



PALM BEACH COUNTY BAR ASSOCIATION BULLETIN

WWW.PALMBEACHBAR.ORG | OFFICIAL PUBLICATION OF THE PALM BEACH COUNTY BAR ASSOCIATION | SEPTEMBER 2018

Committee for Diversity & Inclusion: Battles over Equality and Liberty



Is Your Firm Supporting Diversity?

The keynote speaker will be Rachel F. Moran, *Dean Emerita* and Michael J. Connell *Distinguished Professor of Law at UCLA School of Law*.

Please join us on September 21, 2018 as Dean Moran will educate lawyers on the immigration challenges recipients of DACA face in their professional and personal lives. This discussion will further assist attorneys in identifying and addressing potential implicit biases when facing this immigration law issue.

This is a luncheon you don't want to miss!

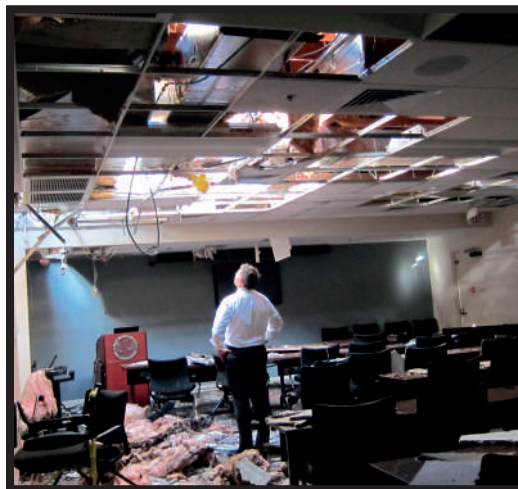
Marriott West Palm Beach
September 21, 2018
11:30am - 1:30pm

This event has been granted:

1.0 CLER; 0.5 Bias Elimination credit
1.0 Certification credits in the following:
❑ Immigration & Nationality Law
❑ City, County & Local Government Law
❑ State & Federal Government & Administrative Law

R.S.V.P. online @ palmbeachbar.org

GRAND *Re-Opening*



John Whittles (President 2016) looks on in disbelief after the fire on the morning of January 31, 2017

On January 31, 2017 the PBCBA Bar building caught fire due to a car accident on Belvedere Road. John Whittles is pictured here looking through the roof of the building. After eighteen months of the staff being displaced, we are happy to announce that our building will be ready to welcome members soon. We hope that you will show your support and help us celebrate by purchasing signage in your name including the year you joined the Palm Beach County Bar Association. Your name will be proudly seen on our "GRAND RE-OPENING CELEBRATION PLAQUE" and displayed in our Office for many years to come. Please contact Lynne Poirier at lpoirier@palmbeachbar.org

GOLD SUPPORTER
GREG HUBER

Member Since 2004 | President 2018

Count me in! I would like a personalized plate!

We cordially invite you to celebrate the Grand Reopening of Your Bar Association. On Thursday, September 27, 2018 between 4:00p.m. - 6:00p.m. Please R.S.V.P by visiting: www.palmbeachbar.org

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The Bulletin

Palm Beach County Bar Association

Gregory P. Huber
President

Carla Tharp Brown
Executive Director

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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

September 3rd:
Labor Day (Office Closed)

September 7th:
Federal Bar Luncheon

September 10th:
Rosh Hashanah (Office Closed)

September 19th:
Yom Kippur (Office Closed)

September 21st:
CDI Luncheon

September 27th:
Grand Re-Opening Bar Office

October 3rd:
New Attorney Ceremony

October 8th:
Court Closed

November 2nd:
Judge Bell Robing Ceremony

November 12th:
Veteran's Day (Office Closed)

November 22-23rd:
Thanksgiving (Office Closed)

December 6th:
Holiday Party (Kravis Center)

December 24-Jan 1:
Christmas Holiday (Office Closed)

ADVERTISING & SPONSORSHIP OPPORTUNITIES AVAILABLE

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Palm Beach Bar Association Bulletin
P.O. Box 17726, West Palm Beach, FL 33416
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Palm Beach County Bar Association announces its

GRAND RE-OPENING CELEBRATION!

THURSDAY, SEPTEMBER 27, 2018

4:00 P.M. TO 6:00 P.M.

RSVP @ PALMBEACHBAR.ORG

After nearly 18 months working out of temporary space, we're excited to be
moving back to 1507 Belvedere Road!

Help us celebrate by purchasing a plate in your name including the year you joined the
Palm Beach County Bar Association. Your name will be proudly seen on our

GRAND RE-OPENING CELEBRATION PLAQUE

and displayed in our office for many years to come!

PURCHASE YOUR PLATE TODAY OR
BUY A PLATE IN YOUR FIRM'S NAME!

Count me in! I would like a personalized plate!

GOLD: \$500.00

(Firm or individual)

☐

NAME/FIRM: _____

(PRINT)

SILVER: \$350.00

(Individual)

☐

YEAR JOINED PBCBA: _____

(Individual)

BRONZE: \$200.00

(Individual)

☐

Please complete this form and mail it along with your check to: PBCBA Grand Re-Opening, P.O. Box 17726,
West Palm Beach, FL 33416

Credit card payment/Name on the card: _____

Card number: _____ Expiration date: _____ Code: _____

Signature: _____

Or, purchase your personalized plate online @ palmbeachbar.org

Plates will be displayed on the plaque in the order in which they're received.

PRESIDENT'S Message



Gregory P. Huber
2018-19 PBCBA President

The PBCBA is Returning Home

On January 31, 2017 a fire started at the Palm Beach County Bar Association's office after a vehicle crashed into a power pole. While the loss from the fire was devastating requiring the building to be gutted and rebuilt, we are beyond thankful that the fire occurred during non-business hours and none of the Bar's staff was harmed. Being displaced for over 18 months was frustrating for the Bar and its staff, but under the guidance and steadfast leadership of our then, brand-new, Executive Director, Carla Tharp Brown, we persevered, and the Bar continued to operate "business as usual" without cancelling a single CLE or event. We made the most of a bad situation and took the opportunity to make improvements and upgrades to better serve our members. We are having a Grand Re-Opening Celebration on Thursday, September 27, 2018 from 4:00 pm to 6:00 pm and invite our members to stop by to see the new and improved office and join us in this celebration.

Thinking about the upcoming Grand Re-Opening Celebration brings back memories from February 13, 2012 when the PBCBA, after decades of renting space, moved into its very own building located at 1507 Belvedere Road in West Palm Beach. This was no small feat and would not have been possible without the vision and leadership of the former Executive Director, Patience Burns, the hard work and determination of

the past Presidents and Directors, and the many members who volunteered their time and skill throughout the selection process, closing and buildout. But, most importantly, the Bar never would have had its own home without the generosity of our members and community partners through room sponsorships and legacy brick purchases.

Having our own building enhances the PBCBA's ability to serve its members and provide more value. The estimated annual savings of more than seventy thousand dollars in rent has allowed the PBCBA to keep the dues among the lowest of comparable voluntary bar associations. The Bar also passes the benefit from the savings on to its membership in the form of reduced pricing on high quality programs and events. The state of the art seminar room allows the PBCBA to provide CLEs onsite avoiding expensive venue fees and parking costs which further helps to keep expenses down and provide better value to our members. In addition to the seminar room, the Bar office features a visiting attorney office, meeting space, conference rooms and soon we hope to have video conferencing capability which can be utilized by our members. The Bar office is a place where PBCBA's members meet to network, learn, and advance their practices. We hope you will come visit and take advantage of all it has to offer.

