



PALM BEACH COUNTY BAR ASSOCIATION

BULLE^TIN

www.palmbeachbar.org

January 2017

Nominating petitions available for Board of Directors

Members seeking to run for a position on the Board of Directors will need to obtain a nominating petition and must be a member in good standing of the Palm Beach County Bar Association. The nominating petition must be signed by no fewer than 20 members in good standing of the Association. Petitions for President-elect will be available on Friday, December 9 and are due back in the office by 5 p.m. on Tuesday, January 10. Petitions for director-at-large seats will be available on Friday, December 16 and are due back in the Bar office by 5 p.m. on Wednesday, January 18. Petitions may be obtained by calling the Bar office at 687-2800 or by sending an e-mail requesting a petition to ctbrown@palmbeachbar.org. For any of the positions, it is the candidate's responsibility to verify ahead of time through the Bar office that the members that sign their petitions are members in good standing. Otherwise, the petition will be deemed invalid. The annual election of officers and directors for the Palm Beach County Bar will take place via online voting in April.



Judicial Profile: Judge Bradley G. Harper

by Jean Marie Middleton

A true "Native Son", Judge Bradley Harper is a sixth generation native of Palm Beach County. He comes from a family of firsts; his great-great-great grandmother, Millie Gildersleeve, was the first midwife in Palm Beach County. Hence, it is no surprise that Bradley Harper would be the first African American elected to the Palm Beach County judiciary without first having been appointed by a governor.

Judge Harper feels that his success in the recent election to the bench and his career is attributed to the fact that "the foundation for everything in my life is my faith which has allowed me to remain rooted and confident in the fact that seeking election to the judiciary was the right thing to do at the right time." His faith was evident throughout his campaign as was noted by his Campaign Manager, Davicka Thompson. She states that "I was able to witness his faith first hand during some of the tough spots in the campaign." Lawonda Warren, President of the F. Malcolm Cunningham, Sr. Bar Association, stated that "we are extremely proud of our Past President. He ran a strong campaign and appealed to all voters in Palm Beach County."

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Mark your calendar for upcoming Membership Events

January 7:
YLS 5K Run/Walk

January 12:
Diversity and Inclusion Happy Hour

February 10
2nd Annual Screen on the Green

February 16:
NCS PGA National Happy Hour and Putting Contest

March 10:
Annual Bench and Bar Conference



Bench Bar Conference

"Celebrating the Past with an iToward the Future"

#BenchBar2017

Friday, March 10, 2017

Morning Session 8:30am - 11:15am

Afternoon Session 1:30 pm - 5:00pm

Palm Beach County Convention Center
More Details Coming Soon

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THE
BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

JOHN R. WHITTLES
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www.palmbeachbar.org

CARLA THARP BROWN
Executive Director

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

Advertising Information:

Mikki Johnson • mjohanson@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

Board Meeting Attendance

	JUL	AUG	SEPT	OCT	NOV
Barnes	X		phone	X	X
D'Amore	X	X	X	phone	X
Huber	X	X	X	X	X
Mason	phone	X	X	X	X
McElroy	X	X	X	X	X
Pressly	X	X	X	X	X
Reagan	X	X	X	phone	X
Smith, G.	X	X	X	X	X
Smith, S.	X	X	X	X	X
Whittles	X	X	X	X	X
Wilson	X	X	X	X	phone
Wyda	X	X	X	X	X
Xenick	X	X	X	X	phone

Do You Need a Mentor?

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



ALEXANDER "SANDY" MYERS, ESQUIRE



Mediator/Arbitrator (Admitted to the FL Bar 1970)

- ❖ Florida Bar Board Certified Civil Trial Lawyer (1983-2007)
- ❖ Florida Certified:
Circuit Civil Mediator (1998-Present)
Family Mediator (1998-Present)
- ❖ Florida Qualified Arbitrator (1991-Present)
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West Palm Beach, FL 33401

Cell (561) 758-7300

Email: SandyMyersMediation@gmail.com



A Presidential Background Check

by John R. Whittles

On November 8, 2016, Donald J. Trump was elected as the 45th President of the United States. He will be sworn in as President on January 20, 2017.

I watched an interview with President Obama regarding the transition from one administration to another and he was right on point when he said “the people that did not vote for [Donald Trump] need to understand that this is how democracy works.” That is one of the things that makes our country great. In 2008, Republicans bowed to the will of the people when Barack Obama was elected and now Democrats must do the same.

During the long election season leading up to the Trump victory, much was made of the backgrounds of the two candidates; Donald Trump the career business person and Hillary Clinton the career civil servant. That got me thinking about the different types of backgrounds for the presidents in my lifetime and how those backgrounds might have helped or hindered their roads to the White House. President Jimmy Carter is the first president I clearly remember reading about and watching on television (which makes me ancient to some reading this and a baby to others). I remember President Carter as a former governor, a naval officer and a Georgia farmer while Ronald Regan was also a governor and actor and the first President Bush a military pilot, CIA chief, and business person, like George W. Bush. Bill Clinton was my first exposure to a lawyer as president although he didn't practice law much. President Obama, also trained as a lawyer, got into politics quickly. These presidents' diverse backgrounds had me wondering about the backgrounds of our other presidents that predate me.

Lawyer Presidents

Anyone know how many U.S. Presidents were lawyers?

I am happy to report that 25 out of 45 U.S. Presidents were lawyers and they are: John Adams (1797 – 1801), Thomas Jefferson (1801 – 1809), James Monroe (1817 – 1825), John Quincy Adams (1825 – 1829), Andrew Jackson (1829 – 1837), Martin Van Buren (1837 – 1841), John Tyler (1841 – 1845), James Polk (1845 – 1849), Millard Fillmore (1850 – 1853), Franklin Pierce (1853 – 1857), James Buchanan (1857 – 1861), Abraham Lincoln (1861 – 1865), Rutherford Hayes (1877 – 1881), Chester Arthur (1881 – 1885), Grover Cleveland (1893 – 1897), Benjamin Harrison (1889 – 1893), William McKinley (1897 – 1901), William Taft (1909 – 1913), Woodrow Wilson (1913 – 1921), Calvin Coolidge (1923 – 1929), Franklin Roosevelt (1933 – 1945), Richard Nixon (1969 – 1974), Gerald Ford (1974 – 1977), Bill Clinton (1993 – 2001), and Barack Obama (2009 – 2017).

It is interesting to note that, of this group, many of the presidents did not complete law school but instead became lawyers through independent study and apprenticeships. That list includes: John Adams, Thomas Jefferson, James Monroe, John Quincy Adams, Andrew Jackson, Martin Van Buren, John Tyler, James Polk, Millard Fillmore, James Buchanan,

Abraham Lincoln, James Garfield, Grover Cleveland, Benjamin Harrison, and Calvin Coolidge.

It should also be noted that some of the lawyers on this list did not practice long before beginning a life in politics. However, the fact that well over half of our presidents were lawyers by training and experience is something we as lawyers should be proud of.

A Diverse Group of Non-Lawyer Presidents

Of the entire group of 45 presidents, there are only a handful that identify primarily as business people (outside of the farming industry), including: Herbert Hoover (mining and finance), George H.W. Bush (oil), George W. Bush (oil and baseball), and Donald Trump (land development and building construction).

By comparison, nine (9) presidents had a background in farming and thirteen (13) former presidents served in active duty in the United States military. Five (5) presidents worked as teachers or professors and one (1) as a law school dean. Three (3) presidents worked as land surveyors (George Washington, Andrew Jackson and Abraham Lincoln). Curiously, Andrew Johnson also worked as a tailor at one point while James Garfield was previously a minister and Chester Arthur once made a living as a tax collector.

“Outsider” Presidents

President-Elect Trump has never been elected to hold any public office. Interestingly, he is not the first, although most of the persons on this “outsider” list were highly decorated military commanders. Specifically, George Washington was the Commander of the Continental Army in the Revolutionary War, Zachary Taylor was a Major General and Commander of the U.S. Army in the Mexican-American War, Ulysses S. Grant was also a Major General and Commander of the U.S. Army in the Civil War, and Dwight Eisenhower was Supreme Allied Commander during World War II.

There were only two other presidents who never won an election and did not also command the U.S. Military – William Howard Taft and Herbert Hoover. However, Taft served as Secretary of War under Theodore Roosevelt and was appointed governor of then-territory the Philippine Islands while Herbert Hoover served as Secretary of Commerce under Presidents Warren Harding and Calvin Coolidge.

President-Elect Trump will be the Most “Outsider” President

As far as background, President-Elect Trump will be the most “outsider” president ever; a true first which some say makes him beholden to no one and others say will hamstring his ability to handle the duties of the office. A fresh perspective or inexperience? Time will tell but Republicans, Democrats, and Independents should hope that he and we are successful in the next four years.

Legal Aid's 16th Annual Cup of Justice Golf Classic

The Legal Aid Society of Palm Beach County's 16th Annual Cup of Justice Golf Classic raised \$50,000 to support its Educational Advocacy Project whose mission is to ensure positive educational outcomes for disabled children attending Palm Beach County schools.



Attorney Robert Shalhoub chaired the Columbus Day event at Bear Lakes Country Club. The presenting sponsor of the event was Sabadell United Bank.

The luncheon sponsor was Florida Crystals Corporation and the dinner sponsor was Dex Imaging, Inc. Other major sponsors included Caler, Donten, Levine, Cohen, Porter & Veil, P.A.; Daily Business Review; Dailey Janssen Architects; Furr & Cohen, P.A.; Law Office of Benjamin T. Hodas, LLC; Legal Graphicworks; Moore, Ellrich & Neal, P.A.; Schwed, Adams, Sobel & McGinley, P.A.; Christian D. Searcy, Jr; and Talenfeld Law, P.A.

