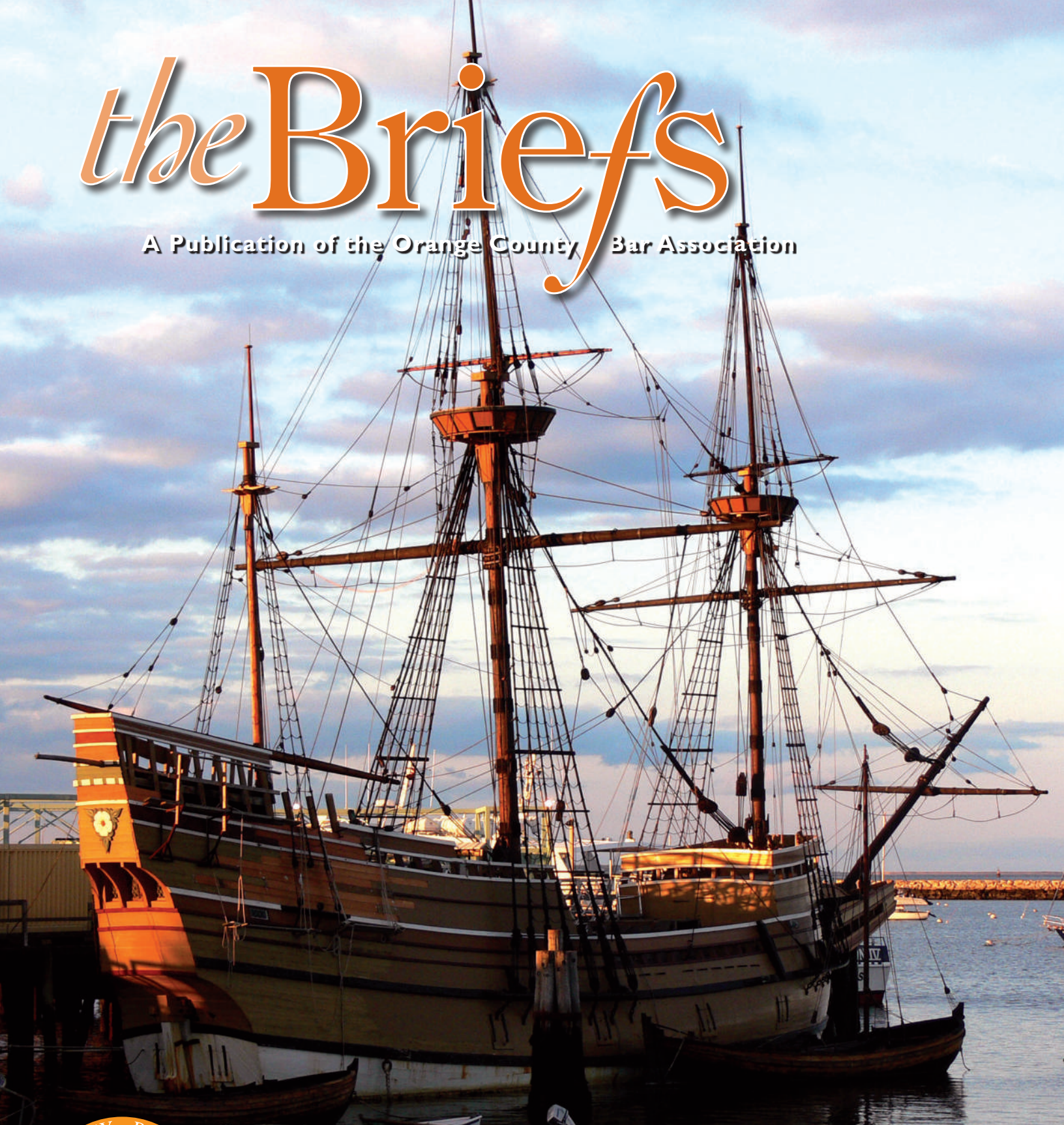


the Briefs

A Publication of the Orange County Bar Association



November 2010
Vol. 78 No. 11

Inside this Issue:

OCBA November Luncheon
Cecil B. Wilson, MD
President, American Medical Association

Professionalism Committee
Attorney Professionalism in Evidence in the Courtroom? Judges Weigh In
Suellen Fagin-Allen

Judicial News

The Honorable R. James Stroker Retires After Nearly Four Decades on the Bench
Vanessa J. Skinner

Appellate Practice Committee
Demystifying Appellate Practice in the Ninth Judicial Circuit
Michael March Brownlee and Thomas Wade (Tom) Young



"I spend my
time working
on my cases,
not my
banking."

If you're taking too much time away from your practice to manage your banking, contact an M&I Banker.

Regardless of the size of your practice, your dedicated M&I Banker will help you make knowledgeable financial decisions about cash flow, remote deposit capture, business checking and more. We can also help you manage your personal finances, too.

Contact us today.

**Preferred Banking Institution
and Proud Sponsor of the
Orange County Bar Association**



Christopher Dale
Preferred Banker
407-513-9590
Orlando



Tom Bacchus
Commercial Banker
407-648-2141
Orlando

Personal | **Business & Commercial** | Wealth Management



BANK

Killinger v. Guardianship of Grable,
983 So. 2d 30 (Fla. 5th DCA 2008)

Denied certiorari petition contesting
extensive discovery in guardianship
proceeding.

Caiazza v. Tuff Realty Corp.,
805 So. 2d 29 (Fla. 5th DCA 2001)

Protected ownership of two multi-million
dollar Florida corporations.

McGhee v. Volusia County,
679 So. 2d 729 (Fla. 1996)

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

Whigham v. Shands Teaching Hospital,
613 So. 2d 110 (Fla. 1st DCA 1993)

Reinstated multi-million dollar medical
malpractice action against blood bank.

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).

Acadia Partners, L.P. v. Tompkins,
759 So. 2d 732 (Fla. 5th DCA 2000)

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

Pettry v. Pettry,
768 So. 2d 8 (Fla. 5th DCA 2000)

Reversed conversion of rehabilitative
alimony to permanent alimony.

GEICO v. Krawzak,
675 So. 2d 115 (Fla. 1996)

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

***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".

Thomas v. Fusilier,
966 So. 2d 1001 (Fla. 5th DCA 2007)

Reversed forfeiture of \$250,000 payment
required by marital settlement agreement.

Your APPELLATE PARTNER

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

Marcia K.
LIPPINCOTT

ATTORNEY AT LAW

P.O. Box 953693
Lake Mary, Florida 32795

(407) 688-2700

Toll Free (866) 688-2700

www.appellatepartner.com

Table of Contents:

the Briefs

©2010

Co-Editors

Vivian P. Cocotas & Sarah P. L. Reiner

Associate Editors

Allison C. McMillen & Suzanne D. Meehle

Side Bar Columnist

Sunny Lim Hillary

YLS Columnist

Jacquelynne J. Regan

OFFICERS

Frank M. Bedell, *President*
Thomas A. Zehnder, *President-Elect*
Kristyne E. Kennedy, *Treasurer*
Paul J. Scheck, *Secretary*

EXECUTIVE COUNCIL

Wiley S. Boston
Mary Ann Etzler
Meenakshi A. Hirani
Elizabeth F. McCausland
Nichole M. Mooney
Gary S. Salzman
Nicholas A. Shannin
William D. Umansky
William C. Vose
Kimberly D. Webb
Esther M. Whitehead
Diego "Woody" Rodriguez, *Ex Officio*
Eric C. Reed, *YLS President*

EXECUTIVE DIRECTOR

Brant S. Bittner

Communications Manager

Peggy Storch

Marketing Manager

Mente Piccoli



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	407-422-4551
Lawyer Referral Service	407-422-4537
Legal Placement Service	407-422-4551
Young Lawyers Section	407-422-4551

DEADLINE INFORMATION

Advertising - 10th of the month prior to the month of publication
Copy - 15th of the month six weeks prior to the month of publication

If the deadline falls on a weekend or holiday, the deadline is the next business day. 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 ©2010 Orange County Bar Association. All rights reserved. Designer: Catherine E. Hebert Cover Photo: Morgue.com

President's Message	3
<i>Fall and Welcoming New Lawyers into the Profession</i> Frank M. Bedell	
Professionalism Committee	4
<i>Attorney Professionalism in Evidence in the Courtroom?</i> <i>Judges Weigh In</i> Suellen Fagin-Allen	
OCBA October Luncheon	5
Cecil B. Wilson, MD President, American Medical Association	
Appellate Practice Committee	6
<i>Demystifying Appellate Practice in the Ninth Judicial Circuit</i> Michael March Brownlee and Thomas Wade (Tom) Young	
Solo and Small Firm Committee	8
<i>Lessons from a First-year Solo</i> Kimberly C. Preston	
Judicial News	11
<i>The Honorable R. James Stroker Retires After Nearly Four Decades on the Bench</i> Vanessa J. Skinner	
Patrick Moore Magill	12
July 30, 1950 - September 28, 2010 Robert T. Magill	
Legal Aid Society News	13
<i>What We Do...</i> Donna A. Graf	
YLS on the Move	15
<i>Fall Wrap-up</i> Jacquelynne J. Regan	
Hearsay	17
Kimberly D. Webb	
Paralegal Post	22
<i>9 Critical Steps for Trial Preparation – Part 2</i> <i>Important items that all paralegals should keep in mind</i> David J. Dempsey	
SideBar	24
Sunny Lim Hillary	
Presentation Skills for Lawyers	27
<i>Refinancing Your \$100,000 Vocabulary:</i> <i>How to Speak so Everyone Understands You</i> Elliott Wilcox	
Rainmaking	28
<i>Make the Most of Your Marketing during the Holidays</i> Mark Powers and Shawn McNalis	
New Members	30
Announcements	32
Classifieds	35
Calendar	36

President's Message

November 2010

Fall and Welcoming New Lawyers into the Profession



Frank M. Bedell

Fall is my favorite season. When I was much younger, I liked spring the most because the warmer weather meant that baseball season would start and that summer vacation was approaching. I went to college at UNC-Chapel Hill, where the springs are glorious. But after a couple of years in Chapel Hill, I started to prefer fall, when the leaves would change, the weather would get cooler, and we'd start preparing for finals. There are many other reasons to love fall and, while Orange County does not have distinct changes of season, fall in Florida still means the World Series, Halloween, and Thanksgiving, all of which lead into other holidays and the end of the year.

I am pleased to say that I recently found another reason to love fall – the Oath Administration and Reception for new members of The Florida Bar, which is yet another terrific project that the YLS puts on for our community. This special ceremony took place in the Council Chambers at Orlando City Hall. There was a diverse group of approximately 46 new lawyers who participated from an equally diverse group of law schools, including Barry University, Duke University (Go Heels!), Florida State University, Stetson University, the University of Miami, the University of Pennsylvania, the Ohio State University, and the University of Florida (Go Gators!). More than a dozen of our judges attended, and **Judge John Jordan** delivered an inspirational speech about the importance of protecting your reputation. Additionally, many

family members and friends were present to help these new lawyers celebrate the special day on which they became eligible to practice law in Florida. All told, there were about 250 people for this great event. Hats off to YLS president **Eric Reed** and the committee chaired by **Lauren Carmody** for a job well done!

At the reception, I visited with some of these new lawyers. I was inspired to see the excitement, hope and expectation in their faces. In fact, I would encourage all lawyers who have been practicing for 15 years or longer to attend this event. Not only is it instructive to listen again to the Oath of Admission to The Florida Bar, but it's also refreshing to be reminded what it was like to begin the practice of law. Sure, there were times as a younger lawyer when you felt like *everything* was so new and that the learning curve kept getting steeper instead of flattening out. But the novelty also provided memorable excitement, such as the first time you won a contested hearing or a trial, or when you watched a partner use a transcript of a deposition you had taken in an attempt to impeach a witness.

I can only imagine how different the practice of law must be for

today's new lawyers in comparison to what many of us experienced. The market is extremely tight, which makes it difficult to find a job. For those fortunate enough to find a position at a law firm, there are strong pressures for new lawyers to make economic contributions almost immediately, and these pressures occasionally inhibit learning opportunities. Finally, because it is now so expensive to try a case, there are fewer opportunities for younger lawyers to gain courtroom experience.

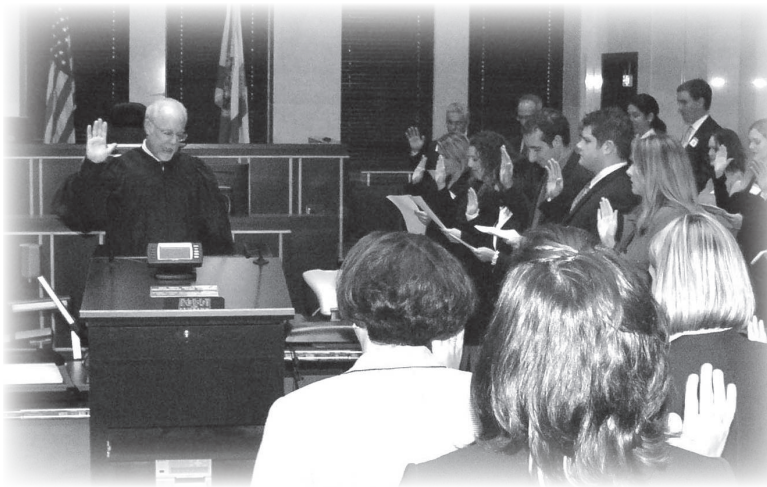
Despite these pressures and challenges, this is also a very exciting time both to start a legal career and to develop an interest in something other than the billable hour. There is, of course, a tremendous amount of information available to new lawyers regarding opportunities in the law. There are now more practice areas in which new lawyers can find a specialty that really suits their interests and skills (and where I hope there are plenty of clients!). Additionally, these new practice areas provide more opportunities to serve our clients and the profession.

It is beneficial to take a break every now and then from the constant flow of information and from paying work. Sometimes, it's helpful to do things that are completely unrelated to the practice of law, like walk your dog, or go to a movie, or watch all of a World Series game! Other times, it's helpful to do something that is related to the practice of law, like attend a bar luncheon or a meeting or another bar event, where you can learn something new about the profession or about some of your colleagues. In fact, I almost always feel better about the law after attending a bar event, mainly because I get to spend some time with bright, engaged people who care about the profession. The Oath Administration and Reception for new members of The Florida Bar was this type of event.

Therefore, as we head into fall and then into other holidays and year-end activities, I encourage you to think about what it was like to be a new lawyer and what you remember from those times. Then think about how much you've learned along the way. I'll bet that some of those experiences will make you laugh, while others might make you wince. Yet, you're probably better off having had those hard lessons. If there's a new lawyer around, think about helping that person so that he or she can learn from your experiences, which can also be a learning opportunity for both of you.

Fall continues to be my favorite season, and I'm now reminded that fall signifies not only the beginning of the holidays but also the entry of new lawyers into our profession. If there are ways that the OCBA can help you, as a new lawyer or as a more "seasoned" lawyer, please let me know. And I hope you have a great fall and holiday season.

Frank M. Bedell is a shareholder with Winderweedle, Haines, Ward & Woodman, P.A. He has been a member of the OCBA since 1987.



Professionalism Committee ● *Attorney Professionalism in Evidence in the Courtroom? Judges Weigh In*

Suellen Fagin-Allen

Where is attorney professionalism most evident? One obvious place to look is the courtroom, where attorneys' conduct is on display for fellow counsel, litigants, the public, and court personnel – including judges, who notice the good, the bad and the ugly. For this article, I asked several Ninth Circuit judges the following questions: What unprofessional behavior by lawyers is most noticeable? Who is exhibiting unprofessional conduct? Why the rise in lawyer unprofessionalism in recent times – if there has been one? And, how can lawyers improve their behavior? Circuit Civil Judge **John Marshall Kest**, a member of the OCBA Professionalism Committee, and Judge **Jose Rodriguez**, along with Circuit Criminal Judge **Bob LeBlanc**, shared thoughts on these questions.

The judges complimented trial lawyers for the most part. Judge Kest stated that lawyers seem to be at their best in the courtroom and that there is a “good probability that lawyers in general are being very professional.” He said it's not unprofessional behavior itself that he sees, but rather its result, with a prime example being “the hearing to set a hearing” necessitated by a lawyer's apparent refusal either to return a phone call or acknowledge any hearing availability. Other poor conduct noted by the judge included refusal to agree to matters which should not be in dispute and witnesses being deposed unnecessarily, necessitating their being called to wait for hours to testify at trial, only to then have their testimony stipulated to.

Judge Rodriguez agreed that in general lawyers behave professionally, but expressed concern that the rules of proper courtroom decorum are not always being observed. Examples included lawyers chewing gum, eating, drinking, not having appropriate attire, and rolling their eyes or grimacing at unfavorable rulings. The judge also recounted a few attorneys attempting to mislead the court either factually or with inapplicable legal citations. There ought to be a rule, Judge Rodriguez remarked somewhat humorously, “Thou shalt not lead the judge into reversible error.”

Who among lawyers is being uncooperative, not following the rules and, perhaps more importantly, why this lack of professionalism? Judge Kest believes it is often seasoned lawyers “who ought to know

better” who are causing the problems, either out of “a lack of common sense” or simply to be acrimonious. To support his position he cited lawyers setting hearings to contest matters already agreed to by the parties or their attorneys in writing. A verbal agreement between lawyers used to be good enough, he said, but now it seems at times that even a written one is no good. Judge Rodriguez added that some attorneys will always try to push the envelope, just to see what they can get by with. However, judges get to know who they are and remember them.

