



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

www.palmbeachbar.org

November 2007



Bar to host Justice Clarence Thomas with Forum Club December 12

The Bar is pleased to announce that it will be hosting a membership luncheon in conjunction with the Forum Club of the Palm Beaches. The luncheon will be held at the Cohen Pavilion at the Kravis Center in West Palm Beach at 11:30 a.m. on Wednesday, December 12. Barnes & Noble will hold a book signing following the luncheon for his just-released memoir *My Grandfather's Son*. The Bar will have 350 tickets to sell and will be **limited to**

PBCBA members only and must be pre-purchased. No walk-ins will be accepted for this meeting. Make your prepaid reservations now at palmbeachbar.org.

Sponsored by Mellon Bank and Gunster, Yoakley & Stewart, P.A.

Holiday Party & Silent Auction set for November 28

Our Annual Holiday Party is scheduled for Wednesday, November 28 from 5:30 p.m. to 8:00 p.m. at BallenIsles Country Club in Palm Beach Gardens.

More than 300 members are expected to attend the evening, which will include a silent auction, heavy hors d'oeuvres, drinks and plenty of networking. Proceeds from the auction will benefit local charity programs sponsored by the Young Lawyers and North County Sections.

The cost is \$25.00 for PBCBA members; judges are complimentary; and spouses are welcome for \$40.00.

Please RSVP on line at www.palmbeachbar.org.

Many thanks to our sponsors from Braman Motorcars, Brooks Brothers, Buckingham, Doolittle & Burroughs, LLP, Esquire Deposition Services, Mellon Bank, MetLife and Rock Legal Services & Investigations.

Mark your calendar for upcoming Membership Meetings

Young Lawyers Section Happy Hour
Thursday, November 8, 5:30 - 7:00

Annual Holiday Party with North County & Young Lawyers Section
Wednesday, November 28, 5:30 - 8:00 p.m.
BallenIsles Country Club, Palm Beach Gardens

Joint Luncheon with the Forum Club with Guest Speaker U.S. Supreme Court Justice Clarence Thomas
Wednesday, December 12, 12 noon
The Cohen Pavilion at the Kravis Center
This meeting will be limited to PBCBA members only!

Joint Luncheon with South County Bar Association
Guest Speaker: FL Bar President Frank Angones
Wednesday, March 5, 2008, 12 noon
Delray Beach Golf Club

Annual Law Week Judicial Reception
Thursday, April 29, 2008 5:30 p.m.
The Harriett at City Place

Annual Installation Banquet
Saturday, June 7, 2008, 7 p.m.
The Breakers Hotel, Palm Beach

Nominating petitions available for Board of Directors

The annual election of officers and directors for the Palm Beach County Bar will take place in April. Persons seeking to run for a position on the Board of Directors will need to obtain a nominating petition and must be a member in good standing of the Palm Beach County Bar Association. The nominating petition must be signed by no fewer than 20 members in good standing of the Association. Petitions for President-elect will be available on November 15 and will be due back in the office by 5 p.m. on December 14. Petitions for director-at-large seats will be available on November 21 and will be due back in the Bar office by 5 p.m. on December 20. Petitions may be obtained by calling the Bar office at 687-2800 or by sending an e-mail requesting it at pburns@palmbeachbar.org. For any of the positions, it is the candidate's responsibility to verify ahead of time through the Bar office that the members that are signing their petitions are members in good standing, otherwise, the petition will be deemed invalid.

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THE
BULLETIN

**PALM BEACH COUNTY
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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
1601 Belvedere Road, #302E
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Lawyers Volunteer During International Literacy Day

Many thanks to our members who recently participated in International Literacy Day at the Adult Education Center in West Palm Beach, where more than 2,000 students volunteer to attend classes on a weekly basis. The attorneys talked about the importance of an education and our legal system. The program was held in conjunction with the Palm Beach County Literacy Coalition.



(Pictured front row left to right:) Rebecca Wadsworth, legal assistant; Susan Ruby, Delray City Attorneys office; Georgina Jimenez-Orosa, Office of the Attorney General; Darlene Kostrub, Executive Director of the Palm Beach County Literacy Coalition; Maria Zircher, Outreach Coordinator from the Literacy Coalition. (Second row:) Tyrone Bongard, Gunster Yoakley & Stewart; Mark Greenberg, LaBovick & LaBovick; William Foman, Law Office of Jeffrey R. Hickman; Dena Foman, Vernis Bowling; and Dr. Cynthia Smith, Principal. (Third row:) Cindy Spall, Gunster Yoakley & Stewart; Tom Gano, Thomas C. Gano, Esq.; Laura Fisher-Zibura and Andrew Harris, Burlington & Rockenbach. (Top row:) David Core, St. John, Core & Lemme, P.A.; Michael Gelfand, Gelfand & Arpe; and Andrew Pelino, West Palm Beach County Attorney. (More on page 10)

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“Women Lawyers Continue to Opt Out”

By Meenu Sasser, President

In 1995, when I graduated from law school at the University of Pennsylvania, nearly 50% of my classmates were women. We were considered among the most successful and brightest law students in the country. At graduation, we had the world at our feet and my classmates headed to the best law firms in the country and to Federal clerkships.

Just over twelve years later, over 75% of the women in my graduating class are no longer practicing law with law firms. A significant number of them have opted-out of law firms and instead are working as in-house counsel, in government positions, part-time, or have opted-out entirely and are staying home with young children. While I greatly support all the decisions made by my classmates, I question whether the reason that so many of them have opted-out of law firms is because they have not been afforded some of the same opportunities that I have.

During my first pregnancy, I was pregnant with twins and was put on bed

rest for 3 months. Because of the great support of my law firm, I was able to continue to work from home. My assistant would send a courier to my house with my daily mail and type up my dictated pleadings, which I could then sign and would return for filing. I even managed to take a few depositions via telephone and attend one or two court hearings via telephone. Based upon the support I was given by my firm and my colleagues, I was able to successfully return to work after all three of my pregnancies.

While many law firms have similar policies in place and do promote their successful women attorneys, unfortunately, my situation is the exception and not the rule. Based upon recent studies by the MIT Workplace Center, in conjunction with the Massachusetts Bar Association, Boston Bar Association and the Women’s Bar Association of Massachusetts:

- Women make up only 17% of law firm partners;
- Women leave the partnership track in far greater numbers than men;
- Women stop pursuing partnership

because of the difficulty in combining work and childcare;

- Nearly 40% of women lawyers with children have worked part-time, compared with almost no men, even though men in the profession have more children than women in the profession do, on average.
- Women are “opting-out” of law firms in significant numbers.

The potential implications of women leaving law firms are significant. Having fewer women remain in firms will mean that there are fewer women who have the opportunity to assume senior legal positions and manage law firms, become judges and obtain leadership positions in the community.

Finally, this trend may affect opportunities for future generations of women lawyers. Just last week, my five year old daughter, Caroline, told me she wanted to be a lawyer when she grows up. We all need to make sure that all of our daughters will have every opportunity open to them in the future.

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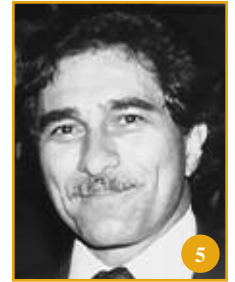
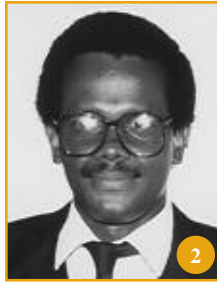
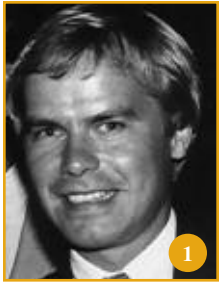
| | July Retreat | Aug | Sept |
|-----------|-----------------|----------|------|
| Bowden | X | Phone-in | |
| Doner | McCabe | X | X |
| Farach | X | X | X |
| Guari | X | X | X |
| Howe | X | X | X |
| Napoleone | X | X | X |
| Poulton | X | X | |
| Rabin | X | X | X |
| Sasser | X | X | X |
| Schuler | X | X | X |
| Suskauer | X | X | X |

Who are they?

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

Do you have old pictures of yourself or your associate? If so, send them to Patience Burns at the Bar office for use in future issues.

Answers on page 17



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Minutes of the Junior Bar Section March 6, 1964

Minutes of the 157th regular meeting of the Junior Bar Section of the Palm Beach County Bar was held at the Town House Hotel on Friday, March 6, 1964. Sixty-five members and guest were present.

The presence of Circuit Judges White, Knott, Hewitt and Downey were recognized along with Judges McIntosh, Curry and Sinclair, Deputy Commissioner Bryan, State Representative Thomas, County Solicitor Joel Daves, Clerk of the Criminal Court of Record John Dunkle and Assistant Solicitor Marvin Mounts.

Numerous political candidates were present and introduced, and when all of the dignitaries and candidates stood, three people remained seated. All but three people had guests.

James Paine introduced the speaker, Earl Faircloth. Mr. Faircloth gave a very interesting, non-political, non-controversial talk on the merits of standing in the shade.

There being no further business, the meeting was adjourned.

Respectfully submitted,
Ed Lewis, Secretary

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their ad in the *Bulletin!*

Judicial Profile:

Judge Robin Rosenberg

By Grier Pressly

Judge Robin Rosenberg brought her local roots and a uniquely diverse legal career to the bench when she was sworn in as one of our newest circuit judges on January 2, 2007. Government practice at the national and local level. Private practice in a big firm and a small firm. Corporate general counsel and executive leadership. Judge Rosenberg has done it all in a remarkably short period of time.

