



PALM BEACH COUNTY BAR ASSOCIATION BULLETIN

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Judicial Profile

by Jean Marie Middleton



Judge Carolyn Bell

Judge Carolyn Bell is no stranger to public service. Her love for public service is evident in her conversation and career history so it is no surprise that she has continued her legal vocation as a Circuit Court Judge.

Prior to her appointment to the bench, Judge Bell spent the majority of her career serving as a federal prosecutor for the United States Department of Justice. Judge Bell began at DOJ in Washington, D.C., where she worked as a Senior Trial Attorney for the Tax Division, Criminal Section. In that capacity, she traveled the country prosecuting all kinds of crimes with a tax angle. Her cases included everything from individuals who willfully failed to pay their taxes, to the silent owners of a Las Vegas Casino, to community leaders profiting from one of the largest drug organizations in Southern California. While in Washington, Judge Bell also served as a Special Assistant U.S. Attorney prosecuting street crimes, and on a detail in the Deputy Attorney General's Office.

Annual Installation Banquet



Congratulations to Greg Huber who was recently sworn into office as the Palm Beach County Bar Association's 96th President during our annual installation banquet at the beautiful Breakers Hotel in Palm Beach. The honorable Luis Delgado administered the Oath of Office to our directors and officers including, (front row sitting L to R:) Carla Tharp Brown, Executive Director; Grasford Smith, Director; Rosalyn Sia Baker-Barnes, Immediate Past President; Greg Huber, President; the Honorable Luis Delgado, Lindsay Demmery, Director and Jean Marie Middleton, Director.

Back row standing L to R: Jack Rice, YLS President; Scott Smith, Director; David Steinfeld, NCS President; Jessica Callow, President-Elect; Andrea Lewis, Director; Julia Wyda, Director; Dean Xenick, Director and Lee McElroy, Director.

ENJOY THE PRIVILEGES OF MEMBERSHIP



RENEW YOUR PBCBA DUES TODAY

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The Bulletin

Palm Beach County Bar Association

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President

Carla Tharp Brown
Executive Director

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Jack Rice, YLS Section President
David Steinfeld, NCS President
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County Bar President

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Gary S. Lesser
Ronald P. Ponzoli
Rosalyn "Sia" Baker-Barnes

Florida Bar Young Lawyers Division Members:

Stephanie Cagnet
Denise Mutamba
Santo DiGangi
Leslie Metz

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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.

Mark Your Calendar

July 4:
Independence Day (Office Closed)

July 25:
Judicial Candidate Luncheon

July 27:
Judge Curley Robing

August 22:
YLS Sidebar Series: Closing
Arguments with Christian Searcy

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PRESIDENT'S Message



Gregory P. Huber
2018-19 PBCBA President

Serving Our Members

I am humbled and honored to have the privilege to serve as the Palm Beach County Bar Association's president. That said, I am less excited about following in the giant footsteps of Sia Baker-Barnes. On a serious note, to say that Sia did an outstanding job as our president would be an understatement. Despite the demands of her busy practice and family obligations, Sia led us coolly and calmly through the rebuilding of the Bar office and with the help of our outstanding Executive Director, Carla Tharp Brown, and dedicated staff, she did so without canceling a single event. Her leadership has been inspiring, and I am incredibly thankful for her hard work and dedication and will strive to follow her example.

Now, as my presidency begins, I think back to my introduction to the PBCBA when I moved to Palm Beach County in 2004. Within a few days of being in town I attended the Bench Bar Conference and was blown away and immediately knew I wanted to be part of this organization that could put on such an amazing event. Through the years the PBCBA has served me in so many ways. My membership has made me a better attorney, helped me grow my practice, given me tools to manage work-life stress and allowed me to make lasting friendships. It is my hope that each of our members find their membership as enriching.

Indeed, a primary mission of the PBCBA is to serve our members. We strive to do this in many ways including offering top notch CLEs at reasonable prices, networking and marketing opportunities, invaluable interaction and feedback with the judiciary through the Bench Bar, Judicial Reception and other events, as well as numerous discounts through our community partners. However, we recognize that our members' time and money are important, and we need to continue working to improve the return on their investment.

When looking at membership we have often looked at ways to expand the number of members which remains an important goal; however, this year our board and Membership Committee are dedicated to identifying realistic and feasible ways the PBCBA can better serve its members. We obviously owe a fiduciary duty to our membership to be financially responsible so no we can't give each of our members iPads or make all events free (you know that's what you were hoping for), but we can certainly identify ways to improve the services/benefits we provide to our members. Please be sure to monitor the member benefit page on our website for updated information on new services/benefits. I would also invite you to contact me, or any director or member of the Membership Committee to share suggestions you have or your story on why you joined the PBCBA and how your membership has served you. We would love to hear from you.

Again, I am grateful for this opportunity to serve our members and repay the PBCBA for all I have gained through the years. Please don't hesitate to contact me to let me know how I can be of service to you.

Phone: (561) 630-9700; E-mail: pbcba-bod@palmbeachbar.org.

Thank you,

A handwritten signature in black ink, appearing to read "G. Huber".

NEW MEMBERS

JULY|AUGUST 2018

Dale M. Beebe:
Florida Registered Paralegal Membership;
Joseph M. Considine, P.A.
West Palm Beach.

Michael Robert Bennett:
Law Student Membership
West Palm Beach.

Natalie S. Brandon:
Law Student Membership
West Palm Beach.

Sara B. Bilgrien:
Florida State University, 2015
Legal Aid Society of Palm Beach County.

Brieonna Shante Christopher:
Florida State University, 2016
Law Offices of David L. Hirschberg, P.A.
Boca Raton.

Taylor Cladon:
Florida Coastal, 2017
Law Offices of Grant J. Gisondo, P.A.
Palm Beach Gardens.

Tanya C. Durst:
Vanderbilt University, 2017
Associate in Comiter, Singer, Baseman & Braun,
LLP
Palm Beach Gardens.

Rachel Alia Elbz:
Akron University, 2018
Boynton Beach.

Heidi A. Feinman:
University of Florida, 1991
United States Trustee Office
Miami.

Andrew E. Gindea:
Touro College, 2012
Associate in The Karp Law Firm
Hollywood.

Devon M. Godberg:
University of Florida, 2016
Associate in Comiter, Singer, Baseman & Braun,
LLP
Palm Beach Gardens.

Jacqueline A. Gollay:
Illinois Institute of Technology, 1988
Affiliate Membership
West Palm Beach.

Jesse J. Hap:
Law Student Membership
West Palm Beach.

Matthew W. Innes:
University of Florida, 2013
Associate in Conroy Simberg
West Palm Beach.

Jordan H. Jordan:
Nova Southeastern University, 1997
Solo Practitioner, Coral Springs.

Jacqueline Kaleel:
University of Miami, 2018;
Associate in Kenneth M. Kaleel PA
Delray Beach.

Angeliki Pelagia Kavekos:
Florida A&M University, 2017
Associate David R. Schwartz, P.A.
Greenacres.

Carlee G. Rizzolo:
Law Student Membership
West Palm Beach.

Andrew J. Rochen:
University of Miami, 2004
Solo Practitioner, Boynton Beach.

Cory Daniel Stephenson:
Pepperdine University School of Law, 2013;
Associate in Roberts, Reynolds, Bedard & Tuzzio
P.A.
West Palm Beach.

Lindsey Anne Tercilla:
University of Florida, 2016
Associate in Derrevere, Stevens, Black & Cozad,
Royal Palm Beach.

Stephanie Vaz Toledo:
University of Florida, 2009
Fourth District Court of Appeals
West Palm Beach.

BOARD Meeting Attendance

2017-2018

	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APRIL	MAY
BARNES	X	X	X	X	X	X	X	X	X	X	X
CALLOW	X	X	X	X	X	X	X	X	X	X	X
DEMERY	X	X	PHONE	X	PHONE	X	X	X	X	X	X
HUBER	X	X	X	X	X	X	X	X	X	X	X
LEWIS	X	X	X	X	PHONE	X	PHONE	X	X		X
MASON	X		X	X	PHONE		PHONE				
McELROY		X	X	X	X	X	X	X	X	X	X
REAGAN		X	X	X	X		X	X	X	PHONE	X
SMITH, G.	X	X	X	X	PHONE	X	X	X	X	X	X
SMITH, S.	PHONE		X	PHONE	PHONE	X	X	X	X	X	X
WHITTLES	X	X	X	X	X	X	X	X	X	X	X
WYDA	X	X	X	X	X		X	X	X	X	X
XENICK		X	X	X	X		X	X	X	X	X

Four (4) Proposed Amendments to the Palm Beach County Bar Association's Bylaws and Brief Explanation for the Proposed Amendments

Dear Members, The Board of Directors are proposing four (4) amendments to the Bylaws which will be voted on at our Judicial Candidate Membership Luncheon scheduled for July 25, 2018. Below are the proposed amendments and a brief explanation of each for your consideration:

1. **Proposed Amendment to Article III, Dues:**

Section 3. Dues Deductions from Young Lawyers Section. The Corporation shall cause to be deducted thirty-five percent (35%) of the dues collected from members of the Corporation for membership in the Young Lawyers Section of the Corporation ("YLS Dues Deduction"). The YLS Dues Deduction shall be used at the discretion of the Corporation.

Section 4. Dues Deductions from North County Section. The Corporation shall cause to be deducted thirty-five percent (35%) of the dues collected from members of the Corporation for membership in the North County Section of the Corporation ("NCS Dues Deduction"). The NCS Dues Deduction shall be used at the discretion of the Corporation.

Explanation for the Proposed Amendment to Article III, Dues:

The Young Lawyers Section and North County Section are important arms of the Palm Beach County Bar Association that provide various networking, education, and community service opportunities to our members. The Sections utilize the resources and staff of the PBCBA to assist in putting on and marketing their events. After considerable debate and discussion, the Board of Directors voted on October 25, 2017 to direct 35% of the Sections dues to the PBCBA's main budget. A concern of the Sections, which was well taken, was that the Board of Directors could vote to continue to increase the amount of the dues deduction at its discretion. To address the Sections' concern, it was determined that the dues deduction should be ratified as part of the Bylaws which would then require any future increase to be voted on and approved by the membership of the PBCBA as set forth in Article XI of the Bylaws. The proposed Amendments in Section 3 and 4 set forth above are intended to address this concern.

2. **Proposed Amendment to Article V, Board of Directors:**

2. E. Board Appointment if no Candidates for Election. In the event no qualified member seeks to become an at-large Director, which leads to a vacant seat, the Board of Directors shall promptly cause to be issued a notice to the membership that a vacancy exists on the Corporation's Board of Directors and for thirty (30) days shall solicit and accept applications from members for appointment to a position of at-large Director ("the Application Period"). The Board shall endeavor to obtain at least three (3) applications for at-large Director and may reasonably extend the Application Period if necessary for the purpose of obtaining additional applications. The Board shall make every effort to encourage diverse candidates to seek an at-large Director position during the Application Period. At the first regularly-scheduled meeting of the Board of Directors that follows the conclusion of the Application Period, the Board shall discuss and vote upon (by simple majority vote) the appointment of a qualified candidate for at-large Director ("the Appointee"). The Board shall make every reasonable effort to appoint a qualified, diverse applicant to be the Appointee. That Appointee will have a one-year term that shall start and end as if the Appointee had been elected in the most previous election. When applicable, the Appointee will be considered to have received the lowest number of votes for purposes of Section

2.c above. Unless expressly stated differently here, the rules and limitations of this Section apply to the Appointee.