In part, Judge Kest believes the economy is to blame for the degree of unprofessionalism he sees in the courtroom, and he thinks it is on the rise. The practice of law has become more cutthroat due to competition, even among experienced attorneys. He laments young lawyers being sent out “from day one” to bill hours, even by larger firms, having received virtually no mentoring. Judge LeBlanc adds that he is not seeing “intentional unprofessionalism” on the part of newer attorneys, but rather a lack of depth, which comes from an accumulation of life experience. When they gain more of that, he says, they will do better.

In contrast, the judges recalled some examples of exemplary attorney conduct. Judge Kest cited one of the cases from his days in juvenile court. On the bench and ready for trial, the judge was surprised when the prosecutor, a brand new assistant state attorney, got up from his chair and announced to the court that he had just spoken with the complaining witness, that “there is no case here” and that he was issuing a nolle prosequi, regardless of whether his division chief approved. Judge Kest noted another example of an attorney's exemplary conduct. Plaintiff's counsel, at pre-trial conference for a complex civil case, promised to try to “work it out” and later came back to the court with a seven-page pre-trial stipulation containing good faith arguments on only the truly contested points, signed by all parties. The subsequent trial proceeded with civility and without acrimony. Judge Rodriguez added compliments for both the prosecutor and defense attorney in a lengthy criminal trial he recently conducted. Jury members inquired afterward, “Do lawyers in these cases always act so civilly

toward each other?”

So, what suggestions can we – as both litigators and transactional lawyers – take from the judges' comments on professionalism? Judge Rodriguez's suggestion was specific: that every lawyer read and be familiar with the Ninth Circuit's Courtroom Decorum Policy, which can be retrieved from the Ninth Circuit's website (<http://www.ninthcircuit.org/programs-services/court-resource-center/decorum-policy.shtml>). Otherwise, be nice. Play fair. Pick up the phone. Cooperate. Follow the rules. Don't mislead the court.

Whether practicing law or just being in the world, people have different personalities and will behave differently given the same circumstances. One could infer from Judge Rodriguez's remarks that some lawyers will always tend to behave aggressively or passive-aggressively in and out of the courtroom. Whether this behavior is due to a long-standing personality trait or a mistaken belief that that's the way an attorney is supposed to act, the judges aren't impressed. At times, when we feel particularly inclined to act out in the courtroom or the hearing room, we had better think twice.

As a licensed mental health counselor, I believe the broader problem for lawyers in general is poor stress management. Stress itself is not a mental health disorder; it is the result of more things piling up on our plates than we can effectively handle. However, high and prolonged levels of stress can result in mental health issues, including depression, anxiety, poor anger management, sleep difficulties, interpersonal problems, and substance abuse. Poor stress management can lead to overzealous representation of our clients, poor courtroom decorum, or other forms of unprofessional conduct that we see documented regularly in the Attorney Discipline section of *The Florida Bar News*. To avoid such problems and maintain our professional standards, we must take care of ourselves, become less reactive to stress, and develop better boundaries. That means we don't take on the problems of clients as our own or assume total responsibility for assuring a positive outcome to every case. We just do the best job that we can, one day at a time.

continued page 10

OCBA Luncheon *November 18, 2010*

Sponsored by  Westlaw



Cecil B. Wilson, MD
President
American Medical Association

Cecil B. Wilson, MD, an internist from Winter Park, Florida, became the 165th president of the American Medical Association in June 2010. Dr. Wilson has been a member of the American Medical Association (AMA) Board of Trustees (BOT) since 2002 and served as chair of the AMA-BOT from 2006 to 2007. Dr. Wilson has also been a member of the AMA House of Delegates since 1992 and

was previously elected to two terms as a member of the AMA Council on Constitution and Bylaws, of which he also served as vice chair.

Dr. Wilson has a distinguished record of service and leadership in organized medicine. He was president of the Florida Medical Association (FMA) and chair of its board of governors and executive committee. In 2003, Dr. Wilson was recognized by the FMA with its highest award, the Certificate of Merit. He served as president of the Orange County Medical Society as well as president of the medical staffs of Winter Park Memorial Hospital and Florida Hospital Medical Center, Orlando, Florida.

After receiving his bachelor's degree in history and his doctorate from Emory University, Dr. Wilson interned at the U.S. Naval Hospital, Portsmouth, Virginia, and completed his residency in internal medicine at the U.S. Naval Hospital, San Diego. He served as a Navy flight surgeon, rising to the rank of commander. Dr. Wilson has been in private practice of internal medicine in Central Florida for more than 30 years. He is board-certified in internal medicine and a Master of the American College of Physicians (ACP).

Dr. Wilson's service in organized medicine includes leadership in his specialty of internal medicine. He is a past chair of the ACP Board of Regents. He also served on the board of the American Society of Internal Medicine (ASIM) and was a member of the merger committee between ACP and ASIM, which resulted in the largest medical specialty society in the United States. At the state level, Dr. Wilson has received the prestigious Laureate Award for service to internal medicine from the Florida chapter of ACP.

In addition to his work within organized medicine, Dr. Wilson served as a board member of COLA, a physician-run organization that accredits more than 8,000 physician office laboratories nationwide. He is currently a national fellow and advisor for the Center for Global Health and Medical Diplomacy at the University of North Florida, and a clinical professor in health administration in the Brooks College of Health at the university. He is also a past president of the Florida Statewide Health Council and past chair of the Local Health Council of East Central Florida.

Dr. Wilson and his wife, Betty Jane, past president of the FMA Alliance, have two sons, Brian Wilson (2002-03 OCBA president) and Randy Wilson, a daughter, Krista Leland, and three grandchildren.

The Ballroom at Church Street

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

225 S. Garland Avenue • Orlando, FL 32801

Please RSVP to reservations@ocbanet.org
by Friday, November 12, 2010.

Main Entrance: Garland Avenue between
Church Street and South Street

To ensure a proper luncheon count, RSVPs and CANCELLATIONS are requested no later than Friday, November 12, 2010. The OCBA is happy to provide 10 luncheons as part of your member benefits, but no-shows incur additional charges for the Bar and walk-ins cannot be guaranteed a seat.

Please keep us up-to-date on your reservation status!

VALUATION & LITIGATION SERVICES

BUSINESS VALUATIONS

LITIGATION SUPPORT

FORENSIC ACCOUNTING

ADAM T. MAGILL, MBA, AVA, CBA

801 MAGNOLIA AVE, STE 304, ORLANDO, FL 32803

407-233-4180 | 407-233-4182 Fax

www.valuation-litigation.com | info@valuation-litigation.com

Picture yourself standing outside one of Florida's appellate courts.

Where are you?

Odds are high you did not identify one of the Ninth Judicial Circuit's courthouses in your mental exercise. Yet, the Ninth Judicial Circuit is an appellate court, and all 43 of its circuit judges² decide more than 1,000 appeals and original appellate proceedings each year.

Overview

Florida attorneys understand on at least a basic level that Florida circuit courts possess appellate jurisdiction. Many have appeared as appellate counsel in circuit court. Few, however, are aware of the path a circuit appellate case travels. Members of the OCBA's Appellate Practice Committee came to that realization through informal conversation at a recent meeting. That conversation was the genesis of this article, the objective of which is practical – to give readers an understanding of what happens to appellate cases within the recesses of the Ninth Judicial Circuit. The article is not a scholarly discussion of finer points of appellate jurisdiction or procedure. References to procedural rules or substantive law are made simply for context.

The Florida Constitution confers appellate jurisdiction on circuit courts, but largely delegates the job of defining the scope of such jurisdiction to the Legislature. The constitution provides for circuit court "jurisdiction of appeals when provided by general law" and "power of direct review of administrative action prescribed by general law."³ It also gives circuit courts the power "to issue writs of mandamus, quo warranto, certiorari, prohibition and habeas corpus, and all writs necessary or proper to the complete exercise of their jurisdiction."⁴

The Legislature, in turn, has passed general laws authorizing circuit courts to hear appeals from county courts in both criminal and civil matters.⁵ These statutes, however, are not exclusive. In some

instances, laws specific to a particular subject matter may also authorize appellate review by circuit courts, especially review of certain administrative action.⁶

Caseload and Resources

The most common civil appeals in the Ninth Judicial Circuit involve Personal Injury Protection insurance disputes. Driving under the influence convictions and intoxilizer evidentiary rulings are the most common criminal appeals, while driver's license suspension orders represent the most frequently reviewed administrative actions. Deputy clerks in the office of the Orange County Clerk of Court confirm anecdotally that, on average, only one or two cases seeking review of final local government action are filed each month.

In recent years, attorneys appearing in circuit appellate cases have reported significant delays in final disposition. Local Rule 6 requires that an opinion be issued within 60 days after conference,⁷ but delays of well over a year are known to have occurred. Suffice it to say that the local rule's dictate yielded to economic reality, with resulting delays generally attributable to overburdened judicial resources and, often, attorney missteps.

Before this decade's economic meltdown, the Ninth Judicial Circuit employed 16 staff attorneys. Between 2007 and 2008, when budget shortages became the norm, the number dwindled to 12. The loss of four attorneys, together with a hiring freeze and the explosion of foreclosure filings, slowed the rate of appellate dispositions dramatically.

Today, the court enjoys a "full" roster of 14 staff attorneys. By actively managing the responsibilities of those attorneys and enlisting the assistance of **Senior Judge Rom Powell**, the rate of the court's appellate dispositions has greatly improved. As of August 2010, the Ninth Judicial Circuit was poised to rule on perfected records in 55 criminal appeals, 10 civil appeals, and 26 writ proceedings.

Staff attorney efficiency is enhanced by assigning each attorney to a particular division. Of the 11 attorneys assigned to the Orange County Circuit Court, five work in the criminal division handling

post-conviction motions and appeals almost exclusively, and three work in the civil division, where the greater percentage of their time is devoted to appellate cases. One Orange County staff attorney is assigned exclusively to the appellate division, and another assigned to the domestic relations division also carries appellate responsibilities. Only the single staff attorney assigned to the business court division has no appellate responsibilities. The supervising attorney, who travels between Orange and Osceola counties, and the two staff attorneys assigned to the Osceola County Circuit Court, also share appellate responsibilities. Roughly one-half of an Osceola County staff attorney's time is spent on appeals and review of preliminary appellate motions.

Practice Tips

Pro-active, congenial communication with the Clerk's office provides one of the best safeguards against preventable delay. Monitoring the docket regularly and making a polite call or visit to the Clerk's appellate division at the first hint of a glitch will cure most snafus. The failure to take such proactive approaches may delay dispositions by several months.

For example, some attorneys have reported delay caused by inadvertent exclusion of exhibits from the record on appeal in circuit appellate cases.⁸ Communicating directly with the Clerk's office upon receipt of the Clerk's invoice for preparation of the record or simply filing directions to the Clerk, even when not technically required,⁹ should prevent inadvertent exclusion of key exhibits from the record and related delay.

Other common oversights that contribute to avoidable delay include filing appellate papers in the wrong division of the Clerk's office, failing to pay the Clerk's invoice for preparing the record on appeal, and transcript-related issues.

The office of the Orange County Clerk of Court houses its appellate division in Room 210 of the Orange County courthouse. Room 210 is also home to the Clerk's criminal division, a circumstance that may cause some confusion in connection with civil appeals. Signage notwithstanding, all circuit appellate

continued page 16



the PATH
to common ground



For Upchurch Watson White & Max,
the road to resolution is well traveled.

Navigating a settlement between parties who don't agree can be a rocky road.
We can help.

For Upchurch Watson White & Max Mediation Group, the road to resolution is paved with thousands of agreeable outcomes.

Upchurch Watson White & Max specializes in settling disputes - anywhere. Considered by many as the go-to mediation and arbitration firm, our team of attorneys and former judges has handled many of the most high-profile cases undertaken over the past twenty years. We are committed to the satisfactory resolution of every case, from the simplest to the most complex.



uww-adr.com

Our Supreme Court certified mediators will help you and your clients find the path to common ground.

DAYTONA BEACH

MAITLAND / ORLANDO

MIAMI

BIRMINGHAM

Solo and Small Firm Committee ● *Lessons from a First-year Solo*

● Kimberly C. Preston

Last year, I hung out the proverbial shingle. I had been out of the professional work force as a stay at home mom for the previous four years. Although I worked as an attorney in the past, upon my return I decided to devote my practice to an area of law that I had not formerly worked in as a professional. As the lawyer in the family I had drafted a few wills, but this would be a completely new endeavor. To paraphrase our colleague, Merrell Bailey, I would be learning to “drive the car at the same time I was building it.” This past year, I have had a continuous feeling of flying by the seat of my pants. However, I am pleased to say that I am still driving this wonderful car and it is still under construction. Here is some sage advice from a new solo practitioner/entrepreneur.

1) “Solo” does not mean “Alone.”

Despite all the jokes about lawyers, we belong to a profession of predominantly nice people. We earn our living helping people. It makes sense that when I asked for help from more experienced practitioners, I received it. I found various listserves, bar association committee meetings, and an endless array of CLE programs to be great ways to learn about a new practice area from other lawyers. When faced with practical application of a statute, for example, I called the Seek Counsel of Professional Experience (SCOPE) program through The Florida Bar. Other, more seasoned attorneys in the area have also co-counseled with me. When clients learned that they were getting two lawyers for the price of one, they didn’t seem to mind and appreciated the value for their dollar. Additionally, the CFAWL mentoring program is very helpful. As a working mother and solo practitioner, my mentor has valuable experience to share with me. Finally, a few of us new solos formed a close group that meets monthly to discuss particular issues in our practice area as they arise.

2) Invest in tools of the trade, but don’t let the review period expire.

It was a challenge learning which materials, subscriptions and professional software I needed to run my practice. In truth, last year was much more expensive than I had anticipated. I strongly recommend using the 30-day review periods that are offered on most software and books. I found that learning to drive the car and assembling it at the same time lent itself to overlooking that particular detail at times. Suffice to say, the budget is tighter this year, and I

have learned which software programs are duplicative. Hopefully, this year my tool chest will be what I need and not much more.

3) A law firm is a business.

It is one thing to practice law, but quite another to run a business. Having no prior experience in running a business, apart from childhood lemonade sales, I enlisted the help of a professional business coach. I also used counseling services provided by the Small Business Development Center at UCF. This combination of advisors has opened up a whole new world of business education. Meeting with other members of our legal community who have also gone out on their own has provided valuable insights and recommendations.

4) The attorney referral program helped me survive my first year.

The OCBA runs the attorney referral program in Orange County. For a small annual fee, I joined the list of attorneys in the program. While some of the referrals did not result in paying cases, the ones that did were good cases and some led to repeat business.

5) Ask for what you deserve.

As a start-up, I felt so grateful for any business at all and struggled with how much to charge for a case. My business coach helped me to stay on track with this. When I knew the person or the referral source well, I struggled with how much to charge. I still do. However, to help myself when quoting fees, I have created a fee chart listing my fees along with a fee policy that states when money is to be paid and what types of discounts I offer. To help prevent last-minute fee drops, I post my fees on the bulletin board along with a listing of who may qualify for a discount and what the amount is. For example, neighbors get a 10% discount.

6) Like Rome, my practice will take time to build.

Since I was not working prior to starting my practice, I did not have savings available to begin my practice. To reduce expenses, I rent a virtual office for client meetings. The facility lists my name in the lobby directory and provides a reception area with a pleasant receptionist. I have also learned to save money by eliminating a separate fax line. When expecting a fax, I request that clients call me prior to faxing so that I can connect the fax to the phone line. For legal research, I use Fastcase, the free program available through The Florida Bar. Although I look forward to having my own office with an assistant and all the amenities, this is working well as I build the practice.



7) When everything seems overwhelming, stop everything and organize.

As a new solo, the responsibility of being office manager, bookkeeper, receptionist, marketer, janitor and attorney can feel overwhelming. I found that when that happens, it is best to clean the office and organize the workload in order of priority. To keep up with the office financials last year, I reconciled the books each month. In year two, I sought the assistance of a bookkeeper to help with this task.

8) You really don't learn something until you do it yourself.

Taking on a new practice area can be a test of humility. Regardless of how much reading, studying and confirming with others who have gone before you, you really don't know how to do something until you tackle it yourself. More importantly, you don't seem to really learn it until you make a mistake! Although I check everything more times than Santa or his elves do, I have made some mistakes that I would prefer not to publicize. Suffice to say that my mistakes have taught me things I will *never* forget.

9) You are not your law practice.

When clients call and business is going well, it is easy to feel good about yourself. But when the phone isn't ringing or clients aren't knocking on the door, it can bring you down if you take it personally. I have discovered the best way to deal with this is to detach from the outcome of my efforts to build a practice. Have you ever observed a professional ath-

lete interviewed after a game? The athletes are often able to separate who they are from their performance in a particular event. I have found this method to work for me as well. It also helps to totally break away from work for a little while. A few hours at the playground with the kids, going for a run, or cooking a good meal goes a really long way in creating balance in my life.

10) You are very much your law practice.

However, when it comes to marketing, practicing the profession of law, and operating the business, you are your law firm. In my brief tenure as a solo practitioner, I have learned that marketing is more about building relationships than it is about advertising. Practicing law is just that, "practicing." And running the business is ultimately the firm owner's

responsibility regardless of who is hired to help. To paraphrase Thomas Watson, Sr., former President of IBM, "To be successful, you have to have your heart in [your law firm] and your [law firm] in your heart." Good luck!

