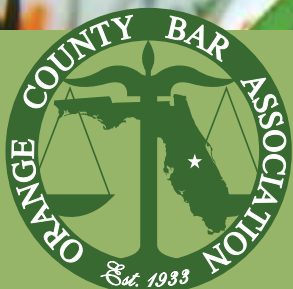


the Briefs

A Publication of the Orange County Bar Association



August 2012
Vol. 80 No. 8

Inside this Issue:

OCBA August Luncheon
Gwynne Young, Esq.
President of The Florida Bar

The Politics of Adult Literacy
Daryl P. Gottlieb, Esq.

Construction Law Committee
Recent Legislative Changes to Florida's Construction Laws
Thomas P. Wert, Esq.

*eDiscovery Rule Amendments Adopted by the
Florida Supreme Court*
Lawrence H. Kolin, Esq.

**"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. Your 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



A part of BMO Financial Group



THE HEALTH LAW FIRM

MAIN OFFICE • 1101 DOUGLAS AVENUE • ALTAMONTE SPRINGS, FL 32714
TELEPHONE: (407) 331-6620 • (850) 439-1001 • TELEFAX: (407) 331-3030

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

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

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

REPRESENTATION OF HEALTH PROFESSIONALS

Available to accept referrals, consult or co-counsel on cases involving physicians, nurses, health professionals or health facilities. Referral fees paid in appropriate cases.

- Medicare/Medicaid Audit Defense
- Pain Management Physician Defense
- DOH/AHCA Investigations
- ZPIC & RAC Audits
- Administrative Hearings
- Medicare/Medicaid Fraud Defense
- Professional Licensing
- Medical Board Cases
- Subpoena Defense
- Office Leases
- National Practitioner Data Bank
- Hospital Credentials Hearings
- Physician Contracts
- Partnership Dissolutions
- Covenants not to Compete
- Commercial Litigation
- Corporate Law
- Medicaid Appeal Hearings
- Disciplinary Proceedings
- Substance Abuse (PRN/IPN)
- Appellate Practice



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

- Over 25 Years legal experience
- LL.M. from George Washington University
- Admitted in Florida, Louisiana and D.C.
- Board Certified by the Florida Bar in Health Law



JOANNE KENNA, J.D., R.N. (ILL.)

- J.D., Stetson Univ. College of Law
- Diploma, St Anne's Hospital School of Nursing
- R.N., Illinois
- Licensed in Florida



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

- B.S., Nova Southeastern University
- J.D., Stetson Univ. College of Law
- Registered Respiratory Therapist
- Licensed in Florida
- Board Certified by the Florida Bar in Health Law



CHRISTOPHER E. BROWN

- B.A., Coastal Carolina University
- J.D., Barry University of Orlando, College of Law
- Licensed in Florida
- Member, American Health Lawyers Association

- Pain Management Clinic Representation
- Medical Malpractice Defense
- Insurance Audit Defense
- Search Warrant Representation
- Petitions for Waiver or Variance
- Medicaid Fraud Control Unit (MFCU) Defense
- Utilization Review Defense
- Preparation/Litigation of Physician Contracts
- Nursing Board Cases
- Appeal of Emergency Suspension Orders (ESOS)
- Corporations, LLC's, Partnership and other Business Entities
- Sales/Purchases of Medical Practices
- Peer Review Defense
- Physician's Personal Counsel
- Opinion Letters
- Complex Litigation
- Medical Staff Bylaws



the Briefs

880 North Orange Avenue
Orlando, Florida 32801

PRSRT STD
U.S. POSTAGE
PAID
MID-FL FL
PERMIT NO. 581

THE DIDIER LAW FIRM is a trial firm dedicated to litigating serious auto accident, trucking accident and product liability cases involving catastrophic injuries and wrongful death.

WE PROUDLY VALUE our co-counsel relationships and consider it a privilege to work with talented lawyers from around the country on all types of complex catastrophic injury cases.

WE ARE DEDICATED to using our knowledge, resources and experience to obtain the best possible results for those who put their trust in us.



Rollover Accidents



Airbag Defects



Tire Failures



Trucking Accidents

YOUR PARTNER IN COMPLEX LITIGATION

DIDIER LAW FIRM, P.A.

PRODUCT SAFETY ATTORNEYS

We're committed to Your Referral Business.



LinkedIn

Avvo
Rating, Reviews, Testimonials

YouTube
Broadcast Yourself™



Orlando | 1203 N. Orange Avenue | Orlando, FL 32804
Tampa | 1922 East 4th Avenue | Tampa, FL 33605-5214

Call **888.895.3401** or visit **ProductSafetyAttorneys.com**



JD BY DAY, DJ BY NIGHT.

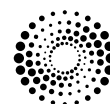
| Rishi Bagga
Business Attorney
Orlando, Florida

WestlawNext®

"As a solo attorney just starting out, I wanted to keep my expenses down yet still be fast and confident in my business law research. Once I tried WestlawNext® I knew it was the way to go. It helps me prepare to stand before a judge, and gives me more time to stand behind a turntable."

Rishi uses state-of-the-art equipment for both his gigs.

westlawlifestyle.com



Contents

3

August Luncheon

Gwynne Young, Esq.
President of The Florida Bar

5

Professionalism Committee

Civility: The Ultimate Legal Weapon
Peter R. Jarvis, Esq.
Katie M. Lachter, Esq.

7

2012-2013 Young Lawyers Section Officers & Board Members 2012-2013 Paralegal Section Officers & Board Members

8

Foundation News

Remember the Foundation During Your Events
Richard S. Dellinger, Esq.

12

Judicial Relations Committee

Interview with United States District Court Judge John Antoon, II
Justin R. Infurna, Esq., LLM

13

Judicial Relations Committee

Interview with Judge Leon B. Cheek, III
Jenny K. Sullivan, Esq.

14

Ava K. Doppelt Receives the 2012 Rosemary Barkett Outstanding Achievement Award

15

The Politics of Adult Literacy

Daryl P. Gottlieb, Esq.

16

Construction Law Committee

Recent Legislative Changes to Florida's Construction Laws Will Require Modification of Certain Construction Methods and Documentation
Thomas P. Wert, Esq.

18

Legal Aid Society

What We Do

Remarks Upon Receiving the Judge J.C. "Jake" Stone Distinguished Service Award
Joseph L. Amos, Jr., Esq.

24

eDiscovery Rule Amendments Adopted by the Florida Supreme Court
Lawrence H. Kolin, Esq.

27

YLS on the Move

Sunny Lim Hillary, Esq.

32

Paralegal Post

Hats Off to Mothers!
Risa E. Harrell, CP, FRP

31

SideBar

Sunny Lim Hillary, Esq.

33

Rainmaking

Public Relations, Part 3 – Cultivating Media Exposure
Mark Powers & Shawn McNalis

35

Announcements

36

New Members

39

Classifieds

40

Calendar

the Briefs

Co-Editors

Nick Dancaescu, Esq. & Ian Forsythe, Esq.

Associate Editors

Vincent Falcone, Esq. & Laura Lee Shields, Esq.

Side Bar Columnist

Sunny Lim Hillary, Esq.

YLS Columnist

Sunny Lim Hillary, Esq.



OFFICERS

Kristyne E. Kennedy, Esq. *President*
Paul J. Scheck, Esq. *President-Elect*
Nicholas A. Shannin, Esq. *Treasurer*
Jamie Billotte Moses, Esq. *Secretary*



EXECUTIVE COUNCIL

Wiley S. Boston, Esq.
Philip K. Calandrino, Esq.
Mary Ann Etzler, Esq.
LaShawnda K. Jackson, Esq.
Kristopher J. Kest, Esq.
Elizabeth F. McCausland, Esq.
Nichole M. Mooney, Esq.
Eric C. Reed, Esq.
Gary S. Salzman, Esq.
William D. Umansky, Esq.
William C. Vose, Esq.
Thomas A. Zehnder, Esq. *Ex Officio*
Anthony F. Sos, Esq. *YLS President*



EXECUTIVE DIRECTOR

Brant S. Bittner



Communications Manager

Peggy Storch

Marketing Manager

Sheyla A. Asencios

Marketing Assistant

Kevin Lopez



Residential Mortgage Foreclosure Program
407-649-1833

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
Orange County Foreclosure Mediation	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 ©2012 Orange County Bar Association. All rights reserved. Designer: Catherine E. Hebert

Cover: iStock

ISSN 1947-3968

OCBA Luncheon Thursday, August 30, 2012



Gwynne Young, Esq.

President of The Florida Bar

Gwynne Young is a shareholder at Carlton Fields and a member of the Tampa office Business Litigation and Trade Regulation Practice Group. Ms. Young handles civil litigation in all areas, including insurance coverage matters, real estate and land use matters, probate, guardianship and trust matters, as well as other corporate and business disputes.

Ms. Young is a State Certified Arbitrator and a member of the AAA Commercial Arbitrator Panel. She also is a Federal Court Mediator and a member of the AAA Mediation Panel.

She currently serves as president of The Florida Bar and is on the Executive Council of the Real Property, Probate and Trust Law Section. She is a past president of the Hillsborough County Bar Association, the Hillsborough County Bar Foundation, a sustaining member of the Hillsborough Association for Women Lawyers, and a Master Emeritus, and past president of the Cheatwood Inn of Court.

Ms. Young is active in community organizations. She presently serves as an Emeritus

Trustee of the University of Florida Law Center Association. She is a past president of the Duke University General Alumni Association, and a former trustee of Duke University. She is former president of The Junior League of Tampa, Inc., and a former director of the Association of Junior Leagues International, Inc. She has served as chair of the Board of Counselors, a member of the Board of Fellows, and a Trustee of the University of Tampa. Ms. Young is founder and former director of the Child Abuse Council, Inc., and a former trustee of both Tampa Preparatory School and the Tampa Bay Performing Arts Center.

She graduated from Duke University in 1971 with a bachelor of arts degree. In 1974, Ms. Young earned a law degree from the University of Florida College of Law, where she was executive editor of the *Florida Law Review*.

The Ballroom at Church Street

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

225 S. Garland Avenue • Orlando, FL 32801

Co-hosted by the Central Florida Association for Women Lawyers

Please RSVP by Friday, August 24, 2012

to reservations@ocbanet.org

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, August 24, 2012**. 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!

Mark your calendar

Legal Aid Society of the Orange County Bar Association, Inc.

presents

TUESDAYS

12:00 p.m.-1:30 p.m. **New Location!**

MARKS STREET SENIOR RECREATION COMPLEX

99 East Marks Street

Orlando, FL 32803

august 14

Garnishments/Debtor Defenses

Michael Resnick, Esq.

CLE applied for

august 21

Guardianship of a Person

David Yervey, Esq.

Catherine A. Tucker, Esq.

CLE applied for

august 28

Termination of Parental Rights Cases: Litigation Skills

Kirsten Teany, CLS, Esq.

Judge Donald E. Grincewicz

Kavita Sookrajh, Esq.

CLE applied for

september 11

Crafting a Parenting Plan When There's Domestic Violence

Tenesia Hall, Esq.

CLE applied for

september 25

Dependency Adoptions

Stephanie Stewart, Esq.

CLE applied for

october 9

Sealing and Expungement

David B. Slaughter, Esq.

CLE applied for

october 23

GAL 101

Kate York, Esq.

Bethanie Barber, Esq.

CLE applied for

november 13

Landlord - Tenant Law Update

Michael Resnick, Esq.

CLE applied for

december 4

Special Education Law for Dependency Cases

Bethanie Barber, Esq.

CLE applied for

december 11

Immigration Topic - TBA

Camila Pachon, Esq.

CLE applied for

january 7, 2013

TBA

For OCBA members, the training is free. For non-OCBA members participating in the LAS *pro bono* program, the training is free.

Pre-registration is required for the free lunch and requested for training (or subject to space availability if not pre-registered). For

more information, please email: ctucker@legalaidocba.org or

mcarbo@legalaidocba.org or merazmus@legalaidocba.org.



Peter R. Jarvis, Esq.



Katie M. Lachter, Esq.

Civility: The Ultimate Legal Weapon?

Half an hour ago, you sent opposing counsel's inexcusably incendiary email to your client. Now in your in-box is your client's outraged demand that you fight fire with fire. Although you are satisfied that you have been sufficiently provoked to justify a scorched earth response, and you certainly know how to make one, perhaps you should first consider a simple question: is it tactically wise to do so?

We all know that few, if any, clients want wimps for lawyers. We also know that attorneys whose clients perceive them to be unable to stand up to pressure are likely to find themselves replaced and unpaid. But we know more. For example:

Opposing counsel may well respond to your "fire" with more of her own, leading to an increasing cycle of malevolence.

Hostility between counsel can substantially drive up fees and costs and can foreclose opportunities for early and mutually beneficial resolutions of a matter – something for which the client may subsequently seek to hold you responsible.

Although your client and you may assume that a judge or bar disciplinarian will see things the same way that you do, there is no guarantee that this will be so. Even if you are absolutely, positively convinced that you do not live in a glass house, others may not agree that you were more sinned against than sinning. "A plague on both your houses," is often the reply.

What, then, are lawyers who refuse to give in to bombast to do? In many instances, the best and most effective response will involve firmness mixed with a heaping dose of civility.

Suppose, for example, that you respond to the initial incendiary email with one of your own which apologizes for any offense your client or you may inadvertently have given and which states – clearly, rationally and without rancor – why you disagree and what you are and are not willing to do. Suppose further that you go out of your way to state that your client and you are concerned about the expense and delays to which rhetorical wars can lead, that you ask opposing counsel to explain his position more clearly in case you are missing his point, that you propose one or more constructive steps to deal with the present impasse, and that you ask opposing counsel to suggest his own steps if he does not like yours. In a great many instances, this approach is more likely to box in your opponent and to bring about the results that your client and you want

than a perpetuation or elevation of hostilities. For example:

Particularly in the modern era of instant electronic communications, all of us say things at times that, in retrospect, might better have been said differently or not at all. Allowing the other side to save face may help the parties and counsel move forward.

Although you may not realize it, you may in fact have given the other side reason to be annoyed. In such circumstances, heading off further annoyance is likely to be in your client's and your best interest. This is so whether or not the other side should have been annoyed and whether or not their annoyance was intentionally, negligently or entirely innocently caused.

Giving in to emotion now is likely to make it harder for your client and you to be objective later on.

If what then occurs is further angry-grams from your opposition with each one answered in turn by your civil response, a judge, arbitrator, mediator or bar disciplinarian is far more likely to see where the fault lies.

If your opponent, seeing your civil approach, decides that you are trying to set him up for a sanctions motion or bar complaint and therefore decides to try to outfox you by being civil himself, you will have achieved your objective.

Alternatively, an uncivil writing need not immediately be followed by any writing at all. Suppose that instead of sending an immediate response, you first call opposing counsel and suggest a meeting – perhaps at opposing counsel's office – to discuss your concern that matters not be allowed to get out of hand. If that meeting is agreed to (and it often will be), you can try, as calmly as possible, to resolve any and all issues on a mutually acceptable basis.

Sometimes the most difficult part of this process will be convincing your client that rationality should prevail. In this context, the suggestions above can serve as a template for a conversation with your client about why a nasty email or phone call may fail to serve his interests. Remember that the client is not in nearly as good a position as you to assess the damage that incivility can cause. Positions can rapidly shift, whether in negotiating or litigating, and the party with the upper hand on Monday may find itself in desperate need of a favor on Tuesday. It is up to you as the bearer

continued page 28

Editors' Note

Calling all sports lovers and doers!

The football season is just heating up and basketball isn't far behind! The Olympics will have just concluded, with big wins, surprising upsets and incredible world-wide interest! With a nod to all the sports enthusiasts among us, *The Briefs* will feature a **special October "Sports Edition."**

Are you game?

Do you participate in biathlons, decathlons or triathlons? Are you a mountaineer or spelunker? Race competitively – track and field, bikes, cars or kayaks? *Who out there hits the slopes for cross-country skiing?* **Maybe you coach Little League or Pop Warner, or enjoy individual sports such as hang gliding, golf or shuffleboard** (...okay, just checking to make sure you're still reading)!

Send us a couple of paragraphs or great story about a sporting experience – along with photos and captions!

...OR send us an article that **explores the intersection of sports and the law or legal profession.**

We're looking forward to bringing you an exciting **October 2012 issue**, so contact us as soon as possible – but no later than August 20 – for publication consideration.

Peggy Storch
Communications Manager
peggys@ocbanet.org



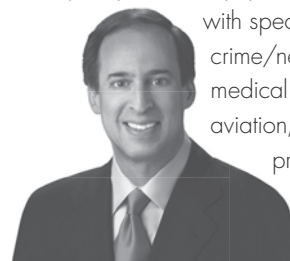
(Article submission deadline is September 1, 2012)

Because

PREMISES LIABILITY
NEGLIGENT SECURITY
MEDICAL MALPRACTICE
DEFECTIVE PRODUCTS
VEHICLE NEGLIGENCE
LEGAL MALPRACTICE

Happens.

Leighton Law represents plaintiffs in complex and catastrophic personal injury and wrongful death cases, with special emphasis on violent crime/negligent premises security, medical malpractice, trucking, aviation, cruise ship/maritime, product liability and Resort Torts™.



121 S. Orange Avenue, Suite 1150
Orlando, FL 32801 ▼ 407.384.8004
LeightonLaw.com

Personal Injury
Serious Lawyers for Serious Cases.®



TRIAL LAWYERS

©2012 Leighton Law, P.A.