Explanation for the Proposed Amendment to Article V, Board of Directors:

The Board of Directors is comprised of eight (8) at-large directors. Each year elections are held for a minimum of four (4) of the eight (8) at-large director seats. During the last election there were only three (3) candidates for the four (4) at-large director seats leaving one seat vacant. The Bylaws provide that the Board of Directors shall fill any vacancies, but do not provide the procedure by which the vacant at-large director seat is to be filled. The Board of Directors voted to create a policy to address this issue. The proposed Amendment set forth above in Section 2. E. is intended to incorporate the policy into the Bylaws.

3. Proposed Amendment to Article VII, Committees:

It is proposed that the following language be added to Section 6:

The mission of the CDI is to promote and facilitate the growth of diversity and inclusion in the local legal community through education, community involvement, and social engagement with and between people of varying race, color, religion, sexual orientation, gender identity, gender expression, ethnicity, national origin, and mental and physical disability.

Explanation for the Proposed Amendment to Article VII, Committees:

The CDI committee voted on May 15, 2018 to amend the CDI mission statement and requested that the amended mission statement be included in the Bylaws. The current mission statement is as follows: "Promotes principles of diversity and inclusion as set out in the Corporation's Anti-Discrimination Policy; and implements or continues programs designed to increase the diversity of the Corporation's membership and the local legal community." The amended mission statement is intended to be more descriptive and to track the PBCBA's Anti-Discrimination policy. The proposed addition to Section 6 is in response to the CDI committee's request.

4. Proposed Amendment to Article VIII, Policies:

Additionally, the Board may, in its discretion, make statements on behalf of the Corporation in response to events that affect the Corporation's members or for which the membership may benefit from a statement. Any such statement shall be in the form of a letter from the President of the Corporation and shall be circulated at the discretion of the Board of Directors. The language of any such statement shall be measured and non-partisan and must be approved by a majority vote of the Board of Directors.

Explanation for the Proposed Amendment to Article VIII, Policies:

From time to time events occur for which a statement on behalf of the PBCBA addressing the event may be deemed appropriate by the Board of Directors or requested by others. The proposed amendment set forth above is intended to establish guidelines for the Board of Directors to follow before any such statement is made on behalf of the PBCBA.

Please see the PBCBA website to review the current bylaws at www.palmbeachbar.org under Latest News.



YUEH-MEI KIM NUTTER

The minute the mediator first meets the parties, there is a bias. When the attorneys and mediator first meet there is a bias. That's if the bias didn't start earlier, when the mediator read the names of the parties or read the summaries and information provided by the attorneys or parties. It doesn't matter how experienced the mediator is, the mediator has bias. It doesn't matter that the mediator doesn't know any of the parties or attorneys, the mediator has bias. And the mediator doesn't even know of this bias, it's implicit.

But what about when the mediator knows of a bias? Does it make a difference if the mediator is conscious of a bias? Can a mediator really overcome her admitted bias to effectively and ethically mediate a case? Or must that mediator decline or terminate the mediation? If the mediator knows she is biased against people with nose rings, can she mediate a case where one of the parties is wearing a nose ring? Must that bias be disclosed? Can the parties waive that bias to proceed with mediation? If both parties wear nose rings does that "neutralize" the bias?

And those are just a few of the torrent of ethical questions that arise when a bias is known. But what about the unknown bias, when your bias is implicit? Implicit bias refers to the way the mind attributes particular stereotypes to certain groups of people in thoughts that pass spontaneously and without any conscious knowledge but that directly affect one's understanding, actions and decisions. The implicit thoughts are a result of learned associations influenced by gender, race, social status, upbringing, schooling, environment and life experiences. An example of an implicit bias is associating all Doberman pinchers as mean dogs without even realizing you are doing it.

Now knowing that implicit bias exists, how does a mediator assure she is mediating with fairness and neutrality? The internet is replete with articles on implicit bias and with online tests to check your implicit bias. These tests are psychological instruments known as IAT, for implicit association test. There are a variety of IATs, some test for race and others are non-

Yes, the Mediator is Biased

race. The internet is flooded with articles of jurors being cautioned about implicit bias, of police recruits being trained about implicit bias, grants to study implicit bias and corporations tackling the issue with mandatory classes. Probably, the most well-known test for implicit bias is Harvard University's Project Implicit, [implicit.harvard.edu/](http://harvard.edu/).

Implicit bias shows that we discriminate without the intent and without the awareness to discriminate. Implicit bias is our brains' automatic processing and association of stereotypes based on our experiences. Then will taking an implicit bias test once or even every 6 months provide assurance of neutrality? Many of the online articles assert that a person can take the same implicit bias test many times and come up with different results each time. That is come up with different implicit biases each time!

So can our brains be retrained to not automatically process stereotypes? There is a belief that people can learn about their implicit bias and retrain their brain to see others differently but it takes intentional, consistent and concerted efforts.

As mediators, we must always be aware of our own bias. Now we must be aware that we and everyone has implicit biases. A mediator must be aware and careful that their body language, that the way an offer is conveyed or bantered about is being picked up by the parties and their attorneys and affecting how they respond to you, the mediator, and the mediation process. While you can't stop and take an IAT test in the middle of a difficult mediation to see how you are doing, you can be mindful of the fact you are impacted by implicit bias. As the mediator scurries from caucus to caucus from group meetings to caucus, all while acutely aware of how much time is being spent with each party, the mediator can and should take moments throughout the mediation process to stop and gauge if she and how she is reacting to the mediation participants.

I am sure we will be hearing more about Implicit Bias and, as mediators, we need to pay attention to any and all potential biases.

For additional ADR tips and resources, go to <http://www.palmbeachbar.org/adr/>

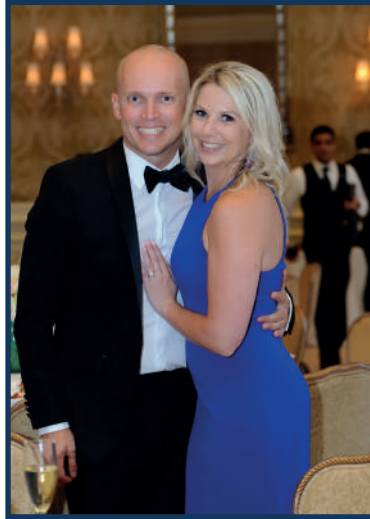
Yueh-Mei Kim Nutter is a Florida Bar board certified specialist in Marital and Family Law with more than 20 years of experience. She is a Fellow of the American Academy of Matrimonial Lawyers, concentrating her practice in the areas of family law, civil litigation, guardianships, and probate and estate litigation. She is also recognized by the Florida Supreme Court as a certified Family Mediator, certified Appellate Mediator, and certified Guardian Ad Litem. Additionally, she is a founding member of the Collaborative Family Lawyers of South Florida, Inc., a charter member and officer of the South Palm Beach County Collaborative Law Group, a Master Member of the Susan Greenberg Family Law American Inn of Court of the Palm Beaches, co-chair of the Alternative Dispute Resolution Committee of the South Palm Beach County Bar Association, and also serves on the Boards of Directors for Impact 100 Palm Beach County and the Florida Chapter of the Association of Family and Conciliation Courts (FLAFCC).

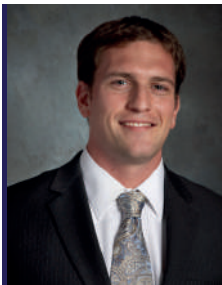


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Photos By Tracy Benson





JASON S. RIGOLI

Serial Filings May Have a Result Much Worse Than Losing a House

Beginning at 9:30 (or 10:00) a.m. on various days of the week, the judges for the bankruptcy court for the Southern District of Florida are holding motion calendars. Common among the disputes during the motion calendar are mortgagees arguing for relief from the automatic stay or objecting the re-imposition of a stay because the debtor, or debtor and a co-debtor, have filed successive bankruptcy cases to stop a foreclosure sale. Serial filings became a "litigation strategy" borne out of the financial crisis.

This tactic may not be the "sword" debtors are looking for after all. On June 6, 2018, the United States Court of Appeal for the Seventh Circuit (the "Seventh Circuit") upheld the conviction of a debtor who had filed five successive bankruptcies to impede the foreclosure sale of her condominium. *U.S. v. Williams*, Case No. 17-2244 (7th Cir. June 6, 2018).

In *Williams*, the Debtor owned a condominium and filed five successive Chapter 13 bankruptcies to avoid the foreclosure sale. In most cases, the case would be dismissed for not making plan payments. After the debtor's last filing was dismissed with prejudice for 180-days, the debtor transferred the condominium to a friend for no consideration and had him file for bankruptcy, which after not making the plan payments was dismissed.

Subsequently, the debtor and her friend were indicted for bankruptcy fraud under 18 U.S.C. § 157(1) and (2), which reads:

A person who, having devised or intending to devise a scheme or artifice to defraud and for the purpose of executing or concealing such a scheme or artifice or attempting to do so--

- (1) files a petition under title 11, including a fraudulent involuntary petition under section 303 of such title;
- (2) files a document in a proceeding under title 11;

The debtor went to trial. After a week-long jury trial, the debtor was found guilty on all five counts. At sentencing, the government

sought and prevailed on "offense level enhancements," two of which are pertinent. The focus is on the dollar amount of the losses and the number of victims. The government and court reasoned that the number of victims of the serial filings is not limited to the mortgagee – who was the primary reason for the filings – but all the debtor's creditors because a "victim" is someone who suffered an "actual loss." And, the dollar amount of the losses was the "the increase in the amount of money that defendant owed to her creditors (and which the creditors were prevented from trying to collect) between when she filed her first bankruptcy case and when she filed her fifth one." *Williams*, at p. 5. The Seventh Circuit affirmed both findings. "With the enhancements, Williams's adjusted offense level was 24; combined with a criminal history category of I, the Guidelines Range was 51–63 months' imprisonment. Ultimately, the district court imposed a below Guidelines prison term of 46 months." *Id.* at p.6.

Conclusion

Debtors and their counsel should take great pause before using successive filings as a foreclosure litigation tactic, because the result may be much worse than simply losing a house.

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



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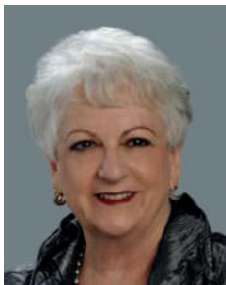
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EUNICE BAROS



DEAN RACHEL F. MORAN

CDI Luncheon: Dean Rachel F. Moran

addresses the difficulties confronting undocumented youth who have arrived in the United States as children, obtained an education, been law-abiding members of their communities, and, in some cases, even served in the military.

