

# *the* Briefs

A Publication of the Orange County Bar Association



**July 2012**  
**Vol. 80 No. 7**

## **Inside this Issue:**

### **President's Message**

#### *It Takes a Village*

Kristyne E. Kennedy, Esq.

### **Intellectual Property Committee**

#### *Fixed Rights, Practical Applications: Why to Register Your Client's Copyright*

Joshua R. Brown, Esq.

Kimra D. Major-Morris, Esq.

### **OCBA 5th Annual Officer Installation and Awards Banquet**

*The Orange County Bar Association's  
2012 Leadership Law Program Receives  
National Award*

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

*presents*

### TUESDAYS

12:00 p.m.-1:30 p.m. **Comerica Bank**

111 North Magnolia Avenue, Suite 1000

10th Floor, Corner of Magnolia and Washington

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### July 10

Basic Dissolution of Marriage for Pro Bono Attorneys: (Part 2)

Angel Bello-Billini, Esq.

CLE applied for

### July 24

Developmental Disabilities and Specialized Treatment Options in  
Dependency Cases

Ericka Garcia, Esq.

CLE applied for

### August 14

Garnishments/Debtor Defenses

Michael Resnick, Esq.

CLE applied for

### August 21

Guardianship of a Person

David Yergey, Esq.

Catherine A. Tucker, Esq.

CLE applied for

### August 28

Termination of Parental Rights Cases: Litigation Skills

Kirsten Teany, Esq.

Judge Donald E. Grincewicz

Kavita Sookrajh, Esq.

CLE applied for

### September 11

Crafting a Parenting Plan When There's Domestic Violence

Tenesia Hall, Esq.

CLE applied for

### September 25

Dependency Adoptions

Stephanie Stewart, Esq.

CLE applied for

### October 9

Sealing and Expungement

David B. Slaughter, Esq.

CLE applied for

### October 23

GAL 101

Kate York, Esq., Attorney at Law

Bethanie Barber, Esq.

CLE applied for

### November 13

Landlord - Tenant Law Update

Michael Resnick, Esq.

CLE applied for

### December 4

Immigration Topic - TBA

### January 22, 2013

TBA

For OCBA members, the training is free. For non-OCBA members

participating in the LAS *pro bono* program, the training is free.

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

more information, please email: [ctucker@legalaidocba.org](mailto:ctucker@legalaidocba.org) or

[mcarbo@legalaidocba.org](mailto:mcarbo@legalaidocba.org) or [merazmus@legalaidocba.org](mailto:merazmus@legalaidocba.org).

PARKING WILL BE VALIDATED THE DAY OF TRAINING. WE WILL NOT REIMBURSE PARKING VOUCHERS.

# Contents

3

## President's Message

*It Takes a Village*

Kristyne E. Kennedy, Esq.

4

## Professionalism Committee

*Proposed Program to Address Professionalism Complaints at the Circuit Level*

Michael M. Kest, Esq.

5

## July Luncheon

*Orange/Osceola State Attorney Candidates Debate*

7

## 2012-2013 Legal Aid Society Officers & Board of Trustees

## 2012-2013 OCBA Foundation Officers & Board Members

8

## Foundation News

*The Foundation is Social! Be Our Fan! It's that Simple!*

Amy M. Guy, CP, FRP

10

## In Memoriam

Joseph W. DuRocher – 1938-2012

11

## Judicial News

*Judicial Investitures: Rodriguez, Bigney and Tynan*

12

## Intellectual Property Committee

*Fixed Rights, Practical Applications: Why to Register Your Client's Copyright*

Joshua R. Brown, Esq.

Kimra D. Major-Morris, Esq.

16

## Legal Aid Society News

*Annual Legal Aid Pro Bono Awards Presented*

Catherine A. Tucker, Esq.

17-19

## OCBA 5th Annual Officer Installation and Awards Banquet Photos

20

*The Orange County Bar Association's 2012 Leadership Law Program Receives National Award*

26

## YLS on the Move

Sunny Lim Hillary, Esq.

28

## Paralegal Post

*The Paralegal Section Prepares for Another Successful Year*

Phillip L. Gordin, FRP

Amy M. Guy, CP, FRP

31

## SideBar

Sunny Lim Hillary, Esq.

32

## Rainmaking

*Public Relations Campaign, Part 2 – The Press Release*

Mark Powers & Shawn McNalis

36

## New Members

37

## Announcements

39

## Classifieds

40

## Calendar

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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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Cover: *The Avenue in the Rain (1917)*, Frederick Childe Hassam

# President's Message

## July 2012



Kristyne E. Kennedy, Esq.

### *It Takes a Village*

Several years ago, Hillary Clinton reputedly was inspired by a parable, one that has echoes in age-old stories told in many African countries and cultures, and brought the phrase “it takes a village” to the forefront of our collective consciousness. Although her 1996 book, *It Takes a Village to Raise a Child*, specifically referred to her views on raising children, the saying has since been applied in many other contexts unrelated to children. Yes, “it takes a village” can and has been known to refer to many things: an office staff trying to meet a deadline, a committee planning an event, a non-profit group attempting to raise money, even a coach seeking a victory through teamwork. Indeed, I believe this concept – people working together to reach a common, desired goal – is part of what makes our bar association so great.

Over the years, the “village” that we call the OCBA has developed a mission statement of which it can be proud, and I urge all of our members to take a minute to review it. (It can be found on our website at [www.orangecountybar.org/about\\_us](http://www.orangecountybar.org/about_us)). Upon review, you will find that our mission has two primary components: (1) to serve the legal profession and (2) to serve the community. Some may view these two groups (these *villages*, if you will) as mutually exclusive, but they are not. Hundreds of our members who contribute their time and effort to the OCBA know this – they undertake projects and activities to have positive, meaningful effects in the profession and in the community. I want to take a moment to recognize just a few of these members, for whom I am so grateful:

Our 2012-13 OCBA officers, **Paul Scheck** (vice president / president-elect), **Nick Shannin** (treasurer), and **Jamie Billotte Moses** (secretary), all of whom are incredibly hard-working, dedicated and experienced. Collectively, they have served or currently serve in numerous different leadership roles, including as presidents of the OCBA's Young Lawyers Section and/or Legal Aid Society, committee chairs, board members and many other leadership positions in voluntary bars and other professional organizations. We are very fortunate to have such a great group of officers, and all of our Executive Council members, who continue to help make us great with their valuable experience, dedication and guidance.

We are also fortunate to have the leadership of our OCBA Foundation president, **Richard Del-**

**linger**, and all of the wonderful judges, attorneys and paralegals serving as officers and board members of the Foundation, who will continue their efforts to reach out to the community with energy and a common goal. The Foundation has dedicated its activities to civic education – particularly for school children and teachers – through successful programs and innovative plans to reach more members of the community than ever before.

The new president of the OCBA's Young Lawyers Section, **Tony Sos**, will lead a dynamic group of more than 700 attorneys whose impressive efforts – both as a group and by its individual members – consistently earn statewide and national awards and recognition. With their drive and commitment, the YLS will no doubt continue to make us proud in the coming year, with programs and services that enrich the professional lives of attorneys and provide valuable benefits to the community.

The relatively new OCBA Paralegal Section has already had a positive impact in many areas, including promoting professional certification among its members. Under the presidency of **Michelle Krakar** and with the support of its energetic officers and board, the Paralegal Section will continue these efforts in the coming year. Look for the section's ongoing participation in all of the bar's activities!

The OCBA Legal Aid Society continues to need the support of every member of the OCBA – perhaps now more than ever. LAS president **Norberto Katz**, along with the officers and members of the LAS Board of Trustees, will continue to work tirelessly to help provide the legal services so desperately needed by so many in our community. As the LAS faces very serious budgetary challenges, it is particularly important that we increase our ongoing participation in Legal Aid's fundraising efforts and do anything and everything we can to help.

The OCBA is so diverse, active and accomplished that it is impossible to name every person who contributes to our great bar association. Countless other members of our OCBA village are working to help us fulfill our missions: substantive committee chairs and their committees providing opportunities for education of our members, *The Briefs* editors and contributors facilitating an out-

*continued page 33*



Michael M. Kest, Esq.

## ***Proposed Program to Address Professionalism Complaints at the Circuit Level***

### **Kudos:**

**T**hanks to Jim Edwards who served as chair of the Professionalism Committee for the past two years. Jim truly deserved being acknowledged as “OCBA Outstanding Committee Chair” by president Tom Zehnder at the OCBA 5th Annual Officer Installation and Awards Banquet, May 24, 2012. The committee looks forward to Jim’s ongoing involvement. The Professionalism Committee will continue to interact with other bar committees and maintain and foster relationships with Orlando area law schools, spreading the precepts of professionalism.

### **Commission on Professionalism:**

As many of you have heard by now, the Florida Commission on Professionalism is considering recommending rules to the Florida Supreme Court for resolving professionalism complaints. The proposal is called the “ACAP Model” and includes – at the discretion of each circuit – an investigative/intake attorney and a local professional panel.

“Unprofessional conduct” means substantial or repeated violations of the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The Florida Bar Ideals and Goals of Professionalism, the Rules Regulating The Florida Bar or decisions of the Florida Supreme Court.

In many instances, unprofessional conduct will constitute a violation of one or more of the Rules of Professional Conduct.

The Attorney Consumer Assistance and Intake Program (ACAP) will field and screen professionalism complaints against members

of the bar. An ACAP attorney will investigate and determine whether an informal resolution is possible, whether referral to a local panel is appropriate or a violation exists, or whether referral to The Florida Bar is in order.

Local professionalism panels are entirely independent from The Florida Bar and will be established for the purpose of receiving, resolving or fielding complaints of alleged unprofessional conduct.

The full text of the proposed plan can be reviewed at [https://www.floridabar.org/\\_85256AA9005B9F25.nsf/](https://www.floridabar.org/_85256AA9005B9F25.nsf/).

In summary, The Florida Bar Commission on Professionalism has set up a procedure somewhat similar to that which is in place for ethics grievances. Initial complaints will be made to ACAP counsel, or to a local professionalism panel member, who will screen the allegations and conduct an investigation. Procedures are proposed for informal resolutions or diversion procedures. Ultimately, if grounds exist for a possible violation of professionalism standards, discipline could be pursued through The Florida Bar and/or grievance committees.

The Professionalism Committee would like to hear any comments on this proposal from OCBA members. Please send any thoughts – positive or negative – to Matthew Brenner ([matt.brenner@lowndes-law.com](mailto:matt.brenner@lowndes-law.com)) or Michael Kest ([Michael@KestLaw.com](mailto:Michael@KestLaw.com)).

