



PALM BEACH COUNTY BAR ASSOCIATION BULLETIN

WWW.PALMBEACHBAR.ORG | OFFICIAL PUBLICATION OF THE PALM BEACH COUNTY BAR ASSOCIATION | JULY-AUGUST 2020

Board of Directors Installed



Palm Beach County Bar Association's 98th Annual Installation like no other



Board of Directors sworn in under COVID-19 times

North County Section's Jurist of the Year 2020



North County Section President Wayne Richter recently bid farewell to the NCS Board during his final meeting of the year, but his work is not finished just yet. Wayne has an important announcement to make regarding the Section's 18th annual Jurist of the Year recipient. Stay tuned for more information!

Did you know that you can access all of the available helpful links that PBCBA has to offer by visiting the My PBCBA Resources page?

Share with us how you are staying well by posting to our Facebook page using the #PBCBAStayWell hashtag, or e-mail a photo and caption to LPoirier@palmbeachbar.org.

For more information, please visit www.palmbeachbar.org/myresources



Dean Xenick sworn in as our 98th Palm Beach County Bar President

Palm Beach County Bar Association

VISION

2 0 / 2 0

FOCUSED ON RECOVERY

President's Message page 3
98th Installation Ceremony page 6
COVID-19 Food Bank Drive page 11
Highlight Corner page 19

The Bulletin

Palm Beach County
Bar Association

Dean Xenick
President

Carla Tharp Brown
Executive Director

OFFICERS:

Dean T. Xenick, President
Julia Wyda, President-Elect

DIRECTORS:

Jessica Callow, Immediate Past President
Lindsay Demmery
Andrea Lewis
Jean Marie Middleton
Scott Perry
Jack Rice
Nichole Segal
Grasford W. Smith
Scott B. Smith
Robert Wight, YLS President
Misty Chaves, NCS President
L.A. Perkins, Ex Officio South Palm Beach County
Bar President

ABA Delegate:

David Miller, Jr.

Florida Bar Board of Governors Members:

Robin Bresky
Gary S. Lesser
Ronald P. Ponzoli
Rosalynd "Sia" Baker-Barnes

Florida Bar Young Lawyers Division Members:

Stephanie Cagnet-Myron
Sam Cohen
Leslie Metz
Masimba Mutamba

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

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

Past Presidents

M.D. CARMICHAEL*	RAYMOND W ROYCE
RICHARD P. ROBBINS*	PETER VAN ANDEL
L.R. BAKER*	LARRY ALAN KLEIN
HARRY A. JOHNSTON*	THEODORE BABBITT
GEORGE W. COLEMAN*	JOHN F FLANIGAN
J.C. FISHER****	SIDNEY A STUBBS JR.
MARSHALL B. WOOD*	JOSEPH JOHN REITER**
E. HARRIS DREW***	JOHN B. MCCrackEN*
B.F. PATY*	DAVID LOUIS ROTH
JOSEPH S. WHITE*	D. CULVER SMITH III
HENRY P. LILIENTHAL*	TIMOTHY W. GASKILL
MANLEY P. CALDWELL*	ARTHUR G. WROBLE
WILBUR E. COOK*	GUY C. HILL*
W. MURRAY HAMNER*	PATRICK J. CASEY
RICHARD PRESCOTT*	JAMES G. PRESSLY, JR.
RUSSELL MORROW*	PATRICK C. MASSA
CULVER SMITH*	STEVEN A. STINSON
RAYMOND ALLEY*	CARL M. MATHISON, JR.*
C.Y. BYRD*	ROBERT V. ROMANI*
WILLARD UTLEY*	MICHAEL P. WALSH
C.H. ERNEST*	JULIEANN RICO
PAUL W. POTTER*	MICHAEL A. VISCOMI
WAREING T. MILLER*	CAROL MCLEAN BREWER
CHARLES B. FULTON****	JERALD S. BEER
J. LEO CHAPMAN*	JOHN G. WHITE III**
ELWYN L. MIDDLETON*	MICHAEL T. KRANZ
H. ELMO ROBINSON*	EDWARD DOWNEY
J. STOCKTON BRYAN JR.	SCOTT G. HAWKINS**
HAROLD G. MAASS*	AMY L. SMITH
ROBERT F. CROMWELL*	GREGORY W. COLEMAN**
CHARLES H. WARWICK III*	LISA S. SMALL
PHILLIP D. ANDERSON*	STANLEY D. KLETT, JR.
FREDERICK CRANE PRIOR	THEODORE J. LEOPOLD
JAMES C. DOWNEY*	MANUEL FARACH
WILLIAM A FOSTER	MEENU T. SASSER*
ALAN F. BRACKETT*	RICHARD D. SCHULER
ROBERT D. TYLANDER*	MICHELLE SUSKAUER**
ROBERT MCK FOSTER*	MICHAEL J. NAPOLEONE
JOHN M. FARRELL*	JOHN M. HOWE
H. LAURENCE COOPER, JR.*	ADAM T. RABIN
JOHN R. DAY*	JILL G. WEISS
JOHN L. BURNS*	THEODORE S. KYPREOS
HARRY ALLISON JOHNSTON II	J. GRIER PRESSLY, III
GAVIN LETTIS*	JOHN R. WHITTLES
JAMES S. ROBINSON*	ROSALYN SIA BAKER-BARNES
CHARLES HENRY DAMSEL JR.	GREGORY P. HUBER
EDWARD D LEWIS*	

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

SUMMARY

3	PRESIDENT'S MESSAGE
4	NEW MEMBERS
4	BOARD MEETING ATTENDANCE
5	ADR CORNER
6	98TH INSTALLATION CEREMONY
7	98TH INSTALLATION CEREMONY (PT. II)
8	BANKRUPTCY CORNER
9	CIVILITY & GOOD PRACTICE *LIVE WEBINAR*
10	PBCBA 100% CLUB
11	COVID-19 FOOD BANK DRIVE
12	COVID-19 FOOD BANK DRIVE (PT. II)
13	PERSONAL INJURY CORNER
14	PERSONAL INJURY WEBINAR
15	PROBATE CORNER
16	FL LAWYER MENTAL HEALTH AND WELLNESS RESOURCES
17	REAL ESTATE CORNER
19	HIGHLIGHT CORNER
21-24	CLE OFFERINGS
25-26	CLASSIFIEDS
27	CALENDAR OF EVENTS

Palm Beach Bar Association Bulletin
P.O. Box 17726, West Palm Beach, FL 33416
561.687.2800

Director
Carla Tharp Brown, Executive Director

Editor
Derek Loiseau

Advertising Inquiries
P.O. Box 17726, West Palm Beach, FL 33416
561.687.2800
DLoiseau@palmbeachbar.org
www.palmbeachbar.org

PRESIDENT'S MESSAGE



Dean T. Xenick
2020-21 PBCBA President

As I stated in my speech when I was installed, one of the main missions of the Palm Beach County Bar Association is to serve our members and that is what we will do this year. Now, *more than ever*, we will serve our members in this uncertain time.

To achieve that goal we will be implementing our "Vision 20/20" initiative, which will be "Focused on Recovery." When Vision 20/20 was first conceived, Covid-19 had not yet hit. The original thought was to "Focus on your practice," essentially ideas that you can "focus" on in order to make us more effective lawyers, how to improve our service to the community, and how to make our practices better, to bring everything into 20/20 focus in the year 2020. But once the pandemic worsened, this focus would shift, still on your practices, but with an eye towards **recovery** during this unprecedented time.

So, during this Bar year, through our committees, webinars, and other programming, we will strive to give you the information you and your practices need to **thrive, not just survive**, during this trying time.

One of the ways to come up with innovative ideas is to tap into those who we know and trust for ideas and solutions. Thus, one of the first items we will be undertaking is a local Voluntary Bar Association Summit, where our local voluntary

Vision 20/20 – Focused on Recovery Step 1 – Get Involved and Get Engaged

bar associations will roundtable ideas that Palm Beach County attorneys can use, real world solutions to some of our toughest current challenges.

Speaking of challenges, I am pleased to report that our Committee for Diversity and Inclusion, chaired by Lawonda Warren and board member Scott Smith, has already met and started working on some innovative ideas relative to the promotion of equality and justice, in light of recent events. Please keep your eye out for their upcoming events.

In addition, by the time you read this we will have had our first committee chair meeting. I would like to extend a heartfelt thank you to our committee chairs and members for stepping up and volunteering, they are the lifeblood of our Bar Association. We have over 30 Committees in almost every practice area, so chances are we will have programming and events that will benefit you. I have asked these committees to knock it out of the park this year, to focus their work, including CLE opportunities, on helping you flourish and helping you serve your clients.

One of our main events, the Bench Bar Conference, will proceed virtually in August. Being able to proceed with, *and not cancel*, one of our flagship events was no small task and is a testament to our "rock star" Bar staff, who have risen to the challenge. The fact that our Bench Bar Conference will be going forward is also a testament to the hard work and dedication of our Bench Bar Committee, led by Salesia Smith-Gordon and Michael Pike. I would like to thank them and their outstanding committee for all of the extra work it has taken to make the Bench Bar Conference a reality again.

Finally, one of our goals this year will be to keep you as updated as we can in regard to when, how, and in what manner the courthouse will open up and what it will "look like" when it does. We are in constant communication with the 15th Judicial Circuit and will relay all pertinent information as we

receive it. We will also do our best to provide programming, town halls and webinars on courthouse topics which will benefit our judges and attorneys alike. Stay tuned.

So, as I said previously, my ask of you is to **GET INVOLVED and GET ENGAGED**:

- If you have not already done so, please RENEW your membership. Your dues help us help you. Encourage friends and colleagues who have not joined or renewed their membership to do so.
- Read our emails, check our website and social media regularly. "Like" us on Facebook.
- Read the monthly bulletin.
- Sign up for a webinar or CLE.
- Volunteer for a committee.
- Volunteer in the community, using your skills and education to make a difference.

I promise doing these things will benefit you both personally and professionally. At the end of the day this is YOUR Bar Association. Our role as your Board is to make it better for all of our members and to help you succeed. Your Board dedicated to your success and the continuation of our Bar Association to our 100th birthday and beyond.

Thank you to past president Jessica Callow for her leadership during some of the most extraordinary times we have seen and to President-Elect Julia Wyda for her dedication to taking the reins next year. Thank you also to our amazing Board, I am fortunate to be surrounded by such talented and selfless people.

Thank you again for this amazing opportunity to serve you this year. If you ever have any questions, concerns or ideas of how we can do better, I invite you to call or email me. My email is dtx@reidburmanlaw.com.

