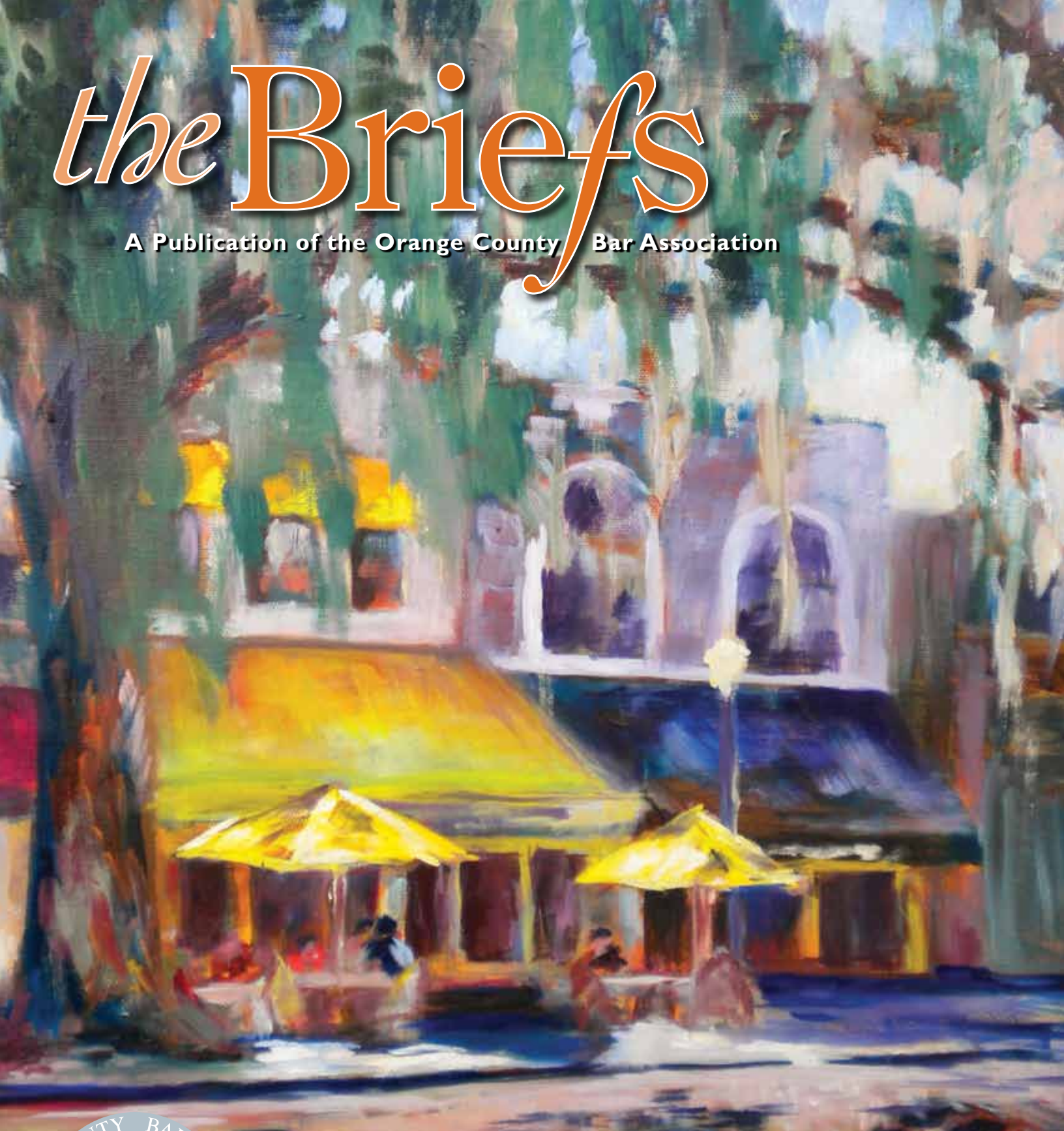
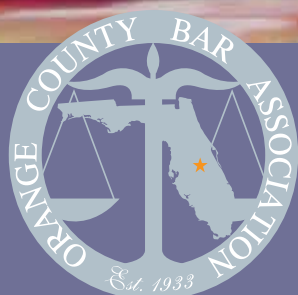


the Briefs

A Publication of the Orange County Bar Association



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February 2013
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Co-Editors

Nick Dancaescu, Esq. & Ian Forsythe, Esq.

Associate Editors

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

Hearsay Columnist

Wiley S. Boston, Esq.

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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.

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OCBA Luncheon Thursday, February 28, 2013



The Honorable Mary S. Scriven

U.S. District Court, Tampa

Judge Mary Stenson Scriven was appointed by President George W. Bush to serve as a United States District Judge for the Middle District of Florida on September 30, 2008. She was appointed to serve as Magistrate Judge for the United States District Court for the Middle District of Florida on December 19, 1997, and she was reappointed for a second term commencing December 15, 2005. She is the first African-American woman to serve on the federal court in the state of Florida and the second to serve on the federal court in the Eleventh Circuit.

Judge Scriven graduated *cum laude* from Duke University in 1983 with a bachelor of arts degree in political science and, in 1987, with high honors from Florida State University College of Law. In May 2006, Judge Scriven received an Honorary Doctor of Laws degree, LL.D., from Stetson University College of Law.

Judge Scriven is a former shareholder with the law firm of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., where she practiced in the corporate litigation and trade regulation department. Judge Scriven is admitted to practice in the state of Florida, the United States District Court for the Middle District of Florida, the Eleventh Circuit Court of Appeals, and the United States Supreme Court.

From December 1996 through December 1997, Judge Scriven served as an associate professor of law at Stetson University College of Law. Judge Scriven taught in the area of commercial law, teaching remedies, legal malpractice, banking law, and contracts. She frequently lectures in the area of ethics and professionalism and in trial advocacy and pretrial procedure courses. She is a former faculty member with the National Institute for Trial Advocacy (NITA) and has also served as a guest faculty member in the Masters Program for Trial Advocacy, Nottingham Law Institute, Nottingham, England. She has received numerous awards, including, most recently, the pres-

tigious Gertrude Rush Award presented by the National Bar Association for Judge Scriven's lifetime commitment to the fair administration of justice.

Judge Scriven is also very active in community and professional organizations. She served as president-elect of the Federal Magistrate Judges Association. She is a past chairperson of the board of the Spring of Tampa Bay, the only certified shelter and assistance facility for battered spouses and their children in the Tampa Bay area. She served as chairperson of the Judicial Education Committee of the Middle District of Florida. She has served on the board of directors of the Hillsborough County Bar Foundation, the charitable arm of the Hillsborough County Bar Association. She has previously served on the executive board of directors of the Hillsborough County Bar Association and the George Edgecomb Bar Association and on the boards of directors of the Hillsborough Association for Women Lawyers, the Boys and Girls Clubs of Tampa, and the Florida Bar Foundation. Judge Scriven is also a member of the National Bar Association, the American Bar Association, The Florida Bar, and the Florida Association for Women Lawyers. She is past president of the Athena Society. She is a member of the Leadership Tampa Class of 1994 and the Leadership Florida Class of 1995. She is former trustee for the Tampa Bay Performing Arts Center and is a past president of the J. Clifford Cheatwood Inn of Court.

Judge Scriven is married to attorney Lansing C. Scriven, a member of the Florida Bar Board of Governors, and is the mother of four children.

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Please RSVP by Friday, February 22, 2013
to reservations@ocbanet.org

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Church Street and South Street

To ensure a proper luncheon count, RSVPs and CANCELLATIONS are requested no later than Friday, February 22, 2013. 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!

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The Hon. John E. Jordan

Judicial Professionalism and How to Encourage It

Judges, like lawyers, have a duty to observe and implement high standards of conduct.

Before taking the bench, and upon reelection, a judge must designate in writing that he or she has read the *Florida Code of Judicial Conduct*. The Code can be summarized as follows:

Canon 1 – Judge shall observe high standards of Conduct and uphold the independence of the judiciary.

Canon 2 – Judge shall avoid impropriety in all activities.

Canon 3 – Judge shall be impartial and diligent.

Canon 4 – Judges are encouraged to engage in activities to improve the legal community.

Canon 5 – Judge shall avoid extra-judicial activities which undermine the requirements of office.

Canon 6 – Judge shall keep economic interests separate and avoid activities which might interfere with the impartial performance of their judicial duties.

Canon 7 – Judge shall avoid inappropriate political activity.

The preamble to the *Florida Code of Judicial Conduct* states in part:

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

We are fortunate that the Central Florida legal community is made up of outstanding lawyers and judges. Professionalism is strongly encouraged by the OCBA at meetings, legal seminars, and in publications such as *The Briefs*. Many of the voluntary bar organizations, such as the George C. Young First Central Florida American Inn of Court, present annual awards for professionalism. The William B. Trickett, Jr. and Lawrence G. Mathews, Jr. Professionalism Awards are given each year by the OCBA. At judicial investitures, the OCBA Professionalism Committee

presents each new judge a courtroom plate that says “Professionalism Demands Courtesy.” These words appear on both sides as reminders to attorneys and judges. The Central Florida Chapter of the American Board of Trial Advocates (ABOTA) gives each new judge a desk plate that says “Professionalism and Civility – Anything less will not be tolerated.”

Judges demand professional conduct of counsel. Likewise judges must set the tone and standard in the courtroom. Confidence in our legal system starts with respect and honor shown by the judiciary. As the ultimate authority in the courtroom, judges cannot expect attorneys/litigants to be professional if they do not themselves act professionally.

5 Steps to Maximize Judicial Professionalism

There is a well-kept secret of the judiciary – judges are attorneys! Each comes to the bench with unique experiences, education, backgrounds, and personalities. No two attorneys or judges are alike. Because each judge is different, attorneys and *pro se* litigants should consider the following.

1. Know your judge. Some judges are outgoing, while others are more reserved. Some judges are okay with children in the courtroom, beverages with caps or covers, and the occasional cell phone going off (accidentally). Others strictly forbid them. Attorneys and *pro se* litigants should make themselves familiar with any understood or written orders and guidelines promulgated by a judge. Talk to the judicial assistant, deputies, clerks, and the judge if you have questions concerning procedures. An excellent resource in the Ninth Judicial Circuit is the *Judicial Assistant Manual* available at www.ninthcircuit.org/research/orders/downloads/JAManualApplication.pdf. Review the circuit website, www.ninthcircuit.org. Under the “Judges” tab, you will find information about your judge. The judge may list important orders, handbooks, and guidelines which you should review.

2. Should you approach the bench? At times you may feel that the conduct of the judge should be addressed during a hearing/trial. Ask to approach the bench. Make yourself fully aware of the applicable rules and codes. Review the *Code of Judicial Conduct* and the *Principles of Professionalism for Judges* found at <http://www.floridabar.org/DIVCOM/JN/jnnews01.nsf/Articles/E313DBB3530886F4852570A600717505>. The Ninth Circuit has adopted the Orange County Bar Association’s Standards of Professional Courtesy

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ORANGE COUNTY BAR ASSOCIATION

ELECTION NOTICE

The names of nominees for the following offices
will be announced on the OCBA website on
Wednesday, February 6, 2013:

OCBA Vice President / President-Elect

OCBA Treasurer

OCBA Secretary

OCBA Executive Council (3 nominees)

Legal Aid Society Board of Trustees (2 nominees)

Young Lawyers Section At-Large Board Members
(5 nominees)

Voting shall be by secret ballot mailed to each
Regular and Judicial Honorary Member of the
Association on or before Friday, March 1, 2013.

Voted ballots must be returned to the OCBA no
later than 5:00 p.m., Friday, March 29, 2013. In
order for your vote to be counted, you must sign
and print your name on the back of the return
envelope. Mail or bring voted ballot to the OCBA
office, 880 N. Orange Ave., Orlando, FL 32801.

If you have any questions, please contact the
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Richard S. Dellinger, Esq.

The Middle District of Florida Celebrates Fifty Years¹

October 29, 2012, marked the fiftieth anniversary of the creation of the Middle District of Florida. On October 25-26, 2012, the bench and the bar celebrated with the Middle District of Florida's Fiftieth Anniversary Dinner and Academic Symposium. The event began by commemorating the service of the longest serving Middle District Court judge, Senior U.S. District Judge George C. Young, and ended with a glimpse toward the future of the district with presentations by law reviews from three Florida law schools. In between, attendees were delighted with food, music, and intellectual development. No public funds were used for the event.

The celebration began on October 25th with a reception and dinner attended by judges, lawyers, academics, and other members of the legal community. Attendees watched a video

oral history of Judge George C. Young prepared by the Florida Law Review and the unveiling of a bronze bust of Judge Young, who also was in attendance. The bronze bust will be publicly displayed in the Orlando Federal Courthouse. The reviews of the dinner were

overwhelmingly positive, and the planning committee, led by Orlando employment attorney Jill Schwartz, was proud of the outcome.

On October 26th, attendees enjoyed a day-long academic symposium, which highlighted major events in the district. After welcome remarks from Chief Judge Anne C. Conway, attendees listened to remarks from Florida Southern University professor Michael Denham about the early years of the district. Professor Denham discussed how "roving" federal judges from the Northern and Southern Districts handled federal cases in Central Florida prior to formation of the Middle District in 1962. Professor Denham then spoke about the backgrounds and personalities of the four original Middle District judges: Judge John Milton Simpson, Judge Joseph Patrick Lieb, Judge William McRae, and Judge George C. Young.

After Professor Denham's remarks, Chief Bankruptcy Judge Karen S. Jennemann introduced a panel to speak about major civil cases in the Middle District of Florida. The available subject matter was very broad, and the panelists tried to speak only about cases that had gone from the Middle District up to the U.S. Supreme Court. Veteran practitioner Sylvia Walbolt of Carlton Fields, P.A., researched the fifty years of civil cases, provided the background to the panelists, helped organize the presenters, and then peppered Judge Susan Black and Judge Harvey Schlesinger with questions about their knowledge of the selected civil cases. Eleventh Circuit Senior Judge (and former Chief Judge of the Middle District) Susan Black spoke primarily about major prison overcrowding cases handled in the Middle District of Florida. Judge Black's presentation included pictures of the overcrowded and unsanitary conditions in the prisons and was punctuated by the successes of the Middle District in alleviating the overcrowding. Senior Middle District Judge Harvey Schlesinger later spoke about admiralty cases in the district, including the cases associated with the collapse of Tampa's Skyway Bridge. Judge Schlesinger's presentation included pictures of a car that stopped less than six inches from plunging into Tampa Bay during the collapse and was punctuated with success stories about how the district handled the cases.