Born and raised in West Palm Beach, Judge Rosenberg attended the Palm Beach Day School and was a state-ranked junior tennis player before attending Andover for high school. Following her graduation from Princeton University, where she captained the women's tennis team, Judge Rosenberg headed to Washington, D.C. where she worked for the Senate Subcommittee on Juvenile Justice, Princeton's Office of University Affairs, and as a legislative correspondent to Senator Bill Bradley.

After three years in Washington, Judge Rosenberg decided that a career in law and public service was her calling. In 1989 Judge Rosenberg graduated with a law degree from Duke University's School of Law and a M.A. degree in public policy from Duke's Terry Sanford Institute of Public Policy. Judge Rosenberg's first job out of law school was an enjoyable one-year clerkship with Judge James Paine of the U.S. District Court in West Palm Beach. Judge Rosenberg returned to Washington in 1990 to go to work for the U.S. Department of Justice.

It was at the Department of Justice that Judge Rosenberg gained her employment law background, serving as a trial attorney for the Employment Litigation Section of the Civil Rights Division, and met her future husband. Michael McAuliffe was also working as a trial attorney with the Department of Justice (in the Criminal Section of the Civil Rights Division) in the early 1990's.

Newly married in 1993, Judge Rosenberg and Michael moved to Pilsen, Czech Republic to support the Civic Education Project jointly sponsored by Yale University and Central European University. In Pilsen, Judge Rosenberg helped set up the graduate school of public administration at West Bohemia University while Michael helped establish only the country's fourth law school at the same university.

After spending a rewarding, busy year in the Czech Republic, Judge Rosenberg and Michael returned to West Palm Beach to continue their legal careers and to raise their family.



Judge Rosenberg served as Assistant City Attorney for West Palm Beach for two years before going into private practice in the litigation department at Holland & Knight. Judge Rosenberg's tenure as Vice President and General Counsel at Slim-Fast Foods Company provided the opportunity of executive experience and managing corporate issues involving virtually every area of the law.

In 2001, Judge Rosenberg and Michael went into practice together. At Rosenberg & McAuliffe, Judge Rosenberg focused her practice on employment litigation while also concentrating on her roles as a certified mediator and arbitrator with ARC Mediation, a business she co-founded. However, the tug to return to public service was too strong to ignore. Judge Rosenberg feels fortunate to have loved every step of her career, a career that she feels has prepared her well for the challenges that serving as a judge will bring. Judge Rosenberg wants the community to know that she is honored to serve as a judge of our circuit.

When Judge Rosenberg is not working, she can be found spending time with her parents and grandmother (who all still reside locally) and doing any number of outdoor activities with her husband and three children - Sydney (11), Madison (8) and Adin (6). Tennis, swimming, jogging, and biking, Judge Rosenberg tries to find time for outdoor activities seven days a week. While Judge Rosenberg enjoys hiking in the mountains with her family during summer vacations in Colorado, she is happy to leave the extreme climbing to Michael who has recently summited Denali (Alaska) and Aconcagua (Chile).

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Insured Physician's Bad Faith Action

by Ted Babbitt

The Bible for bad faith suits against an insurance company who fails to settle within the policy limits is the case of Boston Old Colony Insurance Co. v. Guiterrez, 386 So. 2d 783 (Fla. 1980). There the Supreme Court held:

"An insurer, in handling the defense of claims against its insured, has a duty to use the same degree of care and diligence as a person of ordinary care and prudence should exercise in the management of his own business. For when the insured has surrendered to the insurer all control over the handling of the claim, including all decisions with regard to litigation and settlement, then the insurer must assume a duty to exercise such control and make such decisions in good faith with due regard for the interests of the insured.

This good faith duty obligates the insurer to advise the insured of settlement opportunities, to advise as to the probable outcome of the litigation, to warn of the possibility of an excess judgment, and to advise the insured of any steps he might take to avoid same. The insurer must investigate the facts, give fair consideration to a settlement offer that is not unreasonable under the facts, and settle, if possible, where a reasonably prudent person, faced with the prospect of paying the total recovery, would do so. Because the duty of good faith involves diligence and care in the investigation and evaluation of the claim against the insured,

negligence is relevant to the question of good faith."

That language was turned around in the case of Rogers v. Chicago Ins. Co., 32 Fla. L. Weekly D1280 (Fla. 4th DCA 2007) to allow a physician to sue his insurer for settling a malpractice case on the basis of alleged bad faith.

Dr. Rogers was sued for medical malpractice and shortly before the end of the ninety day presuit screening period, his insurer settled the case without his permission. To add insult to injury, the insurer then refused to renew him because of that settlement, resulting in him having to pay for increased malpractice coverage with another company. Dr. Rogers sued Chicago Insurance Company, claiming that the settlement was arrived at in bad faith and alleging, among other things, that Chicago Insurance Company did not even begin its investigation until a week before the expiration of the presuit period and failed to contact Dr. Rogers to obtain appropriate materials which would have shown that the case should never have been settled.

The trial court dismissed the suit relying, in part, on the case of Shuster v. South Broward Hospital District Physicians' Professional Liability Insurance Trust, 591 So. 2d 174 (Fla. 1992). In that case, the Supreme Court held that where a medical malpractice policy contained words which indicated that the carrier had the right to settle claims that it "deemed expedient," the policy gave the insurer the right to settle claims considering only its own interests and not the best interests of its insured and that the contractual provision prevented a later suit claiming bad faith on the part of the insurer.

Shuster, supra, however, predated the enactment of Fla. Stat. 627.4147(1) which specifically prohibits an insurer from issuing a policy containing any clause which gives the insured the right to veto a settlement but which provides:

"However, any offer of admission of liability, settlement offer, or offer of judgment made by an insurer or self-insurer shall be made in good faith and in the best interests of the insured."

In interpreting that statute, the Court concluded that the statute has two purposes. First, it prohibits a doctor from having veto power over an insurance company in a decision as to whether or not to settle a case but second, unlike the policy interpreted in Shuster, supra, it sets the standard for the carrier and requires that the carrier act in the best interests of its insured rather than solely in its own interests.

The Court then concluded that in order to give the statute effect the provision requiring the carrier to act in good faith and in the best interests of the insured must create a private cause of action. Without that, that provision in the statute is meaningless. At Page D1282, the Court concluded:

"We conclude that a medical malpractice insurer has a duty to settle within the policy limits in the best interests of the insured. Further, in the context of a claim for medical malpractice, it may not always be in the best interests of the insured to concede liability, where none is present, and settle the claim within the policy limits. We find that the insurer's failure to act in the insured's best interests can be enforced by the insured."

The Boston Old Colony, supra, case holds that the standard to be applied as to whether an insurer acts in good faith is negligence. The Court in Rogers, supra, concluded the same standard applies when a physician sues its insurance company for failing to act with good faith in the insured's best interest in improperly settling a case.

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.

Young Lawyers Section

The Young Lawyers Section, along with the Criminal Defense Bar, recently held a joint reception to honor our local Assistant Public Defenders. The event was held at the Yard House in Palm Beach Gardens for more than 100 attorneys.



Michael McAuliffe and Eunice Baros



Jason Guari, YLS President; Carey Haughwout, Public Defender; and Mitch Beers, Criminal Defense Bar President.



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Exemption From Credit Counseling Requirement

By: *Marc P. Barmat*

One of the many changes to the Bankruptcy Code resulting from the enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act ("BAPCPA") is the requirement that all individual debtors must complete a "briefing" from an approved credit counseling agency within 180 days preceding the filing of a bankruptcy petition. 11 U.S.C. §109(h)(1). A Debtor may be exempted from this requirement, but only upon written certification that describes exigent circumstances which merit waiver. Additionally, the Debtor must have requested credit counseling services, but been unable to obtain them, within five days from the Debtor's request of the waiver. 11 U.S.C. § 109(h)(3). Various bankruptcy courts have issued opinions interpreting what "exigent circumstance" must exist in order to be exempted from the credit counseling requirement. This article is a sampling of some of the opinions issued by Florida bankruptcy courts.

In *In re Valdez*, 335 B.R. 801 (Bankr. S.D. Fla. 2005) Judge Cristol from the Southern District of Florida (Miami Division) found the term "exigent circumstances" does not appear to refer to a prospective debtor's problems or situation but, rather, it appears to refer to the circumstances preventing the person from obtaining the required budget and credit counseling and the certificate confirming same. Id. 803. In a subsequent Judge Cristol case, Judge Crisol found that a Creole speaking debtor was entitled to waiver of the credit counseling requirement based on fact that, when the petition was filed, there were no approved counseling agencies in district that offered credit counseling in Creole. *In re Petit-Louis*, 344 B.R. 696 (Bankr. S.D. Fla. 2006).

Judge Ray, from the Southern District of Florida (Broward Division), found that exigent circumstances existed exempting the credit counseling requirement when the Debtor's only bank account, which was also the Debtor's only source of funds, was frozen by a creditor. Additionally, the Debtor requested but was unable to obtain the required counseling within five days of the request because the agency was not willing to provide counseling until they were paid and the Debtor had no means of paying. *In re Christopher Westengberger*, BK No. 06-10477-RBR (Bankr. S.D. Fla. March 15, 2006).

