



Law Alumni Association  
Palm Beach Chapter

*Civility Counts Professionalism In & Out of Court:  
A Judicial Perspective*

Tuesday, October 20, 2015

This Dinner CLE Seminar is made possible through the generosity of our  
law alumni sponsors:





**Hon. James M. Hopkins**

United States Magistrate Judge  
Southern District of Florida

United States Magistrate Judge James M. Hopkins was appointed to the bench in the Southern District of Florida in 2003. He has lectured internationally to judges' associations, academia, and bar associations on various topics, including conflicts of interest, social media for judges and lawyers, international comparative law, intellectual property, judicial independence, judicial efficiency, pre-trial discovery, the First Amendment, and federal practice pointers. Prior to assuming the bench Judge Hopkins was an Assistant United States Attorney in the Southern District of Florida and a Special Assistant United States Attorney in the Southern District of New York. He specialized in fraud and public corruption cases. He convicted a Palm Beach County jeweler and his lawyer/money launderer in a \$90 million scheme to defraud Jack Nicklaus, Greg Norman and others and launder the proceeds through the Isle of Man, England, Luxembourg, France, the Bahamas and South America. He was responsible for the freezing of \$20 million in Paris, the first time the French authorities froze and repatriated fraud proceeds at the request of the United States. He also successfully prosecuted a long-time Broward County Democratic Chairman and Presidential appointee to the Fannie Mae board, as well as the lawyer that served as the middle man for his bribes. Earlier in his career Judge Hopkins was Inspector General of the New York City Department of Environmental Protection, an Assistant Commissioner in charge of twelve Inspector General Offices, and a New York State Special Assistant Attorney General prosecuting police and judicial corruption. Judge Hopkins has a bachelor's degree in Mathematics from Fordham University, where he was a computer programmer in the early 1970s.



## **Judge Melanie G. May**

4th District Court of Appeal Judge

Judge Melanie G. May graduated from Broward Community College in 1971, and Florida Atlantic University in 1973. She received her Juris Doctor Degree in 1981 from Nova Law Center and an honorary Doctor of Laws degree from Nova Southeastern University in 2009. She clerked for the Honorable Peter T. Fay, Eleventh Circuit Court of Appeals from 1981-82, and practiced law with Bunnell, Woulfe, P.A. in Fort Lauderdale, FL. She served as a Circuit Court Judge on the Seventeenth Judicial Circuit from April 15, 1991, and was appointed to the Fourth District Court of Appeal by Governor Jeb Bush on October 31, 2001. She served as Chief Judge of the Fourth District from July 1, 2011 to June 30, 2015.

Judge May has served as Chair of the Florida Conference of District Court of Appeal Judges, and has chaired and served on the Education Committee of the Conference. She is currently the Secretary/Treasurer of the Council of Chief Judges of State Courts of Appeal, and has chaired the Annual Conference Committee. She chaired the Department of Children and Family Services Substance Abuse and Mental Health Advisory Board, and serves on the Florida Supreme Court's Task Force on Substance Abuse and Mental Health. She was a member of the Department of Corrections Reentry Advisory Council. She was the board chair of the National Association of Drug Court Professionals from 2000-2001, and serves as faculty for the National Drug Court Institute. She has taught at the National Judicial College, New Judges College, and at the Florida College for Advanced Judicial Studies. She also serves as Chair of the Shepard Broad Law Center's Board of Governors, and is an ex-officio member of the Board of Trustees of Nova Southeastern University.



**Judge Frank Castor**

County Court Judge, 15<sup>th</sup> Judicial Circuit

Frank Castor

Wake Forest University 1992

B.A. Political Science

Nova Southeastern J.D. 1996

County Judge 15<sup>th</sup> Jud. Cir.,

Palm Beach County, FL 2007-Current

County Civil Administrative Judge 2015

County Civil Division 2007-2010, 2014-Current

County Criminal Division 2010-2014

Conference of County Court Judges

Executive Council 2014-2015

4<sup>th</sup> DCA Representative 2014-15

15<sup>th</sup> Circuit Representative 2012-2014

Assistant State Attorney

15<sup>th</sup> Jud. Circuit 1996-2006

Crimes Against Elderly & Economic

Crimes Division 2000-2006

-Deputy Chief 2005-2006

Felony Division 1998-2000

County Court Division 1996-98

Health Benefits Analyst 1992-1993

Brown & Brown Insurance

Daytona Beach, FL

## **Course Outline & Timeline**

### **Welcome & Introductions:**

6:00 to 6:15 pm

**Hope Baros, Esq.**, Palm Beach County and President – NSU Law Alumni Association’s Palm Beach Chapter  
**Eunice Baros, Esq.**, Founding President - NSU Law Alumni Association’s Palm Beach Chapter  
Welcome & Introduce Judges and Moderator

