



THE BRIEF

A Publication of the St. Lucie County Bar Association
Visit us online at www.slcb.org

Volume 3, Issue 4
March 2008

2007-2008 Officers/ Executive Council:

- Jason C. Halliburton,
President
- Michael McSoley,
President-Elect
- Kim Cunzo,
Treasurer/Secretary
- John Kevin Griffin,
Past President

Inside this Issue

OJCC Report	2
Speaker Needed	3
Law Library Notes	4
Pro Bono Corner	4
Grievance Vacancies	5
Foreclosure Clinic	6
Hybrid Credits	6
Law Week Dinner	7
And much more....	

New Members

The SLCBA would like to recognize the following individuals, who recently joined the bar association:

Leonard Villafranco
Alfred Bell
Hillary Ann Hunt

New Fraud Scheme Targeting Law Firms By Chris Pantano*

The financial industry is seeing a new deposit fraud pattern that targets law firms. The typical scheme involves the following: A fraudulent foreign client contacts a law firm via email indicating they are involved with some legal issue with a domestic company. That company will either settle a claim within the next few days or the parties will go to court. The law firm is asked to act as settlement agent, or possibly represent the foreign client going forward. Shortly afterwards, a counterfeit check comes to the law firm with the other party listed as remitter. The law firm takes their cut from the check and is to wire the rest (often to a foreign country such as Korea or Hong Kong). The check then comes back as “counterfeit” or “fraudulent” and the law firm experiences a loss equal to the wire transfer. Losses in this scheme typically exceed \$150,000. Please be cautious when approached with this type of new business. Follow reasonable identification processes and understand who you are engaging in business with in these situations.

*Chris Pantano is Vice President of SunTrust Bank Private Wealth Management, Legal Specialty Team. He can be reached at SunTrust Investment Services, Inc., 200 South Orange Ave, 7th Floor, Orlando, FL 32801. (P) 407-237-2407 (F) 407-237-5120
chris.pantano@suntrust.com.

SLCBA Calendar of Events for March - May 2008

MARCH 2008

3/7/08 - General Bar meeting at **Cobb’s Landing** in Ft. Pierce - noon to 1:00 p.m. Guest speaker will be Jeff Furst, St. Lucie County Property Appraiser.

3/12/08 - SLCBA Young Lawyers Division Bar Mixer at **Alumni’s** in Fort Pierce - 5:30 p.m.

APRIL AND MAY 2008

4/4/08 - General Bar meeting at **Pelican Yacht Club** in Ft. Pierce - noon to 1:00 p.m. Guest speaker will be Florida Bar President Frank Angones.

4/28/08 - 5/3/08 - Law Week 2008.

4/29/08 - SLCBA Foreclosure Law Clinic at downtown courthouse - 5:30 to 7:30 p.m.

5/1/08 - Friends of the Law Library Law Week Reception in the downtown courthouse - 5:30 p.m.

5/2/08 - General Bar meeting at **Cobb’s Landing** in Ft. Pierce - noon to 1:00 p.m. Guest speakers will be local Judicial Assistants. Attorneys are encouraged to invite their staff.

5/3/08 - SLCBA’s Law Week Dinner and Auction at **PGA Village** - 7:00 p.m.

Inside the Office of the Judges of Compensation Claims

By Deputy Chief Judge David Langham

The Office of the Judges of Compensation Claims (OJCC) is part of the executive branch, but is often erroneously referred to as a “court.” The OJCC operates eighteen offices in which thirty-two Judges manage the entire volume of workers’ compensation litigation in Florida. They are assisted in this responsibility by mediators, clerks, and secretaries. This effort is further supported by the Division of Administrative Hearing, or “DOAH,” in Tallahassee. The DOAH became involved in the OJCC when the Department of Labor was abolished in 2001. At that time, the OJCC was transferred to the DOAH, which now provides extensive expertise and support to the OJCC operations in many ways. Two of the most important aspects of DOAH support have been the DOAH expertise in administrative and facilities management and the Management Information Services.

