

PALM BEACH COUNTY BAR ASSOCIATION

BULLEAIN

www.palmbeachbar.org

July/August 2006



Mark your calendar for upcoming Membership Meetings

Fourth Annual Spelling Bee/ Membership Happy Hour

President Country Club August 10, 5:30 p.m.

Judicial Candidate Forum

Crowne Plaza Hotel August 22, 11:45 a.m.

Bench Bar Conference

PB County Convention Center October 27, 12 - 5:30 p.m.

Annual Bar, NCS and YLS Holiday Party

BallenIsles Country Club December 7, 5:30 p.m.

Membership Luncheon with guest speaker U.S. Supreme Court Justice Samuel Alito

Cohen Pavilion at the Kravis Center January 26, 11:45 a.m.

Membership Luncheon with guest speaker U.S. Supreme Court Clerk William Suter

Crowne Plaza Hotel February 13, 11:45 a.m.

Joint Membership Luncheon with South County Bar with guest speaker Florida Bar President Hank Coxe

Delray Beach Country Club March 20, 11:45 a.m.

Annual Law Week Judicial Reception the Harriet at City Place

April 25, 5:30 p.m.

Annual Law Day Luncheon

May 4 (tentative date) 11:45 a.m.

The Board of Directors for 2006-2007 were recently sworn into office during the Association's Annual Installation Banquet, which was held at The Breakers Hotel in Palm Beach.



Front left to right: Denise Rappaport Isaacs, South County Bar President; Richard Schuler, Director; Michelle Suskauer, **Director; Supreme Court Justice** Harry Lee Anstead administered the Oath of Office: Manuel Farach, President; Meenu Sasser, President-Elect; and Michael Napoleone, Director. Back from left to right: Wade Bowden, Director; Scott Murray, Director; Theodore Leopold, **Immediate Past President:** Andrew Pineiro, North County Section President; and Bryan Poulton, Director. (not pictured **Grier Pressly III, Young Lawyers** Section President)

Judicial Candidate Forum set for lunch August 22

You're invited to attend our first membership luncheon of the year, which will be held on Tuesday, August 22 from 11:45 to 1:00 at the Crowne Plaza Hotel in West Palm Beach. Programming includes a special Judicial Forum featuring candidates running for three of the local races.

Candidates running for the 15th circuit seat are Jerald Beer, David French, Ken Lemoine and incumbent Judge Art Wroble. Candidates running for Judge Bollinger's vacant county court position are Ted Booras and Jane Sullivan. (At the time of this printing in June, the qualification period had not opened and candidates running for the newly created county court seat had not been announced)

Lunch is just \$20. RSVP's can be made on line at www.palmbeachbar.org.

This event, which is open to the public, has been graciously sponsored by Searcy Denney Scarola Barnhart & Shipley; Pankauski Law Firm – Probate & Investment Litigation, Regent Bank and the Hanley Center.

Pictured above are President Manny Farach, Liz Quirantes from WPEC News 12 who will moderate the forum and President-elect Meenu Sasser.



Inside		Legal Aid North County Section	12 13
President's Message	3	New Members	14
Historical Committee	4	Attorneys vs. Judges	14
Technology	5	Florida Board of Governors	16
Personal Injury Corner	7	Professionalism	17
Annual Installation Banquet	8	Young Lawyers Section	19
Bankruptcy	11	Bulletin Board	21

BULLE-T-IN

PALM BEACH COUNTY BAR ASSOCIATION

Manuel Farach

President

www.palmbeachbar.org

PATIENCE A. BURNS, CAE

Executive Director

Officers

Manuel Farach, *President* Meenu Sasser, *President-elect*

Directors

C. Wade Bowden Scott C. Murray Michael J. Napoleone Bryan Poulton Richard D. Schuler Michelle R. Suskauer

James G. Pressly III, Young Lawyers Section President Andrew A. Pineiro, North County Section President Denise Isaacs, South County Bar President Theodore J. Leopold, Immediate Past President

FL Bar Board of Governors Representatives

Gregory W. Coleman Scott G. Hawkins Lisa S. Small John G. White III

FL Bar Young Lawyers Division Board of Governors

C. Wade Bowden Ronald P. Ponzoli, Jr. Elisha D. Roy

1601 Belvedere Road, Suite 302E West Palm Beach, FL 33406

(561) 687-2800 FAX (561) 687-9007 e-mail info@palmbeachbar.org.

Advertising Information: Shoshanah 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 PBCBA is to foster professionalism, serve its members, and enhance public access to the legal system through education and service.

LETTERS TO THE EDITOR

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

be signed, but names will be withheld upon request. The editor reserves right to condense.

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

Florida Bar Foundation Creates "Kids Deserve Justice" Florida Specialty License Plate



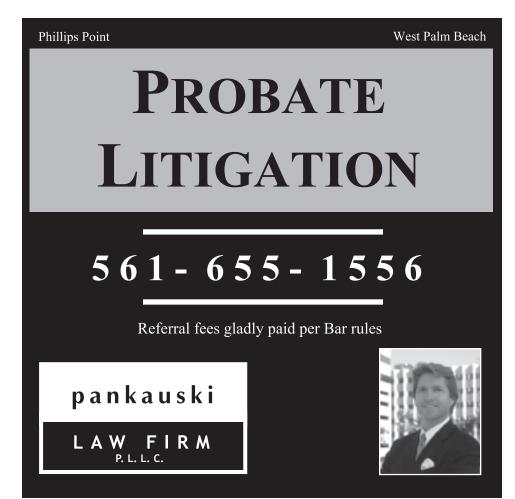
The Kids Deserve Justice specialty license plate funds free legal services to low-income children in Florida, helping them reach their full potential. Examples include legal representation for abused and neglected children, legal help for children transitioning out of foster care or legal assistance for children needing special education testing or access to health care.

The legal services are provided by not-for-profit organizations, including local legal aid societies and volunteer attorneys. The funds can also be used to work with the courts and other groups to improve how the broader justice system serves the needs of Florida's most vulnerable residents.

Every dollar of the Kids Deserve Justice specialty license plate fee of \$25.00 will fund children's legal services. No administrative costs will be deducted by The Florida Bar Foundation. For more information, please visit www.flabarfndn.org or call 800-541-2195 ext. 104.

Bar seeking old photos?

The Bar Association's Historical Committee is seeking old photos – either of local attorneys, the old courthouse or anything relating to the history of the practice of law in Palm Beach County. If you or someone you know has some old photos that you could share with us, please send them to Patience Burns at the Bar Office (address on back cover). Please let us know if you need them returned and we will be happy to send it back.



President's Message



Community

By Manuel Farach, President

A lawyer is many things. A lawyer is a person who has a deep respect for the institutions of the law, and a person of

deep integrity. Lawyers are committed to justice, are courageous while remaining ethical, and - knowing the price of fighting other people's wars - are more often than not persons of faith. All lawyers, even the youngest members of our profession, engage in mentoring. And not least of their qualities, lawyers are active members of their communities.

On August 10th we will welcome you back from summer with the Annual Lawyer Spelling Bee. The Bee is organized by the Lawyers for Literacy Committee, one of the almost two dozen public service projects the Palm Beach County Bar Association organizes or helps organize. Among its other activities, the Bar sponsors Holidays in January for underprivileged children, Easter and Passover parties for children in pediatric cancer wards, a Minority Internship Program, blood drives, and guardianship education. And these programs don't even begin to count the hours and dollars individual lawyers contribute to the community.

A friend who joined the Bench some years ago remarked to me that being a judge was the last noble profession. I disagree. I walk into my office every day proud to be a lawyer, in no small part due to a Bar which not only creates a thriving legal community but also gives back to all of Palm Beach County. I hope you feel as proud as I do, and ask you join me over the coming year in celebrating what may well be the last two great professions.

Mr. Farach's e-mail address is mfarach@rmlawyer.com.



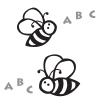
FOR SALE! 2,500± SQ. FT. DOWNTOWN STUART

- 2 Blocks from Courthouse
- Professional Office Location
- Recently Renovated
- \$795,000.00



Cocktail Reception & Spelling Bee set for August 10

Make plans now to attend our Summer Happy Hour on Thursday, August 10 from 5:30 to 7:30 at the President Country Club in West Palm Beach. The cost to attend is just \$10.00 and includes heavy hors d'oeuvres and cocktails. Judges are complimentary; and non-PBCBA attorneys are welcome for \$20.00.





Thanks to the President Country Club and to Regent Bank, one hundred percent of the proceeds from this event will benefit local literacy efforts through our Lawyers for Literacy Committee.

You can register for the event on-line at www.palmbeachbar.org.



Stephen M. Lewen, Esq.

26 Years Representing the Injured and Disabled in Palm Beach, Martin, St. Lucie, Okeechobee and Indian River Counties

> (772) 288-1300 (888) 784-6724

Certified Circuit Court Mediator

Judicial Luncheon Series

The Judicial Luncheon Series had their last luncheon in May and will start back up again in the fall.



Pictured at right are Sean Domnick, Greg Barnhart, Chris Searcy, Judge Tom Barkdull and Judge Amy Smith Pictured at left are: Mariano Garcia, Kara Rockenbach, Adam Rabin, Sandra Rodriguez-Hickman and Joe lanno





Who are they?

In continuing with a project started by the Historical Committee, we will continue to run old photos of some of our members. Can you guess who they are?

Answers on page 9











Minutes of the Junior Bar Section September 1963

Of the 152nd regular meeting of the Junior Bar Section of the Palm Beach County Bar Association. There were 28 members and guests.

Harry Chauncey introduced John Flanagan as his guest and Harry Johnston introduced his brother, Howard Johnston

Bill Jackson proposed Thomas J. Schwartz for membership and James Stewart proposed Bill Pfaffenberger for membership. All those present voted in favor of accepting them for membership subject to payment of dues.

Gavin Letts failed to recognize the presence of Judge White.

In total disregard for Roberts Rules of Order, the Minutes of the previous meeting were read and approved.

Gavin Letts failed to recognize Judge White, but did note the absence of some 12 highball glasses which apparently were taken from the cocktail party.

Gavin Letts recognized the speaker and after much "coattail tugging" paid him a long standing debt.



