



PALM BEACH COUNTY BAR ASSOCIATION

BULLE^TIN

www.palmbeachbar.org

April 2013

Dues Statements Mailed

Annual membership dues statements have been mailed to all PBCBA members for fiscal year 2013-2014, which begins July 1. If you did not receive a bill, contact Shoshanah at the Bar Office (687-2800) or sspence@palmbeachbar.org

Save the Date!

Please join us for our Annual Installation Banquet on **Saturday, June 1** at the Breakers Hotel in Palm Beach. A reception will be held beginning at 7:00 p.m. with dinner and dancing immediately following. Celebrate this special occasion as Jill Weiss is sworn in as president along with our slate of directors. 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

April 5: Membership Luncheon with Guest Speaker Marsha Hunter – Consultant on Persuasion and Public Speaking Techniques for Lawyers

April 24: Celebrate Administrative Professional Day with a Firm Trivia Contest

April 26: Inaugural Golf/CLE Program

April 30: Annual Judicial Reception

May 3: Law Day Luncheon with guest speaker Michael Glazier, Nationally Prominent Attorney Representing Universities Under NCAA Investigation

May 16: North County Section's Annual Jurist of the Year Award Dinner at Ruth Chris

June 1: Annual Installation Banquet

June 15: Young Lawyers Section Annual Fishing Tournament

September 27: Diversity Luncheon with Guest Speaker Florida Bar President-elect Eugene Pettis

NCAA Investigation Defense Attorney Michael Glazier to speak May 3



Please join us and welcome this year's Law Day Speaker Attorney Michael Glazier. Glazier is a Collegiate Sports attorney at Bond, Schoeneck & King in Kansas. His practice is concentrated on the representation of colleges, universities, athletics conferences, associations and individuals in NCAA infractions, eligibility and compliance-related matters. He has appeared on behalf of NCAA member clients before NCAA committees more than any other private practitioner. Mr. Glazier's client's number well in excess of 100 of the top intercollegiate athletics programs in the country. Mr. Glazier co-founded the Slive/Glazier Sports Group, the first sports law practice concentrating exclusively in the representation of colleges and universities in NCAA-related matters. Prior to that, he served seven years on the NCAA staff where his primary responsibilities involved infractions, compliance and legislative matters. He has authored several articles on collegiate sports law and the NCAA and is a frequent speaker for both athletics and attorney organizations. The luncheon will be held at the Cohen Pavilion in West Palm Beach. To reserve your seat, RSVP online at www.palmbeachbar.org. Sponsors for the luncheon include Sabadell United Bank, Leopold Law, Visual Evidence, Searcy Denney Scarola Barnhart & Shipley, The Education Network and USI Affinity.

Don't Forget to Vote!

Bar elections taking place online

This year's election for the Board of Directors is being conducted electronically. Voting will begin on April 10 and will end on April 19 at 5:00 p.m.

Winners will be announced via e-mail and will be posted on the Bar's website.

There are eight members running for five director seats: Sia Baker-Barnes, Greg Cohen, Sarah Cortvriend, Greg Huber, Lee McElroy, Grier Pressly, Grasford Smith and Dean Xenick.

Congratulations to Theo Kypreos who ran unopposed for President-Elect!



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THE
BULLETIN
PALM BEACH COUNTY
BAR ASSOCIATION

ADAM T. RABIN
President

www.palmbeachbar.org

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Executive Director

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Adam T. Rabin, President
Jill G. Weiss, President-elect

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Rosalyn Sia Baker-Barnes
C. Wade Bowden
Gregory P. Huber
Theodore S. Kypreos
Jessica Callow Mason
Edward "Ned" Reagan
James "Grier" Pressly III
John R. Whittles

John M. Howe, Immediate Past President
Robert Lee McElroy, IV, Young Lawyers Section
President
Kenneth N. Johnson, North County Section President
Larry Corman, Ex Officio, South Palm Beach County
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FL Bar Young Lawyers Division
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1507 Belvedere Road
West Palm Beach, FL 33406
PHONE (561) 687-2800
FAX (561) 687-9007
EMAIL info@palmbeachbar.org.

Advertising Information:

Shoshanah Spence • sspence@palmbeachbar.org

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The mission of the Palm Beach County Bar Association is to serve its members, foster professionalism and enhance the public's understanding and awareness of the legal system.

LETTERS TO THE EDITOR

The Palm Beach County Bar Association Bulletin welcomes your comments on topics relating to the law, the legal profession, the Palm Beach County

Bar Association or the Bar Bulletin. Letters must be signed, but names will be withheld upon request. The editor reserves right to condense.

Send letters to:
EDITOR Bar Bulletin
Palm Beach County Bar Association
1507 Belvedere Road
West Palm Beach, FL 33406



**North County Section presents its
11th Annual Jurist of the Year Award**

Thursday, May 16, 2013

5:30 pm to 8:00 pm

Ruth's Chris Steak House, North Palm Beach

RSVP online at www.palmbeachbar.org

Buy A Brick

We've now been in our new office at 1507 Belvedere Road for a little of a year!

We hope by this time you've had a chance to enjoy the building and reap the benefits of our state of the art facility. If you haven't already done so, please consider buying a brick for yourself or in honor or memory of a friend or loved one. Bricks are sold in two sizes, 4 x 8, for \$1,000.00 or 8 x 8 for \$2,500.00. In addition, several rooms are still available for signage. For details on giving a gift that will last the lifetime of our building, please contact Lynne Poirier at lpoirier@palmbeachbar.org or (561) 687-2800.

In Memoriam



John D. Foster
1969 – 2013



**Charles H. "Bud"
Warwick III**
June 4, 1924 –
February 18, 2013
PBCBA
President 1956

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President's Message



Developing Future Leaders of Our Bar

By Adam Rabin

One of our goals for this bar year was to continue developing strong and diverse leaders of our bar association. In speaking to various past and present leaders within our bar, a few themes became clear. Most of the time, our leaders were encouraged by somebody else to run for the board of directors or to get involved with a committee. Often this encouragement comes from the firm or agency where the member works. Just as often, encouragement comes from present bar leaders who see the potential in others and personally ask them to get involved.

In furtherance of this theory, I inquired to our current board of directors on what prompted them to get involved with our bar association and asked each director to answer the following two questions:

1. Did any particular factor or person encourage you to run for the board?
2. What advice would you give to future leaders of our bar?

Our directors' answers have several common themes, including but not limited to the impact that others had in encouraging them to get involved. Their answers are set forth as follows:



Rosalyn "Sia" Baker-Barnes, Director-at-Large. Searcy Denney Scarola Barnhart & Shipley, P.A. Practice: Plaintiffs' personal injury, medical malpractice, wrongful death and product liability.

Factor: A current board member encouraged me to run for the board. We worked together on the Committee for Diversity and Inclusion (CDI), and talked many times about the importance of giving back to the bar and the community in general. I find my service on the board and the CDI to be very rewarding.

Advice: My advice is to commit to those things that you have a passion for and then follow through. Be an active member of the organization or committee, take a leadership role and find ways to make the service or organization better. You will be personally fulfilled, but more importantly, you will make a positive impact on our community as a whole.



C. Wade Bowden, Director-at-Large. Greenberg Traurig, P.A. Practice: Complex commercial, construction and probate litigation.

Factor: I was inspired to run for the board by the example of the great former leaders with whom I had come in contact during my 17 years of practice.

Advice: Always serve the causes in which you believe and to stay true to yourself in all regards, personally and professionally.

Jessica Callow Mason, Director-at-Large. Ciklin Lubitz Martens & O'Connell. Practice: Commercial litigation.



Factor: Several current bar leaders encouraged me to run and the ultimate factor was how much I enjoy participating in and giving back to our bar association. Members of an organization receive a greater benefit from the organization if they are involved in planning events and activities, because they will have contributed to the organization and meet terrific people at the same time.

Advice: Join committees early in your career, accept tasks from bar leaders and perform those tasks well, and always be reliable.



Larry Corman, President of SPBCBA, Ex-Officio Member of Board. Greenspoon Marder. Practice: Commercial and employment litigation.

Factor: The opportunity to be of service to the bar and the community.

Advice: Set an example for other attorneys by the way you interact with people and get the judiciary involved with events. The judiciary's presence is likely to attract attorneys, so you have a larger audience with whom to share your message.



John Howe, Immediate Past President. Law Offices of John M. Howe, P.A. – of counsel at Lesser, Lesser, Landy & Smith, PLLC. Practice: Criminal defense, plaintiffs' personal injury and commercial litigation.

Factor: I felt that the bar's leadership needed to reflect more accurately the diversity of the legal and overall community. I was approached by several bar leaders to run for the board, including Lynn Whitfield, Michelle Suskauer and Manuel "Manny" Farach.

Advice: Remember to have fun with your fellow board members. Meet as many of our members as you can. Find ways for our bar to encourage lawyers to reach out into the non-lawyer community for purposes other than marketing or advertising.



Greg Huber, Director-at-Large. Zele Huber Trial Attorneys, PA. Practice: Plaintiffs' personal injury and product liability.

Factor: Shortly after moving to Palm Beach County, I attended my first Bench Bar Conference. I had been a member of several voluntary bar associations in other counties and never experienced a seminar of this magnitude with so many practice areas participating in one event. Nor had I ever experienced an event that allowed so much interaction with judges. I was so impressed that I knew I wanted to become involved in PBCBA.

Advice: If you are interested in getting involved in PBCBA, I recommend becoming an active member of one of

Continued on page 4

Get Ready For The Bar's First **TRIVIA LUNCHEON!**



Wednesday, April 24, 2013

11:45 a.m. to 1:15 p.m.

Marriott, 1001 Okeechobee Blvd.
West Palm Beach

Register as a team of ten or as an individual.
Contest will be based on group answers.

Bring your staff for
**ADMINISTRATIVE
ASSISTANT DAY!**

Cost: \$35.00 per person; judges are complimentary.

Early Registration Going On Now!
Register online @ www.palmbeachbar.org

Sponsored by:



Developing Future Leaders of Our Bar

Continued from Page 1

the bar's many committees. This is a great way to learn how the bar functions and to meet other members with whom you can develop good connections and lifelong friendships.



Ken Johnson, President of PBCBA North County Section. Klett, Mesches & Johnson, P.L. Practice: Business litigation and transactions, probate litigation, real estate, and criminal defense.

Factor: The desire to be involved in our community and the strength of PBCBA's North County Section.

Advice: Be a good steward of the position you hold.



Theo Kypreos, Director-at-Large and President-Elect-Designate. Jones Foster Johnston & Stubbs. Practice: Probate and trust litigation and guardianship law.

Factor: Our firm has a culture and history of service to PBCBA, so as a new attorney I was encouraged by others in my firm to get involved

with the PBCBA and, in particular, the Young Lawyers Section. This early involvement gave me an opportunity to see first-hand all of the great things the PBCBA does for our profession and the local community.

Advice: Get involved early, identify and focus on the committees and leadership roles that fit your personality, skill set and interests, and do not spread yourself too thin so that you cannot meet your commitments as an attorney or bar leader.



Lee McElroy, President of PBCBA Young Lawyers Section. Downey & Downey. Practice: Probate, trust, and guardianship litigation.

Factor: Past President Edward Downey always has supported service to PBCBA and encouraged me to get involved.

Advice: You do not need to run a bar committee or serve on the board to lead.

Volunteering your time to help our community is one of the best ways to get involved and serve our bar.



Grier Pressly, Director-at-Large. Pressly & Pressly, P.A. Practice: Estate, trust, and fiduciary litigation

Factor: I am fortunate to have the support and encouragement of someone who served as the PBCBA's President in 1987 – Jamie Pressly, my father and law partner.

Advice: With the talent of our lawyers, the quality of our judges, the expertise of our bar staff, the size of our membership, and our proud reputation as one of the best bar associations in the country, the future leaders of our bar should appreciate how uniquely positioned our bar association is to respond to the challenges facing our profession.



Edward "Ned" Reagan, Director-at-Large. Edward D. Reagan P.A. Practice: Criminal defense.

Factor: I was part of the North County Section for the last 10 years and was elected NCS President. As NCS President, I sat on PBCBA's board of directors during Michael

Napoleone's presidency. I was amazed by the enthusiasm and

energy of all members of the board. It was at a time when PBCBA was pushing to improve lawyer diversity in our community and PBCBA was purchasing its first building in its 89 year history. I was blown away by the selfless acts and the work all members did for the greater good of the association.

Advice: It is easy to sit back and critique why something is not working, but if you want to effect change, you have to jump in, roll your sleeves up, and work.