Since its inception in 2012, Dean Moran notes the DACA program deferred immigration enforcement actions against these particular young people for a period of two to three years and gave them authorization to work legally in the United States during that time. The program did not, however, provide a pathway to permanent resident status or citizenship.

In 2017 the DACA program was rescinded by the Department of Homeland Security. President Donald Trump has called on Congress to take legislative action to provide relief to undocumented immigrant youth who have been strong contributors to American society, says Dean Moran. As of this writing though, Congress has yet to pass a bipartisan immigration bill on these issues. The rescission itself has been tied up in the courts, observes Dean Moran. Accordingly, she will review these developments and consider their relevance to deeper debates about equality and liberty as well as personhood and citizenship in our democracy.

Rachel F. Moran's resume is impressive. She is Dean Emerita and Michael J. Connell Distinguished Professor of Law at UCLA School of Law. Prior to her appointment at UCLA, Dean Moran was the Robert D. and Leslie-Kay Raven Professor of Law at UC Berkeley School of Law.

From 2008 to 2010, Dean Moran served as a founding faculty member of the UC Irvine Law School.

She earned her A.B. in psychology with honors and distinction from Stanford University in 1978 where she was elected to Phi Beta Kappa. She obtained her J.D. from Yale Law School in 1981 where she was an editor of the Yale Law Journal. After law school, Dean Moran clerked for Chief

Judge Wilfred Feinberg of the U.S. Court of Appeals for the Second Circuit and worked for the San Francisco firm of Heller Ehrman White & McAuliffe. She has been a visiting professor at UCLA, Stanford, NYU School of Law, the University of Miami Law School, the University of Texas, Fordham Law School and last year at Harvard University. From 1993 to 1996 Dean Moran served as chair of the Chicano/Latino Policy Project (now the Center for Latino Policy Research) at UC Berkeley's Institute for the Study of Social Change. In 2003, she became Director of the Institute and in 1995, she received UC Berkeley's Distinguished Teaching Award.

"Professor Moran has not only been a leading scholar in the field of education, law and diversity, she has helped launch the ABF's newest project on the Future of Latinos," says

Ajay K. Mehrotra, Executive Director of the American Bar Foundation (ABF). "The American Bar Foundation has been incredibly fortunate to have Professor Rachel Moran as part of our research community for the last few years."

Please join CDI at our luncheon on September 21, 2018 to hear more about this crucial and current topic affecting the legal community and our country. One hour of CLE credit and one half hour of Bias Elimination credit has been granted plus certification credits.

Eunice Baros, attorney and mediator in Palm Beach Gardens, has been a member of the Bar's CDI for several years. She is a Fellow of the American Bar Foundation.

Two years after we met at the American Bar Foundation in San Diego, I still remember how understanding, compassionate and optimistic Dean Rachel F. Moran was when I told her the troubling story of a brilliant law graduate who could not get a job.

She was a good listener, thoughtful and encouraging. And that's still an accurate description of our invited scholar/professor/dean who joins us as the keynote speaker Sept. 21 for the annual Palm Beach County Bar Association's Committee on Diversity and Inclusion (CDI) luncheon.

At the time we met, Dean Moran was presenting her most recent comprehensive research on racial and ethnic equality, in particular, work based on an American Bar Foundation initiative on "The Future of Latinos in the United States: Law, Opportunity, and Mobility." She is co-directing the project with Robert L. Nelson, the Foundation's director emeritus and a professor of law and sociology at Northwestern University.

The project explores four key areas of law and policy that affect the growing Latino population's prospects in the coming years: education, economic participation, civic engagement and political mobilization, and immigration.

Dean Moran's presentation here focuses on recent developments surrounding the rescission of the Deferred Action for Childhood Arrivals (DACA) program, which



JEAN MARIE MIDDLETON

Judge Carolyn Bell

She also taught legal writing and trial advocacy as an Adjunct Professor at George Washington School of Law.

After Washington, Judge Bell served as an Assistant U.S. Attorney in the West Palm Beach office of the Southern District of Florida. Although while there she prosecuted virtually every type of federal crime, the bulk of Judge Bell's work was in white-collar economic crimes.

She recently prosecuted an ophthalmologist who falsely diagnosed elderly Medicare patients with eye diseases they did not have, and lasered and injected their eyes with treatments they did not need. After a two-month trial, he was sentenced to seventeen years in prison shortly before Judge Bell left the U.S. Attorney's Office. Judge Bell also served as Professional Responsibility Ethics Officer for the U.S. Attorney's Office, and regularly taught law enforcement, prosecutors and state and local bar associations on a wide variety of topics.

Not only has Judge Bell worked in public service positions, she is also active in Palm Beach County and Florida Bar committees. She has served as Chair of the Florida Bar Standing Committee of Professional Ethics and the Advertising Standing Committee. Her Palm Beach County Bar service includes serving as Chair of the Professionalism Committee.

Judge Bell received her undergraduate degree from the University of California at Berkeley. After graduation, Judge Bell took a year off and backpacked throughout Europe, North Africa and the Middle East. She supported herself by doing odd jobs including working as a photographer, working on an Israeli kibbutz, and playing the piano in bars.

After she finished her backpack tour, Judge Bell returned to the University of California at Berkeley to attend law school. Once again, after graduation she took time to do some more traveling. This time, she traveled the Pacific Rim and toured places like China, Malaysia and New Zealand. Her legal career began at a large law firm in Los Angeles, California where she practiced bankruptcy law and commercial litigation.

A fun fact about Judge Bell is that coincidentally, her husband, Judge Bruce Reinhart, was sworn in as a United States Magistrate Judge for the Southern District of Florida in the same week Governor Rick Scott appointed her to the Circuit Court bench. Judge Bell and Judge Reinhart are the proud parents of two sons, Jake and Brian, both of whom will be in college in the fall. (See picture)

Judge Bell is currently assigned to Juvenile Division JK.

Jean Marie Middleton has the pleasure of serving as a Senior Attorney for the Palm Beach County School District practicing employment and labor litigation. She can be reached at jean.middleton@palmbeachschools.org.

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PATRICIA C. DERAMUS

Professional Proactive Paralegals

Fundamental to the success of any professional is personal integrity and professional ethics which inspired me to share some insights. It is important that we, as paralegals continuously update our education and training to be knowledgeable on current law and governmental rules. We must be highly aware of client confidentiality and adhere to the doctrine of attorney client privilege. This duty of confidentiality is perpetual. Whether you are a Florida Registered Paralegal, NALA Certified Paralegal or a Florida Certified Paralegal we are expected to act. We are bound by the same rules as attorneys and we need to make sure that we are following them.

There are two basic undeniable truths about our legal career:

Our work is deadline-drive and detail oriented, and our career success is solely our responsibility.

Proactive paralegals engage in long-range planning by focusing future activities, projects and events and then anticipating needs, potential problems and future outcomes.

The end result – Goals are met and disasters are averted.

Professional proactive paralegals are always looking ahead and planning for the future and implementing strategies to enhance their professional ability.

It is important to continue to enhance your skills and knowledge through continuing legal education and paralegal certification programs along with career development workshops. Become a Florida Bar - Florida Registered Paralegal and at minimum receive an associate degree in paralegal studies from an ABA approved program. By doing this, you increase your credibility in the profession.

Our profession is changing so we continually strive to seek legal education opportunities looking to the future to what it holds for our profession.

Equally important is staying atop emerging technologies along with the changing nature of our profession. Tap others' expertise. Mentors and other colleagues can make professional introductions and provide legal experience. Get out and network. Learn from your peers. Become a member of the Palm Beach County Bar Association – Paralegal Committee as well as our statewide association – Paralegal Association of Florida, Inc. which has a local Palm Beach County Chapter.

Mingling with other members of the paralegal community to stay on top of the professional expectations by networking, joining professional organizations helps paralegals maintain their career goals, community service and professionalism – this is a means to an end. Once again, true career goals, community service and professionalism are an "attitude." The question you need to ask yourself – "Are you in this profession for the right reasons?"

Paralegal learning is a life-long professional decision. In the end, it is a sum of small choices. Each time you decide you want to learn something – the experience will be so rewarding that the next time becomes easier.

We have the ground work regarding our professional expectations – let me remind you about the FRP Rule 20 and the new "Florida Bar Professionalism Expectations." On September 10, 2015 The Supreme Court of Florida amended the Code for Resolving Professionalism Complaints by deleting references to "The Florida Bar Ideals and Goals of Professionalism" and replacing them with "The Florida Bar Professionalism Expectations." This not only affects attorneys but includes, staff, paralegals, and Judicial Assistants.

You can find the guidelines and rules at www.flabar.org under the Professionalism link at the top of the home page and scrolling down to the section on "Regulating Professionalism." Paralegals should be aware of the contents of Rule 20-7 Code of Ethics and Responsibility and specifically Sections (b) to (h).

The Rules of Professional Conduct contain specific provisions regarding conflicts of interest and other ethical issues, and lawyers along with paralegals and staff should be able to rely on those rules for guidance. An attorney, paralegal and/or staff member must continue to look to the Rules of Professional Conduct for the fundamental ethical principles that govern the profession.

Become a proactive paralegal and you will have a positive influence on your future. The Florida Bar definitely takes Professionalism very serious and so should paralegals and all law firm staff.



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**September 4, 2018 3:00 pm – 7:00 pm
Hilton Hotel, 600 Okeechobee Blvd., West Palm Beach**

West Palm Beach will be the site for this year's Annual Florida Conference of District Court of Appeal Judges. The Fourth District Court of Appeal Historical Society, the Palm Beach County Bar Association and its Young Lawyers Section will be hosting a seminar on September 4 in conjunction with this Conference. A reception will be held immediately following the seminar as we host the 64 judges from the District Courts of Appeals from around the state together with Florida's Supreme Court Justices. We are seeking sponsorships to assist with hosting all of the judges, justices and their spouses and welcoming them to Palm Beach County. We sincerely hope that your firm will join us to make this a great event!

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In addition to tickets, sponsors will be listed on a sign at the event as well as in email promotional materials. Deadline to be listed is July 31, 2018.

Please send your sponsorship checks made payable to the 4th DCA Historical Society to: Patience Burns, 890 Briarwood Drive, West Palm Beach, FL 33415. You may also pay for your sponsorship online by going to the Society's webpage <https://www.4dcyahistory.com>. If you have any questions, please contact Historical Society Treasurer Kara Berard Rockenbach at kara@linkrocklaw.com or Patience Burns at patience.a.burns@gmail.com.



