



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

May 2014

YLS to Host Fishing Tournament June 14

The Young Lawyers Section will be hosting its fifth annual fishing tournament on Saturday, June 14 to benefit a local charity. 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 www.palmbeachbar.org



Members of the YLS Board shaved their heads for St. Baldrick's Day raising money for children's cancer. Pictured are Lou Delgado, Matt Ocksrider and Santo DiGangi.



Mark your calendar for upcoming Membership Events

May 9:
Young Lawyers Section
End of the Year Luncheon

May 15:
North County Section's
Jurist of the Year Dinner

June 7:
Annual Installation Banquet



"Measure your actions today against the legacy you will leave tomorrow"

— Scott G. Hawkins

Michael Mopsick (left) and Amy Borman (right) co-chairs of our Professionalism Committee presented Scott Hawkins with the Sidney A. Stubbs Professionalism Award. The award was re-named this year in honor of Sid Stubbs.

Banquet June 7 Save the date!

Our annual Installation Banquet will be held on Saturday, June 7 at The Breakers Hotel in Palm Beach. Please join us for the induction of our Board of Directors including Theo Kypreos as president and Grier Pressly as president-elect. The evening includes a reception beginning at 7:00 p.m. followed by dinner and dancing. Invitations will be mailed at the end of the month. Thank you to our gracious underwriters from Jones Foster Johnston and Stubbs; Sabadell United Bank; Lesser Lesser Landy & Smith; Searcy Denney Scarola Barnhart & Shipley; Dimond Kaplan & Rothstein, P.A.; Daily Business Review; Phipps Reporting; Rock Legal Services and Investigations; Fox Rothschild; USI Affinity; Joel M. Weissman and Pressly & Pressly, P.A.

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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

March 7, 2014

Jill G. Weiss, Esquire

Dear President Jill:

I thank you and the Board of the Palm Beach County Bar Association for the rather extraordinary honor of having the Palm Beach County Bar Association Professionalism Award named after me. I think almost any lawyer would agree that you could hardly have a more important or significant honor as an attorney. I don't know if your Board was aware that I served on the first Florida Supreme Court Professionalism Commission beginning in 1996. During the several years that I served, we were provided with hundreds of articles about professionalism, professionalism issues, enforcement questions, and debate about whether Rules Regulating Professionalism were unnecessary because of our Rules Regulating The Florida Bar. It was an educational and thought-provoking experience. I have seen some of the same issues raised in recent writings, including the articles in The Florida Bar Journal by one of our associates here at Jones Foster, Keith Rizzardi.

I commend the Board of the Palm Beach County Bar Association for its continuing efforts to make attorneys aware of their professionalism responsibilities.

Additionally, as I said at the lunch today, it makes the honor even more significant to have Scott Hawkins receive this year's award.

/s/ Sidney A. Stubbs



Membership Benefits — New Year Begins July 1

Our new year begins July 1. Did you pay your dues?

Be sure to take advantage of all your membership benefits including CLEs, savings on office supplies, networking events and so much more. For a complete list of membership benefits be sure to check out our website at www.palmbeachbar.org and click on the Membership Benefit tab.

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President's Message

Ladies Who Launch... It's about the Relationships



By *Jill G. Weiss*

When you are president of a bar association, you tend to get asked a number of questions. New attorneys especially ask about how to advance their careers or are simply seeking some pearls of wisdom. I am no different in seeking out sage advice. To this end, I sought answers from five savvy and accomplished women lawyers in Palm Beach County that I know and respect. These women practice in different areas of the law, in large firms and small. And thankfully, all were more than willing to share their own pearls of wisdom.

PATRICIA M. CHRISTIANSEN



What challenges face women lawyers today? A big challenge for any young lawyer is finding a good mentor – one who is willing and able to train and provide much needed insight into the practice of law. For women this can be particularly challenging, because there are fewer of us who have risen to the ranks of partners at law firms or management

of businesses. Thus, there are too few examples of how it is possible to balance a successful career while still being a nurturing mother and wife. Finding a mentor who is willing to teach, and who is available to answer any questions, is crucial to the success of any young lawyer. I was lucky to have two amazing gentlemen who not only were my mentors, but my advocates throughout my career.

What do you know now that you wish you knew when you first started practicing? I wish I had focused more on the fact that the practice of law is a business, and that business is all about the cultivation of relationships. I get it now, but I did not understand this fully as a young attorney. I spent the better part of the last 19 years working for a legend in the securities litigation field, and was always much too busy to cultivate my own clients. Until recently, I often turned away potential clients because I did not want that work to interfere with the securities litigation work I loved. I wish I had realized the importance of networking and the cultivation of relationships earlier in my career, and had developed many of the client relationships I referred to others.

Patricia Morales Christiansen is a partner in the law firm of Ciklin Lubitz Martens & O'Connell where she has practiced in the areas of securities and commercial litigation since 1995. She is a graduate of the University of Virginia and Rutgers School of Law- Camden.

TASHA K. DICKINSON



Is there anything you would have done differently in regard to your legal career? No. I certainly have made a lot of mistakes along the way and my experiences have not always seemed positive at the time. However, I am certain that all of my experiences, both good and bad, have made me the attorney I

am today. In fact, I attribute much of my success to some of the more difficult situations in which I have found myself. Young attorneys should remember that there is something positive to be taken from every experience.

Do you think it is important for women (or any diverse attorneys) to seek positions of leadership and why? Having women in leadership positions is the only way that gender bias will eventually erode to the point that it becomes nonexistent. Women must work to obtain the credentials necessary to obtain these leadership positions and, once obtained, really make a difference in those positions.

Tasha Dickinson, a Florida Bar Board Certified Wills, Trusts and Estates Lawyer, is a firm shareholder at Jones, Foster, Johnston & Stubbs, P.A. She is a past president of the Florida Association for Women Lawyers (State of Florida, 2009-2010)

PATRICIA A. LEONARD



Do you think there is a gender bias in the practice of law? I think that overt gender bias in the law is, thankfully, largely a thing of the past. Having more women in-house counsel, more women judges, and more women in leadership positions in law firms and in voluntary bar organizations has been very helpful in addressing these types of issues.

What do you know now that you wish you knew when you first started practicing? There is a lot more focus today on law as a business, and it would have been helpful to have known this at the outset, and to have started marketing and business plans earlier in my career.

Patricia A. Leonard is a shareholder at Greenberg Traurig, P.A., where she focuses her practice on complex commercial litigation. She has been practicing law since 1995.

Continued on page 4

Board Meeting Attendance

	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Barnes	X	phone	phone	phone	X	X	X	X
Huber	X	X	X	X	X	X	X	X
Kypreos	X	X	X	X	X	X	X	X
Mason	X	X	X	X	X	X	X	X
McElroy	X	X	X	X	X	phone	X	X
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	phone	X
Stewart	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
Wyda	X	X	X	X	X	X	X	X
Xenick	X	X	X	X	X	X	X	X

Ladies who launch...

Continued from page 3

JULIE LITTKY-RUBIN



Is there anything you would have done differently in regard to your legal career?

Truthfully, I always wanted to be a trial lawyer, but I realized early on, that the life of a trial lawyer unfortunately does not always gel with an active family life. After I got married, I left the “trial lawyer” track to become an appellate lawyer, and while I have never regretted that

decision, I do fantasize about returning to the courtroom some day when a jury is present (and not just the judge :-)).

What challenges face women lawyers today? I think ALL lawyers, but especially women lawyers, face difficulty in balancing work and home life. I spent the first 5 years of my career after having children waking up with working parent guilt every day. I hate the feeling sometimes of not doing either job as well as I want to. I am lucky to have a wonderful “equal” partner at home, and we both made a conscious decision that we could only go so far in our careers in order to raise our children in the manner we wanted to. I don’t want to be a mother who is responding to emails at the dinner table, and whose children wonder if they can be a “client.” I also want my children to know that when I am home I am NOT at work. However, in this age of technology, that is a VERY difficult thing to accomplish. I miss the days of returning from vacation to a big stack of pink message slips and a big full expando of mail--now, it’s all there every day for you, whether you want it to be or not!! Trying to raise one’s children and conveying to them that they are a priority along with the demands of the office is a very difficult challenge.

Julie Littky-Rubin is a Florida Bar Board Certified Appellate lawyer, and partner in the law firm of Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin. She and her husband, attorney Len Rubin, and their two children, Hannah & Matthew, live in Jupiter.

MICHELLE R. SUSKAUER



What challenges face women lawyers today? One constant challenge facing women lawyers is how to deal with the constant push-pull of work and family. Whether your child is small, a teen or in-between, as mothers, wives or care takers for our elderly parents, we often feel that we can’t devote enough time to any one thing. It’s a constant pressure that is always

there. And it is different for women. I have let go of the idea of perfection- and realize that I can only do the best that I can.

Do you think it’s important for women to seek positions of leadership and why? As a young lawyer, I was fortunate to have mentors who stressed the importance of being actively involved in our legal community. My Aunt, Sherry Hyman as well as Justice Barbara Pariente, encouraged me to join FAWL, Inns of Court and the PBCBA. Giving back to our legal community is not an effort, but one of the most rewarding things I can do as an attorney. As a woman in position of leadership, we have the ability to act as role models for young lawyers, our children as well as serving as inspiration to those who may wish to follow in our footsteps.

Michelle is a Florida Bar Board Certified criminal trial lawyer in practice with her husband, Scott, at The Suskauer Law Firm. She’s been practicing law for over 22 years, is the mother of two teenage girls, Talia, 17, and Becca, 15, and serves on the Florida Bar Board of Governors for the 15th Judicial Circuit.

JEAN MARIE WHALEN



Do you think there is gender bias in the practice of law? There continues to be gender bias within the practice of law which adversely affects the legal profession. As opportunity for professional growth within large law firms continues to be dominated by male attorneys, more and more women are choosing to leave law firms for the opportunities provided by the

corporate world. Women are seeking and obtaining in-house general counsel positions where there is often a corporate culture which emphasizes stronger diversity standards than those existing within the traditional law firm setting; a belief that with diversity comes strength; and, that the composition of the corporation should be reflective of the greater community. A positive consequence of this occurrence is that the very women lawyers who believed they had to leave their law firms in order to obtain equality of pay, position, and opportunity are now the very lawyers who, in their role as general counsel, are effecting change and parity within the profession. These women are now the decision makers on the hiring of outside counsel and are specifically seeking to retain female attorneys within outside law firms to handle their business. Through this woman to woman business development greater equality within law firms and the profession will result.

What do you know now that you wish you knew when you first started practicing? I wish I had realized the importance of relationship building and networking practice development. As is commonly discussed, male attorneys have historically built large male referral networks in a profession historically dominated by males. Whether on the golf course, in private clubs, or at sporting events, male attorneys have successfully built strong business relationships. In many instances, women attorneys who are multi-tasking responsibilities of home, family, childbearing and childrearing often put networking on the back burner. However, networking and practice building should be a top priority. As we have seen and as statistics show, until women lawyers are bringing in the business the glass ceiling will continue to exist.

Jean Marie Whalen is a civil trial lawyer and partner in the law firm of Slawson Cunningham Whalen & Gaspari. She devotes her practice to representing the victims of catastrophic personal injury and wrongful death. Ms. Whalen is a past president of the Florida Association for Women Lawyers and a two term past president of its Palm Beach County Chapter.

Circuit Court Report CIVIL DIVISIONS • As of March 24, 2014

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
AA BLANC	09-14	09-14	04-14	1204
AB BARKDULL	08-14	08-14	06-14	1355
AD G. KEYSER	09-14	09-14	05-14	1444
AE FINE	10-14	10-14	04-14	1543
AF J. KEYSER	09-14	09-14	04-14	1259
AG HAFELE	09-14	09-14	04-14	1368
AH BROWN	08-14	08-14	06-14	1298
AI SASSER	08-14	06-14	03-14	1073
AJ MCCARTHY	07-14	07-14	04-14	1091
AN COX	11-14	11-14	06-14	1491
AO BRUNSON	08-14	07-14	04-14	1458



An Update On A Bankruptcy Court's Authority to Surcharge Exempt Assets

by Jason S. Rigoli

On March 4, 2014, the United States Supreme Court issued its opinion in *Law v. Siegel*, -- S.Ct. --, 2014 WL 813702 (2014), unanimously ruling that a Bankruptcy Court does not have the authority to surcharge exempt assets.

