



PALM BEACH COUNTY BAR ASSOCIATION

BULLE^TIN

www.palmbeachbar.org

April 2011



Save the Date!

Please join us for the Bar's Annual Installation Banquet on **Saturday, June 4** at the Breakers Hotel in Palm Beach. A reception will be held from 7:00 - 8:00 p.m. with dinner and dancing immediately following. Celebrate this special occasion as John Howe is sworn into office by retired Judge Edward Rodgers. Howe will serve as the bar's first African American President. Invitations will be mailed at the end of the month. Law Firms interested in sponsoring this event should contact Lynne Poirier at the Bar Office (687-2800).

Mark your calendar for upcoming Membership Events

Lawyers vs. Judge Softball Game
April 30, 9:00 a.m.
John Prince Park

Annual Judicial Reception
May 3, 5:30 - 7:00 p.m.
The Harriet at City Place

Law Day Luncheon
May 6, 11:45 - 1:00 p.m.
Marriott West Palm Beach

Young Lawyers Section Fishing Tournament
May 14, Palm Beach Yacht Club

North County Section Jurist of the Year Dinner
May 19, 5:30 - 7:30
Ruth's Chris in North Palm Beach

Annual Installation Banquet
June 4, 7:00 - Midnight
The Breakers Hotel, Palm Beach



May 6 Law Day Luncheon to Feature Authors of "Picking Cotton"

In 1984, Jennifer Thompson was a 22-year-old college student with a 4.0 GPA and lofty goals for her future. Her path was dramatically altered however, when a man broke into her apartment, put a knife to her throat, and raped her.

In that moment, her determination took an entirely different direction, as she focused all attention on memorizing the man's features. Searching for scars, tattoos, and any unique features that could help her identify him, she was certain that she could put him in prison for life. After a composite sketch, line-up identification, and trial, Jennifer Thompson's testimony and memory led to a life sentence for Ronald Cotton.

Years later, Thompson was asked to provide a DNA sample for further analysis of the case. She agreed to the request, positive that her identification of Cotton would be held up by science. In an instant, both lives changed, when it was revealed that Ronald Cotton was not her rapist, and after spending 11 years in prison as an innocent man, he was released.

Devastated that her actions led to the imprisonment of an innocent man, Thompson reached out to Cotton to apologize, and in an act of true generosity, he forgave her. Their unlikely friendship and bond became the basis for the *New York Times* best-selling book, *Picking Cotton*. Today, Thompson and Cotton travel the country, speaking out in favor of DNA testing and working to protect the wrongfully convicted by sharing their personal stories of hope and redemption. Hear them both speak on May 6 at 11:45 a.m. at the West Palm Beach Marriott. RSVP's required by logging onto www.palmbeachbar.org.

Don't Forget to Vote!

This year's election for the Board of Directors will once again be conducted electronically. An email will be sent to all members in good standing. **Please be sure to set your spam filters to preapprove anything from ballotboxonline.com** Voting will take place beginning on April 7 and ending on April 18 at 5 p.m. Winners will be announced via e-mail and will be posted on the Bar's website.

A contested election will take place for the position of director. There are five members running for four seats: Rosalyn Sia Baker-Barnes, C. Wade Bowden, James "Grier" Pressly III, Ned Reagan and Jill Weiss.

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THE
BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

MICHAEL J. NAPOLEONE
President

www.palmbeachbar.org

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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.

LETTERS TO THE EDITOR

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



Send letters to:
EDITOR Bar Bulletin
Palm Beach County Bar Association
1601 Belvedere Road, #302E
West Palm Beach, FL 33406



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FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

CHAMBERS OF
KATHLEEN J. KROLL
CIRCUIT JUDGE

COUNTY COURTHOUSE
WEST PALM BEACH, FLORIDA 33401
561/355-4378

February 10th, 2011

The Lawyers for Literacy Committee
c/o The Palm Beach County Bar Association
1601 Belvedere Road, Suite 302E
West Palm Beach, FL 33406

To Whom it May Concern,

I would like to take this opportunity to thank the Lawyers for Literacy Committee for the generous donation of children's books. The Juvenile Judges give these books out to children that appear in Court during the various juvenile proceedings. The smiles I see when I give a child a book would make you proud. Your time and dedication to literacy is priceless.

Sincerely,

Kathleen J. Kroll
Circuit Judge



Dues Statements Mailed

Annual membership dues statements have been mailed to all PBCBA members for fiscal year 2011-2012, which begins July 1. If you did not receive a bill, contact Shoshanah at the Bar Office (687-2800) or sspence@palmbeachbar.org

Volunteers needed to serve on committees

This is the time of year that the president-elect John Howe will begin working on appointing volunteers to serve on the various Bar committees. Your involvement is essential to the success of this organization. Please give us the benefit of your ideas and talents by volunteering to serve on one or more of our committees. If you are **currently** serving on a committee, please be sure to **fill out** the form to indicate your willingness to **continue** serving. Committee preference forms were recently e-mailed to all Bar members. Additionally, the form is also available on-line at the Bar's web site – www.palmbeachbar.org. Please take the time to volunteer to serve YOUR Bar Association.

President's Message



Your Bar Needs You!

By Michael J. Napoleone, President

It is the time of year where you will start to receive emails asking you to sign up and get involved in one of the PBCBA's many committees. Don't ignore the email! I believe strongly that lawyers owe an obligation to give back to their profession and find meaningful ways to contribute their time. If you have never been part of a Bar committee, or if you have taken a sabbatical from Bar work, now is the time to get involved. Our Bar continues to lead the way with great programs and events that serve our members, the judiciary and the community. The chairs of our thirty-five committees and their members have worked extremely hard this year – as they do every year – and have done an outstanding job. There is a misconception that you need to “know someone” to serve on a Bar committee. Not so! To serve on a Bar committee, all you need to do is fill out and return your preference form. When making committee appointments, no president will turn away volunteers. If you are interested in Bar leadership, such as serving as a committee chair, being elected to the Board or (if you are crazy enough) becoming Bar president, active participation on a committee is an important first stepping stone to leadership. During our elections – and we are nearing one as you read this – our members generally vote onto the Board of Directors those that have demonstrated leadership, dedication, and commitment to serving the PBCBA.

If you are unfamiliar with the Bar's many committees, I've outlined some of them below. **Judicial Relations** works closely with our judiciary and implements programs for better relations between the bench and Bar. They host lunch programs with the judges throughout the year, administer the bi-annual judicial evaluation, and bring you the annual Bench Bar Conference. Our new **Corporate Counsel Committee** was created to enable in-house counsel to meet and exchange ideas with one another and with outside counsel representing companies. The **Professionalism Committee** has the seemingly insurmountable task of promoting and encouraging professionalism in Bar members and promoting and fostering leadership through a bi-annual leadership seminar. Our **Committee for Diversity and Inclusion** has had a phenomenal year. The CDI's mission is to promote and encourage diversity in our legal community and our judiciary and is working closely with local law firms not only to attract diverse attorneys, but to retain them. Another new committee is our **Law Related Education Committee** which was created to promote effective law related education programs for

adults and students in Palm Beach County, with an emphasis on respect for the legal system and civics education. Other committees include: **Alternative Dispute Resolution, Client Relations, Elder Law, Guardianship Education, Law Week, Membership, Small Claims Court Clinics, Solo & Small Firms, and Technology.** Details on all these committees are available on the Bar's website.

In addition to all that, we have **twelve continuing legal education committees** that put on programs in the areas of bankruptcy, business law, commercial litigation, community association law, construction law, estate & probate law, family law, intellectual property, labor & employment law, personal injury & wrongful death, real estate, and securities law. We also have **seven practice area committees** covering appellate law, circuit civil practice, criminal law, environment & land use law, probate and guardianship, unified family practice, and workers compensation; all of which work on ways to improve those practice areas.

If you don't practice in any of the areas in which the Bar has a committee... are you sure you're a lawyer? The point being that the Bar has something for everyone and we want you involved. If you have questions about joining a committee, please call or email me, next year's president John Howe, or the chair of the committee in which you are interested. We will each be happy to speak to you and help you get involved.

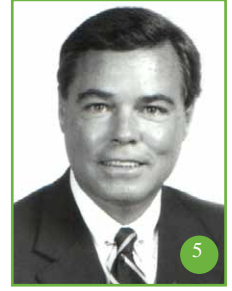
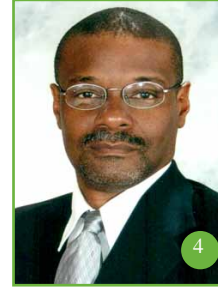
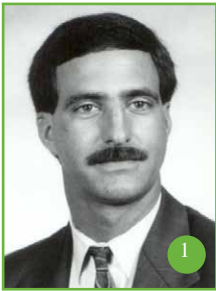
Board of Directors Meeting Attendance

	Retreat	Aug	Sept	Oct	Nov	Dec	Jan	Feb
Bowden	x	x	x	x	x	x	x	x
Bresky	x	x	x	x	phone	x	x	x
DiSalvo		x	x		Schwartz		x	x
Guari	x	x	x	x	x	x	x	x
Howe	x	x	x	x	x	x	x	x
Kapner	x	x	x	x	x	x	x	x
Napoleone	x	x	x	x	x	x	x	x
Pressly	x	x	x	x	x	x	x	x
Rabin	x	phone	x	x	x	x	x	x
Reagan		x	Ponzoli	x	x	x	x	x
Suskauer	x	x	phone	x	x	x	x	x
Weiss	x	x	x	x	x	x	x	x
Whittles	x	x	x	x	x	x	x	x

Historical Committee

Who are they?

Can you guess who these members are? Answers can be found on page 19. If you have old pictures of yourself or other members that you'd like featured, please send them to Patience Burns at the Bar Office.



Newly elected County Court Judge Marni Bryson is sworn in at her investiture held on February 11.



Judge Lisa Small (right) was recently sworn in as a newly-elected Circuit Judge by FL Supreme Court Justice Barbara Pariente as 15th Circuit Chief Judge Peter Blanc officiated over the ceremony.



