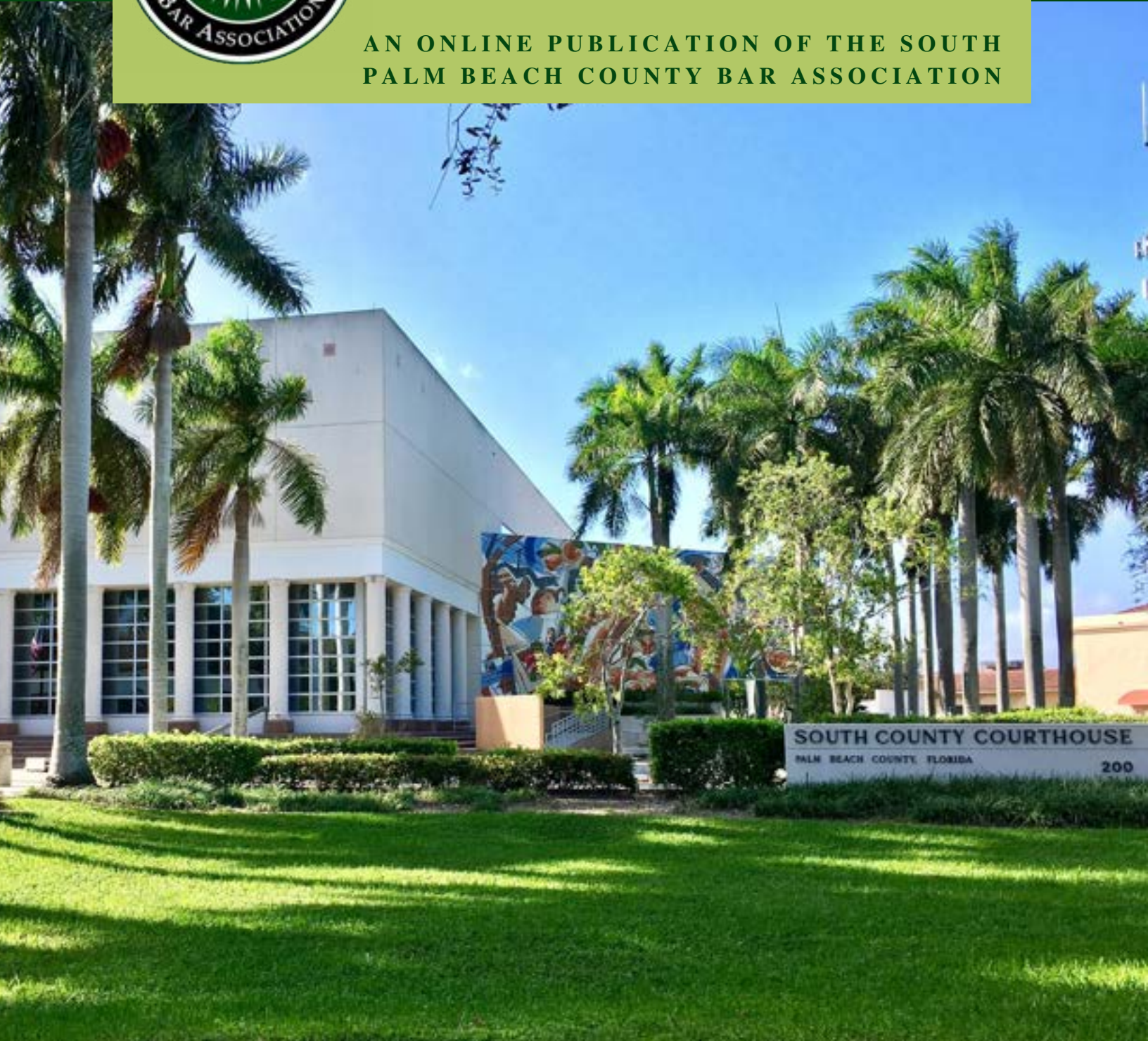




THE ADVOCATE

AN ONLINE PUBLICATION OF THE SOUTH
PALM BEACH COUNTY BAR ASSOCIATION



SPRING 2023 EDITION



THE ADVOCATE

An Online Publication of the South Palm Beach County Bar Association

SPRING 2023 EDITION

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Message from Our President Christopher A. Sajdera



I am excited to report that as we close out the successful year of 2022-2023, our bar association has the largest membership we have had in the last 5 years, and is in a financially strong position.

I want to thank and express our deepest gratitude to Ellen Leibovitch for her service and leadership as this past year's president. She did an exceptional job this year in revamping annual sponsorships and holding outstanding events. Also, a BIG THANK YOU to Gordon Dieterle as he terms off the Board of Directors and for his 10 years of service on the Board of Directors.

Also, THANK YOU to our annual sponsors and event sponsors. Without you, much of this is not possible. On May 6, 2023, the SPBCBA held its 61st Annual Gala. It was a fun, glamorous Havana night with over 230 members, judges, and guests in attendance, and approximately \$83,000 in sponsorships monies raised in support of the event and the association. A special thank you to all sponsors that participated in the event. It was an exciting time.

Not even a week later, the SPBCBA held its 18th Annual Golf Tournament. The Tournament SOLD OUT and was supported by many sponsors, including Grand Benefactor Champion Porsche.

Continued on Following Page
ADVOCATE: SPRING 2023

A special congratulations to our Committee Chairs. Their hard work shines through with each event and CLE. Thank you to them.

Our hardworking Board, executive team of Kristin and Caroline, and I are already working hard to prepare for next year. We are excited to report on some of the initial events:

- In August 5, 2023, the First Annual Picnic will be held at Sugar Sand Park. We welcome all members and their families to enjoy a tasty morsel off the grill, and some fun times. This event is chaired by Steve Rappaport, Retired Judge, Jessica Ticktin, and Rachael Schrager.
- Our Membership Reception will be held on September 7, 2023 at Pavilion Grille. This event is free and exclusively for our members. This event is chaired by Emily Pineless, Stacey Mullins, and Jeremy Dicker.
- We are excited to host a joint happy hour to celebrate Hispanic Heritage Month on September 14, 2023 at Tap 42, with the Palm Beach County Hispanic Bar, Broward Hispanic Bar, Broward Bar, Palm Beach FAWL, and our bar association. We are excited for this event and to collaborate with these outstanding associations.
- A new monthly happy hour series will start on October 10, 2023. It promises to be great fun and networking. This series is chaired by Elissa Fitzmartin and Scott Weiss.

We are hearing up for a full-filling, exciting year. Please volunteer to be a committee and participate in one or all of our many events.

Happy Summer and take care,

Christopher A. Sajdera
President

Editor's Corner



Scott Edwards, Esq.
Co-Editor-in-Chief



Elissa Fitzmartin, Esq.
Co-Editor-in-Chief

The Spring 2023 edition of The Advocate is packed with articles summarizing recent law changes and legal updates. Check out what our Bar Association Committees have been up to; this Spring the SPBCBA committees held numerous events including CLEs, networking opportunities, and community events. Lastly, please check out our "Sponsor Spotlight" section near the end of this Edition. Our wonderful Annual Sponsors are the heart of this organization and we are proud to individually feature each sponsor in this issue.

The South Palm Beach County Bar Association's Mission Statement

The South Palm Beach County Bar Association is committed to excellence in the legal profession through education, member interaction and collaboration, and community outreach. The Association welcomes diverse perspectives, ideas and experiences. We strive to create an environment where individuals of all races, colors, ethnicities, cultures, religions, genders, sexual orientation, gender identity and expression, nationalities, ages, disabilities, and marital and parental status thrive professionally and contribute to our goals. In fulfilling this mission, the Association seeks to uphold the highest degree of civility, ethics and professionalism.

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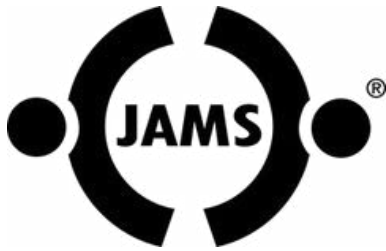


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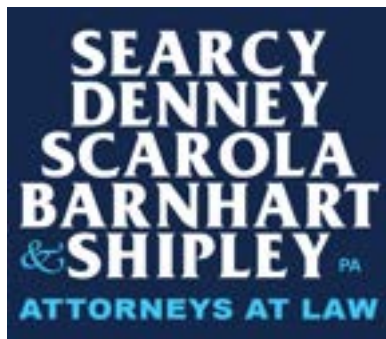


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FLORIDA SUPREME COURT HOLDS THAT A PARTY CAN RECOVER ATTORNEY'S FEES UNDER A PROPOSAL FOR SETTLEMENT EVEN IF THE PARTY DOES NOT PREVAIL ON APPEAL

BY: SCOTT EDWARDS | SCOTT J. EDWARDS, P.A.



In an opinion issued on June 15, 2023, the Florida Supreme Court ruled that a party can be awarded its appellate attorney's fees under a proposal for settlement even if that party does not prevail in its appeal. This ruling expands the availability of attorney's fee awards on appeal.

In Coates v. R.J. Reynolds Tobacco Co. (Fla. Jun. 15, 2023), a plaintiff in a tobacco wrongful death case served two proposals for settlement on the defendant. The defendant did not accept either proposal. At trial, the plaintiff obtained a verdict for compensatory and punitive damages. The punitive damages award was reversed by the District Court of Appeal. The District Court's opinion was then approved by the Florida Supreme Court.

