



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

www.palmbeachbar.org

September 2014

## Diversity Event & Reception September 8



Labarga



Coleman

Florida Bar President Greg Coleman and Florida Supreme Court Chief Justice Jorge Labarga will be the featured speakers at the Committee for Diversity and Inclusion's Annual Diversity Event on September 8 from 5:00 – 6:00 p.m. at the Jupiter Beach Resort. A cocktail reception will follow from 6:00 – 7:00p.m. The event, entitled "Diversity in the Legal System: Past, Present, and Future," will feature a conversation between the

current leaders of Florida's bench and bar on the state of diversity initiatives in Florida to date. In addition, the discussion will focus on the future of diversity in Florida's bench and bar, as well as some "hot" diversity topics today, such as disability, same-sex partnerships, and national origin. The conversation will be moderated by Florida Bar Board of Governors representative David Prather. Pre-registration for this event is required and can be done by going to the Bar's website palmbeachbar.org

## YLS Fishing Tournament Raises Money for Legal Aid



Congratulations to our Young Lawyers Section for hosting another successful fishing tournament! Over 15 teams participated in this year's sold-out event, which was held at the Palm Beach Yacht Club in West Palm Beach. With a matching grant from the Richard & Peggy Greenfield Investment in Justice Challenge, a total of \$20,000 was raised for the Legal Educational Advocacy Program. Pictured from left to right: Lindsay Demmery, YLS President; Jamie Gavigan, event co-chair; and Bob Bertisch, Executive Director of Legal Aid Society.

## Mark your calendar for upcoming Membership Events

### September 8:

Diversity Event & Reception with Appellate and Supreme Court Justices

### December 4:

Annual Holiday Party

### January 9:

"Screen on the Green" Family Event

### February 2:

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

### March 27:

Bench Bar Conference

### May 1:

Law Day Luncheon

## PBCBA Wins Florida Bar Diversity Award!

The PBCBA was honored with The Florida Bar's Outstanding Program Award by their Standing Committee on Diversity and Inclusion. The award was presented at The Florida Bar's annual meeting in June and was given to recognize the efforts of the PBCBA's Committee on Diversity and Inclusion for all of our efforts over the past five years including our diversity internship program, our diversity jobs database, the road to the bench mentor program, inclusion of diversity students at our annual bench bar conference and several other programs. Kudos to all past and current chairs of our CDI Committee, John Howe, Adam Rabin, Jessica Callow Mason, Sarah Shullman, Sia Baker-Barnes, Laurie Cohen, Chioma Deere, John Whittles, Julia Wyda and Kalinthia Dillard.

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THE  
**BULLETIN**

PALM BEACH COUNTY  
BAR ASSOCIATION

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

Advertising Information:

Shoshannah Spence • [sspence@palmbeachbar.org](mailto:sspence@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

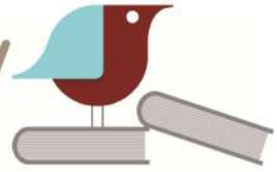
The Palm Beach County Bar Association Bulletin welcomes your comments on topics relating to the law, the legal profession, the Palm Beach County Bar Association or the Bar Bulletin. Letters must be signed, but names will be withheld upon request. The editor reserves right to condense.



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## President's Message



### An Important Vote For Our Legal Aid Society In November

by *Theo Kypreos*

As attorneys in Palm Beach County, many if not all of us support the Legal Aid Society of Palm Beach County in a variety of ways. For some, it's through making monetary donations to Legal Aid or by attending annual fundraisers like the Brooks Brothers shopping event or our Young Lawyers Section's annual fishing tournament. For others, it may be through attending Legal Aid's Annual Pro Bono Night and purchasing (or donating) silent auction items. And of course, many donate their time and legal services by handling pro bono cases through Legal Aid. Regardless of how we do it, we continue to support Legal Aid because we recognize and appreciate how important it is to our local community and the legal profession. In November, many of us will have an opportunity to support Legal Aid of Palm Beach County in yet another way... by casting a vote in the November General Election.

It is no secret that in recent years Legal Aid societies and programs throughout the state have faced significant financial difficulties. IOTA income funding through The Florida Bar Foundation has been reduced drastically due to the economic recession and historically low interest rates. Additionally, recent efforts to secure supplemental funding from our elected officials in Tallahassee have stalled. Legal Aid of Palm Beach County has been able to weather the recent funding crisis in great part because of the funding it receives annually from the Children's Services Council (CSC) of Palm Beach County. The CSC of Palm Beach County was started in 1986 when Palm Beach County voters approved the creation of a countywide taxing authority to help children and families in the local community. The CSC of Palm Beach County is one of eight independent Children's Services Councils in the state. Funded entirely through Palm Beach County property taxes, the CSC of Palm Beach County contributes funding to Legal Aid and more than 35 other agencies in Palm Beach County to ensure children are born healthy, remain safe from abuse, and have access to quality afterschool and summer programs.

In the 2013-2014 fiscal year, the CSC of Palm Beach County contributed in excess of \$80 million to fund over 50 programs in Palm Beach County, serving more than 77,000 local children and families and funding 1,700 full-time or part-time jobs in the community. Legal Aid of Palm Beach County received approximately \$2.4 million from the CSC of Palm Beach County in the past year. With this money Legal Aid of Palm Beach County is able to fund three of its Children's Projects: its (1) Juvenile Advocacy Project, which provides representation to dependent and/or delinquent children with emotional, developmental or physical disabilities; (2) Foster Children's Project, which provides representation to children in the foster care system in order to either reunite them with their parents or prepare them for adoption, and ensures a safe and stable family environment in a timely manner; and (3) Relative Caregivers Project, which provides legal assistance to relative caregivers (grandparents, aunts, uncles, etc.) raising minor children.

Because of a new state law passed in 2010, the CSC of Palm Beach County and the other Children's Services Councils in the state must now be reauthorized by local voters every 12 years. As a result, Palm Beach County voters will be asked to vote on a referendum to reauthorize the CSC of Palm Beach County in November. The referendum ballot language has already been approved unanimously by the CSC of Palm Beach County and the Palm Beach County Board of County Commissioners, and is officially on the ballot for the November 4, 2014 General Election.

As attorneys, you may be asked by your clients, friends and neighbors about the CSC of Palm Beach County and the upcoming reauthorization referendum. It is important for Palm Beach County voters to know how the CSC of Palm Beach County positively affects our local community and many worthwhile organizations, like Legal Aid of Palm Beach County. Additionally, the November reauthorization referendum will not create any new taxes. The reauthorization by voters simply allows the CSC of Palm Beach County to continue operating in Palm Beach County as it has been for 28 years by collecting property taxes at the same rate they are currently receiving.

If the CSC of Palm Beach County is not reauthorized, this service will not be taken over by any other agency and will effectively go away. This would directly place the continuance of Legal Aid's Juvenile Advocacy, Foster Children's and Relative Caregivers Projects in jeopardy.

You can visit [www.FriendsofChildrensServices.com](http://www.FriendsofChildrensServices.com) if you are interested in learning more about the CSC of Palm Beach County, or about how you can support its reauthorization in the November General Election.

