

the Briefs

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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

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Paul J. Scheck, Esq.

80 Years of Tradition and Counting...

Because of our traditions, we've kept our balance for many, many years... and because of our traditions... every one of us knows who he is and what God expects him to do.

— Tevye from *Fiddler on the Roof*

I have very distinct memories from my childhood of attending “off Broadway” plays with my parents (for the record, Jacksonville is very “off” Broadway), including one of my mother’s personal favorites, *Fiddler on the Roof*. One of the songs from that play that has always resonated with me is Tevye’s classic version of *Tradition*. In that song, Tevye conveys to the audience that without tradition they would have no identity, and that without such tradition none of them would know who they are and what is expected of them.

We here in Orange County are similarly blessed with traditions handed down to us that help define who we are as lawyers and a bar association and what is expected of us. This year the OCBA is proudly celebrating its **80th birthday**. As we continue to pursue innovative programs to better serve our members, it remains important for us to reflect on the traditions that have been established over the past 80 years so that we can remember who we are, where we have come from, and what is expected of us.

In 1924, lawyers practicing in Orange County formed what was then known as the 17th Judicial Circuit Bar Association, the predecessor to the OCBA. In 1933, the OCBA was formed under the leadership of such distinguished lawyers and community leaders as Maxwell W. Wells, Sr., Esq.; Louis C. Massey, Esq.; Troy Musselwhite, Sr., Esq.; Ellis Davis, Esq.; Giles F. Lewis, Esq.; William H. Dial, Esq.; and Clark W. Jennings, Esq. We would all agree that our bar association has grown and changed quite a bit over the past 80 years. But from the outset and throughout our history, the OCBA has been epitomized by great traditions, including the traditions of leadership and service.

Our previous leaders understood that their call to leadership and service placed upon them the additional responsibility that “to whom much is given, much will be expected.” As a result, these leaders not only served the OCBA and its members with distinction, but proceeded from their OCBA leadership to the highest levels of leadership within our state and our community. These additional roles have included (among many others) serving as Chief Justice of the Florida Supreme Court, Federal District Court judges, The Florida Bar

president, and presidents of the Legal Aid Society. These leaders have also established themselves as the pillars of our legal community for the past 80 years; their names are synonymous with the most successful and well-respected law firms in our community. Furthermore, these leaders made the performance of *pro bono* legal services a common commitment for all OCBA members, placing Orange County on a level that is without equal throughout Florida and arguably, the nation.

If you take the time to listen to these leaders, they will gladly share with you stories of the “good old days” where civility and professional decorum were the norm, not the exception, or a new agenda item. They will also provide a unique perspective on how the impersonal nature of emails and facsimiles has negatively impacted the practice of law. These lawyers remember what it was like to be a young lawyer and find it hard to believe so many years have passed since they were young lawyers. Many of these lawyers are happy to share their thoughts on the practice of law, the changes in the legal profession, or ideas about how to better expand one’s practice.

With these great leaders as resources in our legal community, I believe a tradition that we need to further develop is a well-established mentoring program. Such a program can be an invaluable resource for younger attorneys to gain practical insights in case management issues, law office management, community involvement, and professional development. These mentors are in a position to stress the importance of ethical responsibility and professionalism in their mentees’ dealings with opposing counsel and the court. Such a mentoring program is an opportunity for both personal and professional growth by assisting newer lawyers in developing good character, competence, and a deeper appreciation for the profession. Each of us has something of value to share with those younger than ourselves, and mentoring will be an opportunity for us all to perpetuate the OCBA’s traditions of leadership and service.

As Muhammad Ali famously said, “It’s not bragging if you can back it up.” I believe it is not bragging to say that the OCBA has a long tradition of

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Michael M. Kest, Esq.

2013 OCBA Professionalism Award Nominations

The OCBA & Ninth Circuit Professionalism Committee is always looking for ways to increase the civility and professionalism of the local bar. We do it through seminars, articles in *The Briefs*, reaching out to local law schools, and other events. However, the most effective tool we have for acknowledging that civility and professionalism work is our recognition each year of the professionalism award winners. This year we are starting (and ending) the nominating process a little earlier than usual. We have also revised our nomination forms to make the process a little bit easier.

The new forms have been shortened to one page and can be downloaded from the OCBA website. We give out three awards each year:

The **WILLIAM TRICKEL, JR. PROFESSIONALISM AWARD** seeks to recognize a practicing attorney whose conduct and career stands as a model of success built on unquestioned professionalism. The award is given to an attorney who has practiced law 15 or more years in any field. Nominees must possess the following attributes: currently practicing law, career service, service to the community, service to the profession, consistently ethical conduct, courteous demeanor, high moral standards, and professional behavior that transcends mere ethical standards and rules.

The **LAWRENCE G. MATHEWS, JR. YOUNG LAWYER PROFESSIONALISM AWARD** seeks to recognize a practicing attorney whose conduct and career stands as a model of success built on unquestioned professionalism. The award is given to an attorney who has prac-

ticed law less than 15 years in any field. Nominees must possess the following attributes: currently practicing law, career service, service to the community, service to the profession, consistently ethical conduct, courteous demeanor, high moral standards, and professional behavior that transcends mere ethical standards and rules.

The **JAMES G. GLAZEBROOK MEMORIAL BAR SERVICE AWARD** seeks to recognize a state or federal judge (including state magistrates, county court judges, circuit judges, appellate judges, federal magistrates, district court judges, and bankruptcy court judges) who serves Orange County or hears cases in a district which includes Orange County, who best embodies the following characteristics: (a) service to and support for the legal profession and/or the Orange County Bar Association and/or the Legal Aid Society of the OCBA; (b) dedication to professionalism, both in and out of the courtroom; and (c) leadership in promoting the qualities that heighten professionalism, including civility, integrity, and respect for our system of justice.

All nominations must be received by **October 31, 2013**. If you are interested in nominating an individual for one of the awards, please go to the OCBA website or contact Brant Bittner to get a nomination form.

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

OCBA Luncheon Thursday, September 26, 2013



Barbara Jenkins, PhD.

Barbara Jenkins, PhD. Superintendent Orange County Public Schools

Dr. Barbara Jenkins is the new superintendent for Orange County Public Schools (OCPS) in Orlando, Florida. As the former deputy superintendent she served as the superintendent's designee and oversaw five area superintendents and the Division of Teaching and Learning. Previously as chief of staff she oversaw human resources, public relations, labor relations, strategic planning, and served as the chief negotiator for the district. As the superintendent's designee she also coordinated executive functions for the district and provided support to the school board.

From 1998 through 2005 she was the assistant superintendent of human resources for the 120,000-student district, Charlotte-Mecklenburg Schools (Charlotte, North Carolina), where she was responsible for

employee relations, licensure, benefits, information systems, compensation, and employment. During her time in Charlotte, she was recognized for innovative strategies to increase equity among schools, including accelerated staffing strategies, teacher incentives, and use of a balanced scorecard.

She previously served as senior director for elementary education in Orange County, supervising principals and schools. Dr. Jenkins has been a classroom teacher, staff developer, and principal. Her undergraduate and doctor of education degrees were received from the University of Central Florida. She is a fellow of the nationally recognized Broad Superintendents Academy.

The Ballroom at Church Street

Co-hosted by:

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

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Please RSVP by Friday, September 20, 2013

**RSVP through the OCBA Store
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Main Entrance: Garland Avenue between
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To ensure a proper luncheon count, RSVPs and CANCELLATIONS are requested no later than Friday, September 20, 2013. The OCBA is happy to provide 10 luncheons as part of your member benefits, but no-shows incur additional charges for the Bar and walk-ins cannot be guaranteed a seat.

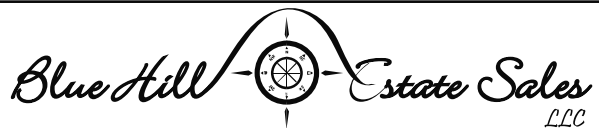
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President's Message
continued from page 3

being the best bar association in Florida, because for 80 years we have backed up those claims with leadership, excellence, and service to our own members and to our fellow citizens here in Orange County. So with great pride, I say: **Happy 80th birthday OCBA, and let's keep building the tradition!**

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



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Josh Brown, Greenberg Traurig

Moderator: *(panel discussion)*

Samir Mathur, IT-Lex

This CLE course is hosted by the OCBA located at 880 North Orange Ave., Orlando FL, 32801.

To RSVP contact Chris Newton:

E-Mail: Chrisn@elijaht.com

Phone: 407-479-7849

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Friday, September 27, 2013

Shotgun Start at 8:00 a.m.

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Orlando, FL 32837

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Kathleen Flammia, Esq.



Ashley C. Winship, Esq.

George C. Young Inn of Court Community Service Group Educates and Entertains During Elder Law Presentation

Have you ever wondered how to be sure that your possessions end up where you want them to go when you die or how to plan for long-term care? What are the benefits of retaining an attorney to assist with estate planning? These are just a few of the questions that were answered at a recent legal presentation sponsored by members of the George C. Young First Central Florida American Inn of Court.

The presentation was held on May 14, 2013, at Covenant on the Lakes Senior Apartments. The Inn of Court is well-known for its pupillage group dinner presentations for Inn members. Community service is an important component of the Inn's mission. Thus, community service pupillage groups were created.

The group gave a three-dimensional presentation that included a brief, legal presentation, mock skits, and a question and answer session. The residents were regaled by the skits, which included a senior married couple played by Ava Doppelt, Esq. and Mark Van Valkenburg, Esq., asking legal questions about estate planning and wills. The skits were written by pupillage group member Ashley Winship, Esq., and provided an entertain-

ing look at the issues related to engaging the services of a lawyer to discuss senior legal matters.

Judge Faye Allen, a board member of the Inn of Court who served on the pupillage group, noted that the program at Covenant on the Lakes was a first for the Inn. She said the program was a success because "[i]t provided an opportunity for a group of seniors to have access to lawyers for one-on-one answers to their legal questions." The presentation included an appearance by Kathleen Flammia, Esq., a member of the Academy of Elder Law Attorneys. Other members of the community service pupillage group included Amy Steiner, Esq., Joseph Debaise, Esq., and Barry law student, Avita Mosai.

Submitted by the reporting committee of the George C. Young First Central Florida American Inn of Court.

Kathleen Flammia, Esq., Kathleen Flammia, Esq., P.A., is a Board Certified Elder Law attorney. She has been a member of the OCBA since 1999.

Ashley C. Winship, Esq., Rush, Marshall, Jones and Kelly, P.A., is on the Inn of Court Community Service Group. She has been a member of the OCBA since 2012.

**On the cover:
Judges in
alphabetical order
with their
alma maters:**

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David P. Hathaway, Esq.

