



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

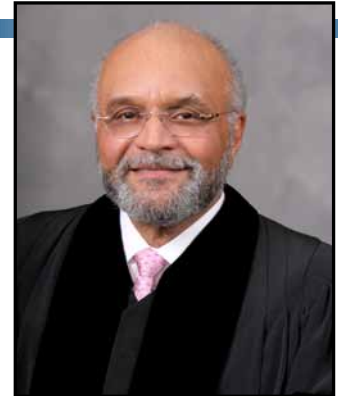
www.palmbeachbar.org

October 2015

## Annual Diversity Luncheon October 6

The Committee for Diversity and Inclusion is pleased to announce their annual diversity luncheon will be held on October 6 from 11:45 – 1:00 at the West Palm Beach Marriott. This year’s guest speaker will be Judge Herbert E. Phipps, Presiding Judge, Court of Appeals of the State of Georgia. Judge Phipps earned a B.A. degree, with a major in Political Science, from Morehouse College. He earned a Juris Doctor degree from Case Western Reserve University School of Law where he served as an editor of the Law Review. Judge Phipps was later awarded a Master of Laws in the Judicial Process from the University of Virginia School of Law. He has traveled extensively in Europe and Asia and taught English at Thammasatt University and private schools in Bangkok, Thailand.

After law school, Judge Phipps returned to Albany, Georgia to join the law practice of C.B. King. The firm emphasized civil rights litigation, including school desegregation, voting rights, jury discrimination, student rights, police brutality and discriminatory employment practices. From 1983 to 1995, Judge Phipps engaged in the solo practice of law. After several years as a part-time judge on the Magistrate, State and Juvenile Courts of Dougherty County, Governor Zell Miller appointed Judge Phipps to the Dougherty Circuit Superior Court in 1995. Governor Roy Barnes appointed him to the Court of Appeals of Georgia in July



1999. Judge Phipps served a two-year term as the Chief Judge of the Court of Appeals from July 2013 to July 2015, after which he resumed his duties as a presiding judge of the court.

## Judicial Evaluations Coming Soon

As has been done in the past, this year’s judicial evaluation will be conducted electronically. An email will be sent to all attorneys practicing in the 15<sup>th</sup> Judicial Circuit. **Please be sure to set your spam filters to preapprove anything from ballotboxonline.com.** When you complete this evaluation you should endeavor to be thoughtful and objective in your critique, putting aside any consideration of whether your client did or did not prevail in the particular matter before the Court. It is also important for you to respond based only upon your own experience, knowledge and judgment. Please ignore the opinion of others.

Furthermore, it is the purpose of this evaluation to reflect the Judicial Officers’ recent performance. You will be asked to **evaluate only those Judicial Officers before whom you have had at least one (1) trial or three (3) adversarial or other hearings within the last two (2) years.** If you have not had one (1) trial or three (3) adversarial or other hearings before the Judicial Officer, please do not evaluate that Judicial Officer regardless of how much experience you had with that Judicial Officer prior to the last two years. Recent experience is crucial to a fair and meaningful evaluation.

Results of the evaluation will be made available to the public and copies provided to each Judicial Officer.



## Mark your calendar for upcoming Membership Events

### October 6:

Annual Diversity Luncheon co-hosted by FAWL, Cunningham Bar and Hispanic Bar with Guest Speaker Former Chief Judge of the Court of Appeals of Georgia

### November 5:

Membership Open House – Food Truck Lunch, Networking and Vendors to Help Grow Your Practice

### December 10:

Annual Holiday Party and Silent Auction

### February 19:

Bench Bar Conference

## Inside...

President’s Message .....	3	Personal Injury Corner.....	8
Reciprocity Issue Update.....	4	Probate Corner .....	9
YLS/Federal Bar Happy Hour.....	4	ABA Annual Meeting.....	10
Diversity Corner .....	5	Professionalism Corner.....	11
Real Property .....	6	Technology .....	12
Bankruptcy Corner.....	7	Lawyers for Literacy.....	13
		Bulletin Board.....	15

THE  
**BULLETIN**

PALM BEACH COUNTY  
BAR ASSOCIATION

JAMES GRIER PRESSLY III  
President

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

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

## LETTERS TO THE EDITOR

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



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



## Holiday Party & Silent Auction set for December 10

Mark your calendar for our annual holiday party and silent auction scheduled for

**Thursday, December 10 from 5:30 p.m. to 8:00 p.m.  
at Frenchman's Reserve Country Club in  
Palm Beach Gardens.**

Our holiday party is one of our largest and most well attended events of the year and includes a wonderful silent auction with more than 100 great items to choose from!

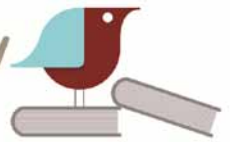
**Don't miss it!**

Early registration is now open online at [www.palmbeachbar.org](http://www.palmbeachbar.org).

*\*If you have a donation for the auction please contact Lynne at 687-2800. No item is too small and one hundred percent of the proceeds benefit charity. The auction is sponsored by our Young Lawyers and North County Section Board of Directors.*



palm beach county  
find a lawyer.org



## Need Client Referrals?

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Join **Palm Beach County Find A Lawyer**

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Meet experts in the field of Cyber Security, Internet Marketing, Legal Graphics, Mediation Services, Office Space providers and Website Videos!



Open House at  
The Bar Association  
1507 Belvedere Road, WPB

Thursday, November 5  
11:30 a.m. to 1:30 p.m.

Stop by anytime between 11:30 & 1:30 for  
lunch, networking, gifts, *plus* 2.0 General  
CLE Credit from The Florida Bar!

**FREE to all our members!** If you would like a free video for your website, schedule your production time by contacting Arlene at TheLaw.TV @ 561-293-2704. Appointments will be between 9:00 a.m. and 3:00 p.m. during Open House at the Bar Office.

## LOOK WHAT YOU COULD WIN!

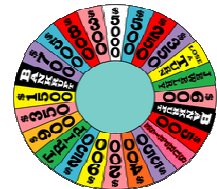
**Videotaped deposition** - 4 hour maximum, Palm Beach County only from Legal Graphicworks!

**Office Space** for 3 months from Quest Workspaces!

**Technology Gifts** given away every 30 minutes from LanInfoTech!

**Background check** courtesy of Rehmann - Corporate Investigative Services

**Webpage** on PalmBeachFindALawyer . . . *And, more!*

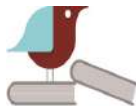


## Lunch, Networking, Gifts and 2.0 General CLE Credit from The Florida Bar All for Just \$15.00!

Price increases by \$5.00 after 5:00 p.m. on 11/2/15

Attorneys who are not PBCBA members are welcome for \$25.00. Or, join by November 2 and attend for the member rate!

**RSVP** by going to our website @ [www.palmbeachbar.org](http://www.palmbeachbar.org)





## Bar Celebrates 50th Anniversary of the Voting Rights Act By Inviting Judge Herbert Phipps, Prominent Georgia Jurist and Former Civil Rights Attorney, to Speak at Diversity Luncheon

by Grier Pressly

This year marks the 50<sup>th</sup> anniversary of the Voting Rights Act. Known as the act to enforce the 15<sup>th</sup> Amendment to the Constitution, the Voting Rights Act was signed into law by President Lyndon Johnson on August 6, 1965. The Voting Rights Act's objective was to overcome legal barriers at the state and local levels that prevented African Americans from exercising their right to vote under the 15<sup>th</sup> Amendment. An outgrowth of the U.S. Civil War, the 15<sup>th</sup> Amendment, ratified in 1870, prohibited states from denying a male citizen the right to vote based on "race, color, or previous condition of servitude." Nonetheless, over the course of the century to follow, various discriminatory practices, including literacy tests, poll taxes, and other bureaucratic restrictions, were used to prevent African Americans, particularly those in the South, from exercising their right to vote. The Voting Rights Act was the legislative solution to integrate the voting process and open the doors of democracy and political participation to the African American population.

Few acts of Congress can be shown to have had the empirical success of the Voting Rights Act. The following statistics evidence the immediate significant impact that the Act had in expanding the voting rights of African Americans:

- By the end of 1965, more than 250,000 new African American voters had been registered, 1/3 of them by federal examiners. By 1969, more than 800,000 new African American voters had been registered.
- By the end of 1966, only 4 out of 13 southern states had fewer than 50 percent of African American residents registered to vote.
- Within 4 years of the Act's passage, registration of non-white voters increased in Mississippi from 6% to 60% and in Alabama from 19% to 56%. Similar gains were made in Georgia, Louisiana, and South Carolina.

