

the Briefs

A Publication of the Orange County Bar Association



LaShawnda K. Jackson, Esq.
Lawrence G. Mathews, Jr. Young Lawyer
Professionalism Award

The Hon. Faye L. Allen
James G. Glazebrook Memorial
Bar Service Award

Rafael E. Martinez, Esq.
William Trickle, Jr. Professionalism Award



March 2014
Vol. 82 No. 3

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Gala

& Legal Aid Society

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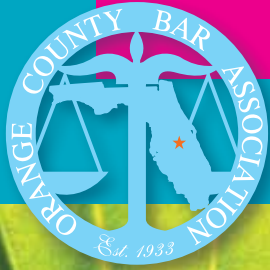
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***march 4**

Legal Issues Involving Children with Disabilities - Day 1

(For details, please email mcarbo@legalaidocba.org)

march 18

Ethical Issues in GAL Representation: GAL, DCF, and Judicial Panel

april 8

Dissolution of Marriage Part 1

***april 22**

Legal Issues Involving Children with Disabilities - Day 2

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may 6

Representing Survivors of Human Trafficking

may 20

Best Interest Advocacy for Babies and Drug-Dependent Newborns: Dependency Court and Drug Court

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Dissolution of Marriage Part 2

june 24

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GAL 101: Best Interest Advocacy In and Out of Court

For OCBA members, the training is free. For non-OCBA members participating in the LAS pro bono program, the training is free. Pre-registration is required for the free lunch and requested for training (or subject to space availability if not pre-registered). For more information, please email: ctucker@legalaidocba.org or mcarbo@legalaidocba.org or merazmus@legalaidocba.org.

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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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Paul J. Scheck, Esq.

Technology Age: “The Best of Times and the Worst of Times”

I didn't grow up in a house that was particularly cutting-edge when it came to the newest technology. Don't get me wrong, it wasn't that we didn't enjoy our 8-track tape player, our Atari video game system, and our Tandy 1000 from Radio Shack. For my generation, however, the use of technology turned from an option into a requirement, both in school and beyond. As a freshman in college in the 1980s, it was still big news when someone in my dorm got his own computer, as most of us went to the “computer lab” to type up our papers. Today, it would be unthinkable to send a child off to college without a laptop, fully equipped with all the latest software that I couldn't have envisioned while working away on my Tandy 1000.

In the face of these changing times, the OCBA has taken numerous steps to stay on the cutting edge of technology, thereby providing the best benefits and services to its members. We have better communication tools such as email blasts, on-line networking, and CLE opportunities and a more user-friendly website. Rather than just “surfing” the web for fun or general information, people now visit websites for specific information. We are seeking to deliver on those expectations by constantly updating our website and adding new features such as the “OCBA Store.” Through this feature, our members can register for lunches and social events, order CLEs and supporting materials, and even register for our Bench Bar Conference on April 11th (**Hint! Hint!**). We hope our members will take advantage of and enjoy this new technological addition to our website.

Yet as we try to stay relevant with the advancing world around us, a part of me feels that we are losing something in the process. *USA Today* dubbed 2010 as “the year we stopped talking to one another.” It is estimated that 93% of Americans now use cell phones or wireless devices, and one-third of those same people use smartphones. In other words, most of us spend our days walking around with our noses buried in our cell phones, iPhones, BlackBerrys, or Galaxy phones. While we are doing that, the price we pay is that we are tuning out the people who are actually in the same room or at the same dinner table with us, often without being aware of it.

Little by little this technology seems to be subtly destroying the meaningfulness of interactions we have with one another. Instead of spending time in person with family, friends, and clients, we just call, text, or instant message them. It may seem simpler to communicate in these ways, but we ultimately end up seeing our friends and clients face to face a lot less and miss out on the rewards and blessings of simply “hanging out” and sharing time with them. It is a shame that more of us do not handwrite our “thank you” notes or invitations anymore, but rather opt for the quicker, but much less personal option of an email or a text. I would encourage each of us to take a step back and reassess how we interact with one another.

I was reminded of how wonderful these times of personal interaction can be at a recent campout with my son. As we sat around the campfire, several of the boys took turns telling scary or goofy stories, each one trying to surpass his predecessor in shock value. We then had the boys take turns in being part of a “progressive story,” with each boy adding his own twist to the storyline the previous boy had created. It is not often that Sasquatch ends up being the hero of a story, but the boys managed to pull it off. What impressed me the most, however, was the ability of the boys to verbally express themselves by using creative twists while laughing with each other and encouraging one another – an experience I will not soon forget. It was reassuring to see that human interaction and dependence is still alive and well!

I sincerely believe that technology provides numerous, wonderful advantages, and as a bar association we will continue to implement new technology into all that we do. At the same time, however, I hope that we will all resist the urge to sacrifice the value of social interaction that we all need as human beings. So, in the month ahead, spend some quality time personally interacting with your family, friends, and clients, and while you are with them, turn off your technology. Trust me, you won't regret it!

Paul J. Scheck, Esq., is a partner with Shutts & Bowen, LLP. He has been a member of the OCBA since 1993.



Michael M. Kest, Esq.

2014 Professionalism Award Recipients

The Orange County Bar Association strives to increase the civility and professionalism of its members by offering seminars, writing articles for *The Briefs*, and reaching out to local law schools, elementary, middle, and high schools and the community with activities that promote the profession and our system of justice. Through our annual professionalism awards, we recognize three members of the legal community whose practice, service, professionalism, ethical conduct, demeanor, and high moral standards best embody the qualities we all seek to emulate. The following individuals are this year's award recipients.

The Honorable Faye L. Allen

***James G. Glazebrook Memorial
Bar Service Award***



County Judge Faye L. Allen, who was appointed to the bench in 2005, is a dedicated jurist who has worked consistently to enhance the legal profession both within the profession and in the community. She serves on the OCBA Foundation board, where she has worked to develop a partnership with the Florida Supreme Court's Justice Teaching program and serves as the Justice Teaching Liaison for the Ninth Judicial Circuit. She has dedicated nearly ten years of service to the OCBA Law Week Committee and has worked with volunteers from all areas of the legal profession. Judge Allen was

a co-founder of the Pathways-In-Law program for youth, which highlights the dangers of illegal drugs, was elected by her peers to serve as co-chair on the statewide DUI Review Board, and has served on the committee that developed the community outreach program, Leadership Law.

In addition, Judge Allen currently mentors three young attorneys, providing internships and clerking opportunities to students from Barry, Florida A&M, Florida State, and the University of Florida law schools and encourages their participation in *pro bono* work through the Legal Aid Society. She has been a member of the Paul C. Perkins Bar Association throughout her legal career and was recognized for her contribution to the bench in 2007 in her selection by the Hispanic Bar Association as Jurist of the Year.

Through these and numerous other activities and board leadership positions, those who nominated her for the Glazebrook Award say, "Judge Allen possesses the civility, integrity, and respect that professionalism demands."



Rafael E. Martinez, Esq.
William Trickel, Jr.
Professionalism Award

Rafael E. Martinez, Esq., McEwan, Martinez & Dukes, P.A., is an attorney who possesses a candor and forthrightness that have earned him a reputation among his colleagues as a man who can be counted on to represent his clients

with soft-spoken zeal and approach opposing counsel with courtesy and respect.

Ralph was admitted to The Florida Bar in 1977, is a member of the Fifth and Eleventh U.S. Circuit Court of Appeals; U.S. Middle District of Florida, Southern District of Florida, and was admitted to practice before the U.S. Supreme Court in 1981.

Throughout his career, Ralph has served in leadership positions on numerous commissions and committees, including being nominated by U.S. presidents to serve first as a public delegate to the United Nations 56th General Assembly and later to serve as a part-time Commissioner of the Foreign Claims Settlement Commission. We encourage you to read Ralph's professional biography on page 5 of this issue of *The Briefs*.

An individual who nominated Ralph said: "Ralph deserves this award because he treats everyone, rich, poor, it doesn't matter, with the same inherent dignity. ...When you count your blessings every day as he does, it's easier to keep even a stressful job like a trial lawyer's in perspective. He understands that the ups and downs of our work lives must be subordinate to greater things: faith, family, friends, and country. It is his perspective on what's really important that frees him to rise above the challenges which so often make us less than we know we should be."

continued page 6

OCBA Luncheon Thursday, March 20, 2014



Rafael E. Martinez, Esq.

Rafael E. Martinez, Esq. OCBA 2014 William Trickle, Jr. Professionalism Award Recipient

Rafael E. "Ralph" Martinez, Esq., McEwan, Martinez & Dukes, P.A., received his bachelor of science degree from the University of Florida in 1973, and his juris doctor degree from Florida State University in 1976.

Mr. Martinez was admitted to practice in Florida by the Florida Supreme Court in 1977; he is a member of the Fifth and Eleventh U.S. Circuit Court of Appeals; U.S. Middle District of Florida, Southern District of Florida, and was admitted to practice before the U.S. Supreme Court in 1981. Mr. Martinez maintains an A.V. Martindale-Hubbell rating.

In 2003, Mr. Martinez was nominated by the president of the United States to serve as a public delegate, representing the U.S. before the United Nations 57th General Assembly. On May 23, 2003, he was confirmed by the U.S. Senate and served as a public delegate for that term.

On May 28, 2008, Mr. Martinez was sworn in as a part-time Commissioner of the Foreign Claims Settlement Commission. He was nominated for the position by President Bush on February 7, 2008, and confirmed by the Senate on May 20, 2008.

Mr. Martinez is active in bar-related organizations, having served as a member of the Ninth Circuit Judicial Nominating Commission (1990-1994; Commission chair, 1993-1994); Fifth District Court of Appeal Judicial Nominating Commission (1995-1999); Or-

ange County Bar Association, Professionalism Committee chair (1999-2000) and Judicial Relations Committee chairman (1997-1998); American Board of Trial Advocates (ABO-TA) Central Florida Chapter (1996-present; president, 2004); International Association of Defense Counsel, Products Liability Committee (1996-present); Pharmaceutical Medical Device and Biotechnology Committee (1996-present); Medical Defense Committee chair (2000-2001); Faculty, IADC Trial Academy, Stanford University (2004); Board of Directors of the Health Law Section of The Florida Bar (1992-1997); Inter-American Bar Association (1979-present); Fellow of the American Bar Foundation.

Mr. Martinez is also active in our community, having served as chairman of the Metropolitan YMCA for Central Florida (1992-1994); YMCA of the U.S.A. National Board Nominating Committee (2003-present); CNL Bank Board of Directors (2002-present); Sun-Trust South Orlando Administrative Board chairman (1988-2000); Orlando Regional Healthcare Foundation Board of Directors (1989-present); Central Florida Fair Association (1999-present).

Mr. Martinez currently serves on the Board of Trustees of the University of Richmond and served previously on the Board of Directors of Valencia Community College in Orlando, Florida.

The Ballroom at Church Street

OCBA Professionalism Luncheon

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

225 S. Garland Avenue • Orlando, FL 32801

**Please RSVP by Friday, March 14, 2014
RSVPs will not be accepted after March 14, 2014**

**RSVP through the OCBA Store
at www.orangecountybar.org/store**

**CANCELLATIONS must be received no later than
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10 luncheons as part of your member benefits,
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LaShawnda K. Jackson, Esq.
Lawrence G. Mathews, Jr. Young Lawyer Professionalism Award

LaShawnda K. Jackson, Esq., Rumberger, Kirk & Caldwell, P.A., is an outstanding member of her profession and a generous mentor to young lawyers and members of her church. She attended the University of Florida (UF), earning two degrees cum laude: a bachelor of science in political science (1999) and juris doctor (2002). As a scholar and recipient of numerous awards, including the Legal Research & Writing Book Award and the James W. Kynes Scholarship for athletics and academic achievement and being named the Minorities Participating in Legal Education Scholar, LaShawnda has served as a

role model for minority students. She has been on the board and served as president-elect of the OCBA's Young Lawyers Section, she was an editor of *The Briefs* magazine, received The Florida Bar Young Lawyers Division (YLD) Diversity Award, and has served on the YLD Board of Governors since 2006. LaShawnda was on the Ninth Circuit Judicial Nominating Commission, serving as vice chair in 2009 and has been a member of the George C. Young First Central Florida Inn of Court since 2006. She has served as treasurer, vice president, and president of the Paul C. Perkins Bar Association. LaShawnda is a UF Trial Team coach and a Final Four judge and has been named Florida Super Lawyers Rising Star.

For ten years, LaShawnda has mentored boys and girls in the First Presbyterian Church of Orlando's After School Outreach Ministry (ASOM). When she received The Florida Bar's YLD award in 2006, she donated the \$2,500 award to ASOM.

Michael M. Kest, Esq. is chair of the Professionalism Committee. He has been a member of the OCBA since 2012.



The George C. Young First Central Florida American Inn of Court is currently accepting nominations for the **2014 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 winner of this award will receive a plaque and \$500, and will have his/her name added to a plaque hanging outside the Roger Barker Memorial Courtroom on the 23rd Floor of the Orange County Courthouse.

The due date for nominations is **April 15, 2014.**

If you are interested in submitting a nomination, please contact Roger Handberg at handberg@mindspring.com, or go to our website (www.innsofcourt.org/Content/InnContent.aspx?Id=1008) to obtain a nomination form.



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For details, see the OCBA website, or contact:
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Be sure to see the latest conference info on the OCBA website and register today!
Go to: <http://orangecountybar.org/benchbar2014>



Board of Governors January 2014 Meeting Highlights

The Florida Bar Board of Governors met on January 31, 2014. Major actions of the board and reports received included:

Chief Justice Ricky Polston discussed the state of the judiciary. He said the court system is seeking competitive pay adjustments and equity and retention funds for court staff, funds for repairs and upgrades to four aging district court of appeal buildings, and funds for continued technological improvements for the court system. The proposed budget for 2014-15 also includes 49 new judges – three appellate, seven circuit, and 39 county judgeships – as detailed in the December 20, 2013, judicial certification opinion. For additional information on the court system's budget requests for 2014-2015, please visit www.flcourts.org.

President Eugene K. Pettis, Esq., announced that the deadline for bar members to apply for the bar's recommendation of six lawyers for two vacancies on each Judicial Nominating Commission to the governor for the governor's appointment has been extended to Friday, March 21, 2014, at 5:30 p.m. Each appointee will serve a four-year term commencing July 1, 2014. Applicants must be engaged in the practice of law and a resident of the territorial jurisdiction served by the commission to which the member is applying. Applicants must comply with state financial disclosure laws. Screening committees of the Board of Governors will review all JNC applications. The Executive Committee will then make recommendations to the Board of Governors. The application is posted on the bar's website, or members may call bar headquarters at (850) 561-5757, to obtain the application.

