



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLE<sup>T</sup>IN

www.palmbeachbar.org

June 2015



The Young Lawyers Section hosted their annual dinner for families staying at Quantum House and once again had a visit from the Easter Bunny. Pictured above are Colleen Farnsworth, Stephanie Cagnet, Dane Leitner, Event Co-chair Christine Bialczak, Sean Fahey aka the Easter Bunny, Krista Downey, Gabrielle Jackson, Event Co-chair Rachel Belcher, Lindsay Demmery and Alison Percy. YLS members distributed toys to the children as well helped the children decorate cookies.

## Mark your calendar for upcoming Membership Events

### June 6:

Annual Installation Banquet  
at the Breakers Hotel

### June 20:

Young Lawyers Section  
Annual Fishing Tournament

### July 10-11:

The Florida Bar Voluntary Bar Liaison  
Committee's Bar Leaders' Conference,  
Eau Hotel, Palm Beach

### July 16:

Young Lawyers Section  
Summer Intern Happy Hour

### September 22:

Membership Luncheon with guest  
speakers Florida Bar President Ramon  
Abadin and Immediate Past Florida Bar  
President Greg Coleman  
"The Future of the Practice of Law:  
Challenges and Opportunities"

## New Board Members Elected

Congratulations to incumbents Greg Huber, Sia Baker-Barnes and Dean Xenick for being re-elected to the Board of Directors and to Scott Smith on his election. They will join the rest of the board for the 2015-16 fiscal year: Grier Pressly, President; John Whittles, President-elect; Theo Kypreos, Immediate Past President; and Board Members Jessica Mason, Lee McElroy, Ned Reagan, Julia Wyda; YLS President Lou Delgado and NCS President Larry Buck.

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## The Bar Welcomes Two New Staff Members



The Bar welcomes the return of Jennifer Keating Iacobucci! Many of you will remember Jen worked for the Bar Association as our Communications Director for 10 years before leaving to raise her two children. While away for nearly 15 years, Jen worked part-time doing PR consulting. We're pleased that Jen has returned to work for us full-time as our CLE Coordinator. Jen has a Bachelor's Degree in Business Economics and Marketing. She enjoys spending time with her sports enthusiast family, including her husband Mark and their children Lucas and Ava.



Mikki Johnson joins the Bar as an Administrative Assistant. Originally from Colorado Springs, Colorado, Mikki lived abroad for a few years before settling in Florida. She has an Associate's Degree in Audio and Video Production, a Bachelor's Degree in Communications and a Master's in Graphic Design. Her professional experience expands into management, customer service, accounts payable / receivables, procurement and tax preparation. In her spare time, she enjoys running several fledgling freelance companies including Ugly Baby Clothing, Krayola Ink Designs and Urban Street Entertainment. Mikki's hobbies include reading, swimming, acting and working on creative projects.

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THE  
**BULLETIN**

PALM BEACH COUNTY  
BAR ASSOCIATION

THEODORE S. KYPREOS  
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

## YLS to Host Fishing Tournament June 20

The Young Lawyers Section will be hosting its fifth annual fishing tournament on Saturday, June 14 to benefit Legal Aid's Educational Advocacy Project. The entry fee is \$300 per boat and all activities will be held at the Palm Beach Yacht Club. For more information, go to the Bar's website at [www.palmbeachbar.org](http://www.palmbeachbar.org). Deadline to register a boat is June 6.



## Dues Statements Mailed

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



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## What a Great Year! Thank You!

by Theo Kypreos

Wow, that was fast! At the start of the term, several of my predecessors warned me that the Bar year would fly by quickly. They were absolutely right. One thing is for sure, it has been a truly extraordinary experience. When we started the year, I promised that the Bar would do its best to keep you busy with plenty of membership events, CLE programming, and networking opportunities throughout the year allowing each of you the opportunity to interact and develop relationships with one another. With the hard work and commitment of our Board, Bar staff, and numerous Bar committees, I hope you will agree that we delivered on that promise.

There are so many people to thank for the successful year the Bar enjoyed, and this column is certainly not sufficient to cover that task. But I do want to acknowledge as many folks as I can, so here goes...

First, thank you to Young Lawyers Section president **Lindsay Demmery** and North County Section president **Greg Yaffa** for their leadership and the outstanding work their respective boards did for our Bar this year. The YLS and NCS kept members busy with monthly happy hours, networking receptions and other membership events. At the same time, they continued the PBCBA's tradition of community service with their numerous community service projects throughout the year.

Our Committee for Diversity and Inclusion (CDI) held another great diversity event in September at the Jupiter Beach Resort. Florida Supreme Court Chief Justice Jorge Labarga and Florida Bar President Greg Coleman served as guest panelists and shared their thoughts on the importance of diversity among our judiciary. This insightful panel discussion was followed by a cocktail reception for our members and the many appellate judges from throughout our state in conjunction with the Annual Education Program of the Florida Conference of District Court of Appeal Judges. Thank you to our CDI co-chairs **Kalintia Dillard** and **Julia Wyda** and their committee for planning this event, among their other duties and responsibilities throughout the year.

Once again, the Bar held another eventful and informative Bench Bar Conference in late March. Nearly 1,000 judges, attorneys and staff participated. Thank you to Bench Bar co-chairs **Rebecca Mercier-Vargas** and **Larry Rochefort** and the Bench Bar planning committee. The countless hours they spent planning and executing another successful conference is greatly appreciated. In the same spirit, I'd like to thank Professionalism Committee chair **Joanne O'Connor** and Judicial Relations Committee chair **Bill Lazarchick**. Their respective committees' active participation and efforts this year enabled the Bar to continue to promote professionalism and civility among our members, the judiciary and the profession.

The Bar recently completed another successful week of activities in celebration of Law Week last month. We kicked things off with our annual judicial reception and a great Law Day luncheon featuring author Mark Curriden and his historical and inspiring tale of two lawyers and their courageous efforts to preserve the rule of law. We followed this up with numerous Law Week activities, including three days of Shadow-A-Judge for over 100 local high school students, three days of Dial-A-Lawyer for the public to obtain general legal guidance, and we conducted 34 mock trials and provided 22 guest speakers in our local schools.

Thank you to Law Week chair **Kirsten Herndon** and the Law Week committee for organizing all of these great events.

I would like to specially thank the numerous volunteers on the Bar's other committees. Our Bar's CLE committees, led by chairs **Brian McMahon** (Bankruptcy), **David Steinfeld** (Business Litigation), **Tanique Lee** (Community Association Law), **Lindsey Wagner** (Employment Law), **Matt Triggs** (Estate and Probate Law), **Debra Welch** (Family Law), **Kelly Hyman** and **Matthew Lane** (Personal Injury/Wrongful Death), **Sandra Wallace** (Real Estate Law) and **Matt Thibaut** (Securities Law), successfully planned informative and affordable CLE programs for our members. In total, the Bar presented over 50 CLE programs during the Bar year. Our practice committees, led by chairs **Stephanie Serafin** (Appellate Law), **Joe Galardi** (Circuit Court Civil), **Thomas Prestia** (Criminal Law), **David Garten** (Probate & Guardianship), **Marilyn Perez-Martinez** (Transaction Law), **Abigail Beebe** (Unified Family Practice), and **Kurt Wyland** (Workers Compensation), actively scheduled meetings, programs and events to improve the practice of law and continue the dialogue between our members and the judiciary within their respective practice areas. Lastly, but by no means least, thank you to the Bar's standing committees, led by chairs **Amber McMichael** (Alternative Dispute Resolution), **Benjamin Greenberg** (Elder Law Affairs), **Brian O'Connell** (Guardianship Education), **Liz Herman** (Law Related Education), **Abigail Jorandby** (Lawyers for Literacy), **Lloyd Comiter** (Small Claims Court Clinics), **Shannon Sagan** (Solo & Small Firm Practitioner's), **Edwin Walker, III** (Technology Committee) and **Michael Napoleone** (Judicial Campaign Practices Commission). The work of these committees often goes unnoticed by the casual observer, but they are vital to our Bar's continual goals of promoting professionalism, and enhancing the reputation of Palm Beach County attorneys and judges within our local community.

If there was a prevalent theme and topic of conversation during this Bar year it was definitely the continuing turnover among our local judiciary. In July, the Bar hosted a forum so that our members could learn more about the judicial candidates vying for several contested seats. In February, we hosted a special luncheon to recognize and thank eight of our retiring jurists for their many years of service to our community and profession. The Bar also assisted with the planning of investiture ceremonies for our new judges as we welcomed them to the bench (totaling seven so far this year). It has truly been an honor to lead the Bar during such a historic time for our judiciary and legal community. I'd like to thank **Chief Judge Jeffrey Colbath** for facilitating dialogue between the Bar and the judiciary and for his overall support of the Bar throughout the year.

