



March 2006 Vol. 74 No. 3

The Briefs

A Publication of the Orange County Bar Association



This depiction is the artist's rendering of the United States George C. Young Courthouse Annex's lobby atrium, and was created by AMD Renderings.



THE NATION LAW FIRM

ERISA

FIRST PARTY INSURANCE AND ERISA CLAIMS

ERISA

Coverage Cases

Disability

Denial for Non-Payment

Health

**Premium Finance
Companies**

Life

Uninsured Motorists

Homeowner's

PIP/No Fault

Sinkhole

Bad Faith Claims

**Business
Owner's**

Handling

**Credit
Insurance**

**Application
Misrepresentation**

Mark A. Nation, attorney and founder of The Nation Law Firm, and his team of lawyers have litigated thousands of cases in state and federal courts. As a former police officer with years of experience, Mr. Nation has gained extensive "hands-on" knowledge and understanding of injury and insurance cases. He has been admitted in numerous jurisdictions, and has litigated complex cases against some of the world's largest corporations and insurers including Delta Air Lines, Federal Express, Walt Disney World, Metropolitan Life, CIGNA, UNUMProvident, State Farm, CNA, Allstate, and many others.

THE NATION LAW FIRM

Free Consultation

Tel: **407.339.1104**

570 Crown Oak Centre Dr. • Longwood
Branch Offices: Gainesville • Tallahassee

www.nationlaw.com

*Percentage Fee computed on gross recovery before expenses
(which we will advance) are deducted.

GEORGE F. INDEST III, P.A.

THE HEALTH LAW FIRM

MAIN OFFICE • 220 EAST CENTRAL PARKWAY • SUITE 2030 • ALTAMONTE SPRINGS, FL 32701

TELEPHONE: (407) 331-6620 • TELEFAX: (407) 331-3030

BRANCH OFFICE • OLD GOVERNMENT BUILDING • 201 E. GOVERNMENT STREET

PENSACOLA, FL 32501 • TELEPHONE: (850) 439-1001

WEBSITES • WWW.THEHEALTHLAWFIRM.COM • WWW.HEALTHATTORNEYS.COM

REPRESENTATION OF HEALTH PROFESSIONALS

George Indest is board certified by the Florida Bar in the specialty of Health Law and is available to accept referrals of health care clients or to act as co-counsel on health care cases state-wide. We represent health care professionals.

- Medicare/Medicaid Audit Defense
- DOH/AHCA Investigations
- Administrative Hearings
- Medicare/Medicaid Fraud Defense
- Professional Licensing
- Medical Board Cases
- Office Leases
- National Practitioner Data Bank
- Hospital Credentials Hearings
- Physician Contracts
- Partnership Dissolutions
- Covenants not to Compete
- Medicaid Cost Reimbursement
- Report Denials
- Medicaid Appeal Hearings
- Disciplinary Proceedings
- Substance Abuse (PRN/IPN)
- Appellate Practice



GEORGE F. INDEST III,
J.D., M.P.A., LL.M.

- Over 20 Years legal experience
- Former General Counsel of Teaching Hospital
- LL.M. from George Washington University
- Admitted in Florida, Louisiana and D.C.
- Board Certified by the Florida Bar in Health Law



MICHAEL L. SMITH
J.D., B.S., R.R.T.

- B.S. from Nova Southeastern University
- J.D. from Stetson University College of Law
- Licensed in Florida
- Registered Respiratory Therapist



JOANNE KENNA
J.D., B.S., R.N.

- J.D., Stetson University College of Law
- B.A., Business Management, National Louis University (with honors)
- Diploma, St Anne's Hospital School of Nursing

- Medical Malpractice Defense
- Insurance Company Audit Defense
- Regulatory Hearings
- Utilization Review Defense
- Preparation/Litigation of Physician Contracts
- Managed Care Contracts
- Nursing Board Cases
- Corporations, LLC's, Partnerships and other Business Entities
- Sales/Purchases of Medical Practices
- Peer Review Defense
- Physicians' Personal Counsel
- Risk Management Investigations
- Due Diligence Investigations
- Opinion Letters
- Complex Litigation
- Medical Staff Bylaws

Put a specialist in Health Law to work with you or for your client.

Table of Contents

President's Message —————	3
<i>Defenders of Civil Liberty</i> - Bill Sublette	
OCBA Luncheon Speaker —————	5
<i>The Independent Film Industry and the U.S. Film Festival</i> Sigrid Tiedtke, President, Enzian Theater	
Middle District Court News —————	6
<i>Orlando's Newest Judicial Foundation:</i> <i>U.S. George C. Young Courthouse Annex</i> - Becky Case	
Art in Architecture Program —————	7
Marena Grant Morrissey	
OCBA Legal Aid News —————	8
<i>Matthew Brenner Receives Ninth Circuit Florida Bar Pro Bono Award</i> - Catherine A. Tucker	
Case Note —————	9
<i>No Can Do</i> - James W. Markel	
Professionalism Committee —————	11
<i>The Civility Paradox</i> - John C. Jordan	
Bench Conference —————	12
Hon. Robert J. Pleus, Jr.	
Legal Community News —————	13
<i>Six Months in the Post-Katrina World and Counting . . .</i> Chauntis T. Jenkins	
ABA Outstanding Law Day Activity Award —	15
Robert Wesley	
Hearsay —————	16-17
Kristyne Kennedy	
YLS on the Move! —————	18
Chelsie Roberts	
Criminal Law Committee —————	19
<i>Interpretation of Crawford by Florida Courts</i> Roger B. Handberg	
Presentation Skills for Lawyers —————	21
<i>And Now, a Word From Our Sponsors</i> - Elliott Wilcox	
A Modest Proposal —————	22
New Members —————	24
Announcements —————	26
Classifieds —————	27-29
OCBA Calendar —————	32



Page 5



Page 6



Page 8



Page 12



Page 15



Page 19

The Briefs

© 2006

Co-Editors

Jessica K. Hew & Tad A. Yates

Communications Manager

Peggy Storch

Hearsay Columnist

Kristyne Kennedy

YLS Columnist

Chelsie Roberts

OFFICERS

Bill Sublette, *President*
Thomas P. Wert, *President-Elect*
C. Gene Shipley, *Treasurer*
Jamie B. Moses, *Secretary*
Wayne L. Helsby, *Ex-Officio*
Thomas A. Zehnder, *President, YLS*

EXECUTIVE OFFICERS

Glenn Adams
Frank M. Bedell
Jessica K. Hew
Kristen M. Jackson
Rebecca L. Palmer
Paul J. Scheck
William C. Vose
Esther M. Whitehead
Tad A. Yates

EXECUTIVE DIRECTOR

Brant Bittner



880 North Orange Avenue
Orlando, FL 32801

(407) 422-4551 • Fax (407) 843-3470

Legal Aid Society	407-841-8310
Citizen Dispute	407-423-5732
Family Law Mediation	407-841-8310
Lawyer Referral Service	407-422-4537
Legal Placement Service	407-841-8310
Young Lawyers Section	407-422-4551

DEADLINE INFORMATION

Deadline for April Edition: 03/10/2006

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

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

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



Defenders of Civil Liberty

Bill Sublette

When Paul Perkins, Jr., was a boy, his family would take vacations in which they would drive through the South on the way to their destination. He remembers how he and his brother used to complain and joke that mom and dad were “cheap” because they would never stop for food, but always insisted on packing their meals with them in the car. It was only when he became an adult that he realized his parents were protecting their children from the racism of segregated diners and restaurants along their route.

Paul's father, Paul Perkins, Sr., was the first black lawyer in Orlando. His mother, Jackie Perkins, tells of how he would argue a motion at the Orlando courthouse against a colleague he had known for years, chat with the judge he knew on a first name basis after the hearing, say hello to the bailiff he grew up with, and yet have to walk four blocks to cross Division Avenue before he could find a lunch counter that would serve him.

These stories, and many more, were told at a recent African American Chamber of Commerce luncheon commemorating Martin Luther King Day. I was there in my capacity as President of the OCBA, and as a participant on a panel discussion on the propriety of using the Commerce Clause as the Constitutional underpinning of The Civil Rights Act of 1964. As I sat there participating in the discussion of this erudite topic, I could not help but think that our profession is, and always has been, the last bulwark in the defense of civil liberty. Unfortunately, because of the context of the panel discussion, I could also not help but think of those times in our history when our profession and, as an extension of our profession, the courts have failed to protect the civil liberties of Americans.

It was lawyers who issued the *Dred Scott* decision, declaring that black men and women were not citizens, but were mere chattel simply because of the color of their skin. It was lawyers who found The Civil Rights Act of 1875, a law that sought to establish many of the same protections for minorities eventually reestablished through The Civil Rights Act of 1964, unconstitutional. It was

lawyers who handed down *Plessy v. Ferguson*, finding that segregated, or “separate but equal,” schools were constitutional. Each of these decisions set back the cause of civil liberty and equality, often for decades.

The context of our jurisprudential history is why it is so important that lawyers stay ever mindful of our role as defenders of civil liberty. I believe it is equally important that we, as lawyers, educate non-lawyers on the importance of preserving civil liberty. Whether it be freedom of expression, freedom of religion, the right of the accused to counsel, freedom of speech, the right to bear arms, freedom of the press, due process and equal protection rights, or any of the many other civil liberties spelled out in the Bill of Rights and Constitution, it is lawyers, and lawyers alone, who are trained and educated in the common law and American heritage of civil liberty and the rights of the individual. It is lawyers, and lawyers alone, who spend years learning the value of civil liberty and why the rights of the individual, even when unpopular, are an essential ingredient of a truly free society.

Benjamin Franklin once said, “They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.” We live in trying times, when many are afraid, and we no longer teach civics and history in a way that leads to a deep understanding of the wisdom of Franklin's words. So, the next time someone questions why our Constitution prohibits warrantless searches, even in times of crisis, the next time someone questions the wisdom of allowing those accused of crimes legal counsel, the next time someone questions why our country tolerates speech or expression repulsive to most Americans, be mindful of your role as a defender of civil liberty. Do your best to patiently explain why it is so important to our way of life, and to America, to protect the civil liberties of all men and women, regardless of the popularity of the cause in which those liberties are exercised, or of the times in which those civil liberties are defended.

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

McGhee v. Volusia County,

679 So. 2d 729 (Fla. 1996)

Clarified sovereign immunity/scope of employment rules for deputy sheriffs.

Acadia Partners, L.P. v. Tompkins,

759 So. 2d 732 (Fla. 5th DCA 2000)

Prevented multi-million dollar judgment addition in complex business litigation.

Vick v. Vick,

675 So. 2d 714 (Fla. 5th DCA 1996)

Reversed for failure to consider business enhancement during marriage.

Wenzel v. Boyles Galvanizing Co.,

920 F. 2d 779 (11th Cir. 1991)

Affirmed a \$2.75 million dollar personal injury award.

Boyles v. Mid-Florida Television Corp.,

467 So. 2d 282 (Fla. 1985)

Reversed the dismissal of a libel action against an Orlando television station.

Hamlet v. Hamlet,

583 So. 2d 654 (Fla. 1991).

Reinstated permanent alimony award.

Marriott International, Inc. v. Perez-Melendez,

855 So. 2d 624 (Fla. 5th DCA 2003)

Affirmed million dollar personal injury verdict based on the "two issue rule".

Lieberman v. Dept. of Professional Regulations,

573 So. 2d 349 (Fla. 5th DCA 1990)

Restored a physician's medical license.

Layeni v. Layeni,

843 So. 2d 295 (Fla. 5th DCA 2003)

Reversed denial of wife's interest in medical accounts receivable.

GEICO v. Krawzak,

675 So. 2d 115 (Fla. 1996)

Required disclosure of uninsured motorist insurance carrier as a party defendant.

Your APPELLATE PARTNER

- All Florida Civil Appeals
- 30+ Years of Appellate Experience
- AV Rated - Martindale-Hubbell
- Florida Bar Certified in Appellate Practice
- Bar Register of Preeminent Lawyers
- Who's Who in American Law

Marcia K.
LIPPINCOTT

ATTORNEY AT LAW

P.O. Box 953693
Lake Mary, Florida 32795

(407) 688-2700

Toll Free (866) 688-2700

www.appellatepartner.com

OCBA Luncheon Speaker



March 23, 2006



Sigrid Tiedtke

President, Enzian Theater

The Independent Film Industry and the U.S. Film Festival

Sigrid Tiedtke, President of the Enzian Theatre, earned a B.S. degree in Mechanical Engineering from the University of Central Florida. She has been involved with the Enzian Theater since its founding in 1985. In addition, she co-founded the Florida Film Festival and has established many of the Enzian's special programs, including KidFest, Brouhaha, Meet the Filmmaker, NextArt, panel discussions, and most recently with the City of Winter Park, Popcorn Flicks in the Park. She has been working with the City of Winter Park for the past two years on the feasibility of establishing a second facility in the downtown area. She currently serves on the board of the Winter Park Chamber of Commerce, United Arts, and the National Council of the UCF School of Film and Digital Media.

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

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

March's luncheon is hosted by the OCBA Professionalism Committee. Please take a moment to recognize the many contributions of this committee and its members to the OCBA.