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## Right to Inspect Books and Records of a Foreign Corporation or LLC

by Amy Bloom and Andrew Kwan

A Florida corporation's stockholders may inspect its books and records if they make a reasonable written demand and show a proper purpose for the inspection. See § 607.1602, Fla. Stat. One such "proper purpose" is determining the value of a stockholder's shares prior to a merger, buyout, or stockholder vote. See, e.g., *Computer Solutions, Inc. v. Gnaizda*, 633 So. 2d 1100, 1101-1102 (Fla. 3d DCA 1994) (valuation of shares to market them to other shareholders or a third party).

But what inspection rights does a Florida stockholder have if the corporation was formed elsewhere? This is not a theoretical question, as in many cases, companies that do business in Florida are incorporated in another state that imposes additional restrictions on the exercise or enforcement of inspection rights. For example, Delaware requires shareholders to make inspection demands under oath and enforce such demands in the Delaware Court of Chancery. See 8 Del. C. § 220. If a Florida shareholder wishes to inspect the records of a foreign corporation doing business in Florida, must the shareholder proceed under the law of that corporation's place of incorporation?

The answer is no. Generally, a foreign corporation doing business in Florida is subject to the same duties and liabilities as a domestic corporation. See § 607.1505(2), Fla. Stat. In particular, such corporations are "subject to Florida's statutory provisions respecting access to corporate books and records." *Hollander v. Rosen*, 555 So. 2d 384, 385-86 (Fla. 3d DCA 1989). A shareholder may enforce a valid records demand on a foreign corporation in the circuit court of the county where the corporation's registered office is located. See § 607.1604(2), Fla. Stat. If the circuit court orders production of the records, the foreign corporation may also be ordered to pay the shareholder's costs, including reasonable attorney's fees. See § 607.1604(3), Fla. Stat. Shareholders of a foreign corporation may invoke Florida's inspection statutes if the foreign corporation is registered to transact business in Florida, or if it is required to register, but has not done so. See *Hollander*, 555 So. 2d at 386. A corporation that transacts business in Florida "submits itself to the jurisdiction

in Florida where a shareholder seeks inspection of the corporate books" and cannot "be rewarded for its failure to register." *Morley v. Slider*, 549 So. 2d 242, 244 (Fla. 4th DCA 1989).

Some foreign corporations have argued that inspection rights are "internal affairs" that should be governed by the law of the state of incorporation. See generally § 607.1505(3), Fla. Stat. However, Florida courts do not treat inspection rights as "internal affairs." Instead, Florida has treated inspection rights as a matter between the corporation and the stockholder, and therefore subject to regulation by states in which the corporation does business. See *Padovano v. Wotitzky*, 355 So. 2d 871, 872 n.2 (Fla. 2d DCA 1978) (citing Annot., Stockholder's Right to Inspect Books and Records of Foreign Corporation, 19 A.L.R.3d 869 (1968)); see also *Synchron, Inc. v. Kogan*, 757 So. 2d 564, 565 n.1 (Fla. 2d DCA 2000) (shareholder of Delaware corporation could "amend his complaint to assert a shareholder's right to inspect grounded in Florida statutory or common law").

Members of foreign LLCs doing business in Florida have similar inspection rights under the original and revised Florida Limited Liability Company Act. See §§ 608.505(2) and 608.4101 (original Act), § 605.0411 (revised Act), Fla. Stat. Like a corporation, a registered foreign LLC may be ordered to produce books and records by a circuit court in the county where the LLC's "registered office is or was last located." § 605.0411(1), Fla. Stat. If the LLC was required to register, but has not done so, it may be ordered to produce books and records in the counties where it is transacting business in Florida. Cf. *Morley*, 549 So. 2d at 243 (foreign corporation conducted business, maintained records, and made operating decisions in Broward County); *Hollander*, 555 So. 2d at 386 n.2 (shareholder granted leave to specify foreign corporation's business activities in Miami, Florida).

In summary, if a foreign corporation or LLC does business in this state, Florida shareholders or members may inspect the entity's books and records pursuant to Florida law, regardless of whether the entity is registered to do business here. Foreign entities transacting business in Florida should promptly comply with



reasonable records demands made under Florida law to avoid liability for costs and attorneys' fees.

Amy Bloom and Andrew Kwan are attorneys at Beasley Kramer & Galardi, P.A., 505 S. Flagler Dr., West Palm Beach, FL 33401, bloom@beasleylaw.net, kwan@beasleylaw.net.

### DID YOU KNOW?

#### The Bar offers on-line traffic and parenting courses

The Palm Beach County Bar Association continues to look for non-dues sources of revenue to assist in keeping the cost of Bar dues down. Accordingly, we offer online courses in Business & Personal Services and Traffic Safety such as:

- Basic Driver Improvement Course
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- Mature Driver Course
- Florida Notary Service
- Florida Internet Parenting Course (approved course by the State of Florida)

These are all approved courses through the American Safety Council. The Palm Beach County Bar Association will receive a small stipend for each course that is taken through a link on our website. Please help us by remembering to refer your clients to this link if they are in need of taking any of these courses. For more information, visit [www.palmbeachbar.org/online\\_courses.php](http://www.palmbeachbar.org/online_courses.php)

## Who's Who?

Here's a fun way to get to know colleagues. These members were asked to tell us something about themselves that no one else would probably know. Match the person with the statement and see how you do. To be included in next month's issue of Who's Who, tell us something about yourself that others would not likely know! Send your information to Lynne at [lpoirier@palmbeachbar.org](mailto:lpoirier@palmbeachbar.org)



Julia Wyda



Nick Johnson



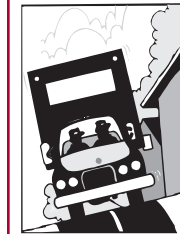
Jill Weiss

- A. I grew up in a household that included my Mom's parents
- B. I attended boarding school at Choate Rosemary Hall for my last year of high school, and lived in the same dorm where JFK resided when he attended the same school.
- C. I taught English in Thailand the summer of my sophomore year of college

Answers: Jill Weiss A; Nick Johnson B; Julia Wyda C

## Board Meeting Attendance

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



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## North County Section to host Mixer with FAWL

Members of the North County Section are invited to a networking reception with members of the Palm Beach County Chapter of FAWL.

Mark your calendar to join us on Thursday, October 9 from 5:30 to 7:00 p.m. at Cabo Flats in Palm Beach Gardens.

This event is in recognition of breast cancer awareness month so wear pink and join us!

The cost is just \$20.00 for NCS and FAWL members. Judges are complimentary.

