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President's Message

May 2011



Frank M. Bedell

One Last Message!

To prepare for my last president's message, I flipped through *Tuesdays With Morrie* and was reminded of why the book was a best-seller for so long. The book's subtitle – "An Old Man, a Young Man, and Life's Greatest Lesson" – describes well the series of conversations the author had with his former college professor, Morrie Schwartz, who, despite having terminal cancer, resolved to continue learning and to continue teaching. This was in keeping with Morrie's greatest lesson: there is no such thing as "too late" in life. The book's author, Mitch Albom, has the terrific talent of being able to describe complex, important subject matters – particularly those dealing with our interactions with others – in a compellingly simple way, and often with great humor; Albom also has the impressive ability to distill his conversations with Morrie into lessons that are worth learning and remembering.

One of Morrie Schwartz's lessons was to appreciate the opportunities we have to work with others on projects that allow us to come together and serve a greater purpose. I am grateful to be able to say that over the last year I have witnessed a number of these opportunities within the OCBA. In fact, a nice thing about serving as OCBA president is learning about the hard work that folks put into projects that are simply designed to improve the legal profession or the lives of others, without regard for achieving any form of compensation or recognition. I have been pleasantly surprised to witness the great number of committees and projects that are largely self-sustaining, and to see the amount of effort that goes into some of our larger events. I have also been impressed by the imagination and resourcefulness of our members when they see a need within the OCBA that is not being met.

Let's look at Judge John M. Kest, for example. Judge Kest joined the bench after enjoying a distinguished career as a plaintiff's trial attorney. Within a short time on the bench, Judge Kest realized that many lawyers, particularly young lawyers, might benefit from receiving practical advice on how to present and defend a motion for summary judgment, or how to conduct an effective direct examination of a witness at trial, so he instituted his wonderfully successful "Brown Bag Lunches." Is it any surprise that Judge Kest has received this year's James G. Glazebrook Memorial Bar Service Award?

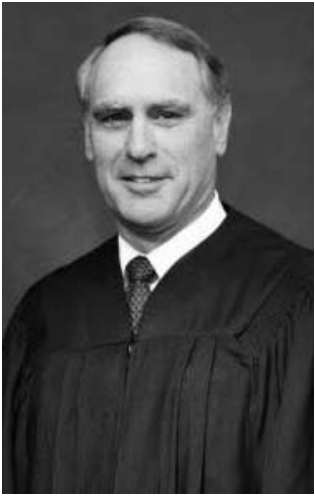
Bill Davis's work with the Judicial Relations Com-

mittee also deserves mention. As frequently happens, this once-active committee had languished for multiple reasons. But Bill envisioned an opportunity to present a forum where members of the bar and members of the bench could come together periodically to discuss matters of common interest. Given the budget crisis in Tallahassee, the timing could not have been better! The meetings of this committee are so well attended by lawyers and judges that the committee is looking for a larger place to meet! Thanks to Bill's good work and the assistance of our administrative judges (Judge Reggie Whitehead, Judge Fred Lauten, Judge Bob Evans, Judge Anthony Johnson, and Judge Carolyn Freeman) the OCBA is now much more involved in matters of interest to the judiciary, such as presenting a seminar on the new Rule of Judicial Administration 2.420 regarding confidential information which cannot be included in court papers. Our system of justice is better off because of the work of this committee.

This year has also featured speakers at our monthly OCBA luncheons who delivered timely, inspiring messages about the importance of coming together for a greater purpose. Coach Billy Donovan talked about cultivating an environment that motivates others to be good teammates, and how this involves respecting others and appreciating the particular role we might be able to fill so that a larger goal can be met. At the joint luncheon with CFAWL, Dr. Deborah German discussed how change can be best effectuated by bringing together disparate points of view from folks who have different interests and by being bold and courageous. In the joint luncheon with HBA, Justice Jorge Labarga movingly and humbly recounted the opportunities he has experienced in the legal profession and how his life in America is so different, because of our respect for the rule of law, from what his life would have been under Castro had his parents stayed in Cuba.

I will also mention just some of the work done by the OCBA Executive Council. At our March 2011 meeting, we discussed some of the legislation being proposed in Tallahassee. Our Legislative Affairs Committee was resurrected, with Nick Shannin serving as chair. Shortly after that meeting, a number of us heard from judges and colleagues who were concerned about the changes being proposed, which could potentially dramatically alter the separation of powers and the ability of the courts to function effectively. We came

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The Honorable
John Marshall Kest

Remarks by The Honorable John Marshall Kest Upon Receiving the 2011 James G. Glazebrook Memorial Bar Service

Sometimes problems seem so great they become all consuming. We devote many hours, a significant number of dollars, and multiple resources to identify, analyze, quantify, re-educate and sanction – let's call them – the culprits causing the problem. We become obsessed with changing a personality or even a segment of society. Programs are developed, seminars are presented, world-renowned speakers and esteemed lawyers are brought in to tell us what is wrong and why and how we should change it.

It seems that we may do what we accuse the news media of doing: we spotlight the bad, sensationalize it and make it “newsworthy.” The aberration, for lack of a better word, appears to the outside world to be the norm. We ignore the positive, or at least don't highlight it. We jump on the one that deviates from what is expected and set up seminars and programs and yes, even “Brown Bag Lunches,” to prevent those who have never thought about straying from the proper course from doing so. We require hours of ethics and professionalism education with the hopes that by doing so we will keep lawyers, who we believe are destined to deviate from what is expected, on the straight and true road.

Why do we focus on the unprofessional lawyers and judges and not the ones exhibiting professionalism? While I am most appreciative of being selected as the recipient of the 2011 James G. Glazebrook Memorial Bar Service Award, as I know Pat McGill was when he learned, just prior to his death, about the William B. Trickle, Jr., Professionalism Award and Penelope Perez-Kelly was for the Lawrence G. Mathews, Jr. Young Lawyers Professionalism Award, I can't help wonder why we leave it to one luncheon a year to look to some for what many are doing every day?

The vast majority of lawyers today practice in a professional manner and with civility. Proportionately, professionalism is probably more pervasive today than in what I fondly refer to as the “good old days.”

In retrospect, over the past almost 40 years, I have interacted with over 8,000 different lawyers during my work as a trial lawyer, bar president, Board of Governors representative and now as a trial judge. Geographically, they have been attorneys from Jacksonville to Key West and Pensacola to Naples, including many others across the country

– a rather diverse representation of the bar. They have been lawyers with varying backgrounds: lawyers who have transactional practices, a trial practice in both civil and criminal forums, family and governmental counsel, and corporate and administrative attorneys. These lawyers have been from big and medium firms to sole practitioners and included state employees, including judges from every level of the courts in this state and our federal circuit.

When reflecting on the past, I think of my former practice of law for 30 years with my partners (Butch Wooten, Dan Honeywell, former mayor Bill Frederick, Jerry Billing, former Senator Mel Martinez, Bruce Gibson, now Judge Patricia Doherty, and Ed Normand) – all of whom were, and are, the epitome of the most competent and yet professional attorneys one would ever meet. I think about the attorneys against whom I had litigated and who presently are appearing before me in court as attorneys representing litigants. Lastly, I reflect on the judges with whom I serve on a daily basis and who have a vantage point from which they observe the actions and inactions of attorneys and litigants.

As a whole, The Florida Bar, and the Central Florida area in particular, are blessed with an extremely competent, highly professional and ethically oriented group of lawyers. Yes, there were, and are, exceptions; and ironically we all know who they are. Yet, by any standard, most lawyers place a high regard on being professional and treating those around them with civility.

Which brings us back to the question at hand: why *not* concentrate on what is good about our profession instead of what is bad? Our focus as judges and as attorneys needs to be redirected. We need to commend those who act professionally. Set them up for other lawyers, both young and those not so young, to emulate. Recognize them as professionals and commend them and thank them.

Is it important to train and refresh ourselves on civility and professionalism? Of course! Programs such as The Florida Bar seminars, Inns of Court programs, diversity awareness seminars, mentoring programs such as is presently being organized through our young lawyers for new lawyers, and OCBA seminars are critical to keep us reminded and refresh us about our obligations and responsibilities. But most lawyers attend these because

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The Legal Aid Society of the OCBA,
The OCBA Foundation, The Young Lawyers
Section of the OCBA, and The OCBA
Paralegal Section



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Cocktails served from 5:30 p.m. until 6:30 p.m. (cash bar)
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it is part of what we do. Even the Brown Bag Luncheons, which initially did not provide CLE credits, were drawing 45 to 60 young lawyers just because they wanted to learn substantive and procedural law and to practice with professionalism and civility.

But outside of the seminars, we as judges, as lawyers and as paralegals have to let the few of our brothers and sisters who act inappropriately know that we – you and me – will no longer tolerate a lack of civility. Unprofessional conduct must not only be recognized, it must be condemned and affirmatively stopped. Peer pressure by each

of you can be a great thing – even greater than a judge’s power of contempt or the bar’s power to pursue a grievance. Each of you must affirmatively show your fellow lawyers that you will no longer sit by and allow unprofessional conduct to happen – in the legal setting, the courtroom or even in public.

The bench also has the responsibility to assist in teaching and enforcing professionalism in our courtrooms and our hearing rooms and to act professionally as judicial officers. Judges must no longer tolerate such conduct, if they ever did. It is up to each of you to let the

judges know when it is occurring if it is not self-evident.

Our profession is an honorable one – it is one of the cornerstones of our democracy. If our legal system fails, our society as we know it fails with it. God knows we cannot speak for the executive or the legislative branches – nor would we be so brazen as to do so – but we can for our judicial branch.

It is my sincere belief that we as practicing lawyers and trial judges have what our fathers and mothers have always had – the ability to practice professionally, with civility and honor as we protect our fellow citizens’ rights under the laws of our

state and federal constitutions. That part we have right. What we now need to do is “police” our own profession, letting everyone know that when you reflect badly on yourself, likewise you do so on us.

Each of you carries within your person your reputation and the respect with which we are held, or should be held, by the public. Carry it proudly, wisely and honorably. And defend it by requiring each of your brothers and sisters to do the same.

The Honorable John Marshall Kest is a judge of the Ninth Judicial Circuit Court. He has been a member of the OCBA since 1979.

HINTS

PROFESSIONALISM QUESTIONS TO ASK YOURSELF BEFORE YOU REACT:

- 1 Can I save this e-mail and send it tomorrow after I have read it with a “calmer” head?
- 2 It is a great rebuttal letter, but would it be better to wait until the morning before I actually send it?
- 3 Should I calm down and return his call tomorrow instead of right now when I am mad?
- 4 How will this [letter] [e-mail] [voicemail] sound when [read] [played] at a grievance committee hearing?
- 5 Is it really that important?
- 6 Is opposing counsel maybe just having a bad day?
- 7 Is there a more professional way to handle this matter?
- 8 Is there a justified legal basis for this response?
- 9 Is a response even necessary?
- 10 Have I ever had a problem with this person in the past?
- 11 How would I feel if I received this proposed response?
- 12 Is what is being asked that unreasonable? Would an independent person think so?
- 13 Is there another alternative to what I am getting ready to do?
- 14 Would it be a good idea to run this proposed response past my [partner] [mentor] [spouse]?
- 15 Is there any chance I may have [misunderstood] [misconstrued] his/her [document] [actions]?