When the civil panel was completed, participants wished there was additional time available to hear even more from the group about civil cases in the district.

After the civil panel, Magistrate Judge Anthony Porcelli introduced distinguished panelists, who spoke about major criminal cases in the district. Senior Judge William Castagna provided a first-hand account of the court's handling of the true mafia story chronicled in the 1997 movie, *Donnie Brasco*. Professor Robert Batey spoke about the expansion of federal criminal jurisdiction since the creation of the district. Professor Batey asked attendees to consider whether many of the cases that are filling up the federal courts and federal prisons should be handled by the state courts. Finally, former Eleventh Circuit Judge Joseph Hatchett (now with Akerman Senterfitt LLP) provided some insight into how the practice has changed in the district. Former Judge Hatchett spoke about how, many years ago, all lawyers were expected to take criminal appointments, formal plea bargaining was non-existent, and discovery



Chief Bankruptcy Judge Karen Jennemann and Chief District Judge Anne Conway unveiling a bust of Senior District Judge George C. Young that will be placed in the U.S. District Courthouse.

was historically by ambush. He juxtaposed that with the current practice.

When the criminal panel had completed its presentation, participants were left wishing there was more time to hear all of the insights from this impressive group.

In one of the most moving speeches of the day, Senior Middle District Judge William Terrell Hodges spoke about segregation and integration in the Middle District of Florida. Judge Hodges started by describing how the judiciary in the Middle District became more diverse with the appointments of Judge Hatchett, Judge Adams, Judge Scriven, and Judge Honeywell. Judge Hodges also spoke about the 40-year process of integrating Florida's public schools with the help of the district courts. He reminded participants that his first case was a school desegregation case and that case spanned his entire career as a judicial officer. Judge Hodges informed participants that, unlike other areas of the South, public schools were integrated without violence because of help from the Middle District Courts. He described close calls between the U.S. Marshall Service and elected officials, but ultimately explained that the courts succeeded in bringing about a non-violent resolution. Judge Hodges' talk was inspirational for those in attendance and brought a standing ovation from more than 150 judges, attorneys, and court staff. Some attendees were even moved to tears.

After the morning session, attendees heard from civil rights attorney William Sheppard, who spoke about his work in civil rights and his experience as a law partner with District Judge Henry Lee Adams, Jr. Mr. Sheppard spoke about his unpopular decision to partner with a minority attorney and fight civil rights cases at a time when it was very unpopular to do so. Mr. Sheppard then showed a videotape about the life of Judge Adams, highlighting the challenges that Judge Adams faced becoming a Federal District Court judge. Judge Adams then joined Mr. Sheppard on stage for questions from the audience.

After lunch, students from the law reviews at the University of Florida, Florida State University, and the University of Miami presented case comments that the students had prepared relating to cases decided during the district's fifty years.

The Florida Law Review selected five case comments from the years 1962 through 1978. In a presentation that perfectly complemented Judge Hodges' morning comments, Lauren Millcarek spoke about the 1970 case of *Harvest v. Board of Public Instruction of Manatee County*, where District Judge Ben Krentzman held Florida Governor Claude Kirk in contempt of court, imposing daily fines until integration orders were implemented. Similarly, Olga Bandera spoke about the 1971 case



The Hon. Karen Jennemann, U.S. Bankruptcy Court; Professor Michael Denham, Florida Southern University in Lakeland; Richard Dellinger, Esq.

of *Mims v. Duval County School Board*, in which then-District Judge Gerald Tjoflat decreed that the Duval County schools would be integrated through a series of school closings and busing of students.

In a presentation that complemented Judge Black's morning comments, Mariko Shitama spoke about the 1975 case of *Costello v. Wainwright*, in which District Judge Charles Ray Scott forced the Florida Department of Corrections, by injunction, to reduce the prison population in order to alleviate overcrowding. In a discussion that complemented Judge Schlesinger's maritime remarks, Zach Smith spoke about *American Waterways Operators, Inc. v. Askew*, a case in which a three-judge panel from the Middle District of Florida found in 1971 that Florida's attempt to regulate oil spills was preempted by federal law.

Highlighting the Middle District's early analysis of the dormant commerce clause, Cem Akleman talked about the 1972 decision of *American Yearbook Co. v. Askew*. In *Askew*, a three-judge panel, which included Judge George C. Young, found that Florida could constitutionally mandate that school textbooks be manufactured in Florida under the market participant exception to the dormant commerce clause.

For the next part of the symposium, the Florida State Law Review selected five case

comments from the years 1979 through 1995. Two of the students presented cases in the employment law arena. First, Tara R. Price passionately defended Judge Howell Melton's 1991 finding that pornography displayed at the Jacksonville Shipyards constituted an illegal, hostile work environment for a female dock worker in *Robinson v. Jacksonville Shipyards, Inc.* Patrick Fleming spoke about how District Judge John Moore rightfully found in 1983 that a school teacher could not be terminated for having tuberculosis in the case of *Arline v. School Board of Nassau County*.

In a presentation that complemented Judge Hodges' comments on segregation and integration, Alexandra Moore spoke about District Judge George C. Carr's finding that requiring literacy tests for public school attendance is a violation of the Fourteenth Amendment in *Debra P. v. Turlington*. Ben Eisenberg presented an interesting analysis of Judge Harvey Schlesinger's 1993 finding in *Playboy Enterprises, Inc. v. Frena* that a webhosting company could be held strictly liable for allowing infringing materials to be uploaded onto its website by third parties. To close out the Florida State Law Review presentation, Seth Welner introduced a complex analysis of the Securities and Exchange Act through discussion of Judge Elizabeth Kovachevich's refusal to extend a private right of action to securities disputes that are traditionally handled in arbitration proceedings in *Raymond James and Associates, Inc. v. NASD*.

As the final presenters, whose presentation began at 3:30 p.m. on Friday afternoon, the University of Miami Law Review was faced with a tremendous challenge. Fortunately, the students were prepared for the end of the day and their presentation exceeded expectations. The University of Miami Law Review was tasked to select their cases from the years 1996 through 2012, and the cases presented were outstanding.

The first two students started with one of the most well-known cases in the past five years, *Shelton v. Secretary, Department of Corrections*. Emily Horowitz and Erika Pagan acted out a skit in which they asked one another whether they had checked their bags or their rental cars on the way to the symposium for illegal substances. Then, they reached into each other's bags

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The Honorable Faye L. Allen

Spotlight on The George C. Young First Central Florida American Inn of Court

There is nothing more rewarding than the acknowledgement by one's peers and colleagues of a job well done. The George C. Young First Central Florida American Inn of Court recently honored one of its longtime members, Carolyn Salzmänn, with an award for her service and recognition for the work she does within the Inn and within her practice.

The Honorable James B. Glazebrook Award is a presentation that is made annually to a current or former Inn member of the George C. Young First Central Florida American Inn of Court. Either a judge or an attorney is eligible for the award. Chair of the Awards Committee for the Inn, attorney Roger Handberg, noted that there are a number of well-qualified nominees each year. Regarding the 2012 recipient, Mr. Handberg said that based upon "[h]er service to the Inn and her commitment to professionalism, Carolyn exemplifies the best of the legal profession. She is truly a worthy recipient."

Ms. Salzmänn is somewhat of a rarity in the legal profession in that she is both an attorney and an engineer. She has worked extensively in corporate America, including with Fortune 500 companies such as Anheuser-Busch, Mars, Inc.,



Carolyn Salzmänn, Esq.

and Campbell Foods. After years of working in corporate America and after a successful stint of practicing with the preeminent national law firm of Akerman Senterfitt LLP, in February of 2010 Ms. Salzmänn realized her goal of opening her own practice. As both an attorney and engineer she uses her unique skills and acumen to accomplish her passion for helping others in the area of personal injury law. Her

practice focuses on areas such as automobile accidents, wrongful death, and medical malpractice.

The law firm is just one component of Ms. Salzmänn's varied and busy life. While running a successful firm, she is also a wife and mother of a teenager. She is extremely involved in activities with her family, ranging from crew regattas with her son to deep sea fishing, which the family enjoys together. Speaking of family time, Ms. Salzmänn indicates that "we try to do things with our son that encourage respect, team work, and sportsmanship; crew is a great sport for those values."

Even with a busy personal injury practice, and important family responsibilities, Ms. Salzmänn recognizes the need for professionalism and exceptionalism within the legal community. An important purpose of each Inn is to improve the skills, professionalism, and ethics of the bench and bar. Ms. Salzmänn joined the George C. Young First Central Florida American Inn of Court in 2000 to make just such a positive impact in the legal profession. She is a very active participant, serves on the board of directors, and is responsible for educational programs – which are called pupillage programs.

Because the monthly pupillage programs are a primary component of the Inn and because the George C. Young Inn is one of the largest Inns in the nation, it is vital that someone with a strong commitment to preparation of the program topics serves in the role of program chair. For more than six years the type of hands-on commitment and dedication needed has been found in the person of Carolyn Salzmänn.

As the program chair and member of the board of directors, it is Ms. Salzmänn's job to formulate a curriculum of interesting topics for discussion that can provide the Inn members with legal knowledge and ethical guidance. The pupillage program topics are submitted by Ms. Salzmänn and approved by the entire board. This huge undertaking is extremely important to the Inn's goals. Although there are other aspects of membership, which include networking and mentoring programs for young lawyers and law students, the educational component is the core component that contributes to the professional growth of every single attorney, member of the judiciary, and student member of the Inn.

The monthly programs also provide an opportunity for continuing legal education to Inn members. Again this responsibility falls to Ms. Salzmänn, who dedicates her time to ensuring that the content of each program meets the requirements for bar credit, including credit for ethics. Ms. Salzmänn has served the Inn well in the dual responsibility of developing a challenging curriculum that will engage the membership in their monthly presentations and making sure the topics are eligible for continuing legal education credit. In this regard, Ms. Salzmänn has shown a commitment to the professionalism of every single member of the Inn.

With a busy solo practice and family responsibilities

continued page 45



Shawn T. Jewell, Esq.

Interview with the Honorable Steven Jablon

The Honorable Steven Jablon received an undergraduate degree from the University of South Florida and his juris doctor from the University of Miami. In his years as an attorney, he became a Florida Bar Board Certified Criminal Trial Attorney, a Florida Supreme Court Certified Family Mediator, and a member of the Family Inns of Court. Since 2002 he has been the hearing officer for the Ninth Judicial Circuit, in and for Osceola County, Florida, handling 3,000 - 4,000 child support matters per year.

Q: *Where are you originally from?*

A: I grew up and attended law school in Miami, Florida.

Q: *How then did you end up in Kissimmee, Florida?*

A: Actually, it is a funny story. Shortly after I graduated from the University of Miami law school I obtained a phone interview for an assistant public defender position in Kissimmee. At that time I probably couldn't have found Kissimmee on a map of Florida. Ultimately I was offered the job in Kissimmee, so I loaded up my small car in South Florida and drove up the turnpike to Kissimmee. I exited onto Highway 192, which in the mid-1970s was just a strip of asphalt between two cow pastures. Despite the drastic difference between Miami and Kissimmee I fell in love with the area immediately and have lived here ever since.

Q: *So how long have you been in the area then?*

A: I've been practicing law in Osceola County for 36 years. I've seen many changes to the area since then. When I first arrived there were probably 25 or so lawyers as part of the Osceola County bar; now there are several hundred attorneys who practice regularly in Osceola County.

Q: *In your time practicing law what have you found to be the greatest strengths and weaknesses of the American legal system?*

A: Well, let me start with the weakness. I think the judicial system is facing difficulties with funding, and such difficulties have been the trend for the past ten or so years. When I first began practicing law as a young attorney, judges appeared to have more time to handle cases on their docket. Now, with the increase in the number of cases before the court, combined with funding concerns, the court is often asked to handle complicated and complex matters very quickly in order to stay on time and on budget.



The Hon. Steven Jablon

With that said, despite those challenges, I also see the strength of our American system. I'm sure you've heard the old saying "Justice delayed is justice denied." To me that means the courts must strive to quickly and effectively process and handle all cases before them. When you compare our

American system with others around the world, I think the American system is a strong system for quickly handling legal matters while protecting the rights of all the parties involved. Overall, I think the American system provides an extremely fair process which guarantees due process to any person within the system.

Locally, our courts have worked to ensure the surge in cases and the concerns with funding do not affect the parties. As such, the courts have become more efficient and streamlined. For example, in my hearing room I have two computers open during each hearing. My laptop has a great merge system which allows me to prepare orders during the hearing; simultaneously, on the desktop computer I can look at any pleading for the matter through the Osceola County electronic filing system.

When working with the Florida Department of Revenue for Child Support [Enforcement Program] matters, they also bring two laptops to each hearing to prepare the necessary forms and paperwork. We all can print the required forms and orders from the printer in the hearing room. It saves a lot of time and shows the ability of the system to adapt and become more efficient.

Q: *If you could give any advice to young attorneys, what would that advice be?*

A: I try to do this now: If a young lawyer comes into my courtroom, and due to a lack of experience, makes a mistake or fails to present his case in the most effective manner, I try to use that moment as a teaching opportunity. On several occasions I have suggested to young attorneys ways to improve an argument for future cases or how to more effectively present an argument to the court.

continued page 10

I was lucky when I started practicing in the 1970-80s in Osceola County to have a wonderful group of judges and senior attorneys who were patient and understanding with me while I fine-tuned my skills in the law. I'm happy now to return the same patience and professionalism which judges showed to me in my early years of practice.

Q: *Do you find that there is one piece of advice you give more often than others?*

A: Not particularly. The practice of law is so complex – no case is identical, no argument is identical, and thus rarely is advice ever identical. Still, one piece of advice for any lawyer – young or experienced – is to always spend time to really think about arguments you intend to make. Think not only about whether this argument has a good chance to win at trial or at a hearing, but also consider what response your argument may elicit from opposing counsel. There are times when an argument by one party will reveal a whole new argument the opposing counsel hadn't previously considered. Spending time to think of the "unintended consequences" is important before filing anything with the court.

