



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

May 2012



Installation Banquet

Please join us for our Annual Installation Banquet on **Saturday, June 2** at the Breakers Hotel in Palm Beach. A cocktail reception will be held from 7:00 - 8:00 p.m. with dinner and dancing immediately following.

YLS to Host Fishing Tournament June 30

The Young Lawyers Section will be hosting its Third Annual Fishing Tournament on **Saturday, June 30** 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 Bar's website at palmbeachbar.org. Sponsorship opportunities are still available, if interested contact Evan Frederick at 561-659-7878.

Mark your calendar for upcoming Membership Events

Annual Judicial Reception

May 1
The Harriet at City Place

Law Day Luncheon

May 4
Marriott West Palm Beach
Speaker: Elizabeth Smart

Annual Installation Banquet

June 2
The Breakers Hotel, Palm Beach

Diversity Luncheon

October 19
Marriott West Palm Beach
Speaker: FL Bar President-elect Gwynne Young



Retired Judges Karen Martin and Elizabeth Maass were honored during the luncheon at the Bench Bar Conference. Pictured from left to right Judge Timothy McCarthy, Ret. Judge Karen Martin, FL Supreme Court Justice Barbara Pariente, President John Howe, Ret. Judge Elizabeth Maass and 4th DCA Judge Robert Gross

North County Section presents its 10th Annual Jurist of the Year

Thursday, May 24

5:30 pm to 8:00 pm

Ruth's Chris Steak House, North Palm Beach

RSVP online at www.palmbeachbar.org

Sponsored by: Debra Duran & Associates; Frank, White-Boyd; Karen Holloway/ Northwestern Mutual; PNC Bank; Sabadell United Bank and Visual Evidence.

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THE
BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

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

LETTERS TO THE EDITOR

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



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

Work Comp Committee Honors Kennie Edwards

On September 19, 1996 a horrible tragedy occurred in the workers' compensation community that most will never forget. An injured worker armed with a shotgun and a handgun burst into a workers' compensation defense firm in West Palm Beach. Attorney Kennie Edwards was shot and killed at age 38 leaving behind his pregnant wife and five year old son. The injured worker then shot and killed himself. Following this horrific event the workers' compensation community established the Kennie Edwards Award which is presented annually to the Workers' Compensation attorney who best exemplifies those professional qualities admired in Kennie - honesty, integrity, cordiality, good humor, high ethical standards and advocacy tempered by a sense of humility.



On Friday, March 9, the Palm Beach County Bar Association's Workers' Compensation Practice Committee presented the 2012 Kennie Edwards Award to the Honorable Timothy Basquill. Judge Basquill received his undergraduate degree from Loyola University of the South in New Orleans, Louisiana in 1972; was commissioned an officer in the U.S. Army; secured his Juris Doctorate Degree from South Texas College of Law. Judge Basquill worked with Kennie Edwards at the law firm of Beisler & Beisler before being appointed to the Office of the Judges of Compensation Claims in 2003.

Past recipients of the Kennie Edwards Award are Jason Goldstone, Alison Schefer, Randy Porcher, Honorable Shelley Punancy, Michael Celeste, Lyle Platt,

Michelle Leissle, Charles Williams, Lloyd Findler, Walter Beisler, Art Pumpian, David Rigell and Stan Narkier.

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ANDREW S. KWAN

*Juris Doctor, with honors, University of Florida Levin College of Law
Former law clerk for U.S. Magistrate Judge Linnea R. Johnson*

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How Attacks on Judicial Neutrality Weaken Our Democracy

By John M. Howe

Living in United States of America, we often take for granted what it means to live in truly functional democracy.

We tend not to underappreciate our democracy because most of us have never had the experience of living in a non-democratic society or being ruled by totalitarian government or despot. The people who founded this country had that experience and were resolute that their new government would never devolve into a monarchy, oligarchy or dictatorship. So, they fashioned a form of government which would be comprised of three distinctly separate, co-equal, branches. They also required the governments of its member states to be similarly structured. The founding fathers recognized that with any more or any less branches of the new government, there would be either an endless stalemate, or one branch would overpower the other resulting in an unchecked oligarchy or a dictatorship. The new government needed a third neutral branch, equal in standing with the other two, to serve as a neutral interpreter of all Constitutional controversies between the branches of government and citizens. In order for this third branch, the Judiciary, to function in a neutral manner, it had to be as far removed as possible from political winds and whims so as to be pressured into to make only politically popular rulings instead of Constitutionally correct rulings. Although they stopped short of requiring the states to do the same, the Constitutional framers decided that federal judges should never be subject to running for election or grappling for votes. However, mechanisms were put in place for judges to serve under the oversight of the other two branches and to be removed from office by the legislature only for good reason.

In Florida, our system for installing or removing judges differs greatly from the federal system in that judges are not as insulated from political pressure. Florida judges do not serve for life or for as long as they are mentally competent. We have gubernatorial appointments and open elections for circuit and county court judges and merit retention elections for appellate judges. Although Florida's judicial elections are apolitical, the

specter of having to run campaigns creates a seam for politics to enter into our judicial process. Even more insidious is the ever-growing sentiment across Florida and the country that, if a judge rules against your ideologic position, the solution is to accuse the judge of being an "activist" and wage a campaign to oust him or her from the bench. In other words, if you don't like the ruling, get a new judge. We have also seen attempts by the legislature to change the rules of court and/or rendering the judiciary ineffective by de-funding it. This is a dangerous and short-sighted approach by those who pursue it. Without neutral, politically independent courts, the individual rights of Floridians will be trampled.

It is always concerning when any governmental branch determines that it is entitled to control another branch. This is not to be confused with the concept of checks and balances. While each branch has specific duties and functions delegated to it by the constitution, the judicial branch is unique because judges are expected to interpret the law and Constitution independent of politics and without the fear of public retribution. This is why in 1970s, Florida implemented merit retention and made it illegal for judicial candidates to use any partisan affiliation during elections.

The decision to implement merit retention for judges and to prohibit partisan involvement was not reached in a vacuum. In the decades leading up to the amendment, it was a thinly veiled secret that judicial elections in Florida had become perverted by politics. Justice was on the auction block, and the stench of the corruption became so overwhelming that the people of Florida saw fit to amend the state's constitution and statutes in an attempt to extract the influence of politics from the judiciary. This year, we are learning yet again that, even with merit retention, there are still openings for politics to enter.

In the upcoming elections, three Florida Supreme Court justices are on the ballot for merit retention. There are some special interest groups who are organizing campaigns to unseat them – not because they have performed poorly, but because they disagree with one or more of their rulings. This is not

speculation about the groups' motivations; it is their declared motivation. This campaign against the justices closely resembles what happened in Iowa recently when several special interest groups successfully waged shadow campaigns against three state supreme court justices because they disagreed with a decisions on gay marriage. We should not allow this trend to come to Florida.

These special interest groups in Florida have stated that part of their strategy is voters not completing the entire ballot. In elections past, justices and judges who were aptly performing were easily retained. This year, even though you may believe a judge or justice is performing his or her duties well, failing to cast a vote to retain them could very well serve as a vote against them. This election season, I would urge everyone who is eligible to: 1) Engage in the democratic by exercising your right to vote; and 2) Vote your entire ballot. Your vote strengthens our democracy.

Featured Board Member



This month's featured board member is Theo Kypreos. Theo attended law School at the University of Florida, and for the past 10 years, he has practiced with Jones, Foster, Johnston & Stubbs in West Palm Beach. His practice areas are Trust and Estate Litigation and Guardianship. He has been a valuable asset to the Bar through his service on several key committees. For the past six years, he has been married to his beautiful wife, Jennifer, and together they are the parents of 18-month old Louisa, who is - simply put - adorable. Jennifer, also an attorney, serves as In-House Counsel with Jos. A. Bank Clothiers in Palm Beach. When he is not helping clients safeguard their assets and loved-ones or doing Bar work, he enjoys Gator Football (Go Gators!), boating, travel and great food and wine. Thanks Theo for your hard work and friendship.

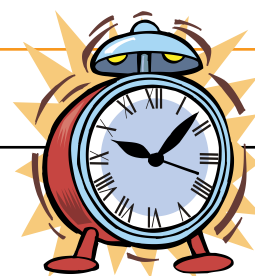
Who are they?

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.



CLE CLASSES NOW BEING OFFERED ONLINE

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



Its' Time...