—Judge John Marshall Kest, March 25, 2011

Finch v. Seminole County School Board,
995 So. 2d 1068 (Fla. 5th DCA 2008)
Affirmed denial of taxpayer challenge
to school rezoning plan.

Acadia Partners, L.P. v. Tompkins,
759 So. 2d 732 (Fla. 5th DCA 2000)
Prevented multi-million dollar judgment
addition in complex business litigation.

Hamlet v. Hamlet,
583 So. 2d 654 (Fla. 1991).
Reinstated permanent alimony award.

Layeni v. Layeni,
843 So. 2d 295 (Fla. 5th DCA 2003)
Reversed denial of wife's interest
in medical accounts receivable.

Owen v. Owen
867 So. 2d 1222 (Fla. 5th DCA 2004)
Reversed imputation of income with
directions to reduce by 50%.

Foley v. Foley,
34 Fla. L. Weekly D1943A (Fla. 5th DCA 2009)
Reversed unequal distribution of
marital estate.

***Mitchell v. Metropolitan at
Lake Eola LLC,***
947 So. 2d 1263 (Fla. 5th DCA 2007)
Reduced lis pendens bond from
\$600,000 to \$20,000.

Mid-Florida Television Corp. v. Boyles,
467 So. 2d 282 (Fla. 1985)
Reversed the dismissal of a libel action
against an Orlando television station.

***Florida Emergency Physicians-Kang &
Associates, M.D., P.A. v. Parker,***
800 So. 2d 631 (Fla. 5th DCA 2001)
Protected liability on multi-million
dollar medical malpractice action.

Chaffin v. Overstreet,
982 So. 2d 11 (Fla. 5th DCA 2008)
Reversed numerous provisions of trust
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Douglas E. Abrams

What Great Writers Can Teach Lawyers and Judges: Wisdom from Plato to Mark Twain to Stephen King Part 1 in a Series

“Writing,” said lawyer Abraham Lincoln in 1859, is “the great invention of the world.”¹ From ancient times, the writer’s craft has captivated leading figures in literature, non-lawyers who are remembered most often for what they wrote, and not for what they said about how to write. Their commentary about the writing process, however, seems unsurprising because facility with the written language brought recognition in their day and later in history.

Like most other close analogies, analogies between literature and legal writing may be imperfect at their edges. “Literature is not the goal of lawyers,” wrote Justice Felix Frankfurter nearly eighty years ago, “though they occasionally attain it.”² “The law,” said Justice Oliver Wendell Holmes even earlier, “is not the place for the artist or the poet.”³

Despite some imperfections across disciplines, advice from well-known fiction and non-fiction writers can serve lawyers and judges well because law, in its essence, is a literary profession heavily dependent on the written word. There are only two types of writing – good writing and bad writing. As poet (and Massachusetts Bar member) Archibald MacLeish recognized, good legal writing is simply good writing about a legal subject.⁴ “[L]awyers would be better off,” said MacLeish, “if they stopped thinking of the language of the law as a different language and realized that the art of writing for legal purposes is in no way distinguishable from the art of writing for any other purpose.”⁵

As Justices Frankfurter and Holmes intimated, the tone and cadence of non-lawyer writers might vary from those of professionals who write in the law. Variance aside, however, the core aim of any writer, lawyers and judges included, remains constant – to convey ideas through precise, concise, simple, and clear expression.⁶ This article presents instruction from master non-lawyer writers about these four characteristics.

PRECISION

1. *“The difference between the almost right word and right word is . . . the difference between the lightning and the lightning bug” – Mark Twain.*⁷

When we read personal messages from acquaintances or newspaper columns by writers friendly to our point of view, tolerance may lead us to recast inartful words or sentences in our minds, tacit collaboration that may help cure imprecision. “I know what they really meant to say,” we think silently to ourselves, extending a helping hand even if the words on the page did not quite say it.

Readers, however, normally do not throw lawyers and judges such lifelines. Quite the contrary. Legal writing typically faces a “hostile audience,” a readership that “will do its best to find the weaknesses in the prose, even perhaps to find ways of turning the words against their intended meaning.”⁸ Judges and law clerks dissect briefs to test arguments, but only after opponents have tried to make the arguments mean something the writers did not intend. Advocates strain to distinguish language that complicates an appeal or creates a troublesome precedent later on. Parties seeking to evade contractual obligations seek loopholes left by a paragraph, a clause, or even a single word.⁹

The adversary system of civil and criminal justice induces lawyers and judges to strive for the right words and phrases the first time, even when extra care means reviewing drafts line-by-line. Legal writers beset later by a hostile

reader’s parsing cannot always rely on a second chance to achieve precision.

2. *“The words in prose ought to express the intended meaning, and nothing more” – Samuel Taylor Coleridge.*¹⁰

Experienced litigators seek to avoid the predicament of having to ask the court to excuse their missteps by doing them a favor. Lawyers weaken the client’s cause when, for example, they miss a deadline, file the wrong paper, or overlook an argument and must summon the court’s discretion for an extension of time or permission to amend. Lawyers similarly weaken the cause when they must summon the generosity of judges or adversaries to do them a favor by acknowledging what the brief, agreement or other filing “really meant to say.”

France’s greatest short-story writer Guy de Maupassant was no lawyer, but his advice can remind lawyers that imprecise or otherwise inapt words can affect legal rights and obligations. “Whatever you want to say,” he asserted, “there is only one word to express it, only one verb to give it movement, only one adjective to qualify it. You must search for that word, that verb, that adjective, and never be content with an approximation, never resort to tricks, even clever ones, and never have recourse to verbal sleight-of-hand to avoid a difficulty.”¹¹

Maupassant’s directive sets the bar high, perhaps a bit too high because some imprecision is inescapable in language. Justice Frankfurter, a prolific writer as a Harvard law professor before joining the Supreme Court, was right that “[a]nything that is written may present a problem of meaning” because words “seldom attain[] more than approximate precision.”¹²

Imprecise tools though words may be, they remain tools nonetheless, sometimes the only tools that lawyers or judges have for stating their position or explaining a decision. Achieving the greatest possible precision remains the reason for meticulous writing and careful editing. Lawyering and judging, like politics, often depend on the “art of the possible,”¹³ even as perfection remains unattainable.¹⁴

CONCISENESS

1. *“Brevity is the soul of wit,” and “Men of few words are the best men” – William Shakespeare.*¹⁵

Perhaps more than any other foundation for precision, preeminent writers often stress conciseness. “Less is more,” said British Victorian poet and playwright Robert Browning, wasting no words.¹⁶ “Brevity is in writing what charity is to all the other virtues,” said British writer and cleric Sydney Smith (1771-1845). “Righteousness is worth nothing without the one, nor authorship without the other.”¹⁷

Journalist and satirist Ambrose Bierce acidly defined “novel” as “[a] short story padded,” and wrote what is probably history’s shortest book review, only nine words: “The covers of this book are too far apart.”¹⁸ One of the world’s greatest short-story writers, Russian Anton Chekhov, understood that “[c]onciseness is the sister of talent.”¹⁹

2. *“This report by its very length, defends itself against the risk of being read” – Sir Winston Churchill.*²⁰

Conciseness increases the odds that the legal writer will hold the readers’ attention to the finish line. “I want the reader to turn the page and keep on turning to the end,” said Pulitzer Prize winning historian Barbara W. Tuchman. “This is accomplished only when the narrative moves steadily ahead,

not when it comes to a weary standstill, overloaded with every item uncovered in the research.”²¹

“There is but one art – to omit!,” said Scottish writer Robert Louis Stevenson, who lamented that, “O if I only knew how to omit, I would ask no other knowledge.”²²

Churchill, Tuchman and Stevenson accent the point that where the writer can convey the message efficiently in five pages, the writer risks losing the audience by consuming ten. Readers with a choice may not even start a lengthy document, and weary readers may throw in the towel well before the end.

Talented writers succeed best when professional modesty leads them to recognize, as historian David McCullough puts it, “how many distractions the reader has in life today, how many good reasons there are to put the book down.”²³ Distractions in the information age can be personal or professional. Like other Americans, lawyers and judges can choose from thousands of new books each year, plus Internet sources, digital and electronic resources, blogs, and the world’s newspapers and magazines available a mouse-click away. Federal and state judicial dockets have increased faster than population growth for most of the past generation or so, limiting judges’ patience for overwritten submissions.²⁴ Judges may sense when they have read enough of a brief, just as counsel researching precedents may grow bored with an overwritten judicial opinion. Counsel may have no choice but to plod through an opponent’s unwieldy brief or motion papers, or through unnecessarily verbose legislation or administrative regulations or private agreements, though the writer still risks obscuring important points amid the baggage.

Judges, in particular, can appreciate this short verse by Theodor Geisel (“Dr. Seuss”), who wrote for children, but often with an eye toward the adults: “[T]he writer who breeds/ more words than he needs/ is making a chore/ for the reader who reads./ That’s why my belief is/ the briefer the brief is,/ the greater the sigh/ of the reader’s relief is.”²⁵

3. “I have made this [letter] longer, because I have not had the time to make it shorter” – French writer and mathematician Blaise Pascal.²⁶

As any brief writer knows who has ever tried to present an argument within page limits imposed by court rules, achieving brevity without diminished meaning is no easy chore. Without rules or other formal restraints, verbosity can seem the path of least resistance. British poet, essayist and biographer Samuel Johnson, however, aptly likened “[a] man who uses a great many words to express his meaning” to “a bad marksman who, instead of aiming a single stone at an object, takes up a handful and throws at it in hopes he may hit.”²⁷

Conciseness demands self-discipline and clear thinking, usually through multiple drafts. Achieving brevity can be particularly hard work nowadays because computers may grease the skids for verbosity, but Johnson was right that “[w]hat is written without effort is in general read without pleasure.”²⁸

“Not that the story need be long,” said transcendentalist writer Henry David Thoreau, “but it will take a long time to make it short.”²⁹ Editing by the writer and others remains central, even though lawyers and judges typically write under time pressures (and, in the lawyer’s case, also financial pressures) that might not constrain other writers. “It is not the writing but the rewriting that counts,” said

Pulitzer Prize winning novelist Willa Cather.³⁰

Environmentalist Rachel Carson observed that writing is “largely a matter of application and hard work, of writing and rewriting endlessly until you are satisfied that you have said what you want to say as clearly and simply as possible,” a process that meant “many, many revisions” for her.³¹ Novelist Ernest Hemingway believed that “easy writing makes hard reading,”³² and he made no secret that he rewrote the last page of *A Farewell to Arms* 39 times before the words satisfied him.³³

Carson and Hemingway were not the only eminent writers candid enough to acknowledge publicly the inadequacy of their early drafts. “To be a writer,” said Pulitzer Prize winner John Hersey, “is to throw away a great deal, not to be satisfied, to type again, and then again and once more, and over and over.”³⁴

“Half my life is an act of revision; more than half the act is performed with small changes,” wrote novelist and Academy Award winning screenwriter John Irving, who recognizes that writing requires “strict toiling with the language.”³⁵ “I’m not a very good writer, but I’m an excellent rewriter,” reported James A. Michener,³⁶ who could not “recall anything of mine that’s ever been printed in less than three drafts.”³⁷

Dr. Seuss, who wrote for a particularly demanding audience, estimated that “[f]or a 60-page book, I’ll probably write 500 pages. . . . I winnow out.”³⁸ The rewards of winnowing may become apparent only with the finished document. “To get the right word in the right place is a rare achievement,” said Mark Twain, whom novelist William Dean Howells once called “sole, incomparable, the Lincoln of our literature.”³⁹ “To condense the diffused light of a page of thought into the luminous flash of a single sentence, is worthy to rank as a prize composition just by itself,” Twain explained. “Anybody can have ideas – the difficulty is to express them without squandering a quire of paper on an idea that ought to be reduced to one glittering paragraph.”⁴⁰

This concludes the first part of a multi-part series special to The Briefs.

