



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

November 2005



Holiday Party Set for December 8

This year's holiday party is scheduled for Thursday, December 8 at BallenIsles Country Club in Palm Beach Gardens. The Young Lawyers and North County Sections are working hard to put together another terrific silent and live auction, including trips, jewelry and other great buys. The evening will begin at 5:30 p.m.

The cost to attend is \$25, or a toy of comparable value, and includes hors d'oeuvres, plus a drink.

Let us hear from you today! RSVP on-line at www.palmbeachbar.org.



Attorneys & Judges show their support for Literacy

More than 30 members of our Association recently participated in International Literacy Day, which was held at the Adult Education Center in West Palm Beach. The attorneys, together with several judges, spoke to hundreds of students about the importance of education and our legal system. The morning program was held in partnership with the Palm Beach County Literacy Coalition.

Many thanks to the following members for their support:

Cindy Spall, Lawyers for Literacy Chairperson; Chief Judge Kathleen Kroll, Judge Peter Evans, Judge Cory Ciklin, Judge Ronald Alvarez, Tulio Suarez, Thomas Gano, Richard Tendler, Mark DiAntonio, Victoria Morton, Michael Gelfand, Steve Rubin, William Carroll, Shannoya Robinson, Susan Hudgens, Phil DiComo, Melynda Melear, Mark Greenberg, Rosemarie Scher, Sarah Cortvriend, Shaun Wiedrick, Scott Zappolo, Robin Rosenberg, Michael McAuliffe, Stephen Rapp, Grey Tesh, Pamela Guerrier, Donall O'Carroll, and Arthur Schofield. (See page 14 for additional pictures)

Nominating petitions available for Board of Directors in December

The annual election of officers and directors for the Palm Beach County Bar will take place in April. Persons seeking to run for a position on the Board of Directors will need to obtain a nominating petition and must be a member in good standing of the Palm Beach County Bar Association. The nominating petition must be signed by no fewer than 20 members in good standing of the Association. Petitions for President-elect will be available on December 15 and will be due back in the office by 5 p.m. on January 17. Petitions for director-at-large seats will be available on December 30 and will be due back in the Bar office by 5 p.m. on January 31. Petitions may be obtained by calling the Bar office at 687-2800 or by sending an e-mail requesting it at pburns@palmbeachbar.org. For any of the positions, it is the candidate's responsibility to verify ahead of time through the Bar office that the members that are signing the petitions are members in good standing, otherwise, the petition will be deemed invalid.



Congratulations to Steve Harris, Lisa Small and Art Pumpian for representing our Association well in the Palm Beach County Literacy Coalition's Great Grown Up Spelling Bee. The Bar's Team placed 5th outlasting 20 other groups from all around the county.

Inside...

President's Message	3	Director's Comment	11
Technology	5	Pro Bono Corner	12
Historical Committee	6	North County Section News	13
Personal Injury Corner	9	New Members	14
Third Annual Spelling Bee	10	Bankruptcy	15
		National Adoption Day	16
		Bulletin Board	18

THE
BULLETIN

THEODORE J. LEOPOLD
President

www.palmbeachbar.org

PATIENCE A. BURNS, CAE
Executive Director

**PALM BEACH COUNTY
BAR ASSOCIATION**

Officers

Theodore J. Leopold, *President*
Manuel Farach, *President-elect*

Directors

Scott C. Murray
Bryan Poulton
Meenu Sasser
Richard D. Schuler
Michelle R. Suskauer
V. Lynn Whitfield

C. Wade Bowden, *Young Lawyers Section President*
William A. Fleck, *North County Section President*
Jeffrey Marks, *South County Bar President*
Stanley D. Klett, Jr., *Immediate Past President*

FL Bar Board of Governors Representatives

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

**FL Bar Young Lawyers Division
Board of Governors**

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

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

(561) 687-2800

FAX (561) 687-9007

e-mail info@palmbeachbar.org.

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

The mission of the PBCBA is to foster professionalism, serve its members, and enhance public access to the legal system through education and service.

LETTERS TO THE EDITOR

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



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

New Online Membership Directory

We are very pleased to unveil our new online membership directory! We sincerely thank **Regent Bank** for their sponsorship of this new member benefit. This directory not only contains address and photo information on your fellow members, but it will soon have archived copies of the Bar Bulletin. Please keep in mind that this directory and the ListServ is available only to members of the Palm Beach County Bar Association.

Additionally, we are pleased to provide you with the opportunity to join a ListServ for the various committees and practice areas that we have and encourage you to do so. We have found that members really benefit from sharing information with other members who practice in the same area of law. To subscribe to an eList, simply click on your profile and follow the directions at the top of the screen. Once you have selected the eList group(s) be sure to save the record. You will receive an email confirmation providing you with the address you will need in order to send a message to a particular eList group. To access the new site, bookmark <http://my.memberclicks.com/pbcba> today.

The Solo and Small Firm Practitioners recently hosted its first of seven networking luncheons for more than 30 of our members. For information on the next solo meeting check our website at www.palmbeachbar.org.



**Maxine Cheesman,
Lincoln Fingal,
Stella Rita**



**Henry Kaye,
Michael Amezaga,
and Robert Follick.**



**Pam Burns, from
Mellon United
National Bank;
Will Wright and
Patricia Harris**



**Debbie Block, solo
& small firm
committee co-chair
and Donnie Murrell**



DYSLEXIA AND ILLITERACY: What do they have in common?

By Theodore J. Leopold, President

We all have heard the word dyslexia, but few can explain it. We all know about illiteracy but few can explain why it is so pervasive. Believe it or not dyslexia and illiteracy have a lot in common.

Dyslexia is a language based learning disability with a cluster of symptoms. People affected by dyslexia have difficulty with specific language skills, particularly reading, spelling, writing and speaking. Dyslexia is a life-long condition, but its impact can change at different stages in a person's life.

The National Institute of Child Health and Human Development identifies illiteracy as an issue of public health and public safety. Illiteracy affects not only education but also juvenile delinquency and adult crime, employment, housing and substance abuse. It is reported that 85% of juvenile delinquents have reading problems, and many incarcerated teens read below a fourth grade

level. Local and national statistics indicate that a shocking 47% of our population is functionally illiterate, which means they cannot read well enough to fill out a job application. Studies show that children who read poorly and who are placed in special education classes seldom, if ever, catch up with their classmates.

Dyslexia is so widespread it is one of the cornerstones for the high rate of illiteracy. Unfortunately, dyslexia and its effects are seldom recognized, and few people even understand how dyslexia manifests itself. If we become educated on what dyslexia is and how to identify it, we can help spot those children who are in need of treatment. By spotting those children, we can play a small role in solving the larger problem of illiteracy. In working on this problem, we can help keep children in school, out of trouble, and ultimately out of court.

The Bar Association's Literacy Committee, headed by Cynthia Spall, is starting a "dyslexia awareness" campaign about the condition and its relationship to illiteracy. I hope you will participate in this important community activity.



Do You Need a Mentor?

The Palm Beach County Bar Association's Mentor Program is designed to provide members with a quick and simple way to obtain advice, ideas, suggestions, or general information from an attorney that is more experienced in a particular area of law. The mentors provide a ten-to-fifteen-minute telephone consultation with a fellow attorney, at no fee. Any member of the Palm Beach County Bar, whether newly admitted or an experienced practitioner, can use the program. Call the Bar office at 687-2800, if you need a Mentor.

