

the Briefs

A Publication of the Orange County Bar Association

*February is fabulous
Florida Strawberry
Month*



February 2010
Vol. 78 No. 2

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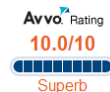
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759 So. 2d 732 (Fla. 5th DCA 2000)
Prevented multi-million dollar judgment
addition in complex business litigation.

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

Layeni v. Layeni,
843 So. 2d 295 (Fla. 5th DCA 2003)
Reversed denial of wife's interest
in medical accounts receivable.

Owen v. Owen
867 So. 2d 1222 (Fla. 5th DCA 2004)
Reversed imputation of income with
directions to reduce by 50%.

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

***Mitchell v. Metropolitan at
Lake Eola LLC,***
947 So. 2d 1263 (Fla. 5th DCA 2007)
Reduced lis pendens bond from
\$600,000 to \$20,000.

Mid-Florida Television Corp. v. Boyles,
467 So. 2d 282 (Fla. 1985)
Reversed the dismissal of a libel action
against an Orlando television station.

***Florida Emergency Physicians-Kang &
Associates, M.D., P.A. v. Parker,***
800 So. 2d 631 (Fla. 5th DCA 2001)
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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 ● The Plan is "The Plan Will Change"

February 2010

Upon arriving in Orlando, my wife and I joined a large downtown church that, on occasion, gave one of the younger pastors an opportunity to present his sermon to the entire congregation. On most Sundays, the message is usually good and valuable information, but it cannot be said that every sermon is a memorable experience. However, on one occasion, Peter McKechnie, our young pastor, told a tale of a mission trip he took to Costa Rica with some of the younger members of the congregation. His story has had a lasting impact on me for its simple message.

Most of the members were taking their first mission trip, and his group was excited to go. All were eager to arrive at the rural village, build new housing units, and make a difference in the lives of the locals. However, upon landing at the central airport, the group experienced "unusual" delays and missed their connecting flight. They were forced to change their plans. When they arrived at the next city, they loaded up the bus for what was supposed to be a four-hour bus ride. Instead, the bus broke down along the way, and they had to wait for replacement transportation. Needless to say, their plans had changed again. Upon arriving at the village, they quickly realized that some of the materials that were supposed to have been shipped separately had not arrived and, worse, some of the supplies had disappeared. New supplies were ordered but would take several days to arrive. Once again, their plans had changed.

The group was now several days into their mission and had yet to commence any "real work." Their enthusiasm was starting to wane as their visions of "success" faded. Soon they would be headed home with little to show for their time and efforts. It was at this time that the pastor gathered his group. He reminded them that during the time they were stranded at the airport they might use their time to practice their Spanish. When they were stranded on the side of the road, they shared in fellowship and camaraderie and became better friends. He suggested that as they waited for the supplies to arrive they scout other projects of need for future mission trips. Peter explained that to him the plan was always going to be "The Plan Will Change" and that long ago he had dismissed any illusions that he had complete control. He pointed out that it is our reactions, our attitudes, and what we choose to do when confronted with such challenges that help shape who we are. In essence, how we confront those unexpected challenges and convert them into opportunities can ultimately make all the difference in our lives and in the lives of others.

Our February speaker is all too familiar with unexpected changes to his plans. Warrick Dunn is best known perhaps for his football successes at Florida State and in the National Football League with the Tampa Bay Buccaneers and the Atlanta Falcons.

But Warrick Dunn's story transcends the sports gridiron. As the oldest of six children, Warrick grew up watching his mother provide for him and his five siblings. As a single mother, she worked endless hours as a Baton Rouge police officer and had several off-duty jobs to make ends meet.

In 1993, just two days after turning 18, Warrick Dunn's mother was working as an off-duty police officer and escorting a businesswoman to a bank to make a night deposit. She was ambushed and killed by armed robbers. Three men were ultimately sent to prison for the murder and two remain on death row. In an instant, Warrick's life had completely changed. His plans had changed. While he still planned to attend college and play football, his focus suddenly became providing for his siblings. How he reacted to the devastating changes in his life and how he has made that experience a focal point of his life speaks volumes about Warrick Dunn, the human being.

Over the years, Warrick has provided for his family and for many others. Although she worked hard her whole life, Warrick's mother never realized her dream of owning her own home. Upon being drafted into the NFL, Warrick soon established a program called "Homes for the Holidays" in an effort to keep his mother's dream of home ownership alive for other single parents working hard to provide for their families. "Homes for the Holidays" assists single parents in owning their first home by providing the down payment on a house and then filling the home with everything a first-time owner would need. Warrick then established the Warrick Dunn Foundation in an effort to expand the "Homes for the Holidays" program. To date, the program has assisted more than 85 single parents and over 200 dependents in Atlanta, Baton Rouge, Tampa, and Tallahassee.

My plan, as president, was to have Warrick share his story with our association. However, because of the demands on his time, Warrick limits his speaking engagements and is normally able to command a significant donation for his foundation. So my own plans to bring him as a speaker were changed, and I began to look elsewhere for a speaker. However, in early January a fellow FSU College of Law classmate and one of Warrick's Foundation Board members, Tony Cabassa, agreed to help us make this speaking engagement a reality.

Since that sermon, I have practiced law with the knowledge that despite my intense preparation and preparedness; despite my intimate knowledge of each critical fact; despite having highlighted and reviewed every seemingly relevant case, there will always be things for which we cannot plan, predict, or anticipate. And so I always prepare knowing that the plan is "the plan will change."

As lawyers we make lasting impacts on the lives of our clients. As *pro bono* attorneys we change the lives of so many children and people in need in Orange County. Come and join us February 25th for a once in a lifetime experience and hear how a devastating event in one person's life can have such a tremendously positive impact on the lives of so many others.

Seeking Liberty Bell Award Nominees

The Liberty Bell Award, presented by the Orange County Bar and in conjunction with the Law Week Committee, has been established to acknowledge outstanding community service.



Diego "Woody" Rodriguez

Sixth Annual Celebrity Golf Classic

Benefiting the Warrick Dunn Foundation

Monday, April 26, 2010

Emerald Greens Golf Resort & Country Club

Registration: 12 pm

Shotgun Start: 1 pm

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- Logo on golf polos
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- Two night stay at the Villas located at Emerald Greens Golf Resort
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- Opportunity to place promotional materials in "swag bags"
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\$1,500

- Autographed team photo with Mr. Dunn (4)
- Lunch and refreshments on the course and after golf
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OCBA Luncheon February 25, 2010

Presenting Sponsor:



Warrick Dunn
Founder, Warrick Dunn Foundation

Warrick Dunn was born in Baton Rouge, Louisiana, on January 5, 1975. He played cornerback, running back, and quarterback at Catholic High School in Baton Rouge and was heavily recruited as a high school senior before committing to Florida State University (FSU).

At FSU, Dunn was a three-time, first-team All-ACC performer, where he became the first back in the school's history to record three 1,000-yard rushing seasons. He finished as the Seminoles' career leader in rushing yards, gaining 3,959 to surpass Greg Allen's 3,769 (1981-84). He averaged 6.9 yards

per carry as a collegian, setting a Seminole record and the top mark by a NCAA Division I-A player in 50 years, surpassing Army's Glenn Davis' 8.3 average (1943-46). Dunn was considered one of the nation's top passcatching backs.

He had twenty-one 100-yard rushing games, the most in Seminole history and as a senior earned second-team All-America accolades from Associated Press (AP) and was a first-team choice of the Football News. He was selected to the All-ACC first team for three consecutive years and was presented with the conference's Commissioner's Award. Dunn graduated in 1997 with a bachelor's degree in Information Studies.

Warrick Dunn was drafted in the first round of the 1997 NFL Draft by the Tampa Bay Buccaneers and was named NFL Rookie of the Year and designated Offensive Rookie of the Year by various sports media and the AP. In 2002, he signed as an unrestricted agent with the Atlanta Falcons, where he rushed for 5,979 yards, ranking third in the team's history. After six seasons with the Falcons, Dunn returned to Tampa in 2008 and signed with the Tampa Bay Buccaneers as an unrestricted free agent. Dunn is a three-time Pro Bowl selection (1997, 2000, and 2005).

Over the years Dunn has received numerous honors in recognition of his work on and off the field and is well known for his philanthropic endeavors. The Warrick Dunn Foundation, established in 2002, is dedicated to providing opportunities for economically disadvantaged single parents and children who have demonstrated a commitment to achieve financial independence and stability. Dunn started Homes for the Holidays, a program of the Foundation, in 1997 during his rookie year with the Tampa Bay Buccaneers. The program is a tribute to his mother, Betty Smothers, a Baton Rouge police officer who, as a single-mother of six, worked tirelessly to achieve the American dream of owning her own home. While working a second job as a security guard, she was killed in the line of duty and was never able to realize that dream.

Through Homes for the Holidays, Dunn has been able to honor her memory. In 2007 Homes for the Holidays expanded to include single-fathers. To date, the program has assisted 91 single parents and 246 children and dependents to achieve first-time homeownership in Tampa and Tallahassee, Florida, Atlanta, Georgia, and Baton Rouge, Louisiana. For his outstanding role as a community leader, he was invited in April 2005, along with Patriots LB Larry Izzo, to visit U.S. troops in Kuwait, Qatar, and Iraq and to dedicate a new USO building - The Pat Tillman Center - in Afghanistan. In 2004, he was selected by the NFL, along with Falcons LB Keith Brooking and Ravens TE Todd Heap, to travel with former-NFL Commissioner Paul Tagliabue to visit U.S. military troops stationed in Germany. He captured the "No. 1 Good Guy" Award from *Sporting News'* Annual list of good guys in pro sports in June 2005.



In 2007, Dunn, along with Andre Agassi, Muhammad Ali, Lance Armstrong, Jeff Gordon, Mia Hamm, Tony Hawk, Andrea Jaeger, Jackie Joyner-Kersey, Mario Lemieux, Alonzo Mourning and Cal Ripken, Jr., founded Athletes for Hope, a non-profit organization that helps professional athletes and the community develop their passion for philanthropy.

In December 2009, Dunn realized his long-time goal of expanding his knowledge and experience in the area of NFL team management, branding, and operations by becoming a limited partner of the Atlanta Falcons. The purchase of his minority ownership position in the club was unanimously approved by NFL owners and is expected to be completed by March 1, 2010.

For more information about the Warrick Dunn Foundation, please visit <http://www.warrickdunnfoundation.org>.

The Ballroom at Church Street

Co-hosted by the Paul C. Perkins Bar of Central Florida

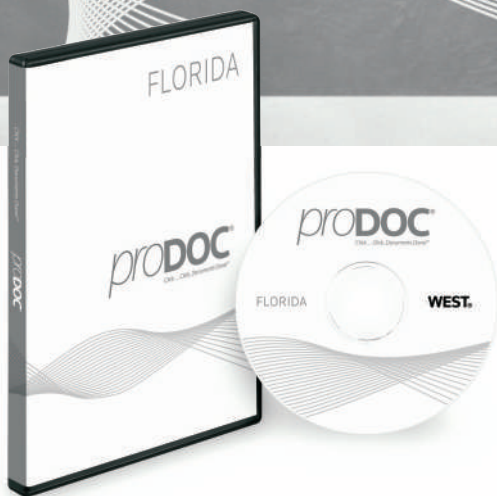
11:30 a.m. - 1:00 p.m.