15 Tips for a Successful Mediation – Part 1

The following article provides practical tips for a successful mediation that lawyers can apply immediately in their practices. The author has divided the full article into a three-part series to cover five tips in each section. Part 1 focuses on how to prepare for mediation, including ethical issues for consideration and pointers about how to prepare a good summary for the mediator.

Civil lawsuits are most often resolved by a mediated settlement agreement, which could have an infinite variety of settlement numbers and terms. What result a party achieves, after months or even years of litigation, is in large part a function of what happens on the day of mediation. Mediation is therefore the most important day of the case. Ironically, most lawyers go through law school and their legal practice with no formal education or training on how to represent a party at mediation. They just watch others, whether good or bad, and learn the ropes over time. However, mediation is far too important to learn by trial and error because it is the day where all the fruits of a lawyer's labor are put to the test. Therefore, this article is meant to provide lawyers of all experience levels with some practical pointers on how to succeed at mediation and thereby better serve their clients and improve judicial economy as a whole.

Tip #1: Expect a Competitive Negotiation.

Mediation is not a cooperative negotiation process. There are books about cooperative negotiation, where both sides show all their cards and reach a "win-win" result. For example, if you had one orange and two people wanted it, rather than slicing it in half, both parties could come to the table and explain why they wanted the orange. It might be that one party intended to squeeze the juice and the other person wanted to use the rind for a cake. By sharing this information, the parties realize they don't have to cut the orange in half; they can both get everything they wanted. This requires trust and honesty, and quite a bit of luck. By contrast, civil litigation is often about money, and therefore it is a zero sum game. That is to say, \$100 out of your pocket will become \$100 in my pocket, and the sum is zero. If one lawyer attempts a cooperative approach in mediation, he or she should not expect the other side to do the same. A competitive negotiator will clean the clock of a cooperative one. For example, if a cooperative negotiator explains that his client really needs only \$1,500 per month to cover the remainder of the

lease payments, the competitive negotiator might never offer a lump sum payment. For purposes of mediation, expect the negotiations to be competitive, not cooperative.

Tip #2: Don't Drop Anchors.

Negotiation begins long before mediation. An anchor is a number mentioned at some time in the lawsuit that the other side will no doubt remember many months later. Any number will sound like an offer, even if it is not. Attorneys may try to use qualifying language, like, "My client *might* go to \$100,000," or "I *doubt* he would go to \$100,000," but qualifiers fall on deaf ears. All the other lawyer hears is a possible settlement number, or an "anchor," of \$100,000, which has a powerful effect on where the case ultimately settles. In one study, lawyers were asked to value a rare jewel for auction and were given information about its condition, rarity, age, maker, and comparable sales. They were handed a detailed questionnaire, which asked at the end, "Do you believe the value at auction exceeds \$2,500?" There was a blank line for the attorney to give his or her best estimate of value, and the average number given was \$1,800. Other lawyers were given the very same questionnaire but instead, at the end, it asked whether the value would exceed \$5,000 at auction. The average estimate given on these forms was \$4,200. The anchor, therefore, made a huge impact on the lawyer's valuation. If opposing counsel asks what your client might take, you may not want to give a number. For the plaintiff, you might indicate, "He is looking to recover the whole amount" or, for the defense, states, "We are not looking to pay anything at all." Of course, if you serve a proposal for settlement under Fla. R. Civ. P. 1.442, you will have to weigh the potential fee-shifting benefit of offering a settlement number with the drawback of dropping an anchor. Since the vast majority of cases are resolved in settlement rather than by court adjudication, which is where fee-shifting might occur, avoiding the anchor may be the weightier consideration.

Tip #3: Skip the Phone Debates.

Just like dropping anchors, try not to engage in telephone debates with opposing counsel that reveal all your mental impressions about the case. If you concede one part of your case is weaker than others, you will have lost the force of those arguments at mediation. The same goes for those conversations in the courthouse before a hearing. There is obviously some merit to "feeling out the

other side” and determining whether the lawsuit can be resolved earlier rather than later, but be careful of what information you share. Sometimes it is easiest to indicate that your position has already been stated in the pleadings. There was a scene in *The Godfather* where Sonny Corleone starts openly questioning a rival mob family’s proposal during a meeting with his father, and afterward, Don Vito Corleone tells his son never to let anyone outside the family know what he’s thinking. The same can be true in civil litigation, both in sharing thoughts about the case and even in proposing mediation. If your client wants to go to mediation, be careful how you communicate it to the other side, because sometimes it can be perceived as a sign of weakness. Some lawyers even confirm in writing that it was the other attorney who suggested mediation. In Florida, mediation is required before trial, but remember not to mediate too early, before the parties have bled enough, or too late, when the parties end up fighting mostly over the legal fees. In your communications with opposing counsel regarding the merits of the case or the prospects for mediation, less is more.

Tip #4: Guard Against Overconfidence.

Studies show that lawyers are overly optimistic about both their chance of winning and the damages recoverable. In one study, lawyers were asked to pretend they were a sports agent for a starting pitcher in Major League Baseball negotiating against his team. The agent’s last offer for the pitcher’s contract was \$6.75 million and the team’s

last offer was \$4.25 million. The average contract for a pitcher with your client’s win-loss percentage was \$5.375 million. In a process called “baseball arbitration,” each side submits a confidential proposed outcome and the arbitrator can choose only one offer or the other; he has no other option. In this hypothetical, the lawyer submits a number and is asked to give a percent likelihood that the arbitrator will choose his number rather than the team’s number. In filling out the questionnaire, lawyers on average were 78.5% confident that their number would be selected. In actuality, anything over 50% is wishful thinking. Even very experienced lawyers make this mistake. Anything can happen at trial, and because a strong case on the merits could fail for some reason no one considered, your best estimate for success should be around 50%. Also keep in mind that experience may boost confidence, but it does not necessarily improve ability. Some lawyers have been making the same mistakes for 30 years of practice, and one of those mistakes is being overly confident of an outcome at trial.

Tip #5: Make a True Case Valuation.

A true valuation of a case is the present value of a future outcome. If you represent a plaintiff who can potentially establish \$1 million in damages, it would be inaccurate to simply conclude that the case is worth \$500,000 because each side has a 50% chance to win at trial. One reason is that parties fail to consider the recovery may be \$1 million or much less. If you made a bar chart, starting at zero and ending at

\$1 million, you might see a peak in the middle, where a recovery of \$500,000 is more likely than a recovery of \$250,000 or \$750,000. To make an accurate valuation of a case, you should first estimate the likelihood of recovering different amounts if you won the case (for example, 30% at \$1 million, 40% at \$500,000, and 30% at \$250,000). As stated above, guard against overconfidence. Take the average, and then multiply by the chance of actually winning the case (say, 50%). Finally, deduct the anticipated future litigation expenses, including legal fees and costs from the date of mediation through trial (say, \$75,000). You will find that your \$1 million case is more accurately worth around \$217,000, not \$500,000. Never lowball the fees and costs, and be sure both the lawyer and client have previously discussed the anticipated future legal expenses; it should not come as a shock to the client on the date of mediation. Also, remember the value of a case may change significantly over time. New testimony and court rulings can substantially affect all three variables: your estimate of the recovery percentages, the chances of winning on liability, and the legal expenses required to get through trial. The value to use at mediation is the value of the case on that day.

This concludes Part 1 of a three-part series. Look forward to Part 2 in an upcoming issue of *The Briefs*.

David P. Hathaway, Esq., is a shareholder in Dean Mead’s Orlando office. He has been a member of the OCBA since 2002.



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Dennis J. Wall, Esq.

Report from the ACA Battlefront: Medicaid, the ACA, and the Supreme Court

More than 58 million Americans rely on Medicaid for health care. Medicare, rather than Medicaid, is often thought to be the program that takes care of older people, but more than nine million Medicaid recipients are 65 years and older and enrolled in both Medicaid and Medicare – that is, more than nine million older Americans are “dual eligible,” relying on Medicaid, as well as Medicare, for their health care. In total, the Medicaid program is critical to the health and well-being of one-fifth of the U.S. population.

The Affordable Care Act (ACA) would have extended Medicaid coverage to nearly 10 million more of the nearly 50 million uninsured people in our country. However, *National Federation of Independent Business v. Sebelius*, ___ U.S. ___, 132 S. Ct. 2566 (2012), has jeopardized that expansion and the health care that would have been provided as a result.

Medicaid provides health insurance coverage to people with low incomes who fit within certain statutory categories. Medicaid is jointly funded by the federal and state governments. Participation in Medicaid is not mandatory, but all states currently participate in Medicaid. The options available for state participation are many, but states must follow certain federal rules if they elect to participate in Medicaid.

According to a recent report of the Center on Budget and Policy Priorities, as of November 1, 2012, 14 states, including the District of Columbia, either expanded their Medicaid participation under the ACA or were leaning toward expansion. Extrapolating from its conclusions, another 16 states expressed opposition to expansion, while the remaining 21 states were identified as “Unclear/Undecided.”

Since the Center on Budget and Policy Priorities’ report, additional states have announced their decisions to join the Medicaid expansion under the ACA. These include Arizona, Florida (discussed further below), Michigan, Nevada, New Mexico, North Dakota, and Ohio. Reportedly, as of this writing, 22 states have elected to join the Medicaid expansion, 17 states oppose it, and 11 have not yet decided. This is not the end, however. Perhaps it is the beginning of the end, though.

In Florida, as in many other states, expansion is subject to approval by the legislature. Florida’s Republican leaders have expressed misgivings.

See www.nytimes.com/2013/02/22/us/politics/gop-governors-providing-a-lift-for-health-law.html?ref=abbygoodnough. In spring 2013, the Governor of Florida changed his position to support Medicaid expansion in Florida under the ACA. The 2013 Florida Legislature, however, did not pass the Medicaid expansion. Due to impending implementation deadlines beyond the control of the Governor and the Legislature, unless the Florida Legislature is called into special session to address Medicaid expansion very soon, and the Florida Legislature votes favorably on the Medicaid expansion in such a special session, there will not be enough time to implement the program including 100% Federal payment of the expansion in 2014, even if the Florida Legislature approves the expansion at some later date.

What Medicaid Was Back in the Day; What Medicaid Is Now

Medicaid then and now can be contrasted best by comparing three variables: funding, financial eligibility, and categories of eligible participants.

Funding

Funding Before the ACA: 1965–2010

Since its inception in 1965, Medicaid has featured shared funding participation by the states and federal governments, with each contributing a percentage of the shared cost. The higher share has always been contributed by the federal government, as it is now. The current average funding share of the federal government is 57 percent.

Funding After the ACA

Under the ACA, the federal government will contribute a much greater share of the costs of an expanded Medicaid program. For the first three years of expansion – 2014, 2015, and 2016 – the share of the federal government in the costs of Medicaid expansion is 100 percent. The federal share is gradually reduced over the next four years until it reaches a plateau; it will be 95 percent in 2017, 94 percent in 2018, 93 percent in 2019, and 90 percent in 2020 and beyond.