RE-ELECT JILL G. WEISS

PALM BEACH COUNTY BAR ASSOCIATION

LEADERSHIP *IN ACTION*

Current & Past Leadership Positions:

- Co-Chair Residential Mortgage Foreclosure Mediation Program
- Director - Palm Beach County Bar Association
- Chair 2008 - 2009 *Bench Bar Conference*
- Past President, *Florida Association For Woman Lawyers, (FAWL)* Palm Beach County Chapter 2007-2008
- Palm Beach Lakes Pre-Law Magnet Liaison
- Finance Committee - PBCBA
- 1916 Courthouse Fundraising Committee

Additional Leadership:

- ◇ State *FAWL* Secretary
- ◇ Co-Chair Judicial Reception Committee, PBC *FAWL*
- ◇ Member Inns of Court (Craig S. Bernard Inn)
Director at Large
- ◇ Founding Board Member, Women's Foundation of Palm Beach County



Florida Supreme Court Resolves When A Debtor “Receives The Benefits Of” A Homestead Exemption

By: Alan R. Crane

In 2007, the Florida Legislature enacted Florida Statute §222.25(4) to provide an additional personal property exemption. It appears from the statute that the Florida Legislature intended to enable those individuals without a homestead property to exempt an additional \$4,000.00 in personal property. Florida Statute §222.25(4) states:

The following property is exempt from attachment, garnishment, or other legal process... a debtor's interest in personal property, not to exceed \$4,000.00, if the debtor does not claim or receive the benefits of a homestead exemption under §4, Art. X of the Florida Constitution...

The courts have generally agreed that the date of the filing of the bankruptcy is the date to determine whether the debtor is receiving the benefits of a homestead. *In re Abbott*, 408 B.R. 903 (Bankr. S. D. Fla. 2009). Some Florida bankruptcy courts have taken different views of the phrase, “receives the benefits of a homestead exemption.” Some courts interpreted the phrase “receive the benefits” broadly. *In Re: Orozco*, 2011 WL 462789 (Bankr. S. D. Fla. 2011). The courts following this approach held that a debtor could only use the enhanced benefits if there was a clear intention expressed by the debtor to abandon the homestead property. *Id.* at 7-8. These courts have relied on the “self-executing” nature of Florida's homestead exemption to conclude that it applies until property is abandoned or alienated. *Id.* *In re Rogers*, 396 B.R. 100, 104 (Bankr.M.D.Fla.2008). These courts held that the debtor was receiving the benefits of the homestead, if:

(1) the debtor own[ed] and reside[ed] in a home at the time that he fil[ed] his bankruptcy petition; (2) the debtor [did] not claim the home as exempt on his bankruptcy schedules; (3) the debtor's schedules reflect[ed] that the home [was] fully encumbered, and nothing in the record indicat[ed] that the estate ha[d] any equity in the property; and (4) as of the petition date, the debtor intend[ed] to retain and live in the home as his principal residence.

Id. citing *In re Kent*, 411 B.R. 743, 756 (M.D.Fla.2009).

An example of this approach can be found in *In re Morales*, 381 B.R. 917, 920 (Bankr.S.D.Fla.2008), where Judge Raymond B. Ray held that a debtor was receiving the benefits of the homestead where at the commencement of the case, the debtor had not expressed a clear intent on abandoning the property and indicated that the mortgage would be reaffirmed.

However, other courts took a more narrow view of the phrase “receive the benefits.” *In Re: Orozco*. These courts held that the debtor was not receiving the benefit of a homestead if the debtor did not affirmatively exempt the property from creditors, thereby opening up the property to the potential administration by the bankruptcy trustee. *Id.* For instance, in

In Re Abbott, Chief Judge Paul G. Hyman held that a debtor was entitled to the enhanced exemption where the debtor did not claim the property as exempt, the property was “under water,” but the debtor did plan on continuing to reside in the property and pay the mortgage. See *Abbott* at 906-908.

On February 3, 2011, the Florida Supreme Court decided the case of *Osborne v. Dumoulin*, No. SC09-751, at 23 (Fla. Feb. 3, 2011) (available at <http://www.floridasupremecourt.org/decisions/2011/sc09-751.pdf>). In adopting the narrow view, the court stated that it was construing the statute by providing the broadest reasonable application of the personal property exemption. *Id.* The court held that a debtor in bankruptcy who elects not to claim the homestead property as exempt and does not impede the trustee's administration of the property in the bankruptcy estate is not receiving the benefits of a homestead exemption and may avail themselves to the enhanced personal property exemption under Florida Statute 222.25(4). *Id.* The bankruptcy court will need to make this determination on a case-by-case basis. *Id.*

A bankruptcy attorney should discuss the value of not exempting homestead property to obtain the additional \$4,000.00 personal property exemption. However, the risk that the chapter 7 trustee may seek to administer the homestead property should also be discussed.

This article was submitted by Alan Crane, Furr and Cohen, P.A., One Boca Place, Suite 337 West, 2255 Glades Road, Boca Raton, FL 33431; acrane@furrcohen.com

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2011-2012 Board of Directors Election Candidates' Statements

As has been done in the past several years, the Bar's elections for Board of Directors will be conducted online. This year there are five (5) members running for four (4) Board seats. Each member in good standing will receive an email with information on how to vote (**please be sure to set your spam filters to pre-approve anything from ballotboxonline.com**) beginning on April 7 and voting will end at 5 p.m. on April 18. The winners will be announced via email and will also be posted on the Bar's website. To assist you in making your selection, please take the time to read the information about the candidates below. Successful candidates will be sworn in at the Bar's annual installation banquet at the Breakers Hotel on June 4.



Rosalyn Sia Baker-Barnes

Firm: *Searcy Denney Scarola Barnhart & Shipley, P.A.*

Year admitted to practice: 2000

Law School: *Florida State University College of Law*

Year joined PBCBA: 2000

What do you feel you can contribute to the Association as a Board member?

As lawyers, we have the unique ability to achieve justice for our clients, which is our first priority. But we also have a responsibility to give back to the legal community and to our community at large. The PBCBA is committed to these goals; as a board member, I would continue to advance them.

My priorities are building partnerships with local community organizations and increasing diversity in our organization and the legal community, both of which enhance public perception of lawyers. I have pursued these goals through PBCBA committees and through community service - because we need to put a face on the good work that we do. I chair the Personal Injury Wrongful Death CLE Committee, which has tripled the number of seminars for practitioners in the two years I have served as chair. I co-chair the Committee for Diversity and Inclusion's (CDI) marketing subcommittee, which launched the CDI diversity website and brochure highlighting benefits of practicing law in Palm Beach County. We are also partnering with The Children's Coalition, which will introduce young people to our legal community.

My history of community service includes chairing the Board of Inlet Grove Community High School; past president of The Links, Incorporated, a national community service organization; and chairing the Florida Justice Association's (FJA) Young Lawyer's Section. Currently, I serve on the boards of the FJA and FSU's College of Law Alumni Association.

I would be honored to join the board in furthering its goals, tackling challenges and identifying new opportunities.



C. Wade Bowden

Firm: *Jones, Foster, Johnston & Stubbs, Stubbs, P.A.*

Year admitted to practice: 1996

Law School: *Boston University*

Year joined PBCBA: 1998

What do you feel you can contribute to the Association as a Board member?

During my more than 10 years in service of the Palm Beach County Bar Association ("PBCBA"), I have dedicated sustained efforts and energy to various projects to improve the image of the legal profession and to benefit the community at large. While I served on the Executive Committee of the PBCBA Young Lawyers Section, I chaired several projects, including the Holidays in January event in Belle Glade, through which the Young Lawyers provided toys to children in dire need. As a Director for the PBCBA, I have spearheaded many innovative endeavors, including raising tens of thousands of dollars for the Historic Courtroom in the restored 1916 Courthouse and revamping the PBCBA's investment policy. I have also served The Florida Bar for several years, primarily as a member of the Young Lawyers Division Board of Governors. This exposure has given me a unique perspective on how better to address the needs and issues prevalent in the local legal community.

I have enjoyed my decade of service to the PBCBA and, with your vote and your confidence, will consider it a privilege to continue this service.



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Grier Pressly III

Firm: *Pressly & Pressly, P.A.*

Year admitted to practice: 1999

Law School: *University of Florida*

Year joined PBCBA: 1999

What do you feel you can contribute to the Association as a Board member?

I am running for re-election to the Board because I have found my work on behalf of the Bar and legal community extremely fulfilling and I believe I have more to offer in a second term.

I have worked alongside Bar staff and my fellow Board members on several projects that have long-term implications for our Bar and for our membership. We have taken steps to purchase our own office building but there is more work to be done to convert a restaurant facility into a suitable home for our Bar. My primary focus as Board member has been overseeing

the start-up of our circuit's Residential Mortgage Foreclosure Mediation Program which is one of the most important jobs our Bar has ever tackled. After eight months the program is beginning to hit its stride but there are areas to improve upon if the program is to have the impact its creators envisioned - effectively reducing the backlog of foreclosure cases in our court system and providing meaningful opportunities for homeowners in our community to save their homes.

In addition to my participation as a Board member, I have also served the Bar as President of the Young Lawyers Section and as an active member of several Bar committees, including the Bench-Bar Committee, the Law Week Committee, the Historical Committee, Probate/Guardianship Committee and the Judicial Relations Committee.

Your vote will enable me to continue my service. Thank you for your consideration.



Edward D. "Ned" Reagan

Firm: *Edward D. Reagan PA*

Year admitted to practice: 1994

Law School: *Thomas M. Cooley Law School*

Year joined PBCBA: 1999

What do you feel you can contribute to the Association as a Board member?

I am the President of the North County Section of the PBCBA. I have served as a Director of the NCS since 2000 and was Treasurer for the years of 2007-2008. As President, I have worked hard at promoting the NCS mission statement not only to our membership but to the North County Community as a whole.

As NCS President, I serve as a member of the PBCBA Board of Directors. It is important that our Board be made up of strong committed leaders to advance the directives of our bar to insure its continued success. I have the leadership skills and ability to make the right decisions for the betterment of the entire membership.

As a criminal defense attorney, I am one of a limited number of attorneys statutorily qualified to represent those facing the death penalty and have done so on several occasions. I have worked hard at advancing the reputation of our legal community. I have been a member and served on the executive board of the Craig S. Bernard, American Inns of Court LIV. I live my life and practice law with the belief that at the end of the day all we have is our reputation. If given the opportunity to serve, I promise to continue serving the members of the PBCBA with the same passion and commitment that I have demonstrated over the past eleven (11) years. It is for the above reasons that I respectfully ask for your vote.



Jill G. Weiss

Firm: *Sachs Sax Caplan P.L.*

Year Admitted to practice: 2003

Law School: *Nova University*

Year Joined PBCBA: 2003

What do you feel you can contribute to the Association as a Board member?

As a director of the PBCBA I am proud to have had the opportunity to use my leadership skills to benefit our membership and Bar. I serve as the co-chair of the Supreme Court mandated Residential Mortgage Foreclosure Mediation Program that brings together the borrower and the banks in an effort to ease the foreclosure crisis. This is the most significant project ever undertaken by our Bar and has dramatically impacted the community and our courts. I played a major role in implementing every aspect of the program and continue to work to ensure that the program is well run and serves its intended purpose.