Jill Weiss, President-Elect. Sachs, Sax & Caplan. Practice: Commercial litigation.

Factor: I was fortunate to work at a firm (Richman Greer) with a commitment to bar involvement, so I was encouraged to become an active participant in voluntary bar activities. I was also fortunate to be asked by Judge Meenu Sasser, then-President of the PBCBA, to serve on

a bar committee to raise funds for the Historic Courtroom at the renovated Historic Courthouse. After working on that committee, I was encouraged by Judge Sasser and other PBCBA leaders to run for the board.

Advice: Get involved with something that interests you. Give others credit and thanks for the work they have done.



John Whittles, Director-at-Large. Richman Greer, P.A. Practice: Commercial litigation and election law.

Factor: Our firm has always had a culture that encourages bar service and community involvement as a necessary component of practicing law.

Advice: Get involved early. Don't over-commit or spread yourself too thin. Pick one or two things you are passionate about and make a difference in those things.

Conclusion

Our bar remains committed to recruiting strong and diverse leaders to serve in all aspects of the association. In working towards developing future leaders, two main themes stand out from the above answers: (1) most of the time, an influential person at the attorney's firm, or through some outside activity, encouraged the attorney to get involved in the bar, and (2) the universal advice is to do a good job with whatever task you are assigned and bigger and better opportunities will continue to present themselves.

Adam Rabin is a partner with McCabe Rabin, P.A. in West Palm Beach. He practices in business, securities and whistleblower litigation. You can e-mail any comments to arabin@mccaberabin.com.

Volunteers needed to serve on committees

This is the time of year that the president-elect Jill Weiss 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.

2013-2014 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 eight (8) members running for five (5) Board seats. Each PBCBA 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 10 and voting will end at 5 p.m. on April 19. 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 1.



Rosalyn Sia Baker-Barnes

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

Year admitted to practice: 2000

Law School: *The Florida State University College of Law*

Year joined PBCBA: 2000

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

I am eager to continue as a member of the Board of Directors because I want to help bring to fruition the activities we have initiated and help advance the exciting projects coming up. We have made great strides over the last two years, and I am confident that we can continue our success.

I am so proud of our award-winning Committee for Diversity & Inclusion, which I co-chair. We have developed a sustained mentorship program for lawyers at every level, established an award to recognize commitment to diversity and inclusion, and initiated an integrated campaign for keeping diversity on the forefront. I am equally proud of my role in advocating for and supporting programs that connect with law students and young lawyers and encourage them to practice in Palm Beach County.

My parents taught me that, no matter what success we aspire to, community service is an essential ingredient. I honed my volunteer skills on the board of educational and social service organizations. Now, it is a privilege for me to contribute to and help support our association's community service activities.

I believe that my service to the PBCBA Board has made a valuable contribution ... and I hope that my colleagues will affirm this by voting to re-elect me.



Gregory R. Cohen

Firm: *Cohen, Norris, Wolmer, Ray, Telepman & Cohen*

Year admitted to practice: 1996

Law School: *University of Miami*

Year joined PBCBA: 2001

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

My name is Greg Cohen and I am running for Director of the Palm Beach County Bar Association. I am a partner with Cohen, Norris, Wolmer, Ray, Telepman & Cohen and have been practicing law for 16 years. I attended University of Miami for both undergraduate and law school, and grew up in Palm Beach County, Florida. I am also a Board Certified real estate attorney.

I have been involved with the real estate committee of the Bar Association for a number of years, and served as Chairperson this past year.

An area where the Bar Association can expand their focus is client generation for attorneys, an area that I have focused on for myself and my law firm over the years.

I believe interaction and events with different specialty groups (e.g. insurance agencies, doctors, realtor associations) would be beneficial for attorneys to meet new people and develop new contacts, and further, hopefully generate new business for themselves.

On one additional note, I believe the Bar Association should further focus on interaction between their different committees to help promote referrals amongst attorneys with different practices. In fact, I have begun to promote an interactive CLE credit meeting/happy hour for a few different committees, whereby committee members from each group can meet each other and hopefully generate such referrals, in addition to obtaining credits.

Please consider me for your vote. Thank you.

Of all the banks in South Florida, only one has the distinction of being called "The Lawyers' Bank."

For over 30 years, we have concentrated on providing law firms, their partners, associates, staff and clients with an uncommon level of attention and service. Which is why so many law firms in South Florida count on **Sabadell United Bank**. Whether it's business or personal banking, or private banking, our goal is to make a **measurable difference** in all relationships through exceptional service, and constant focus on delivering **measurable results** to our clients.

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or Donn Londeree, Vice President at (561) 750-0075
or Vincent Cuomo, Vice President at (561) 688-9400

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Board Meeting Attendance

	July	Aug	Sept (No Mtg)	Oct	Nov	Dec	Jan	Feb
Barnes	x	x		x	x	x	x	x
Bowden		x		x	x	x	x	x
Howe	x	x		x	x	x	x	x
Huber	x	x		x	x		x	x
Johnson	x	x		x	x	x	phone	x
Kypreos	x	x		phone	x	x	x	x
Mason	x	x		x	x	x	x	x
McElroy	x	x		x	x	x	x	x
Pressly	x	x		x	x	x	x	x
Rabin	x	x		x	x	x	x	x
Reagan	x	x		x	x	x	x	x
Weiss	x	x		x	x	x	x	x
Whittles	x	x		x	x	x	x	x

2013-2014 Board of Directors Election Candidates' Statements



Sarah Cortvriend

Firm: *Carlton Fields, P.A.*

Year admitted to practice: 2004

Law School: *University of Florida*

Year joined PBCBA: 2004

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

I believe I am uniquely qualified to be a Director on the Board of the Palm Beach County Bar Association. As the Immediate Past President of the Palm Beach County Chapter of FAWL and FAWL board member, I have experience in all aspects of leading a large and active voluntary bar association. I am capable, practical, reliable, and organized, and have a lot of energy to devote to the Bar Association. Being a leader in our community has given me an appreciation and understanding of the nature of our membership, its diversity, its challenges, its strengths, and its potential for growth and development in the future. I believe it is important we continue to promote the PBCBA programs that are so crucial to our community and profession, including diversity and inclusion, civility, professionalism and mentoring. I am committed to these and other Bar Association programs and will work hard to serve the mission of the Bar Association and the needs of its members.

Since I joined PBCBA in 2004, I have been an active member of PBCBA Committees, including the Bench Bar and Diversity Committees. I chaired the foreclosure section for the Bench Bar Committee for two years. I am a member of the North County Section, and an alumni of Leadership Palm Beach County, Class of 2010.

It would be my great privilege to serve as a director of the Palm Beach County Bar Association, and I ask for your vote. Thanks so much for your time and support.



Greg Huber

Firm: *Zelevansky Huber Trial Attorneys, P.A.*

Year admitted to practice: 1997

Law School: *Stetson College of Law*

Year joined PBCBA: 2004

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

I was elected to the PBCBA Board of Directors in 2012, and have thoroughly enjoyed serving its members and would be honored if I am re-elected. This year I was responsible for creating a Task Force to study ways to improve our CLE offerings. This involved a detailed survey of our members to determine their likes and dislikes, examining CLE offerings of other organizations around the state and nation and investigating technological upgrades such as easier access to downloadable CLE's from the Bar's website and offering Webinars/ Teleconference seminars to fit more hectic schedules. Many of the ideas generated from the Task Force have been and are continuing to be put into practice resulting in better CLE experiences for our members. I also serve as the Board's CLE liaison working with the dedicated Chairs of the various CLE committees to implement our members' wishes; including offering new formats, topics, and speakers which have resulted in improved attendance and positive feedback.

Prior to being on the Board, I was the co-chair of the Bench Bar Conference and have served on the Law Week, Independence of Judiciary, Client Relations, Professionalism, and Judicial Relations committees. I believe my current and past involvement with the Bar displays by dedication and work ethic.

I would love to continue working to improve our Bar and the community at large and respectfully ask for your consideration and support in my re-election to the PBCBA Board of Directors. Thank you, Greg



Lee McElroy

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

Year admitted to practice: 2001

Law School: *University of Tennessee*

Year joined PBCBA: 2005

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

Prior to entering private practice, I served as a Navy Judge Advocate General for 3-1/2 years. I was stationed in Jacksonville, and was branch head of the Navy Legal Service Office, Guantanamo Bay, Cuba, during Operations Enduring Freedom, Noble Eagle, and Iraqi Freedom. I provided legal assistance to military personnel and their families and served as a defense counsel for military members accused under the Uniform Code of Military Justice.

Palm Beach County has some of the best voluntary Bar organizations in the country. I have been a member of the Young Lawyers Section of Palm Beach County since 2005 and currently serve as President. In my year as President, we raised thousands of dollars for Legal Aid, provided over \$5,000 worth of school supplies to underprivileged children and teachers at Washington Elementary, organized three Reading is Fundamental events, treated over 80 foster children with Christmas gifts and a party, sponsored events between young attorneys and the local judiciary, and volunteered with Habitat for Humanity and Café Joshua. Soon we will begin our new program, which just received the President's award from The Florida Bar Young Lawyers Division. We will staff Legal Aid after hours one night a month with young lawyers.

I believe hard work and service to your community, especially to underprivileged children, is one of the greatest areas where we can make a difference as attorneys. This has always been a focus of the Young Lawyers Section and I would like to continue my service with the Palm Beach County Bar.



Grier Pressly

Firm: *Pressly & Pressly*

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 have had the genuine privilege to serve as a member of the PBCBA Board of Directors since 2009. I have strived

to consistently meet the responsibilities of a Board member: understanding the Bar's mission; acting as a steward of the Bar's finances; valuing relationships with my fellow Board members, our dedicated Bar staff, our members, and our partners in the legal community; focusing on responding to the needs and desires of our members; supporting Bar events and programs; appreciating the proud reputation of our Bar and endeavoring to further that reputation; and acting as an ambassador for our Bar.

I have gained valuable perspective of our Bar's business through other leadership roles within the Bar. In addition to my current role as a member of the Board, I have also served as President of the Young Lawyers Section, co-chaired the ad hoc committee tasked with overseeing the Bar's Residential Mortgage Foreclosure Mediation Program, and had the honor of serving alongside many colleagues as an active member of a number of Bar committees, including the Long Range Planning Committee, Bench-Bar Committee, Law Week Committee, Judicial Relations Committee, and the Historical Committee.

I take seriously the opportunity to serve as a Board member for one of the best Bar Associations in the country, and I humbly ask that you allow me the opportunity to continue my service. Thank you for your consideration and support.



Grasford Smith

Firm: *Richman Greer*

Year admitted to practice: 2006

Law School: *New York University*

Year joined PBCBA: 2008

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

I believe any bar association has two basic functions: 1) to serve its members, and 2) to serve its community. I would bring to

the Board of the PBCBA my strong commitment to serve the lawyers in this county, which I have demonstrated over years of service to our Bar on committees such as the Judicial Relations Committee and the Diversity Committee. While I was President of the F. Malcolm Cunningham, Sr. Bar Association, I led an organization very similar in structure and purpose to that of the Palm Beach County Bar Association and helped to strengthen that bar and continue its success. I will use that experience to benefit our Palm Beach County Bar Association; aggressively seeking out ways to expand the opportunities available to our Bar's individual members, improve the relationships between our members and our judges, and build strategic partnerships with other local bar associations and related civic organizations.

**Renew your Bar dues
today to take advantage
of all our benefits!**



Dean Xenick

Firm: *Burman, Critton, Luttier & Coleman*

Year admitted to practice: 2001

Law School: *University of Florida*

Year joined PBCBA: 2001

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

Serving on several committees of the Palm Beach County Bar Association has permitted me to see firsthand the commitment to service and dedication it takes to be a successful member of the Board of Directors. I am up to this task and ask for your vote in April.

As co-chair of the Bench Bar Conference, I was afforded the opportunity to attend a PBCBA Board meeting to give the Board an update on the changes to the conference. Watching the inner workings of the Board made me fully realize how devoted the members were to serving their fellow attorneys, making the Bar better, and making our profession more respected.

As a member of the Craig S. Barnard American Inns of Court, I have the privilege of breaking bread with extraordinary attorneys and our respected judiciary. The focus of our meetings is to foster excellence in professionalism, ethics, civility, and legal skills. Being a member of this fantastic group has prepared me well to be a PBCBA Board member.