After the Florida Supreme Court issued its opinion, the plaintiff argued that it was still entitled to an award of appellate attorney's fees under the proposal for settlement statute. Even though the plaintiff did not prevail on appeal, the plaintiff argued that the resulting judgment still triggered entitlement to fees under the proposal for settlement statute. The defendant argued that the plaintiff could not be entitled to an attorney's fee award if the plaintiff did not prevail on appeal.

The Florida Supreme Court agreed with the plaintiff. The Court held that the Proposal for Settlement statute, Section 768.79, Florida Statutes, is not a prevailing-party attorney's fee statute. The text of the statute contemplates the possibility that a party may be awarded attorney's fees even if it does not prevail in a proceeding. The proposal for settlement statute penalizes a party who does not accept a reasonable settlement offer.

Thus, the only requirement for a party to recover its attorney's fees is for the amount of the final judgment to trigger entitlement to attorney's fees under the statute. As a result, a party can recover its attorney's fees even if it does not prevail at trial or in appellate proceedings.

That being said, the Florida Supreme Court observed that an attorney's fee award under the proposal for settlement statute is limited to an award of "reasonable" fees. Thus, an opposing party has the right to claim that appellate attorney's fees are not reasonable by arguing that the appeal is frivolous.

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DEMOCRACY AND TRUST IN ELECTIONS: THE ROLE OF THE BAR

By: Robin M. Wolpert, President-Elect, NCBP
February 21, 2023

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At NCBP's 2023 Midyear Meeting, we learned that the rule of law is deteriorating across the globe, including the United States. According to Harvard political scientists Steven Levitsky and Daniel Ziblatt, "democratic backsliding today begins at the ballot box." In their book, *How Democracies Die*, Levitsky and Ziblatt identify four main indicators of electoral backsliding: (1) rejection of (or weak commitment to) the democratic rules of the game, (2) denial of the legitimacy of political opponents, (3) toleration or encouragement of violence, and (4) readiness to curtail the civil liberties of opponents, including the media.

So, what can bars do? Our Saturday plenary, moderated by Judy Perry Martinez, past president of the ABA, focused on how can bars use their education and convening powers to enhance public trust and confidence in democracy and elections. Our panel discussion with Michelle Behnke (Chair, ABA Commission on Racial and Ethnic Diversity), Joe Crosthwait (Past President, NCBP and Oklahoma County and Oklahoma Bar Associations), Danielle Duplessis-Hammond (Chief Deputy Registrar and Community Outreach Coordinator, Orleans Parish Registrar of Voters), and Joel Watson (Louisiana Deputy Secretary of State for Outreach Services) generated several options for bars and lawyers, including:

- Reach out to state and local election officials and create effective partnerships for bar events and activities that elevate the transparency of election processes and procedures
- Create bar events for lawyers and the community on election processes and procedures, including voter registration
- Encourage lawyers to become poll workers and share their experiences with others
- Encourage lawyers to teach about election laws and procedures to civic organizations
- Create a bar task force on the accessibility of elections
- Write newspaper articles and letters to the editor regarding election laws, processes, and procedures
- Evaluate whether CLE credit may be awarded for serving as a poll worker or other election-related activities
- Consider whether election statutes can be understood by the public or need to be rewritten with plain language

Retired Associate Supreme Court Justice Breyer, in speaking about our constitution, pointed out that "[i]f you don't participate, this document won't work." NCBP encourages bar leaders to consider what they can do to promote trust and confidence in elections.

Resources:

World Justice Project: To learn more about how the rule of law is deteriorating in the U.S. and across the globe, visit the World Justice Project's website at: <https://worldjusticeproject.org/>.

WJP measures how the rule of law is perceived and experienced in 140 countries and jurisdictions based on factors familiar to all of us: (1) constraints on government powers (2) the absence of corruption (3) open government (4) fundamental rights (5) order and security (6) regulatory enforcement (7) civil justice (8) criminal justice. In its 2022 report, the WJP found that the rule of law performance declined globally for the 5th year in a row. Between 2015 and 2022, the rule of law deteriorated in 64% of countries and 4.4 billion people live in a country where the rule of law is declining. The rule of law has weakened in the United States since 2015 and the United States ranked 26th across 140 countries in 2022.

See also: Professor Barbara Walter, University of California, San Diego, *How Civil Wars Start* (2022), <https://www.barbarafwalter.com/>. Steven Levitsky and Daniel Ziblatt, *How Democracies Die* (2018), <https://scholar.harvard.edu/levitsky/home>, <https://scholar.harvard.edu/dziblatt/home>.

ABA resources: To learn more about defending democracy and the rule of law, see https://www.americanbar.org/groups/senior_lawyers/publications/voice_of_experience/2022/october-2022/defending-democracy-in-our-electoral-process/.

The ABA Section of State and Local Government Law's Defending Democracy Initiative promotes the integrity of the electoral process by focusing on transparency of election administration and putting a human face on poll workers, the front-line workers in our democracy. The Section includes tours of local election offices during its meetings and has offered to assist state and local bars in having similar tours at their meetings or in their home jurisdictions. To learn more, see https://www.americanbar.org/groups/state_local_government/resource/defending-democracy/.

In addition, the ABA's Poll Worker, Esq. is a partnership with the National Association of Secretaries of State and the National Association of State Election Directors which encourages lawyers to serve as poll workers. See https://www.americanbar.org/groups/public_interest/election_law/poll-worker-esq/.

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THE IMPACT OF FLORIDA'S NEW TORT REFORM ON INJURED FLORIDIANS

By: Aaron Warner | Warner & Fitzmartin, PLLC



The 2023 Florida Legislative Session was historic and brought extensive changes to Florida's legal landscape. Chief among these changes was the first bill signed by Governor Ron DeSantis, HB 837, often referred to as the Tort Reform Act. The signing of HB 837 led to record numbers of lawsuits filed by personal injury attorneys, which sheds light on the significant impact this new law will have with respect to anyone injured in Florida due to another party's negligence.

Supporters claim this historic reform was needed to drive insurance prices down and protect businesses by bringing balance to the legal system. Critics believe this new law will hurt Floridians and provide another windfall to protect insurance companies. Only time will tell, and many questions remain regarding certain portions of HB 837. It is expected that Floridians who have suffered harm due to no fault of their own will face new challenges at recovering and seeking justice due to these historic changes.

Continued on following page

A summary of these important changes brought by the signing of HB 837 include:

Statute of Limitations – Effective March 24, 2023, Fla. Stat. §95.11 is amended to reduce the statute of limitations for actions founded on negligence, automobile accident claims for bodily injury insurance coverage. These actions are now subject to a two-year statute of limitations.

Liability Apportionment System – Florida has transitioned from a pure comparative negligence system, which had been in effect since 1973, to a modified comparative negligence system. Prior to March of 2023 in Florida, a plaintiff could recover in proportion to their percentage of fault or responsibility. A Defendant can now avoid liability completely by only making a showing that the plaintiff is more than 50% at fault for their injuries. This new modified comparative negligence applies to all negligence actions other than medical malpractice.

Admissibility of Medical Evidence – Evidence offered to prove the amount of damages owed to a plaintiff for past and future medical treatment was significantly amended under HB 837.

- *Paid Past Medical Bills*: The admissibility of medical bills that have already been satisfied is now limited to the amount actually paid by an insurer for past medical services. The initial billed amount is not admissible.
- *Unpaid Past Medical Bills*: The admissibility of unpaid medical bills now depends on the plaintiff's health insurance status. If the plaintiff has health insurance, admissible evidence includes the amount the health insurance company is required to pay the medical provider under the health insurance policy and the plaintiff's portion of responsibility under that policy. If the plaintiff has Medicare, Medicaid, or does not have health insurance, admissible evidence is generally limited to 120% of the Medicare reimbursement schedule in effect when the medical treatment is rendered unless there is no Medicare rate for the medical service rendered. If the plaintiff receives medical treatment under a letter of protection or chooses not to submit medical bills to their health insurance carrier, admissible evidence includes the amount the health insurer would be obligated to pay the provider and the plaintiff's portion of responsibility under that policy. Evidence of reasonable amounts that were billed to plaintiff for medically necessary services may also be admissible.

Continued on following page

- *Future Medical Bills*: If a plaintiff has health insurance other than Medicare or Medicaid, admissible evidence includes the amount that future charges would be paid by the plaintiff's current health insurance and personal responsibility for co-payments, etc. If a plaintiff does not have health insurance or has insurance through Medicare or Medicaid, admissible evidence is generally limited to 120% of the Medicare reimbursement schedule in effect when the medical treatment is rendered. If there is no applicable Medicare rate, admissible evidence includes 170% of the applicable state Medicaid rate. When needed, a plaintiff may be able to present evidence of reasonable future amounts that would be billed to the plaintiff for necessary medical treatment.

