



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

November 2014



Holiday Party set for December 4

Please join us for our annual Holiday Party and Silent Auction on Thursday, December 4 from 5:30 p.m. to 8:00 p.m. at Frenchman’s Reserve Country Club in Palm Beach Gardens. The evening includes drinks, heavy hors d’oeuvres, plenty of shopping and unlimited networking with more than 350 members. This event sold out last year. Space is available as long as you RSVP no later than 5:00 p.m. on December 1 at www.palmbeachbar.org. Don’t be left out!

RSVP today! REGISTRATION CLOSES on DECEMBER 1 at 5:00 p.m.

Sponsors include Alpine Jaguar, Brooks Brothers, Bob Greenberg, Grand Bank and Trust, Ricoh Legal, Sabadell United Bank, U.S. Legal Support and Visual Evidence.

Mark your calendar for upcoming Membership Events

December 4:

Annual Holiday Party at Frenchman’s Reserve

January 9:

“Screen on the Green” Family Event Downtown West Palm Beach

February 2:

Joint Luncheon with Forum Club with guest speaker U.S. Supreme Court Justice Sonia Sotomayor

March 27:

Bench Bar Conference

April 28:

Judicial Reception

May 1:

Law Day Luncheon with guest speaker Mark Curriden, attorney and award-winning legal journalist. Senior writer for the ABA Journal

Top Bar Leaders Speak During Annual Diversity & Inclusion Program



This year’s diversity event was held in September in Jupiter. We were honored to have FL Supreme Court Chief Justice Jorge Labarga and FL Bar President Greg Coleman as the keynote speakers. Both Chief Justice Labarga and President Coleman are from Palm Beach County and we couldn’t be more proud to have them both serving as Florida’s top legal leaders. Pictured above are moderator David Prather, Greg Coleman, PBCBA President Theo Kypreos and Chief Justice Labarga. After the program members enjoyed a reception with justices from the Supreme Court as well as appellate judges from all over the state. Thank you to our sponsor Loyal, Reiter, Smith, Ivey & Fronrath. For more photos from this event, please see page 5.

Dinner and Family Movie Night Set for January 9

Join us for dinner and a family-friendly movie on Friday, January 9 beginning at 6:30 p.m. at The Lake Pavilion on South Flagler Drive in downtown West Palm Beach. After a busy week of work, this new event promises to be a stress-free evening for all. After dinner, we’ll open the sliding glass doors and watch the movie from the comfort of our private area. Kids can bring a blanket or a chair and watch the show from the pavilion’s terrace. At the time of this printing January’s movie had not been selected, but previous ones include The Wizard of Oz, Merry Madagascar and Home Alone. The cost is \$15.00 for adults; \$5.00 for children; and Judges are complimentary. Please register to attend online at www.palmbeachbar.org Sponsors include Deutsche Bank, Palm Beach Motorcars, Northwestern Mutual, Pressly & Pressly, Complete Legal Investigations and Sabadell Bank.

Inside...

President’s Message	3
Professionalism Corner.....	4
Diversity and Inclusion Program.....	5
Law Related Education Committee.....	6
Bankruptcy Corner.....	7
Personal Injury Corner.....	8
Professionalism Panel.....	10

Rules of Civil Procedure Corner	10
Technology Corner	11
New Members.....	12
Diversity Corner	14
Real Property	15
YLS September Happy Hour.....	17
Road to the Bench.....	19
North County Section	21
Bulletin Board.....	23

THE

BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

THEODORE S. KYPREOS
President

www.palmbeachbar.org

PATIENCE A. BURNS, CAE
Executive Director

Officers:

Theodore S. Kypreos, President
James "Grier" Pressly III, President-elect

Directors:

Rosalyn Sia Baker-Barnes
Gregory P. Huber
Jessica Callow Mason
Robert Lee McElroy IV
Edward "Ned" Reagan
John R. Whittles
Julia Wyda
Dean Xenick

Jill G. Weiss, Immediate Past President
Lindsay K. Demmery, Young Lawyers Section President
Gregory M. Yaffa, North County Section President
Marc A. Kaufman, Ex Officio, South Palm Beach
County Bar President

Florida Bar Board of Governors Members:

Gary S. Lesser
Ronald P. Ponzoli
David C. Prather
Michelle R. Suskauer

Florida Bar Young Lawyers Division Members:

Luis Delgado
Miles A. McGrane IV
Matthew T. Ramenda

1507 Belvedere Road
West Palm Beach, FL 33406
PHONE (561) 687-2800
FAX (561) 687-9007
EMAIL info@palmbeachbar.org.

Advertising Information:

Shoshanah Spence • sspence@palmbeachbar.org

Views and conclusions expressed in articles and advertisements herein are those of the authors or advertisers and not necessarily those of the officers, directors, or staff of the Palm Beach County Bar Association. Further, the Palm Beach County Bar Association, its officers, directors, and staff do not endorse any product or service advertised. Copy deadline is the first of the month preceding publication.

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



palm beach county
findalawyer.org

NEED CLIENT REFERRALS?

We can help!

Promote your practice online.

Join **Palm Beach County Find A Lawyer**

an affordable website marketing

tool connecting clients

with local lawyers.

Check it out at

www.PalmBeachBar.org

Contact Lynne at

lpoirier@palmbeachbar.org



We make e-recording simple.

simplifile.com | 800.460.5657

simplifile[®]

President's Message



A Time for Thanksgiving AND Enjoyment

by Theo Kypreos

With November upon us, I'm sure you are all looking forward to spending time with family and friends and celebrating the Thanksgiving holiday.

Even more so, you're probably counting down the days until those precious few days off from work. Ten years ago, my approach to autumn would have looked much different than today. My mind and tireless efforts would most likely have been consumed with planning the perfect tailgate party for the annual Gator-Seminole football game at the end of the month. Though just as much about friends and family as football, Thanksgiving was more about sharing treasured moments around a cooler than a turkey. Wow, how time, children and the practice of law can change the shape of one's priorities. This year, choosing where to spend Thanksgiving (which may or may not include football) and how to logistically make it happen takes far more effort than that perfect tailgate.

Regardless of how you plan to celebrate Thanksgiving this year, I hope you will take time to reflect on the things in your life for which you are most grateful and, more importantly, make time to actually enjoy them. As we all know, the practice of law can be fast-moving and overwhelmingly stressful. What I am quickly (or, not so quickly) learning, especially with two children under age 5, is that if you do not make time to appreciate your blessings in life, you may soon find that they have passed you by in the blink of an eye.

As for me, I have many things to be thankful for this year, although the jury is still out on whether Gator football is one of them. I am certainly thankful for the privilege to serve as your Bar president and to have the opportunity to continually interact with so many of you on a personal and professional level. Although the past several months have been a whirlwind of committee meetings, membership events, bar conventions,

and other bar-related commitments, each one offers me time to work with and get to know so many of you. Thank you for jointly working toward goals that will better our legal community and profession.

Of course, I wouldn't have the opportunity to devote time to our bar association if I didn't have support at home from my family. I am so grateful that my family understands my professional time commitments and that those commitments are fulfilling as well. I am also thankful for my job. Yes, my job. I am able to work with colleagues and friends that make the practice of law enjoyable, which I recognize can be hard to find in this profession.

Like me, I'm sure you value many things about your life, but the challenge lies in finding time to balance and enjoy them in a productive way. The advancements in technology certainly haven't made that task any easier. Clients and opposing counsel, among others, can reach you more frequently. They expect immediate responses regardless of time or day. I assure you I don't have the perfect solution to this dilemma. I, too, struggle to balance my efforts between professional and personal demands. I can't say that I always resist the urge to read emails on my iPhone during family dinners or vacations. The best advice I can offer you is to be present... in whatever you do. I recognize this is far easier said than done, but as we approach the Thanksgiving holiday, I encourage you to use the few days you have away from the office this month to enjoy the people and activities that bring you joy. And most importantly, please resist the temptation to read your iPhone during my fall-favorite... football! Who knows, you might miss a Gator upset of the Seminoles. Now, there's something else to enjoy!

Happy Thanksgiving!

Theo

tkypreos@jonesfoster.com

Mediation Services

Kent S. Pratt

Supreme Court Certified Circuit Mediator



- Florida Supreme Court Certified Circuit Mediator (2011-Present)
- Florida Bar Certified Civil Trial Lawyer (1986 – Present)
- AV Preeminent Rated
- J.D. Stetson University College of Law (1976)

Hourly Rates/Per Diem Rates Available on Request; No Administrative Fees. For Scheduling, contact Kelly Martyn.

Kent S. Pratt
Pratt & Radford, P.L.

340 Columbia Drive, Suite 111, West Palm Beach, FL 33409

Phone: (561) 640-0330/ Fax: (561) 471-4240

Email: KPratt@prattandradford.com

Kelly Martyn, Assistant: KMartyn@prattandradford.com

Website: www.PrattRadford.com

*The Divorce Lawyers of Nugent Zborowski & Bruce are proud to introduce **StayMarriedFlorida.com**, a complementary resource helping couples have (and keep) wonderful relationships while living happy, healthy & enjoyable lives in South Florida.*



StayMarriedFlorida.com

Developed By:

Christopher R. Bruce

Supported By:

NUGENT ZBOROWSKI & BRUCE

Marital & Family Law Attorneys

NugentLawFirm.com (561) 844-1200

Chris@StayMarriedFlorida.com

Office: North Palm Beach



The Estate and Probate Law Continuing Legal Education Committee presents:

“The 32nd Annual Estate and Probate Seminar–Part 1”

Friday, November 7, 2014 - 7:45a.m.- 12:30p.m.

Palm Beach County Bar Association Office
1507 Belvedere Road, WPB 33406



Program Schedule

- 7:45a.m. - 8:25a.m. **“Hot” Breakfast Buffet / Late Registration and Check In**
- 8:25a.m. - 8:30a.m. **Welcome & Opening Remarks - Matt Triggs, Esq., Proskauer Rose LLP, Committee Chair**
- 8:30a.m. - 9:00a.m. **Arbitration in Probate Litigation - Robert W. Goldman, Esq., Goldman Felcoski & Stone**
- 9:00a.m. - 9:50a.m. **Ethics and Mobile Electronic Devices: Big Issues Come in Small Packages - Michael D. Simon, Esq., Gunster**
- 9:50a.m. - 10:00a.m. **BREAK**
- 10:00a.m. - 10:20a.m. **Pasquale - Litigators be Aware – Peter J. Forman, Esq., Gutter Chaves Josepher Rubin Forman Fleisher**
- 10:20a.m. - 10:45a.m. **This Party’s Dead! (But the lawsuit goes on.) - Jonathan Galler, Esq., Proskauer Rose LLP**
- 10:45a.m. - 10:55a.m. **BREAK**
- 10:55a.m. - 11:45a.m. **Case Law Update - Thomas M. Karr, Esq., Gunster, Yoakley & Stewart, P.A.**
- 11:45a.m. - 12:30p.m. **Formula Clauses: A-Z - David Pratt, Esq., Proskauer Rose LLP, Board Certified Wills, Trusts & Estates, and Tax Law Attorney**

Sponsored By:



THE PRIVATE BANK



estate & trust litigation

This course is expected to receive 4.5 CLER including 1.0 Ethics credits. Certification credits are pending from the Florida Bar. Early registration cost for the seminar, which includes breakfast, is \$125 for PBCBA member attorneys/paralegals; \$165 for non-PBCBA member attorneys/paralegals if registered by 10/31/14; add \$25 late fee after that date. All refund requests must be made in writing and made no later than 48 hours prior to the date of the seminar.

PAYMENT OPTIONS:



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



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



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



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

Name: _____ Telephone: _____

Address: _____ City/Zip _____

Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Estate/Probate Seminar 11/7/14) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK** ONLY, WITH THIS FORM.

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

Trending: Lawyers May View a Juror's Social Media

by David Ackerman* and Jessica B. Rosenthal**



Many trial lawyers use publicly available searching devices to look into a litigant's or witness's

background. Readily available searches can uncover real estate transactions, civil and criminal litigation, publicly recorded liens and the like. But you would be missing out if you stopped there. Social media can also be an informative tool in looking into a person's background. Many lawyers have used similar tools in researching the backgrounds of prospective jurors. The ABA recently spoke about the propriety of doing so for jurors. Like adverse parties, lawyers may not generally communicate directly with jurors and so the question arises:

Is checking a juror's social media site a prohibited communication?

Ex parte attorney communication with prospective jurors and members of a sitting jury has long been prohibited by the Rules of Professional Conduct. Pursuant to Rule Regulating the Florida Bar 4-3.5(d), modeled after ABA Model Rule 3.5, a lawyer may not communicate with a potential juror leading up to trial or any juror during trial unless authorized by law or court order. As the internet and social media have significantly changed the ways in which we communicate, conducting juror research while complying with Rule 4-3.5(d) has become increasingly complicated. The ABA's Standing Committee on Ethics and Professional Responsibility recently issued Formal Opinion 466 advising on where the line should be drawn between properly investigating jurors and improperly communicating with them. While a Florida Ethics Opinion has yet to be issued, The Florida Bar staff advises, in the absence of a Florida opinion, it follows the ABA.