Proceeds will benefit the Smiley Whiley Breast Cancer Research Foundation. Register online @ [www.palmbeachbar.org](http://www.palmbeachbar.org)

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## When Does A Devise Vest?

by David M. Garten

The death of the testator is the event that vests the right to devise unless the testator in the will has provided that some other event must happen before a devise vests. Refer to §732.514, Fla. Stat. The same rule applies to revocable Trusts. See, *Sorrels v. McNally*, 89 Fla. 457, 105 So. 106 (1925); *Fla. Nat'l. Bank of Palm Beach Cty. v. Genova*, 460 So. 2d 895 (Fla. 1984); *Brundage v. Bank of Am.*, 996 So. 2d 877 (Fla. 4<sup>th</sup> DCA 2008); *Bryan v. Dethlefs*, 959 So. 2d 314 (Fla. 3rd DCA 2007); *Goldentrester v. Richard*, 498 So. 2d 1303 (Fla. 3rd DCA 1986); *The Wooster School Corp. v. Hammerer*, 410 So. 2d 524 (Fla. 4th DCA 1982).

A condition is “precedent” when it must be performed before the estate vests in the beneficiary, and it is “subsequent” when it is to be performed after the estate has vested in the beneficiary. See, *Seitter v. Riverside Academy*, 144 Fla. 69, 197 So. 764 (1940). Any doubt as to whether an interest is vested or contingent should be resolved in favor of vesting. See, *Lumbert v. Estate of Carter*, 867 So. 2d 1175 (Fla. 5th DCA 2004). As the Court stated in *Estate of Rice v. Greenberg*, 406 So. 2d 469 (Fla. 3d DCA 1981): “This Court is committed to the doctrine that remainders vest on the death of the testator or at the earliest date possible unless there is a clear intent expressed to postpone the time of vesting. It is also settled that in case of doubt as to whether a remainder is vested or contingent, the doubt should be resolved in favor of its vesting if possible, but these general rules all give way to the cardinal one that a will must be construed so as to give effect to the intent of the testator.”

The presumption that a legacy was intended to be vested applies with far greater force, where a testator is making provision for a child or grandchild, than where the gift is to a stranger or to a collateral relative. See, *Bryan v. Dethlefs*, 959 So. 2d 314 (Fla. 3rd DCA 2007), citing, *Sorrels v. McNally*, 89 Fla. 457, 105 So. 106 (1925).

**CONDITION AGAINST PUBLIC POLICY:** If the condition is against public policy, the condition is void. See, *Jenkins v. Merritt*, 17 Fla. 304 (Fla. 1879) (restraint on marriage). As the Restatement (Third) of Property: Wills and Other Donative Transfers § 10.1 cmt. c points out, “American law curtails freedom of disposition only to the extent that the donor attempts to make a disposition or achieve a purpose that is prohibited or restricted by an overriding rule of law.” But what types of dispositions and purposes does the law prohibit or restrict? The Restatement (Third) of Property provides the following non-exhaustive list of situations: (a) spousal rights; (b) creditors’ rights; (c) unreasonable restraints on alienation or marriage; (d) provisions promoting separation or divorce; (e) impermissible racial or other categoric restrictions; (f) provisions encouraging illegal activity; and (g) the rules against perpetuities and accumulations.

See also, The Restatement (Third) of Trusts: Purpose and Provisions That Are Unlawful or Against Public Policy, §29 which reads: “An intended trust or trust provision is invalid if: (a) Its purpose is unlawful or its performance calls for the

commission of a criminal or tortuous act; (b) It violates rules relating to perpetuities; or (c) It is contrary to public policy.”

**IMPOSSIBILITY OF PERFORMANCE:** When it becomes impossible for the condition to be performed without the fault of the beneficiary, performance should be excused. See, *Newman v. Newman*, 766 So. 2d 1091 (Fla. 5<sup>th</sup> DCA 2000) (spouse’s ability to perform the condition that she not die prior to distribution of her husband’s estate was made impossible by the acts of her step-son who intentionally and without good cause challenged his father’s will and delayed distribution of his father’s estate to his 91 year old step-mother); *In Re Estate of Mollard*, 98 So. 2d 814 (Fla. 1st DCA 1957) (a husband, knowing that his wife had bequeathed \$5,000 to her private nurse subject to the condition that she was still employed by his wife at the time of her death, arbitrarily discharged the nurse 20 days before his wife’s death); *Wooster School Corp. v. Hammerer*, 410 So. 2d 524 (Fla. 4th DCA 1982) (beneficiary’s ability to perform the condition of his continued employment after the settlor’s death was made impossible when the settlor’s relatives terminated his employment prior to the settlor’s death). See also, The Restatement of Property, § 438, subsection “d” of the Comment at pp. 2551-2552 and subsection “f” of the Comment at p. 2553.

**CONDITION THAT BENEFICIARY SURVIVE DISTRIBUTION:** In *Bryan v. Dethlefs*, 959 So. 2d 314 (Fla. 3rd DCA 2007), the trust provided in part that “[u]pon my death, the then balance of principal and accumulated income remaining in the trust fund shall be distributed to my Grandson, ROBERT R. BIZZELL, if he is living at the time of distribution.” [emphasis added]. Bizzell died after the settlor and prior to the distribution of the trust assets. Bizzell’s half-sister asserted that the trust assets vested with Bizzell at the time of the death, and that those assets were therefore part of Bizzell’s estate when he died. But, the other beneficiaries challenged this position and argued that the trust assets vested at the time of their distribution, and thus, those assets that had yet to be distributed at the time of Bizzell’s death were not part of Bizzell’s estate and therefore had to be distributed to them as the settlor’s remaining descendants. The appellate court agreed with the half-sister. Pursuant to the trust’s language, the assets therein could only have vested in Bizzell upon the settlor’s death. The clause “if he is living at the time of distribution” did not establish a requirement that the assets be distributed before Bizzell’s right vested. Second, there was no doubt that Bizzell survived the settlor. As a result, Bizzell’s death did not divest his estate of its interest in the assets of the trust that remained to be distributed.

See also, *Lumbert v. Estate of Carter*, 867 So. 2d 1175 (Fla. 5<sup>th</sup> DCA 2004), where the court stated that a requirement in a will or trust that the funds to which the beneficiary was entitled had to be actually distributed to her before her right vested “would place too much power in a trustee or personal representative to alter rights of beneficiaries simply by delaying testamentary trust distributions, or funding of testamentary trusts.”



## Ability to Strip Off Wholly Unsecured Association Liens: Not So Fast

by Jason S. Rigoli

Lien stripping has been an ever evolving subject in the Eleventh Circuit, especially since *McNeal*.<sup>1</sup> For most practitioners representing debtors, the notion that a wholly unsecured lien could be “stripped off” seemed to be a run of the mill issue. However, that is no longer the case.

There is currently a general consensus among the judges in the Southern District of Florida that Florida Homeowner’s Association or Condominium Association liens (hereinafter referred to as “Association Lien”)<sup>2</sup> cannot be “stripped off” even if wholly unsecured. Beginning with Judge Cristol’s opinion in *In re Gonzales*, Case No. 07-14968-BKC-AJC, 2010 WL 1571172 (Bankr. S.D.Fla. April 20, 2010), the bankruptcy judges in the southern District of Florida have interpreted Florida’s statutory

<sup>1</sup>See, *The Continuing Evolution of Lien Stripping*, Palm Beach County Bar Bulletin, Jason S. Rigoli, Esq., January 2014.