225 S. Garland Avenue • Orlando, FL 32801

Please RSVP to reservations@ocbanet.org by Friday, February 19, 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, February 19, 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!



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One of the programs at the recent National Convention of Bankruptcy Judges was an interview with Justice John Paul Stevens of the United States Supreme Court. Justice Stevens is now the senior member of the Court with 34 years of service on that Court.

During World War II he was in the Navy in Honolulu and was involved in traffic intelligence which was evaluating Japan's war plans by monitoring the frequency and content of their communications. He learned in doing this that sometimes communications can be garbled. That made him realize later in life that sometimes a federal court has to consider what Congress meant when it passed a statute if the meaning is not clear.

He began his career as a clerk for Justice Rutledge. He described being a clerk for a judge as a great learning experience.

Then Justice Stevens went into private practice. He thinks that the reason he may have first been appointed to the bench was because charges had been made against two Supreme Court judges in Illinois where he practiced. He was retained as counsel for the commission to investigate the charges, which resulted in removal of the judges. His work concerning this brought him public attention.

Eventually he was nominated for the U.S. Supreme Court. He described the confirmation process as a trying experience even then before confirmation hearings were televised. He noted that back in the 1970s when he was appointed, abortion was not the intensely controversial issue concerning the appointment of a Supreme Court judge as it is now.

When asked about the effect of technology on the Supreme Court's work, he said that it has had a big effect. He carries his laptop with him when he travels, connects with his computer to his office and works on opinions. Before computers, the Court had its opinions printed in a print shop in the Supreme Court Building. The printing process sometimes slowed adjournment of the Court at the end of the term until all the printing could be done. Now he says with computers, you can get back the final edition of an opinion in a couple of hours.

He did not think there was a great chance of the Supreme Court permitting the televising of oral argument. He thinks it would bring about changes in oral argument in the same way that it has brought about changes with the televising of Congressional hearings. His feeling is that oral argument works well as it is, and he would not want to risk changing it for the worse.

He related that the Court usually does not hold any pre-oral argument conference. Usually the judges do not know what each other thinks about a case until they hear the other judges' questions and comments in oral argument.

He stated that oral argument was very helpful. It did not often change a judge's decision on a case although it could in some instances. He thought that oral argument often changed the analysis the judges would use in reaching their conclusions in a decision.

He suggested that if a lawyer at an oral argument encounters a judge who is openly hostile to the lawyer's position, the lawyer should not make concessions to that judge to try to persuade him. Doing so might weaken the lawyer's position with other judges who support what he or she is arguing.

He remarked that the Court is more collegial and congenial than it appears. The judges have a weekly luncheon in the justices' dining room and rarely talk business at that time. He said that the judges get to know each other well to the point that you are working with friends even if you sometimes don't understand positions that they take.

He explained that he always wears a bowtie rather than a conventional long tie because his father wore a bowtie and taught him how to tie a bowtie and he doesn't know how to tie a long tie.

Justice Stevens is now 89 years old. He said he doesn't know when he will retire, but he did confirm that he is not interviewing for new law clerks.

He was asked about Chief Justice Roberts' comment that there should be more unanimity in Court decisions. He stated that is good for you if the Court is ruling your way but not so good if it is not. He

thinks that it is a good idea to have dissenting opinions.

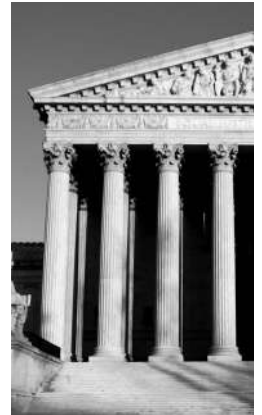
A criticism that he had for the press was that the press seems to think that the only newsworthy stories concerning the federal judiciary are concerning the Supreme Court. The press covers everything the Supreme Court does even if it does not have much importance. On the other hand, they do not give regular coverage to other important cases decided by federal courts below the Supreme Court.

He noted that the work of the Supreme Court has changed. Congress has taken away almost all of its mandatory jurisdiction. Therefore, most of the cases that come to it are by writs of certiorari which the Court has discretion to grant or deny. Some judges frequently vote to grant cert. Others frequently vote to deny cert. He noted that a change in judges on the Court can result in a change in how many certs. are granted. His feeling is that the Court should grant more certs.

When asked about how he remains so fit at the age of 89, he said that the golf courses do seem to be getting longer. He plays tennis three times a week and swims in the ocean when he is in Florida during the winter. He also said that being married to a dietician helps.

When asked what he would do if he does retire, he noted activities that other justices have engaged in after they retired, including Judge Souter sitting on the First Circuit Court of Appeals, Justice O'Connor's high level of activity with civic work, Justice Potter Stewart's service as an arbitrator in large complex cases and Judge Brennan's teaching at the University of Miami.

When asked to clarify his views that the Supreme Court should consider foreign law, he pointed out that state court decisions in the U.S. are "foreign" law in relation to the federal courts and that the Court should consider well-reasoned, persuasive state court decisions in its



President's Message

continued from page 3

The award recognizes a person or organization that has promoted better understanding of the rule of law, encouraged a greater respect for law and the courts, stimulated a sense of civic responsibility, and contributed to good government in the community. If you would like to nominate an individual or an organization for this award, please contact me at woodyocba@aol.com or the Law Week chair, **Catrina Chapin**, with Roetzel & Andress, at CChapin@ralaw.com. The deadline for nominees is February 9, 2010. There is no form for this award; rather a description of the nominee's qualifications or outstanding qualities should be submitted.

Nominations for OCBA/ABA Delegate

The OCBA is seeking nominations for its delegate to the American Bar Association's (ABA) House of Delegates, the policy-making body of the ABA. The ABA House of Delegates consists of about 540 members from across the U.S. It sets policies, which in turn are advocated by ABA lobbyists for the passage of statutes by Congress and state legislature. The delegation makes numerous decisions during its two annual meetings, focusing on adopting standards and guidelines for attorneys, the court system, and societal issues. Membership in the OCBA and the ABA are requisites. The deadline for nominations is March 9, 2010 and should be forwarded to me at woodyocba@aol.com along with a bio or resume.

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

Professionalism Committee

continued from page X

deliberations as well as decisions from English and Continental courts. He affirmed that foreign law is in no way binding on the Supreme Court, but he thought that the Court should seek guidance from whatever sources were available.



As for advice for young lawyers, he remarked that you are going to be practicing a long time. You will be tempted to take shortcuts for a client, but you should not do that. A lawyer's greatest asset is the respect and the trust of other lawyers and the judiciary which a lawyer must earn and maintain.

Jules S. Cohen, Akerman Senterfitt, has been a member of the OCBA since 1962 and is certified in Business Bankruptcy by The Florida Bar and the American Board of Bankruptcy Certification.



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Hurley, Rogner, Miller, Cox, Waranch and Westcott, P.A. hosted the City Stride 5K in Baldwin Park on October 3, 2009. The firm partnered with the Mid-Florida Chapter of the National Multiple Sclerosis Society and raised over \$8,000 to support local programs and services for individuals with MS and their families.

Legal Aid Society ● *Free Lunch & Training for Pro Bono* News ● *Attorneys*

Each year, the Legal Aid Society offers free training for attorneys who do *pro bono* work. Sessions are held on Tuesdays from 12:00 p.m. to 1:30 p.m. at Comerica Bank, 111 North Magnolia Avenue, Suite 1000 (10th Floor), Orlando, FL 32801. The bank is located on the corner of Magnolia and Washington.

Training is free for OCBA members and for non-OCBA members who participate in the LAS *pro bono* program. Pre-registration is **required** for the free lunch and requested for training. If you do not pre-register, admission is subject to space availability.

We invite you to join us in learning important information about *pro bono* work.

SCHEDULE

February 9, 2010

Unemployment Compensation

(Tips for representing a claimant at a telephone hearing)

CLE applied for

Presenter: Sally McArthur, Esq.

February 23, 2010

GAL 101 Basics

CLE applied for

Presenters: Susan Khoury, Esq., and
Cara Dobrev, Esq.

March 9, 2010

Naturalization

(Citizenship Day sponsored by American Immigration Lawyers Association/AILA is April 17. This is substantive training for attorney volunteers for the event.)

CLE applied for

Presenter: Kira Romero Craft, Esq., AILA
Pro Bono Chair

March 23, 2010

Independent Living Services for Transitioning Foster Youth: What Every Child Advocate Should Know

(A presentation of both legal and services issues for teens in foster care.)

CLE applied for

Presenter: Bethanie Barber, Esq.

April 13, 2010

Garnishment of Wages and Bank Accounts (Helping low income clients protect their wages, the process and substantive law issues.)

CLE applied for
Presenters: Larri Thatcher, Esq., and
Michael Resnick, Esq.

April 27, 2010

Residential Treatment of Dependent Children

(An Introduction to the legal rights of dependent children being involuntarily committed to residential mental health treatment.)

CLE applied for

Presenter: Krista Bartholomew, Esq.

May 11, 2010

Domestic Violence in Family Law

(A seminar focused on the effects of domestic violence and/or permanent injunctions in parenting cases.)

CLE applied for

Presenter: Tenesia C. Hall, Esq.

May 25, 2010

Identifying & Serving Children with Developmental Disabilities

(A presentation on identifying Developmental Disabilities and the services available for children with Developmental Disabilities.)

CLE applied for

Presenter: Ericka Garcia, Esq.

June 8, 2010

Guardianship of an Adult, No Property (Basic guardianship tips, forms for new attorney)

CLE applied for

Presenter: David Yerger, Esq.

June 22, 2010

Children's Issues Legislative Update

CLE applied for

Presenter: Cara Dobrev, Esq.

July 13, 2010

Dissolution of Marriage Training (2-hour session)

(Special training for new attorneys or attorney who have not handled DOM cases.)

Pre-registration is required. A DOM case will be referred to attendees at or immediately after training.)

CLE applied for

Presenters: Angelo Bello-Billini, Esq.;
Tenesia C. Hall, Esq.; Catherine Tucker, Esq.

July 27, 2010

Drug Issues in Dependency Court

(An overview of Chap. 39 as relates to parental drug abuse, drug court and drug abuse in general.)

CLE applied for

Presenter: Kavita Sookrajh, Esq.

August 10, 2010

Family Law Tips and Legislative Updates (Latest family law changes during legislative session.)

CLE applied for

Presenter: Angel Bello-Billini, Esq.

August 24, 2010

Criminal Law and the GAL

(A speaker will discuss the role of the GAL in a criminal case.)

CLE applied for

Presenter: Mary Ann Etzler, Esq.

September 14, 2010

Public Benefits

(A speaker will discuss a variety of public benefits matters: food stamps, cash assistance, social security benefits, supplemental security income, and Medicaid.)

