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BULLE^TIN

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May 2008

It's Time ...

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

Discounts:

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and Programs:

- Mentor Program
- Professionalism Council
- Young Lawyers Section
- North County Section

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

Mark your calendar for upcoming Membership Meetings

Professionalism Committee CLE Luncheon Seminar

Wednesday, May 7, 11:30 – 1:00 p.m.
"Criminal Law Practitioners' Ethical Duties & Responsibilities in Dealing with the Media"
Bar Association Office

North County Section Dinner Meeting

Thursday, May 15, 5:30 – 7:30 p.m.
Ruth's Chris Steakhouse in North Palm Beach

Annual Installation Banquet

Saturday, June 7, 2008, 7 p.m.
The Breakers Hotel, Palm Beach

Judicial/State Attorney Candidate Forum

Monday, June 9, 11:45-1:00
Crowne Plaza Hotel

Bench Bar Conference

PLEASE NOTE THIS DATE CHANGE:
Friday, November 7
Palm Beach County Convention Center

Attorney in Duke Rape Case to Speak May 1



The theme of this year's Law Day is "The rule of Law." Accordingly, James P. Cooney III will be the guest speaker for this year's annual Law Day Luncheon to be held Thursday, May 1 at 11:45 a.m. at the Marriott West Palm Beach. Mr. Cooney successfully defended Reade Seligmann – one of the wrongfully charged lacrosse players in the "Duke Lacrosse Rape Case" – by securing a dismissal of the charges and a declaration by the Attorney General of North Carolina that Reade Seligmann was innocent.

Jim Cooney is a Fellow in the American College of Trial Lawyers and a Permanent Member of the Fourth Circuit Judicial Conference. He is the only attorney selected as one of the top trial lawyers in North Carolina in civil and criminal work; in 2006 he was selected as one of the top ten civil attorneys in North Carolina and in 2007 was the top vote recipient for criminal attorneys in North Carolina. Jim Cooney is a past-President of the North Carolina Association of Defense Attorneys. He received his B.A., History and Political Science, 1979, Duke University, summa cum laude and his J.D. in 1982 from the University of Virginia School of Law. He and his wife, Betsy, were married in 1979 and have three daughters.



The Young Lawyers Section recently delivered over \$1000 worth of toys and candy to children in the pediatric unit at St. Mary's Hospital for Easter/Passover. Pictured above at Theo & Jennifer Kypreos, Mike Dixon, Josh White, Matt "Easter Bunny" Ramenda, Allison Kapner, Noelle Page, Lee McElroy and Tim Stevens.

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THE
BULLETIN

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

LETTERS TO THE EDITOR

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



Send letters to:
EDITOR Bar Bulletin
Palm Beach County Bar Association
1601 Belvedere Road, #302E
West Palm Beach, FL 33406

Save the Date!

Mark your calendar now for the PBCBA's Annual Installation Banquet which has been scheduled for Saturday, June 7 at the Breakers Hotel in Palm Beach. A reception will be held from 7:00 - 8:00 p.m. with dinner and dancing immediately following.



Volunteers needed to serve on committees

This is the time of year that the president-elect, Richard Schuler, will begin working on appointing volunteers to serve on the various Bar committees. Your involvement is essential to the success of this organization. Please give us the benefit of your ideas and talents by volunteering to serve on one or more of our committees. If you are **currently** serving on a committee, please be sure to **fill out** the form to indicate your willingness to continue serving. Committee preference forms are available on-line at the Bar's web site – www.palmbeachbar.org Please take the time to volunteer to serve YOUR Bar Association.

Missing Bar Events? Be Sure to Read Your eNewsletters



Is your current email address on file with our office? If not, please be sure to send your current information to us. As postage rates continue to rise, the Bar is sending notices of all of its functions – membership luncheons, free happy hours, judicial receptions and important court information – to its members via email. Don't be left out of the loop! Send your email address to us today and make sure your email provider accepts our emails. You can send your updated information to pburns@palmbeachbar.org

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President's Message



“Lessons In the Law: The Fight for School Desegregation in Palm Beach County”

By Meenu Sasser, President

As part of the Palm Beach County Bar Association's efforts for exhibits in the 1916

Historical Courtroom, the Bar Association has obtained documents and a video relating to William Holland. While many may know that Holland was instrumental in the efforts to desegregate the public schools in Palm Beach County, details of the litigation and the struggles that he, along with other African-American attorneys in Palm Beach County endured are not widely known.

Two years after Brown v. Board of Education, public schools in Palm Beach County remained segregated. Holland worked diligently to convince members of the black community to

challenge segregation of the public schools. Fearful of taking a public stand against segregated schools, no one came forward. Holland persevered alone, making his fight a personal one for the benefit of the community. When his own son was old enough to attend first grade in the fall of 1956, Holland courageously took his child by the hand and submitted an application to Northboro Elementary School in West Palm Beach. The principal denied admission. However, Holland, his law partner, attorney I.C. Smith, and colleague, attorney F. Malcolm Cunningham, Sr. turned to the court for assistance. Armed with the Supreme Court's decision in Brown, the lawsuit of William Holland v. The Palm Beach County School Board was filed in federal court in Miami. For 17 years, Holland and his colleagues fought for equal education

opportunities for students of all races in Palm Beach County. During that period for nearly two decades, Holland endured death threats and violence. He was ostracized by individuals in his community who feared losing the few gains accomplished. It was not until 1973, nineteen years after Brown that the schools in Palm Beach County were fully integrated.

We need to teach our school kids of the work of Mr. Holland and his colleagues. The efforts to desegregate the schools in Palm Beach County did not come without much struggle or without the use of the judicial system to assist in that process.

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Board of Directors Meeting Attendance

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

Who are they?

Do you recognize these players from a 1985 Bar Tennis Tournament?

Answers on page 10



Minutes of the Junior Bar Section of the Palm Beach County Bar Association • December 7, 1962

The Junior Bar Section of the Palm Beach County Bar Association met on Friday, December 12, 1962 at the Town House Hotel; thirty-four members and guests were present.

The minutes of the previous meeting were read and approved. President Pruitt recognized Judges Morrow, Douglas and Sinclair; special recognition was made of the presence of Tom Mettler, the "tiger of ex parte".

President Pruitt announced that the Judges of the Small Claims Court have requested the assistance of the Junior Bar Association to study current problems and possible improvements in the administration of Small Claims Court matters. President Pruitt appointed a committee to make this study with the Judges of the Small Claims Court and James Adams was appointed chairman with further powers of appointment of two additional members for his committee.