Step 2 – "How to fish".....Stay tuned

Dean T. Xenick

NEW MEMBERS

JULY | AUGUST 2020

Barry Aronin
Nova Southeastern University-Shepard Broad
Law School, 2010
Labovick Law Group
Palm Beach Gardens, FL

James Beralus
Barry University School of Law, 2016
Beralus Law Firm, PLLC
Boynton Beach, FL

Lourdes M. Casanova
University of Florida, Levin College of Law, 2012
Casanova Law, P.A.
Lake Worth, FL

Aieshia Charles
Lake Worth, FL

Stephen A. Cohen
Carlton Fields, P.A.
West Palm Beach, FL

Matthew M. Comiter
University of Miami, 2010
Gunster
West Palm Beach, FL

Rhonda M. Diamond
Buffalo Law, 1997
Diamond, Kistner and Diamond
Hollywood, FL

Julie Farina
Boyes, Farina & Matwiczuk
Palm Beach Gardens, FL

Joshua Gostel
Georgetown Law School, 2018
Becker & Poliakoff, P.A.
West Palm Beach, FL

Harris Howard
Howard Law
Boca Raton, FL

Daniel Hunt
Golden Gate Univeristy, 2000
Daniel H. Hunt, Esq.
Palm Beach Gardens, FL

Christopher D. Johnson
UF Levin College of Law, 2019
State Attorney's Office
West Palm Beach, FL

Shawna G. Lamb
University of Florida, 1998
City of West Palm Beach
West Palm Beach, FL

Brandon S. Leon
University of Miami, 2010
Greenberg Traurig, P.A.
West Palm Beach, FL

Simeon Lyons
Office of the Public Defender
15th Judicial Circuit
West Palm Beach, FL

Samantha Mazer
Pratt & Radford, PL.
West Palm Beach, FL
Sean Murray
West Palm Beach, FL

Aaron D. Neifeld
Nova Southeastern University, 2016
Law Offices of Craig Goldenfarb, P.A.
West Palm Beach, FL

Irma Qureshi
University of Minnesota Law School, 2014
Greenberg Traurig, P.A.
West Palm Beach, FL

Lindsay Reinhart
Searcy Denney Scarola Barnhart & Shipley
West Palm Beach, FL

Erick R. Rodriguez
University of Miami, 2019
Gaebe, Mullen, Antonelli & DiMatteo
West Palm Beach, FL

Toni Ross
Touro College, 1987
Toni B. Ross, P.A.
Boca Raton, FL

Lance C. Rudzinski
Nova Southeastern University, 2008
RTR Law
Lake Worth, FL

Michael J. Ryan
UM, 1968
Ryan Law Group PLLC
North Palm Beach, FL

Kelly C. Sturmthal
University of Miami School of Law, 1993
DSM Law
Jupiter, FL

Eric Yankwitt
Albany, 1992
Yankwitt Law Firm
Boca Raton, FL

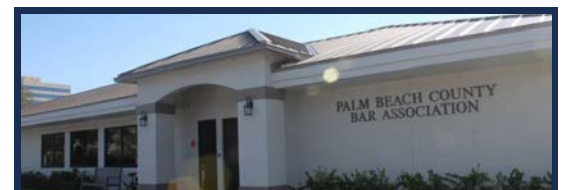
Stephanos C. Yiannis
Barry University, Dwayne O. Andreas School
of Law, 2019
West Palm Beach, FL

BOARD MEETING | EVENT ATTENDANCE



2020-2021

BOARD MTG	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
CALLOW	X	-	-	-	-	-	-	-	-	-	-	-
CHAVES	X	-	-	-	-	-	-	-	-	-	-	-
DEMMERY	X	-	-	-	-	-	-	-	-	-	-	-
LEWIS	X	-	-	-	-	-	-	-	-	-	-	-
MIDLDETON	X	-	-	-	-	-	-	-	-	-	-	-
PERRY	X	-	-	-	-	-	-	-	-	-	-	-
RICE	X	-	-	-	-	-	-	-	-	-	-	-
SEGAL	X	-	-	-	-	-	-	-	-	-	-	-
SMITH, G.	X	-	-	-	-	-	-	-	-	-	-	-
SMITH, S.	X	-	-	-	-	-	-	-	-	-	-	-
WYDA	X	-	-	-	-	-	-	-	-	-	-	-
XENICK	X	-	-	-	-	-	-	-	-	-	-	-





DONNA GREENSPAN SOLOMON

Arbitration Case Law Update

Anderson v. Am. Gen. Life Ins. Co., 802 Fed. Appx. 548 (11th Cir. 2020) (arbitrator faced with jurisdictional challenge was not required to hear evidence of whether employer breached optional and informal dispute resolution procedure or whether employer's upper management knew about rigged sales contest used to decide promotion at issue).

Mason v. Midland Funding LLC, 18-14019, 2020 WL 2466370, at *4 (11th Cir. May 13, 2020) (defendant failed to show that plaintiff agreed to arbitrate by assenting to clickwrap agreement that was part of online credit application where evidence did not establish that plaintiff ever received or knew of arbitration agreement).

Iglehart v. Mitbank USA, Inc., 285 So. 3d 331 (Fla. 4th DCA 2019) (Co-trustee did not waive right to arbitration under land trust agreement by filing suit under contemporaneous but separate trust management agreement).

4927 Voorhees Rd., LLC v. Tesoriero, 291 So. 3d 668, 673 (Fla. 2d DCA 2020) (arbitration agreement containing improper damages and fees provisions could be severed from arbitration agreement; conflict certified with *Novosett v. Arc Villages II, LLC*, 189 So. 3d 895 (Fla. 5th DCA 2016)).

Hobby Lobby Stores, Inc. v. Cole, 287 So. 3d 1272 (Fla. 5th DCA 2020) (Arbitration agreement was not procedurally unconscionable, even though employee asserted he had a high school education, did not know what arbitration was, and believed he had no choice but to sign it; arbitration agreement's operative terms were not hidden, minimized, or buried in fine print, there was no evidence that employee could not read the agreement or that corporation pressured, rushed, or coerced him into signing it, and employee did not allege that corporation made false representations to induce him to sign it, or that he asked any questions about the agreement, or that he expressed any confusion about its terms, or that he lacked opportunity to inquire into the agreement's terms or to enlist help if confused).

Efron v. UBS Fin. Services Inc. of Puerto Rico, 45 Fla. L. Weekly D309 (Fla. 3d DCA Feb. 12, 2020) (trial court erred in confirming \$9.7 million arbitration award where panel denied motion for postponement due to withdrawal of counsel, giving no specific reason).

Ciccarello v. Siena Villas at Beach Park Condo. Ass'n, Inc., 45 Fla. L. Weekly D568 (Fla. 2d DCA Mar. 11, 2020) (appellate court lacks jurisdiction to review arbitration award in absence of timely-filed motion for trial de novo in circuit court pursuant to section 718.1255(4)(k), Fla. Stat.).

Doe v. Natt, 45 Fla. L. Weekly D712 (Fla. 2d DCA Mar. 25, 2020) (clickwrap agreement stating that any arbitration would be administered by American Arbitration Association (AAA) in accordance with its rules did not constitute clear and unmistakable evidence of parties' assent; agreement was silent on issue of arbitrability, agreement's reference to AAA rules was broad, nonspecific, and cursory, and AAA rule that arbitrator shall have power to rule on scope or validity of arbitration agreement or arbitrability of any claim conferred adjudicative power on arbitrator but did not make that power exclusive or contractually remove adjudicative power from court).

H Greg Auto Pompano, Inc. v. Raskin, 45 Fla. L. Weekly D702 (Fla. 3d DCA Mar. 25, 2020) (although section 682.03, Florida Statutes, requires a stay while motion to compel arbitration is pending, the statutory language does not mandate a stay during appeal of denial of motion to compel; noting difference with Eleventh Circuit in *Blinco v. Green Tree Servs., LLC*, 366 F.3d 1249, 1253 (11th Cir. 2004) (litigation should be stayed so long as appeal is non-frivolous)).

City of Hollywood v. Perrin, 45 Fla. L. Weekly D694 (Fla. 4th DCA Mar. 25, 2020) (employee's complaint that city erroneously calculated his longevity and seniority contained arguable allegation of unfair labor practice, over which Public Employees Relations Commission (PERC) had exclusive jurisdiction, and thus trial court could not compel arbitration).

Timmons v. Lake City Golf, LLC, 45 Fla. L. Weekly D797 (Fla. 1st DCA Apr. 7, 2020) (final judgment provided former partner with sole recourse process contemplated in arbitration, and thus was not flawed for failing to give him right of execution and final process).


CWELT-2008 Series 1045 LLC v. Park Gardens Ass'n, Inc., 45 Fla. L. Weekly D1001 (Fla. 3d DCA Apr. 29, 2020) (plaintiff waived right to demand arbitration on counterclaim that was "flip side" of claim it had actively litigated).

.....
Donna Greenspan Solomon is one of three attorneys certified by The Florida Bar as both Business Litigator and Appellate Specialist. Donna is a Member of the AAA's Roster of Arbitrators (Commercial Panel). She is a FINRA-Approved and Florida Supreme Court Qualified Arbitrator. She is also a Certified Circuit, Appellate, and Family Mediator. Donna is a Member of the Florida Supreme Court Committee on Standard Jury Instructions—Contract and Business Cases. Donna can be reached at (561) 762-9932 or Donna@SolomonAppeals.com or by visiting www.solomonappeals.com.

For additional ADR tips and resources, please go to the ADR Committee page of the updated Palm Beach County Bar Association website at www.palmbeachbar.org.

PAY SECURELY WITH

LAWPAY



The PBCBA has partnered with LawPay to offer Law Firm Merchant Accounts for our members to allow your firm to handle credit card transactions. Trust your transactions to the only payment solution recommended by over 60 bar associations. Correctly safeguard and separate client funds into trust and operating accounts. The ability to accept credit cards attracts clients, improves cash flow and reduces collections. Plus, members save up to 25% off their credit card processing fees. Call 866-376-0950 so you can get started today!

 **The Honorable Judge Caroline Shepherd Swears In our Board of Directors Under COVID-19 Times** 



Your Palm Beach County Bar Association Board is ready to work for you!



President Dean Xenick



President-Elect Julia Wyda



Directors L to R: YLS President Robbie Wight; Nichole Segal; Lindsay Demmery; Scott Perry; Andrea Lewis; Grasford Smith; NCS President Misty Chaves; Jean Marie Middleton; Jack Rice; Scott Smith, and Immediate Past President Jessica Callow



The Honorable Judge Caroline Shepherd Swears In our Board of Directors Under COVID-19 Times (Part II)



Dean Xenick was joined by his wife Maria and his three children- Phillip, Natalia, and Katherine



Instead of Members buying a ticket to the Banquet, we asked for food and monetary donations to benefit the PBC Food Bank. Dean signs the \$6,641.00 check



The Honorable Caroline Shepherd administered the Oath of Office to the PBCBA Board of Directors



JASON S. RIGOLI

The Debtor Assumed Your Lease in a Chapter 13 Plan, “to what Effect”?