Other highlights from this Bar year included our joint luncheon with the Forum Club featuring U.S. Supreme Court Justice Sonya Sotomayor during which over 1,200 guests listened to her as she roamed the convention center delivering her speech and answering audience questions. Bar members and their families also spent a Friday evening under the stars on the Clematis waterfront enjoying dinner and a movie (Willy Wonka and the Chocolate Factory) on the lawn. This year the Bar also launched Palm Beach County Find a Lawyer, its new online marketing program for our members. Through this program, PBCBA members can now have a significant web presence for less than one billable hour per month.

None of the above success could be accomplished without the dedication, support and commitment of our Bar's staff and Board of Directors. Thank you to **Patience Burns** and our entire Bar staff, **Lynne Poirier**, **Kathy Clark**, **Eva Gray**,

*Continued on page 5*

## Young Lawyers Section April Happy Hour Highlights



Over 60 members attended the April happy hour at the Yacht Club. Pictured above is 4th DCA Judge Alan Forst, YLS President Lindsay Demmery, Ryan Fogg and Lindsay Warner.



**Natalie Navarro, Rob Wight, Domenic Celeste and Gregory Herrick**



**Abigail McCall and Patrick Johns**



**Amber Curtis and Tamara Sager**



**Brittany Dancel, Arletys Rodriguez and Stephanie Spritz**



**Judge John Kastrenakes, Chief Judge Jeff Colbath, Burr Johnson, Bill Johnson and Judge Stephen Rapp**

## The Johnson Family



The Johnson name is a familiar name within the membership of the Palm Beach County Bar Association. County Court Judge Laura S. Johnson recently administered the oath of admission to The Florida Bar to her son, Robert "Burr" Johnson. Burr is the 4th generation of his family to practice law in Palm Beach County. His great grandfather, A.R. Johnson, began practicing law in West Palm Beach back in the 1920's. Burr's Grandfather, Judge Tom "Red" Johnson, served as the elected State Attorney for Palm Beach County from 1964-1968, State Senator from 1970-1974, and as a Circuit Court Judge from 1976-1992. Burr's father, William Johnson, great uncle William A. Johnson and Uncles Joseph R. Johnson and Robert L. Johnson are also lawyers in West Palm Beach.



**A.R. Johnson**



**Judge Tom "Red" Johnson**



**William A. Johnson**



**Robert Johnson**



**Joe Johnson**





# **GOING PAPERLESS!**

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Bar Office, 1507 Belvedere Road, West Palm Beach



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- Scan & Redact: Apply Redactions as Documents Are Scanned & Sent To Users' Desktops
- Why Connecting to Matter-Centric DMS's is Important

*Speaker:* Adriana Linares, President and CEO of LawTech Partners

*Lunch sponsored by:*



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# Supreme Court Clarifies the Construction of the Apportionment Rule for Joint Proposals for Settlement



by **Rob Glass**

In a pair of recent rulings, the Florida Supreme Court has again clarified the apportionment requirement in Florida Rule of Civil Procedure 1.442(c) (3) for proposals for settlement. In

both recent cases – *Audiffred v. Arnold*, No. SC12-2377, and *Pratt v. Weiss*, No. SC12-1783 – the court invalidated the proposal at issue as an improper and undifferentiated “joint proposal.”

## **Genesis of the Apportionment Rule**

The apportionment rule has its genesis in the Supreme Court’s strict construction of Rule 1.442. In *Willis Shaw Express, Inc. v. Hilyer Sod, Inc.*, 849 So. 2d 276, 278-79 (Fla. 2003), the Court made clear that the rule “requires that offers of judgment made by multiple offerors must apportion the amounts attributable to each offeror.” The same rule applies to proposals for settlement made by a single offeror to multiple offerees – the offeror must state the amount attributable to each offeree. *Lamb v. Matetzschk*, 906 So. 2d 1037 (Fla. 2005). This same authority also led the Supreme Court to conclude that a joint proposal made to multiple offerees could not be conditioned on the mutual acceptance of all of the joint offerees. *Attorneys’ Title Ins. Fund, Inc. v. Gorka*, 36 So. 3d 646 (Fla. 2010).

***Audiffred v. Arnold*, No. SC 12-2377, 2015 WL 1724250 (Fla. Apr. 16, 2015).**

*Audiffred* involved a frequent work-around of the apportionment requirement. The plaintiffs, husband and wife, sued an individual defendant. The wife alone made a proposal for settlement to the defendant, conditioned on the dismissal of the entire action by both plaintiffs. This tactic avoided Rule 1.442(c)(3)’s apportionment requirement by making dismissal of the entire action – not just dismissal of the claims between the offeror and offeree – a non-monetary condition. Such proposals have been common in this district in light of cases like *Alioto-Alexander v. Toll Bros., Inc.* 12 So. 3d 915, 917 (Fla. 4th DCA 2009), whereby “dismissal of the entire suit” could be made a “condition of the proposal” from one offeror to another without “transform[ing] the proposal for settlement into one made by multiple offerors.”

The Supreme Court disagreed, concluding that “when a single offeror

submits a settlement proposal to a single offeree... and the offer resolves pending claims by or against additional parties who are neither offerors nor offerees, it constitutes a joint proposal that is subject to the apportionment requirement.” 2015 WL 1724250, at \*5. The court disapproved of the rationale of *Alioto-Alexander*, finding that “the required strict construction of the rule and statute” compelled the court to treat these proposals as joint proposals. *Id.*

***Pratt v. Weiss*, No. SC12-1783, 2015 WL 1724574 (Fla. Apr. 16, 2015).**

*Pratt* examined a proposal made by two parties that were, in form, two separate legal entities but, in substance, a single operation. In *Pratt*, the plaintiff filed a medical malpractice action against two defendants who jointly owned and operated a hospital. The defendants served a single proposal for settlement on the plaintiff, without apportioning the amount between each defendant. After prevailing at trial, the defendants sought fees on their proposal, and the plaintiff claimed it was unenforceable for, among other reasons, lack of apportionment. On appeal, the Fourth DCA concluded that the proposal was made “on behalf of the single hospital entity,” and because of the “singular nature of the entity,” apportionment was not required. *Pratt v. Weiss*, 92 So. 3d 851, 854 (Fla. 4th DCA 2012). In other words, even though the plaintiff sued two separate entities as defendants, they were, in substance, a single hospital. For Rule 1.442(c)(3) purposes, the Fourth DCA held that apportionment was not required in that circumstance.

The Supreme Court disagreed, finding that the proposal served by the hospital “unambiguously” referred to two separate defendants “*in the plural*.” 2015 WL 1724574, at \*3. Both entities were treated as separate defendants in the complaint, and both entities sought separate awards of attorney’s fees. In an effort to eliminate any ambiguity, the court further noted that even in situations where liability of two parties “could be viewed as coextensive, this does not constitute an exception to the apportionment requirement.” 2015 WL 1724574, at \*4. Rule 1.442(c) (3) requires the apportionment by the offeror or offerors, “[e]ven where no logical apportionment can be made.” *Id.* Difficulty in apportioning the settlement amount is not a ground “to disregard or circumvent the rule that requires apportionment of a settlement amount where a proposal is presented by multiple parties.” *Id.*

## **Conclusion**

In sum, these rulings reaffirm the Supreme Court’s strong adherence to the apportionment requirement when serving joint proposals for settlement. Notwithstanding, these opinions may have the effect of invalidating outstanding proposals for settlement in pending cases and practitioners would be wise to re-evaluate previous proposals served in pending cases for compliance and, if necessary, re-service.

*Rob Glass is a senior associate at McCabe Rabin, P.A., in West Palm Beach, practicing business, securities, and False Claims Act litigation.*

## What a Great Year! Thank You!

*Continued from page 3*

**Mikki Johnson, Jen Iacobucci and Dee Maeyens**, for all of the hard work they do for our bar association and its members on a daily basis. And, of course, thank you to our Board of Directors: **Greg Yaffa, Lindsay Demmery, John Whittles, Dean Xenick, Ned Reagan, Greg Huber, Jessica Mason, Julia Wyda, Sia Baker-Barnes, Lee McElroy**, immediate past-president **Jill Weiss** and president-elect **Grier Pressly**. I could not ask for a better group of hardworking, high-character friends to serve with this year, and I am very excited to see where they take our Bar in the years to come.

On a personal note, I would like to thank my partners and other colleagues at **Jones Foster** for enduring the time I committed to the profession outside the office as I tended to my responsibilities as Bar president. And, a special thank you to my family, **Jennifer**, Louisa, Eva and (most recently) Miller, for their love, support and understanding of the time commitments associated with my Bar service this year.

Finally, I would like to thank all of you, **our members**, for your confidence in allowing me the opportunity to serve as your Bar president. This has been a year of growth and education for me on many levels, and I will treasure it well beyond this year. More importantly, thank you all for your commitment to our bar association. Without your dedication and involvement, the Palm Beach County Bar Association would not be able to maintain its status among the leaders of voluntary bar associations in Florida.

