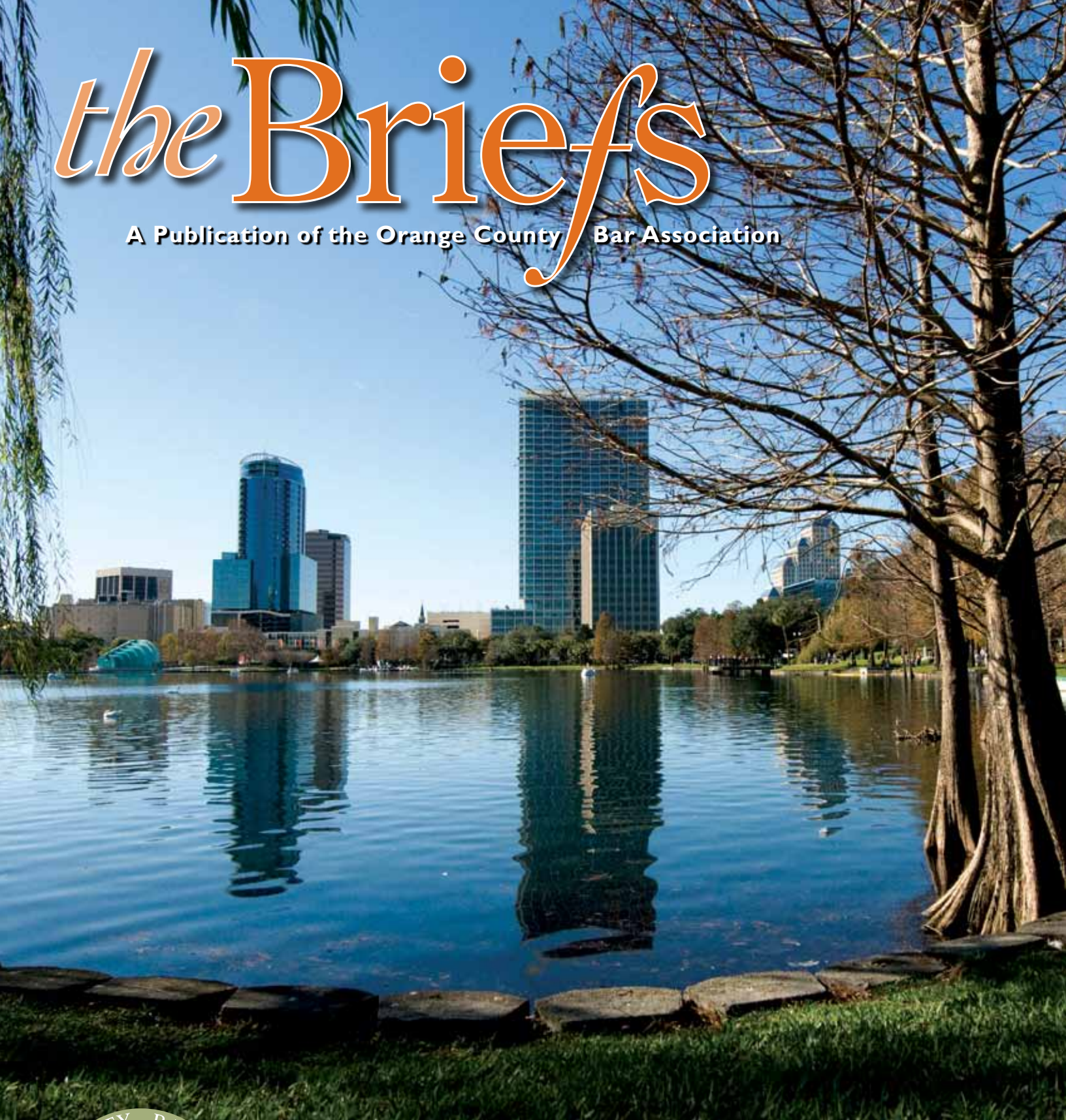


the Briefs

A Publication of the Orange County Bar Association



September 2012
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DEADLINE INFORMATION

Advertising - 10th of the month prior to the month of publication

Copy - 15th of the month six weeks prior to the month of publication

If the deadline falls on a weekend or holiday, the deadline is the next business day. Publication of advertising herein does not imply any endorsement of any product, service or opinion advertised. The opinions and conclusions, including legal opinions and conclusions contained in articles appearing in *The Briefs*, are those of the authors and do not reflect any official endorsement of these views by the Orange County Bar Association or its officers and directors, unless specifically stated as such.

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President's Message

September 2012



Kristyne E. Kennedy, Esq.

Behind Every Great Bar Association...

Many of you may not be aware of all of our awesome OCBA staff members, so I'd like to take a moment to recognize the people we have working behind the scenes to make the OCBA the great organization that it is. Without the commitment and hard work of our staff, we would not be where we are today – one of the best voluntary bar associations in the nation!

Our **Executive Director, Brant Bittner**, has been with us for almost ten years. Under his watch, we have seen impressive growth in our membership and in the quality and number of programs and services our organization provides, including a number of successful new initiatives such as the recent award-winning Leadership Law program. In addition to managing day-to-day operations and overseeing our excellent staff, Brant plays an integral role working with each bar president and the Executive Council to further the bar's efforts to fulfill its mission and exceed all of its goals. If you haven't had an opportunity to meet Brant, seek him out at a bar luncheon and introduce yourself. He is very friendly and approachable, and is genuinely interested in hearing what you have to say.

Karen Fast is our fabulous **Membership Manager**. In the less than two years she has been with us she has already had a positive impact on the bar's growth. At a time when many other voluntary bar associations have seen a decline in membership, we have continued to grow (3,500 members as of July 1!), and this is thanks in large part to Karen's efforts – including her personal outreach to potential new members, as well as her implementation of valuable member benefits such as the online career center. Among other things, Karen is responsible for managing courthouse access cards, the online membership directory, annual dues renewals, and the 100% Club. And don't be surprised if you spot her somewhere waving an OCBA membership application, inviting someone to join the OCBA or asking him or her to invite a colleague to join.

The always energetic and enthusiastic **Marie West** is our **Events and Seminars Manager**. She is the person who works hard to provide a welcoming "home" when you come to the bar center for a meeting or other event. If you have planned an event or rented a room at the bar, you probably know Marie because she is in charge of booking meeting rooms for seminars and other events, and she does everything she can to make

sure that each event goes smoothly. Whether it is providing AV equipment (by the way, we'll be adding the ability to do webinars within the next month!), or arranging for food and beverages, Marie is downright passionate about making every event a top-notch experience! She works closely with our substantive committees as they plan seminars, advising each group about the paperwork necessary to apply for CLE credits, and submitting material to The Florida Bar for approval. Marie also handles planning and overseeing our monthly luncheons. And by "oversee" I'm not just talking about the menu. If you attended our July luncheon/State Attorney Candidates Debate, you may have seen her in action – truly, nobody can wrangle more than 500 hungry attorneys and judges the way Marie can!

Flying a bit under the radar, all the while working diligently and without need for fanfare, is our **Citizen Dispute Settlement/Family Law Mediation (CDS/FLM) Manager, Maria Sanchez**. Over the years, Maria has developed strong working relationships with the *pro bono* mediators. She coordinates mediations for hundreds of individuals who come to the bar seeking help to resolve a legal issue. At least two evenings a week, Maria is at the bar center managing scheduled mediations. Because of her efforts, as well as the skill and dedication of the mediators who participate, many people in our community have been able to experience the benefits of this valuable program. Maria also demonstrates her dedication and commitment to this program and to the OCBA by actively promoting the CDS/FLM services within the community by getting the word out at various events hosted by community organizations such as the Hispanic Chamber of Commerce.

To many of you, **Norma Paradiso** needs no introduction. Norma is our fearless and tireless **Lawyer Referral and Information Service (LRIS) Manager**. Norma takes more than 500 calls each week from people in the community seeking to be referred to a lawyer. (Some of the OCBA staff is convinced that Norma is actually glued to her desk chair and headset.) She responds to each caller in a knowledgeable, assuring way and makes every effort to find just the right attorney to handle each person's needs. She truly is great at all aspects of her job – treating each and every call as important as the last, and she

continued page 6



Suellen Fagin-Allen, JD, MA,
NCC, LMHC

Professionalism in Action: Handling the “Difficult” Client

If I were to write a primer on how to get a bar grievance, I would have to start with: “Do not keep in touch with your client.” Kenneth Marvin, Esq., Director of Lawyer Regulation for The Florida Bar, agrees. Marvin says that in the past two years, the Bar opened 657 cases relating to communication problems between attorneys and clients. Although perhaps initially involving other issues, such as trust accounting violations, Marvin adds, “It is very clear from my review of thousands of complaints, that lawyers failing to adequately communicate with their clients is #1 on the list.”

As a mental health professional, I frequently see clients who are also involved in the legal system. Often, they voice frustration at simply not knowing what is going on. As lawyers, we need to remember that although we understand “the system,” our clients may not. Confusion and not knowing exacerbate the stress they already feel as the result of their legal issues.

Lawyers do not sell washing machines or fix plumbing leaks. We assist people in solving significant personal problems. Even transactional lawyers see troubled clients – think of the grieving widow or widower, the author whose book deal falls through, or the business owner whose enterprise suddenly flops. Clearly, lawyers often see clients at their most vulnerable. People feeling vulnerable will sometimes behave irrationally and appear to be “difficult.” We need to be able to respond effectively. Legal education’s recent focus on teaching the so-called “soft,” people-oriented skills, helping future lawyers develop the empathy needed to both produce good technical results and really satisfy clients, is a good move, in my view. Many of those crucial skills lie in the area of communication.

Mental illness sometimes factors into legal issues, making communication more difficult. However, it is important that we refrain from pathologizing normal human distress. Awareness is crucial, and it is important to make a professional referral if your client’s conduct suggests that he or she may be suffering from a mental or emotional disorder; but remember, the “difficult” client may simply need some support. Providing the proverbial “shoulder to cry on” is not your job as a legal advocate, but you have an ethical obligation not to make a stressful situation even more difficult.

Keeping in touch reassures your clients. Avoidance solves nothing and can create big problems.

Communicate! Tell clients what you are going to do and then do it – or explain that you cannot, and why. Marvin suggests writing them status letters every month. Details of individual client cases can be plugged into a basic form letter. Sending regular status letters protects you against allegations that you did not keep your clients informed.

Beyond simply avoiding a grievance, though, it is important to remember that your client is a human being and behave accordingly. Think of what you would want from an attorney if you were involved in a court case. Forget the fact that you know “the system.”

- Express empathy. Saying “I’m sorry for what you’re going through” is not an apology. Showing empathy is simply an acknowledgement that you see the client is hurting.
- Explain clearly what you can and cannot do for your client. You can help resolve legal issues. You are not a mental health professional and will not provide free therapy.
- Take time to explain the steps in the legal process and what can be expected along the way.
- Set boundaries in writing about how and when you can be contacted. Have the client verbally summarize your policy to make sure it is understood. Explain how emergency help can be accessed after hours.
- In conference, let your client know that you are paying attention. Summarize what you have heard and ask whether that is what was said. Often the message intended is not the message received. Clarify misunderstandings promptly.
- Refuse to be triangulated or drawn into the personal drama between your client and the opposing party. Do not take on your client’s frustration, anger, or rage and project it on to opposing counsel, clients, or witnesses. Let your client know that your fee does not include putting on a show to annoy, intimidate, or harass your opponent.
- Provide referrals, affirm that there is no shame in needing a helping hand once in a while, and suggest (strongly, in some cases!) that your client consult a professional trained in providing emotional support during this difficult time.

continued page 25



Al Torres, M.D.

