



# PALM BEACH COUNTY BAR ASSOCIATION

# BULLETIN

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

April 2017

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Committee for Diversity and Inclusion co-chairs Grasford Smith (left) and Nadine White-Boyd (right) congratulate Gary Lesser on receiving the Judge Edward Rodgers Diversity Award



Michael Mopsick was presented with the Sidney Stubbs Professionalism Award. Professionalism co-chairs Kara Berard Rockenbach (left) and Larry Rochefort (right) congratulate Michael

## Dues Statements Mailed

All Members should expect to receive their Annual Membership Statement in the month of April. PBCBA members 2017-2018 begins July 1. Thank you for being a part of one of the best Bar Associations in South Florida.

## Mark your calendar for upcoming Membership Events

**April 20, 2017**  
Cannabis Law Summit

**April 26, 2017**  
Law Day Luncheon  
Guest Speaker: Amanda Knox

**May 2, 2017**  
Judicial Reception

**May 18, 2017**  
North County Section's  
Annual Jurist of the Year Dinner

**June 10, 2017**  
YLS Fishing Tournament

**June 17, 2017**  
Annual Installation Banquet

Palm Beach County Bar Association hosts its first  
**CANNABIS LAW SUMMIT**

April 20, 2017

Marriott, 1001 Okeechobee Blvd, West Palm Beach.

Title Sponsor: [GreenspoonMarder](#)



## Volunteers Needed to Serve on Committees

This is the time of year that the president-elect Rosalyn Sia Baker-Barnes will begin working on appointing volunteers to serve on the various Bar committees. Your involvement is essential to the success of this organization. Please give us the benefit of your ideas and talents by volunteering to serve on one or more of our committees. If you are currently serving on a committee, please be sure to fill out the form to indicate your willingness to continue serving. Expect committee preference forms to be e-mailed to all Bar members. The form is also available on-line at the Bar's web site – <http://www.palmbeachbar.org/committee-preference/>. Please take the time to volunteer to serve YOUR Bar Association.

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THE  
**BULLETIN**  
PALM BEACH COUNTY  
BAR ASSOCIATION

JOHN R. WHITTLES  
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



## Hope to see you in Paris!

Saturday, June 3, 2017

Palm Beach County Convention Center

To Purchase Your Tickets visit our website at  
[www.legalaidpbc.org](http://www.legalaidpbc.org)

Sponsorship and Underwriting Opportunities  
are still available.

For more information, contact Harreen Bertisch  
at 561-822-9763 or [hbortisch@legalaidpbc.org](mailto:hbortisch@legalaidpbc.org)



## *In Memoriam*

The Honorable  
William C. Owen

December 24, 1922 -  
January 21, 2017



You're invited to the North County Section's

## 15th Annual Jurist of the Year

Thursday, May 18, 2017

5:30 p.m. to 8:00 p.m.

Ruth's Chris Steak House, 661 U.S. 1

North Palm Beach

Cost: NCS Members \$65.00 - Judges Complimentary

PBCBA Members and Spouses \$75.00

RSVP online @ [www.palmbeachbar.org](http://www.palmbeachbar.org)

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## Create (or Re-Visit) Your Emergency Plan

by John R. Whittles

As you all know by now, we suffered a serious fire at our bar building that for a short period of time completely shut down our operations and has displaced our staff. I am very pleased to report to all of you that, thanks to the hard work and level heads of our Board, Carla Brown and our bar staff, not a single event for our members was cancelled. However, this fire should remind us how important it is to have a plan for how our offices will operate in the aftermath of an unexpected catastrophic event.

"Oh boy..."

On the morning of January 31, it was about 8:15 in the morning and, while getting ready to leave for work, I picked up my cell phone to see I had several missed text messages and calls from Carla Brown. I called her back and she told me that nobody was hurt but she was standing in front of our bar building... and it was on fire. I live not far from the building so I (first, cursed my brains out) nervously jumped in the car and, within two minutes, discovered that Belvedere Road was shut down in front of our building and there were no less than five large fire engines on site and multiple police cars.

The commotion of emergency responders setting upon various tasks was surreal. I stood there with Carla, a couple board members, and our staff and we watched the firemen saw and chop their way through our building's roof as smoke wafted out through newly-cut holes. In several roof sections, I saw small-campfire-sized fires in individual roof trusses and water raining down on those evil little campfires from the firehoses. That water, by necessity of course, ran through and flooded our entire building, which was also thick with the acrid smell of smoke.

The building had no roof (to speak of), had no power, was flooded, was full of smoke, was littered with debris and was utterly uninhabitable.

At that moment, I became fully aware of the gravity of the situation and thought – "We have no building, no phones, and no email. Where does staff work? What events are planned for today? Who do I call first?" You get the picture. Most emergent or catastrophic events come with little if any warning. While safety is the first concern, here are some categories to remind yourself about when it comes to dealing with the aftermath of an emergency.

### Informational Meeting

You should have a way to remotely blast-email or blast-text your staff and members of your firm to set up an emergency meeting (in-person or by telephone) to apprise everyone of what happened, what the plan is moving forward and what is expected of each person.

### Getting the Word Out

Consider in advance how you will notify clients and colleagues of what happened, what you are doing to deal with it and what you expect the timeframes to be. Social media, robo-calls, blast emails and texts should be considered.

This will go a long way toward minimizing confusion and inconvenience for the people you deal with. For litigation firms, consider how you will notify the Court and opposing counsel of the emergency and consider what you will need to file or otherwise do to confirm or reschedule deadlines or events.

### Temporary Operations

Where will your staff work? Thankfully, remotely logging into servers is easier than ever. However, if that is not an option, consider what you will need to acquire temporary space. For smaller firms, that may simply be determining in advance a friend's conference room you can use for a meeting or deposition. For larger firms, that may mean acquiring temporary space to house staff. Think about how much space you will need, how much furniture you will need and the like. Also consider in advance who you will call (a real estate broker) to arrange for temporary space on an expedited basis. Having a form of lease or license ready to go is also a good idea.

### Phone Lines

Have a plan for how your telephone will be answered. Call forwarding to a designated employee's home and a mobile switchboard-styled telephone will also enable you to field calls and minimize interruptions for your clients, the Court, and vendors.

### Temporary Server

Obviously, back up your computer information to "the cloud" or offsite to preserve client files and information. But remember that there is no email without a server. Additionally, consider whether you are able to have a backup

*Continued on page 4*

## Board Meeting Attendance

	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB
Barnes	X		phone	X	X	X	X	X
D'Amore	X	X	X	phone	X	X	X	phone
Huber	X	X	X	X	X	X	X	X
Mason	phone	X	X	X	X	X	X	X
McElroy	X	X	X	X	X	X	X	X
Pressly	X	X	X	X	X		X	X
Reagan	X	X	X	phone	X	X	X	X
Smith, G.	X	X	X	X	X	X	X	X
Smith, S.	X	X	X	X	X	X	X	X
Whittles	X	X	X	X	X	X	X	X
Wilson	X	X	X	X	phone	X	X	phone
Wyda	X	X	X	X	X		X	
Xenick	X	X	X	X	phone	X	phone	X



## Law Day Luncheon Scheduled for April 26

Amanda Knox, a college student who studied in Perugia, Italy and spent nearly four years in prison for a murder she did not commit, joins us to tell her story during our annual Law Day Luncheon on Wednesday, April 26 from 11:30 a.m. to 1:00 p.m. at the Embassy Suites Hotel in West Palm Beach. Don't miss this special event, which is expected to sell out.

RSVP online today at [www.palmbeachbar.org](http://www.palmbeachbar.org)



## Emergency Plan

*Continued from page 3*

server that can be switched on to send and retrieve email and for staff to log in to in the event your normal servers are damaged. Talk to your IT professionals to come up with a plan that works for your firm regarding necessary capacity and budget.

### Insurance

It is obvious that you need good insurance to cover damages and repair. The less obvious one is business interruption insurance as there may be a period of time when people simply cannot work and, if that period is extended for some reason, business interruption insurance could be a blessing. In either event, know your policies and make sure they cover your firm adequately.

### Safekeeping and Retrieval of Important Documents

Your important documents should be and probably are stored electronically. However, in the event you cannot access your server for a period of time, physical copies of documents in a secure location or onsite in a waterproof, fireproof and locked safe is a good idea. These documents may include: employee directories with cell phone numbers, copies of insurance policies and contact information, architectural drawings or layouts of your space, and contact information for professionals, utilities, vendors, clients, and the courts. Also, a safe-kept firm checkbook is a good idea.

### Appoint Liaisons to Deal with Government Agencies and Insurance Companies

Consider appointing in advance a person or persons to act as liaison with the fire or police department and the insurance adjusters and have that person be somewhat familiar with your insurance coverage and your firm's expectations regarding coverage.

I hope that reading this article was a total waste of your time and you never have to deal with this situation. If you are not that fortunate, a good plan will help immensely.

### COMMITTEE FOR DIVERSITY & INCLUSION

WHERE WE'VE COME FROM; WHERE WE ARE NOW

#### COMMITTEE FOR DIVERSITY & INCLUSION LUNCHEON SUMMIT/CLE

*"Are We As Diverse As We Think?  
Improving the Workplace Through Diversity"*

**HILARIE BASS, ESQ.**

Keynote Speaker

**May 31, 2017  
11 AM to 4 PM  
Marriott, WPB**

Register online today at:  
[www.palmbeachbar.org](http://www.palmbeachbar.org)



Former Diversity Internship Program Interns  
Laura Scala-Olympio, Esq. (DIP Co-Chair), Lesser Lesser  
Landy & Smith PLLC and  
Shayla Waldon, Esq., Akerman LLP

## Jurist of the Year Nominations Due April 14

**Which judge will receive the North County Section's 15th Annual Jurist of the Year Award?** Send us a letter including which local judge you feel deserves to be honored and say why.

The letters will be reviewed and voted on by the section's Board of Directors. A recipient will be selected based upon the following criteria: 1. The judge should be one with an excellent reputation for sound judicial decisions and an unblemished record of integrity as a lawyer and as a judge. 2. The judge should be recognized by Bar members as highly qualified. 3. The judge should be active in Bar related activities. 4. He or she should be respectful of the law and understanding of cases.

**Who is eligible?** Any judge who currently presides over cases in Palm Beach County will be eligible to win the award.

**Who can make a nomination?** Any NCS member.

Send your nomination by email to [lpoirier@palmbeachbar.org](mailto:lpoirier@palmbeachbar.org) no later than Friday, April 14.

Previous winners include Judges Mary Lupo, Roger Colton, Peter Blanc, Thomas Barkdull, Barry Cohen, Jonathan Gerber, David Crow, Edward Fine, Jack Cook, Ron Alvarez, Richard Oftedal, Lucy Brown, Ken Marra and John Phillips.



### It's Never Wrong to Do What's Right.

by *Nadine V. White-Boyd*

Robert Bertisch, affectionately known as "Bob," grew up in West Hempstead, New York knowing from a young age that he wanted to attend law school to represent the underrepresented. He has fulfilled and continues to fulfill his passion.

In the 1960s, Bob worked summers as a swimming instructor at his parents' youth summer camp in the Catskills. It was attended solely by Caucasians. Bob's dad, the principal of a school in Queens, New York, did not hesitate to say yes when a teacher at the school in Queens asked to have two African-American male students attend the summer camp. For the first three weeks, all was well until parents' weekend. Upon seeing the African-American campers, some parents immediately removed their children from the camp. This nearly financially destroyed the Bertisches' business. Observing the impact, Bob asked his dad, "Are you alright with what you did?" Bob's dad simply responded, "It is always right to do the right thing...there is nothing wrong when you do the right thing." This incident, and others that followed, affirmed Bob's desire to fight for the rights of all people and to stand against discrimination.

After graduating from University of Miami's School of Law in 1970, Bob began his legal career at Legal Services of Greater Miami in its South Beach location, representing primarily the elderly. He later moved to the Downtown Miami office, where he served as a managing attorney until a friend recruited him to Pennsylvania. He spent nearly four years working for the Office of Central Pennsylvania Legal Services in Lancaster before moving to New Haven, Connecticut where he served as the Executive Director of the Legal Services Training and Advocacy Project. Around 1981, he was recruited by Justice Pariente and accepted the position to lead Palm Beach County Legal Aid Society.

Bob has been a force at PBC Legal

Aid for 37 years. His early employment and leadership positions in the other legal aid societies combined with his passion for ensuring representation of the underrepresented population more than prepared Bob for leading Legal Aid. When Bob started, PBC Legal Aid consisted of four staff attorneys and a \$200,000 budget to handle family law matters only. Under Bob's leadership, Legal Aid currently has 85 staff, including 36 full-time attorneys, with an annual budget of \$6.8 million. Its services have expanded to include advocacy for children, immigrants, the elderly, domestic violence victims and those who face housing discrimination. This expansion happened without federal funding. Because of federal restrictions as to who may benefit from the funding, PBC Legal Aid has elected not to accept it; even though the funds have been part of a federal initiative which began in the 1960s under President Lyndon B. Johnson.