The federal officials in charge of Medicaid have given a friendly notice to state officials that the federal share is tied to these dates. Therefore, if a state elects not to expand its Medicaid rolls until, say, 2015, the federal government share will be at 100 percent levels for only two years, 2015 and 2016. If a state defers expanding Medicaid until 2017, the federal government will pay 95 percent of the expansion’s costs in 2017, rather than 100

percent. If a state waits until 2018, the federal share will be 94 percent of the Medicaid expansion in 2018, and so on.

Eligibility

Eligibility Before the ACA: 1965–2010

The financial eligibility requirements for Medicaid changed several times over the years between 1965 and 2010. Financial eligibility for Medicaid is pegged to what is called the “federal poverty level” (FPL). The FPL is scaled on a gradient and sets different levels for people in different situations. So, for example, individuals qualify for one FPL setting, while a family of three qualifies for another, a family of four for yet another, and so on.

The FPL is not a phenomenon of nature in the sense that it was made, not created. The FPL did not exist before it was invented in Washington, D.C. When it was devised, perhaps the FPL provided a more or less reliable measure of what people could live on before they sank into “poverty.” If that was once true, however, it is certainly not true now. It is hard, if not impossible, to find any rational supporter of the idea that the FPL accurately measures the income that it takes for actual people to live on. The FPL long since stopped functioning, but it has remained a measure of Medicaid eligibility nonetheless.

Eligibility After the ACA

Under the ACA, Medicaid financial eligibility is expanded to people under the age of 65 with incomes equal to or less than 133 percent of the FPL. The scenario most often used to illustrate that figure is that of a family of three whose income rises to \$25,390 in a single year. This measure takes effect in January 2014.

Categories of Eligible Participants

Previously established categories of Medicaid-eligible participants included pregnant women, children, parents, and adults with disabilities. The ACA, however, expands the Medicaid-eligible population to nearly all nondisabled adults under the age of 65.

Medicaid Expansion after the Supreme Court Decision

Chief Justice John Roberts wrote in the opinion for the Court that the Medicaid expansion issue is governed by the Spending Clause. That Clause, he said, is in the nature of a “contract” between the state and federal governments. On this point, four of the justices agreed in separate opinions.

The ACA’s Medicaid expansion provisions included a requirement that states expand Medicaid or suffer the loss of all Medicaid funds, including the funding that predated the ACA. Five justices, some expressing reluctance, combined for a majority holding that the “penalty” provision of the ACA Medicaid expansion was severable from the rest of the Medicaid expansion provided in the ACA, and seven justices severed it as violative of the Spending Clause.

In general terms, the biggest effect on Medicaid of the June 2012 Supreme Court decision was to restrict the federal government’s ability to withhold all federal Medicaid sharing funds from states that elect not to join the federal government’s Medicaid expansion. The announced purpose of the ruling was to give states an unfettered choice as to whether to expand Medicaid coverage.

As a result of the Supreme Court’s decision regarding Medicaid opt-out options,

\$53.3 billion more in medical bills will be incurred by hospital emergency rooms and many others, the National Association of Public Hospitals and Health Systems estimates. Further, the Congressional Budget Office currently estimates that six to ten million fewer Americans will receive Medicaid as a result of the Supreme Court’s decision.

Judges make decisions. And whether those decisions are correct on the legal and factual merits or not, it is indisputable that they have consequences. Among the consequences of the Supreme Court’s decision on the ACA’s Medicaid expansion are the responses of the federal government and of some state officials. The federal response to this decision has been to bend over backwards to accommodate it. Cindy Mann, director of the Center for Medicaid and CHIP Services (CMCS), the federal government official in charge of Medicaid, says states can *choose* to expand their participation in Medicaid. A state, she also says, at its own election can later decide to *drop* its expanded participation.

The quoted responses of some state officials are variations on the theme of, it would be a mistake for us to rush into things. Their responses are reminiscent of “watchful waiting” in response to a diagnosis of cancer. Whether watchful waiting is a defensible response depends greatly on the status of the cancer and on which type of cancer has been diagnosed, as anyone who has had cancer knows very well. A diagnosis of prostate cancer is very different with respect to a watchful waiting option than, say, an aggressive lymphoma. Watchful waiting while millions of people continue

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James A. Edwards Certified Circuit Court and Appellate Mediator

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Bruce B. Blackwell, Esq.

ABA Honors Bruce B. Blackwell, Esq.

Bruce B. Blackwell, Esq., was one of five recipients of the Pro Bono Publico Award presented by the American Bar Association's Standing Committee on Pro Bono Public Service at the ABA's Annual Meeting in San Francisco in August. ABA president Laurel G. Bellows, Esq., hosted the ceremony. The Pro Bono Publico Awards honor individuals or organizations in the legal community that enhance the human dignity of others by improving or delivering volunteer legal services to the poor or disadvantaged.

Upon receipt of the award, Bruce commented:

The woman I often refer to as my mother taught me to try to live by the Golden Rule: Do unto others as I would have them do unto me.

I have almost no memory of my real mother, except of time spent beside her in her sick bed. Losing my parents so early – my mother to cancer and my father to an accident – I was fortunate to be taken in at age 11 by an aunt and uncle who adopted my brother and me and gave both of us the opportunity to overcome a difficult beginning.

From my aunt-turned-mother, whose life centered on service, I learned that each of us possesses the power to change at least one life, if not many lives, through our actions.

Raised in rural north central Florida, part of the segregated South, I also had many early lessons about the results of inaction. I saw how it led to injustice, and how injustice could lay waste to a person's life, and oftentimes the lives of many.

In college and law school I further awoke to the potential within each of us to be transformative. I looked to the example of Robert Kennedy, who said, "Few will have the greatness to bend history itself; but each of us can work to change a small portion of events, and in the total of all those acts will be written the history of this generation."

And so, as a lawyer, I saw my acts not in isolation but as part of a grand summation. Each *pro bono* case I handled, each small systemic change I could help bring about, would count toward the plus side. This was my motivation. One nice thing about *pro bono* work is that no one ever questions your motivation. Our Legal Aid Society of the Orange County Bar Association has, for more than 52 years, cultivated dedicated lawyers in the community and on staff to serve as guardians ad litem, and to do the myriad tasks generally associated with landlord/tenant matters, family law issues, foreclo-

sure assistance, immigration, and migrant worker assistance, to name just a few. Our Legal Aid Society brings in lawyers from all walks of practice and routinely serves more than 16,500 individuals and families a year. Together we help bring real movement on the plus side in our circuit.

Another wonderful thing about *pro bono* practice is the psychic reward that comes from helping to bend history, even if only for one person at a time. That's a feeling I try to share with as many lawyers as I can. I take great pleasure in proselytizing and am pleased at the results that have come from it. I am proud to be part of a profession in which so many keep their promise never to reject the cause of the defenseless or oppressed. Each of us as a foot soldier gathers together to form an army of advocates.

I am also proud to have been part of a dedicated group whose advocacy has helped garner state and federal funding for legal aid over the years, and the continuation of programs whose benefits far outweigh the modest costs associated therewith. And yet I am still troubled by the fact that even in the best of times the efforts of legal aid and *pro bono* attorneys only address about 20 percent of the need for legal services, a shortfall exacerbated by the economic downturn that began in 2007 and that still continues through most of our nation. Lawyers from Florida pioneered IOTA and IOLTA throughout the nation and have benefited from an enlightened state court system in helping to make a dent in the ever-increasing need for services we render to the most needy in our society.

When I have shined brightest, it has often been because my wife, Julie, and our daughters, Blair and Brooke, have provided the impetus for me to act. And, it has always been with their support.

When I learned that a client I had helped in a *pro bono* case had a daughter who was Brooke's classmate, and that with a little bit of support this young woman could unleash the tremendous potential inside her, I talked with my family and it was decided that Sabrina would come live with us as she finished high school and applied to colleges. Dr. Sabrina Wiggins, whom I consider our third daughter, is a veterinarian today, and she is helping others bend history in her own way.

When our daughter Blair was working in Bosnia to rebuild its educational system following the war and came home with stories of the horrors of

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2013 Young Lawyers & Law Clerks Reception



Heather Kozlowski, Esq.
Kayla Mudge, Esq.

The Orange County Bar Association Young Lawyers Section hosted its annual Young Lawyers & Law Clerks Reception on Thursday, July 18, 2013, from 6:00 p.m. to 8:00 p.m. at The Abbey, located at 100 South Eola Drive, Orlando, Florida 32801. This is one of our biggest events of the year and is an excellent recruiting tool to keep top talent in the Orlando area and active in our bar association. Each year the reception showcases the best and brightest young legal talent in Central Florida.

There were more than 300 young lawyers and law clerks in attendance at this year for a fun evening of networking and socializing. The young lawyers and law clerks were welcomed by members of the judiciary from the Ninth Judicial Circuit Court of Florida, the U.S. District Court for the Middle District of Florida, and the Fifth District Court of Appeal.



This year's signature sponsor was The Orlando Family Firm, as can be shown below on the venue's dazzling marquee.



This is a *free* event put on each year by the Young Lawyers Section to introduce young lawyers and law clerks to the legal community in Central Florida. Along with all of this year's sponsors, a silent auction was held with

all of the funds raised designated for future YLS events.

Attendees enjoyed delicious cupcakes donated by Celi's Sweets, which just opened this year.



Celi's Sweets

On behalf of YLS, we thank all of you for your contributions and help continuing the tradition of this event.



Brian Kozlowski, Esq.
Trevor Jones

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Legal Aid Society What We Do...



Donna A. Haynes

Why Volunteer?

I am often asked: "Why should I volunteer? I pay taxes..." Well, Orlando, Florida, known as "The City Beautiful," is not a perfect place, and many people need help. Yes, volunteering takes up our time, energy and, sometimes, money. It can be hard work, and even a bit scary. Legal Aid volunteers help us because they can make a difference, often saving and changing lives.

When you volunteer time, money, or talent, we make our Central Florida community a better, happier, safer, and more stable home, where people work together to make life easier for all. Yes, it is a beautiful city.

Legal Aid is recruiting volunteers. We need help with several projects:

Breakfast of Champions – We need volunteers who can recruit sponsorships and table captains, who are needed to guarantee the success of our annual fundraiser. We also need financial donations.

Volunteer Advocates for Children – We need volunteers who will speak for abused and neglected children. You do not need to be an attorney for this role.

Pro Bono Attorneys – We need attorneys who can provide legal assistance for the most vulnerable members of our community.

Volunteering is good for the community, but it is also good for YOU. Here is what is in it for you:



Buddy Dyer

Making connections that can lead to job or life changes.

Seeing more of your community and understanding it better.

Feeling needed and important.

Relieving stress.

Fighting boredom.

Spending time doing what you really care about.