Bad Faith – HB 837 brought sweeping changes to Fla. Stat. 624.155 that affect a plaintiff's ability to bring a claim for Bad Faith. Insurers are now protected by a safe harbor provision that shields an insurance company from bad faith liability if they tender the lesser of the policy limits or the amount demanded by the plaintiff within 90 days of receiving actual notice of a claim accompanied by sufficient evidence to support its amount. Fla. Stat. 624.155 was also modified by adding that "mere negligence alone is insufficient to constitute bad faith" and requiring that "the insured, claimant, and representative of the insured or claimant have a duty to act in good faith in furnishing information regarding the claim, in making demands of the insurer, in setting deadlines, and in attempting to settle the claim." These modifications are significant in that in an action for bad faith against an insurance company, a jury may consider whether the plaintiff and their representative acted in good faith, while providing the jury the ability to reduce the amount of damages awarded against the insurance company.

During the few months that have passed since the signing of HB 837, attorneys for both plaintiffs and defendants have reached different interpretations of various provisions and whether some of these new laws apply retroactively to existing cases. Over the next couple of years, many substantive and procedural issues included in HB 837 will be addressed by Judges throughout the State of Florida. The proponents of this bill were hoping to combat "billboard lawyers" and reduce insurance rates, but time will tell if Floridians will benefit or be harmed by these changes.

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WHAT TO DO WHEN YOU CAN'T RECALL HIS NAME

By: Daniel L. Haverman
Board Certified Civil Trial Lawyer



It happens to all of us – we meet someone and don’t remember them. Or we can’t recall their name or how we first met them. This happens frequently during networking events. There are several different ways that people have dealt with not recognizing someone. Some people ‘fake it’ by engaging in a conversation and hoping that they get a clue about who they are talking to. They try to remember where the person is from or how they know them. Others come right out and say, “I’m sorry, I’ve forgotten your name.” or “I’m sorry, where do I know you from?”

If it happens to you, I recommend that you avoid saying, “I’m sorry, I forgot your name.” or “I don’t remember where you’re from.” People take it rather personally when you don’t remember them. They might begin to avoid you because you did not recognize them earlier. And you certainly do not want to say, “Nice to meet you.” Even if you do not remember previously meeting the person, they clearly know you, so it is highly unlikely that you are meeting them for the first time. Nobody wants to be forgotten and it can be hard to build a strong relationship with that type of beginning.

When you forget someone’s name, I suggest you say “Hi, good to see you.” and then start a simple conversation related to the event you are attending to help you remember them. Starting a dialogue is an effective way to shake up the gray matter in your head to try to remember who they are. If, after conversing for a while, you still are unable to remember, it’s time to stop trying and just move along. Before exiting the conversation, you can say, “It was nice to see you. I’ve got to go. I’ll talk to you again next time”. If you have a name badge, or they are handing adhesive name stickers, wear it when you attend networking events. This is a way to help the people you meet easily remember your name. And it is very helpful for others who may be having a temporary challenge remembering you.



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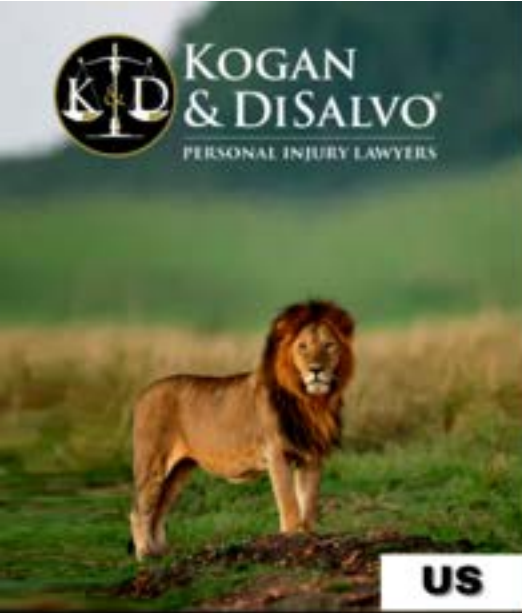
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FLORIDA ENACTS NEW LAW REQUIRING EMPLOYERS TO USE E-VERIFY TO CONFIRM EMPLOYMENT ELIGIBILITY

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On May 10, 2023, Gov. Ron DeSantis signed Senate Bill 1718 into law, which will require, among other things, mandatory use of the federal E-Verify system by private sector employers with over 25 employees.

E-Verify is an online system administered by the U.S. Department of Homeland Security and the Social Security Administration. The system cross-references information provided on Form I-9 (Employment Eligibility Verification) with other federal records to confirm the authorization of an individual to work in the U.S. Based on the information provided, the system will either confirm employment eligibility or issues a “tentative non confirmation” notice, indicating that the information does not match the records.

Previously, the use of E-Verify was voluntary for most private employers. Under the new law, private employers with at least 25 employees must utilize E-Verify to validate the employment eligibility of employees hired on or after July 1, 2023, within three business days of the employee’s first day of employment. The law does NOT (i) require the use of E-Verify for employees hired prior to July 1, 2023, (ii) apply to employers with less than 25 employees, or (iii) apply to independent contractors.

Starting July 1, 2023, covered employers must report compliance with E-Verify on the first unemployment tax return filed each calendar year.

Starting July 1, 2024, if a covered employer has failed to verify the employment eligibility of a new hire using the E-Verify system, the employer will be notified of the noncompliance and given 30 days to cure. Employers that violate the E-Verify requirements three times within a 24-month period may face fines of \$1,000 per day until compliance is accomplished. Furthermore, if a violation occurs within 24 months of a previous violation, the employer’s business license may be revoked or suspended. The law also imposes state-based penalties on employers who knowingly employ, hire, recruit, or refer for employment noncitizens lacking work authorization.

With the compliance date rapidly approaching, covered employers should promptly enroll and familiarize themselves with the E-Verify system to meet the requirements outlined by the new law.



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Jennifer Maraia is a member of IACP, trained in collaborative dispute resolution, and has been a speaker for Wife.org "Second Saturday", an organization dedicated to educating people contemplating divorce with financial, emotional, and legal advice.

Robert Maraia has led a chapter of DTP, Divorce Transitional Professionals™, and has completed course work at the American Institute of Mediation. He is also a Seniors Real Estate Specialist.

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Pondering the Future of the Legal Profession



What is the future of the legal profession? There have been many opinions offered, but some answers are emerging. Generally speaking, tectonic shifts take a while before significant changes are realized, but technology is speeding up those processes. The bottom line: the legal profession will be different and, in many ways, better going forward.

To a great extent, the legal profession looks the same as it has for decades: billable hours at big firms, stress and challenges of running a small firm, trying to bring in business, and sometimes that feeling of satisfaction after helping a particular client. But the signs of change are all around us, and a good collective effort by law schools, bar leaders, and firm leaders can help blaze the best path forward.

The biggest and perhaps most important shift to watch is the growing use and importance of “law clinics” and other experiential learning at law schools. Requiring experiential education before graduation and merging it with the overall school experience is the formula for success. I’m happy to report that many law schools in Florida excel in this approach, but more work is needed to make sure law students are provided these opportunities for growth and training. A greater, more consistent approach to experiential education will help law students become better lawyers.

The second important shift is greater mentorship for new lawyers, especially those in smaller firms. The Bar's Special Committee on Mentoring, led by Co-Chairs Katherine Hurst Miller and Zack Zuroweste, has built a practical mentoring program from the ground up focused on milestones, a real curriculum for regular substantive conversations between mentors and mentees. The program is titled, "Counsel to Counsel," and will greatly help new lawyers transition into the full-time practice of law. Mentors play such an important role in the development of any professional and making this a staple of a newer lawyer's career will be very beneficial. Florida's new mentoring program will be a national leader, and will officially launch at Annual Convention in June.

We will also see significant changes in greater access to legal services in the future. For the last several decades, we have seen a decrease in the number of people hiring lawyers for important legal matters, such as buying a house or having a properly executed will, leading to disastrous outcomes for many who eschew representation. At the same time, we have seen an increase of people "going on their own" and appearing pro se in an increasing number of matters in our court system.

The Bar's Special Committee on Greater Access to Legal Services, led by Co-Chairs Jay Kim and Wayne Smith, worked very hard on these issues all year long. We recently presented key recommendations to the Florida Supreme Court to make it easier and more consistent for pro se litigants to navigate the court system, and lessen the strain on judges and clerks of court. We also pushed ideas to support Florida legal aid organizations, including making it possible to become a certified legal intern earlier and more easily in law school. Finally, we made recommendations to increase overall accessibility and affordability of legal services, with a big emphasis on prepaid legal service plans. These plans guarantee revenue for law firms and provide affordable and accessible legal representation for those who might otherwise go unrepresented.

We focused our work on pragmatic, realistic recommendations to provide greater access to legal services. These challenges are solvable in the long term with the independent legal profession and the independent judicial system at the front and center of those efforts.

Finally, looking ahead, the legal profession — like the rest of the world — will have to figure out how to work with artificial intelligence. There have been significant advances with ChatGPT, and the rapid acceleration of AI abilities and plug ins. Already, people are using this tool to write sonnets, take (and pass) a mock bar exam, and much more. Like the first rock tool and the first search engine, this is a new “tool” to use, and there is nothing for The Florida Bar to do except hope that people use these innovations responsibly and guide lawyers on any ethical implications.

At the end of the day, the legal profession helps our clients, with our ethics rules and professionalism leading the way. If we continue to be forward-thinking and “on the ground” dealing with challenges, there will be many lawyers helping many clients in the future.

Gary S. Lesser, the 74th president of The Florida Bar, is the managing partner of Lesser Lesser Landy & Smith in West Palm Beach.

