



PALM BEACH COUNTY BAR ASSOCIATION

BULLE^{IN}

www.palmbeachbar.org

April 2015

Installation Banquet June 6

Save the date

Please join us for our Annual Installation Banquet on Saturday, June 6 at The Breakers Hotel in Palm Beach. Grier Pressly will be sworn in as president and John Whittles will serve as president-elect. We're expecting a great turnout of more than 500 guests for cocktails, dinner and dancing. Look for your invitation in the mail soon.



Dues Statements Mailed

Annual membership dues statements have been mailed to all PBCBA members for fiscal year 2015-2016, which begins July 1. If you do not receive a bill, contact Mikki at the Bar Office (687-2800) or mjohnson@palmbeachbar.org



Mark your calendar for upcoming Membership Events

April 28:
Judicial Reception

May 1:
Law Day Luncheon with guest speaker
Mark Curriden, attorney and
award-winning legal journalist.
Senior writer for the ABA Journal

May 9:
Legal Aid's Pro Bono Recognition Evening

June 6:
Annual Installation Banquet
at the Breakers Hotel

Law Day Luncheon Speaker Mark Curriden

Award-winning legal journalist to speak

"Contempt of Court: A Lynching That Changed the Practice of Law"



Our Law Day Luncheon will be held on Friday, May 1 from 11:45 a.m. to 1:00 p.m. at the Marriott Hotel in West Palm Beach. Join us as we welcome keynote speaker Mark Curriden who is an attorney, award winning legal journalist and senior writer for the ABA Journal. Mark is the author of the bestselling book *Contempt of Court: A Turn-of-the-Century Lynching That Launched a Hundred Years of Federalism*. The book received the American Bar Association's Silver Gavel Award and numerous other honors.

From 1988 to 1994, Mark was the legal affairs writer for the *Atlanta Journal-Constitution*, where

he covered the Georgia Supreme Court and the U.S. Court of Appeals for the Eleventh Circuit. *The Dallas Morning News* made Mark its national legal affairs writer in 1996. For more than six years, Mark wrote extensively about the tobacco litigation, alleged price-fixing in the pharmaceutical industry, the Exxon Valdez litigation, and more than 25 cases before the Supreme Court of the United States.

As part of his extensive coverage of the tobacco litigation, Mark unearthed confidential documents and evidence showing that the then Texas Attorney General, Dan Morales, had made a secret deal with a long-time lawyer and friend in which the friend would have profited hundreds of millions of dollars from the tobacco settlement. As a direct result of Mark's articles, the U.S. Department of Justice opened a criminal investigation, which led to the indictment and conviction of Mr. Morales.

Please register online at www.palmbeachbar.org. Lunch sponsored by Sabadell United Bank; Rock Legal Service and Investigations; Bob Greenberg, CLTC Insurance Services and Searcy Denney Scarola Barnhart & Shipley.

Inside...

President's Message	3
Candidates' Statements.....	4
Justice Sotomayor Luncheon	6
Bankruptcy Corner.....	7
Personal Injury Corner.....	8
Probate Corner	9
Rules of Civil Procedure.....	10
ABA Midyear Meeting.....	11

New Members.....	12
Pro Bono Corner	13
Diversity Corner	14
A View from the Other Side.....	15
Solo CLE and Networking Mixer.....	17
Habitat for Humanity	18
Judicial Luncheon	19
Judicial Profile	21
YLS Happy Hour.....	23
Bulletin Board.....	25

THE
BULLETIN

PALM BEACH COUNTY
BAR ASSOCIATION

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www.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 Seeks Jurist of the Year Nominations

The North County Section is accepting letters of recommendations for its 13th Annual Jurist of the Year Award. Send a letter or email telling us which local judge you feel deserves to be honored for his or her dedication to the Bench and to our community. The winner's name will be kept a secret and revealed during our Jurist of The Year Dinner on Thursday, May 14 at Ruth's Chris Steak House in North Palm Beach. Previous winners include Judges Mary Lupo, Roger Colton, Peter Blanc, Thomas Barkdull, Barry Cohen, Jonathan Gerber, David Crow, Edward Fine, Jack Cook, Ron Alvarez, Richard Oftedal and Lucy Chernow Brown.

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. **Who is eligible to make a nomination?** Any NCS member.

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 17.**



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Contact lpoirier@palmbeachbar.org



President's Message



Longtime Executive Director, Patience Burns, Retires; Bar Building Faces Foreclosure!

by Theo Kypreos

Happy April Fools' Day! Now that I have your undivided attention, I dedicate this President's Message to encouraging all of you to continue your significant support of our Bar in the coming year and requesting that you help even more. And no, I'm not talking about kicking in money to fund a golden parachute or a legal defense fund – Patience Burns has assured me she has no immediate plans to retire, and your Board of Directors has taken the appropriate measures to ensure the financial stability of the Bar's office building for the future.

This month you will receive your membership renewal statement in the mail. As part of this membership renewal process, you will also receive via email a link to the Bar's online committee preference form, which affords you the opportunity to share your interest in serving as a chair or committee member on any one or more of the Bar's approximately 30 bar committees next year. Please do not overlook this opportunity. New attorneys, colleagues, and non-attorney friends often ask me what led me to voluntarily dedicate so much time to Bar service. The answer is simple. Through my Bar service, I witness firsthand and participate in the many contributions the Palm Beach County Bar Association continuously makes to the local community and the legal profession. Consider this... through the work of our various committees and our Young Lawyers and North County Sections, the PBCBA is able to offer the following, among other things, to our local community on a yearly basis:

- Provide school supplies to underprivileged children at the start of each school year;
- Visit schools and read to children during our Reading is Fundamental program;
- Provide jury certificates for judges to distribute to jurors thanking them for their service;
- Coordinate and teach required classes for court-appointed guardians;
- Provide clinics to the public on how to handle small claims cases;
- Provide books, stuffed animals, and other support to children and their new families on National Adoption Day;
- Offer educational programs and make presentations to local civic groups;
- Speak to adult learners at the Adult Education Center about the importance of education;
- Assist the public in finding an attorney through our Lawyer Referral Service and our Find a Lawyer Program;
- Field and answer legal questions from the local community during Dial-A-Lawyer;
- Participate in mock trials within local schools;

- Host a holiday party and provide holiday gifts for over 70 foster children in the local community;
- Prepare and present a 1 credit class for students at Florida Atlantic's Jupiter campus; and
- Assist with the building of a Habitat for Humanity house.

In addition to these many community outreach endeavors, the PBCBA, through the work of our committees and their chairs, offers many programs and services for the judiciary, attorneys, and the profession. For example, our continuing legal education committees and several other Bar committees coordinate and present numerous CLE programs during the year in the areas of bankruptcy, business litigation, community association law, employment law, elder affairs and guardianship law, estates and probate, family law, personal injury and wrongful death, real estate, and securities law, which help make sure that our members stay on the cutting edge of the law in their respective practices.

Additionally, the Bar has seven court advisory and practice committees in the areas of appellate law, circuit court civil, criminal law, probate and guardianship, transaction law, unified family court, and workers compensation, which initiate and consider suggestions to improve the practice in their respective areas and effectively serve as liaisons between the judiciary and practitioners. Lastly, the Bar's general standing committees, such as our professionalism committee, judicial relations committee, the committee for diversity and inclusion, and the membership committee, just to name a few, serve the judiciary and our members in a number of ways through their coordination and presentation of many programs throughout the year. These committees shoulder responsibilities that are vital to our Bar as we strive to promote ethical and professional behavior within our ranks, while enhancing the reputation of Palm Beach County attorneys and judges within our local community and throughout Florida.

The work the PBCBA does for our local and legal communities is remarkable. This work is truly the gold standard for voluntary bar associations in Florida. Nonetheless, we could not provide any of these extraordinary programs and services without the dedication and time commitment from you, our members. So please, take the time to review and complete the committee preference forms when you receive them. Please offer your time (as little or as much as you can reasonably spare) to one or more PBCBA committees for the 2015-2016 Bar year. I assure you, your time and work is not only greatly appreciated but will also be a rewarding way to connect with colleagues and the community.

More information about the Bar's various committees is available on the Bar's website. If you have any questions about how you can best get involved in the Bar, feel free to contact me or one of our Board of Directors.

Thank you for your service and commitment!
tkypreos@jonesfoster.com

2015-2016 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 six (6) members running for four (4) 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 8 and voting will end at 5 p.m. on April 17. 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 6.



Sia Baker-Barnes

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

Law School: Florida State University College of Law

Year admitted to practice (in any state): 2000

Year joined PBCBA: 2000

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

In my four years serving on the Palm Beach County Bar Association Board of Directors, I have proudly focused on our diversity and inclusion initiatives, designed to help our organization serve all of our members, expand membership and develop a foundation that we can leave as a legacy to the attorneys of tomorrow.

The pattern of my service is reflected especially in two areas: (1) Co-chairing the Committee for Diversity and Inclusion, where we developed ongoing programs for mentorship and recognition of commitment to diversity and inclusion; and (2) Reaching out to law students and young lawyers from a wide range of backgrounds by serving as a panelist at the Bench Bar Conference Diversity Session.

As an ambassador for our association, my priority has been building relationships with local and state professional and community organizations. I am an active member of Palm Beach County FAWL, the F. Malcolm Cunningham, Sr. Bar Association, and The Florida Bar, serving as a member of the Leadership Academy Committee. I take seriously our responsibility as role models to demonstrate the contributions that attorneys make to our community.

So much of what we do as a board is a team effort, and I am proud of our team's accomplishments. It is an honor to serve on the Palm Beach County Bar Association Board of Directors as a representative of our legal community. I look forward to the opportunity to continue my service and to enhance our association's legacy.



Gregory P. Huber

Firm: Zele Huber Trial Attorneys, P.A.

Law School: Stetson College of Law

Year admitted to practice (in any state): 1997

Year joined PBCBA: 2004

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

I have proudly served on the PBCBA Board of Directors since 2012. It will be my honor, if reelected, to leverage the Board's and the Bar's past successes for future and greater achievements.

The PBCBA has intentionally been my focus among all other associations since 2004. My work on committees, including, Law Week, Independence of Judiciary, Client Relations, Professionalism, and Judicial Relations has proven truly satisfying, and resulted in numerous achievements through successful teamwork. Prior to my election to the Board, I co-chaired the Bench Bar Conference, the PBCBA's signature event, and with my co-chair, built upon the accomplishments of our predecessors. I have willingly and will continually ask for the privilege of doing the hard work to make our Bar shine.

As a Board member, I have been involved in numerous aspects of bettering the PBCBA's CLE offerings, including creating a CLE improvement Task Force and serving as the Board's liaison to the dedicated Chairs of our CLE committees. I have also helped analyze the best practices for communication between attorneys to further the PBCBA's mission to promote professionalism. In addition, during my tenure on the Board, we have worked to improve the PBCBA's website, diversity awareness, the lawyer referral service, social activities and Judicial events. I am proud of the work we have done but there is still much more to accomplish. I can promise that I am willing to do the work to continue moving us forward, and humbly ask for your vote.

Thank you, Greg



Scott B. Smith

Firm: Lytal, Reiter, Smith, Ivey & Fronrath

Law School: Florida State College of Law

Year admitted to practice (in any state): 1998

Year joined PBCBA: 1999

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

Just like every member of the Palm Beach County Bar Association, I too am proud to call Florida home and to also have the privilege to practice law in the wonderful, diverse, energetic and growing Palm Beach County (population approaching 1.5 million). As lawyers practicing in this paradise-like venue, we are extremely fortunate to have such a tremendous local bar association. The Palm Beach County Bar Association is unparalleled in serving its members, in fostering professionalism, in enhancing the public's understanding and awareness of the legal system, and in providing the ever-important sense of camaraderie.

Since 1999, I have been an active member of the PBCBA serving on numerous committees and having previously been a chairperson of the PI/WD CLE Committee and the Circuit Court Civil Practice Committee. Having just completed my time as immediate past-President of the Palm Beach County Justice Association, I would now like to serve you and the PBCBA as a Board member. I respectfully submit that my past personal and professional experience within Palm Beach County and with other legal associations, will allow for me to competently serve you and continue the great work that has been accomplished by past Board members and the committed PBCBA team. In this regard, I kindly ask for one of your votes when casting your ballot in the upcoming election. Thank you and I look forward to our paths crossing in the very near future, and let us all never forget "Equal Justice Under Law."

2015-2016 Board of Directors Election Candidates' Statements



Grey Tesh

Firm: Grey Tesh, P.A.