CLE applied for

Presenter: Astrid Milliord, Esq.

September 28, 2010

Making the Forever Family: Adoption Finalization in Dependency Cases

(An overview of adoption in the dependency case.)

CLE applied for

Presenter: Stephanie Stewart, Esq.

October 12, 2010

Cutting Edge Landlord Tenant Law Regarding 3 Day Notices

(Case law, legislative update, and practice tips for defending residential evictions based on 3 Day Notice.)

CLE applied for

Presenters: Larri Thatcher, Esq., and
Michael Resnick, Esq.

October 26, 2010

ICPC: Out of State Placements for Dependent Children

(A presentation on the Interstate Compact on the Placement of Children and advocacy strategies to expedite the placement of children out of state.)

CLE applied for

Presenter: Edward Dimayuga, Esq.

continued page 13

Legal Aid Society

2009 Breakfast of Champions Fundraiser

November 12, 2009

The Ballroom at Church Street, Orlando, Florida





Not often is dedication and commitment to an organization measured in longevity – especially in segments of twenty or more years.

In 1984, **Amanda “Mandy” Silvestris**, a sixteen-year-old high school student, began her journey with the Legal Aid Society of the OCBA (LASOCBA). At that time, gasoline cost less than a dollar, but while today gas costs more and life has changed, one thing has not – Mandy is still a loyal LASOCBA employee who knows the inner workings of every department. She is now the executive assistant to the executive director.

Susan Khoury also arrived in 1984 as a volunteer and never left. Now the Guardian ad Litem (GAL) program director, she credits fellow OCBA members for keeping her passion for the work alive. As she says, “Every day, I see and hear how our *pro bono* attorneys not only touch lives but create opportunities for the individuals and children they represent – opportunities that may not have been possible but for their assistance. Especially within the GAL Program, each time an attorney says ‘yes,’ I know the needs of that child will not be forgotten.”

Cathy Tucker started at Legal Aid in June 1986 and is the *pro bono* coordinator/deputy director. Cathy reports having had many great experiences at LASOCBA. She enjoys the opportunity to combine a variety of resources to achieve great results for clients, pointing to the dedicated work of staff and *pro bono* attorneys. Cathy states that “there are so many examples of the work of *pro bono* attorneys, some of which have been highlighted in prior articles, but I think the teamwork, when one attorney assists with the family law matter and another helps with an immigration petition or with a bankruptcy case, are most rewarding. This teamwork provides a high level of representation to the client that would not be possible without the many volunteer attorneys and their range of legal skills.”

Hillary Lyals, the business office administrator, started in August 1986. Hillary states that “it is not a difficult task to remain committed to something you believe in. The staff, *pro bono* attorneys, community volunteers, and partners have worked together for almost a half century to help balance the scales of justice for those in need. I am very proud of the traditional legal services that are provided, as well as our ability to creatively address legal problems. I am a believer.”

JoAnn Tucker-Hall, our program administrator, began her employment in October of 1986. A proponent of Equal Access to Justice, JoAnn states, “My long term commitment with the Legal Aid Society has been due to knowing each day when I come to work we will assist those who would otherwise not receive equal and meaningful access to the judicial system to protect their rights and obtain legal remedies. I am so thankful and appreciative of the many attorneys in our community who are committed to doing *pro bono* work for our organization by helping those with legal needs.”

May of 1987 saw the arrival of our litigation director, **Angel Bello-Billini**. His most notable case involved a young and naïve foreign wife brought to the U.S. by a more senior, abusive U.S. husband. The husband told her she could not call anyone for assistance because she was his property. The husband advised

his wife that the authorities would simply arrest her and take their unborn baby. Angel went to court, obtained a protection order and financial assistance for the wife and, ultimately, obtained the dissolution of marriage that changed her life. Angel’s favorite quote is: “Make your words sweet and soft, because you may have to eat them.” When asked to reflect on his career, he pointed out that it is particularly poignant now that many of the used-to-be “haves” who would look down at free legal services and anything that involved helping the underdog, are now the ones in need of help.

Mildred “Milly” Gonzalez came to Legal Aid from New York City. As the assistant *pro bono* coordinator, she is committed to equal access to justice. Milly notes: “... transforming lives and working in a great environment with people that share the same vision is what has kept me here for twenty-two years. Without our *pro bono* attorneys and volunteers, we could not do our job.”

Kent Spuhler of Florida Legal Services states that “**Mary Anne [De Petrillo]**, Mandy, Susan, Milly, Cathy, Angel, Hillary, and JoAnn represent the very best in legal assistance to the poor. They have combined great skills, total commitment, and endurance to serve the poor and disadvantaged, not only in Orange County, but across the state. There is perhaps no more emotionally draining career in law than a career in Legal Aid. Most families coming for help are in crisis and are desperate. These great Legal Aid Society of the Orange County Bar staff members have always been there to shoulder the burden and offer the bridge to recovery for those who have lost all hope. They have never given up hope and have always believed that they could make a difference, and they have. Congratulations to them all for enduring for the cause for justice.”

We couldn’t agree more, but it is nice to hear praise from the statewide director of Florida Legal Services!

For more information about the history of the Legal Aid Society, its employees, or how to donate time or money, please contact Donna Graf, manager of development, at dgraf@legalaidocba.org.

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



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Bubble Wrap:

Protecting portfolios from market extremes

Sandy Lincoln

After rising for over a decade, housing prices imploded after 2006. Several investment “bubbles” have occurred since 1970, including energy, currencies, technology, finance and, of course, housing. The inevitable collapse – the bubble baths – can be devastating for investors. Is there a way to “bubble wrap” portfolios to avoid these extremes?

Many assets that starred in past bubbles are mainstream components of a prudently diversified portfolio. They have real and enduring value. Certainly technology and energy stocks fit that description. When an asset class enjoys a prolonged rally and delivers handsome returns, it can be hard to know exactly when to pocket gains or reduce one's bet. At the same time, it is easy to become excited and let emotion direct our steps.

Protecting a portfolio from the ill effects of an investment bubble starts with insulating our own investment decisions from the herd mentality. This is best done by:

- Understanding how a bubble is formed and why it bursts.
- Tracking the warning signs of bubbles regularly as you review your portfolio with an advisor.

The life of an investment bubble

Investment bubbles are often born from a fundamental change that alters the landscape of future earnings, growth, etc. Major 20th and 21st century examples include the industrial revolution, the formation of the oil cartel, the technology shift and the housing boom. Early on, astute investors pick-up on the change and move into the affected asset class. Others then join, as they, too, see prices and valuations rising. Eventually, prices reach levels unjustified by the fundamentals. In a final gasp of euphoria more investors buy in the belief of endless appreciation. The correction in prices typically comes when minor price declines cause investors to stampede out and the bubble pops.

Throughout the process, there are warning signs that can heighten your awareness of potential risks. Although not a guarantee that an overvalued asset won't slip under the radar, the following checklist is a good starting point:

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• **Credit/debt conditions.** Easy credit/debt is the helium for most bubbles. Consumers, corporations, investors and governments become too leveraged.

This can happen across developed and emerging market economies. Securitized products, off-balance sheet vehicles, loans with low or no cash down, margin investing, etc. are common features adding to the bubble. This hyper-availability of credit is a familiar theme across bubbles.



BANK

- **Asset class returns.** Has an investment category recorded returns/risks well above normal ranges for an extended period?
- **Valuations.** Are the prices to a level that realistic future earnings cannot support?
- **Volatility.** Heightened instability/volatility in an asset class may signal growing investor concern before the bubble breaks.

Whatever the measures tracked or the tools used, rely on common sense, discipline, historical perspective and a healthy dose of cynicism to spot “overheated” investments.

Sandy Lincoln is the Senior Vice President and Investment Strategist for M&I wealth management. This article provides insights from M&I Wealth Management that may be useful to you in assessing risks and opportunities in the current environment related to your financial and wealth planning needs. This publication is prepared for general information only. The information contained herein should not be construed as tax, legal or investment advice, and readers are encouraged to consult their tax, legal and investment professionals with specific questions applicable to their own financial situations.



Legal Aid Society

Free Lunch & Training
continued from page 9

November 2, 2010

Special Issues for Clients: Cultural, Poverty, Mental Health
CLE applied for

Presenters: Darcy Fritz, GAL Case Coordinator and Volunteer Advocate for Children coordinator; Sandi Sumner, Family-to-Family Teacher/State Trainer – National Alliance on Mental Illness of Greater Orlando Senior Legal Assistant

December 7, 2010

VAWA, U Visa and T Visa for Victims of Domestic Violence
(Assisting a domestic violence victim obtain legal status.)
CLE applied for

Presenter: Charles Conroy, Esq.

For more information or to pre-register, please email **Cathy Tucker** at ctucker@legalaidocba.org, **Marilyn Carbo** at mcarbo@legalaidocba.org, or Michelle Erazmus at merazmus@legalaidocba.org, or call the Legal Aid Society at 407-841-8310.

Parking will be validated for the day of training. The LAS will not reimburse parking vouchers.

Board of Governors Report : December 11, 2009

Mayanne Downs*

Dan DeCubellis

Scott McMillen

Mary Ann Morgan

*President-elect of The Florida Bar

At its December 11th meeting in Amelia Island, The Florida Bar Board of Governors ("board") addressed the following issues:

Web Sites/Advertising Rules Enforcement

The board voted to place a six-month moratorium, beginning January 1, 2010, on the enforcement of the new Bar advertising rules affecting Web sites to give Bar members time to comply with the rules. The board also approved a policy on attempted voluntary filings of lawyer Web sites. Bar staff will not review the entire contents of a Web site even if a lawyer files that voluntarily, but will respond to specific questions involving a specific phrase or image to be included on a Web site.

Legal Needs of Children

The board approved a new legislative position at the recommendation of the Legal Needs of Children Committee. It includes that children in the dependency system have a right to a paid or *pro bono* attorney and that certain "critical categories" of children in the state's care should get publicly provided lawyers. The position also stipulates that any funding for those lawyers should not come at the expense of the court system or the state's Guardian ad Litem Program.

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E-filing

The board heard a report from board member Murray Silverstein on the ongoing efforts on e-filing for the state court system and on the efforts to establish an Internet portal for electronic filing. According to Mr. Silverstein, the clerks and the courts were trying to work out their differences over who would run the portal and the Bar was working to help that along and push for a filing system that will be uniform statewide.

Medical Lien Negotiation

The board voted to again table an appeal from a staff ethics opinion on medical lien negotiations. The staff opinion held it would likely result in an excessive fee if a lawyer working on a contingency fee hired another lawyer under a reverse contingency fee to handle medical lien negotiations. The board voted to refer it to the appropriate committee to consider an amendment to the Rules Regulating The Florida Bar addressing the subject.

Outsourcing

The board heard a report that the Board Review Committee on Professional Ethics has voted to draft amendments to Florida Ethics Opinion 07-3, which addresses outsourcing. The amendments would require the informed consent of clients before outsourcing confidential information and amendments to the Rules Regulating The Florida Bar addressing either notice to third parties or redaction before outsourcing sensitive financial or medical information.