BitQuote:

*"I am a trial lawyer...
Matilda says that at dinner
on a good day I sound like
an affidavit."*

—Mario M(atthew) Cuomo



JAMES F. PAGE, JR., ESQ., MEDIATOR

- 31 years statewide trial lawyer
- Supreme Court Certified Circuit Mediator since 2001
- Engaging, enthusiastic, and patient negotiator

Online scheduling available. Up-to-date calendar at www.pagemediation.com or call cell at 407-341-0069.

Now also providing legal placement for firms & professionals in joint venture with Jim Bindley, Esq. of www.bindleyassociates.com.

2012-2013 Young Lawyers Section Officers & Board Officers



Anthony F. Sos
President
Dellecker, Wilson, King,
McKenna & Ruffier, LLP
719 Vassar St.
Orlando, FL 32804
407-244-3000
asos@dwklaw.com



Lauren Heatwole McCorvie
Vice President/President-Elect
Morgan & Morgan, P.A.
20 N. Orange Ave., 10th Flr.
Orlando FL 32801
407-236-8178
lheatwole@businesstrialgroup.com



Lauren F. Carmody
Treasurer
Rumberger, Kirk & Caldwell, P.A.
300 S. Orange Ave., Ste. 1400
Orlando, FL 32801
407-839-2120
lcarmody@rumberger.com



Amber Neilson Davis
Secretary
Beusse Wolter Sanks Mora & Maire
390 N. Orange Ave., Ste. 2500
Orlando FL 32801
407-926-7716
adavis@iplawfl.com



Sunny L. Hillary
Communications Coordinator
Hillary, P.A.
605 E. Robinson St., Ste. 330
Orlando, FL 32801
407-237-0911
sunny@hillarylaw.com



Brian L. Smith
Social Media Chair
Hill, Adams, Hall & Schieffelin, P.A.
1030 W. Canton Ave., Ste. 200
Winter Park, F 32789
407-628-4848
bsmith@hahslaw.com



LaShawnda K. Jackson
Immediate Past President
Rumberger, Kirk & Caldwell, P.A.
300 S. Orange Ave., Ste. 1400
Orlando FL 32801
407-872-7300
ljackson@rumberger.com

Members-at-Large

CHELSIE J. FLYNN
Ford & Harrison, LLP

DARYL P. GOTTLIEB
Fisher, Rushmer, Werrenrath, Dickson,
Talley & Dunlap, P.A.

MELANIE S. GRIFFIN
Dean, Mead, Egerton, Bloodworth,
Capouano & Bozarth, P.A.

W. DOUG MARTIN
Dellecker, Wilson, King, McKenna & Ruffier, LLP

CHANEL A. MOSLEY
Marshall, Dennehey, Warner, Coleman &
Goggin, P.C.

KAREN L. PERSIS
The Rosenthal Law Firm, P.A.

JACQUELYNNE J. REGAN
Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

BRETT R. RENTON
Shutts & Bowen, LLP

AMY R. RIGDON
Holland & Knight, P.A.

JONATHAN A. STIMLER
Latham, Shuker, Eden & Beaudine, LLP

BARTLEY G. VICKERS
Calderon & Mandell, P.A.

2012-2013 Paralegal Section Officers & Board Officers



Michelle G. Krakar, FRP
President
mygallimore@yahoo.com



Christine M. Stram, FRP
Vice President/President-Elect
Broad & Cassel
390 N. Orange Ave., Ste. 1400
Orlando FL 32801
407-839-4200
cstram@broadandcassel.com



Phillip L. Gordin, FRP
Treasurer/Secretary
GrayRobinson, P.A.
301 E. Pine St., Ste. 1400
Orlando, FL 32801
407-843-8880
pgordin@gray-robinson.com



Amy M. Guy, CP, FRP
Immediate Past President
Calandrino Law Firm, P.A.
301 E. Pine St., Ste. 950
Orlando, FL 32801
407-601-4905
amy@floridabusinesslaw.com

Board Members

CATRINA M. CHAPIN
Roetzel & Andress, LPA

CANDICE DISORBO
OCBA Foreclosure Mediation

BETHANY GIBSON
deBeaubien, Knight, Simmons,
Mantzaris & Neal, LLP



Richard S. Dellinger, Esq.

Remember the Foundation During Your Events

For years, the OCBA Foundation has benefited from decades of fundraising by visionaries within the bar. Leaders like Bill Sublette, Tom Wert, Nicholas Shannin, Judge Julie O’Kane and Jessica Hew ensured that the Foundation benefited from regular fundraisers. The biggest and most visible fundraiser, the OCBA Gala, and smaller events, like Shayne Thomas’ Social Committee events, generated reserves that have been used to fund the Foundation’s activities.

Last year, because of significant activities, the Foundation spent more money than it has spent in years. While good for the community, significant expenditures cannot be sustained long term. As a result, the Foundation will be focused more on fundraising this year than ever before. This is necessary to ensure the long-term viability of the Foundation.

The Foundation and the OCBA are fortunate to have Amy Guy. Amy is a board member and the chair of the Social Committee. Amy and other Foundation board members have committed to raising even more money for the Foundation. Amy is starting the effort with a wine auction. Please bring your bottles to our next luncheon and please bid, bid, bid at the next OCBA social activity.

The Foundation is also fortunate to have thoughtful community leaders who remember the Foundation during their events. Lawrence Kolin and Gary Salzman committed all of the excess funds from their recent ADR seminar. GrayRobinson covered the costs of the seminar, so nearly all of the registration fees went to the Foundation.

When you see them, please thank Gary and Lawrence! And please remember Gary and Lawrence when you are selecting a mediator for your next case!

The Foundation was also the beneficiary of a donation from the Barry University Dwayne O. Andreas School of Law’s Federalist Society. Instead of turning over excess funds to the school, the outgoing president, Nicholas A. Primrose, remembered the Foundation and donated excess funds to the Foundation!

Please remember the Foundation when you are serving on your committees or organizing your events. Just a little money goes a long way – remember, pocket constitutions are only 25 cents each, so one dollar to the Foundation benefits four students.

The Orange County Bar Association Foundation focuses on community education. From teaching the consequences of one’s actions, to explaining how the judicial system works, to supporting the local schools, to mentoring, the Foundation helps citizens gain a better understanding of the judicial system.

Richard S. Dellinger, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A., has been a member of the OCBA since 2000.

CLE at Sea

Aboard Victory Casino Cruise September 14, 2012

7:15 a.m. — 6:00 p.m.



Register early!

Cruise is limited to 250 registrants!

Registration deadline: September 1, 2012

Registration:

\$100 – Judiciary (includes CJE)

\$125 – Attorneys (includes CLE)

\$100 – Guests / Non-attorneys

Register at Brown Paper Tickets:

<http://www.brownpapertickets.com/event/259601>

No refunds.

Be sure to bring a photo ID.

Wear comfortable clothing.

What Lawyers (and Judges) Should Know About Judicial Discipline

Recusals, Conflicts, and Discipline: What
Everyone Should Know About the Judicial
Qualification Commission

3.0 CLE or CJE in Ethics (pending)

Topics:

- Structure of the J.Q.C
- The Judicial Disciplinary Process
- Recent Cases

Presenters:

Michael L. Schneider, Esq.
General Counsel, Florida Judicial
Qualifications Commission



Harry Lee Anstead
Retired Chief Justice
of the Florida
Supreme Court

Plan now for a day of fun in the sun and earn 3.0 CLE or CJE on a one-day excursion on Victory Casino Cruise, America's largest casino cruise ship!

The cruise includes round-trip transportation from the OCBA Center, seminar, buffet lunch, beverages (alcohol while gaming) and \$20 to get you started aboard the luxurious four-deck cruise ship, complete with every indoor and outdoor amenity for your enjoyment!

Begin your adventure at the Orange County Bar Association, 880 N. Orange Ave., Orlando.

(Parking: 801 North Orange Parking Garage on Park Lake St. off Orange Ave. Use second entrance. Free parking on levels 2-5.)

Schedule:

7:15 a.m. Arrive at OCBA

7:30 a.m. Depart OCBA by bus to Port Canaveral

8:45 a.m.–11:45 a.m.

Seminar–Deck 4, Dolphin Bar

11:00 a.m. Cruise departs

11:45 a.m.–2:00 p.m.

Brunch Buffet

4:00 p.m. Cruise arrives back at Port Canaveral

4:15 p.m. Board bus for return to OCBA

6:00 p.m. Arrive at OCBA

Proceeds from "CLE at Sea" will benefit the Orange County Bar Association Foundation, Inc. and the Legal Aid Society of the Orange County Bar Association, Inc.

Sponsored by:



**Northwestern Mutual
FINANCIAL NETWORK®**

Todd A. Bryant and Stephen C. Kennedy, J.D.,
Financial Representatives, Northwestern Mutual



Central Florida Diversity Mentoring Picnic

FAMU Law School
201 Beggs Avenue
Orlando Florida 32801

Saturday, September 8, 2012
1 – 4 PM

Free Admission – Families Welcome

Join local bar associations and
Sponsoring law firms
Welcoming students from
Florida's 11 law schools to the
Central Florida Legal Community

Booth and sponsorships available

Mentors Requested • Sign up before, during & after event

For more information go to:
cfdvmentorproject.org
or
Contact:

Harley Herman at: hsh54@dbksmn.com
Lindsay Oyewale at: lno12@dbksmn.com
or Jessica Hew at: jhew@burr.com

The Florida Bar has provided funding for this project



OCBA Preferred Vendors

The Orange County Bar Association is pleased to provide you with a list of 2011 Preferred Vendors — a variety of businesses that have provided Central Floridians with time-tested, quality products and services, and are supporters of the Orange County Bar Association. We encourage you to take advantage of the products and services offered by these establishments. Many businesses on the list offer special promotions or discounts to help you continue to grow your practice and be successful both in the legal field and in the community.

Advertising

The Baker Press, Inc. *Finest quality printing since 1968*
Dave Thompson • 3606 Silver Star Rd., Orlando, FL 32808 • 407-290-5800 x219

FindLaw, a Thomson Reuters business *Websites and online marketing strategies*
To reach your local consultant, call 866-44-FINDLAW

Banking

M & I Bank, a part of BMO Financial Group *Strength and stability in banking*
Monica Christopher • 501 E. Kentucky Blvd., #900, Tampa, FL 33602 • 813-204-1962

Catering

Arthur's Catering, Inc. *Your event is as important to us as it is to you! Call us today.*
Mark A. Leggett • 860 Sunshine Ln., Altamonte Springs, FL 32714 • 407-331-1993

Del Frisco's Prime Steak & Lobster *The Best USDA Prime Steak at any Restaurant, in any City, at any Price!!*
Alice Christner • 729 Lee Road, Orlando, FL 32810 • 407-645-4443

Legal Support Services

AAllen Bryant & Associates, Inc. *Service of Process and a leading provider of litigation support for over 25 years.*
P.O. Box 3828, Orlando, FL 32802 • 407-872-0560 • info@aallen.com

LegalOne Partners, Inc. *Paralegal firm outsourcing services to attorneys in most areas of law on an as-needed basis.*
933 Lee Rd., Suite 200, Orlando, FL 32810 • 407-601-3966 • info@thinklegalone.com

All Good Reporters, LLC *Centrally located, All Good Reporters' nationally certified real-time reporters*
"Capture Every Word".
Rita G. Meyer • P.O. Box 536084, Orlando, FL 32853 • 800-208-6291 rgm@AllGoodReporters.com

Access Investigative Services, Inc. *Civil & Criminal Investigations, Process Service*
Peter Cerone • 6239 Edgewater Dr., Ste. D-13, Orlando, FL 32810 • 407-447-6053

Boehm & Boehm Forensic Media Consulting *Certified Comprehensive Litigation Support Solutions*
Florian Boehm • 5036 Dr. Phillips Blvd., Ste. 155, Orlando, FL 32819 • 407-405-8483

Riesdorph Reporting Group, Inc. *We are a full-service court reporting firm committed to excellence & professionalism.*
Alex Guillermetty • 150 N. Orange Ave., Ste. 418, Orlando, FL 32801 • 407-282-4067

Central Florida Reporters, Inc. *Full-Service Court Reporting Firm*
Susan England • 105 E. Robinson St., Ste. 503, Orlando, FL 32801 • 407-422-5753

In Charge Education Foundation *Online, Telephonic and Face to Face. Pre-filing Credit Counseling and Pre-discharge Debtor Education*
Beth Mason • 5750 Major Blvd., Ste. 310, Orlando, FL 32819 • 407-532-5759

Orange Reporting *Florida's Choice for Litigation Support*
Christa Walton • 1416 E. Robinson St., Orlando, FL 32801 • 407-898-4200

ProServe USA *Service of Process/Skip Traces*
Rob Bamberg • 501 N. Magnolia Ave., Orlando, FL 32801 • 407-872-0707

Trial Consulting Services *Trial Presentation, Research, Graphics, Video*
Rich O'Brien • 150 N. Orange Ave., Ste. 418, Orlando, FL 32801 • 407-367-4975

Westlaw, a Thomson Reuters business *Westlaw, Legal Products and Services*
Barie Feuer • 407-749-9355 Charles Kiester • 321-356-5350

First Choice Reporting Services *We set the standard for professionalism, reliability, affordability, and technology to the court reporting industry in Florida and nationwide.*
Kirsty Schouweiler • 121 S. Orange Ave., Suite 800, Orlando, FL 32801 • 407-830-9044

Miscellaneous

Marsh U.S. Consumer, a service of Seabury & Smith, Inc. *Professional Liability, Medical & Health Insurance*
Sharon Ecker • 3560 Lenox Rd., Ste. 2400, Atlanta, GA 30326 • 800-365-7335 Ext. 6435

Office Equipment/Services

DEX imaging *Copiers, Printers, Scanners & Document Management*
Sylvia Winnick • 6728 Edgewater Commerce Pkwy., Orlando, FL 32810 • 407-294-4116 ext. 1220

Konica Minolta Business Solutions U.S.A., INC. *Manufacturer of office equipment and document management solutions, providing longterm professional services, support and integration.*
Judy Amiot, CDIA+ • 1051 Winderley Place, Suite 300, Maitland, FL 32751 • 407-667-7711

MyOfficeProducts, LLC *General Office Supplies, Furniture, Cleaning & Breakroom Products, Ink & Toner and On-Site Shredding Services.*
Judy Tweedie • 6959-I Stapoint Court, Winter Park, FL 32792 • 407-927-6639

Professional Services

JURIS Imaging & Graphics *Providing Litigation Support Solutions to Law Firms throughout Central Florida.*
OCBA members receive 15% off by mentioning Vendor Marketplace Online.
Carlos Vivanco • 100 E. Pine St., Ste. 606, Orlando, FL 32801 • 407-425-4244

MasterPay USA, LLC *Members receive 15 % discount on customized payroll processing services and our "Perfect Payroll Promise."*
Debbie Sonntag • 8879 W. Colonial Dr., # 154, Ocoee, FL 34761 • 407-374-1666

LeGrand Media Group, Inc. *Servicing Florida for over 18 years — providing professional quality Videography, Photography and Graphic Design.*
Lisa LeGrand • 9401 American Eagle Way, Ste. 200, Orlando, FL 32837 • 407-852-0788

Protechnica Professional Technology Support *"We Keep IT Simple"*
Randy Centrella • 5728 Major Blvd., Ste. 309, Orlando, FL 32819 • 407-271-5542

The business listed herein (the "Vendors") are not affiliated with the Orange County Bar Association (OCBA) and shall not under any circumstances be deemed to have any authority to act on behalf of the OCBA. The OCBA does not make, and expressly disclaims, any warranty, representation, responsibility, or guarantee as to (a) the quality or suitability of the Vendors, their products, or services, and (b) the duration or validity of any discount or other promotion offered by any of the Vendors.

M THE MARKS LAW FIRM, P.A.

ATTORNEYS AND COUNSELORS AT LAW

We are Moving!

The Marks Law Firm is excited to announce
that as of July 30, 2012 our New Home
will be:



733 North Magnolia Avenue
Orlando, FL 32803

Telephone: (407) 872-3161

Fax: (407) 373-0168

Website: www.markslawfla.com

**“We Occupy a Specific Place
where creative ideas lead to better answers.”**



Kimberly Sands



Richard Lord



A. Michelle Jernigan



Sandra Upchurch

Upchurch Watson White and Max specializes in settling disputes - anywhere.
For over 20 years, the principals and panelists at our firm, have successfully guided
clients and attorneys through the field of conflict resolution.

**Our experienced mediators will help you and your clients
find the road to common ground.**

Resolution



Specialists

uww-adr.com

Daytona Beach, FL • Maitland / Orlando, FL • Miami, FL • Birmingham, AL



Justin R. Infurna, Esq., LL.M

Interview with United States District Court Judge John Antoon, II

The Honorable John Antoon, II received an undergraduate degree from Florida Southern College, his master's degree from Florida Institute of Technology, a law degree from Florida State University, and an LLM from the University of Virginia. Since 2000 he has been a United States District Judge, in and for the Middle District of Florida, Orlando Division.

Q: *Where were you born?*

A: I was born in Bakersfield, CA, but my father was in the United States Air Force, so we lived in many places. While I was in high school, my father was transferred from Wheelus AFB, in Tripoli, Libya to Patrick AFB in Florida.

Q: *What are your hobbies?*

A: My interests include backpacking, fishing, physical fitness, art, travel, and reading.

Q: *What is your favorite vacation destination?*

A: My favorite vacation destination is a faraway place I have not yet visited.

Q: *What do you do in your spare time?*

A: Most of my free time is devoted to reading fiction and history.

Q: *What is your favorite sports team?*

A: My favorite teams are the St. Louis Cardinals, the Orlando Magic, the Tampa Bay Bucs, and the Florida State Seminoles.

Q: *What person, dead or living, would you have lunch with?*

A: Having lunch with Mark Twain would be fun.