<sup>2</sup>Condominium Association rights are established by Chapter 718 of the Florida Statutes and Homeowner’s Association rights are established under Chapter 720 of the Florida Statutes, but the language is almost identical and have not affected any Court’s analysis.

scheme to create a special status for Association Liens. Judge Isicoff in *In re Sain*, Case.13-13325BKC-LMI, 2013WL5852496 (Bankr. S.D.Fla. Oct. 30, 2013) and most recently Judge Olson in *In re Fried*, Case No. 14-16733-JKO (Bankr. S.D.Fla. July 22, 2014). *Cf. In re Plummer*, 484 B.R. 882 (Bankr. M.D.Fla. 2013).

Generally, when real property is completely “underwater” by a first mortgage, a debtor may “strip off” wholly unsecured junior liens. *See*, 11 U.S.C. § 506. Because junior lienors cannot obtain any *in rem* relief against a wholly encumbered property the junior lienors are unsecured creditors and a debtor, who receives a discharge, is no longer personally liable on the debt and the, the junior lienors are left without any recourse.

The Florida statutory scheme does not necessarily make an Association Lien superior in right to a first mortgage.<sup>3</sup> The issue with “stripping off” an Association Lien arises out of the ability for an Association to collect, at least some portion of the amounts due, even where there is no equity in <sup>3</sup> Superiority is still determined by when the lien is recorded, “first in time, first in right.” *See, In re Plummer*, 484 B.R. at 886.

the subject property. *See generally*, Fla. Stat. §§ 718.116, 720.3085. An Association continues to have recourse, at a minimum, an Association can recover the lesser of 6 months of dues or 1% of the original mortgage from the mortgagee or to collect all amounts due from a subsequent owner. *See*, Fla. Stat. §§ 718.116; 720.3085. The statute essentially creates a co-debtor on the Association Liens. As stated by both Judge Isicoff and Judge Olson: “the Bankruptcy Code so plainly states ‘discharge of a debt of the debtor does not affect the liability of any other entity on, or the property of any other entity for, such debt.’” *In re Sain*, 013WL5852496 at \*3 (quoting 11 U.S.C. § 524(e)); *In re Fried*, Case No. 14-16733-JKO, pg. 6 (Same).

It is clear that based upon the growing case law in the Southern District regarding the treatment of Association Liens, it is time for debtors’ counsel to take a fresh look at how they advise their clients going forward and the interplay between the bankruptcy code and state law property rights.

*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*

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presents:



## "A Mediator's Secrets to Mediating Business Disputes"

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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     **Mediators Secrets to Mediating Business Disputes** -  
*Edmund J. Sikorski, Jr., J.D., Treasure Coast Mediation*

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- How mediators are taught to get parties to settle
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# The Top 10 Improvements to PBCBA's Standards of Professional Courtesy and Civility

by Adam Rabin and Michael D. Mopsick  
on behalf of the Professionalism  
Committee

Two years ago, the Palm Beach County Bar Association ("PBCBA") and 42 other voluntary bar associations in South Florida set a goal to promote the Florida Supreme Court's amended Oath of Attorney Admission and adherence to accepted standards of professional courtesy throughout South Florida. To further this goal, the PBCBA Board of Directors recently approved a significant revision and update to its Standards of Professional Courtesy and Civility (the "Standards"), which have since been endorsed by the judges of the 15<sup>th</sup> Judicial Circuit. The Standards also have been adopted by the other largest voluntary bar associations in South Florida (Broward, Cuban American, Dade, Martin, and South Palm Beach). Accordingly, for the first time, attorneys practicing across the four judicial circuits in South Florida (the 11th, 15th, 17th, and 19th) will now be subject to the same Standards, ending the variances of what is deemed to be acceptable professional conduct between circuits. Likewise, each judicial circuit will have its own professionalism panel grievance procedure to enforce the Standards.

The major improvements to the PBCBA's Standards are summarized as follows:

1. **The Preamble.** PBCBA updated its preamble in the following ways: the preamble now references how the Standards will apply across all South Florida counties; it references the Florida Supreme Court's amended Oath of Attorney Admission, that includes a pledge of lawyer civility; and it references the 2013 Florida Supreme Court opinion that requires all judicial circuits to create professionalism panels to hear professionalism grievances.
2. **Pro Se Litigants.** This change adds language to cover attorneys' communication with pro se litigants, not just communication between attorneys. (Section I, 1.)
3. **Making Reasonable Efforts to Confer Before Unilaterally Scheduling a Matter.** This change

now expressly requires scheduling counsel to make "reasonable efforts" to confer with opposing counsel before unilaterally scheduling a hearing, deposition or other event. (Section I, 2.)

4. **Production of Documents.** This modification aligns the permitted form of responses to requests for production with Florida Rule of Civil Procedure 1.350 by permitting the production of documents as they are kept in the usual course of business or as they correspond to the requests. (Section II, 3.)
5. **Application of the Standards to Tribunals Other Than the Courts and to Transactional Practice.** PBCBA made this change so that lawyers throughout South Florida are held to the same standard of professionalism and civility regardless of the forum, including administrative hearings, arbitration panels, and mediation. PBCBA also extended the Standards to apply in transactional practice, negotiations, and other non-litigation matters. (Preamble; Section III.)
6. **Denigration of the Court or Other Tribunal and Staff is Not Permitted.** PBCBA has expanded the scope of the prohibition of denigration of opposing counsel to include the court/tribunal and staff. (Section III, 1.)
7. **Copying Opposing Counsel with Enclosures on Correspondence to the Court.** This change provides that all enclosures delivered to the court must also be e-mailed or delivered to opposing counsel, including all authorities, highlights, testimony excerpts, and similar materials. (Section IV, 3)
8. **Refraining from Argument in Correspondence to the Court.** This change makes clear that the only medium by which a lawyer should communicate legal or factual argument to the court is through a motion or memorandum, not a cover letter. (Section IV, 4.)
9. **Correcting Misstatements to the Court/Tribunal.** This update clarifies the burden imposed upon counsel to correct errors in statements to the court/tribunal and the obligation



for counsel to disclose adverse, controlling authority to the court/tribunal. (Section IV, 1).

10. **E-mails Replace References to Faxes in the Standards.** This change replaces all references to faxes with e-mails. (Section IV, 2.)

These improvements to the Standards will create a uniform baseline for lawyers' professional conduct and a new level of civility across South Florida. Likewise, the advent of Supreme Court ordered professionalism panels across South Florida's four judicial circuits will provide a parallel mechanism by which the Standards may be enforced in each circuit.

*Adam Rabin practices with McCabe Rabin in West Palm Beach in the areas of business, securities and whistleblower litigation. He co-chairs the South Florida "Got Civility" Project and was the lead author of the revisions to the Standards.*

*Michael D. Mopsick practices with Shapiro Blasi Wasserman & Gora in Boca Raton in the areas of trust and probate litigation and mediation. He co-chaired PBCBA's Professionalism Committee from 2012-14, and has been a Palm Beach County representative on the South Florida "Got Civility" Project.*

## PBCBA Seminar

**"The Art of Motion Calendar:  
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**Wednesday, September 24**

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

**Bar Association Office**

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## Professionalism Panel

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

**Re: Fifteenth Judicial Circuit  
Professionalism Council session  
April 15, 2014**

Dear Attorney:

This letter serves as a follow up to your meeting on Tuesday, April 15, 2014 with the Fifteenth Judicial Circuit Professionalism Panel ("Panel"). You were asked to appear before the Panel to address your conduct in connection with your substitution as counsel of record for your client on the eve of a summary judgment hearing.

