

The Briefs

A Publication of the Orange County Bar Association



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467 So. 2d 282 (Fla. 1985)
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June Cover

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The Briefs

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DEADLINE INFORMATION

Deadline for August Issue: 07/01/2008

The deadline for each edition is the first day of each month. If that day falls on a weekend or holiday, the deadline is the next business day.

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Greeting for 2008-09 . . .

Tad A. Yates

I can hardly believe I'm submitting my first "President's Message" to *The Briefs*. Since I became President-Elect over one year ago, I have been excited about this day but, I must confess, I have been nervous as well. So many great leaders have preceded me as President and I am humbled to serve the OCBA for the coming year.

We are all very fortunate to have **Brant Bittner** as OCBA Executive Director. I look forward to working with Brant and his wonderful staff in the year to come. If you don't know the professionals working for you at the OCBA, I would encourage you to stop by the Bar Center to meet them. To a person, their dedication to this organization, our community and to the legal profession is remarkable.

I am grateful to have a terrific Executive Council. The lawyers serving the OCBA this year are not just "talkers." They are "doers." They and the OCBA staff are instrumental in helping deliver a great product to our members.

Gene Shipley – I look forward to your continued support as **Ex-Officio** in the coming year. Your advice and counsel will be needed and appreciated. Feel free to take a couple weeks off before your next OCBA assignment!

Woody Rodriguez – As President-Elect, Woody will oversee all OCBA Committees, while enrolled in the year-long course that I will be teaching entitled, "What not to do as Bar President." Woody, thanks for your friendship and support.

Jessica Hew – Our dedicated and capable Treasurer. Jessica, we have worked closely over the past several years and I can say, without hesitation, that your service to the bar and time commitment to its projects is unrivaled. You are the definition of "doer."

Tom Zehnder – Tom, you are a natural leader with great judgment. In addition to serving as Secretary of the OCBA and Co-Editor of *The Briefs*, I will call on you to continue serving as my counselor. This will require you to tell me to "zip it," when I'm about to say something that would best not be included in the minutes that you'll be taking.

Frank Bedell – The OCBA is fortunate to have your continued involvement and will someday be fortunate to have you at its helm. Your oversight of the OCBA Lawyer Referral Service and the Modest Means Program is so important to this organization, as both programs are important to the Central Florida Community. It will be a pleasure to continue working with you.

Wiley Boston – Wiley, thanks for your past service as President of the Young Lawyers Section and for your future service as our Membership Chair.

Kristyne Kennedy – Kristyne, you know how happy I am to have you on board for the coming year. Whether as Social Committee Chair, Gala Chair or Co-Editor of *The Briefs*, you do first-class work. Plus you're fun. What a bonus!

Chelsie Roberts – We all recognize the importance of the **Young Lawyers Section** to the OCBA and are thrilled to have you, as its President, join us on the Executive Council this

year. You will probably be able to teach us a thing or two.

Paul Scheck – Always great to have another good "Gator" on board. Thank you for your idea to create a Community Service Committee of the OCBA and to serve as its first chair. Your work helps to give lawyers a better name in our community.

Nick Shannin – Nick, thank you for agreeing to serve as **President of the Legal Aid Society**. This will mark the first year in quite a while that I haven't served on the Legal Aid Board. As you know, I consider our Legal Aid Society to be the shining star of this organization. With your leadership, I know that it will be in good hands. As President of the OCBA, I am now instructing you that all nicknames assigned in the "Hearsay" column must be approved prior to publishing. (I checked our bylaws already. There is no prohibition on prior restraint of the OCBA press.)

Bill Umansky – Bill, good to have a fellow criminal defense lawyer on the board! Since your term on the Executive Council began, your enthusiasm and hard work have been appreciated, both at the OCBA and on the Board of the Legal Aid Society.

Bill Vose – I'm not saying that you're "old." Let's just say that the "historical perspective" that you bring to the Executive Council is invaluable. On a serious note, thank you for being a true voice of reason as we have dealt with some tough issues over the past year.

Esther Whitehead – Your years of service to the bar and to the Legal Aid Society are so commendable. I value our relationship and we all value your commitment to the OCBA. Your husband is OK in my book also – Always bring him to our retreats!

A couple more quick notes before wrapping this up . . .

Thanks to my partners, **Kirk, Warren, Mike, Bill** and **Matt**. Their support makes my involvement in the OCBA possible.

Wayne Helsby, Bill Sublette, Tom Wert and **Gene Shipley** – thanks for the great example that each of you provided as past-OCBA Presidents under whom I served.

To **Mary Anne DePetrillo, members of the Legal Aid Board, the Lawyers and Staff of the Legal Aid Society** – many thanks for the great work that you do for our community and for the OCBA. I will miss being a board member this year.

To all the members of the Orange County Bar Association – thank you for letting me serve and for your continued support of the OCBA. Please call or email me with thoughts, concerns, and criticisms as we move forward. I hope you will find value in your continued membership in the OCBA. We all look forward to seeing you at our committee meetings and seminars. We also look forward to breaking bread with you at our monthly luncheons and to raising a glass together at one of our many great social events.

Tad A. Yates is a partner with Kirkconnell, Lindsey, Snure and Yates, P.A. He has been a member of the OCBA since 1994.



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OCBA Luncheon Speaker

June 26, 2008



James Bacchus

**Former U.S. Congressman
Chairman, Global Trade & Investment Practice Group
of Greenberg Traurig, P.A.**

James Bacchus is one of two Chairs of the Global Practice Group and Chairman of the Global Trade & Investment Practice Group of Greenberg Traurig, P.A. He is a leader in the firm's overall worldwide practice, with an emphasis in his own practice on policies, remedies, negotiations, disputes, and arbitrations relating to international trade and investment issues. In particular, he offers legal, political, and strategic advice to worldwide clients based on his unique experience with the many issues relating to the global rules for trade and commerce of the World Trade Organization. He is a former judge on the highest international tribunal of world trade, a former Member of the Congress of the United States, and a former Special Assistant to the United States Trade Representative in the Executive Office of the President.

In December 2003, Bacchus completed eight years and two terms on the Appellate Body. He was a founding Member of the highest global trade tribunal, was twice appointed by consensus of the Members of the WTO, and was twice elected Chairman by his six colleagues. During his eight years of service to the WTO, he was the only American, and the only North American, on the Appellate Body.

While in the Congress, Bacchus was a leader in bipartisan efforts to advance international trade issues. He was a supporter of presidential "fast-track" negotiating authority on trade issues, a leading supporter of the North American Free Trade Agreement (NAFTA), a vocal advocate of extending most-favored-nation (MFN) treatment for China, a champion of the Caribbean Basin Initiative, and one of the six original co-sponsors of the implementing legislation for the Uruguay Round trade agreements that established the WTO.

In addition to his current role with Greenberg Traurig, Bacchus is a visiting professor of law at Vanderbilt University Law School in Nashville, Tennessee. He teaches international law at Vanderbilt, with an emphasis on international trade law and on WTO dispute settlement. He has also been an Adjunct Professor in the Department of Politics at Rollins College in Winter Park, Florida. He is a former journalist, and is a recipient of the Silver Gavel Award of the American Bar Association for Outstanding Public Service in Journalism. He is a member of the Council on Foreign Relations, the Executive Council of the American Society of International Law, and the Commission on Trade and Investment of the International Chamber of Commerce in Paris. Recently, he served as one of the nine members of the Independent Review Group appointed by the Secretary of Defense to investigate conditions at Walter Reed Army Medical Center.

After retiring from the Congress in 1995, Bacchus founded the Orlando office of Greenberg Traurig. He served as the managing shareholder of the Orlando office for the next six years while serving also on the Appellate Body. He is the author of the book *Trade and Freedom*, published in London in March 2004, by Cameron May, featured nationally on "Book TV," and now in its fourth printing worldwide.

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To ensure a proper luncheon count, **RSVPs** and **CANCELLATIONS** are requested no later than Friday, June 20, 2008. The OCBA is happy to provide 11 luncheons as part of your member benefits, **but no-shows incur additional charges for the Bar and walk-ups can't be guaranteed a spot.** Please keep us up-to-date on your reservation status! Thank you.



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Appellate and Workers' Compensation Committees

Recent Developments in "Heart/Lung" Claims – Part 2

Todd J. Sanders

Part 1 of this two-part article reviewed some recent significant appellate decisions and JCC orders concerning the "Heart/Lung Bill" (codified at Fla. Stat. §112.18) with respect to the class of employees protected by the statute, conditions covered by it, and the statute's "disablement" requirement. This part will address developments concerning the statute's pre-employment physical requirement, and what is required to rebut the presumption, as well as some recent relevant legislation. Again, this article is by no means an exhaustive discussion of all the compensation orders and appellate decisions recently entered that impact §112.18 cases. Rather, the purpose is to alert readers to some of the more significant developments as they relate to the various factors involved in these cases.

But first an update. Just after the manuscript deadline for Part 1, the 1st DCA decided the case of *City of DeLand v. Wilkins*¹ concerning whether the claimant was a "firefighter" for purposes of the statute. In a *per curiam* affirmed decision without comment or citation,² the court unanimously confirmed the JCC's finding that the claimant was a firefighter.

Pre-employment Physical

The fourth and final prerequisite³ for establishing entitlement to the §112.18 presumption is that the claimant must have "successfully passed a physical examination upon entering into such service as a firefighter or law enforcement officer, which examination failed to reveal any evidence of such condition." Note the exclusion of corrections officers from this requirement. Any argument that this was a legislative oversight was refuted by the 1st DCA,⁴ which confirmed that the statute in effect at the time did in fact relieve corrections officers of the pre-employment physical requirement. However, in 2007 the legislature amended §943.13(6), Fla. Stat. to apply this requirement to corrections officers as well.

