



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

[www.palmbeachbar.org](http://www.palmbeachbar.org)

May 2013



## Installation Banquet – Don't Miss It!

Please join us for our Annual Installation Banquet on Saturday, June 1 at the Breakers Hotel in Palm Beach. This year's banquet begins with a reception at 7:00 p.m. followed by dinner, dancing and surprises!



## YLS to Host Fishing Tournament June 15

The Young Lawyers Section will be hosting its fourth annual fishing tournament on Saturday, June 15 to benefit the Legal Aid Society's Legal Advocacy for Minor Mothers Project. 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](http://www.palmbeachbar.org/yls.php)

## Mark your calendar for upcoming Membership Events

**May 3:** Law Day Luncheon with guest speaker Michael Glazier, Nationally Prominent Attorney Representing Universities Under NCAA Investigation

**May 16:** North County Section's Annual Jurist of the Year Award Dinner at Ruth Chris

**May 18:** Legal Aid's Pro Bono Recognition Evening

**June 1:** Annual Installation Banquet

**June 15:** Young Lawyers Section Annual Fishing Tournament

**September 19:** Third Annual Membership Speed Networking Event

**September 27:** Diversity Luncheon with Guest Speaker Florida Bar President-elect Eugene Pettis

**December 5:** Annual Holiday Party and Silent Auction

**March 7, 2014:** Bench Bar Conference



Members of the board of the Young Lawyers Section, along with the Easter Bunny, distributed toys to some of the children at Quantum House.

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THE  
**BULLETIN**

PALM BEACH COUNTY  
BAR ASSOCIATION

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[www.palmbeachbar.org](http://www.palmbeachbar.org)

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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



## Volunteers needed to serve on committees

This is the time of year that the president-elect Jill Weiss 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](http://www.palmbeachbar.org).

*Please take the time to volunteer to serve YOUR Bar Association.*

## Update Your Records – New Bar Address

Please be sure to update your records to reflect the Bar's new address:  
**1507 Belvedere Road, West Palm Beach, FL 33406.**

## CLE Seminars Now Available 24/7

We are pleased to unveil our new online CLE order page for attorneys to purchase seminars either on CD's or in an MP3 format to download to your computer or iPod. We have a large library of courses recorded from seminars presented by the Palm Beach County, Orange County, Hillsborough County and Clearwater Bar Associations. If your CLE deadline is coming up, be sure to check out this new site and order your CLE [www.palmbeachbar.org/continuing.php](http://www.palmbeachbar.org/continuing.php) today.



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- Fla. Certified Appellate Mediator (2012—Present)

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# President's Message



## How Well Do You Know Your Bar Association?

By Adam Rabin

The Palm Beach County Bar Association ("PBCBA") has so many committees, programs, events, and services, our members often know only part of what PBCBA offers and some of the key facts about the association. Below is a trivia-style quiz that will help you to get to know your association better. The answers are on page 12.

### 1. Other than attorneys and judges, who can join PBCBA as a member?

- a. Florida registered paralegals
- b. Law students
- c. Attorneys admitted in other states
- d. Law enforcement officers
- e. a, b, and c

### 2. How many committees does PBCBA have?

- a. 40
- b. 32
- c. 25
- d. 19
- e. Too many

### 3. How many board members does PBCBA have?

- a. 8 is enough
- b. 11 members
- c. 13 voting members and 5 non-voting members
- d. 15 voting members
- e. 17 voting members plus PBCBA's section presidents

### 4. What sections does PBCBA have?

- a. North County, South County, Western County and Young Lawyers
- b. North County, South County, and Young Lawyers
- c. North County and South County
- d. North County and Young Lawyers
- e. Young Lawyers and Old Lawyers

### 5. In what year was PBCBA founded?

- a. 1913
- b. 1922
- c. 1945
- d. 1956
- e. 1776

### 6. Does PBCBA pay federal income tax?

- a. Yes
- b. No, it is a 501(c)(3) non-profit corporation that accepts charitable donations
- c. No, it is a 501 (c)(6) non-profit corporation that does not accept charitable donations
- d. No, the IRS has given PBCBA a special exemption
- e. Yes, but only when it is flush

### 7. Approximately how many members does PBCBA have?

- a. 2,700
- b. 3,000
- c. 3,400
- d. 5,100
- e. 6,800

### 8. How many people does PBCBA employ?

- a. 10 full-time staff members
- b. 6 full-time staff members and 1 part-time staff member
- c. 3 full-time staff members and 3 part-time staff members
- d. 15 total staff members
- e. A small army

### 9. Through which types of media does PBCBA offer CLE programs?

- a. Live and CDs
- b. Live, CDs, and iPod downloads
- c. Live, CDs, iPod downloads, and webinars
- d. Live, CDs, and videotapes
- e. Live in 3D

### 10. How many permanent committees does PBCBA have as provided in the association's by-laws and which committees are they?

- a. None
- b. One, the Committee for Diversity and Inclusion
- c. Two, the Judicial Relations and Bench Bar Conference Committees
- d. Three, the Judicial Relations, Law Week, and Professionalism Committees
- e. All committees are permanent until there is an Executive Order that says otherwise

### 11. To which types of members does PBCBA offer discounted membership dues?

- a. New members
- b. Government lawyers
- c. Florida registered paralegals
- d. Law students
- e. All of the above

### 12. PBCBA's mission statement is the following:

- a. "To promote life, liberty and happiness."
- b. "To improve the quality of advocacy before the courts and inform the public of its access to the court system."
- c. "To serve its members, foster professionalism and enhance the public's understanding and awareness of the legal system."
- d. "To promote leadership, opportunity, and equal rights under the law."
- e. "Don't worry, be happy."

If you can answer all of these questions correctly, you know your bar association extremely well. If you cannot (like most of us), our board appreciates that you took the time to get to know your association better. We believe that the more our members know about our association, the more likely they will be engaged in our various committees, programs, and events.

*Adam Rabin is a partner with McCabe Rabin, P.A. in West Palm Beach. He practices in the areas of business, securities and whistleblower litigation. You can e-mail him any comments at [arabin@mccaberabin.com](mailto:arabin@mccaberabin.com).*

# CLE

Continuing Legal Education

## Need CLE Credit? We've Got 'Em!

Please take a moment to review the schedule below of upcoming CLE seminars. **Thank you** to the many attorneys who have volunteered their time to organize and speak at these seminars. All seminars will be held in the offices of the Bar Association unless otherwise noted.

**May 8, 12:30 – 5:00 pm**

**Securities Law CLE Seminar**  
Bar Association Office

**May 10, 8:00 am – 5:00 pm**

**Business Litigation Seminar**  
**“Legal Legends vs. Younger Guns – Mock Trial CLE”**  
The Embassy Suites Hotel

**May 15, 8:00 am – 1:00 pm**

**30th Annual Estate & Probate Law CLE Seminar**  
The Embassy Suites, WPB

**May 17, 11:30 am – 1:30 pm**

**Solo Seminar “So You’ve Opened Up Your Own Practice – Now What?”**  
Bar Association Office

**May 24, 11:45 – 1:00 pm**

**View from the Local Bankruptcy Bench**  
Bar Association Office

**May 31, 12:45 – 4:30 pm**

**Best Practices in Civil Litigation and Trials**  
Bar Association Office

**June 7, 8:00 am – 12 noon**

**Community Association Law CLE Seminar**  
Bar Association Office

**August 23, 1:00 – 5:00 pm**

**Real Estate Seminar**  
Bar Association Office

And don't forget, we have CLE content available 24/7 by going to the Bar's website at [www.palmbeachbar.org/continuing.php](http://www.palmbeachbar.org/continuing.php)

## Judicial Lunch-Nonjury Trial Practice Tips



*Submitted by Ron Herman on behalf of the Judicial Relations Committee*

On March 5, 2013, the Palm Beach County Bar Association hosted its

monthly judicial lunch, where participants learned about the covered topic titled “Nonjury Trial Practice Tips” and earned one CLE credit. The judicial panel consisted of the Honorable Richard L. Oftedal and Honorable Glenn D. Kelley, and was moderated by Edward Ricci of Searcy Denney Scarola Barnhart & Shipley, P.A. The panel discussed the following topics:

### Nonjury vs. Jury Trial

- It is not that common for parties to seek a nonjury trial.
- The most common types of civil cases that have nonjury trials are commercial and contract dispute cases.
- The most common types of criminal cases that have nonjury trials are those where the defense has a strong case.
- The State of Florida has a right to a jury trial in criminal cases.
- Stand Your Ground Law requires nonjury type trials/hearings.

### Will waiving a jury trial result in a faster trial date?

- In civil cases, you will be placed on the same docket, so you will not necessarily obtain a sooner trial date.
- In criminal cases, waiving a jury trial will result in a faster trial date.

### In a nonjury trial, should counsel use poster boards or power point?

- The Judges do not have a preference as to poster boards or visual aids. However, the panel reminded the attendees to remember the audience and not present their case, as if there was a jury present.
- Get to the point and address the legal issues in dispute.

### How should the attorneys organize evidence?

- Again, remember your audience
- The Judges encourage the parties

to go through the documents. If the parties can agree, the Judges prefer one evidence book.

- Use marked exhibits. Agree and stipulate as much as you can.
- Submit evidence in advance, if the parties agree.