Law School: Nova Southeastern University

Year admitted to practice: 2001

Year joined PBCBA: 2002

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

Action and commitment. Many people think poorly of lawyers. I want to change the perception, one person at a time, by action and commitment. I've done that over the years through music and personal interaction with people. I've volunteered to sing Christmas carols with the Young Lawyer's Section multiple times. Sometimes it was at a nursing home. Other times it was giving presents to underprivileged kids. I've performed at the Lawyer's Variety Show benefitting Legal Aid. The last time I read to kids at Law Week, they sent me a handwritten (in crayon) letter thanking me, with a picture. I framed it. That meant a lot to me. Those kids and their teachers may think differently about lawyers after that. That is pretty cool. I want to make a difference, not just a living. In addition to left-brained outreach programs, there are right brain functions that are necessary to be an asset on the board.

The board deals with budgetary decisions and long range planning. I've run my private solo practice for more than 10 years. I have a dual Bachelor's degree in Marketing and Management. Leadership positions that I have held - Chair, Criminal Practice Committee, PBCBA, Bench Bar Conference, Criminal Chair, Past-President, Palm Beach Association of Criminal Defense Lawyers. I ask for your vote. I don't have to be your favorite, just one of the four. Vote April 8th for Grey Tesh.



Dean T. Xenick

Firm: Critton Luttier and Coleman LLP

Law School: University of Florida Levin College of Law

Year admitted to practice (in any state): 2001

Year joined PBCBA: 2001

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

My current and past leadership experience with the PBCBA and Florida Bar will be my most important contribution to the Board. I have served on several PBCBA Committees, including co-chair of the Bench Bar Committee, and service on the Professionalism and Judicial Relations Committees. In addition, I have had the privilege to lead as a current PBCBA Board member over the past two years, an opportunity which I am extremely thankful for. As the Bar Association's CLE Committee liaison this past year, I was tasked with assuring the CLE committees had the resources and support from the PBCBA to carry out their valuable educational programs for the benefit of our members. Dozens of CLE presentations were completed this year, a testament to our hard working CLE committee volunteers. Prior to CLE Committee liaison, I was Practice Committee liaison. During these two liaison roles, I witnessed firsthand how many volunteers we have who sacrifice their valuable time to better our profession. Without the work of these committees and those hard working volunteers, our Bar Association simply would not function.

During my time on the Board, we have achieved a host of goals, including a new and improved website, new lawyer referral service, an increasingly successful Bench/Bar Conference, and so many other events which make our Bar Association the best in Florida. I hope to continue this work for my second term as your PBCBA Director and it is my goal to make practicing in Palm Beach County as successful and enjoyable as possible.



Daniel Zuniga

Firm: Personal Injury of Florida

Law School: Hofstra University School of Law

Year admitted to practice (in any state): 7 years

Year joined PBCBA: 2009

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

I am seeking your support and vote to be elected to the PBC Board of Directors. The value of your membership is important and the Bar and your Board of Directors need to continue to work on increasing that value. The cost/benefit analysis associated with membership dues is vital to the Bar's success and thus the Board must create programs that benefit all of Palm Beach County's attorneys. Members need information not only focused on the practice of law, but also on the business of running a law practice. While serving on many boards and committees, most significantly as the past President of the Palm Beach County Hispanic

Bar Association and Director for both FAWL and the North County Section, we created new opportunities for business and education for the benefit our members. We established a free monthly luncheon for all members of the PBC Bar, and originated the Annual Pink Party to raise money for the Smiley Wiley Breast Cancer Foundation in Tequesta. As Chairperson of the Personal Injury/Wrongful Death CLE Committee, we held the first Med School for Lawyers 101 seminar. We need to do more to increase the value of our member benefits. With your support, we can make that happen. I invite you to learn more about me by visiting my Facebook page at www.facebook.com/dzforpbcabod. I would appreciate your vote in April.

United States Supreme Court Associate Justice Sonia Sotomayor



United States Supreme Court Associate Justice Sonia Sotomayor was our most recent guest speaker during a joint membership luncheon with the Forum Club of the Palm Beaches. Instead of speaking from the podium, Justice Sotomayor walked around the room among 1,250 guests telling about her life and about experiences serving on the highest court.



Phil Hutchinson, Patti Leonard and Chris Duke



Judges Samantha Feuer and Kirk Volker



Justice Sotomayor graciously signed her books



Jerry Beer and Patricia Christiansen



Jason Lazarus and Federal Magistrate Judge James Hopkins



Julie Littky-Rubin and 4th DCA Judge Matthew Stevenson

Annual Judicial Reception April 28

We hope to see you at this year's annual judicial reception to be held on Tuesday, April 28 from 5:30 – 7:00 p.m. This year's event will again be held at the Harriet at City Place in West Palm Beach. Pre-registration and payment is required and can be done by going to the Bar's website at www.palmbeachbar.org

**SAVE THE DATE:
April 23**

**COME JOIN THE
LAWYERS FOR LITERACY COMMITTEE
FOR A FANTASTIC VOLUNTEER EVENT!**

WHO: The Lawyers For Literacy Committee

WHAT: The Eleventh Annual Lawyers for Literacy Day

WHERE: The Adult Education Center
2161 N. Military Trail, West Palm Beach, FL 33409

WHY: This is a great volunteer opportunity to meet with adult students and share your career path and the importance of education. Volunteers will have a chance to discuss how they chose law as a profession, how the legal process works and to discuss the overall importance of reading and education in life.

WHEN: April 23, 2015 ~ 8:00 a.m. - 10:00 a.m.

R.S.V.P.: By April 15 to Abigail Jorandby at abby@lohmanlawgroup.com

HOPE TO SEE YOU THERE!!!!

Editor's Note: The March president's message went to press before the announcement that Judge Crow and Judge Rapp were retiring.



Impact of Bankruptcy on Standby Letter of Credit Holders¹

by Jason S. Rigoli

Standby letters of credit (“SLOC”) are valuable assets to trade creditors and landlords. Standby letters of credit are used by trade creditors to mitigate risk associated with performance under a contract. Landlords use the SLOC in lieu of security deposits from prospective tenants. However, trade creditors or landlords should be aware of some negative impacts that can arise when drawing on the SLOC of a buyer who has filed bankruptcy.

The SLOC generally has three parties: (i) the buyer or tenant¹; (ii) the issuing bank; and (iii) the seller or the landlord (the “beneficiary”). If the buyer or tenant defaults on payment, the beneficiary provides the requisite documents to the bank. If the documents are in compliance, the bank must remit payment to the beneficiary. An important element of the SLOC is known as the “independence principle.” The independence principle states that liability under the SLOC is independent from the performance of the related contract. See *Dibrell Bros. Intern. S.A. v. Banca Nazionale Del Lavoro*, 38 F.3d 1571, 1579 (11th Cir. 1994); Fla. Stat. §§ 675.101 *et seq.* What this means for a beneficiary whose buyer or tenant files bankruptcy is that the proceeds from a SLOC are not property of a debtor’s bankruptcy estate, and therefore, the beneficiary is free to collect on the debt from the issuing bank. See *In re Air Conditioning, Inc. of Stuart*, 845 F.2d 293 (11th Cir. 1988).²

Issues for Trade Creditors

Although, a trade creditor can collect on a debt outside the arena of the buyer’s bankruptcy, the bankruptcy can still have negative impacts for the trade creditor. One scenario that can arise is that a trade creditor getting paid under the SLOC, outside of the bankruptcy

estate, can potentially lose the “new value” defense to a preference action brought under Section 547(c)(4) of the Bankruptcy Code. One element of the new value exception is that the new value was not paid by “an otherwise unavoidable transfer to or for the benefit of such creditor.” See, 11 U.S.C. § 547(c)(4)(B). *Accord, Charisma Investment Co. N.V. v. Airport Systems, Inc. (In re Jet Florida System, Inc.)*, 841 F.2d 1082, 1083 (11th Cir. 1988).

The issue arises when the creditor draws on the SLOC for the outstanding debt related to its “new value”. The creditor drawing on the SLOC receives payment for the new value it provided the debtor, but is the payment an “otherwise avoidable transfer.” At first glance it may appear that the drawdown of the SLOC would not affect the “new value” defense, because the payment is not an “otherwise avoidable transfer.” However, the issuing bank may have a security interest in certain assets pledged by the debtor to secure the letter of credit. If the issuing bank honors the SLOC, it can then set off its payment against the collateral pledged by the debtor. “The net effect of ... draw-down of the [S]LOC [is] that the debtor’s estate [is] left in precisely the same position as if the new value had never been provided. To permit [the trade creditor] the benefit of the new value defense under these circumstances would accord [the trade creditor] with an undeserved windfall, and therefore violate both of the policy objectives articulated by the Eleventh Circuit in *Jet Florida*.” *In re All American Semiconductor, Inc.*, 2012 WL 3229295, *4 (Bankr. S.D.Fla. Aug. 6, 2012). The question remains, however, as to whether the trade creditor can raise the defense that the collateral securing the SLOC is defective and the estate essentially remains the beneficiary of the “new value”.

Issues for Landlords

Some landlords have begun to use SLOC in lieu of cash security deposits, which become an asset of the bankruptcy estate, to help protect its

interest against a tenant in bankruptcy. Because the SLOC is not property of the tenant’s bankruptcy estate the landlord can draw against the SLOC. Section 502(b)(6) limits the amount a landlord can recover from the tenant’s estate. See 11 U.S.C. § 502(b)(6). A simplified analysis of one issue for landlords becomes whether to file a claim in the tenant’s bankruptcy case. In *In re Mayan Networks Corp.*, 306 B.R. 295 (9th Cir. B.A.P. 2004) and *In re PPI Enterprises (U.S.), Inc.*, 324 F.3d 187 (3d Cir. 2003), the courts, respectively, found that the letter of credit would be treated as a security deposit and any amount collected under the letter of credit would diminish the amount the landlord could collect under the “cap” of Section 502(b)(6). However, in *In re Stonebridge Technologies, Inc.*, 430 F.3d 260 (5th Cir. 2005), the landlord had received a cash security deposit and drawn down on a letter of credit, which exceeded the capped amount in Section 502(b)(6). The trustee in *Stonebridge* sued the landlord for the improper drawdown on the letter of credit and for retaining proceeds in excess of the cap. The bankruptcy court ruled in favor of the trustee, but was reversed by the Fifth Circuit, stating that Section 502(b)(6) does not apply where the landlord does not file a proof of claim. When a landlord is the beneficiary of a SLOC, before filing a proof of claim in the tenant’s bankruptcy case, the landlord would be wise to calculate whether the SLOC provides a recovery greater than a claim in the bankruptcy estate.

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

Bankruptcy Seminar “Anatomy of the Trial”

April 17, 11:15-3:00

Judge Paul Hyman

Judge Erik Kimball

Pre-registration required

¹ Depending on the applicable situation.

² There is case law supporting the argument that excess proceeds from a letter of credit are property of the debtor’s estate. *In re Builders Transport, Inc.*, 471 F.3d 1178 (11th Cir. 2008). However, this case law is not relevant to this analysis.



Sale of Alcoholic Beverages to Minors

by Ted Babbitt

Florida Statute 768.125 precludes an action against a vendor who sells alcoholic beverages to a person of lawful drinking age who then causes an accident resulting in injuries. The same statute permits such an action if there is evidence that the vendor of alcoholic beverages willfully sells or furnishes such alcoholic beverages to a minor.

In *Case v. Newman*, 40 Fla. L. Weekly D31 (1st DCA, Fla. Dec. 17, 2014), the issue was what evidence is necessary to allow a jury to consider willfulness on the part of the vendor and to further allow punitive damages to be pled?

The evidence in that case on which the plaintiff relied were photographs of the driver taken during the school year of the sale and of the accident. Several witnesses admitted those photographs fairly and accurately depicted the driver's appearance around the time of the accident as did a "booking" photograph taken a few months after the accident.

The trial judge granted a summary judgment and denied plaintiff's motion to add a claim of punitive damages. The trial judge relied upon *Tuttle v Miami Dolphins, Ltd.*, 551 So. 2d 477 (Fla. 3d DCA 1988). In that case, a 17 year old became intoxicated by purchasing beer at a football game from vendors who did not ask for proof of age. He then became involved in an accident in which he was injured and brought suit against the vendors. The Third District agreed with the trial judge who had granted a directed verdict stating

"At trial,... Guy failed to present evidence about his physical appearance at the time of the incident, six years earlier. It was therefore impossible for the jury to determine whether he looked younger than the statutory age so that the sale to a minor was, under the circumstances, 'willful.'" *Tuttle* at 481.

