We are pleased to endorse the reelection of Scott R. McMillen to the Florida Bar Board of Governors and we encourage you to join us.

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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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the Briefs

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President's Message
March 2012

Thomas A. Zehnder, Esq.

A Tribute To Our Professionalism Award Recipients

Each year through the hard work of its Professionalism Committee, the OCBA proudly recognizes three outstanding members for their professionalism by awarding its highest honors: the James G. Glazebrook Memorial Bar Service Award, the William Trickel, Jr. Professionalism Award and the Lawrence G. Mathews, Jr. Young Lawyers Professionalism Award. Our award recipients this year embody the qualities that, as lawyers, we aspire to emulate in practice every day: civility, integrity, service and a commitment to the rule of law. I dedicate this message to our 2012 Professionalism Awards recipients and to all of our past recipients. (You may view their names at www.orangecountybar.org/awards.)

I begin with **The Honorable Belvin Perry, Jr.**, Chief Judge of the Ninth Judicial Circuit, recipient of the 2012 James G. Glazebrook Memorial Bar Service Award. The Glazebrook Award recognizes a member of our local judiciary who serves and supports our legal profession, the OCBA and its Legal Aid Society. This award is conferred on someone who is dedicated to professionalism both in and out of the courtroom, and who leads in promoting the qualities that heighten professionalism. Regarded as the hardest-working state court judge in Florida, Chief Judge Perry is a true public servant, dedicating his legal career – both before and since being on the bench – to promoting professionalism and civility in our adversary system. He is the consummate professional and a leading advocate for ensuring equality under the law not only locally, but statewide, commanding unparalleled respect and admiration from his colleagues. He has always been the first to support the OCBA and its Legal Aid Society, from his formation of the Civil Circuit Courts Commission to his appointment of the OCBA as the Ninth Judicial Circuit's Program Manager for the Residential Mortgage Foreclosure Mediation Program – an honor that has forever transformed the OCBA and ensured its stability for decades to come. When he presided over the Casey Anthony trial, the nation learned what we here have been privileged to know all along – that Chief Judge Perry is the ultimate example of judicial demeanor, competence, strength and fairness. Thank you, Chief Judge Perry, for your service to the bar and to the citizens of Florida.

It is also my pleasure to congratulate **Matt Brenner**, a partner with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., and recipient of the 2012 William Trickel, Jr. Professionalism Award. First awarded in 1994, the Trickel Award highlights a practicing lawyer who, for more than 15 years, has been a model of service, and who consistently exhibits ethical and professional conduct, courteous demeanor, high moral standards and professionalism that transcends the Rules' requirements. Matt is just such a lawyer. A director of The Florida Bar Foundation, a former chair of the Ninth Judicial Circuit Grievance Committee, and a Habitat for Humanity of Greater Orlando board member, Matt's record of service to our profession and community is second to none. He is also a *pro bono* champion, embracing our highest calling as lawyers. In 2005, the Legal Aid Society honored Matt with its most prestigious service award, the Judge J.C. "Jake" Stone Legal Aid Society Distinguished Service Award, and in 2006 he was recognized statewide, receiving The Florida Bar President's Pro Bono Service Award for the Ninth Judicial Circuit. Matt is the epitome of what is best about being a lawyer – dedication to the profession and unfailing service to others.

Finally, I applaud **Ryan Davis**, recipient of the 2012 Lawrence G. Mathews, Jr. Young Lawyers Professionalism Award, for his example of excellence. Founded in 2004 and sharing the same criteria as the Trickel Award – but for lawyers practicing fewer than 15 years – the Mathews Award recognizes young lawyers who stand out for their dedication to professionalism and service. A past president of the OCBA's Young Lawyers Section, Ryan is a true leader among his peers and was a clear choice for the committee. After graduating as valedictorian from Lake Highland Preparatory School, Ryan attended Tulane University on a full scholarship. He then graduated with honors from the University of Florida's Levin College of Law. In 1999 he joined Winderweedle, Haines, Ward & Woodman, P.A, where he is now a shareholder. As YLS President, Ryan launched several new community outreach projects, including the YLS's sponsorship of the IDignity program and the Adult Literacy League. His well-deserved success has no limits and, to his credit, Ryan is the first to say that success in the practice of law stems from one's commitment to civility, honesty, integrity and professionalism. We have all been the beneficiaries of Ryan's decision to practice law here in Orlando.

The OCBA is indeed fortunate to have outstanding lawyers in our community like Chief Judge Perry, Matt and Ryan, who represent the best of

continued page 6

Matthew G. Brenner, Esq.

Ryan E. Davis, Esq.

The Honorable Belvin Perry, Jr.

2012 OCBA Professionalism Award Recipients

The Professionalism Committee of the Orange County Bar Association is proud to announce the 2012 Professionalism Award recipients. Each recipient's conduct and career stands as a model of success built on unquestioned professionalism within both the legal profession and the Central Florida community. The Professionalism Committee and the Orange County Bar Association extend warm congratulations to Matthew G. Brenner, Ryan E. Davis and The Honorable Belvin Perry, Jr. for their consistently ethical conduct, courteous demeanor, high moral standards and leadership. Each will share his remarks in upcoming issues of *The Briefs* so that we may be guided to the goal of true professionalism.

Matthew G. Brenner, Esq.
2012 William Trickel, Jr.
Professionalism Award Recipient

Matthew G. Brenner is a partner with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. His litigation practice is devoted to real estate, banking and business issues. His well-deserved recognition places Matt in the company of all of the outstanding William Trickel, Jr. Professional Award recipients throughout the years. Matt, a member of the OCBA since 1986, is our luncheon speaker this month, and we invite you to read about him on page 5 of this issue of *The Briefs*.

Ryan E. Davis, Esq.
2012 Lawrence G. Mathews, Jr.
Young Lawyers Professionalism Award Recipient

A native of Orlando, Ryan Davis is a shareholder with the law firm of Winderweedle, Haines, Ward, & Woodman and a member of the firm's bankruptcy and creditor's rights department. He has been with Winderweedle since he clerked there after his first year of law school and now serves as the administrative partner for the Orlando office. His practice centers around Chapter 11 reorganizations and complex Chapter 7 liquidations. He regularly represents commercial lenders, landlords, corporate debtors, trade creditors and other interested parties in the largest bankruptcy cases throughout the state. With the growing number of complex liquidations in recent years, many involving *Ponzi* schemes, Ryan has developed extensive experience representing individual and corporate defendants in a variety of preference and fraudulent transfer type proceedings. In addition to his bankruptcy practice, Ryan handles commercial litigation matters, typically involving creditor's rights issues, including commercial foreclosures, construction lien foreclosures and contract disputes.

Ryan is a past president of the Young Lawyers Section of the Orange County Bar Association. He is also an active member of the Central Florida Bankruptcy Law Association, where he previously served as a board member and officer for three years.

As a recipient of the Dean's Honor Scholarship, Ryan attended Tulane University and graduated, *cum laude*, after majoring in economics. He earned his J.D., with honors, from the University of Florida and has been recognized by *Super Lawyers,* Florida Rising Stars 2009, and *Orlando Home & Leisure*, Orlando's Top Lawyers*,* 2011. He is A.V. Preeminent rated by his peers.

Ryan is married to fellow OCBA member, Amber Davis, and they have one son, Landon. When not chasing Landon around the house, they enjoy attending Magic games (with or without Dwight Howard), cheering on the Gators, grilling up meat from the Meathouse (try the meathouse marinated steak tips), and spending time with friends and family. They are regular attendees of Summit Church.

Ryan has been a member of the OCBA since 1999.

The Honorable Belvin Perry, Jr.
2012 James G. Glazebrook Memorial Bar Service Award Recipient

Judge Belvin Perry, Jr., Chief Judge of the Ninth Judicial Circuit Court, was born on October 11, 1949, to Belvin Perry, Sr. and Jessie M. Perry of Orlando, Florida. He graduated from Jones High School in Orlando, where he was active in the Chess Club and also the school's music program as a member of the marching and concert bands. Judge Perry was raised to value public service. His mother worked as a public school teacher and his father served in law enforcement as one of the first two African-American police officers to be hired by the Orlando Police Department. Judge Perry is married to his wife, LaDrean, and they have two adult children.

Judge Perry attended Tuskegee University, where he received a Bachelor of Science in History in 1972 and a Master of Education in Student Personnel Services in 1974. He went on to study law at Thurgood Marshall School of Law, where he received his Juris Doctor in 1977. Judge Perry

continued page 6

OCBA Luncheon Thursday, March 29, 2012

Matthew G. Brenner, Esq.

Matthew G. Brenner
2012 William Trickel, Jr.
Professionalism Award Recipient

Matt Brenner was born in the Bronx, New York, in the shadow of Yankee Stadium. He attended Colgate University in Hamilton, New York, and received his law degree from the College of William and Mary in Williamsburg, Virginia. After graduating from law school, Matt traveled even farther south to begin his law career in Orlando with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., where he has practiced for more than 26 years. He has been a member of the OCBA since 1986.

Matt's clients hail from a variety of industries, including developers, title insurance companies, national and state banks, and owners and managers of shopping centers, malls and office complexes. His work focuses on litigating disputes surrounding banking, business and real estate issues, involving such subjects as property boundaries, access issues, easements, quieting title, the Uniform Commercial Code, commercial leases and business contracts. An AV-rated attorney and a "Best Lawyer" according to *Best Lawyers in America* and *Orlando Magazine*, Matt is also certified by the Supreme Court of Florida as a Circuit Court Mediator.

In addition to serving as a guardian ad litem for abused and neglected children through his work on behalf of the OCBA Legal Aid Society, Matt is currently serving as a director of The Florida Bar Foundation. He also is a member of the advisory board for the Enzian Theatre in Maitland and is a board member of Habitat for Humanity of Greater Orlando.

Matt lives in Orlando's College Park neighborhood with his wife, Alana, their daughter, Madelyn, two cats and a cocker spaniel.

The Ballroom at Church Street

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

225 S. Garland Avenue • Orlando, FL 32801

Co-hosted by the OCBA Professionalism Committee

Please RSVP to reservations@ocbanet.org

by Friday, March 23, 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, March 23, 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!

ProfessionalismCommittee

continued from page 4

began his legal career with the Office of the State Attorney, serving as a trial attorney in 1977. He quickly rose through the ranks with the State Attorney's Office, concluding his service with the prosecutor's office as Chief Assistant State Attorney in 1989. In January of that same year, Judge Perry became the first African-American to be elected to the circuit bench of the Ninth Circuit without first being appointed. Since taking the bench, he has served as Administrative Judge in Osceola County and currently serves in his eighth term as Chief Judge of the Ninth Judicial Circuit.

In his professional activities, Judge Perry served as president of the National Conference of Metropolitan Courts during the 2010-2011 term and as chair of the Florida Innocence Commission. He also serves on the Executive Committee of the Trial Court Budget Commission, where he previously served as chair. He has served on the Supreme Court Criminal Court Steering Committee; Supreme Court Local Rule Advisory Committee; Florida Supreme Court Commission on Fairness – Guardianship Subcommittee; Supreme Court Committee on Post-Conviction Relief in Capital Cases; Florida Court Education Council; Orange County Jail Oversight Committee; as chair of the Criminal Justice/ Public Safety Coordinating Council; as chair of the Statewide Revision 7 Communications Advisory Group; and as the first African-American chair of the Florida Conference of Circuit Court Judges. He is a member of The Florida Bar Association, Texas Bar Association, Paul C. Perkins Bar Association and the Orange County Bar Association. He is also involved with 100 Black Men of Orlando, Inc., and serves as chair of the Orange County Central Receiving Center.

In 2001, Judge Perry was recognized by *Orlando Magazine* as one of the 20 most powerful people in Orlando. Again, in 2004 and 2011, he was recognized as one of the 50 most powerful people in Orlando. In 2011, he was recognized by Ebony Magazine as one of their Power 100. His dedication and work on the bench also earned him the 2009 FLABOTA Jurist of the Year Award presented by the Florida Chapters of the American Board of Trial Advocates; the 2009 Trial Judge of the Year Award presented by the Central Florida Chapter of the American Board of Trial Advocates; and the 2005 Jurist of the Year Award presented by the Hispanic Bar Association of Central Florida. Other awards and honors include: 2005 Golden Bell Award presented by the Mental Health Association of Central Florida; Drum Major Award presented by the Dr. I.S. Hankins/F.A. Johnson Education Foundation, Inc.; Founders Award presented by Florida Partners in Crisis; Friend of Law-Related Education Award presented by the Florida Law-Related Education Association, Inc.; and a 2003 Appreciation Award presented by the Paul C. Perkins Bar Association for meritorious service and dedication to the legal community.

In his role as Chief Judge, Judge Perry has achieved many milestones in the Ninth Circuit, which include establishing Florida's first complex business litigation court; serving as the driving force behind the Orange County Central Receiving Center, which assists those with mental illness and substance use disorders; optimizing court efficiency through the development of high-tech courtrooms, centralized court reporting and remote court interpreting; and opening three courtrooms at the jail's Booking and Release Center through his service on the Orange County Jail Oversight Committee.

Chief Judge Perry has been a member of the OCBA since 1992.

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President's Message

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what the OCBA stands for and of what practicing with professionalism truly means. As lawyers we must embrace the very highest ethical and moral standards, not just follow the letter of the Rules governing our profession. Thankfully, we have these three fine lawyers, and the award recipients who preceded them, to serve as examples of how it is done, and done very well. Congratulations to our 2012 Professionalism Awards recipients. You make us all proud to be lawyers.

