

# FORUM 8

Volume 71, No.1

Eighth Judicial Circuit Bar Association, Inc.

September 2011

## President's Letter



By James H. (Mac) McCarty, Jr.

Greetings to all members of the Florida Bar in the Eighth Judicial Circuit. As mentioned at our association's annual meeting and reception in early June, I am extremely honored and humbled to have been selected to lead this organization. When I review the list of names of past presidents, it is truly a historical "Who's Who" of leaders in the legal community in this circuit. I want to thank all of my fellow board members and the many members of the Eighth Judicial Circuit Bar Association who have been so active and helpful in our area. Thank you for allowing me to serve.

As with every newly elected president, I would like to take a minute of your time to share my thoughts about the direction and initiatives of our association during the next year. Because presidents of the association serve for only one year, it is somewhat difficult to establish project continuity and to accomplish goals in what is a relatively short timeframe. To that end, I am requesting that the board of the association authorize or create a long-range planning committee to work on a strategic plan for our association. Hopefully the committee will consist of the immediate past president, the current president, the president-elect, the president-elect designate, and the treasurer. With this group, and a rolling membership from year to year, we may be able to establish and accomplish a consistent plan that will make our voluntary Bar Association more beneficial to its members and to the community as a whole.

What am I going to ask the long-range planning

committee to consider? The development of a long-range strategic plan is both time consuming and, depending upon the topics to be considered, controversial. There is no question that to continue to have a vibrant and viable circuit-wide bar association, we need to continue to improve and enhance the services that we provide our members. Clearly, that is one point for the long-range strategic plan, but there are many other issues that need to be decided which will shape the direction of the association for years to come. Examples of these include:

- whether our association wants to create a circuit-wide lawyer referral service managed by our association as opposed to the default service provided by the Florida Bar;
- whether our association should create a 501(c)(3) charitable foundation and, if so, what purpose would drive the fund raising efforts for the foundation;
- whether we should seek to find a location, probably in Gainesville given the percentage of our association's membership located in Alachua County, to open an office to be staffed by a full-time administrator;
- whether our association should broaden its newsletter, website, and other social media advertising policy in order to increase revenues to assist in achieving association goals;
- whether our association should create additional membership types both to increase revenue and to broaden the ability to participate in association activities.



*Continued on page 6*

**The officers of the Eighth Judicial Circuit Bar Association for the year 2011-2012 are:**

**James H. (Mac) McCarty, Jr.**  
*President*  
926 NW 13th Street  
Gainesville, FL 32601  
(352) 336-0800  
(352) 336-0505 (fax)  
[mmccarty@nflalaw.com](mailto:mmccarty@nflalaw.com)

**Nancy T. Baldwin**  
*President-Elect Designate*  
309 NE 1st Street  
Gainesville, FL 32601  
(352) 376-7034  
(352) 372-3464 (fax)  
[baldwinnt@cox.net](mailto:baldwinnt@cox.net)

**Elizabeth Collins Plummer**  
*Past-President*  
4510 NW 6th Place, 3d Floor  
Gainesville, FL 32607  
(352) 374-4007  
(352) 337-8340 (fax)  
[Elizabeth@gloriafletcherpa.com](mailto:Elizabeth@gloriafletcherpa.com)

**Sharon Sperleng**  
*Treasurer*  
2830 NW 41st St., Ste. C  
Gainesville, FL 32606-6667  
(352) 371-3117  
(352) 377-6324 (fax)  
[sharon@sharonsperleng.com](mailto:sharon@sharonsperleng.com)

**Dawn M. Vallejos-Nichols**  
*President-Elect/Editor*  
2814 SW 13th Street  
Gainesville, FL 32608  
(352) 372-9999  
(352) 375-2526 (fax)  
[dvallejos-nichols@avera.com](mailto:dvallejos-nichols@avera.com)

**Audrie Harris**  
*Secretary*  
P.O. Box 358595  
Gainesville, FL 32635  
(352) 443-0594  
(352) 226-8698 (fax)  
[audrie.harris@yahoo.com](mailto:audrie.harris@yahoo.com)

**Members at Large**

**Jan Bendik**  
901 NW 8th Ave., Ste. D5  
Gainesville, FL 32601  
(352) 372-0519  
(352) 375-1631 (fax)  
[jan.bendik@trls.org](mailto:jan.bendik@trls.org)

**Frank Maloney – Historian**  
445 E. Macclenny Ave., Ste. 1  
Macclenny, FL 32063-2217  
(904) 259-3155  
(904) 259-9729 (fax)  
[Frank@FrankMaloney.us](mailto:Frank@FrankMaloney.us)

**Robert Birrenkott**  
P.O. Box 117630  
Gainesville, FL 32611  
(352) 273-0860  
(352) 392-4640 (fax)  
[rbirrenkott@law.ufl.edu](mailto:rbirrenkott@law.ufl.edu)

**Michael Massey**  
855 E. University Ave.  
Gainesville, FL 32601  
(352) 374-0877  
(352) 414-5488 (fax)  
[masseylaw@gmail.com](mailto:masseylaw@gmail.com)

**Raymond Brady**  
2790 NW 43rd St., Ste. 200  
Gainesville, FL 32606  
(352) 373-4141  
(352) 372-0770 (fax)  
[rbrady1959@gmail.com](mailto:rbrady1959@gmail.com)

**Michael Pierce**  
P.O. Box 850  
Gainesville, FL 32602  
(352) 372-4381  
(352) 376-7415 (fax)  
[mpierce@dellgraham.com](mailto:mpierce@dellgraham.com)

**R. Flint Crump**  
4404-B NW 36th Ave.  
Gainesville, FL 32606  
(352) 327-3643  
(352) 354-4475 (fax)  
[flint@rflintcrump.com](mailto:flint@rflintcrump.com)

**Anne Rush**  
35 N. Main Street  
Gainesville, FL 32601  
(352) 338-7370  
[rusha@pdo8.org](mailto:rusha@pdo8.org)

**Deborah E. Cupples**  
2841 SW 13th St, Apt. G327  
Gainesville, FL 32608  
(352) 271-9498  
(352) 392-8727 (fax)  
[dcupples@cox.net](mailto:dcupples@cox.net)

**Anthony Salzman**  
P.O. Drawer 2759  
Gainesville, FL 32602  
(352) 373-6791  
(352) 377-2861 (fax)  
[tony@moodysalzman.com](mailto:tony@moodysalzman.com)

**Philip N. Kabler**  
240 NW 76th Dr., Ste. D  
Gainesville, FL 32607  
(352) 332-4422  
(352) 332-4462 (fax)  
[pnkabler@kmcclip.com](mailto:pnkabler@kmcclip.com)

**Carol Alesch Scholl**  
1200 NE 55th Blvd.  
Gainesville, FL 32641  
(352) 264-8240  
(352) 264-8306 (fax)  
[carol\\_scholl@dcf.state.fl.us](mailto:carol_scholl@dcf.state.fl.us)

**Sheree Lancaster**  
P.O. Box 1000  
Trenton, FL 32693  
(352) 463-1000  
(352) 463-2939 (fax)  
[shlpa@bellsouth.net](mailto:shlpa@bellsouth.net)

**Gloria Walker**  
901 NW 8th Ave., Ste. D5  
Gainesville, FL 32601  
(352) 372-0519  
(352) 375-1631 (fax)  
[gloria.walker@trls.org](mailto:gloria.walker@trls.org)

## EJCBA Address Change

Due to the closing of the downtown post office, the address of the EJCBA office has changed. It is now P.O. Box 13924, Gainesville, FL 32604. Please make a note of it. Our telephone and fax numbers remain the same and are listed on page 2 of this newsletter.

## Contribute to Your Newsletter!

### From The Editor

I'd like to encourage all of our members to contribute to the newsletter by sending in an article, a letter to the editor about a topic of interest or current event, an amusing short story, a profile of a favorite judge, attorney or case, a cartoon, or a blurb about the good works that we do in our communities and personal lives. Submissions are due on the 5<sup>th</sup> of the preceding month and can be made by email to [dvallejos-nichols@avera.com](mailto:dvallejos-nichols@avera.com).

### About This Newsletter

This newsletter is published monthly, except in July and August, by:

Eighth Judicial Circuit Bar Association, Inc.  
P.O. Box 13924  
Gainesville, FL 32604

Phone: (352) 380-0333 Fax: (866) 436-5944

Any and all opinions expressed by the Editor, the President, other officers and members of the Eighth Judicial Circuit Bar Association, and authors of articles are their own and do not necessarily represent the views of the Association.

News, articles, announcements, advertisements and Letters to the Editor should be submitted to the **Editor** or **Executive Director** by Email, or on a CD or CD-R labeled with your name. Also, please send or email a photograph with your name written on the back. Diskettes and photographs will be returned. Files should be saved in any version of MS Word, WordPerfect, or ASCII text.