In *Law*, the bankruptcy court determined that the debtor had made significant misrepresentations regarding the legitimacy of a mortgage recorded against his homestead property. *Id.* at *3. The Chapter 7 trustee incurred \$500,000 in attorneys' fees and costs litigating against the debtor, to overcome the misrepresentations. To offset these costs the bankruptcy court relied upon § 105(a) of the Bankruptcy Code, authorizing "the court [to] issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title, 11 U.S.C. §105(a), and surcharged the \$75,000 homestead exemption claimed by the debtor. *Id.* The Ninth Circuit B.A.P. affirmed the bankruptcy court,

acknowledging disagreement by the Tenth Circuit Court of Appeals as to the courts' authority to issue such an order, and the Ninth Circuit Court of Appeals affirmed as well. *Id.* at *4. The debtor appealed and the Supreme Court granted certiorari.

Applying the well established cannon of statutory construction that "a statute's general permission to take action of a certain type must yield to a specific prohibition found elsewhere," *Id.* at *5 (citing *Morton v. Mancari*, 417 U.S. 535, 550-551, 94 S.Ct. 2474, 41 L.Ed.2d 290 (1974); *D. Ginsberg & Sons, Inc. v. Popkin*, 285 U.S. 204, 206-208, 52 S.Ct. 322, 76 L.Ed 704 (1932)), the Supreme Court stated that "[i]t is hornbook law that § 105(a) does not allow bankruptcy court to override explicit mandates of other sections of the Bankruptcy Code." *Id.*

The Supreme Court dismissed the trustee's argument that because § 522(b) states that a debtor "may exempt" rather than "shall be entitled" to exempt assets the courts retain discretion to grant or withhold exemptions on whatever consideration the court deems

appropriate. *Id.* at *6. The Court stated, "§ 522 sets forth a number of carefully calibrated exceptions and limitations" and "[t]he Code's meticulous - not to say mind numbingly detailed - enumeration of exemptions and exceptions to those exemptions confirms that courts are not authorized to create additional exceptions." *Id.* (citations omitted). If the applicable federal or state exemption scheme does not provide authority to deny an exemption a court may not create one. *Id.*

The Supreme Court's opinion in *Law* does more than address the court's authority surcharge an exempt asset, it affirms that the courts' authority is limited by what is expressly set forth in the Bankruptcy Code, including, the want of authority to deny a claimed exemption for reasons other than those specifically delineated in the Bankruptcy Code or the applicable state law exemption scheme.

This article submitted by Jason S. Rigoli, Furr and Cohen, P.A., One Boca Place, Suite 337W, 2255 Glades Road, Boca Raton, FL 33431, jrigoli@furrcohen.com

NCS Mixer with Palm Beach County Justice Association

Our annual mixer with members of the Palm Beach County Justice Association was another great success with more than 100 attorneys and judges. The event was held at the Yard House in Palm Beach Gardens.



Marc Golden and Judge Joe Marx



NCS Director Mitch Beers with Judges Richard Offedal, Laura Johnson and John Phillips



Vinnie Cuomo (Grand Bank & Trust) with NCS Director Rosemarie Guerini and Victoria Calebrese



NCS President Todd Stewart and Jonathan Wald

North County Section presents its

12th Annual Jurist of the Year

**Cocktail Reception,
Dinner and Award Presentation**

Thursday, May 15

5:30 pm to 8:00 pm

Ruth's Chris Steak House,
North Palm Beach

Previous honorees include Judges Mary Lupo, Roger Colton, Peter Blanc, Thomas Barkdull, Barry Cohen, Jonathan Gerber, David Crow, Edward Fine, Jack Cook, Ron Alvarez and Richard Offedal

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Don't Waive The Arbitration Clause In Your Will Or Trust

By: David M. Garten

A provision in a will or trust requiring the arbitration of disputes, other than disputes of the validity of all or a part of a will or trust, between or among the beneficiaries and a fiduciary under the will or trust, or any combination of such persons or entities, is enforceable. Unless otherwise specified in the will or trust, a will or trust provision requiring arbitration shall be presumed to require binding arbitration under Ch. 682, F.S. See, §731.401, F.S.

In deciding a motion to compel arbitration, a trial court is restricted to three issues: (1) whether a valid written agreement to arbitrate exists; (2) whether an arbitrable issue exists; and (3) whether the right to arbitration was waived. See, §682.03, F.S.; *Gren v. Gren*, 2014 Fla. App. LEXIS 175 (Fla. 4th DCA 1/8/14) citing, *Seifert v. U.S. Home Corp.*, 750 So. 2d 633, 636 (Fla. 1999) and §682.03, F.S.

Although §682.032(1), F.S., states that a person initiates an arbitration proceeding by giving notice in a record to the other parties to the agreement to arbitrate, notice alone may not be sufficient, and you may inadvertently waive your client's right to arbitrate the will/trust dispute if you don't immediately obtain a court order compelling arbitration.

A waiver occurs when a party actively participates in a lawsuit or otherwise takes action inconsistent with the right to arbitrate. For example, a waiver may occur when:

- a plaintiff initiates a lawsuit without simultaneously requesting an order compelling arbitration. See, *Pearson v. Peoples National Bank*, 116 So. 3d 1283 (Fla. 1st DCA 2013); *Waterhouse Constr. Group, Inc. v. 5891 SW 64th St., LLC*, 949 So. 2d 1095 (Fla. 3rd DCA 2007).
- a defendant answers the complaint without simultaneously requesting an order compelling arbitration. See, *Marine Envtl. Partners, Inc. v. Johnson*, 863 So. 2d 423, 427 (Fla. 4th DCA 2003); *Pearson v. Peoples National Bank*, 116 So. 3d 1283 (Fla. 1st DCA 2013).
- a party propounds discovery prior to a ruling on his motion to compel arbitration. See, *Glenn B. Wright Construction v. Cohara*, 87 So. 3d 1276 (Fla. 4th DCA 2012); *Green Tree Servicing, LLC v. Mcleod*, 15 So. 3d 682 (Fla. 2nd DCA 2009).

There is no requirement for proof of prejudice in order for there to be an effective waiver of the right to arbitrate. See, *Raymond James v. Saldukas*, 896 So. 2d 707 (Fla. 2005). Once a party has waived the right to arbitration by active participation in a lawsuit, the party may not reclaim the arbitration right without the consent of the opposing parties. See, *Glenn B. Wright Construction And Development, Inc. v. Cohara*, 87 So. 3d 1276 (Fla. 4th DCA 2012).

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Bench Bar Highlights

It seems every year our Bench Bar Conference gets better and better! Thank you to all of our volunteers who chaired sessions and served as moderators and panelists for our 900 attendees.



Bench Bar co-chairs Bill Lazarchick and Sarah Shullman



Chioma Deere presents Shutts and Bowen with the annual Judge Edward Rodgers Diversity Award. Accepting the award on behalf of the firm was Cathy Zaccardo, Office Administrator and Chair of the firm's Diversity Committee.



Attending the annual Diversity Session for Law Students EJ Cox (law student), Grasford Smith, Judge Lucy Brown, Phil Hutchinson and Jessica Carroll (law student)



Hard working behind the scenes staff members Nancy Reidler, Kathy Clark, Dee Maeyans, Eva Gray, Lynne Poirier and Shoshannah Spence.

Additional pictures can be found on the bar's Facebook page at www.palmbeachbar.org



Chief Judge Jeffrey Colbath



Judge Lisa Small and U.S. Bankruptcy Judge Paul Hyman



The young lawyers presented a jeopardy-themed session. Pictured (L-R) contestants and moderators Evan Frederick, Andrea Robinson, David Prather, Lindsay Demmery, Dan Zuniga and Julia Wyda



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The Art of Professional Communication

By: *Raul Novoa and Jessica Bober Rosenthal**

Great communication is just as an important trial skill as eloquence in an opening statement or the ability to think quickly on your feet during cross examination. Often we are able to accomplish more for our clients through good communication with opposing counsel because we achieve concession through diplomacy. It is disappointing to see the consensus among our judiciary and bar leadership is that we need rules requiring communication between lawyers. It is equally disappointing that the lawyers to whom these rules are designed to reach are missing out on the benefits they could be achieving for their clients and for themselves.

Let's start with the basics:

Judges do not like to conduct hearings on matters they believe the lawyers should work out themselves. No matter how right you think you are, a fact of life for our busy judges is they can't always distinguish whose conduct led to the hearing to begin with. This is especially true with broad, unfocused discovery hearings. It is far better for you to resolve as many discovery issues as you can, so that any discovery hearing is focused on truly disputed issues. In fact, Local Rule 4 requires that an attorney confer with opposing counsel and try to resolve the issue before noticing a hearing on the uniform motion calendar.

It is naïve to think that you will never need a concession from opposing counsel, either for an extension, for a discussion about a problem you are having on your end, or some trade off that benefits your client's case on the merits.

The Florida Bar's Ideals and Goals of Professionalism and the Palm Beach County Bar Association's Standards of Professional Courtesy provide that attorneys should endeavor to work together on discovery issues, to stipulate to all facts and legal authority not reasonably in dispute, to allow reasonable requests by opposing counsel for extensions, and to communicate with opposing counsel before scheduling depositions, hearings or other proceedings. This is simply a matter of extending professional courtesy to one another.

So what do you do if opposing counsel does not follow these professional guidelines and simply does not call you back?

We recently had this problem. Our firm had a case with multiple parties where one party's involvement in a mediation and settlement conference was critical. The lawyer did not attend the mediation, did not return phone calls and did not respond to emails. The mediator and the rest of us were at wits end. The lawyer's secretary was apologetic and would consistently say she had passed on the message and that she would do so again. In final desperation, we called a partner of the lawyer and simply said that we were afraid something was wrong. Soon after we heard back from the lawyer and over time we were able to resolve the case. Our dealings were never combative, never threatening and we never went to court.

It is unfortunate when lawyers take on combative attitudes. It makes small and big parts of cases impossible to resolve and makes the whole experience miserable for both sides. Developing an open line of communication often leads to



concessions and compromise that otherwise would not have been accomplished. Even if you do not get the concession or compromise that you are looking for, you will want to get your hearing off to a good start. The best way to introduce your motion is to say, "Your honor, we have discussed these issues and narrowed our differences to a few select items, which I am prepared to discuss with you today." That gets the judge believing that you are being reasonable and that you have areas of disagreement which are truly genuine.

Keeping these principles in mind, what do you do in the unique situation where you are trying to settle a case, but you suspect that opposing counsel has not conveyed the settlement offer to their client?

May you, without the consent of opposing counsel, contact the opposing party to convey the settlement offer? The answer is no. *See* R. Regulating Fla. Bar 4-4.2(a) ("[A] lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer.") A lawyer who suspects that opposing counsel's client is not receiving settlement offers may not transmit such information to the adverse party. *See* Fla. Bar. Comm. on Prof. Ethics Op. 92-362; *see also* ABA Formal Ethics Op. 92-362 (Even if a lawyer suspects a settlement offer was not communicated by the opposing counsel to the opposing party, the lawyer may not ask the opposing party whether the settlement offer was communicated.) Although you may not contact an opposing party directly, there is a solution.

Even though parties to a matter are represented by counsel, they may communicate directly with each other. If a client desires to communicate with the opposing party, you may be reasonably expected to advise or assist your client regarding those communications. Your client may also ask you whether he or she may lawfully communicate directly with a represented person without their lawyer's consent. Such advice is appropriate provided you are careful not to overreach. *See* ABA Formal Op. 11-461; R. Regulating Fla. Bar 4-4.2 cmt. ("A lawyer is not prohibited from advising a client concerning a communication that the client is legally entitled to make, provided that the client is not used indirectly to violate the Rules of Professional Conduct."); R. Regulating Fla. Bar 4-8.4 cmt. ("Subdivision (a), however, does not prohibit a lawyer from advising a client concerning action the client is legally entitled to take, provided that the client is not used to indirectly violate the Rules of Professional Conduct.")