Pictured to the left are Harry A. Johnston and Harry Johnston II at the younger Harry's Bar installation as president on November 18, 1967. The senior Johnston served as Bar president exactly 40 years earlier from 1927-28.

President Letts failed to recognize Judge White and turned the meeting over to the Vice President to introduce the speaker. The President noted receipt of correspondence from the Junior Bar conference inviting us to send delegates to their meeting in Chicago on August 8, through August 13, 1963. The Vice President thereupon introduced the speaker, James D. Carlton. The speaker recognized Judge White.

The speaker explained the various areas in which the non-medical expert

witness could assist the lawyer in the preparation and presentation of numerous cases. He also stressed the necessity for extensive preparation of the witness and for clear presentation of the testimony.

There being no further business to come before the meeting, it thereupon adjourned.

Respectfully submitted,

Edward D. Lewis Secretary



First American Title Insurance Company

PARTNERING WITH OUR AGENTS





Kitty Stevens, Esq. Plant Manager and **Underwriting Counsel** kgstevens@firstam.com

Alice Meade Account Executive Underwriter ameade@firstam.com

Proudly serving title and attorney agents from Monroe to St. Lucie Counties

and

701 Northpoint Parkway, Suite 100 • West Palm Beach, FL 33407 Tel: (561) 712-7808 Fax: (561) 640-0432

www.firstam.com

Bulletin Page 4

What We Can All Learn From Dell

By Bard Rockenbach, Chairman, Technology Committee

Michael Dell must be in a Top 10 list somewhere. In the early years of computers, he started a company which took advantage of the steady price decreases in computer components. By building computers to order, he was able to only purchase the parts he needed when he needed them and at prices which seemed to get lower every month. He did not buy a large inventory of parts, nor did he store a large inventory of finished product. In the fast-changing world of personal computers, he was able to offer the newest technology at the lowest prices. Dell was founded on the idea that customer service was king, and delivered better service directly to customers. In fact, it was the lack of customer service that led to the creation of a direct-to-the-customer company like Dell. So, with everything going well for Dell Computer, why has the price of Dell stock dropped nearly 50% since December 2004?

In short, Dell Computer lost sight of the most important part of any business – customer service. It is a lesson that applies to lawyers the same as it applies to technology companies. Good customer service is why customers are willing to pay more and why customers come back. Bad customer service is why customers stop calling.

I should start with some confessions. First, I am writing this article on my Dell notebook computer. Second, my firm just bought another Dell notebook. Third, my family and friends own Dell notebook computers. And while I have had my own negative experiences with Dell customer service, that experience was not the impetus for this article. The impetus was the recent financial disclosures of bad times emanating from Dell, and its insistence that customer service problems have played no part in the poor performance. As is sometimes said, "Methinks he doth protest too much."

Let me give you some of the factual basis for my conclusion. As near as I can tell, this saga began in early 2002. Consumer Reports published the results of its computer survey in the March 2004 issue which showed that while Dell was still ahead of other PC manufacturers, its customer satisfaction score dropped from 64/100 in 2003 to 62/100 in 2004. By contrast, Dell scored 74/100 in the 2001 survey. This steady decline in customer satisfaction was verified by other surveys. In a February 20, 2004 article in CNET News.com, John G. Spooner chronicled the customer service complaints. While the anecdotal evidence of customer service problems built, executives at Dell continued to profess ignorance of any customer service problem. This was after the company admitted in November 2003 that there were complaints about customer service and took steps to switch calls on the Latitude and Optiplex lines back to the United States from the new customer service call center in India. Customers were complaining that the language barrier with Indian service representatives resulted in poor service. Nevertheless, Dell professed that it would not abandon its plan to increase employment of customer service in India.

My own experience with Dell mirrored the complaints nationwide. I received a telephone message from Dell after I placed an order for printer cartridges. I returned the call promptly, and spent the next 90 minutes being passed from person to person, being disconnected and told to call other numbers, before finally finding someone who knew why they wanted me to call them about my order. It was laughable. I have no idea where I was routed, and could have easily been speaking with employees in several countries. I can't imagine how much Dell spent on the 15-20 employees I spoke with to handle a problem on a \$50.00 order

Continued on page 11

EXCLUSIVE REPRESENTATION OF THE DISABLED



From initial claims to Federal Court actions – we can help.

Chris R. Borgia, Esquire 561-683-0152

or for more information visit www.SocialSecurityDisabilityLaw.net



SETH HONOWITZ

Mobile: (561) 262-0726 Office: (561) 627-5100

E-mail: Seth@Leibowitzrealty.com www.leibowitzrealty.com

LEIBOWITZ REALTY GROUP

Providing professional and personal service to fellow members of the Palm Beach County Bar in communities such as

Mirasol, Frenchman's Reserve, BallenIsles, PGA National, Eastpointe Country Club, Mirabella & other fine communities.

817 Donald Ross Rd., Juno Beach, FL 33408 210 Brazilian Ave., Palm Beach, FL 33480

Now I have time for my other important job.



With FindLaw® on my side, I have:

- [] time to give back
- [] four new cases last month directly from our Web site
- [] time to judge a school-wide art contest
- [] received two referrals from one e-newsletter

[] all of the above

"Our Web site has freed me to pursue my other passion – I helped start the Hope Rural School 25 years ago. Because our firm's Web site has done so well – it gets 2,000 page views a month and helps position us as the preeminent leader for implanted heart device issues – I spend less time finding new business. And have more time to build Hope." To see more of Ed Ricci's story, or to learn how FindLaw can help you gain new clients, go to LawyerMarketing.com/CM/Clients/Ricci.asp, or call 1-866-44FINDLAW (1-866-443-4635).

© 2006 West, a Thomson business L-320711/2-06



THOMSON

+
FINDLAW

Personal Injury Corner



Amendment 7 — Let the Sun Shine

by Ted Babbitt

Until the passage of Amendment 7, the misdeeds of Florida's hospitals and physicians have been shrouded in secrecy. Florida's Legislature long ago gave patients a right of action under Fla. Stat. 766.110 for the negligent credentialing, retaining or supervising of physicians but actions brought under that statute were virtually impossible to prosecute because of the restrictions imposed by the Legislature to access to information kept by the hospitals in their credentials committees, risk management committees, peer review committees, medical review committees or quality assurance committees. Florida Statutes 395.0193(8) and 766.101(5) exempted all records of any investigations, proceedings, or the internal records of peer review panels from discovery. The interpretation of those statutes by the Courts have been extremely restrictive. See, e.g., Cruger v. Love, 599 So. 2d 111, 114 (Fla. 1992) and Holly v. Auld, 450 So. 2d 217 (Fla. 1984). In Holly, supra, at Page 220, the Supreme Court required the protection of privileged documents while recognizing that doing so impinged on the rights of civil litigants to discovery which might well be essential to their causes of action.

Proponents of access to adverse incident information about hospitals and doctors are fond of saying that sunshine is the best antiseptic to poor medical care. Common sense dictates that widely disseminated information about physician and hospital misdeeds would dissuade patients from seeking medical care from those health care providers. In New York when adverse information concerning cardiologists was released to the public, subsequent incidents of morbidity and mortality were drastically curtailed.

Attempts to open the door of secrecy through statutory enactment have consistently failed. In the general election of November, 2004, voters overwhelming approved Amendment 7, "The Patient's Right to Know" Amendment. That passage resulted in the Legislature creating Fla. Stat. 381.028 which purported to "implement" the amendment. The combination of the constitutional amendment and the statute spawned innumerable circuit court interpretations. Two District Courts have now joined the fray over the interpretation of the amendment and the statute.

In Notami Hospital of Florida, Inc. v. Bowen, 31 Fla. L. Weekly D1110 (Fla. 1st DCA, April 21, 2006), the First District concluded that Fla. Stat. 381.028 unconstitutionally restricted rights contained within Amendment 7 which is now codified as Article X, Section 25. The First District held that Amendment 7 should be retroactively applied to incidents and records which predated its passage because there was no vested right in maintaining confidentiality in adverse medical incidents. The First District also held that Amendment 7 was self-executing.

In Florida Hospital Waterman, Inc. v Buster, 31 Fla. L. Weekly D763 (Fla. 5th DCA, March 10, 2006), the Fifth District joined the First District in holding Fla. Stat. 381.028 impermissibly unconstitutional and concluded that Amendment 7 was self-executing. The Fifth District, however, drew an opposite conclusion from the First District on the issue of retroactivity, concluding that retroactive application of the amendment would be unconstitutional because it would interfere with the vested right of health care providers to the confidentiality of information generated through the self-evaluative process.

Continued on page 20

Circuit Court Report CIVIL DIVISIONS • May 2006

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
A	11/06	11/06	07/06	1234
В	12/06	09/06	07/06	1284
D	05/07	12/06	07/06	1469
\mathbf{E}	10/06	08/06	09/06	1469
\mathbf{F}	06/06	06/06	06/06	1250
G	10/06	10/06	06/06	1039
H	01/07	01/07	06/06	1338
I	09/06	09/06	08/06	1240
J	10/06	10/06	07/06	1395
N	12/06	09/06	08/06	1401
0	10/06	10/06	07/06	1521

All Civil Division Judges schedule their own Jury and Non-Jury Trials. Pending cases as of 06/01/06

Death • Divorce • Estate Planning Guardianship • Bankruptcy • Taxation

APPRAISALS

Residential & Commercial Real Estate
Home Furniture and Furnishings
Art, Antiques, Jewelry
Professional & Trade Fixtures
Business Machinery & Equipment

Allied Appraisal Services

929 SE First Street Pompano Beach, FL 33060

"One Call Does It All"

Tel. (800) 273-4623 • (954) 782-3130 Fax (954) 942-7678

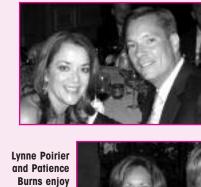
Highlights from this year's Annual Installation Banquet



Richard Schuler, Judge Jeffrey Colbath, Juliana Blanc, Maryann Colbath, Judge Peter Blanc and Judge Art Wroble



Roslyn & Ted Leopold



Manny's cigars!