As the Bar's liaison to the Palm Beach Lakes Pre-Law magnet program, we provided an opportunity for its mock trial team to tour the courthouse, observe a trial and motion calendar, and meet the judiciary. I chaired the Bench Bar Conference in 2009 and built on the successes from prior years. On the Board, I served on the finance committee because I recognize that in these challenging economic times, it is more important than ever for your Board to safeguard the Bar's funds while providing benefits to our members. I previously served on the professionalism and judicial relations committees, and the 1916 Courthouse fundraising committee. I am also a past president of Palm Beach County FAWL.

It has been my great privilege to serve you as a director and I ask for your vote so that I can continue to serve.



VOTE

Grier Pressly

for the

BOARD OF DIRECTORS

A Record of Service

- * PBCBA Board of Directors (2009-2011)
- * PBCBA Young Lawyers Section
Past-President (2006-2007)
Past-President Elect, Past Secretary, Past Treasurer
- * PBCBA Committees
Historical Committee
Judicial Relations Committee
Law Week Committee
Bench-Bar Committee
- * Legal Aid Society of Palm Beach County,
Board of Directors and 2011 Pro Bono Night Co-Chair
- * Historical Society of Palm Beach County, Board of Directors



Do You Need a Mentor?

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

MEDIATOR/ARBITRATOR

JEFFREY GRUBMAN, ESQ.



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- FEDERAL COURT CERTIFIED MEDIATOR (SOUTHERN DISTRICT OF FLORIDA)
- AMERICAN ARBITRATION ASSOCIATION & FINRA CERTIFIED ARBITRATOR AND MEDIATOR
- CO-CHAIR, ADR COMMITTEE (SOUTH PALM BEACH COUNTY BAR ASSOCIATION)
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The Commercial Litigation CLE Committee of the
Palm Beach County Bar Association presents:

“Practical Use of Damages Expert in Commercial Litigation”



Friday, April 29, 2011 - 8:00am - 12:30pm
Bar Offices - 1601 Belvedere Rd., Suite 302E, WPB

Program Schedule

- 7:45am - 8:00am **Check In / Late Registration**
- 8:00am - 8:10am **Welcome - Opening Remarks** - *Phillip H. Hutchinson, Esq.,
Greenberg Traurig, P.A., Commercial Litigation Committee Chairperson*
- 10:00am - 10:15am **Break**
- 8:10am - 12:00pm **A Lawyer-moderated discussion addressing legal, strategic
and client/practice-management issues concerning Economic
Damages in complex commercial litigation. Discussion will
focus on enhancing litigator's understanding of the potential
scope and extent of the Economic Damages Expert, generally
accepted damages methodologies, coordination of litigation
strategies with the expert's basis for damages, and other
areas -**
Moderator: *Phillip H. Hutchinson, Esq., Greenberg Traurig, P.A.*
Panel Members: *Andrew C. Bernstein, Director, Forensic &
Business Valuation Services, Berkowitz Dick Pollack & Brant
and Scott Bouchner, Director, Berkowitz Dick Pollack & Brant*
- 12:00pm - 12:30pm **Ethics and Professionalism: A Cut above the Ordinary -**
*Representative from the Professionalism Committee of the Palm
Beach County Bar Association*

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This course is expected to receive 5.0 CLER including .50 Ethics credits from The Florida Bar.

The cost of the seminar **\$135 (includes lunch)** for PBCBA members/legal assistants,
\$175 for non-PBCBA members/legal assistants. **After 4/22/11, add \$10.00 late fee.**

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

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Trustee Compensation

By David M. Garten, Esq.

Sec. 736.0708, Fla. Stat. reads:
736.0708 Compensation of trustee.

(1) If the terms of a trust do not specify the trustee's compensation, a trustee is entitled to compensation that is reasonable under the circumstances.

(2) If the terms of a trust specify the trustee's compensation, the trustee is entitled to be compensated as specified, but the court may allow more or less compensation if:

(a) The duties of the trustee are substantially different from those contemplated when the trust was created; or

(b) The compensation specified by the terms of the trust would be unreasonably low or high.

(3) If the trustee has rendered other services in connection with the administration of the trust, the trustee shall also be allowed reasonable compensation for the other services rendered in addition to reasonable compensation as trustee.

In general, a trustee's compensation depends upon the extent and character of the duties and responsibilities involved during the administration of the trust and must be reasonable in relation to the circumstances and the services actually rendered. See *Osius v. Miami Beach First Nat. Bank*, 74 So. 2d 779 (Fla. 1954) (Trustees are entitled to a reasonable compensation "for their services, and the care and responsibility incident to their position."). The following factors should be considered in establishing/opposing the reasonableness of a trustee's compensation:

- The amount of capital and income received and disbursed by the trustee;
- The wages or salary customarily granted to agents or servants for performing like work in the community;
- The success or failure of the administration of the trustee;
- Any unusual skill or experience which the trustee in question may have brought to his work;
- The fidelity or disloyalty displayed by the trustee;
- The amount of risk and responsibility assumed;
- The time consumed in carrying out the trust;
- The custom in the community as to allowances to trustees by settlors or courts and as to charges exacted by trust companies and banks;
- The character of the work done in the course of administration, whether routine or involving skill and judgment;
- Any estimate which the trustee has given of the value of his own services; and
- Payments made by the cestuis to the trustee and intended to be applied toward his compensation."

West Coast Hospital Association v. The Florida National Bank of Jacksonville, 100 So. 2d 807 (Fla. 1958). The weight to be given to any one factor and what is reasonable compensation rests in the discretion of the court in its consideration of the facts and circumstances of each trust and the performance of the trustee.

Bar Receives Florida Bar Grant

Congratulations to our Committee for Diversity and Inclusion for receiving a \$3,000.00 grant from The Florida Bar. The grant will be used to further the goals and initiatives of the committee, which includes developing opportunities for minority and women lawyers in Palm Beach County. If you would like to participate in this group and become involved, please contact committee co-chairs Jessica Callow at 561-832-5900 or Adam Rabin at 561-659-7878.



Several members of the Palm Beach County Bar Association's Committee for Diversity and Inclusion are: (Front row:) Jeff Garber, Laurie Cohen, Jessica Callow, Tanique Lee, Tequisha Myles and Bob Bertisch. (Back row:) Julia Wyda and Sia Baker-Barnes



The Estate and Probate Law Continuing Legal Education Committee presents:

"The 28th Annual Estate and Probate Seminar - Part 2"

Tuesday, May 17, 2011 - 8:00a.m.- 1:00p.m.

The Crowne Plaza Hotel, 601 Belvedere Rd., West Palm Beach, FL

Program Schedule



- 8:00a.m. - 8:25a.m. **Late Registration and Check In**
- 8:25a.m. - 8:30a.m. **Welcome & Opening Remarks** - *Tasha K. Dickinson, Esq., Florida Bar Board Certified Wills, Trusts & Estates Attorney, Jones, Foster, Johnston & Stubbs, P.A., Committee Chair*
- 8:30a.m. - 9:30a.m. **Case Law Update** - *John B. T. Murray, Jr., Esq., Squire, Sanders & Dempsey L.L.P*
- 9:30a.m. - 10:00a.m. **Tax Law Update** - *Michael A. Lampert, Esq., Florida Bar Board Certified Tax Attorney, Michael A. Lampert, P.A.*
- 10:00a.m. - 10:15a.m. **BREAK**
- 10:15a.m. - 10:45a.m. **2010 Estate Tax Legislation: Tips and Solutions** - *Brian M. O'Connell, Esq., Florida Bar Board Certified Wills, Trusts & Estates Attorney, Casey Ciklin Lubitz Martens & O'Connell*
- 10:45a.m. - 11:30a.m. **Legislative Update** - *Speaker TBA*
- 11:30a.m. - 12:00p.m. **New Power of Attorney Statute** - *David R. Carlisle, Esq., Duane Morris LLP*
- 12:00p.m. - 12:30p.m. **LUNCH**
- 12:30p.m. - 1:00p.m. **Judicial Presentation & Panel** - *Sharon R. Bock, Esq., Clerk & Comptroller, Palm Beach County; Honorable Martin H. Colin, Fifteenth Judicial Circuit; Honorable Sandra K. McSorley, Fifteenth Judicial Circuit; and Honorable John L. Phillips, Fifteenth Judicial Circuit*

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estate & trust litigation

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This course is expected to receive 4.5 CLE credits from The Florida Bar. Certification credits are pending.
The cost of seminar, which includes lunch is **\$110** for PBCBA member attorneys/paralegals; **\$150** for non-PBCBA member attorneys/paralegals if registered by May 10, 2011; add \$25 after that date. **This seminar is for attorneys/paralegals only.**
All refund requests must be made in writing and made no later than 48 hours prior to the date of the seminar.

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____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Estate/Probate Seminar 5/17/11)
Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK** ONLY, WITH THIS FORM.

Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406

How To Achieve Excellent Results For Your Clients In Mediation

By Jeffrey S. Grubman, Esq.

This is the first of two articles exploring techniques for attorneys to achieve optimal results for their clients in mediation. This article will address the following topics: 1) How to prepare clients for mediation, 2) How to prepare the mediator in advance of mediation, and 3) Opening statements in mediation. The next article will address: 1) Interacting with clients during mediation, and 2) Interacting with the mediator during caucus.

Preparing Clients For Mediation

Counsel should always meet with their client in advance of the mediation. Ideally, prior to that meeting, counsel should prepare a detailed memorandum analyzing the strengths and weaknesses of the case. The memorandum should address liability and damages, discuss the varying potential results and the approximate likelihood of each, and the costs going forward. Clients require time to integrate the salient points before intelligently discussing a settlement range with their counsel.

When meeting with clients before mediation, counsel should explain the mediation process clearly, including some background about the mediator, the mediator's role, how the mediation will begin, how the caucuses work, etc. This is particularly important for parties who have never participated in mediation. Counsel should try to agree on a realistic potential settlement range with the client at that meeting. However, it is important for counsel to tell his or her client to keep an open mind throughout the mediation because something could occur that will trigger counsel to recommend a different settlement range.

Finally, counsel should tell his or her client not to express opinions regarding the acceptability of settlement values in the presence of the mediator. The mediator is constantly watching the client to determine where the client ultimately intends to finish negotiating. While counsel should never mislead the mediator, there is no reason for a party to let the mediator know their settlement goal before the end of the process.

