



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

www.palmbeachbar.org

November 2006

## Mark your calendar for upcoming Membership Meetings

### Young Lawyers Section Happy Hour

November 2, 5:30 p.m.  
Jumby Bay at Abacoa in Jupiter

### Young Lawyers Section "Lunch with the Legends" Featuring Skip Smith

November 8, 11:45 a.m. - 1:00 p.m., Bar Association Office

### North County Section Happy Hour

November 14, 5:30 p.m.  
PGA National, Members Club

### Annual Bar, NCS and YLS Holiday Party

December 7, 5:30 p.m.  
BallenIsles Country Club

### Membership Luncheon with guest speaker U.S. Supreme Court Justice Samuel Alito

January 26, 11:45 a.m. - 1:00 p.m.  
Cohen Pavilion at the Kravis Center

### Membership Luncheon with guest speaker U.S. Supreme Court Clerk William Suter

February 13, 11:45 a.m. - 1:00 p.m.  
Crowne Plaza Hotel

### Joint Membership Luncheon with South County Bar with guest speaker Florida Bar President Hank Coxe

March 20, 11:45 a.m. - 1:00 p.m.  
Delray Beach Country Club

### Membership Luncheon with Guest Speaker Richard Lapchick, Human Rights Activist, Director, UCF's DeVos Sport Business Management Program

Co-Hosted with FAWL and Malcolm Cunningham Bar Association  
April 19, 11:45 - 1:00  
Marriott West Palm Beach

### Annual Law Week Judicial Reception

April 25, 5:30 p.m.  
The Harriet at City Place

### Annual Law Day Luncheon

May 4 (tentative date) 11:45 a.m. - 1:00 p.m.



Congratulations to **ART PUMPIAN, CLAIRE DUMAS** and **EDDIE SHIPE** for representing the Bar Association's Lawyers for Literacy Team in the Great Grown Up Spelling Bee. Our team tied for first place! When the judges couldn't stump the last two teams with words like "dehiscence" and "fissiparous", they declared it a draw between the Palm Beach

County Bar Association and WPBF TV25. This same team came in 2nd place in the County Bee in 2004. The event raised more than \$30,000 for the Palm Beach County Literacy Coalition.

## Holiday Party set for December 7

One of our biggest and most well attended events of the year is our Holiday Party at BallenIsles Country Club in Palm Beach Gardens. This year's event will be held on Thursday, December 7 from 5:30 p.m. to 8:00 p.m.

The Young Lawyers and North County Sections will host another great silent and live auction so get there early and shop for some great buys. The silent auction will begin at 5:30 p.m. and will end promptly at 7:00 p.m. The live auction will begin at 6:30 p.m. All of the proceeds raised will be used for charity programs, which are sponsored by the Young Lawyers and North County Sections.

Please register no later than December 4 @ [www.palmbeachbar.org](http://www.palmbeachbar.org).

Sponsors for the evening are: Braman Motorcars, Brooks Brothers, Delta Consulting Group Inc., Esquire Deposition Services, LexisNexis, Laurie Madenfort/Northwestern Mutual Financial Network, Mellon United National Bank, Judi Rohfling/Merrill Lynch and Upchurch Watson White & Max Mediation Group.

## Nominating petitions available for Board of Directors

The annual election of officers and directors for the Palm Beach County Bar will take place in April. Persons seeking to run for a position on the Board of Directors will need to obtain a nominating petition and must be a member in good standing of the Palm Beach County Bar Association. The nominating petition must be signed by no fewer than 20 members in good standing of the Association.

*Continued on page 2*

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THE  
**BULLETIN**

**PALM BEACH COUNTY  
BAR ASSOCIATION**

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*President*

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

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

**LETTERS TO THE EDITOR**

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



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

**U.S. Supreme Court Swearing-in Ceremony**



The Palm Beach County Bar Association will be co-hosting a membership lunch with the Federal Bar Association on February 13, 2007 with guest speaker U.S. Supreme Court Clerk General William Suter. During the luncheon, General Suter will perform a swearing-in ceremony for those seeking admittance to the U. S. Supreme Court. In order to be sworn in, you must first obtain a Certificate of Good Standing from the **FL Supreme Court** (not The Florida Bar).

Information about obtaining this form can be found

<http://www.floridasupremecourt.org/clerk/faq.shtml>. You will need to send that certificate along with your application to the U.S. Supreme Court, which can be found at <http://www.supremecourtus.gov/>. As the process takes a little bit of time, be sure to start working on this now, as only those attorneys who have followed these procedures will be permitted to be sworn in at this luncheon.



A luncheon was recently held for the past presidents of the PBCBA for the newly created Council of Past Presidents. Attending the luncheon were (sitting from left to right): Ted Prior, John Farrell, John McCracken, Ed Lewis, Harry Johnston, Steve Stinson and Ray Royce. Standing, from left to right, Manny Farach, Skip Smith, Judge Amy Smith, Mike Kranz, Edward Downey, Greg Coleman, Chubby Damsel, Jerry Beer, Tim Gaskill, Lisa Small, Jay White, John Flanigan and Meenu Sasser.

**Nominating petitions available for Board of Directors**

*from page 1*

Petitions for President-elect will be available on December 15 and will be due back in the office by 5 p.m. on January 17. Petitions for director-at-large seats will be available on December 22 and will be due back in the Bar office by 5 p.m. on January 31. Petitions may be obtained by calling the Bar office at 687-2800 or by

sending an e-mail requesting it at [pburns@palmbeachbar.org](mailto:pburns@palmbeachbar.org). For any of the positions, it is the candidate's responsibility to verify ahead of time through the Bar office that the members that are signing their petitions are members in good standing, otherwise, the petition will be deemed invalid.

## President's Message



### Integrity

By Manuel Farach,  
President

Integrity, even though a common quality of lawyers, is difficult to define. Trying to explain integrity reminds me of Justice Potter Stewart's statement that "I know it when I see it." Maybe the difficulty is due to integrity being a combination of several qualities - adherence to moral and ethical principles, soundness of moral character, and honesty. But these words ring hollow; maybe it is by model that we learn the meaning of integrity.

Atticus Finch is commonly accepted as the quintessential model of a lawyer with integrity. We have all imagined ourselves as Atticus at one or more times

in our careers: wise, empathetic and morally strong. But the setting of a small town during the Depression and the clear moral decision Atticus faced bears little resemblance to our hectic professional lives where choices do not seem clear. Especially when we consider that Atticus Finch was named after a Roman philosopher (Titus Pomponius Atticus) who never took sides in an argument, this model does not satisfactorily define integrity for an advocate.

Examining the life of Socrates, on the other hand, is enlightening. Socrates was known as the wisest person in ancient Greece. He was equally well-known for his integrity; he often prodded the citizens of Athens to consider and do what was right. This prodding probably led to his demise as his comments insulted leading citizens who demanded he be tried on criminal charges. He was convicted - wrongfully say historians -

and sentenced to death. And although his followers bribed the prison guards so he could escape, he declined the offer of freedom. He had, by his reasoning, enjoyed the benefits of Athenian law his entire life and would have, by escaping, refused to follow the law when it did not suit him. Escaping would have contradicted the very principles he stood for.