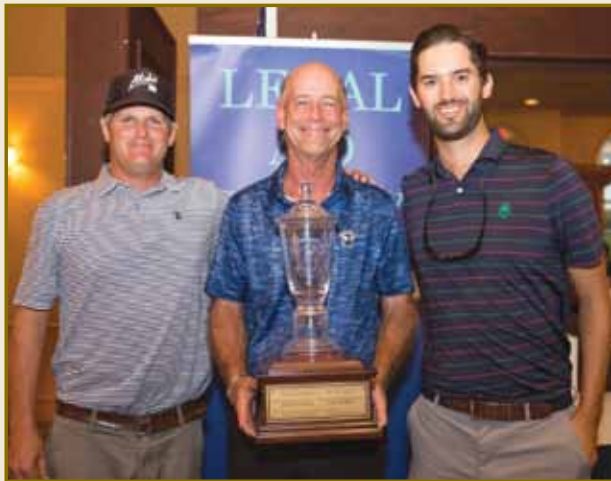
The golf tournament committee members included Richard Benrubi, Esq.; Bob Bertisch, Esq.; Harreen Bertisch; Charles Cohen, Esq.; Rick

Collier; Adam Doner, Esq.; Howard DuBosar, Esq; Benjamin Hartman; Devin Krauss; David McClymont; Nicole Mercado; Scott Perry, Esq.; Grier Pressly, Esq.; Christopher Sajdera, Esq.; Paul Shalhoub, Esq.; Michael Spillane; Colin White, Esq.; Robert A. Wight, Esq., and Gary Woodfield, Esq.;

Schwed, Adams, Sobel & McGinley, P.A. was awarded the "Cup of Justice" trophy after an outstanding round of golf. Other winners included

CBIZ Benefits and Insurance (Flight A - 1st Place); Legal Graphicworks (Flight B - 1st Place); Sabadell United Bank, LLC (Flight C - 1st Place).

Robbie Wight won "Closest to the Pin" & Paul Frasca and Daniela Gordon won "Longest Drive".



The Legal Aid Society of Palm Beach County, Inc., founded in 1949, is a private nonprofit, 501 (c)(3) organization dedicated to providing free legal services to disadvantaged children, families, elders and individuals living in Palm Beach County. Projects include the Domestic Violence Project, Juvenile Advocacy Project, Foster Children's Project, Ryan White Project, Fair Housing Project and Elder Law Project.

Judge Bradley G. Harper

Continued from page 1

Judge Harper has a lifelong record of community service that dates back to his youth when he was a dancer and worked the camera at the church he attended.

His community service continued while he studied at Morehouse College where he earned his degree in Accounting with honors. Judge Harper's passionate advocacy for justice began while he was a law student and scholarship recipient at the University of Florida College of Law. He was a member of the trial team and a two-time moot court/mock trial champion for both writing briefs and arguing cases.

Judge Harper continued his community service to the citizens of Palm Beach County after graduating from law school. Upon his return, he immediately became involved in community service. He served as President of the F. Malcolm Cunningham Sr. Bar Association along with various leadership positions within that organization. He also served as a leader on numerous boards and committees such as the Early Learning Coalition of Palm Beach County and Leadership Palm Beach County; just to name a few. He is actively involved in education serving on the Northboro Elementary School, Advisory Council (SAC) and Parent Teacher Organization (PTO) and West Riviera Elementary School, Advisory Council (SAC).

As a member of the judiciary, it is Judge Harper's hope that he can reflect the best of our community and the people that have helped him throughout his life. He further believes that "it is important that we have justice for all people; that all who come into my courtroom trust and believe, no matter the outcome, they were treated with dignity and respect. My daily goal is to be consistent with the goals of our justice system and the bar: to treat people fairly and to carry out the rule of law."

Asked to describe her son, "an old soul" is what his mother had to say. She further described him as "a kind spirit". It is no surprise that Judge Harper credits his parents, Henry and Gail Harper, as his inspiration. Family is very important to him. When Judge Harper is not working, he enjoys spending time with his wife, Chanelle Harper, and their four children: Matthew, Isabella, Olivia and Ada.

Robing Ceremony: February 17, 2017



The Rules of Professional Conduct and Malpractice Liability

by Nicole K. Atkinson

Can violating the Rules of Professional Conduct get you sued? Yes. Violations of the Rules can and often do result in malpractice suits against lawyers. Although a violation of a Rule of Professional Conduct *alone* is not enough to establish malpractice liability, it may be used as evidence of a lawyer's negligence. *Pressley v. Farley*, 579 So. 2d 160, 161 (Fla. 1st DCA 1991).

The Preamble to Florida's Rules of Professional Conduct sheds light on this issue, providing:

Violation of a rule should not itself give rise to a cause of action against a lawyer nor should it create any presumption that a legal duty has been breached. In addition, violation of a rule does not necessarily warrant any other nondisciplinary remedy, such as disqualification of a lawyer in pending litigation. The rules are designed to provide guidance to lawyers and to provide a structure for regulating conduct through disciplinary agencies. They are not designed to be a basis for civil liability... Nevertheless, since the rules do establish standards of conduct by lawyers, a lawyer's violation of a rule may be evidence of a breach of the applicable standard of conduct.

Several Florida courts have addressed the practical implications of a Rule violation in legal malpractice suits. First, it is clear that a violation of a Rule of Professional Conduct does not constitute negligence per se or create a presumption of negligence. *Id.*; *Pitcher v. Zappitell*, 160 So. 3d 145, 148 (Fla. 4th DCA 2015). The Rules are not designed to be a basis for civil liability, and they do not, themselves, create a legal duty on the part of the lawyer. *Id.* Courts must look to substantive law to determine whether a lawyer owes a duty to a client. *Elkind v. Bennett*, 958 So. 2d 1088, 1092 (Fla. 4th DCA 2007).

And causation and the other elements of a legal malpractice action must still be established. *Pressley*, 579 So. 2d at 161; *Pitcher*, 160 So. 2d at 148. Thus, merely alleging a violation of the Rules of Professional Conduct is not enough to state a cause of action for legal malpractice. *Id.*; *Rios v. McDermott, Will & Emery*, 613 So. 2d 544, 545 (Fla. 3d DCA 1993).

But a Rule violation may be used as evidence that a lawyer has breached the applicable duty of care. *Pressley*, 579 So. 2d at 161; *Pitcher*, 160 So. 2d at 148. Breach of a reasonable duty is an essential element of a legal malpractice claim. *Elkind*, 958 So. 2d at 1092. And even though the Rules of Professional Conduct are not intended to be a basis for civil liability, the inclusion of a duty (such as the duty of confidentiality or the duty to provide competent representation) in the Rules does not prevent the breach of that duty from being enforced through a legal malpractice action. *Id.*

Although a Rule violation may be evidence of malpractice, neither the Preamble to the Rules of Professional Conduct nor the case law mandates that the court admit evidence of a Rule violation. *Greenwald v. Eisinger, Brown, Lewis & Frankel, P.A.*, 118 So. 2d 867, 871 (Fla. 3d DCA 2013). The decision of whether and how to admit such evidence is within the discretion of the trial court. *Id.* However, evidence of a lawyer's violation of the Rules is often admitted through expert testimony. *See F.D.I.C. v. ICARD*, 2013 WL 4402968 (M.D. Fla. August 15, 2013).

In sum, understanding and complying with the Rules of Professional Conduct is extremely important. Beyond the already significant concerns lawyers should have about their professional reputations and bar licenses, a violation of the Rules of Professional Conduct can contribute to malpractice liability.

Lawyers For Literacy Present "Life Literacy" Seminars To Teens



The Lawyers for Literacy Committee recently presented its third Life Literacy presentation at the Mandel Public Library Teen Homework Center. Our most recent program was presented by attorney **Mary Grecz** who spoke with teens about understanding credit cards, credit card debt, and the rights of creditors and debtors. Mary went above and beyond giving her presentation on CRUTCHES! Past speakers include **Pamela Guerrier** and **Craig Lawson**. The presentations resume in 2017 with **Matt Chiapperini**, **Mike Simon**, and **Amy Borman** among the presenting lawyers. If you or a teenager you know are interested in participating in these seminars, please contact Andrew Kwan at kwan@beasleylaw.net.



The Estate and Probate CLE Committee of the Palm Beach County Bar Association
presents:

Guardianship Boot Camp

Thursday, February 9, 2017, 8:00 a.m. - 4:40 p.m.
Embassy Suites Hotel, 1601 Belvedere Rd., WPB



- 8:00 a.m. - 8:20 a.m. **Late Registration and Breakfast**
- 8:20 a.m. - 8:30 a.m. **Welcome and Opening Remarks** - Peter Forman, Esq., and Brett C. Barner, Esq.
Committee Co-Chairs
- 8:30 a.m. - 10:00 a.m. **Big Changes: Guardianship Legislative and Case Law Update** -
Hung Nguyen, Esq., The Nguyen Law Firm; FL Supreme Court Certified Circuit Civil Mediator
- 10:00 a.m. - 10:15 a.m. **Break**
- 10:15 a.m. - 11:05 a.m. **Ethical Considerations in Representing Persons With Diminished Capacity** -
D. Culver "Skip" Smith, III
- 11:05 a.m. - 12:00 p.m. **The Examining Committee – Challenging and Supporting Capacity
Determinations** – Peter Forman, Esq., Gutter Chaves Josepher Rubin Forman Fleisher PA.
- 12:00 p.m. - 1:00 p.m. **Lunch Speaker** - Stephen R. Alexander, Psy.D., Clinical Psychologist
- 1:00 p.m. - 1:30 p.m. **Alternatives to Guardianship and the Verified Statement** - Brett C. Barner, Esq.,
Barner & Barner, P.A.
- 1:30 p.m. - 2:00 p.m. **Who Controls What? Trusts in Guardianship Proceedings** - William T. Hennessey,
ACTEC Fellow, and Nicklaus Curley, Esq., Gunster
- 2:00 p.m. - 2:50 p.m. **15th Judicial Circuit: Accounting Requirements in Guardianship Proceedings
and New AO for Appointment of Professional Guardians From a Wheel** -
Anthony Palmieri, Deputy Inspector General for the Clerk's Guardianship Fraud Program
- 2:50 p.m. - 3:00 p.m. **Break**
- 3:00 p.m. - 3:20 p.m. **Joint Ownership of Property in Guardianship Proceedings** - Lawrence J. Miller,
Esq., Gutter Chaves Josepher Rubin Forman Fleisher PA.
- 3:20 p.m. - 3:40 p.m. **When Does It Really End? Guardianship Proceedings After the Death of the
Ward** - Brian M. O'Connell, Esq., Board Certified in Wills Trusts and Estates; Ciklin Lubitz &
O'Connell
- 3:40 p.m. - 4:10 p.m. **Mock Hearing on Alternatives to Guardianship v. The Appointment of a Guardian** -
John Farina, Esq., Board Certified in Wills Trusts and Estates & Duane L. Pinnock Esq., P.A.,
Boyes Farina & Matwiczuk
- 4:10 p.m. - 4:40 p.m. **Probate Judges' Panel - Rulings on the Mock Hearing and Discussion** -
Moderator: Matthew H. Triggs, Esq., Proskauer Rose LLP



7.5 CLER, 1.0 Ethics. \$ 250 PBCBA members/paralegals, \$ 290 non-PBCBA attorney members/paralegals. Those registering after 2.2.17 add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar.