2018 Open Forum: A Colloquy on Ethics and Professionalism for Lawyers

Including a Reception with Florida's Appellate Judges & Supreme Court Justices

Tuesday, September 4, 2018 3:00 – 5:00

Reception to follow the seminar at 5:30 pm

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The Honorable Krista Marx

Chief Judge of the 15th Judicial Circuit

Kara Berard Rockenbach

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The Honorable Sheree Davis Cunningham

County Court of the 15th Judicial Circuit

The Honorable James A. Edwards

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Past Chair of The Florida Bar Professional Ethics Committee

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TED BABBITT

ALLOWING SUBSEQUENT TREATING PHYSICIAN TO TESTIFY ON CAUSATION

In a medical malpractice case, a plaintiff must prove that a physician breached the duty of care owed to the patient and that it is more likely than not that the negligence probably caused the plaintiff's injury. *Gooding v. Univ. Hosp. Bldg., Inc.*, 445 So. 2d 1015 (Fla. 1984).

In *Cantore v. West Boca Medical Center, Inc.*, 43 Fla. L. Weekly S188 (Fla. April 26, 2018), the plaintiff suffered permanent brain damage when there was a delay in performing an Endoscopic Third Ventriculostomy. As a result of that delay, it was alleged that the 12 year old plaintiff suffered a brain herniation because the pressure inside of her skull became so great that the brain actually herniated through the bottom of the skull. As a consequence of that injury, the plaintiff suffered permanent brain damage, had significant mental impairment and had to be fed through a tube.

During the trial, the deposition of a pediatric neurosurgeon who had actually operated on the plaintiff answered hypothetical questions as to how he would have treated the plaintiff had she arrived at the hospital earlier. The witness testified that had plaintiff been brought under his care earlier the necessary operation would not have occurred until later in the day and the brain herniation still would have occurred. The defendant then had their expert testify that the witness' statement as to how the plaintiff would have been treated had she arrived at the hospital earlier was consistent with what other neurosurgeons would have done. A verdict was returned in favor of the defendants and the Fourth District affirmed in *Cantore v. West Boca Medical Center, Inc.*, 174 So. 3d 1114 (Fla. 4th DCA 2015). The Supreme Court took conflict jurisdiction as a result of its decision in *Saunders v. Dickens*, 151 So. 3d 434 (Fla. 2014).

The Saunders Court at 443 held

We hold that testimony that a subsequent treating physician would not have treated the patient plaintiff differently had the defendant physician acted within the applicable standard of care is irrelevant

and inadmissible and will not insulate a defendant physician from liability for his or her own negligence.

The problem with allowing that kind of testimony is that it requires almost an impossible burden on the plaintiff to prove a negative. As was stated by the Saunders Court at 443

It would place a burden on the plaintiff to somehow prove causation by demonstrating that a subsequent treating physician would not have disregarded the correct diagnosis or testing, contrary to his or her testimony and irrespective of the standard of care for the defendant physician. To require the plaintiff to establish a negative inappropriately adds a burden of proof that simply is not required under the negligence law of this State.

In the Supreme Court dissent in *Cantore*, the dissent takes the position that no conflict jurisdiction existed because the above quote was dicta rather than a holding. The majority disagreed and found *Saunders* controlling.

At S190 the Supreme Court holds

The substance of Dr. Sandberg's testimony about how he would have treated Alexis under circumstances other than those that actually occurred is no different from the testimony from the subsequent treating physician in *Saunders*. . . it is clear that the purpose of introducing the challenged portions of Dr. Sandberg's deposition testimony was to break the chain of causation between the alleged negligent conduct of WBMC or MCH, or both, and Alexis' injuries – i.e. to establish that Alexis still would have suffered permanent brain damage even if the hospitals

and their staffs had effectuated a faster transfer from WBMC to MCH. Therefore, Dr. Sandberg's testimony on that point was "irrelevant and inadmissible." *Saunders*, 151 So. 3d at 443, and the trial court abused its discretion in allowing it to be read to The jury.

The Supreme Court makes it clear that a subsequent treating physician may not testify as to how his treatment would have proceeded had he been presented with the plaintiff under different circumstances. The defendants are not permitted to argue based upon hypothetical questions that the plaintiffs have not met their burden of causation based upon witnesses testifying that even if they had provided the treatment outlined by the plaintiff's experts, the outcome would not have been different. The majority in the Supreme Court opinion argued that in *Saunders* the Court expressly disapproved of that type of burden shifting argument regarding causation in a medical malpractice case and that the *Saunders* case is controlling with respect to that issue. At 190 the Supreme Court concludes

For the foregoing reasons, Dr. Sandberg's testimony about how he would have treated Alexis had she arrived at MCH earlier was inadmissible and cannot be considered harmless error. Accordingly, we quash the Fourth District's decision in *Cantore*, reverse the judgment in favor of WBMC and MCH, and remand for a new trial.

This case makes it clear that in a medical malpractice case a jury should not hear testimony from a treating physician that even if plaintiffs claimed proper treatment was rendered the outcome would not have been different.



DAVID M. GARTEN

Part II:

In Florida, Does A Personal Representative Have Standing To Challenge The Surviving Spouse's Claim As An Omitted Spouse?

A. FLORIDA STATUTES:

A personal representative is a fiduciary who shall observe the standards of care applicable to trustees. See §733.602(1), F.S. Pursuant to §736.0803, F.S., if a trust has two or more beneficiaries, the trustee shall act impartially in administering the trust property, giving due regard to the beneficiaries' respective interests. There is no "good cause" provision in either the Probate Code or the Trust Code.

B. CASE LAW:

As a general rule, it is neither appropriate nor proper for a personal representative ("PR") to take an affirmative position for or against any faction claiming a right to the estate of a deceased where all of the potential heirs of the estate are before the court. It is the responsibility of the various claimants to establish their own rights in the estate. Under such circumstances the PR is, in effect, a nominal party in order that he may be kept advised of the progress of the proceedings and be bound by the judgment of the court determining the proper heirs of the estate. See *In re Estate of Lynagh*, 177 So. 2d 256 (Fla. 2nd DCA 1965); *Barnett v. Barnett*, 340 So. 2d 548 (Fla. 1st DCA 1976) (While the trustee in his fiduciary capacity was required to do something more than stand on the sidelines and watch, it was not his duty to take a partisan stance and argue the side of one or more of the claimants. In order that the trustee might discharge his fiduciary responsibilities it was his duty to participate in the investigation of the claims, secure relevant documents and procure other evidence). See

A PR had no standing to contest a will under which she held her appointment, and she was immediately disqualified from continuing in that capacity when she filed suit and contested part of the will. See *In re Estate of Lewis*, 411 So. 2d 368 (Fla. 4th DCA 1982).

A PR is required by law to pursue assets and claims of the estate, with value, including those assets which are in the hands of a former PR or her or his agents. As a result, a successor PR may bring a cause of action for legal malpractice against an attorney hired by her or his predecessor to provide services necessary to the administration of the estate. See *Bookman v. Davidson*, 136 So. 3d 1276 (Fla. 1st DCA 2014).

The person named as PR in an earlier will had standing as an interested person to contest a later will which named someone else as a PR. See *Engelberg v. Birnbaum*, 580 So. 2d 828 (Fla. 4th DCA 1991).

A PR has standing to file a complaint for declaratory relief which sought a declaration that, pursuant to §689.07(1), F.S. titled "Trustee" or "as trustee" added to name of grantee, transferee, assignee, or mortgagee transfers interest or creates lien as if additional word or words not used", six parcels of real property titled in the name of "Norman Giller, Trustee" were actually owned in fee simple by the decedent as of the date of his death, and that the properties became the assets of the estate subject to probate administration as of the date of his death. See *Giller v. Giller*, 190 So. 3d 666 (Fla. 3rd DCA 2016).

A PR has no standing to invoke Fla. Const. art. X, §4(c) [homestead] for the protection of either creditors of the estate or heirs who are not surviving spouses or minor children. However, a PR does have standing to obtain a court order expressly approving a transfer of homestead property in order to establish clear title to the property. See *In re Estate of Morrow*, 611 So. 2d 80 (Fla. 2nd DCA 1992).

The PR is the only party with standing to bring a wrongful death action to recover damages for the benefit of the decedent's survivors and the estate [§768.20, F.S.]. See *Heiston v. Schwartz & Zonas, LLP*, 221 So. 3d 1268 (Fla. 2nd DCA 2017).

An alternate PR under a prior Will and a co-successor trustee under a prior trust may have standing to contest a later will. See *Wheeler v. Powers*, 972 So. 2d 285 (Fla. 5th DCA 2008).

A PR has standing, as an interested person, to file a motion for appointment of a trustee of a residuary trust for which she was not a trustee but a contingent remainder beneficiary. See *Barley v. Barcus*, 877 So. 2d 42 (Fla. 5th DCA 2004).

A PR for the ward's estate has standing to file objections to a guardian's post-death final report and petition for discharge. See *Sun Bank & Trust Co. v. Jones*, 645 So. 2d 1008 (Fla. 5th DCA 1994).

A PR lacks standing to seek to disqualify an attorney who never represented the PR and did not gain an informational advantage from the PR's confidences. See *Anderson Trucking Serv. v. Gibson*, 884 So. 2d 1046 (Fla. 5th DCA 2004).

When the language used in the will does not clearly and definitely express or convey the testator's intent, the PR has a right to judicial construction of the will. See *Douglass v. Griggs*, 374 So. 2d 1097 (Fla. 1st DCA 1979).

Fla. Probate Rule 5.360. Elective Share and Pre Existing Dower. The Committee Notes read in relevant part:

It is intended that the role of the personal representative in this procedure would be as a neutral. Since he is a fiduciary owing duties to all interested persons, it is not appropriate that he should take a position for or against the award of the elective share and expend estate funds in that regard. See *Barnett v. Barnett*, 340 So.2d 548 (Fla. 1st DCA 1976); *In re Estate of Lynagh*, 177 So.2d 256 (Fla. 2d DCA 1965). However, the personal representative is not prohibited from advancing a position regarding the timing of payment or the assets to be used

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Part II:

In Florida, Does A Personal Representative Have Standing To Challenge The Surviving Spouse's Claim As An Omitted Spouse?

to satisfy the elective share or other such issue relating directly to the administration of the estate and is not intended to favor one beneficiary over another or over the surviving spouse. A personal representative as a fiduciary has a duty of full disclosure to all interested persons and the court, for instance regarding knowledge of the existence of a marital agreement or other relevant facts. The committee offers no opinion on whether a personal representative may have a duty to oppose the entitlement to the elective share based on the existence of an apparently valid marital agreement.

C. ADMINISTRATOR AD LITEM

An administrator ad litem is a court-appointed advocate for the interests of an estate, where those interests are jeopardized, and where the acting PR will not or cannot defend them. See *Woolf v. Reed*, 389 So. 2d 1026 (Fla. 3rd DCA 1980); See also Fla. Prob. R. 5.120(a) which reads in relevant part: "When it is necessary that the estate of a decedent...be represented in any probate...proceeding and there is no personal representative of the estate..., or the personal representative... is or may be interested adversely to the estate..., or is enforcing the personal representative's... own debt or claim against the estate..., or the necessity arises otherwise, the court may appoint an administrator ad litem... without bond or notice for that particular proceeding."