Judge Isicoff, from the Southern District of Florida (Miami Division), found that a pro se debtor who was facing the imminent foreclosure of her home met the exigent circumstances requirement. However, since the pro se debtor did not state that she requested credit counseling services from an approved agency but was unable to obtain those services within the time period specified in the statute, the pro se Debtor did not qualify to be a Debtor and therefore her bankruptcy was dismissed. *In re Calderon*, 2006 WL 871477 (Bankr. S.D. Fla. 2006).

Judge Killian from the Northern District of Florida has determined that the credit counseling requirements of §109(h)(1), and any requests for exemptions from the



requirements must be strictly construed. In Judge Killian's case, the Debtors alleged the "exigent circumstances" of impending foreclosure of their home and repossession of their vehicle but failed to certify they had requested, but been unable to obtain, the required credit counseling within five days from their request. Judge Killian dismissed the case as having been filed by an ineligible person. *In re Booth*, BK No. 05-045002-LMK-13 (Bankr. N.D. Fla. Oct. 24, 2005).

The safest practice is to do everything in your power to assure that your clients comply with the credit counseling requirement. However, if circumstances make it impossible to comply, be sure that your client requests credit counseling within five days before filing the bankruptcy petition. Otherwise, the bankruptcy is surely going to be dismissed.

This article was submitted by Marc Barmat, Furr and Cohen, P.A., One Boca Place, Suite 337 West, 2255 Glades Road, Boca Raton, FL 33431, mbarmat@furrcohen.com.

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County Attorney Andrew Pelino participated in International Literacy Day and this is what he had to say about his experience:

My students were all immigrants, ranging in age from early 20s to 50s, blue collar workers and professionals. We were forewarned to keep it simple, because many of them had just begun to study English.

Some had only been here a few months. After bombing on my introduction (for some reason, we weren't communicating when I told them I was a trial lawyer), I saw the light and decided, for self preservation purposes, to keep it simple. I took them through a robbery case I tried early in my career, and had them play the roles of the jury, police officer, victim and defendant. A college educated, aspiring lawyer from Cuba actually presided over the trial, black robe (my coat) and all. The role playing quickly transformed the blank stares to smiles, laughter and raised hands. All the witnesses took the stand except, of course, for my client, who "didn't do it," and we discussed, with a healthy dose of gestures and a few impromptu demonstrative aids, the facts of the case, the roles of all the players, as well as the rights to remain silent, to counsel (he was indigent), and the burden of proof. The students were very appreciative, interested, and asked pointed questions. To anyone who likes to feel good, have a lot of fun, and enjoy the process, I highly recommend this event for next year.

and Justice for All

An educational project of the Palm Beach County Bar Association



The Palm Beach County Bar Association gratefully acknowledges the generous contribution of

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And Justice for All is scheduled to open in the spring and will include interactive displays on the legal system, Constitution, Bill of Rights and significant legal events in Palm Beach county's rich history.

Tours will be available free of charge to students and the general public beginning April, 2008.



Help Make History Come Alive!

To make a contribution, contact the Palm Beach County Bar Association at 561.687.2800.

Bar Team Competes in Great Grown Up Spelling Bee

Winners of our Summer Membership Spelling Bee recently competed as a team in the County Great Grown Up Spelling Bee.

Many thanks to Maureen Martinez-Schwab, Adam Myron and Eddie Shipe who made it through several rounds, but got tripped up on the word pfeffernuss, which is a sugar-type cookie. The event was held as a fundraiser for the Palm Beach County Literacy Coalition.



Maureen Martinez-Schwab, Adam Myron and Eddie Shipe smile for the camera after winning another round.



The Palm Beach County Bar and FAWL joined together to host a luncheon featuring author Lauren Stiller Rikleen. Above are PBCBA President Meenu Sasser, FAWL President Jill Weiss, Rikleen and Samantha Feuer.



John Howe, Bryan Poulton, Kelly Kirkpatrick, Lad Jones, Jerry Beer and FL Bar President-elect Jay White



Stacey Sutton, Adam Rabin, Patti Leonard & Robin Bresky

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Amici, Palm Beach ~ Tuesday November 27th ~ 6:00 - 8:00 pm

Annual Holiday Bookfests

Boca Barnes & Noble ~ Thursday, November 29th, 5:30 - 7:30 pm

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CityPlace Barnes & Noble ~ Friday November 30th, 10 am - 2 pm

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Invitations in October. Please call 655-8944 x257 for information or to RSVP.

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Special thanks to CityPlace Tower, *Presenting Sponsor*, Merrill Lynch, *Luncheon Sponsor*, and Florida Crystals Corporation, *Dinner Sponsor*. Our thanks, also, to the golf committee, all the sponsors, players and volunteers who made the Columbus Day event a success!

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Jason Lazarus Recognized As Pro Bono Attorney of the Month



The Fifteenth Circuit Pro Bono Committee is pleased to announce this month's Pro Bono Attorney of the Month, **JASON LAZARUS**. Jason, a senior associate with the West Palm Beach firm of Holland and Knight LLP, practices primarily in the area of civil litigation. Jason is being honored for his outstanding representation of an elderly couple in a construction dispute. The

clients hired a roofing company to replace their roof. A dispute arose when the roofer began to demand final payment despite the fact that the job was not completed as contracted. After several months of pre-suit negotiations, the roofer filed a lawsuit against the clients. Jason represented the clients during the months of litigation that followed. The roofer ultimately dismissed the suit with each side bearing its own fees and costs. In addition the roofer completed the job as originally contracted. The clients were thrilled with Jason's work and the result. Jason expended almost 100 hours in representing the elderly couple in this case. For his and laudable efforts on behalf of the clients, Jason is recognized as this month's Pro Bono Attorney of the Month.

Pro Bono Attorneys Who Closed Cases in September 2007

Clients met and/or served by the attorneys listed below50

Hours of pro bono services by these attorneys833.50

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|-------------------------|-------------------------|
| Richard Abedon | Adriano R. Gonzalez |
| John M. Abramson | Hillary H. Gulden |
| Gregory S. Bloshinsky | James B. Hayes |
| James Bonfiglio | Sherri L. Hazeltine |
| John L. Bryan, Jr. | Marsha Brown Herbert |
| Joseph Clay Coates, Jr. | Kim A. Hines |
| Michael W. Connors | Benjamin Hodas |
| Joel H. Feldman | Robert A. Huth, Jr. |
| John A. Garcia | Walter C. Jones, IV |
| Jennifer Gardner | Lawrence Moncrief |
| James C. Gavigan | Tom Reilly |
| Garry M. Glickman | Valentin Rodriguez, Jr. |

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

Circuit Court Report

CIVIL DIVISIONS • August 2007

| DIVISION | JURY TRIALS | NON-JURY TRIALS | MOTIONS | CASES PENDING |
|----------|-------------|-----------------|---------|---------------|
| A | 09/07 | 09/07 | 07/0 | 1460 |
| B | 02/08 | 12/07 | 10/07 | 1272 |
| D | 12/07 | 12/07 | 09/07 | 1694 |
| E | 01/08 | 01/08 | 01/08 | 1695 |
| F | 12/07 | 12/07 | 12/07 | 1379 |
| G | 05/08 | 05/08 | 10/07 | 1107 |
| H | 04/08 | 04/08 | 10/07 | 1412 |
| I | 01/08 | 01/08 | 11/07 | 1286 |
| J | 10/08 | 02/08 | 10/07 | 1387 |
| N | 03/08 | 03/08 | 10/07 | 1567 |
| O | 02/08 | 02/08 | 11/07 | 1587 |

All Civil Division Judges schedule their own Jury and Non-Jury Trials.
Pending cases as of 09/05/07.

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Threatening Disciplinary Charges: In the Mind of the Beholder?

by D. Culver (“Skip”) Smith III

On behalf of the Professionalism Committee

If it walks like a duck and quacks like a duck, it’s probably a duck

The Duck Test, attributed to James Whitcomb Riley (1849–1916)

You have had a particularly stressful month. In three separate civil matters, you have received letters from your opposing counsel raising the specter of disciplinary proceedings against you. The letters shade the suggestion in different ways:

Letter A: “You have refused to provide us with the requested information to support your client’s accusations. This is an extremely serious matter, and unless I get an answer to this promptly, it is my intention to file a complaint with the Florida Bar accusing you of knowingly making false statements to the court.”

Letter B: “You failed to disburse to Dr. Jones the amount owed him for the treatment of your client. Payment of that amount is hereby demanded. The Florida Bar has a very clear track record of disciplining attorneys who disregard their ethical responsibilities under a letter of protection.”

Letter C: “Your misrepresentations raise serious issues regarding your ethical obligations. As such, I have no alternative but to file the appropriate complaint with the Florida Bar. Due to the serious nature of your ethical violations, this complaint will be filed regardless of how these matters are resolved, unless you provide me with credible information that my understanding is incorrect.”

We all know that it is unethical to “present, participate in, or threaten to

present disciplinary charges... solely to gain an advantage in a civil matter.” R. Reg. Fla. Bar 4-3.4(h) (emphasis added). This is one of many limitations on the ideal of zealous advocacy. A threat is a communicated intent to inflict harm. *Black’s Law Dictionary* 1030 (abr. 6th ed. 1991). Rule 4-3.4(h), therefore, prohibits communicating an intent to present disciplinary proceedings solely to gain an advantage in a civil matter.

So, how about your three love letters? Letter A clearly threatens disciplinary charges. The author may claim that he/she merely was seeking information and would never file a bar complaint unless he/she was “absolutely certain of the basis for the complaint.” That demurrer, however, is belied by the threat to file “unless” the requested information was forthcoming.