This year's banquet included a Latin flavor in honor of the Bar's first Hispanic president featuring "Manny's Mojito & Cigar Bar"

Judges Krista and Joe Marx



Scott and Michelle Suskauer and Ansley and Wade Bowden



Ellen & Skip Smith



Tammy & Jorge Anton and Lynn Whitfield



Judge Jorge Labarga, wife Zulma and daughters Stephanie and Caroline



Kim Rommel-Enright & Jorge Cestero



Rafael Roca and Joe Reiter



The Bar recognized its 40-year members at the banquet. Lake Lytal, president Ted Leopold, Charles Musgrove and Sid Stubbs. Other 40-year members not able to attend were Marty Perry and Robert Scott.

Thank you to 100% Club Members

The Palm Beach County Bar Association has created a "100 Club". The 100% Club is a special category of membership that demonstrates a commitment to the legal profession and our community from law firms, law departments and legal organizations with more than three attorneys who enroll 100% of their attorneys as members of the Palm Beach County Bar Association. The 100 Club listing will be published quarterly in the newsletter as well as posted on our website.

Show your firm's support in the Palm Beach County Bar by becoming a member of the 100% Club. It's easy! If you think your firm is eligible, fax a copy of your firm's letterhead and a contact name to (561) 687-9007, Attn: Nancy Reidler and we'll let you know!

Ackerman Link & Sartory Adams, Coogler, Watson, Merkel, Barry & Kellner, P.A. Beasley Hauser Kramer Leonard & Galardi, P.A. Christine D. Hanley & Associates, P.A. Corbett and White, P.A.

Devore & Devore, P.A.

Fisher & Bendeck, P.A.

Gaunt, Pratt, Radford & Methe, P.A.

Gelfand & Arpe, P.A.

Glen J. Torcivia and Associates, P.A.

Kirk Grantham, P.A.

Page, Mrachek, Fitzgerald & Rose, P.A.

Pressly & Pressly, P.A.

Ricci~Leopold, P.A.

Richman Greer Weil Brumbaugh

Mirabito & Christensen, P.A.

Robin Roshkind, P.A.

Schuler, Halvorson & Weisser, P.A.

Scott, Harris, Bryan, Barra &

Jorgensen, P.A.

Small & Small, P.A.

Sorgini & Sorgini, P.A.

Stuart R. Manoff & Associates, P.A.

The Karp Law Firm

Watterson & Zappolo, P.A.

William W. Price, P.A.

Photo Answers:

From Page 4

- I. Louise Jones
- 2. John Marion
- 3. Kevin Richardson
- 4. Jody Oliver
- 5. Clark Cone

Sherry L. Hyman, Esquire Arbitrator/Mediator



- J.D.-University of Florida College of Law (1975)
- Board Certified in Real Estate
- Certified Circuit Mediator
- Qualified Florida Arbitrator
- Member of Florida Academy of Professional Mediators, Inc.

Available for mediations/arbitrations Special master hearings and private judging

THE LAW OFFICE OF SHERRY L. HYMAN, PLLC 3801 PGA Blvd., Suite 107 / Palm Beach Gardens, Florida 33410 561-744-7231 / 561-329-2990 / Fax: 561-744-3140 / slhyman@aol.com

Confidential Copying

ocuSolutions

Complete Document Duplication and Imaging

WE PROVIDE A FULL RANGE OF DOCUMENT **OUTSOURCING SOLUTIONS INCLUDING, BUT NOT LIMITED TO:**

Litigation Copying • Imaging • Digital Printing • OCR Scanning Trial Exhibits • Binding • Oversize Copying • Color Copying Onsite Duplication • Audio & Video Duplication • Document Numbering Bankruptcy Mailouts • Document Shredding

> Free Pick-Up & Delivery • Free Estimates Free Cookies With Every Order!

> > Available 24 - 7

With Two Locations To Serve You Better!

Boca Raton: West Palm Beach: 561.651.7676

561.368.3676

www.docusolutions.net



July/August 2006





Qualified

- Served in Circuit Court Civil Division (general trial jurisdiction) for 4 years and will have completed 2 years in Family Division (South County) upon completion of first term in 2006
- Diligent case management skills by significantly reducing volume of outstanding cases
- Sound judicial decision making of 87% of appealed decisions affirmed
- B.S.B.A., M.B.A. and J.D. degrees from the University of Florida
- Nominated for circuit judge by Judicial Nominating Committee
- Eagle Scout

Experienced

- 6 years on Circuit Court bench upon completion of first term
- Presided over more than 70 jury trials in 4 years
- Admitted to practice in all courts of Florida, U.S. Supreme Court, U.S. Court of Military Review and U.S. Court of Military Appeals
- U.S.Army Lawver, Lieutenant Colonel, Retired Reserve

Dedicated

- Desert Storm Veteran
- · Past Palm Beach County Bar President
- Board of Governors, The Florida Bar, 1985-1989
- Director. The Florida Bar Foundation, 1989-1993
- U.S. Service Academy Screening Committee, 2000 to date
- Legal Aid Society Board member for 19 years
- Civic benefactor, United Way, Kiwanis, Knights of Columbus, Leadership Palm Beach County, Girl and Boy Scouts and Chamber of Commerce

September 5, 2006 Group 13

WE WANT TO KEEP JUDGE WROBLE A CIRCUIT JUDGE

Alan T. Dimond, Esq. Dan O'Connell, Esq. Greg Kissel Hon. Phillip D. Lewis John J. Sullivan Norman Taplin, Esq. Robert G. Merkel, Esq. Tula Hudson-Miller Alfred G. Morici, Esq. James P. McDonald, Esq. Robert G. Harris, Esq. Brent K. Deviney Doyle Rogers, Esq. Hon. Joel T. Daves Jay McCampbell Malcolm McCampbell Raymond W. Royce, Esq. Sanford V. Howard, Jr., CPA William Washington, CPA Ana B. Wessel Jerome L. Wolf, Esq. Rome J. Hartman Augustin J. Schwartz, III, MD David McIntosh, CPA Herbert C. Gibson, Esq. Howard M. Rew, CPA Keith F Backer Esq. Patrick C. Massa, Esq. Robert Montgomery, Esq. Valentin Rodriguez, Esq. Brian E. Thompson, Esq. Jonathan D. Commander, Esq. Ryan Anschuetz **Brooks Shackley** Frances C. Chapin Hon. Malcolm K. Lewis Jim Gallagher Mark Elhilow, CPA Rev. James Murtagh Stephen W. Hall, Esq. Bruce E. Loren, Esq. Joseph J. Ward, Esq. Scott Smith, Esq. Basil J. Zaloom, CPA Dennis P. Gallon, PhD

Hon. Carl Domino

James E. Waddell, DDS

Lewis Kapner, Esq Paul H. Bennettt Robert S. Jaegars, Esq. W.M. Hamner, CPA Carl A. Cascio, Esq. Julian R. Frank, P.A. Thomas M. Mettler, Esq. Cathleen T. Burk, Esq. Frederick M. Dahlmeier, Esq. Hon. Mark Foley Joel D. Kenwood, Esq. Mary Catherine Madigan Rev. Robert J. Collins Thomas J. Barone, CPA Charles H. Warwick III, Esq. Melissa Alexis Rudman, Esq. Ward Wagner, Jr., Esq. Betty M. Fetty Don W. Cheste Hon, Edward W. Bieluch James G. Pressly, Jr. Esq. Louis F. Robinson, III, Esq. Rabbi Alan Sherman Ronald Y. Schram, Esq William C. Davis David H. Gold, Esq. Patricia A Leonard Esq. Cindy McHeran G William Fetty Hon. Mark Mullinix John A. Shipley, Esq. Mr. & Mrs. Robert Sullivan Richard A. Krause, CPA Timothy M. Deckert, CPA David R. Schwartz, Esq. Richard C. David, MA, LMHC Bob Banting, MIA Douglas L. Starkey, DDS Hon. Gary R. Nikolits James L. Watt, Esq. M. Lynwood Bishop, Jr. Randy K. Johnson, Sr. Russell A. Gornstein, DDS, MS William King, Esq, Deborah L. Graham, Esq. Richard E. Philpott Charles H. Damsel, Jr., Esq.

Chief Delsa Bush Elizabeth Sullivan Eugene W. Murphy, Jr., Esq. H.F. Borders Hon. Karen T. Marcus Hon. Mary McCarty Kirk Grantham, Esq. Peter S. Sachs, Esq Greg Marion Richard P. Zaresky, Esq. Allen Geesey, Esq. Charles F. Schoech, Esq. Cn. Howarth L. Lewis, Jr. Daniel Hyndman, Esq. Denis Murphy, MD Frank M. Critttenden Jr., MD Frank S. Palen, Esq. Hon Addie I Greene Hon. Jeff Koons Hon. Samuel J. Ferreri J. Andrew Fine, Esq. J.Timothy Sheehan, Esq. John A. Weig, Esq. John Reis Jorge Avellana Kenneth Stone Kenneth W Edwards Esq. Kristin Lidinsky L. Martin Flanagan, Esq. Margaret L. Cooper, Esq. Mary Pat Sheehan Mary Rhoades Paul A. Donatelli, DMD Raymond Shepley Richard E. Lopez Sophia Ann Stansbury Stephen P. Mc Dermott, CPA Terry Krok W.G. Beard, Esq. William John Stansbury Hugo Unruh Robert Sullivar Hon. Michael D. Brown Hon. Reina Lowe Hon. Richard A. Machek Ivo Moraguez, DMD

Richard J. Meehan, Esq. C. Glen Ged. Esa Martin Klein, Esq. Thomas M. Karr, Esq. Bishop Harold C. Ray Charles Doll Rev. Robert J. Collins James Sheehan Gilbert R. Panzer, Jr., P.A Kenneth A. Treadwell, Esq. Robert Russo, Esq. Edward A. Shipe, Esq., CPA R.Donald Turlington, Esq. Darla D. Trulington Jim Pyle Robert MacLeod Chief Wes Smith Alfonso Marino Susan R. Cortes Gerard A. Moretti, DMD George Pyle LeAnn Criello Hon. William G. Graham Hon. Beverly Smith Denise W. Valz Constance M. Pyle Chuck Elderd Hon. Blair J. Ciklin Edward J. Manak Gerald Blumberg Alfred J. Malefatto, Esq. Leo A. Fox. P.A. Robert Sproul Johanna Tenuta Richard C. Mahoney, Esq. John J. Sheehan Margaret Sheehan Denise L. Rice Freeman W. Barner, Jr., Esq. Jay A. Schwartz, Esq. Mary R. Sposato Kathy Adams George R. Frost E. Llwyd Ecclestone Douglas C. Fulton, Esq. Sally H. Massey Howard N. Sarbarra, MD

