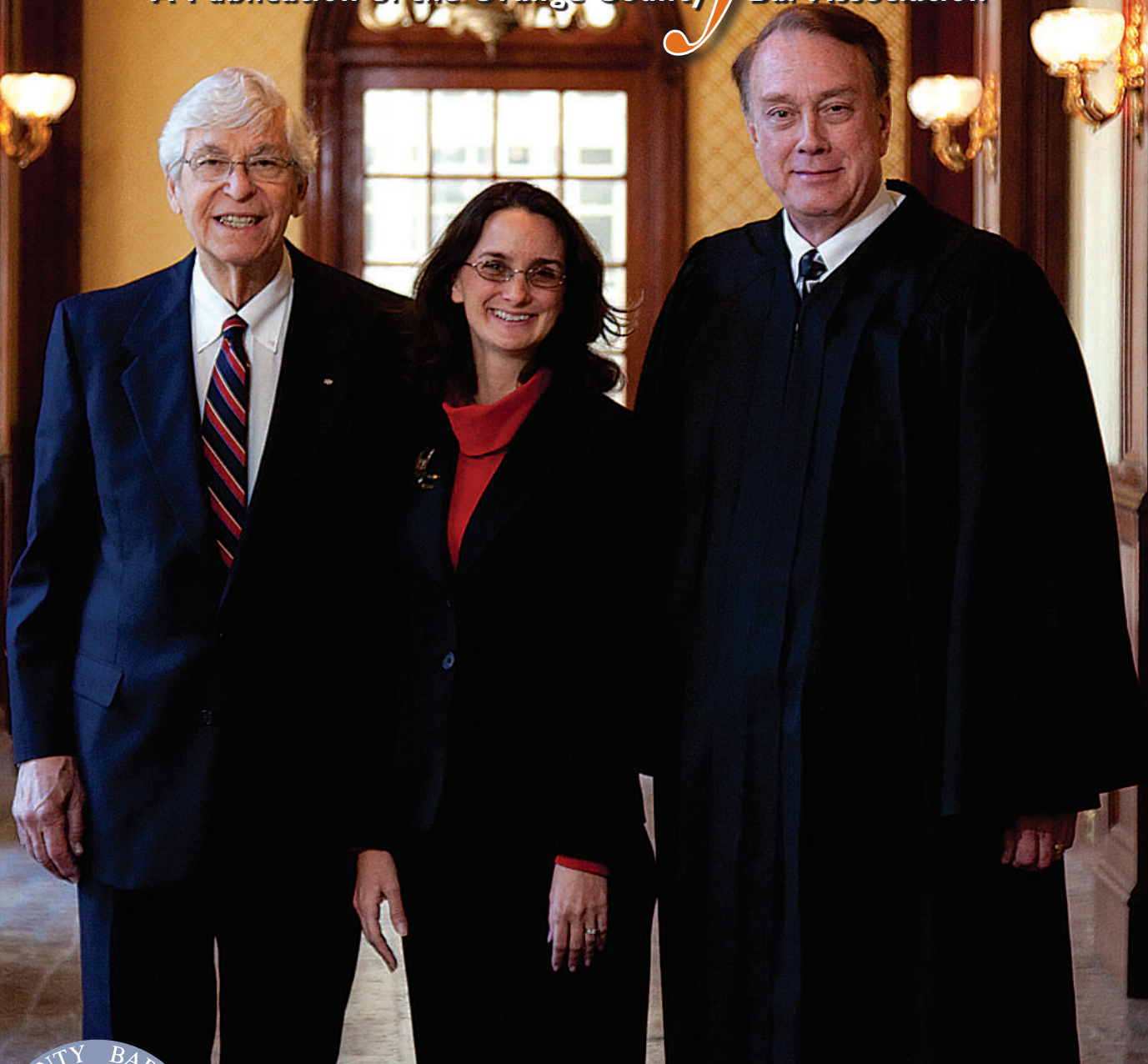


the Briefs

A Publication of the Orange County Bar Association



April 2010
Vol. 78 No. 4

Leon H. Handley

2010 William Trickel, Jr. Professionalism
Award Recipient

Cara M. Dobrev

2010 Lawrence G. Mathews, Jr. Young
Lawyers Professionalism Award Recipient

The Honorable Lawrence R. Kirkwood

2010 James G. Glazebrook Memorial Bar
Service Award Recipient

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Armchair Quarterbacking (Appellate Style)

Barbara A. Eagan

Legal Aid Society News

What We Do...

Coming in from the Cold

Donna A. Graf



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time working
on my cases,
not my
banking.”

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Advertising - 10th of the month prior to the month of publication

Copy - 15th of the month six weeks prior to the month of publication

If the deadline falls on a weekend or holiday, the deadline is the next business day.

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President's Message ● Thanks to our Staff

April 2010

With only a couple more months to go before the end of my term, I wanted to give you a quick tour of the numerous services the OCBA offers and to take a moment to thank our bar staff. They are second to none!

Start with the face of the organization, **Barbara Zablocki**, our multi-talented Communications Coordinator and stellar Receptionist. I have met very few individuals with her pleasant disposition and can-do attitude. There is no job or task she is unwilling to undertake. From keeping the Executive Council notified of our meetings, to copying CLE CDs, to helping direct those that come through our doors desperate and in need of a lawyer, she greets all of us with that same warm smile.

Then there is the Lawyer Referral Services. The lawyer referral program is so successful because of one highly driven individual, our LRIS Manager, **Norma Paradiso**. She sorts through the thousands of calls we get and quickly discerns the facts from the fiction. She has an intimate knowledge of our members' specialties and pairs up the client with the right lawyer. Singlehandedly, Norma has kept our bar dues low through the success of the lawyer referral program and through her dogged determination to collect the fees from our members, including those that on occasion may get too busy to remit the OCBA its check. Norma is assisted by our Lawyer Referral Assistant, **Gloria Warwick**, who diligently works part-time to help track down all of the calls we receive. Due to the success of this program, we will be adding another mini-Norma in the next month and may possibly expand this program to provide referral services for individuals in adjoining counties.

Our Events and Seminars Manager is none other than **Marie Bacazehuatl**, a devoted servant to the OCBA. Just a little over a year ago we made the decision to pluck Marie from the courthouse and let go of our then-events manager. At the time, two of our principal room rental "tenants" – a church and the Collins Mediation group – were both pulling out. Our room rental revenues were being reduced by about 70% with no foreseeable replacement income. Our past President, **Tad Yates**, made the right decision to bring in Marie. She is enthusiastic, hard-working and provides not only income, but great ideas to improve our membership. The Bench-Bar Conference and the Solo and Small Firm seminars received rave reviews because of Marie's tireless work. She has sought out numerous other events to fill our venue, including a number of mediations and arbitrations and the Clerk of Court's E-Filing seminars. The concept of a bar center that serves as a central point for all members to congregate does not work if you don't have the programming, and Marie has excelled at filling up our venue on a constant basis. Add to her duties organizing the monthly bar luncheons and the CLE orders, and you can see why she is truly appreciated.

Another highly visible staff member to our members is **Stacy Hastings**, our Membership Manager. Once again, last year Tad determined that a personnel change was needed and brought

Stacy on board. She has definitely elevated the concept of the membership position. Stacy, who tracks and organizes thousands of member documents annually, has been responsible for our annual renewals and the biannual renewal of our court access cards. She has had the initiative to undertake several successful membership campaigns designed to reach the over 3,000 plus non-OCBA lawyers practicing in Central Florida. She was tasked with reviewing the Membership Directory and insuring that our members' information was correct. All this was accomplished while learning a new database system that should yield more member-friendly searches but that requires more input. Stacy has also received a helping hand on some of our projects from our volunteer intern, **Michael Remensnyder Jr.**, who has dedicated countless hours helping out while attending college.

On the client services side, no one performs a bar job more quietly than **Maria Sanchez**, our Citizen Dispute Settlement/Family Law Mediation Manager. The program is an indispensable aid to our community and gives those that are contemplating litigation the opportunity to settle their differences, without charge, in a peaceful environment. While the heart of this program are the countless volunteers that dedicate their afternoons and evenings to conduct these mediations, the brains of the program is Maria. She coordinates hundreds of these mediations and deals with unrepresented individuals. This sometimes requires extra hand holding, patience, and persistence – all of which Maria has in spades.

Another service provider to our members is **Charlotte Mason**, our Legal Placement Service Manager. With the worsening economy, many firms have shied away from the traditional placement services and instead relied on online websites such as Monster.com or even Craigslist. While these websites may provide volumes of applicants, they also generate more work for the firms to sort through lists of unqualified applicants. Our legal placement program has been a staple of the bar association for many years, but we made the difficult decision to shift Charlotte to a part-time role this past year to keep the service up and running. Despite economic uncertainties and the changes in the needs of our member firms, Charlotte has continued to provide excellent assistance to those looking for employment as well as the firms that have utilized her services. She knows how to attract quality applicants and to help our firms match their needs in an efficient manner. For that, we are grateful.

Speaking of fiscal responsibility, Michigan State Spartan enthusiast and bar association Accounting Manager **Mike Remensnyder** has done a yeoman's job of keeping us on the right side of the ledger. As the year is coming to a close, we will find ourselves ahead of our fiscal projections. Overall, our expected expenses and revenues are within two percentage points of where we were projected to be, which is significant given



Diego "Woody" Rodriguez

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Chaffin v. Overstreet,
982 So. 2d 11 (Fla. 5th DCA 2008)
Reversed numerous provisions of trust
judgment that violated due process.

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

Miller v. Jacobs & Goodman,
699 So. 2d 729 (Fla. 5th DCA 1997)
Declared liquidated damages clause
of attorney employment agreement
void and unenforceable.

Hamlet v. Hamlet,
583 So. 2d 654 (Fla. 1991).
Reinstated permanent alimony award.

Atkins v. Atkins,
611 So. 2d 570 (Fla. 1st DCA 1992)
Reversed inadequate award of
permanent alimony.

Stockstill v. Stockstill,
770 So. 2d 191 (Fla. 5th DCA 2000).
Reversed marital dissolution
judgement for new trial due to
extensive judicial questioning.

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

***Lieberman v. Dept. of Professional
Regulations,***
573 So. 2d 349 (Fla. 5th DCA 1990)
Restored a physician's medical license.

Finch v. Seminole County School Board,
995 So. 2d 1068 (Fla. 5th DCA 2008)
Affirmed denial of taxpayer challenge
to school rezoning plan.

Foley v. Foley,
34 Fla. L. Weekly D1943A (Fla. 5th DCA 2009)
Reversed unequal distribution of
marital estate.

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OCBA Luncheon *April 22, 2010*



Linda W. Chapin
Former Orange County Mayor

Linda Chapin served as the first elected mayor of Orange County, Florida, from 1990-1998. After leaving office, she joined the University of Central Florida where she founded the Metropolitan Center for Regional Studies, which focuses on issues facing the region, primarily in areas of growth, the environment, and transportation.

Today she serves on a number of civic and community boards and is currently Chairman of the Orlando Health Board of Directors.

