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Eighth Judicial Circuit Bar Association, Inc.

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Editor's Note: Due to a temporary diminution in my ego, I purposely omitted bylines from several articles I penned in last month's issue including the New Tort Reform Act, Thoughts on Reading the Order Requiring a Safe and Functional Courthouse, Website of the Month, The Professor and the Madman, Rule 1.070 Revision, and Ten Years Ago in Your Newsletter. I am now on medication which is designed to boost my ego back to its usual supernormal levels and will be certain to include bylines on my submissions. When the full effect of the pharmaceuticals are felt in approximately six weeks hopefully, I will then once again include four to six pictures of myself in each issue.

President's Message-

by Frank Maloney

As I begin to write this message, I am reminded this is the season to give thanks. Therefore, I would like to give thanks to the following:

To Sherry Lancaster, our Cedar Key Chair Person, and the management of the Captains Table for a successful and delicious annual dinner. To Jill Greaves and my son, Frank, for obtaining the door prizes and Judge Doughtie for the drawing.



To former Executive Director, Kathy Jonos, for agreeing to return to her previous position with the Bar Association. Welcome back Kathy and thanks.

To Jennifer Lester and Carl Schwait for arranging for Fred Levin to speak at our November luncheon. It was nice to learn that not only is Fred Levin a very skilled litigator, but also a good business man having already printed up T-shirts with the law school's new name. They are planning a Holiday Auction for our December luncheon, which should be a lot of fun.

And finally, to the members for our profession, and for the State and Country we live in for enacting and upholding laws to protect humanity.

Wishing you and yours a happy and healthy holiday season and new year. ■

Can you define it?

hamesucken (haym-s k- n)

See definition on page 15

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About This Newsletter

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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 by E-mail, or on 3.5" diskettes labeled with your name. Also, please submit a black and white photograph with your name written on the back. Diskettes and photographs will be returned. Files should be saved in any version of WordPerfect, or ASCII.

Deadlines are the 15th of each month.

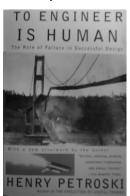
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To Engineer is Human, Dancing Naked in the Mine Field, and Endurance

by Samuel Hankin

I'm entirely too lazy to write three separate book reviews, but I will take a crack at discussing all three of these recent reads as they relate to one another, although the task may at first seem somewhat fractalized.



To Engineer is Human by Henry Petroski is an exhaustive study of the role of failure and success in the continuing advancement of engineering principles and design. The essential thesis is that success inherently breeds failure. That is, structural "luck" and complacency eventually lead to failure, and that failure eventually requires correction and moves forward the pace of engineering design. A prime example of this was the

brittle o-ring design on the space shuttle Challenger. Until the failure, the Challenger was crowned with a laurel wreath of success, having had scores of successful flights to its credit without a single failure. When the failure occurred, the inherent design problem existent from the outset came to light almost immediately, primarily through the efforts of my hero, the late Richard Feynman. Once those repeated successes (and the complacencies of the engineers who knew there was a problem) led to a failure, it became clear that the brittleness of the o-rings would never again cause a shuttle crash.

Petroski also discusses the manner in which fractures propagate and eventually lead to failure and disastrous results. Many of us recall the airliner in Hawaii whose "skin" ripped off and essentially left the passengers in a flying convertible. This was discussed at length in last month's *Scientific American*.¹

Another tragic failure, the collapse of the two skyways at the Hyatt Regency in Kansas City in 1981 causing 114 deaths and over 200 serious injuries, led to future success, as well. The original design of the skyways was a single rod, designed to support two walkways that spanned an atrium, so that hotel guests would not have to walk across a lobby to visit businesses, restaurants and meeting rooms. This single rod acted, if you will, as a rope hung from a tree, with each walkway being separate individuals hanging from the rope. Thus the rope separately supported two different individuals of approximately equal weight. The design had no factors of safety built into it and the design,

(continued on page 6)

[&]quot;Why Things Break," Mark E. Eberhart in *Scientific American*, pages 72-73; October, 1999.



Child Support Payments

by Buddy Irby, Clerk of the Circuit Court

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires states to make certain changes in their child support programs in order to continue receiving financial assistance. One of the most notable requirements was that each state create a State Disbursement Unit to centralize child support collection and disbursement. In response to this federal mandate, the Florida legislature created a State Disbursement Unit in 1998 (§ 61.1824 Fla. Stat.).

To facilitate this change, future child support income deduction orders should state that payments be directed to, and made payable to, the State of Florida Disbursement Unit at the following address: State of Florida Disbursement Unit, P.O. Box 8500, Tallahassee, FL 32314-8500. Payments should include the following information: Payor's Name (first, middle, last); Payor's Social Security Number; Case Number; and County (Alachua).

The Alachua County Clerk of Court's Office will do everything possible to make the transition a smooth one for you and your clients. If you need additional information, please do not hesitate to contact our Domestic Relations Department at 374-3621.