Changing and saving lives.

Breaking the cycle of poverty and abuse.

Orlando mayor, Buddy Dyer, has promoted a culture of volunteerism that has made residents of our district neighborhoods and members of our business and non-profit sectors aware that they are integrally invested in our city.

Mayor Dyer encourages Orlando residents to volunteer, stating:

Volunteers are invaluable resources that create

valuable impact by turning toward problems instead of away and working together to find solutions that benefit our community. The Legal Aid Society saves lives and changes lives right here in Orlando. I am thankful for their volunteers, who use their time to help solve community challenges and make Orlando a better and brighter place for everyone. I encourage us all to do our own part to strengthen Orlando through service and volunteerism.

Please consider helping us.

This is the time of year that we recruit our Breakfast of Champions table captains. These are individuals who invite and bring nine guests to this vital fundraiser. We ask our table captains to do some advance education by letting their guests know that each person will be asked to make a personal and/or corporate donation. By inviting their guests to participate as a donor, they are also "friend-raising," and in turn educating them and the community about our nonprofit charity. Table captains are such an important component of this event.

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Platinum sponsors receive ten complimentary tickets to invite representatives or guests to the breakfast.

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Large donors receive longer display time on overhead screens and larger type in marketing materials.

For more information about the Legal Aid Society Pro Bono Program, please contact Cathy Tucker at ctucker@legalaidocba.org; for the Volunteer Advocate for Children Program, please contact Heather Thein at hbranwin@legalaidocba.org; and for development and fundraising, please contact Donna Haynes at dhaynes@legalaidocba.org.

Donna A. Haynes, Legal Aid Society manager of development, has been a member of the OCBA since 2008.



Stephanie K. Stewart, Esq.

GAL Program Florida Rule of Juvenile Procedure 8.255: Children's Attendance at Dependency Court Proceedings

In April 2012, the Florida Supreme Court amended Rule of Juvenile Procedure 8.255 to include "the right of a child to be present at all hearings in dependency and termination of parental rights proceedings, as well as the duty of the trial judge to make the appropriate best interest determinations regarding the child's presence."

Justice Barbara J. Pariente provided several reasons behind this amendment, including the emphasis on family-centered practice in Florida courts, the child's party status in a dependency case that includes the right of the child have a voice in the process, and the court's ability to validate the child's well-being, thereby ensuring his/her needs are being met. In Orange County, all parties have made tremendous efforts to coordinate the attendance of children at dependency hearings that concern the child. Many times, the court finds younger children are of insufficient age and maturity to attend the hearings. Older dependent children are generally found to be mature and old enough and are invited to continue to attend hearings involving their dependency status.

In actual practice, why is the Florida Supreme Court's amendment so important for dependent children?

For dependent youth who are close to "aging out" of the foster care system, this is an opportunity for the court to make certain that the Department of Children and Families is properly preparing the minor to become an adult. The court does this by questioning the youth about his/her independent living skills, plans and goals after aging out, and ensuring he/she possesses the vital legal documents for living on one's own.

Arguably, a more important reason for children to come to court is when there are issues regarding the care of the children. Shawn Jewell, Esq., experienced this on one of his recent Guardian ad Litem cases when two of his charges came

and testified that their father, with whom they were placed, was dealing drugs in front of them. As Shawn explains, "The allegations of potential drug use and/or sale in the home was definitely impacted by the testimony of the children. While we can enter the home as a GAL or case worker, we cannot have the same access the child. The parents/guardians are usually on their best behavior when we arrive. As such, even though I would have been able to relay what the minors reported to me, I would not have been able to provide any personal testimony to corroborate the reported drug use. I believe this was the main issue which resulted in removal."

However, as Shawn points out, a child's attendance at his/her dependency hearings "is a difficult balance of issues." While "the child's personal account can be very helpful," He cautions that "we must also weigh the personal intrusion the testimony may create to the minor. For testimony concerning more direct abuse to the minor it could be very difficult for the child to share his or her experience to the court, especially considering how many other people are usually present for hearings."

Developing that balance between a child's right to attend hearings as well as safeguarding his/her well-being is something that we as GALs need to commit to achieve for each child.

For more information, please contact Stephanie Stewart at sstewart@legalaidocba.org or 407-841-8310, ext. 3162.

Stephanie Stewart, Esq., Legal Aid Society, has been a member of the OCBA since 2008.



Richard S. Dellinger, Esq.

New Lawyer Training Program Brings Young Lawyers from the Classroom to the Courtroom

Several centuries ago, legal education was addressed through an apprenticeship program administered using the pupillage standards set by the Inns of Court. Over time, beginning with William Blackstone at Oxford, England, theoretical lectures became the common method for training lawyers for the practice. The lectures started with a study in philosophers and famous works, later evolving to the case method introduced at Harvard Law School by Christopher Langdell. Today, law schools have moved away from practical skills courses, opting instead to fill their faculty with professors who focus more on a publication and scholarship model rather than employing a hands-on practicum. As a result, new lawyers frequently graduate and begin practice without ever visiting a courthouse and without having served a single client. Compounding the problem, some of these lawyers are now entering practice without a mentor for guidance.

New lawyers try very hard to serve their clients well. But, at times, the practical skill deficiencies in modern legal education and training become all-too-apparent during the early stages of practice. Without mentors, young lawyers have nowhere to turn for guidance. Lack of sound mentorship may result in adverse consequences to clients, thereby yielding a detrimental impact on our justice system. On August 2-3, 2013, the Orange County Bar Association (OCBA) took proactive steps to address this issue within our community.

The New Lawyer Training Program: The Fundamentals of Practice in Orange County started in response to the judiciary's request for the bar to address perceived skill deficiencies of younger lawyers. OCBA members responded and developed a "boot camp" called the New Lawyer Training Program (NLTP). The NLTP was meant to supplement The Florida Bar's Practicing With Professionalism (PWP) program, the monthly Brown Bag Lunch offered by Circuit Judge John Kest, the annual Afternoon at the Courthouse for summer associates, and mentorship programs with the OCBA Young Lawyers Section (YLS), the Central Florida Diversity Mentoring Program, and the George C. Young First Central Florida Inn of Court. In developing the NLTP, the OCBA sought to raise the level of practice for all new Central Florida lawyers.

The first day of the NLTP was an introduction to the courthouse. Before traveling to the courthouse,

participants were welcomed by OCBA president Paul Scheck, Esq. Participants learned the history of the Orange County courthouses, starting with the log cabin courthouse that burned in 1868 during a famous cattle-rustling trial. Attendees were taken to today's 23-story courthouse in downtown Orlando for a hands-on, day-long educational experience. Circuit Judge Frederick Lauten welcomed the new lawyers, and second- and third-year students and talked about the layout of the courthouse, judicial assignments, and court structure. He communicated the importance of a lawyer maintaining an impeccable reputation with a judge from the very first impression. Judge Lauten challenged the participants to think about how they wish to be remembered when they retire and to act in a way, from the very beginning of their practice, that will net that result. Judge Lauten's remarks were truly inspirational and well-received.

The students and new lawyers toured the first three floors of the courthouse, visiting the mediation facilities, offices of the circuit civil clerk, criminal clerk, domestic relations clerk, and judicial process. Attendees were instructed on how to file documents, review existing files, and use attorneys-only services provided by the clerks. They learned how to access judicial resources to serve process and collect judgments and how to use court-provided mediation services.

During lunch, three judicial assistants – who have more than 50 years of combined court experience – explained the proper method of interacting with the court, scheduling hearings, and preparing for trial. During this one-hour session, the judicial assistants "set the ground rules" for working within the courthouse.

The afternoon session introduced judges from all the major court divisions. County Judge Wilfredo Martinez conveyed the particularities of county court and small claims court and gave practical advice, such as the need to bring copies of all motions to court and to bring proposed orders to all hearings.

Judge Robert Evans and Camy Schwam-Wilcox, Esq., spoke about domestic relations and domestic violence. Camy walked participants through the process of an adoption and uncontested divorce. She supplied each participant with forms and checklists to aid in future domestic relations practice. Judge Evans provided practical hints, in-

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The Hon. Frederick J. Lauten, Jr.

New Lawyer Training Program

August 2-3, 2013



Andrew Laino



The Hon. Wilfredo Martinez



Elizabeth
McCausland, Esq.



David Hollamby



Michael Kest, Esq.



The Hon. John Marshall Kest



Charlie Kiester



Luis F. Calderon, Esq.



The Hon. Robert M. Evans



Jamie Billotte Moses, Esq.



Richard S. Dellinger, Esq.
Kim Soto



Diane Pham
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Thank you to voluntary bar leaders for sponsoring the reception!

PHOTOS: Flo Boehm

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FAMU Students with Judge Allen

Judge Faye Allen judging Florida A&M law students. Judge Allen presided over mock hearings in a Pre-Trial Practice Workshop course taught at the law school by Antoinette Plogstedt. The students filed and argued mock civil and criminal end of course motions ranging from a criminal Motion to Suppress Evidence to a civil Motion to Dismiss Complaint. Judge Allen provided the students with valuable advice.



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Hearsay...



Christine A. Wasula, Esq.

September is here, and fall is in the air (sort of), as the temperatures are now falling into the mid 80s. School is back in session, the kids are out of the house, and we can all finally get some work done!

But before we start thinking about falling leaves and Christmas decorations (which are already on sale, by the way), let's take a minute to think back to the highlight of the summer social season – the Annual Law Clerk's reception – which was chaired this year by up-and-coming overachiever, **Heather Kozlowski, Esq.**, an associate with the Orlando office of **Cole, Scott & Kissane, P.A.** Heather is also treasurer-elect of CFAWL, co-chair of the OCBA Labor and Employment Law Committee, and co-chair of the YLS Dodgeball Committee. Whew! It makes me tired just thinking about it. According to Heather, it was a fabulous event, with over 300 attorneys and law clerks in attendance. Way to go, Heather, on a job well done!

Now, on to the professional accomplishments. First up, *Orlando Magazine* has recognized two attorneys from **GrayRobinson: Mayanne Downs, Esq.**, and **Frederick W. Leonhardt, Esq.**, on its 10th annual "50 Most Powerful People in Orlando" list. (I understand that I just missed the cut at number 51). Mayanne (#27) is the city attorney for the City of Orlando and was recently appointed to a six-year term on the Judicial Qualifications Commission. Frederick (#31) is the chairman of GrayRobinson's Policy Board, and has played an active role in supporting the governor's plan to promote the state of Florida as a business destination.

Suzanne E. Gilbert, Esq., a partner in the Orlando office of **Holland & Knight**, has been elected president of the board of directors of the Orlando Shakespeare Theater (in partnership with UCF). Suzanne joined the board of Orlando Shakes in 2003 and served as vice president this past year. Celebrating 25 seasons this year, Orlando Shakespeare Theater prides itself on producing quality professional theater, developing new plays, and providing enriching educational experiences to the community. (P.S. Suzanne and Mayanne are leading the competition for most *Hearsay* mentions in 2013. The formal award will be presented at the end of the year.)

