



# *the* Ex Parte

February 2014

*A publication of the Brevard County Bar Association*

## *Judge Jacobus Retirement Reception*



Above:  
Gerry Matheson,  
Judge Morgan L. Reinman,  
Maureen Matheson



Above: Judge Robert Wohn, Bruce W. Jacobus Jr.



Bruce W. Jacobus, Senior Judge



Right:  
Susan Stacy,  
Tracy Jacobus,  
Samuel Bookhardt III



# MOTORCYCLE ACCIDENT?

**CAUTION - FLORIDA MOTORCYCLE ACCIDENTS ARE ON THE RISE**

## CLIENT INJURED IN A MOTORCYCLE OR SCOOTER ACCIDENT?



**ALPIZAR LAW<sub>LLC</sub>**  
TRIAL ATTORNEYS

- Our attorneys have more than 35 years of combined experience with victims of motorcycle accidents.
- We have a thorough understanding of Florida's laws and how they apply to motorcycle accidents and cases.
- Many of our motorcycle accident cases have resulted in a verdict or settlement of \$1 million or more.

*Call Alpizar Law.*

Auto / Motorcycle Accidents • Trucking Accidents • Wrongful Death  
Premises Liability • Insurance Bad Faith • Se habla Español

**1528 Palm Bay Road N.E. – Palm Bay, Florida 32905**  
**WWW.ALPIZARLAW.COM | (321) 676-2511**



Mercedes-Benz

Groundbreaking innovation has broken through again.



# The All-New 2014 Mercedes-Benz CLA-Class

## Mercedes-Benz of Melbourne

509 E. NASA Blvd. Melbourne, FL | (800)719-6727 | www.mbmelbourne.com



The 2012 Mercedes-Benz  
BEST OF THE BEST  
Dealer Recognition Award

©2013 Porsche Cars North America, Inc. Porsche recommends seat belt usage and observance of all traffic laws at all times.



### Power, precision, and the potential for more.

360 degrees of pure improvement. The Cayenne brings complete and utter fulfillment. From its sleeker design and equally impressive performance, to its roomier interior, the Cayenne has been reengineered to meet your every demand. And all while consuming less fuel. The only downside is that occasionally you'll have to get out. So visit us for a test drive, and experience all the utility you need, with all the Porsche you could ever hope for. Porsche. There is no substitute.

Experience the new 2014 Cayenne.



**Porsche of Melbourne**  
www.melbourne.porschedealer.com  
509 East Nasa Blvd.  
Toll Free: 800-606-1607



PORSCHE

Transcends the very idea of refinement.

Audi Truth in Engineering

## The 2014 Audi A8

**Audi** MELBOURNE

The Audi 2012 Magna Society Award.



509 E. NASA Blvd., Melbourne, FL (321) 956-0600 [audimelbourne.com](http://audimelbourne.com)

"Audi," "A8" and the four rings and Audi emblems are registered trademarks of AUDI AG. ©2013 Audi of America, Inc.

# *the* Ex Parte

By Members, For Members and About Members

Brevard County Bar Association

2627 W. Eau Gallie Boulevard

Melbourne, FL 32935

Telephone: (321) 254-8801

Fax: (321) 254-8812

Web site: [www.brevardbar.org](http://www.brevardbar.org)

Email: [bcba@brevardbar.org](mailto:bcba@brevardbar.org)

## Board of Directors

Jay H. Fowler, President

Mark S. Peters, President-Elect

Leslie J. Castaldi, Treasurer

Bryan A. Lober, Secretary

Geoffrey P. Golub

Tino Gonzalez

Gregory Hansen

Eric Hostetler

Michelle Naberhaus

Guna Ose

Michelle Studstill

G. Philip J. Zies

## Brevard Bar Foundation

Mario Musil, President

Kelly G. Swartz, Treasurer

Brooke Deratany Goldfarb, Secretary

## Young Lawyers Division

Christina Sanchez, President

Jay Thakkar, President-Elect

Aaron Thalwitzer, Treasurer

Krystal T. Wald, Secretary

## February 2014

President's Message	5
Young Lawyers Division	6
Brevard Bar Foundation	7
Trial Lawyer Update	8
Legal Aid Gala	9
FL Board of Governors Report	10
Member Spotlight	11
Legally Bald	12
Mark your calendar!	13
February Birthdays	13
Florida Bar Vacancies	14
News You Can Use	14
Law Week Poster & Essay Contest Entry Form	15

## Editorial Policy

*the Ex Parte* is a monthly publication for the members of the Brevard County Bar Association. *the Ex Parte* encourages unsolicited submission of articles, comments, photographs and notes of interest to Brevard County Bar Association members, but you can send us the uninteresting articles, too!

Publishing and editorial decisions are based on the editor's judgment of the quality of the writing, timeliness of the article and potential interest to the readers. Occasionally, *the Ex Parte* may publish articles dealing with controversial issues.

Views expressed in *the Ex Parte* are those of the authors and not necessarily those of the officers, directors or employees of the Brevard County Bar Association. No endorsement of those views should be inferred unless specifically identified as the official policy of the Brevard County Bar Association.