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



Middle District Court News

Orlando's Newest Judicial Foundation: The United States George C. Young Courthouse Annex

Becky Case

Not just another courthouse, the United States George C. Young Courthouse Annex will be the headquarters to the 35-county District Court and resident duty station to the Chief Judge of the Middle District of Florida. This new courthouse was conceived more than a decade ago when the Orlando District Court had just three District Court Judges. As the caseload grew in Central Florida, the need for a larger courthouse and more judges increased as well. In October of 2000, Leers Weinzapfel Associates of Boston and HLM Design of Orlando were commissioned to design a new facility to house fifteen courtrooms and several court-related agencies. The assembled design team included Andrea Leers, an award winning architect who also teaches courthouse design at Harvard University, Josiah Stevenson, LWA, and Mike Wass and Bob Egleston from HLM Design in Orlando, Florida.

The District Court family will be housed in a beautiful six-story, 330,000 square foot courthouse that will feature one Special Proceedings Courtroom, eight District Courtrooms and chambers, six Magistrate Courtrooms and chambers, the Clerk of Court and staff, U.S. Probation and U.S. Pretrial Services, the Eleventh Circuit Court of Appeals Library, as well as the United States Marshals Service.

The new courthouse was designed to be a gateway between the emerging Parramore District and Downtown Orlando. It overlooks a park, designed by Dan Kiley and located on the northwest corner of the courthouse complex. The park extends to Washington Street and abuts the new FAMU Law School, welcoming it into the community. The parking garage on the southeast corner and corridor to the existing court building all tie the city block site into what one day will become a judicial complex.

Many of the courtrooms overlook an open and inviting five-story atrium. A major focal point of the atrium will be a 50 by 20 foot laminated art glass window created by a world – renowned artist, Al Held. Mr. Held also donated five smaller art glass windows, each four by twenty feet, which will form a processional that leads visitors into the atrium. The glass will be a colorful, abstract design and will be visible from both the street and the atrium. According to Chief Judge Fawsett, “This courthouse will be a destination for visitors from all over the world who are interested in art in public places.”

The building was designed with Interagency Security Committee (ISC) guidelines for blast protection. These requirements were developed after the bombing in Oklahoma City in 1995. They include reduced glass, a 240-foot set back from Interstate 4, and a deep setback from both Central Boulevard and Division Avenue. The building was designed to embassy security standards. The security guidelines dictated a reduction in the amount of glass used in the building construction, but the designers developed a plan that maintains a substantial amount of natural light

and provides an open and airy feeling inside both public and private spaces.

In 2004, Hensel Phelps began building the two-story parking garage. Just a few months later work on the thirty-six month long courthouse construction began. With the expansive windows and sleek look, the building will add much to the City's Downtown.

The expected date of occupation is scheduled for spring 2007.

Becky Case is the Project Manager for new court building projects. She has served as Project Manager for three other courthouses in the Middle District: Ft. Myers, Tampa, and Jacksonville.

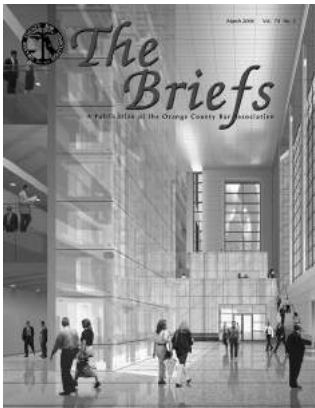
United States George C. Young Courthouse Annex



Leers South View



Leers North View



Orlando Museum of Art

Art in Architecture Program

Marena Grant Morrissey



This spring the new federal courthouse will open. Thanks to the federal Art in Architecture Program, the courthouse will be an exceptional example of art in public places.

Art created for federal buildings has been an important American tradition for more than 150 years, since Congress commissioned artists to create paintings and sculptures for the United States Capitol in Washington, D.C. The incorporation of major artworks into the nation's important public buildings reflects our country's strongly held belief in the worth of the individual and the value of creative expression.

Continuing that tradition, Al Held was selected to create art for the new courthouse. Held, who died July 26, 2005, was a prominent abstract painter and influential teacher, best known for his large-scale, geometric abstractions. His career spanned three decades, and his paintings are included in more than 35 museum collections worldwide.

Held was commissioned to create six paintings for the federal courthouse in Orlando. They are astonishingly beautiful because of their energy, vibrancy and complexity. His paintings will be realized in glass in the courthouse. One colossal

window, measuring approximately 50 feet high by 20 feet wide, will serve as the focal point in the atrium; five smaller windows will run along the length of the space.

It is hard to contain my enthusiasm for this project. The light coming through these spectacular windows will fill the courthouse with a kaleidoscope of color. Certainly the courthouse will be a place of serious business, but it will also be an attraction because of Al Held's artwork.

With the community's support, the Orlando Museum of Art (OMA) would like to add Al

Held's paintings created for the courthouse to its permanent collection. Because of their importance, we would like to keep these works in Central Florida, which already has fine examples of art in glass, such as the Dale Chihuly Cobalt & Citron Tower at the OMA, the collection of glass by Louis Comfort Tiffany at the Charles Hosmer Morse Museum of American Art, and the Orlando International Airport's art glass windows by Kenneth V. von Roenn Jr. and Guy Kemper.

For Al Held's paintings for the windows of the courthouse to be dispersed around the world and not kept in Orlando would be tragic. For information on how you can help the OMA purchase Al Held's works, please call me at 407/896-4231, ext. 228.



Dale Chihuly (American, b. 1941)
Citron and Cobalt Tower, 2004
 glass on steel armature

Shared with the community by the law firm of Lowndes, Drosdick, Doster, Kantor, & Reed, P.A., in commemoration of its 35th anniversary.

Marena Grant Morrissey is the Executive Director of the Orlando Museum of Art, which is ranked by the state as one of the top two major art museums in Florida for its "demonstrated national leadership for program excellence and statewide impact" and by United Arts as number one for "Community Involvement and Administrative Excellence." Morrissey's passion for art in public places is evidenced by her having been the first Chairman of the Orlando International Airport Art Selection Committee, having served on the City of Orlando's Public Art Advisory Board, and currently serving on the Orange County Public Art Review Committee.



OCBA Legal Aid News

Matthew Brenner Receives Ninth Circuit Florida Bar President's Pro Bono Award

Catherine A. Tucker



At a ceremony at the Florida Supreme Court on February 16, 2006, Matthew G. Brenner of Lowndes, Drosdick, Doster, Kantor, & Reed, P.A., was recognized by Florida Bar President Alan Bookman for his outstanding work in *pro bono*. Along with recipients from other circuits in Florida, Brenner received the annual award before the full court.

In 1986, as a new lawyer, Brenner began using his legal skills to help the disadvantaged. When he joined The Florida Bar and became an associate at Lowndes, Drosdick, Doster, *et al.*, he joined Legal Aid's *pro bono* program. He accepted divorce custody cases, *Guardian ad Litem* appointments, and housing issues. In his first three and a half years he spent more than 120 hours handling 18 cases and he received Legal Aid's New Lawyer Award for his work. He continued his active *pro bono* work and by 1996 he had accepted more than 40 cases, which involved hundreds of hours of service. We recognized him again with our Individual Award of Merit. This past year he received the highest honor from Legal Aid, the Judge J.C. "Jake" Stone Distinguished Service Award. Through Legal Aid, Brenner has handled more than 100 cases, spending almost 1,000 hours on closed cases.

Brenner has been invaluable to Legal Aid clients. When *pro bono* staff call him, he asks, "Well, what is your area of greatest need? Because that's what I want to do." It is a question that we answer happily and quickly, offering him the most challenging cases, such as family and juvenile clients in need. He always goes the extra mile for his clients. For example, he represented one domestic violence victim and obtained custody and child support. Because of the extreme abuse, he sought a termination of the father's parental rights for the protection of the children. He then helped the client prepare a will for her new circumstances. He has also served as a *Guardian ad Litem* for several sibling groups, most notably with a family of five children who had a variety of issues; over a several year period the family was reunited.

Brenner's professionalism and kindness is understood and appreciated by his clients. One client wrote on the client questionnaire that we send on all cases when they are closed, "He was my 'dream team' lawyer!"

It is often uncomfortable for a lawyer to reach out of his area of specialty. Finding a lawyer who is willing to

do so and who is willing to serve in areas of the law where there is the greatest demand is, indeed, special. Brenner is a real property and commercial law litigator. Why, then, has Brenner been willing to handle contested divorces? His response is that although it is outside of his specialty, as a trial lawyer he has learned to prove facts and notes that much of the contested part of custody trials is fact intensive. So, Legal Aid asked him to be a trainer at the Dissolution of Marriage for the *Pro Bono* Attorney seminars. He used his perspective as a trial lawyer to train *pro bono* attorneys to handle family law cases.

Brenner was also available for the "emergency." One of our community activists, who has worked for years to provide opportunities and services to low income residents, found himself at the unhappy end of a poor business deal where he was the only viable defendant. The attorney he retained had withdrawn and he was thinking about trying to represent himself. He had let the lawsuit linger until it was set for trial, then finally contacted us. Brenner took the case days before a mediation date and was able to work with the client and resolve the matter for the client without a significant judgment.

Brenner also works with the local Habitat for Humanity. For the past four years, he has helped clear title to properties to make them available for use as homes and has provided other legal advice to the Habitat for Humanity office.

In another *pro bono* effort, a family acquaintance, who did not have the means to hire a lawyer, was about to be victimized by a local developer. A glitch in title to her family property, which was located in a low-income area of a town with prime real estate interests, allowed the developer to try to take the property through adverse possession. Brenner handled litigation over ownership at trial and, after a successful trial, handled the appeal by the developer. The litigation lasted more than five years and resulted in the property being secured by the family.

Matt Brenner is a graduate of Colgate University and received his J.D. from The William and Mary School of Law. He was admitted to The Florida Bar in 1985 and has been a member of the OCBA since 1986.

Catherine A. Tucker is the Deputy Director/Pro Bono Coordinator of the Legal Aid Society of the OCBA. She has been a member of the OCBA since 1986.



Matthew Brenner



Case Note

No Can Do

An unlicensed contractor cannot enforce an arbitration provision since the entire contract is illegal, void and unenforceable as a matter of public policy under Section 489.128, Florida Statutes (2004); initially, the trial court, not the arbitrator, must decide whether the contract is illegal and void as set forth in *Cardegna v. Buckeye Check Cashing, Inc.*, 894 So.2d 860 (Fla. 2005).

James W. Markel

A recent decision by the Fifth District Court of Appeal, *Vacation Beach, Inc. v. Charles Boyd Construction, Inc.*, 906 So.2d 374 (Fla. 5th DCA 2005), clarifies for those who may have free-floating doubts and for those who have never been in doubt that contracts with an unlicensed contractor, individually or as a business organization, are illegal, therefore void and not enforceable “in law or in equity” under Section 489.128, Florida Statutes (2004). If a contract is void as against public policy and therefore unenforceable, then all provisions in the contract, including the agreement to resolve all disputes through arbitration, are void and unenforceable. The Fifth District Court of Appeal, overruling the trial court which granted the unlicensed contractor’s motion to compel arbitration, held that the trial court must determine whether the contract is illegal and void since “An arbitrator cannot order a party to perform an illegal act.” *Vacation Beach*, 906 So.2d at 376, citing *Party Yards v. Templeton*, 751 So.2d 121, 123 (Fla. 5th DCA 2004).

In a particularly plainly-worded, logical, and thoughtful decision, the Fifth District began by reciting and reviewing the underlying facts. (“The facts are not complicated.” *Vacation Beach*, 906 So.2d at 375). The landowner, Vacation Beach, entered into a construction contract to build a condominium in Cocoa Beach with Boyd Construction as the general contractor. Before construction was completed, a hurricane damaged the unfinished project. Vacation Beach, the landowner, while reviewing the paper work during the repairs, found that the building permit had not been obtained by Boyd Construction, but rather by a business entity known as Charles Boyd Holmes, Inc. In an all too common Florida scenario, Charles Boyd Holmes, Inc. was a dissolved corporation that had never been reinstated. Charles Boyd, the individual who was the principal of Boyd Construction, had been the qualifying agent for the dissolved Charles Boyd Holmes Inc., but had never been either a primary or secondary qualifying agent under Section 489.119(2), Florida Statutes (2004), for Boyd Construction. As will happen, the parties had disagreements that were not resolved. Boyd Construction filed a construction lien (a construction lien is likewise not enforceable under Section 713.02(7), Florida Statutes (2005)) and a demand for arbitration with the American Arbitration Association (“AAA”). When Vacation Beach filed a declaratory action seeking a ruling as to the illegality of the construction contract by an unlicensed contractor, Boyd Construction filed a motion to dismiss the declaratory action and to compel arbitration. The trial court granted Boyd Construction’s motion to compel arbitration and

Vacation Beach appealed. The Fifth District returned the case to the trial court for a determination as to the illegality of the construction contract:

Contracts transgressing public policy, including contracts sought to be enforced by an unlicensed contractor in violation of the above-quoted statutes, are considered to be illegal and will not generally be enforced by the courts. *See Promontory Enters., Inc. v. Southern Eng’g & Contracting, Inc.*, 864 So.2d 479 (Fla. 5th DCA 2004); *Castro v. Sangles*, 637 So.2d 989 (Fla. 3d DCA 1994). *See also Cardegna v. Buckeye Check Cashing, Inc.*, 894 So.2d 860 (Fla. 2005); *D & L Harrod, Inc. v. U.S. Precast Corp.*, 322 So.2d 630 (Fla. 3d DCA 1975). If, indeed, the contract between Vacation Beach and Boyd Construction is void, then the arbitration provisions contained in it are, accordingly, not enforceable. We once again hold, therefore, that the threshold challenge to the contract containing an arbitration provision based on the contract’s illegality or violation of public policy must first be resolved by the trial court. **Only if the contract is found to be legal and enforceable may arbitration then be required.**

Vacation Beach, 906 So.2d at 377 (emphasis added).

