



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

May 2010

Annual Installation Banquet June 20

Mark your calendar now for the PBCBA's Annual Installation Banquet which has been scheduled for Saturday, June 12 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. Invitations will be mailed shortly or you can register online at www.palmbeachbar.org.

Mark your calendar for upcoming Membership Meetings

Annual Judicial Reception

May 5, 5:30 – 7:00 p.m.
The Harriett at City Place

Law Day Luncheon

May 7, 11:45 – 1:00 p.m.
West Palm Beach Marriott
Guest Speaker: Alabama Judge
Helen Shores Lee

Joint Luncheon with the Forum Club

May 14, 11:15 – 1:00 p.m.
Guest Speaker: U.S. Supreme Court Justice
Anthony Kennedy
Cohen Pavilion at the Kravis Center

Young Lawyers Section Fishing Tournament

Saturday, June 5

Annual Installation Banquet

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

Judicial Candidate Forum

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

Annual Membership Happy Hour & Spelling Bee

August 19, 5:30 – 7:30 p.m.



Members of the Young Lawyers Section recently distributed toys, books and stuffed animals to children at St. Mary's Children's Hospital for Easter and Passover. From left to right are Christina Riso, Andrew Riso, Stephanie Eassa, Matt Ramenda (the Easter Bunny), Alana Zorilla-Gaston and Chris Cortez.



Law Day Luncheon May 7

Please join us to celebrate Law Day 2010 featuring our keynote speaker Alabama Circuit Judge Helen Shores Lee. The luncheon will be held at 11:45 on May 7 at the Marriott West Palm Beach. Come hear her story of growing up in a segregated society, having her house bombed and stories of her father arguing local civil rights cases with Justice Thurgood Marshall when he was a lawyer. She recently was a speaker at the Eleventh Circuit Judicial Conference and this is what some of the attendees had to say about her speech:

"Listening to her life experiences was both compelling and inspirational."

– U.S. District Judge Kenneth Marra

"Her vivid first-hand accounts of American Apartheid are stories that everyone should hear."

– Magistrate Judge James Hopkins

"Judge Shores Lee was a great speaker at the Eleventh Circuit Judicial Conference."

– U.S. District Judge Cecelia Altonaga

Inside...

President's Message	3
Who Are They?	4
Bankruptcy Corner	6
E-filing	8
Probate Corner	9
Judicial Profile	10
Technology Corner	11

New Members	12
Young Lawyers Section	13
Read Across Palm Beach County	15
Professionalism Corner	16
Board of Governors' Report	17
Joint Luncheon	18
Bulletin Board	19

THE
BULLETIN

**PALM BEACH COUNTY
BAR ASSOCIATION**

MICHELLE R. SUSKAUER
President

www.palmbeachbar.org

PATIENCE A. BURNS, CAE
Executive Director

Officers

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

Directors

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

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

FL Bar Board of Governors Representatives

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

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

Adam Myron
Matthew T. Ramenda
Elisha D. Roy

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

Advertising Information:

Shoshanah Spence • sspence@palmbeachbar.org

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

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

LETTERS TO THE EDITOR

The Palm Beach County Bar Association Bulletin welcomes your comments on topics relating to the law, the legal profession, the Palm Beach County

Bar Association or the Bar Bulletin. Letters must be signed, but names will be withheld upon request. The editor reserves right to condense.



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

Proposed Bylaws Amendment to be Presented May 7

At its November 2009 Board meeting, the Board of Directors voted to add the following language to the Association's bylaws. This amendment will be presented for a vote of the membership at its annual Law Day Luncheon on May 7 at noon at the Marriott in West Palm Beach

Amendment to Article VII, Committees

Addition of a Section 6 as follows:

Section 6. Standing Committee for Diversity and Inclusion. This section shall establish a standing committee to be known as the Committee for Diversity and Inclusion (CDI). The duties of the CDI shall be to: 1) promote principles of diversity and inclusion as set out in the Corporation's Anti-Discrimination Policy; and 2) implement or continue programs designed to increase the diversity of the Corporation's membership and the local legal community. Each year, the President shall appoint a member of the Corporation's Board of Directors to serve as the Chair or as a Co-Chair of the CDI. The board member appointed as Chair or Co-Chair of the CDI shall report on the activities of the CDI at Board's monthly meetings. The chair(s) of the CDI shall, to the extent practicable, work in coordination with any Florida Bar committee(s) tasked with promoting diversity and inclusion.

Volunteers needed to serve on committees

This is the time of year that the president-elect, Michael Napoleone, 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 were recently e-mailed to all Bar members. Additionally, the form is also available on-line at the Bar's web site – www.palmbeachbar.org/commpref.php. Please take the time to volunteer to serve YOUR Bar Association.

probate litigation

pankauski

LAW FIRM

P. L. L. C.

(561)

514 – 0906

support@pankauskilawfirm.com



Today, the law is changing dramatically as it seeks to shape and adapt to new conditions and circumstances. The theme for Law Day 2010 provides us with an opportunity to understand and appreciate the emerging challenges and enduring traditions of law in the 21st century. To provide diverse perspectives on this challenging theme, I asked some of our local leaders in the law to offer their reflections on the following question:

What do you personally think is the most significant or interesting challenge that confronts law in the 21st century? In meeting this challenge, what legal tradition should we strive to maintain?

FL Supreme Court Justice Barbara J. Pariente

The most enduring tradition in the law is an impartial judiciary. A separate and independent judiciary—the third branch of government— is critical in our democracy to protect constitutional rights of all individuals and to uphold the rule of law. Emerging challenges in the 21st century include how to use technology to better provide access to justice without impermissibly intruding on an individual's privacy rights. Another continuing challenge is how to instill professionalism in the ever-increasing number of lawyers admitted to practice in this State.

James L. Martz, Palm Beach County Court Judge

Through my involvement in the justice systems in Africa, Europe and even the Bahamas, I have learned that our example in the United States provides the impetus for change that protects the individual rights and obligations of citizens and abhors inhumane treatment. Fortunately, their perception of the strength of the rule of law in our country is often overstated by those who strive to achieve a similar standard. It is time to live up to our reputation. Without vigilance and dedication to the ethics of our profession we are destined to give way to the divisive agendas of those who choose personal gain over orderly, humane governance under the rule of law with liberty and justice for all.

Denise Nieman, County Attorney for Palm Beach County

The significant strains placed on the judicial system by the mortgage and credit crisis will challenge our ability to continue to treat each claim individually and with equanimity. And, striving to keep the law and justice system open to resolve serious disputes, while remembering that neither should be the first resort for citizens of a nation where freedom still means something.

Grasford W. Smith, President-Elect, F. Malcolm Cunningham, Sr. Bar Association

The most significant challenge of the 21st century is to completely eradicate the stubborn legacy of racism and discrimination in this country and other parts of the world once and for all. To meet this challenge we must summon the courage and bold leadership of Martin Luther King Jr. who insisted that we recognize our common humanity above all that divides us, the wisdom of Thurgood Marshall who convinced the U.S. Supreme Court to strike down the invidious Plessy v. Ferguson decision as unconstitutional, and the uncompromising vision of Charles Hamilton Houston who warned us that a lawyer is either a social engineer or a parasite on society.

Michael F. McAuliffe, State Attorney, Fifteenth Judicial Circuit

One fundamental challenge of the law in the 21st century is to ensure that the general public is being adequately protected from harm while, at the same time, individual rights are being respected. This is the great and healthy tension of the American legal tradition.

Scott G. Hawkins, President Elect-Designate, The Florida Bar

I think it is important that lawyers appreciate the great potential they have to exercise leadership at multiple levels – with clients, in the community, in service to the profession and in public service. History is replete with numerous examples of lawyers who have greatly served their communities, states and nation. Bar Association and University Presidents Ferro, Criser and D'Alemberte are prime examples.

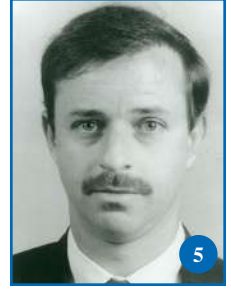
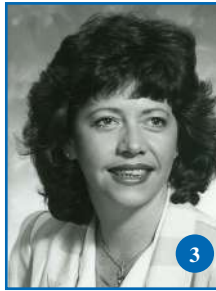
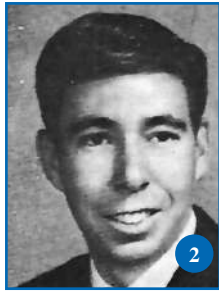
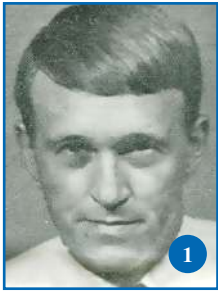
Robert Bertisch, Executive Director, The Legal Aid Society of Palm Beach County

One of the most significant challenges facing the legal profession in Palm Beach County in the 21st century in ensuring access to our judicial system to all individuals in our community is our increasingly multicultural/multilingual population, which requires attorneys who are sensitive to the legal needs of a diverse population, as well as funding to ensure the highest quality of legal representation in both the civil and criminal arenas regardless of an individual's ability to pay. This goal is in keeping with the highest tradition of the legal profession where we promise "never to reject from any consideration...the cause of the defenseless or oppressed.