- Within 5 years of the Act's passage, 400 more African American officials were elected to office in local and state government.
- Within 6 years of the Act's passage, the number of African American members of the U.S. House of Representatives more than doubled.

In order to appreciate the sustained success of the Voting Rights Act, consider the following statistical changes in voter registration numbers from 1965-2004:

- The gap in voter registration among white and African American voters shrunk remarkably, from 63% to -4% in Mississippi; from 50% to less than 1% in Alabama; from 35% to -1% in Georgia; and from 49% to 4% in Louisiana.
- In the 2004 national election, African American voter turnout exceeded white voter turnout in five of the six southern states originally targeted by the Voting Rights Act, with a gap in the sixth state of less than one half of one percent.

And, in order to appreciate the degree to which the Voting Rights Act has steadily earned the respect of U.S. lawmakers, consider that four times the Voting Rights Act has come up for renewal in Congress. Four times it has been renewed. Each time the margin of support for the law has increased. When the Act was last renewed in 2006, the margin was 390-22 in the House and 98-0 in the Senate.

Today, the 114<sup>th</sup> Congress is the most diverse in our nation's history, with 46 African American U.S. House of Representative members, and 2 African American Senate members.

A former Chairman of the U.S. Commission on Civil Rights has referred to the Voting Rights Act as the "most successful civil rights law in the nation's history." When the Act's achievements over the last five decades are considered, it is difficult to argue with that accolade.

The Bar will celebrate the 50<sup>th</sup> anniversary of the Voting Rights Act as part of our annual Diversity and Inclusion luncheon scheduled for October 6. Judge Herbert Phipps has accepted the Bar's invitation to serve as the keynote speaker at this year's luncheon. Judge Phipps, former Chief Judge of the Court of Appeals of Georgia (and now in his 16<sup>th</sup> year on the court), began his legal career with the firm founded by legendary Georgia civil rights attorney, C.B. King. Judge Phipps' life experience includes a brief stint in a neighboring jail cell of Dr. Martin Luther King at a time when Judge Phipps was active with voter registration efforts in Georgia (Judge Phipps' offense was using a phone booth at night, a "crime" that he was never ultimately charged with). Judge Phipps is an iconic member of the Georgia legal community, and his message is sure to inspire our luncheon audience. The October 6 luncheon will also recap the recent achievements of the Bar's Committee for Diversity and Inclusion. I hope to see you there!

Phone: (561)659-4040

E-mail: [gpressly@presslyandpressly.com](mailto:gpressly@presslyandpressly.com)

## Board Meeting Attendance

	August
Barnes	x
Buck	x
Delgado	x
Huber	x
Kypreos	x
Mason	x
McElroy	x
Pressly	x
Reagan	x
Smith	x
Whittles	x
Wyda	x
Xenick	x

## Reciprocity Issue Update

Fellow Bar Members:

The issue of the Admission by Motion rule based on reciprocity has been a topic of great interest and concern to Florida lawyers. As of the date this issue of the Bulletin went to press (the first week of September), the Palm Beach County Bar Association had commenced a survey of its members to determine the degree of member support and opposition regarding the reciprocity issue and was readying for its September 22 town hall membership luncheon with Florida Bar President Ray Abadin and Immediate Past President Greg Coleman. The board of directors of the Palm Beach County Bar Association is prepared to take appropriate action on the reciprocity issue based on the results of the member survey and town hall meeting. It is our understanding that the reciprocity issue may come up for vote at the October meeting of The Florida Bar Board of Governors. In case you missed it, the following letter was recently submitted by the 15th Circuit's Board of Governors members to all of the attorneys in our circuit.

*To All Attorneys Practicing in the Fifteenth Judicial Circuit, We wanted to send a message from the entire Palm Beach County delegation serving on the Florida Bar Board of Governors. We've been contacted by many lawyers in Palm Beach County and across the State of Florida regarding the reciprocity issue.*

*It is our consensus that there is no good reason to support reciprocity. We believe that the public deserves appropriate testing of the competency of a lawyer. There is insufficient evidence, data, or statistics to show that the subgroup's admission by motion/ reciprocity proposal will help the public or Florida's lawyers, that it would produce better legal representation for Floridians, or that it would improve access to justice for the vast majority of Floridians that need assistance. Our primary duty as lawyers is to protect members of the public. By removing the requirement that lawyers possess the basic legal and ethical*

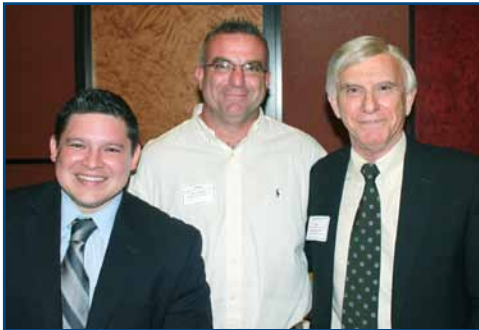
*standards tested by the Florida Bar exam, we believe we are doing the opposite. Lawyers practicing in Florida should be held to a certain standard of ethics and legal knowledge before being allowed to take people's lives, the welfare of people's children and families, and someone's very future in their hands.*

*To allow lawyers from other jurisdictions to "dabble" in Florida on these serious legal matters when they aren't properly tested as to Florida law is not a responsible thing to do. Unless qualified, Lawyers from other states should not be allowed to practice in Florida part time because of its economy and lifestyle and vie for the same representation with lawyers who have built reputations, support their communities and profession year round. In addition, one can only imagine the proliferation of advertising and solicitation if out of state lawyers have an unrestricted right to be licensed. We should easily embrace technological advances to enhance the practice, work on law school curriculum and better coordinate access to legal services. What we don't need is an influx of unqualified out of state lawyers to add to the already finest and most competent who serve our citizens and businesses. This will not help the people of Florida in any way. We believe that the subgroup's reciprocity proposal is not in the best interest of the legal profession in Florida and is not in the best interest of the people seeking competent legal representation in Florida.*

*Allowing lawyers that do not pass the basic qualifications of competency in Florida law to undertake such an important role in safeguarding our citizens is not a risk we are willing to take. Therefore, we do not support reciprocity, and we will be voting "NO" if this issue is voted on by the Florida Bar Board of Governors.*

*David Prather, Michelle Suskauer, Gary Lesser and Ron Ponzoli  
Fifteenth Judicial Circuit Delegation, Florida Bar Board of Governors*

## YLS/Federal Bar Happy Hour



**YLS President Lou Delgado, Flynn Bertisch and Bob Bertisch**



**Adam Myron, Federal Bar President Sally Still and Adam Rabin**



**4th DCA Judge Alan Forst, London Ott and Dane Leitner**



**Christopher Hudock, Carlton Campbell, Masimba Mutamba and Jeremy Harris**



**Andrew Kwan and Wesley Wintermeyer**



**Tama Kudman, Val Rodriguez, Federal Judge Kenneth Marra and Tanique Lee**



## Legal Education Scholarships – Past and Present

by Carol D. Ellis

The financial barriers to a legal education for aspiring attorneys are daunting. The financing and affordability of a legal education in today's marketplace are at the forefront of discussion at state and national bar associations. American Bar Association President William Hubbard, recently stated, "this is a critical time for legal education in the evolving legal marketplace, so a thorough, credible examination of legal education financing issues is more important than ever." As a result, a 15-member ABA Task Force on the Financing of Legal Education, which included law school deans, practitioners, judges and student loan experts, got together and studied tuition, enrollment, student debt loads, minority student enrollment, law school operation costs, tuition discounts and related topics issued, among others, the following findings:<sup>1</sup>

- Enrollment at private law schools declined by 30 percent between 2009 and 2015, while public law school enrollment was down by 18 percent.
- Law school tuition, adjusted for inflation, rose by 46 percent at private schools between 1999 and 2014 and increased by 132 percent at public law schools.
- Law schools, on average, derived 69 percent of their revenue from tuition in 2013, and 25 percent of schools rely on tuition for 88 percent or more of their revenue.
- Almost 90 percent of law students finance their education with loans. The average inflation-adjusted loan debt for graduates of private schools grew from \$102,000 in 2005 to \$127,000 in 2012, while those figures for public school graduates rose from \$66,000 to \$88,000.