As Orange County Mayor, Ms. Chapin took a strong role in promoting business and industry in Central Florida by developing an economic action agenda that led to annual regional economic summits; incentives for high-technology companies; and trade missions to Europe, Asia and Latin America. Under her leadership, Orange County was the first county in Florida to mandate attention to economic development as part of its local comprehensive plan. In 2004, she became the first woman to receive the James B. Greene Economic Development Award from the Metro Orlando Economic Development Commission.

Ms. Chapin's tenure in public office also included the construction of the nation's second-largest convention center, a new courthouse, the Regional History Center, fifteen new parks and recreational trails, and the purchase of over twelve thousand acres of environmentally sensitive lands. At the conclusion of her final term in elected office, the *Orlando Sentinel* described her as "a model of integrity and character."

In 1999 Ms. Chapin was named Distinguished Alumni of

the Year by the Kennedy School of Government at Harvard University, and was also awarded an honorary doctoral degree from the University of Central Florida. She currently serves on the Board of Directors for the Dr. Phillips Performing Arts Center, the Trust for Public Lands, and *myregion.org*.

The Targeted Community Initiative, which Ms. Chapin began in an effort to work with citizens in redeveloping historically neglected neighborhoods, was awarded the 1997 Public Service Excellence Award from President Clinton as the best local government program in the country. A committed proponent of citizen involvement and the need to build social capital and confidence in public decision-making, Ms. Chapin has published articles in the *National Civic Review* and other social policy journals.

The Ballroom at Church Street

11:30 a.m. - 1:00 p.m.

225 S. Garland Avenue • Orlando, FL 32801

Please RSVP to reservations@ocbanet.org by Friday, April 16, 2010

Main Entrance: Garland Avenue between
Church Street and South Street

To ensure a proper luncheon count, RSVPs and CANCELLATIONS are requested no later than Friday, April 16, 2010. The OCBA is happy to provide 10 luncheons as part of your member benefits, **but no-shows incur additional charges for the Bar and walk-ins cannot be guaranteed a seat.** Please keep us up-to-date on your reservation status!



OCBA Membership Directory

RCL Portrait Design will be at the OCBA from June 14, 2010 through June 25, 2010 to take your free professional portrait for publication in the OCBA Membership Directory.

The Directory is one of our most valued member benefits. In fact, many members use the Directory daily to locate colleagues, put a "face to a name," and conduct business. Publishing a current photo, along with your name, firm name, address and contact information will make the Directory more valuable than ever.

An RCL representative will contact you in the near future to schedule an appointment. However, feel free to contact RCL directly at 800-580-5562 to schedule your sitting.

All sittings are free of charge, and the photo you select for the Membership Directory will be published at no charge. RCL will also take additional shots and provide you with an opportunity to purchase a photo package for your professional or personal use.

We are pleased to bring you this free member service. RCL has produced professional portraits for more than 21 state and local bar associations and 22 medical facilities across the nation.

We look forward to seeing you at the OCBA Center in June.

(For professional photos, appropriate dress is suggested. Ladies: a bold or bright colored long sleeved outfit. Gentlemen: a dark jacket and tie.)

OCBA 2010 Professionalism Award Recipients



2010 William Trickel, Jr. Professionalism Award Recipient Leon H. Handley

Leon Handley is well known to us by his warm and humorous presentation at the OCBA's March Professionalism Awards Luncheon, by the biographical information that appeared in March's issue of *The Briefs*, by his Professionalism Committee column in this month's issue, and by the indelible mark he has made on the legal community as well as among Central Floridians. He is the well deserved recipient of the 2010 William Trickel, Jr. Professionalism Award. Please take a few minutes to read Mr. Handley's remarks, and join us in congratulating him on this well deserved honor.

2010 Lawrence G. Mathews, Jr. Young Lawyers Professionalism Award Recipient

Cara M. Dobrev

Cara M. Dobrev, the Guardian ad Litem Program Litigation Coordinator for the Legal Aid Society of the OCBA, has long had a passion for children's legal rights since her days as a new graduate of Eckerd College in St. Petersburg where she worked as a social worker in group foster homes. As a Georgetown University law student, she worked as a legal intern for the National Center for Missing and Exploited Children in Washington, D.C. and for the special master in the D.C. courts appointed to advise the court on dependency cases.

After graduating from law school in 2002, Ms. Dobrev began a two-year fellowship with Equal Justice Works, a public interest law fellowship, and was placed with the Legal Aid Society of the Orange County Bar Association. Working as an

EJW Fellow, she created a network of

legal support that provided direct representation, consultation and general education to pregnant and parenting teens. Following the fellowship, Ms. Dobrev continued with the Legal Aid Society of OCBA, serving as the Guardian ad Litem Permanency Attorney.

In her current role as Guardian ad Litem Program Litigation Coordinator, she supports legal aid staff attorneys and the hundreds of dedicated *pro bono* attorneys who advocate for children in Orange County's dependency system. Ms. Dobrev engages community partners to create holistic services for dependent children, which includes efforts to ensure sound legislation and policies are implemented for dependent children statewide.

Ms. Dobrev is a member of the OCBA's Young Lawyers Section and the Central Florida Association

of Women Lawyers. She was also a fellow in the 2009-2010 class of The Florida Leadership Development Institute, which was co-sponsored by The Florida Bar Foundation and the Center for Legal Aid Education.

"I'm honored to be chosen for this professionalism award, because professionalism is at its heart about working well with others," Ms. Dobrev says. "As advocates for children, everything we do is about making sure the kids are safe and cared for. The law is an important basis for this work, but we can only truly help kids by working together."



2010 James G. Glazebrook Memorial Bar Service Award Judge Lawrence R. Kirkwood

Lawrence R. Kirkwood has been a Circuit Judge since 1981 and currently serves in the Civil Division at the Orange County Courthouse. He received his B.A. degree from Florida Southern College, his J.D.

degree from the University of Florida College of Law and his Masters Degree (MJS) from the University of Nevada-Reno. He began the practice of law in Orange and Osceola County in 1972. He was elected to the Florida House of Representatives for two terms, 1976-1980. Since becoming a Circuit Court Judge, he has served in every division of the Circuit Court.

Judge Kirkwood is active in the Orange County Bar Association, The Florida Bar, the Conference of Circuit Court Judges and the Rotary Club of Orlando. He is a past President the Rotary Club Orlando. He has been recognized as "Trial

Judge of the Year" by the American Board of Trial Advocates (ABOTA) in 2007 and as "Judge of the Year" by The Hispanic Bar Association of Central Florida in 2003.

In 2009, The Family Network on Disabilities of Florida awarded Judge Kirkwood with the first "Judicial Hero Award" for his work in improving access to the Courts for disabled citizens and their families. In 2010, he was awarded "The Elected Official of the Year" by the Central Florida Unit for the National Association of Social Workers, as well as the statewide "The Elected Official of the Year" by the National Association of Social Workers.

The Honorable Lawrence R. Kirkwood is the third distinguished recipient of the OCBA's James G. Glazebrook Memorial Bar Service Award. The Honorable Alice Blackwell received the award in 2009, and the Honorable Emerson R. Thompson, Jr. received the inaugural award in 2008.



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Professionalism Committee

Remarks by Leon H. Handley 2010 Recipient of the William Trickle, Jr. Professionalism Award

In 1949, when ROTC Cadet Leon Handley, A01865707, came to the Orlando Air Force Base for summer training, the Orange County Bar Association had a proud membership of ninety-six members, of which three are alive today. The Ninth Judicial Circuit consisted of the eight counties of Orange, Osceola, Seminole, Brevard, Indian River, St. Lucie, Martin, and Okeechobee. Serving those counties were three circuit judges: the Honorable Frank A. Smith in Orlando, the Honorable Millard B. Smith in Titusville, and the Honorable A. O. Kanner in Ft. Pierce. There existed no interstate highways, no Xerox machines, no public law libraries, no cell phones, no electric typewriters, and, of course, no fax machines, no laptops, no electronic devices whatever. All cases were required to be conducted in the seat of county government: in Volusia, Deland; in Brevard, Titusville; in Polk, Bartow; in Pinellas, Clearwater. The only air conditioned buildings were movie theatres and an occasional department store.

In 1950, a second circuit judge was added, the Honorable Terry B. Patterson, also in Orlando. As there existed no district courts of appeal, all appeals from the circuit court were taken to the Florida Supreme Court, which always sat in Tallahassee. To reach Tallahassee, some lawyers took the train from Jacksonville, while most drove. Hotel space was sparse, at either the Cherokee

or the Floridan.

When the legislature was in session, sixty days every two years (some suggested the state would be better off if they met for two days every sixty years), space was nowhere to be found.

Briefing was accomplished by reading cases,

which were found in books; libraries were rare. Neither the Orange County Courthouse nor the federal courtroom (above the downtown post office) possessed a library. Maguire, Voorhis & Wells had a full law library (any former employer of the firm was allowed access), and the former firm of Giles and Gurney (1925-1945) had a library used jointly by the firms of J. Thomas Gurney and Leroy B. Giles (later Gurney and Handley and Giles, Hedrick and Robinson, respectively).

Orlando was a pleasant, quiet, picturesque, southern town. Then came change!

Air conditioning became the rule, not the exception. The Martin Company arrived, followed by Walt Disney World. The interstate system opened painless automobile travel. The Orlando International Airport became the focus of unprecedented domestic and international tourist travel. We became one of the (or the) most popular tourist destinations IN THE WORLD. Almost instantly, the Central Florida area contained more hotel rooms than almost anywhere.

The practice of law also changed. No longer did the lawyer have a pile of paperweights to hold the stacks of paper on his desk,

secured from the wind of a corner office with windows wide open, or from the wind of a powerful electric fan. No longer was the clatter of many typewriters heard. Now all the information, known to man, is at the fingertips of all mankind. A matter can be briefed instantly, with every case on the subject immediately available.

One thing did not change. Professionalism. What constituted professional conduct in the past does so today. When we think of professionalism, many other words come to mind: ability, morality, independence, objectivity, courage, competence, dedication, diligence, dependability, fidelity, civility, integrity, compassion, honesty, zeal, perseverance, patience, preparedness, ethics, loyalty, perspective, evenhandedness, empathy, respect, tolerance, dignity, kindness, humility, beneficence, **an overarching sense of justice.**

These words represent virtues, the pursuit of which, coupled with the responsibilities we undertake, make the Bar a moral aristocracy.

In our society many seem to accept the concept that morality is based on what one does not do, rather than on what one does. The popular notion seems to embrace rules or laws, and the adherence to them, as the measure of character. A growing number of philosophers and theologians are suggesting that "rule based" approaches to ethics and morality should give way to the Aristotelian concept of the virtues. Classic thinkers (Plato, Cicero) believed all moral life was based on four key virtues: justice, courage, temperance, and prudence. Recent ethicists have added other virtues, such as fidelity and self-care. To these, other virtues thought to build character are hospitality, wisdom, gratitude, sympathy, and humor.

Laws and rules basically restrain, but virtues promote. Basic morality is based on how we live our lives. Morality is an old-fashioned word, not heard as often as it should be. Morality is still a virtue and is still greatly to be sought and admired.

When we state that the Bar is a moral aristocracy, we recognize that we are the defenders of civilization against the onrush of chaos. We represent the kind of concern that is to be applauded and endorsed.

