



March 2007 Vol. 75 No. 3

The Briefs

A Publication of the Orange County Bar Association

10th Annual OCBA Gala – March 31, 2007

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 • (850) 439-1001 • TELEFAX: (407) 331-3030

BRANCH OFFICE • 37 N. ORANGE AVE., STE. 500 • ORLANDO, FL 32801

BRANCH OFFICE • 201 E. GOVERNMENT STREET • PENSACOLA, FL 32501

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



- 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



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

- B.S., Nova Southeastern University

- J.D., Stetson Univ. College of Law

- Registered Respiratory Therapist

- Licensed in Florida

- Board Certified by the Florida Bar in Health Law



JOANNE KENNA
J.D., R.N.

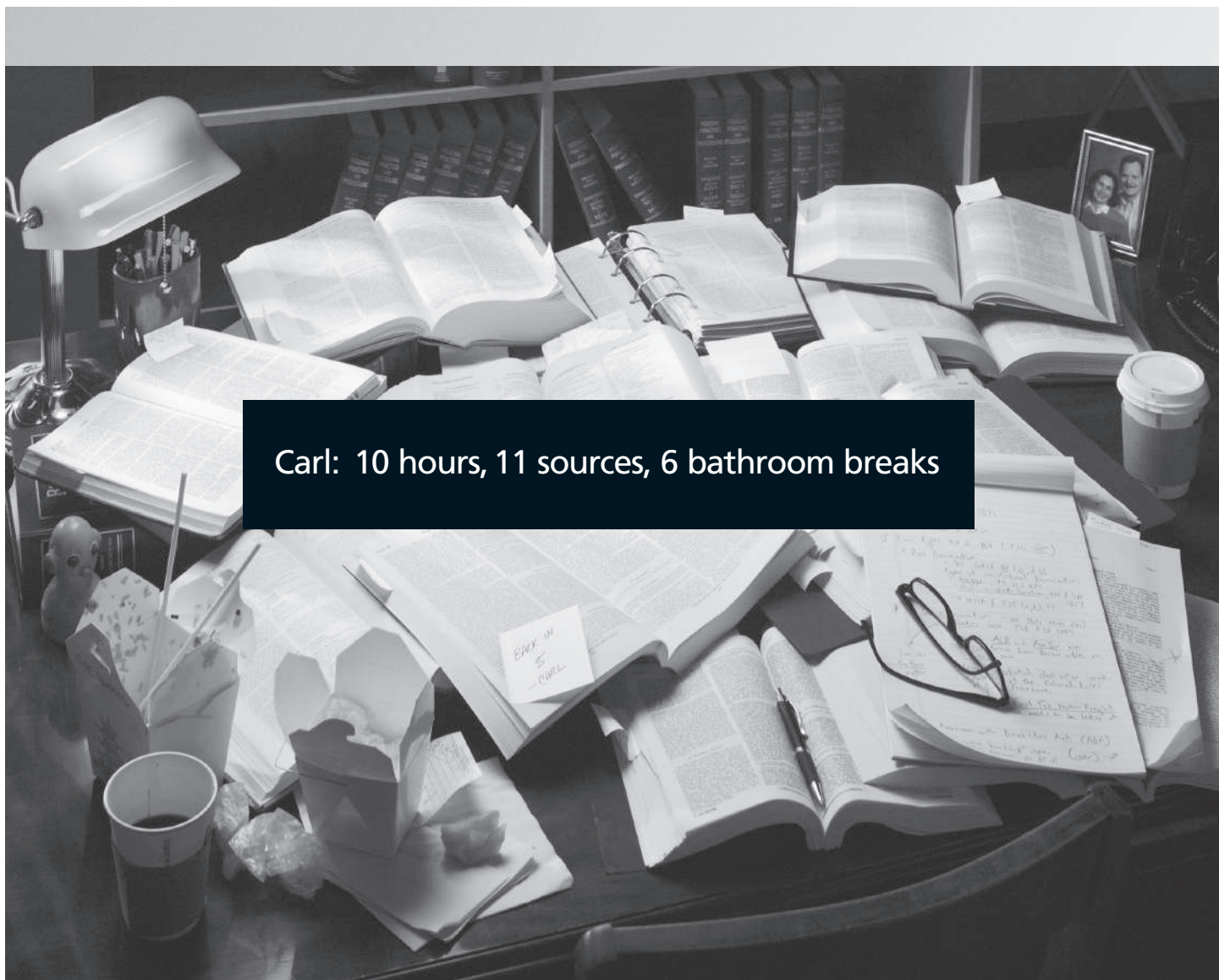
- J.D., Stetson Univ. College of Law

- B.A., Business Management, National Louis University (with honors)

- Diploma, St Anne's Hospital School of Nursing

- Licensed in Florida

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



Carl: 10 hours, 11 sources, 6 bathroom breaks

You: One click on ResultsPlus®

ResultsPlus puts a powerful law library behind your Westlaw® search, suggesting analytical materials relevant to your search topic. One click and your research may already be done! Get the right answer faster with ResultsPlus, exclusively on westlaw.com®. Maybe someone should tell Carl.

Now for individual cases, too!

Visit westlawresultsplus.com or call the
West Reference Attorneys at 1-800-207-9378 and enter 68121.

© 2005 West, a Thomson business L-312081/3-05

THOMSON
—*—

Differences that matter.

Westlaw®

Table of Contents

President's Message ————— 3

We The People... Don't Seem To Know Diddly
Thomas P. Wert

OCBA Luncheon Speaker ————— 5

Developing Downtown
Cameron Kuhn
CEO, Kuhn Companies

Professionalism Committee ————— 7

Professionalism, Mentoring & Signing Up!
Patrick M. Magill

Tort Law Committee ————— 9

No Immunity for Car Rental Companies
Melvin B. Wright

ABA - Transition to Retirement ————— 11

Winding Down and Moving On
Peter H. Geraghty, Director, ABA EthicSearch

OCBA Legal Aid News ————— 13

Susan V. Stucker Receives Ninth Circuit Pro Bono Award

Presentation Skills for Lawyers ————— 15

Landmarks: How to Safely Guide Your Audience to Their Destination
Elliott Wilcox

Rainmaking ————— 17

How to Use Seminars and Speaking Engagements in Your Marketing Plan
Mark Powers

Hearsay ————— 20-21

Kristyne Kennedy

YLS on the Move! ————— 23

Judith A. Garabo

Financial Planning ————— 29

A 401(k) Solution: Put Mutual Funds on Autopilot
Andrew C. Orr, CFP®, CLU, ChFC, AIF®

New Members ————— 31

Announcements ————— 33

Classifieds ————— 34

OCBA Calendar ————— 40

Cover Photo by Jennifer McCully, JM Design Studio, Orlando



Page 5



Page 7



Page 13



Page 9



Page 29

The Briefs

© 2007

Co-Editors

Jessica K. Hew & Tad A. Yates

Communications Manager

Peggy Storch

Hearsay Columnist

Kristyne E. Kennedy

YLS Columnist

Judith A. Garabo

OFFICERS

Thomas P. Wert, *President*
C. Gene Shipley, *President-Elect*
Jamie Billotte Moses, *Treasurer*
Diego "Woody" Rodriguez, *Secretary*
Bill Sublette, *Ex-Officio*
Wiley S. Boston, *President, YLS*

EXECUTIVE OFFICERS

Frank M. Bedell
Jessica K. Hew
Kristyne E. Kennedy
Rebecca L. Palmer
Paul J. Scheck
William C. Vose
Esther M. Whitehead
Tad A. Yates
Thomas A. Zehnder

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: 3/1/2007

The deadline for each edition will be the first 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.

All contents ©2007 Orange County Bar Association. All rights reserved.

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



We The People ... Don't Seem To Know Diddly

— Thomas P. Wert

Last month, I read an op-ed piece in a local newspaper which chastised a well respected jurist for entering an injunction prohibiting the disclosure of certain information by the media. It is my understanding the injunction was entered to safeguard certain privileges and, generally, protect an individual's right to privacy. It was clear to me that in criticizing the decision, the writer of the editorial did not understand, or did not care, that there are limitations on the right to free speech and free press. Meanwhile, the same newspaper reports that 48% of college students cannot identify the Declaration of Independence as the source of "we hold these truths to be self evident, that all men are created equal;" 75% of fourth graders cannot identify the Constitution as a collection of government rules; and a large portion of our citizenry cannot list the three branches of government. Even I am not immune. After reading one of my President's Messages, a colleague told me I needed a refresher course in Con-law. It seems we are all a little fuzzy on how our government works and what it can or cannot do.

Thankfully, our lack of constitutional know-how is not being ignored. Senator Bob Graham and Congressman Lou Frey recently pleaded with Florida to make civics a more integral part of the school curriculum; test it on the FCAT and establish a strategic center for citizenship aimed at "keep[ing] us on track to produce educated and effective citizens." They assembled a bipartisan committee, which developed a five-part initiative to address Florida's civics-education problems, and in January, they presented the plan to both the Governor and state legislative leaders. However, my guess is that they will get around to dealing with the civics issue sometime after dealing with our mushrooming property taxes and before tackling global warming, i.e., don't bet on a curriculum change mandate from the Capital anytime soon.

Here's the good news: The Judicial Branch and the Bar have already begun doing something about the problem. The OCBA Foundation, whose mission is to enhance the appreciation for the role of law in our society, has embraced

Florida Supreme Court Chief Justice R. Fred Lewis' *Justice Teaching* program. The goal of *Justice Teaching* is to pair a legal professional with every elementary school, middle school and high school student in the public school system in Florida. The program aims to develop students' understanding of the justice system, develop their problem solving skills and educate them about the effective interaction of our courts.

On January 29th, over 125 volunteers from the OCBA and other bar associations gathered in the Orange County Courthouse with Chief Justice Fred Lewis for training on *Justice Teaching*. The training session, coordinated by Ninth Judicial Circuit Judge Faye Allen, received rave reviews. With the help of Florida Bar President, Hank Coxe, and Orange County School Board General Counsel, Frank Kruppenbacher, we even received Florida Bar CLE credit for our time. I am told there will be another opportunity for training for those who missed it and the next step will be to march into the schools.

The courts have been called our "constitutional guardians." I think that means, as officers of the court, we all need to pitch in to protect the underpinnings of democracy. Support of the OCBA Foundation and its projects, e.g., *Justice Teaching*, is an easy way to fulfill that obligation. I encourage you sign up for *Justice Teaching*, if you are not already involved. To volunteer, please register online at www.justiceteaching.org/volunteering.shtml or you can contact me at twert@ralaw.com or (407) 835-8548.

You can also support the OCBA Foundation by sponsoring and/or attending the **Tenth Annual Orange County Bar Association Gala** to be held March 31, 2007, at the newly opened Premier Trade Plaza 11th Floor Terrace, 125 South Orange Avenue, Downtown Orlando, Florida. For more information, please contact me or OCBA Foundation President, Bill Sublette, at bill@sublettesanders.com or (407) 426-8551.

Peace and Happy St. Patrick's Day!

Thomas P. Wert is a partner with Roetzel & Andress, LPA. He has been a member of the OCBA since 1993.

JUSTICE TEACHING - Reaching Florida's Students One School at a Time

Volunteer today for Justice Teaching, a civic education initiative of Florida Supreme Court Justice R. Fred Lewis.

The program needs judges, lawyers and other legal professionals to STEP UP and STEP IN TO THE CLASSROOM to serve as Justice Teaching Resource persons in our local elementary, middle and high schools.

- Receive all training materials
- Make classroom visits
- Help with in-service training!
- Volunteer only one hour a month!
- Participate in teacher conferences!
- Assist with law-related education!

Read more about the goals of Justice Teaching and apply to be a Justice Teaching volunteer at www.justiceteaching.org



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.

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.

Pixton v. Scotsman,

924 So. 2d 37 (Fla. 5th DCA 2006)

Reversed dismissal of negligence action for failure to comply with RCP 1.070(j).

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



P.O. Box 953693
Lake Mary, Florida 32795

(407) 688-2700

Toll Free (866) 688-2700

www.appellatepartner.com

OCBA Luncheon Speaker



March 22, 2007



Cameron Kuhn **Chief Executive Officer – Kuhn Companies**

Developing Downtown

Cameron Kuhn is CEO of Kuhn Companies. A Chicago native, Kuhn began his career at age 18 as founder of Brothers Roofing in 1978. The following year, he began his first venture into real estate, eventually investing in 24 warehouses, warehouse conversions and apartment complexes.

But it was his move to Orlando that enabled him to become the consummate developer he is today. It didn't take him long to earn a reputation for restoring and renovating underperforming properties, transforming them into some of the most sought-after commercial and retail locations in the city of Orlando. At the same time, he founded and later sold Enviro-Check Water & Energy Conservation Company, named one of the fastest growing companies in America by *Inc. Magazine*.

Kuhn believes, "To love what you do is the first step to ultimate success. Creating anything is the greatest joy in life. I do what I do because I love to create. Doing what one believes is right - no matter what the cost - builds character. We live in a society where style has overshadowed substance. Character is the benchmark by which businessmen are judged."

He credits part of his success to engaging in great partnerships with like-minded firms that share his vision for Orlando and beyond. For more than a decade, an important part of his leadership team has included Attorneys Baker & Hostetler, Broker Tom Cook Commercial, Architects Baker Barrios and more recently CB Richard Ellis.

Kuhn is an avid sailor, art collector and the devoted father of two daughters and a son.

New Luncheon Location!

The Ballroom at Church Street • 11:30 a.m. - 1:00 p.m.
225 S. Garland Avenue • Orlando, FL 32801

Main Entrance:

Garland Ave. between Church St. and South St.
Enter through the doors between the pillars at the front.

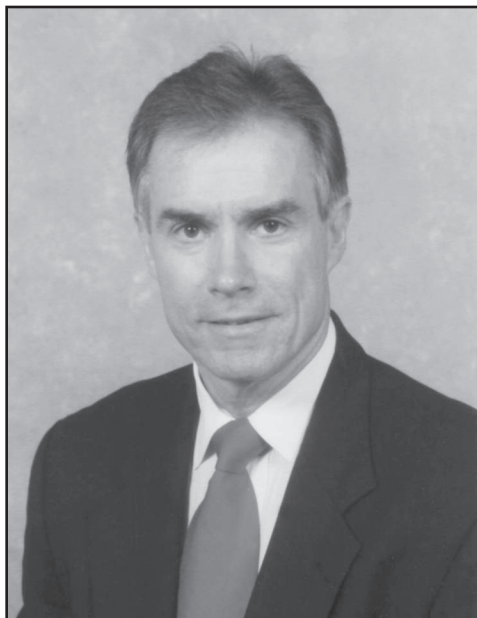
Parking:

Surface Parking Lot - Garland Ave. at South St. - \$7.00/space
Surface Parking Lot - Garland Ave. between Pine St. and Central. Rates vary.
City Parking - Beneath I-4 - Metered - \$.75/hr. Access from Hughey Ave.
City Parking - On Pine St. between Garland Ave. and Orange Ave. Metered - \$.75/hr.
SunTrust Bank Parking Garage - South St. and Boone Ave. Rates vary.
Church Street Parking Garage - Hughey Ave. and Bob Snow Ln. Rates vary.

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

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.

JPM JEROME P. McCAULEY, C.P.A.



OFFERING SPECIALTY SERVICES:

Probate & Trust Litigation Support
Forensic Investigations
Serving as a Trustee & Personal Representative
Fiduciary Accountings
Tax Filings & IRS Representation

Serving Central Florida for Over 30 Years

JEROME P. McCAULEY, C.P.A., P.A.

421 Montgomery Road, Suite 135
Altamonte Springs, FL 32714

407-869-0052

fltaxpert@aol.com

Dedicated to Professionalism, Responsiveness and Quality.