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

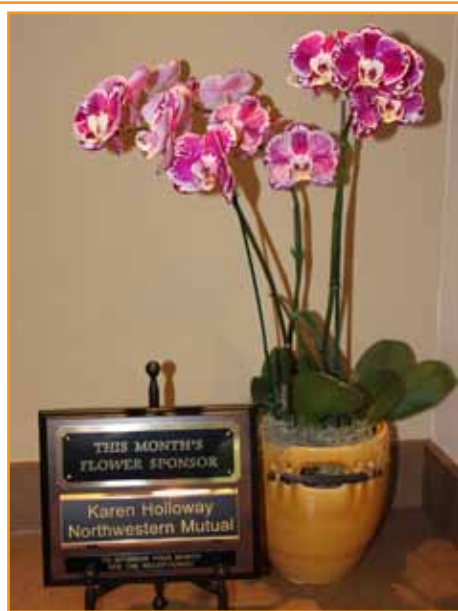
Discounts and Special Events:

- Live CLE seminars and CD's (savings of \$40 per seminar)
- Downloadable CLE Content
- 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
- Professional Liability Insurance
- Members only events (such as luncheons with US Supreme Court Justices)
- Trip to Washington, D.C. to be sworn in before U.S. Supreme Court

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.



May's Flower Sponsor

... Thank you!

This month's Flower Sponsor is Karen Holloway from Northwestern Mutual.

If you would like your name recognized on a plaque in the new Bar Office call Lynne at 687-2800.



By: *Lawrence P. Rochefort, Esquire*

April 2012

“I never give up on my kids.” This is how Judge Ronald V. Alvarez responded to a question about his experience in the juvenile division of the Circuit Court in Palm Beach County, Florida. Joining the Bench in 1993, Judge Alvarez has served continuously for nineteen (19) years on the Circuit Court, thirteen (13) of which have been in the juvenile division. Despite opportunities to transfer to other divisions, Judge Alvarez chose to remain in the juvenile division.

Judge Alvarez’s impact and success as a lawyer and juvenile judge is evidenced by his numerous awards and recognitions. For example, in 1986, Judge Alvarez received the Florida Bar’s President’s Pro Bono Service Award for the Fifteenth Judicial Circuit. In 2000, the Palm Beach Post recognized Judge Alvarez and his wife, Elaine Webb Alvarez, as two of the “100 People Who Made a Difference for Palm Beach County”. In the words of the Palm Beach Post:

“In this special publication, meet the 100 people who dreamed, who dared, who did...in Palm Beach County and the Treasure Coast in the last 100 years ...Written by Palm Beach Post reporters and editors, Our Century features the defining moments and people of the past century who made a difference in our area.”

In 2001, Judge Alvarez was selected to participate in the United States Surgeon General’s Report on Youth Violence. He was the sole jurist to be asked to be involved in this study.

In 2005, Judge Alvarez was recognized by the American Board of Trial Advocates, Palm Beach County chapter as Jurist of the Year. The following year, 2006, Judge Alvarez was chosen as by the Florida American Board of Trial Advocates Florida as Jurist of the Year. In 2010, he was given the Alternative to Suspension Award from Inlet Grove Community High School. Most recently in 2011, Judge Alvarez was awarded the prestigious William E. Gladstone Award for Judicial Leadership and Service to Children for the State of Florida.

Judge Alvarez also is often asked to speak about his efforts with kids. In September 2009, Judge Alvarez was the keynote speaker at the New Beginnings Development Center, Teen Summit. In October 2009, Judge Alvarez was a guest lecturer at

Florida Atlantic University, Criminal Justice Master’s Program on “The Role of the Judge in Juvenile Court”. In 2010, Judge Alvarez was a panelist on a Dependency Summit in Orlando, Florida and in 2011, he was a speaker at a Juvenile Justice Workshop.

Judge Alvarez also serves on a number of boards that illustrate his commitment to children and the community. From 1996 until 2000 and then again from 2002 through the present, Judge Alvarez has served as a member of the Board of Directors for the Children Services Council in Palm Beach County. Additionally, he serves on the Board of Directors of the Palm Beach and Martin County Community Foundation and the Advisory Committee to the John D. and Catherine T. MacArthur Fund of the Community Foundation. In an effort to provide the most effective and efficient services for the troubled youth of this county, Judge Alvarez has served as the chair of the Palm Beach County Criminal Justice Commission, Criminal Justice, Mental Health and Substance Abuse Committee on Juvenile Population from 2010 to the present.

Despite all these accolades, Judge Alvarez remembers most caringly about those kids who appear before him and whom he is able to help. He speaks fondly of a girl named Veronica who had various juvenile delinquency issues. One sanction that he imposed on Veronica was that she was to write him weekly letters on her progress. After receiving each letter, Judge Alvarez would respond to Veronica in writing. As explained to him years later, Veronica found inspiration and caring in Judge Alvarez’ letters, when she most desperately needed both. Though Veronica had setbacks along the way, Veronica ultimately attended junior college, then Florida Atlantic University and, in December of this year, graduated from law school. Veronica sat for the Florida Bar exam in February, 2012.

A similar success story concerned a boy, who, at the age of fourteen, moved to Palm Beach County with his mother and father. One day, the boy went to school and returned to an empty home. He was abandoned by his parents and entered the Department of Children and Family’s dependency system. At age sixteen, the boy was a “B” and “C” student, working two part time jobs. In an effort to improve his future, the boy wanted to enroll in independent living classes, which classes teach young people in the dependency system life skills, such as how to write a resume or how to turn on the utilities for a newly rented apartment. The Department denied his request finding that he was not eligible. The boy’s attorney filed a motion before Judge Alvarez. The motion was granted, the Department appealed and Judge Alvarez’ decision was affirmed.

Continued on page 15

Circuit Court Report CIVIL DIVISIONS • As of March 26, 2012

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
AA KELLEY	07-12	07-12	04-12	1447
AB KASTRENAKES	08-12	08-12	07-12	1583
AD FRENCH	07-12	07-12	05-12	1714
AE MCCARTHY	02-13	02-13	04-12	1822
AF KEYSER	09-12	09-12	04-12	1612
AG CROW	09-12	06-12	05-12	1809
AH BROWN	08-12	08-12	05-12	1466
AI SASSER	07-12	05-12	04-12	1159
AJ ROSENBERG	08-12	08-12	07-12	1263
AN McSORLEY	08-12	08-12	06-12	1681
AO BRUNSON	08-12	06-12	06-12	1609

Volunteers needed to serve on committees

This is the time of year that the President-Elect Adam Rabin 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. Please take the time to volunteer to serve YOUR Bar Association.

Bench Bar Conference

This year's Bench Bar Conference was held at the Palm Beach Convention Center for close to 1,000 lawyers, judges, judicial assistants and government employees. A big thank you to our Bench Bar Committee who made this event another outstanding day!



Congratulations to Public Defender Carey Haughwout recipient of the 14th Annual Professionalism Award. The award was presented by President John Howe and Professionalism co-chairs Carolyn Bell and Skip Smith.



The law firm of Greenberg Traurig received the Inaugural Judge Edward Rodgers Diversity Award. Accepting the award on behalf of the firm were Bridget Berry and Tracy Gerber.

Pictured from left to right: President John Howe, Diversity & Inclusion co-chair Laurie Cohen, from Greenberg Traurig Bridget Berry and Tracey Gerber, Ref. Judge Edward Rodgers, Diversity & Inclusion co-chair Sia Baker-Barnes and President-Elect Adam Rabin



Lloyd Comiter and Judges Nancy Perez and Caroline Shepherd



Jason Okleshen and Dean Xenick



F. Malcolm Cunningham, Jr. and Iola Mosely



Jim Sweet and Judge Nelson Bailey



Judge James Martz, BBC Co-Chair Wade Bowden and Ned Reagan

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The Palm Beach County Bar Association
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Chief Judge Peter Blanc and Colleen Farnsworth



Bill Abel and BBC Co-Chair Greg Huber

Capital Campaign – Thank You to Those Who Have Contributed!

Personalized Bricks Purchased (As of 4/1/12)

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Koehler, Dennis, In Memory of
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Napoleone, Michael
Neal, Ginny R.
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Royce, Catherine S.
Royce, Raymond W.
Rutherford Mulhall, P.A.
Sabadell United Bank
Sasser, Tom & Meenu
Schutz & White LLP
Shalloway & Shalloway



The Bar Association has moved to its first permanent home located on Belvedere Road in West Palm Beach. The building is a state-of-the-art facility for our legal community to enjoy for many years to come. You can be a part of history by naming a room or buying a brick.

We sincerely thank the following firms and members who have contributed as of 11/25/11:

Searcy Denney Scarola Barnhart & Shipley Classroom
 Richman Greer, P.A. Executive Director's Office
 Schuler, Halvorson, Weisser & Zoeller, P.A. Small Conference Room
 Holland & Knight LLP Member Services Office
 North County Section & Young Lawyers Section Communication Director's Ofc
 Lesser, Lesser, Landy & Smith Front Bench
 Lytal Reiter Smith Ivey & Fronrath Reception Area
 Jones, Foster, Johnston & Stubbs LRS Office
 Gunster Landscape
 Fisher & Bendeck Landscape
 Wyland & Tadros Workroom
 H. Irwin Levy Visiting Attorney's Office
 In Memory of Bob & Sandy Rogers Lounge
 Brian Scher & Debbie Meltzer Women's Lounge
 Greenberg Traurig Admin. Asst. Workstation
Additional rooms are still available!