PRACTICE POINTER:

In Florida, a PR does not have standing to defend against the surviving spouse's petition as an "omitted spouse" when other beneficiaries opposing the petition. As a result, it will be necessary to appoint an administrator ad litem to defend against the petition. However, if the sole beneficiaries of the estate are unnamed charitable beneficiaries, the PR may have standing to defend against the petition as long as the Attorney General does not oppose the PR's position and there is "good cause" to oppose the surviving spouse's petition.

IN MEMORIAM

JUDGE EMORY NEWELL

In memory of Judge Emory Newell who passed away on Monday, June 4, 2018. Judge Newell practiced law with his father and friends until he was appointed the first judge of the Palm Beach County Juvenile and Domestic Relations Court in 1961. He served thirty years as a Circuit Court judge before retiring in 1991. Contributions may be made in Judge Newell's memory to the Historical Society of Palm Beach County. (hspbc.org/donate)



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Legal Aid Anniversary Gala Celebrates 30 Years of Pro Bono Services

750 members of the Palm Beach County legal community and their friends descended upon the Palm Beach County Convention Center, Saturday evening May 12, 2108, to celebrate 30 years of pro bono services to the disadvantaged and vulnerable members of our community.

The evening was co-chaired by Anita and Jack Scarola and Jane Kreusler-Walsh and Michael Walsh. Special Recognition and Pro Bono Legacy Awards were presented to six attorneys, and three law firms whose pro bono contributions throughout the years has been truly extraordinary. Special Recognition Award recipients were attorneys Bill Bone, Lawrence Moncrief, and Louis Silber. Firm Pro Bono Legacy Awards were Greenberg Traurig, P.A., Holland & Knight LLP and Sasser, Cestero & Sasser, P.A. Individual Attorney Legal Award honorees were Alan Crane of Furr & Cohen, Anne Hinds of Schwartz White, and Ray Ingalsbe.

Legal Aid's Executive Director Bob Bertisch received the Lifetime Serving Justice Award honoring his commitment to equal access to justice to the low-income and less fortunate children, families, seniors and individuals in Palm Beach County.



Jack & Anita Scarola, Bob Bertisch, Jane Kreusler-Walsh & Micahel Walsh



Jorge Cestero, Alison Brown, Alan Crane, Anne Hinds & Jason Lazarus

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.



MANNY FARACH

Florida Real Property and Business Litigation Report

Golfrock, LLC v. Lee County, Florida, Case No. 2D15-2105 (Fla. 2d DCA 2017).

Upon rehearing, the Second District re-affirms that a party cannot use a declaratory action to divorce the determination whether an aggrieved party needs to take further action to ripen a takings claim from the takings claim itself, i.e., both must be done at the same time.

Muchnick v. Goihman, Case No. 3D17-122 (Fla. 3d DCA 2018).

A sales agent, in addition to his or her broker, may be individually liable for misrepresentations made to contracting parties.

GSK Hollywood Development Group, LLC v. City of Hollywood, Case No. 4D16-3453 (Fla. 4th DCA 2018).

The 2010 version of the Bert Harris Act, Florida Statute section 71.001, required "action of a governmental entity," and there can be no violation of the Act if the landowner did not seek a permit, variance, waiver, or other governmental action.

Johnson v. Deutsche Bank National Trust Company Americas, Case No. 2D16-4262 (Fla. 2d DCA 2018).

The de novo standard of review on appeal, absent fundamental error, still does not permit the argument on appeal of error not preserved in the trial court.

Obsessions in Time, Inc. v. Jewelry Exchange Venture, LLP, Case No. 3D16-2620 (Fla. 3d DCA 2018).

The following exculpatory clause in a lease is ambiguous, and therefore, unenforceable:

In making this lease, it is hereby agreed that lessor does not assume the relations and duty of bailee and shall not be liable for any loss or damage to the contents of the vault within the premises caused by burglary, fire, or any cause whatsoever, but that the entire risk of such loss or damage is assumed by the lessee. The lessor shall not be liable for any delay caused by

failure of the vault doors to lock, unlock or otherwise operate and the sole liability of the lessor hereunder is limited to the exercise of ordinary care to prevent the opening of said vault or boxes contained therein by any person other than lessee or the authorized agent of the lessee.

Sammie Investments, LLC, v. Strategica Capital Associates Inc., Case No. 3D17-2052 (Fla. 3d DCA 2018).

The inability to recover money damages does not amount to an inadequate remedy at law for purposes of issuing a temporary injunction.

Chmielewski v. The City of St. Pete Beach, Case No. 16-16402 (11th Cir. 2018).

A local government's encouragement of the public's use of a private parcel constitutes a compensable taking; a physical invasion is sufficient and exclusive dominion and control is not necessary to support a jury verdict of damages for the taking.

Koppel v. Ochoa, Case No. SC16-1474 (Fla. 2018).

The mere filing of a motion under Florida Rule of Civil Procedure 1.090 does not automatically enlarge the 30-day time frame to respond to a proposal for settlement; an order must be granted within the 30 days for the period to be extended.

Third Federal Savings & Loan Association of Cleveland v. Koulouvaris, Case No. 2D17-773 (Fla. 2d DCA 2018).

A Home Equity Line of Credit agreement is not a negotiable instrument, and thus must be authenticated before it can be admitted into evidence.

Perlberg v. Lubercy Asia Holdings, LLC, Case No. 3D17-2404 (Fla. 3d DCA 2018).

An order granting summary judgment on a fraudulent lien claim is not appealable as a final order because final judgment has not been entered and is not appealable as a non-final order under Florida Rule of Appellate Procedure 9.130(a)(3)(C)

(ii) because it does not determine an immediate right to possession of the property.

Florida Research Institute for Equine Nurturing, Development and Safety, Inc. v. Dillon, Case No. 4D17-605 (Fla. 4th DCA 2018).

A Florida not-for-profit corporation may terminate a person's membership without notice and without hearing as the current version of Florida Statute section 617.0607(1) does not require notice and hearing.

Madl v. Wells Fargo Bank, N.A., Case No. 5D16-53 (Fla. 5th DCA 2018).

Upon rehearing, the Fifth District clarifies that a lender that fails to prove standing through its promissory note may still have a contractual relationship through the mortgage that allows an award of attorney's fees to a prevailing borrower.

Epic Systems Corp. v. Lewis, Case No. 16-285 (2018).

The Federal Arbitration Act requires that individualized proceedings in an arbitration agreement must be enforced.

CareFirst of Maryland, Inc. v. Recovery Village at Umatilla, LLC, Case No. 4D17-2247 (Fla. 4th DCA 2018).

Purposeful availment of the forum state's laws and benefits, not foreseeability of being haled into the jurisdiction, is the test as to whether minimum contacts exists.

Bank of New York Mellon v. Burgiel, Case No. 5D17-1152 (Fla. 5th DCA 2018).

A lender that introduces into evidence at trial the original note and demonstrates the original is the same as the copy attached to the complaint establishes standing to foreclose; a power of attorney is not necessary unless the service is seeking to foreclose.



CHRISTOPHER B. HOPKINS

Protect the Privacy of Your Data on iOS Devices

In a recent cell phone privacy case, *Carpenter v. U.S.*, the Supreme Court noted that Americans “compulsively carry cell phones with them all the time” yet, from a privacy standpoint, “there is no way to avoid leaving behind a trail of [personal] data.”

Fortunately, for people who own iPhone and iPad devices (“iOS Devices”), you can limit law enforcement, advertisers, and third parties from accessing your personal data. In less than 10 minutes, with this article in one hand and your iOS Device in the other, follow these steps to protect your privacy.

Before delving in, ensure that your iOS Device is operating on iOS 11.x. You can confirm by going to Settings, General, and then tap Software Update. The most important security protection is a passcode. Go to Settings, Passcode (depending on your device, it will be “Touch ID & Passcode” or “Face ID & Passcode”). Make sure Passcode is turned on and Require Passcode is set to Immediately.

Advertisers: To limit advertisers from tracking your information: (1) in Settings, scroll down to Safari and consider turning on all buttons under “Privacy & Security” except “Camera and Microphone Access”; (2) in Settings, go to Privacy and scroll down; turn off all buttons in Analytics but turn on Limit Ad Tracking under Advertising; (3) in Settings/Privacy/Location Services, scroll down to System Services and turn off Location-Based Apple Ads, Suggestions, and all three buttons under Product Improvements.

I’m Handing You My Phone For You to See One Thing We often share pictures or videos by handing our phone to friends. To avoid letting them leave the app and start snooping, go to Settings/General/Accessibility. Scroll down to Guided Access and turn it on. Under Accessibility Shortcut, tap Guided Access. Now, when you hand someone your phone to look at photos, discreetly hit the side (or top) button three times. It will ask for a passcode. Type in a code and then hand over the device.

The person will be locked into that app until you enter the code again. They won’t know you’ve locked them out unless they start snooping.

If you have Face ID, you can simplify the process under Settings/General/Accessibility/Guided Access/Passcode Settings and turn on Face ID. That way, three clicks of the side button will lock the app and two clicks will unlock, as long as it sees your face.

Quickly Turn Off Face ID to prevent law enforcement or third parties from accessing your Face ID protected iOS Device by forcing you to look at it, hold the side button and volume down button for a second. The power off / SOS page will appear. Once you hit cancel, your iOS Device will disable Face ID and require a passcode to access.

Snoopers Can Learn A Lot Just By Looking At Your Lockscreen Apps constantly communicate with you through Notifications on your lock screen. However, third parties can access a lot of your information even if your phone is locked. Head over to General/Settings and then Notifications. Tap each app and turn off Allow Notifications. For apps which you want to provide Notifications, consider (a) turning off Sounds and Show on Lock Screen and (b) settings banners as temporary.

Who is Following Me? Most apps do not need to know your location and, when they do, the best setting is “only while using this app.” First, under Settings/Privacy, tap Location Services. Weather, maps, and travel apps, naturally, should have access to your location; most others you can turn off. Second, your device keeps track of where you frequently travel; under Settings/Privacy/Location Services, set Significant Locations to “off.” Third, in that same area, turn on “Status Bar Icon” at the bottom. This will put an arrow in the upper right corner of your iOS Device to notify you when the System Services are accessing your location.

Who is Looking at My Deleted Photos? When you delete a photo, it is not really deleted. In fact, it is readily accessible. You can avoid embarrassment by going to the Photos app and scrolling to the Recently Deleted folder and “double delete” any image so it is inaccessible without sophisticated software.

Who is Listening? Under Settings/Privacy, select Microphone to see which apps on your phone have access. Apps like Translate, Shazam, and Skype should stay on. You will be surprised at the games and other apps which want access. If you do not dictate into an app, turn off its access to the microphone.

Who is Watching Me? Under Settings/Privacy/Camera, turn off access to the camera to all apps except those which require the camera to function.

Protect Your Texts Your texts and instant messages are surprisingly revealing. First, there is no reason to broadcast when or whether you have read a text. Go to Settings/Messages and turn off Send Read Receipts. Two, if you have more than one iOS Device, your IM may be going to more than just your iPhone (which means someone using your iPad can see your texts). Under Settings/Messages, set Send & Receive so there is only a check next to your iPhone. Third, in that same section, considering turning Keep Messages to something less than Forever.