Preparing The Mediator Prior To Mediation

Based upon the written materials submitted to the mediator, a bright, experienced mediator is likely to form opinions about the relative strengths and weaknesses of the case before the mediation begins. Accordingly, it is important for counsel to provide the mediator with the pleadings and any important documents in advance of mediation. It is also helpful for the mediator to receive a mediation statement summarizing the evidence and the law.

I read everything that counsel provides to me before mediation. I take the process extremely seriously and like to be well prepared before the mediation session begins. In fact, if I have not received written materials, I have my assistant contact counsel a couple of days before the mediation to obtain them.

Most cases only have a handful of key documents. If those documents help your case, provide them to the mediator before the mediation. If those documents hurt your case but there is

a reasonable explanation that will diffuse the significance of the evidence, explain this to the mediator in your mediation statement. Mediation begins before the formal mediation session, and counsel should represent their clients as effectively as they can throughout the entire process.

Opening Statements in Mediation

Counsel must accomplish inherently inconsistent objectives in their opening statement in mediation. On the one hand, the purpose of mediation is to settle the case. Therefore, counsel wants to proceed in a conciliatory manner consistent with the spirit of making a deal. On the other hand, the parties are involved in a hotly contested adversarial proceeding. Therefore, counsel wants to articulate his or her client's position powerfully in a way that demonstrates that he and his client believe strongly in their case.

Many attorneys do not know how to walk the fine line between being conciliatory and advocating his or her client's position. The most glaring mistake I regularly see attorneys make in opening statements is speaking to the mediator instead of speaking to the opposing party. Regardless of whether you speak directly to the mediator, he or she will hear you. However, failing to speak directly to the opposing party is a waste of a valuable opportunity to convince your opponent that his case is not as strong as he thinks.

While making his opening statement, counsel should act as if he and the opposing party are the only people in the room. Counsel should first state that his client is disappointed that the parties have reached this stage and is hopeful that the case can be resolved or something to that effect. The facts of the case will determine how conciliatory these remarks should be. After making these conciliatory opening remarks, counsel should then state that he hopes the opposing party understands that he has a client to represent and they have a different view of the case. Accordingly, it is his job to explain his client's position, but his purpose is not to offend the opposing party. It is my experience that these types of conciliatory opening remarks are very helpful to the mediator in moving the case towards settlement.

The second of this two part series will appear in the May 2011 Bulletin.

This article was submitted by Jeffrey S. Grubman, Jeffrey Grubman, P.A., 2385 Executive Center Drive, Suite 300, Boca Raton, FL 33431; Jeff@JeffGrubman.com. Mr. Grubman is a Supreme Court certified circuit court mediator and a mediator and arbitrator certified by both the American Arbitration Association and FINRA.

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Motion for Mistrial in Order to Preserve Error

by Ted Babbitt

Companioni v. City of Tampa, 35 Fla. L. Weekly S738 (Fla. Dec. 16, 2010) was a case in which the Florida Supreme Court reviewed conflict among districts on

the subject of whether or not a party who objects to attorney misconduct during a trial must also move for mistrial when the objection is sustained in order to preserve the issue on a motion for new trial before the trial court.

In that case the City of Tampa objected to numerous instances of alleged attorney misconduct and the trial court sustained the objections but the City Defendant did not move for a mistrial during the trial. The jury found in favor of the Plaintiff whose attorney was alleged to have engaged in numerous instances of misconduct and the City moved for new trial on the grounds that these incidents of misconduct cumulatively deprived the City of a fair trial. The trial court denied the motion even though the trial judge agreed that the cumulative conduct of plaintiff's counsel was so bad and prejudicial that the City had lost its right to a fair trial. The trial judge, however, applied the test of whether this conduct constituted fundamental error and concluded that it did not and found that the conduct was not so extreme so that it would undermine the public's confidence in the judicial system.

The Second District Court of Appeals reversed holding at 26 So. 3d 599 that:

The trial court did not need to consider the issue of fundamental error because throughout the trial the City objected to opposing counsel's conduct. The trial court apparently concluded that the City's objections were not preserved for the purposes of its motion for a new trial because the City had not moved for a mistrial after the trial court sustained its objections. Although a party whose objection is sustained must move for a mistrial in order to preserve the issue for appellate review, a motion for mistrial is not a prerequisite to moving for a new trial.

This holding conflicted with two other District Courts which had held that in order to preserve the issue of attorney misconduct for a trial court's review in a motion for new trial, there must first have been a motion for mistrial on the part of the moving party. See State v. Benton, 662 So. 2d 1364 (Fla. 3d DCA 1995), State v. Fritz, 652 So. 2d 1243 (Fla. 5th DCA 1995) and Sears Roebuck & Co. v. Jackson, 433 So. 2d 1319 (Fla. 3d DCA 1983).

Based upon conflict jurisdiction, the Supreme Court resolved that conflict against the Second District in Companioni and in favor of the Third and Fifth Districts in Benton, Sears and Fritz, *supra*.

Citing with approval its opinion in Ed Ricke & Sons, Inc. v. Green, 468 So. 2d 908, 910 (Fla. 1985), the Court quoted:

The trial court judge may, in his or her sound discretion, determine whether to rule on a motion for a mistrial immediately or reserve ruling until after the jury deliberations.

However, this discretion must be exercised in

accordance with precepts of judicial economy. When, as here, the prejudicial comments occur during closing argument, it is quite reasonable for a trial judge to reserve ruling until after the jury deliberates in the hope that the jurors can rise above the alleged prejudice and cure the error.

If the verdict cures the error, the court will save the expenditure of additional time, money and delay associated with a new trial. On the other hand, if the judge, after the verdict, incorrectly grants the motion for mistrial and orders a new trial, that order is reviewable on appeal. The appellate court could then reverse the order granting the new trial and order the trial court to enter a judgment on the jury verdict.

The power of a trial court judge to reserve ruling on a motion for a mistrial will not only conserve judicial resources but may also operate to prohibit a wrongdoer from profiting from his intentional misconduct.

The Court reasoned that the problem with the City and the Second District's analysis was that it allowed a party, in this case the City, to supplant the trial judge's discretion as to whether or not incurable error had occurred with its own option to await the verdict before seeking to have a declaration that incurable error has occurred.

By obtaining a favorable ruling as to inappropriate conduct, trial counsel must make a decision as to whether the conduct is so honourous as to require a stop in the proceedings. Failure to do that constitutes a waiver. At 739, the Supreme Court holds:

The City argues that *Ed Ricke* supports its position that a party can move for a new trial without first moving for mistrial. We disagree. *Ed Ricke* stands for the proposition that a trial judge has a superior vantage point from which to decide whether granting a mistrial prior to the jury rendering its verdict preserves judicial economy. It does not in any way imply that the parties' attorneys have a superior vantage point and can thus utilize the "wait and see" approach.

Unfortunately, under circumstances when faced with attorney misconduct by opposing counsel, trial counsel is left with a difficult choice. Requesting a mistrial necessarily means an enormous waste of resources and the opportunity for the other side to receive a "preview" of the evidence that has been presented. Nevertheless, the Supreme Court in this case at 740 makes its holding clear.

We hold that when a party objects to instances of attorney misconduct during trial, and the objection is sustained, the party must also timely move for a mistrial in order to preserve the issue for a trial court's review of a motion for new trial. If the issue is not preserved in this manner, then the conduct is subject to fundamental error analysis under this Court's opinion in *Murphy*.

A bright line has been drawn. In order to preserve the right to move for a new trial based on attorney misconduct, it is absolutely necessary that a motion for mistrial be made. The alternative is nothing short of waiver.

NOTE: BECAUSE A NUMBER OF PEOPLE HAVE REQUESTED COPIES OF PAST ARTICLES, A COMPILATION OF THESE ARTICLES IS NOW AVAILABLE TO MEMBERS OF THE PALM BEACH COUNTY BAR ASSOCIATION, FREE OF CHARGE, BY CALLING (561) 684-2500.



The Criminal Law Practice Committee of the
Palm Beach County Bar Association
presents:

"The Ethics of Closing Argument"

Friday, April 15, 2011 - 1:30pm - 3:30p.m.
Cafeteria, Main Courthouse, West Palm Beach

Sponsored by: **The Suskauer Law Firm, P.A.**

Program Schedule

1:15pm - 1:30pm **Check In / Late Registration**

Light Refreshments will be served

1:30pm - 1:35pm **Welcome - Opening Remarks** - *Daliah H. Weiss, Esq.,
State Attorney's Office, West Palm Beach, Criminal Law
Practice Committee Chair*

1:35pm - 3:30pm **The Ethics of Closing Argument** -

Moderator: *Judith S. Arco, Esq., State Attorney's Office,
West Palm Beach*

Panel: *Justice Jorge Labarga, Florida Supreme Court
Honorable Theodore S. Booras,
15th Judicial Circuit, County Criminal Division
Douglas N. Duncan, Esq., Roth & Duncan, P.A.*

This course is expected to receive 2.5 CLER including 2.5 Ethics credits from The Florida Bar.

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And The Winners Are... 2010 Pro Bono Awards

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Brian M. O'Connell, Esq.
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Juvenile Law Award

Bridget Ann Berry, Esq.
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Non-Profit Award

Steven M. Greenberg, Esq.
Carey Rodriguez Greenberg
& Paul LLP

Probate Law Award

David A. Gart, Esq.
Shutts & Bowen LLP

Special Services Award

Alex Alijewicz, CPA
Alex Alijewicz, CPA P.A.

Tax Law Award

Ryland F. Mahathey, Esq.
Redgrave & Rosenthal, LLP

North County Section to name Jurist of the Year

The North County Section will present its 9th Jurist of the Year Award. The announcement will be made on Thursday, May 19 at Ruth's Chris Steak House in North Palm Beach. Previous winners are Judges Mary Lupo, Roger Colton, Peter Blanc, Tom Barkdull, Barry Cohen, Jonathan Gerber, David Crow and Edward Fine. Who will win this year? Please join us and find out.

Thursday, May 19

Ruth's Chris Steak House, North Palm Beach

5:30 p.m. to 8:00 p.m.