When Bob is not actively engaged in fundraising for Legal Aid, he enjoys time with Harreen, his wife of almost 50 years. Bob met Harreen when they both worked at his parents' summer camp; he as a swimming instructor and Harreen as the arts & craft instructor. Bob and Harreen are the parents of Flynn, a local criminal attorney, and Maggie, an urgent care doctor in New York. The couple enjoys watching movies—recently seeing "La La Land" and "Lion"). Bob always looks forward to visiting Maggie in New York and spending time with Flynn's children, Morgan and Cameron, who are eight and five-years old. Bob also finds time daily for yoga and pilates.

Flynn says his dad is "always there for me! He is always supportive of me. . . supported me in my decision to go into law enforcement and supported me in my career change. He never pushed me to go to law school, but I honestly believe it is because of him that I ended up in law school."

Legal Aid attorney, Denise Mutamba, says, "Bob is genuine in whatever he does. . . when he commits to a particular goal or task, you can



**Robert Bertisch**

count on him to deliver. What I like most about Bob is his general attitude about life. Each morning as he enters the building you can hear him saying good morning to each person he passes. This small act reminds me that everyone matters." Eunice Baros echoes those same sentiments, describing Bob as "committed, dedicated and dependable." Attorney Gina Gardenetti says that as a law student she was told that she must meet Bob Bertisch. Bob took the time to meet with and advise Gina on starting her solo practice.

Thank you Bob for being the voice of authenticity to the poor, for recognizing insensitivity towards persons of diverse backgrounds, for not sitting back waiting for someone else to take action, and for your unwavering commitment throughout your entire career to doing what's right because doing what's right is always right.

*Nadine V. White-Boyd, Esq. is licensed to practice in Florida and New York. She represents businesses and consumers in chapters 7, 11 and 13 bankruptcy and handles real estate transactions. Nadine is the co-chair of the Committee for Diversity and Inclusion.*

The Palm Beach County Committee on Diversity and Inclusion  
presents

## Are we as Diverse as we Think? Improving the Workplace Through Diversity



Wednesday, May 31, 11:30 a.m. - 4:00p.m.  
The Marriott, 1001 Okeechobee Blvd., West Palm Beach



### Keynote Speaker

Hilarie Bass, Esq.,  
Greenberg Traurig; president-elect, American Bar Association

### Panelists

JulieAnn Rico, Esq., *General Counsel, Palm Beach County School Board, Past President of the Palm Beach County Bar Association*; A. Denise Sagerholm, Esq., *Office of General Counsel, Palm Beach County School Board*; Sia Baker Barnes, Esq., *Searcy Denney Scarola Barnhart & Shipley, P.A., President-Elect of the Palm Beach County Bar Association*, Gary Walk, Esq., *Ciklin, Lubitz & O'Connell*

### Moderator

Kalinthia Dillard, Esq., *Office of the Inspector General*

11:30 a.m. - 11:45 a.m. **Meet and Greet and Sign In**

11:45 a.m. - 1:00 p.m. **Lunch & Keynote Speaker, Hilarie Bass, Esq., president-elect, American Bar Association**

1:00 p.m. - 2:00 p.m. **Panel Discussion**

2:10 p.m. - 2:30 p.m. **Presentation - Where we were, where we are, Achievements, Accomplishments**

2:45 p.m. - 3:45 p.m. **Roundtable Breakout Sessions**

3:45 p.m. - 4:00 p.m. **Implementing the results of the roundtable and panel discussions**

Sponsors (as of March 27, 2017)



CLER pending

The program cost is \$ 50 PBCBA members; \$ 75 non-members. Those registering after May 24, add \$10 late fee.  
All refund requests must be made no later than 48 hours prior to the date of the seminar.

**BY CHECK**  
Return this form

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

Name: \_\_\_\_\_ Email address: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Palm Beach County Bar Association, P.O. Box 17726, W. Palm Beach, FL 33416





## Funding Legal Aid in Palm Beach County Positively Impacts the Economy

by David Prather, Board Member, The Florida Bar Foundation

As members of the Palm Beach County Bar Association, we are familiar with the positive impact of legal aid on low-income families and the great work of the Legal Aid Society of Palm Beach County. Now we also have powerful evidence that legal aid benefits the economy locally and statewide.

A new study commissioned by The Florida Bar Foundation revealed that every dollar invested in civil legal aid organizations by the Foundation, donors and other sources created more than \$7 in economic impacts in 2015.

Conducted by The Resource for Great Programs, the study found investments in civil legal aid yielded \$600 million in total economic benefits, including more than \$264 million in income for Floridians obtained with the help of legal aid and pro bono attorneys.

The direct dollar impacts come from sources such as Social Security and Social Security disability, Medicare and Medicaid reimbursements, veterans' and other federal benefits, as well as child and spousal support, unemployment compensation and wages. This income generates an additional \$274.8 million in impacts resulting from the economic multiplier effect as that income flows into Florida communities like ours.

Meanwhile, the savings for communities are substantial, with about \$60.4 million of costs avoided statewide from positive trends such as reduced homelessness, fewer police calls and reduced burden on the court system. Avoided costs from domestic violence alone account for \$6.9 million in savings.

The extraordinary findings demonstrate the importance of supporting legal aid in Palm Beach County.

Unfortunately, total funding for civil legal aid in Florida is at a 10-year low.

Locally, The Florida Bar Foundation is one of several funding sources for the Legal Aid Society of Palm Beach County, providing a general support grant in 2016-17 of \$159,779 and a Children's Legal Services grant of \$60,000. In addition, the Foundation provided \$166,494 to support Florida Rural Legal Services, whose service area includes Palm Beach County.

But these grants are a fraction of what they once were. Because of the near-zero interest rates since the Great Recession, the Foundation's grants to civil legal aid organizations statewide have fallen by about 80 percent since 2010 and are expected to fall even further. And total legal aid funding from all sources in Florida has fallen from \$100 million in 2010 to \$83 million in 2015.

We have a big responsibility in that as attorneys we

alone can provide legal services to those in need, and we have a unique understanding of the importance of civil legal aid to our community. We know the satisfaction that we get from touching the life of a pro bono client, and now we also know the economic ripple effects that extend throughout our community when we do.

By taking pro bono cases through legal aid and by donating to our local legal aid organizations or to The Florida Bar Foundation, we can help ensure that Palm Beach County continues to thrive and to be the kind of prosperous and caring community we want it to be.

Getting involved and helping promote legal aid funding for programs that provide access to justice will ensure positive economic stability statewide and locally.

Through our support as lawyers and as humanitarian leaders, we can strengthen the economic impacts of legal aid.

This is the time for us to lead.



### Judge Harper Robing

Bar President John Whittles attended Judge Bradley Harper's Investiture where he congratulated him and presented a personalized gavel on behalf of the Palm Beach County Bar Association.

## BOARD OF DIRECTOR ELECTION

### 2017-2018 Board of Directors Election Candidate's Statements

The Bar's elections for Board of Directors will be conducted online. This year there are five (5) members running for four (4) Board seats. Each PBCBA member in good standing will receive an email with information on how to vote (please be sure to set your spam filters to pre-approve anything from ballotboxonline.com) beginning on April 12th and ending at 5 p.m. on April 21. The winners will be posted on the Bar's website. To assist you in making your selection, please take the time to read the information about the candidates below. Successful candidates will be sworn in at the Bar's annual installation banquet at The Breakers Hotel on June 17.



#### **Jean Marie Middleton**

*Firm/Employer:* Palm Beach County School District

*Law School:* Howard University – Washington D.C.

*Year admitted to practice:* 1986

*Year joined PBCBA:* 2000

#### ***What do you feel you can contribute to the Association as a Board member?***

There's no better way to continue serving the Palm Beach County Legal Community and the Association than to become a member of the Board of Directors!

Being fully committed to achieving the Association's objectives, I have been privileged to actively serve on several of its committees. For the past five (5) years, I have served as Chair and Co-Chair of the Diversity Internship Program (DIP) subcommittee. I have enjoyed a first-hand opportunity to work with attorneys, law firms and governmental agencies to identify diverse law students and to attract them to Palm Beach County for summer internships and, ultimately, for the practice of law. I am proud to say that our efforts have been successful! Several of our DIP interns have been hired as young lawyers by the firms for which they interned or by other participating law firms. Seeing some of our former DIP interns participate in the Association's initiatives as active members is thoroughly rewarding!

Currently, I serve on the Judicial Relations Committee and have had the pleasure of serving on the Judicial Luncheon sub-committee. In this capacity, I work to identify issues of concern to the bar members; and to coordinate and host a judicial luncheon CLE.

As past President of the F. Malcolm Cunningham Sr. Bar Association, I have experience in all aspects of leading a voluntary bar association with energy and enthusiasm, while fostering team collaboration.

I welcome the opportunity to lend my energy and commitment in service to the Board of Directors.



#### **Scott B. Smith**

*Firm/Employer:* Lytal, Reiter, Smith, Ivey & Fronrath

*Law School:* Florida State College of Law

*Year admitted to practice:* 1998

*Year joined PBCBA:* 1999

#### ***What do you feel you can contribute to the Association as a Board member?***

It has been an honor and a privilege to serve you and the entire PBCBA as a Board member the last two years. Thank you greatly for the opportunity and I remain just as excited and motivated to continue to serve.

Your current Board has worked hard in keeping our members as informed as possible about changes in the practice of law influenced primarily by advancements in technology. One of our most important objectives in serving our members will be to continue to keep all as aware as possible about the changes that technology and other external forces may bring us.

Internally we also saw a big change with the retirement of our longtime Executive Director, Patience Burns. I respectfully offer that the Board and search committee did an exemplary job in our nationwide search for a worthy replacement. As a result of such efforts, we are now very fortunate to have Carla Tharp Brown as our new Executive Director.

I would be remiss to also not reference the unfortunate luck we recently experienced with the fire at our PBCBA office. Most thankfully no one was injured, but the building and its contents suffered significant damage. Despite such loss, it has been awesome to witness all the support and help the PBCBA has received from our membership.

In closing, you have my word that I will continue to assist to keep all of our members informed about our evolving profession, continue to support and assist Carla every way possible and provide all help that is necessary as we rebuild our office building - the Patience Burns Legal Center! Thank you again for allowing me to have served you and I respectfully ask for your vote so that I continue to do the same.

**Judicial Reception**  
**May 2, 2017**  
**5:30pm - 7:00pm**  
**PBCBA Members \$50.00 | \$Non-Members \$65.00**  
**Come Out to this Great Opportunity to Network with the Judges**  
**Be Sure to Register**





### **Grasford Smith**

*Firm/Employer:* Jones Foster  
*Law School:* New York University  
*Year admitted to practice:* 2005  
*Year joined PBCBA:* 2008

#### ***What do you feel you can contribute to the Association as a Board member?***

The Palm Beach County Bar Association faces short-term challenges caused by the recent fire damage to its building and displacement of its staff. The Bar faces long-term challenges to ensure that it remains relevant by responding to the evolutionary changes in our profession, including advancements in technology. As a current PBCBA Board Member, I have been involved in the Bar's key decisions to address these challenges and to ensure that we have a viable and responsive Bar for many years to come.

I bring energy and enthusiasm to my current role on the PBCBA Board and draw on the experience I gained in various leadership positions at the PBCBA, The Florida Bar and various community organizations. My first significant leadership role in Palm Beach County was as President of the Cunningham Bar Association where I regularly coordinated events with the PBCBA. I later served as Chair of PBCBA's Transaction Law Committee for which I coordinated networking activities and monthly CLEs for the benefit of the membership. I also gained significant experience in the regulation of our profession when I was appointed by two Florida Bar Presidents to serve on the Commission for Review of the Bar's Discipline System and the Civil Procedure Rules Committee. My leadership in the community includes serving as General Counsel for the Urban League and as a Board Member of the Legal Aid Society.

I am honored that five former Presidents of the Florida Bar have endorsed my candidacy for reelection. I would appreciate your vote!



### **Dean Xenick**

*Firm/Employer:* Zele Huber Trial Attorneys  
*Law School:* University of Florida  
*Year admitted to practice:* 2001  
*Year joined PBCBA:* 2001

#### ***What do you feel you can contribute to the Association as a Board member?***

First, I would like to thank everyone who has supported me over the past four years as PBCBA Director. I am honored and humbled to have been elected twice to this position. Having served two terms on the Board, I have proven that I have the dedication and commitment to be a successful and contributing member of the Board. Therefore, I again ask for your vote to continue to serve you and all PBCBA members.

As a Board we have faced tough challenges, including Reciprocity, attacks on judges, threats to the judiciary, and our most recent fire at the Bar office. These obstacles require dedication and experience to be properly dealt with. I am assisting President John Whittles in handling the Bar office insurance claim and I promise to do everything in my power to ensure that our outstanding Bar building is rebuilt as good or better than before.