Q: *Who is your favorite lawyer – fictional or real?*

A: Paul Newman in *The Verdict* was an interesting character.

Q: *What are the strengths of the legal system in America today?*

A: In my view, the greatest strengths of the legal system are adherence to the rule of law.

Q: *What are the weaknesses of the legal system in America today?*

A: In my view, the greatest weakness is that representation in civil cases has become too expensive for the average citizen.



Hon. John Antoon, II

Q: *Who is/was the biggest influence in your career?*

A: The person who influenced my career the most is my former partner, Robert T. Westman. He was always aggressively honest with opposing counsel, his clients, and the court. His clients always got quality representation.

Q: *What do you know now that you wish you knew before you became a judge?*

A: When I began my career as a circuit judge I inherited a docket that had been neglected. I was too ambitious in trying to get it under control and, as a result, I worked my court reporter, staff and counsel too hard. Looking back, I recognize that I could have made it easier for others.

Q: *What advice would you give today's young lawyers?*

A: The advice I would give new lawyers isn't original, but it is very important – I would tell them that their reputation is the greatest asset they have, and that they should protect it. Zealous representation does not mean that a lawyer must compromise her or his standards of professionalism.

Q: *What is the longest case you have had as a judge?*

A: The longest case I had was a nine-month criminal fraud trial. By the way, the jury was great.

Q: *What is the hardest thing about being a judge?*

A: The most difficult task I have as a judge is imposing sentences in criminal cases.

Q: *What is your biggest pet peeve in the courtroom?*

A: I don't have many "courtroom peeves," but lawyers sniping at each other is a turnoff. It doesn't help clients and it irritates everyone else, including the judge.

Q: *What do you wish attorneys would do more of, or better, in your courtroom?*

A: Preparation is the key to success. Lawyers should know the facts in their case and the relevant law.

Q: *What would you have done if you were not a lawyer?*

A: If I hadn't become a lawyer, I would have been a doctor or a teacher.

Q: *Please provide some pinnacles of professionalism you have witnessed since taking the bench.*

A: A prestigious lawyer from a large firm going out of his way to be courteous to an immigrant

continued page 26



Jenny K. Sullivan, Esq.

Interview with Judge Leon B. Cheek, III

Judge Leon B. Cheek, III obtained both his undergraduate and Juris Doctor degree from the University of Florida. He has been an Orange County judge since his appointment to the bench by former governor Lawton Chiles in 1998. Judge Cheek brings to the bench his previous experience as an attorney, having practiced in his own firm in the areas of criminal defense, family law, and civil litigation. Judge Cheek says that a particular experience while mountain climbing and his relationship with his father and three brothers – all of whom are serving or have served in the U.S. Military – have influenced his outlook on life.

Q: *Where are you from?*

A: Mount Dora, Florida.

Q: *What did you earn your undergraduate degree in at the University of Florida?*

A: I started out as an engineering major but ultimately earned my degree in political science.

Q: *Why did you want to become a judge?*

A: A friend of mine has always had a philosophy that people are like plants that need to be reported from time to time. I decided that I wanted to become a judge in order to make a bigger contribution to our community.

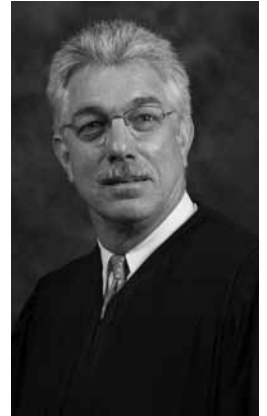
Q: *What do you know now that you wish you had known before you became a judge?*

A: When I was a lawyer I wish I had understood more about the way judges think. Your view of the law as a judge is much different from your view of the law as a lawyer. Judges have a very different way of making decisions.

Q: *Tell me about a memorable moment in your life – a time you will never forget.*

A: This is actually the first question they asked me when I interviewed for my judicial appointment. I have a lot of them, but the one that comes to mind is a near-death experience I had while climbing a mountain in Ecuador approximately 25 years ago. I used to climb mountains all over the world. On this occasion, my climbing team had reached the summit and as we were coming back down an avalanche occurred. We could see the snow and ice as it began coming down on us. I recall standing there and my first instinct was to run. Then I realized there was nowhere to go. At that moment, I thought there was no way I was going to survive. The snow picked us up like we were on a wave and carried us down the mountain about 1,500 feet. I could feel the pres-

sure of the ice and snow collapsing on me. As we began to move down the mountain I realized I was not hurt yet and that I might survive. In seconds, we covered a distance that had taken us six hours to climb. What saved my life is the fact that we were roped together so that we were continuously pulled out of the snow as each person was propelled down the mountain. When we finally stopped, I had a broken ankle and second degree burns. All nine of us survived. I had to walk back to our camp for several hours on a broken ankle.



Hon. Leon B. Cheek, III

Q: *What did you learn from that experience?*

A: After you go through something like that, little things don't bother you anymore, and you realize the importance of the people in your life. You begin to appreciate the little things in life.

Q: *Did you ever climb again?*

A: Yes, I continued to climb and ultimately summited the highest mountains on five of the seven continents. After I became a judge, I went back to climb again in Ecuador, but the snow conditions at that time were bad. I had learned my lesson years before!

Q: *Who is or was the biggest influence in your career?*

A: My father, who was a career army officer. His ideas of integrity and responsibility caused me to be the person I am today.

Q: *What is the hardest thing about being a judge?*

A: Maintaining your patience and demeanor by not letting the normal stresses of life affect your decisions in the courtroom. It's something you have to be aware of, and you have to be patient and give every case its due time regardless of your docket load. I also find that, at times, I wish I could help people who appear before me in ways that I could when I was an attorney, but I can't.

Q: *What is your biggest pet peeve in the courtroom?*

A: Lack of preparation. I also don't like nonsensical arguments, although I do realize that's all attorneys are left with at times. I would prefer

continued page 25

Ava K. Doppelt Receives the 2012 Rosemary Barkett Outstanding Achievement Award

Ava K. Doppelt, a shareholder with Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A., received the 2012 Rosemary Barkett Outstanding Achievement Award at The Florida Bar's annual convention at the Gaylord Palms in June.



Ava K. Doppelt, Esq.

The Rosemary Barkett award is presented annually to the Florida Association of Women Lawyers (FAWL) member who has demonstrated a commitment to the purpose and goals of FAWL, excelled in his or her career, helped to overcome traditional stereotypes associated with women, promoted the status of women within the profession, and advanced the status of women in Florida.

For more than 25 years, Ava has been a mainstay in the Florida legal community and a leader and role model to the members of the Central Florida Association for Women Lawyers (CFAWL). She served as the president of CFAWL, as well as president of FAWL. For years Ava has formally

and informally mentored young women attorneys through both the CFAWL mentor program and her friendly and inviting attitude, and is considered an "honorary recruiter" for CFAWL's membership.

As a board-certified intellectual property lawyer, Ava has achieved excellence in her career. She was the first female to become board-certified from her firm and is a charter member of the certification committee. She has been consistently ranked among Florida's elite lawyers, having been designated by *Florida Trend* as one of "Florida's Legal Elite" and included in its "Hall of Fame." Ava is listed in the *Florida Super Lawyers*, numbering among the Top 50 Female Lawyers in Florida and the Top 100 Lawyers in Florida. Additionally, she has been selected by her peers to be named in *The Best Lawyers in America*. Ava is an author and frequent speaker on intellectual property, publishing, and entertainment law, and has served as an adjunct professor at Barry University Law School.

In addition to her service to CFAWL and her professional achievements, Ava is an active and visible leader of the community. She is the 2012 Orlando Ballet president and she has previously served on the board

of directors. She serves as secretary of the Florida Lawyers Mutual Insurance Company and is a board member of The Association to Preserve the Eatonville Community (Zora Neal Hurston Festival). She has served as treasurer and member of the Executive Council of the OCBA, commissioner of the Ninth Circuit Judicial Nominating Commission and the Ninth Circuit Grievance Committee (both of which she chaired) and has served on various committees of The Florida Bar. In 2002, she earned the OCBA's William Trickle, Jr. Professionalism Award.

Ava has been committed to the professional and personal advancement of women lawyers and serves as an inspiration to women throughout Central Florida and the state.

About the award: Rosemary Barkett became the first female Florida Supreme Court Justice when she was appointed by Governor Bob Graham on October 14, 1985. She was inducted into the Florida Women's Hall of Fame in 1986. In 1994, President Bill Clinton named her to the United States Court of Appeals for the Eleventh Circuit, where she continues to serve today.

ROBERT MANSBACH LAWYERS' LITERARY SOCIETY OF THE ORANGE COUNTY BAR ASSOCIATION

READING LIST 2012-2013

Date	Author	Book	Discussion Leader
September 12, 2012	Chad Harbach	<i>The Art of Fielding</i>	Dennis Wall
October 10, 2012	Shirley Jackson	<i>The Haunting of Hill House</i> and <i>We Have Always Lived in the Castle</i>	Maria Hinds
November 14, 2012	Christopher Buckley	<i>Supreme Courtship</i>	Anna Palmer Darkes
December 19, 2012	Charles Dickens	<i>The Chimes</i> and <i>Cricket on the Hearth</i>	Dotty Green
January 9, 2013	Orhan Pamuk	<i>My Name is Red</i>	Robert Hoofman
February 13, 2013	Ray Bradbury	<i>Something Wicked This Way Comes</i>	Neal Blaher
March 13, 2013	William Golding	<i>Lord of the Flies</i>	Scott Willick
April 10, 2013	Jonathan Dee	<i>The Privileges</i>	Natalie Holborn
May 8, 2013	Paul Harding	<i>Tinkers</i>	Stuart Bernstein
June 12, 2013	Rudyard Kipling	<i>The Man Who Would Be King</i>	Matthew Brenner



Daryl P. Gottlieb, Esq.

The Politics of Adult Literacy

The word, “politics,” derived from the Greek *politika*, has its genesis in Aristotle’s *ta politika*, “affairs of state.” The name of his book on governing and governments, as it is used today, is most often applied to a person’s political party affiliation or political opinions or sympathies. However, does anyone wake up one day and make the holistic choice to “be” a Republican, Democrat, Tea Partier, or an Independent? Instead, doesn’t each person make a series of small choices based on his own priorities and worldview, which then dictates where his “politics” will lie?

It is evident that a series of small choices comprise a person’s real political leanings when we examine political TV and radio advertisements. The ads typically are designed to target Republicans, Democrats, or Independents. They are tailored to influence a specific demographic or reach a specific segment of the population. They ask us to question whether candidate X is better equipped to handle a particular, perceived priority. Perhaps, too, they ask us to question whether an issue should be higher on the priority list than polling indicates it is. Politicians, it would seem, recognize that the core of our personal politics is founded on our ability to prioritize issues and then make very specific choices that affect our lives. So, why is this important and how can this possibly relate to literacy?

What if one of the most fundamental choices made about the direction of your life was not a “choice” at all? What if, for example, a choice was made by your parents not to read to you or, worse yet, if you did not have any books in your home when you were a child? What if the idea cemented into your conscience throughout your early educational experience was that you just didn’t have what it takes, that you were dumb or stupid? What if your single parent was so exhausted after finishing his or her second full-time job that the choice was essentially made by default? What if you had an undiagnosed learning disability because special assistance was not available for you or your parents simply could not, or would not, get the help you needed?

Each of these hypothetical scenarios represents someone’s reality. There is a genuine problem in our country when one-out-of-seven and one-out-of-five adults, respectively, are not able to read, write, and perform arithmetic at the 5th grade level. These facts go against the strain of individualism and hyper-personal accountability so prevalent in our culture – the idea that all one has to do is pick himself up by the bootstraps and all will be well with the world.

It requires a healthy dose of humility and pride to reflect upon the fact we are all beneficiaries of someone else’s sacrifice, effort, or selflessness. I would not be writing this article if it were not for the sacrifices of my own mother, who scrimped and saved, sometimes with and sometimes without the benefit of child support, to keep me in private school and then push me to complete an international baccalaureate program. All this at the cost of having no retirement savings and working multiple jobs to the detriment of her own health and personal life.

The YLS is actively planning the 3rd Annual Lawyers for Literacy Spelling Bee, which will take place at the Downtown Sheraton on October 18, 2012. As in years past, all monies raised are donated to the Adult Literacy League (ALL). The ALL has an annual budget of \$590,000, which serves almost 1,000 adult students and 300 families every week. The staff is small: five full-time and seven part-time employees. There are 450 active volunteers (several of whom have taken on more than one adult student). Critically so, there are more than 50 people who have signed up and are waiting for one-on-one tutors so they can learn the same basic skills which I am guilty of taking for granted on a daily basis. In order to recruit and train additional tutors, the ALL needs: (1) an increase in volunteerism, (2) an increase in awareness, and (3) an increase in funding.

The goal of the spelling bee is to achieve all three objectives. Adult students are waiting to reverse the choices that were made for them, and there are those who are anxious to make up for their own poor choices. They all need our help. Please stand with the legal community this October in support of this most fundamental privilege. Please sponsor a team, purchase individual tickets and raffle tickets, or volunteer your time. I am unabashedly pleading with you to make the fight for adult literacy a higher priority in your personal and political life. Please understand that you are making a choice, one way or the other. Thank you.

For more information about sponsoring a team or underwriting the Lawyers for Literacy Spelling Bee or about volunteer opportunities with the ALL, please contact Alana Brenner at AlanaBrenner@hotmail.com or Daryl Gottlieb at Dgottlieb@fisherlawfirm.com.

Daryl P. Gottlieb, Esq., Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P. A., has been a member of the OCBA since 2010.



Thomas P. Wert, Esq.

Recent Legislative Changes to Florida's Construction Laws Will Require Modification of Certain Construction Methods and Documentation

The Florida legislature, with the approval of Governor Rick Scott in May 2012, enacted House Bill No. 897, which makes several changes to Florida's construction law statutes. These changes are of particular interest to public authorities, contractors on both public and private projects, landlords, and others involved in the construction industry. In order to ensure compliance with the provisions of these amendments, practitioners should review and modify their documents and procedures, including current contracts, bonds, notices, methods of service, and procedures for opening competitive bids to ensure they comply with the new statutory requirements. This article provides a brief overview of the statutory changes implemented by House Bill 897.

Public Construction Bonds and Private Payment Bonds

Contractors on public projects in Florida are required by Florida Statutes Chapter 255, to provide payment and performance bonds when certain thresholds are met. For all public construction contracts entered into after October 1, 2012, the required payment and performance bond must state the bond number assigned by the surety on its front page and, before commencing work, the contractor must provide the public entity with a *certified copy* of the recorded bond. Additionally, the public entity now may not make a payment to the contractor until the contractor has provided the required certified copy of the recorded bond.

The prior version of § 255.05(1)(a), Florida Statutes, provides that provisions in any payment bond which restrict the classes of persons protected by the bond are unenforceable. This would include provisions limiting protections for laborers, material men, and subcontractors, or restrict the venue of legal proceedings. Under the revised § 255.05, for all public contracts after October 1, 2012, provisions limiting or expanding the duration of the bond or adding conditions to the enforcement of a claim against the bond are also unenforceable. Similar provisions have been added to § 713.23 concerning private payment bonds.

Florida Statutes § 255.05(2)(a)1 provides that a contractor may shorten the one-year duration of a payment bond claim to 60 days by recording a Notice of Contest of Claim Against Payment Bond in the clerk's office. The prior version of this provision required the clerk to serve a copy

of the notice upon the bond claimant by mail. Thus, the 60-day period did not begin to run until the clerk mailed a copy of the notice, putting the contractor's ability to shorten the duration of a bond claim at odds with clerk's office backlogs created by recent state budget cuts. The revised version of § 255.05 puts control in the hands of the contractor by requiring the contractor or the contractor's attorney to serve the notice, rather than the clerk. Similar provisions have also been added to § 713.23 concerning private payment bonds.

The legislature also added subsection 11 to § 255.05, which provides that in contracts after October 1, 2012, a public entity cannot condition payments to the contractor on the delivery of a release or waiver from bond claimants if the contractor furnishes and records a payment and performance bond and provides a written consent from the surety. This subsection also allows the surety to revoke a prior consent, or direct the public authority to withhold a specified amount from a payment, by serving written notice upon the public authority.

Several additional changes have been made to the statute governing private payment bonds. For example, § 713.23 allows an owner to exempt its property from construction liens by requiring the contractor to obtain a payment bond. To do so, a copy of the bond must be attached to the notice of commencement. To recover under the bond, a lienor must serve the contractor with a notice, called a notice to contractor, that the lienor will look to the bond for protection. Florida Statutes § 713.23 previously provided that if the notice of commencement is not recorded or a reference to the bond not given in the notice of commencement, and the lienor is not otherwise notified in writing of the bond's existence, the lienor has 45 days from notification of the bond's existence to serve a notice to contractor. Now, § 713.23 provides that if a notice of commencement is not recorded with the bond attached before commencement of construction, a lienor not in privity with the contractor can elect to serve the notice to contractor up to 45 days after the lienor is served with a copy of the bond. Therefore, the contractor can no longer commence the 45-day period by simply notifying sub-subcontractors, material men, or laborers of the bond in writing. The contractor must serve them with a copy of the bond.

The newly amended payment bond statute also provides that a timely served notice to owner, which is served on the contractor, has the same effect as a notice to contractor, but cannot extend the statutory limitation period for filing an action on the bond. It also allows for the combination of a notice to owner with a notice to contractor, which may be entitled "NOTICE TO OWNER/NOTICE TO CONTRACTOR."

