April 2006 Vol. 74 No. 4

The Briefs

A Publication of the Orange County Bar Association



William B. Wilson, 2006 William Trickel, Jr. Professionalism Award Recipient

Thomas A. Zehnder, 2006 Lawrence G. Mathews, Jr. Young Lawyers Professionalism Award Recipient

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- Opinion Letters
- Complex Litigation
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Put a specialist in Health Law to work with you or for your client.

Marriott International, Inc. v. Perez-Melendez,
855 So. 2d 624 (Fla. 5th DCA 2003)
Affirmed million dollar personal injury verdict based on the "two issue rule".

Savoie v. Southeast Bank, N.A.
529 So. 2d 1275 (Fla. 5th DCA 1988)
Reversed and remanded mortgage foreclosure for exercise of option to purchase.

Pettry v. Pettry,
768 So. 2d 8 (Fla. 5th DCA 2000)
Reversed conversion of rehabilitative alimony to permanent alimony.

Wenzel v. Boyles Galvanizing Co.,
920 F. 2d 779 (11th Cir. 1991)
Affirmed a 2.75 million dollar personal injury award.

Winn v. Winn,
669 So. 2d 1155 (Fla. 5th DCA 1996)
Reversed "woefully inadequate" permanent alimony.

McGhee v. Volusia County,
679 So. 2d 729 (Fla. 1996)
Clarified sovereign immunity/scope of employment rules for deputy sheriffs.

Atkins v. Atkins,
611 So. 2d 520 (Fla. 1st DCA 1992)
Reversed inadequate permanent alimony award.

Brewer v. Flankey,
660 So. 2d 761 (Fla. 5th DCA 1995)
Reversed final judgment establishing a prescriptive easement.

Rykiel v. Rykiel,
795 So. 2d 90 (Fla. 5th DCA 2000)
Reversed dissolution judgment due to excessive awards against husband.

Acadia Partners, L.P. v. Tompkins,
759 So. 2d 732 (Fla. 5th DCA 2000)
Prevented multi-million dollar judgment addition in complex business litigation.

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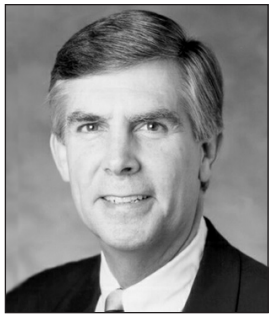
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The Briefs

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DEADLINE INFORMATION

Deadline for May Edition: 04/10/2006

The deadline for each edition will be the tenth day of each month. If that day falls on a weekend or holiday, the deadline will be the last working day prior.

Publication of advertising herein does not imply any endorsement of any product, service or opinion advertised. The opinions and conculsions, including legal opinions and conclusions contained in articles appearing in *The Briefs*, are those of the authors and do not reflect any official endorsement of these views by the Orange County Bar Association or its officers and directors, unless specifically stated as such.

Visit the OCBA's Website:
www.orangecountybar.org



President's Message

April 2006

Service to the Community

Bill Sublette

Many have heard me say that to be great a bar association must do three things well: (1) serve the needs of its members, (2) serve the needs of its community, and (3) provide social opportunities for its members. The Orange County Bar Association works hard to be good at all three of these.

In the area of service to its members, the OCBA offers a host of programs which seek to meet its members needs. The OCBA's Placement Service, CLE programs, Courthouse Access Card program, Young Lawyers Section, and many substantive law and practice area committees are all designed with the needs of our members in mind. With regard to providing social opportunities for its members, the OCBA has a busy social calendar every year. Over the past twelve months alone, the OCBA has held its annual Happy Hour, Dinner with the Judiciary, Poker Tournament, Wine & Cheese Reception, Law Clerk Reception, Bar Gala, and numerous other Young Lawyers Section and OCBA committee social activities.

The OCBA also goes above and beyond the call of duty in its effort to be of service to our community. We are one of only a few bar associations in the country to require a *pro bono* legal aid commitment from every member of the bar. In addition, the OCBA's Citizens Dispute Settlement program, Lawyer Referral Program, Young Lawyers Section Scholarship program, Law Week program, and many other charitable programs, fundraisers, and activities undertaken by the OCBA and its sections, committees, and affiliates provide the Orange County Bar Association with a long and distinguished pedigree of community service.

Our least noticed, most unheralded community service, however, is the work done by our charitable foundation, the Orange County Bar Association Foundation, Inc. As stated in its Articles of Incorporation, the purpose of the OCBA Foundation is, "To educate the public about the law and the legal profession in order to develop an understanding, appreciation, and respect for the law."

I suspect that most members of the bar are unaware the OCBA has a Foundation, or that in the past the OCBA Foundation has funded, or helped to fund:

- The highly acclaimed **Teen Court** program in Orange County's juvenile courts;
- A **Drug Awareness Program** in our public schools;
- A local advertising campaign promoting the **Bicentennial of our Bill of Rights**;
- A **Boy Scouts of America Law Explorers Post** for high school boys and girls;
- An **annual teachers' symposium** on teaching the Declaration of Independence, the Constitution, and our Bill of Rights;
- The **Orange County Public School's "Crime and Consequences"** program;
- Legal forums for Orange County residents, including the **"Ask a Lawyer"** television program;
- Travel for the **Boone High School mock trial team**; and
- A **statewide mock trial competition for teenagers** hosted by the Florida Law Related Education Association in Orange County.

This year, Foundation funds are being used to fund an **Orange County Public School training program on government and the law** for more than 200 civics teachers. Foundation funds are also being used to fund a media campaign **promoting the *pro bono* service Orange County Bar Association lawyers provide for neglected, abused, and delinquent children** in the community.

For years after it was formed in 1982, the Foundation made only sporadic community contributions to various programs from whatever money it happened to have in the bank. On occasion the Foundation was also used as a conduit to quickly raise tax-deductible contributions for various charitable programs brought to us by members or officers. The Foundation had no real long term goals and no long term funding plan. In 1996, under the leadership of former OCBA President R. Lee Bennett, this all changed. The Foundation set a goal of raising an endowment of $300,000, and decided to play a more significant role in our community. At the time Lee Bennett started the Foundation down this road, the Foundation had no money in the bank, and many believed that it would take the Foundation 25-30 years to achieve such a substantial endowment. Today, however, thanks to the Foundation's annual Bar Gala, the endowment stands at more than $80,000, and the Foundation hopes to surpass the $100,000 mark with its endowment after this year's Bar Gala.

None of this would be possible without your support of the annual Orange County Bar Association Gala. **This year's Gala will be held on Saturday, April 29th, at Isleworth Country Club.** By the time you read this, you will have received your invitation to the Bar Gala, a copy of which is on the inside back cover of this issue of *The Briefs*. If you've previously gone to a Bar Gala you will know that you are in for an evening of great food, terrific martinis, live music, and the entertaining company of your colleagues, all for the bargain basement price of only $200 per couple. Now you also know that by supporting the OCBA's annual Gala you are helping your community, and improving the public's impression, and understanding, of lawyers and the law.

Bill Sublette is a Partner with the law firm of Sublette, Sanders & Sanders, P.A. He has been a member of the OCBA since 1988.



Ninth Judicial Circuit Court Investitures



Two Orange County Bar Association members were invested as Ninth Judicial Circuit Court Judges on February 24, 2006. The Honorable Jeffrey M. Fleming was sworn in by the Honorable Vincent G. Torpy, Jr. of the Fifth District Court of Appeal, and the Honorable Alicia L. Latimore took the oath from the Honorable Belvin Perry, Jr., Chief Judge of the Ninth Judicial Circuit.

Judge Jeffrey M. Fleming has been an Orange County Judge since 2002. He was appointed to the Circuit Bench by Governor Jeb Bush to fill a position vacated by Judge C. Alan Lawson, who was appointed to the Fifth District Court of Appeal in January. Judge Fleming received his Juris Doctor in 1985 from Florida State University and his Bachelor of Arts in Political Science in 1982 from the University of Central Florida. After law school, he began working with a firm handling primarily insurance defense litigation and later became a managing partner. In 2000 he became Board Certified as a Specialist in Civil Trial Law by the Florida Bar. Stating that it was an honor to have been appointed, Judge Fleming said that his goal is "to serve as a Circuit Judge in such a manner as to maintain the public's confidence in the integrity of the Judiciary."

The Honorable Jeffrey M. Fleming has been an OCBA member since 1985.

Judge Alicia L. Latimore comes to the bench from private practice where she focused primarily on marital/family law and juvenile law. She also served as a Civil Infractions Traffic Court Hearing Officer for three years and as a Hearing Officer with the Department of Labor, Bureau of Appeals for about a year. She received her Juris Doctor from the University of Florida in 1990 and her Bachelor of Science in Psychology in 1985 from Duke University. She was appointed to the Circuit Bench by Governor Jeb Bush and officially took office on January 2nd, filling a newly created judicial position. Judge Latimore said that her goal is to enhance citizens' confidence in the judiciary and the legal system, stating, "I believe that I will be able to accomplish this goal as long as I remember that I am here to serve the public and remain mindful that I have been offered a unique opportunity to be a servant to this great community - for this I am grateful."

The Honorable Alicia L. Latimore has been an OCBA member since 1993.

Look for these Orange County Bar Association Foundation-funded public service announcements in the community soon!



He has a future if we can save him today...

1,446 Orange County Bar Association lawyers have served as free guardians for abused, neglected, and delinquent children.

Paid for by the Orange County Bar Association Foundation, Inc.



Sometimes her only other friend is a lawyer...

1,446 Orange County Bar Association lawyers have served as free guardians for abused, neglected, and delinquent children.

Paid for by the Orange County Bar Association Foundation, Inc.

OCBA Luncheon Speaker





April 27, 2006

John Hillenmeyer

President and Chief Executive Officer
Orlando Regional Healthcare System

Will Healthcare As We Know It Survive?

Mr. Hillenmeyer came to the Orlando Regional Healthcare System in 1982 as Vice President of Operations, responsible for development of Orlando Regional's 150-bed Sand Lake Hospital. He served as Executive Director of that hospital until 1987, at which time he was appointed Executive Director of Orlando Regional's flagship institution, the 600-bed Orlando Regional Medical Center. In 1989, Mr. Hillenmeyer was appointed Senior Vice President and Chief Operating Officer, responsible for the operations of Orlando Regional's six hospitals in the Central Florida area. In 1994, Mr. Hillenmeyer was appointed Executive Vice President of Orlando Regional with overall management responsibility for development and operation of Orlando Regional's integrated delivery system. He was appointed President and Chief Executive Officer in May of 1997.

Prior to his tenure at Orlando Regional, Mr. Hillenmeyer worked in various administrative positions at the Greenville South Carolina Hospital System from 1974 to 1978. From 1978 to 1982, he was employed by American Medical International as an Administrator in Birmingham, Alabama and Orlando, Florida.