I have also served on various PBCBA Committees, including the Professionalism, Judicial Relations, and Wrongful Death/PI CLE Committees, in addition to the Florida Bar Code and Rules of Evidence Committee. I am also a member of the Palm Beach County Justice Association, Florida Justice Association, Florida Association for Women Lawyers, and North County Section. Active involvement in the local and state Bar Associations has allowed me to serve our profession in several ways. I will continue this service as your PBCBA Director.

Young Lawyers Habitat for Humanity Project



Members of the Young Lawyers Section recently volunteered their Saturday morning working on the Section's third Habitat project.



Nicole Barna
and Alison Percy

Project chair
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Defendants Want Social Media, Plaintiffs Want E-Discovery

By Christopher B. Hopkins

In the advent of social media and e-discovery, plaintiff and defense lawyers have specific questions to pose to their clients about social media and email. On the plaintiff-side, the lawyer needs to know what the client has put on the internet – with the suggestion that the client reduce his or her Facebook presence while the case is pending. On the other hand, defense lawyers, upon receiving a new matter, inquire of their corporate client, “Do you have an e-discovery preservation policy?”

The roles of social media discovery and e-discovery often create distinctly one-sided burdens in litigation. Social media and e-discovery are completely different – any lawyer who rattles off both phrases in the same breath likely has experience with neither. In injury or employment cases where a person sues a company, it is often the defendant who seeks out the plaintiff’s social media content. On the other hand, rarely is the defendant-business’ social media content of value. This is a powerful, one-sided discovery tool for the defendant since a plaintiff’s social media is somewhat personal; enlightening as to the plaintiff’s personality and activities; and it may lead to new witnesses and further evidence.

Meanwhile, the plaintiff often has little to no electronically stored information (ESI) – but a defendant corporation may have mounds of ESI and must comply with Florida’s E-Discovery Rules (<http://bit.ly/WeSPoU>). Here, the plaintiff has the one-sided advantage. Internal emails often read no different than a plaintiff’s social media posts. In this situation, plaintiffs can demand ESI from the defendant with impunity (having little to produce themselves) and the defendant’s e-discovery requirements becomes an expensive undertaking which is rife with potential mistakes, oversights, and internal department conflicts.

In short, defendants want their opponents’ social media content whereas plaintiffs want the defendants’ e-discovery. Are both sides treated equally? Given that Florida’s E-discovery Rules have been in place only a handful of months and the emerging guidance on social media is scarce, the outcome of any social media/e-discovery battle could be case (or judge) specific. The same is true with attempts to shift discovery costs. That puts counsel on both sides in the difficult position of researching authorities from outside of Florida and resorting to guesswork to predict the outcome of a motion to compel.

One example of the tug of war which can happen in discovery arose in the Fourth District case, *Alvarez v. Cooper Tire*. Defense lawyers throughout Florida drew a sharp breath after reading former Judge Farmer’s December 2010 opinion which proclaimed that Florida had “a strong policy to allow parties to do some fishing to learn what possible trial evidence may actually be out there.” But, nearly a year later, in November 2011, a contradictory opinion emerged in the same case, without a reference to “fishing,” and with a concluding sentence which cautioned that “the cost and burden of civil litigation will imperil its very existence.”

During the early stage of social media discovery, emerging trial orders and appellate decisions seemed to favor the defendants. Even to today, most courts which have considered production of social media content agree that it is neither private nor privileged. Defendants, it appeared, were obtaining orders permitting social media discovery as long as requests were reasonable in scope. More recently, however, a few opinions suggest that there needs to be some basis before the court will order production of a party’s social media posts (like an admission by the plaintiff or some indication of relevance in the public portion of the plaintiff’s profile). In some instances, there appears to be a heightened standard for social media discovery compared to the long reach of e-discovery which is now baked into the procedural rules.

In a recent case before Judge Sasser, she concluded that, “it is apparent that the critical factor in determining when to permit discovery of social media is whether the requesting party has a basis for the request” (<http://bit.ly/YwJAKT>). In short, the court opted for requiring the requesting party to make a threshold showing of relevance rather than permit “fishing.” In those instances, defense counsel need to refine their deposition questioning of plaintiffs, family members, and witnesses about the nature of the plaintiff’s social media posts in order to lay a foundation (<http://bit.ly/QUzPpF>). That said, different cases and courts lead to different results during the nascent stage of social media discovery. Judge Sasser’s order comes to the opposite conclusion of an earlier Broward County order (<http://bit.ly/YwKuHh>).

Meanwhile, predicting the outcome of e-discovery orders requires similar prediction skills. In a recent case out of Colorado, *Christou v. Beatpoint*, a defendant was sanctioned for failure to preserve text messages on an iPhone even where all evidence suggested that there was nothing relevant to the case on that phone.

In response to broad e-discovery requests, defendants have turned to motions for protective order to shift costs to the requesting party. A similar tactic was employed by medical malpractice defense lawyers in the mid- to late 2000’s when faced with Amendment 7 requests for incident reports (see generally, <http://bit.ly/YwMEH5>). In 2011, just prior to the E-Discovery Rules, the Fifth District held, in *SPM Resorts, Inc. v. Diamond Resorts Management*, that a party should not be compelled to “fund its adversary’s litigation” by paying \$20,000 for a computer expert to search its own computer system. Prior to that, other Florida courts have discussed shifting electronic discovery costs. See *Biomet, Inc. v. Fleury*, 912 So.2d 706 (Fla. 2d 2005); *Centex-Rooney Construction Co. v. Martin Co.*, 725 So. 2d 1255 (Fla. 4th DCA 1999). Whether these cases present viable authority in light of the E-Discovery Rules has yet to be explored.

Christopher B. Hopkins is a shareholder at Akerman Senterfitt. Cast your digital fishing lures towards christopher.hopkins@akerman.com.



The Erosion Of Revocable Trusts In Florida

By: David M. Garten

There has been a steady erosion of the protection afforded revocable trusts in Florida. Once the settlor becomes incapacitated, he

loses all control over his revocable trust, including the right to revoke or amend the trust. Upon the settlor's incapacity, who takes control of the trust, and what is the extent of that individual's authority to modify or terminate the trust?¹

Guardianships: Pursuant to §736.0207, F.S., a court may authorize a guardian of the property to contest the validity of all or part of a revocable trust during the settlor's lifetime. However, before authorizing a guardian to bring the action, the court shall first find that the action appears to be in the ward's

best interests during the ward's probable lifetime. See, §744.441(11), F.S. and Fla. Probate Rule 5.630.

Durable Power of Attorney:

Pursuant to §709.2202, F.S. a principal can authorize an agent to:

- (a) create an inter vivos trust, or
- (b) amend, modify, revoke, or terminate a trust, but only if the trust instrument explicitly provides for amendment, modification, revocation, or termination by the settlor's agent.

Trust Code: Pursuant to §736.0414, F.S., (1) the trustee of a trust consisting of trust property having a total value less than \$50,000 may terminate the trust if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration, and (2) a trustee or any qualified beneficiary may modify or terminate a trust or remove the trustee

and appoint a different trustee if the court determines that the value of the trust property is insufficient to justify the cost of administration.

Pursuant to §736.0415, F.S., upon application of any interested person, the court may reform the terms of a trust, even if unambiguous, to conform the terms to the settlor's intent if it is proved by clear and convincing evidence that both the accomplishment of the settlor's intent and the terms of the trust were affected by a mistake of fact or law, whether in expression or inducement.

Pursuant to §736.0416, F.S., upon application of any interested person, to achieve the settlor's tax objectives, the court may modify the terms of a trust in a manner that is not contrary to the settlor's probable intent. The court may provide that the modification has retroactive effect.

¹ This article assumes that the trust does not state that it becomes irrevocable upon the settlor's incapacity.

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The Palm Beach County Bar Association's Elder Law Affairs Committee presents:

“The 13th Annual View From The Bench”

*Thursday, April 11, 2013 - 6:00pm - 8:30pm
The Colony Hotel, Palm Beach, 155 Hammon Avenue*

Program Schedule

6:00pm - 6:30pm Registration and Cash Bar

6:30pm - 8:30pm Dinner and Presentation:



*Honorable Martin H. Colin
Honorable Diana Lewis
Honorable John L. Phillips*

*Honorable David E. French
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Real Property and Business Litigation Report



By **Manuel Farach**

Jackson v. Shakespeare Foundation, Inc., – So.3d –, 2013 WL 362786 (Fla. 2013).

An “arising out of or related to” arbitration provision compels the arbitration of all controversies that have a significant relationship to the contract, whether the claim arises directly out of the contract or out of general legal principles. An “arising out of or related to” arbitration provisions requires the arbitration of fraud claims related to the contract.

Alachua Land Investors, LLC v. City of Gainesville, – So.3d –, 2013 WL 363376 (Fla. 1st DCA 2013).

The threshold step in analyzing whether a taking has occurred sufficient to constitute an inverse condemnation is to determine whether the claim is ripe. In order to find that a claim is ripe, a party must demonstrate a meaningful application for a land use decision, a final decision by the governmental authority, and that the submission of additional or revised applications would be futile.

Cynergy, LLC v. First American Title Ins. Co., – F.3d –, 2013 WL 309052 (11th Cir. 2013).

An affidavit of a decedent may be introduced into evidence under the “catch-all exception to the hearsay rule,” Federal Evidence Rule 807, if it is more probative than evidence that can be obtained through other means and the proponent of the affidavit has given notice of its intended use before hearing or trial.

Pino v. Bank of New York, – So.3d –, 2013 WL 452109 (Fla. 2013).

A plaintiff may voluntarily dismiss an action, and a trial court may not vacate the dismissal unless the plaintiff has fraudulently obtained affirmative relief and dismissal will obstruct the trial court’s ability to correct the wrong. A trial court has no inherent authority to strike a notice of voluntary dismissal; relief may only be obtained through Florida Rule of Civil Procedure 1.540 (b) (3).

Suzlon Energy, A/S v. Ventus de Nicaragua, S.A., – So.3d –, 2013 WL 440150 (Fla. 3d DCA 2013).

A power of attorney need not expressly refer to arbitration to confer the power to initiate arbitration. However, and under the principle of *expressio unius est exclusio alterius* (“the mention of one thing implies the exclusion of another”), the listing of a power to compromise a dispute in arbitration without the specific power to initiate arbitration indicates there was no intention to grant the power to initiate arbitration.

Clipper Bay Investments, LLC v. State Dep’t of Transp., – So.3d –, 2013 WL 425882 (Fla. 1st DCA 2013).

Lands held in fee by a governmental unit for right of way purposes is exempt from the application of the Marketable Record Title Act under the following exception:

(5) Recorded or unrecorded easements or rights, interest or servitude in the nature of easements, rights-of-way and terminal facilities, including those of a public utility or of a governmental agency, so long as the same are used and the use of any part thereof shall except from the operation hereof the right to the entire use thereof.

Laizure v. Avante at Leesburg, Inc., – So.3d –, 2013 WL 535417 (Fla. 2013).

Florida’s Wrongful Death Act, Fla. Stat. § 768.19, is derivative

of the claims of the individual prior to death. Accordingly, an individual’s contractual agreement to arbitrate nursing home claims is binding on the estate of the individual who claims against the nursing home under the Wrongful Death Act.

DelMonico v. Traynor, – So.3d –, 2013 WL 535451 (Fla. 2013).

The Absolute Litigation Privilege against defamation does not apply to out of court statements, but a Qualified Litigation Privilege applies to out of court statements related to the litigation so long as the statements are not made with malice. Accordingly, defamatory statements made to potential witnesses are only entitled to a qualified privilege and only so long as the statements were not made with malice.

Ross v. Wells Fargo Bank, – So.3d –, 2013 WL 514558 (Fla. 3d DCA 2013).

A general retention of jurisdiction such as “[t]he Court retains jurisdiction of this action to enter further Orders that are proper including, without limitation, writs of possession and deficiency judgments” is not sufficient to allow re-foreclosure of property in order to add a party omitted after the initial foreclosure.

Meigs Properties, Ltd. v. Board of County Com’rs of Okaloosa County, – So.3d –, 2013 WL 500381 (Fla. 1st DCA 2013).

Abandonment of a particular land use sufficient to effectuate a deed reverter is not established by mere non-use alone; abandonment must be clearly proven by evidence of clear, affirmative intent to abandon.

Kinsey v. MLH Financial Services, Inc., Slip Copy, 2013 WL 536019 (11th Cir. 2013).

Actions taken during litigation are protected by Florida’s Absolute Litigation Privilege, thus actions taken in litigation cannot violate the Fair Debt Collection Practices Act nor the Florida Consumer Collection Practices Act.