In *Case, supra*, the First District found in contrast to *Tuttle, supra*, that the evidence of the photographs and the supporting evidence describing the appearance of the minor not only should have allowed the plaintiff to avoid summary judgment but was sufficient evidence to provide "a reasonable basis for recovery" of punitive damages and allow that issue to go to the jury.

At D32, the Case court held:

In contradistinction to *Tuttle*, the jury in the present case can determine – based on photographs of Andrews taken some months before the accident and approximately three months after the accident – whether he looked younger than the statutory age on the day of the accident, so that the alleged sale of alcohol to a minor was "willful." That there was no proffer of a photograph taken the very day of the alleged sale and accident did not make summary judgment appropriate.

Even the language of *Tuttle* inferred that had evidence similar to *Case* been presented, the directed verdict would not have been issued.

The jury was called upon to conclude solely from *Tuttle's* appearance at age 23-1/2 that he had appeared younger than 19 when he bought the beer from the vendor six years earlier... Of course, a picture depicting Guy Tuttle near the time of the accident might very well have overcome the deficiency. None was presented. *Tuttle* at 483, n. 5.

This case describes the evidence necessary both to bring a personal injury action as a result of the sale of alcohol to a minor and to claim punitive damages.

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

Calling all bowlers!

Join us this summer for a fun bowling league at Verdes Tropicana, 2500 N. Florida Mango Road, West Palm Beach. The league will be on Tuesday nights starting at 6:30 p.m. An organizational meeting will be on June 9, 2015 at 6:30 p.m.

The league is open to all in the legal profession (judges, lawyers, support staff, family). Last year, participants included the Honorable Amy Smith, Stan Klett, Larry Meshes, Lindsay Warner, Erskine Rogers, Bette Collister and Brian McMahon.

For more information, contact Brian McMahon, briankmcmahon@gmail.com.



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Elective Share Made Easy – Part IV (Satisfaction of the Elective Share)

by David M. Garten

Once the amount of the elective share is determined¹, that amount may be “satisfied” if the value of the assets the surviving spouse received from the decedent or will receive from the decedent on death exceed the value of the elective share. §732.2075(1)(a), F.S. The following six categories of property pass to or for benefit of the surviving spouse, and therefore “satisfy”, in whole or in part, the value of the elective share:²

I. PROPERTY PASSING TO OR FOR BENEFIT OF THE SURVIVING SPOUSE:

1. Contingent interests. §732.2075(1)(a), F.S. This category includes property interests included in the elective estate that pass or have passed to or for the benefit of the surviving spouse, including interests that are contingent upon making the election, but only to the extent that such contingent interests do not diminish other property interests that would be applied to satisfy the elective share in the absence of the contingent interests.

2. Retirement plan or similar arrangement. §732.2075(1)(b), F.S. To the extent they are payable to or for the benefit of the surviving spouse, this category includes amounts payable under any qualified or unqualified retirement plan or similar arrangement described in §732.2035(7), F.S. Exceptions: Benefits received under social security or the Railroad Retirement Act.

3. Community property. §732.2075(1)(c), F.S. To the extent payable to or for the benefit of the surviving spouse, this category includes the decedent’s one-half of any community property described in §732.2045(1)(f), F.S.

4. Qualifying special needs trust. §732.2075(1)(d), F.S. This category includes property held for the benefit of the surviving spouse in a qualifying special needs trust as defined in §732.2025(8), F.S.

5. Elective share trust. §732.2075(1)(e), F.S. This category includes property interests included in the elective estate that pass or have passed to or for the benefit of the surviving spouse, such as the value of the spouse’s interest in an elective share trust as defined in §732.2025(2), F.S.

6. Spousal disclaimer. §732.2075(1)(f), F.S. This category includes property interests that would have been applied in satisfaction of the elective share but for the fact that the spouse disclaimed them.

II. VALUATION:

Generally. Exclusive of the spouse’s interest in a trust, property passing outright to the spouse is valued at its fair

market value on the date the spouse takes possession of the property, or, in the case of property passing by right of survivorship, the date of the decedent’s death. §732.2095(1)(a) and (2), F.S. If the spouse is entitled only to the use or possession of the property for life, (i.e., a life estate) the spouse’s life interest is valued at one-half of the value of the underlying property. §732.2095(2)(a), F.S.

Qualifying special needs trust. The value of the spouse’s interest is the value of the principal of the trust, or trust portion, on the date of the decedent’s death. §732.2095(2)(c), F.S.

Elective share trust. The value of the spouse’s interest is a percentage of the value of the principal of the trust, or trust portion, on the applicable valuation date as follows: (1) one hundred percent if the trust instrument includes both a qualifying invasion power³ and a qualifying power of appointment;⁴ (2) eighty percent if the trust instrument includes a qualifying invasion power but no qualifying power of appointment; (3) fifty percent in all other cases. §732.2095(2)(b), F.S.

Other trusts. If the surviving spouse has an interest in a trust that does not meet the requirements of either an elective share trust or a qualifying special needs trust (for example, a trust where the spouse is entitled to income or an annuity for a term period), the value of the spouse’s interest is the transfer tax value⁵ of the interest on the applicable valuation date; however, the aggregate value of all of the spouse’s interests in the trust will not exceed one-half of the value of the trust principal on the applicable valuation date. §732.2095(2)(d), F.S.

³ The term “Qualifying invasion power” is defined in §732.2095(1)(c), F.S.

⁴ The term “Qualifying power of appointment” is defined in §732.2095(1)(b), F.S.

⁵ “Transfer tax value” is defined to be the value the interest would have for gift tax purposes if the interest was assigned to an unrelated person. §732.2025(11), F.S. The reference to “unrelated person” insures that gift tax value will be made without regard to the special valuation rules found in Chapter 14 of the Internal Revenue Code.

**Estate & Probate
32nd Annual Seminar – Part 2**

Friday, May 15, 8:00 – 12:00

Bar Association Office

Pre-registration required by going to

www.palmbeachbar.org

¹ Elective estate x 30% = Elective Share

² Exception: Unless otherwise provided in the decedent’s will or, in the absence of a provision in the decedent’s will, in a trust referred to in the decedent’s will, the six categories are applied first to satisfy the elective share. §732.2075(1), F.S.



The Estate and Probate Law Continuing Legal Education Committee presents:

"The 32nd Annual Estate and Probate Seminar—Part 2"

Friday, May 15, 2015 - 8:00 a.m.- noon

Palm Beach County Bar Association Office
1507 Belvedere Road, WPB



Program Schedule

- | | |
|-----------------------|--|
| 8:00a.m. - 8:25a.m. | Breakfast / Late Registration and Check In |
| 8:25a.m. - 8:30a.m. | Welcome & Opening Remarks - <i>Matt Triggs, Esq., Proskauer Rose LLP, Committee Chair</i> |
| 8:30a.m. - 9:00a.m. | Fiduciary Liability in Management of Securities - <i>Jamie Pressly, Jr., Esq., Pressly & Pressly, Florida Bar Board Certified in Wills, Trusts & Estates</i> |
| 9:00a.m. - 9:30a.m. | Renunciation in Will and Trust Contests: Effects on Accounting and Financial Discovery
<i>Jack Falk, Jr., Esq., Dunwoody White & Landon, Fellow of the American College of Trust and Estate Counsel</i> |
| 9:30a.m. - 9:40a.m. | BREAK |
| 9:40a.m. - 10:10a.m. | Protecting Digital Assets – <i>Eric Virgil, Esq., The Virgil Law Firm</i> |
| 10:10a.m. - 10:40a.m. | When Death Does Us Part: Estate Planning to Avoid Conflict in Blended Families
<i>Catrina Sveum, Esq., Proskauer Rose LLP</i> |
| 10:40a.m. - 10:50a.m. | BREAK |
| 10:50a.m. - 11:20a.m. | Petulant Pete's Probate Peeves and Protests—Practice Pointers and Proposals for the Principled Probate (and Trust and Guardianship) Litigator
<i>Peter Sachs, Esq., Jones, Foster, Johnston & Stubbs, Florida Bar Board Certified in Civil Trial and Business Litigation Law</i> |
| 11:20a.m. - noon | What's Hot in Florida—A Florida Law Update -
<i>Elaine Bucher, Esq., Gunster, Florida Bar Board Certified in Wills, Trusts & Estates</i>
<i>Nicklaus Curley, Esq., Gunster</i> |

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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Estate/Probate Seminar (5/15/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK** ONLY, WITH THIS FORM.

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

Rule 1.110(d): Affirmative Defenses

by Matt Triggs and Jonathan Galler

Most litigators are familiar with the maxim that “to rule on a motion to dismiss, a court’s gaze is limited to the four corners of the complaint.” *Swerdlin v. Florida Municipal Ins. Trust*, 2014 WL 5149140 at *1 (Fla. 4th DCA Oct. 15, 2014).

The Fourth District recently reminded us that the maxim holds true even in the rare instances when a motion to dismiss is based on an affirmative defense. *Wallisville Corp. v. McGuinness*, 154 So. 3d 501, 504 (Fla. 4th DCA 2015).

In those instances, however, it’s insufficient for a defendant to merely argue that the affirmative defense is apparent within the four corners. Rather, the defendant must also show that the plaintiff has – you might say – inescapably painted itself into one of those corners.

Review On A Motion To Dismiss Is Limited To The Pleading Itself

We begin with the basics. “A motion to dismiss tests the legal sufficiency of the complaint.” *Ramos v. Mast*, 789 So. 2d 1226, 1227 (Fla. 4th DCA 2001). Therefore, the court must not look beyond the complaint and its exhibits when ruling on a motion to dismiss. See *Grove Isle Ass’n, Inc. v. Grove Isle Assoc., LLLP*, 137 So. 3d 1081, 1089 (Fla. 3d DCA 2014).

Moreover, “[t]he party moving for dismissal must admit all well pleaded facts as true, as well as reasonable inferences that may arise from those facts.” *Wallisville*, 154 So. 3d at 504.

In Rare Instances, Affirmative Defenses Are Grounds For Motion To Dismiss

Given that standard, most affirmative defenses typically do not form the basis for an appropriate motion to dismiss. See *Wallisville*, 154 So. 3d at 504. That’s because the merits of many affirmative defenses depend on proving facts not alleged in the complaint.

“Affirmative defenses, such as statute of limitations and laches, are generally matters raised in an answer and not a motion to dismiss.” *Grove Isle*, 137 So. 3d at 1089. See also *Ramos*, 789 So. 2d at 1227 (“Defenses such as collateral estoppel and *res judicata* are affirmative defenses that ordinarily must be pled in an answer, and not on a motion to dismiss.”).

However, rule 1.110(d) specifically provides as follows:

“Affirmative Defenses appearing on the face of a prior pleading may be asserted as grounds for a motion or defense under rule 1.140(b); provided this shall not limit amendments under rule 1.190 even if such ground is sustained.” Fla. R. Civ. P. 1.110(d).

In other words, “an exception is made when the face of the complaint is sufficient to demonstrate the existence of the defense.” *Ramos*, 789 So. 2d at 1227.

In practice, this means that “where the facts constituting the defense affirmatively appear on the face of the complaint and establish conclusively that the defense bars the action as a matter of law, a motion to dismiss raising the defense is properly granted.” *Grove Isle*, 137 So. 3d at 1089.

To Prevail, However, Allegations Of Complaint Must Negate Possible Reply

However, to prevail on a motion to dismiss that is based on an affirmative defense, the defendant must go beyond establishing that the grounds for its affirmative defense is apparent on the face of the plaintiff’s complaint. The defendant must also show that the allegations contained within those four corners will effectively make it impossible for the plaintiff to reply to the affirmative defense upon which the motion to dismiss is grounded.

“Because affirmative defenses may be avoided by facts pled in a reply, the allegations of the complaint must also conclusively negate the plaintiff’s ability to allege facts in avoidance of the defense by way of reply, or dismissal is inappropriate.” *Grove Isle*, 137 So. 3d at 1089. See also *Wallisville*, 154 So. 3d at 504; *Saltponds Condominium Ass’n, Inc. v. McCoy*, 972 So. 2d 230, 231 (Fla. 3d DCA 2007).

What that means is that to prevail on the rare motion to dismiss that is based on an affirmative defense, the plaintiff’s own allegations must box itself in to such an extent that it would be unable to reply to that affirmative defense.

If the defendant is unable to establish that the plaintiff has painted itself into that sort of inescapable corner, the proper procedure is for the court to deny the motion to dismiss, thereby leaving the defendant to assert the affirmative defense in its responsive pleading and affording the plaintiff the opportunity to plead facts in avoidance. See *Levine v. Levine*, 734 So. 2d 1911 (Fla. 2d DCA 1999).