The Eleventh Circuit recently issued an opinion, a first among the circuit courts, regarding administrative expense claims and unexpired leases or executory contracts that is important to creditors. See *Microf, LLC v. Cumbess* (In re Cumbess), --- F.3d ---, 2020 WL 2897260 (11th Cir. June 3, 2020). In the end, according to the Eleventh Circuit, clear and unambiguous statutory language carries the day.

Background

In this case, the debtor assumed an HVAC lease through his confirmed chapter 13 plan for HVAC equipment on his residence. *Cumbess* at *1. The debtor was responsible for making the post-confirmation payments directly to the lessor. *Id.* The debtor consistently failed to make his payments to the creditor and ran up \$1,763.95 in post-confirmation arrears. *Id.* The Chapter 13 trustee, in this case, did not assume the lease pre-confirmation. *Id.*

The creditor eventually asked the bankruptcy court to deem these post-confirmation arrears as an administrative expense, “bump[ing] its way] up the creditor food chain.” *Id.* The bankruptcy court denied the creditor’s request and the district court affirmed. The creditor appealed to the Eleventh Circuit.

The question before the court was: “whether by assuming the lease as part of his Chapter 13 plan, the debtor can—singlehandedly and, in particular, without any action by the trustee—obligate the bankruptcy estate.” *Cumbess*, at *3.

Analysis

Several sections of the Bankruptcy Code come into play in this scenario. Sections 365 and 1322 govern the assumption, rejection, and assignment of unexpired leases or executory contracts in a chapter 13 bankruptcy case. Section 1322(b)(7) authorizes a debtor to assume, reject, or assign an unexpired lease or executory contract, not previously assumed, assigned, or rejected, through the debtor’s plan subject to section 365. 11 U.S.C. § 1322(b)(7). However, as the Eleventh Circuit holds, that authority does not answer the question before the Court. The Court must look to the language of § 365, to which § 1322(b)(7) points.

The Eleventh Circuit first addresses “who” can assume, reject, or assign. *Cumbess*, at *3-4. The Trustee for certain. *Id.* at *3 (citing § 365(a) (authorizing the trustee to assume or reject) and (d)(2) (authorizing the chapter 13 trustee to assume or reject preconfirmation)). And, in a chapter 13 the Debtor’s authority remains subject to § 365. 11 U.S.C. § 1322(b)(7).

The next question the court considered was “to what effect.” *Cumbess*, at *4. Which gets to the question of whether the debtor can obligate the estate by assuming an unexpired lease or executory contract in a chapter 13 plan. The Eleventh Circuit found the statutory language of 365 made short shrift of this analysis. Section 365(p) (1) states in relevant part: “[i]f a lease of personal property is rejected or not timely assumed by the trustee... the leased property is no longer property of the estate.” *Id.* at *4 (quoting 11 U.S.C. § 365(p)(1) (quotation marks in original). “Section 365(p)(1)’s plain language answers the question that we are principally tasked with deciding: Where (as here) the trustee does not assume an unexpired lease, it drops out of the estate.” *Ibid.* Essentially, the debtor’s assumption of an unexpired lease or executory contract in a plan amounts to a “reaffirmation agreement” similar to debtors in chapter 7, where the debtor assumes, post-petition personal liability for the debt excluding it from discharge. *Id.* at *6 (citing *In re Ruiz*, 2012 WL 5305741 at *3 n.5 (Bankr. S.D. Fla., Feb. 15, 2012) (Isicoff, J.)).

Conclusion

What the Eleventh Circuit, and the lower courts found, was that for the property and attendant lease to remain in the estate they must remain in the estate and, according to § 365(p)(1), was for the chapter 13 to assume the lease pre-confirmation. *Id.* at *8 (“The language of 11 U.S.C. § 365(p)(1) is crystal clear: ‘If a lease of personal property is rejected or not timely assumed by the trustee ... the leased property is no longer property of the estate.’ That provision means what it says, and so here—where it’s undisputed that the trustee did not assume the Microf lease—it means that the Microf lease dropped out of the bankruptcy estate upon confirmation of Cumbess’s Chapter 13 plan.”). Otherwise, the “effect” of the assumption of an unexpired lease or executory contract by a chapter 13 debtor in a plan, is that the debtor simply “reaffirms”

the personal liability of that debt obligation.

The Eleventh Circuit does note, however, that whether the property and lease remain property of the estate is not necessarily dispositive of allowing an administrative claim. *Id.* at *8 fn. 7. The issue for administrative expense claim to be allowed is whether that expense conferred a benefit on the estate, if so, the claim may be entitled to administrative priority status.

¹ 11 U.S.C. §§ 101 et seq.

² “Section” or “§” refers to the Bankruptcy Code, unless expressly stated otherwise.

This article was submitted by Jason S. Rigoli, Furr Cohen, P.A., 2255 Glades Road, Suite 301E, Boca Raton, FL 33431, jrigoli@furrcohen.com

Upcoming Live Webinars

Workers' Comp: Navigating Worker Compensation in Today's Landscape
July 15 | 12:00 PM - 1:00 PM

Judicial Candidate Forum including Circuit and County Court Races in the 15th Circuit
July 16 | 12:00 PM - 1:00 PM

Personal Injury Seminar: Unique Issues in Transportation Cases
July 28 | 10:00 AM - 2:30 PM

Civility and Good Practice: Navigating Complex Cases During a Pandemic
August 19 | 12:00 PM - 1:15 PM

Bench Bar Virtual Series
Friday, August 7th
Friday, August 14th
Friday, August 21st
Friday, August 28th

Register Today!

For more information, please visit www.PalmBeachBar.org



CIVILITY AND GOOD PRACTICE: NAVIGATING COMPLEX CASES DURING THE PANDEMIC

LIVE Webinar

Wednesday, August 19, 2020

Noon to 1:15 p.m.



This live webinar includes a discussion co-moderated by Adam Rabin and Joanne O'Connor with a panel of federal and state court judges. The discussion will address civility and good practice in navigating complex cases during the pandemic. The following topics, among others, will be discussed:

- Challenges and cooperation in scheduling hearings and depositions during the pandemic;
- Written discovery, including boilerplate or abusive objections;
- Conducting a proper meet and confer to resolve objections;
- Motion practice, including lawyer behavior during video and telephone hearings;
- Best practices for avoiding oopses, gaffes, and bloopers while arguing a video hearing;
- Experiences with evidentiary hearings and bench trials via video, including the use of exhibits and witness testimony.
- Will we ever see a civil jury trial via video?

Submit your questions ahead of time to: lpoirier@palmbeachbar.org

Pre-Registration Required:

**RSVP ONLINE @ PALMBEACHBAR.ORG
www.PalmBeachBar.org**

CLE expected, but pending approval

PBCBA Members: \$15.00

Attorneys who are not PBCBA Members: \$25.00

Judges: Complimentary



PALM BEACH COUNTY BAR ASSOCIATION

CELEBRATES ITS **100% CLUB**

WHERE YOUR MEMBERSHIP COUNTS!

When 100% of your attorneys join the Palm Beach County Bar Association you'll be featured and celebrated in our *Bulletin*, on eBlasts, and on Facebook!

Firms with 3 or more attorneys confirmed at the time of printing:

Alley, Maass, Rogers & Lindsay, P.A.

Billing, Cochran, Lyles, Mauro, Ramsey, P.A.

Boyes, Farina & Matwiczuk, P.A.

Burlington & Rockenbach

Chaykin Law Firm

Clark Fountain LaVista Prather and Littky-Rubin

Cole, Scott & Kissane

Davis & Ashton, P.A.

Domnick Cunningham & Whalen

Downey McElroy

Felice & Ehrlich

Gladstone & Weissman, P.A.

Law Offices of Craig Goldenfarb

Lytal Reiter Smith Ivey and Fronrath

Mesches & Johnson, P.L.

Murray Guari Trial Attorneys

Searcy Denney Scarola Barnhart & Shipley

Walton Lantaff Schroeder & Carson LLP

Join our 100% Club and let us feature your firm too!

To receive an application, email: lpoirier@palmbeachbar.org!

COVID-19 Drive to Benefit the Palm Beach County Food Bank a Tremendous Success!

Due to the Coronavirus, the Bar's 98th annual Installation Banquet was cancelled. Instead of members buying tickets and fancy dresses to attend the gala, we asked for a donation of food, grocery store gift cards, or a monetary donation all to benefit the Palm Beach County Food Bank. Thanks to our incredibly generous members our lobby filled up with food in no time! A special thank you to all our members for making a difference.



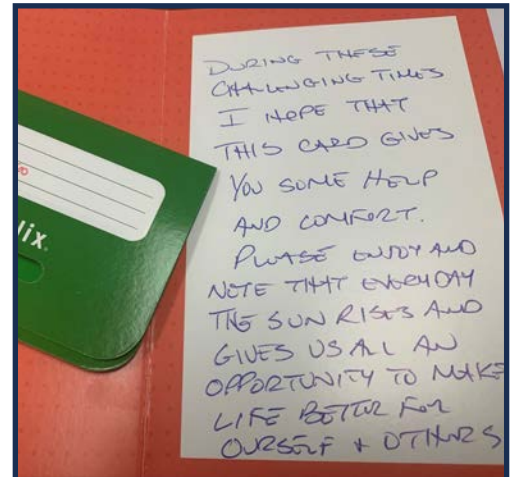
Our North County Section made a special delivery too! Dean Xenick accepted their gifts from L to R: Brett Barner (Director); Misty Chaves, (President-Elect), and Wayne Richter (President)



John Pankauski and Andrew Kwan donated more than a dozen commercial sized cans of sauce and more!



Scott Smith delivered an entire truck load of food and paper products. Thank you Scott Smith Injury Law for your generous donation!



Some of our members wrote handwritten notes to families receiving our groceries and gift cards.



David Tolces and Odette Bendeck took the time to write notes of encouragement, which will be given directly to families in need. Thank you for your cards – David and Odette!



Thank you to our Young Lawyers for always being there when help is needed. L to R: Scott Perry (President); Lauren Johnson (Secretary), and Robbie Wight (President-Elect)

COVID-19 fundraiser to benefit the Palm Beach County Food Bank a tremendous success! (Part II)



PBCBA President Dean Xenick presents a check to Karen Erren, Executive Director of the Palm Beach County Food Bank



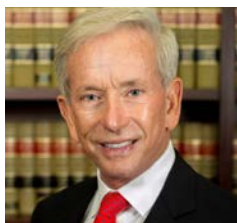
PBC Food Bank picked-up more than 2,000 pounds of food that we collected!