Douglas E. Abrams, a law professor at the University of Missouri, has written or co-authored five books. Four U.S. Supreme Court decisions have cited his law review articles. “What Great Writers Can Teach Lawyers and Judges” first appeared in *Precedent*, Fall 2010, Vol. 4, Issue 4 and is reprinted by permission of the Missouri Bar Association and Douglas E. Abrams.

¹Abraham Lincoln, *Second Lecture on Discoveries and Inventions* 4 (Feb. 11, 1859), <http://teachingamericanhistory.org/library/index.asp?document=2508> (Mar. 4, 2011).

²Felix Frankfurter, *When Judge Cardozo Writes*, THE NEW REPUBLIC, Apr. 8, 1931, <http://www.tnr.com/article/politics/when-judge-cardozo-writes> (Mar. 4, 2011).

³Oliver Wendell Holmes, *The Profession of the Law*, in COLLECTED LEGAL PAPERS 29 (1920) (Wm. S. Hein ed. 1985).

⁴Jay Wishingrad & Douglas E. Abrams, *The Lawyer’s Bookshelf*, N.Y.L.J., Dec. 12, 1980, at 2 (reviewing Richard C. Wydick, *Plain English For Lawyers* (1st ed. 1979)) (good writing about a legal subject).

⁵Archibald MacLeish, Book Review, 78 HARV. L. REV. 490, 490 (1964) (reviewing David Mellinkoff, *The Language of the Law* (1963)).

⁶Henry Weihofen, *Legal Writing Style* 8-104 (2d ed. 1980) (discussing the four fundamentals).

⁷Mark Twain, *Reply to the Editor of The Art of Author-*

ship, in MARK TWAIN: TALES, SPEECHES, ESSAYS, AND SKETCHES 359, 360 (Tom Quirk, ed., 1994); MARK MY WORDS: MARK TWAIN ON WRITING xii (Mark Dawidziak ed. 1996).

⁸George D. Gopen, *Writing From a Legal Perspective* 1 (1981).

⁹Jay Wishingrad & Douglas E. Abrams, Book Review, 1981 DUKE L.J. 1061, 1063 (REVIEWING GEORGE D. GOPEN, *Writing From a Legal Perspective* (1981)).

¹⁰Walter Allen, *WRITERS ON WRITING* 93 (2007) (quoting Coleridge).

¹¹GUY DE MAUPASSANT, *SELECTED SHORT STORIES* 10-11 (Roger Colet ed., 1971) (Maupassant quoting French writer Gustave Flaubert).

¹²Felix Frankfurter, *Some Reflections On the Reading of Statutes*, 47 COLUM. L. REV. 527, 528 (1947), reprinting Felix Frankfurter, Sixth Annual Benjamin N. Cardozo Lecture, 2 REC. BAR ASS’N CITY OF N.Y., No. 6 (1947).

¹³OXFORD DICTIONARY OF MODERN QUOTATIONS 50 (2d ed. 2002) (quoting German chancellor Otto von Bismarck: “Politics is the art of the possible.”).

¹⁴Glenn Bradford, *Pursuing Perfection in the Practice of Law: An Imperfect Essay by an Imperfect Lawyer*, 65 J. MO. BAR 120 (May-June 2009).

¹⁵William Shakespeare, *Hamlet*, Act II, scene 2 (“soul of wit”); William Shakespeare, *King Henry V*, Act III, scene II (“men of few words”).

¹⁶Robert Browning, *Andrea del Sarto*, in *Pictor Ignotus, Fra Lippo Lippi*, ANDREA DEL SARTO 32 (1925).

¹⁷TRYON EDWARDS, *A DICTIONARY OF THOUGHTS* 52 (1899) (quoting Smith).

¹⁸AMBROSE BIERCE, *THE DEVIL’S DICTIONARY* 92 (1911) (short story padded); Gregory Kane, *Worst Part of Movies Today Is Story Between the Credits*, Baltimore Sun, Sept. 6, 2000, at 1B.

¹⁹ANTON CHEKHOV, *THE DUEL AND OTHER SHORT STORIES*, Note, at vi (2003).

²⁰DOMINIQUE ENRIGHT, *THE WICKED WIT OF WINSTON CHURCHILL* 19 (2001) (quoting Churchill).

²¹Eric Pace, *Barbara Tuchman Dead at 77; A Pulitzer-Winning Historian*, N.Y. TIMES, Feb. 7, 1989 (obituary).

²²THE LETTERS OF ROBERT LOUIS STEVENSON TO HIS FAMILY AND FRIENDS 339 (Sidney Colvin ed., 1899) (letter of Oct. 1883).

²³2003 Jefferson Lecture in the Humanities, David McCullough Interview, *The Title Always Comes Last* 3, <http://www.neh.gov/whoware/mccullough/interview.html> (Mar. 4, 2010).

²⁴Judicial Conf. of the U.S., Long Range Plan For the Federal Courts 9-12 (1995); ABA Comm’n on the 21st Century Judiciary, *Justice in Jeopardy* 39 (2003) (state courts).

²⁵Richard Nordquist, “We Can Do Better”: Dr. Seuss on Writing, <http://grammar.about.com/od/advicefromthepros/a/seusswrite09.htm> (Mar. 4, 2011).

²⁶BLAISE PASCAL, *LETTRES PROVINCIALES*, letter 16 (1657); see also Shutta Crumm, *Using Picture Books to Teach Literary Techniques*, Book Links 57, 57 (Mar. 2007) (quoting Mark Twain: “I didn’t have time to write a short letter, so I wrote a long one instead.”).

²⁷Speaker’s Corner, Independent on Saturday (South Africa), June 12, 2010, at 8 (quoting Johnson).

²⁸ANECDOTES BY WILLIAM SEWARD, F.R.S., in II JOHNSONIAN MISCELLANIES 309 (George Birkbeck Hil ed., 1897) (quoting Johnson).

²⁹HENRY DAVID THOREAU, *WALDEN AND OTHER WRITINGS* 22 (Joseph Wood Krutch ed., 1981).

³⁰ELSIE GOTH MARSHALL, 1936: RED CLOUD, THE NEBRASKA ALUMNUS (1936), available at <http://cather.unl.edu/bohlke.i.32.html> (quoting Cather) (Mar. 4, 2011).

³¹PAUL BROOKS, *THE HOUSE OF LIFE: RACHEL CARSON AT WORK* 1-3 (1972).

³²CARLOS BAKER, *HEMINGWAY, THE WRITER AS ARTIST* 71 (4th ed. 1972) (quoting Hemingway).

³³GEORGE PLIMPTON, *WRITERS AT WORK* 124 (1963); Ernest Hemingway, *The Art of Fiction*, THE PARIS REVIEW INTERVIEW, 1956.

³⁴DONALD MURRAY, *THE CRAFT OF REVISION* (1991) (quoting Hersey).

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May 10

Advocacy Tools for Effective Representation in
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CLE Applied for

May 24

When Permanency Isn't Permanent: What to do when a
Dependency Case Re-opens (GAL topic)

Speaker: Stephanie Stewart, Attorney at Law
CLE Applied for

June 14

Basic Dissolution of Marriage with Children for Pro Bono
Attorneys

*(Limited enrollment for training available to non-family
practitioners who will accept referrals of DOM cases from Legal
Aid. Focus on pleadings and initial filing issues.) (2 hours)*

Speaker: Angel Bello-Billini, Attorney at Law
CLE Applied for

June 28

The New Kid in Town: An Introduction to CBC of Central
Florida (GAL topic)

Speaker: Cara Dobrev, Attorney at Law
CLE Applied for

July 12

Defenses to Garnishment

Speakers: Larri Thatcher, Attorney at Law
Michael Resnick, Attorney at Law
CLE Applied for

July 26

The Basics of Special Education Law for Dependent
Children (GAL topic)

Speaker: Bethanie Barber, Attorney at Law
CLE Applied for

August 9

Family Law Legislative Update

Speaker: Angel Bello-Billini, Attorney at Law
CLE Applied for

August 23

The Foster Care System and Teen Parents (GAL topic)

Speakers: Doris Mackey, GAL Case Coordinator Cara
Dobrev, Attorney at Law
CLE Applied for

September 13

Public Benefits

Speaker: Edward Dimayuga, Attorney at Law
CLE Applied for

September 27

Mental Health Disorders in Children (GAL topic)

Speaker: Jennifer Schmidt, GAL Case Coordinator
CLE Applied for

October 4

Temporary Custody of Minor Children Using Chapter 751 to
Obtain Custody by a Family Member: The Advantages, Limits
and Practical Issues

Speakers: William Davis, Attorney at Law
Catherine Tucker, Attorney at Law
CLE Applied for

October 18

Children's Developmental and Medical Issues and Services
in Orange County (GAL topic)

Speaker: Ericka Garcia, Attorney at Law
CLE Applied for

November 1

Landlord Tenant Law Update

Speakers: Larri Thatcher, Attorney at Law
Michael Resnick, Attorney at Law
CLE Applied for

December 6

Immigration

Speaker: Charles Conroy, Attorney at Law
CLE Applied for

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Richard S. Dellinger

Teaching Teachers at the Teacher's Legal Institute

The Orange County Bar Foundation and the Middle District of Florida's Historical Society have joined together to present the first annual Teacher's Legal Institute. The Institute will be held on May 20, 2011, at the United States Courthouse, 401 West Central Boulevard, Orlando, Florida. The goal of the program is to teach a select group of Central Florida educators about the Central Florida legal system with the goal of having those educators then teach their students the same materials.

The Institute was modeled after similar institutes presented in Tampa, Florida and Billings, Montana. The full-day seminar will be provided free of charge to the educators. The program will be funded entirely by the Middle District of Florida Bench Bar Fund, a fund that was created from the fees charged to those who renew their membership in the U.S. District Court for the Middle District of Florida. The Institute will be held in space donated by the U.S. District Court, and all of the speakers at the Institute will provide their seminars without an appearance fee.