Our forefathers, or forebrothers, contemplated that no titled aristocracy would exist in this new nation. That all would be allowed to pursue the dream of rising to whatever level their abilities could accomplish. As a consequence, there arose a level of society which constituted a group of persons who, by reason of extended study, dedication, and ability to serve the needs of society, were elevated by a high degree of public trust. The professions (law, clergy, medicine, education), by exhibiting virtues that were admired, not envied, and by serving the need of society for these special skills, became a sort of aristocracy. This status was earned by the use of these special skills, which were, in turn,



earned by much effort, study, dedication, and self-denial, for the purpose of protecting society's health and welfare. These professions have long enjoyed a large measure of moral authority, as evidenced by the respect and confidence in which they have traditionally been held. They have enjoyed these special privileges and that exalted status because they have been seen to serve the public in unique and important ways. For many reasons this moral

authority has been declining, which has serious implications and consequences for the professions and

for society at large. The Bar is witness to a society that should be ordered and civil, healthy and whole. As Justice Holmes wrote: "The law is the witness and external deposit of our moral life. The practice of it tends to make good citizens." The practice of law is not a business. We have obligations to conduct ourselves as members of a learned, disciplined, and honorable occupation. Our moral authority derives, in part, from these functions of stewardship and service. We are expected to be independent, and we are trusted by society to organize and direct their affairs.

Professionalism does not carry with it the requirement of penury. The workman is worthy of a return on a task well done. Inevitably, a tension arises between the economics of the practice and the social good we would serve.

Our moral authority, we submit, rests squarely on society's belief that we really are different, that we are more dedicated to our work, which is rigorous and demanding; more committed to our clients; and more independent, with our self-interest carefully balanced by our devotion to the public good.

Our great institution rests on a foundation of moral authority, a trust from

Society desperately needs us to be a presence for good. We need, just as desperately, the good will of society. By quietly and confidently going about our noble profession; by being ever-mindful that we are admitted to practice to serve not only our clients, but society as a whole; by being worthy of the trust that arises from the wonderful privilege of being entrusted with protecting the rights, lives, and property of others, we satisfy that obligation.

society that must be discharged through the caliber and quality of our members and through the caliber and quality of our work.

By responding to that awesome task, we indeed attain the elite status of a moral aristocracy.

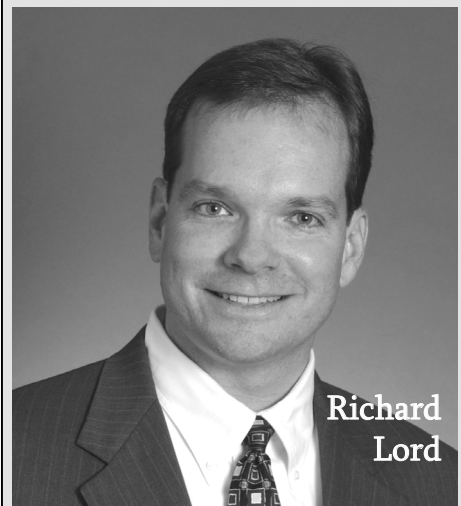
May God continue to bless the Orange County Bar Association, our beloved profession, this great nation and each of you.



Mr. Handley was admitted to The Florida Bar in 1951, has been a respected member of the legal community, and has been a member of the OCBA since 1962.



**Kimberly
Sands**



**Richard
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Tongue-in-cheek the other day, I mentioned that appellate lawyers are like “armchair quarterbacks,” and perhaps I should write an article sharing the observations of those who have long buttered their bread by practicing appellate law. Now, why I (who to this day remain unsure what a quarterback actually is or does) would come up with a football analogy to teach appellate points, I have no clue. It sounded good at the time and when I looked up the definition of an armchair quarterback, it actually made some sense.

an objective perspective, through review of a myriad of trial transcripts and records of proceedings. From that perspective, we glean some wisdom that might be helpful to those (litigators/trial lawyers) actually *playing* the game. This article will share some bloopers, blurbs and blunders I’ve identified with assistance of various members of the Appellate Practice Committee, which we see often enough to have some significance. A review of these points may help you, the actual game-playing trial lawyer, hang on to a hard-won victory or overturn a wrongful defeat in our courts of last resort.

Like many appellate lawyers, I have also been a litigator in both state and federal courts. I recognize that while it is easy to “armchair quarterback,” it’s a little harder to play the game. Trial comes at you fast, you have to think strategy, you have to think law, and you have to win over the trier-of-fact to your side, be it judge or jury, and so on. However, if you carry a template in your head of important “bullet points,” you will have a better chance of preserving your record and saving your game in the playoffs (on appeal). We are fortunate here in Orange County to have a strong, emerging appellate bar. There are board certified appellate wonks, and other experienced practitioners, who are available to assist and support you at trial and to protect your interests on appeal. While it’s important to know the basics of the game, sometimes it is more important to call in a specialist who will know more than the basics. With that being said, let’s go over some key issues.

1. Remember Those Pesky Elements of Your Case. It’s surprising how often this fundamental principle gets lost as the case proceeds. We all know that to make a claim, you must properly plead it and develop evidence to support each and every legal element of the claim. You also have to actually introduce such evidence at trial (or stipulate to the point). Craft your discovery

According to Google, an “armchair quarterback” is someone who sits at home and criticizes the conduct of a game. Appellate lawyers don’t get to sit at home much, and appellate lawyers rarely criticize the “game” (conduct of trial), but appellate lawyers do have the opportunity to see the conduct of the “game” from

carefully, have an outline at hand when performing depositions, recognize when you’ve gotten what you need from a deponent and stop the questioning there. Tailor the introduction of evidence at trial and monitor it to insure competent substantial evidence has been introduced to legally support the claim. While this may sound elementary, I’ve seen enough case records to say there is a disconnect frequently enough to be of concern. For the want of introduction of a contract, a case was lost.

2. Preserve Your Record for Appeal at All Stages of the Game – Or the “Why do I Need a Court Reporter, I’m Going to Win Syndrome.” Unless your issue is a purely legal one and you present written memoranda, you almost certainly will have to have a transcript of the proceeding, be it a motion hearing or whatever. The court reporter is your safest bet. A transcript will emerge, preserving for posterity (and the appellate court) each and every thing that is said or point that is raised. Don’t forget to object, seek a curative instruction, move for reconsideration, move for directed verdict, and so forth. If error is occurring it simply will not matter (except in rare instances of fundamental error) if you don’t speak up. Remember the overriding principle behind the preservation of error rule: You must give the trial court an opportunity to correct or the appellate court can’t do it for you. You must (1) make a timely, contemporaneous objection at the time of the alleged error; and, you must (2) state specific, legal grounds for the objection. As the Florida Supreme Court recently noted, “for an argument to be cognizable on appeal, it must be the specific contention asserted as legal ground for the objection, exception, or motion below.” *Aills v. Boemi* (Fla. Feb. 25, 2010). “Speak now or forever hold your peace,” has special meaning here!

3. Practice Professionalism – Or “Strutting, Jiving, Posturing and Jabbing, Don’t Help Your Case.” Some transcripts make you cringe and it’s not just a male “thing.” Remember: Juries are people and often a diverse mix of people; Appellate judges are people and often a diverse mix of people; Appellate law clerks and staff attorneys (who review all cases and actually provide memoranda to the judges) are people and often a diverse mix of people. The way the attorneys come across in the record and on the record can color all decisions at each stage, and in a close case (which many of them are) tip the scales. A calm, polite, respectful lawyer always looks good on paper. A calm, polite, respectful lawyer is more persuasive. Be careful what you say and do. Nobody likes to see a jerk win, and the jerk won’t, if there is a way around it.

4. You’ve Lost the Scirmish, Now What? Don’t forget to timely move for rehearing. According to anecdotal evidence from court insiders, fabulous appellate arguments are lost because the appellant did not move

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Arnie Wilkerson Memorial Court Service Award Nominees Sought

The First Central Florida American Inn of Court #123 is currently accepting nominations for the 2010 Arnie Wilkerson Memorial Court Service Award. This award honors individuals (excluding lawyers and judges) working in the judicial system who display the highest standards of character, integrity, and ongoing dedication to the judicial system. Past recipients have been long-term models of excellence in their work within the judicial system and have also been extremely active in some dimension of community service outside of the judicial system. Past award winners include **Gay Aaron, Matt Benefiel**, Orange County Volunteer Mediation Program, **Norman Schneiderman, Mimi Rollins, David Medvec, Carmen Velazquez, Sherry Wolfe** and **Carolyn Weber**.

The winner of this award will be selected by the Board of Directors of the First Central Florida American Inn of Court. The award will be presented during the June meeting of the Inn. The deadline for receipt of all nominations is 5:00 p.m., **April 30, 2010**. The award recipient will receive a plaque and \$500, and will have his/her name added to a plaque hanging outside the Roger Barker Memorial Courtroom on the 23rd Floor of the Orange County Courthouse.

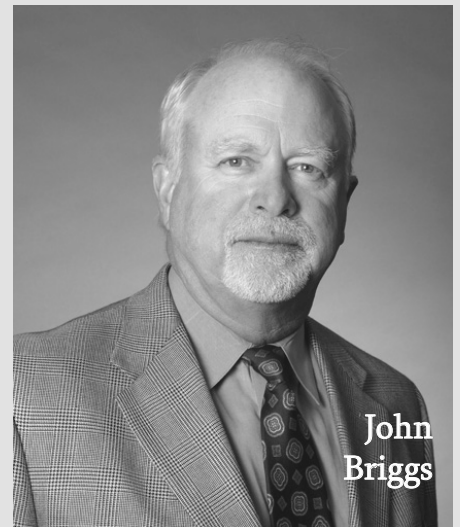
Should you wish to nominate a worthy individual, please contact **Christopher Jones, Esquire**, awards chair, by email to cgjones@cfl.rr.com or by telephone at 407-425-3591, ext. 403, to request a nomination form.



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Appellate Practice Committee

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for rehearing. This usually happens when error first appears in the final order/judgment. Go back to point 2. You must give the trial court an opportunity to correct. As to non-final orders, you can move for reconsideration. Likewise, don't forget to timely move for new trial and for judgment in accordance with a motion for directed verdict. You can't raise sufficiency of evidence arguments on appeal of a jury case if you have not moved for a new trial, or prevail on legal points in the motion for DV if you don't so-move post-trial. This brings us to time frames and how to calculate them.

5. Yes, Mr. Ed, Use Your Hoof to Count.

Important jurisdictional time frames exist post judgment. Know how to calculate them. We all know post-trial motions are due within 10 days after return of the verdict, and we start counting due dates on the next day, don't we? This doesn't mean if you have a judgment on the 16th, you go to the 17th and add 10 days. This means you put your finger on the calendar on the 17th and count out ten days, the 17th being day number 1. Or, you can add 10 days to the date of entry. If your post-trial motions are *not* timely, your 30-day appellate time frame starts to accrue. If your post-trial motions are timely, the appellate time frame is tolled until the motions are decided (or abandoned by filing a notice of appeal). Also remember, if you are appealing from a non-final order, motions for rehearing (which are actually motions for reconsideration) do *not* toll the time.



Barbara A. Eagan, Founder and Managing Partner of Eagan Appellate Law, PLLC, has been a member of the OCBA since 1977.