The Panel reviewed the referral letter, your response, and the material provided to the Panel by your client. Based on our review of these materials, and our meeting with you on April 15, the Panel found this matter to be a classic example of what can happen when two attorneys fail to properly communicate with one another. Frankly, the Panel thought both attorneys and the client could have handled the situation in a better manner. Although your conduct might not have violated any specific professionalism standard, the Panel thought you certainly should have been more proactive in (1) making sure that the former counsel for the client was given sufficient notice of your being retained by the client, and (2) having the proper substitution papers filed with the Court in advance of the hearing. This would have saved former counsel the time and resources that he expended in preparing for the summary judgment hearing over the holiday. Unfortunately, it appears you relied more on your client and your office staff (rather than yourself) to keep former

counsel apprised of the situation and his status as counsel of record, which was unreliable.

As we mentioned during our meeting, a primary focus and design of the Panel is to educate attorneys who practice in the Fifteenth Judicial Circuit about the requirements of professionalism and civility in the daily practice of law. We thank you for your participation and appearance before the Panel. We hope that your experience with the Panel will have a positive impact and will serve as a guide to your future conduct. We also encourage you to read the Ideals and Goals of Professionalism and the Standards of Professional Courtesy, copies of which are enclosed.

/s/ Amy S. Borman, Co-Chair  
Palm Beach County Bar Association  
Professionalism Committee  
For the Fifteenth Judicial Circuit  
Professionalism Panel

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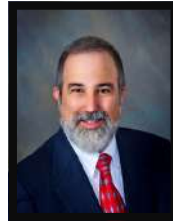
**Wednesday, September 24, 2014**

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

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### Can a Florida Lawyer Advise a Client About Medical Marijuana?

by Christopher B. Hopkins

While it is purely a coincidence that Pink Floyd will release its first album in twenty years around the same time that Floridians vote on Amendment 2 in November, the question whether Florida lawyers may ethically advise their clients about marijuana business remains... hazy. What has the Florida Bar said and how have other states handled the issue?

Rule 4-1.2(d) sets out the general rule (“not counsel a client to engage, or assist a client...in conduct that the lawyer knows or reasonably should know is criminal”) and then the two-part safe harbor exception: “however, a lawyer may discuss the legal consequences of any proposed course of conduct... or... determine the validity, scope, meaning or application of the law.” In short, a lawyer cannot counsel or assist a client to break the law but the lawyer can discuss consequences of any proposed actions and can explain the “validity, scope, meaning or application” of the law. But what if the client has questions about conduct which is legal under state law but illegal under federal law?

Amendment 2 is up for public vote and, if it receives more than 60% of the vote, medical marijuana will be legal in Florida. In the interim, Governor Scott signed into law the “Compassionate Medical Cannabis Act of 2014” for the medical use of low-THC cannabis for “qualified patients.” The Act creates five dispensaries around the state which will require rule-making as well as lead to zoning, tax, insurance, and other legal issues.

In its lowest dose form, medical marijuana is already here in Florida. But cultivation, distribution, and use of marijuana remains illegal under the federal Controlled Substance Act (CSA). How are lawyers to deal with this conflict?

Several states with marijuana laws have issued ethics opinions regarding whether a lawyer can ethically advise a client regarding the use or business of medical marijuana. The Florida Bar, however, issued this policy:

“The Florida Bar will not prosecute a Florida Bar member solely for advising a client regarding the validity, scope, and meaning of Florida statutes regarding medical marijuana or for assisting a client in conduct the lawyer reasonably believes is permitted by Florida statutes, regulations, orders, and other state or local provisions implementing them, as long as the lawyer also advises the client regarding related federal law and policy.”

This appears to be more of an exception than a policy, since the lawyer would still knowingly be counseling a client engaging in conduct illegal under federal law. For example, drafting a contract for a marijuana-related transaction legal under state statute appears permissible. If Amendment 2 passes, presumably the Policy will be revisited since, taken literally, the new law is a constitutional change and not a statute or lower provision. It further remains unclear exactly how far the lawyer needs to go advising the client regarding federal law “and policy” -- a clouded legal arena since the Department of Justice has issued memoranda de-emphasizing enforcement and prosecution.

In light of the conflict between state and federal laws, some states have either amended the rule or added to the comment. In Colorado, where advising a client about state marijuana laws was unethical until mid-2014, the prior opinion emphasized the distinction regarding when the conduct occurred: a lawyer could give tax preparation advice to a medical marijuana business since the conduct-illegal-under-federal-law was in the past. However, the same lawyer could not engage in tax planning for a marijuana business, since that would be engaging or advising regarding ongoing illegal conduct (the lawyer could advise clients about consequences, scope, and limitations).

Below is the current crop of state ethics rules:

**Arizona** (2011): permissible as long as (1) no court decision has held the state cannabis laws preempted or invalid, (2) lawyer reasonably concludes the client’s activities comply fully with state law, and (3) lawyer advises client regarding possible federal law implications.

**Colorado** (2014): permissible to advise on state laws but lawyer shall also advise client on federal law and policy.

**Connecticut** (2013): not permitted. Lawyer must advise clients of the conflict between state and federal law; lawyers may advise clients about the state Act but may not assist clients in conduct which violates federal law.

**Maine** (2010): not permitted if the legal service “rises to the level of assistance in violating federal law.”

**Nevada** (2014): permissible to advise on state laws but lawyer shall also advise client on federal law and policy.

**Washington**: Rule change pending. State bar is reportedly not prosecuting lawyers for advising on state laws as long as DOJ policy does not change.

Despite these budding ethics opinions, more problems will undoubtedly spark up: (1) can a lawyer participate in a marijuana business? (2) what are the implications if a lawyer is a “qualified patient” consuming marijuana lawfully but still practicing law? (3) how does a lawyer quantify the sufficiency of advice regarding “federal law and policy”?

*Christopher B. Hopkins is a partner with Akerman LLP. Send your intoxicating comments to christopher.hopkins@akerman.com.*

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### Rule 1.530: Motions for Rehearing

by Matt Triggs and Jonathan Galler

As the *Ally McBeal* character Richard Fish famously said, “Never trust a second thought. Where there is two, there is three. You will end up thinking forever.”

Fortunately for litigants and the judiciary, the Rules of Civil Procedure do allow judges, in some instances, to have and act on second thoughts. But, perhaps recognizing Mr. Fish’s concerns, the Rules do not allow that process to go on forever. Finality is key. The case of *Helmich v. Wells Fargo Bank, N.A.*, 136 So. 3d 763 (Fla. 1st DCA 2014) is a solid illustration.