Advertising copy may be submitted. All advertisements are reviewed; however, the Brevard County Bar Association does not endorse or guarantee any product or service advertised in *the Ex Parte* or express any opinion concerning said advertisers or their products or services. Nothing contained in any advertisement should be taken as the opinion or an endorsement of Brevard County Bar Association or any of its officers, directors or employees.

Contact the Brevard County Bar Association office at (321) 254-8801 for information on advertising rates, specifications and deadlines.

# President's Message

By Jay Fowler

I love the Olympics — the colors, the pageantry, the spectacle. As I grew up loving winter sports, I have always been somewhat partial to the winter games. The first time I really paid attention to the Olympics was in 1980 when our country hosted the games in Lake Placid. Most will recall that year being famous for the “Miracle on Ice” as the United States claimed the gold medal in ice hockey. I can remember the national pride and inspiration I felt just watching on television as a young boy. Many years later, the movie “Miracle” captured the essence of those feelings and stands as a tribute to the triumph of the team and their coach, Herb Brooks. His famous quote, **“Great moments are born from great opportunity”** can be applied to our daily lives. Whether in our personal goals or professional pursuits, we all have opportunities to seek greatness.



This month, the Winter Olympics take place in Sochi, Russia and are certain to provide hours of thrills and entertainment. But, the games and the performances of the athletes should remind us of the individual commitment to achievement of excellence. We should also be reminded of the Olympic movement's ideal of promoting peaceful resolution of conflict. As we seek results on behalf of our clients, we should always do so in ways that promote professionalism among lawyers.

February is the month the BCBA celebrates professionalism. We often talk about professionalism without really questioning what it means to practice law with professionalism. The current Standing Committee on Professionalism of The Florida Bar has adopted the following definition, “Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients

of professionalism are character, competence, civility, and commitment.”

Since May of 1990, the Florida Bar Board of Governors has adopted the following aspirational guidelines for professionalism by lawyers:

1. a commitment to serve others;
2. being dedicated to the proper use of one's knowledge to promote a fair and just result;
3. endeavoring always to enhance one's knowledge and skills;
4. ensuring that concern for the desired result does not subvert fairness, honesty, respect and courtesy for others with whom one comes into contact, be they fellow professionals, clients, opponents, public officials, including members of the judiciary, or the public;
5. contributing one's skill, knowledge and influence as a lawyer to further the profession's commitment to serving others and to promoting the public good, including efforts to provide all persons, regardless of their means or popularity of their causes, with access to the law and the judicial system;
6. educating the public about the capabilities and limits of the profession, specifically what it can achieve and the appropriate methods of obtaining those results; and
7. accepting responsibility for one's own professional conduct as well as others in the profession, including inculcating a desire to uphold professional standards and fostering peer regulation to ensure each member is competent and public-spirited.

From my years of law practice and service to the Bar, I believe the members of The Brevard County Bar Association have exhibited a commitment to professionalism. As we honor those among us who have shown the best of professionalism in the past year, let us keep striving to promote those ideals and to strengthen our reputation as a Bar with a foundation built on character, competence, civility and commitment.

# Young Lawyers Division

**By Christina Sanchez, President**

The Young Lawyers Division is very excited to welcome 2014 with enthusiasm for a prosperous year to come. We are so pleased to have such an active membership within our group. As a reminder, YLD membership is not restricted to just “young” lawyers – it is open to attorneys of any age to provide networking and civic service opportunities which foster productive relationships among attorneys in our community and help to improve Brevard County, while exhibiting the social consciousness and generosity of YLD members. For instance, in December, the highly successful YLD Toy Drive provided a large donation of gifts to the children at the Hacienda Girls Ranch.



The first YLD Happy Hour of the year, held on Thursday, January 30, 2014, was a tremendous success. It was held at the Firehouse Restaurant and Lounge in Historic Downtown Melbourne (located at 923 E. New Haven Ave.). We would like to extend our deepest appreciation to the sponsors of our January Happy Hour, the law firm of High, Stack, Gordon, Kirby, for their support and generosity! For more information about the firm, which practices exclusively in the area of personal injury, please visit their website at [www.highstacklaw.com](http://www.highstacklaw.com). If you are interested in sponsoring an upcoming Happy Hour, please contact Christina Sanchez at [Sanchez@YourDefenseLawFirm.com](mailto:Sanchez@YourDefenseLawFirm.com).

Finally, the YLD is planning to get 2014 community service efforts off to a great start with several upcoming charity 5K races. More information on these will be forthcoming, so be on

the lookout for more details in the near future! If you are interested in participating in an upcoming event or would like to provide information about or suggest a community service event, please contact me or the BCBA office. Everyone here at the YLD sends out best wishes for a joyful and successful 2014 and reminds you to share your prosperity with your community!