He earned a bachelor's degree in Business Administration from the University of Kentucky and a master's degree in Health Care Administration from Duke University. He is a diplomate of the American College of Health Care Executives, serves as Chairman of the Statutory Teaching Hospital Council, is Immediate Past Chairman of the Florida Hospital Association Board, and is a member of the Executive Committee and Board of VHA-Southeast. He is active in many civic organizations and currently serves on the Downtown Development Board as well as the Boards of the Presbyterian Retirement Communities, Economic Development Commission of Mid-Florida, SunTrust Bank and the UCF Foundation.

Downtown Marriott Hotel • 11:30 a.m. – 1:00 p.m.

To RSVP for the luncheon, please e-mail George Enos, Events Manager, at georgeE@ocbanet.org. Phone calls will not be accepted.

April 27th is "Take Our Daughters and Sons to Work Day"®.

Enrich your child's life by opening the doors to your world of work!

Children are invited to attend this month's luncheon; the cost is $15 per child.

(Be sure to mention to your youngster that the Marriott serves the best desserts in town!)

The OCBA will be proud to introduce each child and parent at the luncheon. When you RSVP, let George know the name of your child, and when you arrive at the Marriott, please sign your child in at the special sign-up table!

April's luncheon is hosted by the OCBA Law Day Committee. Please take a moment to recognize the dedicated work of your colleagues and congratulate them for their award-winning programs.

To ensure proper luncheon count, RSVPs are requested no later than 48 hours in advance. Those reserving less than 24 hours in advance will not be guaranteed a name badge. If you have made a reservation and find that you are unable to attend, please notify us as soon as possible via e-mail. We appreciate your effort to keep us up-to-date on your reservation status.

Pro Bono Work Recognized by Chief Justice Pariente



Chief Justice Barbara Pariente of the Florida Supreme Court, The Young Lawyers Division of The Florida Bar, the Florida *Pro Bono* Coordinators Association and locally organized *pro bono* programs, such as the Legal Aid Society of the OCBA, recently recognized attorneys who contributed more than 20 hours of service during 2005 with a letter of recognition from Chief Justice Pariente and a lapel pin. Pins are awarded for three contribution levels: bronze for 20 to 49 hours; silver for 50 to 99 hours; and gold for 100 or more hours. *Pro bono* hours are determined by closed cases and projects completed during 2005. The Young Lawyers Division of the Florida Bar paid for the pins.

The following 265 OCBA attorneys were honored for their pro bono *service:*

Legal Aid Society of the OCBA 2005 Pro Bono Service Pins

GOLD LEVEL - 100 + HOURS

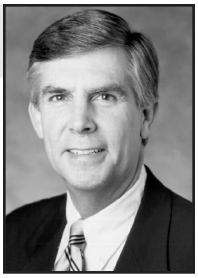
Alexander, Kurt E.
Augspurger, Lisa J.
Barrett, Richard Lee
Bergin, Russell F.
Betsher, Christopher G.
Braun, Robyn Severs
Colvin, R. Gregory
Consalo, Marc A.
Cowherd, Barbara M.
Eisel, Daniel M.
Hill, David Paul
Lane, Joseph A.
Nickens, Dan A.
Oliver, David S.
Rutberg, Gerald S.
Schroeder, Abigail Marie
Sierra, Richard D.
Tukdarian, Thomas H.
Tyson, Michael
Wert, Thomas P.

SILVER LEVEL - 50-99 HOURS

Albert, Elizabeth A.
Allen, Herbert L.
Amos, Jr., Joseph L.
Beaudine, Michael J.
Bledsoe, Terry L.
Boothe-Perry, Nicola A.
Breinig, Wendy C.
Chill, Tiffany M.
Edwards, James A.
Elkins-MacDonald, Jennifer
Ellerson, Tracey L.
Ezzo, Elise
Fetter, Eric W.
Finer, Teresa B.
Forsythe, Ian D.
Gilchrist, Brian R.
Glassman, David N.
Gutmacher, Jon H.
Hadley, III., Ralph V.
Harwood, Susan B.
Horan, John
Ioffredo, Glen John
Kest, Sally D. M.
Kowalczyk, Laura P.
Krueger-Khan, Lisa A.
Lanham-Patrie, Elizabeth
Leong, Glenn R.
Lopez-Campillo, Juan C.
Magee, James M.
Mahaffey, Jr., John D.
Manglardi, Michael
McKinley, Katherine
Mosley, LaKesia R.
Osterndorf, Daniel P.
Parker, IV., Clay H.
Pearce, Irene
Reas, Wanda M.
Roberts, Chelsie J.
Ross, Kevin K.
Rudnitsky, Taras S.
Shannin, Nicholas A.
Strowbridge, Patricia L.
Stucker, Susan V.
Tamborello, Jr., Joseph
Vazquez, Ramon
Wallsh, Richard
Zobel, Hallie L.

BRONZE LEVEL - 20-49 HOURS

Alexander, Edward R.
Andrews, Kenneth
Appleton, Michael J.
Ardaman, A. Kurt
Avery- Smith, Ellen
Azam, Asima
Badgley, Jeffrey Scott
Bailey, Michael
Barcus, Steven L.
Bartolomei, Matthew P.
Baxa, Edmund T.
Beauchaine, Amy L.
Bender, Mark C.
Bernardin, Margaret R.
Biecker, Michele A.
Bigney, Jeanette Dejuras
Bishop, Randall B.
Black, Andrea
Blackmun, Sally A.
Blaher, Neal
Boger, Gene
Botwin, Debra
Brennan, David C.
Brenner, Alana C.
Brenner, Matthew G.
Brewer, Trevor
Brown, Thomas
Cameron, Andrew
Carpenter, Jan Albanese
Castanon, Rhonda M.
Champagne, Jr., Martin J.
Cobb, Stanton L.
Cook, Albert R.
Cook, Kevin J.
Costello, Christopher M.
Crawford, Russell
Crittenden, Jr., Earl M.
Culbertson, Richard
Cullen, Kim Michael
Cummings, S. Lynn
D'Lugo, Eve
Davila, Luis
Davis, Bradley
Davis, Jr., William A.
Deisler, Sandra W.
Denius, William J.
diMauro, Geoffrey B.
Diamond, Philip A.
Dierking, John
Dietz, William
Dirlam, Gary L.
Divine, Russell W.
Drean, Robert
Duckworth, Brian F.
Earle, Steven Edward
Egan, Robert J.
Egan, Thomas F.
Englehardt, John C.
Essue, Mary Ann
Estes, Theodore D.
Etzler, Mary Ann
Fenderson, Matthew
Ferguson, Angela G.
Fernandez, Ferman M.
Ferrer, Shereann
Flammia, Kathleen
Foels, Pamela L.
Friedberg, Wendy
Garabo, Judith A.
Gibbs, Jon M.
Gibbs, Kimberly Ann
Gibson, III., Bruce A.
Gibson, Michael
Giordano-Gilden, Ann Marie
Gonzalez, Julian
Hall, Anthony J.
Halpern, William N.
Handberg, Roger B.
Hankins, Dana H.
Hargrove, Charles D.
Hatch, Sarah R.
Herbert, Greg
Herman, Harley Scott
Herman, Patricia K.
Hesse, Keith J.
Hirani, Meenakshi A.
Holbrook, David L.
Holland, A. Daniel
Infantino, Thomas V.
Innes, Alyson M.
Innes, Jonathan L.
Jacobs, Penny
Kaprow, Philip S.
Kasprzak, Kathryn Lynne
Kelaher, Neva M.
Keller, Ingrid A.
Kern, Joseph G.
Killgore, Jr., Frank H.
Knopf, Jennifer Ford
Lagrow, John Z.
Landrum, Beppy L.
Latimore, Alicia The Hon.
Lavigne, James R.
Leitch, Dougald B.
Leklem, John
Lomax, Nikie Nakella
Lombardy, Martha Lee
London, Brenda Lee
Longwell, Mark N.
Lord, Jr., John Stanley
Mackinnon, R. Gavin
Magill, Patrick M.
Mangas, Jr., C. Lee
Mason, Steven G.
Matthews, Thomas M.
McDonough, John R.
McKnight, F. Douglas
Meier, III, George A.
Merrill, Janice L.
Milbrath, Stephen
Moore, Michael L.
Moore, Thomas A.
Morris-Webster, Sage
Morris, Michael E.
Moskowitz, Deborah L.
Nebel, Michael E.
Neduchal, Joseph E.
Normand, Edmund A.
O'Neal-Coble, Leslie
Oden, Jon M.
Owens, Gayle A.
Paasch, Michael A.
Pacitti, James David
Paulus, Suzanne E.
Pence, William L.
Pitts, Alton G.
Pyle, Steven P.
Rasch, Robert W.
Reed, Christopher S.
Rigby, Barry W.
Robinson, Laura P.
Rogner, William
Rosenfelt, William C.
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Savitz, Patricia A.
Scheibe, Sheryl Lee
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Scornik, Esteban F.
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Shea, Timothy R.
Shipley, C. Eugene
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Smith, Charles W.
Smith, Christopher L.
Smith, Lori A. W.
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Smith, Todd C.
So, Min Ho
Sonnenschein, Michael D.
Sowell, Jr., James M.
Squires-Binford, Grey
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Warren, Charlotte L.
Webster, Ronald S.
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West, Donald R.
Wieland, Glen D.
Wilkenson, J. Tracy
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Williams, Scott P.
Willis, Michael R.
Wilson, William Berry
Wilson, Sara K.
Wohlust, G. Charles
Wolter, Robert L.
Worman, Robert B.
Young, Art Charles
Zeini, Abdullah
Ziegler, Felecia Grossman



Remarks on Receiving The William Trickel, Jr. Professionalism Award

William B. Wilson

I am humbled to be recognized with this award. I am acutely aware of my own shortcomings and of the many other deserving members of our Association. I thank the Professionalism Committee and the Executive Committee for this honor.

This award has special significance to me for several reasons. First, like many of you, I knew Bill Trickel. I liked him as a person, and I respected his professionalism as an attorney. Second, this award is given by the Orange County Bar Association, which, in my view, is the finest voluntary bar association in our nation. Finally, I know and have worked with all of the prior recipients of this award, and I have a deep respect for each of them. Those prior recipients include David King, Jules Cohen, the Honorable Greg Presnell, the Honorable John Kest, Darryl Bloodworth, Chan Mueller, Lee Bennett, Sally Kest, Ava Doppelt, Bruce Blackwell, Warren Lindsay and Mike McMahon. I am honored to be added to this listing of such outstanding attorneys.

A number of years ago, then Senator John Kennedy wrote a book entitled "Profiles in Courage" in which he described the courageous acts taken by eight U. S. Senators. Given sufficient time, we could write a book entitled "Profiles in Professionalism" revolving around the professional conduct of the prior Trickel Award recipients. But I only have five minutes with you, so my remarks are limited to what I call "Professionalism in a Nutshell."