HOME THEATER CREATIONS

"IF YOU CAN DREAM IT - WE CAN BUILD IT"

**YOUR ONE STOP SOURCE FOR
COMPLETE HOME THEATER SYSTEMS
FROM CUSTOM WALL UNITS TO
DEDICATED MOVIE ROOMS**

- On Site Free Consultation
- Decorator Designs In Any Color And Style Possible
- Movie Lobbies With Ticket Booth, Neon Marquees, And Concession Counters
- Single Integrated Control For Curtains, Lighting, And Electronics



- HDTV / Plasma TV From 40" To 100"
- Fits Wall Spaces 8'x8' To 20'x12' (WxH)

Visit Our Media Showroom
Financing Available



561-477-3384

22029 State Road 7, #103 • Boca Raton



Bill Wohlsifer, Esq.
Qualified Arbitrator
Certified Circuit Civil Mediator
Certified DBPR Homeowners' Association Mediator

*Integrating Principles of Mindfulness
into the Mediation Process*

- Understand the Core Dispute
- Resolve the Underlying Conflict
- Consent to Collaborative Negotiation
- Minimize Emotional and Spiritual Stress
- Maintain a Belief that the Process Will Work
- Settle the Present Issues for all Interested Parties

**Mediation may be conducted at my office or yours
No charge for travel time**

**319 Clematis St., Ste. 811, West Palm Beach, FL 33401
(561) 655-5114 www.online-attorney.net**



Please Re-Elect **Scott G. Hawkins**

**The Florida Bar Board of Governors
15th Circuit, Seat 3**

Proven Leadership:

- **Florida Bar Board of Board of Governors (June, 2004 - present)**
 - Budget Committee
 - Disciplinary Procedures Committee
 - Special Committee on Florida Constitutional Amendment Process
 - Special Committee on Judicial Independence
- **President, Palm Beach County Bar Association (2000-2001)**
- **President & Board Member, PBC Bar Assoc., Young Lawyers Sec. (1988-1995)**
- **Director, Palm Beach County Bar Association (1995-2002)**
- **Chair, PBC Bar Association Revitalization Committee (1999-2000)**
- **Center for Family Services "Shooting for the Stars" Award (legal) 1995**
- **Florida Bar Association's Young Lawyers Section,
"Most Productive Young Lawyer" 1995**
- **Florida Bar Board Certified Business Litigation Lawyer**

Scott G. Hawkins, a shareholder with Jones, Foster, Johnston & Stubbs, P.A., asks you to support his re-election to The Florida Bar Board of Governors. Over the past 17 years, Scott has demonstrated his commitment to the Bar by serving in various capacities which have expanded his knowledge of the Bar and refined his leadership skills, making him the best candidate to represent Palm Beach County. He has also served our community in various capacities including as President of the **Children's Place and Connor's Nursery** (1989-1992) (care for children who were abused, neglected, and/or were HIV positive) and local committee member, **Florida's Children First** (2003-2004) (fights for children's legal rights in Florida). Scott is listed in *The Best Lawyers in America*; has been recognized as one of the *Top 250 Lawyers in South Florida* by the *South Florida Legal Guide*; and has been listed as one of *Florida Trend Magazine's Legal Elite*.

**Scott's Steering Committee urges you to re-elect him to
The Florida Bar Board of Governors:**

**Bridget A. Berry
Mark F. Bideau
David E. Bowers
Michael D. Brown
Douglas Duncan
Daniel Funk
Timothy W. Gaskill
Paul R. Golis**

**Michael T. Kranz
Alfred A. LaSorte, Jr.
Wesley A. Lauer
Patricia A. Leonard
David Pratt
Grier Pressly
Cater Randolph**

**Heath Randolph
C. Brooks Ricca, Jr.
Gerald F. Richman
Raymond Royce
D. Culver Smith
Sidney A. Stubbs
Paul A. Turk, Jr.
Robert W. Wilkins**

Explore the World From Your Desk: Google Earth

by Bard D. Rockenbach, Chairman, Technology Committee

Convergence. It is defined by Webster's Online Dictionary (<http://www.merriam-webster.com>) as "moving toward union or uniformity." As it is used in technology, however, convergence means the joining of ideas, concepts, or devices into a single point or product. Hopefully, the combination is better or more useful than the independent parts were when they were separate.

Travel related information is perhaps the most popular use of the Internet after pornography. I use the Internet for absolutely every aspect of travel. I research to find a general area of interest. Once I find an area of interest I get details about activities, festivals, museums, parks, etc. and then look for transportation. After finding the transportation, I look for a place to stay and places to eat. I joined Zagat's (<http://www.zagat.com>) years ago for restaurant information, and I have found that their ratings and information is nearly flawless. Hotels are trickier. I find that sites such as Hotels.com and Expedia.com are unreliable in their "ratings" and that the price charged is not necessarily a good deal. One notable example was last year when I needed to spend a few days in Miami for a trial. The reservations were made by my co-counsel who trusted Hotels.com "star" ratings. He booked a four "star" "hotel" which turned out to be a halfway-house. The nightly rate Hotels.com charged us was the same rate other "guests" were paying for a week. But, then again, they had to pay in advance and couldn't get a refund if arrested before Sunday. The room was so bad, I never took my shoes off. Later research revealed that the Intercontinental and the Sheraton, each one block away, were only \$35.00/night more. I now stick to ratings by Mobil or AAA. Another good site is Trip Advisor (www.tripadvisor.com) which provides user reviews of thousands of hotels.

But I digress. The point here is that in order to plan a trip, it is generally necessary to use several resources. It is very time consuming.

The folks at Google have created new software which attempts to converge all of travel/location information. They call it Google Earth

(<http://earth.google.com/>). It is available free, and takes about five minutes to download and install. Once installed, Google Earth logs into the Google server and presents you with a picture of the Earth sitting in space, waiting for exploration. Google Earth combines satellite photographs from different sources, and then enhances the pictures to give them a 3-D effect. It then provides overlays of roads, hotels, restaurants and points of interest. As you zoom in or out of the photograph, or as you move around the world, the software connects with a server over the Internet and gets the information it needs to update the picture. You can move the picture to produce a flying effect, so that "flying" over Manhattan shows detailed satellite photographs moving past the screen. It appears as though you were in a helicopter looking down at the city, except that this time there are labels which show street, restaurant and hotel names.

Instead of going to a separate program for directions, you can input the start and end point and Google Earth will provide the turn-by-turn directions and draw a line on the satellite photograph so you can see the route on the ground. Of course, the restaurant and hotel overlay will then tell you what lies on that route. The advantage of this system is obvious. By looking at a satellite photograph of where your meeting or deposition will take place, you can quickly look at the labels around the photograph to see what is nearby. This type of visual presentation can save you from driving five miles for dinner because you didn't know there was a good restaurant around the other side of the block from your hotel.

My favorite use of Google Earth, however, is much less practical. I have never seen the Great Pyramids in Egypt, but using Google Earth I can fly there and look around from above. And while

Continued on page 15

Sherry L. Hyman, Esquire Arbitrator/Mediator



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

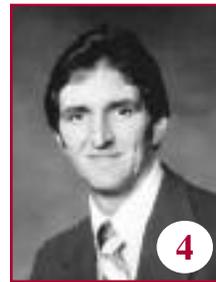
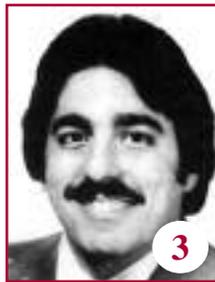
Available for mediations/arbitrations
Special master hearings and private judging

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

Who are they?

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

Answers on page 16



Old YLS Minutes - June 3, 1966

Ninth draft of the minutes of the 184th regular meeting of the Junior Bar Section of the Palm Beach County Bar Association held June 3, 1966 at the Holiday Inn. The secretary forgot to count the number of members and guests who were present, but feels that fifty is a reasonable estimate.

The President stumbled through the opening of the meeting by recognizing that no members of the bench were present. He then recognized the absence of Past President, Lewis, whose absence when considered in light of his previous record of attendance while President, was not particularly noteworthy or unusual.

The President then lamely attempted to either credit or blame (it was difficult to tell which) Ed Lewis for the origin and practice of recognizing absent dignitaries.

The President proceeded to further distinguish his first meeting as President by failing to heed the impatient murmurings of the membership anticipating the announcement, which would renew their faith in the glory and purpose of the Junior Bar. However, there was no mention made of the annual party.

Don Beverly introduced his guest and summer law clerk, John Lewis. Bob Foley introduced Bill Edwards of the Police Department, who provided the projector and screen for showing the "film".

Marvin Mounts proposed Jerry Stejskal for membership. He was accepted subject to payment of dues, which were paid immediately following the meeting.

Someone masquerading as Shep Lessor, briefly and quietly, proposed Danny Bakst for membership. He was accepted subject to payment of dues.

Our speaker was Al Polagyi, golf pro at the P.G.A., who presented a surprisingly clever and entertaining "film" on the Canadian Open. We were informed by Mr. Polagyi that the touring pros play golf almost twenty four hours a day, which is only slightly less time than that spent by Jim Robinson.

The Seagram's Trophy went to Gene Littler. It should be noted that our own member, Bob Rogers, was recent winner of the White Lightning Lost Ball Classic, and Jim Weber was one of the few finishers in the Sterno Blind Bogey.

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

Respectfully Submitted,
Peter Van Anandel, Secretary



With Savings Up To **30%*** On Imaging Supplies, You Don't Have To Worry About Making A Few Extra Copies!