Kimberly C. Preston, Esq., has been a member of the OCBA since 2005.



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



LEADING AMERICAN
ATTORNEYS

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

Representing victims of legal malpractice 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

continued from page 4

So take care. Seek mentoring. Develop an effective stress management program. It may involve a few minutes of meditation, prayer, guided imagery, deep breathing, yoga, or communing with nature in the midst of a taxing day, for starters. Remember, you can control only the effort you make on behalf of your client – you are not in charge of the outcome. Don't be embarrassed to seek professional stress management help as well.

The final words of Judge Kest also bear remembering: "A lawyer is a lawyer even in Publix or Walgreens." It's true. Our words and behavior define us and become our professional reputations.

Let's make sure we manage ours well.

Suellen Fagin-Allen is a sole practitioner in Orlando in the areas of estate and incapacity planning, probate and guardianship. She is also a Licensed Mental Health Counselor, working with adolescents and adults in Orlando. She has been a member of the OCBA since 2010.



High-End Office Without High-End Price

Impress them
for as little as
\$99*
per month



- Class "A" office space
- Conveniently located close to I-4
- Two conference rooms
- Six private offices
- Beautifully furnished
- Internet access, faxing, scanning, and copying services available
- Staffed with a qualified receptionist



Lake Mary Virtual Office
S U I T E S

*Pricing begins at \$99 per month for prestigious business address and mail and package receipt. Excludes sales, use and/or other applicable taxes

For a tour or more information call 407•771•2000
1301 S. International Parkway • Suite 1041 • Lake Mary, Florida 32746

Marsh U.S. Consumer Lawyers Professional Liability Insurance

**Competitive Rates,
Easy Transfer Process,
No-cost Liability Consultation**



MARSH



MARSH MERCER KROLL
GUY CARPENTER OLIVER WYMAN

Before you renew your current policy, Marsh U.S. Consumer, a service of Seabury & Smith, Inc., would like to introduce our Professional Liability Insurance Program to the state of Florida.

Save time with our no-obligation analysis. We will compare your current policy coverage at no cost. We think you'll find we offer one of the most comprehensive policies in Florida at a very competitive price.

Please visit our Web site to find out more and to start the application process at **www.proliability.com/lawyer**.

Or call Sharon Ecker, Vice President, Marsh U.S. Consumer, who has over 20 years of Professional Liability Insurance experience at **1-800-365-7335, ext. 6435.**

» Visit **www.proliability.com/lawyer** to find out more or call **1-800-365-7335, ext. 6435.**

CA Ins. Lic.#0633005 AR Ins. Lic.#245544 d/b/a in CA Seabury & Smith Insurance Program Management #48886 (1/10) ©Seabury & Smith, Inc. 2010

Judicial News

The Honorable R. James Stroker Retires After Nearly Four Decades on the Bench

Vanessa J. Skinner

Judge R. James Stroker's father and mother, a school superintendant and music teacher, were none too pleased when they learned their son was rejecting multiple job offers in New York City and packing up his Volkswagen Beetle to head to Orlando upon graduating from Cornell University Law School. After all, he did not know a soul in Orlando and only decided to move there after visiting one spring break.

When Judge Stroker arrived in Orlando, he struggled to find a job. With his parents reluctant to support him, he found himself living at an I-4 rest stop for several nights, washing up in the bathroom sink each evening after spending the day canvassing the city for a position in labor law, his area of specialty in law school. Then one day Tom Gurney, Sr. overheard him making a pitch to a receptionist and invited him to breakfast. By the end of the meal, Judge Stroker had been offered a position at Gurney, Gurney & Handley. His first day at the firm – October 1, 1971 – was the day Walt Disney World opened.

Since his firm represented the insurance company for the City of Orlando, the

arrival of Disney World led to an influx of cases for Judge Stroker. City officials quickly became aware of Judge Stroker's work and asked him to serve as the Orlando Municipal Judge in 1974. Judge Stroker initially declined the offer. He was a 27-year-old who had been practicing law less than three years, and he had no desire to be a politician. However, after city officials urged him to reconsider, he realized that few can aspire to have the charisma and courtroom presence of Leon Handley, and thought that perhaps he may be a better judge than lawyer. He accepted the municipal judge appointment and never regretted the decision.

Judge Stroker spent two years presiding over all the traffic infractions, misdemeanors and city ordinance violations that occurred within city limits. When Florida adopted the two-tier (county and circuit) trial court system in 1976, the municipal courts were phased out and Judge Stroker was elected county court judge. Then, in 1981, Judge Stroker ran unopposed for circuit judge and was assigned to the juvenile division. "The juvenile division was very satisfying," Judge Stroker comments.

"The dependency cases gave me the opportunity to help children and families, and the delinquency cases brought offenders before me who were still capable of being helped."

Judge Stroker next rotated into the criminal division, where he presided for six years. "Criminal was enjoyable in the 1980s because back then you had your own team of prosecutors and public defenders," recalls Judge Stroker. "A great camaraderie develops when you are working with those same people over the years." However, when Judge Stroker rotated back into the criminal division in the late '90s, he found it less enjoyable because it lacked that same sense of camaraderie and had a very high volume of cases. "Being in criminal for a long period of time can be hard on a judge," states Judge Stroker.

Yet, Judge Stroker says the two years he spent in the domestic division were by far the most challenging of all the divisions. "You are seeing good people at their worst," explains Judge Stroker. "It is rare that anyone leaves the courtroom feeling very satisfied." He admits, "I got out of domestic as soon as I could."

Judge Stroker very much enjoyed his time in the circuit civil division, especially the eight years he spent in Osceola County. "While in Osceola, I presided over major cases surrounding construction and impact fee litigation when times were good, and thousands of foreclosures when times were bad," says Judge Stroker.

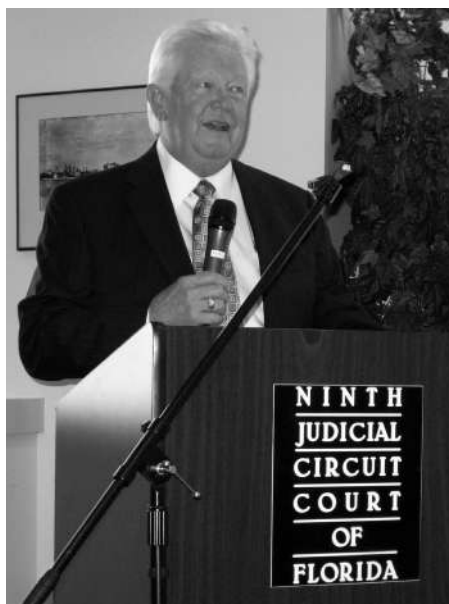
After nearly 37 years on the bench, including a two-year term as Chief Judge, the Honorable R. James Stroker recently

decided to retire. Needless to say, in the wake of such a distinguished career on the bench, Judge Stroker has some parting words of wisdom for young attorneys and judges: "The secret to my success has been preparation, focus, and also a smile never hurts."

Vanessa J. Skinner, an attorney with Windermere, Haines, et al., has been a member of the OCBA since 2003.



After nearly 37 years on the bench, including a two-year term as Chief Judge, the Honorable R. James Stroker on September 23, 2010. His wife Kathy joined him on this celebratory day.



Patrick Moore Magill

July 30, 1950 - September 28, 2010

On Tuesday, September 28, 2010, the Orange County Bar Association lost one of its best members, Patrick Magill, when he was released from his long battle against cancer.

Though filled with the sorrow of having lost my father, I am filled with pride and joy when remembering his life as a wonderful and professional lawyer.

He began his legal profession in San Francisco after graduating from the University of California Hastings College of the Law in the mid 1970s.

After a time, he and Mom decided to move to Central Florida, and it is here that he truly came into his own. He began as a staff attorney for the Legal Aid Society of the Orange County Bar Association and would later serve on the Board of Directors for over 20 years. His devotion to and support of Legal Aid continued throughout his life. He believed it was his absolute duty to provide as much of his practice as possible to the *pro bono* representation of those in need, especially as a Guardian ad Litem for children, and he was always willing to assist Legal Aid in difficult cases.

Despite the fact that he had two young children (with a third on the way) and a wife depending on him, after a few months with Legal Aid, my father took a great risk and opened his own law practice in Ocoee, Florida. He proved that we never had anything to fear, as he quickly became a successful sole practitioner, receiving an "AV" rating from Martindale-Hubbe and, most recently, the Professionalism Award from the OCBA. His diverse practice grew to include representation of a number of small businesses on a variety of matters ranging from contracts to mechanics and towing liens and other commercial litigation. He also assisted clients with guardianships, estates, wills, estate planning, and real property matters. Additionally, he served as a family lawyer and, over the years, became a highly regarded Guardian ad Litem. During the past few years, it was this part of his law practice that brought him the most reward and success; he often referred to the numerous children he represented as his "surrogate children" and kept up with them for many years after the completion of the case.

My dad was never reluctant to take on a challenging case, especially the representation of an underdog. He loved the law and finding ways to make it work for the

little guy. He taught me to judge success through the clients he served and causes he championed rather than by the money he made. Although this sometimes made for stressful times, he always reminded me that it was more important to be able to look yourself in the mirror every morning and be proud of the reflection. He could be proud of his reflection, and I looked at him with that same pride every time I saw him.

My father didn't limit himself in his law practice. He served for many years on various committees and

with many bar activities, including the Law Week Committee, which he ran for many years. He also served on the Professionalism Committee and Family Law Committee for a number of years, as well as a wealth of other committees. In fact, it's difficult to remember all the various activities to which he devoted so much of his time and energy. He was a member of the Central Florida Family Law Inns of Court and, when a statewide committee was formed to evaluate and offer proposals for changes to the Guardian ad Litem laws, my father was asked to participate, which he did zealously. He also took every opportunity to speak before various groups, educating as many individuals as possible into the nuances of law and how best to make the law work for them.

Being a naturally gifted speaker, it was no surprise that he also spent at least one night every week teaching law to students at Valencia Community College and the University of Central Florida. I can attest that his teaching skills were unparalleled and, having seen his student evaluations over the years, I am not alone in this assessment. Just as he was a successful attorney, he was a successful instructor. I know the joy and reward he obtained from teaching, as he often took me to his classes when I was young. During this past year, as we fought against my father's cancer, he and I would teach his classes together. I now teach myself, always trying to emulate the example he provided.

Although my father was very dedicated to his profession, he also had the ability to set it aside and focus on what he always held dearest, his family. He grew up in the San Francisco Bay area and, while attending high school, he met his soul mate, Diane. After earning his bachelor degree from Indiana University, Dad and Mom moved back to San Francisco so Dad could

attend Hastings. During law school, they started their family first with me and then my brother, Adam. After moving here to Central Florida, our family continued to grow with the addition of my youngest brother, Eric. Dad never hesitated to volunteer to assist the three of us with our various demands growing up. He was a Little League coach, soccer coach, a volunteer at our schools, a chaperone for field trips or whatever else we needed him to be. I know he took a great amount of joy from being our Boy Scout Scoutmaster and was extremely proud of each of us as we each earned our Eagle Scout Award. Dad also sacrificed a great deal in order for Mom to attend college and pursue her career as a nurse practitioner while we were growing up. Even after we grew up and started lives and families of our own, Dad continued to place us first in his life. He was my scuba diving partner, Adam's golf partner and, for the brother pursuing a writing career, Eric's chief editor. Although he was only able to be so for a few years, he was as great a grandfather as he was a father.

I had the pleasure of working with my father for many years, watching and learning from him. Eventually, he became such an inspiration to me that I wanted nothing more than to follow in his footsteps. It is because of my father's example of how to be a professional attorney that I attended law school with the intent of forming a partnership with him. Life had other plans, and our partnership dream never really matured. Nevertheless, Patrick Magill was, in my view, nothing less than the greatest attorney I have ever met, and I will forever carry with me my father's professional demeanor and inspiring examples. We were all very fortunate to be able to call him our friend and colleague. He will be dearly missed, but his spirit will live on in each of us who were lucky enough to have known him.



Robert T. Magill,
Esquire, Fishback,
Dominick, Bennett,
Stepter, Ardaman,
Ahlers & Langley LLP, is
a member of the OCBA.

How would you define a life well lived? Some would say a life well lived can be measured by the truth of our word, the strength of our character, the number and quality of deeds that we do or the amount of positive change we help to effect in the lives of our fellow human beings.

For those involved in the Guardian ad Litem Program, a life well lived includes advocating on behalf of children who have been abused, abandoned, and neglected. The Guardian ad Litem Program advocates for the best interest of these dependent children through both in-house and volunteer attorney GALs who represent the children's best interests before the court, with social service agencies, and in the community. Sharon Graham, Senior Director of Permanency and Operations for Family Services of Metro Orlando, says that services were provided to more than 1,300 minors in June alone, which gives you an idea of how many children are in the system in Orange County.

With a soft voice and brilliant mind, **Kavita Sookrajh** performs incredible work as a staff attorney in our Guardian ad Litem Program. Kavita's journey with the Legal Aid Society's GAL Program began in May of 2006. She eloquently states that, "I work at Legal Aid because I am a devout child advocate." For the next few years, she plans to continue her efforts towards enhancing the welfare of underprivileged children in Florida through advanced child advocacy, both inside and outside the courtroom.



A University of Miami undergraduate and law graduate, Kavita moved to Orlando in 1999 from Boca Raton, Florida, to work for the Department of Children and Families as an attorney handling dependency cases. Her career with the Guardian ad Litem Program was a natural transition and allowed her to pursue another aspect of child advocacy in the courtroom. Kavita's passion is Legal Aid's mission and, in her words, "It is rewarding both professionally and personally. I feel like I make a difference in the lives of those who cannot fend for themselves, probably one of the most important jobs and missions around." Anyone who has had the opportunity to work or collaborate with Kavita has been able to observe firsthand how effective knowledge combined with passion can be.

Kavita talks with pride about her parents, stating, "My parents live in South Florida and are very supportive of my endeavors. I can turn to them for anything I need, and I mean anything. That stance provides an extremely comforting feeling in my life." Because of her strong family background, Kavita is sensitive to the children who are missing that level of trust and safety in their young lives. Many of the children represented by the GAL Program have lost that one person, their parent, whom they should always be able to turn to for protection; the one person who should always be their safety net, who should always put their needs first. GALs represent children who, for example, may have been physically and sexually abused by the people who are supposed to protect them from such acts. These children may have also lived in homes where they were not fed or properly clothed because their parent's drug addiction took precedence in the family budget. Another example of mistreatment that GALs encounter is situations where children grow up in homes where domestic violence occurs over and over again, and yet the children are in continual danger because the victim allows the perpetrator to remain in the home. These are the types of problems facing the over 1,300 children in

the Orange County Child Welfare Dependency System whom Kavita and her fellow GALs fight so hard to protect each day.

Because a Guardian ad Litem has *party standing*, (i.e., can file motions, request remedies from the court and participate in litigation), the GAL is in a unique position to help turn some of these situations around. Sometimes the circumstances are repairable, and early intervention with services to the child and family can remedy a situation and allow the child to return to a home where their safety and security comes first. But Kavita's experience has taught her that some situations are not easily fixed, and measures need to be taken as soon as the court case begins in order to avoid having the child linger in the foster care system. One way Kavita addresses this issue, when appropriate, is to routinely request immediate permanency staffing at the commencement of a case. She is also very careful to review cases early on to determine whether grounds exist for expedited termination of parental rights so that children have the chance of finding a permanent and stable family as quickly as possible.

Kavita does not advocate for children by herself. **Doris E. Mackey**, a Legal Aid employee for five years, is a Guardian Ad Litem Case Coordinator and works under Kavita's direction on cases assigned to Division 7. They work together to help support the work of the volunteer attorney GALs. Doris's main out-of-court duties include coordinating and conducting home visits with children as well as interviewing children, caregivers, teachers, and other service providers and then memorializing that information for the GAL or Kavita's use in court. Doris is also available to assist *pro bono* attorneys with case management and identification of community resources that children may need.



Kavita has always worked at a fast pace, but she has never forgotten what her work truly means. When asked what the court file symbolizes, she stated, "...each file represents an entire family we are trying to heal to make it safe for the child to return home. It frightens me that there are so many children in the dependency system, as it is a sad commentary on the state of abuse of Florida's most vulnerable, abused, abandoned, and neglected children."

It is suggested that work that changes a life might be one way to look at "a life well lived." In light of the work Kavita and Doris perform on behalf of the children they serve, they have lived well.

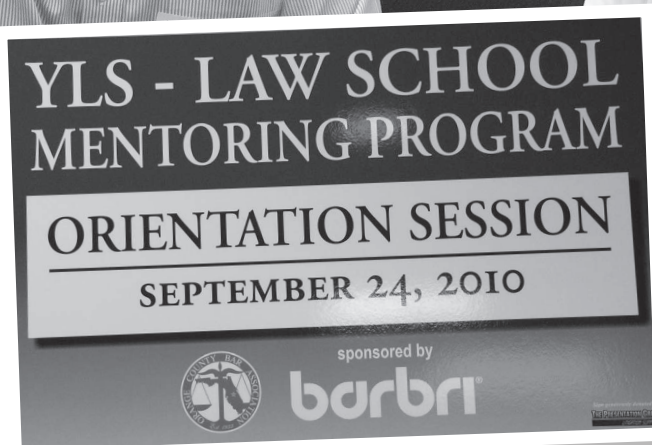
Would you like to perform work that changes a life? Donations of your time or financial resources are critically needed to help Legal Aid take a stand for children. Please contact **Susan Khoury**, Program Director, at skhoury@legalaidocba.org, or write to her at the Legal Aid Society, 100 East Robinson, Orlando, Florida 32801.