Letter B contains no direct statement of intent to file disciplinary charges, but why the reference to the Florida Bar’s disciplinary “track record”? This was more than a collegial warning of potential danger. Its obvious purpose was to scare you into complying with the demand or at the least to intimidate you into some future acquiescence. Is that not an effort to gain an advantage?

In letter C your opponent claims that he/she intends to file a disciplinary complaint regardless of any resolution of the civil matter. Thus (he/she would say), the threat was not made solely to gain an advantage in the civil matter, because the complaint was going to be filed in any event. But why mention it at all? Here, too, its obvious purpose was to scare you into some present or future acquiescence – to gain some advantage.

All three threats violate rule 4-3.4(h) – unless, perhaps, an argument can successfully be made that they constituted nothing more than efforts to generate action that was required in any event, such as complying with a proper discovery request. One court has held that in that sense, no effort was being made to gain an *advantage* – that is, a benefit to which the threatening party otherwise was not entitled. See *In re Evergreen Sec., Ltd.*, 363 B.R. 267, 301 (Bankr. M.D. Fla. 2007). That holding, however, redefines *advantage*, which simply means “benefit or profit; gain” – in short, *any* beneficial factor, regardless of source or cause. This is not the type of argument on which to hang one’s law license.

Bottom line: It may be OK to question the ethics of your opponent’s conduct, but do not mention even the possibility of a “disciplinary proceeding” or “bar complaint” – or, for that matter, “the Bar” itself. In disciplinary proceedings, the issue of subjective intent has a way of morphing into an issue of objectively reasonable inference. If a basis for a disciplinary complaint exists, file it. If not, don’t. But don’t brandish it to your opposing counsel. You’re only asking for the very trouble that you are suggesting. Besides – (hold tight) – it’s just plain wrong to do it.

The opinions expressed in this article are those of the author and not necessarily those of the Palm Beach County Bar Association.

Welcome New Members!

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

ANDREW M. BERGER - New York; Fordham University School of Law, 2002; Associate with Nason, Yeager, Gerson, White & Lioce, P.A. in West Palm Beach

S. TALINA BIDWELL - Florida; Florida State University, 2001; Associate with Broad and Cassel, West Palm Beach

B. NIKLAS BRIHAMMAR - Sweden; University of Miami, 1993; Associate with Rudolph & Associates LLP, West Palm Beach

ANIKA R. CAMPBELL - Jamaica; Penn State Dickinson, 2007; Associate with Powers, McNalis, Torres & Teebagy, West Palm Beach

JEREMY CASHER - Columbus; 2007; Palm Beach Gardens

MARY CLARK - Missouri; University of Miami, 2006; Associate with Schwarzberg, Spector, Duke & Rogers, West Palm Beach

JAMES D'LOUGHY - New York; Mercer, 1995; Sole Practitioner, Palm Beach Gardens

MICHAEL S. DYER - Vietnam; Nova Southeastern, 2000; Sole Practitioner, West Palm Beach

JORDAN C. EVERT - New York; University of Florida, 2007; Associate with Lytal Reiter Clark Fountain & Williams, West Palm Beach

CAROLINE B. GANIN - Paris; Nova Southeastern University, 1997; Associate with Rutherford Mulhall, P.A., Boca Raton

HEATHER M. GREENHILL - Florida; Florida State University, 2004; Associate with Rudolph & Associates LLP, West Palm Beach

DOREEN B. HALICKMAN - Connecticut; University of Connecticut, 2006; Sole Practitioner, Jupiter

EDWARD J. KANE, JR. - New York; Nova University, 2002; Sole Practitioner, West Palm Beach

JONATHAN S. MILLER - Florida State University, 2003; Boca Raton

BETH A. PATTERSON - Florida; University of Miami, 1997; Associate with Nason, Yeager, Gerson, White & Lioce, P.A., West Palm Beach

JULIE PETILLO - Illinois; Loyola University, New Orleans, 1985; Sole Practitioner, Lake Worth

MARIANNE RAHM - Florida; St. Thomas University, 1999; Associate with Devore & Devore, P.A., Palm Beach Gardens

CALVIN R. ROBINSON - Florida State University, 2005; Associate with Rosenthal & Levy, P.A., West Palm Beach

ERIC A. ROSEN - New York; California Western, 2007; Partner with Eric A. Rosen, P.A., Palm Beach Gardens

RONALD J. TOMASSI, JR. - New York; University of Miami, 2006; Associate with Proskauer Rose LLP, Boca Raton

ELENA WILDERMUTH - Ukraine; University of Toledo, 2000; Associate with Rutherford Mulhall, P.A., West Palm Beach

AMY S. WOLSKY - Massachusetts; Suffolk University, 1988; Sole Practitioner, Boca Raton

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At its August 17 meeting, the Board of Governors:

- Approved a recommendation from the Board Review Committee on Professional Ethics that advertisements sent by lawyers to other lawyers are subject to Bar advertising rules. This recommendation is based upon the Supreme Court change to the advertising rules. The court declined to adopt the Bar's request for exempt lawyer to lawyer advertising. That overturned a vote by the Standing Committee on Advertising. The board, though, voted to have a moratorium on enforcing that position, as well on communications sent to former or current clients, while the Bar seeks additional rules changes to be submitted to the Supreme Court.
- Directed the Professional Ethics Committee to draft an ethics opinion on a lawyer's duty of confidentiality to a potential client who, unsolicited, gives the lawyer information about the client or a potential case. Board members said there is a problem when a lawyer agrees to represent a party in a case, and then

another party, without checking with the lawyer, sends information with the goal of hiring the attorney for the same case. If the lawyer gets sensitive information from the second party, it could be grounds for disqualifying the lawyer from representing the first party in the case, they noted.

- Approved an amendment to Bar rules requiring written notice when a lawyer accepts a nonrefundable fee, such as a retainer, a flat fee, or an advance fee. Disciplinary Procedure Committee Chair Andy Sasso said many lawyers do not understand the difference between those types of fees and disputes frequently wind up in the Bar's grievance system.
- Heard, during a report from the Citizens Forum, that the Judicial Administration and Evaluation Committee is studying creating a questionnaire for judicial candidates to provide basic background information about the candidates' training, education, civic involvement, etc., for distribution to the public to help educate voters about the candidate's qualifications.

- Heard that the Bar is discussing with The Florida Bar Foundation and the Greenberg Traurig law firm the creation of a fellowship to study and encourage diversity in law firms, including small and medium size firms.
- Heard board member Eugene Pettis, chair of the Diversity Symposium Planning Committee, report that the panel is looking at revamping the Bar's Diversity Symposium to attract broader interest and participation. One change, he said, will be to hold the next symposium at the Bar's June 2008 Annual Convention.
- Endorsed, as submitted, the three-year-cycle rule amendments for Appellate Court Rules, rules of Judicial Administration, and Family Law Rules.

If you have any questions or comments, contact one of your four local delegates to the Board of Governors: Scott Hawkins, Greg Coleman, Lisa Small, David Prather or Florida Bar President-elect Jay White.

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*Endorsed by Honorable Karen Marcus,
Honorable Dr. Edward M. Eissey and
Honorable Sharon R. Bock*

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Speed Networking Works!

The Solo Practitioners and Small Firm Committee recently hosted its first Speed Networking Luncheon for more than 25 members. If you missed it, don't worry, the program was such a success that it will be repeated again in the Spring.

If you're a solo or in a firm with five or fewer lawyers (no more than 3 of whom work in the same practice area), then be sure to attend the next Solo & Small Firm Luncheon on Wednesday, November 7, 2007 at the Bar office when we will network and learn everything there is to know about Internet Marketing. The cost is just \$10.00 and you will receive one CLE credit hour. RSVP on line at www.palmbeachbar.org.



Debbie Block and Adam Rabin exchange business cards during their 4 minute meeting.



Members Steve Rubino and Maguene Dieudonne meet each for the first time.

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by PBCBA ABA
Delegate Donnie
Murrell

The first topic of the first day of the House of Delegates meeting was a resolution opposing mandatory retirement from law firms at age 65. The resolution stirred passionate support and opposition. Many delegates (most very close to 65) spoke vociferously against mandatory retirement policies. Many others, several of whom had retirement thrust upon them, supported the mandatory retirement policy in place in many firms. Others opposed the resolution on the grounds that the ABA has no business telling lawyers how to run their business. The resolution eventually passed by a substantial margin. (By the way, my firm supports a mandatory retirement policy. At present, it looks like I will be forced to retire just about two days before I die.)

Sadly, it was all downhill after that. There was absolutely no debate on any other resolution, with one exception, for the rest of a very long and boring day. It turns out the ABA (and everyone else) is four-square for high quality civic learning (Resolution 114), good corporate citizenship and ethical corporate behavior (Resolution 110B) and waivers of bar association dues and CLE requirements for members serving in the Armed Services (but only in a combat zone) (Resolution 115). No one argued against any of those things. It was so boring... Rather than travel clear across the country we could have mailed this one in.

By consuming massive amounts of caffeine throughout the day I gamely managed to... zzzzz... stay... zzzzz... awake... zzzzz... until 4:45 p.m. (Pacific Time) when the House was galvanized by the fiery debate over Resolution 118A. Resolution 118A concerns the United States Patent Office and its restrictions on allowing certain foreign born lawyers to

practice before it. For over an hour, this topic was fiercely debated by owl-like looking little men and women wearing wire-rimmed glasses and bow ties (yes, the men and the women.) I heard more about H-1 visas, trade restrictions, open markets and intellectual property in that hour and half than I had in my previous twenty-six years of practicing law. The man sitting beside me described listening to the debate as akin to getting a root canal – and he was wearing a bow tie. Finally, the debate came to an end and the voice vote on the resolution was so close a head count was required to determine the outcome. The resolution passed. I passed out.