Three proposed amendments to the Rules Regulating The Florida Bar were received on first reading. They pertain to: participation in lawyer referral services (Rule 4-7.22); the requirement that bar members certify that the maintenance of their trust accounts is in compliance with rules (Rule

5-1.2); and replacing monies improperly taken from trust accounts (Rule 5-1.1). For details on the amendments, please watch for articles in *The Florida Bar News*.

The board approved allowing the Legal Needs of Children Committee to support legislation allowing only judges to make a determination when children charged with crimes should be tried in adult court. In addition, the board approved a request of the Standing Committee on the Unlicensed Practice of Law for The Florida Bar to support the American Bar Association's efforts to advocate for passage of legislation (HR 2936) to prevent immigrants from being victimized by nonlawyers in immigration matters.

A dedication ceremony was held to formally name the Wm. Reece Smith, Jr. Leadership Academy. The academy's first class of 59 fellows met in Tallahassee on January 30-31, 2014, and attended the Pro Bono Awards Ceremony, the Florida Supreme Court Historical Society Annual Dinner, and the academy's dedication ceremony at the Board of Governors meeting.

Justice Barbara Pariente made a presentation on the Informed Voters Project, a nonpartisan voter education initiative of the National Association of Women Judges. Florida is one of eight states selected to implement pilot projects to address the importance of a fair and impartial judiciary and of keeping special interests from influencing judicial elections. For more information, visit <http://ivp.nawj.org/> and read the February 1, 2014, *The Florida Bar News* article.

Special Appointments Schedule:

The Florida Board of Governors is seeking a lawyer applicant to fill a vacancy on the Florida Supreme Court's Bar Admissions Committee. Completed applications are due Friday, Feb. 28, 2014.

Central Florida Bankruptcy Law Association Receives Pro Bono Award

The Central Florida Bankruptcy Law Association is the recipient of the 2014 Voluntary Bar Association Pro Bono Award. The award, which recognizes a Florida voluntary bar that has demonstrated a significant contribution in the delivery of legal services to individuals or groups on a *pro bono* basis, was presented by Chief Justice Ricky Polston on January 30, 2014, during a ceremony at the Florida Supreme Court.

The Central Florida Bankruptcy Law Association is a non-profit organization that supports the collegial and professional practice of bankruptcy law in the Orlando Division of the Middle District of Florida. This is done through continuing education and service to the bench, bar, and community. CFBLA serves all bankruptcy practitioners in Orange, Osceola, Seminole, Lake, and Brevard counties.

The Bankruptcy Pro Se Assistance Clinic is a project of the association. Opening in July 2012, the clinic is the result of a partnership with the Orange County Bar Association Bankruptcy Committee. The clinic is located at the George C. Young Federal Courthouse in Orlando and is staffed by experienced bankruptcy attorney volunteers who offer free, on-site information and guidance to debtors and creditors who are representing themselves in the U.S. Bankruptcy Court. Lawyers meet one-on-one to help

pro se litigants understand the bankruptcy process. They assist in preparing court documents and offer limited case specific advice. The CFBLA's website (www.cfbla.org) also offers many forms and publications that may be needed in a bankruptcy case.

Since its opening, 93 attorney members of the CFBLA have volunteered their time to staff the clinic. They have consulted with nearly 400 *pro se* individuals and volunteered more than 500 hours. The Bankruptcy Pro Se Assistance Clinic receives an average 30 requests for assistance each week. More than 2,100 requests have been received since July 2012. CFBLA solicits volunteer attorneys on its website. They are asked to counsel *pro se* debtors and creditors during the clinic's hours of operation. The minimum time commitment is one hour, but they encourage at least a two-hour commitment. Each counseling session is 30 minutes. If a person needing help is unable to travel to the clinic to meet in person with an attorney, volunteer members of the CFBLA will offer assistance through e-mail or telephone calls. Generally, the clinic is first come, first served with priority given to those persons who have requested an appointment in advance or to those on a deadline.

Submitted by **Francine A. Walker**, Director of Public Relations, The Florida Bar.

OCBA Major Seminars

Apr. 8 – Intellectual Property Committee. Details to come.

Apr. 23 – Labor & Employment Committee. Details to come.

Apr. 25 – Criminal Law Committee. *Trial Techniques & Practices*

Apr. 30 – Appellate Practice and Professionalism Committees
Advanced Legal Writing in the Paperless, Digital Age

See the OCBA Store for registration details.



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Judicial Relations Committee



Richard S. Dellinger, Esq.

Report from the Orange County Bar Judicial Relations Committee

The Judicial Relations Committee meets on a monthly basis. At those meetings, division heads at the Orange County Courthouse and bar leaders report on current activities. The committee officers are Eric Reed, Esq. (chair), Camy Schwan-Wilcox, Esq. (vice chair), Gisela Laurent, Esq. (treasurer), and Richard Dellinger, Esq. (secretary). This report is an attempt by the committee to summarize the reports for the education of the bar.

Eddie Fernández, Esq. was introduced as the new Clerk of Courts at the January 22, 2014, meeting. Mr. Fernández is currently an attorney with Shutts & Bowen, LLP. He was appointed on January 17, 2014, by Governor Rick Scott to replace former Clerk of Courts, Lydia Gardner. Mr. Fernández expressed gratitude for the appointment and eagerly looks forward to his new responsibilities and working with the staff.

Judge Lisa Munyon presented the report on behalf of the Circuit Civil Division. She stated that the 14th floor space that was built out for trials is now available for large civil trials and that two new rooms on the 14th floor are dedicated to foreclosure hearings. Judge Munyon further reported that foreclosures are declining and that the court anticipates reaching pre-2009 foreclosure levels by the end of 2014, adding that the residential foreclosure system would reinstate the system used a year ago. As a result of the anticipated decline in foreclosures and the reinstatement of the previous system, senior judges, rather than magistrates, would handle most foreclosure cases. There are currently three senior judges available for foreclosures, and trials will be held in a hearing room on the 17th floor. The residential foreclosure proceedings have been updated, effective January 6, 2014, and are available at: <http://www.ninthcircuit.org/programs-services/foreclosures/Downloads/ForeclosureProcedures.pdf>.

Judge Frederick Lauten presented a report on behalf of the Circuit Criminal Division. Judge Lauten announced that Judge Greg Tynan will soon be presiding over Division 16 after his appointment as a circuit judge by Governor Scott. Judge Julie O’Kane will continue her current caseload, and Judge Gail Adams will be handling the downtown Bureau of Prisons cases. Judge Belvin Perry and Judge Lauten have both agreed to take over the Bureau of Prisons cases that involve sex crimes. Judge Lauten reported that e-fil-

ings for the Criminal Division are ongoing, and the judges have not received any complaints on e-filing in the Criminal Division to date.

Judge Alan Apte reported on Circuit Domestic and said that all of the judges for the year 2013 will be continuing through the year 2014. Judge Apte further stated that the OCBA’s Family Law Committee is reviewing the administrative orders and noted that updated administrative orders should be issued soon. He also announced that an assistant state’s attorney had been assigned to the Domestic Division and would be analyzing the returns on domestic violence hearings to determine how the State Attorney’s office can help with domestic violence issues.

Judge Thomas Turner reported on Circuit Juvenile, stating that there are more pleas and fewer trials in delinquency cases because of changes in the policies of the State Attorney’s office. Judge Turner also voiced that the Dependency Court could always use more guardians ad litem.

Judge Steve Jewitt reported on County Civil, mentioning that Judge Tynan has agreed to continue to serve as a county court judge for the next one to two months until his docket can be covered. Currently Judge Tynan’s position is open and has been advertised for appointment.

Judge Heather Higbee reported on Circuit Appellate, noting that the caseload at Circuit Appellate is decreasing. Unfortunately, though, a staff attorney who had been working on cases has just accepted a job at the Fifth District Court of Appeal. Judge Higbee encouraged attorneys to call her office and ask for a status report if they feel their appellate case has been taking longer than usual.

The Clerk of Courts reported that the Ninth Judicial Circuit “Help Desk,” which has been used for the electronic filing system, would soon be transitioned to the statewide help desk. The clerk’s office staff look forward to working with Mr. Fernández to make a smooth transition.

Assistant state attorney Linda Drane-Burdick provided a report from the State Attorney’s office, reporting that the reorganization at the office is now complete and that Mr. Ashton had just completed his first year in office. Ms. Drane-Burdick reported that an assistant state attorney has been assigned to assist in Domestic Violence Court. She reported, however, that the ASA would soon

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The Florida Bar Board of Governors Guidelines for Advertising Past Results

(December 13, 2013; Revised January 17, 2014)

The Rules Regulating The Florida Bar governing lawyer advertising state that advertising past results is misleading, unless the results are objectively verifiable, under Rule 4-7.13(b)

(2). Additionally, advertising past results is subject to Rule 4-7.14, which prohibits advertisements that are “literally accurate, but could reasonably mislead a prospective client regarding a material fact.” Rule 4-7.14(a)(2). The Standing Committee on Advertising issues the following guidelines to assist lawyers in complying with these requirements when advertising past results:

Unacceptable Media

The inclusion of past results in advertising carries a particularly high risk of being misleading. Such advertising will require the inclusion of more information than most

types of advertising in order to comply with Rules 4-7.13(a)(2) and 4-7.14(a). Indoor and outdoor display and radio and television media do not lend themselves to effective communication of such information. Consequently, the bar generally will not approve advertisements in such media that include references to past results.

Acceptable Media

In other media, the inclusion of references to past results carries a lesser risk of being misleading, because more information can be included that explain the past results and provide disclaimers, and because consumers have more time to view and process the information provided in the advertisement. Examples of other media include direct mail, direct email, print advertisements, (except for indoor and outdoor display media) and websites. In these other media, the following guidelines apply when past results are referenced so that consumers are not misled:

Advertising Dollar Amounts

When an advertisement includes a dollar amount and language or an illustration that indicates that a client has received the specific amount (“My lawyer got me \$X” with a photograph of a person receiving money), the dollar amount must be

the net amount received by the client. The net amount is the amount after deductions for attorneys’ fees and litigation-related expenses. Medical expenses that are reimbursed to the client or paid on behalf of the client may be included in the net amount. The advertisement may include a disclaimer that states: “After deduction of attorneys’ fees and expenses.”

When an advertisement includes a dollar amount of a verdict, judgment, or settlement and does not contain language or an illustration that indicates that a client has received such amount (“Law firm has obtained ten verdicts over \$1 million”), the dollar amount may be the gross amount of the verdict, judgment, or settlement. In such case, the advertisement must include a prominent disclaimer that states: “Before deduction for attorneys’ fees and expenses.”

When an advertisement contains a dollar amount and that client is receiving funds through a structured settlement, the advertisement must use the present value of the total settlement, rather than the amount paid in total over the life of the structured settlement or annuity. The result obtained by the lawyer is the present value invested, not the total paid over the life of the structured settlement or annuity. The “present value” of the funds must be the net amount received by the client and paid in lump sum and/or structured settlement or annuity after deduction of costs and attorneys’ fees.

All advertisements that include a reference to a dollar amount in connection with a result must include the following disclaimer prominently displayed unless objectively verifiable documentation to the contrary can be produced: “Most cases result in a lower recovery. It should not be assumed that your case will have as beneficial a result.”

Specific Results Other Than a Dollar Amount

All advertisements that contain specific results other than a specific dollar amount as a recovery must also contain the disclaimer prominently displayed unless objectively verifiable documentation to the contrary can be produced: “Results may not be typical. You may not have as beneficial a result.” For example, advertising a “not guilty” verdict, a dismissal of a traffic ticket, or a loan modification resulting in lower payments all would require the disclaimer above.

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David P. Hathaway, Esq.

Making Sense of E-Discovery: 10 Steps for Producing ESI – Part 1

Have you ever been handed a detailed flow-chart on electronically stored information (ESI) and wondered what to make of it? Have you read case law summaries about ESI and thought, “How do I actually apply this holding to my practice?” And when you do produce ESI, is there any concern whether the methods you used would pass muster if critiqued by a federal judge?

When the next big case comes in, have a plan to make sure you do everything right. Of course, you will have to tailor your methods and budget to the size of the case, but at least some ESI will come into play any time communications or stored data might become evidence. If producing ESI takes you out of your comfort zone, here are 10 steps that might work for you.

1. Prepare your team. As soon as you staff the case within your office, hold a team meeting to discuss the nature of the case and what kinds of ESI might be relevant to prove the claims and defenses. Be sure to include everyone in the meeting, such as a shareholder, an associate, and a paralegal. In discussing ESI, consider not just computers, but other things like workplace video cameras, parking garage entry logs, and other records kept electronically. You should stress the importance of keeping a journal at your law office to track all the decisions you make regarding ESI. The journal needs to be easily accessible by everyone on your team and should be updated regularly. In fact, the minutes from your meeting should be the first entry in the ESI journal.

You may also want to review social media and run Google searches on anyone who is likely to be deposed, and print everything immediately in case it becomes unavailable later. You should also be sure a spoliation notice is mailed to opposing counsel and a preservation letter or “litigation hold” letter goes to the client. Make them short and understandable, with possible inclusion of social networking sites as part of the litigation hold.

2. Meet with the client. Set up a conference at your client’s office to review its organizational chart and discuss how information is stored electronically among various people and locations. The client’s decision maker should attend, as well as the person most familiar with the issues in the litigation, and a member of the information technology (IT) department who knows how much work goes into collecting data. Keep in mind that the IT person may be more optimistic at this meeting in front of

his boss than he might be when you talk to him on the phone in private. Bring your team and, if necessary, someone from your IT department who can ask some of the technical questions.

Keep in mind that the producing party usually pays for ESI, and though your client may be weighing the cost of being thorough against the risk of sanctions, you are ethically required not to let the client cut corners. Explain to the client what the rules of civil procedure require, and note that you can save costs by working with opposing counsel to limit the scope of the search. Record everything in your journal, and be sure the client has properly implemented the litigation hold in all relevant departments and among all information systems. You might also go over the client’s data retention policy to be sure it is simple, enforceable, and actually being enforced.

3. Interview the employees. You will probably learn the names of the employees who might have information relevant to the case. You should interview them and find out which devices they use in performing job duties as well as the different forms of communication. For example, they may use some combination of email, instant messaging, home computers, voicemail, text, cloud storage, social media, special software programs, and perhaps log books where other data is recorded.