It has required significant effort to integrate the OJCC operations into the DOAH organization. In the midst of that transition, the OJCC began a long overdue transition to exploiting developing computer technology and the internet. The DOAH had long been a leader in State of Florida information management. Soon after the OJCC transfer, the DOAH leadership recognized the immense potential that the internet and better technology held for improved public service in the workers’ compensation litigation system. Leadership, coupled with vision, dedication and sound fiscal management have resulted in the OJCC making a quantum leap in the last six years, to the undeniable benefit of the litigants, the attorneys that represent them, and the State.

Florida workers’ compensation seems to be always changing. The Florida Legislature has amended the Florida workers’ compensation law repeatedly in the last twenty years. Significant alterations were made in 1989, 1990, 1991, 1994, 2001, and 2003. These statutory amendments have made the practice of workers’ compensation law challenging to attorneys, and have likely been difficult for injured workers and employers to follow at times.

The administrative processes have probably been as difficult for attorneys and their clients. In 1973 the Florida Supreme Court adopted workers’ compensation rules of procedure, similar to the other procedural rules they have adopted and maintain for practice in Florida’s courts. In 1993 the Legislature directed the OJCC to undertake this responsibility and to publish procedural rules. Despite this mandate, the OJCC elected instead to publish a supplemental set of uniform “procedures” designed to explain or augment the Supreme Court rules. These were called the Uniform Practices and Procedures, and were published but never formally adopted pursuant to Chapter 120. In 2003 the DOAH published procedural rules pursuant to the Legislature’s 1993 mandate. This action was challenged in the courts, with the Florida Supreme Court ultimately concluding that the DOAH rules were appropriate, and retracting the previously published Supreme Court procedural rules.

Certainly, attorneys have struggled with these changes in substantive and procedural laws and processes. In the midst of it all, they have been further called upon to understand and embrace the benefits that technology and modern electronic information management techniques have brought to the system. We find that despite these many challenges, the vast majority of workers’ compensation attorneys are persevering.

The advent of computer hardware and software improvements allows the OJCC to more precisely track the changing trends in litigation volume and processing. These information management improvements have made it possible for the OJCC to track both the volume of petitions filed and new cases filed. We are also able to monitor the lifespan of petitions, from filing through their closure by voluntary dismissal, judicial dismissal, or adjudication. In short, the OJCC can now determine where the work volume is, where performance issues exist, and track trends in both work volume and work performance.

An integral part of the OJCC is the Port St. Lucie district office. This OJCC team is lead by Judge Robert McAliley. Judge McAliley’s team includes state mediator Paul Harwood, Deputy Clerk **(cont. on Pg. 3)**

OJCC's PSL Office Handling Significant Workload (cont. from Pg. 2)

Angelique Steel, Executive Secretary Brianne Atkinson, and Administrative Secretary Kelly Tiska. This operation is charged with serving the residents of four counties (Indian River, Martin, Okeechobee, and St. Lucie), although most proceedings are held at the OJCC facility in Fort Pierce. The Port St. Lucie district has seen a decrease in filings since 2003. In 2003, 6,430 petitions were filed in Port St. Lucie district, compared to 3,831 (-40%) in 2007. Statewide, petition filings decreased 45% during the same period. During the same period, "new case" filings have decreased from 2,189 to 1,489 (-32%) in Port St. Lucie. The statewide average decrease in "new cases" was 36% during the same period. Thus, the filings of petitions generally and "new cases" have decreased less significantly in Port St. Lucie than in the rest of the state.