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EASEMENT APPURTENANT OR EASEMENT IN GROSS: WHICH ONE IS IT?

BY: JOEL KENWOOD, ESQ. | SACHS SAX CAPLAN, P.L.



The State of Florida recognizes two types of easements, an easement appurtenant and an easement in gross. An easement appurtenant is an easement that runs with the land. It cannot be assigned separate and apart from the dominant estate. In *SHM Cape Harbour, LLC v. Realmark META, LLC*, 335 So. 3d 754, 759 (Fla. 2d DCA 2022), the Court explained that: “[A]n appurtenant easement is a permanent easement running with the land and passes as an incident to it”, quoting from *Morris v. Winbar LLC*, 273 So. 3d 176, 178-179 (Fla. 1st DCA 2019).

As the Court further noted in *SHM Cape Harbour*, “An easement is appurtenant when the right which it represents is attached to and belongs with some greater or superior right as a dominant estate,” quoting from *N. Dade Water Co. v. Fla. State Tpk. Auth.*, 114 So. 2d 458, 461 (Fla. 3d DCA 1959). After reviewing the language used in an easement agreement, the Court in *SHM Cape Harbour* concluded that the language of the easement created an easement appurtenant rather than an easement in gross. 335 So. 3d at 760. An easement “in gross” is a mere personal interest in the real estate of another; it is not supported by a dominant estate. See *Morris*, 273 So. 3d at 179. An appurtenant easement runs with the land and is not personal to the original owner of the dominant parcel. See *Devino v. 2436 East Las Olas, LLC*, 306 So. 3d 118, 120 (Fla. 4th DCA 2020). “If doubt exists as to its real nature, an easement is presumed to be appurtenant and not in gross.” *Palm Beach County v. Cove Club Investors*, 734 So. 2d 379, 383, n.13 (Fla. 1999) (quoting 25 Am. Jur. 2d Easements and Licenses in Real Property § 12 (1996)).

At least three federal courts have ruled that an easement appurtenant cannot be assigned separate and apart from the dominant estate. See *Kapp v. Norfolk Southern Ry. Co.*, 350 F.Supp.2d 597, 606 (M.D. Pa. 2004); *Fruth Farms v. Village of Holgate*, 442 F.Supp.2d 470, 476-77 (N.D. Ohio 2006); and *Spear v. Old Republic National Title Insurance Company*, No. 3:12-CV-231-MW/CJK, 2013 WL 12099358 (N.D. Fla. Sept. 24, 2013).

Continued on following page

An easement appurtenant “is not independently alienable.” *Kapp v. Norfolk Southern Ry. Co.*, 350 F.Supp.2d 597, 606 (M.D. Pa. 2004). As the Court explained in *Fruth Farms v. Village of Holgate*, 442 F.Supp.2d 470, 476–477 (N.D. Ohio 2006):

One cannot separate an easement appurtenant from the dominant estate. *State ex rel. Lindemann v. Preston*, 171 Ohio St. 303, 305, 170 N.E.2d 489 (1960). An easement appurtenant cannot, therefore, be assigned to another person separately from the dominant estate. *Henson v. Stine*, 74 Ohio App. 221, 224, 57 N.E.2d 785 (Ct. App. 1943) (holding that an easement can only be conveyed in the same manner as land); see also *State ex rel. Lindemann v. Preston*, 171 Ohio St. 303, 305, 170 N.E.2d 489 (1960) (holding that a dominant tenement owner cannot separate an easement from the land to which it is appurtenant or convert an easement into an easement in gross by grant of a license). Thus, a person or entity cannot assign the interest in an easement appurtenant to another. *Id.*; *Ricelli v. Atkinson*, 99 Ohio App. 175, 181–182, 132 N.E.2d 123 (Ct. App. 1955) (“An easement is not alienable separately and apart from the land to which it is appurtenant.”).

The Court in *Spear* reviewed the case law in Florida, as well as the case law in other states, concerning the assignment of an easement appurtenant and concluded that an easement appurtenant cannot be assigned separately from the dominant estate. As the Court stated:

Florida law recognizes that the rights conveyed by an easement appurtenant are “attached to and belong[] with some greater or superior right as a dominant estate.” *N. Dade Water Co. v. Fla. State Turnpike Auth.*, 114 So. 2d 458, 461 (Fla. 3d DCA 1959). See also *In re Bende*, 152 B.R. 677, 682 (Bankr. S.D. Fla. 1993) (“[An easement appurtenant] is incapable of existence separate and apart from the particular land to which it is annexed.”); *Dianne v. Wingate*, 84 So. 3d 427, 429 (Fla. 1st DCA 2012) (“The easement holder possesses the dominant tenement[.]”).

This is consistent with the common law position that “an appurtenant benefit may not be severed and transferred separately from all or part of the benefited property.” Restatement (Third) of Property: Servitudes § 5.6 (2000). See also *Fruth Farms v. Village of Holgate*, 442 F. Supp. 2d 470, 476 (N.D. Ohio 2006) (“One cannot separate an easement appurtenant from the dominant estate. An easement appurtenant cannot, therefore, be assigned to another person separately from the dominant tenement.” (internal citations omitted)); *Kapp v. Norfolk Southern Ry. Co.*, 350 F. Supp. 2d 597, 606 (M.D. Pa. 2004) (“[An easement] is not independently alienable but is conveyed concurrently with the estate to which it is tied.”); *Rosen v. Keeler*, 986 A.2d 731, 740 (N.J. Super. Ct. App. Div. 2010) (“Treatises dealing with the topic are in universal agreement that absent a clear intent to the contrary in the instrument creating the easement an easement appurtenant benefits only those with a possessory interest in the dominant estate, and such benefit cannot be assigned to third parties independent of the dominant land to which it is appurtenant.” (internal citation omitted)). See *Spear*, 2013 WL 12099358, at *3–4.

The *Spear* case involved an easement appurtenant. Cecil Pate was the owner of the dominant estate known as Parcel A. As the owner of the dominant estate, Pate had easement rights across two (2) servient estates including Parcel B and Parcel C. However, Pate tried to assign the easement appurtenant he held across Parcels B and C to Carl Spear and to Nadja Spear. The Court in *Spear* held that the purported assignment of Parcels B and C was “not legally enforceable.” *Id.* at *4.

In *Block v. DEA Properties-2 LLC*, 501 P.3d 545, 549 (Or. App. 2021), the trial court entered a declaratory judgment finding that the assignment of an easement appurtenant was “valid and enforceable.” The appellate court reversed and ruled that an easement appurtenant cannot be transferred separately from the dominant estate. The Court concluded in *Block*: “In sum, the deed unambiguously creates an ordinary appurtenant easement, which cannot be severed and transferred separately from the dominant estate. *Jantzen Beach Associates, LLC*, 200 Or.App. at 464, 115 P.3d 943 (an appurtenant easement “is not severable from the land”). The trial court erred in relying on cases concerning assignments in gross, which are personal and transferrable separately from interests in land. *Sunset Lake*, 45 Or.App. at 977, 609 P.2d 896 (“Easements in gross which have commercial value are assignable.”). Accordingly, the court erred in declaring that the easement assignment agreements were valid and enforceable.” 501 P.3d at 552.

The wording of the document creating the easement is essential in determining whether or not an easement is appurtenant or in gross. If you need advice on this issue, you should consult with a lawyer because the difference between these easements can be quite substantial as to your property rights.

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Wealth is a complex concept, and the myriad perceptions, biases and emotions you have around money can affect the financial decisions you make. Understanding these dynamics and developing strategies for making objective decisions about money can help you manage your wealth more wisely.

Understanding Your Feelings about Money

Exploring your relationship with money—what it means to you and what you hope to accomplish with it—can help you focus on managing your wealth to achieve your goals.

Your feelings, beliefs and attitudes toward money may be influenced by many factors, including how your parents handled money and your education. They can also be shaped by your conceptions or misconceptions about money. For example, “You need money to make money” or “I can’t be financially successful because my parents weren’t.”

You may not realize it, but your emotions can have a powerful impact on your spending. If you’re feeling sad, buying things can make you feel better, at least temporarily. Or, if you’re angry, you may take bigger risks or make less rational decisions. There may even be occasions where feelings of guilt may cause you to try to make up for mistakes by spending money.

Taking stock of your feelings about money—and how they affect your spending—is an important first step to not only making more rational, informed financial decisions, but also imparting good money habits to your children.

Continued on following page

Changing the Way You Think, Feel and Act about Money

Here are three tips for improving your relationship with money:

1. Learn to differentiate between wants and needs.

Recognizing the difference between what you want and what you need can help you keep your spending aligned with your current financial situation, as well as your overall financial objectives and goals. Every buying decision you make affects your ability to achieve financial security.

2. Talk to your family.

Having meaningful family conversations about money is an essential part of any family wealth management strategy, especially as an increasing number of families are sandwiched in the role of caring for both their children and their parents.

Talking about money can be an empowering first step to forming a healthy relationship with wealth, and families that succeed in having effective discussions about money are better equipped to find ways to use their financial capital to leverage the value of their family, intellectual and social capital. You might start by talking about what money means to you, why you've worked hard to acquire it, what responsibilities come along with it and what your family hopes to achieve with it.