Author Frank Tyger has defined professionalism as "knowing how to do it, when to do it, and doing it." That is fine, but I think we can agree that professionalism in the practice of law involves much more than that. Perhaps the best way to describe attorney professionalism is through the conduct of the prior recipients of this award. While they have different personalities and distinct styles, there are common denominators that define their professionalism.

The first professionalism trait shared by these individuals is their duty to our legal system and all of the people involved with it. Lizbeth Moody, Dean Emeritus of the Stetson College of Law, has said, "Law is first and foremost a public profession, a privilege conferred on us as a sacred trust, which carries with it a bag of obligations to the courts, to our clients and to our fellow lawyers." The prior recipients of this award fulfill these obligations in a number of ways. They do so through the candor, courtesy and respect that they show to all individuals involved in the system - judges, clients, employees, opposing counsel, parties and witnesses. Their word is their bond. They are active in supporting and improving our profession through involvement in bar activities and through public service. They handle *pro bono* cases and they serve as mentors. They are never too busy to give counsel to a fellow lawyer. Another common trait is that they strive to do their very best on every matter they handle, and they are diligent in fulfilling their commitments. Interestingly, they are all successful, both financially and in other more important ways. Yes, there is a clear correlation between professionalism and success. Each of the prior recipients has achieved success on many levels, and each is thought of as an outstanding lawyer, an involved and concerned member of our community, and a compassionate and caring individual who routinely puts the needs and interest of others ahead of their own.

In the final analysis, professionalism is a goal – something to which we aspire and, once attained, something we constantly must strive to maintain. It should be important to each of us. Mary Schriven, a fine U.S. Magistrate in Tampa, has said, "I think as lawyers civility and professionalism should be so ingrained in each individual that it hurts to take it off and it hurts to see someone else not wearing it . . ." The key to achieving this goal of professionalism is to recognize that we are members of a profession. Certainly, we all know about "the business of law"; but, as lawyers, we are more than businessmen who happen to have a law degree. Let us always remember that we are professionals, members of a culture described by Roscoe Pound as "a learned art in the spirit of public service." There was a very important day, for some of us many years ago, and for others of us more recently, when each of us raised our right hand and took the Oath of Admission to The Florida Bar in which we swore to do a number of things, the gist of which was to conduct ourselves with professionalism. Like Bill Trickel and the prior recipients of this award, let us always strive to act in a manner consistent with that Oath. It is my hope that all of us will learn from the fine examples which Bill Trickel himself and prior recipients of this award have provided.

Thank you.

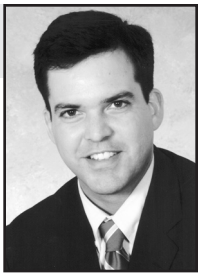
William B. "Bill" Wilson is a board-certified civil trial lawyer specializing in significant commercial litigation. He is the executive partner of Holland & Knight's Orlando office. Wilson is very active in Bar activities, currently serving as a member of the Florida Federal Judicial Nominating Commission and having chaired the Trial Lawyers' Section and the Code of Evidence Committee of The Florida Bar. He has served as chairman of the Greater Orlando Regional Chamber of Commerce and the Economic Development Commission of Mid-Florida; as a trustee of the Orlando Museum of Art and the University of Central Florida Foundation; and as a board member of Junior Achievement, the Heart of Florida United Way and SunTrust Bank. He has been a member of the OCBA since 1973.



Professionalism Committee

Preaching to the Choir

Tad A. Yates



What was I thinking when I volunteered to write an article for *The Briefs* on behalf of the Orange County Bar Professionalism Committee? It's that whole "preaching to the choir" thing that makes me feel a bit uneasy; now I had to find some original perspective from which to preach to the OCBA choir on the topic of professionalism.

As I "brainstormed," I thought back to my middle school days and to a terrific resource to which I had been introduced by a high school English teacher (who also happened to be my mother) - *Bartlett's Familiar Quotations*. Throughout middle school, high school and college, I had turned to the book on many occasions to interject into term papers the thoughts and ideas of people much smarter, more original, and more eloquent than I. My book collection contains a copy of the 15th edition of this great resource, filled with over 22,500 quotations on innumerable subjects and from Biblical times to Bob Dylan. Sir Winston Spencer Churchill once said:

> It is a good thing for an uneducated[1] man to read books of quotations. *Bartlett's Familiar Quotations* is an admirable work, and I studied it intently. The quotations when engraved upon the memory give you good thoughts. They also make you anxious to read the authors and look for more.

After leafing through the pages of the book for some inspiration, I decided to abandon any attempt at original thought. What follows are a few random quotations which I hope you will enjoy and which I believe might have some relevance to the topics of law, ethics and professionalism.

* * *

"Though I have all faith, so that I could remove mountains, and have not charity, I am nothing."
The Holy Bible, I Corinthians 13:2

"[The superior man] acts before he speaks, and afterwards speaks according to his actions."
Confucius

"Fine manners need the support of fine manners in others."
Ralph Waldo Emerson

"The first law for the historian is that he shall never dare utter an untruth. The second is that he shall suppress nothing that is true."
Cicero

"Only our concept of time makes it possible for us to speak of the Day of Judgment by that name; in reality it is a summary court in perpetual session."
Franz Kafka

"And do as adversaries do in law, Strive mightily, but eat and drink as friends."
William Shakespeare

"Strongest minds Are often those of whom the noisy world Hears least."
William Wordsworth

"Nothing astonishes men so much as common sense and plain dealing."
Ralph Waldo Emerson

"Do what thy manhood bids thee do, from none but self expect applause; He noblest lives and noblest dies who makes and keeps his self-made laws."
Sir Richard Francis Burton

"When you know a thing, to hold that you know it; and when you do not know a thing, to allow that you do not know it - this is knowledge."
Confucius

"Injustice anywhere is a threat to justice everywhere."
Martin Luther King

"To be able to practice five things everywhere under heaven constitutes perfect virtue.... [They are] gravity, generosity of soul, sincerity, earnestness, and kindness."
Confucius

"Sometimes give your services for nothing, calling to mind a previous benefaction or present satisfaction. And if there be an opportunity of serving one who is a stranger in financial straits, give full assistance to all such. For where there is love of man, there is also love of the art."
Hippocrates

"Life is not so short but that there is always time enough for courtesy."
Ralph Waldo Emerson

"When we see men of worth, we should think of equaling them; when we see men of a contrary character, we should turn inwards and examine ourselves."
Confucius

"An honest man's word is as good as his bond."
Miguel de Cervantes

* * *

Each month a member of the Professionalism Committee of the OCBA has submitted an article to *The Briefs* on behalf of the committee. Is the Professionalism Committee preaching to the choir in addressing the membership of the OCBA? Probably. But I will leave with you with one last admittedly unoriginal thought - hopefully the preaching and voices of the choir can be heard outside the walls of the church!

---

[1] The author in no way intends to suggest that the readership of *The Briefs* is uneducated!

Tad A. Yates is a Partner with the law firm of Kirkconnell, Lindsey, Snure & Yates, P.A. He has been a member of the OCBA since 1994.



Feature Article

*Flood Exclusions in Windstorm Policies: Knowing the Insurance Coverage Issues**

Dennis J. Wall, Esquire



Hurricanes arrive with wind and water. Windstorm policies are usually received with expectations that they cover losses resulting from winds and windstorms. Windstorm coverage is provided in a great number of policies that may be better known by other names, including those that were considered in many of the cases analyzed in this article, such as homeowners' policies, special multi-peril policies, all risk policies, and policies extending piers, wharfs and docks coverage.

Almost all insurance policies which extend coverage to loss caused by wind or windstorms contain a "flood" exclusion. The standard flood exclusion presently in use purports to exclude 'loss caused by or resulting from flood, whether or not driven by wind.'

Flood insurance, in contrast, is expressly underwritten specifically for losses caused by floods. Flood insurance is available under a program administered and effectively underwritten by the United States government, pursuant to the National Flood Insurance Act. Flood insurance is not within the reach of the present article.

On September 15, 2005, the Mississippi Attorney General filed a complaint naming many insurance companies as defendants. The Mississippi Attorney General's complaint provides several legal theories for requesting Mississippi's state court to refuse to enforce, or to declare void, the flood exclusion in windstorm policies issued to Mississippi policyholders. In addition to the starting points served by that complaint, many decided cases exist revealing the arguments and issues surrounding windstorm policies and flood exclusions, and the focus of this article will be on a review of what courts decided in reported cases. The arguments and issues from past decided cases will presently confront most policyholders, insurance companies, coverage counsel, and courts in many insurance coverage cases to come.

Evidence of the Meaning of the Standard Flood Exclusion.

In any insurance coverage case, proof of what the insurance policy language *means* can go a long way toward obtaining the desired result. In Florida, for example, that issue is not in doubt, at least where only one of the parties presents expert testimony on the crucial issue discussed in this article, which is how the court should interpret and apply the meaning of the flood exclusion in a windstorm policy.

Florida courts are on top of that situation. A business partnership was the plaintiff and policyholder in an insurance coverage case and was the only party in that case to provide the trial court with opinion testimony of an expert witness as to "the meaning of the language contained" in a flood exclusion. The same expert testified about the meaning of the language that the insurance industry used in other exclusions in the policy at issue. A verdict was returned finding coverage, in favor, of course, of the policyholder under that windstorm policy. On appeal, Florida's appellate court wrote in a reported opinion that because of the uncontradicted expert testimony, the trial court's judgment entered upon the verdict was supported by substantial, competent evidence. In effect, based on such evidence, that judgment was virtually irreversible. As the Florida appellate court summed up: "no dispute existed as to the interpretation of the policy language since the plaintiff presented the only competent evidence on this point." *West American Insurance Company v. Rauch*, 412 So. 2d 956, 958 (Fla. 4th DCA 1982), *review denied*, 424 So. 2d 764 (Fla. 1983).

Findings and holdings that determine the issue of whether the flood exclusion is applicable to a particular case, may thus depend in the final analysis upon the evidence presented on the central question of policy meaning, before the court or jury reaches any questions about coverage causation doctrines, discussed below.

"Loss Resulting" from Wind or from Flood.

Legal or proximate cause of the policyholder's loss is almost beside the point in the decided cases confronting flood exclusions in windstorm policies. *Proof of the factual causes of the policyholder's loss, i.e., proof of what the claimed losses resulted from, ordinarily determines the outcome of whether a jury will find or a judge will determine a loss was caused by excluded flood waters or was caused instead by wind, a covered peril.*

First, where the proof in the particular case shows *only one* cause of loss, and that cause is excluded, such as loss resulting from the sea or ocean water, then a flood exclusion has been held to apply. Such was the situation confronting a New York appellate court nearly 25 years ago. The court's ruling in that case ought to be reviewed by counsel who represents any of the large number of Hurricane Katrina's victims who suffered losses when one or more levees broke.