Following in her footsteps is **Gennifer B. Powell, Esq.**, an associate at **Holland & Knight**, who has been elected to the Orlando Day Nursery Association's board of directors. The association's mission is to develop the whole child by providing high quality, affordable care and early childhood education services in the Orlando area.

Larry D. Smith, Esq., managing partner of **Southern Trial Counsel PLC**, is the recipient of the 2013 Henry Latimer Diversity Award, presented by The Florida Bar Equal Opportunities Law Section, the Florida Association for Women Lawyers, and the Virgil Hawkins Florida Chapter National Bar Association based on his commitment to professionalism and diversity. The award was presented to Larry at a special luncheon during The Florida Bar 2013 Annual Convention in Boca Raton.

Melanie Griffin, Esq., an associate attorney with the Orlando office of **DeanMead**, has been elected to lead The Florida Bar Young Lawyers Division, which is dedicated to helping new practitioners make the difficult transition from law school to a successful legal career.

Michael L. Smith, Esq., an attorney with **The Health Law Firm**, was recently named a 2012 Pro Bono Champion by the American Health Lawyers Association. Michael received the award for health law/healthcare-related *pro bono* services he provided in 2012. Throughout the year, he represented several veterans and their families through the Veterans Consortium Pro Bono Program, and he also performed legal services for persons with AIDS, ARC, and who are HIV positive through the OCBA's AIDS Special Will Project.

Jeanne A. Kraft, Esq., a shareholder with **Wolff, Hill, McFarlin & Herron, P.A.**, has been appointed by Chief United States Bankruptcy Judge Karen S. Jennemann to the District-wide Steering Committee for the United States Bankruptcy Court for the Middle District of Florida.

Rebecca Rhoden, Esq., an attorney with **Lowndes, Drosdick, Doster, Kantor & Reed, P.A.**, has been elected to the Seminole State College Foundation board of directors.

And last but not least, **Steven M. Brady, Esq.**, managing shareholder of **The Brady Law Firm, P.A.**, has been named to the board of directors for the Florida Symphony Youth Orchestra, which has been educating and inspiring Florida's top young musicians since 1957.

Congratulations to our OCBA members on these outstanding achievements!

As always, if you have any newsworthy items about yourself or your fellow OCBA members, please send them to our communications manager, **Peggy Storch**, at peggys@ocbanet.org, or to myself at chris@tadyates.com. See you next month!

Christine A. Wasula, Esq., currently of counsel at the Law Office of Tad Yates, P.A., has been an OCBA member since 2003.

Casting for New Members

Congrats to the winners of the OCBA's membership drawing!

The following OCBA members "landed" a new member for the OCBA and received a gift prize!

Jennifer Elkins, Esq.

Melanie Griffin, Esq.

William Hart, Esq.

Michael Hornreich, Esq.

George Indest, Esq.

Paul Irvin, Esq.

Rich Newsome, Esq.

Nancy Perry, Esq.



American Bar Association News

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human trafficking in Sarajevo before it was much talked about here, I took the opportunity as president of The Florida Bar Foundation to bring the issue to the attention of the board. With the Foundation's support, the Florida State University Center for the Advancement of Human Rights developed a statewide strategic plan to combat human trafficking that involved law enforcement, state agencies, and non-governmental service providers. So, in some small way, the Foundation was able to affect that issue. We added to the plus side.

I am deeply honored by this award and accept it on behalf of all of the Floridians who toil daily in *pro bono* activities at all levels, including The Florida Bar Foundation-supported legal aid organizations, federally-funded LSC programs, attorneys and paraprofessionals, members of our court system, and particularly the clients themselves whom we serve. Because of these clients who need our help to survive in this increasingly complex world, we as lawyers get to show that we truly are a helping profession committed to moving the scales of justice to the plus side.

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Keshara Davis, Esq.; Alisia Adamson, Esq.; Kristen Johnson, Esq.

(Below) Alisia Adamson, Esq. (YLS Back Pack Project Chair); Janet Ludwig (Rock Lake Elementary School Title I Liaison); Keshara Davis, Esq. (YLS Back Pack Project Chair)



Daisha Williams, Esq.; Kristen Johnson, Esq.; Keshara Davis, Esq.; Alisia Adamson, Esq.; Betzy Gonzalez, Esq.; Jessica McGinnis, Esq.

YLS Back Pack Project

Special Feature: Medicaid

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to be barred from adequate access to health care will continue to prove as disastrous as it always has been.

With respect to the ACA's Medicaid expansion as it stands now, some state officials have expressed a desire to negotiate their state's participation. They are quoted as inquiring whether they will be able to get 100 percent of the federal share of Medicaid costs in exchange for less than 100 percent compliance with the federal law. They sometimes express their fear that, although the federal share is in place until 2020, there is a possibility that the states will be left paying all the costs of Medicaid someday – even though this has never been the case since the Medicaid law was first enacted nearly 50 years ago.

Even if the federal government should eventually default on paying its share of Medicaid costs on some future day, it perhaps bears repetition that, on that day, every state and the District of Columbia will have the option of leaving the Medicaid expansion without any further payment. To quote Cindy Mann, the chief Medicaid official: "A state may choose whether and when to expand, and if a state covers the expansion group, it may decide later to drop the coverage."

Conclusion

The ACA afforded an opportunity for a major expansion of Medicaid – which meant that many millions of people would have had more adequate access to health care. The federal share of the cost of Medicaid was greatly expanded, and the state share of the expense was monumentally reduced. Now the ACA's Medicaid ex-

pansion provisions afford states the opportunity to opt out at any time after opting in. There is no deadline to join and no statutory penalty to withdraw. We are now entering the period of implementation of this historic statute. As the ACA wars play out, the battles on this front promise to be long and difficult.

It has even been reported that the Obama administration is telling state officials that the Obama administration will encourage, rather than object to, the use of Medicaid subsidies to pay private insurance companies for insurance providing less coverage than Medicaid. This represents a policy shift reminiscent of the one reflected in the direct payment of federal funds to investment banks once the Troubled Assets Relief Program (TARP) passed Congress on the representation that TARP funds would be used to help troubled homeowners. In that event, federal Medicaid money will reportedly be used to pay, not for Medicaid, but for commercial health insurance available through ACA Health Insurance Exchanges. *See, e.g.,* Robert Pear, "Defending Law and Zeal in Push to Insure Millions" p. A15, col. 1 (*New York Times* Nat'l ed., Tuesday, July 9, 2013); Robert Pear, "Expanding Medicaid With Private Insurance / A Sharp Departure On Health Care Law" p. A14, col. 6 (*New York Times* Nat'l ed., Friday, March 22, 2013).

Dennis J. Wall, Esq., of Winter Springs, Florida, has been a member of the OCBA since 1978.

"Report from the ACA Battlefront Medicaid, the ACA, and the Supreme Court" by Dennis J. Wall, Esq., was originally published (in different format) by the American Bar Association in 23 *Experience* 14 (2013). © 2013 Dennis J. Wall, with a non-exclusive right to republication granted by the author. Published in *The Briefs* with permission.



YLS on the move



Jill D. Simon, Esq.

The **Annual Young Lawyers and Law Clerks Reception** was held on July 18, 2013, at The Abbey. The event was well-attended by law clerks, attorneys, and local judges. The YLS congratulates committee chair **Heather Kozlowski, Esq.**, and her committee on a successful event. The YLS thanks the reception's Signature Sponsor, **The Orlando Family Firm**.

Mary Ann Young, strategic business strategist, was the keynote speaker at July's **YLS Luncheon**, July 19, 2013. She talked about how young lawyers can unleash their potential to lead in their practice and in the community.

On July 30, 2013, the YLS participated in a happy hour at NV Art Bar in downtown Orlando. The YLS thanks our sponsor for the happy hour, **Cross, Fernandez & Riley, LLP, Accountants & Consultants**. Thank you to **Jennifer Gavrich, CFE**, for planning this event!

The YLS would like to thank the Orange County legal community for once again making the **Back Pack Project** a huge success! On August 6, 2013, YLS partnered with Central Florida Association for Women Lawyers (CFAWL) in a happy hour at Urban Flats to raise money for the annual Back Pack Project. Backpacks and a year's worth of school supplies are purchased and distributed to Rock Lake Elementary School

students who otherwise might not be able to afford them. In total, the YLS and CFAWL raised approximately \$5,700 for this year's Back Pack Project, and the YLS made a \$2,000 donation, for a total of \$7,700. On August 16, 2013, the Back Pack Project committee delivered 15 bankers boxes filled with school supplies to Rock Lack Elementary School. Many thanks to committee co-chairs, **Keshara Davis, Esq.**, and **Alisia Adamson, Esq.**, for their amazing efforts and another successful year.

The next **Brown Bag Lunch** with **Judge John Marshall Kest** will be held on **September 12, 2013**, at 12:00 p.m. at the Orange County Courthouse. The September topic will be: *Exhibits and Demonstrative Aids: Proper Use and Suggestions*. For more information, please contact Judge Kest's judicial assistant, Diane Iacone, at 407-836-0443 or ctjadi1@ocnjcc.org.

The YLS **September Luncheon** will take place on **September 20, 2013**, at the Citrus Club from 11:30 a.m. to 1:00 p.m. Casual attire is perfectly appropriate. For a three-course meal, the cost is only \$10 for all young lawyers and for judges. Please RSVP to yls.ocba@gmail.com **no later than September 17, 2013**. When you RSVP, please provide a practice area or hobby to be included on your name tag. A late charge of \$4 will be added for all RSVPs made after the deadline. YLS is charged for anyone who RSVPs, so show up if you RSVP, or let us know if you cannot make it. We look forward to seeing you at the luncheon!

The **22nd Annual YLS Charity Golf Tournament** will be held on **Friday, September 27, 2013**, at the Ritz-Carlton Golf Club. There will be a shotgun start at 8:00 a.m. Each year, more than 140 lawyers, judges, and other leaders in the community play in this highly entertaining golf tournament, which is followed by a buffet luncheon and awards ceremony. If you are interested in playing, sponsoring, or volunteering for the committee, please contact **Jerry Hanbery** at jlhanbery@gmail.com.

If you're not receiving email blasts and would like to be added to the list and find out more about our section, its committees, and its events, please email yls.ocba@gmail.com.

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



Back Pack Project:

Keshara Davis, Esq.; Alisia Adamson, Esq.;
Daisha Williams, Esq.; and Betzy Gonzalez, Esq.



Patricia A. McLeod, CLM

Paralegals – What are Administrators Looking For?