In lieu of our annual Installation Banquet, the Board of Directors decided to cancel its 98-year tradition and instead host a food drive to help local families most affected by this pandemic. Thanks to our generous members, we collected more than 2,000 pounds of food and raised \$6,641.00 in cash and grocery store gift cards, all to benefit the Palm Beach County Food Bank. PBCBA President Dean Xenick presented Karen Erren, Executive Director of the Food Bank with a check.

A special thank you to all our members for making a difference!

Thank you to everyone who donated, including: Akerman LLP; Donna Baker; Brett Barner; Hope Baros; Jerald & Katie Beer; Odette Bendeck; Bridgett Berry; Juliana and Peter Blanc; Bruce Blitman; Lucy Brown; Catherine Brunson; Burlington & Rockenbach PA; Patience Burns; Sharon Burrows; Jessica Callow; Misty Chaves; Jared Chaykin; Livia Chaykin; Sarah Cohen; Comiter Singer Baseman & Braun LLP; Complete Legal Investigations Inc.; Day Pitney LLP; Lindsey Demmery; Patricia DeRamus; Eunice Baros Law LLC; F Malcom Cunningham Bar Association; Fox Rothschild LLP; Allison Forster; Shannon Fox; Gordon & Partners; Garrick Harding; Hispanic Bar Association; Jennifer Hunecke; Innovative Dispute Solutions; Marianne Jankowski; Lauren Johnson; Michael Jones; Andrew Kwan; Konyk & Lemme PLLC; Law Office of Andrew N Cassas PA; Law Office of David C Lucey PA; Lesser Lesser Landy & Smith; Lytal Reiter Smith Ivey & Fronrath; Kathryn Martin; Jorge Maxion; MediationWorks; Melynda Melear; Leslie Metz; Jean Marie Middleton; Anushree Nakkana; Office of State Attorney 15th Judicial Circuit; Palm Beach Co Bar Assoc - North County Section; Palm Beach Co Bar Assoc - Young Lawyers Section; Palm Beach County Attorney's Office; John Pankauski; Barbara Pariente; Erika Pizza-Hamilton; Quest WorkSpaces; Reid, Burman, Lebedeker, Xenick; Jack Rice; Wayne Richter; Rosenthal, Levy, Simon and Sosa; Shannon Sagan; Laura Scala-Olympio; Schuler, Halvorson, Weisser, Zoeller, Overbeck; Scott Smith Injury Law; Searcy Denney Scarola Barnhart & Shipley; Shayne Schrier; Joy Shearer; Steinberg Law; David Tolces; The Law Offices of Robin J Scher PA; The Law Offices of Travis R Walker PA; Nichole Segal; Lawonda Warren; Sherry Webber; White-Boyd Law PA; Robbie Wight, Julia Wyda, and Dean Xenick.

If we missed your name we sincerely apologize.



TED BABBITT

APPARENT AGENCY OF A HOSPITAL FOR A NON-EMPLOYED DOCTOR

Those of you who read my article in the last Bulletin may have wondered if quarantine because of COVID had made me snap. The article was full of typos and seeming nonsense. It was submitted to the Bar in correct form but when the printer converted the type of file, it came out as nonsense. The correct version is on the Bar's website.

King v. Baptist Hosp. of Miami, Inc., 87 So. 3d 39 (2012), was an appeal of a Final Summary Judgment in favor of Baptist Hospital, finding that there was no evidence from which a jury could conclude that a doctor was an apparent agent of the hospital. The facts of the case are not stated, but the Court reviews the law of apparent agency before reversing summary judgment.

The Court relies on Guadagno v. Lifemark Hospitals of Florida, 972 So. 2d 214 (2007), which holds:

"Under certain circumstances...a hospital may be held vicariously liable for the acts of physicians, even if they are independent contractors, if these physicians act with the apparent authority of the hospital." Quoting Roessler v. Novak, 858 So. 2d 1158, 1162 (Fla. 2d DCA 2003).

The hospital had expressly disavowed an agency or an employee relationship and conveyed that information to the Plaintiff, and the Plaintiff acknowledged receiving that information by signing the admission documents.

Reversing the summary judgment, the King Court held:

"An apparent agency exists only if all three of the following elements are present: (a) a representation by the proposed principal; (b) a reliance on that representation by a third party; and (c) a change in position by the third party in reliance on the representation. *Id.* 'Apparent authority' does not arise from subjective understanding of the person dealing with the proposed agent, nor from appearances created by the proposed agent himself;

instead, 'apparent authority' exists only where the *principal* creates the appearance of an agency relationship."

The Court quotes, Villazon v. Prudential Health Care Plan, Inc., 843 So. 2d 842, 853 (Fla. 2003), that:

"The existence of an agency relationship is normally one for the trier of fact to decide."

The Court determines that Baptist Hospital engaged in activities which created the appearance of an agency relationship and cites Cuker v. Hillsborough County Hospital Authority, 605 So. 2d 998, 999 (Fla. 2d DCA 1992):

In the instant case, the hospital contracted with a group of physicians to staff one of its departments full time. When Mrs. Cuker was admitted for her Level III hospital needs, a staff physician was provided to her upon her arrival at the hospital. Tampa General certainly held itself out as being equipped with a labor and delivery department which could handle the emergency needs of her infant. All appearances suggested that the labor and delivery department was an integral part of the institution, and there was nothing which put Mrs. Cuker on notice that various departments of the hospital had been franchised out to independent contractors. *See Irving*, at 58 (citing Mehlman v. Powell, 281 Md. 269, 378 A.2d 1121 (1977)). Furthermore, Mrs. Cuker came to Tampa General on the advice of her personal physician because it was a Level III hospital, capable of treating her baby should it be born prematurely. She did not attempt to secure physicians on her own, but accepted the physicians that were provided to her by the hospital. There were no representations made to Mrs. Cuker concerning the physicians' employment status. These facts create a jury question as to whether the hospital held the doctors out as its employees and whether Mrs. Cuker relied upon the same in accepting treatment from the physicians. Accordingly, we find that the trial court erred in refusing to let the issue of apparent agency go to the jury in this case.

This is a 2012 case, but it has not been overruled or negatively treated on appeal. It clarifies the burden of the plaintiff to establish a doctor's apparent agency to hold a hospital liable for a doctor's negligent acts.

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.



LEADING PRACTICE MANAGEMENT SOFTWARE
10% Discount for Bar Members

You can access your firm from anywhere—at any time—with Clio's mobile app. Bring your matters, documents, notes, and calendar with you wherever you go, all on your mobile device. And, take 10% off all Clio products with your exclusive Palm Beach County Bar Association member discount. Visit www.clio.com/pbcbar to learn more and use promo code **PBCBAR** to claim your discount.

Subscribe to Our Online Bulletin

- Reduce
- Reuse
- Recycle

Go Green

PALM BEACH COUNTY BAR ASSOCIATION

The Personal Injury CLE Committee of the Palm Beach County Bar Association

presents:

Unique Issues in Transportation Cases

Tuesday, July 28, 2020

9:00 A.M.-2:00 P.M.

1507 Belvedere Rd., W. Palm Beach, FL



Keep It Live and Local

9:00 A.M. Late Registration/Breakfast/Welcome

9:30 A.M. Trucking litigation – David C. Prather, Esq., Clark Fountain LaVista Prather Keen & Littky-Rubin, (Plaintiff) and Rebecca Brock, Esq. Kubicki Draper, P.A. (Defense)

10:30 A.M. Driverless vehicles – Poorad Razavi, Esq., Cohen Milstein Sellers & Toll PLLC (Plaintiff) and Rachael Studley, Esq., Wicker Smith O'Hara McCoy & Ford PA (Defense)

11:30 A.M. Break

12:00 P.M. Motorcycle – Michael Smith, Esq., Lesser, Lesser, Landy & Smith, PLLC (Plaintiff) and TBD (Defense)

1:00 P.M. Maritime/Cruise – Peter Hunt, Esq., LaBovick Law Group (Plaintiff)

and Geoff Probst, The Probst Law Firm (Defense)

Sponsors:



This event is expected to receive 4.0 CLER; Credits, 4.0 Civil Trial. The cost is \$100. members; \$140 non-members. After **7/24/20** add \$10 late fee. All refund requests must be made no later than 48 hours prior to the date of the seminar. Register online at palmbeachbar.org or by mail (return this form with your check).

Name: _____ Email _____

_____ I will not be able to attend the seminar, however I would like to order the audio ___ CD ___ MP3. The cost is the same as listed above, plus \$10 for shipping and handling. Allow one week for delivery. PBCBA, 1507 Belvedere Rd., W. Palm Beach, FL 33406



DAVID M. GARTEN

Role Of AIP'S Counsel In Guardianships

In *Erlandsson v. Guardianship of Erlandsson*, 2020 Fla. App. LEXIS 6239 (Fla. 4th DCA May 6, 2020), the alleged incapacitated person's ("AIP") parents filed a petition for limited guardianship seeking to remove all of their daughter's rights, except for her right to vote and right to marry. The petition alleged that the AIP was not attending to her basic medical and psychiatric needs and was unable to manage her own finances. The trial court appointed an examining committee to investigate and provide a report and recommendation to the court.

According to the committee's reports, the AIP was not taking care of her medical or psychiatric needs. Her diabetes was unchecked, resulting in significant blood sugar fluctuations, and her inattention to self-care caused her to become blind in one eye and legally blind in the other. Her mental health fared no better. She was schizophrenic and extremely paranoid. She had recently been involuntarily committed to a mental health facility, and demonstrated a need for long-term psychiatric care. The examining committee unanimously reported that the AIP lacked the capacity to exercise her basic rights and recommended that a plenary guardian be appointed, which was in excess of the relief sought in the petition for limited guardianship.

The trial court appointed counsel to represent the AIP in the guardianship hearings. The AIP asked to discharge her appointed counsel, objecting throughout the hearing to her lawyer's representation and to having a guardianship imposed. Despite her client's objections, appointed counsel did not seek to withdraw, believing her client lacked the capacity to make the decision to fire her. The AIP continued to object to counsel's representation, and the trial court denied her request to discharge her lawyer.

At the hearing, appointed counsel briefly cross-examined one witness, but did not object to the admission of evidence and did not cross-examine the other witnesses. The AIP attempted to cross-examine a witness herself, but was prohibited from doing so. Appointed counsel declined to offer any evidence on the AIP's behalf, and the AIP complained, "I think my attorney

should have some evidence and things in my favor." Finally, appointed counsel argued in favor of a plenary guardianship, against the AIP's clear and express wish that no guardianship be established. The trial court ordered a plenary guardianship, appointing the AIP's parents as guardians.