Finally, know how to calculate due dates which run from court orders. It is the date of the order that counts. You do not get to add mail-time, even if the order is mailed to you. Always check the rules and understand the nuances of jurisdictional time frames, or consult an appellate specialist. It is safe to say there is no guru out there who can undo a missed jurisdictional deadline. You will be notifying your malpractice carrier.



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You've heard it said that many people are only a few paychecks away from being homeless. That's never been more true than in today's economy with sky-high unemployment rates and a system that sometimes subverts the fragile safety net of unemployment compensation. We all know times are tough. Some of us know it better than others. Poverty is not contagious. It's not genetic. It can be treated. You can help. At the end of the day, it's just us for all.

Sally McArthur is a staff attorney at the Legal Aid Society of the Orange County Bar Association practicing in the area of unemployment law. Her current assignment is a direct response to an urgent need in our community for representation in unemployment compensation cases. Often the cases involve egregious violations by employers, some of whom show a blatant disregard for both the law and for the damage their actions inflict upon individuals who've done nothing wrong and are clearly entitled to benefits.

One of our recent cases vividly illustrates this problem. Bonnie L., a hardworking, middle-aged woman, had been employed for several years by a local call center as a telemarketer. Here she



earned an hourly wage plus a small commission and enjoyed benefits such as health insurance. The job was a good fit for Bonnie, who is vision-impaired, because she has a pleasing voice and a professional telephone manner. Unfortunately, the call center lost a major client and was forced to downsize. That, in itself, is certainly not an unusual situation in today's economy, when many small companies are struggling for survival. As a result of the lost business, the call center fired all of its call center employees, including Bonnie.

Then, the call center offered to "rehire" the fired employees as commission-only independent

contractors doing outside sales. There would be no hourly pay, no benefits, and Bonnie would have to pay self-employment taxes. There was no guarantee that she would make a single dollar as a commissioned-only, door-to-door sales representative. Bonnie, of course, could not accept even if she had been inclined to do so, because her vision problems prevented her from driving. So she applied for unemployment compensation and, much to her surprise, her claim was denied.

The owners of the call center had reported that Bonnie had not been fired, but had voluntarily resigned after turning down the offer of a new position. Therefore, they contended, she was not eligible for benefits.

Over the subsequent four months, Bonnie was evicted from her apartment and was forced to live in a friend's vehicle. A woman

who had for most of her life been gainfully employed and self-sufficient was now homeless because her former employer had mischaracterized the circumstances surrounding her departure from the company.

Finally, she called Legal Aid. Sally McArthur represented her and got the determination of the claims adjudicator overturned and secured for Bonnie a lump-sum payment of the benefits to which she should have been entitled from the day she was dismissed. It was enough for her to rent another apartment and begin rebuilding her life.

Bonnie's story is not unusual. Many of the clients we see are in similar situations. They have been laid off or fired through no fault of their own and denied benefits because of deliberate misinformation supplied by employers or because a claims adjudicator has made an adverse determination, sometimes in spite of evidence which would qualify the claimant for benefits.

In the month of January, Sally's closed cases resulted in \$44,215 being paid to good people who had been erroneously denied benefits. For many, these sums meant putting food on the table, keeping families together, and avoiding homelessness. For others like Bonnie, it meant getting off of the streets and coming in from the cold.

Sally's position at the Legal Aid Society is funded by The Florida Bar Foundation in a regional project to represent clients in unemployment matters, provide community education, and address systemic problems and abuses. She works with three other legal aid organizations in twelve counties in Central Florida as a part of her grant. However, as is the case with many organizations these days, dollars are tight and resources are limited. We simply cannot help all of the Bonnies who need us in Orange County alone. That's why we hope you will consider serving as a *pro bono* attorney working in the area of unemployment compensation cases. The need is acute and the results are gratifying. We can use help at all levels of appeal, from the initial telephone hearing to the Unemployment Appeals Commission to the District Court of Appeals. Can you help? If so, please contact our *pro bono* department at 407-841-8310 or ctucker@legalaidocba.org.

Your donations of time and money help make the Legal Aid Society what it is today. And, while it is a struggle to donate time or money, it is rewarding to change lives in such a positive manner. Remember, it is just us for all and it's cold outside!

For more information on how to donate time or money, please visit our website at www.legalaidocba.org.

Donna Anne Graf, manager of development of the Legal Aid Society, has been a member of the OCBA since 2008.



Foundation News ● Run for the Roses ● for Your Foundation's Work

Jessica K. Hew

Since 1875, the first Saturday in May has been held for the Kentucky Derby, one of the oldest Thoroughbred horse races in the United States. Known as the "Run for the Roses" for the blanket of roses draped on the winning horse, the Kentucky Derby at Churchill Downs is the first race of the Triple Crown of the Sport of Kings. Accompanying the entertainment of the legendary race is the pageantry of cuisine, fun and fashion that only Louisville, and now Orlando, can provide.

On May 1, 2010, join your OCBA Foundation at the OCBA's Kentucky Derby Party. The event will feature the Run for the Roses, traditional food, fun drinks and your festive Derby wear all at 55 West in the heart of Downtown Orlando. With a 5:00 p.m. start, you'll be able to compete with your fellow Derby partiers by picking and cheering on your favorite horse during the "Greatest Two Minutes in Sports." The proceeds from this event will be used for programs which bolster our community's knowledge of the law and legal related matters.

Recently, your Foundation helped fund the **Orange County Public School Law Symposium**, a program that improves teacher instruction on law and government-related topics. The **Boone Mock Trial Team** also received Foundation funds to attend their State moot court competition. Valuable programs presented during the **OCBA's Law Week**, including the **Pathways in Law** program, the **Poster & Essay Contest**, **Goldilocks** and **DUI mock trials** and the **Liberty Bell Award**, all benefitted from Foundation contributions.

The OCBA Foundation also focuses upon its own programming. The Foundation partnered with Rotary International to present "The Importance of the Rule of Law and Fair and Impartial Courts" at the Rotary's District Conference to be held on April

29, 2010. Attended by Rotarians and the leadership of their high school-associated clubs, the interactive program will feature the role of attorneys and the courts in protecting the Constitution and the judicial system, and thereby the importance of protecting the rule of law in our society. The program features an audio-video segment with live commentary and discussion; an interactive, small-group case study on a recent Supreme Court case; and a panel of local judges and attorney volunteers for commentary and responses to participants' questions. This program, and those like it, are only made possible by the continued funding of your Foundation.

Your support and financial contributions to the Foundation are both greatly appreciated. They are necessary for the Foundation's continued community efforts, which promote a better understanding of the legal system. In an effort to conserve and grow the principal of the Foundation's funds, the Foundation implemented an Investment Policy, along with an Asset Allocation Program monitored by a professional manager, to help ensure and safeguard all of the Foundation's funds. The Foundation intends to use your donations and contributions wisely, especially in our current economy when every dollar counts.

Come and party for a cause - support your Foundation and its work at the Run for the Roses on May 1, 2010.



Jessica K. Hew, OCBA Foundation President, is a partner with Burr & Forman LLP. She has been a member of the OCBA since 1985.

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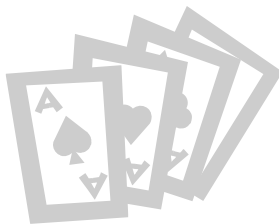
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Chapter 2. Claim Handling Issues¹

Dennis J. Wall, Esquire

Asterisks (***) indicate material omitted for ease of reference.

§ 2:1.Introduction and interpretation

Courts often follow the claim adjustment process in reaching their decisions in noncatastrophe cases, although not necessarily in the same order in which insurance companies actually adjust claims.[1] There is every reason to think that courts will follow the same process when they are confronted with catastrophe claims.[2]

*** On the other hand, hurricanes and other catastrophes are often predicted to follow the crippling lead of hurricanes such as Charley, Frances, Ivan, and Jeanne in 2004 and of Hurricanes Katrina, Rita, and Wilma in 2005. The effect of catastrophic events like these, and the reason for this book, are very well described by a federal judge in Mississippi who has been flooded (you should pardon the expression) with catastrophe claims in the two years that have followed Hurricane Katrina and Hurricane Rita to date. The author of this Chapter inputs the following lengthy passage with some trembling in his fingers on the keyboard. Long quotations are not a substitute for analysis. Further, long quotations are often boring to a lot of readers. For the first time, perhaps in recorded history, the author of this Chapter nonetheless offers the following long quotation in this text. The federal judge who wrote it originally cannot legitimately be accused of a want of analysis, and the following observations are certainly not boring to most people concerned with catastrophes, in any case:

In the wake of an insured's catastrophic loss of his dwelling and possessions in an event such as a hurricane, an event that poses two different risks (flood damage and wind damage), it is not unreasonable for the insured to seek to collect all his available insurance coverages, and it is not unreasonable or otherwise improper, when he does not know and cannot readily ascertain the actual cause of his losses, for the insured to assert that all of his losses may be payable under either policy. Faced with uncertainty, the insured may turn to any of his coverages for indemnity. In this situation it would be unrealistic and unfair to impose a burden on the insured to segregate his damages between wind and water losses at the peril of losing his insurance coverage if he errs in this endeavor. It is far more reasonable in these circumstances to allow the insured to make a claim for all his losses under both flood coverage and wind coverage if the damages cannot be readily segre-

gated or if the source of the damage is uncertain. The question whether the insured's damages are recoverable, and, if so, under which policy, must ultimately be resolved through either negotiation or litigation.[4]

[FN1] See *Smith v. Westfield Ins. Co.*, 2007 WL 1740816 (E.D. Pa. June 15, 2007), in which the court's decision reflects the identical steps ordinarily taken by insurance companies in adjusting first-party property insurance claims, though not necessarily in the same sequence. With regard to the initial step, confirming coverage, in the court's eyes a coverage determination itself involves four distinct steps:

The determination of coverage here involves four steps. The first step is whether there has been a loss The second step is whether the loss falls within a policy exclusion The third step is whether the ensuing loss is itself excluded by a specific policy provision The fourth step is whether there is an *exception* to the mold *exclusion*.

Smith v. Westfield Ins. Co., 2007 WL 1740816 *2 (E.D. Pa. June 15, 2007). See generally Dennis J. Wall, *Litigation and Prevention of Insurer Bad Faith* § 9:5 (2d Edition Thomson/West Publishing).

[FN2] See, e.g., *Schmermund v. Nationwide Mut. Ins. Co.*, 2008 WL 5169396 *2 (S.D. Miss. 2008) (stating in case involving Hurricane Katrina claim "There are too many unanswered questions with respect to the manner in which this claim was handled and the decisions that were made.").

[FN4] *Robichaux v. Nationwide Mut. Ins. Co.*, 2007 WL 2783325 *2 (S.D. Miss. 2007). This does not mean that policyholders should ever obtain double recoveries, i.e., that insureds should ever recover twice for the same element of damage, even as part of a catastrophe claim:

A payment under an insurance policy, whether it is a flood policy or a homeowners policy, offsets, dollar for dollar, the total losses the insured has experienced. The insured's total loss constitutes an upper limit on his recovery from all his insurance policies, and this upper limit is reduced, dollar for dollar, by the payment and acceptance of insurance benefits. This prevents any double recovery, i.e., any recovery of two insurance payments for a single loss.