### Any preference regarding counsel reading depositions into evidence or having the court read the depositions?

- The preference of the Judges is to read depositions themselves.
- If entering a videotape, the preference is to have the tape in advance for the Judge to review prior to trial.
- The preference of the Judges is to review videotape evidence in chambers if the parties agree.

### Closing Arguments

- Judge Kelley provides the attorneys an opportunity to present a closing argument. If the issues are complex, the Court may suggest that closing argument be submitted in writing.
- Judge Oftedal believes that the necessity for closing arguments depend on the case. The Court will commonly ask questions during closing arguments.

### Preference on proposed finding of facts and final judgments

- They could be helpful in identifying issues for the Court.
- They are also helpful in preventing overlooking issues of importance.

Always remember your audience in a nonjury trial.



[www.palmbeachbar.org](http://www.palmbeachbar.org)

# 15Th Judicial Circuit Administrative Orders

www.15thcircuit.com/adminorders

## New Administrative Orders

### 2 Series: General Orders

Administrative Order 2.311 - *Notices of Change of Address, Substitution/Withdrawal of Counsel, and Designation of Attorney of Record*. Entered February 25, 2013. Requires attorneys practicing in the Fifteenth Judicial Circuit to clearly provide direction to the Clerk of Court to update counsel of record or update mailing addresses in the title of proposed orders granting the substitution or withdrawal of counsel. The Administrative Order further provides that A Notice of Change of Attorney or Record and Directions to Clerk to Update Attorney Information is to be used when there is a change of attorney within a law firm. Forms are attached to the Administrative Order.

### 3 Series: Civil

Administrative Order 3.312 - *Required Submission of Service Lists in Residential Foreclosure Cases and Procedures for Scheduling Trials*. Entered February 21, 2013. Requires plaintiffs (through counsel) in residential foreclosure cases to identify all open cases pending in the Fifteenth Judicial Circuit. Specific identification requirements are set forth with deadlines. The Administrative Order further sets forth the process for scheduling foreclosure trials in cases that have been pending for 36 months or more.



### 5 Series: Unified Family Court (Family & Juvenile)

Administrative Order 5.506 - *Establishment of Belle Glade Domestic Violence Division "FW2"*. Entered February 15, 2013. Creates a new domestic violence division, "FW2", for the West County Courthouse.

## Revised Administrative Orders

### 4 Series: Criminal

Administrative Order 4.201 - *First Appearance Hearings*. Amended March 11, 2013. Revises the date and time for First Appearance Hearings on Failures to Appear at Felony Arraignment to Tuesday afternoons at 1:30 p.m. at the Criminal Justice Complex on Gun Club Road.

Seeing a movie  
this summer?  
Buy your  
discounted  
tickets thru the Bar!



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

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

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

Bar's New Address:  
1507 Belvedere Road  
West Palm Beach, FL 33406

## Circuit Court Report CIVIL DIVISIONS • As of March 25, 2013

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
AA KELLEY	08-13	08-13	04-13	1282
AB GILLEN	08-13	08-13	05-13	1385
AD G. KEYSER	08-13	08-13	06-13	1474
AE FINE	10-13	10-13	04-13	1605
AF J. KEYSER	10-13	10-13	04-13	1284
AG CROW	10-13	09-13	04-13	1474
AH BROWN	06-13	06-13	06-13	1325
AI SASSER	08-13	07-13	03-13	1076
AJ ROSENBERG	08-13	08-13	04-13	1216
AN COX	09-13	09-13	06-13	1513
AO BRUNSON	08-13	07-13	04-13	1566

## Board Meeting Attendance

	July	Aug	Sept (No Mtg)	Oct	Nov	Dec	Jan	Feb	Mar
Barnes	x	x		x	x	x	x	x	x
Bowden		x		x	x	x	x	x	
Howe	x	x		x	x	x	x	x	x
Huber	x	x		x	x		x	x	x
Johnson	x	x		x	x	x	phone	x	x
Kypreos	x	x		phone	x	x	x	x	x
Mason	x	x		x	x	x	x	x	x
McElroy	x	x		x	x	x	x	x	Wyda
Pressly	x	x		x	x	x	x	x	x
Rabin	x	x		x	x	x	x	x	x
Reagan	x	x		x	x	x	x	x	x
Weiss	x	x		x	x	x	x	x	x
Whittles	x	x		x	x	x	x	x	x

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



## ***“Legal Legends vs. Younger Guns” Business Litigation Mock Trial CLE***

**Friday, May 10, 2013 - 8:00am - 4:30p.m.**

**LOCATION: The Embassy Suites  
1601 Belvedere Rd., West Palm Beach, FL 33406**

*Come watch this Mock Trial as our “Legal Legends” face off with the “Younger Guns.” The two teams of six will present their case to a live jury. From opening to closing statements, you’ll witness all aspects of a real trial, watch the jury deliberate, and learn from leaders in our community.*

*Team Legal Legends will be Gerald F. Richman, John (Jack) Scarola, Louis Mrachek, Patricia E. Lowry, F. Malcolm Cunningham, Jr. and Jim Beasley.*

*Team Younger Guns will be Phillip H. Hutchinson, Ryon M. McCabe, Joanne O’Connor, Michael J. Pike, Gregor J. Schwinghammer, and David I. Spector.*

**Trial graphics and program presentation taped by:**



### **Program Schedule**

- 8:00am - 8:30am **Continental Breakfast/ Check In / Late Registration**
- 8:30am - 8:35am **Introduction on PBCBA’s Improved CLE Offerings - Adam T. Rabin, Esq., McCabe Rabin, P.A., Board Certified Business Litigation Attorney**
- 8:35am - 8:40am **Welcome - Opening Remarks - Joseph G. Galardi, Esq., Beasley Hauser Kramer & Galardi, P.A., Business Litigation CLE Committee Chairperson**
- 8:40am - 11:45am **Trial Presentations**
- 11:45am - 12:30pm **LUNCH**
- 12:30pm - 4:30pm **Continuation of Trial. Jury Deliberations, and Verdict**

**Sponsored By:**



This course has been granted 8.5 CLER / 6.5 Bus. Litigation Certification credits from The Florida Bar.  
**Early registration** cost for the seminar, which includes lunch, is **\$175** for PBCBA member attorneys/paralegals;  
**\$225** for non-PBCBA member attorneys/paralegals if registered by 5/3/13; 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.**

\_\_\_ 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](http://www.palmbeachbar.org)

**CLE**

**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) (Business Litigation CLE Seminar 5/10/13) 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**



Judge Peter Evans administers the oath to newly appointed Circuit Judge Jeffrey Gillen at his March 22 Investiture



Chief Judge Peter Blanc congratulates his newest colleague

## Workers' Comp Practice Committee Seminar



The Workers Comp Practice Committee recently held a seminar at the Bar office where they presented the Annual Kennie Edwards Award to Michael McManus (center) pictured here with Charles Williams and Michael Celeste.



Kelly Schaefer and Nicole Hessen



Andrew Neuwelt and Kenneth Schwartz



Work Comp Judges Mary D'Ambrosio, Shelley Punancy and Timothy Basquill

probate | litigation

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# So You've Opened Your Own Practice, Now What?

presented by the Solo & Small Firm Practitioners Committee

## Beer & Wine Friday Returns For Our Most Popular Lunch Of The Year !

\*NEW DATE

**Friday, May 17, 2013**

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

Bar Office



### Program Schedule

11:45 a.m. Registration & Lunch

Noon - 1:00 p.m. This one hour lunch program includes an open discussion from all types of solo practitioners on what has and has not worked for them in starting and maintaining their practices. We'll talk about purchasing office supplies, latest computer and technology, malpractice and liability insurance, plus more! Bring plenty of business cards as your next referral could come right from our luncheon!

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Cost: \$10.00 for PBCBA members. Take advantage of early registration taking place now!

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For security purposes, you must register  
online at [www.palmbeachbar.org](http://www.palmbeachbar.org)

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Address: \_\_\_\_\_



## Truth in Discovery and Rescission of Settlement Agreements



**By: David P. Ackerman\* and Dana E. Foster\*\***

Do you need a good morality tale to convince a client to be completely forthright in discovery? Florida's Fourth District Court of Appeal recently

considered whether discovery misconduct can result in rescission of a settlement agreement, and held that a mediation settlement agreement based on a unilateral mistake of fact could be rescinded where one party withheld material information in discovery. More specifically, in *Garvin v. Tidwell*, No. 4D11-2712, 2012 WL5232224, at \*5 (Fla. 4th DCA 2012), the court announced that, "Since our system of justice depends on truthful discovery, misconduct in discovery must be discouraged by disallowing the settlement which is the fruit of such misconduct."

In *Garvin*, the plaintiff was injured when a horse she was riding – Buster – reared up, bolted at a fast gallop, and abruptly changed direction, causing the plaintiff to fall off the horse and hit a fence. She was injured and required surgery. She sued, alleging that despite her inquiry, the defendant failed to disclose to her that Buster had dangerous propensities and a known history of bucking and running away with riders. The defendant claimed that Buster never exhibited any dangerous behavior before the plaintiff's ride. The case settled. After the settlement, the plaintiff's counsel received an unmarked envelope containing a magazine advertisement for a dietary supplement for horses. In the advertisement, the defendant was quoted as saying that she decided to give the calming supplement – named "Ex Stress" – to her horse, Buster, because he "can be a little difficult at times." This advertisement had not been produced in response to various discovery requests despite the defendant's admitted possession of it and was not mentioned during any deposition. The plaintiff then moved to rescind the settlement agreement, arguing her failure to discover the evidence did not result from her own neglect, but instead, from the defendant's misconduct. The trial court denied the motion. The plaintiff appealed.