In a well-reasoned and thorough opinion, the appellate court reversed the guardianship and remanded with directions to appoint "conflict-free counsel" to represent the AIP at a new hearing on the petition for guardianship. The court reasoned, in relevant part, as follows:

Florida law defines the role of appointed counsel in guardianship proceedings as follows: (1) "Attorney for the alleged incapacitated person" means an attorney who represents the alleged incapacitated person. The attorney shall represent the expressed wishes of the alleged incapacitated person to the extent it is consistent with the rules regulating The Florida Bar. §744.102(1), Fla. Stat. (2019) (emphasis added). Representation of a client's expressed wishes in a guardianship proceeding is thus required by section 744.102(1), Florida Statutes, in accord with Florida Bar Rules 4-1.2(a) and 4-1.14.7 The language of the statute clearly requires that a lawyer appointed in guardianship proceedings represents the expressed wishes and not necessarily the "best interests" of a prospective ward.

The Florida Bar Rules address the role of counsel where the client suffers from mental or physical incapacity. Florida Bar Rule 4-1.2(a) mandates that "a lawyer must abide by a client's decisions concerning the objectives of representation," and "must reasonably consult with the client as to the means by which they are to be pursued." (emphasis added). Moreover, Florida Bar Rule 4-1.14, which governs representation of a client under a disability, provides that: (a) Maintenance of Normal Relationship. When a client's ability to make adequately considered decisions in connection with the representation is impaired, whether because of minority, mental disability, or for some other reason, the lawyer shall, as far as reasonably possible, maintain a normal client-lawyer relationship with the client. (b) Appointment of Guardian. A lawyer may seek the appointment of a guardian or take

other protective action with respect to a client only when the lawyer reasonably believes that the client cannot adequately act in the client's own interest.

Appellant's counsel struggled with her role because her client was actively manifesting symptoms of a major mental illness: [APPOINTED COUNSEL]: I have two problems. One is because of her medical condition and her refusal to take medication I'm not sure she has the capacity right now to make the decision about who should represent her. The second problem is the only way anyone is going to be able to represent her is if that attorney agrees that she is not sick and that people are trying to make her sick, is that correct?

Section 744.102(1) requires that an appointed attorney "shall represent the expressed wishes of the alleged incapacitated person to the extent it is consistent with the rules regulating The Florida Bar." The statute manifests an intent to ensure that an alleged incapacitated person's voice and wishes are heard and considered. While counsel no doubt believed that Appellant's physical and mental conditions required a guardianship, she still was obligated to represent her client's expressed wishes rather than preventing her from expressing her views.

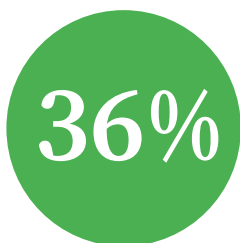
"[E]ven if an attorney thinks the guardianship would be in the client's best interest, the attorney whose client opposes guardianship is obligated . . . to defend against the guardianship petition." [citation omitted]. In forcing Appellant to go forward with a lawyer advocating for what counsel perceived to be her client's "best interests," rather than the client's "expressed interests," the trial court disregarded Appellant's claims of a conflict of interest, and violated section 744.102(1), Florida Statutes.

For a summary of AIP's counsel's duties in a Guardianship, refer to *Guidelines for Court-Appointed Attorneys in Guardianship Matters*, Dropbox site: <https://www.dropbox.com/s/wkivhx4aynkrw9m/Guidelines.Court%20Appointed%20Counsel%282020%29.docx?dl=0>

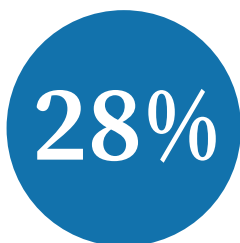
Mental Health and Wellness Center

The Bar's Mental Health & Wellness of Florida Lawyers Committee is working to destigmatize mental illness, recommend best practices and remedies, and help bring more balance into members' daily professional lives.

WE NEED TO TALK ABOUT LAWYERS' MENTAL HEALTH



ALCOHOL ABUSE



DEPRESSION



STRESS



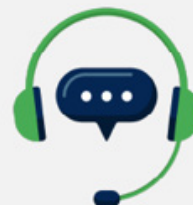
ANXIETY



SUICIDE

Florida Lawyers Helpline

The Florida Bar mental health helpline (1-833-FL1-WELL) is a free and confidential service that connects members with professional counselors. Calls are always free. You may be referred for up to three free telehealth counseling sessions per year to help you develop strategies to overcome life's challenges, balance priorities, and better handle both personal and professional pressures.



Florida Lawyers Helpline
833-FL1-WELL

Florida Lawyers Assistance, Inc.

FLA provides programs and services to assist attorneys, judges, law students, and other legal professionals who may be impaired in their ability to function in a legal setting. The backbone of FLA is a support network of recovering attorneys and judges who wish to carry the message to fellow members of their profession that recovery is possible. FLA also offers help to those suffering from depression and other mental illnesses.





MANUEL FARACH

Florida Real Property and Business Litigation Report

Lucky Brand Dungarees, Inc v. Marcel Fashions Group, Inc., Case No. 18-1086 (2020).

“Defense preclusion” is not a recognized defense as the two acceptable doctrines are issue preclusion (a party is barred from relitigating an issue actually decided in a prior action that was necessary to the judgment; commonly called collateral estoppel) and claim preclusion (a party is barred from raising claims that could have been raised and decided in a prior action; commonly called res judicata); suits involve the same claim or “cause of action” when they “aris[e] from the same transaction” or involve a “common nucleus of operative facts.”

United States v. Sineneng-Smith, Case No. 19-67 (2020).

A court may not interject its own arguments into a case as doing so violates the Principle of Party Representation.

Compulife Software Inc. v. Newman, Case No. 18-12004 (11th Cir. 2020).

The “scraping” of proprietary trade secrets from a competitor’s website can constitute a misappropriation in violation of the Florida Uniform Trade Secrets Act.

The Bank of New York Mellon v. Barber, Case No. 1D18-2097 (Fla. 1st DCA 2020).

A trial judge may not raise defenses not raised by the defendant; doing so makes the judge an advocate for one of the parties.

Elizon DB Transfer Agent, LLC v. Ivy Chase Apartments, LTD., Case No. 2D19-1853 (Fla. 2d DCA 2020).

Upon rehearing, the Second District re-affirms that an allonge signed before closing can establish standing.

Castro v. Mercantil Commercebank, N.A., Case No. 3D19-1179 (Fla. 3d DCA 2020).

Written consent to a continuing writ of garnishment necessarily includes a waiver of the head of family exemption under Florida Statute section 222.11.

Miami-Dade County, Florida v. Publix Supermarkets, Inc., Case No. 3D19-1203 (Fla. 3d DCA 2020).

A court reviewing an agency decision on first-tier certiorari review must, pursuant to City of Deerfield Beach v. Vaillant, 419 So. 2d 624 (Fla. 1982), confine its evidentiary review to determination whether the agency decision

(not the objector’s position) is supported by competent, substantial evidence.

Fields v. Toussie Case. Nos. 4D19-1610 & 4D19-1612 (Fla. 4th DCA 2020).

A second sanctions hearing regarding non-compliance with court orders is not necessary unless the sanctions purge was to occur outside of court parameters.

Hoti v. U.S. Bank, N.A., Case No. 4D20-2089 (Fla. 4th DCA 2020).

The Fourth District adopts *Roman Catholic Archdiocese of San Juan v. Acevedo Feliciano*, 140 S. Ct. 696 (2020), and amends *Ricci v. Ventures Trust 2013-I-H-R by MCM*

Capital Partners, LLC, 276 So. 3d 5 (Fla. 4th DCA), review denied, No. SC19-1547, 2019 WL 7341587 (Fla. Dec. 30, 2019), to the extent Ricci intimated that orders entered after removal to federal court were voidable and not void.

Harbourside Place, LLC v. Town Of Jupiter, Florida, Case No. 18-12457 (11th Cir. 2020).

Governmental noise ordinances, including those imposed on businesses, generally do not violate the First Amendment if they are content-neutral and do not single out any specific type of speech, subject-matter, or message.

Decks N Such Marine, Inc. v. Daake, Case No. 1D18-1396 (Fla. 1st DCA 2020).

Junior interest holders who prevail in construction lien enforcement and foreclosure actions may not recover attorney’s fees under Florida Statute section 713.29.

Scott v. Strategic Realty Fund, Case No. 2D18-3839 (Fla. 2d DCA 2020).

A backdated assignment is capable of two inferences, i.e., documenting an already completed transaction or backdating an event to a party’s benefit, and as a result, typically does not support entry of summary judgment.

Weisman v. Southern Wine & Spirits Of America, Inc., Case No. 4D17-3734 (Fla. 4th DCA 2020).

The Personal Stake Exception to the Intracorporate Conspiracy Doctrine Defense to claims of interference with business relationships requires that the corporate agents be solely motivated by personal basis.

Old Cutler Lakes by the Bay Community Association, Inc. v. SRP SUB, LLC, Case No.

3D19-528 (Fla. 3d DCA 2020).

The Third District follows *Beacon Hill Homeowners Ass’n, Inc. v. Colfin Ah-Florida 7, LLC*, 221 So. 3d 710 (Fla. 3d DCA 2017), and *Pudlit 2 Joint Venture, LLP v. Westwood Gardens Homeowners Association, Inc.* 169 So. 3d 145 (Fla. 4th DCA 2015), and holds that Florida Statute section 720.3085 does not override a contrary community association declaration unless the declaration specifically incorporates later amendments to statutes.

Jallali v. Christiana Trust, Case No. 4D19-2717 (Fla. 4th DCA 2020).

Florida recognizes a cause of action for wrongful foreclosure when a foreclosure sale occurs when plaintiff was not in default, but “mere technical violations of the foreclosure process will not give rise to a tort claim; the foreclosure must have been entirely unauthorized on the facts of the case.”

Deutsche Bank National Trust Company v. Cope, Case No. 2D18-3696 (Fla. 2d DCA 2020).

A legal description on a mortgage is not unenforceably ambiguous if it describes two parcels by lot number and a third by parcel i.d.

Anderson v. Letosky, Case No. 2D19-2065 (Fla. 2d DCA 2020).

Homestead property that is rented out to tenants loses its protection from creditors if the rented portion contains completely separate living quarters, e.g., separate living rooms and kitchens, and can be divided by horizontal or vertical lines, e.g., duplexes and triplexes.