For ALL first time orders, we will take 20% off name brand supplies and 30% off generic brands. This is for all imaging supplies for copiers, fax machines and printers.

- We Specialize In Imaging Supplies
- We Have Been In Business Since 1994
- We Have 25,000 Imaging Items In Stock

800-245-6762

Fax: 561-588-2762

www.alpha-laser.com • email: sales@alpha-laser.com

ALCS

ALPHA LASER COMPUTER SUPPLIES, INC.

*30% off toner is for first time customers only. Cannot combine offers. Expires 9/30/2006



Looking for Help! with your next trial



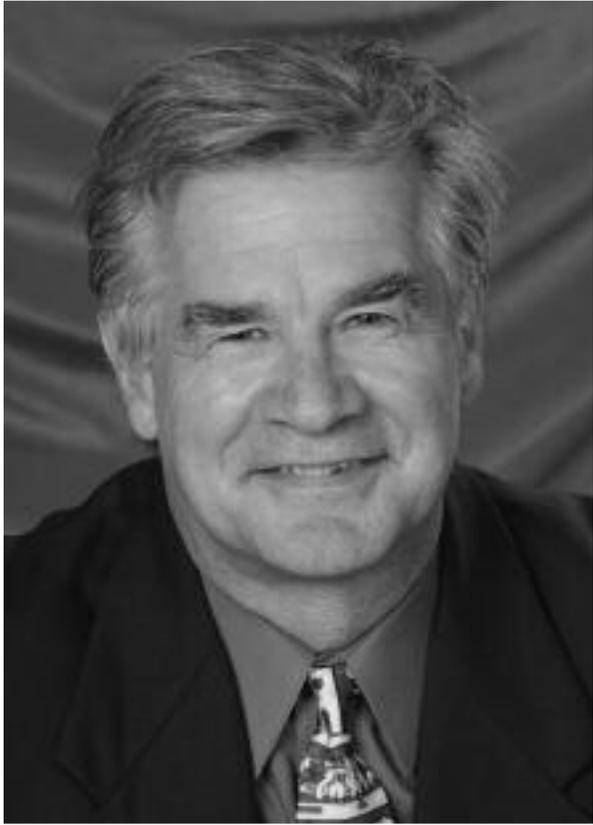
CMA On Demand Services
Service 24 hours on call

- Persuasive Graphics
- Exhibits and Animation
- Large Format 60" Color Digital Blowups
- High Volume Color Printing
- Trail Boards
- Time Line Charts
- Mounting 60" High x 24' wide
- High Speed Duplicators
- Translation
- Video Conversion
- Clip art Images
- Free Pickup and Delivery

CMA

On Demand Services
1126 Oak Street
West Palm Beach, FL 33405
561-471-1471 office
561-471-1479 fax
561-436-5036 cell
1-888-880-1955
www.cma.bz
sdoerr@cma.bz

Lavalle, Brown, Ronan & Mullins, P.A.



Jeff M. Brown of Lavalle, Brown, Ronan & Mullins, P.A. in Boca Raton is now a certified mediator in county and circuit courts of Palm Beach, Broward, Miami-Dade and Monroe Counties.

Jeff Brown has practiced law for 30 years in state and federal courts throughout Florida, specializing in the areas of civil/commercial litigation, personal injury, and criminal defense law. He graduated from the University of Minnesota in 1972, attended Stanford University Law School and graduated 1st in his class at Stetson University College of Law where he received his law degree in 1975. He has taught and/or lectured at Marymount College, Florida Atlantic University, Broward Community College and Broward Correctional Institute. In 1975, he was executive editor of the Stetson Law Review and author of "Truth-in-Lending: Right to Rescind" and "Abortion Statutes and Right to Privacy."

Mr. Brown is AV-rated by Martindale Hubbell. He is a past president of the South Palm Beach County Bar Association, past director of Palm Beach County Bar Association, and past chairman of the local Grievance Committee for the Florida Bar.

For all your mediation needs in Palm Beach, Broward, Miami-Dade and Monroe Counties, contact Jeff M. Brown.

Telephone: **561-395-0000** or **800-795-0995**

Facsimile: 561-395-9093

Email: cmartin@lavallebrown.com

ELECT DAVID C. PRATHER

The Florida Bar Board of Governors – Seat 3

In March 2006, Vote for Proven Leadership and Dedication.

The Florida Bar, Board of Governors, Young Lawyer's Division (1996-2000)

Palm Beach County Bar Association: Judicial Relations Commission (2004-2005); Diversity Sensitivity Committee (2004-2005); Executive Committee Young Lawyers Section (1996-2000)

Palm Beach County Trial Lawyers Association: President (2005); President-elect (2004); Treasurer (2003); Secretary (2002); Board of Directors (1998-2005)



Thank you to the following for your "Vote of Confidence" :

Maureen H. Ackerman	Michael Danciu	Benjamin Hodas	Jeffrey Liggio	Bryan Poulton	Bonnie Sonneborne
Paul Adams	Allison Davis	Gregory P. Huber	Kenneth Lipman	William Price	Jose "Pepe" Sosa
Kevin Anderson	Shirley Deluna	Sherry L. Hyman	Marvin Littky	Franklin Prince	Christopher Speed
Dave Aronberg	Earl Denney	Lance C. Ivey	Julie Littky-Rubin	Guy Quattlebaum	David Spicer
Diego Asencio	Kalinthia Dillard	Christopher Jette	Richard Lovell	Bruce Ramsey	J. Rodman Steele, Jr.
David H. Baker	Ted DiSalvo	Robert L. Johnson	Richard Lubin	Susan Ramsey	Don Stephens
Sia Baker-Barnes	Sean Domnick	William Johnson	Charles Lubitz	Justus Reid	Todd Stewart
Marci Fuentes Ball	Adam Doner	Jeffrey Jones	Eric Luckman	Heidi Reiff	Scott Suskauer
Susan Ball	James L. Eisenberg	Walter (Casey) Jones, IV	John Lurvey	Joseph J. Reiter	Michelle Suskauer
Barry Balmuth	Adam Fetterman	Roy W. Jordan	Lake Lytal, Jr.	Richard Retamar	Gregory Tendrich
Eunice Baros	Evan Fetterman	William Julien	Lake Lytal, III	Adam Rhys	Karen Terry
Richard W. Bassett	Jeffrey Fisher	Joseph Karp	Renelda Mack	Phillip Ridolfo	Charles D. Thomas
Thomas Bates	Donald R. Fountain, Jr.	Alan Kauffman	Michael Maezaga	Rafael Roca	Philip Thompson
Deborah Beard	Lysa Friedlieb	W. Hampton Keen	Ellen S. Malasky	Jose Rodriguez	Glen Torcivia
Mitchell J. Beers	Todd Fronrath	Darla L. Keen	Stuart Manoff	Eric Romano	Cyrus Toufanian
Robert Bergin	Mariano Garcia	Frank Kessler	Maureen Martinez-Schwab	John Romano	Yvette Trelles
Robert Bertisch	David M. Gaspari	Gwendolyn Key-Tuggle	Mark Maynor	Kenneth Ronan	Karen Valente
C. Reid Bierer	Francis Geary	Bettye King	Wallace McCall	Tom Rooney	Philip L. Valente Jr.
Robert Blank	Glen Ged	David King	Michael F. McAuliffe	Tara Rooney	Dean Vegosen
Lance Block	David Glatthorn	William King	Anthony McNicholas	Richard Ryles	Kirk Volker
Theodore Booras	Garry Glickman	Darryl Kogan	Scott Michaud	Jack Sacks	Carl Ward
Bryan Boysaw	Craig Goldenfarb	Ethan F. Kominsky	Marc T. Millian	Michael Salnick	Jason Weisser
Rebecca L. Brock	Ian Goldstein	Barry E. Krischer	Robert M. Montgomery, Jr.	Jack Scarola	Jeanmarie Whalen
Jeffrey Brown	Marcos Gonzalez	Spencer Kuvin	Iola Mosley	Thomas Schmidt	Barbara White
Steven Calamusa	Robert Gordon	Jennifer Labbe	Stacy Mullins	Richard D. Schuler	John R. Whittles
John Caracuzzo	Joseph Graves	Brian LaBovick	Joseph A. Negron	Steven L. Schwarzberg	John Wiederhold
John W. Carroll	F. Gregory Barnhart	Esther LaBovick	Michele L. Nelson	Christian Searcy	Kevin Wilkinson
Alexandras Casas	Jason Guari	Joseph Landy	Denise Nieman	Robert Sendler	Daniel Williams
Michael Celeste	Brian Guralnick	Christopher Larmoyeux	Terry Nolan	Robert Shalhoub	Jene P. Williams
Ray Christianson	James Gustafson, Jr.	Rebecca Larson	Michael A. Nugent	Harry Shevin	William S. Williams
Clark W. Clark	Christopher Haddad	Nancy L. La Vista	Joseph A. Osborne, Jr.	David L. Shiner	Sheryl G. Wood
Steven Cohen	Martin L. Haines, III	Stephan Le Clainche	Mark Osherow	John A. Shipley, III.	Dawn Wynn
Edward Cole Fitzgerarld, III	Joe Hankin	Carina Leeson	Michael J. Overbeck	Louis Silber	Dean Xenick
Gregory Cook	Mark Hanson	Douglas Leifert	John Patterson	Richard W. Slawson	Gregory Yaffa
Rosemary Cooney	Jason Haselkorn	Kenneth Lemoine	Frank Petosa	Kevin C. Smith	Stuart A. Young
F. Malcolm Cunningham, Jr.	Casey Haughwout	Gary S. Lesser	Steve Phillips	Mark Smith	Paul Zacks
Mallory Cunningham	Kenyetta Haywood	Richard Levinstein	Douglas Phipps	Michael (Mickey) Smith	Scott W. Zappolo
Fred Cunningham	Barry N. Heisler, II	Jonathan Levy	Andrew A. Pineiro	Scott B. Smith	Gregory T. Zele
Charlotte Danciu	Jack P. Hill	Darryl Lewis	Randall T. Porcher	Salesia Smith-Gordon	