HOW TO REGISTER

BY CHECK: Return a copy of this flyer with your contact information

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

Materials will be emailed to registrants prior to the seminar

____ I will not be able to attend the seminar, but would like to order the CD. The cost is the same as listed above, however please include \$10 for shipping and handling. Allow four weeks for delivery. PBC Bar Association, 1507 Belvedere Rd., W. Palm Beach, FL 33406. 561-687-2800. (2.9.17 Estate and Probate seminar)

Are You Worth More Dead Or Alive

by David M. Garten



Forget about life insurance. How much are your client's ashes worth? How about a lock of hair?

The ashes of the late Truman Capote – who wrote the acclaimed novels “Breakfast at Tiffany’s” and “In Cold Blood” – were auctioned off at Julien’s



Auctions on September 24, 2016 for \$43,750. The ashes are part of the estate of Joanne Carson, the late wife of former Tonight Show host Johnny Carson.

“Truman told Joanne that he didn’t want his ashes to sit on a shelf. So this is a different way of honoring his request. It is just furthering the adventures of Truman Capote.” Julien’s C.E.O., Darren Julien, explained. In response to whether there is any kind of ethics issues in selling Capote’s ashes, Julien said: “You can’t sell things like that [body parts]. But, I will say, Christie’s sold Napoleon’s penis years ago. And we sold William Shatner’s kidney stone for \$25,000 (the proceeds went to charity). Julien said that to his knowledge it was the first time human ashes had been auctioned. The ashes themselves have had their own wild life. Capote died in 1984 while inside Carson’s Bel-Air home. Carson kept the ashes in his home in an urn in the room where Capote died. The remains were stolen twice - once during a 1988 Halloween party (before being mysteriously returned), and again at a party Carson hosted (with the urn in attendance) for a play about Capote. In 2013, the ashes were invited to the opening-night gala of Broadway’s *Breakfast at Tiffany’s*.



On 11/13/97, a reddish-brown thatch of Mickey Mantle’s hair sold at auction for \$6,900.

A clump of hair trimmed from Elvis Presley’s head when he joined the army in 1958 has sold at auction on 10/19/09 for \$18,300.



A lock of John Lennon’s hair that was cut as he prepared for a movie role has sold at auction in February of 2016

for \$35,000. A hairdresser saved the 4-inch tuft of hair after giving Lennon a trim in Hamberg, Germany, before he began filming *How I Won the War*, a 1967 dark comedy about the misadventures of a British army troop during World War II.



In June of 2016, a lock of the Thin White Duke’s hair sold at auction for \$18,750. The blonde strands were cut straight from David Bowie’s head in 1983 when he went in for a Madam Tussauds Wax Museum sample sitting. Wendy Farrier, a wig maker with Tussauds who worked on the wax Bowie’s mop, asked to keep the hair, which she placed in a frame with a picture of her and the musician.



A lock of Mozart’s hair sold at auction for \$53,400 on May 12, 2015, while strands of Beethoven’s hair sold for \$12,400. The lock of Mozart’s hair was in a 19th century gilt locket that also contains a handwritten note explaining the provenance of the strands, which reads: “Hair of W.A. Mozart. Part of a lock given me by Karl Anschutz he having received it from his mother to whom it was given by the great composer’s widow. Given by me to Arthur Somervell, Jas Collet.”



A plastic bag containing hair clippings from President John F. Kennedy was obtained by Harry Gelbart “Barber to the Stars,” who cut the president’s hair at the home of Peter Lawford and Kennedy’s sister, Patricia Kennedy Lawford. Gelbart, whose other clients included Cary Grant, Frank Sinatra, Dean Martin and other members of the Kennedy family, cut John F. Kennedy’s hair only months before Kennedy’s assassination and collected the hair as a memento. The President’s hair sold in May of 2011 for \$4,160.



In 1821, Napoleon Bonaparte’s penis was removed during his autopsy. The penis was given to priest Abbé Anges Paul Vignali who gave the leader his last rites. In 1977, a urologist named John K. Latimer, living in New Jersey, purchased it for \$3,000. It is currently in a glass case in the urology museum of Columbia University.



FLORIDA LAW: The disposition of a decedent’s body is a personal right of the decedent and not a property right of the estate. Therefore, the decedent can make provision for his funeral, burial, or cremation, including disposition of his ashes. *See Cohen v. Guardianship of Cohen*, 896 So. 2d 950 (Fla. 4th DCA 2005); *Kasmer v. Limner*, 697 So. 2d 220 (Fla. 3rd DCA 1997); *Wilson v. Wilson*, 138 So. 3d 1176 (Fla. 4th DCA 2014). In the absence of testamentary direction to the contrary, a surviving spouse, followed by the next of kin, has the right to possession of the decedent’s body for burial or other lawful disposition. *See, Andrews v. McGowan*, 739 So. 2d 132 (Fla. 5th DCA 1999); *Arthur v. Milstein*, 949 So. 2d 1163 (Fla. 4th DCA 2007).

What is a “lawful” disposition of a body? In Florida, a person may not buy, sell, or take possession of: the dead body of any human being [§872.01], any human organ or tissue (eye, cornea, kidney, liver, heart, lung, pancreas, bone, and skin) [§873.01], or a human embryo [§873.05]. Therefore, you can’t sell or bequeath your body parts. For example, your client’s direction in his will to sell his skull or to give his heart to his x-wife would be unenforceable. However, your client can designate disposition of his body for burial or cremation [§732.804]. Alternatively, he can donate his body for transplantation, therapy, research, or education [§765.510 – §765.547]. Sec. 765.514, F.S. lists the different ways to make an anatomical gift, such as: (a) signing an organ and tissue donor card, (b) registering online with the donor registry, (c) signifying an intent to donate on your driver’s license, (d) expressing a wish to donate in a living will or other advance directive, and (e) executing a will that includes a provision indicating that the testator wishes to make an anatomical gift. There is no prohibition against bequeathing or selling your hair or ashes.

The Alternative Dispute Resolution Committee of the Palm Beach County Bar Association
presents:



ADR - A Help and Not a Hurdle

Monday, February 13, 2017, 8:00 a.m. - 4:40 p.m., PBCBA, 1507 Belvedere Rd., WPB

- 8:00 am - 8:30 am **Check in/Breakfast**
- 8:30 am - 8:40 am **Welcome & Opening Remarks:** *Theodore Deckert, Esq., Matrix Mediation, LLC; Certified Circuit Civil, Family and County Mediator; Florida Supreme Court Qualified Arbitrator; ADR Committee Chair*
- 8:40 am - 9:30 am **Diversity Issues in Mediation (CV):** *Stephanie McHardy, Florida Dispute Resolution Center. (Special thanks to Theodore Deckert for underwriting speaker's transportation costs.)*
- 9:30 am - 10:20 am **Taking ADR Seriously:** *Circuit Judge (Retired) Kenneth Stern, Esq., Stern Dispute Resolution*
- 10:20 am - 10:30 am **Break**
- 10:30 am - 11:20 am **Arbitration - Love it/Hate it Q&A - Interactive discussion between attendees and Moderated Panel of Judge, Arbitrator, Plaintiff and Defense Attorney addressing Current developments and issues regarding arbitration:** **Moderator:** *Donna Greenspan Solomon, Esq., Solomon Appeals, Mediation & Arbitration; Certified Circuit Civil, Appellate & Family Mediator; Member of AAA's Roster of Arbitrators (Commercial Panel); Florida Supreme Court Qualified Arbitrator* **Panel:** *Hon. Richard L. Oftedal, Circuit Judge; Arbitrator Hon. Lucy Chernow Brown, Ret. Circuit Judge, JAMS, Certified Circuit Civil Mediator; Plaintiff Attorney William A. Dean, Esq., Ford & Dean PA; Defense Attorney Matthew C. Martin, Esq., Gaebe, Mullen, Antonelli & DiMatteo PA*
- 11:20 am - 12:10 pm **ADR Case Law & Ethics Update (E):** *W. Jay Hunston, Jr., Esq., W. Jay Hunston, Jr., PA; Florida Certified Circuit Civil Appellate and Family Mediator; Florida Supreme Court Qualified Arbitrator*
- 12:10 pm - 12:45 pm **Lunch *** Sponsored by**  *******
- 12:45 pm - 1:35 pm **Use of Technology in Mediation:** *Christopher Hopkins, Esq., McDonald Hopkins LLC; Florida Certified Circuit Civil Mediator*
- 1:35 pm - 2:25 pm **The Role of Civility in Mediation:** *Michael D. Mopsick, Esq., Shapiro, Blasi, Wasserman, & Hermann, P.A.; Florida Supreme Court Certified Circuit Civil Mediator*
- 2:25 pm - 2:35 pm **Break**
- 2:35 pm - 3:50 pm **Timing of Mediation - Four Quarters of the Dispute - Interactive discussion between attendees and Moderated Panel of Mediators:** **Moderator:** *W. Jay Hunston, Jr., Esq.;* **Panel:** *Theodore Deckert, Esq.; William J. Cea, Esq., Becker & Poliakoff; Board Certified in Construction Law; Florida Certified Circuit Civil Mediator; Victoria Calebrese, Esq.; Victoria Calebrese, PA; Board Certified in Marital and Family law; Florida Certified Family Mediator*
- 3:50 pm - 4:40 pm **Domestic Violence – It's Not Just About Violence:** *Sara Trosty Walsh, LCSW; Psychotherapist & Director Rosenberg Domestic Abuse Program, Alpert Jewish Family & Children's Service & Levine Jewish Residential & Family Service*

Credit: 8.5 CLER; 1.0 Ethics; 1.0 Technology. Cost \$ 240 PBCBA members/paralegals; \$ 280 non-PBCBA attorney members/paralegals. After 2/6/17, add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar. This course is eligible for up to 8.5 CME hours. Mediators are required to self report those hours applicable to their areas of certification at the time of their renewal. For more information on the CME requirement, visit, www.flourts.org, select Alternative Dispute Resolution. Certificate of attendance will be provided at seminar.