3. Identify your goals and set realistic expectations.

Defining your goals, and then developing a wealth management strategy that aligns with those goals, is another way of changing the way you think about money. Setting goals and tracking your progress over time also helps you set realistic expectations about your financial future. And, keeping sight of your long-term vision through the ups and downs of the markets and the highs and lows of life can help you stay the course.

Money can enhance your life, but it can be detrimental if your world revolves around it. The key to long-term wealth is finding the balance. If you need help getting started, a Financial Advisor can help facilitate family conversations about money and help you make informed, rational decisions about your wealth.

Continued on following page

Disclosures

Article by Morgan Stanley and provided courtesy of Morgan Stanley Financial Advisor.

Eliot Popper is a [Financial Advisor in Boca Raton at Morgan Stanley Smith Barney LLC ("Morgan Stanley")]. [He can be reached by email at eliot.popper@morganstanley.com] or by telephone at 561-393-1578. His California and/or Arkansas] Insurance License # is N/A. His website is www.morganstanleyfa.com/eliot.popper

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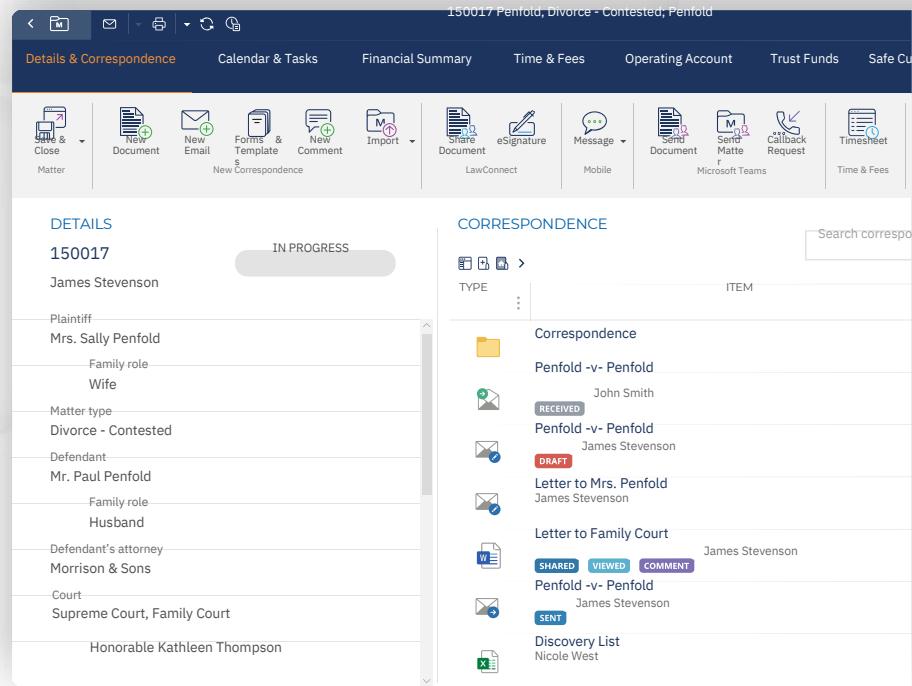
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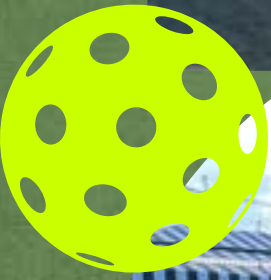
On February 2, 2023, Circuit
Judge Bradley Harper was
honored at Woodfield Country
Club.



A portion of the proceeds from
this event were donated to the
Palm Beach County Legal Aid
Society Children's Emergency
Fund in memory of Harreen
Bertisch.



Popper's Pickelball Party



In April, Eliot Popper of Morgan Stanley generously sponsored the SPBCBA's first ever Pickelball event at The Boca Raton. It was a wonderful evening of instruction and play for newcomers and seasoned veteran players.



10th Annual *Probate*

TRIVIA NIGHT

The Probate & Guardianship Committee hosted it's 10th annual Probate Trivia Night at Bocaire Country Club.





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Signature Membership Luncheons

February



At February's joint lunch with South Palm Beach County FAWL, Florida Bar President Gary Lesser spoke on the state of the Florida Bar, including the bar's upcoming mentorship initiative.



March



In March, former Boca Raton Mayor Steve Abrams discussed the future of transportation in South Florida.



April



In April, Palm Beach County Inspector General John A. Carey spoke on the history of inspectors general, and described his role as the County's inspector general.



May



In May, Florida Supreme Court Justice Jorge Labarga spoke about the current state of professionalism in our courts. The SPBCBA also presented the Legal Aid Society with a \$2,500 donation.



61st Annual Installation Gala



The South Palm Beach County Bar Association held its 61st Annual Installation Gala on May 6, 2023. President Chris Sajdera was sworn in, along with this year's Board of Directors and Young Lawyers Section Directors. Judge Luis Delgado was honored as Jurist of the Year



61st Annual Installation Gala



61st Annual Installation Gala



61st Annual Installation Gala

18th Annual Golf Tournament

The South Palm Beach County Bar Association held its Annual Golf Tournament in May at Deer Creek Country Club. We had beautiful weather for this sold-out event!



COMMITTEE EVENTS

APPELLATE PRACTICE & CIVIL PRACTICE COMMITTEE

CLE: ONGOING IMPLICATIONS OF THE 2021 CHANGES TO FLORIDA'S SUMMARY JUDGMENT STANDARD

On April 21, 2023, the Appellate Practice and Civil Practice Committees co-hosted a CLE event in Judge Delgado's courtroom on the ongoing implications of the 2021 change to Florida's Summary Judgment Rule. Honorable Jeffrey T. Kuntz from the 4th DCA, Bryan Gowdy, Esq of Creed & Gowdy, and 15th Judicial Circuit Court Judge Curley were the featured panel of speakers for this well-attended event.



THANK YOU TO OUR CIVIL PRACTICE COMMITTEE SPONSORS!



COMMITTEE EVENTS

PROFESSIONALISM COMMITTEE

CLE: DEALING WITH UNPROFESSIONAL CONDUCT IN A PROFESSIONAL WAY

On February 10, 2023, the Professional Committee hosted a CLE breakfast at Farmer's Table on the professional ways to handle unprofessional conduct. Christopher Sajdera was the moderator and the two speakers included Magistrate Ilana Marcus and Florida Bar Counsel William Mulligan.



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COMMITTEE EVENTS

CORPORATE & BUSINESS LAW COMMITTEE

CLE: IMPACT OF THE NEW SECURE ACT

On March 29, 2023, the Corporate & Business Law Committee hosted a CLE lunch and learn on the new Secure Act. Guest speaker, Michael J. Shapiro, Managing Director with Raymond James, presented on this interesting topic.



COMMITTEE EVENTS

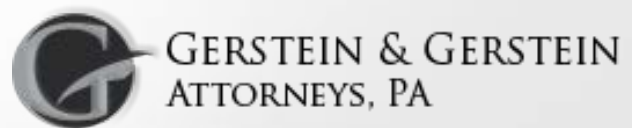
SOLO & SMALL FIRM COMMITTEE

BANK COMPLIANCE WITH FLORIDA BAR TRUST ACCOUNT RULES

On May 3rd, the Small & Solo Committee had our final luncheon of the season at Prezzo in Boca Raton. It was great to meet some new people this month! Networking kicked off the lunch followed by a fun, interactive presentation by our sponsors from First Citizens Bank, Chantal Brassard and Claudia Rodney. The topic discussed was "How a Bank Complies With the Florida Bar Association's Rules and Regulations Pertaining to IOTA Accounts". The entire room was engaged and interested. Claudia and Chantal did a great job!



THANK YOU TO OUR SOLO & SMALL FIRM COMMITTEE SPONSORS!



COMMITTEE EVENTS

FAMILY LAW COMMITTEE

CLE: FINANCIAL AFFIDAVITS IN FAMILY LAW CASES

The Family Law Committee hosted a CLE lunch and learn event in May. Featured speakers Angelo Gasparri, Richard Boyle, Stacey Mullins, and Ari Harper, discussed financial affidavits, pitfalls and pointers for the practitioner.



THANK YOU TO OUR FAMILY LAW COMMITTEE ANNUAL SPONSOR!



COMMITTEE EVENTS

MENTORSHIP COMMITTEE

TABLE FOR TEN ON JUDICIAL PET PEEVES

In April, the Mentorship Committee held a "Table for Ten" event at DaDa's in Delray Beach with Judge James Martz and Luis Delgado. The Judges discussed their top "pet peeves" in the courtroom.



COMMITTEE EVENTS

TAX AND CONTROVERSY COMMITTEE SPOUSAL LIMITED ACCESS TRUSTS

In February, guest speaker Jeff Baskies spoke about new Florida laws regulating spousal limited access trusts (SLATs)

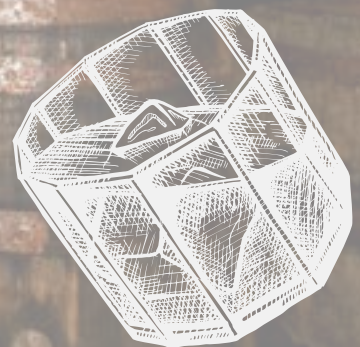


ASSET PROTECTION PLANNING WITH OFFSHORE TRUSTS

In May, the Tax and Controversy Committee invited Howard Rosen, Esq. to speak on the topic of asset protection planning with offshore trusts.