According to Formal Opinion 466:

■ A lawyer may "passively" review a potential juror's or sitting juror's public presence on the internet, but cannot communicate with a juror. A passive review is a review of the juror's social media networks or other websites that are open to the public. A lawyer is prohibited from either personally, or through another,

sending an access request to a juror's social media network.

■ The fact that a juror or a potential juror may become aware that a lawyer has reviewed his or her social media site, through a network-generated notice, does not constitute an improper communication. But some states have concluded that such network-generated notice to the juror is an improper communication from the lawyer. *See Ass'n of the Bar of the City of N.Y. Comm. On Prof'l Ethics*, Formal Op. 2012-2 (While the committee found that the communication would "constitute a prohibited communication if the attorney was aware that her actions" would send such a notice, the committee took "no position on whether an inadvertent communication would be a violation of the Rules.")

In other words, according to the ABA, you can investigate potential jurors' and sitting jurors' public social media content, but you cannot "friend request" them, send tweets or emails to them, subscribe to their twitter feed, etc. You should be mindful of those social media networks which generate a notification to the juror when you have viewed their information, as such notification may be construed to be an improper communication. Be especially careful when using LinkedIn to research a juror or potential juror because LinkedIn will send an e-mail notification to the juror that you have viewed their page if you are logged in to your LinkedIn account. Other social media sites such as Facebook and Twitter do not send notifications to the owner of the profile when someone views their public information unless the viewer interacts with the profile, such as by posting a comment or liking a photo. So, we suggest staying away from these practices. Nevertheless, as long as there is no questionable interaction, the publicly available information on a juror's or potential juror's social media site can properly give valuable insight into a juror's views and biases.

What happens if while researching a juror you discover juror misconduct?

By passively viewing a juror's social media, you may become aware of

a juror tweeting or posting something about the case in violation of a court's explicit instructions.

Discovering a juror's misconduct may require you to take remedial measures, such as reporting juror misconduct to the court. *See R. Regulating Fla. Bar 4-3.3(b)* ("A lawyer... who knows that a person intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.")

Courts are becoming increasingly aware of the challenges social media and electronic devices present in the courtroom. The pervasive use of social media networks has prompted courts to provide jurors with very strict instructions about the prohibition against using social media to communicate about their jury service or the pending case. In 2010, the Florida Supreme Court revised the jury instructions to address the issue of social media. *In re Standard Jury Instruction in Criminal Cases & Standard Jury Instruction in Civil Cases*, 52 So. 3d 595 (Fla. 2010).

Juror misconduct through the use of social media is a serious problem that is impacting the administration of justice. In 2010, a Reuters Legal survey found at least 90 verdicts subject to challenge from 1999 to 2010 because of internet-related juror misconduct. Today, that number is likely even higher. Most recently, two Palm Beach County jurors faced possible contempt charges for posting comments, such as "everyone is so money hungry that they'll do anything for it" and "I don't want to drive that far away to sit in a chair for 8 hours about some made up story," to their Twitter and Facebook pages during trial.

According to ABA Formal Opinion 466 not all internet posts are created equal. The Opinion highlights that a lawyer's affirmative duty to act is triggered only when the juror's known conduct is criminal or fraudulent, including conduct that is criminally contemptuous of court instructions. For example, a post about the quality of the food served at lunch, may be contrary



Continued on page 19

Annual Diversity & Inclusion Program



**Joe Reiter and
FL Supreme Court
Chief Justice
Jorge Labarga**



**Kalinthia Dillard,
Committee for
Diversity and
Inclusion Co-Chair;
Amy Bloom and
Sarah Cortvriend**

**(Ret) 4th DCA
Judge Fred
Hazouri, 4th DCA
Judges Robert
Gross, Melanie
May and Chief
Justice Jorge
Labarga**



**Chioma Deere
and 4th DCA
Judge Matthew
Stevenson**



**Kirk Volker,
Donnie Murrell
and PBCBA
Director Ned
Reagan**



**4th DCA Judge
Martha Warner
and Jane
Kreusler-Walsh**



**FL Bar President Greg
Coleman, FL Supreme
Court Justice Barbara
Pariente and PBCBA
President Theo Kyreos**



**Byrnes Guillaume,
Nadine White-Boyd**

A Real Hornet's Nest: OVERTIME ISSUES FOR SOLO & SMALL FIRMS:

Is an After-Hour Email, Text or Phone Call with your employees (not independent contractors) considered 'Compensable' for an Overtime Calculation?

Wednesday, November 12, 2014
11:45 a.m. to 1:00 p.m.
Bar Office, 1501 Belvedere Road, WPB



EMPLOYMENT vs. INDEPENDENT CONTRACTORS

- Is my staff properly designated "employees" or "independent contractors"
- What factors determine the difference and why should I care?

OVERTIME:

- What federal, state and local law governs?
- What constitutes my obligation to pay overtime to my employees?
- How do I properly calculate overtime?
- But I pay my assistant a salary, doesn't that alleviate the need to pay overtime?
- Am I personally liable?
- What's the statute of limitations?

THE OVERTIME LAWSUIT

- I've been sued, now what?
- Does your insurance policy cover overtime claims?
- What are my defenses?
- What records do you have, and what records are you legally obligated to have?
- Burden of proof
- Liquidated damages and attorneys' fees.

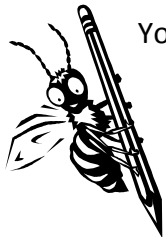
"BANKING" OF TIME FOR SPECIAL PROJECT OR EVENTS (i.e. trial, real estate closing)

- In lieu of paying overtime, may I allow my employee to "bank" time?

YOUR OVERTIME POLICY

- Do you have an employee handbook that contains a clearly written overtime policy?
- Do you follow the policy?
- When was your policy last updated?
- Do your policies properly address use of smartphones, tablets, laptops and remote access usage?

Sponsored by:



Your registration fee of \$10.00 includes CLE Credit from The Florida Bar, plus Lunch.

Attorneys who are not PBCBA members are welcome for \$20.00.

Add \$5.00 if registered after 5:00 p.m. on 11/10/14



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

Name: _____ Telephone # _____

Address: _____ Email _____

Raise the Bar on Civics Education with the Law Related Education Committee

by *Lanelle Meidan of Ackerman, Link & Sartory, P.A.*

The Law Related Education Committee is off to a busy start! The mission of the Committee is to promote adult civics education and increase the understanding of the role of the court system. Committee members, including attorneys and judges, reach out to various community groups and present engaging, educational programs about civics called Benchmarks, developed by The Florida Bar. The Committee works to reverse the statistics that show that forty-four percent of Americans could not name any branch

of government, and only seventeen percent think that court funding is inadequate.

Committee members Amy Shayne Levenberg, assisted by John Terwilleger, both business litigation associates at Gunster, presented “Can You Pass the Test?” at the Palm Beach Gardens branch of the Palm Beach County Public Library. “Can You Pass the Test?” is an interactive program in which the audience plays a bingo game based on questions from the U.S. citizenship test. Participants also learn about the U.S. and Florida Constitutions.

“It was really rewarding,” Ms. Levenberg said. “Making these presentations within our immediate

community is a great way to showcase the best parts of our profession and to educate people about the law in a neutral way.”

The program was so well-received that the library has already requested future presentations!

Get involved with the Law Related Education Committee! Please contact Committee Chair Liz Herman of Rosenbaum Mollengarden PLLC at (561) 653-2900 or yherman@r-mlaw.com if you would like to become a presenter or if you can suggest any community groups that might be interested in a Benchmarks presentation.

Constitution Day

Constitution Day was celebrated at the Bar Office by having Annette Boyd Pitts, Executive Director of the Florida Law Related Education Association, train our members on how to give Benchmarks, adult civics education presentations to community groups. The luncheon seminar was hosted by the Bar’s Law Related Education Committee and sponsored by Rosenbaum Mollengarden PLLC and Richman Greer, P. A.

Liz Herman, Chair of the Law Related Education Committee, discusses a possible 28th amendment to the U.S. Constitution as part of the Benchmarks presentation, “What’s Not in the Bill of Rights?”



Annette Boyd Pitts provides tips on how to present fun and educational programs to the public. Need Ethics credit? Present Benchmarks!



Judge Jeffrey Gillen and Thomas Bates suggest Compulsory Military Service as an idea for a new Constitutional Amendment. During this practice presentation other groups suggested term limits for representatives; eliminating the Electoral College; family leave and campaign finance limits.

MCCABE RABIN, P.A. ATTORNEYS AT LAW



Ryon McCabe

rmccabe@mccaberabin.com



Adam Rabin

arabin@mccaberabin.com



Dina Keever

dkeever@mccaberabin.com

Business Litigation & Disputes

Securities Arbitration

Whistleblower/Qui Tam Litigation

Our team consists of former federal prosecutors and board certified business litigators

Referral fees paid consistent with Florida Bar rules

561-659-7878

Centurion Tower 1601 Forum Place, Suite 505, West Palm Beach, FL 33401

www.McCabeRabin.com



Ethical Issues of Unbundling Services in Consumer Cases

by Jason S. Rigoli

When an attorney is retained to represent a client that attorney is expected to provide competent legal services to the respective client and, generally, advise the client on all aspects of the legal process in which they are entering. However, the practice of law is a business and the economics of the consumer bankruptcy sector, including: (i) competition among consumer attorneys; (ii) the increase in attorneys' fees since the enactment of BAPCPA; (iii) that attorneys' fees and prepetition debts for legal services are subject to discharge; and (iv) the inability of attorneys to be paid post-petition by their consumer clients, have led to the practice of "unbundling". See, Carrie A. Zuniga, *The Ethics of Unbundling Legal Services in Consumer Cases*, Am. Bankr. Inst. J., October 2013, at 14, 14 (citing "Best Practices for Limited Services Representation in Consumer Bankruptcy Cases," Final Report of ABI's National Ethics Task Force at 49 (citing Lois R. Lupica, "The Consumer Bankruptcy Fee Study: Final Report," 20 Am. Bankr. Inst. L Rev. 17 (2012) (hereinafter, "ABI Ethics Final Report"))).

The practice of unbundling services creates a framework or competing concerns. See, Hon. Thomas. F. Waldron (Ret.), *Undulations in Unbundling—Is a Ripple Running Through the Rocks of Resistance in Bankruptcy Courts?*, 2013 No. 6 Norton Bankr. L. Adviser. The "unbundling" of services is not *per se* prohibited. In fact, Rule 4-1.2(c) of the Florida Rules of Professional Conduct permits limiting the scope of representation in some circumstances:

(c) Limitation of Objectives and Scope of Representation. If not prohibited by law or rule, a lawyer and client may agree to limit the objectives or scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent

in writing. If the attorney and client agree to limit the scope of the representation, the lawyer shall advise the client regarding applicability of the rule prohibiting communication with a represented person.

R. Regulating Fla. Bar 4-1.2(c) (emphasis added). When a consumer practitioner is preparing to "unbundle" his or her services that attorney must be familiar with Rule 4-1.2(c) of the Florida Rules of Professional Conduct and the local rules of the jurisdiction in which he or she is appearing.

Local Rule 2090-1(C) for the Bankruptcy Court in Southern District of Florida addresses the scope of representation. It requires the attendance of debtor's counsel at an Initial Debtor Interview (when applicable) and the Meeting of Creditors (§ 341 Meeting). Local Rule 2090-1(C)(1). Furthermore, debtor's counsel is required to "attend all hearings scheduled in the debtor's case that the debtor is required to attend under any provision of the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, or order of the court, unless the court has granted a motion to withdraw pursuant to Local Rule 2091-1." Local Rule 2090-1(C)(2) (emphasis added). Debtor's counsel also has a duty to "advise [a] debtor of, and assist [a] debtor in complying with, all duties of a debtor under 11 U.S.C. § 521." Local Rule 2090-1(D).

It would appear that the applicable provisions of Local Rule 2090-1 in conjunction with Rule 4-1.2(c) of the Florida Rules of Professional Conduct means that debtor's attorneys have very little in the way of limiting their scope of representation when it comes to the bankruptcy case itself.

Likewise, Local Rules 9011-1 for the Bankruptcy Court for the Middle District of Florida "governs the duties of counsel who files a petition on a debtor's behalf and provides that '[u]nless allowed to withdraw from a case... by order of the Court... counsel filing a petition on behalf of a debtor

shall attend all hearings scheduled in the case or proceeding¹ at which the debtor is required to attend..." *In re Ruiz*, – B.R. –, 2014WL4401581, *2 (Bankr. M.D.Fla. Sept. 5, 2014) (Jennemann, C.J.) (quoting Local Rule 9011-1). In *Ruiz*, "[t]he [l]aw [f]irm specifically agreed to prepare all papers required to start a Chapter 7 case, including all schedules and statements, and then to deliver them to the Debtor for filing. They also agreed, after the case was filed, to help the Debtor gather documents... and 'to continue to guide and assist the client with any question or situation that would arise until the discharge was received.'" *Id.* at *1. The law firm, however, did not sign the petition and had the debtor file as *pro se* and did not attend the 341 meeting of creditors. *Id.* Relying on Local Rules 9011-1 and Florida Rule of Professional Conduct 4-1.2(c), Judge Jennemann found that the limitation of representation in this case violated the local rules for the Bankruptcy Court of the Middle District of Florida and disgorged the fee of the law firm. *Id.* at *5.