Matt Triggs is a partner in the litigation department of Proskauer Rose LLP and the head of the department in Boca Raton. Jonathan Galler is a senior counsel in the department. Both concentrate their practices in commercial and probate litigation.



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Missing Files:

Anyone knowing the whereabouts of the client files for Bonnie Willis Hutton, deceased, please contact Frank DiVencenzo, State Attorney Investigator for the 19th Judicial Circuit, (772) 216-2872 or via email at fdivincenzo@sao19.org



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

15th Annual View From The Bench

Dinner on Palm Beach with the
Palm Beach County Probate Division Judiciary

Thursday, April 16, 2015

The Colony Hotel, 155 Hammon Avenue, Palm Beach

6:00 - 6:30 p.m. Registration and Cash Bar

6:30 - 8:30 p.m. Panel Presentation

Judicial Panel Includes: Judges Martin H. Colin, Janis Keyser, John Phillips,
David E. French, Krista M. Marx and Jeffrey D. Gillen

Have an issue or question you would like the judges to address?
Email Benjamin Greenberg: bgreenberg@floridaelderlawservices.com



This course has been granted **2.0 CLER/1.5 Elder Law Certification credits** from The Florida Bar.
Early registration cost (including 1 complimentary drink) is **\$70.00** for PBCBA members/paralegals;
\$110.00 for non-PBCBA attorney members/paralegals if registered by 4/9/15; add \$25 after that date.

Please select one of the following:

- _____ Chicken Marsala, Mascarpone Mashed Potatoes, Grilled Zucchini
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- _____ Wild Mushroom Ravioli, with Golden Tomato Fondue, White Truffle Essence



Jo Ann Abrams, Attorney at Law



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by **Donnie Murrell**, *PBCBA's Delegate to the ABA*



The House of Delegates considered a very light calendar of resolutions at this mid-year meeting. However two of those resolutions were aimed directly at Florida's criminal

justice system.

Resolution 108A urges all governments that impose the death penalty to require that a jury unanimously recommend or vote to impose that sentence and that the jury also unanimously agree beyond a reasonable doubt on the existence of any aggravating factors that are a prerequisite for eligibility for the death penalty.

For those who don't know, Florida's death penalty scheme is an outlier among states that have capital punishment. In Florida, a defendant can be sentenced to death by a simple majority vote of 7-5. A death sentence can be imposed although almost half the jury may disagree. Not only that, but the seven members voting for death do not have to agree on the reasons that death is appropriate (the "aggravating factors"). In our state courts, a defendant can be sentenced to death by a jury that does not agree on the reasons for the sentence, or even that the sentence is appropriate.

We are the only state in the Union where this is possible. We also lead the nation in the number of death penalty exonerations, that is defendants sentenced to death that are later determined to be innocent. More than ten years ago the Florida Supreme Court urged the Legislature to amend the capital sentencing scheme to require unanimity. The Legislature has refused to take action. Last year a bill was introduced to deal with this issue but failed to pass. The bill has been re-introduced this year. Members of the Bar, regardless of their views on the death penalty, should support this legislation.

The other piece of Florida jurisprudence that took a shot (pardon the pun) was our Stand Your Ground Law. An ABA commission reviewed Stand Your Ground statutes from around the country. It also held public hearings and took testimony from prosecutors, law enforcement, academics and the public. Statistics seemed to show that in states with Stand Your Ground laws, crimes of violence actually increased. The majority

of police and prosecutors seem to oppose the law. The House adopted a resolution calling for the repeal of Stand Your Ground statutes.

The next meeting of the House of Delegates is in Chicago. As always, if anyone has specific questions about some action of the House, feel free to contact me.

Donnie Murrell

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Welcome New Members!

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

Rachel A. Bentley: Florida International University, 2013; Associate in the Law Office of Malcolm E. Harrison, P.A., Wellington.

Meredith I. Biggs: Liberty University, 2011; Associate in Gunster, Yoakley & Stewart, P.A., West Palm Beach.

Nola Brown: Florida Registered Paralegal Membership, Royal Palm Beach.

Vanessa A. Coe: Nova Southeastern University, 2011; Solo Practitioner, Lake Worth.

Jennifer E. Dale: Law Student Membership, Ft. Lauderdale.

Brett Davies: Law Student Membership, Jupiter.

Michael S. Elstein: Nova Southeastern University, 1995; Solo Practitioner, Wellington.

Edward A. Jacobson: Samford University, 1992; Associate in Scott J. Sternberg & Associates, P.A., West Palm Beach.

J. Stuart Kirwan, III: Loyola University, 2009; Partner in Vastola & Kirwan, P.A., North Palm Beach.

Andrea Knight-Biggs: Law Student Membership, Wellington.

Evan M. Kohn: Nova Southeastern University, 2104; Solo Practitioner, Jupiter.

Bart Peters: University of Connecticut, 1993; Partner in Business Aviation Law Group PLLC, Jupiter.

Michael G. Polatsek: University of Florida, 2014; Fourth District Court of Appeal, West Palm Beach.

Philip E. Rothschild: UCLA, 1992; Associated with Holland & Knight, LLP, West Palm Beach.

Christopher William Rumbold: University of Florida, 2002; Partner in Gladstone & Weissman, P.A., Boca Raton.

Daniel A. Umbert: University of Miami, 2014; Associate in Greenstein & Associates, West Palm Beach.

Stephanie M. Zachary: Florida State University, 2013; Solo Practitioner, North Palm Beach.



Re-Elect **GREG HUBER** Board of Directors Palm Beach County Bar Association

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It's always been
about the work; I'm
honored to do all I
can to help the Bar
and our members.

Greg Huber

Greg Huber proudly labels himself a worker bee. As a PBCBA member he's always found joy in doing the hard work to see this group thrive. His election to the Board of Directors provided a larger platform for his efforts on your behalf. His re-election ensures you and those the Board serves continue to benefit from his efforts.

A vote for Greg Huber is more than a trivial act. It is your vote for a self-described hard worker, experienced and well suited to the work necessary to see your Palm Beach County Bar Association continue to excel and thrive.

Greg's Service to Palm Beach County Bar Association Demonstrates His Commitment

- Board of Directors (2012-present)
- CLE Liaison (2012-2014)
- Co-Chair of Bench Bar Conference (2012)
- Bench Bar Conference PI Committee
- Law Week Committee
- Independence of Judiciary Committee
- Client Relations Committee
- Professionalism Committee
- Judicial Relations Committee

And The Winners Are... 2015 Pro Bono Awards

Appellate Law Award

Margaret Bichler
Lytal, Reiter, Smith, Ivey & Fronrath

Real Property Law Award

Alan Burger
McDonald Hopkins L L C

Immigration Law Award

William Cavanaugh
Law Office of William M. Cavanaugh, P.A.

Elder Law Award

Avery Chapman
Chapman Law Group P L C

Law Firm Award

Holland and Knight

Guardianship/Probate Law Award

Mitchell Kitroser
Mitchell I Kitroser, P.A.

Civil Litigation Award

Jason Lazarus
Holland & Knight L L P

Community Service Award

Jack Scarola
Searcy Denney Scarola Et Al

Juvenile Law Award

Linda Spector
The Stafford Firm, PA

Employment Law Award

Matthew Thibaut
Ciklin Lubitz Martens & O'Connell

Florida Supreme Court Recognizes Local Attorneys for Pro Bono Work

Florida Supreme Court Chief Justice Jorge Labarga and the Florida Pro Bono Coordinators Association in collaboration with the Legal Aid Society of Palm Beach County and with the support of the Young Lawyer's Division of the Florida Bar are proud to recognize the efforts of local attorneys who provide pro bono service through a legal services organization. Attorneys to be recognized will receive a lapel pin designating their level of pro bono activity. Three levels will be recognized:

Bronze level - 20 to 49 hours

Silver level - 50 to 99 hours

Gold Level - 100 or more hours

All hours are based on cases closed in the year 2014. The pins, along with a letter of recognition from the Chief Justice of the Florida Supreme Court, will be distributed this spring through the Legal Aid Society. The attorneys will be recognized at the 27th Annual Pro Bono Recognition Evening, additional local recognition for these attorneys is anticipated. A list of the award recipients follows:

LAPEL PIN WINNERS 2014

BRONZE (20-49)

Miriam Acosta-Castriz
Anthony Bennett
Staci Burton
Andrew Clopman
Peter A. Cooke
Lance C. Fuchs
Michael Gort
Audrey Harris
Cynthia Jackson
John R. Sheppard, Jr.
Jill Weiss
Gary A. Woodfield
Jerry Zaslow

SILVER (50-99)

Lawrence Abramson
David P. Ackerman
Patricia Alexander
Loretta Bangor
Abigail Beebe
John Fenn Foster
Anne E. Hinds
Georgina Jimenez-Orosa
Richard Kleid
Stephanie McQueen
Paul Rampell
Jessica Rosenthal
Anthony Stella

GOLD (100+)

Richard Abedon
Grant Gisondo
Judith Just
E. Raul Novoa, Jr.
Lawrence Moncrief
Maria J. Patullo
Ashley Poulter
Kimberly Rommel-Enright
Linda Spector
Michael Stern
Barry Weiss



Lawyers giving back

More than 50 members took time to proof essays, which were written by adult learners enrolled in classes through the Literacy Coalition of Palm Beach County. Students wrote about three people who they would like to have lunch with. The winning author was honored during the annual Love of Literacy Luncheon sponsored by the Literacy Coalition of Palm Beach County.

"This was truly a rewarding experience to be given the privilege of reviewing these heartfelt essays written by members of our community who had embraced the difficult challenge of learning to read and write in the English language at a later stage in their lives. Moreover, as an immigrant myself, I genuinely felt a strong sense of empathy towards many of these adult students who longed for friends and family that they had left behind when they moved here."

Poorad Razavi, Esq.



The Indigent Population Is Diverse But Lacking In Diverse Sources Of Assistance

by *Farah Lolagne*

At the service of the Palm Beach County indigent population since its inception in 1966, Florida Rural Legal Services ("FRLS") is a local non-profit law firm dedicated to providing quality legal advice, representation and education for low-income people and communities.¹ The members of FRLS's administration and all of its attorneys and staff directly reflect the diversity of the community being served.

In Palm Beach County, as is probably the norm around the nation, the indigent population lacks access to diverse firms, or knowledge of where to turn to when in need of legal assistance or representation. In fact, locally there are less than a handful of non-profit law firms that represent eligible individuals free of charge. The eligibility factors are generally based on income, assets and immigration status.

FRLS promotes diversity one staff member and one client at a time. It has offices in thirteen counties, two of which are located in Palm Beach County and serve the Western and Eastern population with offices in West Palm Beach and Belle Glade. The primary funders of the FRLS Palm Beach County offices include the Legal Services Corporation (LSC), an independent corporation created by Congress and charged with distributing government funds and the largest funder of civil legal assistance for low-income Americans in the nation,² and the Children Services Council. As a recipient of LSC funds, FRLS is governed by Federal Law.³

Many clerks' offices including the Fifteenth Judicial Circuit's main branch operate a self-service center for the public and pro se litigants. However, it is not uncommon for pro se litigants to find it difficult to navigate through the legal system on their own behalf.

As the ill can cure minor pains with over-the-counter medicine to recover, other times a visit to the doctor's office is required to get better. Similarly, while the local self-service center may have some forms available for pro se litigants to purchase, the forms may be insufficient requiring the assistance of an attorney to assist them with their legal issue.

With only four attorneys and five staff members, FRLS's Palm Beach County office served more than 900 individuals in 2014 in areas of landlord/tenant law, federal housing, consumer, public benefits, social security disability benefits, reemployment assistance (formerly unemployment compensation) and family law. A considerable percentage of the clients who were served received extensive legal representation either through the courts or administrative agencies.

Approximately 47% of the individuals served by the FRLS, identified themselves as Black/African American, 30% identified as White/Caucasian, 19% as Hispanic and a very small percentage as other.⁴ These numbers are a reflection of the diverse groups of the community FRLS assisted and continues to assist on a daily basis.

FRLS is restricted to handling only matters that have

been deemed priority or mandated as falling into an area of need as determined by its funders and its Board of Directors. Unfortunately, there is still a gap in the system and many low-income applicants who are frequently turned away due to ineligibility or perhaps due to the nature of their legal issue. As such, while applicants may meet the eligibility guidelines based on their assets, FRLS may be unable to assist them with their particular legal issue.