Donna A. Graf is Manager of Development for the Legal Aid Society. She has been an OCBA member since 2008.

YLS - Law School Mentoring Program Kick-off Luncheon September 27, 2010 • OCBA Center

More than 50 attorneys and law students attended the luncheon that officially welcomed students to the new mentoring program. Among those in attendance were Kristopher Kest, program chair; Frank Bedell, OCBA president; Sunny Hillary, program committee member; Cinnamon Baker, Barry University School of Law liaison; and Richard Hurt, FAMU College of Law liaison. The event was sponsored by BarBri.





YLS on the move

Fall Wrap-up Jacquelynne J. Regan

On September 27, 2010, we ushered in Orange County's newest members of The Florida Bar with the 2010 Oath of Administration Ceremony and Reception hosted by YLS at the Council Chambers at City Hall. Students, family members, lawyers and members of the judiciary gathered to witness the swearing-in of new members. Many thanks to committee chairs, **Lauren Carmody** and **Bridget Labutta**, as well as their committee members for planning this special event.

Now, I must say that the **19th Annual YLS Charity Golf Tournament** at Reunion Golf Course on October 1, 2010, was quite the event! An incredible 140 players participated this year. Lawyers, judges and local business people participated, in addition to the dozens of sponsors who graciously provided prizes, food, beverages, and money to support YLS outreach efforts. All proceeds from the YLS Charity Golf Tournament go directly to charity and, this year, thanks to a full course of players and sponsors for all 18 holes, we were able to raise more than \$14,000! Charities ranging from elementary schools to homeless outreach programs will be funded by this annual event. **Brett Retton** and **Jerry Lee Hanberry** are the masterminds behind this year's tournament and, along with their hard-working committee, deserve a hearty thanks for their work in planning and executing this fantastic event. Look for the photo spread in January's issue of *The Briefs*!

YLS was proud to be involved with the first-ever **Lawyers Spelling Bee** fundraiser organized by the bar. This fierce spelling competition took place on Thursday, October 7, 2010, at the Sonesta Hotel in downtown Orlando. Young lawyers went toe-to-toe with more experienced members of the bar, with attorneys matching wits to find out who could hold his or her own without SpellCheck. Proceeds from the Lawyers Spelling Bee benefited the literacy initiatives of the Adult Literacy League. Many thanks to **Daryl Gottlieb** for his involvement in making this event a success. If you are interested in tutoring an adult learner with the Adult Literacy

League by volunteering just one hour per week, please visit www.adultliteracyleague.org.

YLS is very excited to announce our Holiday Happy Hour, which will take place on December 2 from 5:30 p.m. to 7:30 p.m. at the Citrus Club. The event is **free** for all members! That's right – you can come out and enjoy **free food** and **free drinks**, not to mention the engaging company of your favorite young lawyers in town, without spending a single dime! Wait, did I mention it's **free**? If you've been missing out on YLS events, this is the perfect opportunity to join us for an hour or two and celebrate the holidays.

As you may have heard, YLS has launched its **Law School Mentoring Program**. Thanks to the efforts of committee chair **Kristopher Kest** and his committee, with generous development support from Barry Law School, YLS members are paired with second- and third-year students from Barry and FAMU to engage in a series of mentoring activities throughout the academic year. More mentors are always needed. To learn more about the program or to complete an application, please visit orangecountybar.org. For questions, please contact Kristopher Kest at ylsmentoring@gmail.com or 407-418-6285.

The **YLS November Luncheon** will take place on **November 17, 2010**, at 11:45 a.m. Email your RSVP to ocbayls@gmail.com. The cost is \$20 if you RSVP

before November 15, 2010, or \$22 at the door; \$12 for law students, government attorneys, sole practitioners, and judges. Please be sure to include your firm/office name in your RSVP!

If you want to find out more about the Young Lawyers Section, its committees and events, please call me at 407-418-6438 or email me at reganjj@lowndes-law.com. If you are not receiving the YLS email blasts, please send an email to admin@ocbayls.org to sign up.

Jacquelynne J. Regan is an attorney with Lowndes, Drosdick, Doster, Kantor, & Reed, P.A. She has been a member of the OCBA since 2001.



The Citrus Kiwanis Club of Orlando An Invitation To Lunch



WHEN: November 15, 2010 at 11:30 a.m.

WHERE: Citrus Club - Downtown Orlando
18th Floor at 255 S. Orange Ave.

WHY: Our new club is looking for members who share our devotion to the betterment of lives of children through hands-on projects in our community.

CONTACT: Gary Israel at 407-230-6597 to R.S.V.P. for your complimentary lunch.



Appellate Practice Committee

continued from page 16

documents must be filed in the Clerk's appellate division. Filing in the general civil division invites delay because a document may not be recognized as appellate in nature and may be filed without coming to the appellate division's attention.¹⁰ Mediation letters, for example, may be docketed as general correspondence, or unaccompanied directions to the Clerk may be mistaken as a county court filing when filed in the division associated with the county court. Filing directly in the appellate division averts such misnomers.

Nonpayment of the Clerk's invoice for preparation of the record on appeal is another common source of delay. The Clerk's office issues an invoice after a notice of appeal is filed and does not begin preparing the appellate record until it receives payment. The hitch occurs when trial counsel withdraws after filing the notice of appeal but before paying the Clerk's invoice. Appellate counsel is often not aware that an invoice has been issued. Prompt communication by appellate counsel upon entering a case, whether with trial counsel or the Clerk's office, eliminates this problem.

Finally, delays in transcription extend the time required for appellate disposition by delaying preparation of the record on appeal (or appendix). In its limited constitutional role as keeper of the record, the Clerk's office has no authority over court reporters. Attorneys, therefore, must ensure timely filing and service of directions to the court reporter and timely payment of court reporter invoices. If a transcript is not timely filed, the attorney must communicate directly with the court reporter and, when communication fails, promptly file an appropriate motion.

Internal Operations

All motions filed in circuit court appellate cases must be filed with the Clerk,

not a judge. Before the appellate record is perfected and a case is assigned to a circuit panel, preliminary motions are reviewed by any one of four staff attorneys assigned to review preliminary motions. After the record is perfected, the case is assigned to a three-judge panel¹¹ on a rotating basis.¹² Motions filed after panel assignment are reviewed by the staff attorney assigned to the case. The panel is identified on the blue appellate file as "Panel A," "Panel B," and so on. Once panel assignment occurs, the Clerk's office has no ability to confirm the status of the case.

The staff attorney assigned to the case first reviews the record and briefs. A brief filed without citations to the record or that otherwise fails to conform to the Florida Rules of Appellate Procedure is likely to be returned to counsel with instructions to file an amended brief in proper form. Any necessary legal research is also conducted by the staff attorney, who then writes a memorandum or recommended opinion, clips the written product and a coversheet to the appellate file, and circulates the file to each of the three panel judges, one by one. Panels typically do not conference in person unless the judges disagree as to the outcome. Oral argument is also not common. An attorney requesting oral argument should take care to explain why the case involves a question of first impression or presents unusual circumstances.

In the rare event a case is heard en banc, the en banc court is comprised of those judges presiding over panels when the decision to hear a case en banc is made.¹³ Attorneys who regularly prosecute or defend appeals in the circuit court are best equipped to observe inconsistencies between panel decisions. When such inconsistencies arise, the best course of action is to move for rehearing and rehearing en banc, specifically citing and explaining the conflicting outcomes.

Conclusion

If readers take nothing else from this article, take this: Small measures in attorney practices have significant impact on the timeliness of appellate disposition by the circuit court. Filing appellate papers in the correct division of the Clerk's office, timely payment of clerk and court reporter invoices, prompt, polite communication, and familiarity with the Florida Rules of Appellate Procedure will cure most preventable delay.

¹This article is submitted on behalf of the Orange County Bar Association's Appellate Practice Committee, Elizabeth (Betty) C. Wheeler, Chair.

Michael March Brownlee is an associate with the Orlando firm Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A. He has been a member of the OCBA since 2009. **Thomas Wade (Tom) Young** is a board certified appellate practitioner and practices independently in Orlando. He has been a member of the OCBA since 2003.

²See 9th Jud. Cir. Local R. 6 at ¶1, available at <http://www.ninthcircuit.org/programs-services/court-resource-center/appeals.shtml>.

³Art. V, §5(b), Fla. Const.; see also Fla. R. App. P. 9.030(c)(1)(A), (B), and (C).

⁴Art. V, §5(b), Fla. Const.; see also Fla. R. App. P. 9.030(c). Discussion of the circuit courts' original jurisdiction to issue extraordinary writs is beyond the scope of this article.



Tom Young

⁵See § 26.012(1), Fla. Stat. (2010) ("Circuit courts shall have jurisdiction of appeals from county courts except..."); § 924.08, Fla. Stat. (2010) ("Appeals from final judgments in misdemeanor cases tried by county courts shall be to the circuit court.").

⁶See *Haines City Cmty. Dev. v. Heggs*, 658 So. 2d 523, 530 (Fla. 1995) ("Common-law certiorari has been made available to review quasi-judicial orders of local agencies and boards not made subject to the Administrative Procedure Act when no other method of review is provided."); see also Philip J. Padovano, *Florida Appellate Practice* § 5:3 (2010 ed.).

⁷9th Jud. Cir. Local R. 6 at ¶9. The rule further provides that conference shall occur immediately after oral argument or, when no argument is held, "within twenty days after the reply brief is due." *Id.*

⁸The OCBA's Appellate Practice Committee is actively working with the Clerk's office to address this concern.

⁹See Fla. R. App. P. 9.200(a).

¹⁰At present, matters that the circuit court hears in its appellate capacity are not electronically filed.

¹¹Petitions for writs of habeas corpus are the lone exception and are considered by only one judge.

¹²See 9th Jud. Cir. Local R. 6 at ¶1 ("Every Circuit Judge, except as determined by the Chief Judge, shall be assigned to a panel by the Chief Judge and will remain on the panel for one calendar year.").

¹³*Id.* at ¶10. Each panel judge serves as Presiding Judge for a four month period over the course of the panel's year-long existence. *Id.* at ¶5.



Michael Brownlee

HONEYWELL MEDIATION

& Other Alternative Dispute Resolution Services

Does your mediator relate to your client's issues?

He or she should. But any mediator can relate better if he has walked the path you and your client are walking and fully understands the complex and competing goals of all parties to your dispute.

Visit my website: www.honeywellmediation.com to find my online schedule, who I am and what I offer you and your client who may be seeking success without trial. My unique credentials and experience can be a useful and valuable added resource in finding resolution to your client's dispute.



DAN H. HONEYWELL

• Certified Circuit Civil Mediator • Certified Federal Court Mediator • Board Certified Civil Trial Lawyer • Panel Member, Mediation, Inc.

Call **Honeywell Mediation/Mediation, Inc.** Winter Park: **407-647-5155**
Orlando-Central Florida: **407-294-7000** • Statewide-National: **800-741-7000**

Neutral, convenient conference facilities on Lee Road in Winter Park.
Available anywhere in Central Florida without travel charge.

Hearsay

Let us remember that, as much has been given us, much will be expected from us, and that true homage comes from the heart as well as from the lips, and shows itself in deeds. - Theodore Roosevelt

President Roosevelt's admonition rings with special clarity at this time of year when we prepare to gather with our friends and loved ones on a day of national thanksgiving. What an admirable aspiration for the thanksgiving season. And, at the OCBA, we kicked this season off in true spirit at Ember when we held the OCBA's annual **Joint Happy Hour** with members of our fellow voluntary bar associations. Attendees enjoyed drinks, appetizers and the company of good friends, while also expressing thanksgiving for all that we have by helping to stock the shelves of **Second Harvest Food Bank** for the holidays. What a great way to begin the holiday season – all for only \$10 and the donation of a non-perishable food item. A big thank you goes out to our awesome sponsor for this event, **Westlaw**. Hats off to **Bill "The Lawman" Umansky** (The Umansky Law Firm) for all his work in making this great event happen.

Expressing homage through deeds is nothing new to our OCBA members, though, is it? There are countless examples of OCBA members working to better our community without asking for recognition or award – individuals who are simply doing their best to give back to the community that has so blessed them. Take, for instance, all of the volunteers who give their time and their financial support to the **Legal Aid Society**, helping so many members of our community through the difficult legal processes that they otherwise would have to navigate alone. If you are interested in increasing your own level of involvement with the

Legal Aid Society, or would like to show off Legal Aid's great work to others, the **2010 Breakfast of Champions** is the place to be. For more information on the **November 10** event, to be held at 8:00 a.m. at the Ballroom at Church Street, you can contact **Donna Graf** (Legal Aid Society) at dgraf@legalaidocba.org.

Kudos to all of the volunteers working in so many capacities throughout our community. Recently, several OCBA members were recognized for their work. **Carolyn Sawyer** (Sawyer & Sawyer) received the 2010 Charlotte Brayer Award from the Elder Law Section of The Florida Bar for her outstanding work as an advocate for the elderly. **Jennifer Fall Cerasa** (Lowndes, Drosdick) has been appointed to chair the 2011 Blue Note Ball, the Junior League of Greater Orlando's annual fundraiser, the proceeds of which are donated towards improving childhood health and reducing childhood hunger and poverty. **William Dymond, Jr.** (Lowndes, Drosdick) has been appointed president of the Florida Citrus Sports Foundation, an organization also working to improve the health and education of children in our community through contributions to local charitable organizations. **Julia Frey** (Lowndes, Drosdick) has been re-elected as the chair for the Planned Giving Committee of the American Red Cross of Central Florida. And, **Ronald Edwards** (Lowndes, Drosdick) was appointed to a three-year term to the Board of Directors for Family Services of Metro Orlando.

Our members have taken an active role in the literary and artistic development of

our community as well. Congratulations to **Paul Quinn** (GrayRobinson, P.A.) on his recent election to the Board of Directors for the United Arts of Central Florida and for his re-election as vice-president of the Orlando Ballet. Congratulations, too, to **Sarah Logan Mancebo** (GrayRobinson, P.A.) on her election to the Orange County Friends of the Library Board. The visual, literary and performing arts are a vital part of our community, and we thank you both for all you do to ensure their continued growth and support. Of course, some of the best volunteer work for OCBA members is to give of their legal expertise. Congratulations on a job well done, **Barbara Eagan** (Eagan Appellate Law) and **Nick Shannin** (Page, Eichenblatt, Bernbaum, and Bennett), and thank you for representing the Orange County Bar Association Appellate Practice Committee so effectively and professionally in its *Amicus Curiae* brief to the Supreme Court of Florida in the matter of *Strax Rejuvenation and Aesthetics Institute, Inc. v. Shield*, in which the Supreme Court held that a Clerk's time stamp creates only a presumption of the time and date of filing, which is subject to rebuttal, rather than conclusive proof. Great work!

The list of accolades that can be given for the great works performed by OCBA members is endless. Suffice it to say that in Central Florida, President Roosevelt's message has been taken to heart. So, in this time of thanksgiving, know that your work is appreciated! Because it cannot be said enough, thank you to all of our men and women in uniform who are working diligently to protect our right to gather at times like this in celebration and thanksgiving.

As always, keep sending your news, highlights, and Hearsay-worthy items to my attention at kwebb@gobelflakes.com.

Happy Holidays!

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



RICHARD B. LORD

Full time mediator since 1999

• Certified Circuit Civil Mediator

• Also Qualified to Mediate

Florida Appellate and Federal Court Cases

Panel Member / Shareholder
Upchurch Watson White & Max

800-863-1462 • uww-adr.com



NEUTRAL FACILITIES AVAILABLE

Maitland • Daytona Beach • Miami • Birmingham





On the Cover: The Mayflower II is a replica of the 17th century ship Mayflower, celebrated for transporting the Pilgrims to the New World. The replica was built in Devon, England, during 1955–1956, in a collaboration between Englishman Warwick Charlton and an American museum, Plimoth Plantation. The replica combines the American museum's ship blueprints with construction by old traditional methods of English shipbuilders. On April 20, 1957, recreating the original voyage, Mayflower II was sailed across the Atlantic Ocean.

Within a few details (electric lights added and ladder replaced with a lower-deck staircase), the ship is considered a faithful replica, with solid oak timbers, tarred hemp rigging, and hand-colored maps.

It is open for tours near Plymouth Rock in Plymouth, Massachusetts. The ship is still owned by Plimoth Plantation.

SOURCE: Wikipedia

OCBA Continuing Legal Education



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

Oder 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 CDs and DVDs.

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 materials and seminars are available to OCBA members at discounted rates!

For details, contact our Seminar/Events Manager at 407-422-4552, ext. 233.

Quality.
Experience.
Integrity.

That's us in a...



...well, you *know*.

The Baker Press

DESIGN • PRINTING • BINDING
407.290.5800 www.thebakerpress.com

Working too hard?

You're sentenced to a beach getaway ... find your place in the Florida sun with beachside hammocks, sand-in-your-toes beach bars, and the freshest Florida seafood.

For a limited time, get a \$250 Resort Credit towards food and beverage, activities, spa services or shopping. Serve your time in the island ambience practically in your own backyard.

It's time to *Just let go.*

Trader Winds
ISLAND RESORTS ON ST. PETE BEACH

Call 800.360.7050 or visit www.letgo.com/LAW for details & to print out your resort credit.

**\$250
RESORT
CREDIT**

Guilty as charged!