In the past, the State of Florida offered significant scholarship assistance to minority law students

through the Minority Participation in Legal Education Program ("MPLE") Program.<sup>2</sup> Established in 1994, the MPLE Program was funded by the Florida Legislature, and was designed to address the underrepresentation of historically disadvantaged minorities practicing law in the State of Florida. From 1994-2001, new scholarships were awarded annually to Florida residents attending both public and private law schools in Florida.

The MPLE Program successes included the following:

- From 1994 through 2005, the Program supported 533 Scholars.
- 502 Scholars (94%) graduated from law school and received their J.D. degrees.
- 94% of the graduates who took the Florida Bar Examination passed the Examination.
- 95% of Program graduates who passed the Bar Exam now practice law in Florida or practiced in the State for at least three years.
- Studies by the Florida Post-Secondary Educational Planning Commission, the Florida Board of Regents Legal Education Advisory Council and others, credited the MPLE Program for being responsible for Florida's increase in statewide law school minority enrollment.

Despite its successes, the Florida Legislature voted to phase out the MPLE Program in 2002.

As a profession, we must take collective action to support local and state initiatives that support minority participation in legal education. As illustrated by the ABA task force findings, the cost of legal education is on the rise. Without programs like the MPLE, diverse students are less likely to pursue a legal education and historically disadvantaged minorities will continue to be underrepresented in the legal community. It is important to note that the ABA currently offers the following scholarship opportunities

and diversity initiatives to diverse law students:

### Legal Opportunity Scholarship –

The ABA Legal Opportunity Scholarship grants 20 incoming diverse law students with \$15,000 of financial assistance over the course of their three years in law school. During his term as ABA President, William G. Paul initiated the scholarship to encourage racially and ethnically diverse students to attend law school. [www.ambar.org/ABALOS](http://www.ambar.org/ABALOS)

### Judicial Clerkship Program

("JCP") held annually at the ABA Midyear Meeting in collaboration with the Judicial Division brings law students and judges together for panel discussions, research, writing, and networking sessions. These activities introduce students to the benefits of pursuing a judicial clerkship and judges to the value of diverse clerks. [www.ambar.org/ABAJCP](http://www.ambar.org/ABAJCP)

### Minority Counsel Program

("MCP") Since 1988, the ABA Commission on Racial & Ethnic Diversity in the Profession brings together diverse lawyers from across the country for an intensive three-day conference that includes Continuing Legal Education, ethics, keynote presentations, and networking. For more info visit [www.ambar.org/DiversityCommission](http://www.ambar.org/DiversityCommission).

*Carol Dutra Ellis has been practicing for 16 years and is the founder of the Law Offices of Carol D. Ellis, P.A. located in West Palm Beach. Carol is a 1998 graduate of the Florida State College of Law and a MPLE Scholar. She was previously with the law firms of Greenberg Traurig, P.A. and Edwards Angell Palmer & Dodge LLP. She currently assists clients in chapter 7 and chapter 13 bankruptcies, family law, and serves as co-counsel to bond and underwriters' counsel in municipal bond transactions.*

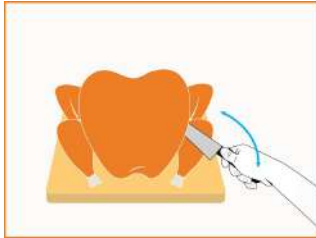
<sup>1</sup> <http://www.nationallawjournal.com/id=1202729998394/ABA-Task-Force-Bring-Law-School-Costs-Down#ixzz3j1BM7ku7>

<sup>2</sup> <http://fefonline.org/mple.html>

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



**2015 Fall Workers' Compensation Seminar -  
Carving Out Comp Issues**



**Thursday, November 19, 2015, 12:00pm-6:00pm  
PBCBA, 1507 Belvedere Road, WPB, FL**

**Program Schedule**

- 12:00 p.m. - 12:20 p.m.      **Late Registration / Check in / Lunch**
- 12:20 p.m. - 12:30 p.m.      **Welcome & Opening Remarks:** Jeffrey Friedman, Esq., Vassallo, Bilotta, Friedman & Davis; Florida Bar Board Certified, Workers' Compensation; Workers' Compensation CLE Chairperson
- 12:30 p.m. - 1:20 p.m.      **Daubert/F.S. 90.702:** How, When and Why: Plaintiff and Defense speakers TBA
- 1:20 p.m. - 2:10 p.m.      **Case Law Update:** Esther Zapata Ruderman, Esq., Conroy Simberg and Kenneth B. Schwartz, Esq., Florida Bar Board Certified, Workers' Compensation
- 2:10 p.m. - 2:20 p.m.      **Break**
- 2:20 p.m. - 4:10 p.m.      **Spinal Injuries:** Physician TBA
- 4:10 p.m. - 5:00 p.m.      **Q & A Session/ Judicial Panel - We'll Be the Judge of That!**  
The Honorable Timothy M. Basquill; The Honorable Mary D'Ambrosio and The Honorable Shelly H. Punancy - Moderated by Jeffrey Friedman, Esq.
- 5:00 p.m. - 6:00 p.m.      **Happy Hour**

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This course is expected to receive 4.0 credits from The Florida Bar. Early Registration cost is \$100 for PBCBA members/paralegals; \$150 for non-PBCBA attorney members/paralegals if registered by **11/12/15**; add \$15 late fee after that date. All refund requests must be made no later than 48 hours prior to the date of the seminar.

**HOW TO REGISTER**



**BY CHECK**  
Return this form



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



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



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

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

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

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_ 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.

\_\_\_\_ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (11/19/15 Workers' Compensation Law) Cost is the same as listed above, in addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY WITH THIS FORM.**

# Real Property and Business Litigation Report



by *Manuel Farach*

**Department of Transportation v. Mid-Peninsula Realty Investment Group, LLC**, – So. 3d –, 2015 WL 4549196 (Fla. 2d DCA 2015).

Holding title to and “using” real property do not constitute “possession” for purposes of invoking the exception to extinguishment under Florida Statute section 712.03(3) of the Marketable Record Title Act.

**Green Tree Servicing, LLC v. Milam**, – So. 3d –, 2015 WL 4549200 (Fla. 2d DCA 2015).

Conditions precedent are examined for substantial, not perfect technical, compliance; the Fifth District’s opinion in in *Samaroo v. Wells Fargo Bank, N.A.*, 137 So. 3d 1127 (Fla. 5th DCA 2014), is distinguished.

**Arrasola v. MGP Motor Holdings, LLC**, – So.3d –, 2015 WL 4634686 (Fla. 3d DCA 2015).

The change in Florida Statute section 682.03(1)(b) from “hear” to “decide” indicates that a trial court may summarily dispose, without hearing, a motion to compel arbitration.

**Moreno v. First Intern. Title, Inc.**, – So.3d –, 2015 WL 4637238 (Fla. 3d DCA 2015).

A party to a contract cannot claim she signed it without reading it unless she can prove circumstances that prevented her reading the contract.

**Conde & Cohen, P.L. v. Grandview Palace Condominium Ass’n, Inc.**, – So.3d –, 2015 WL 4637285 (Fla. 3d DCA 2015).

Unlike a charging lien, an attorney’s retaining lien “covers

the balance due for all legal work done on behalf of the client regardless of whether the property is related to the matter [in which the property is held].” The attorney under a retaining lien may retain the property until the attorney is paid, the client can demonstrate a compelling need for the property, or the client posts adequate security in place of the lien.

**CitiMortgage, Inc. v. Turner**, – So.3d –, 2015 WL 4623656 (Fla. 1st DCA 2015).

A co-tenant who does not sign the promissory note for a loan but co-signs the mortgage encumbering the entire property (not just the co-tenant’s interest) may be foreclosed of his interest upon default by the borrowers even if he signed the mortgage with a “Limited Purpose Execution” notation under his signature.

**Woodbridge Holdings, LLC v. Prescott Group Aggressive Small Cap Master Fund**, – So. 3d –, 2015 WL 4747174 (Fla. 4th DCA 2015).

In order to constitute a “fair offer” to dissenting shareholders under Florida’s dissenting shareholder statute, Florida Statute section 607.1322, the offer must use “customary and current valuation concepts and techniques.”

**Infinity Home Care, L.L.C. v. Amedisys Holding, LLC**, – So.3d –2015 WL 4927257 (Fla. 4th DCA 2015).

Referral sources are a legitimate business interests subject to protection by covenants not to compete under Florida Statute section 542.335; conflict certified with *Florida Hematology & Oncology v. Tummala*, 927 So.2d 135 (Fla. 5th DCA 2006).