Palm Beach County attorneys can be of assistance by helping to fill this gap through pro bono services. There are endless opportunities for local attorneys with different types or levels of expertise to give back to the community by assisting those who cannot get help from the few local nonprofit law firms such as FRLS. After all, utilizing our skills, knowledge and expertise to give back to the community brings the utmost feeling of gratification. Whether it is basic legal advice or court representation, no help is ever too small to those who have nowhere else to turn for assistance.

For now, we should cogitate on the endless ways we can be of service to pro se litigants to continue to pursue the Bar's purpose and mission to remain leaders at the forefront of diversity in the legal community.

To learn more about Florida Rural Legal Services, Inc. and find out how you can be of assistance, or to donate, please visit FRLS's website at www.frls.org.

Farah Lolagne, Esq. is a staff attorney at Florida Rural Legal Services, Inc. which she joined in 2009. Currently, Farah practices in the areas of landlord/tenant, federal housing, social security disability, reemployment assistance and family law. Farah can be reached at farah.lolagne@frls.org

(Endnotes)

¹ <http://www.frls.org/about-us.html>

² <http://www.frls.org/about-us.html>

³ <http://www.lsc.gov/about/lsc-act-other-laws>

⁴ FRLS internal reports

**HELP
WANTED?**

Don't forget to use the PBCBA's Diversity Placement Database when seeking to hire attorneys for your firm.

Go to the Bar's website and click on the diversity tab.

A View From The Other Side



by Terry Resk

I really did it. I crossed over to the other side and came back, not only as a better lawyer, but also as a better person. Yes, I was involved in a five week trial - as a juror. Having served my time, and figuring that I won't be called again for a while, I now feel safe enough to encourage everyone else I

know, especially fellow litigators, to resist your first impulse to avoid service and instead to actually welcome the opportunity to serve.

Before I sound too sanctimonious, I must confess that, on behalf of my entire firm, I was hoping for ways (short of perjury, of course) to avoid being chosen. A few days into the trial, however, I had a complete change of heart. I also grew increasingly annoyed by colleagues who expressed surprise that I couldn't have "gotten out of it." Who (besides me, just three days earlier) would hope to avoid jury duty? How hypocritical would I have been, after spending a lifetime in a career which asks others to sit as jurors, not to serve myself?

Enough of my soap box. If performing your civic duty is not a sufficient reason, consider all of the insights you will gain from within the jury box. I learned more during the first day of trial than in any class I ever took, and not only because the attorneys were excellent, experienced litigators. Some lessons reinforced the conventional wisdom that had been drilled into us in textbooks - they were just more meaningful when taught in the courtroom rather than in a classroom. Other lessons made me realize that those who wrote the textbooks never sat on a jury.

Three things I learned about jurors:

1. **Jurors are smart.** Regardless of their educational or employment backgrounds, they don't miss a trick and notice everything.
2. **Jurors value their time** and don't appreciate when you waste it.
3. **Jurors take their responsibilities seriously** and want to do the right thing.

While I can only speak for myself and not my fellow jurors, I will use what I learned and remind myself of the following the next time I try a case:

- **Do Not Repeat things more than once** (see numbers 1 and 2 above). During the trial, I often knew the answers to even insignificant questions before the witnesses could respond - because I had heard the information so many times already.
- **Be careful not to misstate testimony.** Avoid paraphrasing, if possible. Even slight differences between the actual testimony and the attorneys' version are noticeable. It is similarly risky to highlight only certain language in documents - human nature then makes you particularly curious as to the contents of the rest of the document. Even if there is no time to review the entire document during testimony, there will be time during deliberations.
- **Stipulate to as much as possible.** The attorneys in my case were very professional, stipulated to much, and made few objections. Even so, you couldn't help but notice what was

time consuming and wonder why the attorneys had to spend so much time proving tedious points (think, e.g., interstate communications).

- **Avoid sarcasm.** Do not treat witnesses contemptuously, regardless of how little respect they may deserve. Try "does this refresh your recollection of whether you sent a letter" rather than, "is this the letter you never sent?"
- **Use humor.** Even when the stakes are high and the repercussions weighty, humor creates a rapport and makes it easier to be attentive and to remember. Humor never detracted from the seriousness with which we took our responsibility.
- **Listen to the testimony.** Your next question may have just been answered. We are so intent on making sure that we have proven every element of our case that we often miss the fact that the necessary information has already been elicited.
- **Make concessions.** Tell your witnesses that it is not a sign of weakness to concede issues; they will be more credible if they don't refute every point.
- **Don't pander.** Be careful how you try to ingratiate yourselves to the jurors; it isn't necessary and won't make you more likeable.

After all of this, if you don't want to be on a jury because you don't have the time - who does? Keep in mind, however, that jury service can provide you with a once-in-a-lifetime chance to personally assess the effectiveness of different styles of argument and persuasion. You will learn more about trial practice than you thought possible. You will derive more satisfaction than you expected. You will experience more pride in our system of government and in your fellow citizens than you have felt in a long time. If that is still not enough, you will experience the unique feeling of walking into the courtroom and having everyone rise for you.

Board Meeting Attendance

	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB
Barnes	x	x	x	Phone	Phone	x	x	x
Demmery	x	x	x	x	x	x	x	x
Huber	x	x	x	x	x	x	x	x
Kypreos	x	x	x	x	x	x	x	x
Mason	x	x	x	x	x	x	x	x
McElroy	x	x	x	Phone	Phone	x	x	x
Pressly	x	x		x	x	x	x	x
Reagan	x	x	x	x	x	x	x	x
Weiss	x	x	x	x	x	x	x	x
Whittles	x	x	x	x	x	x	x	x
Wyda	x	x	x	x	x	x	x	x
Xenick	x	x	x	x	x	x	x	x
Yaffa	x		Buck	x	x	x	x	Phone



Volunteers needed to serve on committees

This is the time of year that the president-elect Grier Pressly 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. Also, if you are currently serving on a committee, don't forget 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 – <http://www.palmbeachbar.org/committee-preference/>. Please take the time to volunteer to serve YOUR Bar Association.

Daubert Seminar Materials Available

The February lunchtime Personal Injury seminar, Personal Injury Litigator's Guide to Daubert, proved to be extremely popular. Many were unable to attend, as the seminar was filled to capacity. Please be advised however, that materials from this seminar are available for purchase. Visit the PBCBA's website and click on Membership/CLE. From there, click on the link to the audio content where you can order this seminar, in addition to other seminar materials in the Bar's library.

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to the Firm
as an Associate.



Phoebe Eckstein
peckstein@mccaberabin.com

University of California,
Berkeley, School of Law, 2012;
Princeton University, B.A., 2006



Ryon McCabe
rmccabe@mccaberabin.com



Adam Rabin
arabin@mccaberabin.com



Dina Keever
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Solo and Small Firm Practitioners Committee presents

LAW FIRM PARTNERSHIP: STRUCTURE, FORMING & DISSOLVING

Date: Wednesday, May 13, 2015

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

Place: Bar Office - 1507 Belvedere Road - West Palm Beach

Cost: 10.00 for PBCBA members; 20.00 for attorney non-members



Attend this one hour luncheon and learn the pros and cons of partnerships, how to choose the right partner, legal structure, joining an existing partnership, dissolving the partnership and most importantly, making it work!

Register online at www.palmbeachbar.org (or) mail this form to the Bar Office along with payment.

Add 5.00 if registered after 5:00 p.m. on 5/11/15



Name: _____ Telephone: _____

Address: _____ Email: _____

Second Annual Solo CLE & Networking Mixer



Todd Stewart and Drew Lovell

Our Solo and Small Firm Committee hosted another great event at Abacoa Golf Club in Jupiter! Members enjoyed a round table discussion on the tools needed to start and set up their practice. Attendees included both new and seasoned attorneys and everyone went home with helpful tips on how to make their practice more successful and efficient. Thank you to our reception vendors from Alpine Jaguar, Bob Greenberg Insurance Services, Can They See You?, Divine Blalock Martin & Sellari CPA, Keiser University and LANinfotech.



Jonathan Rupprecht and Sam Miller



Sam Walker and Victoria Mesa-Estrada



Larry Buck talks with Michael Goldstein, President & CEO of LANinfotech



Steven Grant and Solo and Small Firm Chair Shannon Sagan



Creative table by Rochelle Hyman, President of "Can They See You?"



Renee Renuart and Stephen Zaloom

Missing Bar Events? Be Sure to Read your eNewsletters



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 sspence@palmbeachbar.org today



YLS 5th Annual Habitat for Humanity Project



Our YLS participated in its fifth Habitat for Humanity building with over 20 young lawyers volunteering in addition to Federal Magistrate Judge William Matthewman and Circuit Judges James Martz and Rosemarie Scher. Thanks to all who came out to help on a beautiful Saturday morning.



**Nicole Barna and YLS President
Lindsay Demmery**




President-elect Lou Delgado and Colleen Farnsworth




Dan Barsky

**Federal
Magistrate
Judge
William
Matthewman**







In Memoriam





James E. Weber
1934 – 2015



Irwin Block
1927 - 2015



**The Honorable
Robert Hewitt**
1917 - 2015



**Judge
Rosemarie
Scher**



**Judge
James
Martz**

Luncheon Honoring our Judiciary



(Standing): Bar President Theo Kypreos, Judge Stephen Rapp, Judge Edward Fine, Judge Sandra McSorley, Executive Director Patience Burns and Judge Timothy McCarthy
(Sitting): Magistrate Larry Weaver and Judge Lucy Chernow-Brown (not pictured Judge Ronald Alvarez, Judge David Crow and Judge Diana Lewis)



Donnie Murrell
and Tom Gano

Magistrates
Maxine Williams and
Sarah Alijewicz

A heart warming send off was recently given to our jurists who recently left the Bench. Their service to the 15th Circuit includes a combined 206 years of experience! Thank you judges for your time, dedication and commitment to our community and to our local Bar. The event was well attended by close to 200 members and sponsored by Akerman, Grand Bank and Trust of Florida, Holland and Knight, Sabadell United Bank, The Treatment Center and Visual Evidence.



4th DCA Judge Carole Taylor and
(Ret) Judge Edward Rodgers



(Ret) Judge Roger Colton and newly
retired Judge Ronald Alvarez



(Ret) Judge Richard Burk and
former judge Richard Wennet



David Prather, Larry Mesches
and Ken Johnson



Judge James Martz, Florida Bar President
Greg Coleman and Jay White



Ted Babbitt and
Chris Searcy

Upcoming CLE Seminars

Your CLE Committee Chairs have been very busy at work planning live CLE seminars for our membership for this year. For more information about these seminars, please visit the Bar's website: palmbeachbar.org and click on the calendar icon at the bottom of the page. Also, don't forget, most of these seminars are also held live via webinar if you are not able to leave your office to attend in person.

March 11:
Technology
"Social Media for Lawyers"

March 24:
Getting Paid From Your Own
Client: To Sue or not to Sue

April 9:
Employment Law Webinar

April 15:
Business Litigation
Luncheon Seminar

April 16:
Elder Law Annual Dinner Seminar

April 17:
Bankruptcy Law Seminar

April 22:
Securities Law Seminar

May 8:
Family Law Seminar

May 11:
Employment Law Webinar

May 15:
Estate & Probate Seminar

May 19:
Business Litigation
Luncheon Seminar

May 21:
Personal Injury Lunch &
Learn Seminar

May 29:
Real Estate Seminar

June 5:
Community Association
Law Seminar

June 12:
Employment Law Seminar
& Reception

June 19:
Business Litigation
Luncheon Seminar



Eunice Baros and
Judges Sheree
Cunningham
and Samantha
Schosberg Feuer

OUR BOARD'S ACCOMPLISHMENTS NOT ONLY HELP US. THEY BECOME THE LEGACY WE LEAVE TO FUTURE ATTORNEYS.

As a member of the Board of Directors, I see my role as an ambassador for our association. I am constantly seeking fresh ideas for attracting new members in addition to enhancing benefits to our current members.

In my years of involvement with our association, I have put my philosophy of inclusion into practice:

- Reaching out to law students and young lawyers from a wide range of backgrounds,
- Building relationships with a variety of professional and community organizations, and
- Promoting membership diversity that enriches our lives as well as our practice of law.

As a parent – the mother of an energetic young son and two active daughters – I am even more mindful of our responsibility as role models. Shaping a positive perspective of attorneys and how much we contribute to our community is a critical part of my job as a Board member.