Please join us to celebrate Law Day 2010 on May 7 featuring our keynote speaker Alabama Circuit Judge Helen Shores Lee. Come hear her story of growing up in a segregated society, having her house bombed and stories of her father arguing local civil rights cases with Justice Thurgood Marshall when he was a lawyer.

Who are they?

Can you guess who these members are? Answers can be found on page 17. If you have old pictures of yourself or other members that you'd like featured, please send them to Patience Burns at the Bar Office.



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:

- Live CLE seminars and CD's (savings of \$40 per seminar)
- Office supplies
- Movie Tickets (savings of about \$2 per ticket)
- Theme Park Tickets
- One free classified ad per year (valued at \$50)
- Daily Business Review
- Brooks Brothers
- Credit Card Processing
- Disability Insurance
- Annual Judicial Reception
- Personal Excess Liability Insurance
- Professional Liability Insurance
- Members only events (such as luncheons with US Supreme Court Justices)

and Programs:

- Mentor Program
- Professionalism Council
- Young Lawyers Section (Free Happy Hours valued at \$25 per event)
- North County Section
- Community Service Opportunities

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

Attorneys that Closed Pro Bono Cases in February 2010

The following attorneys closed their pro bono cases in February 2010:

Richard Abedon
Joel M. Comerford
Jeffrey Hap
Lawrence Moncrief
Charles W. Musgrove

Michael Shane O'Meara
Kristina B. Pett
Shannon Roundtree
Michael Stern

Rena Taylor
Antoinette Theodossakos
Jorga Williams
Nancy Wright
Pamela Wynn

Total number of cases: 38
Total number of hours: 133.4



W. JAY HUNSTON, JR. Mediator/Arbitrator

- J.D. Stetson Univ. College of Law (1976)
- Florida Bar Board Certified Civil Trial Lawyer (1983-2003)
- Florida Bar Board Certified, Emeritus in Civil Trial Law (2003-Present)
- Florida Certified:
 Circuit Civil Mediator (1991-Present)
 Family Mediator (1998-Present)
- NASD/FINRA Approved Mediator
- Qualified Florida Arbitrator
- Admitted to Practice in Florida and Montana
- Hourly and Per Diem Rates Available upon Request

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

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



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

"Practical, Legal, and Ethical Considerations in *the* Use of Experts"

Monday, May 10, 2010 9:00 a.m. – 1:00 p.m.

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

Program Schedule



- 8:45 a.m. - 9:00 a.m. **Late Registration/Check In**
- 9:00 a.m. - 9:15 a.m. **Welcome & Opening Remarks** - *Phillip H. Hutchinson, Esq., Greenberg Traurig, P.A., Commercial Litigation Committee Chairperson*
- 9:15 a.m. - 10:00 a.m. **Practical, Legal, and Ethical Considerations in *the* Use of Experts** - *Barry S. Balmuth, Esq., Board Certified Civil Trial and Business Litigation Lawyer, Barry S. Balmuth, P.A.*
- 10:00 a.m. - 10:15 a.m. **BREAK**
- 10:15 a.m. - 11:00 a.m. **Expert Testimony From the Expert's Perspective** - *James P. Robinson, CPA/ABV, CFF, Edward D. Deppman, CPA/ABV, CFF, and Melisse G. Burstein, CPA/ABV, CFF, Gerson, Preston Robinson & Company, P.A.*
- 11:00 a.m. - 11:45 a.m. **Scientific Evidence Under *Frye* and *Daubert*** - *Kenneth J. Vianale, Esq., Vianale & Vianale, LLP*
- 11:45 a.m. - 12:00 p.m. **Lunch Buffet**
- 12:00 p.m. - 1:00 p.m. **Lunch With The Judiciary: Roundtable Discussion with** - *Honorable Judges David F. Crow and Donald W. Hafele, 15th Judicial Circuit*

SPONSORED BY:



This course is expected to receive **4.0 CLER including 4.0 Ethics credits / Certification credits are pending from The Florida Bar**. The cost of the seminar is **\$100(includes lunch)** for PBCBA members/paralegals;

\$140 for non-PBCBA members/paralegals if registered by **5/7/10**; add \$25 to registration fee after that date.

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

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

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

Name: _____ Telephone #: _____

Address: _____ Email Address: _____

Credit Card #: _____ Visa: _____ AMEX: _____ MasterCard: _____

Name on the Card: _____ Exp: _____

Amount to Charge: \$ _____ Signature: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (5/14/10 Commercial Lit. Seminar.) Cost is the same as listed above., in addition to \$10 for shipping and handling

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

Young Lawyers Volunteer for Habitat for Humanity



The Young Lawyers Section rolled up their sleeves to help families in need by painting, landscaping and carpentry. The house they are pictured in front of is the 100th house built by Habitat for Humanity in Palm Beach County. This house is one of 27 in the Jupiter area known as Kennedy Estates. "It would have been easy to host a fundraiser and donate a check to Habitat, but instead we opted for a hands-on project to really make a difference in our community," said Julia Wyda, co-chair for the event.



County Court Judge James Martz, Miles McGrane, the habitat homeowner, FL Bar Board of Governors Member David Prather and Julia Wyda work on applying wood to the side of the roof.



Tanya Reed and Rachel Johnson add the finishing touches to the paint inside one of the homes



Nick Johnson, Tavis Souder, Collin White and Lee McElroy break concrete and haul it to a dumpster to prepare a new home site.



Julia Wyda uses power shears to trim down the siding that was applied to one of the homes.




Theo Kypreos, Timothy Grice, Michael Wheeler, Bill Lazarchick, Dustin and Lindsay Demmery after having just cleared debris from some palm trees.

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


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

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

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



Mellon
The difference is measurable.™



LENDER Member FDIC www.mellonunited.com ©2006 Mellon Financial Corporation

A BETTER COPY CENTER
supports the
Palm Beach County Bar Association

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



**919 North Dixie Highway
West Palm Beach, FL. 33401**
"Celebrating our 21st year!"
(561) 655-4944
www.bettercopycenter.com

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

Video tapes Converted to DVD
Audio Cassette Tapes Converted to CD

Free Pickup & Delivery
(in our extensive delivery area)



You May Be A Debt Relief Agency!

Submitted by: Marc P. Barmat

Are you an attorney who provides “bankruptcy assistance”¹ to an “assisted person”² in return for payment? If the answer is yes, then the United States Supreme Court has ruled that you are a “debt relief agency”³ within the meaning of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (BAPCPA). So, why does this matter to you?

If you are a debt relief agency, then BAPCPA subjects you to a number of restrictions and requirements. One such restriction is set forth in 11 U.S.C. § 526(a)(4), which states that a debt relief agency shall not “advise an assisted person... to incur more debt in contemplation of such person filing a case under this title...” Further, pursuant to 11 U.S.C. § 528(a)(4), (b)(2)(B), a debt relief agency is required to make the following disclosure in its advertising, or something substantially similar: “We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.”

In the case of *Milavetz, Gallop & Milavetz, P.A. v. United States of America*, --- S.Ct. ---, 2010 WL 757616 (U.S.), a law firm practicing bankruptcy law, two lawyers from the firm, and two clients of the firm filed a pre-enforcement declaratory relief

¹ The term “bankruptcy assistance” means any goods or services... provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors’ meeting or appearing a case or proceeding on behalf of another or providing legal representation with respect to a case or proceeding under the title. 11 U.S.C. §101(4A)

² The term “assisted person” means any person whose debts consist primarily of consumer debts and the value of whose nonexempt property is less than \$150,000. 11 U.S.C. §101(3)

³ The term “debt relief agency” means, with limited exceptions, any person who provides any bankruptcy assistance to an assisted person in return for... payment..., or who is a bankruptcy petition preparer... 11 U.S.C. §101(12A)

lawsuit against the United States arguing that attorneys are not “debt relief agencies” and challenged the constitutionality of the advice restriction, 526(a)(4), and the advertising disclosure requirements, 528(a)(4), (b)(2)(B).

Writing for the Supreme Court in *Milavetz*, Justice Sotomayor determined that the term “debt relief agency” plainly includes attorneys. Justice Sotomayor found that by definition, “bankruptcy assistance” includes several services commonly provided by attorneys and that attorneys are not listed in the specific exceptions to the definition of debt relief agency enumerated in the Code. *Id.* at 1.

Justice Sotomayor next turned to the scope and validity of the 526(a)(4) advice restriction. Justice Sotomayor found that as used in 526(a)(4), the phrase “in contemplation of” bankruptcy refers to a specific type of misconduct designed to manipulate the protections of the bankruptcy system and concluded that 526(a)(4) prohibits a debt relief agency only from advising a debtor to incur more debt because the debtor is filing for bankruptcy, rather than for a valid purpose. That is, 526(a)(4) prohibits advice to “load up” on debt with the expectation of obtaining its discharge. *Id.* at 8. Based upon this narrow reading, Justice Sotomayor found the advice restriction to be constitutional.