That is the compelling lesson of Socrates. Integrity is defined not by words, but by our actions. Nowhere is integrity more apparent than when following one's moral principles brings personal pain - hard decisions we all make during our careers. Just like Socrates, it is our actions when faced with tough calls that define whether we have integrity. And just like Justice Stewart, we all know it when we see it.

Mr. Farach's e-mail address is  
mfarach@rmlawyer.com

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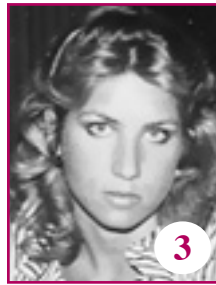
### Do You Need a Mentor?

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.

## Who are they?

In continuing with a project started by the Historical Committee, we will continue to run old photos of some of our members. Can you guess who they are?

Answers on page 6



## And the survey says . . .

by *Patience A. Burns, CAE, Executive Director*

On behalf of the Board of Directors, I would like to sincerely thank those members who took the time to complete our recent online member survey. Of the 2700 PBCBA members, we have approximately 2100 email addresses and 15% of those members completed our survey. Here are a few statistics from the survey:

- 54% of the respondents are in firms of 1-5 attorneys
- 35% of the respondents have been practicing in Palm Beach County from 0-10 years
- 56% are somewhat involved in the Bar
- 71% of the respondents were over the age of 40

*Continued on page 12*

## Minutes of the Young Lawyers Section September 6, 1968, Holiday Inn

An overflow crowd of fifty-five members and guests were present.

Phil O'Connell, Jr. and Joe Reiter were proposed for membership. No other business worth mentioning was transacted.

President Van Andel gave most of the members their first glimpse of a Worth Avenue attorney by introducing our speaker, C. Robert Burns. Mr. Burns gave a lucid explanation of how the bar examination works including the curve which made it possible for most of membership to pass.

One year ago today, Jim Stewart was unanimously elected president of this Association. Unfortunately, Manley Caldwell, Sr.'s committee on Roberts Rules of Order declared the election void and in a special election held later that night at Pete Van Andel's house, Mr. Van Andel was elected president by a vote of three to two. Understandably shocked, deposed president Stewart appealed to Governor Kirk who helped ease the pain somewhat by appointing Mr. Stewart to the judiciary.

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

John F. Flanigan, Secretary

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Recently Selected

**2006  
SUPER LAWYER**  
by *Law & Politics*



### Medicare and Medicaid Liens

by Ted Babbitt

Anyone who has attempted to deal with the State or Federal government on Medicaid or Medicare liens knows the frustration of attempting to settle that kind of lien. That frustration is heightened when the case is one of uncertain liability or limited coverage. Oftentimes the lien exceeds the value of the settlement.

Until recently, there was very little that could be done about these liens. The recent squib opinion in Ross v. Agency for Health Care Admin., 31 Fla. L. Weekly D2159 (Fla. 3rd DCA, August 16, 2006) epitomizes the frustration of arguing about a valid Medicaid lien. In that case, the trial court's order granting the State of Florida 100% on its lien was sustained by the District Court citing Strafford v. Agency for Health Care Admin., 915 So. 2d 643 (Fla. 2nd DCA 2005) and English v. Agency for Health Care Admin., 916 So. 2d 994 (Fla. 4th DCA 2005). Fla. Stat. 409.910(11)(f)(1) provides that Medicaid gets full reimbursement unless such reimbursement would take away more than half of a third party benefit.

The landscape on Medicaid and Medicare liens has completely changed with the unanimous decision of the United States Supreme Court in Arkansas Dept. of Health and Human Services v. Ahlborn, 126 S. Ct. 1752 (2006). In that case, the Supreme Court rejected the contention of Arkansas, joined by 30 other States and the United States government, that Arkansas was entitled to the full amount of its lien of \$215,000.00 for a \$550,000.00 settlement. The Supreme Court limited Arkansas to the portion of the settlement that dealt exclusively with past medical costs of approximately \$35,000.00. The Court held that Medicaid, which had paid only medical expenses, could not recover from any portion of the settlement which did not deal with medical expenses and was, therefore, not entitled to reimbursement out of any portion of the settlement which dealt with recovery for lost wages or pain and suffering. At Page 1755, the Supreme Court held:

"Arkansas' statute finds no support in the federal third-party liability provisions. That ADHS cannot claim more than the portion of Ahlborn's settlement that represents medical expenses is suggested by §

1396k(a)(1)(A), which requires that Medicaid recipients, as a condition of eligibility, 'assign the State any rights ... to payment for medical care from any third party' (emphasis added), not their rights to payment for, e.g., lost wages.' (Emphasis in original.)

In Ahlborn, the State admitted that the plaintiff was receiving only about 1/6 of her overall damages and that only approximately \$35,000.00 of that sum was compensation for past medical expenses. Under these circumstances, the Court held that a State's statute which attempted to recover its lien from portions of the settlement unrelated to medical expenses would run afoul of the Federal anti-lien law provision.

The Court also rejected the contention of Arkansas and the United States that failure to provide for 100% reimbursement would allow parties to manipulate the settlement of cases to preclude recovery by the state. At Page 1756, the Court held:

"The risk that parties to a tort suit will allocate away the State's interest can be avoided either by obtaining the State's advance agreement to an allocation or, if necessary, to submitting the matter to a court for decision."

In this age of fractured United States Supreme Court's decisions, often on apparent political grounds, a unanimous decision severely limiting Medicaid liens is a strong argument that the Ahlborn case applies with equal weight to Medicare liens under the Medical Care Recovery Act (MCRA) and the Medicare Secondary Payer Act (MSPA). The portion of the opinion inviting parties to obtain the State or Federal government's agreement to allocation is an important message to anyone handling a case where a governmental lien exists. Notice to the Federal or State government of an intention to bring an action for tort recovery or to settle such an action makes a great deal of sense. Inviting the government to take part in either the action or the settlement or, alternatively, agree upon an allocation also avoids serious future problems. As a last resort, a motion to allocate with notice to the government citing Ahlborn is a second line of defense. This case is one of the most important decisions on governmental lien law ever to be decided by the United States Supreme Court. It is an important decision that everyone practicing personal injury law ought to carefully read.

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



### Need CLE Credit?

The Palm Beach County Bar Association has a large library of audiotapes available if you are in need of some extra CLER credit hours.

Be sure to check the Bar's website at [www.palmbeachbar.org/continuing.php](http://www.palmbeachbar.org/continuing.php) to download the complete list of tapes available, see the insert in this issue, or call 687-2800 to have an order form faxed to you.

## Dragon NaturallySpeaking Version 9: Same Product, Same Great Results

by *Bard D. Rockenbach, Chairman, Technology Committee*

You may recall that for some time now I have been using speech recognition products by Dragon NaturallySpeaking. The last version I installed, Version 8, has worked marvelously over the past few years. Within two weeks of installing the program, I found that my speech recognition accuracy rate was nearly 97%. Although I don't use it every day, speech recognition has become a valuable tool in my appellate practice. I rely on it whenever I am short on time and long on words.