The Institute will begin promptly at 9:00 a.m. with welcoming statements by the Orange County Bar Association Foundation president, Jessica Hew of Burr & Forman, LLP. Afterward, the OCBA president-elect, Tom Zehnder of King, Blackwell, Downs & Zehnder, P.A., will provide an overview of the materials, speakers and legal areas that will be covered. The session will then be turned over to a panel of state court professionals, who will provide an overview of state court practices. Jessica and Orange County Circuit Judge Bob LeBlanc have agreed to present an overview of practice in the state court. Rounding out the morning, Orange County Circuit Judge Frederick J. Lauten, Orange County Circuit Judge Julie H. O'Kane and Orange County Bar Foundation board member Wiley Boston of Holland & Knight LLP will form a panel to provide a presentation on substantive issues.

Participants will break for lunch and hear a presentation from Scott Gabrielson of Mateer Harbert, who will speak about Florida's legal history, using historical photographs and artifacts. Scott is well known for the historical perspective he provides to community leaders, including those who have participated in Leadership Orlando.

Following lunch, the focus will shift to federal court practice. During the first session, U.S. District Court Judge Gregory J. Presnell, U.S. District Court Judge John Antoon, II and assistant U.S. attorney Vincent J. Citro will provide an overview of practice in the federal court. Other federal professionals, including panelists Bankruptcy Judge Arthur B. Briskman, Magistrate Judge Gregory Kelly and Assistant Public Defender Jim Skuthan, will discuss substantive law in the federal courts.

Andrew Sorrell of Lowndes, Drosdick Doster Kantor & Reed, P.A., president of the Orlando Chapter of the Federal Bar Association, will close the Institute with a summary of the day's presentations and will recognize the teachers for their participation.

The Institute is one of the many ways the Orange County Bar Foundation and the Middle District of Florida Historical Society are reaching out to the community and forging strong ties with both educators and those that they educate. The Orange County Bar Foundation has sponsored high school moot court teams, special law week activities and the Florida Supreme Court's Justice Teaching Initiative.

With your support, the Orange County Bar Foundation will continue to forge strong ties with the community for the betterment of Central Floridians as well as the legal profession. The members of the Orange County Bar Foundation appreciate your continued support.

Richard S. Dellinger is a shareholder with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. He serves as a board member with the Orange County Bar Foundation and serves on the Middle District of Florida Historical Society. He has been a member of the OCBA since 2002.



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Judicial Investitures

Investitures were held on Friday, March 4, 2011, for the **Honorable Mike Murphy**, the **Honorable Donald A. Myers, Jr.** and the **Honorable Keith F. White** as judges of the Ninth Judicial Circuit Court. The ceremony was held at the Sheraton Orlando Downtown Hotel and was attended by more than 175 family members, friends and colleagues.

Dr. Bob Bushong of the First United Methodist Church of Winter Park gave the invocation and the Honorable Belvin Perry, Jr., Chief Judge of the Ninth Judicial Circuit, gave the opening remarks and introduced the dignitaries, including former Florida Governor, Charlie Crist.

Judges Murphy, Myers and White were presented with gifts by the Honorable Frederick J. Lauten of the Ninth Judicial Circuit on behalf of the Conference of Circuit Court Judges, the Honorable Lydia Gardner, Clerk of Courts, and Frank M. Bedell, Esq., president of the Orange County Bar Association. Frank acknowledged gifts and well wishes from ABOA, CFAWL, CFGLLA, CFTLA, GOAABA, HBACE, PCPBA, the Caribbean Bar Association of Central Florida, George C. Young First Central Florida American Inn of Court, Legal Aid Society of the OCBA, the Osceola County Bar Association and the OCBA Professionalism Committee.

Judge Mike Murphy was introduced by Stuart I. Hyman, Esq., and was administered the oath of office by Thomas A. Zehnder, Esq., president-elect/vice

president of the OCBA. Patricia Bruno and Clifford Murphy performed the enrobing.

Michael K. Bailey, Esq. introduced Judge Donald A. Myers, Jr., and the Honorable Charles A. Davis, Second District Court of Appeal, administered the oath of office. Judge Myers' enrobing ceremony was performed by Deborah G. Myers, Donald A. Myers III, Jesse M. Myers, Casey C. Myers and Anna G. Myers.

Judge Keith F. White was introduced by J.D. Hatfield, the oath of office was administered by the Honorable Renee A. Roche of the Ninth Judicial Circuit, and Shara M. White performed the enrobing.

Following remarks by the three newly invested judges, the Reverend Greg Mills gave the benediction and Judge Perry gave closing remarks. A reception was held immediately following the ceremony.



Hon. Donald A. Myers, Jr., Hon. Mike Murphy, Hon. Keith F. White

PhotoOps



Howell Melton, a partner in the firm's Orlando office, has been elected Vice Chair of Enterprise Florida's Board of Directors. As Vice Chair of Enterprise Florida, Inc. Allan Bense, former Speaker of the Florida House of Representatives and President of Bense Enterprises Inc., passes the Vice Chair's gavel to Howell Melton. Gov. Rick Scott pictured at right.

Courtesy of Brandon Carson



YLS on the move



Jacquelynne J. Regan

April showers bring May flowers – and the beginning of a new year for the Young Lawyers Section of the OCBA! YLS will be passing the gavel and swearing in the new YLS board this month, and you can be there to see it happen at the YLS May Luncheon. The details are below. We look forward to the coming year and planning new opportunities to provide young lawyers with fun and worthwhile experiences! But first, let's take a look at some of the YLS' events from the past few months:

On February 17, 2011, the YLS hosted a happy hour at The Downtown Pour House to benefit **Big Brothers Big Sisters** of Central Florida (BBBS). Young lawyers turned out in great numbers to enjoy food and drinks and show their support for BBBS. BBBS makes meaningful, monitored matches between adult volunteers (Bigs) and children (Littles), ages six through 18, in Orange, Seminole, Osceola, Brevard and Lake Counties to enable Littles to thrive in all areas of life. Many thanks to all who attended for donating \$573 to BBBS, as well as to the YLS Board of Directors for matching the donations! Special thanks to the law firm **Hillary, P.A.** and Amy Moline, of **Keller Williams Realty** for co-sponsoring this fundraising happy hour!

On Saturday, February 19, 2011, The Florida Bar Young Lawyers' Division Law Student Division chair, **Melanie Griffin**, oversaw the **Second Annual Raising the Bar**, a statewide community service day organized by the division that encourages Florida's legal professionals to participate in community service projects across Florida on the same day. In Orlando, division liaisons **Liz McCausland** and **LaShawnda Jackson** assisted their division governors in hosting a service project at the Lilley House, a part of the Children's Home Society. Approximately 40 student and young lawyer volunteers spent the morning landscaping, cleaning the playground, and completing other beautification tasks to ensure that at-risk mothers and children have a safe environment in which they can interact positively together. Many thanks to all the volunteers who assisted with this project, especially the following **Barry** and **FAMU** division governors who worked hard planning it: Kaley Austin-Aronson, Daniel Berger, Chris Castillo, Amber Drummond, Eric Everson, Latasha Lessington, Abigail Niebch, Amit Schlesinger, Terra Sickler, Vanessa Tuttle and Shantel Woodard.

On Saturday, April 2, 2011, YLS hosted the first annual **OCBA YLS Kickball Tournament!** This eight-team double-elimination tournament welcomed families and non-lawyers to team up with YLS members for some serious kickball. The weather was great and the competition was fierce. The championship game featured **Dean Mead** vs. **GrayRobinson** – with Dean Mead, led by **Felipe Guerrero**, taking the title and the three-foot trophy! Props go out to **Chad Crews** for organizing

and executing this great event. YLS would also like to thank **U.S. Legal Support** for its sponsorship of the kickball tournament.

After the illustrious **Orange County Bar Association Gala** on April 16, 2011, the YLS invited Gala-goers to continue the fun at the **YLS-sponsored After-Party**. Young lawyers and friends gathered at the Vintage Lounge and continued the party well into the night. Look for pictures from this event in upcoming issues of *The Briefs*!

The YLS wound up its year with the **End-of-Year Social** on April 20, 2011, at Ember in downtown Orlando. YLS members enjoyed the opportunity to connect with other members in this casual setting. The event was generously sponsored by **M&I Bank**, **Barry Law School** and **FAMU Law School**.

YLS was proud to sponsor the joint happy hour to benefit Japan on April 21, 2011. The event was organized by the **Hispanic Bar Association of Central Florida**, the **Greater Orlando Asian American Bar Association**, the **Central Florida Association for Women Lawyers**, the **Central Florida Gay and Lesbian Law Association** and the **Paul C. Perkins Bar Association**. The well-attended fundraiser was held at Mojo Bar & Grill, and all proceeds were donated to the Red Cross' Japan Relief Fund.

On April 30, Young Lawyers participated in the **Young Lawyers Roundtable with the Judiciary** at the 2011 Judicial Conference of the 11th Circuit Court of Appeal at the Disney Swan Hotel. This CLE opportunity also provided young lawyers with a unique chance to interact with federal judges and discuss a range of legal issues facing the courts today, as well as their day-to-day activities, preferences and war stories.

Looking for a worthwhile way to earn CLE credits and connect with young lawyers from throughout the nation? The **ABA YLD** will be holding its **Spring Conference** at Caesar's Palace in Las Vegas from May 12 through May 14, 2011. For more info, go to: <http://www2.americanbar.org/calendar/young-lawyers-division-spring-conference-2011/Pages/default.aspx>

The next two **Brown Bag Luncheons** will be **May 5, 2011** (*Interrogatories: Propounding and Answering*), and **June 9, 2011** (*Dealing with Experts*). Please feel free to bring your lunch and learn while you eat. Please tell security you are attending the Brown Bag Luncheon with Judge John Kest in the Judicial Conference Room on the 23rd floor so you will be permitted to bring your lunch through security. Each luncheon will provide 1.5 hours of CLE credit. If you are interested in joining Judge Kest for the next Brown Bag Lunch, please contact Judge Kest's Judicial Assistant at 407-836-0443 or ctjadi1@ocnjcc.org.

On **May 19, 2011**, we will have our annual **"Passing of the Gavel"** ceremony at the University Club, where **Eric Reed**, president of the YLS, will hand over the gavel to the president-elect, **LaShawnda Jackson**. This luncheon is always a memorable one as the president reviews the past year's events and accomplishments, and former YLS presidents offer their invaluable advice to the incoming president. Please email your RSVP to admin@ocbayls.org. If you **RSVP by May 17, 2011**, the cost is \$20 for lawyers and \$12 for law students, government attorneys, solo attorneys, and judges; a late charge of \$2.00 will be added if you do not RSVP.

For the **June IDignity program**, YLS members will be teaming up with the **Hispanic Bar Association** on **June 16, 2011**. Five downtown Orlando churches and their volunteers partner with federal, state and local agencies to establish a one-stop event to facilitate the distribution of personal identification and other vital documents. Young lawyers are needed to assist homeless people in obtaining Florida ID cards and other documents necessary to secure housing, employment, medical treatment and bank accounts. Lunch will be provided by YLS. To sign up for the early shift (7:00 a.m. to noon) or the late shift (11:00 a.m. – 3:00 p.m.), please contact

Taylor Kessel at Taylor.Kessel@cnl.com.

To find out more about the YLS and its committees and events, please contact me at 407-418-6438 or reganj@lowndes-law.com. If you are not receiving the YLS email blasts, send an email to admin@ocbayls.org to sign up!