As a debtor's attorney who in the current economic climate of the practice is undertaking to "unbundle" services it would be prudent to constantly review the local rules of those jurisdictions in which you are practicing and your retainer agreements to ensure you are not in violation of any of your professional responsibilities.

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

¹ Local Rule 9011-1 for the Bankruptcy Court of the Middle District of Florida is more restrictive than Local Rule 2090-1 for the Bankruptcy Court of the Southern District of Florida. Local Rule 9011-1 requires attendance of debtor's counsel at all hearings "scheduled in the case or proceeding" whereas Local Rule 2090-1 requires attendance only at those hearings "scheduled in the case".

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



**“2014 Update: A Panel Discussion on
E-discovery for Commercial Litigators”**

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

Program Schedule

- 11:30am - 11:55am **Buffet Lunch / Check In / Late Registration**
- 11:55am - 12:00pm **Welcome - Opening Remarks** - *David Steinfeld, Esq.,
Law Office of David Steinfeld, P.L., Board Certified Business
Litigation Attorney, Business Litigation CLE Committee Chairperson*
- 12:00pm - 1:00pm **Panel Discussion** - *Honorable Meenu T. Sasser, Fifteenth Judicial
Circuit; Mark R. Osherow, Esq., Buckingham Doolittle
& Burroughs, LLP, Board Certified Business Litigation Attorney;
Chioma R. Deere, Esq., Vernis & Bowling of Palm Beach, P.A.;
and Victoria E. Briant, Esq., Law Office of Victoria E. Briant*

Topics include:

- *The Impact of ESI on the Practice of Law*
- *E-Discovery in Practice*
- *Federal Law vs. State E-Discovery Laws*
- *Case Management Orders*
- *Costs & Cost Shifting*

SPONSORED BY:



.....
This course has been granted 1.0 CLER / 1.0 Bus. Litigation Certification credits from The Florida Bar.
Early registration cost for the seminar, which includes lunch, is \$25 for PBCBA member attorneys/paralegals;
\$65 for non-PBCBA member attorneys/paralegals if registered by 11/3/14; add \$15 late fee after that date.
All refund requests must be made in writing and made no later than 48 hours prior to the date of the seminar.

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

PAYMENT OPTIONS:



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



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



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



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

Name: _____

Telephone: _____

Address: _____

City/Zip _____

Email Address: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Business Litigation CLE Seminar 11/10/14) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK ONLY, WITH THIS FORM.**

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



Discovery in Bad Faith Cases

by Ted Babbitt

Boozer v Stalley, 39 Fla. L. Weekly D1907 (Fla. 5th DCA Sept. 5, 2014) was a bad faith case arising out of a \$11.1 million dollar verdict in a case with \$1.1 million in coverage.

The plaintiffs sought to take the deposition of the attorney representing the original defendant in the underlying case and after the trial judge denied a motion for protective order bottomed on attorney-client privilege, the defendant sought certiorari review.

The trial court relied on *Dunn v. National Security Fire & Casualty Co.*, 631 So. 2d 1103 (Fla. 5th DCA 1993) and *Continental Casualty Co. v. Aqua Jet Filter Systems, Inc.*, 620 So. 2d 1141 (Fla. 3rd DCA 1993). Both of these cases held that in bad faith cases the underlying claims and litigation file were freely discoverable notwithstanding a claim of work product or attorney-client privilege.

The defendant complained that her interests were not aligned with the plaintiff and that she had not assigned any of her rights to the plaintiff.

In *Thompson v Commercial Union Insurance Company of New York*, 250 So. 2d 259 (Fla. 1971), the Supreme Court held that in a personal injury action a plaintiff who obtains a judgment against a defendant in excess of the defendant's insurance coverage can bring an action for bad faith against the defendant's insurance company without an assignment from the defendant under the theory that the plaintiff is a third party beneficiary to the insurance contract and further held that since the plaintiff stands in the shoes of the defendant as a third party beneficiary, the plaintiff would have the same rights as the original defendant to take discovery including the insurance company's file and the files of the attorney representing the original defendant. That case was the basis for the decisions in *Continental Casualty Co. v. Aqua Jet Filter Systems, Inc.*, supra, and *Dunn v National Security Fire & Casualty Co.*, supra. Thompson was decided in the 1970s. Since that time, the Supreme Court decided *Allstate Indemnity Co. v. Ruiz*, 899 So. 2d 1121 (Fla. 2005). There the Florida Supreme Court held that under Florida Statute 624.155 actions brought by the original defendant, i.e., first party actions and actions brought by the original plaintiff, i.e., third party cases, should be treated the same with respect to the rationale of discoverability of claim file type material. The Ruiz case was limited to work product objections concerning the claim file and did not discuss the attorney-client privilege. In *West Bend Mutual Insurance Co. v. Higgins*, 9 So. 3rd 655 (Fla. 5th DCA 2009), the Fifth District concluded that the Supreme Court's decision in Ruiz did not extend to attorney-client privilege and that the original insurer and defendant in the bad faith claim still had the right to protect discovery of attorney-client privilege and numerous other state and federal courts held the same. In *Genovese v. Provident Life & Accident Insurance Co.*, 74 So. 3d 1064 (Fla. 2011), the Florida Supreme agreed and held at 1068-69:

Therefore, although we held in Ruiz that attorney work product in first-party bad faith actions was discoverable, this holding does not extend to attorney-client privileged communications. Consequently, when an insured party brings a bad faith claim against its insurer, the insured may not discover those privileged

communications that occurred between the insurer and its counsel during the underlying action.

Although we conclude that the attorney-client privilege applies, we recognize that cases may arise where an insurer has hired an attorney to both investigate the underlying claim and render legal advice. Thus, the materials requested by the opposing party may implicate both the work product doctrine and the attorney-client privilege. Where a claim of privilege is asserted, the trial court should conduct an in-camera inspection to determine whether the sought-after materials are truly protected by the attorney-client privilege. If the trial court determines that the investigation performed by the attorney resulted in the preparation of materials that are required to be disclosed pursuant to Ruiz and did not involved the rendering of legal advice, then that material is discoverable.

Moreover, our opinion in this case is not intended to undermine any statutory or judicially created waiver or exception to the privilege. Specifically, we note that under the 'at issue' doctrine, the discovery of attorney-client privileged communications between an insurer and its counsel is permitted where the insurer raises the advice of its counsel as a defense in the action and the communication is necessary to establish the defense. (Cases cited).

The opinion in *Genovese*, supra, was limited to the certified question it addressed in that case. Nevertheless, *Genovese* makes a clear distinction between the insurer's claim file, which is only protected by the work product doctrine, and the communications of the insurer with its counsel protected under attorney-client privilege. Thus in *Boozer*, the Fifth District holds at D1910:

Based on the Florida Supreme Court's language in Ruiz and the rationale in *Genovese*, this Court determines that the holding in *Genovese*, which protects attorney-client privileged documents in an insurer's claim file in a first-party bad faith action, should be equally applicable in a third-party bad faith action.

A similar holding exists in *Progressive Express Ins. Co. v. Scoma*, 975 So. 2d 461 (Fla. 2d DCA 2007) and in *Maharaj v. GEICO Casualty Co.*, 289 F.R.D. 666 (S.D. Fla. 2013). The Fifth District thus receded from its holding in *Dunn*, supra, and certified a question to the Florida Supreme Court

DID THE DECISIONS IN *ALLSTATE INDEMNITY CO. V. RUIZ*, 899 SO. 2D 1121 (FLA. 2005), AND *GENOVESE V. PROVIDENT LIFE & ACCIDENT INSURANCE CO.*, 74 SO. 3D 1064 (FLA. 2011), SHIELD ATTORNEY-CLIENT PRIVILEGED COMMUNICATIONS FROM DISCOVERY IN THIRD-PARTY BAD FAITH LITIGATION?

This opinion holds that discovery in bad faith cases by an original plaintiff who does not have an assignment from the original defendant is limited to the extent that that discovery constitutes attorney-client privileged material.

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 or BY VISITING THE BAR'S WEBSITE AT PALMBEACHBAR.ORG

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

**Re: Fifteenth Judicial Circuit Professionalism Council session
March 14, 2012**

Dear [Name]:

On March 11, 2014, the Palm Beach County Bar Association Professionalism Committee, on behalf of the Fifteenth Judicial Circuit Professionalism Panel, ("Panel") received a referral from a presiding magistrate regarding your behavior in open court at a hearing on March 10, 2014 ("hearing"). The allegations from the Magistrate included, but were not limited to, a lack of courtesy and disrespect. The Panel met on April 15, 2014 ("Meeting") to consider the referral. Prior to the April 15, 2014 meeting, the Panel reviewed a video of the hearing. In accordance with Panel policy, you were invited to, and did attend, the meeting of the Panel.

This letter elaborates on the Panel's findings and comments to you at the meeting. The Panel did take note of your apparent remorse and regret concerning your behavior at the hearing. Contrition notwithstanding, the severity of your conduct merits discussion. The intent of this letter is not to punish; rather it is to remind you that civility and professionalism to all, even under difficult circumstances, are fundamental to the practice of law. As is more fully explained below, your conduct on March 10, 2014 violated both The Florida Bar's Ideals and Goals of Professionalism and the Palm Beach County Bar Association Standards of Professional Courtesy.

Discussion of Conduct

Your general demeanor during the over hour-long hearing was discourteous and disrespectful to all of the other hearing participants. You repeatedly "talked over" and interrupted opposing counsel and the Magistrate. Your overall tone was consistently indignant. At multiple points during the proceeding, it appeared as if

you were "demanding" that the Magistrate take certain action and "instructing" her on how to proceed. It is never appropriate to request relief from a court or any tribunal in that way. Your obvious frustration with the entire history of the proceedings was readily apparent upon review of the video of the hearing. You provided the Panel with an explanation of the matter's history and your frustration not only with the Court but also with opposing counsel, whose own conduct over the course of the matter in accusing you unjustly of ethical violations, required in the past that you seek the assistance of court personnel to escort you from the courthouse to avoid a confrontation. However, as you acknowledged at the meeting with the Panel, frustration with the system or with opposing counsel can never serve, even in these trying circumstances, as a justification or excuse for the behavior you displayed at the hearing.

Perhaps the most egregious violation was your treatment of the Palm Beach County Sheriff's Office Courtroom Deputy. At one point during the hearing, your interruptions were of such frequency that the Courtroom Deputy instructed you not to interrupt the Magistrate. Instead of heeding that appropriate and lawful instruction, you continued to address the Magistrate in an inappropriate manner and tone. After the initial instruction, your tone reached such a level that the Courtroom Deputy instructed you not to "yell at the judge." Again, you ignored the Deputy's justified instruction, choosing instead to order the Deputy to "have a seat" and, with the utmost disdain and disrespect, informed the Deputy that you had heard what he had said, indicating that you had willfully chosen to disobey a lawful instruction from a court officer. This conduct, frankly, shocked the conscience of the Panel.

Applicable Rules and Standards

Your conduct at the hearing violated several sections of the Florida Bar's Ideals and Goals of Professionalism ("Ideals and Goals") and the Palm Beach County Bar Association Standards of Professional Courtesy ("Standards"). "A lawyer should treat all persons with courtesy and respect and at all times abstain from rude, disruptive and disrespectful behavior..." Ideals and Goals, #5. Moreover, an "[a]ttorney should act and speak civilly to courtroom deputies/bailiffs...with an

awareness that they, too, are an integral part of the judicial system..." Standards, III.5. "Attorneys should be...courteous and not rude or disruptive with the court [or] opposing counsel..." Standards, III.2. Finally, "[a]ttorneys should refrain from criticizing or denigrating the court [or] opposing counsel..." Standards, III.1. In light of the preceding description of your conduct, little explanation or analysis is needed to reach the conclusion that these rules were violated on March 10, 2014.

Recommendation

The Panel strives to educate attorneys who practice in the Fifteenth Judicial Circuit about the requirements of professionalism and civility. Your participation and appearance before the Panel is appreciated, and the Panel acknowledges the remorse you expressed. We hope that you look upon this experience as one of learning and growth. The Panel recommends that you view the video of the entire proceeding, taking note of the multiple violations of the rules. A DVD of the proceeding is enclosed.