In today's rapidly changing market resulting from the economic uncertainties, law firms are operating with a reduced workforce. This has necessitated firms having to do more work with fewer resources with which to serve their clients. This phenomena is found not only in the legal workplace, but has impacted other service industries, large and small corporations, and our families. Many of us are still holding on to "the way it was." We are hoping that if we keep on doing what we have always done, the prosperity we enjoyed previously will return. This thought process is keeping us stuck in a negative place and is one of the contributing factors of the recent Gallup Poll survey, which stated that 71% of workers today hate their job. We invest the majority of our waking hours at our jobs and, if we are doing something we "hate," it cannot help but show up in our work and, most importantly, in the relationships with those around us.

With this in mind, the three attributes that law firm administrators are looking for in paralegals today are: communication, passion, and ethics.

Communication

The ability to communicate effectively seems fairly self-explanatory and, after all, we are educated, intelligent people who are effective articulators. So what is the big deal? While we are great talkers, we are actually very poor listeners. And, it is listening that sets your communication skills above the rest. We are so busy thinking about what we want to say, framing our argument, and checking our phones that we often forget to really pay attention to what the other person is saying. Listening combines our ability to sense what the other person is saying, to interpret what we think they mean, evaluate what we heard them say, and respond (not react). This is not as easy as it sounds, and it takes training and discipline to move ourselves out of the way so that we can really hear what someone else is trying to communicate.

This ability is critical to the new work environment. In many law firms, the paralegal is the middle person, the nucleus of the team. Paralegals must be able to effectively and efficiently process information from attorneys, from other staff, and from clients to produce the best work product for all. If we are in a negative place, carrying around anger, resentment, and bias, it will be very difficult to really hear what someone else is saying to us and process that information accurately. Dr. Rick Bommelle's book entitled, *Listening Pays*, is a great resource for honing this skill.

Passion

Passion is the driver in all that we do and impacts the quality of our lives. Whether we are passionate about the law, passionate about the people with whom we work, or simply passionate about life, we need to find the passion. Passion will keep our attitudes on the positive side of the scale because it keeps us in control of our emotions. We are no longer victims to the behaviors of others. We are no longer on an emotional roller coaster because our passion has put us in the driver's seat and we get to choose the route that we take. This doesn't mean that we don't have negative emotions, but it does mean that we process them quickly because they pass through the positive filter that rises out of our passion.

Think about something that you truly love (your children, the beach, vacation, the arts, dining, etc.), and try to recall a time that you were thinking negative thoughts about that person, place, or thing. I don't know about you, but I find it very difficult to be down when I am doing the things that I love. So the challenge becomes: How do we find passion in everything that we do?

The quality of our lives is determined by the choices that we make, the things we choose to focus on, and the voices we listen to in our heads. What are your voices saying to you? If it is anything like, "Oh darn, it's Monday already," or "I am so stupid... why did I do that?," or "I hate going to work," you are probably part of that 71% who hate their job. If you are, how can you possibly be contributing the best that you have to give? No one has a perfect job, a perfect life, or a perfect attitude. However, if we replace the word "perfect" with "positive," all of these things are possible.

Find your passion and focus on the things that drive that passion, and you will be amazed at how it changes your view of your life's work. As more and more of us find our passions and focus on those things that bring us joy, we become the change that we want to see in others. Parker Palmer, a former photographer for *National Geographic*, traveled around the world capturing beautiful photographs to teach us about perspective and how it changes our view by changing what we focus on. His challenge to us is "to find what is right with the world." If we do, we just might increase the percentage of employees who love their jobs. A paralegal with passion can help us do our jobs and foster an attitude that reso-

nates to others, providing a better work environment for all.

Ethics

Finally, as law firm administrators (and I believe this is true of other businesses as well) we are looking for ethics. Our ethical views (our sense of right and wrong) are what encourage us to consistently do the next right thing. People who have determined their ethical standards know what really, really matters and they do it. They don't make excuses about why they didn't do it or why they couldn't do it – they show up and do it. Every day they show up for their work and they are present when they are there. They show up for their families and they are present when they are with them. This has become an increasingly difficult task with the volume of electronic data constantly bombarding us. Ethical behavior dictates that in order

to do the best that we can do, we have to be fully present in our current situation. What would the result be if you removed the distractions and you were able to focus on the work or project directly in front of you without interruption? How would your family and friends feel if, when you were with them, you were fully present and not checking your electronic device for texts, email, or Facebook notifications? If we are fully present, we are not thinking about tomorrow, not worrying about what did not get accomplished today, but are focused and listening intently to the person in front of us now. A paralegal with ethics will focus on the job at hand and will not be distracted. This dedication and mindset will be reinforced in his or her work product and contributions to the firm.

In closing, your ability to communicate well with others by seeking to understand

them first, the passion that drives your attitude, and the ethical standards by which you guide your decisions are the things that will propel your future success.

Patricia A. McLeod, CLM, McDonald Toole Wiggins, P.A.

OCBA Paralegal Section members invite you to join the Paralegal Section Team for the Susan G. Komen Race for the Cure on October 6, 2013, at the UCF's Bright House Network Stadium. The registration deadline is September 29, 2013, and the registration link is published on the OCBA website calendar.



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Joy Gale
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SpecialFeature

New Lawyer Training Program

continued from page 18

cluding warnings such as to never argue with the judge and to always be on time to hearings.

Judge Patricia Doherty spoke about circuit civil. She emphasized the importance of owning and regularly reviewing the *Florida Rules of Civil Procedure*, *The Florida Civil Discovery Manual*, and *Florida Standard Jury Instructions in Civil Cases*. Judge Doherty listed common mistakes and helpful hints in circuit civil, “from the hearing room to the courtroom.”

Judge John Marshall Kest led a discussion by assistant state attorney James A. Altman, Esq. and private defense attorney Luis Calderon, Esq., on private criminal defense and plea bargaining, giving an overview of Orange County’s criminal court system. Luis stressed the necessity of communicating with clients and James underscored the importance of early plea negotiations.

OCBA Professionalism Committee chair Michael Kest, Esq., finished the first day with a presentation on professional practice, focusing on speaking objections, discovery disputes, and sanctions motions. He shared helpful pointers on how to address unethical behavior by senior lawyers who might feel the need to test younger lawyers.

Day one ended with a food and refreshment networking reception offered by sponsors from local voluntary bar associations and provided an opportunity for participants to interact with their assigned mentors. Program attendees who were not current members of the OCBA received free membership and were encouraged to join committees, assist with the work of the Legal Aid Society and the OCBA Foundation, and become involved with other OCBA activities.

Day two of the program focused on practical advice about the business of law. Former OCBA YLS president Tony Sos, Esq., spoke about YLS community service projects and the importance of staying healthy and committed to family while engaged in a stressful law practice. OCBA treasurer Jamie Billotte Moses, Esq., talked about the bar’s commitment to Legal Aid and responsibilities of attorneys in giving back to the community. OCBA assistant executive director Kim Homer, Esq., supplied information about various OCBA programs and the importance of staying involved with the OCBA.

Executive council member Elizabeth McClausland, Esq., continued the day’s theme by illustrating her personal experience

in starting a solo practice and provided a checklist of needs for opening a law practice.

Tallahassee attorney Richard Greenberg, Esq., and OCBA executive council member LaShawnda Jackson, Esq., presented “The Top 10 Ways NOT to Get a Grievance Complaint,” as an encouragement to get off to a good start in a new practice.

Business expenses associated with a law practice were discussed. Malpractice insurer Aon discussed professional liability insurance concerns, and OCBA member Ed Alexander, Esq., talked about the types of corporate entities under which a law practice may operate. Instructors from Everest University detailed the potential economic value of working with a paralegal, and representatives from Wells Fargo Bank spoke about small business budgeting and financing.

Peggy Storch, OCBA’s communications manager, and representatives from Findlaw talked about ways to market a law practice. Westlaw representative Charlie Kiester presented legal research and billing software. The day rounded out with a virtual office provider discussing office space and real estate solutions, and representatives from Prudential informed the audience about insurance needs for small businesses.

Attendance at the bar’s New Lawyer Training Program exceeded expectations. Fifty-six participants from as far away as Miami, Tampa, and Jacksonville joined their Central Florida counterparts for this unique educational offering. Nearly half the participants were law students, many of whom had taken the bar exam only days before the program began.

The OCBA endeavored to give new lawyers and students the tools to find answers, to make well-reasoned and supported decisions, and to adequately serve their clients. We also sought to provide participants the tools they need to succeed as business men and women in the profession.

After completing the two-day training, Orlando law student Keith Farmer had this to say: “The amount of information I received and the number of contacts I made during the event were worth 1,000 times more than anyone could imagine. As a 3rd year law school student, this program opened my eyes to a slew of materials and information that are imperative to have in order to become a successful and competent attorney.”

As class member Anne Ricke of Indianantic said, “Understanding a little about your work and the ‘ground rules’ for scheduling

a hearing has helped ease a little bit of anxiety on my part.” Each session in the program allowed time for participants to ask questions, tour the Orange County Courthouse, visit division offices, and meet key courthouse staff.

Congratulations to the graduates of the 2013 New Lawyer Training Program and congratulations to the Orange County Bar Association.

The OCBA will offer its New Lawyer Training Program: The Fundamentals of Practice in Orange County again next year. A waiting list has been started. For information about the program and how to sign up, please contact OCBA strategic marketing and membership manager Karen Fast at 407-422-4551, ext. 225, or karenf@ocbanet.org.

Richard S. Dellinger, Esq., a partner with Lowndes Drosdick Doster Kantor and Reed, P.A., has been a member of the OCBA since 1999. He is a member of the OCBA Executive Council and served as the moderator for the New Lawyer Training Program.

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Thank you to the New Lawyer Training Program Mentors!

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Rainmaking



Michael Hammond, Esq.

The Power of the Interview

This is the fourth in our “What To Say” series of articles about word-of-mouth marketing. The last two articles focused on the Laser Talk and Storytelling – the first two on strategic conversations. This article is about the third, and last, of the trio of strategic conversations – the Interview.

The 80/20 Rule

In our earlier series of “Who To Talk To” articles, we pointed out that 80% of your business probably comes from fewer than twenty people. This sobering thought means that your firm probably owes its existence to a handful of people who know you, like you, trust you, and regularly send clients to you. Unfortunately, the very consistency of their referrals may lull you into a false sense of complacency. You’ve come to expect the business and start to take your best referral sources for granted. Maybe you don’t even thank them anymore for the clients they send to you.

If your referrals have dropped off, all hope is not lost. If you haven’t been proactive in cultivating your referral relationships, there are two steps you should take right now. First, schedule lunch with your referral sources to let them know how much you appreciate their ongoing support and all the business they’ve sent to you. Second, ask their opinions about your practice and how it serves the people they refer to you. Think of it as an informal focus group for improving your practice.