Policyholders on the Gulf Coast in particular, who suffered losses as a result of broken levees holding back bodies of water, will thus probably need to address a 1981 decision of New York's appellate court. In that case, a dike held back waters in a barge canal. The dike burst. Damage resulted. The insured argued that the dike was negligently maintained. Thus, argued the insured in that case, when heavy rains fell, the dike broke and the policyholder suffered a resulting loss. The policyholder, a business, argued that this event was therefore not the result of a "flood" excluded from coverage under its policy.

New York's Third Appellate Division, in the case of *E.B. Metal & Rubber Industries, Inc. v. Federal Insurance*

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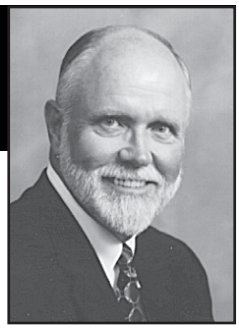
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Company, 84 A.D.2d 662, 663, 444 N.Y.S.2d 321, 322 (App. Div. 3d Dep't 1981), disagreed: "All the policy requires is that there be rising waters which break through boundaries and flow upon the insured's land to constitute a flood. It is irrelevant that a defect in the dike may have also contributed to the break."

From published news reports, it appears to be fairly clear that levees gave way to hurricane winds or, perhaps waters driven by hurricane winds or both. When the levees broke, further, they apparently released many gallons of water from Lake Pontchartrain and other waterways directly into the City of New Orleans and surrounding areas. If courts in Louisiana, Mississippi, Alabama, or elsewhere are going to decide cases based on a judicial determination making it significant that a defect in the levees may have also contributed to the loss, together with rising waters of an excluded flood, then most if not all such courts will be faced with, and likely asked to distinguish, the decision to the contrary by New York's appellate court in *E.B. Metal*.

Another set of losses resulting from Hurricane Katrina, again according to widely broadcast news reports, was the result more specifically of storm winds and waters that destroyed oceanfront property. Oceanfront buildings and other property faced damage as a result of storm surge, in a case decided by New York's appellate court in 1987. The New York appellate court held that such damage was excluded in that case.

The policy in that case contained a flood exclusion. New York's Appellate Division described the loss in terms of legal or proximate cause based on the facts and policy language involved in that case. The court reached what it called "the only reasonable conclusion to be drawn," which was that the proximate cause "of the damage was that water from Long Island Sound, driven by the wind, propelled objects into the [insured business's] damaged building. Where, as here, the water was the [legal] cause of the damage, coverage is excluded," the New York appellate court held in *Steve's Pier One, Inc. v. Insurance Company of North America*, 131 A.D.2d 834, 517 N.Y.S.2d 194, 195 (N.Y. App. Div. 2d Dep't 1987).

Other courts follow instead what they call the "efficient proximate cause doctrine." This doctrine, which is followed in Louisiana, for example, holds that "[i]t is sufficient to show that the particular peril was the efficient cause of the loss notwithstanding that another cause or causes contributed to the loss." *Riche v. State Farm Fire & Casualty Company*, 356 So. 2d 101, 103 (La. Ct. App.), *cert. & review denied*, 358 So. 2d 639 (La. 1978). There, the loss of fishing gear *while the policyholder was on a boat that sank on a reservoir* was held covered by a windstorm policy and not subject to a flood exclusion: "We find that damage caused by windstorm (or resulting waves) over a body of water, such as a lake or reservoir, does not come within the scope of this exclusion." *Riche*, 356 So. 2d at 104.

In some insurance coverage cases, apportionment becomes the coverage problem. Courts in apportionment cases may apply the flood exclusion where part of the claimed damage is the result of flood, either to exclude identifiable damage which is shown to be the result of excluded flood[1], or to exclude *all* of the claimed damage where the loss just cannot be apportioned between covered and excluded causes of the resulting loss. *See Transcontinental Insurance Company v. RBMW, Inc.*, 262 Va. 502, 511-14, 551 S.E.2d 313, 317-19 (2001).

In some jurisdictions, even where apportionment might be the rule, such as in a case decided by the Texas Supreme Court, it may nonetheless result that the appellate court will hold that coverage exists where the proof shows that the loss resulted from a covered peril and it may not matter if some other, perhaps excluded cause, was the *legal or proximate cause* of the loss. *See State Farm Lloyds v. Marchetti*, 962 S.W.2d 58, 61 (Tex. Ct. App. Houston [1st Dist.] 1997), *review denied (unreported)* (Tex. July 3, 1998).

If the Flood Exclusion is "Ambiguous" in a Windstorm Policy, Then it Should be Strictly Construed.

Ambiguity in cases involving interpretation of insurance policies means that any such sufficiently challenged provision of the policy at issue will be construed strictly against the insurance company which wrote it. For good or ill, the courts just do not apply this rule unless there *is* an ambiguity. Parenthetically, in most jurisdictions, the fact that the flood exclusion is an *exclusion* in a windstorm policy will cause the court to follow the same rule of strict construction concerning an insurance policy.

The courts which have addressed the issue of ambiguity of the flood exclusion in past cases have held that the "flood" exclusions of the past were *un*ambiguous. *E.g., E.B. Metal*, 84 A.D.2d at 663, 444 N.Y.S.2d at 322; *Hardware Dealers*, 393 S.W.2d at 314.

In the *E.B. Metal* case, the policy at issue defined the word, "flood." That policy definition was quoted at length by New York's highest court in holding that the flood exclusion at issue there was not ambiguous. On the other hand, the language of the *E.B. Metal* flood exclusion is very similar to today's standard flood exclusion.

In the Texas Supreme Court's opinion in *Hardware Dealers*, the policy language which extended coverage for losses resulting from wind and which exclude coverage for losses resulting from flood, reads very nearly the same as the policy language most often used by the insurance industry today.

Clearly, cases like *E.B. Metal* and *Hardware Dealers* must be made known to counsel who face arguments that flood exclusions in windstorm policies are ambiguous at the present time.

"Adhesion Contracts" May Not Be Argument Enough, Yet "Unconscionability" May Perhaps be Found after the Disasters of 2005.

In his complaint, Mississippi's attorney general raised the issue of adhesion to basically void the standard flood exclusion after Hurricane Katrina. The courts have defined an "adhesion contract" as a preprinted, standard form contract presented to the consumer on a take-it-or-leave-it basis. *E.g., Hospital Authority of Houston County v. Bohannon*, 272 Ga. App. 96, 98-99, 611 S.E.2d 663, 666 (2005), *cert. denied (unreported)* (Ga. September 19, 2005). Under that judicial definition, flood exclusions in windstorm policies issued by insurance companies would clearly appear to qualify

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[1] *See Hardware Dealers Mutual Insurance Company v. Berglund,* 393 S.W.2d 309, 312-13 (Tex. 1965).

as adhesion contracts.

However, in the decided cases, proof that an insurance contract is a contract of adhesion is not enough to reach the result of a judgment that it or any part of it is void and unenforceable. In the reported cases in which appellate courts were confronted with issues of unconscionability, a holding of unconscionability even concerning an insurance policy is a relatively rare achievement. There must be proof of unconscionability in most jurisdictions and in most cases in which the issue of unenforceability is raised, or the court will negatively decide that issue and perhaps move on to other issues.

Therefore, in most jurisdictions, according to a review of the litigated cases resulting in appellate opinions through September 2005, proof of adhesion only will not move the courts to judge that the insurance policy is void and unenforceable. Generally, if not mostly or always, the policyholder that raises "adhesion" must *also* prove that an undesired provision of the insurance policy is "unconscionable." Specifically, in an insurance coverage case in which the policyholder attacks the standard flood exclusion in any one of a number of windstorm policies on the ground that it is a preprinted provision presented to the policyholder on a take-it-or-leave-it basis so that such a flood exclusion in the policy at issue is void and should not be enforced because the exclusion is part of an adhesion contract, the policyholder according to the decided cases must be prepared to also prove that it would be "unconscionable" for the court to enforce the flood exclusion in that particular case.

This is a burden of proof that has not been addressed to date in many reported cases involving flood exclusions issued as a part of windstorm policies, *but it is a burden of proof that has often been discussed by courts confronted with litigation over other alleged unconscionable contracts. E.g., Blue Cross Blue Shield of Alabama v. Rigas*, ___ So. 2d ___, 2005 WL 2175451 *5 - *6 (Ala. September 9, 2005)[2]; *Norwest Financial Mississippi, Inc. v. McDonald*, 905 So. 2d 1187, 1192-95 (Miss. 2005)[3].

If an Interpretation of the Flood Exclusion Favorable to the Insured is Available to Suggest to the Court, then "The Reasonable Expectations of The Insured" Should Require that Interpretation to be Followed.

The doctrine of "reasonable expectations of the insured" is accepted in some jurisdictions in the United States. That doctrine holds that insurance policies must be interpreted in light of the "reasonable expectations of the insured" and that where there may be competing and reasonable interpretations, the reasonable expectations of the insured proffered on behalf of the policyholder will govern the interpretation of the insurance policy provisions. The doctrine of reasonable expectations of the insured has been raised against exclusions similar to the flood exclusion in past reported cases, and it has been raised in the Mississippi attorney general's complaint.

Courts in past cases have *applied* those similar exclusions, although the courts also applied the doctrine of reasonable expectations of the insured in those cases. In *Julian v. Hartford Underwriters Insurance Co.*, 35 Cal. 4th 747, 761, 110 P.3d 903, 912, 27 Cal. Rptr. 3d 648, 658-59 (2005), a "weather conditions" exclusion provision was applied by the California Supreme Court to bar coverage. In that same case, the California Supreme Court also applied the reasonable expectations of the insured doctrine. *Cf. Hospital Authority of Houston County v. Bohannon*, 272 Ga. App. 96, 99, 611 S.E.2d 663, 666 (2005), *cert. denied (unreported)* (Ga. September 19, 2005).

In *Hospital Authority*, the Georgia Court of Appeals *rejected* a contractual limitation on stem cell transplants on the evidence that was presented in the case at bar. The evidence showed that the stem cell transplants limitation was inserted into the employer's self-funded health benefits plan, but the limitation was not provided to the plaintiff insured-employee. The subject plan was interpreted under the doctrine that "[l]ike an insurance policy, the subject health benefits plan should be construed as reasonably understood by an enrollee." To say again, the evidence and proof often determine the outcome of insurance coverage cases to which the legal theory of Coverage then molds itself.

Newly Invoked, Not Yet Frequently Applied: "Consumer Protection Acts" and Flood Exclusions in Windstorm Policies.

No decided case has been found as of this writing, in which a state's consumer protection act was applied to a flood exclusion in a windstorm policy. The Mississippi Consumer Protection Act is *alleged* by the Mississippi attorney general in the complaint seeking to void flood exclusions in windstorm policies issued to Mississippi policyholders.