Would you like to have a permanent place in the Bar's new building?

For further information regarding naming rights or to purchase a brick, please contact Lynne Poirier at the Bar Office or scan the QR Code here with your Smartphone or go to palmbeachbar.org/capital_campaign.php



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Smith, Amy
Smith, D. Culver
Smith, Scott & Molly
Sojka, Cindy
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South Palm Beach County Bar Association
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Whittles, John
Wroble, Art & Mary Ellen
Zelev Huber

North County Section

Members of the North County Section & Palm Beach County Justice Association recently hosted a joint Happy Hour at Cabo Flats in Palm Beach Gardens. Here are pictures from the event.



Jessica Callow and John Howe



Judge Ron Alvarez and Jack Scarola



Donna Eng, Daniel Zuniga and Gara Papowitz



Ian Boettcher, Steve Fischer, Theo Kypreos and Greg Yaffa



Jonathan Wald and Randy Garvey



Dean Xenick, Ron Ponzoli and Bobbie McKenna

Local Charities Receive Support from North County Section

The North County Section recently donated a total of \$126,000 to local charities. This money was made possible by a substantial donation and by proceeds raised during the Association's annual silent auction, which was held this past December.

Contributions were made to the following 21 non-profit organizations: American Heart Association, Duncan Middle School, Drug Abuse Treatment Association, FAU Endowment Scholarship Fund, FAU Moot Court, Fern House, Friends of Abused Children, Historical Society of Palm Beach County, Jupiter Farms Elementary School, Legal Aid Society of Palm Beach County, Lighthouse for the Blind, Loggerhead Marinelife Center, North Palm Beach Elementary School, PACE Center for Girls, Palm Beach County Bar Association's Law Week, Renaissance Learning Center, Sunset House, Urban League of Palm Beach County, Voices for Children, William T. Dwyer High School Debate Club and the Young Lawyers Section of the Palm Beach County Bar Association's Charity Holiday Party.



NCS Board front row from left to right: Greg Yaffa, director; Ken Johnson, president elect; Ron Ponzoli, president; Marina Petillo, director.

Back row left to right: Keith Campbell, director, Michael Slavin, past president; Todd Stewart, director and Larry Buck, director.

(Not pictured: Rosemarie Guerini, Ned Reagan, Jerry Beer, Carl Spagnuolo, Spencer Kivin and Dante Weston)



Compliance With Beal Bank – Just Check The Correct Box!

By David M. Garten, Esq.

In Wexler v. Rich, 2012 Fla. App. LEXIS 2662 (Fla. 4th DCA 2/22/12), the Fourth District was presented with the question of whether a married couple established tenancy by the entirety bank accounts under the guidelines set forth in Beal Bank, SSB v. Almand & Associates, 780 So. 2d 45 (Fla. 2001).

FACTS:

Rich opened two single-party bank accounts in his own name at Bank United. Both accounts were subsequently converted into multi-party accounts with Miriam as a co-signer with a right of survivorship. Miriam and Rich told the bank employee that they wanted to open “joint accounts.” The employee inputted information into the bank’s computer and generated two new account forms. The bank’s forms contained a section entitled “Ownership of Account;” two of the options were “Multiple-Party Account” and “Multiple Party Account--Tenancy by the Entireties.” Another section of the forms, entitled “Beneficiary Designation,” contained various survivorship options. On each form, the bank employee checked the option designating the account as a “Multiple-Party” account, and not a “Multiple-Party Account--Tenancy by the Entireties.” As to the beneficiary designation, the bank employee checked the box designating each account as a “Multiple-Party Account with Right of Survivorship.” The bank employee made these selections because Miriam and Rich had told her that they wanted to open “joint accounts” and because they did not expressly request that either account be held in the form of a tenancy by the entirety. Rich and Miriam had never discussed tenancies by the entirety and Miriam was not familiar with the concept. Moreover, the bank employee did not discuss that form of ownership with the Riches. After they reviewed the agreements with the employee for accuracy, Rich and Miriam signed each form at the bottom.

Rich and Miriam subsequently closed both bank accounts and the checks were made payable to Rich. Miriam did not object to the checks in Rich’s name

alone because she believed that either of them was free to withdraw funds from the account with the consent of the other. That same day, Rich and Miriam traveled to Floridian Community Bank where, with Miriam’s knowledge, Rich deposited the two checks into a newly created account which was titled in Rich’s name alone, with Miriam and the daughter as equal “pay on death” beneficiaries. Rich subsequently changed the ownership of the account to his revocable trust without Miriam’s knowledge or consent. Rich died three days later.

Upon Rich’s death, the entire balance of the account was withdrawn and made payable to his trust rather than being split equally between Miriam and the daughter. Miriam first learned that Rich had changed the title to the account a few days after his death. According to Miriam, she had never intended to waive her rights to the funds, but declined to object when they were transferred to the single-party account because she knew Rich was agitated and did not want to upset him, given his declining health. Judge Colin found that the Bank United accounts were tenancies by the entirety entitling Miriam to assert a claim over the funds in the possession of the revocable trust.

RULE & REASONING:

The appellate court, in reversing Judge Colin, reasoned in part:

“Beal Bank held that if a signature card made at the opening of a bank account did “not expressly disclaim the tenancy by the entirety form of ownership, a presumption arises that a bank account titled in the names of both spouses is held as a tenancy by the entirety as long as the account” is established consistent with the six characteristics of an entirety account. Beal Bank recognized that “an express designation on the signature card that the account is held as a tenancy by the entirety ends the inquiry as to the form of ownership,” so that there is no need to utilize a presumption to determine the nature of a bank account. Also, Beal Bank indicated that a signature card’s “express disclaimer that a tenancy by the entirety was not intended” was

effective to establish the absence of an entirety account, assuming no fraud.

The Supreme Court identified two ways to expressly disclaim the entirety account status; first, “an express statement signed by the depositor that a tenancy by the entirety was not intended, coupled with an express designation of another form of legal ownership” and second, “if the financial institution affirmatively provides the depositors with the option on the signature card to select a tenancy by the entirety among other options, and the depositors expressly select another form of ownership option of either a joint tenancy with right of survivorship or a tenancy in common.”

This case demonstrates the second type of express disclaimer contemplated by Beal Bank. Bank United provided the Riches with account agreements containing the option of a tenancy by the entirety, but that option was not selected. Rather, the agreements established joint tenancies with right of survivorship. The Riches signed the agreements after having had a chance to review them. When the Riches signed the account agreements, they expressly selected a form of account ownership other than a tenancy by the entirety, within the parameters set by the Supreme Court in Beal Bank.

The trial judge found no express disclaimer of tenancies by the entirety primarily because the bank employee did not discuss or explain the account ownership options with the Riches. As it applies to the mechanics of the bank-customer relationship in the opening of accounts, Beal Bank does not require a bank to explain the legal ramifications of the various account options. Only a handful of attorneys in Florida are able to describe the differences between a tenancy by the entirety bank account and a joint account with right of survivorship. The bank’s obligation is to clearly provide customers with the option of a tenancy by the entirety account, not to assist them in making a considered choice. To paraphrase the old proverb, a bank’s duty under Beal Bank is to lead the horse to water, not to make him drink it.”

Rule 1.120(c): Conditions Precedent

By Matt Triggs and Jonathan Galler

Admit. Deny. Without knowledge.

Those are your typical options when answering a complaint. Simple enough, right? You can save your real energy for those clever affirmative defenses and that killer counterclaim. There is just one problem. When answering some allegations, you need to do more. Maybe a lot more.

Rule 1.120(c) establishes the parties' respective burdens for purposes of alleging or denying the performance of conditions precedent. Reading the rule can have a dizzying effect on practitioners who are used to standard pleading practice.

(c) Conditions Precedent. In pleading the performance or occurrence of conditions precedent, it is sufficient to aver generally that all conditions precedent have been performed or have occurred. A denial of performance or occurrence shall be made specifically and with particularity.

In other words, the rule imposes upon the defendant a heightened burden for pleading a denial of an allegation that all conditions precedent have been satisfied. The plaintiff may allege generally that all conditions precedent have been met; but, if the defendant wishes to deny that allegation, the denial must – at a minimum – identify “specifically and with particularity” the condition or conditions precedent that have not been satisfied.

A recent Fifth District Court of Appeal opinion highlights the significance of this pleadings standard. In *Godshalk v. Countrywide Home Loans, Servicing, L.P.*,¹ a foreclosure case, the plaintiff generally alleged that all conditions precedent had been satisfied. The defendant denied the allegation as follows: “Denied. Neither the Plaintiff nor any other person has provided any of the notices required by the document that the Plaintiff purports to be the applicable mortgage in this matter.”