Thank you for a great year!

Theo

tkypreos@jonesfoster.com



## Proximate Cause

by Ted Babbitt

The seminal case on proximate cause in Florida is *Gooding v. Univ. Hosp. Bldg., Inc.*, 445 So. 2d 1015 (Fla. 1984). In that case the Supreme Court held:

[A plaintiff] must introduce evidence which affords a reasonable basis for the conclusion that it is more likely than not that the conduct of the defendant was a substantial factor in bringing about the result. A mere possibility of such causation is not enough; and when the matter remains one of pure speculation or conjecture, or the probabilities are at best evenly balanced, it becomes the duty of the court to direct a verdict for the defendant.

That case established that the standard for proof of proximate cause in Florida is "more likely than not." That is, plaintiff must prove that the negligence probably caused the plaintiff's injury.

Evidence of proximate cause can include facts which allow a jury to draw an inference from the direct evidence regarding the causation of plaintiff's injury as a result of the defendant's negligence. *Owens v. Publix Supermarkets, Inc.*, 802 So. 2d 315 (Fla. 2001).

In *Sanders v. ERP Operating Ltd. Partnership*, 40 Fla. L. Weekly S85 (Fla. 2015), the Supreme Court of Florida reviewed a decision of the Fourth District Court of Appeal in *ERP Operating Ltd. Partnership v. Sanders*, 96 So. 3d 929 (Fla. 4th DCA 2012). In that case the Fourth District held that a directed verdict should have been granted in favor of the owner of an apartment where plaintiff's decedent was murdered with no evidence of a forced entry and no evidence as to who had committed the murder, or how it had occurred. There was ample evidence of previous crimes but none of a murder. The plaintiff's expert testified that all of the previous crimes and the murder were opportunistic in nature and that the defendant had failed to notify the tenants of these crimes. There was a serious issue as to whether the plaintiff's decedent had opened the door for the person who committed this particular crime.

The Supreme Court held that the Fourth District had erred in ordering a directed a verdict on behalf of the defendant. There was ample evidence of abundant criminal activity prior to the decedent's death and the Supreme Court held that the

plaintiff had raised a reasonable inference that the landlord's breach of duty of not repairing an inoperable gate, which was the only real means of access to the complex, was sufficient to raise a jury question on the issue of proximate cause. The Court pointed out that while there were certainly reasonable inferences that the decedent had opened the door for the murderers, this was something that could be considered by a jury on the issue of comparative negligence but was not the basis for a directed verdict.

The Court held that the plaintiff's expert testimony, together with the surrounding evidence, was sufficient to allow a reasonable jury to find that the failure to maintain the security gate and to have a security officer visible more likely than not allowed the murderers to get to the decedent's door more easily without being detected. As a consequence, the Court held that the lack of a forced entry was not dispositive on the causation issue.

The Supreme Court held that the existence of multiple crimes which the residents of the complex were not notified about and the fact that on the night of the murder the gate that was supposed to be limiting entrance was not working, all presented sufficient evidence to support plaintiff's expert's theory that the inoperable gate and the failure to warn raised an inference that the crime was both foreseeable and preventable. At S89, the Court held:

Whether or not it was foreseeable that the residents were in danger of harm because of the criminals being allowed on the premises and that ERP's failure to limit the unauthorized access caused the deaths of the decedents was an issue of fact for the jury to decide.

Proximate cause is almost always a jury issue. For a court to take away the decision concerning proximate cause from a jury and grant a directed verdict there must be only one reasonable inference for the jury to draw from the plaintiff's evidence. See *Owens, supra*, at 322. So long as it is not necessary to pile one inference on top of another, the jury is permitted to draw any reasonable inference from the direct evidence in order to reach a conclusion that the defendant's negligence reasonably caused the harm suffered by the plaintiff. *Owens, id.*, at 329.

This case reinforces the factual nature of the issue of proximate cause and that proximate cause is almost always a jury issue.

## Seeing a movie this summer? Buy your discounted tickets at the Bar Office!



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

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The Business Litigation CLE Committee presents:

## Effective Jury Communication - Voir Dire and Beyond

Friday, June 19, 2015

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

Bar Offices, 1507 Belvedere Road, West Palm Beach

### Program Schedule



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

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

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

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

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**This course has been granted 1.0 CLER from The Florida Bar.**

**Early registration** cost for the seminar, which includes lunch, is **\$25** for PBCBA member attorneys/paralegals; **\$65** for non-PBCBA member attorneys/paralegals if registered by 6/12/15; add \$15 late fee after that date. **All refund requests must be made in writing and made no later than 48 hours prior to the date of the seminar.**

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\_\_\_ I will not be able to attend the seminar but would like to order the CD (allow 4 weeks for delivery) (Business Litigation CLE Seminar 6/19/15) Cost is the same as listed above, **in addition to \$10 for shipping and handling.** PAYMENT BY CHECK ONLY, WITH THIS FORM. **Palm Beach County Bar Association, 1507 Belvedere Road, West Palm Beach, FL 33406**





## Elective Share Made Easy – Part VI (Contribution)

by David M. Garten

If the assets the surviving spouse received from the decedent or will receive from the decedent on death do not completely satisfy the spouse's elective share, the unsatisfied balance is allocated into categories/classes and "apportioned" among the direct recipients of the remaining elective estate according to a priority system [Apportionment was discussed in Part V]. The direct recipients are liable to "contribute" their share of the remaining elective estate toward satisfaction of the elective share in an amount equal to the value of their proportional liability in each category/class.

### CONTRIBUTION [§732.2085]

Subsection (1): Only "direct recipients"<sup>1</sup> of property included in the elective estate and the beneficiaries of the decedent's probate estate or of any trust that is a direct recipient, are liable to contribute toward satisfaction of the elective share. §732.2085(1), F.S. Comment: This term includes both the decedent's probate estate and the trustee (as opposed to trust beneficiaries) of the decedent's revocable trust.

Subsection (1)(a): Within each of the classes described in §732.2075(2)(b) and (c), each direct recipient is liable in an amount equal to the value, as determined under §732.2055, of the proportional part of the liability for all members of the class. §732.2085(1)(a), F.S. Comment: The "decedent's probate estate and revocable trusts" are excluded from this subsection because the personal representative has access to these funds to pay the unsatisfied balance of the elective share; therefore, there is no need to seek contribution from the direct recipients under §732.2075(2)(a).

Comment: Determination of the direct recipient's proportional liability is a two step process: first, the contribution amount for the entire class is determined by aggregating the elective estate values of all property interests within the class; and second, the total contribution required from the class is then apportioned among the direct recipients based on their proportionate share of assets within the class.

Example: The total value of all property for elective share purposes in Class 2 (e.g., joint account holders, life insurance beneficiaries, and retirement account beneficiaries) is \$400,000 and the total contribution due from Class 2 is \$100,000. Beneficiary, who was a member of Class 2 by virtue of being named beneficiary under a POD account, received a distribution from the account in the amount of \$100,000. The contribution due from Beneficiary would be \$25,000 computed as follows:  $\$100,000 \times (\$100,000 \div \$400,000) = \$25,000$ .

Subsection (1)(b): Trust and probate estate beneficiaries who receive a distribution of principal after the decedent's death are liable in an amount equal to the value of the principal distributed to them multiplied by the "contribution percentage"<sup>2</sup> of the distributing trust or estate. §732.2085(1)(b), F.S.

Comment: A beneficiary of a trust that is itself a direct recipient

<sup>1</sup> "Direct recipient" is defined in §732.2025(1), F.S.

<sup>2</sup> "Contribution percentage" is defined in §732.2085(1)(b), F.S.

is liable for contribution in satisfaction of the elective share only if the beneficiary receives a distribution of principal from the trust. In that event, the distribution to the beneficiary comes burdened with the same liability as the property had while in the hands of the trustee.

Example: Beneficiary receives a partial distribution of \$25,000 after the decedent's death as a residuary beneficiary under the decedent's revocable trust. The probate estate is liable for total contribution toward the elective share in the amount of \$100,000, none of the probate estate's elective share liability has been satisfied, and the value of the probate estate for elective share purposes is \$200,000. The amount due from Beneficiary would be \$12,500 computed as follows:  $\$25,000 \times (\$100,000 \div \$200,000) = \$12,500$

Subsection (2): In lieu of paying the amount for which they are liable, beneficiaries who have received a distribution of property included in the elective estate and direct recipients other than the decedent's probate estate or revocable trusts, may: (a) Contribute a proportional part of all property received; or (b) With respect to any property interest received before the date of the court's order of contribution: 1. Contribute all of the property; or 2. If the property has been sold or exchanged prior to the date on which the spouse's election is filed, pay an amount equal to the value of the property, less reasonable costs of sale, on the date it was sold or exchanged.