## Now available to resolve Palm Beach County cases at our new Boca Raton Hearing Location



**Lucy Chernow  
Brown**

*Retired Judge 15th Judicial Circuit*



**Jeffrey  
Grubman, Esq.**

### Our distinguished panel also includes:

**Mercedes Armas Bach** *Retired Judge 11th Judicial Circuit*

**Ted E. Bandstra** *Retired Chief US Magistrate Judge*

**Joseph P. Farina** *Retired Chief Judge 11th Judicial Circuit*

**Gerald Kogan** *Retired Chief Justice Florida Supreme Court*

**Cristina Pereyra** *Retired Judge 11th Judicial Circuit*

**Ronald B. Ravikoff, Esq.**

**Scott J. Silverman** *Retired Judge 11th Judicial Circuit*



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## Four Years May Not Be The End Of The Clawback Period

by Jason S. Rigoli

The Bankruptcy Code<sup>1</sup> permits the trustee to avoid and recover actual or constructively fraudulent transfers

for the benefit of the bankruptcy estate. The trustee can proceed under two provisions: (i) section 548 of the Bankruptcy Code or (ii) section 544 of the Bankruptcy Code. If the trustee proceeds under section 548 of the Bankruptcy Code, the trustee is limited to a two-year clawback period from the date of the filing of the petition.<sup>2</sup> Section 544 of the Bankruptcy Code permits the trustee to “avoid any transfer of an interest of the debtor in property or any obligation incurred by the debtor that is voidable under applicable law by a creditor holding an unsecured claim.”<sup>3</sup>

Generally, as a debtor’s attorney in Florida, the immediate concern is whether any transfers were made by the debtor within the four years preceding the filing of the petition.<sup>4</sup> Sometimes, there are debtors from out of state or

debtors who conduct business in another state where the limitations period for avoiding a transfer is slightly longer or shorter.<sup>5</sup> In these cases the trustee is able to bring an action to avoid and recover transferred assets in accordance with the applicable law of such state. There is one creditor, however, that may extend that limitations period even further, the IRS.

The IRS benefits from an extended limitations period of ten years.<sup>6</sup> The question in bankruptcy is whether the trustee can use the IRS as the triggering creditor for the longer limitations period.

While there is not substantial case law on this matter, most courts have found that the trustee can use the IRS as the triggering creditor under section 544(b) of the Bankruptcy Code.<sup>7</sup> The

<sup>5</sup> See e.g., Maine (6 years – 14 M.R.S.A. §3580); Michigan (6 years – MCLA §566.39); Minnesota (6 years – MSA § 541.05); New York (6 years – CPLR § 213); Louisiana (lesser of 1 year of learning of transfer or within 3 years of transfer – La. Civ. Code § 2036); Mississippi (3 years – Miss. Code. Ann. §15-3-115). Cf., Virginia (No limitations period, only doctrine of laches).

<sup>6</sup> 26 U.S.C. § 6502.

<sup>7</sup> See, *In re Kaiser*, 525 B.R. 697 (Bankr. N.D. Ill. 2014); *In re Porras*, 312 B.R. 81, 97 (Bankr. W.D. Tex. 2004); *In re Emergency Monitoring Technologies, Inc.*, 347 B.R. 17, 19 (Bankr. W.D.Pa. 2006); *In re Republic Windows &*

analysis is that section 544(b) of the Bankruptcy Code does not contain any limiting provision when it comes to which creditor’s right the trustee seeks to assert. Without any limitation, the trustee can select any unsecured creditor, including the IRS. In addition to the IRS’s extended limitations period; if the U.S. – in any other capacity – is an unsecured creditor, that fact may also extend the limitations period for the trustee to avoid and recover actual or constructively fraudulent transfers to six years.<sup>8</sup>

*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*

*Doors, LLC*, 2011 WL 5975256, at \*9 (Bankr. N.D. Ill. Oct. 17, 2011); *Finkel v. Polichuk (In re Polichuk)*, No. 10-003ELF, 2010 WL 4878789, at \*3 (Bankr. E.D. Pa. Nov. 23, 2010). Cf. *Wagner v. Ultima Homes, Inc. (In re Vaughn Co., Realtors)*, 498 B.R. 297 (Bankr. D.N.M. 2013) (the court declined to extend the limitations period even though the IRS was a creditor, because the 10-year limitations period is exercised under the “sovereign power” granted to it and Congress did not grant debtors sovereign powers under section 544(b)).

<sup>8</sup> 28 U.S.C. § 3306(b).

<sup>1</sup> 11 U.S.C. §§ 101, *et seq.*

<sup>2</sup> 11 U.S.C. § 548(a)(1).

<sup>3</sup> 11 U.S.C. §544(b)(1).

<sup>4</sup> See, Fla. Stat. § 726.110.

## 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.

**Scott Robert Ellerin:** Florida Coastal School of Law, 2004; Associate in Kenny Leigh & Associates, Boca Raton.

**Jeffrey Mansell:** Duquesne University, 2006; Associate in Romano Law Group, Lake Worth.

**Kristina Lynn Reed:** University of Florida, 2014; Associate in Reed Griffith and Moran, Boynton Beach.

**Alfred D. Marten:** Law Student Membership, Lake Worth.

**Gregory C. Rosenfeld:** Roger Williams University, 2011; Associate in The Skier Law Firm, P.A., West Palm Beach.

**Jason R. Seidman:** Florida State University, 2009; Solo Practitioner, Boca Raton.

**Bradley Vialpando:** University of Florida, 2007; Corporate Counsel, Abbot Downing, Palm Beach.



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

The Palm Beach County Bar Association's Community Law CLE Committee presents:



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



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

Bar Association Offices  
1507 Belvedere Road, WPB

### Program Schedule

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

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## What's Not Malpractice

by Ted Babbitt

*Holmes Regional Medical Center, Inc. v Dumigan, 151 So. 3d 1282 (Fla. 5th DCA 2014)* was a case in which the plaintiff entered the hospital for cardiac bypass surgery and left the hospital as a double amputee. Plaintiff alleged that he was administered contaminated heparin as a result of which he suffered severe bacterial infections which resulted in the eventual amputation of both of his legs. He filed suit against the hospital for failing to properly respond to a recall of the contaminated product prior to its use during plaintiff's surgery and alleged that the hospital failed to have appropriate procedures in place to respond to the recall.

It was undisputed that prior to filing suit, plaintiff did not comply with the presuit requirements of the Florida Medical Malpractice Act. Plaintiff contended that the basis for his complaint was not a violation of the standard of care by any health care worker. The defendant moved to dismiss the complaint alleging that the allegations constituted alleged medical malpractice and plaintiffs, therefore, should be required to provide the necessary affidavits and presuit requirements of the malpractice act. The trial court refused to dismiss the complaint and the hospital petitioned for certiorari.

The Fifth District agreed with the plaintiff. The District Court noted that none of the doctors who participated in the surgery were defendants in the lawsuit and that the plaintiffs did not allege that the administration of heparin was below the standard of care. Plaintiffs alleged that the negligence of the hospital was an administrative act rather than a medical act and that the Plaintiff was, therefore, not required to comply with the presuit screening provisions. The District Court agreed with the plaintiff. At Page 1283 it stated:

It is axiomatic that the mere fact that a wrongful act occurs in a medical setting does not automatically transform the contested action into one that sounds in medical malpractice; the wrongful act must be directly related to the improper application of medical services and the use of professional judgment or skill. The primary test for whether a claim is one for medical malpractice is whether the claim relies on the application of the medical malpractice standard of care.

The District Court reviewed a number of Florida cases which have turned on the same question as the case under discussion. The operative question in all of those cases was whether the negligent act occurred during the course of the medical procedure. If it did, the case most likely is one of medical malpractice. In the case at bar, the negligent act of failing to eliminate from its inventory the contaminated heparin occurred long before the surgery and there was no allegation that giving uncontaminated heparin during the surgery was malpractice. To the contrary, the failure to give heparin would undoubtedly constitute surgical malpractice.

The Court also discussed a number of out-of-state cases

including *Turner v. Steriltek, Inc., No. M2006-01816-COA-R3-CV, 2007 Tenn. App. LEXIS 790, 2007 WL 4523157, at \*8 (Tenn. Ct. App. Dec. 20, 2007)* in which a Tennessee court found that an action against a hospital did not sound in medical malpractice when it was based on the failure to have proper procedures in place to ensure that instruments were properly sterilized. The Tennessee court found that decision was an administrative decision made well before the surgery and the making of that decision did not involve medical judgment.