The Fifth District held that the defendant’s denial failed to meet his heightened burden under Rule 1.120(c) because it did not specifically identify which of the thirteen required notices he allegedly did not receive. The consequences for the defendant were dire. The plaintiff was granted summary judgment on the ground that the defendant was deemed not to have denied the allegation concerning conditions precedent. The Court wrote:

The purpose of Florida Rule of Civil Procedure 1.120(c) is to put the burden on the defendant to identify the specific condition that the plaintiff failed to perform – so that the plaintiff may be prepared to produce or cure the omission, if it can be cured. The rule is intended to force a defendant to show his hand in advance to avoid surprise.²

In construing the majority opinion, the rather spirited dissent concluded that “[s]ince the denial seems pretty particular & the problem must be a lack of specificity” and noted that “[e]vidently, it is not enough to allege that *none* [of the notices] was complied with, each one must be separately identified.”³

The *Godshalk* opinion is not an outlier. The Florida Supreme Court has held that a mere general denial of the performance

of conditions precedent constitutes a waiver of the argument.⁴ So have the other appellate courts, including the Fourth District.⁵

Thus, if the defendant does not satisfy its burden to make a particular and specific denial, the plaintiff will not be required to prove its allegation concerning the satisfaction of conditions precedent.⁶ However, if the defendant does properly deny the allegation, the plaintiff will have the usual burden of proof at trial.⁷ Rule 1.120(c) shifts the burdens only at the *pleading* stage; it does not shift the burden of proof if the defendant’s denial is sufficiently specific and particular.⁸

The language of Federal Rule of Civil Procedure 9(c) is very similar to Rule 1.120(c).⁹ There is some authority, though, suggesting that the federal rule may be applied less strictly than the state rule. For example, in *Associated Mechanical Contractors, Inc. v. Martin K. Eby Const. Co.*, the Eleventh Circuit held that “the specific denial of performance of conditions precedent may be raised by motion as well as by answer.”¹⁰ Indeed, in that case, the defendant was granted summary judgment by providing *in his motion* the specifics of his affirmative defense generally denying that all conditions precedent had been performed. It is possible, therefore, that if the *Godshalk* case had played out in federal court, the result might not have been quite as severe for the defendant.

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



⁴*Ingersoll v. Hoffman*, 589 So. 2d 223, 225 (Fla. 1991).

⁵*See, e.g., Davie Westview Developers, Inc. v. Bob-Lin, Inc.*, 533 So. 2d 879, 880 (Fla. 4th DCA 1988).

⁶*W. J. Kiely & Co. v. Bituminous Cas. Corp.*, 145 So. 2d 762, 762 (Fla. 3d DCA 1962) (under predecessor rule).

⁷*Berg v. Bridle Path Homeowners Ass’n, Inc.*, 809 So. 2d 32, 34 (Fla. 4th DCA 2002).

⁸*Id.*

⁹“In pleading conditions precedent, it suffices to allege generally that all conditions precedent have occurred or been performed. But when denying that a condition precedent has occurred or been performed, a party must do so with particularity.” Fed. R. Civ. P. 9(c).

¹⁰271 F.3d 1309, 1317 (11th Cir. 2001). *See also Schindler Architects, Inc. v. Fidelity and Guar. Ins. Underwriters, Inc.*, 2007 WL 781918, 2 (S.D. Fla. 2007); 2-9 Moore’s Federal Practice-Civil § 9.01(3) (“Denial of performance or occurrence of a condition precedent can also be made in a motion for summary judgment ...”).

Justice Teaching

For information about Justice Teaching please contact Judge Jonathan Gerber at **561-242-2053**, gerberj@flcourts.org or visit the website at <http://www.justiceteaching.org>.

¹2012 WL 751549 (Fla. 5th DCA Mar. 9, 2012) (not final as of this publication’s submission deadline).

²2012 WL 751549 at *1.

³2012 WL 751549 at *2.

The ABA; MDP; ALPS and other Scary Acronyms



Ten years ago the ABA conducted a top to bottom review of the Model Rules of Professional Responsibility. The effort was dubbed Ethics 2000. One of the major proposals that came from that commission was a request to amend the Model Rules to allow Multi Disciplinary Practices (MDP). The idea behind MDP was to allow lawyers to form partnerships with accountants, engineers, architects, urban planners or whatever to provide “one stop shopping” for clients with needs spread across several areas of expertise.

The argument in favor of permitting MDPs was that the Big 5 accounting firms were buying up foreign law firms left and right. In the modern global economy it was only a matter of time before the accounting monsters started taking over American law firms. To compete with the accounting giants, law firms had to be able to play their game and offer in house services beyond the traditional abilities of lawyers.

The debate in the House of Delegates over MDP was as heated, intense and interesting as any it has been my privilege to watch. In the end, the House of Delegates defeated the MDP provision and, just to be certain, passed a resolution specifically opposing MDP as a business model for lawyers.

It is worth noting that after that vote, names like “Enron” and “WorldCom” became commonplace and the Big 5 accounting firms went the way of the dinosaurs. The push for MDP quietly died.

Now twelve years later, everything old is new again. A new ethics commission roams the land: Ethics 20/20. The charge of this new commission: “to study how the Model Rules of Professional Conduct might be amended to respond to changes in technology and the increasingly global nature of law practice.”

One of the products of this commission is a white paper dated 12/2/11 entitled “Discussion Paper on Alternative Law Practice Structures”. (The link to this paper is: http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20111202-ethics.) [Or simply go to the Ethics 20/20 website and click on “Discussion Draft with Cover Memo” relating to Alternative Law Practice Structures] Every practicing lawyer should read this material. If adopted, the proposals in this paper will fundamentally change the way we all practice law.

The paper includes a survey of business models allowed in foreign jurisdictions including New Zealand, England, Scotland and Canada. It also examines the District of Columbia model, the only U.S. jurisdiction that presently allows non-lawyer ownership interest in a law firm. The paper concludes that the rule in D.C. has created no problems. “Because Washington D.C. law firms that have nonlawyer partners are not required to register as such with the District of Columbia Bar Association, information about the number of those firms operating today and their nonlawyer compliment is unavailable. Such firms clearly exist, however, and the Commission was advised that there have been no disciplinary cases involving interference with lawyers’ professional judgment by nonlawyers with an ownership interest since that was first permitted. There is simply no evidence that the perceived risk has materialized.”

Does that sound very reassuring? We don’t know how many of these nonlawyer partners exist, but the lawyers who have chosen to partner with them have not complained that the nonlawyers have interfered with the lawyer’s professional judgment.

Given that thin evidence, as well as “anecdotal evidence from lawyers” that “small law firms in particular are increasingly interested in having nonlawyer partners”, the paper recommends amendments to Model Rule of Professional Conduct 5.4 to allow Alternative Law Practice Structures (ALPS). This proposal would allow limited nonlawyer ownership in law firms under the following conditions:

- such law firms would be restricted to providing legal services;
- nonlawyer owners would have to be active in the firm providing services that support the delivery of legal services by the lawyer;
- nonlawyers would be restricted to a minority ownership position;
- Nonlawyers would have to agree in writing to be bound by the Rules of Professional Conduct
- Lawyers would be responsible for ensuring the nonlawyer owners were of good character and complied with the Rules.

This issue is moving forward, it could be presented to the House of Delegates for a vote in February, 2013. It would benefit all of us to study the issues and voice our opinions. A very thorough public debate needs to take place regarding the impact such changes will have on our profession and our clients. The Palm Beach County Bar Association needs to take a position on this Rule amendment and let that position be known. We must be a part of this debate.

Donnie Murrell



Stephanie Rapp, Easter Bunny Chris Cortez, Colleen Farnsworth and Lindsay Demmery, distributed toys to children staying at the Quantum House

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Welcome New Members!

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

Colleen Belits - Florida; Nova Southeastern University, 2011; Partner in Slosberg & Belits, P.A., Boca Raton.

Jennifer Chapkin - New York, New York; Nova Southeastern University, 2008; Associate in Shapiro, Fishman, and Gache, LLP, Boca Raton.

Jason Lee Cohen - West Palm Beach, FL; University of Miami, 2009; Associated with Windhaven Insurance Company, Miami.

Ashley Crispin - Boynton Beach, FL; University of Florida, 2006; Associate in Casey, Ciklin, Lubitz; West Palm Beach.

Norman Fleisher - Miami, FL; University of Miami, 1992; Partner in Gutter, Chaves, Josepher, Rubin, Forman, Fleisher, P.A., Boca Raton.

Erica L. Foti; Florida International University, 2011; Associate in Wilson, Elser, Moskowitz, Edelman & Dicker, West Palm Beach.

Melinda M. Fusca; Florida Registered Paralegal Membership, Gordon & Donor, P.A., Palm Beach Gardens.

Michael Greenspan - White Plains, NY; Temple University, 1991; Partner in The Greenspan Law Firm, P.A., Boca Raton.

Adam George Gutin - Buffalo, N.Y.; Florida International University, 2010; Associate in Nason Yeager Gerson White & Lioce, P.A., West Palm Beach.