Visit this Website for more information: WWW.FLTAXPERT.COM

KELAHER LAW OFFICES

- :: Rated "AV" by Martindale-Hubbell
- :: Listed in Martindale-Hubbell's "Bar Register of Preeminent Lawyers"
- :: Listed in Leading American Attorneys
- :: Board Certified Civil Trial Lawyer by the Florida Bar
- :: Past President, Academy of Florida Trial Lawyers

Who'sWho
in American Law

MARTINDALE-
HUBBELL

BAR REGISTER
OF
PREEMINENT
LAWYERS™



LEADING AMERICAN
ATTORNEYS

America's Most Respected Legal Counsel As Selected By Their Peers.

Representing victims of legal
negligence in Central Florida
for over 25 years...

James P. Kelaher
One Orlando Centre
800 N. Magnolia Ave
Suite 1301
Orlando, FL 32803
(407) 841-7698 Telephone
(407) 649-7760 Facsimile
jim@kelaherlaw.com

www.kelaherlaw.com



Professionalism Committee

Professionalism, Mentoring & Signing Up!

Patrick M. Magill



I have decided, after thirty-one plus years of practicing law, that sometimes practicing with professionalism needs nothing more than simply to be friends. Let me explain.

I am often asked, as I know many of you are, how I can be friendly and enjoy my time with the “other side.” Clients often have a very difficult time, particularly in domestic practice, understanding how I can even shake the hand of my opponent, who is doing his or her best to undercut the position of my own client, much less smile and laugh with that person. My explanation is usually something like this: My best friends are lawyers; I enjoy the company of lawyers, who are intelligent, friendly and stimulating conversationalists. They have the same interests in life, the same goals, and the same perspective on making a living that I do. We usually share many of the same goals and life perspectives, and therefore attorneys are some of my very best friends. But nothing gives me more pleasure (and I know nothing gives them more pleasure) than beating my best friends in court, honestly.

It has been said so many times as to be a cliché that the practice of law seems, in many quarters, to have deteriorated into sharp practices, including an unwillingness to give common courtesy to each other or, often, the benefit of the doubt. I am happy and proud to report to my clients and friends that, all in all, practicing law in this Bar does not generally require me to deal with litigation on that level, but others have different experiences.

Two examples from my own experience, in the realm of appellate practice, illustrate the difference. In one case, I was late in preparing and filing a brief which was due, because I miscalculated the number of days from the last brief. I realized, after I was two days late, that I needed to ask for an extension or the brief might not be accepted. When I contacted the attorney for the other side to ask if he had an objection to my motion, his response was to file a motion to dismiss the appeal, requiring each of us to present lengthy memoranda of law on whether or not the dismissal should be granted, even though each of us had to know that appellate decisions are legion which hold that such motions, even if a day or two late, for an extension of time, should be routinely granted. In another case, my opponent was late in filing a brief and called me to ask if I had any objection to an extension. This lawyer, with whom I had litigated for four or five years, practiced law in south Florida. When my response was “Sure, no problem,” I heard a pregnant pause on the other end of the line, followed by his voice: “Really?” He was surprised at my immediate willingness to consent.

Where am I going with this? First, we have a high quality of standards in the Orange

County Bar Association and a culture of professionalism which is always in danger of erosion if we are not careful. Those of us who have practiced for a time need to be aware of those coming into the practice of our profession, who may have a different vision of how one practices law with professionalism. We need to treat these new lawyers with respect, but also with a friendly welcome and a willingness to mentor them and teach them how we treat each other in this Bar. How do we reach them? We do so by our willingness to volunteer our time, perhaps with the Professionalism Committee or other volunteer opportunities within the Bar. Perhaps with a willingness to participate with other volunteer organizations, such as the American Inns of Court, which exist for just this purpose.

I confess, here, a particular bias, as I have been a part of forming the Central Florida Family American Inn of Court, which is in its second year of existence. While we have made great strides in that organization, and I am very proud of being able to be a part of a group of quality professional practitioners, it is time also for us to reach out to newer members of the Bar, whom we may not even know. Consider, if you are invited, joining either this organization or the American Inn of Court for the general practice of law, which has existed in Central Florida for several years. Consider also nominating for membership in these organizations the people across whom you have come in your practice, who would benefit from being able to establish good, mentoring friendships and relationships with senior members of the bar and judges, all of whom already are a part of these organizations.

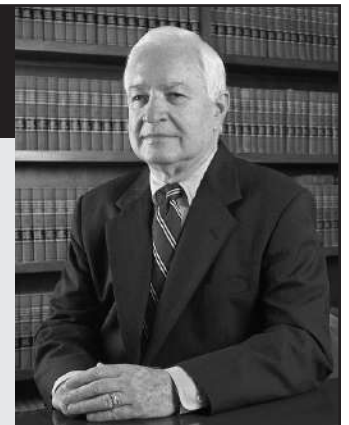
At the end of each of our meetings, one of our members proposes a toast. So, to end this somewhat wandering set of thoughts, let me propose one: Here is to all of my colleagues, my friends, my fellow practitioners. May we all practice with friendship and professionalism and courtesy, and I look forward to beating you in court next time!

Patrick M. Magill, Attorney at Law, has been a member of the OCBA since 1978.

*“Old litigators never die –
they just mediate”*

JACKSON O. BROWNLEE
Mediator

Call me for your mediation needs.
For biographical and calendar information
please go to www.brownlee-adr.com or
call 407-926-7712



TAD A. YATES

KIRKCONNELL, LINDSEY, SNURE & YATES, P.A.
1150 LOUISIANA AVENUE, SUITE 1 WINTER PARK, FL 32789
407.644.7600



“ I AM RUNNING FOR PRESIDENT-ELECT
OF THE OCBA AND WOULD BE HONORED
IF YOU WOULD CONSIDER GIVING ME
YOUR VOTE. ”



2006 Recipient of the OCBA “President’s Award” for Outstanding Service to the OCBA



2004 Recipient of the OCBA “Lawrence G. Mathews, Jr. Young Lawyer Professionalism Award”



Current Member of the OCBA Executive Council



Co-Editor of the newly revamped *Briefs* of the OCBA



Appointed to Board of Trustees of the OCBA Legal Aid Society in 2004, 2005 and 2006



Current Secretary of the OCBA Legal Aid Society



Past Chair of Criminal Law Committee of the OCBA



Once again, I thank you for your consideration. I would be honored to continue working with the fine leaders and great staff of the OCBA. If you wish to speak with me further about my candidacy, please feel free to telephone me at 407.644.7600 or to email me at yatest@criminaldefenselaw.com.



Tort Law Committee

No Immunity for Car Rental Companies

—Melvin B. Wright



In 2005, the U.S. Congress passed the Safe, Accountable, Efficient Transportation Equity Act Now. See 49 U.S.C. § 30106. While I am not sure what was “safe or accountable” about its provisions, I can say that its obvious intended effect was to abolish state statutes and case precedent making car rental companies vicariously liable for accidents caused by their customers.

Every year in Florida there are more than five (5) million rental cars on the roadways and in the hands of foreign and out of state drivers. These drivers are unfamiliar with the vehicles they are driving, as well as the streets and highways upon which they are traveling. According to a *Wall Street Journal* article in 1997, profits for just the top eight car rental companies in America were over two hundred forty-five million (\$245,000,000) dollars. Why the U.S. Congress would think it in Florida’s best interest to shift the accountability for a multi-billion dollar industry’s millions of vehicles traveling on Florida roadways from that industry to the State of Florida and its citizens is beyond the understanding of my feeble mind. But, indeed, that was the intended effect.

Fortunately, the attempt has failed. I hope. 49 U.S.C. § 30106 provides in pertinent part as follows:

Section 30106. Rented or leased motor vehicle safety and responsibility

(a) In general- An owner of a motor vehicle that rents or leases the vehicle to a person (or an affiliate of the owner) shall not be liable under the law of any State or political subdivision thereof, by reason of being the owner of the vehicle (or an affiliate of the owner), for harm to persons or property that results or arises out of the use, operation, or possession of the vehicle during the period of the rental or lease, if--

(1) the owner (or an affiliate of the owner) is engaged in the trade or business of renting or leasing motor vehicles; and

(2) there is no negligence or criminal wrongdoing on the part of the owner (or an affiliate of the owner).

(b) Financial responsibility laws- Nothing in this section supersedes the law of any State or political subdivision thereof--

(1) imposing financial responsibility or insurance standards on the owner of a motor vehicle for the privilege of registering and operating a motor vehicle; or

(2) imposing liability on business entities engaged in the trade or business of renting or

leasing motor vehicles for failure to meet the financial responsibility or liability insurance requirements under State law.

The drafters of this legislation included language specifically stating that its provisions are not intended to and do not supersede any state’s financial responsibility laws. Fortunately for Florida residents and pedestrians, Section 324.021(9)(b)(2), Fla. Stat., providing that car rental companies are responsible up to certain amounts is a part of Florida’s Financial Responsibility laws. That section makes car rental companies responsible for \$100,000 per person and \$300,000 per incident for bodily injury. It further provides that car rental companies are responsible for an additional \$500,000 in economic damages if the renter is uninsured or has bodily injury liability insurance limits of less than \$500,000.

Several trial courts have issued orders finding that Florida’s Financial Responsibility law controls over the new federal statute. There are no current appellate opinions on the issue, but there is one case that provides some guidance. *Folmar v. Young*, 591 So.2d 220 (Fla. 4th DCA 1991) addresses the distinction between the financial responsibility law and the dangerous instrumentality doctrine, which the federal statute is clearly intended to abolish. One would expect that the federal statute’s very language does not supersede the financial responsibility laws applicable to car rental companies, particularly given such case law distinguishing financial responsibility laws and Florida’s dangerous instrumentality doctrine, which is a judicially created doctrine of vicarious liability.

In New York, a recent state court held the new federal statute unconstitutional as an invalid encroachment of state law. See *Graham v. Dunkley*, 2006 WL 2596327 (N.Y. Sup. 9-11-06). No Florida court has addressed the constitutionality of the federal statute. The New York court held that a New York statute defining the scope of vicarious liability is a part of New York’s substantive tort law, having nothing to do with “commerce.” Therefore, the New York court held that the federal statute is not authorized by the Commerce Clause of the United States Constitution, Section I, Article 8, Clause 3.

It would appear that the attempt to eliminate entirely rental car companies’ vicarious liability for the negligence of renters in Florida was a failed attempt and may have even been unconstitutional. Florida motorists at least have their financial responsibility laws to fall back upon. As limited in its remedy as it may be, the financial responsibility law at least provides that damages of \$100,000 per person/\$300,000 per incident for bodily injury, plus \$500,000 for economic damages in some cases, must be born by the multi-billion dollar industry that places these motor vehicles on our roads.

Melvin B. Wright is a partner with Colling Gilbert Wright & Carter, LLC. He has been a member of the OCBA since 1986.

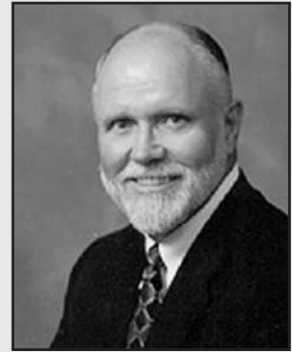
When your case requires a Special Master to assist with discovery, depositions, case coordination, settlement administration, judgment monitoring or other complex matters...

HOWARD R. MARSEE

Experienced Special Master

Member: Academy of Court-Appointed Masters

- *Former Civil Trial Attorney experienced in a wide variety of complex litigation*
- *Available for both state and federal cases*
- *Also available to serve as mediator and arbitrator*



UPCHURCH WATSON WHITE & MAX MEDIATION GROUP

covering new TERRITORY in *alternative dispute resolution*
throughout Florida and the Southeast

Phone: 407-661-1123

www.uww-adr.com

Fax: 407-661-5743

Daytona Beach

Maitland / Orlando

West Palm Beach

Miami

Birmingham



Continuing Legal Education

"LUNCH & LEARN SEMINARS"

FREE Monthly CLE Seminars

April topic:

***"Effective Telephone Negotiations:
Before, During and After Mediations"***

SPEAKER: Howard Marsee

CLE = 1.0 Hour (Applied For) • Lunch Provided

Wednesday, April 4, 2007

11:45 am - 1:00 pm

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

Please 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





ABA - Transition to Retirement

Winding Down and Moving On

Peter H. Geraghty, Director, ABA EthicSearch

You have had a small practice for the past 30 years. The majority of matters you handle include real estate, probate and family law matters.

You've always had an interest in gardening. Over the past 5 years you've been volunteering your time at a local community supported organic farm and have become intrigued with the possibility of becoming involved with it on a full time basis. Your analytical and organizational skills would be very useful to help develop the farm and to expand its volunteer base. You figure now is the time.

Before you move on, you will need to close down your law practice. What are some of the ethical considerations you should keep in mind?

- *Can you sell your law practice? If you can, what are the general requirements of the sale of a law practice rule?*

- *If you decide to simply wind down the practice without selling it, what are your obligations to your clients? What are your obligations with regard to closed or dormant client files?*

ANALYSIS

Sale of a Law Practice

In February of 1990 the ABA adopted Model Rule 1.17 *Sale of a Law Practice*. Rule 1.17 was subsequently amended pursuant to the recommendations of the ABA Ethics 2000 Commission (E2K) in February of 2002. The Rule as adopted in 1990 required that the practice be sold in its entirety. The E2K inspired amendments, among other things, permit a lawyer to sell discrete parts of his practice. The E2K Reporter gave this explanation for the change:

The Commission believes that the present requirement is unduly restrictive and potentially disserves clients. While it remains important to ensure the disposition of the entire caseload, it is not necessary to require that all cases must be sold to a single buyer. For example, it may make better sense to allow the sale of family-law cases to a family lawyer and bankruptcy cases to a bankruptcy lawyer. Common sense would suggest the lawyer should sell the cases to the most competent practitioner and not be limited by such a "single buyer" rule, and paragraph (b) has been redrafted accordingly.

For further information on the ABA E2K Report and the E2K Reporter's explanation of changes memos, visit the ABA E2K Web site.

In a nutshell, Rule 1.17 permits a lawyer to sell his entire practice or an area of his practice if:

- The seller ceases to practice law or ceases to practice law in the area of practice that has been sold
- The seller gives written notice to each of the seller's clients notifying them of the proposed sale, the client's right to retain other counsel or to simply take possession of the file, and that the client's consent will be presumed if the client does not object within 90 days of receipt of the notice.
- If the client cannot be given notice, the file can be transferred to the buyer only by court order.
- The fees charged clients are not increased because of the sale.

The Comments to the Rule provide additional guidance. For example, Paragraph 11 of the Comment states that the seller has an obligation to exercise competence in identifying a purchaser qualified to assume the practice, (*See Rule 1.1 Competence.*)

State Versions of Rule 1.17

Since the ABA added Rule 1.17 in 1990, it has been adopted or used as a model by at least 42 jurisdictions. There can be significant variations in the state versions of the Rule. For examples of these variations, see the materials posted on the additional resources page. In three jurisdictions that have not adopted a version of 1.17, state bar ethics committees have issued opinions permitting the sale of a law practice. *See, e.g., Conn.Ethics Op. 99-10 (1999), D.C.Ethics Op. 294 (1999) and Kan.Ethics Op. 93-14 (1993).*

Law Review Articles, Treatises

In a nutshell, Rule 1.17 permits a lawyer to sell his entire practice or an area of his practice if:

There have been several law review and bar journal articles written on the topic of sale of a law practice. One commentator has written an entire treatise on the subject. *See, Poll, Selling Your Law Practice: The Profitable Exit Strategy*, LawBiz Management Co. (2005). Other treatises devote separate chapters to the subject. *See, e.g. Rotunda and Dzienkowski, "Sale of a Law Practice" Legal Ethics, the Lawyer's Deskbook on Professional Responsibility*, at page

Continued on page 24

Chief Judge Belvin Perry, Jr. Re-elected as Chief Judge

On February 1, 2007, the judges of the Ninth Judicial Circuit unanimously re-elected the Honorable Belvin Perry, Jr. as Chief Judge for the term beginning July 1, 2007 through June 30, 2009. "I am very proud to serve as Chief Judge," stated Chief Judge Perry, who has held the title for ten years. "I look forward to great achievements in the coming year."