The Wacky World of Offers of Judgement

by Ted Babbitt

By the passage of Fla. Stat. 768.79 and Fla.R.Civ.P. 1.442, the Legislature and the Supreme Court have done more to contribute to the volume of appellate cases than any other act in the history of Florida jurisprudence. Fla. Stat. 768.79 is the offer of judgment statute which was implemented by Fla.R.Civ.P. 1.442. In Hess v. Walton, 898 So. 2d 1046 (Fla. 2nd DCA 2005), the District Court of Appeal was faced with an offer of judgment that had been made in a medical malpractice case against a physician and his employer. The joint offers were made in differing amounts. The one to the physician was in the amount of \$100,000.00 while the amount of the offer to the employer was \$15,000.00, despite the fact that the employer's liability was purely for vicarious responsibility, there being no allegation of independent negligence of the part of the employer. The defendants made a joint offer to settle to the Plaintiff in the amount of \$25,000.00. The jury returned a verdict for \$23,500.00 thereby exceeding the magic 25% threshold with respect to the employer but not with respect to the physician. The defendants' offer was far closer to the jury's actual award than the plaintiffs but not large enough to meet the 25% requirement. Finding that the offer of judgment statute requirements had been met as to the vicariously liable employer, the Court awarded the plaintiff almost \$100,000.00 in attorney's fees and the appeal ensued.

In Sarkis v. Allstate Ins. Co., 863 So.2d 210 (Fla. 2003), the Supreme Court recognized that both the rule and the statute were in derogation of the common law and created a

penalty, thus both the statute and the rule had to be strictly construed. In that case, at Page 224, Justice Wells, in his concurring opinion, stated it as follows:

"The reason that the statute and rule are to be strictly construed is not because either is ambiguous but because the statute authorizes and the rule implements an award of attorney fees and because the assessment of attorney fees pursuant to the statute and rule is a sanction. It is the long-standing precedent of this Court that statutes and rules authorizing attorney fees or imposing penalties are to be strictly construed as written and not extended by implication." Sarkis, 863 So. 2d at 224.

Nevertheless, the District Court concluded that there was nothing in either the rule or the statute which precluded a disparate offer among two defendants even though one defendant was only responsible based upon respondent superior. In fact, Fla.R.Civ.P. 1.442 specifically states:

"A proposal may be made by or to any party or parties and by or to any combination of parties properly identified in the proposal. A joint proposal shall state the amount and terms attributable to each party."

The Court thus concluded that the rule unambiguously permits the plaintiff to make two different offers to the defendants despite the vicarious nature of the liability of one of those defendants. The Court certified to the Supreme Court the question of whether the common law, which requires parties to pay their own attorneys, supersedes the rule and statute under these circumstances. The Court recognized that by permitting the plaintiff to make these disparate offers, pressure was put upon one of the defendants to settle for the lesser sum because of the danger of the payment of attorney's fees. Nevertheless, the Court concluded, the rule failing to preclude that tactic, cannot be forceably amended by the

Continued on page 15

EXCLUSIVE REPRESENTATION OF THE DISABLED



SOCIAL SECURITY DISABILITY LAW FIRM, P.A.
DADE • BROWARD • PALM BEACH

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

Chris R. Borgia, Esquire
561-683-0152
or for more information visit
www.SocialSecurityDisabilityLaw.net



Expert Real Estate Witness Consultant
Deidre Newton, M.B.A.
Community Real Estate Services, Inc
728 Belvedere Rd., West Palm Beach, FL 33405
P: (561) 655-5112 • F: (561) 655-2750
isellwbp@aol.com

Profile: 17 years in the real estate business in Palm Beach County. Four generations of experience in real estate from farming to brokerage. Florida Real Estate Commission ethics, broker ethics and due diligence.

Accomplishments: Palm Beach County Elected Official - 1998-2002 District Supervisor Group one-Palm Beach County Soil and Water Conservation District.

Affiliations: National Association of Realtors • Florida Association of Realtors • National Association of Mortgage Brokers • Florida Association of Mortgage Brokers • Member American Mediation Society

Primary Area of Expertise: Arbitration/Mediation (Real Estate) • Real Estate Commission Disputes • Fair Housing • Real Estate Policy & Procedures

Rates: Available Upon Request

Appellate Seminar Highlights

The Palm Beach County, South Palm Beach County and Broward County Bar Associations recently hosted an Appellate Seminar. A sincere thanks to the sponsors listed below for their contributions:

Grand Benefactor
Mellon United National Bank

Gold Sponsors
Law Offices of Bartmon & Bartmon, P.A.
Boldt Law Firm
Carlton Fields
Downey and Downey
Gunster Yoakley & Stewart
James A. Herb, P.A.
Jane Kreusler-Walsh, P.A.
Lytal, Reiter, Clark, Fountain & Williams LLP

Bronze Sponsors
Boose Casey Clikin Lubitz, Martens McBane & O'Connell
Bunnell Wolfe Kirschbaum Keller McIntyre & Gregoire, P.A.
Freedland, Farmer, Russo & Sheller
Steven M. Goldsmith
Richard A. Kupfer, P.A.
Schuttler & Greenberg LLC
Amy D. Shield, P.A.



FL Supreme Court Chief Justice Barbara Pariente (center) was the luncheon speaker pictured here with F. Malcolm Cunningham, Jr. and 4th DCA Judge Carole Taylor



4th DCA Judge Gary Farmer, Bonnie Satterfield & Paula Revene



Joe Tringali and Richard Bartmon



Retired 4th DCA Judge William Owen and current 4th DCA Judge Fred Hazouri



Elizabeth Porter and 4th DCA Chief Judge W. Matthew Stevenson

T ANYA PHILLIPS
 Realtor,® Esq.

- ~ Palm Beach Native
- ~ Former Real Estate Attorney
- ~ Luxury Residential & Commercial Property Specialist
- ~ Flexible Commissions
- ~ "No Pressure" Listing Meetings



MIRSKY REALTY GROUP, INC.
 Offices in: Palm Beach, North Palm Beach & Jupiter
 Mobile: 561.371.3053 or 561.585.2404
 tanya@tanyaphillips.com www.tanyaphillips.com

You practice law...
 We help develop your practice.

Attorney to Attorney

Law Firm Representation • Marketing

We represent **Attorney's** legal credentials to other **Attorneys.**

Jerry Vickey
 561.622.0246

www.attytoatty.com

Director's Comment



A Call to Government and Legal Aid Lawyers

by *Bryan Poulton, Director,
PBCBA Board of Directors*

Our local bar is fortunate to have a large membership represented by a diverse segment of lawyers in private practice. However, for the past several years, the membership and participation of government and legal aid lawyers in the Bar Association has declined. A significant number of lawyers in Palm Beach County are government and legal aid lawyers. Public service lawyers increasingly specialize and develop expertise by working with large, sometimes complex government agencies. This experience and expertise coupled with the selfless goals of public service attorneys serves to strengthen a bar association.