Nemours Children's Hospital – What it Means to Central Florida

Dr. Al Torres is the Chief of Critical Care and Transport at Nemours Children's Hospital. He also serves as the Medical Director of Respiratory Care and Clinical Logistics for the hospital.

Dr. Torres is a pediatrician certified by the American Board of Pediatrics to practice Pediatric Intensive Care. He brings twenty years of critical care experience to his new position at Nemours Children's Hospital.

Dr. Torres earned his M.D. degree in 1986 from the University of Illinois College of Medicine and his undergraduate degree from Loyola University Chicago in 1981. Dr. Torres went on to earn a master of science degree from the Medical College of Wisconsin in 1997.

Dr. Torres is a Fellow of The American Academy of Pediatrics and the American College of Critical Care Medicine. His professional experience includes 14 years at the Children's Hospital of Illinois in Peoria, Illinois, from 1998 to 2011, where he served as the director of the Pediatric Intensive Care Unit for the latter eight years. His other administrative positions while in Illinois included director of Pediatric Home Ventilation Program, Pro-

cedural Sedation Program, and Pediatric Respiratory Care. Dr. Torres began his professional career at Arkansas Children's Hospital, where he served the critically ill children of Arkansas for five and one-half years. Dr. Torres has also served for the past four years on the Board of Medical Directors for AirEvac Life Team, an aeromedical ambulance company with more than 100 helicopter bases in 15 states.

Dr. Torres has published 22 original scientific papers and four book chapters. He has made 35 research presentations at national medical conferences as well as 50 invited presentations at hospitals and medical schools across the country. He has received awards for his service and teaching from the University of Illinois College of Medicine.

Dr. Torres relocated to Central Florida in December of last year with his wife of 28 years, Laura, and their two dogs. Their home is located in Belle Isle. They have two adult children, both of whom live outside of Florida. Dr. Torres enjoys playing golf and bike riding.

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President's Message

continued from page 3

also fearlessly follows up with LRIS attorneys on cases she has assigned to them. Go Norma!

Gloria Warrick, LRIS Assistant, assists Norma in her efforts, providing valuable support to make the LRIS program successful. Among other things, she follows up with clients who have received a referral to check on the status and determine whether they were satisfied with their referral experience. Gloria also helps manage the staggering number of incoming calls when she "pulls calls" (i.e., transcribes messages from callers who don't reach Norma when her line is busy). Gloria's work is yet another example of how our staff is there working to further the OCBA's effort to provide excellent service to our community.

Barbara Zablocki is the OCBA's **Communications Coordinator**. She is the first person everyone sees when they walk into the bar center. As our ambassador, Barbara always makes that very important first impression with a welcoming smile for everyone who comes through the door – whether it is an OCBA member, potential new member, or someone from the community seeking help from LRIS, CDS/FLM, or other services the OCBA may offer. Barbara also pitches in and helps other departments, assisting with event RSVPs, applications for the Lawyer Referral panel, and CLE DVD and CD order fulfillment, among many other things.

Marketing Manager Sheyla Asencios has not been with us long, but she is already well-known to many of our members, as well as to the local business community. Sheyla handles a huge job for the bar, managing sponsorships and advertising. And if that is not enough, she also deserves a big thanks for her work overseeing and coordinating every detail of the OCBA's inaugural **Leadership Law** program that began last winter. Sheyla's can-do attitude, hard work, and positive approach to everything she tackles was indispensable in helping to make this award-winning program a success. Sheyla is fortunate to have assistance from one of our wonderful volunteers, **Kevin Lopez**, a great

"behind-the-scenes" marketing associate whose great work helps her and the OCBA continue to succeed.

Peggy Storch is our **Communications Manager**. Her title does little to describe all that she does. Having served over the years in a variety of roles (membership manager, seminars/events/room booking manager, CLE sales and fulfillment, to name a few), Peg is always willing and able to provide her invaluable advice and assistance to any OCBA staff member, officer, board member, committee chair, and member – and she does so with a smile, positive attitude, and genuine desire to help everyone and the OCBA be successful. She has been responsible for managing production of *The Briefs* for seven years, shepherding it from the old orange/black/white newsletter to the full-fledged, quality color magazine that it is today. Peg also handles all of the OCBA's press releases and email blasts, and oversees the OCBA website. The website, not surprisingly, has undergone many programming and other changes and will no doubt continue to go through more changes. In the near future, look for the addition of a "shopping cart." Other new functions in the works include a new homepage, videos, online ad purchasing capabilities, and more.

Nancy Barnette, another fabulous volunteer, assists Peg and other staff as needed. Her knowledge of the legal field and her attention to detail are of tremendous support to all with whom she works. She is a great addition and so appreciated by all for the assistance she provides the OCBA.

Mildred Rivera-Artau is our new **Accounting Manager**. Oh, what can I say about Mildred... I sometimes feel I should stop saying such nice things about her because she may start getting a big ego. A quote from an OCBA staff member says it all: "*What did we ever do without her?!!*" Unflappable, organized, and exacting are qualities that an organization needs in an accounting manager – and that so describes Mildred. (And, by the way, she's also *funny*!) Mildred has the incredibly important job of managing our money – not just paying our bills and sending out invoices, not just giving accurate reports to the board,

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but also working with each department, the YLS, Paralegal Section, and the Foundation to assist in managing their accounts. It's a huge job, and Mildred has truly wowed us with her enthusiasm, dedication, and commitment to doing excellent work.

These fabulous people are our OCBA staff: an amazing team of dedicated workers who consistently go the extra mile – with no

expectation of recognition or accolades – to make our bar association as successful as it is. We are truly lucky to have this team working for our bar and making us look good! Thanks to all of the OCBA staff – YOU ROCK!

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

Investiture: The Honorable Wayne C. Wooten

The Honorable Wayne C. Wooten was invested as judge of the Ninth Judicial Circuit Court on Friday, August 3, 2012, in the Pfeiffer/Powell Jury Assembly Room of the Orange County Courthouse.

Sheriff Jerry L. Demings called the group to order, Alex Johnson led the pledge of allegiance, and the Reverend Jack Fiscus, pastor of First Baptist Church of Orlando, gave the invocation. The Honorable Belvin Perry, Jr., Chief Judge of the Ninth Judicial Circuit, gave opening remarks and introduced dignitaries.

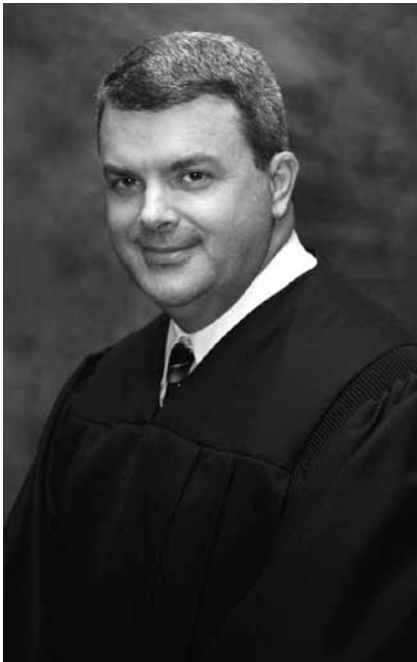
Presentations were made by the Honorable Alan S. Apte, Ninth Judicial Circuit, on behalf of the Conference of Circuit Court Judges, and by Karen Levey, Communications Director for the Ninth Circuit, on behalf of the Honorable Lydia Gardner, Clerk of Courts. Announcements and presentation of gifts on behalf of other bars were made by Kristyne E. Kennedy, Esq., president of the Orange County Bar Association. Bill Umansky, Esq., introduced Judge Wooten, remarking on their

personal and professional acquaintanceship. The Honorable W. Michael Miller, Ninth Judicial Circuit, administered the Oath of Office, following which members of Judge Wooten's family, Tracy and Nathaniel Wooten, performed the enrobing.

Judge Wooten then addressed the audience, thanked them for their support and the confidence they have placed in him, and acknowledged the support of his wife and family throughout the years. Pastor Fiscus gave the benediction, and the ceremony was closed by Judge Perry. A reception for family, friends, and colleagues followed the investiture.

Judge Wooten majored in political science and later received a juris doctor degree, both from the University of Florida. Soon after graduation, he went to work as an assistant state attorney in the Ninth Judicial Circuit from August of 1995 until he was appointed to the circuit bench in May of 2012. Judge Wooten tried more than 100 jury trials in his career with the State Attorney's Office. Because of his exemplary work, he was awarded the DUI Prosecutor of the Year award on three occasions.

Additionally, Judge Wooten has been active in the legal community. He has been a faculty member of the DUI Trial Advocacy School, a co-chairman of the Orange County Bar Association Criminal Law Committee, and a member of the Bar's Grievance Committee. Judge Wooten is also an instructor for Multi-Jurisdictional Taskforce Training (MCTFT), a joint partnership between the Florida National Guard and St. Petersburg College.



The Honorable
Wayne C. Wooten



Judge Wooten with his wife, Tracy, and son, Nathaniel



Michael R. D'Lugo, Esq.

Preservation of Error: Jury Instructions and Verdict Forms

The Appellate Practice Committee of the Orange County Bar Association is presenting a series of articles addressing various issues related to the steps that trial lawyers must take in order to preserve errors for appellate review. This article will focus on what the trial practitioner must know in order to properly preserve errors that are committed in the process of drafting and presenting jury instructions and the completion of verdict forms for appellate review.

First, there are some general rules that trial practitioners must follow that apply not only to jury instructions and verdict forms but to all aspects of preserving errors for appellate review. If not followed, practitioners may find themselves with a trial court error but no means to address it. This problem can be especially traumatic for the trial practitioner if the appellate court issues a written opinion explaining that the trial court has indeed committed error and that the appellate court would have reversed, were it not for the fact that the trial practitioner failed to take the steps necessary to preserve that error for appellate review.¹

As a general rule, an appellate court will not consider an issue that has been raised for the first time on appeal in the absence of fundamental error.² The objection must be made by the party seeking appellate review.³ The objection must be timely, and in most cases, contemporaneous with the event cited as being objectionable in order to be properly preserved for appellate review. What constitutes a timely objection will differ depending on the type of issue that is being raised. In the context of jury instructions and verdict forms, objections to jury instructions must be generally raised during the charge conference, and objections to the manner in which the jury has filled out a verdict form must be raised before the jury has been discharged. Finally, the objection must be based upon a specific legal ground and the supporting argument must be the same as the argument presented on appeal.

Any evaluation of the preservation of error in the context of jury instructions must begin with Florida Rules of Civil Procedure Rule 1.470(b). This subsection is titled: "Instructions to Jury" and provides in relevant part as follows:

Not later than at the close of the evidence, the parties shall file written requests that the court instruct the jury on the laws set forth in such requests. The court shall then require counsel to appear before it to settle the instructions to be given. At such conference,

all objections shall be made and ruled upon and the court shall inform counsel of such instructions as it will give. No party may assign as error the giving of any instructions unless that party objects thereto at such time, or the failure to give any instruction unless that party requested the same.