Finally, Justice Sotomayor found that the §528 disclosure requirements, which require a debt relief agency to identify itself as a debt relief agency and to include certain information about its bankruptcy-assistance and related services, are reasonably related to government’s interest in preventing consumer deception and are constitutional as applied to attorneys. *Id.* at 13.

In summary, given the Supreme Court’s narrow reading of the advice restriction, bankruptcy attorneys can continue to provide their clients with advice to incur more debt so long as the debt has a valid purpose and is not incurred with the expectation of discharging it in bankruptcy. Further, if you are a debt relief agency, be sure that your advertisements include the required disclosure language.

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

Family Law Luncheon CLE May 21, 11:45 – 1:00 p.m. Bar Association Offices

Topic: “Client Intake and Consultation...Getting the Best Client”
Speakers: Jeffrey A. Weissman, Esq., Gladstone & Weissman
COST: \$35.00/Members per seminar; \$75.00/Non-members
(add \$10 late registration fee if not registered 7 days before seminar date)

**Lunch Sponsored By: Complete Legal Investigations
and Lincoln Park Financial Group, LLC**

Don’t miss the Legal Aid Society’s premier event to recognize the pro bono contributions of attorneys and professionals in our community, **May 8** at the Palm Beach County Convention Center. Proceeds from the event enable the Legal Aid Society to provide free civil legal services to disadvantaged individuals, families, and children who, in light of the current economic climate, need our assistance more than ever.

Please join us for ...



22nd ANNUAL PRO BONO RECOGNITION EVENING & AUCTION

Event tickets and drawing tickets are still available!

Call Devin Krauss, Special Events Coordinator, at 561-822-9791 today!

Silver Anniversary

Still Fighting for the Injured

Gerry Rosenthal founded this law firm with one mission: **Fighting for the Injured**. Today, the firm enjoys a national reputation for toxic exposure mass workers' compensation litigation. Beginning more than a decade ago, Jon Levy and Steve Simon solidified Rosenthal, Levy & Simon as one of Florida's leading personal injury and disability law firms. The firm has evolved. The mission remains unchanged.

Fighting for the Injured is a privilege we have enjoyed for 25 years.



Gerald A. Rosenthal

Jonathan T. Levy

Steven C. Simon

"Our success on behalf of tens of thousands of Floridians has been earned through the hard work of our attorneys and staff. It has been and remains my pleasure to work with such a dedicated group of professionals."

~Gerry Rosenthal

1985

1985

*Gerald Rosenthal
founds law firm.*

1993

*The firm became
Rosenthal & Weissman.*

1998

*Jonathan T. Levy
joined the firm.*

2001

*Steven C. Simon
joined the firm.*

2003

*The Port St. Lucie
Office opens.*

2004

*The firm became
Rosenthal & Levy.*

2007

*The firm became
Rosenthal, Levy & Simon.*

2010

*Rosenthal, Levy & Simon
Celebrates 25 Years as a
South Florida Law Firm.*

2010



Fighting for the Injured

Rosenthal, Levy & Simon, P.A.

ATTORNEYS AT LAW

www.RosenthalLevy.com

Toll Free: 1-866-640-7117

West Palm Beach ♦ Port St. Lucie ♦ Nationwide



The Business Law Practice Committee of the
Palm Beach County Bar Association
presents:

**“Tax Considerations in Drafting Limited Liability Company
and Partnership Agreements: An Overview”**

Wednesday, May 26, 2010 - 11:30am - 2:00p.m.
Esperante Building - The Palm Conference room
222 Lakeview Avenue, WPB, 33401

Sponsored by:



Program Schedule

- 11:30am - 11:45am **Buffet Lunch / Check In / Late Registration**
- 11:45am - 12:00pm **Welcome - Opening Remarks** - *Pauline Markey, Esq.,
Fox Rothschild LLP*
- 12:00pm - 1:00pm **Drafting LLC Agreements** - *Jerald David August, Esq.,
Co-chair Tax & Estates Department, Fox Rothschild LLP*
- 1:00pm - 2:00pm **Question and Answer Session**

This course has been granted 1.0 CLER/1.0 Bus. Lit; 1.0 Tax Certification credits from The Florida Bar. The cost of the seminar, **including lunch**, is **\$30** for PBCBA members/legal assistants, **\$40** for non-PBCBA members/legal assistants. Register now to save \$10.00. **After 5/19/10, add \$10.00.**

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
------------------------	--	---	--

Please register me for the May 26, 2010 Business Law CLE Seminar:

Name: _____ **Telephone:** _____

E-mail: _____

Address: _____ **City/Zip** _____

Name on Credit Card: _____ **Signature:** _____

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

___ I will not be able to attend the seminar but would like to order the CD Rom. (allow two weeks for delivery) (Business Law 5/26/10) **Cost is the same as listed above, in addition to \$10 for shipping and handling.**

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

E-filing will it ever get here?

*Submitted by Walter "Casey" Jones, Chair,
Technology Committee*

I recently had the opportunity to sit down with our Clerk of Courts and Comptroller, Sharon Bock, to see where we are on e-filing and storage of pleadings in our County. We have all heard the e-filing and online access is coming. Online access to scanned pleadings is already here just not available to attorneys or the public. Currently the legislature is trying to reconcile the various differences and come up with a uniform system of filing and access without divulging confidential information.

Here are some frequently asked questions about the issues answered by our Clerk of Courts and Comptroller, Sharon Bock.

1. Where are we currently with the court computer system?

The implementation of the new Case Management System (ShowCase) is well underway and scheduled for criminal court go-live this fall. Civil court will go-live 180 days later. Simultaneously, we are in the process of submitting an application to the Supreme Court for the ability to accept attorney's electronically filed documents (e-file) once ShowCase is available.

2. Why don't Lawyers have the ability to view court documents online?

In 2003, the Supreme Court issued Administrative Order No. AOSC03-49, which declared a moratorium on the electronic access to imaged court documents, until the court could address privacy issues. Although several county clerks had already been providing electronic access, the effect of the Supreme Court A.O. was to disable the current use and disallow further implementation of other clerks' projects. In 2006, the Florida Legislature amended F.S. 119.071 to address privacy concerns; however, the Supreme Court

moratorium persists. Therefore, e-filing and the viewing of online records in Florida's courts remain stalled.

3. When will online viewing of court documents be available to attorneys?

In 2005, the Palm Beach County Clerk's office began scanning court documents and using those imaged documents internally instead of the traditional paper files. These images are available to all judges and their staff. The current Palm Beach County case management system (BANNER) is antiquated and was never designed to support electronic documents over the web. Should the moratorium be lifted, attorneys will be able to view these documents online within months of the implementation of the new case management system.

4. Are the electronic records secure from tampering or unauthorized viewing?

Like banking transactions, payments online, and filing your taxes, the technologies that protect sensitive information from tampering and unauthorized viewing are widely used in all industries, including the Clerk & Comptroller's Office.

5. What are the benefits of online access to court documents?

Attorneys will realize a significant savings of time and money when e-filing and electronic access are permitted. Simultaneous filing and viewing of your court documents will be available 24/7.

The Clerk's office would realize an immediate reduction in operating costs. However, the largest benefit will come with the judiciary's adoption of a paperless court.

One Client. One Attorney. One Promise.

In the coming weeks you will be receiving your Florida Bar dues statement. As you know, we are required to report how we fulfilled our pro bono responsibility for 2009-2010. By now you should have received your Campaign for Equal Justice recruitment letter. In addition, you have probably heard about the statewide pro bono "One" campaign. One client, One attorney, One Promise. Both of these campaigns highlight the increased need for your support. Pro Bono participation, through client representation and/or financial contribution is more critical today than ever as we continue to struggle with a severe economic crisis and receive over 30 calls per day from families facing foreclosure as well as a substantial increase in cases involving domestic violence. Additionally, the number of families eligible for our services has significantly increased in the past 2 years due to the dramatic rise in unemployment facing our friends and neighbors. We know that you understand the importance of continuing to make legal services accessible to low income individuals in Palm Beach County. Please take a moment to fill out and return the Campaign for Equal Justice form. Remember you only have until September 30, 2010 to fulfill your pro bono obligation for 2009-2010. Your commitment to pro bono makes the difference in the lives of children and families throughout Palm Beach County. If you did not receive your Campaign for Equal Justice form or would like more information please contact Kim Rommel-Enright at 561-822-9769 or kenright@legalaidpbc.org

Movie Tickets make great gifts for teachers, clients and staff!

The PBCBA has discount movie tickets available for its members. Remember, these tickets make great gifts for family, babysitters, staff, clients and end of the year gifts for teachers. Savings are available for the following theaters:

- *Muvico Theater - \$7.50 each (\$10.00 at box office)
- *Regal Theaters \$7.50 each (\$10.00 at box office)
- *Cobb Theatres \$7.50 each (\$9.75 at the box office)

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

PRICES ARE SUBJECT TO CHANGE





Proper Attestation of a Will

By David M. Garten, Esq.