Woody Woodward Phillp H. Yorston, Esq. Kim Burns-Donnell Salesia V. Smith-Gordon, Esq. James W. Beasley, Jr., Esq Tony Fransetta Joseph E. Neduchal, Esq. Barbara Tenuta Ralph A. Hagans, Esq. Richard K. Kramer, Esq. Dewey H. Varner, Esq. Frank Albear, Esq. James M. Magee, Esq. Sonia K. Cooper Richard C. Hitchins, CPA, CFP Warren E. O'Brien, Jr. Robert L. Siemor James W. Lea. MD Hank W. Massey "Catus Jack" Thomas, Jr. Jack J. Eassa Michael R. Harris, Esq. Franck D. Massey Gerald J. O'Connor MD Murray R. Kalish Hon. Henry Crawford, Jr. Charles W. Musgrove Kenneth G. Spillias, Esq. Michael Cooney, MD Todd A. Baker John Adair Douglas B. Lawson, MAI Reid Moore, Jr., Esq Hon. Ray Torres Sanchez Steven A. Stinson, Esq. Robert T. Bechtel Judy Roulis William M. Barnes Mrs. Ulysses B. Kinsey Hon, Paulette Burdick Marvin Manning Edith Manning William Svec

Vote Judge Wroble

AS OF 6/12/06

SEND CONTRIBUTIONS TO:

Robert C. Hackney, Esq.

Roger B. Rukin, CPA, Treasurer

2328 10th Avenue North, Suite 403 • Lake Worth, FL 33461 • (561) 586-0100 • Fax (561) 586-0106 • www.keepjudgewroble.org Non-partisan paid political advertisement. Art Wroble Campaign Fund, approved by Art Wroble

Page 10 Bulletin



Can You Waive Your Constitutionally Protected Homestead Exemption? An Update on the DeMayo Opinion

by Marc P. Barmat, Esquire Furr and Cohen, P.A. (561) 395 0500 mbarmat@furrcohen.com

Earlier this year, I discussed the Third District Court of Appeal's November 30, 2005 opinion in DeMayo v. Chames, 2005 WL 3180187 (Fla. 3rd DCA 2005)¹. In the DeMayo case, Mr. DeMayo executed a retainer agreement with his lawyers which, among other things, stated "the client hereby knowingly, voluntarily and intelligently waives his right to assert his homestead exemption in the event a charging lien is obtained to secure the balance of attorney's fees and costs." Id. Mr. DeMayo failed to pay his attorney's fees and subsequently a final judgment was entered in the law firm's favor. The trial court expressly enforced the waiver provisions of the retainer agreement and the case was appealed to the Third District Court of Appeals. In the "original" DeMayo opinion, the Third District Court of Appeals affirmed the trial court, thereby contradicting the long standing Florida Supreme Court precedent, as expressed in Sherbill v. Miller Manufacturing Company, 89 So.2d 28 (Fla. 1956), that a debtor's voluntary waiver of his or her homestead exemption protections² is unenforceable and contrary to public policy.

Subsequently, on March 15, 2006, the Third District Court of Appeals, on its own motion, vacated its prior opinion and substituted a new opinion consistent with the long-standing precedent, i.e., finding a voluntary waiver of a homestead exemption unenforceable. DeMayo v. Chames, 2006 WL 626059 (Fla. 3rd DCA 2006). In finding that a waiver of the homestead exemption was unenforceable, the court relied on the Florida Supreme Court's opinions in Sherbill and Carter's Adm'rs v. Carter, 20 Fla. 558 (1884) which expressly state that Article X, section 4 of the Florida Constitution protects the homestead against every type of claim and judgment except those specifically mentioned in the constitutional provision itself.

Notwithstanding the majority opinion, in a concurring opinion, the concurring judges note that the Sherbill and Carter decisions are inconsistent with the modern view that a person's right to exempt his homestead property from the claims of a creditor is a personal right that may be waived by that person if he or she so desires. In support of their view, the

concurring judges cite the Florida Supreme Court's recent considerations of other provisions of the Florida Constitution involving personal economic decision making, e.g., In Re: Amendment to the Rules Regulating the Florida Bar v. Rule 4-1.5(f)(4)(b) of the Rules of Professional Conduct, wherein the Florida Bar was ordered to submit a proposed rule allowing clients to waive the constitutional limit on the amount of attorney fees that a contingent fee counsel can receive in medical malpractice matters. Accordingly, the concurring judges certified the following question to the Florida Supreme Court as a matter of great public importance:

Whether, in light of subsequent precedent in Florida and other jurisdictions, and the textual changes made by the People of the State of Florida in Article X, Section 4 of the Florida Constitution in the general election of November 1984, the holding in Carter's Adm'rs v. Carter, 20 Fla. 558 (1884), followed in Sherbill v. Miller Mfg. Co., 89 So.2d 28 (Fla.1956), that a waiver of the benefit and protection of the exemption found in Article X, Section 4(A) of the Florida Constitution is unenforceable against the claim of a general creditor, should be overruled?

As of now, the long-standing precedent that a voluntary waiver of a homestead exemption is not enforceable remains the law. However, we will have to pay close attention to see if the Florida Supreme Court overrules its previous decisions and answers the certified question in the affirmative, thereby allowing a voluntary waiver of the constitutionally protected homestead exemption.

- ¹ See, Palm Beach County Bar Association Bulletin, February 2006.
- ² Homestead; exemptions (a) There shall be exempt from forced sale under process of any court, and no judgment, decree or execution shall be a lien thereon, except for the payment of taxes and assessments thereon, obligations contracted for the purchase, improvement or repair thereof, or obligations contracted for house, field or other labor performed on the realty... Art. X, '4(a), Fla. Const. (2004).

What We Can All Learn From Dell

from page 5

for printer cartridges. Dell's customer service experiment has been a disaster as far as this customer is concerned.

Dell's financial problems, however, are not solely related to customer service. Computer manufacturers have had problems for years because of price decreases and the gradual evolution of the personal computer into a commodity that is easily made by anyone. IBM recently sold its personal computer business to a Chinese company and is now called Lenovo. Although the personal computer started out as something special to be

cherished, it is now an ordinary appliance. Unfortunately for Dell, that is precisely why customer service is so important. Customers will pay more for better service and a better product. For that matter, customers will pay more even if they perceive that they get better customer service.

And that is the lesson that lawyers can learn from Dell. At a time when every politician has decided to make a career of lawyer-bashing, when every lawsuit is called "frivolous," and when every nightclub comedian makes a living off of lawyer jokes, the best thing lawyers can do is provide superior customer service. At the very least, the next time one of your clients hears someone complain about lawyers he or she can reply, "I don't know. My lawyer was great."

Legal Aid Supporters Party at Studio 54

The Eighteenth Annual Pro Bono Recognition Evening held on May 13th at the Cohen Pavilion at the Kravis Center was a huge success for the Legal Aid Society and its clients and the Sun Sentinel Children's Fund.

The "Studio 54" fun filled evening co-chaired by Amy and Jeff Devore and Shelley and Mariano Garcia was attended by over 750 individuals and netted over \$200,000 all of which is used to provide free legal advice, representation and education to the 5,000 disadvantaged children, families, elders and individuals Legal Aid serves on an annual basis.

Our sincere thanks to the wonderful students from the Dreyfoos School of the Arts under the direction of Director/Choreographer Garry Q. Lewis and our own outstanding Master of Ceremonies, the incomparable Bill Bone. Many thanks to our generous supporters who made the event possible and of course congratulations once again to all our deserving award recipients and their families.



Jeff Devore, Amy Devore, Bob Bertisch, Harreen Bertisch, Shelley Garcia, Mariano Garcia



Back Row: John Cleary Jr., Morris "Skip" Miller, Larry D. "Donnie" Murrell, Jr., Peter Cooke, Jorge Castero, Keven McNamara, Charles Jamieson. Front Row: Lela Jordan, Georgiana Dambra, Robin Bresky, Jackie Orsley

Bill Bone and students from the Dreyfoos School of the Arts





Judge Elizabeth Maass, Judge Martin Colin and Judge Kathleen Kroll

RIGELL, RING & ARDMAN, P.A.

is pleased to announce that

Linette M. Waterman and Donna Deveise Wolfe
have become Partners in the firm.

In honor of their partnership, we are proud to announce the new firm name of

RIGELL, RING, ARDMAN, WATERMAN & WOLFE, P.A.

ATTORNEYS AND COUNSELORS AT LAW

Practicing in the area of Workers' Compensation Defense

WEST PALM BEACH 1615 Forum Place Suite 200 West Palm Beach, FL 33401 (561) 688-9899 FORT LAUDERDALE 2021 E. Commercial Blvd. Suite 201 Fort Lauderdale, FL 33308 (954) 492-8800 FORT MYERS 13180 N. Cleveland Ave. Suite 209 North Fort Myers, FL 33903 (239) 652-0003

Website: www.rigell.cc

Page 12 Bulletin

North County Section names Judge Thomas Barkdull "Jurist of The Year"

Congratulations to Circuit Judge Thomas Barkdull, winner of the North County Section's 4th Annual Jurist of the Year Award. Judge Barkdull was recently honored during the section's end-of-the year dinner at Ruth's Chris Steak House in North Palm Beach. Previous winners of the award are Judge Mary Lupo, Judge Roger Colton and Judge Peter Blanc.

Pictured from left to right: Bill Fleck, NCS president; Judge Barkdull & Judge Colton.





Fred Cunningham, Judge Jorge Labarga, Jerry Beer and Judge Nelson Bailey



Marina Petillo, Judge Krista Marx and Sally Benson



Judge Sandra Bosso-Pardo, Xiomara Hernandez, Jim Bristow, dinner sponsor from Braman Motorcars; and Judge Lucy Brown.