I am also on the Florida Bar Code and Rules of Evidence Committee, which informs me of statewide changes to our profession, so they can be implemented locally without delay. I am also a member of FAWL, PBC Justice Association, Florida Justice Association, Craig S. Barnard Inns of Court (Emeritus) and the Young Lawyers and North County Sections of the PBCBA. These diverse and active organizations allow me to meet and work with lawyers in every practice area and with different perspectives.

I am extremely thankful for your prior support and I hope to continue serving you for another two years.



### **Lindsay Demmery**

*Firm/Employer:* Prestige Land & Law, PLLC  
*Law School:* Nova Southeastern University  
*Year admitted to practice:* 2006  
*Year joined PBCBA:* 2006

#### ***What do you feel you can contribute to the Association as a Board member?***

I look forward to the opportunity to serve on the Palm Beach County Bar Association Board, so that I can give back to the legal community that I have grown up in. I was born and raised in Palm Beach County, and throughout my youth I met many local practicing attorneys through my father, a local attorney. All of them had one thing in common, they loved practicing law and loved doing it in Palm Beach County. I want to continue this tradition and expand upon it. The best way I know how to do that is by continuing my service to this Bar by now running for the board. I have been on various committees from Membership, to circuit civil committee, to the transactional committee. I have

held every board position on the Young Lawyers Section (YLS), have been on most, if not all the YLS's committees, and was President of the YLS (2014-2015). Also, I have been on multiple committees and was the president of PBC FAWL (2015-2016). Now, I feel the best way I can contribute is to use all the knowledge I have gained from being on all the various committees and boards, and to put it to use to be a resource to help improve the programs we have as well as create new ones. The better the benefits, events, and CLEs the Bar offers to members the easier and more pleasant it is to practice in this County. Ultimately, it is my hope that given the opportunity to serve on the Board of Directors I can help improve and innovate the programs offered at the Bar in such a way that it makes daily practice even just the slightest bit more enjoyable.



The Real Estate Committee of the  
Palm Beach County Bar Association  
presents:



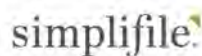
## Real Estate for the Current Times

Friday, May 19, 2017, 8:00 a.m. - 2:40 p.m.

**LOCATION:** Fourth District Court of Appeal, 1525 Palm Beach Lakes Blvd, WPB

- 8:00a.m. - 8:25a.m. **Late Registration / Check In**
- 8:25a.m. - 8:30a.m. **Welcome & Opening Remarks** - Jared Quartell, Esq., Quartell Law Firm, P.A.
- 8:30a.m. - 9:50a.m. **Case Law Update** - Manuel Farach, Esq, McGlinchey Stafford
- 9:50a.m. - 10:00am **Break**
- 10:00a.m - 10:50a.m. **Cybersecurity** - Deborah (Deb) B. Boyd, Esq., Board Certified in Real Estate Law, Senior Underwriting Counsel / Assistant Vice President Fidelity National Title Group
- 10:50a.m. - 11:40a.m. **Commercial Leases** - Gregory Cohen, Esq., Cohen, Norris, Wolmer, Ray, Telepman & Cohen; Board Certified in Real Estate Law
- 11:40a.m. - 12:30p.m. **Lunch**
- 12:30a.m. - 1:20p.m. **Current Climate in Commercial Real Estate** - John K. Brackett, John K. Brackett Real Estate
- 1:20p.m. - 1:50 p.m. **E-Recording** - Sandra Wallace, Esq., Wallace Law, P.A.
- 1:50 p.m. - 2:40 p.m. **SBA Loans** - Max Holzbaur, Esq., Fogel Law Group

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7.5 CLER; 1.0 Technology. \$215 PBCBA members/paralegals, \$255 non-PBCBA attorney members/paralegals. After 5.12.17 add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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

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Address: \_\_\_\_\_ Phone: \_\_\_\_\_

\_\_\_\_ I will not be able to attend the seminar, but would like to order the CD (if available). The cost is the same as listed above, however please include \$10 for shipping and handling. Allow four weeks for delivery. PBC Bar Association, P.O. Box 17726, W. Palm Beach, FL 33416. 561-687-2800. (5.19.17 Real Estate seminar)

# Real Property and Business Litigation Report



by Manuel Farach

**CSX Transportation, Inc. v. General Mills, Inc.**, Case No. 15-14399 (11th Cir. 2017).

The Eleventh Circuit holds that “federal common law adopts the state rule of collateral estoppel to determine the preclusive effect of a judgment of a federal court that exercised diversity jurisdiction.”

**Kendall Imports, LLC v. Diaz**, Case No. 3D15-1985 (Fla. 3d DCA 2017).

The inability to read contracts in English, including contracts containing arbitration provisions, is not a basis in and of itself for finding an arbitration provision unenforceable.

**Rivas v. The Bank of New York Mellon**, Case Nos. 4D16-482 and 4D16-777 (Fla. 4thDCA 2017).

The Fourth District adopts the Third District’s interpretation of Florida Rule of Civil Procedure 1.540(b)(4) in *De La Osa v. Wells Fargo Bank, N.A. (De La Osa II)*, No. 3D14-1455 (Fla. 3d DCA Dec. 14, 2016) (en banc).

**Debrincat v. Fischer**, Case No. SC15-1477 (Fla. 2017).

The litigation privilege does not bar an action for malicious prosecution; *Wolfe v. Foreman*, 128 So. 3d 67 (Fla. 3d DCA 2013), is overruled.

**Solar Dynamics, Inc. v. Buchanan Ingersoll & Rooney, P.C.**, Case No. 2D15-5728 (Fla. 2nd DCA 2017).

A claim involving a patent’s scope, validity, or infringement must first be brought in federal court; state courts are without jurisdiction to make those determinations even if plaintiff’s overall claim is a legal malpractice claim alleging negligence arising out of the patent’s prosecution.

**Super Products, LLC v. Intracoastal Environmental, LLC**, Case No. 2D16-1979 (Fla. 2d DCA 2017).

A court may dismiss a lawsuit under Florida Statute section 605.0904(1) for a LLC’s failure to hold a certificate of authority from the State of Florida to conduct business, but the better practice is to stay the lawsuit pending compliance.

**Integrale Investments, LLC v. Hoffman**, Case No. 2D15-5757 (Fla. 2nd DCA 2017).

A partial final judgment that reserves jurisdiction to determine the unresolved portions of the case cannot authorize execution on the partial final judgment.

**In re Lunsford**, Case No. 16-11578 (11th Cir. 2017).

A bankruptcy court’s adoption of an arbitrator’s factual finding of violation of securities law is sufficient to preclude a debtor’s discharge under 11 U.S.C. § 523(a)(19)(A), and a separate factual finding by the trial court is not required.

**In re Appling**, Case No. 16-11911 (11th Cir. 2017).

A debtor’s “statement respecting the debtor’s... financial condition” is not dischargeable under 11 U.S.C. § 523(a)(2)(B) unless that statement is in writing.

**In re Amendments To The Florida Evidence Code**, Case No. SC16-181 (Fla. 2017).

The Florida Supreme Court declines to adopt the “Daubert Amendment” to the Florida Evidence Code to the extent the “Daubert Amendment” is procedural.

**Beltway Capital, LLC v. Lucombe**, Case No. 2D16-437 (Fla. 2d DCA 2017).

Verification of a complaint pursuant to Florida Rule of Civil Procedure 1.110(b) and Florida Statute section 702.015 is not an element of the cause of action of mortgage foreclosure. Moreover, failure to verify is subject to a motion to dismiss pursuant to rule 1.420(b), but notice of hearing needs to be given and a party may not use Rule 1.140(h) to ambush a party a trial by calling up the motion without notice.

**Friedman v. Mercantile Commercebank, N.A.**, Case No. 3D15-2352 (Fla. 3d DCA 2017).

In deficiency proceedings, the date of transfer of the property is the “valuation date” if there is no foreclosure sale.

**Vitacost.Com, Inc. v. Mccants**, Case No. 4D16-3384 (Fla. 4th DCA 2017).

A “browsewrap agreement” on an Internet website, including an agreement to arbitrate, is not binding unless the party browsing is made aware that browsing and purchasing on the website is subject to the additionally incorporated terms and conditions.

**Global Quest, LLC v. Horizon Yachts, Inc.**, Case No. 15-10713 (11th Cir. 2017).

The Eleventh Circuit adopts *Oceanic Villas, Inc. v. Godson*, 4 So. 2d 689 (Fla. 1941), and holds that an “as is” clause does not bar a plaintiff from bringing a fraud claim.

**Planned Parenthood Of Greater Orlando, Inc. v. MMB Properties**, Case No. SC15-1655 (Fla. 2017).

A trial court must apply “equit[able] principles underlying injunctive relief” and abuses its discretion in requiring changed circumstances to modify or dissolve a temporary injunction, even when the injunction is based on violations of recorded real estate covenants and declarations.

**Silver Beach Towers Property Owners Association, Inc. v. Silver Beach Investments Of Destin, LC**, Case No. 1D16-4555 (Fla. 1st DCA 2017).

The First District aligns itself with the Second District and in opposition to the Third District and holds that Florida Rule of Appellate Procedure 9.310(b)(1) (posting of a bond in the principal amount of the judgment plus twice the statutory rate of interest on judgments on the total amount) is not the only way to receive a stay of execution on a money judgment.

**Desylvester v. The Bank Of New York Mellon**, Case No. 2D15-5053 (Fla. 2d DCA 2017).

The allegation that borrower was in default on a date certain “and all subsequent payments due thereafter” is sufficient to comply with the five-year statute of limitations even if the date certain is outside the five-year window; *Collazo v. HSBC Bank USA, N.A.*, 41 Fla. L. Weekly D2315 (Fla. 3d DCA Oct. 13, 2016), is distinguished.

**Federal National Mortgage v. Gallant**, Case No. 4D16-3152 (Fla. 4th DCA 2017).

A party is generally not permitted to intervene in a pending foreclosure action where a lis pendens has been filed, even if the party seeking intervention purchased the property. Moreover, intervention after final judgment is generally disfavored.





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



## Modification of Parenting Plans: Seven Practical Tips

Friday, April 28, 2017, 8:00 a.m. - 3:40 p.m.

**LOCATION:** Fourth District Court of Appeal, 1525 Palm Beach Lakes Blvd., WPB

- 8:00 a.m. – 8:20 a.m. **Late registration**
- 8:20 a.m. – 8:30 a.m. **Welcome and Introductions**
- 8:30 a.m. – 9:20 a.m. **Use of G.A.L. and Experts in Modification** -  
Yueh-Mei Kim Nutter\*, Esq., Brinkley Morgan
- 9:20 a.m. – 10:10 a.m. **Children's Issues: Establishing a Substantial Change for Modification  
of Parental Responsibility and Timesharing** - R.T. White\*, Esq., Schultz &  
White, LLP
- 10:10 a.m. – 10:20 a.m. **Break**
- 10:20 a.m. – 11:10 a.m. **Attorney Fees** - Robert M.W. Shalhoub\*, Esq., Robert M.W Shalhoub, P.A.
- 11:10 a.m. – 12:00 p.m. **Discovery Related to Social Media and Technology** -  
Eddie E. Stephens\*, Esq., Ward Damon Posner Pheterson & Bleau
- 12:00 p.m. – 1:00 p.m. **Lunch**
- 1:00 p.m. – 1:50 p.m. **Professionalism Presentation** - D. Culver (Skip) Smith, III, Esq.,  
Culver Smith III, P.A.
- 1:50 p.m. – 2:40 p.m. **Calculating Child Support after Time Sharing is Modified** -  
Roderick C. Moe, CPA, P.A.
- 2:40 p.m. – 2:50 p.m. **Break**
- 2:50 p.m. – 3:40 p.m. **A View from the Bench** - Judges and Magistrates

\* Florida Bar Board Certified in Marital and Family Law

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### HOW TO REGISTER

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\_\_\_\_ I will not be able to attend the seminar. **IF AVAILABLE**, I would like to order the CD. The cost is the same as listed above, however please include \$10 for shipping and handling. Allow four weeks for delivery. PBC Bar Association, 1507 Belvedere Rd., W. Palm Beach, FL 33406. 561-687-2800.  
(4.28 Family law seminar)



## Fourth DCA Adopts "Rehearing Rule" for Family Law Appeals

by Christopher R. Bruce

So what is the best practice when representing your client in a divorce trial? Winning! At least that is what the clients want. But winning in divorce court does not always happen, and in many situations, from a client's standpoint, it can be difficult to discern victory from defeat when reviewing a trial judge's final order following a contested divorce trial.

While many spouses will ultimately accept (or choose to live with) the trial judge's decision, there is a special segment of our divorcing society who find themselves on the wrong end of a trial judge's order and evaluate taking their divorce to the "next level." The appellate level, that is.