At Page 1288, the Fifth District held

In this case, no medical judgment or skill was exercised by HRMC, and the allegedly wrongful act occurred months before Mr. Dumigan's surgery. Moreover, HRMC's decision to administer heparin is not the gravamen of the complaint. Indeed, the failure to administer a blood thinner during the procedure would undoubtedly fall below the acceptable standard of care. Rather, the allegedly wrongful act was HRMC's administrative failure to properly remove heparin from its inventory, which it knew or should have known, had been recalled. This alleged failure of administrative policy is not unlike the failure of a grocery store to remove a tainted product after having been notified of a recall. Thus, HRMC's allegedly wrongful act is not unique to the hospital setting and does not involve professional medical judgment or skill. For these reasons, the claim sounds in ordinary negligence rather than medical malpractice, and the FMMA's presuit notice requirements do not apply.

Whether or not a case is a medical malpractice case is often important to the outcome. There is a huge difference between proving ordinary negligence as opposed to medical malpractice. Indeed, the statute of limitations may be different and the necessity for experts could vary wildly. This case collects the research on the subject of when a case sounds in medical malpractice and when it does not.

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



# Proposals for Settlement



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

## Program Schedule

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

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

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

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

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

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

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## Disgorgement Of Attorney's Fees - Personal Jurisdiction Over Counsel Is Required

by David M. Garten

In *Simmons v. Estate of Baranowitz*, 2015 Fla. App. LEXIS 6733; 40 Fla. L. Weekly D 1072 (Fla. 4<sup>th</sup> DCA 5/6/15), the PR filed a petition for discharge and final accounting. The accounting indicated that the PR and his counsel received certain amounts as compensation for their services. The trustee of the decedent's trust filed objections to the accounting, as well as a petition to review the compensation which the PR and his counsel received. The trustee argued that the compensation received was excessive in relation to the compensable value of the estate and that any excessive compensation should be refunded. The court held an evidentiary hearing on the objections and petition. At the hearing, the PR argued that the court lacked jurisdiction over his counsel because counsel was not a party. Following the hearing, the court entered an order determining that the compensation which the PR and his counsel received was excessive and ordered the PR and his counsel to disgorge those amounts which the court determined to be excessive.

On appeal, the PR argued among other things, that the

court had no personal jurisdiction over his counsel because his counsel never was served with initial process by a summons or formal notice. The court agreed with the PR. The court reasoned that the remedy sought in the petition against the PR's counsel was against him individually; therefore, service by formal notice under the Florida probate rules was required for the court to have personal jurisdiction over him. In response, the trustee argued that service by formal notice is not required because the Florida probate code gives a court the authority to review the propriety of any compensation paid to the PR's employee and, if that employee has received excessive compensation, to order that employee to make appropriate refunds. The court disagreed with the trustee. The court reasoned: "We recognize that the Florida probate code gives a court the authority to review the propriety of any compensation paid to a personal representative's employee and, if that employee has received excessive compensation, to order that employee to make appropriate refunds. See §§ 733.6175(1) & (3), Fla. Stat. (2010). Here, however, the issue is not the court's authority to act, but the manner by which the court notifies the employee that action may be taken."



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

# **"The 18th Annual Elder Law Seminar"**

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

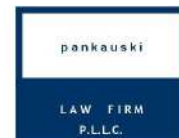
## Program Schedule

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

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by the PBCBA's  
*ABA Delegate*  
**Donnie Murrell**

Regular readers of these reports (all four of you) know that the last several meetings of the House of Delegates have been notable for the lack of

debate and any real contested issues. That all changed in Chicago.

Even before the House met, the Florida Caucus held an interesting discussion led by Florida Bar President Ray Abadin regarding lawyer reciprocity. Reciprocity is one of several issues facing the Bar and Mr. Abadin kicked-off this discussion at The Florida Bar annual meeting last June in Boca Raton. Since then, Florida lawyers have been readying the pitch-forks and torches, preparing to fend off any invasion from out of state lawyers. It is important to note that reciprocity is only one of the issues currently being hotly discussed among bar leaders. Other topics include: ownership of law firms by non-lawyers (Wal-Mart doing divorces?) and fee sharing with non-lawyers (AVVO). No pitchforks were visible during the Florida Caucus discussion, but the depth of the feelings on these issues was clearly evident. Florida lawyers should pay attention and participate in the discussion. It will be lively.

The discussion carried over to the House of Delegates meeting which ended

on Monday with a series of "TED Talks". Half a dozen distinguished speakers presented on topics impacting the delivery of legal services. The speakers included the Executive Director of Bay Area Legal Services, The Director of the Office of Access to Justice for the Department of Justice, Mark Britton, founder and CEO of AVVO, and our own Greg Coleman. Greg more than held his own in this very distinguished company.

Mark Britton is an intriguing character. He is a lawyer, he speaks our language. And he argued for the abolition of UPL laws. His argument is that lawyers no longer control access to "legal knowledge". It is available to everyone on-line. At the same time the vast majority of the middle-class feel either that they cannot afford legal assistance or it will do them no good. A sizable percentage of those legal needs are simple things that could be handled with forms and guidance from a non-lawyer "legal technician". Prohibitions on the unauthorized practice of law prevent that business model from filling those unmet legal needs. That market is so large that Britton confidently predicts those needs will be met - with or without the cooperation or consent of The Bar.

Every ten years the ABA reviews its constitution. This year resolutions were proposed based on that decennial review. The resolutions suggested changes to the governance structure of the ABA. One resolution supported elimination of the offices of secretary-elect and treasurer-

elect. Interestingly, the secretary-elect position was abolished with little fanfare. But intense debate over the abolition of the treasurer-elect resulted in that position remaining intact. (Maybe you had to be there to find it interesting.)

There was a very interesting debate on Resolution 102 which urged state bar associations "to eliminate any questions that ask about mental health history, diagnosis or treatment when determining character and fitness for the purpose of bar admission." There were strong views on both sides of this issue. The argument that won it for the proponents was made by Professor Steve Saltzburg of Washington D.C. He described having law students approach him every year asking him if they seek psychological help for some crises they are going through, will they have to report it to Bar examiners. Having kids decline to seek help for fear of being denied admission to the bar outweighed the value of the questions. Others pointed out that the best predictor of future behavior is past behavior. Carefully tailored questions regarding past acts of violence, or absenteeism or school discipline are adequate to alert the Bar possible issues. The resolution passed, but only after demonstrating once again the House of Delegates is at its best when it debates issues.

A wide range of resolutions were addressed at the annual meeting. As always, if anyone has a particular question please feel free to contact me directly.

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

# IT'S ALL YOUR FAULT, MAYBE NOT...

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

## Program Schedule

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

- 12:30pm - 12:55pm **Late Registration / Check in**
- 12:55pm - 1:00pm **Welcome and Opening Remarks** - Abigail Beebe, Esq., The Law Office of Abigail Beebe, PA, Family Law CLE Committee Chair
- 1:00pm - 1:50pm **Liars, Cheaters & Stealers: Criminal Issues that all Family Law Lawyers should know about:** \*Martin L. Haines, III, Law Office of Martin L. Haines, III Chartered
- 1:50pm - 2:35pm **Discovery/Determining Income of Non W-2 spouses** - Matt Smith, CPA; Matthew Stohman, CPA and Joshua Angell, CFA, Moore, Ellrich & Neal, P.A.
- 2:35pm - 3:10pm **Evaluating Allegations of Child Sexual Abuse in High Conflict Cases** - Dr. Deborah O. Day
- 3:10pm - 3:20pm **BREAK**
- 3:20pm - 3:45pm **Divorce and High-Conflict People: Borderlines, Narcissists, Histrionics, Sociopaths and Other Persuasive Blamers** - Dr. Deborah O. Day
- 3:45pm - 4:15pm **Ethical Concerns When Navigating through High-Conflict Divorce** - Michael Walsh, Esq., Michael P. Walsh, P.A.
- 4:15pm - 5:00pm **High Conflict Parties, Opposing Counsel and Other People...Managing Personality Disorders in Family Law Cases** - \*Martin L. Haines, III; Judge John L. Phillips and Judge Amy Smith
- 5:00pm - 6:00pm **HAPPY HOUR**

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## The Florida Bar's Best Practices for Effective Electronic Communication

by Courtney Tito

It is so easy today to fire off a post on any number of social media platforms – Facebook, LinkedIn, Twitter – that we sometimes forget to take the time to really consider what we are posting and our audience. We rarely think about the fact

that our post will be there forever. That is why it is important to always remember that we do not have any reasonable expectation of privacy when we use the internet or social media today.