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



YLS Holidays in January benefitted the Boys & Girls Club, Arnold Palmer Hospital and United Cerebral Palsy

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President's Message

continued from page 3

together quickly and passed a resolution which expressed our appreciation for the OCBA lawyer-legislators, supported our judiciary, and urged additional discussion on legislation that might affect the effective administration of justice. The OCBA's resolution was then picked up by other voluntary bar associations around Florida, which used our resolution as a template for their own.

This good work of coming together for a greater purpose will certainly continue under the OCBA's new president, Tom Zehnder, and incoming officers, Krystine Kennedy, Paul Scheck, and Nick Shannin. Tom has great judgment and vision, and I feel good about turning things over to Tom and the gang. Finally, I would like to express my appreciation for the OCBA's terrific staff, which is headed by our excellent executive director, Brant Bittner. Brant and his team helped make this job easier, and I appreciate their help as well as the support I have received from many of you. With that in mind, I'm off to the next thing. Thanks for letting me serve with you in the best voluntary bar association in the nation.

Frank M. Bedell is a shareholder with Winderweede, Haines, Ward & Woodman, P.A. He has been a member of the OCBA since 1987.



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OCBA Luncheon | February 24, 2011

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Lucas Boyce, Director of Community Relations, Multicultural Insights & Government Affairs - Orlando Magic



Warren Channell

Lucas Boyce

Frank Bedell



Lucas Boyce

Judge Cynthia Mackinnon

Elizabeth Wheeler



Charlie Kiester, Westlaw



Laura Edison Cosgrove, Lindsey Franco, Wiley Boston, Christine Lomas



Tom Zehnder presents a 100% Club certificate to Roger Brown and Frank Hild of Gregory S. Martin & Associates, P.A.



Lucas Boyce (center), with PCPBA officers Jonathan Blocker, parliamentarian; Warren T. Channell, president; Harriet Brown, treasurer; Jerry Girley, president-elect

OCBA Luncheon | March 24, 2011

Sponsored by Marsh U.S. Consumer,
a service of Seabury & Smith, Inc.

Co-hosted by the OCBA Professionalism Committee

Professionalism
Committee Chair
Jim Edwards presents
the Lawrence G.
Mathews, Jr.
Young Lawyers
Professionalism
Award to Penelope
Perez-Kelly



Bruce Blackwell



Leon Handley



Robert Magill accepts
the William B. Trickle, Jr.
Professionalism Award
on behalf of his father,
Pat Magill, from Jim
Edwards



Sharon Ecker,
Marsh U.S.
Consumer,
a service of
Seabury &
Smith, Inc.



Wiley Boston, Nora Hall, Kimberly Derry, Kayla Mudge,
Sallay Jusu, Jeffrey Gitto, Patrick McGinley



Frank Bedell captured in a
presidential moment addressing
attendees at the OCBA November
2010 luncheon.

Photo: Flo Boehm

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 H G E F I G J L E P Q M W Z B C V A E
 P E A P Q R G L I K W Z B T R P M E C
 I T R B I N W Q M R I N W J E K A M U
 A K C H J O M N B A L N I M Z C V Q P
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The Basics: Marketing Your Law Firm Online

While the economy has been slow, tough economic times can be an opportunity for law firms that have a strong marketing strategy in place and stick to it.

Consider that in the last major downturn, 1981-82, law firms that maintained or increased their marketing expenditures saw significantly higher sales growth - both during the recession and for the next three years - than those that decreased or eliminated marketing. When other firms cut back, the impact of your message goes up. The key is making every dollar count, and for law firms, like other businesses today, that means focusing on the Internet as the most cost-effective tool at your disposal for promoting your firm and generating new clients.

Web-based marketing is critical because it is Google or Yahoo, not the print yellow pages, that most of your potential clients (and colleagues) now turn to first for information to research a problem, validate a referral or make a key decision like hiring legal representation. In a recent survey about local search user behavior, search engines have pulled ahead of print yellow pages as the leading source for local business information. About 73% of adults in the U.S. use the Internet regularly, for an average of about 15 hours a week, and by 2012 it is expected that 217 million Americans will be online.

Think of your Web site like a funnel. Sooner or later, most of your prospects will come through it. Some will get there from a search engine, or after seeing the site address on your print or Yellow Pages ad. A prospect may get your name from a friend or family member but then go online for the kind of detailed, in-depth information only the Web can provide.

As you know, however, it is not enough just to have a Web site. The law firms that succeed online - that convert prospects and get the most benefit from their promotional budgets - are those that focus on the three keys to effective Internet marketing: **visibility, design and content.**

Visibility

Whether they are online to shop, work or research a legal issue, most Internet users start at a search engine. In fact, about 80% of Web traffic begins at sites like Google. That is why it is critical to optimize your site to rank high in search results to get noticed online, where standing out from the crowd can be a challenge.

Fortunately, what appeals to search engines is what clients want, too: a site that is easy to find and use, that is updated often and that provides relevant, non-generic information about your firm and its unique services. Keeping your site fresh and timely, and working with a Web partner who can help with coding it correctly and choosing keywords, goes a long way toward improving search rankings and maximizing your visibility.

Inbound links and legal directories are other tools you can use to raise your firm's online profile. An inbound link is a listing on another Web site that links back to your site. The ideal inbound link is from a popular, high-quality site that is relevant to your practice - from another law firm or a legal publication, for example. Accumulating quality links brings more (and better-qualified) prospects to your site and enhances your credibility with search engines.

Links to your site from highly trafficked legal directories like Findlaw.com also help build your online visibility. Legal directories help you target clients in your locale and make it easy for them to find you and follow up.

Of course not all online marketing will make sense for your firm. Think carefully before investing in pay-per-click, for example, which are the sponsored links on the right-hand side of search result pages. While pay-per-click can be effective in targeting highly specialized markets, most user clicks (six out of seven) are generated by standard, organic results. Typically, firms are better off focusing on legal directories, accruing quality inbound links and keeping their Web sites information-rich and compelling.

Design

Online, first impressions are everything. The typical Web user decides in just seconds to either explore your site or click the back button.

Site design plays a key part in convincing them to stay. Effective design stresses clarity over complexity, and uses photos and other visuals to identify your geographic location and market niches. It also gets the small but critical details right - ensuring your contact information is prominently displayed on every page, for example.

Why are site design and other key elements so important? Research shows that when online consumers choose to contact an attorney, 56% call only one attorney, and 70% make a hire. The typical online prospect, in other words, has a

continued page 30



Jamie Billotte Moses

What Do You Mean I Wasn't Picked for the Jury?

We may all respond to a Juror Summons differently, but I am pretty certain all of us have some sort of a marked response. Some of us immediately open it up, look at the number and hope it is high enough that the chances of having to appear for jury duty are slim. Others start immediately thinking of all the possible ways to get out of jury duty. Still others start envisioning what might happen if they were to get picked for the Casey Anthony trial. Then there are a few of us who briefly contemplate the possible inconvenience, but hope maybe this one time we might get picked. I fall into the latter category.

When I opened my Summons my number was 420. I was pretty confident that was a low enough number that I was going to have to show up at the reported time. The Friday before my Monday appearance, I called the number as instructed on my Summons and listened patiently to the very thorough instructions. It was clear that I would have to appear. I was actually happy about that. I also noticed that the instructions were incredibly detailed and specific. Not surprisingly, however, on Monday morning when the clerk began to repeat those instructions, there were several people who clearly had not bothered to call in, and if they did, did not listen to the instructions. For example, when reminded that people were not allowed to back into the parking spaces, several people immediately jumped up and ran out to the garage to move their car. Jury duty, if anything, is a study of human behavior.

Monday morning I dropped my kids off at school and went straight to the courthouse. I arrived at about 7:45 a.m. with a briefcase full of work for the day and a good attitude. I sat down at a table and waited with anticipation as the room began to fill. Two very nice ladies sat down at my table. One was a single mom going through school who was incredibly frustrated with the prospect of having to serve on a jury. The other was a retired woman who, like me, seemed excited about the experience. Once they found out I was a lawyer, the one who didn't want to serve asked what she could possibly say to get herself stricken, while the other asked questions about the process and what she might expect.

At 8:00 a.m., an announcement was made advising those in the room that they needed to check in. Those who filled out the juror questionnaire the night before went to a very short line, presented their I.D., received their badge, got their

parking ticket stamped and sat down. I think I went through the process in about a minute and a half. Of course, there were those who claimed that they could not do the jury questionnaire online, those who forgot their photo I.D. (although they were reminded to bring it on the recording), and those who left their parking ticket in their car despite the recorded announcements stating that they needed to bring their ticket in order for it to be stamped. Again, a case study in human nature.

The juror room is quite comfortable. There are plenty of chairs, plenty of tables and many opportunities to plug in one's laptop. The Division of Blind Services runs a fully stocked refreshment stand. It was clear that the majority of the courthouse staff used the refreshment stand as well. Fresh food, fresh coffee and plenty of other goodies were available for purchase. Additionally, there were several fully stocked vending machines in the hall. Nobody was going to go hungry during jury duty.

For almost the first hour everyone pretty much sat around and engaged in idle chatter. A couple of coworkers summoned on the same day discussed their office and mutual acquaintances. No, I was not eavesdropping; they were sitting probably 25 feet away from each other and screamed their responses back and forth to each other. One young woman apparently was having a fight with her boyfriend on the phone and cried and screamed for all the rest of us to hear. Still another woman proceeded to share with her table mate every medical ailment she has. It was amazing how familiar people were. I guess for many the old adage "misery loves company" applied. For about the first 45 minutes everyone just sat around and waited with anticipation for the day's duties to begin. Throughout the morning a nice video put together by the Orange County judges played at regular intervals. The video is actually quite well done and very informative.

Around 9:00 a.m., a wonderfully entertaining and comforting woman by the name of Sonja Maylor (Jury Services Coordinator) got up to explain various things about the day, including what to expect, what to do and what not to do. She repeated everything that was on the recording and everything that was said earlier in the morning, and still there were people who got up to move their car because they had backed into a parking space or had forgotten their parking ticket. This woman was incredibly funny, incredibly welcom-

ing and very patient. I am convinced she must be a stand-up comedian on the weekends.

At about 9:15 a.m., the moment we had all been waiting for arrived. It was announced that a jury pool of 20 was going to be called. We were asked to listen for our number and come to the front of the room. I immediately packed up all my belongings because I assumed I was going to be called (why I assumed I was going to be one of the first 20 out of 575, I have no idea). You learn quickly that the numbers are in ascending order. Given I had a rather high number, I waited to the end to see if I would be called. When they announced how many jurors were going to be called, they also told you which judge you would be before. Instantly, I knew whether it was civil or criminal, and I immediately began thinking of the individual judge who had been named. My number was not called that first time. That would be the process on five more occasions. I finally stopped packing up my bag, stopped getting my hopes up and started thinking about what I would do at lunch. Finally, around 11:15 a.m. we were told that 40 of us would need to come forward for a trial before the Honorable Alan Apte. Since there were about 45 people left in the room, I was feeling pretty confident that this might be my time. I cautiously packed my bag and listened for my number. Finally, my number was called!

