



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

December 2012

The Board of
Directors and
Bar Staff
Wish you and Your
Family a Happy
Holiday Season!



The Diversity and Inclusion Committee recently hosted its Diversity Luncheon for approximately 200 lawyers and judges. The purpose of the luncheon was to raise awareness and discuss strategies for successfully promoting, retaining and advancing female lawyers. The luncheon featured a keynote address from Florida Bar President Gwynne Young, and an in-depth panel discussion featuring lawyers from the public and private sector, corporate counsel and managing partners. President Adam Rabin served as moderator. Pictured above are Sia Baker Barnes, CDI Committee Co-chair; Adam Rabin; Gwynne Young; and Sarah Shullman, CDI Committee Co-chair. For more photos from this event, please see page 25.

Mark your calendar for upcoming Membership Events

December 6: Annual Holiday Party and Silent Auction at Frenchman's Reserve

January 7, 2013: Membership Luncheon Celebrating the History & Legacy of the Miami Dolphins and the 40th Anniversary of a perfect season

February 1: Joint Luncheon with Federal Bar Association. Guest speaker is 11th Circuit Chief Judge Joel Dubina

March 1: Bench Bar Conference

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

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

April 26: Golf/CLE Program

April 30: Annual Judicial Reception

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

June 1: Annual Installation Banquet

Nominating petitions available for Board of Directors

The annual election of officers and directors for the Palm Beach County Bar will take place via online voting in April. Persons seeking to run for a position on the Board of Directors will need to obtain a nominating petition and must be a member in good standing of the Palm Beach County Bar Association. The nominating petition must be signed by no fewer than 20 members in good standing of the Association. Petitions for President-elect will be available on December 14 and are due back in the office by 5 p.m. on January 12. Petitions for director-at-large seats will be available on December 21 and are due back in the Bar office by 5 p.m. on January 21. Petitions may be obtained by calling the Bar office at 687-2800 or by sending an e-mail requesting it at pburns@palmbeachbar.org. For any of the positions, it is the candidate's responsibility to verify ahead of time through the Bar office that the members that sign their petitions are members in good standing, otherwise, the petition will be deemed invalid.

Inside...

President's Message	3
Committee Chair Meeting	4
Probate Corner	5
Diversity Corner	6
Capital Campaign	7
Rules of Civil Procedure.....	8
Technology Corner	9
Judicial Profile	10
Real Property Report	11

New Members.....	12
Bankruptcy Corner.....	13
Photo Gallery	14
Professionalism Corner.....	17
Making a Difference	18
Fall Picnic	19
Breakfast with the Justices	20
North County Section	21
Diversity Luncheon.....	25
Bulletin Board.....	27

THE
BULLETIN
PALM BEACH COUNTY
BAR ASSOCIATION

ADAM T. RABIN
President

www.palmbeachbar.org

PATIENCE A. BURNS, CAE
Executive Director

Officers

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

Directors

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

John M. Howe, Immediate Past President
Robert Lee McElroy, IV, Young Lawyers Section
President
Kenneth N. Johnson, North County Section President
Larry Corman, Ex Officio, South Palm Beach County
Bar President

FL Bar Board of Governors Members

Gregory W. Coleman
Gary S. Lesser
David C. Prather
Michelle R. Suskauer

FL Bar Young Lawyers Division

Board of Governors Members
Miles A. McGrane IV
Adam Myron
Matthew T. Ramenda

1507 Belvedere Road
West Palm Beach, FL 33406
PHONE (561) 687-2800
FAX (561) 687-9007
EMAIL info@palmbeachbar.org.

Advertising Information:

Shoshannah Spence • sspence@palmbeachbar.org

Views and conclusions expressed in articles and advertisements herein are those of the authors or advertisers and not necessarily those of the officers, directors, or staff of the Palm Beach County Bar Association. Further, the Palm Beach County Bar Association, its officers, directors, and staff do not endorse any product or service advertised. Copy deadline is the first of the month preceding publication.

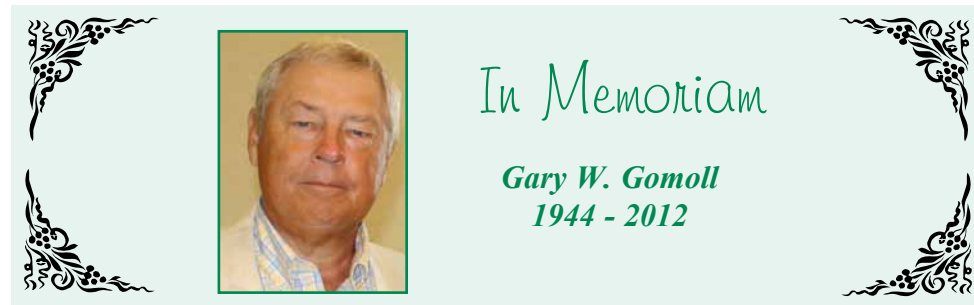
The mission of the Palm Beach County Bar Association is to serve its members, foster professionalism and enhance the public's understanding and awareness of the legal system.

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



Letters to the Editor

Ms. Cohen and Ms. Middleton,

Good afternoon. I was recently forwarded your recent article in the Diversity Corner of the Palm Beach County Bar Association's newsletter, entitled "Keeping Diversity on the Forefront." Much to my surprise, your article was honoring my father, the late Gerald A. Williams, Esq.. The article, in addition to being well written, was a wonderful tribute to my father. He was, as your article states, a man who did not rest on the laurels of his past, but rather continually strived to do better and be better - to be the best. He instilled in each of his children, in addition to the many young lawyers he mentored, that consistently doing your best and working hard would overcome any adversity this world attempted to set before you. He was a great, competent and well respected attorney, race notwithstanding. However, he completely believed that in order for our legal system to be truly impartial and for justice to be absolutely blind, our legal community needed persons who represented all races, creeds, colors, genders, ages, religions, etc. Diversity, as my father believed, was an action word and required the work and commitment of all.

"To laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to appreciate beauty, to find the best in others; to leave the world a bit better,...; to know even one life has breathed easier because you lived. This is to have succeeded." These words by Ralph Waldo Emerson embody my father's life as are reflected in your heartfelt tribute to him.

On behalf of my family, thank you.

Regards,

Monica J. Williams

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.



**Join us for our Annual Holiday Party
& Silent Auction**

Thursday, December 6, 2012

5:30 p.m. – 8:00 p.m.

Frenchman's Reserve, Palm Beach Gardens

Member Price \$35.00; spouses and attorneys who are not PBCBA members are welcome for \$45.00; judges are complimentary. Your registration fee includes valet parking, drinks, heavy hors d'oeuvres, unlimited shopping & networking with close to 400 guests!

RSVP online @ www.palmbeachbar.org

One hundred percent of the silent auction proceeds benefit charities sponsored by the Young Lawyers and North County Sections.

Sponsored by: First Citizens Bank; Leopold Law; Rock Legal Services & Investigations; Sabadell United Bank; U.S. Legal Support and Visual Evidence.

President's Message



Honoring Our History on PBCBA's 90th Anniversary

By Adam Rabin

In 1922, the Palm Beach County Bar Association ("PBCBA") was founded. M.D. Carmichael was the first president. Palm Beach County was 13 years old, having been carved out of Dade County in 1909. Palm Beach County had a new courthouse and hospital (Good Samaritan) and was in the middle of a real estate boom. Palm Beach County had 23 lawyers. Below is a time line that references some of the significant bench marks in PBCBA's history.¹

1922	PBCBA is founded. M.D. Carmichael is installed as President and serves as a three-term Mayor for the City of West Palm Beach. Palm Beach County has 23 lawyers, including 2 women.
1930	H.C. Fisher is installed as the first PBCBA President who would later become President of The Florida Bar.
1933	E. Harris Drew is installed as the first PBCBA President who would later become a Florida Supreme Court Justice.
1945	A sample of attorneys' fees being charged: \$10 for the drafting of a contract for the sale of real estate; \$15 per hour for lawyer consultation fees; and \$500 for the trial of a capital felony. PBCBA has 141 members, 46 of whom serve in World War II.
1946	The "Junior Bar," now known as the Young Lawyers Section, is formed.
1949	The Board of Directors establishes the Legal Aid Society.
1951	The annual banquet dinner costs \$4.75 for admission.
1963	PBCBA publishes its first Bulletin. It is one page, printed on mimeograph paper.
1964	PBCBA admits its first African-American members: I.C. Smith, William Holland, and Malcolm Cunningham, Sr. (some records indicate this happened earlier in 1956). PBCBA conducts its first formal judicial evaluations. Annual dues for PBCBA are \$10.
1966	The Bulletin increases to 8 pages and is printed professionally.
1968	Harry Johnson, II is installed as PBCBA President, 40 years after his father Harry Johnston was installed as President.
1970	Mary Burdick is hired as PBCBA's Executive Secretary and works out of the courthouse law library.
1975	PBCBA begins the current practice of issuing certificates of appreciation to all jurors who serve in Fifteenth Judicial Circuit.
1979	PBCBA hosts its first Bench Bar Conference. The organizers include Judge Daniel T.K. Hurley, Justice Barbara Pariente and Jack Ackerman, among others. Catherine Royce, former Communications Director for The Florida Bar, is hired as PBCBA's part-time Executive Director and works out of courthouse law library.
1980	Patience Burns, former staff assistant for The Florida Bar, is hired as Executive Director for PBCBA's lawyer referral service and secretary for PBCBA. PBCBA establishes its first offices in the Citizens Building in downtown West Palm Beach.
1982	Culver (Skip) Smith, III is installed as PBCBA President, 40 years after his father Culver Smith was installed as President. PBCBA's membership reaches 1,100 members.

1983	Judges Edward Rodgers, Daniel T.K. Hurley, and Harry Lee Anstead, among others, convene a meeting of local law firms to encourage them to hire minority lawyers.
1984	PBCBA hosts its first judicial reception.
1988	PBCBA's North County Section is created.
1990	PBCBA adopts its Standards of Professional Courtesy.
1992	PBCBA membership reaches 2,000 members for the first time. PBCBA moves and expands its offices to the Embassy Suites Office Building (formerly the Royce, Omni and Crowne Plaza Hotels).
1993	JulieAnn Rico is installed as PBCBA's first woman President.
1995	Palm Beach County opens new courthouse.
1997	The Fifteenth Judicial Circuit creates its Professionalism Council to enforce the PBCBA Standards of Professional Courtesy.
1999	PBCBA creates its Professionalism Award. Jack Ackerman is the first recipient.
2000	PBCBA follows Revitalization Committee recommendation to amend bylaws to remove the "ladder system" for the election of PBCBA's Board of Directors.
2006	Manuel (Manny) Farach is installed as PBCBA's first Hispanic-American President.
2007	PBCBA's Bench Bar Conference exceeds 1,000 attendees for the first time.
2008	Palm Beach County completes renovations on 1916 Historic Courthouse. PBCBA dedicates the exhibits for the Historic Courtroom during. Judge Meenu Sasser is PBCBA President at time of dedication.
2009	PBCBA hosts its inaugural Diversity Summit. Michelle Suskauer is PBCBA President at the time of the event.
2010	PBCBA's membership reaches 3,000 members for the first time. PBCBA amends its bylaws to make the Committee for Diversity and Inclusion a permanent standing committee. Fifteenth Judicial Circuit appoints PBCBA to administer the Residential Managed Mediation Program during mortgage foreclosure crisis.
2011	PBCBA signs contract to purchase a Denny's restaurant and renovate it into the new bar offices. Michael Napoleone is PBCBA's President when the building contract is signed and leads PBCBA's capital campaign. John Howe is installed as PBCBA's first African-American President.
2012	PBCBA moves into own building for the first time. PBCBA creates the Judge Edward Rodgers Diversity Award and gives first award to Greenberg Traurig. The Florida Bar gives its first Marshall R. Cassidy, Sr. Award to PBCBA's Executive Director, Patience Burns, in honor of her 34 years of outstanding bar service.

As you can see, PBCBA has a rich and long history. While most of us tend to think of our bar in the modern sense, it is a healthy reminder to remember our achievements and changes over the years. Today, our bar continues to work towards providing equal opportunities and services for its members, serving as a liaison to the judiciary, and providing meaningful information and resources to the public.

Adam Rabin is a partner with McCabe Rabin, P.A. in West Palm Beach. He is Board Certified in Business Litigation and practices in the areas of business, securities and whistleblower litigation.

¹Many of the dates cited in the time line were confirmed with written records. Some of the dates were estimated where no written record could be found.



Save these dates!

March 1, 2013 Bench Bar Conference – our annual conference where we bring judges, attorneys and staff together for a full-day of programming.

April 24 Administrative Professionals Recognition Day – Bring your administrative staff, judicial assistant and join us for our inaugural firm trivia contest.

April 26 Golf Mixer & CLE - Join us for our first Golf Mixer and CLE from 1:00 p.m. to 6:00 p.m. at Bear Lakes Country Club in West Palm Beach. Our afternoon begins with a CLE on the Art of Negotiating followed by either a Skills Clinic or 9 holes – you choose! The program ends with a cocktail reception and golf games for prizes!


Look for additional information in the coming month's Bar Bulletins, eNewsletters and online.

December's Flower Sponsor of The Month: KAREN HOLLOWAY Northwestern Mutual



Board Meeting Attendance

	Retreat	Aug	Sep (no mtg)	Oct
Barnes	x	x		x
Bowden		x		x
Howe	x	x		x
Huber	x	x		x
Johnson	x	x		x
Kypreos	x	x		phone
Mason	x	x		x
McElroy	x	x		x
Pressly	x	x		x
Rabin	x	x		x
Reagan	x	x		x
Weiss	x	x		x
Whittles	x	x		x



Have you recently moved?
Be sure to send your updated address, phone and email info to
sspencc@palmbeachbar.org

Awards to be presented at Bench Bar Conference – Nominations Requested

Two awards will be presented at the March 1 Conference, including the **Judge Edward Rodgers Diversity Award** in addition to the **12th Annual Professionalism Award**. Members are encouraged to nominate a member or organization for either of these prestigious awards.

Criteria for the **Professionalism Award** are individual members of the Palm Beach County Bar Association or a law firm or organization in Palm Beach County. The Professionalism Award recognizes an attorney, law firm, or organization that has demonstrated or promoted outstanding professionalism in Palm Beach County, as defined by exemplary ethical conduct, character and integrity, respect for the legal system and all of its participants, commitment to maintaining the highest levels of professional competence, courtesy and civility, and commitment to serving clients, the community and the public good. The deadline to submit nominations will be February 1.

Criteria for the **Diversity Award** requires that the recipient should be a person (must be a PBCBA member) or organization who:

1. Demonstrates a consistent pattern of (either the individual or organization)'s commitment to the recruitment, retention and promotion of individuals of underrepresented populations;

2. Cultivates and promotes diversity and gender initiatives that establish and foster a more inclusive and equitable work environment;
3. Promotes and facilitates education, community outreach and social engagement with and between people of varying ethnic or religious backgrounds, gender, socioeconomic status, sexual orientation, and/or physical and mental capabilities so that persons of diverse background can enter and prosper in the legal field;
4. Exhibits visionary and insightful leadership to confront and resolve inequities through strategic decision-making, allocation of resources, and establishment of priorities;
5. Outlines defined goals, actions steps and accomplishments toward achieving a work environment that recognizes, promotes and encourages a diverse workforce at all levels throughout an organization;
6. Implements and carries out best practices that support diversity and inclusion goals.