Judge Jonathan Gerber, Jeffrey Devore and Bard Rockenbach



Steven Harris and Julianne Frank



David Prather, Judge Donald Hafele, Judge Sheree Cunningham, Judge Jeffrey Colbath and Ron Bornstein

North County Section Presents 2nd Annual Scholarship Awards

Thanks to the North County Section, the financial stress of attending college will be much easier for five local students attending Palm Beach Community College this coming fall. The students are recipients of the section's 2nd Annual Scholarship Awards and will each receive \$1,000 towards their classes.



Pictured from left to right: Edward Willey, Dean of Academic Affairs; Colleen Nelson, Board of Directors; Jerry Beer, Board of Directors; Michael Slavin, Board of Directors; Bill Fleck, North County Section president; Scott Zappolo, Board of Directors; Jessica Smith, scholarship winner; Guerline Edwards, scholarship winner; Amanda Drake, scholarship winner, Crystal Felch, scholarship winner; Ireze Stark, scholarship winner; and Nancy Weissman Associate Professor, Respiratory Care.

The North County Section is currently seeking to fill a position on its Board for 2006-2007. The director's seat will be for one year and will be an appointed position. If you're interested in getting involved, please submit your name to Lynne Poirier at the Bar Office no later than August 3.



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.

KURTIS O. ALTHOUSE - Florida State University College of Law, 2002; Associate with Peterson Bernard in West Palm Beach.

JENNIFER G. ASHTON – Fort Collins, CO; Florida State University College of Law, 2005; Associate with Jones, Foster, Johnston & Stubbs in West Palm Beach.

MICHAEL BALDUCCI – New York; St. John's University School of Law, 1985; Associate with Peterson Bernard in West Palm Beach.

FRANK S. CASTOR – Tampa, FL; Nova Southeastern University, 1996; Associated with the State Attorney's Office.

STACEY H. COHEN – Pittsburgh, PA; University of Pittsburgh, 1998; Associate with the Shavitz Law Group, P.A. in Boca Raton.

BARTHOLOMEW COZAD – Chicago, IL; Thomas M. Cooley School of Law, 1987; Associate with Peterson Bernard in West Palm Beach. JEFFREY M. GOODZ – New York; University of Florida School of Law, 1992; Associate with Moyle, Flanigan, Katz, Raymond, White & Krasker, P.A. in West Palm Beach.

FRANK J. INGRASSIA – Middletown, NY; California Western, 1984; Associate with Powers, McNalis, Torres & Teebagy in West Palm Beach.

RONALD S. KANIUK – New York; St. John's University School of Law, 1996; Associate with Taplin & Associates in New York City, NY.

EMMA B. KELLER – Erie, PA; Stetson University College of Law, 2004; Associated with Florida Rural Legal Services in West Palm Beach.

KEVIN T. LAMB – Quincy, MA; Washington & Lee University, 1982; Partner with Gunster, Yoakley & Stewart, P.A. in West Palm Beach.

ERIN N. LOCKHART – Pensacola, FL; Stetson University College of Law, 2004; Associate with Berrocal & Wilkins, P.A. in West Palm Beach.

ORFELIA N. MAYOR – Camaguey, Cuba; Nova Southeastern University, 2002; Associated with the Clerk & Comptroller of Palm Beach County in West Palm Beach.

TIMOTHY J. MURPHY – West Palm Beach, FL; Nova Southeastern University, 2005; Associate with Adams, Coogler, Watson, Merkel, Barry & Kellner in West Palm Beach.

TYLER POWELL – Seattle, WA; New York University School of Law, 1975; Associate with St John, Core & Lemme, P.A. in West Palm Beach.

SEAN C. SELK – Illinois; Thomas Jefferson School of Law, 2002; Associate with Sean C. Selk, P.A. in West Palm Beach.

M. ANDREW SPERBER – Detroit, MI; Detroit College of Law, 1988; Associate with Peterson Bernard in West Palm Beach.

TIMOTHY M. VANDERGIESEN -

Kansas; University of Kansas, 2000; Associated with Chonillo & De Varona, PLLC in West Palm Beach.

ANDREW WYMAN – Oceanside, NY; Fordham University, 1996; Associate with Lavalle, Brown, Ponan & Mullins, P.A. in Boca Raton.

WELGOME

Annual Law Week Attorneys (16) vs Judges (4) Softball Game



Attorney Team Members



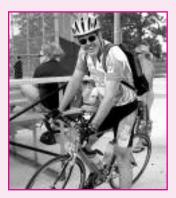
Kirk Volker and Tom Spall



Judicial Team Captain Judge Jonathan Gerber



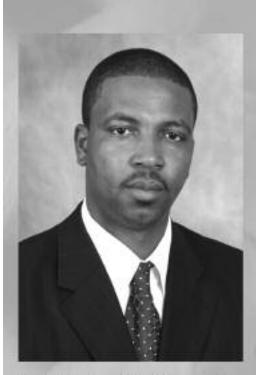
Judicial Team Members



Judge John Philips rode his bike from Jupiter to Lake Worth to come down and watch the game



Judicial Assistance took on a whole new meaning as Judge Wennet ices down Phil Mugavero's backside!



Dr. Wedler A. Alexandre Chiropractic Physician

CHIROPRACTI

Don't Suffer in PAIN !!! See the most advanced Science and Technology

Auto Accidents Wellness Care Work Injury

Call us immediately, we can assist you

561-752-5354 561-721-9282

660 W. Boynton Beach Blvd. Boynton Beach , FI 33426 1489 N. Military Trail Suite 202 West Palm Beach , FI 33409 Tel 561-752-5354 Fax 561-752-5868 Tel 561-721-9282 Fax 561-721-3880

Florida Bar Board of Governors Report:

At its June 2, 2006, meeting in Key West, The Florida Bar Board of Governors:

- Made only minor changes to the 2006-07 budget it approved in April, and forwarded the budget to the Supreme Court.
- Approved the recommendations of the Special Committee to Study Paralegal Regulation to create a two-tiered system for paralegals in a new Chapter 20 of the Rules Regulating The Florida Bar. The first tier would be for paralegals as presently defined in Chapter 10 of Bar Rules and the second tier for "registered paralegals" who meet certain education requirements, have been certified by certain paralegal organization, or meet certain experience standards. The rules now go to the Supreme Court.
- Reversed an earlier decision and held it as not misleading for an attorney in a Spanish-language ad to identify himself as a "doctor en leyes" or doctor of laws. But board members said they considered it a narrow decision based only on the facts of the case and asked the Board Review Committee in Professional Ethics to take a broader look at the issue, including whether the term would be permissible in an English-language ad.
- Received, but did not discuss, a preliminary report from the Special Commission on Lawyer Regulation. President-elect Hank Coxe, chair of the commission, said he expects the board to begin taking up the recommendations at its July meeting.
- Approved in concept a new committee on legal-medical relations, which will work on matters of mutual concern to the professions.
- Made a variety of appointments and nominations, including to the ABA House of Delegates and the Florida Board of Bar Examiners.

If you have any questions or comments, please contact one of your four local delegates to the Board of Governors:
Jay White, Scott Hawkins, Greg Coleman or Lisa Small.







W. JAY HUNSTON, JR. Mediator/Arbitrator

A member of the MPS Group MPS NYSE

- I.D. Stetson Univ. College of Law (1976)
- Florida Bar Board Certified Civil Trial Lawyer (1983-2003)
- Florida Bar Board Certified, Emeritus in Civil Trial Law (2003-Present)
- Florida Certified:

Circuit Civil Mediator (1991-Present) Family Mediator (1998-Present)

- NASD Approved Mediator
- Qualified Florida Arbitrator
- Admitted to Practice in Florida, Montana, Colorado, and Ohio
- · Hourly and Per Diem Rates Available upon Request

Since 1/1/01, limiting his practice to all forms of effective dispute resolution, including pre-suit and Court-ordered mediation, arbitration, conciliation, special master proceedings, and private judging.

W. Jay Hunston, Jr., P.A. P.O. Box 508, Stuart, FL 34995 (772) 223-5503; Fax: (772) 223-4092 (800) 771-7780; Fax: (866) 748-6786 Email: wjh@hunstonadr.com

website: http://www.hunstonadr.com

Page 16
Bulletin

Professionalism

Changes to the Rules of Professional Conduct

By D. Culver (Skip) Smith III
On behalf of the Professionalism Committee

By opinion issued on March 23, 2006, the Supreme Court of Florida adopted several proposed amendments to the Florida Bar Rules of Professional Conduct. The amendments took effect on May 22, 2006. These changes resulted from recommendations made by a special committee of the Florida Bar charged with reviewing amendments to Model Rules of Professional Conduct adopted by the ABA House of Delegates in 2002 following the work of the ABA's "Ethics 2000 Commission." The principal changes to the Florida Bar rules are as follows:

- 1. Current-Client Conflicts. The general rule regarding current-client conflicts (rule 4-1.7) has been reorganized to state the basic prohibition followed by the exceptions. The basic concepts remain: a prohibited conflict exists in the case of directly adverse interests between current clients and in the case of material limitation on the lawyer's representation because of responsibilities to others or because of the lawyer's own interests. One change in wording may be significant: Under the current (pre-amendment) rule, a prohibited conflict exists if the lawyer's exercise of independent judgment "may be" materially limited by the lawyer's responsibilities to another client or third party or by the lawyer's own interest. The amended rule changes the standard to "a substantial risk" that the representation "will be" materially limited by such other interests. Whether or not the change is significant, the "substantial risk" standard usually has been applied in practice.
- 2. Former-Client Conflicts. The comment to the rule regarding former-client conflicts (rule 4-1.9) has added a definition of "substantially related," namely, matters that involve the same transaction or legal dispute or a matter that involves the lawyer's attacking work that the lawyer performed for the former client. This follows the Restatement concept and, one hopes, will provided needed definitional guidance to the courts in disqualification proceedings.
- 3. Client Gifts. The prohibition against client gifts (rule 4-1.8(c)) has been broadened to prohibit solicitation of substantial gifts from clients. The previous version of the rule prohibited only the preparation of an instrument effecting such a gift. This remains an area fraught with danger, however, because the charge of unethical conduct inevitably arises after the donor has died or become incapacitated and, thus, is unavailable to verify his or her intent.
- 4. Imputed Conflicts. The imputed-conflicts rule (4-1.10) now excepts a conflict based on a personal interest of the prohibited lawyer that "does not present a significant risk of materially limiting the representation of the client by the remaining lawyers in the firm." The comment gives as an example the situation in which one lawyer in a firm could not effectively represent a client because of strong political beliefs, but that lawyer will not work on the matter and that lawyer's political beliefs will not materially limit the representation by others in the firm. The rule prohibiting various transactions with clients (4-1.8) now expressly states that all such conflicts are imputed to others associated with the affected lawyer in the same firm, the only exception being the prohibition against sexual relations with clients. The comment to rule 4-1.10 now states that a conflict of a nonlawyer employee of a firm (e.g., secretary or paralegal) is not imputed to the firm's lawyers if the

nonlawyer employee is screened from the matter in question.