What does this mean to you? Although you may advise a client concerning communications the client is legally entitled to make, you should be careful not to violate the underlying purpose of Rule 4-4.2 by overreaching. If you ever find yourself in this situation, you should advise your client to encourage the other party to consult with counsel before entering into obligations, making admissions or disclosing confidential information. Being professional and courtesy with opposing counsel will get you farther and will allow you to be a better advocate for your client. Nothing good can be achieved by being combative and uncooperative. Always remember to take the high road even if others don't follow.

Both Mr. Novoa and Ms. Rosenthal are associates at Ackerman, Link & Sartory, P.A.



Unconstitutionality of Florida's Medical Malpractice Caps

By Ted Babbitt

McCall v. United States of America, 39 Fla. L. Weekly S104 (Fla. March 13, 2014) was a medical malpractice wrongful death decision which challenged the statutory cap on noneconomic damages contained within Fla. Stat. 766.118. The case arose under the Federal Tort Claim Act arising out of the death of a woman survived by her parents and her son. The Federal District Court awarded \$2 million in total noneconomic damages but limited recovery to the \$1 million set forth in Fla. Stat. 766.118(2) (Fla. Stat. 2005) which imposed a \$1 million cap on wrongful death damages.

The Eleventh Circuit affirmed the application of the cap but certified the constitutional question to the Florida Supreme Court. At 106, the Florida Supreme Court concluded that the cap on medical malpractice noneconomic damages violated the equal protection clause of the Florida Constitution.

Having carefully considered the arguments of both parties and the amici, we conclude that section 766.118 violates the Equal Protection Clause of the Florida Constitution under the rational basis test. The statutory cap on wrongful death noneconomic damages fails because it imposes unfair and illogical burdens on injured parties when an act of medical negligence gives rise to multiple claimants. In such circumstances, medical malpractice claimants do not receive the same rights to full compensation because of arbitrarily diminished compensation for legally cognizable claims. Further, the statutory cap on wrongful death noneconomic damages does not bear a rational relationship to the stated purpose that the cap is purported to address, the alleged medical malpractice insurance crises in Florida.

The Court relied upon its decision in *St. Mary's Hospital, Inc. v. Phillipe*, 769 So. 2d 961 (Fla. 2000). That case was tried by this author and involved a previous permutation of the limitations imposed by the Florida Legislature on medical malpractice cases. That case involved a woman who died leaving four surviving children and a husband with a purported cap of \$250,000.00 per case rather than per claimant. In *McCall* at 107, the Supreme Court cites *Phillipe* with authority as follows:

We clearly announced in *Phillipe* that aggregate caps or limitations on noneconomic damages violate equal protection guarantees under the Florida Constitution when applied without regard to the number of claimants entitled to recovery. This inherently discriminatory action and resulting invidious discrimination do not pass constitutional muster. We stated:

If we were to accept St. Mary's contention that the Legislature intended to limit noneconomic damages to \$250,000 per incident in the aggregate, then the death of a wife who leaves only a surviving spouse to claim the \$250,000 is not equal to the death of a wife who leaves a surviving spouse and four minor children, resulting in five claimants to divide \$250,000. We fail to see how this classification bears any rational relationship to the Legislature's stated

goal of alleviating the financial crisis in the medical liability industry. Such a categorization offends the fundamental notion of equal justice under the law and can only be described as purely arbitrary and unrelated to any state interest.

Id. at 972 (emphasis supplied).

The equal protection violation identified in *Phillipe* is evident in the present case. The plain language of this statutory plan irrationally impacts circumstances which have multiple claimants/survivors differently and far less favorably than circumstances in which there is a single claimant/survivor and also exacts an irrational and unreasonable cost and impact when, as here, the victim of medical negligence has a large family, all of whom have been adversely impacted and affected by the death.

Opponents of medical malpractice caps on damages have long argued that imposing a penalty on victims of medical malpractice who are the most severely injured does nothing to stem frivolous lawsuits and subjects those least deserving of a penalty to an unfair burden in an effort to reduce insurance premiums by an insignificant amount. In *McCall*, the Court does not shy away from this question. At 107 the Court holds:

Section 766.118, Florida Statutes, has the effect of saving a modest amount for many by imposing devastating costs on a few – those who are most grievously injured, those who sustain the greatest damage and loss, and multiple claimants for whom judicially determined noneconomic damages are subject to division and reduction simply based upon the existence of the cap. Under the Equal Protection Clause of the Florida Constitution, and guided by our decision in *Phillipe*, we hold that to reduce damages in this fashion is not only arbitrary, but irrational, and we conclude that it “offends the fundamental notion of equal justice under the law.” *Phillipe*, 769 So. 2d at 972; *see also id.* at 971 (“Differentiating between a single claimant and multiple claimants bears no rational relationship to the Legislature’s stated goal of alleviating the financial crises in the medical liability insurance industry.”).

The Court differentiated its decision in *Mizrahi v. North Miami Medical Center*, 761 So. 2d 1040 (Fla. 2000), a case in which the undersigned author appeared as amicus curiae. That case tested whether the exception to the Florida Wrongful Death Act, which excludes medical malpractice victims from recovering on behalf of adult children was constitutional. The Court held that it was because it involved an expansion of the legislatively created Wrongful Death Act rather than treating claimants with recognized rights differently as was the case in the statutory cap under review. At 108, the Court states

Unlike *Mizrahi*, the statute under review here does not address and expand a class of individuals eligible to recover noneconomic wrongful death damages. Instead, it treats similarly situated, eligible survivors differently by reducing the damages awarded without regard to the fault of the wrongdoer and based solely upon a completely arbitrary factor, i.e., how many survivors are entitled to recovery.

What is most significant about this opinion is that it

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Medical Malpractice Caps

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does not shy away from the second prong of the rationale basis hurdle that legislation must overcome. While the equal protection argument was the basis for determining that the statute unreasonably limited damages, the second prong of the test which asks whether the statute served a legitimate governmental purpose is highly significant with respect to any attempt by the Legislature to reimpose the cap on some basis that would pass constitutional muster. The McCall opinion specifically challenged the conclusion of the Legislature that the cap was justified by a supposed medical malpractice insurance crises where doctors were leaving the state or retiring early or refusing to perform high risk procedures. Citing government studies, the Court concluded that none of those conclusions were supported by the evidence. In fact, the Court cited studies which have concluded that the so called crises was nothing more than an underwriting cycle in the insurance industry and that medical malpractice premiums were more related to how much income insurance companies were receiving from the stock market than they were from jury verdicts.

At Page 111, the Court concludes

Thus, even if section 766.118 may have been rational when it was enacted based on information that was available at the time, it will no longer be rational where the factual premise upon which the statute was based has changed. It is for this reason that Florida courts consider both pre- and post-enactment data in assessing the continued rationality of the statute.

Having evaluated current data, we conclude that no rational basis exists to justify continued application of the noneconomic damages cap of section 766.118.

Having reached that conclusion under the current facts, it is

hard to imagine how any cap imposed by the Legislature could survive constitutional scrutiny. The lack of a rational basis applies not just to wrongful death actions but to every type of injury. Any attempt to reenact caps in Florida has to face the conclusion of the Court at 112 as follows:

Finally, and perhaps most telling, is that the leading companies selling medical malpractice insurance in Florida are far from struggling financially. The 2013 FLOIR Annual Report notes:

It is estimated that the Florida medical malpractice line of business standing alone generated a direct (before reinsurance) return on surplus of 14.0% in 2012. This return compares very positively with the average countrywide all-lines net return on surplus for Florida's leading medical malpractice writers of 5.3% (down from 7.1% in 2011, but not far out of line with market returns in 2012). *This represents the ninth consecutive year of profitability...* Related financial information in the report also suggests that *the leading malpractice carriers as a class are financially strong.*

* * *

Thus, even if there had been a medical malpractice crises in Florida at the turn of the century, the current data reflects that it has subsided. No rational basis currently exists (if it ever existed) between the cap imposed by section 766.118 and any legitimate state purpose.

This case not only declares the medical malpractice cap on noneconomic damages unconstitutional, but creates a seemingly impenetrable barrier to future legislative caps in the State of Florida.

NOTE: You can find previous copies of articles written by Mr. Babbitt on the Bar's website under the Articles & Forms link.

[complex issues require
creative solutions]

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YLS Joint Happy Hour with FAWL



Leora Freire, YLS President-elect Lou Delgado, FAWL President-elect Nicole Hessen, Alex St. Pierre, YLS Treasurer Ashley Wilson, Colleen Farnsworth, Chris Sotillo and Gil Panzer



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Abigail McCall, Christa McCann, Nicole Barna, Dane Leitner and Tanique Lee



Kurt Ciell, Shayla Waldon and Jessica Ortega



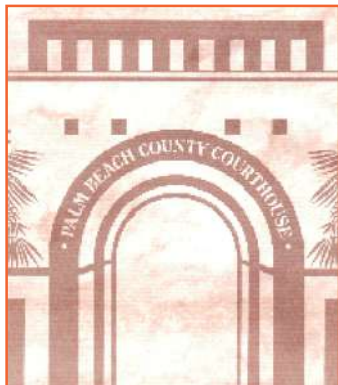
Sue Ellen Kenny and Marta Stypulkowski



Mandell Sundarsingh and Jared Chaykin

15th Judicial Circuit Administrative Orders

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NEW ADMINISTRATIVE ORDERS

3 Series: Civil

Administrative Order 3.314 - *Timely Resolution of Motions in Foreclosure Division "AW"*. Issued March 13, 2014. Requires the party filing a motion to dismiss, motion for extension of time, motion to quash or a motion which prevents a case from being at issue

in a foreclosure case to set and notice a hearing within five business days of filing the motion. Provides that motions not set for hearing within sixty days of filing will be considered abandoned and will be deemed denied without court order. Requires certain motions to be submitted to the Administrative Judge of the Foreclosure Division.

REVISED ADMINISTRATIVE ORDERS

4 Series: Criminal

Administrative Order 4.502 - *Circuit Criminal Felony Allocation*. Amended March 4, 2014. Provides that all Division Y cases set for jury trial be temporarily assigned to the Criminal Felony Trial Division (Division CFTD) and upon disposition be transferred back to Division Y.

Volunteers needed to serve on committees

This is the time of year that the president-elect Theo Kypreos begins 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.

Motion Calendar 101: Tip #2

Which one of the following does not apply during your Motion Calendar hearing?

- Sign-in
- Introduce yourself to the Bailiff
- Introduce yourself to opposing counsel
- Bring your binder
- Bring copy of materials in Court packet; pleadings, pen and paper

Avoid the potential of losing the issue and/or your credibility, and save valuable time, yours and the Court's!

Professionalism Panel

Per Administrative Order No. 2.105/6-13, In Re: Fifteenth Circuit Professionalism Panel, when an attorney appears before the Panel because of conduct inconsistent with the PBCBA's Standards of Professional Courtesy or the Ideals and Goals of Professionalism, a summary of that meeting is to be published in the Bar Bulletin with the name(s) redacted.

Re: Fifteenth Judicial Circuit Professionalism Panel

Dear Attorney:

This letter serves as a follow up to your meeting on Wednesday, October 23, 2013 with the Fifteenth Judicial Circuit Professionalism Panel ("Panel"). You were asked to appear before the Panel to address what appeared to be unprofessional conduct in your correspondence with an attorney regarding a property owners' association dispute between their client and your client, the association.