By reliving the often shocking events of that hearing, the Panel hopes that you will recognize how inappropriate and unprofessional your conduct was. The Panel readily acknowledges that the practice of law is often stressful and frustrating and that your professionalism was being tested by some very difficult circumstances. However, even those circumstances do not provide a license for an attorney to vent his or her frustrations upon a tribunal, upon fellow attorneys, or upon those who are charged with the responsibility to uphold the Rule of Law and the orderly administration of justice.

Thank you for your participation.

/s/

*Michael D. Mopsick and Amy S. Borman
2013-14 Co-Chairs, Fifteenth Judicial
Circuit Professionalism Panel*

**See the Revised
Standards of
Professional Courtesy**

**www.palmbeachbar.org
Under the Articles & Forms Tab**

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



“How to Ethically Perform e-Discovery”

Monday, December 8, 2014 - 11:30am - 1:00p.m.
Bar Offices - 1507 Belvedere Road, WPB 33406

Program Schedule

- 11:30am - 11:55am **Lunch / Check In / Late Registration**
- 11:55am - 12:00pm **Welcome - Opening Remarks** - *David Steinfeld, Esq.,
Law Office of David Steinfeld, P.L., Board Certified Business
Litigation Attorney, Business Litigation CLE Committee Chairperson*
- 12:00pm - 1:00pm **How to Ethically Perform e-Discovery** -
*David Steinfeld, Esq., Law Office of David Steinfeld, P.L., Board
Certified Business Litigation Attorney,*

This program will cover:

- e-Discovery terms and terminology
- Data preservation obligations
- A review of some salient sanctions case law

Lunch Sponsored By:




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

Early registration cost for the seminar, which includes lunch, is **\$40** for PBCBA member attorneys/paralegals;
\$80 for non-PBCBA member attorneys/paralegals if registered by 12/1/14; add \$15 late fee after that date.

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


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


PAYMENT OPTIONS:

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



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

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

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

Name: _____ Telephone: _____

Address: _____ City/Zip _____

Email Address: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Business Litigation CLE Seminar 12/8/14) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK ONLY, WITH THIS FORM.**

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

Rule 1.280(b)(5): Financial Discovery Concerning Treating Physicians

by Matt Triggs and Jonathan Galler

Responding to discovery... is there anything in the practice of law less enjoyable? It should therefore come as no surprise that a frequently litigated issue concerns the extent to which discovery is permissible regarding the relationship between a treating physician and a referring law firm. That subject was once again front and center in *Brown v. Mittelman*, 39 Fla. L. Weekly D1806 (Fla. 4th DCA Aug. 27, 2014) (per curiam).

Mittelman was a personal injury action in which the defendant sought documents from a treating physician regarding (i) other patients previously represented by the plaintiff's law firms, (ii) cases in which the treating physician treated patients under a letter of protection,¹ and (iii) referrals from the plaintiff's attorneys. The physician objected to the production, arguing, inter alia, that Rule 1.280(b)(5) prohibits such discovery. Rule 1.280(b)(5) limits the extent to which a testifying expert can be required to disclose financial information to the following:

(iii) A party may obtain the following discovery regarding any person disclosed by interrogatories or otherwise as a person expected to be called as an expert witness at trial:

1. The scope of employment in the pending case and the compensation for such service.
2. The expert's general litigation experience, including the percentage of work performed for plaintiffs and defendants.
3. The identity of other cases, within a reasonable time period, in which the expert has testified by deposition or at trial.

¹ "A letter of protection is a document sent by an attorney on a client's behalf to a health-care provider when the client needs medical treatment[] but does not have insurance. Generally, the letter states that the client is involved in a court case and seeks an agreement from the medical provider to treat the client in exchange for deferred payment of the provider's bill from the proceeds of [a] settlement or award[,] and typically if the client does not obtain a favorable recovery, the client is still liable to pay the providers' bills." *Smith v. Geico Casualty Co.*, 127 So. 3d 808, 812 n.2 (Fla. 2d DCA 2013) (citations omitted).

4. An approximation of the portion of the expert's involvement as an expert witness, which may be based on the number of hours, percentage of hours, or percentage of earned income derived from serving as an expert witness; however, the expert shall not be required to disclose his or her earnings as an expert witness or income derived from other services.

An expert may be required to produce financial and business records only under the most unusual or compelling circumstances and may not be compelled to compile or produce nonexistent documents.

Upon motion, the court may order further discovery by other means, subject to such restrictions as to scope and other provisions pursuant to subdivision (b)(5)(C) of this rule concerning fees and expenses as the court may deem appropriate.

Fla. R. Civ. P. 1.280(b)(5)(iii).

In deciding whether the discovery sought was permissible, the *Mittelman* Court noted that the existence of a financial relationship between a treating doctor and a plaintiff's attorney (in both present and past cases) creates the potential for bias – a well-accepted subject of inquiry at trial. See 90.608(2), Florida Statutes. *Mittelman*, 39 Fla. L. Weekly D1807. The Court further noted that, because a physician can derive substantial income from treating patients, a jury should be entitled to learn about the extent of the relationship between the doctor and referring lawyer. *Id.*

With respect to the question of whether Rule 1.280(b)(5) could otherwise serve to restrict discovery regarding such matters, the Court concluded that the rule simply does not address, much less limit, discovery of such a financial relationship. Although the Court concluded that the particular discovery sought in *Mittelman* was both reasonable in time frame and not overly-intrusive, it recognized that treating physicians should be protected from overly-intrusive financial discovery. Indeed, it went so far as to note that trial courts "generally should



not permit extensive discovery of a treating physician's finances." Any holding to the contrary, *Mittelman* held, might have a "chilling effect" on the willingness of physicians to treat patients involved in litigation. *Id.*

Assuming at least some financial discovery of a treating physician is permissible under the circumstances described in *Mittelman*, a closely related question is who should be required to gather and produce discovery relating to the existence of a referral relationship between the treating physician and referring law firm. Just this past year, the Fourth District shed light on that issue in *Steinger, Iscoe & Greene, P.A. v. Geico General Ins. Co.*, 103 So. 3d 200, 206 (Fla. 4th DCA 2013). There, the defendant sought discovery not from the treating physician, but from the law firm representing the plaintiff as to the nature of the relationship between the law firm and the treating physician. *Geico* held that where there is a preliminary showing that the plaintiff was referred to the doctor by the plaintiff's lawyer, the defendant is entitled to discover the extent of the relationship between the law firm and the doctor, because it is relevant to the potential bias of the witness. *Id.* at 205. But the normal procedure, according to *Geico*, was to first seek discovery from the party, the treating physician, or other witnesses, regarding the existence of a referral relationship "not the party's legal counsel." *Id.* at 206. Once such a relationship has been shown, discovery from the law firm may be permissible, provided the trial court balances privacy rights and implements appropriate safeguards. *Id.*

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



The Elder Law Affairs Committee of the Palm Beach County Bar Association presents:

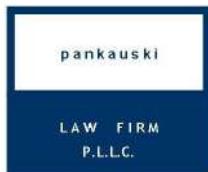
The 17th Annual Elder Law Seminar "The Elder Law Practice: Policy, Procedure and Protocol"

Wednesday, December 10, 2014 - 8:00a.m. - 2:35p.m.
Bar Association Offices - 1507 Belvedere Rd., WPB 33406

Program Schedule

- 8:00am - 8:20am Late Registration - Check In
- 8:20am - 8:30am Welcome - Opening Remarks - Benjamin H. Greenberg, Esq., Chair PBCBA Elder Law Affairs Committee, Greenberg Elder Law Services, LLC, Delray Beach, FL
- 8:30am - 9:15am COFFEE ROUNDTABLE: Academy of Florida Elder Law Attorneys ("AFELA") Hot Elder Law Topics on the AFELA Listserv - Gregory G. Glenn, Esq., Certified Elder Law Attorney by the Elder Law Foundation; Gregory Glenn PA, Boca Raton, FL
- 9:15am - 10:05am Guardian Practice and Procedure: When Is a Guardianship Ethically Necessary? - Carolyn Landon, Esq., Florida Bar Certified Elder Law Attorney, West Palm Beach, FL
- 10:05am - 10:20am Break
- 10:20am - 10:55am The Elder Law Practice: Managing Your Focus in an Expansive Field - Mitchell I. Kitroser, Esq., Law Office of Mitchell I. Kitroser, P.A., Palm Beach Gardens, FL
- 10:55am - 11:45am Medicaid Planning: The Process of Planning Ahead - Scott A. Solkoff, Esq., Florida Bar Certified Elder Law Attorney, Delray Beach, FL
- 11:45am - 12:00pm LUNCH (included in registration)
- 12:00pm - 12:45pm LUNCH ROUNDTABLE: Caregiver Radio-Emerging Legal Issues in the Complex World of Caregiving - Scott Greenberg, Author and Host of the radio show: "Oh, I'm Getting Older and So is My Mom" Seaview Radio, 95.9 FM
- 12:45pm - 1:35pm Annual Tax Law and Ethics Update - Michael A. Lampert, Esq., Michael A. Lampert, P.A., Florida Bar Board Certified Tax Attorney, West Palm Beach, FL
- 1:35pm - 2:05pm Securities Law and the Elderly - Peter M. Spett, Esq., Law Office of Peter M. Spett, Boca Raton, FL
- 2:05pm - 2:35pm The Elder in Transition: Marketing and the Branding of an Elder Law Attorney - Michele Bellisari, Realtor and owner of Probate, Estate and Senior Real Estate Resources

SPONSORED BY:



estate & trust litigation



THE PRIVATE BANK



**This course is expected to receive 6.5 CLER including 2.0 Ethics credits
Certification credits are pending from The Florida Bar.**

Early registration cost for the seminar, **including lunch**, is **\$185** for PBCBA members/paralegals, **\$225** for non-PBCBA members/paralegals, if registered by 12/3/14. **Add \$25 to registration fee after that date.**

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

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

PAYMENT OPTIONS:



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



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.



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

Name: _____

Telephone: _____

Address: _____

City/Zip _____

Email Address: _____

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

___ I will not be able to attend the seminar but would like to order the CD Rom. (allow four weeks for delivery) (Elder Law 12/10/14)

Cost is the same as listed above, in addition to \$10 for shipping and handling. PAYMENT BY CHECK ONLY, WITH THIS FORM..

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



How Jurors and Lawyers Use Social Media and Technology

by Christopher B. Hopkins

As a lawyer, you may be tasked with picking a jury in the courtroom as well as implementing policies in your law firm. In court, most lawyers (finally) realize they can research jurors' Facebook and Twitter posts... but what about Instagram? Are social media posts a true insight into a person's mindset? Back in the office, are your associates researching or playing 2048? Are competing law firms buying iPhones for lawyers or using a bring-your-own-device (BYOD) policy? Don't pick a jury or sign off on the firm's budget without knowing how the rest of society (and your competitors) use technology.

How Jurors Use Technology

Forget Facebook: Among teens, Instagram is the preferred social network (30%) followed by Twitter and then Facebook. 5% of teens use no social media (*Piper Jaffray*).

Something Happens and People Tweet: Millennials (ages 14-34) report that tweeting about an event makes it more fun (71%). Other frequent tweets are: random thoughts (67%), fun activities (57%), current events (53%), humor (46%), and sharing photos (42%) (*Twitter*).

But What They Say May Not be Candid: People self-censor on social media if they believe others will disagree with their position. In one study, "peer pressure is alive and well" as people were twice as willing to discuss a controversial topic in person rather than online (*Pew/Rutgers*).

We Don't Like Our "Friends": Almost 70% of us are Facebook-friends with people we do not like because we want to see what the other person is doing. Otherwise, we stick with them because: they are family (57%), they are current or former colleagues (54%), or the person would cause a scene if de-friended (50%) (*CouponCodesPro*).

iPad Time: iPad owners tend to cruise the web between 9-10 p.m. (4-5 p.m. is the least active time) (*Chitika*).

Pornography: A person who searches for pornography typically spends 9 minutes on such sites (*PornHub*).

Sexting: One survey reveals that sexting messages are most frequently sent on Tuesdays between 10 a.m. - noon (*Retina X Studios*).

Work Time: Men are more likely than women to use the internet for personal reasons at work (*Journal of Computer-Mediated Communication*).

Not Using Security: 51% of people give their usernames and passwords to friends and family (*Help Net Security*).

Should be Using Security: One out of 100,000 Floridians were subject to a mobile wiretap in 2013 (15th nationwide) (*uscourts.gov*).

Probably a Game: Most adults (65.5%) download a new smartphone app less than once per month (*ComScore*).

2048 and Candy Crush: The casual video game 2048 is installed on mobile devices almost 22,000 times per day. Candy Crush is played by 8 million people per day (*thinkgaming.com*).

Women are "Gamers": Nearly 60% of Americans play video games. Almost half (48%) of "gamers" are women (due to casual games). Half of US households have a game console (*Entertainment Software Industry*).

No Landline: 40% of Americans ditched their home phone. Low income people are more likely than the rich to only have a

cell phone. 3% of adult Americans have no phone (*CDC*).

Bitcoin: 3% of Americans have used bitcoin. Then again, 20 years ago, only 4% of us paid our bills online (*MA Division of Banks/Yahoo!*).