Objecting to a jury instruction during the charge conference is absolutely essential to preserving the issue for appellate review. An objection to an instruction given to the jury after the jurors have already retired to deliberate is untimely and cannot be considered on appeal,⁴ even if the jury returns to the courtroom with a question for the court after it has retired to deliberate.⁵

In order to properly preserve an objection to a jury instruction, it is necessary that a distinct and specific objection be made.⁶ This rule of preservation of error is different if the issue is the court's rejection of a party's own proposed instruction. While a specific objection must be raised to an opposing party's proposed jury instruction, any asserted error in a trial court's rejection of a party's own proposed instruction is adequately preserved as long as the request has been made in writing and the record is clear that the request has been rejected.⁷ Under these circumstances, there is no requirement for an additional objection to preserve that issue for appeal.⁸

The policy underscoring the necessity of a contemporaneous objection to jury instructions is based upon the practical necessity and basic fairness in the operation of the judicial system.⁹ A timely objection puts the trial judge on notice that an error may have occurred and provides the opportunity to correct the error at an early stage of the proceedings.¹⁰ It is essential that objections to jury instructions be timely made so that cases can be resolved expeditiously.¹¹ In the absence of a timely objection, the trial judge does not have the opportunity to rule on a specific point of law, which is why the issue is not preserved for appellate review if a timely objection is not made.¹²

Litigants must also be wary of the issue of invited error as it applies to jury instructions. A party may not claim as error the presentation of jury instructions which the same party urged the trial court to adopt.¹³ Similarly, a party who submits a proposed jury instruction that has no application to the facts of the case cannot claim error in the giving of the instruction.¹⁴ However, it is error for

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Board of Governors' Report



Scott R. McMillen, Esq.



Mary Ann Morgan, Esq.



Paul SanGiovanni, Esq.

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

The Special Committee on Lawyer Referral Services presented its final report. Recommendations include that lawyers may not accept referrals from services that also make referrals for other professional services stemming from the same incident, and that lawyers joining referral services must report to the bar which services they use, and requiring that referred clients make the initial contact with the lawyer or law firm. The report was referred to the Board Review Committee on Professional Ethics for further consideration and recommended action.

Florida Bar Foundation president Maria Henderson reported that the Foundation expects income from its chief funding source, IOTA (Interest on Trust Accounts), to be \$5.6 million for 2012-13, the same as for 2011-12. Henderson said interest rates are expected to remain low through 2014, which means that cuts to legal aid programs will exceed the 71 percent previously forecast. Direct donations from Florida lawyers to the "NOW" fundraising campaign and contributions from six bar sections are helping to offset the losses. The Foundation will also be receiving \$2.025 million in *cy pres* residual funds from a class action settlement in a Washington State consumer class action case. Florida Bar president Gwynne Young pledged to seek additional ways to support funding for Florida legal aid in her article, "Thou Shalt Not Ration Justice," on the President's Page, *The Florida Bar Journal*, July/August 2012 edition.

Discussion was held on proposed Florida constitutional amendment 5 which will appear on the November 6, 2012, general election ballot. The amendment broadens the access of the state House of Representatives to Judicial Qualification Commission records, provides for Senate confirmation of Florida Supreme Court justices within a specific time frame of gubernatorial appointment, and allows the legislature to revoke a state Supreme Court-approved procedural rule by simple majority vote of both chambers instead of the current two-thirds vote. The board referred the matter to the Legislation Committee for consideration.

The Professional Ethics Committee was directed to prepare two advisory opinions. One will address lawyers allowing non-lawyer staff to use lawyers' IDs and passwords when electronically filing documents with the state court system. The

second will address protecting confidential client information when storing records via cloud computing. The Standing Committee on Advertising will prepare an advisory opinion on the use of metatags – words or phrases that are invisible to the typical website viewer but which are designed to make the site score highly with Internet search engines – on lawyer websites. The standing committee requested that it be directed to write the opinion in the wake of complaints and reports that some law firms have used the names of non-firm lawyers, other firm names, and even the domain names of other lawyers and firms as metatags to enhance the likelihood they will be listed high by search engines.

A proposed rule change was referred back to the Code and Rules of Evidence Committee. The proposed rule is based on recent legislation which requires out-of-state and Canadian expert witnesses for medical and dental malpractice cases to register with the Florida Department of Health. The board motion asked the committee to take more input on the issue and reconsider the matter during the bar's midyear meeting on September 21, 2012.

On the recommendation of the Communications Committee, the board approved the proposals from the Commission on Review of the Discipline System for dealing with complex and high profile grievance cases (recommendations A1, A2 and A3 by Subcommittee Three, pages 36-42).

The Vote's in YOUR COURT, a public education program of The Florida Bar, is now being promoted through social media and discussed at editorial board meetings and through presentations to community organizations. Research indicates that a majority of Florida voters do not know what judicial merit retention means and also that voters often skip that section of the ballot. Educational resources provided by the bar include speakers for community groups, a voter guide in English, Spanish and Creole, and biographies of the justices and judges who will be on the November 6, 2012 ballot. Visit and recommend the webpage to family, friends, colleagues, and clients at www.floridabar.org/thevotesinyourcourt.

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

The Florida Bar Young Lawyers Division Makes \$100,000 Gift to The Florida Bar Foundation

On June 21, 2012, the Board of Governors of The Florida Bar's Young Lawyers Division (YLD) presented a \$100,000 check to The Florida Bar Foundation at the bar's annual convention in Orlando. The unrestricted gift will be used by the foundation to offset cuts to its Law School Loan Repayment Assistance Program resulting from a steep decline in revenue from Florida's Interest on Trust Accounts (IOTA) Program.



Sean Desmond, immediate past president of the Young Lawyers Division, presents a \$100,000 check to Michele Kane Cummings, immediate past president of The Florida Bar Foundation, to help offset the potential loss of legal aid attorney positions throughout Florida resulting from the precipitous decline in IOTA revenues. Standing in the back from the left are Michael Faehner, a foundation board member and former YLD president; Paige Greenlee, YLD president; and Jewel White, a foundation board member and former YLD president.

“When the YLD became aware of the difficulties that The Florida Bar Foundation was experiencing due to the decrease in IOTA funds, we were very concerned about the impact it would have on the delivery of legal aid around the state,” said YLD president Sean Desmond. “The seriousness of the situation was highlighted further when I sat through a meeting of the Board of Directors for the Foundation on March 16th of this year. It was apparent that many great legal aid programs were facing serious cuts to their funding.”

Paul Doyle, director of the foundation's Legal Assistance for the Poor grant program, recommended that the YLD funds be used to reduce cuts to the foundation's Law School Loan Repayment Assistance Program, which the foundation established to help its legal aid grantees attract and retain highly qualified legal aid attorneys. The program was expanded after a 2007 study commissioned by the foundation found that one of the top three reasons attorneys were leaving public service careers was “financial pressure due to student loans.” The same study found that the starting salary for a licensed attorney in a Florida legal aid program was \$38,500 and that the majority of law students graduate with educational debt of more than \$100,000.

Under the Law School Loan Repayment Assistance Program, the foundation pays legal aid attorneys up to 80 percent of their annual payments on need-based law school debt for up to 10 years, subject to funding availability. Annual payments are capped at \$7,500 and are in the form of one-year loans forgiven annually for attorneys who remain employed with a foundation-eligible legal aid grantee organization for the full 12-month period.

“You have no idea how very needed this is and how very appreciative I am,” wrote one legal aid attorney upon receiving her loan repayment assistance check.

In 2010-2011, the foundation committed \$1,103,905 to the program for benefits to 214 legal aid attorneys. The following year, it approved 182 applications for \$798,452 after the grant program allocation was reduced by just over 12 percent.

“One of the biggest challenges through this crisis with IOTA revenue is keeping the legal aid infrastructure intact,” said 2011-2012 foundation president Michele Kane Cummings. “The Loan Repayment Program has been vital in enabling legal aid attorneys to remain in public interest law while paying down their law school debts. We know the members of the YLD can relate to this challenge, and we are so appreciative of their support for legal aid at this crucial time.”

Desmond acknowledged the key roles played by foundation board member and former YLD president Jewel White and Florida Bar Board of Governors member David Prather, who approached the YLD to suggest a major gift to the foundation. “In addition to wanting to help, the YLD also remembered the strong partnership we have developed with the foundation, which has been instrumental in assisting us develop our YLD Affiliate Outreach Conference,” Desmond said.

In 2004-2005, when foundation board member Michael Faehner was YLD president, the YLD gave \$25,000 to the foundation to support Children's Legal Services grants. Since that time, foundation grants to Young Lawyer affiliates throughout the state have supported community outreach projects. “We remembered that the foundation's early support of the conference several years ago under the vision of then-YLD president Jamie Billette Moses and foundation executive director Jane Curran, who helped create a special opportunity to inspire young lawyers to incorporate *pro bono* and community service into their lives and practices,” Desmond said.

“Since the mission of the foundation reflects the spirit of the YLD so closely,” Desmond said, “it was an easy decision for the YLD board to vote for this gift to the foundation during this time of need. The YLD also remains dedicated to continuing to explore ways to assist the foundation in the future with developing new ways to generate funding.”

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DAVID A. MONACO

Mr. Monaco earned his B.A. from Vanderbilt University and his J.D. from the University of Florida College of Law (with honors) where he served as Executive Editor of the University of Florida Law Review. Upon graduation, Mr. Monaco served as a law clerk for Judge Woodie Liles of the Second District Court of Appeal. Mr. Monaco served as a lieutenant commander in the United States Navy, Office of the Judge Advocate General before entering private practice in Daytona Beach, Florida.

In 1997, Mr. Monaco was appointed a Circuit Judge of the Seventh Judicial Circuit where he served until 2003, when he was appointed to the Fifth District Court of Appeal. Mr. Monaco served as Chief Judge of the Fifth District from 2009-2011. During his tenure on the appellate court, Mr. Monaco served as Chairman of the District Court of Appeal Budget Commission as well as Chairman of the Conference of District Court of Appeal Judges. He was also appointed to the Appellate Court Rules Committee.

The Carlyles are pleased to welcome David A. Monaco to The Carlyle Appellate Law Firm.

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- National Academy of Distinguished Neutrals
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Jill Davis Simon, Esq

Interview with Judge Anne C. Conway

The Honorable Anne C. Conway is a United States District Judge for the Middle District of Florida. She was appointed by President George H. W. Bush in 1991 and is presently the Chief Judge of the Middle District of Florida. Judge Conway received an undergraduate degree from John Carroll University in 1972 and her law degree from the University of Florida Levin College of Law, graduating with honors in 1975.

Q: *Are you originally from Central Florida?*

A: No. I grew up in Cleveland, Ohio. My parents moved to Florida while I was in college, so I ended up going to the University of Florida for law school. I clerked for Judge John Reed, and that's how I ended up in Orlando.

Q: *Where else did you work prior to taking the bench?*

A: I worked at a couple of firms, but I was at Carlton Fields the longest. I was there until I came on the bench in January 1992, twenty years ago.