But not so fast. Based on the Fourth District Court of Appeal's recent decision in *Farghali v. Farghali*, 187 So. 3d 338 (Fla. 4th DCA 2016), your client's appeal could be dead in the water before it begins if you do not first file a motion for rehearing requesting any factual findings necessary for the appellate court to review the adequacy of the trial judge decision.

### Background: Petitions for Rehearing

A motion for rehearing (often referred to as a "petition for rehearing") has long been a useful tool for correcting obvious errors in a trial judge's trial order. The theory behind the rehearing process is that errors in the trial judge's order can be corrected without the need for a full blown, time-intensive, and costly appeal.

Rule 1.530 of the Rules of Civil Procedure governs motions for rehearing in family court proceedings. Under this rule, a motion for rehearing must be filed within 15 days of the trial judge's order being rendered. The rule allows the motion for rehearing to be amended at any time prior to the court ruling on the petition.

### When are Motions for Rehearing Necessary?

The plain language of Rule 1.530, and a division between Florida's district courts of appeal previously made it confusing as to when a motion for rehearing is actually required.

Rule 1.530 (e) states: "the sufficiency of the evidence to support the judgment may be raised on appeal whether or not the party raising the question has made an objection thereto in the trial court or made a motion for rehearing..." Technically speaking, under this rule there is no need for a motion for rehearing if the complete record would demonstrate that there is no evidence to support the trial court's decision.

However, in family law cases, where evidence can be based on a trial judge's interpretation of a testimony and detailed accountant reports, it is often rare to be a complete lack of evidence to support a trial court's order. Instead, divorce appeals are more often based on a lack of findings supporting the trial judge's decision.

This is where the district courts of appeal had been long divided. Sixteen years ago, the Third District developed the rule that in family law cases, a litigant may not appeal a trial court's ruling based on insufficient findings unless the matter was brought to the trial court's attention in a motion for rehearing. *Broadfoot v. Broadfoot*, 791 So. 2d 584 (Fla. 3d DCA 2001). Slowly, other district courts of appeal began adopting this "rehearing rule."

However, for the longest time, the Fourth District had

not adopted the rehearing rule in family law cases, and even expressed disagreement with the concept. See *Mondello v. Torres*, 47 So. 3d 389, 399 (Fla. 4th DCA 2010). The Second District still has not adopted the rehearing rule as of this writing.

But then the Fourth District changed its tune in 2016 with *Farghali*, noting that although it had not adopted the rehearing rule before, "we do so now." *Farghali*, 187 So. 2d at 339.

The court noted cited the First District's opinion in *Simmons v. Simmons*, 979 So. 2d 1063 (Fla. 1st DCA 2008), which states: "A trial judge who is made aware of the fact that a required finding was omitted could easily redraft the judgment to include that finding. In contrast, a trial judge who assumes that the form of the judgment was acceptable and learns of the alleged deficiency only after the appeal has been concluded is not likely to be in the position to make the appropriate findings. It would be unrealistic to assume that a trial judge would remember, a year or so later, the value of a car or boat or some item of personal property that was included in an equitable distribution of property. In some cases, the trial courts would be required to begin the process anew, and that would only reward the party who failed to make a timely objection."

### Bottom Line

Based on *Farghali*, if you are practicing in the Fourth District and believe a trial judge's family court decision is reversible error based on a lack of findings, you must timely raise the lack of findings in a timely filed motion for rehearing. Otherwise, the appeal is likely over before it begins, and you will have one very unhappy client and a potential malpractice issue. If you have any doubt about what to do, consider involving appellate counsel early on to assist you with this process.

*Christopher R. Bruce is a divorce and appellate attorney with the Bruce Law Firm, P.A. The firm's practice is limited to resolving divorce & child custody matters through mediation, litigation and related appeals.*



### W. Jay Hunston, Jr.

Mediator/Arbitrator/Special Master

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- J.D., Stetson Univ. College of Law
- Fla. Bar Bd. Cert. Civil Trial Lawyer, 1983 - 2003
- Fla. Cert. Circuit Civil, Appellate & Family Mediator
- Member, AAA Roster of Neutrals for Commercial and Construction Arbitration & Mediation
- Qualified Fla. Arbitrator
- FINRA Approved Mediator
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Website/Online Calendar: [www.hunstonadr.com](http://www.hunstonadr.com)

# Welcome New Members!

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

**Charles Joseph Abrams:** Florida State University, 2012; Associate in Greenberg Traurig, P.A., West Palm Beach.

**Fresa Atienza:** Florida Registered Paralegal Membership, West Palm Beach.

**Roslyne Atilus:** Roger Williams University, 2012; West Palm Beach.

**Avri S. Ben-Hamo:** Florida Coastal School of Law, 2009; Associate in Greenfield Law Group, P.A., Boca Raton.

**Cameron Alexander Baker:** University of Florida, 2016; Associate in Fox Rothschild, LLP, West Palm Beach.

**Marc L. Bebergal:** Nova Southeastern University, 2002; Solo Practitioner, Boca Raton

**Rayni R. Bienenfeld:** University of Miami, 2013; Legal Aid Society of Palm Beach County.

**Kyle Michael Butz:** University of Miami, 2016; Associate in Gaebe Mullen, West Palm Beach.

**Thomas D. Capasso:** Florida State University, 2013; Associate in Derrevere, Stevens, Black and Cozad, West Palm Beach.

**Frank Chantayan:** St John's University, 2000; Solo Practitioner, Wellington.

**Pooneh Sarah Charkhian-Martinez:** Nova Southeastern University, 2013; Florida Rural Legal Services, Riviera Beach.

**Maxwell Meyers Christiansen:** University of Florida, 2017; Associate in Lytal Reiter, West Palm Beach.

**Ernest Cox, IV:** Florida State University, 2016; Associate in Gunster, West Palm Beach.

**Kevin Cudlipp:** St. Thomas University, 2014; Associate in Schneider Rothman IP Law Group, Boca Raton.

**David John Davidson:** University of Florida, 1987; Florida Health Care Law Firm, Delray Beach.

**Sandra Kaitlin Dean:** Florida State University, 2013; Associate in Gunster, West Palm Beach.

**Megan Eaton:** Regent University, 2007; Office of the Public Defender, 15<sup>th</sup> Circuit, West Palm Beach.

**Daniel Eisinger:** University of Florida, 2003; Office of the Public Defender, 15<sup>th</sup> Circuit, West Palm Beach.

**Rina Feld:** Nova Southeastern, 2013; Solo Practitioner, Ft. Lauderdale.

**Shawn Gearhart:** Barry University, 2011; Affordable Divorce Center, West Palm Beach.

**Jonathan E. Gold:** University of Miami, 2009; Associate in Gold & Gold, P.A., Boca Raton

**Sara A. Goldberg:** New York University, 2005; Solo Practitioner, Boca Raton.

**Chelsea A. Hackman:** Nova Southeastern University, 2013; Associate in Shinder Law Group, P.A., Boca Raton.

**Traci B. Halky:** George Mason University, 2012; Dycorn Industries, Inc., Palm Beach Gardens.

**Warren C. Herland:** Hofstra University, 1974; New York.

**Catherine Wesely Higgins:** Nova Southeastern University, 2014; Associate in Goldberg Segalla, LLP, West Palm Beach.

**Catherine Higgins:** Georgia State University, 2016; Associate in Wicker Smith, West Palm Beach.

**Jonathan O. Hodges:** Samford University, 2014; Associate in David R. Rigell & Associates, P.A., West Palm Beach.

**Priscilla Mella Jacob:** St. Thomas University, 2013; Associate in Methe & Rockenbach, P.A., West Palm Beach.

**Thomas Jerla:** Pace University, 2002; Associate in Eltringham Law Group, P.A., Boca Raton.

**Joshua Tobias Jurnovoy:** University of Florida, 2016; Associate in Wicker Smith, West Palm Beach.

**Howard Kahn:** University of Illinois, 1987; Partner in Kahn & Resnik, P.L., Dania.

**Melissa A. Kellner:** Nova Southeastern University, 2011; West Palm Beach.

**Alexandra Ann Langmo:** University of Florida, 2016; Associate in Adams Coogler, P.A., West Palm Beach.

**Dominic S. Liberi:** Widener University, 1985; Obermayer Rebmann Maxwell & Hippe, Philadelphia, PA.

**Malinda R. Linkhorst:** Nova Southeastern University, 1995; Associate in Linkhorst & Hockin, P.A., Jupiter.

**Stephen W. Lutz:** Stetson University, 2010; Solo Practitioner, Boynton Beach.

**Jeffrey H. Marcus:** University of Miami, 1982; Solo Practitioner, Wellington.

**Gaetano V. Murphy:** Nova Southeastern University, 2015; Associate in Babbitt & Johnson, P.A., Jupiter.

**Juan Anthony Nelson, II:** University of Illinois, 2016; Associate in Gunster, West Palm Beach.

**Alina Perez,** Law Student Membership, West Palm Beach.

**Jonelle Melissa Rainford:** Florida State University, 2012; Associate in Nason Yeager, Palm Beach Gardens.

**Andrew S. Rapacke:** Florida State University, 2013; Partner in The Rapacke Law Group, P.A., North Palm Beach.

**Diana C. Rennie:** Florida Registered Paralegal Membership, Palm Beach Gardens.

**Kelly Rowley:** University of Miami, 2014; Fifteenth Judicial Circuit, West Palm Beach.

Jill Amy Sanoff: Thomas M. Cooley Law School, 1996; Coronado, CA

**Mahra C. Sarofsky:** Hofstra University, 2005; Associate in Slusher, Yellin & Rosenblum, P.A., West Palm Beach.

**Stafford Shealy,** Florida State University, 2000; Associate in Slusher, Yellin & Rosenblum, P.A., West Palm Beach.

**Caitlin Marie Shields:** University of Florida, 2016; Associate in Wicker Smith, West Palm Beach.

**Audra j. Simovitch:** Nova Southeastern University, 1992; Partner in Law Office of Audra Simovitch, Boca Raton.

**Colleen L. Smeryage:** Northwestern University, 2012; Associate in Shutts & Bowen, LLP, West Palm Beach.

**Harris K. Solomon:** Florida State University, 1978; Partner in Brinkley Morgan, Boca Raton.

**Shannan Holder Starkey,** Tulane University, 2011; Associate in Williams, Leininger & Cosby, North Palm Beach.

**Jade E. Valdes:** University of Miami, 2016; Wellington.

**Erin M. Walters:** Barry University, 2009; Legal Aid Society of Palm Beach County.

**Kimberly Rachel Withum:** University of Florida, 2016; Associate in Wicker Smith, West Palm Beach.

**Matthew Lewis Worsham:** University of Michigan, 2016; Associate in Wicker Smith, West Palm Beach.

**Ashley Zuckerman:** Nova Southeastern University, 2011; Office of the Public Defender, 15<sup>th</sup> Circuit, West Palm Beach.







## The Situs Rule — Litigation Roulette

by David M. Garten

Clients frequently own real estate (immovables) in two or more states. Post-death, the courts in each state may construe the realty located therein as if devised by separate wills. As a result, issues involving the validity and construction of your client's will may arise in multiple jurisdictions.

**I. THE SITUS RULE:** In Florida, the law of the state where the realty is located (i.e., the "situs") governs the validity and effect of a disposition, whether intestate or testate, of realty. *See*, §731.1055, F.S. (eff. 7/1/16)<sup>1</sup> For example, the law of the situs state governs:

(a) the validity of the will, i.e., fraud, duress, mistake, and undue influence in its execution and the testator's capacity to execute the will. *See In re Estate of Hatcher*, 439 So. 2d 977 (Fla. 3rd DCA 1983); *In re Estate of Roberg*, 396 So.2d 235 (Fla. 2nd DCA 1981).

(b) the execution requirements of document purporting to convey title to or an interest in realty. *See Kyle v. Kyle*, 128 So. 2d 427 (Fla. 2d DCA 1961); *Trotter v. Van Pelt* 198 So. 215 (Fla. 1940); *Thomson v. Kyle*, 39 Fla. 582, 23 So.12 (Fla.1897). Most states have responded to this problem by enacting "validating" statutes thereby acknowledging the validity of the domiciliary state's will execution requirements. For example, §732.502(2), F.S. reads in relevant part: "Any will, other than a holographic or nuncupative will, executed by a nonresident of Florida, either before or after this law takes effect, is valid as a will in this state if valid under the laws of the state or country where the will was executed."

(c) the surviving spouse's dower right or statutory forced share interest in realty. *See Morton v. Morton*, 297 So.2d 79 (Fla, 3d DCA 1974), citing *In Re Estate of Johnson*, 240 So.2d 840 (Fla. 2nd DCA 1970); *In re Estate of Udell*, 482 So. 2d 458 (Fla. 4th DCA 1986). Contra, elective share rights. The ancillary jurisdiction will typically consider a formal election at the domicile to be binding on property located within the ancillary jurisdiction. *See, In Re Kees' Estate*, 31 N.W. 2d 380 (Iowa 1948).