In considering the case, the appellate court looked to a 2001, Third District Court of Appeal case, *Leo's Gulf Liquors v. Lakhani*, 802 So.2d 337 (Fla. 3rd DCA 2001). In that case, the court discussed

the importance of "honesty" in discovery. The court explained that, "[w]itnesses who give sworn testimony by way of interrogatories, at depositions, pretrial hearings and trial, swear or affirm to tell the truth, **the whole truth**, and nothing but the truth. We expect and will settle for nothing less. Lawyers who advise their clients and/or witnesses to mince words, hold back on necessary clarifications, or otherwise obstruct the truth-finding process, do so at their own, and the clients' peril."

Based on this rationale, the *Garvin* court reversed the denial of the plaintiff's motion to rescind the settlement agreement. The court held:

[T]his case involves a plaintiff who entered into a settlement agreement believing that, after conducting discovery, she had all of the material facts in front of her, when in fact she did not. There does not appear to have been any reasonable way for appellant to find out about the advertisement or Buster's "difficult" behavior other than through the methods she had already employed. Thus, appellant's mistake lacks inexcusable neglect.

The court further explained, "Florida courts have long recognized that one of

the primary functions of discovery is to enable parties to enter settlement negotiations with an understanding of their chances of success at trial... Revelation through discovery procedures of the strengths and weaknesses of each side before trial encourages settlement of cases and avoids costly litigation. Each side can make an intelligent evaluation of the entire case and may better anticipate the ultimate results... 'Evasive or incomplete' answers can amount to a failure to answer and may also warrant the imposition of sanctions."

**What does this mean for you?** You should advise your clients to fully comply with all discovery requests, including proper answers to interrogatories, production of documents, and truthful and complete responses in deposition. You should explain to your clients the potential impact a discovery violation could have upon a settlement agreement. We doubt that hiding Buster's stress medication was really worth it.

\* Mr. Ackerman is a shareholder with the law firm of Ackerman, Link & Sartory, P.A.

\*\* Ms. Foster is an associate with the law firm of Ackerman, Link & Sartory, P.A.



## Wine Aficionados Partake in 2nd Annual Pankauski Pour Benefitting the Legal Aid Society

On February 22nd, South Olive Avenue, between Clematis and Datura streets, was closed to traffic so nearly 200 wine lovers could enjoy a wine tasting event hosted by West Palm Beach attorney John Pankauski. Pankauski, a noted wine connoisseur, featured wines from his private collection, as well as from Southern Wine & Spirits and Virginia Philip Wine Shop & Academy. Food was provided by The Capital Grille and Hot Pie. The event raised \$9,000 in ticket sales and matching grants, which will be used to provide free civil legal services to the victims of domestic violence; abused, neglected and abandoned children; and exploited elders served by the Legal Aid Society of Palm Beach County.

Photos by Tracey Benson



Joe Galardi and Lee McElroy



Mark & Susan Maynor and Bed Hodas

The Circuit Civil Practice Committee of the Palm Beach County Bar Association  
presents:



**“Best Practices in Civil Litigation and Trials -  
An Open Forum”**

**Friday, May 31, 2013 - 1:00p.m. - 5:00p.m.**

Bar Offices - **NEW LOCATION:** 1507 Belvedere Road, WPB

**Featuring**

**Fifteenth Judicial Circuit Judges:**

*The Honorable Jack S. Cox, The Honorable Jeffrey D. Gillen, The Honorable Glenn D. Kelley,  
The Honorable Gregory M. Keyser, The Honorable Janis B. Keyser, The Honorable Meenu T. Sasser*

**Attorneys:**

*Amy L. Fischer, Board Certified Construction Lawyer, Cunningham Law Firm;  
Jeffrey R. Hickman, Esquire, Jeffrey R. Hickman Law Office, Staff Counsel for GEICO Insurance Company;  
Nancy L. La Vista, Board Certified Civil Trial Lawyer,  
Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin;  
Jonathon T. Levy, Board Certified Civil Trial Lawyer, Rosenthal Levy Simon & Ryles P.A.;  
L. Louis Mrachek, Board Certified Business Litigation and Civil Trial Lawyer,  
Page Mrachek Fitzgerald Rose Konopka & Dow P.A.;  
Lawrence P. Rochefort, Board Certified Business Litigation Lawyer, Akerman Senterfitt;  
John “Jack” Scarola, Board Certified Business Litigation and Civil Trial Lawyer,  
Searcy, Denney, Scarola, Barnhart & Shipley, P.A.*

**Sponsored by: Jeffrey R. Rollins, P.A.**

**Program Schedule**




- 1:00pm - 1:15pm **Check In / Late Registration**
- 1:15pm - 1:25pm **Welcome - Opening Remarks - Barry S. Balmuth, Esq., Board  
Certified Business Litigation and Civil Trial Attorney, Barry S.  
Balmuth, P.A., Circuit Civil Practice Committee Chairperson**
- 1:25pm - 4:00pm **An open discussion of the best practices in discovery,  
motion, and trials amongst the above-referenced  
distinguished jurists and attorneys as well as attendees.**
- 4:00pm - 5:00pm **Happy Hour/Cocktails**

**This course has been granted 3.0CLER/2.0 Bus Lit; 2.0 Civil Trial Cert. credits  
from The Florida Bar**

Early registration cost is **\$75** for PBCBA members/paralegals,  
**\$115** for non-PBCBA members/paralegals. **After 5/24/13, add \$15.00 late fee.**

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

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# Bench Bar Conference Highlights

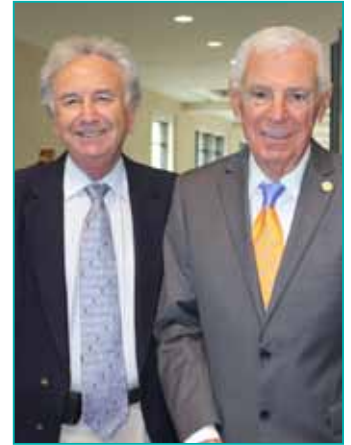


**Bench Bar Conference Co-Chairs Joanne O'Connor and Dean Xenick**

Approximately 1,300 judges, lawyers, paralegals, staff, judicial assistants, court personnel and law students attended this year's Bench Bar Conference making this our largest conference to date. A big thank you to our Bench Bar Committee who made the program another outstanding event!



**The law firm of Searcy Denney Scarola Barnhart & Shipley was honored with our Second Annual Judge Edward Rodgers Diversity Award.**



**Leonard Singer with guest speaker Benton Becker**



**Congratulations to John Mariani of Shutts & Bowen for receiving our 15th Annual Professionalism Award. Accepting the award on behalf of John was Managing Partner, Art Menor. The award was presented by Professionalism co-chairs Michael Mopsick and Amy Borman.**



**Nearly 700 members stood for the re-taking of the Attorney Oath of Admission, including the new pledge of lawyer civility. Chief Judge Peter Blanc administered the oath.**



**John Bryan and Judge John Phillips**



**A special presentation was made to Palm Beach Post Court/Legal Reporter Susan Spencer-Wendel. Diagnosed with ALS in 2011, Susan decided to make the best out of the time she had left by writing a book, traveling and creating memories her family and friends could cherish long after she is gone. Susan "signed" copies of her memoir "Until I Say Good-Bye" with the thumb she used to write the entire book on her iPhone.**



**4th DCA Retiring Judges Mark Polen and Fred Hazouri were recognized by President Adam Rabin. Also recognized, but not pictured, was retired County Court Judge Nelson Bailey**



**Patricia DeRamus and Judge Lucy Brown**



**Judge Krista Marx and FL Bar President-elect Greg Coleman**

**For additional pictures of the day, please visit the Bar's Facebook page at [www.palmbeachbar.org](http://www.palmbeachbar.org)**



### Can They Search Your iPad or iPhone at the Border?

By Christopher B. Hopkins

Are you considering a trip to Europe this summer? Or perhaps a weekend in the Bahamas or an international business trip? Certainly you will bring your smartphone, tablet, or laptop to stay connected, if not entertained. Depending on the length and nature of your trip, you will likely access emails, documents, personal accounts, or even your office server. Imagine, upon your return, that the border agent wants to access your electronic devices. Let's pose a short quiz:

Can border patrol search your devices, apps, and files when you return to the U.S.? Can the government go further and perform a forensic examination, peering into deleted spaces and password protected files?

- (a) No, I have Fourth Amendment protection and the government cannot search me without a warrant;
- (b) Somewhat, the government can do a cursory review but cannot undertake forensic searches of my devices without a warrant;
- (c) Yes, the government can perform a cursory review and, upon reasonable suspicion, undertake a forensic examination of my devices;
- (d) Yes, the government has a broad exception to the Fourth Amendment at the border and can undertake a full search of my devices.

The answer rests somewhere between answers (c) - (d). Travelers arriving in the U.S. should prepare their electronic devices for cursory as well as potential forensic examination.