As new business, President Pruitt announced that George Mira had made four first-team All American teams and two second-team All American teams, although this selection has not been ratified by the University of Florida Alumni Association.

Reid Heuer announced that The Florida Bar would sponsor an Institute in West Palm Beach in January on the subject of Civil Practice Before Trial and all local attorneys were urged to attend.

President Pruitt then introduced Vice President Gavin Letts, who introduced

Past President Teddy Prior, who introduced the guest speaker, John D. McArthur. Mr. McArthur, having no one of greater stature present to introduce, proceeded to entertain the group with a

discussion of life, liberty and the pursuit of prosperity.

There being no further business, the meeting was duly adjourned.

/s/James S. Robinson, Secretary

ALEXANDER "SANDY" MYERS, ESQUIRE

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Historic Courtroom Opening Reception



Displays on the mezzanine level of the courtroom

The Palm Beach County Bar Association recently raised \$250,000 through the generous contributions from our members to provide educational displays in the courtroom of the historic 1916 Courthouse. Included in these displays is information about William Holland and the case he, and other local lawyers fought to desegregate the county's schools; a Florida legal timeline; original interrogatories from the late 1800's; an artifact case containing items of local legal history; and educational displays that provide information about the three branches of government, democracy, levels of government, the importance of an independent judiciary and much more. Fourth and seventh grade students will tour both the Historical Society's Museum and the Courtroom Exhibits and many lawyers and judges have volunteered to be docents. If you haven't had a chance to visit the Courthouse, make time soon to visit the museum and exhibits. A reception was held in March for the members.



One of two four-sided displays containing education information for the public



Steve Brannock and Judge Glenn Kelley



Pat Lowry and husband U.S. Magistrate Judge James Hopkins



Meenu Sasser and John Howe



Renelda Mack and Donnie Murrell



First group of attorneys pass the tour guide training program!



Jason Lazarus, Bryan Poulton, Judge Roger Colton, Chubby Damsel and Judge Timothy McCarthy

Devore's Host Gift Gathering Gala for Legal Aid



Pictured above are Jeff & Amy Devore and Meredith & Scott Devore



Also attending the event were Jayne and Judge Thomas Barkdull III

On Saturday evening March 1, 2008 Jeff and Amy Devore hosted a cocktail party at their beautiful home in Palm Beach Gardens to benefit the 20th Annual Pro Bono Recognition Evening. The party was sponsored by the law firm of Devore & Devore P.A. Over 150 guests enjoyed the evening and donated more than 80 gifts to be auctioned at this year's festivities. The recognition evening honors outstanding pro bono attorneys and raises much needed funds to benefit Legal Aid's 16 projects. In addition to outstanding food and drinks, guests were entertained by students from the Dreyfoos School for the Arts.

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North County Section Happy Hour at the Yard House



Mitch Beers and Judge Karen Miller



Judge Glenn Kelley and Matthew Lane



Lisa Small and Ted Leopold



Michael Slavin and Adam Doner,
NCS President



Magistrate Tom Baker and
Judge Jorge Labarga



Federal Preemption

by Ted Babbitt

According to many legal scholars, the United States Supreme Court is a body of policy rather than law. Its history has proven that to be true.

From its decision in 1857 in Dred Scott v. Sandford to its 2000 decision in Bush v. Gore, 531 U.S. 98 (2000), the Court seems driven more by prevailing political views than consistent legal principles.

In the former case, the Court held that African Americans, whether slaves or not, could never be U.S. Citizens, could not sue in Court and were private property and when owned as a slave, could not be taken without due process.

In Bush v. Gore, a 5-4 majority held that no method could be established as a matter of law to count Florida ballots within the time limit imposed by Florida's Republican Legislature even though the count was nearly concluded by the time the opinion was published. This gave George W. Bush Florida's twenty-five electoral votes, providing him with one more than was needed to take the presidency.

President Bush has, in his eight years in office, left his pro corporate mark on the Court for a lifetime. The recent decision of Riegel v. Medtronic, Inc., 128 S. Ct. 999, 76 USLW 4087 (2008) reflects that concern for corporate insulation.

That decision holds that a state court action for damages as a result of an allegedly defective medical device can be preempted by The Federal Food, Drug and Cosmetic Act 52, Stat. 1040 as amended 21 U.S.C. §301, et seq. and in particular the Medical Device Amendment of 1976 (MDA) 21 U.S.C. §360(c), et seq.

That Act provides:

"Except as provided in subsection (b) of this section, no State or political subdivision of a State may

establish or continue in effect with respect to a device intended for human use any requirement –

(1) which is different from, or in addition to, any requirement applicable under this chapter to the device, and

(2) which relates to the safety or effectiveness of the device or to any other matter included in a requirement applicable to the device under this chapter. §360k(a)."

The issue before the Court was whether a complaint based on State common law was "different from or in addition to" FDA requirements.

The Supreme Court had previously held in Medtronic, Inc. v. Lohr, 518 U.S. 470 (1996) that State Court cases were not preempted under a section of the same act which dealt with a truncated FDA approval of medical devices which were approved as substantially equivalent to a previously manufactured device. Interestingly, in that case, the Court gave deference to the FDA's position during the Clinton administration that State common law claims were not preempted but in Riegel the Court asked for, and received from the FDA another opinion which reversed itself and asked the Court to hold §360 devices preempted.

Since the Act in question provides no recourse for death or personal injury from an approved defective product, preemption means there is no remedy for those damages. For an act that was designed to improve the safety and efficacy of potentially dangerous devices, such a result seems incongruous. The majority dismissed that concern as follows:

"The dissent would narrow the pre-emptive scope of the term 'requirement' on the grounds that it is 'difficult to believe that Congress would, without comment, remove all means of

judicial recourse' for consumers injured by FDA-approved devices. *Post*, at 5 (opinion of GINSBERG, J.) (internal quotation marks omitted). But, as we have explained, this is exactly what a pre-emption clause for medical devices does by its terms. The operation of a law enacted by Congress need not be seconded by a committee report on pain of judicial nullification. See, e.g., Connecticut Nat. Bank v. Germain, 503 U.S. 249, 253-254 (1992). It is not our job to speculate upon congressional motives. If we were to do so, however, the only indication available – the text of the statute – suggests that the solicitude for those injured by FDA-approved devices, which the dissent finds controlling, was overcome in Congress's estimation by solicitude for those who would suffer without new medical devices if juries were allowed to apply the tort law of 50 States to all innovations."