Lastly, a lienor's right to recovery under a private payment bond has always been conditioned upon the service of a written notice of nonpayment upon the contractor and the surety not later than 90 days after final furnishing of labor, services, or materials. The 2012 legislature added a provision which allows the lienor, at its option, to calculate the 90-day time period for serving a notice of nonpayment from either (1) the date of final furnishing of labor, service, or materials or (2) the date the lienor is served with a copy of the bond, if the payment bond is not recorded before commencement of construction.

Public Bids

House Bill No. 897 also created a new statute, Florida Statutes § 255.0518. This section requires state, county, and municipal departments or agencies to open sealed competitive bids for public construction work at a public meeting. It also requires announcing at the meeting the name of each bidder and price of each bid and requires that the name and price for each bidder be made available upon request. Section 255.0518 is effective immediately and must be complied with notwithstanding Section 119.071, Florida Statutes, which exempts sealed-bid information from public records requests until the earlier of 30 days, or when the agency makes a decision as to the bids.

Construction Liens for Tenant Work

Section 713.10 has been amended to clarify the extent of liens on the interest of a landlord when a tenant makes improvements. The amendment abrogates a 2010 appellate case, *Everglades Electric Supply, Inc. v. Paraiso Granite, LLC*, 28 So. 3d 235 (Fla. 4th DCA 2010). The prior version of § 713.10 provided that a construction lien extends to the interest of the person who contracts for the improvement. However, improvements made by tenants also extend to the interest of the landlord unless (1) the lease expressly prohibits such liability and the landlord records the lease in the public records; or (2) *all* of the leases on a piece of real property prohibit such liability and the landlord records a blanket notice that all leases for the premises contain language prohibiting liens, including the specific language prohibiting liens.

In *Everglades Electric*, there were numerous leases on the subject property and not all of the leases contained the same language prohibiting liens. The *Everglades Electric* court held that a landlord can avail itself of the blanket notice method of prohibiting liens only if all of the leases entered into for the premises expressly prohibit such liens. The landlord in *Everglades Electric* had entered into one lease for the premises which had somewhat different language than the language contained in the landlord's blanket notice, recorded pursuant to Section 713.10. As a result, the *Everglades Electric* court held that the notice was defective.

The 2012 Florida legislature nullified the effect of *Everglades Electric* by adding a paragraph to § 713.10, which provides a blanket notice prohibits liens for improvements made by a lessee even if other leases for the premises on the parcel do not expressly prohibit liens or if provisions of each lease restricting the application of liens are not identical.

Notice of Commencement

House Bill No. 897 removed language from §713.13 which relat-

ed the expiration of a notice of commencement to the completion of construction and final payment to the contractor. Now, the Notice of Commencement form simply provides the following:

... 9. Expiration date of Notice of Commencement (The expiration date will be one year from the date of recording unless a different date is specified) ...

The legislature also removed the following sworn statement previously required by the owner in the Notice of Commencement form: "[U]nder penalty of perjury, I declare that I have read the foregoing Notice of Commencement and that the facts stated therein are true to the best of my knowledge and belief."

Demand for Copy of Contract and Sworn Statement of Account

Section 713.16(2) has required a lienor to provide an owner, upon written demand, with a written statement under oath of the lienor's account showing the nature of the services performed, the materials furnished, the amount paid to date, and the amount due. The written demand by the owner must now include "a description of the property and the names of the owner, the contractor, and the lienor's customer, as set forth in the notice to owner." This same information is also now required in any written demand for a sworn statement of account served by a contractor, when the contractor has furnished a payment bond.

Section 713.16(5) has been amended to allow a lienor to serve a written demand on the owner, for a written statement of various contract amounts, while the lienor is perfecting a claim of lien rather than conditioning the written demand upon the lienor's recordation of the claim of lien. The effect of this change presumably is that a lienor can serve the written demand before it actually records the claim of lien. Also, any written demand served on the owner must now include a description of the property and the names of the contractor and the lienor's customer.

Manner of Serving Notices

Notices, claims of lien, and other papers served under Chapter 713, Florida Statutes, may now be served by common carrier delivery service or by Global Express Guaranteed (GXG) mail with postage or shipping paid by the sender. This is in addition to the previously allowed methods of delivery, including actual delivery and certified mail. This amendment to § 713.18 also changes the term for the place of posting notice from "premises" to "site of improvement" for posting notification if notices cannot be served by actual delivery or certified mail/GXG. Finally, if the address in any notice of commencement or the building permit application (if there is no notice of commencement) is incomplete, the amended § 713.18 allows service of the notice by completing the address using information obtained from the property appraiser or another public record.

Grandfathering Provisions of Certification of Registered Contractor

Chapter 489, Florida Statutes, requires that all individuals who practice construction contracting in Florida must either be "certified" or "registered." Certified contractors are authorized to engage in contracting on a statewide basis. Registered contractors

continued page 25

 The Law Firm of Anthony J. Diaz		
"Put my experience to work for you today"		
• Certified Family Mediator • Certified Circuit Civil Mediator • Approved Ninth Circuit Residential Foreclosure Mediator • Certified Mediator for Middle District of Florida • Qualified State Arbitrator		
501 N. Magnolia Ave. • Orlando, FL 32801		
Ph: (407) 774-4949 Fax: (407) 774-4960 adiaz@orlandomediatorarbitration.com		



Joseph L. Amos, Jr., Esq.

Remarks upon Receiving the Judge J. C. “Jake” Stone Distinguished Service Award

When I received word I was to receive the Jake Stone award, I picked up the phone and called Legal Aid’s executive director, Mary Anne DePetrillo. “Mary Anne, there has been a mistake – first of all, there are many, many others much more deserving of this. I do not deserve this award.” Then I paused – and, I must confess, to you and myself, with shameful, sheepish vanity, I added, “Plus, I haven’t been practicing long enough – I’m not old enough.” Now those of you who know Mary Anne can imagine both her words and tone back to me. She said in that wonderfully maddening Flying Nun/Sound of Music/Mother Superior sort of way, “Oh, Joe, our board believes you’re deserving.” Then she paused – and unspoken still but hanging there – was the “...my dear child ...my dear delusional child...” Then she softly added, “and you *are* old enough.”

What Legal Aid does – what we as a bar do – is quite simple: we serve, protect and help the least, the lost, and the last in our community. We fight for fairness. We look after the overlooked and we give voice to the often voiceless. We do so because it is *needed*, because it is *right*, because particularly here in my hometown of Orlando and Central Florida, we feel it our *duty*. And we do so because it is our *privilege*.

Those of you who know me well know that I am a pragmatist – a realist. I would hope and like to think though, based on my approach, my beliefs, and my behavior, you would describe me as a hopeful pragmatist – an optimistic realist.

If I did not view the responsibility and honor of serving our Legal Aid clients in such a way, it might just prove too difficult. Because the legal problems of the working poor – the individuals and families we serve, the children we help protect – those problems are real and many. Those challenges often reveal a dark and desperate side of our community and neighborhoods. Sometimes these problems are destructive, even life-threatening. But when your client or his or her family is facing them – staring in the face an eviction, or an abusive spouse (or alcohol or drug addiction), or a mother (who is a child herself) ill-equipped to provide even basics of shelter, food, dry clothes – in these situations the *pro bono* attorney offers help and hope.

Some of you may know the story of the starfish. Early one morning, a young boy was walking on a long, seemingly isolated, stretch of beach. As

he did so, he came upon some starfish that had washed up on the sand. The tide was going out, but it had washed up and beached these starfish. And, as the boy looked around, there were hundreds, maybe a thousand – as far as the eye could see. Now as our second grader Ryan will tell you, “Ya know Dad, starfish need water to survive.” But here on this beach the ocean’s waters were beyond the starfish’s reach. The boy was old enough to understand the threat to the starfish. And as he stood looking around, thinking about what to do, his anxiety began to grow. His breathing became erratic. Tears started to form.

About that time, an older man came up on the boy. He could tell that the lad was troubled, and the man knew why, as he surveyed the beach and the starfish. The boy asked, “Will you help me? Will you help me to help them?” The man replied, “Son, what’s the point? There are too many. There are only two of us. The sun is rising fast and they will be dried out and dead soon. We can’t help them.”

The boy looked at the man respectfully, set his jaw, and he bent down. He picked up a starfish, waded into the water, and gently tossed it as far as he could into the ocean.

Then he turned back to the man and said, “Well, I helped that one.” (If we wished, we could add a friendly epilogue to the story and say that as that was happening, others were arriving at the beach, saw what was unfolding, and started lending their hands – getting the starfish into the water.)

When it comes to Legal Aid, your *pro bono* honor and obligation, who are you in that story – the boy or the man?

As we think about today’s challenges confronting Legal Aid today – the increasing numbers needing help, the diminishing dollars available from The Florida Bar Foundation and other supporters, and the demands on our practices and personal lives – I ask you: Who are you in the story?

Be the boy. Be the boy. Help the one. Start with just one and look what happens. And Mary Anne, Norberto (incoming Legal Aid president) – as I re-join the Legal Aid Society board, when my analysis gets bogged down – cynical – when you see the cynic – remind me please, “Joe, be the boy.”

Thank you for this honor. Thank you for allowing me to share this evening with my family –

continued page 29

OCBA Luncheon Judicial Candidate Forum

June 28, 2012

The Ballroom at Church Street
Sponsored by Westlaw

Hon. Keith F. White



Hon. Belvin Perry, Jr.



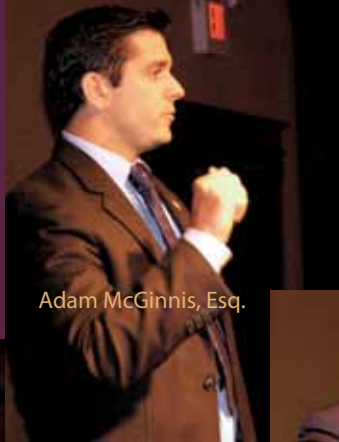
Hon. Timothy R. Shea



Leticia "Letty" Marques, Esq.



Adam McGinnis, Esq.



Jose F. Torroella, Esq.



Eric Dubois, Esq.

Pedro J. Malaret, Esq.



Hon. Antoinette D. Plogstedt



Hon. Leon B. Cheek, III



Also running for judicial office (not shown)
Andrew L. Cameron, Esq.
Daniel W. Perry, Esq.



Charlie Kiester, Westlaw

Joel C. Wilson, Esq.



Paul Scheck, Esq., presenting
100% certificate to Lisa A.G. Smith,
Esq., of The Smith Law Firm

21st Annual YLS Golf Tournament

Friday, September 28, 2012

Shotgun Start at 8:00 a.m.

Grand Cypress Golf Club
One North Jacaranda
Orlando, FL 32836



Entrance Fees:

\$620 per Foursome
\$175 per Individual Golfer
\$145 per Individual Judge or Government Attorney

Sponsorship Opportunities:

\$1,100 Foursome Sponsorship
\$ 600 Hole Sponsorship

Awards at \$250

Sponsors:

Bank United
Brock & Scott, PLLC
Central Florida Legal-Ease, Inc. and Legal Talent LLC
Cole, Scott & Kissane, P.A.
D4
Digital Legal
Esquire Deposition Services
First Choice Reporting & Video Services
M&I, A Part of BMO Financial Group
Milestone Reporting
Orange County Bar Association
Orange Reporting
ProServe USA
Publix, Downtown Orlando
Riesdorph Reporting Group
Ron Fleming Video Productions, Inc.
Shutts & Bowen LLP
SunTrust Bank
The Presentation Group
Thomson Reuters
US Legal Support, Inc.
World of Beer

Registration form available on the OCBA website calendar.
Contact Jerry Lee Hanbery, Esq., at 407-389-9695 or
jerry.hanbery@brockandscott.com for more information.

Proceeds benefit YLS programs, including YLS Scholarships,
Backpack Project, Seniors First, Great Oaks Village Fun Day
and Relay for Life.

Let the Orange County Bar Association Help Build Your Practice!

Lawyer Referral and Information Service

The Lawyer Referral and Information Service is an excellent resource that will help you expand your client base and increase your income. In 2010, our LRIS program received more than 50,000 calls for the 280+ attorneys belonging to the program. Our LRIS Manager refers clients to you based on your practice area and the clients' specific need.

It's a win-win situation!



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

Get the **LEGAL SERVICE** you deserve!

**Publish your legal notices
with the Gulf Coast Business Review.**

- Coverage in 8 Counties: Sarasota, Manatee, Lee, Collier, Hillsborough, Pasco, Pinellas and Orange
- Low, Competitive Flat Rates
- Superior Customer Service
- Online Verification
- Electronic Invoicing and E-filing Capabilities
- Qualified Legal Status

Call 941-906-9386 or email legal@review.net today!

**BAR MEMBER SPECIAL
LIMITED-TIME OFFER:**
Complimentary 13-week
trial subscription available.

Bar members only. Call
877.231.8834 or email
subscriptions@review.net
today and mention
special code QO11LBA.



**GULF COAST
Business Review**

www.review.net



island jet

Certificate # STZA0181

Jet Prop Metro II



Based at Orlando Executive Airport

\$299 and 1 hour to Tallahassee or Miami
\$499 RT (4 passenger minimum) • 300MPH - 2 Pilot Crew - 9 Seats

Phone: (248)421-2480 Fax: (407)898-0374

LMason3661@aol.com

Legal Aid Society of the OCBA

The Fifth Annual Breakfast of Champions

Wednesday, November 7, 2012

Ballroom at Church Street

Registration: 7:30 a.m.

Program: 8:00 a.m. to 9:00 a.m.

We are seeking Table Captains for this annual fundraising event. As a table captain, you will be asked to invite and fill a table with ten colleagues or other professionals. Some examples of excellent professionals to invite would be your physician, dentist, accountant or insurance agent amongst others. Your guests will be asked to make a personal or business contribution (or both) to the Legal Aid Society. Corporate sponsors are needed to defray the cost of the event and provide funds for direct services to low-income citizens of Orange County.

Please consider making a donation in the following amounts:

Bronze - \$250 or *Silver* - \$500
Recognition as a Bronze or Silver Sponsor
in *The Briefs* and at the breakfast

Gold - \$1,000 or *Platinum* - \$2,500
Recognition as a Gold or Platinum Sponsor
in *The Briefs*, at the breakfast, on our
website, and at our annual awards banquet

If you would like to serve as a Table Captain or sponsor the event, please contact Donna Haynes, Manager of Development,
dhaynes@legalaiddocba.org, or call (407) 841-8310, extension 3150.

As always, thank you for your continued work on behalf of our mission to ensure that equal access to justice is a reality for all, not just for those who can afford it.

Chris Pantano and Ana Tangel-Rodriguez, Development Committee Co-Chairs

Downtown Orlando's Ideal Meeting Location



Price • Service • Technology

The OCBA is the perfect place for...

- Mediations & Arbitrations (neutral setting)
- Depositions
- Firm Retreats
- Employee Training Events
- Staff Luncheons
- Seminars
- Video Conferencing

Room	Full-day Rate	Half-day Rate	Capacity
Grand Cypress	\$340	\$170	up to 100
Palm	\$175	\$75	16
Magnolia	\$125	\$65	12
Gardenia	\$80	\$40	6
Azalea	\$80	\$40	6

New pricing makes the OCBA unbeatable for value, service and technology. State-of-the-art technology includes video conferencing, wireless Internet, Smart Boards, dedicated laptops and more. Our professional meeting coordinator is at your service to assist with everything from tech support to ordering food, arranging hotel accommodations and making dinner reservations.



ORANGE COUNTY BAR ASSOCIATION

880 North Orange Avenue // Orlando, FL 32801 // 407-422-4551 // orangecountybar.org

MEMBER BENEFIT: OCBA members receive 15% off our already low room rates.
Technology Fee \$100/day, \$50/half-day

Call today to reserve your next meeting.

Contact 407-422-4551 or mariew@ocbanet.org



Forensic Accounting & Business Valuation

Providing forensic accounting and business valuation services to Orlando, Central Florida and Tampa since 2000. Qualified experts in Orange and Seminole counties.
Orlando: 407.217.6900 Tampa: 813.936.0313



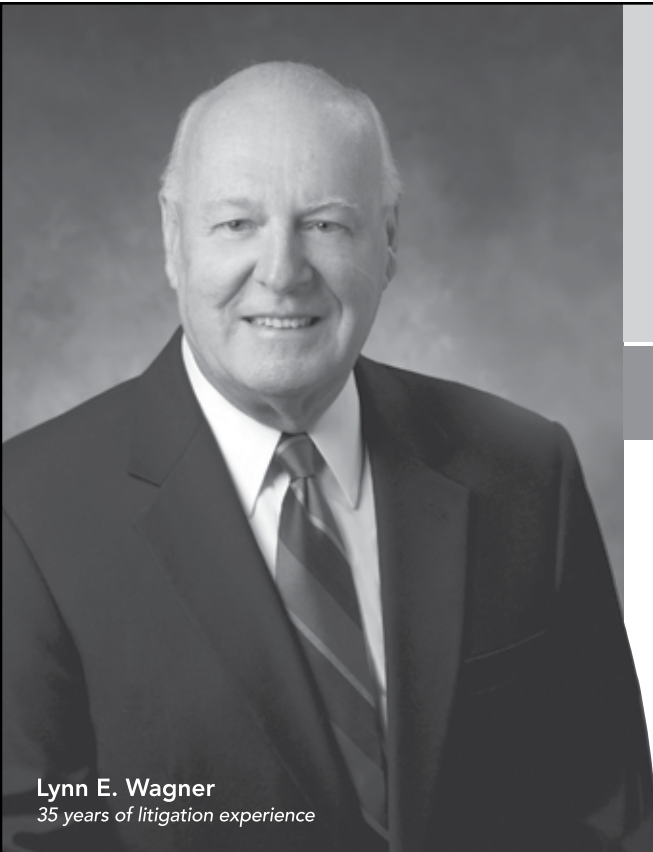
STAHL CONSULTING GROUP, P.A.