The deadline to submit nominations will be January 15.

Applications for either of these awards can be found on the Bar's home page at palmbeachbar.org.



The Rationale In *Beal Bank* Extends To All Personal Property

By: David M. Garten

In *Beal Bank*, *SSB v. Almand & Associates*, 780 So. 2d 45 (Fla. 2001), the Florida Supreme Court held that a presumption arises that *personal property* (i.e., a bank account) is held as a tenancy by the entireties ("TBE") as long as the personality was acquired by husband and wife in accordance with the unities of possession, interest, title, and time with right of survivorship. This presumption operates to shift the burden to the creditor to prove by a preponderance of evidence that a TBE was not created. In the following cases, the courts expanded the rationale in *Beal Bank* to include stock, limited partnership interests, tax refunds, household furnishings, and jewelry.

STOCK & LIMITED PARTNERSHIP INTERESTS: In *Berlin v. Pecora*, 968 So. 2d 47 (Fla. 4th DCA 2007), the decedent's widow sued the personal representative of her late husband's estate alleging that she and the decedent had jointly owned certain stock and limited partnership interests as TBE and that those interests passed to her on the decedent's death. The widow's main argument, and the one that the trial court agreed with, was that the TBE was created through the use of a joint account to buy the interests. The court reasoned:

Bank accounts are afforded the same presumption of tenancy by the entireties as is real property. *Beal Bank*, 780 So. 2d at 58. Property purchased with joint funds may create a tenancy by the entirety in that property so long as the unities are met. For example, in *Winterton v. Kaufmann*, 504 So. 2d 439 (Fla. 3d DCA 1987), the court found that after the husband died, the wife owned bonds that were purchased with joint funds and kept in a joint safe deposit box. See also *Estate of Fields v. Fields*, 581 So. 2d 1387, 1388 (Fla. 3d DCA 1991) ("The bearer bonds, purchased with joint funds and maintained in the couple's joint safe deposit box, passed to the wife upon the husband's death. The bearer bonds were held by the spouses as tenants by the entirety; ownership vested in the wife as the survivor."). Once

tenancy by the entirety property is established, its subsequent transfer to another asset does not terminate the unities of title or possession. See *Passalino v. Protective Group Sec., Inc.*, 886 So. 2d 295, 297 (Fla. 4th DCA 2004) ("Transferring the proceeds of the sale of entireties property to a trustee for the benefit of the husband and wife does not terminate the unities of title or possession..."); *Lerner v. Lerner*, 113 So. 2d 212 (Fla. 2d DCA 1959)."

* * * *

[U]nless a tenancy by the entireties is clearly expressed in the instrument, the parties must prove they intended to create a tenancy by the entireties." *Hurlbert v. Shackleton*, 560 So. 2d 1276, 1279 (Fla. 1st DCA 1990); *Morse v. Kohl, Metzger, Spotts, P.A.*, 725 So. 2d 436, 438 (Fla. 4th DCA 1999).

At trial, the court heard testimony from witnesses as well as the admission of several documents in which it found that the intention was to create a TBE. The decedent's widow testified that she and her husband had an understanding that they would hold bank accounts, stock and real estate jointly as tenants by the entireties and that their ownership interests in the corporation and limited partnership were purchased through their joint bank accounts. The appellate court held that this was a factual question which the lower court ultimately determined by competent substantial evidence in favor of the decedent's widow.

See also, *Cacciatore v. Fisherman's Wharf Realty Ltd. P'ship*, 821 So. 2d 1251 (Fla. 4th DCA 2002) and *In Re: Robert L. Mathews (Cohen v. Mathews)*, 307 Fed. Appx. 266; 2009 U.S. App. LEXIS 102 (11th Cir. 2009).

TAX REFUNDS: In *In re Kossow*, 325 B.R. 478 (Bankr. S.D. Fla. 2005), the court held that a joint income tax refund constitutes personal property that satisfies the unities of possession, interest, title, and time with right of survivorship subject to a rebuttable presumption. *But see, In re: Kant*, 2006 Bankr. LEXIS 4456; 21 Fla. L. Weekly Fed. B 59 (Bankr. M.D. Fla. 2006). There, the tax return for the year

at issue showed that the debtor was the only spouse with income and withholdings for the year; therefore, the portion of the tax refund that was attributable to the overpayment of withholdings belonged to the debtor and was not exempt as being owned by the debtor and his wife as TBE.

HOUSEHOLD FURNISHINGS:

In *In re Kossow*, 325 B.R. 478 (Bankr. S.D. Fla. 2005), the debtor claimed that certain furnishings and household accessories acquired before and after debtor's marriage were exempt as TBE property. The property acquired by debtor before his marriage was assigned subsequent to the marriage to debtor and his wife as TBE pursuant to a prenuptial agreement. The court found that this property was exempt because all the unities of a TBE estate were in existence at the time the assignment was executed. With respect to the property acquired after debtor's marriage, the property was exempt because the essential unities of the TBE estate had been satisfied. The court found that the policy justifications offered by *Beal Bank* should be applied to all personality. The court reasoned:

As the Florida Supreme Court recognized in *Beal Bank*, married couples often lack documentation establishing an intent to create a tenancy by the entireties in personality, which is especially true in matters involving household furnishings. As a result, married couples may be forced to "run in an obstacle course of litigation" in order to create a tenancy by the entireties estate in personal property. The Court finds that the failure to extend the presumption of a tenancy by the entireties to personal property acquired in accordance with the unities of an entireties estate would result in unnecessary litigation and confusion.

JEWELRY: In *Connell v. Connell*, 2012 Fla. App. LEXIS 12513; 37 Fla. L. Weekly D 1825 (Fla. 2nd DCA 8/1/12), the personal representative challenged an order of the court finding that the decedent's watch and ring passed to the decedent's surviving spouse. The issue on appeal was whether the decedent individually owned the watch and ring or

Continued on page 7

“Keeping Diversity on the Forefront”

Submitted by Diversity Relations Subcommittee Co-Chairs

Laurie Stilwell Cohen and Jean Marie Middleton

Summer Diversity Internship Program



This month we focus on our Summer Diversity Internship Program (“DIP”). The DIP was established in 2010 to provide students of diverse backgrounds an opportunity to gain valuable work experience that would not otherwise be available in the current job market. During this 10-week program, diverse law school students are placed with participating Palm Beach County law firms, as well as state and federal agencies. Students are selected based upon their class standing, leadership qualities, academic achievements and commitment to community service. Participating law firms set the minimum number of weekly hours, which must be at least 20 hours and may not exceed 40 hours per week. Each participating law firm also determines the rate of pay for the intern, but such rates typically range from \$10.00 to \$15.00 per hour. Interns placed with governmental agencies typically receive a \$200.00 weekly stipend paid by the Palm Beach County Bar Association from sponsorship funds. During the course of the summer program, the Committee for Diversity and Inclusion (“CDI”) provides support and mentoring for the students and hosts a happy hour as well as a panel discussion featuring legal community leaders and Judges.

Since 2010, more than 70 students have applied to the program and more than 50 students have been placed as interns with law firms and agencies in Palm Beach County. The CDI has also secured more than 15 sponsorships from private law firms, which has allowed law students to intern with public interest organizations and governmental agencies.

The feedback received by the CDI from these students has been very positive. Below are excerpts of just three of the comments received from past student participants.

I was fortunate enough to participate in the Palm Beach County Bar Association's Diversity Internship Program during the summer of my 1L year. I found the program to be an amazing vehicle for my personal and professional advancement. During the program, I was provided with continuous support from attorneys within the program and through my appointed personal liaison... Using the connections provided by the program, I connected with a wide network of diverse attorneys within the community and made relationships that endure even today. In sum, the program was a wonderful experience for me...

– **Martin Hoffenden**, 2012 Intern with Powers, McNalis, Torres & Teebagy

As an immigrant from the small island of Trinidad who hoped to build contacts in South Florida, I got a leg up by working for a top-ranked, large law firm. I gained practical experience in numerous fields of law while taking advantage of the program's luncheons and mentoring opportunities. DIP supported its interns from the onset of the internship by providing “Tips & Tools for Lawyers,” which gave us invaluable advice from practicing attorneys on how to be a valuable asset to our firms.

– **Leann Stanick**, 2012 Intern with Akerman Senterfitt

The practical knowledge I acquired over my summer is incredibly vast...

I went to the courthouse often and was able to attend mediation and depositions. It was a privilege to observe an accomplished mediator first hand and to watch a hearing on a motion to strike affirmative defenses. Thank you for the opportunity to intern through the Palm Beach County Diversity Internship Program this summer. It was an enlightening experience, and assured me that I have chosen a rewarding career.

– **Katherine Newcomer**, 2012 Intern with Shutts & Bowen

We invite you, your law firm or your organization to be a part of creating diversity in the Palm Beach County legal community. The CDI is currently soliciting firms to participate in the Summer 2013 Diversity Internship Program. The Diversity Internship Program Committee sincerely thanks the following firms for their past support and participation:

2012 DIP Participants:

Akerman Senterfitt
Wicker Smith
Clark, Fountain, LaVista, Prather, Keen & Littky-Rubin
Powers, McNalis, Torres & Teebagy
McCabe Rabin
Office of Attorney General
Squire Sanders
Palm Beach County School District
Shutts & Bowen
Palm Beach County Attorney
Office of State Attorney
Lesser Lesser Landy & Smith

2012 Donation Sponsors:

Casey Ciklin Lubitz Martens & O’Connell
Rutherford Mulhall
Searcy Denney Scarola Barnhart & Shipley
Greenberg Traurig
Pressly & Pressly
Richman Greer

As is evident, the DIP program has been very successful and we encourage your firm to be a part our efforts to recruit and retain a diverse legal community. For more information on how to participate in the 2013 program please contact Edrick Barnes at EBarnes@liggiolaw.com or Chioma Deere at cdeere@jreidlaw.com.

Laurie Stilwell Cohen and Jean Marie Middleton are co-chairs of the Diversity Relations Subcommittee of the Committee for Diversity and Inclusion. Laurie is an attorney at Rutherford Mulhall, P.A. and practices in the areas of business and commercial litigation and foreclosures. She is a Florida Supreme Court Certified Circuit Civil Mediator. Jean Marie serves as a Staff Attorney for the Legal Aid Society of Palm Beach County, Inc, practicing in the areas of housing discrimination, landlord tenant and foreclosure defense. Jean Marie is also a Florida Supreme Court Certified Mediator.

Capital Campaign — Thank You to Those Who Have Contributed!

Personalized Bricks Purchased (As of 9/30/12)

Ackerman, Link & Sartory, P.A.
Akerman
Adams, Cogler, Watson,
Merkel, Barry & Keller, P.A.
Babbitt, Johnson, Osborne &
LeClainche, P.A.
Beer, Jerald
Bertisch, Robert & Harreen
Breton, Lynch, Eubanks &
Suarez-Murias, P.A.
Brewer, Carol McLean
Burns, John L.
Burns, Tom & Patience
Casey, Patrick
Clark, Fountain, LaVista,
Prather, Keen
& Littky-Rubin
Coleman, Greg & Monica
Colton, Roger B.
Cortvriend, Sarah
Deckert, Ted
Downey, Edward
Dunwoody White & Landon,
P.A.
F. Malcolm Cunningham, Sr.
Bar Assn.
Farrell, John
Fine, Edward
Fox Rothschild
FPL
Gamot, Melinda
Gerber, Jonathan & Tracy
Glickman, Garry
Glickman, Witters & Marell
Gordon & Doner, P.A.
Hispanic Bar Association
Howe, John
Hunston, Jay and Jane
Jay R. Jacknin, P.A.

Jenks, Debra & Robert
Harvey
Jones Foster Johnston
(In memory of John
McCracken)
Kenwood, Joel
Klett, Stan
Koehler, Dennis, In Memory
of
Kreusler-Walsh Compiani &
Vargas, P.A.
Kogan & DiSalvo
Kypreos, Theo & Jennifer
LaBovick Law Group
Law Offices of Irwin J. Block
PLLC
Law Offices of Robin Bresky
Lazarus, Jason
Legal Aid Society of Palm
Beach County
Leopold Law
Levine, Spencer & Judith
Maschler, Matthew H.
Massa, Patrick
McBane, Louis R.
McCabe Rabin
McCall, Wallace
McClosky, D'Anna & Dieterle,
LLP
McHale & Slavin
Murray & Guari
Murrell, Donnie
Napoleone, Michael
Neal, Ginny R.
Palm Beach Spine &
Diagnostic Institute
Pateman, Mark
PBC Chapter of Paralegal
Association
Pineiro Byrd PLLC

Pressly & Pressly
Prior, Ted
Proskauer Rose LLP
Rock Legal Services &
Investigations
Royce, Catherine S.
Royce, Raymond W.
Rudolph & Associates LLP
Rutherford Mulhall, P.A.
Sabadell United Bank
Sasser, Tom & Meenu
Schutz & White LLP
Shalloway & Shalloway
Shutts & Bowen LLP
Signature Court Reporting
Small, Michael, Lisa Small &
J.D. Small
Smith, Amy
Smith, D. Culver
Smith, Scott & Molly
Sojka, Cindy
Sonneborn Rutter Cooney &
Smith, P.A.
Sorgini & Sorgini, P.A.
South Palm Beach County
Bar Association
Stewart, Todd
Stuart Manoff & Associates
Stubbs, Sidney
Suskauer, Michelle
U.S. Legal Support
Walsh, Michael P.
Weiss, Jill
Weissman, Joel & Alexandra
Wenner, Richard I.
Whittles, John
Wroble, Art & Mary Ellen
Zeile Huber



The Bar Association has moved to its first permanent home located on Belvedere Road in West Palm Beach. The building is a state-of-the-art facility for our legal community to enjoy for many years to come. You can be a part of history by naming a room or buying a brick.

We sincerely thank the following firms and members who have contributed as of 11/25/11:

Searcy Denney Scarola Barnhart & Shipley Classroom
Richman Greer, P.A. Executive Director's Office
Schuler, Halvorson, Weisser & Zoeller, P.A. Small Conference Room
Holland & Knight LLP Member Services Office
North County Section & Young Lawyers Section Communication
Director's Ofc
Lesser, Lesser, Landy & Smith Front Bench
Lytal Reiter Smith Ivey & Fronrath Reception Area
Jones, Foster, Johnston & Stubbs LRS Office
Gunster Landscape
Fisher & Bendeck Landscape
Wyland & Tadros Workroom
H. Irwin Levy Visiting Attorney's Office
In Memory of Bob & Sandy Rogers Lounge
Brian Scher & Debbie Meltzer Women's Lounge
Greenberg Traurig Admin. Asst. Workstation
Additional rooms are still available!

Support our Advertisers.
Mention that you saw their ad in the *Bulletin*!

Probate Corner

Continued from page 5

whether the couple jointly owned them such that they passed to the wife by right of survivorship. The appellate court, in support of its finding that the watch and ring were estate assets, reasoned in part as follows:

Items of personal property such as rings and watches do not have documentation of title. It is the finding of the Court that the Decedent purchased these items using his personal funds. The items are masculine in nature and not an item that would be used by the spouse on a daily basis. This clearly indicates his intention, consistent with his actions, to use these items of jewelry for his personal benefit. The evidence does not support Fana Connell's claim that the Decedent had donative intent when he gave her the two items of jewelry immediately prior to his final hospitalization. The pattern established by the parties was for her to retain the items for safe keeping to prevent their disappearing in the hospital. There is no doubt, had he returned from this hospitalization that he would have again resumed using both the ring and watch.