If that answer comes as a surprise to you as a lawyer, imagine the surprise of Howard Cotterman, who returned from a routine family vacation to Mexico and had his cameras and laptops opened at the border. No incriminating evidence was initially found although there were password protected files on one laptop.

However, Mr. Cotterman had a fifteen year old conviction which triggered a "hit" on the border patrol's system. It was reported that he had been convicted of child pornography and a concern was raised that his frequent trips to Mexico might be evidence of child sex tourism (for what it is worth, while he was a registered sex offender, the specific conviction was incorrectly reported to border patrol). The government performed a several-day long forensic scan of the laptop and overcame the password protection, ultimately finding illegal child pornography in the deleted and protected spaces. There were no indications that the illegal content had anything to do with his trip to Mexico.

Mr. Cotterman, individually, deserves little sympathy since the evidence lead a jury to convict him of abusive, criminal behavior upon a minor over a period of years. That said, in the context of Fourth Amendment privacy, it is often the (accused or actual) reprobates of society who set the stage for legal challenges which establish how far into our privacy the government may intrude (*see also* [bit.ly/USvJonescase](http://bit.ly/USvJonescase)). To that extent, and for a clear understanding of the searchability of your digital content during international travel, this case is important.

Generally speaking, the Fourth Amendment protects us from unreasonable searches of our person and "papers" – digital or otherwise – and, inside United States, the government will generally need to obtain a warrant. There is, however, an exception for "border searches" since the sovereign has a profound interest to prevent entry of unwanted persons and effects. "Border searches" are generally deemed reasonable simply by virtue of the fact that they occur at the border.

According to *U.S. v. Cotterman* (9th Cir. March 30, 2011) ("*Cotterman I*"), however, the panel held that searches of electronic devices were different and should be reviewed on an *ad hoc* basis applying a reasonableness standard. In other words, *Cotterman I* held that not all border searches were inherently reasonable.

Within a year, that opinion was vacated and the Ninth Circuit *en banc* released *Cotterman II* on March 8, 2013. The majority held that a cursory examination of devices was always permitted and that the forensic search of Mr. Cotterman's laptop was reasonable under the circumstances; the forensic search required a heightened standard since electronic devices, which retain content even after erasure, carries with them a "significant expectation of privacy."

The concurring judges, meanwhile, agreed with the result (no Fourth Amendment violation) but held that the "majority ignores the reality [of a "border search"] by erecting a new rule requiring reasonable suspicion for extended searches of electronic devices." The concurrence found that electronic devices were not entitled to special consideration and, instead, concluded that border searches were *per se* reasonable.

The dissent, meanwhile, blasted the majority for eroding the long-standing precedent of liberal border searches and outrightly begged for intervention, writing, "... I sincerely hope the Supreme Court will grant certiorari and reverse the holding in this case... for the sake of our national security."

Some recommendations for international travelers:

- (1) prepare to be searched upon arriving in a foreign country;
- (2) *Cotterman* says little about whether the government may access your files and accounts on the internet via apps or browsers which pre-fill your account information -- including cloud or other remote storage;
- (3) if you have convictions or your name appears on travel restriction lists, you may be more likely selected for greater search;
- (4) copied movies and music may be an issue; and
- (5) be wary of office / shared devices, since you have no control over what might lurk in deleted spaces or unaccessed parts of the machine.

**Christopher B. Hopkins** is a shareholder with Akerman Senterfitt. An email to [christopher.hopkins@akerman.com](mailto:christopher.hopkins@akerman.com) with your comments will not invade his dignity or privacy.

**CLE Content Now Available 24/7**

Click on the Bar's CLE webpage

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or for immediate download to your MP3 device.



The Estate and Probate Law Continuing Legal Education Committee presents:

**"The 30th Annual Estate and Probate Seminar—Part 2"**

Wednesday, May 15, 2013 - 8:00a.m.- 12:30p.m.

Embassy Suites (formerly The Crown Plaza Hotel)  
1601 Belvedere Road, West Palm Beach, FL

**Program Schedule**

- 8:00a.m. - 8:25a.m. **"Hot" Breakfast Buffet / Late Registration and Check In**
- 8:25a.m. - 8:30a.m. **Welcome & Opening Remarks** - *John M. Severson, Esq., Florida Bar Board Certified Wills, Trusts & Estates Attorney, Burns & Severson, P.A., Committee Chair*
- 8:30a.m. - 9:20a.m. **Case Law Update** - *Theodore S. Kypreos, Esq., Jones Foster Johnston & Stubbs, P.A.*
- 9:20a.m. - 9:40a.m. **Legislative Update** - *Tasha K. Dickinson, Esq., Jones, Foster, Johnston & Stubbs, P.A., Board Certified Wills, Trusts and Estates Attorney*
- 9:40a.m. - 10:20a.m. **Tax Law Update** – *Michael A. Lampert, Esq., Michael A. Lampert, P.A., Board Certified Tax Law Attorney*
- 10:20a.m. - 10:35a.m. **BREAK**
- 10:35a.m. - 11:20a.m. **Health Care Surrogates** - *Peter J. Forman, Esq., and Jenna G. Rubin, Esq., Gutter Chaves Josepher Rubin Forman Fleisher Miller, P.A.*
- 11:20a.m. - 11:50a.m. **Confidentiality of Attorney-Client Communications (from a probate lawyer's perspective)** - *David M. Garten, Esq., Law Office of David M. Garten*
- 11:50a.m. - 12:30p.m. **Claims against the Estate** - *Norman Fleisher, Esq., Gutter Chaves Josepher Rubin Forman Fleisher Miller, P.A.*

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This course has been granted 4.5 CLER incl .50 Ethics / 3.5 Elder Law; 3.5 Wills, Trusts & Estates Certification credits from the Florida Bar.

Early registration cost for the seminar, which includes breakfast, is \$110 for PBCBA member attorneys/paralegals;

\$150 for non-PBCBA member attorneys/paralegals if registered by 5/8/13; add \$25 late fee after that date.

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



## Personal Representative's Duty Of Impartiality

By: **David M. Garten**

If an estate has two or more beneficiaries, the PR shall act impartially in administering the estate property, giving due regard to the beneficiaries' respective interests and shall not take an affirmative position for or against any beneficiary claiming a right to the estate.

Sec. 733.602(1), F.S. reads:

A personal representative is a fiduciary who shall observe the standards of care applicable to trustees. A personal representative is under a duty to settle and distribute the estate of the decedent in accordance with the terms of the decedent's will and this code as expeditiously and efficiently as is consistent with the best interests of the estate. A personal representative shall use the authority conferred by this code, the authority in the will, if any, and the authority of any order of the court, for

the best interests of interested persons, including creditors.

See, *Van Dusen v. Southeast First Nat. Bank*, 478 So. 2d 82 (Fla. 3d DCA 1985)(a personal representative is held to the standards of a trustee); *Beck v. Beck*, 383 So. 2d 268 (Fla. 3d DCA 1980)( a personal representative of an estate and a guardian of property are required to exert the same standard of care as that of a trustee acting under an express trust).

Sec.736.0803, F.S. reads: "If a trust has two or more beneficiaries, the trustee shall act impartially in administering the trust property, giving due regard to the beneficiaries' respective interests."

It is neither appropriate nor proper for a PR to take an affirmative position for or against any beneficiary claiming a right to the estate where all of the beneficiaries are before the court. It is the responsibility of the various claimants to establish their own rights in the estate. The PR under such circumstances is, in effect, a nominal party and his duties may be limited to participating in the investigation of the

claims, secure relevant documents, and procure other evidence. See, *In re Estate of Lynagh*, 177 So. 2d 256 (Fla. 2nd DCA 1965); *Barnett v. Barnett*, 340 So. 2d 548 (Fla. 1st DCA 1976). See also, Fla. Probate Rule 5.360, Elective Share and Pre Existing Dower, Committee Notes (2008).

**Practice Tips:** If the PR's attorney also represents one or more of the beneficiaries in the litigation, she runs the risk of not being paid. In *Barnett*, the court stated: "At the time the trustee filed his complaint for declaratory judgment, the need for substantial additional legal services on the part of the trustee came to an end. All of the claimants being in court, it was not the duty nor prerogative of the trustee to favor one claimant over the other. Certainly the trustee is not entitled to have paid from the trust estate attorneys' fees for services rendered by the trustee's attorneys to other parties to the proceedings." Additionally, in *Lynagh*, the court held that the administrator was not an interested party to the litigation between the beneficiaries and therefore, was not entitled to recover his costs incurred in that litigation.

## Thank you to 100% Club Members

The Palm Beach County Bar Association has created a "100 Club". The 100% Club is a special category of membership that demonstrates a commitment to the legal profession and our community from law firms, law departments and legal organizations with more than three attorneys who enroll 100% of their attorneys as members of the Palm Beach County Bar

Association. The 100 Club listing will be published quarterly in the newsletter as well as posted on our website.

Show your firm's support in the Palm Beach County Bar by becoming a member of the 100% Club. It's easy! If you think your firm is eligible, fax a copy of your firm's letterhead and a contact name to (561) 687-9007, Attn: Nancy Reidler and we'll let you know!