**Judy Padgett**

*Executive Director*  
P.O. Box 13924  
Gainesville, FL 32604  
(352) 380-0333  
(866) 436-5944 (fax)  
[execdir@8jcba.org](mailto:execdir@8jcba.org)

**Dawn Vallejos-Nichols**

*Editor*  
2814 SW 13 St  
Gainesville, FL 32608  
(352) 372-9999  
(352) 375-2526 (fax)  
[dvallejos-nichols@avera.com](mailto:dvallejos-nichols@avera.com)

**Deadline is the 5th of the preceding month**

## EJCBA and Partners Conduct Diversity Forum

By Rob Birrenkott

On April 6th, the Eighth Judicial Circuit Bar Association (EJCBA), the EJCBA YLD, the Josiah T. Walls Bar Association, the Clara Gehan Association for Women Lawyers, and the North Central Florida Chapter of the Federal Bar Association hosted the North Central Florida Diversity Forum. The Eighth Judicial Circuit event was held in conjunction with the University of Florida Levin College of Law's Multicultural Fair and was made possible in part by a Diversity Leadership Grant by The Florida Bar. The free forum, which was approved for CLE credit, included: 1) a Keynote address delivered by Gainesville Mayor Craig Lowe, on "Coming Together to Work Through Differences"; 2) a panel discussion on legal community service projects to promote unity within

*Continued on page 12*



Mayor Craig Lowe delivers the keynote address at the Diversity Forum

## Motion for Mistrial Required to Preserve Attorney Misconduct Objection During Trial

By Audrie M. Harris



In December of 2010, the Florida Supreme Court, in *Campanioni, Jr. v. City of Tampa*, 51 So.3d 452 (Fla. 2010), held that when a party objects to attorney misconduct during trial, and the objection is sustained, the party **must also** timely move for a mistrial in order to preserve the misconduct issue for appellate review of a motion for a new trial. If the issue is not properly preserved with a motion for mistrial, then the attorney misconduct is subject to the fundamental error analysis under the Florida Supreme Court's opinion in *Murphy v. International Robotic Systems, Inc.*, 766 So.2d 1010 (Fla. 2000).

In rendering this opinion, the Court overturned the Second District Court of Appeal and sided with the Third and Fifth District Courts of Appeal. *Campanioni, Jr.*, 51 So.3d at 453, 456. The Florida Supreme Court has previously held that in order to preserve a sustained objection for appellate review, a motion for mistrial must be made at the time the improper comment was made **unless** the improper comment constitutes fundamental error. *Id.*, citing *Ed Ricke & Sons, Inc. v. Green*, 468 So.2d 908, 910 (Fla. 1985) (quoting *Clark v. State*, 363 So.2d 331 (Fla. 1978)). The motion for mistrial can be coupled with a request that the trial court defer ruling until after the jury returns its verdict because the verdict may cure the error. *Id.* at 455, citing *Ed Ricke*, 468 So.2d at 910-11. If the verdict does cure the error, the trial court will have saved the expenditure of additional time, money and delay associated with a new trial. On the other hand, if the judge grants the motion after the verdict is rendered and orders a new trial, that order would be reviewable on appeal. The appellate court could then reverse the order granting a new trial and order that the trial court enter a judgment on the jury verdict. *Id.*

The Florida Supreme Court reasoned that the authority of a trial judge to decide when to rule on a motion for mistrial conserves judicial resources and operates to prohibit a wrongdoer from profiting from his intentional misconduct. *Id.* Further, requiring

*Continued on page 12*

# Florida Legislature Clarifies Remedies Available to Judgment Creditors of Members of Florida Limited Liability Companies



By John C. Bovay & Richard I. Withers\*

On May 31, 2011, Governor Rick Scott signed into law House Bill 253, which clarifies that a charging order is the “sole and exclusive” remedy available to judgment creditors of members of multi-member Florida limited liability companies. It is believed that this legislation will put an

end to the uncertainty generated by the Florida Supreme Court’s ruling in *Olmstead vs. Federal Trade Commission*, 44 So. 3d 76 (Fla. 2010) (hereinafter referred to as “*Olmstead*”). This legislation solidifies Florida’s reputation as one of the most debtor friendly states in the country by limiting the collection remedies available to lenders and thus, may make it more difficult for limited liability companies to obtain financing. It should also lead to even more conversions of corporations into LLCs, which can be done quite inexpensively and without tax consequences.

As a brief overview, a limited liability company (“LLC”) is a hybrid business entity that has corporate-like protection against personal liability for its owners (known as “members”) and may elect the tax benefits of a partnership or S corporation. This personal liability protection and beneficial tax structure make it a popular business vehicle among American business owners. LLCs are a relatively new business structure in the United States. In 1977, Wyoming became the first state to enact LLC legislation, with Florida following soon thereafter. Many other states chose not to adopt LLC legislation until 1988 when the Internal Revenue Service issued a ruling allowing LLCs to be treated as partnerships for tax purposes.

Prior to the ruling in *Olmstead*, it was believed that charging orders were the exclusive remedy available to judgment creditors of partners of limited partnerships and members of LLCs. Under a charging order, the creditor has only the rights of an assignee of the partnership or membership interest. As an assignee, a creditor has the right to receive distributions to which the debtor partner or member would have been entitled (this remedy is analogous to wage garnishment). However, the charging order does not entitle the creditor to become or to exercise any right of a partner or member. The concept of charging orders was developed in order to protect

non-debtor partners or members from having to involuntarily share the management of the entity with someone they did not choose. This protects the autonomy of the original partners or members and allows them to continue to manage their enterprise without creditor intervention.

The belief that a charging order was the exclusive remedy for judgment creditors of a member of a Florida LLC came into question after *Olmstead*. In *Olmstead*, defendants Shaun Olmstead and Julie Connell operated an advance-fee credit card scam. In response to this scam, the Florida Trade Commission (“FTC”) sued the defendants and their corporate entities for unfair or deceptive trade practices. The FTC was awarded injunctive relief and a judgment for more than \$10 million. To satisfy this judgment, the FTC obtained an order compelling the defendants to endorse and surrender all of their right, title, and interest in several single member Florida LLCs. The defendants appealed the judgment arguing that the only remedy available against their ownership interests was a charging order pursuant to the language of section 608.433(4), Florida Statutes. Section 608.433(4) provides, in relevant part, that “the court may charge the limited liability company membership interest of the member with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of such interest.”

To understand the issue concerning the remedies available to judgment creditors it is helpful to compare and contrast the evolution of the law with respect to limited partnerships and LLCs. The Florida Legislature enacted the Florida Revised Uniform Limited Partnership Act in 2005 and implemented Section 620.1703, Florida Statutes, which provides that the charging order is the “exclusive remedy” a judgment creditor of a partner of a Florida limited partnership may use to satisfy a judgment, but left unchanged the corresponding LLC statute, which did not contain the same “exclusive remedy” language. Chief Justice Canady interpreted the inaction of the Florida Legislature with respect to LLCs as an indication of legislative intent that a charging order is not the exclusive remedy available to the judgment creditor of a member of a Florida LLC. He wrote

*Continued on page 5*

that “the language of this subsection [608.433(4)] ... limits the rights of a judgment creditor to the rights of an assignee but ... does not expressly establish the charging order as an exclusive remedy.” Based on this reasoning, *Olmstead* held that the charging order was not the exclusive remedy available to creditors holding a judgment against the sole member of a Florida single-member LLC and ordered the defendants to surrender all right, title and interest to the LLCs to satisfy the outstanding judgment.

The *Olmstead* decision led to a great deal of uncertainty with respect to the rights of judgment creditors of members of Florida multi member LLCs. This is because the *Olmstead* holding was issued with respect to a single-member LLC, but the reasoning stated in the majority opinion was not expressly limited to single-member LLCs. This created concerns that multi-member LLCs in Florida might have lost their charging order protection. These concerns were voiced by the dissenting justices in *Olmstead* when they criticized the majority’s holding, arguing that it was not limited to single member LLCs and asking the Florida Legislature to clarify the law in this area.

The Florida Legislature heeded the call of the dissenting justices in *Olmstead* and drafted House Bill 253 to clarify the uncertainty created after the *Olmstead* decision. House Bill 253 amends section 608.433 in several ways, the most noteworthy of which are the following:

- Subsection 5 was added to expressly provide that “[e]xcept as provided in Subsections (6) and (7), a charging order is the sole and exclusive remedy by which a judgment creditor of a member or member’s assignee may satisfy a judgment from the judgment debtor’s interest in a limited liability company or rights to distributions from a limited liability company.” Subsections (6) and (7) are only applicable to single-member LLCs. Therefore, House Bill 253 puts multi member LLCs on par with limited partnerships and expressly provides that a charging order is the only remedy available to a judgment creditor of a member or member’s assignee of a multi-member LLC.
- Subsection 6 was added to provide that judgment creditors of the sole member of a LLC who can establish that distributions under a charging order will not satisfy a judgment within a reasonable time, are not limited to a charging order as the “sole and

exclusive remedy by which the judgment creditor may satisfy the judgment against a judgment debtor who is the sole member of a limited liability company or the assignee of the sole member.” This Subsection allows judgment creditors of the sole member of a Florida LLC to pursue additional remedies in limited situations.

- Subsection (7) was added to provide that with respect to single-member LLCs where the court orders a foreclosure sale of a debtor’s LLC interest or a charging order lien against the sole member of the LLC pursuant to Subsection (6), then (a) the purchaser at the foreclosure sale obtains the member’s entire LLC interest, (b) the purchaser at the sale becomes the member of the LLC, and (c) the debtor ceases to be a member of the LLC.
- To address any possible ambiguity regarding Subsection (7), Subsection (8) was added to expressly limit the remedy of foreclosure on a judgment debtor’s interest to single-member LLCs.
- Finally, House Bill 253 also included a Section 2, which stated the Legislature’s intention that the amendments to Section 608.433 were to clarify prior law, and would apply retroactively.