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Arbitration Case Law Update – 2016, pt. 2

by Donna Greenspan Solomon



The following are recent cases of interest regarding arbitration issues:

Am. Mgmt.

Services, Inc. v.

Merced, 186 So. 3d 612 (Fla. 4th DCA 2016). Where question of fact exists as to making of arbitration agreement, it is error to deny motion to compel arbitration pending further discovery without setting motion for expedited hearing.

A.K. v. Orlando Health, Inc.,

186 So. 3d 626 (Fla. 5th DCA 2016). Arbitration agreement failing to adopt the necessary statutory provisions of the Medical Malpractice Act violates public policy. Conflict certified with *Santiago v. Baker*, 135 So.3d 569 (Fla. 2d DCA 2014).

Reyes v. Claria Life & Health Ins.

Co., 190 So. 3d 154 (Fla. 3d DCA 2016). Once court determined that another state had exclusive jurisdiction, it should have dismissed action, not compelled arbitration.

Wells v. Halmac Dev., Inc., 189

So. 3d 1015 (Fla. 3d DCA 2016). Property owners entitled to attorney's fees as sanctions in defending arbitrator's determination that there was no prevailing party in resolution of contract lien dispute where contractor's president presented no colorable claim in challenging determination.

McKenzie Check Advance of

Florida, LLC v. Betts, 191 So. 3d 530 (Fla. 4th DCA 2016) ("McKenzie III"). The Florida Supreme Court, in *McKenzie Check Advance of Fla., LLC v. Betts*, 112 So.3d 1176 (Fla. 2013) ("McKenzie II"), did not merely hold that the FAA preempts invalidation of a class action waiver on public policy grounds. McKenzie II also held that the arbitration provision expressly prohibited class arbitration, thereby precluding plaintiffs from re-litigating that issue before the arbitrator.

Sovereign Healthcare of Tampa,

LLC v. Estate of Schmitt ex rel. Schmitt, 195 So. 3d 1175 (Fla. 2d DCA 2016). Personal representative of nursing

home resident's estate not bound by arbitration agreement where resident did not sign nursing home agreement and wife was not authorized to sign on his behalf.

Klemish v. Villacastin, 41 Fla.

L. Weekly D1635 (Fla. 5th DCA 2016). Arbitration agreement between patient and hospital that incorporated only some provisions of the Medical Malpractice Act was unenforceable as against public policy.

Meridian Pain & Diagnostics,

Inc. v. Greber, 197 So. 3d 153 (Fla. 3d DCA 2016). Anesthesiologist's express insistence on arbitrating patient's claims necessarily waived and obviated the otherwise applicable presuit notice and investigation requirements.

All S. Subcontractors, Inc. v.

Amerigas Propane, Inc., 41 Fla. L. Weekly D1859 (Fla. 1st DCA 2016). Propane seller could not compel arbitration where commercial customer did not assent to arbitrate claims occurring two years before document containing arbitration clause was mailed to customer as part of bulk mailing.

Balaguer v. Physicians for the

Hand, LLC, 199 So. 3d 375 (Fla. 3d DCA 2016). Record insufficient for appellate review of doctor's claim that arbitrator exceeded authority and denied doctor due process where doctor failed to provide transcript of arbitration hearing, and arbitrator's award and order denying reconsideration, and trial court's judgment confirming award, provided no basis to conclude that the issues were actually raised and preserved.

Autonation, Inc. v. Susi, 199

So. 3d 456 (Fla. 4th DCA 2016). The reasonable duration of a car dealership's arbitration agreement is the duration of the parties' relationship over the car at issue.

Olson v. Florida Living Options,

Inc., 41 Fla. L. Weekly D2111 (Fla. 2d DCA Sept. 9, 2016). Negligence and breach of duty claims against skilled nursing facility (SNF) did not fall within scope of arbitration agreement

contained in lease between resident and assisted living facility (ALF), although SNF and ALF were located in same retirement community, they had same administrator, and same company was sole member of both SNF and ALF, where SNF and ALF were separate facilities with separate admissions procedures, arbitration agreement named ALF as facility to which agreement applied, and separate contract, which neither contained nor referenced arbitration agreement, was entered into when resident was admitted to SNF.

Cirrus Holdings USA, LLC v.

Welch, 199 So. 3d 558 (Fla. 4th DCA 2016). Trial court was required to determine whether there was an enforceable agreement to arbitrate between former employee and employer, and if so, to stay employee's lawsuit against employer and order the parties to arbitrate, even though employer used a motion to dismiss to argue that employee failed to comply with the contractual arbitration clause instead of filing a motion to compel arbitration.

Mendez v. Hampton Court Nursing

Ctr., LLC, 41 Fla. L. Weekly S394 (Fla. Sept. 22, 2016). Third party beneficiary doctrine did not bind nursing home resident to arbitration clause in admission agreement signed by his son; abrogating *Alterra Healthcare Corp. v. Estate of Linton ex rel. Graham*, 953 So.2d 574 (Fla. 1st DCA 2007).

Donna Greenspan Solomon is

one of three attorneys certified by The Florida Bar as both Business Litigator and Appellate Specialist. Donna is a Member of the AAA's Roster of Arbitrators (Commercial Panel). She is a FINRA-Approved and Florida Supreme Court Qualified Arbitrator. She is also a Certified Circuit, Appellate, and Family Mediator.



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



Social Media Discovery - Case Law Update and Strategies

Tuesday, January 24, 2017, 11:30 a.m. - 1:00 p.m.
PBCBA, 1507 Belvedere Rd., WPB

11:30 a.m. - 11:55 p.m.
Late registration / Lunch

11:55 a.m. - 12:00 p.m.
Welcome and Opening Remarks
Kent Frazier, Esq., Akerman; Business Litigation CLE Committee, Chair

12:00 p.m. - 1:00 p.m.
Guest Speaker: Christopher B. Hopkins, Esq., McDonald Hopkins, LLC

AGENDA

- Florida Appellate Court Decisions on Social Media Discovery
- Palm Beach Circuit Court Orders on Social Media Discovery
- Strategy to Develop Social Media Discovery
- Sample Social Media Discovery Request

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Real Property and Business Litigation Report



by *Manuel Farach*

Wreal, LLC v. Amazon.Com, Inc., Case No. 15-14390 (11th Cir. 2016).

Delay in seeking a preliminary injunction, even if the delay is only a few months, may demonstrate and militates against a finding that movant has suffered irreparable harm.

In Re: Amendments To The Florida Rules For Certified And Court-Appointed Mediators, Case No. SC15-875 (Fla. 2016).

Amendments to the rules regarding mediators, especially with regard to procedures for discipline.

Bold MLP, LLC v. Smith, Case No. 1D15-5456 (Fla. 1st DCA 2016).

A lease agreement which has its five percent (5%) escalator clause scratched through with the handwritten words “\$75 2nd yr \$875 3rd yr \$950” means the rent will increase \$75 each year, and this interpretation applies to renewal periods after three years even though the lease is silent as to the rent to be paid during the renewal period.

Shores Of Panama Club, LLC v. Shores Of Panama Resort Community Association, Inc., Case No. 1D16-0920 (Fla. 1st DCA 2016).

In determining the boundaries of a condominium unit, the square footage assigned to units in a Declaration of Condominium controls over conflicting methods of measurements of the units.

Best Drywall Services, Inc. v. Blaszczyk, Case No. 2D15-2103 (Fla. 2d DCA 2016).

Conflicting evidence as to when a contractor last supplied labor or materials to a job site (such that its claim of lien was timely) should be submitted to the jury for its determination.

Ventures Trust 2013-I-H-R v. Asset Acquisitions And Holdings Trust, Case No. 2D15-1923 (Fla. 2d DCA 2016).

A purchaser during foreclosure proceedings is typically not permitted to intervene during the pendency of the proceedings, but if permitted to do so, takes the pleadings as he finds them and may not raise new affirmative defenses. Moreover, a foreclosing plaintiff must prove standing at the time of filing suit and at the time of trial, proof of standing at the time the plaintiff is substituted is not necessary.

JPMorgan Chase Bank, N.A. v. Ostrander, Case No. 2D15-3935 (Fla. 2d DCA 2016).

Paragraph 22 of the standard FNMA mortgage requires that notice be sent, not that borrower have received the notice.

Herbits v. The City of Miami, Case No. 3D15-1039 (Fla. 3d DCA 2016).

Taxpayers challenging legislative zoning decisions of local government must demonstrate an injury special to them not suffered by all taxpayers.

Miller v. Bank of America, N.A., Case No. 5D15-780 (Fla. 5th DCA 2016).

A Loan Transfer History (“LNTH”), without more and without supporting justification for its admission into evidence, is not capable of being introduced under the Business Records Exception to the Hearsay Rule.

Bartram v. U.S. Bank National Association, – So. 3d –, 2016 WL 6538647 (Fla. 2016).

Florida’s Statute of Limitations does not bar the filing of successive suits on the same mortgage so long as the latter suit is based on a different default date.

Shores Of Panama Resort Community Association, Inc. v. Shores Of Panama, LLC, – So. 3d –, 2016 WL 6493151 (Fla. 1st DCA 2016).

A condominium association may amend its budget after adoption, but must follow the procedures in Florida Statute section 718.112(2)(e)(2)(a) if the additional costs exceed 115% of the previous year’s budget.