Olen Properties Corp. v. Wren, – So.3d –, 2013 WL 646004 (Fla. 4th DCA 2013).

A trial court that retains jurisdiction to enforce a settlement agreement may enforce the terms of the settlement agreement, but does not have jurisdiction to award breach of contract damages for breach of the settlement agreement.

City of Freeport v. Beach Community Bank, – So.3d –, 2013 WL 598417 (Fla. 1st DCA 2013).

The doctrine of separation of powers requires that certain quasi-legislative policy-making, planning, or judgmental governmental functions are immune from tort liability. Accordingly, a local government is not liable to a lender that relies on a government required and monitored letter of credit that is later found to be non-collectible.

Manuel Farach is Of Counsel to Richman Greer, P.A. in West Palm Beach and practices in the areas of Real Estate, Business Litigation and Appellate Law. The Update is available on a weekly email basis by writing Mr. Farach at mfarach@richmangreer.com and inserting the words “Request Weekly Update” in the Subject line.

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.

Cheryl L. Abraham: South Texas College of Law, 1987; Associated with Abraham & Abraham, P.A., West Palm Beach.

Melonie Bueno: Alice, TX; St. Thomas University, 2007; Associate in Kubicki Draper, West Palm Beach.

Susanne Calabrese: Rockville Centre, NY; George Washington University, 2007; Associated with Fox Rothschild, LLP, West Palm Beach.

Lance Cornick: Burlington, IA; St. Thomas University, 2011; Legal Aid Society of Palm Beach County.

William Aaron Daniel: Atlanta; University of Miami, 2012; Associate in Kula & Samson, LLP, Aventura.

Akilya Maya Drake: NY; Loyola University of Chicago, 2008; Office of Clerk & Comptroller Palm Beach County.

Christine Farley: CA; Northeastern University, 1995; Sole Practitioner, Jupiter.

Laura Goorland: Tallahassee; Nova Southeastern University, 2008; Associate in Robertson, Anshutz & Schneid, Boca Raton.

Megan Hodson: Cincinnati; University of Baltimore, 2011; Associate in Robert N. Hartsell, P.A., Delray.

Brittany Jacobs: University of Florida, 2012; Associate in Roberts, Reynolds, Bedard & Tuzzio, P.A., West Palm Beach.

Stacy Lyn Karger: Charleston; University of Miami, 1997; Associate in Gelfand & Arpe, P.A., West Palm Beach.

Angela Kirk: OH; Nova Southeastern, 1994, Sole Practitioner, Dania Beach.

Allegra Knopf: White Plains, NY; University of Florida, 2000; Associate in Methe & Rockenbach, P.A., West Palm Beach.

Carlos Megias: Havana Cuba; Stetson University, 1979; Associated with NextEra Energy Resources, LLC, Juno Beach.

Titania Rodolph: Buffalo; Nova Southeastern University, 2006; Associate in Shochet Law Group, Greenacres.

Daren Rubinfeld: Brooklyn; Washington University, 1989; Sole Practitioner, Palm Beach.

Megan Schmidt: New Orleans; Florida Coastal, 2012; West Palm Beach.

Merin Seifer: Denver; Nova Southeastern University, 2005; Associate in Turco Legal, West Palm Beach.

Andrea Shelowitz: NY; Nova Southeastern, 1996; Partner in Gladstone Law Group, P.A., Boca Raton.

Jennifer Stergion: University of Buffalo, 2007; Affiliate Membership.

Caryn Stevens: Miami; Nova Southeastern, 2008; Associate in Rudolph & Associates, LLP, West Palm Beach.

Matthew N. Turko: New Britain, CT; Stetson University, 2006; Associate in Kaye Scholer, LLP, West Palm Beach.

Danielle Watson: Thomas M. Cooley Law School, 2011; Sole Practitioner, West Palm Beach.

Daniel Widboom: Tampa; Vanderbilt University, 2012; Associate in Jones Foster Johnston and Stubbs, P.A., West Palm Beach.

Alysia Wolfskeil: Mt. Holly, NJ; St Thomas University, 2002; Sole Practitioner, West Palm Beach.

Anne Dufour Zuckerman: Waterville, ME; Quinnipiac University, 1986; Sole Practitioner, Boca Raton.



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The Estate and Probate Law Continuing Legal Education Committee presents:

"The 30th Annual Estate and Probate Seminar—Part 2"

Wednesday, May 15, 2013 - 8:00a.m.- 12:30p.m.

**Embassy Suites (formerly The Crown Plaza Hotel)
1601 Belvedere Road, West Palm Beach, FL**

Program Schedule

- 8:00a.m. - 8:25a.m. **"Hot" Breakfast Buffet / Late Registration and Check In**
- 8:25a.m. - 8:30a.m. **Welcome & Opening Remarks** - John M. Severson, Esq., Florida Bar Board Certified Wills, Trusts & Estates Attorney, Burns & Severson, P.A., Committee Chair
- 8:30a.m. - 9:20a.m. **Case Law Update** - Theodore S. Kypreos, Esq., Jones Foster Johnston & Stubbs, P.A.
- 9:20a.m. - 9:40a.m. **Legislative Update** - Tasha K. Dickinson, Esq., Jones, Foster, Johnston & Stubbs, P.A., Board Certified Wills, Trusts and Estates Attorney
- 9:40a.m. - 10:20a.m. **Tax Law Update** - Michael A. Lampert, Esq., Michael A. Lampert, P.A., Board Certified Tax Law Attorney
- 10:20a.m. - 10:35a.m. **BREAK**
- 10:35a.m. - 11:20a.m. **Health Care Surrogates** - Peter J. Forman, Esq., and Jenna G. Rubin, Esq., Gutter Chaves Josepher Rubin Forman Fleisher Miller, P.A.
- 11:20a.m. - 11:50a.m. **Confidentiality of Attorney-Client Communications (from a probate lawyer's perspective)** - David M. Garten, Esq., Law Office of David M. Garten
- 11:50a.m. - 12:30p.m. **Claims against the Estate** - Norman Fleisher, Esq., Gutter Chaves Josepher Rubin Forman Fleisher Miller, P.A.

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Membership Luncheon

This year we've focused on hosting additional membership lunches with diverse and interesting speakers. Our most recent luncheon was held with members of the Federal Bar Association and the Bankruptcy Bar Association featuring guest speaker Chief Judge Joel Dubina from the United States 11th Circuit Court of Appeals. The sold out event was held at the Marriott in West Palm Beach.



Patricia Lowry and U.S. Magistrate Judge James Hopkins



Circuit Judge Catherine Brunson



Adam Hecht, Sia Baker, Jack Barnes, and Gerald Richman



Jason Jones, Bankruptcy Bar Association President; Adam Rabin, PBCBA President; Chief Judge Joel Dubina, U.S. 11th Circuit Court of Appeals; Jason Lazarus, Federal Bar Association President



Circuit Judge Robin Rosenberg and Eunice Baros



Dina Keever talks with Judge Dubina after the luncheon



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



***“Legal Legends vs. Younger Guns”
Business Litigation Mock Trial CLE***

Friday, May 10, 2013 - 8:00am - 4:30p.m.

**LOCATION: The Embassy Suites
1601 Belvedere Rd., West Palm Beach, FL 33406**

Come watch this Mock Trial as our “Legal Legends” face off with the “Younger Guns.” The two teams of six will present their case to a live jury. From opening to closing statements, you’ll witness all aspects of a real trial, watch the jury deliberate, and learn from leaders in our community.

Team Legal Legends will be Gerald F. Richman, John (Jack) Scarola, Louis Mrachek, Patricia E. Lowry, F. Malcolm Cunningham, Jr. and Jim Beasley.

Team Younger Guns will be Phillip H. Hutchinson, Ryon M. McCabe, Joanne O’Connor, Michael J. Pike, Gregor J. Schwinghammer, and David I. Spector.

Trial graphics and program presentation taped by:



Program Schedule

- 8:00am - 8:30am **Continental Breakfast/ Check In / Late Registration**
- 8:30am - 8:35am **Introduction on PBCBA’s Improved CLE Offerings** - Adam T. Rabin, Esq.,
McCabe Rabin, P.A., Board Certified Business Litigation Attorney
- 8:35am - 8:40am **Welcome - Opening Remarks** - Joseph G. Galardi, Esq., Beasley Hauser
Kramer & Galardi, P.A., Business Litigation CLE Committee Chairperson
- 8:40am - 11:45am **Trial Presentations**
- 11:45am - 12:30pm **LUNCH**
- 12:30pm - 4:30pm **Continuation of Trial, Jury Deliberations, and Verdict**

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This course is expected to receive 8.5 CLER from The Florida Bar.

Early registration cost for the seminar, which includes lunch, is **\$175** for PBCBA member attorneys/paralegals;
\$225 for non-PBCBA member attorneys/paralegals if registered by 5/3/13; add \$25 late fee after that date.

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

Professionalism Profile: 15th Annual Professionalism Award Winner John Mariani

Written by Katherine Kiziah on behalf of the Professionalism Committee



This year's recipient of the Palm Beach County Bar Association's Professionalism Award, John Mariani, has created a lasting impact on our community that will

continue to promote professionalism for generations to come. Not only does Mr. Mariani understand the importance of professionalism in elevating the practice of law, but he devotes significant time to mentoring younger lawyers on the lessons he has learned.

Mr. Mariani has been practicing for over 30 years, 20 of those years in Palm Beach County. After graduating from the University of Notre Dame and University of Miami Law School, Mr. Mariani served as a law clerk to the Honorable Ruggero J. Aldisert of the United States Court of Appeals for the Third Circuit. He then practiced in New York until coming to South Florida. Mr. Mariani is a significant contributor to our area both in the legal field and otherwise, including as chair of the Florida 15th Circuit Judicial Nominating Commission, chair of a Federal Magistrate Judge Merit Selection Panel for the Southern District of Florida, service on the Advisory Committee on Court-Annexed Mediation for the Southern District of Florida and as area coordinator of the National Italian American Foundation, in addition to his contributions to numerous publications, seminars and presentations.

Perhaps Mr. Mariani's consummate professionalism is best exemplified by the multiple, well-respected attorneys he has mentored who count him as one of the most significant influences in their careers. Ryon McCabe, of McCabe Rabin, P.A., praises Mr. Mariani's focus "on the merits and substance of his cases" as well as advice to "attack the argument, not the person." He notes Mr. Mariani's friendship, respect for the legal profession and abiding belief in helping other lawyers as key qualities of this year's award winner. Indeed, Mr. McCabe states that Mr. Mariani has instilled in him the sense

that the true spirit of professionalism creates a personal responsibility to assist younger lawyers.

And Mr. McCabe's statements are hardly the norm. In fact, the themes of respect, camaraderie and duty are consistent throughout descriptions of Mr. Mariani. Patricia Leonard, a shareholder at Greenberg Traurig, P.A., whom Mr. Mariani mentored after meeting through the American Inns of Court and has opposed Mr. Mariani in court, describes him as "a strong advocate for his client, while at the same time being very professional and respectful to opposing counsel." Ms. Leonard illustrates the most important lesson Mr. Mariani has taught her as "everything you do, whether as a lawyer in a case, volunteer in a community or legal organization, or otherwise, not only forms the impression others have of you but helps serve as a good example to attorneys newer to the profession."

Christopher Kammerer, of Christopher Kammerer, PLLC, worked for Mr. Mariani at two different law firms and, after opening his own practice, continues

to co-counsel and attend speaking engagements with the Professionalism Award recipient. He cites Mr. Mariani as the "single most important person in my development as an attorney" outside of law school and his first position as attorney. Mr. Mariani's mentorship of Mr. Kammerer extended from legal skills to, as noted by his other mentees, the important role quality attorneys play in society. Mr. Kammerer states that Mr. Mariani's professionalism in the courtroom, which is based on his "utmost respect for the judicial process," serves as an example to those around him.

It is clear from those who have been influenced by John Mariani that his legacy will be as a strong litigator who maintains a singular focus on the maintenance of professionalism and civility. He has also ensured these qualities are passed on to future generations to continue to elevate the practice of law. If we can all take away one lesson from Mr. Mariani, as he has told his mentees, "Be prepared. Be direct. Be concise. Be respectful. Wear a tie."

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The Circuit Civil Practice Committee of the Palm Beach County Bar Association
presents:



**“Best Practices in Civil Litigation and Trials -
An Open Forum”**

Friday, May 31, 2013 - 1:00p.m. - 5:00p.m.