**Michael M. Kest, Esq.**, Kest Law, has been a member of the OCBA since 2011.

# OCBA Luncheon Thursday, July 26, 2012

## Orange/Osceola State Attorney Candidates Debate

Debate Moderator: Lauren Rowe, WKMG-Channel 6

### State Attorney Candidates:

#### Jeffrey L. Ashton, Esq.

Jeff Ashton was born and raised in St. Petersburg, Florida. His father was a CPA and his mother was a homemaker.

After a spirited discussion when Mr. Ashton was in the fourth grade, his great aunt, Thelma, told him he should be a lawyer. With few cowboys in Florida and his friends cornering the market on police officers and firemen, Jeff agreed.

He graduated from Boca Ciega High



School and studied philosophy and logic at St. Petersburg Junior College, now called St. Petersburg College. He transferred to the

University of Florida and graduated with a B.A. in philosophy in 1978. He earned his law degree at the University of Florida Levin College of Law less than three years later.

Mr. Ashton began work as a prosecutor with the State Attorney's Office in Orlando after graduation and was assigned to the Traffic Division. It was during that time, prosecuting drunk driving cases, that he had his first taste of scientific evidence handling hearings on the admissibility of breathalyzer machines.

*continued page 6*

#### The Honorable Lawson L. Lamar, Esq.

Lawson Lamar was elected State Attorney for the Ninth Judicial Circuit of Florida in 1988. Prior to serving as a state attorney, Mr. Lamar



served as the Orange County sheriff for two terms. As sheriff, his agency led Florida's nine largest policing jurisdictions in crime reduction while maintaining the lowest policing cost per capita

of those jurisdictions for seven years. Prior to taking office as sheriff in 1981, Mr. Lamar was a prosecutor and Chief Assistant State Attorney for the Ninth Circuit.

Prior to graduating with honors from the University of Florida Levin College of Law in 1972, he gained valuable investigative experience as an army airborne intelligence officer. Lawson earned the rank of captain and received honors for his service in Vietnam and Europe, including the Bronze Star. He is a member of the University of Florida Honorary Leadership Fraternity, Florida Blue Key and is co-author of the McGraw Hill college text titled *The Criminal Courts*. He is also a 33<sup>rd</sup> degree Mason and a Shriner.

*continued page 6*

#### Ryan Williams, Esq.

Ryan Williams grew up in Central Florida and was valedictorian of his high school class. He went on to play soccer at Rollins College and graduated with honors. His academic success continued in law school, graduating with honors from the prestigious University of North Carolina. He is also a published author.

Mr. Williams turned down law firms and high salaries to serve the community at the State Attorney's Office in Orange and Osceola counties. He tried 100 cases over the past five years, more than any other prosecutor during that time. He served with distinction by successfully prosecuting serial rapists and child killers. Mr. Williams' community prosecution model is designed to create a strong community presence and restore the public's confidence in our system of justice. He lives in Orlando with his high school sweetheart and wife, Stacey, who teaches and coaches at Olympia High School.



### The Ballroom at Church Street

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

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Please RSVP to [reservations@ocbanet.org](mailto:reservations@ocbanet.org)

by Friday, July 20, 2012.

Main Entrance: Garland Avenue between Church Street and South Street

To ensure a proper luncheon count, RSVPs and CANCELLATIONS are requested no later than Friday, July 20, 2012. The OCBA is happy to provide 10 luncheons as part of your member benefits, but no-shows incur additional charges for the Bar and walk-ins cannot be guaranteed a seat.

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



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## Editors' Note

### **Calling all sports lovers and doers!**

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

### **Are you game?**

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

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

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

We're looking forward to bringing you an exciting **October 2012 issue**, so contact us as soon as possible – but no later than August 1 – for publication consideration.

Peggy Storch  
Communications Manager  
peggy@socbanet.org



(Article submission deadline is August 15, 2012)

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### **Luncheon:** Lamar *continued from page 5*

Mr. Lamar created the nationally recognized Metropolitan Bureau of Investigation, one of the longest running and most successful vice and narcotic multi-agency task forces in the nation. He has served in appointments to the Governor's Commission on Statewide Prosecution, the Juvenile Justice Delinquency Prevention

Advisory Group and the Violent Crime Council. He has been an adjunct professor at the University of Central Florida and continues to serve on the Dean's Advisory Council of its College of Health and Public Administration.

### **Luncheon:** Ashton *continued from page 5*

Within a year, he moved to the Misdemeanor Division and after another half year he went to the Felony Prosecution Division. In 1983, he won a successful conviction in his first murder case. Two years later, he tried his first capital case. Throughout his career, he has handled thousands of cases and taken 300 to trial including 80 murder cases, with over 20 capital cases resulting in 12 defendants on death row.

In 1987, Mr. Ashton became the first prosecutor in the country to introduce DNA evidence. A jury accepted the new science and convicted a serial rapist. DNA evidence is now used to convict defendants in cases around the world.

A successful string of homicide prosecutions followed that case and, in 1990, he created the Homicide Division. Mr. Ashton has distinguished himself as a renowned expert in the use of scientific evidence at trial. As a prosecutor, he was always interested in exploring how new scientific techniques could be used to convict guilty suspects.

After 30 years as a prosecutor, Mr. Ashton retired in July 2011. He is a best-selling author of the book *Imperfect Justice: Prosecuting Casey Anthony*, which details his last murder case. He and his wife Rita live in Winter Park. He has six children ranging in age from 7 to 29. Mr. Ashton is currently seeking the office of State Attorney in the Ninth Judicial Circuit.

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Amy M. Guy, CP, FRP

## ***The Foundation is Social! Be Our Fan! It's that Simple.***

**T**he OCBA Foundation, Inc., a not-for-profit 501(c)(3) organization, has recently established a Facebook page. The Foundation is committed to community education through teaching our citizens about the judicial system. Following suit with other organizations, we started our page to be more social and supplement our other marketing efforts. Already, we have made additional connections in the community, allowing us to enhance our existing programs. For instance, we foresee increasing school participation in OCBA's Law Week activities, including the poster and essay contest, which the Foundation sponsors annually.

We launched this page last year. The Foundation's Facebook page will enable our board to reach younger audiences, including the teachers and students we interact within the classroom. Additionally, the Foundation has "liked" other pages, including "A Gift for Teaching" and the "Orange

County Public School System" in order to increase our visibility and cross-market.

To locate our Facebook page, search for "Orange County Bar Association Foundation" or go to <http://on.fb.me/pSPmU9> in your browser (link is case sensitive). Once you are on the page, please press "like" so you can stay in-the-know in between issues of *The Briefs*.

As you can see, it's really that simple. Please "like" our page and encourage your friends to "like" it, too. We are doing awesome things in the community and want everyone to know about them!

**Amy M. Guy, CP, FRP**, is a paralegal with the Calandrinio Law Firm, P.A. She has been a member of the OCBA since 2007.

## **Justice**Teaching

Judge Antoinette Plogstedt and students at Arbor Ridge School in Apopka during an end-of-year civics class for the Justice Teaching program



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## Joseph W. DuRocher – 1938-2012

**J**oseph W. DuRocher, former Public Defender in the Ninth Judicial Circuit and Professor of Law at Barry University Dwayne O. Andreas School of Law and the University of Central Florida, passed away on Saturday, May 19, 2012, in Orlando, Florida.

Joe was born in 1938 and grew up in California and Florida, graduating from Bishop Kenny High School in Jacksonville, Florida, in 1956. He attended Villanova University on an academic scholarship, earning a B.S. in economics in 1960 and was shortly commissioned in the U.S. Navy and designated as a naval aviator. Until his honorable discharge in April 1965, he flew helicopters off aircraft carriers stationed in the Atlantic Ocean and Caribbean and Mediterranean seas.

The University of Florida Levin College of Law awarded Joe the juris doctor degree in 1967. In the same year he was admitted to practice and founded the firm of Panico and DuRocher in Orlando. In January 1970, the Orange County Bar Association (OCBA) named him director of its Legal Aid Society. Governor Askew appointed him judge of the Juvenile Court of Orange County in October 1971. He left this judicial post in September 1976 to establish the firm of DuRocher and Walsh, engaging in the private practice of criminal, juvenile and family law.

In 1980, Joe was elected Public Defender of the Ninth Judicial Circuit, comprised of Orange and Osceola counties. He was elected to four additional terms, retiring in January 2001. During these twenty years, the Public Defender's Office grew to employ more than eighty attorneys, process more than thirty thousand cases a year and manage an annual budget of more than seven million dollars.

Current Public Defender, Robert Wesley, notes that "[h]undreds of lawyers owe Joe their thanks for providing opportunities, guidance, forgiveness, love, humor and fatherly advice while working in his office. His enduring example for all who toil in the criminal justice system is his unfaltering belief in the goodness of human beings. This attitude guided his decades of public service and private practice."

In 2000, the OCBA presented Joe with its criminal law award, Footsoldier of the Constitution. The American Bar Association honored him with its 2001 Charles Dorsey Award in recognition of "his exemplary legal career and his devotion to serving the poor and underprivileged."

Following his retirement as Public Defender, Joe taught as an adjunct professor at both Barry University School of Law and the University of Central Florida. Joe studied, wrote and taught in the fields of criminal law, evidence and criminal procedure, and presented seminars in Florida criminal procedure and Florida constitutional law. He served on the board of ECO-Action, Inc., Earth Jurisprudence, Inc. and the Kimball Foundation. He was a member of Amnesty International and professional and social justice organizations, as well as the First Unitarian Church in Orlando. In 2005, Barry University School of Law presented him with their Allies for Justice Award. He continued teaching at Barry and the University of Central Florida until his death.

In 2003, the OCBA called Joe to act as interim executive director. He held this post until December 2003. Upon concluding his service as interim director, the OCBA's then-president, Paul SanGiovanni, wrote in the December 2003 *The Briefs*: "[Joe's] agreement to serve the Association was a very natural response [...] – nothing dramatic – it is how he has developed himself and how he has lived his life... Let us not only thank Joe for his unselfish service to our Association, let us take from him the inspiration to routinely say 'yes' in our own lives to public and professional service – not because it is the easy thing to do – or because it is the profitable thing to do – but because we know that it is the right thing to do..."

The life and contributions of this intelligent, generous, humorous and humble man and public servant cannot be captured in a few words or paragraphs. But part of the legacy shines through in the words of David Fussell, an attorney who worked with Joe for many years and spoke at his memorial service: "Joe saw more in us than we saw in ourselves."

Joe is survived by his wife of more than 50 years, Dr. Rosemary DuRocher, his grown children, Beth, John and Michael, his grandchildren and his extended family.