Despite the significant petition volume, petitions proceeded to mediation in an average of 108 days in Port St. Lucie district in 2007. This is well below the statewide average and is within the 130 day period prescribed by statute. Judge McAliley also considered and approved many settlement motions, stipulations, and other motions in 2007, well in excess of the statewide averages for all Judges in these categories. Thus, the statistics support that the workload for Port St. Lucie is decreasing some. While the apparent trend is towards further decreases in filings in this district, the workload remains significantly higher than in many other districts. This is one of the busiest districts, and is striving admirably to deal with the volume of litigation assigned to it. The operations of Port St. Lucie district are further detailed in the 2007 OJCC Annual Report, available on the OJCC website under the "reports" tab, www.fljcc.org. The OJCC continues to look to the horizon and plan for the future of Florida workers' compensation litigation. However, we also remain focused also on the here and now. We are working hard to provide Florida with timely performance and accurate statistical analysis of the litigation process. As we bring our collective efforts to bear, we recognize the contributions of diligent and effective Judges and managers like Judge McAliley, and the team he leads. Florida is fortunate to have Judge McAliley and his efficient, diligent and dedicated Port St. Lucie district team.

ADVERTISEMENT

GORDON & DONER

ForTheInjured.com

*The law firm of **Gordon & Doner, P.A.** is proud to announce that effective January 1, 2008, **Daniel G. Williams** is a shareholder in the firm.*

The firm will continue to practice in the areas of Personal Injury and Wrongful Death, Nursing Home Abuse, Medical Malpractice, Social Security Disability, and Securities Arbitration.

1-888-ForTheInjured (367-8434)

ForTheInjured.com

Palm Beach Gardens • Stuart • Miramar



Speaker Needed on Notary Law

The Paralegal Association of Florida (Treasure Coast Chapter) is seeking a speaker for its upcoming meeting on April 17th at 11:45 a.m. The speaking topic will be Notary Law, and the meeting will be held in Vero Beach. For more information or to volunteer for this speaking engagement, please contact Mirieth Valenciano Marin at the Florida Bar. She can be reached at (850) 561-5773 or by email at mvalencianomarin@flabar.org.

Rupert J. Smith Law Library Offers CLE Seminars

The Rupert J. Smith Law Library of St. Lucie County is hosting the CLE seminars listed below. The seminars run from 8:30 a.m. until about 4:00 p.m. and are held in the Jury Room, 105, of the St. Lucie County Courthouse. Sign-in is located in the Library, room 102, adjacent to the Jury Room.

Advance registration and additional information for these video replay seminars is available through The Florida Bar www.floridabar.org, 850-561-5831 and the Law Library, 772-462-2370. Registration is also available the day of each seminar in the Law Library.

3/7/08: Trust & Estate Symposium - Litigating Under Florida's New Trust Code

3/28/08: Basic Commercial Litigation 2008

5/9/08: Basic Dispute Resolution and Contract Drafting 2008

For more information about services at the law library, visit www.rjsslawlibrary.org.

Legal Research Class for "Ordinary People" Offered at Law Library

The People's Lawschool: Legal Research for Ordinary People is being offered by the Friends of the Rupert J. Smith Law Library of St. Lucie County to help our citizens understand the law and how to research the law.

This course is designed for people who are not afraid to know more. The course will be held on Thursday, **April 17 and April 24, 2008 at 5:30 to 7:30 p.m.** for a total of four hours at the Rupert J. Smith Law Library of St. Lucie County, located at 218 South Second Street, Fort Pierce, Florida.

Free parking is available in the garage across the street. The cost of the course is \$25 for students and \$35 for non-students.

The class materials include a comprehensive legal research manual and other handouts that will enhance the lectures.

The course will be taught by either a judge or a lawyer. Call the library at 772-462-2370 for more information.

Pro Bono Corner From www.floridaprobono.org

Florida Rural Legal Services is in dire need of assistance from attorneys in the area of family law. Even if you have never taken on a family law case, FRLS can provide you with the written materials and forms on CD to assist you. If you do not wish to take on a case, FRLS will also provide you with the flexibility to do valuable consultation work. Any assistance you can offer will be helpful and appreciated, so please contact Sandra Rodriguez-Hickman at sandra.rodriguez@frls.org.

