

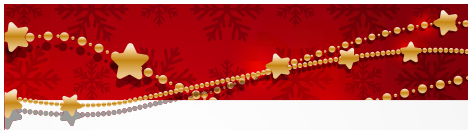


PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

November 2015



Holiday Party & Silent Auction set for December 10

The Bar's annual holiday party and silent auction is scheduled for Thursday, December 10 from 5:30 p.m. to 8:00 p.m. at Frenchman's Reserve Country Club in Palm Beach Gardens. This is one of our largest and most well attended events of the year! Join us and plan on shopping during our silent auction, which includes great gifts at bargain prices, all to benefit local charity.

Thank you to our holiday party sponsors from Alpine Jaguar, Bob Greenberg, Brooks Brothers, Center State Bank, Esquire Bank, Global Engineering Solutions, Law Ruler, Regent Bank, Sabadell United Bank, TheLaw.TV and Visual Evidence.

Don't miss it! Register today online at www.palmbeachbar.org

Mark your calendar for upcoming Membership Events

November 5:

Membership Lunch – Food Truck, Networking, and Vendors to Help Grow Your Practice, plus 2.0 CLE!

December 10:

Annual Holiday Party and Silent Auction

February 19:

Bench Bar Conference

Town Hall Meeting a Great Success!



FL Bar President Ray Abadin was recently in town answering questions from members about reciprocity, technology and other important issues facing the legal profession. More than 150 members attended the sold out luncheon program. Immediate past president of The Florida Bar Greg Coleman, PBCBA President Grier Pressly and FL Bar President Ray Abadin. For more photos from the event, please see page 4.

Bench Bar Conference scheduled for February 19 at Convention Center

This year's Bench Bar Conference has been scheduled for **Friday, February 19** at the Palm Beach County Convention Center. The Bench Bar Conference is an opportunity for attorneys and judges to meet informally in a roundtable atmosphere to discuss issues of concern to both the Bench and Bar. Registration forms will be available online. Last year, over 1,000 people attended throughout the day and unfortunately, due to space limitations, many attorneys were turned away. Registration will be available in January.

Sponsorship opportunities are available to assist in the underwriting of this year's conference in the following amounts:

\$575 for law firms of 11 or more attorneys;

\$400 for law firms with 3-10 attorneys;

\$250 for law firms with 1-2 attorneys.

Checks should be made payable to the PBCBA and mailed to: Patience Burns, 1507 Belvedere Road, WPB, FL 33406.

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THE

BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

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President

www.palmbeachbar.org

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

LETTERS TO THE EDITOR

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



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

Reciprocity Issue Update #2

Fellow Bar Members:

On September 22nd, our Association's board of directors unanimously approved the adoption of a board resolution in opposition to Admission by Motion/Reciprocity. A copy of the board resolution can be found on the Bar's website.

The board resolution was immediately shared with the decision makers at The Florida Bar. The Florida Bar Board of Governors was expected to vote on Admission by Motion/Reciprocity at its October 16 meeting.

While the board of directors values the opinions of ALL of our members, including those members who are in favor of Admission by Motion/Reciprocity, our research indicated that an overwhelming majority of our membership is strongly opposed to Admission by Motion/Reciprocity. With peer voluntary bar associations across the state adopting or considering similar board resolutions in opposition to Admission by Motion/Reciprocity, the board of directors felt it was important for the Palm Beach County Bar Association, as a recognized leader of voluntary bar associations in the state, to take a public position on this important issue.

Grier Pressly, President



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President's Message



Attention New Lawyers and Young Lawyers! Check out the Bar's New and Improved Mentor Program!

by Grier Pressly

In 1989, the Bar established a mentor program to help attorneys new to Palm Beach County learn our local practices and procedures and develop an understanding of the professionalism and civility standards to which attorneys practicing in our county are held. Much has changed in the practice of law in Palm Beach County over the ensuing three decades. With so many recent law school graduates joining small firms or opening solo practices, the need for strong mentoring has never been greater. Over the last three years, the Palm Beach County Bar Association's mentor program has grown considerably under the dedicated leadership of Hubie McGinley and Terry Resk, Co-Chairs of the Bar's Mentoring Subcommittee (a subcommittee of our Professionalism Committee). This year, the Bar will be piloting an expanded version of its existing mentor program. What will make our Bar's mentor initiative different from those offered by other voluntary bars around the state is its structure and programming content. Better yet, while the new mentor program will offer more value to our young lawyers, the program will remain free! The only charge to enroll is to become a member of the Palm Beach County Bar Association. Take a look at what our new and improved mentor program looks like:

New Attorney Breakfast: Each Fall, the Fifteenth Judicial Circuit, in conjunction with the Professionalism Committee of the Bar, hosts a breakfast for new attorneys at the main courthouse to provide an opportunity for new attorneys to network, to be introduced to the local legal practice and customs, to learn about the voluntary bar associations in Palm Beach County, and to hear from our judges about the "do's and don'ts" of practice in the various divisions of the court. This year's new attorney breakfast was held on October 30th, and we once again had an excellent turnout of new attorneys.

Mentor-Mentee Matching Event: We need mentors and mentees to register for our new matching event which will take place on **Wednesday, December 2nd at 5:30 pm at the Bar office!**

The matching event will start with an informal social hour and then move to an organized program for mentees to "interview" their prospective mentor in a "speed-dating" format. The matching event will provide a face-to-face opportunity for mentees to choose their mentor. The Bar will formally pair mentors and mentees following the matching event. If you are not able to attend the matching event on December 2nd, you may still participate in the Bar's mentor program. Once a mentor-mentee relationship is established, the expectation is that the mentors will meet or speak with their mentee periodically to answer questions and offer guidance, invite their mentee to a Bar event, and perhaps even offer the mentee the opportunity to shadow for a day. While designed to last only a year, many mentor program relationships carry on well beyond that.

Seminar series led by Amy Borman: The Bar will host a 3-part series of one hour seminars presented by Amy Borman, General Counsel to the 15th Judicial Circuit, exclusively for new and young lawyers. Seminar topics include "Local Rules and Administrative Orders", "Tips on Drafting Motions and Orders", and "Staying Cool Under Pressure." Stay tuned for the scheduled dates of the seminar series. Many thanks to Amy. She is a huge credit to the Palm Beach County legal community.

Mentoring with the Masters video series: The Florida Bar Young Lawyers Division enlisted prominent lawyers and judges from around the state to film a variety of excellent targeted videos aimed at helping young lawyers in the formative years of their practice. Each brief video addresses a different topic area that contains helpful hints and practical information. A select group of the videos, on topics such as board certification, client selection, e-etiquette, how to prepare for a hearing, how to conduct yourself in the courtroom, legal writing, and more, will be shown to our mentees at the Bar office immediately following Amy Borman's seminars.

Mentor program completion certificate: Each mentee who enrolls in the Bar's mentor program, attends the live new/young attorney seminar series with Amy Borman, observes the Mentoring with the Masters video series, and engages meaningfully with his or her designated mentor, will receive a program completion certificate at a dedicated event at the end of the Bar year to thank our mentors and recognize our mentees.

CLE credit: The Bar is exploring the possibility of offering CLE credit for those mentees who fully participate in the mentor program and obtain a certificate of program completion.

Why should I get involved with the new and improved Mentor Program? Participating in the Bar's mentor program is rewarding for both the mentor and the mentee. If you have any doubt about that, read Hubie McGinley's article in this bulletin edition which highlights one of the Bar's many mentor program success stories.

How do I get involved with the new and improved Mentor Program? If you know a new or young attorney who would benefit from effective mentoring, please encourage him or her to enroll in the Bar's mentor program. The Bar always needs new mentors as well. Mentors must have at least seven years of practice experience and be a member of the Palm Beach County Bar Association. For more information about the mentor program, and to register as a mentor or mentee, contact Mikki Johnson at the Bar office or visit the Bar's website at www.palmbeachbar.org.

Again, special thanks to Hubie and Terry for their continued efforts to make the Palm Beach County Bar Association's mentor program one of the very best in the state.

Phone: (561)659-4040
E-mail: gpressly@presslyandpressly.com



**Digital Preparation and Presentation
of Your Case from Pre-Suit to Trial.
It's Not The Future—It's Now**

**Tuesday, November 3, 11:30a.m. – 1:00p.m.
PBCBA
1507 Belvedere Road, WPB**

Program Schedule

11:30 a.m. - 12:00 p.m. **Late Registration / Check In / Lunch**

12:00 p.m. - 12:05 p.m. **Welcome & Opening Remarks** - Amanda Kleinrock, Esq., Chairperson
Legal Aid Society of Palm Beach County

12:00 p.m. - 1:00 p.m. **Guest Speaker:** Michael Downey, Visual Evidence

- Organizational Method-Without it nothing else matters
- Hardware and Software Applications from Pre Suit through Trial
- Your Digital Case File; Depositions, Exhibits, Demonstrative Aids and Video
- Technology - Hearings, Mediations and Trial
- Know your Venue
- And More

Digital Trial = Faster Trial = Happy Jury = Happy Judge = Happy Lawyer

Sponsored by:



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

The **early registration** cost of the seminar is **\$25.00 (includes lunch)** for PBCBA members/paralegals; **\$75.00** for non-PBCBA members/paralegals if registered by **10/27/15**; add \$10 to registration fee after that date.

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

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

HOW TO REGISTER	BY CHECK Return this form	BY CREDIT CARD For security purposes, your must register online at www.palmbeachbar.org	CLE	Materials will now be emailed to all registrants prior to the seminar
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If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbarde.org>

Name: _____

Address: _____

Email Address: _____ Phone: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery). (Technology Seminar 11/3/15). Cost is the same as listed above, in addition to \$10 for shipping and handling.

Town Hall Meeting



Leora Freire, Michael Napoleone and Elisha Roy



Gary Susser asks a question during the meeting



Scott Newmark



It pays to attend Bar events! Bank of America/ Merin Hunter gave away money as door prizes. Congratulations to Grasford Smith and Linda Agnant who both won \$50.00 bills, and to Jeffrey Rollins who walked away with \$100.00 more in his pocket!