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Rev. 3/25/13

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



## ***“The View From the Local Bench”***

**Friday, May 24, 2013 - 11:45a.m. - 2:00p.m.**

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

### **Program Schedule**

- 11:45am - 12:00pm **Lunch / Check In / Late Registration**
- 12:00pm - 12:05pm **Welcome - Opening Remarks** - *Brian K. McMahon, Esq.,  
Brian K. McMahon, P.A., Bankruptcy CLE Committee Chair*
- 12:05pm - 12:35pm **Ethics and Professionalism: A Cut Above the Ordinary** -  
*Representatives from the Palm Beach County Bar Association’s  
Professionalism Committee*
- 12:35pm - 2:00pm **The View From the Bench: The Words and Wisdom of  
Our Bankruptcy Judges** - *Honorable Paul G. Hyman and  
Erik P. Kimball, United States Bankruptcy Court -  
Moderated by Brian K. McMahon, Esq.*

**SPONSORED BY:**



This course is expected to receive **2.5 CLER including .50 Ethics credits** from The Florida Bar.  
**Early registration cost, including lunch, is \$50** for PBCBA members/paralegals, **\$90** for non-  
PBCBA members/paralegals. **After 5/17/13, add \$10.00 late fee.**

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

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# Real Property and Business Litigation Report



By **Manuel Farach**

**Homeward Residential, Inc. v. Rico**, – So.3d –, 2013 WL 692093 (Fla. 4th DCA 2013).

Corporation may not object to discovery on basis of third party claims of confidentiality unless it meets the three part *ius tertii* test of *Alterra Healthcare Corp.*

*v. Estate of Shelley*, 827 So. 2d 936 (Fla.2002) (litigant has suffered “injury in fact” with “sufficiently concrete interest” in the outcome; the litigant has a close relation to the third party; and a hindrance prevents third party from protecting their own interest).

**Amgen Inc. v. Connecticut Retirement Plans and Trust Funds**, – S.Ct. –, 2013 WL 691001 (2013).

The “fraud on the market” theory of class certification in securities actions does not require proof of materiality.

**Gabelli v. S.E.C.**, – S.Ct. –, 2013 WL 691002 (2013).

Claims by the federal government for civil penalties for fraud must, under 28 U.S.C. § 2462, be brought within five years of fraud’s occurrence and not of discovery of fraud.

**Marx v. General Revenue Corp.**, – S.Ct. –, 2013 WL 673254 (2013).

A federal court may award costs to a prevailing defendant in a Fair Debt Collection Practices Act case without first finding plaintiff brought case without basis and for purposes of harassment.

**Meyer v. Greene**, – F.3d –, 2013 WL 656500 (11th Cir. 2013).

A “corrective action” for a “fraud on the market” claim need not mirror the earlier misrepresentation, but must relate back to the misrepresentation (and not some other negative information).

**Browning v. Poirier**, – So.3d –, 2013 WL 842853 (Fla. 5th DCA 2013).

While contracts of indefinite duration are generally outside of the Statute of Frauds, a terminable at will agreement to periodically purchase lottery tickets and divide winnings is capable of being completed in one year and does not require indefinite performance.

**Avalon Legal Information Services, Inc. v. Keating**, – So.3d –, 2013 WL 843033 (Fla. 5th DCA 2013).

An order restraining competition in violation of a restrictive covenant is overly broad to the extent it restricts competition from a potential class of customers as opposed to existing customers in that class, and also it restricts activities other than those specifically set forth in the restrictive covenant itself.

**Tiara Condominium Ass’n, Inc. v. Marsh & McLennan Companies**, – So.3d –, 2013 WL 828003 (Fla. 2013).

The Economic Loss Rule is limited to products liability cases.

**Shahar v. Green Tree Servicing LLC**, – So.3d –, 2013 WL 811612 (Fla. 4th DCA 2013).

The Doctrine of Unclean Hands encompasses a situation where a borrower claims the lender altered the loan application and loan instruments.

**Sunbeam Television Corp. v. Nielsen Media Research, Inc.**, – F.3d –, 2013 WL 776361 (11 Cir. 2013).

In order to establish standing, a party suing under the Clayton Act must establish a competitor is willing and able to enter the market.

**Wendler v. City of St. Augustine**, – So.3d –, 2013 WL 1007290 (Fla. 5th DCA 2013).

The four year statute of limitations under the Bert Harris Act, Fla. Stat. § 70.001 et seq., begins to run when the government action inordinately affecting property rights is readily ascertainable to the property owner; an ordinance which may or may not affect property rights (depending on local government discretion) does not commence the running of the limitations period.

**Wells Fargo Bank, NA v. Giglio**, – So.3d –, 2013 WL 949989 (Fla. 4th DCA 2013).

A trial judge cannot involuntarily dismiss an action under Florida Rule of Civil Procedure 1.420 (b) prior to the plaintiff concluding its case in chief.

**Steiner Transocean Ltd. v. Efremova**, – So.3d –, 2013 WL 950525 (Fla. 3d DCA 2013).

A reviewing court is not bound by the four corners of the complaint when a motion to dismiss is based on lack of subject matter jurisdiction, lack of personal jurisdiction, or when the motion is based on forum non conveniens or improper venue.

**Carriage Hills Condominium, Inc. v. JBH Roofing & Constructors, Inc.**, – So.3d –, 2013 WL 1136399 (Fla. 4th DCA 2013).

The testimony of a witness noticed for deposition as the “person with most knowledge” will not necessarily bind the witness’s organization if the deposition is not noticed in accordance with Florida Rule of Civil Procedure 1.310 (b) (6).

**Standard Fire Ins. Co. v. Knowles**, – S.Ct. –, 2013 WL 1104735 (2013).

A party representative may not bind a class prior to certification. Accordingly, a class-action plaintiff may not exclude an action from the Class Action and Fairness Act of 2005 by stipulating that he and the class he seeks to represent will not seek damages that exceed \$5 million in total.

**Kirtsaeng v. John Wiley & Sons, Inc.**, – S.Ct. –, 2013 WL 1104736 (2013).

The First Sale Doctrine, as codified in the Copyright Act, applies to copies lawfully made outside the United States.

**DK Arena, Inc. V. EB Acquisitions I, LLC**, – So.3d –, 2013 WL 1235000 (Fla. 2013).

Promissory Estoppel is not an exception to the Statute of Frauds.

*Manuel Farach is Of Counsel to Richman Greer, P.A. in West Palm Beach and practices in the areas of Real Estate, Business Litigation and Appellate Law. The Update is available on a weekly email basis by writing Mr. Farach at mfarach@richmangreer.com and inserting the words “Request Weekly Update” in the Subject line.*





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

## THE 24th ANNUAL COMMUNITY ASSOCIATION LAW SEMINAR

Friday, June 7, 2013 7:45 a.m. – 12:00 p.m.

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

### Program Schedule

7:45am - 8:00am	<b>Late Registration and Check In</b>
8:00am - 8:05am	<b>Welcome - <i>Tanique G. Lee, Esq., Committee Chairperson, Gelfand &amp; Arpe, P.A.</i></b>
8:05am - 8:35am	<b>Service Animals: How long is Fido staying? Fair Housing Case Law Update and Ethical Considerations - <i>Pamela Guerrier, Esq., Palm Beach County Office of Equal Opportunity</i></b>
8:35am - 9:05am	<b>Insurance: Role of Counsel During Coverage and Ethical Considerations - <i>Lisa M. Szulgit, Esq., Cole Scott &amp; Kissane</i></b>
9:05am - 9:30am	<b>Bankruptcy Discharge and Its Effect on Association Dues - <i>Malinda L. Hayes, Esq., Frank White-Boyd, P.A.</i></b>
9:30am - 10:00am	<b>Ethics and Professionalism: A Cut Above the Ordinary - <i>Jeffrey R. Rollins, Esq., PBCBA Professionalism Committee Member, Jeffrey R. Rollins, P.A.</i></b>
10:00am - 10:10am	<b>BREAK</b>
10:10am - 10:40am	<b>What Community Association Counsel Should Know About Property Management and Ethical Considerations - <i>Ryan D. Poliakoff, Esq., Sachs Sax Caplan, P.L.</i></b>
10:40am - 11:30pm	<b>Legislative/Case Law Update: Practical and Ethical Implications - <i>Michael J. Gelfand, Esq., Florida Bar Board Certified Real Estate Attorney, Gelfand &amp; Arpe, P.A.</i></b>
11:30pm - 12:00pm	<b>Top 10 Do's and Don'ts for Trial Counsel and Ethical Considerations - <i>The Honorable Meenu T. Sasser, Fifteenth Judicial Circuit</i></b>

**This course has been granted 4.5 CLER including 4.0 Ethics credits / 4.5 Real Estate Certification credits by The Florida Bar.**

Early registration cost is \$165 for PBCBA members/paralegals; \$205 for non-PBCBA members/paralegals if registered by 5/31/13; 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.**

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

## 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.

**Owei Belleh:** Lagos; University at Buffalo Law School, 2001; Partner in Loblack Belleh & Brown, P.L., Boca Raton.

**John Christiansen, Jr:** West Palm Beach; Florida State University, 2011; Associate in The Law Office of John T. Christiansen, P.L., West Palm Beach.

