



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLE<sup>T</sup>IN

[www.palmbeachbar.org](http://www.palmbeachbar.org)

July/August 2014

## Diversity Event & Reception September 8



Labarga



Coleman

The Committee for Diversity & Inclusion is excited to announce its annual diversity program to be held on September 8. Guest speakers will be Florida Supreme Court Chief Justice Jorge Labarga and Florida Bar President Greg Coleman. Both Justice Labarga and President Coleman are “homegrown” right here in Palm Beach County and we are very proud that two of our own have been elected to lead the two most important legal institutions in the state. This event is being held at the Jupiter Beach Resort in conjunction with the Annual Education Program of the Florida Conference of District Court of Appeal Judges. Watch your email for more details about the event and how to register.

## Mark your calendar for upcoming Membership Events

### July 29:

Judicial Candidate Forum

### September 8:

Diversity Event & Reception with Appellate and Supreme Court Justices

### December 4:

Annual Holiday Party

### January 9:

“Screen on the Green” Family Event

### February 2:

Joint Luncheon with Forum Club with guest speaker U.S. Supreme Court Justice Sonia Sotomayor

### March 27:

Bench Bar Conference

## 2014-15 Board of Directors



Our annual Installation Banquet was recently held at the beautiful Breakers Hotel in Palm Beach with close to 500 attendees. Guests congratulated Jill Weiss as the outgoing president and welcomed incoming president Theo Kypreos. Congratulations and thank you to our entire Board of Directors for their time, dedication and service to our Bar.

Back row left to right directors Greg Huber, John Whittles, Lee McElroy, Jessica Callow Mason, Dean Xenick, immediate past president Jill Weiss, Sia Baker-Barnes and Edward “Ned” Reagan. Front row left to right: YLS president Lindsay Demmery, president Theo Kypreos, the Honorable Joseph Marx who administered the Oath of Office; president-elect Grier Pressly and director Julia Wyda. (not pictured NCS president Greg Yaffa)

For more photos from the event, please see page 4.

## Inside...

President’s Message .....	3
Banquet Highlights .....	4
Who’s Who .....	5
Probate Corner .....	6
In Memory of Marion Cromwell .....	7
Personal Injury Corner .....	8
Florida Bar Foundation .....	9

NCS Honors Judge Brown .....	10
Technology Corner .....	11
Rules of Civil Procedure .....	12
Pro Bono Corner .....	13
New Members .....	14
YLS Awards .....	15
Diversity Corner .....	17
Bulletin Board .....	19

THE  
**BULLETIN**

PALM BEACH COUNTY  
BAR ASSOCIATION

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President

[www.palmbeachbar.org](http://www.palmbeachbar.org)

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

## LETTERS TO THE EDITOR

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

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



THE CIRCUIT COURT OF THE  
FIFTEENTH JUDICIAL CIRCUIT  
OF FLORIDA

CHAMBERS OF  
LUCY CHERNOW BROWN  
CIRCUIT JUDGE

May 22, 2014

COUNTY COURTHOUSE  
WEST PALM BEACH, FLORIDA 33401  
561/355-4866

Mr. Todd S. Stewart, Esq.  
The Law Offices of Todd S. Stewart, P.A.  
824 W. Indiantown Road  
Jupiter, FL 33458

Re: 2014 North County Section Jurist of the Year Award

Dear Mr. Stewart: *Todd,*

Please know how much I appreciate the exciting surprise and high honor of receiving the 2014 North County Section's Jurist of the Year Award.

The award is particularly meaningful to me because of my longstanding respect for the North County Section which is well recognized for outstanding community involvement and Bar service. So many of the North County attorneys are colleagues I have grown up with professionally, and for whom I have high regard.

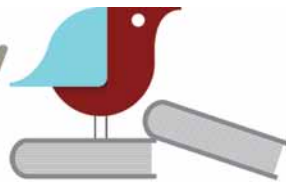
The crystal gavel is magnificent, the dinner was sumptuous, and the company great. My husband and I enjoyed the evening immensely.

Thank you again.

Yours Sincerely,

Lucy Chernow Brown  
Circuit Judge

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# President's Message



## A Look Ahead

*By Theo Kypreos*

Now that the installation banquet is over, the real fun begins. Before we get the ball rolling for the upcoming year, I would like to thank and commend our outgoing president, Jill Weiss, for her outstanding leadership this past year. Jill's enthusiasm for the Palm Beach County Bar is second to none, and I am personally grateful for the remarkable job she did as president. She is certainly a tough act to follow!

Looking forward, I am extremely excited for the upcoming year. As I have shared with many of you previously, one of the strongest attributes of our Bar are the opportunities it affords its members to interact and develop relationships with one another across all sections of our membership. To this end, the Board and Bar staff continue to work to secure informative and engaging luncheon speakers and plan successful membership events for the upcoming year. We are also very lucky to have so many dedicated members willing to chair and serve on our various Bar committees. With everyone's help, this year promises to be a busy one with plenty of CLE programming, membership events and networking opportunities throughout the year.

We already kicked the year off with a splash (literally) at yet another successful Young Lawyers Section Fishing Tournament on June 14 at the Palm Beach Yacht Club. Our Young Lawyers raised \$20,000 for Legal Aid's Educational Advocacy Project through this year's tournament. Later this month, the Bar will host a judicial candidate luncheon on July 29 at the Marriott in West Palm Beach. Members are invited to attend this luncheon and hear comments from all of this year's local judicial candidates.

I am thrilled with the annual diversity membership event that our Committee for Diversity and Inclusion has planned for us. This year's event will be held on September 8, in conjunction with the Annual Education Program of the Florida Conference of District Court of Appeal Judges at the Jupiter Beach Resort. Our diversity program will take place from 5-6 pm, and Florida Supreme Court Chief Justice Jorge Labarga and Florida Bar President Greg Coleman, both from Palm Beach County, will serve as guest speakers during the program. Immediately following the diversity program, the Bar will host a cocktail reception for our members along with all of the appellate judges from around the state in addition to the Florida Supreme Court Justices.

I am also happy to announce that we have secured another U.S. Supreme Court Justice as a guest speaker for a luncheon to be held jointly with the Forum Club of the Palm Beaches. This year's guest will be Justice Sonia Sotomayor, so block off February 2 on your calendar. Watch upcoming issues of the Bulletin for information about when registration for this event will be available.

The planning for many other programs and events are still in the works so please take a few moments to check the Bar's website regularly for details and registration information for future events.

In addition to keeping the calendar full of interesting programs and events, the Board of Directors and I remain committed to identifying and adding new benefits for our members. This year, we'll enjoy watching the Palm Beach County Find a Lawyer Program take shape. For those of you who haven't heard, the Bar has launched a new online marketing program for our members. Statistics show that more and more consumers are going online to look for an attorney. Through this program, members of the PBCBA will be able to have a significant web presence for less than the cost of one billable hour per month. Attorney profiles will include contact information, links to your website, general information about yourself such as your qualifications, types of cases you handle, and answers to other frequently asked questions. Prospective clients will be able to compare up to five lawyers at a time. The site will also provide prospective clients with a glossary of legal terms, information about what types of questions to ask their attorneys, what documents to bring to an appointment, etc. For more information on how to join this valuable new program, contact the Bar office at (561) 687-2800.

Thank you for the opportunity to serve as your president, and I look forward to working with and seeing all of you in the coming year!