Thomas A. Zehnder, Esq. is a partner with King, Blackwell, Downs & Zehnder, P.A. He has been a member of the OCBA since 1995.

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Justin R. Infurna, Esq.

An Interview with The Honorable Robert J. Pleus, Jr.

The Honorable Robert Pleus Jr**.** is a former appellate judge for Florida's Fifth District Court of Appeal and is an ordained permanent deacon in the Catholic Church. He has been a leading member of the Central Florida legal community for more than forty years. He was born and raised in Orlando, Florida, and is a proud father of six children and five grandchildren. Judge Pleus has been married to his wife, Terry Pleus, for more than 40 years.

Judge Pleus attended parochial school from kindergarten through high school. He then furthered his Catholic studies at the University of Notre Dame, where he received a Political Science degree. After spending several years in the Navy, he received his law degree from the University of Florida College of Law in 1962. He also holds a Masters Degree in Pastoral Ministries from Loyola University New Orleans.

Judge Pleus was a member of Carlton Fields for ten years, and then had his own civil practice firm for fifteen years. He specialized in real estate law and is also recognized for having been president of the Young Lawyer's Division of The Florida Bar and of the Orange County Bar Association. He also served as the mayor of the Town of Windermere from 1988 to 1994.

The Honorable Robert J. Pleus, Jr.

He retired from the court in September of 2008, but his successor, Bruce Jacobus, was not appointed until August of 2009. Judges for appellate courts in Florida are selected by a nominating commission (Judicial Nomination Commission or JNC) that gives recommendations to the governor, who must then appoint one of them. Governor Crist returned the list of nominees to replace Pleus to the nominating commission, saying that the lack of recommendations for qualified, nonwhite judges was unacceptable, and requested a new list of candidates. The JNC responded by resubmitting the same list of candidates. Pleus sued Crist to require him to name an appointment to succeed him. The Florida Supreme Court ruled that Governor Charlie Crist was constitutionally obligated to make a selection from the list provided by the commission. "I believe passionately that the governor has an obligation under the constitution to make the appointment and he didn't do it. He took an oath," said Pleus.

Q: Which governor appointed you and when?
A: Jeb Bush in 2000.

Q: What are the strengths of the legal system in America today?
A: Predictability. It works fairly in most cases.

Q: What are the weaknesses of the legal system in America today?
A: Delays occur in the court system and prevent people from getting justice in a timely manner.

Q: What do you know now that you wish you knew before you became a judge?
A: Very careful attention is given to cases by both trial and appellate judges and they don't always agree on matters, but they generally have pretty good arguments to make on each side when the panel doesn't agree.

Q: Tell me about a memorable moment in your life – a time you will never forget?
A: Sitting at the Florida Supreme Court arguing that the governor must appoint your successor because the Florida Constitution says so and the governor chose to ignore it.

Q: Who is/was the biggest influence in your career?
A: Reece Smith, head of Carlton Fields.

Q: What is the hardest thing about being a judge?
A: Maintaining penitence.

Q: What is your biggest pet peeve in the courtroom?
A: Lack of professionalism – bad behavior towards other lawyers.

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

Q: What advice would you give today's young lawyers?
A: Obey the canons for professional ethics and work hard.

Q: To what extent did you really understand the role of the judiciary before taking the bench?

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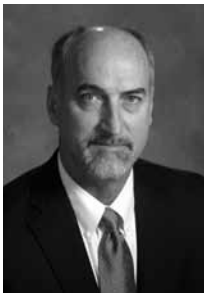
Board of Governers Report


Scott R. McMillen, Esq.

Mary Ann Morgan, Esq.

Paul SanGiovanni, Esq.

The Florida Bar Board of Governors met on January 27, 2012. Major actions of the board and reports received included:

Chief Legislative Counsel Steve Metz reported on the current legislative session. The governor and the Florida House of Representatives have issued proposed budgets with no funding cuts for the courts and which replace unstable funding from foreclosure filing fees with general revenues. The House budget also includes extra funds for handling foreclosure cases. The Senate has not released a budget and may not until later in February. For weekly updates on bills and matters being monitored by The Florida Bar, as well as information on legislation of interest to the legal profession and links to contact legislators, please visit the homepage at www.floridabar.org or use this direct link: www.floridabar.org/2012legislativesession.

Florida Supreme Court Chief Justice Charles T. Canady reported that he is encouraged by support from Governor Scott and in the House of Representatives for proposing budgets that do not cut court funding. He said the courts and bar need to plan for when state revenues begin to rise so the court system can restore lost services that have hindered its efficiency.

A preview of the bar's first mobile device app for *The Florida Bar News* was demonstrated. The free app will be available in early spring for Blackberry, Android and iPhone smart phones and for the iPad tablet computer. Features will include automatic content updates, top/breaking news, most recent news articles, classified ads with direct dial and email, ability to hold articles as favorites and a share feature. Board Communications Committee chair, Gregory W. Coleman, reported that additional apps are currently being considered, as is the bar's use of the social media outlets Facebook and Twitter. Watch *The Florida Bar News* for announcements on these new communications tools.

The board voted to amend advertising rules now pending before the Supreme Court, set for a March 7 oral argument, to prevent lawyer advertisements from using authority figures such as judges or police to endorse or recommend a law firm or lawyer's services. The official notice will be available on the bar's website and *The Florida Bar News*.

The board received on first reading amendments for Rule 5-1.2(b) and (c) on trust accounting records in which responsibilities of lawyers in law firms for trust accounts are described and sample trust accounting forms to assist in complying with the rules have been added. Final action will be taken in March. To receive a full copy of the text of these proposed amendments, call 1-850-561-5751. Comments may be sent to The Florida Bar, Attention: Rules, 651 East Jefferson Street, Tallahassee, FL 32399.

Several past bar presidents addressed the importance of educating voters about the merit selection and retention processes. In November 2012, three supreme court justices and 17 district courts of appeal judges will be on ballots for merit retention votes. Florida Bar President Scott Hawkins announced that the bar is committed to carrying out a statewide public education campaign.

An updated strategic plan for The Florida Bar was approved for 2012-2015 that included five objectives: (1) Ensure the judicial system, a co-equal branch of government, is fair, impartial, adequately funded and open to all; (2) Enhance the legal profession and the public's trust and confidence in attorneys and the justice system; (3) Strive for equal access to and availability of legal services; (4) Enhance and improve the value of Florida Bar membership and the bar's relationship with its members; and (5) Continue to encourage and promote diversity and inclusion in all aspects of the profession and the justice system.

The Special Committee to Study the Decline in Jury Trials presented its final report. Recommendations to counter the decline of civil and criminal jury trials in the state and federal courts were included. Concern is expressed in the report that fewer jury trials could undermine public confidence in the courts and have devastating impacts on the third branch of government.

Former Florida Supreme Court Justice Major Harding reported on a special commission appointed by Florida Bar President Scott Hawkins to explore honoring The Florida Bar's 1961-1980 executive director, Marshall R. Cassedy, Jr., who died in December. Other commission members are Burton Young, Miami, chair; Marshall M. Criser, Gainesville; L. David Shear, Tampa; William Reece Smith, Jr., Tampa, and Gwynne A. Young, Tampa.

Video messages by the bar president to keep its members informed and engaged have been emailed and are posted on the website, with the text, on the President's Page.

Access Board of Governors member and committee lists, minutes, agendas and the special appointment calendars on the website at www.floridabar.org.

Scott R. McMillen, Esq., McMillen Law Firm, P.A.; **Mary Ann Morgan, Esq.**, Billings, Morgan & Boatwright, LLC; and **Paul SanGiovanni, Esq.**, Morgan and Morgan, are members of The Florida Bar Board of Governors. Each is a past president of the OCBA.

Congressman Louis Frey, Jr.

Bringing Congress to Classrooms

It may be surprising to hear a former U.S. senator acknowledge that negative campaigning is unfortunately so common – because it works. Or another ex-legislator explain that strong lobbyists are a good thing. And another who laments that in today's world "the noise of democracy is like fingernails on a blackboard."

These and other candid commentaries from former Congress members are the fabric of a new educational resource developed by the Lou Frey Institute of Politics and Government at the University of Central Florida.

The Civics Connection: Conversations with Congress was developed by the institute and the United States Association of Former Members of Congress for high school and college-level American government courses. The video interviews also are accessible to anyone who would like to hear insider perspectives on how policies are developed and how the business of government works.

"It is, in a sense, a living textbook on American government and politics," Lou Frey Jr., a Florida representative from 1969 to 1979, wrote in his introduction to the resource. The institute, which he founded, strives to engage citizens to become active and responsible in government.

Frey said *The Civics Connection*'s roots go back to when he was a novice congressman. He said there were a lot of government practices and procedures that he previously had never been exposed to, and "I made a vow to myself not to let that happen to others."

Over the years he has developed intern and educational programs for students, but the impetus for this latest project came about three years ago when a report ranked Florida fifth worst in "civic stupidity," he said.

Project director Dr. Terri Susan Fine, a UCF professor of Political Science and associate director of the institute, traveled to Washington, D.C., earlier last year to tape the series of 15-minute interviews with former lawmakers who volunteered to be a part of the project. The 16 segments include teacher-support materials aimed at helping students understand the subjects.

Fine said she was impressed by the lawmakers' candor on the occasionally delicate topics.

Each interview pairs a Democrat and a Republican, with terms ranging up to 30 years in Congress. Interviews deal with issues such as political parties and interest groups, campaigning, landmark public policies, impeaching the president and budget earmarks.

Topics were chosen, in part, to align with the Advanced Placement U.S. Government and Politics course, but the materials also are useful for other U.S. history and government classes. The College Board is a nonprofit organization that works to connect students to college success.

The interviews and other free materials can be found at http://loufreyinstitute.org/civicsconnection/conversations.

The institute plans to tape additional interviews and add new topics to the site.

As for that fingernails-on-the-blackboard description of democracy, Byron Dorgan of North Dakota, who served in both the U.S. Senate and House of Representatives, said today's political parties don't use the system to achieve the best for the country, but rather to defeat the other side.

"Politics has changed a lot and the country is worse off for it," he said. "Because what our country needs at the moment is some very important nurturing by the political system making good decisions about putting the country back on track and moving the country ahead."

Submitted by the Lou Frey Institute of Politics and Government, communications department.

LaShawnda Jackson

for OCBA Executive Council

Experience Counts

- President, OCBA Young Lawyers Section (YLS)
- Current OCBA Executive Council Member
- Past Co-Editor, *The Briefs*
- Past President, Paul C. Perkins Bar Association (PCPBar)
- Ninth Circuit Judicial Nominating Commission (Vice-Chair 2010, 2011)
- George C. Young Central Florida Inn of Court Board of Governors
- National Bar Association, Constitution & Bylaws Committee
- The Florida Bar, Young Lawyers Division (YLD) Board of Governors
- The Florida Bar, CLE Committee
- Past Chair of various committees of YLS, YLD and PCPBar
- UF Association of Black Alumni Board of Governors
- Partner, Rumberger Kirk & Caldwell

ljackson@rumberger.com 407.839.2127

Save the Date!

Jay M. Cohen

Negotiation for Litigators: Theory and Practice

Presented by Jay M. Cohen

Friday, May 11, 2012
9:00 a.m. – 4:30 p.m.
Orange County Bar Association
880 N. Orange Avenue
Orlando, FL 32801

Early registration deadline:
Friday, April 20, 2012

Registration fee:
$250 (early registration)
$295 (late registration)

CLE: 6.0 General, including 1.0 Ethics (pending)

Nationally recognized Florida Supreme Court Certified Civil Mediator, Jay M. Cohen, a practitioner and regular lecturer on the subjects of mediation, negotiation and alternative dispute resolution, will present a full-day seminar designed specifically for litigators. He will bring his knowledge and expertise to a wide range of topics, including:

- Applying negotiation theory to mediation
- Effectively preparing the litigator and the client
- Strategy and Tactics – what works and what doesn't
- Dealing with difficult people
- Avoiding and resolving common ethical dilemmas

Seating is limited. Details and registration form will be available shortly on the OCBA website at www.orangecountybar.org. • Contact: Marie West at mariew@ocbanet.org.

The Honorable Faye Allen

A Rewarding Year in the Ninth Circuit

The Justice Teaching program is a statewide program that places volunteer lawyers and judges within classrooms throughout Florida. The program was initiated by Florida Supreme Court Justice R. Fred Lewis in 2006 and uses approved lesson plans on the Justice Teaching website for elementary, middle and high schools. Each lesson is designed to educate and to be interactive.

Many judges and lawyers in the Ninth Judicial Circuit have signed up and trained as volunteers in Justice Teaching, but there is always a need for additional volunteers. The required training is done via DVD and requires a minimal time commitment of three hours. Thereafter, volunteers spend at least one hour a month volunteering at their respective schools. CLE credit is available for up to five hours.

Recently, Assistant Attorney General Elizabeth Starr completed the Justice Teaching training. Ms. Starr indicated that she was eager to begin volunteering in the program at a school near her home or place of business. She is expected to be assigned to Frangus Elementary School.

At the beginning of the year several new volunteers joined Justice Teaching. Among the new group of volunteers was Judge Antoinette Plogstedt. In her role as volunteer at Arbor Ridge K-8 School, Judge Plogstedt enthralled students with mock jury selection and trials.