The Honorable Anne C. Conway

Q: *What area of law did you practice at Carlton Fields?*

A: Different types of civil litigation. I was doing a lot of failed bank litigation at the time I left. I also did some employment law defense. Before I worked at Carlton Fields, I worked with Charlie Wells at Wells, Gattis & Hallows, P.A., where I did some plaintiff and some defense work, and that's where I got my trial experience.

Q: *What do you consider the greatest strengths and weaknesses of the American legal system today?*

A: I think the weakness is based on the lack of civic education in America today. People don't understand the three branches of government and that the judicial branch is a co-equal branch and how important it is to our freedom and our way of life. I know that Senator Bob Graham is big on that, and Lou Frey (former member of the United States Congress and Shareholder Emeritus at Lowndes, Drosdick, Doster, Kantor &

Reed, P.A.) is also very involved in that issue, as is the Florida Supreme Court.

The strengths come from the Constitution and the very fact of our judicial system makes up one of the three branches of government, making the judicial branch a co-equal branch. So far, the Constitution has been strong enough to weather any attacks on the judiciary. Hopefully that continues.

Q: *Who has had the greatest influence on you throughout your legal career?*

A: Sandra Day O'Connor, of course. Also Sylvia Walbolt at Carlton Fields was a great role model for me. I came in at a time when there were only a few women ahead of me, especially in Central Florida, but not that many. I've got all kinds of stories about the discrimination that women felt when they were just starting out. So Sylvia was a great role model. Jacqueline Griffin and I were at the same firm, and most judges, most men, couldn't tell us apart. That was good for me because Judge Griffin is brilliant. When I first came on the bench most people couldn't tell the difference between me and Judge (Patricia) Fawcett, even though she's tall, blonde, and thin and I'm short, round, and darker, but all that people had in their mind was that we were the women judges.

Q: *How many female attorneys worked at Carlton Fields when you left to take the bench?*

A: I can't give an exact number, but it was ten percent or less. My class at Florida Law School was ten percent women.

Q: *What is your biggest pet peeve in the courtroom?*

A: Chewing gum is a pet peeve. Attorneys who are unprepared also annoy me.

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

A: Attorneys often will talk down to witnesses or opposing counsel or the judge or court staff and it really upsets juries. I go in to talk to the jury after every case, not about the case, but just generally about jury service, and if there's been a rude lawyer they mention it every time.

Q: *What advice would you give to today's young lawyers?*

A: Find out who the good lawyers are and watch what they do. Over prepare; you cannot prepare too much for court, especially in the beginning,

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Kimberly E. Lorenz, Esq.

Interview with Judge Deb S. Blechman

A lifelong Central Florida resident, the Honorable Deb S. Blechman received an undergraduate degree from the University of Central Florida and a juris doctor degree from the University of Florida Levin College of Law. She practiced as a legal aid lawyer, public defender, private practitioner, assistant city attorney, and chief assistant city attorney for the City of Orlando before becoming a county judge for the Ninth Judicial Circuit in Orange County in 1995. She has served as a member of the OCBA Professionalism Committee, the George C. Young First Florida Inns of Court, the Judicial Relations Committee, and as a board member of the United Safety Council. She currently sits on the Specialized County bench in the criminal jail division, reviewing arrest warrants and setting bond for all people arrested within 24 hours of their detention.

Q: *What would you have done if you had not gone into law?*

A: I wanted to be a teacher. I still think that's one of the best things anybody could do with his or her life. But law was a pretty natural direction for me. Even when I wanted to teach, I wanted to teach civics and individual responsibility and democracy, so I'm doing it anyway.



Hon. Deb S. Blechman

Q: *From your perspective, what are the strengths and weaknesses of the legal system today?*

A: The strengths are that it is a third pillar of a democracy, and at this point in time, the majority of constituents believe the legal system works. That is somewhat controversial, but my perception is the majority of Americans believe it works, we do a fair job of resolving their disputes, and it presents anybody involved in the legal system an opportunity to be of service to fellow community members.

Q: *If those are the strengths, what are some of the weaknesses?*

A: We need to make justice accessible to all people. Most lawyers answer people's questions on a routine basis – friends, neighbors, family members – but we don't reach everybody, and Legal Aid can only reach so far. In order to ensure equal

justice to everyone, we need more accessibility. Currently it's a fee-based service, and sometimes it's out of reach for people who need legal help.

Q: *Having been on the bench for a while, what do you know now that you wish you knew before becoming a judge?*

A: One thing is that judges might remember you as much as you remember them. A lawyer's word is supposed to be his bond, and if we have known somebody for years, we know whose word is his bond. Alternately, there are some who seem to think zealous advocacy is an overriding obligation, and they might be less attentive than they should be about checking to make sure their case law has not been overruled or that the facts as reported by their client will stand up in court. When that lawyer comes to court later, the judge might check his research before making a ruling based upon what they have argued. Lawyers would benefit if they realized the judges take it that seriously, and are going to be impressed one way or another by the level of professionalism the lawyer exhibits.

Q: *What is the hardest thing about being a judge that you encounter?*

A: There used to be a cultural assumption within the bar that we didn't want to make the judiciary significantly political. It's not as healthy in the judiciary as it may be in the legislative and executive branches because nobody should ever have to come to court thinking about whether the judge got a better campaign contribution from one lawyer or another. It's a completely irrelevant factor, but it is certainly an economic factor, and if it gets more and more common that judges have to withstand the likelihood of a re-election campaign every six years, it could become a problem, and I worry about that.

Q: *What are some of your biggest pet peeves in the courtroom from litigants, counsel, or jurors?*

A: I don't worry about jurors too much because they generally do a good job. They try to use common sense. My main concern is the lawyers. We get people accusing each other of being disingenuous when it's simply that they haven't talked to each other. We get people filing emotionally laden motions for discovery problems that they allege are emergencies when they are not. But, it's really more of an issue of cultural cohesiveness and how you bring in a lot of these folks who didn't get

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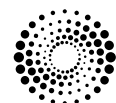
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the trial court to refuse to give a jury instruction that is supported by the facts of the case unless the issue addressed by the proposed jury instruction is adequately addressed by other jury instructions that are included within the charge.¹⁵

The Supreme Court has promulgated model jury instructions for use in civil trials. Practitioners would be wise to utilize these model instructions whenever possible in order to avoid the commission of error in the presentation of the jury charge. One of the hot-button issues for appellate review is the presentation of jury instructions that deviate from the model forms that the Supreme Court has created. It would be difficult to imagine a scenario in which an appellate court would reverse a trial court that has given a requested model jury instruction that is consistent with the facts of the case.

Like jury instructions, the creation of the verdict form is an issue that is addressed during the course of the charge conference. The trial practitioner should raise any objections to the content of the verdict form during the charge conference, not after the jury has retired to deliberate.

The appellate issues related to the verdict form the jury fills out are related not so much to the content of the verdict form itself, but rather to the manner in which the jurors have chosen to fill out that form. Inconsistent verdicts and inadequate verdicts are the two most common problem areas involving the manner in which jurors fill out the verdict form. These two types of problems with verdict forms present two different issues for the trial practitioner, each with its own set of timing requirements for raising objections in order to preserve the matter for appellate review.

An inconsistent verdict occurs where the

findings of the jury's verdict in two or more respects address a definite fact material to the judgment such that both cannot be true and therefore stand at the same time.¹⁶ Under these circumstances, contradictory factual findings mutually destroy each other and result in no valid verdict. This renders a trial court's judgment based upon that verdict erroneous.¹⁷

In order to preserve the argument that the jury's verdict is inconsistent, the objection must be raised before the jury is dismissed.¹⁸ The purpose of this timing requirement is to allow for the jury to have an opportunity to correct the inconsistency in the verdict.¹⁹ A party's failure to seek jury reconsideration is often viewed as a conscious choice of strategy.²⁰

The difference between an inconsistent verdict and an inadequate verdict is that if the objection is to the inadequacy of the verdict, the issue need not be raised before the jury is discharged. The proper method to challenge an inadequate verdict is to file a post-trial motion.²¹ There is no requirement under Florida law that a party raise an objection to an inadequate verdict before the jury is discharged, as the proper method to challenge an inadequate verdict is via a post-trial motion.²²

There are a number of ways in which a practitioner can compound trial court mistakes by failing to follow the straightforward rules regarding the preservation of error for appellate review. The creation of jury instructions and the filling out of verdict forms are not exceptions to this general rule. No practitioner ever wants to have a published opinion highlighting the failure to adequately preserve an issue for appellate review, such as the following:

[Appellant] contends that the trial court erred in allowing the jury to determine whether the alleged disclaimers were conspicuous. We agree. ... Nevertheless, [Appellant] did not ob-

ject when the trial court instructed the jury on the question. Consequently, it waived any objection to the error.²³

In order to avoid this outcome, object to jury instructions at the charge conference, and if the jury has created an inconsistent verdict, object before the jury is discharged. Otherwise, the opportunity to fix a mistake may be lost forever.

Michael D'Lugo, Esq., Wicker, Smith, O'Hara, McCoy & Ford, P.A., has been a member of the OCBA since 1995.

¹*Bert Smith Oldsmobile, Inc. v. Franklin*, 400 So.2d 1235 (Fla. 2nd DCA 1981).

²*Sunset Harbour Condominium Association v. Robbins*, 914 So.2d 925 (Fla. 2005).

³*Eagleman v. Korzeniewski*, 924 So.2d 855 (Fla. 4th DCA 2006).

⁴*Luster v. Moore*, 78 So.2d 87 (Fla. 1955).

⁵*City of Sunrise v. Bradshaw*, 470 So.2d 804 (Fla. 4th DCA 1985).

⁶*Feliciano v. School Board of Palm Beach County*, 776 So.2d 306 (Fla. 4th DCA 2000).

⁷*Luthi v. Owens-Corning Fiberglass Corporation*, 672 So.2d 650 (Fla. 4th DCA 1996).

⁸*Id.*

⁹*City of Orlando v. Birmingham*, 539 So.2d 1133 (Fla. 1989).

¹⁰*Id.*

¹¹*Id.*

¹²*Id.*

¹³*Schaffer v. Pulido*, 492 So.2d 1157 (Fla. 3rd DCA 1986).

¹⁴*Getelman v. Levey*, 481 So.2d 1236 (Fla. 3rd DCA 1985).

¹⁵*Foreline Security Corp. v. Scott*, 871 So.2d 906 (Fla. 5th DCA 2004).

¹⁶*Crawford v. DiMicco*, 216 So.2d 769 (Fla. 4th DCA 1968).

¹⁷*Id.*

¹⁸*Tunnage v. Green*, 947 So.2d 686 (Fla. 4th DCA 2007); *Deklyen v. Truckers World, Inc.*, 867 So.2d 1264 (Fla. 5th DCA 2004).

¹⁹*Nissan Motor Company, Limited v. Alvarez*, 891 So.2d 4 (Fla. 4th DCA 2004).

²⁰*Moorman v. American Safety Equipment*, 594 So.2d 795 (Fla. 4th DCA 1992).

²¹*Cocca v. Smith*, 821 So.2d 328 (Fla. 2nd DCA 2002).

²²*Causeway Vista, Inc. v. State of Florida, Department of Transportation*, 918 So.2d 352 (Fla. 2nd DCA 2005).

²³*Bert Smith Oldsmobile, Inc.*, 400 So.2d at 1237.