(d) an out of state adopted child's right to claim a portion of the decedent's intestate Florida realty. *See, Mott v. First National Bank of Petersburg*, 124 So. 36 (Fa. 1929).

**II. FULL FAITH AND CREDIT:** It is well settled that a will probated in the domiciliary state is not entitled to the protection of the full faith and credit clause of the Federal Constitution in the situs state with regard to realty. Nor does the doctrine of res judicata or estoppel by judgment apply. *See, Biederman v. Cheatham*, 161 So. 2d 538 (Fla. 2nd DCA 1964); *Stein v. Welch* (In re Estate of Stein), 896 P.2d 740 (Wash. Ct. App. 1995); *First Presbyterian Church of Sterling*,

<sup>1</sup> *See also, Walling v. Christian & Craft Grocery Co.*, 27 So. 46 (Fla. 1899); *Thomson v. Kyle*, 23 So. 12 (Fla. 1897); *Williams v. Kimball*, 35 Fla. 49, 16 So. 783 (Fla.1895); *Trotter v. Van Pelt* 198 So. 215 (Fla. 1940); *In re Estate of Roberg*, 396 So.2d 235 (Fla. 2nd DCA 1981); *Beale v. Beale*, 807 So. 2d 797 (Fla. 1st DCA 2002). *But see, Saunders v. Saunders*, 796 So. 2d 1253 (Fla. 1st DCA 2001) wherein the court held that Florida law applies to distribute a nondomiciliary testator's Florida realty **only** when the will provides that Florida law applies to his Florida property. The Legislature fixed the *Saunders* problem by enacting §731.1055, F.S. (eff. 7/1/16). For a discussion on this issue, see *Governing Law for Dispositions of Florida Real Property by Non-Resident Decedents*, ActionLine, Winter 2017, pp. 14, 15.

*Ill. v. Hodge* (In re Barrie's Estate), 35 N.W.2d 658, 661 (Iowa 1949); *Marr v. Hendrix*, 952 S.W.2d 693, 695 (Ky. 1997). Compare, New York Surrogate's Court Procedure Act § 1603 which establishes a procedure for distributing property subject to a New York ancillary administration where there is a will contest pending in the testator's domicile.

**III. CHOICE-OF-LAW PROVISION:** It is unclear whether you can you avoid the situs rule by including a choice-of-law provision in your client's will that selects the law of a non-situs state.

(a) **FLORIDA:** (i) **PERSONAL PROPERTY:** In Florida, an out of state testator's election of Florida law in his will is controlling as to personal property. *See* §731.106(2), F.S. (eff. 7/1/16). (ii) **TRUST:** §736.0107, F.S. reads: "The meaning and effect of the terms of a trust are determined by: (1) *The law of the jurisdiction designated in the terms of the trust*, provided there is a sufficient nexus to the designated jurisdiction at the time of the creation of the trust or during the trust administration, including, but not limited to, the location of real property held by the trust or the residence or location of an office of the settlor, trustee, or any beneficiary; or (2) In the absence of a controlling designation in the terms of the trust, the law of the jurisdiction where the settlor resides at the time the trust is first created. Notwithstanding subsection (1) or subsection (2), a designation in the terms of a trust is not controlling as to any matter for which the designation would be contrary to a strong public policy of this state." [Emphasis added]. (iii) **COMMERCIAL TRANSACTIONS:** With respect to commercial transactions, the legislature has specifically authorized contracting parties to agree that the laws of another state having a reasonable relation to the transaction may govern their rights and duties. *See*, §671.105, F.S. which reads in part that "when a transaction bears a reasonable relation to this state and also to another state or nation, the parties may agree that the law either of this state or of such other state or nation will govern their rights and duties". This rule is consistent with the Restatement (Second) of Conflict of Laws §187 (1969) and the Uniform Probate Code Section 2-703 which generally recognize choice-of-law provisions in the governing instrument.

(b) **NEW YORK:** In NY, the testator's election of NY law in his will is controlling. EPT§3-5.1(h) reads: "Whenever a testator, not domiciled in this state at the time of death, provides in his will that he elects to have the disposition of his property situated in this state governed by the laws of this state, the intrinsic validity, including the testator's general capacity, effect, interpretation, revocation or alteration of any such disposition is determined by the local law of this state." However, EPT§3-5.1(b)(1) reads: "The formal validity, intrinsic validity, effect, interpretation, revocation or alteration of a testamentary disposition of real property, and the manner in which such property descends when not disposed of by will, are determined by the law of the jurisdiction in which the land is situated."

**IV. INTESTATE SUCCESSION:** The conflict rules governing intestacy largely mirror those governing testate succession. *See*, §731.1055, F.S. *But See, In re Dalip Sing Bir's Estate* 188 P. 2d 499 (1948) where the court ruled that the laws of the country of India would control the disposition of proceeds from sale of California real estate in the estate of an Indian national decedent who died intestate in California.

## Evening Under the Stars Benefits County's Disadvantaged Children & Families

**Boca Raton, FL** –On Saturday, February 11, 2017, one hundred friends and supporters of the Legal Aid Society of Palm Beach County gathered at 501 East at the Boca Raton Resort & Club to enjoy cocktails, delicious hors d'oeuvres and a beautiful Florida night.

The evening, hosted by the South Palm Beach County Bar Association, The Law Offices of Robin Bresky, DuBosar Sheres, Attorneys at Law, Furr & Cohen, P.A., Greenspoon Marder, P.A., Shapiro, Blasi, Wasserman & Herman, P.A., Shavitz Law Group, P.A., Meryl & Lloyd Comiter, Denise Isaacs, Andrea Reid, and TBS Law, P.A., served as a prelude to Legal Aid's 29th Annual Pro Bono Recognition Evening to be held on Saturday, June 3, 2017, at the Palm Beach County Convention Center.

The theme of the June 3rd event will be "Paris" and will honor twelve (12) attorneys, one (1) mediator, and three (3) law firms whose pro bono services in 2016 were truly outstanding.

*The Legal Aid Society of Palm Beach County, Inc., founded in 1949, is a private nonprofit, 501 (c)(3) organization dedicated to providing free legal services to disadvantaged children, families, elders and individuals living in Palm Beach County. Projects include the Domestic Violence Project, Juvenile Advocacy Project, Foster Children's Project, Ryan White Project, Fair Housing Project and Elder Law Project.*

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## Recruiting the Mediator as Your Ally

by *Kenneth D. Stern, Circuit Judge (Retired)*

Do you tend to think of a Mediator as someone who is, essentially, a message carrier who runs back and forth between the caucus rooms to convey offers and counteroffers? If so, you're denying yourself the best weapon you've got at a mediation - the Mediator.

It may seem paradoxical to describe, as a weapon you can use, someone who is supposed to be a disinterested neutral, but it isn't, because the Mediator's goal is to serve both parties by producing a reasonable and fair settlement. Think of the Mediator as a groundskeeper of a tennis court, whose purpose is to smooth over the rough spots on the playing surface so that the game can be played without the players or the ball being impeded or diverted by the bumps on the surface. Those "bumps" in a mediation are the parties' (and sometimes the lawyers') egos, emotions and misperceptions that stand in the way of the clear, rational thinking that a party needs to exercise to negotiate to a worthwhile settlement.

However, the Mediator cannot be your ally if s/he begins the mediation session by asking, "OK, what's this case all about?" Some Mediators, including myself, will contact both or all counsel to request that, before the mediation date, they send me in confidence their pre-mediation summaries, setting forth the basic facts as the attorney perceives them, the client's position regarding the other parties and all factual and legal issues of note, the attorney's perception of the other parties' positions and perceptions, his or her evaluation of the strengths and weaknesses of each party's position, and subjective factors, such as misperceptions of the client or other parties as to the likely outcome, unrealistic positions being taken by opposing counsel, etc. The Mediator should be sent copies of all relevant pleadings and other papers which have been filed, and all relevant Orders entered, as well as photos or copies of any key documents, pictures, etc. that you plan to use at mediation.

I review the material carefully, and will often call the counsel who submitted the summary and materials, to address any issue that may bear upon the feasibility of reaching a settlement. I may also call the other attorney and discuss various issues, and lead the conversation into an area which the first attorney had highlighted. Of course, the second attorney's submission is equally helpful to me.

If the Mediator you select does not do these things, then you must send him or her a letter or email without being asked, dealing with the types of issues described above.

Always urge the Mediator to commit to holding a joint session to begin the mediation, and to include in his or her remarks such things as how uncertain the outcome of litigation is, and to stress how much better it is to avoid the uncertainty and potential of a devastating verdict. There is only so much you can do in conditioning your client to be doubtful about the outcome of the trial, without lessening your own stature in your client's eyes - so let the Mediator help you get that point across.

If you are experiencing a particular problem, don't hesitate to ask for the Mediator's help in resolving it. For example, if your opposing counsel has been declining to produce certain documents or information without which you would not consider agreeing to a settlement, ask the Mediator to call the other counsel to discuss the case, and to include mention of the "missing" discovery documents and to tell the other counsel that s/he believes that you will not settle unless you receive that material enough in advance of the mediation to be able to analyze it and investigate its authenticity. Another problem may be that you are having difficulty in getting your client to understand that mediation is a voluntary process and that no one can force the parties to settle; don't hesitate to ask the Mediator to include such assurances in his or her opening remarks at the joint session.

Choose your Mediator carefully. Ask your colleagues if they have had experience with, or know the reputation of, the Mediators on the proposed list you are considering. And no matter whom you select, don't hesitate to be pro-active, prior to the mediation, in being in contact with the Mediator on any issue that concerns you.

Since his retirement from the Circuit Court, Judge Stern has served as a Mediator, Arbitrator, Special Master, Hearing Officer and Umpire. After law school (where he was Editor-in-Chief of the Law Review), he clerked for an appellate judge, served as a Trial Attorney with the Antitrust Division of the U.S. Dept. of Justice, and as an Asst. U.S. Atty. in the Southern District of Florida. In 1981, he came to Palm Beach County, and practiced civil litigation and criminal defense, in federal and state courts. In 1999, he was appointed to the bench by Governor Jeb Bush. Judge Stern may be reached at [kdstern@gmail.com](mailto:kdstern@gmail.com) or at 561-901-4968.



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Thursday, June 1, 12:30 p.m. - 6:00 p.m.

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2:40 p.m. – 2:50 p.m. Break

2:50 p.m. – 3:40 p.m. Evidentiary Hearings/Trials: Local Rules, Conferring With Counsel, "The Rule", Evidence and Ethical Considerations

3:40 p.m. – 4:30 p.m. Houston, We Have A Problem: Motions To Recuse/Disqualify

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## Nondischargeability of Debts Arising from Violations Of Securities Laws by Third-Parties

by Jason S. Rigoli

The Eleventh Circuit recently published an opinion potentially broadening the discharge exception in § 523(a)(19) of the Bankruptcy Code,<sup>1</sup> by applying it to debts arising from a third-parties' violation of securities laws.

*Lunsford v. Process Technologies Services, LLC (In re Lunsford)*, --F.3d --, 2017 WL 603845 (11th Cir. Feb. 15, 2017).

### Factual Background

The debtor was president of a company that sold securities to a plaintiff who later sued the company and the executive in state court to rescind the sale. The state court ordered arbitration, but the arbitration was initially stayed when the executive filed bankruptcy. *Lunsford*, at \*1.

The bankruptcy court lifted the stay and allowed the arbitration to proceed, the arbitrator awarded the plaintiff more than \$600,000. The state court confirmed the award and entered judgment jointly and severally against the company and the *debtor*. *Id.*

### 11 U.S.C. § 523(a)(19)

Section 523(a)(19) provides that a person cannot discharge a debt in bankruptcy if the debt "is for the violation of securities laws":

- (a) A discharge... does not discharge an individual debtor from any debt –
- ...
- (19) that –
- (A) is for –
- (i) the violation of any of the Federal securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), any of the State securities laws, or any regulation or order issued under such Federal or State securities laws; or
  - (ii) common law fraud, deceit, or manipulation in connection with the purchase or sale of any security; and
- (B) results, before, on, or after the date on which the petition was filed, from—
- (i) any judgment, order, consent order, or decree entered in any Federal or State judicial or administrative proceeding;
  - (ii) any settlement agreement entered into by the debtor; or
  - (iii) any court or administrative order for any damages, fine, penalty, citation, restitutionary payment, disgorgement payment, attorney fee, cost, or other payment owed by the debtor.

Accordingly, a determination of nondischargeability under this provision requires a showing of: 1) the existence of a debt for violation of securities laws or for common law fraud, deceit, or manipulation in connection with the sale or purchase of a security; and 2) the debt results from a judgment, order, decree, settlement agreement or court order. *See In re Loughery*, 457 B.R. 904 (Bankr. N.D. Ga. 2011); *In re Tills*, 419 B.R. 444 (Bankr. S.D. Cal. 2009). The plain language of subsection (A) (i) demonstrates that the no determination as to the debtor's

conduct is required. 11 U.S.C. § 523(a)(19)(A)(i). *See also Lunsford*, at \*3.