If the employees are heavy users of online networking, you might advise them not to make statements online that could impact the case. You may want to increase their security settings and advise that anything they have accessed as part of the job is subject to being searched. You should also find out whether employees are new to the job and, if so, whether their predecessors may have some of the information.

Take detailed notes for your journal, and be sure the employees are properly observing the litigation hold implemented by the company. You have to be the watchdog because, although employees may seem helpful and willing, they might not try their hardest on completing tasks that don’t fall within their job description. Make a checklist of all the sources of information they have identified and, for anything outside the company premises, write down how and when they plan to provide it to you.

If one or more employees are no longer with the company, the IT department should be able to

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Eddie Fernández Sworn In as Orange County Clerk of Courts

Eddie Fernández was sworn in Friday morning, January 31, 2014, as the new Orange County Clerk of Courts. The Honorable Belvin Perry, Jr., chief judge of the Ninth Judicial Circuit, administered the oath of office as a large gathering of judges, attorneys, elected officials, community leaders, and clerk's office employees looked on.



Eddie Fernández being administered the oath of office by Chief Judge Belvin Perry, Jr.

"My priority is to be accessible," Fernández said in his comments after taking the oath. "To be accessible to the bench, the bar, the public, and my deputy clerks. I want to know what I can do better. I want to know what the office can do better. I also want to know what we are doing great. There are a lot of things we do very well."

Father John McCormick of St. James Cathedral offered the invocation; Orange County Bar Association president Paul Scheck led the Pledge of Allegiance; and Orange County mayor Teresa Jacobs welcomed Fernández into his new role.

Fernández, who Judge Perry noted is the first Hispanic clerk in Orange County, was appointed by

Governor Rick Scott, who cited "Eddie's reputation as a problem solver and respected member of the Orlando community."

He fills the position long held by Clerk of Courts Lydia Gardner, who passed away in 2013. Fernández paid tribute to Gardner during his comments, praising her energy, innovations at the Clerk's Office, and her contributions to the community, particularly in the area of domestic violence awareness.

Prior to being appointed by Governor Scott as clerk, Fernández practiced law with Shutts & Bowen, LLP.

After earning a degree in economics, summa cum laude, from Rollins College and an M.B.A., with honors, from the Rollins College Crummer Graduate School of Business, he received his law degree from the University of Florida.

Submitted by **Leesa Bainbridge**, Orange County Clerks of Court office.



For E-Portal Help, Please Call 850-577-4609

The Florida Courts E-Filing Portal has been up and running in all divisions of the Orange County Clerk of Courts for several months. The transition has been smooth and we appreciate the partnership of the Orange County Bar Association.

Given that attorneys are getting more comfortable filing through the portal and that we are getting very few phone calls, we are closing our dedicated telephone help line, effective Feb. 3, 2014. If you need assistance, please call instead the Florida Court Clerks and Comptrollers help line at 850-577-4609. They have beefed

up their staffing to handle calls statewide.

Also, if you are filing pleadings electronically, please do so separately, according to the court's preference. Please do not file multiple pleadings in one transmission.

We Roll Out a New Process For Probate Administration Cases

Effective February 3, 2014, "Probate Administration" cases will no longer be consolidated with previously filed "Wills for Safekeeping," "Notice of Trust," "Caveat," "Safe Deposit Box," or "Probate Other" case types.

These cases will be filed as new cases and not treated as subsequent filings. To prevent filing duplicate cases, please con-

duct a probate records search at www.myorangeclerk.com prior to filing a new "Probate Administration" case. This will help ensure that another party has not already initiated a case.

If a "Will for Safekeeping," "Notice of Trust," "Caveat," "Safe Deposit Box," or "Probate Other" case was previously filed, the documents will remain consolidated under that case number.

The new process will ensure proper information is sent to the state reporting system following an upgrade to the system. If you have any questions, please email Probate and Mental Health Manager Lisa Paige at lisa.paige@myorangeclerk.com.



Lawrence H. Kolin, Esq.

Mediate ESI Issues Early and Get Back to the Merits of Your Case

Now that Florida's E-discovery rules have been effective for over a year, disputes over electronically stored information (ESI) are more commonly, albeit slowly, being addressed in state court litigation. Knowledgeable dispute resolvers, E-neutrals, or mediators familiar with cases involving electronic evidence can help shape discovery plans, allocate costs, suggest technological solutions, and create efficiencies in this emerging area.

The traditional early mediation process may instead be focused into a confidential conference solely on managing ESI. Within this protected framework, a neutral may shape the discussion, reminding parties of the merits and dissuading them from merely using E-discovery as a sword or shield. Mediation provides practical avenues that can present parties with significant cost savings in cases containing ESI, if performed near the beginning of the litigation.

For example, though counsel are often expected to reach a rational agreement on what must be preserved, taking into account costs and burdens incurred by modifying or suspending document retention systems can be tough. Implementing even narrowly tailored litigation, holds to preserve crucial ESI can be difficult without the assistance of a neutral during such negotiations. Under the safeguards of a confidential mediation, limited discovery from custodians or other key persons with special knowledge of a company's computer system may be particularly useful. Lawyers can then self-determine sources from which relevant information is to be obtained, while the neutral facilitates agreement on the time frame at issue, search protocols, accessibility of stored information, or the cost and burden of restoring inaccessible information.

An E-neutral, mediator, or perhaps a longer engaged court-appointed special magistrate can also facilitate the electronic discovery process by helping parties to agree on the form in which they want information produced and the extent to

which metadata will be produced. Mediation can feature private caucuses with retained experts or information technology liaisons who may help conduct discovery proportionally, thus minimizing motion practice, avoiding sanctions, and unpredictable judicial outcomes. Cooperation under this alternative dispute resolution rubric may also encompass settling procedures to be followed when discovering privileged information that has been inadvertently produced in the course of discovery, including clawbacks or agreed confidentiality orders.

When the parties reach an agreement, they may ask the court to include parameters from the agreement in their formal scheduling order. Florida's civil case management Rules 1.200 and 1.201 involving complex litigation, provide the ability to address topics such as: considering the voluntary exchange of ESI and stipulations for authenticity; considering the need for advance rulings from the court on admissibility; and discussing the possibility of agreements (whether by parties or by referral to a special magistrate, master, other neutral, or mediation) on preservation of evidence, the form in which such evidence should be produced, and whether discovery of such information should be conducted in phases or limited to particular individuals, time periods, or sources.

Dealing with the amount of data that parties now possess in routine disputes is likely to distract litigators from the merits. These rules can be regularly employed by civil practitioners at the outset of most cases in conjunction with alternative dispute resolution techniques to return resources to the heart of the litigation.

Lawrence H. Kolin, Esq., was Founding Chair of the OCBA's ADR Committee and has been a member of the OCBA since 1994.



James Shaver

What Is Cloud Computing and Why Should You Care?

Law firms and small businesses are tired of spending time and money on housing their IT infrastructure onsite. With all the hype around cloud computing over the past few years, firms have become interested in offloading the liability of owning and maintaining their IT. Dealing with servers, PCs, and IT people is usually not what most firms want to focus on. The reality is that most people still do not have all of the facts about cloud computing and believe it to be insecure, unreliable, and not a turnkey solution.

There's a good chance that MOST of the software applications you use every day are now SaaS applications, or "software as a service." In other words, you don't have to install them on your server or PC – you simply access it as a pay-as-you-go model for only the licenses, space, and features you use. This gives you the ability to access highly sophisticated software and functionality at a fraction of the cost – or even for free – and without long-term commitments.

In fact, you are probably already experiencing the benefits of cloud computing in some way but hadn't realized it. Below are a number of cloud computing applications that you might already be using:

- Gmail, Hotmail, or other free e-mail accounts
- Facebook
- NetSuite, Salesforce
- Constant Contact
- LinkedIn
- All things Google (search, AdWords, maps, etc.)

Answers To The Top 5 Questions Business Owners Have About Cloud Computing

Question #1: *What if my Internet connection goes down for an extended period of time?*

Answer: While you can mitigate this risk by using a commercial-grade Internet connection and maintaining a second backup connection, there is a chance that you'll lose Internet connectivity, making it impossible to work.

Question #2: *What happens if the Internet slows to the point where it's difficult to work productively?*

Answer: Keep a synchronized copy of your data on your onsite server as well as in the cloud. Here's how this works: Microsoft offers a feature

with Windows called "DFS," which stands for Distributed File Systems. This technology synchronizes documents between cloud servers and local servers in your office. So instead of getting rid of your old server, keep it onsite and maintain an up-to-date synched copy of your files, folders, and documents on it. If the Internet goes down or slows to a grind, you simply open a generic folder on your PC and the system will automatically know to pull the documents from the fastest location (be it the cloud server or the local one). Once a file is modified, it syncs in seconds so you don't have to worry about having multiple versions of the same document. Using this process, you get the benefits of the cloud with a backup solution to keep you up and running during slow periods or complete Internet outages.

Question #3: *What about security? Isn't there a big risk of someone accessing my data if it's in the cloud?*

Answer: In many cases, cloud computing is a more secure way of accessing and storing data. Just because your server is onsite doesn't make it more secure. In fact, most small to medium businesses can't justify the cost of securing their network the way a cloud provider can. And most security breaches occur because of human error.

Question #4: *What if my cloud provider goes out of business? How do I get my data back?*

Answer: Network documentation should be provided that clearly outlines where your data is and how you can get it back in the event of an emergency. This includes detailed information of emergency contact numbers, information on how to access your data and infrastructure without needing outside assistance.

Question #5: *Do I have to purchase new hardware (servers, workstations) to move to the cloud?*

Answer: No! That's one of the greatest benefits of cloud computing. It allows you to use older workstations, laptops, and servers because the computing power is in the cloud. Not only does that allow you to keep and use hardware longer, but it allows you to buy cheaper workstations and laptops because you don't need the expensive computing power required in the past.

Is Cloud Computing Right For You?

While there are a ton of benefits to cloud computing, it's NOT right for every company. Some applications don't play well in the cloud. You need commercial-grade Internet connectivity. Some

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American Democracy and the Rule of Law: Why Every Vote Matters



Students in Carly Swartling's second-grade class at Audubon Park elementary school in Orlando were proud participants in the mock trial, *The Big Bad Wolf v. Curly the Pig*, presented by OCBA attorneys in February. The mock trial, which is one of the OCBA's award-winning Law Week activities, introduced students to concepts such as the meaning of taking an oath, the process of arriving at a verdict, and the various roles of judge, jury, and attorneys in the civil trial process.

Back row (left to right): Joanne Wilson, Esq.; Heather Dodge, Esq.; Nina Vaghaiwalla Rawal, Esq.; Melody Elam, Esq.; C. Andrew Roy, Esq.; Keef Owens, Esq.

Decked out in costumes, OCBA attorneys took their advocacy skills on the road in February when the Orange County Bar Association kicked off its series of Law Week activities with the mock trial *The Big Bad Wolf v. Curly the Pig* at local elementary schools. The trial is a civil matter that follows the story line of "The Three Little Pigs" and engages students in

an interactive exploration of the justice system in terms they understand.

With characters including B.B. Wolf, Curly Pig, plaintiff and defense attorneys, judge, bailiff, and more, students served as jury members as they were introduced to concepts such as taking an oath, rendering a verdict, and serving as a jury member.

The one-hour Big Bad Wolf Trials, as they are known, were presented at Audubon Park, Rock Lake, Lake Como, Silver Lake, and Orange Center elementary schools in Orlando.

The OCBA's traditional DUI Mock Trials for high school students went high-tech this year. Dr. Phillips High School's Visual and Performing Arts magnet program served as the backdrop for the production of a videotaped mock trial. Students from Timber Creek High School performed the roles of witnesses and attorneys in the video, which will be duplicated and given to other Orange County high schools before prom season begins. In addition, family members who had lost loved ones because of drinking and driving were interviewed, thus providing a sobering example of the damage one might cause by driving under the influence.

The OCBA's award winning Law Week program, which spans three months of activities, recently accepted final submissions for its poster and speech contest for middle and high school students. Submissions were based on the ABA's Law Week theme, "American Democracy and the Rule of Law: Why Every Vote Matters." Winning students will receive ribbons, their teachers a small monetary gift, and the author of the winning

speech will present it to hundreds of attorneys at the bar's annual Law Week luncheon in April.

The OCBA will also present its Liberty Bell award at the April luncheon. The award recognizes a person or organization outside the traditional legal profession that demonstrates a deep commitment to the rule of law and has worked to promote civic responsibility among the citizens of Central Florida.

Judges from the Ninth Judicial Circuit take students under their wings during the bar's "Day in the Life of a Judge" job shadowing program and "Pathways in Law," an education program developed for youngsters ages 8 to 18. Youth from Parramore Kidz Zone (PKZ), as well as from the Apopka Farmworkers' Ministry or community centers take part in activities such as meeting judges, law enforcement officers, prosecutors, public defenders, and other legal professionals, finding out about various legal careers, and participating in a mock trial. A member of the League of Women Voters talks with the youngsters about their civic responsibilities, including the right to vote. Activities end with a pizza party and cake in the courthouse jury room.

In early April, the OCBA, in partnership with students and faculty from the Florida A&M University College of Law, will host a panel discussion on the ABA's Law Day topic. Bill Cowles, Orange County Supervisor of Elections, will serve as one of the panelists. As the country approaches the 50th anniversaries of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, panelists will reflect on our history related to voting rights and discuss the challenges we, as a nation, still face.

On April 16, 2014, the OCBA will participate in a United States Citizenship and Immigration Service (USCIS) naturalization ceremony, which coincides with the University of Central Florida's Public Service Recognition Month events. The OCBA has partnered with USCIS on special naturalization ceremonies in honor of Law Week for many years. Because USCIS ceremonies celebrate a formal legal process and Law Week's theme celebrates one of the most valuable rights that new U.S. citizens gain – the right to vote – this year's participation will be particularly meaningful for the new citizens, UCF students, and all who attend.

Submitted by the OCBA Law Week Committee, **Tony Sos, Esq.**, and **Nikki Rodeman, FRP**, co-chairs.



Camila Pachon Silva, Esq.