Q: *What was your experience in your early years of practice?*

A: First, when I came out of law school I recognized that I was a bit wet behind the ears and needed to learn from more senior attorneys. We should all realize that 80% of the practice of law is not taught in law school and there is no substitute for experience. In the beginning, young attorneys, myself included, focus so intently on each individual aspect of the case – opening statement, direct of your key witness, cross examination, and of course, the closing. Sometimes, lost in the focus on those individual elements of a case is the big picture – every case is a dynamic, changing matter with numerous ebbs and flows. Even though I had practiced for a few years successfully, one day it clicked, and I began to ask myself, how does this look to the jury? That is the key question in advocacy – what effect does this question, statement, or evidence have on my case, and how can I present it in an effective way to a jury.

Q: *That's good advice. Is the advice similar to when you are arguing before a judge instead of a jury?*

A: Definitely. Knowing your audience is always important. When arguing before the court it is better to use a rifle with a scope instead of a shotgun when presenting your arguments. To be effective arguing before the court you need to identify the key issues and not simply throw out every possible argument. As we discussed earlier, the court is required to be efficient, and judges appreciate effective, cogent arguments and evidence which directly supports your arguments. And remember, sometimes less is more – there are even times when silence is the best argument.

Q: *Besides the practice of law, what do you do?*

A: Well, I like to read and play chess and backgammon. As you can see (pointing to several blown glass sculptures and vases, and to several paintings on the walls) I enjoy collecting art. I especially enjoy blown glass. It is a difficult process, one that is even more difficult to master. I appreciate the art form of blown glass, but I can't say I've ever tried to make any pieces myself.

Q: *Any other hobbies or skills?*

A: I truly enjoy cooking and have been working to become a semi-gourmet home chef for 25-plus years. I enjoy cooking foods of all kinds but especially enjoy cooking Italian dishes.

Q: *Sports – do you prefer to watch college football on Saturday or pro football on Sunday?*

A: First, I am a Miami Dolphins fan and have been for years. In fact, I remember watching Dolphins games in the old Orange Bowl – back then they actually had a dolphin in a tank that was trained to jump when the Dolphins scored.

Even though I am a Miami Dolphins fan, I find myself enjoying college football more

today. The excitement of the college game and the exuberance of the college player is more fun to watch.

Q: *I grew up a Dolphins fan myself. For years I had a Dan Marino poster in my room, but can't say I remember the dolphin in the tank. To avoid getting too sidetracked on sports, let me ask a more legal-related question: Do you have a favorite judge, real or fictional?*

A: Interesting question; let me answer it this way: In my years of practice I had the opportunity to practice in front of 50-plus judges. I've learned something from every judge, no matter how easy or difficult it was to practice in front of them.

Q: *Good answer. I see we are running out of time today. Any parting words of advice, legal or non-legal?*

A: First for me is a piece of non-legal advice. I am a cancer survivor. About sixteen years ago I went in for an annual comprehensive physical with my family practitioner where my cancer was detected early and diagnosed. Often with cancer there are few or no symptoms until after the cancer has metastasized. At that point, in some cases, it's already too late for effective treatment. If I can give one piece of advice, get an annual comprehensive physical because your health is the most important thing.

After you get your physical, then young lawyers should consider finding a mentor. Whether it is someone in your office or a more senior attorney in your area, a mentor is one of the most valuable assets for a young attorney. In this area we are blessed with great lawyers. I don't know of any experienced lawyer who wouldn't give a few minutes of his or her time to assist a young lawyer... but you have to call – no one can help you if you don't first ask for help.

Shawn T. Jewell, Esq., is an attorney with the law firm of Fisher, Rushmer, Werrenrath, Dickson Talley and Dunlap, P.A. He has been a member of the Orange County Bar Association since 2008.



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The OCBA Donates \$75,000 to A Place for Children



On December 13, 2012, the OCBA presented a check for \$75,000 to A Place for Children, a free daycare center located in the Orange County Courthouse for children up to age fourteen years. The donation is part of the OCBA's ongoing commitment to and support of the courts and the community.

The idea of an on-site courthouse daycare center was proposed by former Orange County Chairman Linda Chapin and Judge Cynthia Mackinnon of the Ninth Judicial Circuit. They, along with a task force that included OCBA leaders, modeled the program after similar programs in New York state. Ninth Judicial Circuit Chief Judge Belvin Perry, Jr., who was and continues to be fully supportive of the center, asked the OCBA to investigate ways to help fund what became known as A Place for Children.

The center opened in June 1998, and funding for the initial year and a half of operation was provided by the Citizens' Commission for Children, a department of Orange County Health and Community Services Division. A Place for Children was created as a result of the collaborative efforts of the Citizens' Commission for Children, the Children's Home Society, Healthy Community Initiative, Orange County Bar Association, and the Ninth Judicial Circuit. Volunteers from the Foster Grandparent Program staff the center.

The center also serves as a resource center, linking families in need with valuable community and social services.

"A Place for Children provides a valuable service to Orange County parents, who are often forced to bring their children to the courthouse because they have no safe place to leave them when the parents have to appear in court," says Thomas A. Zehnder, Esq., immediate past president of the OCBA. "A Place for Children offers an on-site, safe environment for the children and protects them from potential disturbing and painful exposure to court proceedings."

Over the years, A Place for Children has faced significant budget cuts, or even closure, but has remained viable, in part, because of funding provided by the legal community. The OCBA's donation will fund the center for an entire year.

Kristyne E. Kennedy, Esq., OCBA president, presented the check to Tara Hormell, executive director of Children's Home Society of Florida, which operates A Place for Children. Shown with Ms. Hormell are members of the Orange County Bar Association Executive Council (front row): Philip K. Calandrino, Esq.; Tara Hormell; Kristyne E. Kennedy, Esq.; Paul J. Scheck, Esq., OCBA president-elect; (back row): Eric C. Reed, Esq.; Wiley S. Boston, Esq.; Brant S. Bittner, OCBA executive director; and Mary Ann Etzler, Esq.

Children's Home Society of Florida is the oldest and largest statewide organization devoted to helping children and families. Children's Home Society of Florida offers services that help break the cycles of abuse in more families, heal the pain for traumatized children, guide teens to successfully transition into adulthood, and create loving families through adoption. Children's Home Society of Florida served nearly 200,000 children and families throughout the state last year, including more than 8,000 children and families in Central Florida.



Ted McCaskill, Esq.

Interview with the Honorable Linh T. Ison

Magistrate Linh T. Ison attended Florida State University and obtained her bachelor of science degree. She later received both her JD and MBA degrees from Stetson University College of Law. She was introduced to the area of family law while working as an associate attorney in a child support law firm after graduating from law school. According to Magistrate Ison, that was her first taste of the domestic relations area. She later left the law firm to serve as a staff attorney for the judges in the Ninth Judicial Circuit for six years, until April 2006, when her current position in the magistrate department became available. When Magistrate Ison learned that the position entailed working in the Domestic Relations Division, she decided that she could not pass up the opportunity, applied for the job, and was soon thereafter happily appointed by Chief Judge Belvin Perry, Jr., to be a general magistrate.



The Hon. Linh T. Ison

Magistrate Ison clued me in on the secret to her vibrant health. It's called Krav Maga – a type of self-defense and hand-to-hand combat system originally developed and used by the Israeli Defensive Forces. I hadn't heard of it until Magistrate Ison told me that she and her husband regularly practice it, and as it turns out, Magistrate Ison isn't just a Krav Maga practitioner. She is also a P90X graduate, and if you don't know what P90X is, just turn on your television late at night, and I'm sure you'll find an infomercial about this "revolutionary home fitness program" designed to get you ripped in 90 days or your money back. Well, as soon as Magistrate Ison told me that she holds a green belt in Krav Maga AND completed the P90X program, I think I actually backed my seat up a bit.

Q: *If you had not decided to become a general magistrate, what other career path would you have chosen?*

A: I think I would have been a fashion designer. I have an undergraduate degree in fashion merchandising. When I graduated from college, a bunch of the retailers in the state of Florida were going from university to university to recruit new trainees. At the time, I believe they recruited about 20-26 new trainees, including me, from different universities throughout the state. And the career

path they had chosen for us was to work in retail stores, which I did for over a year, and then towards the end I realized that the path that they had chosen for me was not the same path that I would have picked for myself. I wanted to be a designer, not necessarily working in the store as a manager. There's a BIG difference.

Q: *What's the hardest part about being a magistrate?*

A: Well especially what I'm doing right now in domestic relations, we deal with a lot of emotional issues, especially when it comes to the children and deciding custody and visitation issues. You have cases where the parties would probably need to go to *Family Ties* for supervised visitation for their child because of a history of domestic violence or because the safety of the minor children is at issue. It's sad in some cases, but it's part of the job.

Q: *What is the most rewarding part?*

A: Knowing that I am able to make a difference, I think that's probably the most rewarding part. To most litigants, the court is their last resort, it's their last hope. And if one party comes to court with a lot of money and says to the other party, "Okay, here's \$800 I owe you for child support," and the other party has not even seen \$800 from this person for the last year, it's nice to see that's actually happening because of what I'm doing in court and that I'm making a difference.

Q: *What do you know now that you wish you would have known before becoming a magistrate?*

A: In general, you can't make everyone happy. There are some cases where you have to make a hard decision and because of that decision, either one or both of the parties will be upset with the outcome, but that's just the nature of what we do. If the parties are able to settle the issues themselves, they wouldn't have to come to court and ask the court to make the decision for them. Also we can't fix all the problems that some of these folks have – for instance, they run up their credit card debts and now come before a divorce proceeding and somehow they think that we're able to undo all the excessive spending they did in the past. I think that sometimes parties come in here and they expect the court to perform miracles, and it's not always that easy.

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

A: I would say be prepared, dress professionally, and be courteous to the opposing counsel. But

also be on time. Tardiness is a major problem. Once you take a case, you have a responsibility to prepare the case accordingly, come to court prepared, and have all the information that you're supposed to have in order to adequately advocate for your client. I don't think that's a lot to expect from attorneys.

Q: Please tell me about a memorable moment in your life, a time that you will never forget.

A: There are many memorable moments in my life. Personally, it would be the day that I got married and the days I delivered my two children and brought them into this world. Professionally, it would be the day I took the oath of office, the day I was sworn in to be a general magistrate – I think that would definitely count as a memorable moment in my life.

Q: If you could have any superpower, what would it be?

A: I think it would be the ability to determine right away if someone is lying. Wouldn't that be a great superpower? I mean you have your gut feelings, and from enough experience listening to parties testifying, you know sometimes that you are being misled. But there are times that you just want to know for sure, and you just want to turn on that switch and say, "Okay, nope." It would be helpful at times.

Q: Who is your favorite lawyer, fictional or real?

A: I think it would be Abraham Lincoln. He was a country lawyer. He issued the Emancipation Proclamation and abolished slavery. Abraham Lincoln did something that no one else was able to accomplish at the time, and that's an important part of our history.

ance even against great odds can prevail. I think that's an important lesson. At least I think it teaches kids not to give up too early.

Q: Do you have any advice to share, especially with today's young lawyers?

A: I think it is essential for young lawyers to pair up with a mentor to give them guidance. Unfortunately, nowadays too many young lawyers graduated from law school and have no real life experience practicing law before hanging their own shingles. The lack of experience is reflected in their demeanor in court. I can tell right away that this particular individual is not prepared or doesn't know how to ask the right questions or introduce evidence. You can see it in the pleadings and in the quality of the work that's been prepared. And I think it's due to the lack of guidance. I strongly believe bad habits are hard to break. If you develop these bad habits early on, chances are you're going to carry these habits throughout your career. That's what concerns me.

Ted H. McCaskill, Esq., has been a member of the Orange County Bar Association since 2011.

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Q: What's the last movie you saw?

A: *Harry Potter and the Deathly Hallows: Part 2*. I like that movie because it shows that persever-

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Editors' Note

In April, *The Briefs* will cover issues related to the environment. **We invite those of you whose practice area touches on environmental issues to submit a substantive article that addresses any of the following topics: global warming, environmental justice, energy consumption or alternative energy sources, air quality, food & agriculture, wetlands, wildlife, international issues, transportation, or any number of others.** Feel free, as well, to submit personal stories of how environmental changes have impacted your life, health, volunteer or philanthropic commitments, or leisure activities. **The deadline for submission of articles is February 15, 2013.**

July's *Briefs* will be devoted to **technology and the law**. Technology is trending! Please contact Peggy Storch at peggys@ocbanet.org if you have questions or suggestions. The deadline for submission of articles is May 15, 2013.

The Briefs Editors

Realizing the Dream

Law Week 2013 Volunteers Needed!

If you have been thinking about getting involved with some bar activities or want to become involved even more, grab this opportunity! The American justice system is charged with upholding and protecting the rights, as well as the freedom and justice of all Americans. In 1961 Congress issued a joint resolution declaring May 1st as Law Day, which is a national day to recognize and celebrate our justice system and the rule of law.

The Orange County Bar Association organizes many great activities in celebration of Law Week. The year 2013 marks the 150th anniversary of the issuance of the Emancipation Proclamation. The Law Day 2013 theme, **Realizing the Dream: Equality for All**, provides an opportunity to explore the movement for civil and human rights in America and the impact it has had in promoting the ideal of equality under the law.

All community residents, school administrators, teachers, students, business and civic leaders, legal professionals, and law students are encouraged to support this national day by participating in Law Day activities.

Please email John Robinson III at john.e.robinsoniii@gmail.com, Bill Davis, Jr., Esq., at william.davis@csklegal.com, or Elizabeth Collins Plummer, Esq., at elizabeth.plummer@csklegal.com if you are interested in volunteering to serve on the OCBA Law Week Committee.



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Questions? Contact Karen at karen@karenpersis.com

Use of ePortal in Civil Divisions Required by April 1

The Orange County Clerk's Office is partnering with the Orange County Bar Association as it moves closer to joining the statewide ePortal for electronic case filing.

As mandated by the state Supreme Court, all Florida Bar attorneys must electronically file new cases and subsequent pleadings via the ePortal in civil court divisions by April 1. That means the Orange County

Clerk's Office will retire the ECF system it has had in place since 2006, as one of the early adapters to electronic case filing in Florida.