The Fifth District closed its decision by distinguishing between contracts that are void and unenforceable and those circumstances where a party claims that a contract was fraudulently induced. In fraud in the inducement cases with a contractual arbitration provision, the case must proceed to arbitration where the arbitrator is to decide the issue of fraud in the inducement:

Qubty v. Nagda, 817 So.2d 952 (Fla. 5th DCA 2002), involved a brokerage contract containing an arbitration clause that was attacked based on fraud in the inducement. This court held that a claim of fraud in the inducement does not preclude enforcement of the arbitration provisions of the contract, so long as the claims for rescission are directed to the contract as a whole, as opposed to the arbitration provision. Pointedly, *Qubty* did not involve a contract asserted to be void as violative of a statute or the public policy of the state. That is to say, there was no danger under

Continued on page 12



Grandeur on the Greens of Isleworth

Orange County Bar Association 9th Annual Gala and
Legal Aid Society Silent Auction

Date: Saturday, April 29th

Time: 7:00 p.m.

Location: Isleworth Country Club/Clubhouse

Featuring: Exquisite Cuisine and The Grand Martini Bar

Save the date
Saturday, April 29th

SAFETY...IS BEAUTIFUL.

VOLVO
for life

- High Tensile Steel Passenger Safety Cage
- Side Impact Air Bags
- Energy Absorbing Interior
- Side Impact Protection System
- Deformation Zones
- Anti-Submarine Seats
- Collapsible Steering Column
- Protected Fuel Tank

The
VOLVO
Winter Park Store



XC90
Value Priced
From \$35,985

1051 W. Webster Avenue, Winter Park 407•628•0550



Professionalism Committee

The Civility Paradox

— John C. Jordan, Esq.



Since I joined the Professionalism Committee, I have read the monthly articles and have wondered how would a skeptic or, for that matter, a downright cynic, think about our continuing calls to raise the standards of civility and professionalism among members of the Bar. In thinking about writing this article, the thought that kept coming to mind was the ironic fact that, although adherence to professional standards of conduct is so important and needed in the profession, the very structure and values under which we operate, that is, the adversarial system, work against it. In an environment where conflict is built into the very fabric of what we do, the opportunity for professional conflict to cross the line into the personal is, under certain circumstances, highly likely. When this happens, there sometimes exists the desire to strike back to do something or -- for that matter, anything -- to gain the legal or psychological advantage. Sometimes the motivation may be for the benefit of the client, but sometimes the motives may be to soothe a bruised ego or to show opposing counsel that two can play hardball. An example of this was adroitly portrayed in the attorney novelist Lisa Scottoline's legal thriller, *Everywhere That Mary Went*. In the depicted scene, the protagonist receives a pleading from opposing counsel, which she regards as frivolous. In anger she decides to write an equally frivolous pleading proclaiming that, to paraphrase, "Opposing counsel is trying to f*** with me and I'm going to f*** back."

Therefore, in the high conflict environment in which we operate, it is not particularly surprising that, for a host of reasons -- including dealings with other lawyers -- the rate of burnout, depression, and suicide attempts among members of our profession is disproportionately high in comparison to the general population.¹

The other dynamic in our profession, which seems to work against professionalism, is the difficulty in admitting personal mistakes. I have listened to endless banter among lawyers and have never heard an attorney tell another colleague that he or she lost it and reacted badly in a given situation or disclosed to the other lawyers their part in the conflict. Rather, it is always opposing counsel who has acted like a jerk or those "other lawyers" who function in a devious manner.

Thus, one part of raising standards of professionalism involves attempts to change the culture in which we operate; the other involves behavioral change that can only occur on an individual level. It has always been refreshing that the Orange County Bar has consistently expended so much energy on the subject of professionalism. Also, efforts by the Family Law section of the Orange County Bar to address the issue of what acts by attorneys exceed legitimate bounds of advocacy is commendable. Hopefully this idea, i.e., that

there are bounds of advocacy that should not be crossed, is a matter being addressed as early as law school. I, for one, strongly believe that zealous representation of the client isn't an unbridled license to do anything, no matter how destructive to individuals or abusive to the overall system of justice.

On the individual level, I am not so sage that I have the desire or ability to tell others what to do, but can only say how I have sought to address the tensions that I have described in this article. It seems that the first skill that is required before an individual in our profession is able to conduct himself or herself in a professional manner is the ability to manage both internal and external conflict. For me, what has been helpful is remembering the mantra in the book, *Getting to Yes: Negotiating Agreement Without Giving In*, by Roger Fisher, *et al.*, of being hard on issues but soft on people. The second idea that has been helpful for me is not to immediately react if I am angered by the actions of opposing counsel. Stepping back helps me to realize it's not personal - he or she is probably only doing his or her job. Or, if some action is necessary for the benefit of the client, stepping back helps me to distinguish what actions, if any, are required to protect the interests of my client as opposed to my need to react in some fashion to what may or may not be attempts by opposing counsel to intimidate or engage in some other form of gamesmanship.

In conclusion, whereas the world community has sought through the Geneva Convention to regulate the conduct of combatants during times of war, rules of ethics and, by extension, standards of professionalism, are standards of conduct that are norms to be followed even under the most adversarial of situations. We have already seen how the argument espoused by some politicians that the Geneva Convention governing the treatment of prisoners during a time of war is "quaint" and has resulted in the abuse of detainees. Likewise, we can see that adherence to standards of professionalism and ethics assists the legal community to operate within norms of conduct that help us to possibly avoid actions that are abusive -- either to clients or to others in the profession. Although arguing in favor of professionalism is safe ground (after all, this is the Professionalism Committee), the notion that our profession is analogous at times to a war zone, or that some of our actions are motivated by ego considerations, may be a thought distortion on my part. That, of course, is for you to decide.

¹*Help Me Hillary: Why Are Lawyers So Unhappy?* by Hillary Mantis, *Vault*, September 1, 2000.

John C. Jordan, of John C. Jordan, Esquire, has been a member of the OCBA since 1994.



Bench Conference

The Honorable Robert J. Pleus, Jr.

Chief Judge, Fifth District Court of Appeal



Year of Investiture: 2000

Undergraduate school; graduation: Notre Dame; 1957.

Law school; graduation: University of Florida; 1962.

Best experience as a practicing attorney: Shareholder - Carlton Fields; and Pleus, Adams, *et al.*; Akerman Senterfitt; General Council - Diocese of Orlando.

Worst experience as a practicing attorney: Lost a case I should have won. It was the judge's fault.

Most memorable client: Diocese of Orlando.

What client I want to forget: The guy who stuck me for a fee I well earned.

Best experience on the bench: Election as Chief Judge.

Worst experience on the bench: Having to drive I-4 from Windermere to Daytona.

Most memorable case: Is an unborn child a person?

What case I want to forget: None.

What I wish an attorney had told me regarding the practice of law: You won't have much time to spend with your family.

What I want to tell attorneys about the practice of law: Try it. If you don't like it, get out.

What attorneys do well: Explaining.

My biggest pet peeve: Lawyers who advertise.

What I wish attorneys would do in court: Show up on time and be prepared.

What I wish attorneys would do before getting to court: Prepare to show up on time and be prepared.

What young lawyers need to know but do not: Their limitations.

What every attorney needs to know but does not: When to keep your mouth shut.

An exhibition of exemplary professionalism: The other nine judges on the Fifth District.

Professionalism issues that need to be addressed: Civility.

How I feel about the profession: They used to say, "North of Dade County, the law is still a profession." Now, it's the whole state.

What I like best about being a judge: The opportunity to resolve disputes.

What I like least about being a judge: Driving on I-4 from Windermere to Daytona.

What book every attorney should read: All of Rush Limbaugh's books.

My favorite legal book: *Southern Reporter*, 2nd Series.

My favorite legal movie: Don't go to the movies.

My favorite legal television show: Don't watch T.V. except Fox News.

Any comments you wish to make to the OCBA: Keep up the good work.

No Can Do *Continued from page 9*

that scenario of the courts requiring the performance of an illegal contract or of illegal acts. . . . Under the circumstances, we feel that the distinction is clear.

Vacation Beach, 906 So.2d at 377-378 (citations omitted).

Seldom do we find or have available for reference and citation clear and helpful decisions such as *Vacation Beach*. The discussion as to licensing for both individuals and for business organizations at 906 So.2d at 376 and 377 is priceless and often is not understood by attorneys and judges - *the contracting party must be licensed or no enforcement of the contract and no construction lien*. Also, the several references by the Fifth District to the Supreme Court of Florida decision of *Cardegna*, *supra*, should compel one to read and digest the *Cardegna* decision. *Cardegna* thoroughly discusses for those of us who need a refresher the distinction and clear difference between void and voidable contracts.

The issue of the underlying contract's legality must be determined by the courts before any claim or dispute arising out of the contract may be referred to arbitration pursuant to the contract's arbitration clause...

Cardegna, 894 So.2d at 867. Justice Cantero's lengthy dissent attempts to expand without limit the Federal Arbitration Act ("FAA").

Practice tip: Just as title examiners look at every "fly speck," construction practitioners should encourage their clients to check licensing and permitting as well as insurance and bonding, if any.

James W. Markel is of Counsel with the firm of Graham, Builder, Jones, Pratt and Marks, LLP, is an adjunct professor teaching construction law at Barry University School of Law, and has practiced construction law since 1970. He has been a member of the OCBA since 2004.



Legal Community News

Six Months in the Post-Katrina World and Counting . . .

Chauntis T. Jenkins, Esq.



The Law may be a jealous mistress, but compared to the fury of Mother Nature a/k/a Hurricane Katrina, on August 29, 2005, I longed for the Law's envious, yet normal presence.

I admit that I was lucky. I live on the Westbank of the Greater New Orleans area, approximately 12 miles from downtown New Orleans. So, I boast, very quietly, only of wind damage. However, my parents and siblings, who lived in Eastern New Orleans, lost everything to flood waters. Some of my family members are still living with me and some have permanently left Louisiana. I experience great loss vicariously through them.

What was a day in a life of an attorney in New Orleans immediately after August 29, 2005, you ask? It was over one month before I could return home for good. During that time period, I felt like a character in the popular ABC drama "Lost," sitting on the hot sand and wondering if I would see my career and belongings wash ashore.

Hurricane Katrina, momentarily, made me wonder, "What will I do if I cannot practice law in New Orleans?" The rumors about the future of the city did not help one feel very good about job security. There were also rumors that firms were closing, offers to new associates were being taken back and that many lawyers were no longer being paid without any explanation. My firm was very loyal and kept all of its attorneys. As time went on, many of the untruths regarding these rumors came to light, but I am sure there are some who might say otherwise.

As an attorney who lives by the billable hour, it suddenly became hard to keep track of days, let alone what I did in every hour while trying to endure the daily four hour trek to and from my displaced home to work, calling FEMA, waiting for a FEMA representative to answer my call, and contacting insurance companies. Yet, ten days after August 29th, I was back at work (at a satellite office) performing my duty to my clients and trying to keep minutes, if not hours, on my timesheet. I realized very early that my goal of surpassing my yearly billing quota, although honorable, was far fetched.

In all the uncertainty, the New Orleans legal community has proven that it will endure. There is a greater sense of respect and affection among us. In our daily conversations, we mingle questions about our personal lives with discovery requests, effortlessly. For several months, local courts relocated their offices nearly 50 miles away to meet the legal community's demands. The New Orleans Bar Association and Louisiana Bar Association continue to go beyond their call of duty to provide relief services for displaced attorneys and their families through financial contributions, free office space, organized clean up drives, etc.

The New Year has brought a greater sense of normalcy. Most of the New Orleans state and federal courts have reopened. We have traded our casual Katrina work attire for a business suit, even on days when we do not have to go to court. Witnesses are now making frequent cameo appearances at depositions. Although domiciliary service of a subpoena at a New Orleans residence would make any civil sheriff chuckle, I hear that when they are able to personally serve a subpoena, the person seems to be a little happier to receive anything since they are still alive.

New Orleans is returning, slowly, but surely. As an insurance defense attorney, I may not be the most popular with the everyday citizen, but I will be busiest among my colleagues. I look forward to being a part of the resurrection of my city and the reshaping of our laws. I just hope it isn't washed away for good after June 1, 2006, approximately four months from now, when the next hurricane season begins.

Chauntis Jenkins is an associate with the law firm of Porteous Hainkel Johnson in New Orleans, Louisiana. During Katrina and her aftermath, Ms. Jenkins relocated to her firm's Baton Rouge, Louisiana office. Ms. Jenkins is a former chair of the New Orleans Bar Association Young Lawyers' Section.

DECUBELLIS, MEEKS & UNCAPHER, P.A.

is pleased to announce that

THOMAS H. TUKDARIAN

has joined the firm as a principal

and

**JONATHAN INNES, JOSEPH GRECO
AND JAMES GENTRY**

have joined the firm as associates.

Mr. Tukdarian will continue his practice in the areas of commercial transactions and litigation, real estate, land use, intellectual property and general business law.

837 North Garland Avenue
Orlando, Florida 32801-1003
Telephone: (407) 872-2200
Fax: (407) 423-1038

Mailing Address:
Post Office Box 4976
Orlando, Florida 32802-4976



www.uww-adr.com

Upchurch Watson White & Max MEDIATION GROUP

is pleased to announce that



A. Michelle Jernigan



Richard B. Lord



Kimberly Sands



Michael B. Walls

have become shareholders with the firm.