Recognizing the Grand Re-Opening Celebration is another special day in the Bar's history many members have reached out to the Bar asking how they can be part of the celebration. To commemorate this moment, we will have a Grand Re-Opening Celebration Plaque which will be proudly displayed in the Bar office. If you or your firm wish to be part of the celebration, please feel free to purchase a personalized plate that will be affixed to the Celebration Plaque recognizing you or your firm for your support helping the PBCBA return home.

You can find more information at <https://www.palmbeachbar.org/grand-re-opening-celebration/>.

Again, 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: pbcbabod@palmbeachbar.org.

Thank you,

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

NEW MEMBERS

SEPTEMBER 2018

Parnel D. Auguste:
University of Florida, 2005
Partner in Bernard & Auguste, P.A.
Delray Beach

Jennifer Bajger:
St. Thomas University, 2014
Fourth District Court of Appeal
West Palm Beach

Justin Bennett:
St. Thomas University, 2005
Boca Raton

Lande K. Brubaker:
Syracuse University, 2013
Associate in Federated Law Group, PLLC,
Juno

Brendon Carrington:
Harvard University, 2009
Associate in Fisher Potter Hodas, PL
West Palm Beach

Gregory M. Cummings:
Nova Southeastern University,
201
Associate in Schuler, Halvorson
West Palm Beach

Curtis Scott Davis:
Nova Southeastern University,
2012
Associate in Conroy Simberg
West Palm Beach

Eric S. Dawson:
Brooklyn Law School, 1999
Ft. Lauderdale
Paul N. Franzese:
Fordham University
Affiliate Membership
West Palm Beach

Darryl B. Hill:
Stetson University, 2010
Associate in Boyd & Jenerette, P.A.
Boca Raton

Paul Lawler:
Florida State University of Florida, 2010
Associate in Holland & Knight, LLP
West Palm Beach

Andrew A. Steadman:
University of Florida, 2015
Associate in Link & Rockenbach, PA
West Palm Beach

Mary M. Spagnda:
University of Florida, 1991
Associate in Pallo, Marks, Hernandez, Et al,
Palm Beach Gardens

Breanna Marie Taylor:
University of Illinois, 2016
Associate in Wicker Smith
West Palm Beach

Russell S. Whittle:
University of Miami, 1989
Associate in Pallo, Marks, Hernandez, Et al,
Palm Beach Garden

BOARD Meeting Attendance

2018-2019

	JULY	AUG
BARNES	No Mtg	X
CALLOW	No Mtg	X
DEMERY	No Mtg	X
HUBER	No Mtg	X
LEWIS	No Mtg	X
McELROY	No Mtg	X
MIDDLETON	No Mtg	X
RICE	No Mtg	X
SMITH, G.	No Mtg	X
SMITH, S.	No Mtg	
STEINFELD	No Mtg	
WYDA	No Mtg	X
XENICK	No Mtg	X

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<https://gld.la/twp-locg-2018>



Craig M. Goldenfarb, Esq.
FOUNDER / PRINCIPAL ATTORNEY



Spencer T. Kuvin, Esq.
LITIGATION DIRECTOR



Jorge L. Maxion, Esq.
CIVIL TRIAL ATTORNEY



Jeffery D. Kirby, Esq.
CIVIL TRIAL ATTORNEY



Carl J. Wald, Esq.
CIVIL TRIAL ATTORNEY



Donald W. Vollender, Esq.
PRE-SUIT ATTORNEY



Seth W. Pachter, Esq.
PRE-SUIT ATTORNEY

To refer a case immediately, call **1-561-444-4440**, or you may email intakelead@800goldlaw.com
Include all of your case details, and we'll let you know right away if we can help.



**JEFFREY H.
MARCUS**



**BRUCE A.
BLITMAN**

IF THE STUD'S A DUD AND OTHER HORSE TALES

Mediation of Equine Law Disputes May Be Your Best Bet

The economic impact of the equine industry in Florida is estimated to result in \$6.5 billion gross domestic product. But horses are expensive animals and things can go wrong. If things go wrong and you end up in a legal dispute, then mediation can be an effective way to resolve your legal dispute. This article will describe some of the kinds of equine legal disputes. We'll tell you why mediation may be optimal and identify the kinds of disputes for which mediation may be more suitable, and those kinds of disputes for which mediation may be less suitable. We will give some practical suggestions on mediation of equine law disputes.

As the title of this article implies, horse breeding is one of the kinds of equine activities that can give rise to legal disputes. Much of horse breeding is conducted pursuant to contracts, the breach of which have legal consequences, including litigation.

Horse sales are subject to legal disputes as well. Horses are considered "goods" under Florida law, so horse sales are subject to Article 2 of Florida's Uniform Commercial Code. If the legal issues are material, then legal disputes may arise.

Forty-eight states have enacted equine activity laws. These laws generally provide for owners and operators of equine activities to be immune from liability. But despite such equine activity laws, horse and barn owners and operators may still be sued. The fact patterns may differ, but often include the failure to post the proper notice, the failure to get a proper signed release, or circumstances that fall under one or more express exceptions under the relevant equine activity law.

Mediation can be particularly useful in equine disputes for the following reasons:

1. Mediation offers the parties a greater possibility of preserving their business relationship.
2. Solutions which the parties negotiate themselves may be more flexible or imaginative than the legal remedies available in court. For example, the parties

may negotiate for the sale of a replacement horse, and the sale of the original horse to a third party.

3. Early resolution through mediation can result in a horse being returned to the seller and resold, and the buyer getting back the purchase price.

Mediation may work better than other forms of dispute resolution in the following kinds of disputes:

1. Disputes over contracts of sale.
2. Disputes between owners and veterinarians or farriers.
3. Disputes arising from the transportation of horses.
4. Disputes over horse training agreements.
5. Breeding contract disputes.
6. Disputes involving personal injury or property damage related to equine activity.
7. Disputes arising from construction work of equine facilities.

There are certain types of equine legal disputes for which mediation may not work as well as others, such as the following:

1. Disputes in which the factual determination is outcome determinative. For example, a dispute over whether a horse received the proper medication or not would depend on a factual finding that might be based on a blood or urine test.
2. Landlord tenant eviction disputes.
3. Stablemen's lien disputes.
4. Disputes in which the insurance carrier may not want mediation.

Selection of a mediator for equine law disputes is important to the process. Skilled mediators are accustomed to dealing with specialized industries and related concepts and terminology. In equine disputes, pre-mediation conferences would be a great way for mediators to learn about the things

they need to know in order to prepare optimally for the mediation.

The Florida Bar Animal Law Section (ALS) is a good place to start in the selection of a mediator for equine law disputes. The ALS website lists members and their profiles. The recently formed Equine Law Committee of the ALS stands ready to assist attorneys and the public concerning the practice of equine law.

We humans love our animals passionately. Our passion extends to the lengths to which we will go to protect and fight for them. We have offered some keen insights into why and how mediation of equine law disputes is worth considering when passions run high and result in equine law disputes.

¹The State of Florida Department of Agriculture and Consumer Services, The Florida Horse Industry Brochure (2015).

²See *Zendejas v. Redman*, Case 9:15-CV-81229-KAM (S.D. Fla 2016).

³See Michigan State University College of Law ANIMAL LEGAL & HISTORICAL CENTER Map of Equine Activity Liability Statutes (December 2017) website at URL: <https://www.animallaw.info/content/map-equine-activity-liability-statutes>. (Only California and Maryland do not have equine activity laws.)