The Ninth Judicial Circuit serves the residents of Orange and Osceola Counties and is one of the largest Judicial Circuits in the State with 65 judges.

Judge Perry has served as Chief Judge from July 1, 1995 through June 30, 1999 and from July 1, 2001 through the present. Judge Perry has served as a judge in the Ninth Judicial Circuit since 1989. Throughout his years of judicial service, he has held a number of administrative positions, including serving as Administrative Judge of Osceola County.

Judge Perry received a Juris Doctor from Thurgood Marshall School of Law, a Masters Degree in Education from Tuskegee University and a Bachelor of Science in History also from Tuskegee University.



Jessica K. Hew

Candidate for OCBA Secretary



Put proven leadership to work for the OCBA in 2007-2008.

- 2005-06 Recipient of the OCBA President's Award for Outstanding Service to the Orange County Bar
- 2004-05 Recipient of the OCBA Outstanding Executive Council Member Award
- 2004-05 Recipient of Award of Excellence for Outstanding Service as Member-at-Large OCBA Young Lawyers' Section Board of Directors
- OCBA Executive Council (2003-Present)
- OCBA Young Lawyers' Section Secretary (2002-04)
- OCBA Young Lawyers' Section Board of Directors (2001-05)
- OCBA Young Lawyers' Section ABA Affiliate Representative (2002-2005)
- OCBA *The Briefs* Editor (2005-Present); Director (2003-04); *Hearsay* Columnist (2000-05); *YLS: On the Move* Columnist (2001-02)
- OCBA Inaugural Social Committee Chair (2004-05); Member (2004-Present)
- OCBA *Brown v. Board* Community Liaison (2003-2004)
- OCBA Diversity Committee (2002-2004)
- Citizens Dispute Settlement Mediator (1998-2000)
- Guardian Ad Litem (1997-1998)

For more information on qualifications or to discuss platforms or issues, please contact Jessica at 407-647-4455 or jhew@grahambuilder.com

CT Summation

Sales

- Pre-sales consulting
- Free Demonstrations
- Upgrades, additional licenses, maintenance
- Installation and Configuration available

Training

- By a CT Summation Certified Trainer in your office
- By the hour, day, or topic
- For IT staff, paralegals, attorneys

Consulting

- Problem solving
- Error resolution
- Troubleshooting
- Best Practices
- Remote access available

LAPTOPS *Plus*

telephone: 407-740-7587

email: Richard@laptopsplus.com

www.laptopsplus.com/summation



OCBA Legal Aid News

Susan V. Stucker Receives Ninth Circuit Pro Bono Honor

Legal Aid Society of the OCBA



In Tallahassee on Thursday, January 25, 2007, Susan V. Stucker received The Florida Bar President's *Pro Bono* Award for the Ninth Judicial Circuit. In a ceremony before the Florida Supreme Court, other bar members, and guests, Bar President Howard Coxe recognized Susan along with one attorney from each of Florida's circuit courts.

Susan was nominated by Legal Aid for her *pro bono* work over the past twenty years.

She started her legal career with Akerman Senterfitt and then went to Baker & Hostetler. She became in-house Counsel with United Telephone in 1991 and is Senior Counsel with Sprint (Sprint Nextel Corporation) practicing in the area of labor and employment law. She is a graduate of Florida State University with a B.A. and a J.D. with high honors in 1985.

In 1990, Susan was appointed as GAL for seven children. The children's mother had her first child at age 15. The mother had never learned parenting skills but was offended that anyone would tell her how to raise her children. Susan reflects on the case:

She [the mother] had extreme conflicts with DCFS but was willing to listen to me. She decided to do whatever she needed to do in order to get her kids back. By the time the parenting classes were over, she knew she had learned from the process and was a better mother for it. The case went to 1997 because the children were returned to her one at a time. The maternal grandmother maintained custody of the two youngest because they had been with her since birth. The mother had all of her children returned to her by Christmas 1997. At the time, I was pregnant and gave birth to my daughter in 1996. After the case was over, all of the children called me on Mother's Day to wish me a Happy Mother's Day. It made me feel great that they would think of me on that day.

In 1997 Susan was appointed as GAL for three siblings. The mother was neglectful and the father was non-existent. Susan offers a snapshot of the lives of the three young adults now:

All three children took different routes, but all accepted my help and advice. The oldest aged out and found work and is living independently. The middle child has a learning disability, but she was placed in a foster home early in her dependency and she blossomed. She went through the subsidized independent living program, which helped her get on her feet, and she is now 20 years old and living on her own. The youngest child had a difficult time bonding with anyone and as soon as she would find a good placement, she would have behavioral problems. She was 8 when she went into foster care and is now 17. She recently became

a mother and we are hoping to get her the parenting skills she needs, but I am concerned.

In 1999, Susan was appointed as a GAL for David, a four-year-old boy. In speaking of his circumstances, Susan notes:

Today he is an 11-year-old boy whom I consider a friend. At the time I first met him, his mother was a crack addict with a history of drug addiction and several children by different men. His father was in prison in a neighboring county. The maternal aunt and uncle adopted all of the children except David. A great result for David's siblings. However, because David is biracial, the aunt and uncle were not interested in adopting him. He was placed into a wonderful foster home, with a husband and wife who have a grandparent-like relationship with him. He is still there today. His mother never tried to contact him, but his father sent him cards and letters regularly. Although David loves his foster family, he still craved contact with his parents. I decided he should meet his father and so after serious negotiation and pleading, I made arrangements for David to have a special visitation with his father. To this day, that was one of the best days of my career. When I picked up David to take him to the prison, he was so excited. He said he could not sleep the night before at all – he was seven years old. The guards at the prison told me that his father had also not slept from the excitement. David and his father had a great visit. On the way back, David and I were talking and laughing. Then I realized I was the only one talking, so I turned around and he was asleep on my backseat. The foster family agreed to take David to the prison for monthly visitation and they followed through with that commitment, which was great for David. His father was released in 2004, but has not done what he needs to gain custody of David, but they at least have a relationship.

During her years of service, Susan has been appointed Guardian *ad Litem* for 71 children in 37 cases. She has closed seven cases with more than 100 hours, and she has totaled more than 3,700 on closed cases. She is currently a GAL for six children.

Susan also volunteers with COMPACT, a non-profit group providing mentors and support to at-risk high school students, where she is currently serving on its Board of Directors.

She is married to Bruce Stucker, an attorney, and has a daughter, Cassidy, age ten.

Submitted by the Legal Aid Society of the OCBA.

THE CARLYLE APPELLATE LAW FIRM

A MEMBER OF THE FLORIDA APPELLATE ALLIANCE, PLC

SEEKS YOUR SUPPORT IN ELECTING **NICHOLAS A. SHANNIN** FOR OCBA EXECUTIVE COUNCIL



As an appellate lawyer and mediator, I consider myself a friend to all sections of the bar: plaintiff or defendant; large firm or small; administrative, state or federal, to name a few. The important thing is that we work together, collectively, regardless of what "section" or area of practice we're in to make the OCBA a stronger, better bar for each of our members. I would appreciate your support and your vote to put my energy to work on your behalf.

Sincerely,
Nicholas A. Shannin
Shareholder, The Carlyle Appellate Law Firm

Mr. Shannin has a wide scope of knowledge in many aspects of law. The Carlyle Appellate Law Firm is proud to have him as an elite member of our team. Some of his many accomplishments that we believe will make him a worthy OCBA Council Member include:

- President of the Young Lawyer Section
- President and Gala Chair for the OCBA Foundation
- Recipient of the OCBA's Lawrence G. Mathews Professionalism Award
- AV Rated by Martindale Hubbell
- The Orange County Legal Aid Society & Board of Trustees
- President of West Orange Habitat for Humanity

*For your next mediation
please consider:*

PATRICK C. CROWELL

*Florida Supreme Court Certified
Circuit Court Mediator*



**MEDIATION SERVICES IN CIVIL CASES,
PRELITIGATION, PRETRIAL
AND ON APPEAL.**



***With more than 25 years legal experience
in various matters including:***

- Construction disputes
- Contract disputes
- Business issues
- Landlord/tenant issues
- Labor/employment issues
- Tort/personal injury cases
- Environmental concerns
- Real Estate/Title Insurance

"It would be a privilege to work with you in attempting to settle your client's dispute, avoiding the cost and time of trial. I offer my experience, understanding of negotiation and determination to achieve resolution efficiently."

407-251-1131

Patrick C. Crowell, P.A.,
4853 S. Orange Ave., Suite B, Orlando, FL 32806



Presentation Skills for Lawyers

Landmarks: How to Safely Guide Your Audience to Their Destination

— Elliott Wilcox



It was my first time driving to my friend's new house, so I called and asked him for directions. "Oh, it's easy to get here," he said. "Just get off the interstate at exit 17, take the sixth left, and keep following that road (it's going to twist and turn for a while) for a few miles until you see a gigantic Paul Bunyan statue. Take a right three lights after that, and you'll see my car."

The drive started without incident, but after I'd been off of the interstate for more than 15 minutes, I wasn't sure that I was still on the right road. I muttered to myself, "Did he say take the fifth left, or the sixth?" After a few more minutes of driving, I was convinced that I'd taken the wrong road. "If I don't see a gas station in the next few minutes," I thought, "I'm gonna turn around and head back to the interstate."

Just as I was about to give up, I saw the gigantic looming figure of a 40' Paul Bunyan statue staring down at me. A moment before, I'd thought I was lost, but now I knew that I was on the right road. I continued driving for a little while and soon arrived at my friend's house.

Have you ever had a similar experience? Have you ever thought you were lost, but then saw something that showed you that you were on the correct path?

What you saw was a landmark. Landmarks make it easier for us to follow directions. If you've ever given someone directions to your house or to your office, you probably used landmarks to guide them. Landmarks help ensure us that we're on the correct path and remind us that we're making progress towards our destination.

But did you know that you can also use verbal "landmarks" in your presentations to remind your audience that they're on the correct path and guide them towards their destination?

Start by comparing your presentation to a road trip. Before you start any road trip, you want to know where you're going, right? It's no different when you speak. What do you want the audience to think, feel, or do *differently* after you conclude your presentation? That's the destination for your presentation. Your goal for your presentation is to help guide your audience towards that destination.

Just as landmarks would help guide you towards your road trip destination, they can also help guide your audience towards the destination for your presentation. At the beginning of your presentation, start by sharing your destination with your audience. Give them an idea where they're going to end up. ("At the end of this presentation, you're going to learn some simple and effective ways to safeguard your employees against identity theft.") By telling them in advance where they're headed, you'll make it easier for them to follow directions and stay on the path.

To keep your audience on course, the next thing you'll want to do is identify the landmarks they'll encounter along the journey. ("You'll learn how to help safeguard your employee's personal information in three different areas. First, in their personnel files at your office. Second, on your company's computer network. And finally, in your employees' homes.")

Then, as you speak, point out the landmarks to your audience. When you point out the landmarks, use exactly the same language that you originally used to describe them. ("The first place we'll talk about safeguarding your employee's personal information is in their personnel files at your office.") An easy way to create landmarks is to use numerical identifiers ("first," "second," etc.) These verbal clues will remind your audience how far they've traveled, and let them know how much further they have to go before reaching their final destination.

The quality and the quantity of the landmarks you point out will depend on the length of the trip you've planned. For a short trip (less than eight minutes), you might not need to point out any landmarks at all. For a medium trip (ten to thirty minutes), you might need a few landmarks to help them find their way. For a longer trip, you might want to hand them a map (outline) or use an overhead projector to point out the landmarks along the way.

The reason you're speaking to this audience is to help them safely reach a new destination. When you finish speaking, you want them thinking, feeling, or doing something *differently* than they did before you started speaking. If you've ever driven somewhere and haven't had the benefit of landmarks pointing the way, you know how easy it is to become frustrated. ("Am I halfway there? How much further do I have to go? Am I even on the right path?") Without verbal landmarks, your audience can feel the same way. Verbal landmarks will help you keep your audiences on the path and help them chart their progress. Use landmarks wisely, and you'll safely guide your audience to their destination.

Elliott Wilcox is the editor of Trial Tips Newsletter. To collect your free special report, "How to Become the Best Trial Lawyer in Your Courthouse - The Top Ten Tips for Trial Lawyers," send an email with the subject line "OCBA" to FreeTips@TrialTheater.com



MEDIATION James A. Edwards

**Commercial, Construction, Malpractice,
& Personal Injury**

Certified Civil Mediator & Certified Civil Trial Lawyer
Trial, Appellate, Pre-Suit & Federal Mediations

Downtown Conference & Media Facilities

(407) 872-7300 • JEDWARDS@RUMBERGER.COM

Hannah, Estes & Ingram, P.A.

heartily congratulates its founding partner,

Robert A. Hannah,

upon the occasion of his appointment as
Deputy Attorney General / Chief Counsel
of the Office of Florida Attorney General.

The Firm shall continue its practice in the
defense of civil actions as

Estes, Ingram, Foels & Gibbs, P.A.

37 N. Orange Avenue
Suite 300
Orlando, FL 32801
407-481-9449

Refer to a Firm you can Trust.



**3 Board Certified
Civil Trial Lawyers**

**7 Attorneys With
Over 150 Years of Combined
Courtroom Experience**

LILLY, O'TOOLE & BROWN LLP

Have a case in the 10th Circuit? The Lawyers of Lilly, O'Toole & Brown, LLP with offices in Hardee, Highlands and Polk Counties, are proud of the referral relationships they have with lawyers throughout the State of Florida. We welcome and carefully consider all referrals and are happy to serve as co-counsel in cases as well.

Bartow
(863) 533-5525

Haines City
(863) 422-1282

Lakeland
(863) 683-1111

Lake Wales
(863) 676-1991

Sebring
(863) 471-0003

Find out more about our Firm @ www.LOBLAWYERS.com



Rainmaking

How to Use Seminars and Speaking Engagements in Your Marketing Plan

Mark Powers



One of the most powerful ways to position yourself as an expert, and increase the number of clients interested in your services, is to conduct seminars, lead workshops and speak in front of targeted groups. As part of a word-of-mouth marketing plan, public speaking can expose you to greater numbers of people, showcase your expertise and accelerate your success.

It is important to target the proper audience for your speech, presentation or seminar. Many attorneys, for example, market their seminars directly to prospective clients. But the direct approach may not suit you or be appropriate for your practice area. Your target audience may be attorneys with whom you desire to build credibility because of their ability to send business. Or, for that matter, non-attorney referral sources for their ability to send business. No matter who your target audience is, take time to find the right fit from the beginning, as all of your plans – including what content you will teach and how you will enroll your audience – hinge on this important factor.

Once you've determined your target audience, determine their issues and concerns. Your seminar will compete for attention with many distractions in their busy lives. Why would they take time out of their busy schedules to attend your seminar? Instead of relying on your own opinion, survey a representative mix of your target market (potential or existing clients, referral sources or other attorneys) for hot topics and issues that currently interest them. Once the topic is selected, create visual aids or a Powerpoint presentation to assist you in explaining it. Develop handouts that participants can take home with them and include your contact information in a prominent location. Give yourself three hours of prep time for every hour on stage if you are presenting a topic familiar to you. Allow much more time if you are tackling a complex or unfamiliar topic.

To determine how to deliver your seminar, consider the four most common types of presentations. The *self-sponsored approach* is where you, the attorney, would sponsor and be the sole leader of the seminar. The *partnering approach*, where you co-lead the seminar with one or two other presenters, is another option. The other presenters might be partners in your firm, attorneys from other firms or referral sources. This approach gives you the ability not only to market the seminar to your client database, but to the co-leaders' databases as well. Also consider the *third-party sponsor approach* where the sponsor promotes your seminar or adds you as a speaker to an existing program or conference. This approach can give you added credibility and increased exposure. Finally, there is the *panel approach*, which is easy to do and has the advantage of being more interesting to the audience due to the multiple perspectives

presented. With the panel approach each presenter has a small amount of time to present his or her view on the topic, with the audience being invited to ask questions and interact with panel members. This lively presentation approach allows the audience to tailor the presentation to their needs due to its interactive nature.