Ever since the opinion in Lohr, supra, the Circuits have been divided on the question of whether its holding precluded preemption in products approved under the more stringent requirements of §360. Even in those Circuits holding that preemption applied, State Court cases have been held not to be preempted where allegations are made that the product or its marketing by the manufacturer violated the terms of FDA approval. Those claims are considered to "parallel" rather than be "in addition to" the Federal requirements. In Riegel, the Court agreed at 17:

"State requirements are pre-empted under the MDA only to the extent that they are 'different from, or in addition to' the requirements imposed by federal law. §360k(a)(1). Thus, §360k does not prevent a State from providing a damages remedy for claims premised on a violation of FDA regulations; the state duties in such a case 'parallel,' rather than add to, federal requirements. *Lohr*, 518 U.S., at 495; see also *id.*, at 513 (O'Connor, J., concurring in part and dissenting

Continued on page 19

Baseball Night Photos

The Quality of Life Committee recently put together an evening of dinner and baseball at Roger Dean Stadium. Committee Chair Kyle Caparosa (center) with her daughter Wallis O'Hagan (right) and friend Victoria Reyes



Craig Lawson (left) with his wife and two children



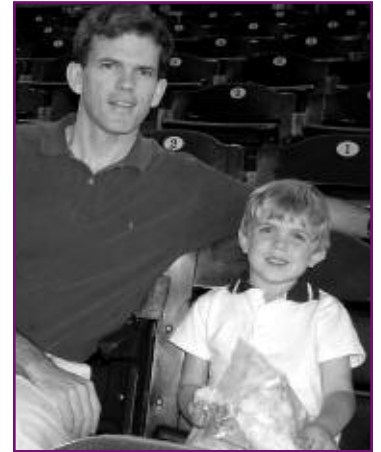
Christopher & Evelyn Hopkins



Scott Smith (left) with his dad and son.



Front row left to right: Rick Jarolem, Rick Chavez and Misty Taylor-Chavez
Back row left to right: Ron Crescenzo, Becky Basil and Jessica Callow



Ryon and Tommy McCabe

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Interpreting Florida's Statutory Personal Property Exemption

By: *Marc P. Barmat*

In the September 2007 edition of the Palm Beach County Bar Association Bulletin, I wrote about the July 1, 2007, amendment to Florida Statute § 222.25 which increased a debtor's personal property exemption from \$1,000 to \$4,000 under certain circumstances. Specifically, Florida Statute §222.25(4) now states the following property is exempt:

A debtor's interest in personal property, not to exceed \$4,000.00, if the Debtor does not claim or receive the benefits of a homestead exemption under s. 4, Art. X of the State Constitution. This exemption does not apply to a debt owed for child support or spousal support.

Since the amendment to Florida Statute § 222.25(4), three opinions have been issued interpreting various aspects of the personal property exemption.

The first opinion, issued by Judge Paskay in the Middle District of Florida, addressed the issue of whether the new \$4,000.00 personal property exemption was in lieu of or in addition to the \$1,000.00 personal property exemption allowed under the Florida Constitution. In *In re Bezares*, 377 B.R. 413 (Bankr. M.D. Fla. 2007), Judge Paskay held that the amendment to Florida Statute §222.25 added \$4,000 to the previous \$1,000 Constitutional exemption. Accordingly, Judge Paskay held that the statutory amendment increased to \$5,000.00 the total allowable personal property exemption available to a person who does not claim or receive the benefits of the homestead exemption.

In December 2007, Judge Williamson of the Middle District of Florida issued an opinion which addressed multiple issues raised by the amendment to Florida Statute § 222.25. In *In re Gatto*, 2007 WL 4554217 (Bankr. M.D. Fla.), Judge Williamson agreed with Judge Paskay that debtors could stack Constitutional and statutory exemptions so as to exempt up to \$5,000 in personal property and further found that in joint Chapter 7 case, each debtor could exempt up to \$5,000 in personal property for a total of \$10,000. Additionally, Judge Williamson addressed the issue of what it means to "receive the benefits of a homestead

exemption..." In that regard, Judge Williamson held that incidental benefits of home ownership such as the acquisition of owner's equity, the ability to deduct mortgage interest, and the exemption and cap on real estate taxes are not the benefits which are derived from the homestead exemption under section 4, article X of the Florida Constitution. Judge Williamson stated that it is only where a debtor does not claim the benefit of shielding the homestead from creditors, as opposed to other non-creditor related homestead benefits, that the debtor may enjoy the statutory personal property exemption.

In *In re Morales*, Case No. 07-16284-BKC-RBR, Judge Ray from the Southern District of Florida, Fort Lauderdale Division, also addressed the issue of the meaning of the phrase "receive the benefits of a homestead exemption..." Judge Ray found that if a Debtor properly abandons his entire interest in his homestead at the start of a case and does not claim his homestead exemption then he would be entitled to claim the larger personal

property exemptions. Judge Ray left open the question of whether a Debtor can amend his schedules and simultaneously increase his personal property exemption and at the same time abandon all interest in his homestead.

The issue remains open as to whether a debtor is "receiving the benefits of a homestead exemption" merely by living in their homestead on the date they file their bankruptcy petition. An argument can be made that regardless of whether the Debtor claims their homestead as exempt or states their intention to surrender their homestead, the debtor still receives the benefit of the homestead exemption as the homestead is still protected from the liens of post discharge judgment creditors. Bankruptcy practitioners should pay close attention to case law updates as there are many pending cases before Florida's bankruptcy judges which will ultimately interpret what it means to "receive the benefits of a homestead exemption."

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



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Pro Bono Corner

Pro Bono Attorneys Who Closed Cases in March 2008

Clients met and/or served by the attorneys listed below49
 Hours of pro bono services by these attorneys98.15
 Their dedication to the less fortunate in our communityPRICELESS!

Richard Abedon	Georgina Jimenez-Orosa
Daniel Bachi	Richard Kleid
Joy A. Bartmon	Lawrence Moncrief
Christopher C. Copeland	Arne Siegel
Magueme Dieudonne	James M. Stewart
Allan L. Hoffman	Barry Weiss

PLEASE SEND IN YOUR CLOSING FORM WHEN YOUR PRO BONO CASE HAS BEEN COMPLETED!

Circuit Court Report CIVIL DIVISIONS • February 2008

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
A	05/08	05/08	05/08	1573
B	08/08	08/08	04/08	1341
D	05/08	05/08	04/08	1620
E	09/08	05/08	07/08	1624
F	04/08	04/08	05/08	1341
G	10/08	10/08	05/08	1198
H	10/08	10/08	04/08	1454
I	06/08	04/08	04/08	1316
J	09/08	09/08	06/08	1373
N	09/08	09/08	04/08	1674
O	07/08	06/08	05/08	1597

All Civil Division Judges schedule their own Jury and Non-Jury Trials.
 Pending cases as of 3/03/08.