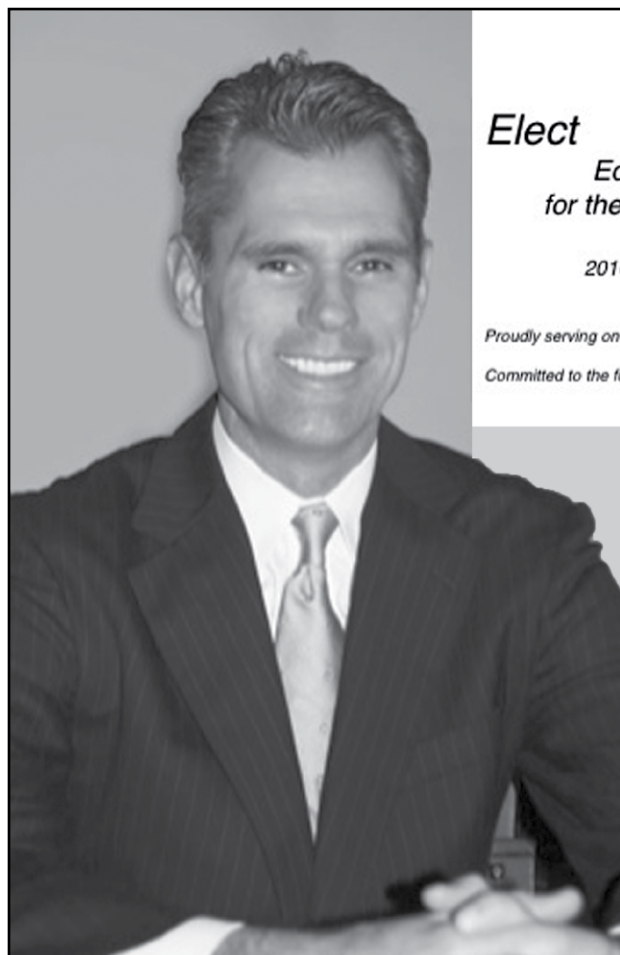
Cost: \$60.00 for NCS Members; judges are complimentary and spouses are welcome for \$70.00.

To avoid a \$5.00 late fee, RSVP no later than 5:00 pm on 5/17/11.

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Smart Lawyers, Dumb Passwords

By Christopher Hopkins, Chair,
Law Practice Technology Committee

I bet I can figure out the passwords you use on the Internet. I say “passwords,” plural, assuming you actually use more than one for different accounts. Does the password on your work computer use the firm name or initials? Do you use your spouse’s, children’s or pets’ names? In light of recent *Florida Bar News* stories, lawyers are still falling for *Catch Me If You Can*-era scams. If you have responded to emails from African royalty or strangers with money held up in Asia, I am going to guess your secret password is... “password.”

Statistically speaking, I would probably guess correctly in a few dozen attempts. Nearly 80% of us employ personal information or phrases in our “secret” passwords. <http://bit.ly/gVjX2H> According to a study of 32 million recently leaked passwords, 50% of people use names, slang, dictionary words, consecutive digits or adjacent keyboard keys as passwords. <http://bit.ly/i27vJH> In another study, 26% of users recycle the same password for different important accounts (e.g., email and bank). <http://bit.ly/ekIBtn> Likewise, 75% of people use their email password as their Facebook and Twitter passwords. <http://bit.ly/enZZpy> One study compared password techniques in 1990 to current day and found... people have not updated their poor methods. <http://bit.ly/ebpSa4> Microsoft studied a half-million people and revealed that users often had 30 or more accounts but simply re-used the same five or six (weak) passwords – worse, even with simple, repeated passwords, 4% of Yahoo Mail users forgot their password over a 90 day period. <http://bit.ly/hAM9Hn> In short, cracking one weak password will likely leave other accounts open for exploitation.

Lawyers need to protect themselves more than the average user. You have client information to protect as well as your own. Your job makes you more “visible” and, as evidenced by the *Bar News* articles, someone obviously decided that Florida lawyers are easy targets.

Lawyers routinely make careless mistakes with their security. Many of us leave our work computer on most of the time – even overnight – not realizing

the exposure caused by your Internet browser, which you dutifully trained to auto-complete passwords. Simply double-clicking Explorer would give anyone access to your Internet accounts. A lost smart phone could be a security disaster. Depending upon the amount of office support you have, there are likely secretaries, paralegals, and even other lawyers who likely have some of your passwords (I once worked for a lawyer who gave me his PC password: “money”).

Worse, crib notes of passwords are taped to computers; saved in Word files or Outlook emails frankly entitled “passwords”; or the secret list may reside on your smartphone which is not password-protected. Anyone who has access to your office in your absence could find a trove of information in under fifteen minutes (remember the Russian spy ring busted last summer? Despite high-tech espionage tricks, they wrote down their encryption password, <http://bit.ly/ekwh3d>). The best encryption techniques still succumb to human memory and our lazy practices.

In the last year, two high-traffic Internet sites (Gawker.com and Rocky.com) were hacked and millions of passwords bled out to the Internet. The *Wall Street Journal* scoured the list to reveal the most common passwords: 123456, password, loveyou, f***you, QWERTY, and computer. <http://on.wsj.com/e5ypES> Even snarky passwords appeared to be commonplace: “trustno1” and “letmein” were among the top 20 passwords.

This should not suggest that you must turn to 256-bit symmetric algorithms to lock down your accounts. Computer professionals generally agree that even the best security can be beaten. I am going to assume that, if a lawyer is “targeted” by computer specialists, accounts will be hacked. Shore up your security at its weakest link – you – to avoid opening yourself to scams, disgruntled employees, and thieves. Simply stated, careless and downright silly Internet security practices need to come to an end.

First, if you use a password list or registry, make sure it is password protected on your smart phone or in a locked Word document (again, these are not iron-clad security methods but should eliminate opportunity crime).

Second, turn to the password policy used by rocket scientists at NASA (<http://bit.ly/fHf8ny>):

- * use eight-character passwords at a minimum;
- * mix UPPER, lower, numeric, and special characters (the latter should not be at the beginning or end (e.g., password@) but avoid “passw0rd” or “p@ssword”);
- * do not use a name or slang/dictionary words.

Third, consider these password guidelines:

- * do not use pet names, high school, hometowns, and birthdays which are either public record or can be obtained from Spokeo.com or social media sites – also avoid these as password reminders and hints;
- * avoid repeated (11111), consecutive (12324), and adjacent (QWERTY) character passwords;
- * change passwords routinely;
- * consider programs like KeePass, RoboForm, LastPass, and TrueCrypt;
- * hackers will use programs which test every word in the dictionary (starting with the commonly-used passwords, above) in “brute force” attacks which are often stymied by combining “numeric” and “special” characters;
- * use a base password (like “ASDF”) and then customize it for different sites (ASDF@ebay) or use other memory tricks (<http://lifehack.kr/e4TeMC>);
- * consider using a website address as a password to confuse a key-logger attack;
- * password-protect your computer (notably, Windows allows a space as a password character) and your smartphone.

Lawyers know and (often) exceed standards to keep client information confidential. Simply having a password – particularly one that is obvious, common or accessible – is not enough. Make sure your personal and professional information is likewise secure.

Christopher Hopkins is a shareholder at Akerman Senterfitt and is the Chair of the Law Practice Technology Committee. Tape a “X” to your front window or email him at christopher.hopkins@akerman.com



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

"Hot Topics in Employment: What you must know now"

Friday, May 13, 2011 - 1:00pm—4:50pm

Bar Association office- 1601 Belvedere Rd., Suite 302 East West Palm Beach, FL

Program Schedule



1:00 - 1:30pm **Late registration check-in**

1:30 - 1:40pm **Welcome & Opening Remarks** - Cathleen A. Scott, Esq., Employment Law CLE Committee Co-Chair, Board Certified Labor and Employment Attorney, Cathleen Scott, P.A., and Robyn S. Hankins, Esq., Employment Law CLE Committee Co-Chair, Board Certified Labor and Employment Attorney, Hankins & Ator, P.L.

1:40 - 2:30pm **Case Law Update: A View From the Trenches... Updates and Usable Tools for Your Practice** -
- Update on the recent ADAAA and the Misclassification Prevention Act -
Steven L. Schwarzborg, Esq., Schwarzborg & Associates

2:30 - 3:20pm **Social Media & E-Discovery** - Alexander D. delRusso, Esq., Carlton Fields, P.A., Board Certified Business Litigation and Civil Trial Attorney, and Cathleen A. Scott, Esq., Board Certified Labor and Employment Law Attorney, Cathleen A. Scott, P.A.

3:20 - 3:30pm **BREAK**

3:30 - 4:20pm **Restrictive Covenants: Drafting, Enforcement and Litigation of non competes** -
G. Joseph Curley, Jr., Esq., Board Certified Business Litigation Attorney, Gunster, West Palm Beach,
and Joseph G. Santoro, Esq., Gunster, West Palm Beach

4:20 - 4:50pm **"Ethics and Professionalism: A Cut above the Ordinary"** - Representative from the Professionalism Committee of the Palm Beach County Bar Association

4:50pm **Happy Hour, Provided by Sponsors:**

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Seminar cost is **\$95** for PBCBA members/paralegals; **\$135** for non-PBCBA members/paralegals if registered by 5/6/11; add \$25 after that date.

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Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406 Telephone: (561) 687-2800

Welcome New Members!

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

DAVID T. ARONBERG – 1996; Partner in Law Offices of Aronberg & Aronberg, Delray Beach

JAIMEE L. BRAVERMAN – New Jersey; University of Florida, 2009; Government Law Clerk, 4th DCA, West Palm Beach

LAURA M. CANCELLA – Florida; Nova Southeastern University, 2009; Associate in Proskauer Rose LLP, Boca Raton

LESLIE CIMADEVILLA – Florida; Barry University, 2003; Associate in CMO Law Group, LLC, Ft. Lauderdale

NICKLAUS J. CURLEY – Florida; Stetson University, 2010; Associate in Gunster, West Palm Beach

JAMISON C. EVERT – New Jersey, University of Mississippi School of Law, 2010; Associate in Gunster, West Palm Beach

ROGER W. FEICHT – Illinois; Vanderbilt University, 2010; Associate in Gunster, West Palm Beach

ELIZABETH D. GAUKROGER – Florida; The George Washington University Law School, 2005; Associate in Gunster, West Palm Beach

SARAH K. GRAY – Florida; Florida International University; Law Student Membership, Boca Raton

RICHARD S. KOZELL – New Jersey; Georgetown Law Center, 2010; Associate in Gunster, West Palm Beach

WILLIAM J. MAGUIRE – Florida; Florida Coastal School of Law, 2009; Associate in Gunster, West Palm Beach

MARTIN D. MEHAN – Illinois; The John Marshall School of Law, 2008; Associate in Powers, McNalis, Torres & Teebag, West Palm Beach

SCOTT M. NEWMAN – New York; University of Miami, 2002; Sole Practitioner, Boca Raton

JULIE NIGRO – New York; Nova Southeastern University, 1981; Sole Practitioner, Jupiter

VICTORIA L. OLDS – Florida; Florida Coastal, 2009; Associate in Olds, Stephens & Harper, P.A., West Palm Beach

MICHAEL PHILLIPS – Pennsylvania; Delaware Law School of Widener University, 2009; Associate in Law Offices of Patricia E. Garagozlo, West Palm Beach

CHRISTINE T. PHOTENHAUER – Michigan; Thomas M. Cooley Law School; Law Student Membership; Michigan

IAN ROBINSON – 2010; Associate in Adams Coogler P.A., West Palm Beach

ANDREW B. THOMSON – Florida; University of Miami School of Law, 2008; Associate in Proskauer Rose LLP, Boca Raton

ANGELIQUE THOMAS – University of Georgia School of Law, 2010; Government Attorney Membership, Fifteenth Judicial Circuit, West Palm Beach

JAMIE WASSERMAN – Pennsylvania; Nova Southeastern, 2009; Associate in Shutts & Bowen LLP, West Palm Beach

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Elect



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- **Palm Beach County Bar Association Board of Directors**
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 - Past-Secretary, Past-Treasurer
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- **Up and Comer, *South Florida Legal Guide*** (listed 2006-09)
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- **Florida Bar Board Certified in Business Litigation**



**The Palm Beach County Bar Association
and the
Federal Bar Association, Palm Beach County Chapter,
present:**



“Emerging Issues in Discovery”

Friday, May 20, 2011 - 8:45a.m. - 12:00p.m.