This letter sets forth the Panel's findings. It is intended to point out to you the unprofessional nature of your communications and to remind you of the importance, and the requirement, of civility and professional conduct in your dealings with opposing counsel and opposing parties. As the Panel discussed with you, your communications with opposing counsel, were inappropriate for the following reasons:

- First, your letter to opposing counsel disparaged her intelligence and professional qualifications. Examples include:
- You stated that opposing counsel's suggestion that her client may have a right to attend a community association board meeting "demonstrates a complete lack of understanding of the basic principles of the body of community association law."
 - You further advised opposing counsel that you "will not expend [your] client's resources educating adverse counsel on perfunctory and basic matters of community association law with which [she] should already be familiar..."
 - You followed with: "[p]lease understand this basic concept is so well ingrained within the body of community association law that any young associate in our field should be familiar with it."
 - You also advised opposing counsel that "[i]n the future, prior to sending such correspondence you might choose to associate yourself with other learned association counsel who can provide you guidance in these type of matters."
 - You accused opposing counsel of acting "[m]ost unprofessionally."

When meeting with the Panel, you seemed surprised that opposing counsel would take offense to these statements, and you explained that your true intent was to help opposing counsel. We want to be sure you understand that these types of statements (suggesting that another lawyer does not understand "basic" legal concepts "that any young associate . . . should be familiar with" and that she should associate herself with "learned counsel") would be insulting to any lawyer. Your statements disparaged opposing counsel's intelligence, experience, and training. Statements like these do nothing to help opposing counsel or to move a dispute toward resolution. They only serve to escalate hostility between the parties and counsel.

These statements are not only denigrating and disrespectful, they are inconsistent with the Ideals and Goals of Professionalism adopted by the Board of Governors of The Florida Bar (the "Ideals"), which provide that professionalism includes "ensuring that concern for the desired result does not subvert... respect and courtesy for others with whom one comes into contact, be they fellow professionals... [or] opponents..." The Ideals also instruct that a Florida lawyer should take "abrasions" out of their conduct with others and should "respect the dignity of others."

Additionally, your statements violate The Palm Beach County Bar Association ("PBCBA") Standards of Professional Courtesy

("Standards"), approved by the Fifteenth Judicial Circuit, which provide that: (1) "[a]ttorneys should refrain from criticizing or denigrating the court, opposing counsel, parties, or witnesses, before their clients, the public, or the media, as it brings dishonor to our profession;" and (2) [a]ttorneys should be... courteous and respectful and not rude or disruptive with the court, opposing counsel, parties and witnesses." Standards III.1 and III.2.

Second, you concluded your letter by admonishing opposing counsel in all caps to "PLEASE GOVERN YOURSELF ACCORDINGLY." This closing line and the intended emphasis in all caps attempts to intimidate opposing counsel and/or dissuade her client from pursuing any potential rights her client may have in dealing with the property owners' association. Intimidation tactics and overtly aggressive warnings or implied threats are inappropriate for similar reasons to disparaging remarks about opposing counsel.

Third, you copied the entire Board of Directors of your client, the property owners' association, on your letter to opposing counsel, in an attempt to embarrass her, undermine her credibility in representing her client, and/or to look tough before your client. Again, this is inconsistent with the Standards which instruct that "[a]ttorneys should refrain from criticizing or denigrating... opposing counsel... *before their clients.*" Standards III.1.

A primary focus and design of the Panel is to educate attorneys who practice in the Fifteenth Judicial Circuit about the requirements of professionalism and civility in the daily practice of law. We thank you for your participation and appearance before the Panel. We hope that your experience with the Panel will have a positive impact and will serve as a guide to your future conduct. We recommend that you 1) familiarize yourself with and incorporate into your practice the Standards, located at www.palmbeachbar.org; 2) familiarize yourself with The Florida Bar Ideals and Goals of Professionalism; 3) become involved in one or more committees of the PBCBA to develop relationships with local lawyers and judges that may guide you in communicating with opposing counsel in a civil, non-condescending, and productive manner; and 4) attend two professionalism CLE courses by May 1, 2015.

By taking these recommended steps, the Panel hopes that you will become more sensitive in your communication with opposing counsel and appreciate how that communication is critical to upholding the honor and the expected level of civility and professionalism in our profession.

Very truly yours,

/s/ Michael D. Mopsick and Amy S. Borman
Co-Chairs, Palm Beach County Bar Association
Professionalism Committee, for the
Fifteenth Judicial Circuit Professionalism Panel

In Memoriam



Stanley V. Buky
1954 – 2014



If This Then That (IFTTT) For Lawyers

By Christopher B. Hopkins

Lawyers love Apple devices and social media. But we're also a bit fearful of our beloved technology. According to a recent Florida Bar study, we are more fixated on "keeping up with new technology" than we are worried about "new developments in law." Most Florida lawyers have an iPhone (63%), many of us have an iPad (42%), and we flock to social media: 50% are on Facebook, nearly 40% on LinkedIn, and 12% are on Twitter (Instagram was frequently written in as "other"). The legal profession's techy-ness sounds efficient, if not fun, but there is a catch: we fret over new technology just as much as we are concerned about meeting our clients' expectations.

This article will introduce you to "If This, Then That," an iPhone app that allows you to get value from your mobile device and social media without "checking in" constantly -- thus reducing your internet-induced stress. The concept of "IFTTT" comes from a line of computer code: IF *this* happens, THEN the app will do *that*. In short, you can have IFTTT monitor the internet and, through a series of triggers, it will take action when something important happens. Someone has tagged you in a Facebook photo? IFTTT will download the photo for you. Is it going to rain tomorrow? It will send you a text. Your favorite law firm or company just listed a job opening on LinkedIn? You'll be the first to know. It can even help you find your lost iPhone. Thus, you spend less time checking multiple internet sites so you can focus your stress back on... client expectations.

IFTTT requires no computer coding or technical know-how. It is controlled through two-step "Recipes" concocted by clicking icons to create your own internet bots. The easiest way to get started is to use other people's Recipes so you can see IFTTT in action. In about five minutes, you will be playfully clicking your way to an automated internet experience.

First, download the app and create an account. Second, you need to permit IFTTT access to your iPhone photos, Gmail, Facebook, LinkedIn, and other services you use (have confidence: IFTTT has been around for years and there has been no major security issues).

In the app, tap the mortar-and-pestle icon to brew up a new Recipe. On the next screen, hit the eyeglasses icon to browse existing Recipes using categories such as featured, trending, and favorites. On the Recipes page, tap the cog wheel in the bottom right corner. The third option, Channels, allows you to tell IFTTT which internet services you use -- these Channels are the ingredients to your Recipes. It may sound confusing, but sign up for a few basics like Date & Time, Email, Facebook, LinkedIn, OpenTable, SMS, and Weather.

Let's start with Facebook. On IFTTT's Recipes page, hit the eyeglasses icon and then tap Search. Type in "Facebook photos" to find Recipes on how to manage Facebook photos. You can "Save Facebook photos you're tagged in to iOS photos" or even save those photos to your Google Drive. Below are more interactive Recipes.

* Facebook & Twitter: Anything you write on Twitter with the tag "#FB" will be posted on Facebook (or vice versa). Going back to the Florida Bar study, 31% of lawyers use social media for marketing. This Recipe avoids opening multiple accounts to post the same message.

* Facebook & Twitter #2: Anything you post to either site will be logged in a spreadsheet on Google Drive so you can keep a running log. Again, a good way to track your posts and ad campaigns.

* Instagram: If [person] posts a new photo, IFTTT will send you an email. If you maintain an Instagram account to monitor your teenager, this Recipe is for you.

* Instagram #2: If you post a photo to Instagram, it will send also it out on Twitter or Facebook.

* Save Email Attachments to Google Drive: Set IFTTT to download all email attachments to a folder in Google Drive -- or set the trigger so that IFTTT will save PDF attachments in a folder if you put "#receipts" in title of an email you send to yourself. This is useful during long road trips in order to have your reimbursements organized when you return.

* Contacts: Your iPhone contacts will be imported to a Google spreadsheet on Google Drive for easy searching and backup.

* LinkedIn: If [law firm / company] has a new job opening, IFTTT will notify you via email.

* Weather: If it is going to rain tomorrow in [location], it will send you a text. Or have IFTTT send you the weather report via SMS each morning.

* Take out the trash: Push a reminder to take out the trash every week at a specific time.

* Lost phone: If you have lost your phone, send yourself an email with #lostphone in the title. IFTTT will call your phone to help you find it.

* Open Table: If you make a dinner reservation on Open Table, IFTTT will automatically add it as an appointment on your calendar.

* Netflix: When Netflix adds new movies, IFTTT can send you an email with the title and description.

* Foursquare: IFTTT will take your check-ins and log them on a Google spreadsheet on Google Drive.

* Birthdays: If there is a birthday on your calendar tomorrow, set IFTTT to either send you a reminder. Better still, have IFTTT automatically send a nice birthday message to that person on Facebook.

* POTUS / Congress: Set IFTTT to email you when the President signs a new law or Congress schedules a vote on a bill.

Christopher B. Hopkins is a partner at Akerman LLP. IF you email him a comment at christopher.hopkins@akerman.com, THEN he will promptly respond.

Rule 1.190(c): Back to the Future Part II

By Matt Triggs and Jonathan Galler

In October 2012, we wrote about Florida’s civil procedure time machine, Rule 1.190(c). The rule allows an amended pleading to relate back to the date of the original pleading, under certain circumstances, even when the statute of limitations has run in the interim.

We were prompted to discuss the time-space continuum in that month’s column by the First District’s opinion in *Graney v. Caduceus Props., LLC*, 91 So. 3d 220 (Fla. 1st DCA 2012). There, the First District held that a belated attempt by the plaintiffs to bring a direct action against a third-party defendant did not relate back to the filing of the original complaint against the original defendant.

The opinion created a direct and express conflict with existing Fifth District precedent, as expressed nearly 30 years earlier in *Gatins v. Sebastian Inlet Tax Dist.*, 453 So. 2d 871 (Fla. 5th DCA 1984). Accordingly, the First District certified the conflict to the Supreme Court.

Exercising its 1.21 gigawatts of discretionary review, the Supreme Court recently issued a decision quashing the First District’s decision in *Graney* and approving the Fifth District’s decision in *Gatins*. See *Caduceus Props., LLC v. Graney*, 2014 WL 763137 (Fla. 2014). Hence, our excuse to revisit the issue (and our license to overuse Back to the Future references).

Rule 1.190(c) provides as follows: “When the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the amendment shall relate back to the date of the original pleading.”

To take a trip down memory lane: The 2012 *Graney* decision involved claims related to a construction project. The plaintiffs sued the contractor; the contractor filed a third-party complaint against the subcontractor; and the plaintiffs, after the expiration of the limitations period, then sought to assert a direct action against the subcontractor. The issue on appeal was whether the

direct action against the third-party defendant related back to the filing of the original complaint against the original defendant.

To reach its conclusion, the First District travelled back to 1984 to consider the Fifth District’s *Gatins* decision issued that year, addressing a similar question, but the First District rejected the Fifth District’s holding. In fact, the First District also looked at the approach of other jurisdictions and determined that the Fifth District’s more liberal approach (i.e., in favor of relation back) was the minority view.

The First District’s primary rationale in rejecting the application of the relation back rule was that the amendment created an unfair surprise. That’s because the First District concluded that the third-party defendant would have been justified in concluding that the plaintiffs’ decision not to file a direct action against it in the first instance, within the limitations period, had been intentional.

By contrast, the rationale of the Fifth District in applying the relation back rule was that the amendment “merely adjusts the status of an existing party,” re-characterizing a third-party defendant (who is already litigating the matter) as a direct party defendant as well. *Gatins*, 453 So. 2d at 875. The third-party defendant should have been on notice that the plaintiff could so amend.

In siding with the Fifth District’s approach, the Supreme Court pointed out that Rule 1.190 itself emphasizes that amendments should be granted freely and when justice so requires. Case law similarly holds that Rule 1.190(c) itself is to be liberally construed. See *Caduceus Props. LLC*, 2014 WL 763137 at *3.

Moreover, the Supreme Court explained, the goals of statutes of limitations are to prevent lack of notice and prejudice. Put another way, the purpose is to promote justice by avoiding bringing claims back from the past long after evidence has been lost. Those concerns are not implicated, however, where a “new” party has already properly and timely been brought into the lawsuit as a third-party defendant and where the plaintiff’s amended claims against that party arise from the same conduct, transaction, or occurrence at issue in the third-party complaint. *Id.* at *4.