Wesley Lauer and Tim Gaskill



Anthony Stella, Joe Reiter, Matthew Haynes and Nelson Baez



Jeremy Bloor and Scott Sweigart



YLS President Lou Delgado and Grey Tesh



Skip Smith and event moderator Scott Smith



Palm Beach County Bar Association Mentoring Program

by *Hubert S. McGinley*

The Palm Beach County Bar Association (“PBCBA”) has undertaken through the Mentoring Program to provide to new attorneys to our County, meaningful access to an experienced member of the local Bar who can provide guidance, direction and advice.

It seems like a “no-brainer” that every young attorney would be eager to get meaningful input and assistance regarding the customs, unwritten rules of practice, and the ethical and professional values that represent the best traditions and highest aspirations of our legal profession in Palm Beach County. The Program recognizes that the first years of a lawyers practice are a critical time in the development of strong professional habits, practices and character and, therefore, offers mentors for free—so why is the Mentoring Program so under-used? Does success in law school and (unfounded) confidence after passing the Bar, overshadow the benefit of access to our mentoring program?

Although the rigors of law school may prepare a new attorney to deftly handle the question of whether a tort claim has been properly pled; a breach of contract has occurred; or a statement considered may be defamatory, most aspects of what it truly means to practice law are not taught in law school and can only be learned while working. Unfortunately, for new attorneys, or attorneys new to our County, few have taken advantage of the PBCBA’s Mentoring Program where they would have the benefit of the advice from someone who has “been down that road before” whatever the issue may be.

Gary Betensky and Hector Valdes-Ortiz have participated in the Mentoring program during the last two years. Both were kind enough to share some of what they considered compelling benefits of their involvement. Gary, a shareholder with Richman Greer, is board certified in business litigation law. Hector is an associate at Tobin & Reyes where his practice focuses on complex commercial litigation matters. Although Hector had been practicing in Puerto Rico before moving to our area, he attended the new attorney breakfast and met Gary who was on a panel discussing professionalism. Subsequently, the two happened to be paired through the mentoring program. The experience has proven rewarding for both. A few of their comments highlight the strengths of the Program.

Why Give The Program a Try?

From the perspective of a mentee, Hector explained, “Although I may not fall into the typical definition of a new attorney, I realized quickly when I came to Palm Beach County as a solo practitioner that I needed somebody to give me the landscape here. I was open, and eager, to get the insight of an experienced and respected attorney.”

Gary points out that the relationship certainly is not all one sided: “It is so rewarding to provide guidance and encouragement to another attorney, a fellow lawyer – a colleague. You have to think about young and inexperienced lawyers who come to Palm Beach County as solo practitioners

and have not had the appropriate guidance or feedback in dealing with other lawyers or respect for the Court. Who is going to teach them good habits? Who is going to convey to them what professionalism in this circuit really means? It truly feels good to give back and it is personally fulfilling.”

How Much Time Do I Need to Commit?

Both Gary and Hector shared a common response to the question of what makes for a successful mentor-mentee relationship. It is a relationship that requires commitment, but not nearly the amount of time one might imagine. Gary pointed out he had been a part of other mentoring programs but the relationships never really materialized for one reason or another mostly due to lack of interest on the part of the mentee. For Gary, it is simple, “It takes both to be engaged and follow up with one another. It can be as simple as a calendar reminder to stay in touch.” Hector added, “Three, perhaps four, times a year, we would have a scheduled lunch where we might discuss issues in greater detail but more often, we would be in touch by phone or a short email exchange.”

Does It Really Work?

I asked Hector if he’d be able to summarize how he has benefited through his participation in the Mentoring Program. Hector explained “The Palm Beach County Bar Association offers so many great services but I consider the mentor program the most important, and that is saying something. There is so much to being a good lawyer beyond what you learn in law school. This program helps you get there. It helps you get your career on the right track. I bet at one time or another, many of us have seen an attorney in court, or had to deal with certain behavior from another attorney and thought, I wish he would have had a mentor.”

The experiences of Gary and Hector confirm the Program can be a success. New attorneys are encouraged to take advantage of the opportunities the Mentor Program provides. It is as simple as contacting Patience Burns at our Palm Beach County Bar Association or completing an application online at the PBCBA’s website.

Hubert S. McGinley is a partner with the Palm Beach Gardens law firm of Schwed, Adams, Sobel & McGinley and practices in the area of personal injury.



Don’t forget to use the PBCBA’s Diversity Placement Database when seeking to hire attorneys for your firm.

Go to the Bar’s website and click on the diversity tab.



Solo & Small Firm Luncheon
Wednesday, November 18, 2015
1.0 General & 1.0 Ethics Credit!

Learn how **social media**
 and **blogs** are used for
 legal marketing in a manner that
 could encounter ethical pitfalls.

Hear about actual **Florida**
ethics rules &
opinions

that govern your use of
 social media when
 marketing your practice.

And, find out how to
avoid ethical
pitfalls
 before they become
 a problem.



About the speaker: Ethan Wall is an attorney and Social Media Law Professor at Nova Southeastern University. Wall has authored three books on the effect of social media, including *Fire over Facebook*.

Join us for Lunch & CLE Credit!

This event is expected to sell out! Seating is limited. RSVP Today @ www.palmbeachbar.org



Early Registration is just \$20.00 and includes lunch, plus 1.0 General and 1.0 Ethics Credit from The Florida Bar. And, your name will be entered into a contest for a new Apple Watch! The more Solo lunches you attend the greater your chances of winning!

Attorneys who are not PBCBA members are welcome to attend for \$40.00.
 Add \$10.00 if registered after 5:00 p.m. on 11/13/15



Name: _____ Telephone # _____

Address: _____ Email _____



Bob Greenberg, *CLTC Insurance Services*

Florida's Fourth District Court of Appeal is Turning Fifty!



by Jack Aiello

Yes, it is. Among the events taking place to commemorate this golden occasion, the Fourth DCA 50th Anniversary Committee will be releasing a hard copy publication on the history, experiences and personalities of the Fourth District Court of Appeal.

One of the topics addressed in the book will be the roots of the Court's creation.

Created by an act of the Legislature in 1965, the Fourth District Court of Appeal has logged 50 years of stellar service to the State of Florida, 50 years of jurisprudential excellence. For its entire storied history, the Court has served, hosted, and authored countless memorable people, events, and decisions. As the Court nears the completion of its 50th year of existence, the Fourth DCA 50th Anniversary Committee is leading the charge to pause, reflect, recognize, and celebrate.

The Florida state court system did not include district courts of appeal when the State's first appellate court appeared. The Florida Supreme Court, created in 1845, became the first appellate court in Florida. The Legislature created district courts more than a century later.

The district courts of appeal were established by an amendment to the Florida Constitution, adopted in 1956. But it still wasn't time for the Fourth DCA. Initially, there were only three intermediate appellate courts. However, by legislative act filed with the Office of the Secretary of State on July 1, 1965, and approved by special election on November 2, 1965, the Fourth DCA was born.

After some debate, a 14-member governmental commission determined that the Court would sit in Vero Beach. That did not last long, as the Legislature, in 1967, shifted the headquarters from Vero Beach to its present location, West Palm Beach. In 1970,

the Court officially moved to its "new" headquarters, where it sits today – at least until 2017, when the Court is expected to move into a new building at a downtown location.

In the book, judges and other court personnel provide unique insiders' views of the personalities, events, and developments that have shaped the Court through its first 50 years, including many stories from inside its hallowed halls that would be difficult to discover elsewhere. In addition to a detailed history of the Court, including the progression of judges and political events that have impacted the development of the Court, there was a segment about some of the more memorable cases decided by the many excellent judges of the Fourth DCA. The book intends to inform, entertain, reflect, and commemorate, serving as a keepsake for those who wish to be somehow associated with the Court's many memories at this point in its history.

On November 14 this year, the Kravis Center will be host to a celebrational dinner banquet to be attended by all current judges of the Fourth DCA, many other Court personnel, many past Fourth DCA judges, Supreme Court justices, other dignitaries, appellate and other practitioners, and business people, to celebrate the Court's half-century existence. The oldest living former member of the Court, who dates back to before the Court moved to West Palm Beach, a brilliant jurist by all accounts, the Honorable William C. Owen (92 years young), is expected to be in attendance, along with many other former judges. There will be a program put on by the Anniversary Committee and judges of the Fourth DCA, and the commemorative book will be unveiled at that event. A copy of the book will be given to each attendee. Many local law firms, businesses and Bar associations (including the PBCBA), have generously sponsored the upcoming celebration to make it worthy of the Court and memorable for all involved. The Fourth DCA 50th Anniversary Committee hopes you have purchased your tickets and that we will see you on November 14.

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www.palmbeachbar.org

The Palm Beach County Bar Association's PI/Wrongful Death CLE Committee Presents:



Proposals for Settlement



Thursday, November 12, 11:30am - 1:00pm
PBCBA, 1507 Belvedere Rd., WPB

Program Schedule

The presentation will discuss recent case law in the always-unsettled area of Proposals for Settlement. This will include perspectives from Plaintiffs and Defendants. The presentation will also offer suggestions on drafting and evaluating Proposals for Settlement.

11:30 a.m. - 12:00 p.m. **Lunch / Late Registration and Check In**

12:00 p.m. - 12:05 p.m. **Welcome - Opening Remarks** - Timothy Murphy, Esq., Personal Injury of Florida, PI/Wrongful Death CLE Committee Co-Chair

12:05 p.m. - 1:00 p.m. **Speakers:**

From the Plaintiff: Andrew Harris, Esq., Burlington & Rockenbach, P.A.,
Board Certified in Appellate Law

From the Defense: Raymond L. Robin, Esq., Keller Landsberg, P.A.