⁴A broader discussion of state equine activity liability laws is beyond the scope of this article. For a more in-depth treatment of this important topic, please see Julie I. Fershtman, *Equine Activity Liability Acts, Recurring Issues Impacting Insurers and Their Insureds*, International Risk Management Institute, Inc. AgriCon Conference Paper (2016); Michigan State University College of Law ANIMAL LEGAL & HISTORICAL CENTER, Detailed Discussion of the Equine Activity Liability Act (2003).

⁵See ALS Membership webpage at URL: <https://www.floridabar.org/about/section/section-an-mbrs/>.

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

Jeffrey H. Marcus is in solo practice in Wellington. He is a Florida Supreme Court Civil Circuit Certified Mediator. He is admitted in Florida, New York and Pennsylvania. Jeff can be contacted at <https://marcuslawoffice.com>.

BRUCE A. BLITMAN is certified by the Florida Supreme Court as a Circuit, Family and County Court Mediator. He recently relocated from Broward County to Palm Beach County and can be contacted at BABMediate@aol.com.

Judicial Candidate Luncheon



Julia Wyda, Director; Judge Bradley Harper and Erskine Rodgers



Mark Murnan, Larry Buck and Wendy Murnan
(Thank you to Mark and Wendy from Complete Legal Investigations for sponsoring the program)



Magistrate Tom Baker, Judge James Nutt and
Judge Glenn Kelley



Melva Rozier, Georgene Eisenberg,
Judith Migdal-Mack and
Tequisha Myles



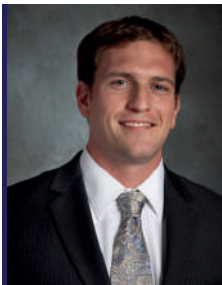
A special thank you to Jerry Beer for keeping
candidates on time



Greg Huber, President and program moderator Chandra Bill-Rabenecker



Getting to know our local candidates running in contested races for Circuit and County Court Judicial seats was the focus of a recent membership luncheon held at the West Palm Beach Marriott.



JASON S. RIGOLI

Voluntary Dismissal of a Bankruptcy Case Does Not Prevent Application of Judicial Estoppel

Dismissal of your bankruptcy case is not going to save a debtor if the debtor is trying to mislead the bankruptcy court by not disclosing a cause of action on the debtor's schedules. *Weakley v. Eagle Logistics Celadon Trucking*, 894 F.3d 1244 (11th Cir. 2018).

Relevant here is the Eleventh Circuit's opinion in *Slater v. U.S. Steel Corp.*, 871 F.3d 1174, 1180 n.4 (11th Cir. 2017) (en banc), with the newly articulated "two-part test to guide district courts in applying judicial estoppel: (1) Whether the plaintiff "took a position under oath in the bankruptcy proceeding that was inconsistent with the plaintiff's pursuit of the civil lawsuit[s]," and (2) whether the inconsistent positions "were calculated to make a mockery of the judicial system." Id. at 1244 (citing *Slater* at 1180–81 (quotation marks omitted)).

In *Weakley*, the debtor did not disclose two lawsuits worth approximately \$14 million in the original schedules or six-subsequent amendments, but did disclose two other lawsuits worth substantially less in value. Id. at 1244. After the defendants in the two undisclosed lawsuits moved to dismiss the lawsuits for failing to disclose, the debtor then filed a seventh amendment to the schedules and disclosed the lawsuits. Id. In a last-ditch effort to save the lawsuits, the debtor voluntarily dismissed his bankruptcy case, arguing that the voluntary dismissal mooted the judicial estoppel argument. The district court disagreed, applying judicial estoppel, and the Eleventh Circuit affirmed the dismissal.

The Eleventh Circuit found the District Court did not abuse its discretion in finding that the debtor in *Weakley* intentionally misled the Bankruptcy Court by failing to disclose the lawsuits in the original schedules and first six amendments. This failure to disclose was a direct attempt to "pervert the judicial process" and that, if the voluntary dismissal of the bankruptcy

case could undo this attempted perversion of the judicial process it would "guarantee [debtors in this] situation that, if caught, they could always undo the application of the judicial estoppel doctrine ... [rendering] it toothless." Id.

This article is submitted by Jason S. Rigoli, Esq., Furr Cohen, 2255 Glades Road, Suite 301E, Boca Raton, FL 33431, jrigoli@furrcohen.com

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THINKING OF OPENING YOUR OWN PRACTICE?

Join us for an early afternoon CLE & Cocktail Reception

Presented by the Solo and Small Firm Committee

Friday, October 19

4:00 p.m. to 6:00 p.m.

Abacoa Country Club

105 Barbados Drive, Jupiter

Meet members who have recently started their own firm. Get tips to help you save money and run your office efficiently.

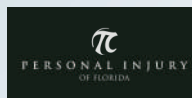
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MINA DAWOUD

The journey that I have taken to get to where I am today has been far from smooth. I was born and raised in South Florida. My parents, however, are both immigrants, who fled from their home, their work, and their families to give my sister and me a better life. They left what was comfortable and easy for them to make life more comfortable for us. I watched my parents work enormous amounts of hours, but somehow they always ensured that they had time for my sister and me. They instilled their amazing work ethic and morals in me from a young age, and I can never thank them enough for that.

From a very young age, those around me always said I would become an attorney. I would argue about anything and everything, and I would negotiate whatever I could with as much vigor as I could muster. Today, friends and family call me to go car shopping and apartment hunting with them to help negotiate a good deal. Anyone who is close to me would admit that being in a field that values negotiations is a dream come true for me.

Lawschool has been an amazing experience for me thus far because I have learned about everything I love. With two years under my belt, I am prepared to enter my final year at the University of Miami School of Law as a different student. I began this final year with a completely different pair of eyes because of my experience this past summer as an intern at Roberts, Reynolds, Bedard & Tuzzio, P.A.

At Roberts, Reynolds, Bedard, and Tuzzio, I learned so many lessons about being a lawyer that cannot be taught in a classroom or through a textbook. Under the exceptional leadership, guidance, and mentorship of Managing Partners Lyman H. Reynolds and Benjamin Bedard, I learned what it took to be not just an attorney, but a great one.

With two years of law school already behind me, I began the summer with an understanding of some basic litigation concepts. During the summer, however,

Learning Beyond the Textbook

Mr. Reynolds and Mr. Bedard, as well as the many other attorneys at the firm, taught me how to meticulously analyze every decision and how to give detailed explanations of the analysis behind any assignment. For example, after completing a motion that was assigned to me, the partners encouraged me to observe the hearing on the motion to see how the leg work I did was put into practice in court. I fully expected learning to be a by-product of working at a civil litigation firm. What I did not anticipate, however, was for the firm to value my learning above everything else.

Mr. Reynolds and Mr. Bedard went above and beyond to teach me a lesson every chance they had. Whether it was in the office or at lunch, there was never a single conversation that was not used as an opportunity to teach me something new. In addition, they provided constant reassurances that it was okay to make mistakes the first time I take on a new challenge, which gave me the confidence to produce great work products and consistently perform at a high level. The firm gave me the opportunity to work on almost every aspect of the civil litigation process and allowed me opportunities to analyze cases and strategize rather than just telling me exactly what to do. I grew a lot this summer and I am more excited than ever to graduate and become a practicing attorney thanks to the opportunity I was privileged enough to have this summer, made possible through the Diversity Internship Program.