Highlights of Mr. DuRocher's career:

Bachelor of Science, Economics, Villanova University (1960)

U.S. Navy (Naval Aviator) (through 1965)

Juris Doctor, University of Florida Levin College of Law (1967)

Admitted to The Florida Bar (1967)

*continued page 29*

## Judicial Investitures: Rodriguez, Bigney and Tynan

Conferring the authority and symbol of the high office, the Honorable Heather Pinder Rodriguez, the Honorable Jeanette DeJuras Bigney, and the Honorable Greg Tynan took their oaths of office during a judicial investiture ceremony May 11, 2012, in the Sheraton Orlando Downtown Hotel.



The Honorable C. Alan Lawson, Fifth District Court of Appeal, administers the oath of office to Heather Pinder Rodriguez during the enrobement ceremony.

Judge Rodriguez majored in Russian and international affairs and received her juris doctor degree from Florida State University. From 1998 to 2012, Judge Rodriguez was an attorney at Holland & Knight, LLP, specializing in construction law – in which she is board certified – and commercial litigation. She served as a member of The Florida Bar YLD Board of Governors, was president

of the Orange County Bar Association Legal Aid Society and has received numerous awards for her *pro bono* work. Judge Rodriguez was also recognized for her efforts in securing an American citizen's release from a Vietnamese prison.

Judge Bigney majored in speech communication at the University of Illinois and received her juris doctor from Nova Southeastern University. She worked with the State Attorney's Office from 1999 to 2003. Afterward, Judge Bigney practiced insurance defense with a local firm and then opened her



Ella Grace, Woody and Keyes Rodriguez congratulate the Honorable Heather Pinder Rodriguez.



The Honorable Alan S. Apte, Ninth Judicial Circuit, swears in Jeanette DeJuras Bigney, attended by Jaiden and Justin Bigney.

own law practice. Additionally, she is the former Orange County Bar Criminal Law Committee chair, currently sits on The Florida Bar Juvenile Rules Committee and has provided *pro bono* legal services for children. Judge Bigney is involved in her church as well as with other charities.

Judge Tynan received his bachelor of arts degree from the University of Central Florida and his juris doctor degree from Nova Southeastern University. He was an Assistant State Attorney from 1995 to 1999 and also from 2002 to 2012, where he prosecuted public corruption, violent felony and other criminal cases. Additionally, Judge Tynan litigated personal injury and insurance defense claims from 1999 to 2001. Judge Tynan has also been active in legal and community organizations, and continues to support those afflicted with multiple sclerosis.



The Honorable C. Alan Lawson administers the oath to Greg A. Tynan, in the presence of Taylor and Reagan Tynan.

## ***Fixed Rights, Practical Applications: Why to Register Your Client's Copyright***



Joshua R. Brown, Esq.



Kimra D. Major-Morris, Esq.

**K**nowledge is power, but a little knowledge can be dangerous – for your client. Most attorneys know that patent rights are not automatic – an inventor must apply for a patent from the United States Patent and Trademark Office before any exclusive rights are established. Fewer attorneys know that copyrights, unlike patent rights, spring into being automatically without notice, publication, or application to any government body. Federal copyrights exist as soon as an author “fixes” his or her work in a “tangible medium of expression.” Writing, typing, or saving the work to a disk or flash drive all qualify. But an even smaller number of attorneys know that, despite a client having a copyright, the client will not be able to sue for infringement of that copyright before applying to register the copyright with the United States Copyright Office. Moreover, depending on the timing of the registration, the client could lose the ability to claim statutory damages and attorneys’ fees. In contrast, the cost of registering a copyright is small – as low as \$35. The advantages of timely registration are further discussed below with a description of the process and alternatives should a client not register in time.

### **Advantages of Registration**

Timely registration provides many advantages both inside and outside of litigation. If someone infringes on your client’s registered copyright, the client has the option of recovering statutory damages from \$750 to \$30,000. The amount of the award can go as high as \$150,000 if the infringement is willful.<sup>1</sup> Generally, one award of statutory damages is available for each independently infringed work.<sup>2</sup> The court may also award attorneys’ fees to the prevailing party.<sup>3</sup>

But generally, neither statutory damages nor attorneys’ fees are available if the infringement “commenced” before the copyright was registered.<sup>4</sup> A small safe harbor exists where the infringement commenced after the first “publication” of the work and the copyright is registered within three months of that publication date.<sup>5</sup> Publication occurs “when a work [i]s made available to members of the public at large without regard to their identity or what they intended to do with the work.”<sup>6</sup> “Commencement of infringement” occurs “when the first act in a series of acts constituting continuing infringement occurs.”<sup>7</sup> Most courts construe this definition broadly so that once any act of infringement has occurred, later registration

will not permit recovery of statutory damages and attorneys’ fees.<sup>8</sup> But at least one court has held that preregistration infringement of an *original* work does not preclude recovery of attorneys’ fees for infringement of a *derivative work*.<sup>9</sup> Unlike copyright owners, alleged infringers who prevail can recover attorneys’ fees regardless of when the asserted copyright was registered.<sup>10</sup>

Moreover, if your client registers his or her copyright within five years of the work’s first publication, then the certificate of registration is *prima facie* evidence of the validity of the copyright and other facts stated in the certificate<sup>11</sup> including: authorship of the underlying work;<sup>12</sup> that the work was a work for hire;<sup>13</sup> and that the listed claimant owns the copyright.<sup>14</sup> A renewal copyright certificate applied for within the 28th year of a copyright’s term will also serve this purpose.<sup>15</sup>

Finally, once your client’s copyright is registered, you can record the copyright with United States Customs and Border Protection (CBP).<sup>16</sup> CBP examines goods entering the United States and has the power to seize property that it suspects violates intellectual property rights, including copyrights.<sup>17</sup> By recording your client’s intellectual property rights with CBP, you allow customs officials to more easily identify goods entering the U.S. that may infringe upon your client’s rights. The cost is to register with CBP is \$190 per copyrighted work,<sup>18</sup> and the process can be completed online.<sup>19</sup> In 2011, CBP seized almost \$180 million dollars of goods suspected to violate U.S. intellectual property rights.<sup>20</sup> Goods from China represented 62% of that value.<sup>21</sup>

### **The Process**

Somehow, somewhere, somebody convinced a large group of people (who then told countless others) that a “poor man’s copyright” would be the smoking gun for authors who wanted to win cases against infringers. In theory, a poor man’s copyright is obtained when an author mails the “fixed” work to himself and saves the unsealed package as “Exhibit A” to prove ownership and hold the infringer accountable. The truth is, the poor man’s copyright offers no legal protection. It is not a substitute for filing a registration, which is *mandatory* before a copyright infringement claim can be brought. At less than \$70, even a poor man might well afford a valid copyright registration.

Basic claim registrations for performing arts (Form PA), sound recordings (Form SR), text

(Form TX), visual arts (Form VA), and single publication series (Form SE) can be submitted online to the Copyright Office for a mere \$35. The fee for paper registration submissions recently increased to \$65, if you need incentive to become more internet-savvy.<sup>22</sup> Online processing is faster, but it still takes months (at least three) to complete the process. Despite the lengthy wait, protection becomes effective on the date a complete application was filed and the Copyright Office received the registration fee.<sup>23</sup> Under certain circumstances involving pending litigation, contract, or publishing deadlines, and customs issues, the Copyright Office offers “special handling” registration, providing expedited processing for an additional fee of \$760.<sup>24</sup> Once approved, the special handling request works to process the registration within five business days.<sup>25</sup>

Although copyright law is recognized as one of the more complex areas of intellectual property law, the process for registering a work is fairly simple. Generally, it requires the name, address, and birth year of the author; information about the claimant; an explanation of how the claimant obtained control of the work (through a work-for-hire agreement, for example); and the date of the work’s first publication. For works that were previously published in a physical format, the mandatory “deposit” (two copies of the best edition of the work) must be *mailed* to the Copyright Office.<sup>26</sup> Fortunately, the \$35 online registration fee is not affected by mailing the deposit.

Because registration fees can quickly add up for photographers and other prolific authors, it is a good idea to establish a general policy on what and when to register. Generally, your client’s works are at risk for copyright infringement when they are distributed to others, so it makes sense for circulation to be a trigger for registration and other protections. For example, before your client shares his or her work with persons outside the immediate family, you should formalize a non-disclosure agreement that limits the work’s exposure. To ensure the availability of attorneys’ fees and statutory damages, the copyright should be registered within three months of general publication.<sup>27</sup>

Authors who have accumulated multiple works have the option of filing a group application to protect a collection of unpublished works for a one-time fee of \$65.<sup>28</sup> A disadvantage of filing a collection of works in a single registration is that only one title will be searchable.<sup>29</sup> For example, an album containing thirteen tracks will only

be searchable by the album title. Copyright registrations are used to put the public on notice of the author’s registration, and group registrations obscure that notice.

In an abundance of caution, some authors opt to preregister their works while they are still being prepared for commercial distribution. Preregistration preserves a claimant’s right to statutory damages and the possibility of attorneys’ fees when infringement commences before both publication and registration of the work, but only if the claimant thereafter files an actual registration within one month of learning of the infringing activity and within three months of the first publication of the work.<sup>30</sup> This option costs \$115<sup>31</sup> and is only available for works with a history of pre-release infringement, including motion pictures, sound recordings, musical compositions, and computer programs.<sup>32</sup> Thus, preregistration does not substitute for registration, but works only as a supplement.

Once registration is secured, the claimant still has the responsibility of arranging for publishing, negotiating licensing agreements, monitoring infringing activities, and taking appropriate legal action where infringement occurs. Therefore, registration is in fact the *least* expensive action that should be taken to preserve the author’s rights, making the concept of the poor man’s copyright...ironic.

### The Alternative

If someone begins infringing your client’s copyright before you have had a chance to register it, the fact that statutory damages are unavailable may make it difficult to predict the amount of recoverable damages and therefore may make litigation less attractive. Congress has acknowledged that the current copyright laws do not always provide effective remedies for individuals with small copyright claims.<sup>33</sup> Without the option of statutory damages, you will have to prove actual damages or the defendant’s gross revenues from infringement.<sup>34</sup> Moreover, unless there has been a long delay between infringing acts or later infringement or a separate work,<sup>35</sup> your client cannot hope to recover your fees under the Copyright Act.