But the payment and acceptance of insurance benefits does no more than that, and the assertion of a right to recovery, in the face of legitimate doubt or uncertainty as to the risk that caused the loss, does not estop an insured from claiming and collecting other insurance benefits that prove to be covered by a separate policy.

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Insurance Law Committee

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Robichaux, 2007 WL 2783325 at *2-*3. The date of this decision, September 21, 2007, is 22 days after the date of the decision of a panel of the Fifth Circuit Court of Appeals in the case of *Leonard v. Nationwide Mut. Ins. Co.*, 499 F.3d 419 (5th Cir. 2007), *cert. denied*, 128 S. Ct. 1873 (U.S. April 14, 2008). The federal district judge took this occasion to write the above-quoted remarks in the context of an order denying a motion for reconsideration of an order of remand, not usually the occasion for an opinion at all, but certainly the occasion for an opinion under the circumstances extant on that date. In *Leonard*, the appellate panel affirmed a judgment entered by the same federal trial judge in a Mississippi case but in which the panel wrote a long opinion stating its authors' disagreement with the Mississippi federal trial judge's reasoning which would have invalidated an anticoncurrent cause clause under Mississippi law. The three members of the Fifth Circuit panel in *Leonard* are Texas lawyers. In basic terms, an anticoncurrent cause clause such as Nationwide's clause sought out and embraced by the appellate panel in *Leonard*, would force an insured to segregate her, his or its damages between wind and water losses at the peril of losing his insurance coverage for damages caused by wind if she, he or it errs in this endeavor. See § 7:5, *infra*.



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

The following article highlights the frequent need for Expert Witness Testimony in insurance cases. It is an Update through February, 2010, from a Section of a Chapter that I wrote and updated recently about "Claim Handling Issues," in "CAT Claims: Insurance Coverage for Natural and Man-Made Disasters" (West Publishing Company. Copyrighted. All Rights Reserved. No Reproduction Or Any Other Use Of This Material May Be Made for Commercial Purposes.)



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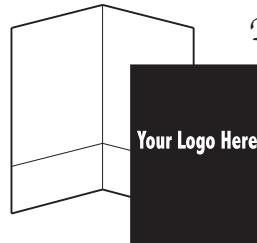
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Judicial Relations Committee

What do Judges want from Lawyers?

Debra W. Botwin

As the budget crunch tightens available judicial resources, judges need attorneys to help them help us.

As a practicing litigator, and chair of the Orange County Bar Association Judicial Relations Committee meeting, I hear similar comments on a routine basis. Here is a reminder of how we can use the judiciary's time and resources more wisely.

Let's Give Them Something to Talk About

Last minute hearing cancellations waste precious time on the court's increasingly burdened dockets. Many attorneys function on a crisis basis, resolving disputes with opposing counsel in the few minutes before the start of a scheduled hearing. Judges need attorneys to be proactive about resolving disputes, especially discovery conflicts. Early resolution frees up hearing time which can be made available to other attorneys.

Already required in the Ninth Judicial Circuit for all discovery motions, the simple solution is for the parties to try to resolve their issues in advance of motion filing. The professional practitioner will contact opposing counsel to seek agreement and state that such contact has been made in the body of the motion. This approach allows the court to see that the moving party has tried to negate the need for a hearing.

Defying the Laws of Physics

Quantum theory notwithstanding, you

you cannot be in two places at one time. Please call the judge's chambers if you have been delayed due to another hearing or proceeding. It is not uncommon for attorneys to be set for appearances in different courtrooms at the same time. If the attorney fails to notify the judge of the conflict, the attorney becomes a "no show," inconveniencing the court and potentially prejudicing the attorney's client.

While Magistrate and Traffic Court Hearing Officers suffer the most, County Court and Circuit Court judges are not immune to this phenomenon. A simple phone call could save the time and efforts of the judiciary, as well as police officers, staff and clerks who appear for hearings.

Simple courtesy, professionalism and notification will help resolve this problem.

Technology is our Friend

Videoconferencing has taken on a new role that will help limit costs, yet maximize judicial resources. At the last OCBA Judicial Relations Committee meeting, one judge described how videoconferencing allowed an expert to testify at trial, at considerable savings to the parties. The jury heard live testimony from the witness, which was more effective than a pre-recorded video deposition,

but the parties saved the expenses associated with the expert's travel.

The court's message: Don't forget to consider how technology may help save you and your clients' time and money. Videoconferencing services are available, if arranged in advance, through Court Administration. The Judiciary is quite receptive to allowing attorneys to maximize convenience and minimize expense through the use of available technology.

If you have any ideas or comments about how the Judiciary and attorneys can help each other, you can contact me at Deb@DWBotwin.com or Debra W. Botwin, Debra Wilkinson Botwin, LLC, P.O.

Box 568126, Orlando, Florida 32856; phone: 321-206-1713. You can also attend the JRC meetings on the second Wednesday of every other month at 12:15 p.m. at the Orange County Courthouse, 21st Floor Conference Room, 425 North Orange Avenue, Orlando, Florida 32801.

Committee meetings are listed in *The Briefs* calendar.

Debra W. Botwin, Debra Wilkinson Botwin, LLC, has been a member of the OCBA since 1998.



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February 25, 2010

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YLS on the move

The Race is On! Sunny A. Hillary

Administrative Professionals Day (formerly known as Professional Secretaries Day) is coming up on April 21, 2010! Harry F. Klemfuss, a publicist who handled the Dictaphone Corporation account for the Young & Rubicam advertising agency, thought secretaries deserved recognition. So, he teamed up with the National Secretaries Association, now the International Association of Administrative Professionals, and persuaded Charles Sawyer, then the United States Secretary of Commerce, to proclaim the first National Secretaries Week. Today, there are more than 4.1 million secretaries and administrative assistants working in the United States, and over 8.9 million people working in various administrative support roles. Don't forget to show your appreciation of the work carried out by your administrative professionals!

As you may know, the YLS raised over \$5,000 in funds and matched funds at the **Wine Down for Holidays in January** that took place on January 26, 2010 at Urban Flats. As a result, the YLS was able to purchase a variety of educational materials for the Boys and Girls Clubs of Central Florida-Downtown Branch in support of their after-school tutorial and reading programs, toys and games for the Arnold Palmer Hospital for Children-Hematology/Oncology Wing in support of their Child Life Program, and toys and games for The Salvation Army in support of three families, including eight children. A big thank you to **Anthony Sos** and

Jacquelynne Jordan Regan for organizing this special event.

On February 25, 2010, **Ryan Davis, Felipe Guerrero, and Taylor Kessel** headed the YLS and the **Hispanic Bar Association** to take part in the **IDignity** program for the first time. The IDignity program is a partnership of five downtown Orlando churches and their volunteers with federal, state, and local

agencies, all of whom established a one-stop event of facilitating the distribution of personal identification and other vital documents.



The Boys and Girls Clubs of Central Florida were one of the groups benefitting from YLS fund-raising efforts this past January.



Young lawyers assisted homeless people in obtaining Florida ID Cards, Florida Driver Licenses, Birth Certificates, Social Security Cards, and other documents necessary to secure housing, employment, medical treatment, and bank accounts.

On March 3, 2010, the YLS hosted a **Happy Hour for Haiti** at The Downtown Pour House! Young lawyers and the local community attended this event organized by **Doug Martin** and sponsored by **Dellecker, Wilson, King, McKenna & Ruffier, LLP** and **Honeywell Mediation** to raise funds for Haitian relief efforts

following the horrific January 12, 2010 earthquake. The YLS collected monetary donations and matched up to \$2,500 of the proceeds. Previously, the YLS contributed \$2,500 towards Haitian relief efforts, which was matched by the Harris Rosen Foundation through Lake Highland Preparatory School. Special thanks to **Doug Martin** for leading this charitable endeavor.

On April 30, 2010, the YLS will be joining the fight against cancer by sponsoring a team for the annual **Relay for Life®** event! Earlier in the week, there will be a happy hour to help raise funds in support of the fight against cancer. If you are interested in participating in the walk, please contact **Lisa Gong** at lgong@sao9.org or **Jessica DeBono** at debonoj@jacksonlewis.com.

On May 1, 2010, the OCBA is off to the races with its **Kentucky Derby Party!**

Instead of hosting an annual Gala, the bar decided this year to do something a little different. The Derby Party will be held from 5:00 p.m. to 10:00 p.m. at the urban 55 West, located on Church Street in the heart of downtown Orlando. Tickets are \$75. We encourage the ladies to put on their lavish hats and spring sundresses and the men to don their seersucker suits and enjoy an evening filled with traditional Kentucky Derby cuisine and entertainment! The Kentucky Derby will also be aired. For more information or to RSVP, please contact **Jacquelynne Jordan Regan** at reganjj@lowndes-law.com. Also, the YLS will be hosting an after-party following the event. This is an after-party you will not want to miss! Look for details in upcoming email blasts.

Finally, many of you may have heard that the YLS is launching the first-ever **Law School Mentoring Program** with Barry Law School. This program will match members of the YLS with second and third year law students for one academic year beginning fall 2010. CLE credit may be available. Keep an eye out in

future email blasts, *The Briefs*, and on the OCBA website for more details, or contact **Kristopher Kest** at kristopher.kest@lowndes-law.com or (407) 418-6285.

On April 15, 2010, the YLS is pleased to welcome to the YLS luncheon the recipient of the **2010 Lawrence G. Mathews, Jr. Young Lawyers Professionalism Award, Cara Dobrev, GAL Litigation Director, Transitions Program of the Legal Aid Society.**

The Orange County Bar Association presents this award to a young lawyer who has been practicing less than 15 years and who has demonstrated professionalism in his or her career and community. At the luncheon, Ms. Dobrev will be sharing her experiences as a lawyer in the Orlando legal community in the past years.

There are a few special announcements this month: **Eric Reed**, President-Elect

of the YLS, has made partner at Shutts & Bowen, LLP; **Tony Sos**, Secretary of the YLS, has made partner at Dellecker, Wilson, King, McKenna & Ruffier, LLP; and **Eddie Fernandez**, YLS board member, was recently elected President of the Orange County Young Republicans. Please congratulate them for their great achievements!

The **YLS May Luncheon** will take place on **May 20, 2010** at 11:45 a.m. at the Citrus Club. We will have our annual "Passing of the Gavel" ceremony where **Ryan Davis**, President of the YLS, will hand over the gavel to **Eric Reed**, President-Elect of the YLS. This luncheon is always a memorable one as the President reviews the events that the YLS has participated in over the course of the past year, and past Presidents of the YLS attend to offer their invaluable advice to the President-

Elect. Please e-mail your RSVP to ocbayls@gmail.com. If you RSVP before May 19, 2010, the cost is \$20 for lawyers and \$12 for law students, government attorneys, solo attorneys, and judges; a late charge of \$2 will be added if you do not RSVP.

If you want to find out more about our section and its committees and events, please call me at 407-388-1900 or email me at sunny@brownstonelaw.com. If you are not receiving the YLS email blasts, send an email to me or ocbayls@gmail.com to sign up.



Sunny A. Hillary is an attorney with Brownstone, P.A. She has been a member of the OCBA since 2005.

Orlando Union Rescue Mission at 410 W. Central Boulevard.



In February the YLS and the Hispanic Bar Association joined forces in volunteering their time and expertise in assisting with the IDignity program.