Only a fellow geek will understand my excitement when I heard that Dragon had come out with a new version, Version 9. I immediately went to their website, <http://www.nuance.com/dragon/>, to find out what new features were unavailable in the new product. One of the aspects of speech recognition that I have never liked is being connected to the computer with a wired microphone. I was extremely happy to see that Version 9 finally incorporated wireless microphones. At last, I could use a Bluetooth wireless microphone for my dictation. It was a simple decision to purchase Version 9. (<http://www.cdw.com/shop/products/default.aspx?EDC=1018444>, \$90.00 for Dragon NaturallySpeaking Preferred).

Unfortunately, not all wireless microphones are the same. The manufacturers of Dragon NaturallySpeaking have a list of wireless microphones which have been tested and are certified to be compatible with the software. To see the list, go to <http://support.nuance.com/compatibility/default.asp>. There you will find a list of 5 Bluetooth microphones and 3 radio frequency wireless microphones which have been approved by Nuance for use with Dragon NaturallySpeaking. Speech recognition still requires the use of a "boom" microphone, meaning that the very small earpiece microphones which are suitable for use with the cell phone are still unsuitable for use with speech recognition. Speech recognition requires a very high level of audio quality, and will simply not work with the shorter microphones. All the microphones listed on the Nuance website are rated as having approximately the same quality, except the Shure radio frequency microphone. The Shure Performance Gear was rated as being better than the others. Unfortunately, it is also much more expensive.

I opted for the Blueparrot Bluetooth microphone, mostly because it looks cooler than the others (<http://www.blueparrott.com/>, approximately \$175.00). Let's face it, if you are going to sit in your office with a microphone headset on and look like an air traffic controller,

it should at least be a cool looking wireless microphone. Installation of the Bluetooth microphone was easy, although I had some difficulties getting the computer to recognize the new device. I eventually had to read and follow the instructions that came with the microphone in order to make it work properly. After I did that, it was clear sailing all the way.

Now for the bad news. Whenever you change microphones with Dragon NaturallySpeaking, you have to retrain the software to understand your voice. Your voice sounds different on every microphone, so the speech files that were created, and which you have refined through years of use of Version 8, will have to be thrown away. It took me approximately three days to get the new software to understand my speech again. The good news was that Version 9 appears to be more accurate than Version 8. I estimate that the accuracy rate is higher than 97%, although I have not yet run the tests that I ran when I first received Version 8. Dragon made 7 mistakes when I dictated this article.

I find speech recognition dictation to be an uncomfortable process. I don't like the thought of people listening to me talk to my computer, and I have yet to balance the desire to speak clearly with the desire to speak intelligently. Invariably, I move my head when I look for documents on my desk or in the file. Doing so is a problem when the microphone is attached to the computer. But with the wireless microphone, dictation has become more comfortable. I no longer have the microphone headset pulled off of my head when I lean back in my chair or look for documents on my desk. The freedom of moving around as I speak also helps me forget that I am wearing a headset.

Be sure to shop around for both the software and the microphone, as the prices tend to be radically different. The one place not to purchase the software is the Nuance website. They must have some agreement in their marketing contracts that they will only sell their software on their product at the highest possible price. The same is true of the microphones. I was able to find wireless microphones at radically different prices depending on where I shopped. I never found the best price from the manufacturer.

If you are one of the many attorneys who has adopted voice-recognition, then I encourage you to upgrade to the latest version of Dragon NaturallySpeaking. If you would like to talk to me about any of the other upgrades in Version 9, please contact me. [bdr@flappellatelaw.com](mailto:bdr@flappellatelaw.com).

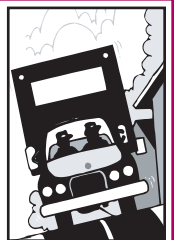


**Photo  
Answers:**  
*From Page 4*

1. Conrad DeSantis
2. Bob Critton
3. Judge Laura Johnson
4. Tim Gaskill
5. Jim Wearn

### **MOVING?**

Be sure to send your updated address, phone, fax and email information to the Bar at 561-687-9007.



## YLS Events



The YLS recently hosted a happy hour to raise money for school supplies they purchased for over 300 students and their teachers. Pictured above are Heath Randolph & Bryan Poulton.



Adam Myron, Andy Harris and Adele Small



Rosalie Candelario and Meredith Milby



Rosemarie Guerini, Greg Zele, Michelle Brown & Judge Jeffrey Winikoff



Nadine Castillo & Ramsay Bukleley



The YLS Hosted its first "Lunch with the Legends" series with guest speaker Chris Searcy pictured here with YLS Secretary John Whittles and YLS President Grier Pressly. The next luncheon is scheduled for November 8 with guest speaker D. Culver "Skip" Smith III.

**Register for  
Bar Events  
Online  
at...**



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**FRIDAY FEBRUARY 23, 2007**

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### “Breakfast at the Fourth”

The Palm Beach County Bar Association’s Appellate Practice Committee will be hosting a breakfast at the Fourth District Court of Appeal. The event will be held on Friday, December 8, 2006 from 9:30 a.m.–10:30 a.m. in the kitchen and courtyard of the court at 1525 Palm Beach Lakes Boulevard in West Palm Beach.

There is no cost to attend this event, but each attendee is requested to bring a new, unwrapped toy to contribute to the court’s collection box for Toys for Tots. Additionally, attendance at this event is limited to the first fifty respondents registered as appellate practitioners with the PBCBA. If you are an appellate practitioner and are not registered with the PBCBA, but would like to attend the event, please contact Nancy Reidler at 687-2800 to register. To RSVP for the event, please do so online at [www.palmbeachbar.org](http://www.palmbeachbar.org).

*Sherry L. Hyman, Esquire*

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## The New Bankruptcy Court Location is Almost Here

by Marc P. Barmat, Esquire

Barring any unforeseen circumstances, the long anticipated start date for the new home of the West Palm Beach division of the United States Bankruptcy Court for the Southern District of Florida is set for December 4, 2006. The bankruptcy court's new home will be on the 8th floor of the Flagler Waterview building, located at 1515 North Flagler Drive. The West Palm Beach division of the bankruptcy court has been without a permanent home since it was forced out of its 701 Clematis Street location, primarily as a result of damage inflicted by Hurricane Francis, in 2004. Since February, 2005, bankruptcy court in West Palm Beach has taken place at its temporary location in the Forum Building on 1675 Palm Beach Lakes Boulevard.

In addition to having more amenities available for attorneys and the Judges, the new bankruptcy court location has direct Atlantic Ocean and Intracoastal Waterway views. Unlike the current temporary location, the new location will

include two complete courtrooms and chambers. Accordingly, Judges Friedman and Hyman will no longer have to share a courtroom and will conduct court at the same time. However, Judges Friedman and Hyman will generally conduct their major motion calendars on different days of the week. The Judges anticipate making their chambers available for settlement conferences. Normal security procedures will apply to enter the courtroom and chambers areas of the 8th floor.

In addition to the extra court room, the new location will include four attorney conference rooms. Although the attorney conference rooms will not initially have WiFi or land line internet access, these options are under study and may be something to look forward to in the future. Administrative Order 2006-16 entered by Chief United States District Judge, William J. Zloch, regarding cellular phone and electronic equipment usage in the courthouse remains applicable. An added perk to the Flagler

Waterview building is the availability of free Valet parking.