*Helmich* was a foreclosure action in which the court entered a final judgment in October 2010. Nearly two years later, the defendant filed a motion for relief from judgment under rule 1.540, which the trial court denied. At that point, the trial court’s role should have concluded, and any further “second thoughts” should have been left to the appellate court. But the defendant filed a rule 1.530 “motion for rehearing/reconsideration” of the trial court’s denial of his motion for relief from judgment, and that is where the case entered a procedural quagmire.

The trial court referred the “motion for rehearing/reconsideration” (the rule 1.530 motion) to a magistrate. The magistrate, in turn, recommended that the motion be denied, and the trial court adopted that recommendation. The defendant then appealed the trial court’s denial of his motion for relief from judgment (the 1.540 motion). However, more than 30 days had elapsed since that denial and, for that reason, the First District dismissed the appeal as untimely.

An authorized motion for rehearing under rule 1.530 tolls the time to appeal a final judgment. However, “a motion for rehearing/reconsideration directed at denial of relief from judgment is unauthorized and will not toll the unwavering thirty-day time limit.” *Helmich*, 136 So. 3d at 764. As the First District pointed out, case law already makes clear that this is true even when the trial court improperly entertains such a motion for rehearing.

What captured the First District’s interest, which it described as an issue of first impression, was the question of whether the trial court’s referral of the motion for rehearing/reconsideration was a permissible *sua sponte* grant of the rehearing that was sufficient to toll the

time to appeal. The Court held that it was not. Under rule 1.530(d), the trial court may act on its own initiative “not later than fifteen days after entry of judgment or within the time of ruling on a timely motion for a rehearing or a new trial made by a party,”<sup>1</sup> but *only* “for any reason for which it might have granted a rehearing or a new trial on motion of a party.”

Thus, because a party is not authorized to move for rehearing of a denial of relief from judgment, the court likewise cannot properly initiate *sua sponte* a rehearing of such a denial.

The First District also noted that trial courts generally have inherent authority to reconsider their own interlocutory orders prior to final judgment. Here, however, the trial court was without such inherent authority because the denial of the motion for relief from judgment was not interlocutory or non-final. *Id.* at 766.

In summarizing the “depth of review” contemplated by the rules, the Court concluded that the existing process adequately balances the need for correctness with the need for finality.

<sup>1</sup> Effective January 1, 2014, the time period was expanded from ten days to fifteen days.



Rule 1.530(d) provides the first ability to attack a ‘judgment’ within ten/fifteen days of rendering. Rule 1.540 then permits a second challenge to the already final judgment sometimes many years afterwards. And, finally, this second challenge (to something already final and potentially reheard) would be reviewed by an appellate court. *Id.*

Put differently, there is room for second thoughts in the rules. But it cannot go on forever. Instead, it must be tempered by the need for finality.

*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.*

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### 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  
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- 12:00pm - 1:00pm     **Ethics of Technology Assisted Review** -  
*Mark A. Moore, Esq., National Program Manager (Ricoh USA, Inc.)*

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Ryon McCabe

[rmccabe@mccaberabin.com](mailto:rmccabe@mccaberabin.com)



Adam Rabin

[arabin@mccaberabin.com](mailto:arabin@mccaberabin.com)



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## Palm Beach County Bar Association's Diversity Internship Program

by Krista Downey



The Diversity Internship Program ("DIP") was formed in 2010 by the Committee for Diversity and Inclusion to provide law students of diverse backgrounds with work experience through summer internships at local law firms and government agencies. The overall goal of the DIP is to provide the interns with opportunities for future employment and encourage them to return to Palm Beach County upon graduation, with the end result creating a diverse Bar that reflects the diversity of our community as a whole.

Since its inception the DIP has helped to distinguish the Palm Beach County Bar Association as a recognized leader in diversity. The DIP's commitment to promoting diversity within our Bar Association has been established by its recruiting efforts and dedication to creating a positive and supportive environment throughout the summer internship program. The DIP's reputation has helped to increase the number of applicants with superior academics, leadership skills, and extracurricular/community involvement each year.

This year, thirteen (13) interns were hired through the DIP



by local law firms and government agencies. The DIP also received \$9,000 in donations to sponsor the government internships.

With assistance from a grant by the Florida Bar, the DIP hosted a variety of events to help the interns leverage their summer experience and gain valuable insight into the legal profession and community.

On May 30<sup>th</sup>, the DIP hosted a Welcome Breakfast at the Bar Association Office. After a warm welcome by then Palm Beach County Bar Association President, Jill Weiss, the interns were introduced to members of the Committee for Diversity and Inclusion who volunteered to serve as points of contact for each intern.

On July 16<sup>th</sup>, the DIP held a "Tips and Tools" Workshop at the main Courthouse. The Workshop consisted of a panelist discussion moderated by attorney Grasford Smith of Jones Foster. The panelists, the Honorable Judge Lucy Chernow Brown, Amy Borman, Carla Laroche, and Lou Delgado, provided tips on how to succeed as an intern and develop a good reputation as a young lawyer.

On July 31<sup>st</sup>, the DIP hosted a Wrap-Up Reception at Shutts & Bowen, LLP, to acknowledge the participating employers and sponsors' commitment to diversity. The interns were able to network with their peers and members of the local judiciary and bar.

Additionally, throughout the summer the Committee for Diversity and Inclusion invited the interns to attend monthly committee meetings and other Bar Association events to

provide opportunities for the interns to meet lawyers with a variety of professional backgrounds and expertise throughout the community.

The Committee for Diversity and Inclusion would like to sincerely thank those who hired or sponsored an intern this past summer: Akerman; Cole, Scott & Kissane; Florida Crystals; Fox Rothschild; Greenberg Traurig; Gunster; Judge Edward Rodgers; Lesser, Lesser, Landy & Smith; McLaughlin & Stern; Office of the Attorney General; Palm Beach County School District; Powers, McNalis, Torres, Teebagy & Luongo; Roberts, Reynolds, Bedard & Tuzzio; Searcy, Denney, Scarola, Barnhart & Shipley; Shutts & Bowen; Squire Sanders; Village of Wellington; and Watson Leigh, P.A.

We would also like to thank the following companies that donated items to include in the DIP Success Kits given to the interns at the Welcome Breakfast: Florida Court Reporting; Phipps Reporting; U.S. Legal Support; Visual Evidence; Sub-Culture Coffee Shop; and Ultima Fitness.

Below two (2) former DIP interns offer insight on how the DIP helped advance their careers.

"The Palm Beach County Bar Association's Diversity Internship Program helps law students become better



professionals. Fortunately, it also helped me get a job after law school. My name is Ricardo J. Marengo, I am a 3L at the Rutgers School of Law – Camden, and I will graduate this May. I will return to Palm Beach this summer to start my career, and I am in a better position to succeed because of my participation in this internship program." – Ricardo Marengo, Squire Sanders DIP Intern, 2013.

Squire Sanders DIP Intern, 2013.

"The Diversity Internship Program gave me the opportunity to work at Shutts and Bowen this summer. My summer experience at Shutts allowed me to gain valuable legal experience as I worked alongside able and experienced



attorneys in various departments. Being able to intern at one of the oldest and most esteemed Florida firms has afforded me the opportunity to make connections and network in Palm Beach County, which helps as I progress through law school and start applying for jobs." – Elby Hernandez, Shutts & Bowen DIP Intern, 2014.