State of Florida Disbursement Unit

EFFECTIVE OCTOBER 1, 1999

Employer Notice of Child Support Payments Redirection

As of November 1, 1999, most child support payments deducted from your employee's income will be processed a different way. Section 61.1824, Florida Statutes created the State of Florida Disbursement Unit (FLSDU) for collecting and disbursing most child support payments. The law also specifies which types of child support case payments must now be sent to the FLSDU in Tallahassee.

As an employer, you will need to do the following: Send one check for the total of all IV-D (and Non IV-D with Income Deduction Orders initially established on or after January 1, 1994) child support payments that you withhold for your employees to: FLSDU, P.O. Box 8500, Tallahassee, FL 32314-8500.

You must include the following information with your payment: employee's full name (first, middle, last); employee's social security number; the County name (County withholding has been sent to until now); employee's case number(s) (i.e. 95-00012340-CA); and the amount to be applied to each case if employee has more than one case. Do not send any payments for Dade County cases to the FLSDU at this time. Continue sending Dade County case payments to the Dade County Clerk of Court. You will be notified at a later date when to begin sending Dade County case payments to the FLSDU. Failure to comply with any of these items may cause processing of the payment to be delayed and therefore, the payment to be considered late, which could result in an enforcement action

against your employee(s). E-mail your company name, address, phone number and the number of employees you withhold for to: FLSDU@talstar.com. We may be able to simplify your remitting procedure. (FLSDU@talstar.com will not respond to questions of any nature.) If you have any other questions about the changes, please call the FLSDU toll-free customer service line for employers: 1-888-883-0743 (Tallahassee area: 850-201-0813), weekdays, 8:30 am to 6:00 pm EST (excluding holidays).

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New Judicial Assignments -

by Cynthia Swanson

Judge Giunta will leave the Alachua County Family Division on January 29, 2000 and move to Family, Civil and Probate in Gilchrist and Levy Counties. Judge Smith will take Judge Giunta's place in Alachua County's Division H and will be the Family Division Administrative Judge. Judge Smith will also handle Friday detention hearings.

Judge Lott will move to the criminal bench, handling Division 3 in Alachua County, and the Criminal Division in Gilchrist and Levy Counties. The new circuit judge will be assigned to Alachua County's Division F, Juvenile Dependency, and Monday and Tuesday detention hearings.

Judge Beauchamp will be handling the Alachua County Family Division Specialty Courts (delinquency, domestic violence, drug court, NFETC, and Wednesday and Thursday detention hearings. Judge Sanders will be handling the Family, Civil, and Probate Divisions in Baker and Bradford Counties. All these assignments begin on January 29, 2000.

Gainesville Area Chapter – Receives National Charter

by Rob Griscti

The Gainesville Area Chapter of the Federal Bar Association received its charter from the National Federal Bar Association on September 25, 1999, at the FBA 1999 Annual Convention. Joyce Kitchens, the Secretary of the National FBA, presented the charter plaque and told the National Council about her trip to Gainesville for the Gainesville Area Chapter's September social. She described that event as one of the best FBA social functions she has attended. We think she's right! Over 100 lawyers, judges, and students attended, and the Chapter expects the November 17 "View from the Bench" CLE seminar to be attended by over 50 registrants.

Remarkably, the Gainesville Area Chapter, the newest in Florida, has more members (80 and growing) than the FBA chapters in Jacksonville, Orlando, Northwest Florida, Palm Beach County, West Florida, and (of course) Tallahassee. Only the Tampa Bay and South Florida metropolitan chapters are larger.

We encourage those of you who have not joined our Chapter to do so. We will continue to work toward not only national prominence, but more importantly, local support for the Federal bench and bar with educational, social, and other programs.

Our next event will be a general membership meeting in January, at a date and place to be announced. Thank you for your support this year!

Governor's Report

by Robert Rush

The Florida Bar has approximately 68,000 active members of which approximately 10,000 members reside outside of the state of Florida. The majority of those live in the northeast section of the United States. Because almost one sixth of the members of The Florida Bar live out of state, The Florida Bar Board of Governors holds one of their six meetings



THE FLORIDA BAR

each year in a northern state. The October meeting was held in Boston, Massachusetts. A presentation was made by the out of state members and we received a wonderful welcoming from the President of the Massachusetts Bar Association. It was a wonderful opportunity to highlight just how progressive Florida is in the services that we provide to Bar members as well as the regulation of attorneys.

As I have previously written, the Bar is heading a drive spearheaded by Bar President Edith Osman to improve the image of attorneys in the eyes of the general public. To that end, the Bar has adopted a new Bar logo, shown here, and produced a number of television commercials, the final productions of which we were shown at our meeting in Boston. There are three different ads explaining all of the positive accomplishments of lawyers in solving a variety of dilemmas that the public faces in various fields of their life from family law to criminal defense to wills and trust and property matters. The ads emphasize how much attorneys assist the public in dealing with some of the most important matters in their lives. The ads are scheduled to run 5,400 times on various cable stations. In addition, there are three different radio commercials which will begin airing soon.