Hearsay

"April hath put a spirit of youth in everything."
~ William Shakespeare



Kimberly D. Webb

Happy Spring! I thought it would never get here! What a crazy winter! I know I for one am thrilled that spring has returned.

As the irrepressible Robin Williams says: "Spring is nature's way of saying, 'Let's party!'" Sounds like a great idea to me. So let's do it Derby style! On May 1, the OCBA gala will be going to the Kentucky Derby! Join us on the pool terrace at 55 West for a **Kentucky Derby Party** to benefit the OCBA Foundation. Derby festivities begin at 5:00 p.m. Watch the race, then stay for the music and dancing, fantastic derby food and beverages, good times and the beautiful sunset. Tickets are only \$75 each. Leave the tuxedos and the formal wear in the back of the closet. This party calls for Derby attire. You know, linen and seersucker. Big gorgeous hats and sundresses for the ladies. There will be raffles, derby pie, mint juleps and prizes for best Derby attire! For more information or to order your tickets, you can contact me or **Jacquelynne Regan** at reganj@lowndes-law.com. If you are

interested in being a sponsor of this fantastic event, **Woody Rodriguez** would love to talk to you!

As glad as we all are at the return of spring, the bizarre winter weather didn't seem to slow anybody down at the OCBA. For example, **Anthony Sos** has been busy helping out United Cerebral Palsy of Central Florida, where he was just appointed to the Board of Directors. UCP of Central Florida provides services to more than 2,300 special needs children in Central Florida. Congratulations Tony!

Foley & Lardner's attorneys gave generously to raise relief funds for victims of the earthquake in Haiti. Attorney contributions, along with matching funds from the firm, helped raise \$150,000 for Haitian relief. Foley & Lardner's efforts remind us of just how much one group can accomplish when they are determined to do something. Outstanding!

And the busy folks down at Lowndes, Drosdick, Doster, Kantor & Reed, P.A.,

haven't slowed down either. **Jonathan Huels** was appointed to the executive board of the Back to Nature Wildlife Refuge & Education Center, a refuge dedicated to rescuing, raising and rehabilitating injured and orphaned Florida wildlife. **Peter Reinert** joined the board of the Florida Venture Forum, an advisory and support program that encourages and supports entrepreneurial enterprises in Florida. And **Greg McNeill** was inducted into the Committee of 100 of Orange County, Inc., an organization dedicated to raising funds for the families of first responders who are injured or killed while serving our community.

Have you selected your winning horse yet? See you at the Derby! Until then, as always, keep sending your news, highlights, and Hearsay-worthy items to my attention at kwebb@gobelflakes.com.

Kimberly D. Webb is an attorney with Gobel Flakes, LLC. She has been a member of the OCBA since 2002.

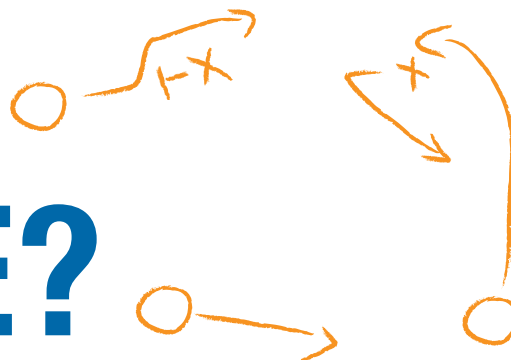
Solo & Small Firm Committee seminar sponsored by M&I Bank.



Retirement Planning seminar on February 25, 2010, presented by the Solo & Small Firm Committee.

THINK YOU HAVE GAME?

STEP INTO OUR COURT.



Cross, Fernandez & Riley, LLP (C/F/R) will be hosting their annual Battle of the Bar basketball tournament on Saturday, May 16, 2010. We invite you to compete against and have fun with other local law firms. All proceeds from the tournament will benefit the Track Shack Foundation.

For more information or to register, please visit www.cfrcpa.com/battle or contact Sara Bokee at 407-398-7842 or sbokee@cfrcpa.com. [See you on the court!](#)

Date Sunday, May 16th, 2010
Time 1:00 pm – 6:00 pm
Location First Presbyterian Church of Orlando
106 East Church Street
Orlando, FL 32801



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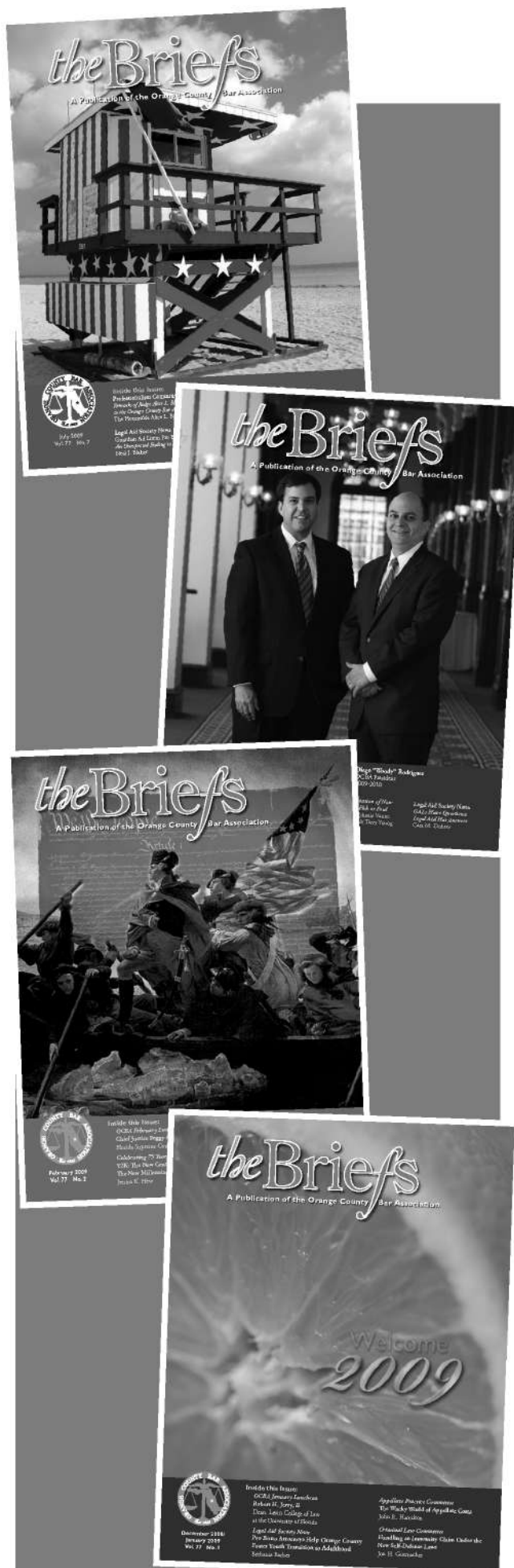
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Side Bar

The **Orlando Chapter of the Federal Bar Association (FBA)** will present a Trailblazer Luncheon at noon on April 22, 2010, at the Grand Bohemian Hotel. The lunch will feature guest speaker the **Honorable Joseph W. Hatchett**, former Chief Judge of the Eleventh Circuit Court of Appeals and former Florida Supreme Court Justice. He will speak on the importance of professionalism in appellate practice following introductory remarks by U.S. District Court judge, the **Honorable Gregory A. Presnell**. Tickets are \$30 for FBA members, \$45 for non-members, and complimentary for judges. Seating is limited. RSVP by April 16 to Dianna Richard at dbichard@bakerlaw.com or 407-649-4697. Valet parking is available at a reduced rate of \$10.

On February 17, 2010, the **Hispanic Bar Association of Central Florida (HBACF)** installed its 2010-2011 officers and board at a general meeting of the HBACF at the OCBA Center. Outgoing HBACF President **Cindy G. Duque** gave the welcome and opening remarks, and the **Honorable Jose Rodriguez** introduced OCBA President and guest speaker, **Woody Rodriguez**. The **Honorable Wilfredo Martinez** conducted the swearing in. The new officers are **Corina Castillo-Johnson** (President and President-Elect), **Patricia A. Markuck** (Secretary), and **Karla Valladares** (Treasurer). Board members are **Felipe Guerrero**, **Nicole Sbert**, **Marcio Valladares**, **Laura Pichardo**, **Frank Symphorien**, and **Kimberly Lopez**.



Cindy Duque, Woody Rodriguez

HBA Installation



Corina Castillo-Johnson, Hon. Wilfredo Martinez



Installation of officers and board members

CFAWL Professional Women's Exchange

On February 10, 2010, CFAWL held its annual Professional Women's Exchange. Nearly 300 women from a variety of professions attended the event. A portion of the proceeds benefited **A Place for Children**. Shown are Co-Chairs Bridget Labutta and Christine Arendas.



Succeeding as a Paralegal

The job of a litigation paralegal is never typical. Work may require you to stay until midnight, or come into the office on a weekend. Adrenaline and coffee will get you through, but to excel, you need a specific skill set. Once those skills are mastered, the job is worthwhile and fulfilling.

Becoming a Paralegal

My career path was circuitous. After graduating from high school, I planned to become a meteorologist. Being a stoic scientist type, I never envisioned myself in the legal field.

Fate and the need for tuition money landed me a job as a receptionist at a two-attorney firm. Before long, I was

hooked on all things legal. I earned an English degree from Rollins College, became a Florida Registered Paralegal, and obtained my certification from the National Association of Legal Assistants.

To avoid stagnation, I stay involved with many community and professional organizations, such as the Rotary Club and the Orange County Bar Association Paralegal Section. I find these relationships essential and enriching, giving me ample educational and social opportunities to learn and grow as a paralegal.

Skills Necessary to Succeed

Over the years, I've noticed certain key skills that all good paralegals have in common.

First, effective **oral communication** is vital. The majority of my day is spent communicating through various mediums to the different parties involved in a case. The most important part of communicating is making the cli-

ent feel important. A client usually has only one case and that one case means everything to him or her; so, treat every case as your own and promptly return phone calls.

Second, excellent **writing** skills are necessary to succeed as a paralegal. While grammar, punctuation, and spelling are imperative, developing your own clean, compelling writing style will set you apart from other paralegals.

For example, a verbose sentence from the *Legalese Hall of Fame*¹ illustrates the lack of clear and concise writing that plagues the profession:

"I am herewith returning the stipulation to dismiss in the above entitled matter; the same being duly executed by me."

Rather, "I have enclosed a signed stipulation to dismiss the case" will suffice.

Third, **attention to detail** is very important. Early in my career, I learned that even though an attorney says that a document is ready, you should still review it (if you have a few minutes to spare before the 5:00 p.m. deadline). On a few occasions, that "just let me take another look" habit helped rectify errors that changed the



meaning of a sentence, weakened an argument, or simply looked sloppy. It never hurts to proofread a document more than one time.

Also, do not rely on the attorneys to correct your work. I recall one instance when another paralegal accidentally referred to the condo docs as the condom docs in an internal memorandum. This example clearly illustrates that spell-checker does not pick up the wrong word spelled correctly.

Conclusion

Being a paralegal provides me with the opportunity to make a difference for clients. I love my job and strive to better myself through the friendship of my peers, volunteerism and continuing my education.

Amy Guy is a paralegal at Calandrino Law Firm. She has been a member of the OCBA since 2007.