I cannot honestly report on day two of the meeting. There was next to nothing left on the agenda and after suffering a near fatal attack of boredom on the first day, I recuperated with my wife by having Bloody Mary's in Sausalito. It was a miracle cure.

Donnie Murrell

Historical Committee

Who Are They?

From Page 4

1. Doug Duncan
2. Maurice Hall
3. Marcy Allen
4. Judge Tom Johnson
5. Joseph Vassallo



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How to Use Seminars and Speaking Engagements in your Marketing Plan

by Mark Powers

One of the most powerful ways to position yourself as an expert, and increase the number of clients interested in your services, is to conduct seminars, lead workshops and speak in front of targeted groups. As part of a word-of-mouth marketing plan, public speaking can expose you to greater numbers of people, showcase your expertise and accelerate your success.

It is important to target the proper audience for your speech, presentation or seminar. Many attorneys, for example, market their seminars directly to prospective clients. But the direct approach may not suit you or be appropriate for your practice area. Your target audience may be attorneys with whom you desire to build credibility because of their ability to send business. Or, for that matter, non-attorney referral sources for their ability to send business. No matter who your target audience is, take time to find the right fit from the beginning as all of your plans – including what content you will teach and how you will enroll your audience – hinge on this important factor.

Once you've determined your target audience, determine their issues and concerns. Your seminar will compete for attention with many distractions in their busy lives. Why would they take time out of their busy schedules to attend your seminar? Instead of relying on your own opinion, survey a representative mix of your target market (potential or existing clients, referral sources or other attorneys) for hot topics and issues that currently interest them. Once the topic is selected, create visual aids or a Powerpoint presentation to assist you in explaining it. Develop handouts that participants can take home with them and include your contact information in a prominent location. Give yourself three hours of prep time for every hour on stage if you are presenting a topic familiar to you. Allow much more time if you are tackling a complex or unfamiliar topic.

To determine how to deliver your seminar, consider the four most common types of presentations. The self-sponsored approach, where you, the attorney, would sponsor and be the sole leader of the seminar. The partnering approach, where you co-lead the seminar with one or two other presenters, is another option. The other presenters might be partners in your firm, attorneys from other firms or referral sources. This approach gives you the ability not only to market the seminar to your client database, but to the co-leaders' databases as well. Also consider the third-party sponsor approach where the sponsor promotes your seminar or adds you as a speaker to an existing program or conference. This approach can give you added credibility and increased exposure. Finally, there is the panel approach, which is easy to do and has the advantage of being more interesting to the audience due to the multiple perspectives presented. With the panel approach each presenter has a small amount of time to present their view on the topic with the audience being invited to ask questions and interact with panel members. This lively presentation approach allows the audience to tailor the presentation to their needs due to its interactive nature.

The date for your seminar should not conflict with the business cycles of your target audience. If you create a seminar for CPAs, for example, during tax season – don't expect high attendance. When you consider that many people are away during the summer and too distracted during the end of the year holidays, spring and fall are usually the best times to schedule your seminar. Do remember to schedule enough time before your seminar to send invitations or place advertising in order to fill the room.

In most metropolitan areas there are a number of different locations that can host your event. Ballrooms in large hotels or banquet rooms in a local restaurant are popular options. If you expect only a small number of attendees, your seminar could be held in the conference room at your office or at a sponsor's facility.

There are a number of ways to fill your seminar. You might create and mail invitations to people in your database of past clients and referral sources; advertise your seminar in a flyer or newspaper insert; or place an ad in a journal or newsletter your target audience might read. You could also purchase a bar association or other organization's mailing list and send out a direct mail piece. Whatever method you decide to use, include a confirmation request – usually a phone number for participants to call and register. This will enable you to predict the amount of materials and seating to provide.

A special "offer" should be given to the audience at the end of every seminar you present. By offering something to the attendees, such as a free packet of information, you remove any hesitations an audience member may have to contact you in order to send you business, ask questions or become a client. Begin the offer by informing the audience that since there isn't enough time to answer all of their questions, you'd be happy to offer a free (or reduced fee) telephone or office consultation, or mail them information on your firm, or place them on your mailing list to receive your newsletter. If possible, get a list of the attendees beforehand or collect business cards at the end of the seminar.

The most important part of the seminar may well be what you do when it is over. The follow-up plan is critical to a successful seminar – this is where the full impact of all the time you've spent preparing and presenting, pays off. The follow-up plan might consist of calling the attendees who are existing, or potential, referral sources to schedule time together. Or, you might request that the seminar attendees fill out an evaluation form after the seminar and indicate if they'd like to be contacted. Attendees could also give you their business card with any additional requests indicated on the back.

Having a successful seminar is great, but not taking advantage of the credibility and momentum you gain by not following up with attendees, lessens the impact. Do yourself a favor and block time to turn those attendees into clients or referral sources for your practice. Applause from your audience is nice, but additional revenues are nicer. Earning the admiration of your audience is where you begin.

Mark Powers, President of Atticus, Inc., co-authored "The Making of a Rainmaker: An Ethical Approach to Marketing for Solo and Small Firm Practitioners," is a featured marketing writer for Lawyers, USA and a number of other publications. To learn more about the work that Atticus does with attorneys or the Atticus Rainmakers™ program, please visit www.atticusonline.com or call 352-383-0490 or 888-644-0022.

Family Traditions Full of Meaning

This article was written on behalf of the Quality of Life Committee by Dr. Hugh R. Leavell, a marriage and family therapist in Palm Beach Gardens

So begins the holiday season, with turkey, football and togetherness. It's the national ritual, the beginning of winter, but it's really about families, our basic social unit.

Families all over the world will be getting together this month to observe the holy days according to their own traditions. It was ever thus, and for good reason.

Through our ritual observation, repeated year after year in the same way, we remind ourselves and each other who we are and what we mean to each other. We reaffirm our membership in family, religion and culture.

Rituals help to stabilize our lives. The yearly holiday, the nightly bedtime story, the weekly pancake breakfast, the once-in-a-lifetime funeral, all rituals communicate order in a changing world. The formal sequence of events, the prescribed repetition of words and actions, the communal participation in expected activities, all contribute to continuity and a feeling of manageability in our lives. Roles and rules are reinforced.

When people marry to form their own family, there is often confusion as to whose rituals will be observed. New families are free to create new rituals, ones that have meaning for them and contribute to their own solidarity. Tradition is not a rigid mandate.

Rather, it is a means of conveying values, purpose and identity and should serve the needs of the present.

Research on families has shown that continuity in family rituals helps to insulate children from the impact of cataclysmic changes that families sometimes go through.

While it can be hard for parents to maintain family rituals during times of crisis and strain, doing so is worth the effort.

and
Justice
for All

An educational
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Palm Beach County
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The Palm Beach County Bar Association gratefully acknowledges the generous contribution of

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And Justice for All is scheduled to open in the spring and will include interactive displays on the legal system, Constitution, Bill of Rights and significant legal events in Palm Beach county's rich history.

Tours will be available free of charge to students and the general public beginning April, 2008.



Help Make History Come Alive!

To make a contribution, contact the Palm Beach County Bar Association at 561.687.2800.

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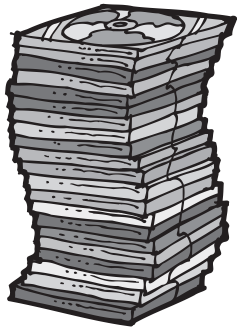
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Do You Need a Mentor?

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.



Need CLE Credit?

The Palm Beach County Bar Association has a large library of CD's available if you are in need of some extra CLER credit hours.

Be sure to check the Bar's website at www.palmbeachbar.org/continuing.php to download the complete list of tapes available, see the insert in this issue, or call 687-2800 to have an order form faxed to you.

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Tours will be available free of charge to students and the general public beginning April, 2008.



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Bulletin Board

*** Ad Rates ***

CLASSIFIED ADVERTISING RATES:
TO PLACE AN AD: 1) Please fax all ads to 561/687-9007 by the 1st of the month for the following month's publication. 2) Upon receipt you will be notified of cost. 3) Send payment by the 1st of the month. 4) Cost: 50 words or less \$50, 50-75 words \$65, up to 75 words \$75. 5) Members receive 3 months free advertising/year (excluding professional announcements). Ads will only be re-run by re-faxing ad to 561/687-9007. Web-site advertising is also available for a cost of \$40 for a two week run. Payment must be received prior to publication and renewable only upon receipt of next payment.

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

POSITIONS AVAILABLE:

BOCA RATON: Real Estate Development & Community Associations Law. Minimum three years experience required. Portable business a plus. Fax resume to (561) 999-9958.

PARALEGAL: Busy WPB law firm seeks experienced legal assistant in the areas of Workers' compensation, Personal injury & Employment law. Excellent salary & benefits. Please send resume to ldemayo@rosenthallevy.com.

TEMPORARY: Secretary/Legal Assistant needed for A.V. rated W.P.B. Personal Injury Attorney from November 12th – December 21, 2007. Law firm hours: 8:30 – 5:30 Monday – Friday. Salary: (negotiable depending on experience). Fax resume to (561) 682-3834, call (561) 682-9060 or send e-mail to WilkersonAssist@yahoo.com.