### Holdings

The Eleventh Circuit held, on two grounds, that the debt is non-dischargeable under 523(a)(19).

### Violation of Securities Laws

First, the Eleventh Circuit found that because the Bankruptcy Court made specific findings that the Debtor did violate securities laws and specifically incorporated the arbitration award and its findings that the debtor did violate state securities laws, the debt was nondischargeable under § 523(a)(19). *Id.* at \*2-3.

### The Third Party Violation

The Eleventh Circuit then went on to address the issue raised by the debtor that a debt could not be nondischargeable based upon a third party's violations of securities laws. The court stated that "The text and structure of section 523(a)(19)(A) unambiguously prevent discharge of debts 'for the violation' of securities laws irrespective of debtor conduct." *Id.* at \*3. Finding that Congress therefore did not limit the exception to the debtor's conduct, the Court went on to hold that the debt at issue arose from a judgment for violation of securities laws and the debtor was a party to the same decision, therefore, the debtor could not discharge the debt even if the third-party was the party who committed the securities law violation. *Id.* at \*3-4.

As is pointed out by Judge Rosenbaum in her specially concurring opinion, *Id.* at \*5-6, the Court's holding on this ground was unnecessary in the case because the debtor was a named defendant against whom a judgment was entered with findings that the debtor violated state securities laws, *Id.* at \*2-3,

*This article submitted by Jason S. Rigoli, Esq., Furr Cohen, 2255 Glades Road, Suite 337W, Boca Raton, FL 33431, jrigoli@furrcohen.com*



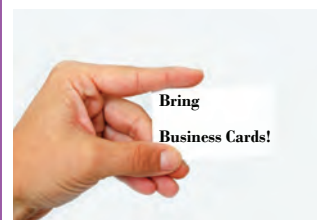
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## Arbitration In Nursing Home Litigation

by Ted Babbitt

The issue of whether a child signing a nursing home agreement which includes an arbitration provision on behalf of his or her parent binds the parent has been a subject of a number of district court cases. The First and Third Districts held that a resident is bound by the contract because the resident is the intended third party beneficiary of the contract. *Mendez v. Hampton Court Nursing Ctr., LLC*, 140 So. 3d 671 (Fla. 3rd DCA 2014), *Alterra Health Care Corp. v. Estate of Linton, ex rel. Graham*, 953 So. 2d 574 (Fla. 1st DCA 2007).

On the other hand, the Second, Fourth and Fifth Districts have held exactly to the contrary. *Perry ex rel. Perry v. Sovereign Healthcare Metro W., LLC*, 100 So. 3d 146, 147-48 (Fla. 5th DCA 2012), *Fletcher v. Huntington Place Ltd. P'ship*, 952 So. 2d 1225, 1227 (Fla. 5th DCA 2007); *Lepisto v. Senior Lifestyle Newport Ltd. P'ship*, 78 So. 3d 89, 92 (Fla. 4th DCA 2012); *In re Estate of McKibbin*, 977 So. 2d 612, 613 (Fla. 2d DCA 2008).

The tie has now been broken by the Supreme Court in *Mendez v. Hampton Court Nursing Ctr., LLC*, 203 So. 3d 146 (2016). In *Mendez*, supra, the son of a resident signed a nursing home contract with the defendant which included an arbitration clause. The father did not sign the contract. The Circuit Court granted a motion to compel arbitration and the Third District affirmed. The case came to the Supreme Court on conflict jurisdiction based upon the above cited cases. The Supreme Court concluded that the third party beneficiary doctrine does not permit two parties to bind a third without the third party's agreement even if the third party is conferred some benefit by the contract. At Page 149, the Court distinguishes the use of the third party beneficiary theory where the plaintiff is utilizing that theory to bring an action and an action like the one under discussion where the attempt is to bind the third party beneficiary without consent.

We agree that when a plaintiff sues under a contract to which the plaintiff is not a party – unlike the father in this case – we will ordinarily enforce an

arbitration clause contained in that contract, absent some other valid defense. *Cf. Nat'l Gypsum*, 417 So. 2d at 256. However, the rule of *National Gypsum*, does not apply here because the father does not bring suit as a third-party beneficiary for the benefit of a contract signed by others.

The issue of whether the son in this case was acting as an agent for his father was not found to be dispositive by the Court because the defendant expressly disclaimed any reliance on agency principles. If, in fact, agency was at issue, the Court holds that where there is any conflicting evidence, the question of agency is one for the jury.

The Court also held that the mental capacity of the resident did not impact the outcome of the case. At Page 150

Finally, we hold that the father's mental capacity does not impact the outcome of this case. Hampton Court explicitly concedes that a nursing home resident's "mental capacity or competence is irrelevant to the question of whether an individual can be bound to the terms of a contract as a third party beneficiary." ... If Hampton Court were concerned that the father lacked the required mental capacity to execute binding contracts, it could have availed itself of the Legislature's comprehensive statutory scheme governing incapacitated individuals.

This case presents binding Florida law on the question of whether a child can bind his or her parent to an arbitration agreement when entering a nursing home. In recent case of *Moen v. Bradenton Council on Aging, LLC*, 42 Fla. L. Weekly D279 (Fla. 2nd DCA Jan. 27, 2017), the Second District found itself bound in similar circumstances by the *Mendez* opinion. Thus, in Florida absent an agency relationship, a child may not bind his or her parent to an arbitration agreement when entering a nursing home.

**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.**

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## Youth Law Day

More than 70 Palm Beach County students and their parents attended the Second Annual Youth Law Day on Saturday, February 25 in the Delray Beach Courthouse. The event was sponsored by Dave Aronberg, Office of the State Attorney, and the Palm Beach County Bar Association's Law Related Education Committee. The kids listened and participated in presentations from local lawyers and judges including Judges James Martz, Samantha Schosberg-Feuer, and Sherri Collins, ASA Cheo Reid, AUSA Daniel Funk, Attorneys Eddie Stephens, Dane Leitner, and Denise Bleau from Ward Damon, Nelson Baez of Lytal, Reiter, Smith, Ivey and Fronrath, criminal defense attorney W. Craig Lawson, and Andrew



Kwan of Beasley, Kramer & Galardi. Boynton Beach K9 Officer Mark Sohn and Bako demonstrated detection skills while explaining the training required to be a K9 officer. The day ended with youths playing attorney, witness, and juror roles during a criminal mock trial exercise involving a fire in a school.

A special thank you to event organizers Judge Sherri Collins, Andrew Kwan and Amy Terwilleger



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## North County Section

### NCS Hosts its First Putting Contest for Honda Classic Tickets

Just a few days before the Honda Classic got underway at PGA National, our North County Section held a prestigious golf contest of its own. The event took place on a picture perfect night outside on the Honda Pavilion with live music, drinks, food, networking and lots of putting fun!

Congratulations to our top three players! Left to right: Rosemarie Guerini, NCS President, David Harvan (second place), Dean Xenick (first place and winner of two Honda Classic tickets!), Nick Johnson, Director and Putting Official Co-Chair, Malinda Hayes, Director, David Markarian (third place), and Wayne Richter, Director and Putting Official Co-Chair. A special "thank you" to Markarian Frank & Hayes for donating the tickets.



NCS Director Tanique Lee



NCS Directors Nick Johnson, Lindsay Warner, Wayne Richter and David Steinfeld



Whose ball is closest to the pin? North County Section's finest "Putting Contest Officials" Nick Johnson and Wayne Richter



Matthew Schwencke, Andrea Robinson and Michael Kranz



Gary Brookmyer, Cam Baker and Magistrate Tom Baker



NCS President Rosemarie Guerini





North County Section to host



# SOCIAL MEDIA DISCOVERY

"Great, I have this social media evidence, how do I authenticate it? And, how do I get it into evidence?"

**TUESDAY, MAY 23, 2017**

**11:30 to 1:00 p.m.**

**PALM BEACH GARDENS MARRIOTT**

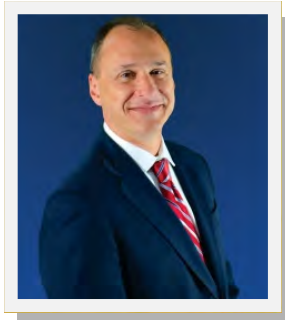
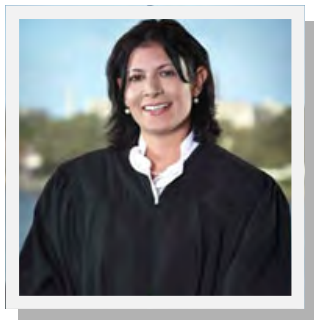
**4000 RCA Blvd.**

**Palm Beach Gardens**

**Including CLE credit!**

**General 1.0, Ethics 1.0 and Technology 1.0**

**Presenting Speakers:**



**CIRCUIT JUDGE MEENU SASSER AND ATTORNEY SPENCER KUVIN**

Attend this one hour CLE and get tips on responding to social media discovery, find out about your legal obligation to preserve social media information and learn ethical issues involved in handling responses to social media discovery requests. Plus, the admissibility of social media discovery at trial will be discussed as well as important cases that have ruled on social media discovery matters.

Sponsored by:



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**RSVP Online @[www.palmbeachbar.org](http://www.palmbeachbar.org)**

**NCS Member Price: \$35.00 includes lunch and CLE credit from The Florida Bar**

**Attorneys who are not Section members: \$50.00**

**Price increases by \$5.00 after 5/18/17**

## North County Section

### NCS Mingles and Gambles for Fun!

North County Section members recently mingled and gambled the night away at the beautiful Admirals Cove Country Club in Jupiter during its first Dinner and Casino Party at this new location. This event was so much fun that if you missed it, be sure to check it out next year.



Ron Ponzoli and David Harvan



Jeff D'Amore and NCS President Rosemarie Guerini



Howard and Julie Rudolph



Masimba and Denise Mutamba. Masimba won our first place door prize and went home with a \$100.00 gift certificate to the Gardens Mall!



Jason Fagnano and Mitch Beers



Richard Schuler and Mark Hanson



Ted Babbitt and his wife



Ivette and Brett Barner



## YLS Happy Hour Highlights



YLS President Ashley Wilson presented Judge Luis Delgado Jr. with a plaque for his outstanding leadership as past President of the Palm Beach County Bar Association Young Lawyers Section. Many members attended this momentous occasion.



## McCABE RABIN, P.A. ATTORNEYS AT LAW



**Ryon McCabe**

[rmccabe@mccaberabin.com](mailto:rmccabe@mccaberabin.com)



**Adam Rabin**

[arabin@mccaberabin.com](mailto:arabin@mccaberabin.com)



**Robert Glass**

[rglass@mccaberabin.com](mailto:rglass@mccaberabin.com)

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## Lawyers Share Passion for Literacy in Our Schools

Dozens of our members joined the Lawyers for Literacy Committee in the W.E. C.A.R.E. Service Project to promote literacy in our community. Many others visited local schools as guest readers in conjunction with the Palm Beach County School District's *Celebrate Literacy Week* in late January. And more still have visited Roosevelt Elementary School on the first Friday of each month as part of the *Reading Buddies* program.

If you missed out on these opportunities, or if you participated and are looking to get more involved, both the W.E. C.A.R.E. project and *Reading Buddies* will continue in local schools through the end of the school year. In the coming months, the Lawyers for Literacy Committee will also be developing this year's Stop the Summer Slide reading program, after the blockbuster success of last year.

As attorneys, we are in a position to make a huge impact on young students in our communities who may not otherwise come into contact with professionals who have built their careers on their literacy skills. Just an hour can make a difference. The students benefit enormously from the visits, and the attorneys who participate often come away with renewed perspective and revitalized spirit.

If you have questions or ideas, or want to join the Committee, feel free to contact [pbclawyersforliteracy@gmail.com](mailto:pbclawyersforliteracy@gmail.com) or our chair, Andrew Kwan, at [kwan@beasleylaw.net](mailto:kwan@beasleylaw.net). We are also on Twitter (@LiteracyLawyers) where you can see photos of our volunteers and learn about other events.

On behalf of the Lawyers for Literacy Committee, thank you to all the volunteers who continue to support our communities and our students.