As we proceeded to the elevators, I was reminded of all the times I have come to the courthouse to try and get on the elevators and there has been a large pool of jurors waiting to go up. This time I was one of the jurors. I saw several lawyers in town laughing and pointing. Many screamed “you know you are not going to get picked.” The other jurors started to look at me like I was some sort of celebrity they just didn’t recognize. I let them think that for a little while. As we went up to the 18th floor, we were instructed to get in two lines of 20. This time we were called out of order. There was no rhyme or reason, but it was clear we had to be in that specific order. Once we were ready to go, we walked into the courtroom. As soon as Judge Apte saw me he started to laugh. Surprisingly, and although I know randomly, I was seated in the front row, in the center. It has always been my perception that the potential jurors who answer the fewest questions are always the ones selected. Because of where I was seated, any hope of flying low under the radar was just dashed.

Judge Apte started asking a series of questions that immediately took away any opportunity I had to maintain a low profile. Five questions in, and I was the only juror who had raised her hand or spoken. As you can probably guess, those questions were: “Do any of you know me, the judge,” “Do any of you know the lawyers,” “Do any of you know any state attorneys,” “Do any of you know any judges in Orange County or the state” and “Do any of you know any lawyers in Orange County or the rest of the state.” When we later took a break and Judge Apte instructed us to remember who we sat by, the lady next to me said, “I am next to the woman who knows everyone.” Yeah, there was no chance I was getting picked.

I must say I was incredibly impressed with Judge Apte’s demeanor. I have known Judge Apte for years, but only through lawyer league softball and OCBA functions. I have never seen him conduct himself as a judge. I was amazed at how quickly he put everyone at ease and tried to explain things as simply as possible so that all could understand. I was proud of my friend for how he represented the judges of the Ninth Judicial Circuit. Unfortunately, after he was done with his questioning, my chances of sitting on the jury were slim to none. I hoped not to say anything during the lawyer questioning so that I still might have a chance of being picked.

Now it was time for the state to ask questions. Assistant State Attorney Ryan Williams was immediately effective. He asked some very good questions about assumptions people make and conclusions they draw without actually having any knowledge regarding the specific facts or circumstances. I was quite impressed with his questioning and grew more excited to have the potential opportunity to participate in the trial if *voir dire* was any indication of how he was going to conduct himself during the trial. The defense attorney was Will Jay, who was equally impressive with his questioning of the jury. It was clear that the trial was going to be handled by two very skilled lawyers.

I grew excited thinking I might have an opportunity to serve, but, if you know me, I am not very good at maintaining a low profile. At one point, the prosecutor asked whether any jurors felt they could not serve on the jury given the subjects that were going to be presented. This was a case about improper touching of a 12-year-old girl. At the same time, the prosecutor asked whether someone could not or would not want to hear all of the testimony in this case. He was then instructed by Judge Apte to ask two separate questions. Mr. Williams proceeded to ask who could not hear this type of testimony and sit through a trial like this. A few people raised their hands to indicate they felt they just could not do it, while many people had initially raised their hands when he had asked who didn’t want to do it. Nevertheless, when he was through with his questioning regarding who felt they could not sit through the trial, he began to sit down.

Unfortunately, the lawyer in me reared its ugly head, and I looked at Mr. Williams and started to speak. Mr. Williams had clearly been avoiding me through all of his questioning (another sign I probably was not going to be on the jury), but then asked me if I had something to add. Judge Apte smirked, and I turned bright red and said, “You were supposed to ask the second question: who did not *want* to hear all the possible testimony.” Yes, my chances of serving on this jury were now gone. Mr. Williams politely thanked me for reminding him and proceeded to ask that question. Obviously, when he asked whether there was anyone who simply did not want to hear sexually explicit testimony and discussions regarding body parts and things like that, many more hands went up. I would like to think that I helped both the prosecution and the defense pick the best jury possible, but in reality I wish I had just kept my big mouth shut.

We were then given an hour and a half lunch break and told to return at 1:30 p.m. Judge Apte mentioned that he had “just a few matters” to address at 1:30 p.m., and we would be ready to go at 1:40 p.m. I am fairly confident that I was the only one in the jury pool that knew there was no possible way that a few matters could be resolved in ten minutes, no matter how efficient Judge Apte was. Wasn’t he dealing with a bunch of lawyers? I suspected we would not start up again until sometime after 2:00 p.m. and I was correct. Of course, Judge Apte was very quick to take the blame for that (although I am sure it was not his fault) and to apologize profusely to the jurors for making them wait out in the hall. Candidly, I didn’t mind the waiting. I had a wonderful conversation with a pediatrician and may have even found a contractor to do some work at my house. Additionally, my coworker’s husband was in the same jury pool and I had a wonderful conversation with him about their new dog. All in all, I considered the 45-minute wait a success.

We then went through a few more questions before it was time for the lawyers to pick the jury. By the time we were done, I was pretty certain who would be picked. We all left the room and

continued page 30



Sunny Lim Hillary

May is Asian Pacific American Heritage Month (AP-AHM), a celebration of the culture, traditions and history of Asian Americans and Pacific Islanders in the United States. Congress passed a joint Congressional Resolution in 1978 to commemorate Asian American Heritage Week during the first week of May. The first week of May was chosen because two important anniversaries occurred during this time: the arrival of the first Japanese immigrants in America on May 7, 1843, and the completion of the transcontinental railroad – the majority of the workers who laid the tracks were Chinese immigrants – on May 10, 1869. In 1990, Congress voted to expand it from one week to a month-long celebration, and in May 1992 the month of May was permanently designated as Asian Pacific American Heritage Month.

Here's the latest scoop on the

Central Florida Association for Women Lawyers and the Greater Orlando Asian American Bar Association!

CFAWL

On April 2, 2011, members of CFAWL's Young Lawyers Committee and law students from Barry's Women's Lawyers Association visited **Harbor House of Central Florida** to clean, paint and redecorate the living room, children's play room and computer rooms at the domestic violence emergency shelter. Last year, Harbor House provided emergency shelter to more than 800 women and children. The CFAWL Young Lawyers Committee will continue its donation drive through the summer as it prepares for a second on-site visit in the fall. For more information about Harbor House, please visit www.harborhousefl.com, and for details about CFAWL's efforts, please contact chair **Megan Malec** at mwlmalec@gmail.com.

Special thanks to everyone who made the first makeover visit a success!

On April 30, 2011, CFAWL hosted a **Gala Afternoon Tea** at The Olde Cup & Saucer in Longwood. Members enjoyed ten types of finger sandwiches, tea breads, pastries, fresh baked scones, Devonshire cream and a fabulous sampling of five of "the Cup's" best teas!

This month, you don't want to miss a special CFAWL **Fashion Night** on May 4, 2011, from 6:30 p.m. to 8:30 p.m., at Talbot's in Winter Park! This private fashion show and shopping event will provide you with new ways to update and expand the versatility of your current wardrobe with this season's trends. Whether you want tips on transitioning from the office to happy hour, or just want to infuse your own unique style into your courtroom attire, come to Talbot's! The cost is \$10, and RSVPs are requested

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On May 19, 2011, CFAWL is hosting its **Grande Dame Reception** from 6:00 p.m. to 8:00 p.m. at Dubsdread (in the ballroom of the main building where the restaurant is located) for female attorneys who have been practicing 20 years or more. The cost is \$25, which includes one drink ticket and heavy appetizers. You do not have to be a CFAWL member to attend, so spread

the word about this event to all colleagues! Please RSVP for the reception to CFAWL's president-elect, **Melanie Griffin**, at mgriffin@deanmead.com or 407-428-5106, on or before Thursday, May 12, 2011. Attendees may pay in advance by sending a check made out to "CFAWL" to Melanie Griffin at Dean Mead, 800 North Magnolia Avenue, Suite 1500, Orlando, FL 32803, or make payment the night of the event.

Finally, on May 25, 2011, CFAWL will host a **Dinner at the Ronald McDonald**

House. CFAWL will be preparing a delicious breakfast-dinner for families staying at the Arnold Palmer location of the Ronald McDonald house. Please help put a much-needed smile on the faces of our guests as we prepare this very "happy meal!" Volunteers are needed and kids are welcome! You can RSVP to **Kimberly Lorenz** at klorenz@fisherlawfirm.com.

GOAABA

On April 21, 2011, several voluntary bars held a mixer to benefit Japan at a **Joint Social** at Mojo Bar & Grill. In attendance were members from throughout the community as well as attorneys from the Greater Orlando Asian American Bar Association, the Hispanic Bar Association of Central Florida, the Central Florida Association for Women Lawyers, the Central Florida Gay & Lesbian Law Association (CFGLLA) and the Paul C. Perkins Bar Association. These voluntary bars collected donations to provide to the **Red Cross Japan Relief Fund**, which was created following the devastating March

11, 2011, earthquake and tsunami that swept over the northern part of Japan. The OCBA YLS generously matched funds up to \$2,500 raised for the Red Cross Japan Relief Fund. Thank you to the YLS and the numerous sponsors for their support, and to **Lisa Gong** of GOAABA, **Felipe Guerrero** of HBACF, **Kimberly Lorenz** of CFAWL, **Kenneth H. P. Bryk** of CFGLLA and **Warren Channell** of the Paul C. Perkins Bar Association for organizing this fundraising social.

The Florida Bar Foundation has awarded GOAABA a grant to apply to a public education program relating to the removal of the **Alien Land Law**. Florida is the only state in the Union that still maintains the following constitutional prohibition against aliens owning real property under Article I, Section 2 of the Florida Constitution: "all natural persons, female and male alike, are equal before the law and have alienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property except that the ownership, inheritance, disposition and possession of real property by aliens ineligible for citizenship may be regulated or prohibited by law. No person shall be deprived of any right because of race, religion, national origin or physical disability." The restriction on alien ownership of land began in the late 1800s and continued through the early 1900s through the passage, state by state, of laws restricting Chinese and Japanese immigrants from owning real property.

GOAABA's campaign for the removal of the Alien Land Law will launch this month. For more information, or for literature prepared by GOAABA, please contact **Christy Nash** at Christy.Nash@burr.com.

If you belong to a Central Florida bar association and would like to submit your news, please contact me at 407-272-5488 or email me at sunny@hillarylaw.com.

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

Dear John,



By John Elliott Leighton

Dear John,

What's the Florida Legislature changing about medical malpractice cases?

— Patricia S., Hollywood, FL

A: The Legislature has proposed a number of bills which have been getting passed through committee which have the effect of eliminating medical malpractice responsibility. Specifically, SB1676 seeks to provide sovereign immunity to medical schools and their employees who provide patient services in public teaching hospitals, limiting the medical schools' liability to \$200,000 and providing personal immunity to the doctors. On April 4, The Senate Health Regulation Committee approved SB1676 in a 11-1 vote. The bill must now pass through two additional Senate committees. There are other bills pending that provide immunity to doctors and hospitals who treat Medicaid and medicare patients and require experts from other states to obtain licensing from the State of Florida before testifying in malpractice cases (HB 479).