It is undisputed that the joint checking account was a joint tenancy with a right of survivorship, not a tenancy by the entireties. When a joint account holder withdraws funds from a bank account

that is held as a joint tenancy with the right of survivorship, it "terminates the 'joint tenancy nature of the [funds] and severs the right of survivorship as to the funds withdrawn.'" * * * Thus, once the funds were withdrawn from the Connells' joint checking account, the funds lost their joint character.

Moreover, the fact that the decedent purchased the watch and ring with funds from the joint checking account (and a small contribution of cash from Fana) while they were shopping together does not make the watch and ring the joint property of the Connells. Rather, it is for whom the watch and ring were purchased rather than how they were purchased that is important. * * *

A joint tenancy has the characteristic of survivorship and to create a joint tenancy four unities must be present: the unities of possession, interest, title, and time. *Beal Bank, SSB v. Almand & Assocs.*, 780 So. 2d 45, 53 (Fla. 2001). The unity of possession is joint ownership and control. *Id.* at 52. Here, the unity of possession was not present in either the watch or the ring. The watch and ring were intended for the decedent's exclusive use. The decedent had been in the jewelry business, and he enjoyed expensive jewelry. He had the possession and use of the watch and ring. In fact, the trial court even made the oral finding on rehearing that the items were "personal to the decedent."

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



“Nuts and Bolts of Bankruptcy Practice”

Wednesday, December 5, 2012 - 8:45a.m. - 12:15p.m.

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

Program Schedule

- 8:45am - 8:55am **Check In / Late Registration**
- 8:55am - 9:00am **Welcome - Opening Remarks** - *Brian K. McMahon, Esq.,
Brian K. McMahon, P.A., Bankruptcy CLE Committee Chair*
- 9:00am - 10:20am **Mock Client Interview and Discussion** - *Members of
Bankruptcy CLE Group. Moderated by: Brian K. McMahon, Esq.*
- 10:20am - 10:40am **BREAK**
- 10:40am - 11:30am **Ethical Considerations** - *Robert C. Furr, Esq., Furr & Cohen, P.A.*
- 11:30am - 12:15pm **Chapter 13 Issues** - *Robin R. Weiner, Esq., Chapter 13 Trustee
Plantation, FL*

This course has been granted 3.5 CLER/ 1.0 Ethics credits from The Florida Bar.

Early registration cost for the seminar is **\$100** for PBCBA members/paralegals, **\$140** for non-PBCBA members/paralegals. **After 11/28/12, add \$10.00.**

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.

**HOW TO
REGISTER**



BY CHECK
Return this
form



BY CREDIT CARD
For security purposes, you must register
online at www.palmbeachbar.org



**Materials will now be emailed to all
registrants prior to the seminar**

Credit card registration payment not accepted by Fax to comply with PCI regulations

Name: _____

Telephone: _____

Address: _____

City/Zip _____

Email Address: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Bankruptcy Seminar 12/5/12) 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.

Responding to Amended Pleadings

By Matt Triggs and Jonathan Galler

Pop quiz. Say that your client is served with a complaint and you respond, a week and a half later, with a motion to dismiss for failure to state a cause of action. A month after that, with your motion to dismiss still pending, the plaintiff serves an amended complaint. Within how many days must you respond to the amended complaint?

The answer depends on whether you are in federal or state court. And that is not just because the federal rules now compute deadlines in multiples of seven days. The distinctions run deeper.

Federal Rule 15(a)

The federal rule provides that a party may amend its pleading once as a matter of course within (A) 21 days after serving the pleading or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier. In all other cases, the party desiring to amend its pleading must obtain the written consent of the opposing party or leave of court.

So, for starters, the plaintiff in our pop quiz scenario was required, under the federal rules, to obtain written consent or leave of court prior to serving its amended complaint. After all, a full month has passed since service of your motion to dismiss. Notably, an amended pleading served without leave of court, where leave is required, may be deemed to have no legal effect.¹ Thus, no response to the amended pleading may be required at all (although prudence may suggest otherwise).

But let's assume that the plaintiff did obtain leave of court to serve the amended complaint. Or let's assume that the plaintiff served the amended complaint within 21 days after service of your motion to dismiss and, thus, was not required to seek consent or leave of court. When is your response due? Rule 15(a)(3) applies under either scenario and provides that [u]nless the court orders otherwise, any required response to an amended pleading must

¹*Hoover v. Blue Cross and Blue Shield of Alabama*, 855 F.2d 1538, 1544 (11th Cir. 1988); 6 Charles Alan Wright et al., *Federal Practice & Procedure* § 1484 (3d ed. 2012).

be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.

That computation provides clear guidance to the responding party. In our scenario, it means that your response is due within 14 days of service of the amended complaint. And because the rule specifies that the responding party must respond within the later of 14 days or the time remaining to respond to the original pleading, the rule prevents a scenario in which a defendant could be forced to respond to an amended complaint sooner than it would have been required to respond to the original complaint.

Florida Rule 1.190(a)

Florida Rule of Civil Procedure 1.190(a) provides that a party may amend a pleading once as a matter of course at any time before a responsive pleading is served. Alternatively, if no responsive pleading is permitted and the action has not been placed on the trial calendar, a party may amend its pleading within 20 days after it is served. In all other cases, the party desiring to amend must obtain written consent or leave of court.

Therefore, unlike in federal court, the plaintiff in our pop quiz scenario plainly does not require leave of court to amend its pleading under the state court rules because no responsive pleading has yet been served. Your motion to dismiss may very well be brilliant, but it is not a responsive pleading.²

As for when your responsive pleading is due, rule 1.190(a) seemingly provides another clear answer: A party shall plead in response to an amended pleading within 10 days after service of the amended pleading unless the court otherwise orders. Interestingly, however, this is one of those times when the rule may not exactly say what it means or mean what it says.

In *Davis v. New River Dev., LLC*, 877 So. 2d 848, 849 (Fla. 4th DCA 2004), the court held that the abbreviated ten-day response deadline applies only where the newly amended pleading was amended upon written consent or by leave of court. Where the pleading was amended as a matter of

²*Williams v. Gaffin Indus. Servs., Inc.*, 88 So. 3d 1027, 1030 (Fla. 2d DCA 2012).



course, the standard 20-day response deadline continues to apply. Thus, Davis identified two different response deadlines by drawing a distinction that turns entirely on the manner in which the newly amended pleading was amended. That distinction is found nowhere in the federal rule and is not readily apparent even in the state rule.

As the Fourth District explained, the provision that a response to an amended pleading must be served within 10 days is juxtaposed with – and, thus, applies exclusively to – the provisions authorizing amendments *other* than as a matter of course. *Davis*, 877 So. 2d at 849. The court also explained that the rule, as interpreted, is consistent with Rule 1.140(a)(3), which is the rule that establishes a 10-day deadline when responding to a pleading that is amended pursuant to a court order on a motion to dismiss. *Id.* This interpretation, like the federal rule, prevents the scenario where a defendant would otherwise find itself with an abbreviated response deadline if served with an amended complaint almost immediately after service of the initial complaint.

So, getting back to our pop quiz, assuming the plaintiff served the amended pleading as a matter of course, you have a full 20 days, under the *Davis* opinion, to respond to the amended complaint.

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



The Elder Law Affairs Committee of the Palm Beach County Bar Association presents:

"Ethically Speaking: The 15th Annual Elder Law Seminar"

Friday, December 14, 2012 - 8:20a.m. - 2:00p.m.

Bar Association Offices, NEW Location, 1507 Belvedere Rd., WPB 33406

Program Schedule

8:00am - 8:20am	Late Registration - Check In
8:20am - 8:30am	Welcome - Opening Remarks - Benjamin H. Greenberg, Esq., Co-Chair PBCBA Elder Law Affairs Committee, Greenberg Elder Law Services, LLC, Delray Beach, FL
8:30am - 9:30am	Legal and Ethical Considerations in Preserving the Right to Health Care Self Determination - John "Jack" Scarola, Esq., Searcy, Denny, Scarola, Barnhart & Shipley, P.A., West Palm Beach, FL; Florida Bar Board Certified in Civil Trial Practice and Commercial and Business Litigation; Marnie R. Poncy, Esq., Registered Nurse, Joseph C. Kempe, PA, Jupiter, FL
9:40am - 10:20am	Testamentary Capacity and Ethically Representing Clients with Memory Disorders - Steven M. Essig, J.D., Psy.D., Director South Florida Neuropsychology, Boca Raton and Boynton Beach, FL
10:20am - 10:35am	Break
10:35am - 11:15am	Guardianship Litigation: Hot Topics and Trends - John J. Pankauski, Esq., J.D., LL.M., Pankauski Law Firm, PLLC, West Palm Beach, FL
11:15am - 12:15pm	The Affordable Care Act: The Elder Law Attorney and the New Health Care Law - Scott M. Solkoff, Esq., Solkoff Legal, PA, Florida Bar Board Certified in Elder Law, Delray Beach, FL
12:15pm - 12:30pm	LUNCH (included in registration)
12:30pm - 1:15pm	Annual Tax Law and Ethics Update - Michael A. Lampert, Esq., Michael A. Lampert, P.A., Florida Bar Board Certified Tax Attorney, West Palm Beach, FL
1:15pm - 2:00pm	Medicaid Update - Michael W. Connors, Esq., Michael W. Connors, PA, Florida Bar Board Certified Elder Law Attorney, North Palm Beach, FL

SPONSORED BY:



Estate & Trust Litigation

THE PRIVATE BANK

This course is expected to receive 6.0 CLER including 3.0 Ethics credits / Certification credits are pending from The Florida Bar.

Early registration cost for the seminar, **including lunch**, is **\$185** for PBCBA members/paralegals, **\$225** for non-PBCBA members/paralegals, if registered by 12/7/12. **Add \$25 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.

HOW TO REGISTER



BY CHECK
Return this form



BY CREDIT CARD
For security purposes, your must register online at www.palmbeachbar.org



Materials will now be emailed to all registrants prior to the seminar

Credit card registration payment not accepted by Fax to comply with PCI regulations.

Please register me for the December 14, 2012 Elder Law Seminar:

Name: _____ **Telephone:** _____

Address: _____ **e-mail:** _____

___ I will not be able to attend the seminar but would like to order the CD Rom. (allow four weeks for delivery) (Elder Law 12/14/12)

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



Lawyer's Guide to iOS 6

By Christopher B. Hopkins

If recent statistics are reliable, half of the readers of this magazine own an iPhone or iPad. The number of "iLawyers" is expected to grow – particularly as large law firms drop the Blackberry (down 15% last year) and move to iPhone (only 1% abandoned Blackberry for Android).

The following steps will help you stand out as an iPhone or iPad expert. Many of these steps require the new iOS 6 operating system – attach your device to your PC and follow the instructions for the free upgrade.

Turn Off Advertising By default, Apple turned on a limited amount of ad tracking on your phone. Get rid of it. Go to Settings/General/About/Advertising/Limit Ad tracking and select "on."

Too Many Notifications? If you hit the home button and see reams of Notifications, it is time to turn some of them off. Go to Settings/Notifications. You want to have 10 apps or less under "In Notification Center" (keep ones like Messages, Calendar, airline apps, Facetime, Skype, and eBay). For unwanted apps, click on its name and turn off Notification Center and View in Lock Screen. For most apps, select "None" for Alert Style.

Attach Multiple Photos to An Email Instead of selecting a photo from the camera roll and forwarding it via email, you can insert one or more photos by creating an email, pressing down in the body of the email and inserting photos.

Check Your Data Usage (AT&T) Select Phone and dial "*data#" (*3282#) and hit "call." It will give you an "ok" message. In a few seconds, you will get a text from AT&T with your billing, data, and IM information.

Get Google Maps Back (kind of) If you can't live without Google Maps, go into Safari and search for "Google maps." Once you load that page, it will prompt you to hit the arrow key and install a (weak) version of Google Maps as an app on your homescreen. Also, in the App Store, "Live Street View Free" brings back Street View. The Bing app also has a map and directions function.

Take Panorama Photos Open Camera to take a picture, hit "option" in the upper center of the screen, and touch "panoramic." Hit the button to take a picture and move the camera to begin the panorama. The arrow will move along and indicate how much of the panorama is left. For better 360 degree pictures, download Microsoft's free Photosynth app.

Receive iMessages on two devices Assuming both your iPhone and iPad are set to the same Apple ID, you can sync iMessages to display on both devices. Go to Settings/Messages and turn on iMessages. On each device, go down to "Send & Receive" and put check marks next to both your phone and your email addresses.

Remove Facebook birthdays from Calendar – the downside of Facebook integration with iOS 6 is that Facebook friends' birthdays are sent to your Calendar. Open the Calendar app, select the "Calendars" button (upper left) and, under Facebook, de-select "Facebook events" and "Birthdays."

Turn off "sent from my device" We discussed the professional reasons why lawyers should turn off the "sent from [device]" in a prior article (bit.ly/TurnOffSentFrom). Go to Settings/Mail, Contacts and scroll down to Signature. Select it and hit clear (upper right corner).

Use Firm's Signature Block on Emails If your firm has a fancy signature on your emails, why not have it appear when you send from your iDevice? First, from your work computer, send yourself an email. Second, open it on your iDevice and select the signature (hold down and copy). Go to Settings/Mail, Contacts and scroll down to Signature. Hit "Per Account" and paste the signature under your firm email.

New Emoji Characters Emoji are small characters/cartoons which you can send between Apple devices. Apple added new ones with iOS 6. Add them to your device by going to Settings/General and scroll down to Keyboard. Select "international keyboards" and then "add new keyboard." Scroll down and select Emoji. Hit the home button and go to Messages. You will see a small globe on the keyboard next to the space bar. Hit it and select your Emoji. Return to regular keys by hitting the globe key again. For more interactive texts, consider the Stick Texting app by Tampa lawyer, Mitch Robiner.

Share Photos Across Your Devices Want to take a photo with your iPhone and have it appear moments later on your iPad camera roll? Under Settings/iCloud, turn on Photo Stream and My Photo Stream. Under Settings/Photos & Camera, turn on My Photo Stream. Do this for both devices.

Battery Percentage To display the percentage of battery remaining in the upper right corner of your device, go to Settings/General/Usage and turn on Battery Percentage.

LED Blinks for Calls Make your iPhone flash when someone calls: go to Settings/General and scroll down to Accessibility. Turn on "LED Flash for Alerts."

Siri on Movies and Sports Siri now knows college and pro sports game times and scores ("Who are the Saints playing on Sunday?"). She also can provide the details of what movies are playing nearby. Finally, ask Siri what she thinks about sci-fi movies such as Blade Runner, Star Wars, and 2001 ("What is [...] about?").

Christopher B. Hopkins is a shareholder with Akerman Senterfitt. While he is not as knowledgeable as Siri, he is just as responsive when you email christopher.hopkins@akerman.com.

Circuit Court Report CIVIL DIVISIONS • As of October 29, 2012

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
AA KELLEY	03-13	03-13	01-13	1358
AB KASTRENAKES	03-13	03-13	01-13	1401
AD FRENCH	03-13	03-13	01-13	1395
AE MCCARTHY	04-13	04-13	01-13	1606
AF KEYSER	06-13	06-13	01-13	1398
AG CROW	04-13	03-13	12-12	1501
AH BROWN	04-13	04-13	12-12	1311
AI SASSER	02-13	01-13	11-12	1089
AJ ROSENBERG	03-13	03-13	12-12	1173
AN McSORLEY	04-13	04-13	12-12	1527
AO BRUNSON	03-13	02-13	11-12	1491

Judicial Profile of The Honorable Daliah Weiss

By Jennifer Perrone, Esq.