FOR SCHEDULING / COORDINATION OF YOUR MEDIATION

◆ Daytona Beach : 386-253-1560

◆ Maitland / Orlando: 407-661-1123

◆ Toll Free: 800-863-1462 or 800-264-2622 ◆



Continuing Legal Education "LUNCH & LEARN SEMINARS"

FREE Monthly CLE Seminars

APRIL topic:

Mediation Confidentiality and Privilege Act

Speaker: John C. Briggs

Approved for 1.0 CLE Hours ◆ Lunch Provided

Wednesday, April 5, 2006
11:45 am - 1:00 pm

Upchurch Watson White & Max
1060 Maitland Center Commons
Suite 440
Maitland, FL 32751

Visit our website for
updates to our monthly
CLE Presentations and for
additional information
regarding our Mediation
Advocacy Series
CLE program.
www.uww-adr.com

RSVP Requested

407-661-1123

E-mail Reservations to:

cmmcc@uww-adr.com

For questions regarding this seminar series, contact Patti Moten: 386-253-1560

UPCHURCH WATSON
WHITE & MAX



National Recognition for Orange County Bar Association's Law Week Activities

Robert Wesley



Lori Spangler of the Orange/Osceola Public Defender's Office and Lissa Bealke of the Construction Law Firm received the American Bar Association's (ABA) 2005 Outstanding Law Day Activity Award in Chicago on February 10, 2006 at the Association's Midyear Conference. The Orange County Bar was one of five nationally recognized honorees for its exceptional law outreach programs. Orange County's program was chosen by the ABA because of its series of outreach programs to educate citizens on the rule of law.

The Orange/Osceola Public Defender's Office partnered with the Orange County Bar Association in 2005 for the Law Day activities. Spangler, Chief of Paralegal and Secretary Support Services for the Public Defender's Office, co-chaired the Law Day activities with Bealke, Senior Paralegal for Construction Law Firm.

The Public Defender's Office collaborated and incorporated the theme "The American Jury: We the People in Action" by providing members of its office to stage "Wolf vs. Pig" mock trials for elementary students, mentor middle school students attending Law Camp, and coach Oak Ridge High School students in the Circuit Mock Trial Competition. The Public Defender's Office also hosted mock DUI trials during the high school prom season.



Peter Kalis, ABA National Law Day Chair, presents the Outstanding Law Day Award to the OCBA's Lissa Bealke and Lori Spangler at the ABA Midyear Conference last month.

Ninth Judicial Circuit Public Defender Bob Wesley, a founder of the Orange County Law Camp, was proud of the team's accomplishment. "A lot of thought, planning and hard work was put into this outreach program," said Wesley. "I'm thankful to our Public Defender employees who went into the community to help people understand how our legal system works. Congratulations to Lori and Lissa. They're a real asset to our legal community."

Some of the other Orange County Bar Association Law Day activities included: poster and essay contests; mock trials; partnering with the University of Central Florida for a Naturalization Ceremony for 1000 new citizens; partnering with Jury Services at the Orange County Courthouse to display children's contest posters and read the children's essays to potential jurors; Liberty Bell Award; and Law Day Luncheon.

Spangler and Bealke will chair and co-chair the 2006 Orange County Bar Association's Law Day activities with this year's theme "Liberty Under Law: Separate Branches, Balanced Powers." Law Day is May 1, 2006.

Robert Wesley is the Public Defender of the Ninth Judicial Circuit. He has been a member of the OCBA since 1996.



Assistant Public Defender Carlus Haynes sorted clothing at the annual clothes drive put on by Ninth Judicial Circuit Public Defender Bob Wesley.



In February, Lydia Gardner, Clerk of the Court for Orange County, gave a presentation to the Paralegal Committee about the positive events that have happened in the Clerk's office.



Yvette Rodriguez-Brown, President of the Legal Aid Society Board of Trustees, takes a minute at the Luncheon to encourage members to purchase tickets for the LAS 45-Year Anniversary Celebration. The event took place at Sea World on February 25.



LaShawnda Jackson, with Rumberger, Kirk & Caldwell, P.A., spoke on behalf of the Paul C. Perkins Bar and introduced February's Luncheon speaker, Harriet L. Elam-Thomas.

Someone recently told me that the acceptable "gloating period" after a big trial win is two weeks. As I write this month's column, I am on day fourteen. The good news is that even though the gloating has to end, the post-win feeling of "it sure is great to be a lawyer" can continue! With all of the hard work and long hours we often put ourselves through, you have to admit that sometimes it *is* nice to have a reminder of some of the great things about our profession. So... as I climb down from my high horse, let me share a few positive thoughts on being a lawyer: aside from the obvious gratifications like the thrill of victory or money, often we also get to have the satisfaction of helping a client, righting a wrong, working with people we admire and respect, and doing something that makes a difference. And, once again, I get to report that OCBA members have been busy accomplishing great things and continuing to make a difference in our community. So, here's what's up....

GrayRobinson attorney **James F. Johnston** was recently appointed to the 2006 board of directors for the Winter Park Chamber of Commerce. **Leslie Armstrong**, with Lowndes, Drosdick, Doser, Kantor & Reed P.A., has joined the board of directors of United Cerebral Palsy of Central Florida. **Stephanie Adler**, a partner with Jackson Lewis LLP, has been chosen to serve as the Chairperson for Planned Parenthood of Greater Orlando's annual event. This year's event, scheduled for September 14, 2006, will feature special guest speaker Anna Quindlen.

David Akins was recently named a shareholder in the law firm of Dean, Mead, Egerton, Bloodworth, Capouano & Bozarth, P.A. **Richard A. Rodgers** of GrayRobinson has received an "AV" rating, the highest available from Martindale-Hubbell. Rodgers practices in corporate law dealing with a broad range of corporate, securities and other business matters. Rodgers is also a Certified Public Accountant and uses this background to compliment his law practice.

The OCBA Social Committee's second annual **Winter Wine and Cheese Party** on January 27, 2006 was another great success! Over 100 attendees enjoyed an evening of fine wine and cheese, while lounging at the Monkey Bar on Wall Street. Thanks again to our event sponsors, **Ford & Harrison**; **CSX**; **Carlton Fields**; and **Rumberger, Kirk and Caldwell**. Special thanks to the OCBA Social Committee (and particularly **Chris Wasula** as usual!) for all of their hard work in putting on the event while yours truly had to be out of town all week. From what I heard, I missed not only a fabulous time, but also some interesting gossip and even some hi-jinx. If you missed it too, don't worry - there will be many more events to come. The Social Committee is already planning more events for the coming year, so stay tuned ...

In the meantime, get ready for a busy spring! Don't miss the **Relay for Life Benefit Concert** on March 24, 2006 from 5:30 p.m. to 8:30 p.m. at Slingapour's. The concert will feature the ever-popular band, The Learned Hands, and the cost is only \$10.00. For more information, contact **Jeff Feulner** at jfeulner@feulnerlaw.com or Jennifer Jones at jjones@whww.com.

Kristyne Kennedy



The Paul C. Perkins Bar Association ("PCPBar") will hold its annual **Las Vegas Night** extravaganza on March 21, 2006, from 6:00 p.m. - 9:00 p.m. at the OCBA Center. Las Vegas Night is a fundraiser event put on by PCPBar every year. Revenues from this year's event will provide scholarships to members of the Black Law Student Associations at Barry University School of Law and FAMU College of Law. In addition to the "funny money" casino-style gambling, there will be a silent charity auction featuring the best of Central Florida's dining and shopping venues. Sponsorship packages are available. For more information please contact Andrea White at awhite@heqlaw.com or (407) 839-0095. Also, mark your calendars for the PCPBar's annual **Annual Judicial Reception** - "Celebrating Diversity in the Judiciary" - on **April 26, 2006**. For more information, contact Terry Blackmon at TerryL-Blackmon@Progressive.com.

Law Week is approaching quickly, as are the **DUI Mock Trial Demonstrations**. These demonstrations are for local high school students to help them better understand the American judicial and jury system, as well as appreciate the seriousness of driving while under the influence. Volunteers are needed to help with the presentations, scheduled for **April 17 and 18, 2006**. All presentations are being held at the Orange County Public Defender's Office, fifth floor library. Volunteers are needed to play the roles of Judge, Prosecutor, Defense Attorney, Defendant, and Officer. A script will be provided to all participants and no memorization is necessary. Contact Alyson Innes at ainnes@circuit9.org for more information.

Have you heard the word on this year's **Gala**?! It may be hearsay, but it is from a highly credible source - according to **Nick Shannin**, Gala Committee Co-chair, the Gates of Isleworth will be opening up for the OCBA this April when the Foundation proudly rolls out the red carpet to the glitz and glamour of Orlando's most exclusive community. Plan to get dressed up in your finest and sip on champagne in "the clubhouse of the gazillionaires" (yes, "gazillionaire" came from Shannin) with all of your friends on **April 29, 2006** starting at 7:00 p.m. Everyone will be there, so don't miss it! Also, the Legal Aid Society has been busy rounding up fabulous items for the auction - rumor has it that they are going to top their spectacular array "... of trips and ships, of autographed balls and dates with the malls, of cases of wine and art so fine..." that they auctioned off last year, so save up to spend big for our favorite charity! Invitations will be in the mail soon, so keep your eyes on your mailbox and the date open on your calendar! For more information about the Gala, contact Nick at NShannin@orllaw.com.

Until next month, don't forget to keep sending me your news! If you have any interesting information, victories (perhaps you would like to gloat about something?), accomplishments, gossip, or random thoughts, send your information to me at kennedyk@jacksonlewis.com or fax (407) 246-8441.

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



Former Ambassador Harriet L. Elam-Thomas spoke at February's Bar Luncheon about the tremendous cultural, political, and economic diversity in Africa, emphasizing the uniqueness of each country and its people.



At the February Luncheon, Lori Nazry, an Associate with Ford & Harrison, LLP, danced to Billie Holiday's "God Bless the Child." She is involved in the dance ministry at The Hope Church of Orlando.



Local harpist Christine MacPhail entertained guests at February's Luncheon with a selection of classical and popular music.



YLS on the Move!

Chelsie Roberts



Special thank you to Lisa Geiger and everyone who donated gifts and time to the Holidays in January project on January 19th. About 50 children at the Coalition for the Homeless received gifts and enjoyed pizza and dessert.

Thank you also to the OCBA's Social Committee and to the Monkey Bar on Wall Street for hosting the classy Wine and Cheese Party on January 26th. Over 100 guests enjoyed a diverse selection of wine and champagne as well as an impressive cheese and fruit buffet. Thank you also to the event sponsors - Carlton Fields, CXA, Ford & Harrison LLP and Rumberger, Kirk & Caldwell.

Join the YLS, local attorneys and several members of the local judiciary at the annual Evening with the Judiciary on Thursday, March 2nd from 5:30 p.m. - 8:30 p.m. at the Winter Park Farmers Market. This year's theme is festive Key West, complete with margaritas, punch, wine, beer and island cuisine. Tickets are \$30 in advance and \$40 at the door. For more information, contact Bill Denius at wjdenius@kpsos.com or Suzanne Paulus at spaulus@groneklatham.com.

The next YLS luncheon will be on Thursday, March 16th at the Citrus Club from 11:45 a.m. - 1:00 p.m. RSVP to George Enos at georgeE@ocbanet.org. The cost is \$18 for those who RSVP in advance (\$10 for solo practitioners and government attorneys) and \$20 for walk-ups. Upcoming lunches will be on April 20th and May 18th.

The YLS Relay for Life Happy Hour benefiting the American Cancer Society will be on Friday, March 24th at Slingapour's in the Wall Street Plaza downtown from 5:30 p.m. - 8:30 p.m. For a \$10 admission, you can enjoy free beer and live music from Learned Hand. For

more information contact Jeff Feulner at jfeulner@feulnerlaw.com or Jen Jones at jjones@whww.com.

March is election season in the OCBA and the YLS has five at-large positions open on the Board of Directors. Ballots will be sent in the mail in mid-March and must be returned to the OCBA office by 5:00 p.m. on March 27th. Please also be sure to complete the information card enclosed with the ballot to be included in the upcoming YLS Directory.

A Habitat for Humanity event tentatively planned for March has been postponed. Watch your YLS e-mail blasts for a new date or contact Shane Fischer at sfischer@boginmunns.com or Suzanne Paulus at spaulus@groneklatham.com for information.

This year's Theatre with the YLS will be on April 27, 2006 at 7:00 p.m. at the Orlando-UCF Shakespeare Festival's "Julius Caesar 06." Tickets are \$20. For more information, contact Tenesia Connelly Hall at tchall@legalaiddocba.org or visit <http://www.shakespearefest.org>.

Finally, mark your calendars for this season's exciting events:

- * Great Oaks Village - April 16, 2006
- * YLS Happy Hour - April 21, 2006
- * OCBA Gala - April 29, 2006
- * YLS Happy Hour - May 19, 2006

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

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

THE 100 CLUB!

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

Fishback, Dominick, Bennett, Stepter, Ardaman, Ahlers & Bonus, LLP
 Halim & Pratt, LLC • Billings, Morgan, Boatwright & Hernandez, LLC
 Sublette, Sanders & Sanders, P.A. • Graham, Builder, Jones, Pratt & Marks, LLP
 Marcus, McMahon & Myers, PL • Murrah, Doyle and Wigle, P.A. • N. Diane Holmes, P.A.