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Mark Powers



Shawn McNalis

Market Yourself through Storytelling

You've heard me say this before: the least expensive, most ethical and most effective way to market yourself and your law firm is through a well-structured word-of-mouth marketing program. Unlike print or television advertising, it produces enough trust to generate the highest quality and least price-sensitive clients. When referred clients show up at your office because someone said you were good at what you do, studies show they are more motivated, more likely to pay and will be more loyal in the long run.

What you haven't heard us mention is that word-of-mouth marketing is also effective because it taps into a very basic urge. An urge most of us find irresistible. What is it?

It's the urge to tell our stories; to talk about what's happening with the world, the workplace, and, especially, with our lives. The river of information flowing through everyday communications the world over is enormous. And on close examination, the narrative device used to convey much of the information will be some form of a story.

As it turns out, this is no accident. Listening to stories is how we learn.

"Stories are one of the oldest and most persistent forms of communication," explains Richard Stone of the StoryWorks Institute, located in Winter Park, Florida. "In fact, they are so much a part of us that the human brain is hardwired to learn best when stories carry the message." A look around will confirm his words. In our modern society stories are everywhere. They provide the plots for books, movies, theater and television shows. The twenty-four hour news channels bring you the stories of the day. The best teachers, leaders and communicators have always recognized the importance of storytelling and have used stories to convey lessons, messages and inspiration. A well-told story has the power to evoke images and fill the listener with emotion.

Because of this, stories achieve what no other form of communication can. Harness the power of storytelling in your word-of-mouth marketing program and capitalize on the receptivity built into those you want to educate about your service. Use stories in conversations with potential clients to demonstrate your expertise, with referral sources to illustrate how you can help their clients and in social settings to educate people about your firm. "Look for the drama in your everyday actions to formulate your stories," says Stone. "Just

as a good author can find a story where others see only the commonplace deeds of ordinary people, it's possible for each of us to frame our work in heroic terms. Stories are your narrative assets."

According to Stone, a well-crafted story about why you became an attorney, why you are compelled to help people or how you fought to succeed in spite of great difficulty becomes an important conversational strategy. These stories are verbal commercials for you and your services. These narrative assets are the hidden gems of your word-of-mouth marketing program.

How can you harvest the wealth of experiences you've had in order to craft your own stories?

Read the following prompts and write down the ideas that come to mind when you hear them:

- ⊙ I became a lawyer because...
- ⊙ I'm passionate about my practice area because...
- ⊙ The type of people (your primary client) I like to help is...
- ⊙ The reason I like to help these people is...
- ⊙ I make a difference for people because...
- ⊙ The most interesting problem or challenging conflict I've had to resolve is...

The stories you tell, whether short or long, reflect your values and your ideals – and often are successful because they do this indirectly. They can be considered the "stealth bombers" of marketing because you can convey a great deal of information about yourself and your practice, and entertain your listener, at the same time. Your stories are powerful teaching tools and can teach people about you as a lawyer, demonstrating what you value, whom you help and how you help. Stories that are humorous show that you are human. You don't have to be the hero in every story. Stories that are self-deprecating can be engaging, humbling and among the most memorable.

The spirit of your legal approach and the values that form that approach are encoded in your conversations; make powerful stories, or your "narrative assets," one of your most powerful rainmaking assets. Beyond this, Richard Stone suggests we are each driven to create the story of our own life and practice. "Fundamentally, every business is a stage for the enactment of human myths. We found, lead, manage, nurture, serve, suffer with, and exalt our businesses not just to create wealth

and financial security. At the heart of every such pursuit is something much more essential and innate to the human spirit – the need to create a story with a satisfying ending.”

In your marketing game plan, I recommend having at least three stories that you can identify by name and that share information about the kind of client you serve or, why you are great at what you do, or that allow the listener to relate better to you. As Stephen Covey, the author of *Seven Habits of Highly Effective People* says, “They don’t care how much you know, until they know how much you care.”

Mark Powers, President of Atticus, Inc. and **Shawn McNalis** co-authored *How Good Attorneys Become Great Rainmakers* and *Time Management for Attorneys* and are featured writers 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.

What Great Writers Can Teach Lawyers and Judges

continued from page 11

³⁵John Irving, *Trying to Save Piggy Sneed*, N.Y. Times, Aug. 22, 1982, sec. 7, at 3.

³⁶Camille Lamar Campbell, *How to Use a Tube Top and a Dress Code to Demystify the Predictive Writing Process and Build a Framework of Hope During the First Weeks of Class*, 48 Duq. L. Rev. 273, 310 (2010) (quoting Michener).

³⁷BILL KNOTT, *THE CRAFT OF FICTION* 159 (1977) (quoting Michener); KATHRYN ANN LINDSKOOG, *CREATIVE WRITING FOR PEOPLE WHO CAN’T NOT WRITE* 62 (1989) (same; see also Robert Van Gelder, *An Interview With Mr. E. B. White, Essayist*, N.Y. Times, Aug. 2, 1942, at BR2 (“quoting White: “The main thing I try to do is write as clearly as I can ... “I rewrite a good deal to make it clear.”); LAWRENCE GROBEL, *CONVERSATIONS WITH CAPOTE* 205 (1985) (quoting Truman Capote: “I believe more in the scissors than I do in the pencil.”).

³⁸Judith Frutig, *Dr. Seuss’s Green-Eggs-and-Ham World*, in THOMAS FENSCH, *OF SNEETCHES AND WHOS AND THE GOOD DR. SEUSS: ESSAYS ON THE WRITINGS AND LIFE OF THEODOR GEISEL* 77, 79 (1997).

³⁹MARK MY WORDS, *supra* note 7, at 6.

⁴⁰Mark Twain, Letter of Feb. 10, 1868, quoted at White House Symposium on the Life and Works of Mark Twain (Nov. 29, 2001), <http://georgewebush-whitehouse.archives.gov/firstlady/initiatives/twain.html> (Mar. 4, 2010); see also MARK MY WORDS, *supra* note 7, at 42 (“A successful book is not made up of what is in it, but what is left out of it.”).

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mouse in one hand and a checkbook in the other. They're highly motivated, and you don't want to miss an opportunity to connect with, engage and convert them.

Content

Some Web sites are like glorified electronic brochures. The generic, stagnant content they offer up convinces few site visitors to stay and even fewer to come back for more. Devoting some time – even just a few hours a month – to new content and site updates is a smart investment that will draw search engines and legal prospects to your site. Content like blogs, an article on a high-profile case or the latest issue of your firm newsletter are easy, non-time-intensive ways to prevent your site from going stale.

Online video is another effective form of content. As sites like YouTube demonstrate, video is the medium of choice for many people, particularly young consumers. A growing number of attorneys are using video messages to break down the intimidation factor between lawyer and legal prospect, a trend that legal marketing experts think will continue.

Content tools like video also allow you to

customize your message and define what sets your firm apart, in terms of background, practice niches or unique services you offer (Spanish-language expertise, for example). For most firms, focusing on your specialties is a smart move. Research shows that an attorney's expertise in a specific legal field is the #1 factor that online consumers consider when selecting an attorney.

Return on Investment

Especially in today's challenging economy, it is important to analyze your marketing strategy to determine what is working, what is not and where you can make adjustments.

Look for an online marketing partner who can help you go beyond the broad, high-level numbers (total site visits, for example) to collect key data such as:

- How prospects arrive at your site, and where they go when they leave.
- The keywords and key phrases your site visitors use.
- Your most (and least) popular Web content.

The calls and e-mails generated by your online marketing can be easily tracked as well via analytic software and tracking

phone numbers that your Web partner should provide.

With that information in hand you can make better, more informed decisions about what to cut back and where to spend more in promoting your firm.

So while the economy has yet to shift into recovery mode, law firms with a strong online marketing strategy and return-on-investment (ROI) data are well-positioned to weather the storm, generate leads and gain more well-qualified, high quality new clients moving forward.

*FindLaw creates Web sites and other Internet marketing strategies that connect law firms with more well-qualified clients. FindLaw solutions are supported by dedicated local consultants and the largest, most knowledgeable team of experts in the legal industry. We harness the power of **FindLaw.com** – the most popular online source of legal information – to drive Internet traffic to our clients' Web sites and profiles. FindLaw is a Thomson Reuters company and a division of West. To schedule an appointment with a FindLaw online marketing consultant, call 1-866-44FINDLAW (1-866-443-4635) or e-mail west.infofindlaw@thomson.com. Visit lawyermarketing.com for more information about the importance of law firm marketing.*

What Do You Mean I Wasn't Picked for the Jury?

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waited with anticipation until we were called back in to find out who was going to be selected. I must say, I was right about seven of the eight selected. Only one surprised me. I was not surprised, however, that seven of the eight jurors were men. Given the questioning in *voir dire*, it did appear that the defense was going to be that the touching, despite outward appearances, was not sexual in nature. I will not go into details of what was discussed, but it did appear that first-hand experience with male body parts might be important.

When they announced the eight that were selected, I was incredibly disappointed that I was not picked. Although I knew my chances were slim to none, I was slightly encouraged by the fact that it was a criminal case. Nevertheless, it was not meant to be. I was grateful when they let us go at about 4:30 p.m., knowing I would not have to cancel the rest of the week's appointments.

All in all, the experience was positive. Although my interest in the system could

have made me view the system more critically than others, I found that the actual process itself is very organized and efficient. It is clear that an effort has been made to make sure that those summoned are comfortable. The court staff at every step was courteous, informative and respectful. I really cannot imagine that anybody has had a bad experience. I acknowledge that I may be looking at this a little differently because I am part of the legal system and have a

vested interest in it, but regardless, I don't think anything bad can be said about it. I eagerly anticipate my next summons, and I vow to keep my mouth shut next time!

Jamie Billotte Moses, 2010-2011 president of the Legal Aid Society of the OCBA, Inc., is a shareholder with Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A. She has been a member of the OCBA since 1994.



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Pathways In Law is designed to expose youth from a cross section of the community to the law and to professions within the legal and criminal justice field. Our two-fold aim is to educate these youth on prevention as well as on potential career paths they might explore. We host an annual event in conjunction with recognition of Law Day. The program was held on March 28, 2011, and included a mock trial and Career Program. Since this year's program was geared towards foster kids, Pathways hosted foster children from Great Oaks Village as well as kids from the Parramore Kidz Zone and The Orlando After-School All Stars.

The Career Program included a panel of legal professionals, including a judge, deputy, attorneys, federal probation officer, paralegals, court reporters and an interpreter, who explained their educational background and the qualifications necessary for their respective careers. The kids participated in a mock trial about possession of drugs at school.

The program was held at the Orange County Courthouse. A free lunch was provided at noon.



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Transitions

James Arthur Urban passed away on Feb. 26, 2011, in St. Petersburg, FL. He was 84. He served as president of The Florida Bar in 1974 and practiced law in Orlando from 1953 until his retirement in 1994 from Carlton Fields as a shareholder. He served as president of the OCBA from 1966 -1967. We extend our deepest condolences to Mr. Urban's family, friends and colleagues.

Speaking Engagements

Lou Frey, a shareholder with Lowndes, Drosdick, Doster, Kantor & Reed, P.A. and founder of the Lou Frey Institute of Politics and Government at UCF, addressed the complex and evolving relationship between China and the United States during a day-long symposium held at the university on April 4, 2011.