Modern Day Slavery in Central Florida

Human trafficking is modern day slavery that takes place everyday in our own backyard. In 2000, the Trafficking Victims Protection Act made trafficking in persons a federal crime. Under federal statute, human trafficking is defined as “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform the act is under 18 years of age.”¹ Under the same statute, labor trafficking, another form of human trafficking, is defined as “the recruitment, harboring, transportation, provision, or obtaining of a person for labor services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”² Florida’s definition of human trafficking encompasses that of the federal statute and broadens it by also defining coercion as causing or threatening to cause financial harm.³

According to the Polaris Project, a non-profit organization leader in the worldwide fight against human trafficking, it is estimated that every year there are 100,000 children in the sex trade in the United States. This number does not include child victims of labor trafficking, nor does it include adult victims of labor and sex trafficking. Therefore, the total number of human trafficking victims, for both sex and labor trafficking in the United States, significantly surpasses the hundreds of thousands. It is almost impossible to have reliable statistics, as victims of human trafficking, who include documented and undocumented foreign nationals, U.S. citizens, adults, and children, are hesitant to come forward. In many instances, victims are taught by the traffickers to distrust law enforcement or are afraid of coming forward because they fear being deported because of their lack of immigration status. It is also very rare for a victim of human trafficking to self-identify as such. As a survival method, many trafficking survivors develop strong loyalties with the traffickers and may even attempt to protect them from law enforcement. This is particularly true among victims who are minors.

The extent of the human trafficking problem in the United States became more apparent in July 2013, when the FBI arrested 150 people across 76 cities in the United States in the largest operation to date against child sex trafficking. Despite vast awareness efforts, many are still unaware that human trafficking does take place in Central Florida. According to the Department of Justice, Florida

ranks third in the nation for the number of calls received by the National Human Trafficking Resource Center hotline. Florida, and Orlando in particular, is a hotspot for human trafficking because of its large immigrant population, tourism, and agricultural industries. Orlando has been home to several human trafficking cases in the last couple of years. For instance, in March 2013, a human trafficker from Orlando was sentenced to life in prison by a federal judge for kidnapping a fifteen-year-old girl in Tampa and forcing her into prostitution on Orange Blossom Trail.

Some steps have been taken to combat this horrible crime in Florida. On January 1, 2013, the Safe Harbor Act went into effect. This new legislation is meant to ensure the safety of children victims of sex trafficking in Florida. Under the act, children survivors of sex trafficking should be treated as victims rather than being placed in juvenile delinquency. However, these are just the beginning steps of a fight against one of the fastest growing criminal industries in the world.

On April 10, 2013, Central Florida joined this fight with the creation of the Greater Orlando Human Trafficking Task Force (GOHTTF). Before its inception, several agencies in Central Florida were providing some services to survivors of human trafficking; however, there was no framework in place to assure a continuum of services. GOHTTF was created by several stakeholders in Orlando who believe a more structured framework and established partnerships were needed to successfully combat human trafficking and empower survivors in the greater Orlando area. The task force was founded by seventeen member organizations, among which are the Florida Department of Children and Families; Holland & Knight, LLP; Florida Abolitionist; The Lifeboat Project; Nemours Children Hospital; Orlando Police Department; Metropolitan Bureau of Investigations; and the Legal Aid Society of the Orange County Bar Association, among others. Today, the task force has more than thirty-five member organizations and is recognized by the U.S. Department of Health and Human Services and the Department of Justice.

GOHTTF was incorporated as a Florida non-profit with the goal of combating human trafficking and empowering survivors through prevention, protection, prosecution, and partnership in the greater Orlando area. The task force is cur-

continued page 39



Catherine A. Tucker, Esq.

Legal Aid Society Pro Bono Attorneys Prepare Taxes at VITA Site

For 20 years, *pro bono* attorneys have provided free tax preparation through the Legal Aid Earned Income Tax Clinic Project. Last year more than 260 families were served by the project. Those taxpayers recovered more than \$269,000 in refunds. When the project began in 1993, there were only paper returns. Now the site offers free e-filing of returns through a web-based software. The project uses software and e-filing provided through the Volunteer Income Tax Assistance (VITA) program of the IRS. Legal Aid participation makes it possible for people eligible for Legal Aid's services to also get free tax preparation services.



Tonya R. Noldon-Randall, Esq.

The major purpose for creating the project was to ensure that Legal Aid clients were aware of the Earned Income Tax Credit. The credit continues and has been expanded. A taxpayer who is between the ages of 25 and 64, who has earned income

and is within a limited income range between \$14,439 and \$51,000, depending on family size, may be eligible for the earned income credit. For more detailed information go to www.hfuw.org or www.irs.gov.

Volunteer attorneys, and other volunteers, are certified by the IRS through an online testing program and then matched with one of the free preparation programs, VITA, or AARP-TCE. These are national programs and operate throughout the country and Florida.

Free tax preparation is offered at Legal Aid on Tuesday and Thursday, from 5:00 p.m. to 7:00 p.m. through the first week in April. Services are available for English and Spanish speakers. Services are offered on a first-come, first-served basis; no appointments are given. Only simple returns for households under \$55,000 are accepted. A picture ID, social security cards for each person listed on the return, copies of W-2(s) and 1099(s), and any other tax documents, such as child care statements, student tuition, and other receipts are required. Legal Aid does not prepare returns that would include a Schedule C, sale of home, or self-employment income.

Each year *pro bono* attorneys and LAS staff have operated the clinic at the Legal Aid office and

other sites. This year the VITA services are also offered at Goodwill – now called the Orlando Job Connection Center – on East Colonial in Orlando, each Friday by appointment between 10:00 a.m. and 12:30 p.m.

The time and commitment of the many attorneys who volunteer have kept the clinic operating for 20 years. Attorneys who have been with the project for most of that time include: Trevor Brewer, Esq.; Jane Callahan, Esq.; Allen D. Holland, Esq.; and Frank Schiavo, Esq. About 14 attorneys participate each year. Legal Aid is also fortunate to get new recruits each year. Many come from law schools where VITA clinics were operated. Barry University has held a VITA clinic on each Saturday during tax season for more than eight years. FAMU has also offered tax services.

Legal Aid is part of a local consortium of providers and partners who work with the Prosperity Campaign of Central Florida coordinated by Heart of Florida United Way. The program produces information and promotional materials to encourage local businesses and other employers and the public to use the free preparation services. Many local utilities will mail out announcements with their bills.

A local resident can call 211, the United Way local helpline, to learn the location and times of a free site through VITA or AARP-TCE.

To file your own taxes online for free, go to the Heart of Florida United Way site: www.hfuw.org and click on the links provided, or go to www.myfreetaxes.org.

The IRS website, www.irs.gov, provides additional helpful information.

For more information about Legal Aid and the project, please contact Cathy Tucker, ctucker@legalaidocba.org or 407-841-8310, ext 3151.

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



Richard M. Caron, Esq.



Frank Schiavo, Esq.



Susan Khoury, Esq.

Legislative Advocacy on Behalf of the Legal Aid Society's Guardian ad Litem Program

Orange County's Legislative Delegation consists of five senators and nine representatives: Senators Andy Gardiner, Alan Hays, Kelli Stargel, Darren Soto, and Geraldine F. "Geri" Thompson along with Representatives Bruce Antone, Randolph Bracy, Karen Castor Dentel, Tom Goodson, Bryan Nelson, Stephen Precourt, Joe Saunders, Linda Stewart, and Victor Torres. This year, the Florida Legislature will convene on March 4, 2014.

The Florida Statewide Guardian ad Litem Program (GALP) contracts with the Legal Aid Society of the Orange County Bar Association to operate the GALP in Orange County. The state funding received through this contract supports the 20 Legal Aid Society employees who serve as attorneys, case coordinators, and support staff in the GAL department.

This year, Alan Abramowitz, Esq., the executive director of the Statewide GAL Program, is asking the legislature to approve an increase of \$6.1 million dollars to the current budget. Since assuming the helm at the Statewide GALP two years ago, Mr. Abramowitz has increased funding to the Legal Aid Society by 45%. Mr. Abramowitz has himself served as a GAL for an Orange County youth for the past two years. The youth was aging out of the foster care system when Mr. Abramowitz accepted the appointment and he continued representing him through his 19th birthday. Mr. Abramowitz received support from Legal Aid's GAL staff along the way so he is personally familiar with the good work done by both staff and *pro bono* attorney GALs. On many occasions, he has lauded the efforts of Orange County attorneys for the exemplary representation dependent children receive because of the *pro bono* efforts of bar members.

The state funding we receive for the GALP is critical to Legal Aid's ability to continue providing staff support to *pro bono* attorney GALs. These support services include nine staff attorneys with significant experience dealing with matters related not only to Chapter 39, but also with issues affecting dependent children who have developmental disabilities, educational deficits, and mental health conditions. Additionally, staff attorneys serve youth with both dependency and delinquency cases, as well as youth age 13 and older who are eligible for and receiving independent living services. Our staff of five case coordinators routinely assist GALs with home visits, case man-

agement advice, and resource identification. The support staff of legal assistants, referral staff, and file clerks provides invaluable services with assigning, opening, closing, and maintaining the files of over 1,100 children who are represented by the more than 350 bar members who serve as their GALs.

The budget of the Statewide GALP is assigned in the House to the House Justice Appropriations Subcommittee and in the Senate to the Senate Appropriations Subcommittee on Criminal and Civil Justice. Over the past several years, the Statewide GALP has been fortunate to receive annual increases in its budget while many other programs have seen their budgets slashed. It is particularly noteworthy that our own senators, Darren Soto and Alan Hays, have been steadfast supporters of the GALP for many years. Senator Soto has been recognized at Orange County Bar Association luncheons on several occasions for his legislative efforts supporting increased funding for the GAL Program. While Senator Alan Hays represents only a small portion of Orange County, he has been a huge supporter of the GALP.

"Senator Hays has been a champion for the Guardian ad Litem Program," states Alan Abramowitz. "He has been there on issues important to children and also educating others on the importance of the work our volunteer child advocates perform. The program recognized his legislative leadership in 2013 for his strong support of the GAL Program." Last year, Senator Hays was instrumental in having a resolution entered by the Florida Senate recognizing April 4, 2013 as "Guardian ad Litem Day" in Florida. Although there are no Orange County legislators on the House Justice Appropriations Subcommittee, Representative Mike LaRosa, who represents St. Cloud, is on that subcommittee.

From a funding standpoint, the fact that the GAL services provided to over 22,268 abused, abandoned, and neglected children statewide are supplied primarily through volunteers – as opposed to paid staff – is of critical importance. For the past two years, the GALP – and in particular, Orange County's GALP – has been recognized with Prudential Insurance Company's Prudential-Davis Productivity Award for work that enhances productivity within state government.

At a time when the Legal Aid Society has suffered

continued page 44

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For additional information about Gala sponsorship opportunities, please contact Kimberly Webb at 407-647-8911 or kwebb@schwartzlawfirm.net.

Individual tickets are \$150. To purchase tickets, please go online to: ocba2014gala.brownpapertickets.com.

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David A. Monaco

David A. Monaco is an honors graduate of the University of Florida Levin College of Law. He served as a Circuit Court Judge from 1997 - 2003 and a District Court Judge of the Fifth District Court of Appeal from 2003 - 2011, and was Chief Judge of the Fifth District from 2009 - 2011.



John N. Bogdanoff

John N. Bogdanoff is an honors graduate of the University of Florida Levin College of Law. He served as a Staff Attorney at the Fifth District Court of Appeal for more than 25 years and as a Senior Staff Attorney during his tenure.

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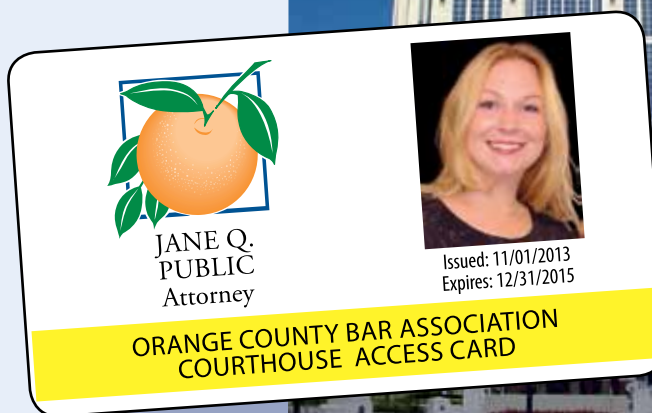
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John N. Bogdanoff is a graduate of the University of Florida Levin College of Law (with honors). During his more than 25 year career as a senior attorney at Florida's Fifth District Court of Appeal, he served appellate court judges Frank D. Upchurch, Melvin Orfinger, Joe A. Cowart, Warren H. Cobb, Robert J. Pleus and Richard B. Orfinger. Additionally, he served as the Court's public information officer and on the State Appellate Court Continuing Education Committee. He represented the Fifth District Court of Appeal at the National Judicial College's 2003 program on Media and the Courts. Currently he serves on the Daytona State College Legal Studies Advisory Committee and has been an adjunct professor at the college. Mr. Bogdanoff is also accredited with the Department of Veterans Affairs to present and prosecute administrative appeals on behalf of veterans. Mr. Bogdanoff has successfully argued appeals in the Florida district courts of appeal as well as in the United States Court of Appeals for the Eleventh Circuit.

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Tony Sos, Esq.
Co-chair
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Amy Guy
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Alan Abramowitz, Executive Director, Florida Guardian ad Litem Program, presents the Legal Aid Society with the Davis Productivity Award for Maximized Volunteer Resources. Accepting is Mary Anne De Petrillo, Esq., Legal Aid Executive Director.



Lauren McCorvie, Esq.
President
OCBA Young Lawyers Section



TAD A. YATES

Mr. Yates has practiced in the area of criminal defense for 19 years. He is AV rated by Martindale- Hubbell, has been selected to Florida Trend's Legal Elite, and is a Florida Super Lawyer. Mr. Yates is the current Chair of the Ninth Circuit Judicial Nominating Commission and a member of the Board of Directors

of the Florida Bar Foundation. He is a Past President of the Orange County Bar Association and the OCBA Legal Aid Society and the immediate Past Chair of the Ninth Circuit Grievance Committee. He is available to handle general criminal defense, criminal appeals, post-conviction matters, and Florida Bar grievance complaints.

CHRISTINE A. WASULA

Ms. Wasula has practiced law in Orlando for 15 years. She earned her Juris Doctor degree from the University of Florida, where she graduated with high honors and was admitted to the Florida Chapter of the Order of the Coif. Prior to attending law school, Ms. Wasula worked as a legislative assistant for U.S. Senator Bob Graham in Washington, D.C. She is an active member of the Orange County Bar Association and has served as a member of the Young Lawyers Board of Directors. She became Of Counsel in 2013 and is available to handle general criminal defense, criminal appeals, post-conviction matters, and general legal research.



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Online voted ballots must be cast by 11:59 p.m., EDT, Monday, March 31, 2014.