Until recently only two decisions addressed this seemingly straightforward requirement. One was rendered by the former Industrial Relations Committee, and the other by the 1st DCA. The former decision is *City of Melbourne v. Anderson*⁵ in which the claimant commenced his employment as a firefighter with the City of Eau Gallie in 1965, but did not undergo a pre-employment physical. That city merged four years later with the City of Melbourne,

at which time the claimant again did not undergo a physical examination. He did, however, undergo and pass examinations in 1971, 1973 and 1974. In 1976 he had a heart attack and died. The IRC determined his condition was not compensable under §112.18 because he did not satisfy the pre-employment physical requirement since he did not undergo a physical prior to starting his job with the City of Eau Gallie. In *Cumbie v. City of Milton*⁶ the 1st DCA held that the claimant was not entitled to the presumption because he did not undergo a physical examination prior to starting his employment with the City of Milton even though the City did not require such exams as a prerequisite to employment, and even though he did undergo one two years after starting work, which exam was negative for any evidence of heart disease or hypertension.

A slightly different scenario existed in *City of Tarpon Springs v. Vaporis*.⁷ There, the claimant began employment as a firefighter on January 27, 1986. His initial employment physical was partially administered ten days before he began working, and the remainder was completed fifteen days after he started his job. On February 14, 2005, he suffered a heart attack.⁸ The court held that the examination was successfully passed upon the claimant's entry into service as a firefighter, distinguishing *Cumbie* "on factual grounds, noting that the examination there was not given until two years after employment commenced." The court also distinguished *Sledge v. City of Fort Lauderdale*,⁹ "on legal grounds, noting that the characterization of the examination as 'preemployment' is mere dicta, as the issue at hand was whether the statute of limitations had run."¹⁰

It appears that in *Cumbie* the claimant began his career, or first entered into service as a firefighter, with the City of Milton. But what of the following scenario: a firefighter passes a pre-employment physical at the beginning of his career, has a heart attack while with that employer, receives benefits under §112.18, and eventually returns to work. He later changes employers, undergoes a physical with the new employer that does have evidence of heart disease, is hired anyway, and then suffers another heart attack. Which pre-employment physical controls?

This was the scenario in *William Davis v. Miami-Dade County Fire Rescue and Risk Management*,¹¹ and the JCC found that the applicable examination was the one the

Continued on page 8

¹ OJCC # 05-004866TGP.

² 1D07-3220 (April 2, 2008).

³ Recall that the other three are: 1. the claimant is a firefighter, law enforcement officer, or correctional officer; 2. the claimant develops a condition or impairment of health as the result of hypertension, heart disease or tuberculosis developed during the course of his/her employment as such; and 3. the claimant is "disabled" either partially or totally as a result of the disease.

⁴ *State Dept. of Corrections v. Reese*, 911 So. 2d 1291 (Fla. 1st DCA 2005).

⁵ IRC Order 2-3553 (October 2, 1978), cert. denied *Anderson v. City of Melbourne*, 379 So. 2d 202 (Fla. 1979).

⁶ 496 So. 2d 923 (Fla. 1st DCA 1986).

⁷ 953 So. 2d 957 (Fla. 1st DCA 2007).

⁸ *Id.* at 598.

⁹ 497 So.2d 1231 (Fla. 1st DCA 1986) (there was no pre-employment physical issue in *Sledge*).

¹⁰ *Vaporis*, 953 So. 2d at 599.

¹¹ OJCC # 02-047551CMH

claimant underwent with his first employer, finding that the statute's language: "upon entering into any such service as a firefighter . . ." means the examination undergone when a claimant begins his/her career as a firefighter. The JCC also found that §112.18 must be read in *pari materia* with §630.30 *et seq.*, Fla. Stat., which deals with the standards for firefighting and firefighter qualifications. Section 630.30(1) defines a "firefighter" as "any person *initially employed* as a full-time professional firefighter by any employing agency . . ." Section 630.34 concerns specific requirements for firefighters, including being in "good physical condition as determined by a medical examination" which must be submitted to the "Division" before the person can enter into a firefighting training program. This examination is a prerequisite for a firefighter being certified as such, and the JCC pointed out that the only physical examination required by law is this initial pre-certification examination.¹² The JCC also noted the results of *Anderson* and *Cumbie* as support for his finding, particularly that of *Anderson* which did involve multiple employers, although the claimant did not actually leave one employer to work for another. This case is currently on appeal.¹³

In yet another scenario, the claimant in *Patrick Taaffe v. Volusia County*¹⁴ underwent a pre-employment physical¹⁵ before starting as a firefighter in 1992 for the City of Hammock Bay, which exam proved negative for any evidence of hypertension or heart disease. In February 2004, while still working for Hammock Bay, the claimant was diagnosed with hypertension, but was never incapacitated as a result of the condition nor, apparently, prescribed any medication. In November 2004 the claimant underwent a pre-employment physical for the Volusia County Fire Services, which revealed evidence of elevated blood pressure. The claimant was hired anyway and commenced working for that agency in January 2005. Prior to undergoing a training exercise in February 2005, the claimant's blood pressure was taken and found to be severely elevated. He was sent to the employer's staff doctor, who prescribed medication and instructed the claimant to remain out of work for 72 hours.

The employer denied the claim based on the claimant's alleged failure to satisfy §112.18's "clean pre-employment physical" requirement due to evidence of hypertension pre-existing his employment with Volusia County, and on the results of his Volusia County pre-employment physical. The crux of the case was the meaning of the statutory phrase "any such service as a firefighter." The employer argued that this phrase applies to each employment with a particular fire department, whereas the claimant argued that the phrase applies to the physical exam undergone at the commencement of his career. The JCC agreed with the

claimant, reasoning, *inter alia*, that the statute's language was clear and unambiguous, and that the Florida Supreme Court in *Caldwell v. Division of Retirement*¹⁶ stated that the statute

embodies the social policy of the state which recognizes that firemen are subjected *during their career* to the hazards of smoke, heat, and noxious fumes from all kinds of toxic chemicals as well as extreme anxiety derived from the necessity of being constantly faced with the possibility of extreme danger. The legislature recognized that this exposure could cause a fireman to become the victim of tuberculosis, hypertension, or heart disease.¹⁷ (Emphasis added).

In analyzing this issue it is important to remember that §112.18 claims are occupational disease cases and, in such cases, it is the exposure to a harmful condition over a period of time in a particular occupation that is at the heart of the claim. It is also important to remember that it is the date of "disability" that renders an occupational disease claim compensable. A ruling opposite of the JCC's in *Taaffe* would mean that a firefighter (or law enforcement officer) would potentially be forever unable to obtain benefits under §112.18 if he contracts a covered condition while working for one employer, but is not disabled by it until working for another employer. This is contrary to the legislature's intent, and the only way he would be able to avoid this result would be to remain with the same employer for his entire career. The employer in *Taaffe* argued that making subsequent employers liable for benefits when the employee contracted the condition with an earlier employer is unfair. That may well be, but it is what §440.151 requires,¹⁸ and fire departments are in no different position on this score than other employers who are in "industries" or fields of endeavor that involve exposing employees to harmful work conditions. The *Taaffe* case is also currently on appeal.¹⁹

Note, however, that in 2007 the legislature amended §943.13, Fla. Stat. to provide that

a law enforcement officer, correctional officer, or correctional probation officer may not use a physical examination from a former employing agency for purposes of claiming the presumption set forth in §112.18 against the current employing agency.

No such legislative change was made with respect to firefighters.

Continued on page 10

¹² The JCC also pointed out that this pre-certification examination requirement did not exist until 1969. Note that the claimant in *Cumbie* commenced his employment as a firefighter in 1964.

¹³ 1D07-1073.

¹⁴ OJCC# 06-001422TGP.

¹⁵ There was some question about whether this examination was for the City's purposes or the State's, as the exam results were on a form sent to the State Fire

Marshall as required by law. The JCC found that the answer to this question was not particularly important.

¹⁶ 372 So. 2d 438 (Fla. 1979).

¹⁷ *Id.* at 441.

¹⁸ Because the statute forbids claims for contribution, as it is the employer as of the last injurious exposure that is responsible for providing benefits.

¹⁹ *Volusia County Fire Services v. Patrick Taaffe* (1D07-5699).



Law Firm Spotlight

Lowndes, Drosdick, Doster, Kantor & Reed, P.A. Celebrates Our Community



— Julia L. Frey

As the Orange County Bar Association celebrates its history rich in community outreach with over 20,000 *pro bono* hours per year given through legal aid, Lowndes, Drosdick, Doster, Kantor & Reed joins in the reflection and celebration. The attorneys and staff at Lowndes, Drosdick, Doster, Kantor & Reed (which has grown to be Central Florida's largest law firm) have long supported the OCBA and its service to the community. In fact, two of the attorneys at Lowndes have been past presidents of the OCBA and a number of others have served on the Executive Council. Approximately ninety percent of the firm's lawyers are participating members of the OCBA.

Lowndes, Drosdick, Doster, Kantor & Reed has been long-known as a strong corporate citizen with dedicated civic and charitable support and involvement with its own rich tradition of service to the community over the last 38 years. The firm's founding father, John Lowndes, has long led the firm in community giving, both in time and in financial resources. John Lowndes, his partners and the firm family have given thousands of hours to various charitable organizations over the years, as well as significant monetary support. Lowndes, Drosdick, Doster, Kantor & Reed attorneys have served in key roles, such as President of United Way, Chairman of United Arts, and presidents of numerous other charitable and civic organizations, all with a vision and commitment to bettering the Central Florida community. Firm attorneys are now active in more than 100 community leadership roles, and the firm supports more than 200 Central Florida causes in civic, nonprofit, arts, education, children's and health causes.