YLS President Eric Reed



The Hon. Emerson R. Thompson, Jr.

OCBA Luncheon August 26, 2010

The Ballroom at Church Street

Sponsored by Curtis Protective
Services



Tom Zehnder
presents 100%
Club certificate to
James Robinson
and Terrance
Dittmer, Giles &
Robinson, P.A.



Curtis Protective Services



Melanie Griffin,
Kavita Joseph,
2010 YLS
Scholarship
recipient



Scott Edwards and Jim Edwards of Smith, Edwards &
Cabaniss, P.A., receive a 100% Club certificate from Tom
Zehnder



LAS president
Jamie Moses,
Victoria Anderson,
Michael Ferrin

Dr. Deborah German, MD,
Founding Dean, UCF College of Medicine



OCBA Luncheon September 30, 2010

The Ballroom at Church Street

Sponsored by Leighton Law



Frank Bedell



Kristyne Kennedy
presents a 100%
Club certificate to
Sherri DeWitt of
the DeWitt Law
Firm, P.A. (not shown:
Andrew Windle)



Joyce Whidden, Alana Brenner, Melissa Winbush



Kristyne Kennedy presents a plaque to retiring Judge R. James Stroker in
recognition of his service to the citizens of the Ninth Judicial Circuit



OCBA Second Annual Bench Bar Conference

October 7 - 8, 2010 • OCBA Center



Panelists

Bankruptcy
Judge Arthur B. Briskman
Judge Karen S. Jennemann

Sponsors

M&I Bank
Westlaw
Marsh U.S. Consumer, a
service of Seabury
& Smith, Inc.
Curtis Protective Services
Leighton Law, P.A.



Federal

Judge John Antoon, II
Judge David A. Baker
Judge Gregory J. Kelly
Moderator: Ava K. Doppelt, Esq.

Appellate

Judge Jay P. Cohen
Judge C. Alan Lawson
Judge Bruce W. Jacobus
Moderator: Judge Emerson R. Thompson, Jr.

Business Court

Judge Frederick J. Lauten
Judge Thomas Smith

Circuit Civil

Judge John M. Kest
Judge Jose R. Rodriguez
Judge Lawrence R. Kirkwood

County Criminal

Judge Deborah B. Ansbro
Judge Heather L. Higbee
Judge Steve Jewett

Circuit Criminal

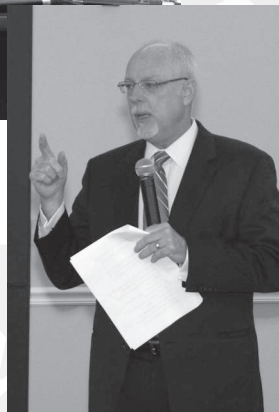
Judge Bob LeBlanc
Judge Marc L. Lubet
Judge Alice Blackwell

Probate

Judge Theotis Bronson
Judge Lawrence R. Kirkwood

Family Law & Domestic Violence

Judge Jennifer M. Davis
Judge Sally D.M. Kest
Judge Theotis Bronson



Special thanks to Meena Hirani, chair; Frank Bedell, OCBA president;
Tom Zehnder; Nick Shannin; Ryan Hillary; Marc Consalo; Bill Davis;
Christopher Pace; Brant Bittner; Marie Bacazehuatl.

9 Critical Steps for Trial Preparation – Part 2

David J. Dempsey

Important items that all paralegals should keep in mind

Paralegals play an indispensable role in the trial preparation process. It is imperative that, in conjunction with the lead counsel, the paralegal designs and adheres to a plan to focus his or her energy on tasks that will contribute to the success of the trial. In Part 1, readers learned about creating a plan of action; communicating clearly to those with whom they work; taking command of the paperwork; knowing the judges and local rules; and serving as a sounding board for attorneys and other members of the trial team. The discussion continues with the following:

I. Step 6 - Perfect Your Visual Aids

Visual images have an undeniable impact that no amount of verbal description can capture. If you are responsible for the visual aids used at trial, make sure they are designed with the listeners and the theory of the case in mind. Decide how they will be used for maximum impact. Here are a few rules:

- **Avoid Complexity:** Visual aids should clarify and solidify your message. Too often, lawyers use visual aids packed with complex terminology, intricate diagrams or confusing charts. These only confuse and frustrate jurors and judges.
- **Limit Your Points:** The starting point in designing your visual aids should be determining the essence of your message. What points are absolutely critical for the judge or jurors to understand? Design your visual aids with that concept in mind. Then use numbering, bulleting, coloring or models that allow for easy understanding. Avoid too many lines, too much artistic flair or too many distracting colors.
- **Practice Using the Visual Aid:** Help the attorney prepare to use the visual aid at trial. The worst time for the lead counsel to resolve the nuances of how he or she will use and display the visual aid is during the course of the trial, under the watchful eyes of the judge and jurors, and while opposing counsel is poised and ready to pounce at the slightest transgression. Resolve all the issues of moving, positioning and displaying the visual aid before

the trial. Moreover, use your visual aids while preparing your witnesses so their testimony flows logically and naturally with the introduction of the visual aid.

- **Plan Ahead:** Know the answers to the following questions before the trial begins: How will you transport the visual aid to the courtroom? Will you be permitted to store it in the courtroom before and during the trial? Will there be an easel, stand or table on which you can display it? Will you need assistance moving or operating the visual aid? Are there any particular rules to which the judge adheres that would limit how and when you will be permitted to use your visual aid? Do you anticipate any objections by opposing counsel or reluctance on the part of the judge to your using any visual aids? Plan and prepare in order to avoid needless scrambling and anxiety.

II. Step 7 - Help Prepare Courtroom Presentations

This might be one of the most sensitive, yet vital, tasks a paralegal can perform in assisting the attorney to prepare for trial. Ironically, while the actual presentations (opening statements, closing arguments) attorneys make at trial are vitally important, they seldom receive the attention they deserve. Powerful and persuasive communication in the courtroom results only from focused practice, and every exceptional attorney knows the importance of communicating with utter confidence and conviction. There is only a tiny window of opportunity to make your points in a convincing, persuasive fashion. Paralegals can play a critical role at this juncture by making sure all prepared presentations are concise, logical and have impact. How? Follow these tips:

- **Ensure Clarity:** The sage philosopher Yogi Berra opined, "You've got to be very careful if you don't know where you are going, because you might not get there." With this in mind, make sure the attorney's presentations are consistent with the theme of the case. Share only the essential facts and details because the minutiae will overwhelm the jurors. Help the attorney



Dedicated to Settling Your Case!

THOMAS G. KANE

Mediation Services of Central Florida, Inc.

**Celebrating 34 years as a Lawyer &
10 years as a Mediator in Central Florida**

**BOARD CERTIFIED Civil Trial Lawyer
AV Martindale Hubbell rating**

Certified CIRCUIT CIVIL MEDIATOR

**Certified FIFTH DCA MEDIATOR &
USDC MIDDLE DISTRICT MEDIATOR**

**www.MSCFL.com
407-740-6199**

reduce the presentation to the key points and somehow compress it into a tiny package that will inform and touch the jurors.

- **Ruthlessly Edit:** Your attorney might want to heave a blizzard of information at the jurors and expect them to hack through the thicket of complex details associated with your case in order to grasp the key elements. This is typically unproductive, particularly where the evidence or testimony will be confusing and technical. Keep the attorney focused, and make sure he or she gives the jurors a clear road map. The most memorable and persuasive presentations are powerful because the message was clear, the language was precise and the storytelling was logical and compelling.

- **Practice:** In the final stages of trial preparation, help the attorney hone the presentations with practice. Videotape the presentations, and help the attorney identify problems or distractions and refine points. Study and polish every aspect of the delivery, including timing, pacing, pausing, vocal variety, gestures, movements and eye contact. Critically analyze the presentations and identify any distracting habits. Does your attorney tightly cling to the lectern, mumble, speak without enthusiasm or vocal energy, stare at the floor or the visual aid, or nervously shuffle to dissipate energy? Help the attorney identify and eliminate any aspect of the presentation that diminishes its impact.

III. Step 8 - Don't Overlook the Details

Visit the courtroom before trial if possible. Identify details that will provide an advantage to your team, such as line of sight for the jurors, the witnesses and the judge; where you will position your visual aids and documents; and layout of the courtroom and the courthouse area (where to park, where to eat, the locations of the electrical switches, the restrooms,

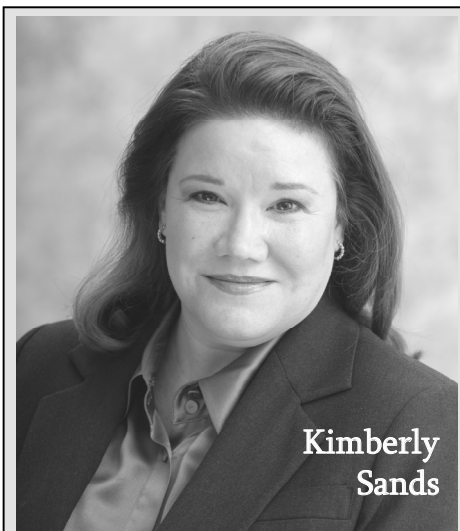
and so forth). Do everything possible to eliminate all uncertainty about details that might contribute to additional stress for your team.

IV. Step 9 - Be Calm and Confident

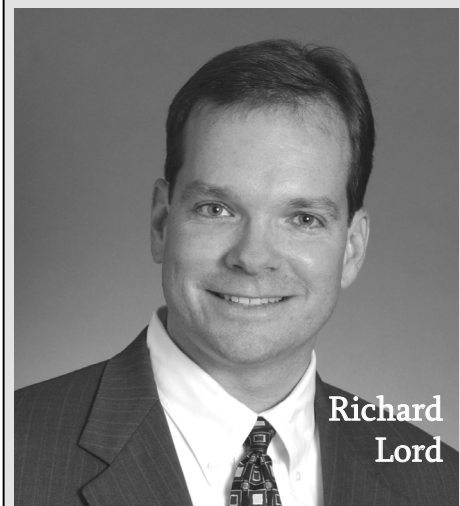
Be the calm in the storm. Act confident in dealing with the trial attorney, your support team, the courtroom personnel and members of the opposing team. Speak with conviction and confidence. Don't cower or badger. Your team and your client will be best served if you offer insights and constructive suggestions. Ultimately, your objective is to win the case; every successful attorney recognizes this is a team effort, a concept requiring unusual confidence, maybe even courage, if your attorney is particularly tyrannical in the heat of battle. If handled diplomatically, you are the attorney's indispensable aid, and your contributions to the ultimate success of the trial are indeed invaluable.

Paralegals indisputably play a critical role in the courtroom drama. While much of your work is performed out of the limelight, it is nonetheless essential to the ultimate success of the case. There is no substitute for detailed preparation, a precise plan and regular follow up. Trials are won, and lost, based on the thoroughness of the paralegals' preparation. Help your attorney prepare for the moment on the stage, and when that favorable verdict is announced, you will know you made a huge contribution.

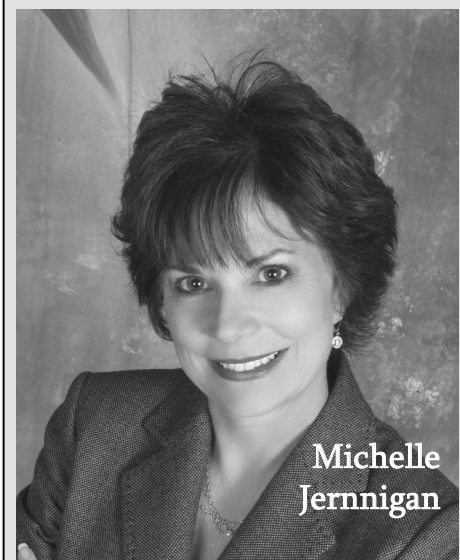
David J. Dempsey, JD, is the president and CEO of Neon Zebra, LLC, an executive presentation skills coaching and consulting company based in Atlanta, Georgia. He is a veteran of the courtroom, as well as a business executive, a university professor, an acclaimed author; an award-winning speaker and a presentation skills consultant for senior leaders at global and Fortune 500 companies. He is also the author of *Legally Speaking: 40 Powerful Presentation Principles Lawyers Need to Know* (Kaplan Publishing) and *Present Your Way to the Top* (McGraw-Hill Publishing). David Dempsey can be reached at info@neon-zebra.com or 800-729-2791.



Kimberly Sands



Richard Lord

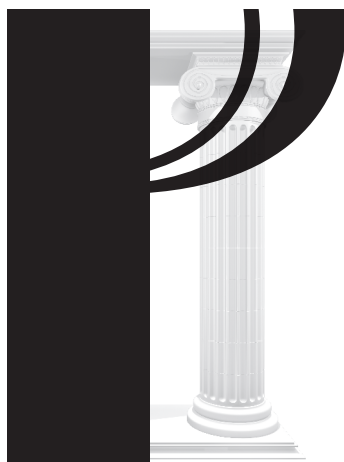


Michelle Jernnigan

Finding the road to resolution requires zealous preparation.

Upchurch Watson White & Max

www-adr.com



BROWNSTONE

ATTORNEYS and Counselors at Law

**CRIMINAL & CIVIL
APPELLATE PRACTICE**

www.BrownstoneLaw.com

www.AppealsHQ.com

400 North New York Avenue, Suite 215

Winter Park, Florida 32789

Phone: (407) 388-1900

Fax: (407) 622-1511

*"Pride, Passion, and the Pursuit
of Winning the Argument on Appeal"*

Side Bar



Sunny Lim Hillary

Aside from the Orange County Bar Association, the Central Florida Association for Women Lawyers, the Greater Orlando Asian American Bar Association, and the Hispanic Bar Association of Central Florida are doing great things in and for the local community.

Central Florida Association for Women Lawyers (CFAWL)

On November 2, 2010, at 6:00 p.m. at the Orlando Shakespeare Theater, CFAWL will host the **2010 CFAWL Community Outreach Fair**. The CFAWL Community Outreach Fair is a wonderful opportunity for members of the local community to learn about non-profit organizations in the area and become involved by donating time, money and expertise. Last year, over 300 CFAWL members and community professionals attended the event and visited with representatives from more than 80 non-profits, including

organizations such as A Gift for Teaching, the Central Florida Police Athletic League, Earth Angels United, Grandma's House, the Orlando Ballet, Rock Lake Elementary School, Ronald McDonald House Charities of Central Florida and many, many more. Tasty beverages and decadent desserts will be made possible through the generous contributions of corporate and individual sponsorships. For more information about attending or sponsoring this event, please contact info@CFAWL.org.

In February, CFAWL will hold its much-anticipated **Professional Women's Exchange**. The event will be held on Feb-

ruary 16, 2011, at the Crowne Plaza Downtown Orlando. Always a success, the Professional Women's Exchange features wine, hors d'oeuvres, a silent auction, and most importantly, an opportunity to network with women from a wide variety of professions. More 260 women participated at the last event, and each received a program containing all of the participants' business cards. CFAWL raised almost \$10,000, a significant portion of which was donated to A Place for Children. For more information on attending or sponsoring the Professional Women's Exchange, please contact info@CFAWL.org.

Greater Orlando Asian American Bar Association (GOAABA)

On September 7, 2010, members of GOAABA gathered at Lam's Garden for yummy dim sum! It was an opportunity



Enjoying dim-sum at Lam's Garden: General Magistrate Linh T. Ison; Meeknashi Hirani; Agnes Chau; Diana Hiesoo Kim; Dohyun "DK" Kim; Hae J. Kim; William Voight; Edward C. Combs, Jr.; Amy My Xuan Thi Mai; Jessica Hew and Christy Nash

for members and supporters of GOAABA to get to know each other and to discuss upcoming events that GOAABA has in store for its members and the local community.

Also, on October 19, 2010, GOAABA hosted its first ever CLE Brown Bag Seminar. Florida Bar Counsel **Kenneth H.P. Bryk** presented the one-hour CLE topic, an "Overview of The Florida Bar Lawyer Regulation and Update on Web-Based Advertising and Social Media." The seminar was followed by cake in celebration of GOAABA's first-year anniversary. Special thanks to Lowndes, Drosdick, Doster, Kantor & Reed, P.A. for offering

its boardroom for GOAABA's CLE Brown Bag Seminar.

Finally, members and supporters of GOAABA are encouraged to meet at White Wolf Café on November 12, 2010, at 7:30 a.m. for a **Social Networking Breakfast**. This networking event is a great opportunity for you to introduce yourself to a new circle of professionals, build relationships, reach new clients, and potentially offer a more complete line of legal services to existing clients. If you wish to participate in or sponsor the Social Networking Breakfast, please contact **Lisa Gong** at lisa.x.gong@gmail.com.

Hispanic Bar Association of Central Florida (HBACF)

If you missed the **Hispanic Heritage Month Tapas Party** at Ceviche Tapas Bar & Restaurant, you missed a great celebration! On September 23, 2010, the HBACF hosted a tapas party in honor of Hispanic Heritage Month. More than 40 people attended, including lawyers, law students, local professionals and local media personalities. All were treated to sangria, Spanish beer and traditional tapas, including patatas bravas, croquetas, and calamares fritos.