With these changes, the Florida Legislature and Governor Rick Scott have taken steps to restore confidence lost by members of Florida LLCs due to the *Olmstead* decision. Three issues to keep in mind, however. First, charging order protection will not apply in situations where the members’ transfer of property to the LLC constitutes a fraudulent conveyance or where the facts show such disregard of legal formalities that a successful “pierce the veil” argument can be made. Second, this legislation raises concerns for those of us who represent banking institutions and other lenders contemplating loans to multi-member LLCs. As the charging order limitation impedes the collection efforts of such lenders, such limitations may create a more stringent underwriting environment. Finally, an existing corporate entity wishing to take advantage of charging order protection can be converted to a LLC under Florida Statute 608.439 and such conversion is not a taxable event under the Treasury’s “check the box” regulations.

\*The authors would like to extend a special thanks to Freddy X. Munoz (University of Florida, Levin College of Law, J.D. candidate 2013) for his invaluable assistance with preparing this article.

## President's Letter

*Continued from page 1*

Each of these topics creates a number of sub-issues that must be reviewed and studied. On one hand, we can maintain the status quo and continue to provide substantially the same level of membership services as we have in the recent past. On the other hand, we can attempt to expand our association and reach out to the community as well as to the lawyers in our circuit with enhanced benefits.

Overwhelmingly, the revenue flowing into our association comes from two sources: membership dues and luncheons. This makes it a critical priority of the association to both retain existing and attract new members. I'm inviting all of you to renew or join the association as soon as possible. Unfortunately, the cost of our luncheons will increase again this year. We have worked hard to keep the prices as low as possible, but other than picking the lowest reasonable proposal, we have no control over the cost. We attempt to make the luncheons a break-even proposition so that we do not need to expend association cash reserves to subsidize the members who choose to attend the luncheons. Due to the closure of Ti Amo! Restaurant, the luncheons this year will be moving to Villa East, the site of the former Savannah Grande facility. This was deemed to be the most convenient location and the best price that we could secure to continue our monthly luncheons. Even so, the price for members will increase two dollars per luncheon.

In addition to the long-range planning committee, the board has authorized creation of what is essentially a study group to review the need for revision/creation of local rules of court to assist practitioners both within and outside our circuit. In preliminary conversations with Chief Judge Martha Ann Lott, we are hopeful that we can put together this study group soon and determine whether we should proceed further. If so, we will put together a drafting committee and invite input from all members.

At the risk of inadvertently omitting one of the activities that will be organized or provided by the Eighth Judicial Circuit Bar Association this year, we are planning social events, continuing legal education seminars, a benefit golf tournament, a benefit auction luncheon, the James C. Adkins Cedar Key dinner, our annual meeting and reception, and our normal monthly luncheons. These are great opportunities to meet your fellow practitioners, expand your network of contacts within the legal community, and help yourself become known for who you are and what you do in the legal profession in our area.

Last but not least, during the coming year, I have requested the historian of the board, Frank Maloney,

to begin—and hopefully complete—oral histories of all living past presidents of our association. Time passes quickly, and losing the recollections and experiences of our past presidents diminishes the rich fabric of the legal profession in our area as every day goes by. We are hopeful that these oral histories will be retained in the Matheson Museum here in Alachua County and made available to our members for research or pleasurable listening.

If you reviewed the results of the member survey taken last year, you will find and immediately recognize that there is a large divergence of opinion about practically every issue that affects our association. Not surprisingly—as we are all attorneys—there are (at least) two sides to every issue. Please rest assured that as president, I will attempt to recognize and respect all sides of these issues while understanding that either everyone will only be partially happy or that no one will be happy, depending on how one looks at it. The lines of communication to me are always open. Please feel free to e-mail me if you have suggestions, questions, or concerns about the association during the course of the coming year, and I look forward to speaking with as many of you as possible while I am serving as your president. Please thoughtfully consider either renewing your membership or joining the association. Your loyalty and efforts are what will continue to make the Eighth Judicial Circuit Bar Association successful.

## New Administrative Order

On July 26, 2011, Chief Judge Martha Ann Lott signed Administrative Order #1.536 E-Mail Authorization and Consent of Court Related Documents. This Administrative Order provides a process for the court and clerk of court to e-mail attorneys and litigants with notice, copies of orders or judgments and other related court documents rather than using US Mail. You can review the new Administrative Order at [www.circuit8.org/administrative-orders](http://www.circuit8.org/administrative-orders) or email Ted McFetridge, Court Administrator, at [mcfetridget@circuit8.org](mailto:mcfetridget@circuit8.org) if you have any questions.

# Changes At The John A. H. Murphree Law Library

By Sam W. Boone, Jr., Trustee

Changes are happening at The John A. H. Murphree Law Library. With the recent resignation of law library manager, Rhandi Carter, the Board of Trustees revisited their charge to provide an adequate law library available to the judges, officers of the court, county officials of Alachua County and the public. The Trustees are mindful of the responsibility to assist the lay public in having access to legal materials and how this responsibility to the public has increased. Additionally the Trustees remain attentive to the needs of the local bar to have access to current continuing legal education material.

The possibility of cooperation with the Library District began when the then director of the Alachua County Library District, Sol M. Hirsch, became a regular attendee at the meetings of the Trustees some years ago. To better accomplish the Law Library's goals, the Board of Trustees entered into a Memorandum of Understanding between the Alachua County Library District (ACLD) and The John A. H. Murphree Law Library. The agreement has been finalized through the efforts of Ted McFetridge, Court Administrator, and Shaney Livingston, the acting director of the Alachua County Library District.

The agreement embodies the Law Library Trustees' goals for the collaborative effort to increase the hours of access to the law library resources,

maintain separation of the law library collection from the main library collection in the District, and providing the services of the Library District's trained research librarians. Ultimately, the collection will occupy dedicated space in the main library. Issues for further discussions will include the possibility of enabling access to electronic law library materials from branch library locations.

The law library collection is now located immediately to the right as you enter the main section of the downtown library. This includes the Westlaw terminal. There will be an official re-opening of the law library in the new location on September 1, 2011, at 4:00 p.m.

The hours during which the law library collection will be accessible have expanded greatly. Open during the library's hours, the materials are available from 9:30 a.m. to 9:00 p.m. on Monday through Thursday; 9:30 a.m. to 6:00 p.m. on Fridays, 9:30 a.m. to 5:00 p.m. on Saturday; and Sunday from 1:00 p.m. to 5:00 p.m.

The Trustees of The John A. H. Murphree Law Library want to thank the Alachua County Library District, the Office of the County and Circuit Court Clerk, J. K. "Buddy" Irby and the Trial Court Administrator's Office for their assistance and cooperation during this time of transition.

---

## Doctors Lawyers Weekend Warriors 19<sup>th</sup> Annual Surf Festival

Sebastian Inlet, Florida: This year for the first time ever, the winner of the Doctors Lawyers Weekend Warriors Surf Festival will be invited to the Slater Brothers Invitational Surf Contest in Cocoa Beach, Florida to compete with the world's finest surfers.

The 19<sup>th</sup> annual DLWW Surf Festival will take place Friday and Saturday September 16 and 17, 2011 at the world famous Sebastian Inlet's first peak. This is an opportunity for all surfers (over 30) to participate for the 19<sup>th</sup> year in raising money for charity and surfing first peak on Saturday morning with just three friends.

Founder Jack Kirschenbaum guarantees fun rideable surf for all the doctors, lawyers, engineers, preachers, architects, and other professionals who are still surfing after all these years. "This is a chance for all of us professionals or retired professionals to

surf first peak without all the groms on a Saturday morning and contribute our hard-earned money to one of my favorite causes, the Satellite High Surfclub!" says Jack.

And this year the Surf Stomp party will be held Friday, September 16<sup>th</sup> at 6:00 at Dakine Diego in Satellite Beach with special guests Honey Miller. "This is an opportunity to support a great local band, a fabulous local restaurant, and budding young student surfers" adds Jack.

The entry fee is \$125.00 and the divisions are doctors, lawyers, weekend warriors, wahines, fossils and for the first time, stand up paddle. Entry forms are available at [doctorslawyersweekendwarriors.com](http://doctorslawyersweekendwarriors.com).

For more information, contact Jack Kirschenbaum at 321-727-8100 or e-mail him at [jack.kirschenbaum@gray-robinson.com](mailto:jack.kirschenbaum@gray-robinson.com) or contact Heather Carver at [Hcarver2@cfl.rr.com](mailto:Hcarver2@cfl.rr.com).

# Family Law: What kind of appliance lawyer are you?



By Cynthia Stump Swanson

At the risk of enticing dozens more non-family lawyers than we already have to the practice of family law, I'm writing today about some difficulties that arise in trying to settle some emotionally charged divorces. The question, "What kind of appliance lawyer are

you?" refers to the most expensive appliance you have ever bought for a client in order to get the client to settle the case.

I belong to a family lawyer group on LinkedIn, and somebody recently posted the question, "What is the strangest or craziest thing that parties have argued over?" There were some predictable answers, such as:

- The first thing you think of to answer a question like this: the dog; a visitation schedule for the dog; a supervised visitation schedule for the dog; who would pay for the fee to get the dog out of the pound when he ran away; the dead dog's ashes; the dead dog's collar (all in different cases); and

- The usual: camera, a lawnmower, a trailer, old bottles with no monetary value, 6 giant concrete Buddhas serving as water fountains (only three of which were fully functioning), airline miles, a weed whacker, and a box of winter clothes (these were all in different cases).

Then, there were the less predictable items:

- A christening gown: Each parent claimed it was their premarital property not subject to division by the court. Both extended families were overly invested in the outcome and each side produced old (20-60 years old) family photos showing the alleged gown. The trial over that issue took two days.