Web Browser: To clear your website history (and to regain some space on your device), go the Settings/Safari and hit “Clear History and Website Data.” For Chrome, go into the app, hit the three circles in the upper right corner, go to Settings, then Privacy, and then Clear Browsing Data.

Christopher B. Hopkins is a member of McDonald Hopkins LLC. To reach him, tape an “X” to your window or drop an email to chopkins@mcdonaldhopkins.com.

Advanced iPad and Trial Technology for Litigators

THURSDAY, SEPTEMBER 20, 2018

8:00 am: Late Registration
8:30 am - 10:30 am: Seminar

BAR OFFICE

1507 Belvedere Road
West Palm Beach, FL



Bring Your iPad for
this interactive
presentation!

- Advanced techniques using iPad in and out of trial, including hands on practice with your own iPad (or using the instructor's iPad) and the use of Trial pad application
- Bring your own device to interactively follow along with the presentation
- Advanced use of PowerPoint, Dropbox, and cloud based services
- Utilizing third party trial presentation experts and Trial Director
- Cross examination using Trial Director and Synchronized Video Depositions

Presenters: *Spencer Kuvn, Esq., Law Offices of Craig Goldenfarb, P.A. and Daniel Downey from Visual Evidence
*Board certified in Civil Trial Law

Moderated by: Joshua Marks, Esq., Anderson Mayfield Hagan & Thron, P.A.

REGISTRATION INFORMATION:



CLE: 2.5 CLER and 2.5 in Technology

COST: \$60.00 PBCBA members/paralegals; \$100.00 attorneys/paralegals who are not PBCBA members.
Those registering after 9/13/18, add \$10 late fee. All refund requests must be made no later than 48 hours prior to the date of seminar.

RSVP: Online @palmbeachbar.org or RSVP by mail along with payment.

Name: _____ Email address: _____

Address: _____ Phone: _____



Palm Beach County Bar Association Committee Chairs & Board Members 2018-2019 Fact Sheet

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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.

CONTINUING LEGAL EDUCATION SEMINARS

All CLE Committees are expected to produce at least one CLE seminar each year. Your responsibility is to plan the content of each seminar. This includes selecting a topic and obtaining speakers. **Please be sure to contact CLE Coordinator, Jen Iacobucci, before scheduling a seminar to make sure the date doesn't conflict with any other events.** The bar office will make all arrangements concerning location and pricing. All requests for CLE credit must be received in the PBCBA office no later than 12 weeks prior to the event in order to meet The Florida Bar CLE requested requirements. Seminars should be advertised at least two times in the Bulletin, through the Bar's web site, as well as through broadcast e-mailing, which is done by Bar staff.

The Bulletin

Practice Committees are encouraged to submit at least one substantive law article for the *Bulletin* each year. Articles should be no longer than about 800 words and should be e-mailed to ctbrown@palmbeachbar.org. The *Bulletin* is published 11 times per year.

BULLETIN PRODUCTION SCHEDULE

Issue	Deadline
September	July 25
October	August 24
November	September 25
December	October 25
January	November 15
February	December 14
March	January 25
April	February 22
May	March 22
June	April 25
July/August	June 14

PREPARING FOR YOUR YEAR

Congratulations! Please know that the Bar staff is available to provide you with as much assistance as possible during the coming year. We encourage you to get others involved and increase participation.

USE YOUR WEBSITE

Don't forget about all of the great things on the Bar's award-winning web site and encourage your members to use it!

www.palmbeachbar.org

- Updated calendar of events, seminars and the ability to register for those events on-line
- Past Bulletin Copies
- Judicial Profiles
- Classified Advertising Including Job Listings
- Up-to-date legal announcements such as judicial openings
- Legal research links
- Listing of Member Benefits

NEED CLIENT REFERRALS?

The Bar offers two Programs:

1) **FIND A LAWYER**-This is a web based search program. \$150.00/month; only \$99.00/month with a 1 year commitment. Info: lpoirier@palmbeachbar.org

2) **LAWYER REFERRAL SERVICE**

Our LRS staff vets calls and matches them with the appropriate attorney to handle their legal needs. \$150/yr with a small percentage coming back to the bar on successful cases.

For additional info: lrs@palmbeachbar.org

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North County Section Honors Judge Sasser with its Jurist of the Year Award

The North County Section's annual Jurist of the Year is always a special evening for our members and the judiciary. The recipient's name is kept secret until the night of the dinner when we make the surprise announcement! Congratulations to the Honorable Meenu Sasser for receiving this year's prestigious award. Judge Sasser is well respected both on and off the Bench for her dedication, professionalism and commitment to Bar work. This year's dinner was graciously sponsored by Esquire Bank, Fox Rothschild, iBeria Bank, Lawrence P. Buck, P.A., Upchurch Watson Mediation Group and Visual Evidence. For 16 consecutive years, the program has been held at Ruth's Chris Steak House in North Palm Beach.



(r) Judge Laura Johnson, who was named Jurist of the Year in 2017, congratulates this year's honoree Judge Meenu Sasser



Judge Ted Booras and Judge Dana Santino



Ken Johnson and Preston Fields



Judge John Kastrenakes and Greg Coleman



Magistrate Maxine Williams, Judge Lisa Small and NCS Director Tanique Lee



(ret) Judge Lucy Brown and Todd Stewart



Fred Cunningham and Gerry Richman



Judge Cheryl Caracuzzo and Judge Edward Garrison



NCS Board members congratulate Judge Sasser. Standing left to right: Nick Johnson, the Honorable Meenu Sasser, Rosemarie Guerini, David Steinfeld, Tanique Lee, Wayne Richter, Misty Chaves and Malinda Hayes



Judge Sherri Collins, Kara Berard Rockenbach, Michael Gelfand and Jerry Beer



Larry Mesches and Judge Peter Blanc

YLS 5k



YLS Section

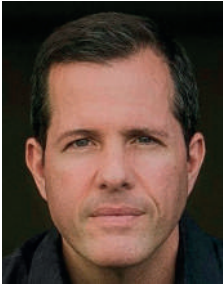
PBCBA
Young Lawyers
Section promotes
many healthy and
fun networking
opportunities!

YLS Golf Tournament



YLS Happy Hour





BRIAN MOSKOWITZ

MONEY CAN'T BUY HAPPINESS

Earn More, Work Less, Be Fulfilled. That is the core of my training program. And I always, ALWAYS, start with Be Fulfilled. Why? Because if you're not happy it doesn't matter how much money you have. Money can't buy happiness.

I know that money doesn't buy happiness. You know that money doesn't buy happiness. Everyone knows that money doesn't buy happiness. Yet we lie to ourselves and keep buying stuff hoping it will make us happy.

Then every so often we're reminded of the truth. I'm writing this article the day after Anthony Bourdain, celebrity chef and Emmy-winning host of "Parts Unknown," committed suicide. He had fame and fortune yet couldn't buy happiness. A few days ago designer Kate Spade committed suicide. She had a net worth estimated at \$200 million and she couldn't buy happiness.

But it's not just celebrities. No one, not even attorneys, is immune from the universal law of money can't buy happiness. I'm sure you know someone that has plenty of money and isn't happy. Maybe you know that person intimately?

So if money can't buy happiness, where can you find it? You find happiness on the inside. It's an inside job that no matter how big your house, fancy your car, or how many toys you have can never come from the outside. Happiness is a state of mind that you create on the inside.

The good news is you already know the formula for happiness. You may not have seen it in writing, but you know

the formula: Happiness = Perceived Reality \geq Expectations. When your perceived reality is better than or equal to how you expect life to be, you're happy. But when your perceived reality is worse than how you expect life to be, you're unhappy or worse.

Don't take my word for it, take a few minutes and apply the formula to different areas of your life. Does your perception of your health meet or exceed your expectations of the way it should be? If yes, are you happy with your health? If no, are you unhappy? What about your relationships? Your law practice?

And if you're not happy what can you do? You can change your perception or change your expectations. I don't believe in lowering expectations to make things easier so let's focus on changing perception.

An easy way to change your perception is to change your focus. As an attorney, you're trained to focus on the negative and to find what's wrong or could be wrong. If you just change your focus to look for the positive and find what's right or could be right, your perception of the situation will change. This doesn't mean to be Pollyanna in the face of adversity. It means to look for the silver lining and find what's good in what actually is. When you can find the good in every situation your perception of reality changes to meet or exceed your expectations which leads to happiness.

Imagine coming home to your spouse or significant other and while speaking with them focusing on everything they've done wrong. After a few minutes, what will be your perception

of the conversation? Was it a good conversation or a bad one? Now imagine the same conversation but with you focusing on everything they've done right. After a few minutes, what will be your perception of that conversation? It's the same conversation – it is what it is - you're just changing your focus which will radically change your perception of the conversation. By changing your focus you can change your perception of any situation and create your own happiness.

Now that you know that happiness is an inside job – and free – what are you going to do with all the money you save?

Brian M. Moskowitz is the Founder of Attorney Revolution, Inc., where he helps attorneys Earn More, Work Less, and Be Fulfilled. He is also a solo practitioner in Boca Raton and a member of our Solo and Small Firm Committee. Brian can be reached at Brian@AttorneyRevolution.com.

¹There are many different versions of this parable. This version is from a lecture by Alan Watts that was eventually published. Watts, Alan. *Modern Life: Collected Talks 1960-1969*. New World Library, 2006. Print



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Board Certified Civil Trial Lawyer Jeffrey F. Gordon, a longtime partner at Broad and Cassel, brings more than 30 years experience to the firm. Mr. Gordon litigates personal injury, medical malpractice and wrongful death cases, including automobile liability, premises liability and product liability. Mr. Gordon joins the Firm as a Partner to help head up our growing Boca Raton office.



CHARLES "CHUCK" E. GEARY

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Attorney Charles E. Geary, a fourth-generation Martin County resident has practiced law on the Treasure Coast for more than thirty-five years. Chuck has a long history of handling many types of cases and is joining the firm "Of Counsel" to become part of our team handling personal injury cases throughout the State of Florida.



SAMUEL S. COHEN

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Attorney Samuel S. Cohen began his career defending doctors and medical facilities from malpractice lawsuits. With that expertise, Sam is uniquely able to effectively and aggressively represent injured clients in car accidents, medical malpractice, and other injury cases.

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LEARNING LIEN LAW

Presented by the Construction Law CLE Committee

Friday, September 28, 2018 Bar Association Office
8:30 a.m. to 12:00 p.m. 1507 Belvedere Road, West Palm Beach

This seminar will focus on perfecting lien rights, rights and obligations of both lienors and property owners, prosecuting and defending against lien foreclosure actions, and avoiding pitfalls.