Who Are They?

From Page 4

1. Judge Peter Blanc
2. Terry Dytrych
3. Marge Cooper
4. Larry Mesches
5. Jamie Pressly

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Membership Luncheon

More than 100 members recently attended a luncheon to hear Attorney General Bill McCollum speak.



Board member John Howe (left) pictured with Attorney General Bill McCollum and President Meenu Sasser



Judge Diana Lewis and Judy Goodman



David Prather, Bud Osborne from Mellon Bank, Lisa Small, Scott Hawkins and Judge Reginald Corlew



Judges Robin Rosenberg, Karen Miller and Glenn Kelley



Todd Weicholz, Luis Martinez, Sidney Turner, Stacey Ibarra and Thomas Schmitt



Jack Cox and Matthew Lane



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Welcome New Members!

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

KERI-ANN C. BAKER – 2005; Lewis, Longman & Walker, P.A., West Palm Beach

IRA S. BERGMAN- Brooklyn, NY; Tulane, 1993; Partner with Mound, Cotton, Wollan & Greengrass, Ft. Lauderdale

ELIZABETH A. BRASSER – Fairfax, VA; Suffolk Law School, 2007; Sole Practitioner in Delray Beach

DEREK S. COOPER –Buffalo, NY; University of Florida, 2004; Associate in Greenberg Traurig, P.A., West Palm Beach

RON D. HERMAN – New Jersey; Nova Southeastern University, 2000; Partner with Riordan & Herman, P.L., Boynton Beach

STEVEN M. LOGAN – Rochester, NY; Cal Western School of Law, 1985; Sole Practitioner in Royal Palm Beach

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Immigration: Change is Necessary

By: *Gene S. Devore*

Amnesty, illegal immigration, comprehensive immigration reform; a day does not pass when these issues are not debated in the media.

After watching Congress defeat Comprehensive Immigration Reform legislation in the late spring of 2007, a law which had been spearheaded by senior bipartisan members of the House and Senate, the public may well wonder how this controversial saga can finally be resolved.

The purpose of this article is to present a general overview of the current state of immigration law, a brief presentation of some critical issues, and how hopefully next year Comprehensive Immigration Reform will become a reality.

Visiting, working, attending school, or just merely wanting to retire in the U.S., requires permission from the U.S. Department of State (DOS) or the U.S. Immigration and Citizenship Service (USCIS) in the form of issuance of a visa, whether Immigrant ((Permanent Residence/Green Card) or Non-Immigrant (Temporary). While the DOS regulates admission of those who reside abroad through visa processing at U.S. Embassies and Consulates, the USCIS under the U.S. Department of Homeland Security or its related agencies controls physical admission of individuals at ports of entry, or if already residing in the U.S. Ironically, decisions of eligibility are NOT binding between these respective agencies.

Any individual seeking lawful admission to the U.S. confronts the obstacle of the presupposition by these agencies that s/he is an intending immigrant, i.e., would like to remain permanently in the U.S., no matter their stated intention.

Therefore, establishing eligibility to be a student, or a retiree, or a visitor can be a daunting task. In addition to proving you are eligible for a specific visa, you also bear the burden of documenting your intent to return to your residence abroad upon completion of your temporary stay. This latter is an often insurmountable barrier causing many applications to be rejected at the Embassy/Consular level. These decisions are non-appealable on questions of factual interpretation by a Consular Officer. Questions of law can be challenged, but the process is burdensome and protracted at best, and the individual is at the discretion and mercy of the Consular Officer.

Another complication compounding the difficulty of coming to the U.S. is the existence of quotas on the numbers of immigrant visas issued each year, divided by family or employment basis. For the most part, only the H visa non-immigrant categories are subject to quotas, which are actually in great demand as they pertain to professional workers and to seasonal workers, skill sets.

Tony Blair, the former Prime Minister of the U.K. said, "there must be something good about a country (the U.S.) where everyone wants to come..."

The U.S. offers the greatest prospects in the world for economic, political, and religious opportunities. For that reason, people still want to come to the U.S. to live. With this

demand increasing exponentially, unless the immigration system is properly revamped to lawfully, equitably and efficiently permit people to visit, attend school, obtain employment, and abide lawfully in the U.S., border security and enforcement will not be sufficient to properly regulate immigration.

A realistic approach to immigration reform requires not only allocation of financial resources (only since 9/11 has the funding issue of immigration been re-examined), but also a sensible method of providing opportunities to those who desire to take advantage of the U.S. experience, be it temporary or permanent.

This includes concepts such as the allocation of more Green Cards so new residents can be integrated into the system more rapidly, contribute their skills and pay their proper share of taxes.

It requires the introduction and implementation of new technology for admissions, monitoring and enforcement.

Finally, it must address, with realism and with compassion, the 15 million undocumented people now living in the U.S.. In the end, this serves to protect the interests of the American public. Implementing various safeguards while allowing these undocumented individuals permission to work, drive, pay taxes, and to ultimately apply for and obtain Permanent Residence, is a step in the right direction, is the American way, and is not an amnesty.

Gene S. Devore practices exclusively in the area of Immigration and Nationality Law. Law Offices of Gene S. Devore, P.A., 2161 Palm Beach Lakes Blvd., Suite 404, West Palm Beach 33409; gsd@devore-immigration.com. www.devore-immigration.com.

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By **Mark Powers and Shawn McNalis**

A particularly frustrating experience, not uncommon among lawyers, occurs when a friend or family member refers a potential client to one of your competitors. They don't do this because they think the other attorney is better, but because they don't really know what you do.

In previous columns we've discussed the many strategic conversations that attorneys who are successful rainmakers incorporate into their client development efforts. Another conversational strategy every attorney should be familiar with is called the Laser Talk. At first glance, the Laser Talk is nothing more than a brief description of what a lawyer does for a living – a response to the question, "What do you do?" that is asked hundreds of times in any attorney's lifetime of social, personal and business encounters.

To some, these may seem like casual inquiries, but the savvy marketer recognizes these questions as marketing opportunities and the chance to deliver an answer that goes beyond the typical, uninformative, "I'm an attorney" response. Why would a lawyer want to describe his or her practice this way? To increase what we call *top-of-mind-awareness*. A well-spoken Laser Talk – and by this we mean a Laser Talk that doesn't sound phony or canned — allows you to speak powerfully, passionately, even humorously about what you do. The real estate attorney's Laser Talk that starts out with, "I'm a dirt Lawyer," tends to provoke greater interest than "I'm an attorney," any day of the week. Likewise, the collaborative law attorney who opens with, "I'm a recovering litigator," or the estate planning attorney who responds with "I help people who don't want to outlive their money," tend to be much more memorable and attract more business.