Sponsored by:



This course has been granted **1.0 CLER / 1.0 Civil Trial Certification credits** from The Florida Bar. **Early Registration** cost is **\$25** for PBCBA members/paralegals; **\$75** for non-PBCBA members/paralegals if registered by **11/5/15**. 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.

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

Webinar

If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbarcle.org>

Name: _____

Address: _____

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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (11/12/15 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



Whose Brain Is It Anyway?

by David M. Garten

A 17-year-old was killed in a car crash on Staten Island. A city pathologist removed the young man's brain during the autopsy. Two months later, the teenager's high school classmates took a tour of the medical examiner's office in the borough and spotted a jar labeled with their friend's name and his brain floating inside. And that's how the teenager's parents learned that they had buried their son without his brain. *See, Shipley v. City of New York*, 2015 NY Slip Op 04791(NY 2015).

Disposition of a body: In Florida, a person has the right to make provisions for the disposition of his body. A person may donate his body, or parts of it, either by will or by other written instrument. *See, §765.514, F.S.* Where the testator has expressed his exclusive intention through the will, his wishes should be honored. *See, Cohen v. Guardianship of Cohen*, 896 So. 2d 950 (Fla. 4th DCA 2005). Pursuant to §732.804, F.S., any person may carry out written instructions of the decedent relating to the decedent's body and funeral and burial arrangements prior to the issuance of letters. Disposition of the testator's body is a personal right and his body is not an estate asset; therefore, a directive in a will regarding the disposition of the testator's body (or his ashes) does not have the same force and effect as do provisions directing the disposition of his property. As a result, a testamentary disposition of the decedent's body is not conclusive of his intent if it can be shown by clear and convincing evidence to the contrary. *See, Cohen, supra; Wilson v. Wilson*, 138 So. 3d 1176 (Fla. 4th DCA 2014). In the absence of a written declaration, the decedent's last discernible wish, verbal or otherwise, regarding the disposition of her body is controlling between private parties engaged in a pre-burial dispute over the decedent's remains. For example, when Nicole Smith died without providing written instructions, the court determined that there was sufficient evidence presented to establish that it was her intent to be buried in the Bahamas next to her son. *See, Arthur v. Milstein*, 949 So. 2d 1163 (Fla. 4th DCA 2007). In the absence of a testamentary disposition, the spouse of the deceased or the next of kin has the right to the possession of the body for burial or other lawful disposition. *See, Cohen, supra; Arthur v. Milstein, supra.*

Autopsy: Generally, no autopsy shall be performed without the written consent of the health care surrogate. If no health care surrogate has been designated, written consent may be provided by the spouse, nearest relative, or, if no such next of kin can be found, the person who has assumed custody of the body for purposes of burial. *See, §872.04(2), F.S.* However, under certain circumstances, an autopsy may be performed without consent: §406.11 (medical examiner); §936.003 (inquest into a death); §925.09 (state attorney); §627.615 (health insurance policy provision); and §872.04(4) (law enforcement). After a decedent's organs are dissected and examined during an autopsy, they constitute biomedical waste and do not constitute a "dead human body" or "human

remains". *See, Winter Haven Hosp., Inc. v. Liles*, 148 So. 3d 507 (Fla. 2nd DCA 2014).

Funeral/Cremation: Every competent adult has the right to control the decisions relating to her own funeral arrangements [§497.002(2), F.S.], and a testator may provide by will for the cremation of her body, funeral arrangements, and the disposition of her ashes. *See, §732.804, F.S.* Such a provision supersedes any contrary wishes of the personal representative. *See, Kasmer v. Guardianship of Limner*, 697 So.2d 220 (Fla. 3d DCA 1997); *Spivey v. Teen Challenge of Fla., Inc.*, 122 So. 3d 986 (Fla. 1st DCA 2013). Irrespective of the testator's intent, only a "legally authorized person", as defined in §497.005(39), F.S., can authorize a cremation. *See, §497.607, F.S.* A cremation "pursuant to a written direction signed by the decedent that the body be cremated" is a complete defense in an action brought against any person relying on that direction. *Refer to §732.804, F.S.* If cremated remains have not been claimed within 120 days of the date of cremation, the funeral establishment is authorized to dispose of the remains. *See, §497.607(2)(a), F.S.* It is a misdemeanor to cremate a body before 48 hours after death. *See, §872.03, F.S.*



Inaugural YLS No Shave November 12 Event

YLS No-Shave November is a fundraising event organized by the Young Lawyer's Section aimed at growing cancer awareness within the community while raising funds to benefit two amazing local charities, the Cancer Alliance of Help and Hope and the Legal Aid Society.

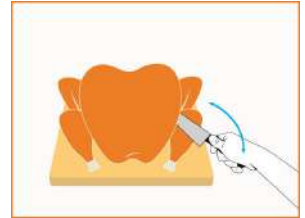
Participants will refrain from shaving their facial hair for one month, and seek donations from their friends, colleagues and co-workers in order to raise money for Legal Aid and Cancer Alliance.

As an added incentive, various esteemed members of our legal community, our "Headliners" have agreed to have their facial hair shaved off live, by "Joe Da Barber", at the November 12th YLS No-Shave November Event, located at Duffy's on Clematis. Our headliners are **Bob Shalhoub, Greg Coleman, Bob Bertisch, Jay White, Brian Fernandes and Paul Shalhoub**. To support this worthy event, please go to www.palmbeachbar.org/young-lawyers-section/

The Palm Beach County Bar Association's Workers' Compensation CLE Committee Presents:



2015 Fall Workers' Compensation Seminar - Carving Out Comp Issues



Thursday, November 19, 2015, 12:00pm-5:30pm
PBCBA, 1507 Belvedere Road, WPB, FL

Program Schedule

- 12:00 p.m. - 12:50 p.m. Late Registration / Check in / Lunch
12:50 p.m. - 1:00 p.m. Welcome & Opening Remarks - Jeffrey Friedman, Esq., Vassallo, Bilotta, Friedman & Davis; Florida Bar Board Certified, Workers' Compensation; Workers' Compensation CLE Chairperson
1:00 p.m. - 1:50 p.m. Daubert/F.S. 90.702 - How, When and Why - For the Defense: Jerry K. McKim, Esq., Wyland & Tadros, LLP For the Plaintiff: Jane-Robin Wender, Esq., Wender, Hedler & Hessen, P.A.
1:50 p.m. - 2:40 p.m. Case Law Update - Esther Zapata Ruderman, Esq., Conroy Simberg and Kenneth B. Schwartz, Esq., Florida Bar Board Certified, Workers' Compensation
2:40 p.m. - 2:50 p.m. Break
2:50 p.m. - 3:40 p.m. Spinal Injuries - Charles S. Theofilos, MD, The Spine Center
3:40 p.m. - 4:30 p.m. Q & A Session/ Judicial Panel - We'll Be the Judge of That! The Honorable Timothy M. Basquill; The Honorable Mary D'Ambrosio and The Honorable Shelly H. Punancy - Moderated by Jeffrey Friedman, Esq.
4:30 p.m. - 5:30 p.m. Happy Hour

SPONSORS: Prose Court Reporting; IWP; Gordon & Donor; Celeste Law Firm; Vassallo, Bilotta, Friedman & Davis; Wyland & Tadros, LLP, Rosenthal, Levy, Simon & Ryles, P.A.; Conroy, Simberg; Franks Koenig and Neuwelt, David R. Rigell & Associates, P.A.; Wender, Hedler & Hessen, P.A.; Pello, Marks and Hernandez; Hurley, Rogner; MKRS Law; Kelley, Kronenberg

This course has been granted 5.0 CLER and 5.0 Workers' Compensation certification credits from The Florida Bar. Early Registration cost is \$100 for PBCBA members/paralegals; \$150 for non-PBCBA attorney members/paralegals if registered by 11/12/15; add \$20 late fee after that date. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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

HOW TO REGISTER BY CHECK BY CREDIT CARD CLE Materials will now be emailed to all registrants prior to the seminar



If you can't leave the office, you can attend via live webinar by registering at http://www.palmbeachbarcle.org

Name: _____

Address: _____

Email Address: _____ Phone: _____

I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (11/19/15 Workers' Compensation 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 Rd., West Palm Beach, FL 33406



Offer of Judgment Revisited Yet Again

by *Ted Babbitt*

Appellate opinions requiring strict compliance with Fla. Stat. 768.79 and Fla. R. Civ. P. 1.442 are legion.

Current Rule 1.442(c) states the following:

- (c) Form and Content of Proposal for Settlement:
 - (1) A proposal shall be in writing and shall identify the applicable Florida law under which it is being made.
 - (2) A proposal shall:
 - (A) name the party or parties making the proposal and the party or parties to whom the proposal is being made;
 - (B) identify the claim or claims the proposal is attempting to resolve;
 - (C) state with particularity any relevant conditions;
 - (D) state the total amount of the proposal and state with particularity all nonmonetary terms of the proposal;
 - (E) state with particularity the amount proposed to settle a claim for punitive damages, if any;
 - (F) state whether the proposal includes attorney's fees and whether attorneys' fees are part of the legal claim; and
 - (G) include a certificate of service in the form required by Rule 1.080(f).

Note that the language of the Rule is mandatory. It never uses the word "may," it only uses the word "shall."

The Supreme Court has stated numerous times that the Rule and statute covering offers of judgment must be strictly construed. *Campbell v. Goldman*, 959 So. 2d 223 (Fla. 2007).

A recent decision of the First District shows just how strictly the Rule can be construed.

In *Borden Dairy Company of Alabama, LLC v. Kuhaida*, 40 Fla. L. Weekly D1902 (Fla. 1st DCA, Aug. 14, 2015), the plaintiff made an offer of judgment on a timely basis and then received a jury award of damages in excess of the amount contained in the offer of judgment and in excess of the 25% mandated by Fla. Stat. 768.79. The offer indicated that it included costs, interest and all damages or monies recoverable under the complaint and by law. The defendant argued that this offer was invalid because it failed to state whether the proposal included attorney's fees and whether attorney's fees were part of the legal claim. As indicated above, the Rule in 1.442(c)(2) (F) states

- (2) A proposal shall:
 - (F) state whether the proposal includes attorneys' fees and whether attorneys' fees are part of the legal claim.