- 5. Conflict Waivers. Conflict waivers now must be based on "informed consent" and usually must be "confirmed in writing" or "clearly stated on the record at a hearing." "Confirmed in writing" includes e-mail. The comment to rule 4-1.7 states that the written confirmation must be obtained or transmitted at the time of consent or, if not feasible to do so, within a reasonable time thereafter. Unlike many of the ABA model rules, most waivers need not be signed by the client. The principal exception is when the lawyer enters into a business transaction with the client. (Rule 4-1.8(a)(3).)
- 6. Mandatory Withdrawal. The withdrawal rule (41.16) has been amended to make declining or terminating the representation of a client mandatory rather than permissive in two circumstances: (a) when the client "persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent," and (b) when the client "has used the lawyer's services to perpetrate a crime or fraud." The only exception in either case is if the client agrees to disclose and rectify the crime or fraud. In addition, the rule now authorizes a lawyer to decline or terminate representation when the client insists upon taking action "with which the lawyer has a fundamental disagreement."
- 7. Prospective Clients. A new rule (4-1.18) has been added addressing a lawyer's duties to a prospective client. Most of the stated duties already existed under case law. Prospective client is defined as a "person who discusses with a lawyer the possibility of forming a client-lawyer relationship with respect to a matter." The duties are those that underlie all conflict-of-interest principles: confidentiality and loyalty. The rule permits screening in certain circumstances to avoid imputed disqualification.
- 8. The Inadvertent Fax Rule. A new provision in the rule regarding respect for the rights of third persons (4-4.4) provides that a lawyer who receives a document relating to the representation of the lawyer's client and knows or reasonably should know that the document was inadvertently sent must promptly notify the sender. This is the inadvertent-fax scenario, as to which most pre-amendment ethics opinions have reached substantially the same conclusion regarding the recipient's obligation.
- 9. Contingent Fees in Domestic-Relations Post-Judgment Matters. The comment to the fees rule (4-1.5) now makes clear that the prohibition on contingent fees in domestic-relations matters does not apply to representation to recover post-judgment balances due under support, alimony, or other financial orders. This accords with prior interpretation by the Florida Bar Professional Ethics Committee (Fla. Ethics Ops. 89-2, 77-19 (reconsidered)).

The most significant difference between Florida's rules and the ABA model rules continues to be in regard to confidentiality of information (rule 4-1.6). Florida has not followed the ABA's post-Enron adoption of crime/fraud, substantial-financial-injury exceptions to the rule. In addition, Florida continues to have no exception for when a lawyer reasonably believes that disclosure is necessary "to comply with other law or a court order." The comment, however, recognizes that a lawyer may be obligated or permitted under other provisions of law to disclose information about a client and must comply with final orders of a court requiring disclosure. (Pursuant to rule 4-1.16 as

Continued on page 18

Law Library News

Exciting things are happening in your law library!!!!

The law library now has available:
tv/vcr/dvd rentals,
for use in the courtrooms.
Rental is \$30 a day.
Please call 355-2928 to reserve.
Please visit our website at
http://www.pbcgov.com/cadminlawlibrary/
The law library is here to assist
with your court needs.
The following services are
available for your use:

Current Services Available

*photocopying *word processing
 *cover sheets *form orders
 *conference rooms *faxing
 *courtesy phone
 *stamped envelopes

Are there other services WE CAN PROVIDE FOR YOU?

Call now with your suggestions. 355-2928

Main Branch- 1st floor-Main Judicial Center-West Palm Beach

Hours of Operation: Monday, Tues., Weds. 8:00 a.m. to 7:00 p.m. Thurs., Fri. 8:00a.m. to 5:00 p.m. Saturday 10:00 a.m. to 2:00 p.m. Phone: 561-355-2928

South County Branch-2nd floor-South County Courthouse-Delray Beach

Hours of Operation: Monday - Friday 8:00 a.m. to 4:30 p.m. Phone: 561-274-1440

For further details please call 561-355-2928.

Professionalism

from page 17

amended, however, the lawyer probably is required to terminate the representation.)

Lawyers should continue to remember that these rules are minimalist. Ethics and professionalism require more. As stated in the preamble to the rules themselves: "Within the framework of these rules, however, many difficult issues of professional discretion can arise. Such issues must be resolved through the exercise of sensitive professional and moral judgment guided by the basic principles underlying the rules."

Christine A. Klepp, M.D.

Lake Worth Pain Center

(561) 642-1219



Pain Management

Pre-Operative and Post Operative Pain Management

Causation Analysis

Permanent Impairment

MMI

Future Medical Care

What can the right investigator do for you?

GET YOU PROOF!

A.S.G. is a full service licensed private detective agency, specializing in assisting attorneys. Our clients understand the advantage of knowing the facts before they send out interrogatories or take depositions and they can count on us to provide the proof.

- ✓ Video Surveillance
- **✔** Background Investigations
- Child Custody Investigations
- Recorded Statements
- ✓ Computer Forensics
- ✓ Locate Investigations
- ✓ Asset Investigations
- ✓ Residency Investigations



1515 N. Federal Hwy. Suite 300 Boca Raton, FL 33432

Florida Licensed Private Investigator # A-25002

(888) 677-9700

YLS Honors Immediate Past President Poulton

The YLS recently hosted a happy hour honoring immediate past president Bryan Poulton and thanking him for his service to the YLS. Current president Wade Bowden presents Bryan with a gift of appreciation.



Michael Napoleone and Scott Murray



Lisa Small and Kristy Kay (now Mrs. Grier Pressly!!)





Jared Levy and Matt Ramenda



The Boys of Boose Casey: Jeff Garber, Matt Thibaut, Kent Frazer and Ron Crescenzo



Tom Mullin, Harley Chivers, Peggy Wood and Kristi Bergemann

Dear Ms. Burns:

Please accept our sincere appreciation on behalf of the recipients of the U.S. Savings Bonds awarded to the Youth Court student attorneys. We are very grateful for the support of the Palm Beach County Bar Association in sponsoring the Youth Court Challenge each year. This year the competition was a huge success due to the efforts of John Whittles. Please extend an invitation to your members to visit Youth Court at any time and see our volunteers in action. Once again, thank you.

/s/ James P. Kelly, Chief

Editor's Note: For over 10 years, the Young Lawyers Section has been working with Palm Beach County's Youth Court and sponsoring a mock trial competition for these students.

RANDY ZELDIN ATTORNEY - AT - LAW

WORKERS' COMPENSATION SOCIAL SECURITY DISABILITY



Cornell University Graduate Former Assistant City Attorney West Palm Beach

Former State Mediator of Workers' Compensation, Broward County

Private Practice for 17 years

Co-Counsel Fees on All Cases

IN PALM BEACH (561) 732-8004

IN BROWARD (954) 586-0100

Amendment 7 — Let the Sun Shine

from page 7

One of these opposing conclusions will be ultimately chosen by the Supreme Court because conflict was certified by the Notami Court and the Florida Hospital Waterman Court certified question on this subject to the Supreme Court.

The issue of retroactivity is obviously important. If only records created after November 2, 2004, are discoverable after doctors and hospitals were put on notice that access to those records would likely be public, one could surmise that greater caution would be exercised by health care providers in the creation of records.

The Notami Court's conclusion that those voting for the amendment intended its operation to be retrospective as to existing records is bolstered by the fact that the amendment allows access to "any adverse medical incident" and defines a "patient" as meaning "an individual who has sought, is seeking, is undergoing or has undergone care or treatment in a health facility or by a health care provider."

As to the issue of whether vested rights would be impaired by a retrospective application of this statute, the Notami Court held at Page D1111:

"'A statute is not unconstitutionally retrospective in its operation unless it impairs a substantive, vested right.' Clausell v. Hobart Corp., 515 So. 2d 1275, 1276 (Fla. 1987). However, '[t]o be vested a right must be more than a mere expectation based on an anticipation of the continuance of an existing law....' Id. (quoting Div. of Workers' Comp. v. Brevda, 420 So. 2d 887, 891 (Fla. 1st DCA 1982)) (emphasis added). Here, the Hospital does not have a vested right in maintaining the confidentiality of adverse medical incidents. The Hospital's 'right' is no more than an expectation that previously existing statutory law would not change. Because the Hospital's expectation is not a vested, substantive right, applying Amendment 7 to records created prior to its passage is not unconstitutionally retrospective."

In Florida Hospital Waterman, supra, the Fifth District justifies its prospective application of the amendment on its analysis of the law regarding statutory retroactive application arguing that in looking at the provisions of Amendment 7, there must be a clear indication of an intention to apply the amendment retroactively in the language of the amendment itself. The Fifth District concludes that there is nothing in the amendment to justify such an interpretation and the fact that it was approved by the electorate with a specific provision that its effective date would be November 2, 2004, belies the argument that it should be retroactively applied.

The opposite conclusions of the First and Fifth District leaves the question of retroactive application up in the air but the joint conclusion of both District Courts that Amendment 7 is self-executing and that Fla. Stat. 381.028 is unconstitutional leaves little doubt that the amendment will be available to litigants to require production of hitherto secret information concerning adverse medical treatment. This is a sea change in the law of Florida. As the Fifth District said in Florida Hospital Waterman at Page 773:

"We believe that Amendment 7 heralds a change in the public policy of this state to lift the shroud of privilege and confidentiality in order to foster disclosure of information that will allow patients to better determine from whom they should seek health care, evaluate the quality and fitness of health care providers currently rendering service to them, and allow them access to information gathered through the self-policing processes during the discovery period of litigation filed by injured patients or the estates of deceased patients against their health care providers."