The date for your seminar should not conflict with the business cycles of your target audience. If you create a seminar for CPAs, for example, during tax season – don't expect high attendance. When you consider that many people are away during the summer and too distracted during the end of the year holidays, spring and fall are usually the best times to schedule your seminar. Do remember to schedule enough time before your seminar to send invitations or place advertising in order to fill the room.

In most metropolitan areas there are a number of different locations that can host your event. Ballrooms in large hotels or banquet rooms in a local restaurant are popular options. If you expect only a small number of attendees, your seminar could be held in the conference room at your office or at a sponsor's facility.

There are a number of ways to fill your seminar. You might create and mail invitations to people in your database of past clients and referral sources; advertise your seminar in a flyer or newspaper insert; or place an ad in a journal or newsletter your target audience might read. You could also purchase a bar association or other organization's mailing list and send out a direct mail piece. Whatever method you decide to use, include a confirmation request – usually a phone number for participants to call and register. This will enable you to predict the amount of materials and seating to provide.

A special "offer" should be given to the audience at the end of every seminar you present. By offering something to the attendees, such as a free packet of information, you remove any hesitations an audience member may have to contact you in order to send you business, ask questions or become a client. Begin the offer by informing the audience that since there isn't enough time to answer all of their questions, you'd be happy to offer a free (or reduced fee) telephone or office consultation, or mail them information on your firm, or place them on your mailing list to receive your newsletter. If possible, get a list of the attendees beforehand or collect business cards at the end of the seminar.

The most important part of the seminar may well be what you do when it is over. The follow-up plan is critical to a successful seminar – this is where the full impact of all the time you've spent preparing and presenting, pays off. The follow-up plan might consist of calling the attendees

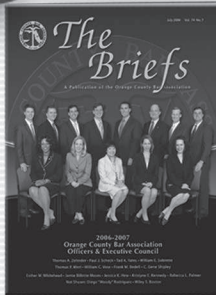
Continued on page 19



Orange County Bar Association Advertising & Sponsorships

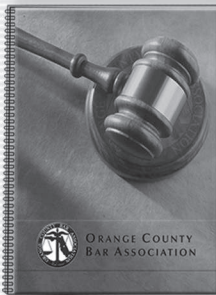
www.OCBApublishing.com

**Increase Your Visibility! Promote Services!
Build Your Practice!**



The Briefs Magazine

The Briefs, our showcase publication, is distributed to more than 3,100 members and advertisers monthly. Place your firm's display advertisement and reach an influential readership - your next referral may come from a colleague who sees your ad!



OCBA Membership Directory

The **Annual Membership Directory**, an OCBA publication that's prized by attorneys and their staffs, offers you the chance to have your firm's message accessible to 3,100 attorneys (and other advertisers!) year round. Sign up for the Lawyer-to-Lawyer Referral Index or purchase a display ad!

Sponsorship

Sponsor an OCBA Event! With more than 20 events each year, the OCBA offers your firm the high visibility associated with exclusive event sponsorship or co-sponsorship! Sponsor the Annual Gala, a Luncheon, a Young Lawyer's Happy Hour or a Golf Tournament, to name a few. Sponsorships include complimentary admissions, free advertising in **The Briefs**, free publicity in our e-mail "**Discovery**," signage at events and much more. Don't miss this opportunity to be front and center!

Let us design your ad!

Not only does a high quality advertisement show your clients that your firm is professional, but it also differentiates you from your competitors and creates a powerful memory in the minds of potential clients.

When OCBA members need to refer a case, they'll think of you! Call today for an estimate.

These are just a few examples of our Graphic Design capabilities.



OCBA Publishing

Phone: 407•857•8090

Fax: 407•855•3883

Email: Info@OCBApublishing.com

www.OCBApublishing.com

are existing, or potential, referral sources to schedule time together. Or, you might request that the seminar attendees fill out an evaluation form after the seminar and indicate if they'd like to be contacted. Attendees could also give you their business card with any additional requests indicated on the back.

Having a successful seminar is great, but not taking advantage of the credibility and momentum you gain by not following up with attendees lessens the impact. Do yourself a favor and block time to turn those attendees into clients or referral sources for your practice. Applause from your audience is nice, but additional revenues are nicer. Earning the admiration of your audience is where you begin.

Mark Powers is the President of Atticus, Inc. and a regular contributor to *The Briefs*. Mark co-authored "The Making of a Rainmaker: An Ethical Approach to Marketing for Solo and Small Firm Practitioners" and founded Rainmakers™, a simple process for attorneys at all levels to stay focused on marketing, creating fresh ideas, and on-going accountability to marketing. To learn more about Atticus or Rainmakers™, please visit the Atticus website at www.atticusonline.com or contact the Atticus office at 352-383-0490.

IN THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA

DANA S. RAPP,
Plaintiff : No. 2006-CV-4747 DV (Civil Term)
v. : CIVIL ACTION - LAW
CAROLYN S. RAPP,
Defendant : IN DIVORCE

NOTICE TO DEFEND AND CLAIM RIGHTS

TO: CAROLYN S. RAPP a/k/a CAROLYN SHRAY DICKINSON

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take prompt action. You are warned that if you fail to do so, the case may proceed without you and a decree of divorce or annulment may be entered against you by the court. A judgment may also be entered against you for any other claim or relief requested in these papers by the Plaintiff. You may lose money or property or other rights important to you, including custody or visitation of your children.

When the ground for the divorce is indignities or irretrievable breakdown of the marriage, you may request marriage counseling. A list of marriage counselors is available in the Office of the Prothonotary at the Dauphin County Courthouse, 101 Market Street, Harrisburg, Pennsylvania 17101.

IF YOU DO NOT FILE A CLAIM FOR ALIMONY, DIVISION OF PROPERTY, LAWYER'S FEES OR EXPENSES BEFORE A DIVORCE OR ANNULMENT IS GRANTED, YOU MAY LOSE THE RIGHT TO CLAIM ANY OF THEM.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

DAUPHIN COUNTY LAWYER REFERRAL SERVICE
213 North Front Street
Harrisburg, PA 17101
(717) 232-7536

CELL: 407-595-1791
FAX: 407-895-3290

E-MAIL:
PCLASSON@CFL.RR.COM

**TOP
DOLLAR**
RESIDENTIAL APPRAISALS, INC.
P.O. BOX 547421 • ORLANDO, FL 32854-7421
PEGGY CLASSON
ST. CERT. RES. REA #2891

VOTE FOR BILL UMANSKY FOR OCBA EXECUTIVE COUNCIL

*Put proven experience and
leadership to work for you!*

- Co-Chairman, OCBA Criminal Law Committee, 2000-2005
- Orange County Legal Aid Society Trustee, 2006 - Present
- Orange County Bar Association Gala Committee, 2005-2006
- Vice Chairman of Teen Alternatives, Inc., 2003-Current
- Orange County Teen Court Board Member, 2003-2005
- Board of Directors, Central Florida YMCA, 2003-Current
- Central Florida Criminal Defense Lawyers Association, Current Board Member
- Central Florida YMCA, Current Board Member
- Inns of Court
- Avalon Park Rotary Club, 2006

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

Winter Wine & Cheese Party January 25, 2007

The OCBA Social Committee sponsored its second annual Winter Wine & Cheese Party at Beluga in Winter Park. More than 100 members and guests turned out to sample a delicious variety of wines and cheeses on a crisp, clear January evening. The OCBA thanks event sponsors *Esquire Deposition Services*, *Taylor & Carls, P.A.*, and *Litchford & Christopher*, and event chair *Chelsie Roberts* and Committee members.



HEARSAY

Ah.... springtime in Central Florida.... it brings us more wonderful weather, art shows and festivals, and the occasional spring-breakers trying to find their way back to the beach. At the OCBA it means time for another glamorous gala, elections and more interesting news about our members. Here's what's up....

Michael G. Murphy was named a shareholder in the Orlando office of *Greenberg Traurig LLP*. **Rexford H. Stephens** was elected to partnership with *Baker & Hostetler*. Attorney General **Bill McCollum** appointed **Robert A. Hanna** as Deputy Attorney General and Chief Counsel. Hanna is a founding partner in the law offices of *Hanna, Estes & Ingram, P.A.* **Alex Dobrev**, with *Lowndes Drosdick, Doster, et al.*, joined the board of directors of the Central Florida Chapter of the National Association of Industrial and Office Properties. **Robert H. Dellecker**, a partner with *Dellecker, Wilson, King, McKenna & Ruffier*, was elected to the board of directors of the Central Florida Division of the March of Dimes Florida Chapter. The mission of the March of Dimes Florida Chapter is to improve the health of babies by preventing birth defects, premature birth and infant mortality.

Congratulations to *Fisher, Rushmer, et al.* shareholder **Keersten H. Martinez**, who obtained an AV Peer Review rating from *Martindale-Hubbell*. **Richard D. West** of *West, Green & Associates* was named one of Orlando's Best Lawyers in the area of Family Law and was featured in the February 2007 issue of *Orlando Magazine*. **Bill Sublette** of *Sublette, Sanders and Sanders, P.A.* was nominated by the Executive Council of the OCBA for the 2007 National Conference of Bar Presidents (NCBP) Fellows Award. To be nominated, an individual must be a past president of a bar association who has demonstrated a continuing commitment to leadership, service, the work of the organized bar and the purposes of the NCBP. Current OCBA President **Tom Wert** remarked that Bill's "past and continued commitment to the OCBA made the decision easy for the Executive Council."

Bradley M. Saxton of *Winderwee, Haines, et al.* recently moderated a panel on "Commercial Issues Under the new Bankruptcy Reform Act" at the Central Florida Bankruptcy Law Association's annual seminar. **Peggy Smith Bush** of *Cabaniss, Smith, Toole & Wiggins* participated in the Orange County Public Schools Teach-In 2006 at Rock Lake Elementary School. **Lowndes, Drosdick, Doster, Kantor & Reed** recently announced the expansion of its business and corporate law group, taking over an additional second floor suite in the CNL Center I. The growth has them expanding beyond the firm's eighth floor suite, which will continue to house many of the firm's multi-disciplinary legal team members while the majority of the staff members are at the original offices at 215 North Eola Drive.

Okay, quick trivia question ... can you name the three branches of the government? Well, that's simple, right? Maybe for you it is, but a recent survey found many Floridians are not able to answer that or other basic questions regarding government and the law. Through the **Justice Teaching** program, Florida lawyers now have a unique opportunity to go into schools and try to help students better understand the law and how the government

Kristyne Kennedy

works. Led by Florida Supreme Court **Chief Justice Fred Lewis**, the goal of this exciting program is to assign volunteer judges or lawyers to work with school administration and teachers in every public school in Florida. Lawyers and judges throughout the state are being trained on how to approach their classroom assignments. Volunteers who attended a recent Orlando training session received an interactive and very entertaining presentation led by **Chief Justice Lewis**. Volunteers are still needed, and this program is a great way for lawyers to put their skills to use by helping to improve the education Florida's students are receiving! To volunteer or learn more about the program, visit www.justiceteaching.org.

Volunteers are also needed to help with the annual **High School Mock Trial Competition** to be held in the Orange County Courthouse **March 29 - 31, 2007**. You can volunteer to be either a presiding judge or a scoring judge, for either a morning or evening competition. For additional information or to volunteer, contact Ben Kanoski at BKanoski@flrea.org or Annette Boyd Pitts at abpflreaed@aol.com.

And, of course, don't forget the **OCBA Gala**! Take a break from your volunteering and spring cleaning, and get dressed up in your finest for the OCBA's annual Gala on Saturday, **March 31, 2007**. This year you can enjoy dancing under the stars at the beautiful new Premier Trade Plaza along with the ultra-hip and elite, sipping cocktails and enjoying the downtown Orlando view. You won't want to miss this annual event, so be sure to get your tickets early! For more information contact **Vivian Cocotas** at vcocotas@orlandolaw.net.

Speaking of rubbing elbows with the stemware sipping crowd, the **OCBA Social Committee's** third annual **Winter Wine and Cheese Party** on January 25, 2007, was another great success! This year's event moved over to Winter Park, where more than 100 guests enjoyed an evening of fine wine and cheese at Beluga restaurant. Many thanks to our generous sponsor, **ESQUIRE DEPOSITION SERVICES**, for helping us put on another great party. Additional thank yous go out our other sponsors, **Taylor & Carls, P.A.** and **Litchford & Christopher**, as well as to event chair **Chelsie Roberts** and, as always, to the hard working OCBA Social Committee! For more information about Social Committee events, sponsorship opportunities or being a part of the committee, contact me at kennedyk@jacksonlewis.com or check out the OCBA website at www.orangecountybar.org. The committee is hard at work planning more events for the near future, so stay tuned

Until next month, remember to keep sending any news, interesting information, accomplishments, gossip or random thoughts to me at kennedyk@jacksonlewis.com or fax (407) 246-8441.

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



Justice Teaching Training January 29, 2007

The Hon. Fay Allen and the Ninth Judicial Circuit hosted Florida Supreme Court Chief Justice W. Fred Lewis during a training session for the Justice Teaching program. Justice Teaching, an education initiative, seeks attorneys willing to volunteer one hour a month in area schools to teach students about our system of government, the Constitution and the courts. To volunteer for the Justice Teaching program, go to www.justiceteaching.org.



AN EVENING WITH THE JUDICIARY

Presented by the OCBA Young Lawyer's Section

The Young Lawyer's Section of the OCBA invites you to its annual Evening with the Judiciary, a casual get together with the state and federal judiciary. Please join us for an evening of Southern / Creole cuisine, beer, wine and refreshments, and great conversation in a relaxed atmosphere.



1315 S. Orange Ave. (across from ORMC)

Low Country Southern Barbeque*

- Bouquet of Baby Greens, Glazed Pecans, Seasoned Berries, Gorgonzola Cheese and Tangerine Vinaigrette
- Pork Loin rolled in a dragon sauce
- Jambalaya with Shrimp, Scallops and Sausage
- Cheddar Cheese Grits
- Corn Bread Pudding
- Collard Greens
- Chef's choice of another vegetable
- Assorted cakes

DATE: Tuesday, April 24, 2007

TIME: 5:30 p.m. to 8:30 p.m.

PRICE: \$35 Advance
\$40 Door
(Complimentary valet parking)

RSVP BY: Friday, April 13, 2007

*Further information or RSVP
please contact:*

Mike Remensnyder at

miker@ocbanet.org

or fax: 407-843-3470

or mail the form below to

P.O. Box 530085,

Orlando, FL 32853

(Kosher food available upon request,
Please advise with RSVP.)

Name: _____	Guest: _____
Firm Name: _____	
Address: _____	
Amount enclosed: \$ _____	Phone: _____



YLS on the Move!

March Madness

It's prom season, and we're all about the **OCBA Bar Gala** this month. The Young Lawyers have done a great job in the past few years of turning out in force for the Bar

Gala, and **March 31st** of this year will be no exception. The location - on the terrace of the building presently known as the Premier Trade Plaza on Orange Avenue between Pine Street and Church Street - lends itself to a festive atmosphere. You've watched the Plaza being built and you know you're dying to get a peek inside! Besides, who doesn't love an opportunity to get dressed up and head out for a night on the town with great food, a spectacular martini bar and an amazing view of the expanding downtown Orlando skyline? The word on the street is that the Young Lawyers are planning an impressive afterparty at a location to be announced - so stay tuned for more details! We'll be distributing information as it becomes available, so if you aren't getting updates from OCBAYLS@gmail.com, send me your name and email address and I will add you to the list so that you can stay in the know. As in years past, the Young Lawyers Section will be subsidizing a number of tickets for members who otherwise might not attend based on ticket prices, so stay tuned for information on that as well.

On Saturday, **March 10th**, **Shane Fischer** and **Eric Reed** will bring us the **First Annual** (hopefully) **YLS Softball Tournament**. Teams are forming now. Please contact **Eric Reed** (ereed@shutts-law.com) to sign up. The answer to the obvious question is "Yes," there will be beer involved.