Some litigants have attempted to recover attorneys’ fees by asserting state causes of action; however, such claims are generally preempted by the Copyright Act unless they entail proof of elements other than those required to establish infringement.<sup>36</sup> Florida’s Uniform Trade Secrets Act allows recovery of attorneys’ fees in the case of “willful and malicious misappropriation.”<sup>37</sup> Such claims are generally not preempted

because they require proof of a confidential relationship.<sup>38</sup> Florida’s Deceptive and Unfair Trade Practices Act (FDUTPA) also has a provision for recovery of attorneys’ fees,<sup>39</sup> but asserting FDUTPA claims in the context of copyright infringement has led to mixed results.<sup>40</sup> Such claims are more likely to survive dismissal where the plaintiff can allege specific misrepresentations, deception, or fraud by the alleged infringer.<sup>41</sup> But where the deception merely relates to the identity of the author or the acquisition of the infringed work, the claim may still be preempted.<sup>42</sup> If a contractual provision provides for attorneys’ fees, a breach of contract claim is not preempted and is likely your client’s best bet.<sup>43</sup>

Regardless, your client’s first step must be to apply for registration. You cannot initiate a copyright infringement claim without first at least attempting to register the copyright.<sup>44</sup> Some circuits allow suit while the application is pending, but others – including the Eleventh Circuit – require that a registration certificate be issued prior to filing.<sup>45</sup> The United States Supreme Court recently ruled that the registration requirement is not jurisdictional.<sup>46</sup> Thereafter, at least one Florida court has hesitated to dismiss a copyright infringement claim where the registration application was still pending before the Copyright Office.<sup>47</sup> This area of the law is still developing, but it remains clear that timely registration is the best practice for you and your clients.

**Joshua R. Brown, Esq.,** Rumberger, Kirk & Caldwell, P.A., is the outgoing chair of the OCBA’s Intellectual Property Law Committee. He has been a member of the OCBA since 2010. **Kimra D. Major-Morris, Esq.,** Major-Morris Law, has been a member of the OCBA since 2005.

<sup>17</sup> U.S.C. § 504(c).

<sup>2</sup> See *Venegas-Hernandez v. Sonolux Records*, 370 F.3d 183, 192-93 (1st Cir. 2004) (“[I]f a plaintiff proves that *one* defendant committed *five* separate infringements of *one* copyrighted work, that plaintiff is entitled to only one award of statutory damages.... And if a plaintiff proves that *two* different defendants each committed *five* separate infringements of *five* different works, the plaintiff is entitled to ten awards....”) (quoting *Mason v. Montgomery Data, Inc.*, 967 F.2d 135, 143-44 (5th Cir. 1992)) (first omission in original); *Olem Shoe Corp. v. Wash. Shoe Co.*, No. 09-23494-CIV, 2012 WL 28239, at \*3 (S.D. Fla. Jan. 5, 2012) (“[D]erivative and parent works ... should be treated as one work for these purposes.”). One award of statutory damages may be recovered from each independent infringer, while joint tortfeasors are jointly and severally liable for only a single award of statutory damages. *Louis Vuitton Malletier, S.A. v. Akanoc Solutions, Inc.*, 658 F.3d 936, 947 (9th Cir. 2011).

<sup>31</sup> 17 U.S.C. § 505.

<sup>41</sup> 17 U.S.C. § 412.

<sup>51</sup> 17 U.S.C. § 412(2).

<sup>6</sup> *Estate of Martin Luther King, Jr., Inc. v. CBS, Inc.*, 194 F.3d 1211, 1214 (11th Cir. 1999) (internal quotation marks omitted). In contrast, only a limited publication occurs when the work is communicated “to a select group and for a limited purpose, and without the right of diffusion, reproduction, distribution or sale.” *Id.* at

## Intellectual Property Committee

continued from page 13

1214-15. Performance of the work is not a general publication. *Id.* at 1215.

<sup>7</sup>*Johnson v. Jones*, 149 F.3d 494, 506 (6th Cir. 1998).

<sup>8</sup>E.g., *Bouchat v. Bon-Ton Dep't Stores, Inc.*, 506 F.3d 315, 330-31 (4th Cir. 2007) (holding that preregistration infringement by joint tortfeasor prevented recovery of statutory damages); *Qualey v. Caring Center of Slidell*, 942 F. Supp. 1074, 1076-77 (E.D. La. 1996) (holding that preregistration infringement of right to prepare derivative work (under 17 U.S.C. § 106(2)) prevented recovery of statutory damages for infringement of right to distribute copies (under § 106(3))).

<sup>9</sup>*Data Gen. Corp. v. Grumman Sys. Support Corp.*, 795 F. Supp. 501, 504 (D. Mass. 1992) *aff'd*, 36 F.3d 1147 (1st Cir. 1994) *abrogated on other grounds by Reed Elsevier, Inc. v. Muchnick*, 130 S. Ct. 1237 (2010); *see also Troll Co. v. Uneeda Doll Co.*, 483 F.3d 150, 158-59 (2d Cir. 2007) (holding that renewed infringement after a nine or ten year break was not considered "continuing" such that intervening registration allowed recovery of statutory damages and attorneys' fees).

<sup>10</sup>E.g., *Latin Am. Music Co. v. ASCAP*, 642 F.3d 87, 90 (1st Cir. 2011).

<sup>11</sup>17 U.S.C. § 410(c).

<sup>12</sup>*Autoskill Inc. v. Nat'l Educ. Support Sys., Inc.*, 994 F.2d 1476, 1488 (10th Cir. 1993) *overruled on other grounds by TW Telecom Holdings Inc. v. Carolina Internet Ltd.*, 661 F.3d 495 (10th Cir. 2011).

<sup>13</sup>*Id.*

<sup>14</sup>*MOB Music Pub. v. Zanzibar on the Waterfront, LLC*, 698 F. Supp. 2d 197, 203 (D.D.C. 2010).

<sup>15</sup>17 U.S.C. § 304(a)(4)(B); *Dimensional Music Pub., LLC v. Kersey*, 435 F. Supp. 2d 452, 461 (E.D. Pa. 2006).

<sup>16</sup>19 C.F.R. § 133.31.

<sup>17</sup>17 U.S.C. § 603.

<sup>18</sup>19 C.F.R. § 133.33.

<sup>19</sup>Go to <https://apps.cbp.gov/e-recordsations/> to record a copyright or trademark registration.

<sup>20</sup>CBP, Fiscal Year 2011 Seizure Statistics, Publication # 0153-0112, p. 3, available at [http://www.cbp.gov/linkhandler/cgov/trade/priority\\_trade/ipr/ipr\\_communications/seizure/ipr\\_seizures\\_fy2011.ctt/ipr\\_seizure\\_fy2011.pdf](http://www.cbp.gov/linkhandler/cgov/trade/priority_trade/ipr/ipr_communications/seizure/ipr_seizures_fy2011.ctt/ipr_seizure_fy2011.pdf).

<sup>21</sup>*Id.* at 13.

<sup>22</sup>37 C.F.R. § 201.3(c).

<sup>23</sup>U.S. Copyright Office, Circular 1, Copyright Basics, p. 10, available at <http://www.copyright.gov/circs/circ01.pdf>.

<sup>24</sup>37 C.F.R. §§ 201.15; 201.3(d). The fee can be waived when the applicant is about to file suit for infringement and the application has been pending for 6 months. 37 C.F.R. § 201.15(c).

<sup>25</sup>U.S. Copyright Office, Circular 10, Special Handling, p. 1, available at <http://www.copyright.gov/circs/circ10.pdf>.

<sup>26</sup>U.S. Copyright Office, Circular 1, Copyright Basics, p. 10; 17 U.S.C. § 407(a)(1).

<sup>27</sup>*See supra* note 6 for an explanation of the distinction between general and limited publication.

<sup>28</sup>37 C.F.R. § 201.3(c).

<sup>29</sup>U.S. Copyright Office, Circular 1, Copyright Basics, p. 9.

<sup>30</sup>17 U.S.C. § 412.

<sup>31</sup>37 C.F.R. § 201.3(c).

<sup>32</sup>37 C.F.R. § 202.16(b)(1).

<sup>33</sup>*See* Remedies for Small Copyright Claims, 76 Fed. Reg. 66758 (Oct. 27, 2011), available at <http://www.copyright.gov>.

[gov/fedreg/2011/76fr66758.pdf](http://gov/fedreg/2011/76fr66758.pdf).

<sup>34</sup>17 U.S.C. § 504. Thankfully, the plaintiff's burden is satisfied by proving the defendant's gross revenues. The defendant must then prove any "deductible expenses and the elements of profit attributable to factors other than the copyrighted work." 17 U.S.C. § 504(b).

<sup>35</sup>*See supra* note 9.

<sup>36</sup>17 U.S.C. § 301; *Utopia Provider Sys., Inc. v. Pro-Med Clinical Sys., L.L.C.*, 596 F.3d 1313, 1326 (11th Cir. 2010) ("[I]f an extra element is required instead of or in addition to the acts of reproduction, performance, distribution or display, in order to constitute a state-created case [sic] of action, then the right does not lie within the general scope of copyright and there is no preemption.") (internal quotation marks omitted).

<sup>37</sup>§ 688.005, Fla. Stat.

<sup>38</sup>*Bateman v. Mnemonics, Inc.*, 79 F.3d 1532, 1549 (11th Cir. 1996).

<sup>39</sup>Fla. Stat. § 501.2105.

<sup>40</sup>*Compare Donald Frederick Evans & Assocs., Inc. v. Cont'l. Homes, Inc.*, 785 F.2d 897, 916 (11th Cir. 1986) (noting that "[FDUPTA] creates a number of causes of action to protect a number of rights, many of which undoubtedly are not preempted" but finding preemption where plaintiff failed to specify basis for claim) with *Ediciones Musicales Y Representaciones Internacionales, S.A. v. San Martin*, 582 F. Supp. 2d 1358, 1361 (S.D. Fla. 2008) (finding no preemption where the plaintiff sufficiently alleged FDUPTA claim).

<sup>41</sup>*See Magical Mile, Inc. v. Benowitz*, 510 F. Supp. 2d 1085, 1090 (S.D. Fla. 2007).

<sup>42</sup>*See Law Bulletin Publ'g v. LRP Publ'ns, Inc.*, No. 98-8122-CIV, 1998 WL 1969648, at \*4, 6 (S.D. Fla. June 18, 1998) (distinguishing "passing off" claims, where the defendant passes off his goods of those of another, from "reverse passing off" claims, where the

defendant passes off the plaintiff's goods as his own; and holding that "reverse passing off" claims for statutory and common law unfair competition are preempted because they only involve "misrepresentation as to the creator of the alleged infringing work") *aff'd in part, rev'd in part sub nom. Lipscher v. LRP Publications, Inc.*, 266 F.3d 1305, 1312 (11th Cir. 2001) (holding that state and common law unfair competition claims based on "acquisition misconduct" are preempted).

<sup>43</sup>*See Utopia Provider Sys.*, 596 F.3d at 1326 (holding that breach of contract claims are not preempted).