In 1969 John Lowndes founded the law firm. This was the same year he served as OCBA President, that man first walked on the moon, and that the Beatles broke up. Skip forward to the 21st century and you'll find many examples of Lowndes, Drosdick, Doster, Kantor & Reed's continued dedication to the community. In 1998, the firm purchased for display the significant sculpture in the main atrium lobby of the Orange County Courthouse entitled, "Spirit Triumphant" by Donald Delue. In 2000, John and Rita Lowndes made a financial contribution to the home of the Orlando-UCF Shakespeare Festival in Loch Haven Park and were honored by its renaming to the John and Rita Lowndes Shakespeare Center. In 2004, in honor of the firm's 35th anniversary, the firm purchased Chihuly's glass sculpture 'Cobalt and Citron Tower' which is on long-term display in the Orlando Museum of Art. With this

presentation, the firm's then managing partner, Nicholas A. Pope, stated: "We are proud of our firm and could think of no better way to celebrate 35 years of success than to continue John Lowndes' tradition of community service by sharing Chihuly's 'Cobalt and Citron Tower' with everyone in Central Florida." The *Orlando Sentinel*, in a series of articles, stated the following:

The Chihuly tower is still installed in the rotunda (gorgeous), thanks to its purchase and long-term loan from Lowndes, Drosdick, Doster, Kantor & Reed, which gives continuously and generously to many of our cultural institutions.

—Terry Hummell, *Orlando Sentinel* (June 20, 2004)

In 2007, the firm made a \$100,000 pledge, payable over a four-year period to the American Red Cross of Central Florida. The commitment is intended to support and help sustain the American Red Cross of Central Florida in continuing to provide its myriad important services, including preparing our community for disasters.

Lowndes, Drosdick, Doster, Kantor & Reed's employees, from staff through attorney, have also given of their time and money to community causes; perhaps this is one of the reasons why the firm is ranked in eighth place in the giant companies category of the *Orlando Sentinel*'s "Top 100 Companies for Working Families" program and named by the *Orlando Business Journal* as one of the "Best Places to Work," as well. Employee motivation and team enthusiasm comes largely through firm encouragement to support, to fundraise and to provide leadership to the community and its many important causes. This innovative employee relations method of honoring the causes that the employees care deeply about has great returns, not only for employee spirit, but for community organizations. Just one example of the firm's commitment to rally around good causes important to the firm's staff and attorneys is the annual summer-long fundraising event to benefit the Leukemia & Lymphoma Society, which was started in honor of Donna Maddox, a loved and respected staff member who died of leukemia.

As Lowndes, Drosdick, Doster, Kantor & Reed, P.A. looks to the future, its focus will remain on investing in its people and our community. Below is a small sample of organizations for which the firm provides volunteer

Continued on page 11

Overcoming the Presumption

Once a claimant satisfies the four prerequisites set forth in §112.18, the statute provides that the claimant's condition or impairment caused by one of the enumerated diseases "shall be presumed to have been accidental and to have been suffered in the line of duty unless the contrary be shown by *competent evidence*." (Emphasis added). The statute does not define "competent" evidence, but the Florida Supreme Court in *Caldwell*²⁰ stated that "if there is evidence supporting the presumption the employer can overcome the presumption only by *clear and convincing evidence*."²¹

However, several recent decisions rendered by the 1st DCA have apparently created some confusion concerning this matter. In the aforementioned *Vaporis*²² case, the 1st DCA stated:

All that the statute requires to overcome the presumption is *competent substantial evidence* that convinces a JCC that the disease was caused by some non-work-related factor, not that it was caused by any sort of 'specific hazard or non-occupational hazard'.²³

The court quoted this very language in *Saldana v. Miami-Dade County*.²⁴ But in *Butler v. City of Jacksonville*,²⁵ the court cited *Caldwell* and pointed out that the "presumption switches the burden of proof from the claimant to the employer and may be overcome by *clear and convincing evidence* that the disease was caused by a specific non-work-related event or exposure."²⁶ And perhaps adding to the confusion is the fact that Judge Kahn was on both the *Saldana* and *Butler* panels. But this may be a clue that these decisions are not actually conflicting with respect to the correct standard of proof in §112.18 cases.

The key, apparently, is that a perusal of the compensation orders in both *Vaporis*²⁷ and *Saldana*²⁸ reveals that only one doctor's opinion testimony was considered, and in both cases the doctor testified that the claimant's occupation did not cause his condition. In such a case there is no "evidence supporting the presumption." Therefore, in those cases, the employer did not have to prove by clear and convincing evidence just what specific non-work-related event or exposure caused the condition at issue. However, in *Butler*:

Both the claimant and the employer presented

evidence that the claimant's PVD was caused by his atherosclerosis which was, in turn, caused by his hypertension. The employer concedes that the claimant was entitled to the presumption as to his hypertension. The employer did not present any evidence, let alone clear and convincing evidence, that the claimant's PVD was caused by a specific non-work-related event or exposure. Thus, the claimant was entitled to the presumption that his PVD was caused by his occupation as a firefighter.

Thus, because there was evidence to support the presumption in *Butler*, the employer's burden was to rebut it by clear and convincing evidence, not simply competent substantial evidence. These cases should put both trial and appellate counsel on notice that which standard of proof applies is dependent on the evidence in the case. It is also worth noting that pursuant to §§440.09(1) and 440.151(a), Fla. Stat., a claimant has the burden of proving occupational causation of a disease by "clear and convincing evidence."²⁹

Many in the defense bar are of the opinion that the use of the phrase "non-work-related factor" in both *Vaporis* and *Saldana* stands for the proposition that an employer need only present evidence that a claimant have had one or more "risk factors" for the development of the condition at issue to rebut the presumption. Evidence to the contrary is arguably found in two *per curiam* opinions³⁰ when read in conjunction with the underlying compensation orders.

The court in *City of Delray Beach v. Wells*³¹ affirmed a compensation order³² in which one doctor testified that the claimant's occupation as a police officer caused his coronary condition, and the employer's expert testified that, while the claimant had multiple risk factors for developing coronary artery disease, they were only contributing factors and "none were unique." The JCC found that this was insufficient to overcome the presumption. He also said that neither doctor could testify as to a "single risk factor solely responsible" for the claimant's condition,³³ and also found that "predisposition [to developing coronary artery disease] does not constitute clear and convincing evidence sufficient to overcome the presumption."

Similarly, in *St. Lucie County Fire District v. Maxwell*,³⁴ the court upheld a finding of compensability where the JCC in his order³⁵ noted that evidence showed that the claimant had risk factors for developing heart disease other than his employment. This, the JCC found, was insufficient to rebut

Continued on page 11

²⁰ 372 So. 2d 438 (Fla. 1979).

²¹ *Id.* at 441. (Emphasis added).

²² 953 So. 2d 957 (Fla. 1st DCA 2007).

²³ *Id.* at 959. (Emphasis added).

²⁴ 1D07-1131.

²⁵ 1D06-5018.

²⁶ *Id.* (Emphasis added).

²⁷ OJCC# 05-009732LHH.

²⁸ OJCC# 05-012467GCC. (Interestingly, the JCC in this case found that the E/C had proven its case by clear and convincing evidence).

²⁹ The author is of the opinion that "competent substantial evidence" is not an

evidentiary standard, but a standard of review on appeal. The 1st DCA obviously disagrees.

³⁰ Both of which were decided after *Vaporis*.

³¹ 957 So. 2d 694 (Fla. 1st DCA 2007).

³² OJCC# 04-029289TMB.

³³ Note that in the 1st DCA's opinion the court disagreed that the JCC had required the employer to identify such a risk factor.

³⁴ 959 So. 2d 1278 (Fla. 1st DCA 2007).

³⁵ OJCC# 01-4403RDM. (Note that defense counsel in this case was the same as in *Vaporis*).

The April 24th OCBA Luncheon, sponsored by the Law Week Committee, featured presentations to students, the Liberty Bell Award to Heather Pinder Rodriguez, and 100% Club certificates to law firms Cohen Battisti and Farr & Bowen, P.L. The guest speaker was Randall James.



Appellate and Workers' Compensation Committee

Continued from page 10

the presumption, stating that *Caldwell* requires an employer to show that the disease causing a claimant's disability or death was caused by a specific non-work related event or episode. It is also worth noting that the JCC in *Maxwell* found that §440.151's "major contributing cause" standard is inapplicable in §112.18 cases as the law provides a presumption of job-relatedness when its prerequisites are met. This finding was not addressed by the 1st DCA, however, and thus the decision is not likely to be viewed as direct support for this position (although it is certainly persuasive, not to mention consistent with the principles behind a presumption statute). However, evidence to the contrary exists in *City of Ocoee v. Trimble*³⁶ where the court, in dicta, stated:

provision of a cardiac evaluation and the passage of 120 days cannot waive the E/C's ability to defend against a subsequent claim for hypertension . . . by arguing the workplace injury is not the major contributing cause of the hypertension . . .³⁷

Conclusion

Unfortunately, space considerations do not allow for a discussion of some other potentially significant compensation orders and appellate decisions affecting §112.18 cases. These cases are frequently and heavily litigated, and thus there are frequently new developments. It is my hope that the two parts to this article at least gives the reader a "heads up" to some apparent trends in this area of the law, as well as to some of the more significant developments.

³⁶ 929 So. 2d 687 (Fla. 1st DCA 2006).

³⁷ *Id.* at 690.

Todd J. Sanders has been a member of the OCBA since 2007.