- A 'Guns N' Roses' CD that wouldn't even play: Apparently it had some sentimental value to both parties. The eventual resolution was that the wife's father gave the husband a current copy of a greatest hits CD (so, this must have been an older case).

- One of two bunk beds: Mom got primary custody and wanted to keep the boys' bunk beds. Dad wanted to split the set, saying it was only fair that he got one, because then they each would have to buy one. Both attorneys tried to explain that it would cost more to litigate the issue than for one to give in (that was the ONLY thing not settled), but Dad was adamant. Finally Dad's lawyer gave him an extra bed he had in his storage shed.

- A black sweater: Each insisted it was theirs, and on the day property was to be divided, each made several calls to their lawyers, demanding intervention. Neither cared about the fees being racked up. In her fourth call to her lawyer that day, the wife said that the lawyer would be so proud of her, because she'd finally decided to give up the black sweater. Two weeks later, the wife called her lawyer back, weeping, because she'd just found out that the husband had given the black sweater away. (I'm not sure how they couldn't tell the difference between a man's sweater and a woman's sweater.)

- Black panties: One lawyer wrote in that his partner had done a separation agreement where the wife got the entire marital estate except for one thing. Drum roll, please . . . a little bitty pair of black panties. That's all the husband wanted.

- Whether or not the conversion of the basement of the family home into a "dungeon" (for the wife's S&M dominatrix business) was an "improvement" to the property. Wow! I did a quick Lexis search and didn't see any Florida cases dealing with this issue. (Not really; I just assume there aren't. The attorney who wrote that is from Los Angeles; where else?)

So, anyway, after reading stories like this, the next question is "What kind of appliance lawyer are you?" That is, what kind of appliances have you ever bought for a client, just to get the client to settle a case when both sides were caught up in spending more to argue about something than the item is worth? In the one story above, the father's lawyer gave an extra bed to his client who was arguing about splitting up a pair of bunk beds. In another story posted on the site, one lawyer said his clients were arguing over a \$400 TV that didn't work, and so the lawyer gave a \$400 credit on his bill to his client to get them to settle. Finally the guy who initiated this question said he is a "microwave lawyer," that being the most expensive appliance he had purchased for a client to get the client to settle.

I'm not sure how I feel about this. Obviously, it's ridiculous to be arguing over a \$400 TV that does not work, or 3 non-working Buddha head fountains, a lawnmower, weed whacker or camera, a scratched up Guns N' Roses CD (or, really, even a perfectly good Guns N' Roses CD), or to have a two day trial over whether a christening gown belonged to the husband

*Continued on page 11*



# Probate Section Report



By Larry E. Ciesla

The Probate Section has continued to meet over the summer months. In no particular order, here is a review of what has occurred during the May, June and July meetings.

Judy Paul has left her position with Rick Knellinger's office and has opened her own law office. Her new address is 5745 SW 75th Street, #363, Gainesville, Florida 32608 and her phone number is 352-872-5912. Best wishes to Judy for a successful solo practice. After more years than can be counted, Bruce Hoffman sold his office building on South Main Street and moved to 3400 NW 13th Street, next to the Holbrook Travel building. Michelle Farkas has joined Howard Rosenblatt's office, replacing Marilyn Belo, who is now practicing from her home. Lauren Richardson has returned to Gainesville and replaces Judy Paul at Rick Knellinger's office.

Peter Ward raised an interesting issue, as follows: When a decedent is not survived by a spouse, is an adult child of a decedent who has been omitted from decedent's will entitled to make a claim for exempt property pursuant to Section 732.402, Florida Statutes, where the exempt assets have not otherwise been devised by the will? Although none in the section could recall this precise issue coming up in the past so as to provide a clear precedent, it was thought by some in the section that such a claim would likely be recognized as valid by the court. Also discussed was the related issue of whether the personal representative should be serving a notice of administration on decedent's adult children in cases where there is no surviving spouse and the children are not named in the will. Considering the recent revisions to the notice of administration form, the answer would appear to be yes.

A considerable amount of time was devoted to discussing recent legislation affecting practitioners in the probate, trust and estate planning areas. House Bill 325 was signed by the governor on June 21, 2011 and provides in Section 14 that it shall take effect upon becoming a law (except where otherwise stated) and applies to all cases and proceedings whether filed before or after the effective date.

Section 1 of HB 325 creates a new provision in the Evidence Code, Florida Statute 90.5021, which recognizes that the attorney-client privilege (F.S. 90.502) applies as between a lawyer and a client acting in a fiduciary role (personal representative;

trustee; administrator ad litem; curator; guardian; guardian ad litem; conservator; and an attorney-in-fact).

Section 2 of HB 325 becomes effective on October 1, 2011 and amends Florida Statute 732.102 - spouse's share of intestate estate. Under the new law, if decedent's children are all also the children of the surviving spouse, the surviving spouse is entitled to receive 100 percent of the estate (as opposed to the first \$60,000 and one-half of the balance). Provided, however, that the surviving spouse's share is limited to one-half of the estate if the surviving spouse has additional children from a prior relationship. Likewise, if decedent had children who are not also the children of the surviving spouse, the surviving spouse's share of the estate is limited to one-half.

Section 8 of HB 325 amends Florida Statute 733.212 - notice of administration. The notice must now contain a statement that the new attorney-client privilege contained in Florida Statute 90.5021 applies to communications between the personal representative and the attorney for the personal representative.

Section 11 of HB 325 amends Florida Statute 736.0813 - trustee's duty to inform and account. The initial notice to be sent by a trustee to qualified beneficiaries must also contain the statement regarding application of the new attorney-client privilege.

Practitioners are advised to refer to HB 325 in its entirety to familiarize themselves with the remaining provisions of this new law. The bill can be accessed from the website "sunshine online". Go to the House section of the website and enter HB 325-2011 in the search engine.

SB 670, effective October 1, 2011, contains a major rewrite of Chapter 709, Florida Statutes (powers of attorney and powers of appointment), which has been named the "Florida Power of Attorney Act". The Power of Attorney Committee of the RPPTL Section of the Bar has published a "White Paper" on the new law. Readers are welcome to send me an email if they would like a copy. Following is a very brief summary of some of the high points of the new law. SB 670 is required reading for practitioners in this area.

Under the new law, a grant of general power is no longer valid. All powers must be specifically

*Continued on page 11*

# Criminal Law



By William Cervone

Greetings and welcome back. As I've done in the past, I decided to start another publishing year by summarizing some of what the legislature did to us, at least in terms of criminal law, before thankfully leaving Tallahassee back in the Spring at about the same time we stopped

publishing.

Senate Bill 344/Session Law 2011-83 - Animal Cruelty - This bill creates Section 828.126 to establish a 1<sup>st</sup> degree misdemeanor crime for engaging in sexual conduct or contact with an animal, or knowingly promoting, organizing, or participating in that as an observer for commercial or recreational purposes. Yes, this is finally the vindication of Meg the Goat, who you will recall was sexually assaulted by a human deviant of enormous degree who went unpunished because at the time Florida had no bestiality statute. The saga has ended. This becomes effective on October 1, 2011.

House Bill 409/Session Law 2011-42 - Public Records - This bill creates a new exception from public records disclosure for photos or videos related to a video voyeurism case, which are no longer required to be released under Chapter 119. Actually, I wrote this bill because of a particular Gainesville case where many co-eds had been videoed in their apartments by a Peeking Tom, and it was passed largely due to the efforts of Rep. Keith Perry, who agreed to sponsor it in the House for me, and his staff, for which I am grateful. This provision became effective July 1, 2011.

House Bill 105/Session Law 2011-161 - Open House Parties - This bill increases the penalty for an open house party violation to a 1<sup>st</sup> degree misdemeanor on a second or subsequent offense, and creates a new 1<sup>st</sup> degree misdemeanor offense if serious bodily injury or death to a minor results or if a minor causes serious injury or death as a result of the use of alcohol or drugs at an open house party. This provision became effective July 1, 2011.

Senate Bill 240/Session Law 2011-146 - Violations Of Injunctions For Protection - This bill adds as violations of an injunction under Section 784.047 going within 500 feet of the petitioner's home, school, or job or within 100 feet of the petitioner's vehicle, occupied or not, defacing the petitioner's property, or refusing to surrender firearms or ammunition if ordered to do so by the court. This provision also

became effective July 1, 2011.

House Bill 75/Session Law 2011-180 - Sexting - This bill creates a new but not yet numbered statute that prohibits a minor from knowingly transmitting to another minor or possessing after soliciting any harmful image of nudity by any electronic means. A first offense is a non-criminal violation, a second offense becomes a 1<sup>st</sup> degree misdemeanor, and a third offense is a 3<sup>rd</sup> degree felony. This provision becomes effective on October 1, 2011.

House Bill 251/Sesion Law 2011-220 - Sexual Offenses - This bill addresses many matters related to sexual offenses. Similar fact or Williams Rule evidence in sexual offense cases is expanded. Service or therapy animals are allowed to be used with sexual offense victims who are under 16 or who suffer from mental retardation. Child pornography seized as evidence must stay with the law enforcement agency, State Attorney or court and is not to be copied or provided to the defense although the State Attorney must make it readily available. The statute of limitations for video voyeurism is changed to one year from the time the victim knows of it or law enforcement confiscates evidence of it. Sexual Battery victims' rights are expanded to require an officer who is investigating such a crime to transport the victim to a facility for a rape exam and to allow the victim to review any final report for accuracy before it is submitted and to provide a statement as to its accuracy. Hepatitis testing of a defendant charged with Sexual Battery may now be done in addition to HIV testing. "Intentionally viewing" or "controlling" are added to the prohibitions of Section 827.071, Child Sexual Performance, and proof of "intentionally viewing" is defined to require more than a single viewing. These provisions became effective on July 1, 2011.