[tkypreos@jonesfoster.com](mailto:tkypreos@jonesfoster.com)

## HAVEN'T PAID YOUR PBCBA DUES YET?

This will be your last issue of the Bulletin  
PBCBA dues statements were mailed in April.

If you have not already paid,  
we hope you will renew today.

### **You won't want to miss any of our great benefits**

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- \* Weekly eNewsletters containing important court information and news of upcoming events\*
- \*Networking and Committee involvement\*
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**And much more!**

**RENEW TODAY!**

**Contact Shoshannah Spence at 687-2800  
or renew online at [www.palmbeachbar.org](http://www.palmbeachbar.org)**



## 2014 Installation Banquet Highlights



Doing the Gator Chomp: Judge Joe Marx, President Theo Kypreos and President-elect Grier Pressly



Evie and Phil Houston



All PBCBA Presidents: Sid Stubbs, Scott Hawkins, Theo Kypreos and Mike Kranz. More PBCBA presidents have come from the Jones Foster law firm than any other firm.



Karen and Judge Glenn Kelly and Judges Krista and Joe Marx



Will Lewis, Andrea Robinson, Nicole and Jamie Gavigan



Gloretta Hall and Rosalyn and Judge Moses Baker



FL Bar President-elect Ray Abadin, former FL Bar Presidents Jay White and Gerry Richman, current FL Bar President Greg Coleman and former FL Bar President Scott Hawkins



Scott Smith, Rodney Romano and Trey Lytal

*Photos Courtesy  
of Tracey Benson  
Photography*



Kacey and Matthew Thibaut



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For more information about Palm Beach County Find a Lawyer, contact Lynne Poirier ([lpoirier@palmbeachbar.org](mailto:lpoirier@palmbeachbar.org)) or Patience Burns ([pburns@palmbeachbar.org](mailto:pburns@palmbeachbar.org)).





## Who's Who?

At a recent Board of Directors meeting for the North County Section, Board members were asked to tell us something about themselves that no one else would probably know. This ice breaker was so much fun that we decided to share it with you and make this a monthly column. Match the person with the statement and see how well you know your colleagues. To be included in an upcoming Who's Who, tell us something about yourself that others would not likely know. Send your information to Lynne at [lpoirier@palmbeachbar.org](mailto:lpoirier@palmbeachbar.org)



**Rosemarie Guerini**  
NCS Director



**David Steinfeld**  
NCS Director



**Eunice Baros**  
NCS Director



**Greg Yaffa**  
NCS President

- A. I once held a top secret security clearance and worked in the intelligence community
- B. In high school I played baseball against Alex Rodriguez on a few occasions and thought he wasn't very good.
- C. I was food editor of the Miami News from 1973 to 1976
- D. When I was 16 and on exchange in Colombia, South America, I was traveling through the Andes Mountain from Colombia to Ecuador with my host family when we were stopped by banditos/military with machine guns.

Answers: Rosemarie Guerini, D; David Steinfeld, A; Eunice Baros, C; Greg Yaffa, B



Lunch and Learn  
with the Young Lawyers

## Hands Only CPR Training & Lunch

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## Goodbye to Susan

*By Judge Barry Cohen*

Profiles in courage are most often associated with battlefields such as the Beaches of Normandy and the hallowed grounds of Gettysburg, Pennsylvania. But not always.

Sometimes extraordinary courage is shown by individuals in other situations involving unexpected adversity, and that courage serves to inspire the rest of us to live our lives to the fullest.

Susan Spencer Wendel, who left us at age 47 was such a person. She inspired not only her family and close friends, but many others who knew her.

It has been said that we should remember loved ones for the way they lived and not the way they died. In Susan's case we owe it to her and ourselves to remember both.

Susan deserves our admiration for her remarkable spirit and for reminding us how

much we can accomplish in the little time each of us is give on this precious earth.

One of Susan's favorite poems ends with these words:

*Love can tell and love alone, whence  
the million stars are strewn.*

*Why each atom knows it own, how  
in spite of woe and death, gay is life, and  
sweet is breath.*

Before her illness, Susan was a remarkable presence at the courthouse – the investigative reporter who kept the public informed about the inner workings of the criminal justice system. When she became ill, Susan was a fragile hero to whom we maintained a strong emotional attachment because she was so brave.

I hope there is a heaven where Susan can run and play with a rescue dog, read poetry at her leisure, and laugh. Maybe there is even one more story for her to write.



**Nancy Maass Kinnally, Susan Spencer Wendel and Judge Barry Cohen at the Bar's 2013 Bench Bar Conference where Susan was honored**



## Successor Personal Representative May Sue His Predecessor's Attorney For Malpractice

By: David M. Garten

In *Bookman v. Davidson*, 2014 Fla. App. LEXIS 6472 (Fla. 1<sup>st</sup> DCA 5/5/14), Ford was appointed personal representative ("PR") of the estate and engaged the services of attorney Davidson to advise her concerning her administrative duties. Ford subsequently resigned as PR and Bookman was appointed successor PR. After his appointment, Bookman filed a civil suit against Ford and Davidson alleging that Ford, through Davidson's guidance, improperly disclaimed or transferred out of the estate certain assets belonging to the estate that could have been used to pay its creditors. Bookman sought damages based on allegations that Davidson had improperly advised Ford in regards to her responsibilities as PR, as well as damages from Ford, personally.

Davidson moved for summary judgment against Bookman, in part, claiming the undisputed facts established a lack of any attorney-client relationship between Davidson and Bookman such that Bookman, as successor PR, could not file a suit against him for malpractice. Primarily, Davidson argued a successor PR is not in privity with the original PR's attorney, a necessary prerequisite to maintaining a malpractice claim under Florida law. The trial court granted Davidson's motion for summary judgment. The appellate Court reversed. The Court ruled that a successor PR of an estate may bring a cause of action for legal malpractice against an attorney hired by his predecessor to provide services necessary to the administration of the estate. The court reasoned:

"Sections 733.601 through 733.620 set forth the powers, duties, and obligations of the personal representative as regards not only the estate, but an assemblage of other individuals related to the estate's administration, including its beneficiaries, creditors, contractors, accountants, and attorneys. Section 733.602(1), Florida Statutes, prescribes the general duties of the personal representative by providing that the personal representative is a fiduciary who shall observe the standards of care applicable to trustees . . . [and] is under a duty to settle and distribute the estate of the decedent in accordance with the terms of the decedent's will and [the Florida Probate Code] as expeditiously and efficiently as is consistent with the best interests of the estate.

To accommodate the personal representative's exercise of her or his duties, section 733.612, Florida Statutes, governs the transactions authorized by the personal representative, including the employment of an attorney. See § 733.612(19), Fla. Stat. Most significantly, section 733.614 addresses the "[p]owers and duties" of a successor personal representative:

A successor personal representative has the same power and duty as the original personal representative to complete the administration and distribution of the estate as expeditiously as possible, but shall not exercise any power made personal to the personal representative named in the will without court approval.