The offer did not include any statement about attorneys' fees because the complaint did not make a claim for attorney's fees. The trial court granted the plaintiff's motion to tax attorney's fees and costs concluding that the failure to include attorney's fee language did not create an ambiguity because there was never a claim for attorney's fees.

The First District reversed relying on *Diamond Aircraft Indus., Inc. v. Horowitz*, 107 So. 3d 362, 377 (Fla. 2013) which was a case in which there was a claim for attorneys' fees in the complaint and the offer of judgment failed to strictly comply with the rule because it did not state that the offer included attorney's fees and whether attorney's fees were a part of the legal claim. The First District concluded that because the Supreme Court had made the test of validity strict compliance, not the absence of ambiguity, that there was no reason not to apply the holding in *Diamond, supra*, to a case where no claim for attorneys' fees was made in the complaint.

This decision of the First District is in conflict with the Fourth District decision in *Bennett v. American Learning Systems of Boca Delray, Inc.*, 857 So. 2d 986 (Fla. 4th DCA 2003) and the First District certified to the Supreme Court that there was a conflict between these decisions. Thus, the ultimate decision on this precise question awaits ruling by the Florida Supreme Court. Nevertheless, the strictness of construction required by this Rule and statute should send a message to every lawyer making an offer of judgment that the requirements of the Rule must be strictly followed even if doing so might be considered form over substance. The best course of action is to recite each and every section of the Rule in the offer specifically stating how that section of the Rule applies to the offer of judgment. It must be assumed that every section of the Rule must be referred to in the offer even if there is no claim and the Rule section has no apparent application.

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.

Board Meeting Attendance

	August	September
Barnes	X	X
Buck	X	X
Delgado	X	
Huber	X	X
Kypreos	X	X
Mason	X	X
McElroy	X	X
Pressly	X	X
Reagan	X	X
Smith	X	X
Whittles	X	phone
Wyda	X	X
Xenick	X	X



Employment Mediation Requires a Unique Touch

by Jeffrey Grubman

Employment litigation has developed into a well defined and broad reaching area of law with attorneys who focus all or a meaningful part of their practice representing parties engaged in this type of litigation. The cases arise under numerous federal and state statutes and include the following: 1) age, gender, race and pregnancy discrimination, 2) individual, collective and class action wage and hour, 3) disability and pension benefits, 4) whistleblower and retaliation, 5) sexual harassment, and 6) breach of employment contracts, including non-compete and trade secret claims.

Although the types of employment cases vary considerably, there is a common theme: the plaintiffs are individuals who believe they have been mistreated by their employers. The employers almost always deny the factual allegations and at least some portion of management is typically outraged or at least extremely annoyed by the allegations. Consequently, employment mediations tend to be emotionally charged. At the same time, the cases usually involve a complex body of statutory and case law. This requires a mediator who can empathize with the employee and employer, make them feel comfortable and engender trust. At the same time, however, the mediator must understand the law and be able to discuss the law and how the facts of the case intersect with the applicable law.

Many mediators describe themselves as either facilitative (providing a forum for communication among the parties and helping to explore settlement options without expressing opinions or pointing out potential weaknesses in the parties' cases) or evaluative (pointing out weaknesses in the parties' legal cases and perhaps even offering potential appropriate settlement terms). To be an effective mediator of employment disputes, a mediator should not think of herself as being exclusively evaluative

or facilitative. She must be able to listen actively to each side's concerns and empathize with their situation. However, she should also be able to give feedback regarding potential challenges with their case. Those challenges may relate to legal pitfalls, the stress and potential embarrassment that may be associated with protracted litigation, and the cost and time involved with this type of litigation.

A mediator of employment disputes must also be flexible with his or her approach to the mediation process. Some employment mediations are most productive when the parties spend the majority of the mediation in joint session with the parties expressing their feelings. Some attorneys wrongly believe that any direct conflict during the course of a joint session is harmful to the overall process, which is usually not true. However, other employment mediations should be spent primarily or completely in caucus, when for example the employee is intimidated.

In a recent mediation of a collective FLSA overtime case involving long term and still employed blue collar workers of a local company that had been acquired by a national company, it became apparent that the employees were more concerned about their treatment by their supervisor than the alleged lack of overtime payments. The employer's corporate representative was the head of human resources from the out of town home office. After an initial joint session and several unsuccessful rounds of negotiations in caucus, the head of HR met with the employees without counsel present. The employees were given the opportunity to air their concerns, and the head of HR promised to take certain actions. Once the employees felt that their concerns had been addressed, the case settled almost immediately thereafter.

This story underscores an important point that every employment mediator and litigator should understand about the mediation process: unless and until the parties are given the opportunity to

tell their story and get things off of their chest, it is very unlikely that a case will settle in mediation. Therefore, early on in the mediation process, the mediator should give the parties an opportunity to vent and tell their story. Whether that occurs in joint session or in caucus with the mediator is for the mediator to evaluate with input perhaps from the attorneys. Some people absolutely want to tell their story and take quite a while to get through it. These kinds of people were once described to me by a psychologist as "painters." If painters are not given the opportunity to tell (or paint) their stories, the mediation will go nowhere. Other people would prefer not to give a narrative and instead want to answer the mediator's questions. The same psychologist described these kinds of people as "pointers." However, the mediator will not know initially if he is dealing with a painter or a pointer and he must give the parties, especially the plaintiff in an employment matter, the opportunity to be heard.

Employment litigation is an ever evolving and growing area of the law. The successful mediation of employment disputes requires a mediator who understands how to interact with and gain the trust of angry, emotional people while at the same time having the ability to understand and explain how the fairly complex body of employment law impacts the parties' legal case. It is important for employment litigators to find the mediators in their areas who possess these qualities.

Jeffrey Grubman is a mediator and arbitrator with JAMS. He is based out of the Boca Raton and Miami offices but mediates cases nationally. His practice focuses on employment, intellectual property, probate/trust, securities/financial services and commercial/business matters. The information contained in this article does not constitute legal advice and are his opinions and not the opinions of JAMS.

Judicial Profile for Judge Dina A. Keever

by Roger W. Feicht

Judge Dina Keever was born and raised in Danville, Illinois. Growing up, she always took a stand for the victimized and became interested in the legal profession at a young age when she realized it was an opportunity to advocate on behalf of victims. She studied Journalism at the University of Illinois at Champaign-Urbana and still retains her love of writing. She attended law school at Florida State University College of Law. Knowing that she wanted to be a prosecutor to protect the victims of crime and to deter further crime, she focused on criminal law and trial advocacy classes. She also served as Editor-in-Chief of the FSU Law Review.

After graduation from law school, Judge Keever served as a law clerk to the Honorable Peter T. Fay of the United States Court of Appeals for the Eleventh Circuit. She thoroughly enjoyed her clerkship and it cemented her desire to be in the courtroom. In 1995, Judge Keever became an Assistant United States Attorney for the Southern District of Florida. In addition to prosecuting a high volume of narcotics cases, she argued many cases in the Eleventh Circuit as a member of the U.S. Attorney's Appellate Division. In 1996, Judge Keever met her husband, Mark Agrama, who was in medical school at the University of Miami. Dr. Agrama completed his surgical

residency in Philadelphia, during which time Judge Keever worked as an Assistant United States Attorney in the Eastern District of Pennsylvania for five years, prosecuting cases involving narcotics, fraud, corruption, and immigration. After taking some time off to raise her two young sons, Judge Keever and her family returned to South Florida in 2008. She then joined the law firm of Lewis Tein, P.L., defending white collar criminal cases in Palm Beach, Broward, and Dade Counties.

In 2012, Judge Keever ran for Palm Beach County State Attorney. While she was not elected, Judge Keever's hard work in campaigning throughout Palm Beach County from dawn to midnight provided her with great insight into our county. She then joined the law firm of McCabe Rabin, P.A. in West Palm Beach. Her practice focused on *qui tam* litigation, which she enjoyed because of the parallels to criminal prosecution. However, she still wanted to return to a role as a public servant, therefore she applied to fill the vacancy created by Judge Edward Fine's retirement.

On June 18, 2015, Governor Rick Scott announced Judge Keever's appointment: "Dina brings years of experience to the Fifteenth Judicial Circuit Court bench. Throughout her career, she has demonstrated a strong understanding



of the judicial process and the law." Judge Keever is currently presiding over Circuit Criminal Felony Division V. She believes that the pretrial process should be used to shine a light on the truth to ensure that the right decision is made at trial and that justice is served.

Judge Keever remains involved with the Florida Association of Women Lawyers (FAWL). In her free time, she enjoys walking her two golden retrievers with her husband, Mark, and watching her two sons, Michael (15) and Gabriel (13), play lacrosse. She hopes her work instills a high standard of ethics and a commitment to public service in her sons.

Roger W. Feicht, Esq. practices Employment Law & Business Litigation out of Gunster's West Palm Beach office. He can be reached at RFeicht@gunster.com

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Mentor Programs For Prospective Lawyers with Disabilities

by Amy Pettway

Mentoring programs for prospective lawyers and law students who have disabilities are gaining momentum across the country. At its inception in 2000, identifying the needs of law students with disabilities began with only a few American Bar Association-accredited law schools in Washington, D.C. Currently, law schools nationwide have adopted the program, resulting in hundreds of mentor/mentee relationships.

The American Bar Association's Commission on Disability Rights established the National Mentor Program for Lawyers and Law Students with Disabilities with the express purpose of expanding the pool of qualified applicants with disabilities in the work force. The objective of the program is to provide current and prospective law school students, as well as graduates, with valuable insight into the legal profession, as reflected through the work of an experienced attorney. The program is specifically tailored to individuals with disabilities who are interested in pursuing legal careers. Mentees are coupled with mentors who practice in a common area of interest and/or connect with mentees through shared personal experiences or challenges. Mentors in the program do not have to be disabled; rather, the requirement is simply to have a desire to provide guidance and support to a prospective or current law student or a recent graduate with a disability.