House Bill 155/Session Law 2011-112 - Privacy Rights of Firearms Owners - This provision amends Chapter 790 to prohibit doctors and other medical providers from asking patients about gun ownership or possession if that is not relevant to medical care or safety. Although not criminal, a violation is grounds for licensing or disciplinary action. If you think this is silly you should have seen the original version that tried to mandate criminal prosecution and huge fines. This provision became effective on June 2, 2011.

Senate Bill 234/Session Law 145 - Open Carrying

*Continued on page 11*

## Family Law

*Continued from page 8*

or the wife before they got married. I mean, come on - it's only one christening gown. Somebody knows it didn't belong to them! And, come on - a two day trial over a christening gown?? I guess I'm just not sentimental enough.

On the other hand, I don't think I approve of lawyers buying appliances or cutting their bills in order to get people, who clearly want to argue, to settle their case. I just don't know about that. If you have done your level best to explain both the financial and emotional consequences of continuing to argue over small things, to point out that it is very likely not the actual "thing" that is causing your client to be so upset, if you have suggested (even demanded) that your client get some counseling and so on, and your client still wants to keep going, well, then . . . isn't it really your client's case? Doesn't your client have the right to argue over the black sweater if he or she wants to? Even if he only wants it so he can give it to Goodwill?

The Family Law Section continues to meet on the third Tuesday of each month from September through May at 4:00 pm in the Chief Judge's Conference Room in the Alachua County Civil and Family Judicial Center. Hope to see you there.

---

## Criminal Law

*Continued from page 10*

Of Firearm - This bill amends Section 790.338 to provide that it is not a violation of the open carry law for a person who is lawfully carrying a concealed firearm if the weapon briefly becomes visible to others so long as there has been no angry or threatening display not in lawful self-defense. Seems obvious and un-necessary, right? Again, you should have seen the original version that would have basically allowed anyone to carry anything anyplace and anytime. This provision became effective on June 17, 2011.

House Bill 1039/Session Law 2011-90 - Controlled Substances - This amendment to Chapter 893 adds several more unpronounceable hallucinogenic drugs to the list of controlled substances. It became effective July 1, 2011.

House Bill 4121/Session law 2011-130 - Clove Cigarettes - This bill repealed the prohibition against the sale, use, possession transfer or other disposal of clove cigarettes in Section 859.058 and became effective on June 2, 2011. And I thought cloves only went with ham.

## Probate Section

*Continued from page 9*

enumerated. In addition, the following powers require a separate signature or initials: (1) create an inter vivos trust; (2) amend, modify, revoke or terminate an inter vivos trust previously established by the principal, but only where the trust provides for amendment by an agent; (3) make a gift; (4) create or change rights of survivorship; (5) create or change a beneficiary designation; (6) waive the principal's right to take as a beneficiary under a joint and survivor annuity; and (7) disclaim any property or a power of appointment.

Section 10 of SB 670 eliminates the so-called "springing power of attorney", except for those validly executed prior to October 1, 2011. After October 1, 2011, any power of attorney which provides that it is effective at a future date is invalid.

Section 13 of SB 670 allows for the designation of "co-agents". Either agent may act alone, except if the power of attorney specifies to the contrary. If the co-agents are not authorized to act independently, they may nevertheless agree to appoint one of their number to act alone for purposes of banking transactions. This section also allows for the designation of successor agents to serve in the event the original agent dies, resigns, becomes incapacitated, is not qualified to serve or declines to serve.

Section 19 of SB 670 imposes liability upon an agent for damages and attorney's fees for violation of the Florida Power of Attorney Act.

SB 670 is lengthy and very detailed. A close reading of the entire law is a prerequisite to preparation of any power of attorney subsequent to September 30, 2011.

The Probate Section continues to meet on the second Wednesday of each month in the fourth floor meeting room in the Civil Courthouse at 4:30 p.m. All interested persons are invited to attend. Send an email to [lciesla@larryciesla-law.com](mailto:lciesla@larryciesla-law.com) if you would like to be added to the email list for meeting notices.

### Classified Ads

Office space close to the courthouse at 515 N Main Street or 300 E University Avenue, 1,200 - 28,000 SF, for sale or lease, call Beau Beery at 871-8324.

## Federal Bar Association to Kick Off the Year with its Annual Meeting and Reception at Jolie

By Stephanie M. Marchman

The North Central Florida Chapter of the Federal Bar Association is planning to kick off the year with its annual meeting and reception on September 15, 2011 at 5:30 p.m. Wine and appetizers will be served at Jolie (6 West University Avenue, Downtown Gainesville) while law students, lawyers, and judges interested in federal practice have the chance to catch up after a long, hot summer. During the reception, the Chapter will briefly convene its annual meeting to elect Chapter officers and provide an update on federal practice in North Central Florida. All lawyers and judges interested in federal practice may attend at no cost if they RSVP by September 12, 2011 to Peg O'Connor at [peg@larryturnerlaw.com](mailto:peg@larryturnerlaw.com). Law students interested in attending the reception may contact Rob Birrenkott at [rbirrenkott@law.ufl.edu](mailto:rbirrenkott@law.ufl.edu) for more information, and lawyers and judges interested in a leadership position with the Chapter may contact Gary Jones at [gary\\_r\\_jones@flnd.uscourts.gov](mailto:gary_r_jones@flnd.uscourts.gov).

## Save The Date

The EJCBA's monthly luncheons for the 2011-2012 term will be held on the following Fridays at Villa East (formerly Savannah Grande), 301 North Main Street:

September 16, 2011  
October 14, 2011  
November 18, 2011  
December 16, 2011  
January 20, 2012  
February 10, 2012  
March 9, 2012  
April 20, 2012  
May 11, 2012

Please mark your calendars now and plan to attend!

## Diversity Forum

Continued from page 3

the profession; and 3) an interactive training designed to help lawyers work across cultural divides.

One of the goals of the event was to highlight ways broad segments of the legal community could work together on common enterprises which would make a positive impact in our community. The benefits of this approach are twofold. First, to the extent people from different backgrounds are willing to team up, the common goals they share can help transcend the barriers that may otherwise divide them. Second, the projects to be implemented are aimed at improving the circumstances of local youth and provide them with positive role models. The combination of these factors results in members of the legal community benefiting by working with diverse colleagues while simultaneously making positive impacts in the lives of others.

Two specific projects emerged from the Forum for implementation. The "Street Law" program which was initiated by the Josiah T. Walls Bar Association and the UF Black Law Student Association provides opportunities to work with local youth who otherwise may lack positive role models associated with the legal community. Additionally, the Center for Children and Families at the University of Florida Levin College of Law is developing a diversion program in conjunction with a local school. The project aims to have members of the legal community help implement a "restorative justice" program with the ultimate goal of reducing disproportionate minority youth participation in the criminal justice system. Please do not hesitate to email Rob Birrenkott ([Rbirrenkott@law.ufl.edu](mailto:Rbirrenkott@law.ufl.edu)) if you would like to be involved in the planning or implementation of these efforts.

---

## Misconduct Objection

Continued from page 3

a party to move for a mistrial following a sustained objection promotes judicial economy in the same way the contemporaneous objection requirement promotes judicial economy. *Id.* at 456. Failing to alert a trial judge that an error may be incurable results in delay and wastes judicial resources, especially if the error occurs early on in the proceedings.

Accordingly, next time you are confronted with misconduct from opposing counsel, while you must make a contemporaneous objection, you must **also** move for a mistrial in order to properly preserve the issue for appellate review. While the trial judge is not required to rule at that time, you are required to make the motion if you want the appellate court to review the motion for new trial.

# Eighth Judicial Circuit Bar Association is 70 Years Old!



*By Frank E. Maloney, Historian*

Our archives date to the fall of 1941. The bar association obviously existed before that date, but thanks to Mrs. Pridgeon, law school librarian, we have records from that date.

The Bar met monthly at the Primrose Grill where lunches were 25 cents and yearly dues were \$5.00. Joe Jenkins was President and Ira Carter was Secretary, and both were members of the Florida legislature. Ira Carter became a county judge in 1973 and died the same year. Our records reflected 45 lawyers were practicing in the 8th circuit.

That year new lawyer Jimmy Adkins, later judge and Supreme Court justice and name sake for our local Inn of Court and Cedar Key Dinner, was admitted by unanimous vote as a member, and the law faculty attended regularly, including Dean Harry Trusler.

Then Circuit Judge and former University of Florida Gator Head Coach Harold (Tom) Sebring (he had been General Van Fleet's [also a successful Gator Head Coach] chief assistant coach – and attended law school while he was coaching the Gators) announced he was running for Justice of the Florida Supreme Court (there were no DCA's then nor nonpartisan elections) and wanted our Bar's support. Sebring would travel the state speaking and reported his progress back to our association. He was elected, serving on the Florida Supreme Court from 1943-1955. After WWII, he was appointed by President Harry Truman to sit on the bench for the Nuremberg Trials of Nazi war criminals but returned in 1947 to continue his service on the Florida court until 1955, when he was appointed Dean of Stetson University Law School.

We had one student guest attend that year, Frank E. Maloney, who was a senior. He would later become the dean of the U of F law school from 1958 to 1970. He moved the law school from Bryant Hall to Shay's Woods, its current location. He continues to serve as a Board Member and Historian to the Eighth Judicial Circuit Bar Association to this day.