Program Schedule

- 8:45am - 9:10am **Check In / Late Registration / Continental Breakfast**
- 9:10am - 9:15am **Welcome - Opening Remarks** - *Lawrence P. Rochefort, Esq.,
Akerman Senterfitt, Board Certified Business Litigation Attorney*
- 9:15am - 10:15am **Comparison of State and Federal Rules on Expert Witnesses** -
John F. Mariani, Esq., Shutts & Bowen LLP
- 10:15am - 12:00pm **Recent Trends in Discovery and Electronic Discovery /
Panel Discussion -**
Moderated by: *Jason D. Lazarus, Esq., Holland & Knight LLP*
Panel: *Honorable Robin S. Rosenbaum, United States Magistrate
Judge for the Southern District of Florida; Honorable Robin L.
Rosenberg, Circuit Court Judge for the Fifteenth Judicial Circuit;
and Martin J. Alexander, Esq., Holland & Knight LLP*

This course is expected to receive 3.0 CLER from The Florida Bar.

The cost of the seminar is **\$75** for Federal Bar & PBCBA members/legal assistants,
\$115 for non-Federal Bar, non-PBCBA Bar members/legal assistants.

After 5/13/11, add \$10.00 late fee.

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

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Rosalyn Sia Baker-Barnes

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I ask for your vote because I believe that I can increase the Bar’s community partnerships so that we have a greater presence, enhancing public perception of lawyers and our role in our society. I am confident, as well, that I can advance the Bar’s efforts to increase diversity in our organization . . . so that it is a true reflection of our community and our shared mission of justice for all. ”

Sia Baker-Barnes

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Committee for Diversity & Inclusion

Co-Chairperson, Personal Injury/
Wrongful Death CLE Committee – 2009-2010

Member, Diversity Committee – 2006-2007

Florida Justice Association

Member, 2001–Present

Current Member, Board of Directors

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Past Secretary, Young Lawyers Section

Past Board of Directors, Young Lawyers Section

Past Board of Directors, Women’s Caucus Section

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

"Mediating the Construction Dispute"
Keys to Success (or Failure)
Tuesday, June 7, 2011 8:20 a.m. – 12:00p.m.

Bar Association Offices 1601 Belvedere Road, #302E, West Palm Beach

Intended for those that practice construction litigation, *Mediating the Construction Dispute* is designed to explore the benefits and limitations of mediation in a technically intensive industry. Roles of the counsel, parties, experts and mediator will be discussed in an interactive format between the speaker and participants. Familiarity with construction law is assumed as various construction case studies will be discussed to illustrate how to prepare for and participate in mediation to provide

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Program Schedule

8:20 a.m. - 8:40 a.m.	Late Registration/Check In
8:40 a.m. - 8:50 a.m.	Introduction & Opening Remarks – <i>Adrian J. Alvarez, Esq., Committee Chair, Bruce E. Loren & Associates</i>
SPEAKER: Gregory S. Martin, Esq. Board Certified in Construction Law by The Florida Bar Gregory S. Martin & Associates, P.A., Maitland, FL	
8:50 a.m. - 9:00 a.m.	Opening Comments and Discussion – Why Mediation?
9:00 a.m. - 9:45 a.m.	What's the Dispute?
9:45 a.m. - 10:30 a.m.	Pre-mediation (Help me help you)
10:30 a.m. - 10:45 a.m.	BREAK
10:45 a.m. - 11:30 a.m.	The Joint Session
11:30 a.m. - 11:50 a.m.	Closing the Deal
11:50 a.m. - 12:00 p.m.	Closing Comments

This course has been granted **3.5 CLER Credits / 3.5 Construction Law; 3.5 Bus. Litigation Cert. Credits from The Florida Bar**. The cost of the seminar is **\$85 for PBCBA members/paralegals; \$125 for non-PBCBA members/paralegals** if registered by **5/31/11**; add \$25 to registration fee after that date.

"This course is eligible for up to 3.5 CME hours. Mediators are required to self report those hours applicable to their areas of certification at the time of their renewal. For more info on the CME requirement, visit, www.flcourts.org."

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

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Does this remind you of the communication you get from the lawyer you currently send Personal Injury cases to?



At the Law Offices of Craig Goldenfarb, we want you to ask yourself these questions about the current lawyer you send cases to:

- ☒ Do I sign the client contract, as required by the Florida Bar Rules?
- ☒ Does the lawyer keep me informed about the status of the case I referred?
- ☒ Do I receive a copy of the lawyer's demand letter to the insurance company?
- ☒ Am I continuously informed of the status of negotiations?
- ☒ Do I get to sign the client's settlement / closing statement, showing me how much the case settled for?
- ☒ Do I receive my referral fee quickly after the case is settled?

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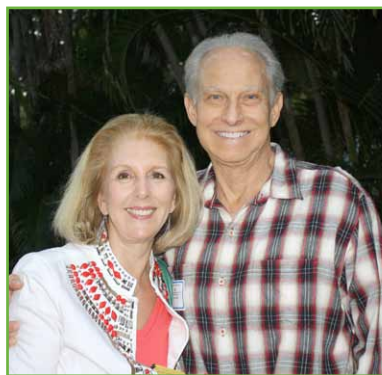
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North County's Annual BBQ & Casino Party

The North County Section recently hosted its annual BBQ and Casino Party at the Bonnette Hunt Club in Palm Beach Gardens. Close to 100 members enjoyed cocktails, live music, casino games and a home cooked BBQ.



NCS President Ned Reagan and his wife Patricia



Diana and Bill Boyes



Judge Tom Barkdull, Ryon McCabe and Michael Napoleone

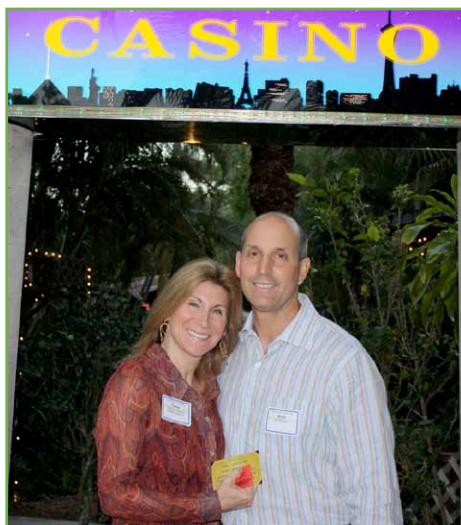


Tim O'Neill and Craig Stein



Tim and Tana Gaskill

Additional pictures can be seen on the Bar's Facebook page



Tama Kudman and Brett Richman

Historical Committee

Who Are They?

From Page 4

1. Ross Hering
2. Jason Maier
3. Jeanne Howard
4. Samuel Marshall II
5. Peter Mettler



W. JAY HUNSTON, JR. Mediator/Arbitrator

- J.D. Stetson Univ. College of Law (1976)
- Florida Bar Board Certified Civil Trial Lawyer (1983-2003)
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Florida Bar Board of Governors Report

At its January 28 meeting in Tallahassee, The Florida Bar Board of Governors:

- Approved as a new Bar legislative position support for a constitutional amendment to raise the mandatory retirement age for judges and justices from 70 to 75. The board tabled a related position on a proposed constitutional amendment requiring that those seeking trial judgeships have been members of the Bar for 10 years, instead of the current five-year standard.
- Approved a modification of an existing Bar legislative position that calls for adequate funding of the court system to include adequate funding of clerks of courts in their court-related duties.
- Heard Investment Committee Chair Ian Comisky report that the total return on the Bar's long term investment portfolio for the 2010 calendar year was more than 11 percent.
- Heard House Speaker Dean Cannon express support for full funding of the courts and advocate that government functions best when all three branches are fully empowered and respect the rights and duties of the other branches. He called for civil debate on legislative matters, including the proper roles of the various branches. He warned Florida's budget crisis will place heavy burdens on the state, and said the federal health care reform law could double the state's Medicaid rolls, further exacerbating its budget problems in the next few years.
- Heard Chief Justice Charles Canady warn that further budget cuts would cause severe harm to the courts and their ability to resolve cases, and that it's just as important to see that clerks as well as courts are fully funded.
- Heard Disciplinary Procedure Committee Chair Andy Sasso report that the committee continues to look at proposed changes to the trust accounting rules, including preparing trust accounting forms to assist Bar members. Sasso also said that DPC approved a change to Rule 3-7.10, regarding reinstatement, to define community and civic service as required by the rule.
- Saw a demonstration of the scheduled overhaul of the Bar's website, which is expected to go online May 1. The revised site will feature faster ways to find information, improved graphics, and enhanced search capabilities.
- Approved unanimously a proposal presented by Program Evaluation Committee Chair Greg Coleman and suggested by a

subcommittee that has been working on defining Bar programs and services that can help lawyers hurt by the ongoing poor economy. The Lawyers Helping Lawyers program will have a section on the Bar's revamped website and will offer ways to build a practice, discounted goods and services for lawyers, a job and career center, and other helpful information.