Also located on the 8th floor of the Flagler Waterview building will be a United States Trustee's Office and a room to conduct '341 creditor meetings. No separate security entrance will be required to enter the United States Trustee's Office or the '341 meeting room. The bankruptcy court and United States Trustee's office will not be the only governmental tenants at the Flagler Waterview building as the 9th floor of the building is occupied by the Office of the Attorney General of Florida. The other tenants in the building are generally medical offices.

With a little bit of help from mother nature, i.e., no hurricanes, we can all look forward to practicing at the new location in the very near future.

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



Visit the Bar's Website  
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### Circuit Court Report

CIVIL DIVISIONS • August 2006

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
A	2/07	02/07	11/06	1280
B	12/06	12/06	08/06	1227
D	08/07	04/07	10/06	1496
E	01/07	11/07	01/07	1528
F	10/06	10/06	08/06	1194
G	06/07	06/07	10/06	1063
H	04/07	04/07	10/06	1348
I	01/07	01/07	12/06	1262
J	01/07	01/07	11/06	1393
N	03/07	03/07	01/07	1460
O	04/07	01/07	11/06	1431

All Civil Division Judges schedule their own Jury and Non-Jury Trials.  
Pending cases as of 09/01/06

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## Nominations Sought for 2007 Pro Bono Night Awards

The 19th Annual Pro Bono Recognition Evening will be held on Saturday Evening May 12, 2007 at the Palm Beach County Convention Center. This year's theme will be "Woodstock"

Anyone wishing to nominate an attorney, support staff member, law firm, individual or group for a Pro Bono Award for exemplary pro bono work in 2006, please fill out the form below. Reasons for the nomination should accompany this form and client names are not necessary. Client names will not be used for any press releases or for the program the night of the event without the client's written consent.

**Name of Nominee:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_

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

**Phone #:** \_\_\_\_\_

**Reason for nomination:** \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Your Name (optional):** \_\_\_\_\_

Please mail nomination by January 15th to:  
 Kimberly Rommel-Enright, Esq.  
 Pro Bono Coordinator  
 Legal Aid Society of Palm Beach County, Inc.  
 423 Fern Street, Suite 200  
 West Palm Beach, FL 33401

If you have any questions regarding these awards, please call Kim at 655 - 8944 ext. 265 or e-mail her at [kenright@legalaidpbc.org](mailto:kenright@legalaidpbc.org).

*Robert Bertisch*  
 Executive Director

## Pro Bono Attorneys Who Closed Cases in September 2006

- |                     |                         |
|---------------------|-------------------------|
| Steven N. Ainbinder | John T. Metzger         |
| Karen Levin         | Morris G. Miller        |
| Alexander           | John B.T. Murray, Jr.   |
| David Begley        | David B. Norris         |
| Orrin R. Beilly     | Phil O'Connell          |
| Gary Betensky       | Robert E. O'Connell     |
| Donasld L. Brooks   | R. Brady Osborne        |
| Richard R. Chaves   | Mark R. Osherow         |
| John B. Clearly     | Bruce W. Parrish, Jr.   |
| Fred C. Cohen       | David Pefka             |
| Steven M. Cohen     | Charles L. Pickett, Jr. |
| Alan R. Crane       | Michael J. Posner       |
| David D'Agata       | Franklin Prince         |
| Theodore Daniels    | James H. Rainey         |
| Robert M Donlon     | Michael S. Reichler     |
| Pamela T. Dunston   | John L. Remsen          |
| Kent Frazer         | Traci H. Rollins        |
| Nelson Hunter       | Elisha Roy              |
| Cynthia J. Jackson  | Norman L.               |
| David A. Jaynes     | Schroeder II            |
| Steven M. Katzman   | David I. Shiner         |
| Mark K. Koenig, Jr. | Edward Shipe            |
| Heline G. Kottler   | Arne Siegel             |
| Joseph Kuharcik     | Jerome F. Skrandel      |
| Paul Labiner        | Sylvia A. Sparler       |
| M. Thomas Lobasz    | Richard W. Springer     |
| Mimi McAndrews      | Kevin P. Stack          |
| Lonnice K. Martens  | Steven Stepper          |
| William R. Merkle   | Rena Taylor             |
| Dean J. Merten      |                         |

**Total Number of Hours 1054.10**



## Legal Aid Looking to Recruit Pro Bono Guardianship Attorneys to Assist Probate Court

### Dear Colleagues:

The Legal Aid Society of Palm Beach County is seeking to assist the 15th Judicial Circuit's Probate Division by recruiting attorneys willing to represent guardians on a pro bono basis in guardianship matters as required by law.

The number of disadvantages and disabled individuals in our community in need of guardians and guardianship services continues to increase annually. Although many of these individuals are

assisted through Legal Aid's Public Guardianship Project, Catholic Charities and the Alpert Jewish Family and Children's Services, these agencies do not possess the resources to meet the needs of all persons seeking guardianship services.

In many situations there are family members or friends willing to act as guardians for the incapacitated individual however they do not have the financial means nor does the ward have

sufficient assets to retain the services of private attorney. It is for these reasons that we are reaching out to the private bar for help. If you would be able to handle one or two guardianship cases through Legal Aid's Pro Bono Project please contact Bob Bertisch at 655-8944 x 247 or Kim Enright at 655-8944 x 265.

The Courts would greatly appreciate any assistance you can provide.

*/s/ Kathleen J. Kroll*  
 Chief Judge – 15th Judicial Circuit

## North County Section News

The North County Section recently hosted a cocktail reception at Abacoa Golf Club in Jupiter. The event was free to all members.



Judge Roger Colton, Tim Gaskill and Eskine Rogers



Joe Tringali shares the book he wrote about yachting with North County Section Board members Ryon McCabe and Michael Slavin



Maura Curran, Kolleen Bannon and Diana Martin



Marjorie Gadarian Graham and Preston Fields



Newlyweds Rick and Misty Chaves

# Christine A. Klepp, M.D.

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Tuesday, November 14  
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Cost: \$10.00 for section members;  
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**National Adoption  
Day scheduled for  
November 18**



The Special Needs of Children Committee will participate in National Adoption Day on Saturday, November 18th. Festivities for several dozen children and their families include lunch, gifts and entertainment. If you would like to support the program with a financial contribution, please call Lynne Poirier at the Bar Office. This program is being held in conjunction with the Trial Court Administration, the Clerk of the Court, Department of Children and Families, Guardian ad Litem and the Children's Home Society of Florida.

### **Survey Says...**

*from page 4*

- 49.7% felt that the Bar meets their professional needs somewhat effectively
- 77.5% read every issue of the Bulletin
- 90% are familiar with the Bar's website; the pages that are accessed most often are the calendar of events, registration page, CLE information and Court information.
- 93% receive the weekly eNewsletters and the majority feels that this is an effective means of communication

I would like to address some of the issues that members mentioned in the survey such as:

"Information about events not provided early enough" - for almost all of our events, we send out a postcard/reservation form about 4-5 weeks prior to the event. This year, all upcoming Bar events will be listed on the left hand side of the front page of every Bulletin and in the eNewsletter. In addition, we have added to the Bar's home page, a section on the left hand side that lists all upcoming events. We hope that this will better inform the members of our upcoming activities.