On May 18, 2012, the 15th Judicial Circuit saw a fresh new face on the Bench with the appointment of Judge Daliah Weiss. When Governor Scott appointed Judge Weiss, he recognized her 17 years of experience as a prosecutor in some of the most difficult cases and her “leadership skills as the chief of multiple units”. Yet with the addition of Judge Weiss, the 15th Circuit gained much more. Not only does she bring courtroom experience and leadership to the Bench, but Judge Weiss exudes enthusiasm for the law, promotes civility among lawyers and embraces modern technology in the courtroom.

Judge Weiss grew up in the Daytona Beach area. Her parents, originally from South America, settled in Florida when they immigrated to the United States. Her mother, an attorney in South America, passed on her passion for the law to both Judge Weiss and her brother who is also an attorney. Judge Weiss received her undergraduate degree in English from Emory University and attended Villanova Law School. She became a prosecutor with the 7th Judicial Circuit in Putnam County before moving to Palm Beach County in 1996 where she continued her career in public service.

As a prosecutor with the 15th Judicial Circuit, Judge Weiss headed up the prestigious Special Victims Unit (SVU) where she focused on prosecuting sex crimes and crimes against children. She dealt with many complex, emotionally charged and high profile cases including rape, aggravated child abuse and neglect. During the latter part of her 17 years of public service, she was Chief of the County Court Division where she oversaw all prosecutorial training, supervision and mentoring of more than thirty attorneys. During her service with the State Attorney’s Office, Judge Weiss also met her husband Jason, who is now a

criminal defense attorney and Partner with Atterbury, Goldberger & Weiss.

Today Judge Weiss presides over a large volume of personal injury protection (PIP) and foreclosure cases, as well as landlord tenant and other small claims disputes. Additionally, every week she presides over Domestic Violence Injunction Hearings, an area for which she is uniquely qualified. She is a former member of the Professionalism Committee of the Florida Bar and a current member of the South County Bar Association. Throughout her career, Judge Weiss always enjoyed mentoring young lawyers. This interest continues with her emphasis on professionalism and encouraging attorneys to work together to resolve disputes brought before her. With the advent of e-service and approach of mandatory e-filing, Judge Weiss, with the help of her Judicial Assistant, Gloria Lozano, embraces new technology. She issues Orders electronically, participates in e-filing and manages a virtually paperless docket in the new wing of the South County Courthouse.

In sum, Judge Weiss promotes an earnest resolution of disputes and progressive embrace of new technology in the courtroom. Her passion for the law and genuine concern for civility among members of the Bar comes across to anyone who meets her. Her transition to the Bench has been smooth and Judge Weiss has embraced the position fully. She now has two children, Lara, with an affinity for the arts, and Jacob, an avid baseball player.

On behalf of the Judicial Relations Committee and Palm Beach County Bar Association, we welcome Judge Weiss to the Bench and look forward to her dedicated service and contributions to the local bar and community at large in the 15th Judicial Circuit.



Upcoming PBCBA CLE Seminars

December 5, 2012

Bankruptcy Law CLE Seminar
“Nuts and Bolts of Bankruptcy Practice”
Bar Association Office

December 14, 2012

Elder Law Seminar
“Ethically Speaking: The 15th Annual Elder Law Seminar”
Bar Association Office

January 11, 2013

Technology Seminar
Bar Association Office

January 18, 2013

Employment Law Lunch CLE Seminar
Bar Association Office

January 25, 2013

Real Estate CLE Seminar
“Closing Real Estate Transactions in the Year 2013”
Bar Association Office

February 8, 2013

Technology Seminar
Bar Association Office

February 1, 2013

Workers’ Compensation Seminar
Bar Association Office

February 11, 2013

ADR Seminar
Bar Association Office

March 7, 2013

PI/Wrongful Death CLE Seminar

March 15, 2013

Employment Law CLE Seminar
Bar Association Office

March 28, 2013

Technology Seminar
Bar Association Office

April 11, 2013

Elder Law Dinner Seminar
“The View from the Bench”
The Colony Hotel

April 12, 2013

PI/Wrongful Death CLE Seminar

April 19, 2013

Family Law/Unified Family Practice
CLE Seminar
Bar Association Office

May 8, 2013

Securities Law CLE Seminar
Bar Association Office

May 10, 2013

Circuit Civil CLE Seminar
Bar Association Office

May 15, 2013

Estate & Probate Law CLE Seminar
The Embassy Suites, WPB

June 7, 2013

Community Association Law CLE Seminar
Bar Association Office

June 14, 2013

Real Estate CLE Seminar
Bar Association Office

Real Property and Business Litigation Report



By **Manuel Farach**

Sanchez v. Soleil Builders, Inc., – So.3d –, 2012 WL 4738864 (Fla. 5th DCA 2012). Court must consider counterclaims before entering summary judgment on principal claims.

Garcia v. Andonie, – So.3d –, 2012 WL 4666458 (Fla. 2012).

A person need not be a citizen in order to claim residence in and a Florida homestead, but must have a legal basis to be able to establish residence in Florida (e.g., a temporary visa will not suffice). Homestead may be established by residing on the property or the maintenance of others legally or naturally dependent on the owner. The burden of proof in homestead determination matters is on the property appraiser.

Fidelity Warranty Services, Inc. v. Firststate Ins. Holdings, Inc., – So.3d –, 2012 WL 4511329 (Fla. 4th DCA 2012).

There can be more than one “prevailing party” when there are claims and counterclaims that are independent actions and not merely alternative theories of liability for the same wrong.

Progress Energy, Inc. v. U.S. Global, LLC, – So.3d –, 2012 WL 4511295 (Fla. 4th DCA 2012).

A general limitation of damages provision in a contract is enforceable.

Rubin v. Addison Reserve Country Club, Inc., – So.3d –, 2012 WL 4795662 (Fla. 4th DCA 2012).

A temporary, not mandatory final, injunction against further work is moot if the construction work complained of has already been completed.

O’Brien v. Stermer, – So.3d –, 2012 WL 4795669 (Fla. 3d DCA 2012).

An assignee under an Assignment for Benefit of Creditors can sell assignor’s assets unless a party can demonstrate it owned the specific assets the assignor is selling.

Koster v. Sullivan, – So.3d –, 2012 WL 4798610 (Fla. 2d DCA 2012).

A return of service is “regular on its face” and complies with Fla. Stat. § 48.21 without the need to state all the factors of the statute; conflict certified with the Third District.

Flamingo South Beach I Condominium Ass’n, Inc. v. Selective Ins. Co., Slip Copy, 2012 WL 4839117 (11th Cir. 2012).

Rainwater that accumulates on a condominium deck is not “surface waters” under a standard flood insurance policy.

Avante at Boca Raton, Inc. v. Senior Care Pharmacy of Florida, LLC, – So.3d –, 2012 WL 5076102 (Fla. 2d DCA 2012).

Even if a defendant admits not paying under a contract, it is up to the jury to find whether a breach occurred and jury instructions cannot suggest that a breach occurred.

Good v. Deutsche Bank Nat. Trust Co., – So.3d –, 2012 WL 4897284 (Fla. 4th DCA 2012).

A mortgagor cannot raise the defense of violation of the

Real Estate Settlement Procedures Act (R.E.S.P.A.) against a foreclosing lender who is not the originator of the loan, even if the defense is raised in recoupment, because R.E.S.P.A. provides no basis for successor liability.

Wolfe v. Smilack, – So.3d –, 2012 WL 4897555 (Fla. 4th DCA 2012).

If either party demands jury trial and the claimed damages are unliquidated, a jury trial must be conducted even if defendant’s pleadings are stricken.

Morgan v. Milton, – So.3d –, 2012 WL 4872518 (Fla. 1st DCA 2012).

Not all false statements during voir dire will result in a new trial; the court must balance the need for finality in trials with the question of whether the verdict is unreliable as a result of the untruthful statements.

Garvin v. Tidwell, – So.3d –, 2012 WL 5232224 (Fla. 4th DCA 2012).

Failure to disclose relevant information during discovery can be the basis of unilateral rescission of a settlement agreement under *Stamato v. Stamato*, 818 So.2d 662, 664 (Fla. 4th DCA 2002), if the unilateral mistake goes to the “very substance of the agreement,” and the “(1) the mistake did not result from an inexcusable lack of due care, and (2) defendant’s position did not so change in reliance that it would be unconscionable to set aside the agreement.”

Plakhov v. Serova, – So.3d –, 2012 WL 5232231 (Fla. 4th DCA 2012).

Tenant cannot use a possible breach of landlord’s agreement with its mortgagee to defend enforcement proceedings against tenant unless tenant is an intended third party beneficiary of the contract between landlord/mortgagor and mortgagee. Additionally, residential landlord’s obligation to provide Fla. Stat. § 83.49 notice to tenant of intent to impose claim on security deposit is excused by tenant failing to give required seven-day notice before vacating or abandoning the premises.

Palm Beach Marketplace, LLC v. Aleyda’s Mexican Restaurante, Inc., – So.3d –, 2012 WL 5232324 (Fla. 4th DCA 2012).

If the lease so provides, a landlord is entitled to rent on the first of the month despite any conduct to the contrary.

Blue Star Palms, LLC v. LED Trust, LLC, – So.3d –, 2012 WL 5232954 (Fla. 3d DCA 2012).

A party is entitled to have a constructive trust and lis pendens imposed on real property based on monies fraudulently obtained, but not if the fraud was committed by someone other than the property owner.

Smith v. Powder Mountain, LLC, Slip Copy, 2012 WL 5262638 (11th Cir. 2012).

Under Florida Statute § 678.1061(4) (b), a purchaser of securities accounts is secured as to those accounts when purchaser gives value, does not have notice of the adverse claim, and obtains control of the account. “Control” means the seller no longer has the power to direct the accounts.

Welcome New Members!

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

Rachel Askinazy - Long Island, NY; Wake Forest University, 2012; Boca Raton.

Amber Curtis - University of Florida, 2012; Associate in Lazer Aptheker Rosella & Yedid, P.C., West Palm Beach.

Lyndsy Dailey - Atlanta, GA; Seattle University, 2007; Associate in Gaebe, Mullen, Antonelli & DiMatteo, P.A. West Palm Beach.

Cindy Diez - Long Beach, CA; Nova Southeastern University, 2010; Feldman & Getz, LLP, Boca Raton.

Michael Foelster - Philadelphia, PA; University of Miami, 2006, Associate in Sachs Sax Caplan, Boca Raton.

Jeffrey Fromknecht - Erie, PA; Duquesne University, 2012; Sole Practitioner, West Palm Beach.

Orlando Gonzalez - Matanzas, Cuba; Stetson University, 1996; Partner in Cameron, Gonzalez & Marroney, P.A., West Palm Beach.

Janine Guastamacchia - Brooklyn, NY; University of Richmond, 2011, Associate in Simses & Associates, P.A.

Shannon Howell - West Palm Beach, FL; California Western School of Law, 2008, Sole Practitioner, Palm Beach Gardens.

Stacey Cole Ibarra - Melbourne, FL; University of Florida, 1998; Associate in Gunster, West Palm Beach.

Scott Konopka - N.J.; University of Florida; 1995; Partner in Page Mrachek, Stuart.

Kevin LaMontagne - Salem MA; Duke University, 1982; Sole Practitioner, Boynton Beach.

Samantha Moussa - Nicossia, Cyprus; University of Miami; Law Student Membership, Miami.

Scott Brian Perry - Plantation, FL; University of Miami, 2012; Associate in Murray & Guari Trial Attorneys, PL, West Palm Beach.

Cynthia M. Pyfrom - Cincinnati, OH; Nova Southeastern University; Law Student Membership, Delray Beach.

Ryan Sanders - Ft. Lauderdale, FL; Emory Law School, 2012; Associate in Brotman Nusbaum Fox, Boca Raton.

Matthew W. Shafran - New Brunswick, NJ; Nova Southeastern University, 2012; Government Attorney with Office of the State Attorney, 15th Judicial Circuit, West Palm Beach.

Dana Lynn Spader - Geneva, NY; University of Miami, 2010; Associate in Wicker, Smith, O'Hara, McCoy & Ford, P.A., West Palm Beach.

WELCOME

Movie Tickets

The PBCBA has discount movie tickets available for its members.

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

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

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



probate

litigation

referral fees

pankauski

LAW FIRM
P.L.L.C.

(561)

514 - 0906

support@pankauskilawfirm.com



Chapter 7 Trustee's Ability to Surcharge Exempt Assets

By Marc P. Barmat

Over the years several courts have published opinions on the issue of whether a chapter 7 trustee can surcharge a debtor's exempt assets if a debtor conceals and dissipates assets or participates in other misconduct. Prior to a recent First Circuit opinion, there was an even split amongst the two circuit courts who spoke on this issue. The Ninth Circuit upheld a chapter 7 trustee's ability to surcharge exempt assets whereas the Tenth Circuit held that a surcharge on a debtor's exempt assets is outside the scope of the remedies of the Bankruptcy Code. This article reviews the circuit court opinions, including the most recent opinion out of the First Circuit.

In the earliest circuit court case on the issue, the Ninth Circuit Court of Appeals upheld a chapter 7 trustee's ability to surcharge a debtor's exempt assets. In Latman vs. Burdette, 366 F.3d 774 (9th Cir. 2004), days before the filing of their bankruptcy petition, the debtors sold a car and a boat for \$8,500. Notwithstanding the pre-petition sale, the debtors only scheduled \$1,500 of cash on hand and were unable to account for remaining \$7,000. As a result, the chapter 7 trustee filed a motion arguing that the \$7,000 of unaccounted funds should be surcharged against the debtor's exempt assets. The bankruptcy court granted the trustee's motion and the district court affirmed. On appeal to the Ninth Circuit, the Ninth Circuit affirmed the lower court and held that the surcharge remedy granted by the bankruptcy court did not exceed the court's equitable powers. Three years later, the Ninth Circuit issued a consistent opinion in Onubah v. Zamora, 375 B.R. 549 (9th Cir. 2007). In Onubah, the debtor did not conceal any assets. However, the debtor frustrated the trustee's attempts to administer non-exempt proceeds generated upon the sale of the debtor's residence by refusing to give up possession of the residence and by converting his case to a chapter 11, even though he had no ability to fund a plan. The Ninth Circuit found the bankruptcy court did not abuse its

discretion when it held that surcharging the debtor's otherwise exempt property was necessary to compensate the estate for the actual damage inflicted by the debtor's misconduct.

In conflict with Ninth Circuit precedent, the Tenth Circuit has held that surcharging exempt assets goes beyond the scope of the Bankruptcy Code's equitable authority. In In re Scrivner, 535 F.3d 1258 (10th Cir. 2008), the debtor failed to turnover non-exempt distributions from a television show in which he owned an interest. The bankruptcy court ordered the debtor to surrender the funds or alternatively authorized the bankruptcy trustee to surcharge the debtor's exempt assets. On appeal, the Bankruptcy Appellate Panel ("BAP") affirmed, however the Tenth Circuit reversed. In reversing the bankruptcy court and BAP, the Tenth Circuit held that "because the surcharge of exempt property is inconsistent with the Code's provisions governing exemptions and debtor misconduct, it is beyond the scope of a bankruptcy court's equitable authority under 11 U.S.C. §105(a).¹" The Tenth Circuit further stated that "section 105(a) does not empower courts to create remedies and rights in derogation of the Bankruptcy Code and Rules."