- OCBA President-Elect, Treasurer, and Secretary (uncontested)
- OCBA Executive Council (3 seats)
- Legal Aid Society Board of Trustees (2 seats)
- Young Lawyers Section At-Large Board Members (5 seats)

If you do not have a current, working email address on file with the OCBA, you will receive a paper ballot. **All voted paper ballots must be received in the OCBA office, 880 North Orange Avenue, Orlando, FL 32801, by 5:00 p.m., Monday, March 31, 2014.**

This election is being conducted on behalf of the OCBA by Intelliscan, Inc., an independent election service provider. All voted ballots, whether cast electronically or via paper ballot, will be certified by the Secretary of the OCBA.

If you have any questions, please email johnnarbitell@intelliscaninc.com, or call 610-935-6176.

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- Advertising that the lawyer obtained a \$1 million judgment without disclosing that the fees and costs exceeded the amount of the judgment or that the court issued a \$500,000 remittitur.
- Advertising that the lawyer obtained a \$1 million judgment without disclosing that the defendant offered to settle for \$2 million.
- Advertising a success at trial without disclosing that the judgment was overturned on appeal.
- Advertising a success percentage without disclosing material limitations on the types of cases accepted. (e.g., advertising a percentage of success in traffic ticket cases without disclosing that the percentage only includes minor infractions by first-time offenders.)
- Advertisement by a criminal defense lawyer that an acquittal on one or more charges was obtained without disclosing that the client was convicted of other crimes in the same case.

See The Florida Bar website: [https://www.floridabar.org/TFB/TFBResources.nsf/Attachments/FB68CB88389B9FC785257C430053B5F9/\\$FILE/guidelines%20past%20results.pdf?OpenElement](https://www.floridabar.org/TFB/TFBResources.nsf/Attachments/FB68CB88389B9FC785257C430053B5F9/$FILE/guidelines%20past%20results.pdf?OpenElement)



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Want an easy way to destroy a relationship? Easy. Listen only to what the other person says, and not how they say it.

For example, if you ask how he or she is doing, and the answer is, "Fine," just assume he or she is actually "fine."

In reality, "Fine" can mean anything from "Everything's okay," to "We're breaking up, you insensitive clod."

That's because words account for only a small portion of your communication. The same words, said in the same order, to the same recipient, can have completely different meanings depending upon the context.

Take for example, "I love you." (And I do... I think you're great!)

If you whisper "I love you," to someone in a soft, sultry voice, just inches away from his or her ear, the words can convey intimacy, romance, and passion.

Take those exact same words, delivered to the exact same person, but scream them at the top of your lungs across a crowded courtroom at the conclusion of a contentious divorce case while two deputies use physical force to restrain you and carry you out of the courtroom...

Now those words have an entirely different intonation.

That's because most of the meaning in what you say isn't transferred through the words you choose, it's transferred through how you convey the message.

When you meet with someone and speak in person, he doesn't just hear your words. He also watches your facial expressions and your body language. He listens for changes in pitch, changes in tone, and pauses (both intentional and unintentional). All of those little non-verbal components add up to create the complete picture of what you really mean.

Basically, it's not so much what you're saying, as how you're saying it.

And that's the biggest problem that you will encounter when you move away from face-to-face conversations and communicate through modern technological means, such as email, text messages, and Facebook messages.

Let's face it, technology is amazing. Email and other communication advances make it possible for you to communicate instantly with someone on the opposite side of the world.

It allows you to share a message with hundreds, thousands, even millions of people at the same time.

But that same technology also allows you to communicate an instantly regrettable (and unfortunately, irretrievable) message to millions of people across the world, all from the comfort of your phone or laptop.

The innate problem with email. The biggest problem caused by communicating through email, Twitter, Facebook, text message, and all of the other technological advances you have at your disposal is that those critical non-verbal clues are eliminated from your message.

Your body language, facial expressions, pauses, and intonations – all of the elements that ensured your message was communicated effectively – are lost when you flatten your message and reduce it to conform with the one-dimensional limitations of an email message.

That's how a comment that ordinarily would be shrugged off or taken in jest if communicated in person can become the source of a potential lawsuit or the catalyst for termination when communicated through Facebook or email.

Obviously, you're not going to disconnect yourself from technology and insist upon meeting everyone face-to-face for all of your communications, so here are three guidelines to help you improve the effectiveness and persuasiveness of the emails, texts, and messages you'll be sending.

1. Be specific. The more specific that you are, the greater the chances that your message will be understood correctly. When you say, "Get back to me on this soon," do you mean you want an answer before the end of the week, before the end of the day, or in the next 30 minutes? Don't leave it up to interpretation. Instead, ask for what you want. The clearer you are, the more likely it is that you'll get what you want. Before pressing "Send," remind yourself that your email is missing about 80% of your communicative power. Re-read the message to make sure that you are as specific as possible and that you have done everything you can to eliminate misunderstanding. This simple trick will increase the effectiveness and persuasiveness of your emails dramatically.

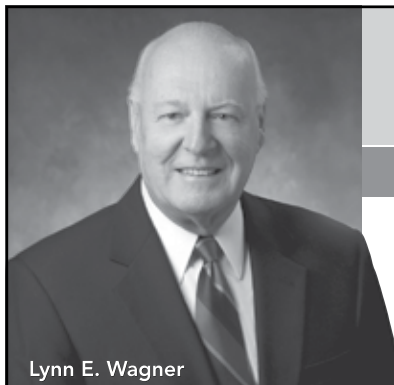
2. Start with your conclusion. Since most people glance at their emails and are reading them on smaller and smaller screens (recent data shows that more than half of all emails are opened on mobile devices), the opportunity for misunderstanding increases simply because they're inclined to skim and skip through

your email, rather than reading the entire message. Rather than asking your readers to invest the time wandering through the development of your idea, get to the point. Start with your conclusion, the action that you would like them to take, and then support it with the rest of the email. That way, if they only glance at your email, they will know what you want, and can respond accordingly.

3. Make it easy to digest. The longer the email, and the longer each individual paragraph, the less likely it is that your reader will read it. Even though you're brilliant and all of your ideas are spun gold, you'll still improve your chances of avoiding misunderstanding if you make it easier for your reader to digest. By simply "chunking" the information into bullet points and smaller paragraphs, you make it easier for the recipient to read your message, and increase the chances that he or she won't skip over the most important point of your message.

Remember, communicating through email or text robs you of about 80% of your communicative power. That's why you shouldn't use it for every type of message. But when you do decide to use it, apply these simple techniques to ensure that your message will be not only be received, but understood correctly, too.

Elliott Wilcox, Esq. has been an OCBA member since 2001.



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Steve LaPha

End of Support for Microsoft Windows XP: What Does that Mean?

Microsoft Windows XP was released in 2001. Windows XP has been Microsoft's most successful operating system to date. It is no wonder that there are so many still out there. People like it and they are used to it. As of 2013 it was estimated that 40% of all computers were still running XP.

Microsoft has announced the end of support for Windows XP and Office 2003 products on April 8, 2014. Microsoft has provided support for this product for the past 11 years. It is now time for them to invest their time and effort with newer technologies.

End of support means:

- Microsoft support will no longer be available for these products.
- Security updates will stop. Unpatched environments will be vulnerable to security risks.
- Support may end from third-party software and hardware vendors.
- Security Essentials protection will no longer be available for this product.

Per Microsoft's Support Lifecycle policy for Windows and Office products they will provide a minimum of 5 years of mainstream support and 5 years of extended support.

The action that you need to take is to upgrade your operating system to Windows 7 or Windows 8 on computers currently running Windows XP. These newer operating systems are more modern and secure. If your computer hardware is more than 3 years old, then it may not be economical just to upgrade the operating system only. It may be smarter to replace your computer with a new one that comes loaded with the newer operating system; it will be faster and better than your old computer.

Windows XP will continue to run. It will not stop working. You can continue to use it; however, we do not recommend that you do. The increased security risks from viruses and malware may not be worth it.

Larger businesses could take several months to upgrade their computers because of all of the software applications that have to be tested. If you have not already started your upgrade then you may be running late for getting this completed by April 8th. If you have already replaced all of your Windows XP computers and are up-to-date then congratulations! You have done your job well.

To learn more, you can Google the following titles as shown:

Support ends in 2014 for Windows XP and Office 2003! – Microsoft.com

Windows XP end of support: What to do next – ComputerWeekly.com

In addition, please consider contacting your IT person for advice on how this change will affect your business.

Submitted by **Steve LaPha**, MCP, MCSE, Vice President, Dytech Group.



YLS on the move



Jill D. Simon, Esq.

On January 9, 2014, **Judge John Marshall Kest** presented his first **Brown Bag Lunch** of the year entitled "Bench Trials: How to Keep the Judge's Attention." Brown Bag Lunches are held in the Judicial Conference Room on the 23rd Floor of the Orange County Courthouse starting at noon and adjourning at 1:15 p.m. Please refer to the OCBA calendar online for the **March Brown Bag Lunch** date and topic. While not required, an RSVP to Judge Kest's Judicial Assistant, Diane Iacone, (407-836-0443 or ctjadi1@ocnjcc.org) would assist in assuring sufficient copies of the outlines. Chairs and bottled water will be available. Please feel free to bring lunch and eat while you learn.

The **YLS January Luncheon** was held on January 17, 2014. The YLS welcomed guest speaker **Chris Akers** of **Atticus**. Atticus provides in-depth, ongoing support and accountability programs for lawyers and law firms. Chris advised attendees on how to gain more referrals, better paying clients, less stress and increased revenues. As always, the YLS would like to thank its luncheon sponsors: **BMO Harris Bank; Cross, Fernandez & Riley LLP; Florida Lawyers Mutual Insurance; ProServe USA; Raymond James; Ricoh Legal; Smith Group Investigative Services; US Legal; and Westlaw.**

On January 28, 2014, the YLS partnered with the Hispanic Bar Association of Central Florida (HBACF), the Central Florida Association for Women Lawyers (CFAWL), and the Greater Orlando Asian American Bar Association (GOAABA) to present the **5th Annual "Holidays All Year Long" Bar Mixer Fundraiser at Kasa Tapas & Raw Bar**. One-hundred and six at-

tendees were treated to unlimited wine, beer, and appetizers, a silent auction and live entertainment by Phillip Bonanno. The event raised a total of \$7,866.30, which will benefit the **Arnold Palmer Pediatric Oncology Wing, United Cerebral Palsy of Central Florida, The Boys and Girls Club of Central Florida, and One Heart for Women & Children**. The YLS contributed \$1,500 in matching funds. Raffle items included a flat screen TV, Orlando Magic tickets, vacations to Cancun, Mexico, and more. Thank you to YLS event chair, **Charity Johnson, Esq.**, and all involved!

Evening with the Judiciary will be held on **March 4, 2014**, from 5:30 p.m. - 8:30 p.m., at the Orlando Museum of Art, 2416 Mills Ave., Orlando, FL 32803. If you missed February's deadline for making reservations, attorneys, law students, and all guests may purchase tickets at the door for \$40. Judges (only) may attend at no charge.

The **March YLS Luncheon** will take place on **March 21, 2014**, at the Citrus Club from 11:30 a.m. to 1:00 p.m. Casual attire is perfectly appropriate. For a three-course meal, the cost is only \$10 for all young lawyers and for judges. Please RSVP to yls.ocba@gmail.com **no later than March 19, 2014**. When you RSVP, please provide a practice area or hobby to be included on your nametag. A late charge of \$4 will be added for all RSVPs made after the deadline. YLS is charged for anyone who RSVPs, so show up if you RSVP, or let us know if you cannot make it. We look forward to seeing you at the luncheon!

Jill D. Simon, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A., has been a member of the OCBA since 2009.

Inside the Courts

Inside the Courts is a free four-week class that gives you a behind-the-scenes look at the court system.

In addition to providing the public with an up-close examination of the workings of the judicial branch, the program also addresses some of the more frequently asked questions, such as:

- "What do judges consider when imposing sentences?"
- "What happens to juveniles who break the law?"
- "Are all individuals who are charged with a crime eligible for bail?"

- "What is a domestic violence injunction?"
- "How many people are on death row in Florida?"

Inside the Courts is taught by a team of more than one dozen judges. Participants will gain a greater understanding of the court system and the importance of the judicial process. Participants who complete the four-part program will receive certificates recognizing that achievement.

Inside the Courts is held annually each winter in the Jury Assembly Room on the first floor of the Orange County Courthouse, 425 North Orange Avenue, in downtown Orlando. It is available to the general public and there is **NO CHARGE** to attend.

The 2014 program will be held on four consecutive Tuesday evenings from 6:30 p.m. to 8:30 p.m. The free four-week class that will give you a behind-the-scenes look at the court system will be offered on the following dates:

April 8th, April 15th, April 22nd, and April 29th. Please mark your calendars.

Register online at: www.ninthcircuit.org/programs-services/inside-the-courts/

Hearsay...



Christine A. Wasula, Esq.

In my shameless plug of the month, I would like to congratulate our very own **Tad Yates, Esq.**, past OCBA president and all around good guy, on his move to a new location, effective February 1, 2014. Tad was evicted by his former landlord for being messy and noisy (just kidding, he is not messy at all), but he has turned lemons into lemonade by finding a new location in College Park that has even more room for his Gator knick-knacks (just kidding, he hates knick-knacks). Keep an eye out for your invitation to his upcoming open house, which hasn't been scheduled yet, but hopefully will occur before he is forced to move again. Congratulations Tad (and to myself, because I now have a bigger office)!

In other (less self-serving) news, **Camila Pachon, Esq.**, a staff attorney with the **OCBA Legal Aid Society**, has been named as one of the top 25 Influential Hispanics in Central Florida by the Hispanic Chamber of Commerce of Metro Orlando. Camila is an immigration attorney and has been very active in the Hispanic Community on issues relating to immigration and on trafficking/enslavement issues. She will be featured in the 17th edition of *Vision Magazine*, which is the Hispanic Chamber's quarterly publication, and she was selected by the magazine's editorial board based on her professional contributions, accomplishments, and demonstrated leadership.