Zurro v. Wells Fargo Bank, N.A., – So. 3d –, 2016 WL 6476293 (Fla. 2d DCA 2016).

A claim for attorneys’ fees need not be pled in the “wherefore clause” if the opposing party is otherwise on notice of the party’s request for attorneys’ fees.

Chanin v. Feigenheimer, – So. 3d –, 2016 WL 6476313 (Fla. 4th DCA 2016).

The Fourth District declines to adopt a cause of action for conspiracy of an employer to artificially diminish the compensation of an employee subject to a domestic relations obligation, but certifies the following question as a question of great public importance:

MAY A FORMER SPOUSE PURSUE AN INDEPENDENT TORT CLAIM AGAINST THE EMPLOYER OF THE OTHER FORMER SPOUSE FOR FRAUDULENT CONDUCT THAT (1) OCCURS AFTER THE FINAL JUDGMENT AND (2) FALSELY DEPRESSES THAT SPOUSE’S INCOME SO AS TO LIMIT THE OBLIGATION FOR CHILD SUPPORT?

Bolous v. U.S. Bank National Association, – So. 3d –, 2016 WL 6476320 (Fla. 4th DCA 2016).

A pooling and service agreement that references the loan in question may be sufficient to demonstrate standing and plaintiff’s ownership of the note and mortgage.

Infiniti Employment Solutions, Inc. v. MS Liquidators Of Arizona, LLC, Case No. 5D14-583 (Fla. 5th DCA 2016).

A trial court may award both attorney’s fees and actual damages as “delay damages” under Florida Statute section 57.105 for interposing frivolous defenses.

Agrelo v. Affinity Management Services, Inc., Case No. 15-14136 (11th Cir. 2016).

A homeowner’s association assessment is a consumer debt for purposes of both the Fair Debt Collection Practices Act and the Florida Consumer Collection Practices Act, and an attorney collecting a debt on behalf of an association is a “debt collector.”

Chang v. JPMorgan Chase Bank, N.A., Case No. 15-13636; 15-14529 (11th Cir. 2016).

The Eleventh Circuit finds there exists a Florida cause of action for aiding and abetting fraud when: (1) there exists “an underlying fraud”; (2) “[t]he defendant had knowledge of the fraud”; and (3) the defendant “provided substantial assistance to advance the commission of the fraud.”

Shelton v. The Bank of New York Mellon, – So. 3d –, 2016 WL 6609686 (Fla. 2d DCA 2016).

A lender is not required to provide an estoppel letter after final judgment in order to allow a borrower to exercise his right of redemption; that function is covered by the statutory right of redemption under Florida Statute section 43.0315.

Village of Key Biscayne v. Department of Environmental Protection, – So. 3d –, 2016 WL 6609762 (Fla. 3d DCA 2016).

An adjoining municipality has no standing to intervene in or contest administrative permitting proceedings unless it is directly and substantially affected.



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



You've Been Hacked, What Must You Do!

Friday, February 24, 2017, 11:30 a.m. - 1:00 p.m.
PBCBA, 1507 Belvedere Rd., WPB

11:30 a.m. - 11:55 a.m.
Late Registration/Lunch

11:55 a.m. - 12:00 p.m.
Welcome and Opening Remarks
Kent Frazier, Esq., Akerman; Business Litigation CLE Committee, Chair

12:00 p.m. - 1:00 p.m.
Guest Speaker: Silka M. Gonzalez,
President and Founder, Enterprise Risk Management

Agenda

- ◆ **How to prepare your practice and firm for the worst and to provide useful knowledge and counsel if and when your clients are hacked.**
- ◆ **Discussion of what law firms must do when their data security systems have been breached.**
- ◆ **A view on the required response to data breach.**
- ◆ **What plans and procedures need to be in place to mitigate the damage from a data breach?**

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Myles Moves Mountains

by Eunice Baros

Although she admits it may sound cliché, Tequisha Myles became an attorney to try to make a difference in her community. “My grandfather (Clarence Williams) was a civil rights activist in the small town of Hinesville, Georgia. He was a county extension agent, training people how to farm and raise crops, such as cotton and livestock; but on the weekends, he would work with other activists to desegregate the local gas station and the ice cream shop,” said attorney Myles who was born in Decatur near Atlanta.

Myles’ grandfather was a lifelong member of the NAACP, and the year before he died, an overpass was named for him in the city. “I was inspired by all of his stories of standing up for what he believed in,” she said. It is not surprising given this background and her parent’s encouragement to obtain a good education, that Myles would graduate from the University of South Florida in Tampa (1999) and earn her juris doctor degree at Florida State University in Tallahassee (2003).

Today, Myles serves as Supervising Attorney for the Fair Housing and Elder Law Projects at the Legal Aid Society of Palm Beach County in West Palm Beach. In this role, she supervises 16 staff members including six attorneys. She finds it rewarding to represent clients who cannot afford an attorney in the areas of real property, consumer, and elder laws. Myles is soft-spoken, committed, dedicated and thorough. She is beloved by her colleagues and clients.

Each day Myles makes a difference in more than one person’s life. She goes about her responsibilities with enthusiasm, purpose and grace. “My practice at Legal Aid is very rewarding,” says Myles. Just one example is when she represented six Guatemalan women who were evicted in a midnight raid from their homes in Lake Worth by city code enforcers. The women were given 30 minutes to pack up their belongings. In a federal court lawsuit against Lake Worth, Myles and her team were successful in obtaining a \$200,000 compensation award. “That’s why I stay,” she said. “I get to make a difference.”

“Tequisha never ceases to be a champion for the underserved, vulnerable and low-income individuals in our community,” says Bob Bertisch, Legal Aid’s Executive Director. “She has dedicated herself and her career to the fight against injustice, discrimination, abuse and exploitation, and she truly embodies the ideals of equal access to the justice system.”

Ten years ago, Bertisch said he was thrilled to recruit Myles to Legal Aid, from Florida Rural Legal Services, where her work included representing indigent clients in landlord tenant disputes, social security disability, employment, unemployment compensation and consumer law issues. Her paralegal Georgene Eisenberg and so many others admire Myles as a consummate professional, community leader and loyal daughter and mother of Savannah, age 4.



Jackie Myles, a retired gifted language arts school teacher, is so proud of her first-born daughter and her many accomplishments. “She gives to others and she has enriched so many lives and helped so many people.” “Not only is Tequisha a dedicated community servant, but she is also an all-around family woman,” adds friend and Co-Chair of the Committee for Diversity and Inclusion Nadine White-Boyd, Esq. Additionally, attorney David Prather said, “Tequisha is one of the hardest working people that I know. She goes above and beyond whatever is asked of her.”

Myles is an active member of Mt. Hermon AME Church, near where she was raised in Ft. Lauderdale. She serves as the church’s pro bono counsel and is former chair of the Trustee Board. Besides her work with church, Myles is active in the legal community as well. Recently, Myles was chair of the Florida Bar’s Consumer Protection Committee and former president of the F. Malcolm Cunningham Sr. Bar Association (FMCBA). For three years, Myles was co-chair of the Interfaith Unity Seder, sponsored by FMCBA and the American Jewish Committee. She served on the Board of Directors of Adopt-A-Family of the Palm Beaches, Inc. and was president from 2011-2013.

Myles has been lauded for her outstanding work with the Steven M. Goldstein Award for litigation against the City of Lake Worth, the Women of Excellence Award for Social Action by the West Palm Beach Alumnae Chapter of Delta Sigma Theta Sorority, and a 2011 Rosa Parks Spirit Award.

Myles has been active in the Florida Bar’s Diversity and Inclusion Committee. She lives by the following motto, “[i]f you do not stand for something, you will fall for anything.” She used this phrase in her college admission essay and it has stayed with her ever since.

Eunice Baros is a Florida Bar Certified Civil Circuit and federal Mediator in the Southern District of Florida. She has a general law practice solo firm based in Palm Beach Gardens. Ms. Baros is a member of the Palm Beach County Bar Association’s Diversity and Inclusion Committee and former co-chair with Tequisha Myles of the Interfaith Unity Seder sponsored by the American Jewish Committee in Palm Beach County and the F. Malcolm Cunningham Sr. Bar Association.

Welcome New Members!

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

Brooks Anderson: Emory University, 2013; Associate in Ford & Harrison, LLP, West Palm Beach.

Eric Simon Baum: University of Miami, 2013; Office of State Attorney, West Palm Beach.

Christopher N. Bellows: University of Miami, 1985; Holland & Knight, LLP, Miami.

Paula A. Carvajal: Northeastern University, 2016; Fifteenth Judicial Circuit, West Palm Beach.

Kristen R. Clark: University of Florida, 2016; Office of State Attorney, West Palm Beach.

Ben L. Cook, Jr: Law Student Membership, Tallahassee.

Sejana C. Crosara: Law Student Membership, Boca Raton.

Gabriel T. Ermine: Nova University, 2016; Office of State Attorney, Ft. Lauderdale.

Alex B. Ershock: Florida State University, 2012; Associate in Roberts, Reynolds Bedard, P.A., West Palm Beach.

Amy Marie Francis: St. Thomas University, 2016; Legal Aid Society of Palm Beach County.

Kristin Howe: Stetson University, 2016; Office of State Attorney, West Palm Beach.

Joshua Brian Lanphear: Ohio Northern University, 2016; U.S. Bankruptcy Court, West Palm Beach.

Nicole Nicolette Mace: Nova Southeastern University, 2005; Solo Practitioner, West Palm Beach.

Michelle L. McGhee: Florida International University, 2016; Office of State Attorney, West Palm Beach.

Kristen Lourdes Miller: Thomas Cooley, 2012; Ft. Lauderdale.

Dairon Montes de Oca: St. Thomas University, 2016, Associate in Peterson Bernard, West Palm Beach.

Esmerelda E. Negron: Nova Southeastern University, 2016, West Palm Beach.

Daniel Nesheiwat: Florida Coastal School of Law, 2016; Solo Practitioner, Boca Raton.

Mary Beth Pavao: Florida Registered Paralegal Membership, West Palm Beach.

Leticia Maria Piloto-Rodriguez: Nova Southeastern University, 2004; Lexyl Travel Technologies, LLC., West Palm Beach.