## EMPLOYMENT AND IMMIGRATION LAW



**LUTFI LAW, P.A.**

**RASHA G. LUTFI**  
ATTORNEY AT LAW

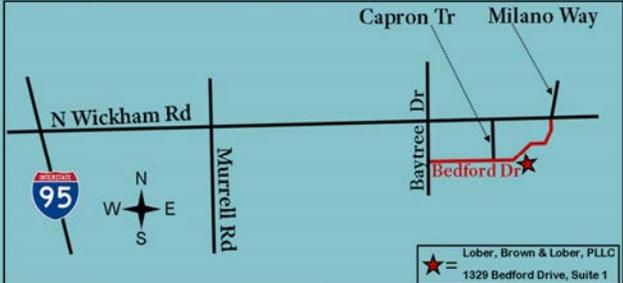
Licensed in FL, NY & DC

Imperial Plaza  
6767 N. Wickham Road  
Suite 400  
Melbourne, FL 32940

Office: 321-421-6697  
Fax: 321-821-0483  
Rasha@LutfiLaw.com  
www.LutfiLaw.com

## BANKRUPTCY MEDIATION

Attorney Bryan A. Lober is certified, pursuant to Admin Order FLMB-2013-3, to mediate Residential Mortgage Foreclosure matters within the Bankruptcy Court for the Middle District of Florida. Evening and Saturday appointments are often available.



★ = Lober, Brown & Lober, PLLC  
1329 Bedford Drive, Suite 1





**Bryan A. Lober**



**Lober, Brown & Lober • (877) LAW-1888**

# Brevard Bar Foundation

By **Mario Musil, President**

Hello!

I hope everyone's New Year has started off great as it has for The Brevard Bar Foundation! I am very pleased to announce that O. John Alpizar has kindly made another significant donation of \$10,000 to our O. John Alpizar Endowment Account. Attorney Alpizar's commitment to The Foundation is tremendously appreciated and it goes to show the importance of this Foundation to the community. The goal of the endowment account is to enable The Foundation to generate enough income from its investments to allow it to make generous donations to the community on a regular basis without relying solely on events and other fundraisers. With this donation, we are yet another step closer to achieving that goal. On behalf of The Foundation, I wish to thank Mr. Alpizar for his generosity and all of his support.



I would also like to welcome a few new members to The Foundation. Robert Moletteire joined as a Life Time Member, while Diana Figueroa and Drew Melville joined as new Annual Members. Welcome and thank you! Similarly, thank you to all of the annual members that have renewed their membership this year.

The Brevard Bar Foundation's January donation went to The South Brevard Sharing Center - a community based agency for charitable and philanthropic purposes that helps those who struggle to meet their basic needs. The Sharing Center was founded in 1971. The purpose of this organization is to provide short-term emergency assistance to needy individuals and families in the south Brevard County area, where government funds are not available. The assistance given includes food, household and hygiene items and furniture.

Our February donation keeps up with our annual tradition of supporting The Brevard County Legal Aid, a local legal organization serving the poor that I'm sure needs no introduction.

As always, our renewal and new membership drive continues. If you have not yet joined, please visit our website for more information :

<http://www.brevardbarfoundation.org>.

Your support and generosity allows us to improve the lives of people throughout Brevard County.



**Kim W. Torres**  
**Mediation Services**  
Civil Cases, Foreclosure, Appeals,  
Family and Elder Matters  
Experienced and Effective  
**321-821-9995**  
**kwtorres@usa.net**

## Mediation

*James M. Nicholas, Certified Mediator*



Board Certified Circuit/County Civil Mediator  
Board Certified Family Mediator  
Board Certified Appellate Mediator (5<sup>th</sup> DCA)  
Certified Res. Mortgage Foreclosure Mediator  
Department of Insurance Mediator  
Certified Federal & State Arbitrator  
Member Panel of Neutrals with AAA  
Board Certified in Civil Trial Law  
Board Certified in Business Litigation

1790 Highway A1A, Suite 202  
Satellite Beach, Florida 32937  
Phone: 321-777-6339 Fax: 777-6340  
Email: JKNLegal@aol.com  
Web/Calendar/CV:  
[www.floridamediators.org/james-nicholas](http://www.floridamediators.org/james-nicholas)



**Offering On-Site  
Conference Room Facilities**

# Trial Lawyer Update

By Greg Hansen

Each month I review 1-2 recently reported appellate cases of general interest to the civil practitioner and offer comment based on my 28 years of personal experiences as a Florida Board Certified Civil Trial Lawyer. Please note that some of the cases discussed in this column may be so recent that they have not been released for publication in the published law reports. Until released, they are subject to revision or withdrawal.



This month we take a look at the attorney-client privilege as it relates to corporate clients and the procedure to be utilized by a trial court in setting reasonable fees for a court-appointed receiver.

*RC/PB, INC. V. RITZ-CARLTON HOTEL COMPANY, LLC, 2014 WL 222992 (Fla. 4<sup>th</sup> DCA, January 22, 2014)*, addressed the attorney-client privilege when asserted on behalf of a corporate client.

**Facts:** In a complex commercial litigation matter, Petitioner's response to a Request for Production of Documents included an assertion of the attorney-client privilege. Petitioner prepared a privilege log asserting that the privilege was applicable to certain documents, because the communications were in furtherance of the corporation seeking legal advice. Respondent argued that any privilege had been waived, because the documents were either addressed or copied to third parties. The trial court ordered disclosure of the documents without conducting an in camera inspection.