Beware the Ides of March, they say - but mark your calendars for the **YLS Luncheon** on **March 15th** anyway. Word on the street is that we may be expecting another interesting guest speaker. Please RSVP by Monday, March 12th to OCBAYLS@gmail.com; \$18 in advance, \$20 at the door and \$10 for government or solo attorneys. Join us for exciting updates on upcoming projects!

Remember that the **March 22nd OCBA Luncheon** brings a change in location. Say goodbye to the Marriott and hello to the Church Street Ballroom as the new venue for monthly OCBA luncheons.

Once again, the YLS brings you the **Spring Party** to benefit the American Cancer Society on Friday, **March 23rd** at Slingapour. Thanks to the hard work of **Cory Taylor**, **Jennifer Jones** and **Samantha Powers**, we're actively seeking volunteers to raise money, to walk in the Relay for Life that weekend, or to just show up and make a \$10 donation. For those of you who have selected the last option, we'll even give you all the free beer you can drink thanks to our friends at Wall Street Plaza. No need to RSVP; just come on by with your drinking shoes on. And your walking shoes. Contact **Cory Taylor** (ctay210@aol.com) to sign up to walk, pledge money or help out in any other way you'd like.

Looking ahead, **April 24th** is the new date for **Evening with the Judiciary**, which will be held in the same location as previously announced (Doc's Restaurant on South Orange Avenue). All other salient details remain the same. Please contact **Anthony Sos** (asos@dwklaw.com) or **Jeremy**

Springhart (jspringhart@broadandcassel.com) for more information or to RSVP. Personally, while I'm a little disappointed to miss the Evening with the Judiciary this year, I have a very good excuse - I'll be on my honeymoon in Paris that week.

Remember to watch your in-box for OCBA ballots. In addition to the OCBA Executive Council seats, there are five at-large seats on the YLS Board up for re-election, and we're expecting to see some new faces as some of our more senior members are aging off.

In other exciting news, the YLS Board presented a grant application at the Affiliate Outreach Conference in early February and has been approved for "Life After High School: College and Careers 101," which we will be presenting at Oak Ridge High School. Oak Ridge has struggled with poor FCAT performance over the past several years, and we want to help however we can. You might say that the YLS Board has a vested interest in seeing Oak Ridge do well - our current President, **Wiley Boston**, graduated from Oak Ridge in 1989 and our President-Elect, **Liz McCausland** and I are both alumnae of the class of 1990. We're bringing this program to Oak Ridge's students to show them that it's STILL great to be a Pioneer!

Judith A. Garabo is an associate with the firm of Greenberg Traurig, P.A. She has been a member of the OCBA since 1999.

Congratulations to Sally Kest



Friends congratulate the "Honorable" Sally Kest, seen here with her scepter. Pictured from left to right are Marybeth McDonald, Diane Holmes, Mary Ann Morgan, Mayanne Downs, Ava Doppelt, Mary Anne DePetrillo, Patty Doherty and Sally Kest (seated.)

620, West Publishing Co., (2006-2007); “Sale of Law Practice,” in ABA/BNA Lawyers’ Manual on Professional Conduct, 91:801 (last updated 1999); and the analysis of Model Rule 1.17 in section 21.1 in Hazard and Hodes, *The Law of Lawyering* (2006). See Also Overton, *Are Lawyers for Sale?* 15-APR CBA Rec. 64 (2001); DeWoskin, “When a Solo Takes Down the Shingle,” in *A Lawyers’ Guide to Retirement* (David A. Bridewell ed., 3d ed., published by the ABA Senior Lawyers Division 1998); Coy, *Permitting the Sale of a Law Practice: Furthering the Interests of Both Attorneys and Their Clients*, 222 Hofstra L.Rev. 969 (1994); Schoenwald, *Model Rule 1.17 and the Ethical Sale of Law Practices: A Critical Analysis*, 7 Geo.J. Legal Ethics 395 (1993).

Other sources address the practical concerns involved in the sale of a law practice. See, e.g., Shaw, *Winding Down, Closing Up Or Selling Out*, 61-NOV Bench & B. Minn. 12 (2004); Poll, *Selling A Law Practice: Prospects And Pitfalls*, 16 NO. 11 Acct. & Fin. Plan. for L. Firms 1 (2003); Crawford, *The Sale Of A Legal Practice In North Carolina: Goodwill And Discrimination Against the Sole Practitioner*, 32 Wake Forest L. Rev. 993 (1997); and Dimitriou, *What Should Be Your Concerns? Purchase or Sale of a Solo Practice*, 19 Law Prac. Mgmt. 44 (1993).

Winding Down the Practice

State Bar opinions that have addressed issues as they relate to the winding down of a law practice stress the importance of communication with clients, protection of client confidences, and the appropriate handling of client files. Ethics opinions that address a broad range of issues as they relate to the winding down of a law practice include Louisiana Opinion 05-RPCC-001[PDF] (2005), a digest of which states as follows:

A lawyer closing her practice should surrender client files to the client or new counsel, return client property and unearned fees, and give clients adequate notice to enable them to employ other counsel. With respect to matters in litigation, the lawyer should inform clients of pending court dates, advise them to obtain new counsel as soon as possible, and file a motion to withdraw as appropriate. The lawyer should analyze any client file she has not been asked to surrender and advise that client how to protect his or her interests. If a client’s whereabouts are unknown, the lawyer should send a form letter to the last known address notifying the client of the lawyer’s termination of the representation and of the opportunity for the client to obtain his or her files and property. Rule 1.15 requires that a lawyer keep records of all client property and trust account funds for five years after termination of the representation. Rules 1.15, 1.16.

1201 Law. Man Prof. Conduct 4001.

See also Michigan Opinion RI-100 (1991), Maryland opinions 2005-01 (2004) and 92-2 (1992), Illinois State Bar Opinion 94-14, and New Jersey Opinion 692 (supplement) [PDF] (2002).

To the extent that a sole practitioner’s retirement from and subsequent dissolution of his practice is in effect a withdrawal from the representation, ABA Model Rule 1.16, *Declining or Terminating Representation*, may be implicated. For example, subpart (c) of Rule 1.16 requires that a lawyer must get the court’s permission to withdraw for those matters currently pending before the court, and that the lawyer must continue with the representation if ordered by the court to do so.

Client Confidences

Some state bar opinions in this area focus on the lawyer’s duty to protect client confidences. (See, e.g. Oregon Opinion 2005-23 [PDF] (2005)):

...Absent consent from the affected client or some other applicable exception, it would be improper for lawyer either to turn over files to an educational institution or to inform a new lawyer for the same client about any prior confidences or secrets.

See also Pennsylvania Opinion 94-51 (1994) that addresses confidentiality issues from the successor lawyer’s perspective, a digest of which states as follows:

A lawyer who is the successor attorney for several former clients of a law firm that is now dissolved may grant access to the clients’ files to a former partner from the firm who requests information in connection with an arbitration proceeding regarding the dissolution. The successor lawyer must distinguish between information obtained since the dissolution when a new attorney-client relationship came about; this information may not be disclosed without client consent. A distinction must also be made between access and possession of the files. The former partner may be allowed access to information provided before the law firm dissolved, but may not take possession of the files unless the client consents. Rules 1.6, 1.9, 1.15.

Client files

ABA Informal Opinion 1384, *Disposition of a Lawyer’s Closed or Dormant Files Relating to Representation of or Services to Clients* (1977), listed the following guidelines relating to the disposition of closed or dormant client files:

1. Unless the client consents, a lawyer should not destroy or discard items that clearly or probably belong to the client. Such items include those furnished to the lawyer by or in behalf of the client, the return of which could reasonably be

Continued on page 25

- expected by the client, and original documents (especially when not filed or recorded in the public records).
2. A lawyer should use care not to destroy or discard information that the lawyer knows or should know may still be necessary or useful in the assertion or defense of the client's position in a matter for which the applicable statutory limitations period has not expired.
 3. A lawyer should use care not to destroy or discard information that the client may need, has not previously been given to the client, and is not otherwise readily available to the client, and which the client may reasonably expect will be preserved by the lawyer.
 4. In determining the length of time for retention of disposition of a file, a lawyer should exercise discretion. The nature and contents of some files may indicate a need for longer retention than do the nature and contents of other files, based upon their obvious relevance and materiality to matters that can be expected to arise.
 5. A lawyer should take special care to preserve, indefinitely, accurate and complete records of the lawyer's receipt and disbursement of trust funds.
 6. In disposing of a file, a lawyer should protect the confidentiality of the contents.
 7. A lawyer should not destroy or dispose of a file without screening it in order to determine that consideration has been given to the matters discussed above.
 8. A lawyer should preserve, perhaps for an extended time, an index or identification of the files that the lawyer has destroyed or disposed of.

Some state bar opinions have addressed the joint obligations partners have with regard to client files when they retire from a partnership or when the partnership they are associated with is dissolved. *See*, New York State Bar Opinion 623 (1991):

A lawyer who leaves a law practice, due either to retirement or dissolution of a law firm, has joint and several responsibility with other firm members for the proper disposition of client files. In the case of closed client files, the lawyer may destroy all documents that belong to him without notice to the client unless extraordinary circumstances exist. As for documents belonging to the client, the lawyer must offer to make them available to the client and may follow the client's instruction as to their disposal. If the client fails to respond in a reasonable period of time, the lawyer should review the files to determine which files he must salvage because of legal requirements or because the documents establish client rights. The lawyer may then destroy the remainder of the files in a manner that preserves client confidentiality. He must notify the client of any

documents that must be salvaged and forward any documents the client is required by law to maintain. If the client is deceased or incapacitated, the lawyer may deliver the files to the client's representative. If delivery to the client or his representative is not possible, the lawyer must retain these files until the expiration of the legal retention period or the period of reasonably foreseeable need by the client but may charge the client the cost for maintaining the files. NY State Opinion 460; DRs 1-102(A)(5), 4101(B)(1)(D), 9-102(B)(D)(G); ECs 1-5, 4-4, 4-6, 7-1, 7-8, 7-11, 7-12.

Committee on Legal Ethics and Professional Conduct of the Ohio State Bar Association Informal Opinion 98-2 (1998) provides the following guidance to a lawyer who wished to retire and who inquired as to what he should do with original client wills that he assumed responsibility for upon the death of two senior partners:

It is the Committee's opinion that your ethical obligations with respect to these wills is to ascertain whether the makers are still living and, if so, to return the wills to them; and, if the maker is deceased, then your obligation is to locate and deliver the will to the maker's personal representative. Your ethical obligation is to make a diligent effort to locate either the client or, if the client is deceased, his or her personal representative. If, after undertaking this effort, there remain clients whose whereabouts you cannot determine, then, the Committee is of the opinion that you must preserve and retain the wills. You should leave instructions that upon your death, if there is no responsible party willing to assume appropriate responsibility, then the wills should be delivered to the chair of the local certified grievance committee or Disciplinary Counsel.

Nassau County Bar Association 93-23 (1993) discusses the joint ethical obligations of the lawyers who were formerly partners in a now dissolved law firm. The lawyers who withdrew made arrangements to store their inactive files with the lawyers who remained to form a successor law firm. The successor firm then contacted the former partners and gave them a list of the files the firm had in storage. The former partners instructed the firm to send them approximately 30 percent of the files and to destroy the rest. The successor firm inquired as to its obligations with regard to the remaining files in its possession. The opinion states:

Neither the fact that inquiring counsel and his present partners have no knowledge of the files which remain in their custody, changes their obligations with respect to the files

Moreover, if there are any members of inquiring counsel's current firm who are not members of the predecessor law firm in the present firm, of which they are members, has custody of the files ... an

Continued on page 26

attorney voluntarily assuming custody of the files of another lawyer's client has the same ethical obligations for the files as if they were his or her own files.

Thus, while the private contractual agreement may have the effect of allocating among the former partners the economic burden of dealing with particular files ... it cannot shift the ethical burden which is joint and several as to (a) all the former partners, both "withdrawing partners" and those remaining at the successor firm and (b) any new partners of the successor firm.

Nassau County Bar Association Opinion 89-43 (1989) dealt with a situation where a law firm had custody of client files of a deceased partner who had previously acquired the files from another lawyer, now deceased, who was not a member of the firm. The opinion states:

It is no answer to the discharge of custodial counsels' obligations under the Code of Professional Responsibility to complain that the benefits of their passive custody of the documents are not commensurate with the present burdens. Such burdens do not flow solely from an attorney-client relationship, and are not dependent on the payment of fees; rather, the burdens of custody as prescribed by the Code are inherent in the lawyer's enjoyment of his professional status, and his concomitant obligations to the public generally. Once the burden is assumed, by actively (or passively) taking custody of funds or property belonging to any "client," those burdens must be fully discharged even if the benefits of the custody were minimal or non-existent.

See also State Bar of Wisconsin Committee on Professional Ethics Opinion E-98-01 (1998):

... The fact the firm has dissolved or that the lawyers maintaining the files may not have been involved in the representation does not alter the duties of either the lawyer or firm that performed the engagement or the lawyer or firm that now maintains the files. Each retains responsibilities to the client. Lawyers in firms that are dissolving should agree among themselves on the handling of client files, and shall transfer files to a departing or new lawyer upon client request. However, those arrangements do not obviate the ethical and fiduciary duty to maintain and properly handle client files. See Nassau County B. Ass'n Op. 93-23 (1993). Both the lawyers who handled the engagement and the lawyers who may have voluntarily assumed custody of the file owe the same obligation to handle the return or destruction in a reasonable fashion as described above.

For related topics, See two earlier Eye on Ethics columns,

Client Files: From Paper to Kilobytes, December 2005 (addressing ethics issues involved when storing client documents in an electronic format) and *When a Lawyer Dies*, March 2006 (addressing the importance of a sole practitioner having in place a plan to protect his practice in the event of his death or disability)

More information on the resources available on the general topic of client file retention is available [here](#).

Addendum 1:

Lawyers interested in this topic, who may be thinking of changing their lives and their work, might also be interested in "Second Season of Service," an initiative of ABA President Karen J. Mathis. Information on the initiative can be found at the Presidential Initiatives Web site.

Addendum 2:

ABA Standing Committee on Ethics and Professional Responsibility has issued Formal Ethics Opinion 06-442 [PDF] *Review and Use of Metadata* (2006), the headnote of which states as follows:

The Model Rules of Professional Conduct do not contain any specific prohibition against a lawyer's reviewing and using embedded information in electronic documents, whether received from opposing counsel, an adverse party, or an agent of an adverse party. A lawyer who is concerned about the possibility of sending, producing, or providing to opposing counsel a document that contains or might contain metadata, or who wishes to take some action to reduce or remove the potentially harmful consequences of its dissemination, may be able to limit the likelihood of its transmission by "scrubbing" metadata from documents or by sending a different version of the document without the embedded information.

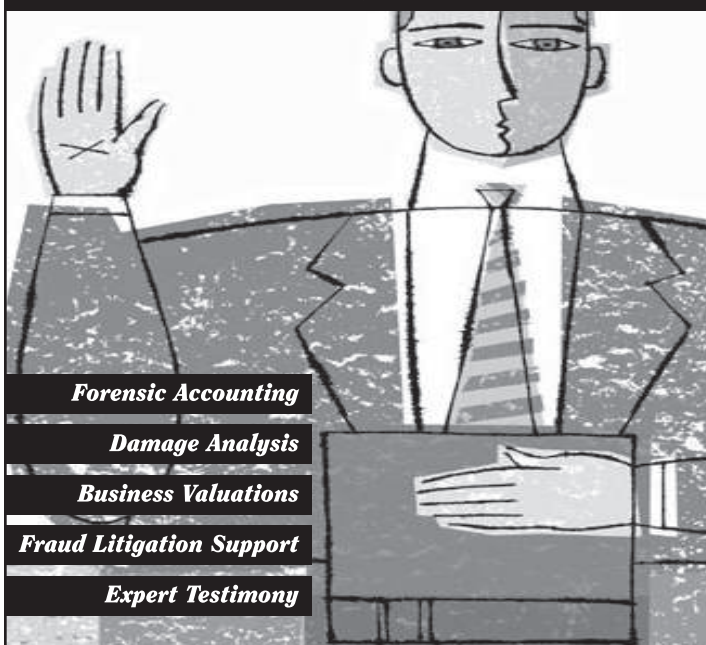
A former Eye on Ethics column, *What's the Meta with Metadata*, has more information on this topic.