Drones: 73% of Americans are concerned about commercial or recreational drones causing property damage -- but nearly 25% of us want one. People accept law enforcement using drones (66%) despite the frequency of state laws outlawing police drones (*Chubb Insurance*).

They What? 26% of Americans either disbelieve or are unsure that we landed on the moon (*Rasmussen*). Compared to the average American, Floridians are three times more likely to drink alcohol every day (#6 in the country) (*Blowfish*).

How Lawyers Use Technology

iLawyers: Nationwide, 68% of lawyers use an iPhone and 86% of tablet-carrying lawyers are on an iPad (*TechnoLawyer/iPhoneJD*). In Florida, 63% of lawyers use an iPhone and 42% use an iPad (*Florida Bar*).

Vista? Really? In Florida, Windows Vista (34%) is the most frequently used Windows platform (followed by Windows 8 and then XP) (*Florida Bar*).

BYOD: 74% of lawyers own their phone vs. the firm providing a phone (part of a trend away from firm-provided phones) (*ABA*). But are law firms doing enough to secure client data? A study of law firms in the UK revealed 84% of legal professionals accessed client data from a personal device, regardless of the firm's policy. Worse, 63% of laptops had no anti-theft protection and 41% would bypass company data policy if their personal device was more convenient (*Sony UK*).

BYOD, Florida: In Florida, 33% of firms provide their lawyers with a smartphone (21% provide a mobile data plan) (*Florida Bar*).

Christopher B. Hopkins is a partner at *Akerman LLP*. Join the discussion about dubious conclusions and slanted questions by emailing christopher.hopkins@akerman.com.

Of all the banks in South Florida, only one has the distinction of being called "The Lawyers Bank."

For over 30 years, we have concentrated on providing law firms, their partners, associates, staff and clients with an uncommon level of attention and service. Which is why so many law firms in South Florida count on **Sabadell United Bank**. Whether it's business or personal banking, or private banking, our goal is to make a **measurable difference** in all relationships through exceptional service, and constant focus on delivering **measurable results** to our clients.

For more information, please call
Bud Osborne, Executive Vice President,
or Donn Londeree, Vice President at (561) 750-0075



MEMBER
FDIC

www.sabadellunited.com

Sabadell
United Bank



©2010 Sabadell United Bank

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.

Lindley A. Bassett: Law Student Membership, Cleveland, Ohio.

Clinton W. Cimring: Law Student Membership, Palm Beach.

Courtne U. Copeland: Stetson University, 2011; Boynton Beach.

Jason Fagnano: St. Thomas University, 2013; Office of the State Attorney, West Palm Beach.

Erica Francis: Florida International University, 2009; Florida Army National Guard Lake Worth.

Aileen Gelpi: University of Puerto Rico, 2008; Solo Practitioner, West Palm Beach.

Daniel A. Gimbel: University of Florida, 2013; Associate in Michael A. Kaufman, P.A., West Palm Beach.

Nikki Koval: Benjamin N. Cardozo School of Law, 1998; Boca Raton.

Tal J. Lifshitz: University of Miami, 2012; Associate in Kozyak Tropin & Throckmorton, LLP, Coral Gables.

Luke R. Napodano: University of Florida, 2006; Office of the Attorney General, West Palm Beach.

Angelena M. Root: Florida International University College of Law, 2013; Solo Practitioner, Ft. Lauderdale.

Camille M. Thompson: Florida A&M University, 2011; West Palm Beach.

Chris N. Traina: Nova Southeastern University, 2011; Associate in Garrity Weiss, P.A., Coral Springs.

John C. Webber: Fordham University, 1999; Associate in McIntosh Sawran & Cartaya, P.A. Ft. Lauderdale.

WELCOME

**GET A FREE
WELCOME VIDEO
FOR YOUR FIRM**

**FROM THE
NATION'S
LEADER IN
WEB VIDEO
FOR LAWYERS**

877.535.8529
<http://thelaw.tv>



Fighting for the Injured since 1985



**Rosenthal, Levy,
Simon & Ryles**
ATTORNEYS AT LAW

**WE ARE PLEASED TO
WELCOME OUR NEW
WORKERS' COMPENSATION
ASSOCIATE**

SUZANNA M. SCARBOROUGH

For the twenty years before Suzanna Scarborough joined Rosenthal, Levy, Simon & Ryles, she protected the citizens of Palm Beach County, as an Assistant State Attorney prosecuting dangerous criminals; later she stepped up to the position of Chief of the Domestic Violence Unit. She left the State Attorney's office to become in-house Counsel to the Palm Beach County PBA. In 2009, Ms. Scarborough established her own criminal practice. In association with Legal Aid, she volunteered assistance to the victims of domestic violence. Today Ms. Scarborough enjoys the opportunity to protect the rights of injured workers who have been denied the benefits they deserve.



1401 Forum Way, Sixth Floor
West Palm Beach, FL 33401
561.478.2500



1660 SW St. Lucie West Blvd, Suite 300
Port St. Lucie, FL 34986
772.878.3880

www.RosenthalLevy.com
info@RosenthalLevy.com

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



***"What you don't know may kill your case.
What is the jury saying on the web?"***

Friday, December 12, 2014 - 11:45 a.m. - 1:00 p.m.
North end of cafeteria, Main Courthouse, WPB

Program Schedule



- 11:45 a.m. - 12:00 p.m. **Lunch / Late Registration and Check In**
- 12:00 p.m. - 12:05 p.m. **Moderator - Karen E. Terry, Esq., Searcy Denney Scarola Barnhart & Shipley, P.A..**
- 12:05 p.m. - 1:00 p.m. **Panelists: Honorable Jack S. Cox, Honorable Janis B. Keyser, Honorable Meenu T. Sasser, Fifteenth Judicial Circuit; and Spencer T. Kuvin, Esq., Board Certified Civil Trial Attorney, Law Offices of Craig Goldenfarb, P.A.**

SPONSORED BY:



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

Early Registration cost is **\$25** for PBCBA members/paralegals; **\$65** for non-PBCBA members/paralegals if registered by **12/5/14**.
Add \$15 late fee to registration fee after that date.

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

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

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

PAYMENT OPTIONS:



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



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



If you can't leave your office, you can attend this via live webinar by registering here <http://www.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) (12/12/14 PI) Cost is the same as listed above, In addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY, WITH THIS FORM.**



The Burgeoning Popularity of Ban the Box

by Lisa Kohring

“Ban the Box” is a national movement that seeks to remove conviction history questions from job applications. It encourages employers to only conduct background checks after an applicant has been qualified for a position. Organized in 2004 by All of Us or None, a national civil rights organization, the Ban the Box movement was initially focused on changing the hiring practices of public employers with an emphasis that employers adopt policies that judge employees based on their skill and experience levels rather than on old or unrelated criminal convictions.

The movement has gained the support of the Department of Justice and the Equal Employment Opportunity Commission and morphed into a national campaign to diversify the cultural makeup of both the public and private workforce. Over the last ten years more than forty-five cities across twenty-eight states, including Jacksonville and Tampa, have adopted some form of law that Ban’s the Box.¹ In August, New Jersey joined Hawaii, Massachusetts, Minnesota and Rhode Island in extending the protections of Ban the Box laws to all private employers.²

Proponents of the movement report that Ban the Box strengthens the economy and promotes diversity by, among other things, reducing racial and ethnic disparities in employment and hiring practices.³

Mark Sherman, Assistant Division Director, Probation & Pretrial Services Education at the Federal Judicial Center describes the benefits of Ban the Box:

Think about it this way: about 600,000 people return home from prison every year. Many of them are nonviolent and have skills. All will need a job, and out of pure self-interest we should want them employed. Why? If they have a job it reduces the chance that they will commit another crime; they’re paying taxes instead of being a drain on taxpayers; they are helping to boost the economy; and they will be able to pay restitution and child support, among other things. Some of the country’s top economists have pointed out that, over the years, we’ve criminalized so much conduct that it has resulted in tens of thousands of people – especially men – being removed from the workforce, to the detriment of the national economy. Ban the box is simply a way of trying to remedy this situation.

¹ Ban the Box Research Study, National Employment Law Project, Research Finds Fair Chance Policies Support Families and Communities, Increase Public Safety, http://www.nelp.org/page/-/SCLP/2014/Guides/NELP_Research_Factsheet.pdf?nocdn=1.

² Jeffrey Stinson, *More states, cities ‘ban the box’ in hiring* (June 8, 2014), available at http://www.thonline.com/news/business/article_a4064756-f3e6-59c1-b1a8-7569d4a097ef.html.

³ Soumya Karlamangla, *LA leaders ask employers not to reject people with Criminal Records*, LA Times, June 6, 2014, available at <http://www.latimes.com/local/lanow/la-me-ln-ban-the-box-20140606-story.html>.

Studies focused on the impact of Ban the Box report that participating employers believe that employees with criminal records “actually make exemplary employees,” “are 1 to 1.5 percent more productive on the job than people without criminal records,” “are often highly motivated and many have usable job skills,” and “are frequently the most dedicated and conscientious” employees.⁴

Opponents of the Ban the Box movement say that it will not eliminate discrimination but, instead, will predispose employers to conduct background checks because they can no longer ask conviction questions upfront.⁵ Some employers remain fearful of exposure to claims for negligent hiring and believe the movement will make it easier to be sued for discrimination.⁶

No matter what side of the fence you’re on, Ban the Box is sweeping the nation and it is likely to create a political debate in our city or state soon. For these reasons, among others, we should understand the purposes behind the movement and the results yielded so we can prepare, as a community, to weigh in on the debate to adopt a Ban the Box bill if, and when, the issue arises.

With statistics showing that (1) one in three adults now has a criminal history record; and (2) the number of Americans who have had contact with the criminal justice system has increased exponentially,⁷ there is little doubt that racial and ethnic disparities in the hiring process will continue to impact the cultural makeup of our legal community.

For now, our task is to consider whether embracing Ban the Box will further our purpose and mission to remain a leader at the forefront of diversity in the legal community.

Lisa Kohring practices with Schwarzberg & Associates. She focuses her practice on civil litigation and employment law and compliance and can be reached at lkohring@schwarzberglaw.com.

⁴ Ban the Box Research Study, National Employment Law Project, Research Finds Fair Chance Policies Support Families and Communities, Increase Public Safety, http://www.nelp.org/page/-/SCLP/2014/Guides/NELP_Research_Factsheet.pdf?nocdn=1.

⁵ Eli Lehrer, *Ban the Box goes too far& and not far enough* (Dec.12, 2013), Huff. Post, http://www.huffingtonpost.com/eli-lehrer/ban-the-box-goes-too-fara_b_4508127.html.

⁶ Mickey Matran, *HR Outsourcing News Roundup: Ban-the-Box Edition*, <http://www.hrsolutions.net/blog/hr-outsourcing-news-roundup-ban-the-box-edition/#.VCO0614opKM>.

⁷ Office of Federal Compliance Program, OMB (Office of Management and Budget) No. 1250-0006 (Jan. 29, 2013), <http://www.dol.gov/ofccp/regs/compliance/directives/dir306.htm>.



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.

Real Property and Business Litigation Report



by Manuel Farach

Frischia v. Friscia, – So.3d –, 2014 WL 4212689 (Fla. 2d DCA 2014).

Former marital home of divorced couple was still homestead (now owned as tenants in common) notwithstanding that former husband no longer lived there and had remarried and that former wife occupied the home under the Marital

Settlement Agreement only until youngest child of the marriage graduated high school. The provisions of the Marital Settlement Agreement requiring sale of the homestead upon graduation of youngest child did not operate as a waiver, and the fact that the former husband died intestate with minor children means that present wife is given a life estate in the property.

Synergy Real Estate of SW Florida, Inc. v. Premier Property Management of SW Florida, LLC, – Fed.Appx. –, 2014 WL 4233266 (11th Cir. 2014).

A dissolved Florida corporation may bring suit or defend in federal court.

Barniv v. BankTrust, – Fed.Appx. –, 2014 WL 4211067 (11th Cir. 2014).

The elements of wrongful garnishment are the same as for malicious prosecution.

Wiand v. Dancing \$, LLC, – Fed.Appx. –, 2014 WL 4215102 (11th Cir. 2014).

A “clawback” under the Uniform Fraudulent Transfers Act, Florida Statute § 726.101 et seq., is permissible even if the funds did not come directly from the defrauder.

Schwades v. America’s Wholesale Lender, – So.3d –, 2014 WL 4374891 (Fla. 5th DCA 2014).

Argument that borrower’s quiet title action eliminated a recorded mortgage entitles the lender to Florida Statute § 57.105(1) fees to be awarded on appeal sua sponte.

James v. Leigh, – So.3d –, 2014 WL 4376232 (Fla. 1st DCA 2014).

The Litigation Privilege prevents in court or court related statements from constituting a breach of a non-disparagement agreement.

Brklacic v. Parrish, – So.3d –, 2014 WL 4328068 (Fla. 4th DCA 2014).