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Donna A. Haynes

Coming Full Circle Meet Legal Aid's New Immigration Attorney

Are you a Guardian ad Litem with an abused or abandoned child in foster care who may not be a United States citizen or have legal status in this country? Are you representing a battered immigrant woman in a family law case and need guidance when her spouse no longer tries to support her legal status? If so, please call our new immigration attorney, Camila Pachon.

Camila is originally from Bogota, Colombia. She immigrated to the United States in 2001 with her immediate family. Because of their financial situation, Camila and her family were unable to retain an attorney. Consequently, Camila and her family sought the help of a nonprofit organization, such as Legal Aid, that helped them to complete the necessary paperwork and provided the education they needed prior to attending the United States Citizenship and Immigration Services hearing. With the help of the nonprofit organization, Camila and her family were able to obtain legal status,

and she became a United States citizen on March 2010.

Camila earned her bachelor of arts degree in political science and international studies, with a minor in Latin American Studies from the University of Central Florida. She earned her juris doctor and graduated Cum Laude from the University of Florida (UF) Levin College of Law in 2010. During her time at UF, she served as the editor-at-large of the *Journal of International*

Law after having received the Best Research Editor award for the journal. Camila also served as a member of the executive board for the Association of Public Interest Law and was a professor assistant for the Legal Research and Writing and Appellate Advocacy classes. She was also a judicial extern at the Eight Judicial Circuit Court in Florida, where she assisted the judiciary with research and writing for family law cases. During her third year at UF, Camila participated in the Full Representation Clinic as a certified legal intern, representing indigent clients in myriad family law cases. She was also awarded a Florida Bar Foundation Fellowship for two consecutive summers, during which time she worked at several legal aid organizations in the state.

Camila's goal in attending law school was always to become a public interest lawyer. After graduation, she practiced for almost two years as an associate immigration and family law attorney at SilzerLaw. During her time there, she volunteered as a *pro*

bono attorney, handling immigration and guardianship cases while simultaneously attending the Legal Aid training seminars on immigration and family law. In 2011, Camila was nominated for the Professional of the Year award by the Hispanic Chamber of Commerce of Metro Orlando.

In March of 2012, an opening became available at Legal Aid when Chuck Conroy, the Legal Aid immigration attorney, relocated to New York City. Camila jumped at the opportunity to join our group and is now handling a heavy caseload in the Legal Aid Immigration Department. She represents immigrants who have been persecuted in their home countries and are seeking asylum in the United States, immigrant children who have been abandoned and neglected, and immigrants who are victims of domestic violence and other violent crimes from countries and regions including Asia, Africa, the Middle East, Eastern Europe, the Caribbean, and Central and South America. The Legal Aid Society's services are usually the last and only chance many clients have to seek refuge and safety in the United States. Only one Legal Aid attorney – Camila Pachon – is available to help these low-income immigrants and immigrant children in 13 Central Florida counties.

Camila's experiences inspired her to attend law school and help others in the situation she was once in. With her position at the Legal Aid Society she has come full circle! Her background, as well as her fluency in Spanish and proficiency in French, allows her to truly relate to and understand her clients. Her goal in life is to help others reach their American dream just as she has done.

For more information about the Legal Aid Society of the Orange County Bar Association, Inc., visit www.legalaidocba.org.

To find out how you can help support Legal Aid, contact development manager Donna Haynes at dhaynes@legalaidocba.org or 407-841-8310 ext. 3150. If you have a business partner who may be able to make an in-kind donation, volunteer time, or make a financial contribution, please ask him or her to contact us. If you are a board member of a foundation, ask that the organization consider making a donation to our non-profit charity. If you are an elected official, consider donating your campaign residual funds to us. There are many ways to help the Legal Aid Society.

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



Camila Pachon with her mother, Luz Marina Silva, and father, Gustavo Pachon, the day she became a U.S. citizen.

because the more prepared you are the more confident you feel, and the more confident you feel the better you're going to do.

Q: *What do you think you would be doing as a career if you had not become a lawyer?*

A: Oh, it never occurred to me to be anything other than a lawyer. I used to watch *Perry Mason* and I knew that's what I wanted to do. I'd like to be a downhill racer in my next life.

Q: *How has your perspective changed on the role of the judiciary since taking the bench? Is being a judge what you expected?*

A: Yes, it is what I expected. What I was surprised by when I became a clerk (and what my clerks now are always surprised by) is the lack of preparedness by lawyers and the ineffectiveness.

Q: *Did you always want to be a judge and how did you end up in the position?*

A: It was pretty much luck and some of it was being in the right place at the right time. I really hadn't expected to apply as young as I did, but there were four vacancies on the district court and so I thought, well the answer is no if I don't try. So I applied and got lucky.

Q: *What's your favorite vacation destination?*

A: My favorite is Italy. My goal in life is to go every year. My favorite city is a little town in Umbria called Todì. It's a little hill town. We spent a month there over ten years ago. That was the longest vacation I've ever taken.

Q: *Tell me about your most recent vacation.*

A: I climbed Mount Kilimanjaro. For the route we took, the Rongai route, it took four days to get up there and two days to get down.

Q: *How was the weather up there?*

A: It's cold for Floridians. I didn't feel cold, but I had on three jackets, long underwear, and three pairs of pants. They tell you how to dress for it. We had great guides and it was really a lot of fun.

Q: *What was the last movie you saw?*

A: *The Lincoln Lawyer*.

Q: *What's your favorite sports team?*

A: The Gators, of course.

Q: *What's your favorite restaurant in Orlando?*

A: Café de France on Park Avenue.

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

A: My favorite lawyer is Charlie Wells. Working with him taught me not only how to prepare but why civility is so important. My favorite judge is John Reed. Working for him gave me a great foundation in the law.

Jill Davis Simon, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A., has been a member of the OCBA since 2008.

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Corrections: YLS Social Media Chair, Brian E. Smith, was misidentified in August's issue of *The Briefs*. Brian E. Smith is an attorney with GrayRobinson, P.A. The article, *Proposed Program to Address Professionalism Complaints at the Circuit Level*,

which appeared in July's issue, was authored by Matthew Brenner of Lowndes, Drosdick, Doster, Kantor & Reed, P.A. We apologize for the errors.

2012-2013 Legal Aid Society Board of Trustees

Due to a proofing error, the following names were omitted from July's issue of *The Briefs*. We apologize for any inconvenience this may have caused.

Meenakshi "Meena" Hirani, Esq.
Meenakshi A. Hirani, P.A.

Taylor C. Kessel, Esq.
Ruth's Hospitality Group, Inc.

Elizabeth F. McCausland, Esq.
Liz McCausland, P.A.

Judicial Relations Committee:
Blechman

continued from page 14

local bar so they are not quite aware of what the practice standards are.

Q: *The Florida Supreme Court recently amended the oath of admission to include a pledge of fairness, integrity, and civility. What are your thoughts on that?*

A: I think amending the oath is appropriate and important, and we can all do more to remind each other. The judiciary is the first line of defense in regard to upholding standards, and we can use all the help we can get because there are so many people coming into the bar. Part of it is just being new, and part of it is because our society seems more litigious now. We have this cultural idea that fighting is good for some reason, but I remember someone I grew up with in the court system actually taking a young lawyer aside and saying, "Judge, can I talk to this lawyer out in the hall for a moment?" and I appreciated it because if the lawyer is getting emotional and pointing his finger because the judge ruled against him, then I really wouldn't mind if another lawyer takes him by the arm in the hall and says, "Don't do that. It's really bad form." There are about 40 rules that relate to this particular issue, and the more times they hear it from the more locations the more quickly they will absorb the information.

Q: *Since you raised that line of conversation, what is the worst conduct you've seen from attorneys that you can recall?*

A: I've seen lawyers get so mad at each other that I had to take the jury out. One time it caused a mistrial. It literally stopped everything. Some lawyers don't realize that if they are routinely arguing with the court to the point where it is remarkable, that the judges all know about them. It's not uncommon for them to come back two years later or to tell me at some function, "Judge, I just want you to know that I don't do that anymore," because as a county judge a lot of times I am their first one right out of law school, and they generally figure it out. There's no sense really in arguing after a judge has ruled. The judge isn't going to change his or her mind.

Q: *You mentioned the importance of mentoring. Who is or was the biggest influence in your career?*

A: Judges.

Q: *In what way were they the biggest influence on your career?*

A: Well, because I went into a government job, there weren't many woman lawyers

when I first came out of law school, and most everybody I talked to was only just remarking about the fact that I was a woman. As a result, I just didn't even apply to a large firm. So my influence as a public defender were the judges to whom I was assigned. Also being a member of the Orange County Bar Association was a great influence.

Q: *How did that help you?*

A: There is something that rubs off when you break bread with people and when you listen to the speeches at the bar association lunches. When people who have more experience give a younger lawyer advice, I think it has an impact. I was the beneficiary of advice on occasion and I took it very seriously.

Q: *What, if anything, do you miss about private practice?*

A: Trials. I like jury trials. Every once in awhile, especially in county court when the lawyers are brand new, I would like to come off the bench, sit the young person down and say look, I'm going to show you how to cross examine somebody. Or the opening or the closing statement. Every once in awhile I wish I could.

Q: *What is the biggest change you have seen in the practice of law since taking the bench?*

A: We have just gotten large. When I first started practicing, CFAWL met around a dinner table at the Citrus Club. It's amazing to me to see so many young women lawyers now, and it's a wonderful thing.

Q: *What advice would you give to young lawyers entering the profession?*

A: I've got a daughter considering law

school right now, and if she goes, I wouldn't hesitate to recommend she serve either in the State Attorney or Public Defender's office because you can get your trial legs there. You just get thrown in and you try so many cases that after you are finished with that experience, it doesn't matter where you go. You are going to be comfortable in a courtroom, you are going to be comfortable talking to a jury, you are not going to have the jitters that you would have otherwise. I think it even impacts the way you write a contract because you have got the litigation perspective in the back of your mind. The downside is that you get thrown in with so many cases that there is a tendency to not prepare them the way you would normally want to prepare cases. But I would think a lawyer who spent a couple years in that system could be cultivated and brought into the deeper levels of practice that are expected by civil law firms.

Q: *What would be your parting words or advice to the people that are going to be reading this interview?*

A: That relationships are more important than any particular case, that the work we do matters, and that helping people go through their most difficult disputes and journeys is sacred work. Don't get discouraged, because it does go quickly.

Kimberly E. Lorenz, Esq., is an attorney with the law firm of Fisher, Rushmer, Werrenrath, Dickson Talley and Dunlap, P.A. She has been a member of the OCBA since 2006.



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- Maintain objectivity. As a therapist, I have learned to "hold" my clients' pain without allowing it to exhaust me. One does this with compassion, but at a distance – caring, but not personalizing. You are only responsible for resolving legal issues, not fixing entire lives.

Bar counsel Marvin says that out of all the communications-related complaints filed with the bar during the previous two years, only 20 ended in lawyer discipline. Eleven others were dismissed because the attorney had been disciplined in another matter or had died. Those are small numbers. Still, who wants to have to respond to a grievance letter? By showing a little empathy and providing needed information, you can probably avoid having to. And, you will likely have more satisfied clients and enjoy your practice more.

Suellen Fagin-Allen, JD, MA, NCC, LMHC, is an Orlando licensed mental health counselor and work-life balance consultant. She has been an attorney for twenty-six years and a member of the OCBA since 2010. This article is written on behalf of the Professionalism Committee, Michael Kest, chair.