Do You Want to Become a More Active Bar Member?

The SLCBA has several opportunities for bar members to become more active with the bar. In addition to officer positions, members may also participate on various committees, such as the Judicial Liaison, Membership, Special Events, and Courthouse Security Committees. Committee meetings are held on a periodic basis.

To learn more about how you can become more involved, contact our SLCBA secretary, Kim Cunzo, at kcunzo@gmail.com.

Submissions for Future Newsletter Articles Welcome

Have a comment about *The Brief* or have an idea for a future article? If so, submit comments or proposed articles for possible inclusion in the newsletter to Bar President, Jason Halliburton at president@slcba.org. All articles of general interest to the membership of the St. Lucie Bar Association will be considered.

Bar Members May Advertise in *The Brief*

Advertising in *The Brief* and the St. Lucie County Bar Association's website - www.slcba.org - is not limited to non-lawyers. It is also open to bar members looking to advertise the legal services they offer in the community. Simply ensure that your ad complies with Florida Bar advertising rules, and inquire about our affordable advertising rates for bar members. Please contact Bar Secretary/Treasurer, Kim Cunzo at kcunzo@gmail.com for more information.

Law Week Speaking Opportunities Available to Bar Members

Do you have an interest in speaking to members of the general public on a particular area of law? If so, the SLCBA wants to hear from you.

The bar association is currently recruiting speakers who would like to lead a 1 hour presentation at our Peoples Law Seminars. These seminars are held annually during Law Week. This year's seminars will take place from 5:00 to 7:00 p.m. on April 28, 29, and 30. For more information, please contact Mike McSoley at mike@rjgpa.com.

Save The Date!

What: SLCBA Law Week Dinner and Auction

When: May 3, 2008, 7:00 p.m.

Where: Wanamaker Room at PGA Village in SLW

Gather together with other bar members, Judges, and guests as you enjoy cocktails followed by a plated dinner in celebration of Law Week.

The event is \$35 per person. Proceeds to benefit the Law Library and Big Brothers, Big Sisters of St. Lucie County. See page 7 for more details and sponsorship information.

19th Judicial Circuit Grievance Committee Vacancies

The 19th Judicial Circuit Grievance Committee will have two vacancies in late summer 2008 for attorneys in the St. Lucie / Indian River County division.

Attorneys who have been admitted to practice for at least 5 years and are interested in serving on the Committee or would like more information should contact Sheila Tuma with the Florida Bar at (850)561-5600 or our Florida Bar Board of Governor's Representative, John Stewart at (772) 231-3500.

ADVERTISEMENT

TIM POULTON, ESQ.

Tim Poulton, Esq., a resident of Port St. Lucie since 2004, is available to conduct mediations throughout the Treasure Coast.

He has conducted 4,000 civil mediations in south Florida since he retired in 1990 after 18 years on the Palm Beach County Circuit bench.

He is certified in Florida as a Circuit Civil Mediator and is an authorized mediator for the U.S. District Court for the Southern District of Florida.

772.785.7188

timpoul@gmail.com

ADVERTISEMENT

BEAL MEDIATION SERVICES

KELLI S. BEAL, P.A.



Kelli Salo Beal, Esq.

Attorney at Law

Florida Supreme Court Family,
County and Circuit Certified Mediator

Phone: (772) 562-9502

Fax: (772) 978-7913

Email: kbeal@bealmediation.com

or kelli@kellisalobealpa.com

Web: www.bealmediation.com

THE BRIEF

Another Foreclosure Clinic Scheduled to Assist Homeowners

Foreclosure filings are still on the rise in St. Lucie County. According to Clerk of Court, Ed Fry, there were 715 filings in January alone - the most foreclosures ever filed in a single month in St. Lucie County history.

As a result of the record level of filings, the SLCBA is scheduling a third foreclosure law clinic to assist homeowners facing

the prospect of mortgage foreclosure or who may already be in the process.