**Michael Bruce Cohen:** Brooklyn; New York University, 1978; Partner in McLaughlin & Stern, LLP, West Palm Beach.

**Shane Fuller:** Rochester, NY; Florida State University, 2010; Sole Practitioner, West Palm Beach.

**Angelo Gasparri:** Poughkeepsie, NY; Emory University, 1993; Sole Practitioner, West Palm Beach.

**Jason Daron Fogarty Gray:** Ft. Lauderdale; Florida Coastal, 2011; Office of Public Defender, Palm Beach County.

**Scott Hirsch:** St. Thomas University, 2008; Associated with Scarlett, Gucciardo & Hirsch, P.A., Delray Beach.

**Lauren E. Johnson:** Palm Beach Gardens; Law Student Membership, Palm Beach Gardens.

**Risa S. Katz:** Colorado; Law Student Membership, Lexington, VA.

**Amanda Keller:** Ohio; Ohio Northern University, 2008; Associate in Ciklin, Lubitz, Martens & O'Connell, West Palm Beach.

**Nicole Kruegel:** San Diego; University of Miami, 2012; Homestead.

**Andrea B. Mattes:** Florida Registered Paralegal Membership, Ciklin, Lubitz, Martens & O'Connell, West Palm Beach.

**Marshall H. McDonald:** Boynton Beach; Law Student Membership, Gainesville.

**Natalie Navarro:** Burbank, CA; Stetson University, 2012; Associate in Powers, McNalis, Torres, Teebagy & Luongo, Wellington.

**Chad B. Penner:** Cleveland, OH; Law Student Membership, North Palm Beach.

**Sean Pleus:** Orlando; Nova Southeastern University, 2011; Partner in Goldman and Daszkal, P.A., Deerfield.

**Monique Roberts:** Albany, NY; Golden State University, 2011; Affiliate Membership, West Palm Beach.

**Kristine Rosendahl:** West Palm Beach; Quinnipiac College, 1997; Sole Practitioner, West Palm Beach.

**Sharon Smolar:** New York City; Nova Southeastern, 1992; Sole Practitioner, Boca Raton.

**Andrew Tuttle:** West Palm Beach; Law Student Membership, Gulfport, FL.



## Know Your Bar Association

*Continued from page 3*

### Answer Key

- e.**
- b.** While the number of committees varies by bar year, in 2012-13 we had 32 committees.
- c.** The board of directors consists of 13 voting members, including the president, president-elect, immediate past president, 2 section presidents and 8 directors-at large. The board also includes 5 ex-officio, non-voting members that include the president of the South Palm Beach County Bar Association and the 4 members of the Florida Bar Board of Governors for the 15th Judicial Circuit.
- d.** The North County and Young Lawyers Sections are the only two sections within PBCBA. The South Palm Beach County Bar Association is a separate bar association and its president is an ex-officio member of our board.
- b.** In 2012, PBCBA celebrated its 90th anniversary.
- c.**
- b.** PBCBA has approximately 3,000 members. Notably, there are now 6,800 Florida-Bar admitted lawyers with an address in Palm Beach County and there are approximately 96,000 lawyers admitted statewide.
- b.** PBCBA has a full-time Executive Director, a full-time Communications Director, four additional full-time staff that manage our CLE programs and perform other administrative duties, and a part-time staff member that administers PBCBA's Lawyer Referral Service.
- c.** PBCBA has offered live seminars and CD purchases for years. In the last several years, PBCBA began offering iPod downloads and recently introduced CLE in a webinar format that will allow you to watch a seminar from your computer or tablet.
- b.** In 2009, PBCBA's membership approved an amendment to its by-laws to make the Committee for Diversity and Inclusion PBCBA's only current permanent committee. The by-law requires that a board member chair or co-chair the committee and report on the committee's progress at every board meeting. All other PBCBA committees are ad hoc committees that may be retained or dropped in a given year.
- e.** New members pay \$100 for member dues for the first year instead of the standard rate of \$150. Government lawyers pay \$35 for new members and \$62.50 for renewing members. Registered paralegals pay \$75. Law students pay \$35.
- c.**

## North County Section News

North County Section presents its  
**11th Annual Jurist of the Year**

**Cocktail Reception, Dinner  
and Award Presentation**

Thursday, May 16

5:30 pm to 8:00 pm

Ruth's Chris Steak House, North Palm Beach

RSVP online at [www.palmbeachbar.org](http://www.palmbeachbar.org)

Members of our North County Section and Palm Beach County Justice Association enjoyed a Cocktail Reception at the Yard House in Palm Beach Gardens. More than 100 members and judges attended this annual mixer.



Judge Paul Damico,  
Ned Reagan and NCS  
President Ken Johnson



Melinda Gamot and Cathy Kamber

Ryan & Tana Copple



Tim Gaskill and  
Brooke Smith

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## Litigation Privilege

By **Ted Babbitt**

Florida and just about every other court have long held that statements made by a Judge, an attorney, a litigant or witness

during a judicial proceeding enjoy an absolute privilege against actions for slander or libel. Myers v. Hodges, 44 So. 357, 361 (Fla. 1907). Indeed that privilege has existed in the common law for over 400 years.

In the recent case of Delmonico v. Traynor, et al., 38 Fla. L. Weekly S106 (Fla. 2013) the Supreme Court was faced with the question of whether ex-parte statements made by a lawyer to alleged witnesses would be subject to that absolute privilege if made outside the courtroom.

The absolute privilege enjoyed in a judicial proceeding is based on the competing interests of free and full disclosure of facts in a judicial proceeding versus the right of an individual to be free from libel or slander. Levin, Middlebrooks, Mabie, Thomas, Mayes & Mitchell, P.A. v. United States Fire Insurance Co., 639 So. 2d 606 (Fla. 1994).

In the case at bar a lawyer defending a slander suit allegedly made statements to potential witnesses accusing the opposing party of stealing clients by purchasing the services of prostitutes and allegedly that the opposing party was being prosecuted for prostitution. In suing the lawyer for defamation the plaintiff alleged that it had lost a valuable exclusive dealership which resulted in damages between \$7 and \$9 million.

The Fourth District in Delmonico v. Traynor, 50 So. 3d 4 (Fla. 4th DCA 2010) found that the defendant attorney enjoyed an absolute privilege against defamation even though the alleged acts took place outside the courtroom and without notice and not in the presence of a plaintiff. The Supreme Court reversed holding at S107 that:

We hold that Florida's absolute privilege, as this Court has developed the common law doctrine, was never intended to sweep so broadly as to provide absolute immunity from liability to an attorney for alleged defamatory statements the attorney makes during ex-parte, out-of-court questioning of a potential, nonparty witness in the course of investigating a pending lawsuit. In this narrow scenario, we conclude that a qualified privilege instead

should apply to ex-parte, out-of-court statements, so long as the alleged defamatory statements bear some relation to or connection with the subject of inquiry in the underlying lawsuit. A qualified privilege requires the plaintiff to establish express malice. However, where the statements do not bear some relation to or connection with the subject of inquiry in the underlying lawsuit, the defendant is not entitled to the benefit of any privilege – either absolute or qualified.

The Supreme Court made a similar holding in Fridovich v. Fridovich, 598 So. 2d 65 (Fla. 1992) with respect to statements made to an investigating officer or prosecutor before the filing of criminal charges. The reasoning of both Fridovich and Delmonico is that certain safeguards are present when a statement is made as part of a judicial proceeding that are absent when made ex-parte to a potential witness. The reasoning of both cases is that when statements are made as part of a judicial proceeding, they are made before a judicial officer and most likely part of a formal record. In addition, under those circumstances there is notice to an opposing party and a trial judge is exercising control over the proceedings with the trial judge's decision being reviewable on appeal. False statements made within a judicial proceeding are subject to prosecution for perjury. In addition, if statements are found to be false, the trial judge can strike them from the record and expunge them as well as punishing the maker of a statement found to be false for contempt of court.

In contrast to the panoply of judicial oversight protections envisioned by our precedent ranging from Myers to Levin, which promote the free flow of information, these safeguards are either unavailable or far less effective where, as in this case, the alleged defamatory statements are made by an attorney to a nonparty witness during an out-of-court, informal investigation, which may take place without a recording or outside the presence of the opposing party or counsel.

Thus, while the absolute privilege still exists in Florida for in-court statements or statements made in a deposition, that privilege does not

automatically extend to out-of-court statements which, if related to a judicial proceeding, enjoy only a qualified privilege subject to proof of malice and, if unrelated, enjoy no such privilege whatsoever.

NOTE: BECAUSE A NUMBER OF PEOPLE HAVE REQUESTED COPIES OF PAST ARTICLES, A COMPILATION OF THESE ARTICLES IS NOW AVAILABLE TO MEMBERS OF THE PALM BEACH COUNTY BAR ASSOCIATION, FREE OF CHARGE, BY CALLING (561) 684-2500.

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## Diversity Corner

### “Keeping Diversity at the Forefront”

Submitted by Diversity Relations Subcommittee Co-Chairs Jean Marie Middleton and Laurie Stilwell Cohen

### “Speed Networking” and the Bench Bar Conference



The Annual Palm Beach County Bar Association’s Bench Bar Conference was held on March 1, 2013. A record number of judges, attorneys, paralegals and law students were in attendance.