Married couples may claim homestead exemption on two different residences only if they prove they are “separate family units,” i.e., estranged or separated even if still married.

Bartow HMA, LLC v. Kirkland, – So.3d –, 2014 WL 4336590 (Fla. 2d DCA 2014).

A trial court cannot award appellate attorneys’ fees without a prior order of entitlement to appellate fees from the appellate court.

May v. PHH Mortg. Corp., – So.3d –, 2014 WL 4342020 (Fla. 2d DCA 2014).

A lender (who is not the original obligee on the note) must prove it owned (or was otherwise entitled to enforce) the note at time of filing suit otherwise it does not establish a prima facie case for mortgage foreclosure.

Ramos v. Citimortgage, Inc., – So.3d –, 2014 WL 4343760 (Fla. 3d DCA 2014).

Strict compliance with the notice provision of a mortgage

is required (including with regard to addresses) otherwise the notice is invalid.

Design Home Remodeling Corp. v. Santana, – So.3d –, 2014 WL 4343855 (Fla. 3d DCA 2014).

A proposal for settlement served sixty days after a party is joined is invalid.

Agresta v. City of Maitland, – So.3d –, 2014 WL 4471990 (Fla. 5th DCA 2014).

Forfeiture of a home under the Florida Contraband Act is not permissible when the home value is ten times more than the imposed fine.

Coastal Capital Venture, LLC v. Integrity Staffing Solutions, Inc., – So.3d –, 2014 WL 4476533 (Fla. 2d DCA 2014).

Substituted service may not be used when the plaintiff is in communication with defendant and knows defendant is out of state, but makes no effort to serve out of state.

Wells Capital Investments, LLC v. Exit 1 Stop Realty, – So.3d –, 2014 WL 4476478 (Fla. 1st DCA 2014).

A brokerage commission agreement without a time frame is not a “brokerage in perpetuity,” and a broker is not entitled to a commission as the procuring cause of a sale when the broker abandons the commission agreement (e.g., stops marketing and attempting to sell the property and stops communicating with the seller) three years before the eventual sale.

Smith v. Bruster, – So.3d –, 2014 WL 4457312 (Fla. 1st DCA 2014).

An action for return of real property procured by fraud is governed by the four year statute of limitations of Fla. Stat. § 95.11(3)(j), but the statute of limitations does not begin to run until the victim knew or should have known of the fraud.

Brown v. Brown, – So.3d –, 2014 WL 4435974 (Fla. 1st DCA 2014).

The distribution of a “pay on death” (POD) bank account under Florida Statute § 655.79 differs from a joint account under Florida Statute § 655.79 in that beneficiaries who are not account holders may be designated under a POD account.

Unrue v. Wells Fargo Bank, N.A., – So.3d –, 2014 WL 4648205 (Fla. 5th DCA 2014).

A court must allow at least one attempt at amendment of a quiet title counterclaim to a mortgage foreclosure; *Badgley v. SunTrust Mortg., Inc.*, 134 So.3d 559, 561 (Fla. 5th DCA 2014), is distinguished because the Badgley dismissal was of amended complaint.

Florida Virtual School v. K12, Inc., – So.3d –, 2014 WL 4638694 (Fla. 2014).

Agencies of the state of Florida have statutory authority and the power to file for intellectual property rights, and to protect their intellectual property rights by suit if necessary.

CDC Builders, Inc. v. Biltmore-Sevilla Debt Investors, LLC, – So.3d –, 2014 WL 4628515 (Fla. 3d DCA 2014).

Investors in one company may not grant mortgages on real property, contract for the improvement of the real property without paying for the improvements, and then use a network of different companies to purchase the first mortgage and foreclose out the construction liens filed as a result of not paying for the improvements.

It's a *Win-Win*



Do you have a client with a **business litigation** case that needs a lawyer on a **contingency-fee**?

Enjoy the benefits of referring to the Business Trial Group:

1

We Win – You will be partnering with lawyers that recover millions of dollars a year through verdicts and settlements on behalf of contingency-fee business clients.

4

A Wealth of Resources – As part of a firm with 1400 support staff and over 20 offices, we have the resources to take on the most complex cases and well-funded adversaries.

2

Referral Fees – You will sign an agreement that ensures you a percentage of the recovery. Our results will please your client and increase your profits.

5

First-Rate Service – Your client will receive the work-product they have come to expect from a top-tier business firm, which will make you look good.

3

An Experienced Partner – Our lawyers honed their craft at prominent corporate firms, including Greenberg Traurig, Shutts & Bowen, Carlton Fields, Baker Hostetler, and others.

6

Respect for Your Business – We only practice contingency-fee business litigation. We have no hourly or transactional practices and will honor your relationship with your client.

Let's Start a Profitable Referral Relationship

To discuss your client's case or just to get to know us, contact us today at **561.227.5858** or **WPB@forthepeople.com**.



MORGAN & MORGAN
BUSINESS TRIAL GROUP

— Contingency-Fee Litigation —

www.ForThePeople.com/BTG

Offices: Ft. Lauderdale | Ft. Myers | Jacksonville | Naples | Orlando | Sarasota | St. Petersburg | Tallahassee | Tampa | West Palm Beach

YLS September Happy Hour



Need a holiday gift?



You can purchase discount movie tickets through the Bar Office. These tickets are sold to members only and make great holiday gifts for family, babysitters, staff, clients and teachers. Savings are available for the following theaters:

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

Come by the office and pick up your tickets Monday – Friday anytime between 9:00 a.m. and 5:00 p.m. (payment only by check or credit card). Tickets will only be FedEx'd (not mailed) if member provides us with a FedEx number.

PRICES ARE SUBJECT TO CHANGE

Burns Nearing Wealth Management Group

With more than 25 years of experience, Robert Burns has helped high-net-worth individuals and families in Florida and across the country make smarter, more informed investment decisions.



Robert Burns, CFP®, ChFC®

Senior Vice President – Wealth Management
Wealth Management Advisor

(561) 775-8113

3507 Kyoto Gardens Drive, Suite 400 ▪ Palm Beach Gardens, FL 33410

THE POWER OF THE RIGHT ADVISOR.™



The Bull Symbol, Merrill Lynch Wealth Management and The Power of the Right Advisor are trademarks or registered trademarks of Bank of America Corporation. CFP® is a certification mark owned by the Certified Financial Planner Board of Standards, Inc., and is awarded to individuals who successfully complete CFP Board's initial and ongoing certification requirements. ChFC® is the property of The American College and may be used by individuals who have successfully completed the initial and ongoing certification requirements for this designation.

Merrill Lynch Wealth Management makes available products and services offered by Merrill Lynch, Pierce, Fenner & Smith Incorporated, a registered broker-dealer and member SIPC, and other subsidiaries of Bank of America Corporation.

© 2013 Bank of America Corporation. All rights reserved.
AD-02-13-0141.B

AR5681BA-01-13

470544PM-02/2013



Congratulations to the Stuart-based law firm **Goldstein, Schmitt & Cambron PL**, which recently won a \$15.2 million jury award, before deduction for attorneys' fees and expenses, on behalf of the widow and son of a 29-year-old Navy veteran killed in a June 2011 crash with a semi-trailer truck in Orlando.

The award was the second-largest ever in Florida in a motorcycle case.

An Orlando jury held for the plaintiff, finding that the truck driver was 93 percent liable for the accident and that the trucker's employer, Jacksonville-based Landstar Ranger Trucking, was negligent in failing to adequately supervise the driver.



Lead counsel Thomas P. Schmitt, a partner in Goldstein, Schmitt & Cambron, said the key to the case was proving the driver had been on the road in excess of the Federal Motor Carrier Safety Administration hours of driving limits.

Attorney Lauri J. Goldstein, the law firm's founding partner, said evidence showed how Landstar Ranger failed to maintain adequate recordkeeping by utilizing paper logs, known in the industry as "comic books," instead of electronic logs that most other large trucking companies used.

For more information on the case or about Goldstein, Schmitt & Cambron PL, go to www.femaleinjurylawyer.com/ or call (772) 222-2222.

Most cases result in a lower recovery. It should not be assumed that your case will have as beneficial a result.

**1330 S. FEDERAL HWY.
STUART, FLORIDA 34994
PHONE: 772-222-2222
FAX: 772-286-9893**



ADVERTISEMENT

Road to the Bench

F. Malcolm Cunningham Sr. Bar Association, Inc. and the Palm Beach County Bar Association's Committee for Diversity and Inclusion recently hosted "Road to the Bench." The program was held at the main Courthouse and included Judges Joseph Marx, Jack Cox, Meenu Sasser and Nancy Perez; along with Ron Ponzoli from the FL Board of Governors. The panel offered advice to lawyers interested in becoming judges. The seminar is the first in a series of seminars/CLEs planned to address the need to increase diversity on the bench.



Jean Marie Middleton, Ettie Feistmann, Salesia Smith-Gordon, Chioma Deere, Kalinthia Dillard and Nadine White-Boyd

Connect with us!



www.facebook.com/pages/Palm-Beach-County-Bar-Association



www.twitter.com/PBCBarPrez



www.linkedin.com/company/palm-beach-county-bar-association



www.youtube.com/PalmBeachCtyBarAssn



CLE On-Demand: Anytime & Anywhere

The PBCBA's seminars are available for immediate delivery through our website. You can purchase any of our seminars in MP3 format for immediate download, or you can still request a CD that will be mailed to you. We have a large library of courses recorded not only from our seminars but also those presented by the Orange County, Hillsborough County and Clearwater Bar Associations. If your CLE deadline is coming up, be sure to check out our site to order your CLE today!

www.palmbeachbar.org

Board Meeting Attendance

	JULY	AUG	SEPT
Barnes	x	x	x
Demmery	x	x	x
Huber	x	x	x
Kypreos	x	x	x
Mason	x	x	x
McElroy	x	x	x
Pressly	x	x	
Reagan	x	x	x
Weiss	x	x	x
Whittles	x	x	x
Wyda	x	x	x
Xenick	x	x	x
Yaffa	x		

Professionalism Corner

Continued from page 4

to judicial instructions, but fall short of conduct that would warrant the extreme response of finding a juror in criminal contempt. The materiality of juror internet communications to the integrity of the trial will likely be a consideration in determining whether the juror has acted criminally or fraudulently. Nonetheless, it is important for you to bring juror misconduct to the court's attention to make sure your client gets a fair and impartial trial.

What does this mean to you?

In today's internet saturated world, there is a blurred line between properly investigating jurors and improperly communicating with them. While researching a juror's social media can have its advantages to your case, be mindful of the potential ethical issues at hand. You should treat social media networks and the jurors you are researching as though you are face to face. If information is publicly available it is fair game, but if the information needs to be requested or the juror can see you have looked at their profile, then it may be best not to look. If you become aware of a juror violating the court's instructions, the safest approach is to notify the court and counsel to address the question of whether it was material.

*Mr. Ackerman is a shareholder with Ackerman, Link & Sartory, P.A.

**Ms. Rosenthal is an associate with Ackerman, Link & Sartory, P.A.



Alpine Jaguar is proud to announce

PALM BEACH COUNTY BAR ASSOCIATION MEMBER'S SAVINGS PLAN

Purchase or Lease a Jaguar XF: Save \$1500*

Purchase or Lease Any Other Model (other than XF): Save \$2500*



*"Rarely do you find **STYLE, PERFORMANCE** and **SERVICE**
in a single automotive experience...except at Alpine Jaguar!
12 years and I am still amazingly **SATISFIED.**"*

EUGENE PETTIS, PAST PRESIDENT, FLORIDA BAR

Call Damian Polgar today for details

o: 954.202.8349 | c: 954.609.6621

dpolgar@alpinejaguar



6606 North Andrews Avenue
Fort Lauderdale, Florida 33309
954.598.7900

* Not a member. Alpine Jaguar will pay for your individual annual membership!

www.AlpineJaguar.com



Member's Savings Plan subject to terms of Jaguar's "Organizations and Corporations Program;" offer expires 12/31/14.

North County Section

The North County Section had a great turnout for its annual Membership Appreciation Reception, which was recently held at III Forks in Palm Beach Gardens. Special thank you to our sponsors from Alpine Jaguar, Court Scribes, Keiser University and Visual Evidence.



Sarah Cortvriend and NCS Director Rosemarie Guerini



Bob Gordon and Stan Klett



Nellie King and John Howe



John Burton, Bill Wallshein and Matthew Fiorello



NCS President Greg Yaffa and President Elect Larry Buck



NCS Directors Wayne Richter, Malinda Hayes and Larry Strauss



Upcoming Events ~ Fall 2014

SAVE THE DATES

for

Wednesday, November 5th, 2014

An Evening of Cocktails, Hors D'oeuvres and Shopping at Brooks Brothers in the Gardens Mall

Door Donation: \$15

Enjoy a 15% savings on purchases made through the event.

for

Wednesday, November 12th, 2014

An Evening of Cocktails, Hors D'oeuvres and Shopping at Brooks Brothers in the Boca Town Center Mall

Door Donation: \$15

Enjoy a 15% savings on purchases made through the event.

for

Saturday, November 15th, 2014

12th Annual Holiday Bookfest & Lunch

at Barnes & Noble Palm Beach Gardens

Presented by FAWL, Palm Beach County Chapter

F. Malcom Cunningham, Sr., Bar Association

Lesser, Lesser, Landy & Smith, PLLC

Palm Beach County Hispanic Bar Association

for

Be sure to put on your calendar today....