Bulletin articles - members want more on professionalism, ethics, practice management tips, case law updates and marketing. Beginning in October, we started running articles from Mark Powers, President of Atticus, a company devoted to assisting attorneys build their practice. We are also asking our practice committees to submit articles in their respective practice areas to expand the article base of the Bulletin to other areas of law.

Please contact me at [pburns@palmbeachbar.org](mailto:pburns@palmbeachbar.org) with other suggestions about services we can provide to you.



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## A Lawyer's Obligation of Truthfulness When Representing a Client in Negotiations

by Dana E. Foster, Esq.

Today, Florida litigants, like litigants in state courts nationwide, settle nearly fifty-seven percent (57%) of civil cases out of court. The work of lawyers, and, increasingly so today, the use of mediation, are big parts of the settlement dynamics. Perhaps for these reasons, the American Bar Association recently issued Formal Opinion 06-439 (the "Opinion"), to address the increasing concern over the ethical implications of a lawyer's role in settlement negotiations, and, in particular, in caucused mediation.

In a nutshell, the Opinion makes clear that in all settlement negotiations, regardless of whether such negotiations occur in a caucused mediation or otherwise, "a lawyer representing a party may not make a false statement of material fact to a third person. However, statements regarding a party's negotiating goals or its willingness to compromise, as well as statements that can fairly be characterized as negotiation 'puffing,' are ordinarily not considered 'false statements of material fact' within the meaning of the Model Rules."

In reaching this conclusion, the Opinion relied on Rule 4.1(a) of the Model Rules of Professional Conduct, which prohibits a lawyer, "[i]n the course of representing a client," from knowingly making "a false statement of material fact or law to a third person." As to what constitutes a "statement of fact," the Opinion looked to Comment [2] to Rule 4.1 for additional explanation:

This Rule refers to **statements of fact**. Whether a particular statement should be regarded as one of fact can depend on the circumstances. **Under generally accepted conventions in negotiation, certain types of statements ordinarily are not taken as statements of material fact.** Estimates of price or value placed on the subject of a transaction and a party's intentions as to an acceptable settlement of a claim are ordinarily in this category, and so is the existence of an undisclosed principal except where nondisclosure of the principal would constitute fraud. Lawyers should be mindful of their obligations under applicable law to avoid criminal and tortious misrepresentation.

Comment [2] to Rule 4.1, Model Rules of Professional Conduct (emphasis added). Because both the Opinion's conclusion and the Comment's explanation requires a case-by-case consideration of each statement to determine if it is a "statement of fact," the Opinion provides a non-exhaustive list of examples of statements of fact versus examples of "posturing" or "puffing."

Statements which are not considered "statements of fact," and thus situations where a lawyer need not be entirely forthcoming include:

– an attorney understating her client's willingness to make concessions to resolve the dispute;

– an attorney's exaggeration or minimization of the strengths or weaknesses of her factual or legal position; and  
– a prosecutor's ultimate willingness to grant immunity as part of a cooperation agreement in order to retain influence over the witness.

The Opinion notes that such remarks are statements upon which parties to a negotiation ordinarily would not be expected justifiably to rely.

By contrast, a party would be expected justifiably to rely on statements of fact, for which a lawyer must always be truthful. Examples of prohibited false statements of material fact include:

– an attorney to declare that documentary evidence will be submitted at trial in support of a claim or defense when the lawyer knows that such documents do not exist or will be inadmissible;  
– an attorney in labor negotiations stating to union lawyers that adding a particular employee benefit will cost the company an additional \$100 per employee, when the lawyer knows that it actually will cost only \$20 per employee; and  
– a prosecutor or a criminal defense lawyer telling the other party during a plea negotiation that they are aware of an eyewitness to the alleged crime when that is not the case.

So, what does this mean for you? There is a fine line between puffing and lying. Be careful that your comments in mediation regarding your client's position, which otherwise would not be considered statement "of fact," are not conveyed in language that converts them, even inadvertently, into false factual misrepresentations.

*Submitted by Dana E. Foster, an associate with the law firm of Ackerman, Link & Sartory, P.A.*

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## Welcome New Members!

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

**NICOLE ANDREJKO** – Fairfax, VA; University of Miami, 2004; Associated with Cole, Scott & Kissane.

**MARK BRODERICK** – Bangor, ME; Stetson University, 1996; Associated with Palm Beach County Clerk & Comptroller.

**PAMELA EIDELBERG** – Brooklyn, NY; University of Miami, 1985; Associate in Palm Beach County State Attorney's Office.

**THEODORE I. HEROLD** – Brooklyn, NY; Brooklyn Law School, 1968; Sole Practitioner in Lake Worth



**KAREN KLEINSMITH** – Detroit, MI; Thomas M. Cooley, 2004; Sole Practitioner in Juno Beach.

**RAINER "WAYNE" RICHTER** – Lexington, Kentucky; South Texas College of Law, 2002; Associate in Perlet & Shiner, P.A. in West Palm Beach

**JOSEPH RODOWICZ** – Youngstown, OH; Regent University, 2004; Sole Practitioner in Palm Beach Gardens.

**GREGORY SCHILLER** – Bronx, NY; New England School of Law, 2003; Associated with the State Attorney's Office in West Palm Beach.

**ADAM SELIGMAN** – Hollywood, FL; Stetson University College of Law, 2005; Associate in Cohen, Norris, Scherer Weinberger & Wolmer in North Palm Beach.



## Historical PBCBA Facts

Judge Emery Newell, a member of the Bar's Historical Committee, compiled data by combing through old minutes of the Association. Some of the interesting facts that he discovered

### From 1951:

- Judge James Paine and John Farrell admitted into the PBCBA
- there was \$220.42 in the treasury
- membership disapproved of bold type of attorneys' names in telephone directories

- resolution was passed to approve raising the filing fees in Circuit Court to \$12.50 in all cases except for divorces and habeas corpus with \$2.50 of that fee going to Legal Aid
- the Junior Bar Section elected Bob Hewitt as its new president
- George Mehlman reported that the Law Library had 6,423 volumes, estimated to be worth \$21,000
- menu for annual dinner would be \$4.75 per person
- Elmo Robinson elected president



### W. JAY HUNSTON, JR. Mediator/Arbitrator

- J.D. Stetson Univ. College of Law (1976)
- Florida Bar Board Certified Civil Trial Lawyer (1983-2003)
- Florida Bar Board Certified, Emeritus in Civil Trial Law (2003-Present)

- Florida Certified:
  - Circuit Civil Mediator (1991-Present)
  - Family Mediator (1998-Present)
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## Slavin Away!

Pat Dodgin and his wife Judge Amy Smith, Ali & Stan Klett, and Michael Slavin (Diane Slavin is taking the picture) recently returned from a weekend to Port Lucaya. Pat and Stan bid on the trip during the BallenIsles Holiday Party, which was held last December. Michael & Diane donated the use of their boat, "Slavin Away" for the trip to the Bahamas and accompanied their guests for the Labor Day weekend. Proceeds from the donation benefited the North County and Young Lawyers sponsored charities. The BallenIsles Holiday Party for this year is scheduled for December 7th.