**Holding:** Citing *Southern Bell Tel. & Tel. Co. v. Deason, 632 So.2d 1377 (Fla. 1994)*, the appeals court noted that, because the nature of the corporation differs significantly from the individual person, the attorney-client privilege also will differ in its application to the corporation. A claim of privilege by a corporation is subject to a "heightened level of scrutiny". *Southern Bell* adopted the "subject-matter test" to determine

whether corporate communications are privileged.

In the current case, the 4<sup>th</sup> DCA granted the petition for writ of certiorari and remanded to the trial court to conduct an in camera inspection of the challenged documents for the trial court to consider whether:

1. the communication would not have been made but for the contemplation of legal services;
2. the employee making the communication did so at the direction of his or her corporate superior;
3. the superior made the request of the employee as part of the corporation's effort to secure legal advice or services;
4. the content of the communication relates to the legal services being rendered, and the subject matter of the communication is within the scope of the employee's duties;
5. the communication is not disseminated beyond those persons who, because of the corporate structure, need to know its contents.

**Comments:** The appellate court specifically observed that Petitioner had explained in the privilege log that the third parties involved in the communications were in furtherance of the corporate client's legitimate goal of seeking legal advice. This justification for third-party disclosure was found legally sufficient to require an in camera inspection. This case provides a relatively simple road map for attorneys preparing a privilege log that will require at least an in camera inspection before production is ordered.

This month's second case is *Reema Hospitality, Inc. v. MSC1 2007-IQ13 Dike Road, LLC, 2014 WL 258642 (Fla. 5<sup>th</sup> DCA, January 24, 2014)*.

**Facts:** Appellant appealed a non-final order appointing a receiver in a pending foreclosure action. The receiver order included a fixed hourly fee for all services performed by the receiver.

**Holding:** The 5<sup>th</sup> DCA observed that there is no fixed fee schedule for receivers; rather, it is

within the trial court's discretion to set an appropriate receiver's fee, based on the circumstances of the case. *Lewis v. Gramil Corp.*, 94 So.2d 174 (Fla. 1957). Fees for services performed by a receiver must be just, but moderate, rather than generous. To determine an appropriate fee, the court must conduct a hearing to determine the value of the receiver's services. Different services may support different rates. A fixed hourly fee for all services is inappropriate.

Comments: The uncertainty of the receiver's ultimate hourly rate and the possibility that a lower rate may be applied to certain services will make it more challenging to secure competent people to serve. Also, it is uncertain whether this case will provide an avenue for those currently under receivership to file a Motion to Modify any existing Order Appointing Receiver to strike any language in the existing Order relating to a fixed hourly rate for the receiver's work and to require an evidentiary hearing where the receiver will have to justify and defend the value of his or her work after it has already been rendered.

## Legal Aid Gala

By Rob Johnson

Brevard County Legal Aid welcomes **Judge Belvin Perry Jr.** as the special guest speaker for its Pro Bono Awards & Recognition Gala which will take place on Friday, February 28<sup>th</sup> at Suntree Country Club in Melbourne.

**The Honorable J. Preston Silvernail** will receive a special award, the "One Promise Award." Throughout Judge Silvernail's distinguished career, he was a strong advocate for pro bono service. With his support and assistance, Brevard's campaign resulted in a high level of judicial participation in pro bono recruitment which led to many new volunteers and increased service.

Attorney **Ashley Severance** will be recognized as Brevard's "**Attorney of the Year.**" Ms. Severance has a long history of volunteerism at Legal Aid, starting as a law student and, most recently, logging over 300 hours of service on behalf of children in the foster care system through BCLA's Independent Living Project.

Receiving the "**Young Attorney of the Year Award**" is **Tiffani Bishop**. Ms. Bishop also began volunteering at BCLA as a law student and, since then, has completed over 250 hours of service assisting BCLA staff and clients with family law problems, domestic violence issues, and juvenile dependency matters.

Title Sponsor for the event is the venerable Brevard law firm of **Nance Cacciatore**. Speaking for the firm, Sammy Cacciatore, who served on BCLA's very first Board, says, "We recognize the vital importance of Legal Aid's work and the efforts of pro bono attorneys in our community and it is our pleasure to help them in any way we can."

Other significant event sponsors include: The Brevard Bar Foundation; Allender & Allender, P.A.; Caruso, Swerbilow & Wald, P.A.; Leslie J. Castaldi, P.A.; Cloney & Cloney, P.A.; Bud and Kim Deffebach; Matt's Casbah; GrayRobinson, P.A.; James L. Torres, P.A.; Kenneth F. TwoRoger; Law Office of Michael G. Howard; Rob and Shelley Johnson; Sarah "Eli" Mattern; Shuster & Saben, LLC; and Torres Mediation.