In the current climate of increased competition, being memorable should not be underestimated. Not unlike products that rely on branding to communicate their message and attract their market, successful attorneys rely heavily on referrals and this means people must remember them, want to use their services and/or tell others about their services. A verbal form of branding, The Laser Talk is an important part of a word-of-mouth marketing program that depends upon relationship building and top-of-mind awareness for its success.

Perhaps even more important than the power of the Laser Talk to communicate a message and brand the attorney, is the thought process that must precede its creation. To follow the Laser Talk formula, you must answer the following questions:

1. Whom do you help? (This is your target market)
2. What problems do you resolve?
(These are the services you offer)
3. What makes you uniquely qualified to do so? (This is your USP or unique selling position)

In effect, the Laser Talk is a miniature marketing plan as it forces you to identify your target market, articulate the service you provide, and highlight what makes you unique among your peers. Deceptively simple in appearance, these are all the basic elements of a marketing plan. Very few attorneys, unless they are working with an advisor, ever attempt to create a marketing plan, let alone boil it down to a brief, concise description intended to be spoken in a variety of different social and business situations. But great rainmakers know attracting clients starts with this kind of analysis

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– identifying those you want to work with and figuring out how they benefit from your services then crafting language that communicates the message with great clarity. The attorney who says, "I work with high net worth individuals and families to protect their wealth and pass it on to their children intact," is pinpointing their client and speaking directly to their concerns. A statement like this has much greater impact than simply saying, "I'm an estate planning attorney". It will also linger longer in the mind of the potential client or referral source that is assaulted with thousands of marketing messages every day. Whether you recognize it or not, you are part of the vast marketplace competing for business and you want your message to stand out.

In order to have your Laser Talk stand out, lead off with an interesting or provocative opening such as "I practice preventative law," or "I'm the business owner's best friend," to engage your listener. When you launch your Laser Talk this way you can then fill in the rest of the information as the listener asks questions. Use the next couple of sentences to say more about whom you help, how you help and what makes you unique.

Narrowing your focus to a particular practice area helps to foster the idea that you are unique and an expert in your field. Except for small-town general practitioners, narrowing your practice to a couple of complementary areas allows you to market it more powerfully. Different Laser Talks are created for each area and delivered to suit different audiences. For example, a real estate attorney who also offered estate planning services would have two Laser Talks: one to describe his real estate services and another to describe his estate planning services. Then he'd modify the delivery depending on whether he was speaking to a colleague or a potential client.

Once you've identified the markets you serve and the services offered, it is important to further distinguish yourself in the eyes of a potential client or referral source. How do you do this? By including in your Laser Talk some aspect of your personal history, training, family background, life experience or special interest that differentiates you from your peers. For example, the criminal attorney who mentions that he is passionate about criminal law because of his own mistakes as a teenager, or the family lawyer that mentions her own divorce left her with great compassion for those going through the process, leaves a more memorable, meaningful and human impression. Often what you would consider a weakness, or a flaw in your background is what makes you more appealing to a potential client.

Begin to experiment with your Laser Talk as you meet people in the courthouse, at social gatherings or business meetings. Follow the formula previously described to begin. Once you can identify your clients, your services, how you help people and what makes you unique, put your own spin on the phrases and tie them together in a natural sounding talk that takes no more than 30 seconds. Be creative, be humorous, but be clear: the Laser Talk is a powerful tool in cultivating clients. Choose your words carefully.

Mark Powers, President of Atticus, Inc., and Shawn McNalis co-authored, "The Making of a Rainmaker: An Ethical Approach to Marketing for Solo and Small Firm Practitioners," and are featured writers for *Lawyers, USA* and a number of other publications. To learn more about the work that Atticus does with attorneys or the Atticus Rainmakers™ program, please visit www.atticusonline.com or call 352-383-0490 or 888-644-0022.



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Sticklers Unite! Save Only, the Lonely!

by D. Culver "Skip" Smith III

(The fifth in a "When Space Permits" Series)

"I only drink beer on days that end in Y."

— Seen on a fan's T-shirt at
Roger Dean Stadium

Sticklers Unite! Insist on good grammar!

We resume our crusade for proper use of the language by addressing a perhaps nitpicking but nonetheless transformational crime, Modifier Misplacement. No, this does not refer to the procedure to which your author's knees doubtless soon will be subjected, rather to separating a modifier (adjective or adverb) from the word, phrase, or clause that it is intended to modify. The meaning of a whole sentence changes dramatically with the misplacement of an otherwise well-intended modifier.

A particularly virile strain of this disease is the rampant misplacement of *only*. Note the weak attempt at humor represented by the fan's T-shirt. (The supposed humor, of course, derives from the irony that the name of every day ends in Y.) The issue is the placement of *only*. If one takes the sentence literally, the wearer does nothing in life but drink beer – 24/7. He doesn't eat, sleep, work, play – *I only drink beer [every day of the week]*.

To demonstrate our point, let's assume that the shirt instead reads: "I only drink beer on days that begin with T." The sentence literally means that on Tuesdays and Thursdays, all the wearer does is drink beer. (One hopes he has Tuesdays and

Thursdays off.) Let's reposition *only*: "I drink only beer on days that begin with T." Now our friend is claiming that beer is the only thing he drinks on Tuesdays and Thursdays. He does other things on Tuesdays and Thursdays, such as eating potato chips, and on other days he drinks whatever he wants, including beer. Another migration of *only*: "I drink beer only on days that begin with T." Our hero now is saying that he never drinks beer except on Tuesdays and Thursdays. He may chase his beer with other adult beverages on Tuesdays and Thursdays, but he limits himself to other adult beverages the other five days of the week.

This pandemic misplacement of *only* is regularly practiced by even expensively educated persons – especially lawyers. Take the following sentence: *The judge ruled that the defendant could call the expert witness out of turn.* This simply tells us something that the court did. So far, so good. But start throwing around *only*, and a myriad of results is possible:

1. *Only the judge ruled that the defendant could call the expert witness out of turn.* No one else so ruled. Only the judge did. (Yes, I know: who else? Hey, it's a demonstration.)

2. *The judge only ruled that the defendant could call the expert witness out of turn.* The judge did nothing else. She simply ruled that the plaintiff could call the expert out of turn. (Maybe she will get around to other rulings in due course.)

3. *The judge ruled only that the defendant could call the expert witness out of turn.* Don't try to stretch the effect of the ruling. She did not, for example, rule that the expert's opinion was admissible, just that the defendant could call him out of turn.