When I have asked, members or potential members want to know the benefits of participating in the Bar Association. Why pay the dues? Many see the only benefits of the bar as CLE tapes, retail discounts, and the occasional happy hour. But the best benefit is the interaction with attorneys that are from different fields. As a government attorney, I have found that participation in the bar is an enlightening and educational experience. Serving on committees and boards with lawyers from diverse backgrounds and fields allows exposure to a different style of thinking or analysis. A tax lawyer thinks differently than a state attorney. Both can learn from one another. Our Bar, specifically the Young Lawyer Section, performs a very important public service mission. Contrary to some public opinion, I have found members of our Bar to be very concerned and generous people. Our public service projects are a testament to this.

In the near future, your bar association will be working to improve government and legal aid attorney participation. For those of you in public service who have always wanted to participate, now is a great time. If you are a new lawyer, I encourage you to join our Young Lawyer Section.

Hurricane Relief

The Palm Beach County Bar's Medical/Legal Committee along with the Palm Beach County Medical Society recently hosted a hurricane relief event that **raised over \$14,000** for the victims of hurricane Katrina.

Committee Chair Gary Lesser, Medical Society President-elect Mark Rubenstein and Bar President Ted Leopold.



Scott Hawkins, Ted Deckert and Lynn Whitfield



David Prather, Eric Luckman and Jason Guari



Rick Chaves and Misty Taylor

Take advantage of **GREAT PRINTING's** expertise and make your first impression a powerful and lasting one.

- Letterheads
- Envelopes
- Business Cards/Forms
- Carbonless Forms
- Presentation Folders
- Newsletters
- Brochures
- Booklets/Manuals
- Flyers
- Labels
- Calendars
- And More

GREAT PRINTING

1194 Old Dixie Highway • Suite 13
Lake Park, FL 33403
(561) 842-4888 Fax: (561) 842-1565

IS THIS YOU?

Medical Records Stacking Up On You???

**Increase Settlement Positions:
Save Preparation Time, Increase Profits**

As a Certified Legal Nurse Consultant (C.L.N.C.) I have the expertise to uncover crucial facts that will win your case. I can do it for you faster and more cost effectively.

Don't waste your valuable time. Call today for a free sample case evaluation.

Cynthia A. Tickerhoof
Legal Nurse Consulting LLC
Certified Legal Nurse Consultant
4692 Lucerne Lakes Blvd., Condo 201
Lake Worth, FL 33467
Cell 561-319-0006 • Home 561-969-9486
CTickerh@bellsouth.net

Pro Bono Attorneys Who Closed Cases in September 2005

Patricia Alexander
Peter M. Arnold
Jodi G. Barrett
Andrea Bernstein
Jorge Cestero
Joel M. Comerford
Charlotte H. Danciu
Joseph R. DeLucca
Maxine Derkatch
Blaine C. Dickenson
Michelle Diffenderfer
Frederic J. DiSpigna
Donald C. Dowling
James L. Eisenberg
John Farina
Joseph D. Farish
James Farrell
Rosanna Ferrari
Darryl P. Figueroa
John Fenn Foster
Donald S. Fradley
Juianne R. Frank
Kirk Friedland
Barry Friedman
Lawrence M. Fuchs
Robert C. Furr
Richard Galex
Richard H. Gaunt
Richard W. Glenn
Garry M. Glickman
Alvin Goldstein
Ian J. Goldstein
Bari Goldstein
Harvey H. Harling
Wendy A. Hausmann
Lynne K. Hennessey
Allan L. Hoffman
John Harrison Hough
Phillip C. Houston
Phillip H. Hutchinson
Cynthia Jackson
Charles D. Jamieson
Judith Ann Just

Jonathan Kaplan
Diane L. Karlik
Harvey Kaufman
Craig I. Kelley
Nellie King
Charles Kline
John M. Koenig, Jr.
John A. Kovarik
Stephen R. Koons
Sean Koplow
Jennifer Labbe
Robin B. LeBlanc
Michael A. Lampert
Janet Langjahr
Alfred A. Lasorte, Jr.
Tanique G. Lee
Gordon Leech
Kevin McGowan
Daniel M. McNalis
Stephanie McQueen
Lonnie K. Martens
Valerie Masters
Shelley B. Maurice
J. Mark Maynor
Keith W. Meisel
William r. Merkle
James R. Merola
Larry Mark Mesches
Morris G. Miller
Robert R. Morris
Gloria North
Marc S. Ruderman
Max Rudmann
Lauren J Schindler
Jack Schneider
Eugene E. Shuey
Linda Silverberg
Thomas E. Streit
James S. Telepman
Jessica Ticktin
Nancy Wright

**FOR A GRAND TOTAL OF:
1216.75 hours**



Celebrity Night at Amici's Palm Beach

The Legal Aid Society will kick off a season of fun, friends and philanthropy at Amici Palm Beach on Wednesday, November 30th from 6:00 to 8:00 p.m. Celebrity Bartenders Bob Bertisch, Mariano Garcia, Dick Kleid and Lisa Small will be serving up their support and your beverages! Admission is free – tips benefit Legal Aid's Children and Family Programs. Please join us for an island evening of fun. For more information, call 655-8944 ext. 279.

Michelle Diffenderfer Recognized as Pro Bono Attorney of the Month

The Fifteenth Circuit Pro Bono Committee is pleased to announce this month's Pro Bono Attorney of the Month, **MICHELLE DIFFENDERFER**. Michelle, a shareholder in the West Palm Beach firm of Lewis, Longman and Walker concentrates her practice in the area of environmental law. At the request of the Legal Aid Society, Michelle undertook representation of a local non profit, Treasure the Children. This charitable organization was started by a woman and her son to create and provide quilts to children living in South Florida infected with HIV/AIDS. These special quilts are intended to be used for hospital visits to provide comfort to the children. Michelle provided all the non profit start up work with the State and the Internal Revenue Service. Michelle also assisted in the creation of other corporate documents. In addition, Michelle has provided similar assistance to other local non profits. For her support of pro bono and the non profit sector, Michelle is recognized as this month's Pro Bono Attorney of the Month.

Circuit Court Report CIVIL DIVISIONS • August 2005

DIVISION	JURY TRIALS	NON-JURY TRIALS	MOTIONS	CASES PENDING
A	03/06	03/06	11/05	1105
B	03/06	01/06	09/05	1481
D	05/06	03/06	10/05	1412*
E	12/05	10/05	10/05	1418
F	11/05	11/05	12/05	1154
G	06/06	06/06	10/05	978
H	05/06	05/06	10/05	1257
I	01/06	01/06	11/05	1215
J	02/06	11/05	10/05	1365
N	10/05	10/05	09/05	1228
O	02/06	02/06	11/05	1417

All Civil Division Judges schedule their own Jury and Non-Jury Trials.
Pending cases as of 9/07/05

*(Asbestos 520)

RAW LAND LOANS And Improved Property Loans

\$100,000 to \$50,000,000

CREDIT NOT CONSIDERED



Call Mortgage Quest
561-478-5050

STEVEN L. CRAIG, ESQ
President

North County Section News

The North County Section recently hosted a Cocktail Reception at the new Carmine's Suite One Sixty in Palm Beach Gardens. Thanks to our gracious sponsors from Esquire Deposition Services, Grand Bank & Trust and Signature Land Title Company, LLC, the event was free for our members.



Sponsors pictured from left to right: Lana Shrode, Esquire Deposition Services; Rick Mariani, Grand Bank & Trust; and Donna Nadeau Adams, Signature Land Title Company, LLC.



Andrea Christle & Michael Overbeck



Judge Richard Wennet and Judge Amy Smith



Ted Leopold, Judge Jonathan Gerber and Andrew Pineiro



Stan Klett, Colleen Nelson & Morris Aherne



Mitch Beers, Deirdre Barner & Freeman Barner



Marina Petillo & Miriam Acosta-Castriz



Michelle & Scott Suskauer



W. JAY HUNSTON, JR. Mediator/Arbitrator

- J.D. Stetson Univ. College of Law (1976)
- Florida Bar Board Certified Civil Trial Lawyer (1983-2003)
- Florida Bar Board Certified, Emeritus in Civil Trial Law (2003-Present)
- Florida Certified:
 - Circuit Civil Mediator (1991-Present)
 - Family Mediator (1998-Present)
- NASD Approved Mediator
- Qualified Florida Arbitrator
- Admitted to Practice in Florida, Montana, Colorado, and Ohio
- Hourly and Per Diem Rates Available upon Request

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

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

Welcome New Members!