Mina is a rising third-year law student with the University of Miami School of Law.

Coffee and Bagels with the Judges
Socialize with the Judges of the
15th Judicial Circuit and other
local attorneys!

Please join us for the award
winning, Coffee and Bagels
with the Judges, held the second
Tuesday of every month in the
north end of the cafeteria at the
main courthouse.

This is a series of fun, casual events
meant to foster relationships and
dialogue between the judiciary
and members of the bar.

Upcoming dates:

September	11
October	9
November	13
December	11

No registration is required

Sponsors include:

Searcy Denney Scarola Barnhart
& Shipley, P.A.

The Law Offices of Todd Stewart,
P.A.

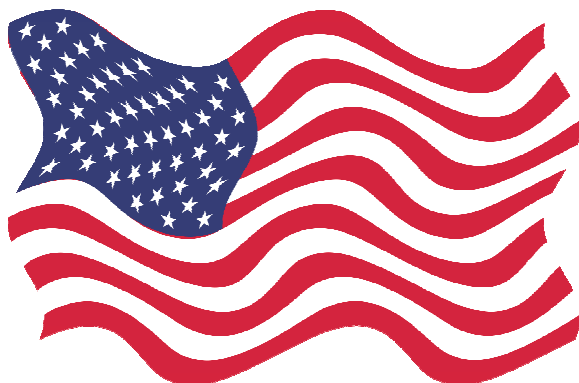
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TEACH CIVICS TO OUR COMMUNITY

Benchmarks Presenter Training October 10



Andrew Kwan, Law Related Education Chair; Annette Boyd Pitts, Executive Director of the Florida Law Related Education Program and Greg Huber, President of the PBCBA

Would you like to teach civics to rotary clubs, libraries, and other community groups? The Florida Bar's Benchmarks presenter program offers ready-made civics presentations and activities you can use when speaking to these groups. All you need to do to get started is attend our Benchmarks training session on October 10 from 11:30 am to 1:00 pm at the Bar Office!

Increasing public awareness of how the government and courts work is a critical mission for The Florida Bar and the Palm Beach County Bar Association. An informed public is the best defense of the rule of law and a fair and impartial judiciary. As James Madison once wrote, "A popular Government, without popular information, or the means of acquiring it, is but a Prologue to a Farce or a Tragedy; or, perhaps both."

The training will be conducted live by Annette Boyd Pitts, the Executive Director of the Florida Law Related Education program and a recipient of the ABA's Isidore Starr Award for Excellence in Public Education. She'll show you how to present these materials with easy tips and guidelines, plus you'll receive CLE credit for attending the training and for each presentation you give!

If you are interested, please RSVP online today at www.palmbeachbar.org so we can save you a seat and order you lunch! The cost is \$15.00.



TED BABBITT

ARBITRATION IN MEDICAL MALPRACTICE CASES

Under Fla. Stat. 766.207(7)(b) if a plaintiff accepts an offer of binding arbitration noneconomic damages are limited to \$250,000.00 per incident. On the other hand if the plaintiff rejects an offer from the defendant of binding arbitration, then under Fla. Stat. 766.209(4) noneconomic damages are limited to \$350,000.00. In *DeFranko v. Poole*, Judge Jose M. Rodriguez of the Eleventh Circuit was faced with the question of whether the cap on damages was unconstitutional as violating the Florida Constitution's guarantee of equal protection. Judge Rodriguez held that it was.

Previous appellate courts have held that the limitation on damages under review was constitutional. *Alvarez v. Lifemark Hosps. of Florida, Inc.*, 208 So. 3d 221 (Fla. 3rd DCA 2016), *Univ. of Miami v. Echarte*, 618 So. 2d 189 (Fla. 1993), *Parham v. Florida Health Scis. Ctr., Inc.*, 35 So. 3d 920 (Fla. 2d DCA 2010).

Caps on damages in medical malpractice cases have been under successful attack in recent opinions. *N. Broward Hosp. Dist. v. Kalitan*, 219 So. 3d 49 (Fla. 2017) found personal injury statutory cap of Fla. Stat. 766.118 for noneconomic damages in medical malpractice cases unconstitutional. In *Estate of McCall v. United States*, 134 So. 3d 894 (Fla. 2014) our Supreme Court held the cap in Fla. Stat. 766.118 unconstitutional as to wrongful death claims. *charte, supra*, was a landmark case finding that the cap in arbitration of medical malpractice cases constitutional. It relied on a 1988 Task Force finding that there existed a medical malpractice insurance crises which prevented some physicians from affording malpractice insurance and that there was no alternative methods available to abate that crises thus creating an overwhelming public necessity. The Supreme Court found in *McCall, supra*, at 909, that the Legislature's finding "of a bona fide medical malpractice crises, threatening the access of Floridians to healthcare, as dubious and questionable at the very best."

The Supreme Court further found in *McCall* at 910 that even if such a crisis still existed

there has not been shown to be any "rational relationship to a cap on noneconomic damages and alleviation of the purported crises." The Supreme Court further found at 913 that "accordingly, any insurance crises that might have existed has since subsided, and thus there is no rational basis to continue applying §766.118's cap on noneconomic damages in wrongful death claims."

Judge Rodriguez concluded that because *Echarte, supra*, was fundamentally premised on the existence of a medical malpractice insurance crisis which both *McCall, supra*, and *Kalitan, supra*, found either never existed or had since subsided *Echarte* was no longer authority for the constitutionality of the subject statute. Judge Rodriguez in finding the cap on damages on noneconomic damages present in Fla. Stat. 766.207(7)(k)(2) and 766.209(4) (a) unconstitutional found

Moreover, any benefit a plaintiff derived from sections 766.207 and 209 is dwarfed by that bestowed upon a defendant: the ability to "unilaterally limit the claimant's noneconomic damages ... whether the claimant accepts arbitration,... or goes to trial." *Echarte*, 618 So. 2d at 200 (Shaw, J. dissenting). These statutes thus epitomize "the classic case of 'heads I win, tails you lose.'" *id.*; and if the *McCall* and *Kalitan* Courts held that merely capping the recovery of the most egregiously injured was arbitrary, irrational, and fundamentally offensive to the notion of equal justice; then laws that vest a defendant with the power to limit a plaintiff's recovery are equally, if not more, arbitrary, irrational, and offensive. Defendants, after all, are the potentially/actually negligent party and thus inherently incentivized to use this power, especially in cases involving large liability. The more devastatingly injured Plaintiff is then left with no recourse.

Judge Rodriguez concluded that the caps in question violated the Florida Constitution's guarantee of equal protection under the law and denied the defendants' motion to alter the jury's verdict to bring it in line with the \$350,000.00 cap. While Judge Rodriguez's opinion is not binding precedent, his reasoning is compelling. The final decision on this matter will eventually be made by the Florida Supreme Court.



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DAVID M. GARTEN

When it is necessary that an estate, trust, or guardianship be represented and there is no fiduciary, the fiduciary may have an adverse interest, or the representation is inadequate, the Court can appoint one or more of the following alternate fiduciaries:

I. ESTATES:

(A) **CURATOR:** A curator is a person appointed by the court to take charge of the estate of a decedent until letters are issued or until a successor PR is appointed. The curator may be authorized to perform any duty or function of a PR. See §§731.201(8), 733.501(1), 733.503, and 733.5061, F.S., and Fla. Pro. R. 5.122(d). In short, a curator is a temporary appointee whose responsibility consists of safeguarding the assets of a decedent until a PR can be appointed.