Jeanette J. Hallak - N.J.; University of Miami, Law Student Membership; West Palm Beach.

Matthew Edward Haynes - Bethpage, N.Y.; Stetson University, 1993; Associate in Lytal, Reiter, Smith, Ivey & Fronrath, LLC, West Palm Beach.

Marc Hoffman - Bogota, Colombia; St. Thomas University, 2008; Boynton Beach.

Jeffrey Alan LaClair - Detroit, MI; St. Thomas University, 2009; Associate in Nason Yeager Gerson White & Lioce, P.A., West Palm Beach.

Chad Laing - Miami, FL; Nova Southeastern University, 2000; Partner in Laing & Weicholz, P.L., Boca Raton.

Sean Lebowitz - Long Island, N.Y.; University of Florida, 2007; Associate in Gutter, Chaves, Josepher, Rubin, Forman, Fleisher, P.A., Boca Raton.

Lee Levenson - Associate in Steinger, Iscoe & Greene, West Palm Beach.

Julie Christie Morgan - Ft. Lauderdale, FL; University of Miami, Law Student Membership, Lake Worth.

London Ott - Mt. Bethel, PA; Nova Southeastern University, 2011; Government Attorney with Fourth District Court of Appeal, West Palm Beach.

Madeleine Parro - LaGrange, IL; University of Florida, 2011; West Palm Beach.

Fernando Ramirez - Lima, Peru; Florida International University, 2009; Associate in Wilson, Elser, Moskowitz, Edelman & Dicker, West Palm Beach.

Michele Yakos Rodriguez; Florida Registered Paralegal Membership, Schuler, Halvorson, Weisser & Zoeller, P.A., West Palm Beach.

Jonathan Rogers - Honolulu, HI; University of Denver, 2009; Affiliate Membership, Jupiter.

Jessica Rose - Detroit, MI; Benjamin N. Cardozo School of Law; Government Attorney with Office of the State Attorney, Palm Beach County, West Palm Beach.

Alex Rosenthal; Associate in Greenberg Traurig, West Palm Beach.

Jonathan B. Rupprecht - Palm Beach Gardens, FL; Florida International University; Law Student Membership, Jupiter.

Amy Slaman - New Orleans, LA; University of Miami, 2011; Associate in Aldridge Connors, Boca Raton.

Jonathan W. Taylor; Nova Southeastern University, 2011; Jupiter.

Kate Elizabeth Watson - Palm Beach Gardens, FL; CUNY School of Law, 2011; Government Attorney, Legal Aid Society of Palm Beach County, West Palm Beach.

Jason Zapper; Florida State University; Associate in Jay Steven Levine Law Group, Palm Beach Gardens.



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Real Property and Business Litigation Report

April 2012 Summary

Submitted by Manuel Farach



Solymar Investments, Ltd. v. Banco Santander S.A., – F.3d –, 2012 WL

612302 (11th Cir. 2012).

Questions relating to fraud in the inducement (fraudulently inducing a party to enter into a contract) are reserved for the arbitrator while questions relating to fraud in the factum (procuring a party's signature or agreement to a contract without knowledge of its true contents) are reserved for a court. A successful fraud in the inducement claim makes a contract voidable while a successful fraud in the factum claim makes the contract void.

Springhill Health Care Associates, LLC v. Benlein, – So.3d –, 2012 WL 751681 (Fla. 5th DCA 2012).

It is error for a trial court to compel production of documents over a privilege objection without first conducting an in camera review in order to determine whether a privilege applies.

McDonald's Restaurants of Florida, Inc. v. Doe, – So.3d –, 2012 WL 751965 (Fla. 2d DCA 2012).

It is error for a trial court to compel production of documents over a trade secrets objection without first conducting an in camera review in order to determine whether any requested items are, in fact, trade secrets. If the trade secrets are to be produced over objection, a detailed factual order must be produced explaining why it is necessary to produce the items.

Nucci v. Storm Football Partners, – So.3d –, 2012 WL 751966 (Fla. 2d DCA 2012).

A party that participates in an arbitration proceeding without asking a trial court to stop the arbitration proceedings cannot later argue that the arbitrator exceeded his authority under Fla. Stat. § 682.13 (1)(c) by conducting the arbitration proceedings.

Delta Property Management v. Profile Investments, Inc., – So.3d –, 2012 WL 739193 (Fla. 2012).

If a certified notice of a tax deed sale is returned undeliverable, the notice of tax deed sale pursuant to Fla. Stat.

§ 197.522 is ineffective and the clerk must take additional steps to provide "notice reasonably calculated to apprise landowners of the pending deprivation of their property." Additionally, an issue must be actually argued and decided on a prior appeal in order to constitute "law of the case."

Martinez v. Early Bird Intern., Inc., – So.3d –, 2012 WL 716073 (Fla. 4th DCA 2012).

Origination of one or more mortgages within a twelve-month period subjects the originator to the Truth In Lending Act (T.I.L.A.), notwithstanding that the originator is not a traditional lender.

Infante v. Bank of America Corp., Slip Copy, 2012 WL 744678 (11th Cir. 2012).

Citing Florida Supreme Court law on the subject, the Eleventh Circuit rules that a corporation that purchases the assets of another corporation does not automatically assume the liabilities of the selling corporation unless "(1) the successor expressly or impliedly assumes obligations of the predecessor; (2) the transaction is a de facto merger; (3) the successor is a mere continuation of the predecessor; or (4) the transaction is a fraudulent effort to avoid liabilities of the predecessor."

Trucap Grantor Trust 2010-1 v. Pelt, – So.3d –, 2012 WL 832784 (Fla. 2d DCA 2012).

Florida Rule of Civil Procedure 1.110 (b) providing that foreclosure complaints may be "verified" by a party swearing to their "best knowledge and belief" does not require a party to swear that allegations are "true" without qualification under Fla. Stat. § 95.525 (4) (b).

Federal Home Loan Mortg. Corp. v. De Souza, – So.3d –, 2012 WL 832838 (Fla. 3d DCA 2012).

A foreclosure judgment may be vacated under Florida Rule of Civil Procedure 1.540 (b) only upon specific allegations of fraud.

Kitroser v. Hurt, – So.3d –, 2012 WL 952349 (Fla. 2012).

The Corporate Shield Doctrine does not prevent a defendant from being haled into Florida through long-arm jurisdiction when the defendant is in Florida or committed a tortious act in Florida. However, a corporate employee who commits no torts in Florida cannot be haled

into the jurisdiction based solely on her status as a corporate employee.

Srygley v. Capital Plaza, Inc., – So.3d –, 2012 WL 955506 (Fla. 1st DCA 2012).

An individualized notice (i.e., certified return receipt sent to landowner) is not statutorily required for re-notice of a tax deed sale; general notice by publication in a newspaper of general circulation is sufficient.

Harambam Congregation, Inc. v. Simcha Connection, Inc., – So.3d –, 2012 WL 933026 (Fla. 3d DCA 2012).

After a temporary injunction is entered, a defendant has the choice of contesting notice by appealing under Florida Rule of Civil Procedure 9.130 (a)(3)(B) or seeking to dissolve the injunction in the trial court. If a motion to dissolve is filed, any possible deficiency regarding notice becomes irrelevant.

Cox v. Great American Ins. Co., – So.3d –, 2012 WL 933073 (Fla. 4th DCA 2012).

A judgment awarding attorney's fees for violation of Florida Rule of Civil Procedure 1.730 regarding mediation requires specific factual findings. Such a judgment is a sanction and not fee shifting, and therefore, an award of fees for seeking fees is proper.

Broin v. Phillip Morris Companies, Inc., – So.3d –, 2012 WL 934034 (Fla. 3d DCA 2012).

The federal method of determining whether counsel has a conflict in class action cases, i.e., that counsel may continue to represent the class as a whole even if some members of the class object to a settlement and thus are at conflict with their attorney, is adopted for class action cases.

Mayo Collaborative Services v. Prometheus Laboratories, Inc., – S.Ct. –, 2012 WL 912952 (2012).

Human genes and the laws of nature cannot be patented, therefore, tests which are too closely patterned after the laws of nature cannot be patented despite the fact they pass the "machine or transformation" test.

The weekly edition of the Case Law Update can be requested by sending an email to mfarach@richmangreer.com with the words "Subscribe to Case Law Update" in the subject line. Past issues of the Case Law Update can be found at <http://richmangreerblog.com/author/mfarach/>.

Ballen Isles Party Spotlights Legal Aid Volunteers

Gary and Jennifer Lesser hosted a gift gathering cocktail party at BallenIsles on Saturday, March 3 to benefit Legal Aid's 24th Annual Pro Bono Recognition Evening. Over 150 supporters of Legal Aid enjoyed the festivities and donated



Gary and Jennifer Lesser and Amy and Jeff Devore

over 110 gifts to be auctioned at this year's event, which will be held on May 19, 2012 at the Palm Beach County Convention Center. The 24th annual celebration honors outstanding volunteer attorneys and law firms and raises much needed funds to benefit Legal Aid's 17 programs. In addition to the silent auction and awards ceremony, guests will be entertained by students from the Dreyfoos School of the Arts.