"Our ePortal project team has been working to make the transition as seamless as possible while establishing efficient processes and testing the application," said Clerk of Courts Lydia Gardner.

Testing is where members of the bar as-

sociation will play a critical role. Several attorneys who practice civil law will participate in the trials, both to provide valuable feedback and to ensure that the system is working properly. A similar partnership proved to be very fruitful in 2011, when Orange County Bar members worked with the Clerk's Office on the mandate to redact personal identifying information from court documents.

"I couldn't be more thrilled to be working closely with our Orange County Bar partners," Gardner said. "Who better than the very attorneys who will rely on the system to participate in its testing?"

Several Central Florida counties are already on the system, including Brevard, Lake, and Volusia counties. Even attorneys who do not do business in those counties can set up their accounts and start learning to use it.

Other reference points include the Florida Court E-Filing Authority and Florida Bar Association websites. As the Clerk's Office moves closer to going live on the ePortal, it will include instructions, FAQs, and continued updates at www.myorangeclerk.com. Other resources include the Florida Association of Court Clerks and Comptroller, Office of the State Court Administrator, and The Florida Bar. The Orange County Clerk's Office will not offer training sessions.

Although the statewide portal may not yet offer all of the functionality available in the Orange County Clerk's current system, proposed enhancements to the system will occur over time.

Criminal and traffic cases are mandated to move to the system by October 1, 2013.

"We encourage feedback throughout the transition so we can work with our statewide network on continued improvements," Gardner said.

Submitted by **Leesa Bainbridge**, Communications Director, Office of the Clerk of Courts.



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Donna A. Haynes

Walking in Someone's Shoes

The Legal Aid Society's 5th Annual Breakfast of Champions remains an event focused on fundraising. On November 7, 2012, clients told their stories to more than 367 members of the legal and business community who attended the early morning breakfast. Many hearts were touched by the stories they heard.

Elizabeth Guzman spoke at the Breakfast of Champions. I think you will be moved by her comments:

Good morning. My name is Elizabeth Guzman.

I have a life-threatening illness and I am raising three wonderful children. One child, my precious 17-year-old daughter Mariha, has severe disabilities, including being wheelchair-bound. I also have two sons, Israel who is 4, and Noah who is 2. Imagine two toddlers and one wheelchair that require pushing. If you have not noticed, I am kind of small.

I was not able to get the boys or my daughter to doctors' appointments because I did not have a car. It is really tough without a car in Florida, between the hot, humid weather, the rain, and the locations of services, along with the added concerns of taking care of my daughter. I found it impossible to do all those things that the state of Florida felt I should be able to do, unless things changed. According to Lynx, I could not even take the "Lynx access" bus with all my children.

Being a below middle-class-income family brings many issues, such as not owning a car or having money for gas.

Allow me to explain. I wanted my daughter to attend school as directed by the state of Florida. I know it may sound insignificant to others, but I wanted her to communicate. In addition to running and playing, I wanted Israel and Noah to read and learn. I know that education will lead them out of poverty and like every parent, I want more for my children than I have.

Mariha's learning, physical, and mental health disabilities (including a feeding tube) call for 24/7 around-the-clock care. It is exhausting to care for my daughter, but I would not trade it for anything in the world. She is my angel.

Sometimes in life the things that frighten us end up being the catalyst that helps or

changes lives. DCF threatened to remove my children and I thought that was the worst moment ever!

Someone called the Department of Children and Family Services – for starters that was embarrassing. I did not want anyone to think that I was not a good parent. I am a great parent and I was doing the best that I could with the cards dealt to me.

Things hit bottom. I felt hopeless because I, too, face an illness that is overwhelming at times. My illness makes a person look at things in life differently than a healthy individual. I was not going to allow anyone to take away the precious time with my children that I have. I was mad at the system and did not want anyone, regardless of if it was an attorney or not, telling me what to do and how to raise my children.

Regardless, when I crossed paths with the Legal Aid Society, in particular Ericka Garcia, miracles began to happen.

Ericka is the Guardian ad Litem Program developmental disabilities attorney. She specializes in advocacy for children with special needs.

In my case, my daughter needed education so she could point to a frowning face or smiling face on a laminated mat that would tell us how she was feeling so we could give her pain medications.

We also needed an in-home caregiver. This way, I could take care of the boys' needs, take a shower, and cook a meal for my family.

Our life was spiraling out of control and everyone I asked for help turned me down. I was not eligible for a nurse, or help of any sort.

Yet I was being reported to DCF for not getting my child to the doctor. While I understand appointments are important, I thought it was more important for my boys to play safely at home while I cared for my daughter. I was wrong, but erred on caring and love for my children.

Ericka Garcia saved my daughter's life. She demanded care and got Mariah, my 17-pound skeletal daughter, to the hospital where they inserted a feeding tube. My children's Guardian ad Litem helped me find a

double stroller so I could push a stroller and wheelchair at the same time. Ericka provided the legal services needed to get hospital/homebound schooling services.

Now, Mariha is “educated” while I shower or cook for the boys. These are the things that changed our lives.

The help that we received is not something you can put a price tag on.

I am forever grateful for each of you in this room that, with your donations, make this possible.

Ericka, I thank you for listening to me, for coming into my life and changing my life.

When I tell you she “walked in my shoes” – I mean it.

One day, Ericka, with her hair pulled back, wearing her attorney clothes, came to my house – and she walked with me. She walked from my house to the school with the boys, pushing the double stroller while I pushed the wheelchair. I cannot express the admiration I hold for her, to walk in my shoes, to see what I endure. No one in my life has ever done that for me. During that walk, I spoke with Ericka about things I had never shared with anyone.

As the walk came to the end, she understood my struggles and took action.

Here we are a year later. My daughter Mariah is alive, receiving the education and home health services that are available

to her. She is using a computer. My sons have been to the doctor and are healthy.

And, while financially things are the same – we still live below the federal poverty guidelines – we are rich in love and hope and it is all simply because an attorney listened... and walked in my shoes.

Your donations are very much appreciated and needed. Thank you.”

The work done at the Legal Aid Society saves and changes lives. We are humbled and honored to do it, and we need your donations. The 5th Annual Breakfast of Champions raised over \$70,000 in donations; and while this is amazing and appreciated, the Legal Aid Society still needs to replace a shortage of more than one million dollars. If you missed our event, please consider making a donation. You can do so by visiting www.legalaidocba.org. You can select “use where needed most” or 2012 “Breakfast of Champions.” Either way, the dollars donated will go directly to services provided to our neighbors, right here in Orange County.

The 6th Annual Breakfast of Champions is scheduled for Thursday, November 7, 2013. Please mark your calendars now!

For more information about any of the programs at the Legal Aid Society, or to make a donation, visit the website at www.legalaidocba.org or contact Donna Haynes at dhaynes@legalaidocba.org.

Donna Haynes is the LAS manager of development and has been a member of the OCBA since 2008.

Professionalism Committee

continued from page 4

and Courtroom Decorum, Administrative Order No. 2011-22. (http://www.orange-countybar.org/standards_of_practice). Begin your statement with the words – “As the court is aware....” and use this as an opportunity to shine light on a perceived professionalism or civility issue without overstating the obvious or attempting to demean the judge.

3. Carrot versus stick. One of the ways to correct unprofessionalism in the courtroom is for the judge to reward acts of professionalism instead of solely punishing violations. Many judges will make uplifting statements about the attorneys in front of their clients at the end of a hearing or trial or at a bar function. Encouragement by the bench may convince attorneys to be more professional in the future. The reverse is also true. If you are late for a scheduled hearing, apologize to the court and opposing counsel and avoid tardiness in the future. If you respect the court’s time, the court will respect yours.

4. Avoid embarrassing the judge, opposing counsel, or parties. Professionalism and civility problems stem in part from a large and unacquainted bar population. My father, Ralph G. Jordan, graduated from the University of Miami School of

Law in 1953. During his years of practice in Dade County, I recall how the judges and attorneys got to know each other at bar functions and social events. Dade County in 1970 was the same size as Orange County today (approximately 1.2 million people). The difference is there are now almost 100,000 lawyers in Florida compared to 12,000 in 1970.

Too few bar members participate in voluntary bar associations. These are great opportunities to meet with attorneys and judges outside the courtroom. They include luncheons, dinners, presentations, seminars, socials, sporting events, and community service projects. The more you get to know someone, the less likely a professionalism/civility issue will arise. Would a judge (or attorney) embarrass someone in the courtroom if he or she worked together stuffing backpacks with school supplies at the annual Young Lawyers Section event? Seek out and attend a voluntary bar association meeting. Better yet, invite a judge or opposing counsel to the next event. He or she will enjoy the camaraderie and may decide to join in. Caveat: Just because you get to know a judge does not excuse the judge or you from being professional.

5. Everybody has a bad day. Performing marriage ceremonies is a time-honored judicial function. I remind the newlyweds that they are no longer single and when

dealing with their spouse they can be right or they can be happy. Go for happy. Sometimes it is best to avoid making a bad situation worse by letting an apparent offense go without comment. If necessary, talk to the judge outside the courtroom about what you perceived as a departure from professionalism (avoid *ex parte* communications). Most judges welcome feedback.

Judges are public servants. They have a duty to observe high standards of conduct. Judges must be patient, dignified, and courteous to everyone in the courtroom. Professionalism by the bench and bar enhances and maintains confidence in our legal system. Ask yourself what you can do to encourage and support judicial professionalism.

The Honorable John E. Jordan, Ninth Judicial Circuit Court, has been a member of the OCBA since 1984.



Patrick J. Mastronardo, Esq.

The Challenge of Good Faith Mediation in Florida

In Florida, once upon a time, Supreme Court certified mediators knew of no statutes, rules, or common law governing court-ordered mediation to be conducted in good faith: mediation communications were confidential except as provided by Florida law, mediators were required to report the absence of an agreement without comment, and mediators were not permitted to report failure of parties to mediate in good faith.

In Advisory Opinion 2012-005, Florida Supreme Court's Mediator Ethics Advisory Committee (MEAC) specified that a certified mediator may disclose a party failed to negotiate in good faith or willfully failed to appear at a court-ordered mediation *as required by the local rules of the U. S. Bankruptcy Court for the Middle District of Florida*. The MEAC opinion relied on the Florida Rules of Procedure, which provide that "[a] mediator shall comply with all statutes, court rules, local court rules, and administrative orders relevant to the practice of mediation." [Rule 10.520]. Mediators were advised to highlight in their opening statement that the federal bankruptcy court's requirement of good faith is an exception to the parameters of mediation confidentiality found in Florida court rules.

For more than a decade, legislatures and the judiciary nationwide have mandated good faith mediation in the belief that the threat of sanctions promotes more productive participation and reduces the backlog of cases. Legislative and judicial authority to mandate mediation and to impose sanctions has not been in dispute. Nor is there any dispute about the separation of judicial and legislative authority, which provides the U. S. Bankruptcy Court the inherent power to override Florida's Mediation and Confidentiality Act. Like it or not, it appears mandated good faith mediation is here to stay.

The U. S. Bankruptcy Court for the Middle District of Florida is silent as to whether a certified mediator has an *affirmative duty* to probe into the good faith conduct of the parties. The mediator has not been instructed to evaluate in depth a party's level of participation, willingness to make a reasonable offer, and substantive bargaining position. As a practical matter, the constraints of the mediation process, as we now know it, would tend to limit the ability of a mediator to make a proper evaluation – one that is more than a subjective opinion. In any event, a probe to ascertain good faith is not the Bankruptcy Court's primary motivation for mandating mediation nor is it intended to be the function of the mediator. Until the Court provides

definitive guidelines, the mediator must recognize good faith mediation as an ambiguous concept.

Thus, the Bankruptcy Court has imposed a novel responsibility upon the certified Florida mediator, adjudicative in nature, which, upon reflection, not only challenges the mediator's ability to otherwise maintain confidentiality, but also to remain impartial, preserve self-determination, encourage open and effective communication, and foster continued trust in both the mediator and the process. All the while, the mediator must be mindful not to appear to exert a coercive influence upon the parties to settle. Good faith mediation still is a voluntary process and the parties have a constitutional right to a trial.

With respect to the Court's order requiring the mediator report a party who "willfully" failed to appear (who perhaps the mediator never met), apparently the mediator may assume a reported failure to appear will be presumed by the Court to be willful. However, when all parties personally appear with full settlement authority following a satisfactory prior exchange of information, the Court has not stated this conduct conclusively constitutes good faith. Presumably, good faith needs to be independently verified. A particularly engaging ethical issue is the obligation of a certified mediator to ascertain the good faith of a party who appears without actual or purported full settlement authority. To certified Florida mediators, this circumstance has familiar ramifications; however, the Bankruptcy Court with paramount authority has not provided any direction.

To meet this unique challenge, a certified mediator must be circumspect. To cut to the chase, a mediator's report to the Court of a party's failure to negotiate in good faith ought to be based solely on *objectively verifiable and convincing fact*, uninfluenced by emotion, surmise, or personal bias. It goes without saying, should any dispute arise relating to the conduct of mediating in good faith, the mediator may be called upon to testify in a later proceeding.

There are many reasons to define and differentiate the principles of good faith mediation, not the least of which is to preserve the public perception of the core values of traditional mediation as promulgated in Florida. We need a dialogue and your comments are invited...

Patrick J. Mastronardo, Esq., is a Florida Supreme Court certified Circuit Civil, County, Family, Dependency, and Appellate mediator. He has been a member of the OCBA since 2002.

OCBA Luncheon

November 29, 2012

The Ballroom at
Church Street

Sponsored BMO Harris Bank



Rob Davis, Esq.



Fatima Fahmy, Esq.



Lauren C.
McCorvie, Esq.



James A. Beckman, Chair, University of
Central Florida Department of
Legal Studies



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Paul J. Morgan, Esq., Morgan, White-
Davis & Martinez, P.A., Paul Scheck, Esq.