Attorney John Murphee was elected as our delegate to the 1942 Florida State Bar Convention, which was held in Hollywood. Following Sebring's election to the Florida Supreme Court, our Bar Association was asked for recommendations for his replacement in the Circuit Court. The Association

passed and sent a resolution to Gov. Spessard Holland recommending that he appoint Siggsby Scruggs, but the Governor appointed John Murphee, instead. On the vote of the lawyers of the circuit – Siggsby got 19 votes and Judge John Murphee got 17. The Marjorie Kinnan Rawlings "invasion of privacy" trial may have been very different, as Siggsby Scruggs defended her (and according to the Supreme Court opinion – very flamboyantly) and Judge Murphee presided (and was later reversed by the Supreme Court). It should also be noted that President Albert Murphee (2<sup>nd</sup>) of UF was Judge Murphee's Dad (there is a big statue on campus) and the first President of FSCW and Judge Murphee had served in the 1933 legislature with Governor Holland. That may have had something to do with the Governor's decision.

With regard to WWII, all eligible lawyers joined the service for our Country.

The yearend banquet was also held at the Primrose Grill with cocktails and a steak dinner.

During the bar term 1942-43, Clara Floyd (Gehan) is elected as President and Mrs. Prigeon is admitted as a member and the next year she was elected our Secretary. Like Justice Sebring she received her law degree while working at the University. These two lady lawyers ran the Bar Association throughout the remainder of the War years. Judge John Murphee received a nice desk set from our Bar Association; not a robe and reception as we do now.

Many thanks to the Matheson Center for housing our historical documents.



EJCBA's Historian, Frank Maloney, before joining the Association

# Some Late Summer Ruminations from a Florida Bar Foundation Board Member



By Philip N. Kabler

*A little can go a very, very, very long way.* Particularly when that “little” refers to Florida Bar Foundation grants and their long-term impacts.

Imagine this. A \$6,800 grant in 1994 from The Florida Bar Foundation to the Teen Court of Sarasota for an initial statewide conference led to the establishment of the Florida Association of Teen Courts, which in turn helped spread the Teen Court program to 50 Florida counties. Today, those programs divert more than 22,000 youth annually out of the juvenile justice system. No need to imagine this, because it is real.

For those of us old enough to remember, at its onset the Teen Court program was untested and somewhat controversial: a courtroom full of teenage defendants, prosecutors, defense counsel, jurors, and bailiffs. An informed admission of guilt by the defendants was given in exchange for diversion out of the formal juvenile justice system. All was presided over by a real Judge, of course, and assisted by attorney mentors (*I was one myself*). The offenses committed by the defendants were relatively minor, such as underage drinking, petty thefts, and school incidents, but the sanctions levied by “juries of their peers” were substantive and not just “wrist slaps.” For example, they consisted of community service hours, apology letters to victims (real ones – the Judges read the letters prior to submission), and required Teen Court jury service. Teen Court juries could be unforgiving when it came to the sanctions they presented.

The successes from Teen Court were material, as well. For youth who committed low-level offenses, if they “served” their sentences, their records remained clear. The teen “lawyers,” “juries,” and “bailiffs” accrued experience in the judicial system, as well as enhancements to their pre-college resumes. (In fact, at least one Gainesville area lawyer received a career start as a volunteer Teen Court “lawyer.”) Some former defendants even remained with the program after they completed their “sentences” as volunteers.

All from one Foundation grant. That was not the end of funding for the Teen Court program. Shortly after the Foundation-funded Teen Court

conference, the Florida Association of Teen Courts received grant funding from the Department of Juvenile Justice to implement Teen Court programs around the state.

The efforts and successes of the original grantee did not go unnoticed. During the 2011 Bar Convention, the Foundation awarded its Medal of Honor for a non-lawyer to Katie Self, Teen Court of Sarasota’s founder. (*FYI* – The second Medal of Honor went to Bruce B. Blackwell, Esq. of Orlando for his lifetime of “good deeds” to the legal services community.)

If you have questions about The Florida Bar Foundation, please feel free to call me at (352) 332-4422. To get the latest news about the Foundation and its grantees, please become a “Fan” on Facebook by visiting [www.facebook.com/TheFloridaBarFoundation](http://www.facebook.com/TheFloridaBarFoundation). You can also visit [www.floridabarfoundation.org](http://www.floridabarfoundation.org).

## Justice Sandra Day O’Connor and Friends in Gainesville September 12, 2011

Justice Sandra Day O’Connor will be making two public appearances in Gainesville on September 12, 2011. Both events are free, non-ticketed, and open to the general public. The first event is a lecture on judicial reform at 10:30 AM at the Phillips Center for the Performing Arts with Justice O’Connor, Judge Rosemary Barkett, Justice Peggy Quince, and former ABA President Martha Barnett. The second event is a discussion on civics education at 6:00 PM at the University Auditorium with Justice O’Connor and Senator Bob Graham. More details about the events can be found at: <http://tinyurl.com/3e7sd3v> and <http://tinyurl.com/446ys7h>. Since both events are open to the general public, it is recommended that you arrive early for a seat (doors open an hour before the event). We hope to see you there!

# Three Rivers Legal Services Presents CLE Webinars And Mini-Seminars

By Marcia Green

Three Rivers Legal Services presents several new CLE webinars and mini-seminars. As we wind down the second year of our Pro Bono Pilot Project grant from the Florida Bar Foundation, we are completing a series of training events available to local attorneys. While the purpose of the grant is to encourage more pro bono involvement, these webinars and seminars are free to all attorneys in the Eighth and Third Judicial Circuits.

These two circuits cover some of Florida's most rural communities. Small firms and solo practitioners have offices throughout the region and Three Rivers is the only provider of free, civil legal assistance in the area. We are committed to assisting the legal community with training and CLE and we hope that with our help to you, you might help our clients.

In August, we presented the following webinars: **Bankruptcy Basics** with attorney Todd Doss, **Powers of Attorney** with attorney Sam Boone, and **Alimony** with attorney Cynthia Swanson. These presentations are available on our website at [www.trls.org](http://www.trls.org). Look under the Calendar of Events tab to direct you to archived webinars.

Scheduled for September are the following webinars: **Working with NonProfits** with attorney Phil Kabler (September 13), **2011 Family Law Updates** with attorney Najah Adams (September 21) and **Expungement** with attorney Nery Alonso

(September 23). All of the webinars are scheduled from 12pm to 1pm. To register for a webinar and to get more information, go to [www.trls.org](http://www.trls.org) and look under the Calendar of Events.

A live seminar entitled **Family Law and Tax Issues**, with TRLS staff attorney and tax expert Erica Shaffor, will be held at noon on August 31 at the Haven Hospice Community Room in Lake City and again at noon on September 22 at Santa Fe College, Starke Campus. Space is limited.

Our second series, **Consumer Defense**, is with TRLS staff attorney Judy Collins, who focuses her practice on consumer and foreclosure defense. The first event will be held at noon on September 14 at the Madison County Library in Madison; the second event will be at noon on September 21 in the Gilchrist County Board of County Commissioners Room in Trenton. Again, space is limited so make your reservations early.

Reservation information for the live Mini-Seminars can be found at [www.trls.org](http://www.trls.org) under the Calendar of Events.

Thank you to our volunteer attorneys who are taking the time to prepare and present these training events. Questions? Contact Marcia Green in Gainesville at 352-372-0519 or [marcia.green@trls.org](mailto:marcia.green@trls.org) or Losmin Jimenez in Lake City at 386-752-5960 or [losmin.jimenez@trls.org](mailto:losmin.jimenez@trls.org).

---

## Forensic Consultant to State Attorney's Office in the Case of *State of Florida V. Casey Marie Anthony* to be September's Luncheon Speaker

The EJCBA is pleased to welcome **Bernard A. Raum** as our first luncheon speaker of the 2011-2012 season. Mr. Raum served as a Forensic Consultant from September, 2009 to July, 2011 to Orange County, Florida, State Attorney's Office in the case of *State v. Casey Marie Anthony* and has agreed to speak to us about his involvement in that high profile case and on the impact of forensic science in litigation in general.

Mr. Raum received his Juris Doctor from the University of Baltimore School of Law and his Master of Forensic Science from The George Washington University. Mr. Raum has been in a general private practice; he served for five years as an Assistant Attorney General for the State of Maryland in the

Criminal Division, and he was the Chief of the Circuit Court Division of the Howard County, Maryland State's Attorney's Office. He was also Master in Chancery for the Circuit Court for Howard County, Maryland, for over 23 years. Mr. Raum has taught law and evidence at both junior college and university levels and, after receiving his MFS, taught in the graduate forensic science department at The George Washington University. He currently is Adjunct Professor of Forensic Evidence at the Levin College of Law, University of Florida, Gainesville, where he teaches his forensic evidence course. He also teaches an online Florida Bar Association certified continuing legal education course in forensic evidence.

# Alternative Dispute Resolution

## Why We Make Mistakes



By Chester B. Chance and Charles B. Carter

The object of mediation is to avoid making a mistake, i.e., the object of mediation is to avoid a court outcome less favorable than a negotiated mutually acceptable agreement.

In 2009, Joseph T. Hallinan authored the book “Why We Make Mistakes”. The object of the book is to examine why people make mistakes in a variety of life situations and determine if we can do any better by studying the science of human error.

Many of the examples may be applicable to litigation scenarios, and, as a result, to mediation scenarios.