I learned a very valuable lesson early on in my career – be very mindful of what you put in writing. I had just finished law school but was still working on the MA part of my JD/MA so I did some contract attorney work in DC taking part in a large document review. I sat in a room with about 20 other contract attorneys and reviewed emails for several weeks straight. Included in the production were countless personal emails – some were innocuous while others were – well let's just say they were not flattering to the author or even the recipient in some cases. I determined then that I would never put anything in email that I wouldn't want a judge, or even my mother, to see. This has not always been easy because we all know that when are advocating for our clients, tempers can flare and reactions can be rash. But with the inundation of emails we all suffer through daily, along with the rise of social media, it is more important than ever to be diligent with our written word.

This is why I was very pleased to see that in June 2015, The Florida Bar published its Best Practices for Effective Electronic Communication at the request of Florida Bar immediate past president and Palm Beach County Bar past president Greg Coleman. This Best Practices Guide covers a variety of electronic communications, including email, social media, texting, telephone, cell phone, laptop/tablet usage in public and voicemails. The Best Practices Guide covers many things that are common sense to most of us but also provides some great taglines to keep us on our toes about our daily electronic communication. For example, “[i]n general, if you would be ashamed to see it on a billboard, do not post it” and “[r]esponsible participation in social media is time-consuming.”

I have included here some of the tips from the Best Practices Guide but the whole Guide is available on The Florida Bar website and I encourage everyone to read it.

### Texting:

- Keep texts short
- Longer texts can be misinterpreted
- Sign a text with your name
- Spell out all words and do not use “texting lingo” or shorthand
- Texts can be saved and can be altered
- R. Prof. Conduct 4-7.18(a) was found to apply to sending texts to potential clients

### Email:

- Use a descriptive subject line
- Be courteous
- Reply promptly – but allow yourself time to get over an initial reaction to an angry email
- Remember attachments to an email may contain metadata that can disclose unwanted information to the recipients

- Keep in mind Rules 4-8.4 and 3-4.3 (Misconduct and minor misconduct) when emailing

### Social Media:

- **There is no expectation of privacy on the internet**
- I repeat... there is no expectation of privacy on the internet.
- Change your passwords frequently
- Log off after visiting the page
- Delete your browsing history, saved passwords and cookies regularly
- Do not disparage anyone via social media
- Visit your sites often to ensure that it complies with the rules of the Bar
- Educate yourself about a site before joining.

### Phone calls

- If you can't devote your full attention to a call allow it to go to voicemail and return the call within a reasonable amount of time
- When using a cell phone be mindful of where you are and what you are discussing to avoid inadvertent disclosure of confidential information to others.
- See Rule 4-1.6 for further guidance

### Laptop/Tablet usage in Public

- Use a virtual private security network (VPN) to connect remotely using a secure connection.
- Keep your physical laptop/tablet secure
- Be aware of your surroundings and use a privacy screen
- Avoid free or unsecured Wi-Fi connections and always use a connection that encrypts your data.

The Best Practices Guide provides many more helpful tips and related Rules. Again if you take nothing else away from this article – remember that you have no reasonable expectation of privacy on the internet. We must embrace the “A.D.” (After Devices) age, as Greg Coleman describes it, to ensure that as lawyers we comply with The Florida Bar rules and also as fellow humans that we are putting our best face forward.

*Courtney G. Tito practices with McDonald Hopkins and her practice focuses on business litigation.*

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



## Hot Topics in Labor Law: Here Comes the "New" NLRB



December 11, 2015 - 1:00 p.m. - 5:30 p.m.  
PBCBA, 1507 Belvedere Road, West Palm Beach

### Program Schedule

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

This course is expected to receive 3.0 CLER. Enjoy an "Early Bird" discounted registration cost of \$75 for PBCBA members/paralegals; \$ 125 for non-PBCBA members/paralegals. After 12/4/15, add \$20 late fee.

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

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

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

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

<b>HOW TO REGISTER</b>	 <b>BY CHECK</b> Return this form	 <b>BY CREDIT CARD</b> For security purposes, you must register online at <a href="http://www.palmbeachbar.org">www.palmbeachbar.org</a>	 <b>Materials will now be emailed to all registrants prior to the seminar</b>
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Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_

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

\_\_\_ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (12/11/15 Employ. Law.) Cost is the same as listed above, in addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY, WITH THIS FORM.**

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



### The Government Can Sue Your Company for Negligent Cybersecurity

by Christopher B. Hopkins

While the risk of hackers dawned on many corporate lawyers after Target's data breach in 2013, the federal government has been actively suing corporations into cybersecurity compliance since 2005.

Specifically, the Federal Trade Commission (FTC) has sued more than 50 companies for poor cybersecurity despite the lack of any specific statute on point. Even the Federal Communications Commission (FCC) has sued regulated companies for their lackluster data standards. It is not just credit card or health care data which needs to be protected, as evidenced by the recent Ashley Madison hack. All corporations need to be aware that they can be sued by injured parties (see the Seventh Circuit's *Remijas v. Neiman Marcus* opinion) as well as the federal government for what is best described as "negligent cybersecurity." The recent Third Circuit opinion in *FTC v. Wyndham* gives guidance on data practices to follow or avoid.

In April 2008, hackers broke into a Phoenix-area hotel's network and then connected to Wyndham's larger network. Using pure guesswork, the hackers paired usernames with frequently-used passwords as a brute-force method to break in. From there, hackers discovered unencrypted payment information and that Wyndham's system was practically unmonitored. Hackers repeatedly breached Wyndham's system and installed memory-scraping malware, resulting in \$10 million dollars in fraudulent charges.

The FTC brought suit against Wyndham based upon Section 5 of the Federal Trade Commission Act which prohibits "unfair or deceptive acts or practices in or affecting commerce." Dating back nearly 100 years, Congress has intentionally kept the phrase "unfair practices" vague since, as one court wrote, "there were too many unfair practices to define." The FTC has determined that, under Section 5, it is "unfair" for corporations not to provide cybersecurity and it is "deceptive" for companies to have privacy policies which they do not follow. The FTC has brought suit against companies, alleging violations of the "unfairness" or "deceptive" clauses of Section 5, even when a company has not violated other statutes -- in other words, as one commenter wrote, the federal government has taken a "common law" approach to define negligent cybersecurity.

For a practice to be actionable as "unfair" under Section 5, it must be substantial; not be outweighed by consumer benefits or healthy competition that the practice produces; and it must be an injury that consumers could not have reasonably avoided. As the Third Circuit concluded, "[a] company does not act equitably when it publishes a privacy policy to attract customers..., fails to make good on that promise by investing inadequate resources in cybersecurity, and exposes its unsuspecting customers to substantial financial injury, and retains the profits of their business."

In *Wyndham*, the defendant was sued for failing to take these steps:

- Use firewalls at critical network points;
- Restrict access to certain IP addresses;
- Use encryption for certain customer files (not plain text);
- Monitor network for previously-discovered malware;
- Employ common protection which prevents users from selecting weak passwords;
- Employ reasonable methods to detect and prevent unauthorized access.

Along these lines, in 2007, the FTC published a guidebook, *Protecting Personal Information: A Guide for Business*, which provides these recommendations:

- Check software vendors' sites regularly for patches and alerts about new vulnerabilities;
- Set firewall controls to limit access only to trusted employees with a legitimate business purpose;
- Require employees to use strong passwords;
- Implement a data breach response plan which includes immediate investigation and steps to close off vulnerabilities.

Until the *Wyndham* case, most companies settled with the FTC which limited the amount of attention paid to the FTC's "common law" cybersecurity negligence suits. Post-*Wyndham*, however, companies should be on notice of the risk of government suits; corporate counsel should review government settlement agreements online to ascertain what data compliance steps are considered adequate as a guide for developing a preventative plan. For this to work, legal and IT departments must collaborate. In the July 2015 settlement of *In re TerraCom, Inc. and YourTel America*, the FCC required:

- designating a senior corporate manager as a certified privacy professional;
- conducting a privacy risk assessment;
- implementing a written information security program;
- maintaining oversight of vendors;
- implementing a data breach response plan;
- providing privacy and security awareness training.