(B) **ADMINISTRATOR AD LITEM:** When it is necessary that the estate of a decedent be represented in a probate proceeding and there is no PR of the estate or the PR is or may be interested adversely to the estate or is enforcing his own debt or claim against the estate, the court may appoint an administrator ad litem for that particular proceeding. See §733.308, F.S. and Fla. Pro. R. 5.120(a). The administrator ad litem becomes solely responsible to the estate for the administration of that portion of its affairs entrusted to him by the court, and thus supplants in that regard the authority of the PR, who continues to be responsible for the administration of all other aspects of the estate's business. See *Woolf v. Reed*, 389 So. 2d 1026 (Fla. 3rd DCA 1980).

II. GUARDIANSHIPS:

(A) **GUARDIAN AD LITEM:** When it is necessary that a ward be represented in a guardianship proceeding and there is no guardian of the ward, or the guardian is or may be interested adversely to the ward, or is enforcing the guardian's own debt or claim against the ward, the court may appoint a guardian ad litem to represent the ward for that particular proceeding. See §§744.102(10) and 744.391, F.S. and Fla. Pro. R. 5.120(a).

Court Ordered Alternate Fiduciaries

§744.303 Representation – “(4) If the court determines that representation of the interest would otherwise be inadequate, the court may, at any time, appoint a guardian ad litem to represent the interests of an incapacitated person, an unborn or unascertained person, a minor or any other person otherwise under a legal disability, or a person whose identity or address is unknown.”

§744.3025 Claims of minors – “(1)(a) The court may appoint a guardian ad litem to represent the minor's interest before approving a settlement of the minor's portion of the claim in a case in which a minor has a claim for personal injury, property damage, wrongful death, or other cause of action in which the gross settlement of the claim exceeds \$15,000 if the court believes a guardian ad litem is necessary to protect the minor's interest.”

Fla. Pro. R. 5.636 Settlement of Minors' Claims [in excess of \$50,000] – “(d) Guardian Ad Litem. The court shall appoint a guardian ad litem on behalf of a minor, without bond or notice, with respect to any proposed settlement that exceeds \$50,000 and affects the interests of the minor, if: (1) there is no court-appointed guardian of the minor; (2) the court-appointed guardian may have an interest adverse to the minor; or (3) the court determines that representation of the minor's interest is otherwise inadequate.” See also §744.3025(b), F.S.

(B) **EMERGENCY TEMPORARY GUARDIAN:** A court, prior to appointment of a guardian but after a petition for determination of incapacity has been filed, may appoint an emergency temporary guardian for the person or property, or both, of an alleged incapacitated person. The court must specifically find that there appears to be imminent danger that the physical or mental health or safety of the person will be seriously impaired or that the person's property is in danger of being wasted, misappropriated, or lost unless immediate action is taken. See §744.3031(1), F.S. and Fla. Pro. R. 5.648.

III. TRUSTS:

SPECIAL FIDUCIARY:

§736.0704 Vacancy in trusteeship; appointment of successor – “(5) The court may appoint an additional trustee or special fiduciary whenever the court considers the appointment necessary for the administration of the trust, whether or not a vacancy in a trusteeship exists or is required to be filled.”

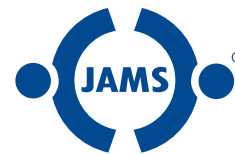
§736.0802 Duty of loyalty – “(9) The court may appoint a special fiduciary to act with respect to any proposed transaction that might violate this section if entered into by the trustee.”

§736.1001 Remedies for breach of trust – “(2) To remedy a breach of trust that has occurred or may occur, the court may... (e) Appoint a special fiduciary to take possession of the trust property and administer the trust”.

§736.0706 Removal of trustee – “(3) Pending a final decision on a request to remove a trustee, or in lieu of or in addition to removing a trustee, the court may order such appropriate relief under s. 736.1001(2) as may be necessary to protect the trust property or the interests of the beneficiaries.”

IV. CONSERVATORSHIP: A conservator may be appointed when any resident of this state, or any person owning property herein, disappears under circumstances indicating that he or she may have died, either naturally, accidentally or at the hand of another, or may have disappeared as the result of mental derangement, amnesia or other mental cause. The court has jurisdiction to appoint a conservator of the estate of an absentee upon a showing, in part, that: (a) The absentee has not provided an adequate power of attorney authorizing another to act in his or her behalf with regard to such property or interest; and (b) A necessity exists for providing care for the property or estate of the absentee. See §§710.102(4) and 747.02, F.S.

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Fourth District Court of Appeal
15th Judicial Circuit (downtown West Palm Beach)
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Urban League
Searcy Denney Scarola Barnhart & Shipley, P.A.
Lytal, Reiter, Smith, Ivey & Fronrath
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The Palm Beach County Bar Association wishes to thank the law office of **FISHER POTTER HODAS, PL** for donating office furniture to us.

We sincerely appreciate your generous support.

Thank You



MANNY FARACH

Florida Real Property and Business Litigation Report

Dyck-O'Neal, Inc. v. Lanham, Case No. SC17-975 (Fla. 2018).

Resolving a conflict between the district courts of appeal, the Florida Supreme Court rules that reserving jurisdiction in a final judgment of foreclosure to award a deficiency judgment does not prohibit a lender from later seeking a deficiency judgment under Florida Statute section 702.06.

Fischer v. HSBC Bank USA, Case No. 2D16-5307 (Fla. 2d DCA 2018).

A former Chapter 13 debtor may contest standing in a state foreclosure action even if he promised in his Chapter 13 proceedings to surrender the property to the creditor.

The Bank of New York Mellon v. Garcia, Case No. 3D17-2041 (Fla. 3d DCA 2018).

A duplicate of a modification agreement may properly be introduced into evidence over a Best Evidence Rule objection.

Yampol v. Turnberry Isle South Condominium Association, Inc., No. 3D17-2752 (Fla. 3d DCA 2018).

An order denying a motion for attorney's fees is an appealable, non-final order when the trial court intends there be no further judicial labor.

JBj Investment of South Florida, Inc. v. Southern Title Group, Inc., Case Nos. 4D16-1925 & 4D16-3974 (Fla. 4th DCA 2018).

The fact that a title agent, and not the closing attorney, prepared the defective legal description attached to the mortgage does not exculpate the attorney from malpractice.

Webber v. D'Agostino, Case No. 4D17-3007 (Fla. 4th DCA 2018).

A contractual prevailing party fees provision does not merge into the final judgment and can provide the basis for an award of post-judgment attorney's fees.

Soule v. U.S. Bank National Association, Case No. 2D16-3231 (Fla. 2d DCA 2018).

A successor service's introduction into evidence of a default letter written by a prior servicer does not constitute evidence that the letter was mailed.

Gibson v. Wells Fargo Bank, N.A., Case No. 2D16-5632 (Fla. 2d DCA 2018).

A tax refund resulting from a tax return filed by husband and wife is property rebuttably presumed to be owned as tenants by the entireties.

Griffith v. Quality Distribution, Inc., Case No. 2D17-3160 (Fla. 2d DCA 2018).

In a case of first impression for Florida courts, the Second District adopts the *In re Trulia, Inc. Stockholder Litigation*, 129 A.3d 884 (Del. Ch. 2016), standard for analyzing disclosure settlements in class action litigation, and holds that supplemental disclosures "must address and correct a plainly material misrepresentation or omission and the subject matter of the proposed release must be narrowly circumscribed to encompass nothing more than disclosure claims and fiduciary duty claims concerning the sale process" in order for settlement to be approved.