Thank, Acknowledge & Inquire

Let’s start with the first step – it involves a simple “thank you” and an acknowledgement. You can use your own words, or use the following suggested ones, but keep it simple and authentic:

Thank you for all your referrals. We really enjoy working with your clients.

Or

Thank you for sending us business – we really appreciate your faith and confidence in us.

Or

We appreciate your business and thank you for trusting us to work with your (clients, friends, family, etc.)

Now for the second step: sitting down with referral sources to see how well you serve their clients. Start with the referral sources you know best, the ones with whom you’re most comfortable. Reconnect and catch up first, then launch into the interview. Begin with some variation of the following statements:

I’m always trying to improve the level of service we deliver to clients, and I’ve always respected how well you serve your clients. I’d like to ask your opinion: What would you recommend I do to improve how I handle the clients you send?

Or

I make a special effort to take care of the clients you send. What could I do to take better care of them?

Keep in mind you don’t have to use these exact words. Just get your point across in a way that’s comfortable for you. Though at first this may seem like a difficult conversation, most attorneys are generally surprised at how well the interview goes. But think about it – rarely will you go wrong by saying thank you, acknowledging someone, and then asking for his or her opinion.

Interview to Learn

As a strategic conversation, the interview is useful for more than just gathering valuable information. This exchange nurtures your relationship with your referral source. Better rapport and a new sense of familiarity are created from conversations like these. Your referral sources will come away complimented that you asked their opinion. It also demonstrates that you care about them and value what they think. You are paying attention to their needs, and more importantly, those of their clients.

When you begin asking questions, your referral sources may initially refuse to say anything specific, let alone critical, and instead offer generalities such as: *You do a great job...* or, *What you do now is just fine.* Probe and press them gently by asking more positive, open-ended questions:

What do you think we do well?

Or

How could we improve on or add to the client experience?

If that doesn’t work, or you prefer another approach, try moving to more pointed questions:

If you had one suggestion or one change in how we deal with the clients you send us, what would it be?

Alternatively, you could say something like:

Is there anything you suggest we stop doing, or change completely, in the manner we deal with clients?

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OCBA Annual Trivia Contest & Happy Hour

July 31, 2013

Harry Buffalo

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Rainmaking

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These kinds of focused, yet still open-ended questions will usually produce more of a response.

Interview to Improve

Nine times out of ten, the referral source won't have anything substantially negative to say, but will be complimented you asked him or her. However, if any negative or critical comments are made, don't get defensive! Listen thoughtfully to all he or she has to say and encourage openness, even if the comments become brutal. Thank your referral sources for their honesty and let them know you continue to value their opinions. Don't make up excuses and don't accuse them of having impossible standards. Appreciatively reaffirm your commitment to use their comments to enhance the level of service you provide to clients.

If you listen carefully, they will tell you what kind of lawyer they enjoy working with and what kind they don't. They will tell you things they are not revealing to any

other attorney. In other words, they will reveal their expectations to you. If you can meet or exceed their expectations, they will gladly return to your firm, or refer prospective clients to you, again and again.

Interview to Differentiate

Sometimes there's an added, extra benefit to conducting the interview. This strategic conversation can also open the door to more referrals from those referral sources who spread their work around to several other attorneys in addition to you. Why? Because you are out from behind your desk and sitting in front of your referral source, thanking, acknowledging, and reconnecting with him or her. Most of your competition is sitting back in an office waiting passively for the referral source to come to them. Second, in having this conversation, you demonstrate you care about their clients and are sincerely interested in delivering a high level of service to them. All else being equal, it gives you an edge over other attorneys. Remember the first rule of marketing: Differentiate yourself from your competition.

The power of this strategic conversation lies in the unique advantage it creates – it sets you apart from your competition and increases the likelihood that when that referral source has a client to send, you will be thought of first to fulfill that need. We call it "Top Of Mind Awareness," or "TOMA," and you won't get many referrals without it. Test this theory for yourself. Schedule ten interviews over the next few months to deepen your referral source relationships and gather important feedback to enhance your level of client service. Think about it – what do you have to lose?

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

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Speaking Engagements

Jamie M. Blucher, Esq., Zimmerman Kiser Sutcliffe, P.A., **Peggy Smith Bush, Esq.**, Southern Trial Counsel, PLC, **Sherry Lambson Eisele, Esq.**, South Milhausen, P.A., **Michael M. Kest, Esq.**, Kest Law, LLC, and **Judge Jose Rodriguez**, Ninth Judicial Circuit participated in a Barry University School of Law presentation on July 10, 2013. The panelists engaged students on the topic, "Communication Etiquette," as part of a year-long OCBA Professionalism Committee series.

Published

Dennis J. Wall, Esq., Winter Springs - "Litigation and Prevention of Insurer Bad Faith" Third Edition, 2013 Supplements, published by Thomson Reuters Westlaw; "Lessons in Bad Faith," article, published in *Claims Management Magazine*.

Transitions

Elmo R. Hoffman, Esq., Hoffman Mediation & Arbitration, a long-time member of the OCBA, passed away on July 29, 2013, due to complications from leukemia. The OCBA extends its sincere condolences to Mr. Hoffman's family, friends, and colleagues.

Events

Sept. 21 – 2nd Annual Central Florida Diversity Mentoring Picnic. 1:00 p.m. Florida A&M University, 201 Beggs Ave., Orlando, FL 32801. Free. Families welcome. For details, see ad in this issue of *The Briefs*.

Sept. 27 – 22nd Annual YLS Charity Golf Tournament. 8:00 a.m. shot-gun start. Ritz-Carlton Golf Club. For details, see ad in this issue of *The Briefs*.

Oct. 6 – Paralegal Section - Susan G. Komen Race for the Cure. 8:00 a.m. UCF Bright House Networks Stadium. For details and to register, see the OCBA website calendar.

Oct. 29 – YLS Halloween Party & Mock Trial for Children. 5:30 p.m.-9:30 p.m. Women's Residential and Counseling Center. For details, see the OCBA website calendar.

Seminars

Sept. 10 – *Immigration Relief for Youth: Special Immigrant Juvenile Status and Deferred Action for Childhood Arrivals*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks St. Senior Recreation Complex. CLE: pending. Speaker: Camila Pachon Silva, Esq. To register, contact: Marilyn Carbo at mcarbo@legallaidocba.org or 407-841-8410, ext. 3121.

Sept. 10 – *Can that Agency Own IP? An Overview of IP Ownership for Florida State Government*. Intellectual Property Committee Seminar. 12:00 p.m.-1:00 p.m. OCBA Center. CLE: pending. Speaker: Stephen Luther, Esq. Lunch sponsored by Elijah, Ltd. To register, contact: Cian O'Brien at cobrien@iplawfl.com.

Sept. 12 – *Insurance, Medicare, and Mediation*. Major Seminar. Insurance Law Committee. 9:00 a.m.-12:00 p.m. OCBA Center. CLE: pending. Speakers: Francis E. Pierce, III, Esq.; Scott McMillen, Esq.; Richard Lord, Esq.; David Henry, Esq.; and Dave Place of Synergy Settlements. Fee: \$35 for OCBA members; \$55 for non-members. Light breakfast at 8:30 a.m. To register, go to the OCBA Store: www.orangecountybar.org/store.

Sept. 12 – *Exhibits and Demonstrative Aids: Proper Use and Suggestions*. Brown Bag Lunch with Judge J. Kest. 12:00 p.m.-1:15 p.m. CLE: 1.5. Orange County Courthouse, 23rd Fl., Judicial Conf. Rm., 425 N. Orange Ave., Orlando, FL 32801. Please feel free to bring a sandwich; water will be provided. To register, contact: Diane Iacone at ctjdi1@ocnjcc.org or 407-836-0443.

Sept. 16 – *Advanced Topics in eDiscovery*. Seminar sponsored by Elijah, Ltd. 11:00 a.m.-1:00 p.m. OCBA Center. CLE: pending. Speakers: Rick Weber, Elijah CSO; Adam Losey, Esq.; and Josh Brown, Esq. Panel discussion moderated by Samir Mathur, IT-Lex. Free. To register, contact: Chris Newton at chrisn@elijaht.com.

Sept. 17 – *Outlook® for the Legal Profession: Managing Client, Case & Contact Information*. Solo & Small Firm Committee Seminar. 11:45 a.m.-1:00 p.m. OCBA Center. CLE: pending. Speaker: Adriana Linares of LawTech Partners. To register, contact: ocbasolos@gmail.com.

Sept. 20 – *Family Law in the Current Economy*. Major Seminar. Family Law Committee. 8:30 a.m.-1:30 p.m. OCBA Center. CLE: 5.0 pending. Speakers: Hon. Sally D.M. Kest; Samuel J. Weiss, Esq.; John W. Foster, Esq.; Susan Savard, Esq. Judicial Panelists: Hon. Sally D.M. Kest, Hon. Heather Higbee, and Magistrate Howard Friedman. Light breakfast at 8:00 a.m. Fee: \$45 for OCBA members; \$55 for non-members registered by Sept. 10th. Late registration (including walk-ins) is \$55 for OCBA members; \$65 for non-members. To register, go to the OCBA Store: www.orangecountybar.org/store.

Sept. 24 – *GAL 101: Understanding the GAL's Role at Each Stage of a Juvenile Dependency Case*, Beginner Level. 12:00 p.m.-1:30 p.m. Marks St. Senior Recreation Complex. CLE: pending. Speakers: Ericka Garcia, Esq.; Sally McArthur, Esq. To register, contact: Marilyn Carbo at mcarbo@legallaidocba.org or 407-841-8410, ext. 3121.

Sept. 24 – *eFiling Portal Training – Criminal Division, Appellate and eService*. 2:00 p.m.-4:00 p.m. OCBA Center. CLE: 2.0. Presented by Caroline Weber, Florida Clerks and County Comptrollers. Registration required. Fee: \$10. To register, contact: Marie West at mariew@ocbanet.org.

Sept. 30 – *Attorney's Fees Issues. Major Seminar*. 12:00 p.m.-4:30 p.m. OCBA Center. CLE: 4.5 General; 4.5 Ethics; 3.5 Board Certification in Business Litigation; 3.5 Board Certification in Civil; 3.5 Board Certification in Construction. Speakers: James Hauser, Esq.; Philip Calandrino, Esq.; Nicholas Shannin Esq. Fee: \$45 for OCBA members; \$60 for non-members. Lunch is included for timely registrations. To register, go to the OCBA Store: www.orangecountybar.org/store.

Oct. 8 – *eRecording Seminar sponsored by Corporation Service Company®*. Learn about eRecording during one of three one-hour sessions being held at 8:00 a.m., 10:00 a.m., and 1:00 p.m. To register, contact: Marie West at mariew@ocbanet.org, indicating which session you will attend.