In light of *Wyndham*, companies (including law firms) should be on notice that, even in the absence of specific federal statutes, there is governmental and third party liability for poor data protection. In addition to following state statutes like the Florida Information Protection Act of 2014, recent FTC and other government agency actions and settlements should guide the development of cybersecurity protocols.

*Christopher B. Hopkins is a member with McDonald Hopkins LLC. Send your data breach and privacy questions to [chopkins@mcdonaldhopkins.com](mailto:chopkins@mcdonaldhopkins.com).*



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

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

**Program Schedule**

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

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

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

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

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

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

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<b>HOW TO REGISTER</b>	 <b>BY CHECK</b> Return this form	 <b>BY CREDIT CARD</b> For security purposes, your must register online at <a href="http://www.palmbeachbar.org">www.palmbeachbar.org</a>	 <b>Materials will now be emailed to all registrants prior to the seminar</b>
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Solo & Small Firm Committee  
presents their Second Lunch &  
Learn . . . November 18, 2015

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

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

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

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



*Ethan Wall, Esq.*  
**SOCIAL MEDIA LAW AND ORDER**

**WEDNESDAY, NOVEMBER 18**  
**Bar Office**  
**11:45 a.m. to 1:00 p.m.**

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

Join us for Lunch & CLE Credit!

This event is expected to sell out! Seating is limited. RSVP Today @ [www.palmbeachbar.org](http://www.palmbeachbar.org)



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

Attorneys who are not PBCBA members are welcome to attend for \$40.00.

Add \$10.00 if registered after 5:00 p.m. on 11/13/15



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Bob Greenberg, *CLTC Insurance Services*

North County Section & FAWL to host  
**Third Annual Pink Party!**

to benefit  
**Smiley Wiley Breast Cancer  
Foundation**

**Thursday, October 8  
5:30 p.m. to 7:00 p.m.**



**Brio's Tuscan Grill**  
3101 PGA Boulevard, Palm Beach Gardens

\$25.00 proceeds benefit  
Smiley Wiley  
Breast Cancer Foundation

Judges are complimentary

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

**WEAR PINK of course!**

There will be prizes for the  
best dressed woman and  
best dressed man!

Show your support for  
breast cancer awareness.

Register before 5:00 p.m. on  
10/6/15 to avoid a \$5.00 late fee



**Lawyers for Literacy Committee Needs Volunteers  
for "Read for the Record"**

On the morning of October 22, volunteers from all over Palm Beach County will participate in the Literacy Coalition of Palm Beach County's Read for the Record.

Please join me and the members of the Lawyers for Literacy Committee by reading to children in schools around the county.

This year's book is "Not Norman: A Goldfish Story." Hopefully, we can help break the global record for adults and kids reading the same book on the same day! If you're interested in volunteering, please contact me, Andrew Kwan, Lawyers for Literacy Chair at [www.kwan@beasleylaw.net](mailto:www.kwan@beasleylaw.net) with your name, contact information, and preferred geographical area to volunteer. Thank you in advance for making a difference!



LEGAL AID SOCIETY'S  
**2015 Shop for a Cause Series**

**October 1: Tux Shop, Palm Beach Gardens  
"Get Suited for the Season" 6-9pm**

Join us for the  
Premiere Season Kickoff Trunk Show  
of Tuxedos & Suits  
Enjoy hand passed hors d'oeuvres, drinks,  
and live music.

\$15 admission ticket includes the opportunity to win  
Dazzling Raffle Prizes.

**October 17: J. McLaughlin's at the Gardens Mall  
"Sip and Shop" 12-3pm**

Shop for a cause while enjoying light bites and wine.

**November 10: Brooks Brothers  
in the Gardens Mall 5-8pm**

An evening of cocktails, hors d'oeuvres and shopping  
\$15 admission ticket includes the opportunity to win raffle prizes.  
Enjoy a 15% savings on purchases at the event.

**December 5: Bloomingdale's Charity Shopping Day  
at Gardens Mall 10am-9pm**

Including private sales, display of fun gift ideas for the holidays  
and enjoy holiday makeovers in the Nutcracker Ballet  
themed Cosmetics area.



**UPCOMING  
CLE SEMINARS**

**November 3rd:**

Digital Preparation and Presentation of  
Your Case from Pre-Suit to Trial

**November 12th:**

Proposals for Settlement

**November 13th:**

Family Law Seminar –  
It's All Your Fault, Maybe Not...

**November 19th:**

2015 Fall Worker's  
Compensation Seminar:  
Carving Out Comp Issues

**December 4th:**

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

**December 10th:**

18th Annual Elder Law Seminar

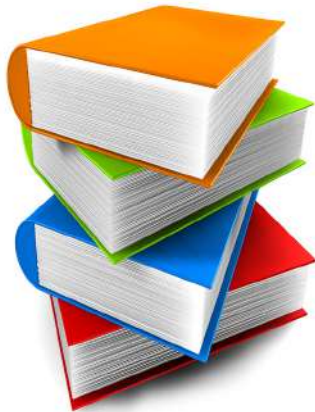


Donate a new **Teddy Bear** or a new **Children's Book**  
to the Lawyers for Literacy Committee's

**THIRD ANNUAL THANKSGIVING DRIVE**  
benefitting the Guardian Ad Litem program for the 15th Judicial Circuit

Your gift will be given to children participating  
in National Adoption Day

Donations accepted at the Bar Office now through November 2



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That's ok!**

Simply send us a check for \$50.00 and  
we'll buy the bear and book for you!

Books needed for all ages  
through high school

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c/o Bear & Book Drive  
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West Palm Beach, FL 33406

*Thank You!*



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# Bulletin Board

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

**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](http://www.yourstocklawyer.com)

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### ATTORNEY POSITION

**AVAILABLE:** Small Northern Palm Beach County firm seeking attorney with 3-5 years' experience in commercial, residential and business transactions and business formation and organization. Send resumes to [rkbarra@scott-harris.com](mailto:rkbarra@scott-harris.com).

**Attorney – Probate, Tax and/or Trust (Palm Beach Gardens)** Expanding law firm seeks probate, tax, and/or trust attorney (LLM or Masters in Tax is preferable but not required). Candidate should want to build or grow their existing practice. Excellent working conditions and benefits. Minimum of two years' work experience required. Fax resume in confidence to (561) 691-1106.

## HEARSAY

**Jones, Foster, Johnston & Stubbs, P.A.** announces that 19 lawyers were recently selected by their peers for inclusion in *The Best Lawyers in America*© 2016: Larry B. Alexander, Ben Alexander, David E. Bowers, Margaret L. Cooper, H. Michael Easley, Scott G., Thornton M. "Tim" Henry, Peter S. Holton, Michael T. Kranz, Theo Kypreos, Joanne M. O'Connor, John C. Randolph, Keith W. Rizzardi, Peter A. Sachs, Sidney A. Stubbs, John S., Roberto M. Vargas, H. Adams Weaver and Robert W. Wilkins

Clark, Fountain, La Vista, Prather, Keen and Littky-Rubin, a catastrophic



personal injury law firm in West Palm Beach, continues to expand its practice with the addition of **Marjorie Beauvil-Michaud**, a paralegal/investigator with 14 years of experience. Michaud is a Florida Registered Paralegal by the Florida Bar and Certified Paralegal by The Association of Paralegals.



AV-Preeminent Board Certified business litigation attorney **David Steinfeld** of Palm Beach Gardens has been named one of the Top Rated Lawyers in South Florida by ALM Publishing.



The Palm Beach County Hispanic Bar Association recently presented its annual Justice Jorge Labarga Award to Mariano **Garcia. Mariano** is a shareholder at Searcy Denney Scarola Barnhart & Shipley and his practice is geared towards the Latino community.

The Florida regional tax law firm of **Comiter, Singer, Baseman & Braun** is proud to announce that five of their attorneys have been selected to the 2015 Florida Super Lawyers list. Richard B. Comiter, Michael S. Singer, and Keith B. Braun were listed in the Top 100 of 2015 Florida Super Lawyers. Alan H. Baseman was also listed on the prestigious 2015 Super Lawyers list. Lisa Z. Hauser was listed as one of the Top 50 Super Lawyer Women in 2015. Andrew R. Comiter was also listed as a rising star in his field of taxation.