The most recent circuit court decision, out of the First Circuit, is in accord with the Ninth Circuit and found that bankruptcy courts are empowered to surcharge exempt assets when a debtor fraudulently conceals non-exempt assets. In In re Malley, 2012WL3326629, the debtor fraudulently concealed his right to a portion of the proceeds from the sale of his former marital house. When the trustee discovered the deception, he sought an order surcharging the debtor's exemption in his truck to remedy the

¹ 11 U.S.C. §105(a) reads The court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title. No provision of this title providing for the raising of an issue by a party in interest shall be construed to preclude the court from, sua sponte, taking any action or making any determination necessary or appropriate to enforce or implement court orders or rules, or to prevent an abuse of process.

fraud. The bankruptcy court granted the trustee's request and surcharged the debtor's exemption in the truck. On direct appeal to the First Circuit, the First Circuit held surcharge orders are "necessary and appropriate to carry out the provisions" of the Bankruptcy Code. The Court further determined that surcharge is a necessary remedy to alleviate the effect of the debtor's misconduct on creditors, who would otherwise "bear the brunt of the fraud."

In the Malley decision, which was written by retired Supreme Court Justice Souter, the First Circuit stated that its holding was consistent with the Supreme Court's decision in Marrama v. Citizens Bank of Mass., 549 U.S. 365 (2007). In Marrama, the Supreme Court held that the unstated limitation on § 105 was to prevent an abuse of process. Accordingly, although the Eleventh Circuit Court of Appeals has not addressed the surcharge issue, the Malley decision may have a persuasive effect on our local bankruptcy courts.

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



CLE CLASSES NOW BEING OFFERED ONLINE

We are very pleased to bring you another way to obtain your CLE credit. In addition to the CD's that we currently sell, these same programs are now being offered for purchase online to either download to your MP3 player or to listen to right on your computer. That means when your CLER reporting period is approaching, you can go right online and download seminars any time of the day or night. To view a full listing of the seminars available, be sure to log on to our website at www.palmbeachbar.org/continuing.php

Photos through the years from the early 80's



Jamie Pressly, Rick Kupfer and Judge Stephen Rapp



Judge Marvin Mounts, Joe Curley, Jack Aiello and Judge Daniel Hurley



Judge Emery Newell and Marge Cooper



Judge Catherine Brunson and John Romano



Judge Diana Lewis and Scott Hawkins



Charlie Barker, Larry Miller and Steve Stinson



Wally McCall, Judge Tom Johnson and his son, Joe



Peter Feaman and Judge Bobby Gunther



Judge Amy Smith and Jerry Beer



Louisa Smith-Adam and Edna Caruso



T.J. Cunningham and Thomas Montgomery



Adams Weaver and Pat Casey

Photos through the years from the early 80's



Bud Yoakley and Judge Marvin Mounts



Marjorie Gadarian Graham and Jim Farrell



Nick Lioce, Judge Karen Martin, Richard Wennet and Michael Walsh



Judge Tom Sholts and Ron Sales



Jose Sosa and Bob Bertisch



Judges Lucy Brown and Matthew Stevenson



Judge Edward Garrison and Past PBCBA President John McCracken



Judge Roger Colton, Past PBCBA President and Judge Jim Downey and Past PBCBA President Ray Royce



Past Presidents Bob Romani and Guy Hill

Support our Advertisers.
Mention that you saw their ad
in the *Bulletin*!

Burns Wealth Management Group

Robert Burns, CFP®, ChFC®

Senior Vice President—Wealth Management
Wealth Management Advisor

(561) 775-8113

*Helping clients make smarter, more informed
planning and investment decisions
for over 25 years.*

3507 Kyoto Gardens Drive, Suite 400, Palm Beach Gardens, FL 33410

Merrill Lynch Wealth Management makes available products and services offered by Merrill Lynch, Pierce, Fenner & Smith Incorporated, a registered broker-dealer and member SIPC, and other subsidiaries of Bank of America Corporation. © 2012 Bank of America Corporation. All rights reserved.



**Merrill Lynch
Wealth Management**

Bank of America Corporation

OFFICE FOR SALE



*There has never been a better time
to buy your own office!*

- 5,085 SF single story law office with space to lease to others
- Former office of the famed trial attorney, Bob Montgomery
- Excellent downtown location, seconds from I-95
- Excellent condition and plentiful parking



www.wgcompass.com

For more information contact:

Jonathan Satter | (561) 721-7031 | jsatter@wgcompass.com
Jonathan Elson | (561) 721-7024 | jelson@wgcompass.com



Scan for details



W. Jay Hunston, Jr. Mediator/Arbitrator

Offering New Mediation Billing Options!

Never a travel charge in the 6 Counties
of the 19th, 15th and 17th Circuits.

Over 20 years mediation experience.

11 years full-time mediator/arbitrator.

NEW BILLING OPTIONS:

\$125/hr./party, up to \$400/hr. cap - 2.5 hr. min.
3 hr. block in a.m. or p.m. for \$1,000; 8 hr. block for \$3,000.
\$3,500 uniform per diem available state-wide.

- Fla. Bar Bd. Cert. Civil Trial Lawyer (1983 - 2003)
- Fla. Certified Circuit Civil Mediator (1991 - Present)
- Fla. Certified Family Mediator (1998 - Present)
- Fla. Certified Appellate Mediator (2012—Present)

P.O. Box 508, Stuart, FL 34995
(772) 223-5503; (800) 771-7780 - Office
(772) 223-4092; (866) 748-6786 - Fax

Email: wjh@hunstonadr.com

Website/Online Calendar: www.hunstonadr.com

PBCBA Online Courses & Services

- Florida Notary Public
- Florida Online Traffic School
- First Time Driver (D.A.T.A.) Course
- Mature Driver Course
- Parent Education and Family Stabilization Course

[www.palmbeachbar.org/
online/courses.php](http://www.palmbeachbar.org/online/courses.php)





Get a Mentor – Be a Mentor

*Submitted by Christopher R. Bruce
On behalf of the Professionalism Committee*

While legal theory and application can be learned during law school, many aspects of the legal profession must be acquired in the workplace, whether in private practice, government service, or corporate practice.

Unfortunately, over the last several years the economy has made it difficult for newly minted attorneys to obtain legal employment out of law school. According to figures released in June 2012 by the American Bar Association, less than two thirds of students graduating law school in 2011 –only 63 percent- were able to obtain jobs requiring a law degree within nine months after leaving law school.

As a result of dismal employment prospects, more and more attorneys are forced to “hang a shingle” and open their own law practices right out of school. These attorneys lack practical experience, and, more importantly, they often lack the option of walking down the hall to seek advice from a more experienced practitioner.

One of the most important things that can be done by these attorneys –really any recently admitted attorney- at the beginning of their legal career is to recognize, early on, their lack of knowledge when it comes to mastering a practice area, developing client relationships, running a law practice, and interacting with other attorneys and the judiciary. The important thing for these attorneys to do, once this recognition is made, is proactively seek the guidance of experienced members in the profession who have “been down their road” before. These inexperienced attorneys need mentoring.

Within the legal profession, mentoring means a voluntary, mutually beneficial relationship of professional growth, career development, and personal fulfillment that benefits the mentee and mentor, and provides a service to our clients. A mentoring relationship between experienced and less experienced lawyers facilitates the transfer of valuable information and insight into the practice of law.

The focus of a mentoring relationship can involve all areas of professional development. Mentoring can be on issues as simple as setting up a trust account or filing a pleading, but can also include longer-term goals such as becoming technically proficient in a particular area of the law, learning how to develop business, and how to build and maintain client relationships. In order to make the most of the relationship, the mentee should let the mentor know his or her expectations are and make specific requests to meet those goals.

Just as it is important for inexperienced attorneys to seek mentors, it is important for experienced attorneys to take the time to give back to the profession by serving as mentors. Being a mentor does not require a large time commitment, and can be as simple as answering an occasional phone call or meeting over lunch (everyone has to eat!).

Being a mentor is empowering. Helping other attorneys navigate the many challenges they are faced with early in their careers feels good, benefits both the public, and elevates our profession. Further, mentoring is beneficial to the mentor.

Through mentoring, the more experienced attorney is able to build new relationships, develop and enhance leadership skills, and is almost always able to learn valuable lessons from their mentee.

PBCBA's Mentoring Program

Our Bar Association has a Mentor Program designed to provide members with a quick and simple way to obtain advice, ideas, suggestions, or general information from an attorney that is more experienced in a particular area of the law. Mentors provide ten to fifteen minute telephone consultations with the attorney seeking advice, at no fee. Any member of the PBCBA, whether newly admitted or an experienced practitioner, can use the mentoring program.

Attorneys seeking a mentor should call the Bar Office at 687-2800 to request a referral to mentor in the specific practice area in which their need for mentoring exists. The Bar Association's staff member taking the call will then assign a mentor to the inquiring attorney.

Mentors Needed

The PBCBA is in need of attorneys willing to volunteer their time to participate in the Mentor Program. Volunteering in the Mentor Program involves only a minimal commitment of time and is an outstanding way to “pay it forward” to our profession. Mentors must be members of the PBCBA who have been in actively practicing a specific area of the law for over seven years. Those willing to serve as mentors should contact the Bar office at 687-2800 and request a Mentor Application.

Christopher R. Bruce is divorce and family law attorney with the firm of Nugent Zborowski & Bruce. He can be reached at 561.844.1200 or cbruce@nugentlawfirm.com.

FITZGERALD MAYANS & COOK, P.A.

ATTORNEYS AT LAW

A BOUTIQUE LAW FIRM PRACTICING
EXCLUSIVELY IN THE FIELD OF

COMMERCIAL LITIGATION

WWW.FMC-LAWFIRM.COM

NORTHBRIDGE CENTRE, SUITE 900
515 NORTH FLAGLER DRIVE
WEST PALM BEACH, FLORIDA 33401
(561) 832-8655

Local Law Firm Making a Difference on the Other Side of the World

Lawyers and law firms in Palm Beach County have always lent helping hands to those in need in our community. One local firm is taking its charitable efforts to new lengths, reaching out to help orphaned children in a remote village in Kenya, eight thousand miles away.

Shutts & Bowen LLP has recently partnered with Kenya Relief, an American charitable organization that runs a medical clinic and an orphanage for one hundred children in Migori, a village in rural Kenya, and whose school for the surrounding community is set to open in January.

There are more than 2,500,000 orphaned children in Kenya, due in part to the continuing scourge of AIDS/HIV throughout the country.

Organizations like Kenya Relief seek to provide Kenya's orphans with an education, medical care and a safe place to grow up. Kenya's rural government primary schools generally consist of corrugated

tin structures with no electricity and few textbooks, often with as many as fifty children per classroom. Kenya Relief hopes to change that for the people of Migori with its new school, funded exclusively through charitable donations, and capable of accommodating up to two hundred and fifty students, complete with electricity, plus a multitude of textbooks and classroom aids.

But that's just the beginning. What really sets the Kenya Relief school apart from its government counterparts are its two computer labs, equipped with computers and wifi network provided by Shutts & Bowen, plus a satellite internet connection.



In August, Shutts & Bowen partner Al LaSorte, along with Omar Blanco, a Shutts & Bowen IT specialist, traveled to Migori as part of a nineteen-member team (many of them South Florida residents) sent there to provide dental and oral surgery services at the Kenya Relief medical clinic. Al and Omar spent little time in the clinic, however, instead focusing on setting up Kenya Relief's new satellite internet connection, including wireless "line-of-sight" connections to the clinic and the new school.

"If presented properly, the educational resources available on the internet can literally open up a new world to these kids. Internet connectivity in rural Kenya is challenging, to say the least, and we are still working the kinks out of the satellite

connection, but we expect it to be fully up and running in time for the opening of the school" explained Omar Blanco. Al LaSorte added "The children of Migori have this amazing thirst for knowledge. We can't wait until that day next January when the school opens its doors, the teachers flip the switch, and these kids can finally take advantage of this great resource."

While Omar was supervising the technology work, assisted by Al, Al's wife Debbie, a former public school teacher, was busy visiting local government schools and assisting both in the clinic and the local hospital burn unit. "I've spent seven weeks there so far and we plan to go back each year. It's life-changing when you see how much need there is among the Kenyan people, and how much good you can do while you're there. I really think the children there help us as much as we help them," Debbie said.

Al echoes his wife's sentiments. "Shutts & Bowen has been giving back to the community for its entire 102-year existence. We're so happy that Kenya Relief has given us the opportunity to expand these efforts to help the people of Migori. I can't wait to go back."

NOMINATIONS SOUGHT FOR 2013 PRO BONO NIGHT AWARDS

The 25th Annual Pro Bono Recognition Evening will be held on Saturday Evening May 18, 2013 at the Palm Beach County Convention Center.

Anyone wishing to nominate an attorney, support staff member, law firm, individual or group for a Pro Bono Award for exemplary pro bono work in 2012, please fill out the form below. Reasons for the nomination should accompany this form and client names are not necessary. Client names will not be used for any press releases or for the program the night of the event without the client's written consent.

Please mail nomination by January 1st to:

Kimberly Rommel-Enright, Esq.

Pro Bono Coordinator

Legal Aid Society of Palm Beach County, Inc.

423 Fern Street, Suite 200

West Palm Beach, FL 33401

If you have any questions regarding these awards, please call Kim at 655 - 8944 ext. 265 or e-mail her at kenright@legalaidpbc.org.

Robert Bertisch
Executive Director

Name of Nominee _____

Firm Name _____

Address _____

Phone Number _____

Reason for Nomination _____

Fall Picnic a Great Success!

Our Membership Committee recently hosted its Third Annual Family Picnic at Dreher Park in West Palm Beach. Nearly 200 members and their families enjoyed an early Saturday afternoon of games, food and fun!



Adam Rabin and his daughter

Congratulations to Michael Napoleone (right) winner of our first Pumpkin Carving Contest! Immediate Past President John Howe selected the most creative design.



Gary Lesser and his daughter



Jean Marie Middleton and her grandson.



Bake-Off winners and dessert judges – tough job, but someone had to do it! Congratulations to our first place baker Carla Glover (Judge Cunningham's JA); Linda Wells, judge; Judge Ted Booras, judge; second & third place was awarded to Tracy Vaspoli; Jill Weiss, judge



Ronda, Lucy and Keith Campbell



Judge Peter Evans arrived in style



Brian Denney and his family



Robert Friedman and his boys



Matthew Poirier makes his way down the rock wall

Many thanks to our generous sponsors for making this day possible: Lytal Reiter Smith Ivey & Fronrath; Complete Legal Investigations; Debra Duran & Associates; Hinman, Howard & Kattell; Law Offices of Robin Bresky; Lesser Lesser Landy & Smith; Palm Beach Chapter of the Paralegal Association of Florida; Palm Beach Trial Group; Pressly & Pressly; Sabadell United Bank and Zele Huber Trial Attorneys.

Additional picnic pictures can be seen on the Bar's Facebook page at www.palmbeachbar.org

Breakfast with the Justices

A joint breakfast with members of the Chamber of Commerce of the Palm Beaches was held at the Palm Beach Convention Center and included guest speakers from the Florida Supreme Court. Justices Peggy Quince, Barbara Pariente and Fred Lewis reminded members of why Florida voters decided in 1976 to establish the Merit Retention system and why the system is so important to protect. The breakfast was held prior to November's election.