HEALTH & WELLNESS COMMITTEE



2023 PRO BONO AWARDS CEREMONY

The South Palm Beach County Bar Association was proud to sponsor the 15th Judicial Circuit's Pro Bono Committee's "Pro Bono, Awards Ceremony and Ice Cream Social" on February 28, 2023 at the ceremonial courthouse. Speakers included 15th Judicial Circuit Chief Judge Glenn Kelley, the Honorable Samantha Schosberg Feuer, Florida Bar President Gary Lesser, Bob Bertisch, Executive Director of the Legal Aid Society of Palm Beach County, and more. After the awards were presented, participants were rewarded with ice cream from Sloans. The SPBCBA is proud to be a long-standing sponsor of legal aid and its pro bono programs.



YOUNG LAWYERS SECTION

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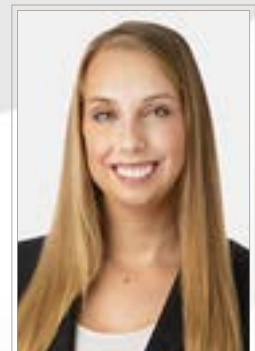
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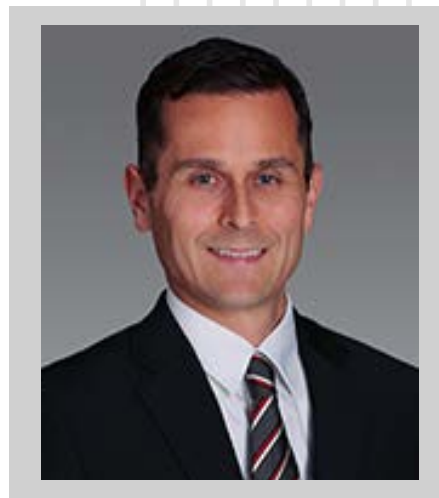


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YLS President's Message



Jeremy Dicker

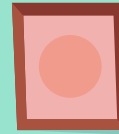
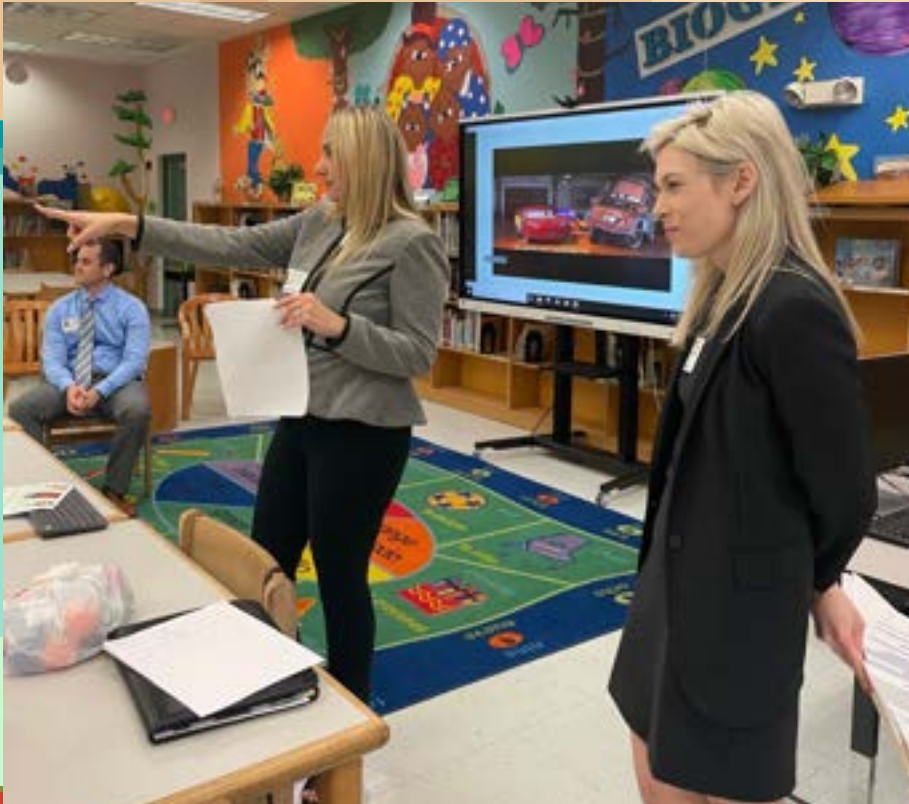
I am privileged to serve as President of the South Palm Beach County Bar Association's Young Lawyers Section for the 2023-2024 bar year. I am proud to have been on this amazing board for several years and I am excited to close out my final year on YLS as its President. YLS will officially convene this summer to hold its annual planning meeting, which is a great opportunity for the current board members to bond with one another while planning our events for this year. Our YLS board consists of a dozen bright and dedicated attorneys. I look forward to another successful year for YLS.

While we usually kick off the new bar year with our annual school supply drive happy hour, this year we will first be having a special summer event. Please be on the lookout for a happy hour food drive at Hawkers in Delray this summer benefiting Eat Better Live Better, a Delray nonprofit organization providing the community with access to fresh produce and healthy groceries. We are thrilled to support this wonderful mission.

After our planning meeting, YLS will keep you apprised of our upcoming events. Please follow our YLS Facebook and Instagram accounts so that you are up to date. I hope to see everyone at our YLS events, including our philanthropic events, CLEs, and happy hours.

Feel free to reach out to me at jdicker@ssclawfirm.com or (561) 237-6821 with any questions or if I can be of any assistance. Wishing you a wonderful summer.

YLS LAW DAY 2023



Our YLS had its annual Law Day on April 24, 2023 at Pinegrove Elementary School located in Delray Beach. The 5th grade students were engaged and thrilled to learn about “what makes a good judge.” The students even had the opportunity to engage in Q&A with the Honorable Kenneth D. Stern, who was present at the event. Law Day was a huge success in educating the Pinegrove Elementary students on the American Bar Association’s theme for this year, “Cornerstones of Democracy: Civics, Civility, and Collaboration.” Thank you to Pinegrove Elementary School for hosting our YLS!



YLS ANNUAL BOWLING NIGHT



KAPOW! HAPPY HOUR



In March, the YLS hosted a joint happy hour with students from Nova Law School at the new Kapow! in Mizner Park. It was a great chance for Nova's law students to connect with our local legal community.

THANK YOU YLS ANNUAL SPONSORS!



**KOGAN
& DISALVO**
PERSONAL INJURY LAW

BAR TALK

Mark Osherow was recognized by the Daily Business Review's Florida Legal Awards as 2023 Best Mentor.



Ellen Leibovitch, a Florida Bar Board Certified Labor & Employment Attorney, was named by "The Employment Lawyers" as the go-to employment attorney in the State of Florida for 2023-24. Ellen's profile can be found at:

www.the-employment-attorneys.com/ellen-leibovitch/



Darryl Kogan and Ted DiSalvo are proud to announce that **Todd Baker** has become a shareholder at Kogan & DiSalvo Personal Injury Law. Mr. Baker is a skilled trial lawyer who has achieved multi-million-dollar jury verdicts and has helped clients recover more than \$100,000,000 in settlements and verdicts. Mr. Baker is the current President of the Broward County Trial Lawyers Association and the Immediate Past President of the Florida Bar Young Lawyers Division.



ANNUAL SPONSOR SPOTLIGHT

In this issue of The Advocate, we wish to highlight our incredible Annual Sponsors. We encourage you to please take a few moments to learn about these companies that provide invaluable support to the SPBCBA.

(Sponsors are listed in alphabetical order based on sponsor level)

PLATINUM SPONSOR



Shiner Law Group is a personal injury, commercial and business litigation firm founded by attorney David Shiner. Attorney Shiner has dedicated his law practice to help individuals and businesses that were injured or wronged by others. On the personal injury side of the practice, Mr. Shiner leads a team of professionals who focus their daily activities on fighting for the rights of their clients. In addition, Mr. Shiner has been defending and prosecuting commercial and business litigation from the day he became a lawyer. Client satisfaction and customer service is a crucial part of his law practice and an important trait that many businesses have forgotten. The Shiner Law Group team goes over and beyond what you would expect from a typical law firm when it comes to client satisfaction.

GOLD SPONSORS



From our beginnings in 1898, we've grown into the country's largest family controlled bank with a reputation for reliability, consistency and customer service few financial institutions can match.

The values of integrity, common sense and consistency have guided the way we do business. we put an emphasis on listening to you and offering solutions to help you reach your business goals. "Forever First" is more than just a slogan. it's our promise to live up to the values that have distinguished First Citizens since the day we opened our doors.

- Over 120 years of growth makes us strong, stable and safe.
- Our liquidity and loan loss ratios are significantly better than industry average.
- We're a top-20 U.S. financial institution with more than \$100 billion in assets.
- Visit our website www.firstcitizens.com to learn more about our services.

ANNUAL SPONSOR SPOTLIGHT

GOLD SPONSORS



Founded on a commitment to strong, long-term relationships, Osherow, PLLC provides high level representation, consulting, and advice in complex litigation cases in both state and federal courts, from inception through appeals.