One of the more interesting and positive activities that our Bar engages in on a regular basis is the client compensation fund which provides restitution to persons who have been victims of lawyer malfeasance that resulted in a monetary loss. I don't have the exact figures, but we approved compensation of more than a quarter of a million dollars. Each case is carefully analyzed to make sure the person has no other recourse after which compensation is given.

The next meeting is December 8 through December 11, 1999, in Miami. ■

http://www/mgovg.com/funny.htm

"It is part of a law firm's website and contains a number of humorous cases." Website contribution by Lucy Goddard



Reflections: Intellectual Property Issues In Divorce

by Rick Kellinger

University communities are blessed with inventors, writers, and entrepreneurs, whose endeavors are represented in patents, copyrights, licenses, royalties, trade secrets, trademarks, consulting arrangements and the like. These examples of intellectual property, have by their very nature, secrecy as a component of their development. In divorce proceedings, finding and valuing these assets may greatly effect the results obtained for a client.

Intellectual property can be overlooked in compiling assets for equitable distribution purposes for several reasons. Sometimes they are not disclosed because they are considered valueless, especially if no income has yet been received. At times an inventor may assign her rights in intellectual property in exchange for a consulting arrangement for which minimal services are required, resulting in the disguising of an asset which would otherwise be subject to permanent equitable distribution, as an income stream effecting only relatively temporary support obligations. These and other tactics avoid a permanent distribution as an asset to the other party.

Generally, intellectual property is subject to long term development. An author may spend years writing a book only to postpone publication until the close of divorce proceedings. An invention may be subject to license terms which result in contingency royalties which, if received, may be years in the future. If FDA approval is required for a new drug's introduction into the marketplace, it may require years of testing before a cent is paid to the inventors. Of course when the royalties begin, they may be very significant.

Sometimes companies and individuals cross-license technologies. That is, each uses intellectual property of the other to further their respective business development. Valuation in such cases can be a challenge, but should not be ignored. There are international specialists who can assist in the calculations.

In a divorce context, discovery is key and one has to ask the right questions. For instance if the Husband is a minority shareholder in a business utilizing his patents, he might have a shareholder agreement giving him voting control over the company. He may not list the patent as an asset if it were assigned to the company, but the value of controlling stock is arguably much greater than a simple minority interest he might represent on his financial affidavit. If you do not examine the shareholder agreement you might miss this one.

One might also consider that if marriage and divorce all take place during long term development of intellectual property, which portion is marital and which is non-marital? If the invention is completed, it may be easier to assign percentages of ownership to the parties. If development continues beyond the divorce proceedings, however, it may be impossible to fix percentages until later, suggesting that it may be wise to reserve jurisdiction on the issue.

Usually, intellectual property carries with it liability is-

sues. Selling a widget may require thousands of dollars in marketing expenses. Indeed, the expenses necessary to introduce an invention to the marketplace may be so great that no venture capitalist will risk the gamble. The development costs already expended could then represent a liability to the inventor who has not properly structured the arrangement. A spouse may seek to avoid that liability, but the law may not support avoidance.

If intellectual property may be an issue in your next divorce case, prepare interrogatories, notices to produce and deposition questions to address the issue and be prepared to dig through the paperwork to ferret out the information you need. There can be great risk to those who settle cases without undertaking attempts to discover such assets or requesting that the court take a fresh look at the characterization and allocation aspects of these assets and liabilities.



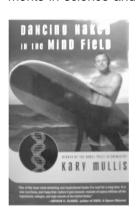
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as envisioned, would not have met Kansas City code, even in that configuration. However, the fabricator decided that he would deviate from the already flawed design, because it would require the threading of a 60-foot rod and that's very expensive, or in the alternative, the thickening of a portion of a rod which would then be threaded, which would be even more expensive. So instead, the fabricator built 2 rods. One hung from the roof of the building to the fourth floor skyway and the second rod, offset by some several inches, then hung to the second floor walkway. So now our analogy of the rope from the tree is that of a swinging rope on which one person is hanging and a second person is hanging from the legs of the first person. The load on the first person is thus doubled and in actuality, the walkway could barely support its own weight. In fact, workmen noted the swaying and gyration of the walkway as they pushed wheelbarrows up during construction. When the failure and the massive carnage occurred, still the most extensive structural collapse in the United States in terms of loss of life, investigations and extensive reporting led to advancements in structural design with regard to this type of walkway that ensured that this exact failure would never again occur. As successful and innovative structures are built, their continued success leads to complacency and then failure and as flawed initial structures are built, their failure immediately leads to successful redesign.