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



ROBERT H. ARZONETTI - Mt. Vernon NY; University of Texas in Austin; 2004; Associate with Harris Cramer LLP.

LORI BARKUS - Miami, FL; University of Miami Law School; 1998; sole practitioner in Sunrise, Florida.

PAUL R. BUECHELE - Miami, FL; University of Miami Law School; 1989; sole practitioner in Miami, Florida.



JOHN C. CLOUGH - Fredrick, MD; University of Miami Law School; 1999; Associate with Fowler White Boggs Banker.



MITCHELL A. COHEN - Philadelphia, PA; Temple University; 1993; Of counsel for Fowler White Boggs Banker.

MARK D. HUNTER - Granite City, IL; Brooklyn Law School; 2005; Associate with Adam H. Smith, P.A.

CARRIE KRAVITZ - Brooklyn, NY; Temple University; 1993; Associate with Redgrave & Rosenthal LLP.

BHASH LALTA - Guyana, S.A.; Nova Southeastern University; 2005; Associated with AmeriPath, Inc.

ROBERT J. LONGCHAMPS - Manchester, NH; Nova Southeastern University; 2005; Associate with W. Morgan Speer, P.A.

GREGORY A. MOORE - Fort Myers, FL; Mississippi College; 1990; sole practitioner in Miami Lakes, Florida.

JEREMY PIGOTT - Birmingham, AL; University of Florida; 2004; Associate with Roberts, Reynolds, Bedard & Tuzzio, P.A.

LEONARD O. TOWNSEND - Long Branch, NJ; Fordham University School of Law; 2005; Associate with Nason Yeager, Gerson, White & Lioce, P.A.

MARLYN J. WIENER - Queens, NY; University of Pennsylvania; 2005; Associate with Carter & Thomas, LLP.

REBECCA ZUNG-CLOUGH - Sacramento, CA; University of Miami; 2000; Associate with Schuttler & Greenberg, LLC.



Pictures from International Literacy Day *(Story from page 1)*



Judge Kroll outlines how important being able to read and write English can be to protecting individual rights.



Judge Ronald Alvarez and Donall O'Carroll shared their Spanish and Irish roots and made many new friends during a lively discussion with a multicultural class.



Tulio Suarez & Victoria Morton spoke to about 20 students in the ESOL (English as a Second Language) class. As many of the students were beginners who spoke mostly Spanish and Creole, Tulio translated into Spanish while an Adult Education Center employee translated into Creole.



Melynda Melear and Michael Gelfand discuss the crucial role of reading in success, allowing advancement for adults and their children and how to overcome perceived barriers of access to the legal system.

The Practical Effects of the New Bankruptcy Law on Eviction Actions

By: *Mark S. Roher, Esq., Furr and Cohen, P.A.*
mroher@furrcohen.com or (561) 395-0500

Under the old provisions of the Bankruptcy Code, tenants received an automatic stay from eviction, forcing property owners and managers to petition the bankruptcy court to lift the stay, a process that could take several weeks or months. The Bankruptcy Reform Act exempts eviction proceedings from the automatic stay if the lease has expired by a violation of its terms, such as nonpayment of rent.

Landlords will immediately notice a substantial change in the operation of the automatic stay. New subsection (b)(22) excludes from the automatic stay, except for a new subsection 362(l), the "continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor" of residential property where a prebankruptcy judgment for possession has been obtained against the tenant/debtor, and new subsection (b)(23) excludes from the stay, except as provided in new subsection 362(m), an "eviction action that seeks possession of the residential property in which the debtor resides as a tenant," if the eviction is based on "endangerment of such property or the illegal use of controlled substances on such property," however, the landlord must file a "certification under penalty of perjury," with the bankruptcy court. The landlord's certification must assert that an eviction proceeding has begun or that the necessary endangerment or illegal use has occurred within 30 days of the bankruptcy filing.

The new subsection § 362(l) provides that the exception for the landlord in § 362(b)(22) shall be delayed for 30 days. Essentially, the automatic stay would be in effect for that time, if the debtor files with the bankruptcy petition a certification under penalty of perjury that there are circumstances recognized by applicable nonbankruptcy law that would permit the debtor to cure "the entire monetary default that gave rise to the judgment for possession," and the debtor must deposit with the clerk of the court sufficient money to pay any rent becoming due during that 30-day period. Assuming the debtor actually does all of this, the automatic stay would be in effect until the bankruptcy court ordered otherwise, but if the landlord objected to the certification, a hearing in the bankruptcy court must be held within 10 days of the objection.

Subsection 362(m) is similar but requires the debtor to object within 15 days of the landlord's certification that the tenancy is endangering the property or that the tenant is conducting the described illegal activity. A hearing must be held within 10 days of the debtor's objection, and the debtor has the burden of satisfying the bankruptcy court that the conditions complained of by the landlord have been remedied in order to keep the automatic stay in effect.

Offers of Judgement

from page 9

Courts so that the seemingly unfair result of imposing a penalty upon a defendant under these circumstances cannot be avoided.

This case permits a plaintiff to make differing offers to defendants even when the liability of one of those defendants is dependent upon the responsibility of the other and authorizes attorney's fees disproportionate to the amount recovered when justified by the work performed by that attorney.

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

Visit the Bar's Website
www.palmbeachbar.org

FOR SERVICE AND PROTECTION
YOU CAN'T DO BETTER THAN

FIRST



Alice Meade
Account Executive



First American Title
Insurance Company

Kitty Stevens, Esq.
Plant Manager
Underwriting Counsel



Proudly serving First American Agents in Martin & Palm Beach Counties

3222 Commerce Place, Suite C • West Palm Beach, FL 33407
(561) 712-7808 Fax: (561) 640-0432
<http://www.firstam.com>

National Adoption Day scheduled for November 19

The Special Needs of Children Committee, together with Trial Court Administration, the Clerk of the Court, Department of Children and Families, Guardian ad Litem and the Children's Home Society of Florida, is planning for its Third Annual National Adoption Day celebration, which includes finalizing adoptions for more than 30 children, lunch for all the families plus gifts and entertainment.



Special Needs of Children Committee members pictured from left to right Shirley Jean McEachern, Stacey Sutton, Vickey Vilchez and Penny Martin, National Adoption Day Chairperson for the 15th Circuit. Standing left to right: Joseph Ackerman, Special Needs of Children Chairperson; Sherri Renner, Jack Cox, Jennifer Prior Brown and Jon Newman.

As part of the celebration, these judges are expected to preside over 30 or more adoptions for the day.

Pictured from left to right: Judge Moses Baker, Judge Peter Blanc, Judge Ronald Alvarez and Judge Roger Colton.



"100 Club" Being Formed

The Palm Beach County Bar Association will be founding a "100 Club". The 100% Club is a special category of membership that demonstrates a commitment to the legal profession and our community from law firms, law departments and legal organizations with more than three attorneys who enroll 100% of their attorneys as members of the Palm Beach County Bar Association.

If you think your firm is eligible, fax a listing of your attorneys to (561) 687-9007, Attn: Nancy Reidler and we'll let you know!

The 100 Club listing will be published in every edition of our newsletter as well as posted on our website.

