (954) 240-1896
cathycolet@yahoo.com

PREVIOUS PROGRAM WAS SOLD OUT.

Save your seat by registering early!

This lunch and learn presented by the North County Section



Registration fee includes CLE Credit From The Florida Bar, plus Lunch.
NCS Members: \$25.00. Attorneys who are not Section members: \$35.00

Add \$5.00 if registered after 5:00 p.m. on 5/7/15



North County Section to host its 4th Annual

BEACH BASH!

Sunday, April 12, 2015

11:30 a.m. to 2:00 p.m.

Hilton, Singer Island

Bring your family & enjoy the afternoon festivities including adult beverages, lunch, live music, face painting, hair braids, Ron Ponzoli Sandcastle Contest and more!

RSVP online @ www.palmbeachbar.org

Register by April 8 to receive your membership discount!

NCS Members \$20.00; \$5.00 for children 13 and under.
Judges are complimentary. Non-Section members are welcome
for \$30.00 per person and \$10.00 for children



Lawson Cunningham
Whalen & Gaspari, P.L.

D'AMORE LAW FIRM P.A.

MARITAL AND FAMILY LAW
BY ESTD.

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TODD S. STEWART, P.A.



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McLaughlin
& Stern

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



EMERGENCE OF ELDER ABUSE CLAIMS IN SECURITIES LITIGATION AND REGULATORY MATTERS, A POTENTIAL GAME CHANGER FOR ALL INVOLVED



April 22, 2015, 12:30p.m. - 6:00p.m.
Bar Association Offices, 1507 Belvedere Road, WPB, FL

Program Schedule

- 12:30 p.m. - 1:00 p.m. Lunch, Check-in and Opening Remarks - Matthew N. Thibaut, Esq.
1:00 p.m. - 1:30 p.m. Case Law Update and Other Hot Topics - Jonathan Butler, Esq., Akerman
1:30 p.m. - 2:30 p.m. Professional Panel Moderated by Adam Rabin, Esq., McCabe & Rabin
2:30 p.m. - 2:40 p.m. BREAK
2:40 p.m. - 3:30 p.m. Mock Arbitration - University of Miami Law Students and The Investor Rights Clinic at The University of Miami
3:30 p.m. - 5:00 p.m. FINRA Arbitrators' Rulings, Reasons and open-forum Q&A
5:00 p.m. - 6:00 p.m. Happy Hour

SPONSORED BY:



This course is expected to receive 4.5 CLER / 3.5 Bus. Litigation Certification Credits from The Florida Bar.

Early Registration cost is \$115.00 for PBCBA members/paralegals;

\$155 for non-PBCBA attorney members/paralegals if registered by 4/15/15; add \$15 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.

HOW TO REGISTER



BY CHECK Return this form



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



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



If you can't leave the office, you can attend via live webinar by registering at http://www.palmbeachbarcle.org

Name: _____

Address: _____

Email Address: _____ Phone: _____

I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (4/22/15 Securities Law) Cost is the same as listed above, in addition to \$10 for shipping and handling. PAYMENT BY CHECK ONLY WITH THIS FORM.

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



"SOCIAL MEDIA FOR LAWYERS"

Wednesday, March 11, 2015 - 11:45a.m. – 1:05p.m.
Bar Association offices
1507 Belvedere Road, WPB, FL

Program Schedule

- 11:45 a.m. - 12:00 p.m. **Late Registration / Check In / Lunch**
- 12:00 p.m. - 12:05 p.m. **Welcome & Opening Remarks** - *Edwin M. Walker, III, Esq., Walker Law Firm, P.A. Committee Chair*
- 12:05 p.m. - 1:05 p.m. **Social Media for Lawyers**
*Amanda Kleinrock, Esq., Fair Housing Project
Legal Aid Society of Palm Beach County*

- I. The Benefits of Social Media in Legal Practice
 - A. Networking
 - B. Source of information about clients, witnesses, and opposing parties for evidentiary hearings and depositions
- II. Marketing Uses of Social Media
- III. The Risks for Lawyers and Judges in Social Media
 - A. Security and Confidentiality
 - B. Compliance with Rules of Legal Ethics
- IV. Inventory of Laws affecting Social Media

SPONSORED BY:



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

The **early registration** cost of the seminar is **\$25.00 (includes lunch)** for PBCBA members/paralegals; **\$65.00** for non-PBCBA members/paralegals if registered by **3/5/15**; add \$10 to registration fee after that date.

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

HOW TO REGISTER



BY CHECK
Return this form



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



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

Webinar

If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbar.org>

Name: _____

Address: _____

Email Address: _____ Phone: _____

__ 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. Palm Beach County Bar, 1507 Belvedere Road, West Palm Beach, FL 33406