Law Firm Spotlight

Continued from page 9

and financial support as well as, in many cases, board representation:

A Gift for Teaching; Alzheimer Resource Center; American Heart Association; American Red Cross, Central Florida Chapter; Bert Fish Medical Center; Big Brothers/Big Sisters; Boy Scouts of America Central Florida Council; Boys & Girls Clubs of Central Florida; Buoniconti Fund for the Cure of Paralysis; Canine Companions for Independence; The Center for Independence, Technology and Education; Coalition for the Homeless; Florida Citrus Sports; Greater Orlando Chamber of Commerce; Habitat for Humanity of Greater Orlando; Holocaust Memorial; Hope & Help Center of Central Florida; Jewish Community Center; Jewish Family Services; Jewish Federation of Greater Orlando; Jewish National Fund; Junior Achievement of Central Florida, Inc.; Kinneret Council on Aging, Inc.; The Lou Frey Institute of Politics & Government; Mennello Museum of American Folk Art Friends; Morning Star Charities; Orlando Magic Youth Foundation; Orlando Museum of Art; Orlando Philharmonic Orchestra; Orlando Repertory Theatre; Orlando Shakespeare Theater; Rollins College Hamilton Holt School; Ronald McDonald House; Second Harvest Food Bank; Seeds of Peace; Seniors First; St. Jude Children's Research Hospital; United Negro College Fund; United Arts; United Way; Winter Park Library; and WMFE.

Julia L. Frey is a partner/shareholder with Lowndes, Drosdick, Doster, Kantor & Reed. She has been a member of the OCBA since 1988 and served as OCBA President in 2000-2001.

Bruce Blackwell Receives 2008 ABA National Grassroots Advocacy Award

Thomas A. Zehnder, Co-Editor of *The Briefs*

Bruce Blackwell, former OCBA president and current Florida Bar Foundation president, became the first Florida lawyer to receive the ABA's National Grassroots Advocacy Award. Bruce received the award in a presentation during the opening session of ABA Days in Washington, D.C., on April 15, 2008.

The award was presented by Miami lawyer Neal Sonnett, chair of the ABA Standing Committee on Governmental Affairs and a past president of the Florida Bar Foundation. The ABA recognized Bruce's many years of significant work at the local, state and national levels to provide meaningful access to the courts and equal justice under the law to our poorest citizens. The ABA also recognized Bruce for his effective lobbying activities to the United States Congress to secure adequate funding for the Legal Services Corporation.

The ABA Days opening session was attended not only by the ABA's leadership, but also by senior leadership of the Bar from every state. In his brief remarks, Bruce praised the work of the OCBA, our Legal Aid program, and the Florida Bar Foundation's leadership over the past 40 years. Bruce reminded the 350 attendees of John Ruskin's words that "[t]he primary reward for human toil is not what you get for it, but what you become by it," and urged them to advocate to the state Congressional delegations for an increase in Legal Services Corporation funding to at least the \$400,000,000 level nationally.



Neal Sonnett, chair of the ABA Standing Committee on Governmental Affairs, presents the ABA National Grassroots Advocacy Award to Bruce Blackwell.

Bruce B. Blackwell is a partner with King, Blackwell, Downs and Zehnder, P.A. He has been a member of the OCBA since 1979. Thomas A. Zehnder, also a partner with King, Blackwell, Downs and Zehnder, P.A., has been a member of the OCBA since 1996.

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Labor & Employment Committee

Which Bitter Pill? Correcting and Extinguishing FLSA Violations

David H. Spalter



The adage that an “ounce of prevention is worth a pound of cure” is, in many ways, the central message of this article. As any labor lawyer who has experienced federal litigation under the Fair Labor Standards Act (FLSA) can attest, an employer’s inattention to compliance issues can prove to be costly. There are many tools of prevention, such as conducting self-audits or soliciting opinions from the Department of Labor (DOL). Unfortunately, while these tools can prevent future violations, they also may reveal past errors. It is then that employers will face the dilemma of selecting the most palatable cure and employees may have several options to exercise their FLSA rights.

Often times, an employer’s first instinct is to correct an error on a prospective basis only (*i.e.*, by reclassifying employees, altering pay plans, or improving timekeeping methods). The rationale behind this approach is usually twofold. First, many employers presume that employees, upon being advised of such changes, will accept their employer’s good faith and refrain from bringing lawsuits relating to past practices. Second, often times, correcting an error retroactively is deemed to be cost prohibitive.

The prospective approach is, in essence, a calculated risk. On the day the error is corrected, the “clock starts ticking” on the potential claims by virtue of the running of the FLSA’s statute of limitations. Attorneys representing both employers and employees in such situations should be mindful of the likelihood that, in such a scenario, the applicable limitations period will be three, rather than two, years. The reason for this is that a willful violation of the FLSA, which extends the limitations period to three years, can be found in situations in which an employer disregards the “very possibility” that it was in violation of the statute.

In other instances, employers perceive a need to not only rectify an error prospectively, but to also provide a retroactive remedy to the affected employees. This situation may arise if there have been internal complaints by employees regarding the pay practices, or even mere “rumblings” among the workforce. In either event, providing back wages to resolve existing issues raises an additional problem due to the peculiar nature of the rights afforded to employees under the FLSA.

Unlike other employment-related claims, such as those arising under federal discrimination statutes, claims for unpaid wages arising under the FLSA cannot be waived by employees through private settlement agreements or releases. Rather, there are only two ways an employee may waive his or her rights under this statute: (1) under the supervision of the DOL or (2) in the context of a lawsuit. As a result, an employer that provides back wages to an employee and obtains a waiver or release cannot use that document to prevent the employee from filing a lawsuit alleging that additional monies are owed pursuant to the FLSA.

This problem is easily addressed if the amount of back wages owed to an employee is clearly not in dispute (*i.e.*, the employer has maintained complete time records and the employee does not contest their accuracy). In that situation, by paying all back wages due, the employer effectively moots the issue and does not need to obtain a release (though a signed verification of the accuracy of the time records should be obtained), while the employee receives all monies he or she acknowledges are owed. The more difficult situation occurs where the employer has not maintained time records, and the amount of back wages owed is consequently a disputed matter. In that situation, even if the employer provides the amount of compensation an employee represents is owed, the employee could conceivably still come back for more by filing a lawsuit.

One option an employer can consider in this circumstance is to seek the assistance of the DOL. While this may seem like “inviting the fox to the henhouse,” there are several reasons why this approach might be advisable in extreme circumstances. First, the DOL can offer finality in the form of binding releases. Second, the DOL is likely to apply a reasonable measure of scrutiny to exorbitant claims of unpaid hours by employees. Finally, in seeking the assistance of the DOL, an employer will have a strong basis to establish a good faith defense to future claims for liquidated damages or to defeat a claim of a willful violation.

However, remedial efforts sometimes will spawn litigation. When this occurs as a result of an undeniable error, the employer should confine its litigation efforts to an expedient exit strategy. Once a settlement is reached, a binding dismissal of the claims can be obtained. It should be noted, however, that this too can result in a dilemma that may prompt a counter-intuitive approach. If an employee is seeking back wages that exceeds the amount the employer believes to be owed, an employer has two choices: (1) pay the disputed amount or (2) attempt to negotiate a compromise. While the latter option seems the prudent one, it has a side effect that may prompt an employer to accept the first option. All compromise settlements must be approved by the court, which will result in the settlement becoming a matter of public record. By contrast, if the parties agree that the amount paid constitutes “full relief,” the court need not review the agreement and it can remain confidential.

While the issues that arise in attempting to cure a discovered error in FLSA compliance may seem daunting, none of them should deter employers from proactively evaluating and, if necessary, correcting their pay practices. Taking control of these problems, both through prevention methods and options to cure errors, is always the best approach.

David Spalter is an associate with the firm of Jill S. Schwartz & Associates, P.A. He has been a member of the OCBA since 2007.



Legal Aid Society News

Pro Bono Highlights: The GAL Program Honors its Volunteer Advocates for Children

Susan Khoury



April is both Volunteer Appreciation and Child Abuse Prevention Month. So every year at this time, the Legal Aid Society's Guardian ad Litem Program (GAL) hosts a reception to honor its lay volunteers. This event allows us the opportunity to recognize the hard work, dedication and commitment of our Volunteer Advocates for Children (VAC). On April 30th at the Orange County Bar Center, several GALs, including special guest and Legal Aid Board of Trustees Treasurer, Charles Stepter, along with Legal Aid Board of Trustees President Meena Hirani, incoming OCBA President Tad Yates, Legal Aid Society Executive Director Mary Anne De Petrillo, VACs, and Legal Aid staff came together for this joyous event.

All year these volunteers work in partnership with *pro bono* GALs on behalf of children who have been victims of abuse, abandonment or neglect. While the children's environment and everything they know may have been turned upside down, the one constant in the children's lives is the volunteers. They have proven time and time again to be someone our children can count on. Advocating for our children is no easy task, but somehow these volunteers make it appear that way.

Among the many volunteers who were honored that evening, three VACs received special recognition. Those individuals were Charlotte Blackburn, Joe W. Morrison, Jr., and Britt Swain. Charlotte Blackburn has been with the VAC Program since 2005 and has worked on four separate cases with multiple children. Charlotte is reliable, consistent, and hardworking. She advocates for these children as if they were her own by maintaining regular contact, attending all hearings and attending Legal Aid Lunch Time Trainings to improve her advocacy skills.

Joe has been a VAC since 1997 and has worked on six separate cases since that time. He has done a remarkable job on one of his current cases and made a real difference in the life of this young boy. GAL staff attorney, Krista Bartholomew, worked with Joe on this case and felt that thanks to him, this case could serve as a shining example of how the dependency system can really work well. Joe has worked with several parties to overcome adversity and turned it into a positive experience for all involved.

Britt has been a VAC since 1999 and over that time has taken on eight separate cases. She is currently a 2nd year law student at FAMU. She offers a unique perspective since she worked as a family case manager with Kids Hope United and as a juvenile probation officer. She is very efficient and works on some of our more time-intensive and complex cases. Britt's cool, calm, and collected presence

has been an advantage in advocating for our children. These VACs are simply amazing! They manage to give 110% while balancing careers, law school, a family life, activities, and other volunteer opportunities.