ESTABLISHED WPB AV-RATED FIRM seeking litigation associate attorney. 3-6 years commercial litigation experience. Our firm offers a competitive compensation and benefits package. Send resume to: recruit2222@yahoo.com or fax to 561-686-5442.

AV-RATED WPB LAW FIRM seeks attorney with at least three (3) years litigation and/or bankruptcy experience to handle complex bankruptcy litigation matters and business related cases. Salary commensurate w/experience. Forward resume and salary requirements to dbuell@ebcblaw.com.

ATTORNEY: AV-Rated Plaintiffs law firm seeks experienced 3-5 yr. civil litigation associate for WPB area. Send resume & salary request in confidence to: palmbeachlawfirm@yahoo.com.

ATTORNEY with 1-3 years civil litigation experience needed for Ins. Def. firm with offices in WPB and Coral Springs. Openings in WPB office. Dynamic firm offering excellent opportunity. Email resume and salary requirements to Jwilson@rrbpa.com.

ESTABLISHED WPB based law firm seeks a litigation associate with three to five years of substantial litigation and insurance defense experience. Candidate must have strong research and writing skills and civil trial experience. Salary commensurate with experience. Please e-mail resume in confidence with salary requirements to our office at lawofficehr@bellsouth.net.

PROFESSIONAL ANNOUNCEMENTS:

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

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

GREGORY TENDRICH, Esq: Former Series 7 licensed VP & Asst. General Counsel to local & national (First Union & Wachovia) NYSE/NASD brokerage firms, and current NASD Arbitrator and Florida Supreme Court Certified County Court Mediator, is available to mediate investment-related matters, including prudent-investor and commercial disputes. Mr. Tendrich also accepts referrals and is available to co-counsel or consult in investment-related matters, SEC, NASD, NYSE and other regulatory enforcement matters. Please call 561-417-8777 or visit our website www.yourstocklawyer.com.

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

W. GREY TESH: aaacriminaldefense.com, Criminal Defense Attorney. Over 50 jury trials. Former assistant public defender experience in felony, misdemeanors, juvenile, and appeals. Federal and State cases. Past Director, Palm Beach Association Criminal Defense Lawyers, 1610 Southern Blvd. WPB, FL 33406. greytesh@aaacriminaldefense.com (561) 686-6886.

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

RICHARD D. NADEL: Bankruptcy. Twenty years experience in the Southern and Middle District. Florida Bar designated 1996. Address: 3300 P.G.A. Blvd., Suite 810, Palm Beach Gardens, FL 33410. Telephone: (561) 622-9353 Email: nadelgrp@bellsouth.net.

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

OFFICE SPACE:

JUPITER OFFICE: For sale or lease at Jupiter Gardens (South Central Blvd.). Room for 2 attorneys and 2 secretaries. Fully furnished. Phone system, reception area, kitchenette, conference room, and alarm system. Very close to I-95 and the Turnpike. Call Cam Baker at (561) 743-8131.

Bulletin Board

UPSCALE CORPORATE OFFICE

SPACE available for immediate lease. Brand new Class "A" building centrally located in beautiful St. Lucie West. 1,000 sq. ft. now available. Convenient to I-95 & Florida Turnpike. For details contact Lori DeMayo at (561) 478-2500 or email ldemayo@rosenthallevy.com.

BOCA RATON: Single practitioner new to area with a corporate, commercial and transactional practice seeks to share conference room, to meet with clients and receptionist for limited use. (561) 997-2744.

OFFICE SPACE, EAST BOCA

RATON: Downtown private office, furnished conference rm, secretarial area, waiting rm and complete office equipment-share with established law practice. Call Art D'Almeida P.A. @ (561) 368-4674. 105 East Palmetto Park.

OFFICE SPACE FOR LEASE: Flagler Drive/Bank of America Center. Furnished. Executive window overlooking intracoastal w/ secretary bay. Use of reception, conference and kitchen. Call to see. (561) 835-9091.

PALM BEACH GARDENS: Law Office offering suite to share. Space includes 1 private office, 1 or 2 secretarial stations, kitchen facilities and a large conference room. Also includes phone systems, DSL line and copy machine services. Close to Turnpike and I-95. For details call (561) 624-7718.

OFFICE SPACE TO RENT: Available stand-alone studio type cottage. Full bathroom and full kitchen. Office located on corner of Olive and 10th Street, south of Good Samaritan. Excellent opportunity for a solo practicing lawyer w/ one secretary. Flexible, easy-going landlords. \$1,000 per month plus utilities. Contact Mark Hanson (561) 833-7828 or Charles Hickman (561) 655-3090.

FULL SERVICE OFFICE: Sublet part of suite; Computer; Full online and furnished area. Palm Beach Lakes Blvd. at Congress Ave. Tel: Phillip Crenshaw at 439-6100.

FURNISHED OFFICE SPACE FOR RENT: \$900/month includes: Conference room, business machines, telephone answering service and internet access. Please call (561) 688-2688.

WPB: Three law offices with secretarial stations available. Located on Palm Beach Lakes Blvd. Call Linda Fullwood (561) 689-6700.

BOCA RATON: Office space to share. West Palmetto Park Rd. Large office with separate secretarial area, copier, conference room and kitchen. Available immediately. Call Amy or Susan (561) 367-0777.

LUXURY OFFICE SPACE for rent in East Boca law office. Window office and secretarial station available. Full service. Please contact (561) 447-0017.

HEARSAY

James W. Beasley, Jr., senior shareholder of Beasley, Hauser, Kramer, Leonard & Galardi, P.A. was named one of the best lawyers in America. Mr. Beasley along with Patricia A. Leonard, a partner in the firm, were both named in Florida Super Lawyers 2007 listing as one of the top business litigation attorneys in the State of Florida.

Searcy Denney Scarola Barnhart & Shipley, P.A. announces that **Rosalyn Sia Baker-Barnes** has been elected to serve on the Board of Directors of the Florida State University College of Law Alumni Association. Also, Lance J. Block, a shareholder of the firm, was appointed by Governor Crist as Chairman of the newly created Governor's Commission on Disabilities.

Joseph S. Karp was recognized as one of the Top Attorneys in Florida by Florida Super Lawyers Magazine.



Hal R. Bradford



Jeffrey M. Goodz



Chad M. Muney

Moyle, Flanigan, Katz, Breton, White & Krasker, P.A. is pleased to announce that **Hal R. Bradford, Jeffrey M. Goodz and Chad M. Muney** has joined the firm as associates.

Michael J. Pike has been selected by the Florida Trend Magazine as a 2007 Up and Comer in the Florida Legal Elite issue.

Rosenthal & Levy, P.A. is pleased to announce that Senior Partner **Gerald A. Rosenthal** has been named to Best Lawyers in America for the 14th consecutive year.

MISCELLANEOUS

HOUSE FOR SALE OR RENT IN

JUPITER: 3 bedroom/2 bath/2 car garage, central A/C, big tiled kitchen, newer roof, fenced yard, close to everything, great neighborhood, great school district, alarm system, sprinkler system. Photos available. Call or email Michelle Azar, 575-1429. azarlaw@msn.com.

Frank Owen

561-818-0877

fveo@adelphia.net

20+ Years
Experience

Palm Beach
County Native

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MYSTIC COVE – JUPITER

BEST SCHOOLS! This 5BR/3.5 Bath/3c.Gar. Ecclestone built, Royall Wall home is sure to please! The home has over 3330sf living & features: Cook's Kit w/Corian counters, gas cooktop, lg.

pantry, Bkfst nook, Fam Rm, has both Formal D/R & L/R, Lg Master Ste. w/2 walk-ins & spacious bathroom; custom window treatments. A large Lanai which is great for relaxing/entertaining & screened Patio lead to the heated 14x28 Pool & spa surrounded by exotic, lush tropical landscaping. Located in a small exclusive Gated Enclave!

Asking \$849,900. A Must See! Frank 561-818-0877

CALENDAR

November 2007

Thursday, November 1, 5:30pm
North County Section Dinner
 River House, Palm Beach Gardens

Tuesday, November 6, 12:00 Noon
Independence of Judiciary Committee Meeting
 Bar Association Office

Wednesday, November 7, 12:00 Noon
NCS Board Meeting
 Office of Michael Slavin

Wednesday, November 7, 12:00 Noon
Solo & Small Firm Practitioners Luncheon
 Bar Association Office

Thursday, November 8, 5:30pm
YLS Happy Hour
 McCarty's, Palm Beach

Friday, November 9, 8:30am
ADR Committee Meeting
 Bar Association Office

Friday, November 9, 12:00 Noon
Law Week Committee Meeting
 Bar Association Office

Monday, November 12
Court Holiday – Veteran's Day
 Bar Office Closed

Tuesday, November 13, 12:00 Noon
YLS Board Meeting
 Bar Association Office

Thursday, November 15, 8:00am
TFB Video-Replay Seminar "Basic Appellate Practice 2007"
 Bar Association Office

Thursday, November 15, 5:00pm
PBCBA Board of Directors Meeting
 Bar Association Office

Thursday, November 15, 6:30pm
Small Claims Clinic
 Southwest Regional Library

Friday, November 16, 12:00 Noon
Cunningham Bar Association Meeting
 Law Library Conference Room

Friday, November 16, 6:00pm
Federal Bar Reception
 The Colony Hotel, Palm Beach

Tuesday, November 20, 12:00 Noon
Historical Committee Meeting
 Bar Association Office