News from The Florida Bar

The Vote's in YOUR COURT

Judicial merit retention. Know the facts.

The Vote's in YOUR COURT – Judicial Merit Retention

In an effort to educate the public about the importance of judicial merit retention, The Florida Bar has developed an educational program, The Vote's in YOUR COURT. This coming November, citizens will be asked to vote whether to retain the justices and appeals court judges listed on the ballot.

Under judicial merit retention, justices and appeals court judges appear on the ballot in staggered six-year terms. This year's election provides voters the opportunity to review

three Florida Supreme Court justices and 15 appeals court judges. They all reached their positions originally after being carefully screened by judicial nominating committees and appointed by Florida governors in a process known as judicial merit selection.

Research suggests many Florida voters are unclear of what judicial merit retention means. Often, they skip this section of the ballot. Informing citizens about merit retention and making available information that could help voters in making informed decisions is the goal of The Vote's in YOUR COURT.

The Florida Bar encourages legal professionals to inspire others to learn about the justices and judges up for merit retention votes so that when election day arrives, they will feel confident of their decisions. The vote *is* in your court.

The Florida Bar website at <http://www.floridabar.org/thevotesinyourcourt>.



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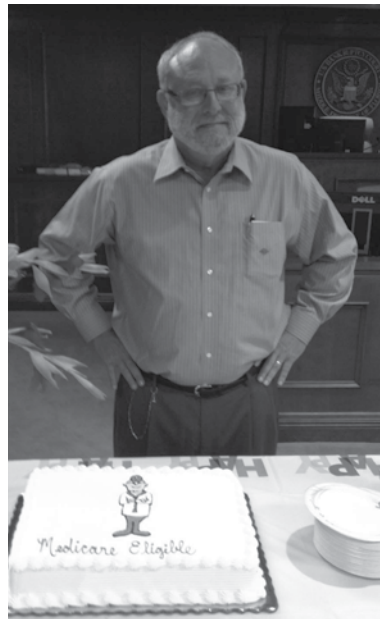
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PhotoOp



Kim Guerrieri, Judicial Assistant; Susan Coberly, Courtroom Deputy; Judge Briskman; and Melissa Brockett, Law Clerk. (Kristina Szurkus, Law Clerk, not shown)

Judge Arthur Briskman



Federal Bankruptcy Court judge, the Honorable Arthur B. Briskman of the United States District Court for the Middle District of Florida, recently retired from the bench. A celebration was held for friends and colleagues on July 24, 2012, at 310 Lakeside. Chambers staff also threw a retirement celebration in Judge Briskman's chambers.

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Academic Symposium – Friday, October 26, 2012

2012 marks the 50th anniversary of the Middle District of Florida! The Historical Society of the United States District Court for the Middle District of Florida and the bar are planning a dinner on October 25, followed by an academic symposium on October 26, featuring prominent Florida legal scholars who will reflect on the historic cases and issues that have impacted the Middle District of Florida over the last 50 years.

All members of the Middle District are invited to participate in this district-wide event. Please note that no public monies are being used for this event.

Additional details can be found at:

<http://mdflhistoricalcommittee.com/academic-symposium>.

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

CFAWL

On July 17, 2012, the Central Florida Association for Women Lawyers members were spoiled during the second annual **Mini Spa Night at Baldwin Park Nails**. CFAWL members were pampered while enjoying manicures, pedicures, and mini facials – and resting, relaxing, and rejuvenating over fellowship, light refreshments, and wine. Thank you to CFAWL's programs director, **Barbara Leach** for organizing yet another successful Mini Spa Night!

On July 31, 2012, the annual **Backpack Project Fundraiser Happy Hour** was held downtown at Urban Flats. For only \$20, CFAWL and YLS members enjoyed unlimited wine and delicious flatbreads and appetizers. In addition, members participated in a raffle to win prizes, including a two-night stay at the Hard Rock Hotel & Casino in Tampa, with dinner for two in Council Oak, breakfast in the Green Room, and lunch at Hard Rock's new restaurant, Rise Kitchen & Bakery. The retail value was more than \$1,000! All monies raised go directly for school supplies for students at Rock Lake Elementary School, one of Central Florida's most economically disadvantaged schools. Thank you to committee chair **Heather Meglino Kozlowski** for helping to organize another terrific fundraiser happy hour.

Keep your eyes and ears open for the upcoming annual **Fall Into Fashion** event to be held on October 4, 2012, at Ember. Local fashion leaders Cherise, Ginger, Bella, and John Craig will be contributing to the fashion show. Proceeds will benefit **A Place for Children**, located inside the Orange County Courthouse. Last year's event was good; this year's will be GREAT! For more information, please con-

tact **Camy B. Schwam-Wilcox** at camy@cbswlaw.com.

GOAABA

The Greater Orlando Asian American Bar Association, in a joint effort of The Florida Bar Equal Opportunity in Law Section, a committee of the Orlando minority bar associations, and the Orange County Bar Association's Diversity Committee and YLS, will hold a **Joint Diversity Picnic** on September 8, 2012, in Orlando. If you are interested in helping with the inaugural Joint Diversity Picnic in Orlando, please contact lead committee member, **Kim Nguyen**, at Kim.Nguyen@lowndes-law.com.

HBACF

On July 26, 2012, the Hispanic Bar Association of Central Florida, in partnership with the City of Kissimmee and Sounds of Silence, presented as part of its **Conozca Sus Derechos Series Project**, a seminar entitled *Rights of Children with Special Needs*. The event was held at the Kissimmee Civic Center and was free and open to the public. **Valerie Dominique**, a staff attorney with Community Legal Services of Mid-Florida, Inc., discussed the obligations schools have to undertake the needs of children with special needs under state and federal law. **Maytel Sorondo Bonham**, an attorney with Law Offices of Trevett & Bonham, P.L., also discussed important planning issues for parents of disabled children nearing adulthood, including various forms of guardianship and powers of attorney.

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



Mark Powers



Shawn McNalis

What a Difference a Year Makes: The Importance of an Annual Marketing Retreat, Part 1

“Why take the time to have a marketing retreat? Aren’t there are more important things to do... like actually marketing?” This is the sentiment expressed to us by partners who dislike setting aside a chunk of good, billable time to focus on discussing client development. Usually one of their partners has come to us with the idea of having a marketing retreat and he or she wants us to help convince the reluctant partners it’s a good idea. Sometimes we’re successful in this effort and sometimes we’re not. When we’re not, the resistant ones show up clutching files in one hand and their cell phone in the other, ready to dash out the door at the first remotely legitimate interruption.

But at least they show up. Because for the most part, once they’re in the room and exposed to new ideas for client development, hearing how small shifts in their marketing strategies can make a huge difference – they’re sold on the idea. By being forced to step off their treadmill for a few hours, they begin to understand that taking time to focus their scattershot marketing efforts can lead to the kind of results that they want for their firm. Granted, there is always a group of curmudgeons (young or old) who never see the value in planning and don’t understand strategic marketing. But, fortunately for them, others do and are willing to invest the time.

Many of the top-producing attorneys meet regularly with their partners to check the relevancy of their goals and also to inspire and challenge each other. A tax attorney, for example, heads up a rapidly growing tax assessment firm. In spite of a crushing schedule, he stops once a year, gathers up his team, and talks about which marketing strategies worked and which didn’t during the previous year. For the first time, his firm had hired a marketing director and charged her with not only re-energizing all of its marketing efforts, but cultivating new hotel and condominium business.

Determined to look back before he stepped forward, the attorney wanted to see whether this new approach was working. His analysis showed in no uncertain terms that his investment in a marketing director and the focus on new business was indeed paying off. His business from hotels and condominiums showed record highs and he was able to attribute over \$150,000 worth of new business to the efforts of the marketing director in conjunction with his own.

Beyond looking at these results, he also decided to analyze all marketing efforts made the previous year. He made a list of all the different client development activities and scored each category on first, whether or not it deepened his relationships with his referral sources, and second, whether or not it directly brought in new business. His categories included the following: what he calls “lunches with lawyers” (he receives a great many referrals from his colleagues); small gifts given over the holidays; activities such as outings done with various property management companies; educational seminars directed at decision-makers within targeted groups; staffing a trade show booth at an industry conference; and sending out his annual newsletter.

After scoring each of these efforts, he discovered face-to-face activities garnered him the most direct business – with the exception of the trade show booth, which produced no real results. The response to his newsletter, which he spends a great deal of time on, offered the biggest surprise as it stimulated substantial interest (he received more than 100 calls responding to what he had written – an extraordinary result and not one easily duplicated by other law firms). Given this, in the coming year he will up the number of issues that he produces in order to have one such piece in front of his referral sources per quarter, and he’ll schedule more one-on-one activities for himself and his marketing director.

Because he held a marketing retreat, he was able to make informed decisions on the strategies he’ll carry forward and the ones best left as interesting experiments. Consequently, he will move into the coming year armed with accurate data and specifically targeted goals.

The legal landscape in which you live is not static. Change is ever present: referral sources dry up, die, or move away; you are joined by a new partner; legislation changes the services you provide; you take on a newsworthy case; or you decide to launch a new practice area. These are just a few of the many changes that can occur over the course of a year in your career.

Fortunately, changes like these are fodder for the creative marketer. Often what appears to be stressful or dramatic change can be spun in a positive way. Depending on what’s happened in your year, you may need to adjust your marketing goals to compensate for a reduction in referral

sources, feature a change in the services you offer, or publicize a new partner.

For most firms, the annual marketing retreat is a chance to:

- review last year's or year-to-date marketing results
- focus on marketing successes and acknowledge team members
- educate other partners or team members on marketing strategies
- establish next year's marketing targets: important for capacity planning and budgeting (it's hard to get where you are going if you don't know where you want to go)
- establish accountability systems or quarterly checkpoints for your goals
- assess the cost effectiveness of using a variety of advertising vehicles

If your firm conducts seminars and workshops as part of its marketing plan or works strategically with other organizations, the annual marketing retreat is a good time to establish dates for upcoming events such as co-sponsored seminars or signature events.

Who Should Attend?

Senior partners should be the first on the roster to attend any meetings about marketing. If there are associates who are being trained to market themselves, they should also attend. If the firm has a marketing director or assistant, he or she should not only attend, but set up the meeting for the participants. A gathering like this is even useful for those staff members who are often in a position to cultivate more business than they realize. Whatever group is selected to attend, the retreat facilitator and firm management should place on the agenda exercises and discussions which allow for the team to contribute ideas on client development. The more contributions seem to come from the team, the greater the buy-in will be.

Regardless of the size of your firm, an annual retreat in which marketing objectives are discussed and established helps keep the focus on the most important strategies for growing the firm. The marketing retreat is a time to assess your client mix, your firm's image, and new opportunities for business, and to determine who will carry out each of the responsibilities. Taking the opportunity to examine and retool your marketing efforts at least once a year will significantly accelerate your firm's growth.

In part two of this series, we'll discuss how to ensure the retreat happens, how to find the right facilitator, and what to do to prepare for a retreat. Keep in mind that in an uncertain economy it is even more important to try to forecast trends and project results. To paraphrase Winston Churchill, when all is said and done – even if you don't achieve all of your objectives – it's the mental exercise of planning that makes all the difference.