Jessica Van Nieuwenhoven: Stetson University, 2009; Mrachek, Fitzgerald, Rose, West Palm Beach.

Yvonne M. Yegge: University of Florida, 1991; NestEra Energy, Juno Beach.



MEDIATIONWORKS

Because Mediation Works



Eric H. Luckman is the founder of MediationWorks. He has been a lawyer for over 33 years and has been a Florida Bar Board Certified Civil Trial Lawyer for over 20 years. Eric is also a Florida Supreme Court Certified Circuit Civil Mediator. His areas of expertise include personal injury and wrongful death, insurance coverage and bad faith claims, professional malpractice claims and condominium and homeowners association disputes.



Wallace B. McCall has been a lawyer for over 40 years and has been a Florida Bar Board Certified Civil Trial Lawyer for over 30 years. Wally is also a Florida Supreme Court Certified Circuit Civil Mediator. His areas of expertise include personal injury and wrongful death, medical malpractice and products liability claims.



Philip G. Thompson has been a lawyer for over 20 years and is an active civil trial lawyer, handling cases for both plaintiffs and defendants. Phil is also a Florida Supreme Court Certified Circuit Civil Mediator. His areas of expertise include personal injury and wrongful death, professional malpractice claims, worker's compensation claims and general civil litigation matters.



Cecelia Dempsey has been a lawyer for over 30 years and is licensed to practice in Florida, New York and Vermont. Cecelia is also a Florida Supreme Court Certified Circuit Civil, County and Appellate Mediator. Her areas of expertise include corporate, commercial, trademark and intellectual property disputes.



Donna Greenspan Solomon has been a lawyer for over 20 years and is one of only 3 lawyers certified by The Florida Bar as both an Appellate Expert and Business Litigation Specialist. Donna is also a Florida Supreme Court Certified Circuit Civil, Family and Appellate Mediator. Her areas of expertise include contract disputes, business torts, partnership agreements, and insurance coverage claims.

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Tenancy by the Entirety Exemption

by Jason S. Rigoli

Florida recognizes the form of ownership known as “tenancy by the entirety” (“TBE”)¹, which is a form of ownership “unique to married couples”² and carries with it an almost unlimited exemption for all property owned in this manner. The exempt quality is why a thorough understanding is required.

1. Tenancy by the Entireties

For property to be held TBE there are six “unities,” which must be satisfied:

- (1) unity of possession (joint ownership and control);
- (2) unity of interest (the interests in the account must be identical);
- (3) unity of title (the interests must have originated in the same instrument);
- (4) unity of time (the interests must have commenced simultaneously);
- (5) survivorship; and
- (6) unity of marriage (the parties must be married at the time the property became titled in their joint names).³

“When a married couple holds property as a tenancy by the entireties, each spouse is said to hold it ‘per tout,’ meaning that each spouse holds the ‘whole or the entirety, and not a share, moiety, or divisible part.’”⁴ “Thus, property held by husband and wife as tenants by the entireties belongs to neither spouse individually, but each spouse is seized of the whole.”⁵

a. The Exemption

In holding the property “per tout,” TBE ownership creates an exemption, which unlimited in value, however only applicable against creditors of one spouse or the other but not both.⁶

In bankruptcy, section 522(b)(3)(B) of the Bankruptcy Code⁷ allows debtors to claim an exemption in any interest in property in which the debtor had, immediately before the commencement of the case, an interest as a tenant by the entirety or joint tenant to the extent that such interest as a tenant by the entirety or joint tenant is exempt from process under applicable nonbankruptcy law;⁸

Accordingly, debtors in Bankruptcy in Florida may claim property exempt as TBE.

II. Objections to the TBE Exemption in Bankruptcy

The TBE exemption is subject to objection just like any other claim of exemption. The objections must be timely filed in accordance with Rule 4003 of the Federal Rules of Bankruptcy Procedure.

¹ “Tenancy by the entirety” is used interchangeably with “tenancy by the entireties” throughout the case law.

² *Beal Bank, SSB v. Almand and Associates*, 780 So.2d 45, 52 (Fla. 2001).

³ *Id.* (internal citations omitted).

⁴ *Id.* at 53 (citing *Bailey v. Smith*, 89 Fla. 303, 103 So. 833, 834 (1925)).

⁵ *Id.*

⁶ *Id.*

⁷ 11 U.S.C. §§ 101, *et seq.*

⁸ 11 U.S.C. § 522(b)(2)(B).

a. Challenge the Unities

An obvious objection to a debtor’s claim of exemption of property as TBE is to challenge one of the six unities. Sometimes a debtor and spouse may have obtained title, jointly, to property prior to actually being married, which would not satisfy the “unity of marriage” and render the property subject to the debtor spouse’s individual creditors.

b. Fraudulent Transfer to TBE

Because of the sizeable potential for exemption, parties may at times transfer property that was held by the debtor individually to the debtor and spouse to take advantage of the TBE exemption. Assuming the transfer results in all six unities being satisfied, the property may still be recoverable for the benefit of the bankruptcy estate.

A trustee can recover property for the estate by possibly avoiding the transfer from the debtor to the debtor and spouse as TBE. In order for the trustee to recover this property the trustee must institute an adversary proceeding and the debtor and spouse must be named as defendants and served with the complaint.⁹

One point of caution is that even though an adversary proceeding is necessary, an adversary alone may not be sufficient. It would be prudent for the trustee and the trustee’s professionals to timely file an objection at least preserving the objection as well as filing the adversary proceeding to avoid and recover the property for the benefits of the estate.

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

⁹ *Havoco of America, Ltd. v. Hill*, 197 F.3d 1135, 1140 (11th Cir. 1999)

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by Adam Rabin

One of the most effective tools for a party taking discovery in Florida state court is taking the deposition of the corporate

representative of a party or non-party entity.¹ This form of deposition allows a party to avoid having to depose numerous witnesses to determine a corporation's position on various issues in the case. In this article, I outline five tips for taking a more effective corporate representative deposition.

1. Notice the Deposition Properly.

One of the most frequent errors in taking the corporate representative deposition is non-compliance with Rule 1.310(b)(6) in preparing the notice of taking deposition. The first mistake that many attorneys make is designating in the notice "the corporate representative with the most knowledge of" certain topics. This is incorrect form because the noticed corporation retains discretion to appoint any witness it wants to appoint, regardless of the witness's personal knowledge, as long as the corporation adequately prepares the witness to testify on the designated topics. *See Carriage Hills Condominium, Inc. v. JBH Roofers & Constructors, Inc.*, 109 So.3d 329, 334-35 (Fla. 4th DCA 2013).

A second frequent error in noticing a corporate representative deposition is not providing "reasonable particularity" for the designated topics, which is what Rule 1.310(b)(6) requires. When topics are not designated with the requisite particularity, the notice is defective and may create issues as to whether the testimony is binding on the corporation. *See Carriage Hills*, 109 So.3d at 336-337.

2. Ask the Witness Separately What He or She Did to Prepare on Each Designated Topic.

It is a common practice for attorneys to ask a witness early in a deposition what the witness did to prepare for the deposition, which usually results in a generic, low-value answer about having

reviewed documents and having met with counsel. In a corporate representative deposition, however, the attorney taking the deposition should separately ask the witness the same question as to each designated topic set forth in the notice. Because in a corporate representative deposition, the witness may have varying degrees of personal knowledge, if any, on the designated topics, learning what the witness read and did to prepare on each topic specifically may lead to important discovery. This discovery may include the identification of important witnesses and documents and will enable the questioning attorney to understand better the witness's foundation for his or her knowledge.

3. Avoid Consolidating the Witness's Capacity as a Corporate Representative with His or Her Individual Capacity in the Same Deposition.

A common mistake in taking corporate representative depositions is consolidating the corporate representative deposition with the witness's individual deposition. This creates problems, some with potentially significant and regrettable consequences. The problem typically arises in the scenario where the party taking the deposition issues two notices for the same day for both the corporate representative and the individual witness who happens to be appearing as the corporate representative. In this situation, either the taking or defending attorney often will offer to consolidate the two depositions into one to save time.

The major problem here is now it is impossible to determine in which capacity B corporate or individual B the witness is speaking when answering a question. *See Carriage Hills*, 109 So.3d at 336-37. Further, this can undermine the whole point of securing binding testimony on behalf of a corporation. As such, you should avoid consolidating the depositions into one with a limited exception. If you want to first take the corporate representative deposition – and then when the corporate testimony has concluded and you have made clear on the record that you are now shifting to ask questions to the witness in his or her individual capacity – only then would it be acceptable to consolidate the two depositions into one.

4. Make Sure Your Questions Fall Squarely Within the Designated Topics in the Notice.

During a corporate representative deposition, it is easy to transition into areas not designated in the notice, sometimes intentionally. Be careful about this because deposition topics that are not designated with reasonable particularity in the notice are not considered binding upon the corporation. Therefore, it is important during the deposition to refer back to the designated topic list to ensure that you stay on task. When the witness goes astray, you may say, for example, "I appreciate you sharing that information, but I want to stay with the specific topics that we have identified in our notice." This might make the deposition seem more mechanical than the usual ebb and flow of an individual's deposition, but it likely will make for a cleaner transcript on the corporation's binding testimony that matters.

5. Ask Questions About the Corporation's Concessions, Positions, and Opinions.

When taking the corporate representative's deposition, your main goal is to gain an understanding of and lock in the corporation's position on key facts and issues in the case. This information is often critical for building your case and preparing for trial. You, therefore, should consider asking these questions: 1) Does the corporation *concede* X?; 2) Is it the corporation's *position* that Y?; and 3) What is the corporation's *opinion* about Z? Following this litany will help you distill important information that requires the representative to outline the corporation's concessions, positions and opinions, so the answers are binding upon the corporation. *See Carriage Hills*, 109 So.3d at 334-35.

Conclusion

Following these five tips will make you more prepared and effective in taking a corporate representative deposition. They also will make you more conscious of some of the hidden issues that lurk when Rule 1.310(b)(6) is not strictly followed.