Jaimie Goodman and Harriet Freeman



Margie Cooper and Scott Hawkins



Judge Jonathan Gerber and Patti Leonard



Board of Director Greg Huber; Florida Supreme Court Justice Fred Lewis; Florida Supreme Court Justice Barbara Pariente; President-Elect Jill Weiss; Florida Supreme Court Justice Peggy Quince and Board of Director Sia Baker-Barnes



Laura Pincus, Jean Marie Middleton and Salesia V. Smith-Gordon

Wishing you

**Happy Holidays and a Healthy
and Prosperous New Year**



ARC Mediation accommodates clients throughout Florida,
from Miami-Dade through the Treasure Coast and beyond.

561-712-4717 • www.arcmediation.com

North County Section News

The North County Section is known as “the fun section” and so it goes ... Members recently had fun enjoying a networking reception followed by dinner at Ironwood Grille in Palm Beach Gardens. Join the group for its next event, which is the Bar’s Holiday Party and Silent Auction on Thursday, December 6 at Frenchman’s Reserve in Palm Beach Gardens. RSVP online today!



Christopher Bruce and Ashley Dillman



Larry Strauss, NCS Board of Director Larry Buck and Immediate Past President Ron Ponzoli



NCS President-Elect Todd Stewart; Retired Judge Roger Colton, Marjorie Gadarian Graham and Judge Thomas Barkdull



Victoria and Sal Calebrese



Debra Welch and Melinda Gamot

Your case has been tried, but it's not over.
Our appellate experience and expertise can help.

We are available to provide appellate representation in:

- Appeals to the Fourth District Court of Appeal • Appeals to the United States Court of Appeals
- Appeals of Bankruptcy Court decisions • Appeals of County Court decisions
- Appeals in any substantive area of civil law
- Non-final appeals and petitions for review, including injunctions and arbitration disputes.

Shareholder Robert J. Hauser is an AV-rated, Board-Certified Specialist in Appellate Practice.



BEASLEY HAUSER KRAMER & GALARDI, P.A.

561.835.0900 | BEASLEYLAW.NET

505 S. FLAGLER DRIVE, SUITE 1500 | WEST PALM BEACH, FLORIDA 33401

Lawyers Have Heart Run

*Al LaSorte and Matt Chait
Lawyers Have Heart 5K Run Co-Chairs
Shutts & Bowen LLP*

The fourth annual Lawyers Have Heart 5K Run, took place along Flagler Drive on September 29, and continued its string of successful events. Once again, fantastic weather brought out a large crowd of runners, who joined the Heart Walk's 15,000 walkers for a morning of cardiovascular exercise and heart-health awareness with the American Heart Association. Around fifty law firms and law-related organizations sponsored teams, and several judges were spotted in the crowd of runners as well.

John Reback was the overall men's winner with a blistering time of 17:18, and April Flynn was the overall women's winner at an equally fast 19:47.

Several lawyers (and even one judge!) won their age/gender groups - Judge Robin Rosenberg, Gary Walk (Casey Ciklin) Jason Cornell (Fox Rothschild), Polly McFadden (State Attorney's Office), Adam Zborowski (Nugent, Zborowski & Bruce) and Wally McCall (Leopold Law). Complete race results, including age group winners and the race times for all timed runners, can be found at www.accuchiptiming.com under the "Race Results" tab.

This year's Run raised nearly \$70,000 for cardiovascular research, treatment and education here in South Florida. Dozens of law firms and organizations pitched in to raise funds with Shutts & Bowen LLP again raising the largest amount - \$19,324. In its four years, the Run has now raised nearly \$300,000 for the American Heart Association.



Our thanks go out to everyone who participated in this year's Run, and we look forward to seeing you all (and your co-workers, family and friends) out there with us on Flagler Drive again next year.

And we would like to give an especially heartfelt thank you to Patience Burns and the staff of the Palm Beach County Bar Association for their hard work in helping get the word out and making this year's event such a success.

Happy New Year

THANK YOU FOR A MEMORABLE 2012


THE LAW OFFICE OF
Cathleen Scott & Associates, P.A.
EMPLOYMENT | HEALTHCARE

www.CSAPALAW.com

Jupiter Gardens 250 S. Central Blvd., Ste. 104 Jupiter, Florida 33458

Locations in West Palm Beach & Jupiter, Florida

Telephone (561)653-0008 Facsimile (561)653-0020 Toll free (877)907-2688

Young Lawyers Celebrate Immediate Past President



The YLS recently hosted a happy hour recognizing and thanking immediate past president Jason Lazarus for his work as president last year. Despite the wind and rain of Hurricane Sandy, over 60 members attended this event. Current president Lee McElroy is pictured here presenting a gift to Jason.



Jamie Gavigan and Mandell Sundarsingh



Bob Bertisch, Colleen Farnsworth, Reeva Oza and John Howe



Rachel and Jamison Evert

Legal Aid Society's 12th Annual Cup of Justice Golf Classic Raises \$48,000 for Disabled Students

The Legal Aid Society of Palm Beach County's 12th Annual Cup of Justice Golf Classic raised \$48,000 to support its Educational Advocacy Project. The project's mission is to ensure positive educational outcomes for disabled children attending Palm Beach County schools.

Attorney Robert Shalhoub once again chaired the October 8th tournament at Bear Lakes Country Club. The presenting sponsor of the event was Sabadell United Bank.

The luncheon sponsor was Florida Crystals and the dinner sponsor was Colodny, Fass, Talenfeld, Karlinsky, Abate & Webb, P.A. Other major sponsors included: Caler, Denton, Levine, Cohen, Porter & Veil, CPA's; Daily Business Review; Haile, Shaw & Pfaffenberger, P.A.; Law Office of Benjamin T. Hodas, LLC; Legal Graphicworks; Moore, Ellrich & Neal, CPA's.; Schwed, Adams, Sobel & McGinley, P.A. & Schwed, Kahle & Jenks, P.A.

The golf tournament committee members included John Bechtold; Richard Benrubi, Esq.; Bob Bertisch, Esq. Harreen Bertisch; Scott Bester; Ric Collier; Alton Finnis; Rob Ford, Esq.; Ben Hartman; Devin Krauss; Carol Mannion; David McClymont; Scott Murray, Esq.; Cyrus Niakan, Esq.; Linda Norris; Grier Pressley, Esq.; Paul Shalhoub, Esq.; Michael Spillane; Vicky Vilchez, Esq.; Gary Woodfield, Esq.; and Greg Zele, Esq.

The Law Office of Benjamin T. Hodas, LLC was awarded the "Cup of Justice" trophy after an outstanding round of golf. Other winners included Gordon & Doner, P.A. (Flight A—1st Place); Zele Huber, P.A. (Flight B—1st Place); Dex Imaging, Inc. (Flight C—1st Place).

Scott Lampariello won "Closet to the Pin", Tom Bishop won "Longest Men's Drive" and Jean Peters won "Longest Women's Drive".



Mark Rubenstein, Evan Frederick, Zack Berg and Joe Girvin

"I will represent your interests in The Florida Bar through hard work, attention to detail, and professionalism."

Ron Ponzoli

Candidate for The Florida Bar Board of Governors



PROVEN COMMITMENT TO BAR SERVICE

- Immediate Past President of the North County Section of the Palm Beach County Bar Association
- Past Chair of the Palm Beach County Bar Association's Professionalism Committee
- Emeritus member of the Craig S. Barnard American Inns of Court
- Current appointed member of The Florida Bar Civil Rules Committee
- Current appointed member to the Southern District Advisory Committee on Rules and Procedures
- Served six years as an elected member of The Florida Bar Young Lawyers Division Board of Governors
- Past member of The Florida Bar Professional Ethics Committee

Please Join Us in Supporting Ron!

William Abel	Brian R. Denney	Joseph Ianno, Jr.	Larry D. Murrell, Jr.	Lyle E. Shapiro
Jack J. Aiello	Scott D. Devore	Christopher R. Jette	John (JB) Murray, Jr.	Kara A. Skorupa
Scott W. Atherton	Michael K. Dixon	Debra A. Jenks	Scott C. Murray	Michael A. Slavin
Bruce G. Alexander	Adam S. Doner	Jason D. Joffee	Tequisha Y. Myles	Jeremy E. Slusher
Rosalyn Sia Baker-Barnes	Howard DuBosar	Brian B. Joslyn	Adam M. Myron	D. Culver (Skip) Smith, III
Edrick E. Barnes	James L. Eisenberg	Charles H. Johnson	Michael J. Napoleone	Grasford W. Smith
Abigail Beebe	Manuel Farach	Allison L. Kapner	Nathan E. Nason	Salesia V. Smith-Gordon
Charles J. Bennardini	Colleen Farnsworth	Diane W. Katzen	Joanne O'Connor	Marta Stypulkowski
James A. Burnham	Preston J. Fields, Sr.	David A. Kirsch	Mark L. Pateman	Eric M. Sodhi
James W. Beasley, Jr.	Scott M. Fischer	Stanley A. Kim	Beth A. Patterson	Ferris G. Solomon, Jr.
Amy B. Beller	Stephen G. Fischer	Michael T. Kranz	Jeffrey C. Pepin	Joshua L. Spoot
Robert A. Bertisch	Kai Li Aloe Fouts	Jane Kreusler-Walsh	Marina D. Petillo	Karen E. Terry
Gary S. Betensky	Leora B. Freire	Spencer T. Kuvlin	Michael J. Pike	Grey Tesh
Mark F. Bideau	Jeffrey M. Garber	Allison B. Lane	Andrew A. Pineiro	Cyrus K. Toufanian
G. Steven Brannock	Manuel A. Garcia-Linares	Alfred A. LaSorte, Jr.	Barry A. Postman	J. Harley Toufanian
Matthew S. Brenner	Ron M. Gaché	Wesley A. Lauer	Terrill C. Pyburn	Rebecca M. Vargas
Barbara B. Briggs	Rosemarie W. Guerini	W. Craig Lawson	Guy E. Quattlebaum	Roberto M. Vargas
John M. Brumbaugh	Ian J. Goldstein	Nancy LaVista	Alan L. Raines	Ethan J. Wall
Lawrence P. Buck	Robert E. Gordon	Jason D. Lazarus	Adi Rappoport	Cassandra J. Ward
Brian D. Buckstein	Gina M. Grandinette	Tanique G. Lee	Edward D. Reagan	Charles T. Weiss
George W. Bush, Jr.	Steven I. Greenwald	Randy M. Levitt	Gerald F. Richman	Jane-Robin Wender
Jessica M. Callow	Alan G. Greer	Julie Littky-Rubin	Lawrence P. Rochefort	Sheryl G. Wood
Bruce A. Christensen	Robert C. Groelle	Patricia E. Lowry	Kara B. Rockenbach	William C. Wright
Rina K. Clemens	Jason J. Guari	Richard G. Lubin	Mark A. Romance	John G. White, III
Jeffrey A. Collier	Robert J. Harvey	Shannon M. Mahoney	Kimberly Rommel-Enright	Ralph T. White, Jr.
Theodore A. Deckert	Robert J. Hauser	Adam D. Marshall	Daniel S. Rosenbaum	John R. Whittles
Lindsay K. Demmery	Daniel A. Hanley, Jr.	Maureen Martinez	Elisha D. Roy	Robert W. Wilkins
Richard R. Chaves	Thomas A. Hedler	Steven S. Mathison	Peter A. Sachs	James (Spike) Wicker, II
Misty T. Chaves	Yelizaveta B. Herman	James M. McCann, Jr.	John F. Schutz	Dean Xenick
Scott M. Coffee	Nicole Hessen	Miles A. McGrane, IV	Gregor J. Schwinghammer	Gregory M. Yaffa
Lance Cornick	Gregory P. Huber	Jean M. Middleton	Nicole Scimone	Cory S. Zadanosky
Sarah Cortvriend	Phillip H. Hutchinson	Michael J. McClusky	Gregory L. Scott	Gregory T. Zele
Cindy Crawford	Rick Hutchinson	Lous Mrachek	Christian D. Searcy	Daniel A. Zuniga

Endorsement list as of October 25, 2012 to meet publication deadline.



Ron can be reached at: 561-803-3519 or rponzoli@richmangreer.com

Diversity Luncheon



Panel discussion left to right Judge Robin Rosenberg, Elisa Garcia, Sia Baker-Barnes, Gwynne Young, Tracy Gerber, Lou Mrachek and Allison Kahn.



Judge Lucy Brown and Nadine White-Boyd



Lloyd Comiter and Judge Daliah Weiss

Additional luncheon pictures can be found on the Bar's Facebook page at www.palmbeachbar.org



Greg Huber, Lynn Solomon and Melissa Lewis

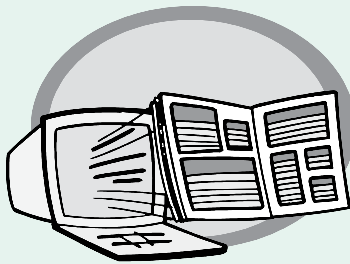


Tom Rossin and Joseph Lee



Leora Freire and Nicole Hessen

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 us today to sspence@palmbeachbar.org



DONNA GREENSPAN SOLOMON, Esq.

- ❖ Appeals (State and Federal)
- ❖ Mediations/Arbitrations
- ❖ Litigation, Trial, and Appellate Support on "Of-Counsel" (contract) basis

- Experienced in insurance coverage and other business-related issues.
- Florida Bar Certified Appellate Attorney.
- Florida Bar Certified Business Litigator.
- Florida Supreme Court Certified Circuit, Appellate, and Family Mediator.
- Florida Supreme Court Qualified Arbitrator.
- Former CPA with MBA in Finance.
- Former Fourth DCA law clerk to Justice Barbara J. Pariente.
- AV Preeminent-rated by Martindale Hubbell.



For more information,
see www.dgsolomonlaw.com,
call 561-910-0054,
or email Donna@DGSolomonLaw.com.

COMMITMENT RESOURCES

Workers' Compensation
Personal Injury
Social Security Disability
Employment



Fighting for the Injured since 1985

Rosenthal, Levy, Simon & Ryles, P.A.

ATTORNEYS AT LAW

WEST PALM BEACH | PORT ST. LUCIE | NATIONWIDE | ROSENTHALLEVY.COM | 1-866-640-7117

*** Ad Rates ***

CLASSIFIED ADVERTISING RATES: TO PLACE AN AD: 1) Please fax all ads to 561/687-9007. 2) Upon receipt you will be notified of cost. 3) Send payment by the 25th of the month. 4) Cost: 50 words or less \$50, 50-75 words \$65, up to 75 words with a box \$75. 5) Members receive 1 free classified ad per year (excluding professional announcements). Ads will only be re-run by re-faxing ad to 561/687-9007. Web-site advertising is also available for a cost of \$75 for a three week run. Payment must be received prior to publication and renewable only upon receipt of next payment.

The Palm Beach County Bar Association, its officers, directors, and staff do not endorse any product or service advertised. The PBCBA is committed to equal employment opportunity and does not accept employment ads which imply a preference based on race, color, sex, religion, national origin, disability, familial status, sexual orientation, age, marital status and gender identity or expression.