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

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Collegiate Moot Court Judges Needed!



The Center for Law and Policy at UCF's Legal Studies Department will host the South Atlantic Regional Moot Court Tournament October 26th and 27th. Judges are needed to assess the oral arguments made by 100 students from 13 universities. The top ranking students will leave with bids for Nationals. Due to the preparation time involved in judging, 30 hours of free CLE is available. For more information please contact OCBA member and Center Director Cindy Schmidt, at Cynthia.schmidt@ucf.edu.



Emily Andersen

For the Record

I am a court reporter. For the record, I really love what I do. I love writing. I wish it made music so you could truly appreciate how beautiful the notes are that are coming through my fingers. Of course, what ends up in the final transcript depends on how the record is created to begin with. This is the time of year when new attorneys, having successfully passed the bar, are taking their first depositions. Let's make this easy for everybody and review some basic practices.

Reporting companies offer assistance with conference rooms, videographers, interpreters, video-conferencing, and process serving. There is some basic information that is needed when setting a deposition: You will be asked for the case caption, the date, time, location, and estimated length of the deposition. Is the witness an expert or is the matter of a technical nature? Some reporters have a strong background in medical malpractice, securities or other specialized areas. We like to match the talent to the task!

On the day of the deposition, expect the reporter to have access to the conference room in plenty of time to set up his or her equipment. Out of respect for everybody, please silence all electronics. Nothing breaks a train of thought like a catchy ringtone. Once the witness is sworn, start slowly and speak clearly. This allows the witness to become accustomed to the question and answer flow. The witness should be cautioned against ambiguous answers such as "uh-huh," as we do write a verbatim record.

If it is a telephonic deposition, use the handset so you are clearly heard by the witness. Be especially sure the witness has completed his or her answer because most speakerphones are voice-activated. If there are multiple parties on a teleconference, remember to identify yourself when making an objection. It is difficult to identify a voice from the single word, "form."

Obviously, speak one at a time. Your transcript will look better without interrupting dashes. In addition, be aware of false starts. A simple "strike that" will keep the record clean, and your complete question will appear on a new line.

As unusual names come up, spell them. Be aware of identity theft concerns. Go off the record when asking the witness his or her social security number. Be careful of exhibits that contain bank account numbers or credit card numbers that may need to be redacted. As exhibits are identified, hand them to the reporter to mark. Expect the

reporter to take the marked exhibits with him or her, as transcript production could be delayed while waiting for exhibits to be sent.

When going off the record, everyone in the room has to agree. Reporters are impartial guardians of the record. Remember to announce when you are going back on the record.

What will your final transcript look like? That depends on how record-conscious you are as the deposition is taking place. There are several pitfalls to avoid. Listen to the answers carefully and clarify when necessary. If the witness says, "It hurts here," follow up with a clarification: "For the record, the witness is indicating his left ankle." Be attuned to the use of vague words like "here," "there," or "this," and pronouns such as "he" or "she." Also, the court reporter cannot take down nonverbal communications such as pointing, indicating, or nodding. When going over documents, be specific about the documents to which you are referring. Bates numbers are especially helpful. Please avoid double negatives. Listen carefully to the answer and how it may appear in writing. There are times an answer can be either "I didn't know" or "I didn't, no."

Number clarity is particularly important on the record. There is a difference between 2,794, \$2,794.00, \$27.94 and 2/7/94. Be careful with dates. Is it May 20, '12 or May, 2012?

At the conclusion of the deposition, discuss with the witness the reading or waiving formalities, and announce on the record that you are ordering the transcript.

By the way, when citing case law in a hearing, always give the citation. We do research case law! When reading an excerpt from a deposition transcript, remember to say "question" and "answer." We cannot guess where one begins and the other ends. During trial voir dire, it is important to use the venire person's name, as this keeps the record clear.

Once you receive your final transcript, please make use of everything that comes with it. Reporting companies produce disks that have the PDF transcript, hyperlinked exhibits, a synced transcript for mediation or trial presentation, and other valuable software. Duplicate copies of the transcript should be obtained from the court reporter. Kindly pay the invoice promptly. Many times reporters are not paid until the invoice is paid.

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Samuel B. Weissman, Esq. – *McClane Partners*

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Ryan T. Santurri, Esq. – *Allen, Dyer, Doppelt, Milbrath and Gilchrist, P.A.* – Intellectual Property Law

Thomas P. Wert, Esq. – *Roetzel & Andress* – Circuit Court Mediator

Speaking Engagements

Jim Edwards, Esq., and **Scott Baker, Esq.**, Zimmerman, Kiser, Sutcliffe; **Judge Antoinette Plogstedt**, Ninth Judicial Circuit; **Chandler Muller, Esq.**, Muller & Sommerville, P.A.; and **Michael Kest, Esq.**, recently gave a presentation on the challenges of professionalism to law students at Barry University Law School. It was the first of two one-hour presentations sponsored by the OCBA Professionalism Committee.

Roman V. Hammes, Esq., Wolff, Hill, McFarlin & Herron, P.A., and **Michael Nardella, Esq.**, Burr Forman, LLP, presented *Bankruptcy Proofing Settlement Agreements* to the OCBA Business Law Committee in July.

Andre T. Young, Esq., **Earnest DeLoach, Jr., Esq.**, and **Nikie N. Lomax, Esq.**, Young Deloach, PLLC, spoke at the African American Chamber of Commerce's "Lunch and Learn" on the topic, *Legal Issues for Business Owners and Professional*, at the National Entrepreneur Center in July.

Dennis J. Wall, Esq., of Winter Springs and Orlando, co-chair of the Health, Life, and Disability Insurance Subcommittee of the ABA's Insurance Coverage Litigation Committee, was invited to co-present a West Legal Education Webinar, *The Lower Courts Before the Supremes Sing: The ACA Mandates and the U.S. Constitution*, to a national audience in May and *The U.S. Supreme Court Decision on Constitutionality of the Affordable Care Act*, in July.

Louise B. Zeuli, Esq., Louise B. Zeuli, P.A. and Facilitative Arbitration & Dispute Resolution, Inc. (FADR), recently presented *Arbitration: Is it in Your Future?* to the Winter Park Chapter of International Association of Administrative Professionals in Winter Park, Florida.

Events

Sept. 8 – *Greater Orlando Diversity Mentoring Picnic*. 1:00 p.m.-4:00 p.m. FAMU College of Law.

Sept. 28 – *YLS 21st Annual Golf Tournament*. Shotgun Start at 8:00 a.m. Grand Cypress Golf Club.

Oct. 18 – *Lawyers for Literacy Annual Spelling Bee*. 5:30 p.m. Downtown Sheraton.

Oct. 25 & 26 – *Middle District Court 50th Anniversary Dinner and Symposium*. See Middle District of Florida Historical Society website.

Oct. 28 – *Spirits & Spares Bowling Tournament*. Location: TBD.

Nov. 7 – *5th Annual Breakfast of Champions*. 7:30 a.m. Ballroom at Church Street.

Seminars

Sept. 10 – *Electronic Filing and Electronic Service: Ethical Issues*. Estate, Guardianship and Trust Committee Seminar. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: 1.0 pending. RSVP to ajparalegl1@aol.com.

Sept. 11 – *Crafting a Parenting Plan When There's Domestic Violence*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street

Senior Center, 99 E. Marks St., Orlando, FL 32803. CLE: pending. Speakers: Tenesia Hall, Esq.; Barbara E. Kelly, PhD, Certified Family Mediator. Contact: Marilyn Carbo at mcarbo@legalaiddocba.org or 407-841-8310 x 3121.

Sept. 13 – *Preserving Trial Error for Appellate Review*. 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. Presenters: Hon. Jay Cohen, 5th District Court of Appeal; Hon. John Kest, Ninth Judicial Circuit. Please feel free to bring your lunch, and tell security that you will be attending the Brown Bag Lunch. Contact Diane Iacone at 407-836-0443 or ctjadi1@ocnjcc.org.

Sept. 18 – *Helpful Steps for Small Business: 5 simple steps that can help you grow a better business*. Solo and Small Firm seminar. 12:00 p.m.-1:00 p.m. Bar center. Sponsored by: M&I Bank, A Part of BMI Financial Group. Contact: mariew@ocbanet.org.

Sept. 21 – *Practicing Family Law in the Age of Technology*. Family Law Committee Annual Seminar. 8:30 a.m.-1:00 p.m. Bar Center. CLE pending. Speakers: Debbie Foster (Affinity Consulting); Paperless Office; Jonathan Persichetti (Protechnica); Social Networking; Lawrence Kolin, Esq.; E-Discovery; Susan Savard, Esq.; Case Update/Ethics. Registration with payment is required. Registration deadline: Sept. 14. See OCBA website.

Sept. 25 – *Dependency Adoptions*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Center, 99 E. Marks St., Orlando, FL 32803. CLE: pending. Speaker: Stephanie Stewart, Esq. Contact: Marilyn Carbo at mcarbo@legalaiddocba.org or 407-841-8310 x 3121.

Sept. 29 – *Communicate, Arbitrate and Litigate Efficiently: Practical Strategies for Success*. Paralegal Section Seminar. 7:30 a.m.-5:00 p.m. Embassy Suites, Downtown Orlando. Speakers: The Honorable John Marshall Kest, Ninth Judicial Circuit; Jeff Keiner, Esq., Gray Robinson, P.A.; Sandra Upchurch, Esq., Upchurch, Watson, White & Max Mediation Group, Inc.; Susan Constantine, Body Language and Communications Expert; Jamie Billotte Moses, Esq., Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A. CLE pending. Details to come.

Oct. 9 – *Sealing and Expungement*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Center, 99 E. Marks St., Orlando, FL 32803. CLE: pending. Speaker: David B. Slaughter, Esq. Contact: Marilyn Carbo at mcarbo@legalaiddocba.org or 407-841-8310 x 3121.

Oct. 11 – *Ethical Social Media Marketing for Law Firms*. Sponsored by FindLaw. 12:00 p.m.-1:00 p.m. OCBA Center. CLE 1.0 (including .5 Ethics). Speaker: Joe Rodriguez. RSVP to mariew@ocbanet.org.

Oct. 11 – *Topic TBA*. Brown Bag Lunch with Judge John M. Kest. 12:00 p.m.-1:15 p.m. Orange County Courthouse, 23rd Floor Judicial Conference Room. CLE: 1.5. Free. Please feel free to bring your lunch, and tell security that you will be attending the Brown Bag Lunch. Contact Diane Iacone at 407-836-0443 or ctjadi1@ocnjcc.org.

Oct. 19 – *The Dynamics of Domestic Violence and its Relation to Child Custody*. Family Law Committee Seminar. 12:00 p.m.-1:00 p.m. Speaker: Mary Kogut Lowell, Esq. 1.0 CLE pending. For more info contact Marc Consalo at marc@consalolaw.com.

Oct. 23 – *GAL 101*. Legal Aid Society Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks Street Senior Center, 99 E. Marks St., Orlando, FL 32803. Speakers: Kate York, Esq.; Bethanie Barber, Esq. Contact: Marilyn Carbo at mcarbo@legalaiddocba.org or 407-841-8310 x 3121.