Hallinan asserts we are all biased and to complicate the matter, we don't know we are biased. When something goes wrong (an auto accident, a murder scene, etc.) the natural tendency is to lay blame.

But according to Hallinan, it isn't always easy to figure out where the fault lies. If the mistake is big enough, it will be analyzed by investigators (detectives, experts, etc.) who are presumed to be impartial. But they are plagued by bias of their own: they know what happened. And knowing *what* happened alters our perception of *why* it happened – often in dramatic ways. Researchers call this effect hindsight bias. With hindsight, things appear obvious after the fact that weren't obvious before the fact.

Think of the implications with respect to opinions and theories about accident reconstruction, witness recollection, reconstructing the murder scene, etc.

Hallinan says memory is more reconstruction than reproduction. This spells trouble since visually we have to realize the eye is not a camera. Hallinan explains the part of the visual field that can be seen clearly is only a fraction of the total: only about two degrees (the width of the thumb if you stick your arm out). The eye darts about, typically three times per second, to compensate. “We trade visual details for a more abstract understanding of meaning. In other words, we skim.” So much for eyewitness testimony.

Importantly, Hallinan says we tend to see and remember in self-serving ways. “When people are really put under the spotlight - not to mention under oath - do their memories of their own actions still tend

to be self-serving?” Presumably, yes. This factor often makes it difficult to reconcile the differing versions of events described by plaintiff and defendant or accused and victim.

“Knowing how things turned out influences the way we perceive and remember past events, giving the outcome and appearance of inevitability . . . .

Not only that people exaggerate what they would have known at the time but that they actually misremember what they knew.” So much for eyewitness testimony.

In the area of dispute resolution, Hallinan notes:

“Many factors affect the way we frame our decisions. One of the most obvious is time. When the consequences of our decisions are far-off, we are prone to make bigger gambles; but when consequences are more immediate, we often become more conservative.” Note: When is the mediation scheduled? Six months prior to trial or six days? If six months prior, the mediator should stress the cost and time savings by avoiding six more months of expense to offset the tendency to take bigger gambles when the consequences of failing to reach agreement are farther off in time. If the trial is six days away, take advantage of the more conservative tendency of those involved given the more immediate time for consequences.

How about attorneys? Can their tendencies create a mistake for their client? Hallinan observes: “Overconfidence is a leading source of human error.” Also, regrettably, men tend to be more overconfident than women, say Hallinan. Men tend to be not as smart as they think they are; women tend to be smarter than they think they are. Men tend to be more overconfident about their odds of success. Overconfidence in a trial outcome can potentially be a troublesome mistake for the client to live with (get your money up front, remember the client goes to jail, etc.). Women tend to be more risk averse than men. This exhibits itself in many ways: women tend to wear seatbelts more than men; in friendly-fire situations, men tend to shoot more, women less; men run more yellow lights and are three times as likely as women to be involved in fatal accidents. And we wonder if they have more adverse trial outcomes.



Continued on page 19



# The Florida Bar Board of Governors Report

By Carl Schwait

The following is a summary of the major actions of The Florida Bar Board of Governors for the fiscal year July 2010 to June 2011.

Approved a rewrite of the Bar's advertising rules, as proposed by the Board Review Committee on Professional Ethics, based on four goals: simplicity, clarity, consistency, and defensibility. The amended rules were submitted to the Supreme Court by July 5. Major changes are that non-misleading testimonials and past results that can be objectively verified will be allowed and websites will be subject to all advertising rules, except the requirement that they be submitted for Bar review. Another amendment specifies that all rules which must be submitted for Bar review must be submitted prior to publication or broadcast, not just electronic ads as in the current rules.

Approved a recommendation from the Board Review Committee on Professional Ethics to allow the Professional Ethics Committee to prepare an advisory opinion on the ethical obligations of a lawyer who is asked to disclose confidential information of a decedent by the personal representative of the decedent's estate.

Approved a recommendation from the Standing Committee on the Unlicensed Practice of Law to oppose suggested amendments to the ABA Model Rules that would allow attorneys licensed in foreign

*Continued on page 18*

---

## Carl Schwait Honored by The Florida Bar

Carl Schwait, managing partner at the law firm of Dell Graham, and the Eighth Judicial Circuit's representative on the Florida Bar's Board of Governors, was recently honored by outgoing Florida Bar President Mayanne Downs with The Florida Bar's President Award of Merit. This award is presented by the Bar annually to those who have provided "distinguished service to the Bar, the legal profession and the justice system."

For the past year, Carl served as Chair of the Bar committee tasked with studying and rewriting the rules for lawyer advertising, a job that included consideration of the widespread use of the Internet for the marketing and advertising of legal services.

Congratulations for a job well done!

### Dear Colleagues:



Please accept this as my thank you for permitting me to start my fourth term on the Florida Bar Board of Governors. I am grateful for the confidence you have placed in me. Thus, let me talk to you about what has been

accomplished:

President Hawkins has appointed me co-Chair of the Disciplinary Review Committee, the largest committee of the Board of Governors, which oversees the disciplinary process, a position that I held two years ago. Last year, President Mayanne Downs asked that I serve as the Chair of the Board Review Committee for Professional Ethics, which oversees the advertising and ethical aspects of the Florida Bar. However, this past year, I was also asked to oversee the Florida Bar's total restructuring and re-writing of the advertising rules which has now been completed and was forwarded to the Supreme Court on July 5, 2011. Additionally, President Downs has appointed me to the 14-member Special Committee on Lawyer Referral Services, in which I recently co-chaired the public hearings on the personal injury aspects of lawyer referral services. I will continue in this position in the future.

I am honored to represent the lawyers and judges of Alachua, Baker, Bradford, Gilchrist, Levy and Union Counties. I am ever mindful that any work I accomplished on the Board of Governors is based on your allowing me to continue to serve as your singular representative of the Board of Governors.

Please always feel free to contact me if you have any questions or comments in reference to the Florida Bar.

Sincerely,  
Carl Schwait

## **Board of Governors** *Continued from page 17*

countries to register as authorized house counsel in Florida or to appear pro hac vice in the state. The committee said it would be hard to verify licensing standards in foreign jurisdictions.

Created a new section on Alternative Dispute Resolution. By June 1, the section had more than 400 members.

Heard a report that the Disciplinary Procedure Committee, in addition to working on forms and instructions to accurately reflect who in the law firm is responsible for properly maintaining trust account records, is studying computer software to help attorneys comply with the rules regulating trust accounts. The software is now available to members at a discounted rate as a member benefit.

Heard a report that a video CLE on New Rule 2.420 explaining what information must be redacted in court filings was launched. By June 1, the free CLE video was viewed more than 6,000 times. A free CLE on Foreclosure Litigation in Florida was also launched and has been viewed almost 5,000 times.

Approved the recommendation of the Program Evaluation Committee to create a new special committee to study lawyer referral services.

Approved a \$50,000 budget amendment for the Bar's voluntary bar diversity leadership grant program. The Special Committee on Diversity and Inclusion received 29 grant applications requesting more than \$56,000 for the Bar's new diversity grant program for local bars.

Approved the sunseting of the 2008-10 legislative positions of The Florida Bar and its committees and the rollover of selected 2008-10 positions requested by several sections for the 2010-12 biennium. Approved on the recommendation of the Legislation Committee, a reauthorization of 13 legislative positions from the 2008-10 biennium for the 2010-12 biennium.

Heard a report on the updating of the Bar's strategic plan. Bar goals remain protecting the judicial branch and its funding, building public confidence in the profession and the legal system, ensuring access to the courts and legal services, and enhancing the value of a Bar membership for lawyers.

Approved unanimously a proposal presented by Program Evaluation Committee to create the Lawyers Helping Lawyers program providing a section on the Bar's website offering ways to build a practice, discounted goods and services for lawyers, a job and career center, and other helpful

information.

Heard a report from Florida Bar Foundation President that the foundation's income continues to be extremely low because of low interest rates paid in the IOTA program and the Foundation is looking for alternative sources to reduce the cuts for legal aid programs.

Approved as a new Bar legislative position support for a constitutional amendment to raise the mandatory retirement age for judges and justices from 70 to 75. The board tabled a related position on a proposed constitutional amendment requiring that those seeking trial judgeships have been members of the Bar for 10 years, instead of the current five-year standard. Approved a modification of an existing Bar legislative position that calls for adequate funding of the court system to include adequate funding of clerks of courts in their court-related duties.

Heard former Bar President Miles McGrane, chair of the Judicial Qualifications Commission, ask the board to oppose a proposed constitutional amendment in the Florida Legislature that would dramatically reduce confidentiality of complaints made to the JQC. The board adopted a legislative position opposing such changes.

Approved a legislative position opposing numerous pending legislative bills and proposed constitutional amendments which would dramatically undermine the courts as now written. Opposed bills include splitting the Supreme Court into civil and criminal supreme courts, eliminating the Bar's role in nominating candidates for some judicial nominating commission seats, removing JNCs from the selection process for DCA judges and Supreme Court justices (that bill also creates Senate confirmation for those jurists), and requiring that justices and DCA judges get 60 percent approval in retention elections. (Another measure would have the Legislature take over procedural rule-making from the Supreme Court; the Bar already has a legislative position opposing that.) The board- approved resolution also set out four principles for legislation affecting the judicial branch: a stable, secure, adequate, and permanent source of funding for the courts; the efficient, fair, and impartial functioning of the courts and administration of justice that recognizes the courts as a co-equal branch of government; providing access to the courts and legal services for all Floridians; and a continued meaningful role in the judicial selection process.