Therefore, the powers granted to the original personal representative flow to the successor personal representative. Within this context, the Florida Probate Code expressly granted to Dana Ford, as personal representative of the estate of Deborah E. Irby, the power to engage appellee to represent her and to pay appellee from estate funds. See §§ 733.612(19) & 733.617(1), Florida Statutes. The Code also grants to the personal representative the power to prosecute lawsuits or proceedings for the protection of the estate and the benefit of interested parties. See § 733.612(20), Fla. Stat. Furthermore, Ford, as personal representative, had the duty to act within "the best interests of the estate" and in "the best interests of all interested parties, including creditors." §§ 733.602 & 733.603, Fla. Stat. This means the personal representative is required by law to pursue assets and claims of the estate, with value, including those assets which are in the hands of a former personal representative or her or his agents. See *Sessions v. Willard*, 126 Fla. 848, 172 So. 242, 245-46 (Fla. 1937).

Thus, there is no dispute that Ford, as the estate's personal representative, had standing to bring suit against appellee for legal malpractice. Yet, by virtue of the plain language of section 733.614, we hold all of the power and rights Ford possessed, including the right to bring suit against appellee on behalf of the estate, likewise transferred to appellant as the successor personal representative. In essence, appellant stepped into the shoes of Dana Ford when he became the successor personal representative."

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# Re: In Memory of Marion M. Cromwell

## May 3, 1920-May 17, 2014



Dear Patience:

My best friend, Henry Cromwell went to the University of Florida Law School in 1956. He was 5 years old. He went to law school with his Mother, Marion. At age 94, Marion M. Cromwell died on May 17th of this year.

In the 1970's, 80's and 90s, there were women lawyers in Palm Beach County that everybody knew just by their first name: Bonnie, Edna, Rosemary, the other Rosemary, Mary, Marjorie, Liz, Lucy, Martha and several others who, if you heard their first name you knew exactly who they were. But from the 1950s, 60s through the 90s, in all of Palm Beach County if you ever mentioned the name Marion in a business deal, a land transaction, or banking issue, everyone knew it was Mrs. Cromwell.

Mrs. Cromwell was born in Jacksonville, Florida, but when she was an infant her family moved to Cross City in Dixie County. Her Mother was a school teacher and her Daddy was a World War I Navy Veteran admitted to The Florida Bar and was Dixie County's first lawyer. (He read for The Bar.) This was in 1921.

In 1941, Mrs. Cromwell graduated from what was then

known as Florida State College for Women (FSU). She taught school for a year then joined the United States Navy in the heat of World War II. After the War, she worked with her brother in his insurance business in Gainesville, Florida. She married Robert Frederick Cromwell, a native of Riviera Beach, Florida, in July 1948. (Bob was a U.F. Law School graduate. He was also the President of the Palm Beach County Bar in 1955.)

They soon moved to Riviera Beach, where Bob would start practicing law. In 1951 my good friend, Henry "Finger Mullet" Cromwell was born in St. Mary's Hospital.

When Henry was 2 years old, Mrs. Cromwell decided that she was going to law school and that she was taking Henry with her. She was one of two women in the class of all men. In 1956, Mrs. Cromwell graduated. While in law school she competed with fellow classmates the likes of Former Governor, Reuben Askew.

Mrs. Cromwell moved back to Palm Beach County, joined her husband, Bob and practiced law with their partners at the firm of Cromwell & Remsen. Not only did she help to make Cromwell & Remsen a powerhouse law firm in the North end of the county, but she was the primary mover in starting a savings & loan association which would become known as Community Federal Savings & Loan.

In 2006, Mrs. Cromwell celebrated 50 years of membership in The Florida Bar. People who practiced with Mrs. Cromwell and clients of hers will tell you that if Marion Cromwell handled a deal or drafted a contract, there was never a problem.

As a young lawyer in the late 70s, I was called upon to handle transactions where Mrs. Cromwell was on the other side. It was always difficult to be in a conference with her when she would call me "Jackie" and I would always respond, "Yes, Mrs. Cromwell." No one I knew called Mrs. Cromwell, "Marion", at least not when she could hear it. In her presence, you knew that you were with a person of integrity, intelligence, commitment and perseverance. There was not anything that Mrs. Cromwell couldn't do if she wanted to.

In 1956, there weren't any support groups or association for women lawyers; there weren't any other women lawyers around. It was all boys and a good old boy system. In that competitive environment, Mrs. Cromwell didn't just survive, she thrived.

I regret that some of the younger lawyers never got a chance to know her or to sit and talk with her. She was a great role model.

When I think of a pioneer and a person who in the face of adversity, persevered; who wouldn't take no for an answer; who wouldn't acknowledge the existence of a glass ceiling; who demonstrated integrity, professionalism and decency, I think of Mrs. Cromwell.

Very truly yours,  
Jack Schramm Cox  
Circuit Judge

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This course is required by law in order for the concerned parties to obtain a final judgment of dissolution of marriage in Florida where there are children involved. It is provided by the University of Continuing Education and approved by the Florida Department of Children and Families







### Liability for Third Party's Actions

By Ted Babbitt

In *Dorsey v. Reider*, 39 Fla. L. Weekly S163 (Fla. March 27, 2014), the Supreme Court analyzes the responsibility relative to the actions of third parties. In that case, the defendant and his friend were drinking to excess with the plaintiff and the defendant became belligerent and combative. The plaintiff derided him and walked out the door whereupon the defendant and his friend followed him and trapped him between cars. The defendant actively blocked the plaintiff's escape while a friend retrieved a tomahawk from the defendant's truck and struck the plaintiff in the head.

A jury returned a verdict for substantial damages against the defendant and in favor of the plaintiff and the Third District reversed holding that the defendant did not owe a duty of care because there was no evidence that the defendant colluded with his friend or that the defendant could foresee the attack.

The Supreme Court found conflict with its opinion in *McCain v. Florida Power Corp.*, 593 So. 2d 500 (Fla. 1992). There the Supreme Court held that a duty could arise from the general facts of a case. The Supreme Court in *McCain* relied upon the concept of defendant's conduct creating "a foreseeable zone of risk." At 502, the Supreme Court in *McCain* held:

The duty element of negligence focuses on whether the defendant's conduct foreseeably created a broader 'zone of risk' that poses a general threat of harm to others.

At 503, the *McCain* opinion holds:

The statute books and case law, in other words, are not required to catalog and expressly proscribe every conceivable risk in order for it to give rise to a duty of care. Rather, each defendant who creates a risk is required to exercise prudent foresight whenever others may be injured as a result. This requirement of reasonable, general foresight is the core of the duty element. For the same reasons, duty exists as a matter of law and is not a factual question for the jury to decide: Duty is the standard of conduct given to the jury for gauging the defendant's factual conduct. As a corollary, the trial and appellate court cannot find a lack of duty if a foreseeable zone of risk more likely than not was created by the defendant.

In *Dorsey v. Reider*, *supra*, the Court confirms that ordinarily there is no legal duty to prevent the misconduct of third persons unless one of the exceptions to that rule is carved out by the facts. Those exceptions include instances where the defendant is in actual or constructive control of the instrumentality, the premises on which the tort was committed, or the tortfeasor.

In *Dorsey*, the Court explains the distinction between duty and proximate cause explaining that a duty arises any time the defendant's conduct creates a foreseeable zone of risk whether or not the defendant could actually foresee the injury which occurs.

The Court explains that the Third District was in error in construing the Supreme Court's opinion in *McCain*, *supra*. At 164, the Court holds:

However, our *McCain* decision does not require that to find a duty of care under these circumstances, there must be evidence that the defendant colluded with the third party to cause harm or knew exactly what form that harm might take – only that his conduct created a general zone of foreseeable danger of harm. The exact type of injury that results is not required to be anticipated.