Agenda includes:

Welcome and Opening Remarks by William J. Cea, Esq., Becker & Poliakoff, P.A., Chair, Construction Law Committee**

ESTABLISHING A LIEN: WHO AND WHEN? by Richard Chaves, Esq., Ciklin Lubitz* This presentation will cover the basis for liens under applicable statutes, who is entitled to record a lien, and preliminary conditions and deadlines for the lien.

NAVIGATING THE PROCESS: by Craig Distel, Esq., McDonald Hopkins, LLC. This presentation will cover the non-judicial aspects of implementing the lien law, including, for example, proper payment and lien releases, contractor affidavits and demands for sworn statements of account available under Chapter 713.

ENFORCEMENT, REMEDIES AND BONDS: by Richard Cartlidge, Esq., Mrachek Law* This presentation will focus on the tools that can be utilized by lienors and owners in the prosecution and defense of lien claims. The discussion will focus on the pitfalls that lienors must be prepared for and the defenses that owners have to liens, including those that were otherwise properly perfected.

*Board Certified in Construction Law ; ** Board Certified in Construction Law and Certified Circuit Civil Mediator

3.5 CLER; 3.5 CERTIFICATION CREDITS IN CONSTRUCTION LAW AND REAL ESTATE. COST: \$100.00 PBCBA MEMBERS ~ \$140.00 NON MEMBERS. Register online at www.palmbeachbar.org or by mail (return this form with your check). Those registering after 9/21/18 add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the seminar .

Name _____ Email address: _____

____ I will not be able to attend the seminar, however I would like to order the audio. The cost is the same as above, however please include \$10 for shipping & handling. Allow 2 weeks for delivery. PBCBA, 1507 Belvedere Rd., WPB, 33416. 9/28/18 Const.

The Workers' Compensation Committee of the Palm Beach County Bar Association
presents:



FIXER UPPER CLAIMS - HOW TO GET YOUR CLAIM MOVE-IN READY FOR TRIAL

Wednesday, October 24, 2018

11:30 a.m. to 6:00 p.m.

West Palm Beach Marriott

1001 Okeechobee Blvd., West Palm Beach

Includes:

Lunch, CLE, Kennie Edwards Award and Reception



COMMITTEE CO-CHAIRS Alicia Kobasky & Nicole Hessen

Beware of Faulty Foundations - Ways and Tactics for Fighting Weak Spots (Fraud)

Moderated by Judge Carol Stephenson

Claimant Attorneys : Mitch Shea and Michael Elstein
Defense Attorneys: Robin Ross and Kay Dodd

Judicial Panel - Making Sure Your House is in Order for the Big Day

Moderated by Gladys Coia

Judge Lewis, Judge Kerr, Judge Dietz, Judge Owens
Judge Clark, Judge Stephenson, Judge Hedler, Judge Johnsen

Kennie Edwards Award:

Presented by Michael Celeste, Esquire
Award Recipient: TBA

Curb "Appeals" and Case Law Update

Moderated by Judge Thomas Hedler

Claimant Attorneys: David Benn and Andy Neuwelt
Defense Attorneys: Christian Petric and Beth Koller

Full Renovation vs. a Simple Refurbishment -- Pros and Cons for Surgery vs. Conservative Care. Pain Management/MRIs/Diagnostic Testing

Elizabeth Trinidad, M.D., Spine & Orthopedic
Specialists of South Florida; Daniel Cartledge, M.D.,
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Technology - Top of the line, state of the art, remodeled to perfection, ideas for updating how you Litigate (Social Media Discovery & Evidence)

Christopher Hopkins

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CLER: 5.0 expected Cost: \$ 150 members/paralegals; \$ 190 non-members/paralegals. Those registering after October 17, add \$10. RSVP online @palmbeachbar.org or mail registration to PBCBA, P.O. Box 17726, W. Palm Beach, FL 33416.

Name _____ Email address: _____

____ I will not be able to attend the seminar, however I would like to order the audio. The cost is the same as listed above, however please include \$10 for processing and shipping. Allow one week for delivery. PBCBA, P.O. Box 17726, West Palm Beach, FL 33416. 10/24/18 WC

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Please check availability below.



Area of Law		By Certification Credit	<---- NEW! Viewing on Bar's Web-site only					
	Course Title	Credit General	Ethics Hours	Certif. Credit	PBCBA Member	Non Member	Expires	
<input checked="" type="checkbox"/>	ADR (2)							
	2.12.18 Evolving Trends in ADR: Cooperation is the... 	9.0	3.0	Yes	\$275.00	\$315.00	08/12/19	
	2.13.17 ADR – A Help Not A Hurdle 	8.5	1.0	Yes	\$240.00	\$280.00	08/12/18	
<input checked="" type="checkbox"/>	Appellate (9)							
	1.22.18 How to Market an Appellate Practice 	1.0	0.5		\$35.00	\$75.00	07/22/19	
	1.9.18 Top 10 Appellate Tips for Trial Lawyers 	1.0		Yes	\$30.00	\$70.00	07/09/19	
	2.2.18 Outstanding Appellate Advocacy Seminar 	1.0		Yes	\$35.00	\$75.00	08/02/19	
	3.2.18 The Art of Objecting & Preserving Error for... 	2.5	1.0	Yes	\$75.00	\$115.00	09/02/19	
	4.5.17 An Appellate Medley: Diverse Perspectives o... 	4.0		Yes	\$120.00	\$160.00	10/05/18	
	6.1.18 Making Extraordinary Writs More Than Ordina... 	1.0		Yes	\$30.00	\$70.00	12/01/19	
	6.28.17 Proposals for Settlement 	1.0		Yes	\$25.00	\$65.00	12/27/18	
	6.8.17 Preservation of Error for Trial Attorneys 	1.0		Yes	\$25.00	\$65.00	12/07/18	
	Technical Writing for E-Reading 	1.0			\$25.00	\$65.00	07/11/18	
<input checked="" type="checkbox"/>	Bankruptcy (2)							
	12.8.17 View of Bankruptcy Practice – Interaction... 	5.0	1.5	Yes	\$165.00	\$205.00	06/07/19	
	6.1.17 From the Horse's Mouth–THE HONORABLE ERIK P... 	4.5	0.1	Yes	\$125.00	\$165.00	11/30/18	

	Course Title	Credit General	Ethics Hours	Certif. Credit	PBCBA Member	Non Member	Expires
<input checked="" type="checkbox"/>	Civil Trial (3)						
	1.19.17 Daubert Challenges in State and Federal Co... 	1.0		Yes	\$25.00	\$65.00	07/18/18
	5.30.18 Preserving and Surviving Appellate Scrutin... 	5.0		Yes	\$150.00	\$190.00	11/30/19
	6.9.17 State Court Trial Seminar 	4.5		Yes	\$160.00	\$200.00	12/09/18
<input checked="" type="checkbox"/>	Commerical and Business Litigation(5)						
	10.4.17 Corporate Succession Planning to Avoid Com... 	1.0		Yes	\$30.00	\$70.00	04/04/19
	12.14.17 Mediating Business Cases: Strategies, Ana... 	1.0		Yes	\$35.00	\$75.00	06/13/19
	4.25.18 Lost Profits Damages in Commercial Litigat... 	4.0		Yes	\$120.00	\$160.00	10/25/19
	6.16.17 LLC Member Disputes 	5.5	0.5	Yes	\$150.00	\$190.00	12/16/18
	6.29.17 E-Discovery Cost Shifting 	1.0		Yes	\$25.00	\$65.00	12/28/18
<input checked="" type="checkbox"/>	Community Association Law(2)						
	6.8.18 29th Annual Community Assoc. Law Seminar 	6.0	1.0	Yes	\$210.00	\$250.00	12/08/19
	6.9.17 28th Annual Community Law Seminar 	5.5	2.0	Yes	\$190.00	\$230.00	12/08/18
<input checked="" type="checkbox"/>	Construction Law(2)						
	02.16.17 Annual Construction Law Committee Half Da... 	4.0	1.0	Yes	\$135.00	\$175.00	08/15/18
	5.16.18 Bracing for the Storm 	3.0		Yes	\$90.00	\$130.00	11/16/19
<input checked="" type="checkbox"/>	Criminal Law(1)						
	4.19.17 Domestic Violence: It's Not Just the Victi... 	2.0			\$60.00	\$100.00	10/18/18
<input checked="" type="checkbox"/>	Diversity (2)						
	3.31.17 Road To The Bench 	2.5			\$25.00	\$40.00	09/30/18
	8.1.17 Are We As Diverse As We Think? 	4.0			\$75.00	\$115.00	02/01/19
<input checked="" type="checkbox"/>	Elder Law Affairs (2)						
	02.20.17 Long Term Care in Florida 	1.0		Yes	\$35.00	\$75.00	08/19/18
	11.9.17 20th Annual Elder Law Seminar 	7.5	0.5	Yes	\$245.00	\$285.00	05/08/19
<input checked="" type="checkbox"/>	Estate and Probate(5)						
	07.10.17 Estate, Guardianship & Trust Accounting 	1.0		Yes	\$35.00	\$75.00	01/10/19
	1.13.17 From the Newlywed to the Nearly Dead: The... 	1.0		Yes	\$25.00	\$65.00	07/12/18
	2.9.17 Guardianship Bootcamp 	7.5	1.0		\$250.00	\$290.00	08/09/18
	4.9.18 Trusts and Estates Cross Training 	8.0		Yes	\$240.00	\$280.00	10/09/19
	9.12.17 Trust Accounting-Establish, Manage, and Ma... 	1.0	1.0		\$45.00	\$85.00	03/12/19
<input checked="" type="checkbox"/>	Family Law (5)						
	1.18.17 Collection, Enforcement & Modification of... 	4.0		Yes	\$100.00	\$140.00	07/18/18
	10.26.17 Vocational Evaluations: What is it? When... 	2.0		Yes	\$60.00	\$100.00	04/26/19
	10.27.17 Pre-Nuptial Agreements & Marital Settleme... 	5.0	1.0	Yes	\$175.00	\$215.00	04/27/19
	3.6.17 Same Sex Couples: Unique Issues or Practice 	1.0		Yes	\$25.00	\$65.00	09/15/18
	9/15/17 A Year in Trial: Targeted Discovery for Fi... 	1.0		Yes	\$30.00	\$70.00	03/15/19
<input checked="" type="checkbox"/>	General Law (14)						
	1.19.18 E-Discovery: Practical, Paperless and Beyo... 	2.0			\$60.00	\$100.00	07/19/19
	1.24.18 Vehicular Homicide Prosecution: Voir Dire 	2.0		Yes	\$60.00	\$100.00	07/24/19