The firm's Founder Mark R. Osherow, a Florida Bar Board Certified Specialist in Business Litigation since 2006, says, "Our goal is to tailor our representation to maintain long-lasting relationships through ethical and professional representation addressing the details of each matter in a comprehensive and thorough manner in which we take great pride,"

Active with the South Palm Beach County Bar Association, Osherow served as President and Board of Directors member for 11 years. He is also currently co-chair of the Professionalism Committee and a two-term member of the Business and Commercial Jury Instructions Committee created by the Supreme Court of Florida.

Osherow's partner, Kenyetta Alexander, has been practicing law for 16 years. Alexander began working with Osherow as a law clerk in law school. Through hard work and perseverance, Alexander became Osherow's partner in Osherow, PLLC. During her years of practice, Alexander has managed numerous complex business/commercial litigation cases, successfully representing clients in both state and federal courts, from inception through appeals.

Alexander is a member of the NSU College of Law Board of Governors. She has served as the Palm Beach County Bar Association ADR Committee's Chair and as South Palm Beach County Bar Association Health and Wellness Committee's Co-Chair. A former member of the Craig S. Barnard (CSB) American Inn of Court in Palm Beach County. She was honored by the March of Dimes as a 2021 Woman of Distinction.

Visit their website at www.OsherowPLLC.com to get the full list of practice areas.

SILVER SPONSORS



With over 20 years of experience, APS is a well-established, full-service insurance firm. They specialize in providing comprehensive Professional Liability insurance to Lawyers, Healthcare providers and other professionals and firms. They provide experienced leadership, comprehensive insurance knowledge and a well-established reputation in service and response, allowing them to provide

coverage unsurpassed in the market. If that isn't enough for you, they also have the most experienced team in the Lawyer Malpractice insurance industry that manages risk efficiently and cost effectively.

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- Direct Access to Multiple Insurance Carriers

Advanced Professional Services has been an Annual Sponsor for the SPBCBA since 2017. They have supported the association, events, and the Young Lawyers Section with steadfast dedication. Learn more by visiting their website at <https://advancedprofessional.com>

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SILVER SPONSORS

BRINKLEY MORGAN

Founded in 1975, Brinkley Morgan is a full-service law firm providing legal representation throughout Florida. From our offices in Fort Lauderdale and Boca Raton, our team of attorneys offers a full range of personalized legal services and business counseling to assist clients in achieving their personal and business goals. The firm provides a wide range of professional legal services in the areas of marital and family law; wills, trusts and estate planning; real estate; taxation; corporate law; and business litigation.



First Horizon Corp. (NYSE: FHN), with \$89.1 billion in assets as of December 31, 2021, is a leading regional financial services company, dedicated to helping our clients, communities and associates unlock their full potential with capital and counsel.

Headquartered in Memphis, TN, the banking subsidiary First Horizon Bank operates in 12 states across the southern U.S. The Company and its subsidiaries offer commercial, private banking, consumer, small business, wealth and trust management, retail brokerage, capital markets, fixed income, mortgage, and title insurance services. First Horizon has been recognized as one of the nation's best employers by Fortune and Forbes magazines and a Top 10 Most Reputable U.S. Bank.

As a founding annual sponsor, the SPBCBA would not be where they are today without them. We are grateful for Doug Clevenger and his team for their unwavering support. Visit their website at www.FirstHorizon.com.



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**KOGAN
& DISALVO**
PERSONAL INJURY LAW

Kogan & DiSalvo's experienced team of personal injury attorneys are passionate about fighting on behalf of injury victims and their families. They know that legal victories never come from a one-size-fits-all approach; they stem from individualized attention, rigorous preparation, and hard work.

They take the time to understand the unique details of your case and build a legal strategy that addresses both your immediate and future needs. They have extensive experience in car accidents, truck accidents, motorcycle accidents, bicycle accidents, catastrophic injuries, and wrongful death cases.

Their boutique firm is lean and focused. They leverage their extensive knowledge, real-world experience, and the resources of expert medical and financial witnesses to present your strongest, most compelling case. They can bring forward life care planners and economists to present data analysis detailing your present and future expenses.

Kogan & DiSalvo is an annual sponsor of the South Palm Beach County Bar Association (SPBCBA) and has been supporting the SPBCBA since 1994. Founding shareholder attorneys Darryl B. Kogan and Theodore L. DiSalvo are past presidents of the SPBCBA. Kogan & DiSalvo associate attorney Rachel R. Schrager is the new Vice President for YLS and committee chair of the SPBCBA Professionalism Committee.

See a full list of their attorneys and practice areas at www.kogan-disalvo.com.



**LESSER LESSER
LANDY & SMITH PLLC**
ATTORNEYS AT LAW
-Personal Injury Law Since 1927-

Lesser, Lesser, Landy & Smith is a third-generation personal injury law firm with 96 years of dedication to helping people who have been seriously injured due to the carelessness or negligence of others. Our team of skilled trial attorneys, working across four offices in Palm Beach County and the Treasure Coast, represent clients in personal injury, nursing home neglect, negligent security matters and wrongful death cases, guiding them through every step of the legal process and delivering the best results for their case.

ANNUAL SPONSOR SPOTLIGHT

SILVER SPONSORS

As a Financial Advisor, my mission is simple: To provide you with the wealth management advice you need to help streamline your life, so you may take care of the people you love, spend more time pursuing the activities you enjoy and support the causes that are most important to you.

With more than 30 years of industry experience, I am dedicated to providing highly customized strategies to high net worth individuals and families in Boca Raton and across the country. Focusing on wealth management services for attorneys, medical professionals, corporate executives and business owners, I employ a holistic approach that includes a thorough planning process and a commitment to providing outstanding service.

A graduate of Northeastern University with a BS in Business Administration, an MBA from Lynn University in Financial Valuation and Investment Management, I reside in Boca Raton with my wife Michele and my two adult children live nearby. Our daughter Brooke lives in Delray Beach with her husband David and four children and our son Drew, a board certified pediatric dentist also lives in Delray Beach with his wife Jillian and son, and owns several local pediatric dental practices.

My passion for helping clients achieve their goals is equaled only by my dedication to my family and community. I am a member of the Greater Boca Raton Chamber of Commerce and an associate member of the South Palm Beach Bar Association. I am also on the Executive Board of the Adolph and Rose Levis Jewish Community Center where I am an Executive Board of Director. - Eliot Popper, MBA, QPFC, Morgan Stanley, Boca Raton.



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Our goal at PICTERA Solutions is to assist your team in developing an effective plan for managing your discovery

request materials and executing that plan throughout every stage of the case. We understand every case is different, and every production has its own unique requirements. With over 50 years of combined legal experience, we have seen it all and we use that experience to advise you on the best and most efficient way to handle any project. Through our own local service centers and the relationships with industry leaders, we can help your team develop a successful plan that will ultimately give you a competitive advantage through better and more efficient document management and superior, cutting edge eDiscovery solutions.

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PIKE & LUSTIG, LLP

— Trial Attorneys —

Offices in West Palm Beach, Wellington & Miami

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561-855-7585

Pike & Lustig, LLP, is a law firm with an emphasis on business litigation & personal injury in Palm Beach, Broward and Dade counties. Our experienced attorneys understand our clients' business litigation needs in both State and Federal Courts. We have the ability and focus to provide the kind of personalized attention

that you may not receive from a large firm. However, we still have the experience and resources necessary to provide the highest quality of representation so that you receive the full amount of financial compensation you deserve from the liable parties. Our offices are located in West Palm Beach, Wellington and Miami to conveniently serve you.



SACHS SAX CAPLAN
ATTORNEYS AT LAW

From the boardroom to the courtroom, at the seats of government or at community association meetings, Sachs Sax Caplan, P.L. offers effective legal and business solutions individuals,

businesses, not-for-profit organizations, government agencies and community associations who call Florida home. They have built a significant presence in Florida through dedicated, active involvement and leadership in the professional, legislative and civic communities.

Sachs Sax Caplan prides themselves on offering their clients representation from diverse backgrounds, adding breadth and depth to our experience and bringing insight and expertise to the firm. With their knowledge and achievements as public officials, members of law enforcement, auditors and public accountants, general counsel and real estate developers, their talented professionals provide value added legal services. Their attorneys are board certified by the Florida Bar in their fields of expertise, and Sachs Sax Caplan, P.L. is rated AV® by Martindale-Hubbell®, the highest peer review rating attainable, awarded to only one percent of law firms reviewed.

Sachs Sax Caplan has been involved with the South Palm Beach County Bar Association for many years. Spencer Sax, Peter Sachs, and Joel Kenwood are all past presidents of the SPBCBA, Steven Rappaport is a current board member, and Jeremy Dicker is the current President of the Young Lawyers Section. They are home to the SPBCBA main office and provide in-kind supports to the association.

Learn more at <https://ssclawfirm.com/>



Laurie Dubow
"Your Real Estate Concierge"

Laurie Dubow is a Licensed Residential & Commercial Real Estate Broker, Business Broker, and a Licensed Mortgage Broker. A long-time sponsor of SPBCB, Laurie is available as a consultant and expert witness on all real estate related matters, specializing in Divorce, Eldercare, Estate, and partition Sales, as well as Luxury Home sales and complex Commercial transactions.