- A will must be signed by two attesting witnesses in the presence of the testator and in the presence of each other. *See* §732.502(1), Fla. Stat.; *Price v. Abate*, 9 So. 3d 37 (Fla. 5th DCA 2009) (the mere fact that the attesting witnesses were in the vicinity of one another at the time the testator signed the will was insufficient to satisfy the statutory requirement). The purpose of this statute is to assure not only that the signature on the will is that of the testator, but to provide reasonable assurance of the circumstances under which the signature was affixed to the document. *See* *Manson v. Hayes*, 539 So. 2d 27, 28 n.2 (Fla. 3d DCA 1989). There is little likelihood of fraud in the execution when all parties sit at the same table and affix their signatures in the presence of each other.
- Any person “competent to be a witness” may act as a witness to a will. *See* §732.504, Fla. Stat. Competency is determined at the time of the execution of the will and not at the time the will is offered for probate. *Cf.* §733.201(3), Fla. Stat. A witness is presumed competent to testify until the contrary is established. *See* §90.601, Fla. Stat.; *Rutherford v. Moore*, 774 So. 2d 637 (Fla. 2000); *Hawk v. State*, 718 So. 2d 159 (Fla. 1998). A witness is incompetent to testify if the Court determines the witness is (1) unable to communicate to the Court; (2) unable to understand the duty to tell the

- truth; or (3) unable to perceive and remember the events. *See* *Rutherford, Supra*; *citing* §§ 90.603, 90.604, Fla. Stat..
- The witness is not required to make any determination regarding the testator’s capacity, the voluntariness of his act, or whether the instrument being signed is, in fact, his will. *See* *In re Estate of Beaks*, 306 So. 2d 99 (Fla. 1975); *York v. Smith*, 385 So. 2d 1110 (Fla. 1st DCA 1980); *In re Estate of Wognum*, 279 So. 2d 66 (Fla. 4th DCA 1973). *But see* §732.503 Self-proof of will (the witnesses must sign an oath that the testator declared the instrument to be his will).
- The attestation of a witness is not barred because he has an interest under the will. *See* §732.504(2), Fla. Stat.
- Witnesses do not have to sign the will at any particular place on the Will. *See* *In re Estate of Charry*, 359 So. 2d 544 (Fla. 4th DCA 1978).
- The order in which the signing occurs makes no difference. *See* *Bain v. Hill*, 639 So. 2d 178 (Fla. 4th DCA 1994).
- It is not advisable for the attorney to act as a witness. If there is a will contest, the attorney will be a witness and therefore, disqualified from acting as litigation counsel (as opposed to administration counsel) in the will contest. *See* *Larkin v. Pirthauer*, 700 So. 2d 182 (Fla. 4th DCA 1997); *Eccles v. Nelson*, 919 So. 2d 658 (Fla. 5th DCA 2006).
- A testator must strictly comply with these statutory requirements in order to create a valid will. *See* *Allen v. Dalk*, 826 So. 2d 245 (Fla. 2002), *citing* *In re Bancker’s Estate*, 232 So. 2d 431 (Fla. 4th DCA 1970).



ARC Mediation
Bringing People Together

 Edward Rodgers *	 Walter Colbath, Jr *	 Cathleen Scott, Esq.	 Michael Gelfand, Esq.			
 Deborah Baker, Esq.	 Thomas Schwartz, Esq.	 Stephen G. Fischer, Esq.	 Brendan Heneghan, Esq.	 John W. Gary III, Esq.	 David Horvath, Esq.	 John Henneberger, Esq.
 Michelle Berg, Esq.	 Louis Pfeffer, Esq.	 Steven Rubin, Esq.	 Edward B. Deutsch, Esq.	 Richard Meehan, Esq.	 Maura Curran, Esq.	 Frederick W. Ford, Esq.
 Kolleen Bylcw, Esq.	 Terry Watterson, Esq.	 Gary S. Costales, Esq.	 Micheal A. Edwards, Esq.	 Judith A. Ripps, Esq.	 Donna Melise, Esq.	
 Connie Kerwick, Esq.	 Lawrence Newman, Esq.	<p>Your Full Service Firm of Mediators & Arbitrators</p> <p>* Retired Circuit Judge</p>		 Ryan Copple, Esq.	 Thomas Kingcade, Esq.	

ARC Mediation accommodates clients throughout Florida, from Miami-Dade through the Treasure Coast and beyond.
561-712-4717 • www.arcmediation.com



The Estate and Probate Continuing Legal Education Committee presents:
 The 27th Annual Estate and Probate Seminar
 Wednesday, May 19, 2010 - 8:55a.m.- 5:00p.m.
 Crowne Plaza West Palm Beach, 1601 Belvedere Rd., West Palm Beach, FL

Program Schedule

8:30a.m. - 8:55a.m.	Late Registration and Check In
8:55a.m. - 9:00a.m.	Welcome & Opening Remarks - Brian M. O'Connell, Esq., Board Certified Wills, Trusts & Estates Attorney, Casey Ciklin Lubitz Martens & O'Connell, Committee Chair
9:00a.m. - 10:30a.m.	Case Law Update - J. B. Murray, Jr., Esq., Squire Sanders & Dempsey LLP
10:30a.m. - 10:40a.m.	Break
10:40a.m. - 11:10a.m.	Legislative Update - Speaker to be announced
11:10a.m. - 11:55a.m.	Tax Law/Ethics Update - Michael A. Lampert, Esq., Board Certified Tax Law Attorney, Michael A. Lampert, P.A.
11:55a.m. - 12:15p.m.	Judicial Update - Honorable Probate Judges Jack H. Cook and Richard L. Oftedal
12:15p.m. - 1:15p.m.	Lunch
1:15p.m. - 2:00p.m.	Recent Developments in Surcharge Fiduciary Litigation - James G. Pressly, Jr., Esq., Pressly & Pressly, Board Certified Wills, Trusts & Estates Attorney
2:00p.m. - 2:50p.m.	Preventing Malpractice in Estate Planning and Administration, Including Ethical Considerations - Joseph John Farina, Esq., Boyes & Farina, P.A., Board Certified Wills, Trusts & Estates, and Business Litigation Attorney
2:50p.m. - 3:00p.m.	Break
3:00p.m. - 3:30p.m.	Estate Planning and the Custody of Minor Children - Elisha D. Roy., Esq., Sasser, Cestero & Sasser, P.A., Board Certified Marital & Family Law Attorney
3:30p.m. - 4:00p.m.	Elective Share Update: A Case Study - Laird A. Lile, Esq., Laird A. Lile, P.A., Board Certified Wills, Trusts & Estates Attorney
4:00p.m. - 4:30p.m.	Real End of Life Issues: Dealing with the Remains - Shane Kelley, Esq., The Kelley Law Firm, PL, Board Certified Wills, Trusts & Estates Attorney
4:30p.m. - 5:00p.m.	Real Estate in Crisis; Administration, Distribution & Disposition - William E. Boyes, Esq., Boyes & Farina, P.A., Board Certified Wills, Trusts & Estates Attorney

Sponsored By:



Probate & Investment Litigation



This course has been granted 8.0 CLER Including 2.0 Ethics credits / 6.0 Elder Law; 6.0 Wills, Trusts & Estates Certification credits from The Florida Bar. The cost of seminar, which includes lunch, is \$215 for PBCBA member attorneys/paralegals; \$255 for non-PBCBA member attorneys/paralegals if registered by May 12, 2010; add \$25 after that date. **This seminar is for attorneys only.**
 All refund requests must be made in writing and made no later than 48 hours prior to the date of the seminar.

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

Name: _____ Telephone #: _____
 Address _____ Email Address: _____
 Credit Card #: _____ Visa _____ AMEX _____ MasterCard _____
 Name on the Card: _____ Exp: _____
 Amount to Charge: _____ Signature _____

_____ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (Estate and Probate 5/19/10) Cost is the same as listed above., in addition to \$10 for shipping and handling.

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

Judicial Profile: Spencer D. Levine

By Kara Berard Rockenbach*

In a few short minutes of meeting with Judge Levine, one quickly recognizes this is an intelligent man with an affable manner. I first met Judge Levine when he interviewed in 2008 for a vacancy on the Fourth District Court of Appeal. It is no secret that despite the potentially anxious environment of a JNC interview, Spencer Levine quickly placed the entire judicial nominating commission at ease with his genuine demeanor and self-deprecating humor. Although I cannot recall the specific quip he made, his sincerity and good nature made a lasting impression. The legal community witnessed this same esprit de corps at Judge Levine's investiture proceeding on August 28, 2009. Afterwards, Judge Levine guilelessly joked that it felt similar to a wedding, then rapidly followed with the sobering recognition that the investiture was a humbling experience.

Since his appointment by Governor Charlie Crist and investiture to the Fourth District Court of Appeal, Judge Levine has focused on his personal creed – "lead by example" and "build coalitions." Judge Spencer Levine commenced his dedication to public service after graduation from the University of Miami, School of Law when he worked as an Assistant State Attorney in Palm Beach County for the 15th Judicial Circuit State Attorney's Office. After nine years, Judge Levine continued his commitment to serving this county's citizenry as General Counsel for the Palm Beach County Sheriff's Office. While working in private practice, Judge Levine flexed his legal skill in Florida's appellate courts and Federal appellate court by writing many appellate briefs and attending oral arguments.