If you would like to assist in the efforts to promote diversity within our Bar Association by agreeing to hire an intern this upcoming summer or making a contribution to the DIP to help defray the costs of a government internship, please visit <http://www.palmbeachbar.org/diversity-internship-program/>.

*Krista Downey served as Co-Chair of the DIP for 2013-2014. Krista is an associate at Thomas N. Silverman, P.A. She focuses her practice on estate planning, administration and litigation and can be reached at [KD@FloridaProbateCounsel.com](mailto:KD@FloridaProbateCounsel.com).*



# Real Property and Business Litigation Report



by Manuel Farach

**Diwakar v. Montecito Palm Beach Condominium Ass'n, Inc.**, – So.3d –, 2014 WL 2957444 (Fla. 4th DCA 2014).

A party cannot appeal the introduction of an affidavit into evidence when it didn't object at the non-jury trial, but the sufficiency of the evidence (including the affidavit) may be raised for the first time on appeal under Rule of Civil Procedure 1.530 (e).

**Moskovits v. Crystal House, Inc.**, – So.3d –, 2014 WL 2969640 (Fla. 3d DCA 2014).

A writ of mandamus will not lie to compel a trial court to enter summary judgment.

**Hampton Manor, Inc. v. Fortner**, – So.3d –, 2014 WL 3375027 (Fla. 5th DCA 2014).

An oral pronouncement controls over a later written order. Accordingly, a trial court's oral ruling that contempt for failure to fill out post-judgment Form 1.977 was a sanction and not coercive in nature controls over later order that was coercive.

**Olivera v. Bank of America, N.A.**, – So.3d –, 2014 WL 3377081 (Fla. 2d DCA 2014).

Standing in a mortgage foreclosure action is established by showing chain of possession of the note from execution to plaintiff before filing of suit.

**Wright v. Czariki**, – So.3d –, 2014 WL 3400977

Parol evidence regarding a contract is proper when contract terms are incomplete or facially ambiguous.

**Visiting Nurse Ass'n of Florida, Inc. v. Jupiter Medical Center, Inc.**, – So.3d –, 2014 WL 3360314 (Fla. 2014).

Arbitration is controlled by the Federal Arbitration Act (F.A.C.), not the Florida Arbitration Code, when the underlying contract involves interstate commerce. The F.A.C. provides for severability, and courts may not review an arbitration award for contract legality or public policy.

**MDS (Canada) Inc. v. Rad Source Technologies, Inc.**, – So.3d –, 2014 WL 3361896 (Fla. 2014).

There is no "bright line rule" in Florida concerning whether a contract assigns or sublicenses a patent.

**Messer v. Sander**, – So.3d –, 2014 WL 3281822 (Fla. 1st DCA 2014).

"Absolute necessity" is not a requirement for a statutory way of necessity under Fla. Stat. § 701.01 (2); the requirement is for the nearest route which is practical. Likewise, the "shut off or hemmed in by lands" requirement applies to the nearest practical route.

**Dinuro Investments, LLC v. Camacho**, – So.3d –, 2014 WL 3290609 (Fla. 3d DCA 2014).

An action between members of a LLC may be brought directly (i.e., not derivatively) if there is direct harm to the member, and there is special injury to the member that is different than the injury suffered by the other members. Otherwise, a member must demonstrate a contractual or statutory mandate that is violated.

**Sepulveda v. Westport Recovery Corp.**, – So.3d –, 2014 WL 3291766 (Fla. 3d DCA 2014).

A Designation of Homestead filed after levy proceedings have begun is effective, and only circuit courts are entitled to determine homestead under Fla. Stat. § 222.10.

**Palm Beach Park Centre 4, LLC v. Town of Palm Beach**, – So.3d –, 2014 WL 3434680 (Fla. 4th DCA 2014).

A party may not file an action for declaratory relief, in lieu of appealing the tribunal's decision, to seek review of the tribunal's decision.

**We Help Community Development Corp. v. Ciras, LLC**, – So.3d –, 2014 WL 3435351 (Fla. 4th DCA 2014).

Failure of a foreclosure defendant to make court ordered payments under Fla. Stat. § 702.10 allows a court to enter a foreclosure judgment as a sanction.

**5F, LLC v. Dresing**, – So.3d –, 2014 WL 3446296 (Fla. 2d DCA 2014).

Subject to the public's rights and applicable government regulation, a riparian or littoral landowner has a common law right to "wharf out" (to build wharves, docks and piers) from the owner's land to the navigable section of a waterway notwithstanding she has to build over the submerged land of another owner in order to reach navigable water.

**Central Mortg. Co. v. Callahan**, – So.3d –, 2014 WL 3455485 (Fla. 3d DCA 2014).

The phrase in a final judgment that "[t]he Court retains jurisdiction of this action to enter further Orders that are proper including, without limitation, writs of possession and deficiency judgments" does not confer post-judgment jurisdiction to determine assessments due condominium associations under Fla. Stat. § 718.116.

**Talbot v. Rosenbaum**, – So.3d –, 2014 WL 3605623 (Fla. 4th DCA 2014).

Liquidated damages are those which "can be determined with exactness from the cause of action as pleaded"; a complaint alleging general damages is not "liquidated."

**Pineda v. Wells Fargo Bank, N.A.**, – So.3d –, 2014 WL 3608886 (Fla. 3d DCA 2014).

The owner of record at time of recording the lis pendens is, pursuant to Fla. Stat. § 45.031 (1) (a), entitled to any surplus proceeds arising from the foreclosure sale even if the sale is of an inferior interest subject to the unpaid first mortgage.

**In re Mendenhall**, – Fed.Appx. –, 2014 WL 3586515 (11th Cir. 2014).

A bankruptcy court may not retroactively, i.e., after the deadline has passed, extend the time to file a dischargeability complaint under Federal Rule of Bankruptcy Procedure 4007 (c).

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## Welcome New Members!

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

**Elizabeth Dungey Alcalde:** Harvard Law School, 1999; Partner in Akerman, LLP, West Palm Beach.

**Andrew J. Atchison:** Florida State University, 2013; Associate in Cole, Scott & Kissane, P.A., West Palm Beach.

**Robert Bruce Barkin:** Nova Southeastern University, 2006; Associate in Akerman, LLP, West Palm Beach.

**Jayne W. Bouchfaa:** University of Idaho, 2010; Solo Practitioner, West Palm Beach.

**David Brafman:** Harvard Law School, 1994; Partner in Akerman, LLP, West Palm Beach.

**Ian Bressler:** St. Thomas University, 2013; Solo Practitioner, Boca Raton.

**Brandon George Forgione:** University of Miami, 2009; Associate in Akerman, LLP, West Palm Beach.

**Christine B. Gardner:** Rutgers University, 2014; Palm Beach County, West Palm Beach.

**Nicole C. Geary:** University of Miami, 2011; Associate in Broad and Cassel, West Palm Beach.

**Stephen J. Giovinco:** Nova Southeastern University, 2000; Associate in Akerman, LLP, West Palm Beach.

**Kim Rae Greenberg:** Florida International University, 2008; Associate in Chapin, Ballerano & Cheslack, Boca Raton.

**Philip W. Grosdidier:** University of Miami, 2013; Associate in Mallory Law Group, Jupiter.

**Kelly Maher Harris:** Georgetown University, 2002; Associated with American Heritage School, Delray Beach.

**Katie Marie Husta:** Florida State University, 2014; Associate in The Law Offices of Jorge A. Duarte, P.A., Miami.

**Stuart N. Kaplan:** Hofstra University, 1989; Partner in Kaplan & Sconzo, P.A., Palm Beach Gardens.

**Jennifer Michelle Kramer:**

Nova Southeastern University, 2007; Associate in Akerman, LLP, Boca Raton.