Shannon Bowlin, an Arbor Ridge teacher, said, "Judge Plogstedt and I have developed a wonderful professional rapport and friendship through our mutual love of teaching and working with students… we've conducted a jury selection and capital murder case along with sentencing. It was such a fantastic learning experience for all of my students."

The program also enjoys the support of partnerships with organizations such as the Orange County Bar Association Foundation. The Foundation Board, in underscoring the importance of Justice Teaching to the community, recently donated copies of the U.S. Constitution to give to participating students.

We have enjoyed a very rewarding year in the Justice Teaching program and more is yet to come. As the Justice Teaching liaison for the Ninth Judicial Circuit, I am pleased that we will again host a Justice Teaching presentation and reception. The presentation is an opportunity for teachers to learn more about Justice Teaching while networking with volunteer judges and lawyers in the program. Justice Fred Lewis and other speakers will provide an informative and interactive presentation to attendees.

The event is scheduled for March 19, 2012, and will be held at the Orange County Courthouse Jury Room from 4:00 p.m.-7:30 p.m. Refreshments will be served and all Justice Teaching volunteers are invited to attend. Reservations are required. For more information, contact Judge Faye Allen at 407-836-2257, or via email at ctjatr1@ocnjcc.org, justiceteaching@ocnjcc.org.

The Honorable Faye Allen, Ninth Judicial Circuit, has been a member of the OCBA since 2003.

Talk to a Judge

and learn how things really work in our courts
Register today for **Inside the Courts**

Tuesday, March 27
Origins of the Court, A Day in the Life of A Judge
Tuesday, April 4
Hot Button Issues, Court Interpreting Presentation
Tuesday, April 10
Civil Vignettes, Appeals
Tuesday, April 17
Casey Anthony Presentation, Panel Discussion (Courtroom 23)

6:30 p.m. – 8:30 p.m.

Orange County Courthouse
Jury Assembly Room
425 North Orange Avenue
Downtown Orlando

Inside the Courts is a dynamic 4-night program that will show you how our judicial system really operates. You'll learn about the judge's role, the processes of a case, the challenges our courts face today and what the court of the future looks like. Plus, you'll have the opportunity to ask your questions - and it's all FREE!

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-Paralegal Studies Student

"It helped me narrow my career path." – Law Student

Inside the Courts

"A great program that answered my questions."
-Criminal Justice Student

Attend 3 or more sessions and receive a certificate of completion from the court. Seating is limited so register today by calling, **407-836-0517**
or register online, at www.NinthCircuit.org.

HELP SHAPE THE FUTURE OF THE OCBA!

VOTE TODAY!

Election ballots have been mailed to voting members of the OCBA for the general election of OCBA Officers, Executive Council and the Legal Aid Society Board of Trustees. In addition, those who qualify as young lawyers will receive a separate ballot for the voting for YLS At-large Board Members.

Read about the candidates on the OCBA website at www.orangecountybar.org.

Voted ballots must be returned to the OCBA no later than 5:00 p.m., Friday, March 30, 2012.

Mail or bring your voted ballot to the OCBA office at 880 North Orange Avenue, Orlando, FL 32801.

If you have any questions, please contact Brant Bittner, Executive Director, at 407-422-4551.

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Legal Aid Society

Florida Supreme Court Honors Orange County Attorneys

The Florida Supreme Court, The Florida Bar's Young Lawyers Division and the Florida Pro Bono Coordinators Association announced the attorneys who were recognized for their 2011 *pro bono* work. The annual project is funded by the YLD and was established to encourage participation with local organized *pro bono* programs. Each year attorneys who contribute 20 or more hours receive a letter from the Chief Justice and a pin designating their contribution. The donation of time is based on the hours on cases closed during 2011 and project work in 2011. The letter for attorneys who contributed 100 plus hours is personally addressed by Chief Justice Charles T. Canady. This year the letter from Chief Justice Canady and the pins are being mailed by Legal Aid to 416 attorneys who participated through Legal Aid.

GOLD PINS

Brownlee, Michael M.
Colon, Tania M.
Dierking, John
Doty Solik, Mary A.
Eichenblatt, Steven S.
Ellerson, Tracey L.
Ferwerda, Debra
Finkenbinder, Timothy L.
Garcia, Patricio
Gonzalez, Luis J.
Johnston, Abigail M.
Kolos, Chris N.
Long, Sarah A.
Lord Jr., John S.
McDonald, Marybeth
Meehle, Suzanne D.
Rodda, Dawn R.
Waranch, Michael S.

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Abid, Jack George
Adam, Gabriel E.
Adams, Christi R.
Adams. Glenn A.
Adams, Julie J.
Ahlers, Mark F.
Aidif, Daniel R.
Alfonso, Roberta
Allen, Herbert L.
Amigo, Andrea G.
Amos Jr, Joseph L.
Apfelbaum, Nicolas A.
Ardaman, A. Kurt
Arendas, Christine E.
Arkin, J. Gordon
Arnold, Jennifer Rhiannon
Aschenbrenner, Kate
Atcachunas, Christopher J.
Auffant, James R.
Bailey, M. Merrell
Bano, Eneid
Barber, Bethanie A.
Bartholomew, Krista M.
Baumgardner, Theodore R.
Beechner, Laurie D.
Bello-Billini, Angel M.
Bellock, Kristina
Benitez, Alyssa N.
Benjamin, Walter G.
Benton, Alvin F.
Berglund, Michelle
Berman, Brion
Bigney, Jeanette
Bishop, Randall B.
Bittakis, Megan Lubozynski
Blackwell, Bruce B.
Blevins, Jonathan C.A.
Bloom, Gwen B.
Bogle, Richard B.
Bonnett, Erik N.
Bonus, Philip F.
Boothe-Perry, Nicola A.
Boston II, Wiley S.
Boulden, John D.
Brams, Craig L.
Branham, Jeffry J.
Brenner, Alana C.
Brenner, Matthew G.
Brewer, Trevor K.
Bruce, Jason W.
Budgen, Leigh Todd
Budowski, Susan M.
Burton, Sara J.
Caldwell, Lori J.
Caldwell-Carr, Lori M.
Callahan, Jane Dunlap
Cameron, Andrew
Candes, Leslie C.
Carbone, Sandra
Caro, Andrea
Channel, Warren T.
Chapin, Bruce E.
Chmelir, Andrew J.
Choufani, Jaafar
Cocotas, Vivian P.
Collins, Viktoria
Colvin, R. Gregory
Concepcion, Michelle E.
Conner, Jeffery A.
Conroy, Charles R.
Cook, Deborah
Corzo, Guillermo A.
Cowan, Amanda A.
Crews, Chadwick E.
Crichton, Carolyn S.
Croft, Jana D.
Crotty, John M.
Cruz, Nanette P.
Cruzada, Kristopher M.
Cupps Battles, Melissa J.
Dane, Jennifer T.
Davis, Amber Neilson
Davis, Keshara D.
DeGailler, Brian D.
Dellecker, Robert H.
Dellinger, Richard S.
Demers, Shawn L.
Demps, Melanie M.
De Petrillo, Mary Anne
Derenthal, Holly
Desai, Tushaar V.
Devault, Megan Costa
DeVoe, Michael P.
Diamond, Philip A.
Dilg, Kevin M.
DiMasi, John L.
Dimayuga, Edward A.
Dittmer, Terrance H.
Dobrev, Cara M.
Dolney, Thomas S.
Doppelt, Ava
Drean, Robert E.
Dreher, Salaam G.
Earle, Steven Edward
Edwards, Ted B.
Egan, Thomas F.
Etzler, Mary Ann
Ezzo, Elise
Faddis, Eric H.
Faulkner, Eric S.
Feinberg, Ryan
Ferguson, Angela G.
Ferrin, Michael
Finer, Teresa B.
Fitzgibbons, Mary E.
Foels, Pamela L.
Foster, John W.
Fowler, Kevin D.
Fox, Roberta J.
Frederick, Nickole E.
Frey, Julia L.
Furbush, Michael J.
Gabrielson, W. Scott
Gangitano, James
Garcia, Ericka
Gay, Michael
Gebaide, Rachel
Geismar, Clifford J.
Gergely, Lindsey C.
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Gilchrist, Brian R.
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Gonzalez, Marivette
Gonzalez Jr., Oscar
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Gordon, Charles E.
Gorman, Andrew J.
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Greer, Holly James
Grossman, Kristin
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Heatwole, Lauren
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Hesse, Keith J.
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Hinshelwood, Bruce

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Hull, Norman L.
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Jewell, Shawn T.
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Kelly, Shannon L.
Kenny, Peter W.
Kessel, Taylor C.
Kest, Kristopher J.
Khoury, Susan
Killer, C. Christopher
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Kimbrough Jr., Orman L.,
King, Samuel P.
Knight, T. Kevin
Koch, Sara N.
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Malik, Imran E.
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Mangsen Corbett, Diana
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Marcus, Lee W.
Markman, Jeremy K.
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Morris-Webster, Sage
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Paul, Jason A.
Pence, William L.
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Pyle, Steven P.
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Roberge-Buonauro, Jessica C.
Roberts, Ida M.
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Rodriguez, Diego "Woody"
Rodriguez, Heather Pinder
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Schmidt, Juliana T.
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Silzer, Scot A.
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Smith, Richard W.
Smith-Mangan, Gladys D.
Snow, John T.
Sookrajh, Kavita
Sos, Anthony F.
Soto, Kelvin
Spears, James R.
Squires, Jonathan C.
Squires-Bindford, Grey
Stanley, Angela J.
Starr, Wayne
Steele, Alexandra C.
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Stepter, Charles R.
Sterling, Laura L.
Stewart, Stephanie K.
Storms, Yovannie R.
Sublette, William E.
Swartwood, Gregory D.
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Thatcher, Larri T.
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Thomas, Shayne A.
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Torres, Carlos E.
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Watson, Sasha A.
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Wilson, Brian T.
Witt, Robert A.
Wohlust, G. Charles
Wolter, Robert L.
Woody, Carlos L.
Yates, Tad A.
Yergey Jr., David A.
Young Jr., William B.
Zamora, Circe
Zehnder, Thomas A.
Zeini, Abdullah
Zielinski, John W.
Zobel, Hallie L.

Donna A. Haynes

Refugee from Tyranny to a Life of Freedom via LAS

Imagine being a nine-year-old girl walking home from school one day, laughing and joking with your classmates and your little brother. Like any other day, you say farewell to your friends as you and your brother enter your home, thinking you'll find your mother in the kitchen preparing a warm meal for the two of you before you sit down to do your evening homework. This was life for Jean and her little brother in Kinshasa, the capital of the Democratic Republic of the Congo, until the fateful day they arrived home to find their mother had died. Their stepfather, a hard man who had no qualms about corporal punishment, did not hesitate to turn them out on the street within a month. He had no desire to waste his resources on the children of another man, even though he had raised Jean and her little brother for five years. This was how Jean's story began when she first came to the Legal Aid Society of the Orange County Bar for help, and how she told her story to the immigration judge before she broke down sobbing, recounting the first homeless night on the streets of Kinshasa. Jean spoke about her little brother, helpless and crying, as Jean was gang-raped by three young men who had pulled her into an alleyway.

Charles Conroy, Esq.

Every year, thousands of people like Jean come to the United States as refugees, either persecuted or having a well-founded fear of being persecuted if forced to return to their country. They come seeking asylum under the Immigration and Nationality Act, as well as protection under the United Nations Convention Against Torture. The legal process for acquiring status as a refugee, once in the United States, can be overwhelming for someone unfamiliar with the legal territory and unable to speak the language.

"At Legal Aid, we represent refugees from around the world who have been tortured because of their political or religious beliefs, or because they're members of a particular social group that's been marginalized in their country," said Chuck Conroy, the Legal Aid Society's immigration attorney. "Some of our clients have been jailed and tortured, some have had their relatives killed right in front of them, and others have been victims of brutal sexual violence because a member of their family has criticized the government."

The diverse groups of refugees Chuck has represented includes a fundamentalist Christian from China, a political activist opposing the government in Venezuela, a gay man from Guatemala, a community organizer from Haiti and children targeted for gang recruitment in El Salvador. Aside from refugees, the Legal Aid Society has also represented hundreds of immigrant women who have found themselves victims of domestic violence, and undocumented children who have been abused, abandoned and neglected.

Jean and her brother spent almost three years on the streets of Kinshasa and, to survive, were forced to beg, steal and prostitute themselves like other street children. They could not go to the authorities, since many police officers victimized street children for their own gain. If it had not been for the intervention of an old neighbor, Jean and her brother would have continued living on the streets. The neighbor, an elderly woman who had been friendly with Jean's mother, knew of the children's paternal uncle living in an eastern province and helped to make arrangements for the children to go there. Jean and her brother, like hundreds of others, waited for weeks in the Kinshasa airport to catch a cargo flight across the country.

They met with their uncle, only to find that the country's civil war had decimated the family. Their uncle could not care for them because he was roaming the countryside in search of his wife and child, who had been displaced by the war. The uncle left Jean and her brother in the care of a trusted neighbor, a woman with a son who had lost her husband to the war. All around them millions of people had been displaced and left in search of a safe haven from both government soldiers and rebels. Young girls and women were faced with trying to survive in a country described by one United Nations representative as "the rape capital of the world." It was while living in the eastern province that Jean's younger brother disappeared during a rebel attack. "If not killed during the attack, it's more than likely he ended up forced to become a child soldier," Chuck remarked. As for Jean, she found herself at 13 years old living as the sex slave and house cleaner of a government soldier for several months until another rebel attack allowed her and other children to flee.