Adam Rabin is a shareholder with McCabe Rabin, P.A. in West Palm Beach and is Florida Bar Board Certified in Business Litigation. He practices business, securities and whistleblower litigation.

¹The governing rule is Florida Rule of Civil Procedure 1.310(b)(6) and the seminal case interpreting the rule is *Carriage Hills Condominium, Inc. v. JBH Roofing & Constructors, Inc.*, 109 So.3d 329 (Fla. 4th DCA 2013). As Rule 1.310(b)(6) is modeled after Federal Rule of Civil Procedure 30(b)(6), these tips also may apply in federal court.



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Thursday, January 12, 2017, 11:30 - 1:00 pm
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- 12:10 – 12:20pm: **Clerk’s Office Staff Attorneys and Judicial Law Clerks**
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- 12:30 – 12:50pm: **Presentation by Technical Experts**
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**Litigating Personal Injury/Wrongful Death Cases –
The Rules Have Changed. Things You Need to Know For Trial**

Friday, February 17, 2017, 8:00 a.m. - 2:30 p.m.
PBCBA, 1507 Belvedere Rd., WPB

- 8:30 a.m. - 8:55 a.m. **Late registration and Breakfast**
- 8:55 a.m. - 9:00 a.m. **Welcome and Opening Remarks:** *Timothy Murphy, Esq., Personal Injury of Florida, PI/Wrongful Death Committee Co-Chairperson*
- 9:00 a.m. - 9:50 a.m. **How to Handle Collateral Source Setoffs - Medicare, Medicaid, etc.:** *Peter Hunt, Esq., LaBovick, LaBovick & Diaz Law Group*
- 9:50 a.m. - 10:40 a.m. **Professionalism Presentation:** *Kara Rockenbach, Esq., Methe & Rockenbach, P.A.*
- 10:40 a.m. - 10:50 a.m. **Break**
- 10:50 a.m. - 11:40 a.m. **Healthcare Lien Resolution - How to Cut Through the Red Tape:** *Jason D. Lazarus, J.D., LL.M., Special Needs Law Firm*
- 11:40 a.m. - 12:30 p.m. **Lunch**
- 12:30 p.m. - 1:20 p.m. **Obtaining Medical Records - The Buck Starts Here:** *Jasmine Rodriguez, Personal Injury of Florida*
- 1:20 p.m. - 2:30 p.m. **Ethics in Advertising - How to Ethically Cast the Net:** *Brenda Fulmer, Esq., Searcy Denney Scarola Barnhart and Shipley*

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Daubert Test

by Ted Babbitt

Crane Co. v. Delisle, 41 Fla. L. Weekly D2133 (Fla. 4th DCA Sept. 14, 2016) was an asbestos case involving a plaintiff who had mesothelioma. The major issue on appeal involved whether expert testimony offered by both the plaintiff and the defendant was sufficiently reliable to support the trial court's ruling allowing that testimony under the *Daubert* test.

Fla. Stat. 90.702 adopts the test set forth in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and clarified in *General Electric Co. v. Joiner*, 522 U.S. 136 (1997) and *Kumho Tire Co., Ltd. v. Carmichael*, 526 U.S. 137 (1999).

The trial judge's responsibility in testing expert testimony in Florida under *Daubert* and the above cited statute is set forth by the Court at 2134 as follows:

Under section 90.702 and *Daubert*, 509 U.S. at 597, the trial courts must "act as gatekeepers, excluding evidence unless it is reliable and relevant." *Hughes v. Kia Motors Corp.*, 766 F.3d 1317, 1328 (11th Cir. 2014). The trial courts "are charged with this gatekeeping function 'to ensure that speculative, unreliable expert testimony does not reach the jury' under the mantle of reliability that accompanies the appellation 'expert testimony.'" *Id.* at 1328-29 (quoting *Rink v. Cheminova, Inc.*, 400 F.3d 1286, 1291 (11th Cir. 2005)). "Whether an expert's testimony is reliable depends on 'the particular facts and circumstances of the particular case.'" *Id.* at 1329 (quoting *Kumho Tire*, 526 U.S. at 158).

To properly perform its gatekeeping function, the court must first determine that the expert is "qualified on the matter about which he [or she] intends to testify"; second, that the expert is employing "reliable methodology"; and third, that the expert's testimony can "assist the trier of fact through the application of expertise to understand the evidence or fact in issue." *Id.* In assessing whether an expert's methodology is reliable, the court should consider the following factors: (1) whether the theory "can be (and has been) tested"; (2) whether it "has been subjected to peer review and publication"; (3) "the known or potential rate of error" for "a particular scientific technique"; and (4) whether the "theory or technique has been generally accepted by the relevant scientific community." *Daubert*, 509 U.S. at 593-94.

The case under discussion involved a question of whether the plaintiff's exposure to asbestos contained within cigarette filters and other products was sufficient to cause mesothelioma, a signature disease caused by asbestos. Plaintiff testified that he had smoked Kent cigarettes which had a filter which contained a form of asbestos and had also been exposed to asbestos by working on sheet gaskets manufactured by one of the defendants as well as exposed to numerous other products

produced by other nondefendant manufacturers who were potential *Fabre* parties.

A significant issue was which of these exposures caused the mesothelioma.

The appellate court examined the testimony of each expert. At 2135 the Court concluded:

Thus, "an expert opinion is inadmissible when the only connection between the conclusion and the existing data is the expert's own assertions[.]" *McDowell*, 392 F. 3d at 1300. Additionally, where an expert relies solely or primarily on their experience, the proponent of the testimony has the burden "to explain how that experience led to the conclusion [the expert] reached, why that experience was a sufficient basis for the opinion, and just how that experience was reliably applied to the facts of the case." *Frazier*, 387 F.3d at 1265.

The court utilized this test in examining and weighing the reliability of each expert. A lawyer, who is the proponent of the expert testimony, must elicit from the expert those elements in order to pass the *Daubert* test.

In finding that the trial court abused its discretion in allowing into evidence several of the expert opinions, the appellate court repeatedly emphasized that the expert has responsibility to affirmatively explain the scientific basis for their opinion. It is not sufficient that the expert is well qualified to give an opinion. In addition, the expert must establish the scientific basis for that opinion and how that opinion was derived. At 2136 in rejecting one of plaintiff's experts, the Court found:

Not only did Dr. Dahlgren fail to explain the Bradford Hill criteria or how they applied, he did not provide any data or studies of the association between mesothelioma and chrysotile asbestos at low levels. All of the studies upon which he relied were studies of mixed types of asbestos, even though he was giving opinions on causation from products containing only chrysotile asbestos." And his assumptions on the equivalency of the potency of all types of asbestos were also unsupported by any reliable data. Instead, they were based upon his thinking that all commercial types of asbestos were *probably* of the same potency. As well, he thought that his opinion that levels of exposure "significantly" above background level could cause disease were "fair." Thus, even if the methodology were appropriate, it was not supported by any data.

On the other hand, the Court found that certain of plaintiff's experts did sufficiently establish the scientific validity of their opinions even though there weren't peer review studies which were identical to those opinions. At 2137, the Court holds:

The trial court did not abuse its discretion in holding Dr. Millette's testimony admissible. He testified extensively as to his methods, which were simply

Continued on page 23



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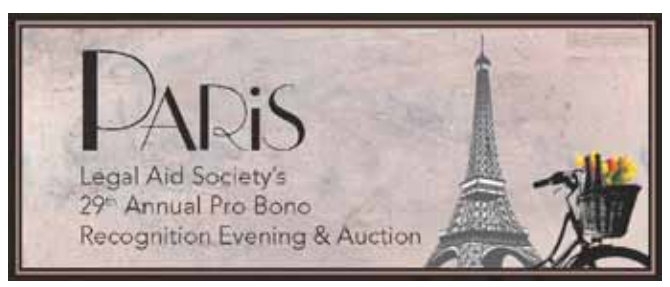
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Daubert Test

Continued from page 21

new applications of generally accepted methodologies. It is not necessary for a particular application of a methodology to have been peer reviewed to satisfy admissibility standards. See *Kumho Tire Co. v Carmichael*, 526 U.S. 137, 151 (1999) (“It might not be surprising in a particular case, for example, that a claim made by a scientific witness has never been the subject of peer review,

For the particular application at issue may never previously have interested any scientist.”).

It is important to understand that *Daubert* cuts across plaintiff and defendant lines. The Court found that the opinions of an expert utilized by the defendant to establish that a nonparty had to be placed on the jury verdict as a *Fabre* defendant also did not pass muster under the *Daubert* test. Experts on both sides of the case must meet the

standards set forth in *Daubert*.

This case reviews the responsibility of experts, attorneys, and courts to establish under the *Daubert* test sufficient scientific basis for expert opinion.



The Workers' Compensation Committee of the
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Judicial Panel Discussion Regarding JCC Procedures

Monday, February 6, 2017, 11:30 - 1:00 pm
PBC Bar Association, 1507 Belvedere Road, WPB

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12:00 - 12:05pm

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PBCBA, 1507 Belvedere Rd., WPB

**11:30 a.m. - 11:55 p.m.
Late Registration/ Lunch**

**11:55 a.m. - 12:00 p.m.
Welcome and Opening Remarks
Robert Wilkins, Esq., Jones Foster; Technology Committee, Chair**

**12:00 p.m. - 1:00 p.m.
Silka M. Gonzalez, President and Founder;
Enterprise Risk Management**

Since security incidents and breaches continue to increase globally, this presentation will provide the audience relevant information about different aspects of breaches that need to be considered by all organizations. The presentation will cover current security breach trends using computer forensics and security knowledge to investigate the breach, legal considerations, remediating the problems that contributed to the breach, and preventive measures to mitigate and deal with future incidents.