4. *The judge ruled that only the defendant could call the expert witness out of turn.* All other parties were denied permission to do so.

5. *The judge ruled that the defendant could call only the expert witness out of turn.* The defendant was denied permission to call any other witness out of turn.

6. *The judge ruled that the defendant could call the expert witness only out of turn.* The defendant was not permitted to call the expert witness in the normal order. (The judge was having a bad day.)

Sticklers Unite! Handle your modifiers with care. Rule of thumb: Insert the modifier immediately before the word, phrase, or clause that it is to modify. Yes, your author suffers from the relationship-impairing ARTS virus (Anal Retentive Twit Syndrome), but why make your reader guess at your intended meaning or work overtime to divine it? Remember, only you can say only what you only mean, and only you can put the only *only* in the correct place.

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Federal Preemption

Continued from page 7

in part). The District Court in this case recognized that parallel claims would not be pre-empted, see App. to Pet. for Cert. 70a-71a, but it interpreted the claims here to assert that Medtronic's device violated state tort law notwithstanding compliance with the relevant federal requirements, see *id.*, at 68a."

Thus it is apparent that only when a State Court suit for damages alleges a defect which has been specifically approved by the FDA in a product covered by this Act is such a suit subject to dismissal based upon preemption. Where a manufacturer markets a product "off label," which is specifically prohibited by the FDA, there is a strong argument against preemption. Logic would dictate that when a manufacturer misleads the FDA or omits contrary information to obtain premarket approval that a defect hidden from the FDA would preclude preemption.

The Court has accepted for decision no less than five preemption cases during this term and the next. While this case dealt only with medical devices, pending cases run the gamut from drugs to tobacco.

It is sad, indeed, that the backdrop of this decision and those soon to come is an FDA which the press and the scientific community almost daily labels under funded and inept. In November, 2007, the subcommittee on Science and Technology of the FDA issued a report that stated, because of underfunding, the FDA's scientific base, its scientific organizational structure, its scientific work force and its technology infrastructure were overworked and inadequate so that the FDA could not possibly fulfill its mission. Worse still are the revelations revealed in discovery that pharmaceutical companies are more than willing to hide data from the FDA to get their products on the market even in the face of deadly consequences. Nevertheless, until Congress acts, medical device manufacturers are immune from suit based upon allegations concerning a defect which has been specifically approved by the FDA.

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not practicing

1055 Orange Blvd WPB..... 561-555-1284
never called back

815 US HWY 1 N. Palm Bch..... 561-555-1284
No answer

336 Northlake Blvd NPB..... 561-555-5668
information is

715 Broadway WPB..... 561-555-1970
no longer available

1217 Apache Rd WPB..... 561-555-9987
No service

323 St. Andrew Blvd. WPB..... 561-555-1125
does not handle workers comp

ROSENTHAL & LEVY..... 866-640-7117
1645 Palm Beach Lakes Blvd., Suite 350 WPB
1660 NW St. Lucie West Blvd., Suite 300 Pt. St. Lucie

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Bulletin Board

JUPITER-TEQUESTA DRIVE FOR SALE: Free standing 12, 600 sq.ft. building. Great signage & visibility! Extras include sound studio-auditorium seating- kitchen area. Close to Jupiter Island. Asking \$225 sq.ft. Possible owner financing. REBEL COOK real estate (561) 622-9920 rebelcook@rebelcook.com.

JUNO BEACH LAW OFFICE: Space to share or sublease (part or all) in location near Juno Beach Town Center, 340 Ocean Drive (A-1-A). Please call (561) 624-4735 or send fax (561) 624-4736. Juno Title Company.

FLAGLER DRIVE OFFICE SPACE: Class "A" building. Fourth floor with intracoastal views. Office with secretarial space for one or two staff. Kitchen, conference room, receptionist, telephone system, DSL, copier/scanner and parking garage. Referrals possible. (561) 655-9983.

OFFICE SPACE: East Boca Raton, downtown private office, furnished conference room, secretarial area, waiting room, and complete office equipment-share with established law practice. Call Art D'Almeida P.A. @ (561) 368-4674. 105 East Palmetto Park.

PALM BEACH GARDENS: Law office space available- PGA Blvd. and Prosperity Farms Road. All inclusive executive suite. Great option for a sole practitioner. Two large offices, use of conference room, lounge and library. Also includes receptionist services. Call Lynne at (561) 691-2020 for further information.

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

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

PALM BEACH GARDENS: Professional office – Clocktower Prof. Bldg., 814 sq.ft., 2 offices, reception & file area. Call (561) 338-0802. 8 a.m. to 4:00 p.m.

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

OFFICE SPACE: \$1,115 per month. Perfect for sole practitioner with one/two support staff. 555 square feet in Blackstone Building on SE corner of Clematis and Dixie. Located across from New City Center, 1 block from Courthouse. Reception area, two offices and storage area. Utilities, common area maintenance included. Call (561) 355-6919 or email devon@DontPayThatTicket.com.

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

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

WPB: Large, upscale legal office to sublet, overlooking Intracoastal / Trump Plaza with all amenities - receptionist, covered parking, kitchen, conference rooms; with use of fax, scanner and copier. (561) 659-4020.

PALM BEACH GARDENS FOR SALE: Penthouse office condo 2775 sq.ft. First Class office build out for law office. Nestled in Oak Park. Priced to sell at \$299 sq.ft. Cannot replace at this price. REBEL COOK real estate (561) 622-9920 rebelcook@rebelcook.com.

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

SHARE NEW OFFICE SPACE with two established attorneys in Boynton Beach's new Renaissance Commons. Available: windowed attorney office and administrator's cubical, shared reception, conference room. Elegant new construction space. call:(561) 214-4648 or email: Office@EsvLaw.com

PALM BEACH GARDENS: Law office offers 1 private office with 1 secretarial work station = \$1,500/mo. (or with 2 stations = \$2,000/mo) furn/unfurn in prestigious bldg. Includes use of 2 conference rooms, scanner/copier, kitchen, free parking, DSL and phone system. Northlake close to I-95 and Turnpike. Call (561) 775-8019.

HEARSAY



Rosenthal, Levy & Simon, P.A. announces that **Joy E. Greyer** is one of four in the state to achieve Board Certification as a Social Security Disability Advocate through the National Board of Legal Specialty Certification. **Ethan F. Kominsky** has been certified as a member of The Million Dollar Advocates Forum.



Patricia Alexander has joined Hodgson Russ LLP as Senior Counsel in the firm's Florida Family & Marital Practice Group in the Boca Raton Office.