Heard from Bar Chief Legislative Counsel Steve Metz that after a rocky start, the courts appeared to

*Continued on page 19*

## **Board of Governors** *Continued from page 18*

be doing reasonably well in the budget process for the 2011-12 fiscal year. The House preliminary plan would have cut judicial salaries by 8 percent, but the Speaker interceded and included enough money to keep judicial salaries intact. Attempts to reduce overall judicial pensions appear to have failed, although judges may wind up contributing to their pensions, as will other state employees including court staff.

Heard from Chief Justice Charles Canady on the court's current year budget crisis, caused by a sharp reduction in foreclosure filings which provide the bulk of the court system's funding. He said House and Senate leaders were amenable to a plan for the courts to borrow funding to make it to the end of the fiscal year, but that Gov. Rick Scott asked for more information and so far had only agreed to provide funding to keep the courts going until the end of April. He also praised the House Speaker for restoring money to prevent a judicial salary cut, which Canady said would have undermined the ability to attract and keep qualified judges. He warned, though, that the preliminary House budget, perhaps by mistake, eliminated 14 law clerks from the Supreme Court, which he said would substantially undermine the court's ability to efficiently handle cases.

Approved, at the recommendation of the Member Benefits Committee, three new benefits for Bar members: Medjet Assistance, an insurance program guaranteeing medical transport when traveling; Sears Commercial Marketplace, which offers a wide range of online shopping for home and office products; and STI Tabs3 Trust Accounting Software, which assists lawyers in setting up and maintaining their trust accounts.

Heard a report on e-filing for the Florida courts from Supreme Court Clerk Tom Hall. The e-filing system is gearing up with more counties joining. The largest problem is lawyers using the system not following the rule on protecting confidential client information in electronic filing. A subcommittee of the Rules of Judicial administration is looking at that problem and considering a redraft of the confidentiality rule.

Approved President-elect Scott Hawkins' request for a commission to review the Bar's disciplinary operations.

Rejected, on the recommendation of the Program Evaluation Committee, the proposal from the Special Committee to Study Mandatory Regulation of Paralegals that lawyers be prohibited

from calling their non-lawyer employees "paralegals" unless those employees had become Florida Registered Paralegals. Instead the board approved the minority report from the special committee which called for maintaining the FRP program. The board also approved recommendations from the PEC, which was completing its three-year review of the FRP program, on ways to enhance the program. That includes improving education opportunities and increasing education about the program.

Approved recommendations from the Program Evaluation Committee defining the relationship between the Supreme Court Commission on Professionalism, the Bar's Committee on Professionalism, and the Bar's Henry Latimer Center for Professionalism.

Approved the recommendation of the Program Evaluation Committee to extend the Special Committee on Diversity and Inclusion for another year.

Gave final approval to the Bar's 2011-12 budget after making a few minor changes to allow for some renovations at the Bar headquarters.

Transferred extra \$1 million from the 2010-11 operating budget into the Bar's building maintenance reserve and added an extra \$350,500 for the Clients' Security Fund for claims paid from an unexpected court-ordered payment. Another \$500,000, less administrative costs, was added to the CSF claims paid from the CSF reserve.

Reviewed the new Florida Bar website design and features, developed as a result of extensive study involving hundreds of users.

Thank you again for permitting me to continue to represent the lawyers and judges of the Eighth Judicial Circuit on the Florida Bar Board of Governors.

---

## **ADR - Mistakes** *Continued from page 16*

Does the importance of trial water-down overconfidence? No. According to Hallinan, as tasks get harder, the degree of overconfidence tends to go up, not down. "Overconfidence is typically most extreme with tasks of great difficulty." During a mediation, maybe counsel should ask themselves if they are overconfident or overly concerned with risk avoidance. "If you get people to play devil's advocate with themselves – asking what the evidence is against this – overconfidence is pretty close to being eliminated." No wonder so many mediators play devil's advocate.

# Eighth Judicial Circuit Bar Association, Inc.

## Mission Statement:

The mission of the Eighth Judicial Circuit Bar Association is to assist attorneys in the practice of law and in their service to the judicial system and to their clients and the community.

Please send a check payable to EJCBA in one of the following amounts:

- \$55 For lawyers with less than 5 years experience; lawyers with the State Attorney's Office, Public Defender's Office and Legal Aid with 10 years of experience or less.
- \$75 For all other lawyers and members of the Judiciary
- 1 year free membership for members in their first year of practice (in any jurisdiction). Free membership does NOT include cost of lunches.

Please send your check, along with your completed application to:

Eighth Judicial Circuit  
Bar Association, Inc.  
P. O. Box 13924  
Gainesville, FL 32604  
Email: [execdir@8jcba.org](mailto:execdir@8jcba.org);  
[padgej@shands.ufl.edu](mailto:padgej@shands.ufl.edu)

**Voting Members:** This category is open to any active member in good standing of the Florida Bar who resides or regularly practices law within the Eighth Judicial Circuit of Florida.

**Non Voting members:** This category of membership is open to any active or inactive member in good standing of the Bar of any state or country who resides within the Eighth Judicial Circuit of Florida, or to any member of the faculty of the University of Florida College of Law.

# EJCBA Renewal/Application for Membership

## Membership Year: 2011 - 2012

Check one: Renewal  New Membership

First Name: \_\_\_\_\_ MI: \_\_\_\_\_

Last Name: \_\_\_\_\_

Firm Name: \_\_\_\_\_

Title: \_\_\_\_\_

Street Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Eighth Judicial Circuit Bar Association, Inc.

Telephone No: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax No: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Email Address: \_\_\_\_\_

Bar Number: \_\_\_\_\_

List two (2) Areas of Practice:

\_\_\_\_\_

\_\_\_\_\_

Number of years in practice: \_\_\_\_\_

Are you interested in working on an EJCBA

Committee?  Yes  No



Eighth Judicial Circuit Bar Association, Inc.  
Post Office Box 13924  
Gainesville, FL 32604

### September 2011 Calendar

- 1 The John A H. Murphree Law Library re-opening, Alachua County Library District Main Headquarters (Downtown Library), 4:00 p.m.
- 1 CGAWL meeting, Manuel's Vintage Room, guest Judge Martha Ann Lott, 5:45 p.m.
- 3 UF Football v. Florida Atlantic, 7 p.m.
- 5 Labor Day Holiday – County and Federal Courthouses closed
- 6 Deadline for submission to October Forum 8
- 7 EJCBA Board of Directors Meeting; Ayers Medical Plaza, 720 SW 2d Avenue, North Tower, Third Floor – 5:30 p.m.
- 8 North Florida Area Real Estate Attorneys meeting, 5:30 p.m., Alachua County Courthouse, Official Records
- 10 UF Football v. Alabama-Birmingham, 7 p.m.
- 12 Justice Sandra Day O'Connor, Judge Rosemary Barkett, Justice Peggy Quince and former ABA President Martha Barnett speak on judicial reform, 10:30 a.m., Phillips Center for the Performing Arts, UF campus
- 12 Justice Sandra Day O'Connor & Senator Bob Graham discuss civics education, 6:00 p.m., University Auditorium
- 14 Probate Section Meeting, 4:30 p.m., 4th Floor, Family & Civil Courthouse
- 15 Annual Meeting/Reception, No. Central Florida Chapter of the Federal Bar Association, 5:30 p.m., Jolie (6 W. University Ave.)
- 16 EJCBA Luncheon, Villa East, 11:45 a.m. Bernard A. Raum, speaking on forensic science and the Casey Anthony case
- 16-17 Doctors Lawyers Weekend Warriors 19th Annual Surf Festival, Sebastian Inlet, contact Jack Kirschenbaum at 321-727-8100 or [jack.kirschenbaum@gray-robinson.com](mailto:jack.kirschenbaum@gray-robinson.com)
- 17 UF Football v. Tennessee, 3:30 p.m.
- 21 CGAWL lunch/business meeting, Fat Tuscan, 11:45 a.m.
- 24 UF Football at Kentucky (Lexington), TBA
- 27 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
- 29 Rosh Hashanah Holiday – County Courthouses closed
- 29-30 Northern District of Florida Bankruptcy Assoc. 2011 Annual Seminar, Tallahassee

### October 2011 Calendar

- 1 UF Football v. Alabama, TBA
- 6 CGAWL meeting, Manuel's Vintage Room, 5:45 p.m.
- 8 UF Football at LSU (Baton Rouge), TBA
- 10 Columbus Day Holiday – Federal Courthouse closed
- 12 Probate Section Meeting, 4:30 p.m., 4th Floor, Family & Civil Courthouse
- 12 EJCBA Board of Directors Meeting; Ayers Medical Plaza, 720 SW 2d Avenue, North Tower, Third Floor – 5:30 p.m.
- 13 North Florida Area Real Estate Attorneys meeting, 5:30 p.m., 4703 NW 53rd Ave. (Law Office of Ramona Chance)
- 14 EJCBA Luncheon, Villa East, 11:45 a.m.
- 15 UF Football at Auburn, TBA
- 19 CGAWL lunch/business meeting, Fat Tuscan, 11:45 a.m.
- 25 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
- 29 UF Football v. Georgia (Jacksonville), 3:30 p.m.

Have an event coming up? Does your section or association hold monthly meetings? If so, please fax or email your meeting schedule let us know the particulars, so we can include it in the monthly calendar. Please let us know (quickly) the name of your group, the date and day (i.e. last Wednesday of the month), time and location of the meeting. Email to Dawn Vallejos-Nichols at [dvallejos-nichols@avera.com](mailto:dvallejos-nichols@avera.com).