### PGA National Townhome:

3 bedrooms (or 2 bedrooms with a den) / 2.5 baths. New – upgraded kitchen (granite countertops and new cabinets). New tile in laundry room and bath. New vanities. Light wood floors. Screened patio enclosure. Hurricane shutters. Great location – close to PGA National stores. A-rated schools. \$224,000. Call 563-2964 for pictures/showing.





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 handheld device***

✓	Sponsor	Course Title	Credit Gen'l	Ethics Hours	PBCBA Member	Non Member	Expires
	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
	OCBA	Billing Do's & Don'ts: Ethical Concerns	1.0	1.0	\$40	\$80	10/17/15
	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 <sup>st</sup> Annual Estate & Probate – Part 2 +++4.0 Elder Law/4.0 Wills, Trusts Estates Cert. credits	5.0	.50	\$135	\$175	11/07/15
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	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 <sup>th</sup> 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
	PBCBA	Art of Motion Calendar	1.0		\$25	\$65	03/24/16
	PBCBA	A Mediator's Secrets to Mediating Business Disputes	1.0		\$25	\$65	03/16/16
	PBCBA	Ethics of Technology Assisted Review	1.0	1.0	\$40	\$80	04/22/16
	PBCBA	The 32 <sup>nd</sup> Annual Estate and Probate Seminar	4.5	1.0	\$130	\$170	05/07/16
	PBCBA	2014 Update: A Panel Discussion of E-discovery for Comm. Lit.	1.0		\$25	\$65	05/10/16
	PBCBA	How to Ethically Perform e-Discovery	1.0	1.0	\$40	\$80	06/08/16
	PBCBA	The Elder Law Practice: Policy, Procedure and Protocol	6.0	2.0	\$180	\$220	06/10/16
	PBCBA	Real Estate Lessons for the Real World	4.0	1.0	\$115	\$155	07/16/16
	CBA	Family Law Issues Pertinent to the Elder Law Practice	1.0		\$25	\$65	7/7/16
	PBCBA	What is an e-Neutral	1.0		\$25	\$65	07/21/16
	PBCBA	ESI Discovery for the Technically Challenged	1.0		\$25	\$65	07/26/16
	PBCBA	The Ever-Changing Landscape of Worker's Compensation	5.5		\$140	\$180	7/30/16
	PBCBA	The Litigator's Guide to Using Daubert Experts	2.0		\$50	\$90	8/11/2016

	PBCBA	National Labor Relations Board's 2014 Hot Topics	1.0		\$25	\$65	8/18/2016
	PBCBA	Taking Effective Depositions	1.0		\$25	\$65	8/24/2016
	PBCBA	Social Media for Lawyers	1.0		\$25	\$65	9/11/2016
	PBCBA	The Road to the Bench	1.0		\$25	\$65	9/16/2016
	HCBA	Annual Construction Law Committee CLE	4.5		\$110.00	\$150.00	08/19/2016
	HCBA	Attorney Billing Practices, Ethical Considerations	2.5		\$60.00	\$100.00	08/18/2016
	HCBA	Litigation & Mediation: Best Practices & Practical Tips	2.5	2.5	\$100.00	\$140.00	08/26/2016
	HCBA	Intellectual Property Woes? We've Got Relief	2.0		\$50.00	\$90.00	07/23/2016
	HCBA	Medical Malpractice: The Year in Review	1.0		\$25.00	\$65.00	08/4/2016
	HCBA	How to Handle Your Client's OSHA Inspections	2.5		\$60.00	\$100.00	08/13/2016
	OCA	Advanced Legal Drafting: How to Get the "Write" Results	5.0	1.0	\$140.00	\$180.00	08/19/2016
	CBA	2015 Probate Update	4.0		\$100.00	\$140.00	07/23/2016
	CBA	Professionalism Symposium	3.0		\$75.00	\$115.00	01/30/2016
	CBA	Resolving Employment Disputes Through Collaborative Law Practice	1.0		\$25.00	\$65.00	08/06/2016
	CBA	Outlook Tips & Tricks for Lawyers	1.0		\$25.00	\$65.00	08/26/2016
	CBA	Out of the Box Ethical Marketing for Probate Lawyers	1.0		\$25.00	\$65.00	08/19/2016
	PBCBA	The Ever Changing Landscape of Workers' Compensation	5.5		\$125.00	165.00	07/30/2016
	CBA	A Practitioners Guide to Navigating the DOR	1.0		\$25.00	\$65.00	09/04/2016
	CBA	Defining Capacity Outside of a Guardianship	1.0		\$25.00	\$65.00	09/19/2016
	CBA	The Ethics of Avoiding Fee Disputes: Best Practice	1.0	1.0	\$40.00	\$80.00	09/26/2016

+++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.

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

# CALENDAR

## October 2015

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|---|---|---|---|
| <p>Thursday, October 1,<br/>5:30 pm – 7:00 pm<br/><b>Federal Bar<br/>Judicial Reception</b><br/>Cohen Pavilion at the<br/>Kravis Center</p> <p>Tuesday, October 6,<br/>11:45-1:00 pm<br/><b>Annual Diversity Luncheon<br/>Co-hosted with<br/>Cunningham Bar, FAWL<br/>and the Hispanic Bar<br/>Guest Speaker:<br/>Judge Herbert Phipps</b><br/>Marriott West Palm Beach</p> <p>Wednesday, October 7, 12 noon<br/><b>Transaction Law<br/>Committee Meeting</b><br/>Bar Association Office</p> <p>Wednesday, October 7,<br/>6:30pm – 7:00 pm<br/><b>Landlord Tenant<br/>Public Seminar</b><br/>Wellington Branch Library</p> <p>Thursday, October 8,<br/>5:30pm – 7:00pm<br/><b>3rd NCS / FAWL Pink Party</b><br/>Brios, Palm Beach Gardens</p> | <p>Friday, October 9,<br/>8:30am – 9:30am<br/><b>ADR Committee Meeting</b><br/>Bar Association Office</p> <p>Monday, October 12, 11:30am<br/><b>Legal Aid Golf Tournament</b><br/>Bear Lakes Country Club</p> <p>Tuesday, October 13, 12:00pm<br/><b>Unified Family Practice<br/>Committee Meeting</b><br/>Judicial Conference Room,<br/>Courthouse</p> <p>Tuesday, October 13, 12:00pm<br/><b>YLS Board Meeting</b><br/>Bar Association Office</p> <p>Wednesday – Friday,<br/>October 14 - 16<br/><b>The Florida Bar Board of<br/>Governors – Jacksonville</b></p> <p>Wednesday, October 14,<br/>12:00pm<br/><b>Professionalism<br/>Committee Meeting</b><br/>Bar Association Office</p> | <p>Thursday, October 15, 12:00pm<br/><b>Bench Bar Conference<br/>Committee Meeting</b><br/>Bar Association Office</p> <p>Thursday, October 15, 5:30pm<br/><b>YLS Happy Hour</b><br/>Twisted Trunk,<br/>Palm Beach Gardens</p> <p>Friday, October 16,<br/>12:00pm – 1:00pm<br/><b>Federal Bar Luncheon</b><br/>Cohen Pavilion at the<br/>Kravis Center</p> <p>Tuesday, October 20, 12:00pm<br/><b>NCS Board Meeting</b></p> <p>Wednesday, October 21,<br/>12:00pm<br/><b>Law Related Education<br/>Committee Meeting</b><br/>Bar Association Office</p> <p>Thursday – Friday,<br/>October 22 - 23<br/><b>FL Bar Young Lawyers<br/>Division Board Meeting –<br/>Boca Grande</b></p> | <p>Thursday, October 22,<br/>11:45am – 1:00pm<br/><b>YLS Sidebar Luncheon</b><br/><b>Topic: Cross Examination</b></p> <p>Friday, October 23, 4:00pm<br/><b>Judge Dina Keever Investiture</b><br/>Courtroom 11A,<br/>PBC Courthouse</p> <p>Tuesday, October 27, 5:30pm<br/><b>Legal Aid Board Meeting</b><br/>Bar Association Office</p> <p>Wednesday, October 28, 5:00pm<br/><b>Board Meeting</b></p> <p>Friday, October 30, 8:00am<br/><b>New Attorney Breakfast</b><br/>Judicial Conference Room</p> <p>Friday, October 30, 12:00pm<br/><b>Judicial Relations<br/>Committee Meeting</b><br/>Judicial Conference Room</p> <p>Saturday, October 31<br/><b>12th Annual Kozyak Minority<br/>Mentoring Picnic</b><br/>Amelia Earhart Park, Hialeah</p> |
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