Photos by Tracey Benson



Jennifer and Adam Rabin and Samantha Schosberg-Feur and Len Feur



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Nondelegable Duty

by Ted Babbitt

When can a hospital be held liable for the torts of an independent contractor physician? That is the question that was posed to the Fourth District Court of Appeal in the recent case of Newbold Ferguson v. Amisub North Ridge Hospital, Inc., 37 Fla. L. Weekly D473b (Fla. 4th DCA Feb. 22, 2012). This was a wrongful death action alleging negligence on the part of an emergency room physician and an attempt to hold a hospital liable for that physician's negligence even though he was clearly an independent contractor. The trial court granted a motion to dismiss the third amended complaint which attempted to allege a non-delegable duty and instructed the plaintiff to refile a complaint alleging that the hospital was negligent in credentialing the physician. Plaintiff elected to replead non-delegable duty and dismissal with prejudice was granted.

The Fourth District Court of Appeals reversed relying on a litany of cases holding a hospital liable for its independent contractor physicians under certain circumstances. The Court recognized the general rule that a hospital is not liable for the negligence of a non-employed physician but pointed out that there are numerous exceptions to this rule.

First, a hospital may be liable for the actions of a physician where the physician is either an actual or apparent agent of the hospital. See *Roessler v. Novak*, 858 So. 2d 1158, 1161-62 (Fla. 2d DCA 2003).

Second, a hospital can be liable in tort for failing to exercise due care in the selection and retention of an independent contractor physician on the hospital staff. See *Insinga v. LaBella*, 543 So. 2d 209, 214 (Fla. 1989).

Third, the rule of a hospital's non-liability for acts of an independent contractor fails where the duty is non-delegable. See *Pope v. Winter Park Healthcare Group, Ltd.*, 939 So. 2d 185, 187 (Fla. 5th DCA 2006). A non-delegable duty may arise out of a statute, a regulation, or a contract. *Id.* at 187-88.

The seminal case on non-delegable duty is Irving v. Doctor's Hospital of Lake Worth, Inc., 415 So. 2d 55 (Fla. 4th DCA 1982). In that case the Fourth District reversed a trial judge for failing to instruct a jury on the issue of non-delegable duty explaining that a non-delegable duty can be based upon a statute, an implied or express contract, or a regulation.

The public policy surrounding the issue of non-delegable duty in a hospital revolves, at least in part, upon the helplessness of the plaintiff in an emergency or unconscious condition. At D474 the Court states:

The imposition of a non-delegable duty to provide competent emergency room services makes sense, because a patient in an emergency room generally has little, if any, control over who will be the treating physician. Cf. *Kristensen-Kepler v. Cooney*, 39 So. 3d 518, 520 (Fla. 4th DCA 2010) (explaining that

the imposition of a non-delegable duty to provide competent anesthesia services makes sense where the patient "has little, if any, control over who administers the anesthesia," but rejecting the proposition "that a hospital likewise has a non-delegable duty to supervise the physician a patient has chosen to perform an elective procedure").

The Court held that the trial court erred in instructing the plaintiff that his claim of non-delegable duty had to be based upon failure to properly credential the emergency room physician. To the contrary, so long as the plaintiff can adequately plead the basis of a non-delegable duty, whether by statute, regulation, or implied or express contract, such a cause of action indeed exists. The Court cautioned that in this case as well as future cases, plaintiffs must accurately plead the basis of the non-delegable duty including the specific source of the hospital's duty that the plaintiff relies upon.

This case is instructive on the issue of a principle's responsibility for a nonemployee in a number of circumstances including the theory of non-delegable duty.

Judicial Profile

Continued from page 5

Three years later, the morning session of Judge Alvarez' delinquency docket was coming to a close. Judge Alvarez happened to look toward the doors of his courtroom, which were just opening. There stood a young man in a full dress United States Marine uniform. As the young man approached the bench, Judge Alvarez recognized him from three years earlier. After some conversation, Judge Alvarez asked the young man why he had returned to West Palm. The young man said "I just came back to thank you."

Judge Alvarez is a shining example of how a member of the judiciary can make a difference in our community. He gives of his free time to assist as many children in our community as possible, from coaching youth sports to presiding over Saturday drug court in Riviera Beach. When asked what he would like most to be remembered for, Judge Alvarez said "I help people so that they will help others."

It is his "one child, one family, one life at a time" attitude that has guided Judge Alvarez over the course of his remarkable career. In his last term as a sitting judge, if we are fortunate enough to have him re-elected, Judge Alvarez will surely continue his mission of helping those least able to help themselves, such as starting the county's first delinquency drug court or implementing a therapy dog program to decrease the stress experienced by dependent children when they visit the courthouse.

The next time you see Judge Alvarez in the courthouse, thank him and then tell him to thank his wife, Elaine Webb-Alvarez, of 42 years, and their two adult sons, Mark and Chad, for the time that her husband and their dad has dedicated to the Palm Beach County. And if you are really lucky, perhaps Judge Alvarez will share one of his incredible recipes for Spanish cuisine. I hear Judge Alvarez makes an incredible dish of arroz con pollo y chorizo!



**LESSER LESSER
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ATTORNEYS AT LAW
- Personal Injury Since 1927 -

We are pleased to announce
Luis “Lou” Delgado
has joined our Firm



Luis “Lou” Delgado joins
Lesser, Lesser, Landy & Smith, PLLC.

Luis brings significant trial experience and a reputation of integrity that make him a valued member of our team.

Luis is President Elect of the Palm Beach County Hispanic Bar Association and Former Assistant State Attorney in Palm Beach County. He will work from our West Palm Beach office and will assist our English and Spanish speaking clients.

LESSER LESSER LANDY & SMITH PLLC

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Palm Beach Dramaworks

invites members of the Palm Beach County Bar Association to an exclusive Cocktail Reception at the new Don and Ann Brown Theatre, which is on the corner of Clematis and Narcissus Streets in downtown West Palm Beach.

Get an exclusive “sneak peak” into the rehearsal process of the production of *Proof* on Friday, May 18 - 5:30-7:00 pm sponsored by Edward M. Ricci

RSVP to Leslie Mandell
before May 11
561-514-4042x106
lmandell@palmbeachdramaworks.org



Who are they?
From page 4

1. Larry Rochefort
2. Kathleen Kozinski
3. Greg Kino
4. Darryl Kogan
5. Rick Kupfer



W. Jay Hunston, Jr. Mediator/Arbitrator

Since 2001, limiting his practice to all forms of effective dispute resolution, including mediation, arbitration, special master, and private judging services.

- J.D., Stetson Univ. College of Law (1976)
- Fla. Bar Bd. Cert. Civil Trial Lawyer (1983 - 2003)
- Fla. Bar Bd. Cert., Emeritus, Civil Trial Law (2003 - Present)
- Fla. Certified Circuit Civil Mediator (1991 - Present)
- Fla. Certified Family Mediator (1998 - Present)
- Qualified Fla. Arbitrator (2000 - Present)
- FINRA/NASD Approved Mediator
- Admitted to Practice in Florida and Montana
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(772) 223-4092; (866) 748-6786 - Fax
Email: wjh@hunstonadr.com
Website/Online Calendar: www.hunstonadr.com

TEMPLE BETH EL OF BOCA RATON

Thanks the Sponsors of Project Nuremberg “Book of Law” Lawyers Luncheon



Examining the Nuremberg Trials, their impact and aftermath in the eyes of attorneys & Dedication of the “Book of Law”

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Professor of Philosophy and Law and Human Rights Expert

PANEL

David Buckner,
Grossman Roth P.A. and
Edward R. Shohat,
Shohat, Loewy and Shohat



333 SW 4TH AVENUE
BOCA RATON, FLORIDA 33432
561-391-8900 | www.tbeboca.org

And the over 200 attorneys that joined us for this incredible March 2, 2012, event

We are pleased to announce

Richard A. Ryles

has become a shareholder in the firm which will now be known as

Rosenthal, Levy, Simon & Ryles, P.A.

Richard A. Ryles concentrates his practice in Personal Injury, with special emphasis in Premises Liability and Negligent Security.



Fighting for the Injured since 1985



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ATTORNEYS AT LAW

West Palm Beach: 1645 Palm Beach Lakes Blvd., Suite 350, West Palm Beach, FL 33401 | Phone (561) 478-2500

Port St. Lucie: 1660 SW Saint Lucie West Blvd., Suite 300, Port St. Lucie, FL 34986 | Phone (772) 878-3880

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Bulletin Board

*** Ad Rates ***

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

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

PROFESSIONAL ANNOUNCEMENTS:

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

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

GREGORY TENDRICH, Esq.: "AV" rated, FINRA Arbitrator, Certified County Court Mediator & Former Series 7 licensed VP & Asst. General Counsel to national and regional NYSE & FINRA stock brokerage firms, is accepting referrals and is available to co-counsel, provide trial/arbitration consultation or assistance in matters involving the recovery of losses due to stock broker fraud, unsuitability, churning and misrepresentation, in addition to SEC, FINRA, NYSE and other regulatory enforcement matters. Please call (561) 417-8777 or visit www.yourstocklawyer.com.