Foreseeability is still required to show proximate cause. At 163, the Court holds:

... establishing the existence of a duty is primarily a legal question and requires demonstrating that the activity at issue created a general zone of foreseeable danger of harm to others. Establishing proximate cause requires a factual showing that the dangerous activity foreseeably caused the specific harm suffered by those claiming injury.

While the issue of duty is one for the Court to determine, proximate cause is almost invariably a jury question. Thus, the courthouse door is open when defendant's conduct is shown to have caused the creation of a foreseeable zone of risk posing a general threat of harm to others. That is sufficient for the Court to hold that a duty exists on the part of the defendant to the plaintiff. Thereafter a jury question is raised as to whether the specific harm to the plaintiff was sufficiently foreseeable to pass the proximate cause test.

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Office: North Palm Beach

## Florida Bar Foundation helps fund Education Advocacy Law Project



The Legal Aid Society of Palm Beach County's Education Advocacy Law Project was court-appointed to represent "Davis," 10, in a diverted delinquency case brought by the school

principal. The third-grader was having academic and behavioral difficulties at school and had already been retained in second grade.

Rather than evaluating Davis for possible disabilities, the elementary school had suspended him for 28 school days and had him arrested. In response to Legal Aid's demand letter, the School District completed an evaluation and found Davis eligible for special education for an emotional and behavioral disability, as well as a specific learning disability. Legal Aid got him placed at a different elementary school, closer to home, where he began receiving special education and related services, including group counseling. The District also agreed to provide him 108 hours of compensatory education in a summer camp setting, where he had mentors and tutors.

The difference between a child who drops out or ends up in the juvenile justice system and one who succeeds in school is often the way the school and foster-care systems respond to behavior issues when they arise. With Legal Aid's help, Davis was given a chance to succeed, rather than being written off at the age of 10.

Recognizing that children have special legal needs, and that those needs were going largely unmet, The Florida Bar Foundation began funding special annual grants for legal assistance to children in the early 1990s. The Foundation's priorities for its Children's Legal Services grants include representation of foster youth and access to special education, medical, developmental and mental health services that are required under law. The Legal Aid Society of Palm Beach County has received \$995,594 in Children's Legal Services grants from the Foundation since the program began.

The Foundation has made the Children's Legal Services Grant Program one of its top priorities in the face of the devastating impact of low interest rates on revenue from Florida's Interest on Trust Accounts (IOTA) program. In 2012-13, the Foundation provided \$62,962 to help fund the Education Advocacy Law Project at the Legal Aid Society of Palm Beach County. Although the grant was much less than in previous years, it continues to be an important source of funding for the project.

Gifts from attorneys to the Foundation from the Children's Legal Services Campaign on the annual Florida Bar Fee Statement help support the Foundation's Children's Legal Services grants, along with proceeds from The Florida Bar's Kids Deserve Justice license plate initiative.

A 28 percent increase from 2012 to 2013 in contributions from Florida attorneys through the Florida Bar Fee Statement and direct gifts to the Foundation will help soften the cuts to the Foundation's Children's Legal Services grants in the 2013-14 fiscal year, although the extended IOTA revenue slump and the resulting depletion of the Foundation's reserves will still necessitate further cuts.

I would like to thank all of those who contributed during this time of critical need. Your help has made a tremendous difference in the lives of youth who might otherwise be without a voice.

*Patrick J. Casey*  
Florida Bar Foundation Board Member

### Members of the North County Section are invited to a Membership Appreciation Mixer

Thursday, September 4  
5:30 p.m. to 7:00 p.m.  
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Attorneys who are not members: \$35.00

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Miami: 600 Brickell Ave. | Suite 2600 | Miami, FL 33131



## NCS Honors Judge Brown with its 12<sup>th</sup> Annual Jurist of the Year Award



The North County Section recently presented its 12<sup>th</sup> Annual Jurist of the Year Award during a sold out dinner at Ruth's Chris Steak House in North Palm Beach. This year's Jurist of the Year honoree was Circuit Judge Lucy Chernow Brown. The award recognizes a local judge for his or her commitment to the Bench and Bar. Previous honorees include Judge Mary Lupo, Judge Roger Colton, Judge Peter Blanc, Judge Thomas Barkdull, Judge Barry Cohen, Judge Jonathan Gerber, Judge David Crow, Judge Edward Fine, Judge Jack Cook, Judge Ronald Alvarez and Judge Richard Oftedal. Members of the Section send their recommendations to the Board of Directors. The Board votes anonymously and the winner's name is kept a secret until the night of the event. We believe Judge Brown was surprised and the evening was great success!



Jay Hunston, Jane Hunston and Ted Deckert



Judge John Phillips, Judge Laura Johnson, Jerry Beer and Billy Johnson



Fred Cunningham and Jeanmarie Whalen



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## **“Getting to the Basics of Bankruptcy”**

**Friday, September 12, 2014 - 9:00a.m. - 12:00p.m.**

Bar Offices - 1507 Belvedere Rd., WPB

### **Program Schedule**



- 8:45am - 9:00am **Check In / Late Registration**
- 9:00am - 9:10am **Welcome - Opening Remarks** - *Brian K. McMahon, Esq.,  
Brian K. McMahon, P.A., Bankruptcy CLE Committee Chair*
- 9:10am - 10:00am **Chapter 7 Practice** -  
*Brian K. McMahon, Esq., Brian K. McMahon, P.A.*
- 10:00am - 10:50am **Chapter 13 Practice** - *James E. Copeland, Esq.*
- 10:50am - 11:05am **BREAK**
- 11:05am - 12:00pm **Ethical Issues in Bankruptcy** - *Robert C. Furr, Esq.,  
Furr and Cohen, P.A.*

**This course is expected to receive 3.0 CLE including 1.0 Ethics credits from The Florida Bar.**  
The cost of the seminar is **\$85** for PBCBA members/paralegals, **\$125** for non-PBCBA attorney members/paralegals. **After 9/5/14, add \$10.00 late fee.**

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

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

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



If you can't leave your office, you can attend this via live webinar by registering here <http://www.palmbeachbarcle.org/>. **PLEASE NOTE: If you register for the webinar, you cannot attend the live version.**



If paying by check, please send payment, along with this form, to the Bar office.

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\_\_\_ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Bankruptcy Seminar 9/12/14) 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.**



## One Year After Snowden: How Safe Are Your Calls and Emails?

By Christopher B. Hopkins

On June 5, 2013, the world learned of Edward Snowden in a ground-breaking news story, “NSA Collecting Phone Records of Millions of Verizon Customers Daily.” Over this past year, we have learned a little more about Snowden himself and considerable more about the NSA’s mass surveillance methods. Articles in *The Guardian* and *Washington Post* have come out nearly every week, like Saturday serial moves from the 1950’s, and it has been easy to lose touch with the unraveling story of how modern spy technology spans beyond what was once considered science fiction. This article provides an overview of the Snowden revelations and outlines some considerations for securing your calls and emails.