One of our longstanding *pro bono* GALs, Lisa Augspurger, was honored for her GAL work on April 18th at the Victim Services Coalition of Central Florida's 18th Annual Recognition Breakfast. At this event, recognition is given to community representatives who have demonstrated commitment and a willingness to go above and beyond the call of duty to serve victims. Lisa has served as a GAL both in Orange and Osceola County. Over her 17 years of service in Orange County through the Legal Aid Society, she has represented 60 children and donated over 1,800 hours of service.

While volunteers are always needed, it is especially true right now. Due to the rapid increase in the volume of new cases, we are urgently in need of both attorney and lay volunteers to represent the children. The GAL Program has received no less than 50 new GAL appointments a month since October. There were 71 appointments in the month of April alone. Our children must have representatives who will advocate their best interests before the courts. Legal Aid implemented a new courtroom model in 2007 that was designed to provide increased support to *pro bono* attorneys serving as GALs. If you have done GAL work in the past and would consider doing so again, or if you would consider doing GAL work for the first time, please feel free to call me, Susan Khoury, GAL Program Coordinator at Legal Aid, and I will tell you about all the new and exciting services Legal Aid offers for GAL volunteers.

Also, if you or someone you know would like to make a difference in the lives of children as a lay volunteer with the GAL Program, please contact Tiffany Smith, VAC Program Coordinator, at (407) 841-8310 ext. 3149. We can't do it without you!

Attorney Susan Khoury is the Guardian ad Litem Program Coordinator at the Legal Aid Society of the OCBA. She has been an OCBA member since 1985.



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Berges v Infinity, 896 So. 2d 665, 677 (Fla. 2004)

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***YLS hosted a very successful Evening with the Judiciary
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Over two hundred judges and OCBA members
turned out for this great annual event!***



OCBA lawyers strut their stuff at “Lawyers Rock” on May 15, 2008, at Voyage Nightclub in downtown O-town. The Entertainment Law Committee and Social Committee event benefited the LAS and the GRAMMY Foundation.





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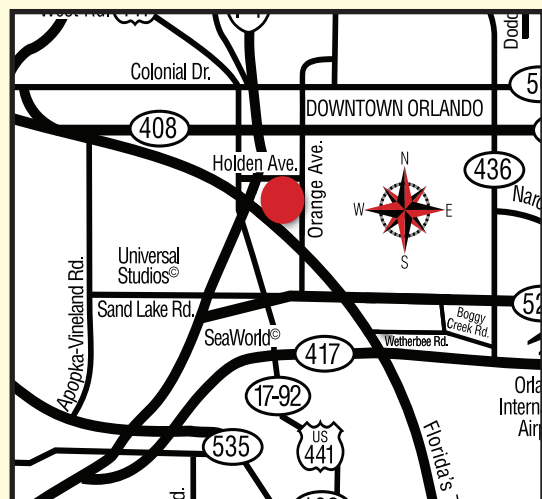


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YLS on the Move!

Jumping into June and July!



Taylor C. Kessel

It's now officially summertime, and that means the YLS schedule is about to really heat up. But before we get to all of the fun events coming up, let's begin with a recap of the YLS in April. On April 4, YLS members enjoyed a night on the town with the Orlando Shakespeare Theater at the annual YLS Night at the Theater. YLS members attended a pre-show dinner, the opening night of *Macbeth* and a post-show cast party in Loch Haven Park. Thank you to **Gisela Then** for organizing this fun event.

On April 12, many of you who made it out to the OCBA Gala also made it to the YLS sponsored after-party at Crevise. YLS members and guests enjoyed Ceviche's famous sangria and the always-entertaining flamenco dancing to finish off a fun-filled evening. Many thanks to **Kristen Cox** for putting together the after-party on last minute notice and to all those involved with organizing the OCBA Gala.

At the April YLS luncheon, we said goodbye to our outgoing president **Liz McCausland**. The YLS sincerely thanks Liz for all of her hard work this past year as President of the YLS. Liz's leadership and service to the YLS, its current and prospective members, the OCBA and to our legal and at-large communities set an example for us all. Thank you, Liz. We also would like to welcome our new YLS President, **Chelsie Roberts**, and President-Elect, **Ryan Davis**. The new leadership has already made many great strides to increase involvement in YLS activities! We all look forward to an exciting year ahead of us.

This year's Relay for Life event was an overwhelming success. We are pleased to announce that through the donations collected at the door on Friday, April 18, 2008, along with generous individual donations and our lemonade sales at the Relay, we raised a total of \$3,230.50 for the American Cancer Society this year (exceeding our goal by \$1,000!). It could not have been pulled off without the dedicated and enthusiastic efforts of the Relay for Life Committee, consisting of **Sultana Haque, Amber Neilson, Mary Walter** and **Megan Menagh**, not to mention the support and encouragement provided by Liz McCausland. We are also grateful to all of our generous sponsors. Thanks to all of YOU who came out Friday night, Saturday day and/or made your own individual contributions online and in person. It wouldn't have been the success it was without you! And last, but not least, a very special thank you to **Samantha Powers** for all her hard work and dedication to this great cause!

On April 24, a good number of YLS members ran in the IOA Corporate 5k with their respective firms. In the legal division, **Shuts & Bowen, LLP** placed 1st in all three categories: men, women and mixed. Other firms placing in the men's and women's divisions were **Wicker, Smith, O'Hara, McCoy, & Ford, P.A.**, and **Lowndes, Drosdick,**

Doster, Kantor, & Reed, P.A. The training for next year's event has already started!

Be sure to mark your calendars for the **YLS Summer Pub Crawl** on **Saturday, June 7, 2008**, beginning at 8:00 p.m. Be on the lookout for an exact schedule of the venues and times to attend each venue. In the meantime, if you have questions, feel free to contact event chairs **Kristen Cox** at kcox@shutts.com or **Allison Twombly** at Atwombly@hrmcw.com.

The annual **YLS Family Fun Day** will be held on **Saturday, June 14** at 9:00 a.m. at the Central Florida Zoo in Sanford. As part of the event, we will have lunch provided in the Safari Room at the zoo, as well as an "animal encounter" (a demonstration with an animal or two). The cost is TBD, but for more information you can e-mail me at taylor.kessel@cnl.com, or to RSVP, e-mail krogers@bellroperlaw.com. Other details will be announced at a future date.

The **June YLS Luncheon** will be held on **Thursday, June 19** at the Citrus Club at 12:00 p.m. If you are interested in attending, please RSVP to ocbayls@gmail.com by Tuesday, June 17. The cost is \$18 if you RSVP on or before June 17; \$20 at the door; or \$10 for sole practitioners, law students and government attorneys and judges.

On **June 20, 2008**, YLS will host its annual **Afternoon at the State Courthouse** at the Orange County Courthouse. This annual program is the brainchild of the **Honorable C. Jeffery Arnold** and has proven to be a valuable experience for new and upcoming legal professionals. **Afternoon at the State Courthouse** provides insight into judicial policies and procedures, along with universal courtroom decorum guidelines for those practicing in the Central Florida area. The seminar begins at 1:30 p.m. (registration at 1:00 p.m.). The fee is \$10; CLE credit is pending. Please RSVP and send payment by June 13 to Mike Remensnyder in the OCBA office, 880 N. Orange Avenue, Orlando, FL 32801, or contact him at miker@ocbanet.org. For details about the seminar, contact **Kristopher Kest** at kristopher.kest@lowndes-law.com.

Keep an eye out for more details on the ever-popular **Summer Law Clerks' Reception** scheduled for **July 10, 2008**, from 6:00 p.m. to 8:00 p.m. in the Taproom at Dubsdread.

If you are not receiving the YLS e-mail blasts, please send an e-mail to ocbayls@gmail.com to sign up. Also, if you have an exciting story to share about a YLS member, or know of an award or accolade presented to one of our members, please e-mail me so I can include it in the next month's "YLS on the Move" column. Until next time, if you have any questions or want to find out more about our section, please contact me, **Taylor Kessel**, at 407-540-7595 or taylor.kessel@cnl.com.

Taylor C. Kessel is an attorney in the acquisitions department at CNL Income Company, LLC. He has been a member of the OCBA since 2005.

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Robert B. Storrs, Jr.

Humanitarian organizations have long known that the best way to excite people about becoming a part of their mission and vision is to tell them a true story about real people whose lives have been changed for the better because someone cared enough to help.

At your Legal Aid Society, we have many wonderful stories to tell. Thanks to you, Legal Aid makes a real difference, every year, to thousands of families in Orange County. And we've been doing it for 46 years now.

In this issue, we want to take the opportunity to say a very special thank you to some wonderful people whose lives have been changed forever, in ways that they may not have expected, because they were willing to go the extra mile to

help others. Since its inception, the Legal Aid Society has enjoyed the benefits of excellent leadership from members of the Orange County Bar Association. Our past presidents have selflessly led the charge in the never-ending battle for equal justice in our community.

Normally, when we use the phrase "changed lives," we are thinking and speaking of clients. But Legal Aid has an amazing effect on the lives of everyone involved. Each one of the people in this photo would say to us that it is, indeed, more blessed to give than to receive. And they would encourage us all to do something that makes a difference. Be Legal Aid!

Thank you, Past Presidents. Well done!

Past Presidents of the Legal Aid Society of the OCBA, Inc.



Photo courtesy of Kathryn Kelly Photography

Past Presidents of the Legal Aid Society of the OCBA

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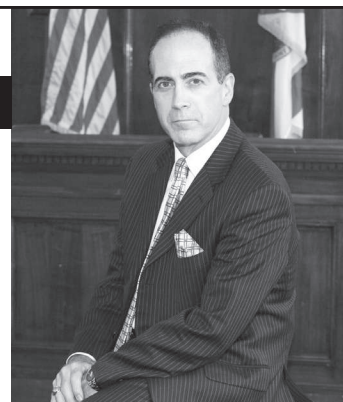


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Presentation Skills for Lawyers

The Most Dangerous Word in Your Vocabulary



Elliott Wilcox

Do you know what the most dangerous word in your vocabulary is?