On August 26, 2010, the HBACF, in conjunction with **City of Orlando Commissioner, Tony Ortiz**, kicked off its annual "**Conozca Sus Derechos**" free legal workshop series. Each month, a free legal workshop will be presented to the members of the local community to educate them about an important topic. The October 14, 2010, legal workshop on immigration was a great success! Mark your calendars for the next legal workshop on bankruptcy, which will be held on November 11, 2010. All seminars are held at the Engelwood Community Center, 6123 LaCosta Drive, Orlando, FL 32807. The HBACF encourages anyone who may be interested in attending the seminars to contact **Nicole Sbert** at sbertn@jackson-lewis.com.

If you want to find out more about any of the above voluntary bar associations and its committees and events, please email me at sunny@hillarylaw.com.

Sunny Lim Hillary, Hillary, P.A., has been a member of the OCBA since 2005.

OCBA 2011 Professionalism Award Nominations

Nomination Submission Deadline:
December 3, 2010

Please honor an OCBA attorney or jurist by submitting your nominations for

2011 Lawrence G. Mathews, Jr. Young Lawyers Professionalism Award (*Attorney in practice 15 or fewer years*)

2011 James G. Glazebrook Memorial Bar Service Award (*Jurist*)

Criteria and nomination forms are available on the OCBA website homepage. Submission deadline is December 3, 2010. Please send completed nomination forms to Brant Bittner, OCBA Executive Director.



The Florida Bar Standing Committee on Pro Bono Legal Services representatives: Gene Shipley, Donna Graf, Jamie Moses (LAS president), Chuck Stepter, Natasha Permaul

The Legal Aid Society's "One More" challenge is gaining momentum! Chair Gene Shipley reports that as of mid-October the friendly competition between members of the OCBA and members of other local voluntary bars has resulted in a total of 172 new *pro bono* cases being taken. Because of members' generosity, an additional 214 local citizens will be served. OCBA members have accepted 95 new cases, and members of other local voluntary bars have accepted 65 new cases. The attorneys have been excited to enter the contest and have taken a wide range of cases, including Guardian ad Litem, landlord/tenant, and unemployment compensation hearings, according to Cathy Tucker, LAS Pro Bono Coordinator.

The OCBA's "One More" challenge, which will run through next year, is part of the state's larger "One Promise" campaign. The goal is to encourage attorneys to take just one more *pro bono* case to help meet needs of an ever increasing number of citizens who cannot afford legal representation.

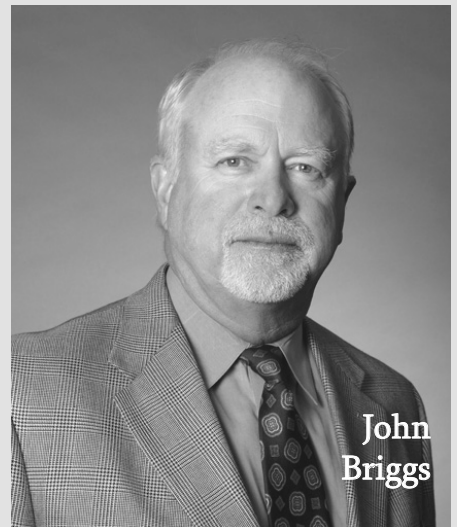
It's not too late to take a case! Simply contact Cathy Tucker at 407-841-8310 or ctucker@legalaidocba.org.



Mike
Orfinger



Sandra
Upchurch



John
Briggs

Finding the path to common ground requires relentless perseverance.

Upchurch Watson White & Max

www-adr.com



Stick to Tradition!

NOW'S THE TIME TO ORDER
A LIST OF OCBA MEMBER
ADDRESSES FOR YOUR FIRM'S
HOLIDAY MAILING.

MEMBER DATA IS AVAILABLE IN
EXCEL FORMAT (SUITABLE FOR
MAIL MERGE).

TAKE ADVANTAGE OF THIS GREAT
MEMBER DISCOUNT – ONLY \$250
FOR 3,000 NAMES!

CONTACT PEGGY STORCH AT
PEGGYS@OCBANET.ORG TO
ORDER YOUR LIST TODAY!

(6.5% sales tax applies.)

ORANGE COUNTY COURTHOUSE

COURTHOUSE ACCESS CARD

The *fast* and *easy* way to gain entry to
the Orange County Courthouse

- ➡ Great for trial attorneys on the run
- ➡ Saves time
- ➡ Saves money
- ➡ 13 months for only \$75
- ➡ Card good through Dec. 31, 2011



JANE Q.
PUBLIC
Attorney



JANE Q. PUBLIC
Issue: 01/01/2011
Expires: 12/31/2011

ORANGE COUNTY BAR ASSOCIATION
COURTHOUSE ACCESS CARD

Get your card today!

Go to Orange County Bar Association at
orangecountybar.org and download
application

You don't need to be a member of the Orange
County Bar Association to purchase a card!

*Good only for the Orange County Courthouse
Purchasing card is **optional** for courthouse entry*

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

Presentation Skills for Lawyers

● Refinancing Your \$100,000 Vocabulary: ● How to Speak so Everyone Understands You

Supercalifragilisticexpialidocious.

That's a good word, isn't it? In fact, that's a *great* word. It has lots of syllables, it's fun to say, and you're guaranteed to win the game if you play it in Scrabble.

Words. For lawyers, words are our stock in trade. Big words, little words, vague words, precise words, common words, and specialized words... We use 'em all.

If you're sitting in your office as you read this article, you're surrounded by words. Court opinions, statute books, your own work product... You're surrounded by thousands (maybe millions!) of words.

If you have a love affair with words, it probably blossomed when you went to law school. Your professors forced you to master a new language, adding a plethora (now that's a good word, ain't it?) of new words to your vocabulary. After three years, you may have spent

more than \$100,000 cultivating your new vocabulary. With such a large investment, it's understandable that you wanted to show off your expanded vocabulary. *Res ipsa loquitur*, right?



Here's the problem: Most of the people you're speaking with have no idea what that last sentence means. You,

of course, know exactly what it means. To you, "the thing speaks for itself," doesn't it? You understand a little Latin, can pepper your conversations with "five dollar" words, and use grammatical forms ("Subsets, Participles, and Parentheticals, Oh My!") that the average person isn't accustomed to.

Face it: *You don't talk like an average person anymore.*

When you're talking with average people, your \$100,000 vocabulary becomes a liability. When you talk over their heads, you can't communicate your ideas. Ideas that are ill-presented are as worthless as ideas that are *not* presented.

Does that mean you should "talk down" to anyone who's not a lawyer? *Absolutely not.* When you talk down to people, they'll sense your condescension and ignore your message. They may go even further and actively argue against your message.

Don't talk down to anyone. Instead, follow this guideline: *Talk the way you would talk to an intelligent thirteen year old.*

When you talk the way you would talk to an intelligent thirteen year old, *everyone* can understand what you're saying, and no one feels left out of the conversation. If an intelligent thirteen year old wouldn't understand what you're saying, then neither will many of the people you're speaking with. That means you need to evaluate your word choices. Ask yourself:

- Would a thirteen year old tell you that her homework project was "byzantine," "tortuous," or "obfuscated?" Or would she say it was "complicated?"



Elliott Wilcox

- If your thirteen year old came home at 11:00 p.m., would you tell him that he's "flouting," "contravening," or "in breach of" his curfew? Or would you tell him to stop "defying" you and "ignoring" the house rules?

- If your teenager tells you something that isn't true, do you accuse him of making a "spurious," "specious," or "fallacious" statement... Or a "false" one?

Choose your words carefully. If, like many lawyers, your goal is to sound smarter than everyone else in the room, then choose words like "obfuscated," "contravening," and "spurious." But if your goal is to be *understood*, then you'll want to target your language at the level of an intelligent thirteen year old.

"But," you ask, "won't some people feel insulted by my choice of vocabulary?"

No, they won't. In fact, they probably won't even notice. You're intelligent – are *you* offended by word choices like "complicated," "defying," or "false?" Even if everyone in your audience had a Ph.D. in English, they wouldn't feel insulted, because this is the level that *they* speak at when they want to be understood. By setting your vocabulary at this level, you won't talk over anyone's head, and you won't talk down to anyone, either.

Don't abandon your \$100,000 vocabulary. If you're still making payments, you probably feel obligated to use the words. And you should... *But only when you're speaking to other lawyers with \$100,000 vocabularies.* When you're talking to jurors, clients, or anyone else you want to persuade, talk like you'd talk to an intelligent thirteen year old. Do that, and *everyone* will understand what you're saying.

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

MICHELLE JERNIGAN

Certified Circuit Civil Mediator



Persistent, patient and persevering, Michelle Jernigan is a pioneer in the field of mediation. Entrust the outcome of your client's case to Michelle's keen dispute resolution expertise.

Panel Member / Shareholder



**Upchurch Watson White & Max
Mediation Group**

800-863-1462 www.adr.com

Daytona Beach Maitland Miami Birmingham

Rainmaking 101

Make the Most of Your Marketing During the Holidays

Mark Powers & Shawn McNalis

Have you ever encountered a referral source that simply stopped sending business – for no apparent reason? It happens to good, hard-working attorneys all the time. Unfortunately, if you are like these attorneys, you never quite know what prompted them to stop referring. Here's another troubling situation: a large percentage of the referral sources that do refer to you may be sending business to other attorneys as well. If this doesn't apply to you and your practice now, it may soon. The explosive growth of practicing attorneys means competition in the future will be tougher than ever.

Given this trend, it is critical to keep in touch with your referral sources. Cultivating them is important to keep the stream of business flowing, and ongoing communication is important to keep the feedback flowing. Fortunately, the upcoming holidays offer you a great opportunity to do both. Even if you haven't been faithfully sending out thank you notes or acknowledging your referrers throughout the year, all is likely to be forgiven in the spirit of thankfulness and goodwill that begins with Thanksgiving and ends somewhere around New Year's Eve.

When an attorney wanted to make sure his efforts to acknowledge his referral sources were memorable, he had his secretary discreetly inquire about where the referral source liked to celebrate special occasions. He then asked his secretary to purchase gift certificates for the referrers and their families to dine in their favorite spot.* This highly personalized approach won the attorney a great deal of good will – and he didn't even have to show up. For him, few hundred dollars spent on gift certificates is a worthwhile investment compared to the high value cases his referral sources send every year.

Which referral sources should *you* invest in for the future? Here's how you find out: make a list of the referral sources that have sent the most business in the last year. Add to this those referrers who have sent some business and are well positioned to send more. Then list clients who refer significant business or have a great deal of recurring work. Focus your efforts on the individuals on this list.

To get started, examine your list to see whom you would like to get to know better. While giving gifts is a great form of acknowledgement for some referrers, there is no substitute for time spent face-to-face with those you'd like to get to know. We encourage you to invite these referral sources out to lunch or dinner and express your appreciation for the business they send.

When face-to-face with them, your acknowledgement can be brief and simple. You can say something like, *"I've been reviewing my referrals for the last year and want to let you know I appreciate all the business you send."* Or, *"I really appreciate your continued faith and confidence in me. You've sent a lot of business this year and I appreciate it. I will always take good care of the clients you send."* These simple acknowledgements can be used in almost any setting. The best referral sources are usually those who become your friends. An expression of gratitude paired with good food in a nice atmosphere can go a long way to turn a referrer into a friend.

For those clients on the list whom you'd like to acknowledge with a gift, the possibilities are endless. Several of the attorneys

have thick Omaha steaks, or large stuffed turkeys delivered to their best referral sources, who eagerly await these treats every year. One creative soul dresses up like Santa and hand-delivers his wife's homemade cookies. To recognize referrals that come from staff members who work for their referral sources, many firms send baskets filled with chocolates, cheese or nuts. This is often much appreciated and helps to reinforce their desire to refer clients to you.

While gifts of food are very much appreciated, some attorneys take another approach and give sports-oriented gifts. Gift certificates for a few rounds on a favorite course are nice. Asking a client to play a round of golf is even better. One client treats his referral sources to a series of sessions with a golf pro. Another attorney doesn't play golf, but loves football. He buys season tickets and generously shares them with referral sources that are fans. Sports memorabilia is another great gift for referrers who are fans and live away from their team's home base.

In fact, gifts related to any of your referrals sources' hobbies, passions or interests are a great way to say thanks. A book on photography given to an amateur photographer; a hand-held GPS unit given to a mountain climber; a bottle of fine scotch given to a single-malt scotch lover; a subscription to a top-notch wine-of-the-month club for a wine enthusiast; all are highly personalized ways to say thank you for remembering us and sending business.

Hopefully, by the time you read this, there will still be time for you to identify your best referral sources and plan gifts that will represent the appreciation you have for their continued business.

To help motivate you, consider this: the lifetime value of a referral source that faithfully sends business, year after year can add up to thousands, possibly tens of thousands of dollars worth of business over time. In some practices, where the average case is worth thirty or forty thousand dollars, a referral source may send hundreds of thousands of dollars worth of business over their lifetime. Never underestimate the worth of your referral sources – they are literally putting money in your pocket and should be thought of as critical to the growth and survival of your practice. So, whether you take the face-to-face approach or send a gift that reflects their interests, just be sure you make the effort to do



Mark Powers



Shawn McNalis

something nice. A little extra effort over the holidays can make up for any lack of gratitude you've shown in the past and set you up for a win in the coming year.

*** Although it is important to add a personal touch when expressing appre-**

ciation to referral sources including, in some cases, sending a meaningful gift, an attorney's gestures must not violate Rule 4-7.2(c)(14) of the Rules Regulating the Florida Bar, which prohibits an attorney from giving anything "of value" to a referral source. Attorneys should consult with The Florida Bar if they have questions regarding the application of the rule.

Mark Powers, President of Atticus, Inc., and **Shawn McNalis** co-authored *How Good Attorneys Become Great Rainmakers* and *Time Management for Attorneys*, and are featured marketing writers for *Lawyers, USA* and a number of other publications. Learn more about the work Atticus (www.atticusonline.com) does with attorneys or the Atticus Rainmakers™

Let the Orange County Bar Association Help Build Your Practice!

Lawyer Referral Service

The Lawyer Referral Service is an excellent resource that will help you expand your client base and increase your income. In 2008, our LRS program received more than 50,000 calls for the 280+ attorneys belonging to the program. Our LRS Manager refers clients to you based on your practice area and the clients' specific need. It's a win-win situation!

For LRS application forms and additional information, go to www.orangecountybar.org, or call our LRS Manager at 407-422-4551, ext. 281.

Build your practice - Join the Lawyer Referral Service and the Modest Means Program today!



Modest Means Program

This new service of the OCBA allows attorneys to earn set fees for specific law-related cases referred to you by our Modest Means Program Manager. Clients are pre-screened by the Legal Aid Society to meet income guidelines that do not exceed one-half the Florida median income. The program seeks to serve individuals who require legal services, but who are of modest financial means.

For the Modest Means Program application and additional information, go to www.orangecountybar.org, or call our LRS Manager at 407-422-4551, ext. 281.

Types of cases referred include:

- :: Bankruptcy - Chapter 7 and Chapter 13.
- :: Family Law / Domestic Relations - dissolutions; child custody; spousal/child support; visitation; paternity; adoption; name change; and modifications and enforcement of Florida support orders.
- :: Landlord/Tenant.
- :: Simple Wills - reciprocal will package; simple planning package, including will, designation of medical agent and power of attorney; reciprocal planning package, including will, designation of medical agent and power of attorney.

New Members

Regular

Wendy R. ANDERSON

Wendy Anderson, P.A.
1353 Palmetto Ave., Ste. 200
Winter Park, FL 32789
407-628-9081

Mitzi L. ARCHER

The Sherris Law Firm
121 S. Orange Ave., Ste. 1270
Orlando, FL 32801
407-999-9955

Paul BYRON

Overchuck & Byron, P.A.
2709 W. Fairbanks Ave.
Winter Park, FL 32789
407-872-6222

Suellen FAGIN-ALLEN

Suellen Fagin-Allen, JD, LMHC
37 N. Orange Ave., Ste. 500
Orlando, FL 32801
407-898-1018

Thomas B. FEITER

Payas, Payas & Payas, LLP
1018 E. Robinson St.
Orlando, FL 32801
407-425-7223

Frank J. HILD

Gregory S. Martin & Associates, P.A.
555 Winderley Pl., Ste. 415
Maitland, FL 32751
407-660-4488

Kristen MAGANA

Broussard, Cullen & DeGailler, P.A.
445 W. Colonial Dr.
Orlando, FL 32804
407-649-8717

Michael G. MEYER

Broad and Cassel
390 N. Orange Ave.
Ste. 1400
Orlando, FL 32801
407-839-4200

Maria A. MORRIS
Cole, Scott & Kissane, P.A.
1900 Summit Tower Blvd.
Ste. 750
Orlando, FL 32810
321-972-0025

Sheena M. MURRAY

Peter Miller & Associates
4800 Le Jeune Rd.
Coral Gables, FL 33146
786-390-3645

Mark A. NATION

The Nation Law Firm
570 Crown Oak Centre Dr.
Longwood, FL 32750
407-339-1104

Matthew J. OLSZEWSKI

FL DUI Group, Inc.
2816 E. Robinson St.
Orlando, FL 32803
407-405-4676

Heather D. PASTOOR-BALLESTEROS

Heather D. Pastoor Ballesteros, P.A.
7938 Westminster Abbey Blvd.
Orlando, FL 32835
305-205-1497

Laura SACHA

Cole, Scott & Kissane, P.A.
1900 Summit Tower Blvd.
Ste. 750
Orlando, FL 32810
321-972-0027

Jim SHERRIS

The Sherris Law Firm
121 S. Orange Ave., Ste. 1270
Orlando, FL 32801
407-999-9955

Kelvin SOTO

Law Office of Kelvin Soto, P.A.
20 S. Rose Ave., Ste. 2
Kissimmee, FL 34741
407-933-7703

Christopher M. SPRYSENSKI

SalfiLaw, P.A.
999 Douglas Ave., Ste. 3324
Altamonte Springs, FL 32714
407-774-2700

Antonio G. TAPIA

AGT Law, P.A.
555 Winderley Pl., Ste. 300
Maitland, FL 32751
407-571-6838

Gregory Everett B. WILLIAMS, II

Gregory Everett B. Williams, II, Attorney At Law
P.O. Box 620671
Oviedo, FL 32762
407-977-7211

Affiliates

Susan K. NICHOLLS

Gregory Everett B. Williams, II, Attorney At Law
P.O. Box 620671
Oviedo, FL 32762
407-977-7211

Linda C. RALSTON

Heather D. Pastoor Ballesteros, P.A.
7938 Westminster Abbey Blvd.
Orlando, FL 32835
305-205-1497

Romain LY

Cole, Scott & Kissane, P.A.
1900 Summit Tower Blvd.
Ste. 750
Orlando, FL 32810
321-972-0025

Associates

Michael L. GROSSMAN

Litigation & Marketing Solutions LLC
301 E. Pine St., Ste. 105
Orlando, FL 32801
407-210-6545

Elmo R. HOFFMAN

Overchuck & Byron, P.A.
2709 W. Fairbanks Ave.
Winter Park, FL 32789
407-872-6222

Brent L. PROBINSKY

AGT Law, P.A.
555 Winderley Pl., Ste. 300
Maitland, FL 32751
407-571-6838

Elizabeth J. STARR

Office of the Attorney General Division of Economic Crimes Orlando Regional Office
135 W. Central Blvd.
Ste. 1000
Orlando, FL 32801
407-245-0833

Erin M. TUECHE

DeBevoise and Poulton, P.A.
1035 S. Semoran Blvd.