Ultimately, Jean made her way to the United States through the aid of a religious organization that helps street children escape the violence in the Congo – but not before Jean made her own way through three countries, once again being victimized and bearing a child.

continued page 19

SAVE THE DATE

Orange County Bar Association

2012 Annual Gala

to benefit the Legal Aid Society of the Orange County Bar Association
and Orange County Bar Association Foundation

April 14, 2012
Amway Center
North Club Bar

GALA SPONSORSHIP

The OCBA would be honored by your sponsorship of this event.
The following sponsorship opportunities are available:

Platinum - $2500
Includes 20 tickets to the Gala as well as recognition as a Platinum Sponsor in The Briefs, at the Gala and at the Annual OCBA/Legal Aid Installation and Awards Banquet.

Gold - $1000
Includes 8 tickets to the Gala as well as recognition as a Gold Sponsor in The Briefs, at the Gala and at the Annual OCBA/Legal Aid Installation and Awards Banquet.

Silver - $500
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Bronze - $250
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Yes, _____ would like to be a _____ Sponsor
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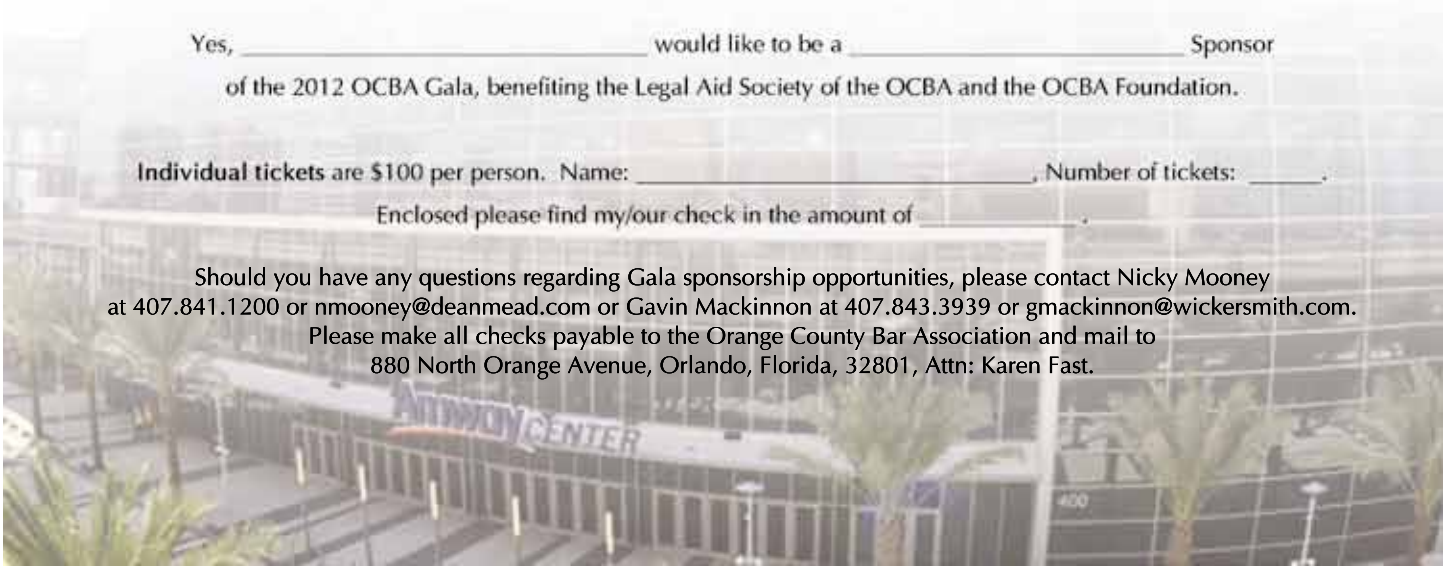
Enclosed please find my/our check in the amount of _____.

Should you have any questions regarding Gala sponsorship opportunities, please contact Nicky Mooney at 407.841.1200 or nmooney@deanmead.com or Gavin Mackinnon at 407.843.3939 or gmackinnon@wickersmith.com.
Please make all checks payable to the Orange County Bar Association and mail to
880 North Orange Avenue, Orlando, Florida, 32801, Attn: Karen Fast.



ELECT

Jonathon C.A. Blevins

Young Lawyers Section Board Member, At Large

Experience, Public and private practice, including trial and appellate law.

Commitment, Orange County Teen Court Advisor and Judge
Florida Law Related Education Association
George C. Young First Central Florida American Inn of Court
Barry University Moot Court Honors Board Coach

If elected, I look forward to strengthening the position of the Bar in the community and will promote volunteerism, pursue continued community involvement, and work to further the goal of complete professionalism in all Bar activities.

Orange County Bar Association Young Lawyers Section Board elections begin March 1st.

Vote Jonathon C.A. Blevins Member, At Large.

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continued from page 16

In Immigration Court, Jean had to present sufficient evidence to establish her past persecution and that her fear of going back to the Congo was well-founded. "I spent several days with Jean preparing her testimony and researching country conditions in the Congo. When it was time for her to get on the stand, Jean was able to work through the horror of what had happened to her in childhood and tell her story," said Chuck. The immigration judge found that as a young woman with a minor child and no family support in the Democratic Republic of the Congo, Jean had established she would more than likely be persecuted if she were returned to the Congo. In fact, the judge not only granted Jean asylum but also declared that she qualified for what is known as *humanitarian asylum*, a form of relief rarely granted. This is when the court finds that the persecution suffered was so severe that, even if the petitioner may no longer be in danger of future persecution, it would be inhumane to return the person to his or her country.

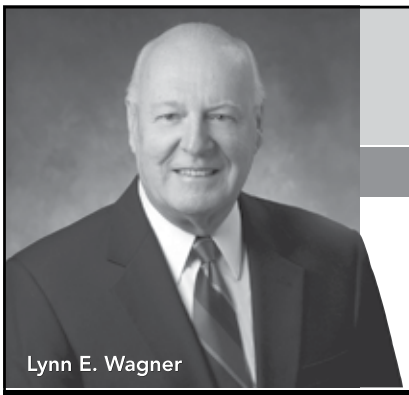
Jean's hearing was eleven months ago, and today she is a 20-year-old asylee living in Jacksonville, raising her three-year-old son and preparing to enter the medical field. Before her hearing on the merits, Jean told Chuck that "all she wanted was a place where she could be safe and raise her child in peace." Jean expressed her gratitude to Legal Aid and the people who support us for giving her a chance to make a life for herself and her child. Two lives were saved because of the work Chuck did in the handling of this one case. Imagine how much he can change the world by handling many cases. He undoubtedly will do this, with both competence and compassion.

Chuck Conroy, admitted to The Florida Bar in 2004, is a Vermont Law School graduate. He specializes in immigration and nationality law and is bilingual, speaking English and Spanish. Chuck is returning to his hometown of New York City to begin a new career at the Neighborhood Defender Service of Harlem. We wish him all the best with this new endeavor.

For more information about how you can help fund this "lifesaving position," contact dhaynes@legalaidocba.org or call 407-841-8310 x 3150.

Charles Conroy, Esq. has been a member of the OCBA since September 2006.

Donna A. Haynes is the Director of Development at the Legal Aid Society. She has been a member of the OCBA since 2008.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A Gift for the Legal Aid Society

The Legal Aid Society will host a special "Vendor Marketplace" at the OCBA Luncheon on March 29, 2012. Sales will benefit the Legal Aid Society. We invite you to come early, browse the marketplace, purchase items for yourself or others, and help the Legal Aid Society!

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For more information, please contact Donna Haynes, Legal Aid Society Director of Development, at dhaynes@legalaidocba.org

Shane E. Fischer, Esq.

Office Space Options for the Solo and Small Firm Practitioner

I've gotten many questions from new solos wanting to know what type of office space they should consider. This article will discuss the pros and cons of various types of arrangements available for an attorney starting his or her own firm, whether using a virtual office, engaging room in an executive suite, leasing space in a professional building or renting from another attorney.

A virtual office is simply a facility where one meets with clients, takes depositions and receives mail. For less than $100 per month, you will be securing a mailing address in a prestigious location together with a pre-determined amount of conference room time. Contact the management company to schedule conference room time, usually in half-hour to hour increments. This way, the benefits of using a conference room are yours and you only pay for what is needed. If you need additional time, the management company will allow you to purchase more hours.

Another advantage of a virtual office is that it is a cost-effective way to add multiple locations to your business. Most clients won't know that your second location is just a virtual office, but even if they find out it is likely they won't mind, as long as your main location isn't a virtual office. Additionally, you can add a second office to your letterhead and business card, making your practice appear larger than it is by including, let's say, an Orlando and Kissimmee, Lake Mary or Tampa address.

Unfortunately, the disadvantages of using a virtual office as your primary office outweigh the advantages. For instance, you won't be fooling any local opposing counsel. They'll know, or quickly find out, that your "office" doesn't really exist. A big, corporate client looking to hire you for a major transaction will doubt your ability to handle their case if they think you can't afford a "real" office. Likewise, a well-funded litigation adversary will bury you with paperwork, thinking they can overwhelm your small practice.

Another disadvantage of a virtual office is that the building's management company will place a sign in front of the building promoting virtual office space, plainly visible to clients headed to your office. As a result, any client who may have believed you had a real office will learn the truth once he pulls into the parking lot. Also, your business card will be one of dozens in the reception area, and your name will be listed on the lobby directory along with dozens of other lawyers sharing the same office space. You risk losing business to other lawyers sharing the same virtual office if the potential client recognizes a name on a business card or lobby directory and hires your competition instead of you. Further, if you want anything more than the standard plan, such as receptionist services or extra room time, the prices will quickly increase, negating any potential savings. Lastly, if you live more than five minutes away, frequent trips to and from your virtual office can take up valuable time you wouldn't otherwise have spent if you had your own office. Therefore, I recommend a virtual office *only* if you cannot afford any other arrangement, or if you are using a virtual office to expand into a new city.

One step up from a virtual office is an executive suite. An executive suite is a single office or offices sublet from a larger office, usually an entire floor. Like a virtual office, management will lease out entire floors in office buildings and divide the floor into individual, smaller offices for one- or two-person businesses. Management will provide a reception area (maybe even a receptionist), conference room, copier and postage meter. Tenants get the benefits of a full office suite while only having to pay for minimal office space. Further, executive suites can be found at many of the most prestigious addresses in town, allowing a solo practitioner the opportunity to work in the same professional, Class A office location as a more established, larger firm.

Many solos find executive suites the best option when they're first starting out. One may rent a single office (as small as 100 sq. ft.) – some come furnished – eliminating a major initial expense. Some offices include phone service, saving you the hassle of figuring out different phone company products and plans.

Unfortunately, executive suites have a few negatives. You are charged for each photocopy, fax and receptionist-assisted call. There is limited room to expand should you hire an assistant or need more room, and you can't take your phone number with you if you leave. Not being able to keep your number is the biggest drawback since you *never* want to change your phone number. If you leave the executive suite, you risk losing business to another company that moved into your space and inherited the number you left behind. This problem can be eliminated, however, by forwarding an existing number to the executive suite's number.

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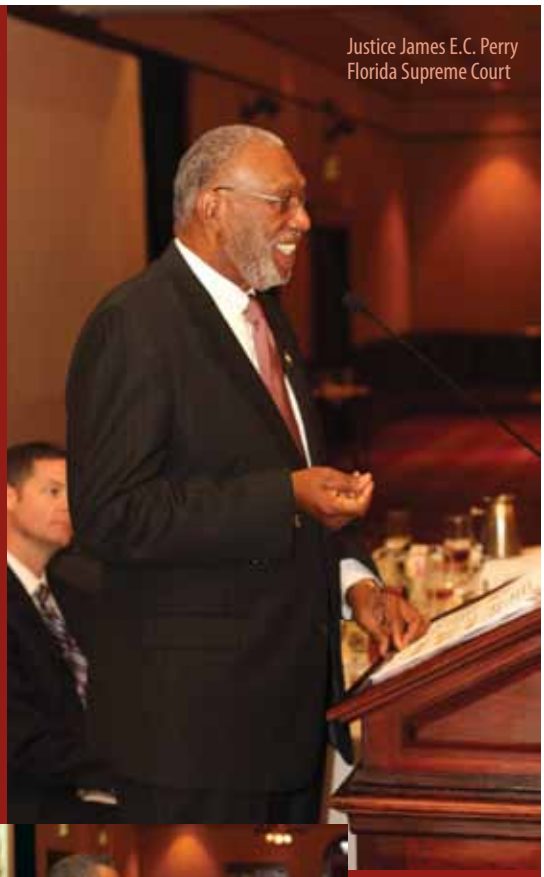
Tom Zehnder
OCBA President



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OCBA Joint Happy Hour| November 16, 2011

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In addition to having a great time, attendees of the OCBA and Voluntary Bars' Joint Happy Hour raised money for and donated canned goods to the Second Harvest Food Bank.

The OCBA's Leadership Law Class Gets Underway

The inaugural class of the OCBA's newest program, Leadership Law 2012, kicked off on January 20 at the OCBA offices with more than forty area business leaders in attendance. The law-focused education program is designed to provide business men and women an opportunity to explore issues within the judicial system that influence their businesses and business decisions. Sessions are taught by members of the judiciary and well-regarded Central Florida attorneys who practice in a variety of business-related specialties.