Desulme v. Rueda, Case No. 3D17-1652 Fla. 3d DCA 2018).

A party must obtain permission from the court appointing the receiver before suing the receiver; the only exception is where the receiver has acted outside his or her authority.

Bluefield Ranch Mitigation Bank Trust v. South Florida Water Management District, Case No. 4D16-3023 (4th DCA 2018).

An economic injury combined with something more, e.g., a requirement that a competitor comply with a statute, is sufficient to confer standing under the Florida Administrative Procedure Act.

Presley v. United States, No. 17-10182 (11th Cir. 2018).

A taxpayer has no expectation of privacy in bank records sought by the I.R.S., even if the records belong to a lawyer and may contain third party (including client) information.

Sachse Construction and Development Corporation v. Affirmed Drywall, Corp., Case No. 2D17-4276 (Fla. 2d DCA 2018).

The Federal Arbitration Act preempts Florida Statute section 47.025 (actions against contractors may only be brought where the action accrues or contractor

resides) when the action is truly interstate, and accordingly arbitration need not be conducted where the contractor resides if the Federal Arbitration Act applies.

Morris v. MGZ Properties, LLC, Case No. 4D17-3587 (Fla. 4th DCA 2018).

The undefined word "sale" in a contract means any sale, including a foreclosure sale.

Goersch v. City of Satellite Beach, Case No. 5D17-386 (Fla. 5th DCA 2018).

A Florida Statute section 57.105 motion must be served in strict accordance with Rule of Judicial Administration 2.516, even if it is not served until after the "safe harbor" period expires. Conflict certified with *Matte v. Caplan*, 140 So. 3d 686 (Fla. 4th DCA 2014).

In Re: Daughtrey, Case No. 15-14544 (11th Cir. 2018).

A bankruptcy court's approval of a compromise or settlement under 11 U.S.C. § 9023 is reviewed for abuse of discretion.

NE 32nd Street, LLC v. U.S., Case No. 17-11908 (11th Cir. 2018).

The Quiet Title Act, 28 U.S.C. § 2409a contains a twelve-year statute of limitations, and a 2013 building permit (with strict conservation conditions) is consistent with a 1938 spoilage easement granted by the government, and thus, the landowner's title claims are barred by not bringing suit in 1950, i.e. based on the 1938 easement.

Sowell v. Faith Christian Family Church of Panama City Beach, Inc., Case No. 1D17-3365 (Fla. 1st DCA 2018).

A landowner's failure to pay assessed ad valorem taxes deprives the trial court, under Florida Statute section 194.171, of subject matter jurisdiction to entertain a challenge to the tax assessment.

Super Products, LLC v. Intracoastal Environmental, LLC, Case No. 2D17-3769 (Fla. 2d DCA 2018).

A trial court may not dismiss an action brought by a foreign limited liability company for fraudulently obtaining a certificate of authority from the

(continued on pg 18)



ROBERT WILKINS

Resolution of ESI Disputes (a suggested practical approach)

The need for courts and lawyers to deal with Electronically Stored Information ("ESI") is growing exponentially. However, state court judges face challenges beyond the federal judiciary. Federal district courts have law clerks and magistrate judges for ESI discovery related issues and the magistrate judges have their own law clerks. State court judges do not. With the growing caseload and shrinking court budget, the burden on state court judges to handle their cases and keep abreast of the rapidly changing technology and related case law is substantial.

Effective ESI dispute resolution is required to "secure the just, speedy, and inexpensive determination of every action," as mandated by Florida Rule of Civil Procedure 1.010. The constant changes in the technology available for ESI related discovery significantly impacts the practice of law since lawyers are required to "keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology." See, ABA Commission on Ethics 20/20.

Effective January 1, 2017, Rule 4-1.1 (Competence) of the Rules Regulating the Florida Bar was amended. The Comment to the Rule elaborates on the lawyer's need to have an "understanding of the benefits and risks associated with the use of technology" in the representation of a client. The burden of resolving ESI disputes can be lessened for state court judges with the aid of attorneys with technological competence concerning ESI related issues.

Florida Rule of Civil Procedure 1.490(b) allows for the appointment of attorneys as special magistrates. While appointment requires consent of the parties, it is suggested that the parties give careful consideration to consenting to a reference to an attorney with knowledge of the technology, related law, and best practices in this rapidly changing area. Rather than waiting months for an evidentiary hearing on ESI-related disputes, utilizing practitioners with specialized ESI knowledge under the special magistrate option is more expeditious and less expensive.

A potential limitation on this process is the vague restriction in Florida Rule of Civil Procedure 1.490(d) that "[m]agistrates shall not practice law of the same case type in the court in any county or circuit the magistrate is appointed to serve." However, Florida Rule of Judicial Administration. 2.505(d) allows parties to stipulate "concerning the practice or procedure in an action," and Florida Rule of Civil Procedure 1.201(b)(1)(K) allows referral to "a magistrate ... [or] other neutral." This appears to allow the parties to agree to a "neutral" to resolve ESI disputes. Even if the disputes cannot be resolved, the issues can certainly be narrowed for a more efficient presentation to the court for resolution.

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Department of State as determining whether the certificate was fraudulently obtained is an executive function.

Hawks v. Libit, Case No. 2D17-4526 (Fla. 2d DCA 2018).

A party seeking to recover costs under Florida Statute section 57.041(1) must meet the "party recovering judgment," and not the "prevailing party," standard to be entitled to an award of costs.

Essenson v. Bloom, Case No. 2D16-4994 (Fla. 2d DCA 2018).

Aligning itself with the Fourth District, the Second District holds that an appellate court may prohibit, in advance, a trial court from awarding appellate costs.

Abt v. Metro Motors Ventures, Inc., Case No. 4D17-1960 (Fla. 4th DCA 2018).

An attorney is not entitled to an award of attorney's fees for enforcing a charging lien previously awarded for unpaid attorney's fees.

Schneider v. First American Bank, Case No. 4D17-2239 (Fla. 4th DCA 2018).

A judgment containing both foreclosure and money judgments may permit execution upon the money judgment if the foreclosure sale is stayed but may not authorize both execution and foreclosure sale to proceed simultaneously.

Newman v. Mayer Brown, LLP, Case No. 4D17-3416 (Fla. 4th DCA 2018).

An assignee of claims against a party is subject to discovery by the party on the claims; it may not use its assignee status as both sword and shield.



Professor Ehrhardt

"Emerging Issues in Florida Evidence"
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The renowned expert on Evidence, Professor Charles Ehrhardt spoke before the PBC Bar Association last November. In case you missed it, his talk on "Emerging Issues in Florida Evidence" is available by DVD or CD. To obtain a copy, please visit the Bar's site and click the "Membership/CLE" link at the top of the screen. This program offers 2.0 CLE, plus 2.0 certification credits in Appellate Practice, Civil Trial, Criminal Appellate Law and Criminal Trial Law.

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OLIVIA SODEN

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Just last year, the Justice League covered a story of a Colorado couple, who lost their life savings while trying to buy their dream retirement home. The couple sold their house and were using the proceeds - more than \$272,000.00 - as a down payment on their dream home.

But, within 24 hours of closing, not only did they not have the new home, but had also lost all of their money. So this couple filed suit against their lender, realtor and their closing/title company. This couple felt that not enough had been done by these representatives to protect them against wire fraud.