121 S. Orange Avenue
Suite 1500
Orlando, 32801

www.stahlconsulting.com



Expertise. Integrity. Excellence.



WAGNER

RESOLUTION SERVICES

MEDIATION | ARBITRATION

EMPLOYMENT | COMMERCIAL
PERSONAL INJURY | CONSTRUCTION

- Florida Supreme Court Certified Circuit Civil and Appellate Court Mediator
- Florida Qualified Arbitrator
- National Mediation and Arbitration Rosters, American Arbitration Association
- National Academy of Distinguished Neutrals



Lynn E. Wagner
35 years of litigation experience

390 N. Orange Avenue, Suite 2300 · Orlando, FL 32801 • Phone: 800-278-0978 · Fax: 800-866-0188
Email: lynnwagner@wagner-adr.com • www.WagnerResolutionServices.com

KANE & ASSOCIATES

CERTIFIED PUBLIC ACCOUNTANTS

BUSINESS VALUATIONS

FORENSIC ACCOUNTING

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

www.kane-cpa.com

670 W. Fairbanks Avenue, Winter Park

(407) 644-6066



Lawrence H. Kolin, Esq.

eDiscovery Rule Amendments Adopted by the Florida Supreme Court

This summer, the Supreme Court of Florida finally approved eDiscovery rule amendments proposed by The Florida Bar's Civil Procedure Rules Standing Committee. The new changes are entirely incorporated into existing rules and specifically include amendments to address electronically stored information (ESI) within Rules 1.200, 1.201, 1.280, 1.340, 1.350, 1.380, and 1.410 of the Florida Rules of Civil Procedure. These amendments become effective September 1, 2012.

The amended language is generally based on the 2006 amendments to the Federal Rules of Civil Procedure addressing ESI in the possession of parties to litigation. The amendments are important and should become familiar to all practitioners and jurists because of the significant growth in the frequency with which litigants have had to address issues related to the discoverability, retrieval, review, and production of ESI. Additionally, issues involving information technology are no longer limited to complex or commercial litigation and are becoming increasingly evident in the full range of civil cases.

Though the new amendments track language already used in the federal rules, the drafters recognized that state court, with its greater diversity of litigation, is different from federal practice. Likewise, resources available to litigants are often different in state court cases than in federal litigation. As such, the amendments contemplate keeping discovery reasonable and cost-effective and preventing the cost and burden of electronic discovery from being outcome-determinative. For example, the mandatory "meet and confer" requirement under Rule 26(f) in the federal system does not appear in the state rules.

However, case management topics under Rule 1.200, as well as Rule 1.201 involving complex litigation, now include the ability to address voluntarily exchanging ESI and stipulations for authenticity; considering advance rulings from the court on admissibility; and discussing the possibility of agreements (including by referral to a special magistrate or to mediation) on preservation of evidence, the form in which such evidence should be produced, and whether discovery of such information should be conducted in phases or limited to particular individuals, time periods, or sources. This provision should encourage early, meaningful communication, and reasonable cooperation among parties and minimize the fre-

quency with which disputes must be resolved by judicial intervention.

Other changes include limitations on discovering ESI under Rule 1.280, such as objecting to discovery from sources not reasonably accessible because of burden or cost. On a motion to compel discovery or for a protective order, the person from whom discovery is sought must show that the information sought or the format requested is not reasonably accessible. The court, however, upon finding good cause, may specify conditions of the discovery, including ordering that some or all of the expenses incurred by the person from whom discovery is sought be paid by the party seeking the discovery.

In determining any motion involving discovery of ESI contemplated by Rule 1.280, the court must limit the frequency or extent of discovery if it determines: (1) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from another source or in another manner that is more convenient, less burdensome, or less expensive; or (2) the burden or expense of the discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

In regard to interrogatories under Rule 1.340 and requests pursuant to Rule 1.350, both have been amended to allow for the production of ESI, either as an answer to an interrogatory or in response to a specific request for production. Both rules provide for a party to produce the ESI in the form in which it is ordinarily maintained or in a reasonably usable form.

Regarding discovery failures and sanctions, Rule 1.380 includes a safe harbor – just as found in the federal rules – providing that absent exceptional circumstances, a court may not impose sanctions for failing to provide ESI lost as a result of the routine, good faith operation of an electronic information system.

Lastly, Rule 1.410 now authorizes subpoenas requesting ESI. A person receiving a subpoena may object to the discovery of the ESI, but must show that the information or the form requested is not reasonably accessible because of undue costs or burden. If such a showing is made, the court may nonetheless order the discovery if the requesting party shows good cause and is consistent with

the limitations provided in Rule 1.280 discussed above. The court may also impose conditions on the discovery, including ordering that some or all of the expenses be paid by the party seeking the discovery.

Practitioners should be advised that the Civil Procedure Rules Committee put out a final eDiscovery amendment for comment last month on its three-year cycle to the Florida Supreme Court. Specifically, it proposes including ESI-related costs in the Uniform Guidelines for the Taxation of Costs. Of course, the guidelines are advisory, as taxation of costs in any particular proceeding is within the broad discretion of the trial court.

These eDiscovery amendments are the result of a six-year effort to modernize Florida rules, including vigorous debate among attorneys in diverse areas of practice and members of the judiciary, as well as thorough study of the application of the federal rules since their passage. Hopefully, whenever possible, parties and their counsel will work through anticipated issues before requesting hearing time. In the near term, substantial guidance from ever-evolving federal case law regarding discovery of ESI exists – as few reported Florida cases address the issue.

Lawrence H. Kolin, Esq., is a Supreme Court of Florida certified county, circuit-civil, and appellate mediator in Winter Park. He has been a member of the OCBA since 1994.

Construction Law Committee

continued from page 17

can practice contracting only in the jurisdiction which issues a local license to that contractor. Some local jurisdictions have stringent experience and examination standards for license issuance, and others issue a license for a nominal fee with little or no experience or examination requirements. Section 489.118 provided that if an applicant submitted his or her application and demonstrated he or she met specific statutory criteria for this “grandfather” provision on or before November 1, 2005, the licensing board would issue a “certification” in an appropriate construction category to a “registered” contractor. These criteria included possessing a registered local license, passing an approved written examination, and having at least five years of contracting. The 2012 legislature re-enacted § 489.118 for all applications submitted on or before November 1, 2015. Thus, registered contractors now have the opportunity to again become certified contractors through this grandfathering provision.

Notice of Termination

Changes to § 713.132 made by House Bill No. 897 further clarify the requirements for notices of termination. A notice of termination recorded by owners

seeking to terminate the period of effectiveness of a notice of commencement must now contain a statement that the owner has served a copy of the notice on each lienor who has a direct contract with the owner or has served a notice to owner. The prior statute only required service upon each lienor who had “given notice.” Additionally, a notice of termination is not effective to terminate the notice of commencement unless the contractor and each lienor with a direct contract or who served a notice to the owner has been served with the notice of termination.

In summary, while the foregoing changes to Florida’s construction statutes cannot be called sweeping, those who engage in construction-related services or develop real property should make provision for these changes in applicable methods, procedures, contracts, bonds, notices, and other documents for both current and future projects. Otherwise, valuable protections and rights associated with their construction projects could be lost.

Thomas P. Wert, Esq., past president of the OCBA, is the Partner In Charge of the Orlando Office of Roetzel & Andress, LPA. He has been an OCBA member since 1993.

Judicial Relations Committee: Cheek

continued from page 13

a judicial system that allowed attorneys to state their strong and weak points – similar to the way you can during an appeal. It helps when both attorneys are candid.

Q: *What advice would you give today’s young lawyers?*

A: Not to give up their private, personal life for the law. I didn’t take a real vacation for the first 10 to 15 years I practiced. My first vacation was a trip to Africa, where I climbed Mount Kilimanjaro – that’s how I started climbing. Also, as a lawyer, be yourself. Don’t try to mimic lawyers on television or other lawyers you see who are flamboyant in the courtroom. If you are well-prepared, you will be successful.

Q: *What is the last movie you saw?*

A: *The Help* – I loved it.

Q: *What is your favorite restaurant?*

A: A place in Ecuador that serves seafood. Unfortunately, the last time I was there I couldn’t find it.

Q: *What is your favorite sports team?*

A: The Gators!

Q: *What would you have done if you were not a lawyer?*

A: I would have had a career in the military. I had an alternate appointment to West Point Academy, but my poor hearing prohibited me from attending. My youngest brother is career military and highly involved with the troop withdrawals from Afghanistan and Iraq. He’s the hero in my family.

Jenny K. Sullivan, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A., has been a member of the OCBA since 2006.



Courtesy: Marc Jacobs, Esq., Michelman & Robinson, LLP, Litigation Partner



Pictured (l-r): Glenn Adams, Esq., Holland & Knight; Michael Harrison, first-year College of Law student; College of Law Dean LeRoy Pernell; Kathy Molhem, Human Resource Manager, Holland & Knight; and Albert Tellechea, Esq., Holland & Knight.

Florida A&M University College of Law first-year student Michael Harrison, Jr. was awarded the Holland & Knight Scholarship and will participate in the firm's prestigious Summer Associate Program. The program provides an opportunity for a select group of law students from across the nation to gain real-world law firm experience, where associates work with experienced lawyers on complex matters for their clients. Holland & Knight instituted its scholarship program in partnership with FAMU in 2008. "Mr. Harrison is an impressive student with a lot to offer the legal profession, and we are delighted that he will be joining us this summer," says Holland & Knight partner, Glenn Adams.

J.L. Perez, ESQ

Appellate Services

Appellate Practice

- Professional appellate work accesible, affordable cost.
- Experienced in all area of appellate practice, including:
 - Research and preparations of briefs
 - Oral Argument - Motion Practice
- Civil and criminal appeals.

Call us:

407-973-6014

Expert Legal Research

Extensive legal research and writing experience
Former trial court staff attorney
Former legal research assistant to Florida Legislature

Email: appealsfla@gmail.com • Website: <http://appealsfla.weebly.com>

Judicial Relations Committee:

Antoon

continued from page 12

pro se litigant during a jury trial in the fall of 2001. This lawyer made sure the case was tried on its merits.

Many times lawyers have begun their argument acknowledging that the law did not favor their position, but explaining why the facts in their cases require a change in the law. Countless times good lawyers have accommodated opposing counsel with personal problems that made it difficult for them to provide effective assistance to their clients. On the eve of trial, a lawyer tracked down opposing counsel to make disclosure of critical and unfavorable information that had just come into possession of the disclosing lawyer. The information, which had not been provided by the client in discovery, was fatal to the disclosing lawyer's case.

Justin R. Infurna, Esq., LL.M., The Infurna Law Firm, P.A., has been a member of the OCBA since 2011.

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



YLS on the move



Sunny Lim Hillary, Esq.

The **Afternoon at the State Courthouse** held June 15, 2012, was another success! The annual seminar provides insight into local judicial policies and procedure, discusses universal courtroom decorum, and imparts helpful hints to attorneys who practice law in Central Florida. It is taught by sitting judges and is designed for attorneys, law clerks, law students, paralegals, and other legal assistants and is open to the public. Thank you to **Jeffrey S. Elkins** for coordinating this event.

The Afternoon at the State Courthouse wouldn't be the same without being followed by the **OCBA-YLS Pub Crawl!** Members of the OCBA congregated at Whiskey Dicks in downtown Orlando and proceeded to other nearby bars. Nice job, **Bart Vickers**, for leading the way!

Thank you to all who volunteered at the monthly **IDignity** event on Thursday, June 21, 2012, at the Orlando Union Rescue Mission. IDignity was created to help the disadvantaged in Central Florida overcome the difficulties of obtaining the personal identification that is crucial for them to become self-sufficient. YLS volunteers assisted with providing guidance to those in need of IDs and also presented a monetary donation to the organization. Special thanks to **Taylor Kessel** for taking charge of this event.

The annual **YLS Great Oaks Village Fun Day** will be held on **Saturday, August 11, 2012**. Please bring your friends and families to Great Oaks Village (GOV), located at 1718 E. Michigan Avenue, Orlando, to spend a fun-filled day with less fortunate children in our community. GOV is a foster care facility that houses more than 100 abused and/or neglected children. One day a year, we invite lawyers and judges to spend a memorable day with these children. For more information, or to join the GOV Fun Day committee, please contact **Jennifer Belbeck** at jennifer.belbeck@gmail.com or **Michael Barber** at mdbarber@gmail.com.

The **21st Annual YLS Charity Golf Tournament** will be held on **Friday, September 28, 2012**, at the **Grand Cypress Golf Club**. We will be playing their North and South Courses for a grand total of 18 holes of spectacular golf. Always one of the biggest events of the year, the golf tournament is a great opportunity for you to get off of that desk chair and on to the golf course while also raising money for charity! Each year, more than 140 lawyers, judges, and other community leaders play in this highly entertaining golf tournament, which is followed by a buffet luncheon and awards ceremony. For more

information and for sponsorship opportunities, please contact **Jerry Lee Hanbery** at Jerry.Hanbery@brockandscott.com.

Mark your calendar for the **3rd Annual YLS Lawyers for Literacy Spelling Bee** to be held on **Thursday, October 18, 2012**, at 6:00 p.m. at the **Sheraton Orlando Downtown Hotel**, located at 400 West Livingston Street, Orlando. Come out and watch wordsmiths from far and wide come together to compete for a chance at the Spelling Bee Championship. While vigorously and exuberantly battling to spell words such as *zucchettos*, *xiphophyllous*, and *siphorhinal*, these fierce competitors entertain their comrades while raising money for a wonderful cause.

In 2010, the Bee raised more than \$16,000. The following year, because of generous contributions and the support of the legal community, the Bee reached its goal of raising \$30,000 for the Adult Literacy League.

As this year's event is rapidly approaching, we are in search of spelling teams to dazzle us with their brilliance and sponsors to help fulfill our mission to develop readers and build a strong, literate community. This event could not be a success without the support of its participants and sponsors.

For more information on how to "bee" a part of the buzz by participating with a team or sponsoring the Bee, please contact **Alana Brenner** at alanabrenner@hotmail.com or **Daryl Gottlieb** at dgottlieb@fisherlawfirm.com.

Keep an eye out in the YLS email blasts for the date, time, and location of the next luncheon. Or, e-mail yls.ocba@gmail.com for more information.

If you want to join the YLS email blast list, or find out more about our section and its committees and events, please email yls.ocba@gmail.com.

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

Professionalism Committee

continued from page 5

of greater knowledge to impress upon your client that what goes around comes around.

In the event that your client refuses to acquiesce, there are still ways to preserve the relationship with opposing counsel and perhaps to find at least some common ground. Every attorney has, at one time or another, had to deal with a difficult client who does not always follow the attorney's advice. Suppose that you have a client in litigation who wants to do everything according to the rules and not to be flexible when it comes to grants of extensions or other accommodations. Instead of simply letting opposing counsel discover, by trial and error, that this is your client's position (and, along the way, conclude that you are as much of a jerk as your client) how about alerting opposing counsel up front to your client's plan? If nothing else, this approach may reduce the personal offense that opposing counsel might otherwise take to your subsequent actions and may allow a line of communication to be kept open between counsel in the event that your client later decides that the time has come to negotiate a settlement.

This is not an all-inclusive list of civil options. Suppose, for example, that you are having a particularly difficult time working with Partner A at the ABC Law Firm but that, based on past experience, you believe you have a reasonably good and mutually respectful relationship with Partner B. Might you at least want to consider contacting Partner B in order to seek her help in getting beyond the difficulties you seem to be having with Partner A? And if this fails, will you have foreclosed any other desirable options?

Before the age of comparative fault, we had the tort doctrine of "last clear chance" which sometimes placed responsibility on a party who was not initially at fault but who nonetheless had the last opportunity to avoid the harm that ultimately occurred. What this article suggests is a kind of "last clear chance" approach to difficulties in dealing with opposing parties and counsel – not just because of whatever moral benefits it may have but also because of its often high potential for effectiveness. While fighting fire with fire is dramatic, fighting fire with a fire extinguisher may do more to save your (and your client's) house. And avoiding fire altogether through the use of fire prevention techniques will often be better still.

Peter R. Jarvis (pjarvis@hinshawlaw.com) is a partner at Hinshaw & Culbertson LLP, in Portland Oregon. Mr. Jarvis is the Leader of Hinshaw's national Lawyers' Professional Responsibility/Risk Management Practice Group. He is a co-author of *The Law of Lawyering*, a leading national treatise on professional responsibility, and a co-author with Hinshaw partner, Anthony E. Davis, of *Risk Management: Survival Tools for Law Firms*, 2nd ed.

Katie M. Lachter (klachter@hinshawlaw.com) is an associate at Hinshaw & Culbertson LLP, in New York. Ms. Lachter focuses her practice primarily in attorney professional responsibility and risk management and has substantial experience in the area of white collar criminal defense.

© 2011 Bloomberg Finance L.P. All rights reserved. The views expressed herein are those of the author(s) and not of Bloomberg Finance L.P. These discussions are for informational purposes only. They do not take into account the qualifications, exceptions and other considerations that may be relevant to particular situations. These discussions should not be construed as legal advice, which has to be addressed to particular facts and circumstances involved in any given situation. Any tax information contained herein is not intended to be used, and cannot be used, for purposes of avoiding penalties imposed under the United States Internal Revenue Code. Bloomberg Finance L.P. and its affiliated entities do not take responsibility for the content contained herein and do not make any representation or warranty as to its completeness or accuracy.