Jeffrey L. Klein, JD, RFC, has achieved membership in the prestigious Million Dollar Round Table.

Shutts & Bowen LLP is pleased to announce that **Harvey E. Oyer, III** has joined the firm as a Partner and Chair of the Land Use Practice Group in West Palm Beach.



Tana Sachs Copple has joined the law firm of J. Mark Maynor, P.A. as an associate. Ms. Sachs Copple obtained her law degree from Nova Southeastern University, Shepard Broad Law Center.



Joseph A. Osborne, a partner in the law firm of Babbitt, Johnson, Osborne & Le Clair P.A., has been accepted into the Multi-Million and Million-Dollar Advocates Forums.

The Suskauer Law Firm, P.A. is pleased to announce that **Michelle R. Suskauer** has a new radio show "The Suskauer Hour" on Saturday mornings on WJNO 1290 AM from 9 a.m. to 10 a.m.

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CALENDAR

May 2008

Thursday, May 1, 11:45am – 1:00pm
Law Day Luncheon
 Marriott Hotel, West Palm Beach

Friday, May 2, 12:00 Noon
NCS Board Meeting
 Seasons 52
 Palm Beach Gardens

Saturday, May 3, 8:00am – 12:30pm
Youth Court Competition

Monday, May 5, 12:00 Noon
New Attorney Swearing In Ceremony

Tuesday, May 6, 12:00 Noon
Independence of Judiciary Committee Meeting
 Bar Association Office

Wednesday, May 7, 12:00 Noon
Professionalism Lunch Seminar
 Bar Association Office

Thursday, May 8, 8:00am – 3:45pm
Florida Bar Video Replay - Basic Dispute Resolution & Contract
 Drafting 2008
 Bar Association Office

Thursday, May 8, 1:00pm – 3:00pm
Judicial Ethics Advisory Committee Meeting
 Judicial Dining Room

Friday, May 9, 12:00 Noon
South County Bar Membership Lunch
 Muvico, Boca Raton
 Call (561) 482-3838 for more information

Tuesday, May 13, 12:00 Noon
Unified Family Law Practice Committee Meeting
 Main Courthouse Library Conference Room

Tuesday, May 13, 12:00 Noon
YLS Board Meeting
 Bar Association Office

Wednesday, May 14, 8:00am – 4:20pm
Estate & Probate Seminar "The 25th Annual Estate & Probate Seminar"
 Crowne Plaza Hotel, West Palm Beach

Thursday, May 15, 5:30pm – 8:00pm
NCS Jurist of the Year Dinner Meeting
 Ruth's Chris in North Palm B each

Friday, May 16, 8:30am – 12:00 Noon
Quality of Life Seminar
 Bar Association Office

Friday, May 16, 12:00 Noon
Cunningham Bar Association Meeting
 Law Library Conference Room

Saturday, May 17, 7:00pm – 11:00pm
South County Bar Association Banquet
 Boca Resort
 Call (561) 482-3838 for more information

Wednesday, May 21, 8:00am – 4:40pm
Florida Bar Video Replay Seminar "The Fundamentals of Elder Law II"
 Bar Association Office

Thursday, May 22, 5:00pm
PBCBA Board Meeting
 Bar Association Office

Thursday, May 22, 6:00pm – 8:30pm
PBCJA Reception
 Chesterfield Hotel, Palm Beach
 Call (561) 471-2807 for more information

Friday, May 23 – 24
PBCJA Fishing Tournament
 Call (561) 471-2807 for more information

Monday, May 26
Court Holiday - Memorial Day
 Office Closed

Tuesday, May 27, 5:00pm
Legal Aid Board Meeting
 Bar Association Office

Thursday, May 29
TFB Video Replay Seminar, "Basic Discovery"
 Bar Association Office



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

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

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The Estate and Probate Continuing Legal Education Committee presents:

The 25th Annual Estate and Probate Seminar
Wednesday, May 14 2008 - 8:00 a.m.- 4:20 p.m.
Crowne Plaza West Palm Beach, 1601 Belvedere Rd., West Palm Beach, FL

Program Schedule

8:00am - 8:20am	Late Registration and Check In
8:20am - 8:30am	Welcome & Opening Remarks - <i>Brian M. O'Connell, Esq., Casey Ciklin Lubitz Martens & O'Connell, Committee Chair</i>
8:30am - 10:00am	Case Law Date – <i>J.B. Murray, Esq., Squire, Sanders & Dempsey L.L.P.</i>
10:00am - 10:15am	Break
10:15am - 10:30am	Legislative Update - <i>Brian Felcoski, Esq., Goldman, Felcoski & Stone, P.A.</i>
10:30am - 11:00am	Tax and Related Ethics Update - <i>Michael A. Lampert, Esq., Michael A. Lampert, P.A.</i>
11:00am - 11:30am	Estate Planning for the Florida Resident Owning International Real Estate - <i>Francis E. Rodriguez, Esq., Shutts & Bowen LLP</i>
11:30am - 12:00pm	Judicial Update - <i>Honorable John L. Phillips, Honorable Richard L. Oftedal, and Honorable Jack H. Cook, Probate Division Judges, 15th Judicial Circuit</i>
12:00pm - 1:00pm	Lunch - Sponsored by Bernstein Global Wealth Management and the Pankauski Law Firm, P.L.L.C.
1:00pm - 1:50pm	Changing Landscape of Homestead - <i>Rohan Kelley, Esq.</i>
1:50pm - 2:20pm	Use of Disclaimers in Estate Planning - <i>Lisa A. Schneider, Esq., Gunster, Yoakley & Stewart, P.A.</i>
2:20pm - 3:05pm	Avoiding Malpractice in Your Probate Practice - <i>Warren R. Trazenfeld, Esq., Warren R. Trazenfeld, P.A.</i>
3:05pm - 3:20pm	Break
3:20pm - 3:50pm	A Primer on Directed Trusts - <i>John C. Moran, Esq., Gunster, Yoakley & Stewart, P.A.</i>
3:50pm - 4:20pm	Post-Death Application of Attorney-Client Privilege - <i>John Farina, Esq., Boyes & Farina, P.A.</i>

Sponsored By:



Probate & Investment Litigation

This course is expected to receive 8.0 CLER / Ethics & Certification credits are pending approval from The Florida Bar.

The cost of seminar, which includes lunch, is **\$190** for PBCBA members/paralegals; **\$230** for non-PBCBA members/paralegals if registered by May 7, 2008; add \$25 to registration fee after that date. **This seminar is for attorneys only.**

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made in writing and 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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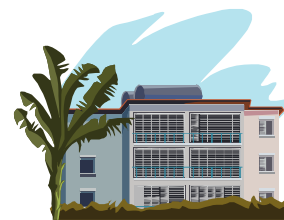
_____ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (Estate and Probate 5/14/08) Cost is the same as listed above.