Perhaps the most significant public service contribution to date, however, was his work as Director of Florida's Medicaid Fraud Control Unit. Serving the citizens in Florida in this role of leading a large organization, including 27 lawyers, 30 financial analysts, and 146 sworn officers in 9 statewide offices, Judge Levine learned to hone his coalition-building skill, as well as his lead by example characteristic. The Medicaid Fraud Control Unit is responsible for policing what has become Florida's \$16 billion per year Medicaid program. Medicaid Fraud costs Floridians hundreds of millions of dollars each year when health care providers bill for services never performed, over bill for services provided, or bill for tests, services and products which are medically unnecessary. As Director of the Unit, Judge Levine oversaw all criminal investigations and prosecutions of provider fraud, kickbacks, self-referrals, patient brokering, civil false claims and *qui tam* actions. In addition to investigating fraud committed by health care providers, Judge Levine's Unit also investigated and prosecuted patient abuse and neglect and exploitation of the elderly, ill and disabled residents of long term care facilities such as nursing homes, facilities for the mentally and physically disabled and assisted care living facilities. Under Spencer Levine's leadership as Director of Medicaid Fraud Unit, the citizens of the State of Florida recouped over \$200



million in *qui tam*, or whistleblower, cases.

When asked what drives Judge Levine in search of equity or fairness, he responds that he likes to strike a work-life balance. Although very conscientious in his work ethic and pursuit of justice, Judge Levine values his family time. Married for eighteen years to Judith Levine, General Counsel of the Broward County Sheriff's Office, Judge Levine and his wife are the proud parents of three beautiful daughters, Rachel, Hannah, and Tamar. When not reading briefs, researching the law, or penning opinions (yes, the old fashioned way), Judge Levine enjoys taking his girls to the Florida Panthers games. With Judge Levine's conscientious approach to cases, fair-minded internal compass, broad legal experience, he clearly is an asset to the Fourth District Court of Appeal.

*Chair of the Palm Beach County Bar Association Professionalism Committee and Immediate Past Chair of the Fourth District Court of Appeal Judicial Nominating Commission

Save the Date Judicial Candidate Luncheon

Wednesday, June 16, 2010

11:45 am - 1:00 pm

Crowne Plaza Hotel

R.S.V.P. at
www.palmbeachbar.org

Board of Directors Meeting Attendance

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



Lawyer's Guide to Foursquare & Yelp

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

Lawyers were fairly quick to catch onto the trend of Twitter and Facebook. Deposition questions about email and social networking habits now frequently arise, while online lawyer marketing and blogging have become fairly commonplace. In fifteen minutes, you can master two new Internet services that will help you both market your law practice and obtain clever information for your cases.

Surprisingly, these opportunities do not come from either Microsoft Bing or Google Buzz, the recent products heavily advertised by two cornerstones of the Internet. Instead, the new model is location-based social networking, through Foursquare and Yelp, which build upon Facebook and Twitter. Unlike previous Internet enterprises, which encourage users to remain fixed to desktop machines, this new wave of Internet service encourages users to visit the outside world and report back by typing a short message via iPhone, Android or Blackberry.

Yelp is a restaurant/bar/hotel/business locating "app" on your phone that uses GPS to provide the names of nearby establishments along with short user reviews. A robust community has developed, especially now that users can "check in" when they arrive somewhere – letting friends (real and internet-y) know where they are via Yelp, Twitter, and/or Facebook. It also gives businesses a chance to offer specials for Yelp users. In February, I saw a Yelp sticker at a business and, when I fired up the iPhone app, it beamed me a 10% off coupon while I was in line to pay. Presumably, thereafter, the customer reports something favorable on Yelp and the advertising becomes "viral."

Foursquare is a similar, if not more alluring, concept which, in their words, is "a cross between a friend-finder, a social city-guide and a game that rewards you for doing interesting things." Like Yelp, you can share your check-in locations via Twitter and Facebook. Each time you check in to a place, such as the Yacht Club for lunch or the movies at CityPlace, you receive Foursquare points. If it is a new place, you get additional points. As you check in to different types of places, you get badges. As you drop "tips" about a restaurant, business or place, Foursquare will reward you bonus points and badges.

A leader board among your friends (or people worldwide) shows points accumulated between Monday-Sunday each week. Following the model of (once seemingly worthless) Xbox Achievement Points, this Barnum-like tool does, indeed, drive participation into the millions. When you check-in using either service, you can see anyone else who has checked-in, which might lead to... a real-life conversation. If you visit a business and check-in on Foursquare more than anyone else, you become "The Mayor," which is a badge-of-honor visible to everyone who subsequently checks in to the same place.

Sound unlikely or even ridiculous? Don't be fooled. Techcrunch.com recently reported that Foursquare processes over one million check-ins each week (competitors, such as Brightkite.com, vie to create a "universal check-in" while Facebook is working on its own check-in function). Just as the initial criticism of "I don't care what someone just ate" was swept away by the broad success of Twitter, discrediting the location-based social networking trend brought about by Yelp and Foursquare – each backed by tens of millions of dollars and



users – may be short-sighted. Businesses like the free word-of-mouth while consumers may find good suggestions or even a discount.

So how does this help lawyers? From a marketing standpoint, Foursquare and Yelp can direct clients to your office simply by using the app on their phone. If someone checks-in at nearby destination, your firm (and available information) can appear on the list of nearby businesses. The viability of location-fixed references – such as a plaintiff firm adhering its contact information to the Foursquare location of a dangerous intersection or a defendant's business – is presumably ahead of us (in a more positive light, consider the potential goodwill of being "The Mayor" of the public library).

Yelp lists law firms under "services" and can direct nearby users to your door and provide an opportunity for comments. While the Bar deters user-review sites for lawyers such as Avvo.com, Yelp or Foursquare comment windows may be affirmatively used by a law firm to accurately describe its area of practice (Bar advertising regulations presumably apply). Both Yelp and Foursquare serve as an interactive map, which further directs real-life clients to your doorstep. The potential exists for unique advertising opportunities, such as the Foursquare-based scavenger hunt sponsored by Bravo TV. According to the February 2010 issue of Inc. Magazine, some retailers have even abandoned print advertisements for specialized Yelp placement.

Yelp and Foursquare also provide unique insight into a specific business's reputation. The comment and tip sections on either service allow everyday consumers to be one-line critics, which provides a previously-unavailable "picture" of a business. A slip-and-fall in a bookstore, restaurant, or nursing home may take a new turn if the operator is aware (or should be?) of numerous Yelp reviews complaining of poor service or unkempt premises. Compliments and complaints floating in the virtual Foursquare cloud above a doctor, dentist, investment house or contractor's office could yield witnesses or clients.

If a business owner has numerous negative comments, a smart lawyer may be the first person to bring it to the client's attention and discuss the need for taking legal action, like sending a cease and desist letter, filing a defamation claim, or even drafting a sound social media policy. Alternatively, friendly reviewers or even "The Mayor" may be potentially positive, yet independent, fact witnesses. At this point, finding and tracing the steps of specific Foursquare users is difficult to impossible online, starting with the fact that usernames are first-name-and-last-initial (and the search engine is fairly crippled). If you know someone's identity on Yelp, on the other hand, his or her prior comments are fairly easy to access. Both services, however, want your primary attention to be on destinations. Through the simple step of loading the two apps onto your phone and checking in at your office for a few days, the firm will appear when people nearby use Yelp or Foursquare – and give directions. A short note, in compliance with the advertising rules, might indicate your practice area, website, and phone number.

Try Foursquare or Yelp for a week (total time: about 15 minutes) and you will see the appeal and business potential. And don't forget to check in at the Palm Beach County courthouse – where one of us is already "The Mayor."

Christopher Hopkins is a shareholder at Butzel Long and Diana Martin is an associate at Leopold-Kuvin. Twitter: @cbhopkins and @Martin_di.

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.