	Course Title	Credit General	Ethics Hours	Certif. Credit	PBCBA Member	Non Member	Expires
	1.30.18 Practical Tips for Female Lawyers	1.0			\$30.00	\$70.00	07/30/19
	10.5.17 I-601a Waiver Fundamentals	1.0		Yes	\$30.00	\$70.00	04/05/19
	11.28.17 Emerging Issues in Florida Evidence	2.0		Yes	\$60.00	\$100.00	05/27/19
	2.21.18 Vehicular Homicide Prosecution: Closing Ar...	2.0		Yes	\$60.00	\$100.00	08/21/19
	2.26.18 Admissibility of Expert Testimony Under Da...	1.0		Yes	\$30.00	\$70.00	08/26/19
	2.5.18 Vehicular Homicide Prosecution: Direct Cros...	2.0		Yes	\$35.00	\$75.00	08/05/19
	3.14.18 30(B)(6) Depositions: Cutting to the Chase	1.0		Yes	\$30.00	\$70.00	09/14/19
	3.22.17 Presenting Powerfully Effective Opening St...	2.0	1.0		\$60.00	\$100.00	09/21/18
	4.20.17 Cannabis Law Summit	4.5			\$125.00	\$165.00	10/20/18
	4.3.17 EEOC's New Strategic Enforcement Plan	1.0			\$30.00	\$70.00	10/03/18
	4.4.17 Is Subscription Licensing Killing the First...	1.0			\$25.00	\$65.00	10/03/18
	8.29.17 Power of Analogy & Holding All the Cards i...	1.0	1.0	Yes	\$40.00	\$80.00	02/27/19
<input checked="" type="checkbox"/>	Intellectual Property(1)						
	2.2.17 The USPTO	2.0	0.1	Yes	\$55.00	\$95.00	08/01/18
<input checked="" type="checkbox"/>	Juvenile Law (1)						
	2.6.17 The Adolescent Brain: How Research and Deve...	1.0		Yes	\$25.00	\$65.00	08/05/18
<input checked="" type="checkbox"/>	Labor and Employment Law(4)						
	04.03.17 EEOC's New Strategic Enforcement Plan	1.0			\$35.00	\$75.00	10/02/18
	1.12.17 How to Handle the Vocational Expert Prior...	1.0			\$25.00	\$65.00	07/11/18
	10.6.17 Arbitration of Employment Disputes	1.0		Yes	\$30.00	\$70.00	04/06/19
	2.17.17 Workplace Violence	2.5		Yes	\$65.00	\$105.00	08/16/18
<input checked="" type="checkbox"/>	PI Wrongful Death (3)						
	11.16.17 Wrongful Death 101	5.5		Yes	\$170.00	\$210.00	05/15/19
	2.1.18 Medical School for Lawyers	7.0		Yes	\$215.00	\$255.00	08/01/19
	4.27.18 Behind the PI Curtain: An Insider's View	7.0	1.0	Yes	\$225.00	\$265.00	10/27/19
<input checked="" type="checkbox"/>	Professionalism (3)						
	1.25.17 A Conversation about Professionalism with...	2.0	1.0	Yes	\$60.00	\$100.00	07/24/18
	2.9.18 Ethics, Professionalism and Technology	4.0	3.0	Yes	\$120.00	\$160.00	08/09/19
	2.9.18 Professionalism Expectations	1.0	1.0		\$30.00	\$70.00	08/09/19
<input checked="" type="checkbox"/>	Real Estate (4)						
	04.20.17 Navigating a Brave New World: Buyers, Sel...	1.0		Yes	\$35.00	\$75.00	10/19/18
	1.27.17 How to Compel Surrender of Real Property i...	1.0			\$25.00	\$65.00	07/26/18
	5.18.18 Under the Umbrella of Real Estate	7.5	0.5	Yes	\$245.00	\$285.00	11/18/19
	5.19.17 Real Estate for the Current Times	7.5		Yes	\$215.00	\$255.00	11/18/18
<input checked="" type="checkbox"/>	Tax Law (1)						
	06.23.17 Avoiding Malpractice: Mastering the Art o...	1.0		Yes	\$35.00	\$75.00	12/22/18
<input checked="" type="checkbox"/>	Technology (10)						
	04.19.17 Technically Speaking: Boomers, Xers and...	2.0	2.0	Yes	\$105.00	\$145.00	10/19/18
	05.12.17 Beyond the Desktop: Preservation & Digita...	1.0		Yes	\$35.00	\$75.00	11/11/18

	Course Title	Credit General	Ethics Hours	Certif. Credit	PBCBA Member	Non Member	Expires
	05.16.17 Cyber Attacks and Ransomware	1.0		Yes	\$50.00	\$90.00	11/15/18
	07.26.17 Social Media Series Part 2: Client Conduc...	1.0		Yes	\$50.00	\$90.00	01/25/19
	1.11.18 How Technology is Changing Florida Law: A...	1.0		Yes	\$45.00	\$85.00	07/11/19
	1.24.17 Social Media Discovery				\$25.00	\$65.00	07/23/18
	2.24.17 You've Been Hacked	1.0			\$25.00	\$40.00	08/23/18
	2.7.17 Common Security Threats	1.0			\$25.00	\$65.00	08/06/18
	5.23.17 Social Media Discovery	1.0	1.0	Yes	\$35.00	\$50.00	11/22/18
	9.16.17 Alexa & the Right of Privacy	1.0		Yes	\$45.00	\$85.00	03/16/19
<input checked="" type="checkbox"/>	Worker's Compensation(2)						
	10.25.17 How to Reach the Iron Throne – Workers' C...	5.5	1.0		\$175.00	\$215.00	04/24/19
	2.6.17 Worker's Comp – JCC Procedures	1.0			\$25.00	\$65.00	08/05/18

Bankruptcy Seminar/Reception

The Bankruptcy CLE Committee welcomed our new Bankruptcy Judge Mindy Mora at its June 22 seminar and reception. Judge Mora spoke on her perspective from the bench. Also speaking were The Honorable Erik Kimball, Trustee Robin Weiner and Steven Newburgh.



James Copeland and Stu Young



Beth Meeks and Christian Panagakos



(l-r) Nadine White-Boyd, The Honorable Erik Kimball and Heidi Feinman



(l-r) Dana Kaplan, Jeff Siskind and Malinda Hayes



Angelo Gaspari and Judge Mindy Mora



Steven Newburgh and James Copeland



Alan Crane and Stan Klett

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Hearsay



The Law Offices of Haile Shaw & Pfaffenberger is pleased to announce that Michael P. Sim has joined the Real Estate team. Michael has more than 35 years of experience with a wide variety of commercial and residential real estate matters in Florida



Tracy L. Gerber, Co-Managing Shareholder of global law firm Greenberg Traurig's West Palm Beach office and Co-Chair of the firm's Broker-Dealer Securities Litigation Practice was selected by the National Law Journal as a 2018 Alternative Dispute Resolution (ADR) Champion



Michael J. Gelfand, Managing Shareholder of the West Palm Beach condominium/homeowners' association law firm of Gelfand and Arpe, P.A., was recognized as being part of the inaugural class of the Florida Bar certification attorney in the area of Condominium & Planned Development law.



Adam Rabin, a partner with McCabe Rabin, P.A., has been appointed by The Florida Bar Board of Governors to the Florida Supreme Court's Commission on Professionalism & Civility



Christopher Duke of Akerman LLP has been appointed managing partner of the firm's Palm Beach County offices.



The law firm of Rosenthal, Levy, Simon & Ryles is pleased to announce Partner, Steven C. Simon has been appointed to serve on the Unlicensed Practice Of Law Standing Committee beginning July 1, 2018



Lesser, Lesser, Landy & Smith is pleased to announce that attorney Charles E. "Chuck" Geary of Geary Law offices has joined the firm as "Of Counsel" to become part of the team handling personal injury cases throughout the State of Florida.

The Law Offices of Craig Goldenfarb, P.A. has won the overall #1 Top Workplace distinction by the Sun-Sentinel, beating out 40 of the best workplaces in South Florida with less than 125 employees. The rankings are based on employee sentiment surveys, conducted by an independent human resources firm.

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

CALENDAR OF EVENTS

JULY | AUGUST 2018

JULY

Wednesday, July 4
Office Closed
Independence Day

Tuesday – Thursday, July 10-12
Conference of County Judges

Tuesday, July 10
7:45am – 8:30am
Coffee with the Judges
North End of Cafeteria

Tuesday, July 10
12:00pm – 1:00pm
YLS Board Meeting

Thursday, July 12
5:30pm – 7:00pm
YLS Happy Hour
Bradley's

Friday – Saturday, July 13
FL Bar Voluntary Bar Conference
Hutchinson Island, FL

Monday, July 16
12:00pm – 1:00pm
Real Estate Committee Meeting
American Lung Association

Tuesday, July 17
12:00pm – 1:00pm
CDI Meeting
American Lung Association

Tuesday, July 17
12:00pm – 1:00pm
NCS Board Meeting

Wednesday, July 18
12:00pm – 1:00pm
Solo and Small Firm Committee Meeting
American Lung Association

Thursday, July 19
8:30am – 9:30am
Family Law Committee Meeting
American Lung Association

Tuesday, July 24
12:00pm – 1:00pm
PI Committee Meeting
Joe Landy's Office

Wednesday – Sunday, July 25-29
Board of Governor's Meeting
Hollywood, FL

Wednesday, July 25
8:30am – 9:30am
Appellate Committee
American Lung Association

Wednesday, July 25
11:30am – 1:00pm
Judicial Candidate Luncheon
Marriott

Thursday, July 26
12:00pm – 1:00pm
Criminal Committee Meeting
American Lung Association

Thursday, July 26
5:30pm – 6:30pm
DIP Wrap Up Reception
Shutts & Bowen

Friday, July 27
4:00pm – 4:30pm
Judge Curley Robing

Tuesday, July 31
8:00am – 9:00am
NCS Coffee with the Judges
North County Courthouse Courtroom 4

Tuesday – Thursday, July 31-August 2
NABE Meeting
Chicago, IL

AUGUST

Friday, August 3
8:30am – 9:30am
ADR Committee Meeting
PBCBA

Wednesday, August 8
12:00pm – 1:00pm
Professionalism Committee Meeting
PBCBA

Thursday, August 9
8:30am – 9:30am
Business Litigation
American Lung Association

Thursday, August 9
12:00pm – 1:00pm
Judicial Relations Committee
North End Cafeteria

Tuesday, August 14
7:45am – 8:30am
Coffee with Judges
North End Cafeteria

Tuesday, August 14
NCS Board Meeting
PBCBA

Tuesday, August 14
12:00pm – 1:00pm
Paralegal Meeting

Tuesday, August 14
12:00pm – 1:00pm
YLS Board Meeting

Wednesday, August 15
12:00pm – 1:00pm
Committee Chair Meeting
PBCBA

Tuesday, August 21
12:00pm – 1:00pm
CDI Meeting
PBCBA

Tuesday, August 21
5:30pm – 6:30pm
Pro Bono Circuit Committee Meeting
Searcy Denney

Wednesday, August 22
12:00pm – 1:00pm
YLS Sidebar Series
Judge Sasser's Courtroom

Thursday, August 23
YLD Board of Governor's Meeting
St. Petersburg, FL

Tuesday, August 28
5:30pm – 7:00pm
Legal Aid Board Meeting
Legal Aid Office



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- Pharmaceuticals
- IVC Filter
- Xarelto/Pradaxa
- Spinal Cages

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