The Supreme Court also noted that (1) the amended claim, under the facts alleged in *Caduceus Props. LLC*, relates back to the filing of the third-party complaint (not to the plaintiff’s original complaint) and (2) its holding does not remove all discretion from the trial court, as the court must determine whether the amended claim arises from the same conduct, transaction, or occurrence as the third-party complaint and may nevertheless deny the amendment if it so late in the proceedings that the opposing party would be unfairly prejudiced. *Id.* at *5.

Thus, a paradox – as Doc Brown might have called it – has now been resolved.

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



Do You Need a Mentor?

The Palm Beach County Bar Association’s Mentor Program is designed to provide members with a quick and simple way to obtain advice, ideas, suggestions, or general information from an attorney that is more experienced in a particular area of law. The mentors provide a ten-to-fifteen-minute telephone consultation with a fellow attorney, at no fee. Any member of the Palm Beach County Bar, whether newly admitted or an experienced practitioner, can use the program. Call the Bar office at 687-2800, if you need a Mentor.



Mentoring and Diversity

By Phillip Hutchinson on behalf of the Committee for Diversity & Inclusion

Within the legal profession, mentoring is a key activity to both retain and develop young lawyers. So how does diversity fit into an organization's scheme of mentoring?

Very often a diverse lawyer has no family or friends who have ever embarked upon a legal career. That leaves the diverse lawyer with no resources to call upon for help in navigating the strange landscape that is the legal profession. This unfamiliarity can lead to feelings of isolation and despair. A mentor can play a key role in changing that dynamic, helping the new lawyer to assimilate into the profession and plot a career path that fits the mentee's goals. In fact, a mentor should assist the mentee with setting and tracking career goals.

Mentoring is a term that is much in vogue these days especially with President Barack Obama's establishment of the "My Brother's Keeper Task Force." To make sure the mentor role is most effective, it is important to first have a basic understanding of what mentoring really is and what it is not.

In the law firm setting, mentoring is a professional relationship in which an experienced person (usually older) provides guidance to another (usually younger) person (mentee) to develop certain skills and knowledge that will enhance the mentee's professional

growth. Mentors are not buddies, nor are they coaches. A coach focuses on maximizing a person's performance in the current job, while a mentor's goal is about maximizing the future career development of the young lawyer.

Similarly, a mentor should not be a "buddy" or an individual around the same age and level of professional growth. The buddy has no particular experiential advantage over the mentee. Of course, there are times the lines can blur and a mentor may periodically take on the role of a coach or a buddy.

When seeking out mentors for a diverse lawyer, one question that frequently emerges is should that individual be matched with a mentor from the same racial or ethnic background? Former Secretary of State Condoleezza Rice states in her book "Extraordinary, Ordinary People: A Memoir of Family" that the most "important thing is to have mentors who care about you, and they come in all colors," Rice's meteoric rise in public life is in part a testament to having mentors that did not look like her. There are many qualities a mentee should look for in a potential mentor, but being of the same race, gender or ethnic background should not be high on the list. The mentor has to care about and be invested in the mentee's success in the legal profession. The key issue is that the mentor be willing and able to invest the time and effort

necessary to help the mentee succeed.

At the same time, it is critical that any organization genuinely interested in increasing diversity in its ranks should identify qualified mentors for diverse candidates. Of course, some may question why a law firm or the legal profession itself should be interested in diversity. As lawyers, we are the gatekeepers of our civil society. There is a fundamental and deep-seated belief that in America, the court system is open to all and that every citizen, regardless of income, education or race, will obtain a "fair shake" within our legal system. When the gatekeepers do not reflect the diversity of our pluralistic society, citizens lose faith in the system. That faith in justice is what has allowed the American experiment to endure for two centuries and is the only thing that will insure its continued existence.

Diversity in the legal profession provides a critical way to infuse the profession with a variety of different perspectives. Finally, from a business standpoint, clients want to do business with firms that reflect the diversity of the community in which those clients do business. Effective mentoring enables an organization to harness the best of its talent and insures the future vitality of the organization.

Phillip H. Hutchinson practices commercial litigation with the West Palm Beach office of Greenberg Traurig.

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Welcome New Members!

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

Jessica A. De Vera: Florida State University, 2011; Office of the Public Defender, West Palm Beach.

Ronald N. Dubner: DePaul University, 1973; Solo Practitioner, Boca Raton.

Andreina E Floreani: Northwestern University, 2001; Associate in The Berman Law Group, Boca Raton.

Whitney L. Harrington: Boston College, Law Student Membership, Delray Beach.

Cary A. High: University of Florida, 2005; Solo Practitioner, Wellington.

Marc A Kaufman: Brooklyn Law School, 1973; Solo Practitioner, Ft. Lauderdale.

Matthew Kish: California Western University, 1996; Solo Practitioner, Miami.

Kristin Klementowski: Washburn Municipal University, 2011; Associate in Greenstein & Associates, Wellington.

Jason Anthony McIntosh: Florida State University, 2013; Office of the State Attorney, West Palm Beach.

Richard G. Ozelie: Nova Southeastern University, 1978; Solo Practitioner, Boca Raton.

Avriel Pfof: Nova Southeastern University, 2011; Associate in Lydolph & Weierholdt, Lehi, UT.

Miriam Roc: New England School of Law, 2006; Associate in Vernis & Bowling.

Angelic R. Shakir-Kirkconnell: Nova Southeastern University, 2002; Associate in Scott J. Sternberg and Associates, West Palm Beach.

Matthew J. Shilling: Nova Southeastern University, 2006; Associate in Bernheim & Dolinsky, LLC, Plantation.

Brandon Silver: Nova Southeastern University, 2013; Associate in Eraclides, Gelman, Hall, West Palm Beach.

J. Samantha Vacciana: University of Florida, 2013; Solo Practitioner, Boca Raton.

Alicia Gale Windsor: Southwestern University, 2006; Associate in Clarfield, Okon, Salomone & Pincus, P.L.

Dear Patience:

We recently attended the Judicial Receptions hosted by the Palm Beach County Chapter of the Florida Association for Women Lawyers and South Palm Beach County Florida Association for Women Lawyers, respectively. Both of the events were wonderful and very much appreciated.

After watching Bob Bertisch, the esteemed Director of the Legal Aid Society of Palm Beach County, graciously accept a donation presented by the South County FAWL Chapter, we had the opportunity to discuss the critical work provided by the Legal Aid attorneys and particularly those engaged in the Juvenile Advocacy and Foster Children's Projects. Their significant contribution to justice for the voiceless in our community is worth noting.

Many of the children entering the juvenile dependency system, whether abused, abandoned or neglected, have special needs that require immediate attention. Many find themselves enmeshed in family and civil litigation cases. Without the zealous advocacy of these talented lawyers, many of our children's pressing needs would not be otherwise known to the court. Equally important is the compassion and unwavering dedication which they show to some of the most vulnerable members of our community. Among other things, these attorneys ensure that therapeutic modalities are instituted, daycare and school needs are met and medical and dental requirements are fulfilled. These lawyers also assist children in the delinquency system who are typically suffering from mental and emotional health issues, learning disabilities and addictions, among other maladies. Undoubtedly, a book could be written detailing the number of success stories directly attributable to the work of these attorneys.

We are aware of how hard all of the attorneys at Legal Aid work within their respective assignments but wanted to draw particular attention to the outstanding service provided by the lawyers working in the Juvenile Advocacy and Foster Children's Projects.

As judges, our responsibility is to promote the interests of justice. We hope that this letter provides some much deserved recognition to those attorneys who are serving the children of our community in such an exemplary fashion.

Respectfully submitted,

/s/ Donald W. Hafele and Lucy Chernow Brown, Circuit Judges,
15th Judicial Circuit

Upcoming CLE Seminars

Your CLE Committee Chairs have been very busy at work planning live CLE seminars for our membership for this year. For more information about these seminars, please visit the Bar's website: palmbeachbar.org. And remember, if you can't attend the live seminar, sign up for the webinar to watch it from your office or home. You can watch it live, or afterwards at your convenience.

May 2: Employment Law Seminar

May 7: 31st Annual Estate & Probate Seminar – Part 2

May 21: Employment Law Luncheon Seminar

June 6: Community Association Law Seminar

June 17: Real Estate Seminar

June 20: Employment Law Seminar



www.palmbeachbar.org



The Estate and Probate Law Continuing Legal Education Committee presents:

“The 31st Annual Estate and Probate Seminar–Part 2”

Wednesday, May 7, 2014 - 12:30p.m. - 6:10p.m.

Bar Association Office, 1507 Belvedere Rd., West Palm Beach, FL

Program Schedule

- 12:30p.m. - 12:55p.m. **Late Registration and Check In**
- 12:55p.m. - 1:00p.m. **Welcome & Opening Remarks** - *John M. Severson, Esq., Burns & Severson, P.A., Board Certified Wills, Trusts and Estates Attorney, Committee Chair*
- 1:00p.m. - 1:50p.m. **Case Law Update** - *John C. Moran, Esq., Gunster*
- 1:50p.m. - 2:10p.m. **Legislative/Rules Update** - *Tasha K. Dickinson, Esq., Jones, Foster, Johnston & Stubbs, P.A., Board Certified Wills, Trusts and Estates Attorney*
- 2:10p.m. - 2:40p.m. **Tax Law Update** – *Michael A. Lampert, Esq., Michael A. Lampert, P.A., Board Certified Tax Law Attorney*
- 2:40p.m. - 3:10p.m. **Disbarment for Dummies - Ethical Issues in Probate** - *David M. Garten, Esq., Law Office of David M. Garten*
- 3:10p.m. - 3:20p.m. **BREAK**
- 3:20p.m. - 4:00p.m. **Bifurcation and Delegation of Trustee Duties under Florida Law** - *Tasha K. Dickinson, Esq., Jones, Foster, Johnston & Stubbs, P.A., Board Certified Wills, Trusts and Estates Attorney*
- 4:00p.m. - 4:35p.m. **Proving up a Lost Will** - *Matthew H. Triggs, Esq., Proskauer Rose LLP*
- 4:35p.m. - 5:10p.m. **Trust Protectors** - *Elaine M. Bucher, Esq., Gunster, Board Certified Wills, Trusts and Estates Attorney*
- 5:10p.m. - 6:10p.m. **Cocktail Reception**

Sponsored By:



THE PRIVATE BANK



estate & trust litigation

This course has been granted 5.0 CLER incl. .50 Ethics credits / 4.0 Elder Law; 4.0 Wills, Trusts & Estates Certification credits from the Florida Bar. Early registration cost for the seminar is \$135 for PBCBA member attorneys/paralegals; \$175 for non-PBCBA member attorneys/paralegals if registered by 4/30/14; 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.

PAYMENT OPTIONS:



If paying by credit card, please go to our secure website to register: www.palmbeachbar.org



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



If you can't leave your office, you can attend this via live webinar by registering here <http://www.palmbeachbar.org/>. PLEASE NOTE: If you register for the webinar, you cannot attend the live version.



If paying by check, please send payment, along with this form, to the Bar office.

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) (Estate/Probate Seminar 5/7/14) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK ONLY**, WITH THIS FORM.

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

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



“E-Discovery in Action”

Monday, May 12, 2014 - 11:30am - 1:00p.m.
Bar Offices - 1507 Belvedere Road, WPB 33406

Program Schedule

- 11:30am - 11:55am **Lunch / Check In / Late Registration**
- 11:55am - 12:00pm **Welcome - Opening Remarks** - *David Steinfeld, Esq.,
Law Office of David Steinfeld, P.L., Board Certified Business
Litigation Attorney, Business Litigation CLE Committee Chairperson*
- 12:00pm - 1:00pm **Electronic Discovery** - *Chioma R. Deere, Esq., Vernis & Bowling
of Palm Beach, P.A*
- *An Electronic Discovery Request*
 - *E-Discovery Vendors*
 - *Nuts and Bolts of E-Discovery Experts and Special Masters*

LUNCH SPONSORED BY: Ventura Insurance Solutions

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

Early registration cost for the seminar, which includes lunch, is **\$25** for PBCBA member attorneys/paralegals;

\$65 for non-PBCBA member attorneys/paralegals if registered by 5/5/14; add \$15 late fee after that date.