Lawyer Advertising Goals

The board voted to approve the six goals set out by the Board Review Committee on Professional Ethics for lawyer advertising, which will assist in the ongoing review of advertising rules. Those goals function under the overall policy that the primary purpose of lawyer advertising is to benefit the public by providing information about the need for and availability of legal services.

Jury Trial Study

At the request of President-elect Mayanne Downs, the board approved a recommendation from the Program Evaluation Committee to create the Special Committee to Study the Decline of Jury Trials. The panel will study the decline of jury trials at both the state and federal level, and determine the impact that has on the justice system and whether any action is needed.

Clients' Security Fund

The board heard a report from board member Greg Coleman that the Clients' Security Fund Review Committee II will be proposing several rule changes to the Clients' Security Fund (CSF) rules and regulations and is looking at the issue of loss prevention to see if there is anything the Bar can do proactively to prevent lawyers from stealing from clients.

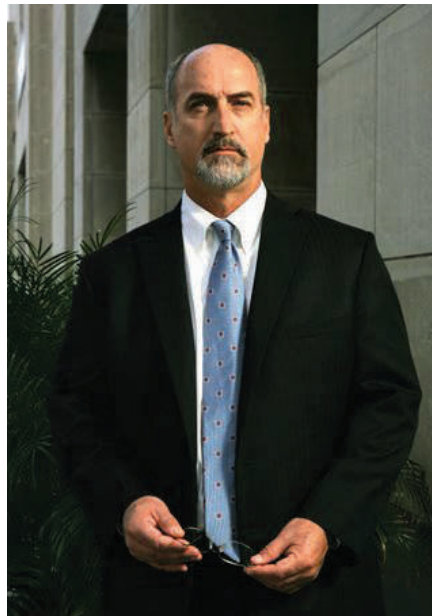
Strategic Plan

At the recommendation of President-elect Mayanne Downs, the board approved the Bar's 2010-13 Strategic Plan. According to President-elect Downs, the four main goals remain the same from recent plans, but there are some revised ways of meeting those goals, including making better use of technology and reaching out to help lawyers entering the practice.

Submitted by **Daniel DuCubellis** of Carlton Fields, P.A., a member of the OCBA since 1983.

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The Hon. John Marshall Kest served as moderator.

OCBA Luncheon

November 18, 2009

The Ballroom at Church Street

Making a Difference in the Legal Community

The luncheon honored four outstanding senior members of the OCBA who have had such a positive impact on Central Florida's community. Questions from the moderator allowed honorees to share insightful and amusing stories about their experiences practicing law in the "good old days"!



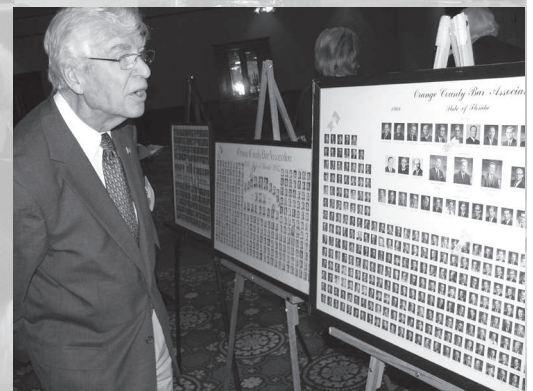
Honoree James M. Russ



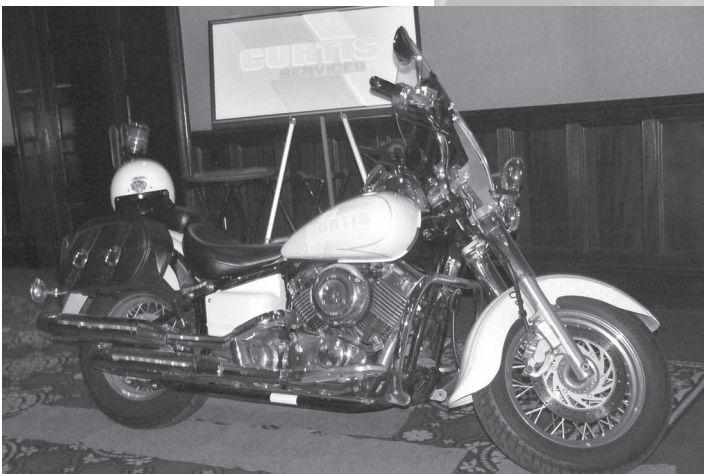
Chief John W. Campbell of Curtis Protective Services



Honoree Charles W. Abbott



Honoree Leon H. Handley glances at a photo of colleagues from years past.



Curtis Protective Services, the luncheon sponsor, impressed the audience with its tools of the trade!



Honoree Russell Troutman

Challenges and Opportunities in the Real Estate Market

David Chapin, Senior Vice President at Jones Lang LaSalle

Today's economic climate provides both challenges and opportunities in the real estate market. This is also true for law firms looking to balance their space commitments and square footage levels in a declining economy with the soft leasing markets and the opportunity to restructure their office leases. Many organizations are able to reduce occupancy costs by up to 30% utilizing a combination of leasing and efficiency strategies.

Transactions getting done run the gamut from rent forgiveness and outright space reductions to very aggressive lease renewals for tenants who are fortunate enough to be at or approaching their lease expiration date. Today's open market renewals are loaded with free rent, heavy tenant allowances and low rent rates.

Landlords' responses to renegotiation requests vary from "no" to "absolutely not," on one end of the spectrum, contrasted by "yes let's rewrite your lease and keep you in the building for the next ten years."

From a landlord's perspective, the issues

that need to be balanced are lease expiration staggering, loan covenants and performance issues, as well as funding liabilities associated with lease transactions. Landlords risk the possibility that the tenant may have a change of heart in the future and decide to relocate to another property. This relocation risk can cost the landlord one to two years of lost income, as well as extensive re-tenanting build-out costs for the space. By doing a "**blend and extend**" today, the landlord is mitigating risks at the cost of swallowing a portion of today's low leasing rates.

On the other side of the coin, some landlords must wait until economic recovery and rents come back to pro-forma levels associated with their basis in the property. Doing a transaction at today's market just pushes them closer to foreclosure.

Key market indicators			12-month forecast
Supply	Supply	24,981,074 sf	▶
	Direct vacancy rate	16.1%	▲
	Total vacancy rate	19.6%	▲
	Under construction (% preleased)	0 sf	▶
Demand	Leasing activity 12 mo. % change	-51.9%	▼
	YTD net absorption	-881,129 sf	▼
Pricing	12-month overall rent % change	-3.6%	▼
	Class A overall asking rent	\$23.85 psf	▼
	Class B overall asking rent	\$18.67 psf	▼

Source: © Jones Lang LaSalle Americas Research

Five points to consider when relocating your office or renegotiating your lease in order to maximize your leverage to get the best possible deal:

1. Share Renewal Profits – You, too, should benefit from a landlord renewal.

Putting a dollar amount to what your building owner stands to lose

continued page 27

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Medical Malpractice Caps in Florida: A Constitutional Update

Amy S. Farrior, Esq.

\$150,000 to \$1,000,000, depending on the nature of the injury and the defendant.

Since 2003, medical malpractice plaintiffs have challenged the constitutionality of these caps at the trial court level. The Fourth District, however, is the first Florida state appellate court to issue an opinion on the matter. While the court did not weigh in on the overall constitutionality of the statute, it did determine the non-economic damage cap may not be applied retroactively, in spite of what the statute says. *Raphael v. Shecter*, 34 Fla. L. Weekly D1936 (Fla. 4th DCA September 29, 2003).

In *Raphael*, the medical negligence occurred in April, 2003, prior to the enactment of Section 766.118. Suit was not filed until 2005, two years after the statute's enactment. The jury awarded the plaintiff estate \$9.5 million in non-economic damages. The trial court, however, granted the defendant's motion to limit those damages to \$150,000 per claimant, since the negligence occurred during the rendering of emergency services. See § 766.118(4), Fla. Stat. (2003). The estate appealed.

On appeal, the Fourth District acknowledged the Legislature had expressly stated its intent to apply the statute retroactively to incidents that took place prior to its enactment, but observed that intent is not dispositive. See Ch. 03-416, § 86, Laws of Fla. The court stated it is well settled in Florida that statutes may not be applied retroactively if the statute impairs vested rights, creates new obligations, or imposes new penalties. The Fourth District held that because Mr. Raphael's rights had vested in his medical malpractice action at the time the injury occurred, prior to the

In 2003, the Florida Legislature passed Section 766.118, Florida Statutes, which set limits on the amount of non-economic damages a medical malpractice plaintiff may recover, regardless of the jury's award. The amount of the cap varies from

enactment of Section 766.118, the statute could not retroactively impair those vested rights.

Shortly after *Raphael*, the U.S. District Court for the Northern District of Florida, issued an opinion confronting the constitutionality of the statute head on and finding the non-economic damages caps to be constitutional. *Estate of McCall v. United States*, 2009 WL 3163183 (N.D. Fla. September 30, 2009). In doing so, the court indicated its reluctance to make such a ruling in the absence of any controlling authority from the Florida Supreme Court or an intermediate appellate court, and noted that no procedure permitted a United States district court to certify a question directly to the Florida Supreme Court.

The Northern District did have before it a Florida trial court opinion rejecting the non-economic damages caps as unconstitutional on the ground that Article 1, § 26(a) guarantees claimants the right to collect the stated percentages of "all the damages that a jury could potentially award." *Cavanaugh v. Cardiology Assoc. of Orlando, P.A.*, No. 06-CA-3814, Div. 40 (Fla. 9th Jud. Cir. Ct. Oct. 30, 2007). The Northern District, noting that it is not bound to follow state trial court decisions, declined to follow *Cavanaugh*.

While it is still possible to debate the constitutionality of Florida's medical malpractice caps, it is not debatable that more reported decisions on this issue will follow. Stay tuned.



Amy S. Farrior, Esq., of Buell & Elligett, P.A. and president-elect of the Hillsborough County Bar Association (HCBA). Submitted on behalf of the HCBA Trial and Litigation Section, Brad Powers of Banker Lopez Gassler, P.A., chair.

Medical Malpractice Caps in Florida: A Constitutional Update is reprinted by permission of the Hillsborough County Bar Association (HCBA). The article first appeared in *Lawyer*, a publication of the HBCA, December 2009.



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Hearsay

"If we had no winter, the spring would not be so pleasant." -Anne Bradstreet



Kimberly D. Webb

We made it! Through the winter, through the year, through the decade! What a roller-coaster of a decade we just came through. I don't know if you were as captivated as I was by the end-of-the-decade wrap-ups that all of the media were doing. Can you believe that ten years ago today we had not yet heard of a "hanging chad," there was no such thing as iTunes, and we were just learning about this new technology called TiVo? And now we are already full swing into 2010, a new year, a new decade. Imagine what changes this one will bring.

Here at the OCBA, one of the big changes you will see is the new and improved website, which is already up and running. Check it out (www.orangecountybar.org)! The new site looks great and is easy to navigate, providing easy access to your OCBA news, calendar, and membership information. While you're there, be sure to check out the OCBA's variety of available CLE seminars and link over to see what special offers our sponsors have for you as a member of the OCBA.