<sup>44</sup>17 U.S.C. § 411.

<sup>45</sup>*See Marc Anthony Builders, Inc. v. Javic Properties, LLC*, No. 8:11-CV-00432-EAK-AEP, 2011 WL 2709882, at \*3 (M.D. Fla. July 12, 2011).

<sup>46</sup>*Reed Elsevier, Inc. v. Muchnick*, 130 S. Ct. 1237 (2010); *see also* Coleman Watson, *Echoes of the Lone Dissenter: Copyright Registration as a Claim Processing Rule*, The Briefs, Feb. 2012, at 37-38.

<sup>47</sup>E.g., *Habersham Plantation Corp. v. Art & Frame Direct, Inc.*, No. 10-61532-CIV, 2011 WL 4064087, at \*1 (S.D. Fla. Sept. 13, 2011) ("[G]iven the Supreme Court's decision in *Muchnick*, the fact that the claims regarding unregistered copyrights have been fully litigated and are ready for trial, and the suggestion that the Copyright Office will resolve this issue in the next few days, the Court will deny the motion at this time."). *But see Marc Anthony Builders, Inc.*, 2011 WL 2709882, at \*3 (requiring "plaintiff must obtain a certificate of registration or a denial before bringing suit").

**On the cover:** *The Avenue in the Rain* (1917), by American Impressionist painter Frederick Childe Hassam (1859 - 1935), is part of his "Flag series." The painting captures a patriotic vision of American flags along New York City's Fifth Avenue and has been a part of the White House permanent collection since the Kennedy administration. President Obama chose to display it in the Oval Office. Hassam's flag paintings can be found in The Metropolitan Museum of Art and the National Gallery of Art.

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

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# OCBA's 8th Annual Texas Hold 'Em Charity Poker Tournament & Happy Hour | May 10, 2012

Ember

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Catherine A. Tucker, Esq.

## Annual Legal Aid Pro Bono Awards Presented

The annual *pro bono* awards were presented on May 24, 2012, to attorneys and law firms in recognition of their outstanding contributions to *pro bono* work. The awards were presented by Tad Yates, outgoing LAS president, and Norberto Katz, incoming president.

The Judge J. C. "Jake" Stone Distinguished Service Award is the highest *pro bono* recognition from Legal Aid. Named for the late county judge, winners must have made outstanding contributions over their careers primarily through casework. They also must have previously received a Legal Aid Society Individual Award of Merit.

This year's Jake Stone award winner was Joseph L. Amos, Jr. Joe is a shareholder with Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A. in Orlando. A civil trial lawyer, his practice focuses primarily on personal injury cases, professional and products liability, insurance litigation and risk management. He also maintains an active mediation and ADR practice as a certified civil mediator.

Joe was admitted to The Florida Bar in 1990. He is a former president of the Legal Aid Society, 2002-2003. He joined the *pro bono* panel in 1991 and accepted his first guardian ad litem cases. Joe received the New Attorney Award of Excellence in 1995 and an individual merit award in 2004 for his exceptional work on behalf of children. He has contributed over 1,000 hours on closed GAL cases. During his 20 years serving with the Legal Aid Society he has helped more than 100 children and currently is assisting three children.

This year, Legal Aid presented its second-only Lifetime Achievement Award to Charles R. Stepter, Jr.

Charles R. Stepter, Jr., recently retired from full practice to "of counsel" with Fishback Dominick. He has been a member of the firm since 1973. He was admitted to The Florida Bar in 1973 following his graduation from Stetson University College of Law. His first legal work in Orlando was as a volunteer with the Legal Aid Society under then executive director Joe DuRocher. He continued his service with Legal Aid as a *pro bono* attorney, board member and president of the LAS Board of Trustees. He served as a GAL for 85 children and donated nearly 2,000 hours on *pro bono* cases over 30 years. His longtime paralegal, Jeannette Churn, assisted as his volunteer advocate on most of those cases.

Chuck has served on many local and statewide panels and commissions that created channels for

effective citizen access to the legal system and developed strategies to increase the role of the private bar in *pro bono* services.

The Legal Aid Society Law Firm Award of Excellence is presented to a firm whose attorneys have provided significant *pro bono* work during the past year and over the firm's history.

This year Legal Aid recognized two law firms, neither of which has previously received this award. Holland & Knight has substantially increased its support for Legal Aid over the past several years. During 2011, 70% of the attorneys in its Orlando office provided *pro bono* services through casework and projects. In addition, the firm has been a leader in contributing through the Breakfast of Champions fundraisers.

Lowndes, Drosdick, Doster, Kantor & Reed P.A. has had 100% *pro bono* participation for many years, mostly through the in lieu of service fee. The annual amount donated by the firm has been used as a match for the eight Equal Justice Fellows who have been Legal Aid members. A number of attorneys have decided to contribute their time in casework and projects, increasing by 30% in 2011.

Additional awards were presented to two law students. The Legal Aid Law Student Award of Excellence went to Temika Hampton from the FAMU College of Law and James Keleman from the Barry University Dwayne O. Andreas School of Law.

The Legal Aid Society 2012 New Attorney Award of Excellence is presented to an Orange County Bar member who significantly participated in *pro bono* work. The five new lawyers who received this award were: Victoria L. Anderson, Warren T. Channell, Melody B. Lynch, Diego M. Madrigal, III and Dorothy E. Watson.

Individual Legal Aid Society 2012 Guardian Ad Litem Award of Excellence were presented to Mary Ann Etzler and Elise M. Ezzo. An Individual Award for a Pro Bono Champion was presented to Thomas P. Wert.

Awards were also presented to attorneys who donated time primarily through a project. Honored were: Julia L. Frey for the Aids Special Will project; David A. Yergey, Jr. for the CDS project; Kristina L. Bellock for Teen Court; Cloyce Leland (Lee) Mangas, Jr. for the Telephone Screening project.

**Catherine A. Tucker, Esq.**, is the Pro Bono Coordinator/Deputy Director at the Legal Aid Society of the OCBA. She has been a member of the OCBA since 1998.



Kristy E. Kennedy, 2012-2013 OCBA president

## OCBA 5th Annual Officer Installation and Awards Banquet

May 24, 2012

The Ballroom at Church Street



Judge Belvin Perry, Jr., recipient of the OCBA 2012 James G. Glazebrook Memorial Bar Service Award, gave the keynote address.



Paul Scheck presents outgoing president, Tom Zehnder, with crystal gavel.



Judge Norberto S. Katz, 2012-2013 Legal Aid Society president  
Judge Belvin Perry, Jr.

Joseph B. Amos, Jr. receives Legal Aid Society's Judge J.C. "Jake" Stone 2012 Distinguished Service Award.



Charles R. Stepter, Jr., Legal Aid Society Lifetime Achievement Award recipient



OCBA 2012-2013 Officers and Executive Council



Legal Aid Society 2012 Guardian Ad Litem Award of Excellence, Mary Ann Etzler, Elise M. Ezzo



Tad A. Yates, outgoing president of the Legal Aid Society



Legal Aid Society Law Firm Award of Excellence – Holland & Knight, John Dierking, Chris Kolos



Legal Aid Society 2012 Telephone Screening Award, Cloyce Leland (Lee) Mangas, Jr.



Legal Aid Society 2012 Outstanding Trustee and Committee Co-chair, Ana Tangel-Rodriguez



OCBA Outstanding Committee Chair, James Edwards, Professionalism Committee



Kristyne Kennedy, Tom Zehnder



OCBA 2012-2013 Foundation Swearing In



2012-2013 Paralegal Section Officers and Board



Tamika Hampton, Legal Aid Law Student Award of Excellence



Outstanding Member of the Executive Council, Mary Ann Etzler, Leadership Law Chair



Nick Shannin, Kristyne E. Kennedy, 2012-2013 OCBA president, Tom Zehnder, Paul Scheck



Legal Aid Society Award for Outstanding Service as Trustee, Jamie Billotte Moses, 2007-2012



Legal Aid Society 2012 CDS Project Award, David A. Yergey, Jr.



Legal Aid Society 2012 New Attorney Award of Excellence: Dorothy E. Watson, Melody B. Lynch, Warren T. Channell, Diego M. Madrigal, III



OCBA Award of Excellence for Outgoing Members of the Executive Council, Kimberly Webb, Esther Whitehead



Legal Aid Society Award for Outstanding Service as Trustee, Nicholas Shannin, 2004-2012



2012-2013 Legal Aid Society Oath of Office



2012-2013 Young Lawyers Section Oath of Office



Legal Aid Society 2012-2013 Law Firm of Excellence accepted by Matt Brenner, Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

## ***The Orange County Bar Association's 2012 Leadership Law Program Receives National Award***

**T**he good news is: Leadership Law will be back.

The inaugural class of the OCBA's Leadership Law program concluded May 18, 2012, with a graduation ceremony and reception in recognition of class participants, presenters and members of the judiciary who helped make the program come alive. The Hon. Belvin Perry, Jr., Chief Judge of the Ninth Judicial Circuit, delivered the commencement address.

Leadership Law is an innovative leadership course developed by members of Orlando's legal community specifically for business owners, managers and others who desire a greater understanding of the everyday operation of the law. Among the 46 members of the first class were CPAs, bankers, educators, military and clergy.

Participants met, networked and shared ideas with other business leaders, judges and attorneys who practice in business-related specialty areas. The opportunity to engage in lively and stimulating discussions with many of the most influential legal professionals in Orange County scored high points with class members and provided them with a distinct and invaluable experience. Exclusive tours of the Orange County Courthouse, the Federal Courthouse, the Juvenile Justice Center, the Orange County Corrections Department, and – by special invitation – the Medical Examiner's office were all part of the varied schedule.

Robust topics presented to the class included:

- Current civil and criminal issues
- Our judiciary: how judges are chosen, elected and retained
- Contract negotiation
- Protection of intellectual property
- Legal ramifications of crimes involving businesses and/or their employees
- Current issues in employment and bankruptcy law
- Resolving matters within the judicial system
- The impact of jury trials on business decisions and operations

The juvenile justice system and intervention programs and their impact on businesses, employees and families

The 2012 Leadership Law program enjoyed a highly successful launch and is excited to return with a new class in 2013. The strong, positive response from participants – students and presenters – has been an encouraging nod to move ahead with developing next year's agenda.

To those of you in the legal profession, we encourage you to recommend Leadership Law to business associates, colleagues and friends. Classes are held 8:30 a.m. - 4:30 p.m., once a month for five months. A continental breakfast and lunch are served each meeting day and social networking receptions are planned. Classes meet at the Orange County Bar Association center, with round trip transportation provided to all off-site locations.