IAN ALI – Trinidad & Tobago; American University; Sole Practitioner, West Palm Beach

GAIL D. BAKER – New York; Nova Law School, 1987; Associate in Kelley Kronenberg, Glimartin, Fichtel & Wander, P.A., Plantation

ARI S. BARGIL – Florida; Florida State University College of Law, 2009; 15th Judicial Circuit, West Palm Beach

JASON A. BRODIE – Maryland; University of Miami, 2000; Partner in Brodie & Friedman, P.A., Boca Raton

JORDAN E. BUBLICK – Michigan; Ohio State University, 1983; Sole Practitioner, Jordan E. Bublick, P.A., West Palm Beach

ANDREW B. CARRABIS – University of Florida; Law Student Member, Gainesville

CHRIS D. CONNALLY – Florida; Nova Southeastern University, 2001; Associated with Law Offices of Patricia Garagozlo – Nationwide Trial Division, West Palm Beach

CAROL L. DUTRA – Florida State College of Law, 1998; Sole Practitioner, Law Offices of Carol D. Ellis, Palm Beach

KIMBERLEE A. FOWLER – Michigan; Thomas Cooley Law School, 2005; Associate in Tiller Law, Palm Beach Gardens

JOSHUA K. FRIEDMAN – New York; New York Law School, 2000; Partner in Brodie & Friedman, P.A., Boca Raton

ROBERT S. GLUCKMAN – New York; St. Thomas University School of Law, 1999; Partner in Hurley Rogner Miller, Cox, Waranch & Westcott, P.A., Ft. Pierce

THOMAS A. HEDLER – Florida; Florida State University, 2002; Associate in Sternberg & Hedler Law, P.A., West Palm Beach

AMANDA B. HOFFMAN – Florida; Barry University School of Law, 2007; Associate in Allan L. Hoffman, P.A., West Palm Beach

NICHOLAS C. JOHNSON – Jamaica; St. Thomas University, 2007; Office of Public Defender, West Palm Beach

MARTIN B. KOFISKY – New York; St. Thomas University School of Law, 1992; Partner in Ward, Damon, Posner, Pheterson & Bleau, West Palm Beach

SCOTT L. LAMPERT – New York; Nova Southeastern, 1996; Sole Practitioner, Scott L. Lampert, Esq., Delray Beach

ANDREW M. LOEWENSTEIN – Indiana; University of Miami, 2009; Associate in Cole, Scott & Kissane, P.A., West Palm Beach

NICHOLAS MANIOTIS – Florida; Nova Southeastern University, 1985; West Palm Beach

JOSHUA H. MARKS – New Jersey; University of Florida, 2009; Associate in Anderson, Mayfield, Hagan, and Thron, P.A., West Palm Beach

JOE MARYUMA – Florida; Florida International University, 2006; Palm Beach Public Defender's Office, West Palm Beach

DIANA J. MCCLUSKEY – Florida; Law Student Member, Jupiter

KRISTIN J. MENTZER – California; University of Florida, 2008; Associate in McClosky, D'Anna & Dieterle, LLP, Boca Raton

THOMAS F. MEYER – New York; University of Miami, 1991; Sole Practitioner, 4 Disputes, Delray Beach

LAWRENCE NEWMAN – New York; St. Johns University, 1974; Sole Practitioner, Boca Raton

BERTHA E. PENENORI – Miami; St. Thomas University School of Law, 2003; Associate in Kelley Kronenberg Gilmartin Fichtel & Wander, P.A., Greenacres

EDWARD N. PORT – Thomas Cooley Law School, 1993; Sole Practitioner, The Port Law Firm, PA, West Palm Beach

VINCENT P. ROLLO – Massachusetts; New England Law School, 1995; Sole Practitioner, Vincent P. Rollo, Jr., Palm Beach Gardens

MELISSA SCHLUTOW – Associate in Law Office of Christina M. Sanabria, Ft. Lauderdale

ANDREA C. SHWAYRI – Massachusetts; University of Florida, 2008; Associate in Greenberg Traurig, P.A., West Palm Beach

MATTHEW B. WEISSBERG – Florida; Nova Southeastern University, 2009; Associate in Sternberg & Hedler Law, P.A., West Palm Beach



ALEXANDER "SANDY" MYERS, ESQUIRE

Mediator/Arbitrator



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

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

1665 Palm Beach Lakes Blvd., Ste 1000

West Palm Beach, FL 33401

Office (561) 689-8335 • Fax (561) 689-8337

Cell (561) 758-7300 • email: samyersesq@aol.com



The PBCBA Community Association Law Continuing Legal Education Committee presents:

**BROKE, DISSED AND STUCK IN COURT,
COMMUNITY ASSOCIATIONS AND DEVELOPERS IN THE 21st CENTURY,
THE 21st ANNUAL COMMUNITY ASSOCIATION LAW SEMINAR**

Friday, June 4, 2010 8:55 a.m. – 12:00 p.m.

Bar Association Office – 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., Gelfand & Arpe, P.A.,
Board Certified Real Estate, Committee Chairperson**
- 9:00am - 9:15am **Unit Owners and Buyers in Bankruptcy: A Debtor's Perspective, Practice
and Ethics - Nadine V. White-Boyd, Esq., Frank, White-Boyd, P.A.**
- 9:15am - 9:45am **View from the Bankruptcy Bench, Legal and Ethical Practices -
Honorable Erik P. Kimball, United States Bankruptcy Court**
- 9:45am - 10:10am **Fair Housing Law: Case Law Update and Ethical Expectations -
Pamela Guerrier, Esq., Palm Beach County Office of Equal Opportunity**
- 10:10am - 10:40am **Contract Issues in Condominium and Homeowners' Association
Communities: Rescission, ILSFDA, Material and Adverse, and
Counsel's Ethical Duties - William P. Sklar, Esq., Board Certified
Real Estate, Edwards Angell Palmer & Dodge L L P**
- 10:40am - 10:55am **BREAK**
- 10:55am - 11:30am **Case Law and Statutory Law Update and Practice Ethics -
Michael J. Gelfand, Esq., Board Certified Real Estate, Gelfand & Arpe, P.A.**
- 11:30am - 12:00pm **View from the Circuit Court Bench: Legal and Ethical Expectations -
The Honorable Meenu T. Sasser, Fifteenth Judicial Circuit**

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

The cost of the seminar is \$125 for PBCBA members/paralegals; \$165 for non-PBCBA members/paralegals if registered by 5/28/10; add \$25.00 after that date. ***This seminar is for attorneys only.***

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

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

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

Name: _____ **Telephone:** _____

Address: _____ **Email Address:** _____

Name on Credit Card: _____ **Signature:** _____

Credit Card #: _____ **Visa** **Amex** **MC** **Exp:** _____ **Amount \$** _____

____ 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)
(21th Annual Comm. Assn Seminar 6/4/10)

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

Young Lawyers Section

Young Lawyers March Happy Hour



Jeremy Dicker, Jennifer Fleming, Devon Barnett-Ward, Santo DiGangi & Harris Printz were among the over 75 young lawyers who attended March's happy hour at BB Kings at City Place.



Michael Reitzell, Brian Denney, Dan Britto & Tim Grice



Jennifer Kypreos, Mandell Sundarsingh and Lee McElroy

YLS to Host Fishing Tournament June 5

The Young Lawyers Section will be hosting its first fishing tournament on Saturday, June 5 to benefit the Palm Beach Marine Institute. Entry fee is \$250 per boat and all activities will be held at the Palm Beach Yacht Club. For more information, go to the YLS website at www.palmbeachbar.org/yls.php



Joint Luncheon with South County Bar

Florida Bar's president Jesse Diner and Florida Bar Foundation president Adele Stone were the featured speakers during our 7th annual joint luncheon of the Palm Beach and South Palm Beach County Bar Associations.



Jesse Diner, Adele Stone, Michelle Suskauer and Seth Marmor



Tara Kopp, Scott Haft and Carl Wald



Michael Napoleone and William Berger



John Howe, Amy Borman and Rachel Dolnick



Michael Mopsick, Judge James Martz and Richard Schuler

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



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

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



Program Schedule

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

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

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

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

10:15am - 10:30am Break

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

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

SPONSORED BY:



This course is expected to receive 3.5 CLER including 3.5 Ethics credits from The Florida Bar Real Estate Certification credits are pending from The Florida Bar.

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

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

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

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

Name: _____ Telephone: _____

Address: _____ City/Zip _____

Email Address: _____

Name on Credit Card: _____ Signature: _____

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

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

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

Injury Case to Refer?

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

"AV" rated by Martindale Hubbell

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



Craig Goldenfarb

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

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

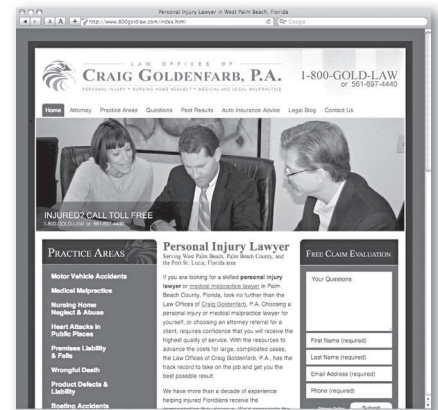
For more information
www.800GoldLaw.com



LAW OFFICES OF

CRAIG GOLDENFARB, P.A.

PERSONAL INJURY • NURSING HOME NEGLECT • MEDICAL AND LEGAL MALPRACTICE



Free Phone Consultation 24 Hours A Day & On Weekends

800-GOLD-LAW

Se Habla
Español

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

Lawyers Volunteer for Read Across Palm Beach County

We are fortunate to have so many caring members of our Association. The Lawyers for Literacy Committee, in conjunction with the Literacy Coalition of Palm Beach County, recently hosted its 9th annual Read Across Palm Beach County event. The morning included lawyers and judges reading to school aged children in classrooms from Boca Raton to Jupiter and out to the Glades. With proceeds from last years annual Summer Cocktail Reception and Spelling Bee, the Lawyers for Literacy Committee purchased new books for schools. You can help us raise money by attending our next Reception and Bee on Thursday, August 19 at Bear Lakes Country Club. Save the date.