You say it all the time. It's the most commonly used word in the English language. If you listen to any conversation, especially conversations between lawyers, you'll hear this word more often than any other. More than any other, this word leads to claims of improper argument and unprofessional conduct. Which word is it?

"I."

That's right - "I." The shortest word in the dictionary is also the most dangerous. But what makes it so dangerous?

"I" is dangerous because it leads to statements like "I think..." or "I believe...". Regardless of whether it's an argument to the judge, a statement to the press, or an offhand comment during final summation, these seemingly innocuous phrases can have disastrous effects. The phrase "I believe" can overturn an otherwise valid verdict, or lead to disciplinary referral.

How did "I" become so dangerous? It has its origins in the English legal system. They call it the "cab rank" rule. Keith Evans, former barrister and author of *Common Sense Rules of Advocacy for Lawyers*, says, "[I]f you are offered a case that is within your field of expertise, then, if the client is willing to pay what you usually charge and your calendar shows you are free to take the case - you don't have any choice in the matter. You *must* accept it. If you turn it down you can be disciplined, even disbarred!"

The rule was designed to prevent loathsome clients from finding themselves without representation. It doesn't matter whether you think the case is a winner or a loser; you are obligated to take up the cause and represent your client as best you can. The barrister's personal feelings are irrelevant. He is there to argue one side or the other of the dispute, **not** to express personal opinions.

That view has been passed on to our American system and codified in many of our professional codes. For example, the ABA's Model Rule 3.4 of Professional Conduct states, "A lawyer shall not... 'state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused . . . '."

That's the "official" reason why you shouldn't state a personal belief in your case. Here's a more compelling reason why you shouldn't state your personal opinion in a case: **It's not persuasive.**

Candidly, who cares what you think? It may sound harsh but, in the courtroom, who cares what you believe? Unless the jurors personally know you and trust your opinion, why should they believe something you say? Simply because you said so?

The only lawyer that the jurors trust in your courtroom

is the judge - your opinion doesn't carry much weight. Yet many lawyers persist in sharing their personal opinions. Recently, I've heard the phrases "I believe..." and "I think..." on a regular basis. Here are three recent examples from criminal court:

1. A defense attorney seeking a more lenient sentence for her client: "I truly believe that this is a case that deserves pre-trial diversion."

2. A prosecutor's comment to the paper regarding the possibility of re-trying a defendant after a mistrial: "I think he is guilty of the charge, and he should be prosecuted."

3. An assistant public defender at a motion to suppress hearing: "I believe that my client's version of events is the more credible one, and therefore the court should adopt my client's version as the more credible version."

All of these comments were made by competent, experienced, and professional courtroom advocates. Yet somehow, they resorted to using one of the weakest argumentative devices available. It's the same argument your mom resorted to when she couldn't think of any other reason why you needed to go to bed: **"Because I said so!"** It wasn't persuasive then, and it's not persuasive now.

Think about it for a moment. Which idea do you prefer - the idea that someone else proposes, or the one that you think of on your own? Once you reach a conclusion **on your own**, you take personal pride in the conclusion. When someone attacks your conclusion you'll not only actively disagree with them, you'll cling even closer to your conclusion.

Jurors and audience members are the same. They like **their** ideas better than they like **your** ideas. Using "I" or stating your personal opinion shortcuts your persuasive powers. They aren't going to believe something just because you say it's so.

Avoid the risks of a re-trial or a professional remand by omitting "I" from your vocabulary. Start by reading through the draft of your next presentation. Every time you see the word, "I," strike it from the page. Can you replace it with the word "you"? Your jurors, readers, or listeners care more about themselves than they do about you, anyway. Give them what they want - talk about them. Approach your argument from their perspective. When you strike "I" from your courtroom vocabulary, you'll become one of the most persuasive attorneys in your courthouse.

(Well, that's what "I" believe, anyhow...)

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Elliott Wilcox is the editor of *Trial Tips Newsletter*. To get a free copy of his special report, "The Top Ten Mistakes Trial Lawyers Make (and How to Avoid Them)," visit www.TrialTheater.com.



Financial Planning

Is There Any Such Thing as a Free Lunch? Financial opportunity ... or scam?



Andrew C. Orr, CFP®, CLU, ChFC, AIF®

Here are a few tips to help you avoid making a costly mistake.

Legitimacy is in the eye of the beholder. When someone invites you to a lunch or dinner financial seminar, are they trying to sell you something? Probably. Is it a scam? Not necessarily. It all depends. Often someone (for example, an insurance agent) will sell a product via a seminar or an invite-only lunch or dinner gathering. Sometimes they will hold a “meeting” or even come to your house. This could be a very well-meaning person with ideas that could really help you, or it could be someone who just wants to make a quick buck. The products they try to sell you may be totally legitimate, but that doesn’t mean that buying that product is the right move for you.

What don’t you need? Often, the “scam” is simply pushing you to buy a genuine product that’s simply not right for you. For example, if you have hardwood floors, do you need a carpet cleaning device? No. But that doesn’t make the device defective. It could be a perfectly good carpet cleaner; you simply don’t need it. If the person trying to sell you that device knows you don’t have carpet, then they may be trying to swindle you in order to make a quick buck. The legitimacy of the product isn’t always the concern - it’s whether or not you need that product.

It may work for you, but how well? Sometimes the product being offered would work for you, but that doesn’t necessarily mean it’s the best fit. For example ... let’s say your house is too hot during the summer months, and you’d like to cool down. Someone might encourage you to buy some lemonade. While that might cool you down in the short term, wouldn’t a fan work better? And to take it a step further, someone else could offer you a central air conditioning system. While this may keep your house much cooler than the fan, you’d want to be sure you fully understood the costs of installation, maintenance and any ongoing costs before making that purchase.

Ask questions. Many, many questions. A good rule of thumb with investing is ... if something sounds too good to be true, it probably is. When it comes to financial products or vehicles, there is no such thing “easy” money. A scam artist might tell you an investment is “risk-free,” but that is often a stretch. For example, many “guaranteed” investments are not actually guaranteed by the FDIC, only by the company that is pitching them. Try to think rationally, maintain a healthy amount of skepticism, and ask any and all questions that may come to mind. Some important questions to ask may be: What are the specific risks involved? What are the actual costs? How long-term is the investment, and/or how long until you might see a return?

The fear factor. Often, skilled salesmen will use emotion as a tactic to help them sell something to you more quickly. The emotion can vary, but often it involves instilling a fear of some kind. Fear of financial ruin, for example, or fear of

leaving loved ones unprotected. The fear can be very real and often very valid, but the solution they offer might not be. If you feel you’re being steered into something based on emotion, or if you feel a great deal of pressure, it may be best to wait and decide later. The next day, the next week ... take your time. Someone looking out for your best interest shouldn’t be offended if you’d like to learn more or “sleep on it” before making a decision.

Speak with someone qualified and objective. It’s not always wise to make decisions based on what a friend, relative or colleague has done. While that person may be very intelligent, and/or while the investment may be doing very well for THEM, it still may not be a wise move for YOU. Your friend may be well-meaning, but that doesn’t mean he is qualified to give you financial advice. If you are unsure, talk to a qualified, experienced financial professional. But where do you find one?

Look for independent Fee-Only Financial Planners. This seems obviously self-serving, but the intention is sincere. It’s easy to say “ask lots of questions,” but if you know very little about the subject involved, then you won’t really know what questions to ask. In the end, the truth is that most financial advisors are tied to their company and not to you as a fiduciary. They earn commission income and have joined company cultures that look more like sales organizations than professional holistic firms. Emphasis is on sales production, not doing what is truly in the best interests of you. I know this because I used to be a part of one of these cultures. And while my former company is regarded as one of the best, it took my departure from the culture to fully realize the controls the company places on their reps so the reps work more towards company goals, not client goals. Without such a departure, conflicts of interests are ever present with many financial advisors.

Independent Fee-Only planners are free from such conflicts. Make sure they are CFP® practitioners, which means they have earned the CERTIFIED FINANCIAL PLANNER® certification. Don’t be fooled by the term Fee-Based. Fee-Based simply means that the advisor earns fees *and* commissions, mostly from third-parties. Strictly Fee-Only planners eschew commissions, receive no payments from third parties, and are only paid by you, the client. The compensation is transparent, the most objective source of advice, and you will most likely save thousands more than the fee by being advised to avoid unnecessary and costly financial products which many financial advisors want you to buy.

Andrew C. Orr, CFP®, CLU, ChFC, AIF®, is an independent, Fee-Only financial planner and accredited investment fiduciary located in Orlando. He is President of ORRGROUP, a financial life planning firm providing comprehensive financial management services to individuals and businesses. Contact him at andrew@orrgroup.com, 321-332-7179 or www.orrgroup.com.



Rainmaking

You Can Lead a Partner To Lunch But You Can't Make Him Market

— Mark Powers & Shawn McNalis



If you actively cultivate new clients and you practice with partners or associates who are reluctant to market themselves at all, you've probably tried to prod them into action at least once or twice. You've probably also been frustrated by their lack of response.

It's hard to make anyone do anything they don't want to do. And marketing is something some people absolutely do not want to do. Experience has shown us that for some attorneys, the idea of marketing – which requires taking initiative in the social arena and risking rejection on some level – inspires a great deal of anxiety. Unnecessary anxiety, but anxiety just the same.

Having gotten over your own anxiety about marketing, it may be the long-term success of your law firm that is of concern. If so, it is in your best interest to mentor those around you in client development skills and help them overcome their reluctance. One way to do this is to teach them referral marketing skills and focus on the reassuring fact that when done right it's all about building personal relationships. This is a revelation to some people, but it can be pointed out to your partners or associates that if they possess enough social graces to have and make friends, they have the basic skills to develop new clients. This may quell some of the anxiety.