Petroski explains this in a clear, concise and entertaining way while also touching on the legal aspects of failure in engineering design which certainly has relevancy for many of us who deal in products liability and personal injury matters. The recent Texas A & M tragedy also compels comparison to Petroski's analysis. The horrible structural failure we have been reading about for the past two weeks will not reoccur. Either the bonfire will be banned or safeguards will be put in place to prevent another disaster. The complacency soldered into place by a 90-year tradition of no previous deaths is now irrevocably gone.

The second book which also deals in part with advancements in science and how that affects the real world, as



well as corollary failure, is entitled Dancing Naked in the Mine Field, an entertaining memoir/autobiography of Dr. Kary Mullis, winner of the 1993 Nobel Prize in chemistry for his invention of PCR (Polymerase Chain Reaction). This incredible technique will allow us to begin to reconfigure our own evolutionary processes by examining, deconstructing and then redesigning our own genetic make up. As you may recall, Dr. Mullis is a physicist who used marijuana, LSD and

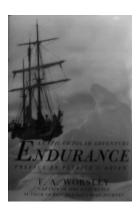
other hallucinogens in shaping his own psyche and his experiential basis for discovery. This drug ingestion was

used as a tool against his testimony in the O.J. Simpson trial, and his recounting of that episode is hilarious and telling. Mullis's insights into the Nobel process and the political basis of most scientific research today is also revealing and in fact, frightening. Specific examples are recounted vividly. One deals with Mullis's invitation by Glaxo (inventor of AZT- the AIDS drug) to speak as a Nobel Laureate at an upcoming event. The honorarium first offered was \$1,500, but Mullis, being the person that he is, holds out for two first-class tickets, accommodations and an honorarium of \$3,000. At some point later in the process and before the talk is scheduled to commence, he is asked what he is going to speak about. He indicates that the subject of his talk will be how AZT (made by Glaxo) has no effect on AIDS and actually poisons people and kills them. He then receives a letter from the company advising him that plans have changed, that his speech is no longer required, and a thousand dollars will be sent for his trouble. He writes back explaining that the thousand dollars is insufficient since he has changed his schedule, has made other commitments and requires the full \$6,048.00. The company immediately sends him the sum with no further explanation, apology or comment.

Mullis then stumbles on the brilliant scheme to write companies in advance of being invited to speak advising them that for a payment of a small sum of \$500 to \$750, he agrees that he won't speak at their functions for one full year. The more you pay him, the longer the period of time that he will agree not to speak.

This book elucidated for me how a life in science begins, how once again the numerous failures that you achieve are as important, and actually more important, than the successes that eventually result and that discouragement over a failure is as wasted an emotion as jealousy is in possessive love.

The third book in this truncated review is *Endurance* by F.A. Worsley, published in 1931 about the ill-fated, but



incredibly strong ship of the same name, commanded by the author on an expedition led by Sir Ernest Shackleton in an effort to explore the South Pole. Shackelton, you may recall, was along with Scott on his ill-fated visit to the Pole and survived simply because he was too ill to make the fatal trek with Scott (who not only died, but was bested by the Norwegian Amundsen). Shackelton returns during the beginning of World War I (Aug. 1914) for another attempt,

and the saga of his failed ordeal is more impressive than any success could have ever been. Shackelton, essentially single-handed, with Worsley as his Boswell, leads all

(continued on page 13)



Get Into The Holiday Spirit With EJCBA ·

(Read: Get ready to start spending money)

by Jennifer Lester

Get ready for the most fun you can possibly have at a Bar Association luncheon! December's lunch on December 10, 1999 at 11:45 a.m. at the Sovereign Restaurant is a Holiday Auction. Ben Campen, a local auctioneer, will auction of dozens of fun, useful and exciting items. The auction will include a football autographed by Steve Spurrier, a basketball autographed by Billy Donavan (April's luncheon speaker), toys and gifts. Buy yourself a new office look, do your holiday shopping, or simply release some holiday stress by spending money. All auction proceeds will be donated to the Guardian Ad Litem Program to provide holiday gifts for the many children in their service. Without the Guardians, many of these kids won't have any holidays at all. Even if you think you don't need anything, come and take a look!

Please also mark your calendars for February's lunch. The date of the lunch has been moved to February 18, 2000 to accommodate our honored speaker, Justice Barbara Pariente, of the Florida Supreme Court. Finally, we'd like to thank Fred Levin for his interesting and entertaining speech on November 12th. We look forward to seeing everyone at the Sovereign!

Of Interest...

Steven Weinberg, who won the 1979 Nobel Prize in physics, was named the first recipient of the "Emperor Has No Clothes Award" by the Freedom from Religion Foundation, which honors public figures who speak out about their nonreligious views. The foundation, based in Madison, Wisconsin, cited Weinberg's remarks at April's meeting of the American Association for the Advancement of Science in Washington. "Religion is an insult to human dignity," Weinberg said then. "With or without it, you'd have good people doing good things and evil people doing evil things. But for good people to do evil things, it takes religion."