Guess who is making waves over at the local public broadcaster WMFE? Wait, wait...don't tell me. I saw something about that in the morning edition the other day while I was out getting some fresh air. Oh yeah, **Julia Frey**. That's right, Ms. Frey with Lowndes, Drosdick, Doster, Kantor, & Reed, P.A., has been re-elected to the WMFE Board of Trustees for another three years. All things considered, I'm sure we can count on Ms. Frey to help jazz up the car talk on our morning commutes.

Speaking of **Lowndes, Drosdick, Doster, Kantor, & Reed, P.A.**, congratulations to the firm and all of its members and employees as they celebrate 40 years of practice! In the 40 years since Lowndes,

et al. opened its doors, there have been a great many changes in this American life, and there have been a great many changes at Lowndes. In that time, the firm has grown from a handful of "dirt lawyers" to become Central Florida's largest law firm, with 125 lawyers in more than 50 practice areas.

Trivia question for you: what sitting member of the OCBA Executive Council has earned the right to be called "iron man"? Okay, I won't make you wait. The "iron man" in residence is our own **Wiley Boston**, who was recently elevated to partner with the law firm of Holland & Knight. Congratulations, Wiley! Another member making a giant career move in this new year is **Elizabeth "Liz" McCausland** who has decided to make herself a P.A. and jump into the bankruptcy marketplace. Congratulations, Liz, on the opening of Liz McCausland, P.A.

What are the essential elements of a claim for liability based upon an allegation of product defect? When does the statute of frauds apply to bar recovery in a contract action? What elements are necessary to establish a valid bailment? Where do you look to find the answers to

these and other burning legal questions? The Restatements of the Law, which are published by the American Law Institute

(ALI), an independent organization in the United States dedicated clarifying and modernizing the law and perhaps best known for its Restatements of the Law, upon which we have all relied since law school and which now boasts a member of our OCBA among its membership. Congratulations to **Dennis Wall** on his election to this prestigious body.

For all of the trial lawyers in the house, The Florida Bar's Trial Lawyer Section now has a new chair and, you guessed it, he's one of us. Once again, our members are rising to positions of statewide leadership and recognition. Congratulations to **Bob Mansbach**, a shareholder with Zimmerman Kiser Sutcliffe, on his election.

So now that we are a month into the new year, how are you doing on your resolutions so far? I know I added a new one recently as I was standing in line at 8:00 a.m. to get into the Orange County Courthouse one Monday morning in January. Bet you've already guessed what it is. That's right – I resolved to contact the OCBA office as soon as I got back and order that renewal of my court access card! Do you have yours yet?

Until next time, you'll see me using the attorneys' entrance. Be sure to stop and chat if you run into me there. And, as always, continue to send your news, highlights, and Hearsay-worthy items to my attention at kdbwebb@gmail.com.

News Flash: The Winter Wine & Cheese Party, sponsored by **Westlaw**, will be held Thursday, February 11, 2010, from 5:30 p.m.–7:30 p.m. at The Black Olive (on Pine St., east of Orange Ave.). The cost is \$5 for OCBA members; \$10 for non members. RSVP to **Shayne Thomas** at stthomas@ralaw.com.

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





YLS *on the move*

Activities Galore!

Sunny A. Hillary

According to Chinese astrology, the year 2010 is the Year of the Tiger. The Year of the Tiger should bring far-reaching changes for everyone. This year is the year to be active – seize opportunities and make the most of your personal and very individual talents. Everything happens quickly and dramatically in a Tiger year – blink and you could miss an opportunity of a lifetime!

The YLS has already begun the year 2010 with a roar! The **YLS Holidays in January** was a success! For the first time, members of the Young Lawyers Sections of the Orange County Bar Association, Central Florida Association for Women Lawyers, and the Hispanic Bar Association joined forces at **Wine Down for Holidays in January** to “raise dough” at Urban Flats (downtown) for the children of the Boys & Girls Clubs of Central Florida-Downtown Branch, the Oncology Unit of Arnold Palmer Hospital, and the Salvation Army. Members paid \$20 for unlimited wine, beer, and appetizers, and all proceeds were used to provide gifts and other necessities for the children of these non-profit organizations who were unable to enjoy a traditional holiday season. The YLS also matched funds and raised up to \$5,000! A big thank you to **Anthony Sos, Jacquelynne Regan,** and Urban Flats, for organizing this special event.

On January 20 and 21, 2010, The Florida Bar’s Trial Lawyers Executive Council hosted its annual **Mock Trial Competition** in conjunction with The Florida Bar’s Mid-Year Meeting at the Hilton Orlando. Law students from throughout the State of Florida competed in mock trials presided over by actual judges and scored by local attorneys who volunteered as jurors. The Mock

Trial Competition was a wonderful opportunity for law students to practice their trial advocacy skills and interact with judges and local attorneys. Thank you to **Bona Kim** for assisting with this event.

The **YLS Seniors First Winter Donation Drive** is in full force and has been collecting donations of clothing, blankets, linens, stuffed animals, small and large personal care items, craft materials, puzzles, games, DVDs, CDs, stationery, etc. for Seniors First. If you would like to make a donation, donations can be dropped off at the YLS February Luncheon on February 18, 2010, or at Bodiford Law Group in care of **Laura Lee Shields**, The Plaza, 121 S. Orange Avenue, Suite 1150, Orlando, FL 32801. You can also contact Laura at Lauralee@bodifordlawgroup.com to make arrangements for the pick-up or drop-off of your donation.

The **YLS Evening with the Judiciary** is coming up on February 17, 2010, at the Winter Park Civic Center! The theme of this year’s event is “Old Florida,” so all food and drinks will be related to Florida. This is a great opportunity for attorneys and judges to socialize in a friendly and relaxed atmosphere. See the full-page ad and reservation form in this issue of *The Briefs*, or contact **Karen Persis** at kpersis@carltonfields.com if you need additional information.

Finally, on February 25, 2010, members of the Young Lawyers Sections of the Orange County Bar Association and the Hispanic Bar Association will be collaborating for the first-ever **IDignity program**. The IDignity program is a partnership of five downtown Orlando churches and their volunteers with federal, state, and local agencies who established a one-stop event

to facilitate the distribution of personal identification and other vital documents. After a brief training session, young lawyers will be assisting homeless people in obtaining the documents necessary to secure housing, employment, medical treatment, and bank accounts. Without a Social Security card, Florida ID, or birth certificate, the homeless are at risk of being deprived entry into a shelter, denied a job, or unable to secure housing. If you are interested in volunteering with this event, please contact YLS president, **Ryan Davis**, at rdavis@whwww.com.

The **YLS March Luncheon** will take place on **March 18, 2010**, at 11:45 a.m. at the Citrus Club, and our guest speaker will be **Mayor Buddy Dyer**. Please e-mail your RSVP to ocbayls@gmail.com. The cost is \$20 if you RSVP before March 16, 2010, or \$22 at the door; \$12 for law students, government attorneys, sole practitioners, and judges.

If you want to find out more about our section and its committees and events, please call me at 407-388-1900 or e-mail 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.



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Attorney



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For details, email Stacy Hastings, Membership Manager,
at stacyh@ocbanet.org



**The OCBA has accepted nominations
for the following positions:**

Vice President/President Elect; Treasurer; Secretary;
Executive Council (3 positions).



The Legal Aid Society has accepted nominations for

Two Board of Trustee Positions.



The YLS has accepted nominations for

Five At-large Board Positions.



Ballots will be mailed to voting members
no later than Friday, February 26, 2010.

**Voted ballots must be returned to the OCBA offices
no later than 5:00 p.m., Friday, March 31, 2010.**

**In order for your vote to be counted, you must sign
and print your name on the back of the return envelope.**

Mail or bring voted ballots to: Orange County Bar
Association, 880 N. Orange Ave., Orlando, FL 32801.



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PARALEGAL *Post*

Lori M. Spangler and Lissa C. Bealke

Welcome to the new "Paralegal Post" column established by the Paralegal Section for paralegal members of the Orange County Bar Association! Our monthly column will focus on important issues and news intended to keep Central Florida paralegals updated on exciting innovations and changes in the profession. In September 2009, the Officers and Executive Council of the Orange County Bar Association unanimously voted in and approved the formation of the Paralegal Section as an official section of the bar. The newly formed Orange County Bar Paralegal Section is not only committed to the preservation and continued growth of the paralegal profession in Central Florida, but also to the advancement of paralegals who seek to become Florida Registered Paralegals (FRP) through The Florida Bar.

The goal of the Paralegal Section is to encourage ethical and professional achievement, develop leadership skills, and promote the paralegal profession. Participation is open to new and experienced paralegals as well as paralegal students. Deciding to join a professional association such as the OCBA is an important one, and your commitment to the organization is a stepping stone in personal and professional growth. You can find out how to become an affiliate member of the OCBA by visiting the website at www.orangecountybar.org. Your affiliate membership is only \$100 per year and includes ten luncheons, among many other benefits. Paralegal students can join the OCBA for only \$25. Membership in the Paralegal Section is free.

In addition to the benefits of belonging to the OCBA Paralegal Section, members benefit from support in their endeavor to obtain professional certification or seek to become FRP, opportunities to attend luncheons and seminars while obtaining CLE credits that apply towards FRP or National Association of Legal Assistants (NALA) certification, opportunities to mentor students and fellow paralegals, participation in bar-related events and committees, and opportunities to participate in high-profile community service projects.

If you are not familiar with it, the Florida Registered Paralegal Program is a program whose creation was unanimously approved by the Florida Supreme Court. The program, which began on March 1, 2008, set up a two-tier system for registering paralegals. It also created a disciplinary system and a Code of Ethics and Responsibility to which registered paralegals have pledged their adherence. The goal of the program is to better serve the public by establishing high professional standards in a profession that has been largely self-regulated. The Paralegal Section encourages you to review Chapter 20 - Rules Regulating The Florida Bar as it relates to the regulation of our profession and seriously consider attaining FRP status.



Lori M. Spangler

Again, membership in the OCBA Paralegal Section is free! Participating in the section offers you an opportunity to meet more than 3,000 judges and attorneys – and fellow paralegals – who practice in Central Florida. It will open the doors to myriad networking opportunities that exist within the bar. Join us by completing an OCBA membership application today!

For additional information, please



Lissa C. Bealke

contact **Lori M. Spangler**, Paralegal Section president, at LSpangler@ralaw.com, **Lissa C. Bealke**, president-elect at LBealke@gray-robinson.com, or **Christine M. Stram**, secretary/treasurer at CStram@broadandcassel.com.

Lori M. Spangler, Roetzel & Andress, LPA, has been an OCBA member since 1999, and **Lissa C. Bealke**, GrayRobinson, PA, has been an OCBA member since 2000.



For the fifth consecutive year, Dellecker, Wilson, King, McKenna & Ruffier used the occasion of its annual holiday party to support a local non-profit organization. This year, guests invited to the firm's November 12th Tuscan-themed event donated \$6,000 to the Coalition for the Homeless of Central Florida.