### ENFORCEMENT:

The Personal Representative shall collect contribution from the recipients of the elective estate as provided in the court's order. §732.2145(2), F.S.

## Board Meeting Attendance

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



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

## THE 27th ANNUAL COMMUNITY ASSOCIATION LAW SEMINAR

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

### Program Schedule



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

**This course has been granted 5.5 CLER / 5.5 Real Estate Certification credits from The Florida Bar.**  
Early registration cost is \$140 for PBCBA members/paralegals; \$180 for non-PBCBA attorney members/paralegals if registered by 5/29/15; add \$25.00 late fee after that date.

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

\_\_\_\_ 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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For security purposes, you must register online at [www.palmbeachbar.org](http://www.palmbeachbar.org)



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

**Webinar**

If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbarcle.org>

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

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

## Rule 1.351: Production Without Deposition

by Matt Triggs and Jonathan Galler

Occasionally, a rule of civil procedure is amended when nobody's looking. Or maybe it just seems that way.

Rule 1.351 was adopted back in 1980 "to eliminate the need of taking a deposition of a records custodian when the person seeking discovery wants copies of the records only." Committee Notes to Rule 1.351 (1980).

The procedure set forth in the rule is the exclusive method for seeking the production of documents from a non-party without a deposition. To avail itself of this procedure, a party serves notice on every other party of its intent to serve a subpoena under this rule at least 10 days before the subpoena is issued (or 15 days before the subpoena is issued if the notice is served by mail or email). The proposed subpoena must be attached to the notice.

Importantly, during the notice period, the subpoena must not be provided to the non-party upon whom the subpoena is to be served. That is because the purpose of the notice period is to afford the other parties 10 days within which to serve an objection to the production.

Pursuant to the rule, as initially adopted and as amended in 1996, a timely objection meant that the serving party would have no choice but to resort to a good old-fashioned deposition of the non-party. The objection was not to be ruled upon by the court; rather, as soon as an objection was filed, rule 1.351 simply was no longer available. See *Patrowicz v. Wolff*, 110 So. 3d 973, 974 (Fla. 2d DCA 2013).

The notes to the 1996 Amendment put it this way: "[A]ny objection to the use of this rule does not contemplate a hearing before the court but directs the party to rule 1.130 to obtain the desired production." Committee Notes to Rule 1.351 (1996).

But as the Fourth District Court of Appeal recently pointed out, the rule was amended again in 2007. Pursuant to that amendment, an objection from another party is no longer automatic or "self-executing." *Lyons v. Lyons*, 2015 WL 543106, at \*2 (Fla. 4th DCA Feb. 11, 2015).

In fact, subdivision (d) of the rule now provides that "[i]f an objection is made by a party under subdivision (b), the party desiring production may file a motion with the court seeking a ruling on the objection or may proceed pursuant to rule 1.310." (Emphasis added). Once again, the committee notes are instructive: "Subdivisions (b) and (d) were amended [in 2007] to permit a party seeking nonparty discovery to have other parties' objections resolved by the court." Committee Notes to Rule 1.351 (2007).

The *Lyons* case involved a family dispute in which four siblings sought to remove a fifth sibling and their mother as the co-trustee of a trust and as the co-managing general partner of a limited partnership, respectively. The four siblings served a notice of intent to serve a subpoena upon an accountant for the partnership. The defendants objected on grounds that the documents sought were protected from disclosure by the accountant-client privilege. The trial court held a hearing on the objection and overruled the objection without an *in camera*

inspection of the documents at issue and without fashioning a protective order.

On appeal, the objecting parties argued that (i) the trial court had been without authority to hold a hearing on their objection because their objection should have automatically rendered rule 1.351 unavailable; and (ii) the trial court erred in not conducting an *in camera* inspection of the documents and fashioning an appropriate protective order.

In support of their argument that the trial court had been without authority to hold a hearing on their objection, the defendants relied on the Second District's holding in *Patrowicz*, 110 So. 3d 973. Even though *Patrowicz* had been decided long after the 2007 amendment to rule 1.351, the Second District nevertheless maintained in that case that a party's objection to a notice of intent was self-executing and automatically made rule 1.351 unavailable. "[A]n objection requires that a deposition of the records custodian be taken in order to obtain the requested documents." *Patrowicz*, 110 So. 3d 974.

In *Lyons*, the Fourth District agreed with the result in *Patrowicz*, inasmuch as that decision required the trial court to conduct an *in camera* inspection whenever an objection is made on the basis of privilege. However, regarding objections to a notice of intent, the Fourth District remarked that "we do not agree with [*Patrowicz*'s] adherence to former case law" because those cases all preceded the 2007 amendment, which created substantially greater flexibility for dealing with a party's objection. *Lyons*, 2015 WL 543106 at \*2. Accordingly, the Court denied the defendants' petition on that issue.

The separate issue of whether the trial court should have entered a protective order to address the privilege objections had become moot by the time the Court decided *Lyons*, but the Court did offer some helpful insight on that topic nonetheless. The Court explained that even though rule 1.351 does not specifically provide for the use of privilege logs in addressing objections, "[t]he trial court has discretion to fashion a process to deal with the production of the documents, and it did in this case." *Lyons*, 2015 WL 543106 at \*3. Specifically, the trial court created a process by which the accountant would gather responsive documents and provide them to the objecting parties. The objecting parties would then identify those documents that they contend are privileged, and an evidentiary hearing and *in camera* inspection, if necessary, would follow. The Court, in a footnote, commented that it would have been preferable if such a procedure had been implemented in the initial order overruling the defendants' objection.

*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.*





**The Palm Beach County Bar Association's Family Law CLE Committee  
In Conjunction With  
The Susan Greenberg Family Law American Inn of Court of The Palm Beaches  
Presents**

**MISSION POSSIBLE: TEMPORARY RELIEF IN 30 MINUTES**

**Thursday, June 11, 2015 1:00 p.m. – 5:00 p.m.**

**Main Courthouse, 205 N. Dixie Hwy, WPB  
Ceremonial Courtroom (11 A)**



This CLE will deal with the challenging issues associated with temporary relief hearings which occur in an original family law proceeding. The concept of temporary relief will be explored from a practical, hands-on perspective. Participants will have the chance to observe two live mock temporary relief hearings: One on financial issues and one on children's issues. This CLE will benefit the novice and the experienced attorney. This is an extraordinary opportunity to watch and learn from family judges and respected, seasoned family law attorneys. Register early as seating is limited.

- 12:30 pm – 12:55 pm      **LATE REGISTRATION/CHECK-IN**
- 12: 55 pm – 1:10 pm      **WELCOME & OPENING REMARKS**  
C. Debra Welch, Esq., Chair - PBCBA Family Law CLE Committee  
Program Committee - The Honorable John L. Phillips, Cindy A. Crawford, Esq.,  
\*\*Melinda P. Gamot, Esq., William N. Lazarchick, Jr., Esq., \*J. Mark Maynor, Esq.,  
Cynthia M. Pyfrom, Esq., Casey M. Reiter, Esq., C. Debra Welch, Esq.
- 1:10 pm -- 2:00 pm      **THE GREATEST TEACHER IS EXPERIENCE: WHAT THEY DIDN'T TEACH YOU IN LAW SCHOOL  
AND WHAT YOU CAN'T LEARN JUST FROM BOOKS**  
\*\* Melinda P. Gamot, Esq.
- 2:00 pm – 2:35 pm      **FLINSTONE V. FLINSTONE – SHOW ME THE MONEY! A LIVE MOCK HEARING ON ECONOMIC  
ISSUES**  
Mock Hearing Co-chairs & Participants – William N. Lazarchick, Jr., Esq. & Casey M. Reiter, Esq.,  
Participants - The Honorable Amy L. Smith, Presiding, Richard Briscoe, CPA, \*J. Mark Maynor, Esq.,  
\*\*Matthew S. Nugent, Esq., Matthew Smith, CPA
- 2:35 pm. – 3:05 pm      **HEARING DECONSTRUCTION: UNDERSTANDING WHAT JUST HAPPENED**  
Moderator – \*\*Martin L. Haines, III, Panelists - The Honorable Amy L. Smith,  
The Honorable John L. Phillips, \*Odette M. Bendeck, Esq., \*\* Victoria S. Calebrese, Esq.,  
\*David L. Hirschberg, Esq.
- 3:05 pm – 3:15 pm      **BREAK**
- 3:15 pm – 3:45 pm      **SIMPSON V. SIMPSON – FOR THE SAKE OF THE CHILDREN! A LIVE MOCK HEARING ON  
CHILDREN'S ISSUES**  
Mock Hearing Co-Chairs & Participants – The Honorable John L. Phillips, \*\*Melinda P. Gamot, Esq.,  
Participants – Magistrate Sara Alijewicz, Magistrate Thomas R. Baker, Magistrate Linda Goodwin,  
\*Magistrate Diane M. Kirigin, Magistrate Maxine Williams, Cindy A. Crawford, Esq.,  
James D. Sweet, Jr., Esq.
- 3:45 pm. – 4:15 pm      **HEARING DECONSTRUCTION: UNDERSTANDING WHAT JUST HAPPENED**  
Moderator – \*\*Martin L. Haines, III, Panelists - The Honorable Amy L. Smith,  
The Honorable John L. Phillips, \*\*Victoria S. Calebrese, Esq., \*\*Melinda P. Gamot, Esq.
- 4:15 pm – 4:30 pm      Questions and Answers
- 5:00 pm      **Happy Hour** – Location will be announced at the program.