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Young Lawyers Division News

Holidays in January returns to the month of January!

by Craig Crawford

The Young Lawyers Division is once again sponsoring Holidays in January, a day of pizza, toys and entertainment for kids under the care and supervision of the Florida Department of Children and Families. The event will take place on January 23, 2000 at the Fun Factory between 1:00 p.m. and 3:00 p.m. In the past, members of the Eighth Judicial Circuit Bar Association have been extremely supportive of this worthy event. Please continue the tradition of generous donations for this year as well. Make your charitable contribution payable to the Florida Bar Children's Fund, Inc., and send to Laura Varela, YLD Treasurer, P.O. Box 90028, Gainesville, Florida 32607. Thank you for your continued support!

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December 1999

Responses of the Month



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oversher 18th directed to Frank Moloney regarding my tenure as your editor. I can edings regarding my "vanity." I've been struggling with that vairglorious issue for h years of therapy have provided some assistance. I must agree that I tend to believe I also agree that your newsletter arrived much too late last month. While I'm unt e were some difficulties with regard to the numbers of new deturn to be distributed to the printer.

out of twelve pages of the October issue, only three had anything to do with anything to respectfully cornect year. In actuality, there were about 5:1/2 pages that were "not

we good you to read it, therefore, if you would like to come to my office and read the glad to compensate you. In fact, if you promise to read every word in the newsletter, will pay you \$10.00 each month.

e concerns regarding the \$4.00 of profit that the association allegadly makes on the flow, I have placed four \$1.00 bills high on the north face of the chock tower at the senue and Northeast First Street in an envelope addressed to "anonymous," If I know. mailed the contribution directly to you, but insofar as you wish to avoid "infamy." to get the money to you. I suggest that you run, rather that walk, to the clack sower pt, so that you'll be the first there.

he twelve-page advertisement for Sam Hankin. I am also taking that to beart and next ir pages. I'll simply reduce the type face and provide everyone with a small pocket.

will take a stand and accept the sesignation letter which I have provided to them on

Darren T. Burgess 2951 SW 40th Ave Gainesville, FL 32608 352-375-2650

November 20, 1999

Eighth Judicial Circuit Bar Association, Inc. Post Office Box 127 Gainesville, FL 32602-0127

Dear Anonymous, Dennis Comfort, and Members of the EJCBA,

My sincerest apologies are extended to you for the inclusion of the 4 likenesses of your editor in the October issue of the newsletter. In actuality, it was I, as the newsletter's graphic designer, that included so many photos of him. Two of these photos were included without his knowing.

When I first started working with Mr. Hankin, I learned in a private meeting with his psychiatrist that his supernormal ego was a behavioral manifestation of sublimated feelings of inadequacy that he was not born as Albert Einstein and paranoid delusions that he was switched at birth with Pat

Following exhortations from his doctor and family, I agreed to participate in an intervention and to design the newsletter in such a way as to cause severe backlash from the EJCBA membership, which would hopefully cause an ego crisis and provide an opportunity for therapeutic

This is indeed what happened, especially thanks to the scathing letter from "Anonymous." Now I am pleased to observe that Mr. Hankin's ego is returning to a super normal state – one that is not based in feelings of inadequacy, but as a true expression of his greatness. His medication regimen

Of course, this greatness is not more appropriately expressed than in his dedication to serving as the editor for the EJCBA newsletter. The job requires many hours of work per month from Mr. Hankin and his staff – a task for which no compensation is provided. Frankly, I believe the editor is entitled to a certain amount of self promotion as small recompense for the great effort expended to generate a monthly publication. Should the board accept his resignation as editor, I hope that "Anonymous" takes his place so that I can have the opportunity to once again participate in an intervention - only this time it would be to restore a long lost sense of humor and wit.

Sincerely and Respectfully,

Darren T. Burgess Graphic Designer, Forum 8

A Series of Online Advice Sites:

www.eHow.com You can find out how to ask for a raise, treat a cold, raise a baby.

www.howtoHQ.com Divided into categories: how to work, how to play, how to buy a

home and how to shop and save.

www.learnto.com Offers information on information

technology course offerings.

www.about.com Staffed by over 600 expert guides regarding a variety of services and

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The Last You'll Hear from Me about Y2K

by Samuel Hankin

Since this is the last newsletter you'll receive before the turn of the century, here's some advice regarding Y2K preparation. If you've done nothing so far to prepare for what difficulties might be encountered, I suggest the following as a quick, and relatively inexpensive fix for any potential Y2K problems.

Go to Office Depot (or order on-line) the latest CD-Rom editions of your main every day programs: Word Perfect, Excel, Lotus Organizer, Quicken, Quick Books, Timeslips, and the like. Also, log on to the Microsoft web site (or buy Windows 98 Second Edition) and update all of your Internet Explorer and Outlook Express programs with the patches that are available free.