POSITIONS AVAILABLE

BOUTIQUE LAW FIRM specializing in trust and estate litigation seeks a full-time paralegal with a minimum of five (5) years litigation experience. Probate experience helpful, but not mandatory. Individual must be organized and a self-starter. Salary commensurate with experience. The firm is located in downtown West Palm Beach offering a busy but very pleasant working environment. Please forward resumes for consideration to dana@pankauskilawfirm.com.

PROFESSIONAL ANNOUNCEMENTS:

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

SCOTT SUSKAUER: "AV" rated, Board Certified Criminal Trial Lawyer. Over 20 years of experience. All criminal matters in State and Federal Court including felonies, misdemeanors, DUI, juvenile and traffic matters, 1601 Forum Place, Ste. 1200, WPB, FL 33401; (561) 687-7866. www.suskauerlaw.com.

GREGORY TENDRICH, Esq.: "AV" rated, FINRA Arbitrator, Certified County Court Mediator & Former Series 7 licensed VP & Asst. General Counsel to national and regional NYSE & FINRA stock brokerage firms, is accepting referrals and is available to co-counsel,

provide trial/arbitration consultation or assistance in matters involving the recovery of losses due to stock broker fraud, unsuitability, churning and misrepresentation, in addition to SEC, FINRA, NYSE and other regulatory enforcement matters. Please call (561) 417-8777 or visit www.yourstocklawyer.com.

GREY TESH: "Law is not black & white, it's Grey." Passionate, caring, prepared, truthful. Criminal defense (board certified) and personal injury, over 100 jury & non-jury trials, Federal (nationwide) and State. aaacriminaldefense.com & floridainjuryaccidentlawyers.com. 1610 Southern Blvd, WPB, FL 33406. (561) 686-6886.

MARINA D. PETILLO: Experienced Marital/Family Law Attorney is now available as a Parenting Coordinator. For more information, please visit www.etilparentingcoordinationandmediation.com. Also available as a Family Law Mediator and Guardian/Attorney Ad Litem. Reasonable rates for all services. 800 Village Square Crossing, Suite 105, Palm Beach Gardens, FL 33410; (561) 656-2015; mpetilloesq@gmail.com.

OFFICE SPACE

OFFICE SUBLEASE IN CENTURION TOWER: McCabe Rabin, P.A., 1601 Forum Place, West Palm Beach. Includes office, file space and a secretarial station, and access to a high speed copier/scanner, two conference rooms, a full kitchen and internet. \$1,500/month. Call Beth (561) 659-7878.

CITYPLACE EXECUTIVE AND

VIRTUAL OFFICES: Impress clients and colleagues with your office at The Business Center. CityPlace is the perfect place for attorneys to meet clients and conduct business. Whether you need a place to receive your mail and meet clients, or you need a full time office with reception and administrative assistance, TBC is the perfect place for you. Take a tour online www.bcatcp.com or call (561) 714-7861 for more information.

REAL ESTATE/OFFICE SHARING: General practice law firm, located downtown Delray Beach, looking for a Litigation attorney with own practice

to lease executive office including secretarial office, use of conference rooms, photocopiers, fax machines, kitchen, telephone, internet and receptionist. Litigation referrals available. Contact Patti (561) 276-2900.

PROFESSIONAL OFFICE SPACE WEST PALM BEACH FOR SALE OR RENT:

1,000 to 3,000 sq. ft. Private bathrooms/shower. Kitchen. Connecting suites can be re-configured. Private covered balcony overlooking Intracoastal/ Palm Beach. One-half block off Flagler Dr on Butler St. Plenty of free parking. Negotiable move-in incentives. (561) 603-0082.

NPB PROFESSIONAL OFFICE

SPACE FOR LEASE: 1,080 SF Suite; 3 offices, conference room, reception area, kitchen, covered parking. US Hwy 1. Call Jeff (561) 714-0660.

BOCA RATON: One or two private windowed offices with separate secretarial areas in 5 attorney prestigious office. Sanctuary Centre (Yamato Road and Federal Highway). Class "A" office building, close to I-95. Includes covered garage parking, use of office facilities (conference room, kitchen, etc). Contact Steve (561) 367-7785 or sgmatty@aol.com.

HEARSAY

Kenneth Spillias, Managing Shareholder of Lewis, Longman & Walker, P.A., was re-elected as Chairman of the Board of Directors at the Palm Beach County Film & Television Commission on October 3, 2012.

MISCELLANEOUS

OFFICE FURNITURE: Chippendale claw and ball secretary desk in cherry \$750.00; Chippendale claw and ball style guest chairs (2) in hand-carved mahogany circa 1890 \$2500/pair; Bronze and Glass end and coffee tables \$500.00; Themis 4" tall bronze statue - \$500.00; five drawer beige lateral filing cabinet - \$400.00 grglawyer@yahoo.com (561) 499-4428.

PHONE SYSTEM: Previously used by Bar Association's RMFM Program. Call Nancy at (561) 687-2800 for details.



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

1507 Belvedere Road, West Palm Beach, FL 33406

PRESORT STD
US POSTAGE
PAID
WEST PALM BCH FL
PERMIT NO. 66

PAST PRESIDENTS...

M.D. CARMICHAEL*
RICHARD P. ROBBINS*
L.R. BAKER*
HARRY A. JOHNSTON*
GEORGE W. COLEMAN*
H.C. FISHER****
MARSHALL B. WOOD*
E. HARRIS DREW***
B.F. PATY*
JOSEPH S. WHITE*
HENRY P. LILIENTHAL*
MANLEY P. CALDWELL*
WILBUR E. COOK*
W. MURRAY HAMNER*
RICHARD PRESCOTT*
RUSSELL MORROW*
CULVER SMITH*
RAYMOND ALLEY*
C.Y. BYRD*
WILLARD UTLEY*
C.H. ERNEST*

PAUL W. POTTER*
WAREING T. MILLER*
CHARLES B. FULTON*****
J. LEO CHAPMAN*
ELWYN L. MIDDLETON*
H. ELMO ROBINSON*
J. STOCKTON BRYAN, JR.
HAROLD G. MAASS*
ROBERT F. CROMWELL*
CHARLES H. WARWICK III
PHILLIP D. ANDERSON*
FREDERICK C. PRIOR
JAMES C. DOWNEY*
WILLIAM A. FOSTER
ALAN F. BRACKETT*
ROBERT D. TYLANDER*
ROBERT MCK FOSTER*
JOHN M. FARRELL*
H. LAURENCE COOPER, JR.*
JOHN R. DAY*
JOHN L. BURNS*
HARRY JOHNSTON II

GAVIN LETTS*
JAMES S. ROBINSON
CHARLES H. DAMSEL, JR.
EDWARD LEWIS
RAYMOND ROYCE
PETER VAN ANDEL
LARRY KLEIN
THEODORE BABBITT
JOHN FLANIGAN
SIDNEY A. STUBBS, JR.
JOSEPH J. REITER**
JOHN B. McCracken*
DAVID L. ROTH
D. CULVER SMITH III
TIMOTHY W. GASKILL
ARTHUR G. WROBLE
GUY C. HILL
PATRICK J. CASEY
JAMES G. PRESSLY, JR.
PATRICK C. MASSA
STEVEN A. STINSON
CARL M. MATHISON, JR.

ROBERT V. ROMANI*
MICHAEL P. WALSH
JULIEANN ALLISON
MICHAEL A. VISCOMI
CAROL McLEAN BREWER
JERALD S. BEER
JOHN G. WHITE III**
MICHAEL T. KRANZ
EDWARD DOWNEY
SCOTT G. HAWKINS**
AMY L. SMITH
GREGORY W. COLEMAN
LISA S. SMALL
STANLEY D. KLETT, JR.
THEODORE J. LEOPOLD
MANUEL FARACH
MEENU T. SASSER
RICHARD D. SCHULER
MICHELLE SUSKAUER
MICHAEL J. NAPOLEONE
JOHN M. HOWE

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

CALENDAR December 2012

Tuesday, December 4,
8:30am – 9:30am
New Attorney Seminar
Bar Association Office

Tuesday, December 4,
Noon – 1:00pm
**Corporate Counsel
Committee Meeting**
Bar Association Office

Wednesday, December 5 – 7
**Florida Bar Board of
Governors Meeting**
Amelia Island

Wednesday, December 5,
8:45am – 1:15pm
**Bankruptcy Law CLE
Seminar**
Bar Association Office

Thursday, December 6,
5:30pm – 8:00pm
PBCBA Holiday Party
Frenchman's Reserve

Friday, December 7,
Noon – 1:00pm
**Workers Comp.
Committee Meeting**
Bar Association Office

Tuesday, December 11,
11:45am – 1:00pm
**SPBC Bar Assn. Monthly
Membership Meeting**
Boca Country Club

Tuesday, December 11,
Noon – 1:00pm
YLS Board Meeting
Bar Association Office

Wednesday,
December 12 – 13
**YLS Reading is
Fundamental**

Wednesday, December 12,
Noon – 1:30pm
NCS Board Meeting

Wednesday, December 12,
Noon – 1:00pm
**Professionalism
Committee Meeting**
Bar Association Office

Thursday, December 13,
11:45am – 1:00pm
**SPBC FAWL
Holiday Party**

Thursday, December 13,
Noon – 1:00pm
BBC Committee Meeting

Thursday, December 13,
6:00pm – 10:00pm
**SPBC Bar Association
Holiday Party**

Friday, December 14,
8:00am – 2:00pm
Elder Law CLE Seminar
Bar Association Office

Friday, December 14,
Noon – 1:00pm
Law Week Meeting
Bar Association Office

Monday, December 17,
5:00pm – 6:30pm
**PBCBA Board of Directors
Meeting**

Tuesday, December 18,
11:45am – 1:00pm
**Unified Family Practice
Committee Meeting**
Law Library, Main
Courthouse

Tuesday, December 18,
Noon – 1:00pm
CDI Committee Meeting
Bar Association Office

Wednesday, December 19,
Noon – 1:00pm
**Law Related Education
Committee Meeting**
Bar Association Office

Wednesday, December 19,
5:00pm – 7:00pm
YLS Kids Party
Embassy Suites Hotel



The Palm Beach County Bar Association's
Technology Practice Committee Presents:



***"Use of Social Media in Litigation and
How to Discover It"***

**Friday, January 11, 2013 - 11:45a.m. – 1:00p.m.
Bar Association Offices**

NEW LOCATION 1507 Belvedere Road, WPB, FL

Program Schedule

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

12:00 p.m. - 12:05 p.m. **Welcome & Opening Remarks** - *Walter C. Jones, IV, Esq.,
Florida Bar Board Certified Civil Trial Attorney, Freeman & Jones,
Committee Chair*

12:05 p.m. - 1:00 p.m. **Use of Social Media in Litigation and How to Discover It** -
*Spencer T. Kuvin, Esq., Florida Bar Board Certified Civil Trial Attorney,
Cohen & Kuvin, LLC*

SPONSORED BY: *Freeman & Jones, LLC*

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

The **early registration** cost of the seminar is **\$25.00 (includes lunch)** for PBCBA members/paralegals;
\$65.00 for non-PBCBA members/paralegals if registered by **1/4/13**; add \$25 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.

**HOW TO
REGISTER**



BY CHECK
Return this
form



BY CREDIT CARD
For security purposes, you must register
online at www.palmbeachbar.org



**Materials will now be emailed to all
registrants prior to the seminar**

Credit card registration payment not accepted by Fax to comply with PCI regulations.

Name: _____ Telephone #: _____

Address: _____ Email Address: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (1/11/13 Technology.) 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

ETHICS, ADVERTISING & MARKETING

Presented by the Solo & Small Firm Practitioners Committee

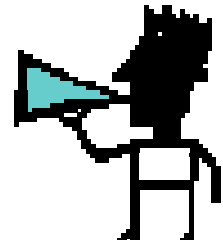
Lunch & Learn Series



Tuesday, January 15, 2013

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

Bar Office



Program Schedule

11:45 a.m. Registration & Lunch

Noon - 1:00 p.m. Presented by Gary S. Lesser, Esq. - Florida Bar Board of Governors

Find out the best ethical ways you can advertise and increase your client base!

Plus, learn the history of attorney advertising regulation in Florida; attorney advertising filing/requirements; and pertinent advertising rules such as Rule 4 –7.

Learn which Ads comply and which ones don't. We'll discuss pending proposed changes to the advertising rules including website, internet issues, social networking and video sharing sites.

Sponsored by:



**First Citizens
Bank**

ROCK
Legal Services & Investigations, Inc.
561.296.7574 • www.rocklegal.com

This course is expected to receive CLER from The Florida Bar. The cost to attend, including lunch, is just \$10.00 for PBCBA members; attorneys who are not PBCBA members are welcome for \$20.00; add \$5.00 if registered after 5:00 p.m. on 1/11/13.

**HOW TO
REGISTER**



BY CHECK
Return this
form



BY CREDIT CARD

For security purposes, you must register
online at www.palmbeachbar.org

Name: _____

Telephone: _____ Email: _____

Address: _____

The Palm Beach County Bar Association's Real Estate CLE Committee presents:



"Closing Real Estate Transactions in the Year 2013 – From Start to Finish"

Friday, January 25, 2013 - 8:00a.m. - 12:15p.m.

Bar Association Offices

Program Schedule



- 8:00am - 8:20am **Late Registration/Check In**
- 8:20am - 8:30am **Welcome and Opening Remarks** - *Gregory R. Cohen, Esq., Cohen, Norris, Wolmer, Ray, Telepman & Cohen, Board Certified Real Estate Attorney, Real Estate Committee Chairperson*
- 8:30am - 9:30am **FR/BAR Contract Revisions Update** - *Gary J. Nagle, Esq.*
- 9:30am - 10:30am **Panel Discussion on Contract Problems, Including Short Sales, Ethical Issues and Foreclosure Problems** - *Jeffrey P. Zane, Esq., Jeffrey P. Zane, P.A.; Sandra Wallace, Esq.; and Gregory R. Cohen, Esq., Cohen, Norris, Wolmer, Ray, Telepman & Cohen, Board Certified Real Estate Attorney*
- 10:30am - 10:45am **BREAK**
- 10:45am - 11:45am **Ethical Coordination of the Real Estate Closing** – *Alberto C. Gomez-Vidal, Esq., Fidelity National Title Group, Miami*
- 11:45am - 12:15pm **Fraud and CyberCrime: Maintaining the "Trust" in your Trust account** – *Katherine G. Stevens, Esq., Fidelity National Title Group, Board Certified Real Estate Attorney*

SPONSORED BY:



**This course has been granted 4.0 CLER including 2.5 Ethics credits;
4.0 Real Estate Certification credits from the Florida Bar.**

Early registration cost for the seminar is \$135 for PBCBA members/paralegals, \$175 for non-PBCBA members/paralegals if registered by 1/18/13; Add \$25 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.

HOW TO REGISTER



BY CHECK
Return this
form



BY CREDIT CARD
For security purposes, your must register
online at www.palmbeachbar.org



**Materials will now be emailed to all
registrants prior to the seminar**

Credit card registration payment not accepted by Fax to comply with PCI regulations.

Name: _____ Telephone #: _____

Address: _____ Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (1/25/13R/E) 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. Telephone: (561) 687-2800



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

Here Today. More Tomorrow?

Lunch and Learn

Featuring: John N. Raudabaugh, Esq.

January 18, 2013 - 11:30 a.m. – 1:00 p.m.