Bar Offices - **NEW LOCATION:** 1507 Belvedere Road, WPB

Featuring

Fifteenth Judicial Circuit Judges:

*The Honorable Jack S. Cox, The Honorable Jeffrey D. Gillen, The Honorable Glenn D. Kelley,
The Honorable Gregory M. Keyser, The Honorable Janis B. Keyser, The Honorable Meenu T. Sasser*

Attorneys:

*Amy L. Fischer, Board Certified Construction Lawyer, Cunningham Law Firm;
Jeffrey R. Hickman, Esquire, Jeffrey R. Hickman Law Office, Staff Counsel for GEICO Insurance Company;
Nancy L. La Vista, Board Certified Civil Trial Lawyer,
Clark Fountain La Vista Prather Keen & Littky;
Jonathon T. Levy, Board Certified Civil Trial Lawyer, Rosenthal Levy Simon & Ryles P.A.;
L. Louis Mrachek, Board Certified Business Litigation and Civil Trial Lawyer,
Page Mrachek Fitzgerald Rose Konopka & Dow P.A.;
Lawrence P. Rochefort, Board Certified Business Litigation Lawyer, Akerman Senterfitt;
John “Jack” Scarola, Board Certified Business Litigation and Civil Trial Lawyer,
Searcy, Denney, Scarola, Barnhart & Shipley, P.A.*

Sponsored by: ARC Mediation and Jeffrey R. Rollins, P.A.

Program Schedule

- 1:00pm - 1:15pm **Check In / Late Registration**
- 1:15pm - 1:25pm **Welcome - Opening Remarks** - *Barry S. Balmuth, Esq., Board
Certified Business Litigation and Civil Trial Attorney, Barry S.
Balmuth, P.A., Circuit Civil Practice Committee Chairperson*
- 1:25pm - 4:00pm **An open discussion of the best practices in discovery,
motion, and trials amongst the above-referenced
distinguished jurists and attorneys as well as attendees.**
- 4:00pm - 5:00pm **Happy Hour/Cocktails**

This course is expected to receive 3.0 CLER from The Florida Bar. Cert. credits are pending.

Early registration cost is **\$75** for PBCBA members/paralegals,

\$115 for non-PBCBA members/paralegals. **After 5/24/13, add \$15.00 late fee.**

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

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Palm Beach County Bar Association, 1507 Belvedere Rd., West Palm Beach, FL 33406.

Diversity Corner

The Diversity Internship Program- A Pathway to Success

*By Chioma Deere, Esq. and Jessica Callow Mason, Esq.
Co-Chairs, Diversity Internship Program Subcommittee*



When people hear about the Diversity Internship Program (Program), they often ask whether anyone has ever received a job offer as a result of participating in the program. The answer is yes! The DIP is a 10-week program that allows diverse law school students to gain legal experience with Palm Beach County law firms and state and federal agencies. The Program was revamped in 2010 to provide students of diverse backgrounds with the opportunity to gain valuable summer work experience that would not necessarily be available in the current job market.

In providing such opportunities, the Palm Beach County Bar Association's goal is that the law students will gain valuable legal experience and aspire to return to our legal community, with the end result of creating a diverse bar that reflects the diversity of the Palm Beach County community as a whole. Since 2010, more than 100 students have applied to the program and more than 50 have been placed as interns with law firms and agencies in Palm Beach County.

Law firms of many different practice areas and those classified as large, medium and small have participated in the Program. The Program has also included opportunities for government and public interest employment, and has resulted in some law students being offered opportunities for permanent employment.

One beaming example is Gillian Sykes, a participant in the Summer 2011 Program. She was placed with the law firm of Roberts, Reynolds, Bedard & Tuzzio, and took advantage of the opportunity. She participated in the Program's Tools & Tips Seminar and networking events, which allowed her to meet

other members of the legal community.



She adds that at one of the events she met a mentor who encouraged her to stay in Palm Beach County and make the best of her opportunity. Following her graduation from law school in 2012, Roberts Reynolds offered her an associate position, and this summer will mark her first full year with the firm. "The Program was great for advancing my career, and I would encourage other diverse law students to apply," said Sykes.

Lyman Reynolds, managing partner of the firm, agrees that the program is outstanding. "We participated in the Diversity Internship Program to support the bar's diversity efforts and to give back to the legal community. We weren't looking to hire a new attorney, but we consider ourselves lucky to have found Gillian through the Program. She is an outstanding asset to the firm," said Reynolds.

This is just one example of a talented diverse lawyer gaining a pathway to success through the Program, that otherwise would not have been available. This year's Program kicks off in late May, and we are looking forward to another successful year.

Chioma Deere is a litigation associate with Vernis & Bowling, FL. Chioma's practice focuses on PIP defense, complex commercial litigation, personal injury, and e-discovery. Jessica Callow Mason is a Commercial Litigation Attorney with Ciklin Lubitz Martens & O'Connell.



YLS Volunteer at Café Joshua

Ashley Wilson
serves as a lunch
companion



Leslie Arsenault
carefully serves up
two cups of soup!



Daniel Widboom gets salads ready
for serving



Greg Salnick takes lunch orders

Our young lawyers recently gave of their time at Cafe Joshua in West Palm Beach. While some members took lunch orders, served meals and cleared tables, others volunteered as table companions. Whether our volunteers served or sat, they all made a difference in the lives of those less fortunate. Thank you Young Lawyers!



ABA Midyear Meeting 2013: Dallas

**By PBCBA ABA
Delegate Donnie
Murrell**

If you're a
Texas oil man in a
stretch limo with
cow horns on the

hood, Dallas is probably a neat place to spend a few days. On the other hand, if you're an insignificant member of the ABA House of Delegates, who didn't bother to rent a car, Dallas sucks. Without a car, you are going nowhere in that town. This is especially true if you are staying at the Hilton Anatole (aka The Gulag), conveniently located on the Great Plains. You can see the city from the Gulag, but you cannot walk there. In fact, you cannot walk to anywhere, except a Denny's – and to get there you have to cross a four lane highway, and that is not at a cross walk. It is a brilliant marketing plan by Hilton: lure a large audience and hold it captive for the entire stay. Today's menu: Take it or Leave it.

Anyway, on to the work of the House. The agenda was light and included the usual wide range of scintillating topics. The Sections of Intellectual Property and Science and Technology introduced resolutions supporting “the principle that laws of nature, physical phenomena, and abstract ideas are not eligible for patenting as a process under 35 USC S.101” and supporting “clarification of the standards for finding direct infringement under 35 USC S. 271(a) for a patent directed to a multiple step process in the fact situation where separate entities collectively, but not individually, perform the required steps of the patented process.” Got that? Both resolutions passed without opposition.

In fact, *every* resolution on the calendar passed without *opposition*. More than thirty resolutions were adopted by the House and not a single debate occurred on any of them. This is the sad culmination of a trend that began several years ago. Resolution proponents spend enormous time and effort vetting their issues before bringing them to the floor of the House. This vetting process has replaced floor debate. Now if opposition is even detected, resolutions are pulled and behind the scenes efforts are made to resolve the problem prior to bringing the matter before the House. As a result, the fine debates

that once were the hallmark of the House have all but disappeared. (It is not a coincidence that the quality and quantity of debate began to seriously decline when the Delegates reception went from an open bar to cash bar. In vino, veritas – but I digress.)

The lack of debate was most notable in regard to Resolutions 107A, 107B, 107C and 107D, a series of resolutions sponsored by the Commission on Ethics 20/20. These four resolutions are the latest offerings by the Ethics 20/20 committee and A, B and C deal with in-house counsel and foreign lawyers appearing in U.S. Courts pro hac vice. 107D addressed choice of law issues arising in the context of a conflict of interest. Emails were circulated prior to the House meeting critical of 107C and vigorous debate was expected. However, late night negotiations resulted in new language presented to the House and it was adopted without serious debate.

I have written before about the work of the Commission on Ethics 20/20. I have expressed concern about what is going on and I want to repeat my concern. Every proposal so far looks as if it were written by the Fortune 500. I, for one, am very uncomfortable having multinational corporations writing the Model Rules of Professional Conduct. There should not be a set of Model Rules written for the Main Street lawyer who represents Mom and Pop and separate Model Rules governing corporate counsel or the law firms that represent corporations, especially multinational corporations. Lawyers are lawyers. We should all be governed by the same set of Rules. Our core values should all be the same, whether we represent people or corporations. Trying to tailor the Model Rules to accommodate modern business practices is inviting trouble. As we are all often reminded, the law is a profession, not a business. Drafting the Model Rules around the needs of business invites an erosion of the core values of our profession. We should be vigilant of this process.

As always, I am happy to try and answer any questions anyone may have regarding the work of the House of Delegates or ABA Sections or Committees.

CLE

Continuing Legal Education

Need CLE Credit? We've Got 'Em!

Please take a moment to review the schedule below of upcoming CLE seminars. **Thank you** to the many attorneys who have volunteered their time to organize and speak at these seminars. All seminars will be held in the offices of the Bar Association unless otherwise noted.

April 11, 2013

Elder Law Dinner seminar
The Colony Hotel

April 12, 2013

PI/Wrongful Death CLE Seminar

April 19, 2013

Family Law CLE Seminar
Bar Association Office

May 8, 2013

Securities Law CLE Seminar
Bar Association Office

May 10, 2013

Circuit Civil CLE Seminar
Bar Association Office

May 15, 2013

Estate & Probate Law CLE Seminar
The Embassy Suites, WPB

June 7, 2013

Community Association Law
CLE Seminar
Bar Association Office

June 14, 2013

Real Estate CLE Seminar
Bar Association Office

And don't forget, we have CLE content available 24/7 by going to the Bar's website at www.palmbeachbar.org/continuing.php



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

DISCOVERY THAT WINS CASES AND KEEPS YOUR CLIENT OUT OF JAIL - TOOLS TO MASTER, PITFALLS TO AVOID

Friday, April 19, 2013 - 8:45 a.m. – 5:00 p.m.

Embassy Suites Hotel, 1601 Belvedere Road, WPB, FL 33406

Program Schedule

- 8:45am - 9:05am **Late Registration and Check in**
- 9:05am - 9:15am **Welcome and Opening Remarks** - *Georgia T. Newman, Esq. Law Office of Georgia T. Newman, P.L., Committee Chair*
- 9:15am - 10:15am **Skills for Efficiently and Effectively Deposing an Opposing Expert and Defending Your Own Expert from Attack** - *Michael P. Walsh, Esq., Michael P. Walsh, P.A., and David W. Ellrich, Jr., CPA, Moore, Ellrich & Neal, P.A.*
- 10:15am - 10:30am **BREAK**
- 10:30am - 11:30am **Privileges - Keep them. Waive them. Litigate them.** - **Joel M. Weissman, Esq., Joel M. Weissman, P.A.*
- 11:30am - 12:15pm **Ethics in Discovery - Getting What You Need and Doing it Professionally** - *Chief Judge Peter D. Blanc, Fifteenth Judicial Circuit*
- 12:15pm - 1:00pm **LUNCH**
- 1:00pm - 2:00pm **Electronic Discovery: Getting it, Getting it in, and Hazards to Avoid** - **Stuart R. Manoff, Esq., Stuart R. Manoff & Associates, P.A.*
- 2:00pm - 2:50pm **You Got Him to Say What?! - Mastering Deposition Skills** - **Peter L. Gladstone, Esq., Gladstone & Weissman, P.A..*
- 2:50pm - 3:05pm **BREAK**
- 3:05pm - 4:00pm **Out of the Mouths of Babes—Discovery Issues in Child Related Actions** - **Elisha D. Roy, Esq., Sasser, Cestero & Sasser, P.A., Chair-Elect Family Law Section of the Florida Bar*
- 4:00pm - 5:00pm **Judicial Panel: Discovery Do's and Don'ts - A View From the Bench** – *From the Circuit Court Family Division, Honorable Amy L. Smith, Honorable John L. Phillips, Honorable Timothy P. McCarthy; from the 4th DCA, Honorable Mark Polen, Honorable Spencer D. Levine.*
- 5:00pm - 6:00pm **Happy Hour**

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MARITAL & FAMILY LAWYER

The Matthew Lundy Law Group

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This course is expected to receive **8.0 CLER incl. 1.0 Ethics / Marital & Family Law Certification credits** are pending from the Florida Bar.

Early Registration cost is **\$180** for Attorneys **0-5 years** experience; **\$215** for PBCBA members/paralegals **w/5+ yrs** experience; **\$255** for non-PBCBA members/paralegals **w/5+ yrs** experience. **After 4/12/13** add **\$25** to registration fee.