As a rule, consumer protection acts generally require fault on the part of the defendant. Consumer protection acts were enacted to enable courts to impose penalties or award damages or both, for "deceptive," "unfair," "fraudulent," and similar trade practices. Whether a flood exclusion in a windstorm policy violates a state's consumer protection act will ordinarily, then, require proof of one or more other reasons that such exclusions should be inapplicable to the losses suffered by the policyholder.

EPILOGUE: "Brownie, you're doing a heck of a job."

Many will bear responsibility for the deadly and delayed response to Hurricane Katrina. Some will also bear responsibility for destruction thereafter, and perhaps for disaster yet to come. Some of those responsible will respond by being forced to pay damages, some will not. At this writing, a great deal of the reported damage following the path of Hurricane Katrina in the City of New Orleans and in the immediately surrounding areas, at least, was caused in whole or in part by

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[2] In this case, the opinion of the Supreme Court of Alabama contains a thoughtful and informative review of many procedural unconscionability and substantive unconscionability issues in a case involving an arbitration provision in a group major-medical policy. The Supreme Court of Alabama held that, in the end, there was no unconscionability of either kind in that case and remanded with directions to grant the group insurance company's motion to compel arbitration.

[3] In this decision, the Supreme Court of Mississippi's opinion related many different concepts of unconscionability in relation to an arbitration agreement that was printed within documents constituting a loan agreement and particularly with respect to a sale of credit life and disability insurance. The Supreme Court of Mississippi held that there was no evidence relating to the arbitration agreement to which those unconscionability legal concepts would be applied.



OCBA Legal Aid News

Court Orders Drug Coverage for 6,000 Florida Medicaid Patients



Jennifer D. Wimberly

In May 2005 a Federal Class Action lawsuit, *Edmonds v. Levine*, was brought on behalf of more than 6,000 Florida Medicaid recipients who were denied the prescription drug Neurontin. Lead attorneys from Florida Legal Services co-counseled with the Legal Aid Society of the OCBA (OCBA), Legal Aid of Broward County, the National Health Law Program, and *pro bono* counsel from Carlton Fields. Medicaid is the Federal health insurance program for indigent seniors and the disabled.

The *Edmonds* case was brought on behalf of a class of more than 6,000 Medicaid recipients who were prescribed the pain-alleviating drug Neurontin by their treating physicians, but who could not get the medication paid for by Medicaid because the State of Florida, essentially, created a blanket denial of coverage of the medication. Because Medicaid recipients generally live at or below the federal poverty level ($1,340 per month for a single mother and two children), very few, if any, of the class members could afford to pay $250 per month out-of-pocket to have their prescriptions for Neurontin filled.

"... Sometimes when I am suffering from the numbness and tingling, I look at my arms because I know they are there, but I can't feel them ... When I took Neurontin, I had a great quality of life."

Many class members, including two clients of the Legal Aid Society of the OCBA, were forced by the State to seek alternative therapy from their treating physicians to try to alleviate their pain. Many doctors were forced to prescribe their Medicaid patients a "cocktail" of drugs - sometimes up to five pills - to try to alleviate the pain from which their patients suffered. The cocktail of drugs was ineffective in preventing and alleviating pain for thousands of the Medicaid recipients. In fact, many of the drugs in the cocktails had potentially severe side effects, such as permanent liver and kidney damage. The alternative therapies included other side effects that left some patients feeling like "zombies," which often left them confined to their beds because of their inability to function.

Had the State approved coverage of the medication Neurontin as prescribed by the treating physicians, many of the class members would have been able to perform their normal daily activities. One client of the Legal Aid Society of the OCBA said: "When I took Neurontin, the deep penetrating and burning pain I suffer from was relieved. I was able to walk without pain in my feet. I was also able to go about my daily activities such as cooking, bathing, and dressing myself. . . . At least when I had Neurontin, I was able to have a better quality of life as the Neurontin truly eased the burning sensations that I suffer from."

Another client of the Legal Aid Society of the OCBA said: "I have constant numbness and tingling sensations in my hands and feet. The numbness causes me to lose feeling in the tips of my fingers. Sometimes when I am suffering from the numbness and tingling, I look at my arms because I know they are there, but I can't feel them. . . . When I took Neurontin, I had a great quality of life. It was so much easier for me to walk, drive, and use my hands and arms."

In September 2005 a three-day hearing was held in Federal Court in order to provide evidence of the irreparable harm being done to class members by the State in denying Medicaid recipients coverage of Neurontin as prescribed by their treating physicians. During the hearing, the attorneys explained the legal basis for their contention that Medicaid law requires the State to reimburse for these prescriptions, and a client of the Legal Aid Society of the OCBA testified and explained to the judge how the prescription drug Neurontin truly made a difference in her quality of life. Although the case took a little longer than the six weeks expected, in February 2006, the Honorable Theodore Klein granted a motion for Summary Judgment and issued a Permanent Injunction requiring the State to reimburse Medicaid recipients for their Neurontin. This victory is tremendous for the more than 6,000 Medicaid recipients who lived in pain for almost two years because their prescriptions for Neurontin were denied by the State.

Congratulations to attorneys Miriam Harmatz, Lead Counsel of Florida Legal Services; Jane Perkins of the National Health Law Program; Neil Kodsi, Shareholder at Carlton Fields; Shawn Boehringer of Broward County Legal Aid; and Jennifer Wimberly of the Legal Aid Society of the OCBA for a job well done.

As of press time, it is uncertain whether the State intends to appeal the decision to The United States Court of Appeals for the Eleventh Circuit.

Jennifer D. Wimberly is an attorney with the Legal Aid Society of the OCBA. She has been an OCBA member since 2004.



Incoming OCBA President Tom Wert (back center) and OCBA Executive Director Brant Bittner (back left) attended the Bar Leaders Conference in Chicago in early March. The conference provides an opportunity for incoming presidents of voluntary bars and their executive directors to discuss the newest and best ideas being implemented across the country. Pictured are incoming Florida presidents and executive directors.



Young Lawyers' member Lisa Geiger recently traveled to Washington D.C. as part of a lobbying delegation from the Florida Credit Union League. She is pictured here with Senator Bill Nelson.



Yvette Rodriguez Brown and Esther Whitehead enjoyed the Legal Aid Society's Anniversary Celebration at Sea World in February. They were among 200 attendees, ranging from Legal Aid staff, Board Members, former Executive Directors, many pro bono attorneys and a Judge, who celebrated LAS's 45 years of service to the community.

HEARSAY

Spring has arrived, and around here that means plenty of festivals, spring parties, fairs, outdoor events, and *galas*! We can put away the heavy jackets and get out and enjoy some of our famous sunshine. Of course, while kids are counting the days until the last day of school and dreaming about summer vacations, OCBA members are keeping busy as usual. So, here's what's up....

Congratulations to **William B. "Bill" Wilson**, Executive Partner of the Orlando office of Holland & Knight, who is the honored recipient of the OCBA's William Trickel, Jr. Professionalism Award for 2006! Each year the OCBA honors a practicing attorney whose conduct and career stand as a model of success built on unquestioned professionalism with the William Trickel, Jr. Professionalism Award. Criteria for the award include career success, service to community, service to the legal profession and, most importantly, consistently ethical conduct, accompanied by courteous demeanor and high moral standards, which transcend the "merely ethical."

Patrick M. Muldowney, a partner in Baker & Hostetler's Orlando Employment and Labor Group, has been named to the Board of Directors of the Central Florida Human Resource Association (CFHRA). CFHRA is the local chapter of the Society for Human Resource Management, the world's largest HR organization. Muldowney is serving as Director of Legislation and advises the membership on pending and recently enacted legislation that may affect their jobs as HR professionals. **R. Lee Bennett**, a shareholder with the law firm of GrayRobinson, P.A., was re-appointed by the OCBA to serve a two-year term as its Delegate to the American Bar Association's (ABA) House of Delegates. The House of Delegates is the primary governing body of the ABA, consisting of approximately 530 delegates from all of the states and territories of the United States. Bennett has been the delegate of the OCBA to the House of Delegates of the ABA since 1996. **Daniel C. Johnson**, a shareholder in the Orlando office of Carlton Fields, has been elected to the firm's Board of Directors.

Daniel DeCiccio, with DeCiccio and Johnson in Winter Park, recently became a certified civil mediator. Akerman Senterfitt has named **Charlie Brumback** managing shareholder of the firm's Orlando office. A 27-year veteran of Akerman Senterfitt, Brumback also serves on the firm's board of directors. He has been a member of the firm's corporate practice group since 1979 and has contributed to its evolution into the largest corporate practice in Florida. Brumback also currently serves on the Executive Board of the Orlando Regional Chamber of Commerce and on the Board of Directors for Junior Achievement and the Boys and Girls Clubs of Central Florida, Inc.

Congratulations to **Lawrence Kolin** and his wife Karen on the arrival of their new baby, Dena Rose Kolin on February 28, 2006!

Steven L. Meints, an associate with Wicker, Smith, O'Hara, McCoy, Graham & Ford, P.A., recently returned from an Iraq deployment with the U.S. Army Judge Advocate General's Corps. While stationed at Camp Anaconda, near Balad, Iraq, Meints served as the Chief of Administrative Law for the 1st Corps Support Command. Camp Anaconda is the home for more than 20,000 military and civilian personnel, and serves as the logistical hub for all convoy and supply operations in Iraq. Meints was awarded the Bronze Star Medal and Iraqi Campaign Medal for his service. He is currently a member of



Kristyne Kennedy

the 174th Legal Support Organization with the U.S. Army Reserves.

Mark your calendars for the **Paul C. Perkins Bar Association's Annual Judicial Reception** on **April 26, 2006** at the Lincoln Plaza Building, 300 S. Orange Avenue, Suite 1400, Orlando, FL 32801. The theme is "Celebrating Diversity in the Judiciary" and the event is sponsored and hosted by **PCPBar** and **Rumberger, Kirk, & Caldwell, P. A.**. This event is designed to honor African American members of the Judiciary in Orange, Osceola, Seminole, and Polk Counties. Special recognition will be given to newly appointed members of the Judiciary. For more information, contact Terryl Blackmon at Terry_Blackmon@Progressive.com.

Plan to join the Young Lawyers' Section of the OCBA as they spend an evening at the theatre. The annual **"Theatre with the YLS"** will take place this year at the Lake Eola Amphitheater on **Thursday, April 27, 2006** at 7:00 p.m., where they will see the Orlando-UCF Shakespeare Festival production of *Julius Caesar 06*. The cost is $20 per person. Attendees are invited to meet for appetizers and drinks starting at 5:30 p.m. sponsored by RBC Centura Bank. Everyone is invited to attend! To reserve a seat or for more information, please e-mail committee chairperson **Tenesia Connelly Hall** at tchall@legalaidocba.org. On **April 27-28, 2006**, the Florida Bar Equal Opportunities Law Section will present **The Florida Bar Annual Diversity Symposium, "A Progress Report on Diversity in Florida's Legal Profession."** This year's symposium will be held at Florida A&M University College of Law and the featured speaker will be Veteran Civil Rights attorney, Fred Gray. To register online, go to www.floridabar.org.