- Heard Coleman report on the special committee examining mandatory regulation of paralegals. He said the committee has tentatively decided that paralegals should be regulated and is now looking at the best way to do that. Coleman said the Bar will survey the 4,500 registered paralegals in the Bar's Florida Registered Paralegal Program to get their views. The matter could be presented to the board at its March meeting.
- Heard Board Review Committee on Professional Ethics Chair Carl Schwait report that the committee will be redrafting its pending rewrite of the Bar's advertising rules after getting input the previous day from the Bar's Citizens Forum and from lawyers during a public session with the committee. He reported that many good suggestions were made, and that it might be difficult to meet the committee's original schedule of having the rules ready for second reading at the board's May meeting, but reported it was more important to get the revisions right than meet the arbitrary deadline.
- Heard from Special Committee on Diversity and Inclusion Co-Chairs Arnell Bryant-Willis and Dori Foster-Morales that the committee has received 29 grant applications requesting more than \$56,000 for the Bar's new diversity grant program for local bars, which is funded at \$50,000 this year.
- Heard a report from Florida Bar Foundation President John Noland that the foundation's income continues to be extremely low because of low interest rates paid in the IOTA program and the Foundation is looking for alternative sources to reduce the cuts for legal aid programs.

Should you have any questions, please contact one of the Circuit's four representatives: Greg Coleman, Michelle Suskauer, Lisa Small or David Prather, or Florida Bar president-elect Scott Hawkins.



Jason Lazarus, Courtney Stafford and Kathy Groover, media director for Washington Elementary School are pictured with some students who are shown with some of the books recently donated by the Lawyers for Literacy Committee.



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We are pleased to announce
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PBCBA President Elect John M. Howe

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Bar Welcomes Justice Breyer

United States Supreme Court Justice Stephen Breyer recently spoke during a joint meeting between the Palm Beach County Bar Association and the Forum Club. This program was held at the Palm Beach Convention Center for more than 1,000 members.



The Board of Directors had an opportunity to meet with Justice Breyer before the luncheon.
Front row: Adam Rabin, Robin Bresky, Jill Weiss and Grier Pressly
Middle row: Jason Guarì, Michelle Suskauer, John Howe, Justice Stephen Breyer, Michael Napoleone, John Whittles and Theo Kypreos.
Back row: Ned Reagan, Wade Bowden and Ted DiSalvo



Robin Bresky buys a signed autographed copy of Justice Breyer's book



Kyle Caparosa, Sarah Cortviend and Meredith Trim



Judge Mark Polen and Helene Hvizd



Judge Edward Fine and Judge David French



U.S. District Court Magistrate Judge James Hopkins and Patricia Lowry



Retired Judge Roger Colton and Skip Smith



Marty Perry and Susan Taylor

Bulletin Board

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The Palm Beach County Bar Association, its officers, directors, and staff do not endorse any product or service advertised.

The PBCBA is committed to equal employment opportunity and does not accept employment ads which imply a preference based on race, color, sex, religion, national origin, disability, familial status, sexual orientation, age, marital status and gender identity or expression.

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GREGORY TENDRICH, Esq.: FINRA Arbitrator, Certified County Court Mediator & Former Series 7 licensed VP & Asst. General Counsel to Wachovia Securities and other local NYSE/FINRA brokerage firms, is accepting referrals and is available to co-counsel, provide trial/arbitration consultation or assistance in stock loss and investment related disputes, including prudent-investor, suitability, churning and misrepresentation claims in addition to SEC, FINRA, NYSE and other regulatory enforcement matters. Please call (561) 417-8777 or visit www.yourstocklawyer.com.

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HEARSAY

Jones, Foster, Johnston & Stubbs, P.A. announces that **Thomas J. Baird** has joined the firm. Mr. Baird is certified by the Florida Bar as a specialist in City, County and Local Government Law.



Genny Bernstein has joined the Florida Bar Grievance Committee "E" for the 15th Judicial Circuit. Ms. Bernstein is a Florida Bar Certified Elder Law Attorney with the Karp Law Firm.

Rutherford Mulhall, P.A. is pleased to announce that **John R. Banister**, Shareholder, has been recognized for his Meritorious Service for 2005-2010 as past Chairman and member of the Board of Gulfstream Goodwill. Also, **Stanley D. Klett, Jr.**, Shareholder, has been re-elected as Chairman of the Board of Lighthouse for the Blind of the Palm Beaches.

David Prather, a Partner at the law firm of Clark, Fountain, LaVista, Prather, Keen & Littky-Rubin, has been named to the Board of Directors of Community Television Foundation of South Florida, the non-profit organization that operates PBS station WPBT2.

Robert Rivas has been certified by the Florida Bar's Board of Legal Specialization & Education as an expert in appellate law. Rivas is a partner in the Tallahassee office of Boca Raton based Sachs Sax Caplan, P.L.

Bari L. Goldstein, an Associate of Christine D. Hanley & Associates, P.A., was elected Secretary of the Board of Directors of Families First of Palm Beach County.

W. Hampton Keen, a Partner at the law firm of Clark, Fountain, LaVista, Prather, Keen & Littky-Rubin, has been named to the Board of Directors of the Legal Aid Society of Palm Beach

County and to the Florida Bar Grievance Committee within the 15th Judicial Circuit.

Shutts & Bowen LLP is pleased to announce the naming of six partners. Among them is **Matthew R. Chait**. He represents financial institutions, corporations and other businesses both in and out of court.

MISCELLANEOUS

Looking for Wills for an 'Arthur H. Bilow', (D.O.D. 10/30/10; D.O.B. 8/26/31). Please contact James G. Pressly, Jr at (561) 659-4040 with any info. Thanks.

Presenting a Compelling and Persuasive Case Through the Use of Visual Graphics

by Susan Maynor, The Buzz Agency

"If you can imagine it, you can understand it," is an adage that characterizes the impact of visualization in the learning process. Or how about, "a picture is worth a thousand words."

A world that was once dominated by the spoken and written word has been replaced by the digital age. Through the use of encoding and decoding, humans obtain and retain nearly 55% of newly introduced information through the use of visual reception. As studies have shown, sight is the most used human sense. A visual-based presentation not only engages the viewer, but also acts as a secondary learning tool, whether it is in the form of graphics or video.

In the legal world, the ultimate goal of an attorney is to make the judge or jury agree with their argument. In order to achieve that goal, it is important that they understand the intricate details and facts of the case. The use of graphic tools such as PowerPoint, computer animation, 3D rendering, interactive mapping and videography, can help to organize and present complex legal information and convoluted facts and figures in a clear and organized presentation. And as added benefit, visual presentations serve to help keep juries focused and attentive in today's over stimulated world.

The shift to a visually based culture can be seen in almost every facet of life. Take for example, the 21st century advertising market. How many entirely text-based ads do you see in modern ad campaigns? What you do see are predominately visual advertisements with a small amount of text. This type of visual communication is shaping the imagination process, cognitive process, and judgment process of society. Therefore, it is easy to see why using visual graphics should be used in legal cases - the jury is most likely accustomed to this type of presentation and is responsive to it.

"In 2011, technology should not be intimidating, expensive or out of reach for anyone," said Jim Lucas, founder and CEO of Legal GraphicWorks, a West Palm Beach firm specializing in trial presentations and litigation support. "We've worked with firms from the beginning stages of discovery to verdict and every phase in between to make their cases more compelling and persuasive through the use of graphics and presentation software. Sometimes, we're called in at the 11th hour, right before mediation. We respond quickly and if it means working through the night to get the job done, we will," he continued.

The use of technology at mediation or trial can also demonstrate that an attorney is prepared and willing to go to trial. "In today's world, it is essential to make a professional, clear and strong presentation at mediation or in trial. Working with Jim and the team at Legal GraphicWorks gives us that edge and opposing counsel and the judge sees that we are prepared and ready to try our case," said Odette Bendeck, a partner in the family law firm of Fisher & Bendeck, P.A.

Legal GraphicWorks is located at 205 Worth Avenue, Suite 301 in Palm Beach, Florida. For additional information, call 561.655.0678 or visit www.legalgraphicworks.com.



On February 9, 120 young professional friends of the Legal Aid Society mingled, partied and shopped at the Brooks Brothers store in the Gardens Mall. The event raised over \$3000 which will go to Legal Aid's Children's Advocacy Programs which include the Juvenile Advocacy, Foster Children's and Education Projects which provide critical legal services to abused, neglected, disabled and foster children.

The event benefited Legal Aid's Children's Advocacy Projects and hosts for the evening were Edrick Barnes, Hampton Beebe, Rick Benrubi, Flynn Bertisch, Lawrence Buck, Vincent Cuomo, Jeffrey Devore, Joseph Galardi, Mariano Garcia, Bradley Harper, John Howe, Phillip Hutchinson, Hampton Keen, Adam Rabin, Ryon McCabe, Scott Murray, Ronald Ponzoli, Jr., David Prather, Grier Pressly, Cater Randolph, Heath Randolph, Grasford Smith, Carl Spagnuolo, Scott Suskauer, Matthew Triggs, Colin White, Gregory Yaffa and Gregory Zele.

Amy Triggs and Matt Triggs

Photos by Jamie Konrady



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CALENDAR April 2011

Monday, April 4, Noon
Hispanic Bar Assn. Meeting
Judicial Conference Room,
Main Courthouse. Contact Daniel
Zuniga dzuniga@lytalreiter.com

Tuesday, April 5, 11:30am - 1pm
NCS Lunch with the
NCS Judges & JA's
Hilton Garden Inn

Thursday, April 7, 11:45am - 1pm
Judicial Luncheon
Cafeteria, Main Courthouse

Thursday, April 7, 5:30pm
Texas Hold Em Tournament
PB Kennel Club

Friday, April 8, 8:30am
ADR Committee Meeting
Bar Association Office

Monday, April 11, 11:45 a.m.
South Palm Beach
County Luncheon
Speaker: Congressman Allen West
Boca Raton Marriott at Boca Center
For more information, please
contact Stephanie Ginsburg, at
561-482-3838

Tuesday, April 12, Noon - 1pm
Young Lawyers Section
Board Meeting
Bar Association Office

Wednesday, April 13, Noon - 1pm
Professionalism
Committee Meeting
Bar Association Office

Thursday, April 14
PBCBA Board of Directors
Voting Begins

Thursday, April 14, 11:45am - 1pm
PBC FAWL Luncheon
For more info, contact pbcfawl@
att.net

Thursday, April 14, 5:30pm
Young Lawyers Section
Happy Hour
Location TBA

Friday, April 15, Noon - 1:00pm
Cunningham Bar Assn. Meeting
Library @ Main Courthouse

Friday, April 15,
1:30pm - 3:30pm
Criminal Law Practice
Committee CLE Seminar
"The Ethics of Closing Argument"
Cafeteria, Main Courthouse, WPB

Friday, April 15
SPBCBA Annual Golf Event
Boca Country Club, Boca Raton

Tuesday, April 19, 11:45am - 1pm
Young Lawyers Section
Lunch with Judges
Judicial Conference Room,
Main Courthouse

Wednesday, April 20,
Noon - 1pm
NCS Board Meeting

Wednesday, April 20,
5:30pm - 6:30pm
Legal Aid Board Meeting
Bar Association Office

Thursday, April 21, 6:00pm
Federal Bar Reception

Friday, April 22
Court Holiday – Good Friday
Bar Office Closed

Wednesday, April 27, 3:30pm
Corporate Counsel
Committee Meeting
Bar Association Office

Wednesday, April 27, 5:00pm
PBCBA Board of Directors
Meeting
Bar Association Office

Thursday, April 28,
11:45am - 1pm
Judicial Relations
Committee Meeting
Judicial Conference Room,
Main Courthouse

Thursday, April 28, 5:30pm
Palm Beach Justice
Assn. Meeting
The Colony Hotel, Palm Beach

Thursday, April 28, 5:30pm
PBC FAWL
Membership Reception

Friday, April 29,
8:00am - 12:30pm
Commercial Litigation
CLE Seminar
Bar Association Office

Saturday, April 30, 9:30am
Attorney vs. Judges
Softball Game
John Prince Park



IN NEED OF CLER CREDIT? WE CAN HELP!