Do not let this happen to your clients or you! Make sure to protect your clients from wire fraud. Here is a link to a short video you can send to your clients to help protect them: <https://www.youtube.com/watch?v=ek4TwC9owwY>.

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Officers (Left to Right): Wayne Richter (President-Elect); W Mason (Immediate Past President) and David Steinfeld (President) the Honorable Don Hafele administered the Oath during an informal Board of Directors dinner.



Directors: Matt Okell, W Mason (Immediate Past President); Nick Johnson, Lindsay Warner, Tanique Lee, Barry Balmuth with the Honorable Don Hafele (not pictured: Misty Chaves, Rina Clemens, Larry Strauss, Rebecca Brock and Amy Pettway)

The Benefits of Membership in the North County Section

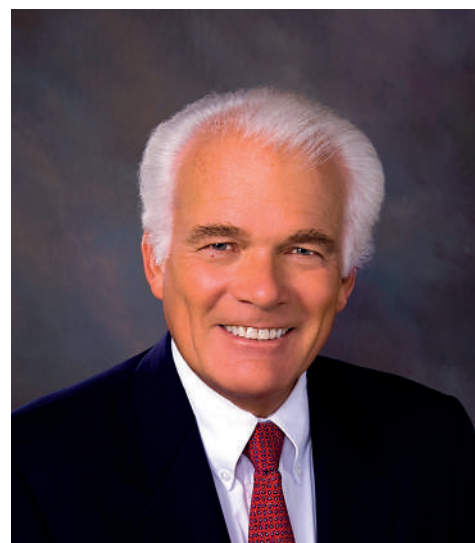
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- David Steinfeld, NCS President

In Memoriam



Thornton M. (Tim) Henry
1943-2018

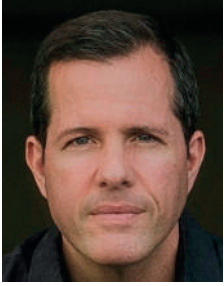
YLS Board members had fun purchasing and packing up goodies for their annual Back to School Bash where they provide children at Washington Elementary with their school supplies for the year!



Masimba Muamba and Paula Carvajal

Pictured Below: (L to R) Lauren Johnson, Kelsey Burke, Sam Cohen, Stefan Sinn, and Kelly Schulz





BRIAN MOSKOWITZ

5 Thinking Traps and How to Escape Them

I know what you're thinking. At least I assume I do when I fall into the thinking trap of mindreading. And you're just as guilty of mindreading. We all are.

That constant voice in our heads creates thoughts that drive our emotions, our behaviors, and our physiology. And when that happens, we can't think straight. We fall into thinking traps that prevent us from seeing a situation as it truly is and instead we see the situation through our old habits and beliefs. When the judge tells you to approach the bench, what goes through your mind? When your spouse/partner sends you a message that says you need to talk when you get home, how do you react? If your answer is anything more than curiosity and suspending judgment until you hear what they have to say, then chances are you've fallen into a thinking trap.

Five of the most common thinking traps are: (1) Mindreading, (2) Me, (3) Them, (4) Catastrophizing, and (5) Helplessness.

MINDREADING is when you assume you know what another person is thinking or assume they know what you're thinking. The effect of mindreading is that it blocks communication. When you think you know what someone is thinking, you don't ask them questions. Why would you? You already know what they're thinking. So when your friend says they'll meet you at Starbucks and you respond "okay"—assuming you know which Starbucks they're thinking of—don't be surprised when you end up in different locations. The **ME** thinking trap is when you believe you're the sole cause of every setback and problem. It's all your fault. The effect of the **ME** trap is a repeated

pattern of experiencing guilt and sadness.

The **THEM** thinking trap is when you believe that other people or circumstances are the sole cause of your setbacks and challenges. Effects of the **THEM** trap are anger, frustration, and aggression towards those you blame for your problems.

CATASTROPHIZING is when you start telling yourself stories about every possible worst-case outcome. You irrationally overestimate the threat while severely underestimating your ability to cope. Effects of catastrophizing are anxiety, distraction, agitation, lack of focus, headaches, and not engaging in a productive way.

HELPLESSNESS is when you believe the negative event is permanent and pervasive across all areas of your life, and that you have no control. You believe bad things are here to stay and that there's nothing you can do about it. Effects of helplessness are feelings of hopelessness, depression, feeling drained and depleted, and lack of motivation—you have no energy to do anything, and you become passive.

Do you recognize any of these thinking traps? Which do you fall into most often? For me, it's been mindreading. The good news is there's a way to escape. Dr. Karen Reivich, the Director of Resilience and Positive Psychology Training Programs at the University of Pennsylvania, developed a skill called "Real-Time Resilience" that you can use to escape from a thinking trap.

The skill of "Real-Time Resilience" is to challenge the thought/thinking trap in real-time as you hear the mental

chatter. Dr. Reivich provides three strategies and short phrases to help you talk yourself out of the thinking trap. The first is using specific and detailed evidence to prove to yourself why your initial thought is not true. Create a big, bright, vivid picture of the evidence in your mind to crowd out the counterproductive thought. Use the sentence starter, "That's not true because _____" to prime your mind to start the flow of evidence.

The second is reframing the counterproductive thought strategically using optimism when you need it. The sentence starter here is "A more helpful way to see this is _____" or "A better way to see this is _____." Then go on a rant about all the ways you can see the situation in a helpful or better way.

The third is having a plan. This strategy is particularly effective when you're stuck in the catastrophizing thinking trap. Tell yourself, "If x happens, I will y." By developing a contingency plan, you escape the thinking trap and relieve your anxiety.

Now it's your turn to use "Real-Time Resilience." Pick a current or upcoming stressful situation where you need to perform at your best. Make a list of 5 counterproductive thoughts you might have in that situation. Then for each counterproductive thought use one of the strategies above to generate a response. Remember to use the sentence starters.

Good luck with your escape!

Brian M. Moskowitz is the Founder of Attorney Revolution, Inc., he can be reached at Brian@AttorneyRevolution.com.




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

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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 Paralegal Committee of the Palm Beach County Bar Association

Presents

GUARANTEED TO MAKE YOUR (WORK) LIFE EASIER: THE BASICS ON WORD TEMPLATES AND ADOBE



Thursday, October 11, 2018, 11:45 a.m. to 1:00 p.m.
Bar Office, 1507 Belvedere Road, W. Palm Beach

Lunch included

*Moderated by: Patricia DeRamus, ACP, FRP,
Office of the Attorney General*

**Guest Speaker: Paul Patti III, Esq.,
Office of the Attorney General**

Agenda:

**Live demonstration of building basic word templates and Adobe pdf utilization
(bookmarks, OCR, optimization, redactions)**

Sponsors



1.0 CLER; 1.0 Technology. Register online at www.palmbeachbar.org or by mail (return this form with your check). Cost structure:

Paralegals: \$10 PBCBA members; \$35 non-members

Attorneys: \$25 PBCBA members; \$35 non-PBCBA members

Those registering after 10/4/18 add \$10 late fee. All refund requests must be made no later than 48 hours prior to the date of 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 listed above, however please include \$10 for shipping and handling. Allow one week for delivery. PBC Bar Association, P.O. Box 17726, W. Palm Beach, FL 33416. 561-687-2800. 10/11/28 Technology

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

Technology - Top of the line, state of the art, remodeled to perfection, ideas for updating how you Litigate (Social Media Discovery & Evidence) - 12:00 p.m.
Christopher Hopkins