*\* Board Certified Marital & Family Law Attorney; \*\* Board Certified Marital & Family Law Attorney and a Fellow, American Academy of Matrimonial Lawyers*

Sponsored by:



Matthew Lundy Law

QDRO Law

This course has been granted **4.0 CLER** from The Florida Bar. **Early Registration** cost is **\$100** for PBCBA member/**\$140** for Non-PBCBA members/paralegals. **After 6/4/15** add \$25 late fee to registration. Checks should be mailed to PBCBA, 1507 Belvedere Rd., WPB., FL 33406. To pay by credit card, register online at [www.palmbeachbar.org](http://www.palmbeachbar.org). **All refund requests must be made no later than 48 hours prior to the date of the seminar.**

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## Judge Howard K. Coates, Jr.

by Liz Herman, On Behalf of the  
Judicial Relations Committee

My fellow Wellington residents may have known the recently appointed Judge Howard K. Coates, Jr. as Councilman Coates, described by a local paper as an “independent voice and skilled consensus builder.” Originally appointed to fill a vacancy on the Wellington Village Council, Judge Coates subsequently ran unopposed and won a contested election to stay on the Council, which presides over numerous complex issues affecting our community. Having now resigned from the Council, Judge Coates is currently assigned to Family Division FJ and Probate Division IJ at the North County Courthouse.

Judge Coates grew up here and has been actively involved in Palm Beach County for the past forty years. Don’t try to take advantage of his friendly and easy going demeanor, however, Judge Coates is a former Marine and had even considered accepting the prestigious appointment to the United States Naval Academy. He spent six years in the Marine Corps, four of which were on active duty, had earned the rank of Sergeant in two years, and received numerous awards for outstanding service. Although he contemplated pursuing a career in the military, Judge Coates ultimately chose to attend the University of Florida (an obviously smart move!), graduating *phi beta kappa* with a B.A. in Political Science ('82) and the distinction of being the only student that year to attend *Yale Law School*. At Yale, Judge Coates served as Associate Member of the *Yale Law Journal*, a Senior Editor of the *Yale Law and Policy Review*, and a Director of the Urban Legal Workshop and the Yale Law and Technology Association. He was also a Director for the school’s State’s Attorney’s Program, where he tried misdemeanor cases for the County of New Haven.

Coming from humble roots, Judge Coates worked his way to the Ivy Leagues and to where he is now. Growing up, he helped out in his father’s upholstery business and then worked as a Publix bagboy. At Twin Lakes high school, Judge Coates explored his diverse interests, playing football and wrestling, while participating in the school’s speech and debate team. At UF, he held two jobs to



help pay for college, working at night as a cashier in a local convenience store. While at Yale, Judge Coates continued to work his way through law school, including detailing cars at a local car wash.

Following graduation, Judge Coates returned to Palm Beach County, where he has practiced law for almost thirty years. Before his most recent position as a Partner in the Litigation Department at McDonald Hopkins LLC, Judge Coates had also worked at Squire Sanders & Dempsey, Edwards & Angell, and Proskauer Rose. He even had his own law firm in Wellington from 2004 to 2009. And in 2001, Judge Coates went back to school to earn a Masters in Business Administration from FAU.

A former Board member and President of the South Palm Beach County Bar Association, Judge Coates is a strong proponent of lawyers getting involved with the Bar Association, as well as with other civic organizations. Judge Coates dedicates his time and resources to numerous causes and groups, including serving, prior to his appointment to the Bench, as a long-standing member of the Board of Directors for the Legal Aid Society of Palm Beach County, as an active member of the Central Palm Beach County Chamber of Commerce, and the Wellington Rotary Club, and as a former member of the Board of Directors for the Wellington Boys and Girls Club. He also serves on the Board of Directors for the Richardson Scholarship Foundation, which assists young people in pursuing careers in medicine, and the J. Eric Jordan Charitable Foundation, which provides scholarships and grants to students interested in music,

with jazz, in particular.

The Boy Scouts are also dear to Judge Coates’ heart. He was one of the founding members of Boy Scout Troop 190 at Melaleuca Elementary, where he was the Senior Patrol Leader of the troop, and ultimately attained Scouting’s highest rank of Eagle Scout. Continuing his support of Scouting while at UF, Judge Coates served as an Assistant Scoutmaster in Gainesville. And after starting a family, Judge Coates served as the Cubmaster for Pack 208 at Wellington’s Panther Run Elementary for two years.

Judge Coates met his wife Cheri, while on the UF Speech and Debate Team. They have been married for over thirty years and have four children, Colby (29), Kelsey (26), Colton (21), and Cameron (16). While raising four children, Judge Coates has also been an active participant in youth sports. He has coached baseball for the past 20 years and had previously served on the Board of Directors and as President for the Okeechelle Youth Baseball. The Coates family also includes three dogs, Blue, Midnight and Izzie and two cats, Sylvester and Smokey, all of whom were adopted from the Animal Rescue League and the Luv-A-Pet Foundation.

We warmly welcome Judge Coates to the 15th Judicial Circuit and look forward to his tenure on the bench!

*Liz Batres Herman is a Senior Associate at Rosenbaum Mollengarden PLLC, practicing commercial and construction defects litigation. She can be reached at [YHerman@r-mlaw.com](mailto:YHerman@r-mlaw.com)*

## IMPACT OF BANKRUPTCY ON PERSONAL INJURY/TORT BASED CLAIMS



Wednesday, June 24, 11:45 a.m. - 1:00 p.m.  
Palm Beach County Bar Association  
1507 Belvedere Road, West Palm Beach



### Program Schedule

- 11:45 a.m. - 12:00 p.m. **Lunch / Late Registration and Check In**
- 12:00 p.m. - 12:05 p.m. Welcome - Opening Remarks - Kelly Hyman, Esq.
- 12:05 p.m. - 1:00 p.m. Speaker: Jacob Brown, Esq.  
Akerman, LLP

- ♦ **Is the Claim Property of the Bankruptcy Estate?**
- ♦ **Debtor Owned Claims**
- ♦ **Claims Against a Debtor**
- ♦ **Representation of Chapter 7 Trustees/Debtors in Personal Injury/Tort Based Claims.**
- ♦ **Preference and Avoidance Claims.**

Lunch Provided by:



This course has been granted 1.0 CLER / 1.0 Civil Trial Certification Credits from The Florida Bar. **Early Registration** cost is **\$25** for PBCBA members/paralegals; **\$65** for non-PBCBA members/paralegals if registered by **6/17/15**. Add \$15 late fee to registration fee after that date. **All refund requests must be made no later than 48 hours prior to the date of the seminar.**

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

#### HOW TO REGISTER



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**BY CREDIT CARD**  
For security purposes, you must register online at [www.palmbeachbar.org](http://www.palmbeachbar.org)



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

#### Webinar

If you can't leave the office, you can attend via live webinar by registering at <http://www.palmbeachbarde.org>

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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) (6/24/15 PI) Cost is the same as listed above, In addition to \$10 for shipping and handling. **PAYMENT BY CHECK ONLY, WITH THIS FORM.**



# 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.

**Ross Scott Abramowitz:** Nova Southeastern University, 2009; Solo Practitioner, Ft. Lauderdale.

**Kirk L. Burns:** Boston University, 1985, South Florida Water Management, West Palm Beach.

**Melanie L. Casper:** St. Thomas University, 1999; Office of Criminal Conflict and Civil Regional Counsel. West Palm Beach.

**Thomas Costa:** Hofstra University, 1976; Solo Practitioner, West Palm Beach.

**Kevin Drummond:** Law Student Membership. Orlando.

**Marci E. Finkelstein:** Touro College, 1998, Associate in Rudolph and Associates, LLP, West Palm Beach.

**Grace Gutierrez:** University of Florida, 1997; Associated with Gunster Yoakley & Stewart, P.A., West Palm Beach.

**Gregory Peter Herrick:** William and Mary, 2014; Office of State Attorney, West Palm Beach.

**Kyle Johnson:** University of Florida, 2014; Associate in Conroy Simberg, West Palm Beach.

**Ashley Landrum:** Michigan State University, 2014; Associate in Vernis & Bowling, West Palm Beach

**Robert Pershes:** New York University, 1980; Partner in Perkins Pershes, PLLC, Boca Raton.

**Noel Pfeffer:** Nova University, City of Delray Beach.

**Maria A. Pisz:** FL Registered Paralegal Membership; City of Wellington.

**Julia B. Renninger:** FL Registered Paralegal Membership; Shutts Bowen, West Palm Beach.

**Alexandria K.L. Romano,** Law Student Membership, West Palm Beach.

**Kim A. Rossin:** FL Registered Paralegal Membership, Michael P. Walsh, P.A., West Palm Beach.

**William J. Sarubbi, II:** Stetson University, 2014; Associate in Quintairos, Prieto, Wood & Boyer, P.A., West Palm Beach.