### **Dinner and Networking:**

6:15 to 7:00 pm

### **Panel Discussion Followed By Question and Answer Session**

7:00 pm to 8:00 pm

### **Moderator:**

Moderator: **Pamela D’Alo Balaguera, Esq.**  
Secretary - NSU Law Alumni Association’s Palm Beach Chapter

### **Judicial Panelists:**

US Magistrate Judge, Southern District of Florida

**The Honorable James M. Hopkins**

4th District Court of Appeal Judge

**The Honorable Melanie May**

County Court Judge, 15<sup>th</sup> Judicial Circuit

**The Honorable Frank Castor**

### **Topics for Judicial Discussion: Moderated by Pam D’Alo Balaguera, Esq.**

*Civility Counts: Professionalism In & Out of Court: A Judicial Perspective*

1. Overview of Civility (each Judge’s view)
2. Ethics/Professionalism in the Courtroom: Attorney Integrity with Judges, Jurors, Clients
  - a. Uniform Motion Calendar – Local Rule 4
  - b. The Oath of Admission into The Florida Bar requires applicants to solemnly swear to “maintain the respect due to Courts of Justice and Judicial Officers . . . [and] abstain from all offensive personality;”
  - c. The Preamble to the Rules Regulating The Florida Bar provides that “[a] lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers, and public officials;”
3. Ethics/Professionalism outside Courtroom: Attorney Competence and Diligence
  - a. Rule 4-1.1, rules of Professional conduct
  - b. *Garcia v. State*, 40 Fla. L. Weekly D1038 (Fla. 2d DCA May 1, 2015).
  - c. Rule 4-3.3, Rules of Professional Conduct
  - d. *The Florida Bar v. Russell-Love*, 135 So.3d 1034 (Fla. 2014).
4. Ethics/Professionalism in Attorney Communication Methods: Oral, Written, and Online
  - a. Florida Bar Rule 4-3.5 prohibits lawyers from communicating about the merits of a case with a judge or an official before whom the proceeding is pending, without notice to opposing counsel.

5. Professionalism Outside the Courtroom: Depositions, Colleagues, and Clients

- a. “All attorneys, as officers of the court, owe duties of complete candor and primary loyalty to the court before which they practice . . . This concept is as old as common law jurisprudence itself.” *Malautea v. Suzuki Motor Co., Ltd.*, 987 F.2d 1536, 1546 (11th Cir. 1993).

6. Other Things to Remember About Ethics/Professionalism In & Out of Court

a. Courtesy

- i. *Sandstrom v. State*, 309 So. 2d 17 (Fla. 4th DCA 1975).  
ii. *Adams v. Barkman*, 114 So. 3d 1021 (Fla. 5th DCA 2012).

b. Character

- i. *Matarranz v. State*, 123 So. 3d 473 (Fla. 2013).  
ii. *Hagopian v. Justice Administrative Comm’n*, 18 So. 3d 625 (Fla. 2d DCA 2009).

**Resources:**

**Uniform Motion Calendar – Local Rule 4 (15<sup>th</sup> Judicial Circuit, Palm Beach)**

Ethics/Professionalism outside Courtroom: Attorney Competence and Diligence

- a. **Rule 4-1.1, Florida Rules of Professional Conduct**  
b. ***Garcia v. State*, 40 Fla. L. Weekly D1038 (Fla. 2d DCA May 1, 2015).**  
c. **Rule 4-3.3, Florida Rules of Professional Conduct**  
***The Florida Bar v. Russell-Love*, 135 So.3d 1034 (Fla. 2014).**

Ethics/Professionalism in Attorney Communication Methods: Oral, Written, and Online

**Florida Bar Rule of Professional Conduct 4-3.5** prohibits lawyers from communicating about the merits of a case with a judge or an official before whom the proceeding is pending, without notice to opposing counsel.