**Eric Marc Levine:** Harvard Law School, 2008; Associate in Akerman, LLP, West Palm Beach.

**Lauren B. Martin:** University of Florida, 2009; Associate in Clarfield, Okon, Salomone & Pincus, P.L., West Palm Beach.

**Robert W. Murphy:** Stetson University, 2013; Legal Aid Society of Palm Beach County.

**Genevieve Napolitano:** University of Miami, 2014; Associate in Cathleen Scott & Associates, P.A., Jupiter.

**Patrick Christopher Painter:** University of Florida, 2011; Associate in Broad and Cassel, West Palm Beach.

**Jeffrey B. Pertnoy:** University of Miami, 2011; Associate in Akerman, LLP, West Palm Beach.

**Jordan Louis Rappaport:** University of Miami, 1996; Partner in Rappaport Osborne & Rappaport, P.L., Boca Raton.

**Robert J. Ruiz:** Barry University, 2014; Solo Practitioner, West Palm Beach.

**Gregory S. Sconzo:** University of Miami, 2013; Associate in the Law Offices of Kaplan and Sconzo, P.A., Palm Beach Gardens.

**Joseph G. Sconzo:** Nova Southeastern University, 1985; Partner in the Law Offices of Kaplan and Sconzo, P.A., Palm Beach Gardens.

**Cristie A. Sennett:** Nova Southeastern University, 2014; West Palm Beach.

**Gail B. Shapiro:** Hofstra University, 1979; Affiliate Membership, Palm Beach.

**Stefan Sinn:** Law Student Membership, Lake Worth.

**Leslie Ann Terry:** Barry University, 2012; Associate in Murphy Reid, LLP, Palm Beach Gardens.



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### HEARSAY

Cathleen Scott & Associates, P.A. proudly announces the opening of a new full-service location in West Palm Beach.

**Lindsey Wagner** is named West Palm Beach Managing Attorney. The firm also announces that **Genevieve Napolitano** has become an Associate at the firm’s Jupiter office location.



**Jorge L. Maxion** has joined the Law Office of Craig Goldenfarb, P.A., as an Associate Civil Trial Attorney. Jorge served most recently as General

Magistrate for the 15th Judicial Circuit, presiding over non-jury foreclosure trials. Jorge has been a member of the Florida Bar since 1991 and has worked as a Personal Injury Plaintiff lawyer since 2008.

**William J. McAfee**, Managing Partner at Steinger, Iscoe & Greene, accepted the Silver Eagle Award at the Presidential Luncheon during the Florida Justice Association annual convention.

**FordHarrison LLP** is pleased to announce that the firm is a 2014 recipient of the Women in Law Empowerment Forum’s “Gold Standard” Award.

Jones, Foster, Johnston & Stubbs, P.A. announces **Grasford W. Smith** has recently received The Caribbean American Democratic Club of Palm Beach County Champion for Philanthropy Award.



Gunster is pleased to announce **Jessica Shapiro** and **Jamison Evert** has

joined the firm’s West Palm Beach office. Ms. Shapiro has prior experience with the U.S. Department of Housing and Urban Development. Mr. Evert served as a solo practitioner in the fields of Probate, Trust and Guardianship Litigation.

The law office of Sonneborn Rutter & Cooney is pleased to announce the additions of **Sharon (Minnie) L. Urbanek, John D. Heffling, Steven M. Lury** and **Timothy Kenison** to the firm.

**David Steinfeld**, Board Certified Business Litigation lawyer and owner of the Law Office of David Steinfeld, has been appointed by the Florida Supreme Court to its Committee on Standard Jury Instructions for Contract and Business Cases.



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# CALENDAR September 2014

Monday, September 1  
**Court Holiday -  
Labor Day Holiday**  
Bar Office Closed

Tuesday, September 2,  
Noon – 1:00pm  
**NCS Board Meeting**

Thursday, September 4,  
5:30pm – 7:00pm  
**NCS Happy Hour**  
III Forks, Palm Beach Gardens

Friday, September 5,  
8:30am – 9:30am  
**ADR Committee Meeting**  
Bar Association Office

Monday, September 8,  
5:00pm – 7:30pm  
**Diversity Event & Reception**  
Jupiter Beach Resort

Tuesday, September 9,  
Noon – 1:00pm  
**YLS Board Meeting**  
Bar Association Office

Tuesday, September 9,  
11:45am – 1:00pm  
**Unified Family  
Practice Meeting**  
Judicial Conference Room,  
Main Courthouse

Friday, September 12,  
9:00am – 12:00pm  
**Bankruptcy Law  
CLE Seminar**  
Bar Association Office

Monday, September 15,  
5:30pm – 8:00pm  
**“America Reads  
the Constitution”**  
West Palm Beach Marriott

Tuesday, September 16,  
11:30am – 1:00pm  
**Business Litigation  
CLE Lunch Seminar**  
Bar Association Office

Tuesday, September 16,  
11:45am – 1:00pm  
**PBC FAWL Luncheon**  
Kravis Center - Cohen Pavilion

Tuesday, September 16,  
1:00pm – 2:00pm  
**YLS Real Life Series**  
Bar Association Office

Thursday, September 18,  
5:30pm -7:30pm  
**South Palm Beach Co. FAWL  
Membership Reception**  
Contact lgreeman@fwblaw.net

Thursday, September 18,  
5:30pm – 7:00pm  
**YLS Happy Hour**  
Location TBA

Thursday, September 18  
**PBCJA Dinner Meeting**  
For information -  
www.pbcja.org

Monday, September 22,  
5:00pm – 6:30pm  
**PBCBA Board of Directors  
Meeting**  
Bar Association Office

Tuesday, September 23,  
5:30pm – 6:30pm  
**Legal Aid Society  
Board Meeting**  
Bar Association Office

Wednesday, September 24,  
11:30am – 1:00pm  
**The Art of Motion Calendar –  
CLE Luncheon**  
Bar Association Office

Thursday, September 25  
**Court Holiday –  
Rosh Hashanah**  
Bar Office Closed

Friday, September 26  
**PBCJA – 15th Annual  
Golf Tournament**

Tuesday, September 30,  
11:45am – 1:00pm  
**YLS Sidebar Luncheon**  
Judge Sasser’s Courtroom  
North End of Courthouse  
Cafeteria