Ste. 1010
Winter Park, FL 32792
407-673-5000

Law Students

Bryan DRISCOLL

13064 Cog Hill Way
Orlando, FL 32828
407-284-1243

Lance W. DUNFORD

12190 Old Rodeo Dr.
Alva, FL 33920
239-691-3001

Philip GUREVICH

155 S. Court Ave.
Orlando, FL 32801
347-223-9874

Christen E. KELLER

4726 New Broad St., Apt. 302
Orlando, FL 32814
239-850-6280

Denise C. MAY

6441 E. Colonial Dr.
Orlando, FL 32807
615-804-6269

Faney NATER

Alvarez, Sambol & Winthrop, P.A.
100 S. Orange Ave.
Orlando, FL 32825
407-210-2796

Paralegal Students

Jamie L. MUMBLOW

The Law Offices of Stage & Myers, P.A.
7635 Asley Park Ct.
Ste. 503-T
Orlando, FL 32835
321-293-4215

Renee N. STAGE

Law Offices of Stage & Myers, P.A.
7635 Ashley Park Ct.
Ste. 508-T
Orlando, FL 32835
407-293-4215

Howard R. Marsee

Mediator • Special Master • Arbitrator

Certified Circuit Civil Mediator Since 1996
Member: Academy of Court-Appointed Masters
Author: *Utilizing Special Masters in Florida* (Oct 2007 Florida Bar Journal)
Qualified to Mediate State & Federal Cases
Experienced Arbitrator of Complex Matters



Upchurch Watson White & Max • Maitland • 800-863-1462
www.adr.com • Conference Facilities Available

For your next mediation please consider:



Patrick C. Crowell

Certified Circuit Civil Court Mediator



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 Avenue, Suite B, Orlando, Florida 32806

REAL ESTATE **Receivership & REO Services**

CHARLES J. MITCHELL, JR.
MBA, CPM, CCIM

407-872-0209
cmitchell@fcpg.com



- **STABILIZING** Property Operations and Ensuring Tenant Retention
- Development and Implementation of Property **STRATEGIC PLAN**
- **OVERSIGHT** and Direction of on-site Property Management Team
- **EVALUATION** and Creation of **MARKETING** & Leasing Strategies
- Devising and Implementing an Optimal **EXIT STRATEGY**

OVER 26 YEARS OF EXPERIENCE IN COMMERCIAL REAL ESTATE ACTIVITIES IN CENTRAL FLORIDA

3,000 SF OFFICE FOR SALE OR LEASE

DOWNTOWN KISSIMMEE

505 West Oak Street

Built-out for
doctor's office

Across the street
from Osceola RMC

fcpg.com/505westoak



5,000-10,000 SF OFFICE FOR LEASE



DOWNTOWN ORLANDO

141 N. Magnolia Ave.

Two blocks from the
O.C. Courthouse

Ideal location for
Law Firm

fcpg.com/141magnolia



FIRST CAPITAL
Property Group, Inc.

www.FCPG.com

1516 E. Hillcrest St. ■ Suite 210 ■ Orlando, FL 32803

■ Phone | 407.872.0209 ■ Fax | 407.426.8542 ■

Licensed Real Estate Brokers & Managers. This offering subject to errors, omissions, prior sale or lease or withdrawal without notice.

New Associates

Eric S. Faulkner – *The Marks Law Firm, P.A.*

Matthew G. McKinney – *Shuffield, Lowman & Wilson, P.A.*

Christine Irwin Parrish – *Burr & Forman*

New Senior Associates

Rachael Crews – *GrayRobinson, P.A.*

Nicholas Dancaescu – *GrayRobinson, P.A.*

New Shareholders

Adam Pastis – *GrayRobinson, P.A.*

Maureen Vitucci – *GrayRobinson, P.A.*

New Partners

Jon E. Kane – *Burr & Forman*

Lindsay N. Oyewale – *deBeaubien, Knight, Simmons, Mantazaris & Neal, LLP*

Of Counsel

Cynthia J. "C.J." Bosco – *Fisher, Rushmer, Werenrath, Dickson, Talley & Dunlap, P.A.*

Chris M. Morrison – *GrayRobinson, P.A.*

Transitions

Mr. L. Pharr Abner, former principle shareholder of Turnbull, Abner, and Daniels, P.A., at which firm he worked for more than 30 years, and recently of Swann & Hadley, passed away on September 16, 2010. Mr. Pharr had been a member of the OCBA since 1962. Our condolences to Mr. Pharr's family, colleagues and friends.

Seminole County Senior Judge Vernon Mize passed away on October 8, 2010. Judge Mize was admitted to The Florida Bar in 1958. Our condolences to Judge Mize's family, colleagues and friends.

Speaking Engagements

Samuel P. King and **Kenneth J. McKenna**, partners in the law firm Dellecker, Wilson, King, McKenna & Ruffier, recently served as a faculty presenters for a seminar on *Plaintiffs Personal Injury from Start to Finish* for the National Business Institute's September 30th seminar in Orlando. The attorneys' presentation focused on the basics of civil practice and procedure and trial techniques.

Jill S. Schwartz of Jill S. Schwartz & Associates, P.A., recently presented *A Prescription for a Healthy Workplace: An Overview of Employment Law* at Central Florida Medical Group Management Association.

Events

Nov. 4 – *Joint Happy Hour*. 5:30 p.m. Ember, 42 W. Central Ave., Orlando, FL 32801. Sponsored by Westlaw.

Seminars

Nov. 2 – *Special Issues for Clients: Cultural, Poverty, Mental Health*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE: pending. Speakers: Darcy

Fritz, GAL Case Coordinator; Sandi Sumner, Family to Family Teacher. Contact Cathy Tucker at ctucker@legalaidthocba.org or Marilyn Carbo at mcarbo@legalaidthocba.org.

Nov. 5 – *A Fresh Take on Ethical Conduct*. OCBA Paralegal Section. 11:30 a.m.-1:30 p.m. OCBA Center. CLE: 2.0 ethics. Fee: \$20-\$25. Speaker: Christina Fulks Taylor, Esq. Contact orangecountyparalegalsection@gmail.com.

Nov. 9 – *Foreclosure Mediation*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, Orlando. CLE: 1.5. Speakers: Michael Resnick, Esq. and Kim Homer, Esq. Contact Cathy Tucker at ctucker@legalaidthocba.org or Marilyn Carbo at mcarbo@legalaidthocba.org.

Nov. 10 – *Administering the estate may not be as easy as you think*. Estate Guardianship & Trust Committee Seminar. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0. Speaker: Steven H. Kane, Kane & Koltun. Contact Marie at marieb@ocbanet.org.

Nov. 11 – *Sex, Drugs and Violence: Negligent Premises Security Litigation*. 8:30 a.m.-12:30 p.m. OCBA Center. CLE: 3.50 (including .50 ethics; 2.50 Criminal Trial Cert. or 2.50 Civil Trial Cert.). Free. Speaker: John Leighton, Esq., Leighton Law, P.A. Sponsored by Leighton Law, P.A. **Registration deadline: Nov. 5**. Contact Marie at marieb@ocbanet.org.

Nov. 17 – *Business Interruption Coverage, Claims Handling, and Prominent Issues for Both in Catastrophe Claims...Like the Gulf Oil Well Destruction*. OCBA Insurance Law Committee. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0 pending. Free. Speaker: Dennis J. Wall. Contact Marie at marieb@ocbanet.org.

Nov. 18 – *Professionalism & Ethics: Abstaining from Offensive Personality and the Oath of Admission*. UCF Alumni Chapter and OCBA. 4:00 p.m.-6:00 p.m. Fairwinds Alumni Center on the UCF Orlando Campus. Speaker: The Honorable Jose R. Rodriguez. Proceeds benefit scholarships for students pursuing careers in the legal field. For fees, full program information, and to register, contact Katie Korkosz at 407-823-1600 or kkorkosz@mail.ucf.edu.

Nov. 19 – *New Statutory Changes to Alimony/Child Support*. Family Law Committee Seminar. 12:00 p.m. OCBA Center. Speaker: Judge Lisa Munyon. Contact Marie at marieb@ocbanet.org.

Nov. 30 – *Beyond Law Firm Marketing Basics: Leveraging Online Legal Marketing Trends*. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0 (pending). Free. Speaker: Joe Rodriguez, FindLaw. Sponsored by FindLaw. Registration deadline: November 26. Contact marieb@ocbanet.org.

Dec. 1 – *Mediating the Construction Dispute – Keys to Success (or Failure)*. Business Law Committee Seminar. 8:30 a.m.-12:00 p.m. OCBA Center. CLE: 3.5 (including 3.5 Business Law, 3.5 Construction Law). Speaker: Speaker: Gregory S. Martin, Esq. Contact Marie at marieb@ocbanet.org.

Dec. 7 – *Electronic Case Filing*. 9:00 a.m.-10:30 a.m. and 1:00 p.m.-2:30 p.m. OCBA Center. CLE: 1.0. Fee: \$10. Presented by Carolyn Weber, ECF Manager with the office of Lydia Gardner, Orange County Clerk of Courts. Contact Marie at marieb@ocbanet.org.

Dec. 7 – *VAWA, U Visa, and T Visa for Victims of Domestic Violence*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE: pending. Speaker: Charles Conroy, Esq. Contact

Cathy Tucker at ctucker@legalaidocba.org or Marilyn Carbo at mcarbo@legalaidocba.org.

Other News

Barry University School of Law has been awarded a \$100,000 grant from The Florida Bar Foundation to study the U.S. Supreme Court's decision in *Graham vs. Florida* that makes it cruel and unusual punishment to convict a juvenile to life in prison without parole for a non-homicide crime. Barry has established the Juvenile Life without Parole Defense Resource Center, which will serve as a clearing house for data and will coordinate the Florida response to issues related to the decision.



GrayRobinson celebrated its 40th Anniversary on September 21, 2010, with a celebration at the Orange County Regional History Center. Orlando Mayor Buddy Dyer gave a keynote address, and GrayRobinson donated \$20,000 to two local non-profit organizations – the Coalition for the Homeless and the Orange County Regional History Center. The mayor proclaimed the day “GrayRobinson Day” in honor of the firm’s ongoing commitment to charitable initiatives in Central Florida.



President and Managing Director Byrd F. “Biff” Marshall, Founding Director J. Charles Gray, Orlando Mayor Buddy Dyer, and Founding Shareholder Richard M. Robinson.



LAWRENCE H. KOLIN

**FLORIDA SUPREME COURT
CIRCUIT-CIVIL CERTIFIED MEDIATOR**
Resolving disputes in complex litigation since 2001

1065 W. Morse Blvd. Ste. 100 Winter Park, FL 32789
lkolin@live.com | (407) 488-5560
www.nadn.org/lawrence-kolin

Serving the Legal Profession. Serving the Community.



Join 3,000 of your colleagues in one of the State's fastest growing and most innovative Bar Associations! The OCBA offers unparalleled benefits:

- ✓ Free monthly Speaker Series Luncheons
- ✓ Free listing in the Annual Membership Directory including your photo, name and firm contact information, phone and fax number, and email address
- ✓ Free issues of *The Briefs* magazine
- ✓ Free committees and sections, including our award-winning Young Lawyers Section
- ✓ Two sure-fire ways to build your practice - The OCBA Lawyer Referral Service and the Modest Means Program
- ✓ Discounts on seminar registration fees and the purchase of CLE tapes
- ✓ Discounts on room rental for meetings or receptions at our beautiful, downtown facility
- ✓ Discounts on advertising in *The Briefs*, the Annual Membership Directory and purchasing member mailing labels
- ✓ And other benefits, including opportunities to attend dozens of social events, participate in community service projects, network with colleagues, publish substantive articles, lead a committee and receive preferred vendor discounts!

Invite your colleagues to join the OCBA today!
Go to **www.orangecountybar.org** to join online and to see our calendar of upcoming events, seminars and activities!



For additional information, contact the Membership Manager at 407-422-4551, ext. 225.

100% CLUB

Allen & Murphy, P.A.
 Allen, Norton & Blue, P.A.
 Amy E. Goodblatt, P.A.
 Anthony-Smith Law, P.A.
 Beecher & Englert, PL
 Billings, Morgan & Boatwright, LLC
 Bodiford Law Group
 Bonus McCabe Law Firm
 BrewerLong, PLLC
 Burr & Forman LLP
 Calandrino Law Firm, P.A.
 Carsten & Ladan, P.A.
 Chaires, Brooderson & Guerrero, P.L.
 Cohen Battisti, Attorneys at Law
 DeCiccio & Johnson
 Dellecker Wilson King McKenna & Ruffier, LLP
 Dempsey & Associates
 Dewitt Law Firm, P.A.
 Diaz & Moss
 Didier Law Firm, P.A.
 Earle & Smith Trial Attorneys
 Faddis & Warner, P.A.
 Fishback, Dominick, Bennett, Stepter, Ardman
 Ahlers & Langley, LLP
 Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A.
 Fowler White Boggs Banker P.A.
 GibsonSimon, LLC
 Giles & Robinson, P.A.
 Gregory S. Martin & Associates, P.A.
 Halim & Pratt, LLC
 Harris, Harris, Bauerle & Sharma
 Hefley Law Group, P.A.
 Hewitt Wolensky, LLP
 Hilyard, Bogan & Palmer, P.A.
 Innes & Meehle, P.L.
 James H. Monroe, P.A.
 Jill S. Schwartz & Associates, P.A.
 Justice League Law Group, LLC
 King, Blackwell, Downs & Zehnder, P.A.
 Kirkconnell, Lindsey, Snure, & Ponall, P.A.
 Korshak & Associates, P.A.
 Law Office of David Maxwell, P.A.
 Law Office of Frank G. Finkbeiner
 Law Office of Jeffrey Feulner, P.A.
 Law Offices of Blair T. Jackson, P.A.
 Law Offices of Farr and Bowen, P.L.
 Law Offices of Neal T. McShane, P.A.
 Law Offices of Raymond Bodiford, P.A.
 Law Offices of Walter F. Benanati Credit Attorney, P.A.
 Legal Aid Society of the OCBA
 Lewis & Crichton, Attorneys at Law
 Lynum & Sanchez, P.A.
 Marcus & Myers, P.A.
 Marshall, Dennehey, Warner, Coleman & Goggin, P.A.
 Martinez, Manglardi, Diez-Arguelles & Tejedor, P.A.

McElyea, Santos & Barnard, P.A.
 McMichen, Cinami & Damps
 McMillen Law Firm, P.A.
 Michael R. Walsh, P.A.
 Morris Legal Group, PLLC
 Murrah, Doyle and Wigle, P.A.
 N. Diane Holmes, P.A.
 Neduchal & MaGee, P.A.
 Ossinsky & Cathcart, P.A.
 Page, Eichenblatt, Bernbaum & Bennett, P.A.
 Perla & Associates, P.A.
 Quintairos, Prieto, Wood & Boyer, P.A.
 Ringer Henry Buckley & Seacord, PA
 Roetzel & Andress, LPA
 Ruden McClosky P.A.
 Rumberger, Kirk & Caldwell, P.A.
 Sawyer & Sawyer, PA
 Schlegel Law Group
 SeifertMiller, LLC
 Southern Trial Counsel, PLC
 Stovash, Case & Tingley, P.A.
 Sublette Law Offices
 Tangel-Rodriguez & Associates
 The Aikin Family Law Group
 The Brennan Law Firm
 The Carlyle Appellate Law Firm
 The Carr Law Firm, P.A.
 The Draves Law Firm, P.A.
 The Law Office of Frank A. Hamner, P.A.
 The Law Office of Richard A. Culbertson
 The Law Offices of Terry L. Bledsoe, P.A.
 The Marks Law Firm, P.A.
 The Morris Legal Group, PLLC
 The Morsch Law Group
 The Rosenthal Law Firm, P.A.
 The Skambis Law Firm
 The Zeini Law Firm, P.A.
 Vose Law Firm, LLC
 Weiss, Grunor & Weiss
 West, Green & Associates, P.L.
 Wicker, Smith, O'Hara, McCoy & Ford, P.A.
 William G. Osborne, P.A.
 Winderweedle, Haines, Ward & Woodman, P.A.
 Wolff, Hill, McFarlin & Herron, P.A.
 Wooten, Kimbrough and Normand, P.A.
 Yerger and Yerger, P.A.