Before Snowden, there were some warning signs that, after September 11, the government was pursuing phone and email data on a massive scale without warrants. The Foreign Intelligence Surveillance Act of 1978 (FISA), which had been relatively unchanged prior to September 11, was modified in 2001, 2007, and 2008 to the point that probable cause and specific information were no longer required for mass surveillance. Along the way, in December 2005, the New York Times reported, “Bush Lets U.S. Spy on Callers Without Courts.” On the other hand, in February 2013, the U.S. Supreme Court declined to permit *Clapper v. Amnesty International et al.* proceed with its claim about government spying -- in the pre-Snowden era, there was insufficient data that reporters and activists, much less the general public, were subject to having telephony data inspected. *Clapper* gained little sustained attention in the media and was still largely forgotten, four months later, when the first Snowden disclosure was published.

### What Have We Learned About Phone & Internet Surveillance Since June 2013?

- **Telephony Metadata:** all call detail records, from local to international, are collected.
- **PRISM:** a mass surveillance system collects data from the major internet companies such as AOL, Apple, Facebook, Google, Microsoft, Skype, and Yahoo (*Washington Post* claimed that, “from inside a company’s data stream, the NSA is capable of pulling out anything it likes...”).
- **\$278 Million Dollar Budget in 2013:** the government paid “reasonable reimbursement” expenses to internet companies.
- **EvilOlive:** a massive filter collects and analyzes internet metadata in bulk.
- **Upstream:** a disclosed Powerpoint slide reveals that the NSA has fiber optic taps at various points among the continents.
- **Even the FISC judges were surprised:** the court which approves requests in secret did not have a full appreciation for the scope of mass surveillance. In one opinion which the NSA published in light of the Snowden disclosures, the judge wrote, “that revelation [of Upstream capturing internet data] fundamentally alters the Court’s understanding of the scope of the collection conducted... and requires careful reexamination of many of the assessments and presumptions underlying its prior approvals.”
- **The government was not always fully transparent with**

**FISC:** one judge wrote, “the Court is troubled that the government’s revelations regarding NSA’s acquisition of internet transactions mark the third instance in less than three years in which the government has disclosed a substantial misrepresentation regarding the scope of a major collection program.”

- **XKeyscore:** using this program, analysts can search emails, chats, browsing history and more by a person’s name, phone number, IP address, keywords, sites visited, etc. Snowden disclosed the “unofficial XKeyscore Users Guide” which shows how an analyst can search all emails to/from person’s email address or, conversely, can determine who accessed a specific webpage.
- **Facebook, Twitter, and More:** the title of a September 2013 *New York Times* article revealed, “NSA Gathers Data on Social Connections of U.S. Citizens.”
- **NSA Collects Contact Lists:** the agency reportedly amasses 250 million email views and contact lists of users every year.
- **NSA Can Beat Most Safeguards:** in September 2013, it was reported that the NSA has “circumvented or cracked” most of the encryption used for banking, trade secrets, and medical records.
- **Encryption May be Compromised:** In late 2013, RSA Security issued an advisory to stop using one of its encryption key generators (you may have such a key-fob code generator for remote access to your firm’s email). In June 2014, True Crypt admitted that it “may contain unfixed security issues.”
- **NSA Can Hack All of the Major Smartphones:** reported by *Der Spiegel* in the Fall of 2013 and confirmed in the May 2014 NBC Snowden interview.
- **Unknown?:** Snowden reportedly has excerpts from NSA Powerpoints which no news agency will publish.

### What Are the Best Practices for Secure Phone Calls and Internet Use?

- **Endpoint Security:** you are weakest where you enter and leave the internet, particularly wireless and mobile devices.
- **ABA’s Comment:** the American Bar Association amended a comment to the Model Rules that, in our ethical requirement to stay abreast of technology, consider the “benefits and risks associated with relevant technology.”
- **Questions to Ask:** How sensitive is the data? What is the harm of disclosure? What is the cost of additional safeguards? Are they workable?
- **There is no expectation of privacy in international calls --** the U.S. does not need a warrant and you can presume other countries are likewise monitoring.
- **Government and Commercial Monitoring:** when possible, use Tor for sensitive internet research and perform basic queries on non-tracking sites like DuckDuckGo, Privatelee, and Startpage.

*Christopher B. Hopkins is a partner in the West Palm Beach office of Akerman LLP. He accepts secret handshakes, carrier pigeons, and smoke signals but prefers the less secure email to christopher.hopkins@akerman.com.*

### Rule 1.510: Summary Judgment

By Matt Triggs and Jonathan Galler

Birds of a feather... defeat summary judgment motions together?

That is what the Fourth District Court of Appeal effectively held in *Neiman v. Kahn, Chenkin & Resnick, P.L.* There, the court concluded that because “appellants were similarly situated to their codefendants,” who were successful in defeating summary judgment, “summary judgment should have likewise been denied against appellants.” *Neiman*, 2014 WL 1464576, at \*1 (Fla. 4th DCA Apr. 16, 2014).

*Neiman* was a breach of contract case brought by a law firm against its former clients for failure to pay its fees. The five defendants filed amended answers denying the material allegations of the complaint. In response to a motion for summary judgment, two of the defendants filed an affidavit. The affidavit stated that the defendants had hired the plaintiff as their counsel with the express goal of having the underlying lawsuit dismissed as quickly as possible but that the law firm failed to inform the defendants of an arbitration provision in the underlying contract that could have resulted in a quick dismissal and a savings of millions of dollars.

The trial court denied summary judgment against the two defendants who had filed the affidavit, but the court granted summary judgment against the remaining three defendants – the appellants – specifically noting that they had not filed opposition affidavits. The trial court also denied a motion for reconsideration filed by the appellants, in which they argued that the affidavit had been filed on all of their behalves and that, regardless, the same grounds that precluded summary judgment against their codefendants also precluded summary judgment against the appellants.

The Fourth District found that the appellants were similarly situated to their codefendants because “the predicate facts are shared by all defendants.” *Neiman*, 2014 WL 1464576, at \*2. In particular: (1) all of the defendants had signed the same fee agreement with the plaintiff; (2) the complaint and motion for summary judgment did not make any distinct

allegations as between the defendants; and (3) the plaintiff’s affidavit in support of summary judgment did not assert that any of the defendants should be treated differently from one another.

The court also pointed out that the defendants all filed an amended answer containing the very same assertions that were presented in one of the prevailing defendant’s answer and affirmative defenses, which, along with the successful affidavit in opposition to summary judgment, contained several allegations concerning the actions of *all* of the defendants.

Reversing the trial court’s order, the court summarized its opinion as follows: “Because all defendants were similarly situated, it does not follow that the trial court could deny summary judgment as to [two of the defendants] but grant it against appellants.” *Neiman*, 2014 WL 1464576, at \*3.

More specifically, the court explained that the prevailing defendants’ opposition affidavit had created genuine



issues of material fact common to all of the defendants.

The lesson? It may be alright to ride the summary judgment coattails of a similarly situated codefendant; just make sure they are the coattails of a codefendant who filed an opposition affidavit.

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

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# The Art of Motion Calendar:

Getting Thumbs Up From The Judge!

**Wednesday, September 24, 2014**

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

Bar Office, 1507 Belvedere Road, West Palm Beach



Judge Peter Blanc



Michael Gelfand, Esq.