The OCBA is pleased to offer these copying services at the Orange County Courthouse.

Copies can be made conveniently and easily using coins, \$1 and \$5 bills, or credit and debit cards: Visa, MasterCard, and Discover. A four-copy minimum is required for credit or debit card transactions.

Credit Card and Coin Changer - Resource Room on 3rd Floor

Thanks for your support of the OCBA!



DEX imaging

Copiers, Printers, Scanners & Document Management



Need to Find an OCBA Member?

Go to our **Online Membership Directory** – a member benefit just for you!

Join the Online Lawyer-to-Lawyer Specialty Index. For a nominal fee, you can be listed by practice areas and board certifications and begin taking referrals from your colleagues!

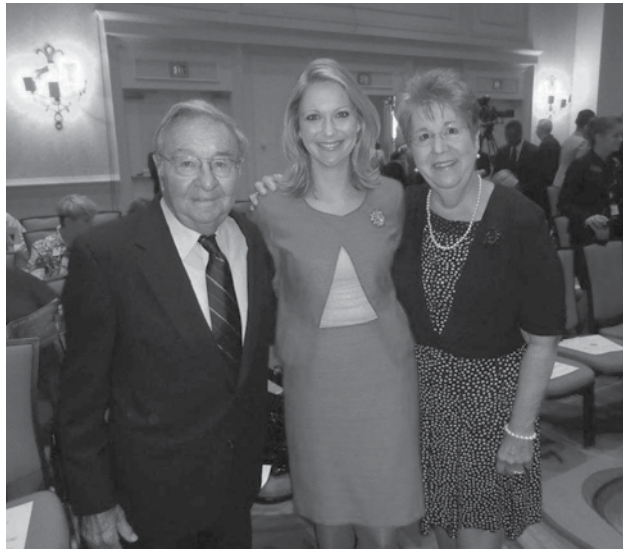
Go to Member Login on the OCBA website at www.orangecountybar.org to access the Online Directory, sign up for the Lawyer-to-Lawyer Specialty Index, and edit your membership record and photo.

For more information, contact Karen Fast, Membership Manager, at karenf@ocbanet.org or 407-422-4551, ext. 225.

PhotoOp



Jacquelynne Regan received the Lynn Futch Most Productive Young Lawyer Award at The Florida Bar Convention. She is shown here with her husband, attorney Donnie Regan, and Melanie Griffin.



FAWL President-elect Melanie Griffin with her grandfather, John Paulson, and mother, Jean Shoemaker, before the General Assembly at The Florida Bar Annual Conference in June.



Melanie Griffin, Jessica Thomas, Cindy Earp, Judge Earp and Ashley Boykin at CFAWL Judicial Tea

Congratulations to CFAWL for receiving the 2011-2012 FAWL Chapter of the Year and Large Chapter Membership Awards! CFAWL increased its membership by 47% during the past year! Congratulations to Leaders in Law designees Meena Hirani, LaShawnda Jackson, Jacquelynne Regan, Megan Malec, Jamie Billotte Moses, and Elaine Lerner were recognized as "Leaders in the Law." The designation was established to recognize those attorneys who have made significant impacts in their communities through their legal service or volunteer activities, and who serve as positive role models for FAWL members.

HONEYWELL MEDIATION

& Other Alternative Dispute Resolution Services

Does your mediator help both sides get prepared?

If your answer is no, you may have had the wrong mediator. Preparation is the key ingredient to any successful mediation. And, the more difficult your dispute, the greater your preparation needs. Your mediator, with your cooperation, should be an integral part of each party's preparedness for mediation. The goal is for both parties to reach a level of resolution and satisfaction.

Visit my website: www.honeywellmediation.com to find who I am, my **online schedule**, my **educational blog**, 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.

- Certified Circuit Civil Mediator • Certified Appellate Mediator
- Certified Federal Court Mediator • Board Certified Civil Trial Lawyer

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. DAN H. HONEYWELL

LAS What We Do

continued from page 18

my parents, Bud and DeeDee Amos, my wife Kim, and my partners and colleagues from Fisher Rushmer.

I am grateful for this undeserved recognition. I accept it on behalf of the many, more deserving, of my Orange County brethren so unflaggingly committed to Legal Aid's cause.

Joseph L. Amos, Jr., Esq., Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A., has been a member of the OCBA since 1988.

FPO BAKER PRESS AD



Sunny Lim Hillary, Esq.

Your local voluntary bar associations have been doing great things this summer! Read on to find out what's happened and what's happening, and get involved!

The Florida Bar Equal Opportunity in Law Section

The first-ever **Diversity Mentoring Picnic** will be held from 1:00 p.m. to 4:00 p.m., **Saturday, September 8, 2012**, at the FAMU College of Law. The event is a joint effort of **The Florida Bar Equal Opportunity in Law Section**, a committee of the Orlando minority bar associations, and the **Orange County Bar Association's Diversity Committee and Young Lawyers Section**. Admission to the picnic is free and families are invited to attend. Join local bar associations and sponsoring law firms in welcoming students from Florida's 11 law schools to the Central Florida legal community. Mentors are needed, so consider signing up before, during, or after the picnic. Booths and sponsorships also are available. If you are interested in helping with the event, contact **Kim Nguyen**, at Kim.Nguyen@lowndes-law.com. For additional information, contact **Harley Herman** at hsh54@dbksmn.com or **Lindsay Oyewale** at lno12@dbksmn.com. The FAMU College of Law is located at 201 Beggs Avenue, Orlando Florida 32801. The Diversity Mentoring Picnic committee thanks The Florida Bar for providing funding for this project.

CFAWL

On May 11, 2012, the Central Florida Association for Women Lawyers hosted its monthly luncheon, featuring Florida Commissioner of Agriculture Adam H. Putnam as its guest speaker. Commissioner Putnam addressed CFAWL members regarding many issues facing Florida. He focused primarily on positive changes his department has made to Florida's school lunch program, such as ensuring lunches feature fresh, Florida-grown fruits and veggies. At the luncheon, CFAWL presented a \$15,000 check to **A Place for Children**, the daycare in the Orange County Courthouse that provides free care to children so that they do not have to be present at difficult court proceedings. CFAWL has given a total of more than \$25,000 to A Place for Children in 2011-2012.

On May 12, 2012, CFAWL hosted its annual **Seminole County Judicial Tea**. CFAWL was honored to host several members of the Seminole County judiciary at the event. Everyone had fun while enjoying finger sandwiches, scones, delightful pots of tea, and festive hats!

Also during May, CFAWL received the **Partner in Education Award** from Orange County Public Schools for its work on behalf of the students at Rock Lake Elementary School. CFAWL has been involved in providing students with school supplies needed for the year, adopting more than 80 children at the holidays, and serving as volunteer teachers at special events during the year.

CFAWL concluded its 2011-2012 year by receiving several awards at The Florida Bar Annual Convention. **Ava Doppelt** received the **Florida Association of Women Lawyers (FAWL) 2012 Rosemary Barkett Outstanding Achievement Award**. Each year FAWL selects the recipient of this award by evaluating the FAWL member who has demonstrated a commitment to the purpose and goals of FAWL, excelled in her career, helped overcome the traditional stereotypes associated with women, and promoted the status of women in the profession, and in the state of Florida. CFAWL can think of no one more deserving of this honor than Ava.

In addition, the following CFAWL members received **Leader in the Law** awards from FAWL: **Meena Hirani, LaShawnda Jackson, Elaine Lerner, Megan Malec, Jamie Billotte Moses, and Jacquelynne Regan**. FAWL established its Leader in the Law Award in 2010 to recognize those attorneys who have made significant impacts in their communities through their legal service or volunteer activities and who serve as positive role models for FAWL members. CFAWL also received the FAWL **Chapter Membership Award** for growing its membership to 468 members in 2011-2012, a 47% growth from 2010-2011 and more than double since 2008. Finally, CFAWL received the FAWL **Chapter of the Year Award**.

On June 15, 2012, CFAWL honored its past presidents who have done so much to build and strengthen its organization at their annual **Past Presidents and Swearing-in Luncheon**. The hard work contributed by the 2011-2012 leadership team and volunteers was celebrated for the time, energy, and passion they put into growing CFAWL and making 2011-2012 so successful. At the luncheon CFAWL swore in its 2012-2013 board of directors. The 2011-2012 and 2012-2013 boards of directors include the following CFAWL members:

CFAWL 2011-2012 Board of Directors: **Melanie Griffin** (president); **Angela Miller** (president-elect); **Jessica McGinnis** (treasurer); **Cinnamon Baker** (treasurer-elect); **Sarah Koren** (secretary); **Jacquelynne Regan** (programs director); **Barbara Leach** (co-programs director); **Amanda Perry** (membership director); **Camy Schwam-Wilcox** (co-membership director); **Ashley Winship** (public relations director); **Wynne McFarlin** (FAWL representative); **Keshara Davis** (OCBA representative); **Amanda Green** (director-at-large) and **Megan Malec** (Young Lawyers chair).

CFAWL 2012-2013 Board of Directors

Angela Miller: President
Jacquelynne Regan: President-elect
Cinnamon Baker: Treasurer
Amanda Perry: Treasurer-elect
Ashley Winship: Secretary
Barbara Leach: Programs Director
Jessica McGinnis: Co-Programs Director

Megan Malec: Membership Director
Terra Sickler: Co-Membership Director
Chrissy Haddad: Public Relations Director
Nancy Stuparich: FAWL Representative
Wynne McFarlin: OCBA Representative
Camy Schwam-Wilcox: Director-at-Large
Jessica Thomas: Young Lawyers Chair

HBACF

On June 28, 2012, HBACF held its **Annual Membership Drive Kickoff & Happy Hour** at the Rusty Spoon in downtown Orlando. Members and guests enjoyed appetizers, two free drinks, and a cash bar. Thank you to all for coming out in support of HBACF! And, thank you to membership committee chair, **Luis Gonzalez**, for organizing the event.

We want to hear from every voluntary bar association in Central Florida – “SideBar” is *your* column! Publicize your association’s upcoming events, past activities, or honors and awards your members have received. Send info and photos (with IDs) to me at sunny@hillarylawn.com.

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



Lisa Gong and Greg Maaswinkel



Sunny Hillary, Mark Hillary, and Denise Kim

Judges Jose Rodriguez, Norberto Katz and John Jordan, and Beverly Jordan enjoy friends and festivities at the HBACF’s annual Summer Fiesta and Domino Tournament at the Doubletree in downtown Orlando.



Vanessa Cotto and Ana Lopez join forces as “Team Awesome” in the Domino Tournament.

CFAWL Past President Judge Patricia Dougherty, Val Demmings, and CFAWL Past President Judge Maura Smith



2012-2013 CFAWL Board of Directors



The Central Florida Association for Women Lawyers was honored in May with the Partner in Education Award for West Orange County for the good work the organization completed at Rock Lake Elementary School. CFAWL has partnered with other organizations to support Rock Lake, during which time the school has risen from being ranked an F school to being ranked as an A school. Additionally, in 2009, Rock Lake was nominated as the State of Florida’s number one school in exceptional student performance for two or more consecutive years under Title I. This honor qualified Rock Lake to be considered for an award on a national level, and at the Title I Conference in February 2009, Rock Lake became one of fifty-seven schools in the nation to receive a Distinguished School Award. Pictured are: Charles and Karin Whitting, Booz Allen Hamilton, Inc., Lynne Wassetz, Principal, Rock Lake Elementary School, Janet Ludwig, Title I & ESOL Program Coordinator, Kayla Mudge, Esq., CFAWL member



GOAABA – Steve Chong, Donna Hung, Jessica Hew, Sunny Hillary, Kim Nguyen, Lisa Gong, Denise Kim, and Lemar Alejo



HBACF’s Annual Membership Drive Kickoff & Happy Hour Board members: from left to right, Marcio Valladares, Karla Valladares, Felipe Guerrero, Ana Lopez, Fermin Lopez, Luis Gonzalez, and Jessica Gonzalez-Monge

Hats Off to Mothers!

At first glance you might have thought that the two dozen ladies adorned in colorful hats and feather boas were models in a fashion show. However, upon closer inspection, you would have discovered that the elegantly dressed women were guests of honor at the “Hats Off to Mothers Tea” held Mother’s Day weekend, May 12, 2012, at the Plymouth Apartments in Winter Park. The residence caters to senior citizens.

The Orange County Bar Association Paralegal Section hosted the tea to honor mothers as part of its ongoing commitment to community service. “Lady Risa” Harrell, “Sir Phillip” Gordin and “Lady Michelle” Krakar organized and hosted the afternoon event in a recreation room that was transformed into a tea room. Michelle’s daughter, “Lady Lexie,” assisted in serving the delighted ladies.

The tea service included a variety of delectable delights: cucumber sandwiches, cookies, strawberry cupcakes, and fruit. The ladies sampled a selection of English breakfast, peach, green, and chai teas.

“Lady Esther” Miller stated, “It was so nice to dress up and go to a party so elegant!” On behalf of all the attendees, “Lady Adeline” Powell described the event as “...the greatest Mother’s Day tea ever!”

Each guest was presented with a silver mirror compact and had the opportunity to have her photograph taken with a life-size, stand-up likeness of Queen Elizabeth, II to serve as a memento of the occasion. Photographer Tim Dunlap volunteered his time to photograph the guests.

Ornate teak folding fans were presented as gifts of recognition to the oldest mother (92), the mother with the most children (9), the mother with the most grandchildren (22), the best dressed lady, and the lady with the most beautiful hat.

Risa E. Harrell, CP, FRP, is a certified paralegal with Marlowe & Weatherford, P.A. She has been a member of the OCBA since 2005.



Upon arrival, guests were greeted with feather boas and escorted to their seats at festively decorated

tables set with porcelain teacups and saucers, creamers, and bowls of

Lady Lexie serves the guests



Paralegal Section member, Risa Harrell, greets Lady Bea – with a boa!



Paralegal Section treasurer/secretary Phil Gordin meets “Queen Elizabeth II”

Michelle Krakar, Paralegal Section president, with Lady Lexie and “Queen Elizabeth II”





Mark Powers



Shawn McNalis

Public Relations, Part 3 – Cultivating Media Exposure

I'm going to be interviewed on the radio this Saturday," an attorney client of ours announced at the conclusion of a recent meeting. Hearing this comment, another attorney piped in, "How do you manage to get so much press? Every time I turn around you're in the paper or you're being interviewed on the news." He sounded agitated and several other attorneys who looked on seemed equally put out. "No one's knocking at my door to interview me. Are you just lucky, or what?"

In this third section of our series on law firm public relations, we'll explain that luck plays a small part, but when it comes to garnering media attention, a plan makes all the difference. With a focused approach and a little persistence, almost any attorney can cultivate media attention. If the information age in which we live has produced anything, it is the ongoing need for more information. The 24-hour news cycle, the proliferation of cable channels, radio stations, and thousands of specialty print publications make up a media machine that has a voracious appetite for news, commentary, and fresh perspectives on the issues of the day. Fortunately, this demand for more news presents a wealth of opportunities for those of you interested in raising your profile and becoming known for your expertise.

But how do you start? How do you find your way in and around the media outlets that might be interested in what you have to say – if only they knew who you were? Well, not unlike the approach you must take in any aspect of client development, you must know *who to talk to*, *what to say*, and *how and when to say it*.

Who To Talk To

To figure out "*Who*" to talk to you must first ask yourself what types of clients you are trying to attract with the press you seek. Keeping that answer in mind, ask yourself where those types of clients (or referral sources – your media efforts might be focused only on building credibility with, or attracting new referral sources) tune in for their information. Think about what newspapers or trade journals they read and which drive-time radio programs they are likely to listen to. To identify the reporters, journalists, editors, and producers associated with these programs or publications, look at newspaper by-lines, read the editorial staff listings or spend a little time on the program or publication's websites to locate their names. Assemble a list of these names, and then study their reporting history to learn what they typically cover.

Since a great deal of work goes into creating a list like this, it's a good idea to delegate this research to an assistant who can help you with your marketing efforts. Once the list is done you've established *who to talk to*. Now you must focus on *what to say*.

What to Say

There are two main ways to go about getting your message across – either through a *press release* or a *media advisory*. The first method is to persuade a wide variety of journalists, reporters, or producers that you or your firm has news worth reporting. This means that when a case, a client, a result, or an event that you are involved with is newsworthy, you or your team write a press release and submit it by email or fax to all the different media contacts on your list for whom it is appropriate. These are the news organizations that are likely to use it on air or in print, either as a stand-alone piece or as part of a larger story. Refer to the second part of this series on public relations for further detail on the contents of a press release, but basically it is a one-page summary of a story with an interesting angle written in such a way that it is of interest to the target audience and is not blatantly self-promotional.

The second way to get your message across is more *personality-driven*, but still often involves a written document – the *media advisory*. Here the goal is to persuade reporters that you – because of your experience, perspective, or specific expertise – are worth interviewing. This approach is generally targeted at particular reporters and journalists with whom you build a relationship and is decidedly opportunistic because your commentary may piggy-back on an event of national interest currently in the spotlight. If, for example, a story about underage drinking or the plight of the elderly has captured the national spotlight, a hometown reporter or journalist may call upon a local attorney to provide the local perspective.

Generally, an attorney the journalist interviews is not chosen at random out of the phone book, but is one with whom they've either cultivated a strong relationship, or about whom they've been sent a *media advisory*. Also known as a "pitch," a media advisory is a one-page document that spells out how an individual is especially suited to comment on an issue and outlines his or her particular angle or perspective. If done well, it contains only those issues of interest to the audience the reporter or journalist typically serves. A hard

continued page 34

Rainmaking

continued from page 33

news piece about white collar crime, for example, would be inappropriate for an arts and entertainment publication. To maximize its effectiveness, always match the topic of the advisory to the audience's interests.