Sponsor



Expected credit: 1.0 CLER; \$ 25 PBCBA members/paralegals, \$ 65 non-PBCBA attorney members/paralegals. Support staff wishing to attend must mail in their registration. Support staff pay price reflective of their attorneys PBCBA member/non-member status. After 1.31.17 add \$10.00 late fee. 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, your must register online at www.palmbeachbar.org	CLE	Materials will be emailed to registrants prior to the seminar
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Name: _____ Email address: _____

Address: _____ Phone: _____

____ I will not be able to attend the seminar, but would like to order the CD. The cost is the same as listed above, however please include \$10 for shipping and handling. Allow four weeks for delivery. PBC Bar Association, 1507 Belvedere Rd., W. Palm Beach, FL 33406. 561-687-2800. (2.7.17 Technology seminar)



The Technology Committee of the
Palm Beach County Bar Association
presents:



iPad for Litigators and Trial Presentations

Friday, March 3, 2017, 11:30 - 1:00p.m.
PBCBA, 1507 Belvedere Rd., WPB

11:30 a.m. - 11:55 a.m.
Late registration/Lunch

11:55 a.m. - 12:00 p.m.
Welcome and Opening Remarks
Robert Wilkins, Esq., Jones Foster; Technology Committee, Chair

12:00 p.m. - 1:00 p.m.
Guest speaker: Spencer T. Kuvin, Esq., Law Offices of Craig Goldenfarb, P.A.

- ⇒ **Trial Preparations**
- ⇒ **Depositions**
- ⇒ **Hearings**
- ⇒ **Mediations**

Sponsors



1.0 CLER ; 1.0 Technology

The cost of the seminar is \$ 25 for PBCBA members/paralegals, \$ 65 for non-PBCBA attorney members/paralegals. Those registering after February 24, add \$10.00 late fee. 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, your must register online at www.palmbeachbar.org		Materials will be emailed to registrants prior to the seminar
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____ I will not be able to attend the seminar, but would like to order the CD. The cost is the same as listed above, however please include \$10 for shipping and handling. Allow four weeks for delivery. (3.3 Tech).

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

Register Today
Get In Early!



January's CLE Hit List

Business Lit - 01/24

Judicial Lunch - 01/31

February's CLE Hit List

Workers' Comp- 02/06

Technology - 02/07

Estate & Probate - 02/09

ADR - 02/13

Personal Injury - 02/17

Business Lit - 02/24

March's CLE Hit List

Technology - 03/03

Business Lit - 03/17

CLE CD's available for purchase

Please visit our website at: www.palmbeachbar.org

Webinar's can be viewed at: www.palmbeachbarcle.org

CLE Downloads Available at: www.palmbeachbar.org/continuing-legal-education



BEST PRACTICES AND CHALLENGES FOR SOLO/SMALL FIRM ATTORNEYS



A lunchtime open forum discussion with other lawyers to talk about time management, client development, billing, motion practice and staffing issues facing Solo/Small Firm Attorneys

THURSDAY, JANUARY 26, 2017

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

Bar Office, 1507 Belvedere Road,

West Palm Beach

PBCBA Members: \$15.00

Attorneys who are not PBCBA Members: \$25.00

Register no later than 5:00 p.m. on 1/23/17 to avoid a \$5.00 increase

HOW TO REGISTER	 BY CHECK Return this form	 BY CREDIT CARD For security purposes, you must register online at www.palmbeachbar.org
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YES! Please save me a seat! Mail with check to Palm Beach County Bar, 1507 Belvedere Road, WPB 33406 or RSVP online at www.palmbeachbar.org

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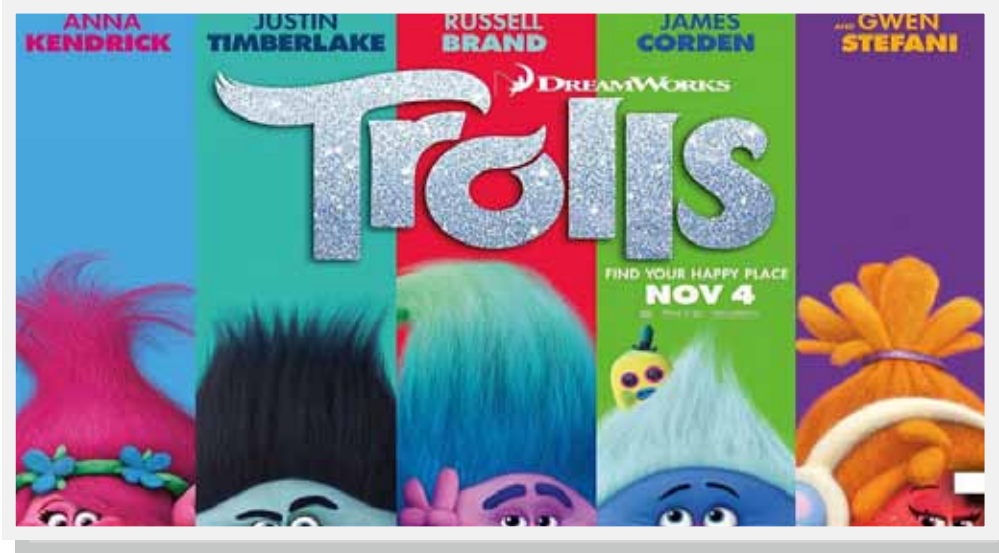


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Coming Friday, February 10, 2017



Dinner: 6:30 p.m. Catered dinner with adult beverages, family photos, popcorn, candy and more!

Movie: 8:00 p.m. Trolls. Rated PG. Featuring Justin Timberlake

Place: The Lake Pavilion, 101 South Flagler Drive, WPB (across from E.R. Bradley's)

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

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Sublease Northbridge Building 21st Floor

Walking distance to the WPB courthouse. One or two attorney’s offices with water views, assistant or paralegal workstations, use of two conference rooms, filing space, receptionist service, copy/print/scan/fax center, internet, telephones, and kitchen. Garage parking and 24/7 security. Reasonably priced. Contact Karen at (561) 227-5858.

HEARSAY



Lewis, Longman & Walker President **Michelle Diffenderfer** was recently selected by the Florida Commission on the Status of Women (FCSW) to receive the FCSW Florida Achievement Award.

Beasley Kramer & Galardi, P.A. is ranked as a “Best Law Firm” 2017 by *U.S. News & World Report* and *Best Lawyers* for litigation in the areas of Banking & Finance, Securities, Real Estate, Estate & Trusts and Mergers and Acquisitions.



Raymond Royce, a partner in Shutts & Bowen’s West Palm Beach office, was selected as the 2017 Lawyer of the Year in real estate law by *Best Lawyers in America*®. He was also selected by his peers as one of the *Best Lawyers in America*® in the land use and zoning law and real estate law categories.



Jones, Foster, Johnston & Stubbs, P.A. announces that firm Shareholder **Mark H. Dahlmeier** has received Martindale-Hubbell’s “AV” Preeminent Rating.



CLE On-Demand: Anytime & Anywhere

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

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PALM BEACH COUNTY BAR ASSOCIATION
BULLETIN

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CALENDAR

January 2017

- Monday, January 2
New Year's Day Observed
 Bar Association Office Closed
- Wednesday, January 4, 12pm – 1pm
Elder Law Committee Meeting
 Bar Association Office
- Wednesday, January 4, 12pm – 1pm
Transaction Law Committee Meeting
 Bar Association Office
- Friday, January 6, 8:30am – 9:30am
ADR Committee Meeting
 Bar Association Office
- Saturday, January 7
YLS 5K Run
- Tuesday, January 10, 12pm – 1pm
YLS Board Meeting
 Bar Association Office
- Wednesday, January 11, 12pm – 1pm
Bankruptcy Committee Meeting
 Bar Association Office
- Wednesday, January 11, 12pm – 1pm
Bench Bar Committee Meeting
 Bar Association Office
- Wednesday, January 11, 12pm – 1pm
South County Bar Board Meeting
 Boca Raton
- Thursday, January 12, 11:30am – 1pm
Appellate Seminar
 Bar Association Office
- Thursday, January 12, 5:30pm – 7pm
Diversity and Inclusion Happy Hour
 Cabo Flats
- Friday, January 13, 12pm – 1pm
Circuit Civil Committee Meeting
 Judicial Conference Room
- Friday, January 13, 12pm – 1pm
Federal Bar Association Luncheon
 Colony Hotel
- Monday, January 16
MLK Observed
 Bar Association Office Closed
- Tuesday, January 17, 12pm – 1pm
CDI Meeting
 Bar Association Office
- Tuesday, January 17, 12pm – 1pm
NCS Board Meeting
 Duffy's NPB
- Wednesday, January 18 -20
Board of Governors Meeting
 DoubleTree by Hilton Tallahassee
- Wednesday, January 18, 12pm – 1pm
Professionalism Committee Meeting
 Bar Association Office
- Wednesday, January 18, 11:30am – 1pm
 12:15pm – 1:15pm
Pro Bono Circuit Meeting
 PBC Courthouse
- Thursday, January 19
 11:45am – 12:15pm
FAWL Membership Luncheon
 Kravis Center, Cohen Pavilion
- Thursday, January 19, 12pm – 1:30pm
Unified Family Practice Committee Meeting
 Judicial Conference Room
- Thursday, January 19, 5:30pm – 7pm
YLS Happy Hour
 TBA
- Tuesday, January 24, 11:30am – 1pm
Business Litigation
 Bar Association Office
- Tuesday, January 24, 11:45am – 1pm
YLS Sidebar Series
 Sasser Courtroom 9D
- Tuesday, January 24, 5pm – 6:30pm
Board Meeting
 Bar Association Office
- Wednesday – Saturday
 January 25 – 28
The Florida Bar Winter Meeting
 Gaylord Palms, Orlando
- Wednesday, January 25
 7:45am – 8:15am
UMC Coffee with the Judges
 Judicial Dining Room
- Thursday – Friday, January 26-27
Cleveland Bar – CLE on the Road
 Marriott – Singer Island
- Thursday, January 26, 11:30am – 1pm
Solo and Small Firm Luncheon
 Bar Association Officed
- Friday, January 27
Judicial Relations Committee Meeting
 Judicial Conference Room
- Monday, January 30, 12pm – 1pm
Law Week Meeting
 Bar Association Office
- Tuesday – Thursday
 January 31 – February 2
NABE Midyear Meeting
 Miami
- Tuesday, January 31, 11:30am – 1pm
Judicial Lunch
 NEC / CLE
- Tuesday, January 31, 6:30pm – 8pm
Landlord Tenant
 Lantana Road Branch Library
 4020 Lantana Rd