This year the Committee for Diversity and Inclusion (“CDI”) hosted a “Speed Networking” breakout session for law



students during the afternoon portion of the conference. Law students rotated through a series of roundtables where they had the opportunity to speak with attorneys from a variety of sectors, including government, private practice, public interest and corporate in-house counsel. The attorney and judicial participants hailed from a broad range of practice areas and offered the law students insight into the many paths their legal careers could take.

At the conclusion of the breakout session, students were given the opportunity to sign up for mentoring and were provided information concerning the CDI’s Diversity Internship Program. As in past years, the students were paired with CDI committee members and were accompanied to the cocktail reception, where they had the opportunity to meet and mingle with judges and other members of the Palm Beach County Bar.

The CDI wishes to thank all of you who graciously took a few moments to greet and speak with the law students. The investment of your time yielded great returns in advancing the goals of the CDI and was truly appreciated by the students. Here are just a few of the comments we received:

*I just wanted to drop you a quick line to let you know how much I enjoyed briefly getting to speak with you at the meet and greet following the Palm Beach Bar Event Friday. must say, I am a very active student and have attended about 10 of these networking events in my past 3 years, and this event and its attendees were the most impressive, well organized, and helpful yet.*

– Brooklyn Bryant J.D. Candidate 2013

*I really enjoyed speaking with you and learning about the services provided by Legal Aid. I was surprised at the size of your staff with 95 staff members and 50 attorneys. I was really impressed by the variety of services from immigration to foreclosure. Thank you for sharing the benefit of your 26 years of experience. Take care and have a fantastic week!*

– Scheril Murray Powell  
J.D. Candidate 2015- Nova Southeastern University



It was such a pleasure meeting you at the Bench Bar this past Friday. You were so warm and honest and I truly appreciated both! I can tell that you enjoy what you do and I truly hope that where ever I end up in the legal field I am able to say the same.

– Sherri-Ann Grant-Clarke

The Florida State University, College of Law  
Candidate for Juris Doctor, May 2014

The CDI also wishes to congratulate the law firm of Searcy Denney Scarola Barnhart & Shipley, P.A., which was the recipient of the 2013 Annual Diversity Award. The law firm received the award based upon its demonstrated commitment to diversifying the legal community in Palm Beach County.

Together, we are building a welcoming and diverse legal community in Palm Beach County.

*Laurie Stilwell Cohen and Jean Marie Middleton are co-chairs of the Diversity Relations Subcommittee of the Committee for Diversity and Inclusion. Laurie is a solo practitioner with the law firm of Laurie Cohen, P.A. and practices in the areas of business and commercial litigation. She is a Florida Supreme Court Certified Circuit Civil Mediator and is affiliated with ARC Mediation. Jean Marie serves as a Staff Attorney for the Legal Aid Society of Palm Beach County, Inc., practicing in the areas of housing discrimination, landlord tenant and foreclosure defense. Jean Marie is also a Florida Supreme Court Certified Mediator.*

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## Rule 1.442: Proposals For Settlement

By Matt Triggs and Jonathan Galler

Apparently, inquiring minds on the United States Court of Appeals for the Eleventh Circuit want to know.

For the second time in just under a year, the Florida Supreme Court has answered questions certified by the Eleventh Circuit regarding the Florida's Offer of Judgment Statute, Fla. Stat. § 768.79.

In *Southeast Floating Docks, Inc. v. Auto-Owners Insurance Co.*, 82 So. 3d 73 (Fla. 2012), the Supreme Court held that section 768.79 is substantive, not procedural, for conflict of law purposes and that, accordingly, the statute is inapplicable where the parties have agreed to be bound by the substantive law of another jurisdiction. *Id.* at 81. In other words, a statutory Offer of Judgment made in such a case will not result in an award of attorney's fees even if all of the statutory conditions have been satisfied.

More recently, in *Diamond Aircraft Industries, Inc. v. Horowitz*, 2013 WL 105328 (Fla. Jan. 10, 2013), the Supreme Court answered two more certified questions regarding the Offer of Judgment Statute. In answering those additional questions, the Supreme Court made it crystal clear that section 768.79 and its implementing rule of procedure, rule 1.442, are to be strictly construed. "Both section 768.79 and rule 1.442 are in derogation of the common law rule that each party is responsible for its own attorney's fees which requires that we strictly construe both the statute and the rule." *Id.* at 13 (emphasis in original).

In *Diamond Aircraft*, plaintiff contracted to purchase an aircraft from defendant for the price of \$850,000. *Id.* at 1. Defendant failed to deliver the aircraft and refused to do so unless plaintiff paid at least \$1,380,000. *Id.* Plaintiff sued for specific performance; breach of contract; breach of the covenants of good faith and fair dealing; and deceptive trade practices. *Id.* Defendant served a statutory Offer of Judgment which stated, among other things, that the offer intended to resolve all claims that were or could have been asserted by plaintiff. *Id.* The Offer of Judgment was rejected, and summary judgment was ultimately awarded in favor defendant on all claims except the deceptive trade practices claim. *Id.* at 2. As to that claim, the matter proceeded to a bench trial, in which the district court found in favor of defendant. *Id.* Thereafter,

defendant moved for an award of attorney's fees, which set the table for the questions later certified by the Eleventh Circuit.

First, the Eleventh Circuit asked whether section 768.79 applies to a lawsuit that seeks equitable relief in the alternative to money damages. The Supreme Court's answer: No.

Section 768.79(1) opens with "In any civil action for damages filed in the courts of this state..." As the Supreme Court stated, courts have routinely interpreted that phrase to mean that the statute applies to civil actions for monetary relief and that it does not apply when a plaintiff seeks only nonmonetary relief. This makes sense given that the trigger for the attorney's fees provision of the statute turns on a mathematical comparison of the amount of the offer with the judgment entered – a comparison that simply cannot be applied to an award or denial of nonmonetary relief. Thus, the Court concluded, "section 768.79 does not apply to an action in which a plaintiff seeks both damages and equitable relief, and in which the defendant has served a general offer of judgment that seeks release of all claims." *Id.* at 11. Notably, the Court also stated that it need not decide in the *Diamond Aircraft* case whether the statute applies when the Offer of Judgment at issue seeks to resolve only the claims for monetary relief and not any equitable claims.

Second, the Eleventh Circuit asked whether a defendant's offer of judgment is valid under rule 1.442 if, in a case in which the plaintiff demands attorney's fees, the offer purports to satisfy all claims but fails to specify whether attorney's fees are included and fails to specify whether attorney's fees are part of the claim. The Supreme Court's answer: No.

The 1996 amendments to rule 1.442 added the requirement that an offer made under section 768.79 must specifically "state whether the proposal includes attorney fees and whether attorney fees are part of the claim." Fla. R. Civ. P. 1.442(c)(2)(F). Citing its own decision in *Campbell v. Goldman*, 959 So. 2d 223, 227 (Fla. 2007), the Court reiterated that all portions of both section 768.79 and rule 1.442 must be strictly construed. The Court further noted that rule 1.442(c)(2) provides that a proposal "shall" (not "may") include



various specifics, such as the specific information about attorney's fees.

On that basis, the Court concluded that when a plaintiff seeks fees in its complaint, an Offer of Judgment does not strictly comply with the rule if it merely offers to resolve all claims, without also specifying whether that offer includes attorney's fees and whether attorney's fees are part of plaintiff's claim. In other words, it does not suffice that one can infer that a resolution of "all claims" would include a resolution of any claims for attorney's fees.

The Court distinguished the *Diamond Aircraft* case from the decision of the Fourth District in *Bennett v. American Learning Systems of Boca Delray, Inc.*, 857 So. 2d 986 (Fla. 4th DCA 2003). There, the Fourth District concluded that the Offer of Judgment at issue was valid even though it did not strictly comply with the requirements of rule 1.442(c)(2)(F) because the plaintiff there had not claimed attorney's fees and there was no contractual or statutory basis for seeking fees. By contrast, the *Diamond Aircraft* plaintiff was, in fact, claiming attorney's fees.

Although the Court in *Diamond Aircraft* did not specifically address what conclusion it would have reached had plaintiff not been seeking attorney's fees, the Court did remark that its decision in *Campbell v. Goldman* "draws the continuing validity of *Bennett* into question." *Diamond Aircraft*, 2013 WL 105328 at 14. For that reason, it would seem prudent for defendants to aim for strict compliance with the requirements of rule 1.442(c)(2)(F) regardless of whether a plaintiff actually claims (or would even be entitled to claim) attorney's fees.

*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.*

## The hardest call for a leader to make.

by *Nora Riva Bergman*

“Hire and promote first on the basis of integrity; second, motivation; third, capacity; fourth, understanding; fifth, knowledge; and last and least, experience. Without integrity, motivation is dangerous; without motivation, capacity is impotent; without capacity understanding is limited; without understanding, knowledge is meaningless; without knowledge, experience is blind. Experience is easy to provide and quickly put to use by people with all the other qualities.”

– Dee Hock, founder and CEO emeritus of Visa

Have you ever had any staffing or personnel problems in your firm? If you’re like most attorneys, the answer is a resounding “yes.” Who hasn’t had to deal with personnel issues in their practice? Nobody. And if you’re like many attorneys, you’d rather be grilled before the Supreme Court than address personnel issues in your own office.

Well, I have good news and bad news for you. First, the bad news. Ignoring personnel issues won’t make them go away. Sticking your fingers in your ears and saying, “Nah, nah, nah. I can’t hear you,” didn’t really work when you were a kid. And its professional cousin, ignoring personnel problems in your office, makes them even worse.