How and When to Say It

There are two differences between a press release and a media advisory. The first concerns how it is tailored and the second, when it is sent.

When you write a press release, you're packaging ideas for reporters en masse and writing a one-page memo describing an event, case, client, or action with which you are associated. The success or failure of the release is not based on how well you know the intended reporter or journalist (though targeting the right publication is critical), but more on how interesting your story might be to the readers or viewers. Press releases are often sent in advance of an event.

When you write a pitch or media advisory, you may be tailoring an idea for a single reporter and sending your pitch out after the news has been made. As we have mentioned, this only works if you've done your homework and have read the publication or watched the show and know what kind of commentary they seek. You've researched the reporter's work and are developing some level of relationship with them. The message sent by your media advisory is, in essence, "I think you'll be interested in speaking to me because..." and you go on to state compelling reasons.

Here's what's in a media advisory: this one-page document starts out with a prominent headline announcing the topic and letting the reader/reporter know who the expert is and what he or she has to offer. This is followed by a short introductory paragraph. Below this, using bullet points made up of sharp, to-the-point sentences, the topic is expanded upon. Keep in mind the reporters and journalists who receive these media advisories are going to scan them quickly, looking for the most important information and an angle they think their audience might find interesting. Eliminate legalese and make it easy for them to grasp your main points.

Also make it easy for them to connect with you. At the bottom of the page make sure your contact information is available at-a-glance in an easily accessible format. The whole point of writing an advisory is to alert reporters to the availability of you or your spokesperson, and your position on the topic, in a timely fashion.

If you've sent your alerts to a radio or television program and the editor or producer likes what you have to offer, you will probably get a phone call. If this happens you must be enthusiastic and engaging on the phone as this call may actually be a "pre-interview" in which your viability as a guest speaker or interview subject is being tested. If you sent your alert to a print publication and it's a story a reporter or journalist wishes to explore further, you'll receive a phone call or an email to gather additional information.

If you don't receive a response from your advisory, whether it was sent to a media

outlet or a print publication, call to check on whether or not the information was received. Sometimes opportunities will arise in these conversations that are difficult to predict, so stay alert for productive tangents. In any case, your ability to showcase your personality and credentials plays an important role here. Even if you aren't selected for an interview, focus on building the relationship with your contact for the next time you send an advisory. Only a small percentage of press releases and media advisories sent out are successful. Public relations efforts like these require dogged persistence (delegate as much of the footwork as you can to a marketing assistant), but are worth the effort it takes.

No matter how you get your message across, whether you engage in extensive community relations efforts, write press releases, or cultivate the press through media advisories, using public relations to build your credibility and attract new clients should be an essential part of your overall client development plan. Take advantage of the expansive reach and tremendous leverage provided by the media to propel you and your firm to new heights.

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. To learn more about the work that Atticus (www.atticusonline.com) does with attorneys or the Atticus Rainmakers™ (www.atticusrainmakers.com) program, please visit or call 352-383-0490 or 888-644-0022.

For your next mediation please consider:



Patrick C. Crowell

Certified Circuit Civil Court Mediator



With more than 30 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

www.patrickcrowell.com

Patrick C. Crowell, P.A.

4853 S. Orange Avenue, Suite B
Orlando, FL 32806

Partner

James M. McCrae, Esq. – *Holland & Knight*

Dale A. Scott, Esq. – *Bell & Roper, P.A.*

Of Counsel

Michael D. Starks, Esq. – *Baker, Donelson, Bearman, Caldwell & Berkowitz, PC*

Board Certification

Nicole W. Moore, Esq. – *Jeanne T. Tate, P.A.* – *Board Certified Adoption Attorney*

Speaking Engagements

Andre T. Young, Esq., Young DeLoach, PLLC, spoke on the topic of *Youth on Fire* to the congregation at Mt. Zion AME in Daytona Beach on June 10, 2012. Andre spoke on the law process and legal careers to the Bethune Cookman University pre-law students.

Earnest DeLoach, Jr., Esq., Young DeLoach, PLLC, spoke at Friends & Family Day to the congregation at Mt. Zion AME in Daytona Beach in May. He also spoke to a 5th grade class at Westside Elementary School during their Volusia County Law Day. Earnest brought the "call to action" during the Trayvon Martin Community Forum at Macedonia Missionary Baptist Church in March. He was a panel speaker at *A Night of Healing – Post-Trayvon Martin* in Sanford in June. He spoke on the law process and legal careers to the Bethune Cookman University pre-law students.

Jon H. Gutmacher presented a three-hour seminar for law enforcement officers at the Treasure Coast Public Safety Training Complex in Fort Pierce on June 26, 2012, on the subject of laws pertaining to firearms, weapons, and self defense.

Events

Sept. 8 – *Greater Orlando Minority Mentoring Picnic*. 1:00 p.m.-4:00 p.m. FAMU College of Law, 201 Beggs Avenue, Orlando Florida 32801. For additional information, contact Harley Herman at hsh54@dbksmn.com or Lindsay Oyewale at lno12@dbksmn.com.

Sept. 28 – *YLS 21st Annual Golf Tournament*. Shotgun start at 8:00 a.m. Grand Cypress Golf Club. For additional information, contact Jerry Lee Hanbery, Esq. at jerry.hanbery@brockandscott.com or 407-389-9695.

Seminars

Aug. 9 – *The New Jury Instructions: Preparation of and Use* – Brown Bag Lunch with Judge John M. Kest. 12:00 p.m.-1:15 p.m. Orange County Courthouse, 23rd Floor Judicial Conference Room. CLE: 1.5. Free. Please feel free to bring your lunch, and tell security that you will be attending the Brown Bag Lunch. Contact Diane Iacone at 407-836-0443 or ctjadi1@ocnjcc.org.

Aug. 14 – *Garnishments/Debtor Defenses*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m., Marks Street Senior Center, 99 E. Marks St., Orlando 32803. CLE pending. Speaker: Michael Resnick, Esq. Contact: ctucker@legalaidocba.org or mcarbo@legalaidocba.org.

Aug. 21 – *Guardianship of a Person*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. – Marks Street Senior Center, 99 E. Marks St., Orlando 32803. CLE pending. Speaker: David Yervey, Esq. Contact: ctucker@legalaidocba.org or mcarbo@legalaidocba.org.

Aug. 28 – *Termination of Parental Rights Cases: Litigation Skills. Legal Skills*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Center, 99 E. Marks St., Orlando 32803. CLE pending. Speakers: Kirsten Teany, CLS, Esq.; Hon. Donald E. Grincewicz; Kavita Sookrajh, Esq. Contact: ctucker@legalaidocba.org or mcarbo@legalaidocba.org.

Aug. 29 – *Under the Microscope: Florida's Stand Your Ground Gun Law*. Paralegal Section Seminar. 11:30 a.m. OCBA Center. CLE 2.0. Panelists: Paul Owen, Sr. Editorial Writer, *Orlando Sentinel*; Hon. David Simmons, Florida State Senate; Hon. Bob Le Blanc, Orange County Circuit Judge; Zahra Umansky, Esq. RSVP by August 24, 2012, to bdg29@dbksmn.com. \$25 govt./student, \$30 OCBA members, \$40 non-members. Registration includes lunch; sponsored by First Choice Court Reporting.

Sept. 11 – *Crafting a Parenting Plan When There's Domestic Violence*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Location: Marks Street Senior Center, 99 E. Marks St., Orlando 32803. Contact: Marilyn Carbo at mcarbo@legalaidocba.org or 407-841-8310 x 3121.

Sept. 13 – *Preserving Trial Error for Appellate Review*. Brown Bag Lunch with Judge John M. Kest. 12:00 p.m.-1:15 p.m. Orange County Courthouse, 23rd Floor Judicial Conference Room. CLE: 1.5. Free. Presenters: Hon. Jay Cohen, District Court Judge, 5th District Court of Appeals, the Hon. John Kest. Please feel free to bring your lunch, and tell security that you will be attending the Brown Bag Lunch. Contact Diane Iacone at 407-836-0443 or ctjadi1@ocnjcc.org.

Sept. 14 – *CLE at Sea*. Earn 3.0 CLE or CJE (pending) aboard the Victory Casino Cruise. Seminar: *What Lawyers (and Judges) Should Know About Judicial Discipline*. Speakers: Harry Lee Anstead, retired Florida Supreme Court Chief Justice, and Michael L. Schneider, Esq., General Counsel, Florida Judicial Qualifications Commission. Proceeds benefit the Legal Aid Society and the OCBA Foundation. Seating is limited. Register at <http://www.brownpapertickets.com/event/259601>

Sept. 21 – *Practicing Family Law in the Age of Technology*. Family Law Committee Annual Seminar. 8:30 a.m.-1:00 p.m. OCBA Center. CLE pending. Speakers: Debbie Foster (Affinity Consulting): *Paperless Office*; Jonathan Persichetti (Protechnica): *Social Networking*; Lawrence Kolin, Esq.: *eDiscovery*; Susan Savard, Esq.: *Case Update/Ethics*. Registration with payment is required. Registration deadline: Sept. 14. See OCBA website.

Sept. 25 – *Dependency Adoptions*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. – Location: Marks Street Senior Center, 99 E. Marks St., Orlando 32803. Contact: Marilyn Carbo at mcarbo@legalaidocba.org or 407-841-8310 x 3121.

Sept. 29 – *Communicate, Arbitrate and Litigate... In an Efficient Manner*. Paralegal Section Seminar. 7:30 a.m.-5:00 p.m. Embassy Suites, Downtown Orlando. Speakers: The Honorable John Marshall Kest, Circuit Judge for Ninth Judicial Circuit; Jeff Keiner, Esq., GrayRobinson, P.A., Sandra Upchurch, Esq., Upchurch, Watson, White & Max Mediation Group, Inc.; Susan Constantine, body language and communications expert; Jamie Billotte Moses, Esq., Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A. CLE pending. Details to come.

A n n o u n c e m e n t s

New Members

Regular

Scott BALL

State Attorney's Office
415 N. Orange Ave.
Orlando, FL 32801
407-836-1426

Dean M. BARTZOKIS

State Attorney's Office
415 N. Orange Ave.
Orlando, FL 32801
407-258-8362

Carl D. BERRY

6202 Forest City Rd.
Orlando, FL 32810
407-802-4806

Alexander J. BROWN

Morgan & Morgan, P.A.
20 N. Orange Ave., Ste. 1600
Orlando, FL 32801
407-420-1414

Brett M. CAREY

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

April C.W. COLLINS

Marshall, Dennehey, et al.
315 E. Robinson St., Ste. 550
Orlando, FL 32801
407-420-4409

Spencer M. DIAMOND

*Wicker, Smith, O'Hara,
McCoy & Ford, P.A.*
390 N. Orange Ave., Ste. 1000
Orlando, FL 32801
407-317-2113

Elizabeth S. DORWORTH

1527 Cumbie Ave.
Orlando, FL 32804
321-277-3460

David C. DOWELL

Dowell Law Office P.A.
5036 Dr. Phillips Blvd., Ste. 245
Orlando, FL 32819
407-864-2551

Samantha C. DUNE

Rumberger, Kirk & Caldwell, P.A.
300 S. Orange Ave., Ste. 1400
Orlando, FL 32802
407-839-2102

Nicole EATON

State Attorney's Office
415 N. Orange Ave.
Orlando, FL 32801
407-836-1171

Kristyn D. ELLIOTT

*Swann Hadley Stump Dietrich
& Spears, P.A.*
1031 W. Morse Blvd., #350
Winter Park, FL 32789
407-647-2777

Marco A. FARAH

2437 S. Bumby Ave., #D
Orlando, FL 32608
786-853-3908

Margalie FENELUS REYES

*Wicker, Smith, O'Hara,
McCoy & Ford, P.A.*
390 N. Orange Ave., Ste. 1000
Orlando, FL 32801

Stuart FERDERER

Office of the Chapter 13 Trustee
PO Box 3450,
Winter Park, FL 32790
407-648-8841

Sarah E. FOGARTY

Kubicki Draper
201 S. Orange Ave., Ste. 475
Orlando, FL 32801
407-245-3630

Joseph M. FREIRE

Shapiro Injury Group, P.A.
3000 Edgewater Dr.
Orlando, FL 32804
407-648-8060

Brandon M. GANS

State Attorney's Office
415 N. Orange Ave.
Orlando, FL 32801
407-836-1676

Christian J. GENDREAU

Thorne & Storey, P.A.
212 Pasadena Pl.
Orlando, FL 32803
407-488-1222

Sara E. GLOVER

The Law Offices of Leonard R. Ross
1540 International Pkwy., Ste. 207
Lake Mary, FL 32746
866-923-7400

Tessa M. GOTTLIEB

State Attorney's Office
415 N. Orange Ave.
Orlando, FL 32801
407-836-1171

Andrew B. GREENLEE

Brownstone, P.A.
400 N. New York Ave.
Winter Park, FL 32789
407-388-1900

Brittney C. GUTIN

Longwell Lawyers
189 S. Orange Ave., Ste. 900
Orlando, FL 32801
407-426-5757

David S. HARRIGAN

Cole, Scott & Kissane
1900 Summitt Tower Blvd., Ste. 750
Orlando, FL 32810
321-972-0000

Michelle M. HELLER

State Attorney's Office
415 N. Orange Ave., Ste. 400
Orlando, FL 32801
407-836-2411

Barry B. JOHNSON

*O'Kelley and Sorohan,
Attorneys at Law*
2290 Lucien Way, Ste. 205
Maitland, FL 32751
407-475-5350

Janice D. KERR BREINER

JD Kerr, P.A.
20 S. Rose Ave., Ste. 7
Kissimmee, FL 34741
407-343-5377

Jennifer P. KILLEN

Bell & Roper, P.A.
2707 E. Jefferson St.
Orlando, FL 32803
407-897-5150

Denise D. KIM

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

Victor S. KLINE

Greenspoon Marder, P.A.
201 E. Pine St., Ste. 500
Orlando, FL 32801
407-425-6559

Carmen M. LOVE

Law Office of Carmen Love
440 Crown Oak Centre Dr.
Longwood, FL 32750
407-834-4010

Leticia J. MARQUES

Leticia J. Marques, P.A.
PO Box 2660
Windermere, FL 34786
407-650-9191

Craig F. NOVICK

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

Bhavik G. PATEL

State Attorney's Office
415 N. Orange Ave.
Orlando, FL 32801
407-836-1365

Eric T. PRESTON

1411 E. Central Blvd., Apt. A
Orlando, FL 32801
407-836-1385

Elizabeth C. PLUMMER

Cole, Scott & Kissane
1900 Summitt Tower Blvd., Ste. 750
Orlando, FL 32810
321-972-0018

Nancy ROBAC

Law Offices of Nancy A. Robak, P.A.
5401 S. Kirkman Rd., Ste. 310
Orlando, FL 32819
407-497-6225

Leonard R. ROSS

The Law Offices of Leonard R. Ross
1540 International Pkwy.
Ste. 207
Lake Mary, FL 32746
866-923-7400

Jason K. RUGGERIO

Lyons Law
PO Box 940757
Maitland, FL 32794
407-476-3437

Michael SCHIFFRIN

The Schiffrin Law Firm, PLLC
9200 S. Dadeland Blvd., Ste. 208
Miami, FL 33156
305-539-0000

Jonathan M. SKYES
Burr & Forman, LLP
200 S. Orange Ave., Ste. 800
Orlando, FL 32801
407-540-6600

Carmen S. TANKERSLEY
Longwell Lawyers
189 S. Orange Ave., Ste. 900-S
Orlando, FL 32801
407-426-5757

Joshua J. TEJES
Cleaveland & Cleaveland, P.L.
1340 Lake Baldwin Ln.
Orlando, FL 328145902
407-893-5200

Jessica D. THOMAS
Camy B. Schwam-Wilcox, P.A.
425 W. Colonial Dr., Ste. 201
Orlando, FL 32804
407-982-2714

Ryan WILLIAMS
Law Office of Ryan Williams
PO Box 1059
Winter Park, FL 32790
407-404-0857

Saasha R. WILLIAMS
State Attorney's Office
415 N. Orange Ave.
Orlando, FL 32801
407-836-2412

Ashley C. WINSHIP
*Rush, Marshall, Jones
and Kelly, P.A.*
109 E. Church St., 5th Flr.
Orlando, FL 32801
407-425-5500

Affiliate

Cheryl L. CRUMRINE
Burr & Forman, LLP
200 S. Orange Ave., Ste. 800
Orlando, FL 32801
407-540-6626

Luana L. FOLSE
2320 Kildare Dr.
Chuluota, FL 32766
407-538-5015

Traci R. GREEN
Taylor & Carls, P.A.
150 N. Westmonte Dr.
Altamonte Springs, FL 32714
407-215-9678

Bianka J. HERRERA
Lynch & Robbins, P.A.
7901 Kingspointe Pkwy., Ste. 8
Orlando, FL 32819
407-730-3022

Susan KATZ
Select Court Reporters, Inc.
917 Cypresswood Ct.
Winter Springs, FL 32708
407-977-7725

Jill LINDVALL
Burr & Forman, LLP
200 S. Orange Ave., Ste. 800
Orlando, FL 32801
407-540-6600

Vanda D. MITCHELL
Burr & Forman, LLP
200 S. Orange Ave., Ste. 800
Orlando, FL 32801
407-540-6600

Law Student

Kristen L. CHIGER

Robert ERDMAN
2048 Golden Arm Rd.
Deltona, FL 32738

Daniele S. GORDON
8009 Bala Sands Blvd., Apt. J
Orlando, FL 32818
754-246-6565

Natasha N. HARRISON
6650 Corporate Center Pkwy.
#1008
Jacksonville, FL 32216
772-979-4040

Susannah HINKLE
131 Placid Woods Ct.
Sanford, FL 32773
407-323-3039

Eric C. MILES
817 Huntsville Rd.
Gotha, FL 34734
407-923-4617

Joanne E. WILSON
11708 Heritage Point Dr.,
Apt. 228
Orlando, FL 32825
215-490-3621

Paralegal Student

Carole A. KNIGHT
414 Springview Dr.
Sanford, FL 32773
240-357-3346

Jack L. STEPHENS
8991 Palos Verde Dr.
Orlando, FL 32825
407-758-3701

New Elevator System in Courthouse

As you are aware, the "six pack" elevators have undergone the Destination Advance Overlay. This overlay is part of the final construction project, and is to increase the efficiency of the elevators while the actual elevator hardware is replaced with newer, more efficient hardware. In order to make your usage of the six pack elevators less stressful during this modernization, we have put together a list of frequently asked questions (FAQ)/recommendations for usage:

FAQ's and recommendations for courthouse elevator system

Q: *How many elevator cars are currently running each day?*

A: Five of the six elevator cars in the main bank will run each day during the modernization process.