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



Criminal Law Committee

Interpretation of Crawford by Florida Courts

—Roger B. Handberg¹

Introduction

In the 2004 case of *Crawford v. Washington*, 541 U.S. 36 (2004), the United States Supreme Court altered the standards that apply to the admission of hearsay statements offered against a defendant in a criminal case. Prior to *Crawford*, the admissibility of such hearsay statements was controlled by *Ohio v. Roberts*, 448 U.S. 56 (1980). In that case, the Supreme Court stated that a defendant's Sixth Amendment right of confrontation was not violated if the out-of-court statement to be admitted was reliable and the declarant was unavailable for trial. In *Crawford*, the Supreme Court overruled *Roberts* and held that a defendant's right of confrontation requires an opportunity to cross-examine the witness who made the out-of-court statement unless that witness is unavailable and the defendant had a prior opportunity to cross-examine that witness. The Supreme Court explained that the Sixth Amendment right of confrontation is "a procedural rather than a substantive guarantee" and that it "commands, not that the evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination." *Crawford*, 541 U.S. at 61.

The Supreme Court in *Crawford* limited its holding to what it called "testimonial" statements. The Supreme Court, however, declined to define that term. Instead, the Supreme Court identified three categories of "testimonial" statements and declared that each was an acceptable "formulation" of the concept. *Id.* at 51-52. The Supreme Court stated that it would "leave for another day any effort to spell out a comprehensive definition of 'testimonial.'"² *Id.* at 68.

In the almost two years since *Crawford* was decided, Florida courts have attempted to do just that. In addition, Florida courts have addressed what it means for a witness to be unavailable and for a defendant to have had a prior opportunity of cross-examination for purposes of the Sixth Amendment. The following is a brief overview of some of the key decisions to date.³

Testimonial v. Non-testimonial

Crawford identified the following three categories of "testimonial" statements: (1) "'ex parte in-court testimony or its functional equivalent,'" (2) "'extrajudicial statements . . . contained in formalized testimonial material, such as affidavits, depositions, prior testimony, or confessions,'" and (3) "'statements that were made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial.'" *Id.* at 51-52 (citations omitted). Florida courts analyzing these categories have often looked at the third category and have "focused on the purpose of the statement and its intended effect, and not the procedural context in which the statement was made." *Lopez v. State*, 888 So.2d 693, 698-99 (Fla. 4th DCA 2004).

In attempting to determine the "purpose of the statement and its intended effect," Florida courts typically examine the substance of the statement rather than the form in which it is offered. In general, Florida courts have found that statements are non-testimonial if they "were not made to a person in authority for the purpose of accusing someone. . . ." *Id.* at 699. This formulation breaks down into two questions: (1) is the statement being made by or to "a person in authority"?; and (2) is the statement being made for the "purpose of accusing someone"? If the answer to either of these questions is "yes," then Florida courts have typically found that the offered testimony is non-testimonial.

Applying these general principles, Florida courts have found the following types of statements to be "non-testimonial":

Call to 911 operator. *Williams v. State*, 909 So.2d 599 (Fla. 5th DCA 2005); *Towbridge v. State*, 898 So.2d 1205, 1206 (Fla. 3d DCA 2005) (per curiam).

Department of Corrections business records regarding a defendant's prior convictions. *Peterson v. State*, 911 So.2d 184, 185 (Fla. 1st DCA 2005); *Desue v. State*, 908 So.2d 1116 (Fla. 1st DCA 2005).

Statements made by a child to her parents regarding sexual battery. *Herrera-Vega v. State*, 888 So.2d 66, 69 (Fla. 5th DCA 2004).

Statements made to a friend or family member. *Lopez*, 888 So.2d at 699 (Fla. 5th DCA 2004) ("A spontaneous exclamation to a friend or family member is not likely to be regarded as testimonial.").

Statements made by a child to a police officer that were overheard by the child's mother and introduced as *Williams* rule evidence in a prosecution related to sexual abuse of a different child. *Somerville v. State*, 883 So.2d 836, 838 (Fla. 5th DCA 2004).

By contrast, Florida courts have found the following types of statements to be "testimonial":

Breath test affidavit in a DUI prosecution. *Belvin v. State*, 30 Fla. L. Weekly D1421 (Fla. 4th DCA June

Continued on page 20

¹ Handberg is an Assistant United States Attorney with the Orlando office of the United States Attorney's Office. The views expressed in this article are solely his own and do not reflect any position, policy, or opinion of the United States Attorney's Office or the United States Department of Justice.

² The Florida Supreme Court has held that *Crawford* will not be applied retroactively. See *Chandler v. Crosby*, 916 So.2d 728 (Fla. 2005).

³ A more comprehensive analysis of *Crawford* can be found in John F. Yetter, *Wrestling with Crawford v. Washington and the New Constitutional Law of Confrontation*, 78 Fla. B.J. 26 (2004).

8, 2005); *Shiver v. State*, 900 So.2d 615, 616-17 (Fla. 1st DCA 2005).

Lab report introduced to establish that items at issue were cocaine and marijuana. *Johnson v. State*, 31 Fla. L. Weekly D125 (Fla. 2d DCA December 30, 2005).

Statements made by a cooperating defendant to another defendant in a controlled call set up by the police. *State v. Hernandez*, 875 So.2d 1271, 1272-73 (Fla. 3d DCA 2004).

Statements by a victim to law enforcement regarding crimes. *Howard v. State*, 902 So.2d 878 (Fla. 1st DCA 2005) (excited utterances found to be testimonial); *Manuel v. State*, 30 Fla. L. Weekly D1248 (Fla. 1st DCA May 16, 2005) (statements regarding cause of victim's injury found to be testimonial); *Lopez*, 888 So.2d at 699 (Fla. 5th DCA 2004).

Video statement of a child regarding sexual abuse that was provided to a member of a Child Protection Team. *Contreras v. State*, 910 So.2d 901 (Fla. 4th DCA 2005).

Unavailability of a Witness

"[B]efore a witness can be deemed unavailable, the State must make a good faith showing of attempting to secure the witness." *Johnson*, 31 Fla. L. Weekly D125. If a witness is present at trial, however, *Crawford* is satisfied:

The Confrontation Clause guarantees only an *opportunity* for effective cross-examination, not cross-examination that is effective in whatever way, and to whatever extent the defense might wish.

State v. Miller, 30 Fla. L. Weekly D2793 (Fla. 1st DCA December 12, 2005) (quoting *United States v. Owens*, 484 U.S. 554, 559 (1988) in rejecting a *Crawford* challenge based on an allegation that a witness had a "faulty memory") (emphasis in original)); see also *Blanton v. State*, 880 So.2d 798, 802 (Fla.

5th DCA 2004) ("Whether and how that opportunity is used is within the control of the accused, and he should not be heard to complain about an opportunity squandered.").

Prior Opportunity for Cross-examination

There is a split among the District Courts of Appeal on whether the availability of discovery depositions satisfies *Crawford* and whether the defendant must be allowed to attend such a deposition. The Fifth District Court of Appeal has held that the ability of a defendant to depose a witness prior to trial is sufficient for purposes of *Crawford* and that a defendant need not be physically present at such a deposition. See *State v. Causey*, 898 So.2d 1096, 1098 (Fla. 5th DCA 2005) ("The ruling in *Crawford* merely requires that a defendant have an opportunity at some time prior to trial to cross-examine the witness."); *Blanton*, 880 So.2d at 801. By contrast, the First District Court of Appeal and Fourth District Court of Appeal have concluded that a discovery deposition does not constitute a prior opportunity for cross-examination as required by *Crawford*, and they have suggested that a defendant must be provided the opportunity to attend such a deposition before it could ever be found to satisfy the Sixth Amendment. *Lopez*, 888 So.2d at 701; see also *Belvin*, 20 Fla. L. Weekly D1421.4

Conclusion

The cases discussed in this article represent only the beginning of the efforts by Florida courts to interpret *Crawford*. It is likely that the issues raised in these cases will be addressed in future cases of the United States Supreme Court and Florida Supreme Court.

⁴ In a subsequent case, the Fourth District Court of Appeal retreated from the categorical position that a discovery deposition can never satisfy *Crawford*. See *Contreras*, 910 So.2d 909 ("We do not go as far as *Lopez v. State*, 888 So.2d 693 (Fla. 1st DCA 2004) and hold that a criminal discovery deposition could never satisfy *Crawford*'s 'prior cross examination' requirement.").

Roger B. Handberg is an Assistant U.S. Attorney. He has been a member of the OCBA since 2003 and is Chair of the OCBA Criminal Law Committee.

LAPTOPS *Plus*

LAW OFFICE NETWORKING SERVICES

Sales

- Servers
- Routers
- Backup
- Software
- Remote access devices and configuration
- Wireless

Service

- Remote service for fast response
- On-site service also provided
- Full diagnosis and repair of any network problem
- Experienced, certified Technicians

Maintenance

- Remote monitoring of warnings and problems
- Remote troubleshooting and configuration
- E-mail connections, configuration, forwarding, and remote access

Serving Central Florida since 1989

References available upon request

407-740-7587
407-740-5805 (fax)

955 South Orlando Avenue
Winter Park, FL 32789

email: laptops@laptopsplus.com
www.laptopsplus.com



Presentation Skills for Lawyers

And Now, a Word From Our Sponsors . . . (How to Keep Your Audience Involved)

— Elliott Wilcox



Just sit right back and you'll hear a tale, a tale of a fateful trip, that started from this tropic port, aboard this tiny ship...

Here's the story, of a lovely lady, who was bringing up three very lovely girls. All of them had hair of gold, like their mother, the youngest one in curls...

Well we're moving on up, to the east side, to a deee-luxe apartment, in the skyy...

You recognize the theme songs, don't you? Of course you do. These television shows are classics. You know who the main characters are, where they lived, and how they typically acted. And it's not just these older shows - you probably know who Kramer is, the names of everyone in the Simpson household, and which police department Sipowicz works for.

So do the people you're speaking to.

According to the latest Nielsen figures, the average American watches more than 40 hours of television a week. *Forty!* That means the average person spends as much time in front of their television as they do at work. How is that going to affect your next presentation?

It won't matter whether the goal of your next speech is to persuade, entertain, or inform your audience - you need to consider how television has changed your audience's expectations.

Television has trained your audience members to expect a commercial break every eight minutes or so. Every eight minutes, the visual imagery will change. Every eight minutes, their minds will get a break. Every eight minutes, they expect something new.

What does that mean for your presentation?

It means that every eight or ten minutes, you need to give your audience a break. Although it's true that the brain can only absorb what the butt will endure, it doesn't mean that you need to let them get out of their seats and go to the bathroom. However, you do need to shift your presentation or involve your audience to keep their attention.

If you've ever seen platform master Zig Ziglar in action, you've seen a great example of how to weave in these "commercial breaks." Even though he's a dynamic speaker, he knows that his audience's attention is likely to wander every eight minutes or so. To recapture their attention, he tells a funny anecdote, story, or joke every seven or eight minutes. He won't let ten minutes go by without making the audience laugh. They're not always gigantic belly laughs, but they serve the more important purpose of recapturing the audience's attention. Everyone who laughs gets a slight boost of energy and keeps their attention focused on the stage.

If they don't laugh (because their minds have wandered

away), they'll hear everyone else laughing and say to themselves, "What did I miss? What's so funny? Let me pay attention to the speaker."

The result? Regardless of whether he speaks for an hour or speaks for half a day, his audiences pay attention the entire time. Audiences are captivated by his presentations.

You can achieve the same effect with your presentations.

Every eight minutes, give your audience a commercial break. Draw them back in, and get them involved in your presentation.

Laughter is one of the more effective ways to engage your audience, but there are several other options you can use to draw in your audience. Here is a brief list of techniques you can use to create commercial breaks:

1. Tell a story.
2. Show a video clip.
3. Play a music clip.
4. Ask a question.
5. Have them raise their hands.
6. Get them to repeat something aloud.
7. Make them stand up or move.
8. Get them to read or write something.
9. Give something away (candy, trinkets).

Television has conditioned their minds to wander periodically. You can't retrain them or fight against their conditioning, so be prepared to draw them back in. Create commercial breaks in your presentation, and your audience will stay with you until the final credits.

© 2006 Elliott Wilcox - All Rights Reserved

Elliott Wilcox is the creator of Trial Tips Newsletter, a free weekly ezine for trial lawyers that reveals the simple, effective strategies and techniques you need to win more trials, guaranteed! Sign up now for your FREE trial advocacy tips at www.TrialTheater.com.

OFFERING *INDEPENDENT* SERVICES FOR:

Serving as a Trustee & Personal Representative

**Fiduciary Accountings
Tax Filings & IRS Representation
Probate Litigation Support**

Serving Central Florida for Over 30 Years

JEROME P. McCAULEY, C.P.A.

407-869-0052

Visit this Website for more information

WWW.FLTAXPERT.COM



A Modest Proposal

Did you know that approximately 50% of our society cannot afford to hire an attorney and has to depend on a pro se course of action to try to resolve their legal issues?

They often find themselves in a "Catch 22," since they do not qualify for legal aid or low fee representation and can not afford to hire an attorney for \$200-\$250 an hour. Their only recourse is to proceed alone and hope the judge will understand.

The Orange County Bar Association proposes an exciting new concept for your consideration as you seek to develop your practice and help those in need: **The Modest Means Program.** The program's objective is to provide legal service to a significant segment of society that cannot afford or does not qualify for legal service through traditional means.

Are you looking for ways to expand your practice? This program needs energetic lawyers eager to work at rates that will accord them fair compensation while significantly reducing the financial hardship clients might encounter if they are billed at traditional firm rates.