Photo Answers:

From Page 6

1. Robert Schwartz
2. Ted Prior
3. Bob Shalhoub
4. Roger Hurd
5. Stan Klett

A FULL SERVICE FIRM OF
MEDIATORS AND ARBITRATORS

ARC Mediation

building bridges

PALM BEACH COUNTY BASED

<p>BRIAN POWERS JUDGE WALTER COLBATH (RET.) ANDREW DEGRAFFENREIDT MICHAEL J FERRIN JUDGE HOWARD HARRISON (RET.) JOHN HENNEBERGER ARNOLD HOFFMAN DAVID HORVATH THOMAS KINGCADE JUDGE PETER LEAVITT (RET.) JUDGE JAMES LEWIS (PRO TEMPORE)</p>	<p>JERI POLLER JUDGE DEBORAH PUCILLO (RET.) HON. CAROL ROBERTS JUDGE EDWARD RODGERS (RET.) MARTIN ROGOL ROBIN ROSENBERG HENRY RUFFOLO ROBERT SELLARS THOMAS SCHWARTZ EUGENE SHUEY VICTORIA VILCHEZ</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ON-LINE SCHEDULING ● CONVENIENT FACILITIES

Centurion Tower, 1601 Forum Place, Suite 301
West Palm Beach, FL 33401 P 561.712.4717 F 561.712.4964
www.arcmediation.com

Monthly Board Meeting Attendance

	July Retreat	Aug	Sept
Leopold	x	x	x
Farach	x	x	x
Poulton	x	x	x
Suskauer	x	x	x
Murray	x	x	x
Whitfield	x	x	x
Schuler	x	x	x
Sasser	x	x	x
Fleck	Beer	x	x
Bowden	Pressly		Pressly
Marks	Isaacs	x	x

**Register for
Bar Events Online
at
www.palmbeachbar.org**

Death • Divorce • Estate Planning
Guardianship • Bankruptcy • Taxation

APPRAISALS

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

Allied Appraisal Services

929 SE First Street
Pompano Beach, FL 33060

"One Call Does It All"

Tel. (800) 273-4623 • (954) 782-3130

Fax (954) 942-7678

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

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

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

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



Mellon

The difference is measurable.™



Member FDIC

www.mellonunited.com

©2005 Mellon Financial Corporation

Explore the World

from page 5

the Eiffel Tower loses some of its allure when viewed from above, the Grand Canyon is actually better. The photographs are detailed enough to let you "fly" just above the plateau and look at the canyon walls and the rapids on the Colorado River. It is not a real time photograph, but the images are generally good enough to show you what was happening on the day it was taken. You can explore the entire world this way. Unfortunately, the level of detail varies with the place. India must not be very interesting to spy on, because the satellite photographs of the Taj Mahal appear old and are not very detailed. Conversely, China and parts of North Korea are detailed enough to reveal that the stadium in Pyongyang, North Korea (38 degrees 55 minutes 29.74 seconds North, 125 degrees 44 minutes 35.76 seconds East) is rusting and not maintained.

As an educational tool, Google Earth is unsurpassed. Children can just type in a place and the software spins the planet around and takes them to their destination. They can see where places are in relation to other places that interest them. It gives them an immediate understanding of geography and, since the maps have a 3-D effect, they also get an understanding of topography.

Of course, there are improvements which could be made. The photographs could be more recent and more detailed, but I suspect that such improvements will come over time. Until then, I will enjoy what we have, hop on my computer, and explore the world. If you find something interesting on our planet, email me the coordinates. bdr@flappellatelaw.com.

November 2005

In Memoriam

Robert D. Tylander
PBCBA President 1962
1918 - 2005

Ronald Sales
1934 - 2005



GREGORY TENDRICH, ESQ. Mediation Services

"Facilitating compromise through honest, critical assessment"



- > Florida Supreme Court Certified County Court Mediator
- > Certified NASD Arbitrator since 1995
- > Member of the Florida Academy of Professional Mediators
- > Former Assistant General Counsel and Vice President to National & Regional Brokerage Firms (1992-2002)
- > Assistant Public Defender, 15th Judicial Circuit in and for Palm Beach County (1987-1992)
- > Series 7 Securities License (1997-2004)
- > JD - University of Miami School of Law (1987)
- > BSM - Tulane University School of Business (1984)

4651 North Federal Highway, Boca Raton, FL 33431 | Ph. 561.417.8777 Fax. 561.417.8700
www.yourstocklawyer.com

Bulletin Board

*** Ad Rates ***

CLASSIFIED ADVERTISING RATES:
TO PLACE AN AD: 1) Please fax all ads to 561/687-9007 by the 1st of the month for the following month's publication. 2) Upon receipt you will be notified of cost. 3) Send payment by the 1st of the month. 4) Cost: 50 words or less \$30, 50-75 words \$35, up to 75 words with a box \$45. 5) Members receive 3 months free advertising/year (excluding professional announcements). Ads will only be re-run by re-faxing ad to 561/687-9007. Web-site advertising is also available for a cost of \$25 for a two week run. Payment must be received prior to publication and renewable only upon receipt of next payment.

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

POSITIONS AVAILABLE:

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

REAL ESTATE ASSOCIATE WANTED: North County AV rated firm seeks attorney interested in Real Estate & Corporate Law. Fax resume to 561-627-2988, or email to Shenkman@lawpalmbeach.com.

ATTORNEY WANTED. Financial Institution seeks attorney with a minimum of 5 years experience in business, corporate law, and real estate to join their Legal Department. Excellent opportunity for right attorney. We are an Equal Opportunity Employer and a Drug Free Workplace. Please send resume in strictest confidence to books7@bellsouth.net or fax 561-744-6957.

SMALL DOWNTOWN LAKE WORTH LAW FIRM seeks part-time associate with 1-3 years experience to practice in the areas of real estate, landlord tenant, and commercial litigation. Must be Florida Bar licensed. Flexible schedule and opportunity for growth. Please fax resume to (561) 736-6357.

LEGAL SECRETARY/PARALEGAL EXPERIENCED: Wanted by AV rated Palm Beach Gardens law firm- top salary and benefits. Probate, Litigation, Estate Planning background a plus. Fax resume to 561-575-7651.

COMMERCIAL LITIGATION ATTORNEY. AV rated West Palm Beach solo practitioner specializing in construction and commercial litigation seeking highly motivated 3rd to 4th year associate with excellent research, writing and verbal skills. Candidate must be currently employed, licensed in Florida, and have the ability to manage case files from inception to trial or appeal. Excellent academic credentials are a must (top 20% of class). Fax resume to Bruce E. Loren at 561-659-9179 or email bloren@lorenlawfirm.com.

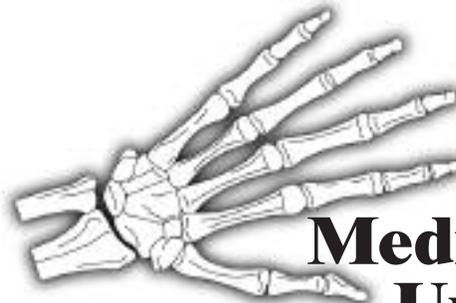
INTERNATIONAL LAW PRACTICE. Busy and friendly, in Downtown WPB. Needs energetic, PC savvy staff assistant with strong Accounting and Verbal skills. Please fax resume to (561) 833-9990.

PROFESSIONAL ANNOUNCEMENTS:

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

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

GREGORY TENDRICH: Former Vice President & Asst. General Counsel (with Series 7 license) to regional & national NYSE/NASD brokerage firms, current NASD Arbitrator and Florida Supreme Court Certified County Court Mediator, is available to mediate all securities related matters, as well as business and commercial disputes. Mr. Tendrich is also accepting referrals and is available to co-counsel and/or provide trial consultation & assistance in all securities related matters, including state, federal and SRO regulatory enforcement. Please call 561-417-8777 or visit our website www.yourstocklawyer.com or email the firm at 10drich@bellsouth.net.



*The Hands of Experience
for Quality X-Ray
Reproductions*

**Medical Copies
UnlimitedSM**

(561) 746-8242

X-Ray Duplicates • Laser Color Copies
FREE Pickup and Delivery • Copies Returned in 24 Hours

Price List:

X-Ray Duplications & Laser Color Copies	
1-25	\$8.75 each
26-50	\$8.50 each
over 50	\$8.00 each

Price reflects same case and all film sizes.

Supplies:

X-Ray Mailers	\$1.00
X-Ray Jackets	\$.50

MCU guarantees the quality of all X-Ray services, however, duplicates are only as good as the original.

15610 - 72nd Drive North, Palm Beach Gardens, Florida 33418

Bulletin Board

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

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

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

KATE LYNN: The Law Offices of Kate Lynn, LLC are pleased to announce the relocation of their offices on July 1, 2005 to: The Comeau Building, 319 Clematis Street, Suite 109, West Palm Beach, FL. 33401, Tel: (561) 659-2280; Fax (561) 659-2208 E-mail: katelynnlaw@bellsouth.net. The Law Offices of Kate Lynn, LLC concentrates on criminal defense (felony, misdemeanor, DUI, traffic), family law and civil litigation.

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

MICHAEL J. MCHALE: Board Certified Admiralty and Maritime Lawyer. All maritime and admiralty matters in State and Federal Court including personal injury, seizures of vessels, limitation of liability, purchase and sale of boats, cruise ships injuries, longshore claims, and BUIs. 112 S. "F" Street, Lake Worth, FL 33460 (561) 585-3220, admr1@earthlink.net and www.admiraltyatty.com.