MIKE KRASNY



**FLORIDA SUPREME COURT CERTIFIED  
 CIRCUIT CIVIL MEDIATOR SINCE 1996  
 MEDIATOR U.S. FED. DISTRICT COURT  
 FIFTH DISTRICT COURT OF APPEAL  
 QUALIFIED ARBITRATOR SINCE 1996**

**Florida Academy of Professional Mediators**  
 \*\*\*\*\*

**Forty Years Trial Practice & Litigation  
 Including:**

**Real Property ♦ Wills, Trusts, Probate ♦  
 Construction/Construction Liens ♦ Contracts ♦  
 Corporations & Partnerships ♦ Mortgage Law ♦  
 Personal Injury & Wrongful Death ♦ Zoning ♦  
 Governmental Law ♦ Eminent Domain  
 Accounting Background ♦ Chinese Language**

**Phone: 321-543-2145  
 Fax: 321-777-9855  
 Email: mkrasny@cfl.rr.com**



## Report from

# The Florida Bar Board of Governors

The Florida Bar Board of Governors met on January 31, 2014. Major actions of the board and reports received included:

Chief Justice Ricky Polston discussed the state of the judiciary. He said the court system is seeking competitive pay adjustments and equity and retention funds for court staff, funds for repairs and upgrades to four aging district court of appeal buildings, and funds for continued technological improvements for the court system. The proposed budget for 2014-15 also includes 49 new judges – three appellate, seven circuit, and 39 county judgeships -- as detailed in the December 20 judicial certification opinion. For additional information on the court system's budget requests for 2014-2015, please visit [www.flcourts.org](http://www.flcourts.org).

President Eugene K. Pettis announced that the deadline for Bar members to apply for the Bar's recommendation of six lawyers for two vacancies on each Judicial Nominating Commission to the Governor for the Governor's appointment has been extended to Friday, March 21, at 5:30 p.m. Each appointee will serve a four-year term commencing July 1, 2014. Applicants must be engaged in the practice of law and a resident of the territorial jurisdiction served by the commission to which the member is applying. Applicants must comply with state financial disclosure laws. Screening committees of the Board of Governors will review all JNC applications. The Executive Committee will then make recommendations to the Board of Governors. The application is posted on the Bar's website or members may call Bar headquarters at (850) 561-5757, to obtain the application.

Three proposed amendments to the Rules Regulating The Florida Bar were received on first reading. They pertain to: participation in lawyer referral services (Rule 4-7.22); the requirement that Bar members certify that the maintenance of their trust accounts is in compliance with rules (Rule 5-1.2); and replacing monies improperly taken from trust accounts (Rule 5-1.1). For details on the amendments, please watch for

articles in The Florida Bar News.

The board approved allowing the Legal Needs of Children Committee to support legislation allowing only judges to make a determination when children charged with crimes should be tried in adult court. In addition, the board approved a request of the Standing Committee on the Unlicensed Practice of Law for The Florida Bar to support the American Bar Association's efforts to advocate for passage of legislation (HR 2936) to prevent immigrants from being victimized by nonlawyers in immigration matters.

A dedication ceremony was held to formally name the Wm. Reece Smith, Jr., Leadership Academy. The Academy's first class of 59 fellows met in Tallahassee on January 30-31 and attended the Pro Bono Awards Ceremony, the Florida Supreme Court Historical Society Annual Dinner and the academy's dedication ceremony at the Board of Governors meeting.

Justice Barbara Pariente made a presentation on the Informed Voters Project, a nonpartisan voter education initiative of the National Association of Women Judges. Florida is one of eight states selected to implement pilot projects to address the importance of a fair and impartial judiciary and of keeping special interests from influencing judicial elections. For more information, visit <http://ivp.nawj.org/> and read the February 1 Florida Bar News article.

**Special Appointments Schedule:** The Board of Governors is seeking a lawyer applicant to fill a vacancy on the Supreme Court's Bar Admissions Committee. Completed applications are due Friday, Feb. 28.

***The 18th Judicial Circuit Board of Governors representative is O. John Alpizar.***

## Member Spotlight

### Meet Elizabeth Zwibel

By **Geoff Golub**

My Assignment was to interview attorney Elizabeth A. Zwibel (rhymes with “libel”). But what I learned was that Ms. Zwibel, with her B.S. in Broadcast Journalism from Boston University, was a lot better equipped to conduct an interview than I was.

Ms. Zwibel runs her own Law Practice in St. Petersburg, Florida and is of counsel to our very own Doug Beam. She has recently been named a Florida Super Lawyer. And though she can't fly and doesn't wear a cape, she does specialize in complex catastrophic cases that could sometimes involve Airplanes. She is also a frequent flyer in her boyfriend's Jet, which she uses to fly to one of her favorite spots; Parrot Key. At Parrot Key she gets to hang out with some very famous people. (I would tell you who they are, but then I'd have to kill you.) Or perhaps they hang out with a famous lawyer.

Ms. Zwibel is a member of the National Trial Lawyers, which is comprised of the top 100 trial lawyers in Florida. She has a “Superb” AVVO rating and a “Preeminent AV” Rating from Martindale Hubbel. Her areas of practice include medical malpractice, personal injury, wrongful death, corporate misconduct, and product liability cases. She was even involved in a well-known Firestone Tires product liability case.