Attorney **Jamie M. Blucher, Esq.**, with the law firm of **Zimmerman Kiser Sutcliffe**, recently received a Young Lawyer Pro Bono Award of Excellence from the Young Lawyers Section of the OCBA, presented by YLS president Lauren Heatwole McCorvie, Esq. Jamie also recently organized a mock-trial for students at Carver Middle School, as part of the Orange County Public School system's annual Teach-In Day. She assembled a group of attorneys to work with the students to present the mock trial of *B.B. Wolf vs. Curly Pig*. The legal professionals volunteering their time included: **Alvin Benton, Esq., Holland & Knight; Wilbert Vancol, Esq., McEwan, Martinez & Dukes, P.A.; Jennifer Morando, Esq., The Rosenthal Law Firm; Leigh Ann Miller, Esq., Brownstone, P.A.;** and **Amy Jellicorse, Esq.,** also of **Zimmerman, Kiser Sutcliffe, P.A.**

The students acted as jurors for the case, listening intently as both B.B. Wolf and Curly Pig presented evidence through their counsel. The students then retired to their "deliberation room" where they discussed the case and their respective positions on a verdict. The students had thoughtful insight on which party should prevail based upon the evidence presented. The students elected a jury foreman who presented the students' verdict

in the case. After the verdict was announced, the attorneys answered questions from the students about the practice of law. Thank you to all of these attorneys (and to Jamie especially) for volunteering their time and helping our educational community.

In our continuing coverage of **Mayanne Downs, Esq.**, a shareholder at **GrayRobinson**, she has been appointed as chair of GrayRobinson's litigation department. In this role, she will lead the firm's largest practice group and guide its more than 150 members across the state. Downs has been an influential member of the Central Florida business community for more than 35 years and has practiced law for more than 25 years. Her practice areas include commercial litigation, appellate law, and high-stakes domestic matters. Downs also has served as the City Attorney of Orlando since 2007, overseeing 25 lawyers and providing counsel to the mayor and city commission.

In other **GrayRobinson** news, **Jeffrey D. Keiner, Esq.**, a shareholder in the firm's Orlando office, has been selected to serve on the Adventist University of Health Sciences Foundation Board. Adventist University of Health Sciences, which is located on the Florida Hospital campus near downtown Orlando, is an important component of Adventist Health System and specializes in allied health and nursing education. "We all have to live in the world we create for ourselves, and Adventist University of Health Sciences is making the world a better place," said Keiner. (On a more personal note, I recently visited the Florida Hospital campus when my daughter swallowed a penny and it became lodged in her throat. The doctors there did a great job of removing it, and they are clearly leading the field in pediatric coin removal).

Kevin Shaughnessy, Esq., a partner in the Orlando office of **BakerHostetler**, has been recognized in the *International Who's Who of Management Labor and Employment 2013* as a world-leading lawyer in this field, based on extensive research and peer and client recommendations. Shaughnessy is a class action litigator who provides high-level consultation to employers on sensitive internal matters and corporate compliance issues. He is also Board Certified in Labor and Employment Law by The Florida Bar.

Wayne L. Helsby, Esq., a partner with the labor and employment law firm of **Allen, Norton & Blue, P.A.**, and a past president of the OCBA, has been appointed to a two-year term (2014 to 2016) on the Florida Bar Board of Governors, representing the Ninth Judicial Circuit. The 52-member Board of Governors is made up of the president and president-elect of The Flor-

ida Bar, the president and president-elect of the Young Lawyers Division, individuals elected by bar members from each of the 20 state judicial circuits, four out-of-state representatives, and two public members appointed by the Florida Supreme Court. The Board of Governors has exclusive authority to formulate and adopt matters of policy concerning the activities of the bar, subject to limitations imposed by the *Rules Regulating The Florida Bar*. All board members serve without pay.

And last but not least, the Orlando office of **Greenberg Traurig LLP** received first-tier rankings in eight practice areas in the *U.S. News-Best Lawyers 2014* edition

of “Best Law Firms.” The practice areas recognized in the firm’s Orlando office include: Commercial Litigation, Construction Law, Litigation - Patent, Litigation - Real Estate, Mergers & Acquisitions Law, Public Finance Law, Real Estate Law, and Tax Law. Nationally, this marks the third consecutive year that Greenberg Traurig received the most overall first-tier rankings and the most first-tier metropolitan rankings. Greenberg Traurig also received the “Law Firm of the Year” designation for its Government Law and Policy and Real Estate Litigation practice groups as a result of an impressive overall performance in the evaluation process.

That concludes this month’s presentation. As always, if you have any exciting news about yourself or your fellow OCBA members, please feel free to send them to our communications manager, Peggy Storch, at peggys@ocbanet.org, or to me at chris@tadyates.com. Or feel free to stop and see me in person at our new and improved offices in College Park. See you next month!

Christine A. Wasula, Esq., Law Offices of Tad Yates, P.A., has been a member of the OCBA since 2003.

Technology Making Sense of E-Discovery – Part 1

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identify what data they had when employed, as well as anything they may have downloaded and taken with them.

4. Outline the plan. You need to think about three things: what ESI your client has, what issues are relevant to the lawsuit, and what your obligations are under the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and state law.

Generally speaking, FRCP 16 requires you to know how to produce ESI so that agreements can be made for scheduling orders.

FRCP 26 requires discovery to be proportional to “the needs of the case” as measured by a cost-benefit analysis. It limits discovery of ESI from sources that are “not reasonably accessible,” but of course your client cannot deliberately make its data “not reasonably accessible.” It also tightens the definition of relevancy to the claims and defenses at issue and not simply to anything that “appears reasonably calculated to lead to” the discovery of admissible evidence.

FRCP 33 specifically allows the production of ESI in response to interrogatories, and FRCP 34 explains how ESI should be produced in response to a document request. Often the requested form is native file because those files tend to reveal the most, and you might not have the software necessary to view ESI in other forms.

FRCP 37 allows judges to impose sanctions for discovery abuses, but includes a safe harbor for ESI that is no longer available through no fault of your own.

FRCP 45 protects non-parties from some of the costs and burdens of e-discovery similar to the rules governing parties.

FRE 502 protects attorney-client privileged communications and excuses inadvertent disclosures if you took reasonable steps to prevent the error and quickly attempted to remedy it. You may want to enter into a “clawback agreement” from the outset to give more reliability than Rule 502 which hinges on reasonableness and inadvertence.

FRE 901 requires that evidence be authenticated to verify that it is what it claims to be, and metadata can be used in that respect for ESI. These federal rules have generally been incorporated into Florida Rules of Civil Procedure 1.200, 1.201, 1.280, 1.340, 1.350, 1.380, and 1.410, although there is no state “meet and confer” requirement. In reviewing these rules and outlining your discovery plan, you should name the custodians and ESI sources, noting what you believe would be unduly burdensome, not reasonably accessible, or otherwise limited by the proportionality rules.

David P. Hathaway, Esq., Dean, Mead, Egerton, et al., has been a member of the OCBA since 2002.



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Michael Hammond, Esq.

What Drives Our Decisions – Reason or Emotion? Part 1

Success in business and in life often requires getting “Yes” decisions from others. The most successful people get things done with and through other people. They always have and they always will. Many of the best lawyers we know also happen to be the most persuasive people we know. They are the ones who build law firms, grow client bases, increase their referral sources, convert prospects into clients and convince juries to see their view of the case. The world’s best attorneys have at least one thing in common: the ability to persuade. Persuasion is critical to many areas in a legal career. Your success as an attorney often hinges on your power to persuade.

Aristotle Was Wrong

Aristotle was so fascinated by the power of persuasion that he wrote three volumes on the subject, surmising that logic, reason, and cognitive thought were always the best ways to persuade others. He believed it was a human failing to allow ourselves to be persuaded by emotion. Scientists, psychologists, and researchers have followed the Aristotle line for 2,500 years – until we discovered he was wrong.

Dramatic developments in neuroscience in the last decade have provided startling insights into how the brain really works. We can now see, in real time, how blood, oxygen, and neurons flow, activating various parts of the brain. We can actually watch the various components of the human brain light up as they are activated. By introducing a decision request we can watch the brain’s decision making process at work. Logic and reason have their place, but just not the place we always thought.

In fact, emotions rule our decision-making. From birth we each build an emotional database of past experiences and actions. As we mature, we create our own internal navigation system from this emotional database of human experiences. This individual navigation system for our lives triggers immediate, automatic decisions that are right for us based upon our accumulated experience.

The Amygdala Rules

The brain’s emotional trigger point is a small, almond-shaped component called the amygdala. The emotion-based request for a decision triggers a subconscious emotional memory from our database, and we get a quick, automatic “gut feeling” for the right way to go – the right decision to make. The amygdala is so central to decision making that if it is damaged, a human being can

still have 100% of his or her rational, cognitive brain functions, but still be totally incapable of making even the simplest decision.

So, how do these triggers for our internal navigation system work? A trigger is a decision shortcut that our brain uses to avoid the time-consuming and laborious effort required for analytical evaluation. Think about it – our human need for decision making never stops; our brain is bombarded every day with literally thousands of decision requests – some simple, others complex, a few significant, many trivial. If we had to analytically evaluate each decision we’re confronted with every day, we’d be overwhelmed and probably go insane in short order. Our triggers help us make quick, automatic decisions in an efficient and effective way based upon our own unique database of accumulated personal experiences.

The Seven Triggers

Author Russell Granger in his book, *The Seven Triggers to Yes*, makes the case that instead of using the old, logical Aristotelian approach, we should instead tap into these emotional triggers when attempting to persuade others. He goes on to say that in order to benefit from the triggers, we first must activate them. “Remember that the triggers lie within the other person. We evaluate each of the 7 triggers, then determine which triggers are most likely to activate the other person’s decision process,” Granger says.

His book provides a chapter for each of the seven essential triggers, which include: The Friendship Trigger, The Authority Trigger, The Consistency Trigger, The Reciprocity Trigger, The Contrast Trigger, The Reason Why Trigger and The Hope Trigger. Let’s take a look at the first two triggers.

The first, friendship, is an important one for attorneys. Many attorneys do not take the time to initiate a friendship – or activate the Friendship Trigger – when cultivating a new client or referral source.

Granger explains that the Friendship Trigger is a cue that was built into our emotional system at birth. “We bond with and trust those who care for us. We are more easily persuaded by those we believe to be like us. To activate the Friendship Trigger, we need to find common interests. Friendship generates trust and trust activates a powerful internal trigger.” Not surprisingly, the Friendship Trigger makes it easier to activate every other trigger.

When meeting with clients for the first time, it's important to activate the Authority Trigger. When clients have complex issues to resolve, they need to believe that their attorney has the necessary legal knowledge and experience to solve their problem. Everything the attorney says and does will either add to or subtract from this initial impression. Believe it or not, basic visual cues like diplomas or certificates on the wall can help to activate this trigger. Though maligned by some as "ego walls," diplomas, awards, and plaques on display underscore the attorney's education and expertise, which helps trigger the belief that they are an authority in their field.

Activating both the Friendship and Authority triggers at the same time generates a powerful first impression, which, in turn, can lead to a higher number of potential clients being persuaded to become paying clients much more quickly.

Judicial Relations Committee

continued from page 11

be taking family medical leave until June 1. Ms. Drane-Burdick also noted that the office was diligently working to go paperless within the next two to three years.

The Judicial Relations Committee also heard from OCBA president Paul Scheck, Young Lawyers Section president Lauren McCorvie, OCBA Foundation president Tom Zehnder, the OCBA Family Law Committee, and the Central Florida Association for Women Lawyers, all of whom reported on upcoming events.

At the close of the meeting, Judge Lauten reported that many jurors complain of the financial burden of serving on juries, and he suggested to the attorneys present that they speak with their business clients about the importance of fostering civic participation by paying employees who are called to jury duty. Judge Lauten also encouraged the attorneys and the bar to incorporate this message into the bar's Leadership Law and other educational programs. Statistics were presented on the rates of return for jury summonses, responses to those summonses, and action taken by the court to enforce the summonses.

Feeling Machines That Think

In the next article, we will explain the remaining five triggers to "Yes" outlined in Russell Granger's book. The important point for attorneys to remember is that most people do not act on logic and reason. We make emotional decisions and then justify them with reason and logic. This is why persuasion techniques that stimulate the amygdala – making a case for a decision that is emotionally appealing rather than congested with data and reason – can win people over faster and more easily. When it comes to persuading others, using logic is like taking the long way around the block.

In the words of Dr. Richard Restak, neuropsychologist and author of the book and five-part PBS series entitled *The Life of the Brain*: "We

are not thinking machines; we are feeling machines that think."

Michael Hammond, Esq., is a "founding father" of Atticus and is a Certified Practice Advisor. A licensed attorney since 1983, he has spent his entire career either practicing law or supporting and promoting the practice of law. Michael has a depth of experience in lawyer marketing, one-on-one business coaching, and strategic planning. He is currently a featured writer for *Lawyers, USA* and a number of other publications. To learn more about the work that Atticus does with attorneys or the Atticus Rainmakers™ program, please visit www.atticusonline.com or call 352-383-0490 or 888-644-0022.

Judge Lauten reported that the court is working to make jury service more convenient and plans to install kiosks that will be dedicated to validating parking, printing off work excuses, and may even automatically print the jurors' pay checks.

Judge Lauten also said that there is a bill pending in the House of Representatives to attempt to change exclusions to the hearsay rule. If passed, the bill would allow the admission of all prior inconsistent statements as substantive evidence.

The Judicial Relations Committee is a mutually beneficial forum for the exchange of information between members of the bench and bar.

Richard S. Dellinger, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A., has been a member of the OCBA since 2000. **Eric C. Reed, Esq.**, Shutts & Bowen, LLP, has been a member of the OCBA since 2000.

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LASWhat We Do...

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rently working on establishing a seamless continuum of services for potential and identified human trafficking victims across the full range of social, medical, and legal needs consistent with best practices in the human trafficking field. To accomplish this goal the task force is divided into seventeen subcommittees led by chairs and co-chairs who are leaders within their fields of expertise. Among the committees are the awareness, legal, and victim services.

Since its inception GOHTTF has already held several trainings in the community including training on human trafficking for the immigration judges of the Department of Justice and the State Attorney's Office

for the Eighteenth Judicial Circuit. The task force also held the Human Trafficking Awareness Day at Lake Eola in January of this year, during which thousands of Central Florida citizens were educated on human trafficking. Through GOHTTF, Central Florida has now joined the fight against what has become the civil and human rights issue of our generation.

Camila provides free legal services in immigration matters to low-income residents in Orange and the eleven surrounding counties. She has been chosen to receive the 2014 Polaris Star Legal Award for her contribution this past year to fight human trafficking in our community and has been active in the Hispanic community with issues related to human trafficking. She has

been selected as one of the 25 Most Influential Hispanics in Central Florida by the Hispanic Chamber of Commerce of Metro Orlando.

If you have any questions pertaining to the Greater Orlando Human Trafficking Task Force, please feel free to contact Camila at cpachon@legalaidocba.org.