If you would like to find out more about the program, feel free to contact Mary Ann Etzler, Esq., Miller Etzler, P.L., at 407-478-7950 or Sheyla Asencios, OCBA marketing manager, at 407-422-4551, ext. 244. Visit <http://leadershiplaworangecountybar.org> to see a list of presenters, participants, agendas and other program details.

Dates and fee for next class: TBA



Judge Belvin Perry, Jr. recognizes Mary Ann Etzler for her development and facilitation of the OCBA's Leadership Law program.



**The National Association of Bar Executives (NABE) Board of Directors has selected the Orange County Bar Association's Leadership Law program as a recipient of the 2012 NABE/LexisNexis Community & Educational Outreach Award. The award will be presented at the NABE Annual Meeting in Chicago in August.**



Mellanie Bartlett, Sweeney & Bartlett Marketing Partners, Inc., conducts voir dire during mock jury selection.

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The Original HoneyBaked Ham Company • Lunch & Reception Sponsor  
May: DoubleTree by Hilton Orlando Downtown • Breakfast Sponsor  
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The Oceanaire Seafood Room • Graduation Reception Sponsor



Todd Bryant, Financial Representative, Northwestern Mutual Financial Network; Phil Calandrino, Calandrino Law Firm; Shelby Benson, Business Banking Relationship Manager, SunTrust Bank



Boarding the bus to the courthouse, Evan Joffe, Financial Advisor, Morgan Stanley Smith Barney



Judge Belvin Perry; Allie Braswell, President/CEO Central Florida Urban League



Tiffany Altizer, Shareholder/Tax Manager, Keith Altizer and Company, P.A., CPAs; Pam Ison, Ison Consulting Group



Chris Hunter, ChFC, Vice President - Investments, Wells Fargo Advisors



Brant Bittner, OCBA Executive Director

Mildred Graham, FAMU Director of Development; Oliver Phipps, Private Investigator, AVPE; Judge Antoinette Plogstedt; Jim Dorman, President, Dorman Financial Management, P.A.; Pamela Ison, Ison Consulting Group; Walter Nason, CFO, GrayRobinson



Attorney Judith Mercier presented information about citizens' responsibilities.

Judge Antoinette Plogstedt discusses issues in Traffic and Small Claims Court



# OCBA Annual Trivia Contest



**July 19, 2012**

**5:30 p.m.** check-in

**6:00 p.m.** trivia begins with Todd Bryant as host

**Ember** 42 W. Central Blvd., Downtown Orlando

Free beer and light bites included with registration fee  
\$100 per 5-person team; \$10 general admission

**Raffle!** Win prizes, including free hotel stay,  
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sports memorabilia and more!

First 25 registrants get free raffle tickets!  
(Tickets: \$5 - 1 ticket; \$10 - 3 tickets; \$20 - 7 tickets)

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# 21st Annual YLS Golf Tournament

## Friday, September 28, 2012

Shotgun Start at 8:00 a.m.

Grand Cypress Golf Club  
One North Jacaranda  
Orlando, FL 32836



### Entrance Fees:

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

### Sponsorship Opportunities:

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

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Awards at \$250

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

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

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**Summer Happy Hour & Team Trivia Contest**

July 19, 2012 ☞ Check-in at 5:30 p.m.  
Trivia at 6:00 p.m. ☞ Location: Ember  
RSVP: <http://www.brownpapertickets.com/event/255594>  
(See ad this issue!)

**OCBA JOINT HAPPY HOUR**

November 7, 2012 ☞ 5:30 p.m.  
Location: TBA  
CONTACT: Karen Persis at [kpersis@therosenthallaw.com](mailto:kpersis@therosenthallaw.com)

**Winter Wine & Cheese Social**

January 13, 2013 ★ 5:30 p.m.  
Location: TBA  
CONTACT: Krista Bartholomew at [Krista@kmblawfirmmpa.com](mailto:Krista@kmblawfirmmpa.com)

**9th Annual Texas Hold 'Em Charity Poker Tournament**

March 20, 2013 ♠ 5:30 p.m.  
Location: TBA  
CONTACT: Amy Guy at [committee@floridabusinesslaw.com](mailto:committee@floridabusinesslaw.com)



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# YLS Young Lawyers & Law Clerks Reception

July 12, 2012 6-8:00 p.m.

Orlando Shakespeare Theater

For more information please contact Jill Simon at [jill.simon@lowndes-law.com](mailto:jill.simon@lowndes-law.com) or Chanel Mosley at [camosley@mdwgcg.com](mailto:camosley@mdwgcg.com)

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# YLS on the move



Sunny Lim Hillary, Esq.

**T**he summer is well underway and there is a lot to do. Stay cool, be involved and have fun!

You don't want to miss the upcoming annual **YLS Young Lawyers and Law Clerks Reception!** The reception will be held on **July 12, 2012**, from 6:00 p.m. - 8:00 p.m. at the **Orlando Shakespeare Theater**. This is one of our biggest events of the year and is an excellent recruiting tool to keep top talent in the Orlando area and active in our bar association. The event is also a great opportunity to network with area judges, attorneys and law clerks in a relaxed, fun setting featuring free food and an open bar. Please contact **Jill Simon** at [jill.simon@lowndes-law.com](mailto:jill.simon@lowndes-law.com) or **Chanel Mosley** at [camosley@mdwcc.com](mailto:camosley@mdwcc.com) for more information.

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

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

Mark your calendar for the **3rd Annual YLS Lawyers for Literacy Spelling Bee** to be held on **Thursday, October 18, 2012**, at 6:00 p.m.



at the **Sheraton Orlando Downtown Hotel**, located at 400 West Livingston Street, Orlando. Come out and watch wordsmiths from far and wide come together to compete for a chance at the Spelling Bee Championship. While vigorously and exuberantly battling to spell words such as zucchetos, xiphophyllous and siphorhinal, these fierce competitors entertain their comrades while raising money for a wonderful cause.

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

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

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

Keep an eye out in the YLS email blasts for the date, time, and location of the **YLS July Luncheon**. Or, email [yls.ocba@gmail.com](mailto:yls.ocba@gmail.com) for more information.

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

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



YLS Family Fun Day

# Congratulations

**Kristyne E. Kennedy**

On her new position as the incoming President of the OCBA

**Chuck Stepter**

*Fishback, Dominick, Bennett, Ardaman, Ahlers, Langley & Geller LLP*

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— Oliver Wendell Holmes, Jr.

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Phillip L. Gordin, FRP



Amy M. Guy, CP, FRP

## ***The Paralegal Section Prepares for Another Successful Year***

**W**ith the recent installation of officers and board members of the Orange County Bar Association (OCBA) Paralegal Section Executive Council/Board of Directors (EC/BOD), this begins the fourth year of the OCBA Paralegal Section. As many proud bar members know, our Paralegal Section was the first of its kind in the state. With our section's statewide outreach, other paralegals desire the same embrace and support from their bar association. Fortunately, other bar associations recognized their paralegals' potential and have followed suit.

The outgoing executive council and board members who have completed their terms include Lissa Bealke-Moore, Cyndee Dahlman and Genti Zeqo. All three members worked tirelessly on behalf of the paralegal section. In fact, both Lissa and Cyndee of GrayRobinson led and participated in the Paralegal Committee, the predecessor to today's section. Lissa was the second president of the section and was instrumental in its formation. Together, Lissa and Lori presented our section to the OCBA Executive Council and have since helped build a strong foundation.

Some highlights of the past year include:

The Legal Research and Writing Seminar held at Barry University was attended by over 80 paralegals and attorneys from across the state and sold out in just two weeks. Participants learned some of the cutting-edge techniques being taught to today's law school students.

We organized a hugely successful litigation seminar boasting eight Florida Bar CLE credits, available for both attorneys and paralegals. It was our second year hosting this event and many legal professionals returned from our first year indicating that they would be back. We hope that our speakers, who are all at the top of their respective fields, can return for this fall's seminar.

Two charitable social events – one for Harbor House and another for Second Harvest Food Bank – raised hundreds of dollars, while our members had a great time. Many paralegals lead fund raising efforts at their firms in advance of events. We sincerely appreciate the support those firms give us.

Additionally, we donated funds to many worthy causes including our Legal Aid Society and UCF's legal studies program. We held other activities for our members throughout the year, including a few "Food for Thought" seminars, which are typically

held on Friday around lunchtime. Many thanks go to our outgoing board members and their firms for their support. We also appreciate the support of our bar, including posting all our events to the OCBA online calendar so both attorneys and paralegals can stay informed.

For the 2012 - 2013 OCBA year, our executive council includes Michelle Krakar as our president and Christine Stram as president-elect. Michelle, of Lockheed Martin, has worked in the legal field for over 25 years. Christine, of Broad & Cassel, received her bachelor's in legal studies from University of Central Florida and served as our section's first treasurer/secretary. As the section's chief leaders, Michelle and Christine were chosen because they are both creative, forward-thinking individuals and exemplify professionalism. They truly set an example for paralegals and attorneys on how to dexterously balance family, work and bar service.

Phillip (Phil) Gordin is serving his second term as treasurer/secretary. Phil works in the employee benefits department at GrayRobinson and has been a paralegal for 10 years. Phil received a B.S. in electrical engineering and MBA from Oklahoma State University and an MS in electrical engineering from the Air Force Institute of Technology. As you would expect from Phil's background, he is extremely detailed-oriented, dependable and hard working. Phil has volunteered at almost every event, assisting with set-up, registration, strategic planning and other tasks. We are thankful for Phil's continued involvement and leadership in our organization.

Amy Guy has just completed her term as president and will serve as immediate past-president. Amy works at the Calandrino Law Firm on business law matters and has been a paralegal for 10 years. Amy will also continue to be editor of the *Paralegal Post*, this very column. If you ever have any ideas for articles or would like to contribute by writing a piece, please contact her.

Returning board members include Catrina Chapin of Roetzel & Andress and Risa Harrell of Marlowe & Weatherford. Catrina is entering her fourth year on the board and is currently the bar's Law Week Committee chair. Catrina also serves as the section's membership chair. Risa is serving her second term and is very active in our section's charitable efforts. Risa has a B.S. in journalism from the University of Florida and has been a Certified Paralegal since 2005. She has over 15 years experience in the legal field. Risa is a founding member of the Paralegal

Committee and her goal is to expand community outreach of the Paralegal Section. Most notably, Risa chaired our first annual Hats Off to Mothers Tea which was held at the Plymouth, a local assisted living facility in Winter Park.