## Rainmaking 101

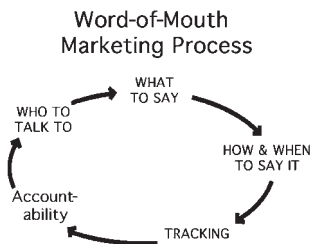
by Mark Powers

With the exception of legal skills and managing your time well, the most important skill in assuring your success is the ability to attract good paying clients. Without good (*translate: profitable*) clients coming through the door on a regular basis, your law practice cannot survive.

Over the next few months, I will introduce you to a step by-step process for increasing your client base. The techniques discussed are practical and have been time tested in the real world. When you see a tip that you like – try it on! I also recommend the suggested exercises at the end of each lesson and, if you work them throughout the series, you will see the real benefits. Most of the suggested exercises are brief. In order to complete them, block out time on your calendar – then honor that appointment with yourself.

### Rainmaking Lesson One

If you review the key elements involved in word-of-mouth marketing, it will come as no surprise that most of the elements involve communication and building relationships. And quite honestly, these are areas where most attorneys excel. “Word-of-mouth marketing” means just that – get the word out about you and your practice to others. Successful marketing often comes down to knowing *Who To Talk To, What To Say, and How and When To Say It*. Many attorneys fail to market themselves because they miss one of these steps.



To start, focus first on the *Who To Talk To*. Think about your practice for a minute – who do you need to talk to in order to generate more business? Your clients? Your friends? Your business associates? Not knowing the answer to this question has stopped many good attorneys from making

their first marketing effort, yet it is not a difficult question to answer.

It all begins with a profile of your clients. Until you truly know the clientele you serve, you won't know who influences them to do business with you. If, for example, you are an estate-planning attorney, you may prefer to work with high net worth individuals who own their own businesses. These individuals typically have a strong relationship with their CPA, their financial advisor and their investment broker. If you happen to have a good relationship with one of these professionals, they would be in a position to recommend your services. They would be a referral source, or an influencer, because of their ability to influence clients to use your services.

### Who Is Your Ideal Client?

If you understand the profile, otherwise known as the demographics, of your ideal clients, you can work backward, as just demonstrated, to determine who influences them.

It is important to note that you will have a different primary client or “target market” for each of your practice areas. In addition, some attorneys, real estate attorneys for example, may have institutional clients that send them work – such as banks. If this is the case, consider the characteristics of the target institutions, as well as the characteristics of the decision-maker inside the institution.

But let's take this one step further. When you start examining the characteristics of your clientele, you will begin to notice that not all clients are equally desirable. Some pay their bills promptly while some don't pay at all. Some clients respect your advice and even recommend you to others, while others are uncooperative and require an extraordinary level of maintenance.

Think about it. Don't you have both good clients and “problem clients”? This occurs in all practice areas and the inability to distinguish between the two carries with it a high, hidden cost, but more about that later. As an important part of your personal marketing program, you must sharpen your ability to identify the “good” clients. To help you do that, complete the actions outlined in “The First Step” below.

Don't be deceived by how simple this exercise looks – the profiles of the

individuals and institutions that you serve are the foundation of your word-of-mouth campaign.

**“Word-of-mouth marketing will produce the highest quality client.”**

### The First Step

1. Make a list of all your current clients. Rank them with an “A,” “B,” “C” or “D” rating.
2. Use the list of attributes provided to help you identify the client characteristics for each of your practice areas.

In doing this exercise, many of Atticus' clients are surprised to discover that most of the information about their client demographics is easily retrieved from their memory. But, if you want more precision, go through your files to look at the information you have collected on your clients through the last 90 days.

### Practice Area:

#### Client Attributes

Age or Range: \_\_\_\_\_

Income: \_\_\_\_\_

Occupation: \_\_\_\_\_

Value of Home: \_\_\_\_\_

Asset Value: \_\_\_\_\_

Family Size: \_\_\_\_\_

Size of Business: \_\_\_\_\_

Where They Live: \_\_\_\_\_

Where They Work: \_\_\_\_\_

Title: \_\_\_\_\_

Gender: \_\_\_\_\_

Education Level: \_\_\_\_\_

It is a good idea to cut out this article and this exercise and begin a rainmaking workbook for yourself. In the next issue we'll discuss how to profit by focusing on your “A” and “B” clients. Most attorneys find this an eye-opening experience – we think you will, too!

Mark Powers is the President of Atticus, Inc. and co-authored “The Making of a Rainmaker: An Ethical Approach to Marketing for Solo and Small Firm Practitioners.” Mark also founded Rainmakers™ An Ethical Approach to Marketing for Solo and Small Firm Practitioners.” Mark also founded Rainmakers™, a simple process for attorneys at all levels to stay focused on marketing, creating fresh ideas, and on-going accountability to marketing. To learn more about Atticus or Rainmakers™, please visit the Atticus website at [www.atticusonline.com](http://www.atticusonline.com) or contact the Atticus office at 407-644-1572.



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**GREGORY TENDRICH, Esq:** Former Series 7 licensed VP & Asst. General Counsel to local & national (First Union & Wachovia) NYSE/NASD brokerage firms, and current NASD Arbitrator and Florida Supreme Court Certified County Court Mediator, is available to mediate investment-related matters, including prudent-investor and commercial disputes. Mr. Tendrich also accepts referrals and is available to co-counsel or consult in investment-related matters, SEC, NASD, NYSE and other regulatory enforcement matters. Please call 561-417-8777 or visit our website [www.yourstocklawyer.com](http://www.yourstocklawyer.com).

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**MICHAEL J. MCHALE:** Board Certified Admiralty and Maritime Lawyer. All maritime and admiralty matters in State and Federal Court including personal injury, seizures of vessels, limitation of liability, purchase and sale of boats, cruise ships injuries, longshore claims, and BUIs. (561) 835-3660, [admar1@earthlink.net](mailto:admar1@earthlink.net) and [www.admiraltyatty.com](http://www.admiraltyatty.com).

**CHRISTOPHER HOPKINS:** Appellate counsel for appeals in state and federal courts. Mr. Hopkins focuses on state appeals, particularly personal injury and malpractice. Cole, Scott & Kissane, P.A., 1645 Palm Beach Lakes Blvd., 2nd Floor, WPB, FL 33401; Email: [Hopkins@csklegal.com](mailto:Hopkins@csklegal.com).

**RICHARD HUIJBER:** Former Immigration Attorney-Advisor to the Miami Immigration Court and the Board of Immigration Appeals. Mr. Hujber has 10 years experience, exclusively in immigration law. He and his staff speak Spanish, Hungarian, and Portuguese fluently. The office accepts ALL types of immigration matters. 980 N. Federal Hwy, Suite 306, Boca Raton, Florida, 33432. Tel: (561) 417-VISA (8472); Fax: (561) 417-2575; [Richardhujber@yahoo.com](mailto:Richardhujber@yahoo.com).

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## Bulletin Board

**JUPITER BRANCH OFFICE:** Need a North County presence? Share an office at Jupiter Gardens (South Central Blvd.). Copier, reception area, kitchen, conference room also available. Call Cam Baker (561) 743-8131.

### OFFICE SHARING SPACE

**AVAILABLE:** Immediate occupancy for solo attorney, conference rooms, telephone, copies, free parking. North Palm Beach AV rated firm. Possible Of Counsel relationship. Email: sue@lawpalmbeach.com.