Q: *How long will the modernization last and when will all six cars be up and running with all the new equipment installed?*

A: The project will be 100% completed in early December 2013. Furthermore, approximately every 9-10 weeks another elevator car will be updated and put back into service. Each time this takes place, the efficiency of the elevator cars will increase by a few percent. The maximum increase will come in September 2013 when all six cars are back online and updated.

Q: *How can building employees help out the traffic load since there are only five elevator cars running versus six?*

A: The peak traffic time is 8:30 a.m. to 10:00 a.m. If you can limit your travel during this time, it lowers the number of elevator calls and will speed up the elevator travel time.

Q: *Is it faster to take the escalator to floors 2 - 4 and catch an elevator there or wait at floor 1?*

A: No. It is faster to wait at floor 1 to ride to the higher floors. Be-

cause of the high traffic flow there, the lobby is the priority floor for the elevators. The elevators will move people all through the building but they focus more on the first floor. If you are only going to floors 2 - 4 and not higher in the building then the escalator would be faster during high traffic times.

Q: *Do I need to get on the elevator that has been assigned to me?*

A: Yes. When you do not get on the elevator assigned to you, you are essentially delaying the system, because now it is assigning an elevator to a person that is not technically there anymore.

Q: *When I have a cart with me, do I need to push the button twice?*

A: Yes. When you have a file cart, or anything that would take the place of another person or multiple persons, you need to press the floor you are going to twice or more if applicable. This will allow the elevator to assign enough room in the elevator for both you and the cart (or anything else you might have).

Q: *When I have another person who is with me, do I need to push the button twice (or more)?*

A: Yes. If five people walk up to the touch screen and all five people put in a call, then the elevator accounts for that. This provides for more room and better service from the elevator versus five people walking up and only one person placing a call (i.e., only one call input at the touch screen).

In the near future, there will be a questionnaire box located in both hallways adjacent to the touch screen. Please feel free to drop questions in the box and we will address them accordingly.

For more information, please contact Roan Waterbury, LEED® AP Project Manager, at 407-836-0034.

100%

*Congratulations to Members
of the OCBA's 100% Club*

Allen, Norton & Blue, P.A.
Amy E. Goodblatt, P.A.
Anderson & Ferrin, Attorneys at Law, P.A.
Anthony-Smith Law, P.A.
Banker Lopez Gassler P.A.
Benitez Law Group, P.L.
Billings, Morgan & Boatwright, LLC
Bodiford Law Group
Bonus McCabe Law Firm
Bull and Associates, P.A.
Burr & Forman LLP
Calandrino Law Firm, P.A.
Carr Law Firm, P.A.
Carsten & Ladan, P.A.
Chaires, Brooderson & Guerrero, P.L.
Cohen Battisti, Attorneys at Law
Colling Gilbert Wright & Carter, LLC
Cullen & Hemphill, P.A.
DeCiccio & Johnson
Dellecker Wilson King McKenna Ruffier & Sos, LLP
Dempsey & Associates
Dewitt Law Firm, P.A.
Diaz Law
Earle & Smith Trial Attorneys
Englert, Leite & Martin, P.L.
Faddis & Faddis, P.A.
Fishback, Dominick, Bennett, Stepter, Ardman,
Ahlers & Langley, LLP
Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A.
Frank Family Law Practice
Giles & Robinson, P.A.
Gregory S. Martin & Associates, P.A.
Grossman & Grossman, P.A.
Harris, Harris, Bauerle & Sharma
Higley & Szabo, P.A.
Hilyard, Bogan & Palmer, P.A.
Hornsby Law
Innes Law Firm
James H. Monroe, P.A.
Jill S. Schwartz & Associates, P.A.
King, Blackwell, Zehnder & Wermuth, P.A.
Kirkconnell, Lindsey, Snure, & Ponall, P.A.
Korshak & Associates, P.A.
Kosto & Rotella, P.A.
Law Office of Frank P. Remsen, P.A.
Law Offices of Blair T. Jackson, P.A.
Law Offices of Neal T. McShane, P.A.
Law Offices of Walter F. Benanati Credit Attorney, P.A.
Legal Aid Society of the OCBA
Lewis & Crichton, Attorneys at Law
Lynn B. Aust, P.L.

Marcus & Myers, P.A.
Marshall, Dennehey, Warner, Coleman & Goggin, P.A.
McElyea & Barnard, P.A.
McMichen, Cinami & Demps
McMillen Law Firm, P.A.
Men's Divorce Law Firm
Michael R. Walsh, P.A.
Mooney Colvin, P.L.
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.
Provencher & Simmons, P.A.
Ringer Henry Buckley & Seacord, P.A.
Rumberger, Kirk & Caldwell, P.A.
Sawyer & Sawyer, PA
SeifertMiller, LLC
Southern Trial Counsel, PLC
Stovash, Case & Tingley, P.A.
Swann, Hadley, Stump, Dietrich & Spears, P.A.
Tangel-Rodriguez & Associates
The Aikin Family Law Group
The Brennan Law Firm
The Carlyle Appellate Law Firm
The Draves Law Firm, P.A.
The Elder Law Center of Kirson & Fuller
The Johnston Law Firm, P.A.
The Llabona Law Group
The Law Office of Frank A. Hamner, P.A.
The Law Offices of Terry L. Bledsoe, P.A.
The Law Offices of Trevett and Bonham, P.L.
The Marks Law Firm, P.A.
The McMahon Law Group, P.A.
The Morsch Law Group
The Rosenthal Law Firm, P.A.
The Skambis Law Firm
The Smith Family Law Firm, P.A.
Troutman, Williams, Irvin, Green, Helms, Polich & Hemphill P.A.
Vose Law Firm, LLC
Warner + Warner, P.L.
Weiss, Grunor & Weiss
West, Green & Associates, P.L.
Wicker, Smith, O'Hara, McCoy & Ford, P.A.
Wieland, Hilado & DeLattre, P.A.
William G. Osborne, P.A.
Wilson McCoy, P.A.
Winderweedle, Haines, Ward & Woodman, PA
Wolf, Hill, McFarlin & Herron, P.A.
Wooten, Kimbrough and Normand, P.A.
Yergey and Yergey, P.A.
Young DeLoach, PLLC

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.

CLUB

CLASSIFIED ADS

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

"AV" RATED CIVIL LITIGATION FIRM is seeking an experienced litigation attorney. Minimum 5 years litigation experience. Strong advocacy skills required. We offer competitive salary and comprehensive benefits package. Send resume to: O'Connor & O'Connor, LLC, 840 S. Denning Drive, Suite 200, Winter Park, FL 32789, Attn: Patricia Schnepf.

BIGIN, MUNNS & MUNNS, an AV rated law firm, with ten offices in Orlando and Central Florida, seeks experienced real estate attorney for real estate practice, including residential closings. Creative compensation arrangements available with great opportunity for growth and advancement. Send resume in confidence by fax to 407-578-2128 or e-mail to bmm@biginmunns.com.

"AV" RATED ORLANDO LAW FIRM, seeks attorney with seven years experience for its commercial litigation practice. Creative incentive based compensation arrangements available. Reply in confidence to reply box 701.

SPECIALTY DEFENSE FIRM handling first party property/liability coverage issues and complex contractual/tort litigation seeks attorneys 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.

BIGIN, MUNNS & MUNNS seeks of counsel attorneys: keep your own practice; we provide office, equipment, furniture, and receptionist; some referral work available for healthcare, international, securities, elder, social security, disability and veterans law, and other practice areas, with fee sharing arrangement. Send reply in confidence to bmm@biginmunns.com.

AV RATED ORLANDO LAW FIRM seeks attorneys in all practice areas with 200K book of business. Great opportunity to join growing, existing law firm. Send reply in confidence to reply box 701.

AV RATED WINTER PARK Medical Malpractice Defense Firm seeks Associate with 2-5 years' experience. Competitive salary and benefits. Send cover letter, resume and writing sample to Larry Hall, Hill, Adams, Hall & Schieffelin, P.O. Box 1090 Winter Park, FL 32790.

ZIMMERMAN, KISER & SUTCLIFFE, an AV - rated law firm located in Orlando, seeks an Attorney with 4 to 6 years Insurance Defense/Personal Injury Litigation experience. This position requires strong verbal and written communication skills. Portable book of business is desired, but not required. Salary commensurate with experience; excellent benefits. Please send resumes confidentially to Personnel Director, PO Box 300, Orlando, FL 32802 or by email to lbearden@zslawfirm.com. Visit or website at www.zkslawfirm.com.

OFFICE SPACE SHARED

WINTER PARK OFFICE SPACE TO SHARE - Near I-4. Furnished or unfurnished office with secretarial area(s). Share 2 conference rooms, reception area, full kitchen, phone, internet, large on-site parking area, and utilities included. Monthly rent negotiable. For info call Marc at 321-397-2966.

SHARE OR LEASE OFFICE SPACE at Lake Mary Pro Campus (I4 and L Mary Blvd). Three offices with furnished admin, conf room, break-room and bathroom with shower. \$900-\$3000/month everything included. 407 765 3893 or lorbis@earthlink.net.

OFFICE SPACE FOR SALE/RENT/LEASE

DESIRABLE THORNTON PARK LOCATION: OFFICE FOR LEASE. Next to Orlando's Eola Park. Attorney's office, large, lovely, windowed, adjacent assistant's work area. Charming historic two story. Call for additional info. CAROL 407-423-1066. carol@defenselaw.net. 609 E. CENTRAL BLVD. William J. Sheaffer, P.A.

COLONIALTOWN OFFICE: 1,438 Sq.Ft., Former

law office includes 3 offices plus secretarial areas; large reception area with hardwood floors, wall to wall built in bookcase, sky lights, and foyer; full kitchen. Backyard includes private courtyard, pool and elaborate landscaping. Minutes from courthouse. Call Ed Gay at 407-578-1334, ext. 292.

OFFICE SPACE AVAILABLE FOR RENT. Approximately 1,537 sq ft., with furniture, phone system, receptionist area and 4 window offices, 2 large enough for attorneys and 2 for paralegals. Attorneys preferred. Please contact Denise Singler at 407-578-1334 or e-mail denise@biginmunns.com.

NOW AVAILABLE FOR LEASE is a freestanding, two-story historic office building in downtown Orlando with up to 20 dedicated surface parking spaces. Located on Robinson Street between Orange Avenue and Interstate 4, one block from the Orange County Courthouse and two blocks from the main downtown SunRail Station, this highly visible, 6,850 SF office property includes a separate lobby/reception area with a grand spiral staircase, a fully furnished large conference room and an employee lounge. With several spacious private offices and ample support staff areas furnished with modular work stations, this building is perfect for a law firm. Call (407) 422-6105 for information.

PROFESSIONAL SPACE AVAILABLE FOR LEASE at 1604 S. Bumby Avenue, Orlando, Florida 32806. Office is 384 square ft., fully tiled and well lit. Access to adjacent conference room. Excellent location close to downtown. \$595.00/month, 407-898-8015.

ATTORNEY OFFICE BUILDING FOR SALE. Suitable for 4 or more attorneys and staff. Close to courthouse. 2000 + sq.ft., high traffic count, lots of parking. \$285,000.00 Call (407) 648-2000.

AVAILABLE JUNE 1, 1000-plus Sq. Ft. office suite in carriage house, Downtown Orlando, convenient to I-4 and 408, quiet setting with private entrance on

grounds of established law firm. Ideal for small law practice or business. Call John Parrell 407-386-1900.

DOWNTOWN ORLANDO OFFICE FOR LEASE. Furnished 850 sq foot first floor suite on East Robinson Street. Renovated with new carpet, paint and tile. Two offices, one secretarial station, private bath, file room, use of conference room in building. Convenient to courthouse, great visibility. Contact Lydia 407-228-4023 or lpj@blairjacksonlaw.com.

FOR LEASE: 3,648 SF office building. 2300 Lee Rd, Winter Park. Monument signage; great parking. Christi Davis/Morrison Commercial Real Estate 407-219-3500, ext. 230.

SALE OR LEASE: 17,000 SF building. North Westmonte Dr., Altamonte Springs. 5800 & 4500 SF available - owner/occupant or lease; monument signage. Christi Davis, Morrison Commercial Real Estate 407-440-6644.

**OCBA
Display &
Classified Ads
Contact :
Sheyla A. Asencios
407-422-4551 ext. 244
sheyllaa@ocbanet.org
Proven results.**

OCBA Calendar

AUGUST - SEPTEMBER

OCBA Luncheon

Gwynne Young, Esq.

President of The Florida Bar

August 30, 2012

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

The Ballroom at Church Street

RSVP by Friday, August 24, 2012

reservations@ocbanet.org

August

- 1 Business Law Committee**
12:00 p.m. • Bar Center
- 7 Professionalism Committee**
12:00 p.m. • Bar Center
- 9 Brown Bag Lunch with Judge J. Kest**
The New Jury Instructions – Preparation of and Use
12:00 p.m. • Orange County Courthouse
23rd Flr. Judicial Conference Rm.
- 10 Workers' Compensation Committee**
11:45 a.m. • Smokey Bones
- 11 YLS Great Oaks Village Fun Day**
10:00 a.m. • Great Oaks Village
- 13 Estate, Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- 14 LAS Lunchtime Training**
Garnishments/Debtor Defenses
12:00 p.m. • Marks Street Senior Center
- 15 Executive Council Meeting**
4:30 p.m. • Bar Center
- 17 YLS Luncheon**
11:40 a.m. • Citrus Club
- 21 LAS Lunchtime Training**
Guardianship of a Person
12:00 p.m. • Marks Street Senior Center
- Solo & Small Firm Committee**
12:00 p.m. • Marks Street Senior Center
- Appellate Practice Committee**
12:00 p.m. • Bar Center
- 28 LAS Lunchtime Training**
Termination of Parental Rights Cases: Litigation Skills
12:00 p.m. • Marks Street Senior Center

Tax Law Committee

12:00 p.m. • Bar Center

- 29 Paralegal Section Seminar**
Under the Microscope: Florida's Stand Your Ground Gun Law
11:30 a.m. • Bar Center
- 30 OCBA Luncheon**
Gwynne Young, Esq.
President of The Florida Bar
11:30 a.m. • Ballroom at Church Street

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

September

- 3 OCBA Office Closed – Labor Day**
- 4 Professionalism Committee**
12:00 p.m. • Bar Center
- 5 Business Law Committee**
12:00 p.m. • Bar Center
- 8 Greater Orlando Minority Mentoring Picnic**
1:00 p.m. • FAMU College of Law
- 10 Estate, Guardianship & Trust Committee**
12:00 p.m. • Bar Center
- 11 LAS Lunchtime Training**
Crafting a Parenting Plan When There's Domestic Violence
12:00 p.m. • Marks Street Senior Center
- 12 Employment and Labor Law Committee**
12:00 p.m. • Morgan & Morgan, P.A.
- Lawyers Literary Society**
12:00 p.m. • Bar Center
- Executive Council Meeting**
4:30 p.m. • Bar Center
- 13 Brown Bag Lunch with Judge J. Kest**
Preserving Trial Error for Appellate Review
12:00 p.m. • Orange County Courthouse
23rd Flr. Judicial Conference Rm.

- 14 CLE at Sea Seminar**
Aboard Victory Casino Cruise Ship
7:15 a.m. • Bar Center

Workers' Compensation Committee
11:45 a.m. • Smokey Bones

Criminal Law Committee
12:00 p.m. • Bar Center

- 18 Solo & Small Firm Committee**
12:00 p.m. • Bar Center

- 19 OCBA Luncheon**
Dr. Al Torres
Nemours Children's Hospital
11:30 a.m. • Ballroom at Church Street

Insurance Law Committee
12:00 p.m. • Bar Center

- 20 Technology Committee**
12:00 p.m. • Bar Center

- 21 Family Law Committee Annual Seminar**
Practicing Family Law in the Age of Technology
8:30 a.m. • Bar Center

YLS Luncheon
11:40 a.m. • Citrus Club

- 25 LAS Lunchtime Training**
Dependency Adoptions
12:00 p.m. • Marks Street Senior Center

Tax Law Committee
12:00 p.m. • Bar Center

- 26 Appellate Practice Committee**
12:00 p.m. • Bar Center

- 28 YLS Annual Golf Tournament**
8:00 a.m. • Grand Cypress Golf Club

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

- 29 Paralegal Section Seminar**
Communicate, Arbitrate and Litigate
7:30 a.m. • Embassy Suites

Please check the OCBA website calendar for updates on events and seminars.