The initial class meeting, which was the first in a series of five monthly meetings that run through May, included participants from diverse professions, including those in public and higher education, finance and accounting, software development, marketing and public relations, city and county government, and public and private service organizations.

January's class curriculum began with a recap of the branches of government and the legal system's impact on businesses, and quickly segued into matters of nationalization and property rights, the judicial electoral process, and ethics, professionalism and grievance procedures. During the afternoon session, participants got an overview of the trial process, learned about the pros and cons of alternative dispute resolution as a means of settling business-related legal issues, and were informed about the types of cases heard in complex business court and how to navigate the system.

Presentations were made by judges John M. Kest and Frederick J. Lauten of the Ninth Judicial Circuit, Mayanne Downs and Bruce B. Blackwell of King, Blackwell, Downs and Zehnder, P.A., Mary Ann Etzler of Miller Etzler, P.A., Nicholas A. Shannin of Page, Eichenblatt, Bernbaum & Bennett, P.A., and Gary S. Salzman of GrayRobinson, P.A. OCBA president, Tom Zehnder, and executive director, Brant Bittner, gave welcoming remarks. The day ended with a reception at the bar center.

"Through presenters that included members of our outstanding judiciary and local practitioners, the class was treated to a unique, behind-the-scenes look at our legal system, including the trial process, alternative dispute resolution, judicial elections, and grievance proceedings. What a great start to a wonderful new program," said Tom Zehnder, OCBA president.

Upcoming classes include off-site sessions at the Orange County Courthouse, the Thomas S. Kirk Juvenile Justice Center, the Medical Examiner's Office and the Federal Courthouse.

The OCBA's Leadership Law program, although similar to programs such as Leadership Orlando, Leadership Orange County Public Schools and others, is unique in that it is law-focused and has not been offered by other bars as a community education and outreach effort developed specifically to help business leaders better understand the legal system and the benefits it offers them.

Information about the Leadership Law program and its presenters and participants is available on the OCBA website at http://leadershiplaworangecountybar.

OCBA Inaugural Leadership Law 2012 Class

Judge Antoinette Plogstedt, Tom Zehnder, OCBA president

Leadership Law 2012 participants

Commissioner Tiffany Moore Russell, Orange County District 6

Markita Cooper, Associate Dean for Academic Affairs and a Professor of Law at FAMU, and Joanne Godwin

Leadership Law program moderator, Mary Ann Etzler, Miller Etzler, P.L.

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YLS *on the move*

Jacquelynne J. Regan, Esq.

YLS invites you to join us this month for some excellent learning opportunities, as well as opportunities to try something new and have some fun! But first, a re-cap of what's been going on:

In January, several local young lawyers represented the young lawyers sections of the Orange County Bar Association (YLS), the Central Florida Association for Women Lawyers (CFAWL), the Hispanic Bar Association of Central Florida (HBACF) and the Greater Orlando Asian American Bar Association (GOAABA) at **The Florida Bar Young Lawyers Division's Affiliate Outreach Conference** in St. Augustine (AOC). AOC was chaired by our very own **Melanie Griffin.** The weekend was packed with fun activities, including a trolley and walking tour of America's oldest city led by "Henry Flagler," a dinner-dance at the historic Lightner Museum, and an amazing city race throughout St. Augustine filled with speed boat rides and chocolate, beer and sangria tastings. A highlight of the weekend was the presentation of our affiliates' grant applications, including: *Enhancements to Mentoring Program's Database and Website* presented by **Tony Sos** of the OCBA YLS, *Changing the Family Landscape Benefitting SafeHouse of Seminole* presented by **Megan Malec** of CFAWL, *Diversity in the Profession* seminar series presented by **Kimberly Lopez** of HBACF, and *Alien Land Law Community Awareness Outreach* presented by **Kim Nguyen** of GOAABA. Each of these affiliates will receive an award of at least $500 to carry out these wonderful initiatives.

As we mentioned last month, the **YLS Holidays in January Wine Down** was once again a great success, and the final results of this fundraiser are in! The chairpersons of the 3rd Annual Holidays in January event, **Meghan Kane** (YLS), **Natalia Scott** (CFAWL) and **Kimberly Lopez** (HBACF) would like to thank everyone who attended the event. With more than 130 people in attendance, it was a HUGE success! Even Urban Flats did not expect the record turnout on a Tuesday night. A special thank you to the **Waldorf Astoria at Bonnet Creek** for their generous donation of our raffle item. The Wine Down event raised $1,735. When added with matching funds from the OCBA YLS, CFAWL and HBACF, and grant funds received to fund the project, the grand total raised was $4,735! These funds will be split equally among the Arnold Palmer Children's Oncology Wing, United Cerebral Palsy of Central Florida, and Boys & Girls Club of Orlando. To view more photos from the event, please visit www.love2snap.com.

The next **Brown Bag Lunch with Judge John Marshall Kest** is scheduled for **Thursday, April 12, 2012.** Judge John Kest will instruct young lawyers on motions *in limine* – when, why and how to use them. This program will provide 1.5 hours of CLE credit. If you are interested in joining Judge Kest for April's Brown Bag Lunch, please call Judge Kest's judicial assistant at 407-836-0443 or email at ctjadi1@ocnjcc.org.

The Adult Literacy League had its annual **Reading Between the Wines** event on **March 1, 2012**. If the Adult Literacy League sounds familiar to you, it's likely because the YLS annually supports this important organization with its wildly popular **Lawyers for Literacy Spelling Bee.** In fact, this past October, the YLS hosted the Second Annual Lawyers for Literacy Spelling Bee and is already gearing up for the Third Annual Spelling Bee (and hoping to see you there)! This past October, sixteen two-person teams, comprised of lawyers from local law firms and businesses throughout the Central Florida legal community, competed in the event, and a grand total of $31,105 (minus some costs for food) was raised for the Adult Literacy League! Thank you to the event sponsors, and notably the three Capital Bee sponsors: **Darden, Sea World** and **Kilgore Pearlman.** On behalf of the YLS planning and host committees and, of course, the Adult Literacy League, YLS would like to thank you for raising awareness regarding literacy struggles in our community, for taking positive steps toward providing all of our neighbors this most fundamental skill and for supporting this cause throughout the year.

The **YLS Luncheons** are still going on – and with a twist! In February, all attendees at the luncheon enjoyed a complimentary lunch provided by the luncheon sponsor, **D4**, a national leader in providing litigation support and eDiscovery services to law firms and corporate law departments. YLS looks forward to continuing to provide learning opportunities at its luncheons throughout the year.

The YLS March Luncheon will take place on **March 21, 2012**, at 11:45 a.m. at the University Club in downtown Orlando. Stay tuned for more details about this special St. Paddy's-inspired luncheon! Please email your RSVP to admin@ocbayls.org. The cost is $20 if you RSVP before noon on March 19, 2012, or $22 at the door; $12 for law students, government attorneys, sole practitioners and judges. Mark your calendars for the **YLS April Luncheon** on **April 25, 2012** at 11:45 a.m., which will also take place at the University Club. RSVP's for March's luncheon are due by noon on March 19, 2012.

The YLS is looking forward to participating in the **Relay for Life** once again in 2012! The YLS is currently putting together another team to participate in Relay for Life of University of Central Florida, which will take place on **Friday, April 13, 2012**, beginning at 6:00 p.m. at UCF Memory Mall.

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YLSon the Move

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Calling all YLS members and summer associates! Join us as we sponsor and volunteer at a monthly **IDignity** event on **Thursday, June 21, 2012.** IDignity was created to help the disadvantaged in Central Florida overcome the difficulties of obtaining the personal identification that is crucial to enabling them to become self-sufficient. IDignity is looking for capable, legal-minded professionals to assist with providing guidance to those needing assistance obtaining IDs. No prior experience is required – the IDignity staff will teach you everything you need to know in order to volunteer! We will also be presenting a monetary donation to the organization prior to the event. To register for this event, go to www.idignity.org/volunteer and select the June 21st event, then select which shift you would like to take. All volunteers will be provided a T-shirt, light breakfast and an ample lunch. Other information on parking and event details are available on the IDignity website. We hope to see you there!

If you want to find out more about YLS and its committees and events, please call me at 407-418-6438 or email me at reganjj@lowndes-law.com. If you are not receiving the YLS email blasts, send an email to me or yls.ocba@gmail.com to sign up!

Jacquelynne J. Regan, Esq., is an attorney with Lowndes, Drosdick, Doster, Kantor, & Reed, P.A. She has been a member of the OCBA since 2007.

Please VOTE for *Nichole M. Mooney* as Board Member of the OCBA Executive Council.

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- Served on OCBA's Executive Council for the past two years
- Chairing the 2012 OCBA Annual Gala
- Member of CFAWL and Table Leader for the Legal Aid Society Breakfast of Champions
- Previously served on the OCBA Young Lawyers' Section Board
- Former member of the Florida Bar Young Lawyers' Division Board of Governors

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Eating Away at Involuntary Dismissal: The Florida Supreme Court Takes a Pro-Litigation Stance

Katharine Ballingrud, Esq.

The Florida Supreme Court has recently decided a case affecting all those who practice civil litigation. It is an expansion of the holding first articulated in a prior Supreme Court case, *Wilson v. Salamon*, 923 So.2d 363 (Fla. 2005). The case of interest here is *Chemrock Corp. v. Tampa Elec. Co.*, 2011 WL 2566394 (June 30, 2011). These decisions, analyzed in tandem, have changed the litigation landscape.

In a 6-1 decision, the *Chemrock* court reversed a decision by the First District Court of Appeal, which had held that it was insufficient to avoid a dismissal for lack of prosecution to merely file any pleading or motion. The Florida Supreme Court accepted jurisdiction pursuant to Art. V, §3(b)(4) of the Florida Constitution on the basis of conflict jurisdiction.

Both cases deal directly with Fla.R.Civ.P. 1.420(e), which provides in pertinent part:[1]

> In all actions in which it appears on the face of the record that no activity by filing of pleadings, order of court, or otherwise has occurred for a period of 10 months, and no order staying the action has been issued nor stipulation for stay approved by the court, any interested person, whether a party to the action or not, the court, or the clerk of court may serve notice to all parties that no such activity has occurred. If no such record activity has occurred within the 10 months immediately preceding the service of such notice, and no record activity occurs within the 60 days immediately following the service of such notice, and if no stay was issued or approved prior to the expiration of such 60-day period, the action shall be dismissed by the court on its own motion or on the motion of any interested person, whether a party to the action or not, after reasonable notice to the parties, unless a party shows good cause in writing at least 5 days before the hearing on the motion why the action should remain pending.

Before the decisions in *Wilson,* and now *Chemrock*, where there had been some record activity, the trial court was to decide whether the activity in question was sufficient to preclude dismissal under Rule 1.420(e). If it was shown that no *action toward prosecution* had taken place within one year, the plaintiff then had the opportunity to present to the trial court good cause in writing to avoid dismissal. If the trial court determined that good cause was lacking, then it was to dismiss the case.

With the court's decision in *Wilson*, and now extended in *Chemrock*, this is no longer good law.

The Beginning: *Wilson*

The *Wilson* decision made significant changes to civil litigators' practices in its own right. The court was asked to decide a question certified to be of great public importance: are trial court orders that are entered and filed to resolve motions that have been properly filed in good faith automatically treated as "activity," or must the trial court continue to assess its own orders to determine whether they are passive entries in the court record?

The filing to be considered by the court was no more than a motion to appear pro hac vice as counsel for one of the litigants. Was this motion "active" – in other words, did it serve to move the litigation forward? Or was it "passive" – done only to avoid dismissal, and serving no other purpose?[2]

The court had an important decision to make, and the stakes were high because of the potential for wide-ranging effects on litigation. The court recognized that its job was to balance two important but often conflicting interests: to see that legitimate disputes are fairly resolved on the merits, and to identify cases that are not being prosecuted and whose presence in the system may hinder the courts in processing other cases on the merits.[3] Perhaps most significantly, the court seemed to show concern that the integrity and credibility of the court system were at stake unless a re-examination of the Rule were to occur.

The court adopted an interpretation of the Rule's plain meaning, and in so doing, provided a clear mechanism for identifying those cases not being diligently prosecuted. Thus was developed a bright-line test.[4] "If a review of the face of the record reveals activity by 'filings of pleadings, orders of court, or otherwise,' an action should not be dismissed."[5] As such, the bright-line test requires no more than any sort of filing to avoid dismissal, and no more than a cursory examination of the record by the trial court. This test relieved the court and the litigants of the burden of determining whether an activity is merely passive or whether it is active.[6] So the *Wilson* court thus receded from its prior opinions interpreting Rule 1.420(e) and repudiated the notion that a trial

court should look behind the face of the record to determine whether an activity is passive or active to determine whether dismissal for failure to prosecute is appropriate in a given case.

The Present: *Chemrock*

The *Chemrock* court took the ruling in *Wilson* a step further. The majority held that the filing of *any* pleading or motion within the 60-day grace period provided by Fla.R.Civ.P. 1.420(e) prevents a case from being dismissed for lack of prosecution.

The case was originally decided by the First District Court of Appeal, which held that a filing had to be active – in other words, move the litigation forward – in order to escape dismissal and satisfy the requirements of the Rule.[7]

Chemrock sued Tampa Electric in circuit court for damages. Discovery ensued and a trial was set for July of 2003, but the trial was ultimately continued. Neither party filed a motion to have the case reset for trial. On December 27, 2006, Tampa Electric filed a notice of lack of prosecution pursuant to Rule 1.420(e) on the basis that there had been no record activity for the past ten months.