Thank you readers!

Edward Artau
 Gael Beriro
 Joe Bilotta
 David Bludworth
 Michael Compagno
 Chris Connally
 Ken Cutler
 Robert Friedman
 Ellen Goldberg
 Pamela Guerrier
 Audrey Harris
 Toni Hulme
 Carlyn Kowalsky
 Carina Leeson
 Beth Lewis

Susan Martin
 Melynda Melear
 Sarah Nail
 Georgina Orsoa-Jimenez
 Terrill Pyburn
 Cynthia Quiroz
 Keith Rizzardi
 Judge Robin Rosenberg
 Jim Ryan
 Jack Scarola
 Rosemarie Scher
 Brian Shutt
 Terry Watterson
 Molly Williams
 Sheryl Wood



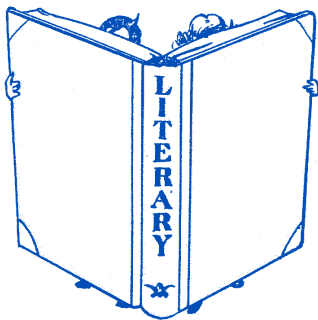
We can always count on Sheryl Wood, (aka: Cat in the Hat) and her group of attorneys from the South Florida Water Management District who read to students at Melaleuca Elementary School in West Palm Beach.



A picture says a thousand words. Jack Scarola read to children at the Pittman Jupiter Pre-School.



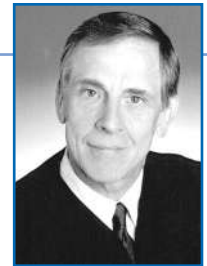
"I had a fantastic time as usual at the YWCA. I am already looking forward to doing it again next year!" Robert Friedman



"My daughter, Madison (11), and son, Adin (8), and I read to the class at the YWCA Head Start program. My daughter, Sydney (14), has been volunteering at the YWCA on a regular basis ever since we first read there through the Lawyers for Literacy program last year, but she was unable to join us for the reading this year and that is why she is not in the picture. The books that the children are holding were donated to each of them by the Literacy Coalition."

Judge Robin Rosenberg

Additional photos from the day can be seen on the Bar's facebook page.



Some Friendly, Random Advice On Motion Practice Advocacy

The Honorable Paul C. Huck, United States District Court
for the Southern District of Florida

Motions for Summary Judgment (Section III of IV)

A. Timing

- Do not wait until the dispositive motion deadline to file your motion. If you have a legitimate motion, you should file it as soon as you have properly developed the supporting record and after your opponent has had a reasonable opportunity to do the same.
- Local Rule 7.1.C.2 prohibits the filing of multiple motions for summary judgment and was enacted to prohibit parties from evading page limitations or presenting the case piecemeal. However, there are times when a determinative, threshold legal issue or some other reason justifies the filing of one or more successive motion for summary judgment. If so, seek prior court approval to file multiple motions.

B. Writing

- Do not spend much time and space discussing the summary judgment legal standard unless the motion raises a specific, unusual point. Judges are well aware of the general legal standard.
- Your writing style should be clear, straightforward, and concise. You are trying to persuade the judge of the validity of your legal argument, not impress the judge with your expansive vocabulary and Baroque writing style. It is not a contest to win a Pulitzer Prize.
- Consider using a “theme” in legal memoranda or oral argument, such as a trial theme if one is appropriate and helpful in advocating your position. (Of course, a trial theme is almost always appropriate and effective in a jury trial.) However, don’t use one simply to appear clever. Not using a theme is preferable to attempting to use a contrived one.
- Organize your memoranda in a logical and easy to follow manner, using headings and sub-headings as appropriate and as “road signs” to indicate where you are headed.
- Tell the judge up front exactly where you are going and why. *See supra* General Advocacy Tips.
- Do not “adopt by reference” another memorandum which you may have previously submitted, requiring the judge to interrupt his review of your motion in order to locate that other document. In other words, the motion and supporting documents should be self-contained.
- Support all references to material, disputed facts with specific citations to the record.
- In responding to a motion for summary judgment, set forth separately, clearly and respectfully (with citation to the record, including pages and lines referenced) the facts which you dispute.
- It is not necessary to string cite an endless number of citations when a controlling decision will do just fine.
- Use footnotes selectively and judiciously. If the point is important, include it in the body of the memorandum.
- In those rare cases where memoranda exceeding the local rules limitation are appropriate, seek the judge’s prior approval.

C. The Record

- If you are submitting deposition transcripts, determine if the judge prefers the “mini-script” version. Some judges also prefer a separate set of supporting documents in addition to those filed with the clerk’s office. You can inquire with chambers as to the judge’s preference.
- Don’t clutter up the record with unnecessary documents. Keep it lean and clean.
- If you need only a few relevant pages of a lengthy deposition to make your point, include a reasonable amount of context to preclude an argument that the evidence you submitted is misleading or incomplete, then include only those pages in the supporting record. You may file the complete transcript separately.

Additional Notes (Section IV of IV)

- Call chambers to let the judge know as soon as you have resolved any issue currently pending. Even though you may have come to a resolution, unless the judge is made aware of that, she is still working on the issue. Similarly, if you have settled the case, let the judge know as soon as possible.
- Be on time. No, be there early so you can get organized and relax.
- Be judicious in filing motions as emergency motions. (Remember the boy who cried “wolf.”) A former chief judge advised me when I took the bench that there were only two legitimate emergencies – “someone is dying or the ship is sailing.” And never file an emergency motion at 4:45 p.m. on Friday afternoon.
- When pointing out to the judge the error of his ways, do not use the phrase “with all due respect.” This overused phrase is listed by researchers at Oxford University as the fifth most irritating phrase in the English language.
- Read the Local Rules!

Did I mention, judges do not like surprises?

Circuit Court Report

CIVIL DIVISIONS • February 2010

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
I GARRISON	07/10	04/10	03/10	868
J ROSENBERG	07/10	07/10	04/10	1599
A KELLEY	07/10	07/10	04/10	1678
D FRENCH	06/10	06/10	03/10	1693
H FINE	10/10	10/10	03/10	1710
F MARX	08/10	08/10	04/10	1782
B HAFELE	09/10	09/10	05/10	1784
G CROW	08/10	06/10	05/10	1836
O BARKDULL	07/10	07/10	04/10	1887
N COX	07/10	07/10	05/10	2009
E MCCARTHY	11/10	11/10	04/10	2094

Florida Bar Board of Governors Report

At its March 26, 2010, meeting in New York City, The Florida Bar Board of Governors:

- Approved, as recommended by the Budget Committee, the Bar's 2010-11 budget, which calls for expenditures of \$38.2 million. Incoming Budget Committee Chair Dan DeCubellis said the budget is balanced and has a good chance of producing a surplus. He also said the budget is based on the assumption the Bar Journal directory issue will no longer be printed and that Clients' Security Fund operations next year will be financed by fund surpluses.
- Approved a request from the Criminal Law Section that the board adopt a Bar legislative position opposing any legislation that would reduce pay or benefits for assistant public defenders, assistant state attorneys, and assistant attorney generals. The position also "urges that the Justice Administration Commission (JAC) is adequately funded for all costs and fees associated with criminal justice matters.?"
- Heard Bar President Jesse Diner warn that the Bar could face severe challenges in the 2011 Legislature. One challenge may be maintaining court funding when the state could be looking at a \$6.8 billion deficit and no federal stimulus money to offset that. Another difficulty could be a possible attempt to have the Legislature take over court procedural rule-making authority from the Supreme Court.
- Heard Board member Greg Coleman report that the Clients' Security Fund Procedures Committee will be presenting several recommendations at the board's May meeting. Those include allowing the fund to compensate a client when a partner of the client's lawyer has stolen from the client and the client has no other way to recover the loss. The committee discussed, but has made no recommendation, on compensating third parties in certain cases when a lawyer has stolen from them, such as the lawyer had received money from the third party to be held in trust for a client and then stolen the money. Coleman said the committee has decided not to recommend random audits of trust funds as a way to prevent losses, but is looking at other methods to prevent losses that could lead to claims on the CSF.
- Received on first reading a rule that prohibits lawyers from signing blank trust account checks, using a signature stamp on trust account checks, or allowing nonlawyers to sign trust account checks.
- Received on first reading a rule amendment that would allow lawyers facing financial hardships to pay their annual membership fees in installments.
- Approved a revision to the Bar's annual membership fee statement, to clarify the trust account certificate. The change will add a new category for judges, government attorneys, and others to report that they do not handle trust funds and are not required to have a trust account. On a related matter, Bar President Jesse Diner reported that the statement will include an option to make a voluntary donation to FLAME, the Florida Lawyers Association for the Maintenance of Excellence. FLAME has significantly enhanced our efforts to secure funding for our state courts including commissioning studies by Washington Economics Group and TaxWatch to illustrate the consequences of inadequate funding and by conducting a public awareness campaign to gain widespread support. FLAME has also supported the statewide General Election Voter's Guide by the League of Women Voters for many years.
- Approved two new member benefits. One is property insurance coverage for law offices, including offices in low-lying coastal areas. The second offers a 20 percent clothing discount at Ann Taylor.