Curb "Appeals" and Case Law Update - 12:50 p.m.
Moderated by Judge Thomas Hedler
Claimant Attorneys: David Benn and Andy Neuwelt
Defense Attorneys: Christian Petric and Beth Koller

Beware of Faulty Foundations - Ways and Tactics for Fighting Weak Spots (Fraud) - 1:50 p.m.
Moderated by Judge Carol Stephenson
Claimant Attorneys : Mitch Shea and Michael Elstein
Defense Attorneys: Robin Ross and Kay Dodd

Full Renovation vs. a Simple Refurbishment -- Pros and Cons for Surgery vs. Conservative Care. Pain Management/MRIs/Diagnostic Testing - 2:40 p.m.
Rena R. Amro, MD, FAAOS, FACS; President, Palm Orthopaedic Institute, Inc., and Daniel Cartledge, M.D., National Pain Institute

Judicial Panel - Making Sure Your House is in Order for the Big Day - 3:40 p.m.
Moderated by Gladys Coia
Judge Lewis, Judge Kerr, Judge Dietz, Judge Owens
Judge Clark, Judge Stephenson, Judge Hedler, Judge Johnsen

Kennie Edwards Award - 4:30 p.m.
Presented by Michael Celeste
Award Recipient: TBA

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5.0 CLER; 1.0 Technology; 5.0 Civil Trial Certification credits. 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

BULLETIN Board

Professional Announcements:

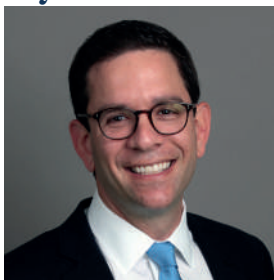
The following announce their availability for referral, assistance and consultation.

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

GREY TESH: "Law is not black or white, it's Grey." Passionate, caring, truthful, prepared. Soul (sic) practitioner. Criminal Defense (Board Certified in Criminal Trial) and Personal Injury. Over 100 jury & non-jury trials to verdict. Federal & State | 515 N. Flagler Drive greytesh.com (561) 686-6886

MARCHMAN ACT: Attorney well experienced in Marchman Act cases including litigating many cases under this law; understands treatment and addiction recovery; available for referral or consult. Frequent lecturer and author on the Marchman Act. Joe Considine; Telephone: 561-655-8081; Joe@Joeconsidinelaw.com

Hearsay



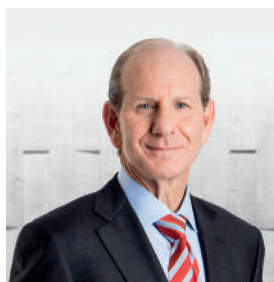
Edward V. Ricci has become a shareholder with the law firm of Searcy Denney Scarola Barnhart & Shipley.



Broad and Cassel LLP, which will combine with Nelson Mullins on Aug. 1, today announced Labor and Employment Attorney Kristin Ahr has been appointed to The Florida Bar Standing Committee on Professionalism.



Cohen Milstein's Nicholas C. Johnson speaks at the American Association for Justice (AAJ) 2018 Annual Convention on "Identifying the Hidden Defendant."



Cohen Milstein's Theodore J. Leopold, Co-Chair of the firm's Complex Tort Litigation and Consumer Protection practice groups, presents "Guardrail Defects" at the American Association for Justice (AAJ) 2018 Annual Convention.

Securities attorneys Jason Haselkorn and Matthew Thibaut, formerly with Ciklin Lubitz, are pleased to announce the opening of their new law firm, Haselkorn & Thibaut P.A., d/b/a The Investment Loss Recovery Group, specializing in helping investors nationwide recover their losses due to stockbroker and financial advisor negligence or misconduct. Cases are primarily handled on a contingency basis. Referral fees paid in accordance with Fla. Bar rules.

Office Space:

Established Wellington Law Office has office space available for immediate occupancy with secretarial space. Prime location on South Shore Blvd. Call (561) 793-2400 or E-mail Tara@zangenlaw.com.

Office Space Downtown Lake Worth - In the heart of downtown Lake Worth and centrally located in Palm Beach County. You will have your own office with access to a conference room. \$700 month, includes internet and all utilities. Please call Shannon at 561-533-7800.

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NORTH COUNTY SECTION TO HOST MEMBERSHIP MIXER

HONORING NCS PAST PRESIDENTS!



Thursday, September 6

III Forks

5:30 p.m. - 7:00 p.m.

4645 PGA Blvd., Palm Beach Gardens

RSVP online @ PalmBeachBar.org

Complimentary for all NCS members & the Judiciary

Attorneys who are not NCS members and spouses are welcome for \$25.00

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- Fla. Bar Bd. Cert. Civil Trial Lawyer, 1983-2003
- Fla. Cert. Circuit Civil, Appellate & Family Mediator
- Member, AAA Roster of Neutrals for Commercial and Construction Arbitration and Mediation
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CALENDAR OF EVENTS

SEPTEMBER 2018

SEPTEMBER

Monday, September 3
Office Closed
Observance Labor Day

Tuesday, September 4
3:00pm – 6:00pm
Professionalism Conference
4th DCA

Wednesday, September 5
12:00pm – 1:00pm
Construction Law Meeting
Becker & Poliakoff

Thursday, September 6
5:00pm – 7:00pm
NCS Happy Hour
III Forks - Palm Beach Gardens

Thursday, September 6
12:00pm - 1:00pm
Bench Bar Committee Meeting
American Lung Association

Friday, September 7
8:30M - 9:30m
ADR Committee Meeting
515 N Flagler

Friday, September 7
12:00pm – 1:00pm
Federal Bar Luncheon

Monday, September 10
Office Closed
Observance Rosh Hashanah

Tuesday, September 11
7:45M – 8:30PM
Coffee and Bagels
North End Cafeteria

Tuesday, September 11
12:00PM – 1:30PM
NCS Board Meeting
Carmines - Palm Beach Gardens

Tuesday, September 11
12:00PM – 1:30PM
YLS Board Meeting
515 N Flagler

Wednesday, September 12
12:00PM – 1:00PM
Professionalism Committee
Meeting
4th DCA

Thursday, September 13
11:30am – 1:30pm
Unified Family Practice
Committee Meeting
JCR

Thursday, September 13
12:00pm – 1:00pm
Judicial Relations Committee
Meeting
North End Cafeteria

Tuesday, September 18
12:00pm – 1:00pm
CDI Meeting
American Lung Association

Wednesday, September 19
Office Closed
Observance Yom Kippur

Thursday, September 20
8:00am – 10:30am
Technology Seminar
4th DCA

Thursday, September 20
5:30pm – 7:00pm
YLS Happy Hour
Steamhouse Brewery

Friday, September 21
12:00pm – 1:00pm

CDI Luncheon
Marriott
Tuesday, September 25
5:30pm – 7:00pm
Legal Aid Board Meeting
Legal Aid Office

Wednesday, September 26
11:30am – 1:30pm
Circuit Civil Practice Committee
Meeting
JCR

Wednesday, September 26
5:30pm – 6:30m
Bar Board Meeting
Bar Office

Thursday, September 27
4:00pm – 6:00pm
Grand Re-Opening Open House
Bar Office

Friday, September 28
8:00am – 12:00pm
Construction Law Seminar
Bar Office

HOLIDAY PARTY

*DECEMBER
6TH*

SAVE THE DATE





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