Tuesday, November 20, 5:30pm
Legal Aid Board Meeting
 Bar Association Office

Thursday – Friday, November 22, 23
Court Holiday - Thanksgiving
 Bar Office Closed

Tuesday, November 27, 12:00 Noon
Unified Family Practice Committee Meeting
 Main Courthouse Library Conference Room

Tuesday, November 27, 6:00pm
Legal Aid Amici's Nite

Wednesday, November 28, 5:30pm
PBCBA Holiday Party
 BallenIsles, Palm Beach Gardens

Thursday, November 29, 5:30pm
Legal Aid Bookfest
 Boca Barnes & Noble

Thursday, November 29, 5:30pm
PBCTLA Meeting
 Contact Kathy Baloga 471-2807

Friday, November 30 10am - 2pm
Legal Aid Bookfest
 City Place Barnes & Noble

Friday, November 30, 12:00 Noon
Professionalism Committee Meeting
 Bar Association Office



PALM BEACH COUNTY BAR ASSOCIATION

BULLETIN

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

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The Palm Beach County Bar Association's SOLO and Small Firm Practitioners' Committee presents:



"The Business of Law Meets the Practice of Law"
TOPIC: ADVERTISING/website, TV, Radio & Print
Wednesday, November 7, 2007 - 11:45 p. m. - 1:00 p.m.
Bar Association Office

Program Schedule

Lunch

Welcome and Opening Remarks: *Debra S. Block, Solo and Small Firm Practitioners' Committee Chairperson*

Advertising: Website, tv, radio & print: *Kim Sailer, BARD Marketing*

Law Firm Web Marketing Statistics

Current and new ways to leverage the web into your marketing strategy

- * *Case Study 1 - Building a website brand focused on getting clients*
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So how do you get started and what is it going to cost me?

Q & A

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This course has been granted **1.0 CLER /1.0 Business Litigation Cert. credit from The Florida Bar.**
The cost of the lunch seminar is \$10 for PBCBA members; \$20 for non-PBCBA members.

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

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Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.

**THE FEDERAL BAR ASSOCIATION
PALM BEACH COUNTY CHAPTER**

**FALL JUDICIAL
RECEPTION**

Friday, November 16, 2007

6:00 p.m to 8:00 p.m.

The Colony Hotel, Palm Beach

Cost: \$30 - Federal Bar Association Members
\$35 - Non-Members and walk-ins

THE RECEPTION IS SPONSORED BY:

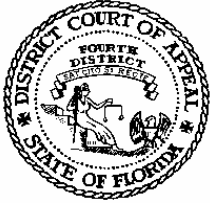
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Checks should be made payable to the *Federal Bar Association Palm Beach County Chapter* and mailed to *Law Offices of Paul Sullivan, 580 Village Blvd., Suite 280, West Palm Beach, FL 33409.*

To **RSVP** or **BECOME A SPONSOR** please contact Beverly (561) 689-7222 or via email at psulliv@bellsouth.net

The Palm Beach County, South Palm Beach County and Broward County Bar Associations presents:

Inside the Appellate Court: An Afternoon with the Judges of the Fourth DCA



Thursday, December 6, 2007

11:30 a.m.—5:30 p.m.

Boca Raton Marriott at Boca Center, 5150 Town Center Circle

Program Schedule

- 11:30 am - 12:00 pm** Buffet Lunch / Registration / Check-In
- 12:00 pm - 1:00 pm** Luncheon - **Keynote Speaker: Honorable Fred A. Hazouri, Fourth District Court of Appeal - "Professionalism and the Appellate Lawyer"**
- 1:00 pm - 1:15 pm** BREAK
- 1:15 pm - 1:45 pm** **"What Persuades the Decision-Makers? The Use of Secondary Authority in Briefs from the Perspective of the Judges"** - Panel Discussion moderated by *Honorable Martha C. Warner, Fourth District Court of Appeal*
- 1:45 pm - 2:15 pm** **County to Circuit Appeals Pursuant to Florida Rules of Appellate Procedure 9.030(c) and 9.100(f)** - *Honorable Elizabeth T. Maass, Fifteenth Judicial Circuit*
- 2:15 pm - 2:30 pm** BREAK
- 2:30 pm - 3:00 pm** **Standards of Review** - *Honorable Larry A. Klein, Fourth District Court of Appeal*
- 3:00 pm - 3:45 pm** **Motions for Rehearing, Rehearing en Banc, and Certified Questions** - *Honorable Robert M. Gross, Fourth District Court of Appeal*
- 3:45 pm - 4:00 pm** BREAK
- 4:00 pm - 5:00 pm** **Panel Discussion** with the *Judges of the Fourth DCA*, Moderated by *Jack J. Aiello, Esq., Gunster, Yoakley & Stewart*
- 5:00 pm - 5:30 pm** **Cocktail Reception**

This course is expected to receive **5.0 CLER** including **1.0 Ethics credits** from The Florida Bar; Appellate Certification credit has been applied for and is pending approval.

The cost of the seminar, lunch and reception is **\$130** if registered by **11/29/07**; **\$155** after that date;
No refunds after 11/30/07

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25.

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

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___ I will not be able to attend the seminar but would like to order the CD. (cost same as listed above/please allow two weeks for delivery) (Appellate Seminar 12/6/07)

Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.

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

“10th Annual Elder Law Update”

Friday, December 7, 2007 8:25a.m.—1:45p.m.
Bar Offices — 1601 Belvedere Rd., Suite 302E, WPB

SPONSORED BY:



Program Schedule

Estate & Trust Litigation

- 8:00am - 8:25am Late Registration - Check In
- 8:25am - 8:30am Welcome - Opening Remarks - *David R. Schwartz, Esq., Chair PBCBA Elder Law Affairs Committee*
- 8:30am - 10:30am Florida's New Medicaid Rules, Ethically Speaking - *Howard S. Krooks, Esq., and Ellen S. Morris, Esq., of Elder Law Associates*
- 10:30am - 10:45am Break
- 10:45am - 12:00pm New Trends for Waiver Programs - *Scott Solkoff, Esq., Florida Bar Certified Elder Law Attorney; and speakers from Alpert Jewish Family & Childrens Service of Palm Beach County and Ruth Rales Jewish Family Services of South Palm Beach County*
- 12:00pm - 12:20pm Box Lunch
- 12:20pm - 1:00pm Reverse Mortgages - *Richard P. Zaretsky Esq., Florida Bar Board Certified Real Estate Attorney and Max Zaretsky, Principal Representative, All America Reverse Mortgage LLC*
- 1:00pm - 1:45pm Tax Law Update - *Michael A. Lampert, Esq., Michael A. Lampert, P.A., Florida Bar Certified Tax Attorney*



.....
This course is expected to receive **5.5 CLER hours including 2.5 Ethics Credit.**

Certification credit has been applied and is pending approval for:

Elder Law; Civil Trial; Wills, Trusts and Estates; and Tax Law from The Florida Bar.

The cost of the seminar, **including lunch**, is \$135 for PBCBA members/legal assistants, \$175 for non-PBCBA members/legal assistants, if registered by 11/30/07. **Add \$25 to registration fee after that date.**

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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

HOW TO REGISTER



MAIL the completed form w/check



FAX the completed form to 561/687-9007



ON-LINE at www.palmbeachbar.org

Please register me for the December 7, 2007 Elder Law Seminar

Name: _____ **Telephone:** _____

Address: _____ **City/Zip** _____

Name on Credit Card: _____ **Signature:** _____

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___ I will not be able to attend the seminar but would like to order the CD Rom. (cost same as listed above/please allow two weeks for delivery) (Elder Law 12/7/07)

Palm Beach County Bar Assn., 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406. (561) 687-2800

Solo Practitioners & Small Firm Committee Presents: Networking & Learning Luncheon Series

“Practice of Law Meets the Business of Law”

For attorneys in firms with five or fewer lawyers.
No more than 3 of whom work in the same practice area.



- Topic:** **LEGAL MALPRACTICE**
Presented by D. Culver “Skip” Smith, III
- Date:** **Wednesday, December 19**
11:45 a.m. to 1:00 p.m.
Bar Offices
- Cost:** \$10.00 for PBCBA members
and \$20.00 for non-members
- RSVP:** On line @ www.palmbeachbar.org

Sponsored by:



Bar Association Office
1601 Belvedere Rd. #302E
West Palm Beach, FL 33406
Call the Bar Office if
you have questions:
Phone: (561) 687-2800
Fax: (561) 687-9007

Noon-time Networking Luncheons Every 6 Weeks!

At each luncheon, every participant will
have the opportunity to introduce themselves
and give a 60-second presentation
on their practice. Plus, a list of all participants will be
distributed at each luncheon.

Be sure to bring plenty of business cards!



Support the Bar's Annual Charity Auction *Donate A Gift Today!*

Here's how you can help ...

The Young Lawyers and North County Sections need your help in collecting items for its Annual Silent Auction, which is scheduled for Wednesday, November 28 at BallenIsles Country Club in Palm Beach Gardens.

We count on this fundraiser to help pay for community service programs such as a holiday party for children in the Guardian Ad Litem program, as well as school supplies, a college scholarship fund and lots more.

You can help in our efforts by making a donating to the auction. The possibilities are endless and every gift will add to the excitement and success of the event.