ETHICSearch is intended to stimulate awareness of ethical problems and illustrate the varying approaches of different jurisdictions. It is not intended as legal advice. The ABA Model Rules of Professional Conduct and the opinions discussed are advisory only; the ethics rules, laws and court decisions of your jurisdiction may dictate a different result.

"Winding Down and Moving On" by Peter H. Geraghty, Director, ABA EthicSearch, published in *Your ABA*, Article 11, 2006. © 2006 by the American Bar Association. Reprinted with permission.

To access this article online, go to: <http://www.abanet.org/media/youraba/200611/article11.html>.

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



Allen Dyer Doppelt Milbrath & Gilchrist, P.A. is pleased to announce that shareholder David W. Henry, a member of the Business Litigation and ADR Practice Section of ADDMG, has received Board Certification in Civil Mediation.

David W. Henry

Board Certified – Civil Mediation
 Business Litigation, Personal Injury, Insurance Coverage
 and Complex Civil Litigation

Bio

University of Florida College of Law
 Law Clerk, Fifth District Court of Appeal
 Shareholder, Allen Dyer Doppelt Mibrath & Gilchrist (2002- present)
 Chair, Orange County Bar Business Law Committee (2005)
 Chair, DRI Intellectual Property Litigation Subcommittee (2005 –2007)
 Chair, Orange County Business Court Rules Revision Committee (2005)
 National Faculty Society of Certified Insurance Counselors

For information, rates, and scheduling:

Telephone 407.841.2330 • Fax 407.841.2343
www.addmg.com

LAW OFFICES OF

**BOBO CIOTOLI BOCCHINO
 NEWMAN & CORSINI, P.A.**
Attorneys at Law

ARE PLEASED TO ANNOUNCE

HECTOR R. BUIGAS

MANUEL R. COMRAS

GREGORY A. JACKSON

JAMES L. WHITE

HAVE BECOME SHAREHOLDERS IN THE FIRM

NORTH PALM BEACH
 1240 U.S. HIGHWAY ONE
 NORTH PALM BEACH, FLORIDA 33408
 TELEPHONE (561) 684-6600
 FACSIMILE (561) 622-6288

ORLANDO
 LANDMARK CENTER ONE, SUITE 510
 315 E. ROBINSON STREET
 ORLANDO, FLORIDA 32801-1949
 TELEPHONE (407) 849-1060
 FACSIMILE (407) 843-4751

FORT MYERS/NAPLES
 (BY APPOINTMENT ONLY)
 8891 BRIGHTON LANE, SUITE 105
 BONITA SPRINGS, FLORIDA 34135
 TELEPHONE (239) 334-4991
 FACSIMILE (239) 390-1920

WWW.BOBOLAW.COM

OCBA Members **30 Days FREE** *Teleconferencing*



As a member of the
 OCBA you would
 receive the following:

- * Discounted Pricing for all Audio & Web Conferencing Products
- * 30 Day Free Trial
- * Legal Package at no additional Cost
- * Free Training & Support

As the preferred conferencing provider for the OCBA, AMG Systems offers Audio and Web Conferencing Solutions specifically designed for the legal industry.

Our Legal Package Includes:

- * Client & Matter Codes for Easy Client Billback
- * Sub-conferences for sidebar meetings within the conference
- * Toll Free Conferencing Access available anywhere in the US
- * Reservationless conference calls available 24x7x365
- * 24x7 customer support with Agents trained specifically on the needs of the legal industry
- * No Contracts, No Minimums, No Monthly Fees
- * Local Support



**Call one of our Legal Industry Specialists today
 for information or to set up your free trial:**



John Berardi
 407-447-1476
jberardi@amgsystems.us

Art Grassing
 407-682-9000
agrassing@amgsystems.us

Premiere
 Global Services
Authorized Agent

In Memorium – William W. Arnold

Native of Lake County, Florida - graduate of Groveland High School

Graduate of University of Florida, BSBA - 1938; LLB - 1940

Member: Florida Blue Key

Fraternities: Phi Kappa Phi, Phi Eta Sigma, Alpha Kappa Psi,
Beta Gamma Sigma

Social Fraternity: Sigma Alpha Epsilon

Practicing Attorney in Orange County, Florida, fifty-seven year's

Past President Junior Bar Section of the Florida Bar

Member, American Bar Association.

Member, Orange County Bar Association.

Past President, Orlando Jaycees and Secretary of Florida Jaycees.

Past President, Orlando Community Chest.

Past President, Orlando Optimist Club.

Past Directory, Boys' Clubs of Orange County.

Charter member, Committee of One Hundred of Orange County, Inc.

Founder, of Trinity Preparatory School

Founder, Attorneys Title Insurance Fund

Past Trustee of Winter Park Memorial Hospital.

Member of: Country Club of Orlando, University Club of Orlando

Married to Martha Jane (Conwell) Arnold, Graduate of Rollins College, Master's degree

Two daughters: Mrs. Laura A., Murphy (Michael A.), Ms., Melissa L., Arnold



We will find the perfect fit!



www.legaltalent.com

Legal Talent places attorneys and paralegals in temporary and permanent positions at law firms and corporations.

Founder, Wynne McFarlin, Esq., has over 15 years experience in the Central Florida legal community. Her Experience makes her uniquely qualified to identify the right candidate for every position.



If you need to hire an attorney or paralegal, or if you are looking for a new career opportunity, give Legal Talent a call!

Contact Wynne at wynne@legaltalent.com
or 407-928-4336

LEGAL TALENT, LLC
Attorney & Paralegal Placement



Financial Planning

A 401(k) Solution: Put Mutual Funds on Autopilot

Andrew C. Orr, CFP®, CLU, ChFC, AIF®



It's not surprising to learn that many 401(k) plan investors are neglecting their accounts. After all, it takes effort, time and interest to keep track of investments and take action when warranted. I see an alarming number that are totally ignoring their plans. This is not just confined to Orlando. According to Hewitt Associates, from 2000 to 2004 when the markets went from a bear market to a bull market, more than three in five investors failed to make a single change in their accounts.

One way to get around this poor investing behavior is with life-cycle mutual funds, also called target retirement funds. These funds automatically evolve as investors age. When investors are in their twenties, the portfolios might put 80 percent or more of their money in stocks. As the investors pass age 40 and 50, and eventually retire, the funds will gradually and automatically reduce the risk in their portfolios by buying more bonds. The funds provide instant diversification and the benefits of disciplined portfolio rebalancing.

Perhaps because so many of the burgeoning 401(k) plan holders are not investment savvy, life-cycle funds are projected to grow dramatically over the next few years, growing to some \$30 billion by 2010. They are a good solution for investors who don't have much money to invest at first or do not want to spend the time learning about diversification, the need to own both small- and large-cap stocks, value and growth companies, etc.

Interestingly, life-cycle funds are delivering better results than the do-it-yourselfers. Hewitt Associates projected that the workers using target retirement funds could expect to earn 8.5 percent a year on average in the long term, while do-it-yourselfers would make 7.4 percent annually. One reason is that young investors tend to be too conservative, but most target retirement funds will start them off with more than 80 percent in diversified equity funds.

A recent study by Vanguard shows that investors who use life-cycle funds are on average 83 percent in equities in their twenties, 75 percent in their thirties, 61 percent in their forties, and 51 percent in their fifties. Investors using old-fashioned asset allocation funds or investing on their own tend to keep 60 percent to 70 percent in stocks between their twenties and fifties. Vanguard recently increased the level of equity holdings across all age groups because of longer-life expectancies and the need for all of us to own more, not less, stock as a protector against long-term inflation.

How they work

There are two main types of life-cycle mutual funds: target-date funds and target-risk funds. "Target-date funds" are mutual funds that base asset allocation around a specific date and then rebalance to more conservative allocations as that date approaches. "Target-risk funds" are mutual funds that build asset allocations around a pre-specified level of risk and then rebalance to maintain that risk level. I prefer the

latter type because over long periods of time, there really isn't any appreciable level of volatility associated with diversified stocks. Yet with the former type, you reduce stocks every few years and, consequently, you lower your overall return in the end.

Technically both types are considered a "fund of funds," which invests in a variety of mutual funds, usually those offered by the same fund family. For instance, the average 2010 target-date fund might invest in 15 funds and have 35.5 percent of its assets in U.S. stocks, 8.5 percent in non-U.S. stocks, 45.2 percent in bonds, 10 percent in cash, and 0.8 percent in other types of securities. The manager of such funds will rebalance the portfolio, adjusting the mix of the portfolio to become more conservative as the portfolio nears the target-retirement date or to maintain the pre-specified level of risk.

Ideally, 401(k) plan participants will invest their entire plan balance into the funds (recommended). Many use them as turnkey solutions. For instance, one in five employees holding a lifestyle or life-cycle fund had his or her entire 401(k) balance in them in 2005, up from 15 percent in 2004. In addition, nearly half of employees with less than one year of tenure investing in a lifestyle or life-cycle fund invested all of their 401(k) monies in a single lifestyle or life-cycle fund in 2005, an increase from 34 percent in 2004.

Before purchasing any type of fund, whether life-cycle or not, investors need to get a sense of the time horizon, tolerance for risk and what their investment goals are. Most life-cycle funds are designed to take away a lot of the research, so investors don't need to search through thousands of mutual funds to create a portfolio. Not all life-cycle funds are created alike; investors still need to find the one that best matches their personal tolerance for risk.

Investors are cautioned to do some homework. Target-date and target-risk funds may all sound the same in theory but are quite different in reality. For instance, the asset allocation of such funds will often differ dramatically from one fund firm to another. What's more, the rate at which a target-date retirement fund becomes more conservative over time will differ dramatically. While these funds often have similar sounding names, the performance and fees associated with these funds will vary greatly.

In the end, life-cycle investing allows you an opportunity to avoid spending your time on something that none of us can really control: the market. This frees up time to focus on things we all can control such as goal-setting, budgeting, and broader financial education.

Andrew C. Orr, CFP®, CLU, ChFC, AIF®, is an independent, fee-only financial planner located in Orlando. He is President of ORRGROUP, a registered investment adviser and financial life planning firm providing comprehensive financial management services to individuals and businesses. For more info, visit: www.orrgroup.com.



CENTRAL FLORIDA ASSOCIATION FOR WOMEN LAWYERS

SAVE THE DATES!

CFAWL Professionalism Programs

**Professionalism from the Perspective of the Bench
With the 5th DCA and County & Circuit Courts**

March 15, 2007
6:00 p.m.
OCBA Center
Ethics CLE Pending

**Professionalism and Leadership -
A Perspective from Justice Wells**

April 12, 2007
11:00 a.m.
Barry University
Ethics CLE Pending

LOOK FOR FURTHER ANNOUNCEMENTS!

Just as much power as your favorite search engine.

Only more focused.

LawFacts.org
SEARCH SMART.

A Free Web Resource for the Central Florida Legal Community

Provided by
Dellecker Wilson King McKenna & Ruffier LLP
A Referral-Based Personal Injury Law Firm
407.244.3000 dwklaw.com



Central Florida Paralegal Association's 2007 CLA/CP Review Course

The Continuing Education Committee is proud to announce that it will be holding its CLA/CP Review Course beginning April 26, 2007 and continuing each week on Thursday nights until June 28, 2007. This will be held at the offices of The Presentation Group again this year. Please mark your calendars now and plan to attend the CLA/CP Review Course. CFPA offers the CLA/CP Review Course in preparation for the Certified Legal Assistant/Certified Paralegal Exam which is administered by the National Association of Legal Assistants ("NALA").

If you are already an CLA/CP, this is also a great opportunity for you to obtain your continuing education hours as required by NALA. This Review Course will be eligible for up to 25 hours of continuing education hours.

Central Florida Paralegal
Association, Inc.
P.O. Box 1107
Orlando, FL 32802-1107
Voice mail: 407-672-6372
www.cfpainc.com

Location: The Presentation Group,
2707 E. Jefferson Street, 2nd Floor,
Orlando, FL 32803.

Fees: CFPA Member – \$100.00
Non-CFPA Member – \$150.00

Materials Needed: CLA REVIEW MANUAL which can be purchased from NALA at www.nala.org for \$90.00 for NALA Members and \$105.00 for Non NALA Members. Another useful study tool is the CLA Study Guide and Mock Exam Book which is also available from NALA. This is NOT required for this Course.

Please visit our website at www.cfpainc.com to download a detailed class schedule, registration forms, and Scholarship information for CFPA Members. If you have any questions, please contact the Continuing Education Committee Chair, Cassie Snyder, CP at snydercd@earthlink.net or 407-765-1838.



New Members

Regular Members

Michael S. BURNETT, ESQ

Dewitt Law Firm
37 N. Orange Ave.,
Ste. 840
Orlando, FL 32801
(407) 245-7723

Michael T. GIBSON

Attorney's Trial Group
540 N. Semoran Blvd.
Orlando, FL 32807
(407) 381-4123

Lanya A. HENRY, ESQ

State Attorney's Office
415 N. Orange Ave.
Orlando, FL 32802
(407) 836-2400

Scott A. KIZER, ESQ

GrayRobinson, P.A.
301 E. Pine St.,
Ste. 1400
Orlando, FL 32801
(407) 843-8880

Jason H. KLEIN

Greenberg Traurig, P.A.
450 S. Orange Ave.,
Ste. 650
Orlando, FL 32801
(407) 420-1000

Patricia A. LADAN, ESQ

Attorneys Title Insurance Fund
6545 Corporate Ctr. Blvd.
Orlando, FL 32822
(407) 240-3863

David J. MARKESE, ESQ

Shutts & Bowen, LLP
300 S. Orange Ave.,
Ste. 1000
Orlando, FL 32801
(407) 423-3200

Esther A. MCKEAN

Akerman Senterfitt
420 S. Orange Ave.,
Ste. 1200
Orlando, FL 32801
(407) 423-4000

Thomas C. MCTHENIA, JR.

*Lowndes, Drosdick,
Doster, et al.*
215 N. Eola Dr.
Orlando, FL 32802
(407) 843-4600

Megan M. MENAGH

Foley & Lardner, LLP
111 N. Orange Ave.,
Ste. 1800
Orlando, FL 32801
(407) 244-3254

Courtney L. MILAM

*Shuffield, Lowman
& Wilson, P.A.*
1000 Legion Pl.,
Ste. 1700
Orlando, FL 32801

Carlton D. MILLER

*Moye, O'Brien,
O'Rourke, et al.*
800 S. Orlando Ave.
Maitland, FL 32751
(407) 622-5250

Kelly M. MOORE

Greenberg Traurig, P.A.
450 S. Orange Ave.,
Ste. 650
Orlando, FL 32801
(407) 317-8545

Tatiana POLOTOVSKAIA

Paula E. Pratt, P.A.
227 S. Orlando Ave.,
Ste. B-1
Winter Park, FL 32789-1755
(407) 539-2597

Eben C. SELF

Long & Gonzalez
1051 Winderley Pl.
Maitland, FL 32751
(407) 475-0125

Kellie M. SYMONS

*Shuffield, Lowman
& Wilson, P.A.*
1000 Legion Pl., Ste. 1700
Orlando, FL 32801

Richard VALLE

*Law Office of
Harold E. Scherr*
300 Primera Blvd.,
Ste. 356
Lake Mary, FL 32746
(407) 995-3004

Andrew T. WINDLE, ESQ

Dewitt Law Firm
37 N. Orange Ave.,
Ste. 840
Orlando, FL 32801
(407) 245-7723

Affiliate

Laura B. DELVECCHIO

Public Defender's Office
435 N. Orange Ave.
Orlando, FL 32801
(407) 836-4768

Affiliate Law Student

Monica M. MERCER

10049 Oak Quarry Dr.
Orlando, FL 32832
(850) 508-2782

Affiliate Paralegal Student

Nekane M. ALVAREZ

*Walt Disney World
Dolphin Resorts*
1500 Epcot Resorts Blvd.
Orlando, FL 32830
(407) 934-1746

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. • Wendy L. Aikin, P.A.