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



Do You Need a Mentor?

The Palm Beach County Bar Association's Mentor Program is designed to provide members with a quick and simple way to obtain advice, ideas, suggestions, or general information from an attorney that is more experienced in a particular area of law. The mentors

provide a ten-to-fifteen-minute telephone consultation with a fellow attorney, at no fee. Any member of the Palm Beach County Bar, whether newly admitted or an experienced practitioner, can use the program. Call the Bar office at 687-2800, if you need a Mentor.

Support our Advertisers.

Mention that you saw their ad in the Bulletin!

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

For over 25 years, we have concentrated on providing law firms, their partners, associates, staff, and clients with an uncommon level of attention and service. Which is why so many law firms in South Florida count on Mellon.

Whether it's business or personal banking, or wealth management, our goal is to make a measurable difference in its relationships through exceptional service, and we are constantly focused on delivering measurable results to our clients.

For more information, please call Bud Osborne, Executive Vice President, at (561) 750-0075.



Mellon

The difference is measurable.SM

LENDER Member FDIC

www.mellonunited.com

©2005 Mellon Financial Corporation

Bulletin Board

*** Ad Rates ***

CLASSIFIED ADVERTISING RATES: TO PLACE AN AD: 1) Please fax all ads to 561/687-9007 by the 1st of the month for the following month's publication. 2) Upon receipt you will be notified of cost. 3) Send payment by the 1st of the month. 4) Cost: 50 words or less \$50, 50-75 words \$65, up to 75 words \$75. 5) Members receive 3 months free advertising/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 \$40 for a two 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.

POSITIONS AVAILABLE:

PRIORITY STAFFING SOLUTIONS- We

provide Experienced Legal Secretaries, Paralegals & Receptionists for temporary and permanent placements. Owner, Legal Assistant with over 20 years exp. In WPB- qualified to fill your position with candidates experienced in your particular field of law. (561) 222-7717, fax (561) 746-5433 Prioritystaf@msn.com.

LITIGATION ASSOCIATE- AV rated defense litigation firm seeking attorney for our NPB office. Must possess 0 to 3 yrs experience. MUST be licensed in Florida. Please fax your resume to Pamela Diegel, Bobo, Ciotoli, Bocchino, Newman & Corsini P.A at 561/630-5921 or email it to me a diegel@bobolaw.com.

BILINGUAL LEGAL SECRETARY wanted for criminal defense lawyer. Computer/people skills required. Will train the right person. Fax resume and salary requirements to (561) 697-8317.

ASSOCIATE ATTORNEY needed for expanding General Civil Law Practice located downtown West Palm Beach. Please fax resume to Wohlsifer & Associates, P.A. at 561-655-7078.

TRIAL ATTORNEY- AIG, Inc. is seeking an experienced Insurance Defense attorney for its house counsel office located in West Palm Beach. Candidates must have insurance defense auto litigation, including PIP, experience and a minimum of two civil jury trials to verdict as a

lead attorney. Candidate must be licensed to practice law in Florida. Candidate must be able to work independently, possess excellent interpersonal and communication skills. Please fax resume, cover letter and salary requirements to SLA FLWP-Trial Attorney (561) 273-6015.

IMMEDIATE OPENING for employment attorney for busy practice. 2 yr + experience. Salary, benefits, 401K. Please fax resume to 561-653-0020.

ASSOCIATE NEEDED for estate planning and probate work for small "AV" rated law firm in West Palm Beach; 2-3 years experience preferred. Fax resume to Kirk Grantham at 561-966-9495 or e-mail to kgrantham@kirkgrantham.com.

AV-RATED Fox, Wackeen, Dungey, et. al. law firm seeks an associate with 5-8 years family law experience. Position would be working with a board certified family law attorney. We offer a competitive salary and flexible schedule. The firm is located in Martin County, which offers an excellent quality of life and a best-in-the-state school system. Please forward resume to Maryellen Castellano, HR Director, @ mcastellano@foxwackeen.com or fax to 772.220.1489.

WEST PALM BEACH law firm seeks associate with 1-3 years experience in areas of bankruptcy, commercial litigation, collection and foreclosure. Must be admitted and licensed in Florida, computer literate and have strong research and writing skills. Spanish a plus. Fax resume to (561) 684-3773.

PENSACOLA LAW FIRM SEEKS ASSOCIATES- AV-rated law firm seeks associate attorneys. 2+ years insurance defense experience required. Must be energetic and highly motivated. Excellent salary and benefits. Reply in confidence to: P.O. Drawer 1070, Pensacola, FL 32591-1070 or email resume to admin@flalawyer.net. Fax (850) 432-1444.

AV-RATED STUART FIRM seeks a qualified, motivated attorney with 1-2 years experience or equivalent education in real estate or business organizations and agreements. The candidate must have a strong academic background. We offer a competitive salary with an excellent benefit package. The firm is located in Martin County, which offers an excellent quality of life and Florida's best public school system. Please forward resume and law school transcripts to Maryellen Castellano, HR Director, at mcastellano@foxwackeen.com or fax to 772.220.1489

PROFESSIONAL ANNOUNCEMENTS:

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

SCOTT SUSKAUER: Board Certified Criminal Trial Lawyer. All criminal matters in State and Federal Court including felonies, misdemeanors, DUI and traffic matters, 1601 Forum Place, Ste. 1200, WPB, FL 33401; 561-687-7866.

GREGORY TENDRICH, Esq.- Former Series 7 licensed Vice President & Asst. General Counsel to regional (JW Genesis Securities, Inc.) & national (First Union Securities, Inc. & Wachovia Securities, Inc.) NYSE/NASD brokerage firms, current NASD Arbitrator and Florida Supreme Court Certified County Court Mediator, is available to mediate all securities, investment-related. business and commercial disputes. Mr. Tendrich also accepts referrals and is available to co-counsel and/or provide trial consultation & assistance in securities & investment-related cases (stocks, bonds, annuities, mutual funds); prudent investor cases, as well as, state, federal and SRO regulatory enforcement matters. Please call 561-417-8777 or visit our website www.yourstocklawyer.com or email the firm at 10drich@bellsouth.net.

MARK R. HANSON: All admiralty and maritime matters, including personal injury actions, boating accidents, cruise line injuries and insurance claims. 240 Tenth Street, West Palm Beach, FL 33401, (561) 833-7828 Mhanson@PalmBeachInjuryLawyer.com

W. GREY TESH: Criminal Defense Attorney. Over 50 jury trials. Former assistant public defender experience in felony, misdemeanors, juvenile, and appeals. Federal and State cases. Private investigator services included. Director, Palm Beach Association Criminal Defense Lawyers. Young Lawyers Section, PBCBA. 1610 Southern Blvd. WPB, FL 33406. www.wgtlaw.com (561-686-6886).

MICHAEL J. MCHALE: Board Certified Admiralty and Maritime Lawyer. All maritime and admiralty matters in State and Federal Court including personal injury, seizures of vessels, limitation of liability, purchase and sale of boats, cruise ships injuries, longshore claims, and BUIs. (561) 835-3660, admar1@earthlink.net and www.admiraltyatty.com.

KEVAN BOYLES: Contributing Fellow – National Network of Estate Planning Attorneys. Probate; Guardianship (Minors); Special Needs and Protective Trusts; Estate Planning (Financial Retirement, Business Succession, Charitable, Medical, Disability, Legacy and Gift); Estate and Gift Tax Returns. 350 Royal Palm Way, Ste. 405, Palm Beach, FL 33480; (561) 833-2472.

CHRISTOPHER HOPKINS: Appellate counsel for appeals in state and federal courts. Mr. Hopkins focuses on state appeals, particularly personal injury and malpractice. Cole, Scott & Kissane, P.A., 1645 Palm Beach Lakes Blvd., 2nd Floor, WPB, FL 33401; Email: Hopkins@csklegal.com.

Bulletin Board -

RICHARD D. NADEL: Bankruptcy. Twenty years experience in the Southern and Middle District. Florida Bar designated 1996. Address: 3300 PGA Blvd., Ste. 970, Palm Beach Gardens, FL 33410, Telephone: (561) 622-9353 Email: nadelgrp@bellsouth.net.

PROBATE LITIGATION & INVESTMENTS-

John Pankauski: Helping investors and beneficiaries with wills, trusts, estates, investment losses, prudent investor act cases, discretionary accounts, bank/trust companies/brokers, beneficiary rights, inheritances, fees, breach of fiduciary duty. Gratefully accepting referrals, cocounseling cases and serving as an expert witness. Referral fees per bar rules. John Pankauski, JD, LLM, 655-1556, john@panklaw.com, WPB, former Associate Fiduciary Counsel-Bessemer Trust; NASD arbitrator; CFP Instructor; Adjunct professor, graduate studies, College of Business, Dept. of Finance, FAU.

RICHARD HUJBER: Former Immigration Attorney-Advisor to the Miami Immigration Court and the Board of Immigration Appeals. Mr. Hujber has 10 years experience, exclusively in immigration law. He and his staff speak Spanish, Hungarian, and Portuguese fluently. The office accepts ALL types of immigration matters. 980 N. Federal Hwy. Suite 306, Boca Raton, Florida, 33432. Tel: (561) 417-VISA (8472); Fax: (561) 417-2575; Richardhujber@yahoo.com.

GLEN J. TORCIVIA is available to represent management in employment law matters, including investigating and defending discrimination, harassment, or overtime claims. The firm is available to provide general preventative advice to management and training to all levels of employees regarding best employment practices. The firm offers review and revision of employee handbooks and personnel policies. 701
Northpoint Parkway, Suite 209, West Palm Beach, FL 33407 (561)-686-8700 glen@torcivialaw.com.

PSI ASSOCIATES SOUTH EAST: Private Investigative Services. A unit of Poulin Detective & Security Services, Inc. Cold case files, divorce cases, lost children, lost items. Contact Anthony Leggett, parapsychologist/researcher. Licensed Private Investigator 800-573-2633.

GUARDIANSHIPS: Establishment and maintenance of guardianships for property of minors as a result of personal injury settlements, including approval of settlements. Thomas R. Baker, III, 270 South Central Blvd., Suite 203, Jupiter, FL 33458; (561) 744-0802.