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

Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

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Service*

VOTING BEGINS

April 10

PALM BEACH COUNTY BAR ASSOCIATION

- Co-chair, Bench Bar Conference (2013)
- Judicial Relations Committee
- Professionalism Committee
- Bench Bar Conference Committee
- Wrongful Death/PI CLE Committee
- North County Section
- Young Lawyers Section

FLORIDA BAR INVOLVEMENT

- Code and Rules of Evidence Committee Member
- Young Lawyers Division Member

ACCOMPLISHMENTS

- Craig S. Barnard American Inns of Court
- Selected for inclusion in Super Lawyers Rising Stars Edition, 2009, 2013
- Included in Florida Legal Trend Legal Elite, Up and Comers, 2012
- Included in South Florida Legal Guide, Up and Comers, 2012
- Jupiter Medical Center Foundation, Highballs & Hibiscus Committee Member, 2012

MEMBERSHIPS

- Florida Association for Women Lawyers
- Palm Beach County Justice Association
- Florida Justice Association
- Admitted to Southern and Middle Districts of the U.S. District Court of Florida
- Admitted to United States 11th Circuit Court of Appeals

EDUCATION

- University of Florida Levin College of Law, J.D.
- University of Florida, B.A., cum laude

Minority Owner Rights in a Closely Held Company



Most businesses in the United States operate as “closely held” companies. This means the stock or ownership interest

of the company is not publicly traded, but is instead held by a small group of private owners.

This article briefly explores a few common problems facing owners of closely held companies in break-up or “business divorce” cases, with special emphasis on the most common problem of all: the plight of the minority owner who believes he or she is not being treated fairly by the majority owner.

Sources of Trouble in Closely Held Companies

The owners of closely held companies usually get along well. When trouble arises, however, it frequently stems from the following sources.

No Written Agreement: During the infancy stages of many new businesses, the owners begin “on a handshake.” These owners do a great job of predicting the success of their new product, idea, or business plan, but they do a lousy job of predicting the problems that success can bring. Years later, these owners often find themselves in disputes, usually over money or control of the business, with no written agreement to give direction.

Multiple Hats: Moreover, the owners of closely held companies can be required to wear many different hats: owner, president, manager, managing-member, boss, employee, etc. Each are different roles with different (and sometimes conflicting) duties and responsibilities. What happens, for example, when the 51% owner, who is also the manager, decides to fire the 49% owner, who is also an employee? Does the 49% owner have a right to a job at the company? What about salary? Can the 51% owner set everybody’s salary, including his own?

Stock Can’t Be Sold: The owners of stock in a closely held company cannot simply call their brokers and “sell,” as there is no public market for the stock. Moreover, the written agreements that govern closely held companies usually place severe restrictions on the ability to sell the stock. Thus, minority owners frequently find themselves in the position

by: *Evan H. Frederick & Ryon M. McCabe*

of being part-owner of a multi-million dollar business that provides them with zero income or benefits.

Who’s Really in Charge?

Most closely held companies govern themselves based on a written agreement, called a Shareholders’ Agreement or Operating Agreement. This agreement spells out the owners’ rights and responsibilities.

If the company does not have a written agreement, the owners’ rights and responsibilities “default” to the state statutes that govern the type of entity at issue. These statutes set up the basic outline for company governance, portions of which owners are free to modify with written agreements.

Generally, control starts with the owners. The owners elect a board of directors to run the company. The board then hires executive officers, such as a president, to run the day-to-day affairs of the company. The executive officers, in turn, hire and fire employees, make business decisions, and run the company on a day-to-day basis.

In a closely held company this entire command structure may be collapsed into a single 51% owner. With 51% of the vote, this person may control the board of directors, the executive officers, the distribution of profits, and all day-to-day decisions of the company.

What are the Rights of the Minority Owner?

As a general rule, unless the written agreements state otherwise, a minority owner has only three basic rights in a closely held company:

- the right to vote for the board of directors, manager, etc.;
- the right to review the books and records of the company upon request; and
- the right to receive dividends or profit distributions from the company IF they are declared.

This lack of authority often comes as a surprise to long-time minority-owners who have also served as employees of the company. Despite years of effort and service, these minority owners find they may have no right to continued employment, to participate in the daily decisions in the company, or enjoy any financial benefit from stock ownership (as

is often the case in a business dispute).

What is “Oppression of Minority Rights”?

For minority owners, a saving grace frequently comes from the fiduciary duties owed by the majority owners. As a general rule, majority owners owe a fiduciary duty to run the affairs of the company *in the best interest of the company* and not in a manner that favors their own interest over the minority owners’ interests.

This doctrine, frequently called “minority oppression,” prohibits majority owners from using their power to deny minority owners the right to participate in, or enjoy financial returns from, the closely held company. Examples of oppressive conduct include:

- refusing to declare dividends or distributions when the company is profitable;
- diverting earnings to the majority owners through excessive compensation;
- removing the minority owners from the board or other management position; and
- entering into favorable contracts with affiliates of the majority owner.

Although a minority owner cannot force the majority owner to act fairly, he or she does have a remedy for improper, oppressive conduct – a lawsuit for minority oppression. The minority owner can seek money damages or, at times, a court-ordered buy-out of the minority owner for the fair market value of his or her shares.

In sum, although a minority owner in a closely held company has limited rights, the majority owner cannot improperly freeze out the minority owner from the company. If such conduct occurs, the majority owner risks facing a claim for minority oppression.

Evan H. Frederick is an associate with McCabe Rabin, P.A. in West Palm Beach. He practices in the areas of business, securities and whistleblower litigation. Ryon McCabe is a Partner with McCabe Rabin, P.A. and practices in the areas of business, securities and whistleblower litigation. He is Board Certified in Business Litigation by the Florida Bar.



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

LAWYERS FROM ALL DISCIPLINES - BE AWARE!

May 8, 2013, 12:30p.m. - 6:00p.m.

Bar Association Offices, 1507 Belvedere Road, WPB, FL

**Criminal, Commercial, Divorce, Guardianship, Personal Injury,
Probate, Professional Liability, Tax Planning, Trust & Estates**



**WOULD YOU KNOW IF YOUR CLIENT HAD A CLAIM FOR FINANCIAL FRAUD??!!
WOULD YOU KNOW WHAT TO DO ABOUT IT??!!**

**INVESTOR PROTECTION, MANDATORY ARBITRATION & REFERRAL FEES
HEAR IT FROM THE EXPERTS**

Program Schedule

- | | |
|------------------------|---|
| 12:30 p.m. - 1:00 p.m. | Lunch / Late Registration/ and Check In
Welcoming & Opening Remarks - <i>Debra A. Jenks, Esq., Ciklin Lubitz Martens & O'Connell, Committee Chairperson</i> |
| 1:00 p.m. - 1:30 p.m. | Fighting Economic Crimes in Palm Beach County -
<i>Dave A. Aronberg, Esq., Palm Beach County State Attorney</i> |
| 1:30 p.m. - 2:40 p.m. | Show Me the Money - Where the Action Is - Losses Due To Negligence, Fraud and Product Failures and Tracking of Trends - <i>J. Boyd Page, Esq.; Page Perry, LLC, Atlanta, GA; Scott J. Link, Esq., Board Certified Business Litigation Attorney, Ackerman, Link & Sartory P.A., West Palm Beach, FL; and Rick Ryder, Esq., Securities Arbitration Commentator, Maplewood, NJ;</i>
Moderator: <i>Jonathan B. Butler, Esq., Shareholder, Akerman Senterfitt</i> |
| 2:40 p.m. - 3:50 p.m. | What Do You Mean No Rules of Evidence??!! Mandatory ADR of Investor and Employment Claims before FINRA, AAA and NFA - <i>James D. Sallah, Esq., Sallah & Cox, LLC, Boca Raton, FL; Craig D. Stein, Esq., Stein & Stein, P.A., and Ryon M. McCabe, Esq., McCabe Rabin, P.A., Bd. Certified Business Litigation Attorney</i>
Moderator: <i>Matthew N. Thibaut, Esq., Ciklin Lubitz Martens & O'Connell</i> |
| 3:50 p.m. - 4:00 p.m. | BREAK |
| 4:00 p.m. - 4:45 p.m. | Ethics and E-mails – How to Stay Professional in the Electronic Age -
<i>Culver "Skip" Smith, Esq., Culver Smith III, P.A., on behalf of the Professionalism Committee of the Palm Beach County Bar Association</i>
Good Lawyers Behaving Badly: What Not to Do When Appearing in an ADR Forum - <i>Kelly J. Shivery, ACP, FRP, McCabe Rabin, P.A.</i> |
| 4:45 p.m. - 5:00 p.m. | e-Discovery Management - <i>Chris L. Johnson, Vice President of Sales, Credence Corp.</i> |
| 5:00 p.m. - 6:00 p.m. | Happy Hour and War Stories |

**SPONSORED BY: Ciklin Lubitz, Martens & O'Connell; Credence Corp.;
McCabe Rabin, P.A.; and Stein & Stein, P.A.**

This course is expected to receive **4.5 CLER / 1.0 Ethics credits**. Cert. Credits are pending from The Florida Bar.

Early Registration cost is **\$115.00** for PBCBA members/paralegals;

\$155 for non-PBCBA members/paralegals if registered by **5/1/13**; add \$15 late fee after that date.

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

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Want More Control? Get in the Habit of Planning.

By Nora Riva Bergman

If you're like most lawyers, your days are pretty stressful. You may feel often feel that "there just aren't enough hours in the day." Maybe you spend your days putting out fires or unable to focus because of constant interruptions from staff and those pesky clients. There is nothing that contributes to our stress more than the sense of being out of control. Here's a simple way to think of the relationship between stress and control: The level of stress we feel is inversely proportionate to the level of control we feel we have over our lives. Less control; more stress. More control; less stress.

One of the most powerful things to you can do to begin to take control is to get into the habit of planning. The power of planning comes not from flawlessly executing your plans. That may rarely happen! The power comes from the planning itself.

As German writer and philosopher Johann Wolfgang von Goethe (1749-1832) said, "Things which matter most must never be at the mercy of things which matter least." Planning is the means by which to identify the "things which matter most." Without identifying "the things which matter most," you will constantly be reacting to things that are important to others. You'll always be putting out fires.

Here's another reason why planning is so essential to your success. In his book, *The Way We're Working Isn't Working*, Tony Schwartz talks about the concept of "predeciding." The concept of predeciding is a powerful way to change behavior. For example, if you want to stop eating junky, sugar-filled snacks at work, keep an assortment of healthy snacks in your desk drawer. By doing so, you've helped your brain "predecide" what you're going snack on, lessening your need to rely on the finite amount of willpower each of us has. Planning is just another way of predeciding. Rather than constantly reacting to other people's priorities, planning allows you to decide – in advance – how you are going to spend your day.

Predeciding should help a person protect goal pursuit from tempting distractions, bad habits,

or competing goals... When you go into a day that's unplanned, then you're just faced with whatever hits you. If you have a plan, then you don't let the unplanned things get in your way.

The Way We're Working Isn't Working, Tony Schwartz and Jean Gomes, Simon & Schuster, Inc., 2010

Take 30 minutes to plan your week.

- Schedule a weekly appointment with yourself to do your weekly planning. I suggest a minimum of 30 minutes on Thursday or Friday to plan the coming week.
- Include your key support person in your planning session.
- During your planning session, look out into your calendar for the next month. Look for deadlines and due dates.
- Block time in your calendar during the coming week to actually "do your work."

Take 10 minutes at the end of the day to plan the following day.

- Do this before your legal assistant or paralegal leaves for the day. I recommend building in a quick huddle at around 3:30 or 4:00.
- Review your calendar for the next day.
- Do you have everything you need for the day? Are the files you plan to work on in your office? Are you prepared for your hearing? Depo? Client meeting?
- Identify the one thing that you must accomplish tomorrow if everything else goes south!

- Make sure your key people are clear on their top priorities, as well!

Refuse to accept the myths that say...

"There just aren't enough hours in the day," or "I have no control over my time." There is enough time in the day, if you use it wisely. We all have the same amount of time – exactly the same number of hours each day as Helen Keller, Mother Theresa, Leonardo da Vinci, Thomas Jefferson, Albert Einstein, and Michelangelo. Plan to use your hours wisely.