Judge Janis Keyser

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## Pro Bono is Forever

On May 10<sup>th</sup>, the Legal Aid Society honored 7 attorneys, 1 law firm, a psychiatrist and the Young Lawyer's Section of the Palm Beach County Bar Association for their outstanding pro bono contributions in 2013. Over 700 members of the legal community, together with friends and supporters of Legal Aid, gathered at the Palm Beach County Convention Center to celebrate the 26<sup>th</sup> Annual Pro Bono Recognition Evening. The theme of this year's event was "Shaken, Not Stirred...A Bond Affair"

and featured 50 years of Bond movie theme's sung by the Second Stage Players under the direction of Kimberly Rommel-Enright accompanied by pianist/attorney Carl Spagnuolo. Numerous guests participated by dressing as Bond himself, Bond girls or Bond villains. All proceeds from the annual gala are used to support Legal Aid's 17 projects and to ensure equal access to our judicial system to all residents of Palm Beach County.



The attorneys honored at this year's celebration included:

Pamela Balaguera - Family Law Award  
Steven Brannock - Real Property Law Award  
Garry M. Glickman - Elder Law Award  
Anne Hinds - Juvenile Law Award  
Frank T. Pilotte - Non Profit Law Award  
Lou Reidenberg - Emeritus Award  
Lloyd Schwed - Civil Litigation Award

The Firm Award was presented to Burlington & Rockenbach, P.A. The Voluntary Bar Association Award recipient was the Young Lawyer's Section of the Palm Beach County Bar Association. The Special Services Award was given to Dr. Karen Severson. The Annual Suzanne Foley "Serving Justice" Award, given in memory of Legal Aid's Director of Development, was presented to Heather Lazarus.

Emcees for the evening were Michelle Suskauer and Mariano Garcia.

Event Chairs Gary & Jennifer Lesser, Katie & Jerry Beer

*Photos by Tracey Benson*



## Courtroom within a classroom made possible by the North County Section

Middle school students attending the Pre-Law Academy at Independence Middle School in Jupiter now have a Courtroom in their classroom. From the Judge's bench to the jury box and witness stand, students will learn valuable lessons about the law. The Courtroom furniture was made possible in part through a charitable donation by the North County Section of our Bar.



Several NCS Board members attended the ribbon cutting ceremony from left to right: Ken Johnson, Dan Zuniga, Eric Rosen, Principal Kathryn Koerner, Pre-Law Academy Instructor Heather Lukasik, Todd Stewart and Board President of Jeff Industries Jeff Vernis. Jeff Industries built the jury bench and clerk stand.



Standing in front of the jury box, Todd Stewart reminds students that jurors are one of the foundations for our system of government.



Reporter/Photographer from WPEC News 12 was on hand to cover the program.



## Welcome New Members!

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

**Cindy Avidan:** University of Florida, 1986; Partner in Banker Lopez Gassler, P.A., Plantation.

**Pamela D. Balaguera:** Nova Southeastern University, 2011; Solo Practitioner, West Palm Beach.

**Linda M. Berns:** University of Miami, 2011; Associate in Kelley, Kronenberg, P.A., West Palm Beach.

**Alexander Borell:** University of Miami, 1989; Solo Practitioner, West Palm Beach.

**Alison Churly-Davis:** Nova Southeastern University, 2012; Associate in Amlong & Amlong, P.A., Ft. Lauderdale.

**Jonathan J. Fuld:** Fordham University, 2009; Associate in Cooke Barrett, P.L. West Palm Beach.

**Jennifer Garaguso:** Queens College Law School University, Law Student Membership, West Palm Beach.

**Marissa Beth Gart:** University of Miami, 2010; Associate in Feldman & Schneiderman, P.L., Boca Raton.

**Daniela A. Gordon:** University of Miami, 2011; Associate in DuBosar Navon, PLLC, Boca Raton.

**Ellen Anne Griffin:** Nova Southeastern University, 1985; Office of the Public Defender, West Palm Beach.

**Michael S. Herman:** Nova Southeastern University, 2012; Associate in William W. Price, P.A., West Palm Beach.

**Jay L. Kauffman:** University of Texas, 1996; Associate in Chapin Ballerano & Cheslack, Delray Beach.

**Richard S. Lubliner:** Emory University, 2013; Associate in Greenstein & Associates, West Palm Beach.

**Lauren N. McEndree:** Ave Maria School of Law, 2013; Associate in Cole, Scott, & Kissane, P.A., West Palm Beach.

**Matthew Cragg Martin:** University of Miami, 2008; Partner in Gaebe Mullen Antonelli & DiMatteo, West Palm Beach.

**Mahavi L. Menon:** University of Chicago, 2012; Fifteenth Judicial Circuit, Palm Beach County.

**Genevieve Napolitano:** University of Miami, 2014; Associate in Cathleen Scott & Associates, P.A., Jupiter.

**Brian Pantaleo:** Boston College, 2005; Associate in Edwards Wildman Palmer, LLP, West Palm Beach.

**Richard S. Rosenstein:** University of Pennsylvania Law School, 1973; Solo Practitioner, Delray Beach.

**Christopher A. Sajdera:** Duke University, 2004; Partner in Sajdera Morris, P.L., Boca Raton.

**Michael Stopek:** St. Thomas University, 2014; Delray Beach.

**Jane H. Turner:** Florida Registered Paralegal Membership, Greenspoon Marder, P.A., West Palm Beach.

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**SUZANNA M. SCARBOROUGH**

For the twenty years before Suzanna Scarborough joined Rosenthal, Levy, Simon & Ryles, she protected the citizens of Palm Beach County, as an Assistant State Attorney prosecuting dangerous criminals; later she stepped up to the position of Chief of the Domestic Violence Unit. She left the State Attorney's office to become in-house Counsel to the Palm Beach County PBA. In 2009, Ms. Scarborough established her own criminal practice. In association with Legal Aid, she volunteered assistance to the victims of domestic violence. Today Ms. Scarborough enjoys the opportunity to protect the rights of injured workers who have been denied the benefits they deserve.

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## YLS Awards Luncheon

The following tips for lawyers were presented at the YLS Awards Luncheon, delivered by Judge Robin Rosenberg.

### Don't be afraid.

- Don't be afraid to make mistakes.
- Don't be afraid to take risks.
- Don't be afraid to fail.
- Don't be afraid to succeed.

### Take pride in everything you do.

- Your work product is a direct reflection of your professional standing.
- No project, assignment, no task, no client should be too small or unimportant or too insignificant that it does not warrant 100% effort and quality.
- It is often the smallest of projects or assignments that catches someone's attention and leads to the biggest yet unexpected rewards. It's not to suggest you should be looking for the rewards but they will come if you put forth the unwavering, consistent and genuine effort.

### It's ok if you don't have your dream job for the time being (or even if you are less than fully satisfied with your job for the time being).

- It's not always possible to make every job your dream job especially when you are first starting out.
- There is almost always something positive that can be gained from jobs that are not your dream jobs or otherwise less than fully satisfactory – even if it is realizing that you never want to do that type of job again, or work for that type of person or in that type of work environment.
- How else are you going to learn what you don't want to do than by doing it and coming to that realization first-hand.
- Not being satisfied with your job is not an excuse to underperform or compromise your standards.

### Be open to opportunities; think big, outside the box and creatively – there's no "one way" to do things and certainly no "one way" to be a lawyer.