Legal Aid Society of the OCBA • Roetzel & Andress, LPA • The Brennan Law Firm

Quintairos, Prieto, Wood & Boyer, P.A. • Tangel-Rodriguez & Associates

King, Blackwell, Downs & Zehnder, P.A. • Law Office of Jeffrey Feulner, P.A.

Lewis & Crichton, Attorneys at Law • The Carlyle Appellate Law Firm • Lynum & Sanchez, P.A.

Stovash, Case & Tingley, P.A. • Wolff, Hill, McFarlin & Herron, P.A. • Perla & Associates, 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!

THE CARLYLE APPELLATE LAW FIRM

A MEMBER OF THE FLORIDA APPELLATE ALLIANCE, PLC

Florida's Premier Appellate Law Firm

is also

Florida's Premier Appellate Mediation Firm



Christopher V. Carlyle
Certified Appellate Mediator
Board Certified Appellate Lawyer
AV Rated Martindale Hubbell



Shannon McLin Carlyle
Certified Appellate Mediator
Board Certified Appellate Lawyer
AV Rated Martindale Hubbell



Nicholas A. Shannin
Certified Appellate Mediator
Board Certified Appellate Lawyer
AV Rated Martindale Hubbell

MAIN OFFICE

1950 LAUREL MANOR DRIVE, SUITE 130
THE VILLAGES, FLORIDA 32162
TELEPHONE: 352.259.8852
FACSIMILE: 352.259.8842

ORLANDO OFFICE

390 N. ORANGE AVENUE, SUITE 2300
ORLANDO, FLORIDA 32801
TELEPHONE: 407.956.1050
FACSIMILE: 407.956.1051

WWW.APPELLATELAWFIRM.COM • INFO@APPELLATELAWFIRM.COM

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

Announcements

New Associate

Shayne A. Thomas - *Roetzel & Andress, L.P.A.*

New Partners

Zachary Bancroft - *Lowndes, Drosdick, Doster, et al.*

Paul Mandelkern - *Lowndes, Drosdick, Doster, et al.*

Rexford H. Stephens - *Baker Hostetler*

New Shareholders

Michael G. Murphy - *Greenberg Traurig, LLP*

Speaking Engagements

Samuel P. King, a partner with the law firm Dellecker, Wilson, King, McKenna & Ruffier, served as a faculty presenter at the Law Education Institute's 2007 National Continuing Legal Education (CLE) Conference on January 5-10 in Snowmass, Colo. His topic was "Inner Workings of the Insurance Industry: A Legal Update."

Carlton Fields Orlando Shareholder, **Seymour Benson**, participated in the Mediation for Senior Judges presentation at the Florida Conference of Circuit Judges on December 5, 2006. In addition, Benson presented on the subject of valuing stock options at the Family Law Board Certification program on January 26, 2007.

Claramargaret Groover presented "Owner-controlled Insurance Programs: The Owner's Inhouse Counsel's View" as part of a three-lawyer panel at the American Bar Association Forum on Construction, Division 12 Owner's and Lender's Committee meeting, held January 26 in San Francisco. Topics included the types of coverage available under an OCIP, special contract provisions, recovering bid credits, maintaining confidentiality, and resolving construction claims on projects typically exceeding \$100M.

Publication

An article by **Larry M. Roth** entitled, "The Many Lives of Louis Brandies: Progressive-Reformer. Supreme Court Justice. Avowed Zionist. And A Racist?" has been accepted for publication by the Southern University *Law Review* in its spring 2007 issue.

News to Note

Professionalism & Diversity Committees Seminar: March 22, 2007, after the March OCBA Luncheon (1:30 p.m. - 5:00 p.m.), at the OCBA Center, 880 N. Orange Ave., Orlando. Topic: "Leadership, Professionalism and Diversity," featuring Carl Zahner, Esq., Director of the Florida Bar Henry Latimer Center for Professionalism. Panel discussion will follow. Length: approx. 3 hours; CLE in Ethics/Professionalism pending. See the OCBA website for details and registration form.

Florida Bar Trial Lawyers Section Seminar - 2007 Advanced Trial Advocacy Seminar, May 8-12, 2007, Gainesville, FL. The interactive seminar is designed to provide excellent training to trial lawyers who may not have had much trial experience by providing instruction and advice from seasoned practitioners and judges. The course has been approved as a trial credit for recertification purposes by the Board of Legal Specialization Education. Registration information will be available on the Florida Bar website shortly.

OCBA Staff Changes - The OCBA Executive Council and staff said good-bye in February to Cathy Pyle, Accounting Manager from 2003 to the present. The EC presented Cathy with a beautifully etched vase and a dozen red roses in recognition of her years of dedicated service. Cathy will be moving to South Carolina to pursue her dream of establishing an antiques and gift shop. Mike Remensnyder, previously the Seminar and Events Manager, will be taking over as Accounting Manager. He has more than 15 years experience in accounting and will bring valuable skills to the position. The OCBA is pleased to announce that Wendy Mazlin has been hired as the new Seminar and Events Manager. Please give her a warm welcome at the next OCBA Luncheon!

Portrait Service Available to OCBA Members!

As a service to OCBA members, RCL Portrait Design will be on hand beginning April 10th to take your professional portrait. This is a perfect way to quickly and easily update your photo in the Annual Membership Directory. Portrait sittings take only about 15 minutes and you are under no obligation to purchase anything! However, if you'd like to have some photos for your professional or personal use, RCL's photographer will provide you with a variety of poses - on the spot - for your selection and purchase.

All photo sessions will be held at the OCBA office, 880 N. Orange Avenue, Orlando. To schedule your appointment, please call RCL at 800-580-5562.



OCBA Monthly Luncheon Location To Change Beginning in March

Starting March 22, 2007, we will be holding OCBA Luncheons at:

**The Ballroom At Church Street
225 S. Garland Avenue
Orlando, FL 32801**

The Main Entrance is located on Garland Ave. between Church St. and South St.
See the OCBA website at www.orangecountybar.org for information about parking.

We're Looking Forward to Seeing You There!



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

AV-RATED MULTISTATE FIRM seeks experienced, energetic, and qualified litigation attorneys with between 5-15 years litigation experience. Insurance background a plus. Positions available in expanding Orlando & Fort Myers offices. Excellent benefits. Another part-time attorney research, writing and reporting position available -- that attorney could possibly work virtually through firm internet portal. Florida Bar required. Fax resume in confidence to managing partner, 407-209-1001.

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.

BOGIN, MUNNS & MUNNS, an A-V rated law firm, seeks attorneys with three or more years experience in real estate, corporate, estates and general transactional to work in our offices in Clermont, Leesburg and Daytona Beach. Excellent opportunity to join growing dynamic firm. 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 seeks experienced attorney for growing corporate/transaction practice. Excellent opportunity to join rapidly growing, dynamic law firm. 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.

A-V RATED LAW FIRM IN ORLANDO seeks attorney with three or more years of experience in labor and employment law, representing employees and employers. Creative compensation packages available with excellent benefits and working conditions. Send resume in confidence to Denise Singler by fax 407-578-2128 or e-mail denise@boginmunns.com.

EXPANDING A-V RATED ORLANDO FIRM seeks experienced condemnation attorney with three or more years of experience. Creative compensation plans available. Outstanding opportunity to join growing dynamic firm. Send resume in confidence to Denise Singler by fax 407-578-2128 or e-mail denise@boginmunns.com.

A-V 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. Creative compensation packages available. Send resume in confidence to Briefs reply box 320.

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.

ATTORNEYS – Law firm and corporate positions. Direct hire and hourly positions. Legal Talent will help you secure the perfect job. E-mail resume to resumes@legaltalent.com. See www.legaltalent.com for more information.

RISSMAN, BARRETT, HURT, DONAHUE & MCLAIN, P.A., an AV-rated law firm seeks attorneys for its Orlando office with 3+ years experience in PIP. Interested parties should reply to Jennings L. Hurt III, PO Box 4940, Orlando 32802-4940 or via email to bucky.hurt@rissman.com.

DEMPSEY & ASSOCIATES, PA, an AV rated firm, seeks attorneys with a minimum of five years experience in trials and general litigation. Focus on civil commercial and employment discrimination matters. Excellent research and writing skills are essential. Excellent salary and benefits provided. Immediate openings for qualified candidates. Interested parties should reply to Robin McCutcheon at P.O. Box 1749, Orlando, FL 32802-1749 or rmm@dempsey-law.com.

AV-RATED FIRM: McClane II Tessitore Law Firm seeks associate attorney with 2+ years commercial litigation experience. Candidate must possess superior writing and communication skills. Excellent salary and benefits. Please send resume to Brock McClane at kml@mcclanepa.com or fax to 407-872-1227.

GROWING INTERNATIONAL LAW FIRM with offices in Orlando and Germany is searching for a 5-10+ year attorney to join the Orlando office. Own book of business is appreciated but not necessary. Send cover letter and resume in confidence to info@urbanthier.com.

COMMERCIAL LITIGATION: AV rated law firm seeking a commercial litigator with 5-7 years experience. Must have experience in a variety of matters such as construction, lien enforcement, title litigation, collection of judgments, and contract litigation. Please submit resumes via email to alfred.frith@rissman.com.

LARGE ORLANDO AV-rated litigation firm with 30+ years of exp. seeks attorneys with 2-3 years of general civil litigation exp. Excellent writing/communication skills a must. Excellent growth opportunity, compensation & benefits package! Non-Smoker. Please respond to Hiring Partner via e-mail: recruiting@dbksmn.com or fax: 407-992-3595.

REAL ESTATE ATTORNEY: Fassett Anthony & Taylor, P.A., Orlando (AV-rated) has an opening for an experienced real estate attorney to handle commercial loan transactions. Qualified attorney will be offered a base salary at least \$10,000 more than current salary and a bonus incentive of at least \$25,000 for first year. Send resume to Rob Anthony at ranthony@fassettlaw.com. Visit us at www.fassettlaw.com.

LITIGATION ATTORNEY: Fassett Anthony & Taylor, P.A., Orlando (AV -rated) has an opening for an experienced litigation attorney to handle a wide variety of commercial and real estate litigation matters. Qualified attorney will be offered a base salary at least \$10,000 more than current salary and a bonus incentive of at least \$25,000 for first year. Send resume to Rob Anthony at ranthony@fassettlaw.com. Visit us at www.fassettlaw.com.

LONGWELL & GENTLE, a well established and growing law firm seeks bi-lingual (Spanish) attorney with at least two years Family Law experience. Excellent pay and benefits. Email or fax resume to mh@LongwellGentle.com or 407-426-5755.

LONGWELL & GENTLE, a well established and growing law firm seeks bi-lingual (Spanish) attorney with at least two years Criminal Law experience. Excellent pay and benefits. Email or fax resume to mh@LongwellGentle.com or 407-426-5755.

LARGE ORLANDO AV-rated litigation law firm seeks attorneys with 3+years of civil litigation exp, focused in family/domestic matters to service Legal Service Plan administered by the firm. Good people, communication and writing skills are necessary. Non-Smoker. Reply to PPL, Managing Partner, POB 87, Orlando, FL 32802-0087, c/o kshutler@dbksmn.com or fax to 407-992-3595.

AV-RATED ORLANDO 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; full-time status. Non-Smoker. Diverse legal background a plus. Reply to PPL, Managing Partner, POB 87, Orlando, FL 32802-0087, c/o kshutler@dbksmn.com.

LARGE ORLANDO AV-RATED LITIGATION law firm seeks attorneys with 3+years of civil litigation exp, focused in family/domestic matters to service Legal Service Plan administered by the firm. Good people, communication and writing skills are necessary. Non-Smoker. Reply to PPL, Managing Partner, POB 87, Orlando, FL 32802-0087, c/o kshutler@dbksmn.com or fax to 407-992-3595.

DOWNTOWN ORLANDO AV RATED FIRM seeks attorney with 3+ years commercial litigation experience. Great work environment and excellent benefit package. Send resume to Administrator, P.O. Box 3388, Orlando, FL 32802-3388.

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 email to lynn@yergeyandyergey.com or fax to 407-843-0433.

SOUTHWEST ORLANDO LAW FIRM - Attorney admitted to Florida Bar, two years litigation experience to support family law and general practice. Primary assignment coordinating, complying with discovery requests. Extensive Courtroom work available. Proficient computer and on-line research skills. Self starter, motivated and able to work with minimal supervision while maintaining accurate records of work status. Will also consider experienced attorney with portable business to merge with our firm. Highly competitive salary and benefits. Send resume & writing sample to sworlandolaw@hotmail.com.

ALLEN & MURPHY, P.A.: AV-rated, Bar Register of Preeminent Lawyers, seeks litigation attorneys with 3-10 years experience. We have offices here and in Las Vegas, Nevada, practice throughout the country, and are scheduled to move into our own new state of the art building this year as well. If you have a work ethic, show initiative, can "see the forest through the trees", are passionate, and have excellent written and oral communication skills, we would love to talk with you about our firm with an expanding and dynamic complex litigation practice. Excellent salary, opportunity & benefits available commensurate with experience and ability. Forward a specific cover letter identifying how you fit the criteria and your resume in confidence to 2600 Maitland Center Parkway, Suite 162, Maitland, FL 32751, or e-mail it to bonnieramos@floridatriallawyer.com.

Legal Support Staff

EXPERIENCED FAMILY LAW PARALEGAL needed for busy Winter Park family law practice. Competitive compensation package. Please fax resume to (407) 644-7206 or email to paralegaljob@earthlink.net.

FAMILY LAW PARALEGAL/ADOPTIVE PARENT CORDINATOR: Busy Orlando adoption agency seeks experienced family law paralegal to handle litigation support, adoption processing, intake and qualification of prospective adoptive parents. Qualified candidate must have family law litigation experience, excellent verbal and written communication skills; be highly organized, self-directed and capable of working independently. Candidate must also possess gifts of kindness, mercy, empathy and patience. Competitive salary and benefits. Email resume to Linda at: linda@achosenchild.com.

SOUTHWEST ORLANDO LAW FIRM - Experienced Family Law Paralegal. Assemble discovery requests, responses; coordinate multi-attorney calendar, appointments, hearing, depositions and mediations; prepare court discovery, other documents; manage computer docketing software (Time Matters 7.0); highly proficient Word, Excel. Ability to work with clients. Work with minimal supervision and with ability to anticipate next activity. Highly competitive salary and benefits. Send resume to sworlandolaw@hotmail.com.

Office Space for Sale

BUILDING FOR SALE - 1920 N. ORANGE AVE., Orlando 32804. Free standing, concrete block 2,636 gross sf Building; lot size 8,307 sf; Zoned MU2/T/S city of Orlando, renovated in late 90's; parking for Approx. 9 vehicles. Contact Bill Bywater, The Bywater Co. at (407) 206-5736.

Office Space

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

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

MODERN OFFICE SPACETO SHARE - Large window office room, modular secretarial space, fax, copier, phone, high-speed DSL, ample parking centrally located. Please call 407-644-1336.

DOWNTOWN OFFICE SPACE: Office space overlooking Lake Eola for two attorneys and separate adjoining space for two staff. Garage Parking included. Shared reception area, conference room, library and kitchen. 407-422-5742.

FURNISHED OFFICE NEAR JUVENILE Justice Center; kitchen, fax/copier, cable, new paint and carpet. 407-766-2500 or Philip@towneslaw.com.

OFFICE SPACE TO SHARE Lee Rd. in Winter Park, Receptionist, fax, copier all available. Space is available immediately. Any interest please email opportunity@softecys.net.