*Article by Brad Avakian of The Grantham Law Firm*



## Re-Elect

## EXPERIENCE / LEADERSHIP



**Grasford W. Smith**  
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**Bar Association**  
**Board of Directors**

[gsmith@jonesfoster.com](mailto:gsmith@jonesfoster.com)  
 561-659-3000

### Palm Beach County Bar Association

- **Board of Directors** – current
- Chair, Transaction Law Committee (past)

### The Florida Bar

- Graduate, The Florida Bar Leadership Academy
- President's Commission on Review of the Florida Bar's Discipline System (past)
- Civil Procedure Rules Committee
- 15th Jud. Cir. Grievance Committee "E" (recent)

### Cunningham Bar Association

- **President** (past); Member of the Year Awardee

### National Bar Association

- Vice-Chair, Minority Partners/Majority Law Firms
- Parliamentarian (past)

### Palm Beach County Civic Involvement

- General Counsel, Urban League
- Board Member, Legal Aid Society
- Emerging Leaders, Economic Council

### Jones, Foster, Johnston & Stubbs, P.A.

Shareholder; Martindale 'AV' Rated

**Education:** J.D., New York University;

B.S., College of Business, Florida State University;

Business Strategy Certificate, Cornell University;

Executive Education, Emerging Leaders, Harvard

University Kennedy School of Government

### Florida Bar Presidential Endorsements

Gregory W. Coleman, Scott G. Hawkins, Eugene K. Pettis, Gerald F. Richman, John G. "Jay" White



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



## 28th Annual Community Law Seminar

Friday, June 9, 2017, 7:45a.m. - 1:00p.m.

**LOCATION:** Fourth District Court of Appeal, 1525 Palm Beach Lakes Blvd., WPB

7:45a.m. - 8:00a.m. **Late Registration and check-in**

8:00a.m. - 8:05a.m. **Welcome:** Tanique G. Lee, Esq., Committee Chair, Gelfand & Arpe, P.A.

8:05a.m. - 8:35a.m. **Lien Priority in Community Associations and Ethical Considerations:**  
Steven D. Rubin, Esq., Florida Bar Board Certified Real Estate Lawyer,  
Florida Supreme Court Certified Circuit Mediator, Steven D. Rubin, Esq., Law Offices of  
Steven D. Rubin

8:35a.m. - 10:10a.m. **Bankruptcy Basics and Impact of Bankruptcy on Associations...  
What Every Association Attorney Should Know:** Nadine V. White-Boyd, Esq.,  
White-Boyd Law, P.A. and Malinda Hayes, Esq., Markarian, Frank & Hayes, P.A.

10:10a.m. - 10:20a.m. **Break**

10:20a.m. - 11:15a.m. **What's New in Fair Housing, Criminal Record and Marijuana:**  
Pamela Guerrier, Esq., Director, Palm Beach County Office of Equal Opportunity

11:15a.m. - 12:00p.m. **Responding to Requests for Reasonable Accommodation:  
A Defense Guide:** Kyle T. Berglin, Esq., Boyd Richards Parker & Colonnelli, P.L.

12:00p.m. - 1:00p.m. **Legislative & Case Law Update: Practical and Ethical Implications:**  
Michael J. Gelfand, Esq., Florida Bar Board Certified Real Estate Attorney, Florida  
Supreme Court Certified Mediator: Civil Circuit Court & Civil County Court, Fellow,  
American College of Real Estate Lawyers, Gelfand & Arpe, P.A.

Sponsor:



5.5 CLER, plus 2.0 ethics. Certification credits: 5.5 Condominium and Planned Land Development Law. Cost \$ 190 PBCBA members/ paralegals; \$ 230 non-PBCBA attorney members/paralegals. After 6/2/17, add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar.

### HOW TO REGISTER

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

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\_\_\_\_ I will not be able to attend the seminar, but would like to order the CD (if available). The cost is the same as listed above, however please include \$10 for shipping and handling. Allow four weeks for delivery. PBC Bar Association, P.O. Box 17726, W. Palm Beach, FL 33416. 561-687-2800. ( 6.9 Community law).



## Bench Bar Highlights

This year's Bench Bar Conference was a GREAT success with more than 1,100 judges, lawyers, paralegals, staff and law students support. A huge "thank you" to our tireless and hard-working co-chairs Amy Borman and Jennifer Feld who led the day-long conference with new sessions, news topics and a new format.



Judge Richard Offedal recognized Judge John Phillips on his retirement



Co-chairs Amy Borman and Jennifer Feld



Santo DiGangi, Judge Lisa Smith and Leslie Metz



Jean Marie Middleton talks with volunteer law students



Alicia Kobasky, Judge Samantha Schosberg Feuer and Jonathan Burns



United States District Court Judge Robin Rosenberg recognized United States District Court Judge Daniel Hurley on his retirement



One of our luncheon highlights was honoring Florida Bar members who have been practicing for 50+ years. Pictured left to right: Lake Lytal, Sidney Stubbs, Harry Johnston, Michael Small, Chief Judge Jeffrey Colbath sitting with his dad Walter Colbath, and Reid Moore



Chief Judge Jeffrey Colbath and Public Defender Carey Haughwout

## 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.



Judge Cymonie Rowe and Patricia DeRamus



The Palm Beach County Bar Association's Elder Law Affairs Committee  
presents:



## 17th Annual View From The Bench



Thursday, April 6, 2017  
The Colony Hotel, 155 Hammon Avenue, Palm Beach

6:00 - 6:30 p.m. Registration and Cash Bar  
6:30 - 8:30 p.m. Dinner and Panel Presentation  
Moderated by radio personality, Scott Greenberg, CAED

### JUDICIAL PANEL (Probate Division) (expected)

Judges Howard K. Coates, Jr.; Jaimie R. Goodman; Judge Kathleen Kroll  
Janis B. Keyser; Karen M. Miller; Rosemarie Scher; Jessica J. Ticktin



Have an issue or question you would like the judges to address?  
Email Heather Samuels: [HSamuels@solhoff.com](mailto:HSamuels@solhoff.com)

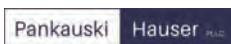
Evening includes dinner, CLE, complimentary drink and valet parking

Please select one of the following:

- Brown Sugar & Horseradish Crusted Salmon, Mascarpone Mashed Potatoes, Grilled Zucchini
- Chicken Marsala, Mascarpone Mashed Potatoes, Grilled Zucchini
- Cheese Tortellini with Golden Tomato Fondue, White Truffle Essence

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JoAnn Abrams, Esq.



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2.0 CLE; .5 Ethics, plus certification credits: 2.0 Elder Law and 2.0 Wills, Trusts and Estates. Early registration (includes dinner, 1 complimentary drink, valet parking and CLE) cost is \$ 80 for PBCBA members/paralegals; \$ 120 for non-PBCBA attorney members/paralegals if registered by 3/30/17; add \$20 to registration fee after that date. All refund requests must be made no later than 48 hours prior to the date of the event. "Credit card registration payment not accepted by Fax to comply with PCI regulations"

Name: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Address: \_\_\_\_\_ Email Address: \_\_\_\_\_

PAYMENT BY CHECK ONLY, WITH THIS FORM. PBCBA, 1507 Belvedere Road, West Palm Beach, FL 33406. (561) 687-2800

## Dinner and Movie Night — Everything *Trolls* and look at all the fun we had!

Members and their children recently enjoyed a Friday night at the Lake Pavilion in downtown West Palm Beach. “Screen on the Green” transforms the lawn on the West Palm Beach Waterfront into a theatre under the stars. Our evening included a green screen photo booth, face painting, Troll gifts for all the children, dinner, dessert and popcorn.



Shannon Sagan



Sia Baker-Barnes and her two children in front of the green screen



Cindy Crawford and her sons



Wayne Richter, his wife and three children



Even the face painter painted Trolls



Yes! That's David Greene!



Scott Smith and his family



Brad Avakian with his wife and two daughters

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The Business Litigation Committee of the  
Palm Beach County Bar Association  
presents:



# E-Discovery Cost Shifting

Thursday, June 29, 2017, 11:30 a.m. - 1:00 p.m.

**Fourth District Court of Appeal, 1525 Palm Beach Lakes Blvd., West Palm Beach**

11:30 a.m. - 11:55 a.m.  
**Late Registration / Lunch**

11:55 a.m. - 12:00 p.m.  
**Welcome and Opening Remarks**  
**Kent Frazer, Esq., Akerman; Business Litigation CLE Chair**

12:00 p.m. - 1:00 p.m.  
**Guest Speaker: Gregory S. Weiss, Esq.,**  
**Mrachek, Fitzgerald, Rose, Konopka, Thomas & Weiss, P.A.**

- **2012 E-Discovery Amendments to Florida Rules of Civil Procedure**
- **Case Law Interpreting Florida E-Discovery Amendments**
- **Federal Rules Addressing E-Discovery**
- ***Zubulake*: Landmark Decision in the Area of E-Discovery**
- **Cost-Shifting Pursuant to Federal Rules**
- **Florida Post-*Zubulake***
- **Judge Meenu Sasser's ESI Standing Order**

Sponsors



**1.0 CLER; Certification credits: 1.0 Business Litigation and 1.0 Civil Trial**

\$ 25 PBCBA members/paralegals, \$ 65 for non-PBCBA attorney members/paralegals. Those registering after 6/22/17 add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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

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\_\_\_\_ I will not be able to attend the seminar, but would like to order the CD. The cost is the same as listed above, however please include \$10 for shipping and handling. Allow four weeks for delivery. PBC Bar Association, 1507 Belvedere Rd., W. Palm Beach, FL 33406. 561-687-2800.  
(6.29 Business Litigation seminar)





The Business Litigation CLE Committee of the  
Palm Beach County Bar Association  
presents:



# LLC Member Disputes

Friday, June 16, 2017, 8:30a.m. - 1:30p.m.

**LOCATION:** Fourth District Court of Appeal, 1525 Palm Beach Lakes Blvd, West Palm Beach

- 8:30a.m. - 8:35a.m. **Welcome and Introductions:** Kent Frazer, Esq., Akerman, Chair, Business Litigation CLE Committee
- 8:35a.m. - 9:10a.m. **Rights and Duties of Managers and Members in LLC Member Disputes:** Adam Rabin, McCabe Rabin, P.A., Board Certified in Business Litigation
- 9:10a.m. - 9:45a.m. **Litigation & Remedies in LLC Disputes:** Joseph Galardi, Esq., Beasley Kramer & Galardi, P.A.
- 9:45a.m. - 10:00a.m. **Break**
- 10:00a.m. - 10:35a.m. **Key Issues and Clauses in LLC Operating Agreements:** James Dodrill, Esq., James Dodrill, P.A.
- 10:35a.m. - 11:10a.m. **Appraisal Rights and Valuing a Minority Member's Interest** Christopher Kammerer, Esq., Kammerer Mariani PLLC
- 11:10a.m. - 11:45a.m. **Taking and Defending the Corporate Representative Deposition of an LLC** Joanne O'Connor, Jones Foster Johnston & Stubbs, P.A., Board Certified in Business Litigation
- 11:45a.m. - 11:55a.m. **Working Lunch**
- 11:55a.m. - 12:30p.m. **Professionalism Expectations and Contentious Cases:** D. Culver "Skip" Smith, III, Culver Smith, III, P.A.
- 12:30p.m. - 1:30p.m. **Judicial Panel:** Fourth DCA Judge Jeffrey Kuntz; 15<sup>th</sup> Judicial Circuit Judge Meenu Sasser and 15<sup>th</sup> Judicial Circuit Judge Jeffrey Gillen. Moderator: Kent Frazer, Chair, Business Litigation CLE Committee.

Sponsors



5.5 CLER, plus .5 ethics. \$ 150 PBCBA members/paralegals, \$ 190 non-PBCBA attorney members/paralegals. After 6.9.17 add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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Materials will be emailed to registrants prior to the seminar

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( 6.16 Business Lit seminar)



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



## Hot Topics in Employment Law: What Your Clients Need to Know

Thursday, May 25, 2017, 12:30p.m. - 5:30 p.m.

**LOCATION:** Fourth District Court of Appeal, 1525 Palm Beach Lakes Blvd., West Palm Beach, FL

12:30p.m. - 12:55p.m. **Late Registration, Check-in**

12:55p.m. - 1:00p.m. **Welcome and Introductions:** G. Joseph Curley, Esq., Gunster, Yoakley & Stewart, P.A., Employment Law CLE Committee, Chair

1:00p.m. - 1:50p.m. **Hot Topics in Discrimination:** Shayla Waldon Esq., and Arlene Kline, Esq., Akerman

1:50p.m. - 2:40p.m. **Workers' Compensation—What Companies Need to Know:**  
Judge Thomas Hedler, Office of Judges of Compensation Claims

2:40p.m. - 2:50p.m. **Break**

2:50p.m. - 3:40p.m. **Protecting the Company's Interests—Non-Compete Update:**  
Joseph Santoro, Esq., Gunster, Yoakley & Stewart, P.A.

3:40p.m. - 4:30p.m. **Update on Trade Secrets Law—Making the Federal Defend Trade Secrets Act Work for You:** G. Joseph Curley, Esq., Gunster, Yoakley & Stewart, P.A.

4:30p.m. - 4:40p.m. **Break**

4:40p.m. - 5:30p.m. **Dueling Perspectives—an FLSA Analysis:** Cathleen Scott, Esq., Scott Wagner and Associates, P.A. and Holly Griffin, Esq., Gunster, Yoakley & Stewart, P.A.