Camila Pachon Silva, Esq., Legal Aid Society immigration attorney, has been a member of the OCBA since 2011.

¹18 U.S.C. §1591

²18 U.S.C. §1589

³Fla. Statute 787.06 (2013)



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Sunny Lim Hillary, Esq.

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

CFAWL

Dark Chocolate! White Chocolate! Milk Chocolate! We all love Chocolate! On Tuesday, November 19, 2013, The **Central Florida Association for Women Lawyers (CFAWL)** members spent an evening making an entire pound of delicious chocolate creations and treats. The annual event was a sell-out at Farris & Foster's Baldwin Park location. CFAWL Members sipped on wine, dined on cheese, and nibbled on the chocolate throughout the evening. CFAWL always enjoys hosting this event.

CFAWL has definitely started 2014 off with a BANG! On January 18, 2014, members attended a **Skeet Shooting** event and had a blast (pun intended). The day was filled with adventure and a lot of laughter. The sporting clay did not stand a chance against the likes of CFAWL and its sharp shooters.

Following Skeet Shooting, CFAWL switched out its guns and ammunition for some workout pants and hot music. On January 21, 2014, the ladies of CFAWL attended a **Zumba** class at the Wadeview Community Center. They danced their way through the high energy class and bonded over post-workout refreshments.

After all that excitement, CFAWL took a relaxing cruise with a mid-morning **Scenic Boat Tour** in Winter Park on February 8, 2014. Members and their guests enjoyed champagne, beautiful scenery, and the company of each other on the lazy Saturday morning.

GOAABA

Thank you to social chair, **Lisa Gong Guerrero, Esq.** and membership chair, **Christine Berk, Esq.** for helping to organize a hugely successful **Holidays All Year Long** fundraiser at Kasa Tapas & Raw Bar. On January 28, 2014, the **Greater Orlando Asian American Bar Association (GOAABA)** joined forces with the Young Lawyers Section of the Orange County Bar Association, the Central Florida Association for Women Lawyers, and the Hispanic Bar Association of Central Florida to help the local community. Together, we raised over \$7,800 for the children of Arnold Palmer Children's Hospital Oncology Wing, the United Cerebral Palsy of Central Florida, the Boys & Girls Club, and One Heart for Women & Children. Way to go!

On February 9, 2014, GOAABA co-sponsored the **Central Florida Dragon Parade**, the only large-scale celebration for Lunar New Year (January 31, 2014) in the state of Florida. To wel-

come the Year of the Horse, *Asia Trend* magazine, Mills50 - Orlando Mainstreet District, REACH of Central Florida, and Y.E.S.S. co-hosted another celebration featuring cultural performances, delicious Asian food, and unique Asian arts and crafts. The festival started at 11:00 a.m. with a community parade followed by a fair which took place in the parking lot of Colonial Photo & Hobby. Thank you to all who joined us!

On February 22, 2014, GOAABA went to the Ronald McDonald House to prepare a delicious meal for its residents. The Ronald McDonald House provides a home away from home for families with children receiving treatment at hospitals and medical facilities in Orlando. Before the opening of the Ronald McDonald House, parents were sleeping in their cars or in chairs in the waiting room, eating out of vending machines, or bearing the expense of impersonal hotel rooms. Special thanks to community service chair, **Denise Kim, Esq.** for organizing this event.

We are in the process of planning a **Karaoke** evening and a **speed networking** event! For more information, please contact social chair, **Lisa Gong Guerrero, Esq.** at LGongGuerrero@sao9.org.

We are always welcoming new members and sponsors! To join our email list, or see how you can get involved with GOAABA, please email goaaba@gmail.com.

HBACF

The Hispanic National Bar Association's leadership has selected the **Hispanic Bar Association of Central Florida (HBACF)** to co-host the 2014 **Corporate Counsel Conference**. The conference will take place **March 19-21, 2014** at the Orlando Marriott World Center. Early-bird registration is now open at <http://www.hnba.com/2014-corporate-counsel-conference-moot-court-competition/>. The HBACF will be asked to fulfill many tasks in preparing for the conference and is seeking volunteers who would be interested in creating a task force. Task force members would be asked to assist with one-off tasks such as follow-up telephone calls, email communications, compiling lists of local attractions, etc. If interested, please contact **Kimberly Lopez, Esq.** at Kimberly@hbacf.com.

SideBar is for you! If you have information about upcoming events, past activities, or photos, please be sure to send them to me at sunny@hillarylaw.com.

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



CFAWL Chocolate Making Party November 19, 2013 Farris & Fosters Chocolate Factory

Jessica McGinnis, Esq.
Courtney Elam, Esq.



Deziere Elliot, Esq.; Jessica McGinnis, Esq.;
Merline Delva, Esq.; Laura Arango, Esq.



CFAWL Skeet Shooting Event January 18, 2014



GOAABA Holidays All Year Long (HAYL) Fundraiser January 28, 2014 Kasa Tapas & Raw Bar

Kasa Tapas & Raw Bar



HAYL committee members, Bill Tonelli, Esq. and Erik Arroyo.



(L to R) OCBA YLS president, Lauren McCorvie, Esq., and HAYL committee members, Charity Johnson, Esq.; Christine Berk, Esq.; Fay Pappas, Esq.; Lisa Gong Guerrero, Esq.



(L to R) OCBA YLS members, Jeneva LiRosi, Esq.; Brittany Capps, Esq.; Michael Barber, Esq.; Leah Glisson, Esq.; Bhavik Patel, Esq.

GOAABA PHOTOS: Asia Trend magazine



HAYL committee member, Lisa Gong Guerrero, Esq., with sponsors, Dee Carlson and Ken Countess.

Drawing a winner for a gift certificate to Kasa Tapas & Raw Bar.

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Florida's Revised Limited Liability Act

Michelle McKinnie, FRP



Christopher W. Hayes, Esq.

OCBA Paralegal Section

Nominate your paralegal for the
Paralegal of the Year Award!

Deadline: March 17

See the OCBA website for details.

In June 2013, Florida's Revised Limited Liability Act was signed into law and went into effect January 1, 2014. What used to be Florida Statute, Chapter 608 is being **replaced** in its entirety by Chapter 605 (the "New Act"). The New Act affects both transactional and litigation practices.

The purpose of Chapter 605 is to bring Florida's LLC laws more in line with the Revised Uniform Limited Liability Company Act, to address a few glitches in Chapter 608 and, in general, to ensure Florida remained competitive with other influential commercial states like Delaware. Staff members with the Florida Department of Corporations met in October to determine how best to accommodate the New Act on its www.sunbiz.org website. Although they have not published what the exact changes will be, the following highlights are a few of the major changes practitioners and paralegals should be monitoring:

Deadlines. For any LLCs formed *after* January 1, 2014, the New Act will apply. For any LLCs formed prior thereto, those LLCs have been given an extended deadline until January 1, 2015, for which the New Act will trump the terms of their operating agreements. Of course, current LLCs can opt to be governed by the New Act immediately.

No More Managing Members. Compare Sections 608.422 to 605.0407. On Sunbiz, when identifying the controlling parties, they are either called a manager (MGR) or a managing member (MGRM). Florida LLCs have been reserving powers and duties in their operating agreements for their managing members to the exclusion of the other members. For LLCs formed after January 1, 2014, the term MGRM will not be used on Sunbiz in filings or annual reports. Effective January 1, 2015, the powers and duties given to the managing member will no longer be enforceable. That member will be left with only the power to vote his or her percentage like the other members. Unless there is public record to the contrary, all members have the "statutory apparent authority" to bind the LLC. If that is a problem, or if everyone wants the former managing member to have certain exclusive powers, one course of action could be to designate him or her the "manager" and amend the LLC's Articles of Organization to reflect that the company is now a manager-managed LLC.

Statements of Authority. See Section 605.0302. To further clarify who may bind a limited liability

company, the New Act permits filing with the Department of Corporations and recording in county public records a Statement of Authority. These can specify the authority or limits thereto for members, managers, and officers to do any of the following: (i) bind the LLC in general; (ii) transfer real property held in the name of the LLC; (iii) enter into transactions on behalf of the LLC; or (iv) execute particular types of instruments, such as mortgages. To be binding upon real estate, a **certified** copy of the Statement of Authority must be recorded in the public records of the county where the real estate is situated. While not mandatory, filing a Statement of Authority in the county where the LLC has real estate amounts to additional, inexpensive asset protection. Statements of Authority are good for five years, unless revoked by a Statement of Denial. Amended Statements of Authority will need to be filed to renew them before expiration. More than likely, staff members at Sunbiz are wrestling with how to administer this new corporate document. Sunbiz does not have a form available at this time, so practitioners should begin crafting their own.

Non-Waivable Provisions; Used to be 6; Now there are 17! Compare Sections 608.423 and 605.0105. While there are too many to get into, the take away should be that provisions in your operating agreement that members thought trumped the Florida statutes may no longer be enforceable. For example, members may no longer be prohibited from withdrawing and dissociating themselves from an LLC. Once they leave, the LLC will not automatically wind down, and said members will retain their right to distributions, will lose their right to vote, and will no longer have a duty not to compete. If they "wrongfully disassociate," the New Act provides for damages to the LLC as a result thereof. Another non-waivable provision to keep in mind is the applicability of Florida law to the Florida LLC. Just because you say the LLC will be governed by Delaware law will not make it so.

Noteworthy Non-Changes

- **Olmstead Patch.** See Section 605.0902. The New Act did not modify the "Olmstead Patch," leaving it clear that charging orders are the sole remedy for creditors of multi-member LLCs, and single member LLCs are vulnerable to creditor foreclosure; and

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functions – like working with big graphics files – are better kept local or the slowness will make you crazy. However, in almost every case, parts of your computer network (functions) can easily be put in the cloud to save you money and give you better service. So before you donate your server and sign up for Google Apps or Office 365, it's important you talk to someone who can honestly assess your unique situation and tell you the pros and cons of making the switch to cloud computing.

Submitted by **James Shaver**, CEO of Orlando Telecom.

LASGAL Teaching Tips

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devastating losses of over \$600,000 in funding from the Florida Bar Foundation, it is vital that we protect the GAL state funding so that we can continue to safeguard the children who we currently represent as well as those who will need our advocacy in the future.

We may be calling on you once this year's legislative session is underway if we need you to contact your Florida House or Senate representative to support increased funding for the GALP. If you do not know who your representatives are, you can use the following link to identify them: <http://www.ocfl.net/OpenGovernment/LegislativeDelegation/StateLegislativeDelegation.aspx>.

For more information about the Legal Aid Society's GAL program, please contact Susan Khoury, Esq. at skhoury@legalaidocba.org.

Susan Khoury, Esq. is the Legal Aid Society's GAL program coordinator. She has been a member of the OCBA since 1984.

Protecting Your Mobile Devices

If you're planning on heading out of town – or simply to the coffee shop to work – here are a few tips to keep in mind.

1. Protect your devices from thieves. All mobile devices should be passcode-protected and loaded with apps that will help you track and find them in case they get lost or stolen. For iPads and iPhones, there's the free Find My iPhone. Android users can try Lookout Mobile Security. These apps allow you to remotely wipe the device in case they fall into the wrong hands; you definitely don't want to expose yourself to identity theft or allow someone access to your company's network and client data. Also, never leave your device anywhere you wouldn't leave your wallet.

2. Backup. Mobile devices get lost and destroyed more often than desktop computers because you're dragging them around from place to place and exposing them to non-gadget friendly environments; therefore, make sure you are backing up all the data to the cloud. All it takes is a spilled cup of coffee to erase those precious family photos and videos; and most people don't think about backing up their phone.

3. Take caution when connecting to free public Wi-Fi. Hackers with routers and readily available software set up rogue hot spots for spying and serving you fake websites. They often name these hot spots something generic such as "Coffee Shop" or "Linksys" to fool you into thinking they are safe. You think you're connecting to the coffee shop's Wi-Fi, but you're actually accessing the web through their portal. If you are going to use public Wi-Fi, simply use it for general web surfing, not shopping, banking, or accessing critical data.

4. Turn off sharing. If you use a laptop, you might have it set to share files and folders with other computers at work or home. However, you don't want those setting "on" when connecting to a public network. When connecting to a public hotspot for the first time, Windows will ask you for a location type. Choose "public" and it will automatically reset your settings to turn off sharing.

5. Carry your own connection. If you're going to access your bank account, go shopping online, or need to access critical data when traveling, invest in your own personal Mi-Fi connection. If you don't have one and you need to make an emergency balance transfer or an immediate purchase to save a significant amount of money, it's safer to use your cell phone. When banking, use your bank's official app and sign up for any extra security they offer. For example, Bank of America's SafePass program sends a text message with a 6-digit code to authorize a transaction. The code expires as soon as you use it.

Submitted by **Rebecca Bowland**, Orlando Telecom, LLC.

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ParalegalPost

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- Series LLCs. Florida has still not joined the other states that recognize Series LLCs and the way they can segregate a single LLC's assets, liabilities, and members.

It will behoove the practitioner and the paralegal community to be familiar with the changes brought about by the New Act. Clients will surely call asking whether they need to do anything. Having a solid, customizable amendment form (or an "Amended and Restated Operating Agreement" form) that addresses all the potential pitfalls before the phone starts ringing will be money in the bank.

Michelle McKinnie, FRP, Hayes Law, PL, has been a member of the OCBA since 2010. **Christopher W. Hayes, Esq.**, Killgore, Pearlman, Stamp, et al., has been a member of the OCBA since 2005.

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Transition

William Henry Beaver II, Esq., a shareholder with GrayRobinson P.A., passed away January 12, 2014, at the age of 52. He received his juris doctor from the University of Tulsa and was admitted to The Florida Bar in 1990. He was recognized in *Florida Trend* as a "Legal Elite 2012" and was rated in the *Daily Business Review*, Top Rated Lawyer, Appellate Law, 2013. We extend our sincere condolences to Mr. Beaver's family and friends.

George T. Eidson Jr., Esq., a prominent civil litigator, passed away on January 29, 2014, at the age of 87. He was admitted to The Florida Bar in 1951. In 1953, Eidson became the fifth member of the firm now known as Akerman LLP and helped grow the firm into one of the largest practices in the country. We extend our heartfelt condolences to Mr. Eidson's family and friends.

Speaking Engagements

Christopher E. Brown, Esq., and **Lance O. Leider, Esq.**, The Health Law Firm, delivered a lecture to Florida Hospital's family medicine residents and medical students on December 11, 2013. The topic focused on professional behavior for healthcare professionals.