ANNUAL SPONSOR SPOTLIGHT

SILVER SPONSORS



The Collective at Keller Williams was founded on the premise of providing an exceptional level of service to our clients by leveraging modern methodologies to

successfully buy, sell, rent and invest in Palm Beach, Broward, and surrounding counties.

Our team of buyers and sellers agents, transaction coordinators, administrative support and trusted vendors are managed by Matthew Goldstein - one of Palm Beach County's most trusted names in real estate for over 15 years.

A Palm Beach County native and 2nd generation real estate professional, the formation of The Collective Realty Group reflects Matt's breadth of experience for what it takes to consistently deliver in an ever-changing marketplace. To date, Matt has helped clients buy, sell, rent and invest in over \$200mm worth of residential real estate transactions.

We are proud to be the #1 Team in our market center for the last 4 years. A big reason for that is the fact that we average only 9 days on market while netting 12% over than the MLS average for our sellers. Our buyers average only 1.2 contracts written per transaction, which puts us in the top 1% of all Realtors in the nation



The Maraia Group at Coldwell Banker Realty Resort & Beaches specializes in real estate advising, sales, and IRS code 1031 tax-deferred Exchanges with clients in divorce litigation, mediation, private judging, or collaborative process. Serving Southern Florida, Jennifer and Robert are Certified Real Estate Specialists™ handling residential, residential income, and commercial properties with specialized knowledge and experience in divorce real estate.

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Truist Wealth Legal Specialty Group specializes in financial strategies and solutions for law firms and attorneys. Serving all of your constituencies- enterprise, partners, associates and staff. Services range from assisting law firms and

attorneys to integrated firm and attorneys planning. Law Firms - Strategic growth opportunities. Employee benefits. Risk management. Our dedicated legal specialty group stays on top of industry-wide financial trends and best practices—so you can focus on your profession.

Attorneys - Established partners. New partners. Associates. All vital to your firm's success— all with different financial opportunities and challenges. Our advisors can help attorneys establish a strong financial foundation and give you back some much-needed time.

Truist became an annual sponsor of the South Palm Beach County Bar Association in 2016.

Since then, they have given their unwavering support to the SPBCBA.

Visit their website at www.truist.com/wealth

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With a panel comprised of over 400 retired judges, private practice attorneys, and other alternative dispute resolution professionals, JAMS successfully resolves and manages business and legal disputes by providing efficient, cost-effective and impartial ways of overcoming barriers at any stage of conflict. JAMS offers customized dispute resolution services locally and globally through a combination of industry-specific experience, first-class client service, top-notch facilities and highly trained panelists.

Our diverse panel of South Florida neutrals have proven track records and extensive practice area experience handling business and commercial, construction, employment, insurance and personal injury matters. Our deep practice and industry expertise enables our neutrals to adeptly handle cases ranging from two-party personal injury mediations to complex, multi-party, multimillion-dollar arbitrations in the United States and other jurisdictions worldwide.

JAMS is pleased to be an ongoing sponsor of the South Palm Beach County Bar Association.

For more information, visit www.jamsadr.com.

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Signature Court Reporting is excited to announce we have joined Veritext Legal Solutions, the Leader in Court Reporting in North America! The Signature team, including owner Dawn Bachinski, and all the court reporters and staff that you have come to trust and love

working with, will continue to provide you with the same stellar service. Under the Veritext umbrella, we are excited to bring you new and exciting technologies (including paperless exhibit access and sharing, instant scheduling features, and unsurpassed expertise in remote proceedings), as well as unmatched-in-the-industry HIPAA and PII compliant data security coverage. Veritext's vast coverage nationwide also means that once the world fully reopens postpandemic, you'll have access to more than 136+ brick and mortar locations throughout North America equipped with state-of-the-art deposition suites.

Veritext Legal Solutions has been a trusted Annual Sponsor and supported the South Palm Beach County Bar Association going on 12 years.

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Recognized by Financial Times as among the most forward thinking law firms in North America, Akerman is a national law firm providing comprehensive counsel to clients located in Palm Beach County, throughout the United States, and around the world. Our more than 700 lawyers and business professionals collaborate with the world's most successful enterprises and entrepreneurs to navigate change, seize opportunities, and overcome barriers to innovation and growth.

Within our communities, we work to create better opportunities for the future. To learn more about recent updates in the law, visit our website at www.akerman.com.

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DeAgostino Legal Group, LLC is a preeminent legal recruiting firm for law firms of any size, solo-practitioners, in-house counsel and other professional businesses of all company sizes.

Founded and led by Nicholas DeAgostino, a licensed 10-year trial attorney, DeAgostino Legal Group knows what qualities, it done so that you don't have to worry about it. skills & expertise that law firms need in a quality candidate. Whether you need a rockstar associate, paralegal, legal assistant, or other firm administrative professional, we'll get it done so that you don't have to worry about it.

We even have a 15-year Registered Litigation Paralegal on our team who manages the paralegal and legal assistant recruiting. We work as a team to place legal professionals for our clients in an efficient and expeditious manner, placing over 150 legal professionals nationwide per year!

Just some of the practice areas we recruit for: Personal Injury, Insurance Defense, First Party Property, Criminal Defense, Family Law, Civil Litigation, Medical Malpractice, Commercial & Residential Real Estate, Commercial Litigation, Corporate/Transactional Law, Intellectual Property, Banking & Finance Law & Many More.

DLG prides itself in being swift and efficient, however, we do our due diligence to find the quintessential "needle in a haystack" so you can focus on your practice while we handle the talent search.

We set the precedent for legal recruiting!™

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Sallah Astarita & Cox, LLC is a boutique law firm which offers its clients in-depth experience in the areas of Securities Enforcement, White Collar Crime, Securities Regulation, Securities Arbitration and Securities Litigation.

Our attorneys provide clients with specific skills and unique experience, and we are committed to providing our clients with quality service and individualized attention.

Sallah Astarita & Cox maintains offices in Boca Raton, Florida; Verona, New Jersey; and on Wall Street in New York City. Our locations allow us to meet with clients located in the major financial centers. As our practice is nationwide, we have represented clients throughout the United States

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Schwartz Sladkus Reich Greenberg Atlas LLP is a full-service New York based law firm with a Florida office in Boca Raton. The office focuses on Appellate law, Family & Matrimonial law, Trusts & Estates, Probate Administration, Corporate and Real Estate transactions. Florida partners include Robin Bresky and Joel Feldman. Address: 2424 N. Federal Highway, Boca Raton, Florida. Phone: 561-769-5600. www.ssrqa.com.

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The law firm of Searcy Denney Scarola Barnhart & Shipley is committed to righting wrongs for victims and their families whose lives have been devastated by accidents, negligence, or social injustice. Based in West Palm Beach, Tampa, and Tallahassee, our lawyers are prepared to pull out all the stops to fight for clients across the state and beyond.

For more than 20 years, firm shareholder Sia Baker-Barnes has successfully pursued justice for victims in personal injury, medical negligence, and product liability cases, achieving numerous multi-million-dollar verdicts and settlements on their behalf. She is a Board-Certified Civil Trial Lawyer and serves on The Florida Bar Board of Governors, where serves on the Executive Committee, chairs the Program Evaluation Committee and is chair-elect of the Legislative Committee. She has received two Florida Bar President Awards of Merit for outstanding service on the board and she recently announced her candidacy for 2024 President-Elect of the Florida Bar. Learn more about the firm and Sia at www.searcylaw.com.

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Matthew H. Maschler has been in Real Estate his whole life. Real Estate is his passion and he is committed to helping his customers buy and sell homes with the highest level of expertise. Matthew can provide invaluable assistance in all areas of the real estate purchase including listing, negotiation, selection and closing. He leaves no stone unturned when marketing his listings through traditional and cutting edge

modern techniques. And he provides a high level of service to all of his buyers, whether they are buying a home for the first time or have a lifetime of experience investing in real estate. Due to his professionalism, tenacity and laser focus, Matthew has been successful in selling millions of dollars' worth of properties in every segment of the market including homes on the water, golf course, 55 and over, rental properties, single family homes, estates and country clubs.

As a Real Estate Broker, Matthew teaches, trains and coaches his Sales Agents and is always looking to add new Agents to his team. (We call ourselves Team Awesome because we are! With over 20 years in Real Estate, we know the industry. More importantly, we know Boca Raton and South Florida. Members of our team grew up here, attended school here (Let's go Spanish River Sharks!) and graduated from Florida Atlantic University (Go Owls!) right here in Boca Raton.

Aside from his real estate work, Matthew lends support to numerous charities, and is on the board of directors of Frank McKinney's Caring House Project Foundation, where in direct contrast to selling housing to the wealthiest people on earth, we build homes for the poorest.

He is also a celebrity "dancer" raising money for and serving on the board of the George Snow Scholarship Fund; as well as serving on the board of the Jewish Federation of South Palm Beach County. He is the owner and CEO of Boca Raton Championship Wrestling BocaRatonWrestling.com and invites all of you to come check out our next show, contact him for VIP tickets!!!!

Matthew lives in Boca Raton, Florida with his wife Wendy, son David (SMU Class of 2027) and daughter Lindsey (U of Vermont Class of 2027). He enjoys all things Disney World, Las Vegas, WWE Wrestling, Social Media and Technology, Baseball, FAU Football and all South Florida sports teams.

SOUTH PALM BEACH COUNTY BAR ASSOCIATION'S

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