The ease of joining the Program for Lawyers and Law Students with Disabilities makes doing so attractive. The application process is short and simple--prospective mentees must fill out an application, which gathers information on the participant's desired practice area, disability and/or geographic area. Prospective mentors are invited to complete a form, indicating their area of expertise and experience. The ABA then gathers and stores this information in a database, which is used to match mentees with mentors based on stated preferences. The match is followed by an email introduction, which marks the beginning of the mentor/mentee relationship.

Unsurprisingly, the program has experienced measurable success. The ABA conducted a recent survey, which revealed that law school graduates who participated in the program attributed attaining career satisfaction and receiving sound advice to the Program for Lawyers and Law Students with Disabilities.¹ More attorneys who appreciate the benefits of the program are needed. Attorneys who are interested in mentoring a prospective attorney with a disability may contact Patrick Dennis at Patrick.dennis@americanbar.org.

Florida's Initiatives:

This year, Florida, along with several other states, celebrated National Disability Employment Awareness month on October 21st. The date commemorated the contributions made by Americans with disabilities in the workplace and society. Recognizing this day as a platform to increase the number of persons with disabilities in the legal community, Florida agencies urge attorneys to promote Disability Mentoring Day ("DMD"). DMD provides hands-on career exploration to law students and job seekers with disabilities. The event includes job shadowing, internships and opportunities for employment.

Historically, Florida has been the forerunner in distinguishing the field of law from broad-based, general disability mentor programs offered in annual career-day events. According to Danielle Strickman, Coordinator of the Disability-Diversity Initiative in Coral Gables, in 2005 Florida became the first state to have a number of mentors as attorneys.² While other states have since matched attorneys with aspiring law students who have disabilities, Florida aims for more. The overarching objective of Florida's Disability-Diversity Initiative is to provide persons with disabilities access to the entire legal community, including positions as paralegals, court staff, legal secretaries, and court reporters. To assist with this

¹ http://www.americanbar.org/groups/disability-rights/resources/mentor_program_mentee_information/testimonials.html

² <https://www.floridabar.org/DIVCOM/JN/JN-News01.nsf/8c9f13012b96736985256aa900624829/4c1901a68889a402852570690053304c!OpenDocument>

endeavor, local liaisons and committees pair potential legal professionals with employers. Lead Florida agencies include The Able Trust (Florida Governor's Alliance for the Employment of Citizens with Disabilities), Vocational Rehabilitation services (Florida Department of Education), the American Association of Persons with Disabilities (AAPD), Clear Channel Radio, Volunteer Florida and the Florida Mentoring Partnership.³

Florida Law Schools' Initiatives:

The Florida Bar Young Lawyers Division Law Student Mentoring Program actively links law students statewide with attorneys, regardless of whether mentees have disabilities.⁴ Law schools that have adopted disability mentoring and other programs to strengthen inclusive attitudes include University of Miami School of Law, Florida A&M University College of Law, Florida Coastal School of Law, Florida International University College of Law, and University of Florida Levin College of Law.

While Florida-based law mentor programs have made great strides in demonstrating the need for equipping persons with disabilities with valuable relationships, creating space for this diverse population in the legal community requires focused, deliberate recruiting efforts on the part of law firms, law service agencies and courts.

Amy Pettway, Esq.'s Bio:

Amy has been licensed to practice law for 15 years. She graduated from New York Law School, and worked with the Juvenile Rights Division of Legal Aid Society, New York. In 2006, Amy continued her practice as a civil litigation/trial attorney in Atlanta. Currently, Amy has a civil practice law firm in Palm Beach Gardens. She handles a myriad of matters for plaintiff and defense litigants, including personal injury, premises liability, landlord/tenant issues, HOA/covenant issues, collections, contract disputes, domestic relations and wills. Amy is admitted to practice law in Florida, Georgia and New York.

³ <http://www.floridamd.org>

⁴ <http://www.flayld.org/students/LSD/programs/mentoring>

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.

Daniel Boddari: Nova Southeastern University, 2010; Partner in Bottari & Doyle, P.A., Lake Worth.

Jonathan S. Burns: St. Thomas University, 2006; Associate in Leifer Law Firm, Boca Raton.

Jessica L. Debski: Barry University, 2014; Office of the State Attorney, Palm Beach County.

Kristen E. Flynn: Barry University, 2008; Office of the State Attorney, Palm Beach County.

Cristina Groschel: Nova Southeastern University, 2003; Associate in Loren & Kean Law, Ft Lauderdale

Kevin C. Gleason: Villanova University, 1982; Partner in Florida Bankruptcy Group, LLC, Hollywood.

Patricia E. Gleason: University of Miami, 1990; Partner in Florida Bankruptcy Group, LLC, Hollywood.

Allen Heffner: University of Miami, 2010; Associate in Loren & Kean Law, Palm Beach Gardens.

Nancy B. Jack: Florida State University, 1993, Office of the Attorney General, West Palm Beach.

Michael Lufty: Affiliate Membership, West Palm Beach.

Jessica L. Saltz: Florida State University, 2011; Associate in Williams Leininger & Crosby, P.A., North Palm Beach.

Nicholas A. Stebinger: Georgetown University, 2010; Office of the Public Defender, West Palm Beach.

Erin A. Walkowiak: Affiliate Member, Juno Beach.

William A. White, IV: Hofstra University, 2014; Solo Practitioner, Palm Beach Gardens.

Joshua Winegar: University of Florida, 2011; Associate in Kanner & Pinaluga, P.A., Boca Raton.



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Awards to be presented at Bench Bar Conference – Nominations Requested

Two awards will be presented at the February 19, 2016 Conference: the **5th Annual Judge Edward Rodgers Diversity Award** and the **17th Annual Sidney A. Stubbs Professionalism Award**. Members are encouraged to nominate a member or organization for either of these prestigious awards.

The recipient of the **Professionalism Award** must be an individual member of the Palm Beach County Bar Association. The Professionalism Award recognizes an attorney who has demonstrated or promoted outstanding professionalism in Palm Beach County, as defined by exemplary ethical conduct, character and integrity, respect for the legal system and all of its participants, commitment to maintaining the highest levels of professional competence, courtesy and civility, and commitment to serving clients, the community and the public good. **The deadline to submit nominations will be January 8.**

Criteria for the **Diversity Award** requires that the recipient should be a person (must be a PBCBA member) or organization who:

1. Demonstrates a consistent pattern of (either the individual or organization's) commitment to the recruitment, retention and promotion of individuals of underrepresented populations;

2. Cultivates and promotes diversity and gender initiatives that establish and foster a more inclusive and equitable work environment;
3. Promotes and facilitates education, community outreach and social engagement with and between people of varying ethnic or religious backgrounds, gender, socioeconomic status, sexual orientation, and/or physical and mental capabilities so that persons of diverse background can enter and prosper in the legal field;
4. Exhibits visionary and insightful leadership to confront and resolve inequities through strategic decision-making, allocation of resources, and establishment of priorities;
5. Outlines defined goals, actions steps and accomplishments toward achieving a work environment that recognizes, promotes and encourages a diverse workforce at all levels throughout an organization;
6. Implements and carries out best practices that support diversity and inclusion goals.

The deadline to submit nominations will be January 8.

Applications for either of these awards can be found on the Bar's home page at palmbeachbar.org.

North County Section News

Members of our North County Section recently enjoyed a networking mixer at III Forks in Palm Beach Gardens. Thank you to everyone who attended this free event!



NCS President Larry Buck and NCS Director Kate Watson



Todd Stewart and NCS Director Malinda Hayes



Jennifer Lipinski, Krista Downey and NCS Director Nick Johnson



Judge Edward Artau and Colleen Farnsworth

Ken Johnson, John Carroll, NCS Director Lindsay Warner and Larry Mesches



Shalon Bull and Brian Bull

North County Section to host
Networking in November,
plus a **Putting Contest to benefit Friends of Foster Children**
Thursday, November 19, 2015
5:30 p.m. to 7:00 p.m.
PGA National Resort - Honda Pavilion
400 Avenue of the Champions, Palm Beach Gardens
Palm Beach Gardens



Early registration is just \$15.00 or bring a gift of equal value or more to benefit Friends of Foster Children of Palm Beach County, Inc. and attend this reception for FREE!

Putting Contest! Players meet on the putting green next to the Honda Pavilion at 6:00 p.m. Player with the most successful putt wins the opportunity to drive a Jaguar for a weekend, courtesy of Alpine Jaguar! The cost to participate is a charitable donation of \$10.00 to be paid online at the time of registration.

RSVP online @ palmbeachbar.org - price increases after 11/16/15.

Attorneys who are not NCS members and spouses are welcome for \$35.00. Cost at the door will be \$35.00. Gift option in lieu of paying the registration fee is for NCS members.

This event graciously sponsored by:



FindLaw.



YLS and FAWL Joint Networking Event



Ann Breeden and Michael Luffy



Adam Kramarow, Michael Shiver and Jonathan Mann



Savannah Wentley and Taylor Norris



YLS President Lou Delgado, Adriana Lopez, YLS Secretary Andrea Robinson and Santo DiGangi



Robbie Wight, John Gavigan, Jamie Gavigan and Paul Shalhoub



YLS President-elect Ashley Wilson, FAWL President Lindsay Demmery and PBCBA Board Member Jessica Mason



YLS 3rd Annual Dolphins Game Road Trip

Dolphins v. Ravens

WHEN: Sunday, December 6

TIME: TBD – bus pick up from the PBCBA Office
COST: \$50 per person which includes the tickets, bus to and from the game and tailgating with lunch at the stadium. Tickets will be sold on a first come, first serve basis.