Ethics Relevant to Depositions, Colleagues, and Clients: ***Malautea v. Suzuki Motor Co., Ltd.*, 987 F.2d 1536, 1546 (11th Cir. 1993).**

Courtesy: ***Sandstrom v. State*, 309 So. 2d 17 (Fla. 4th DCA 1975) and *Adams v. Barkman*, 114 So. 3d 1021 (Fla. 5th DCA 2012).**

Character: ***Matarranz v. State*, 123 So. 3d 473 (Fla. 2013) and *Hagopian v. Justice Administrative Comm’n*, 18 So. 3d 625 (Fla. 2d DCA 2009).**

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

Local Rule No. 4\*

IN RE: UNIFORM MOTION CALENDAR  
\_\_\_\_\_:

Pursuant to the authority conferred by rule 2.215(e), Fla. R. Jud. Admin., it is

**ORDERED** as follows:

1. Circuit judges in each division shall conduct a uniform motion calendar on days and at a time specified by the judges of the division.
2. Prior to setting a matter on the **Uniform Motion Calendar**, the attorney noticing the motion for hearing shall attempt to resolve the matter and shall certify the good faith attempt to resolve.
3. The term "attempt to resolve the matter" in paragraph 2 shall require counsel to make reasonable efforts to actually speak to one another (in person or via telephone) and engage in reasonable compromises in a genuine effort to resolve or narrow the disputes before seeking court intervention. All parties are to act courteously and professionally in the attempted resolution of the disputes prior to setting a hearing.
4. All notices of hearings for matters scheduled on the **Uniform Motion Calendar** shall set forth directly above the signature block, the below certifications without modification and shall designate with a check mark or other marking the specific certification which applies:

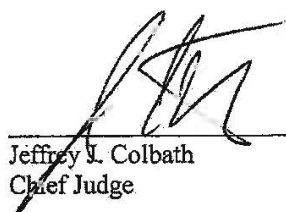
\_\_\_\_\_ *Counsel has conferred with all parties who may be affected by the relief sought in the motion in a good faith effort to resolve or narrow the issues raised.*

\_\_\_\_\_ *Counsel has made reasonable efforts to confer with all parties who may be affected by the relief sought in the motion but has been unable to do so.*

5. **Failure to make a good faith attempt at resolving the issues may, in the court's discretion, result in the motion being stricken from the Uniform Motion Calendar and/or the imposition of sanctions. The court may waive the good faith attempt at resolving the issues in appropriate circumstances.**
6. **To the extent possible, counsel shall advise the Court in advance of the hearing of cancellation, or resolution of some or all of the issues raised by the motion.**
7. Hearings shall be limited to ten minutes per case. If two parties, each side shall be allotted five minutes. If more than two parties, the time shall be allocated by the Court. The ten-minute time limitation shall include the time necessary for the Court to review documents, memoranda, case authority, etc.
8. The moving party must furnish the court a copy of the motion to be heard together with a copy of the notice of hearing. Also, all parties shall furnish the Court with copies of all documents, pleadings and case authority which they wish the Court to consider.
9. **SCHEDULING -- Except in the criminal division, counsel shall not make appointments with the Court's judicial assistant but shall notice opposing counsel pursuant to the applicable rules of civil procedure and the Standards of Professional Courtesy and Civility which have been endorsed by the judges of the Fifteenth Judicial Circuit.**
10. The **courtroom deputy** shall call cases for hearing in the order in which counsel signed up on the sheet posted outside the hearing room. Failure of any party to appear at the time set for the commencement of the calendar shall not prevent a party from proceeding with the hearing. If a party called for hearing chooses to wait for an absent party, the matter will be passed over but shall retain its position on that day's calendar.

**DONE and SIGNED** in Chambers at West Palm Beach, Palm Beach County, Florida,

this \_\_\_\_\_ day of 6/29/, 2015.

  
\_\_\_\_\_  
Jeffrey J. Colbath  
Chief Judge

\*Amends Local Rule 4 approved in 1991. Amendments (in bold) approved by the Supreme Court of Florida, June 17, 2015.