The Modest Means Program is seeking attorneys who will make up a Modest Means Panel. Panel members then can take clients that are pre-screened for eligibility. In the initial phase of the program, cases covered will include: (a) bankruptcy; (b) family law -- dissolutions, custodial disputes, support enforcement, adoption, etc.; (c) landlord-tenant; and (d) Wills and trusts.

Individuals who qualify for the program will be responsible for paying participating attorneys according to the following schedule:

- a) Bankruptcy: \$1,500 for Chapter 13 cases, \$800 for Chapter 7 cases.
- b) Family Law: \$850 as a retainer for dissolutions and custodial disputes, and thereafter \$100 per hour to the extent that a participating attorney reasonably expends in excess of 8.5 hours of billable time in the case. For all other family law matters, \$350 as a retainer, and thereafter \$100 per hour to the extent that a participating attorney reasonably expends in excess of 3.5 hours of billable time in the case.
- c) Landlord-tenant: \$350 by way of retainer, thereafter \$100 per hour to the extent that a participating attorney reasonably expends in excess of 3.5 hours of billable time in the case.
- d) Simple Wills: \$100 for a simple Will; \$150 for a reciprocal will package; \$250 for a simple "planning package," including Will, designation of medical agent, and power of attorney; \$350 for a reciprocal planning package, including Will, designation of medical agent, and power of attorney.

We are interested in determining OCBA attorneys' interest in the Modest Means Program. To share your comments and ideas, or for more information, please contact Austin Aaronson, Austin Aaronson, P.A., at 407-644-1336 or Malcolm P. Galvin, III, Malcolm P. Galvin, III, Esq., at 407-210-6593.

When results count, count on results.....

Lyzette San Germain

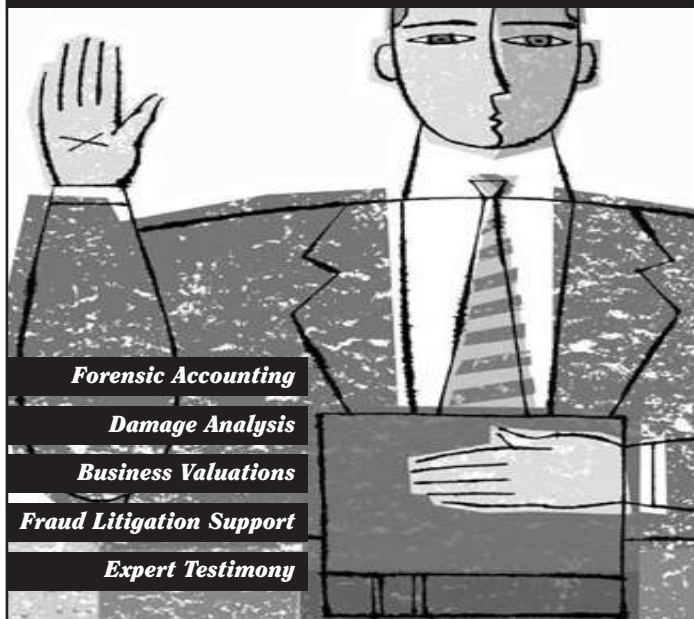
Certified Circuit, Family and Federal Mediator



Fraxedas Mediation Firm
407-661-5757

www.LSGMediation.com
LyzetteSG@aol.com

Independent Financial & Accounting Expertise



Forensic Accounting

Damage Analysis

Business Valuations

Fraud Litigation Support

Expert Testimony

Call Bob Morrison 407.898.2727 - RMorrison@TJWcpa.com

Tedder, James, Worden & Associates, P.A.
Certified Public Accountants & Business Advisors
www.TJWcpa.com

ORANGE COUNTY BAR ASSOCIATION LEGAL EDUCATION SEMINARS

<u>SEMINAR</u>	<u>DATE</u>	<u>COMMITTEE</u>
"BUSINESS COURT II REVISITED"	MARCH 8, 2006	BUSINESS LAW COMMITTEE CHAIR- CHRIS HILL
"SUCCESSFUL LAWYERING IN A DIVERSE SOCIETY"	MARCH 24, 2006	DIVERSITY COMMITTEE CHAIR- BARBARA SMITH
"ABUSE PREVENTION & CONSUMER PROTECTION"	MARCH 31, 2006	BANKRUPTCY COMMITTEE CHAIR- JAMES T. HARPER
"ESTATE, GUARDIANSHIP, & TRUSTS"	MAY 10, 2006	ESTATE, GUARDIANSHIP & TRUST COMMITTEE CHAIR- IAN GILDEN, LANCE RAGLAN
"A CONSTRUCTION LAWSUIT FROM START TO FINISH"	MAY 25, 2006	CONSTRUCTION LAW COMMITTEE CHAIR- JOHN SAMAAAN
"EMPLOYMENT LAW"	JUNE 14, 2006	LABOR & EMPLOYMENT LAW COMMITTEE CHAIR- JEFF FEULNER

ALL SEMINARS TO BE HELD AT THE ORANGE COUNTY BAR CENTER

880 N. ORANGE AVENUE, ORLANDO, FL, 32801

FOR MORE INFORMATION VISIT WWW.ORANGECOUNTYBAR.ORG AND CLICK ON SEMINARS





New Members

Lemar F. ALEJO

Alejo Law Firm, P.L.
10151 University Blvd., #277
Orlando, FL 32817
407-739-3308

Christopher ANNUNZIATO

Holland & Knight, LLP
200 S. Orange Ave.,
Ste. 2600
Orlando, FL 32801
407-425-8500

David Robert BIGNEY

Bigney & Orth, P.A.
101 S. Wymore Road, #440
Altamonte Springs, FL 32714
407-772-7876

Blaine A. BIZIK

*Grower, Ketcham,
Rutherford, et al.*
390 N. Orange Ave.,
Ste. 1900
Orlando, FL 32835
407-423-9545

Tracey B. BRACCO

*Lowndes, Drosdick,
Doster, et al.*
215 N. Eola Dr.
Orlando, FL 32801
407-843-4600

Jason D. BRAY

*Rumberger, Kirk &
Caldwell, P.A.*
300 S. Orange Ave.,
Ste. 1400
Orlando, FL 32801
407-872-7300

Sharon A. BUCKLE

*deBeaubien, Knight,
Simmons, et al.*
332 N. Magnolia Ave.
Orlando, FL 32802-0087
407-422-2454

Marsha F. BUNN

Hill, Adams & Schiefflin
1030 W. Canton Ave.,
Ste. 200
Winter Park, FL 32790
407-628-4848

Andrew N. CAMBRON

Andrew Norris Cambron
1920 Thunderbird Trail
Maitland, FL 32751
321-277-8464

Jenifer M. DAVIS

Public Defender's Office
435 N. Orange Ave.
Orlando, FL 32801
407-836-4864

Anna E. ENGELMAN

Bell, Leeper & Roper, P.A.
2816 E. Robinson St.
Orlando, FL 32803
407-897-5150

Jacqueline E. FERRIS

Gronek & Latham, LLP
390 N. Orange Ave.,
Ste. 600
Orlando, FL 32836
407-481-5800

Susan J. FIRMONTE

*Community Legal Services
of Mid Florida, Inc.*
1036 W. Amelia St.
Orlando, FL 32805
407-841-7777

Jade M. GUMMER

*Quintairos, Prieto,
Wood & Boyer, P.A.*
8427 S. Park Cir., Ste. 100
Orlando, FL 32819
407-903-9205

Stephanie D. KEIBER

Swartz Campbell, LLC
4901 Vineland Rd., Ste. 300
Orlando, FL 32811
407-209-1000

Robin N. KHANAL

*Quintairos, Prieto,
Wood & Bogen, P.A.*
8427 S. Park Circle,
Ste. 100
Orlando, FL 32819
407-903-9205

Bona M. KIM

Allen, Norton & Blue, P.A.
1477 W. Fairbanks Ave.,
Ste. 100
Orlando, FL 32789
407-571-5152

Angel J. LAMARRE

*Billings, Morgan, Boatwright
& Hernandez, LLC*
399 Carolina Ave.,
Ste. 100
Winter Park, FL 32789
407-679-9900

Marci L. MATONIS

Griffin & Linder, P.A.
28 E. Washington St.
Orlando, FL 32801
407-425-2518

Winston A.R. MCCLEAN

Jacobson, McClean, et al.
351 E. S.R. 434
Winter Springs, FL 32708
407-327-8899

Brian D. MURRY

*Lowndes, Drosdick,
Doster, et al.*
215 N. Eola Dr.
Orlando, FL 32801
407-843-4600

Hollie A. NOBLICK

Swartz Campbell, LLC
4901 Vineland Rd.,
Ste. 300
Orlando, FL 32839
407-209-1001

Deanna PARRISH BICHLER

Parrish & Smejkal, P.A.
807 W. Morse Blvd.,
Ste. 203
Winter Park, FL 32789
407-622-1920

Christin D. PETROSKI

Holland & Knight, LLP
200 S. Orange Ave.,
Ste. 2600
Orlando, FL 32801
407-244-5105

Samantha R. POWERS

Fisher & Phillips, LLP
300 S. Orange Ave.,
Ste. 1250
Orlando, FL 32801
407-541-0869

Bindu J. RAO

Hughes Supply, Inc.
One Hughes Way
Orlando, FL 32805
407-822-2095

Francis P. REMSEN

Hightower & Pozo, PA
7380 Sand Lake Rd.,
Ste. 395
Orlando, FL 32819
407-352-4240

Lidiana RIVERA

*deBeaubien, Knight,
Simmons et al.*
332 N. Magnolia Ave.
Orlando, FL 32801
407-422-2454

Ryan T. SANTURRI

Allen, Dyer, Doppelt, et al.
255 S. Orange Ave.,
Ste. 1401
Orlando, FL 32801
407-841-2330

Monte S. STARR

Holland & Knight, LLP
200 S. Orange Ave.,
Ste. 2600
Orlando, FL 32801
407-244-5337

Christopher J. STEINHAUS

*Quintairos, Prieto, Wood
& Boyer, P.A.*
8427 S. Park Circle, Ste. 100
Orlando, FL 32819
407-903-9205

Brian T. STREET

*Rose, Sundstrom &
Bentley, LLP*
2180 W. S.R. 434, Ste. 2118
Longwood, FL 32779
407-830-6331

Terrie L. TRESSLER

Terrie L. Tressler
6634 Orange Knoll Dr.
Orlando, FL 32812
407-859-2470

Steven L. WALL

The Construction Law Firm
228 S. Hughey Ave.
Orlando, FL 32801
407-426-9460

Annisia M. YOST

The LaGamba Law Firm, P.A.
1211 Orange Ave., Ste. 201
Winter Park, FL 32789
407-644-2315

Continued on page 25

Judges

Hon. Thomas Warren SCULCO
State of Florida, Division of
Administrative Hearings
400 W. Robinson St.,
Ste. 608 N.
Orlando, FL 32801-1701
407-245-0844

Associate Members

Sabrina E. LITTLE
Greenberg Trauig, P.A.
450 S. Orange Ave.,
Ste. 650
Orlando, FL 32801
407-650-8449

Anthony James MORENO

Affiliates

Karen A. EVANS
P.O. Box 608784
Orlando, FL 32860-8784
407-522-7986

Dione L. OGDEN
6648 Mission Club Blvd.,
#212
Orlando, FL 32821
407-836-6027

Affiliate Paralegal Students

Janice M. HENSON
503 Roy Blvd.
Altamonte Springs, FL 32701
407-831-6830

Affiliate Law Students

Harsh ARORA
1518 Selma Ave.
Orlando, FL 32825
407-580-3366

Vennia V. FRANCOIS
524 Madison Ave.
Orlando, FL 32895
407-423-1153

John Arthur KEMP
82017 Sun Springs Cir., #72
Orlando, FL 32825
407-384-2246

Christine M. PORTANOVA
10694 Huntridge Rd.
Orlando, FL 32825
407-736-0702

Ashley E. SHAPIRO
4224 Spoleto Cir.,
Apt. 204
Oviedo, FL 32765
609-226-4967

Nicolette E. TSAMBIS
8530 Milano Dr.,
Orlando, FL 32810
727-243-2734

Erin Amate ZEBELL
5314 12th Ave. S.
Gulfport, FL 33707
727-327-5220



MEDIATION SERVICES

Construction, Commercial
Personal Injury, Employment

CLARAMARGARET H. GROOVER

Certified Circuit Civil Mediator

(407) 422-6100/fax 423-7212

E-mail: chgroover@grooverlawfirm.com

"Our Business...Can Help Your Business...Do More Business"

The Source for all your Direct Mail,
Fulfillment, and Data Management Needs

BEST MARKETING, INC.

Complete Mailing Services • Fulfillment & Hand Work
Data Base Management • Inkjet & Laser Printing • Data Entry • Mailing Lists
352 Melody Lane • Casselberry, FL 32707 • www.bmicf.com

Direct Mail Specialist • 407-331-9400 • sales@bmicf.com

PAPERSTREET WEB DESIGN

WEB. PRINT. MARKETING.