The committee is looking for items such as attraction tickets, professional ballgame tickets, hotel packages, artwork, sporting goods, spa services, professional services such as interior decorating, teeth whitening, portrait sittings, etc. If you would like it, chances are someone else will too.

If you have a donation to make, please call Lynne Poirier at the Bar Office at 687-2800.

Donated item: _____

Approximate value: \$ _____

Restrictions on gift certificates:
(black out dates, etc) _____

Donor name & address: _____

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

"THE BUSINESS OF EMPLOYMENT LAW"

Friday, January 11, 2008 - 8:10a.m. – 1:15p.m.

Bar Association Office, 1601 Belvedere Road, Suite 302 East, West Palm Beach, FL

Key Issues On The Agenda

- 8:10a.m. - 8:25a.m. **Late Registration/Check In**
- 8:25a.m. - 8:30a.m. **Welcome & Opening Remarks** - *Robyn S. Hankins, Esq. and Joseph Santoro, Esq., Gunster, Yoakley & Stewart, P.A., Employment Law CLE Committee Co-Chairs*
- 8:30a.m. - 9:30a.m. **Case Evaluation** - *Steven L. Schwarzberg, Esq., Schwarzberg Spector Duke & Rogers, and Arthur Schofield, Esq., Arthur T. Schofield, P.A.*
- *Evaluating your case*
 - *Dealing with client expectations*
 - *The "Difficult" client*
 - *Pre-suit investigation*
 - *Ethics and business issues to consider*
- 9:30a.m. - 10:30a.m. **The Risk of Sanctions and Attorneys Fee Issues** - *David I. Spector, Esq., Schwarzberg Spector Duke & Rogers*
- *§57.105, Rule 11 and §1927 issues*
 - *Pursuing sanctions for unsupported claims*
 - *Defending against Sanctions*
 - *Ethical considerations when confronting sanctions issues*
 - *Attorneys fees standards in employment cases*
- 10:30a.m. - 10:45a.m. **BREAK**
- 10:45a.m. - 11:15a.m. **Mediation** - *Robyn S. Hankins, Esq.*
- *Selecting the right mediator*
 - *Presuit Mediation*
 - *Mediation ethics*
- 11:15a.m. - 12:00p.m. **Recent State and Federal Decisions** - *Denise J. Bleau, Esq., Buckingham, Doolittle & Burroughs, LLP*
- *Local opinions and administrative orders*
 - *Case law update*
- 12:15p.m. - 1:15p.m. **LUNCH and Learn with the Judiciary** - *Lunch to held in the Crowne Plaza "Ballroom" and will include among others, the following members of the Judiciary: Honorable Daniel T. K. Hurley, Honorable Ann E. Vitunac, Honorable William J. Berger, Honorable Robin L. Rosenberg, Honorable Jonathan D. Gerber, and Honorable Glenn D. Kelley*

SPONSORED BY:



This course is expected to receive **5 CLER including 1.0 Ethics credit** from The Florida Bar. The cost of the seminar is \$115 for PBCBA members/paralegals; \$155 for non-PBCBA members/paralegals if registered by 1/04/08; add \$25 to registration fee after that date.

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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

| | | | |
|------------------------|--|---|--|
| HOW TO REGISTER | MAIL the completed form w/check | FAX the completed form to 561/687-9007 | ON-LINE at www.palmbeachbar.org |
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Amount to Charge: \$ _____ Signature: _____

____ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (1/11/08 Employ) Cost is the same as listed above.

Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406 Telephone: (561) 687-2800

The Palm Beach County Bar Association's Real Estate CLE Committee presents:

WINTER 2008 REAL ESTATE SEMINAR
"Keeping Up in a Down Market"

Friday, January 25, 2008 - 8:35 a. m. - 12:00 p.m.
Bar Association Offices



SPONSOR:



First American Title Insurance Company

Program Schedule

| | |
|--------------------------|--|
| 8:15am - 8:35am | Late Registration |
| 8:35am - 8:45am | Welcome and Opening Remarks - Steven D. Rubin, Esq., Real Estate Committee Chairperson |
| 8:45am - 9:30am | Mortgage Foreclosures, Workouts and Bankruptcy, and Ethical Considerations - Manuel Farach, Esq., Rutherford Mulhall, P.A |
| 9:30am - 10:15am | Breach of Real Estate Contract Litigation including Retention and Return of Deposits, Specific Performance, Damages, and Ethical Considerations - Henry N. Portner, Esq., Henry N. Portner, PA |
| 10:15am - 10:30am | Break |
| 10:30am - 11:15am | Fraud and Title Alerts: Detecting and Avoiding Fraud and Unfair Trade Practices in the Transaction, including Ethical Considerations - Alan Fields, Esq., Florida State Counsel, First American Title Insurance Company |
| 11:15am - 12:00pm | The New August 2007 FAR/BAR Contract and Related Riders, and Ethical Considerations - John Banister, Esq., Rutherford Mulhall, P.A. and Chair, Joint Realtor/Florida Bar Committee |

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This course is expected to receive **3.5 CLER hours including 3.5 Ethics credits** from the Florida Bar. **Real Estate Certification Credit has been applied for and is pending approval** from The Florida Bar. The cost of the seminar is \$105 for PBCBA members/paralegals; \$145 for non-PBCBA members/paralegals if registered by 1/18/08; Add \$25 to registration fee after that date.

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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

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|------------------------|---|--|---|---|---|--|
| HOW TO REGISTER |  | MAIL the completed form w/check |  | FAX the completed form to 561/687-9007 |  | ON-LINE at www.palmbeachbar.org |
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Name: _____ **Telephone:** _____

Address: _____ **City/Zip** _____

Email Address: _____

Name on Credit Card: _____ **Signature:** _____

Credit Card #: _____ **Visa** **Amex** **MC** **Exp. Date:** _____ **Amount \$** _____

I will not be able to attend the seminar but would like to order the CD (cost same as listed above/please allow two weeks for delivery) (Real Estate Seminar 1/25/2008.)

Palm Beach County Bar Association, 1601 Belvedere Rd. #302E, West Palm Beach, FL 33406.

The Palm Beach County Bar Association's Alternative Dispute Resolution Committee Presents:

"ADR in 2008: What is it Good For? - Absolutely Everything!"

Monday, February 11, 2008 8:30a.m. – 4:45p.m.

Bar Association Offices 1601 Belvedere Road, #302E, West Palm Beach, FL



Program Schedule

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|-----------------------|---|
| 8:00a.m. – 8:30a.m. | Late Registration/Check In |
| 8:30a.m. – 8:45a.m. | Welcome & Opening Remarks , <i>W. Jay Hunston, Jr., Esq., Committee Chair</i> |
| 8:45a.m. – 9:15a.m. | Best Mediation Practices - Keeping it Ethical , <i>Dr. Bernard H. Shulman, Esq.</i> |
| 9:15a.m. – 10:00a.m. | Getting It Settled: More Keys to Successful Mediation , <i>Theodore A. Deckert, Esq.</i> |
| 10:00a.m. – 10:15a.m. | BREAK |
| 10:15a.m. – 11:00a.m. | Arbitration - New Uses, New Perspectives , <i>Steven A. Stinson, Esq., ARC Mediation</i> |
| 11:00a.m. – 11:30a.m. | Opening Statements in Mediation , <i>Charles H. Damsel, Jr., Esq., Charles H. Damsel, Jr., P.A.</i> |
| 11:30a.m. – 12:00p.m. | Connecting with your Clients: Emotions and the Mediation Process , <i>Thomas G. Caprio, Esq., Alternative Dispute Resolution Director, 15th Judicial Circuit</i> |
| 12:00p.m. – 1:00p.m. | LUNCH - On Your Own |
| 1:00p.m. – 2:00p.m. | Cultural Diversity/Competence in the World of ADR , <i>Debi Stewart, Public Affairs/Multi Cultural Specialist, Palm Beach County School District</i> |
| 2:00p.m. – 2:45p.m. | Family Mediation Agreements: The Good the Bad and the Ugly , <i>Amy S. Wolsky, Esq.</i> |
| 2:45p.m. – 3:00p.m. | BREAK |
| 3:00p.m. – 3:45p.m. | ADR Ethics: Recent Case Law Update , <i>W. Jay Hunston, Jr., Esq.</i> |
| 3:45p.m. – 4:45p.m. | Ethical Dilemmas in Dispute Resolution Practice , <i>Panel Discussion</i> |

This course is expected to receive **8.0 CLER/CME hours including 2.5 Ethics CLE/CME** from The Florida Bar.

The cost of the seminar is \$185 for PBCBA members/paralegals;

\$225 for non-PBCBA members/paralegals if registered by 2/4/08; add \$25 to registration fee after that date.

"This course is eligible for up to 8.0 CME hours including 2.5 Ethics credit and 1.0 Cultural Diversity CME credit. Mediators are required to self report those hours applicable to their areas of certification at the time of their renewal. For more information on the CME requirement, visit, www.flcourts.org, select Alternative Dispute Resolution/Mediation."

If a phone reservation is made and we do not receive payment and you do not attend, you will be charged \$25. All refund requests must be made no later than 48 hours prior to the date of the seminar.

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

HOW TO REGISTER



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FAX the completed form to 561/687-9007



ON-LINE at www.palmbeachbar.org

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___ I will not be able to attend the seminar but would like to order the CD (allow 2 weeks for delivery) (2/11/08 ADR) Cost is the same as listed above.

Palm Beach County Bar Association, 1601 Belvedere Road, Suite 302E, West Palm Beach, FL 33406. Telephone: (561) 687-2800