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

The PBCBA Community Association Law Continuing Legal Education Committee presents:

The 19th Annual Community Association Law Seminar

Friday, June 6, 2008 8:55 a.m. – 12:00 p.m.
Bar Association – 1601 Belvedere Rd., WPB #302E



Program Schedule

8:30am - 8:55am	Late Registration and Check In
8:55am - 9:00am	Welcome - Michael J. Gelfand, Esq., Committee Chairperson <i>Gelfand & Arpe, P.A.</i>
9:00am - 9:20am	View from the Bench: Practical and Ethical Approaches to the Court - Honorable Glenn D. Kelley, Fifteenth Judicial Circuit
9:20am - 9:40am	Receivers: Considerations for Appointment, Duties and Ethical Considerations - Amir A. Isaiah, Lewis B. Freeman & Partners, Inc..
9:40am -10:30am	Water Law: Primer on Water Restrictions in our Drought and Counsel's Ethical Duties - Irene Kennedy Quincey, Esq., Pavese Law Firm
10:30am -10:45am	BREAK
10:45am -11:20am	Fair Housing Law: Case Law Update and Ethical Expectations - Pamela Guerrier, Esq., Palm Beach County Office of Equal Opportunity
11:20am -12:00pm	Case Law and Statutory Law Update and Practice Ethics - Michael J. Gelfand, Esq., Gelfand & Arpe, P.A.

This course is expected to receive **3.5 CLER including 3.5 Ethics credit / 3.5 Real Estate Certification credits** from The Florida Bar

The cost of the seminar is \$100 for PBCBA members/paralegals; \$140 for non-PBCBA members/paralegals if registered by 5/30/08; add \$25.00 after that date. ***This seminar is for attorneys only.***

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. 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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____ I will not be able to attend the seminar but would like to order the CD. (cost same as listed above/allow two weeks for delivery)
(19th Annual Comm. Assn Seminar 6/6/08)

Palm Beach County Bar Assn., 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.(561)687-2800

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



“Food For Thought: Digesting Current Market Conditions” Seminar

Friday, June 13, 2008 - 8:40 a. m. - 12:45 p.m.
Bar Association Offices

Program Schedule

- 8:40am - 9:00am Late Registration / Check in
- 9:00am - 9:10am Welcome and Opening Remarks - *Steven D. Rubin, Esq., Real Estate Committee Chair*
- 9:10am - 9:55am Crossroads: The Intersection of Real Property Law and Bankruptcy - Sales and Leases under the Code, and Ethical Considerations - *Eric A. Rosen, Esq., Eric A. Rosen, P.A.*
- 9:55am - 10:40am 2008 Legislative and Case Law Update and Ethical Considerations - *Michael J. Gelfand, Esq., Gelfand & Arpe, P.A.*
- 10:40am - 10:55am BREAK (Raffle - \$100 Gift Certificate to Local Restaurant)
- 10:55am - 11:40am The Mechanics of Short Sales and Other Creative (and Legal) Techniques to Sell Property in a Depressed Market, including Income Tax Consequences and Ethical Considerations - *Gregory R. Cohen, Esq., Cohen, Norris, Scherer, Weinberger and Wolmer*
- 11:40am - 12:45pm LUNCH (Raffle - \$100 Gift Certificate to Local Restaurant)
- 12:00pm - 12:45pm Title Potpourri - Can you answer these twenty title questions (including ethics) and eat lunch at the same time? - *Jalinda B. (“Jay”) Davis, Underwriting Counsel, Palm Beach Branch, Attorneys’ Title Insurance Fund, Inc.*

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This course is expected to receive **3.5 CLER hours including 3.5 Ethics credits / Real Estate Certification credit is pending approval** from The Florida Bar.
This seminar is for attorneys only.

The cost of the seminar (including lunch) is \$105 for PBCBA members/paralegals; \$145 for non-PBCBA members/paralegals if registered by 6/6/08; Add \$25 to registration fee after that date.

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be 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 (cost same as listed above/please allow two weeks for delivery) (Real Estate Seminar 6/13/2008.)

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

The Palm Beach County Bar Association's
Commercial and Business Litigation CLE Committee Presents:

“Corporate and Partnership Divorce - Beginning With the End”

Friday, June 27, 2008 8:00 a.m. – 12:00 p.m.

Bar Association Offices 1601 Belvedere Road, #302E, WPB, FL



Program Schedule




8:00a.m. - 8:20a.m.	Late Registration/Check In
8:20a.m. - 8:30a.m.	Welcome & Opening Remarks - <i>William C. Wright, Esq., The Law Offices of William C. Wright, P.A.</i>
8:30 a.m. - 9:00 a.m.	Non-Competition, Non-Solicitation & Confidentiality Agreements - <i>Joseph Santoro, Esq., Gunster, Yoakley & Stewart, P.A.</i>
9:00 a.m. - 9:30 a.m.	Law Firm Divorce - <i>David A. Rothstein, Esq., Dimond Kaplan & Rothstein, P.A.</i>
9:30 a.m. – 10:00 a.m.	When Healthcare Professionals Break Up - <i>Cathleen Scott, Esq., Cathleen Scott, P.A.</i>
10:00 a.m. – 10:15 a.m.	Break
10:15 a.m. – 10:45 a.m.	Legal and Equitable Remedies for Corporate Divorce - <i>Adam T. Rabin, Esq., McCabe Rabin, P.A.</i>
10:45 a.m. – 11:15 a.m.	Valuation of Closely Held Entities - <i>Christopher Kammerer, Esq., Gunster, Yoakley & Stewart, P.A.</i>
11:15 a.m. – 11:45 a.m.	Dissolution and Receivership - <i>Daniel J. Stermer, Esq., Lewis B. Freeman & Partners, Inc.</i>
11:45 a.m. – 12:00 p.m.	Open Discussion
12:00 p.m. - 1:00 p.m.	Lunch with the Judiciary: Case Management in Contentious Cases

This course is expected to receive **5.0 CLER credits** from The Florida Bar.

The cost of the seminar is \$115 (includes lunch) for PBCBA members/paralegals; \$155 for non-PBCBA members/paralegals if registered by 6/20/08; add \$25 to registration fee after that date. ***This seminar is for attorneys only.***

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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

HOW TO REGISTER	 MAIL the completed form w/check	 FAX the completed form to 561/687-9007	 ON-LINE at www.palmbeachbar.org
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Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406. Telephone: (561) 687-2800