**Jennifer Soberal:** Florida International University, College of Law, 2013; United States District Court, West Palm Beach.

**Donald William Vollender:** Stetson University, 1989; Associate in Law Offices of Craig Goldenfarb, West Palm Beach.



## BECKER & POLIAKOFF

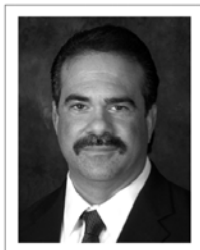
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Palm Beach County Bar ADR Committee Member



## Upcoming CLE Seminars

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

#### June 5:

Community Association Law Seminar

#### June 10:

Solo and Small Firm Practitioners Luncheon Seminar

#### June 11:

PBCBA Family Law CLE and Susan Greenberg Inns of Court Family Law Seminar

#### June 12:

Employment Law Seminar & Reception

#### June 19:

Business Litigation Luncheon Seminar

#### June 24:

Personal Injury Luncheon Seminar



### Was There a Numbers Station in Palm Beach County?

by Christopher B. Hopkins

In the past two years, we have been increasingly exposed to the “cool” side of math: cryptography and encryption. Algorithms were not something you likely learned in school but most of us now understand, from Edward Snowden or *The Imitation Game*, that there are backdoors to computer codes.

Surprisingly, there is a Cold War era method of encoded communication, called a “numbers station,” which is unbreakable. It is cheap, largely untraceable, and has been used in South Florida for decades. However, it is a tool of the intelligence community which the United States has never admitted using – despite the fact that a numbers station appears to have been located in Palm Beach County.

A numbers station is a small shortwave radio transmitter which broadcasts bits of numbers on errant radio frequency which can be heard and decoded by agents in the field who know the frequency and the time to tune in. Many times, the voices are children or women, which add to the haunting, bizarre ritual. Some broadcasts, which went on for years, were given names such as “Atencion!” “Swedish Rhapsody,” and the (particularly spooky) “Lincolnshire Poacher.” You can hear samples of these broadcasts at <http://bit.ly/numberwpb>.

So how does a numbers station work? The broadcaster selects a frequency and specific times to broadcast. The recipient, or agent, tunes in using a commercial radio and decodes the message using a paper tablet called a “one time pad.” The broadcast begins with an “interval signal,” which is clip of music or other beacon sound that identifies that the code is about to begin. The (spanish) “Atencion!” numbers station is so named because of the female broadcaster’s insistent repetition of the word at the top of the broadcast. The Lincolnshire Poacher, on the other hand, begins with a few bars of an English folk song.

The code itself is typically a string of 150 numbers recited in groups of five at a time. The recipient uses the “one time pad,” which looks like a bingo card, and writes down the incoming numbers in a checkerboard fashion. By following the numbers on the top and side, the agent can decypher letters which spell words (the message). The page from the one time pad is then destroyed (burned), leaving no evidence. Since shortwave travels long distances (say, from Havana to South Florida) and radios are common, it is nearly impossible to locate the agents who tune in. Likewise, if the one time pad is properly destroyed, there is no evidence of transmission. If performed correctly, a numbers station transmission is simple and unbreakable.

The Cuban Intelligence Service (CuIS) has predominantly directed its agents to spy on the United States and has resorted to the use of numbers stations. Unfortunately for the CuIS, there have been a number of well-publicized spy blunders which led to convictions in the Southern District of Florida. Ten days after the September 11 attacks, Anna Montes was arrested for spying. The FBI affidavit stated that “CuIS often communicates with CuIS agents... by broadcasting encrypted messages at certain

high frequencies” and noted that the FBI had been monitoring the Atencion! broadcast for years and found those codes on Ms. Montes’ computer. In 2006, an FIU professor and his wife, Carlos and Elsa Alvarez, were likewise caught spying via shortwave radio, water-soluble paper, and computer. Finally, in 2009, a State Department official, Kendall Myers, admitted to spying for 30 years via numbers station broadcasts. While, in each case, the spies were caught, it was due to human error (they used a computer to decode versus by hand) which leads to their capture.

Here in Palm Beach County, there is any number of intelligence-related operations, including the U.S. Navy AUTC, which operates the “wargames” machine, the Electronic Warfare Threat Simulator. AUTC is not much of a secret since it is the white building with satellite arrays at 801 Clematis Street.

More interesting is the Jonathan Dickinson Missile Tracking Annex which is an array of five massive satellites shrouded by the western edge of the Jonathan Dickinson State Park. Drive to Tequesta via U.S. One and then take a left on County Line Road. Pursuant to 50 USC 797 (the Subversive Activities Control Act), you cannot enter the Annex. And for good reason – according to GlobalSecurity.org, the Annex is equipped with a “command destruct system” which can be remotely activated by Cape Canaveral to shoot down a “launch vehicle” if it poses a danger.

Finally, there is the question of whether a numbers station existed in Palm Beach County. A notorious numbers station researcher, who used the moniker “Havana Moon,” claims that, in the late 1980s, he discovered a numbers station in Tequesta. Comparing those 30 year old directions to modern Google Maps, it appears that he was referring to the northern section of the Jupiter Inlet Lighthouse Natural Area. Heading north on US One, turn east on Beach Road and there is a small parking lot less than a half mile on the left side. Park there and head north for about 100 yards where you will discover a triangular shaped fenced area of U.S. Government property. On Google Maps, you can clearly see that this land was previously developed, including a square clearing in the northwest corner which appears to be the footprint of a former building. It is unclear why this abandoned-yet-protected federal land still exists in the middle of a secluded preserve. Sitting on a hill by the intracoastal, however, this would be a decent site to broadcast encrypted numbers.

*Christopher B. Hopkins is a partner at Akerman LLP. Visit <http://bit.ly/numberwpb> for audio as well as photos of the (possible) former numbers station in Tequesta, Florida.*

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



**Labor and Employment Law Committee  
Annual Half Day Seminar**

June 12, 2015 - 12:00 p.m. - 6:00 p.m.  
1507 Belvedere Road, West Palm Beach, FL



**Program Schedule**

12:00 pm - 12:25 pm	<b>Late Registration / Lunch</b>
12:25 pm - 12:30 pm	<b>Welcome</b> - Cathleen A Scott, Board Certified Labor and Employment Law; Cathleen Scott & Associates, P.A.
12:30 pm - 1:15 pm	<b>Case Law Update:</b> Tanya M. Reed, Esq., Assistant General Counsel, Office Depot
1:15 pm - 2:00 pm	<b>Top things I've learned as an Employment Attorney in my first years of Practice &amp; things I am still Learning/Mentoring young Employment Attorneys, including Ethical Considerations:</b> Margaret L. Cooper, Esq., Jones, Foster, Johnston & Stubbs, P.A.
2:00 pm - 2:10 pm	<b>BREAK</b>
2:10 pm - 3:00 pm	<b>FLSA Hot Topics/Exemptions:</b> Sally Still Esq., Board Certified Labor & Employment Law; Ward Damon Posner Pheterson & Bleu, P.A.
3:00 pm - 4:00 pm	<b>Trial Tactics:</b> Joseph B. Landy, Esq., Board Certified in Civil Trial Law; Lesser, Lesser, Landy & Smith, PLLC
4:00 pm - 5:00 pm	<b>Judicial Panel on Employment Law Issues:</b> The Honorable Jaimie R. Goodman and The Honorable Dave L. Brannon
5:00 pm - 6:00 pm	<b>Happy Hour</b>



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## Be Careful!: The Dischargeability Of Divorce Related Obligations

by Ashley Dillman Bruce, Esq. and Christopher R. Bruce, Esq.



### I. Introduction

A chapter 13 bankruptcy, also called a wage earner's plan, enables individuals with regular income to develop a plan to repay all or part of their debts. Under this chapter, debtors propose a repayment plan to make installments to creditors over three to five years. Unlike a chapter 13, a chapter 7 bankruptcy case does not involve the filing of a repayment plan, rather the chapter 7 bankruptcy trustee gathers and sells the debtor's nonexempt assets and uses the proceeds of such assets to pay creditors in accordance with the provisions of the Bankruptcy Code.

