



INSIGHTS & SOLUTIONS

Welcome to the spring 2019 issue of Ward Damon's quarterly e-newsletter. Since 1987, Ward Damon has represented discerning businesses, business owners and individuals on a full spectrum of legal needs.

Ward Damon Welcomes New Attorneys Bari L. Goldstein and Kenneth Rehns

Please join us in welcoming our two newest partners to the Ward Damon family:
BARI L. GOLDSTEIN and **KENNETH REHNS**.



Bari focuses her practice on preventative labor and employment defense work and represents and counsels private, not-for-profit and public sector employers on varied regulatory, administrative and litigation issues that affect all aspects of the employment relationship. Bari is certified as a Senior Professional in Human Resources (SPHR) by the Human Resources Certification Institute (HRCI) and as a Senior Certified Professional (SHRM-SCP) by the Society for Human Resource Management (SHRM). She is also a qualified EEO investigator.

[READ MORE HERE.](#)

Ken primarily focuses on business and commercial law, labor and employment litigation as well as complex commercial litigation. He has built a career representing the interests of individual, corporate and institutional clients in a broad range of complex federal and state commercial litigation matters, including state and federal securities litigations, FINRA arbitrations, administrative and government proceedings, labor law matters, and contract and commercial disputes.

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LEGAL INSIGHTS

Suspicionless Drug Tests of Personnel in Schools After Parkland: MSD Strong...er Than the 4th Amendment?



By I. Jeffrey Pheterson

Does the safety of our children prevail over the privacy rights of their substitute teachers? The US Eleventh Circuit Court of Appeals recently held that **public schools may require urine tests for all applicants to substitute teaching positions**—even without any unique reason or particular suspicion that would necessitate a drug test. Judge Stanley Marcus, writing for the Eleventh Circuit panel, shares his official opinion on the matter succinctly and engagingly:

“A suspicionless search by the government is presumptively unconstitutional. So goes the basic hornbook law of the Fourth Amendment. The details are a bit more complex. Suspicionless searches are permissible in a narrow band of cases where they serve sufficiently powerful and unique public needs. The force of these needs depends heavily on the context in which the search takes place.

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Leave for Domestic Violence Survivors: An Issue Whose Time Has Come



By [Denise J. Bleau](#)

In the United States, 20 people per minute are physically abused by an intimate partner, according to the National Coalition Against Domestic Violence (NCADV). This equates to more than 10 million women and men in a year. 1 in 4 women and 1 in 7 men have been victims of severe physical violence (e.g. beating, burning, strangling) by an intimate partner in their lifetime. Victims of domestic violence may require leave from work to seek safe shelter, seek a protection order from the Court, work with their employer on safety issues in the workplace, or possibly seek new schooling for their children.

Effective April 1, 2019, employers in New Zealand will be required to provide 10 days of paid leave per year to survivors of domestic violence. The leave provides victims with time to heal, go to court, keep their children safe, and escape their abusive situation. This leave is separate from annual holiday or sick leave. New Zealand's new law also allows victims to ask for flexible working arrangements and makes discrimination against victims illegal.

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Closing Costs Confusion: Who Pays for What?



By Adam R. Seligman

Every buyer and seller understands what a purchase price and closing date are, but oftentimes, they are not sure which party pays the closing costs associated with the closing.

Who Pays for What?

In the most recent iteration of the commonly used residential form contract in Florida, also known as the "FR/Bar," paragraph 9 lists out which default costs are the responsibility of the parties (unless negotiated otherwise).

For example, the party who pays for title insurance is often negotiable, and **custom is often what dictates who pays for what**. In Broward and Miami-Dade counties, the custom is that the buyer pays for the title insurance, while in most other counties throughout Florida, the seller does.

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FIRM UPDATES

Team Ward Damon Earns Top Fundraiser in Rappel To End Homelessness

Our Fab Five Fundraisers all made it to the finish line (or should we say ground floor) after their Rappel to End Homelessness on Feb. 2. Congrats to **EDDIE STEPHENS, KARLA ROMERO, KATRINA BURGESS, RENEE RUIZ, and CATHLEEN WARD** for coming in first place for fundraising (both individual and team), for conquering their fears, and for rappelling to end homelessness! All of the money raised is for life-changing mission of The Lord's Place. [CLICK HERE TO SEE ALL THE FUN.](#)



Rock-N-Roll All Night at Bethesda Ball

Our attorneys had a Rock-N-Roll night out on the town at the [Bethesda Hospital Foundation's 64th Annual Bethesda Ball at Eau Palm Beach Resort & Spa](#) on Feb. 23. Our partner **JEFF PHETERSON** is Chair of the Board of Trustees of Bethesda Health, Inc., and a Board Member of Baptist Health South Florida, Inc. Proceeds from this annual fundraiser will benefit the Structural Heart Program at Bethesda Heart Hospital. [CLICK HERE FOR MORE PHOTOS.](#)



Congratulations to our Two New Judges

Attorneys **DANE LEITNER** and **CARYN STEVENS** (along with Caryn's husband, David Hare, on the left) were honored to attend the Investiture Ceremonies of County Court Judge **SARA ALIJEWICZ** on Friday, Feb. 1, and Circuit Court Judge **SARAH WILLIS** on Friday, Feb. 8. Congratulations to The Honorable Sarah Willis and Judge Alijewicz...we were honored to be there for your swearing in.



Making a Difference with West Palm 100

In January, two of our team members, **RENEE RUIZ** and **DAWN SMITH** volunteered with the [West Palm 100](#) group to help hungry kids and teens at local schools. The group packed 500 "Fuel Up Bags" to support [Living Hungry](#) and provide hungry students in our community with fuel for a brighter future. Thank you ladies for helping to make a difference!



Attention Attorneys:

Our board certified marital and family law attorney **EDDIE STEPHENS** will be speaking at an upcoming [Palm Beach County Bar Association](#) Family Law CLE on **Friday, April 26**. The topic - Attorneys' Fees in Divorce & Family Law: Basis, Practice Tips, and Judicial Perspective.
To register, [CLICK HERE](#).



Palm Beach County
Bar Association

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Contact us today for a consultation: 561.842.3000

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