DOWNTOWN OFFICE SPACE: High profile, brand new office space with incredible views at the Trade Plaza. Available 3/1/07 - 3 executive offices and 3 built-in support staff spaces, shared reception and conference room, copier, high speed DSL. Call 407-426-9300.

SPACE AVAILABLE: For Attorney to share office space with established Attorney in busy Dr. Phillips location. Space available immediately. Call 407-370-9661.

FOR RENT: DOWNTOWN Free Standing Office Building on Lake Lucerne - 545 Delaney Avenue, Building 7 - Hovey Court Office Park. Approx. 1500 Sq Ft, 4 offices, 2 ba, conf rm, lg reception area, lots of light, wood floor, plenty of free parking. (407) 245-8352.

OFFICE SPACE FOR RENT -- Conference room; receptionist; parking; family law referrals. Call 407-415-0251.

DOWNTOWN SPACE FOR LEASE/SHARE: CLOSE TO COURTHOUSE, up to 6 offices avail. plus secty space. Incls. utils/hs internet/library/conference/ kitchen. Call Diane (407) 841-9336.

DOWNTOWN ORLANDO: Small office building and separate office suite for lease. Parking available and steps to the Courthouse. Stop by 529 N. Magnolia Avenue or contact (407) 649-4949 for more information.

FOR LEASE - Hovey Court @ 545 Delaney Avenue. Downtown historic buildings, 1600-2500 SF. On site free parking, Harwood floors, kitchens, Craftsman Style architecture. 407-839-5515.

WEST ORLANDO - EXECUTIVE SUITES w/ conf room, great for sole practitioner. Hosted by Strombeck Consulting CPA's at 408 and Good Homes Road. 10 min to downtown. 96 to 144sf starting at \$545/mo. Call 407 522-0123, ask for John.

DOWNTOWN SMALL OFFICE BUILDING - Partially furnished, receptionist service provided, approx. 1500 sq. ft., parking. Call Sandy at 407-843-7060.

OFFICES FOR RENT AT 28 EAST WASHINGTON Street. Downtown Orlando, walking distance to courthouse. Up to 3 window offices. Support staff space available. Receptionist included. Full kitchen and three conference rooms. Individual offices start @\$1,500.00 per month. Contact 407/423-2622.

DOWNTOWN OFFICE SPACE - Great location 8 blocks from courthouse at 827 Irma Ave. -4 private offices, reception area, kitchen, free parking. Call (407) 810-1896.

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

THE LEGAL MEDICINE GROUP, LLC - "Excellence in Medical Records Reviews". * Plaintiff and Defense Litigation Support Services * Board Certified Reviewers * Medical Malpractice and Personal Injury Specialists. 407-949-9160 www.legalmedicinegroup.com.

ATTORNEY TOM OLSEN, host of "Olsen on Law" radio show, is looking for attorneys who would like to have clients referred to them in the following areas: Immigration, Patent/Copyright, Securities, Social Security, Worker's Compensation, Tax Law and Entertainment. 407-423-5561.



Need Qualified Legal Support Staff?

For pre-screened, experienced, professional paralegals, legal assistants and legal secretaries, call Charlotte Mason, Placement Service Manager, at 407-422-4551, or e-mail charlottem@ocbanet.org.

Orange County Bar Association



MINUTES FROM COURTHOUSE!

Two offices and two staff areas.

ADA compliant,
newly renovated, full kitchen,
common reception area.

Telephone, unlimited
Internet access available.

Copier, facsimile and
storage area also available.

Shaded parking.
Available Immediately.

Call Vicki @ (407) 247-8093.

OCEANFRONT HOME PLUS OFFICE

1 / 6TH OWNERSHIP \$280,000

3-2 1 / 2 HOME, 1-1 APT/OFFICE

3000 Total SF on 2/3 Acre Direct Oceanfront*Sleeps 8-10

Private Large Pool & Beach Walkover*Privacy Wall

***All New**

It's why you went to Law School

Details & Pictures-www.745Beach.com

Contact Kevin 321-279-3300 or Jim 813-760-2901

The Amenities of a Large Firm . . . Without the Hassle.



A complete law office suite environment with receptionist, conference rooms, phone system and more. Located on the 23rd floor of the Bank of America Building in downtown Orlando. Created by lawyers for lawyers.

LAW OFFICES OF AMERICA™
Premier Legal Office Suites

(407) 956-1000 LawOfficesAmerica.com

Looking for answers to questions like...

What to Do When Clients Don't Pay?



Find the answers to this and other questions
at #1 rated practice management blog

morepartnerincome.com

LANCASTER PARK



New Construction
5/4 1/2 4129 Sq. Ft.
Gourmet Kitchen, Luxury Master
Exquisite Details, Custom Features
Pool with Chicago Brick Deck
\$1,395,000



SCOTT YOUNG
407-222-7370
Homevest Realty

Your Appealing Solution

APPEALS – TRIAL SUPPORT – CONSULTATION

creative
effective
experienced

18 years experience • 6 years on the Florida Bar
Appellate Court Rules Committee



Barbara Anne Eagan

Broussard, Cullen, DeGailler & Eagan, P.A.

BEagan@BCDorlando.com

407-649-8717

QDROs

Prepared by attorneys
for attorneys.
34 years' legal experience.
As low as \$360!

C. MICHAEL DUNCAN, ESQ.
(352) 343-2041

Louis B. Ganci,
incapacitated, of Winter Park,
Florida. Searching for the attorney
who represented and/or who may
have prepared his will, advanced
directives, and/or other estate
planning documents.

*If you have any information,
please contact*

David A. Yergey, Jr.,
at 407-843-0430.



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 OCBA's **The Modest Means Program** is designed 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.

Modest Means Program panel members will take clients that are pre-screened for eligibility. Cases covered will include: (a) bankruptcy; (b) family law – dissolutions, custodial disputes, support enforcement, adoption, etc.; (c) landlord-tenant; and (d) Wills and trusts.

For details call Brant Bitner, OCBA Executive Director, at 407-422-4551.

GEORGE F. INDEST III, P.A.

THE HEALTH LAW FIRM

PROUDLY ANNOUNCES THAT

MICHAEL L. SMITH

HAS BECOME

BOARD CERTIFIED BY THE FLORIDA BAR IN THE
LEGAL SPECIALTY OF HEALTH CARE LAW

*Mr. Smith practices
Health Care Law in the
Firm's Main Office located at:*



**THE
HEALTH LAW FIRM**

220 E. Central Parkway
Suite 2030
Altamonte Springs, FL 32701

Telephone: 407-331-6620

Telefax: 407-331-3030

www.TheHealthLawFirm.com



Need Extra Meeting Space?

Call the OCBA!

- Our up-scale meeting facility can comfortably accommodate from 4 to 100 people.
- Select from meeting rooms, conference rooms or a large multi-function room.
- Allow us to coordinate your refreshments or meals.
- Take advantage of our free, on-site parking.
- Best of all -- Enjoy your OCBA member discount rate on all room rentals!

For more information, please contact
Wendy Mazlin, Events/Seminar Manager,
at 407-422-4551 or wendym@ocbanet.org.

OCBA Continuing Legal Education



**Don't Let
Your CLE
Renewal
Date Slip
Up On You!**

Order the latest CLE material from the OCBA today. Select from more than 60 courses covering a wide range of legal topics. In addition to general credit, many programs offer ethics and certification credits. Courses are available on cassettes and CDs.

OCBA also hosts dozens of seminars sponsored by our committees and outside vendors each year. Be sure to check the OCBA website at www.orangecountybar.org for current offerings.

CLE tapes and seminars are available to OCBA members at discounted rates!

For details, contact our Seminar/Events Manager at 407-422-4551, ext. 233.

JIM SEARS
CERTIFIED CIRCUIT CIVIL MEDIATOR

*11 years mediation experience
32 years litigation experience*

When you want to focus on solutions
and make a good decision to resolve
the dispute call JIM SEARS.

407-896-9068 - jsearslaw@gmail.com



CRIMINAL LAW & INTENTIONAL TORTS

Malicious Prosecution – Defamation
Invasion of Privacy – False Arrest – Felony Cases



JON H. GUTMACHER, P.A.

Orlando, Florida

Book Author: "Florida Firearms"

Phone: (407) 650-0770

www.FalseArrestLaw.com

www.FloridaFirearmsLaw.com

FIVE BEDROOM HOME

Looking for an easier commute? Excited at the prospect of seeing your spouse and children with time to relax before dinner? Imagine your family living 10 minutes from City Hall in this split level, five bedroom, three bath home. Your 2500 sf +/- home is nestled in Spring Lake, an early Orlando "suburb" surrounding the Orlando Country Club. Solidly constructed in the 1950's your home has that old style CBC exterior construction that exudes strength and durability. Spring Lake has only two entry points which explains the lack of traffic that passes your front door on the brick streets that help define Spring Lake. The original hardwood floors are beautiful and have been seamlessly extended to the private office and dining room. The upstairs includes two separate bedrooms and full shower bathroom plus a bonus room. Your short commute begins with a call to Diane at 407/496-6374.

***Are you considering starting
your own practice?***

***Are you happy where you are but
need help with your caseload?***

**PMJ Consulting &
Support Services**

provides quality, full-service assistance
for attorneys on the move.

Visit

<http://home.bellsouth.net/Groups-legalbusiness>,
or call (321) 354-9393 or (407) 247-8093
for details

**Damage & Financial
Expert**

Lost Profits
Business Valuation
Forensic Accounting
Loss of Wages
Loss of Employee Benefits
Loss of On-Call Time

B. Michael Grant, CPA

1095 Jupiter Dr., Ste. 7, Jupiter, FL 33458
772.932.4066 • barry@bmichaelgrantcpa.com

20-Years Experienced

www.bmichaelgrantcpa.com

BROWNSTONE, P.A.

ATTORNEY & Counselor at Law



Appellate Advocacy

WINNING THE ARGUMENT ON APPEAL

CIVIL – CRIMINAL APPEALS
WRITS – POST-CONVICTION

- Criminal Law
- Personal Injury
- Constitutional and Regulatory
- First Amendment
- Land Use and Zoning
- Business Law
- Estate Planning
- Family Law
- Administrative and Government
- Intellectual Property
- Environmental Policy & Regulation
- Real Estate
- Securities Law
- Commercial Litigation
- Eminent Domain

ROBERT SIRIANNI, JR., ESQ.

400 NORTH NEW YORK AVENUE
SUITE 215
WINTER PARK, FLORIDA 32789

P 407.388.1900

F 407.622.1511

Robert@BrownstoneLaw.com



2007

March - April Calendar

OCBA Luncheon • March 22, 2007

Cameron Kuhn

CEO, Kuhn Companies

RSVP by March 20th to reservations@ocbanet.org

March

- 1 Elder Law Committee**
12:00 p.m. • Bar Center
- Federal Judicial Relations Committee**
12:00 p.m. • Judge Conway's Chambers
- OCBA Paralegal Committee**
5:30 p.m. • Bar Center
- 2 Diversity Committee**
8:00 a.m. • Bar Center
- CFAWL Bar Luncheon**
11:30 a.m. • Citrus Club
- 5 Central Florida Family Law Inn of Court**
5:30 p.m. • TBA
- 6 Criminal Law Committee**
12:00 p.m. • Bar Center
- OCALSS**
5:30 p.m. • Bar Center
- 8 Legal Aid Society Executive**
8:00 a.m. • 100 E. Robinson St.
- Real Property Law Committee**
12:00 p.m. • Bar Center
- 9 Workers' Compensation Law**
11:45 a.m. • Smokey Bones E. Colonial Dr.
- 10 YLS Softball Tournament**
TBA • Lake Fairview Park
Eric Reed:
EReed@shutts-law.com
- 13 Executive Council Meeting**
11:30 a.m. • Bar Center
- 14 Estate Guardianship & Trust**
12:00 p.m. • Bar Center
- International Law Committee**
12:00 p.m. • Bar Center
- Judicial Relations Committee**
12:15 p.m. • Orange County Courthouse
21st Floor Conference Room
- 15 Young Lawyers Section Luncheon**
11:45 a.m. • Citrus Club

- Hispanic Bar Association**
5:30 p.m. • TBA
- Paul C. Perkins Bar General Meeting**
6:00 p.m. • FAMU College of Law
- 16 Family Law Committee**
8:00 a.m. • 425 N. Orange Ave., #2310
- 20 Legal Aid Society Board Meeting**
11:45 a.m. • 100 E. Robinson St.
- Professionalism Committee**
12:15 p.m. • Bar Center
- Inn of Court**
5:30 p.m. • Dubsdread
- 21 Solo & Small Firm Committee**
12:00 p.m. • Bar Center
- Insurance Law Committee**
12:00 p.m. • Bar Center
- 22 OCBA Luncheon**
Cameron Kuhn
Developing Downtown
11:30 a.m. • Ballroom at Church Street
225 S. Garland Ave.,
Orlando, FL 32801
- Professionalism & Diversity Committees Seminar**
The Convergence of Diversity and Professionalism
1:30 p.m. • Bar Center
RSVP: www.orangecountybar.org
- 23 Labor & Employment Committee**
12:00 p.m. • Bar Center
- 26 CFAWL Board Meeting**
12:00 p.m. • Bar Center
- 28 CFACDL**
11:45 a.m. • Sorosis Club
- Business Law Committee**
12:00 p.m. • Baker Hostetler SunTrust Bank Building
- Young Lawyers Board Meeting**
5:30 p.m. • Rumberger, Kirk & Caldwell
- 30 Bankruptcy Law Committee**
12:00 p.m. • Bar Center

- 31 10th Annual Gala**
7:00 p.m. • Premier Trade Plaza
125 South Orange Avenue,
Orlando

April

- 3 Criminal Law Committee**
12:00 p.m. • Bar Center
- OCALSS Meeting**
5:30 p.m. • Bar Center
- 5 Elder Law Committee**
12:00 p.m. • Bar Center
- OCBA Paralegal Committee**
5:30 p.m. • Bar Center
- 6 Diversity Committee**
8:00 a.m. • Bar Center
- CFAWL Bar Luncheon**
11:30 a.m. • Citrus Club
- 9 Central Florida Family Law Inn of Court**
5:30 p.m. • TBA
- 10 Executive Council Meeting**
11:30 a.m. • Bar Center
- 11 Estate Guardianship & Trust Committee**
11:30 a.m. • Bar Center
- International Law Committee**
12:00 p.m. • Bar Center
- 12 Legal Aid Society Executive**
8:00 a.m. • 100 E. Robinson St.
- Real Property Law Committee**
12:00 p.m. • Bar Center
- 13 Workers' Compensation Committee**
11:45 a.m. • Smokey Bones, E. Colonial Dr.
- 17 Legal Aid Society Board Meeting**
11:45 a.m. • 100 E. Robinson St.
- Professionalism Committee**
12:15 p.m. • Bar Center
- Inn of Court**
5:30 p.m. • Dubsdread

The Independent Path

To travel the road to financial security, you need the right advisor. Let an independent fee-only financial planner who has your best interest at heart provide the financial management strategy you need to achieve your goals.



Andrew C. Orr, CFP®, CLU, ChFC, AIF®
President

www.orrgroup.com

"If you are worried about potential conflicts of interest, consider using a fee-only adviser."

—Jonathan Clements
The Wall Street Journal
July 19, 2006



ORRGROUP™

Financial Planning • Education • Advice

Fee-only and affordable...*finally!*™

3117 Edgewater Drive
Orlando, FL 32804
321.332.7179 • Fax: 800.878.0773
Toll-free: 866-NEED PLAN (633-3752)
Email: andrew@orrgroup.com





Mistakes happen.

When a manufacturing mistake results in a defective car or tire there are often catastrophic consequences. At the Newsome Law Firm we represent consumers injured by defective products. Call us for more information.



NEWSOME
LAW FIRM

RESOURCES. KNOWLEDGE. EXPERIENCE.

For help evaluating potential products liability claims call [888.808.5977](tel:888.808.5977)
www.ProductsLiability.net



The Briefs

880 North Orange Avenue
Orlando, Florida 32801

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