- Times have changed. The job you have today may not be the same job you have next month, next year or in 5 years. That's ok. It doesn't mean you should look for ways to "jump ship" casually and recklessly but it does give you the license to feel liberated in your thinking about your professional life in the present and future.
- Longevity at a place of employment has its advantages as well – establishing a reputation, building a practice, assuming greater responsibilities, including management and supervisory responsibilities, financial rewards.
- Be open-minded to public and private sector opportunities, as well as not for profit positions and consider moving from one to another. You do not need to be pigeon holed as one or the other – that is as being a government lawyer or a private attorney. There are great benefits that can come from both and all experiences.

### Balance your personal life with your professional life.

- When you are happy personally you will be happy (or at least happier) professionally and vice versa.
- While certain compromises always need to be made along the way in your career, don't compromise on the important things in life – like family, friends, health. Jobs come and go but family is there for the long run and needs attention and nurturing as does your mental and physical well-being. Not only is this a healthy way to live, but it will enhance your professional success.



Members of the YLS who received awards were Leanna Lalla, Jack Rice, Christine Bialczak, Dane Leitner, Scott Perry, Greg Salnick, President Julia Wyda, Thomas Allison, Lisa Kohring, Adam Langino, Jamie Gavigan and Allison Percy.



Guest speaker for the luncheon was Circuit Judge Robin Rosenberg, pictured with then YLS President Julia Wyda



Jeff Wasserman, Seth Marmor, Colleen Farnsworth and 4th DCA Judge Alan Forst



David Prather received the "YLS Friend of the Year" Award

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## Building Bridges Instead of Walls

by Lisa M. Kohring

Over the past decade, the cultural makeup and diversity of the Palm Beach County legal community has been evolving and the doors of our legal profession have widened to provide access to those who, in the past, have been shut out. The practice of law in our community has become more interesting, more unique, more challenging and more powerful because it is composed of differing values, beliefs, ideologies, political perspectives and opinions that have shaped our legal culture. It is no wonder our legal community continues to flourish and strengthen as we embrace diversity in our workforce.

The members of the Palm Beach County Bar Association in particular have made a commitment to improving the diversity of our legal workforce by establishing, implementing and consistently improving the approach that our community takes to embrace diversity. During the past few years our members have established the Committee for Diversity and Inclusion, which works tirelessly to raise awareness about, among other things, the benefits of maintaining a diverse workforce. Our members have created and implemented the Diversity Placement Database to assist local employers in recruiting diverse candidates for employment and they have created the "Road to the Bench" Subcommittee, which works to connect diverse judicial candidates with mentors who can provide tips regarding the JNC appointment process. Our members have also formed the Diversity Internship Program to place diverse student interns with local law firms so they can gain the kind of experience they may not have otherwise been able to gain.

These accomplishments and the motivation and dedication exhibited by our members send a powerful message that our community is both inclusive and exclusive. Our message illustrates that we value our members based on skill and intelligence, not on status, and that we are committed to integrating the best and the brightest talent into our community no matter who they are or where they come from.

Now, more than ever, is the time for each of us to continue to build this momentum by reflecting on our contributions to diversity over the course of the past year and ensuring that over the course of the next year we continue to, among other things:

1. Work to build sustainable relationships among people and institutions of diverse memberships;
2. Provide equal treatment and access to resources and decisions for all community members regardless of race, ethnicity, religion, gender, pregnancy, sexual orientation, physical disability and socioeconomic status;
3. Continuously and effectively work to ensure we address racism, sexism, homophobia and other forms of discrimination within our workforce;
4. Develop and implement internal policies to appropriately respond to workplace issues that arise in relation to race, ethnicity, religion, gender, pregnancy, sexual orientation and physical disability;

5. Train managers and supervisors to understand internal company policies related to diversity and anti-discrimination and retaliation;
6. Make a commitment to eradicating intolerance, oppression, prejudice, discrimination and harassment in our legal community;
7. Make a commitment to continue publicly recognizing the members of diverse groups in our community for their contributions to our profession;
8. Continue to support the inclusion of diverse members in our community and profession regardless of age, disability, religious or spiritual orientation, race, ethnicity, gender, sexual orientation and national origin;
9. Recognize and encourage the shared belief that diverse cultural backgrounds, life experiences, challenges and values create a dynamic legal community vital for excellence.

Our members have made significant and impressive strides towards creating a legal community that fosters diversity. Continuing on this path will ensure that we remain leaders at the forefront of diversity in our legal community.

Please review the Bar Association's website on the Committee for Diversity and Inclusion to learn more about what benefits the Committee can offer to you and your firm and how you can get involved.

*Lisa Kohring is a litigation associate with Schwarzberg & Associates. She focuses her practice on commercial litigation and employment law and compliance and can be reached at [lkohring@schwarzberglaw.com](mailto:lkohring@schwarzberglaw.com).*

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

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

## 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](http://www.suskauerlaw.com).

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

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## OFFICE SPACE

**OFFICE SUBLEASE IN CENTURION TOWER:** 1601 Forum Place, West Palm

Beach. Includes office, file space and a secretarial station, use of phone system, access to a high speed copier/scanner, two conference rooms, a full kitchen and internet. \$1,500/month. Call Janet (561) 659-7878.

## PALM BEACH GARDENS OFFICE

**SPACE:** Two turnkey offices with secretarial/paralegal space available for rent, with shared kitchen and access to conference room, copier and Internet. Terrific location on PGA Blvd near the Gardens Mall, minutes from I-95 and the Turnpike. Great referral possibilities, with multiple law firms on the same floor. Willing to rent separately. Ideal option for a solo practitioner. Call Julianne Frank (561) 626-4700 or email [receptionist@fwbpa.com](mailto:receptionist@fwbpa.com).

## TURNKEY PROFESSIONAL, 2-LEVEL OFFICE CONDO:

Nine individual offices. Separate reception area. Restrooms and conference rooms on each level. Ample parking with covered spaces. Close to I-95, 4th DCA, Outlet Mall and Courthouses. \$300,000. Owners will consider reasonable offers. Contact: Tom Shea, Keller Williams Realty (561) 377-3502; email [tushea22@comcast.net](mailto:tushea22@comcast.net).

## OFFICE SPACE IN PALM BEACH GARDENS:

Prestigious location on PGA Blvd. High-end office space with 2 private rooms, conference room, kitchen, waiting and reception area. Furnished. No pass-throughs. Signage options available. 1,100 SF, \$1,800/month plus taxes. Available immediately. Call Elizabeth (561) 832-5500.

## LAKE WORTH OFFICE SPACE

available to share with bankruptcy attorney. Location on Lake Worth Rd, west of Jog Road. Space includes secretary area, internet, copier/printer. Call (561) 642-3000 for more specific details.

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## EXECUTIVE SUITES/OFFICE SPACE:

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## HEARSAY

**The Law Office of Glen J. Torcivia and Associates, P.A.**, recently celebrated its 25th Anniversary at a reception attended by over 200 individuals.

**John F. Schutz** of Schutz & White, LLP was appointed Vice-Chair of the Advisory Board of the Cystic Fibrosis Foundation of the Palm Beaches.

Jones, Foster, Johnston & Stubbs, P.A. announces that **Thomas J. Baird** has recently been selected to represent the Governing Board of the South Florida Water Management District.

The Law Office of Sheila Biehl, P.A., is pleased to announce that **Sheila Biehl** has been appointed to the Voluntary Bar Liaison Committee of The Florida Bar through June 30, 2017. Ms. Biehl is a Board Certified Specialist in Business Litigation, practicing in the areas of Real Estate and Probate Litigation.