Congratulations to Members of the OCBA's 100% Club

Is your firm part of the 100% Club? Firms with two or more attorneys and 100% membership in the OCBA can belong! If you believe your firm is eligible, please call the Membership Department at 407-422-4551, ext. 225.

CLASSIFIEDS

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

EMPLOYMENT

SPECIALTY DEFENSE FIRM handling first party property/liability coverage issues and complex contractual/tort litigation seeks attorneys with 3-5 and 5-10 years litigation experience for its Maitland office. Insurance defense experience preferred. Fax/Mail resume to: Office Manager (407) 647-9966, The Rock Law Group, P.A., 1760 Fennell St., Maitland, Florida 32751

PUERTO RICO/FLORIDA COMMERCIAL LITIGATION FIRM seeks Florida licensed attorney also licensed in Puerto Rico for firm's Tampa Bay area office. Outstanding academic credentials and successful employment history required. Occasional travel to firm's PR office may be required. Position offers highly competitive compensation package along with immediate client contact and major case responsibility. All inquiries will be treated with the utmost confidentiality. Please send your resume to lawofficechr@yahoo.com

SPECIALTY DEFENSE FIRM seeks Associate Attorneys with 10+ years litigation experience for its Maitland office. First party/Coverage/SIU Insurance defense experience preferred. Fax/Mail resume to: Office Manager (407) 647-9966, The Rock Law Group, P.A., 1700 Fennell St., Maitland, Florida 32751

CONSTRUCTION DEFECT ATTORNEY with minimum 7 years exp. in field. Competitive salary, Excellent benefits. To apply visit Travelers.com & search by job #790932. Travelers businesses are EOE & promote a drug-free work place.

DOWNTOWN ORLANDO AV RATED FIRM seeks attorney with 2 years commercial litigation experience. Great work environment and excellent benefit package. Send resume in confidence to Administrator, P.O. Box 3388, Orlando, Florida 32802-3388

WILLS/TRUST/PROBATE/ CORPORATE ATTORNEY: Bogin Munns & Munns, an AV rated law firm with nine offices in Orlando and Central Florida, seeks attorney experienced in wills, trusts, and probate to assist with dynamic and expanding practice. Experience in corporate transactions also helpful. Creative compensation arrangements available with great opportunity for growth and advancement. Send resume in confidence fy fax to 407-578-2128 or e-mail to bmm@boginmunns.com

PERSONAL INJURY PROTECTION AND SIU: AV rated well-respected law firm seeks associate with 2 plus years of PIP litigation experience for our Orlando office. Applicants must be a member of the Florida Bar and possess superior communication skills. Send letter of interest and resume to robert.bartels@rissman.com

SMALL BUT GROWING PRACTICE SEEKS a bilingual (Spanish) legal secretary for its Orlando office. Applicant must be comfortable working in a networked computer environment and have good communication skills. Compensation commensurate with experience and productivity. Please send resume to rfoxlaw@att.net.

GROWING, DOWNTOWN LITIGATION LAW FIRM seeks an attorney with 3+ years of litigation experience; insurance defense a plus. Candidate should have a diversified litigation background in various areas of the law. Compensation will be commensurate with experience, knowledge and book of business. Non-smoker. Please forward a professional resume to Partners via email to legalresumes7@yahoo.com.

REAL ESTATE AND/OR PUBLIC FINANCE - Orlando, Florida - Latham, Shuker, Eden & Beaudine, LLP has an opportunity for a lawyer with 3-5 years experience in real estate and/or public finance. Any combination of land use and loan closing experience; affordable housing; or special district representation highly desired. Please e-mail resume to lmedina@lseblaw.com and await@lseblaw.com

OFFICE SPACE SHARED

DOWNTOWN ORLANDO LAW FIRM- Space Share: Large luxury Offices with 2 to 4 paralegal stations, best views, telephone service (including LD), DSL internet, copier, fax, 3 conference rooms, network, receptionist, kitchen, and parking included. (407) 425-5775

LONGWOOD (SEMINOLE COUNTY) SOLE PRACTITIONER SEEKS space sharing attorney. Prefer Family/Bankruptcy/Civil. Secretary, phone, internet and other amenities provided. Flexible arrangements. Located on main thoroughfare. Convenient to local Courthouses. Email: lawoffice870@aol.com.

WINTER PARK shared space just off I-4, professionally decorated office (available furnished) with paralegal

station, conference rooms, shared receptionist. Includes DSL, copier, fax, and free parking. Call (407) 599-3800.

DOWNTOWN ATTORNEY OFFICE AVAILABLE-one office in shared suite. Full service including receptionist, copy machine, fax machine, conference rooms, parking, telephone, long distance, etc. Call Cori at 407-956-1000.

ATTORNEY OFFICE WITH SECRETARIAL STATION and shared conference room including parking internet copier fax call 407-644-1336

OFFICE SPACE FOR SALE/RENT/LEASE

PROFESSIONAL OFFICE SPACE across from Lake Eola, free parking, offices are furnished and include Receptionist and DSL. Asking \$850 a month. Please call Corey at 407-246-0066.

FERNCREEK PROFESSIONAL CENTER - FIRST MONTH FREE upon signing one year lease. Office space available just minutes from downtown Orlando. Free parking and signage on busy road. Receptionist, conference rooms, phone system, fax machine, copier, high speed DSL, and other services provided. Call (407) 898-4848.

SPACE FOR LEASE - 3 adjacent offices for rent at \$500.00/month each. Historic building downtown Orlando at 19 E. Central Blvd. Includes utilities, use of conference room. Additional secretarial space available. Contact John McDonough @ (407) 425-7577 or jmcDonough@mcDonoughandserano.com.

OFFICE SPACE IN LAKE EOLA HTS. HISTORIC DISTRICT at 330 N. Broadway Ave. only 2 1/2 blocks from the Courthouse available for one attorney & 2 sec./paralegal cubicles. Includes receptionist & use of conf. rms, kitchen, copier, fax, free parking, etc. Call Cindy at (407) 898-0353.

OFFICE SPACE-NEAR COURTHOUSE For much less than you pay a receptionist. Private office, conference room, telephone, fax, internet, utilities and receptionist all included. Starting at \$300 per month (407) 422-4958

PRIME OFFICE SPACE AVAILABLE in our suite located in the Wachovia Tower at Orange Avenue & Central Blvd., including secretarial area, shared receptionist/reception

area, conference room, copier, fax, kitchen. All utilities, janitorial and covered parking are included. Please call Sharon Geils for further information. Available immediately (407) 843-5880

OFFICE BLDG FOR SALE / LEASE: Near intersection of Kaley & Ferncreek Ave. Convenient to downtown &/or juvenile ct. on Michigan St. 1600 sq ft. Open floor plan with separate executive office and conference room. Recently renovated and ready for occupancy. Call John @ (407) 222-6712

DOWNTOWN - NEAR COURTHOUSE - Elegantly restored historic building on the corner of E. Pine and Court Street. Offices for 1-6 attorneys and staff. Share receptionist, conference rooms, etc. 407-426-2060 or tmhoeperk@yahoo.com

OFFICE BUILDING/SPACE: DOWNTOWN - Completely Renovated and Upgraded Old Two-Story House (Circa 1919), hardwood floors/wood trim, parking - MUST SEE. (407) 648-1500

OFFICE SUITE FOR RENT: Downtown Orlando, includes reception service, telephone, copier, fax and conference rooms. Free parking. Call Sandy at (407) 843-7060.

PROFESSIONAL SERVICES

THE LEGAL MEDICINE GROUP, LLC - "Excellence in Medical Records Pre-Screening Reviews and Affidavits". * Litigation Support Services * All Board Certified Reviewers and Expert Witness * Medical Malpractice, Personal Injury and Product Liability * 727-430-6008 www.legalmedicinegroup.com

TYPING AND TRANSCRIPTION SERVICES Offered. Please contact Elisa Atan at (407) 832-0959.



Contact **Mente Piccoli**
to place your classified
and display ads.
mentep@ocbanet.org
407-422-4551 • ext. 244



OCBA CALENDAR

November 2010 - January 2011

OCBA Luncheon
Cecil B. Wilson, M.D.
President of the American Medical Association
Thursday, November 18, 2010
RSVP by Friday, November 12, 2010 to:
reservations@ocbanet.org

Sponsored by: **Westlaw.**

November

- 2 LAS Lunchtime Training**
Special Issues for Clients: Cultural, Poverty, Mental Health
12:00 p.m. • Bar Center
- 3 Business Law Committee**
12:00 p.m. • Please contact chair.
- 4 Federal Judicial Relations**
12:00 p.m. • Judge Conway's Chambers
- Real Property Committee**
12:00 p.m. • Bar Center
- Joint Happy Hour**
5:30 p.m. • Ember
Sponsored by Westlaw
- 5 Paralegal Section Seminar**
A Fresh Take on Ethical Conduct
11:30 a.m. • Bar Center
- 9 Intellectual Property Committee**
12:00 p.m. • Bar Center
- LAS Lunchtime Training**
Foreclosure Mediation
12:00 p.m. • Comerica Bank
- 10 Estate Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- Judicial Relations Committee**
12:15 p.m. • Courthouse 21st Flr. Conf. Rm.
- 11 Social Security Committee**
12:00 p.m. • Bar Center
- Sex, Drugs & Violence: Inadequate Premises Security Litigation in Florida*
8:30 a.m. • Bar Center
Sponsored by Leighton Law, P.A.
- 12 Family Law Executive Committee**
11:45 a.m. • Houlihan's
- Workers' Compensation Committee**
11:45 a.m. • Smokey Bones
- 16 Appellate Practice Committee**
12:00 p.m. • Bar Center
- Professionalism Committee**
12:00 p.m. • Bar Center
- 17 Elder Law Committee**
12:00 p.m. • Bar Center
- Construction Law Committee**
12:00 p.m. • Bar Center
- Insurance Law Committee Seminar**
Business Interruption Coverage, Claims Handling, and Prominent Issues
12:00 p.m. • Bar Center
- Executive Council Meeting**
4:30 p.m. • Bar Center

- YLS Luncheon**
11:45 a.m. • University Club
- 18 OCBA Luncheon**
Cecil B. Wilson, M.D.
President of the AMA
11:30 a.m. • The Ballroom at Church St.
Sponsored by Westlaw
- OCBA-UCF Ethics & Professionalism Seminar**
4:00 p.m. • UCF Fairwinds Alumni Center
- 19 Family Law Committee Seminar**
New Statutory Changes to Alimony/Child Support
12:00 p.m. • Bar Center
- 24 Business Law Committee**
12:00 p.m. • Bar Center
- Labor & Employment Law Committee**
12:00 p.m. • Bar Center
- 25-26 Happy Thanksgiving!**
Bar Center Closed.
- 30 Solo & Small Firm Committee Seminar**
Leveraging Online Legal Marketing Trends
12:00 p.m. • Bar Center
Sponsored by FindLaw

December

- 1 Business Law Committee Seminar**
Mediating the Construction Dispute – Keys to Success (or Failure)
8:30 a.m. • Bar Center
- 3 Paralegal Section**
12:00 p.m. • Bar Center
- 7 ECF Training**
9:00 a.m. & 1:00 p.m. • Bar Center
- LAS Lunchtime Training**
VAWA, U Visa and T Visa for Victims of Domestic Violence
12:00 p.m. • Comerica Bank
- Estate, Guardianship Committee Meeting/Holiday Party**
4:00 p.m. • Bar Center
- 9 Real Property Law Committee**
12:00 p.m. • Bar Center
- Social Security Committee**
12:00 p.m. • Bar Center
- Executive Council Meeting**
4:30 p.m. • Bar Center
- 10 Family Law Executive Committee**
11:45 a.m. • Houlihan's
- Workers' Compensation Committee**
11:45 a.m. • Smokey Bones

- 14 Solo & Small Firm Committee Meeting**
12:00 p.m. • Bar Center
- 15 Elder Law Committee**
12:00 p.m. • Bar Center
- Construction Law Committee**
12:00 p.m. • Bar Center
- 16 Appellate Practice Committee**
12:00 p.m. • Bar Center
- Bankruptcy Committee**
12:00 p.m. • Bar Center
- 17 Family Law Committee**
No meeting.
- 21 Professionalism Committee**
12:00 p.m. • Bar Center
- 22 Labor & Employment Committee**
12:00 p.m. • Bar Center
- 27-31 Happy Holiday!**
Bar Center Closed.

January 2011

- 3 Happy Holiday! Bar Center Closed.**
- 5 Business Law Committee**
12:00 p.m. • Please contact chair.
- Criminal Law Committee**
12:00 p.m. • Bar Center
- 6 Federal Judicial Relations**
12:00 p.m. • Judge Conway's Chambers
- 7 Paralegal Section**
12:00 p.m. • Bar Center
- 11 Intellectual Property Committee**
12:00 p.m. • Bar Center
- 12 Estate, Guardianship Committee**
12:00 p.m. • Bar Center
- Judicial Relations Committee**
12:15 p.m. • Courthouse 21st Flr. Conf. Rm.
- Executive Council Meeting**
4:30 p.m. • Bar Center
- 13 Real Property Committee**
12:00 p.m. • Bar Center
- Social Security Committee**
12:00 p.m. • Bar Center
- 14 Family Law Executive Committee**
11:45 a.m. • Houlihan's
- Workers' Compensation Committee**
11:45 a.m. • Smokey Bones

ARE YOU ACCOUNTABLE FOR YOUR WORK?

Do you ask your clients to pay for your mistakes?
Health Care Providers should be accountable for their mistakes.
At Gunn Law Group, P.A.,

we believe in accountability.

We are honored to receive the vast majority of our case referrals from fellow Bar members, with whom we share fees in accordance with the Bar Rules.

- Insurance Coverage
- Bad Faith
- Serious Personal Injury
- Product Liability
- Medical Malpractice



GUNN LAW GROUP

ADVOCATING FOR JUSTICE

Lee D. Gunn IV

400 N. Ashley Drive / Suite 2050 / Tampa, FL 33602
813-228-7070 / 866-GUNNLAW / www.gunnlawgroup.com

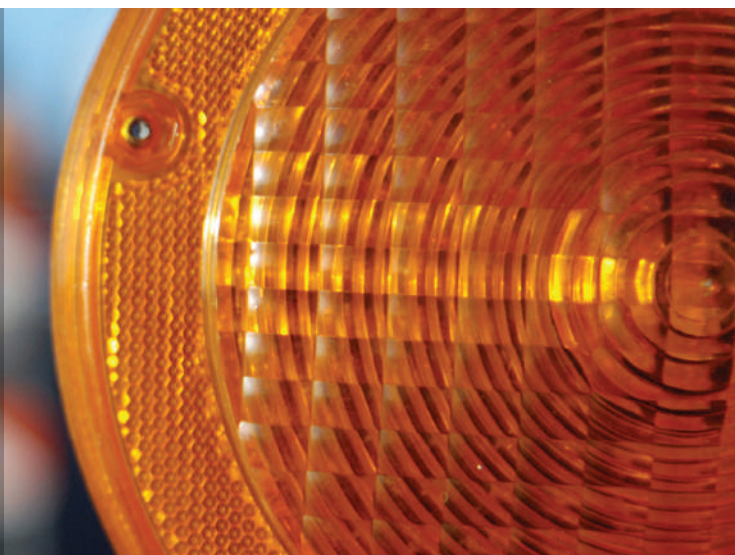


the Briefs

880 North Orange Avenue
Orlando, Florida 32801

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

Hazard: Roadway Construction



BRAIN AND SPINAL CORD INJURY CLAIMS

► **COMPLEX MULTI-PARTY LITIGATION**

INSURANCE LITIGATION

NEGLIGENT SECURITY CLAIMS

NURSING HOME ABUSE & NEGLECT

PROFESSIONAL NEGLIGENCE

► **ROADSIDE CONSTRUCTION LITIGATION**

SEVERE AUTO ACCIDENTS

TRUCKING ACCIDENTS

WRONGFUL DEATH

ROADWAY CONSTRUCTION — A REAL HAZARD

Florida has the second highest number of construction zone vehicular accidents causing fatalities in the United States. Sifting through the paperwork to figure out if there is a legitimate case poses its own challenges and hazards. Roadway construction cases always require intense early investigation, voluminous document review, a team of experts, and inevitable complex multi-party litigation. Our team has the passion, experience, and financial depth to successfully navigate these cases. We accept statewide referrals on roadway construction and other complex personal injury litigation.



**PAUL &
PERKINS** P.A.

A Civil Trial Firm

3117 Edgewater Drive | Orlando, FL 32804

Contact Us Today at **407.540.0122**

DAVID A. PAUL • PAUL C. PERKINS, JR • JOSEPH TAMBORELLO, JR. • JASON A. PAUL • PAMELA MARK BURKE

www.OrlandoTrialLaw.com