During its sixty-day grace period, Chemrock filed a Motion in Opposition to Motion for Dismissal for Lack of Prosecution and Showing Good Cause Why Action Should Remain Pending. No record activity occurred until nearly a year and a half later, when Tampa Electric filed a motion to dismiss for lack of prosecution. A hearing was held on the issue and the trial court dismissed the case for lack of prosecution. Chemrock appealed to the First District, which affirmed the dismissal.

With a nod to the bright-line test established by the *Wilson* decision, the Florida Supreme Court in *Chemrock* admonished that trial courts should not "look beyond the face of the record to subjectively determine whether the activity reflected in the record is merely passive, and therefore insufficient to preclude dismissal under the rule, or active and thereby designed to hasten the suit to conclusion on the merits."[8] So the court ultimately found that the record filing made by Chemrock during the sixty-day grace period satisfied the bright-line test and precluded dismissal.

Any filing of record within either the sixty-day grace period or the prior ten-month period is now sufficient to preclude dismissal pursuant to these two decisions.

Practical effects of the decisions in tandem

The practical effects of these two decisions are far-reaching. The result is that it is now more difficult to have a case dismissed for lack of prosecution. An attorney need no longer consider the quality or effect of his record filing to know that it will preclude dismissal. A lawyer who has patiently waited to file a motion to dismiss will have done so in vain, as long as any paper, no matter how trifling or lacking in substance, has been filed by his or her opponent in the matter. Rather than be dismissed, litigation will continue to hang over the heads of defendants. Justice Wells, in his dissent in *Wilson*, likened the effect on pending litigation to "slow-drip water torture."[9]

In many cases, a litigant will be forced to pay substantial expenses and attorney's fees to maintain a case he could have otherwise had dismissed for lack of prosecution. A litigant must pay to obtain a final ruling for a resolution on the merits in a matter he did not want and did not initiate. Further, a litigant may be prejudiced by the chance that defense witnesses' memories may become hazier, and the witnesses may move away, or even die with the length of time which has already passed and will continue to pass. These decisions also seem to undermine the fundamental notion that he who brings an action should see it through to its conclusion and should accept responsibility toward that end.

Recommendation

Rather than focus on dismissal for lack of prosecution, the diligent litigator should direct his or her efforts to resolution on the merits through summary judgment if possible, or trial. The days of trial courts dismissing cases for lack of prosecution are dwindling.

Katharine Ballingrud, Esq., Katharine H. Ballingrud, P.A., has been a member of the OCBA since 2011.

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[1]Rule 1.420(e) has undergone changes over the years. Previously, there had been no provision for a sixty-day grace period following the notice of lack of prosecution in which the party might avoid dismissal by engaging in some form of record activity. The latest incarnation of the rule provides for this grace period.

[2]The court had previously addressed the issue of active versus passive record activity. Active record activity is "something more than a mere passive effort to keep the suit on the docket of the court; it means some active measure taken by [the] plaintiff, intended and calculated to hasten the suit to judgment." *Gulf Appliance Distributors, Inc. v. Long*, 53 So.2d 706 (Fla.1951); quoting *Augusta Sugar Co. v. Haley*, 112 So. 731, 732 (1927).

[3]*Wilson*, 923 So.2d at 367.

[4]The substance of the bright-line test was first articulated in *Metropolitan Dade County v. Hall*, 784 So.2d 1087 (Fla. 2001), with Justice Wells' proclamation that "there is either activity on the face of the record or there is not." *Id.* at 1090.

[5]*Id.*

[6]The current struggle to determine whether a filing is active or passive is "unworkable, and has spurred an increase in non-merit-based litigation that has led us down a path we are no longer willing to follow." *Wilson*, 923 So.2d at 368.

[7]*Chemrock Corp. v. Tampa Elec. Co.*, 23 So.3d 759 (Fla. 1st DCA 2009).

[8]*Citing Wilson*, 923 So.2d at 369.

[9]*Id.* at 373 (Wells, J., dissenting).

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SideBar

Sunny Lim Hillary, Esq.

Your local voluntary bar associations have already filled the 2012 calendar with activities! Read on to find out what's happened and what's happening, and get involved!

CFAWL

In October 2011, the Central Florida Association for Women Lawyers raised a total of $10,290.84 from its **Fall Into Fashion** event, chaired by **Kim Hosley**. The board of directors voted to donate $10,000 from the event proceeds to **A Place for Children**, the daycare center in the Orange County Courthouse that provides free childcare to all persons with business at the courthouse, including jurors. (The remainder of the event proceeds will be used to partially fund CFAWL's inaugural scholarship for third-year law school students in need of financial assistance to prepare for The Florida Bar Exam.) The service provided by A Place for Children protects innocent children from having to witness difficult legal proceedings, including domestic violence and divorce cases. CFAWL also donated $2,655.89 to A Place for Children last year, for a total donation of $12,655.89 in 2011. This funding was critical, as the non-profit lost significant funding in 2009. Without CFAWL's help, which has provided more than 10% of the organization's 2011 operating budget, A Place for Children would have had to shut its doors months ago.

CFAWL presented the check to A Place for Children at its **Annual Holiday Luncheon** on December 2, 2011. At the luncheon, CFAWL also collected gifts for its **Angel Tree Project**, co-chaired by **Kellie Symons Hall** and **Deborah Cook**. CFAWL's Angel Tree Project benefits the students at **Rock Lake Elementary School**, a Title I school where 98% of the students live below the federal poverty line and many of them are homeless. CFAWL members were treated to a delightful performance by the elementary school's children at the annual luncheon. The students gave an adorable performance as a way of saying thank you to CFAWL for all it does for children, year round, through the Back Pack and Angel Tree Projects. At the luncheon, CFAWL also hosted a **Gift Mart**, offering products from **Thirty-One, Stella and Dot, Pampered Chef, PartyLite**, and **Selenia Breads**, to raise funds for the **Legal Aid Society**. The month before, CFAWL helped raise additional funds for the Legal Aid Society by hosting two tables at the non-profit's **Annual Breakfast of Champions**. CFAWL's efforts at this event were led by director-at-large **Amanda Green**. CFAWL also supported **Second Harvest Food Bank** by participating in the **Joint Voluntary Bar Association Happy Hour**, chaired by CFAWL member **Karen Persis**, where monetary donations and non-perishable food items were collected.

This past fall, CFAWL hosted its second quarterly **Mentoring Luncheon** and two **Tables for Eight**. At the mentoring luncheon, **John Finnigan** and CFAWL member **Joyce Fuller** treated mentors and mentees in CFAWL's mentoring program to a presentation on the topic of "Opening a Solo Law Practice." Ever-prepared, John and Joyce had informative handouts and gave great practical information. Next, **Megan Malec**, CFAWL Young Lawyers chair, and **Amanda Perry**, CFAWL membership director, hosted CFAWL's second quarterly **Young Lawyers Table for Eight.** It was a fantastic evening with conversations ranging from Florida football to boy bands of the past! CFAWL also hosted a special Table for Eight, which we called **"A Table for Them."** CFAWL members joined **"Captain" Mary Ann Morgan** at the **Coalition for the Homeless** to cook Sunday dinner and serve the families that evening. Table participants prepared their popular lasagna, garlic bread, corn and brownies for 150 people! Attendees left with a different perspective on homelessness and service. They will never forget the experience or the grateful expressions on the faces of the children and their parents.

Last fall CFAWL proudly announced its inaugural **Bar Study Scholarship.** The $1,000 scholarship is intended to promote CFAWL's mission while helping the recipient during his or her study for the July 2012 Florida Bar Exam. Further information and the scholarship application requirements are available on the CFAWL website at http://www.cfawl.org/bar-study-scholarship. Thank you to scholarship co-chairs **Sarah S. AuMiller** and **Jane M. Goddard** for their hard work in organizing this new scholarship.

GOAABA

January 19, 2012, members of the Greater Orlando Asian American Bar Association enjoyed their **2nd Annual Dim Sum Lunch** at **Ming Bistro** in the Mills 50 district. Dim sum-style Chinese food is prepared in small bite-sized portions served in small steamer baskets or on small plates. GOAABA members enjoyed steamed shrimp dumplings, steamed pork dumplings, rice wrapped in lotus leaves and rice noodles with beef. Thank you to social chair **Donna Hung** for organizing the lunch!

February 9, 2012, GOAABA presented traditional Asian art to the **Honorable Heather L. Higbee** and the **Honorable John E. Jordan** at the **Investiture Ceremony** at the Orange County Courthouse. The artwork depicted the Chinese symbol for "dragon," as 2012 is the Year of the Dragon. The dragon is a symbol of good fortune and intense power in Asian culture. Thank you to communications chair **Stephen Chong** for representing GOAABA at the Investiture Ceremony.

On **March 30, 2012**, from **11:30 a.m. to 1:00 p.m.** at a location TBD, GOAABA will host its second CLE lunch of the year. **Doug Gaskins** of **Business Appraisal Group, LLC**, will be presenting "How Attorneys Kill Their Experts." The talk will focus on the most common mistakes made when using experts to represent your clients and has been approved by The Florida Bar for 1 hour of general CLE. Mr. Gaskins, principal partner of Business Appraisal Group, LLC, is a Certified Business Appraiser and an Accredited Senior Appraiser in Business Valuation. He has an expansive portfolio of valuation experience with businesses engaged in retail trade, service industries and professional practices etc. and has helped to resolve issues relating to shareholders, marital dissolution, buy/sell agreements, business exit strategies, selling businesses, buying businesses, synergistic buyer valuations, gift and estate taxes and discounting note values for income deductions. For more information about the CLE lunch and to RSVP, please contact professionalism chair, **Wanda Reas**, at wreas@znoskoreas.com.

GOAABA is scheduling an attorney panel for the students of **FAMU Law School** to discuss important topics relating to the transition from law school to the law office. Keep an eye out for more details. Please contact community service chair, **Don Nguyen**, at Don@emerituslaw.com, for more information.

GOAABA is scheduling a mixer with the local **Asian Certified Public Accountants**. Keep an eye out for more details. Please contact social chair **Donna Hung** for more information.

Through a joint effort of **The Florida Bar Equal Opportunity in Law Section**, a committee of the Orlando minority bar associations and the Orange County Bar Association (Diversity Committee and YLS), the **Joint Diversity Picnic** has been planned for **September 2012.** If you are interested in helping with the inaugural Orlando picnic, please contact Lead Committee Member of the Joint Diversity Picnic Committee, **Kim Nguyen,** at Kim.Nguyen@lowndes-law.com.

The **Alien Land Law Committee** is moving toward the organization of a ballot initiative. Significantly, two Florida senators have agreed to sponsor a bill for the Alien Land Law. GOAABA president **Jessica Hew** made a presentation to the board of directors of the National Asian Pacific America Bar Association to rally national support for GOAABA's efforts to eliminate the constitutional prohibition against aliens owning real property under Article I, Section 2 of the Florida Constitution. Additionally, GOAABA has applied for a Community Service Project Grant from The Florida Bar Young Lawyers Division. For more information about the Alien Land Law or to become more involved with this community service project, please contact lead committee member of the Alien Land Law Committee, **Christine Ho**, at cho@bakerdonelson.com.

PCPBA

The Paul C. Perkins Bar Association will hold its **4th Annual Scholarship Luncheon and Awards Banquet** on **May 31, 2012**, at the Downtown Doubletree by Hilton Hotel. At its annual scholarship event, the PCPBA wishes to recognize corporations, law firms and attorneys whose efforts have yielded a positive benefit to diversity, the local community and especially communities of color. They are seeking nominations for these special awards. Nominations will be accepted through April 2 for the PCPBA "Law Firm of the Year," and "Lawyer of the Year." For additional information, please contact **Conti Moore**, Hylton, Adamson, Watson & Moore, PLLC, at cmoore@hawmlaw.com.

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

Melanie Griffin, Kimberly Hosley, Maytel Sorondo Bonham, Christine Haddad, Amanda Green, Megan Malec

Jessica McGinnis
Kristen Magana
Meredith Barrios
Amanda Perry
Monica Pigna
Amrita Singh
Lorna Truett

Jessica Hew, Glenn Leong

Ingrid Keller, Denise Kim, Jessica Hew, Glenn Leong

Christine Ho and Stephen Chong

Sandra C. Upchurch, Esq.

Preparing Your Team for Mediation: A Primer for the Industrious Paralegal (or How Your Paralegal Can be More Industrious)

Back in the '70s and '80s, and certainly before then, it was not uncommon on the first day of a trial for attorneys and their paralegals to unload boxes of trial material at the courthouse, park their car and begin the process of walking up the marble courthouse steps, when inevitably and almost magically opposing counsel would appear out of nowhere from stage left. As a kid watching my dad try cases, I always wondered where that guy came from. Was he beamed there à la Dr. Spock and Scotty? I never saw his car or his team. The attorneys would proceed to casually stroll to a nearby bench or shade tree with arms waving madly about and voices sometimes reaching a fevered pitch while they worked to "resolve" the case. In the meantime, the poor paralegals sat waiting, literally sweating it out on the courthouse steps in the baking hot Florida sun, guarding the trial exhibits and briefcases and waiting to hear the fate of the case. More often than not, the next step was a handshake, a retreat to the car, a taking off of the suit jacket and a rolling up of the shirt sleeves – a process that ended with the repacking of the trunk with all the trial material and display boards. The case settled on the courthouse steps. What a cliché!