**Clerk & Comptroller Sharon Bock** was re-elected by her fellow Florida Clerks to a two-year term on the Executive Council of the Florida Clerks of Court Operations Corporation (CCOC), the agency created by Florida Legislature to review and certify court-related budgets for the state's 67 Clerks.



**Philippe Jeck** was elected to the Board and as Chair-Elect for 2014-15 and serves on the Executive Committee for the Northern Palm Beach County Chamber of Commerce, Inc. Mr. Jeck has been involved with the Chamber since 1982.

**Schuler, Halvorson, Weissner, Zoeller & Overbeck, P.A.** proudly announces their new firm name. The firm also wishes to announce that Scott Ryan Kerner has become an Associate.



**Christian Searcy** of Searcy Denney Scarola Barnhart & Shipley, P.A. received the American Bar Association's Pursuit of Justice Award at the TIPS Spring Leadership Meeting. The award

recognizes lawyers and judges who have shown outstanding merit and who excel in providing access to justice for all Americans.

## MISCELLANEOUS

**NEAT APARTMENT** in Downtown WPB. Enormous 1BR/1BA, extra room can be 2nd BR or den, wood floors, fireplace. Historic Florida house. \$950/mo includes utilities. 1/2 block to Intracoastal & 1/2 mile to Courthouse, Clematis and Good Sam. Also zoned for office. Stephen (561) 315-3024.

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

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✓	Sponsor	Course Title	Credit Gen'l	Ethics Hours	PBCBA Member	Non Member	Expires
	PBCBA	Florida Bar Trust Accounting Rules	2.0	2.0	\$75	\$115	10/03/14
	PBCBA	PI – Before the Case is Filed+++3.0 Civil Trial Cert.	4.0	.50	\$110	\$150	10/12/14
	OCBA	Immigration Consequences for Non-Citizen Crim. Def++1.0 Crim. Appel 1.0 Crim Trial 1.0 Immigration and Nationality Law Cert.	1.0		\$25	\$65	10/12/14
	OCBA	Bluebook Citation Changes+ 0.5 Appellate Practice Cert.	1.0		\$25	\$65	10/16/14
	HCBA	How to Succeed in a Domestic Violence Case+++3.5 Marital and Fam. Law Cert.	4.5	1.0	\$115	\$155	10/16/14
	PBCBA	Discovery That Wins Cases (Family Law)+++6.0 Marital & Family Law Cert.	8.0	1.0	\$215	\$255	10/19/14
	PBCBA (DVD)	Discovery That Wins Cases(Fam Law)+6.0 Marital & Family Law Cert.	8.0	1.0	\$215	\$255	10/19/14
	OCBA	Family Law E-Filing Portal: A Brave New World	2.0		\$50	\$90	10/19/14
	OCBA	ADR in the Employment Context & Supreme Court Case. ++Labor and Empl Cert. 2.5	3.5		\$85	125	10/24/14
	PBCBA	Ethical Issues in Negotiation and Mediation+++1.0 Civil Trial Cert.	1.0	1.0	\$40	\$80	10/26/14
	PBCBA	YLS Side Bar Series – Part 2 "Technology"	3.0		\$25	\$65	08/19/15
	PBCBA	Representing Public Employers+++1.0 Labor & Employ Cert. credits	1.5		\$35	\$75	08/24/15
	PBCBA	Hot Topics in Consumer Bankruptcy Law	2.0		\$50	\$90	08/25/15
	PBCBA	Not Just Comp+++4.0 Wkrs Comp. Cert. credits	5.5		\$135	\$175	08/28/15
	PBCBA	Employment Arbitration+++1.5 Labor & Employ Cert. credits	1.5		\$35	\$75	09/14/15
	PBCBA	IOTA Trust Accounts +++1.0 Wills, Trusts Estates Cert. credits	1.0		\$25	\$65	09/28/15
	PCBA	"Post-judgment Issues: Modify This, Enforce That...." +++6.5 Marital & Family Law Cert. credits	8.5	1.0	\$225	\$265	10/04/15
	PBCBA	Uniform Motion Calendar Hearings	1.5		\$35	\$75	10/15/15
	PBCBA	Anatomy of a Securities Arbitration Case+++4.0 Bus Lit. Cert.	5.0		\$125	\$165	10/24/15
	PBCBA	Whistleblower & Qui Tam Actions +++4.0 Bus.Lit. / 4.0 Civil Trial; 4.0 Labor & Employment/ 5.0 State & Fed'l Government & Admin. Practice Certification	5.0		\$125	\$165	11/02/15
	PBCBA	Ethics & New Rules In Advertising	1.0	1.0	\$40	\$80	11/06/15
	PBCBA	31 <sup>st</sup> Annual Estate & Probate – Part 2 +++4.0 Elder Law/4.0 Wills, Trusts Estates Cert. credits	5.0	.50	\$135	\$175	11/07/15
	PBCBA	E-Discovery in Action +++1.0 Bus Lit. Cert. credit	1.0		\$25	\$65	11/12/15
	PBCBA	Effective Settlement Negotiations+++1.0 Civil Trial Cert. credits	1.0		\$25	\$65	11/16/15
	PBCBA	Restrictive Covenants +++1.0 Labor & Employment Cert.	1.5		\$35	\$75	11/21/15

+++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 CD's.****. 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](http://www.palmbeachbar.org) .*****CLE content is now available to purchase to download either to your computer or your iPod*****ORDER INFORMATION:** Please fill out this form and return it to Kathy Clark, Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406. To order with credit card, please place your order online at <http://www.palmbeachbar.org/continuing.php>

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## CALENDAR July/August 2014

Tuesday, July 22,  
Noon – 1:00pm  
**CDI Committee Meeting**  
Bar Association Office

Wednesday, July 23 – 25  
**The Florida Bar  
Board of Governors**  
The Breakers

Friday, July 25,  
11:30am – 1:00pm  
**PI Lunch & Learn  
CLE Seminar**  
Bar Association Office

Thursday, July 31,  
Noon – 1:00pm  
**Circuit Civil Law  
Committee Meeting**  
Judicial Conference Room

Thursday, July 31,  
5:30pm – 7:00pm  
**CDI Reception**

Tuesday, August 5,  
Noon – 1:00pm  
**NCS Board Meeting**

Tuesday, August 12,  
Noon – 1:00pm  
**YLS Board Meeting**  
Bar Association Office

Tuesday, August 12,  
2:00 p.m.  
**Appellate Practice  
Committee Meeting**  
Fourth DCA

Thursday, August 14,  
5:30pm – 7:00pm  
**YLS Happy Hour with the  
Federal Bar Association**  
Ruth's Chris at City Place

Monday, August 18,  
11:45am – 1:00pm  
**PBC Hispanic Bar Assoc.  
Justice Labarga Lunch**  
Kravis Center

Wednesday, August 20,  
11:30am – 1:30pm  
**CPR – Lunch and Learn**  
American Red Cross

Thursday, August 21,  
11:00 - 1:00 p.m.  
**Committee Chair Meeting**  
Bar Association Office

Friday, August 22 – 24  
**Board Retreat**

Tuesday, August 26,  
5:30pm – 6:30pm  
**Legal Aid Society  
Board Meeting**  
Bar Association Office

Wednesday, August 27,  
12:00 p.m.  
**President's  
Council Meeting**  
Bar Association Office