New Paralegal Section board members include Candice Disorbo, Bethany Gibson and Paul Smith. Candice works as a paralegal for the OCBA Residential Mortgage Foreclosure Mediation Program. She received her B.A. in political science from University of North Florida and holds an A.S. degree in paralegal studies from Valencia Community College. Her goal as a board member is to increase membership. Her favorite parts of being involved with the OCBA are the networking opportunities and the educational programs.

Bethany Gibson works as a paralegal for deBeaubien, Knight, Simmons & Neal, LLP in the area of complex business litigation. She desires to assist in the growth of the Paralegal Section and in gaining knowledge of the OCBA. She has been in

the legal field about four years. She enjoys time with her children and her dog.

Paul Smith is employed by Ringer, Henry, Buckley & Seacord and has been in the legal field for three years. He has a degree from Western Michigan University and is pursuing an A.S. degree in paralegal studies from Valencia College.

Again, we are extremely thankful for the bar's support of our efforts. With our talented executive council and board, the Paralegal Section will work hard to continue its successful community outreach efforts as well as educational and networking opportunities. In the example set by the OCBA, we also want to form beneficial initiatives and, most importantly, focus on professionalism as our chief priority.

**Phillip L. Gordin, FRP**, paralegal with GrayRobinson, P.A., has been a member of the OCBA since 2009. **Amy M. Guy, CP, FRP**, immediate past president of the Paralegal Section and paralegal with the Calandrino Law Firm, P.A., has been a member of the OCBA since 2007.

#### **In Memoriam**DuRocher *continued from page 10*

Private law practice (1967-71)  
Executive Director of the Legal Aid Society of the OCBA (1970-1971)  
Orange County Juvenile Court Judge (1971-1976)  
Private law practice (1976-1980)  
Public Defender, Ninth Judicial Circuit Court for Orange and Osceola Counties (1981-2001)  
Interim Executive Director, Orange County Bar Association (2003)  
Adjunct Professor of Law, Barry University and the University of Central Florida (2001-2012)

Among board representations and awards are:

Board of Directors, Earth Law Center, Barry University School Law  
Board of ECO-Action, Inc.  
Board of Earth Jurisprudence, Inc.  
Board of Kimball Foundation  
2000 Footsoldier of the Constitution, Orange County Bar Association  
2001 Charles Dorsey Award (in recognition of "his exemplary legal career and his devotion to serving the poor and underprivileged"), American Bar Association  
2005 Allies for Justice Award, Barry University of School of Law



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For more information, contact Karen Fast, Membership Manager, at [karenf@ocbanet.org](mailto:karenf@ocbanet.org) or 407-422-4551, ext. 225.



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For LRIS application forms and additional information, go to [www.orangecountybar.org](http://www.orangecountybar.org), or call our LRIS Manager at 407-422-4551, ext. 281.





Sunny Lim Hillary, Esq.

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

## CFGLLA

On June 23, 2012, the **Central Florida Gay and Lesbian Lawyer Association** and the Gay and Lesbian Lawyers Network, Inc., presented a seminar entitled, *Out of the Closet and Into Your Offices – Representing Lesbian, Gay, Bisexual, and Transgendered (LGBT) Clients* at the Caribe Royale, located at 8101 World Center Drive, Orlando. Thank you to Michael E. Morris for coordinating this event. The event was partially funded by a grant from The Florida Bar.

## GOAABA

On June 28, 2012, the **Greater Orlando Asian American Bar Association** hosted a happy hour and installation of its new officers and board of directors for 2012-2013:

President: **Kim Nguyen**

President-Elect: **Sunny Hillary**

Secretary: **Wanda Reas**

Treasurer: **Lisa Gong**

At-Large Board 2011-2013: **Steve Chong**

At-Large Board 2011-2013: **Don Nguyen**

At-Large Board 2011-2013: **Donna Hung**

At-Large Board 2012-2014: **Denise Kim**

At-Large Board 2012-2014: **Lemar Alejo**

Past President: **Jessica Hew**

Members and guests of GOAABA gathered at 310 Lakeside across from Lake Eola for happy hour drink specials and complimentary appetizers. Thank you to **Donna Hung** for organizing this event!

Through a joint effort of The Florida Bar Equal Opportunity in Law Section, a committee of the Orlando minority bar associations and the OCBA Diversity Committee and YLS, a **Joint Diversity Picnic** will be held on **September 8, 2012** in Orlando. If you are interested in helping with the inaugural Joint Diversity Picnic, please contact lead committee member **Kim Nguyen** at Kim.Nguyen@lowndes-law.com.

## HBACF

On June 16, 2012, the **Hispanic Bar Association of Central Florida** hosted its annual Summer Fiesta and Domino Tournament at the Doubletree in downtown Orlando. Music was provided by the new Latin music station, KQ103, along with DJ Rob Slac. Guests enjoyed paella, fajitas, empanadas, two free drinks and a cash bar, and a mojito station! Prizes for the Domino Tournament were awarded to the 1st and 2nd place winners and guests participated in a silent auction. Special thanks to **Fermin Lopez** and his committee for putting on a successful event, and thank you to all who attended. All proceeds went to the HBACF scholarship fund.

Voluntary bar leaders! Would you like to promote an upcoming event? Share news about your members? Tell us about past activities? Increase your bar's membership? Here's your opportunity to reach your colleagues at the OCBA! Send your news and photos (with IDs and captions) to me at sunny@hillarylaw.com at least six weeks in advance for possible publication in *The Briefs*. If you have any questions, feel free to call the OCBA's communications manager at 407-422-4551, ext. 227.

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



Mark Powers



Shawn McNalis

## ***Public Relations Campaign, Part 2 – The Press Release***

In the first article in this series on public relations we discussed the various ways community involvement could benefit not only the community but your law firm and its reputation. Media-related public relations efforts involve formulating a message about the service you provide and delivering it on a large scale via print, radio or television and reaching a significantly larger audience.

General print publications such as your local newspaper, for example, will be read by a wide variety of people whose demographics might be a good fit for your potential clients and possible referral sources. In your local newspaper there are most likely opportunities to be quoted in front page news stories or features in the business, financial, real estate or lifestyle section.

In order to communicate your message to the press, one of the most important skills someone on your team will need is the ability to write a press release. Basically a written summary of an upcoming event or client-related news, the press release is how most small and mid-sized firms create a presence in the media.

In order to enhance the chance your press release will be published, and this is very important, cultivate a relationship with editors in your target publications and make your release equal in length to the articles they usually publish. Since these editors are very busy people – don't make them read a page and a half to find your "news" – they'll pick up someone else's release or bypass yours in the future if you make them too wordy. In spite of the fact your release will not be published every time it's submitted, be persistent with your submissions and aim for a specific number of media placements a year.

To make distribution easy, compile a group of contacts to whom you can email your releases with the push of a button. Keep your list current, as editors and staff writers change; you want your releases to reach the proper person. ("Blind" emails are also appreciated when sending mass mailings).

If your news release is not hard news and doesn't contain "breaking" news, submit it as a feature distribution. Submit it to the business section if your news is business-related. If it's event-related, submit it to a calendar section as well as to the appropriate editor. If your release is about an event you're hosting, make sure to extend an invitation to the editor – he or she may assign someone to cover it and write a story.

A real estate attorney might contribute to or

write an article on how to avoid predatory lending practices for the real estate section. An elder law attorney might be quoted in a story on the sandwich generation: middle-aged parents who are trying to raise children and care for aging parents at the same time. A criminal defense attorney might comment on the link between illiteracy and criminal tendencies among young offenders. On Law Day some firms regularly place articles educating the public about the inner-workings of the law.

If, however, you are an estate planning attorney and wish to cultivate more CPAs, you might have more success if you target their local, state or national publications. Often, these professional publications are the most sought by or trusted by your referral sources and have the greatest impact.

### **Components of a Press Release**

When you are involved in a newsworthy event, write a press release following the format below.

#### **FOR IMMEDIATE RELEASE**

Capitalize all letters in this headline and place this title in the upper left-hand margin.

#### **The Headline**

A single sentence that summarizes the essence of your text. Any articles, prepositions or conjunctions of three or fewer letters, put in lowercase.

#### **The Dateline**

List here the date of your press release and the city it is issued from.

#### **Lead Paragraph**

Write a strong introductory paragraph to grab the reader's attention. Format your story to follow the five Ws: who, what, when, where and why. While this paragraph should be a summary of what's to come in the rest of the text, it should hook your reader and encourage him to read on.

#### **Body**

This is where you expand upon your news. Many journalists use the inverted pyramid technique in which the most critical information and any pertinent quotes are placed at the beginning.

#### **Firm Information**

End your press release with a brief paragraph that describes your firm and its practice areas. Include a short history of the firm.

## Contact Information

List the name, email address and phone number of the person who wrote the press release and is qualified to discuss the subject matter.

If you follow this press release format and develop good working relationships with the media contacts in your area, you'll raise your profile in the community, increase your exposure to potential clients and referral sources and greatly increase the chances of seeing your firm in the spotlight.

**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](http://www.atticusonline.com)) does with attorneys or the Atticus Rainmakers™ ([www.atticusrainmakers.com](http://www.atticusrainmakers.com)) program, please visit or call 352-383-0490 or 888-644-0022.

## President's Message

*continued from page 3*

let for discussion on important issues pertaining to the law, and Social and Gala committees bringing us events that truly allow us opportunities to promote camaraderie, to name a few.

It is with great appreciation for all of these people and others, as well as those leaders and members who have since 1933 helped shape and grow the OCBA to be one of the greatest voluntary bar associations anywhere, that we look to the future. In doing so, we must never stop asking what more we can or should be doing to better serve the profession, the community... our village. I believe that we *can* do more, particularly because I know we have so many talented, diverse, outstanding members who all have so much to offer. I am interested in hearing about your ideas or suggestions, and invite you to contact me to share your thoughts as we all continue to grow together in the village that is the Orange County Bar Association.

**Kristyne E. Kennedy, Esq.**, Cole, Scott & Kissane, P.A., has been a member of the OCBA since 2001.



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- And other benefits, including opportunities to attend dozens of social events, participate in community service projects, network with colleagues, publish substantive articles and lead a committee or section!

## Carlton Fields Hosts Serbian Judicial Delegation

The Orlando office of Carlton Fields hosted eight Serbian delegates on May 18, 2012, as part of the delegates' one-week trip to the U.S. to study and learn more about the federal and Florida state judicial system. The delegation was comprised of some with law degrees, a former judge, two judges-in-waiting and court administrators – one of whom is the head administrator for the highest court in Serbia charged with trials of organized crime and war criminals. Others in attendance included Middle District of Florida Court representatives William Berger, U.S. Marshal; Sheryl Loesch, Clerk of Court; Elizabeth Warren, Chief Deputy of Operations; a representative from Friendship Force; and two translators. The visit was arranged through the U.S. State Department, a U.S. Congressional program known as Open World and the federal court system.