### II. The Dischargeability of a Property Settlement v. Domestic Support Obligation

In a chapter 13 bankruptcy, a debtor can discharge most of his debts after he completes his bankruptcy plan payments, but among the debts that cannot be discharged are domestic support obligations. A "Domestic Support obligation" is a defined term meaning a debt Owed to a former spouse that is "in the nature of alimony, maintenance or support" of the former spouse "without regard to whether such debt is expressly so designated." 11 U.S.C. § 101(14A)(B). Domestic Support Obligations are also not dischargeable in chapter 7 bankruptcy cases.

But what about a debtor's obligations in a property settlement agreement—are those dischargeable? The answer in a chapter 13 bankruptcy is yes. A chapter 13 debtor can discharge debts created by a property settlement agreement with a former spouse. However, unlike chapter 13 debtors, chapter 7 debtors may not discharge obligations created by a property settlement agreement.

### III. Practice Pointers

Many bankruptcy attorneys often dabble in divorce cases, or vice versa. Attorneys drafting divorce orders will want to pay special attention to the wording of the orders to assure that a debt due to their client will survive a bankruptcy of the other spouse. The determination of whether a debt is a Domestic Support Obligation is a matter of federal bankruptcy law rather than state law, meaning the bankruptcy court has the power and discretion to conduct an independent review of the divorce decree and factual inquiry into the true nature of any obligation.

Although there is no guarantee, divorce counsel will want to fashion orders which stipulate that the property to be distributed or payments to be made are in the nature of support. Counsel will want to create as much of a record as possible, should the question of whether a payment is in the "nature of support" be raised in the future. In determining whether an obligation is a DSO, courts will likely focus on the following factors:

- whether the obligation is subject to termination or reduction upon death or remarriage;
- whether the obligation is meant to balance the income of the parties;
- whether the obligation is payable in installments or in a lump sum;

- whether there are minor children that require support that were considered in the rationale for the payment;
- whether the payments are in consideration of the relative physical health, and education of the parties; and
- whether there is a need for support.

As you can imagine, this is a factually intensive inquiry that if pursued, will require an evidentiary hearing or trial in the bankruptcy court. Counsel may wish to consider asking the bankruptcy court to grant relief from the automatic stay for these dischargeability issues to be considered by the state court.

### IV. Conclusion

Divorce counsel should be aware that Domestic Support Obligations are non-dischargeable in both a chapter 7 and chapter 13 bankruptcy cases, and that debts incurred pursuant to a divorce decree are not dischargeable in a chapter 7 but are dischargeable in a chapter 13. Consequently, counsel should try to structure property settlements according to their client's best interests.

*Ashley Dillman Bruce is an attorney that practices on Berger Singerman's Business Reorganization and Dispute Resolution Teams in Ft. Lauderdale and Boca Raton. Ashley concentrates her practice in corporate bankruptcy and insolvency representation, but also incorporates a variety of complex commercial litigation and appeals before both federal and state courts. [adbruce@bergersingerman.com](mailto:adbruce@bergersingerman.com).*

*Christopher R. Bruce and his law firm, Nugent Zborowski & Bruce, limit their practice to representing of clients in connection with mediations, trials, and appeals of divorce and custody related matters in Palm Beach and Broward Counties. [cbruce@nugentlawfirm.com](mailto:cbruce@nugentlawfirm.com).*

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# Real Property and Business Litigation Report



by Manuel Farach

**Philip Morris USA, Inc. v. Russo**, – So.3d –, 2015 WL 1472282 (Fla. 2015).

Statute of limitation and statute of repose have differing reliance requirements when applied to fraud claims; reliance is not required during the statutory period for statutes of repose but continuing reliance is

required for claims subject to limitations.

**Hess v. Patrick**, – So.3d –, 2015 WL 1443113 (Fla. 2d DCA 2015).

A foreign judgement recorded under Florida's Enforcement of Foreign Judgments Act is subject to Florida's twenty-year statute of limitations for enforcement of judgments, beginning from the date the foreign judgment was rendered in the foreign forum.

**22nd Century Properties, LLC v. FPH Properties, LLC**, – So.3d –, 2015 WL 1448446 (Fla. 4th DCA 2015).

The party opposing a fee award must generally point out those fees that are duplicative or excessive otherwise the objection is waived. Likewise, the result is what matters and a party seeking fees should not be penalized for seeking recovery on alternative bases on which they did not prevail. For purposes of fee awards, issues are inextricably intertwined or involve a common core of facts when work for one claim cannot be distinguished from work on other claims; claims are separate and distinct when they can support an independent action not simply alternative theories of recovery.

**Blechman v. Estate of Blechman**, – So.3d –, 2015 WL 1500021 (Fla. 4th DCA 2015).

Agreements between business partners as to disposition of ownership interests upon death may trump testamentary instruments regarding the same interests.

**R.J. Reynolds Tobacco Co. v. Townsend**, – So.3d –, 2015 WL 1578537 (Fla. 1st DCA 2015).

The interest rate applied to unpaid amounts on a judgment changes whenever the statutory rate changes, i.e., the interest rate on date of a judgment does not remain the same if the statutory rate changes over the life of the unpaid judgment.

**Padgett v. Kessinger**, – So.3d –, 2015 WL 1545228 (Fla. 4th DCA 2015).

Claims for fraud in the inducement and for breach of contract are separate and distinct for purposes of awarding attorneys' fees.

**Hahamovitch v. Delray Property Investments, Inc.**, – So.3d –, 2015 WL 1652713 (Fla. 4th DCA 2015).

A merger and integration clause in a contract does not bar a fraud claim. Real estate contracts are subject to an implied duty of good faith and fair dealing, but the implied duty cannot contravene an express term, must be pursued in conjunction with a breach of contract claim, and applies only to the purportedly breached term.

**Frisbie v. Carolina Cas. Ins. Co.**, – So.3d –, 2015 WL 1736905 (Fla. 5th DCA 2015).

The affirmative defense of unclean hands typically requires determination of disputed issues of fact, and thus cannot usually be resolved on summary judgment.

**Audiffred v. Arnold**, – So.3d –, 2015 WL 1724250 (Fla. 2015).

A single offer to a single offeree that requests resolution of claims by or against additional parties (who are not offerors nor offerees) is a "joint proposal" that is subject to the apportionment requirement of the offer of judgment statute.

**Colson v. State Farm Bank, F.S.B.**, – So.3d –, 2015 WL 1650300 (Fla. 2d DCA 2015).

The amount of indebtedness in a mortgage foreclosure trial cannot be determined merely by the introduction of the loan payment history.

**Griffin Industries, LLC v. Dixie Southland Corp.**, – So.3d –, 2015 WL 1652599 (Fla. 4th DCA 2015).

A tenant cannot terminate a lease based on constructive eviction unless the premises are unsafe, unfit or unsuitable for the demised purposes; standing storm water on the premises is not a constructive eviction unless the standing water creates a safety issue or interferes with the tenant's operations. A landlord has no duty to mitigate damages, but if it does, a breaching tenant is responsible for the difference between its rent and rent paid by the substitute tenant if the landlord mitigates by obtaining a new tenant.

**Florida Power & Light Co. v. Hicks**, – So.3d –, 2015 WL 1667033 (Fla. 4th DCA 2015).

In distinction to the work product privilege, attorney-client documents continue to be protected notwithstanding a showing of relevance and necessity for the documents.

**Amelia Island Restaurant II, Inc. v. Omni Amelia Island, LLC**, – So.3d –, 2015 WL 1809308 (Fla. 1st DCA 2015).

The non-compete provisions of Florida Statute section 542.335 are meant to apply to personal contracts, and are not meant to create exclusivity provisions for leases.

**Jax Utilities Management, Inc. v. Hancock Bank**, – So.3d –, 2015 WL 1809322 (Fla. 1st DCA 2015).

The one year statute of limitations to enforce an equitable lien under Florida Statute section 95.11(5)(b) runs from the last furnishing labor, materials or services to improve the project. Moreover and by its enactment, Florida Statute section 713.3471(2) eliminated common law remedies of contractors to sue lenders for improvements to projects by contractors and lienors.

**Firstbank Puerto Rico v. Othon**, – So.3d –, 2015 WL 1813996 (Fla. 4th DCA 2015).

Although granting continuances of foreclosure sale dates is within the discretion of the trial court, compassion, benevolence, hopes of a short sale, and medical illness are not legally cognizable grounds for postponement of the sale.



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## Beach Bash Cirque Style!

Our members and their families recently enjoyed a relaxing and fun afternoon of live entertainment cirque style during the North County Section's 4th annual Beach Bash at the Hilton on Singer Island. Plans are already underway for next year's festivities! Stay tuned...