If you've delayed computer purchases, call Dell, Gateway or one of the local computer building companies and order new computers for probably a fraction of what you paid for your old ones. If you have relatively recent vintage machines, you can probably save your monitor, keyboard, mouse, as well as external peripherals and simply purchase a bare bones CPU with a high speed CD-Rom drive, an Ethernet card and multi-gigs of hard drive storage for \$600 or \$700. While it may seem expensive, it certainly is a lot cheaper than the loss of data or the ability to compute on a daily basis.

Before you switch to your new machines, back up all data from your old machines. Since you'll have new hard copies of all applications, there's no reason to back up those apps. In the old days you would have been able to back up to floppies and you still might be able to back up some sensitive or relatively small documents or other word processing files on floppies. If you have a Zip drive, you can back up 100 megs at a time and a ten pack of disks will probably take care of most of the data that your firm has accumulated.

If you don't have a Zip drive, buy one today and have it overnighted. If you have USB connections on your computer, buy the USB kind. If you don't, get the external se-

rial port version. You can probably get one of these for under \$100 and some more money from rebates. It'll also probably come with a couple of Zip cartridges. You can then take that Zip drive, hang it off of your server, if you have one, and back up from there. If you don't have a server, you can simply take the Zip drive, connect it to the back of each computer, one by one, until you have successfully backed up all your data. If you do nothing else, do this, because even if you don't buy the new computers, you will then have an archived back up of all your data from the beginning of the world to today that anybody else with a computer can read on their own Zip drive or you can take your portable Zip drive to them.

As far as the day-to-day workings of your office, I wouldn't worry about the fax machine. If it breaks, you can simply buy a new one for a couple hundred bucks. You don't have to worry about your postage meter or your printers and probably not your copier, but I would take the time to check very carefully into your phone system, especially if it's a digital one. Call up the provider and if they have a Y2K statement, try and get it before the end of the year. If they don't or if they've advised you recently that they will not be maintaining your phone system after the year 2000, then you may very well have a problem. Go to Walmart or Sam's Wholesale Club and pick up a couple of cheap phones for \$14.00 a piece and then if your phone system does go, at least you can connect to your fax line or if you don't have a digital system, simply plug into the jacks on the wall. While you won't be able to use intercoms or the other bells and whistles, you'll have lines coming in and lines going out. You could also take advantage of your call forwarding to forward incoming calls to your cell phone.

Well, I had a half a page to fill and this more than does it and it may actually be of some help to you. I suppose I should probably follow some of my own advice, but that remains to be seen.



Samuel Hankin

Musings-

Two of the smartest marketing moves in recent times include putting the bud vase in the new Volkswagen Beetle and selling the Apple IMAC in various colors and calling those colors "flavors."

How come there aren't playing cards on airplanes anymore? It costs next to nothing to provide them and also affords the airlines excellent advertising since their logo is on the back of every card. It also provides amusement to people who would otherwise be drinking themselves into oblivion or tormenting the flight attendants.

Another idea is to have voice recorders on airplanes continually transmit all cockpit conversations on an idle radio frequency to a remote location recorded independently of the airplane. No one has to listen to this, it just has to be recorded cheaply on hard drives. Then, if an incident does occur, they simply retrieve from the hard drive the audio conversations of the flight and they don't have to search the North Atlantic in winter weather to retrieve the recorder. Assuming there are no untoward incidents on that particular flight, the drives can just be continually erased or archived.

—1999 Cedar Key Event-









-November Bar Luncheon-



This is the man our Law School is named after, Fredric G. Levin.



Shannon Miller receiving the November 1999 Pro Bono Award.



Board of Directors Meeting

October 5, 1999

Members in Attendance: Mary Adkins, Beverly Graper, Ben Hutson, Jennifer Lester, Phyllis Rosier, Frank Maloney, Paul Donnelly, Scott Krueger, Brenda Chambliss, Pan Zettler, Jill Greaves, Laura Varela.

Others Present: Dan Williams, Executive Director, EJCBA; Sheree Lancaster, Trenton Fl.

The regular monthly meeting of the EJCBA Board of Directors was called to order at 5:43PM by Frank Maloney, President.

Minutes of the September 7, 1999 meeting were reviewed. Page 1, related to the Christmas auction, was amended to read "The Luncheon committee will select a local charity, possibly either GAL or SPARC." Subject to that amendment, the minutes were approved.

Financial Reports were deferred, as Scott Krueger was en route to Lake Butler.

Sheree Lancaster presented an update on the Cedar Key event, now planned for November 4th. Final menu changes are being made in order to keep the price as close to last year's price as possible. Board deferred final authority for menu choices to local event planners, but approved as a general concept the possibility that menu items might have to be deleted in order to hold down costs. Motion was also made and seconded that a visiting delegation of Russian Officials be invited to Cedar Key as guests. Motion was approved. Motion was also made and approved that Appellate Judges who are otherwise eligible to attend the dinner in Cedar Key also be invited. This motion was also approved.