Other News

Barry University – The Volunteer Income Tax Assistance program (VITA) at Barry University School of Law was recognized with the National Achievement Award from the ABA Law Student Division on Aug. 4 at the ABA Annual Meeting in Chicago. It is the sixth consecutive year that Barry Law's VITA program earned the honor.

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ParalegalPost

continued from page 34

Finally, I would like to add that court reporters are professionals. While the state of Florida does not require reporter certification at this time, many of us have voluntarily sought certifications. We attend state and national conventions, as well as vendor-specific software training. Our field is changing rapidly, and we are embracing tomorrow's technology today.

Emily Andersen is a court reporter with Milestone Reporting Company in Orlando.

OCBA Leadership Law 2012 – The Orange County Bar Association's new program – Leadership Law – was awarded the LexisNexis Community Educational and Outreach Award at the National Association of Bar Executives annual meeting in Chicago, July 31-August 2, 2012. The award honors bar associations and bar foundations that are committed to public service. Organizations receiving a LexisNexis Community Educational and Outreach Award are judged on the overall quality of their program, their effectiveness in achieving the stated objectives, their adaptability by other bar associations or foundations, and their degree of innovation and originality. Recipient organizations' programs are also evaluated for their diversity, scope, importance, and the duration of benefits derived by the target group or groups.



Mary Ann Etzler, Esq.,
Leadership Law facilitator

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

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

CLUB

CLASSIFIED ADS

To reply to BRIEFS box number, address as follows:
Briefs Reply Box # _____
c/o Orange County Bar Association,
P.O. Box 530085 • Orlando, FL 32853-0085

EMPLOYMENT

ORLANDO FIRM SEEKS BILINGUAL ATTORNEY with 3-5 years experience in personal injury including trial experience. Outstanding opportunity to join long established firm with excellent benefits and compensation package. Send resume in confidence to reply box 701.

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

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

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

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

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

ZIMMERMAN, KISER & SUTCLIFFE, an AV - rated law firm located in Orlando, seeks an Attorney with 4 to 6 years Insurance Defense/Personal Injury Litigation experience. This position requires strong verbal and written com-

munication skills. Portable book of business is desired, but not required. Salary commensurate with experience; excellent benefits. Please send resumes confidentially to Personnel Director, PO Box 300, Orlando, FL 32802 or by email to lbearden@zslawfirm.com. Visit our website at www.zkslawfirm.com.

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

RETIRED ATTORNEY ASSISTS WITH motions to dismiss, strike defenses, summary judgments, briefs, research. RESPOND@cfl.rr.com.

AKERMAN SENTERFITT'S CONSUMER FINANCE LITIGATION PRACTICE GROUP is seeking associates with 3 to 5 years of general commercial litigation experience for its Miami, Orlando and West Palm Beach offices. Federal Court clerkship and/or consumer finance litigation experience preferred. Excellent research and writing skills are required. Must be a member of The Florida Bar. Akerman is ranked among the top 100 law firms in the U.S. by The National Law Journal NLJ 250 in number of lawyers. With more than 500 lawyers and government affairs professionals, we serve clients from major business centers in Florida, New York, Washington, D.C., California, Virginia, Colorado, Nevada and Texas. Please submit resume and cover letter at <http://www.akerman.com/careers/index.asp>.

AV RATED WINTER PARK LAW FIRM, has opening for experienced real estate attorney with portable business and time to work with partners in connection with current clients. An opportunity to join a well-established firm, exceptional working environment, and full benefits. Reply in confidence to Christi Lane @ clane@gdb-law.com.

FLORIDA BASED, CERTIFIED MINORITY-OWED LAW FIRM is seeking senior level attorney/partner to help expand its

insurance defense practice. Ideal candidate should have strong credentials and experience along with own book of business. The position is available at the firm's Orlando location. Send Resumes to: Rosana. Bradford@infantezumpano.com.

OFFICE SPACE SHARED

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

SHARE OR LEASE OFFICE SPACE AT LAKE MARY PRO CAMPUS (14 and LMary Blvd). Three offices with furnished admin, conf room, break-room and bathroom with shower. \$900-\$3000/month everything included. 407 765 3893 or lorbis@earthlink.net.

OFFICE SPACE FOR SALE/RENT/LEASE

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

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

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

NOW AVAILABLE FOR LEASE is a freestanding, two-story historic office building in

downtown Orlando with up to 20 dedicated surface parking spaces. Located on Robinson Street between Orange Avenue and Interstate 4, one block from the Orange County Courthouse and two blocks from the main downtown SunRail Station, this highly visible, 6,850 SF office property includes a separate lobby/reception area with a grand spiral staircase, a fully furnished large conference room and an employee lounge. With several spacious private offices and ample support staff areas furnished with modular work stations, this building is perfect for a law firm. Call (407) 422-6105 for information.

PROFESSIONAL SPACE AVAILABLE FOR LEASE at 1604 S. Bumby Avenue, Orlando, Florida 32806. Office is 384 square ft., fully tiled and well lit. Access to adjacent conference room. Excellent location close to downtown. \$595.00/month, 407-898-8015.

ATTORNEY OFFICE BUILDING FOR SALE. Suitable for 4 or more attorneys and staff. Close to courthouse. 2000 + sq.ft., high traffic count, lots of parking. \$285,000.00 Call (407) 648-2000.

Available June 1, 1000-plus Sq. Ft. office suite in carriage house, Downtown Orlando, convenient to I-4 and 408, quiet setting with private entrance on grounds of established law firm. Ideal for small law practice or business. Call John Parrell 407-386-1900.

DOWNTOWN ORLANDO OFFICE FOR LEASE. Furnished 850 sq foot first floor suite on East Robinson Street. Renovated with new carpet, paint and tile. Two offices, one secretarial station, private bath, file room, use of conference room in building. Convenient to courthouse, great visibility. Contact Lydia 407-228-4023 or lpj@blairjacksonlaw.com.

LEASE: 3,648 SF office building. 2300 Lee Rd, Winter Park. Monument signage; great parking. Christi Davis/Morrison Commercial Real Estate 407-219-3500, ext. 230.

SALE OR LEASE: 17,000 SF building. North Westmonte Dr., Altamonte Springs. 5800 & 4500 SF available - owner/occupant or lease; monument signage. Christi Davis, Morrison Commercial Real Estate, 407-440-6644.

OCBA Calendar

SEPTEMBER - OCTOBER

OCBA Luncheon

Co-hosted by the Hispanic Bar Association of Central Florida
Sponsored by Marsh U.S. Consumer, a Service of Seabury & Smith

Al Torres, M.D.

Chief, Critical Care and Transport,
Nemours Children's Hospital

September 19, 2012 • 11:30 a.m.-1:00 p.m.

The Ballroom at Church Street

RSVP by Thursday, September 13, 2012

reservations@ocbanet.org

September

- 3** OCBA Office Closed – Labor Day
- 4** *Professionalism Committee*
12:00 p.m. • Bar Center
- 5** *Business Law Committee*
12:00 p.m. • Bar Center
- 8** *Greater Orlando Diversity Mentoring Picnic*
1:00 p.m. • FAMU College of Law
- 10** *Estate, Guardianship & Trust Committee Seminar*
Electronic Filing and Electronic Service: Ethical Issues
12:00 p.m. • Bar Center
- 11** *LAS Lunchtime Training*
Crafting a Parenting Plan When There's Domestic Violence
12:00 p.m. • Marks Street Senior Center
- 12** *Employment and Labor Law Committee*
12:00 p.m. • Morgan & Morgan, P.A.
- Lawyers Literary Society*
12:00 p.m. • Bar Center
- Executive Council Meeting*
4:30 p.m. • Bar Center
- 13** *Brown Bag Lunch with Judge J. Kest*
Preserving Trial Error for Appellate Review
12:00 p.m. • Orange County Courthouse
23rd Flr. Judicial Conference Rm.
- Criminal Law Committee*
12:00 p.m. • Bar Center
- 18** *Solo & Small Firm Committee Seminar*
Helpful Steps for Small Business
12:00 p.m. • Bar Center
Sponsored by: M&I Bank, A Part of BMO Financial Group
- 19** *OCBA Luncheon*
Dr. Al Torres
Nemours Children's Hospital
11:30 a.m. • Ballroom at Church Street
Sponsored by Marsh U.S. Consumer, a Service of Seabury & Smith
- Insurance Law Committee*
12:00 p.m. • Bar Center
- 20** *Technology Committee*
12:00 p.m. • Bar Center

- 21** *Family Law Committee Annual Seminar*
Practicing Family Law in the Age of Technology
8:30 a.m. • Bar Center
- YLS Luncheon*
11:40 a.m. • Citrus Club
- 25** *LAS Lunchtime Training*
Dependency Adoptions
12:00 p.m. • Marks Street Senior Center
- Tax Law Committee*
12:00 p.m. • Bar Center
- 26** *Appellate Practice Committee*
12:00 p.m. • Bar Center
- 28** *YLS Annual Golf Tournament*
8:00 a.m. • Grand Cypress Golf Club
- Bankruptcy Law Committee*
12:00 p.m. • Bar Center
- 29** *Paralegal Section Seminar*
Communicate, Arbitrate and Litigate Efficiently
7:30 a.m. • Embassy Suites

October

- 2** *Social Committee*
11:45 a.m. • The Rusty Spoon
- Professionalism Committee*
12:00 p.m. • Bar Center
- 3** *Business Law Committee*
12:00 p.m. • Bar Center
- 8** *Estate, Guardianship & Trust Committee*
12:00 p.m. • Bar Center
- 9** *Intellectual Property Committee*
12:00 p.m. • Bar Center
- LAS Lunchtime Training*
Sealing and Expungement
12:00 p.m. • Marks Street Senior Center
- 10** *Lawyers Literary Society*
12:00 p.m. • Bar Center
- 11** *FindLaw Seminar*
Ethical Social Media Marketing
11:30 a.m. • Bar Center
- Brown Bag Lunch with Judge J. Kest*
Topic: TBA
12:00 p.m. • Orange County Courthouse
23rd Flr. Judicial Conference Rm.
- Social Security Committee*
12:00 p.m. • Bar Center
- 16** *Solo & Small Firm Committee*
12:00 p.m. • Bar Center
- 17** *Elder Law Committee*
12:00 p.m. • Bar Center
- 18** *Lawyers for Literacy Spelling Bee*
5:30 p.m. • Downtown Sheraton
- 19** *YLS Luncheon*
11:40 a.m. • Citrus Club
- Family Law Committee*
The Dynamics of Domestic Violence and its Relation to Child Custody
12:00 p.m. • Bar Center
- 23** *LAS Lunchtime Training*
GAL 101
12:00 p.m. • Marks Street Senior Center
- 24** *YLS Luncheon*
11:40 a.m. • Citrus Club
- Appellate Practice Committee*
12:00 p.m. • Bar Center
- 25** *OCBA Luncheon*
11:30 a.m. • Church Street Ballroom
- Middle District Court*
50th Anniversary Dinner
See Middle District of Florida Historical Society Website
- 26** *Middle District Court*
50th Anniversary Academic Symposium
See Middle District of Florida Historical Society Website
- Bankruptcy Committee*
12:00 p.m. • Bar Center
- 28** *Spirits & Spares Bowling Tournament*
2:00 p.m. • Location TBA
- 30** *Tax Law Committee*
12:00 p.m. • Bar Center

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