Nora is a business coach and practice advisor with Atticus, Inc. A licensed attorney since 1992, she has practiced as an employment law attorney and certified mediator and has served as an adjunct professor at both Stetson University College of Law and the University of South Florida. She has also served as the Executive Director of the St. Petersburg Bar Association. Nora is a graduate of the Leadership Development Institute at Eckerd College, and is certified in the Conflict Dynamics Profile® developed by Eckerd to help individuals and organizations learn how to deal with conflict constructively. She is also certified in the DISC Behavioral Style Assessment. Visit Nora online at www.reallifeppractice.com and www.atticisonline.com.



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Is your current email address on file with our office? If not, please be sure to send your current information to us. As postage rates continue to rise, the Bar is sending notices of all of its functions – membership luncheons, free happy hours, judicial receptions, judicial evaluations, online voting, and important court information via email. Don't be left out of the loop! Send your email address to us today to sspence@palmbeachbar.org

Re-Elect Rosalyn Sia Baker-Barnes



As a member of the Board of Directors, I am especially passionate about our Bar's commitment to law students and young lawyers. We are planting the seeds for our future by connecting with law students and assisting new attorneys:

- Every Board member serves as a mentor to help law students make the transition from student to lawyer.
- At our bench bar conference this month, we exposed law students to various practice areas and offered "real life" advice on how to practice.
- Our diversity internship program has resulted in several promising young lawyers getting jobs with Palm Beach County law firms.

I believe that the future belongs to those who prepare for it today. Through these programs, we have a continuously expanding pool of good lawyers who will become members of our Bar . . . and who will make the Palm Beach County legal community an even better place to practice.

These are just a few of the reasons why I want to continue to serve our association as a member of the Board of Directors. I welcome your ideas and comments, and would very much appreciate your vote.

RSB@SearcyLaw.com

"You have more than earned another term on the PBCBA Board of Directors. It's a pleasure to endorse you for re-election this year."

- - John Page
President, National Bar Association

"Please add me to your list of endorsements for re-election. We need to keep leaders like you on our team!"

- - Patrick Massa
Past President, Palm Beach County Bar Association

"I am honored to endorse you and fully support your re-election to the Palm Beach County Bar Association Board of Directors."

- - Gary M. Farmer, Jr.
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Past President, Palm Beach County and State FAWL

"Thank you for your unflinching commitment and hard work on behalf of the Palm Beach County Bar Association. It is a privilege to support your re-election."

- - Richard Schuler
Past President, Palm Beach County Bar Association

"I am so pleased to endorse your re-election to the PBCBA Board of Directors. We are grateful for your representation of all persons, especially lawyers of color, as well as your leadership on diversity and inclusion."

- - Salesia Smith-Gordon
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The Bankruptcy Law CLE Committee of the Palm Beach County Bar Association
presents:



"The View From the Local Bench"

Friday, May 24, 2013 - 11:45a.m. - 2:00p.m.

Bar Offices - **NEW LOCATION:** 1507 Belvedere Rd., WPB

Program Schedule

- 11:45am - 12:00pm **Lunch / Check In / Late Registration**
- 12:00pm - 12:05pm **Welcome - Opening Remarks** - *Brian K. McMahon, Esq.,
Brian K. McMahon, P.A., Bankruptcy CLE Committee Chair*
- 12:05pm - 12:35pm **Ethics and Professionalism: A Cut Above the Ordinary** -
*Representatives from the Palm Beach County Bar Association's
Professionalism Committee*
- 12:35pm - 2:00pm **The View From the Bench: The Words and Wisdom of
Our Bankruptcy Judges** - *Honorable Paul G. Hyman and
Erik P. Kimball, United States Bankruptcy Court -
Moderated by Brian K. McMahon, Esq.*

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Early registration cost, including lunch, is \$50 for PBCBA members/paralegals, \$90 for non-
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All refund requests must be made no later than 48 hours prior to the date of the seminar.

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Palm Beach County Bar Association, 1507 Belvedere Rd., West Palm Beach, FL 33406.



Tenancies By The Entirety And Joint Tax Refunds

By Jason S. Rigoli

The issue of whether an individual debtor can claim a joint tax refund exempt as tenancy by the entireties is an unsettled area of the law.

Section 522(b)(3)(B) of the Bankruptcy Code allows individual debtors to exempt any interest in property the debtor owns as tenancy by the entireties, provided that such interest is exempt under state law. It is well settled that under Florida law property may be held by a husband and wife as tenants by the entireties. See, e.g., Beal Bank, SSB v. Almand and Associates, 780 So.2d 45 (Fla. 2001).

Beal Bank is the seminal case in Florida on the issue of tenancy by the entireties. The Florida Supreme Court stated that property held as tenancy by the entireties possesses six characteristics:

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

Beal Bank, 780 So.2d at 52.

Notwithstanding the Beal Bank decision, courts are split on whether a unity of interest exists in a post-petition tax refund resulting from a joint tax return file pre-petition. In a recent Southern District of Florida Bankruptcy Court opinion issued by Judge Mark, he held that there was no unity of interest in a joint tax refund and therefore the refund was not exempt as tenancy by the entireties. In re Ascuntar, – B.R. –, 2013 WL 28709, 111 A.F.T.R.2d 2013-435 (Bankr. S.D.Fla. 2013). In his opinion, Judge Mark looked to federal law to determine the debtor's interest in the tax return, specifically relying on Internal Revenue Service Ruling 74-611 (the "IRS Ruling"). Id. at 2. The IRS Ruling stated:

when a husband and wife file a joint return, Section 6013 of the Internal Revenue Code imposes joint and several liability upon them for the tax computed on their aggregate income. Nevertheless, *this does not*

create a joint interest in any overpayment. As the Ruling explained, "[c]ourt decisions have consistently held that a husband and wife who file a joint return do not have a joint interest in an overpayment; each has a separate interest." Id. In addition, the Ruling states that "if one spouse goes bankrupt, only his share of the refund goes to the trustee in bankruptcy." Id. The Ruling's conclusion is clear: "Thus, a joint income tax return does not create new property interests for the husband or the wife in each other's income tax overpayment." Id.

Ascuntar, at 2 (citing Rev. Rul. 74-611, 1974-2 C.B. 399 (1974)) (emphasis added). Based on the IRS ruling, and other case law, the Judge Mark held that the Debtor holds a separate and distinct interest in the tax refund from his non-debtor wife, and therefore the portion of the return attributable to the debtor is property of the estate.

Other bankruptcy courts in the Southern District of Florida have taken a different view. In In re Kossow, Judge Hyman, looking at similar facts, followed an alternative analysis with respect to determining whether a joint tax refund can be exempt as tenancy by entireties. 325 B.R. 478. In Kossow, Judge Hyman looked to Beal Bank and concluded that the "policy justifications offered by the Florida Supreme Court...should be applied to all personal property, including joint tax refunds." Id. at 488. Relying on Treasury Regulations and provision from the Internal Revenue Code, Judge Hyman determined that "a joint income tax refund constitutes personal property that satisfies the unities of possession, interest, title, and time with right of survivorship subject to a rebuttable presumption." Id.

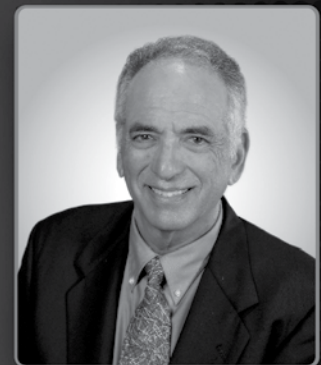
The issue of whether a tax refund resulting from a joint tax return is exempt may be determined based upon the identity of your bankruptcy judge. Accordingly, debtor's attorneys should advise their clients as to the possible different outcomes they may face.

This article submitted by Jason S. Rigoli, Furr and Cohen, P.A., One Boca Place, Suite 337 West, 2255 Glades Road, Boca Raton, FL 33431, jrigoli@furrcohen.com



Richard Schwartz, Esq., (County Court Judge, Retired)

- *Florida Supreme Court Circuit Civil Mediator also qualified in Residential Mortgage Foreclosure Mediation.
- *Former Miami-Dade County Court Judge.
- *Areas of Practice: Contract, Foreclosure, General Civil Practice, Personal Injury, Real Estate.



"In addition to serving on the bench for five years he also owned and operated five Burger King Restaurants. Judge Schwartz now focuses on bringing his legal and business experience to help mediate liability, contract and real estate disputes."

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Members speak to adult learners

For the ninth year, members of the Palm Beach County Bar Association spoke to adult learners about the importance of reading and education at an event held at the Adult Education Center in West Palm Beach. Twenty-one members gave of their time and shared with students personal stories, including Board member Greg Huber, who spoke of his personal struggles in school. He encouraged the students to stay focused and determined in order to reach their goals. You could hear a pin drop in the classroom. This program was held in conjunction with the Palm Beach County Bar Association's Lawyers for Literacy Committee and the Literacy Coalition of Palm Beach County.



Front row: Melynda Melear, Georgina Jimenez-Orosa, Kim Hines, Farah Lolagne, Eunice Baros, Hazel Willacy, Jennifer Carroll, Marc Hoffman, Abby Jorandby, Edy Quinones and Timothy Murphy.
Back row: Darlene Kostrub, Executive Director of the Literacy Coalition of Palm Beach County; Michael Gelfand, Greg Huber, Jordan Gerber, Malik Leigh, Colleen Farnsworth, Brenda Fulmer, Paul Shalhoub, Melanie Dale Surber, Laura Fisher and Rick Sweargin, Adult Education Center Principal.



You could hear a pin drop as attorney Farah Lolagne talks to the group about law.



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Call 866-376-0950 or visit www.lawpay.com/pbcba to take advantage of this offer.

Movie Tickets

The PBCBA has discount movie tickets available for its members.

Remember, these tickets make great gifts for family, babysitters, staff, clients or end of the year gifts for teachers. Savings are available for the following theaters:

- * Muvico Theater - \$8.00 each
- * Regal Theaters \$8.00 each

Come by the office and pick up your tickets today (**payment only by check or credit card**). Tickets will only be FedEx'd (not mailed) if member provides us with a FedEx number. **PRICES ARE SUBJECT TO CHANGE**



Who will be Jurist of the Year? Nominations Due April 5

If you're a North County Section member please take a minute and send us your recommendation of who you feel should be honored with the North County Section's Eleventh Annual Jurist of the Year Award. Tell us which local judge you feel deserves to be honored for his or her dedication to the Bench and to our community.

The letters will be reviewed and voted on by the section's Board of Directors. A winner will be selected based upon the following criteria: The judge should be one with an excellent reputation for sound judicial decisions and an unblemished record of integrity as a lawyer and as a judge; is generally recognized by Bar members as highly qualified; and active

in Bar related activities. He or she should be respectful of the law and understanding of cases. Who is eligible? Any judge who currently presides over cases in Palm Beach County will be eligible to win the award.

Send your nomination to the Bar Office at 1507 Belvedere Road, West Palm Beach, FL 33406 or email your letter to lpoirier@palmbeachbar.org. Nominations are due no later than Friday, April 5.

Previous winners include Judges Mary Lupo, Roger Colton, Peter Blanc, Thomas Barkdull, Barry Cohen, Jonathan Gerber, David Crow, Edward Fine, Jack Cook and Ron Alvarez.



VOTE

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BOARD OF DIRECTORS

A Record of Service

- **PBCBA Board of Directors (2009 – present)**
- **PBCBA Young Lawyers Section**
 - Past-President (2006 – 2007)
 - Past-President Elect, Past Secretary, Past Treasurer
- **PBCBA Committees**
 - Co-Chair PBCBA's Foreclosure Managed Mediation Committee
 - Long Range Planning Committee
 - Historical Committee
 - Judicial Relations Committee
 - Law Week Committee
 - Bench-Bar Committee
- **Legal Aid Society of Palm Beach County**
 - Board of Directors and 2011-2012 Pro Bono Night Co-Chair
- **Florida Bar 15th Judicial Circuit Grievance Committee Member**
- **Historical Society of Palm Beach County, Board of Directors**



Law Suit Day Clothing Drive May 1

The Law Week Committee will host its annual "Law Suit Day Clothing Drive" on Wednesday, May 1. Clean out your closet and donate dresses, suits, pants, shirts and blouses in all sizes for both men and ladies. We're also accepting purses, shoes and belts. Donations will be given to The Lord's Place, the Salvation Army and the Public Defender's Boutique. Participate by donating your gently used items to the Bar Office on Wednesday, May 1 between 9:00 a.m. and 4:30 p.m.

And The Winners Are... 2013 Pro Bono Awards

Bankruptcy Law Award

Kaleb Bell, Esq.
Rosen & Winig, P.A.

Child Advocacy Award

Amy Hickman, Esq.
Hickman and Hausmann, P.A.