Jennifer Lester gave a report on the newsletter. Sam Hankin has requested that the Board seek out and hire an "arch conservative" attorney in the circuit in order to balance Sam's columns. It was the consensus of the Board that John Stokes should be given this opportunity. Volunteers who wish to take on Sam should show courage and contact him.

A motion was made and seconded that the Board consider a proposal from Austin Michael Internet Solutions to design and service a website for EJCBA. After Discussion, this proposal was accepted as presented. It was noted that this proposal also includes development of an electronic version of the EJCBA newsletter.

The Executive Director presented a proposal from Association Members Only. A motion was made and seconded to ask Paul Donnelly to draft a suitable contract, distribute it to Board Members, and make a final decision at the November meeting. This proposal involves a request by Association members Only to market a cooperative purchasing plan for office supplies among EJCBA members as a member-only benefit. Proposal was tabled until November's meeting, pending drafting of a mutually acceptable contract.

Motion was made and seconded to discontinue the monthly judicial luncheons, with our thanks to those judges who took part. It was suggested that our energy should be

spent encouraging the judges to be active in our monthly EJCBA luncheons instead. This motion was approved.

Motion was made and seconded that a judge within the circuit be invited to each month's luncheon and given special recognition. This includes a complimentary luncheon. Motion was approved.

Financial Reports were reviewed and approved as presented.

Meeting adjourned at 8:10PM.

Dan Williams, Executive Director (for) Lauren Richardson, Secretary ■

Book Review

(continued from page 6)

of his men, without a fatality, to safety, on a circuitous route from the South Weddell Seas to Elephant Island. Then Shackleton, Worsley and four other crewmen sailed over 800 miles of open water in one boat to whaling stations in South Georgia to seek help for the men that he left on the ice floes, and then leads four trips back, a task so daunting that merely conceiving of achieving it requires incredible physical, emotional, and spiritual strength and yet, over 80 years ago, Shackelton accomplished this with little technology, no protection from the elements and sheer will. His expedition's failure was more inspiring and courageous than almost any success.

I used to play catch with my father when I was a kid. I had a first baseman's glove. The first baseman's glove is a long glove with a lot of webbing and you can really get up in the air and grab for balls. My father would always throw the ball higher than my head (at my request), higher than my hand could reach, and almost higher than the webbing of the glove could contain. When I felt my legs lift the ground and thrust upward with as much power, strength and will as I could muster, and experienced the moment with my entire body fully extended, when half of the ball entered the webbing and stayed there, I've never felt better in my life, except for the moment when I returned to earth and saw the expression on my father's face. Even when I missed the ball, I was happy. Extension and effort in accomplishment can work in tandem if the underlying intent is achievement, success or failure notwithstanding.

In essence, these three books, read together, while discussing subject matter of quite different things, both spatially and temporally, lead to a similar conclusion, which is that the human spirit reflects its best, even in failure, in an effort to extend, to reach beyond grasp. As expressed by Robert Browning, "But for that, what's a heaven for?"

The Florida Bar Board Of Governors

Master Appointments List

The Board of Governors and the President of The Florida Bar are called upon throughout the year to make a number of appointments to various groups and organizations. These vacancies are advertised in the The Florida Bar News at least 30 days prior to the Board meeting at which they are filled. The listing below indicates the vacancies to be filled starting with the Board meeting in December. Members are asked to apply no sooner than 30 days before the deadline. A copy of the most current Master Appointments List is at the EJCBA Office or can be obtained from the Editor. If you have any questions or need assistance, please do not hesitate to contact Mindy Boggs at (850) 561-5759 or Katie Fitzgerald at 850-561-5600 ext. 6627 at The Florida Bar headquarters.

Florida Rural Legal Services, Inc.

Board Of Directors Date Term

<u>Appointed Expiration Length</u>

Joseph D. Lee 11/96 12/31/99 3 years

West Palm Beach

19-member Board. Board of Governors has three appointments to their Board of Directors for terms commencing January 1. Others having appointments are: the ACLU, NAACP, several housing authorities and various other small groups. Their main purpose is to help the migrant farm workers and the rural poor in civil (not criminal) cases. Contact Person: Peter Helwig, Executive Director, P.O. Box 24688, Lakeland, FL 33802-4688, (941) 688-7376 or (800) 277-7680.

Supreme Court's Judicial Ethics Advisory Committee

Edwin F. Blanton 12/98 12/31/99 1 year Tallahassee

Supreme Court Committee created pursuant to the authority conferred in Article V, Sections 2(b) and 15, Fla. Const., to render written advisory opinions to inquiring judges concerning the propriety of contemplated judicial and non-judicial conduct. The 10-member committee is to include a practicing member of the The Florida Bar to be selected by the Board of Governors. The one-year term commences January 1 and expires December 31. Contact Person: The Honorable Lisa Kahn, 2825 Judge Fran Jamieson Way, Viera, FL 32940-8006, (407) 617-7281.