GREY TESH: "Law is not black & white, it's Grey." Passionate, caring, prepared, truthful. Criminal defense (board certified) and personal injury, over 100 jury & non-jury trials, Federal (nationwide) and State. aaacriminaldefense.com & floridainjuryaccidentlawyers.com. 1610 Southern Blvd, WPB, FL 33406. (561) 686-6886.

MARINA D. PETILLO: Many of your clients and former clients would benefit from the services of a Parenting Coordinator who is also an experienced Marital/Family Law Attorney. For more information, please visit www.petilloparentingcoordinationandmediation.com Also available as a Family Law Mediator and Guardian/Attorney Ad Litem. Reasonable rates for all services. 800 Village Square Crossing, Suite 105, Palm Beach Gardens, FL 33410 (561) 656-2015. mpetilloesq@gmail.com

OFFICE SPACE

WOULD YOU LIKE TO SELL YOUR PALM BEACH COUNTY LAW PRACTICE? I may be interested in purchasing it. Call or email (561) 880-0155; Paul@paulburkhart.net. You are assured of strict confidentiality.

OFFICE SUBLEASE IN CENTURION TOWER: 1601 Forum Place, West Palm Beach. Includes office (one or two offices available), file space, secretarial station, copier/scanner, conference rooms and internet. Call Beth (561) 659-7878.

SHARED OFFICE SPACE with a bankruptcy and criminal defense firm available in a beautiful, new 10th floor office in West Palm Beach. The office is outfitted with dark wood furniture, marble floors in the lobby and front conference room, polished nickel accents and a large flat screen TV in the lobby. Shared use of professional Ricoh all-in-one machine as well as phones and a conference rooms. Asking \$500.00 per month. Contact Michael Kaufman (561) 478-2878.

HEARSAY

Bari L. Goldstein has been promoted to Member of Christine D. Hanley & Associates, P.A. Ms. Goldstein joined the firm as an Associate in 2002. She earned her J.D. degree from the University of Miami.

Rutherford Mulhall, P.A. is pleased to announce that **John R. Banister**, Shareholder, has been reappointed by the Florida Bar to the Florida Association of Realtors, Realtor/Attorney Joint Committee.



David C. Prather, a partner at the law firm of Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin, has been appointed Chair of the Audit Committee of the

Board of Directors for the Community Television Foundation of South Florida, Inc. (CTF). CTF operates WPBT2, the community-licensed public television station.

Akerman Senterfitt announces **Guy Quattlebaum**, of counsel in the Litigation Practice Group in the firm's W.P.B. office, has been re-elected vice president of the Palm Beach County Sports Commission for a year-long term.

We've Moved

Bar Assn. New Address:
1507 Belvedere Road
West Palm Beach, FL 33406





PALM BEACH COUNTY BAR ASSOCIATION
BULLETIN

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

CALENDAR

May 2012

- Tuesday, May 1, 5:30pm - 7:30pm
Judicial Reception
 The Harriett @ City Place
- Wednesday, May 2, 8:30am - 4:30pm
The Florida Bar Seminar "Practicing with Professionalism"
 The Marriott, West Palm Beach
- Thursday, May 3, 5:30pm - 7:30pm
FAWL Reception
 Info@www.pbcfawl.org
- Friday, May 4, 11:45am - 1pm
Law Day Luncheon
 West Palm Beach Marriott
- Tuesday, May 8, Noon - 1pm
YLS Board of Directors Meeting
 Bar Association Office
- Tuesday, May 8, 6:30pm - 7:30pm
Small Claims Court Clinic
 Palm Beach Gardens Library
- Wednesday, May 9, 8am - 9am
YLS Career Day
 Washington Elementary
- Wednesday, May 9, 11:45am - 1pm
Commercial/Business CLE Luncheon
"View from the Bench"
 Judicial Conference Room, Main Courthouse
- Thursday, May 10, Noon - 1:30pm
South Palm Beach County FAWL Luncheon
 Seasons 52
 Info @ www.fawl.com
- Friday, May 11, 12:45pm - 5:30pm
Circuit Civil Practice Committee CLE Seminar
"Walk a Mile in a Judge's Shoes"
 Bar Association Office
- Saturday, May 12
South Palm Beach Co. Bar Assoc. Annual Installation Gala
 Boca West County Club
- Monday, May 14, 11:45am - 1:35pm
Construction Law CLE Lunch Seminar
"An Overview of Public Procurement in FL"
 Bar Association Office
- Tuesday, May 15, 11:45am - 1pm
Unified Family Practice Committee Meeting
- Wednesday, May 16 - 19
TFB Board of Governors Meeting
- Wednesday, May 16, 8am - 1pm
The 29th Annual Estate & Probate CLE Seminar-Part 2
 Embassy Suites
 1601 Belvedere Rd., WPB
- Thursday, May 17, 8am - 9am
New Attorney Breakfast
 Judicial Conference Room, Main Courthouse
- Friday, May 18 - 19
Palm Beach Justice Association 12th Annual Fishing Tournament
 Lake Park Harbor Marina
- Friday, May 18, 11:45am - 1pm
FAWL Installation Luncheon
 West Palm Beach Marriott
 Info at www.pbcfawl.org
- Friday, May 18, 12pm - 1pm
Cunningham Bar General Meeting Election of Officers
 Info @ www.cunninghambar.org
- Saturday, May 19, 6pm - 10pm
Legal Aid Society's Pro Bono Night
 Palm Beach Co. Convention Center
- Monday, May 21, 8:30am - 4pm
Bankruptcy Law CLE Seminar
 Bar Association Office
- Tuesday, May 22, Noon - 1pm
Committee for Diversity & Inclusion Committee Meeting
 Bar Association Office
- Wednesday, May 23, 11:45am - 1pm
Judicial Luncheon
 North end of cafeteria, Main Courthouse
- Wednesday, May 23, 5pm - 6pm
PBCBA Board of Directors Meeting
 Bar Association Office
- Thursday, May 24, 11:30am - 1pm
Solo Luncheon
 Bar Association Office
- Thursday, May 24, 5:30pm - 7:30pm
Jurist of the Year
 Ruth's Chris Steakhouse, North Palm Beach
- Monday, May 28
Court Holiday - Memorial Day
 Bar Office Closed
- Tuesday, May 29, 5:30pm - 6:30pm
Legal Aid Board Meeting
 Bar Association Office
- Thursday, May 31, 6pm - 8pm
Palm Beach County Justice Assn. Dinner Meeting
 Bear Lakes Country Club

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



*"An Overview of Public Procurement in Florida -
from Advertisement through Bid Protests"*

Monday, May 14, 2012 - 11:45a.m. - 1:35p.m.

Bar Offices - **NEW LOCATION:** 1507 Belvedere Rd., WPB

Program Schedule

11:45am - 12:00pm **Check In / Late Registration / Lunch**

LUNCH SPONSORED BY:



12:00pm - 12:05pm **Welcome - Opening Remarks** - *Cristopher S. Rapp, Esq.,
Jones, Foster, Johnston & Stubbs, P.A., Construction Law CLE
Committee Chair*

12:05pm - 1:35pm **An Overview of Public Procurement in Florida - from
Advertisement through Bid Protests**
*William J. Cea, Esq., Board Certified Construction Law Attorney,
Florida Certified Circuit Civil Mediator, Becker & Poliakoff, P.A.*

This course has been granted 2.0 CLER/2.0 Construction Cert. credits from The Florida Bar.

The cost of the seminar, **including lunch**, is **\$50** for PBCBA members/paralegals, **\$90** for non-PBCBA members/paralegals. **After 5/7/12, add \$10.00 late fee.**

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

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

HOW TO REGISTER



BY CHECK
Return this form



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



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

Credit card registration payment not accepted by Fax to comply with PCI regulations

Name: _____

Telephone: _____

Address: _____

City/Zip _____

Email Address: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Construction Law Seminar 5/14/12) Cost is the same as listed above, **in addition to \$10 for shipping and handling.**

PAYMENT BY **CHECK** ONLY, WITH THIS FORM.

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



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

***THE SECOND TIME AROUND¹: REPEATS AND DO OVERS
IN THE COMMUNITY ASSOCIATION LAW ENVIRONMENT***
THE 23rd ANNUAL COMMUNITY ASSOCIATION LAW SEMINAR

Friday, June 8, 2012 8:55 a.m. – 12:00 p.m.