Registration and prepayment is **REQUIRED** and can be done on the Bar's website.

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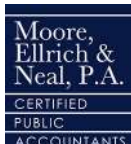
Friday, November 13, 2015 - 1:00 p.m. – 5:00 p.m.
Bar Association Office - 1507 Belvedere Road, WPB

Program Schedule

This CLE will deal with the challenging issues associated with high conflict family law matters. The concepts of what causes a case to become high conflict will be explored from a practical perspective. Participants will hear from experts who are regularly utilized in family law cases when high conflict issues arise. This CLE will benefit the novice and experienced attorney. This is truly a unique opportunity to learn from family law lawyers who are respected and seasoned in this field as well as high level experts who have a wealth of knowledge in these unique high conflict circumstances. Register early, as seating is limited.

- 12:30pm - 12:55pm **Late Registration / Check in**
- 12:55pm - 1:00pm **Welcome and Opening Remarks** - Abigail Beebe, Esq., The Law Office of Abigail Beebe, PA, Family Law CLE Committee Chair
- 1:00pm - 1:50pm **Liars, Cheaters & Stealers: Criminal Issues that all Family Law Lawyers should know about:** *Martin L. Haines, III, Law Office of Martin L. Haines, III Chartered
- 1:50pm - 2:35pm **Discovery/Determining Income of Non W-2 spouses** - Matt Smith, CPA; Matthew Stohman, CPA and Joshua Angell, CFA, Moore, Ellrich & Neal, P.A.
- 2:35pm - 2:45pm **Break**
- 2:45pm - 3:20pm **Evaluating Allegations of Child Sexual Abuse in High Conflict Cases** - Dr. Deborah O. Day
- 3:20pm - 3:45pm **Divorce and High-Conflict People: Borderlines, Narcissists, Histrionics, Sociopaths and Other Persuasive Blamers** - Dr. Deborah O. Day
- 3:45pm - 3:55pm **Break**
- 3:55pm - 4:25pm **Ethical Concerns When Navigating through High-Conflict Divorce** - Michael Walsh, Esq., Michael P. Walsh, P.A.
- 4:25pm - 5:10pm **High Conflict Parties, Opposing Counsel and Other People...Managing Personality Disorders in Family Law Cases** - *Martin L. Haines, III; Judges John L. Phillips & Amy Smith
- 5:10pm - 6:00pm **HAPPY HOUR** (*Board Certified Marital & Family Law Attorney and Fellow, American Academy of Matrimonial Lawyers)

Sponsored by:



Matthew Lundy Law

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This course has been granted 4.5 CLER and .5 Ethics credits and 4.5 Marital and Family Law certification credits from The Florida Bar. **Early Registration** cost is \$ 75 for PBCBA member/paralegals 0-5 years experience; \$100 for PBCBA members/paralegals w/5+ yrs experience; \$150 for non-PBCBA attorney members/paralegals. **After 11/6/15** add \$25 late fee to registration. **LEGAL AID ATTORNEY cost is \$75.** Legal Aid attorneys should mail their registration to: PBCBA, 1507 Belvedere Rd., WPB., FL 33406.

HOW TO REGISTER

BY CHECK
Return this form

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Real Property and Business Litigation Report



by Manuel Farach

Strazzulla v. Riverside Banking Company, – So.3d –2015 WL 5125454 (Fla. 4th DCA 2015).

The Fourth District adopts the Third District's *Dinuro Investments, LLC v. Camacho*, 141 So.3d 731 (Fla. 3d DCA 2014), two-prong test and holds that shareholders must allege both a direct harm and a special injury in order to bring a direct action against the company in their individual capacity.

Market Tampa Investments, LLC v. Stobaugh, – So.3d –2015 WL 5131679 (Fla. 2d DCA 2015).

One who purchases property during a pending foreclosure case in which a lis pendens has been filed is generally not entitled to intervene.

Pacific Nat. Bank, N.A. v. Home Tower Condominium, Inc., – So.3d –2015 WL 5131556 (Fla. 4th DCA 2015).

Unless there is lack of “actual consent” or failure of subject matter jurisdiction, a party loses the right to an appeal if it agrees to a final judgment without reserving the right to appeal an issue or the matter.

Key West Seaside, LLC v. Certified Lower Keys Plumbing, Inc., – So.3d –2015 WL 5132383 (Fla. 3d DCA 2015).

The fact that the successful offeror of a proposal for settlement may claim its attorney's fees from another co-defendant is not a basis for denying the request for fees.

Wells Fargo Bank, N.A. v. Clavero, – So.3d –2015 WL 5132447 (Fla. 3d DCA 2015).

A non-signer's receipt of mortgage funds (or receipt of the benefit of the funds) may supply a missing signature to a mortgage under equitable subrogation principles. However, ratification of an agent's prior mortgage may occur only when the principal has full knowledge of the details surrounding the mortgage.

Harris v. HSBC Bank USA, National Association, – So.3d –, 2015 WL 5240549 (Fla. 4th DCA 2015).

A backdated assignment of a note does not establish standing as filing date as required to file a mortgage foreclosure action.

Rivernider v. Meyer, – So.3d –, 2015 WL 5244635 (Fla. 4th DCA 2015).

The litigation privilege does not apply when all the elements of the tort of malicious prosecution are satisfied. However, a more lenient standard applies to attorneys as attorneys have a duty of representation that requires certain actions.

Dadd v. Houde, – So.3d –, 2015 WL 5245138 (Fla. 3d DCA 2015).

Although she must do so by clear and convincing evidence, an adverse possessor's burden is only to prove the property is possessed “under claim of right or color of title, and [that the adverse possession was] actual, open, visible, notorious, continuous and hostile to the true owner and to the world at large.”

CT Miami, LLC v. Samsung Electronics Latinoamerica Miami, Inc., – So.3d –, 2015 WL 5247160 (Fla. 3d DCA 2015).

There are three possible forms of challenges to arbitration agreements: (1) a challenge to the arbitration provision itself; (2) a challenge to the contract as a whole that the contract, although reached, is not valid on other legal or public policy grounds, and (3) a challenge to the contract as a whole that alleges there was never an agreement between the parties in the first place. The third category of challenge is decided by the trial court, and an evidentiary hearing to decide the issue is necessary only when a “substantial issue” is raised as to contract formation.

Caribbean Condominium Ltd. Partnership v. City of Flagler Beach, – So.3d –, 2015 WL 5456819 (Fla. 5th DCA 2015).

A landowner claiming her land has been taken by inverse condemnation is entitled to attorneys' fees only if her inverse condemnation claim is successful.

In re Amendments to Rule Regulating The Florida Bar 4-1.5-Fees and Costs for Legal Services, – So.3d –, 2015 WL 5445616 (Fla. 2015).

The Florida Supreme Court has revised Rule Regulating the Florida Bar 4-1.5 (e) to define “retainer,” “advance fee,” and “flat fee.”

The Bank Of New York Mellon v. Condominium Association Of La Mer Estates, Inc., – So.3d –, 2015 WL 5445645 (Fla. 2015).

A default based on a complaint which fails to state a cause of action is voidable, not void, and thus actions to vacate default judgments based on improperly pled complaints must, pursuant to the requirements of Florida Rule of Civil Procedure 1.540, be brought within one year of date of judgment.

Katz v. Google Inc., – F.3d –, 2015 WL 5449883 (11th Cir. 2015).

A blogger's use of an unflattering copyrighted photograph can be protected as “fair use” under the Copyright Act, 17 U.S.C.A. § 107, if the photo was taken in a public setting, published elsewhere before its use in the blog, and its use in the blog was unaltered, primarily factual, and without conveying ideas or emotions.

Sugar v. Estate of Stern, – So.3d –, 2015 WL 5603469 (Fla. 3d DCA 2015).

After claiming dishonesty in representations that culminated in the prior settlement agreement, a party cannot justifiably rely on oral representations in subsequent settlement discussions that culminate in an agreement.

BMCL Holding LLC v. Wilmington Trust, N.A., – So.3d –, 2015 WL 5603490 (Fla. 3d DCA 2015).

The Doctrine of After Acquired Title applies to mortgages, and runs with the land to bind successors of both the grantor and the grantee.



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Nine Ways That Companies Are Getting Hacked

by Christopher B. Hopkins

The conventional wisdom regarding data breach and identity theft is that it is not if you will be hacked but *when*. Recent breaches such as Ashley Madison, OPM, Michaels, and Target have led to over 100 million people with potentially compromised credit card and personal information. How is this happening?

Many law firms are jumping on the cyber security bandwagon as they proclaim experience assisting with data breach management. But few lawyers understand how these hacks are being accomplished. Even if you and your client rely on competent IT professionals (as you should), it is important to possess a survey knowledge of how hacks and data breaches occur. This article provides a brief introduction to intrusion and disruption techniques.

Physical Access: You can probably name a few infamous hackers such as Snowden, Manning, and Anonymous. But what is the name of the cleaning service company which enters your office every night? Hacking is not just virtual. Physical access – where a hacker gets direct access to your computer – remains the most convenient way to steal data. These are often “inside jobs.” This includes installing keyloggers (devices which record your keystrokes) which function like credit card skimmers on ATMs and gas pumps.

Brute Force: In the 1983 thriller *WarGames*, young Matthew Broderick sets up his modem to dial every phone number in Sunnyvale, California hoping to find a way to access a game developer’s system. Instead, he hits upon WOPAR, a government supercomputer. Broderick’s dauntless “war dialing” is a form of brute force attack where a hacker repeatedly tries combinations to hack passwords or otherwise obtain access to an account.

Reverse Brute Force: Instead of testing a number of passwords on one account, “reverse” brute force involves testing one or just a few passwords across multiple accounts. In the wake of large hacks, long lists of widely used passwords are available online. A hacker who tries “123456” or “password” against several hundred usernames is bound to get lucky.