RSB@SearcyLaw.com ■ 561-686-6300



As the voting period nears and you are considering Board candidates, I hope you will contact me with your questions and ideas about our association's future. As always, I welcome your input. And I would be most grateful for your vote.

Sia Baker-Barnes is a shareholder at Searcy Denney Scarola Barnhart & Shipley, P.A. She focuses on plaintiff's personal injury, medical malpractice and product liability matters. She received her law degree from the Florida State University College of Law, where she was awarded the Virgil Hawkins Fellowship for academic achievement.

- Board of Directors, Palm Beach County Bar Association, serving on Membership Committee and Committee for Diversity and Inclusion
- Former Co-Chair, Palm Beach County Bar Association Committee for Diversity and Inclusion and Personal Injury/Wrongful Death Committee
- Board of Directors, Palm Beach County Chapter of the Florida Association for Women Lawyers; Chapter Representative
- Member, Florida Bar Leadership Academy Committee, Palm Beach County Session Chair
- Named in *The Best Lawyers in America*
- Listed in *Florida Super Lawyers*
- Selected by *Daily Business Review* as one of South Florida's "Top 20 Women in Law" (2014)
- Past recipient of National Bar Association's Presidential Award; named in NBA's *Nation's Best Advocates: 40 Under 40* (2011)
- Named *South Florida Woman Extraordinaire* by *Business Leader Media* (2011)
- Former member, Board of Directors, Florida Justice Association (2009-2011)
- Past chair, Young Lawyers Section, Florida Justice Association (2008-2009)
- National, state and local leadership roles, The Links, Incorporated
- Past Chair, Board of Directors, Inlet Grove Community High School, Inc.
- Member, Alpha Kappa Alpha Sorority, Inc.
- Emeritus member, Board of Directors, Florida State University College of Law Alumni Association

Re-Elect **Rosalyn
Sia
Baker-Barnes**

**TO THE BOARD OF DIRECTORS,
PALM BEACH COUNTY BAR ASSOCIATION**

Judicial Profile: Judge Jaimie Goodman

by *Jorge Maxion on behalf of the Judicial Relations Committee*

One overriding characteristic of Judge Jaimie Goodman that is clearly evident in his first few weeks as one of Palm Beach County's newly elected Circuit Court Judges is that he is a passionate person. Judge Goodman has a passion for the bench, for public service and for the fair administration of justice. He loves the work, especially the ability to analyze legal issues in service to the Bar. He also has a deep appreciation for the many practitioners of the Palm Beach Bar Association.

Judge Goodman derives his passion for the job from many sources including the experience of serving as a congressional intern in the United States House of Representative during the summer of 1978. He fondly recalls learning how laws are formed and the privilege of serving citizens. Judge Goodman's zeal served him well including earning a highly coveted scholarship for his continued public service during his junior year at Cornell University where he earned his Bachelor of Science in Industrial and Labor Relations in June 1979.

Having grown up in Queens and on Long Island, Judge Goodman began his formal legal education in the fall of 1979 when he enrolled at Cornell Law School. His initial desire was to return to Washington D.C. upon graduation and to begin private practice. He wasn't sure of the venue but Judge Goodman knew that wherever he landed it would be as a civil litigator where he would have the opportunity to get into the courtroom.

Judge Goodman got his wish to litigate but surprisingly the opportunity surfaced in Detroit, Michigan where he was very pleased to work as in house counsel for General Motors from June 1982 to June 1987. He appreciated the experience, honing his courtroom skills, and became a partner at a private firm continuing to represent General Motors in the area of employment litigation throughout Michigan.

Eventually fate would step in again and in 1989, while on a well-earned vacation after three trials, Judge Goodman found himself on his way to Port St. Lucie, Florida to watch his beloved New York Mets play at a spring training game. His drive north from the West Palm Beach airport found him travelling through Jupiter and Hutchinson Island. Judge Goodman fell in love with the area, the community, and the weather, and from that vacation grew a passion to move south which finally culminated in taking The Florida Bar exam in February 1992.

In 1993, the Law Offices of Jaimie Goodman opened its modest doors in Detroit, Michigan; and then in the fall of 1999, Judge Goodman opened up his law office in West Palm Beach. Judge Goodman's employment law practice flourished as he focused on representing individuals who had lost their jobs, many as a result of discrimination in the workplace. However, Judge Goodman had one more ambition, one more passion, and that was to serve our community as Circuit Court Judge. In fact, Judge Goodman's interest had actually begun while at Cornell serving as a student representative on the University Review Board's Judicial Panel.

Today, Judge Goodman is a model of perseverance who exemplifies that a person can achieve all of his or her goals by never losing passion. He lives by the mottos: "never give up" and "pursue your dreams." We warmly welcome Judge Goodman. Our legal community is better and stronger with him on our Circuit Court bench.

Jorge L. Maxion is with the firm of Craig Goldenfarb, P.A. His practice areas include motor vehicle accidents, premises liability and general liability litigation. He is a former General Magistrate for the 15th Judicial Circuit.



Wine Under The Stars at 4th Annual Pankauski Pour

On February 20th, South Olive Avenue, between Clematis and Datura streets, was closed to traffic from 5:30-9:00pm so nearly 250 wine aficionados could enjoy a wine tasting event hosted by West Palm Beach attorney and noted wine connoisseur, John Pankauski. The event raised \$6,000, which will be used to provide free civil legal services to the survivors of domestic violence; abused, neglected and abandoned children; and vulnerable and exploited seniors served by the Legal Aid Society of Palm Beach County.

Photos by Tracey Benson
Photography



John Pankauski, Stephanie Cagnet, Richard Lubin, Betsy Savitt and Judge Edward Garrison



Joanne O'Connor, Robert Hauser and Rebecca Vargas



Michael & Cyndi Napoleone



ELECT: Scott B. Smith

to the Palm Beach County Bar
Association's Board of Directors



EDUCATION

- U.S. Air Force Academy
- Florida State University, B.S.
- Florida State College of Law, J.D.

PROFESSIONAL

- Assistant State Attorney, 19th Circuit
- Lytal, Reiter, Clark, Fountain & Williams
- Law offices of Scott B. Smith
- Smith, Ivey & Fronrath
- Lytal, Reiter, Smith, Ivey & Fronrath

PROFESSIONAL ORGANIZATION SERVICE

- President, Palm Beach County Justice Association
- Chair, Academy of Florida Trial Lawyers (AFTL) Young Lawyers Section
- Florida Bar Rules of Evidence Committee
- March of Dimes Board of Directors
- Past Jupiter H.S. Mock Trial Team Coach
- Palm Beach County Sports Commission Member

PALM BEACH COUNTY BAR ASSOCIATION

- Circuit Civil Practice Committee, Past Chair
- PI/Wrongful Death CLE Committee, Past Chair
- North County Section Director
- Bench Bar Committee
- Judicial Relations Committee
- Lawyers for Literacy Committee
- Law Week Committee
- Solo & Small Firm Practitioners Committee

ACCOMPLISHMENTS

- Florida Bar Board Certified Civil Trial Attorney
- Best Lawyers in America
- Super Lawyers
- Top 100 Trial Lawyers in Florida
- AV Rated by Martindale-Hubbell

TRIAL EXPERIENCE

- More than 60 civil and criminal cases tried in both State & Federal Courts

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YLS Happy Hour Highlights with South Palm Beach County Bar YLS



Chris Bristow, Santo DiGangi and Julia Wyda



Jennifer Kypreos and Kristy Pressly



Jennifer Bokankowitz and Alison Kelly

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As one of your member benefits, you can purchase discount movie tickets at the Bar Office. These tickets make great holiday gifts for family, babysitters, staff, clients and teachers. Savings are available for the following theaters:

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Past president, Palm Beach Association of Criminal Defense Lawyers • Past chapter rep, Florida Association of Criminal Defense Lawyers

Past member, Judicial Relations Committee • Volunteer, Lawyers for Literacy • Volunteer, Law Week Ask a Lawyer

Volunteer, singing & playing guitar, Christmas carols, YLS • Performer, Lawyer Variety Show benefitting Legal Aid

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Re-Elect *Dean Xenick*

Palm Beach County Bar Association Board of Directors

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**VOTING BEGINS
APRIL 8**

PALM BEACH COUNTY BAR ASSOCIATION

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- Co-chair, Bench Bar Conference (2013)
- 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, 2011-present

ACCOMPLISHMENTS

- Craig S. Barnard American Inns of Court, Board Member
- Named to Best Lawyers, 2015 Edition
- Selected for inclusion in Super Lawyers Rising Stars Edition, 2009, 2013, 2015
- Included in Florida Legal Trend Legal Elite, Up and Comers, 2012, 2014, 2015
- Included in South Florida Legal Guide, Up and Comers, 2012, 2014, 2015
- A/V Rated by Martindale-Hubble

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
- American Association for Justice

EDUCATION

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

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

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Shared Professional Offices: Class A newly renovated office suite available to share with established life insurance firm. Off of Glades just west of I-95. Offering one to three window offices (one corner) and one administrative workstation, if needed. Includes use of reception area, conference room, phone system, copier/fax, internet, utilities and kitchen. Friendly environment. Available January. For more information call 561 807 8544 and leave message.

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Office Space: \$1800 per month, 800 square feet. Newly renovated office space for rent in the Via Jardin Courtyard just off of Clematis Street. Beautiful office with a store front and courtyard views. Reception area, three offices and a private bathroom. No other office space like this on Clematis Street. Rent includes all utilities and CAM. Address is 330 Clematis Street, Ste 114, WPB, FL 33401. Call Devon at 561-818-8394.

Executive Suites/Office Space – WPB, Forum Area, east of I-95, single offices available with or without secretarial area. Office set up with conference rooms, library, parking, full kitchen, and reception area. Great friendly environment with long-term tenants. Available immediately, no lease required. For more information call (561) 389-3468.

Office Space: Large corner office and secretary area, as well as 3 large executive offices in completely renovated luxury suite in Barrister Building near PB Outlets, large kitchen, marble reception with Receptionist, VoIP phones, Broadband, Fax, Copiers, 2 Conference Rooms, Video Conferencing, Parking. Complement our real estate transaction, immigration and litigation practice. max@florida-counsel.com

Palm Beach Gardens Office Space to share with two attorneys – PGA corridor. Class A, luxury office space just steps from North County Courthouse. Use of reception area, conference room, kitchen, with electric included. Solo attorney wanted. \$1,200.00 per month plus sales tax. 561-512-8850.

POSITIONS AVAILABLE

Attorney Position: Growing AV Rated West Palm Beach firm seeks an attorney with at least 4 years' experience in local government law. The successful candidate will have practiced in areas including the Sunshine Law, Public Records Law, Land Use & Zoning, Code Enforcement, Contracts, Procurement, Ordinances and Litigation. Please email resume and writing sample to pbcclawfirm@yahoo.com

MISCELLANEOUS

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Professional Head Shots - Corporate Events

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HEARSAY

Yelizaveta "Liz" Batres Herman of Rosenbaum Mollengarden PLLC in West Palm Beach has been promoted to Senior Associate. Herman practices commercial and construction litigation.



Cindy A. Crawford joins Greenspoon Marder Law's West Palm Beach office as Senior Counsel in the Marital & Family Law practice group. For nearly 10 years, Crawford has focused her practice on representing

clients in matters pertaining to complex dissolution of marriage, paternity, prenuptial agreements, alimony, child support, equitable distribution and parental responsibility. Prior to devoting her career to the practice of marital and family law, Crawford served as a felony prosecutor for the 15th Circuit State Attorney's Office

Corbett, White, Davis and Ashton, P.A. is pleased to announce that **Jennifer G. Ashton** has been named as a firm Shareholder, and **John K. "Jack" Rice** has joined the firm as an Associate Attorney. Corbett, White, Davis and Ashton, P.A. specializes in municipal and land use law and has represented municipal governments and special districts throughout South Florida since 1987.



Phoebe Eckstein has joined McCabe Rabin as an associate. Phoebe graduated with a B.A., cum laude, from Princeton University in 2006 and the University of California, Berkeley, School of Law in 2012.

She will practice in the areas of business, securities and whistleblower litigation and may be reached at peckstein@mccaberabin.com.



Raymond Kramer, a partner at Beasley Kramer & Galardi, P.A., was named Vice President of Endowment for the Boy Scouts of America Gulf Stream Council. Kramer, who has been involved with the Boy Scouts of America

since 2008, also currently serves as Boy Scouts of America Gulf Stream Council Board Member and Executive Committee Member.