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Robert H. Friedman, Esq.
Friedman P.A.
Gary Woodfield, Esq.
Haile, Shaw & Pfaffenberger, P.A.

Community Service Award

Junior League of Boca Raton

Consumer Law Award

Matthew Zimmerman, Esq.
Holland & Knight, LLP

Corporate Partner Award

Brooks Brothers

Emeritus Award

Leslie Rose

Family Law Award

Abigail Beebe, Esq.
Sasser Cestero and Sasser, P.A.

Firm Award

Ciklin, Lubitz, Martens and O'Connell

Special Services Award

Steven N. Glenn

Voluntary Bar Award

The Bankruptcy Bar Association of the
Southern District of Florida

And Justice for All Award

Kai Li Fouts, Esq.
Eisenberg & Fouts, P.A.

Suzanne Foley "Serving Justice Award"

Garry Q. Lewis

Re-Elect Greg Huber to the Palm Beach County Bar Association Board of Directors



Palm Beach County Bar Association

- Board of Directors (2012-present)
- CLE Liaison (2012-present)
- Co-Chair of Bench Bar Conference (2012)
- Law Week Committee
- Independence of Judiciary Committee
- Client Relations Committee
- Professionalism Committee
- Judicial Relations Committee

Florida Justice Association, Young Lawyers Section

- Board of Directors (2005-2008)

Other Legal Affiliations

- FJA Eagle Member
- HBA Member
- FAWL Member
- PBCJA Member

Greg is an Alumni of Stetson College of Law. He began his career as an Assistant State Attorney for the 19th Judicial Circuit. He has been practicing for 15 years and is currently a Shareholder at Zele Huber Trial Attorneys, P.A. focusing on personal injury and wrongful death matters.

Greg is committed to the PBCBA and asks for your vote to allow him to continue to serve the Bar and its members.

So You've Opened Your Own Practice, Now What?

presented by the Solo & Small Firm Practitioners Committee

Beer & Wine Friday Returns For Our Most Popular Lunch Of The Year !

May 24, 2013

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

Bar Office

Program Schedule

11:45 a.m. Registration & Lunch

Noon - 1:00 p.m. This one hour lunch program includes an open discussion from all types of solo practitioners on what has and has not worked for them in starting and maintaining their practices. We'll talk about purchasing office supplies, latest computer and technology, malpractice and liability insurance, plus more!

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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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The Palm Beach County Bar Association's
Community Association Law Continuing Legal Education Committee presents:

THE 24th ANNUAL COMMUNITY ASSOCIATION LAW SEMINAR

Friday, June 7, 2013 7:45 a.m. – 12:00 p.m.

NEW LOCATION - Bar Association Office - 1507 Belvedere Rd., WPB

Program Schedule

7:45am - 8:00am	Late Registration and Check In
8:00am - 8:05am	Welcome - <i>Tanique G. Lee, Esq., Committee Chairperson, Gelfand & Arpe, P.A</i>
8:05am - 8:35am	Service Animals: How long is Fido staying? Fair Housing Case Law Update and Ethical Considerations - <i>Pamela Guerrier, Esq., Palm Beach County Office of Equal Opportunity</i>
8:35am - 9:05am	Insurance: Role of Counsel During Coverage and Ethical Considerations - <i>Lisa M. Szulgit, Esq., Cole Scott & Kissane</i>
9:05am - 9:30am	Bankruptcy Discharge and Its Effect on Association Dues - <i>Malinda L. Hayes, Esq., Frank White-Boyd, P.A.</i>
9:30am - 10:00am	Ethics and Professionalism: A Cut Above the Ordinary - <i>Jeffrey R. Rollins, Esq., PBCBA Professionalism Committee Member, Jeffrey R. Rollins, P.A.</i>
10:00am - 10:10am	BREAK
10:10am - 10:40am	What Community Association Counsel Should Know About Property Management and Ethical Considerations - <i>Ryan D. Poliakoff, Esq., Sachs Sax Caplan, P.L.</i>
10:40am - 11:30pm	Legislative/Case Law Update: Practical and Ethical Implications - <i>Michael J. Gelfand, Esq., Florida Bar Board Certified Real Estate Attorney, Gelfand & Arpe, P.A.</i>
11:30pm - 12:00pm	Top 10 Do's and Don'ts for Trial Counsel and Ethical Considerations - <i>The Honorable Meenu T. Sasser, Fifteenth Judicial Circuit</i>

This course is expected to receive 4.5 CLER including 4.5 Ethics credits / Certification credits are pending from The Florida Bar.

Early registration cost is \$165 for PBCBA members/paralegals; \$205 for non-PBCBA members/paralegals if registered by 5/31/13; add \$25.00 late fee after that date.

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

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(24th Annual Comm. Assn Seminar 6/7/13)

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HEARSAY



Ciklin Lubitz Martens & O'Connell is very pleased to announce that

Debra A. Jenks

has rejoined and **Robert J. Harvey** has joined the firm both as Partners.

I. Jeffrey Pheterson, a Managing Partner at Ward, Damon, Posner, Pheterson & Bleau, PL, has been appointed to the Board of Trustees of Bethesda Health, Inc., the parent corporation of Bethesda Memorial Hospital, Inc.

Gunster is pleased to announce the promotion of two attorneys from Associate to Shareholder status at the firm. **Jamie Crowley** is a member



of the firm's environmental and land use practice and **Bill Stetson** is a member of the firm's private wealth services practice.



Michael J. Napoleone, a Shareholder with Richman Greer, P.A. has been elected Vice Chair of the Early Learning Coalition of Palm Beach County and will serve as Interim Chair until a full-time Chair is appointed by Governor Rick Scott.



Cathleen Scott of Cathleen Scott & Associates was featured as one of the top "Attorneys to Watch in 2013" by Attorney at Law Magazine.

Jones, Foster, Johnston & Stubbs, P.A. announces that **Matthew T. Ramenda** has been named a firm Shareholder. He has been with the firm since 2004. Derrevere Hawkes Black & Cozad is pleased to announce that **Michael B. Stevens** has been named Partner at the firm.

MISCELLANEOUS

I am trying to locate an original Last Will & Testament for Bernhard Knauf. He was a resident of Lake Worth, Florida. If you have any knowledge of an original Will, please contact me at (561) 694-7827 or annedc@adclaw.net. Thank you. Anne Desormier-Cartwright, Esq. FBN 457582.

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- Leadership Palm Beach County, Class of 2010
- Florida Bar Voluntary Bar Liaison Committee
- Florida Bar Foundation Fellow
- University of Florida Law Alumni Council
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PALM BEACH COUNTY BAR ASSOCIATION

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

CALENDAR April 2013

Tuesday, April 2, Noon – 1:00pm
**Corporate Counsel
Committee Meeting**
Bar Assn. Office

Wednesday, April 3, 11:30am – 1:30pm
North County Section/CLE
Hilton Garden Inn

Friday, April 5, 8:30am – 9:30am
ADR Committee Meeting
Bar Assn. Office

Friday, April 5, 11:45am – 1:00pm
**Joint Membership Luncheon with
PBC Justice Association**
Speaker: Marsha Hunter
Marriott, West Palm Beach

Tuesday, April 9, 11:45am – 1:00pm
**SPBCBA Monthly
Membership Luncheon**
Boca Country Club

Tuesday, April 9, Noon – 1:00pm
YLS Board Meeting
Bar Assn. Office

Wednesday, April 10
**PBCBA Board of Directors
Voting Begins**

Wednesday, April 10, Noon – 1pm
**Professionalism
Committee Meeting**
Bar Assn. Office

Thursday, April 11, 6pm – 8pm
Elder Law CLE Dinner Seminar
The Colony Hotel, Palm Beach

Friday, April 12, 8:00am – 2:00pm
PI Wrongful Death CLE Seminar
Bar Assn. Office

Sunday, April 14, 11:30am – 2:30pm
NCS 2nd Annual Beach Party

Tuesday, April 16, Noon – 1:00pm
**Unified Family Practice
Committee Meeting**
Judicial Conference Room

Wednesday, April 17 – 19
**Florida Bar
Board of Governors Meeting**
Tampa, FL

Wednesday, April 17,
11:45am – 1:00pm
Judicial Luncheon
North end of cafeteria, main
courthouse

Thursday, April 18, 11:45am – 1pm
SPBC FAWL Luncheon

Thursday, April 18,
5:30pm – 7:00pm
YLS Happy Hour
TBD

Friday, April 19, 5:00 p.m.
**PBCBA Board of Directors
Voting Ends**

Friday, April 19, 8:00am – 5:00pm
Family Law CLE Seminar
Bar Assn. Office

Friday, April 19, Noon – 6:00pm
**South Palm Beach County Bar
Golf Tournament**

Tuesday, April 23, Noon – 1:00pm
CDI Committee Meeting
Bar Assn. Office

Tuesday, April 23, 5:30pm – 6:30pm
Legal Aid Board Meeting
Bar Assn. Office

Wednesday, April 24,
11:30am – 1:00pm
**Inaugural Trivia Luncheon for
Administrative Professionals Day**

Wednesday, April 24, 5pm – 6pm
**PBCBA Board of Directors
Meeting**
Bar Assn. Office

Thursday, April 25, 11:45am – 1pm
FAWL Luncheon
Marriott, West Palm Beach

Thursday, April 25, 11:45am – 1pm
**Judicial Relations
Committee Meeting**
Judicial Conference Room

Thursday, April 25,
5:30pm – 7:30pm
**Federal Bar Association
Cocktail Reception**

Friday, April 26, 1:00pm – 6:00pm
Golf/CLE
Bear Lakes

Saturday, April 27, 8am – 11am
Law Week Softball Game

Saturday, April 27, 6:30pm – 10pm
PBCJA 25th Anniversary Party
Old Marsh

Monday, April 29 – May 1
Dial A Lawyer
Palm Beach Co. Bar Assn.

Tuesday, April 30, 5:30pm – 7:30pm
Judicial Reception
The Harriett



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, 1507 Belvedere Road, West Palm Beach, FL 33406. **To order with credit card, please place your order online at <http://www.palmbeachbar.org/continuing.php> 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.

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	PBCBA	"View from the Bench" Substantive Law & Practical Advice (Com'l & Bus. Lit)	1.0		\$25	\$65	11/09/13
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	PBCBA	29 th Annual Estate Probate Seminar Part 2+++3.5 Elder Law; 3.5 Wills Trusts & Estates Cert.	4.5	1.0	\$125	\$165	11/16/13
	PBCBA	Practicing Bankruptcy at a Higher Level	7.0		\$175	\$215	11/21/13
	PBCBA	23 rd Community Assn. Law "The Second Time Around"+++3.5 R/E Cert.	3.5	3.5	\$120	\$160	12/08/13
	PBCBA	3 rd Annual Martinis and Migraines (Employment) +++3.5 Labor and Employment Cert.	4.5		\$110	\$150	12/13/13
	PBCBA	The Nuts and Bolts of Heart & Lung+++3.5 Wkrs Comp. Cert.	3.5		\$35	\$75	01/13/14
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	PBCBA	Diversity 2.0 Prologue (Employ)+++2.5 Labor & Employment Cert.	3.5	1.0	\$100	\$140	04/19/14
	PBCBA	VIDEO (DVD) Diversity Luncheon "Women in Law"	1.5		\$40	\$55	04/19/14
	PBCBA	Family Law Case From Intake to Outcome+++7.0 Marital Fam Law Cert.	9.0	1.0	\$210	\$240	04/26/14
	PBCBA	VIDEO (DVD) Family Law Case From Intake to Outcome +++7.0 Marital Fam Law Cert.	9.0	1.0	\$210	\$240	04/26/14
	PBCBA	How to Effectively Use Tech in Your Practice	3.5		\$75	\$115	05/08/14
	PBCBA	30 th Ann'l Estate & Probate Seminar+++4.0 Elder Law/4.0 Wills, Trusts Cert.	5.0		\$125	\$165	05/14/14
	PBCBA	Ethically Speaking 15 th Elder Law+++1.5 Civil/4.5 Elder/1.0 Tax Cert.	6.0	3.0	\$185	\$225	06/14/14
	PBCBA	Use of Social Media in Litigation+++1.0 Civil Trial Cert. (Tech)	1.0		\$25	\$65	07/11/14
	PBCBA	Ethics , Advertising & Marketing	1.0	1.0	\$35	\$75	07/15/14
	PBCBA	Here Today. More Tomorrow. +++1.0 Labor & Employment Cert.	1.0		\$25	\$65	07/18/14
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