The next clinic will be held on April 29th from 5:30 to 7:30 p.m. as part of the SLCBA's Law Week activities. As with our previous clinics, homeowners will have the opportunity to talk one-on-one with an attorney about their particular circumstances.

There will be no charge for attendees.

Over 100 individuals participated in our last two clinics, and we again expect a high turnout for this event.

If you would like to participate as an attorney volunteer, please contact Jason Halliburton at (772) 464-7700 or by email at president@slcba.org.

DID YOU KNOW?

Our bar website www.slcba.org has been updated to allow attorneys and the general public to search our database of attorneys by name and location, in addition to area of practice, making it easier than ever to find a member's address and telephone number.

Also, don't forget - You can update your bar profile online at anytime by scrolling to the very bottom of the home page and clicking "Log in." You will be asked to enter a username and password. If you don't have a username and password or can't remember yours, you can email president@slcba.org to obtain new log in information.

Florida Bar President to Speak at SLCBA's April Bar Luncheon

Frank Angones, President of the Florida Bar, will be the guest speaker at our upcoming bar association luncheon on April 4th. The luncheon will be held

at the Pelican Yacht Club on South Hutchinson Island in Fort Pierce from noon to 1:00 p.m. All bar members are encouraged to attend. However, it is

requested that you RSVP by March 21, 2008 to kcunzo@gmail.com to ensure seating. There is no charge for members to attend the luncheon.

In the Market for a Green Auto? You May Want to Act Quickly

By Brad Gould, Esq.

In this new era of carbon footprint awareness, the federal government has given all of us an incentive to go green by purchasing a new hybrid vehicle. The Energy Policy Act of 2005 created a nonrefundable credit for taxpayers who purchase energy efficient vehicles, including certain hybrid vehicles, on or after January 1, 2006. The amount of the credit, applicable against business and personal income taxes, varies depending on the type of vehicle purchased and when the purchase occurred.

This credit is available only to the original purchaser of an automobile. If a vehicle is leased, the leasing company may keep the credit. However, your knowledge of the existence of the credit may help you negotiate a lower lease price.

Once a manufacturer sells 60,000 units, the credit for its vehicles is phased out. Toyota reached this sales milestone in 2006. Therefore, Toyota and Lexus vehicles are not eligible for the credit. Honda hit the mark in late 2007. Thus, Honda and Acura vehicles still qualify for a diminishing credit in 2008.

Each quarter, the IRS publishes a list of all vehicles available for the credit and the total credit remaining for each. The current list was published in IRS Fact Sheet 2008-8 and is available at www.irs.gov.

If you are looking to purchase a hybrid car this year, you may be entitled to a credit against your income taxes for 2008, but you may need to act quickly to maximize your savings. You should consult with your tax advisors to determine if you or your business qualifies for the credit.

The ST. LUCIE COUNTY BAR ASSOCIATION

Is Seeking Sponsorships for Its Upcoming

LAW WEEK DINNER AND AUCTION

At the PGA Village Wanamaker Room

Saturday, May 3, 2008 at 7:00 p.m.

Proceeds to Benefit:

Friends of the Law Library and

Big Brothers, Big Sisters of St. Lucie County

SPONSORSHIP PACKAGES

Supreme Court Sponsor - \$2000 (2 available)

Includes 10 tickets (full table), table sponsorship, speaking opportunity during dinner, option to distribute marketing materials, and advertisement display in the event program.

Appellate Court Sponsor - \$1000 (3 available)

Includes 6 tickets, table sponsorship, option to distribute marketing materials, and advertisement display in the event program.

Trial Court Sponsor - \$500

Includes 4 tickets, table sponsorship, and name displayed in program.

Friends of the Bar Sponsor - \$250

Includes 2 tickets and name displayed in program.

If you wish to sponsor this event, please contact Jason Halliburton at 772-464-7700 or president@slcba.org by March 28, 2008.