¹<http://www.partyofthefirstpart.com/hallOfShame.html> February 22, 2010.

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Presentation Skills for Lawyers

Enter the Conversation in their Minds

Recently, while helping a friend draft a cover letter, I rediscovered an important technique that will help you persuade judges, jurors, and anyone else you meet.

If you've ever spent much time reading resumes and cover letters, you know that most of them say something along the lines of, "Me! Me! Me! Pick me! I'm awesome! I'm amazing! I'm the best!" But here's the problem... Employers couldn't care less about *you*. They don't care how awesome you are, how smart you are, or how skilled you are. What they *really* care about is what you can do for them. They want to know if you can successfully handle the job, whether you can help make them more profitable, or if you can solve the problem that they need fixed.

That's why a good cover letter starts off by entering the discussion that's already going on in the employer's mind, and positions you as the best possible solution to the problem that's been keeping them up late at night. For example, let's pretend that you need someone to handle the phones because your last receptionist didn't know how to handle your QX-4700 phone system, continually misrouting all of your client calls to Timbuktu. Imagine receiving a cover letter like this:

"When you hire a new receptionist, one of the biggest concerns you have is whether or not that person is qualified to handle your QX-4700 AT&T phone system. Dropped transfers and misrouted calls are not only annoying, they cost you business. That's why you want a receptionist who is an expert on the QX-4700. For the past seven years, I've worked exclusively with the QX-4700 and have trained 14 new attorneys how to set-up their voicemail and use the QX-4700 system. My experience with the QX-4700 will ensure that your calls are routed properly, so that you and your law firm can operate at peak efficiency."

Wouldn't that letter generate a lot more interest than the typical, "I'm awesome, you should hire me" cover letter that most prospects send you? More importantly, the better the prospective employee can define your problem, the more

likely you'll be to hire him. If you pick up this cover letter and think, "Wow, he *really* understands the problems my office is facing," then you'll probably assume that he's the perfect solution to your problem and ask him to hurry over for an interview.

The same technique applies when you're trying to persuade jurors, judges, and colleagues. The more you can get inside their heads and understand what they're thinking about, the better job you'll do of structuring your arguments to address their needs. To persuade anyone, you need to enter the conversation that's already going on in their minds by asking questions like these:

- "What problems do they face at work every day?"
- "What is the biggest concern they have about _____."
- "What keeps them up late at night pacing the floor?"

If you can answer those questions, your arguments and presentations will be more valuable to the people you're trying to persuade. They'll see you as the guide they can trust, the person who understands their problem, and the person they can rely upon to help them solve the problem.

Some people might feel offended if you presume to know what they're thinking, so rather than assuming that you know what they want, you might want to preface your arguments with a statement like, "One question that a lot of clients/jurors/partners ask is..." and then asking the question on their behalf. Here are some examples you might use in a closing argument:

"One question that a lot of jurors ask is, 'How am I supposed to fill out the verdict form?' Here's how you fill it out:

One of you will be selected as the foreperson. You'll be responsible for signing and dating the form. At the end, that person will sign their name [here] and print the date [here]. You'll also check the verdict form [here], finding the defendant

not liable for Ms. Jones' injuries."

"One question that we often hear is, 'I've heard all of the testimony and seen all of the exhibits, but what am I supposed to do with it?' That's why the judge is going to read you special instructions about the law. He'll tell you exactly how to apply the facts you've heard to the law. One of the instructions he's going to read you will talk about the issue of expert witnesses. Here's what he'll say..."

"One thing that you might be talking about in the deliberation room is, 'What do we do if we think *both* parties are partly responsible?' Here's how to answer that question..."

Regardless of whether you're applying for a job, talking to a judge, or addressing a jury, it's important to get inside the mind of the person you're addressing and enter the conversation that's already taking place in their minds.

If you can define the problem they're facing and provide the solution, you'll be far more persuasive than anyone else, making *you* the person they can trust when it comes time to make their final decision.

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Elliott Wilcox is the editor of **Trial Tips Newsletter**. To get your free copy of his special report, "How to Successfully Make & Meet Objections," visit www.TrialTheater.com



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President's Message

continued from page 3

that our budget has now grown to over \$1.3 million dollars per year. Keeping track of all of the income and expenses for all of our programs is a daunting task. Mike has helped navigate us through the financial storm this past year with excellent results.

Our monthly publication, *The Briefs*, has grown significantly in the years since **Bill Sublette** was President and spearheaded many of the changes we see in today's issues. This past year, we hired a Marketing Manager, **Mente Connery**, to bring the advertising contracts in-house. With that move as well as the replacement of our printer and graphic designer, the revenues from *The Briefs* are humming along at a better clip than ever before. Mente gives our members more personalized service and assistance with their advertising needs. In her first full year, Mente also had the added bonus of organizing all advertisement for the Membership Directory and working on new sponsors' contracts.

While *The Briefs* is edited each month by the outstanding duo of Chief Editors **Kim Healy** and **LaShawnda Jackson** and Co-Editors **Vivian Cocotas** and **Sarah Reiner**, the heart and soul of the publication is our Communications Manager, **Peggy Storch**. For more than 19 years, my good friend **Connie Bacerra** was in charge of preparing *The Briefs* and delivering us a good publication. Connie retired about five years ago and left a gaping hole in our organization. Peggy was transferred from managing membership to assuming Connie's role in time to help implement the changes in the format of *The Briefs*. The success of this publication required someone who could consistently keep track of all of the various articles, columns, and

photographs. Peggy is an amazingly talented individual who works tirelessly for the bar association. She helped bring her sister, **Cathy Hebert**, on board to serve as the graphic designer for *The Briefs*, the Membership Directory, and many of the new collateral pieces you see. The monthly magazine has continued to improve while costs have been kept in check. As if *The Briefs* wasn't enough, Peggy sends out the e-mail blasts, edits in-house print material, works closely with OCBA social event chairs on publicity, and has coordinated the development of our new and improved website and database with the expertise of an IT guru and web development team, as well as the indispensable input of our membership manager.

Finally, there is our Executive Director, **Brant Bittner**. Brant has been our director for close to eight years now and he, too, gives his all each and every day. This past year I have challenged him to bring in more sponsors so we can be more fiscally responsible. I am proud to say that we have now added over \$60,000 in sponsorships from service providers that help our members, including our relationship with a quality banker in **M&I Bank**. Brant is not only the President's best friend but he must also manage the staff of the OCBA, oversee the big picture issues and long range needs, tackle the unexpected projects (such as the Foreclosure Mediation Program), and more.

To Brant and all the staff, thank you for your service and dedication to help our organization's success!

Woody Rodriguez is a partner with Marchena & Graham, P.A. He has been a member of the OCBA since 1998.

Rainmaking 101

Potential Referral Source Interviews



Mark Powers



Shawn McNalis

“What frustrates you about dealing with attorneys?” Imagine asking this question of a potential referral source. Perhaps this is someone you met over the holidays at a party. First, he’ll grin -- look to see if you are serious -- and then he’ll tell you everything he does not like about dealing with attorneys (even if he himself is an attorney). If you think this is a bad way to direct a conversation, read on. This type of interview question is one of the most powerful and strategic ways to cultivate a new business relationship and open the door to new referrals.

People love to talk about themselves and to give their opinions. Most people will be flattered that you asked. To test this for yourself, go out and interview three to five people. Most of us know approximately 150 people by name in our community. If you are well networked, or have lived

in your area a long time, you might know more than 500. Look at the people with whom you are already acquainted. They may serve on the same boards as you. They may coach your daughter’s soccer team. They may go to church with you or play tennis with you on weekends.

Once you’ve identified them, think about what these people do for a living and ask yourself if they are in a position to refer you clients. If they are, try saying something like: “Gary, I’ve sat next to you on this board for a year now and I don’t really know what you do – why don’t we get together for lunch sometime?”

Or, perhaps you are at a service club meeting with someone you know casually and admire the way she handles club business. In this case the conversation might start something like this: “Joan, I’ve watched how you’ve handled your committee – you obviously have pretty good business judgment. I’m always in the process of enhancing my practice and would appreciate your opinion. Could I buy you lunch and pick your brain?” These are just two examples. The idea is to create an opportunity to meet someone one-on-one and get to know them better.

A one-on-one lunch, or even breakfast date, gives you that chance. The interview is not to be done when the relationship is still “cold,” meaning that you have to know the person you are talking to a lot better before launching into it. Only when the right degree of warmth is reached will you feel comfortable launching into the interview. Spend time learning about potential referral sources, their family, their history, and most importantly, their business. When the time is right, try to make the interview questions sound spontaneous and like a natural outgrowth of the conversation.

To lead into the interview, you might ask a question such as, “Have you worked with many attorneys?” or make an observation such as, “I imagine you’ve worked with many attorneys over the years.” (You *do not* want to start the person on a long, detailed recital of whom they have used and what they do or do not like about them. You aren’t looking for negative gossip about your colleagues and should avoid this perception by not letting

them name people). To make it sound natural, use your own words when you ask the following questions:

1. What are your frustrations when dealing with lawyers *in general*?
2. Why do these things frustrate you?
3. Tell me what lawyers have done in the past that made you decide never to go back to them -- or refer people to them. (Again, no names.)
4. If you were to get outstanding service from a lawyer, how would you describe it?

If you listen, your potential referral source will tell you the type of lawyer with whom they enjoy working and the type they do not. In this conversation, they will reveal their expectations. And when they open up to you in this process, they will start seeing you as an ally. Someone who understands. They will tell you things they are not revealing to any other attorney. Why? Because no other attorney in your community is asking these questions.

At the appropriate moment, mention to your lunch companion that you’d be interested in “building a business relationship with them in the future” and see what they say. Quite often, their response to this will be positive. If it is, pursue the idea. In most cases, if they are in a position to send clients to you, you are in a position to reciprocate. Mention that you will be on the lookout for referrals for them. In fact, there is nothing like sending a client to a new potential referral source to get the business relationship off to a strong start.

Take the time now to figure out who in your universe might have great potential to send clients. We’ve outlined a process you can use to begin cultivating a relationship with potential referral sources – a process that is road-tested and very powerful. But don’t take our word for it. Try it for yourself. We think you’ll be delighted at the results.

Mark Powers, President of Atticus, Inc., and **Shawn McNalis**, co-authored “How Good Attorneys Become Great Rainmakers” and are featured marketing writers for *Lawyers, USA* and a number of other publications. To learn more about the work that Atticus does with attorneys or the Atticus Rainmakers™ program, please visit www.atticusonline.com or call 352-383-0490 or 888-644-0022.

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Speaking Engagements

Jill S. Schwartz of Jill S. Schwartz & Associates, P.A., recently spoke at the Florida Chapter of the National Employment Lawyers Association Winter Conference. The topic was *Settling Your Case: Best strategies, practices and tips for resolving employment law disputes, from the plaintiffs, the defendants and the mediators perspectives.*

Larry D. Smith of Smith, Toole & Wiggins, PL, was invited to speak at the Diversity Conference of the Litigation Counsel of America in Atlanta, GA, on November 12, 2009, on the subject, *Outlook for the Invisible Minority*, offering a perspective of challenges facing the GLBT legal professionals and their community.

Drew Sorrell, a partner with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., recently presented to the members of the Seminole County Bar Association regarding the burgeoning laws of eDiscovery and Technology.