An OCBA Professionalism Committee panel consisting of **Judge Alicia Latimore, Judge Emerson Thompson, Lincoln Le Varge, Esq., Kristopher Kest, Esq., Carrie Ann Wozniak, Esq., and James Edwards, Esq.** presented a workshop/seminar entitled *Conducting a Hearing Professionally and Persuasively* for law students at FAMU College of Law. The workshop, held on March 30, 2011, was sponsored by **Professor J. Richard Hurt**.

Attorney **Denise Morris Hammond** presented the seminar, *Effective Discovery in Arbitration*, at The Florida Bar Association's Construction Law Institute in April. Her seminar, titled *Effective Discovery in Arbitration*, focused on the new National Protocols for Timely, Cost Effective Arbitration from the College of Commercial Arbitrators in conjunction with the American Arbitration Association.

Clement L. Hyland, owner of Hyland Mediation, LLC, presented *Data Mining and E-Data Stonewalling in Electronic Discovery and Ethical Challenges of Attorneys as Employees and Employers* at the Legal Ethics in the Digital Age seminar sponsored by the National Business Institute on March 10, 2011, in Orlando.

Drew Sorrel, partner with Lowndes, Drosdick, Doster, Kantor & Reed, P.A., presented *Is your contract clear or partly cloudy?* at the Central Florida Information Technology Society (CFITS) in Orlando on March 24, 2011.

Upcoming Events

May 12 – *Texas Hold 'Em Charity Poker Tournament*. 5:30 p.m.-8:30 p.m. Slingapours, 18 Wall Street, Orlando, FL 32801. Sponsored by M&I Bank.

May 18 – OCBA Installation Banquet. 5:30 p.m. The Ballroom at Church Street.

June – Afternoon at the State Courthouse. Details TBA.

Seminars

May 4 – *Jimmy Rice in a Nutshell*. Criminal Law Committee. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0 pending. Speaker: Kimberly J. Mann. Contact: mariew@ocbanet.org.

May 5 – *Florida Commercial Real Estate Receiverships*. Business Law Committee. 10:30 a.m. -2:30 p.m. OCBA Center. CLE: 3.5. Fee: \$25. Speakers: Christopher Pace, Ray Sandelli, Bill Moss, Sr., Donald Kirk, Lacey Willard. Lunch will be provided. Contact: mariew@ocbanet.org.

May 5 – *Interrogatories: Propounding and Answering*. Brown Bag Lunch with Judge John M. Kest. 12:00 p.m.-1:15 p.m. Orange Coun-

ty Courthouse, 23rd Floor Judicial Conference Room. CLE: 1.5. Free. Contact: Diane Iacone at 407-836-0443 or ctjadi1@ocnjcc.org.

May 10 – *Advocacy Tools for Effective Representation in Unemployment Compensation Appeals*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Comerica Bank. Free for members. CLE pending. Speaker: Sally McArthur, Attorney. Contact: ctucker@legalaiddocba.org; mcarbo@legalaiddocba.org.

May 18 – *Insurance Issues in Catastrophes: Deepwater Horizon as One Example*. Insurance Law Committee. 8:30 a.m.-4:30 p.m. OCBA Center. CLE: 8.5 (including 2.5 ethics). Guest Speaker: Charles Wells, former Florida Supreme Court Justice. Fee: \$35 advance; \$45 after May 11. Lunch sponsored by Curtis Protective Service. Contact: mariew@ocbanet.org.

May 20 – *Military Issues in Dissolution Cases*. Family Law Committee. 12:00 p.m.-1:00 p.m. OCBA Center. Contact: mariew@ocbanet.org.

May 24 – *When Permanency Isn't Permanent: What to Do when a Dependency Case Re-Opens*. LAS Lunchtime Training (GAL topic). 12:00 p.m.-1:30 p.m. Comerica Bank. Free for members. CLE pending. Stephanie Stewart, Attorney. Contact: ctucker@legalaiddocba.org; mcarbo@legalaiddocba.org.

May 31 – *Mediation Essentials*. Solo and Small Firm Committee. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0 pending. Speaker: Dan Honeywell. Contact: mariew@ocbanet.org.

June 1 – *Lessons Learned of the Practice of Law During My Career*. Criminal Law Committee. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0 pending. Speaker: Robert Eagan. Contact: mariew@ocbanet.org.

June 3 – *Food for Thought*. OCBA Paralegal Committee. 12:00 p.m.-1:00 p.m. OCBA Center. Amy Guy at 407-601-4905.

June 9 – *Post-Traumatic Stress Disorder Claims Issues Related to VA Benefits*. Social Security Committee. 11:30 a.m. OCBA Center. Contact: mariew@ocbanet.org.

June 9 – *Dealing with Experts*. Brown Bag Lunch with Judge John M. Kest. 12:00 p.m.-1:15 p.m. Orange County Courthouse, 23rd Floor Judicial Conference Room. CLE: 1.5. Free. Contact: Diane Iacone at 407-836-0443 or ctjadi1@ocnjcc.org.

June 10 – *War & Peace*. Appellate, Business and Professionalism committees. 8:30 a.m.- 4:00 p.m. OCBA Center. CLE: pending. Speakers: Gregory S. Martin; Adam C. Losey; Judge Frederick J. Lauten; Elizabeth C. Wheeler; Former Florida Supreme Court Justice Charles T. Wells; John R. Hamilton, Barbara A. Eagan, Nicholas A. Shannin. Contact: mariew@ocbanet.org. Sponsored by: Eagan Appellate Law, PLLC; Thomas Wade Young, PL and Zimmerman, Kiser & Sutcliffe, P.A.

June 14 – *Basic Dissolution of Marriage with Children for Pro Bono Attorneys*. LAS Lunchtime Training. 12:00 p.m.-2:00 p.m. Comerica Bank. CLE pending. Speaker: Angel Bello-Billini, Attorney. Free for members. Limited enrollment. Contact: ctucker@legalaiddocba.org; mcarbo@legalaiddocba.org.

June 17 – *Get to Know Judge Keith White*. Family Law Committee. 12:00 p.m.-1:00 p.m. OCBA Center. Contact: mariew@ocbanet.org.

June 28 – *The New Kid in Town: An Introduction to CBC of Central Florida*. LAS Lunchtime Training. 12:00 p.m.-2:00 p.m. Comerica Bank. CLE pending. Speaker: Cara Dobrev, Attorney. Free for members. Contact: ctucker@legalaiddocba.org; mcarbo@legalaiddocba.org.

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OCBA Calendar

MAY - JUNE 2011

Officer Installation Banquet

Wednesday, May 18, 2011

5:30 p.m.

The Ballroom at Church St.

RSVP by Thursday, May 12, 2011

reservations@ocbanet.org

May

4 Criminal Law Committee Seminar

Jimmy Rice in a Nutshell

12:00 p.m. • Bar Center

5 Business Law Committee Seminar

Florida Commercial Real Estate

Receiverships

10:30 a.m. • Bar Center

Brown Bag Lunch with Judge J.M. Kest

Topic TBA

12:00 p.m. • Courthouse

23rd Flr. Judicial Conference Rm.

Federal Judicial Relations

12:00 p.m. • Judge Conway's Chambers

10 Intellectual Property Committee

12:00 p.m. • Bar Center

LAS Lunchtime Training

Advocacy Tools for Effective Representation

in Unemployment Compensation Appeals

12:00 p.m. • Comerica Bank

11 Estate, Guardianship Committee

12:00 p.m. • Bar Center

Judicial Relations Committee

12:15 p.m. • Courthouse

21st Flr. Conference Rm.

Executive Council Meeting

4:30 p.m. • Bar Center

12 Real Property Committee Seminar

12:00 p.m. • Bar Center

Social Security Committee

12:00 p.m. • Bar Center

Texas Hold 'Em Charity Poker

Tournament

5:30 p.m. • Slingapours

Sponsored by M&I Bank

13 Family Law Executive Committee

11:45 a.m. • Houlihan's

Workers' Compensation Committee

11:45 a.m. • Smokey Bones

16 Elder Law Committee

12:00 p.m. • Bar Center

17 Professionalism Committee

12:00 p.m. • Bar Center

18 Insurance Law Seminar

Insurance Issues in Catastrophes

8:30 a.m. • Bar Center

Construction Law Committee

12:00 p.m. • Bar Center

OCBA Officer Installation Banquet

5:30 p.m. • The Ballroom at Church Street

19 YLS Luncheon

12:00 p.m. • Citrus Club

20 Family Law Committee Seminar

Military Issues in Dissolution Cases

12:00 p.m. • Bar Center

24 LAS Lunchtime Training (GAL topic)

When Permanency Isn't Permanent: What

to Do when a Dependency Case Re-Opens

12:00 p.m. • Comerica Bank

25 Appellate Law Committee

12:00 p.m. • Bar Center

Labor & Employment Committee

12:00 p.m. • Bar Center

27 Bankruptcy Law Committee

12:00 p.m. • Bar Center

Criminal Law Committee Meeting

12:00 p.m. • Café Annie's

31 Solo & Small Firm Committee

Mediation Essentials

12:00 p.m. • Bar Center

June

1 Criminal Law Committee Seminar

Lessons Learned of the Practice of Law

During My Career

12:00 p.m. • Bar Center

3 Paralegal Section Seminar

Food for Thought

11:30 a.m. • Bar Center

8 Literary Society

12:00 p.m. • Bar Center

Estate, Guardianship Committee

12:00 p.m. • Bar Center

Executive Council Meeting

4:30 p.m. • Bar Center

9 Social Security Seminar

Post-Traumatic Stress Disorder Claims

Issues Related to VA Benefits

11:30 a.m. • Bar Center

Real Property Committee

12:00 p.m. • Bar Center

Brown Bag Lunch with Judge Kest

Dealing with Experts

12:00 p.m. • Courthouse

23rd Flr. Judicial Conference Rm.

10 Appellate, Business & Professionalism Committees

War & Peace

8:30 a.m. • Bar Center

Workers' Compensation Committee

11:45 a.m. • Smokey Bones

14 LAS Lunchtime Training

Basic Dissolution of Marriage with

Children for Pro Bono Attorneys

12:00 p.m. • Comerica Bank

15 Elder Law Committee

12:00 p.m. • Bar Center

16 OCBA Luncheon

Mayanne Downs, President,

The Florida Bar

11:30 a.m. • The Ballroom at Church Street

Co-hosted by CFAWL

YLS Luncheon

12:00 p.m. • Citrus Club

17 Family Law Committee Seminar

Get to Know Judge Keith White

12:00 p.m. • Bar Center

Afternoon at the State Courthouse

TBA • Orange County Courthouse

21 Professionalism Committee

12:00 p.m. • Bar Center

22 Appellate Law Committee

12:00 p.m. • Bar Center

Labor & Employment Committee

12:00 p.m. • Bar Center

24 Bankruptcy Law Committee

12:00 p.m. • Bar Center

Criminal Law Committee Meeting

12:00 p.m. • Café Annie's

28 Solo & Small Firm Committee Meeting

12:00 p.m. • Bar Center

LAS Lunchtime Training

The New Kid in Town: An Introduction

to CBC of Central Florida

12:00 p.m. • Comerica Bank