FordHarrison LLP, one of the country's largest management-side labor and employment law firms, is pleased to announce that **Bari Goldstein**, an attorney in the firm's West Palm Beach office, has been nominated for the "Leadership Excellence Award (LEA)" by Leadership Palm Beach County. The LEA celebrates individuals who are shining examples of integrity, compassion, credibility, passion, risk-taking, fairness empowerment and humility.

Roig Lawyers, a minority-owned multi-practice litigation law firm dedicated to serving clients across six offices throughout Florida, is pleased to announce that **Lisa S. Lullove** has been appointed by The Florida Bar to serve on the Fifteenth Judicial Circuit Grievance Committee "D" from January 1, 2015 through December 31, 2017.



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

1507 Belvedere Road, West Palm Beach, FL 33406

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

CALENDAR April 2015

Thursday, April 2, 12 – 1 pm
Law Week Committee Meeting
Bar Association Office

Friday, April 3
Court Holiday – Good Friday
Bar Association Closed

Tuesday, April 7, 10 – 11:30 am
New Attorney Seminar on Professionalism
Bar Association Office

Wednesday, April 8
PBCBA Elections Begin

Thursday, April 9, 11:30 am– 1:30 pm
Employment Law Brown Bag Seminar “Public Employee Showcase”
Bar Association Office

Friday, April 10, 8:30 am
ADR Committee Meeting
Bar Association Office

Friday, April 10, 11:45 am– 1 pm
NCS CLE Seminar “Motion Calendar Tips”
PGA Marriott, 4000 RCA Blvd., PBG

Friday, April 10, 12 – 1 pm
Federal Bar Association Luncheon
Cohen Pavilion at the Kravis Center
Contact twillard@pm-law.com for more info

Sunday, April 12, 11:30 am – 2 pm
NCS 4th Annual Beach Bash
Hilton Singer Island

Monday, April 13, 12 – 1 pm
Professionalism Committee Meeting
Bar Association Office

Tuesday, April 14, 11:30 am– 1 pm
Unified Family Practice Committee Meeting
Judicial Conference Room, Main Courthouse

Tuesday, April 14, 12 – 1 pm
YLS Board Meeting
Bar Association Office

Wednesday, April 15 11:30 am – 1 pm
Business Litigation Seminar “How to Grow Your Business Ethically – Within The Rules”
Bar Association Office

Wednesday, April 15, 12 – 1 pm
Judicial Relations Committee Meeting
Judicial Conference Room, Main Courthouse

Thursday, April 16, 11:45 am– 1 pm
South PBC FAWL Membership Luncheon
For more info, contact lgreenman@fwblaw.net

Thursday, April 16, 12 – 1 pm
Transaction Law Committee
Bar Association Office

Thursday, April 16, 6 pm
15th Annual Elder Law View from the Bench Seminar
The Colony Hotel, Palm Beach

Friday, April 17
PBCBA Elections End

Friday, April 17, 11:15 am– 3 pm
Bankruptcy Law CLE Seminar “Anatomy of a Trial”
Bar Association Office

Monday, April 20, 6 -7:30 pm
Small Claims Court Clinic
Okeechobee Blvd. Branch Library

Tuesday, April 21, 12 – 1 pm
Solo & Small Firm Practitioners Lunch Seminar
Bar Association Office

Tuesday, April 21, 5:30 – 7 pm
Craig S. Barnard Inns of Court Meeting
PBC Courthouse

Tuesday, April 21, 5:30 pm
Legal Aid Society Board Meeting
Bar Association Office
Wednesday, April 22, 12 – 1 pm
NCS Board Meeting

Wednesday, April 22, 12:30 – 6 pm
Securities Law CLE Seminar “Emergence of Elder Law Abuse Claims in Securities Litigation and Regulatory Matters”
Bar Association Office

Wednesday, April 22, 5:30 pm
Board of Directors Meeting
Bar Association Office

Friday, April 24, 12 pm
South Palm Beach County Bar Golf Tournament
Contact Lisa Hurley for more info lisa@southpalmbeachbar.org

Tuesday, April 28, 5:30 – 7 pm
Annual Judicial Reception
The Harriett at City Place

The Bankruptcy Law CLE Committee of the Palm Beach County Bar Association
presents:



"Anatomy of the Trial"

Friday, April 17, 2015 - 11:15a.m. - 3:00p.m.

Bar Offices - 1507 Belvedere Rd., WPB

Program Schedule



- 11:15am - 11:30am **Check In / Late Registration**
- 11:30am - 11:50pm **Buffet Lunch**
- 11:50pm - 12:00pm **Welcome - Opening Remarks** - *Brian K. McMahon, Esq.,
Brian K. McMahon, P.A., Bankruptcy CLE Committee Chair*
- 12:00pm - 3:00pm **Anatomy of the Trial: Mock Trial/Panel Presentation**
Judge Paul Hyman and Judge Erik Kimball

Sponsored by:



This course has been granted 3.5 CLER/3.5 Civil Trial Certification Credits from The Florida Bar.

The cost of the seminar, **including lunch**, is **\$ 90** for PBCBA members/paralegals,
\$ 130 for non-PBCBA members/paralegals. **After 4/10/15, add \$10.00 late fee.**

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

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Name: _____

Address: _____

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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Bankruptcy Seminar 4/17/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.**

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



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

"How to Grow Your Business Ethically - Within the Rules"

Wednesday April 15, 2015 - 11:30am - 1:00p.m.

Bar Offices - 1507 Belvedere Road, WPB

Program Schedule

11:30am - 11:55am	Lunch / Check In / Late Registration
11:55am - 12:00pm	Welcome - Opening Remarks - David Steinfeld, Esq., <i>Law Office of David Steinfeld, P.L., Board Certified Business Litigation Attorney, Business Litigation CLE Committee Chairperson</i>
12:00pm - 1:00pm	Bradley E. Neider, Founder & Managing Director VON Consulting Group, Inc.

Subjects covered: Build the System – Then hire the people! ; Managing the System and the people working it ; Setting Goals that drive results; Marketing... Within the RULES; Where to go when you need help (including The Florida Bar)

What you will learn...The foundation systems needed to support a growing practice; The right order to do things and why; How to know your systems work; How to move from managing the people to managing the "System"; The real value of Goals and how to create the right goals for YOUR practice; How to advertise and market your practice while following The Florida Bar rules

Lunch Sponsored by:



This course has been granted 1.0 General CLE and 1.0 Ethics credit from The Florida Bar.

Early registration cost for the seminar, which includes lunch, is **\$25** for PBCBA member attorneys/paralegals;

\$65 for non-PBCBA member attorneys/paralegals if registered by 4/8/15; add \$15 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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PAYMENT OPTIONS:



If paying by credit card, please go to our secure website to register: www.palmbeachbar.org



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Name: _____

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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Business Litigation CLE Seminar 4/15/15. Cost is the same as listed above, **in addition to \$10 for shipping and handling**. PAYMENT BY **CHECK ONLY**, WITH THIS FORM.

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



The Business Litigation CLE Committee presents:

Securities Arbitration

Tuesday, May 19, 2015

11:30 a.m. - 1:00 p.m.

Bar Offices, 1507 Belvedere Road, West Palm Beach

Program Schedule

11:30am—11:55pm Lunch / Check In / Late Registration

11:55—12:00pm **Welcome—Opening Remarks** — David Steinfeld, Esq.,
Law Office of David Steinfeld, P.L., Board Certified Business
Litigation Attorney, Business Litigation CLE Committee Chairperson

12:00—1:00 pm **Presenter: Matthew N. Thibaut, Esq.,**
Partner, Ciklin Lubitz Martens & O'Connell

Arbitration v. Court: Is there an enforceable arbitration agreement?
General Pros and Cons of each forum?

How to File a Claim: Know your audience.
You are not drafting a pleading for a Judge

How to Select Arbitrators: What sources of information may I access?
What's material to my case?

Discovery & Motions: Discovery in a typical arbitration case; What about depositions?
What about electronic discovery? Are discovery sanctions available and enforced? Limited Motions.

Trying My Case: Formality of the Proceeding: Order of witnesses? Applicability of
the Rules of Evidence? Appellate Review? How is decision rendered?

Lunch Sponsored by:



This course has been granted 1.0 CLER / 1.0 Business Litigation Certification credits from The Florida Bar.

Early registration cost for the seminar, which includes lunch, is \$25 for PBCBA member attorneys/paralegals; \$65 for non-PBCBA member attorneys/paralegals if registered by 5/12/15; add \$15 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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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Business Litigation CLE Seminar 5/19/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY CHECK ONLY, WITH THIS FORM. Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406



The Business Litigation CLE Committee presents:
**How to Inspire Confidence in Potential Clients
Referred to you by other Professionals**

Monday, June 1, 2015

11:30 a.m. - 1:00 p.m.

Bar Offices, 1507 Belvedere Road, West Palm Beach



Program Schedule

11:30am—11:55pm Lunch / Check In / Late Registration

11:55—12:00pm **Welcome—Opening Remarks** — David Steinfeld, Esq.,
Law Office of David Steinfeld, P.L., Board Certified Business
Litigation Attorney, Business Litigation CLE Committee Chairperson

12:00—1:00 pm Tim Goering, President - MakingLuck, Inc,

Seminar topics:

- *Common Challenges facing Attorneys trying to Inspire Confidence
- *Current System for Turning a Referred Prospect into a Client
- *How Referrals will want to Control you
- *A Better way to Control the Process and Dictate Results
- *Ensuring Success with Attitude, Behavior and Technique

Lunch sponsored by:

GRAND
BANK & TRUST
of FloridaSM

This course is expected to receive 1.0 CLER from The Florida Bar.

Early registration cost for the seminar, which includes lunch, is **\$25** for PBCBA member attorneys/paralegals; **\$65** for non-PBCBA member attorneys/paralegals if registered by 5/26/15; add \$15 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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☐ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Business Litigation CLE Seminar 6/1/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK ONLY**, WITH THIS FORM.

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



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

THE 26th ANNUAL COMMUNITY ASSOCIATION LAW SEMINAR

Friday, June 5, 2015 8:00 a.m. – 1:00 p.m.
Bar Association Office - 1507 Belvedere Rd., WPB

Program Schedule



7:45am - 8:00am	Breakfast / Late Registration and Check In
8:00am - 8:05am	Welcome - <i>Tanique G. Lee, Esq., Committee Chairperson, Gelfand & Arpe, P.A.</i>
8:05am - 8:50am	What's New at the Office of Equal Opportunity and Ethical Implications - <i>Pamela Guerrier, Esq., Director, Palm Beach County Office of Equal Opportunity</i>
8:50am - 9:40am	Bankruptcy: Interesting Updates in Bankruptcy and Ethical Implications - <i>Malinda Hayes, Esq; Frank, White-Boyd & Hayes, P.A.</i>
9:40am - 10:30am	Let's Talk About Turnover - <i>G. Steven Brannock, Esq., G. Steven Brannock, P.A.</i>
10:30am - 10:45 am	Break
10:45am - 11:35 am	Case Study in Termination of a Condominium - <i>Joseph Hernandez, Esq., and Joshua D. Krut, Esq. Weiss Serota Helfman Cole Bierman & Popok, P.L.</i>
11:35am - 12:30pm	"Watch what you send" emails and ethical implications - <i>Chioma R. Deere, Esq., Law Office of Salesia V. Smith-Gordon, P.A.</i>
12:30am - 1:00 pm	Perspective from the Bench: <i>The Honorable Jaimie Goodman, Fifteenth Judicial Circuit</i>

This course is expected to receive 4.5 CLER including 1.0 Ethics credits / 5.0 Real Estate Certification credits from The Florida Bar. Early registration cost is \$140 for PBCBA members/paralegals; \$180 for non-PBCBA attorney members/paralegals if registered by 5/29/15; 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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Name: _____

Address: _____

Email Address: _____ Phone: _____

____ I will not be able to attend the seminar but would like to order the CD. (cost same as listed above/allow four weeks for delivery)
(26th Annual Community Association Seminar 6/5/15)

Palm Beach County Bar Assn., 1507 Belvedere Road, West Palm Beach, FL 33406 (561)687-2800



The Business Litigation CLE Committee presents:

Effective Jury Communication - Voir Dire and Beyond

Friday, June 19, 2015

11:30 a.m. - 1:00 p.m.