**NCS Director W Mason and Jessica Mason**



**NCS Directors Bettie Collister and Eunice Baros**



**Dena Foman and her children**



**NCS President Greg Yaffa**



**NCS Director Wayne Richter and NCS President Elect Larry Buck welcome members with adult beverages.**



**Balancing Act!**



**NCS Directors Wayne Richter, David Steinfeld, and NCS President Elect Larry Buck**



**Face painter was great!**



**Brian Bull and his wife sit for a caricature...**



**and here's the finished product with their two children...**







### Cultivating “Homegrown” Talent: Diversity as a leadership training ground

By: *Luis Delgado*

Leadership is a skill that must be cultivated, and the small groups that serve diverse populations provide valuable opportunities for the members of our Palm Beach County Bar Association to achieve that purpose.

Palm Beach County is one of the most populated counties in our state. Because of our large size, it is no coincidence that our wonderful Palm Beach County Bar Association serves thousands of attorneys in Palm Beach County and does a great deal of good for our local community. We very proudly have one of the largest bar associations in our state. Our County Bar Association also just recently concluded elections for the Board of Directors. Campaigning for this election was not an easy task for the participants, and campaigning can be quite intimidating to those looking to run in future elections. One of the “side effects” of having a large county Bar Association is that fewer of our members will have a chance to practice their leadership skills.

Luckily, Palm Beach County also has a plethora of voluntary bar associations, many of which have been founded by members of diverse populations. The increased number of associations also creates an increased number of leadership roles. The leadership skills learned by the members of these diverse voluntary bar associations are invaluable because they allow our members to exercise leadership skills such as those promoting and fostering financial creativity, programming creativity, and team building. The demands for leadership skills in our County are substantial.

If you attend the Voluntary Bar Leaders Conference in Palm Beach County later this year, you will observe how the numbers and sizes of our diverse local bar associations rival the number and sizes of many of the other County Bar Associations throughout our state. Not only do we outnumber

our sister counties in membership recruitment and retention, we also add a very personal touch to our recruitment efforts, making membership more sought after and participation less intimidating. These factors tend to create an environment rich for the cultivation of leadership skills and makes Palm Beach County even more of an attractive legal community for attorneys.

This cultivation of “homegrown” talent can then rise to higher levels. A great example of what I am articulating is our President-Elect of the Florida Bar, Ray Abadin. If you talk to him he will tell you that before he became a leader on the Florida bar level he “cut his teeth” in the Cuban-American Bar Association in Miami many years ago when it was a smaller association. Our County has similar examples, just to name a few; Circuit Court Judges Edward Artau and Lisa Small were former presidents of the Palm Beach County Hispanic Bar Association and the Palm Beach County Florida Association of Women Lawyers, respectively.

The percolation of diversity in Palm Beach County Bar Association leadership roles has been evident for almost a decade, reaching new heights in recent years. Within the past few years, the Florida bar elected its first African-American president, Eugene Pettis, followed by our election of another Hispanic President, Ray Abadin; locally we also have an award-winning Committee for Diversity and Inclusion.

I have personally observed the effect of diversity in leadership. Two years ago I was elected to the Florida Bar Young Lawyers Division Board of Governors and began to serve as the co-chairman of the YLD diversity committee. I actively participated in the coordination of yearly symposiums held on the same day and time every year to address diversity as well as the already

established minority mentoring picnics and diversity picnics at various times and places throughout our State.

A benefit of our many diverse bar associations is that they provide many lawyers the opportunity to sharpen their leadership skills. With these improved skills we can impact on our community on a deeper level and ensure the continuing diversification of our bar associations and our profession as a whole.

---This year Palm Beach County will host the Florida Bar’s Voluntary Bar Conference. This conference showcases the smaller bars throughout our state many of which cater to diverse populations.

*Luis Delgado is the incoming President of the Young Lawyers Section of the PBCBA and member of the Florida Bar Young Lawyers Division Board of Governors. He is a solo practitioner working in the area of criminal defense and can be reached at [ld@delgadolawfirm.net](mailto:ld@delgadolawfirm.net).*

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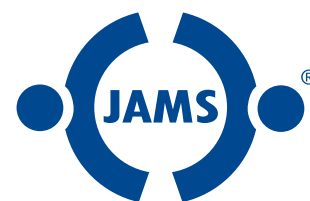
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## North County Section "Cases Loaded" vs Martin County Bar Softball Game

Our North County Section recently made a bad judgment call and accepted a softball challenge against members of the Martin County Bar. Although their players were younger and more experienced, we are happy to report that our players walked away without any major injuries!

Like any good coach, Greg Yaffa is trying to negotiate the mercy rule for his team with Martin County Bar President Chad Hastings



"Cases Loaded" including Coach Yaffa, Todd Stewart, Sara Alijewicz, Wayne Richter, Lindsay Warner, Dalida Padilla, Nick Johnson, Sam Cohen, Scott Smith, Kate Watson, Larry Strauss and Chris Evans, along with cheerleaders Eunice Baros and Lana Shrode, from U.S. Legal Support.

## Get Involved with the North County Section

The North County Section has one Director seat available for a one year term beginning July 2015. If you're interested in serving on the Board, please let us know by sending your resume to [lpoirier@palmbeachbar.org](mailto:lpoirier@palmbeachbar.org) no later than June 19.



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

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South Florida Election Law Handbook: How Voters Can Prevent Election Fraud and Make Elections Fair is book with facts on election fraud, history, election law cases, voting rights act cases, constitutional cases, State Attorney policies and case management, FDLE investigations & commentary on recent races. Author has been involved in South Florida politics over 12 years. See excerpts at Barnesandnoble.com, Xlibris.com & Amazon.com, or contact William J. Skinner, POB 741261, Boynton Beach, FL 33474-1261.

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The law firm of REID BURMAN LEBEDEKER announced that attorneys **Justus W. Reid, J. Michael Burman** and **Bernard A. Lebedeker** have been named "Top Lawyers" for 2015 by the *South Florida Legal Guide*. The firm was also recognized as a "Top Lawyer Firm" by the publication. We are also pleased to announce Bernard Lebedeker officially joined the firm in August of 2014 and became partner.



**Scott Murray and Jason Guari of Murray & Guari is celebrating the firm's 10-year anniversary.** The firm,

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## CALENDAR June 2015

Thursday, June 4,  
12:00pm – 1:00pm  
**Professionalism  
Committee Meeting**  
Bar Association Office

Friday, June 5,  
8:00am – 12:15pm  
**PBCBA Community  
Association Law Seminar**  
Bar Association Office

Saturday, June 6,  
7:00pm – Midnight  
**Annual Installation Banquet**  
The Breakers Hotel, Palm Beach

Tuesday, June 9,  
12:00pm – 1:00pm  
**Unified Family Court  
Committee Meeting**  
Palm Beach County Courthouse

Tuesday, June 9,  
12:00pm – 1:00pm  
**Young Lawyers Section  
Board Meeting**  
Bar Association Office

Wednesday, June 10,  
12:00pm – 1:00pm  
**Solo & Small Firm  
Practitioners  
Luncheon Seminar  
“Going Paperless”**  
Bar Association Office

Thursday, June 11,  
12:00pm – 5:30pm  
**Bar Association and Susan  
Greenberg Inns of Court  
Family Law Seminar  
“Mission Possible: Temporary  
Relief in 30 Minutes”**  
Palm Beach County Courthouse,  
Courtroom 11A

Thursday, June 11,  
12:00pm – 1:30pm  
**South PBC FAWL Installation  
Luncheon**  
Mariposa at Neiman Marcus  
in Boca Raton  
For more info, contact  
lgreenman@fwblaw.net

Friday, June 12,  
12:00pm – 5:00pm  
**Employment Law Seminar**  
Bar Association Office

Wednesday, June 17, 5:00pm  
**Board of Directors Meeting**  
Bar Association Office

Thursday, June 18,  
12:00pm – 1:00pm  
**Judicial Relations  
Committee Meeting**  
Judicial Conference Room,  
PBC Courthouse

Friday, June 19,  
11:30am – 1:00pm  
**Business Litigation Seminar  
“Effective Jury  
Communication –  
VoiR Dire & Beyond”**  
Bar Association Office

Saturday, June 20  
**Young Lawyers Section  
Fishing Tournament  
and Dock Party**  
Palm Beach Yacht Club,  
West Palm Beach

Friday, June 19,  
12:00pm – 1:00pm  
**FAWL Annual Justice  
Pariente Award Luncheon**  
Cohen Pavilion at the  
Kravis Center

Tuesday, June 23,  
12:00pm – 1:00pm  
**CDI Committee Meeting**  
Bar Association Office

Tuesday, June 23, 5:30pm  
**Legal Aid Board  
of Directors Meeting**  
Bar Association Office

Wednesday, June 24,  
11:45am – 1:00pm  
**Personal Injury  
Committee Seminar  
“Impact of Bankruptcy  
on Personal Injury/Tort  
Based Claims”**  
Bar Association Office

Wednesday, June 24 –  
Saturday, June 27  
**The Florida Bar  
Annual Meeting**  
Boca Raton Resort & Club