Some would say this whole scenario changed with the acceptance of mediation in the late '80s and early '90s. I disagree. I don't think a thing has changed except for the timing. Attorneys and their teams should still be going through all of the motions of deposition summaries, motions for summary judgments, exhibit preparation and the like. It's just that they should be doing so in preparation for mediation instead of for trial – and with their trusty paralegal, who plays just as important a role today, if not a more important one.

If you and your team seriously want to resolve the case, take mediation preparation seriously. Remember, the audience at mediation is the opposing party. Make a strong impression on them that day. Make them NOT want to see your team again at trial.

What can the paralegal do to ensure a successful mediation?

There are many things a paralegal can do in the background that will make mediation preparation simpler and the mediation more productive. Here is just a small sampling of what I suggest a paralegal do in advance of mediation to make him or her the best Robin to your firm's Batman.

Top 10 things a paralegal can do to help prepare for mediation

1. Get to know some mediators, and try to match up the case with the mediator best suited for that matter.

2. Schedule the mediation for enough time to allow for settlement, keeping in mind that cases with less money at issue often take far longer than you would expect.

3. If your case is especially complex, schedule it for more than one day. Marathon mediation sessions can result in bad decisions and remorse.

4. If it is an all-day mediation, work with the mediator's office to make sure lunch is brought in. Breaking for lunch ruins the rhythm of the negotiation and allows parties to retreat to prior positions.

5. Foster a friendly relationship with the client so you can calm his/her fears about the litigation and mediation process, and so you can learn what his/her motivators may be for settling or not settling a case. Communicate what you learn to your team attending mediation.

6. Work with your team to create a case summary (needs to be only a few paragraphs) for the mediator, and send it to him/her a few days in advance.

7. Create a mediation notebook with copies for all parties, including the mediator. It is very intimidating for the opposing party if everyone in the room is referring to an impressive notebook that the other attorney has prepared. Include key pleadings, deposition testimony and case law.

8. Experiment with PowerPoint and determine whether such a presentation may be helpful in opening statements. Go to uwwadr.com and search for "PowerPoint" to find our UWWM blog with tips for effective PowerPoint presentations at mediation.

9. Prepare an informational sheet for your attorney and client with key financial details. Include contingency fee information, costs to date, fees to date, expected future costs

and fees for trial, etc. Having this information in an organized format will help the client visualize what settlement may mean to him/her.

10. Come up with a preferred settlement agreement template that includes those provisions preferred by your team or client. Include your favorite hold harmless and indemnification clauses, waiver and release clauses, government approval processes, non-compete clauses, requisite pleadings to conclude the matter, etc.

Mediation preparation can be very involved, especially in complex cases, but using all team members to full potential can help lessen the load and reap better results.

Sandra C. Upchurch, Esq., Mediation Counsel, The Upchurch Watson White and Max Mediation Group, has been a member of the OCBA since 2008.

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

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That way, when you leave, you simply forward your number to your next location.

Based on my experience, executive suites are a very good choice for new solos because of their relative low cost, convenient locations and available amenities. Additionally, the amenities provided by an executive suite allow you to get up and running in a hurry. After all, as a new business owner you have enough decisions to make. Having someone else provide you with what you need to get started can be a great stress reducer! Just remember that the extra services (copy, fax, reception, etc.) can add up quickly, reducing the potential savings that come with renting an executive suite.

A third option is to rent space in one of many local office buildings. You have more flexibility regarding office size and location, you can get a bigger space for the same price as an executive suite and you may be able to negotiate a carpet or paint allowance as part of your lease. Additionally, if you are the only lawyer in your building, you can heavily market your practice to your office neighbors. Just make sure you're renting space in a building that is well-maintained with few empty offices. A run-down, half-empty building can negatively affect potential clients' perception of your abilities.

Renting commercial office space is not without its drawbacks, however. You may be required to sign a lengthy, multi-year lease. Since you are just starting out and aren't sure whether your firm needs are going to change, you don't want to risk being stuck in a long lease. Also, commercial lease paperwork can run several pages. Unless you're familiar with real estate transactions, I recommend you have an experienced real estate lawyer review your lease.

Another downside to a commercial lease is maintenance fees. You could easily get stuck with a large bill for lobby, common areas and general building maintenance. Lastly, you will be required to purchase insurance before you can move in, increasing your monthly expense. Factor these considerations into your budget to avoid any surprises.

Another popular alternative for solos is renting space from another lawyer. This option is a good idea for several reasons: potential referrals, sharing resources (law library, etc.), mentoring potential and possibly no formal lease.

The lawyer you rent space from may refer business because he wants you to succeed so you can pay the rent, and he'd rather have conflict work stay in the same building than send it elsewhere. These referrals help you quickly build up a client base, saving thousands of dollars that would otherwise go to building your firm through advertising. Plus, clients who are referred to you by another lawyer are more likely to hire you, pay you in full and be satisfied with your work – and refer you more future business.

Another great thing about renting space from another lawyer or firm is that they may have a law library full of research materials for you to use, saving you money on books or research databases. When your landlord orders a new edition of a useful book, he may even give you his old edition to help you build your library. Additionally, he may let you use his research database's password (although you didn't hear that from me). Most importantly, your landlord may offer his life experience on how to build a business since none of us learned that skill in law school. This advice is probably the single greatest aspect of renting from another solo practitioner. Why make stupid, expensive mistakes if you don't have to?

Renting from another attorney is great because he may not require a lease. A professional handshake may be all you need to get started, you won't have to worry about strict lease terms with multi-year commitments and hidden fees, and he may let you put your name on his building – something most commercial buildings won't allow unless you give them a lot of money.

Renting from another attorney has its drawbacks, however. Despite his promises, your landlord may not refer you any business, especially in these difficult economic times. Your landlord may not have any referrals to send, or he may have lied just to get you in his office. Hey, it happens. As a result, you may find yourself paying more for rent than you hoped and anticipating promised referrals that never materialize. Further, you may be unable to move right away – problematic if you already committed to a business license, business cards, stationery and office furniture.

Another potential drawback to renting from another lawyer is that you two may not get along. Even though you and your landlord are both good, ethical lawyers, your differing personalities may cause a lot of tension between you and your landlord, his receptionist or his spouse. In fact, personality conflicts may get bad enough that your landlord kicks you out. Since you don't have a lease commitment there's nothing preventing him from doing it, either. As a result, you may find yourself searching for new office space soon after moving in to your current space, taking time away from business development.

Lastly, a potential challenge renting from another lawyer is that scheduling conflicts may make it hard to use your landlord's conference room, library or reception area. To prevent this from happening, make sure your landlord has plenty of parking and reception space, and find out when he's most likely going to need the office amenities.

In conclusion, there are many office arrangements available for the new solo practitioner. Make sure that you've made an intelligent decision based on the advantages and disadvantages of each possible arrangement as well as your needs. With the glut of office space available, it's a buyer's market, allowing you to get a great deal on office space. If you have additional questions, please don't hesitate to call me or email me at shane@fischer-law.com. Just please don't ask me to help you pick out paint for your new office. To me, all those subtle color changes fall into two categories: off-white or beige!

Shane E. Fischer, Esq., Shane E. Fischer, P.A., is chair of the OCBA Solo and Small Firm Committee. He has been a member of the OCBA since 2001.

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A: Understood it pretty well. I practiced law for 38 years.

Q: What is the worst conduct you have seen from attorneys?
A: Misrepresenting things to the court.

Q: Please provide some examples of the pinnacles of professionalism you have witnessed since taking the bench?
A: Sandy D'Alembert and watching him making the oral argument in *Pleus v. Governor Crist* was as good as it gets.

Q: Why did you want to become a judge?
A: My father was a judge. He was one of the original appointees to the Second District Court of Appeal.

Q: If you could trade jobs with any one person, who would it be and why?
A: I wouldn't want to change jobs and can't think of any other job I would want to have.

Justin R. Infurna, Esq., LL.M., Boyette, Cummins & Nailos, PLLC, has been a member of the OCBA since 2011.

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Mark Powers

Shawn McNalis

Reduce Stress by Selecting Clients Wisely – Part 2

In part one of this article, we addressed an insidious problem experienced by most attorneys at some point in their career: the failure to be selective in choosing which clients to work with and which to turn away. We call the problem insidious because it may start out innocently enough: you see someone who needs help and you try to provide it. But when things do not go well, you end up with collections problems, a beleaguered staff and tremendous personal stress.

If you suspect you are too lax in your standards and are suffering these consequences, you can follow the steps listed here to clean up your caseload. You'll be surprised at how energizing it is to take control of your practice in this way.

- **Step One:** Go through your case list and rank your current clients A, B, C or D. Note the A and B clients (these will rank highest in terms of bringing you the type of work you prefer to do, their ability to cooperate, their ability to take direction and their ability and willingness to pay. Each type of practice will have its own criteria, but these are the basic requirements). Using this system, determine which clients qualify as A and B level, then identify the lower level C and D clients.
- **Step Two:** If you think any of your borderline C clients can be "rehabilitated" and upgraded to a B level, sit down and have a very straight conversation with them about what they are doing that is a problem (need to bring payments current; need to start producing documentation that is needed; need to stop canceling meetings, etc.). Some will respond positively to this approach; some will not. Take the rest of your C clients and refer them to another attorney if their issues are *personality-based*, not *payment-based*. Avoid sending clients who won't pay to another attorney.
- **Step Three:** Take your D clients and let them go. You can let them know in person or you can phone them and follow-up with a letter. Check your local rules to be sure you follow the proper protocol. Your bar association usually has sample disengagement letters that you can use. Disengagement and non-engagement letters are especially critical when a lawyer decides not to continue past a specific stage in the case.

  If you decide to let the client go in a face-to-face exchange, you need to have a plan.[1] Review and follow the steps below (your local bar rules will supersede any advice given here, so be sure to check them in advance), remembering to document the conversation after the meeting.

  1. Set an appointment with the client and plan to have a witness in the room with you if you feel the client is irrational or likely to accuse you of misconduct later on. Document your meeting by summarizing the discussion in a letter and sending a copy to the client. Put a copy in your own file to protect yourself in case of a complaint. Try to set the client up for the firing conversation and begin to limit his reaction by saying, "You may not like what I am going to tell you, but I feel I can no longer represent you (or work with you) due to…"

  2. Give the client the context for your decision so he will not think it is arbitrary. Link your decision to attitudes and/or behaviors. Give *specific* examples of where the communication broke-down, where he was uncooperative, where he was rude or abusive to you or your staff or where he failed to pay.

  3. Explain why the behaviors and/or attitudes expressed by the client make it uncomfortable, unethical or inappropriate for you to continue representing him. Be factual and objective.

  4. Give the client an opportunity to respond, ask questions or express his anger. Resist being pulled into a discussion that escalates into a fight. Stay in control of the conversation by managing your own emotions.

  5. If appropriate, act as a resource for the client and make recommendations as to how he should proceed. You may recommend counseling, a legal service agency or the names of other attorneys. (Remember to be very careful when referring unstable personalities and non-paying clients to your colleagues). Call and discuss the situation beforehand to be certain the attorney wants to take the client on.

The Quality of Your Practice = the Quality of Your Clients

We maintain that the quality of your practice is determined largely by the quality of your clients. Imagine how different your stress level would be if you worked only with nothing but A- and B-level clients and the *pro bono* clients of your choosing (instead of clients who become *pro bono* cases by

default). You might actually look forward to going into the office in the morning! Just keep in mind that these A- and B-level clients tend to get lost in the shuffle as you scramble to handle the constant demands of your C and D clients. For every negative characteristic you can attach to a client, you can be sure that you spend more time with that client, persuading him to trust you, calming him down or trying to get paid.

Carefully selecting the clients you work with not only helps protect you against malpractice problems, it has the added benefit of saving you a lot of time, improving office morale, minimizing collections problems and restoring peace in an otherwise crisis-driven practice. Believe it or not, to better manage your stress level, develop your client selection skills. The impact on your peace of mind will be significant.

Mark Powers, President of Atticus, Inc., and **Shawn McNalis** co-authored *How Good Attorneys Become Great Rainmakers* and *Time Management for Attorneys,* and are featured marketing writers for *Lawyers, USA* and a number of other publications. To learn more about the work that Atticus (www.atticusonline.com) does with attorneys or the Atticus Rainmakers™ (www.atticusrainmakers.com) program, please visit or call 352-383-0490 or 888-644-0022.