Bar Offices, 1507 Belvedere Road, West Palm Beach

Program Schedule



11:30am—11:55pm Lunch / Check In / Late Registration

11:55—12:00pm **Welcome—Opening Remarks — David Steinfeld, Esq.,**
Law Office of David Steinfeld, P.L., Board Certified Business
Litigation Attorney, Business Litigation CLE Committee Chairperson

12:00—1:00 pm **Speaker: Joseph G. Galardi, Beasley Kramer & Galardi, P.A.**

- **“Getting to Know You”** – Connecting with jurors during jury selection
Florida law on voir dire
Techniques for finding favorable jurors
- **“Pixel Persuasion”** – Do’s and don’ts for using courtroom technology during opening and closing
De-cluttering your demonstratives
Computer-aided exhibit presentation
- **“The Art of Examination”** – Refine your presentation of fact and expert witnesses to the jury
Formulating the flow of the fact witness
Can the jury understand your expert?
- **“Jury Instructions – The Good, the Bad, and the Ugly”**
Standard Contract and Business instructions – two years in the trenches
Jury instructions from other jurisdictions

Lunch Sponsored by:



This course is expected to receive 1.0 CLER from The Florida Bar.

Early registration cost for the seminar, which includes lunch, is **\$25** for PBCBA member attorneys/paralegals; **\$65** for non-PBCBA member attorneys/paralegals if registered by 6/12/15; add \$15 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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The Palm Beach County Bar Association's Employment Law Committee Presents:

BROWN BAG LUNCH SERIES



Thursday, April 9, 2015 - 11:55 a.m. - 1:00 p.m.
Bar Association Offices
1507 Belvedere Rd., West Palm Beach, FL 33406

"Public Employee Showcase"

Program Schedule

11:55 am - 12:00 pm	Welcome and Moderator - <i>Dana Spader, Esq.</i> <i>Reid Burman Lebedeker</i>
12:00 pm - 1:00pm	Public Employee Relations Commission (PERC): <i>Speakers: Steve Meck, Esq. and Gregg Morton, Esq.</i>

**** Please e-mail your questions to Committee member Dana Spader:
dls@reidburmanlaw.com ****

This course has been granted 1.0 CLER / 1.0 Labor and Employment Law Certification credits from the Florida Bar.

Early registration cost for the seminar is **\$25** for PBCBA member attorneys/paralegals;

\$65 for non-PBCBA member attorneys/paralegals if registered by 4/2/15; add \$15 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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If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbarcle.org>

Name: _____

Address: _____

Email Address: _____ Phone: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery)
(Employment Law CLE Seminar 4/9/15) Cost is the same as listed above, **in addition to \$10 for shipping and
handling**. PAYMENT BY **CHECK** ONLY, WITH THIS FORM.

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



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

BROWN BAG LUNCH SERIES



Monday, May 11, 2015, 11:55—1:00 p.m.

Bar Association Offices

1507 Belvedere Rd., West Palm Beach, FL 33406

“DOL UPDATE: Directives, Initiatives and Regs”

Program Schedule

11:55 am -12:00 pm **Moderator - Sally Still,**
Ward Damon Posner Pheterson & Bleau, P.A.

12:00 pm -1:00 pm **U.S. Department of Labor**
District Director Will Garnitz

**** Please e-mail your questions to lwagner@csapalaw.com ****

This course has been granted 1.0 CLER / 1.0 Labor and Employment Law Certification credits from the Florida Bar.

Early registration cost for the seminar is **\$25** for PBCBA member attorneys/paralegals;

\$65 for non-PBCBA member attorneys/paralegals if registered by 5/4/15; add \$15 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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___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Employment Law CLE Seminar 5/11/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY **CHECK** ONLY, WITH THIS FORM.

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



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

Friday, May 8, 2015 - 8:15 a.m. – 6:00 p.m.

Bar Association Office - 1507 Belvedere Road, WPB, FL 33406

THE BASICS OF FAMILY LAW YOU THOUGHT YOU ALREADY KNEW

Whether you are a newly licensed attorney who wishes to practice family law or are simply new to the practice of family law, this CLE will be beneficial, as it will address the basics every family law practitioner needs to know. Various procedural matters will be addressed and a mock Uniform Motion Calendar ("UMC") hearing will be presented which will show you what is proper and improper. You will have the opportunity to hear from some of our local highly experienced family law practitioners as well as Judges. This is a CLE you do not want to miss!

8:15am - 8:30am	LATE REGISTRATION/CHECK-IN
8:30am - 8:45am	WELCOME, Introduction of Program Committee, and Opening Remarks - C. Debra Welch, Esq., The Law Firm of C. Debra Welch, P.A., Family Law CLE Committee Chair
8:45am - 9:00am	KNOW YOUR JUDGE; KNOW THE RULES - Cynthia M. Pyfrom, Esq. of Cynthia M. Pyfrom, P.A.
9:00am - 10:00am	UMC HEARINGS vs. EVIDENTIARY HEARINGS – Magistrate Sara Alijewicz, *Martin L. Haines, III, Esq. of The Law Office of Martin Haines, III Chartered, and Andrea Reid, Esq. of Isaacs & Reid, P.A.
10:00am - 10:10am	BREAK
10:10am - 11:10pm	DISCOVERY BASICS - What do you need and how do you get it? – Andrea Reid, Esq. of Isaacs & Reid, P.A.
11:10pm - 12:10pm	PRACTICE AND PROCEDURE – HOW TO MAKE HAPPEN WHAT YOU ACTUALLY WANT TO HAPPEN - *Jeffrey Weissman, Esq. of Gladstone & Weissman, P.A.
12:10pm - 1:10pm	LUNCH (provided)
1:10pm - 2:10pm	DEPOSITIONS – How to Take Them & How to Use Them in Court – *Ralph T. White, Esq. of Schutz & White, LLP
2:10pm - 3:10pm	FAMILY LAW APPEALS – Julia Wyda, Esq. of Brinkley Morgan
3:10pm - 3:20pm	BREAK
3:20pm - 3:50pm	INCOME WITHHOLDING ORDERS & FLORIDA ADDENDUM – *Magistrate Diane Kirigin
3:50pm - 4:30pm	PROFESSIONALISM & PRACTICAL TIPS – *Jorge Cestero, Esq. of Sasser, Cestero & Sasser, P.A., C. Debra Welch, Esq. of The Law Firm of C. Debra Welch, P.A., and *Stuart R. Manoff, Esq. of The Law Offices of Stuart R. Manoff & Associates, P.A.
4:30pm - 5:00pm	A VIEW FROM THE BENCH – Honorable Charles Burton, Honorable John Phillips and Honorable Amy Smith
5:00pm	Happy Hour

*Board Certified Marital and Family Law Attorney



Sponsored by:

Matthew Lundy Law
QDRO Law



This course has been granted **8.5 CLER / 6.5 Marital & Family Law Certification credits from The Florida Bar.**

Early Registration cost is \$175 for PBCBA member/paralegals 0-5 years experience; \$210 for PBCBA members/paralegals w/5+ yrs. experience; \$250 for non-PBCBA attorney members/paralegals. **After 5/1/15** add \$25 late fee to registration. **LEGAL AID ATTORNEY cost is \$175.** PBCBA member Legal Aid attorney may register on line; non-PBCBA member Legal Aid attorney should mail in \$175 check to PBCBA, 1507 Belvedere Rd., WPB., FL 33406. **After 5/1/15** add \$25 late fee to registration. **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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Palm Beach County Bar Association, 1507 Belvedere Rd., West Palm Beach, FL 33406

North County Section to host its 4th Annual

BEACH BASH WITH A CIRQUE THEME!

SUNDAY, APRIL 12, 2015

11:30 A.M. TO 2:00 P.M.

HILTON, SINGER ISLAND

Join us for fun for the entire family with Jugglers,
Clowns and a Unicycle Show!

Plus, lunch, face painting and the Ron Ponzoli
Sandcastle Contest

Registration Fee:

NCS member price: \$20.00

Children 13 and under: \$5.00

Judges complimentary

Non-section members: \$30.00 adults/\$10.00 children

RSVP online @ www.palmbeachbar.org

Register by April 8 to receive your membership discount!





MAKING TIME FOR WHAT MATTERS - **Time Management and Practice Development for Lawyers**

Thursday, May 21, 11:45 a.m. - 1:00 p.m.
Palm Beach County Bar Association
1507 Belvedere Road, West Palm Beach



Program Schedule

- 11:45 a.m. - 12:00 p.m. **Lunch / Late Registration and Check In**
- 12:00 p.m. - 12:05 p.m. Welcome - Opening Remarks - Kelly Hyman, Esq.
- 12:05 p.m. - 1:00 p.m. Speaker: Brenda Fulmer, Esq.
Searcy Denney Scarola Barnhart & Shipley, P.A.

Seminar topics:

- * Managing interruptions
- * Juggling Priorities
- * Strategic Planning
- * Staff Development
- * Process Management
- * Practice Development
- * Financial Management
- * Other critical skills for success

Lunch sponsored by:



This course has been granted 1.0 **CLER** from The Florida Bar. **Early Registration** cost is **\$25** for PBCBA members/paralegals; **\$65** for non-PBCBA members/paralegals if registered by **5/14/15**. Add \$15 late fee to registration 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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Name: _____

Address: _____

Email Address: _____ Phone: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (5/21/15 PI) Cost is the same as listed above, In addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY, WITH THIS FORM.**

The Palm Beach County Bar Association's PI Wrongful Death CLE Committee Presents:



Marketing and Business Structure for Law Firms

Thursday, May 28, 11:45 a.m. - 1:00 p.m.

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

Program Schedule

11:45 a.m. - 12:00 p.m. **Lunch / Late Registration and Check In**

12:00 p.m. - 12:05 p.m. Welcome - Opening Remarks - Kelly Hyman, Esq.

12:05 p.m. - 1:00 p.m. Speaker: Craig Goldenfarb, Esq.
Law Offices of Craig Goldenfarb, P.A.



This presentation will cover the basics of law firm marketing, regardless of firm size, covering areas such as identifying your target client and utilizing various types of marketing strategies. The presentation will also provide advice in business structure in order to efficiently maximize resources.

The Tate Group at

Lunch sponsored by:

Morgan Stanley

This course is expected to receive 1.0 **CLE** from The Florida Bar. **Early Registration** cost is **\$25** for PBCBA members/paralegals; **\$65** for non-PBCBA members/paralegals if registered by **5/21/15**. Add \$15 late fee to registration fee after that date. **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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If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbarde.org>

Name: _____

Address: _____

Email Address: _____ Phone: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (5/28/15 PI) Cost is the same as listed above, In addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY, WITH THIS FORM.**

Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406. Telephone: (561) 687-2800

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



**EMERGENCE OF ELDER ABUSE CLAIMS IN SECURITIES
LITIGATION AND REGULATORY MATTERS,
A POTENTIAL GAME CHANGER FOR ALL INVOLVED**



April 22, 2015, 12:30p.m. - 6:00p.m.

Bar Association Offices, 1507 Belvedere Road, WPB, FL

Program Schedule

- 12:30 p.m. - 1:00 p.m. **Lunch, Check-in and Opening Remarks - Matthew N. Thibaut, Esq.**
Ciklin Lubitz & O'Connell, Committee Chairperson
- 1:00 p.m. - 1:30 p.m. **Case Law Update and Other Hot Topics -**
Jonathan Butler, Esq., Akerman
- 1:30 p.m. - 2:30 p.m. **Professional Panel Moderated by Adam Rabin, Esq., McCabe & Rabin**
The Panel consists of Karen Hendricks, Esq., in-house counsel with Morgan Stanley, Kathryn Wilson, Senior Regional Counsel at FINRA District 7 (Boca Raton, FL), and Yvette Panetta, Deputy District Director at FINRA District 7 (Boca Raton, FL). The Panel will address Elder issues from a business and regulatory perspective.
- 2:30 p.m. - 2:40 p.m. **BREAK**
- 2:40 p.m. - 3:30 p.m. **Mock Arbitration - University of Miami Law Students and The Investor Rights Clinic at The University of Miami will present mock legal arguments involving elder issues.**
- 3:30 p.m. - 5:00 p.m. **FINRA Arbitrators' Rulings, Reasons and open-forum Q&A**
Moderated by Matthew N. Thibaut
- 5:00 p.m. - 6:00 p.m. **Happy Hour**

SPONSORED BY:

CIKLIN LUBITZ MARTENS & O'CONNELL

McCABE RABIN, P.A.
ATTORNEYS AT LAW

DKR DIMOND KAPLAN & ROTHSTEIN, P.A.
ATTORNEYS AT LAW

This course has been granted **4.5 CLER credits from The Florida Bar**

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

\$155 for non-PBCBA attorney members/paralegals if registered by **4/15/15**; 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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Address: _____

Email Address: _____ Phone: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (4/22/15 Securities Law) Cost is the same as listed above, in addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY WITH THIS FORM.**