Earl W. Johnston Roofing, LLC v. Hernandez, Case No. 4D19-404 (Fla. 4th DCA 2020).

A property owner may not cancel a construction lien by paying only the principal amount without paying the prevailing party attorney’s fees.

Astro Aluminum Treating Co., Inc. v. Inter Contal, Inc., Case No. 4D19-2921 (Fla. 4th DCA 2020).

Delivery rather than shipment into Florida is determinative whether long-arm jurisdiction exists under Florida Statute section 48.193 as “[t]he mere fact that [a] contract provides for shipment to Florida is not determinative of jurisdiction, because the contract term does not mean that the contracting party is obligated to ‘deliver’ the product in Florida.”

BE A HERO TO YOUR CLIENTS

REFER YOUR PI CASES TO LOGG

Our employees love where they work! That is why we were awarded the #1 Overall "Top Workplace" award by the SunSentinel for the small employer category for 2018, and why we have ranked in the top 3 for four years in a row.

Happy employees produce extraordinary results for clients. **This is one of the many reasons that your 25% referral fee is safe with us.**

With our team of highly skilled personal injury litigators supported by legal, administration, and operations staff of sixty staff, you can trust that your referral will be competently handled.



Be a hero to your clients. Refer that PI case to #LOGG!



WELCOME TO THE TEAM!

Rafael J. Roca, Esq.

BOARD CERTIFIED CIVIL TRIAL ATTORNEY



Craig M. Goldenfarb, Esq.
FOUNDER / ATTORNEY



Spencer T. Kuvin, Esq.
LITIGATION DIRECTOR



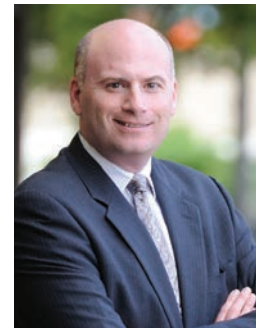
Jorge L. Maxion, Esq.
CIVIL TRIAL ATTORNEY



Jeffery D. Kirby, Esq.
CIVIL TRIAL ATTORNEY



Donald W. Vollender, Esq.
PRE-SUIT ATTORNEY



Seth W. Pachter, Esq.
PRE-SUIT ATTORNEY

To refer us a case, call **1-561-270-5044**. You may also email intakelead@800goldlaw.com with all the case details. We'll let you know right away if we can help.



1-800-GOLD-LAW - 800GOLDLAW.COM

HIGHLIGHT CORNER



KRISTIN VIVO, ESQ.

Business From the Waist Up, Party From the Waist Down. Are Zoom Trials Here to Stay? If So How Do You Try a Case via Zoom?

With comments by Mark R. Osherow, Esq. and Kristin Vivo, Esq.

We have all seen the memes and heard the jokes about individuals standing up revealing to all that they are not wearing pants during Zoom calls. Be forewarned, as hilarious and as silly as this may seem, it is not that hard to do. Thankfully, prior to participating with co-counsel, Mark Osherow in a non-jury trial via Zoom over six days, before the Circuit Civil Division in Miami-Dade County, we had several hearings to practice our Zoom (and pants wearing) skills. As I learned through trial and error, the camera feature on Zoom does not turn off when you are not speaking. It was only until after my third hearing that I discovered that I had to click the "Stop Video" feature in order for the camera to be turned off.

After making my arguments during a Special Set hearing, and upon commencement of opposing counsel's argument, I stood up (revealing my pineapple-print shorts), took off my suit jacket, and let my dog jump in my lap where he remained for the rest of the hearing. It was only after the hearing that Mark advised me of my mistake, which he found so hilarious that he made a comment about needing his emotional support animal during the hearing, which no one seemed to notice. Graciously the Court and opposing counsel did not mention anything about my indiscretions; I will assume they were not viewing the hearing using the Gallery View function; I will certainly not make that same mistake twice. I highly recommend muting your microphone whenever you are not speaking, in addition to stopping the video.

Kristin Vivo, the founder of The Law Offices of Kristin Vivo, focuses her practice on the representation of individuals and corporations throughout the world. She is active with the Palm Beach County Bar Association, where she currently serves as Chair of the Palm Beach Association Transaction Law Committee. She is also a member of the Florida Association of Women Lawyers (FAWL), Florida Bar Animal Law Section, and Florida Bar International Law Section. When Vivo is not actively practicing law, she is practicing and/or teaching yoga.

If You Need CLIENTS WE Need YOU!

Palm Beach County Bar Association Lawyer Referral Service for only \$150.00 PER YEAR!
That's less than \$13.00 per month.

JOIN TODAY!

For more information on how to join, please visit our website at www.palmbeachbar.org

VISIT OUR CLE LIBRARY TODAY

CD DVD MP3

CLE.PALMBEACHBAR.ORG

RENEW YOUR PBCBA DUES TODAY

PalmBeachBar.org



VENTURE X
THE FUTURE OF WORKSPACE

LEGAL AT VENTURE X

Private, Professional Offices to Practice Traditional Law.
No Leases. No Long-Term Contracts. Month-to-Month Memberships.
Located in Rosemary Square Near Brightline & The Courthouse.



Receive 1/2 Off Your
First Month!

561-898-1600 • rosemarysquare.wpb@venturex.com • www.venturex.com
700 S. Rosemary Avenue, Suite 204, West Palm Beach, FL 33401



EXPERIENCED COURT APPOINTED RECEIVER

- Receiver - 17th Florida Judicial Circuit
- Receiver - 19th Florida Judicial Circuit
- 30 Year Florida Commercial Real Estate Broker
- Multi-Family, Office, Industrial, Retail
- Palm Beach, Broward, Treasure Coast Counties
- CCIM Designation, Expert Witness
- Diversified Business Experience
- Former Director, Realtors Assoc. of Palm Beach
- Former President, RAPB Commercial Alliance



Edward A. Kearney
President
Kearney Commercial Realty, Inc.
3017 Exchange Court, Suite D
West Palm Beach, FL 33409
(561) 252-2502
ed@kearneyreal.com



J. Harley Toufanian, Esq.
Family Law Mediator

"I will utilize my years of experience to help resolve your family law cases."

Zoom Video Conferencing Now Available

- Florida Supreme Court Certified Family Law Mediator
- Practiced marital & family law matters for over a decade
- Handled cases ranging from the straight-forward uncontested to the highly complex contested cases
- J.D., Stetson University College of Law
- B.A., University of Pennsylvania
- Competitive hourly rate

The Toufanian Law Firm, P.A.
1500 N. Dixie Highway, Suite 204
West Palm Beach, FL 33401
(561) 835-0707
htoufanian@toufanianlaw.com
www.toufanianlaw.com

CLE.PalmBeachBar.org

Palm Beach County Bar Association CLE Ordering

Purchase CD's, DVD's, MP3's & MP4's recorded at previous seminars for CLE hours. Limited MP4s at this time.

*MP4's include the audio as well as any live PowerPoint presentations made during the seminar



IN NEED OF CLER CREDIT? WE CAN HELP!

The Palm Beach County Bar Association (PBCBA) offers CLE hours from the sale of audio CD's recorded at previously held live seminars of the Association.

We also have copies of audio CD's of live seminars from the Orange Co. Bar Assoc. (OCBA), Clearwater Bar Assoc.(CBA), Hillsborough Co. Bar Assoc.(HCBA), and the Dade Co. Bar Assoc. (DCBA).

Members and non-members alike can benefit from this simple way of acquiring CLE and Ethics hours.



PBCBA Members

If you are a current PBCBA member in good standing, you are entitled to order our courses at a reduced rate. Please **login** with your Florida Bar Number to take advantage of member pricing.

Not yet a member or need to renew your membership? Please visit our [Membership Application](#) page on our website for more details.



Print & Mail Order Form

If you prefer to pay by check, please **download** and print our CLE content order form and mail your order information along with payment to the Bar Association. **Please include \$10 for shipping and handling.**










To view courses available for ordering, please select either the "Area of Law" or "By Certification Credit" tab to sort courses by your desired criteria. Check the box to reveal matching courses, click course title to view additional details and ordering information.



Area of Law	By Certification Credit	NEW! Sort courses by Certification Credit						
Course Title			Credit General	Ethics Hours	Certif. Credit	PBCBA Member	Non Member	Expires
<input checked="" type="checkbox"/>	ADR (4)							
		1.22.19 The Do's and Don'ts of Mediation	1.0			\$35.00	\$75.00	07/31/20
		10.17.19 Navigating Complex Mediations	2.0			\$45.00	\$85.00	04/30/21
		2.10.20 The New Flavors of ADR	9.0	1.0	TC = 1.0, BL = 1.0	\$295.00	\$335.00	08/31/21
		2.11.19 Emerging Trend in ADR & ODR	9.0	2.5	TC = 2.0, BL = 9.0, CT = 9.0	\$285.00	\$325.00	08/11/20
<input checked="" type="checkbox"/>	Appellate (5)							
		1.2.20 Review of Recently Issued Appellate Opinion...	1.0		AP = 1.0, CT = 1.0, CA = 1.0	\$25.00	\$35.00	07/31/21
		10.22.19 Perspectives On Judging A Spectrum of Exp...	1.0		AP = 1.0, CT = 1.0, CA = 1.0	\$35.00	\$75.00	04/30/21
		12.5.19 A Review of Recently Issued Appellate Opin...	1.0		AP = 1.0, CT = 1.0, CA = 1.0	\$25.00	\$35.00	07/01/21
		4.16.20 A Monthly Review Recently Issued Appellate...	1.0		AP = 1.0, CT = 1.0, CA = 1.0	\$10.00	\$20.00	10/31/21
		4.29.19 View from the Law Clerk's Desk	1.0		AP = 1.0	\$35.00	\$75.00	10/31/20
<input checked="" type="checkbox"/>	Bankruptcy (5)							
		1.25.19 Student Loan Repayment: Know Your Options	1.0			\$35.00	\$35.00	07/31/20
		2.21.20 Hot Topics and Technology in Bankruptcy	4.5		TC = 1.0, BL = 4.5	\$135.00	\$175.00	08/31/21
		3.13.19 ESI Under the Federal Rules	3.5		TC = 2.0, BL = 3.5	\$135.00	\$175.00	09/30/20