Florida Realtor-Attorney Joint Committee

Terms expiring 12/31/99

Richard M. Colbert, Pensacola Frederick Wayne Jones, Winter Park David R. Carter, New Port Richey Donald B. Medalie, Pompano Beach Joyce B. Anderson, Miami

President (who may seek confirmation from the Board of Governors) has ten appointments, each for two-year terms, representing each appellate district and commencing and expiring December 31. The president receives the recommendations of the Real Property, Probate and Trust Law Section for consideration. The Florida Association of Realtors also appoints ten realtors to the committee in the same fashion. Chairship alternates between the two organizations. Contact Person: Marcia Tabak, Staff Liaison for FAR Bar Committee and Jerry Matthews, Executive Vice President, Post Office Box 725025, Orlando, FL 32872-5025, (407) 438-1400. ■

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Gainesville Association Of Paralegals

Sharing Knowledge

by Michelle Boatright

Frequent changes in federal, state, and local laws require paralegals to continuously investigate, research and network to provide the most accurate information to their attorney and clients. Networking is one of the greatest assets of the Gainesville Association of Paralegal's membership. Paralegals who have direct contact with other paralegals learn about new laws, statute changes and pending legislative decisions so they can then provide a better service to clients. Aside from personal networking, GAP features between 4-6 keynote speakers each year at its monthly meetings. Each speaker provides an educational lecture regarding their profession and any changes in laws and procedures.

At the November 1999 meeting, Thomas W. Brown from the Gainesville MRI Center, discussed recent changes in the P.I.P. Statute. Under Section 627.736, Fla. Stat., changes have been made in the procedures for the payment of medical bills after a medical service has been provided to an injured party. The new P.I.P. statute requires that the client's treating physician, and any medical service provider, submit their medical bills to the P.I.P. insurer/carrier within thirty (30) days from the date the bill was incurred, or that provider's medical bill will not be paid. This P.I.P. statute change again signifies the importance of interacting with a client's insurance company, medical providers and anyone handling personal injury claims. To learn more about GAP, speakers, or monthly meeting dates and times, please visit our web site at www.afn.org/~gala/ or contact Michelle Boatright at Avera & Avera, P.A., (352) 372-9999.

Job Bank

GAP is proud to be a member of the finest legal communities in Florida and is eager to contribute its talents. Call Theresa Becks, CLA, at our Job Bank number (352-491-5106) to locate highly qualified paralegals.

GAP's Upcoming Events

Tuesday, December 21, 1999 GAP's Holiday Social

Location: Harry's Bar and Grille 110 SE 1st Street, Gainesville

Time: 5:30 p.m.

Tuesday, January 18, 2000 GAP's Monthly Meeting Keynote Speaker: Jack Brookens Metro Crime Prevention of Florida Location: Szechuan Panda Restaurant 3830 SW 13th Street, Gainesville

Time: 12:30 p.m.

CLA Deadlines And Exam Dates

 Filing Deadline
 Exam Date

 January 15, 2000
 March 24-25, 2000

 May 15, 2000
 July 21-22, 2000

 October 1, 2000
 December 1-2, 2000

hamesucken (haym-s k-n), *n. Hist*. The crime of housebreaking or burglary accompanied by violence. Also spelled *hamesecken*; *hamesoken*.

"Burglary, or nocturnal housebreaking, burgi latrocinium, which by our ancient law was called hamesecken, as it is in Scotland to this day, has always been looked upon as a very heinous offence...." William Blackstone, Commentaries on the Laws of England 223(1769).

Black's Law Dictionary, Seventh Edition, 1999.

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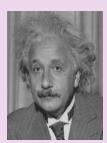
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EINSTEINBUCHANAN



To me the worst thing seems to be for a school principally to work with the methods of fear, force, and artificial authority. Such treatment destroys sound sentiments, the sincerity, and the self-confidence of the pupil. It produces the submissive subject.

We will preserve our heritage by passing on to our children, through locally controlled education, a love of our land, our history, our English language, and our traditional sense of right and wrong. As President I will: Abolish the Department of Education and return its functions and funding to state and local control; pass a constitutional amendment to allow voluntary prayer; reject "multicultural" curricula that denigrate our history; [and] support tax-free education savings accounts



Calendar Of Events -

Please call the EJCBA office for more information

December 1, 1999 December 7, 1999 December 8, 1999 December 10, 1999	Family Law Section Meeting EJCBA Board Meeting Probate Section Meeting EJCBA December Luncheon/ Holiday Charity Auction	January 4, 2000 January 14, 2000 January 17, 2000 January 23, 2000	EJCBA Board Meeting EJCBA Luncheon State/County Courts closed Young Lawyers' "Holidays in January"
December 21, 1999 December 23, 1999 December 31, 1999	GAP's Holiday Social State/County Courts closed State/County Courts closed	January 27, 2000	Federal Bar Meeting



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