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An Old Florida Evening with the Judiciary

5:30 p.m. – 8:30 p.m.

February 17, 2010

Rachel D. Murrah Winter Park Civic Center
1050 W. Morse Blvd • Winter Park, FL 32789

Price: \$35; \$30 for government lawyers and solo practitioners

Enjoy an evening of
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Citrus Pulled Pork,
Plant City Strawberry
Shortcake, Orlando
Brewing Company beer,
wine and much, much
more!

**RSVP with payment
by February 10, 2010.**

For further information and RSVP, please contact Karen Persis at kpersis@carltonfields.com or 407-244-8226 or mail the form below to Karen Persis, 450 S. Orange Ave, Suite 500, Orlando, Florida 32801. Checks are made payable to the Orange County Bar Association.

Names of Attendees:*

**Please print names as you want them to appear on name tags.*

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Address: _____

Phone: _____ Amount Enclosed: \$ _____

E-Mail: _____

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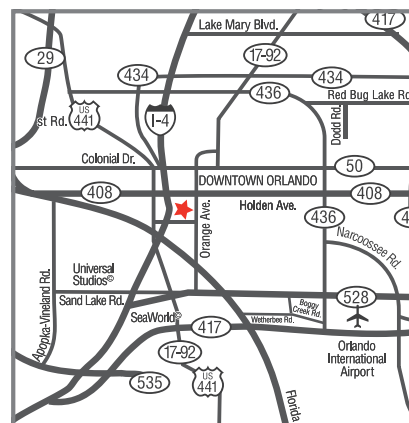
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Law Week 2010: Law in the 21st Century: Enduring Traditions, Emerging Challenges

Catrina M. Chapin

Volunteers Needed

The Law Week Committee is seeking volunteers for the following events:

Poster & Essay Contest is open to all Orange County students who have the option of creating a poster or essay with the theme of "Law in the 21st Century: Enduring Traditions, Emerging Challenges." Volunteers are needed in March (date TBD) at the OCBA to judge these submissions.

DUI Mock Trial is performed for high school students at the Orange County Courthouse. It teaches the consequences of driving while under the influence by way of a mock trial and a guest speaker. We need volunteers on April 9, 2010, at 1:30 p.m. to act out these parts.

Goldilocks Mock Trial is geared toward elementary school students and is entitled *Wolf v. Pig*, a script which tracks the story line of "The Three Little Pigs." We need volunteers the week of April 5 (date TBD) to act out these parts at the elementary school.

A Day in the Life of a Judge/Bring Your Child to Work Day is a job shadowing program. Students from the Office of the Farmworkers Ministry and the Parramore Kidz Zone will team up with judges and shadow them for half a day. The students will be dropped off at the judges' chamber and will accompany them to the Law Day Luncheon. Judges are needed on April 22, 2010, from 8:30 a.m. to 1:00 p.m. to host a student.



Please contact **Catrina M. Chapin**, OCBA Law Week chair, at 407-245-2422 or cchapin@ralaw.com to volunteer or for more information about these events.

Catrina M. Chapin is a paralegal with Roetzel & Andress LPA. She has been a member of the OCBA since 2005.

Challenges and Opportunities in the Real Estate Market

continued from page 18

– by your leaving – is the start of developing a strategy for your company that works to your advantage. developing a strategy for your company that works to your advantage.

The bottom line: Building owners generally make more profit in renewing a lease than in leasing to a new tenant. Your goal is to understand this number and to win back a portion of this amount in exchange for renewing your lease.

2. Form a Plan – Even if you plan on staying.

You may be in exactly the space you want, but if that is the only signal you give to your landlord, they have no incentive to negotiate.

As you know, supply and demand are the basic forces of economics. If your landlord thinks you're going to stay put – no questions asked – he will view the total 'supply' of sites you want as just one, and therefore the 'demand' for that site is very high.

This is where it's important to have a credible plan that explores your options. Here's the kicker: a legitimate exploration of your needs and options may reveal a solution you had not considered that adds value to your company. You may still want to stay in place, but having a realistic and economic option

is invaluable to your negotiating position.

The bottom line: If your building owner knows you won't leave, how hard will he try to keep you?

3. Review Your Space – Improve your work environment and efficiency.

There is a relationship between updating your space needs and reaching a reasonable lease renewal agreement, including adding additional amenities for your employees. Reviewing your space needs is more than a cursory review of your current situation. It means reconsidering office configuration, updating technology infrastructure, eliminating wasted space and adding amenities for employees.

The bottom line: The landlord needs to be aware of what you need; if you don't ask for it, you won't get it.

4. Know the Market – Cost savings are available for the informed.

The market for alternative, suitable space for your company that offers significant cost savings may exist.

If your core business isn't real estate, you may not be fully aware of current market conditions; it has certainly changed since you last signed your lease. Competing building owners may have different

cost structures – less debt, a different marketing plan, even lower taxes – and offer an attractive alternative.

The bottom line: There may be deep cost savings available in the market, but your landlord doesn't want you to hear about it. You need to be aware of these opportunities.

5. Bring in Experts – The perils of negotiating for yourself.

Many users of space underestimate how long it takes to properly negotiate all the issues in a lease. It requires months in most cases. You will need to present viable options, which requires detailed information regarding both space planning and alternative sites.

The bottom line: You may love your current space, but unless you negotiate as if there was a real possibility of moving, you have severely limited your negotiating leverage.

David Chapin is Senior Vice President at Jones Lang LaSalle, a financial and professional services firm specializing in real estate services and investment management.



Real value in a changing world

Keys to Effective ROI Measurement

Value for the money. You expect it when you lease an office, invest in software or hire staff. The money you spend marketing your law firm should be no exception. Is your firm getting good value for its marketing dollar? If not, where are the opportunities for improvement?

ROI, or return on investment, measurement is an opportunity to review your marketing practices and make smart, informed decisions about the future – which tactics to emphasize, what's working and what's not and whether your message is connecting with prospects or need to be fine-tuned. Here are some steps to help you get started:

1. Measure all marketing programs.

What strategies – print, broadcast, online and in-person – do you use to connect with prospects and clients? In order to gauge which strategies to leverage and which are falling short, you should define and track each of them.

Start with brochures, Yellow Pages ads, radio spots, web campaigns and other direct marketing expenditures. But don't forget other programs that may indirectly generate new business and strengthen existing client relationships: sponsorships, client entertainment and professional memberships, for example.

Once you have a handle on all the promotional efforts that generate leads for your firm, you have a good foundation for measuring ROI.

2. Track leads and conversions.

Firms that market themselves efficiently use documented, common-sense controls to track spending. Hard data goes much further than anecdotes and guesswork in ensuring your money's well spent.

So once you've defined the scope of your marketing effort, put tracking procedures into place for each program – *sustainable* procedures you can incorporate, long-term, into your practice management. For example, you can:

- Assign your receptionist to record telephone inquiries.
- Create a new-client information sheet to track word-of-mouth referrals.

- Collect business cards from meetings and speaking engagements, then record them and follow up.

- Place a client intake form on your web site and make it accessible from every page.

Try to capture the same information from prospects no matter how they reach your firm. Your receptionist, for example, should ask prospects the same questions that appear on your online intake form. By being consistent, you can better compare the quality of leads coming from online, print and other marketing efforts.

Documenting inquiries shows you which client-development programs are successful and makes follow-up easier. It also helps identify any disconnect between *leads generated* and *leads converted into actual client cases*.

If "hits" to your web site aren't translating into new business, for example, look critically at your site. Is your intake form clear and simple? Overall, is your site easy to navigate? Timely follow-up is another key factor. Are you responding promptly to inquiries with both a phone call and an e-mail, if possible?

3. Leverage the web.

A law firm's web site can be its most powerful ROI measurement tool. That's why a growing number of firms prefer to route all client leads through their site.

To make the most of your web site, feature your URL on business cards, ads and in other promotional efforts. Consider purchasing exposure on legal directories and search engines. Ensure that once prospects arrive at your site they can easily find key information and then connect with you to follow up.

One advantage of a web-centric approach is that you can use software programs to analyze site traffic. These programs often are included when you sign up with a web site provider. They can help you determine:

- The most popular areas of your site.
- Where visitors arrive from and what sites they visit when they leave.

- Keywords and key phrases that drive prospects to your site via search engines.

That's invaluable information for sharpening your marketing strategy. You might choose to purchase ads on your prospects' favorite sites, for example, or edit your promotional materials (print, online and broadcast) to stress high-impact, business-generating keywords.

Whatever decisions you make, with ROI measurement tools you can base them on objective, long-term data – the kind of information that chance conversations with clients, or the occasional one-off report, can't provide.

4. Measure impact.

To accurately measure ROI, take both the tangible and intangible benefits of your marketing efforts into account.

You can crunch the numbers by calculating the dollars earned by an ad or other promotion versus its cost (factoring administrative time and other "hidden" expenses into your total investment):

$$\frac{\text{Amount of \$\$ Earned} - \text{Investment}}{\text{Investment}} \times 100 = \text{ROI (i.e., 400\% or 4:1)}$$

Investment

Of course, ROI is not an exact science. Some strategies — volunteer efforts, sponsorships, community outreach — may score low in stark financial terms but still deliver for your firm by generating new leads, or rewarding clients for past business. They build name awareness, strengthen relationships and create goodwill, all of which are important factors in ROI-based decision-making.

5. Evaluate options.

With ROI data in hand you can make informed comparisons between your client-development activities. One program may drive a high *quantity* of leads to your firm while another delivers great *quality* (a higher rate of conversion or larger, high-value cases). Your journal ads may primarily reach the corporate market while individuals find you online.

Be sure, however, that you're making consistent, "apples-to-apples" comparisons. Choose the same 3-month

continued page 38

Presentation Skills for Lawyers

9 Resources for Persuasive Stories and Analogies



Elliott Wilcox

Regardless of whether you're trying to persuade twelve jurors in trial or trying to persuade a client or senior partner in a one-on-one meeting, stories can be your most effective persuasion device. Unfortunately, many lawyers don't have a collection of persuasive stories available at their fingertips. Here, for your plundering, are nine resources to help you locate and develop persuasive stories:

1. Aesop's Fables. *Aesop's Fables* contains dozens of valuable themes for use in your next presentation or closing argument. By weaving these fables into your closing argument, you'll help jurors immediately understand the underlying values of your arguments and see why your client deserves to win. The tales, "The Fox and the Sour Grapes," "The Vixen and the Lioness," and "The Wolf in Sheep's Clothing" – these stories will not only educate your jurors, they'll also entertain them.

2. The Bible. I don't know about you, but whenever I think of a persuasive "southern lawyer," I envision an older, white-haired gentleman wearing a seersucker suit, preaching to the jury in a southern drawl while pounding a well-worn leather Bible on the rail of the jury box. Quoting from the Bible in closing argument has been an effective persuasive tactic since... well, since Biblical times, I guess. Be aware of the case law in your local jurisdiction before quoting from the Bible (some courts explicitly frown upon the practice), but if you're allowed, consider adding Biblical references to your closing argument. You might employ entire stories, direct quotations of Biblical passages, or perhaps you'll only allude to a "bite from the apple" or ask them not to "split the baby." If nothing else, at least read the entire book of Proverbs: It's probably the best source of common sense arguments you'll ever find.