David H. Spalter of Jill S. Schwartz & Associates, P.A., recently spoke at the Florida Chapter of the National Employment Lawyers Association Winter Conference. The topic was *Litigating FLSA Cases.*

Dennis Wall of Winter Springs and Orlando, Florida presented a webinar entitled *Insurance Rescission vs. Post-Claim Underwriting* for Strafford Publications on Wed., Feb. 3, 2010. In addition, on Thurs., Feb. 4, 2010, he led an OCBA Insurance Law Committee seminar, and addressed the subject, *Insurance in the Lawsuit and Mediation: Injection and Antidote.*

Social Events

May 1 - Kentucky Derby Party to benefit the OCBA Foundation. 5:00 p.m.-10:00 p.m. 55 West -14th Floor Deck. \$75 per person. For tickets or more information, please contact Jacquelynne Regan at reganj@lowndes-law.com. For sponsorship information, please contact Woody Rodriguez at woodyocba@aol.com.

May 13 - 6th Annual Texas Hold 'Em Poker Tournament. 5:30 p.m. Slingapours on Wall Street in downtown Orlando. Advance RSVP: \$25 (to play); \$35 (at the door). Non-players: \$15. To RSVP, contact Bill Umansky at bill@thelawman.net. Sponsored by M&I Bank.

Upcoming Seminars

Apr. 16 - *Get to Know Your Judges.* Family Law Committee Seminar. 12:00 p.m. OCBA Center. CLE pending. Speaker: Circuit Judge Cynthia Z. Mackinnon. Contact committee chair, Tom Marks, at tdm@markslawfla.com.

Apr. 27 - *Residential Treatment of Dependent Children.* LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 North Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE applied for. Speaker: Krista Bartholomew, Esq. For more information, please email ctucker@legalaiddocba.org or mcarbo@legalaiddocba.org

Apr. 27 - *Ethical Uses of Technology & E-Discovery.* Solo & Small Firm Committee Seminar. 12:00 p.m. OCBA Center. Speaker: Suzanne Meehle. For details, contact Marie at marieb@ocbanet.org.

Apr. 29 - *Resort Torts: Vacation, Resort and Recreational Liability.* 11:30 a.m.-5:00 p.m. CLE: 3.0. OCBA Center. Lunch provided. Speaker: John Elliott Leighton. Sponsored by: Leighton Law. For details, contact Marie at marieb@ocbanet.org or see the registration flyer on the OCBA website calendar for April 29.

May 7 - *Importing Case Data & Performing Keyword Searches.* OCBA Paralegal Section. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 2.0 (pending). Speaker: Steve Reynolds, Digital Legal. Contact: 407-422-4551, ext. 233.

May 11 - *Domestic Violence in Family Law.* LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 North Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE applied for. Speaker: Tenesia C. Hall. For more information, please email ctucker@legalaiddocba.org or mcarbo@legalaiddocba.org.

May 25 - *Making the Forever Family: Adoption Finalization in Dependency Cases.* LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 North Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE applied for. Speaker: Stephanie Stewart. For more information, please email ctucker@legalaiddocba.org or mcarbo@legalaiddocba.org.

May 25 - *Proper Payroll Procedures.* Solo & Small Firm Committee. 12:00 p.m. OCBA Center. CLE: 1.0 (pending). Speaker: Donna Sonntag, Master Pay USA. For more information, please contact Marie at marieb@ocbanet.org.

May 26 - *Insurance Recession: The Ethics and Mechanics behind the Florida Recession Statute.* Insurance Law Committee. 12:00 p.m. OCBA Center. CLE: 1.0 (pending). Speaker: Dennis Wall. For details, please contact Marie at marieb@ocbanet.org

Other News

Orlando Magic Special Ticket Offer. The OCBA has teamed up with the Orlando Magic offer you the opportunity to purchase discounted tickets to select Magic games for the remainder of this current season. Special discounts are available through this offer only. (Discounts vary by game and ticket availability.) Lower Bowl Tickets starting as low as \$50; Upper Bowl Tickets starting as low as \$17. Also: the Orlando Magic are accepting deposits for season tickets for the 2010-11 inaugural season in the new Amway Center. For information, contact Jack Lensky of the Orlando Magic at 407-916-2949.

Effective March 29 the Orange County Corrections Department (OCCD) will no longer allow personal or official use computers to enter the secure ground of facilities of the jail, in accordance with OCCD Standard Operating procedure PP.600-02: *"Computers in the possession of official visitors whether personal or official use **will not** be permitted inside the secure perimeter. Official visitors may check out a notebook computer at the North Perimeter Building; however such devices will be operated with the use of a USB drive, which must be supplied by the official visitor and removed upon departure."* For further information, please contact OCCD at 407-836-3564.

Barry School of Law student wins Federal Bar Association writing competition. Third-year Barry Law School student Charlotte Erdmann took first place in the Federal Bar Association's (FBA) March 5 writing competition for the taxation section entitled "A Time For Change, A Time For Hope: The AMT's Adverse Effects on Large Families and Congress' Season to Change it." She received a \$2,000 award.

Barry School of Law will present the free CLE, *Where Do We Go From Here? Law In The Instant Media Age*, on Sat., Apr. 10, 2010, from 9:00 a.m.-5:00 p.m. at Barry University, 6441 E. Colonial Drive, Orlando, FL 32807. The primary focus is the effects of instant media and the practice of law. (CLE pending approval.) **Registration deadline: April 6.** For details or to register, email Kevin Dilg at Kevin.dilg@mymail.barry.edu or call 407-797-5736.

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Due to an error, footnotes were inadvertently omitted from the article, "LEED in a Nutshell," by David N. Torre. The article appeared in the March 2010 issue of *The Briefs*. If you would like the full article with footnotes, please contact info@ocbanet.org for a pdf version. We apologize for any inconvenience this has caused Mr. Torre and our readers.

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OCBA CALENDAR

April - May 2010

OCBA Luncheon

Thursday, April 22, 2010

Linda W. Chapin

Former Orange County Mayor

RSVP by Friday, April 16, 2010 to:
reservations@ocbanet.org

April

2 Paralegal Section

12:00 p.m. • Bar Center

7 Criminal Law Committee

12:00 p.m. • Courthouse
23rd Flr. Judge's Conference Rm.

Elder Law Committee

12:00 p.m. • Bar Center

8 Social Security Committee

12:00 p.m. • Bar Center

9 Family Law Executive Committee

11:45 a.m. • Houlihan's

Workers' Compensation Committee

11:45 a.m. • Smokey Bones

13 LAS Lunchtime Training

Garnishment of Wages & Bank Accounts
12:00 p.m. • Comerica Bank

14 Estate Guardianship & Trust Committee

12:00 p.m. • Bar Center

Judicial Relations Committee

12:15 p.m. • Courthouse
21st Flr. Conference Rm.

Executive Council Meeting

4:00 p.m. • Bar Center

15 YLS Luncheon

Cara Dobrev
2010 Lawrence G. Mathews, Jr.
Young Lawyers Professionalism Award Recipient
11:45 a.m. • Citrus Club

Appellate Practice Committee

12:00 p.m. • Bar Center

16 Family Law Committee Seminar

Get to Know Your Judges
12:00 p.m. • Bar Center

20 Professionalism Committee

12:00 p.m. • Bar Center

22 OCBA Luncheon

Linda W. Chapin
Former Orange County Mayor
11:30 a.m. • Church Street Ballroom

27 LAS Lunchtime Training

Residential Treatment of Dependent Children
12:00 p.m. • Comerica Bank

Solo & Small Firm Committee Seminar

Ethical Uses of Technology & E-Discovery
12:00 p.m. • Bar Center

28 Business Law Committee

12:00 p.m. • Location varies.
Please contact chair.

29 Resort Torts: Vacation, Resort and Recreational Liability Seminar

11:30 a.m. • Bar Center
Sponsored by Leighton Law

30 Bankruptcy Law Committee

12:00 p.m. • Bar Center

May

1 Kentucky Derby Party

To benefit the OCBA Foundation
5:00 p.m. • 55 West (Downtown Orlando)

5 Criminal Law Committee

12:00 p.m. • Courthouse
23rd Flr. Judge's Conference Rm.

6 Federal Judicial Relations

12:00 p.m. • Judge Conway's Chambers

7 Paralegal Section Seminar

*Importing Case Data &
Performing Keyword Searches*
12:00 p.m. • Bar Center

11 LAS Lunchtime Training

Domestic Violence in Family Law
12:00 p.m. • Comerica Bank

12 Estate Guardianship & Trust Committee

12:00 p.m. • Bar Center

Judicial Relations Committee

12:15 p.m. • Courthouse
21st Flr. Conference Rm.

Executive Council Meeting

4:00 p.m. • Bar Center

13 Social Security Committee

12:00 p.m. • Bar Center

Texas Hold 'Em Poker Tournament

5:30 p.m. • Slingapours on Wall Street

14 Family Law Executive Committee

11:45 a.m. • Houlihan's

Workers' Compensation Committee

11:45 a.m. • Smokey Bones

18 Professionalism Committee

12:00 p.m. • Bar Center

20 YLS Luncheon

11:45 a.m. • Citrus Club

Appellate Practice Committee

12:00 p.m. • Bar Center

21 Family Law Committee

No meeting scheduled

25 LAS Lunchtime Training

*Making the Forever Family:
Adoption Finalization in
Dependency Cases*
11:20 p.m. • Comerica Bank

Solo & Small Firm Committee Seminar

Proper Payroll Procedures
12:00 p.m. • Bar Center

26 Insurance Law Committee

*Insurance Recession: The Ethics and
Mechanics behind the Florida
Recession Statute*
12:00 p.m. • Bar Center

27 OCBA Installation of Officers Dinner

5:30 p.m. • Church Street Ballroom

28 Bankruptcy Law Committee

12:00 p.m. • Bar Center



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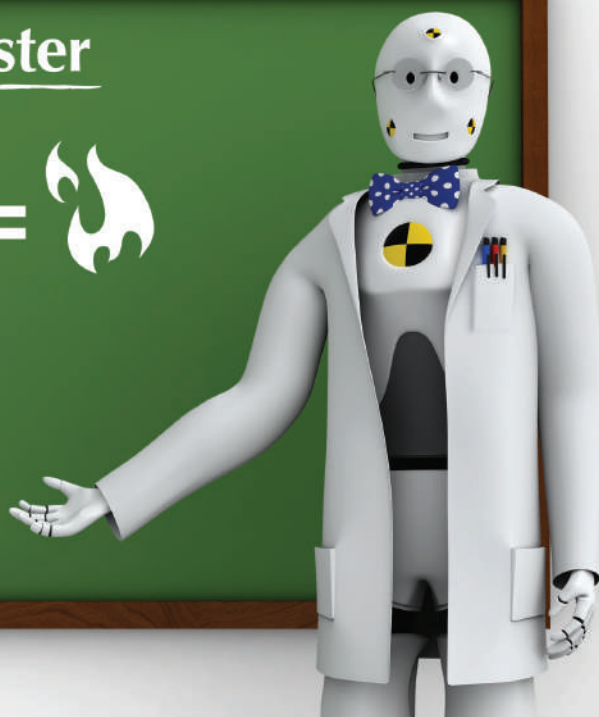
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