Social Engineering: Sometimes it does not always require coding skills to fool people into revealing information. Aside from posing as a government officer or company representative, hackers can even use social media to befriend and interact with people who might be easily fooled into disclosing information. One barebones example of social engineering revolves around testing spouse and pet names from a Facebook profile as that person’s password.

SQL Injection: Here, hackers gain access to a vulnerable site by sending queries with special characters (e.g., a single quote) to the target website. That extra character causes confusion and the website sends back an error code in a database

language called SQL (pronounced “sequel” or alternatively S-Q-L). By re-sending the special character and then a string of code, hackers can learn which databases exist behind the website. After that, they can again send the special character as well as an SQL command to “list tables.” From there, a script can be set up to extract data from all revealed databases. Frighteningly, this can all be accomplished from the username and password screen. Recent examples reportedly include 7-11, Sony, and Johns Hopkins.

Malware / worms: Malware is a secret code which a user unknowingly downloads and installs which, in turn, begins spying or causing damage. Malware can be as simple as code which quietly runs a script after a user clicks a link or it can be more widespread, such as when malware is furtively “baked” into commercial software. Recent examples reportedly include Staples, Sony (recall the film, *The Interview*) and the Stuxnet attack which plagued nuclear reactors in Iran.

Phishing: A hacker may fool users into thinking that a fake website is real so that the hacker can steal usernames, passwords, and other information. The unwitting user typically hits a link upon receiving an email which insists that “you must change your password.” This tricks the person into interacting with a fake version of a bank, social media, or shopping website. The fake website may also inject malware which further exploits the user’s mistake. The “celeb-gate” incident in 2014, where nude celebrity cell phone images were spread across the internet, was caused by a widespread phishing scam.

Distributed Denial of Service: If you try to log into an account several times, at some point, the system will lock you out. Imagine now that hackers bombard a website with thousands of login attempts which intentionally fail and, at some point, overload the website which prevents everyone from access. That is a denial of service attack. Hackers then use multiple IP addresses to avoid being blocked (that’s the “distributed” part of the hack). At a higher level, more sophisticated attacks can coax the beleaguered website to cough up data.

Backdoors: A backdoor is a means of bypassing a system’s main security requirements through a hidden entrance which typically exists for troubleshooting. It is typically created by the software developer or the professional who set up the security features. According to the Snowden disclosures, federal (NIST) encryption standards had a backdoor which permitted law enforcement access to encrypted content. Recent examples reportedly include the OPM, TrendMicro, and RSA.

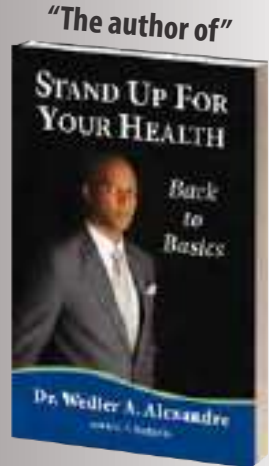
Christopher B. Hopkins is a member with McDonald Hopkins LLC. If you would like to play a game of chess or global thermonuclear war, plug in your 300 baud modem and send an email to chopkins@mcdonaldhopkins.com.



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Certificate of Service Optional?

by Matt Triggs and Jonathan Galler

Every document served after the commencement of litigation must contain a certificate of service, right? If you ask a litigator, the answer is likely a resounding yes. It is as basic as standing when a judge enters the courtroom. Just as Corporal Barnes in *A Few Good Men* didn't need to consult a field manual to find the mess hall (he simply "followed the crowd at chow time,")¹ we've all regularly included certificates of service in our filings because that's the way everyone does it.

Interestingly, the First District recently called some of that historical thinking into serious question in *Floyd v. Smith*, 160 So. 3d 567 (Fla. 1st DCA 2015). The appellate posture of the case was an all-too-familiar scenario. The defendants served a proposal for settlement in an automobile negligence action and, following a verdict in their favor, were awarded fees pursuant to the statutory proposal for settlement mechanism. The plaintiff raised any and all arguments available to her in attacking the award of fees, including an argument that the proposal was ineffective because it was not accompanied by a certificate of service. On its face, the argument had some appeal. The law is well-settled that both section 768.79, Florida Statutes, and rule 1.442 are to be strictly construed given that they are in derogation of the common law. And rule 1.442(c)(2)(G) requires that an offer "include a certificate of service in the form required by rule 1.080." But here's the problem: rule 1.080 no longer requires a certificate of service in any particular form. *Floyd*, 160 So. 3d at 569. Instead, rule 1.080(a) now provides: "Every pleading, subsequent to the initial pleading,... and every other document filed in the action must be served in conformity with the requirements of Florida Rule of Judicial Administration 2.516."

The *Floyd* court correctly noted – as all litigators surely

¹ See *A Few Good Men* (1992).



know – that rule 2.516 changed the requirements for service of documents by, in almost all cases, requiring service by

e-mail. The rule goes into great detail as to the contents of the e-mail required for service to be valid, but nowhere in the rule is there a requirement that the e-mail or the document served by the e-mail contain a certificate of service. The e-mail must contain a subject line beginning with the words "SERVICE OF COURT DOCUMENT" in all capital letters, followed by the case number of proceeding in which the documents are being served. The body of the e-mail must identify the court in which the proceeding is pending, the case number, the name of the initial party on each side, the title of each document served with the e-mail, and the name and telephone number of the person required to serve the document. But simply put, there is no requirement that the e-mail contain a certificate of service. It is indeed true that rule 2.516(f) contains a form for a certificate of service and it provides that such a certification "is taken as prima facie proof of such service in compliance with [rule 2.516]," but that's it.

So maybe Corporal Barnes should have looked in his field manual after all.

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 and a huge fan of the movie – A Few Good Men. Both concentrate their practices in commercial and probate litigation.



W. Jay Hunston, Jr.

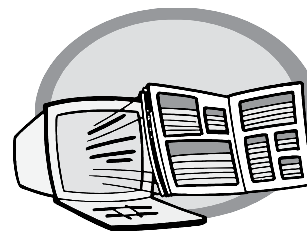
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John F. Schutz of Schutz & White, LLP, recently became a member of the National Trial Advocates: Top 100 Lawyers. The National Advocates: Top 100 is an invitation-only professional organization composed of the Top 100 attorneys from each state or region who serve individuals and families needing attorneys.

Ciklin Lubitz & O'Connell announces that the firm was selected by The Best Lawyers in America© as a 2016 Tier 1 firm in West Palm Beach in three practice areas: Construction Law, Litigation-Construction, and Real Estate Law. Partner **Bruce Alexander** was named by Best Lawyers as 2016 "Lawyer of the Year" in Litigation-Construction for West Palm Beach. Managing partner **Alan Ciklin** and partner **Robert ("Bob") Crane** are both recognized by Best Lawyers in the 2016 Real Estate category.



Michael V. Baxter has joined the firm of Schuler, Halvorson, Weisser, Zoeller & Overbeck, P.A. Mr. Baxter is a Civil Trial Attorney who specializes in the areas of medical malpractice and nursing home liability.

V. Lynn Whitfield, City Attorney for Hallandale Beach, Florida, has just released her inspirational book titled, "The Party's Not Over Until God Says So." The book chronicles her life and tells how she was able to use her faith and determination to journey through many storms in life. It is witty, inspirational and full of encouragement to the reader.



George W. Bush, Jr. of Fox, Wackeen, Dungey, Beard, Bush & McCluskey recently received the Martin County Bar Association's Professionalism Award presented by president Chad Hastings.

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Collection and Bankruptcy for Community Associations - Information for Lawyers and Paralegals



Friday, December 4, 2015 - 9:00am - 12:00pm

**Bar Association Offices
1507 Belvedere Road, WPB**

Program Schedule

- 8:30am - 9:00am **Late Registration / Check In / Breakfast**
- 9:00am - 9:05am **Welcome and Opening Remarks** - *Ronald Kaniuk, Esq., Greenstein & Associates, LLP
Community Association Law CLE Committee Chairperson*
- 9:05am - 10:30am **Collection** - *K. Joy Mattingly, Esq., Becker & Poliakoff, P.A.*
- 10:30am - 10:40am **Break**
- 10:40am - 12:10pm **Bankruptcy** - *Ronald Kaniuk, Esq., Greenstein & Associates, LLP
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The Elder Law Affairs Committee of the Palm Beach County Bar Association presents:

"The 18th Annual Elder Law Seminar"

Thursday, December 10, 2015 - 8:00am - 1:10pm
Bar Association Offices - 1507 Belvedere Rd., WPB

Program Schedule

- 8:00am - 8:20am Late Registration / Check In / Hot Breakfast
- 8:20am - 8:30am Welcome - Opening Remarks - Eric R. Severson, Esq., Chair PBCBA Elder Law Affairs Committee, Burns & Severson, P.A.
- 8:30am - 9:20am Special Needs Trusts, Administration Issues - Melissa L. Barnhardt, Esq., Wells Fargo
- 9:20am - 10:10am Guardianships, Recent Developments - Carolyn Landon, Esq., Florida Bar Certified Elder Law Attorney, Carolyn Landon, P.A.
- 10:10am - 10:25am Break
- 10:25am - 11:15am Tax Law and Ethics Update - Michael A. Lampert, Esq., Michael A. Lampert, P.A., Florida Bar Board Certified Tax Attorney
- 11:15am - 12:05pm VA Benefits - Genny I. Bernstein, Esq., Florida Bar Board Certified Elder Law Attorney, The Karp Law Firm, P.A.
- 12:05pm - 12:20pm LUNCH
- 12:20pm - 1:10pm Securities Law and Exploitation of the Elderly - Matthew N. Thibaut, Esq., Ciklin, Lubitz & O'Connell

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Program Schedule

1:00 pm - 1:25 pm	Late Registration
1:25 pm - 1:30 pm	Welcome and Introductions - Dana Spader, Esq., Reid Burman Lebedeker Chair, Employment CLE Committee
1:30 pm - 2:30 pm	New Social Media and Other Conduct Policies under the NLRA/NLRB - Christin M. Russell, Esq., Kubicki Draper
2:30 pm - 3:30 pm	The NLRA and Confidentiality of Internal Investigations - Cathleen Scott, Esq., Cathleen Scott & Associates, P.A., Board Certified Labor and Employment Law
3:30 pm - 3:45 pm	BREAK
3:45 pm - 4:45 pm	NLRA/NLRB and new Developments/Case Law for the NLRA/NLRB - Resident Officer Shelley Plass, NLRB
4:45 pm - 5:30 pm	Happy Hour

This course has been granted 3.5 CLER and 3.5 Labor and Employment Law certification credits from The Florida. Enjoy an "Early Bird" discounted registration cost of \$75 for PBCBA members/paralegals; \$ 125 for non-PBCBA members/paralegals. After 12/4/15, add \$20 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.