3. Comic books. If you haven't read Frank Miller's *The Dark Knight Returns*, Marvel's *Civil War* series, or Alan Moore's *The Watchmen*, you're not only missing some great stories, you're also missing out on some powerful themes and storylines that you can employ in your closing arguments. In addition to these graphic novels, familiarize yourself with Superman and Lex Luthor, Prof. Xavier and Magneto, the Hulk and Bruce Banner, Spiderman and J. Jonah Jameson, and the rest of the comic book multiverse. Life isn't always "Good vs. Evil," and neither are jury trials. Comics can help you explain what jurors should do in those "gray" situations.

4. Things that happened to you in childhood. Take a few hours and write down the interesting stories of things that happened to you as a kid. Did you ever take a candy bar without paying? Were you pushed around on the playground? Did you ever cheat and look in the back of your algebra book for answers? These types of stories resonate with jurors because they usually have similar life experiences. (It also helps to remind them that you weren't *always* a lawyer!) When you turn that candy bar story into an argument about why a witness is reluctant to tell the truth, or turn the algebra story into a compelling reason why your opponent's expert fudged his work, jurors will have a better understanding of why your client should win.

5. Stories about your kids. Jurors want to listen to lawyers who they trust, so how can you show them that you're trustworthy? If you've got kids, you've got a shortcut for establishing your credibility with the jurors, because being a parent means that not only were you able to convince someone to tolerate you, you were able to convince them you were trustworthy enough to raise children. All parents have similar stories of children saying "the darndest things," blaming their siblings for broken items, and demonstrating (in the cutest way) dramatic life lessons. Keep a written list of fun things your kids did and the lessons they taught you, and you'll have an arsenal of compelling stories at your disposal.

6. Classic literature. As a trial lawyer, you should be well-versed in great literary works. (Confession time: I didn't actually read *A Tale of Two Cities* in 8th grade – I read the *Illustrated Classics* version. It's actually a captivating story in comic book form!) Your familiarity with classic literature will provide you with an endless array of stories and analogies. For example, you could illustrate the effect of circumstantial evidence by telling the story about how Robinson Crusoe fainted after discovering the footprint in the sand because he knew he wasn't alone on the island. You might compare the plaintiff to Captain Ahab (*Moby Dick*), equate the defendant's comments to "the black spot" (*Treasure Island*), or even describe the situation as a "Catch-22."

7. Mythology. Did the Sword of Damocles dangle above the witness's head during cross-examination? Did your examination of their star witness open a Pandora's Box? Are you asking the jurors to untie a Gordian knot with their verdict? Is your opponent asking your client to perform a Herculean task? Don't assume that your jurors know their mythology. Instead, tell them a short, punchy version of the myth, and then show how it applies to your case.

8. Idiomatic expressions. Is it time for the defendant to "face the music?" Was the company "flying by the seat of its pants?" Is your opponent trying to "sweep something under the rug?" Idiomatic phrases are an excellent tool for illustrating your point. Here are two lists of English idioms to search:

http://www.learn-english-today.com/Proverbs/proverbs_A-K.html (Alphabetic listing of idiomatic phrases)

http://www.learn-english-today.com/idioms/idioms_proverbs.html (Idiomatic phrases listed by theme)

Before using the phrase, make sure that your jurors understand what you're talking about. For example, don't just say it was a "red herring" argument; tell them the story behind the phrase, describing how convicts used red herrings to divert bloodhounds from their scent.

9. Movies. Is the informant selling out his friends to appease the government and protect his own interests like Lando Calrissian did in *The Empire Strikes Back*? Has your client been reliving every day since the crash like it's *Groundhog Day*? Did the defendant force your client to make a *Sophie's Choice*? Even

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What's Your Risk of a Malpractice Lawsuit?

Take this 10-point quiz to find out.

Lawyers risk being sued every time they provide legal services. Even if a lawyer has not made a mistake, a client may file a lawsuit alleging malpractice. Although you cannot control whether a lawsuit is filed against you, you can minimize your risk.

Please take the 10-question quiz below. While some of the questions may seem like common sense, it is important to realize that small mistakes can create significant claims.

	YES	NO
1. Do you have a set of screening questions for new clients that identifies potential disasters?	☐	☐
2. Do you have a conflict of interest avoidance system that identifies representation of two parties, conflict arising from a new hire's previous clients, members serving as a director or officer of a client or equity interest in a client's business?	☐	☐
3. Do you use engagement letters that include the scope of the legal services to be rendered, the lawyer's right of withdrawal, the fee arrangement and the name of the client, related parties and the attorney handling the case?	☐	☐
4. Do you use a disengagement letter at the end of your representation?	☐	☐
5. Do you have at least two date control systems (accessible on and off- site) that are cross-checked frequently by two separate individuals that include one date for every open file to ensure a regular review?	☐	☐
6. Do you have a strict policy on how to handle fee disputes which prohibits suing a client for legal fees?	☐	☐
7. Do you have a system in place for checking the accuracy and content of all outgoing documents?	☐	☐
8. Do you document all communications with your clients, including phone conversations and meetings?	☐	☐
9. Do you avoid giving "informal" advice as well as accepting assignments outside of your expertise?	☐	☐
10. Do you know if your professional liability insurance policy coverage excludes coverage for any of the work you perform for your clients?	☐	☐

So what's your score—How many "yes" answers did you have?

7-10: LOW: You're doing a great job managing your firm and your risk is relatively low. Unfortunately, you can still be sued by an unhappy client or other involved party.

4-6: MEDIUM: Consider making some improvements to manage your risk exposures and minimize the potential of a malpractice lawsuit.

1-3: HIGH: You have a high risk of an exposure that could lead to a malpractice lawsuit against you and your firm.

continued top of next page



Howard R. Marsee

Mediator • Special Master • Arbitrator

Certified Circuit Civil Mediator Since 1996

Member: Academy of Court-Appointed Masters

Author: *Utilizing Special Masters in Florida* (Oct 2007 Florida Bar Journal)

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- ✓ Use engagement letters and disengagement letters on all matters going forward.
- ✓ Implement two date control systems. The systems should include a date for every open file to ensure a regular review, be cross-checked frequently by two separate individuals and be accessible on or off –site.
- ✓ Do not accept clients where a conflict of interest exists.
- ✓ Implement a strict fee collection policy that prohibits the suing of a client for legal fees.
- ✓ Avoid giving or offering “informal” advice to clients, colleagues or friends.
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Presentation Skills

continued from page 29

terrible movies can serve as inspiration. If you describe how the defendant's actions ruined the company the same way Joel Schumacher's *Batman & Robin* killed the Batman movie franchise, jurors will immediately understand what you're talking about.

Stories and analogies can be your most effective tools of persuasion, but only if you use them correctly. Practice telling your stories until they sound natural, and you'll quickly become one of the most persuasive (and entertaining) lawyers in the courthouse!

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Elliott Wilcox is the editor of *Trial Tips Newsletter*. To get a free copy of "*The Art of Cross-Examination*," visit www.TheArtOfCrossExamination.com

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Anthony J. Diaz - Florida Supreme Court Certified Circuit Civil Mediator, Certified as a Mediator by the Federal Court in the Middle District of Florida and a State of Florida Qualified Arbitrator.

Transitions

The Honorable Melvin Orfinger, Fifth District Court of Appeal, passed away on November 11, 2009. Judge Orfinger was a member of the OCBA.

The Honorable Cecil H. Brown, Ninth Judicial Circuit Court, passed away on November 20, 2009. Judge Brown was a member of the OCBA.

Henry L. Perla of Perla & Associates, P.A., passed away on December 2, 2009. Mr. Perla had been a member of the OCBA since 1992.

We extend our deepest condolences to the families and friends of Judge Orfinger, Judge Brown, and Mr. Perla.

Speaking Engagements

In November, **Edward Alexander**, with Entrepreneurship Law Firm, P.L., presented *Exit Planning for the Closely Held Business* to the U.S. Small Business Administration Small Business Resource Network, a group of professional advisors to entrepreneurs and small and medium sized businesses.

Anthony J. Diaz, Esq., C.P.A., spoke at the 2009 Annual Conference of Attorney-CPAs in San Francisco on a panel discussion entitled *Attorneys and Accountants Working Together in Litigation*. Mr. Diaz also presented a teleconference to the American Association of Accountants-CPA study group on Estate, Trust and Probate Litigation.

Partner **Rebecca Furman** of Lowndes, Drosdick, Doster, Kantor & Reed, and P.A. recently participated as a panelist for *Developer's Update: Navigating Change* presented by the Society for Marketing Professional Services (SMPS) Central Florida Chapter. The program covered issues such as the future of urban development design and construction in Florida.

Claramargaret H. Groover, Esq., spoke on allocating legal risks in design and construction contracts for LEED certified commercial buildings at the Construction Management Association of America 2009 National Conference in Orlando recently.

Larry D. Smith of the Orlando-based firm of Smith, Toole & Wiggins, PL, Orlando, spoke at the 2009 Litigation Counsel of America Fall Conference in Charleston, SC. He presented *Litigating High Profile Cases During Governmental Agency Investigation: A Multi-Prong Approach* to this trial

lawyer honorary society, which represents less than one-half of one percent of American lawyers.

Norma Stanley, a partner with Lowndes, Drosdick, Doster, Kantor, & Reed, P.A., authored a chapter titled "Helping Clients Achieve their Estate Planning Goals" in a book titled, *Strategies for Trusts and Estates In Florida*, which was published in December 2009 by Aspatore Books (Thomson Reuters) as a part of its "Inside the Minds" series.

Louise B. Zeuli of Louise B. Zeuli, P.A., Maitland, presented *Direct Examination of Expert Witnesses* for a seminar with the Young Lawyers Division, Seminole County Bar Association.

Seminars

Feb. 4 – *Insurance in Lawsuits: Injections & Antidotes*. Insurance Law Committee. 12:30 p.m. – 4:30 p.m. Registration: 11:30 a.m. Lunch: 12:00 p.m. OCBA Center. CLE: 4.0, including 4.0 ethics. Mediators may apply for mediation credit. Sponsored by: Marsh Consumer, a service of Seabury & Smith, Inc. Speakers: Dennis J. Wall, Esq.; Brian T. Wilson, Esq.; William A. Davis, Jr., Esq.; Nicholas A. Shannin, Esq. Fee: registrations by Jan. 15: \$50 for OCBA members; \$60 for non-members. Registrations after Jan. 15: add \$10 to above fees, respectively. To register, contact Marie at marieb@ocbanet.org.

Feb. 9 – *Unemployment Compensation*. 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: Sally McArthur, Esq. For more information, please email ctucker@legalaiddocba.org or mcarbo@legalaiddocba.org.

Feb. 23 – *Retirement Planning*. Solo & Small Firm Committee. 12:00 p.m. OCBA Center. CLE: pending. Sponsored by M&I Bank. To register, contact: Marie at marieb@ocbanet.org.