**Front row from left to right:**  
Fedja Zimic, translator; delegates from Serbia: Zoran Aleksic, Marcia Todorovic, Ljiljana Eric, Katarina Majacic, Zorica Stajic, Jelena Bogovac Zelic; Tea Sisic, law clerk to U.S. District Court Judge Dalton

**Back row from left to right:**  
Bob Young, Carlton Fields; Tom Figmick, Chief Deputy U.S. Marshal, U.S. District Court, Middle District of Florida; Elizabeth Warren, Chief Deputy of Operations for court; Dan Johnson, Carlton Fields; Mary Jane DeVault, Friendship Force representative; Sheryl Loesch, Clerk of Court; Serbian delegate, Dragisa Vujanac; Aneta Georgievsk-Shine, translator; Dan Decubellis, Carlton Fields; Zlatko Milikic, Serbian delegate facilitator; William Berger, U.S. Marshal





# ORANGE COUNTY BAR ASSOCIATION

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**Questions? Contact Karen at [Karenf@ocbanet.org](mailto:Karenf@ocbanet.org).**

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

## **New Associates**

**Jessica Kennedy, Esq.** – *Law Offices of Daniel F. Dill*

## **Speaking Engagement**

**David Henry, Esq.**, Alvarez Sambol Winthrop, P.A., served as a panelist on a program titled *Effective Mediation Preparation* at the Florida Liability Claims Conference on June 7, 2012, at the Contemporary Resort in Orlando.

## **Events**

**July 12** – *YLS Young Lawyers & Law Clerks Reception*; 6:00 p.m.; Orlando Shakespeare Theater

**July 19** – *OCBA Annual Trivia Contest & Happy Hour*; 5:30 p.m. check-in; Ember; Sponsored by M&I Bank, A Part of BMO Financial Group

## **Seminars**

**July 10** – *Basic Dissolution of Marriage for Pro Bono Attorneys (Part 2)*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE pending. Speaker: Angel Bello-Billini, Esq. Contact: ctucker@legalaidocba.org or mcarbo@legalaidocba.org.

**July 13** – *Jury Challenges – Cause and Peremptory*. Brown Bag Lunch with Judge John M. Kest. 12:00 p.m.-1:15 p.m. Orange County Courthouse, 23rd Floor Judicial Conference Room. CLE: 1.5. Free. Please feel free to bring your lunch, and tell security that you will be attending the Brown Bag Lunch. Contact Diane Iacone at 407-836-0443 or ctjadi1@ocnjcc.org.

**July 20** – Meet the Circuit Court Judicial Candidates. Criminal Law and Family Law Committees. 12:00 p.m.-1:00 p.m. OCBA Center. RSVP to: Keith Carsten at kcarsten@carstenandladan.com.

**July 24** – *Developmental Disabilities and Specialized Treatment Options in Dependency Cases*. Legal Aid Society Lunchtime Training. 12:00 p.m. - 1:30 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE pending. Speaker: Ericka Garcia, Esq. Contact: ctucker@legalaidocba.org or mcarbo@legalaidocba.org.

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

**Aug. 14** – *Garnishments/Debtor Defenses*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE pending. Speaker: Michael Resnick, Esq. Contact: ctucker@legalaidocba.org or mcarbo@legalaidocba.org.

**Aug. 16** – *Social Media Marketing for Law Firms*. 12:00 p.m.-1:00 p.m. Bar Center. Speaker: Joe Rodriguez. Lunch included. Sponsored by FindLaw. Contact: Marie West at mariew@ocbanet.org.

**Aug. 28** – *Termination of Parental Rights Cases: Litigation Skills*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank, 111 N. Magnolia Ave., Ste. 1000, Orlando, FL 32801. CLE pending. Speakers: Kirsten Teany, CLS, Esq.; Hon. Donald E. Grincewicz; Kavita Sookrajh, Esq. Contact: ctucker@legalaidocba.org or mcarbo@legalaidocba.org.

Be sure to see the OCBA website calendar at [www.orangecountybar.org](http://www.orangecountybar.org) for more information about these and other upcoming OCBA activities!

100%

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of the OCBA's 100% Club*

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

CLUB

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To reply to BRIEFS box number, address as follows:

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## EMPLOYMENT

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

**SMALL DOWNTOWN LAW FIRM** seeking attorney with at least two years experience in family law, preferably bilingual (Spanish/English). Send resume and salary requirements to kmandrsn11@yahoo.com.

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

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

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

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

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

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

**ESTABLISHED "AV" RATED CIVIL LITIGATION LAW FIRM IN DOWNTOWN ORLANDO** seeks associate attorney with a minimum of 2 years litigation experience. Strong research and writing skills are required. Federal civil litigation experience is preferred. Send resume and writing sample to bpalmer@hilyardlawfirm.com.

**CGWC AN AV RATED LAW FIRM** in downtown Orlando seeks an associate attorney or litigation paralegal with personal injury experience. Ideal candidate must be skilled in preparing all phases of discovery, research, court filings, and trial preparation. Salary commensurate with experience. Please send resume to kmyers@thefloridafirm.com.

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

**UNIQUE STORAGE NEAR DOWNTOWN:** 2 rooms & vault (650 sq ft.). Secure, excellent work space, copy services, no lease, hours M-F 9-5, parking.

**DOWNTOWN ORLANDO OFFICE SPACE AVAILABLE FOR ONE ATTORNEY** only one block from the Orange County Courthouse. Space includes furnished window office, professional reception area and garage parking with access to

conference room, meeting room, internet, copier, fax, small library and kitchen. \$800 per month. Optional amenities are available for additional costs for access to one assistant's separate work station adjacent to the attorney's office, parking for one assistant and for the attorney's privately maintained phone line to be answered by a receptionist. Because of potential conflicts with existing law practice, criminal defense practitioners cannot be considered. (407) 425-4251.

## OFFICE SPACE FOR SALE/RENT/LEASE

**I-4 AND FAIRBANKS.** Second floor available, 4,154 SF, Class A, nine offices + break room, excellent conference room, lobby, excellent parking, covered spaces. I-4 signage available. Heidi Zervitz, Kelly Price & Company (407)929-5797.

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

**COLONIALTOWN OFFICE:** 1,438 Sq.Ft., Former law office includes 3 offices plus secretarial areas; large reception area with hardwood floors, wall to wall built in bookcase, sky lights, and foyer; full kitchen. Backyard includes private courtyard, pool and elaborate landscaping. Minutes from courthouse. Call Ed Gay at 407-578-1334, ext. 292.

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

**NOW AVAILABLE FOR LEASE** is a freestanding, two-story historic office building in downtown Orlando with up to 20 dedicated surface parking spaces.

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

**TURN KEY OFFICE SHARING,** 1 to 4 offices, + receptionist + conference room. No Lease required. Winter Park, Fairbanks and I-4. Brett Bressler (407) 599-2002.

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

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# OCBA Calendar

## JULY - AUGUST

### OCBA Luncheon

#### State Attorney Candidates Debate

Sponsored by M&I Bank, A Part of BMO Financial Group

Co-hosted by OCBA and Tiger Bay Club

July 26, 2012

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

The Ballroom at Church Street

RSVP by Friday, July 20, 2012

reservations@ocbanet.org

## July

- 4 Independence Day**  
Bar Center Closed
- 9 Estate, Guardianship & Trust Committee**  
12:00 p.m. • Bar Center
- 10 LAS Lunchtime Training**  
*Basic Dissolution of Marriage for Pro Bono Attorneys (Part 2)*  
12:00 p.m. • Comerica Bank
- 11 Business Law Committee**  
12:00 p.m. • Bar Center
- Executive Council Meeting**  
4:30 p.m. • Bar Center
- 12 Annual YLS Young Lawyers & Law Clerks Reception**  
6:00 p.m. • Orlando Shakespeare Theater
- 13 Brown Bag Lunch with Judge J. Kest**  
*Jury Challenges – Cause and Peremptory*  
12:00 p.m. • Orange County Courthouse  
23rd Flr. Judicial Conference Rm.
- Workers' Compensation Committee**  
11:45 a.m. • Smokey Bones
- 17 Professionalism Committee**  
12:00 p.m. • Bar Center
- Solo & Small Firm Committee**  
12:00 p.m. • Bar Center
- 19 OCBA Trivia Contest & Happy Hour**  
5:30 p.m. • Ember  
Sponsored by M&I Bank, A Part of BMO Financial Group

- 20 Family Law & Criminal Law Seminar**  
*Meet the Circuit Judicial Candidates*  
12:00 p.m. • Bar Center
- 24 LAS Lunchtime Training**  
*Developmental Disabilities & Specialized Treatment Options in Dependency Cases*  
12:00 p.m. • Comerica Bank
- 25 YLS Luncheon**  
11:45 a.m. • Citrus Club
- 26 OCBA Luncheon**  
*State Attorney Candidates Debate*  
11:30 a.m. • Ballroom at Church Street  
Sponsored by M&I Bank, A Part of BMO Financial Group
- 27 Bankruptcy Law Committee**  
12:00 p.m. • Bar Center
- Criminal Law Committee**  
12:00 p.m. • Bar Center
- 31 Tax Law Committee**  
12:00 p.m. • Bar Center

## August

- 9 Brown Bag Lunch with Judge J. Kest**  
*Jury Instructions – The Basics*  
12:00 p.m. • Orange County Courthouse  
23rd Flr. Judicial Conference Rm.
- 10 Workers' Compensation Committee**  
11:45 a.m. • Smokey Bones
- 13 Estate, Guardianship & Trust Committee**  
12:00 p.m. • Bar Center

- 14 LAS Lunchtime Training**  
*Garnishments/Debtor Defenses*  
12:00 p.m. • Comerica Bank
- 15 Executive Council Meeting**  
4:30 p.m. • Bar Center
- 16 Social Media for Law Firms Seminar**  
12:00 p.m. • Bar Center  
Sponsored by FindLaw
- 21 Professionalism Committee**  
12:00 p.m. • Bar Center
- Solo & Small Firm Committee**  
12:00 p.m. • Bar Center
- 22 YLS Luncheon**  
11:45 a.m. • Citrus Club
- 28 LAS Lunchtime Training**  
*Termination of Parental Rights Cases: Litigation Skills*  
12:00 p.m. • Comerica Bank
- Tax Law Committee**  
12:00 p.m. • Bar Center

- 30 OCBA Luncheon**  
11:30 a.m. • Ballroom at Church Street
- 31 Bankruptcy Law Committee**  
12:00 p.m. • Bar Center

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