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

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

OFFICE SPACE:

OFFICE SPACE TO SHARE - Small Family/Juvenile Law Practice in South County offering furnished space to share third floor view. Reasonably priced. Immediate occupancy. Close to interstate and courthouses. Call 364-0670.

TWO PRIVATE UNFURNISHED OFFICES in a newly renovated and refurbished Historic building in West Palm Beach, near downtown-Courthouse, Hospital. Excellent 2nd office location for a Dade/Broward Law Firm. Base rent includes staff Workstation, Wireless DSL access, use of conference room and reception area. Private parking and storage space are negotiable "extras". Call (561) 655-4117 business hours, (561) 628-9525 after hours.

LAW OFFICE space available in Palm Beach Gardens on PGA Blvd. For attorney and staff. Full amenities. Call 561-624-2110.

EXECUTIVE SUITES: N. Dixie Hwy. in unique bldg. Close to courthouse full services: receptionist, computer ready, shared conference room, parking available. Space for attorneys and secretary. Call for rates monthly/yearly 561/602-1018. Also available 2000 sq. ft. residential/work loft will build to suit \$2,500.00 per month.

HEARSAY

Reid & Zobel, P.A. is pleased to announce that **Tricia Duthiers**, formerly a staff attorney with the Fourth District Court of Appeals, joined their firm on August 22, 2005. Ms. Duthiers is a graduate of the University of North Carolina at Chapel Hill School of Law. She has joined the firm's civil litigation and appellate practice.

Scott W. Atherton has joined the firm of Schwarzberg Spector Duke Schulz & Rogers in West Palm Beach. Before joining the firm, Scott served the Honorable Judge Robert M. Gross as a judicial clerk at the Fourth DCA and worked as an academic clerk for Steel Hector & Davis LLP. Scott's areas of practice are labor and employment law, commercial litigation, and insurance coverage disputes.



Rosenthal & Levy, P.A., announces that Senior Partner **Gerald A. Rosenthal** has been named to the 2006 edition of Best Lawyers in America. This marks the 12th consecutive year he has been listed in the publication. For more than 30 years, Mr. Rosenthal has represented clients in workers' compensation matters throughout the state of Florida.

G. Mark Shalloway of the elder law firm Shalloway & Shalloway, P.A. has been appointed Vice President of the Board of Directors of the National Academy of Elder Law Attorneys (NAELA) headquartered in Tucson. Shalloway is the founding chair of the Palm Beach County Bar Association's Elder Law Committee.

Jones, Foster, Johnston & Stubbs, P.A. announces that **Larry B. Alexander, David E. Bowers, Margaret L. Cooper, David E. Dreyer, Scott G. Hawkins, Thornton M. Henry, Sidney A. Stubbs** and **H. Adams Weaver** have been named in the 2006 edition of Best Lawyers in America.



Attorney **Joseph S. Karp** has been awarded the Accredited Investment Fiduciary designation from the Center for Fiduciary Studies. The AIF designation reflects understanding of the special ethical obligation and prudent investment practices required of a fiduciary.

Michael H. Gora, has become a named partner in a ten-lawyer firm, to be known as Shapiro Blasi Wasserman & Gora, P.A. Gora, former President of the South Palm Beach County Bar Association has been certified by The Board of Legal Specialization of The Florida Bar as Board Certified in Matrimonial and Family Law.

The law firm of Rutherford Mulhall, P.A. is pleased to announce that **Deborah S. Martin, Esq.** has joined the firm. Ms. Martin will be in the firm's Boca Raton office where she will continue to specialize in Insurance Fraud and Coverage, Corporate Law, Commercial and Business Litigation, Agricultural and PACA Law and Civil Litigation. The firm also maintains offices in West Palm Beach, Palm Beach Gardens and Fort Lauderdale.



CALENDAR

November 2005



Tuesday, November 1, 12 noon
Historical Committee Meeting
 Bar Association Office

Tuesday, November 1, 5:30 p.m.
Criminal Practice Committee Happy Hour
 "Big City/Small Town Practice"
 City Cellar at CityPlace,
 West Palm Beach

Wednesday, November 2, 12 noon
Hispanic Bar Association Meeting
 Judicial Dining Room,
 PB City Courthouse

Wednesday, November 2, 12 noon
Lawyers for Literacy Committee Meeting
 Bar Association Office

Wednesday, November 2, 12 noon
North County Section Board Meeting
 Law Offices of McHale and Slavin

Thursday, November 3, 12 noon
Special Needs of Children Committee Meeting
 Chair Joe Ackerman's Office

Friday, November 4, 8:30 a.m.
ADR Committee Meeting
 Bar Association Office

Tuesday, November 8, 12 noon
Young Lawyers Section Executive Committee Meeting
 Bar Association Office

Tuesday, November 8, 12 noon
South Palm Beach County Bar Association Meeting
 Call Melissa Kelly (561) 482-3838

Wednesday, November 9, 6:00 p.m.
Small Claims Court Clinic
 South County Regional Library,
 Boca

Thursday, November 10, 5:30 p.m.
Federal Bar/Federal Practice Committee Reception
 Call Debi Mackey for info
 (561) 838-4100

Friday, November 11
Veteran's Day
 Court Holiday

Tuesday, November 15, 12 noon
Health Law CLE Committee Meeting
 Bar Association Office

Wednesday, November 16, 12 noon
Law Week Committee Meeting
 Bar Association Office

Thursday, November 17, 5:00 p.m.
Board of Directors Meeting
 Bar Association Office

Thursday, November 17, 6:00 p.m.
Palm Beach Cty Trial Lawyers Assn. Meeting
 Marriott West Palm Beach
 Contact Susan Maynor
 (561) 999-9490

Friday, November 18
Bench Bar Conference
 Palm Beach County
 Convention Center

Thursday/Friday, November 24
 and 25
Thanksgiving Holidays
 Courts Closed

Tuesday, November 29, 5:00 p.m.
Legal Aid Board of Directors Meeting
 Bar Association Office

Wednesday, November 30,
 5:30 p.m.
Legal Aid Celebrity Bartending Event
 Amici's in Palm Beach



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

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

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

PAST PRESIDENTS...

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

- RAYMOND ALLEY*
- C.Y. BYRD*
- WILLARD UTLEY*
- C.H. ERNEST*
- PAUL W. POTTER*
- WAREING T. MILLER*
- CHARLES B. FULTON*****
- J. LEO CHAPMAN*
- ELWYN L. MIDDLETON*
- H. ELMO ROBINSON*
- J. STOCKTON BRYAN, JR.
- HAROLD G. MAASS
- ROBERT F. CROMWELL
- CHARLES H. WARWICK III
- PHILLIP D. ANDERSON
- FREDERICK C. PRIOR
- JAMES C. DOWNEY*
- WILLIAM A. FOSTER
- ALAN F. BRACKETT*
- ROBERT D. TYLANDER
- ROBERT MCK FOSTER*

- JOHN M. FARRELL
- H. LAURENCE COOPER, JR.
- JOHN R. DAY
- JOHN L. BURNS
- HARRY JOHNSTON II
- GAVIN LETTS*
- JAMES S. ROBINSON
- CHARLES H. DAMSEL, JR.
- EDWARD LEWIS
- RAYMOND ROYCE
- PETER VAN ANDEL
- LARRY KLEIN
- THEODORE BABBITT
- JOHN FLANIGAN
- SIDNEY A. STUBBS, JR.
- JOSEPH J. REITER**
- JOHN B. McCRACKEN
- DAVID L. ROTH
- D. CULVER SMITH III
- TIMOTHY W. GASKILL
- ARTHUR G. WROBLE

- GUY C. HILL
- PATRICK J. CASEY
- JAMES G. PRESSLY, JR.
- PATRICK C. MASSA
- STEVEN A. STINSON
- CARL M. MATHISON, JR.
- ROBERT V. ROMANI*
- MICHAEL P. WALSH
- JULIEANN ALLISON
- MICHAEL A. VISCOMI
- CAROL McLEAN BREWER
- JERALD S. BEER
- JOHN G. WHITE III
- MICHAEL T. KRANZ
- EDWARD DOWNEY
- SCOTT G. HAWKINS
- AMY L. SMITH
- GREGORY W. COLEMAN
- LISA S. SMALL
- STANLEY D. KLETT, JR.

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