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

___ 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.

PAYMENT OPTIONS:



If paying by credit card, please go to our secure website to register: www.palmbeachbar.org



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



If you can't leave your office, you can attend this via live webinar by registering here <http://www.palmbeachbar.org/> . **PLEASE NOTE: If you register for the webinar, you cannot attend the live version.**



If paying by check, please send payment, along with this form, to the Bar office.

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 5/12/14) 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 PI Wrongful Death CLE Committee Presents:



"EFFECTIVE SETTLEMENT NEGOTIATIONS"

Friday, May 16, 2014 - 11:45am - 1:00 p.m.
Bar Association Office, 1507 Belvedere Road, WPB, FL

Program Schedule

- 11:45 a.m. - 12:00 p.m. **Lunch / Late Registration and Check In**
- 12:00 p.m. - 12:05 p.m. **Welcome & Opening Remarks - Kelly Hyman, Esq., Searcy Denney Scarola Barnhart & Shipley, P.A.**
- 12:05 p.m. - 1:00 p.m. **Effective Settlement Negotiations - Spencer T. Kuvin, Esq., The Law Offices of Craig Goldenfarb, P.A., Board Certified Civil Trial Attorney.**

SPONSORED BY:



This course has been granted **1.0 CLER / 1.0 Civil Trial Cert. credits** from The Florida Bar.

Early Registration cost is **\$25** for PBCBA members/paralegals; **\$65** for non-PBCBA members/paralegals if registered by **5/9/14**.
Add \$15 late fee to registration fee after that date.

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

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

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

PAYMENT OPTIONS:



If paying by credit card, please go to our secure website to register: www.palmbeachbar.org



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



If you can't leave your office, you can attend this via live webinar by registering here <http://www.palmbeachbarcle.org/> **PLEASE NOTE: If you register for the webinar, you cannot attend the live version.**



If paying by check, please send payment, along with this form, to the Bar office.

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) (5/16/14 PI) 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. Telephone: (561) 687-2800



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

**Restrictive Covenants. I'm Leaving My Job, Can I Compete?
What Information Can I Use? Who's Coming With Me?**

WEBINAR ONLY

May 21, 2014 - 11:55 a.m. - 1:15 p.m.

Program Schedule

- 11:55 am - 12:00 pm **Welcome** - *Cathleen Scott, Esq., Cathleen Scott & Associates, P.A., Board Certified Labor and Employment Law Attorney, Employment and Labor Law CLE Committee Chair*
- 12:00 pm - 1:15pm **Presenters:** *Daniel R. Levine, Esq., Bennardo Levine, LLP; and Gerard J. Curley, Jr., Esq., Gunster*

This webinar discusses the practical aspects of restrictive covenants and common law competition issues.

Please e-mail your questions to: cscott@floridalaborlawyer.com

This course has been granted **1.5 CLER / 1.0 Labor & Employ Law Certification credits** from The Florida Bar.

HOW TO REGISTER:

Attend this live **WEBINAR**: register here <http://www.palmbeachbarele.org/>

Enjoy an "Early Bird" discounted registration cost of **\$35 each** for PBCBA members/paralegals; **\$75 each** for non-PBCBA members/paralegals. After **5/14/14**, add \$15 late fee.

- **November 5, 2013** - "The Patient Protection and Affordable Care Act, What You and Your Clients Need to Know about "Obama Care" Presented by: *Joseph G. Santoro, Esq., Tanya M. Reed, Esq., and Steven D. Muscatello, Esq., Gunster, West Palm Beach, FL*
- **February 24, 2014** - "Representing Public Employers" Presented by: *Glenn J. Torcivia, Esq., Torcivia and Associates, P.A., West Palm Beach, FL*
- **March 14, 2014** - "Employment Arbitration" Presented by: *Brian D. Buckstein, Esq., Brian D. Buckstein, P.A., Wellington, FL*
- **May 21, 2014** - "Restrictive Covenants. I'm Leaving My Job, Can I Compete? What Information Can I Use? Who's Coming With Me?" Presented by: *Daniel R. Levine, Esq., Bennardo Levine, LLP; and Joseph Curley, Esq., Gunster, West Palm Beach, FL*

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

_____ I will not be able to attend the webinar but would like to order the audio CD (allow 4 weeks for delivery) (5/21/14 Employ. Law.) Cost is the same as listed above, in addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY, WITH THIS FORM.**

Name: _____ Telephone #: _____
Address: _____ Email Address: _____

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



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

THE 25th ANNUAL COMMUNITY ASSOCIATION LAW SEMINAR

Friday, June 6, 2014 7:45 a.m. – 12:15 p.m.
Bar Association Office - 1507 Belvedere Rd., WPB

Program Schedule

7:45am - 8:00am	Late Registration and Check In
8:00am - 8:05am	Welcome - <i>Tanique G. Lee, Esq., Committee Chairperson, Gelfand & Arpe, P.A.</i>
8:05am - 8:45am	What's New at the Office of Equal Opportunity - <i>Pamela Guerrier, Esq., Palm Beach County Office of Equal Opportunity</i>
8:45am - 9:45am	Defending Fair Housing Claims - <i>Ron M. Campbell, Esq. and Katie M. Merwin, Esq., Cole Scott & Kissane, P.A.</i>
9:45am - 9:55am	BREAK
9:55am - 10:55am	Retroactive "?" Application of Amendments to Condominium and HOA Acts - <i>Mark B. Schorr, Esq., Mark B. Schorr, P.A.</i>
10:55am - 11:45am	Legislative & Case Law Update: Practical and Ethical Implications - <i>Michael J. Gelfand, Esq., Florida Bar Board Certified Real Estate Attorney, Gelfand & Arpe, P.A.</i>
11:45am - 12:15pm	The Ins and Outs of the Foreclosure Division - <i>The Honorable Richard L. Oftedal, Fifteenth Judicial Circuit</i>




**This course is expected to receive 5.0 CLER including 1.0 Ethics credits /
Certification credits are pending from The Florida Bar.**

Early registration cost is \$140 for PBCBA members/paralegals; \$180 for non-PBCBA attorney members/paralegals if registered by 5/30/14; 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.

PAYMENT OPTIONS:

-  If paying by credit card, please go to our secure website to register: www.palmbeachbar.org
-  If you can't leave your office, you can attend this via live webinar by registering here <http://www.palmbeachbarcle.org/> . PLEASE NOTE: If you register for the webinar, you cannot attend the live version.
-  If paying by check, please send payment, along with this form, to the Bar office.



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

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)
(25th Annual Comm. Assn Seminar 6/6/14)

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

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



**Proceedings Supplementary:
Collecting on Your "Uncollectible" Judgment**

Tuesday, June 10, 2014 - 11:30am - 1:00p.m.
Bar Offices - 1507 Belvedere Road, WPB 33406

Program Schedule

- 11:30am - 11:55am **Lunch / Check In / Late Registration**
- 11:55am - 12:00pm **Welcome - Opening Remarks** - *David Steinfeld, Esq.,
Law Office of David Steinfeld, P.L., Board Certified Business
Litigation Attorney, Business Litigation CLE Committee Chairperson*
- 12:00pm - 1:00pm **Proceedings Supplementary** - *Alan L. Goodman, Esq.,
Alan L. Goodman, P.A.*
- *What are Proceedings Supplementary*
 - *Fla. Stat. §56.29 - Governing Statute*
 - *Impleading Third Parties in Proceedings Supplementary*
 - *Seek Appointment of Special Master*

LUNCH SPONSORED BY: 

This course is expected to receive 1.0 CLER credits from The Florida Bar.

Early registration cost for the seminar, which includes lunch, is **\$25** for PBCBA member attorneys/paralegals;

\$65 for non-PBCBA member attorneys/paralegals if registered by 6/3/14; add \$15 late fee after that date.

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

___ 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.

PAYMENT OPTIONS:



If paying by credit card, please go to our secure website to register: www.palmbeachbar.org



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



If you can't leave your office, you can attend this via live webinar by registering here <http://www.palmbeachbar.org/> . **PLEASE NOTE: If you register for the webinar, you cannot attend the live version.**



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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 6/10/14) 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 Real Estate CLE Committee presents:



“The NEW World: New Closing Disclosures, NEW Best Practices and NEW Law”

**Tuesday, June 17, 2014 - 8:15a.m. - 12:05p.m.
Bar Association Offices**



Program Schedule

- 8:15am - 8:25am **Late Registration/Check In**
- 8:25am - 8:30am **Welcome and Opening Remarks** - *Gregory R. Cohen, Esq., Cohen, Norris, Wolmer, Ray, Telepman & Cohen, Board Certified Real Estate Attorney, Real Estate Committee Chairperson*
- 8:30am - 9:45am **NEW Mortgage Disclosures (the NEW “New HUD”) and NEW CFPB Rules and Revisions** - *Deborah Boyd, Esq., Assistant Vice-President and Underwriting Counsel, Fidelity National Title Group*
- 9:45am - 11:00am **NEW Best Practices - What are They and How do I Prepare?** - *Deborah Boyd, Esq., Assistant Vice-President and Underwriting Counsel, Fidelity National Title Group*
- 11:00am - 11:15am **BREAK**
- 11:15am - 12:05pm **NEW Law: Case Law Update with a Focus on Foreclosures, and New Statutes** – *Catherine Mulcahey, Esq.,*

SPONSORED BY:



This course has been granted 4.0 CLER / 4.0 Real Estate Real Estate Cert. credits from the Florida Bar.

Early registration cost for the seminar is \$100 for PBCBA members/paralegals, \$140 for non-PBCBA members/paralegals if registered by 6/10/14; Add \$25 to registration fee after that date.

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

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

PAYMENT OPTIONS:



If paying by credit card, please go to our secure website to register: www.palmbeachbar.org



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



If you can't leave your office, you can attend this via live webinar by registering here <http://www.palmbeachbarcle.org/> **PLEASE NOTE: If you register for the webinar, you cannot attend the live version.**



If paying by check, please send payment, along with this form, to the Bar office.

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) (6/17/14R/E) Cost is the same as listed above, in addition to \$10 for shipping and handling.

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

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



Employment Litigation At Its Best

June 20, 2014 - 12:00 p.m. - 6:00 p.m.
1507 Belvedere Road, West Palm Beach, FL 33406

Program Schedule

12:00 pm - 12:25 pm	Late Registration / Lunch
12:25 pm - 12:30 pm	Welcome - <i>Cathleen Scott, Esq., Cathleen Scott & Associates, P.A., Board Certified Labor and Employment Law Attorney, Employment and Labor Law CLE Committee Chair</i>
12:30 pm - 1:15 pm	Case Law Update - <i>Lindsey B. Wagner, Esq., and Danielle L. Lassiter, Esq., Cathleen Scott & Associates, P.A.</i>
1:15 pm - 2:00 pm	Jury Selection & Voir Dire - <i>Gerard J. Curley, Jr., Esq., Gunster</i>
2:00 pm - 2:10 pm	BREAK
2:10 pm - 3:00 pm	Expert Witnesses - <i>Sally Still, Esq., Ward Damon Posner Pheterson & Bleau, Board Certified Labor and Employment Law Attorney</i>
3:00 pm - 4:00 pm	Motions in Limine - <i>Robyn S. Hankins, Esq., Hankins & Ator, P.L., Board Certified Labor and Employment Law Attorney</i>
4:00 pm - 5:00 pm	Show me the money - Ethical and Practical considerations for obtaining and defending attorney fee awards - <i>Arthur T. Schofield, Esq., Arthur T. Schofield, P.A.,</i>
5:00 pm - 6:00 pm	Happy Hour

SPONSORED BY:



This course has been granted **5.0 CLER** / including **1.0 Ethics Credits** / **4.0 Labor & Employ Law Certification** credits from The Florida Bar. Enjoy an "Early Bird" discounted registration cost of **\$140** for PBCBA members/paralegals; **\$180** for non-PBCBA members/paralegals. After **6/13/14**, add \$25 late fee.