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

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

Address: _____ Email Address: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (12/11/15 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.

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

**“Speed Dating - Appellate Style”
Round Table Discussions with the Judiciary**

Judges of the Fourth District Court of Appeal will engage in an informal question and answer session and discussion about appellate practice at the Fourth District.



Friday, January 8, 2016 - 11:30am - 1:00p.m.
Fourth District Court of Appeal
1525 Palm Beach Lakes Blvd, WPB



Program Schedule

11:30am - 11:55am

Lunch / Check In / Late Registration

11:55am - 12:00pm

**Welcome - Opening Remarks - Nichole J. Segal, Esq., Burlington & Rockenbach, P.A.,
Chair Appellate Practice Committee**

12:00pm - 1:00pm

Judges from the Fourth District Court of Appeal will answer questions regarding practice and procedure in the Fourth District. The topics will include how the judges view the importance of oral argument and practical tips on what is, and is not, effective during oral argument. We also anticipate discussion relating to effective motion practice, and ethics and professionalism in the appellate arena. The session will be conducted in a “speed-dating” format where each Judge will sit at a different table speaking with, and answering questions from, a small group of attendees for 10-15 minutes before moving to a different table. This format will allow attendees to engage in a more intimate discussion with the Judges than what is possible at a standard Panel presentation. It will also allow for a more personalized experience for attendees.

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

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

\$75 for non-PBCBA member attorneys/paralegals if registered by 1/4/16; add \$20 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.

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

Name: _____ Telephone #: _____

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



**Transgender Discrimination in the Workplace -
A Panel Discussion**



The panel will discuss evolving issues associated with the EEOC's protection of transgender individuals and the treatment of gender identity under Title VII.

January 20, 11:30 - 1:00 p.m.
PBCBA, 1507 Belvedere Rd., West Palm Beach

Program Schedule

11:30 am - 11:55 am Check in, lunch, late registration

11:55 am -12:00 pm Welcome: Dana Spader, Esq., Reid Burman Lebedeker
Chair, Employment Law CLE Committee

12:00 pm -1:00 pm Panel discussion led by Andrew Loewenstein, Esq. and Melissa Zinkil, Esq. of Akerman (WPB), along with input from leaders in the LGBT community.

The EEOC increased the number of cases relating to discrimination based on sexual orientation or gender identity by 40% from 2013 to 2014. However, this has not become a front-burner issue for a lot of employers yet. Our seminar will highlight new case law, the EEOC's enhanced enforcement in this area, and provide information for both plaintiff and defense attorneys, companies, and human resources individuals about updating policies and implementing programs in the public and private sector.

This course has been granted **1.0 CLER and 1.0 Labor and Employment law certification credits** from The Florida Bar. **Early registration** cost for the seminar is **\$25** for PBCBA member attorneys/paralegals; **\$75** for non-PBCBA member attorneys/paralegals if registered by 1/13/16; add \$20 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.

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

Webinar

If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbar.org>

Name: _____

Address: _____

Email Address: _____ Phone: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Employment Law CLE Seminar 1/20/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK** ONLY, WITH THIS FORM. **PBCBA, 1507 Belvedere Rd, WPB, FL 33406**

The Palm Beach County Bar Association's Technology Practice Committee Presents:



Social Media: Use and Benefits to Law Firms and Applications in Litigation



Wednesday, January 27, 2016, 11:30a.m. – 1:00p.m.
PBCBA, 1507 Belvedere Road, WPB

Program Schedule

- 11:30 a.m. - 12:00 p.m. **Late Registration / Check In / Lunch**
- 11:55 a.m. - 12:00 p.m. **Welcome & Opening Remarks** - *Amanda Kleinrock, Esq., Legal Aid Society of Palm Beach County, Committee Chair*
- 12:00 p.m. - 1:00 p.m. **Social Media** - *David Steinfeld, Esq., Board Certified, Business Litigation Law Office of David Steinfeld, P.L.*

Use of Social Media in Cases and Litigation

Business Referrals
Social Media blunders
Connectivity

Social Media Application in Litigation

Obtaining/Getting Social Media
Preserving ESI
Using Social Media
Timeliness of Social Media/E-Discovery

SPONSORED BY:



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

The **early registration** cost of the seminar is **\$25.00 (includes lunch)** for PBCBA members/paralegals; **\$75.00** for non-PBCBA members/paralegals if registered by **1/20/16**; add \$20 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.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) (1/27/16 Technology.) 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 Real Estate CLE Committee presents:



2016 Real Estate Practice Update



Friday, January 29, 2016 - 8:00am - 12:00pm
Bar Association Offices
1507 Belvedere Road, WPB

Program Schedule

- 8:00am - 8:25am **Late Registration / Check In / Breakfast**
- 8:25am - 8:30am **Welcome and Opening Remarks - Sandra R. B. Wallace, Esq., Wallace Law, P.A., Real Estate CLE Committee Chairperson**
- 8:30am - 9:20am **FR/Bar Contract Update - James A. Cioffi, Esq., Cioffi Law, P.A.**
- 9:20am - 10:10am **1031 - Tax Deferred Exchanges & Updates - Claudia M. Kiernan, Esq., Senior Vice President/Manager, Investment Property Exchanges Services, Inc. (IPX1031)**
- 10:10am - 10:20am **Break**
- 10:20am - 11:10am **E-Recording - Speaker TBA**
- 11:10am - 12:00pm **TRID Update – What’s Changed Since Oct. 3? - Deborah (Deb) B. Boyd, Esq., Board Certified in Real Estate Law, Senior Underwriting Counsel / Assistant Vice President Fidelity National Title Group**
- 12:00pm - 1:00 pm **Lunch provided by BMO Bank**



SPONSORED BY:



This course is expected to receive 4.0 **CLER** from The Florida Bar.
Early registration cost for the seminar is \$100 for PBCBA members/paralegals, \$150 for non-PBCBA members/paralegals if registered by 1/22/16; Add \$20 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

CLE 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) (1/29/16 R/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



PALM BEACH COUNTY BAR ASSOCIATION
BULLETIN

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

CALENDAR

November 2015

- | | | | |
|--|--|--|--|
| <p>Tuesday, November 3,
11:30 am – 1:30 pm
Technology CLE Seminar
Bar Association Office</p> | <p>Tuesday, November 10, 12:00 pm – 1:00 pm
YLS Board Meeting
Bar Association Office</p> | <p>Friday, November 13,
1:00 pm – 6:00 pm
Family Law CLE Seminar
Bar Association Office</p> | <p>Wednesday, November 18,
12:00 pm – 1:00 pm
Solo and Small Firm Luncheon
Bar Association Office</p> |
| <p>Wednesday, November 4,
12:00 pm – 1:00 pm
FAWL Board Meeting
Bar Association Office</p> | <p>Thursday, November 12,
11:30 am – 1:00 pm
PI CLE Seminar
Bar Association Office</p> | <p>Saturday, November 14,
6:00 pm – 9:00 pm
4th DCA 50th Anniversary Party
Cohen Pavilion</p> | <p>Wednesday, November 18,
5:00 pm – 6:00 pm
Board Meeting
Bar Association Office</p> |
| <p>Wednesday, November 4,
12:00 pm – 1:00 pm
Transaction Law Committee Meeting
Bar Association Office</p> | <p>Thursday, November 12,
12:00 am – 1:00 pm
Circuit Civil Practice Committee
Judicial Conference Room</p> | <p>Monday, November 16,
12:00 pm – 1:00 pm
Bench Bar Committee
Bar Association Office</p> | <p>Thursday, November 19,
12:00 pm – 6:00 pm
Workers Comp CLE Seminar
Bar Association Office</p> |
| <p>Thursday, November 5,
11:30 – 1:30 pm
Lunch at the Bar Association Office</p> | <p>Thursday, November 12,
5:30 pm – 7:00 pm
YLS Happy Hour</p> | <p>Tuesday, November 17,
12:00 pm – 1:30 pm
NCS Board Meeting</p> | <p>Thursday, November 19,
12:00 pm – 1:00 pm
Law Week Committee Meeting
Bar Association Office</p> |
| <p>Friday, November 6,
8:30 am – 9:30am
ADR Committee Meeting
Bar Association Office</p> | <p>Thursday, November 12,
6:00 pm – 8:00 pm
ABOTA Palm Beach Chapter Meeting and Judicial Roast
West Palm Beach</p> | <p>Tuesday, November 17,
12:00 pm – 1:00 pm
CDI Committee Meeting
Bar Association Office</p> | <p>Thursday, November 19,
5:30 pm – 7:00 pm
NCS Happy Hour at PGA National</p> |
| <p>Friday, November 6,
11:45 am – 1:00 pm
PBC FAWL Luncheon
Kravis Center</p> | <p>Friday, November 13,
12:00 pm – 1:00 pm
Federal Bar Luncheon
Kravis Center</p> | <p>Tuesday, November 17,
5:00 pm – 7:00 pm
Legal Aid Brooks Bros Event
Gardens Mall Brooks Brothers</p> | <p>Tuesday, November 24,
5:30 pm – 7:00 pm
Legal Aid Board Meeting
Bar Association Office</p> |