954.523.2181 (TEL)

WWW.PAPERSTREET.COM

WEB DESIGN LOGOS
INTERNET MARKETING
PRINT DESIGN BLOGS
SEARCH ENGINE OPTIMIZA-
TION PAY PER CLICK
ADVERTISING BRANDING
CORPORATE IDENTITY WEB
HOSTING CONTENT MANAGE-
MENT **WEB DESIGN** LOGOS
INTERNET MARKETING PRINT
DESIGN BLOGS SEARCH
ENGINE OPTIMIZATION PAY PER
CLICK ADVERTISING **BRANDING**
CORPORATE IDENTITY LOGOS
CONTENT MANAGEMENT WEB
HOSTING WEB DESIGN LOGOS
INTERNET MARKETING PRINT
DESIGN BLOGS SEARCH ENGINE
OPTIMIZATION PAY PER CLICK
ADVERTISING BRANDING LOGOS
CORPORATE IDENTITY WEB HOST-
ING CONTENT MANAGEMENT WEB
DESIGN LOGOS INTERNET MARKET-
ING PRINT DESIGN BLOGS
SEARCH ENGINE OPTIMIZATION
PAY PER CLICK ADVERTISING
BRANDING CORPORATE IDENTITY
WEB HOSTING CONTENT MANAGE-
MENT WEB DESIGN **LOGOS**
INTERNET MARKETING PRINT
PAY PER CLICK ADVERTISING
BRANDING CORPORATE IDEN-
TITY LOGOS ADVERTISING
BRANDING **INTERNET MAR-**
KETING LOGOS BRANDING
WEB DESIGN LOGOS INTER-
NET MARKETING PRINT
DESIGN BLOGS SEARCH
ENGINE OPTIMIZATION
BRANDING LOGOS PRINT
BLOGS **ADVERTISEMENTS**

Announcements

New Associates

Blaine A. Bizik - *Grower, Ketcham, Rutherford, et al.*

James S. Gentry - *DeCubellis, Meeks & Uncapher, P.A.*

Joseph C. Greco, III - *DeCubellis, Meeks & Uncapher, P.A.*

Jonathan L. Innes - *DeCubellis, Meeks & Uncapher, P.A.*

Douglas I. Wall - *GrayRobinson, Attorneys at Law*

New Partners

Robert H. Gebaide - *Baker & Hostetler, LLP*

Eric S. Golden - *Baker & Hostetler, LLP*

William J. Denius - *Killgore, Pearlman, Stamp, et al.*

New Principal

Thomas H. Tukdarian - *DeCubellis, Meeks & Uncapher, P.A.*

New Shareholders

David J. Akins - *Dean, Mead, Egerton, Bloodworth, et al.*

Louis A. DeFreitas, Jr. - *Best and Anderson, P.A.*

Speaking Engagements

Joseph L. "Joe" Amos, Jr., recently presented on "The Law of Jury Selection" and "Ethics in Voir Dire" as part of a continuing education seminar. He is a partner with Fisher, Rushmer, Werrenrath, et al.

News to Note

Family Law Committee Major Seminar - Mark your calendar now for "Advancing the Best Interests of the Children: How to Choose and Use Resources for Families in Transition," on May 16, 2006 from 1:30 p.m. - 5:00 p.m. Location: TBA. Judges Alice Blackwell White and Margaret Thorpe will join an excellent, interdisciplinary panel of professionals to discuss issues and resources of divorcing families. For details, and to be included on an e-mail list, contact Deborah Korleski at korleskilaw@bellsouth.net.

KANE & ASSOCIATES CERTIFIED PUBLIC ACCOUNTANTS

BUSINESS VALUATIONS FORENSIC ACCOUNTING

✱ Divorce ✱ Business Damages ✱ Litigation Support
✱ Shareholder Disputes ✱ Expert Testimony

www.kane-cpa.com

670 W. Fairbanks Avenue, Winter Park

(407) 644-6066



Classifieds

To reply to BRIEFS box number, address as follows: BRIEFS Box# _____
c/o Orange County Bar Association,
P.O. Box 530085 • Orlando, FL 32853-0085

Employment

AKERMAN SENTERFITT - Join one of Florida's largest law firms with over 425 attorneys and the largest corporate, commercial litigation, labor and employment and intellectual property practice groups in the state. Established in 1920, Akerman Senterfitt has offices in every major metropolitan area in Florida, as well as offices in New York and Washington, D.C.

The ORLANDO OFFICE seeks (1) a land use & zoning associate with 3+ years of experience. Prior governmental experience is not required but may be beneficial, (2) a public finance attorney with 6 + years of significant public finance experience. Practice consists of bond counsel, disclosure/underwriter's counsel, trustee counsel and borrower counsel representation, (3) real estate associates with 3 to 5 years of transactional commercial real estate experience. Environmental, land use or tax and entity formation experience a plus, and (4) an employee benefits attorney with 6 + years of extensive employee benefit experience in designing, drafting, and assisting employers with administration and compliance issues for qualified (defined contribution and defined benefit) and nonqualified employee retirement plans, executive compensation plans, and welfare and fringe benefit plans for ongoing and terminating plans and in mergers and acquisitions. Thorough working knowledge of ERISA and the internal revenue code required. Significant portable business is required.

The MIAMI OFFICE seeks (1) an employee benefits attorney with 4 to 6 years of extensive employee benefit experience in designing, drafting, and assisting employers with administration and compliance issues for qualified (defined contribution and defined benefit) and nonqualified employee retirement plans, executive compensation plans, and welfare and fringe benefit plans for ongoing and terminating plans and in mergers and acquisitions. Thorough working knowledge of ERISA and the internal revenue code required.

The TAMPA OFFICE seeks (1) a healthcare attorney with 3 to 5 years of experience in medical malpractice defense. General healthcare experience as well as general commercial litigation experience is preferred. Must be a member of the Florida Bar.

Strong academic credentials and excellent writing skills required for all positions. Florida Bar membership or willingness to sit for next examination required. Send resume/cover letter to: Danielle Shannon, Akerman Senterfitt, One SE Third Avenue, 28th Floor, Miami, FL 33131. Fax: 305-374-5095 or Danielle.Shannon@akerman.com. See full listing of current hiring needs at www.akerman.com.

AV-RATED DOWNTOWN LAW FIRM Seeks 3+ years experienced attorney to service Legal Service Plan administered by the firm. Good people skills are necessary for primarily telephone consultations with a strong team approach; fulltime status. Non-Smoker. Diverse legal background and Spanish speaking a must. Reply to PPL, Managing Partner, P.O. Box 87, Orlando, FL 32802-0087 or fax to 407-992-3595.

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

BOGIN, MUNNS & MUNNS, an AV rated law firm, with seven offices in Orlando and Central Florida, seeks two real estate attorneys, one with

one to three years experience and one with 5 to 10 years experience to assist with dynamic and expanding real estate practice. Creative compensation arrangements available with great opportunity for growth and advancement. Send resume in confidence by fax to 407-578-2128 or e-mail to bmm@boginmunns.com.

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

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

ESTABLISHED CIVIL TRIAL PRACTICE in Downtown Orlando looking for an Associate attorney for Construction Law and Commercial Litigation. Excellent work environment, and compensation package. Please fax resumes to: (407) 386-1902.

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

REAL ESTATE ATTORNEY: Lowndes, Drosdick, Doster, Kantor & Reed, P.A., an AV-rated law firm located in Orlando, Florida, seeks an attorney with a minimum of three years transactional real estate experience to assist with dynamic and expanding real estate practice. Applicant must possess good academic credentials, excellent writing skills and excellent references. Compensation will be commensurate with experience. The law firm offers outstanding financial stability with steady practice growth, sophisticated clientele, outstanding credentials and excellent facilities. Send resume and writing sample in confidence to John F. Lowndes, Esq. or Nicholas A. Pope, Esq., Post Office Box 2809, Orlando, FL 32802.

AV RATED LAW FIRM in Orlando seeks attorney with three or more years of experience in wills, trusts, and probate. Experience in corporate transactions also helpful. Outstanding opportunity for growth and advancement. Send resume in confidence to reply box 307.

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

CORPORATE ASSOCIATE - Shuffield, Lowman and Wilson, P.A., an AV rated firm, seeks an attorney for its Orlando office. Position requires 2-5 years exp. in corporate transactions. Excellent academic background. Reply in confidence to: Firm Administrator, P.O. Box 1010, Orlando, FL 32802, or swendel@shuffieldlowman.com.

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

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

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

CONSTRUCTION LITIGATION ATTORNEY: Michael C. Sasso, P.A., an AV rated law firm located in Winter Park, Florida, seeks associate to assist with expanding practice. Experience is a plus but not necessary. Great opportunity for growth, advancement and opportunity to work with three Board Certified construction attorneys. Send resume in confidence to msasso@sasso-law.com or fax to 407-629-6727.

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

HOLLAND & KNIGHT LLP is seeking a litigation associate with 3+ years experience. Candidate must have immediately transferable skills and a strong academic background. Holland & Knight LLP offers a highly competitive salary and benefits package. All inquiries are handled in confidence. Send cover letter and resume to Debbie Eubanks, P.O. Box 1526, Orlando 32802. EOE/AA/MF/D/V.

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

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

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

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

BUSINESS/TAX ASSOCIATE: "AV" WINTER PARK progressive boutique law firm seeks associate with 1-5 years experience in real estate, and commercial transactions (Tax LLM a plus). Immediate opening. Excellent benefits and convenient I-4/Lee Rd location Offering competitive salary, relaxed, informal working environment. Fax resume to: 407-691-0501.

ESTABLISHED WORKERS' COMPENSATION DEFENSE FIRM seeking associate for Orlando office with 0-3 years experience. Workers' compensation experience preferred but not required. Excellent salary and benefits. E-mail cover letter with resume to mwaranach@hrmcw.com.

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

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

AV RATED LAW FIRM seeking associate with 5-10 years experience in commercial litigation. A strong work ethic and good writing abilities are a must. Send resumes to alfred.frith@rissman.com or fax to 407-841-9726.

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

REGULATORY COMPLIANCE MANAGER - Bunch & Associates, Inc. seeks an attorney for Regulatory Compliance Manager position. Prefer JD with 1-2 yrs experience in Workers' Compensation Regulatory Compliance and experience in research & interpretation of state legislative mandates and case law. Responsible for development of white papers & position papers regarding anticipated trends and future legislative directions. Competitive compensation and great benefits. Apply online today at www.bunchcare.com.

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

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

Support Staff

PARALEGAL - Orlando Staff Counsel office for St. Paul Travelers seeks paralegal w/min. 2 yrs. exp. (5 atty PI/WC office.) Fax: 407-388-7801. St. Paul Travelers businesses are EOE.

Seeking Employment

3L SEEKING SUMMER INTERN POSITION in Orlando. Experienced in taxation; will work all areas. Trial team member; excellent research skills; has prepared memoranda, briefs, and motions. Hard-working, reliable, personable. Contact: lawclerk3@hotmail.com.

HUSBAND AND WIFE TEAM - 40+ combined years experience in PI, insurance, business litigation, mediations and arbitrations. Recently moved to area. Looking for part-time or contract work. One or both available to assist with discovery, depositions, hearings, mediation, arbitration, trial preparation and/or trial. 321-783-0304.

Office Space

EXECUTIVE SUITES - Full service. Convenient location. Starting at \$375/mo. 407-682-9600.

DOWNTOWN ORLANDO: East Jefferson Street. Two offices and two secretarial cubicles. Shared courier and receptionist. Telephone system, fax machine, copier included. Kitchen, common reception area, two law libraries. Available immediately. Covered parking available. Call 407-843-4310.

CLASS "A" - WINTER PARK - Many lease options from 500 to 5000 sq. ft. Beautiful, distinctive United Heritage Bank Building - 1211 North Orange Ave. Call Harvey V. Cohen. 407-898-4114.

GREAT LOCATION. 1920 North Orange Avenue. Full Service-receptionist, copier, fax, storage, conference room, phone, high speed DSL, free parking. Call Harvey V. Cohen. 407-898-4114.

VIRTUAL OFFICE - STARTING AT \$100/mo. Near downtown. Call 407-682-9600.

DOWNTOWN OFFICE SPACE: 740 N. Magnolia Ave., solo practitioner has extra office available for rent. \$700/mo. Includes secretary space, reception area, parking, and utilities. Call Richard Hornsby at 407-540-1551.

DOWNTOWN ORLANDO: 2600 sq. ft. office suite available for 3-year sublease. Flexible terms, including receptionist services, telephone and partially furnished. Historic Angebilt Building - 37 North Orange Ave. Call Jean Capen - 407-481-9449.

9,500 SF - PERFECT LAW OFFICE - One block from Park Avenue on NY Avenue in Winter Park. Free parking and possible signage. Contact Matthew McKeever 407-541-4416.

DOWNTOWN OFFICE SPACE FOR LEASE - 501 N. Magnolia across the street from the courthouse. 2550 SF, 828 SF or 3378 SF. Executive Suites Also Available. Contact the Bywater Company 407-206-7300.

601 N. MAGNOLIA AVE., Suite 300, Orlando, Florida, 32801 One office; space for secretary/paralegal; large conference room and small conference room; freshly painted; call 407-648-1525 or 407-650-9191.

MINUTES FROM COURTHOUSE: East Ridgewood Street. Within walking distance to Courthouse. Office space available - includes receptionist, waiting room, law library, kitchen, and convenient parking. Also available is phone system, fax, copier, paper, Internet, and West Law. Call 407-841-9336 for further information.

LAW OFFICE SPACE AVAILABLE IN A HISTORIC downtown building. Receptionist, conference rooms and other services provided. Call Paulette at Griffin & Linder, P.A. at 407-425-2518.

OFFICE SPACE - LAKE HIGHLAND PREP. AREA. 224 E. Marks - Completely Renovated and Upgraded Old House (Circa 1925), HARDWOOD FLOORS/WOOD TRIM - MUST SEE. Copier, conference room, fax, and law library available, free parking. \$465.00, plus tax and share utilities (1/3). (407) 648-1500.