Bar Offices – *New Location:* 1507 Belvedere Road, West Palm Beach, FL 33406

SPONSORED BY:



Program Schedule

11:30 am - 11:55 am	Late Registration / Lunch
11:55 am - 12:00 pm	Welcome and Opening Remarks - <i>Christine D. Hanley, Esq., Christine D. Hanley & Associates, P.A., Employment and Labor Law CLE Committee Chair</i>
12:00 pm - 1:00pm	Here Today. More Tomorrow? - <i>John N. Raudabaugh, Esq., Reed Larson Professor of Labor Law, Ave Maria School of Law</i>

The impact of *social media* on ODL (our daily lives) is morphing faster than the speed of light. No longer reserved to geeks and precocious children – mothers, fathers, grandparents and *employees* are e-mailing, texting and tweeting as fast as their thumbs can travel across the keyboard. *Employers* are scrambling to sort out the positive impacts from the rest and to institute policies and practices designed to safeguard both their *products* and their *workplaces* from the consequences of bad-media-gone-viral. And, in the middle of this electronic soup is an undulating “cosmic string” – the National Labor Relations Board – that seems to be decrying these policies and practices as violating the National Labor Relations Act as quick as a virtual wink. Who can keep up?

John N. Raudabaugh, Reed Larson Professor of Labor Law, Ave Maria School of Law, and former member of the National Labor Relations Board (“NLRB”), will bring us current on the NLRB’s take on *social media* and other of their current pursuits. More specifically, Professor Raudabaugh will develop the *Today* of the NLRB on employers and employees in the context of the NLRB’s membership, their review of employment policies and employee handbook language, their impact on social media policies (as well as a look at social media litigation), the extent of micro-unit based Regional Director Decisions in election cases and, the *Tomorrow* with a look at what the NLRB may attempt in 2013.

In addition to his current appointment at Ave Maria School of Law, Professor Raudabaugh also serves as Attorney to the National Right to Work Legal Defense Foundation. He has testified before the U.S. Senate and House Committees and Party Conferences regarding labor law reform, advised Congressional staff regarding labor law matters, and represented policymakers and trade associations in amici filings regarding significant labor law policy issues before the NLRB

This course is expected to receive **1.0 CLER / Certification credits are pending from the Florida Bar.**

Enjoy an “**Early Bird**” discounted registration cost of **\$25** for PBCBA members/paralegals registered by **1/11/13** (\$65 for non-PBCBA members/paralegals). After **1/11/13**, cost of \$40 applies for PBCBA members/paralegals (\$80 for non-PBCBA members/paralegals).

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.

HOW TO REGISTER

BY CHECK
Return this form

BY CREDIT CARD
For security purposes, you must register online at www.palmbeachbar.org



Materials will now be emailed to all registrants prior to the seminar

Credit card registration payment not accepted by Fax to comply with PCI regulations.

Name: _____ Telephone #: _____

Address: _____ Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (1/18/13 Employ. Law.) 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



IN NEED OF CLER CREDIT? WE CAN HELP!

11.5.12

The Palm Beach County Bar Association (PBCBA) offers CLE hours from the sale of audio CD's recorded at previously held live seminars of the Association. We also have copies of audio CD's of live seminars from the Orange Co. Bar Assoc. (OCBA), Clearwater Bar Assoc.(CBA), Hillsborough Co. Bar Assoc.(HCBA), and the Dade Co. Bar Assoc.(DCBA). Members and non-members alike can benefit from this simple way of acquiring CLE and Ethics hours. To order, place an "x" next to the tapes you would like to order, complete this form and return to the Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406 or **fax to 561/687-9007**. **PLEASE WATCH EXPIRATION DATES**, we attempt to remove expired CD's but due to the distribution of this list occasionally courses will appear even though they have expired.

THIS IS A PARTIAL LIST OF AVAILABLE CLE'S

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

✓	Sponsor	Course Title	Credit Gen'l	Ethics Hours	PBCBA Member	Non Member	Expires
	PBCBA	22 nd Annual Community Assn. Law+++3.5 R/E Cert. credits	3.5	3.5	\$125	\$165	12/10/12
	PBCBA	Intellectual Property Issues that Affect Client +++1.5 Intel. Prop Certification	1.5	1.5	\$60	\$100	03/28/13
	PBCBA	Tips from the Pros (Bankruptcy)	3.5	.5	\$95	\$135	04/05/13
	PBCBA	Collaborative Practice+++3.0 Marital & Family Law Cert. credits	4.0	.5	\$110	\$140	04/21/13
	PBCBA	Inside the Appellate Court +++3.0 Appellate	5.5		\$125	\$165	05/03/13
	PBCBA	14 th Annual Elder Law Update+++4.5 Elder Law; 1.0 Wills, Trusts, Estates; 1.0 Tax	6.0	1.0	\$165	\$205	06/16/13
	PBCBA	29 th Annual Estate Probate Seminar Part 1+++3.0 Elder Law Cert. / 3.0 Wills Trusts Estates Cert.	4.0		\$100	\$140	07/25/13
	PBCBA	ADR in 2012+++6.0 Civil Trial Cert. / 6.0 Marital & Fam Law Cert.	8.0	2.5	\$225	\$265	08/13/13
	PBCBA	Proving and Defending Against Damage Claims+++1.0 Civil Trial	1.0		\$25	\$65	09/01/13
	PBCBA	Securities Litigation Update 2011+++3.0 Bus Lit	4.0	.50	\$110	\$150	09/12/13
	PBCBA	Case Study in Fee Shifting Issues+++1.0 Business Lit. Cert.	1.0		\$25	\$65	10/04/13
	PBCBA	Cross Examining a Delay Expert+++2.0 Construction Cert. Credit	2.0		\$50	\$90	10/23/13
	PBCBA	Current State of Medicare and Medicaid Set-Asides(PI) +++2.5 Elder Law Cert.	3.5	.50	\$95	\$135	10/25/13
	PBCBA	29 th Annual Estate Probate Seminar Part 2+++3.5 Elder Law; 3.5 Wills Trusts & Estates Cert.	4.5	1.0	\$125	\$165	11/16/13
	PBCBA	Practicing Bankruptcy at a Higher Level	7.0		\$175	\$215	11/21/13

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

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

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

PLEASE ALLOW SEVEN (7) BUSINESS DAYS PREPARATION TIME WHEN ORDERING TAPES. THERE WILL BE A \$25 FEE FOR RUSH ORDERS. NEW MEMBERS MAY JOIN THE PBCBA FOR \$100. APPLICATIONS FOR MEMBERSHIP, OR RENEWAL, CAN BE OBTAINED ON OUR WEBSITE AT www.palmbeachbar.org.

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

ORDER INFORMATION: Orders can be faxed to (561) 687-9007

Name: _____ Firm Name: _____

Street Address (no P.O.Boxes): _____

City _____ State _____ Zip _____ ☐ PBCBA Member ☐ Non-PBCBA Member

Telephone: _____ Email Address: _____

☐ Add \$25 for rush fee (order processed w/in 3 business days) ☐ Please call when order is ready to be picked up

☐ Please mail (add \$10.00 for shipping and handling) (**payment must be received before items will be mailed or picked up**)

PAYMENT INFORMATION:

Payment Enclosed: Check # _____ Amount: \$ _____

Order Subtotal: \$ _____

If payment by credit card: please contact Kathy Clark at the Bar Office (561) 687-2800

Shipping/Handling: + \$10.00

Rush Fee: + \$25.00

Total Due: \$ _____

**NOTE: THE PURCHASE OF EACH CD IS VALID FOR INDIVIDUAL USE ONLY.
 DEFECTIVE RECORDINGS WILL BE REPLACED ONLY IF RETURNED WITHIN 30 CALENDAR DAYS FROM INVOICE DATE.**



"Mediation and Arbitration 2013—The New Reality"

Monday, February 11, 2013 - 8:00a.m. – 5:00p.m.

Bar Association Offices

NEW ADDRESS: 1507 Belvedere Road, WPB

Program Schedule



8:00a.m. – 8:30a.m.	Late Registration/Check In
8:30a.m. – 8:40a.m.	Welcome & Opening Remarks - <i>Amber E. B. McMichael, Esq., Clarfield, Okon, Salomone & Pincus, PL, Certified Circuit Civil, Appellate and Family Mediator, Committee Chair</i>
8:40a.m. – 9:20a.m.	Preparing Your Client and Yourself for Mediation - <i>Kenneth D. Stern, Esq., Kenneth D. Stern, P.A., Certified Circuit Civil and Family Mediator</i>
9:20a.m. – 10:20a.m.	Practitioners: Three Things You Need to Know About Arbitration - <i>Donna Greenspan Soloman, Esq., Certified Circuit Civil, Appellate and Family Mediator; Florida Supreme Court Qualified Arbitrator</i>
10:20a.m. – 10:30a.m.	BREAK
10:30a.m. – 11:30a.m.	Interactive Discussions of Ethics, Diversity and Domestic Violence Issues in Mediation - <i>Kim Nutter, Esq., Brinkley Morgan, Certified Family and Appellate Mediator and Amy S. Wolsky, Esq., Certified Circuit Civil, Family, Appellate and County Mediator</i>
11:30a.m. – 12:00p.m.	Ethics and Professionalism: A Cut Above the Ordinary - <i>Representative from the Professionalism Committee of the Palm Beach County Bar Association</i>
12:00p.m. – 12:30p.m.	Civility in Mediation and Mediators Duty to Set and Keep Tone of Proceedings - <i>Michael D. Mopsick, Esq., Buckingham Doolittle & Burroughs LLP, Certified Circuit Civil Mediator</i>
12:30p.m. -- 1:30p.m.	LUNCH Sponsored by Matrix Mediation, LLC
1:30p.m. – 2:20p.m.	Marketing Mediation Effectively - <i>Rodney G. Romano, Esq., Matrix Mediation, LLC, Certified Circuit Civil Mediator</i>
2:20p.m. – 3:20p.m.	Legal Issues of the LGBT Community: An Overview for Mediators - <i>Elizabeth F. Schwartz, Esq., Certified Family Mediator</i>
3:20p.m. – 3:30p.m.	BREAK
3:30p.m. – 4:20p.m.	ADR Ethics: Recent Case Law and MEAC Update - <i>W. Jay Hunston, Jr., Esq., W. Jay Hunston, Jr., P.A., Certified Circuit Civil and Family Mediator, Board Certified Civil Trial Lawyer Emeritus</i>
4:20p.m. – 5:00p.m.	Ethical Dilemmas in Dispute Resolution Practice - <i>Panel Discussion with Seminar Speakers</i>




SPONSORED BY: Matrix Mediation, LLC

Course is expected to receive **8.0 CLER** including **4.5 Ethics credits** / Certification credits are pending from the Florida Bar.

Early registration cost is \$245 for PBCBA members/paralegals; \$285 for non-PBCBA members/paralegals if registered by 2/4/13; add \$25 late fee after that date. **All refund requests must be made no later than 48 hours prior to the date of the seminar.**

"This course is eligible for up to 8.0 CME hours including 4.5 Ethics credit; Diversity and Domestic Violence credits are pending. Mediators are required to self report those hours applicable to their areas of certification at the time of their renewal. For more info on the CME requirement, visit, www.flcourts.org, select Alternative Dispute Resolution/Mediation."

____ 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.

HOW TO REGISTER	 BY CHECK Return this form	 BY CREDIT CARD For security purposes, you must register online at www.palmbeachbar.org	 CLE	Materials will now be emailed to all registrants prior to the seminar
------------------------	---	--	--	--

Credit card registration payment not accepted by Fax to comply with PCI regulations.

Name: _____ Telephone #: _____

Address: _____ Email Address: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (2/11/13 ADR) 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 Workers' Compensation Committee Presents:

"The First Annual Workers' Compensation Seminar"

Friday, February 1, 2013 - 11:55a.m. - 5:30p.m.

Bar Association Offices - NEW ADDRESS - 1507 Belvedere Road, WPB, FL 33406

Program Schedule

- 11:55a.m. - 12:25p.m. **Late Registration / Check In / LUNCH**
- 12:25p.m. - 12:30p.m. **Welcome & Opening Remarks** - *Nicole Hessen, Esq., Wender, Hedler & Hessen, P.A., Workers' Compensation Committee Chairperson*
- 12:30p.m. - 1:00p.m. **Ethics and Professionalism: A Cut above the Ordinary:** - *Ronald P. Ponzoli, Jr., Esq., Richman Greer, P.A., and Anthony E. Forte, Esq., Wyland & Tadros, LLP*
- 1:00p.m. - 1:30p.m. **Everything you ever wanted to know about X Stop and Kyphoplasty, the next wave of minimally invasive treatment for the spine.**
Presented by Louis J. Raso, M.D. Dr. Raso specializes in Interventional Pain Management and holds double-board certifications in Pain Management and Anesthesiology. Legal discussion directed by Kenneth B. Schwartz, Esq., Kenneth B. Schwartz, P.A.
- 1:30p.m. - 2:30p.m. **Practical Considerations and Discovery Practices when dealing with PEO's.**
A Panel discussion presented by: Jane-Robin Wender, Esq., Wender & Associates, P.A.; Daniel J. Simpson, Esq.; Brian S. Fischer, Esq., Brian S. Fischer P.L.; and Greg D'Ambrosio
- 2:30p.m. - 3:30p.m. **Compelling Attorney Fee Motions Under Rule 60Q-6.107(4)/6.124(4): Perspectives from the Claimant and Carrier bars.** *Presented by: Marc Golden, Esq., Rosenthal, Levy, Simon & Ryles, P.A., and Gerald K. McKim, Esq., Wyland & Tadros, LLP*
- 3:30p.m. - 4:00p.m. **Q & A Session with Palm Beach County JCC's and comments from the Bench:**
Honorable Timothy M. Basquill, Honorable Mary A. D'Ambrosio and Honorable Shelley M. Punancy. Please e-mail questions for the Judges in advance to Nicole Hessen at Nicole@InjuredWorkersOnly.Com
- 4:00p.m. - 4:30p.m. **An Overview of the Reverse Shoulder Replacement.** *Presented by Dr. Howard Routman, Orthopedic Surgeon at Atlantis Orthopedics. Legal discussion directed by Kurt A. Wyland, Esq., Wyland & Tadros, LLP*
- 4:30p.m. - 5:30p.m. **Cocktail Reception & Presentation of the Kennie Edwards Award**

SPONSORED BY: Conroy, Simberg, Ganon, Krevans & Abel, P.A.; Gordon & Doner, P.A.; IWP; Law Offices of Franks, Koenig & Neuwelt; Rosenthal, Levy, Simon & Ryles, P.A.; Silver, Bass & Brams, P.A.; Waterman and Wolfe, P.A.; Wender, Hedler & Hessen, P.A.; Wyland & Tadros, LLP

Course is expected to receive **5.0 CLER incl. .50 Ethics / 5.0 Worker's Comp. Cert. credits from the Florida Bar.**

The **early registration** cost of the seminar, lunch included, is **\$115 PBCBA Attorneys/Paralegals; \$155 Non-PBCBA Attorneys/Paralegals. Add \$15 late fee after 1/25/13.**

All refund requests must be made in writing 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.

HOW TO REGISTER



BY CHECK
Return this form



BY CREDIT CARD
For security purposes, you must register online at www.palmbeachbar.org



Materials will now be emailed to all registrants prior to the seminar

Credit card registration payment not accepted by Fax to comply with PCI regulations

Name: _____

Telephone: _____

Address: _____

City/Zip _____

Email Address: _____

___ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Worker's Comp. 2/1/13)) 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