	Course Title	Credit General	Ethics Hours	Certif. Credit	PBCBA Member	Non Member	Expires
	5.1.19 The Five W's of Bankruptcy	1.0			\$35.00	\$75.00	11/30/20
	6.10.20 Chapter 11 – Small Business Reorganizati...	1.0		BL = 1.0	\$35.00	\$75.00	12/31/21
<input checked="" type="checkbox"/>	Business Law (1)						
	1.29.20 Business Divorces	4.0		BL = 4.0	\$125.00	\$165.00	07/31/21
<input checked="" type="checkbox"/>	Civil Trial (3)						
	10.28.19 Mastering the Deposition – From Preparati...	1.0		AP = 1.0, BL = 1.0, CT = 1.0	\$25.00	\$65.00	04/30/21
	3.13.19 Deposition Workshop: How to Take Productiv...	3.5	2.0	CT = 3.5	\$135.00	\$175.00	09/30/20
	6.14.19 Annual State Court Trial Seminar	4.5		TC = 1.5, CT = 4.5, CA = 4.5	\$135.00	\$175.00	12/31/20
<input checked="" type="checkbox"/>	Community Association Law(1)						
	6.7.19 30th Annual Community Association Law Semin...	5.0	1.0	BL = 5.0, RE = 5.0, CL = 5.0	\$165.00	\$205.00	12/31/20
<input checked="" type="checkbox"/>	Construction Law(1)						
	9.20.19 Community Association Turnover Claims	3.5		CL = 3.5, CP = 3.5, RE = 3.5	\$105.00	\$145.00	03/31/21
<input checked="" type="checkbox"/>	Covid-19 (10)						
	4.14.20 The Coronavirus Outbreak is a Referendum o...	1.0		TC = 1.0	\$10.00	\$35.00	10/31/21
	4.15.20 Covid -19 Resource Guide for Law Firms	1.0		LE = 1.0	\$20.00	\$40.00	10/31/21
	4.22.20 Town Hall Meeting: Latest Legal News and H...	1.0			\$10.00	\$25.00	10/31/21
	5.12.20 Practicing Law During a National Emergency	1.0		TC = 1.0	\$20.00	\$35.00	11/30/21
	5.13.20 How is Covid-19 Effecting our Circuit and...	1.0			\$10.00	\$25.00	11/30/21
	5.15.20 How Covid-19 is Effecting our Family and J...	1.0			\$10.00	\$25.00	11/30/21
	5.20.20 Navigating the New Norm: Tips for Looking...	1.0			\$10.00	\$25.00	11/30/21
	5.21.20 Take Control of Your Day Maximize Your Pro...	1.0		TC = 1.0	\$10.00	\$25.00	11/30/21
	5.27.20 Insurance Issues Due to COVID-19	1.0		, BL = 1.0	\$10.00	\$25.00	11/30/21
	5.6.20 How COVID-19 is effecting Civil and Probate...	1.0			\$10.00	\$25.00	11/30/21
<input checked="" type="checkbox"/>	Criminal Law (2)						
	5.3.19 Federal & State Comparisons from the Bench	1.0		, CR = 1.0, JL = 1.0	\$35.00	\$75.00	11/30/20
	5.3.19 Variables: Methods to Get the Best Disposit...	5.0	1.0	AP = 5.0, CT = 5.0, JL = 5.0	\$165.00	\$205.00	11/30/20
<input checked="" type="checkbox"/>	Elder Law Affairs (3)						
	1.14.19 Elder Tax Issues	1.0		ED = 1.0, TX = 1.0	\$35.00	\$75.00	07/14/20
	10.7.19 Guardianship and the Alternatives	1.0		ED = 1.0	\$35.00	\$75.00	04/30/21
	11.15.19 22nd Annual Elder Law Affairs Seminar	6.0		TX = 1.0, RE = 1.0, ED = 6.0	\$195.00	\$235.00	05/31/21
<input checked="" type="checkbox"/>	Estate and Probate(3)						
	10.14.19 Asset Protection Planning with Offshore T...	1.0		EP = 1.0	\$35.00	\$75.00	04/14/21
	3.2.20 Multi-Jurisdiction Planning, Administration...	9.0	1.0	CT = 3.0, EP = 2.5	\$265.00	\$305.00	09/30/21
	3.26.19 Trust Boot Camp: Beyond The Basics	8.0	2.0	ED = 8.0, EP = 8.0	\$255.00	\$295.00	09/30/20
<input checked="" type="checkbox"/>	Family Law (3)						

	Course Title	Credit General	Ethics Hours	Certif. Credit	PBCBA Member	Non Member	Expires
	3.7.19 Evidence & Trial Advocacy for Family Law Pr...	4.0		FL = 4.0	\$120.00	\$180.00	09/30/20
	4.26.19 Attorneys' Fees in Divorce & Family Law	3.5	3.5		\$115.00	\$155.00	10/31/20
	6.10.19 Planning For Same Sex Married Couples In T...	1.0		EL = 1.0, FL = 1.0, EP = 1.0	\$35.00	\$75.00	12/31/20
<input checked="" type="checkbox"/>	General Law (4)						
	1.13.20 YLS Sidebar Series Expert Depositions	1.0			\$35.00	\$45.00	07/31/21
	1.24.20 Leveling the Online Playing Field to Compe...	1.0		TC = 1.0	\$25.00	\$35.00	07/31/21
	10.23.19 Advanced Strategies & Procedures for Liti...	2.5	2.5	FL = 2.5	\$35.00	\$75.00	04/30/21
	5.1.20 Palm Beach Bar Law Day Lunch: Crisis Manage...	1.0			\$35.00	\$45.00	11/30/21
<input checked="" type="checkbox"/>	Health & Wellness (2)						
	5.1.19 The Science of Happiness	1.0			\$35.00	\$75.00	11/01/20
	9.25.19 Cyber Liability in Healthcare Beyond	1.0		TC = 1.0, HL = 1.0	\$35.00	\$75.00	03/31/21
<input checked="" type="checkbox"/>	Immigration (1)						
	4.5.19 Battles of Equality & Liberty	1.0		CC = 1.0, IM = 1.0, AG = 1.0	\$35.00	\$75.00	10/05/20
<input checked="" type="checkbox"/>	Intellectual Property (1)						
	5.22.19 Intellectual Property Law Decisions & Deve...	4.5		BL = 4.5, IP = 4.5	\$135.00	\$175.00	11/03/20
<input checked="" type="checkbox"/>	Labor and Employment Law (3)						
	1.11.19 #MeToo & the Law	1.0		LE = 1.0	\$35.00	\$75.00	07/11/20
	2.20.19 EEOC Updates from the Director of the Miam...	1.0		LE = 1.0	\$35.00	\$75.00	08/31/20
	9.13.19 – The Land of Discovery Concerning a Sexua...	1.0		LE = 1.0	\$35.00	\$75.00	03/31/21
<input checked="" type="checkbox"/>	Misc. CLE (8)						
	10.16.19 – 6 Steps to a More Profitable Firm	2.0			\$20.00	\$30.00	04/30/21
	2.27.19 Judicial Luncheon: The Path to the Bench:...	2.0			\$60.00	\$100.00	08/31/20
	3.4.19 Best Practices in the Courtroom	1.0			\$35.00	\$75.00	08/11/20
	4.4.19 Everything You Need to Know About Litigatin...	3.5	2.5	BL = 3.5, CT = 3.5	\$120.00	\$160.00	10/31/20
	5.16.19 Facing the Challenges: Women in the Law	1.0			\$35.00	\$75.00	11/30/20
	5.9.19 Succession Planning for the Unthinkable	2.0			\$20.00	\$25.00	11/30/20
	6.24.19 A Conversation with Justice Luck	1.0			\$35.00	\$75.00	12/31/20
	6.25.19 Fireside Chat with Paul & Patti: What Youn...	1.0			\$35.00	\$75.00	12/31/20
<input checked="" type="checkbox"/>	PI Wrongful Death (5)						
	1.25.19 Maximizing Fees through Cutting Edge Areas...	6.0	1.0	CT = 3.0, IM = 1.0, JL = 1.0	\$195.00	\$235.00	07/25/20
	12.13.19 Boarding Past Medical Bills Under Joerg	1.0		CT = 1.0	\$35.00	\$75.00	06/30/21
	3.9.20 Medical School for Lawyers	8.5		CT = 8.5	\$265.00	\$305.00	09/30/21
	4.16.19 PIP Issues	1.0		CT = 1.0	\$35.00	\$75.00	10/31/20
	5.20.19 Avoiding Landmines Wrapping Up Wrongful De...	1.0		CT = 1.0	\$60.00	\$100.00	11/30/20
<input checked="" type="checkbox"/>	Professionalism (2)						
	10.11.19 – Ethics, Professionalism & Technology	4.0	1.5	TC = 2.5	\$120.00	\$160.00	04/30/21
	9.6.19 Professionalism: Local Professionalism Pane...	1.0	1.0		\$45.00	\$55.00	03/31/21

	Course Title	Credit General	Ethics Hours	Certif. Credit	PBCBA Member	Non Member	Expires
<input checked="" type="checkbox"/>	Real Estate (2)						
	2.19.20 Unusual Topics in Florida Real Estate 	7.0		TC = 7.0, RE = 7.0	\$215.00	\$255.00	08/31/21
	9.10.19 iPEN/RON – What You Need To Know 	1.0		TC = 1.0	\$35.00	\$75.00	03/31/21
<input checked="" type="checkbox"/>	Technology (6)						
	1.23.20 A Practitioners Guide to Federal & FL ESI... 	1.0		TC = 1.0, AG = 1.0	\$35.00	\$75.00	07/31/21
	1.30.19 Wire Fraud 	1.0	1.0	TC = 1.0, BL = 1.0, RE = 1.0	\$35.00	\$75.00	07/31/20
	10.15.19 Tracking Online Habits: The Risks & Benef... 	1.0		TC = 1.0	\$35.00	\$75.00	04/30/21
	12.12.19 Law Firms Under Cyber Attack 	1.0		TC = 1.0	\$35.00	\$75.00	06/30/21
	2.22.19 Automation to Drive Growth for Your Firm 	1.0		TC = 1.0	\$35.00	\$75.00	08/31/20
	4.25.19 Technology Road Show 	4.0	2.5	TC = 4.0	\$70.00	\$110.00	10/31/20
<input checked="" type="checkbox"/>	Worker's Compensation(1)						
	10.23.19 Recipes for Successful Litigation 	5.0			\$150.00	\$190.00	04/30/21

Please contact Eva Gray at (561) 687-2800 or egray@palmbeachbar.org with any questions or for additional information.



SETTLE FROM HOME!
561-231-2111



Practice social distancing with virtual mediation! Stay safe and healthy while mediating from the privacy of your home, office or anywhere in the world!

JEFFREY COLBATH

Retired Chief Judge of Florida's Fifteenth Judicial Circuit

info@colbathmediation.com
www.colbathmediation.com

Save \$\$\$ Switch To Level Funded Health Insurance.

Receive a free health insurance audit today to see how much a Level Funded Plan can save your business.