NEW LOCATION - Bar Association Office - 1507 Belvedere Rd., WPB

Program Schedule

8:30am - 8:55am	Late Registration and Check In
8:55am - 9:00am	Welcome - Michael J. Gelfand, Esq., Florida Bar Board Certified Real Estate Attorney, Committee Chairperson, Gelfand & Arpe, P.A
9:00am - 9:30am	Is Creation Lovelier the Second Time Around: Practical and Ethical Issues When Revitalizing MRTA Extinguished Covenants Pursuant to the Homeowners' Association Act—Steven D. Rubin, Esq., Florida Bar Board Certified Real Estate Attorney, Steven D. Rubin, P.A.
9:30am - 10:00am	Is Development Lovelier the Second Time Around: Practical and Ethical Concerns for Developer Representation post-Foreclosure and Turnover - Steven L. Daniels, Esq., Arnstein & Lehr, P.A.
10:00am - 10:25am	Fines and Suspensions: New Covenant Enforcement Tools, Strategies and Ethics - Bradley F. Rothenberg, Esq., Becker & Poliakoff, P.A.
10:25am - 10:35am	BREAK
10:35am - 11:05am	Avoiding the Second Claim (and the First): Fair Housing Law Case Law Update and Ethical Expectations - Pamela Guerrier, Esq., Palm Beach County Office of Equal Opportunity
11:05am - 12:00pm	Déjà Vu All Over Again? Case Law and Statutory Law Update: Practical and Ethical Implications - Michael J. Gelfand, Esq., Florida Bar Board Certified Real Estate Attorney, Gelfand & Arpe, P.A.




¹ With apologies to the memory of Frank Sinatra.

**This course is expected to receive 3.5 CLER including 3.5 Ethics.
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 6/1/12; add \$25.00 late fee after that date.

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

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

HOW TO REGISTER	 BY CHECK Return this form	 BY CREDIT CARD For security purposes, you must register online at www.palmbeachbar.org	 CLE	Materials will now be emailed to all registrants prior to the seminar
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Credit card registration payment not accepted by Fax to comply with PCI regulations.

Name: _____

Telephone: _____

Address: _____

City/Zip: _____

Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD. (cost same as listed above/allow four weeks for delivery)
(23rd Annual Comm. Assn Seminar 6/8/12)

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



The Palm Beach County Bar Association's
Bankruptcy Continuing Legal Education Committee Presents:

"Practicing Bankruptcy at a Higher Level: Crossroads"

Monday, May 21, 2012

8:30am - 4:00pm

Bar Association Offices - **NEW ADDRESS** - [1507 Belvedere Road, WPB, FL 33406](#)

Program Schedule

8:30a.m. - 8:45a.m. **Late Registration/Check In**

8:45a.m. - 8:50a.m. **Welcome & Opening Remarks** - *Julianne R. Frank, Esq., Committee Chair, Florida Bar Board Certified Business and Consumer Bankruptcy Law Attorney, Frank, White-Boyd, P.A.*

8:50a.m. - 9:50a.m. **The Intersection of Foreclosure and Bankruptcy Law** - *Ronald S. Kaniuk, Esq., Sachs Sax Caplan, P.L..*

9:50a.m. - 10:00a.m. **BREAK**

10:00a.m. - 11:00a.m. **The Intersection of Marital and Bankruptcy Law** - *Stuart A. Young, Esq., Young & Brooks, P.A.*

11:00a.m. - 12:00p.m. **Trustee Perspectives** - *Michael R. Bakst, Esq., Greenspoon Marder, P.A.; Robert C. Furr, Esq., Furr and Cohen, P.A.; and Deborah Menotte*

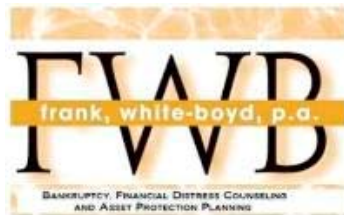
12:00p.m. - 1:00p.m. **LUNCH**

1:00p.m. - 2:00p.m. **The Business in Distress** - *Julianne R. Frank, Esq., Florida Bar Board Certified Business and Consumer Bankruptcy Law Attorney, Frank, White-Boyd, P.A.*

2:00p.m. - 3:00p.m. **Tricks of the Skilled Bankruptcy Litigator** - *Bradley Shraiberg, Esq., and John E. Page, Esq., Shraiberg, Ferrara & Landau, P.A.*

3:00p.m. - 4:00p.m. **Bankruptcy Practice for the Creditor Lawyer** - *Eric A. Rosen, Esq., Rosen & Winig P.A.*

SPONSORED BY:



This course is expected to receive **7.0 CLER credits from the Florida Bar**

The cost of the seminar, lunch included, is **\$175 PBCBA Members/paralegals; \$215 Non-PBCBA Members/paralegals** if registered by **5/14/12**; add **\$25** late fee after that date.

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

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25.

___ 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.

Credit card registration payment not accepted by Fax to comply with PCI regulations

HOW TO REGISTER	 BY CHECK Return this form	 BY CREDIT CARD For security purposes, you must register online at www.palmbeachbar.org	 Materials will now be emailed to all registrants prior to the seminar
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Name: _____

Telephone: _____

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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Bankruptcy Seminar5/21/12) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK ONLY**, WITH THIS FORM.

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

Local Rules, Administrative Orders and Divisional Instructions: Civil, Criminal & Family Divisions

HELP - WHAT DO THEY ALL MEAN?

presented by the Solo & Small Firm Practitioners Committee



Thursday, May 24, 2012

11:30 am to 1:00 pm

Bar Office

1507 Belvedere Road, West Palm Beach

Speaker:

Amy S. Borman, General Counsel, 15th Judicial Circuit.

Introduction to the Local Rules, Administrative Orders, and Divisional Instructions
for Civil Criminal and Family Divisions within the 15th Judicial Circuit

Proper Preparation for UMC and Special Set Hearings: the “How To’s” and “How
Not To’s”

Professionalism in Palm Beach County, 15th Judicial Circuit: the “Should Do’s”
and the “Should Not Do’s”

Lunch, plus CLE & Dessert sponsored by:



Bob Greenberg, CLTC,
MetLife

Stinson Mediation LLC

This course is expected to receive CLE Credit from The Florida Bar.

RSVP online @ www.palmbeachbar.org

COST: \$10.00 for PBCBA Members

Register no later than 5:00 pm on 5.22.12 to avoid a \$5.00 late fee



IN NEED OF CLER CREDIT? WE CAN HELP!

3.30.12

The Palm Beach County Bar Association (PBCBA) offers CLE hours from the sale of audio CD's recorded at previously held live seminars of the Association. We also have copies of audio CD's of live seminars from the Orange Co. Bar Assoc. (OCBA), Clearwater Bar Assoc.(CBA), Hillsborough Co. Bar Assoc.(HCBA), and the Dade Co. Bar Assoc.(DCBA). Members and non-members alike can benefit from this simple way of acquiring CLE and Ethics hours. To order, place an "x" next to the tapes you would like to order, complete this form and return to the Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406 or fax to 561/687-9007. PLEASE WATCH EXPIRATION DATES, we attempt to remove expired CD's but due to the distribution of this list occasionally courses will appear even though they have expired.

CLE content is now available to purchase online to download either to your computer or your iPod @ http://pbcba.fastcle.com/store/provider/provider09.php

Table with 8 columns: Sponsor, Course Title, Credit Gen'l, Ethics Hours, PBCBA Member, Non Member, Expires. Lists various seminars and their associated costs and credit hours.

+++Indicates Certification credits available; **CME credits.

Please contact the Palm Beach County Bar Association for more detailed information.

Please call Kathy Clark at (561) 687-2800 with any questions or for additional information.

PLEASE ALLOW SEVEN (7) BUSINESS DAYS PREPARATION TIME WHEN ORDERING TAPES. THERE WILL BE A \$25 FEE FOR RUSH ORDERS. NEW MEMBERS MAY JOIN THE PBCBA FOR \$100. APPLICATIONS FOR MEMBERSHIP, OR RENEWAL, CAN BE OBTAINED ON OUR WEBSITE AT www.palmbeachbar.org.

CLE content is now available to purchase online to download either to your computer or your iPod @ http://pbcba.fastcle.com/store/provider/provider09.php

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

Name: _____ Firm Name: _____
Street Address (no P.O.Boxes): _____
City _____ State _____ Zip _____ [] PBCBA Member [] Non-PBCBA Member
Telephone: _____ Email Address: _____

[] Add \$25 for rush fee (order processed w/in 3 business days) [] Please call when order is ready to be picked up
[] Please mail (add \$10.00 for shipping and handling) (payment must be received before items will be mailed or picked up)

PAYMENT INFORMATION:
Order Subtotal: \$ _____ Payment Enclosed: Check # _____ Amount: \$ _____
Shipping/Handling: + \$10.00 Please bill my credit card: [] MC [] VISA [] AMEX Amount: \$ _____
Rush Fee: + \$25.00 Signature _____
Total Due: \$ _____ Credit Card #: _____
Expiration Date: _____

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