**DOWNTOWN WPB:** Space for 1 attorney and secretary, DSL internet access- \$1,200.00/month. Available and negotiable facsimile, copier/scanner, phone system, library, conference room. Call Lonniell Olds 561.832.6814.

### LAW OFFICE SPACE CASE

**REFERRAL AVAILABLE:** Centrepark Corporate Park off Australian Avenue. Law library, Conference room, Kitchen, Copy machine, Parking. Excellent location, close to airport, downtown West Palm Beach and Courthouse. Call (561) 471-4900.

### HEARSAY



The law firm of Robert M. Montgomery & Associates has announced that **Jeffrey P. Jones** has joined the firm. Mr. Jones joins after a 16-year career with the Palm Beach County State Attorney's Office where he conducted more than 200 trials during his tenure.

**Zoë Panarites** has joined Christine D. Hanley & Associates, P.A. as an Associate attorney. Ms. Panarites focuses on litigation and regulatory issues affecting private, not-for-profit and public sector employers.



**Jane West** of Collins & West, P.A. was recently elected to serve as a Board Member of the Palm Beach County Environmental Control Hearing Board.

Jones, Foster, Johnston & Stubbs, P.A. announces the **Larry B. Alexander, David Bowers, Margaret Cooper, David Dreyer, Scott Hawkins, H. Adams Weaver,** and **Sidney Stubbs** have been named in the 2006 edition of "Best Lawyers in America."

**Attorney Mark R. Osherow**, of Osherow, Shiner & Associates announced that he received his board certification in Business Litigation Law. Mr. Osherow is the founding shareholder of the Boca Raton firm.

**James W. Beasley, Jr.**, the senior shareholder of the law firm Beasley, Hauser, Kramer, Leonard & Galardi, P.A. was named one of the best lawyers in America in the 2007 edition. Joseph G. Galardi, a shareholder of the firm, was rated "AV" by Martindale-Hubbell's peer review rating service.

### MISCELLANEOUS

**FOCUS VIDEO** has been providing quality video production services to the legal profession in Palm Beach County since 1993. Services include video depositions, day in the lives, editing for trial, format conversions, and VHS & DVD duplication. Free pickup and delivery. Contact us at 561-697-0096.

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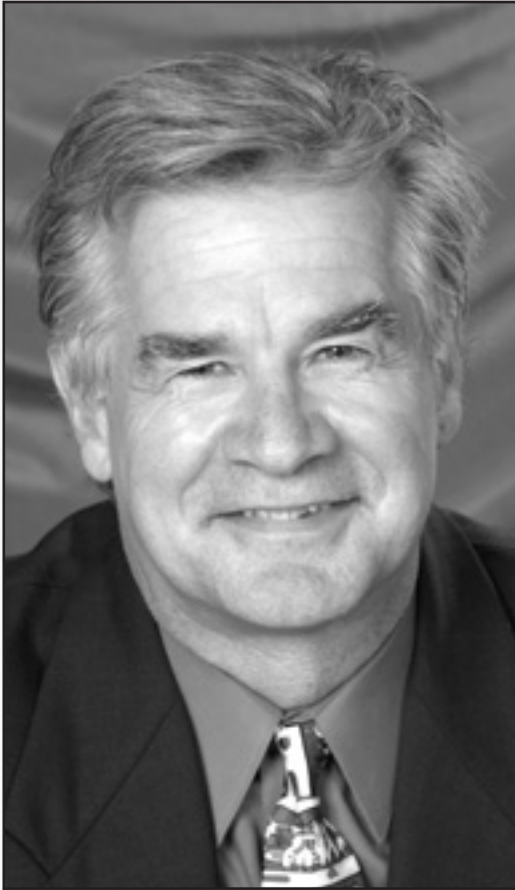
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# MEDIATIONS PENDING?



**Jeff M. Brown** of Lavalle, Brown, Ronan & Mullins, P.A. in Boca Raton is a certified mediator in county and circuit courts of Palm Beach, Broward, Miami-Dade and Monroe.

Jeff Brown has practiced law for 30 years in state and federal courts throughout Florida; specializing in the areas of civil/commercial litigation, personal injury, and criminal defense law. He graduated from the University of Minnesota in 1972, attended Stanford University Law School and graduated 1st in his class at Stetson University College of Law where he received his law degree in 1975. He has taught and/or lectured at Marymount College, Florida Atlantic University, Broward Community College and Broward Correctional Institute.

Mr. Brown is AV-rated by Martindale Hubbell. He is a past president of the South Palm Beach County Bar Association, past director of Palm Beach County Bar Association, and past chairman of the local Grievance Committee for the Florida Bar.



*For all your mediation needs in Palm Beach, Broward, Miami-Dade and Monroe Counties, contact Jeff M. Brown.*

Telephone: 561-395-0000 or 800-795-0995  
Facsimile: 561-395-9093  
Email: [rstern@lavallebrown.com](mailto:rstern@lavallebrown.com)

# CALENDAR

## November 2006

Wednesday, November 1,  
12:00 noon  
**North County Section  
Board Meeting**  
Office of Michael Slavin

Thursday, November 2, 8:50 a.m.  
**Florida Bar Video Replay  
"Estate & IRA Planning"**  
Bar Association Office

Thursday, November 2, 5:30 p.m.  
**Joint Happy Hour  
with the PBCBA &  
Martin County Bar**  
Young Lawyers Section  
Jumby Bay in Abacoa  
in Jupiter

Wednesday, November 8,  
12:00 noon  
**Young Lawyers Section  
"Lunch with the Legends"**  
**Guest Speaker: Skip Smith**  
Bar Association Office

Friday, November 10  
**Court Holiday - Veterans Day**

Tuesday, November 14, 12:00 noon  
**Young Lawyers Section  
Board Meeting**  
Bar Association Office

Tuesday, November 14, 5:30 p.m.  
**North County Section  
Happy Hour**  
PGA National

Wednesday, November 15,  
12:00 p.m.  
**FAWL Luncheon**  
Contact Kim Daniel at  
faw1@adelphia.net

Wednesday, November 15, 6:00 p.m.  
**Small Claims Court Clinic**  
North Regional Library

Thursday, November 16, 5:00 p.m.  
**Board of Directors Meeting**  
Bar Association Office

Thursday, November 16, 6:00 p.m.  
**Federal Bar Reception**

Friday, November 17, 8:30 a.m.  
**ADR Committee Meeting**  
Bar Association Office

Friday, November 17, 12:00 noon  
**Cunningham Bar  
Association Meeting**  
Law Library

Friday, November 17, 12:00 noon  
**Law Week Committee Meeting**  
Bar Association Office

Saturday, November 18  
**National Adoption Day**

Tuesday, November 21, 12:00 noon  
**Family Law Practice  
Committee Meeting**  
Law Library

Tuesday, November 21, 12:00 noon  
**Historical Committee Meeting**  
Bar Association Office

Tuesday, November 21, 5:00 p.m.  
**Legal Aid Board Meeting**  
Bar Association Office

Thursday, November 23  
**Thanksgiving Day -  
Court Holiday**

Friday, November 24  
**Court Holiday**

Wednesday, November 29, 9:00 a.m.  
**Fla. Bar Video Replay  
"Basic Corp. Law 2006"**  
Bar Association Office