Here’s the good news. You can learn to lead your firm and build a truly championship team. There are three simple steps. Caveat: Simple doesn’t mean easy.

- 1. Get very clear about what you expect from your people – both with respect to performance and values.** You probably already know what you want in terms of performance. That’s the easy part. Identifying your values is tougher. What do you value? The ability to be proactive, trustworthy, committed to excellent client service, and being a great team player are examples of values that you might expect from your people. Take the time to identify and articulate your firm’s values, then hire and retain only those people who share them.
- 2. Evaluate people not only with respect to their performance; measure how well their values (i.e. how they behave) fit with your firm’s.** Build your firm values into your evaluation

process, then hold people accountable to them. Let them know that it’s not enough to produce great work. Let them know that it’s just as important for everyone to live by your firm’s values. Everyone – including you.

- 3. Get rid of anyone on your team whose values are inconsistent with your firm’s.** The hardest call to make is to let someone go who is a stellar performer, but who violates your firm’s values. – Someone who churns out the work and generates revenue for the firm, but is consistently late. – Someone who is great with your clients, but rotten to other staff members. – Someone who is “very experienced,” but who creates a miserable experience for everyone else in the office. As difficult as it might be, you must remove those people from your team.

“We made our leap forward when we began removing the people who hit the numbers but violated our values and making it clear to the entire company why they were asked to leave - not for the usual “personal reasons” or to “pursue other opportunities” but for not sharing our values. Until an organization develops the courage to do this people never have full confidence that these values are real.”

– Jack Welch

If you’re having personnel issues in your firm, take a look around. Chances are you might have people on your team who just don’t fit. Their values and your firm’s are in conflict. And while you’re at it, take a look in the mirror. Are you living up to the values you espouse? As the leader of your firm you set the standard. You can’t ask your people to live up to values that you don’t live by... every single day.

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

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**SPACE:** WPB, Forum Area, east of I-95, single offices available with or without secretarial area. Office set up with conference rooms, library, parking, full kitchen and reception area. Great friendly environment with long-term tenants. Available immediately, no lease required. For more information call (561) 389-3468.

### CITYPLACE EXECUTIVE AND

**VIRTUAL OFFICES:** Impress clients and colleagues with your office at The Business Center. CityPlace is the perfect place for attorneys to meet clients and conduct business. Whether you need a place to receive your mail and meets clients or you need a full time office with reception and administrative assistance, TBC is the perfect place for you. Take a tour online [www.beatcp.com](http://www.beatcp.com) or call (561) 714-7861 for more information.

### NPB PROFESSIONAL OFFICE

**SPACE FOR LEASE:** 1,080 SF suite; 3 offices, conference room, reception area, kitchen, covered parking. U.S. Hwy #1 Call Jeff (561) 714-0660.

### PROFESSIONAL OFFICE SPACE WEST PALM BEACH FOR RENT:

500 to 3000 sq. ft., elevator access, parking garage, assigned spaces, free parking, starting at \$17 sq.ft., no CAM, 2161 Palm Beach Lakes Blvd, WPB, FL. Prime location, restaurant on property, suites can be re-configured, painted & re-carpeted. Call Richard (561) 689-6020 or cell (561) 307-4610.

## HEARSAY



Lesser, Lesser, Landy & Smith, PLLC (LLL&S) attorney **Luis J. Delgado** has been inducted as President of the Palm Beach County Hispanic Bar Association.

Lewis, Longman & Walker, P.A. is pleased to announce that **Alfred J. Malefatto** has been elected a Shareholder of the firm.



## 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, plus seminars on CD's, MP3's & MP4's (savings of \$40 per seminar)
- Downloadable CLE Content Available 24/7
- 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
- Online Membership Directory
- 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.



**PALM BEACH COUNTY BAR ASSOCIATION**  
**BULLETIN**

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

# CALENDAR

## May 2013

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|---|--|--|---|
| <p>Wednesday, May 1<br/> <b>Dial-A-Lawyer</b></p> <p>Wednesday, May 1, 8am – 8:30am<br/> <b>Law Suit Day – Drop Off</b></p> <p>Friday, May 3, 11:45am – 1:00pm<br/> <b>Law Day Luncheon</b><br/>     Cohen Pavilion at Kravis Center</p> <p>Monday, May 6, Noon – 1:00pm<br/> <b>Professionalism Committee Meeting</b><br/>     Bar Assn. Office</p> <p>Tuesday, May 7, Noon – 1:00pm<br/> <b>Corporate Counsel Committee Meeting</b><br/>     Bar Assn. Office</p> <p>Wednesday, May 8, Noon – 1:30pm<br/> <b>NCS Board Meeting</b></p> <p>Wednesday, May 8, 12:30pm – 5pm<br/> <b>Securities Law CLE Seminar</b><br/>     Bar Assn. Office</p> <p>Thursday, May 9, 11:45am – 1pm<br/> <b>SPBC FAWL Luncheon</b></p> <p>Friday, May 10, 8:00am – 5:00pm<br/> <b>Business Litigation CLE Committee Seminar</b><br/> <b>“Legal Legends v. Young Guns”</b><br/>     Embassy Suites, West Palm Beach</p> | <p>Tuesday, May 14, 11:30am – 1pm<br/> <b>SPBCBA Membership Luncheon</b><br/>     Boca Country Club</p> <p>Tuesday, May 14, Noon – 1:00pm<br/> <b>YLS Board Meeting</b><br/>     Bar Assn. Office</p> <p>Tuesday, May 14, 6:30pm – 8:00pm<br/> <b>Small Claims Lawsuit Presentation</b><br/>     Glades Road Branch Library</p> <p>Wednesday, May 15, 8am – 12:30pm<br/> <b>Estate &amp; Probate CLE Seminar</b><br/>     Embassy Suites, West Palm Beach</p> <p>Thursday, May 16, 11:45am – 1pm<br/> <b>FAWL Luncheon</b><br/>     West Palm Beach Marriott</p> <p>Thursday, May 16, 5:30pm – 8pm<br/> <b>NCS Jurist of the Year</b><br/>     Ruth’s Chris Steak House<br/>     North Palm Beach</p> <p>Friday, May 17, 11:30am – 1:30pm<br/> <b>Solo Luncheon</b><br/> <b>“Beer &amp; Wine Friday”</b><br/>     Bar Assn. Office</p> <p>Friday, May 17, Noon – 1:00pm<br/> <b>Cunningham Bar Assn.</b><br/>     Election Meeting</p> <p>Friday, May 17, Noon – 1:00pm<br/> <b>Federal Bar Assn. Luncheon</b><br/>     The Colony Hotel, Palm Beach</p> | <p>Saturday, May 18, 7:00pm<br/> <b>Legal Aid Pro Bono Nite</b></p> <p>Tuesday, May 21, Noon – 1:00pm<br/> <b>CDI Committee Meeting</b><br/>     Bar Assn. Office</p> <p>Tuesday, May 21, Noon – 1:00pm<br/> <b>Unified Family Practice Committee Meeting</b><br/>     Judicial Conference Room,<br/>     Main Courthouse</p> <p>Tuesday, May 21, 5:30pm<br/> <b>Inn of Court 25th Anniversary Reception</b><br/>     Historic Courthouse</p> <p>Tuesday, May 21, 5:30pm – 6:30pm<br/> <b>Legal Aid Board Meeting</b><br/>     Bar Assn. Office</p> <p>Wednesday, May 22, Noon – 1pm<br/> <b>Family Law CLE Committee Meeting</b><br/>     Bar Assn. Office</p> <p>Wednesday, May 22, 5pm – 6pm<br/> <b>PBCBA Board of Directors Meeting</b><br/>     Bar Assn. Office</p> <p>Thursday, May 23, 11:45am – 1pm<br/> <b>Judicial Relations Committee Meeting</b><br/>     Judicial Conference Room,<br/>     Main Courthouse</p> | <p>Thursday, May 23, 5:30pm – 6:30pm<br/> <b>YLS Happy Hour</b></p> <p>Thursday, May 23, 6:00pm<br/> <b>PBCJA Meeting</b><br/>     Bear Lakes Country Club</p> <p>Friday, May 24, 11:45am – 2:00pm<br/> <b>Bankruptcy Law CLE Lunch Seminar</b><br/> <b>“View from the Local Bench”</b><br/>     Bar Assn. Office</p> <p>Monday, May 27<br/> <b>Court Holiday – Memorial Day</b><br/>     Bar Office closed</p> <p>Tuesday, May 28, Noon – 1:00pm<br/> <b>CDI Brown Bag Lunch</b></p> <p>Wednesday, May 29 – 31<br/> <b>Florida Bar Board of Governors Meeting</b><br/>     Sarasota</p> <p>Wednesday, May 29, 11:45am – 1pm<br/> <b>Judicial Luncheon</b><br/>     North end of cafeteria, Main Courthouse</p> <p>Wednesday, May 29, 6:30pm – 7:30pm<br/> <b>Landlord Tenant Presentation for the Public</b><br/>     West Boynton Branch Library</p> <p>Friday, May 31, 12:45pm – 4:30pm<br/> <b>Circuit Civil Practice Committee Seminar</b><br/>     Bar Assn. Office</p> |
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