And don't forget **Administrative Professional's Day** (or if you and your assistant prefer, "Secretary's Day") on April 26, 2006! Make sure to thank your staff and let them know how much you appreciate their hard work! In honor of the holiday, CFAWL's **Administrative Assistant Appreciation Luncheon** will take place on Tuesday, April 25, 2006 at 11:30 a.m. at Sam Snead's located at 301 East Pine Street, Orlando, FL 32801. The cost of the luncheon is $25 per person. RSVP no later than Tuesday, April 18, 2006 to DMitchell@cmlbro.com or call **Liz McCausland** at 407-843-2100 ext. 206.

And last (but absolutely *NOT* least) ....make sure to get your hands on the *hottest* tickets this spring .... to the **OCBA Gala**!! The Ninth Annual Gala and Legal Aid Society Silent Auction, "Grandeur on the Greens," will be held at the beautiful and luxurious Isleworth Country Club on **April 29, 2006** starting at 7:00 p.m. This event is not only your chance to get dressed in your finest and enjoy exquisite cuisine and an evening of glamour - it is also your opportunity to help **raise money for a very worthy cause!** For more information about the Gala, contact **Heather Rodriguez** at heather.rodriguez@hklaw.com or **Nick Shannin** at NShannin@orllaw.com.

Until next month, get out and enjoy the sunshine, have fun with friends, and check out some of these great events! And don't forget to send your news and updates to me at kennedyk@jacksonlewis.com or fax (407) 246-8441.

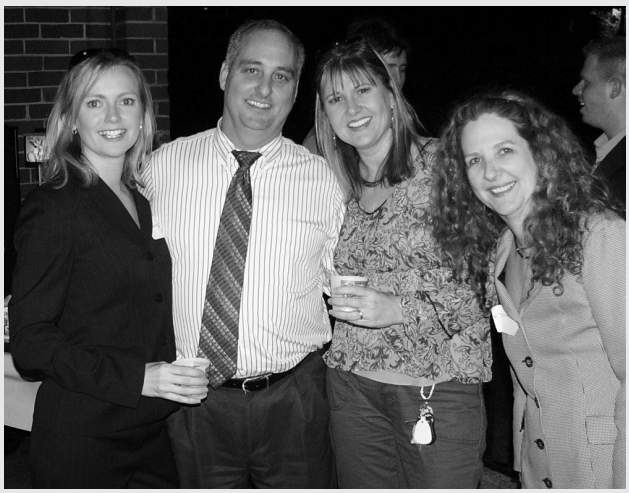
Kristyne E. Kennedy is an attorney with Jackson Lewis LLP. She has been a member of the OCBA since 2001.



More than 225 attorneys and 50 judges attended the YLS's annual Evening with the Judiciary on March 2nd at the Winter Park Farmer's Market. Tasty food from The Clubhouse and tempting drinks from the Margarita Man helped to ensure that everyone had a great time, including Wayne Helsby, Gene Shipley, Tom Zehnder, Gavin Mackinnon and Paul Scheck.



Dave Hathaway and Chelsie Roberts are caught enjoying the buffet at the tropical-themed Evening with the Judiciary. For new attorneys, the annual event is a chance to hear judges and seasoned attorneys tell "war stories" about their experiences at the bar.



After years of dodging raindrops, "EWJ" finally landed a great evening...no rain, but plenty of wine, beer, margaritas, and food. Rumor has it that some folks partied into the wee hours! Pictured here are Kim Webb, Tom and Linda Marks, and Diane Holmes.



YLS on the Move!



Chelsie Roberts

Congratulations to Thomas A. Zehnder, Partner at King, Blackwell, Downs & Zehnder, P.A., who is the 2006 recipient of the OCBA Young Lawyers Section Lawrence G. Mathews, Jr. Professionalism Award. The Professionalism Committee, in making their decision, recognized Tom's career success, his service to the community and to the profession, and his consistently ethical conduct. The honor is well deserved! Look forward to Tom's remarks at April's YLS Luncheon and in May's issue of *The Briefs*.

Thank you to everyone who attended the YLS' first joint happy hour with the Young CPAs on February 17th at Rhythm & Flow, and particularly to event organizers Judi Garabo and Kristen Cox and event sponsor Boston Settlement Group, LLC for their foresight that attorneys and accountants have at least one thing in common.

Committee co-chairs Suzanne Paulus and Bill Denius would like to thank the approximately 225 attorneys and 50 judges who attended this year's successful Evening with the Judiciary, which was held on March 2nd at the Winter Park Farmers Market. Guests enjoyed food from The Clubhouse and margaritas from the Margarita Man. Suzanne and Bill would especially like to thank their hard working committee, the OCBA and, of course, the judiciary for their continued support of this event.

Join the YLS at the annual Great Oaks Village Fun Day event on Saturday, May 20, 2006. Great Oaks Village, located at 1718 East Michigan Street, Orlando, FL 32806, is a group foster home for children ages 6 - 18 who have been removed from their homes due to abuse, neglect or abandonment. Great Oaks provides children with educational, counseling and recreational services and also prepares older children for independent living. Each spring YLS members host a day of sports, water games, and arts and crafts followed by lunch with the children and their counselors. For more information contact LaShawnda Jackson at ljackson@rumberger.com or Lori Nazry at lnazry@fordharrison.com.

The next YLS luncheon will be on Thursday, April 20th at the Citrus Club from 11:45 a.m. to 1:00 p.m. RSVP to George Enos at georgeE@ocbanet.org at least 24 hours in advance. The cost is $18 for those who RSVP in advance ($10 for solo practitioners and government attorneys) and $20 for walk-ups. May's luncheon will be on Thursday the 18th and features the induction of the 2006-2007 YLS officers and Board members.

This year's "Theatre with the YLS" will be on Thursday, April 27th at 7:00 p.m. at the Lake Eola Amphitheater for the Orlando-UCF Shakespeare Festival's production of *Julius Caesar 06*. The cost is $20 per person, which includes appetizers and drinks at a location to be determined before the show, courtesy of sponsor RBC Centura Bank. Reservations must be received by April 14, 2006. For more information or to RSVP, contact Tenesia Connelly Hall at tchall@legalaidocba.org or visit http://www.shakespearefest.org.

It's time again to dust off that old bow-tie and bridesmaid dress for the 9th Annual OCBA "Grandeur on the Greens" Gala at the Isleworth County Club on Saturday, April 29th beginning at 7:00 p.m. Guests will enjoy exquisite cuisine and can sip on drinks from The Grand Martini Bar while bidding on silent auctions items, all to benefit the OCBA's Legal Aid Society. Tickets are $125 per person or $200 per couple if purchased by April 21st, but 20 tickets will be reserved for YLS members on a first come, first served basis for $85 each. The YLS will also be providing a charter bus from downtown to Isleworth for $10 per person, which includes a complementary pre-party. Details regarding the location of the pre-party and bus departure will follow in a YLS e-mail blast. To reserve discounted tickets or a seat on the charter bus, contact Tom Zehnder at tzehnder@kbdzlaw.com.

Watch your e-mail for details on the May 19th YLS happy hour as well as for your summer social calendar. In addition to the annual Law Clerk Reception and Afternoon at the Courthouse, tentative events include monthly happy hours and luncheons and not one, but two pub crawls.

Speaking of pubs, congratulations to YLS Board member Chris Wasula on her recent purchase of Cactus Bob's, a bar and grille in Sanford, located at 1566 South French Ave.! As you may imagine, the Board jumped on the opportunity to host an event at a member-owned establishment, so keep an eye out for Cactus Bob's on the upcoming 2006-2007 YLS calendar.

If you have any questions about YLS events or would like information on how to get involved with the YLS, e-mail me at croberts@fordharrison.com.

Chelsie J. Roberts is an Associate with Ford & Harrison LLP. She has been a member of the OCBA since 2003.

THE 100 CLUB!

Congratulations to the members of the Orange County Bar Association 100 Club

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Is your firm part of the 100 Club? Any firm with two or more attorneys and 100% membership in the OCBA can be a member of the 100 Club. If you think your firm is eligible, e-mail a typed list of your attorneys to Susan Laviolette at susanl@ocbanet.org and she'll let you know!



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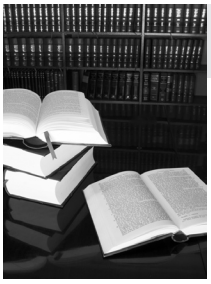
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From the Classroom to the Bar

From Student to Lawyer:

Keys to Making the Transition from the Classroom to the Courtroom



Heather Pinder Rodriguez
On behalf of the Young Lawyers Section

Camara A. Williams, a student at FAMU College of Law and an OCBA member, writes:

Q: What was the biggest adjustment you had to make as you transitioned from law school to the actual practice of law as an attorney? Would you have done anything differently to have prepared accordingly? I have heard that nothing in law school truly prepares a person for the practice of law, but is there a bridge that allows for an easier transition?

A: While it is true that any transition causes some anxiety, there are ways in which you can prepare for the transition from student to lawyer. Here are some helpful hints that I have picked up along the way.

1. Aggressively Seek Out Learning Opportunities Outside the Classroom.

Prepare for the transition by taking advantage of diverse learning opportunities during law school. Internships, clerking positions, and *pro bono* work can all give you an idea of what to expect in the future. Try to seek out a variety of experiences in government, private, and judicial sectors. Extracurricular activities, such as moot court, mock trial, and law review, will also give you some experience with applying legal concepts to real life problems.

Through these types of "real world" experiences, you will get to see first hand how the theory of law becomes the practice of law and gain confidence. You might also get an idea as to what type of law you would like to practice and the type of work environment that fits your personality and goals. You'll have a head start on your first day on the job if you know based on prior experience that you are working in a place that reflects your values and interest.

2. Find Mentors.

Once you start working, identify potential mentors in your office, preferably both a senior and junior attorney, and try to develop a mentoring relationship that will help you become familiar with the practice of law and the politics and procedures in your office. Recognize that not all mentoring relationships will work out, and that you will need different types of mentors at different times. The key is to identify someone to learn from instead of reinventing the wheel.

3. Become Involved with the Bar.

As a member of the OCBA, you are already on your way to easing the transition. Bar organizations, such as the OCBA, Young Lawyers Section, Central Florida Association of Women Lawyers, Paul C. Perkins Bar, and the Hispanic Bar Association, can help you become acclimated to the practice of law. Indeed, the Young Lawyers Section is devoted to meeting the needs of young lawyers, whether professionally through CLE and judicial receptions or socially through monthly happy hour, service projects, and other events.