Christopher E. Brown, Esq., The Health Law Firm, was one of six panelists invited to present on the topic "Careers in Health Law" in January to about 100 Barry University School of Law students interested in pursuing a career in health law after graduation.

James A. Edwards, Esq., shareholder with Zimmerman Kiser Sutcliffe, P.A., was a featured speaker at the Virgin Islands Bar Association Annual meeting in December 2013. He spoke on the topics "Admissibility of Social Network and Internet Based Evidence" and led a panel of lawyers and a federal magistrate to discuss the topic "Civility Matters."

Brian Wagner, Esq., a shareholder with Mateer & Harbert, P.A., presented "Obamacare: What Your Business Needs to do to Prepare for the Affordable Care Act" to members of the National Business Institute.

Events

April 5 – 17th Annual OCBA Gala. 7:00 p.m.-11:00 p.m. The Alford Inn, Winter Park. For details, see the ad in this issue of *The Briefs*, or go to ocba2014gala.brownpapertickets.com. For sponsorship information, please contact Kimberly Webb at 407-647-8911, or kwebb@schwartzlaw-firm.com.

Seminars

Mar. 10 – Finality in Probate and Guardianship Cases: When It's Time to Appeal under New Rule. Estate, Guardianship & Trust and Appellate Practice Committees Joint Seminar. 12:00 p.m.-1:00 p.m. OCBA Center. Speaker: Stacy Ford, Esq. CLE: 1.0. Registration: Free for OCBA members; \$15 lunch fee for non-members.

Mar. 11 – Mediation 101. Paralegal Section Lunch and Learn. 12:00 p.m.-1:00 p.m. OCBA Center. Speaker: Rebecca Palmer, Esq. For more information, see the OCBA web calendar.

Mar. 13 – Mediation – Effective Uses & Preparation. Brown Bag Lunch with Judge John Kest. 12:00 p.m.-1:15 p.m. Orange County Courthouse, 23rd Flr. Judicial Conf. Rm. 425 N. Orange Ave., Orlando, FL 32801. Please feel free to bring a sandwich; water will be provided. To register, contact: Diane Iacone at ctjadi1@ocnjcc.org, or 407-836-0443.

Mar. 18 – Ethical Issues in GAL Representation: GAL, CBA, and Judicial Panel. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Recreational Complex, 99 E. Marks St., Orlando, FL 32803. Speakers: Ericka Garcia, Esq. and Stephanie Stewart, Esq. CLE: pending. To register, contact Marilyn Carbo at mcarbo@legalaiddocba.org.

Mar. 18. – Billing Made Easy. Solo & Small Firm Committee Seminar. 12:00 p.m.-1:00 p.m. OCBA Center. Speaker: Elisa A. Singer, Esq. CLE: 1.0 pending. Registration: Free for OCBA members; \$15 lunch fee for non-members. Lunch sponsored by Elisa A. Singer, P.A. To register, go to the OCBA Store.

Mar. 21 – Guardian Ad-Litem, Social Investigation, Parenting Plans & Parenting Coordination: What Does My Case Need? Family Law Committee Seminar. 12:00 p.m.-1:00 p.m. OCBA Center. Speakers: Deborah O. Day, Psy.D., LMHC, licensed psychologist, certified family mediator; and Kyle J. Goodwin, Psy.D., licensed psychologist. CLE: pending. Registration: Free for OCBA members; \$15 lunch fee for non-members. To register, go to the OCBA Store.

Apr. 8 – Intellectual Property Committee Major Seminar. Save the date. Details to come.

Apr. 8 – Dissolution of Marriage Part 1. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks St. Senior Recreational Complex, 99 E. Marks St., Orlando, FL 32803. Speaker: Angel Bello-Bellini, Esq. CLE: pending. To register, contact Marilyn Carbo at mcarbo@legalaiddocba.org.

Apr. 10 – Trials: The Rest of the Story – What to do after Closing is Done. Brown Bag Lunch with Judge John Kest. 12:00 p.m.-1:15 p.m. Orange County Courthouse, 23rd Flr. Judicial Conf. Rm. 425 N. Orange Ave., Orlando, FL 32801. Please feel free to bring a sandwich; water will be provided. To register, contact: Diane Iacone at ctjadi1@ocnjcc.org, or 407-836-0443.

Apr. 11 – OCBA Bench Bar Conference. 8:00 a.m.-5:30 p.m. Loews Royal Pacific Hotel at Universal, 6300 Hollywood Way, Orlando, FL 32819. More than 60 sessions, 50 judges, and up to 7.0 CLE. Members: \$300; non-members: \$350. All meals and post-conference reception included. For more information about the conference and sponsorship opportunities, see the ads in this issue of *The Briefs*. To register, go to the OCBA Store.

Apr. 17 – Billing Do's and Don'ts: Ethical Concerns. Paralegal Section Lunchtime Seminar. 12:00 p.m.-1:00 p.m. OCBA Center. Speaker: Jamie Billotte Moses, Esq. CLE: pending. For more information, see the OCBA web calendar.

Apr. 22 – Legal Issues Involving Children with Disabilities – Day 2. LAS Training. 11:00 a.m.-4:30 p.m. Marks St. Senior Recreation Complex, 99 E. Marks St., Orlando, FL 32803. See OCBA web calendar for topics and speaker details. CLE: pending. To register, contact Marilyn Carbo at mcarbo@legalaiddocba.org.

Apr. 23 – Topic TBA. Labor & Employment Committee Major Seminar. Save the date. Details to come.

Apr. 25 – Trial Techniques & Practices. Criminal Law Committee Major Seminar. 11:30 a.m.-4:30 p.m. Orange County Courthouse, Jury Assembly Rm., 425 N. Orange Ave., Orlando, FL 32801. CLE: 4.5 pending. Cost: \$35 for Regular OCBA members; \$25 for OCBA Government and Law Student members; \$50 for non-members. Lunch sponsored by FindLaw. For more details and to register, go to the OCBA Store.

Apr. 30 – Advanced Legal Writing in the Paperless, Digital Age. Appellate Practice and Professionalism Committees Joint Major Seminar. Sponsored by Wicker Smith, Attorneys at Law. 11:30 a.m.-6:00 p.m. OCBA Center. CLE: 4.0 pending. Cost: \$35 for OCBA members; \$50 for non-members. Lunch and reception included in registration fee. Registration deadline: April 28, 2014. For more details and to register, go to the OCBA Store.

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

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Bodiford Law Group	Neduchal & Magee, P.A.
Bonus McCabe Law Firm	Nishad Khan, P.L.
Bull and Associates, P.A.	Ossinsky & Cathcart, P.A.
Burr & Forman	Palumbo & Bertrand, P.A.
Calandrino Law Firm, P.A.	Provencher & Simmons, P.A.
Camy B. Schwam Wilcox, P.A.	Ringer Henry Buckley & Seacord, P.A.
Carr Law Firm, P.A.	Sawyer & Sawyer, P.A.
Chaires, Brooderson & Guerrero, P.L.	SeifertMiller, LLC
Cole, Scott & Kissane, P.A.	Snure & Ponall, P.A.
Colling Gilbert Wright & Carter, LLC	Southern Trial Counsel
Cullen & Hemphill, P.A.	Stanton & Gasdick, P.A.
DeCiccio & Johnson	Stovash, Case & Tingley
Dellecker Wilson King McKenna Ruffier & Sos, LLP	Swann Hadley Stump Dietrich & Spears, P.A.
Dewitt Law Firm	Tangel-Rodriguez & Associates
Faddis & Faddis, P.A.	The Aikin Family Law Group
Fassett, Anthony & Taylor, P.A.	The Arnold Law Group
Fishback, Dominick, Bennett, Ardman, Ahlers, Langley & Geller, LLP	The Brennan Law Firm
Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A.	The Draves Law Firm, P.A.
Frank A. Hamner, P.A.	The Elder Law Center of Kirson & Fuller
Frank Family Law Practice	The Johnston Law Firm
Giles & Robinson, P.A.	The Law Offices of Terry Bledsoe
Grossman & Grossman P.A.	The Law Offices of Trevett & Bonham, P.L.
Harris, Harris, Bauerle & Sharma	The Llabona Law Group
Higley & Szabo, P.A.	The Marks Law Firm
Hilyard, Bogan & Palmer, P.A.	The McMahon Law Group, P.A.
Hornsby Law	The Skambis Law Firm
Infocus Family Law Firm, P.L.	The Smith Family Law Firm, P.A.
James H. Monroe, P.A.	The Tech Law Firm
King, Blackwell, Zehnder & Wermuth, P.A.	Troutman, Williams, Irvin, Green & Helms, P.A.
Korshak & Associates, P.A.	Walton Lantaff Schroeder & Carson, LLP
Kosto & Rotella, P.A.	Warner & Warner, P.L.
Law Offices of Thomas H. Justice, III, P.A.	West, Green & Associates, P.L.
Law Offices of Walter F. Benenati	Wicker, Smith, O'Hara, et al.
Lawyer Today.Com	Wieland, Hilado & DeLattre, P.A.
Legal Aid Society of OCBA	William G. Osborne, P.A.
Lewis & Crichton	Wilson McCoy, P.A.
Lynn B. Aust, P.L.	Winderweedle, Haines, et al.
Marcus & Myers, P.A.	Wolf, Hill, McFarlin & Herron, P.A.
Mark Lang & Associates	Wooten, Kimbrough & Normand, P.A.
Mark M. O'Mara, P.A.	Yergey & Yergey, P.A.
Marshall, Dennehey, Wamer, Coleman & Goggin	Young DeLoach, PLLC
McClane Partners, P.A.	

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OCBA Calendar

MARCH – APRIL

March

- 4 LAS Training**
Legal Issues Involving Children with Disabilities – Day 1
11:30 a.m. • Marks St. Senior Center
- Professionalism Committee**
12:00 p.m. • OCBA Center
- Evening with the Judiciary**
5:30 p.m. • Orlando Museum of Art
- 5 Business Law Committee**
12:00 p.m. • OCBA Center
- 6 Law Week Committee**
12:00 p.m. • OCBA Center
- 10 Estate, Guardianship & Trust and Appellate Practice Committees Joint Seminar**
Finality in Probate and Guardianship Cases: When It's Time to Appeal Under New Rule
12:00 p.m. • OCBA Center
- 11 Paralegal Section Seminar**
Mediation 101
12:00 p.m. • OCBA Center
- 12 Lawyers Literary Society**
12:00 p.m. • OCBA Center
- Veterans Committee**
12:00 p.m. • OCBA Center
- 13 Brown Bag Lunch with Judge John Kest**
Mediation – Effective Uses & Preparation
12:00 p.m. • Orange County Courthouse
23rd Flr. Judicial Conf. Rm.
- Social Security Committee**
12:00 p.m. • OCBA Center
- 18 ADR Committee**
7:30 a.m. • Dean, Ringers, Morgan & Lawton, P.A.
- LAS Lunchtime Training**
Ethical Issues in GAL Representation: GAL, DCF, and Judicial Panel
12:00 p.m. • Marks St. Senior Center
- Solo & Small Firm Committee Seminar**
Billing Made Easy
12:00 p.m. • OCBA Center
- 19 Elder Law Committee**
12:00 p.m. • OCBA Center

- 20 OCBA Luncheon**
Rafael E. Martinez, Esq.
William Trickel Jr. Professionalism Award Recipient
11:30 a.m. • Church St. Ballroom
- 21 Family Law Committee Seminar**
Guardian Ad-Litem, Social Investigation Parenting Plans & Parenting Coordination: What Does My Case Need?
12:00 p.m. • OCBA Center
- YLS Luncheon**
11:40 a.m. • Citrus Club
- 25 Real Property Committee**
12:00 p.m. • OCBA Center
- 26 Appellate Practice Committee**
12:00 p.m. • OCBA Center
- Judicial Relations Committee**
12:15 p.m. • Orange County Courthouse,
23rd Flr. Conf. Rm.
- 27 Technology Committee**
12:00 p.m. • OCBA Center
- 28 Bankruptcy Law Committee**
12:00 p.m. • OCBA Center

April

- 1 Professionalism Committee**
12:00 p.m. • OCBA Center
- 2 Business Law Committee**
12:00 p.m. • OCBA Center
- 8 Intellectual Property Committee Major Seminar**
12:00 p.m. • OCBA Center
- LAS Lunchtime Training**
Dissolution of Marriage – Part 1
12:00 p.m. • Marks St. Senior Center
- 9 Lawyers Literary Society**
12:00 p.m. • OCBA Center
- Veteran's Committee**
12:00 p.m. • OCBA Center
- 10 Brown Bag Lunch with Judge John Kest**
Trials: The Rest of the Story – What to do after Closing is Done
12:00 p.m. • Orange County Courthouse,
23rd Flr. Judicial Conf. Rm.
- OCBA March Luncheon**
March 20, 2014
Co-hosted by the Professionalism Committee
Rafael E. Martinez, Esq.
William Trickel Jr.
Professionalism Award Winner
RSVP by March 14, 2014 to
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Sponsored by Thomas Reuters WESTLAW
- Social Security Committee**
12:00 p.m. • OCBA Center
- 11 OCBA 2014 Bench Bar Conference**
8:00 a.m. • Loews Royal Pacific Hotel at Universal
- 14 Estate, Guardianship & Trust Committee**
12:00 p.m. • OCBA Center
- 15 Social Committee**
11:45 a.m. • Contact Chair
- Solo & Small Firm Committee**
12:00 p.m. • OCBA Center
- 17 Paralegal Section Seminar**
Billing Do's and Don'ts: Ethical Concerns
12:00 p.m. • OCBA Center
- 18 ADR Committee**
7:30 a.m. • GrayRobinson
- YLS Luncheon**
11:40 a.m. • Citrus Club
- 22 LAS Training**
Legal Issues Involving Children with Disabilities – Day 2
11:30 a.m. • Marks St. Senior Center
- 23 Labor & Employment Law Committee Major Seminar**
8:30 a.m. • OCBA Center
- 24 OCBA Law Week Luncheon**
11:30 a.m. • Church St. Ballroom
- 25 Criminal Law Committee Major Seminar**
Trial Techniques & Practices
11:30 a.m. • Orange County Courthouse,
Jury Assembly Rm.
- Bankruptcy Committee**
12:00 p.m. • OCBA Center
- 29 Real Property Committee**
12:00 p.m. • OCBA Center
- 30 Appellate & Professionalism Committees Joint Major Seminar**
Advanced Legal Writing in the Paperless, Digital Age
12:00 p.m. • OCBA Center