Many of our now marketing-enlightened attorney clients avoided client development activities in the past fearing they'd appear desperate for business. They didn't want to be like the glad-handing insurance salesmen they'd spoken to at some point in their lives. Since this fear of looking desperate is quite pervasive, your partners or associates may also have negative impressions. If you are good at marketing yourself, perhaps they can learn it from you.

Find out what their underlying assumptions are, as these misconceptions inform their attitude, which drives their behavior. If you can get your partners and associates past their anxiety, correct their misconceptions and ignite their desire to learn, you can share the few ideas below to teach partners and associates that there are many paths to client development and none of them have to be difficult. Read through the following ideas and choose a few tips and techniques that you think would help them progress:

Focus on client service. One of the more hidden aspects of client development happens when clients feel well taken care of by their lawyers. If clients leave happy, they'll be much more motivated to use the firm in the future. This is especially helpful with a client who has the potential for a great deal of future work. Be sure your associates attend to clients by returning phone calls promptly, proactively communicating with them instead of waiting until the client makes contact and being empathetic about the emotional

stress the client may be feeling throughout the matter. They should learn to connect with clients on a personal, but professional basis, taking the time to deepen their rapport in small ways with every meeting.

Make time for marketing. Usually, we say to block time – three substantial contacts a week – on the calendar, but they may need to ramp up to that level of frequency if they've done no marketing at all. One lunch a week might be an easier goal to achieve until they are ready and able to undertake three contacts. Start them at a level you think will work for them, then request more time as they progress.

Model market. Allow your associates, or partners if they are willing, to observe how you market yourself or your firm. We often learn new skills by watching and emulating others. Invite your partner or associate to lunch with you and a client or have them participate in a golf match with a referral source or two. Initially, they should be a friendly and active contributor to the conversation, but not take the lead in sensitive areas. As they watch you and gain confidence, they should be better prepared to discuss firm services and the role they play. Plan to invite the partner or associate you are mentoring to a few events for them to get comfortable. If you really take this seriously and want to accelerate their learning curve, plan to strategize in advance and debrief them after each event to hear what they learned from the outing, and then offer your perspective on their performance. A lot of encouragement helps.

Plan a firm-wide event. If your associates and partners want to have their referral sources attend the big event, they will be motivated to contact them and issue invitations. The list of invitees they come up with can serve as a great future marketing tool. If they keep it accessible for future use, they can use it as a go-to list of people to cultivate in the future. Some of our clients park it on their computer desktop for fast access, or file the information in their cell phones. If you are trying to mentor a partner in the area of client development, invite contacts to an event that may provide additional work in their practice area and make it a point to introduce them. A large event provides many opportunities for cross-selling and may be a great help to a partner who could use a kick start.

Do reverse seminars. These are events in which important clients or referral sources are invited to be the guest of honor at lunch in the firm's conference room. Lunch is usually catered, but the meeting can be formal or casual – depending on the level of formality in your firm. The purpose of the event is to get to know the clients or referral sources by making them the center of attention and allowing them to

Continued on page 26

talk about themselves and answer questions – without feeling interrogated – in the genial atmosphere of your firm. This technique is most effective when hosting clients or referral sources who are business owners. Questions designed to get guests of honor talking about themselves are: “Can you tell us why you started your business?”, “What are your biggest challenges?”, or “Why did you settle in this area?” In this situation, the whole firm does the marketing and the partners or associates who are learning to market themselves have a chance to participate as part of the group, removing much of the pressure. It’s also another chance for them to observe how others handle this type of marketing.

Give out tickets. Some marketing activities don’t require the marketer to be present. Giving important clients and referral sources tickets to sporting events, plays, openings, concerts, conferences, and lectures can have a great impact on the recipient and require little effort on the part of the lawyer.

Set up a structure of accountability. We are more likely to keep a promise we’ve made to another person than one we’ve made to ourselves. When it comes to changing behaviors, or stepping outside of your comfort zone, having partners or associates agree to hit certain goals is critical. It’s also critical that they report their success, or lack thereof, to you if you are mentoring them. Some firms will conduct a marketing discussion in their partner or practice group meetings. Sole practitioners can meet with their associates on a weekly or monthly basis to discuss marketing issues and opportunities. The formula for success goes something like this: the more important the goal, the more frequent the meetings. And the more public the goal, the more likely it will be met.

Hire a marketing assistant. Sometimes your partners or associates won’t have the patience to make the phone calls and plans that go into setting up lunches and other get-togethers. But they would show up and be quite charming if someone else took on the planning. If this is the case with a would-be marketer in your firm, the marketing assistant is your solution.

Have a marketing retreat. As a forum to discuss firm goals and marketing plans, a firm retreat is an opportunity to spend focused time on learning how and why the firm must develop new clients. Firm-wide ambitions are rarely achieved without some type of marketing plan. A retreat is also ideal if you have more than a few reluctant marketers on board. Bringing in a client development specialist to lead part of the retreat may be more cost effective than sending everyone to a seminar.

None of the above methods will work if your partners or associates lack the desire or commitment to market themselves and the firm. The desire to learn is important to this process, so test their resolve before investing a great deal of time, money and effort on their training. If they have the desire, they’ll challenge themselves to be a little uncomfortable, try behaviors that are outside the norm for them and with your guidance, discover their own client development style. It is worth your time to help them with this effort and a necessary investment in the future of your firm. It is a rare firm that doesn’t need to develop new clients to survive.

Several of our clients, located in Florida and Louisiana, have had their buildings damaged by hurricanes in the last several years. In some cases they’ve moved into temporary offices, worked from their homes or relocated to new areas. By all accounts, these were harrowing experiences and they all suffered tremendous inconvenience. But most of the firms survived. Interestingly enough, you can lose part of your building and still practice law. In fact, you can lose most of your equipment and not go out of business. But without clients coming through the door on a regular basis, and everyone pitching in, your law firm may not survive.

Mark Powers, President of Atticus, Inc. and Shawn McNalis, co-authored “The Making of a Rainmaker: An Ethical Approach to Marketing for Solo and Small Firm Practitioners,” and are featured writers for Lawyers, USA and a number of other publications. To learn more about the work that Atticus does with attorneys or the Atticus Rainmakers™ program, please visit www.atticusonline.com or call 352-383-0490 or 888-644-0022.

GET INVOLVED



As the new OCBA fiscal year approaches a number of committee appointments, substantive or otherwise, are being filled. If you want to meet other lawyers and help the OCBA with its goals please consider participating. In addition to our 20 plus substantive committees, the OCBA has a number of organizational and administrative committees, including Membership Benefits, Community Service, Website, Law Week, Publicity, Diversity, Gala, Social, Lawyer Referral/Modest Means and Bylaws Committees. If you are interested in joining or co-chairing any of these committees, please contact incoming President-Elect Diego “Woody” Rodriguez at dwrodriguez@aol.com or at (407) 658-8566.

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Side Bar

Jessica K. Hew

Memorial Day has come and gone, marking the official start of summer! Even with all the family vacation plans, the local legal community is still going strong!

The Paul C. Perkins Bar (PCPBar)
Annual Las Vegas Night was held on May 17, 2008, at the Disney Beach Club Resort. Proceeds from the event benefit the PCPBar Scholarship Fund. The PCPBar also held a networking happy hour with the Young Professionals of the Metropolitan Urban League in April.

The Central Florida Gay and Lesbian Law Association (CFGLLA) announces its participation in National Law Day. CFGLLA board member Larry D. Smith has posted an article, "reflections on the 30th Anniversary of *In re: Eimers*." *Eimers*, a Florida Supreme Court case, addressed "whether an applicant with an admitted homosexual orientation who is fully qualified for admission to The Florida Bar in all other respects can qualify for admission under the . . . strict prohibition against . . . admission to The Florida Bar for a person not determined to be of good moral character. . . ." *In re Eimers*, 358 So. 2d 7, 7 (Fla. 1978). The article's link may be found on CFGLLA's homepage at <http://www.cfglla.org/>. In April, the CFGLLA participated in AIDS Walk Orlando 2008, which raised in excess of \$124,000. A networking gathering will be held on July 25th at 5:30 p.m.



CFGLLA participated in AIDS WALK Orlando 2008, benefiting the Hope and Help Center of Central Florida. Pictured are Mike Morris, Jeff Miller, Ken Bryk, John Ruffier, Laura Pichardo, Philip Richardson, Joe Seagle and Matt Tabakman.

The Central Florida Paralegal Association, Inc. (CFPA) hosts monthly lunches at three locations: Winter Park/Maitland (2nd Thursday of the month), Downtown Orlando (2nd Wednesday of the month), and Altamonte Springs (final Friday of the month). Thompson-West presented a LiveNote Lunch with the CFPA on May 5, 2008. The association continues its presentation of its Annual CLA/CP Review Course through June 25, 2008. The CFPA's Membership Mixers/Happy Hours are on the 3rd Thursday of the month. For more information on all of these events, please visit CFPA's website at www.cfpa-inc.org.

If you have any legal organizational news to share, please email Jessica K. Hew at jhew@grahambuilder.com.

Jessica K. Hew is a partner with Graham, Builder, Jones, Pratt & Marks, LLP. She has been a member of the OCBA since 1995.