Through voluntary bar organizations you can meet others in your same position and those that have survived it. The camaraderie of shared experiences and mentoring opportunities will encourage you. Recognize, however, that your first few events with any organization will be difficult, as the strangers around you slowly become familiar faces. You will make acquaintances and friends faster if you join a committee and become involved in the group's activities and projects.

Also consider becoming involved in a committee or section related to your practice area. This will help you become more familiar with the nuances of your particular legal niche and build your confidence and expertise.

4. Accept Feelings of Insecurity and Move On.

The best advice I received as a first year lawyer was from my mentor my first day on the job. He told me that any time you try something new, you feel uncomfortable. Accept those feelings, and then work around them. Know that eventually, you will become confident in your skills and you will be the senior lawyer advising the new kid at the office. Know, too, that it won't always take you two hours to prepare for your first two-minute *ex parte* hearing!

5. Find a Passion.

It is true that the law can be a jealous mistress and all consuming profession. Find something in your life that you care deeply about outside the law and pursue it. This could be your faith, family, friends, hobbies, athletics, sports team, or volunteer work. A balanced lawyer is a better lawyer. In the end, you will need a real reason to go to work everyday, other than to pick up a paycheck, because that won't be enough to keep you fulfilled in the long run.

Heather Pinder Rodriguez is an Associate with Holland & Knight, LLP. She has been a member of the OCBA since 1999.



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breaks in one or more levees that once held back Lake Pontchartrain and other watercourses from otherwise dry and populated ground. In a recent case, a municipality was exonerated on the basis of "the emergency response" or emergency rescuer doctrine – which by all accounts will *not* often exonerate all or some of those likely to become involved in cases filed after Hurricane Katrina. That recent case is quoted below, not because it lends support to any particular legal position but rather because it contains thought-provoking language about duties and responsibilities.

This kind of language has been sorely lacking, in the minds of many people, since Hurricane Katrina made landfall on August 29, 2005. It suggests the possibility that in appropriate cases, courts may recognize a cause of action, or a claim upon which relief can otherwise be granted, against governmental entities or other entities or persons responsible for failing to maintain the now-broken levees *or* who failed to repair them to hold back the waters during and immediately after passage of the hurricanes and windstorms. *See* the unofficially reported opinion in the case of *Merchants White Line Warehousing, Inc. v. City of Des Moines*, 665 N.W.2d 439, 2003 WL 1022838 **1 (Iowa Ct. App. 2003):

> Plaintiffs [four business entities] sued the City of Des Moines (City) claiming the City was negligent in failing to fill an opening in a levy prior to and during a flood....
>
> This action stems from the massive floods experienced in the Des Moines area during the summer of 1993. According to the provisions of the local flood plan, adopted in 1967, the City was responsible for the operation and maintenance of facilities, such as levees and embankments, created for flood protection. The City was also responsible for developing and implementing an "emergency flood plan" in coordination with the [U.S. government] Army Corps of Engineers.

Conclusion

In sum, many insurance coverage arguments have been made in past cases concerning the application of flood exclusions in windstorm policies. Many arguments are justifiably available or can reasonably be made that suggest that flood exclusions in all kinds of windstorm policies should not be allowed or applied to bar insurance coverage to pay claims for losses that result from covered perils. My purpose in this article holds to present the arguments and many of the decided cases from the far past and from the immediate past as well, using as a springboard or as a catalyst the allegations in the complaint filed by the Mississippi attorney general in September of 2005. If those arguments are to be extended, such must be left to the talents and abilities of creative Insurance Coverage Counsel for policyholders and, yes, for insurance carriers alike, who will directly confront the many issues of insurance coverage in particular cases for the many, many losses left behind by hurricanes in 2005 -- and who will similarly confront the untold losses yet to result from future events.

Dennis J. Wall, Esq., of Dennis J. Wall, P.A., has been a member of the OCBA since 1978.

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The Executive Council, Officers and Staff of the OCBA Welcome You Aboard!

Gary L. Formet, Sr. Ninth Annual Golf Tournament

Arnold Palmer's Bay Hill Club & Lodge



The ninth annual golf tournament in memory of Judge Gary L. Formet, Sr. will be played May 22, 2006, again at the fabulous Bay Hill Club. A celebration dinner with entertainment will be held at the club the night before the tournament. Tournament proceeds and other donations received enable the Formet Foundation to give thousand of dollars annually to Central Florida families suffering the emotional and financial burdens of the care of their seriously ill children. (Recently, a hospitalized, oxygen-dependent child was not allowed to go home until the Foundation paid the family's delinquent utilities bill. This request for assistance was considered and approved in less than three hours.)

Sponsorships are available at the $500 to $10,000 level, and players are needed! As always, your participation will be appreciated by the Formet Foundation and especially by the families it serves.

For more information, please call
Jennifer Formet Anderson at 407-467-6018 or Evelyn Lawing at 407-836-2174.

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Kids Deserve Justice

Specialty License Plate Contest

The **Florida Bar Foundation** is hosting a contest to drive sales of the new "Kids Deserve Justice" (KDJ) license plate. Proceeds from the sale of KDJ specialty plates fund free legal services to low-income Florida children who are abused or neglected, live in foster care, or who need special education services or access to healthcare.



The contest pits similarly sized voluntary bars against each other for the chance to win Improvements in the Administration of Justice (AOJ) grant monies. The Florida Bar Foundation will award $100,000 in grants to the associations that "sell" the greatest number of KDJ specialty plates to its

OCBA members can participate in several ways:

- *Purchase a minimum of 200 license plates and be eligible for a $20,000 grand prize award;*
- *Purchase the most plates during specific, quarterly time periods and be eligible for a $5,000 award;*
- *Purchase the highest percentage of plates based on OCBA membership size and be eligible for a $5,000 award.*

Contest rules are posted on the OCBA website at www.orangecountybar.org.

Members must complete a "Proof of Purchase Form" in order for the sale to be credited to the OCBA; forms are available on our website and at the Bar Center.

For details, contact Peggy Storch at peggys@ocbanet.org.

Announcements

New Associates

Tracey B. Bracco, Valerie N. Brown, Kimberly E. Hosley, Kristopher J. Kest, Brian D. Murry, Vaughn K. Reynolds, Jason S. Rimes, Jacob R. Stump, Nicole Zimmerman - *Lowndes, Drosdick, Doster, et al.*

Kristina Bellock - *Baker Hostetler. LLP*

Senior Associates

Jeffrey T. Bankowitz, Alexander Dobrev, Jill K. Harmon, Anissa D. Knox, Joaquin E. Martinez, Timothy R. Miedona, Gregory S. Slemp, John D. VonLangen - *Lowndes, Drosdick, Doster, et al.*

Partners

Richard S. Dellinger, Kevin K. Ross, Mark D. Scheinblum, W. Drew Sorrell, D. Scott South, William S. Vanos, Ormend G. Yeilding - *Lowndes, Drosdick, Doster, et al.*

Thomas P. Wert - *Roetzel & Andress, LPA*

Speaking Engagements

Louise B. Zeuli, Esq. - *Louise B. Zeuli, P.A.*, recently presented "Advanced Directives: Having Control Until Your Last Breath" at The National Association of Professional Mortgage Women of Greater Orlando, Florida. Ms. Zeuli also spoke at the Outreach Program during Health Ministry Week, sponsored by North American & Inter American Divisions of Seventh-day Adventists, on "Selected Legal Implications of Parish Nursing," in Orlando, Florida. She was also elected for a two-year term to the Board of Directors for The Seminole County Legal Aid Society, Inc.

Brent Spain, Esq. - *Theriaque Vorbeck & Spain*, recently presented "Basic Foundational Principles of Easements" and "Enforcement of Easements & Effectively Resolving Easement Disputes," at the Step-by-Step Guide to Understanding Easements in Florida seminar sponsored by the National Business Institute.

Lyndel Mason - *Zimmerman, Kiser & Sutcliffe, P.A.*, recently presented "Effective Negotiation" to the Orlando Chapter of Business and Professional Women (BPW) at the Citrus Club as part of BPW's Personal Development Roundtable Series.

News to Note

Family Law Practitioners, Judges and Magistrates: Save the Date! May 16, 2006 from 1:30 p.m. to 5:00 p.m. for a presentation by Dwight Bain on the topic of how a psychologist/therapist can assist children in the dissolution of marriage. The seminar is $50 and will be held at the OCBA Center, 880 N. Orange Avenue, Orlando.

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The firm takes further pleasure in announcing that

Ted Marrero
and
Kimberly Gibbs-Marrero

have joined the firm and will practice in the area of civil law.

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LAND USE/REAL ESTATE ATTORNEY: Bogin, Munns & Munns, an AV rated law firm, with seven offices in Orlando and Central Florida, seeks experienced land use/real estate attorney with 3 to 5 years or more experience to assist with dynamic and expanding real estate practice. Creative compensation arrangements available with great opportunity for growth and advancement. Send resume in confidence by fax to: 407-578-2128 or e-mail to bmm@boginmunns.com.

BOGIN, MUNNS & MUNNS, an AV rated law firm, with seven offices in Orlando and Central Florida, seeks two real estate attorneys, one with one to three years experience and one with 5 to 10 years experience to assist with dynamic and expanding real estate practice. Creative compensation arrangements available with great opportunity for growth and advancement. Send resume in confidence by fax to 407-578-2128 or e-mail to bmm@boginmunns.com.

BOGIN, MUNNS & MUNNS, an AV rated Orlando firm seeks bi-lingual attorney with 3-5 years experience in plaintiff personal injury including trial experience. Outstanding opportunity to join growing dynamic firm with excellent benefits and compensation package. Send resume in confidence by e-mail to bmm@boginmunns.com or fax to 407-578-2128.

STUMP, CALLAHAN, DIETRICH & SPEARS, an AV rated firm, seeks associate with 2 or more years of civil litigation/trial or real estate experience with strong research and writing skills. Please send cover letter, resume and writing sample to P.O. Box 3388, Orlando, FL 32802-3388, or fax response to 407-425-0827.

BOGIN, MUNNS & MUNNS AN AV RATED Orlando law firm, seeks experienced attorney for high volume, growing corporate/tax practice. Excellent opportunity to join rapidly growing, dynamic law firm. Experience with structuring real estate transactions helpful. Exceptional team atmosphere and opportunity for growth and advancement. Send resume in confidence by fax to 407-578-2128 or e-mail to bmm@boginmunns.com.

AV RATED INSURANCE DEFENSE FIRM seeks Associate for Central Florida Office with 2-5 years exp. Fax resume to 407-622-7890.

REAL ESTATE ASSOCIATE - Shuffield, Lowman and Wilson, P.A., an AV rated firm, seeks an attorney for its Orlando office. Position requires 2+ years exp. in commercial real estate. Excellent academic background. Reply in confidence to: Firm Administrator, P.O. Box 1010, Orlando, FL 32802,or swendel@shuffieldlowman.com.