Should you have any questions, please contact one of the Circuit's four representatives: Greg Coleman, Scott Hawkins, Lisa Small or David Prather.

Member Benefit Program

Affiniscap Merchant Solutions

Credit/Debit Card Processing
(866) 376-0950

Association Members Only

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

Brooks Brothers Clothing

15% discount
www.palmbeachbar.org/benefits.php

Daily Business Review

Discounted Subscriptions
(877) 347-6682

East Coast Dry Cleaners

10% Discount
719 N. Dixie Highway, WPB

Group Personal Excess Liability Program

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

Metlife Insurance

Discounted Policies
Bob Greenberg (772) 340-7741

Movie Theatre Tickets

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

Online Courses

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

Paychex

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

PBCBA CLE CD's

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

PBCBA Lawyer Referral Service

Client Referrals (561) 687-2800
Eva or Paula

Tickets at Work

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

USI Affinity

Professional Liability Insurance
Contact (877) LPL-4671



Who Are They?

From Page 4

1. James Gann
2. Frank Slinkman
3. Melinda Gamot
4. Joseph Karp
5. Gary Gerson



EXPERIENCE

EFFICIENCY

ETHICS

Endorsed by

Palm Beach County Fire Rescue

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

– Grey Tesh, Esq.

MARNI 
BRYSON
FOR COUNTY COURT JUDGE

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

– Alka R. Sharma, Esq.

VOTE ON AUGUST 24

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



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



Thursday, July 29

4:00 pm to 6:00 pm

Abacoa Golf Club, 105 Barbados Drive, Jupiter

AGENDA:

3:45: Late Registration

4:00 - 5:00: Privacy Legislation and Its Impact on Attorneys
Presented by Mark J. Murnan, CLI, CFE

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

Attend this course and learn:

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

Sponsored by:



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

The cost is just \$30.00 for NCS members and includes CLE credit, plus the happy hour. Non-section members are welcome for \$40.00 and judges are complimentary.

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

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

NCS SUMMER CLE & HAPPY HOUR

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

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

*** Ad Rates ***

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

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

POSITIONS AVAILABLE:

PRIORITY STAFFING SOLUTIONS, INC:

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

RICHMAN GREER is seeking a 1-3 year commercial litigation associate for its West Palm Beach office and a 3-5 year commercial litigation associate for its Miami office. Candidates should have a strong academic background and federal court experience. Please email resumes to jvernier@richmangreer.com.

ASSOCIATE ATTORNEY: West Palm Beach law firm seeks Associate with 1-3 years experience in areas of commercial litigation, foreclosure and bankruptcy. Must be admitted and licensed in Florida, computer literate and have strong research and writing skills. E-mail resume to: ed@asadvancedservices.com.

FAMILY LAW ATTORNEY needed for Downtown WPB office with 5+ years experience in Palm Beach County. Divorce courts. Fax resume w/ salary requirements to (561) 802-3858.

LEGAL RESEARCH AND WRITING SUPPORT: Top attorney with 9+ years of litigation and corporate experience offers legal research and writing on contractual basis for projects big or small. Top quality work and very dependable. Admitted in Florida and New York. For info, please call Peter at (305) 307-2459.

PROFESSIONAL ANNOUNCEMENTS:

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

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

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

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

OFFICE SPACE:

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

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

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

EXECUTIVE SUITES/OFFICE SPACE: WPB, Forum Area, east of I-95, single office available. Office set up with conference rooms, library, parking, full kitchen and reception area. Available immediately, no lease required. For more information call (561) 389-3468.

SHARE DOWNTOWN WPB OFFICES WITH RETIRING LAWYER: First floor, direct outside accessible, traditionally furnished office loft, in quality new tall residential condominium building with fine amenities; walk to courthouse; WPB parking garage diagonally across street; office-conference and secretarial areas available for one lawyer. Contact (561) 659-0655 and leave voice mail.

EAST BOCA: Law office has several space options available. All include use of reception area, conference room and kitchen. (1) Furnished loft office 18' x 12' and (2) 1st floor interior office 9' x 13.9' and secretarial stations if desired. Private loft area storage space 33' x 23' also available for rent. Contact (561) 869-0200 x 131 or ron@ricardolaw.com.

WELLINGTON: Law firm has furnished office to sublet. Included: receptionist, conference room, telephone and internet service. Copier available. Perfect for satellite office or solo practitioner. Call (561) 227-1575

HEARSAY

Peter A. Sachs, a shareholder at the law firm of Jones, Foster, Johnston & Stubbs, P.A. has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America.

Amy J. Fanzlaw recently became one of only seven attorneys in Florida to achieve dual board certification by The Florida Bar in both Elder Law and in Wills, Trusts & Estates. She also serves as president of the Craig S. Bernard American Inn of Court LIV.

Michael A. Lampert of the Law Offices of Michael A. Lampert, P.A. has been elected a Fellow of the American College of Tax Counsel.

Jay R. Jacknin and **Neil B. Jagolinzer** are pleased to announce their new law firm Jacknin & Jagolinzer, Attorneys At Law. Specializing in Family Law, Ad Valorem Taxation and General Civil Litigation. 515 N. Flagler Drive, Suite 1125 West Palm Beach, FL 33401. Telephone: (561) 655-0535 Fax: (561) 655-0536 Email: info@jnjlaw.net

MISCELLANEOUS

RENT TO OWN JUPITER VILLAS GREEN CONDO: US 1-504 & Carlin Park. 3 bd/2ba. 1,150 sq. ft. Ground floor. Maintenance \$330 per month. \$1,500 per month. Pet board approved. FMV Average 2 appraisals. (561) 586-2178 or (561) 863-1605. Gil Brophy, Esq. Application fee \$100 to association. Non-refundable. Renovating.



PALM BEACH COUNTY BAR ASSOCIATION
BULLETIN

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

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

PAST PRESIDENTS...

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

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

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

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

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

CALENDAR

May 2010

<p>Monday, May 3 – 7 Law Week</p> <p>Monday, May 3, 11:00am Induction for New Attorneys Turner Academic Center of Northwood University</p> <p>Wednesday, May 5, Noon – 1pm Circuit Civil Committee Meeting Judicial Dining Room, Main Courthouse</p> <p>Wednesday, May 5, 5:30pm Judicial Reception The Harriett</p> <p>Thursday, May 6 – 9 YLD Meeting Ocean Reef Club, Key Largo</p> <p>Friday, May 7, 11:30am Law Day Luncheon</p> <p>Saturday, May 8, 7:00pm Legal Aid Pro Bono Nite</p> <p>Tuesday, May 11, 11:45am SPBCBA Membership Lunch Boca Marriott</p>	<p>Tuesday, May 11, Noon – 1pm YLS Board Meeting Bar Association Office</p> <p>Wednesday, May 12, Noon – 1pm Judicial Relations Committee Meeting Judicial Dining Room, Main Courthouse</p> <p>Thursday, May 13, Noon – 1pm Diversity Committee Meeting Bar Association Office</p> <p>Thursday, May 13, Noon SPBC FAWL Luncheon Bogart's</p> <p>Thursday, May 13, 5:30pm – 7:30pm NCS Jurist of the Year Dinner Ruth's Chris Steak House, North Palm Beach</p> <p>Friday, May 14, 11:15am Membership Luncheon Kravis Center</p> <p>Saturday, May 15, 7:00pm SPBCBA 2010 Annual Installation Banquet Broken Sound Country Club, Boca Raton</p>	<p>Monday, May 17 Supreme Court Swearing In</p> <p>Tuesday, May 18, Noon – 1pm Professionalism Committee Meeting</p> <p>Wednesday, May 19, 8:30am – 5pm Estate/Probate CLE Committee Seminar Crowne Plaza Hotel, WPB</p> <p>Wednesday, May 19, Noon FAWL Luncheon</p> <p>Wednesday, May 19, 5:00pm PBCBA Board of Directors Meeting Bar Association Office</p> <p>Thursday, May 20, 6-8 p.m. Christian Legal Society Women's Gathering Panera Bread, Village Blvd, WP</p> <p>Thursday, May 20, 11:30am – 1pm Solo Luncheon Bar Association Office</p> <p>Thursday, May 20, 5:30pm YLS Happy Hour</p>	<p>Friday, May 21 - 22 PBJA Fishing Tournament</p> <p>Friday, May 21, 11:45am - 1pm Family Law CLE Lunch Seminar "Client Intake and Consultation" Bar Association Office</p> <p>Tuesday, May 25, 11:45am – 1pm Judicial Luncheon North end of Cafeteria, Main Courthouse</p> <p>Tuesday, May 25, 5:30pm Legal Aid Board Meeting Board Association Office</p> <p>Wednesday, May 26, 11:30am – 1:00pm Business Law Seminar Esperante Building, the Palm Conference Rm., WPB</p> <p>Monday, May 31 Court Holiday – Memorial Day PBCBA Bar Office Closed</p>
--	--	--	---