Feb. 23 - *GAL 101 Basics*. LAS/GAL Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 North Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE applied for. Speakers Susan Khoury, Esq. and Cara Dobrev, Esq. For more information, please email ctucker@legalaiddocba.org or mcarbo@legalaiddocba.org.

Feb. 24 – Labor & Employment 1/2-day seminar (title TBA). For details, please contact Robert Sherry at rsherry@rslaw.com.

Mar. 9 – *Naturalization*. 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: Kira Romero Craft, Esq. For more information, please email ctucker@legalaiddocba.org or mcarbo@legalaiddocba.org.

Mar. 23 – *Independent Living Services for Transitioning Foster Youth: What Every Child Advocate Should Know*. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 North Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE applied for. Speaker: Bethanie Barber, Esq. For more information, please email ctucker@legalaiddocba.org or mcarbo@legalaiddocba.org.

Mar. 30 – Solo & Small Firm Committee 1/2-day seminar (title TBA). 12:30 p.m.-5:00 p.m. Registration: 11:30 a.m.

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Announcements

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Lunch: 12:00 p.m. OCBA Center. CLE: pending. Speakers: Victor Schultz (M&I Bank); Thomas Sinclair (Westlaw); Orlando Business Journal (TBA); Judith Equals (LOMAS). Sponsors: M&I Bank and Westlaw. For more information, contact Marie at marieb@ocbanet.org.

Other News

The Orange County Office on Aging, the Orange County Library System, and Channel 9 will be presenting a monthly series of 30-minute seminars about caregiver services available for seniors in Central Florida entitled "Counsel for Caregivers: A Helping Hand of Healing." Seminars will be held at the library's downtown branch. For details, please contact: Jan Reynolds, Orange County Office on Aging, at 407.836.6553. (Feb. 18 -

Elder Law 101. Speaker: Kathleen Flammia)

The Barry University Law School trial team won the 2009 Georgetown University Law Center White Collar Crime Tournament in Washington, D.C. This was Barry's first competition in the invitation-only tournament, which hosted 20 other trial teams from across the country. Additionally, in November Barry Law School celebrated the 10th anniversary of its founding.

Correction: New member name spelling correction: Jose I. Rivas, The Rivas Law Firm, P.A. The error appeared in June's issue of *The Briefs*. We apologize for any inconvenience this may have caused.

Keys to Effective ROI Management

continued from page 28

time frame, for example, when you run ROI numbers on print vs. web vs. broadcast and beyond.

6. Modify your marketing.

The final step is implementing change. Use ROI-generated information to adjust your marketing strategy: invest more where you're seeing results and trim back or rethink what isn't working.

Of course your practice goals change and so will the needs of clients. A marketing

program or keyword that draws attention today may go cold six months down the road. ROI measurement – track, evaluate, then modify – is an ongoing process.

That takes commitment, but the payoff is there for your firm. In a more efficient lead-development budget, you will receive a better understanding of your client base and a bigger return on your marketing dollar.

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Small but rapidly growing practice is seeking a bilingual(Spanish) attorney for its Orlando office. Excellent opportunity and growth potential. Applicant must currently be licensed to practice law in the state of Florida and admitted to the Middle District. Please send all resumes to trankin@pantaslaw.com

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3,500 SF HISTORICAL

BUILDING (38 East Pine St). Close to Or. Co. Courthouse. Lease Rate: \$15.50/SF (First Floor) \$14.00/SF (second and third floors). Christi Davis/Morrison Commercial Real Estate 407-219-3500.

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OCBA CALENDAR

February-March 2010

OCBA Luncheon

Thursday, February 25, 2010

Warrick Dunn

Founder, Warrick Dunn Foundation

RSVP by Friday, February 19, 2010 to:
reservations@ocbanet.org

Sponsor:



Co-hosted by the Paul C. Perkins
Bar Association

February

- 3 Criminal Law Committee**
12:00 p.m. • Courthouse
23rd Flr. Judges' Conference Rm.
- 4 Insurance Law Committee Seminar**
Insurance in Lawsuits: Injections & Antidotes
12:00 p.m. • Bar Center
Sponsored by Marsh Consumer-a service of Seabury & Smith, Inc.
- 9 LAS Lunchtime Training**
Unemployment Training
12:00 p.m. • Comerica Bank
- 10 Estate Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- Executive Council Meeting**
4:00 p.m. • Bar Center
- 11 Social Security Committee**
12:00 p.m. • Bar Center
- Winter Wine & Cheese Social**
5:30 p.m. * The Black Olive
Sponsor: Westlaw
- 12 Family Law Executive Committee Meeting**
11:45 a.m. • Houlihan's
- Workers' Compensation Committee**
11:45 a.m. • Smokey Bones
- 16 Professionalism Committee**
12:00 p.m. • Bar Center
- 17 Evening with the Judiciary**
5:30 p.m. • Winter Park Civic Center
- 18 YLS Luncheon**
11:45 a.m. • Citrus Club
- Appellate Practice Committee**
12:00 p.m. • Bar Center
- 19 Family Law Committee**
12:00 p.m. • 425 N. Orange Ave., #2310

- 23 LAS Lunchtime Training**
GAL 101 Basics
12:00 p.m. • Comerica Bank
- Solo & Small Firm Committee Seminar**
Retirement Planning
12:00 p.m. • Bar Center
Sponsor: M&I Bank
- 24 Business Law Committee**
12:00 p.m. • Location varies.
Please contact chair.
- Labor & Employment Law Committee**
(1/2 -day seminar)
12:00 p.m. • TBA
- 25 OCBA Luncheon**
Warrick Dunn
Founder, Warrick Dunn Foundation
11:30 a.m. • The Ballroom at Church St.
Sponsor: M&I Bank

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

March

- 3 Criminal Law Committee**
12:00 p.m. • Courthouse
23rd Flr. Judges' Conference Rm.
- 4 Federal Judicial Relations**
12:00 p.m. • Judge Conway's Chambers
- 9 LAS Lunchtime Training**
Naturalization
12:00 p.m. • Comerica Bank
- 10 Estate Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- Judicial Relations**
12:00 p.m. • Courthouse 21st Flr.
Conference Rm.
- Executive Council Meeting**
4:00 p.m. • Bar Center
- 11 Social Security Committee**
12:00 p.m. • Bar Center
- 12 Family Law Executive Committee Meeting**
11:45 a.m. • Houlihan's
- Workers' Compensation Committee**
11:45 a.m. • Smokey Bones
- 16 Professionalism Committee**
12:00 p.m. • Bar Center
- 17 Insurance Law Committee**
12:00 p.m. • Bar Center
- 18 YLS Luncheon**
11:45 a.m. • Citrus Club
- Appellate Practice Committee**
12:00 p.m. • Bar Center
- 19 Family Law Committee**
12:00 p.m. • Bar Center
- 23 LAS Lunchtime Training**
Independent Living Services for Transitioning Foster Youth: What Every Child Advocate Should Know
12:00 p.m. • Comerica Bank
- 25 OCBA Luncheon**
Professionalism Awards
11:30 a.m. • The Ballroom at Church St.
Sponsor: Leighton Law
- 26 Bankruptcy Law Committee**
12:00 p.m. • Bar Center
- 30 Solo & Small Firm Committee**
(1/2 -day seminar)
12:00 p.m. • Bar Center
Sponsor: M&I Bank and Westlaw

Visit the OCBA website at www.orangecountybar.org for updates on committee meetings, seminars and events.



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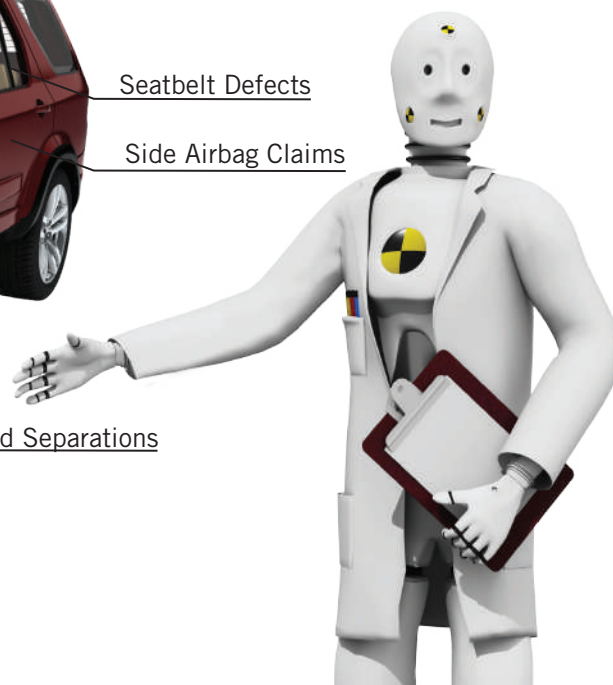
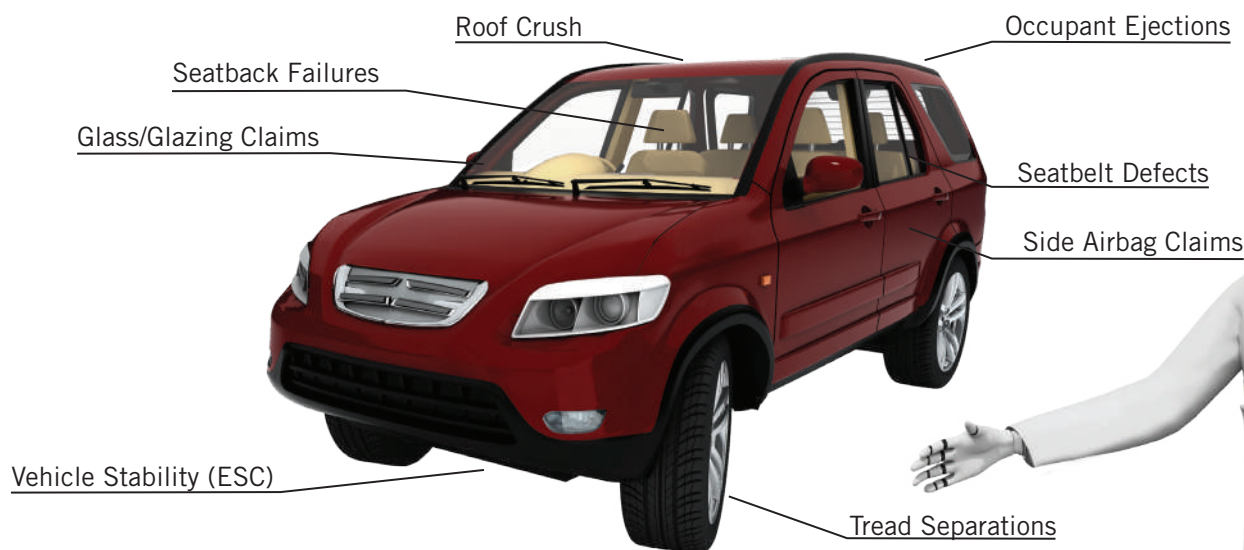
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