Paul Scheck, Esq., and YLS annual scholarship
recipients Natalia Gutierrez and Shawniqua Missick



Mead Gardens in Blue and Pink

A Separate Challenge

Those of us in the legal profession are more aptly called “professional problem-solvers.” It is an honored profession and many of us have devoted our lives to it. As problems become more complex, and as life itself continues to accelerate, a separate challenge evolves in the discovery of a means of solving others’ problems without taking them on as one’s own. Two remedies are everyday presented, and guarantee the restoration of balance and peace: nature and art. Central Florida has been a burgeoning breeding ground for *plein air* artists, undoubtedly because with the abundance of lakeshores, wildlife, and sunny weather, we enjoy the vast diversity of the interplay of light as it strikes the planet.

Without espousing an expertise of left brain-right brain distinctions, it is my experience that one cannot paint and brood over legal problems at the same time. Creation of art is the perfect shunt. Find the silence and meditation that inevitably swallow the artist engaged in the craft. Go outside and paint.

Kimberly A. Ashby, Esq., Akerman Senterfitt, has been a member of the OCBA since 1990.



Morning Has Broken, LC



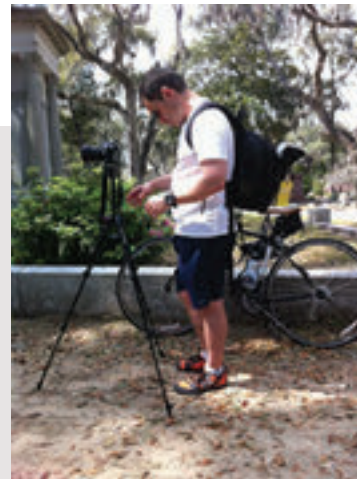
Kim’s paintings have been featured and shown in *Orlando Magazine’s* Paint the Town, Orlando Museum of Art’s First Thursday, and the Casselberry Art House.



Wading Bird

Special Section

Legal Professionals in the Arts



Phil Calandrino is the son of an architect. He developed a deep appreciation for the fine arts in his youth, especially classical music and architecture. Although he majored in finance in college and now practices business law, Phil expresses his creative side through photography.

While on a trip to Philadelphia, Phil stayed in a hotel opposite City Hall. When he drew open the curtains, he was struck with a landmark statue of William Penn perched atop the building standing just above eye level. His hotel room window opened just a few inches, barely wide enough to allow room for his camera lens to peek through.

Phil blended five night shots for this picture, each taken at a different exposure time. The resulting high dynamic range composition highlights the striking amber glow of the clock face against the black night sky, making it the focal point of the picture. The eye then naturally follows the line of the tower up to the statue of Penn, back down the amber lit street, across the horizon, and back around to the blue-hued Masonic temple just to the bottom right of the tower.

Phillip K. Calandrino, Esq., Calandrino Law Firm, P.A., has been a member of the OCBA since 2004.

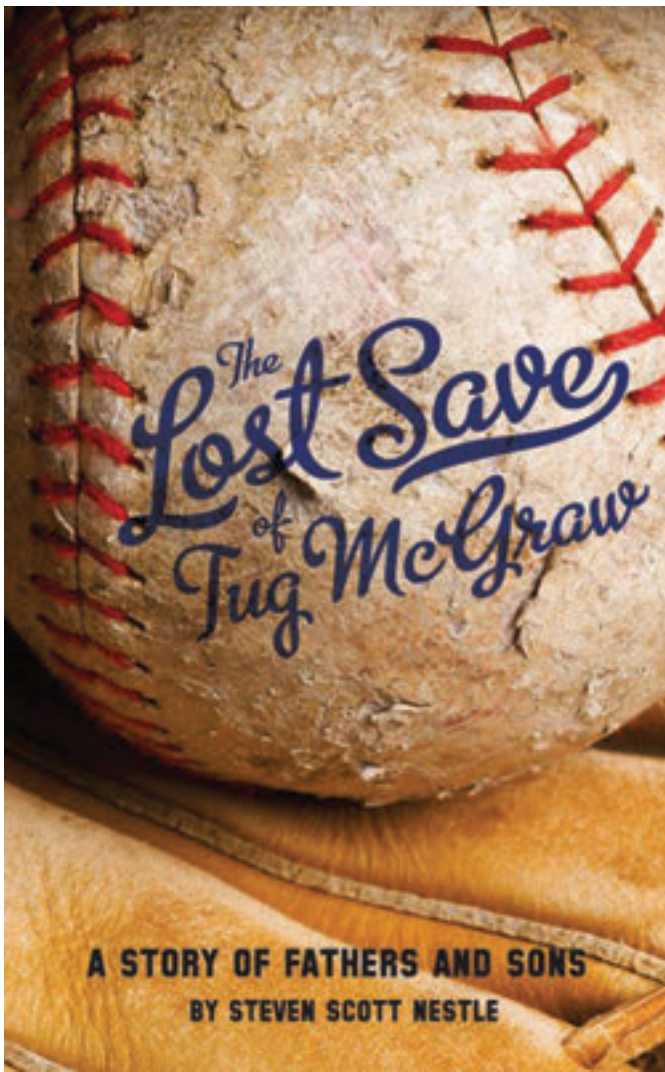


Judge **Deb Blechman** loves to kick up her heels! She enjoys ballroom dancing every weekend because, she

says, "it's social, athletic, fun and a great diversion." If you like ballroom dancing, Judge Blechman recommends these sites for more information: Orlandoballroom.com and Danceorlandoclub.com.

The Honorable Deb. S. Blechman, Ninth Judicial Circuit, has been a member of the OCBA since 1991.





Steven S. Eichenblatt, Esq.

Legal Professionals in the Arts

The fantasy reunion with my dad goes like this: I am at Madison Square Garden watching some incredible hard rock band with a serious guitarist. During the final encore, this guitarist stops the show and asks for silence. Since he is the star, the crowd quickly obeys, and it is suddenly quieter than the school library just after the librarian has yelled at you for whispering and threatened you with the principal's office. Like quiet quiet.

He then announces that his long lost son is in the crowd and he wants him on stage. I'm in a daze as he calls my name and somehow I make my way all the way down from the last row of the upper deck through the smoke and jump on stage with him. I have no idea how he knows who I am or even that I am at the show, but he does. He smiles at me, throws me a guitar, says nothing, and together we play Led Zeppelin's, "Stairway to Heaven."

Weird, since I don't play the guitar. I don't think my father does either, but sometimes life surprises you...

— from *Dead Man Talking*

I am not the next John Grisham. Of course, I wouldn't mind his bank account, but that could lead to higher alimony or private school tuition. I am not handy enough with whips and chains to be Christian Grey, nor am I even Christian! I am willing to be taught as part of my literary journey. As lawyers, it is best to be open-minded about such things. The reality is my crazy childhood was just miserable enough to tattoo impressive volumes of emotional torment. This makes for great stories but would be impossible to believe if I wasn't the star... sort of a personal Brady Bunch from Hell with no Florence Henderson.

One day I will write about some of the amazing experiences I have had practicing law in Orlando. But first I had to write the story of how my father abandoned me during a nasty custody battle, allowing my adoption by my mother's abusive second husband and then my father seemingly disappeared... until he returned to find me and ended up in a horrific car crash instead, to which I was the only witness.

Forty years later, I thought the past was past. But all along my father had planned to have the last word – after his funeral, his beloved cousin sent me a box filled with short stories, letters, and diaries. It turns out he was a writer and, among what he wrote, appearing as if magically, were explanations and answers. There was even a published story of our last night together. I discovered his love from the grave and the truth of why he was on the road the day that ended up with him wrapped around a telephone pole at our local tennis club. "Our" memoir, *Dead Man Talking*, shows how a relationship begins, even after it seems to have ended the day one person dies.

As lawyers, we are trained to write for our clients but not ourselves. A few years ago, while hospitalized and happily drugged, I decided that as a lover of actual books – you know, the ones with sweet smelling bound covers – to write my story to help others who might have gone through family hardship and tragedy. It is amazing what happens when you allow your fingers to go where your brain takes you without worrying about case law or grammatical boundaries. Great writers don't use GPS in first drafts. They just drive.

I now have a gifted editor, Stuart Horwitz (www.bookarchitecture.com), who loves my work. I am approaching a finished manuscript that has some agents interested. All along the way, I have been helped by having talented, trustworthy law partners who are my closest friends and manage to put up with my extreme and sometimes humorous dysfunction. The truth is, I love my practice and am proud to be an attorney in Orlando. For the record, I am a Seminole although I attended the University of Florida law school. Just wanted to put the plug in there and also use a fancy legal term, "for the record" since this is a bar publication.

As a lawyer, I have learned the importance of patience. Eventually the facts will find you. I just never realized it would take forty years to discover the truth of why the bloodied, critically injured stranger crashed yards from where I stood that day. Sometimes, life surprises you.

My head spins. Time has stopped. It is all coming at once now. The aura of uncertainty is growing into realization.

The crowd begins to thin out. I move closer to the police officer, who is looking through the man's wallet in the search for

identification. As they speed the man off in the ambulance, the police officer pulls a card out of the wallet and reads his name aloud: "Allen Samuel Nestle, Doctor of Veterinary Medicine." The officer looks around and raises his voice, "Does anyone here know this man?"

I stay silent.

I am trembling as I ride away on my bicycle and stuff the whole scene inside the dark, cold places of my memory, the places I bury all the bad stuff so I can pretend it isn't real. I am really good at convincing myself some things aren't real when they actually are. Then I forget about them. I don't talk much these days to Sharon or Andy. I won't bother telling them. Sharon has a boyfriend and disappears for days before I notice she is gone. I used to share my feelings with her in the pre-Marvin days, but it has become about survival and I have no plan to discuss the crash with her. I have seen pictures of us together as babies, and my mom says we shared her womb, but it has been years since we have been connected. Andy and I have a blood bond, but he will have no interest in hearing about the accident. Andy was a lot younger when he disappeared one day so he might not even remember him. I am

already working on laying it to rest with all my old nightmares.

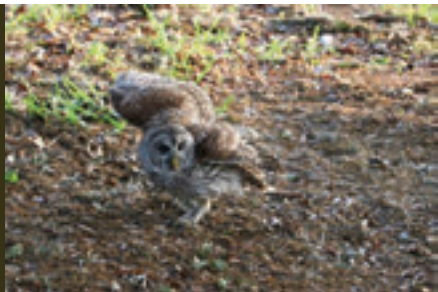
But I know this accident is real.

And I can't seem to escape the pain I'm feeling from the realization of what I have just seen. Did he see me? Did he come to see me? Why was he driving there? I remember sitting in the backseat of the bloodied man's car. It has been a long time since I have been his passenger. Even though I didn't answer the police officer's question, the man in the car – Allen Samuel Nestle – is someone I know. He used to be my father. I peddle faster on my ten-speed towards my house. I do not look back.

This was not exactly the reunion I had hoped for.

Steven S. Eichenblatt, Esq., is a partner with Page, Eichenblatt, Bernbaum & Bennett, P.A. He has been a member of the OCBA since 1971. Steve writes under the name Steven Nestle and his story, *The Lost Save of Tug McGraw*, has been well-received and can be bought on Amazon.

Linda has been an avid photographer for many years and particularly enjoys capturing images of Florida wildlife and marine life. These photos were taken on Lake Maitland.



Linda S. Bittner, Esq., Law Offices of Linda S. Bittner, CNA Insurance, has been a member of the OCBA since 2004.





Paul C. Perkins, Jr., Esq., Hon. Alicia Latimore



Hon. Norberto Katz, Kristyne Kennedy, Esq.,
Wayne Helsby, Esq.



John Foster, Esq., Lori Caldwell-Carr, Esq.



Mike Resnick, Esq., Hon. John Jordan



Kim Hosley, Esq., Kristopher Kest, Esq.



Legal Aid Society 5th Annual Breakfast of Champions

November 7, 2012

The Ballroom at Church Street



Tatum Homer-Dibble, Kristyne Kennedy, Esq.



Ana Tangel-Rodriguez, Esq.



Deodecia Carlson



Elizabeth Guzman, Ericka Garcia, Esq.



Bill Davis, Esq., Hon. Faye Allen

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JoAnn Tucker-Hall, in loving memory of David Hall
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Gala

Save the Date
OCBA 2013 Annual Gala
Saturday, April 20, 2013
Cornell Fine Arts Museum
Rollins College
Winter Park

Middle District

continued from page 7

and found what appeared to be controlled substances. They both drove home the point that if there were illegal substances in their car or bag, they could be liable and serve a mandatory minimum prison term under existing Florida law even if they did not know about the illegal substances. Both Ms. Horowitz and Ms. Pagano concluded that Judge Mary Scriven reached the right decision in 2011 in *Shelton v. Secretary, Department of Corrections* when Judge Scriven found that drug offenses are not strict liability offenses and they must have some element of *mens rea*.

Next, Sam Wardle spoke about Senior Judge Gregory Presnell and Magistrate Judge David Baker's rulings in *United States v. Lyons*, a case which received national headlines in 2010 because of government misconduct and the ultimate finding of actual innocence for the convicted defendant. Brian Stewart talked about Judge Anne C. Conway's analysis of the commercial misappropriation and invasion of privacy claims associated with the movie *The Perfect Storm* in the 2002 case of *Tyne v. Time Warner Entertainment Co.*

In the final presentation, Nicholas E. Williams discussed how the bankruptcy courts could constitutionally hear adversary proceedings associated with bankruptcy cases, because those cases are "core proceedings" according to Judge Michael G. Williamson's 2011 decision *In re Safety Harbor Resort and Spa*.

At the end of the day, Magistrate Judge Catherine McEwen thanked the speakers and organizers and dismissed the proceedings.

The Florida Historical Quarterly has agreed to dedicate an entire edition to the symposium. Organizers are planning to publish the law student case comments and will be working with students at the University of Central Florida and the presenters to capture the event. The edition is currently scheduled for publication in the fall of 2013.

The symposium was the culmination of the Middle District of Florida Historical Committee's five-year plan to preserve history and educate the public. The committee was composed of a number of Middle District of Florida judges and members of the bar. The committee was formed to preserve the history of the Middle District of

Florida courts, develop training programs for outreach, collect oral histories, prepare historical educational materials, and design a website to deliver items of historical significance to the public.

For more information on the fiftieth anniversary event and the Middle District of Florida Historical Society, please see: <http://mdflhistoricalcommittee.com/academic-symposium>.