Announcements

New Associates

David B. Brown - *McClane Tessitore*

Mark W. Terrell - *Dean Mead*

Senior Associates

Rebecca Rhoden - *Lowndes, Drosdick, Doster, Kantor & Reed*

Stephanie Vanos - *Lowndes, Drosdick, Doster, Kantor & Reed*

New Partners

Penelope Perez-Kelly - *McClane Tessitore*

Scott W. Spradley - *Phol & Short, P.A.*

New Partners & Shareholders

Jeffrey Bankowitz - *Lowndes, Drosdick, Doster, Kantor & Reed*

Alexander Dobrev - *Lowndes, Drosdick, Doster, Kantor & Reed*

Jill Harmon - *Lowndes, Drosdick, Doster, Kantor & Reed*

Jason Johnson - *Lowndes, Drosdick, Doster, Kantor & Reed*

Quino Martinez - *Lowndes, Drosdick, Doster, Kantor & Reed*

Thomas Cooney McThenia, Jr. - *Lowndes, Drosdick, Doster, Kantor & Reed*

Timothy Miedona - *Lowndes, Drosdick, Doster, Kantor & Reed*

Of Counsel

C. Gene Shipley - *GrayRobinson, P.A.*

John VonLangen - *Lowndes, Drosdick, Doster, Kantor & Reed*

Partner-in-Charge

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

Speaking Engagements

Scott Baker of Zimmerman Kiser Sutcliffe addressed the Florida Association of City Clerks' Central East District Academy Program with his presentation entitled *Understanding Community Development in Florida's Municipalities* on Friday, April 11 at the City of Cocoa Beach.

David Henry of Allen, Dyer, Doppelt, Milbrath and Gilchrist, Orlando, presented a seminar entitled *Advertising Injury and Insuring Intellectual Property* to the Independent Insurance Agents of North Carolina in Ashville, North Carolina, on April 15-16, 2008.

Keith J. Hesse, a shareholder at Carlton Fields, Orlando, presented two topics at the National Business Institute's Seminar on Oddities and Challenges in Probate Law on March 27, 2008, in Orlando. Hesse spoke on *Overcoming Liabilities Challenges* and *Managing Distribution and Probate Litigation*.

Samuel King and **Anthony Sos**, with Dellecker, Wilson, King, McKenna & Ruffier, served as faculty presenters for the National Business Institute's seminar on *Settling Uninsured and Underinsured Motorist Claims*. The seminar took place in Orlando.

Larry D. Smith, Managing Partner of Cabaniss Smith Toole & Wiggins, PL, addressed the American Bar Association at its National Conference on Emerging Issues in Motor Vehicle Product Liability Litigation in Phoenix, AZ, April 9-11, 2008, on the topic, *Does Biomechanics Pass the Daubert (and Frye) Requirements?*

Publications

Jon H. Gutmacher announced that the third printing of the Sixth Edition of his book, *Florida Firearms – Law, Use & Ownership*, has been released. The book has reached more than 100,000 copies.

Seminars

Fri., June 20 - *An Afternoon at the State Courthouse*. YLS. Registration: 1:00 p.m.; seminar: 1:30 p.m.-4:00 p.m.; Orange County Courthouse, Jury Assembly Room; CLE (pending).

Tues., June 24 - *Serving Teen Parents: An Overview of BETA*. LAS. 12:00 p.m.-1:00 p.m.; First Presbyterian Church, Downtown.

Fri., June 27 - *Appellate Mediation Training (5th DCA)*. 8:30 a.m. - 4:30 p.m.; OCBA Center. CLE (Pending).

Tues., July 8 - *Representing a Tenant in an Eviction*. LAS. 12:00 p.m.-1:00 p.m.; First Presbyterian Church, Downtown.

Tues., July 22 - *Focus on Treatment: An Overview of Drug Court*. LAS. 12:00 p.m.-1:00 p.m.; First Presbyterian Church, Downtown.

Correction: The Corporate Silver Sponsorship level of the OCBA Gala was incorrectly published in May's issue as \$2,500. The correct amount is \$1,250. We regret the error.

IT'S DUES RENEWAL TIME!

2008-2009 Dues Renewal Statements have been mailed and payment is requested by June 30, 2008.

A \$25 late fee will apply beginning July 1, 2008.



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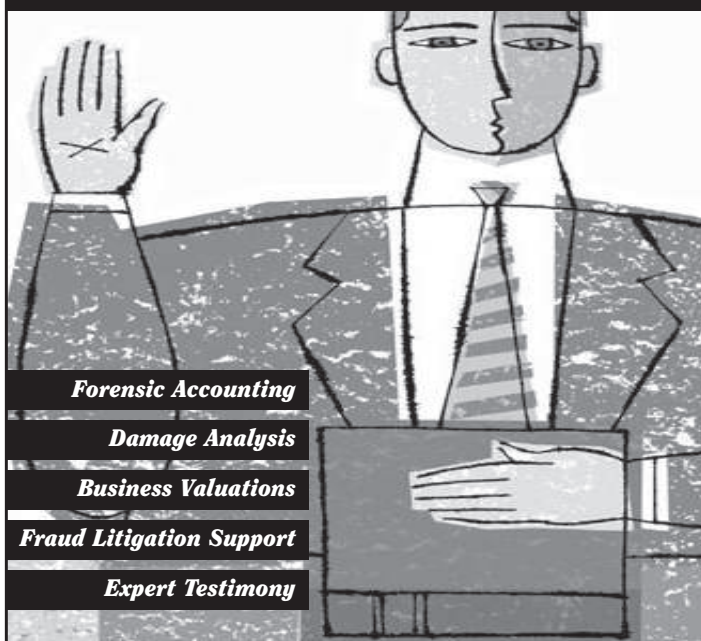


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2008

June - July Calendar

OCBA Luncheon • Thursday, June 26, 2008

Jim Bacchus

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June

- 5 Morning at the Federal Courthouse**
8:30 a.m. • U.S. Courthouse,
Jury Assembly Rm.
401 W. Central Blvd.
- 7 YLS Pub Crawl**
8:00 p.m. • Lattitudes
- 10 Legal Aid Society Lunchtime Training**
Temporary Custody/Chapter 751
12:00 p.m. • First Presbyterian
Church, Downtown
- Executive Council Meeting**
4:30 p.m. • OCBA Center
- 11 Estate Guardianship & Trust Committee**
12:00 p.m. • OCBA Center
- Judicial Relations Committee**
12:15 p.m. • Courthouse - 21st Floor
Conference Rm.
- 12 Legal Aid Society Executive Meeting**
8:00 a.m. • 100 E. Robinson St.
- Real Property Law Committee**
12:00 p.m. • OCBA Center
- Social Security Committee**
12:00 p.m. • OCBA Center
- Workers' Compensation Committee**
11:45 a.m. • Smokey Bones
- OCBA Paralegal Committee**
5:30 p.m. • OCBA Center
- 14 YLS Family Fun Day**
9:00 a.m. • Central Florida Zoo
- 17 Professionalism Committee**
8:00 a.m. • OCBA Center
- Legal Aid Society Board Meeting**
11:45 a.m. • 100 E. Robinson St.
- Entertainment Law Committee**
12:00 p.m. • TBA
- 18 Insurance Law Committee**
12:00 p.m. • OCBA Center
- 19 YLS Luncheon**
11:45 a.m. • Citrus Club
- Appellate Practice Committee**
12:00 p.m. • OCBA Center
- Social Committee**
5:30 p.m. • TBA
- 20 Family Law Committee**
8:00 a.m. • 425 N. Orange Ave., #2310

Afternoon at the State Courthouse
1:30 p.m. • 425 N. Orange Ave.
Jury Assembly Room

- 24 Legal Aid Society Lunchtime Training**
Serving Teen Parents: An Overview of BETA
12:00 p.m. • First Presbyterian
Church, Downtown
- 25 Business Law Committee**
12:00 p.m. • Location varies
Contact chairperson
- Labor and Employment Law Committee**
12:00 p.m. • OCBA Center
- 26 OCBA Luncheon**
Jim Bacchus
11:45 a.m. • The Ballroom at
Church Street
- 27 Appellate Mediation Training Seminar (5th DCA)**
8:30 a.m. • OCBA Center
- Bankruptcy Law Committee**
12:00 p.m. • OCBA Center

July

- 1 Criminal Law Committee**
12:00 p.m. • OCBA Center
- 3 Elder Law Committee**
12:00 p.m. • OCBA Center
- Federal Judicial Relations Committee**
12:00 p.m. • Judge Conway's Chambers
- 4 Independence Day**
Bar Closed
- 8 Legal Aid Society Lunchtime Training**
Representing a Tenant in an Eviction
12:00 p.m. • First Presbyterian
Church, Downtown
- Executive Council Meeting**
4:30 p.m. • OCBA Center
- 9 Estate Guardianship & Trust Committee**
12:00 p.m. • OCBA Center
- Judicial Relations Committee**
12:15 p.m. • Courthouse - 21st Floor
Conference Rm.
- 10 Legal Aid Society Executive Meeting**
8:00 a.m. • 100 E. Robinson St.
- Real Property Law Committee**
12:00 p.m. • OCBA Center
- Social Security Committee**
12:00 p.m. • OCBA Center
- OCBA Paralegal Committee**
5:30 p.m. • OCBA Center
- YLS Summer Law Clerks' Reception**
6:00 p.m. – 8:00 p.m. • Taproom at
Dubsdread
- 11 Workers' Compensation Committee**
11:45 a.m. • Smokey Bones
- 15 Legal Aid Society Board Meeting**
11:45 a.m. • 100 E. Robinson St.
- Entertainment Law Committee**
12:00 p.m. • TBA
- 16 Insurance Law Committee**
12:00 p.m. • OCBA Center
- 17 YLS Luncheon**
11:45 a.m. • Citrus Club
- Appellate Practice Committee**
12:00 p.m. • OCBA Center
- Social Committee Meeting**
5:30 p.m. • TBA
- 18 Family Law Committee**
8:00 a.m. • 425 N. Orange Ave.,
#2310
- 22 Legal Aid Society Lunchtime Training**
Focus on Treatment: An Overview of Drug Court
12:00 p.m. • First Presbyterian
Church, Downtown
- 23 Labor & Employment Committee**
12:00 p.m. • OCBA Center
- 25 Bankruptcy Law Committee**
12:00 p.m. • OCBA Center
- 30 Business Law Committee**
12:00 p.m. • Location varies
Contact chairperson
- 31 OCBA Luncheon**
Terry Coonan
11:45 a.m. • The Ballroom at
Church Street

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