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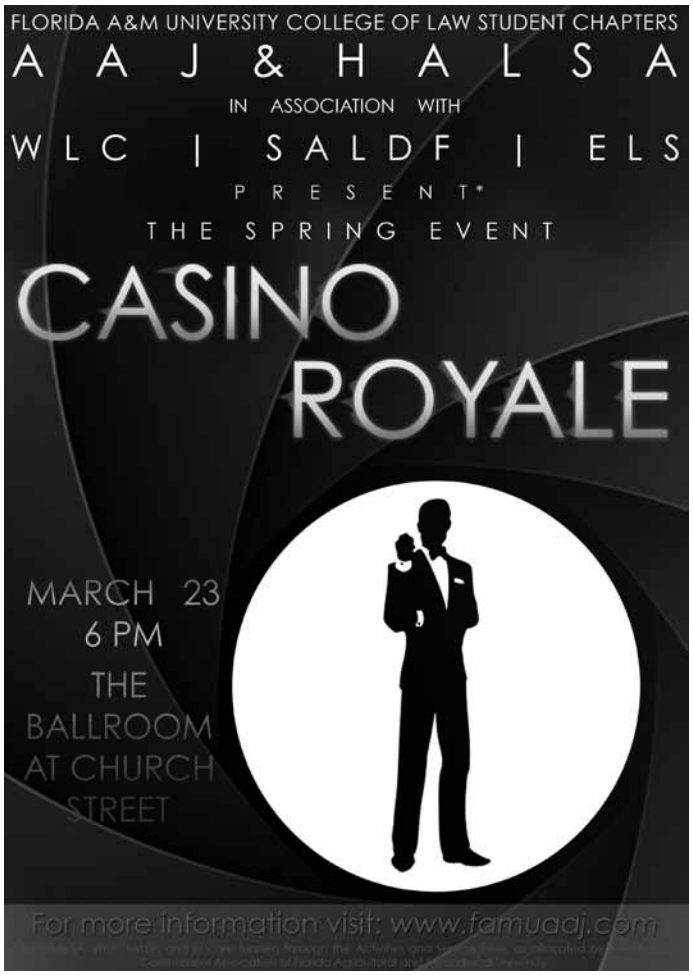
[1]Sanford M. Portnoy, *The Family Lawyer's Guide to Building Successful Client Relationships* (Chicago: American Bar Association, 2000)



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Speaking Engagements

Sunny L. Hillary was a featured speaker at the Financial Planning Association of Central Florida 22nd Annual Symposium in Lake Mary and at the Allgen Financial Services, Inc. annual kick-off meeting in Orlando, both in January 2012. Her presentation, *Navigating the Maze of Short Sales and Foreclosures*, focused on the short sale application and review process and the foreclosure litigation process.

Sunny L. Hillary presented *Deficiency Balances: An Overview* to the agents and brokers of Keller Williams Realty in Clermont, Dr. Phillips, and Hunter's Creek in January and February 2012. Her presentation discussed the importance of negotiating a full deficiency balance waiver with the lender in all short sale transactions.

Upcoming Events

Apr. 14 – OCBA Annual Gala, Amway Center.

May 10 – OCBA 8th Annual Texas Hold 'Em Charity Poker Tournament & Happy Hour, Ember.

Upcoming Seminars

Mar. 1 – *Working with the Judicial Assistant.* 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. Judge Kest will be joined by four judicial assistants in the presentation: Diane Iacone, Gay Aaron, Melissa Goodwin and Becky Bichard. 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.

Mar. 13 – *Down and Out in Orange County: Government Benefits for the Needy.* 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: Edward Dimayuga. Contact: ctucker@legalaidocba.org; mcarbo@legalaidocba.org.

Mar. 13 – *Proper Trust Accounting.* Solo & Small Firm Committee Seminar. 11:45 a.m.-1:00 p.m. OCBA Center. CLE: pending. Speaker: Jan Wichrowski, The Florida Bar. Contact: mariew@ocbanet.org.

Mar. 16 – *The Divorce Process as it Relates to Real Estate Trends.* Family Law Committee. 12:00 p.m. OCBA Center. Contact: mariew@ocbanet.org.

Mar. 27 – *Using Community Resources and Case Plan Services to Improve GAL Attorney Advocacy.* 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: Sally McArthur. Contact: ctucker@legalaidocba.org; mcarbo@legalaidocba.org.

Mar. 27 – *Origins of the Court: A Day in the Life of a Judge*. Inside the Courts. 6:30 p.m.-8:30 p.m. Learn about how the judicial system really operates, from the judge's role, the processes of a case, the challenges our courts face today and what the court of the future looks like. Free. Orange County Courthouse Jury Assembly Room, 425 N. Orange Ave., Orlando, FL 32801. To register, call: 407-836-0517.

Apr. 2 – *Myths of Diversity: Get the Facts.* Diversity Committee Major Seminar. Time: TBA. OCBA Center. CLE: pending. Contact: mariew@ocbanet.org.

Apr. 3 – *Hot Button Issues: Court Interpreting Presentation*. Inside the Courts. 6:30 p.m.-8:30 p.m. Learn about how the judicial system really operates, from the judge's role, the processes of a case, the challenges our courts face today and what the court of the future looks like. Free. Orange County Courthouse Jury Assembly Room, 425 N. Orange Ave., Orlando, FL 32801. To register, call: 407-836-0517.

Apr. 10 – *Civil Vignettes: Appeals*. Inside the Courts. 6:30 p.m.-8:30 p.m. Learn about how the judicial system really operates, from the judge's role, the processes of a case, the challenges our courts face today and what the court of the future looks like. Free. Orange County Courthouse Jury Assembly Room, 425 N. Orange Ave., Orlando, FL 32801. To register, call: 407-836-0517.

Apr. 10 – *Issues in International Intellectual Property Law.* Intellectual Property Committee Major Seminar. 12:00 p.m.-4:30 p.m. OCBA Center. CLE: pending. Sponsored by M&I Bank, A part of BMO Financial Group. Contact: mariew@ocbanet.org.

Apr. 12 – *Motions in Limine: When, why and how to use them***.** 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.

Apr. 17. – *Casey Anthony Presentation: Panel Discussion*. Inside the Courts. 6:30 p.m.-8:30 p.m. Learn about how the judicial system really operates, from the judge's role, the processes of a case, the challenges our courts face today and what the court of the future looks like. Free. Orange County Courthouse, Courtroom 23, 425 N. Orange Ave., Orlando, FL 32801. To register, call: 407-836-0517.

Apr. 19 – *eDiscovery: The Now and Soon To Be.* Technology Committee Major Seminar. Time: TBA. OCBA Center. CLE: pending. Presented by the Technology Committee and the eDiscovery team at Lowndes, Drosdick, Doster, Kantor & Reed, P.A. Sponsored by M&I Bank, A part of BMO Financial Group. Contact: mariew@ocbanet.org.

Apr. 24 – *Staffings and Other Legal Advocacy: All Out-of-Court Meetings in GAL 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: Heather Brangwin. Contact ctucker@legalaidocba.org; mcarbo@legalaidocba.org.

Corrections: New associate member, Joseph W. Engel, Jr.'s information was incorrect in February's *Briefs*. The correct information is: The Johnston Law Firm, P.A., 4798 New Broad St., Ste. 220, Orlando, FL 32814; phone: 407-447-4471; email: jwe@johnstonlawpa.com.

Nominations Being Accepted: Arnie Wilkerson Memorial Court Service Award

The First Central Florida American Inn of Court is currently accepting nominations for the **2012 Arnie Wilkerson Memorial Court Service Award.** This award honors individuals (excluding lawyers and judges) working in the judicial system who display the highest standards of character, integrity, and ongoing dedication to the judicial system. Past recipients have been long-term models of excellence in their work within the judicial system and have also been extremely active in some dimension of community service outside of the judicial system.

The due date for nominations is **March 30, 2012**. If you are interested in submitting a nomination, please contact Roger Handberg at handberg@mindspring.com to obtain a nomination form.

Announcements

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OFFICE BUILDING/SPACE: MAITLAND AVENUE – Completely renovated three story historic house (circa 1920). Hardwood floors, porches, large offices and conference room, ample parking, monument signage on Maitland Avenue, available immediately. Please contact John Finnigan at 407-478-3700 or email John@Finniganlaw.com.

DOWNTOWN OFFICE SPACE FOR LEASE: 1-2 offices, 1 secretary built in work area, conference room, reception area, kitchen area, ample parking. Call 407-849-7072.

LOCAL OPHTHALMOLOGIST LOOKING TO LEASE fully furnished, move-in ready, luxury downtown condo. 2 bedroom, 2 bath, with parking space. Perfect for new law associate. Available August 1, 2011. $2400 monthly, 7 month minimum. This condo is directly lakefront with floor to ceiling windows and amazing panoramic views from your 14th floor balcony of Lake Eola, Thornton Park, and Disney. The building features 24 hour security, concierge, with pool and spa, 2 fitness centers, conference rooms, and cyber café. Walk to restaurants, grocery, shopping and more. Great downtown location convenient to everything. Contact Anne, 407-595-5716

EXECUTIVE SUITES - Starting at $325/mo. Utilities/janitorial included. Call 407-422-4958.

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

LAW OFFICE AVAILABLE; private, second floor suite, approximately 1000 square feet overlooking Lake Ivanhoe. Available immediately. Ample parking; contact: david@yergeylaw.com; 407-843-0430 office; 407-247-8756 cell. David Yergey, Jr. is an OCBA member

OFFICE SPACE IN DOWNTOWN ORLANDO. Fully Furnished Office includes: Bi-lingual Receptionist, Phone Service, Internet, Conference Rooms & Free Parking. ***Virtual office packages also available***. Please call Ada Santos at 407-447-1919 for Details. www.bizhubclub.com

FURNISHED SUITES – near downtown, free-standing bldg w/ dedicated parking, includes phone, Internet, utilities, conf room, lobby area and secretarial space. Monthly lease. $1000 – Call Becki at 407-481-2888. www.BumbyOffices.com

PROFESSIONAL SERVICES

RETIRED CIVIL TRIAL ATTORNEY seeks part time work on hourly basis. AV-Rated 407-862-6674

ATTORNEYS PHOTOS SPECIALS - Now is the time to Update your professional bio Photos. Our exclusive Digital Slimming and Digital Make-up makes your new photo the best ever 407-240-4954 Orlandophotographer.com/attorneys

OCBA Calendar
MARCH - APRIL

Matthew G. Brenner
2012 William Trickel, Jr. Professionalism Award Recipient
Co-hosted by the OCBA Professionalism Committee
March 29, 2012
11:30 a.m.
The Ballroom at Church Street
RSVP by Thursday, March 22, 2012
reservations@ocbanet.org

March

1 ***Brown Bag Lunch with Judge J. Kest***
Working with the Judicial Assistant
12:00 p.m. • Orange County Courthouse
23rd Flr. Judicial Conference Rm.

6 ***ADR Committee***
12:00 p.m. • Bar Center

7 ***Business Law Committee***
12:00 p.m. • Bar Center

8 ***Social Security Committee***
12:00 p.m. • Bar Center

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

13 ***LAS Lunchtime Training***
Down and Out in Orange County: Government Benefits for the Needy
12:00 p.m. • Comerica Bank

Solo & Small Firm Committee Seminar
Proper Trust Accounting
11:45 a.m. • Bar Center

14 ***Estate, Guardianship & Trust Committee***
12:00 p.m. • Bar Center

Lawyers Literary Society
12:00 p.m. • Bar Center

Judicial Relations Committee
12:15 p.m. • Orange County Courthouse
21st Flr. Conference Rm.

Executive Council Meeting
4:30 p.m. • Bar Center

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

16 ***Family Law Committee Seminar***
The Divorce Process as it Relates to Real Estate Trends
12:00 p.m. • Bar Center

Leadership Law
8:30 a.m. • Bar Center

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

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

21 ***Elder Law Committee***
12:00 p.m. • Bar Center

YLS Luncheon
11:45 a.m. • University Club

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

LAS Lunchtime Training (GAL Topic)
Using Community Resources and Case Plan Services to Improve GAL Attorney Advocacy
12:00 p.m. • Comerica Bank

Inside the Courts
Origins of the Court: A Day in the Life of a Judge
6:30 p.m. • Orange County Courthouse
Jury Assembly Rm.

28 ***Appellate Law Committee***
12:00 p.m. • Bar Center

29 ***OCBA Bar Luncheon***
Matthew G. Brenner
William Trickel, Jr. Professionalism Award Recipient
11:30 a.m. • The Ballroom at Church St.

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

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

April

2 ***Diversity Committee Major Seminar***
Myths of Diversity: Get the Facts
TBA • Bar Center

3 ***ADR Committee***
1:00 p.m. • Bar Center

Inside the Courts
Hot Button Issues: Court Interpreting Presentation
6:30 p.m. • Orange County Courthouse
Jury Assembly Rm.

4 ***Business Law Committee***
12:00 p.m. • Bar Center

6 ***Paralegal Section***
11:30 a.m. • Bar Center

10 ***Intellectual Property Committee Major Seminar***
Issues in International Intellectual Property Law
TBA • Bar Center

Inside the Courts
Civil Vignettes: Appeals
6:30 p.m. • Orange County Courthouse
Jury Assembly Rm.

11 ***Estate, Guardianship & Trust Committee***
12:00 p.m. • Bar Center

Lawyers Literary Society
12:00 p.m. • Bar Center

Executive Council Meeting
4:30 p.m. • Bar Center

12 ***Brown Bag Lunch with Judge J. Kest***
Motions in Limine: When, why and how to use them
12:00 p.m. • Orange County Courthouse
23rd Flr. Judicial Conference Rm.

Legal Aid Outreach Luncheon
11:00 a.m. • Bar Center

Social Security Committee
12:00 • Bar Center

13 ***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

Inside the Courts
Casey Anthony Presentation Panel Discussion
6:30 p.m. • Orange County Courthouse
Jury Assembly Rm.

18 ***Elder Law Committee***
12:00 p.m. • Bar Center

19 ***Technology Committee Major Seminar***
eDiscovery: The Now and Soon To Be
TBA • Bar Center

20 ***Family Law Committee***
12:00 p.m. • Bar Center

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

LAS Lunchtime Training (GAL Topic)
Staffings 101 and Other Legal Advocacy: All Out-of-Court Meetings in GAL Cases
12:00 p.m. • Comerica Bank

25 ***YLS Luncheon***
11:45 a.m. • University Club

Labor & Employment Law Committee
12:00 p.m. • Bar Center

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

26 ***OCBA Luncheon***
Law Week
11:30 a.m. • The Ballroom at Church St.

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