Ms. Zwibel was born and raised in Washington D.C., and after receiving her J.D. at George Mason University School of Law, she remained in the nation's capital as a Civil Defense litigator. She moved to Florida in 2000 and practiced law in West Palm Beach for the prestigious law firm of Searcy, Denny, Scarola, Barnhart & Shiley, P.A. She then joined the equally prestigious Law firm of Lytal, Reiter, Clark, Fountain & Williams, where she was the only woman on their Products Liability Team.

She has gotten juries to award her clients millions of dollars including one verdict for fifty-three million dollars. In 2012 and 2013, her



verdicts ranked in the top one hundred (100) in the nation. And there's a good chance she will do it again in 2014, for an unprecedented third year in a row. (I haven't actually checked to see if anyone else has ever cracked the list three years in a row, but unprecedented or not it would still be quite impressive.) Though she could retire she loves what she is doing and has no plans of stopping anytime soon.

Ms. Zwibel is also very active in the community. She has served on the President's Task Force on Victims of Crime in Washington, D.C., and The Board of Directors for the Ronald McDonald House. She is an annual “Law Day” educator at local area High Schools, as well as a Certified Hospice Volunteer with Suncoast Hospice. Ms. Zwibel has lectured and authored numerous articles for AAJ, and The Florida Justice Association and National Trial Lawyers.

She is a member of the St. Petersburg Bar Association, Hillsborough, Manatee, and Palm Beach County Bar Associations, Delta Theta Phi Legal Fraternity, the Florida Lawyers Action Group, the Tampa Bay Trial Lawyers Association, the Virginia Bar Association, the American Bar Association, the American Association for Justice, (formerly The Trial Lawyers Association), and the Florida Justice Association (Women's Caucus Board of Directors, 2003-present, Trial Lawyers of America, Women's Caucus President 2007-2008). Ms. Zwibel is also a past Master with The Barney Masterson American Inn of Court, which promotes the quality of legal professionalism in the United States and she is a member of Pinellas County Chapter of the Florida Association for Women Lawyers.

But her greatest claim to fame is that she is a member in good standing with the Brevard County Bar Association (BCBA). And we are very happy and fortunate to have her.

## **Legally Bald — And other strange law-related thoughts**

**By Geoffrey Golub**

*(All complaints and comments please  
send to: geoffgolubpa@aol.com) © 2012*

*For uncensored material, please go to  
[www.legallybalduncensored.com](http://www.legallybalduncensored.com).*

*Please remember, the views of Legally  
Bald and ESPECIALLY [www.legallybalduncensored.com](http://www.legallybalduncensored.com) are  
in no way whatsoever (not even remotely) the views of the  
BCBA or any of its members, employees, advertisers, and*



### **LEGALLY BALD ACADEMY AWARD BEST ACTOR AND ACTRESS NOMINATIONS FROM THE YEAR THAT WAS**

**NJ GOVERNOR CHRIS CHRISTIE** for, A BRIDGE  
TOO FAR

**PRESIDENT OBAMA** for, WHITE HOUSE DOWN  
**TORONTO MAYOR ROB FORD** for, NEW JACK  
CITY

**PHIL ROBERTSON** for, BROKEBACK MOUNTAIN  
**JUSTIN BIEBER** for, THE BEST LITTLE  
WHOREHOUSE IN TEXAS

**BEYONCE** for, SILENT MOVIE

**ANTHONY WEINER** for, CELLULAR

**LANCE ARMSTRONG** for, AMERICAN HUSTLE

**MILEY CYRUS** for, LOVELACE

**ALEC BALDWIN** for, BROKEBACK MOUNTAIN

**ALEX RODRIGUEZ** for, AMERICAN HUSTLE

### **JUDGE WITH TWO DUIS GOES OVER PLEA COLLOQUY WITH DEFENDANT**

**JUDGE:** Have you consumed any drugs or alcohol  
in the last 24 hours?

**DEFENDANT:** No. Have you?

### **THE BEATER LINE OF CLOTHES**

**BEATER WARE:** Wife Beater Shirts and Ties; Child  
Beater Belts; Husband Beater Shoes; Brother  
Beater Towels, and Sister Beater Nails

### **A TIME ZONE TRAVELER**

**TIME ZONE TRAVELER:** Someone who lives in  
one time zone, but works in another time zone on a  
daily basis. If the work time zone was an hour  
behind my home time zone that would be okay. I'd  
probably even be on time to court for a change. But  
if it was the other way around I'd be in jail for  
contempt.

### **LITERALLY SIGNING YOUR LIFE AWAY: A HOSPITAL'S LIVING KILL WILL**

The first thing a hospital wants to do when they  
admit you, is to kill you by having you sign a DO  
NOT RESUSCITATE form. Now, don't get me  
wrong; I always put this clause in any of my living  
wills: I direct that life-prolonging procedures be  
withheld or withdrawn when the application of such  
procedures would serve only to prolong artificially  
the process of dying, and that I be permitted to die  
naturally with only the administration of medication  
or the performances of any medical procedure  
deemed necessary to provide me with comfort, care  
or to alleviate pain.