Can't leave your office? Attend this via live **WEBINAR**: register here <http://www.palmbeachbarcle.org/>

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

Name: _____ Telephone #: _____

Address: _____ Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (6/20/14 Employ. Law.) Cost is the same as listed above, in addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY, WITH THIS FORM.**

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

Real Property and Business Litigation Report



By Manuel Farach

Condominium Ass'n of La Mer Estates, Inc. v. Bank of New York Mellon Corp., – So.3d –, 2014 WL 620238 (Fla. 4th DCA 2014).

A default final judgment based on a complaint which fails to state a cause of action is voidable, not void, and must be attacked within one year under the restrictions of Florida Rule of Civil

Procedure 1.540. Conflict is certified with decisions from the First and Third Districts as to this issue of law.

Keane v. President Condominium Ass'n, Inc., – So.3d –, 2014 WL 626710 (Fla. 3d DCA 2014).

A condominium parking space may consist of a revocable license.

Ekonomides v. Sharaka, – So.3d –, 2014 WL 866149 (Fla. 2d DCA 2014).

A proposal for settlement which offers to pay \$100 upon the opposing party is not ambiguous (i.e., it is enforceable) because the statute provides the trial court shall have continuing jurisdiction to enforce settlement agreements.

Hunter v. Aurora Loan Services, LLC, – So.3d –, 2014 WL 847477 (Fla. 1st DCA 2014).

A witness must have personal knowledge of how the business records are made in order to lay the foundation to testify on the business records sought to be introduced.

BG Group, PLC v. Republic of Argentina, – U.S. –, 134 S.Ct. 1198 (2014).

Courts typically determine whether an arbitration agreement exists, but whether conditions precedents apply is determined by the arbitrators. A “local litigation provision” is a condition precedent to be determined by the arbitrators.

Lawson v. FMR LLC, – U.S. –, 134 S.Ct. 1158 (2014).

Whistleblower protection under Sarbanes–Oxley extends to employees of private contractors and subcontractors serving public companies.

Law v. Siegel, – U.S. –, 134 S.Ct. 1188 (2014).

A bankruptcy court’s inherent powers under 11 U.S.C. § 105 (a) cannot expand upon or override specific statutory authorizations in the bankruptcy code. A bankruptcy court may not deny a homestead exemption on a basis not set forth in the statute.

Deutsche Bank Nat. Trust Co. v. Plageman, – So.3d –, 2014 WL 948882 (Fla. 2d DCA 2014).

A loan servicer may verify a complaint filed on behalf of the loan owner, thus satisfying Florida Rule of Civil Procedure 1.110 (b), without providing proof that it has authority to verify the pleading. *Elston/Leetsdale, LLC v. CWC Capital Asset Management LLC*, 87 So.3d 14 (Fla. 4th DCA 2012), is distinguished because the servicer in *Elston* filed the foreclosure on its own behalf and not on behalf of the owner.

Marvin M. Brandt Revocable Trust v. U.S., – U.S. –, 134 S.Ct. 1257 (2014).

An easement is a non-possessory right to enter and use land which may be lost through abandonment. Upon abandonment, the servient tenement (owner) is freed of the easement burden. There is no reversionary interest with an easement because the servient tenement has not given an interest in real estate subject to reversion.

Accardo v. Brown, – So.3d –, 2014 WL 1057291 (Fla. 2014).

The Doctrine of Equitable Ownership provides that a person is deemed an owner of real property and may be taxed thereon if they have all the benefits and obligations of ownership and notwithstanding they do not possess legal title.

Basulto v. Hialeah Automotive, – So.3d –, 2014 WL 1057334 (Fla. 2014).

A “meeting of the minds” is required for an enforceable arbitration provision. Both procedural and substantive unconscionability are required to invalidate an otherwise valid contract, but the two requirements may be on a sliding scale (i.e., both not required to the same degree) as the “more substantively oppressive the contract term, the less evidence of procedural unconscionability is required . . .”

A to Z Properties, Inc. v. Fairway Palms II Condominium Assoc., Inc., – So.3d –, 2014 WL 1031407 (Fla. 4th DCA 2014).

A purchaser of property at tax deed sale is not liable to a condominium association for unpaid association assessments that accrue prior to the issuance of the tax deed.

Montanez v. Publix Super Markets, Inc., – So.3d –, 2014 WL 1255333 (Fla. 5th DCA 2014).

A party’s handwritten answers to interrogatory questions sent to her attorney (which attorney then helped with “phraseology”) are attorney-client privileged communications.

Aldrich v. Basile, – So.3d –, 2014 WL 1240073 (Fla. 2014).

After-acquired property is subject to the rules of intestate succession.

Trans Healthcare, Inc. v. Creekmore, – So.3d –, 2014 WL 1230498 (Fla. 3d DCA 2014).

An interlocutory out of state order appointing a receiver is not entitled to full faith and credit under the Florida Uniform Enforcement of Foreign Judgments Act, Florida Statute § 55.501, because it is not a final judgment.

Lexmark Intern., Inc. v. Static Control Components, Inc., – S.Ct. –, 2014 WL 1168967 (2014).

The “zone of interest test,” and not “prudence,” determines whether a federal court must hear a controversy on a federal statute, abrogating *Elk Grove Unified School Dist. v. Newdow*, 542 U.S. 1, 12, 124 S.Ct. 2301, 159 L.Ed.2d 98.

U.S. v. Quality Stores, Inc., – S.Ct. –, 2014 WL 1168968 (2014).

Severance payments are “wages” from which FICA payments must be withheld.

In re Custom Contractors, LLC, – F.3d –, 2014 WL 1226852 (11th Cir. 2014).

A defendant seeking to employ the “mere conduit or control” defense in order to avoid liability as an initial transferee under 11 U.S.C. § 550 must demonstrate “(1) that they did not have control over the assets received, i.e., that they merely served as a conduit for the assets that were under the actual control of the debtor-transferor and (2) that they acted in good faith and as an innocent participant in the fraudulent transfer.”

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. Request the weekly version of the Case Law Update by sending an email to mfarach@richmangreer.com and writing “Request Update” in the subject line.



Lawsuit Challenges Florida's Ban on Same-Sex Marriage (and Divorce)

By Christopher R. Bruce

The reform of domestic relations legislation is typically not “front page news material”. At this point, however, even most divorce practitioners operating under a rock have at least heard about the lawsuit filed in Miami in January 2014 to challenge Florida’s ban on same-sex marriage. This article summarizes the national status of same-sex marriage, the relevant Florida laws pertaining to defining marriage in Florida, and the recent challenge to Florida’s ban on same-sex marriage (and divorce).

National Survey of Marriage Equality

As of the time this article was drafted, seventeen states and the District of Columbia allow same-sex marriage. Of these states, eleven legalized same-sex marriage through legislation or voter referendum. In the other six states, same-sex marriage became legal through judicial proclamation. A district court recently ruled to legalize same-sex marriage in Utah but the Supreme Court of the United States stayed the decision pending appeal. By contrast, thirty-three states (including Florida) currently ban same-sex marriage. Same-sex marriage is banned in all states in the Southeastern United States (east of the Mississippi River and south of Maryland).

Relevant Florida Law

In Florida, same-sex marriage is banned through two separate statutes and a constitutional amendment. In 1977 the Florida legislature enacted § 741.04, which provides that “[n]o county court judge or clerk of the circuit court in this state shall issue a license for marriage of any person... unless one party is a male and the other party is a female”. In 1997, likely in response to the possibility that some states might permit same-sex marriage, the Florida legislature enacted § 741.212, which provides in part that “the term ‘marriage’ means only a legal union between one man and one woman as husband and wife” and specifically states “[m]arriages between persons of the same sex entered into in any jurisdiction... are not recognized for any purpose in this state”. In 2008, Florida amended its Constitution through a voter referendum to state: “Inasmuch as marriage is the legal union of only one man and one woman as husband and wife, no other legal union that is treated as marriage of the substantial equivalent thereof shall be valid or recognized.”

What many do not realize is that Florida same-sex marriage ban also operates to ban same-sex divorce in Florida. *See Kantaras v. Kantaras*, 884 So. 2d 155 (Fla. 2d DCA 2004)(stating that a same-sex marriage could not be granted because the marriage was not legally recognized in Florida). This concept creates a major problem for same-sex couples residing in Florida (sometimes with children) that need a divorce. In many cases, the same sex individual is stuck in a sort of “banned marriage limbo” as Florida will not grant their divorce and other states lack jurisdiction to do so (because neither party meets the other state’s residency requirement). The current state of the law makes it so divorce is impossible unless the same-sex spouse seeking divorce picks up and literally moves across the country (remember, no states in the Southeastern United States recognize same-sex marriage). This all makes for an incredibly complicated situation, especially

when children are involved or the party seeking the divorce is not independently wealthy to survive a long-distance relocation.

Pareto v. Ruvin

Pareto v. Ruvin is the case filed recently in Miami-Dade County Circuit Court by six same-sex couples and the Equality Florida Institute against Harvey Ruvin, the Miami-Dade County Clerk of the Courts. The lawsuit seeks declaratory and injunctive relief, alleging that §§ 741.04 and 741.212 and the same sex marriage ban in the Florida Constitution violate the rights of the plaintiffs (six long term same-sex couples, four of which have children together) under the Due Process Clause and the Equal Protection Clause of the United States Constitution.

The complaint in *Pareto* alleges that “Florida’s exclusion of same-sex couples from marriage... deny same-sex couples equal dignity and respect, and deprive their families of a critical safety net of rights and responsibilities. These laws brand same-sex couples and their children as second class citizens through government-imposed stigma and foster private bias and discrimination, by instructing all persons with whom same-sex couples interact, including their own children, that their relationships and families are less worthy than others... No legitimate purpose serves to overcome these laws’ purpose and effect to disparage and demean same-sex couples and their children.”

Bottom Line

The *Pareto* case was only recently filed and much remains to be seen as to how the case will eventually unfold at the trial court and possibly appellate court level. An interesting aspect of the case is it takes place in the same venue as *In re Gil*, the landmark case that paved the way for same-sex adoption in Florida. If the plaintiffs prevail, Florida will join the growing minority of states in the nation where same-sex marriage is legal. This would also operate to allow Florida’s family courts to have jurisdiction over same-sex divorce cases.

Christopher R. Bruce is a divorce and appellate attorney with Nugent Zborowski & Bruce. The firm’s practice is limited to resolving matrimonial matters through mediation, litigation and related appeals. Chris can be reached at (561) 844-1200 or cbruce@nugentlawfirm.com.

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Lawyers Inspiring Active Citizenry

The Law Related Education Committee continues its mission to promote civics education and inspire the public to get and stay involved in their government. In February, the Committee presented all month long at the Lifelong Learning Center of Temple Anshei Shalom.



Liz Herman (center) with some of her audience members, presenting "How to Judge Judicial Candidates"

Bradley Thomasma, law clerk to U.S. District Court Judge Ryskamp describes his presentation, "Is It Constitutional: The Case of the Scarlet Tag," that "involved a hypothetical law which required repeat DUI offenders to drive with a red, or 'scarlet,' license plate" and asked the audience to analyze the law and decide if it is constitutional. "The presentation was a hit, the attendees were prepared, interactive, and quite vocal about their thoughts on several laws and policies, which they claimed infringed on their civil rights. (Woe to you, police officers who take a long time to write one of these folks a ticket!)" continues Bradley, and emphasizing "I was glad I could live up to my responsibility as a lawyer and member of the community to help raise the 'bar' on civics education."

Liz Herman, of Rosenbaum Mollengarden PLLC, presented on the topic titled "How To Judge Judicial Candidates" to a group at the Buena Vida senior community in Wellington. "The residents raised excellent questions about judicial elections and merit retention, with several sharing quite pessimistic views about getting involved in our democracy," reports Liz, concerned at the commonly shared sentiment. "However, at the end of the day, many participants agreed that the solution is not to sit out on the sidelines but to get informed about the process, the candidates and the issues and spread the word and encourage participation among their friends, neighbors, and family," concludes Liz, who is determined to reach many more in our community and start the dialogue on the importance of active citizenry.