AV RATED LAW FIRM IN ORLANDO seeks attorney experienced in business litigation, estate and business planning. Outstanding opportunity for growth and participation. Send resume in confidence to *Briefs* reply box 310.

SPECIALTY DEFENSE FIRM seeks Associate Attorneys with 2-5 years litigation experience for its Maitland and Tampa offices. SIU/Anti-fraud insurance defense experience preferred. Fax/Mail resume to: Office Manager (407) 647-9966, KINGSFORD & ROCK, P.A., 2300 Maitland Center Parkway, Suite 101, Maitland, FL 32751.

EXPANDING A-V RATED Orlando firm seeks experienced condemnation attorney with five or more years of experience. Outstanding opportunity to join growing dynamic firm. Send resume in confidence to *Briefs* reply Box 311.

ALVAREZ, SAMBOL, WINTHROP & MADSON, P.A., A Full Service AV rated firm has immediate openings for the Commercial Litigation and Transactional Practice Groups. Successful candidates will have one to four years experience. Please forward resume in confidence to, Firm Administrator,. Alvarez, Sambol, Winthrop & Madson, P.A., P.O. Box 3511, Orlando, Florida 32802 or email to hrf@aswmpa.com.

REAL ESTATE ATTORNEY: Fassett, Anthony & Taylor, P.A. has an opening for an experienced real estate attorney to handle commercial loan transactions. Send resume to John Taylor at jtaylor@fassettlaw.com.

LITIGATION ATTORNEY: Fassett, Anthony & Taylor, P.A. has an opening for an experienced litigation attorney to handle a wide variety of commercial and real estate litigation matters. Send resume to Rob Anthony at ranthony@fassettlaw.com.

MID-SIZED CENTRAL FLORIDA based law firm with national civil litigation defense practice seeks associate attorney with 2-5 years experience. Product liability experience a plus. Send resume, transcript and writing sample to Managing Partner, P.O. Box 4924 Orlando, FL 32802-4924.

PERLA & ASSOCIATES looking for attorney with 2-3 years litigation experience willing to develop own client base for small downtown firm with a friendly work environment. Fax resume and salary requirements to (407) 245-1148.

OVIEDO GENERAL PRACTICE LAW FIRM - Seeks Associate with 3 to 5 years experience in real estate, litigation and/or estate planning. Excellent benefits, salary commensurate with experience. Send resume to: Office Administrator 1420 Alafaya Trail, Ste 101, Oviedo, FL 32765 / kelly@sshpl.com Ph: 407-977-6868 / Fx: 407-977-1976.

ASSOCIATE POSITION - Sole practitioner with busy estate, guardianship and real estate practice needs full time personable, detail oriented associate. Candidate must have minimum 3 years experience in above fields and a dedicated work ethic. Please respond by e-mail to lynn@yergeyandyergey.com or fax to 407-843-0433.

AV-RATED WINTER PARK FIRM is looking for an attorney with 2 to 5+ years experience in personal injury and workers' compensation. Please send resume to email@deciccio.com.

MID-SIZED CENTRAL FLORIDA based law firm with national civil litigation defense practice seeks associate attorney with 3-5 years experience. Preferred experience in motion preparation and practice, trial briefing and appeals. Send resume, transcript and writing sample to Managing Partner, P.O. Box 4924, Orlando, FL 32802-4924.

SOUTHEAST REGIONAL COUNSEL - D.R. Horton, Inc., the nation's largest home builder is seeking an attorney to fill the position of Southeast Region Counsel located in Orlando, Florida. The successful candidate will be responsible for oversight and coordination of all of the Southeast Region's legal matters with emphasis on land acquisition. The Southeast Region counsel advises the Region President on all acquisition and litigation matters. The Region counsel shall be responsible for drafting contracts and related documents, working with Division personnel, handling closing and consulting and coordinating with outside counsel as necessary. D.R. Horton, Inc. provides competitive salaries based upon experience with a full complement of benefits. The successful candidate must be a member of The Florida Bar and have at least five years transactional experience. Interested persons should send their resume to D.R. Horton, Inc., c/o William E. Barfield, 5850 T.G. Lee Boulevard, Suite 600, Orlando, FL, 32822 or via e-mail at WEBarfield@drhorton.com.

CLAIMS COUNSEL - Attorneys' Title Insurance Fund, Inc. has immediate opening for a claims counsel in its Orlando office. Position requires 3 years experience in the title insurance industry, preferably with at least two of the three years in claims, a member of The Florida Bar, and valid Florida driver's license. Some travel required. Successful candidate must have excellent communication skills, presentation skills, computer literacy, and interpersonal and organizational skills. Salary commensurate with ability and experience, excellent benefits. Send resume and letter of interest to Claims Manager, Attorneys' Title Insurance Fund, Inc., P.O. Box 628600, Orlando, FL 32862-8600, or email to tconner@thefund.com. An EEO/AA Employer.

A-V RATED LAW FIRM IN ORLANDO seeks attorney with three or more years of experience in labor and employment law, primarily plaintiff. Some representation of management may also be involved. Creative compensation packages available with excellent benefits and working conditions. Please send resume in confidence to *Briefs* reply box 313.

INSURANCE DEFENSE FIRM SEEKS ASSOCIATES - AV-rated Pensacola insurance defense firm seeks associate attorneys for insurance coverage and bad faith litigation (0-6 yrs. exp.) and for workers comp claims litigation (2+ yrs. exp.). Must be energetic and highly motivated. Excellent salary and benefits. Reply in confidence to: P.O. Drawer 1070, Pensacola, FL 32591-1070 or email resume to admin@flalawyer.net. Fax (850) 432-1444.

AV RATED WORKER'S COMPENSATION defense firm seeking associate for Orlando office with 0-3 years experience. Workers' compensation experience preferred but not required. Excellent salary and benefits. E-mail cover letter with resume' to mwaranch@hrmcw.com.

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LARGE ORLANDO A-V RATED litigation firm with 30 years of exp. seeks attorney with 3+ years of civil litigation exp., focus in commercial litigation. Excellent writing/communication skills and trial experience a must. Excellent compensation & benefits package! Non-smoker. Please respond to Hiring Partner via e-mail: kshutler@dbksmn.com or fax: 407-992-3595.

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LARGE ORLANDO A-V RATED litigation firm with 30 years of exp. seeks attorney with 3+ years of civil litigation exp., focused in PIP/insurance defense. Excellent writing/communication skills a must. Excellent compensation & benefits package! Non-smoker. Please respond to Hiring Partner via e-mail: kshutler@dbksmn.com or fax: 407-992-3595.

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2006 April - May Calendar

OCBA Luncheon • April 27, 2006

John Hillenmeyer

President & CEO, Orlando Regional Healthcare System

RSVP by April 25th to georgeE@ocbanet.org

April

4 ***OCALSS Meeting***
6:00 p.m. • Bar Center

5 ***Social Security Committee***
12:00 p.m. • Bar Center

6 ***Elder Law Committee***
12:00 p.m. • Bar Center

OCBA Paralegal Committee
5:30 p.m. • Bar Center

7 ***CFAWL Luncheon***
11:30 a.m. • Citrus Club

Criminal Law Committee
12:00 p.m. • Bar Center

11 ***Executive Council Meeting***
11:30 a.m. • Bar Center

12 ***Estate Guardianship & Trust Committee***
12:00 p.m. • Bar Center

Family Law Executive Board Meeting
12:00 p.m. • Bar Center

13 ***Real Property Committee***
12:00 p.m. • Bar Center

Young Lawyers Board Meeting
5:30 p.m. • Bar Center

14 ***Good Friday - Bar Closed***

18 ***Professionalism Committee***
8:00 a.m. • Bar Center

Inn of Court
5:30 p.m. • Dubsdread Country Club

19 ***Solo & Small Firm Committee***
12:00 p.m. • Bar Center

20 ***Paul C. Perkins Bar General Meeting***
11:30 a.m. • Bar Center

Young Lawyers Section Luncheon
12:00 p.m. • Citrus Club

CFAWL Judicial Reception
5:30 p.m. • I.W. Phillips House
The Courtyard at Lake Lucerne

21 ***Family Law Breakfast Meeting***
8:00 a.m. • 425 N. Orange Ave., Rm. 2310

24 ***CFAWL Board Meeting***
12:00 p.m. • Bar Center

25 ***Legal Aid Society Board Meeting***
11:45 a.m. • 100 E. Robinson St. (Upstairs)

Technology Committee
12:00 p.m. • GrayRobinson, P.A.
301 E. Pine St., Ste. 1400

26 ***CFACDL***
11:45 a.m. • Sorosis Club

Business Law Committee
12:00 p.m. • 255 S. Orange Ave., Ste. 1401

27 ***OCBA Luncheon***
John Hillenmeyer
President & CEO, Orlando Regional Healthcare System
"Will Healthcare As We Know It Survive?"
11:30 a.m. • Downtown Marriott

28 ***Bankruptcy Law Committee***
12:00 p.m. • Bar Center

Labor and Employment Committee
12:00 p.m. • Bar Center

29 ***OCBA - Legal Aid Society GALA***
7:00 p.m. • Isleworth Country Club

May

2 ***OCALSS***
6:00 p.m. • Bar Center

3 ***Social Security Committee***
12:00 p.m. • Bar Center

Family Law Executive Board Meeting
12:00 p.m. • Bar Center

4 ***Elder Law Committee***
12:00 p.m. • Bar Center

OCBA Paralegal Committee
5:30 p.m. • Bar Center

5 ***Criminal Law Committee***
12:00 p.m. • Bar Center

CFAWL Bar Luncheon
11:30 a.m. • Citrus Club

9 ***Executive Council Meeting***
11:30 a.m. • Bar Center

Judicial Relations Committee
12:15 p.m. • Orange County Courthouse, 21st Floor Conf. Rm.

Estate Guardianship & Trust Seminar
9:00 a.m. • Bar Center

11 ***Real Property Committee***
12:00 p.m. • Bar Center

Young Lawyers Board Meeting
5:30 p.m. • Bar Center

12 ***Diversity Committee***
12:00 p.m. • 255 S. Orange Ave., Ste. 1401

16 ***Professionalism Committee***
8:00 a.m. • Bar Center

Young Lawyers Luncheon
11:45 a.m. • Citrus Club

International Law Committee
12:00 p.m. • 201 E. Pine St., Rissman, Weisberg, et al.

Family Law Committee Seminar
"Advancing the Best Interest of the Children: How to Choose and Use Resources for Families"
1:30 p.m. • Bar Center

17 ***Solo & Small Firm Committee***
12:00 p.m. • Bar Center

18 ***Paul C. Perkins Bar General Meeting***
11:30 a.m. • FAMU College of Law

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