BUT A DO NOT RESUSCITATE clause  
means as soon as you are unconscious for even a  
second (when you probably can still come back to  
life or at least have a fighting chance), they let you  
die. And then they take your organs and sell them  
like in that movie, "Coma." Unless, of course, you  
have really good insurance; then they want you to  
stay as long as possible.

### **THE RUDE AND OBNOXIOUS JURY INSTRUCTION**

**JUDGE TO JURORS:** Now, if you see any of the  
lawyers in this case, do not be offended if they do  
not smile at you, look at you, ignore you, open the  
door for you, wash their hands after going to the  
bathroom, forgot to flush, pick their nose, cut you  
off in traffic and give you the finger, or any of the  
like. They are purposely trying to avoid the  
appearance of impropriety.

### **POLO COUNTY JAIL SHIRTS BY RALPH LAUREN**

In the recent case of Johnson v. State, 38 FLW  
D1632(Fla. 4th DCA 2013), a Judge refused to  
allow the Defendant to change out of his jail clothes  
during a jury trial. He was found guilty. The  
Appellate Court set aside the verdict and ordered a  
new trial where the Defendant could dress in  
something other than his Jail Jump Suit. Because of  
this case, jails are now offering special, more  
comfortable and more attractive Jail Garb by Ralph  
Lauren, Armani, Calvin Klein,  
Tommy Hilfiger, Brooks Brothers, and more. These  
special jail jumpsuits can be rented at the  
Commissary and are always available for free  
during a jury trial.

### **JUDGMENT-PROOF DAY**

If you are going to stop paying on your credit cards  
and other debts, then make sure you are always

considered, "The Head of Household," so these predator creditors cannot garnish your wages. Head of household basically means that you are making 50% or more of the income being brought into the house and you are responsible for bringing up a minor child. But, once the last child turns 18, the creditors can start to garnish. So, always have another kid on the way before the last kid turns 18. "Kids vs. Creditors," a new action packed video game, where the goal is to accumulate as much debt as possible without ever having to pay it back by continuing to have kids who will kill the creditors.

**TIM TEBOW HIRED BY ESPN FOR SEC NETWORK: BUT HE WILL NOT BE ASKED TO QUARTERBACK THEIR FLAG FOOTBALL TEAM**  
 "We just don't think he has what it takes to quarterback our team."-Chris Berman analyst for ESPN.

## Mark your calendar!

**Law Day Essay & Poster Contest  
 Entry Deadline: Monday, April 7th**

**Bar Bench Softball Game**  
 Saturday, April 26th  
 10:00 a.m.—3:00 p.m.  
 Space Coast Stadium

**Law Day Luncheon**  
 Thursday, May 1st  
 11:30 a.m.—1:00 p.m.  
 Suntree Country Club

**American Democracy and the Rule of Law:  
 "Why Every Vote Matters"**

**Guest speaker:**  
**Attorney Bruce B. Blackwell**  
**Past President, Florida Bar Foundation**

**Breakfast with the Judges**  
 Friday, May 16th  
 7:00—8:30 a.m.  
 Duran Golf Club  
 Viera

## February Birthdays

**February 1st**  
 John C. Curran

Courtney Wilkinson  
 R. Keith Williams

**February 2nd**  
 Lakisha Davis  
 Jordan Kramer

**February 15th**  
 Billie Jo Hopwood

**February 3rd**  
 Jon Johnson  
 Laura Moody

**February 16th**  
 Blaise Trettis

**February 5th**  
 Brent Couture  
 Jennifer Opel Taylor

**February 17th**  
 Jason Hicks  
 Kelly Hilmes

**February 6th**  
 Sam Baxter  
 Thomas Hebert

**February 18th**  
 Joan Bickerstaff

**February 7th**  
 James McMaster  
 C. Morris Richardson  
 Nick Tsamoutales

**February 19th**  
 Sean Wagner

**February 8th**  
 Richard Feinberg

**February 20th**  
 Reed Cary  
 Dale Dettmer

**February 9th**  
 Sabrina Dieguez  
 Gina Schlegel

**February 22nd**  
 Naomi Nichols

**February 10th**  
 John Russo

**February 23rd**  
 Tony Hernandez, III

**February 11th**  
 Valeta Cameron  
 Christopher Cloney

**February 25th**  
 David Dyer  
 Mike Morgan

**February 13th**  
 Lisa Davidson  
 Kevin McBride

**February 26th**  
 Julie Pierce

**February 14th**  
 Cindy Bishop  
 Ashley Ferrell  
 Heather Harris  
 John Kancilia  
 Stephen Moon

**February 28th**  
 Maura Burgreen  
 Susan Stacy  
 Margaret Zabinski



# Florida Bar Vacancies

## Board of Governors

The Florida Bar Board of Governors is seeking applicants for the following vacancy to be filled during the March 28, 2014 meeting:

**Supreme Court Bar Admissions Committee:** One lawyer to serve a two-year term commencing July 1, 2014. This committee coordinates the work of the bench, bar, bar examiners, and law schools.