Saturday, May 9th, 2015

27th Annual Pro Bono Recognition Evening & Auction

at the Palm Beach County Convention Center

For more information or to RSVP for any of the above events, please contact us at 561-822-9763.

Have a great time while helping Legal Aid continue to serve the less fortunate families, children and individuals living in our county.

WE MAKE YOU LOOK GOOD.



At The Law Offices of Craig Goldenfarb, we know that your reputation is on the line when you refer us a Personal Injury case.

Your reputation is just as important as ours.

25% Referral Fee quickly delivered with a copy of the Settlement Statement

AUTO ACCIDENTS · PREMISES ACCIDENTS · MEDICAL MALPRACTICE · NURSING HOME ABUSE · WRONGFUL DEATH · HEART ATTACKS IN PUBLIC PLACES



LAW OFFICES OF
CRAIG GOLDENFARB, P.A.

SERVING SOUTH FLORIDA · MAIN OFFICE: WEST PALM BEACH

1-800-GOLD-LAW · 800GOLDLAW.COM

Or Call Local 561-697-4440

If you would like to establish a referral relationship, contact our Marketing Director, Tom Copeland, at (561) 697-4440 or TCopeland@800GOLDLAW.com to schedule a lunch with Mr. Goldenfarb - *our treat!*

*** Ad Rates ***

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

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

POSITIONS AVAILABLE:

PRESTIGIOUS NEW YORK LAW FIRM with elegant full service offices at City Place Office Tower in West Palm Beach continues to be in a major expansion mode and seeks to add individual attorneys, small firms and/or medium sized firms with significant portable business. Excellent compensation package. The firm's footprint is continuing to grow in South Florida. This is a great opportunity to get in on the ground floor. Contact Allen Samuels asamuels@mclaughlinstern.com.

PROFESSIONAL ANNOUNCEMENTS:

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

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

GREGORY TENDRICH, Esq.: "AV Preeminent" rated, FINRA Arbitrator and Mediator, Certified County Court Mediator and former Series 7 licensed VP & Asst. General Counsel to national and regional stock brokerage firms. All securities & investment related matters involving the recovery of losses due to stock broker fraud, misrepresentation, churning and unsuitable recommendations, in addition to representation of advisors in SEC, FINRA, regulatory enforcement, contract and employment matters. (561) 417-8777 or visit www.yourstocklawyer.com.

GREY TESH: "Law is not black or white, it's Grey." Passionate, caring, truthful, prepared. Soul (sic) practitioner. Criminal Defense (Board Certified in Criminal Trial) and Personal Injury. Over 100 jury & non-jury trials to verdict. (561) 686-6886. greytesh.com

OFFICE SPACE

OFFICE SUITE for rent at 330 Clematis Street in the Via Jardin courtyard, a great downtown location. It is 800 square feet and perfect for a sole practitioner or a small business. It has a reception area, 3 offices and its own private bathroom. \$2,000 per month all utilities included. Please contact Devon Porcella (561) 818-8394 or (561) 355-6919.

OFFICE SPACE CLASS A BUILDING

just south of PGA reception has marble sill and counters, efficiently designed with 5 work spaces, conference room, floor to ceiling windows with private door to adjoining Exec. Ofc, glass elevators in 4 story atrium for *wow* factor, bathrooms on each floor, comes with one covered parking space, (50) modern glass architecture, manicured landscaping for the image you desire. Currently used by attorney. \$1,990/mo + elec. Avail Oct. 1. Debbie Langdon (561) 254-8465.

EXECUTIVE SUITES/OFFICE SPACE:

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

EXECUTIVE SUITES/VIRTUAL OFFICES/CONFERENCE ROOMS:

Downtown WPB, 1 block NE of Courthouse. Recently renovated within the "Darth Vader" building - 515 N Flagler Drive. You can walk to Court! We offer Turnkey Executive Suites. Includes high speed internet, phone service, utilities, janitorial, furniture, receptionist answering calls, access to meeting/depo rooms, parking, full kitchen with complimentary beverages. Relaxed professional office atmosphere. Available immediately, terms flexible. Rent special offers going on now...Call Quest Workspaces at (561) 370-7400.

BOCA RATON LAW FIRM: Class A building sublease of one or more fully furnished windowed offices. 3 office suite also for rent. Small kitchen and conference room use available. Secretarial cubicle use may be included. Rent negotiable. Must install own telephone line and internet. Please call (561) 999-9925.

HEARSAY

Judge Moses Baker, Jr. was named the recipient of the William E. Gladstone award on September 4, 2014 at the Statewide Dependency Court Improvement Summit held in Orlando, Florida.



Gunster attorney **Joseph P. Chase** was recently accepted into the Class V Leadership Institute Program for 2014-15 for Connect



Florida Statewide Leadership Institute. **Keith Sonderling** will serve on the Connect Florida Board of Governors for 2014-15. In addition, **Holly Griffin** joined Gunster and will focus her practice on Labor and Employment Law.



The Law Office of David Steinfeld has been selected as Business Litigation Practice of the Year for Florida by Acquisition International. Selection is based on reputation in the legal community and results in cases.



Cathleen Scott and Lindsey Wagner of Cathleen Scott and Associates, P.A. were jointly elected to the National

Employment Lawyers Association Florida Chapter Executive Board, serving as Treasurer/Secretary for the 2014-16 term.

Jones, Foster, Johnston & Stubbs, P.A. announces the opening of its new office in Suite 406 of the Deutsche Bank Building at 350 Royal Palm Way, Palm Beach, Florida. Firm Shareholders **Ben Alexander** and **Tasha K. Dickinson** will open the office, which the firm intends to grow.



Greg Barnhart has become a Fellow of the American College of Trial Lawyers, one of the premier legal associations in America.





PALM BEACH COUNTY BAR ASSOCIATION
BULLETIN

PRESORT STD
 US POSTAGE
 PAID
 WEST PALM BCH FL
 PERMIT NO. 66

1507 Belvedere Road, West Palm Beach, FL 33406

PAST PRESIDENTS...

M.D. CARMICHAEL*
 RICHARD P. ROBBINS*
 L.R. BAKER**
 HARRY A. JOHNSTON*
 GEORGE W. COLEMAN*
 H.C. FISHER****
 MARSHALL B. WOOD*
 E. HARRIS DREW***
 B.F. PATY*
 JOSEPH S. WHITE*
 HENRY P. LILIENTHAL*
 MANLEY P. CALDWELL*
 WILBUR E. COOK*
 W. MURRAY HAMNER*
 RICHARD PRESCOTT*
 RUSSELL MORROW*
 CULVER SMITH*
 RAYMOND ALLEY*
 C.Y. BYRD*
 WILLARD UTLEY*
 C.H. ERNEST*
 PAUL W. POTTER*

WAREING T. MILLER*
 CHARLES B. FULTON*****
 J. LEO CHAPMAN*
 ELWYN L. MIDDLETON*
 H. ELMO ROBINSON*
 J. STOCKTON BRYAN, JR.
 HAROLD G. MAASS*
 ROBERT F. CROMWELL*
 CHARLES H. WARWICK III*
 PHILLIP D. ANDERSON*
 FREDERICK C. PRIOR
 JAMES C. DOWNEY*
 WILLIAM A. FOSTER
 ALAN F. BRACKETT*
 ROBERT D. TYLANDER*
 ROBERT MCK FOSTER*
 JOHN M. FARRELL*
 H. LAURENCE COOPER, JR.*
 JOHN R. DAY*
 JOHN L. BURNS*
 HARRY JOHNSTON II
 GAVIN LETTS*
 JAMES S. ROBINSON

CHARLES H. DAMSEL, JR.
 EDWARD LEWIS
 RAYMOND ROYCE
 PETER VAN ANDEL
 LARRY KLEIN
 THEODORE BABBITT
 JOHN FLANIGAN
 SIDNEY A. STUBBS, JR.
 JOSEPH J. REITER**
 JOHN B. McCracken*
 DAVID L. ROTH
 D. CULVER SMITH III
 TIMOTHY W. GASKILL
 ARTHUR G. WROBLE
 GUY C. HILL
 PATRICK J. CASEY
 JAMES G. PRESSLY, JR.
 PATRICK C. MASSA
 STEVEN A. STINSON
 CARL M. MATHISON, JR.
 ROBERT V. ROMANI*
 MICHAEL P. WALSH
 JULIEANN RICO

MICHAEL A. VISCOMI
 CAROL McLEAN BREWER
 JERALD S. BEER
 JOHN G. WHITE III**
 MICHAEL T. KRANZ
 EDWARD DOWNEY
 SCOTT G. HAWKINS**
 AMY L. SMITH
 GREGORY W. COLEMAN
 LISA S. SMALL
 STANLEY D. KLETT, JR.
 THEODORE J. LEOPOLD
 MANUEL FARACH
 MEENU T. SASSER
 RICHARD D. SCHULER
 MICHELLE SUSKAUER
 MICHAEL J. NAPOLEONE
 JOHN M. HOWE
 ADAM T. RABIN
 JILL G. WEISS

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

CALENDAR

November 2014

<p>Saturday, Nov. 1, 9:30am Minority Picnic Amelia Earhart Park 401 East 65 St., Hialeah</p> <p>Sunday, Nov. 2, 11:00am YLS Dolphins Game</p> <p>Monday, Nov. 3, Noon – 1pm Family Law CLE Committee Meeting Bar Association Office</p> <p>Tuesday, Nov. 4, Noon – 1pm NCS Board Meeting</p> <p>Tuesday, Nov. 4, Noon – 1pm YLS Board Meeting Bar Association Office</p> <p>Wednesday, Nov. 5, 5:30pm Legal Aid Brooks Brothers Event Palm Beach Gardens</p> <p>Thursday, Nov. 6, 5:30pm NCS Mixer Brios</p>	<p>Friday, Nov. 7, 7:45am – 12:30pm Estate & Probate CLE Seminar Bar Association Office</p> <p>Friday, Nov. 7, 8:30am – 9:30am ADR Committee Meeting Bar Association Office</p> <p>Monday, November 10, 11:30am – 1pm Business Litigation CLE Lunch Seminar Bar Association Office</p> <p>Wednesday, Nov. 12, 11:30am – 1pm Solo & Small Firm Practitioners Luncheon Bar Association Office</p> <p>Wednesday, Nov. 12, 5:30pm Legal Aid Brooks Brothers Event Boca Raton</p>	<p>Thursday, Nov. 13, Noon – 1pm Transaction Law Committee Meeting Bar Association Office</p> <p>Thursday, Nov. 13, 5:30pm YLS Happy Hour</p> <p>Thursday, Nov. 13, 6:00pm ABOTA Event Contact Kathy Cleveland, clevelandsoffice@aol.com for more information</p> <p>Monday, Nov. 17, Noon – 1pm CDI Committee Meeting Bar Association Office</p> <p>Monday, Nov. 17, 6:30pm Small Claims Court Clinic Greenacres Branch Library</p> <p>Tuesday, Nov. 18, Noon - 1pm BBC Committee Meeting Bar Association Office</p> <p>Tuesday, Nov. 18, 5:30pm The Craig S. Barnard American Inn of Court Main Courthouse Cafeteria</p>	<p>Wednesday, Nov. 19, 5pm – 6pm PBCBA Board of Directors Meeting Bar Association Office</p> <p>Thursday, Nov. 20 PBCJA End of the Year Reception For information, go to www.pbcja.org</p> <p>Friday, Nov. 21, Noon – 1pm F. Malcolm Cunningham, Sr. Bar Assn. General Meeting Law Library</p> <p>Tuesday, Nov. 25, 5:30pm Legal Aid Society Board Meeting Bar Association Office</p> <p>Thursday, Nov. 27 – 28 Court Holiday – Thanksgiving Bar Office Closed</p>
--	---	--	---



IN NEED OF CLER CREDIT? WE CAN HELP

10/1/14

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

CLE content is now available to purchase to download either to your computer or your iPod