Richard S. Dellinger, Esq., a partner with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., is the Eleventh Circuit vice president with the Federal Bar Association and former Orlando Chapter president of the Federal Bar Association. He has been a member of the OCBA since 2000.

¹This article is being re-printed after first publication in the *Eleventh Circuit Historical News*, the newsletter of the Historical Society of the U.S. Courts in the Eleventh Circuit.



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Sunny Lim Hillary, Esq.

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

GOAABA

On December 13, 2012, the Greater Orlando Asian American Bar Association (GOAABA) brought its holiday spirit to **Pho Vinh** for the annual **GOAABA Holiday Luncheon**. Members of GOAABA caught up as they enjoyed comforting, Vietnamese dishes such as fresh summer rolls, pho (beef noodle soup), bun (vermicelli rice noodles with fresh vegetables, barbecued beef, chicken, or pork, and a spring roll), and curry. Keep an eye out for fun and exciting GOAABA events that will take place this year! For more information about GOAABA, or to join GOAABA, please contact **Don Nguyen** at don.nguyen.esq@gmail.com.

CFAWL

At the Central Florida Association for Women Lawyer's (CFAWL) December luncheon, **Angela Miller** announced her resignation as president. In an open letter sent to CFAWL members, Angela expressed her appreciation for members' support and said she is proud to have served an association that "continues to be an organization for women lawyers, and one that was founded to provide support for its members in view of the unique challenges female attorneys face." **Jacquelynne Regan**, incoming president, graciously stepped into the role of president, noting that "it has been a great joy to see CFAWL build on its strong and established roots, and to flourish and prosper into the organization that it is today."

CFAWL's annual **Angel Tree Project** was a huge success again this year! For several weeks, brightly colored tagged and bagged gifts – as well as gifts on two wheels – arrived and were stationed at the OCBA offices in preparation for their holiday delivery to students at Rock Lake Elementary School on

December 21. Nearly 100 students received a holiday surprise rivaling anything that could be found in Santa's workshop! Congratulations to Angel Tree Project chair **Kim Homer**, director of the OCBA's Mortgage Foreclosure Program, her committee, and CFAWL and OCBA "elves" (and family members) for making very special memories for so many deserving children. And, a special shout-out to attorney **Kim Lorenz's** parents, **Jeff Scott** and **Debbie Scott**, for donation of the "sleigh!"

The National Association of Women Lawyers will hold its 2013 mid-year meeting, February 14-16, 2013, at Walt Disney World. The interactive and dynamic CLE programs and networking events are geared to assist women working in all legal disciplines at every career stage. For more information, go to: <http://www.nawl.org/mid-year>.

PCPBar

On December 11, 2012, the Paul C. Perkins Bar Association, along with the National Association of Black Accountants, African American Chamber of Commerce of Central Florida, and Association of Latino Professionals in Finance and Accounting hosted its holiday party, **A Toast to the Holidays**, attended by over 200 members, guests, and community leaders. The event supported a local 501(c)(3) charity, **X-tending Hands, Inc.** This organization supports community members living with HIV/AIDS through monetary donations, housing, provision of food, clothing and daily necessities.

Keep your news coming! If you have an upcoming event, plan to send information to me at least eight weeks in advance of the event date. If your association has kudos to extend or information about past events, send a short write-up and photos (with IDs) to my attention. Please contact me at sunny@hillarylaw.com or sunnyhillary.com.

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



GOAABA Holiday Luncheon



Paul C. Perkins Bar Association's A Toast to the Holidays party

Dr. Robert Spooner, President, African American Chamber of Commerce; Kelli Murray, Esq., President, Paul C. Perkins Bar Association; Linda Howard, National Association of Black Accountants; Gabby Ortigoni, President, Association of Latino Professionals in Finance and Accounting, and guest.



CFAWL's annual Angel Tree Project



The Bard's Board Barristers

The Trial of Othello

A MOCK TRIAL

February 26, 2013

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Lawrence H. Kolin, Esq.

Early Neutral Evaluation Gains Popularity

Perhaps because of the still-struggling economy or the realization during the recession that the cost of litigation is not trivial, Early Neutral Evaluation (ENE) is evolving as a vogue form of Alternative Dispute Resolution (ADR). This process, becoming popular especially out on the West Coast, is a corollary of mediation that puts the neutral in the role of enhancing direct communication between the parties about their claims and supporting evidence. ENE can provide an assessment on the merits of the case by a neutral expert in an early reality check for clients and lawyers alike. This helps to identify and clarify the central issues in dispute, assist with discovery (including e-discovery), and can streamline case management.

A court-appointed neutral with expertise in the subject matter typically hosts an informal meeting of clients and counsel, once the parties have requested ENE. Following presentations consisting of a confidential exchange of factual information, the neutral/evaluator identifies areas of agreement, clarifies the issues, and encourages the parties to enter into any stipulation or agreement that is feasible, including settlement. The neutral case evaluator has no power to impose settlement and may not force a party to accept any proposed terms. The parties' formal discovery, disclosure, and motion practice rights are fully preserved. This confidential evaluation is non-binding and is not shared with the trial court. If no settlement is reached, the case remains in litigation, but likely with the litigants better informed as to the risks, amount of work still necessary, and the monetary estimate of continuing toward trial. A recent publication from the American Bar Association on ENE thoroughly outlines¹ the process based on the trendsetting federal local rules of California's Northern District.² ENE aims to position cases for early resolution, serving as a cost-effective substitute for formal discovery and pretrial motions.³

In the rule, the California court describes the process⁴ as compact presentations and supporting arguments (without rules of evidence and without direct or cross-examination of witnesses). The evaluator may cause parties to enter procedural and substantive stipulations, although there are limitations on authority.⁵ The evaluator then prepares a private evaluation that includes a realistic cost estimate, the likelihood of liability with a dollar range of damages, and an assessment of the relative strengths and weaknesses of each side. Additionally, there are special provisions for intellectual property cases.⁶

Before the evaluator presents the evaluation to

the parties, however, an option of mediation exists. Parties can ask either to hear the evaluation (which must be presented if any party requests it), or postpone the evaluation to engage in settlement discussions facilitated by the evaluator, as mediator. If settlement discussions do not ultimately resolve the case, the evaluator may help the parties devise a plan for sharing additional information and/or conducting focused discovery that may result in later meaningful settlement discussions or position the case for resolution by motion or trial.

ENE is a proactive process that provides incentive for litigants by saving them money and time. For the many cases in which shared information at the outset is not sufficient to support productive settlement discussions, ENE enables parties to identify the most important disputed issues in their case, both factual and legal. Additionally, it prompts parties to understand better the support for their respective positions on those issues, to narrow discovery and motion practice, and to explore prospects for settlement before spending significant sums getting to a more traditional pretrial mediation.

ENE can promote efficiency that is likely to reduce court dockets if judges consider including ENE among their offerings in managing civil cases. ENE is, of course, nonbinding and confidential and should be utilized before significant motion activity and discovery have been undertaken. An ENE session is not recorded, and parties decide for themselves what to include in their presentations. Opposing parties are given an opportunity to respond, and the evaluator may recap in order to correct misunderstandings or allow additional material for consideration. The evaluator identifies common ground and encourages parties not to waste resources on tangential matters.

As mentioned, although the evaluator has no power to force the parties to proceed, he or she may agree with the parties to convert the ENE session into mediation. Through mediation, the evaluator can explore whether the parties are able to reach a settlement, or at least can help position them to reach an agreement. The evaluator offers to help overcome the obstacles to settlement that the process has revealed. ENE, much like pre-suit mediation, provides an incentive for lawyers, parties, and claims adjusters to evaluate earlier than they otherwise might. ENE eliminates the expense of conventional discovery and motion practice. It enables clients to participate more directly and allows them an opportunity to understand

continued page 43



Wiley S. Boston, Esq.

Spotlight on a Successful Community Service Project to Engage Staff as well as Attorneys in an Orange County Law Office

Beginning last year on the tenth anniversary of the September 11 attacks, the law firm of Holland & Knight has been engaged in a continuing international mission to honor and remember victims of the 9/11 tragedies by donating days of service of both attorneys and staff to numerous community organizations at the local level. In conjunction with the 11th anniversary of the attacks, the Orlando office of Holland & Knight engaged in the following twelve community service projects:

- Successful toy and nursery rhyme books drive for Winnie Palmer Hospital for Women & Babies, September 10-22, 2012;
- Twelve volunteers prepared and served a Tex-Mex dinner to visitors at the Ronald McDonald House of Central Florida, September 11, 2012;
- Ten volunteers participated in a food packaging project for needy school children at Children's Home Society in Orlando, September 11, 2012;
- Volunteers played and read with children at six facilities operated by United Cerebral Palsy of Central Florida, September 13, 2012;
- Entered more than ten runners for the 14th Annual Miracle Miles - 15K Run, 5K Run/Walk, benefitting the Alexander Center for Neonatology at Winnie Palmer Hospital for Women & Babies, September 22, 2012;
- Twelve volunteers served lunch to the hungry at Christian Service Center,

as well as donating paper products and clothing, September 27, 2012;

- Sixteen volunteers re-landscaped the children's playground, trimmed hedges, and performed other landscaping and clean-up work at the Women's Residential Counseling Center operated by Coalition for the Homeless, October 11, 2012;
- Entered six runners in the New Hope for Kids 5K, to benefit New Hope for Kids, October 13, 2012;
- Entered twenty-six runners in the Harvest Hustle 5K to benefit Second Harvest Food Bank, October 25, 2012;
- Purchased and distributed "Reading is Fundamental" books for Grand Avenue Primary Learning Center, November 16, 2012 and December 18, 2012;
- Twenty-five volunteers packaged food as part of the Million Meals Challenge to provide food for the West African country of Burkina Faso, November 18, 2012; and
- Runners entered the Safe House of Seminole 5K Run/Walk on Water on behalf of the firm, to benefit Safe House of Seminole County.

In the second year of the Days of Service initiative, the project continues to grow in scope and popularity with both attorneys and staff, and 2013 is sure to see continued expansion of participation.

Wiley S. Boston, Esq., Holland & Knight LLP, is a member of the OCBA Executive Council and has been a member of the OCBA since 1996.





YLS *on the move*



Sunny Lim Hillary, Esq.

On November 15, 2012, the YLS co-hosted a **Joint Bar Association Happy Hour** to help score a touchdown against hunger! Members of the YLS and other voluntary bar associations brought their school spirit to **Harry Buffalo** and forged new alliances with fans of their favorite college football team. Admission was a small donation plus canned goods or non-perishable items. Each attendee received two free drinks and appetizers, but in-state and out-of-state schools with the most donations won an extra drink ticket.

The following day, the YLS welcomed the **Honorable Richard Crotty**, former mayor of Orange County, Florida, as the guest speaker at its monthly YLS Luncheon. Mayor Crotty's public service, vision, and leadership were instrumental to the success of many local and statewide Florida projects. YLS members and supporting law students, lawyers, and judges came out to hear words of wisdom about building the foundation for a successful career. Thank you to our amazing sponsors, **Smith Investigations, Merrill Lynch, and Florida Lawyers Mutual Insurance Company.**

The **YLS, US Legal Support**, and the law firm of **Dellecker, Wilson, King, McKenna, Ruffier & Sos, LLP** joined forces to open the doors to "Club YLS" for the annual **YLS Holiday Party!** YLS members came together to let loose for the holi-

days, feast on delicious hors d'oeuvres, and enjoy the open bar. It was a night to remember as young lawyers hit the dance floor with live mixing from **Johnny Magic of XL 106.7.** A big thank you to our sponsors and to the YLS Holiday Party committee for putting on a hugely successfully event!

Elections! Just a reminder – election ballots will be mailed at the beginning of March. There are five seats available on the YLS board, and each elected board member will serve a two-year term, from June 1, 2013, through May 31, 2015. Candidates' bios will be sent via the YLS's regular email blasts and will be available on the OCBA website. The ballot will also include candidates for OCBA officers, members of the Executive Council, and members of the Board of Trustees of the Legal Aid Society. Be sure to let your voice be heard!

The next **YLS Luncheon** will be held on **Friday, February 15, 2013**, from 11:30 a.m. to 1:00 p.m. at the Citrus Club. If you plan to attend, **please RSVP to yls.ocba@gmail.com no later than Tuesday, February 12, 2013.** A late charge of \$4.00 will be added for all late RSVPs. YLS is charged for anyone who RSVPs. If you RSVP and know you cannot make it, please let us know as early as possible. We look forward to seeing you at the YLS Luncheon!

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

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



DJ Johnny Magic and Tony Sos, Esq., YLS President



Bethany Gibson



Jason A. Breslin, Esq.

Avoiding the Unauthorized Practice of Law

Live one day at a time emphasizing ethics rather than rules. – Wayne Dyer

Many attorneys express a concern that puts them, and their paralegal if they work with one, at risk: the unlicensed practice of law. There are many tasks that an attorney may delegate to the paralegal in order to free himself up so that he may complete other responsibilities. Passing certain assignments to the paralegal helps the attorney become more efficient and provides economic relief to the client. To ensure that the paralegal does not cross the line and engage in the unauthorized practice of law, both the attorney and the paralegal must be aware of which assignments should be delegated and which should not.

Restrictions on who can and cannot practice law go as far back as the colonial era. The first statutes that dealt with the unauthorized practice of law in the United States were established in the 1850s and were adopted by several states. Later, during the Depression, the majority of the limitations that we have today were imposed. This was at a time when attorneys needed to protect their economic interests from any and all competition. Even though the unmet need for legal services is well documented, attorneys have, through time, consistently opposed giving up their traditional functions. There are obvious reasons for their stance, including concerns as to the quality of legal services that someone who is not trained and licensed as an attorney may provide. In Florida, the current operative statute proscribing and penalizing the unauthorized practice of law is Florida Statute § 454.23 (2012).

To date, there is no definitive list of tasks that captures the meaning of “practicing law.” The concept is flexible and changes over time because of a variety of factors, such as economics, complexity of laws, political and professional activity, and consumerism, to name a few. The ABA Model Code states as follows: “It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practice of law.” Many court decisions, however, have established a series of tests to determine what defines the practice of law. In *The Florida Bar v. Neiman*, 816 So.2d 587, 594 (Fla. 2002), the Florida Supreme Court provided examples of the practice of law:

acts commonly understood to be the practice of law, such as: holding himself out as an attorney in dealings with others; attempting to argue and advocate the mer-

its of cases, the applicability of the law, evidentiary issues, liability issues, discovery matters, and settlement matters with opposing counsel; and attempting to analyze statutory and case law and to discuss it with clients and opposing counsel.