Persons interested in applying for this vacancy **may download** the application from The Florida Bar website, or call The Florida Bar headquarters at (850) 561-5757, to obtain an application form. Completed applications must be submitted to the Executive Director, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida, 32399-2300 **no later than close of business, Friday, February 28, 2014**. Resumes will not be accepted in lieu of an application.

## Judicial Nominating Commissions

Two lawyer vacancies for each of the 26 JNCs. The Florida Bar has the opportunity to nominate six lawyers for each Judicial Nominating Commission to the Governor for his appointment. Each appointee will serve a four-year term, commencing July 1, 2014.

Applicants must be engaged in the practice of law and a **resident of the territorial jurisdiction** served by the commission to which the member is applying. Applicants must comply with state financial disclosure laws. Commissioners are not eligible for state judicial office for vacancies filled by the JNC on which they sit for two years following the completion of their term.

Applications must be submitted **no later than the extended deadline of 5:30 p.m., Friday, March 21, 2014** in the Executive Director's office of The Florida Bar. Resumes will not be accepted in lieu of an application. Screening committees of the Board of Governors will review all JNC applications. The Executive Committee will make recommendations to the Board of Governors.

Persons interested in applying for these vacancies may **download the proper application form** (there is a specific JNC application) from the

Bar website, [www.floridabar.org](http://www.floridabar.org), or call The Florida Bar headquarters at (850) 561-5757, to obtain the application. Completed applications must be received by the Executive Director, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida 32399-2300 by the **March 21, 2014 extended deadline date**.

## News You Can Use

### Administrative Orders:

**14-01-B Supersedes 13-03-B 3rd Amended:** In Re: Judges—Division Assignments

**14-02 Supersedes 13-04 2nd Amended:** In Re: Judges—Appointment of County Court Judges to Handle Circuit Case in Certain Situations

**14-03-B:** In Re: Judges—Caseload Assignment—Reassignment of Cases Assigned to Judge Lisa Davidson

**14-04 Supersedes 07-20-B Amended:** In Re: Domestic Relations—Collaborative Conflict Resolution in DOM Cases

**14-05 Supersedes 13-20-B Amended:** In RE: Domestic Relations—Requirement to Complete the Parent Education and Family Stabilization Course in DOM Proceeding with Minor Children or a Paternity Action that Involves Issues of Parental Responsibility

**14-06-B Supersedes 03-08-B:** In Re: Judges—Reassignment of Cases Assigned to Judge Morgan Laur Reinmann

## Classified

**New Professional Office Space Available.** Only 3 spaces left. Conference room availability. Family or Estate Attorney preferred for cross-referral possibilities. On Wickham Road in Suntree. Close to courthouse and all businesses. Very affordable, nice, clean. Contact Sage Financial at 321-242-7526.

**2014 LAW WEEK CONTEST**  
**Brevard County Bar Association**  
**ESSAY AND POSTER ENTRY FORM**

Attach this form to each Law Week essay or poster entry. Postmark deadline is **Monday, April 7, 2014**.

Student Name: \_\_\_\_\_

Parents' Names: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Age of Student: \_\_\_\_\_ Grade of Student: \_\_\_\_\_

---

School: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Teacher's Name: \_\_\_\_\_

Class: \_\_\_\_\_ Grade Level: \_\_\_\_\_

Telephone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Poster Summary Statement: \_\_\_\_\_

---

---

---

---

---

**Note:** Teachers may submit entries from one or multiple students or classes.

**SUBMIT ALL ENTRIES TO:**  
**Law Week Contest, Attn: JAY FOWLER, Law Week Chair**  
**BREVARD COUNTY BAR ASSOCIATION**  
**2627 West Eau Gallie Blvd.**  
**Melbourne, Florida 32935**

**ATTACH THIS FORM TO EACH LAW WEEK ESSAY OR POSTER ENTRY.**  
**POSTMARK DEADLINE IS MONDAY, APRIL 7, 2014**

Brevard County Bar Association, Inc.  
2627 W. Eau Gallie Boulevard  
Melbourne, FL 32935

020114

PRSR STD  
US Postage Paid  
Melbourne FL  
32901  
Permit 578

**CHANGE SERVICE REQUESTED**



## **The Glover-Charles Group**

### **Scott Glover, CIMA®**

Senior Vice President-Wealth Management  
Wealth Management Advisor

(321) 729-8661 • (877) 292-8610

Merrill Lynch  
100 Rialto Place, Suite 900  
Melbourne, FL 32901

THE POWER OF THE RIGHT ADVISOR.™



The Bull Symbol, *Merrill Lynch Wealth Management* and *The Power of the Right Advisor* are trademarks or registered trademarks of Bank of America Corporation.

*CIMA*® is a registered certification mark of Investment Management Consultants Association, Inc.

Merrill Lynch Wealth Management makes available products and services offered by Merrill Lynch, Pierce, Fenner & Smith Incorporated, a registered broker-dealer and member SIPC, and other subsidiaries of Bank of America Corporation.

© 2014 Bank of America Corporation. All rights reserved.

AD-01-14-9292.A

ARJ241F2-07-12

444608PM-02/2014