OFFICE SPACE:

LAW OFFICE SPACE CASE REFERRAL AVAILABLE- Centrepark Corporate Park off Australian Avenue. Law library, Conference room, Kitchen, Copy machine, Parking. Excellent location, close to airport, downtown West Palm Beach and Courthouse. Call (561) 471-4900.

TWO ATTORNEY OFFICES with secretarial space available in newly renovated building north of Palm Beach Lakes off Flagler. Close to Courthouse. Perfect for two attorney firm. Please contact Jacquie at 561-689-0211 for information.

LAW OFFICES- Space available for lease in prime Boca Raton location- receptionist, phones, Internet access, and conference room. Contact Ellyn at 561-392-5606.

OFFICE SPACE TO SHARE: Immediate occupancy for solo attorney w/ secretarial, conference room, facsimile, copier, telephone, covered parking. In Forum. Call (561) 684-8900.

BOCA RATON FIRM (P.I., Work. Comp. & Real Estate) with office in prestigious One Boca Place has window office for sublease to attorney with compatible practice areas. Reception services and furniture available. "Class A" space. Covered parking. Close to I-95. Call (561) 989-8878.

DOWNTOWN WPB: Space for 1 attorney and secretary. Use of conference room, library, phone system, DSL line, copier, etc. Furnished or unfurnished. Please call 683-4000.

JUPITER BRANCH OFFICE: Need a North County presence? Share an office at Jupiter Gardens (South Central Blvd.). Copier, reception area, kitchen, conference room also available. Call Tom Baker (561) 744-0802.

WPB OFFICE TO SUBLET. Approx. 1,000 sf. Great location for professional I-95 & Palm Beach Lakes Blvd. Ground Floor. Good parking. 561-687-7700. Affordable.

BOCA RATON- 1 or 2 offices with secretarial space in Class A building on Glades Road next to/east of Turnpike. Receptionist, DSL internet access, conference rooms, etc. \$750 or \$1,000 a month, depending on office. Call Robin at Kogan & DiSalvo, P.A. (561) 477-9000.

NORTH PALM BEACH COUNTY Law Firm has space available for attorney and staff. Full amenities. Prime location on PGA Blvd. Call 561-624-2110.

HEARSAY

Jennifer A. Geiser, an associate with the law firm of Fowler White Boggs Banker, was named the 2006 Distinguished Alumna for the Year for the Harriet L. Wilkes Honors College of Florida Atlantic University. Ms. Geiser practices in all areas of civil litigation, with a focus on products liability, professional

Phillips Point West Palm Beach

MEDIATION

561-655-1556

- Certified Circuit Civil Mediator
- NASD Arbitrator
- BBB Trained Arbitrator
- Florida Arbitrator

- No charge for prep time
- No charge for travel time
- No charge for mediator's report

pankauski

LAW FIRM



Page 22

Bulletin

Bulletin Board

malpractice and commercial litigation. Also, forty-four lawyers from the firm have been named to the Florida Super Lawyers 2006. **Francis B. Geary, Jr.** was among the names recognized for Health Care Law.



Joel D. Kenwood has joined the law firm of Sachs Sax Klein. Mr. Kenwood practices in the areas of business, real estate, construction defect, and general commercial litigation law.

The law firm of Fowler White Boggs Banker has relocated its West Palm Beach office to One Clearlake Centre, LLC at 250 South Australian Avenue, Suite 600, West Palm Beach, FL 33401. Telephone (561) 655-1100.



Akerman Senterfitt has appointed attorney Wesley A. Lauer to the position of Business Manager for the firm's 36-attorney West Palm Beach office. AV-rated by Martindale Hubbell, Lauer

serves as general counsel to the Better Business Bureau of Southeast Florida, and the Caribbean.

Marko Cerenko has joined the law firm of Fowler White Boggs Banker as an associate. Mr. Cerenko will concentrate his practice in the area of business litigation, health care law, commercial law, administrative agency practice, trial practice and corporate.

V. Lynn Whitfield was recently sworn in as the first woman to serve as the City Attorney for the City of North Miami.

Philip M. DiComo has joined Haile, Shaw & Pfaffenberger, P.A. Mr. DiComo will continue to practice in the area of corporate, private equity, emerging companies, mergers and acquisitions and not-for-profit law.



Rosenthal & Levy, P.A. law partners, Gerald A. Rosenthal and Jonathan T. Levy were recently named 2006 Florida Super Lawyers. Super Lawyers names Florida's top lawyers as chosen by their

peers and through the independent research of Law & Politics.

Mitchell A. Cohen, a shareholder with the law firm of Fowler White Boggs Banker, was appointed chairperson of the Client Relations Practice Committee of the Palm Beach County Bar Association.



Kerry A. Raleigh has joined the law firm of Schwarzberg Spector Duke Schulz & Rogers and will focus her practice on employment counseling and litigation, and commercial litigation. Christine D. Hanley was recognized as a "2006 Florida Super Lawyer," a listing of outstanding lawyers who have attained a high degree of peer recognition and professional achievement.



The Karp Law Firm has been selected for inclusion in the 2006 Martindale-Hubbell Bar Register of Preeminent Lawyers. **Joseph S. Karp** is the founder and principal of the firm, one of only about

5% firms nationwide selected for inclusion.

MISCELLANEOUS

THREE FOUR DRAWER LATERAL file cabinets (Hon and Hirsoh), like new, \$200 each. Call 561-791-8535.

ATTORNEY RICHARD B. KAY is

available to speak before organizations with regard to his representation of Lt. William Calley, who was charged with a Massacre that took place in My LAI, Vietnam on March 16, 1968. Also has been a candidate for President of the United States, United States Senator etc 561-747-8835.

Place Your Ad In The Bulletin Board!



Movie tickets make great gifts for teachers, clients and staff!

The PBCBA has discount movie tickets available for its members. Remember, these tickets make great gifts for family, babysitters, staff or clients. Savings are available for the following theaters:

- *Muvico Theater \$7.00 each (\$8.50 at box office)
- *Regal Theaters \$7.00 each (\$8.50 at box office)
- *NEW* Cobb Theatres \$6.50 each (\$7.75 at the box office)

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



Give Your Clients The Mediators They Deserve

SERVING SOUTH FLORIDA -

RODNEY A. MAX
G. WILLIAM "BILL" BISSETT
STEPHEN G. FISCHER
J. LEONARD FLEET
OSCAR FRANCO
WAYNE T. GILL
HENRY A. SEIDEN

For scheduling / coordination of your mediation

***** West Palm Beach: 561-533-7553

♦ Miami: 305-266-1224 **♦** Ft. Lauderdale: 954-423-8856

***** Toll Free: 800-863-1462

www.uww-adr.com

Mediation * Arbitration * Private Trials

Daytona Beach & Maitland/Orlando & Miami & West Palm Beach & Birmingham

CALENDAR

July/August 2006

August 3, 12 noon
North County Section
Board Meeting

Offices of McHale and Slavin

Friday, August 4, 12 noon Real Estate CLE Committee Meeting

Bar Association Office

Friday, August 4, 12 noon Client Relations Committee Meeting

Bar Association Office

Tuesday, August 8, 12 noon Young Lawyers Section Executive Committee Meeting

Bar Association Office

Thursday, August 10, 5:30 p.m. **Annual Spelling Bee/ Member Reception**

The President Country Club, West Palm Beach

Thursday, August 17, 4:00 p.m.

Construction Law CLE

Committee Meeting

Bar Association Office

Thursday, August 17, 6:00 p.m.

Palm Beach County Trial

Lawyers Meeting

Contact Susan Maynor (561) 999-9490 for info

Friday, August 18, 12 noon Quality of Life/Stress Management Committee Meeting

Bar Association Office

Tuesday, August 22, 11:45 a.m.

Membership Luncheon/ Judicial Forum

Crowne Plaza Hotel

Wednesday, August 23, 5:00 p.m.

Legal Aid Board of Directors Meeting

Bar Association Office

Thursday, August 24, 5:00 p.m.

Board of Directors MeetingBar Association Office

Friday, August 25, 10:00 a.m.

CLE Committee

Chair Meeting

Bar Association Office

Friday, August 25, 11:00 a.m. Committee Chair Meeting
Bar Association Office

Wednesday, August 30, 5:30 p.m. **FAWL Reception**

Contact Elisha Roy (561) 832-5500



Register for Bar Events Online at www.palmbeachbar.org



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

1601 Belvedere Road, Suite 302 East, West Palm Beach, FL 33406

PRESORT STD
US POSTAGE
PAID
WEST PALM BCH FL
PERMIT NO. 1946

PAST PRESIDENTS...

M.D. CARMICHAEL* RICHARD P. ROBBINS* I R RAKER* 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* *WORROM ! I 721IR **CILIVER SMITH*** RAYMOND ALLEY*

CY BYRD* WILLARD UTLEY* CH FRNFST* PAUL W. POTTER* WAREING T. MILLER* CHARLES B. FULTON***** I IFO 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 IAMES C. DOWNEY* WILLIAM A. FOSTER ALAN F. BRACKETT* ROBERT D. TYLANDER* ROBERT McK FOSTER* IOHN M. FARRELL

H. LAURENCE COOPER, JR. IOHN R. DAY JOHN L. BURNS HARRY JOHNSTON II GAVIN LETTS* JAMES S. ROBINSON CHARLES H. DAMSEL, IR. **EDWARD LEWIS** RAYMOND ROYCE PETER VAN ANDEL LARRY KLEIN THEODORE BABBITT **IOHN 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 IR ROBERT V. ROMANI® MICHAEL P. WALSH **IULIEANN ALLISON** MICHAEL A. VISCOMI CAROL McLEAN BREWER IERALD S. BEER ÍOHN G WHITE III MICHAEL T. KRANZ FDWARD DOWNEY SCOTT G. HAWKINS AMY L. SMITH GREGORY W. COLEMAN LISA S. SMALL STANLEY D. KLETT, IR. THEODORE J. LEOPOLD

* DECEASED

FLORIDA BAR PRESIDENT

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

**** DECEASED, FLORIDA BAR PRESIDENT

DECEASED, FLORIDA BAR PRESIDENT, FEDERAL COURT JUDGE