The Committee proudly recognizes and thanks the following recent speakers:

- Circuit Judge Jeffrey Gillen and Ron Ponzoli of Richman Greer for presenting at Atria Meridian Senior Living Community;
- Andrew Kwan of Beasley Hauser Kramer & Galardi, P.A. for presenting to the Boy Scouts Troop 141;
- Circuit Judges Rosemarie Scher and Lisa Small for presenting to the Palm Beach Rotary Club;
- John Bajger, Assistant Attorney General for presenting at the Lantana Library and the Florida Alliance of Retired Americans;
- Brennan Grogan of Jay Steven Levine Law Group for presenting at the American Business Women's Association;
- Brooke Smith of DeSantis, Gaskill, Smith & Shenkman, P.A. for presenting at the Palm Beach Gardens Kiwanis Club;
- The following presenters at the Lifelong Learning Center at Temple Anshei Shalom:
 - Tim Murphy of Clark, Fountain, La Vista, Prather, Keen & Littky-Rubin, LLP, Amy Levenberg of Gunster; John Fenner of Fenner Law; Steve Winig of Winig Law Firm; Bradley Thomasma, law clerk to U.S. District Court Judge Ryskamp and Shane Weaver, Assistant Attorney General
- Also, thank you to Michael Napoleone, Chair of The Florida Bar Constitutional Judiciary Committee for assistance and support.

To learn more about the Committee and volunteer to speak or invite us to speak in your community, contact Liz Herman, Chair of the Committee at yherman@r-mlaw.com.

Audio Books Recorded by Members

Members of our Lawyers for Literacy Committee continue volunteering for Learning Ally in Boca Raton. Some of our new volunteers were recently taught skills on how to read books on tape for the visually impaired. If you'd like to volunteer your voice and talent for a few hours each month contact Learning Ally or speak to one of our volunteers directly. Call Andrew Kwan at 835-0900.



Chris Rapp gets a lesson from another Learning Ally volunteer



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**Submitted by
Hank Jackson**

In case you missed it, the Florida Legislature amended Florida's Arbitration Code ("FAC") last year, which became effective on July 1, 2013 and is codified

at *Fla. Stat.* §§ 682.01 to 682.25. The new law referred to as the Revised Florida Arbitration Code updates the FAC that had not been substantially revised since 1967 – the same year the average price of a movie ticket was \$1.25. The revised code is comprehensive and updates Florida's arbitration laws to this century. Many of the new provisions establish and clarify procedures such as notice challenges, conflict disclosure by arbitrators, subpoena power, and consolidation of arbitrations.

One of the revised code's most significant new provisions pertains to temporary injunctions. The desire to provide an immediate provisional remedy – such as a temporary injunction – in the context of arbitration has long been problematic. It often turns out to be a clumsy procedural dance between the court and arbitration systems. The parties may agree they want to arbitrate their dispute, but also recognize that arbitration is a difficult forum for effectuating injunctive relief. An arbitration system often cannot act with the speed of the courts in hearing and ruling on the dispute and also does not have the power – in the absence of court assistance – to enforce a temporary injunction. As a result, many arbitration agreements, especially those dealing with matters where temporary injunctive relief is particularly common, have jurisdictional carve-outs for temporary injunctive relief. The carve-outs typically provide that the parties may seek such relief initially and directly from the courts. The downside to the carve-out strategy is that once the dispute arises, a party may liberally and creatively seek temporary injunctive relief for the primary purpose of simply avoiding arbitration.

The revised code in *Fla. Stat.* § 682.031 specifically addresses provisional remedies (again this includes temporary injunctions) in an effort to keep the courts and arbitration systems in step for this difficult dance. The revised code not only covers provisional remedies, but mandates that the procedures regarding these provisional remedies cannot be waived

before the controversy arises. *Fla. Stat.* § 682.014. For starters, there are some important temporal distinctions: "Before an arbitrator is appointed and is authorized to act," the **court** upon motion by a party may "enter an order for provisional remedies to protect the effectiveness of the arbitration proceeding to the same extent and under the same conditions as if the controversy were the subject of civil action." *Fla. Stat.* § 682.031(1). This largely codifies the typical carve-outs to the extent injunctive relief is sought before an arbitrator is in place.

The same provisional remedy section also addresses what happens after the arbitrator is appointed and authorized to act: "After an arbitrator is appointed and is authorized and able to act," the **arbitrator** may issue provisional awards, such as a temporary injunction, as the arbitrator finds necessary "to the same extent and under the same conditions as if the controversy were the subject of a civil action." *Fla. Stat.* § 682.031(2). This makes sense to the extent the arbitrator is able to handle the sometimes overwhelming task of promptly hearing and ruling on requested injunctive relief. In the event the arbitrator is not able, there is an exception. After the arbitrator is appointed and authorized to act, a party may still move the court for injunctive relief, but "only if the matter is urgent and the arbitrator is not able to act timely..." *Fla. Stat.* § 682.031(2)(b). How a party shows that an appointed arbitrator cannot act timely is not set forth in the revised code. Presumably, an indication by the arbitrator of his unavailability would suffice.

Aside from the temporal issues, there is still the enforcement problem. As with all arbitration ruling and awards, to the extent the losing party does not comply, the prevailing party must seek judicial enforcement. The revised code has a section directed to judicial enforcement of provisional awards by the arbitrator and particularly injunctions: It states that: "A party to a provisional remedy award for injunction or equitable relief may make a motion to the court seeking to confirm or vacate the provisional remedy". *Fla. Stat.* § 682.081. The section further clarifies that the court **shall** confirm the award if it "satisfies the legal standard for awarding a party injunctive or equitable relief." *Fla. Stat.* § 682.081(2). Florida's legal standard for temporary injunctive relief is widely reported in Florida's case law. A

party seeking temporary injunction must show that (1) it will suffer irreparable harm, (2) it has no adequate remedy at law, (3) it has substantial likelihood of success on the merits, and (4) a temporary injunction will serve the public interest. *McKeegan v. Ernst*, 84 So.3d 1229, 1230 (Fla. 4th DCA 2012). Additionally, the revised code has a specific requirement that an arbitrator in awarding injunctive relief must "state in the award the factual findings and legal basis for the award." *Fla. Stat.* § 682.031(4). This is consistent with Rule 1.610(c) of the Florida Rules of Civil Procedure, which requires that a judge must specify in any temporary injunction order the reasons for the injunction. A temporary injunction is an extraordinary remedy whether based on the findings of a judge or an arbitrator. Requiring the factual and legal findings for the temporary injunction to be stated in the award or order provides a level of assurance that due process was not ignored.

In short, the revised code provides a map of the dance steps needed to navigate requests for temporary injunctive relief in the arbitration context. However, there remains plenty of opportunity to stumble – so good foot work is still required. In drafting arbitration clauses or representing parties in arbitration proceedings, do not forget the Revised Florida Arbitration Code.

Author: Hank Jackson is a Board Certified Business Litigation Attorney with Shutts & Bowen LLP

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HEARSAY

The Law Office of Glen J. Torcivia & Associates, P.A. is pleased to announce that **Jonathan E. O'Connell** has joined the firm. Mr. O'Connell's practice will focus on representing management in labor and employment matters.



Rudolph & Associates, LLP has expanded its practice with the addition of **Sarah Willis**. Ms. Willis concentrates her practice in marital and family law.

Clark, Fountain, La Vista, Prather, Keen and Littky-Rubin has added paralegal investigator, **Rosanna Schachtele** to its growing firm.



Gunster is pleased to announce that it has promoted **Marc Brody** to a Shareholder. Mr. Brody joined the firm in 2006 and works in the West Palm Beach office as a member of its Corporate and Technology law practice groups.



Holland & Knight is pleased to announce that West Palm Beach based Partner **Rick Hutchison** has been elected to the law firm's Directors Committee. The Directors Committee is composed of 24 partners from across the firm. He will serve a three-year term.



Jones, Foster, Johnston & Stubbs, P.A. announces that **Grasford W. Smith** has recently joined the Advisory Board of Ali's Alliance (The Alison Arnesen Cowan Cancer Resource & Support List).

The Law Offices of Craig Goldenfarb, P.A. is proud to announce **Richard E. Tullie** has joined the Personal Injury firm as a Civil Trial Lawyer. Mr. Tullie focuses his practice on automobile, medical malpractice, insurance bad faith and aviation personal injury.



Dimond Kaplan Rothstein P.A. is pleased to announce that **Jill G. Weiss** has joined the firm as a partner. Ms. Weiss concentrates her practice in complex commercial and construction defect litigation.



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CALENDAR

May 2014

<p>Thursday, May 1, 9am – 4pm Law Suit Day Bar Association Office</p> <p>Friday, May 2, 8:30am – 1:45pm “Whistle Blower & Qui Tam Actions” Seminar Bar Association Office</p> <p>Monday, May 5, 11am – 11:30am New Attorney Swearing In Northwood University</p> <p>Tuesday, May 6, Noon – 1:30pm Solo Luncheon Bar Association Office</p> <p>Wednesday, May 7, 12:30pm – 6pm Estate & Probate CLE Seminar Bar Association Office</p> <p>Thursday, May 8, Noon – 1pm South County FAWL Mariposa @ Neiman Marcus, Boca Raton</p> <p>Thursday, May 8, 5:30pm – 7pm FAWL Member Reception The Garage, 409 Northwood Road, WPB</p> <p>Friday, May 9, 11:45am – 1pm YLS End of Year Luncheon Marriott WPB</p>	<p>Saturday, May 10, 6pm – 10pm Legal Aid Pro Bono Night</p> <p>Monday, May 12, 11:30am – 1pm Business Litigation CLE Lunch Seminar Bar Association Office</p> <p>Tuesday, May 13, Noon – 1pm YLS Board Meeting Bar Association Office</p> <p>Wednesday, May 14, 11:45am – 1pm Judicial Luncheon North end of cafeteria, Main Courthouse</p> <p>Wednesday, May 14, Noon – 1pm Professionalism Committee Meeting Bar Association Office Classroom</p> <p>Thursday, May 15 – 18 YLD Board of Governors Meeting The Pier House, Key West</p> <p>Thursday, May 15, 5:30pm – 8pm North County Section Jurist of the Year Dinner Ruth’s Chris, NPB</p>	<p>Friday, May 16, 11:45am – 1pm PI Wrongful Death CLE Lunch & Learn Bar Association Office</p> <p>Friday, May 16, Noon – 1pm Federal Bar Luncheon The Colony Hotel</p> <p>Friday, May 16, Noon – 1pm Cunningham Bar Meeting Law Library Conf. Room</p> <p>Tuesday, May 20, Noon – 1pm CDI Committee Meeting Bar Association Office</p> <p>Tuesday, May 20, 12 – 1pm FAWL Installation Luncheon Cohen Pavilion, West Palm Beach</p> <p>Tuesday, May 20, 5:30pm – 6:30pm Legal Aid Society Board Meeting Bar Association Office</p> <p>Wednesday, May 21 – 23 TFB Board of Governors Meeting St. Augustine</p>	<p>Wednesday, May 21, 11:30am – 2pm Employment Law Lunch Seminar Bar Association Office</p> <p>Wednesday, May 21, Noon – 1pm Law Related Education Committee Meeting Bar Association Office</p> <p>Monday, May 26 Court Holiday - Memorial Day Bar Office Closed</p> <p>Wednesday, May 28, Noon – 1pm Circuit Civil Law Committee Meeting Judicial Conference Room, Main Courthouse</p> <p>Wednesday, May 28, 5pm – 6pm PBCBA Board of Directors Meeting Bar Association Office</p> <p>Thursday, May 29 PBCJA Dinner Meeting For information: www.pbcja.org</p> <p>Saturday, May 31 South County Bar Banquet Mizner Country Club For info: southcounty@ southpalmbeachbar.org</p>
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