3/18/11

The Palm Beach County Bar Association (PBCBA) offers CLE hours from the sale of audio CD's recorded at previously held live seminars of the Association. We also have copies of audio CD's of live seminars from the Orange Co. Bar Assoc. (OCBA), Clearwater Bar Assoc.(CBA), Hillsborough Co. Bar Assoc.(HCBA), and the Dade Co. Bar Assoc.(DCBA). Members and non-members alike can benefit from this simple way of acquiring CLE and Ethics hours. To order, place an "x" next to the tapes you would like to order, complete this form and return to the Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406 or **fax to 561/687-9007**. **PLEASE WATCH EXPIRATION DATES**, we attempt to remove expired CD's but due to the distribution of this list occasionally courses will appear even though they have expired.

CLE content is now available to purchase online to download either to your computer or your iPod @
<http://pbcba.fastcle.com/store/provider/provider09.php>

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	CBA	Protecting Medicare's Interest in Settlements(CD)+++1.0 Civil Trial	--	--	\$25	\$60	04/15/11
	CBA	Time Management Time Keeping & Billable Hours	1.0		\$25	\$65	04/15/11
	PBCBA	Preparing Client For Mediation (Fam Law) (CD)+++1.0 Marital/Family Law	1.0		\$25	\$65	04/16/11
	PBCBA	Entity Selection and Structuring (CD) +++1.0 Bus Lit Cert.	1.0		\$25	\$65	05/12/11
	CBA	Parenting Plan Evaluation+++ 1.0 Marital & Fam Law Cert.	1.0		\$25	\$65	05/18/11
	CBA	Update on Programs +++ 1.0 Elder Law Cert.	1.0		\$25	\$65	05/18/11
	CBA	Effect Legal Representation In Mediation	1.5		\$35	\$75	05/19/11
	OCBA	Wills/Trusts for Divorcing Clients (CD)	1.0		\$25	\$65	05/20/11
	PBCBA	Inside the Appellate Court(CD)+++2.5 Appellate Practice Cert.	5.0	1.0	\$150	\$210	06/04/11
	PBCBA	Special Needs Trusts(CD) +++ 1.0 Civil Trial; 4.5 Wills; 4.5 Elder Law; .50 Tax Cert.	6.0	1.0	\$165	\$205	06/15/11
	CBA	The New Florida Bar Rule	1.0	1.0	\$40	\$80	07/14/11
	PBCBA	Charging Liens, Retaining Liens...(Fam. Law) (CD) +++1.0 Marital/Family Law Cert.	1.0		\$25	\$65	07/15/11
	DCBA	Legal Malpractice Ethics and Risk Management	4.0	4.0	\$145	\$185	07/20/11
	CBA	'09 Family Law Case Update +++ 1.0 Marital & Fam Law Cert.	1.0		\$25	\$65	07/20/12
	CBA	Ins Outs of Funeral Industry +++ 1.0 Wills, Trusts & Estates Cert.	1.0		\$25	\$65	07/21/11
	OCBA	Mediating the Constr. Dispute +++ 3.5 Bus Law; 3.5 Construction Law Cert.	3.5		\$85	\$125	07/22/11
	PBCBA	Blogging for Lawyers: Internet Marketing for Non-Geeks(CD)	1.0		\$25	\$65	07/22/11
	PBCBA	Winter R/E – Hot Topics in a Cold Market (CD)+++4.0 R/E	4.0	4.0	\$145	\$185	07/27/11
	PBCBA	The View From the Bench (Bankruptcy Seminar) (CD)	2.0		\$50	\$90	07/29/11
	PBCBA	ADR in 2010(CD) +++**6.0 Civil Trial; 8.0 R/E	8.0	2.0	\$225	\$265	08/08/11
	HCBA	Continuing Mediator Education Credit(CD) ***ELIGIBLE FOR UP TO 8.5 CME CREDITS***	9.0 ***	2.0	\$245	\$285	08/18/11
	PBCBA	Real Estate Issues in Bankruptcy Cases (Bankruptcy Seminar)(CD)	2.0		\$50	\$90	08/26/11
	PBCBA	Practical & Ethical Considerations in eDiscovery (Com'l Lit seminar)(CD) +++ 3.0 Bus. Lit./3.0 Civil Trial Cert	4.0	4.0	\$145	\$185	09/5/11
	PBCBA	Trial Superstars "Trying the Catastrophic Injury Case" (CD) +++5.5 Civil Trial Cert.	7.0		\$175	\$215	09/07/11
	CBA	Planning for Disability & Public Benefits (CD)+++ 1.0 Elder/ 1.0 Wills, Trusts & Estates Cert.	1.0		\$25	\$65	10/15/11
	PBCBA	Impact of the Current Economy on PI Cases(CD)+++3.5 Civil	4.5	.5	\$120	\$160	10/16/11
	PBCBA	View from the Panel – Local Trustees(CD) (Bankruptcy Sem.)	2.0		\$50	\$90	10/20/11
	PBCBA	What's New in Construction Law(CD)+++3.0Bus.Lit; 4.0 Constr.	4.0	.5	\$110	\$150	10/22/11

PBCBA	Securities Litigation 2010(CD) +++ 2.5 Bus Lit; 2.5 Crim Trial; 2.5 Civil Trial Cert.	3.0	1.0	\$90	\$130	10/28/11
PBCBA	Practical, Legal and Ethical Considerations in the Use of Experts (CD) (Com'l Lit. Seminar) +++3.0 Bus. Lit. Cert. credits	4.0	4.0	\$145	\$185	11/10/11
PBCBA	27 th Estate Probate Seminar(CD)+++6.0 Elder Law/6.0 Wills, Trusts & Estates Cert.	8.0	2.0	\$225	\$265	11/19/11
PBCBA	Client Intake and Consultation(CD)+++1.0 Marital Fam. Law Cert.	1.0		\$25	\$65	11/21/11
PBCBA	21 st Annual Community Assn. Law Seminar(CD)+++3.5 R/E	3.5	3.5	\$125	\$165	12/04/11
OCBA	Certified Divorce Financial Analyst (CD) +++1.0 Marital/Fam Law	1.0		\$25	\$65	12/18/11
OCBA	Social Networking Seminar (CD)+++1.0 Labor/Employ Cert.	1.0		\$25	\$65	12/30/11
OCBA	Foreclosure Defense on Short Sales (CD)	1.0		\$25	\$65	01/16/12
OCBA	Attorneys as Agents of Social Change (Substance Dependence) (1.0 Substance Abuse)	1.0		\$25	\$65	01/29/12
OCBA	Quickbooks Basics Including Trust Accts.	1.0		\$25	\$65	02/31/12
OCBA	Update on Residential Foreclosure Mediation Process +++ 1.0 R/E Cert.	1.0		\$25	\$65	03/03/12
OCBA	BP Oil Spill Damage Claim +++ 1.0 Civil Trial Cert.	1.0		\$25	\$65	03/15/12
OCBA	Agreements Not to Compete +++ 1.0 Intellectual Prop. Cert.	1.0		\$25	\$65	03/28/12
PBCBA	2 nd Martinis and Migraines (Employment Law) (CD) +++3.0 Labor & Employment Cert.	4.0	1.0	\$115	\$155	03/30/12
OCBA	Legislative Update – Estate, Guardianship & Trusts +++ 1.0 Elder Law Cert.; 1.0 Wills, Trusts & Estates Cert. credits	1.0		\$25	\$65	04/13/12
PBCBA	Breaking News You Can Use (R/E) (CD)+++4.5 R/E Cert.	4.5	4.5	\$165	\$205	04/15/12
OCBA	Professionalism & Ethics (Abstaining from offensive personality & the oath of admission)	2.0	2.0	\$75	\$115	05/18/12
DCBA	(19 th Annual Nuts & Bolts Divorce) Fundamentals of Family Law in a Changed World +++ 3.5 Marital & Fam Law; .50 R/E Cert.	4.5	.50	\$120	\$160	05/19/12
PBCBA	Leadership Academy(CD)	3.5		\$85	\$125	06/03/12
PBCBA	Impact of Social Media (PI) (CD)	1.5	.5	\$45	\$85	06/07/12
PBCBA	Practical Aspects of Conducting Family Law Trials(CD) +++4.5 Marital & Fam Law Cert.	6.0	.5	\$160	\$200	06/10/12
PBCBA	13 th Annual Elder Law Update	6.0	2.5	\$165	\$205	06/16/12
PBCBA	Best Legal Apps for iPhone, Android & Blackberry	2.5		\$60	\$100	09/11/12

+++Indicates Certification credits available; **CM credits.

Please contact the Palm Beach County Bar Association for more detailed information.

Please call Eva Gray at (561) 687-2800 with any questions or for additional information.

PLEASE ALLOW SEVEN (7) BUSINESS DAYS PREPARATION TIME WHEN ORDERING TAPES. **THERE WILL BE A \$25 FEE FOR RUSH ORDERS.** NEW MEMBERS MAY JOIN THE PALM BEACH COUNTY BAR ASSOCIATION FOR \$100. APPLICATIONS FOR MEMBERSHIP CAN BE OBTAINED ON OUR WEBSITE AT www.palmbeachbar.org. RENEWAL OF DUES FOR PREVIOUS MEMBERS IS \$125.

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