Oct. 8 – *Achieving Permanency for Dependent Youth: Essential Advocacy Strategies for GALs*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks St. Senior Recreation Complex. CLE: pending. Speaker: Kavita Sokraj, Esq. To register, contact: Marilyn Carbo at mcarbo@legallaidocba.org or 407-841-8410, ext. 3121.

Oct. 10 – *Real Life Professionalism and Ethics in the Trial Practice*. Brown Bag Lunch with Judge J. Kest. 12:00 p.m.-1:15 p.m. CLE: 1.5. Orange County Courthouse, 23rd Fl., Judicial Conf. Rm., 425 N. Orange Ave., Orlando, FL 32801. Please feel free to bring a sandwich; water will be provided. To register, contact: Diane Iacone at ctjdi1@ocnjcc.org or 407-836-0443.

Oct. 12 – *Paralegal Section Fall Seminar*. Details to come.

Oct. 15 – *Florida Deceptive, Unfair Trade Practice Basics*. Solo & Small Firm Committee Seminar. 11:45 a.m.-1:00 p.m. OCBA Center. CLE: pending. Speaker: James W. Sears, Esq. To register, contact: ocbasolos@gmail.com. Fee: \$20 (non-OCBA members).

Oct. 22 – *Basic Dissolution of Marriage Part I*. LAS Lunchtime Training. 12:00 p.m.-1:30 p.m. Marks St. Senior Recreation Center. CLE: pending. Speaker: Angel Bello-Billini, Esq. To register, contact: Marilyn Carbo at mcarbo@legallaidocba.org or 407-841-8410, ext. 3121.

Announcements

100% CLUB

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 Amy E. Goodblatt, P.A.
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 Benitez Law Group, P.L.
 Benkiran Law Firm, P.A.
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 Billings, Morgan & Boatwright, LLC
 Bodiford Law Group
 Bonus McCabe Law Firm
 Bull and Associates, P.A.
 Burr & Forman LLP
 Calandrino Law Firm, P.A.
 Camy B. Schwam-Wilcox, P.A.
 Carr Law Firm, P.A.
 Carsten & Ladan, P.A.
 Chaires, Brooderson & Guerrero, P.L.
 Cole, Scott & Kissane, P.A.
 Colling Gilbert Wright & Carter, LLC
 Cullen & Hemphill, P.A.
 DeCiccio & Johnson
 Dellecker Wilson King McKenna Ruffier & Sos, LLP
 Dewitt Law Firm, P.A.
 Eagan Appellate Law, PLLC
 Faddis & Faddis, P.A.
 Fassett, Anthony & Taylor, P.A.
 Fishback, Dominick, Bennett, Stepter, Ardman,
 Ahlers & Langley, LLP
 Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A.
 Frank A. Hamner, P.A.
 Frank Family Law Practice
 Giles & Robinson, P.A.
 Gregory S. Martin & Associates, P.A.
 Grossman & Grossman, P.A.
 Harris, Harris, Bauerle & Sharma
 Higley & Szabo, P.A.
 Hilyard, Bogan & Palmer, P.A.
 Hornsby Law
 Infocus Family Law Firm, P.L.
 James H. Monroe, P.A.
 Jill S. Schwartz & Associates, P.A.
 Kelley, Kronenberg, Gilmartin, Fichtel, Wander,
 Bamdas, Eskalyo & Dunbrack, P.A.
 King, Blackwell, Zehnder & Wermuth, P.A.
 Korshak & Associates, P.A.
 Kosto & Rotella, P.A.
 Law Offices of Thomas H. Justice III, P.A.
 Law Offices of Walter F. Benanati Credit Attorney, P.A.
 Legal Aid Society of the OCBA
 Lewis & Crichton, Attorneys at Law
 Lynn B. Aust, P.L.
 Marcus & Myers, P.A.
 Mark M. O'Mara, P.A.
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 Neduchal & MaGee, P.A.
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 Southern Trial Counsel, PLC
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 The Carlyle Appellate Law Firm
 The Draves Law Firm, P.A.
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 The Skambis Law Firm
 The Smith Family Law Firm, P.A.
 The Tech Law Firm, PLLC
 Troutman, Williams, Irvin, Green, & Helms, P.A.
 Vose Law Firm, LLC
 Walton Lantaff Schroeder & Carson, LLP
 Warner + Warner, P.L.
 West, Green & Associates, P.L.
 Wicker, Smith, O'Hara, McCoy & Ford, P.A.
 Wieland, Hilado & DeLattre, P.A.
 William G. Osborne, P.A.
 Wilson McCoy, P.A.
 Winderweedle, Haines, Ward & Woodman, P.A.
 Wolff, Hill, McFarlin & Herron, P.A.
 Wooten, Kimbrough and Normand, P.A.
 Yergey and Yergey, P.A.
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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.

CLASSIFIED ADS

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P.O. Box 530085 • Orlando, FL 32853-0085

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VERNIS & BOWLING - "AV-RATED" national law firm seeks attorney with 3-5 years of experience in civil litigation defense for its DeLand office. Experience in first part litigation, particularly personal injury protection litigation, is a plus. Salary commensurate with experience. E-mail resume to: tdixon@floridalaw.com.

THE UMANSKY LAW FIRM, a AV rated Orlando boutique firm seeks a criminal defense attorney with 2-5 years of prosecution and/or public defender experience. Candidate must be extremely hardworking and outgoing with a desire to both resolve and try criminal cases. Must have good sense of humor and a zest for living life. Send resume and salary requirements to ltorres@thelawman.net.

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.

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OCBA Calendar

SEPTEMBER - OCTOBER

September

- 2** OCBA Office Closed
Labor Day Holiday
- 3** Professionalism Committee
12:00 p.m. • OCBA Center
- 4** Business Law Committee
12:00 p.m. • OCBA Center
- 9** Estate, Guardianship & Trust Committee
12:00 p.m. • OCBA Center
- 10** LAS Lunchtime Training
Immigration Relief for Youth: Special Immigrant Juvenile Status and Deferred Action for Childhood Arrivals
12:00 p.m. • Marks St. Senior Center
- IP Committee Seminar**
Can that Agency Own IP? An Overview of IP Ownership for Florida State Government
12:00 p.m. • OCBA Center
- 11** Lawyers Literary Society
12:00 p.m. • OCBA Center
- Veterans Committee**
12:00 p.m. • OCBA Center
- OCBA Executive Council**
4:30 p.m. • OCBA Center
- 12** Brown Bag Lunch with Judge J. Kest
Exhibits and Demonstrative Aids: Proper Use and Suggestions
12:00 p.m. • Orange County Courthouse
23rd Flr., Judicial Conf. Rm.
- Insurance Law Committee Major Seminar**
Insurance, Medicare, and Mediation
9:00 a.m. • OCBA Center
- Social Security Committee**
12:00 p.m. • OCBA Center
- 16** Elijah, Ltd. Seminar
Advanced Topics in eDiscovery
11:00 a.m. • OCBA Center
- 17** Solo & Small Firm Committee Seminar
Outlook® for the Legal Profession: Managing Client, Case, and Contact Information
11:45 a.m. • OCBA Center
- 18** Elder Law Committee
12:00 p.m. • OCBA Center
- 19** Technology Committee
12:00 p.m. • OCBA Center
- 20** Family Law Committee Major Seminar
Family Law in the Current Economy
8:30 a.m. • OCBA Center
- YLS Luncheon**
11:40 a.m. • Citrus Club

- 21** 2nd Annual Central Florida Diversity Mentoring Picnic
1:00 p.m. • FAMU
- 24** LAS Lunchtime Training
GAL 101: Understanding the GAL's Role at Each Stage of a Juvenile Dependency Case – Beginner Level
12:00 p.m. • Marks St. Senior Center
- Paralegal Section Meeting**
What Law Firm Office Administrators Are Looking For When Hiring New Paralegals
12:00 p.m. • OCBA Center
- eFiling Portal Training for Criminal Appellate Division and eService**
2:00 p.m. • OCBA Center
- 25** Appellate Practice Committee
12:00 p.m. • OCBA Center
- Judicial Relations Committee**
12:00 p.m. • Orange County Courthouse
23rd Flr., Judicial Conf. Rm.
- 26** OCBA Luncheon
Barbara Jenkins, PhD.
Superintendent, Orange Co. Public Schools
11:30 a.m. • Church Street Ballroom
Sponsored by Westlaw
- 27** YLS 22nd Annual Charity Golf Tournament
8:00 a.m. • Ritz-Carlton Golf Club
- Bankruptcy Law Committee**
12:00 p.m. • OCBA Center
- 30** Attorney's Fees Issues Major Seminar
12:00 p.m. • OCBA Center

October

- 1** Professionalism Committee
12:00 p.m. • OCBA Center
- 2** Business Law Committee
12:00 pm. • OCBA Center
- 6** Paralegal Section –
Susan G. Komen Race for the Cure
8:00 a.m. • UCF Bright House Networks Stadium
- 7** Estate, Guardianship & Trust Law Committee
12:00 p.m. • OCBA Center
- 8** CSC eRecording Seminar
8:00 a.m.; repeated at 10:00 a.m. and 1:00 p.m.
OCBA Center
- LAS Lunchtime Training**
Achieving Permanency for Dependent Youth: Essential Advocacy Strategies for GALs
12:00 p.m. • Mark St. Senior Center
- 9** Lawyers Literary Society
12:00 • OCBA Center
- 10** Brown Bag Lunch with Judge J. Kest
Real Life Professionalism and Ethics in the Trial Practice
12:00 p.m. • Orange County Courthouse
23rd Flr., Judicial Conf. Rm.
- Social Security Committee**
12:00 p.m. • OCBA Center
- 12** Paralegal Section Fall Seminar
Details TBA
- 15** Solo & Small Firm Committee Seminar
Florida Deceptive, Unfair Trade Practice Basics
11:45 a.m. • OCBA
- Social Committee Meeting**
11:45 a.m. • Location Varies
- 16** Elder Law Committee
12:00 p.m. • OCBA Center
- 17** Technology Committee Meeting
12:00 p.m. • OCBA Center
- 18** Family Law Committee
12:00 p.m. • OCBA Center
- 22** LAS Lunchtime Training
Basic Dissolution of Marriage Part I
12:00 p.m. • Marks St. Senior Center
- 23** Appellate Practice Committee
12:00 p.m. • OCBA Center
- 24** OCBA Luncheon
Miguel Alexander Pozo, Esq.
President of the National Hispanic Bar Association
11:30 a.m. • Church Street Ballroom
Sponsored by BMO Harris Bank
- 25** Bankruptcy Law Committee
12:00 p.m. • OCBA Center
- 29** YLS Halloween Party
& Mock Trial for Children
5:30 p.m. • Women's Residential and Counseling Center

OCBA September Luncheon

September 26, 2013
Barbara Jenkins, PhD.
Superintendent of Orange County
Public Schools
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Co-hosted by the Central Florida Association
for Women Lawyers

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