DOWNTOWN/COLONIALTOWN - 1000 sq. ft., stand-alone office; plenty of parking; phone system; 2 offices call: 407-895-7557.

VIRTUAL OFFICING FROM \$85 PER MONTH. Save 80% over traditional office space! Downtown and SW Orlando locations. www.execusuitesinc.com 407-236-0400.

EXECUTIVE SUITES LOCATED IN DOWNTOWN Historic Angebilt or SW Orlando. www.execusuitesinc.com 407-236-0400.

Home for Rent

HOME FOR RENT: 821 Winthrop Place/Como area. 3/2 - Pool; All Appliances; Lawn Service; Pest Control. \$1,500. 1st/last + \$500 Security. 407-894-3883.

Professional Services

EDWARD C. BESHARA, P.A. - Exclusive & Experienced Immigration Attorney. Past President, American Immigration Lawyers Assoc. (Central Florida Chapter) For direct Inquiry call 407-629-6455.

CARLOS TORRES, Attorney Discipline, UPL, and Bar Admission matters. Former TFB Ethics Prosecutor (407) 849-6111.

BARRY RIGBY - DISCIPLINARY DEFENSE and Bar Admission matters. Former Florida Bar Chief Headquarters Discipline Counsel. 407-240-7500. www.barryrigby.com.

CLIENT NEEDS TO SELL THEIR HOME? Fast sales at fair prices. Any condition, any area. Top referral fees paid. 407-671-4308. www.sellmyhouse.cc.

*The attorneys and staff of
Taylor & Carls, P.A. congratulate*
Harry Carls and Robert Taylor
*on 25 Years of providing legal services to
Central Florida's Community Associations.*



HOT JOBS ORLANDO

Commercial Real Estate	2+ yrs exp
Trust & Estate	2+ yrs exp
Healthcare	2+ yrs exp
Land Use	3+ yrs exp

All Associate positions require top academics and excellent writing skills

PARTNERS NEEDED

We represent regional and national firms expanding into Orlando. Get in on ground floor for a more secure future and great compensation. Must have a book of business.

For more information call:
Sherry Schneider 877-223-1110
sherry@americanlegalsearch.com
www.americanlegalsearch.com

LEGAL SECRETARIES

- TEMPORARIES •
- PERMANENT PLACEMENT •

**MCCORMACK'S
SECRETARIAL SERVICE
(407) 365-5500**

Kathy

DOWNTOWN OFFICE SPACE FOR LEASE

600 - 900 Sq. Ft.
Available Immediately
320 North Magnolia Avenue
\$800-\$1,200/month, Net Electricity
1-2 Year Leases

CONTACT:

Charles J. Mitchell, CPM, CCIM
First Capital Property Group, Inc.
407-872-0209 cmitchell@fcpg.com

PHILIP L. PARTRIDGE, PA

Maitland, Florida
(407) 678-9200

Email: philpartridge@mac.com

FLAT FEE MEDIATIONS

FEE:

\$245 per party, flat fee, for simple to moderately complex 1st & 3rd party claims

CERTIFICATIONS:

Florida Supreme Court Certified Circuit Civil Mediator. Certified Continuing Education Instructor for Claims Adjusters

BACKGROUND:

Balanced 15 years Civil Litigation experience, primarily Personal Injury, including Plaintiff & Defense representation. Trials throughout Central Florida, along with several reported appeals. Certification Appeal Board for the City of Orlando. University level instructor, CE claims instructor & guest lecturer. University of Florida BSBA-87, JD-90.

VOTE FOR BILL UMANSKY FOR OCBA EXECUTIVE COUNCIL

Put proven experience and leadership to work for you!

- Orange County Bar Association Gala Committee, 2005-2006
- Co-Chairman, OCBA Criminal Law Committee, 2000-2005
- Vice Chairman of Teen Alternatives, Inc., 2003-2005
- Orange County Teen Court Board Member, 2003-2005
- Board of Directors, Central Florida YMCA, 2003-Current
- Central Florida Criminal Defense Attorneys Association, Current Board Member
- Inns of Court, 1997-Current



"I will work hard for all members of the OCBA"



Forensic, Litigation and Accounting Consultants, PLLC

FLA Consultants

- | | |
|-----------------------|-----------------------------|
| • Litigation Support | • Divorce |
| • Expert Testimony | • Insolvency / Bankruptcy |
| • Economic Disputes | • Receivership |
| • Business Damages | • Business Valuations |
| • Fraud Investigation | • CFO Outsourcing |
| • Fraud Deterrence | • Small Business Consulting |

Gail A. Kasmir, President
CPA, CFE, CVA, CFD, FLMI
407-767-7223, EXT 300

- ◆ Certified Public Accountant ◆ Certified Fraud Examiner
◆ Certified Valuation Analyst ◆ Certified Fraud Deterrence Analyst
◆ Fellow, Life Management Institute

**Need Help
with Your
Staffing Needs?**

**Call Charlotte at
422-4551**

**O.C.B.A. LEGAL
PLACEMENT SERVICE**

CONSTRUCTION DEFECT ATTORNEY

*w/min. 5 yrs. exp. in field.
Competitive salary,
Excellent benefits.*

Send resume to:
Mng. Counsel,
2420 Lakemont Ave., Ste. 125,
Orlando, FL 32814

FAX: (407) 388-7801

St. Paul Travelers businesses are EOE.

LITIGATION ATTORNEY

*w/min. 3 yrs. exp.
Competitive salary,
Excellent benefits.*

Send resume to:
Mng. Counsel,
2420 Lakemont Ave., Ste. 125,
Orlando, FL 32814

FAX: (407) 388-7801

St. Paul Travelers businesses are EOE.



ORANGE COUNTY BAR ASSOCIATION MEETING FACILITIES



FOR ROOM RATES AND AVAILABILITY CONTACT OUR EVENTS DEPARTMENT AT (407)-422-4551 EXT. 233
ORANGE COUNTY BAR ASSOCIATION
880 N. ORANGE AVE.
ORLANDO FL, 32801



2006

March - April Calendar

OCBA Luncheon • March 23, 2006

Sigrid Tiedtke

President, Enzian Theater

RSVP by March 21st to georgeE@ocbanet.org

March

- 1 Social Security Committee**
12:00 p.m. • Bar Center
- Family Law Executive Board Committee**
12:00 p.m. • Bar Center
- 2 YLS Evening with the Judiciary**
5:30 p.m. • Winter Park Farmer's Market
- Elder Law Committee**
12:00 p.m. • Bar Center
- 3 Criminal Law Committee**
12:00 p.m. • Bar Center
- CFAWL Bar Luncheon**
11:30 a.m. • Citrus Club
- 7 OCALSS**
6:00 p.m. • Bar Center
- 8 Business Law Seminar**
"Business Court II Revisited"
11:30 a.m. • Bar Center
- Judicial Relations Committee**
12:15 p.m. • Orange County Courthouse, 21st Floor Conference Room
- Estate Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- 9 Real Property Law Committee**
12:00 p.m. • Bar Center
- Young Lawyers Board Meeting**
5:30 p.m. • Bar Center
- 10 Diversity Committee**
12:00 p.m. • 255 S. Orange Ave., Ste. 1401
- 14 Executive Council Meeting**
11:30 a.m. • Bar Center
- 15 Solo & Small Firm Committee**
12:00 p.m. • Bar Center

- 16 Young Lawyers Luncheon**
11:45 a.m. • Citrus Club
- Paul C. Perkins Bar General Meeting**
6:00 p.m. • FAMU College of Law
- 17 St. Patrick's Day**
- Family Law Committee**
8:00 a.m. • 425 N. Orange Ave. Room 2310
- 21 Professionalism Committee**
8:00 a.m. • Bar Center
- International Law Committee**
12:00 p.m. • Rissman, Weisberg, Barrett, Hurt, Donahue and McLain, P.A., 201 E. Pine St.
- Inn of Court**
5:30 p.m. • Dubsdread Country Club
- 22 CFACDL**
11:45 a.m. • Sorosis Club
- OCBA/Economic Forensics Seminar**
"Ethics & Experts"
12:00 a.m. • Bar Center
- 23 OCBA Luncheon**
Sigrid Tiedtke
President - Enzian Theater
"The Independent Film Industry & the U.S. Film Festival"
11:30 a.m. • Downtown Marriott
- Paralegal Committee**
5:30 p.m. • Bar Center
- 24 Diversity Committee Seminar**
"Successful Lawyering in a Diverse Society"
1:00 p.m. • Bar Center
- Labor & Employment Committee**
12:00 p.m. • Bar Center
- 27 CFAWL Board Meeting**
12:00 p.m. • Bar Center
- 28 Legal Aid Society Board Mtg.**
11:45 a.m. • 100 E. Robinson St.

Technology Law Committee
12:00 p.m. • GrayRobinson

- 29 Business Law Committee**
12:00 p.m. • 255 S. Orange Ave., Ste. 1401
- 31 Bankruptcy Law Seminar**
"Abuse Prevention & Consumer Protection"
12:00 p.m. • Bar Center

April

- 4 OCALSS Meeting**
6:00 p.m. • Bar Center
- 5 Social Security Committee**
12:00 p.m. • Bar Center
- Family Law Executive Board Committee**
12:00 p.m. • Bar Center
- 6 Elder Law Committee**
12:00 p.m. • Bar Center
- Paralegal Committee**
5:30 p.m. • Bar Center
- 7 CFAWL Luncheon**
Legislative Process Program
11:30 a.m. • Citrus Club
- Criminal Law Committee**
12:00 p.m. • Bar Center
- 11 Executive Council Meeting**
11:30 a.m. • Bar Center
- 12 Estate Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- 13 Real Property Committee**
12:00 p.m. • Bar Center
- Young Lawyers Board Meeting**
5:30 p.m. • Bar Center
- 14 Good Friday**
Bar Closed

Dissatisfied with your current office equipment or service?
Maybe it's time to find a more cost-effective, productive
and reliable way to produce and manage your documents.

At DEX imaging, we have provided and implemented countless
document management solutions for law offices looking to
improve hard copy and digital document production,
archival and retrieval.

And though we represent Kyocera, an award winning
manufacturer of copiers, printers, scanners, and fax machines,
DEX imaging can provide authorized service for virtually
any make or model of office equipment.

DEX *imaging*



Orange County Bar Association members
receive 3 months of free maintenance
with each new system from DEX imaging

407-294-4116
www.deximaging.com



Recognized by JD Power & Associates for
Best Customer Experience, and winner of numerous
industry awards for service excellence.

T H E P O W E R O F O W N E R S H I P

OFFICE CONDOS IN TWO DOWNTOWN LOCATIONS

OVER 60%
RESERVED

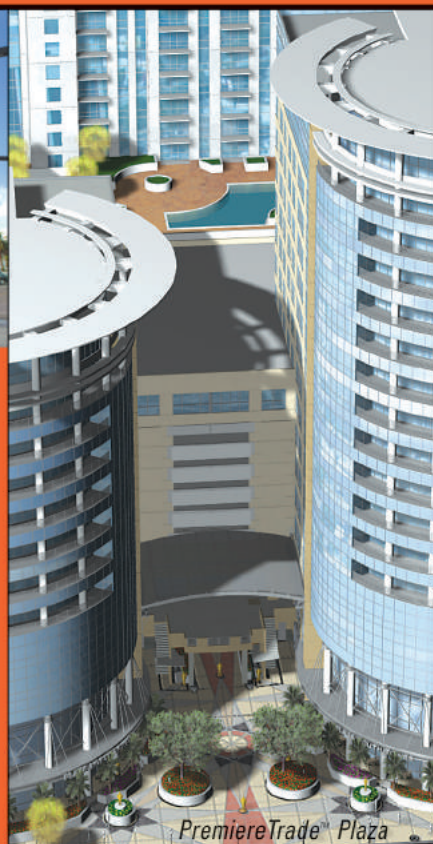


Cornerstone

**WALK TO THE COURTHOUSE
FROM YOUR NEW OFFICE.**

Cornerstone offers:

- A COMPLETELY RENOVATED BUILDING OFFERING 1,200 TO 20,000 SQ. FT. OFFICE CONDOS FOR IMMEDIATE MOVE-IN
- TEN MINUTE WALK TO THE COUNTY COURTHOUSE AND CITY HALL.
- EASY ACCESS TO I-4 AND SR 408.
- A PLANNED PARKING GARAGE WITH A COVERED WALKWAY TO THE BUILDING.



PremiereTrade Plaza

**OWN A PIECE OF
THE NEW ORLANDO.**

Lock in your firms costs with an office condo in the crown jewel of Downtown Orlando. You own your business, enjoy the power of owning your office space with incentives that include:

- EQUITY BUILD-UP
- TAX BENEFITS
- POTENTIAL APPRECIATION
- AVOIDING FUTURE RENT INCREASES

Great office condo locations are still available at PremiereTrade™ Plaza and Cornerstone. Go to the web addresses listed and view your selection.

PremiereTrade™
PLAZA
PLAZAORLANDO.COM



Kuhn Companies can make it easy to own your own office, from assisting with the design and build-out of your office to financing and leasing options for qualified tenants. Plus Cornerstone and PremiereTrade Plaza™ are both association managed.

MARKETED BY
TomCook
COMMERCIAL
LICENSED REAL ESTATE BROKER

CALL TODAY TO TAKE OWNERSHIP OF YOUR BUSINESS (407) 849.0102



The Briefs

880 North Orange Avenue
Orlando, Florida 32801

PRSR STD
U.S. POSTAGE
PAID
ORLANDO FL
PERMIT 2530