✓	Sponsor	Course Title	Credit Gen'l	Ethics Hours	PBCBA Member	Non Member	Expires
	OCBA	Social Media and Electronic Evidence: What to Look For and How to Get It	2.5		\$60	\$100	05/14/15
	OCBA	How Immigration Affects Family Law Cases+++1.0 Immigration & Nationality Law; 1.0 Marital & Fam Law Cert.	1.0		\$25	\$65	05/15/15
	PBCBA	The 31 st Ann'l Estate & Probate Seminar – Part 1 +++ 4.0 Elder Law; 4.0 Wills, Trusts Estates Cert.	5.5		\$135	\$175	05/15/15
	HCBA	Important Legislative, Agency and Judicial Developments Over the Past Year+++2.0 Labor and Employ Law Cert.	2.5		\$60	\$100	05/20/15
	PBCBA	Evidentiary & Ethical Issues in Bankruptcy	2.0	2.0	\$75	\$115	05/22/15
	PBCBA	Palm Beach Co. & The JFK Assassination+++1.5 Criminal Appellate; 1.5 Criminal Trial Law Cert.	2.0		\$50	\$90	06/03/15
	PBCBA	Deposition Skills (PI)	1.0	1.0	\$40	\$80	06/06/15
	OCBA	Adv. Deposition Practice & Procedure	1.0		\$25	\$65	06/12/15
	PBCBA	16 th Annual Elder Law Seminar +++4.5 Elder Law Cert.	6.0	1.0	\$165	\$205	06/13/15
	PBCBA	Trial Skills: Opening & Closing +++2.0 Civil Trial Cert.	2.5		\$60	\$100	07/14/15
	PBCBA	Visual Evidence/Trial on a Shoestring Using iPad	1.0		\$25	\$65	07/17/15
	OCBA	Serious Issues Facing Children+++1.0 Marital & Family Law Cert.	1.0		\$25	\$65	07/17/15
	OCBA	Mastering Mediation Negotiation+++1.0 Civil Trial Cert.	1.0		\$25	\$65	07/21/15
	OCBA	Admissibility of Social Network & Internet-Based Evidence	1.0		\$25	\$65	07/22/15
	HCBA	Special Nuances in Litigating Parenting Issues+++3.5 Marital & Fam Law Cert.	4.5		\$110	\$150	07/22/15
	HCBA	Arbitration in FL Gets a Facelift: The Revised FL Arbitration Code+++2.0 Civil Trial Cert.	2.5		\$60	\$100	07/29/15
	PBCBA	Inside the Appellate Court+++2.5 Appellate Prac. Cert. credits	5.0		\$125	\$165	07/31/15
	PBCBA	DVD Inside the Appellate Court+2.5 Appellate Prac. Cert.credits	5.0		\$125	\$165	07/31/15
	PBCBA	A View From the Bench: Professionalism from Judges Perspective (NCS)	1.0	1.0	\$40	\$80	08/07/15
	OCBA	Gun Trusts+++1.0 Wills Trusts & Estates	1.0		\$25	\$65	08/07/15
	PBCBA	The Yin & Yang of Mediation+++7.0 Civil Trial; 7.0 Labor Employ; 7.0 Marital & Fam Law Cert. credits	9.0	1.0	\$240	\$280	08/10/15
	OCBA	Cloud 9 Talks Professionalism & Ethics in the Virtual World	4.0	4.0	\$125	\$165	08/13/15
	OCBA	Domestic Violence: Issues with Bond and Pre-Trial+++ 1.0 Criminal Appellate Law; 1.0 Criminal Trial Law Cert.	1.0		\$25	\$65	08/14/15
	OCBA	Basics of Drafting and Negotiating the Commercial Lease+++1.0 Bus Lit; 1.0 R/E Cert.	1.0		\$25	\$65	08/18/15
	HCBA	The Fair Labor Standards Act+++1.0 Labor & Employ Cert.	1.0		\$25	\$65	08/19/15
	PBCBA	YLS Side Bar Series – Part 2 "Technology"	3.0		\$25	\$65	08/19/15
	HCBA	Construction Litigation: Stuff You Will Use+++4.5 Construction Cert.	4.5		\$110	\$150	08/20/15
	OCBA	The Hague Convention, Uniform Child Custody Jurisdiction+++1.0 Int'l Law; 1.0 Marital and Fam Law Cert.	1.0		\$25	\$65	08/21/15
	PBCBA	Representing Public Employers+++1.0 Labor & Employ Cert. credits	1.5		\$35	\$75	08/24/15
	PBCBA	Hot Topics in Consumer Bankruptcy Law	2.0		\$50	\$90	08/25/15
	HCBA	Speech Etiquette for Lawyers	1.0	1.0	\$40	\$80	08/25/15
	HCBA	How to Prepare for and Present your Domestic Violence Injunction Case	2.5		\$60	\$100	08/27/15
	PBCBA	Not Just Comp+++4.0 Wkrs Comp. Cert. credits	5.5		\$135	\$175	08/28/15
	PBCBA	Employment Arbitration+++1.5 Labor & Employ Cert. credits	1.5		\$35	\$75	09/14/15
	OCBA	Billing Made Easy	1.0	1.0	\$40	\$80	09/18/15

	OCBA	Guardian Ad-Litem, Social Investigation, Parenting	1.0		\$25	\$65	09/21/15
	HCBA	Emotional Intelligence in Mediation+++2.0 Civil Trial	2.5	2.5	\$95	\$135	09/24/15
	HCBA	White Collar Crime, Leadership & the Law of Ethics	2.0	2.0	\$75	\$115	09/27/15
	PBCBA	IOTA Trust Accounts +++1.0 Wills, Trusts Estates Cert. credits	1.0		\$25	\$65	09/28/15
	HCBA	Five Stages of Grief – What Every Attorney Should Know+++2.0 Marital and Fam. Law Cert.	2.5	1.0	\$75	\$115	10/03/15
	PBCBA	“Post-judgment Issues: Modify This, Enforce That....” +++6.5 Marital & Family Law Cert. credits	8.5	1.0	\$225	\$265	10/04/15
	HCBA	Recent Developments in Patent, Copyright & Trademark Law+++1.5 Bus Lit.; 2.0 Intellectual Prop. Law Cert.	2.0		\$50	\$90	10/09/15
	PBCBA	Electronically Stored Information (ESI) Discovery for the Technically Challenged +++1.0 Civil Trial Cert.	1.0		\$25	\$65	10/11/15
	PBCBA	Uniform Motion Calendar Hearings	1.5		\$35	\$75	10/15/15
	HCBA	Current Issues Before the EEOC+++1.5 Labor & Employ Cert.	2.0		\$40	\$80	10/16/15
	OCBA	What You Need to Know Now in Employment Law+++2.0 Labor & Employment Law Cert.	3.0		\$75	\$115	10/23/15
	PBCBA	Anatomy of a Securities Arbitration Case+++4.0 Bus Lit. Cert.	5.0		\$125	\$165	10/24/15
	OCBA	Trial Techniques & Practices+++3.5 Criminal Appellate Law; 3.5 Criminal Trial Law Cert.	4.5		\$110	\$150	10/25/15
	OCBA	“Advanced Legal Writing in a Paperless, Digital Age+++4.0 Appellate Practice Cert.	4.0	1.0	\$115	\$155	10/30/15
	PBCBA	Whistleblower & Qui Tam Actions +++4.0 Bus.Lit. / 4.0 Civil Trial; 4.0 Labor & Employment/ 5.0 State & Fed'l Government & Admin. Practice Certification	5.0		\$125	\$165	11/02/15
	PBCBA	Ethics & New Rules In Advertising	1.0	1.0	\$40	\$80	11/06/15
	PBCBA	31 st Annual Estate & Probate – Part 2 +++4.0 Elder Law/4.0 Wills, Trusts Estates Cert. credits	5.0	.50	\$135	\$175	11/07/15
	PBCBA	E-Discovery in Action +++1.0 Bus Lit. Cert. credit	1.0		\$25	\$65	11/12/15
	OCBA	Pick Your Battle: A Brief Comparison Between Family & Dependency Court+++1.0 Marital & Fam Law Cert.	1.0		\$25	\$65	11/16/15
	PBCBA	Effective Settlement Negotiations+++1.0 Civil Trial Cert. credits	1.0		\$25	\$65	11/16/15
	PBCBA	Restrictive Covenants +++1.0 Labor & Employment Cert.	1.5		\$35	\$75	11/21/15
	OCBA	Using Business Entities in R/E Transactions to Mitigate Litigation Risk+++1.0 Bus Lit; 1.0 R/E Cert.	1.0		\$25	\$65	11/28/15
	PBCBA	25 TH Ann'l Community Assn. Law Seminar +++5.0 R/E Cert.	5.0	1.0	\$140	\$180	12/06/15
	PBCBA	Employment Litigation at its Best+++4.0 Labor & Employ Cert.	5.0	1.0	\$140	\$180	12/20/15
	PBCBA	The NEW World: New Closing Disclosures, NEW Best Practices and NEW Law +++4.0 R/E Cert. credits	4.0		\$100	\$140	12/17/15
	PBCBA	Crash Course on Auto Negligence Cases+++1.0 Civil Trial Cert.	1.0		\$25	\$65	01/25/16
	PBCBA	Getting to Basics of Bankruptcy	3.0	1.0	\$90	\$130	03/12/26

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

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

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

PLEASE ALLOW SEVEN (7) BUSINESS DAYS PREPARATION TIME WHEN ORDERING CD's.

THERE WILL BE A \$25 FEE FOR RUSH ORDERS. NEW MEMBERS MAY JOIN THE PBCBA FOR \$100. APPLICATIONS FOR MEMBERSHIP, OR RENEWAL, CAN BE OBTAINED ON OUR WEBSITE AT www.palmbeachbar.org.

CLE content is now available to purchase to download either to your computer or your iPod

ORDER INFORMATION: Please fill out this form and return it to Kathy Clark, Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406. To order with credit card, please place your order online at <http://www.palmbeachbar.org/continuing.php>

Name: _____ Firm Name: _____

Street Address (no P.O.Boxes): _____

City _____ State _____ Zip _____ PBCBA Member Non-PBCBA Member

Telephone: _____ Email Address: _____

Add \$25 for rush fee (order processed w/in 3 business days) Please call when order is ready to be picked up

Please mail (add \$10.00 for shipping and handling) (**payment must be received before items will be mailed or picked up**)

PAYMENT INFORMATION:

Payment Enclosed: Check # _____ Amount: \$ _____

Order Subtotal: \$ _____

If payment by credit card, please contact Kathy Clark at Bar Office (561) 687-2800

Shipping/Handling: + \$10.00

Rush Fee: + \$25.00

Total Due: \$ _____

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



Palm Beach County Bar Association

[About](#)
[Membership](#)
[Legal Resources](#)
[Committees & Sections](#)
[Articles & Forms](#)
[Diversity](#)
[New Attorneys](#)
[For the Public](#)

32nd Annual Estate Probate CLE Seminar

[Home / Registration](#)

Preferred method of registration is online. However, if you need to pay by check, please remit payment to the Bar within two days of the event with the registrant's name and event title shown on the check. Bar events are for members and confirmed sponsors - only. Marketing opportunities for business partners are available by calling Lynne at the Bar office.

Date

Friday, November 7, 2014

Time

7:45 AM-12:30 PM

Registration Closes

Thursday, November 6, 2014 12:00 PM

Location

Bar Assn. Office, 1507 Belvedere Rd., WPB

Event Cost

Non-PBCBA Members
(\$165.00)

PBCBA Members (\$125.00)

[Join the Bar](#)
[Member Login](#)
[Member Directory](#)
[eNews Sign-up](#)

Program Overview

To view more details about this event, or if you must pay with a check, please click [here](#) for a copy of the registration form.

">here for a copy of the registration form.

Sponsored by: Wells Fargo Private Bank and The Pankauski Law Firm

Please send an email to kclark@palmbeachbar.org if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, include a general description of your needs. We will contact you for further coordination. Requests must be made no later than 36 hours prior to the event.

PBCBA Seminar cancellation policy: Cancellations must be phoned, faxed or e-mailed to the Bar office at least 48 hours prior to the seminar. If cancellation received 48 hours prior to the seminar, you

Latest News

- > CLE content is now available 24/7
- > Registering for an event? You will need user name & password
- > Important Info About Courthouse Security
- > Webinars Available
- > It's Time to Renew Your Bar Dues

Calendar of Events

March 46783

may choose to receive (1) a set of audiotapes/CD's and materials from the seminar; or (2) a refund of the seminar. No refunds will be given for cancellations less than 48 hours prior to the seminar. There will be an additional \$25 fee for late registration at the door.

PBCBA Membership meeting event cancellation policy: Cancellations must be made two days before the event in order to obtain a refund. Reservations made for functions with a meal and not cancelled by the deadline will be billed if registrant is a no-show. Walk-ins to an event without a reservation will be charged an additional \$10.

S	M	T	W	T	F	S
27	28	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2

« FEBRUARY APRIL »

Links

- > [Home](#)
- > [About](#)
- > [Join Lawyer Referral](#)
- > [Resources](#)
- > [Publicatons & Forms](#)
- > [Committees](#)
- > [Diversity](#)
- > [New Attorneys](#)
- > [For the Public](#)
- > [Contact Us](#)

Contact Info

1507 Belvedere Rd.
West Palm Beach, FL 33406
Phone: (561) 687-2800
Fax: (561) 687-9007
E-Mail: info@palmbeachbar.org