Sponsors:



5.0 CLER; 1.0 ethics. Certification credits: 4.0 Labor & Employment law and 1.0 Workers' Compensation. \$150 PBCBA members/paralegals, \$ 190 non-PBCBA attorney members/paralegals. Those registering after 5/18/17 add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar.

**HOW TO REGISTER**

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Materials will be emailed prior to the seminar

Name: \_\_\_\_\_ Email address: \_\_\_\_\_

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



**The Changing Landscape of Securities  
Regulation, Arbitration and Litigation**

Wednesday, April 12, 2017, 12:30 - 6:00 p.m.

**LOCATION: 4th District Court of Appeal, 1525 Palm Beach Lakes Blvd., WPB**

- 12:30 p.m. - 1:00 p.m. **Lunch, Check-in and Opening Remarks** – Jonathan B. Butler, Esq., Akerman LLP, Securities Law CLE Chairperson
- 1:00 p.m. - 1:30 p.m. **Securities Law Update & Other Hot Topics** – Jeremy M. Colvin, Esq., McDonald Hopkins LLC
- 1:30 p.m. - 2:15 p.m. **Expert Panel on the Department of Labor's Fiduciary Duty Rule** - Moderated by Jonathan B. Butler, Esq., Akerman LLP. Ryon M. McCabe, Esq., McCabe Rabin, P.A.; Jon A. Jacobson, Esq., Jacobson Law P.A.; and Gregg Breitbart, Esq., Kaufman Dolowich Voluck
- 2:15 p.m. - 2:30 p.m. **BREAK**
- 2:30 p.m. - 3:00 p.m. **FINRA Update & Hot Topics** - Manly Ray, FINRA Southeast Regional Director, Boca Raton. Moderated by Kelly Shivery, McCabe Rabin, P.A., Florida Registered Paralegal
- 3:00 p.m. - 4:00 p.m. **Mock Arbitration** - University of Miami Law Students and The Investor Rights Clinic at the University of Miami will present legal arguments on liability and damages in Oil & Gas Limited Partnership Cases. Moderated by Teresa J. Verges, Director, University of Miami Law School of Law Investor Right Clinic
- 4:00 p.m. - 5:00 p.m. **FINRA Arbitrators' Rulings & Rationale and Open Q&A with FINRA Arbitrators.** Moderated by Jonathan B. Butler, Esq., Akerman LLP
- 5:00 p.m. - 6:00 p.m. **Happy Hour**

Sponsors



4.5 CLER and 4.5 Business Litigation Certification credits. Cost \$ 115 PBCBA members/paralegals; \$ 155 non-PBCBA attorney members/paralegals. After 4/5/17, add \$10.00 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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Palm Beach County Bar Association, P.O. Box 17726, W. Palm Beach, FL 33416





# RE-ELECT Scott B. Smith

## to the Palm Beach County Bar Association's Board of Directors

### PALM BEACH COUNTY BAR ASSOCIATION

- Current PBCBA Board of Directors since 2015
- Circuit Civil Practice Committee, Past Chair
- PI/Wrongful Death CLE Committee, Past Chair
- North County Section Director
- Bench Bar Committee
- Judicial Relations Committee
- Lawyers for Literacy Committee
- Law Week Committee

### PROFESSIONAL ORGANIZATION SERVICE

- President, Palm Beach County Justice Association
- Chair, Academy of Florida Trial Lawyers (AFTL) Young Lawyers Section
- Florida Bar Rules of Evidence Committee
- March of Dimes Board of Directors
- Past Jupiter H.S. Mock Trial Team Coach
- Palm Beach County Sports Commission Member
- Co-Chairperson of PBC Legal Aid Society's Annual Gala 2016 & 2017

### ACCOMPLISHMENTS

- Florida Bar Board Certified Civil Trial Attorney
- Best Lawyers in America
- Recipient of "Lawyer of the Year" in West Palm Beach in Personal Injury Litigation from The Best Lawyers in America
- Super Lawyers
- Top 100 Trial Lawyers in Florida
- AV Rated by Martindale-Hubbell

### TRIAL EXPERIENCE

- More than 65 civil and criminal cases tried in both State & Federal Courts

### PERSONAL

- Married 15 years to wife Molly Rooney-Smith
- Four children: Sandy, Tucker, Charlie & Harrison
- Resides in Palm Beach Gardens
- Baseball manager at PBGYAA
- Family dogs: Chief and Bettis

### EDUCATION

- U.S. Air Force Academy
- Florida State University, B.S.
- Florida State College of Law, J.D.

### PROFESSIONAL

- Assistant State Attorney, 19th Circuit
- Lytal, Reiter, Clark, Fountain & Williams
- Law offices of Scott B. Smith
- Smith, Ivey & Fronrath
- Lytal, Reiter, Smith, Ivey & Fronrath

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2) Upon receipt you will be notified of cost. 3) Send payment by the 25th of the month. 4) Cost: 50 words or less \$50, 50-75 words \$65, up to 75 words with a box \$75. 5) Members receive 1 free classified ad per year (excluding professional announcements). Ads will only be re-run by e-mailing: [mjohnson@palmbeachbar.org](mailto:mjohnson@palmbeachbar.org). Web-site advertising is also available for a cost of \$75 for a three week run. Payment must be received prior to publication and renewable only upon receipt of next payment.

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## PROFESSIONAL ANNOUNCEMENTS:

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

### GREGORY TENDRICH, Esq.:

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## MISCELLANEOUS

**The Palm Beach County Christian Legal Society’s April luncheon** will be held at Kafe Hub, 1939 Broadway, Riviera Beach, FL 33404, on Thursday, April 20, 2017, starting at 12 p.m. Please call 561-793-3703 if you have any questions.

**Civil Case Intake, Investigation, Summarization and Ongoing Litigation Support.** I work hand-In-hand with attorneys as committed to their profession as I am to mine, developing causes of action and defenses. Robert Gibson · *Inteleigent, Unltd.* #A-9800293 525 South Flagler Drive, Suite #501 West Palm Beach, FL 33401-5900 • 24-Hour Message (561) 404-5700

**Lost/Missing Will;** did you prepare a will for Norbert A. Jontza (a/k/a Norberto Andre Jontza) of Lake Worth, Florida? Curator of his estate is searching for his last will and testament or other dispositive testamentary instrument. Anyone having information relating thereto is encouraged to contact [tns@floridaprobatecounsel.com](mailto:tns@floridaprobatecounsel.com) or (561) 775-7500. Cash reward possible

## OFFICE SPACE

### Office space or rent sharing:

Arrangement available with family law Sole Practitioner in east Boca at 301 Yamato Road. Three offices available with shared conference room, kitchen, lobby, reserved parking space. Building has 24 hour security, parking garage, restaurant, cafe, and other amenities. Very reasonable. Call 561-544-6861

### Large Boca Raton Office Sublease

2 Large partner offices with adjacent secretarial space available for sublease in magnificent office suite of Class “A” building in best central Boca location. Exquisite reception area and conference room. Telephone system available. Call (561) 347-7770 or e-mail [ghollander@hollanderlawfirm.com](mailto:ghollander@hollanderlawfirm.com) for additional details.

**Office Space to share** blocks from Delray Courthouse: Beautiful Historic district. Overflow legal work may be available. For inquires, email [Doreen@adoption-surrogacy.com](mailto:Doreen@adoption-surrogacy.com) or call Doreen at 561-330-6700

### Office space or rent sharing

arrangement available with family law sole practitioner in east Boca at 301 Yamato Road. Class A building, three offices available with shared conference room, kitchen, lobby, reserved parking space. Building has 24 hour security, parking garage, restaurant, cafe, other amenities. Call 561-544-6861.

**Shared Office Space:** Class A newly renovated office suite available to share with established life insurance firm. Off of Glades just west of I-95. Three window offices and one administrative workstation available. Available as a group or individually. Rental Includes use of reception area, conference room, phone system, internet, utilities and kitchen. Friendly environment. Available immediately. For more information call Andrea at 561-948-2422.

### Class A Jupiter office space available:

2 large private partner offices with secretarial and plenty of file space. 2 beautifully furnished conference rooms. Use of reception area, kitchen, storage and copy rooms. Referral opportunities available. Conveniently located with access to I-95 and Turnpike. Building offers ample free parking. For inquires, email [Alicia@TrialCounselor.com](mailto:Alicia@TrialCounselor.com) or call 561-743-2002.

## EMPLOYMENT

### Pre-Law academy chair/instructor needed for charter High School in Riviera Beach.

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**A well-respected 125 lawyer firm** with offices in New York, Delaware, Pennsylvania and New Jersey is currently seeking a Palm Beach County firm or highly experienced practitioner with which/whom to affiliate for mutual benefit. Send all replies in strictest confidence to [floridalawsearch@gmail.com](mailto:floridalawsearch@gmail.com).

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**Legal Assistant Position.** Well established North County law firm looking to hire legal assistant. Position requires experience with probate administration, real estate closings and litigation. Salary and benefits commensurate with experience. Send resumes to office@bfmlaw.com.

### HEARSAY



**Ted Leopold** and **Leslie Kroeger** attended the 2017 Annual Workhorse Seminar and both

presented to attendees.



The Law Office of Kreusler-Walsh, Compiani & Vargas, P.A. announced that **Stephanie L. Serafin** has been made a partner at the firm.



Jones, Foster, Johnston & Stubbs, P.A. announces that **Michael J. Gore** has joined the firm's Employment Law Group.



Jones, Foster, Johnston & Stubbs, P.A. announces that **Theodore (Theo) S. Kypreos** was elected to the firm's Board of Directors at its annual Shareholder's meeting in January.



**Richard B. Comiter**, and managing partner of the Florida regional tax law firm, Comiter, Singer, Baseman & Braun, LLP, have each been selected as one of America's Top 100 Attorneys for Southern Florida.



**Beasley Kramer & Galardi, P.A.** is ranked as a "Best Law Firm" 2017 by *U.S. News & World Report* and *Best Lawyers* for litigation in the areas of Banking & Finance, Securities, Real Estate, Estate & Trusts and Mergers and Acquisitions.



The Law Office of Scott N. Richardson, P.A. announces that **Scott N. Richardson** was recently selected by his peers for inclusion in the 2017 *The Best Lawyers in America*.

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\*\*\*\*\* DECEASED, FLORIDA BAR PRESIDENT, FEDERAL COURT JUDGE

## CALENDAR April 2017

Saturday, April 1  
10:00am – 1:00pm  
**NCS vs MCS  
Softball Tournament**  
Halpatiokee Regional Park, Stuart

Tuesday, April 4  
7:45am – 8:30am  
**UMC Coffee with the Judges**  
North End Cafeteria

Tuesday, April 4  
12:00pm – 1:00pm  
**Transaction Law  
Committee Meeting**

Wednesday, April 5  
12:15pm – 1:15pm  
**Pro Bono Circuit Meeting**  
Main Courthouse

Friday, April 7  
4:00pm – 4:30pm  
**Judge Sherri Collins  
Robing Ceremony**  
Courtroom 11A

Wednesday, April 5  
5:30pm – 6:00pm  
**South County Board  
Bar Meeting**  
Boca Raton

Thursday, April 6  
6:00pm – 8:30pm  
**Elder Law Seminar**  
The Colony

Tuesday, April 11  
12:00pm – 1:00pm  
**YLS Board Meeting**  
515 Flagler

Wednesday, April 12  
11:30am – 5:00pm  
**Securities Seminar**  
4th DCA

Thursday, April 13  
11:30am – 1:00pm  
**Solo: Networking at Noon**  
Keiser University

Thursday, April 14  
6:00pm – 6:30pm  
**Justice Perry Retirement  
Celebration**  
Orlando, FL

Friday, April 14  
**Good Friday**  
Bar Office Closed

Tuesday, April 18  
12:00pm – 1:00pm  
**CDI Meeting**  
Law Library

Tuesday, April 18  
12:00pm – 1:00pm  
**NCS Board Meeting**  
Duffy's NPB

Thursday, April 20  
8:30am – 1:00pm  
**Cannabis Law Seminar**  
Marriott

Thursday, April 20  
12:00pm – 1:00pm  
**Unified Family Practice  
Committee Meeting**  
Judicial Conference Room

Thursday, April 20  
5:30pm – 7:00pm  
**YLS Happy Hour**  
Busch Wildlife

Saturday, April 22  
9:00am – 1:00pm  
**Dennis Koehler Annual  
Lawyers vs Judges Softball Game**  
Mirasol Park, Palm Beach Gardens

Tuesday, April 25  
5:30pm – 7:00pm  
**Legal Aid Board Meeting**  
Legal Aid Office

Wednesday, April 26  
11:30am – 1:00pm  
**Law Day Luncheon**  
Embassy Suite

Wednesday, April 26  
5:00pm – 6:30pm  
**Board Meeting**  
Lytal Reiter 10th Floor

Thursday, April 27  
11:30am – 1:00pm  
**Appellate Seminar**  
TBA

Friday, April 28,  
8:00am – 3:00pm  
**Family Law Seminar**  
4th DCA