Contact ISI 



Sales@isi1959.com

1-888-474-1959



BULLETIN BOARD

Professional Announcements

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

Marchman Act: Attorney well experienced in Marchman Act cases including litigating many cases under this law; understands treatment and addiction recovery; available for referral or consult. Frequent lecturer and author on the Marchman Act. Joe Considine; Telephone: 561-655-8081; Joe@Joeconsidinelaw.com

SELL YOUR FIRM and retire with a bonus. You've worked hard to build your firm, now cash in on that investment! Get a free copy of The Guide to Selling Your Florida Law Practice, written by a fellow practicing attorney, and develop a plan for the profitable and successful sale of your most valuable asset. Call (407) 917-9594 or visit www.ExitMyLawPractice.com!

Inherited Property, Probate and Corporate Real Estate Services. Quantum Realty Advisors, Inc. is a family-owned real estate brokerage & advisory firm that is more than just a traditional real estate company. We specialize in corporate/business real estate, inherited properties and probate real estate. Learn more at www.QuantumRealtyAdvisors.com or contact Chris and Amy Losquadro at (561) 624-2680.

Independent Expert Witnesses for Maritime and Boating Litigation: Survey and Document Reviews/Affidavits/Professional Expertise. Navtech USSA. Dr. Virginia Harper 1-800-245-4425 | navsurvey.com. For over 35 years.

Law Office of **Amy L. Cosentino**, Marital and Family Law Firm has moved to 2465 Mercer Avenue, Suite A202, West Palm Beach, FL, 33401. Amy L. Cosentino is a Certified Family Law Mediator and can be reached at (561) 537-3019 or via e-mail at acosentino@cosentinolaw1.com.

Communication is the key to a successful mediation. With over ten years of experience as a Florida Supreme Court Certified Circuit Civil Mediator and thirty years as a member of the Florida Bar, I will facilitate a process that will assist your clients in reaching a successful resolution to their dispute. **David C. Lucey**, Esquire. Florida Supreme Court Certified. Circuit Civil Mediator. Book Your Mediation now. Phone: (561)632-6921. E-Mail: dcllaw678@gmail.com

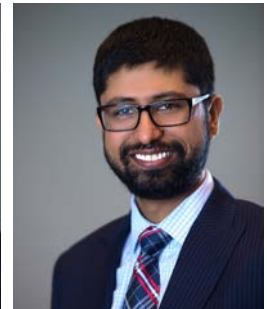
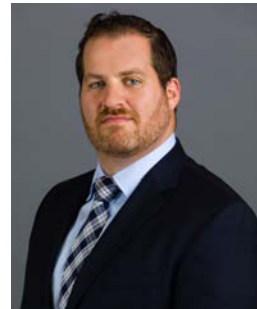
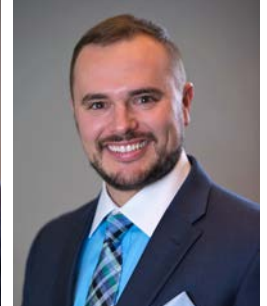
Focus on Florida, LLC is offering discounted rates for virtual focus groups for Palm Beach County Bar Association members. If interested, members can contact Callie Fixelle at focusonfla@gmail.com or visit our website, www.focusonfla.com for more information.

Hearsay

Lesser Lesser Landy & Smith, one of Florida's oldest law firms, is pleased to announce that Partners **Gary S. Lesser**, **Michael S. Smith**, and **Glenn Siegel** have been named to Florida Trend's 2020 Legal Elite. Additionally, Managing Partner **Gary S. Lesser** was recognized as a member of the Legal Elite Hall of Fame, a distinguished group of attorneys who have consistently earned high rankings from their peers in the annual Legal Elite voting. The Florida Trend's Legal Elite recognizes attorneys who were nominated and voted on by their peers after being asked to name attorneys they hold in high regard or would recommend to others. This recognition is given to only 1.2% of the attorneys practicing in the State of Florida.



Rafael J. Roca, Esq., a Florida Bar Board-Certified® Civil Trial Attorney with more than 30 years' experience in Plaintiff's Personal Injury representation, has joined the litigation team at the Law Offices of Craig Goldenfarb, P.A. in their West Palm Beach office. Mr. Roca's many accolades and accomplishments he's acquired during his career include achieving AV-Rated Preeminent Rating by Martindale-Hubbel, and several multi-million dollar verdicts. He is an advocate in the Hispanic community, serving on several legal and non-legal foundations and boards. He was most recently appointed by the Governor to serve on the 15th Judicial Circuit Nominating Committee. Please help welcome Mr. Roca in an email to rroca@800goldlaw.com!



Seven attorneys at Ward Damon, a multidiscipline law firm primarily serving South Florida, were recently recognized by Super Lawyers®, a prestigious attorney rating service. Attorneys **Michael J Posner**, **I. Jeffrey Pheterson** and **Eddie Stephens**, were named Super Lawyers for 2020. The organization also selected four additional Ward Damon attorneys as 2020 Rising Stars including **Dane Leitner**, **Kenneth Rehns**, **Labeed A. Choudhry**, and **Jason E. Handin**. Posner was recognized for Real Estate and Business/Corporate Law, Pheterson for Employment & Labor Law, and Stephens for Family Law, while both Leitner and Choudhry were recognized for Business Litigation, Rehns for Employment Litigation, and Handin for Construction Litigation. Super Lawyers rates outstanding lawyers from more than 70 practice areas who have obtained high degrees of peer recognition and professional achievement. The selection process includes independent research, peer nominations and peer evaluations. Only five percent of attorneys in Florida are recognized with this distinction and only 2.5 percent of attorneys are selected to Rising Stars.

In Memoriam



Zell Davis, Jr.
1926 - 2020



In Memoriam



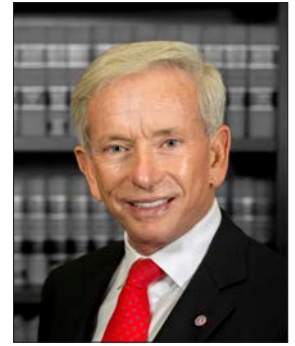
Cynthia Van Buren
1955 - 2020



Theodore Babbitt

AVAILABLE FOR MEDIATION
After 50 plus years representing clients in complex personal injury and commercial litigation

I cannot settle your case for you, but I can promise you I will bring to your mediation the same dedication, hard work and persistence that I have brought to representing clients throughout my career.



Dispute Resolution Services at
1645 Palm Beach Lakes Boulevard,
Suite 400, and throughout Florida

MEDIATION GROUP

To book a mediation with Mr. Babbitt, please call Norma Abreu at 561-533-7553. More details at uww-adr.com.



GARY S. LESSER



JOSEPH B. LANDY



MICHAEL S. SMITH



CHAD C. HASTINGS

2020 FLORIDA Super Lawyers

Super Lawyers
RISING STARS



SAMUEL S. COHEN



ASHLEY R. EAGLE

561-655-2028
WWW.LESSERLAWFIRM.COM



LESSER LESSER
LANDY & SMITH ^{PLLC}
ATTORNEYS AT LAW

-Personal Injury Law Since 1927-



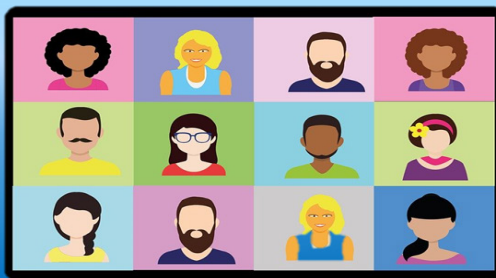
#PBCBASTayWell

Share a photo and caption with us to show how you are staying well during this time on our Facebook page using hashtag [#PBCBASTayWell](https://www.facebook.com/PBCBASTayWell), or send an e-mail to LPoirier@palmbeachbar.org.

CALENDAR OF EVENTS

JULY | AUGUST 2020

2020 BENCH BAR CONFERENCE VIRTUAL SERIES



EVERY FRIDAY DURING THE MONTH OF AUGUST

Friday August 7th

- Young Lawyers | 10:00 AM - 11:00 AM
- Construction Law | 1:30 PM - 2:30 PM

Friday August 21st

- Appellate Law | 8:30 AM - 9:30 AM
- Paralegal | 8:30 AM - 9:30 AM
- Personal Injury | 12:00 PM - 1:00 PM
- Criminal Law | 1:30 PM - 2:30 PM
- Family Law I | 3:00 PM - 4:00 PM
- Family Law II | 4:00 PM - 5:00 PM

Friday August 14th

- Well-Being | 12:00 PM - 1:00 PM
- All Things Clerk | 1:30 PM - 3:00 PM

Friday August 28th

- ADR | 8:30 AM - 9:30 AM
- Guardianship Law | 8:30 AM - 9:30 AM
- County Civil | 10:00 AM - 12:00 PM
- Federal Law | 10:00 AM - 12:00 PM
- Probate / Estate | 10:00 AM - 12:00 PM
- Commercial Lit / PI | 3:00 PM - 5:00 PM
- Court Technology | 4:00 PM - 5:00 PM

For more information, please visit www.palmbeachbar.org.

Sabadell
United Bank



is now
IBERIABANK

IBERIABANK is a proud supporter of the **Palm Beach Bar Association** and its mission to foster professionalism and enhance the public's understanding and awareness of the legal system.

Doug Clevenger, Senior Vice President
561.688.9400

doug.clevenger@iberiabank.com
www.iberiabank.com

Member
FDIC

HELP US, HELP THE PUBLIC **REFERRAL PROGRAM**

**REFER CALLS TO OUR
LAWYER REFERRAL SERVICE
FOR CASES YOUR FIRM
DOESN'T HANDLE**

CONTACT: 561.687.3266

A SERVICE PROVIDED BY YOUR PALM BEACH COUNTY BAR ASSOCIATION

**Are your ads targeting
the right audience?**

ADVERTISE WITH US TODAY!

DLoiseau@PalmBeachBar.org



PRESORT STD
US POSTAGE
PAID
WEST PALM BEACH FL
PERMIT NO. 66

PALM BEACH COUNTY BAR ASSOCIATION BULLETIN

PO BOX 17726 WEST PALM BEACH, FL 33416 WWW.PALMBEACHBAR.ORG

Craftsmanship in Dispute Resolution.

From Miami-Dade north through the Treasure Coast, we have our welcome mat out for you. We are happy to host your mediation in our West Palm Beach, Plantation or Miami offices or wherever we're needed. For more information on Upchurch Watson White & Max Mediation Group, visit UWW-ADR.com or call (800) 863-1462.

1645 PALM BEACH LAKES BOULEVARD | WEST PALM BEACH | (561) 533-7553



Litigation Presentation Support
www.visualevidence.com