Thursday, November 30, 6:00 p.m.  
**PB County Trial Lawyers  
Dinner Meeting**  
Contact (561) 999-9490



PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

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

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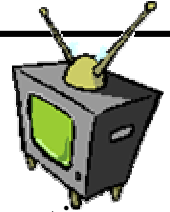
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**Solo & Small Firm Practitioners  
Committee Presents**  
**“The Practice of Law Meets The Business of Law”**

*(For Attorneys in Firms with Five or Fewer Lawyers  
no more than 3 in the same practice area)*



*Whether you've  
been practicing for  
twenty years or  
you're just  
getting started,  
join us for lunch  
and see what the  
Bar can do  
for you!*



*Luncheon Topic:*

**Getting Them In The Door:  
Marketing & Advertising Your Law Practice**

**Friday, December 1**

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

**Bar Offices**

**1601 Belvedere Road, Suite 302E  
West Palm Beach**

**Cost: \$10:00**

**RSVP today @ [www.palmbeachbar.org](http://www.palmbeachbar.org)**

**Noon-time  
Networking  
Luncheons**

At each luncheon, every participant will have the opportunity to introduce themselves and give a 60-second presentation on their practice. Plus, a list of all participants will be distributed at each luncheon. Be sure to bring plenty of business cards!

Bar Association Office  
1601 Belvedere Rd. #302E  
West Palm Beach, FL 33406  
Call the Bar Office if  
you have questions:  
Phone: (561) 687-2800  
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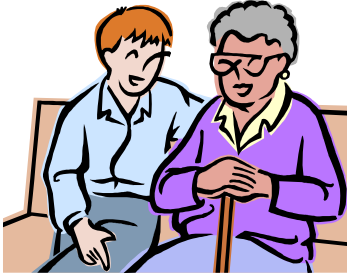
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The Elder Law Continuing Legal Education Committee of the PBCBA presents:

## “Medicaid—The New Law & Then Some”

Friday, December 8, 2006 8:25a.m.—12:00p.m.

Bar Offices — 1601 Belvedere Rd., Suite 302E, WPB



Sponsored by:



*Probate & Investment Litigation*

### Program Schedule

8:00am - 8:25am	Late Registration - Check In
8:25am - 8:30am	Welcome - Opening Remarks - <i>David R. Schwartz, Esq., Chair PBCBA Elder Law Affairs Committee</i>
8:30am - 9:20am	Volunteers Helping Seniors - <i>Moe Baskin, SHINE - Area Coordinator for Palm Beach County</i>
9:20am - 10:10am	Tax Update - <i>Michael A. Lampert, Esq., Michael A. Lampert, P.A., Florida Bar Certified Tax Attorney</i>
10:10am - 10:20am	Break
10:20am - 12:00pm	The New Medicaid Law - Deficit Reduction Act of 2005 Medicaid Planning - What's Left - <i>David E. Midgett, Esq., Florida Bar Certified Elder Law Attorney, Ocala, FL</i>

This course has been approved for **4.0 CLER hours/3.0 Elder Law Cert. Credits** from The Florida Bar. The cost of the seminar is \$80 for PBCBA members/legal assistants, \$120 for non-PBCBA members/legal assistants. **On-site registration add \$25**

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

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

<b>HOW TO REGISTER</b>	 <b>MAIL</b> the completed form w/check	 <b>FAX</b> the completed form to 561/687-9007	 <b>ON-LINE</b> at <a href="http://www.palmbeachbar.org">www.palmbeachbar.org</a>
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Please register me for the December 8, 2006 Elder Law Seminar

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_ City/Zip \_\_\_\_\_

Name on Credit Card: \_\_\_\_\_ Signature: \_\_\_\_\_

Credit Card #: \_\_\_\_\_ Visa \_\_\_ Amex \_\_\_ MC \_\_\_ Exp: \_\_\_\_\_ Amount \$ \_\_\_\_\_

\_\_\_ I will not be able to attend the seminar but would like to order the CD Rom. (cost same as listed above/please allow two weeks for delivery) (Elder Law 12/8/06)

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

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

**WINTER 2007 REAL ESTATE SEMINAR**  
***"What Every Real Estate Lawyer Should Know But Might Be Afraid to Ask -  
Nuts and Bolts of Homestead, Survey, Trust, and Water Law"***

**Friday, January 19, 2007 - 8:35 a. m. - 12:00 p.m.**  
**Bar Association Offices**



**SPONSOR:**



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**Program Schedule**

- 8:15am - 8:35am** Late Registration
- 8:35am - 8:45am** Welcome and Opening Remarks - *Steven D. Rubin, Esq., Real Estate Committee Chairperson*
- 8:45am - 9:30am** Homestead: Inter-vivos and Post Mortem Transfers, and Ethical Considerations - *Stephen Mackey, Esq., Lloyd Granet, P.A.*
- 9:30am - 10:15am** Surveys: Encroachments, Set Back Violations, and Boundary Line Disputes Which May Constitute Defects in Title, and Ethical Considerations - *Alan Fields, Esq., Florida State Counsel, First American Title Insurance Company*
- 10:15am - 10:30am** Break
- 10:30am - 11:15am** Trusts: Insuring Title When a Trustee is the Grantor or Grantee, Including Land Trusts, IRA Trusts, PRT's, and Revocable and Irrevocable Trusts, and Ethical Considerations - *Deborah Boyd, Esq., Associate Counsel, First American Title Insurance Company*
- 11:15am - 12:00pm** Water Law: Canals, The Intracoastal Waterway, and Sovereignty Lands in Palm Beach County, and Ethical Considerations. - *Keith L. Williams, Esq., South Florida Water Management District (SFWMD)*

.....  
This course is expected to receive **4.0 CLER hours including 4.0 Ethics credits** from The Florida Bar. The cost of the seminar is \$120 for PBCBA members/paralegals; \$160 for non-PBCBA members/paralegals if registered by 1/12/07; Add \$25 to registration fee after that date.

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

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.

<b>HOW TO REGISTER</b>		MAIL the completed form w/check		FAX the completed form to 561/687-9007		ON-LINE at <a href="http://www.palmbeachbar.org">www.palmbeachbar.org</a>
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I will not be able to attend the seminar but would like to order the CD (cost same as listed above/please allow two weeks for delivery) (Real Estate Seminar 1/19/2007)

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

**THE FEDERAL BAR ASSOCIATION  
PALM BEACH COUNTY CHAPTER**

**FALL JUDICIAL  
RECEPTION**

**Thursday, November 16, 2006**

**6:00 p.m to 8:00 p.m.**

The Colony Hotel, Palm Beach

Cost: \$30 - Federal Bar Association Members  
\$35 - Non-Members and walk-ins

***THE RECEPTION IS SPONSORED BY:***

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Checks should be made payable to the *Federal Bar Association Palm Beach County Chapter* and sent to *Devon G. Coughlan, Esq., at Elk, Bankier, Christu & Bakst, LLP, 4800 N. Federal Highway, Boca Raton, FL 33431.*

To **RSVP** or **BECOME A SPONSOR** please contact Debi Mackey (561) 838-4100 or via email at [dmackey@alslaw.com](mailto:dmackey@alslaw.com)