Also, many statutes and court rules set forth the definition of the “practice of law.” Rules that bar the unauthorized practice of law affect lawyers and non-lawyers similarly. For example, pursuant to Florida Statute § 454.31, attorneys engage in the unauthorized practice of law when they practice while they are suspended or practice after they have been disbarred.

It is the lawyer’s duty to avoid the unauthorized practice of law. When working with a paralegal, an attorney must be aware of the rules and regulations governing the unauthorized practice of law in order to prevent delegating tasks to the paralegal that fall under the practice of law. Any non-lawyer engages in the unauthorized practice of law when he or she performs services for the client that are considered the practice of law. Rule 4-5.3, Rules Regulating The Florida Bar, requires lawyers to be responsible for the training and management of paralegals as well as the proper delegation of tasks to paralegals.

One of the more obvious lawyering functions that is universally considered to be an exclusive attorney role and should not be delegated to a paralegal is representing a client in court proceedings. The basis for barring a non-lawyer from representing clients during court proceedings extends to another facet of litigation – the taking of depositions. The lawyer’s function in representing a client being deposed consists of making objections to questions on evidentiary grounds and preserving those objections for the record. When an attorney is deposing a party or a witness, he is carrying out a task which is comparable to that of direct examination in a trial. Consequently, the attorney must be familiar with all of the intricate rules of evidence. In fact, the First District Court of Appeal has held “that the taking of a deposition constitutes the practice of law under section 454.23, Florida Statutes.” *State v. Foster*, 674 So.2d 747, 749 (Fla. 1st DCA 1996).

The most involved category of conduct that constitutes the practice of law is giving legal advice. Similar to appearing on behalf of a client in court, framing a substantive legal opinion to direct a client’s conduct is another primary attorney role that cannot be passed on to the paralegal. In litigation,

most paralegals have regular communication with clients, which creates the possibility the paralegal may be asked for, or give legal advice. To refrain from giving legal advice and engaging in the unauthorized practice of law, the paralegal must first consult with the supervising attorney before relaying any of the attorney's advice to the client. The paralegal should only communicate the direct and exact advice of the attorney without any expansion, interpretation, or analysis. The paralegal, with the consent of the attorney, can express the attorney's legal advice to the client as long as the paralegal is not framing and giving his or her own legal advice.

The final core category reserved solely for the attorney is creating the attorney-client relationship and determining the fees to be charged for the legal services to be provided. A paralegal shall never make the independent decision on whether or not to represent a potential client. While the paralegal may draft retainer agreements and convey certain information to the client regarding fees, this information should all come directly from the attorney. An attorney must maintain a direct relationship with each client and must use independent, professional judgment.

While attorneys must be mindful of the foregoing, there are many benefits to

working with a paralegal in law practices. Paralegals allow the attorney to be more efficient, which leads to the attorney being more effective. When both the attorney and the paralegal are aware of the current case law, the Rules Regulating The Florida Bar, Florida Statutes, and Florida Bar Ethics Opinions as they relate to the unauthorized practice of law, the chances of the unauthorized practice of law occurring will be minimal.

Bethany Gibson, paralegal, and **Jason A. Breslin, Esq.**, are with de Beaubien, Knight, Simmons, Mantzaris & Neal, LLP. They have been members of the OCBA since 2012 and 2011, respectively.



The OCBA Paralegal Section held a holiday party to benefit the Marine Corps' "Toys for Tots" on November 14, 2012, at Frank & Steins in downtown Orlando. Event sponsors were TrialExhibits, Inc. and Digital Legal.

PhotoOps

Zimmerman Kiser Sutcliffe attorney Rick Webber was personally motivated to participate in Central Florida's Million Meal Challenge in November. "I grew up below the poverty line in Maine," says Rick. "I have personal experience of going to bed hungry as a child because there was no food in the house." Rick, along with a 15-person team from Zimmerman Kiser Sutcliffe, worked alongside nearly 3,000 other area volunteers to prepare meals for drought-stricken West Africa. Volunteers provided 12,000 needy residents of Burkina Faso with one meal a day for one year. During the day-long event at Rosen Shingle Creek, the ZKS team collected, counted, and boxed meal bags of rice, soy meal, and dried vegetables, supplemented by vitamins for the recipients, many of whom are orphans or elderly. The meals packaged that day served as the bulk of the goal of one million meals that will feed the West Africans. The firm also contributed a \$500 donation to the cause.





Mark Powers



Shawn McNalis

The Art of Meeting New Referral Sources

I can't continue to ask the same five or six people out to lunch every week," said an attorney we work with, recently, "but I don't know who else to ask." He was voicing a concern commonly held by many attorneys who have just started to consciously market themselves. In coaching this client and others like him to develop new clients we ask them to book two or three marketing lunches a week with existing referral sources.

While it seems like a simple request, when they examine their list of possible lunch partners many are astonished at their lack of contacts.

When this is the case, one of two possibilities exists. One, the attorney has more referral sources than he or she realizes and has simply failed to keep track of his or her contact information. Or, two, the attorney hasn't done a good job of meeting people and truly has only a handful of referral sources.

For the first situation, the solution involves a bit of detective work. Usually taking a better look at past files, surveying all current open and active files and reviewing intake sheets and database records will reveal past referral sources the attorney has forgotten. If that doesn't work, we ask the attorney to print out a list of his or her cases (going back a year or two) ranked by fees, from the highest to the lowest. Then we have him or her go through the list and try to remember who sent what. Sometimes staff members or partners can fill in some of the gaps. It's not a perfect method, but it will usually generate a few more names.

The point is to discover referral sources and clients with recurring work that have sent business in the past but have been quiet recently. Once attorneys uncover these people, they gladly add their names to the list and – following our advice that with increased relationship comes increased referrals – they go about re-igniting their relationships with these individuals.

For the attorney who truly doesn't have many referral sources, a couple of conditions may be at fault. The attorney may be younger and have only worked on files given him by supervising attorneys at the partner level. In this case, the attorney would have been shielded from the need to cultivate his or her own business and would therefore have no real referral relationships. Or, the attorney may be established but may have relied on a few referral sources who kept his or her firm amply supplied with business. After a change in

the marketplace, however, those faithful few may no longer be able to send much work and the attorney is left to find new sources.

You may find yourself in one of these situations or one somewhat similar. If your list of contacts is too small to sustain and grow your practice (we believe it takes twenty good referral sources to do the job) and you don't want to be taking the same five or six people to lunch week after week, you have to capitalize on every opportunity to meet new people. And not just any kind of people – you specifically want to meet people who are positioned in such a way that they have real potential to become new sources of business.

To qualify, they must see or be involved with the kinds of people who need your services on a regular basis. This is why other attorneys often qualify as superior referral sources – they consistently see clients who need more than they have to offer.

Once you make the commitment to cultivate specific groups of people and add names to your list in an effort to reach twenty, your perspective will shift.

If, for example, you recognize that other attorneys are a good potential source of business for you, all of a sudden your monthly bar meeting may look less like a boring luncheon and more like a good place to meet people. And if you are invited to sit on a committee within the bar, or on a board for an association involving attorneys – it may have added appeal because of the pressing need to meet more people to add to your list. Make it a point to initiate conversation with everyone in the group, and invite select members to lunch or to see your office.

If you are an estate planning attorney, your typical "A" clients may be high net worth individuals. Who do these individuals listen to? Research shows these individuals confide in and trust their financial advisors – CPAs, stockbrokers, and financial planners. These are the people who are in a position to send you business. Make it part of your work with your clients to get to know every advisor your clients consider part of their team. With a little cultivation these people can become part of your team as well.

If you are a plaintiff's personal injury attorney, your "A" clients will come not only from other attorneys, but from those in the medical profession because of their level of exposure to the severely injured. You will also receive referrals from past clients. While cultivating doctors is challenging,

cultivating referrals from clients is not: If you find small ways to exceed your clients' expectations in terms of service, responsiveness, and communication, they'll tell others about your firm. Huge referrals can come from clients if you impress them with the standard of care you provide. One of the best ways to do this is to have your team make proactive phone calls to clients, letting them know the status of their cases on a regular basis. In a field of law where the average case can exceed a year to resolve, keeping clients informed means making an extra effort, but pays off in terms of gratitude.

A technique that works for almost every practice area is this: When seeking new referral relationships ask your existing referral sources for introductions to others they think would be good potential referral sources for you. You may be surprised by how willing your current referral sources are to help you network with people they know.

If no introductions are possible, or if asking for them would be awkward in your particular situation, join trade organizations that are likely to be made up of your targeted referral sources. Write articles for their journals. Attend their conferences and speak at their meetings. By making your expertise known among your target influencers, you will position yourself to start receiving more of the referrals you seek.

Community service clubs and charitable organizations can be another source of new relationships, but join only those organizations you can be authentically interested in. People will be more interested in you if you are genuinely interested in the cause.

Although we say to keep an eye open for those charities your referral sources favor, don't join if they belong to organizations you can't legitimately support. Raising funds for charitable organizations is a great way to not only fund worthy causes, but to meet new people. Likewise with board memberships: Initiate lunch with everyone on the board who looks like a good prospect as a referral source.

In all your marketing activities, build trust and rapport by utilizing the best conversational strategies for the situation. When in a setting that allows you to build rapport one-on-one, such as a lunch or dinner, ask questions that show interest in the new person's life and their business. Aim to do 30% of the talking and 70% of the listening. Make it your business to learn about the kind of clients your potential referral source is interested in before trumpeting your own interests. Focus first on how you might be able to help them.

When it's appropriate, which may or may not be in the first meeting, tell stories that illustrate what you do, how you work, and the type of clients you've helped in the past. Signal your interest in working with the potential referral source, when the time is right, by saying things like, "I'd be interested in discussing how we can create a business relationship," or "I'd be interested in sending you clients and would like to be of service to yours as well." Be straightforward about what you do and the benefits of working with you if you feel the potential referral source is receptive.

The opportunities to meet new people – the kinds of people who are well-positioned to send good clients – are all around you. Marketing your services one-on-one

through word-of-mouth referrals is still the best way to gain new clients. Referred clients tend to be more loyal and less expensive than those who come from any other source. Referrals, which are built on relationships with referral sources, result in clients who have already decided they want to work with you when they walk through your door. Take the steps we've just described to have more clients walk through yours.

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.

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*Wicker, Smith, O'Hara, McCoy
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390 N. Orange Ave., Ste. 1000
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301 E. Pine St., Ste. 1400
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407-843-8880

Cherish A. O'DONNELL

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Lake Mary, FL 32746
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State Attorney's Office
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Orlando, FL 32801
407-836-2400

Paul A. QUIMBY

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Orlando, FL 32801
407-649-3922

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Associate

Penelope D. BARRETT

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Jennifer M. KEIL

555 Wekiva Cove Rd.
Longwood, FL 32779

Affiliate

Lisa M. MARCUM

McDonald Toole Wiggins, P.A.
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Orlando, FL 32801
407-246-1800

Kim A. NOLEN

Bridges Mediation Services, LLC
2001 New Stonecastle Terr.
Apt. 213
Winter Park, FL 32792
321-972-4012

Debra O. ROBY

Bridges Mediation Services, LLC
2001 New Stonecastle Terr.
Apt. 213
Winter Park, FL 32792
321-972-4012

Law Student

Roni A. ELIAS

GMPS
2450 Maitland Center Pkwy.
Ste. 202
Maitland, FL 32751
407-383-4705

Denise F. PROVENCANO

2157 Churchill Downs Cir.
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H. Scott Fingerhut, Esq., Assistant Director, Trial Advocacy Program, Florida International University College of Law; Keith Carsten, Esq., Criminal Law Committee chair; Dean R. Alex Acosta, Florida International University College of Law; Hon. Belvin Perry, Jr., Chief Judge Ninth Judicial Circuit; Hon. Patricia J. Kelly, Second District Court of Appeal; Roger Handberg, Esq., Assistant U.S. Attorney.

December 6, 2012 – The ABA's White Collar Crime Committee and the OCBA's Criminal Law Committee Seminar: *The Florida Innocence Commission: A Discussion of Current Law and the Commission's Recommendations to Reduce Wrongful Convictions*



Tad Yates, Esq.

ADRCommittee

continued from page 35

their exposure and settlement options at the outset of a case. ENE can occur before expectations are too high and parties become entrenched in positions because of time and money already spent litigating. Finally, ENE can improve satisfaction with the civil justice system, making self-determination evident as an early option to end litigation.

Early Neutral Evaluation can:

- Enhance direct communication between the parties about their claims and supporting evidence;
- Provide an assessment of the merits of the case by an experienced legal neutral, amounting to a reality check for clients and lawyers;
- Identify core issues in dispute while assisting with discovery planning (including electronically stored information); and
- Facilitate settlement discussions when requested by the parties before the evaluation.

Lawrence H. Kolin, Esq., Lawrence H. Kolin, P.A., is a Federal and Supreme Court of Florida Certified County, Circuit-Civil and Appellate Mediator in Winter Park and is the founding chair of the OCBA's ADR Committee. He has been a member of the OCBA since 1994.

¹Brazil, Wayne D., *Early Neutral Evaluation*, ABA Press, Chicago (2012) - <http://bit.ly/y49Y1u>

²ADR Local Rule 5, Early Neutral Evaluation, U.S. District Court, Northern District of California (2012) - <http://www.cand.uscourts.gov/ene>

³See *Id.* at ADR L.R. 5-1, 5-8

⁴See *Id.* at ADR L.R. 5-1, 5-11

⁵See *Id.* at ADR L.R. 5-13

⁶See *Id.* at ADR L.R. 5-9

VOTE

— Richard Dellinger for Executive Council —

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Transitions

Frank Bartolomeo, Esq., The Baldwin Park Law Firm, passed away on Sunday, January 6, 2013, after a battle with cancer. The OCBA extends its deepest sympathy to Mr. Bartolomeo's family, friends, and colleagues.

William Reece Smith Jr., Esq., Carlton Fields' Chair Emeritus and Shareholder, passed away on Friday, January 11, 2013. He was 87 years old. The OCBA extends its sincere condolences to Mr. Smith's family, friends, and colleagues.

Speaking Engagements

Michael Brady Lynch, Esq., The Michael Brady Lynch Firm, LLC, recently presented *Finding Cases: Intake Process & Injury Criteria* at HarrisMartin's Dialysis Injury Litigation Conference: GranuFlo and Naturalyte, held at The Fontainebleau Miami Beach on November 2, 2012.

Robert Dietz, Esq., and **James Edwards, Esq.**, Zimmerman Kiser Sutcliffe, along with other area firms, represented the OCBA and the Ninth Circuit Professionalism Committee at recent Barry University School of Law presentations. Speaking on the topic *Interplay of Professionalism, Civility, Social Media and Technology*, the attorneys and other panelists, including **Judge Emerson Thompson**, engaged students in discussion at the November 5 session of the year-long professionalism series.

Sunny L. Hillary, Esq., presented several seminars on short sales in December and January: *Top 10 Tips for a Successful Short Sale* to Keller Williams Classic Realty in Dr. Phillips, Florida; *Navigating the Maze of Short Sales and Foreclosures* at the 2011 Tax Practitioners' Seminar at Valencia Community College; *Top 10 Tips for a Successful Short Sale* to Keller Williams Classic Realty II in Clermont, Florida; and *Navigating the Maze of Short Sales and Foreclosures* at the 2013 Financial Planning Association of Central Florida Symposium at the Sheraton Hotel in Maitland, Florida.

Danielle M. Murray, Esq., The Health Law Firm, co-presented a seminar to Florida Hospital's family medicine residents and medical students in at Florida Hospital East Orlando in December. The topic focused on contracting for physicians and health professionals, primarily by discussing employment agreements.

Dennis Wall, Esq., of Winter Springs and Orlando, presented *Innovative Procedural and Substantive Strategies... Litigating With Expert Witnesses, and Beyond* in November at the American Conference Institute's 23rd National Advanced Forum on Bad Faith Litigation in Orlando. In December, Wall also co-presented the webinar *Sandy: The Catastrophic Coverage Issues* for West Legal Education Center and presented *Forensic Examination of Insurance Policies Part 2: Conditions and Exclusions* for the OCBA.

Upcoming Events

Feb. 16 – Cars & Coffee. Social Committee. 9:00 a.m.-11:00 a.m. University Club, 150 E. Central Blvd., Orlando, FL 32801. Free entry for all years and models of autos. All proceeds benefit the OCBA Foundation. Contact: Steve Klein at 407-839-2158 or sklein@rum-berger.com.

Feb. 28 – Evening with the Judiciary. YLS. 5:30 p.m.- 8:30 p.m. Winter Park Civic Center, 1050 W. Morse Blvd., Winter Park, FL 32789. Reservation deadline: February 22, 2013. Registration with credit card payment at: <http://ocbaewj.brownpapertickets.com>.

Mar. 20 – 9th Annual Texas Hold 'em Poker Tournament. Social Committee. 5:30 p.m.-9:00 p.m. One-Eyed Jack's, Wall Street Plaza, 15 N. Orange Ave., Orlando, FL 32801. All proceeds benefit the OCBA Foundation. Register with credit card payment at: <http://ocbapoker.brownpapertickets.com>.

April 20 – Gala – Save the Date

Seminars

Feb. 12 – Immigration Relief for Victims of Domestic Violence and Other Crimes. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Recreation Complex, 99 E. Marks St., Orlando, FL 32803. CLE: pending. Speaker: Camila Pachon Silva, Esq. To register, contact: Marilyn Carbo at mcarbo@legalaidocba.org or 407-841-8310, ext. 3121.

Feb. 12 – Inside the Courts, Ninth Judicial Circuit. 6:30 p.m.-8:30 p.m. Orange County Courthouse, Jury Assembly Room. For legal professionals and the public. Call: 407-836-0517 or register online at www.ninthcircuit.org.

Feb. 14 – Motions to Compel, Sanctions and Contempt. Brown Bag Lunch with Judge John Kest. 12:00 p.m.-1:15 p.m. Orange County Courthouse, 23rd Flr. Judicial Conference Room. CLE: 1.5. Please feel free to bring your lunch, and tell security you will be attending the Brown Bag Lunch. To register, contact: Diane Iacone at 407-836-0443 or ctjadi1@ocnjcc.org.

Feb. 15 – Getting to Know Judge Bob LeBlanc. Family Law Committee. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: pending. To register, contact: Camy B. Schwam-Wilcox at camy@cbswlaw.com.

Feb. 19 – Inside the Courts, Ninth Judicial Circuit. 6:30 p.m.-8:30 p.m. Orange County Courthouse, Jury Assembly Room. For legal professionals and the public. Call: 407-836-0517 or register online at www.ninthcircuit.org.

Feb. 26 – GAL 101: Understanding the GAL's Role at Each Stage of a Juvenile Dependency Case - Beginner Level. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Recreation Complex, 99 E. Marks St., Orlando, FL 32803. CLE: pending. Speaker: Stephanie Stewart, Esq. To register, contact: Marilyn Carbo at mcarbo@legalaidocba.org or 407-841-8310, ext. 3121.

Feb. 26 – Inside the Courts, Ninth Judicial Circuit. 6:30 p.m.-8:30 p.m. Orange County Courthouse, Jury Assembly Room. For legal professionals and the public. Call: 407-836-0417 or register online at www.ninthcircuit.org.

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

Mar. 5 – *Inside the Courts, Ninth Judicial Circuit*. 6:30 p.m.-8:30 p.m. Orange County Courthouse, Jury Assembly Room. For legal professionals and the public. Call: 407-836-0517 or register online at www.ninthcircuit.org.

March 12 – *Community Based Care of Central Florida: Collaborations to Improve Dependency Outcomes*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Recreation Complex, 99 E. Marks St., Orlando, FL 32803. CLE: pending. Speaker: Doris Mackey, GAL Case Coordinator. To register, contact: Marilyn Carbo at mcabo@legalaidocba.org or 407-841-8310, ext. 3121.

Mar. 14 – *Appeals and Postconviction Relief for Trial and Appellate Practitioners*. Appellate Practice Committee. 11:45 a.m.-5:00 p.m. OCBA Center. CLE: 5.0 pending. \$40 for OCBA members in advance (\$50 at the door); \$60 for non-members (\$70 at the door). To register, contact: Marie West at mariew@ocbanet.org.

Mar. 15 – *Getting to Know Judge Marc Lubet*. Family Law Committee. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: pending. To register, contact: Camy Schwam-Wilcox at camy@cbslaw.com.

Mar. 19 – *Complex Trust Planning*. Solo & Small Firm Committee. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: pending. To RSVP, contact: ocbasolos@gmail.com.

Mar. 26 – *Crossover Youth: Implications for Youth with Both Dependency and Delinquency Involvement*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Recreation Complex, 99 E. Marks St., Orlando, FL 32803. CLE: pending. Speaker: Kate York, Esq. To register, contact: Marilyn Carbo at mcabo@legalaidocba.org or 407-841-8310, ext. 3121.

Mar. 28 – *Attorneys' Fees Seminar*. 1:30 p.m.-5:00 p.m. OCBA Center. Details TBA.

InnSider

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ties it is no wonder that Ms. Salzmann's dedication to the Inn prompted her selection as the recipient for this distinguished service award. Her dedication to her profession is evident in her professional ac-

complishments as well as her singular role within the Inn of Court. Ms. Carolyn Salzmann is undoubtedly a worthy recipient of this distinguished James G. Glazebrook service award, and the George C. Young First Central Florida American Inn of Court is proud to highlight her achievement.

The Honorable Faye Allen, Ninth Judicial Circuit, is a board member and serves on the Reporting Committee of The George C. Young First Central Florida American Inn of Court. Judge Allen has been a member of the OCBA since 2003.

PhotoOp



For the second year, the Central Florida Chapter of the Association of Corporate Counsel (ACC) partnered with Holland & Knight to bring the Corporate Legal Diversity Pipeline Program, a national partnership between Street Law Inc. and the ACC, to Olympia High School. The program partners lawyers and other legal professionals with nearby diverse high school students in order to teach the basics of civil law and encourage them to consider careers in the legal profession.

Over the past few months, members of both organizations, under the leadership of Holland & Knight's Leslie Candes and ACC member Tom Jones, teamed up to present workshops to an AVID Class at Olympia High School. During the workshops, teams covered the basics of contract law and workplace sexual harassment, while giving students a taste of what a legal career is all about. The experience culminated in a full-day Street Law conference in the firm's Orlando office.

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OCBA Display & Classified Ads

Contact :

Sheyla A. Asencios

407-422-4551 ext. 244

sheylaa@ocbanet.org

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OCBA Calendar

FEBRUARY - MARCH

February

- 5 Social Committee**
11:45 a.m. • Rusty Spoon
- Professionalism Committee**
12:00 p.m. • OCBA Center
- 6 Business Law Committee**
12:00 p.m. • OCBA Center
- 8 Criminal Law Committee**
12:00 p.m. • OCBA Center
- 11 Estate, Guardianship & Trust Committee**
12:00 p.m. • OCBA Center
- 12 LAS Lunchtime Training**
Immigration Relief for Victims of Domestic Violence and Other Crimes
12:00 p.m. • Mark Street Senior Recreation Complex
- Inside the Courts**
6:30 p.m. • Orange County Courthouse Jury Assembly Rm.
- 13 Lawyers Literary Society**
12:00 p.m. • OCBA Center
- Executive Council Meeting**
4:30 p.m. • OCBA Center
- 14 Brown Bag Lunch with Judge J. Kest**
Motions to Compel, Sanctions and Contempt
12:00 p.m. • Orange County Courthouse 23rd Flr. Judicial Conf. Rm.
- Social Security Committee**
12:00 p.m. • OCBA Center
- 15 YLS Luncheon**
11:40 a.m. • Citrus Club
- Family Law Committee Seminar**
Getting to Know Judge Bob LeBlanc
12:00 p.m. • OCBA Center
- 16 Cars & Coffee Social Event**
9:00 a.m. • University Club
- 18 LAS Lunchtime Training**
Topic TBA
12:00 p.m. • Marks Street Rec. Ctr.
- 19 Solo & Small Firm Committee**
12:00 p.m. • OCBA Center
- Inside the Courts**
6:30 p.m. • Orange County Courthouse Jury Assembly Rm.
- 20 Elder Law Committee**
12:00 p.m. • OCBA Center

- 22 Bankruptcy Law Committee**
12:00 p.m. • OCBA Center
- 26 Tax Law Committee**
12:00 p.m. • OCBA Center
- LAS Lunchtime Training**
GAL 101: Understanding the GAL's Role at Each Stage of a Juvenile Dependency Case - Beginner Level
12:00 p.m. • Marks Street Senior Recreation Complex
- Inside the Courts**
6:30 p.m. • Orange County Courthouse Jury Assembly Rm.
- 27 Appellate Practice Committee**
12:00 p.m. • OCBA Center
- 28 OCBA Luncheon**
The Honorable Mary S. Scriven
U.S. District Court, Tampa
11:30 a.m. • Ballroom at Church Street
- Evening with the Judiciary**
5:30 p.m. • Winter Park Community Center

March

- 5 Professionalism Committee**
12:00 p.m. • OCBA Center
- Inside the Courts**
6:30 p.m. • Orange County Courthouse Jury Assembly Rm.
- 6 Business Law Committee**
12:00 p.m. • OCBA Center
- Executive Council**
4:30 p.m. • OCBA Center
- 8 Criminal Law Committee**
12:00 p.m. • OCBA Center
- 11 Estate, Guardianship & Trust Committee**
12:00 p.m. • OCBA Center
- 12 Intellectual Property Committee Seminar**
Recent Developments: Copyright Preemption and Contract Claims
12:00 p.m. • OCBA Center
- LAS Lunchtime Training**
Community Based Care of Central Florida: Collaborations to Improve Dependency Outcomes
12:00 p.m. • Marks Street Recreation Complex
- Please check the OCBA website calendar for updates on events and seminars.
- 13 Judicial Relations Committee**
12:00 p.m. • Orange County Courthouse, 21st Flr. Conf. Rm.
- Lawyers Literary Society**
12:00 p.m. • OCBA Center
- 14 Appellate Practice Committee Seminar**
Appeals and Postconviction Relief for Trial and Appellate Practitioners
11:45 a.m. • OCBA Center
- Social Security Committee**
12:00 p.m. • OCBA Center
- 15 YLS Luncheon**
11:40 a.m. • Citrus Club
- Family Law Committee Seminar**
Getting to Know Judge Marc Lubet
12:00 p.m. • OCBA Center
- 19 Solo & Small Firm Committee Seminar**
Complex Trust Planning
12:00 p.m. • OCBA Center
- 20 Elder Law Committee**
12:00 p.m. • OCBA Center
- Texas Hold 'em Poker Tournament**
5:30 p.m. • One-Eyed Jack's
- 21 OCBA Luncheon**
James A. Edwards, Esq.
William Trickel, Jr. Professionalism Award Recipient
11:30 a.m. • Ballroom at Church Street
- Technology Committee**
12:00 p.m. • OCBA Center
- 26 Tax Law Committee**
12:00 p.m. • OCBA Center
- LAS Lunchtime Training**
Crossover Youth: Implications for Youth with Both Dependency and Delinquency Involvement
12:00 p.m. • Marks Street Senior Recreation Complex
- 27 Appellate Practice Committee**
12:00 p.m. • OCBA Center
- Judicial Relations Committee**
12:15 p.m. • Orange County Courthouse 23rd Flr. Conference Rm.
- 28 Attorneys' Fees Seminar**
1:30 p.m. • OCBA Center
- 29 Bankruptcy Law Committee**
12:00 p.m. • OCBA Center

OCBA Luncheon

Sponsored by Curtis Protective Services, Inc.
Co-hosted by the Paul C. Perkins Bar Association

Hon. Mary S. Scriven

U.S. District Court, Tampa

February 28, 2013 • 11:30 a.m. - 1:00 p.m.

The Ballroom at Church Street

RSVP by February 22, 2013

reservations@ocbanet.org