

FORUM 8

Volume 72, No.1

Eighth Judicial Circuit Bar Association, Inc.

September 2012

President's Letter

By Dawn M. Vallejos-Nichols

How did the lazy days of summer pass so quickly and were there really any lazy days to speak of? I hope everyone had a wonderful summer (sorry it passed so quickly) and welcome to a new EJCBA calendar year. With Autumn nearly upon us and the football season about to get under way, is it any wonder I'm already hearing people say that the holidays will soon be upon us? Did any of you get to watch any of the movies or read any of the books that Cynthia Swanson recommended in our June edition of the Forum 8?

Your new president and board members have already been planning and meeting and setting up CLEs and committee meetings and dates for lunches and socials, so 2012-2013 is off to a rocking start. Check out the names and email addresses of your new board on page 2 of the Forum 8 and feel free to email us with questions, comments or requests. Remember, we work for our members, and we try our best to make as many of you happy as we can.

Here are the things you can calendar so far:

- The 4-4-4 Show, a monthly webinar program featuring CLE topics that are relevant, timely and accessible. The 4-4-4 Show takes place on the 4th day (Thursday) of the 4th week of every month at 4:00 p.m. (9/27, 10/25...) and is **1 CLE credit** at a cost of \$30 per attendee (a portion of which will benefit EJCBA). Register online at www.clearwaterbar.org



- Law in the Library – Monday, September 10, 2012 – Fmr. Iowa Chief Justice Marsha Ternus, speaking on “Judicial Elections: Can Accountability Be Balanced with Independence From Outside Influences?” 6-7:00 p.m., Alachua County Public Library Headquarters, E. University Avenue. Free of charge, **1 CLE credit** (expected)
- EJCBA monthly luncheons will be held on the 3rd Friday of the month, with the exception of December, 2012, which will be held on the 2^d Friday. Please calendar these dates and join us for exceptional speakers and colleague camaraderie on: 9/21, 10/19, 11/16, **12/14**, 1/18, 2/15, 3/15, 4/19, 5/17 at the Paramount Plaza Hotel and Conference Center on SW 13th Street. If you reserve ahead of time, lunch will still cost \$17/member. If you fail to reserve ahead of time, the cost has gone up from \$19/member to \$20/member. The cost for a non-member to attend a luncheon is still \$25. Incentive: reserve each month!!
- EJCBA Fall Social - Thursday, October 4, 2012 – location TBD
- James C. Adkins, Jr. Annual Cedar Key Dinner – Thursday, November 8, 2012
- EJCBA Annual Charity Golf Tournament – Friday, April 12, 2013
- EJCBA Annual Reception – Thursday, June 6, 2013

Continued on page 10

The officers of the Eighth Judicial Circuit Bar Association for the year 2012-2013 are:

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

James H. (Mac) McCarty, Jr.
Past-President
4321NW 51st Dr
Gainesville, FL 32606
(352) 538-1486
mmccarty@lawgators.com

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

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

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

Diana M. Johnson
18 NW 33rd Court
Gainesville, FL 32607
(352) 376-4694
(352) 371-7366 (fax)
djohnson@clayton-johnston.com

Philip N. Kabler
240 NW 76th Dr., Ste. D
Gainesville, FL 32607
(352) 332-4422
(352) 332-4462 (fax)
pnkabler@kmcllp.com

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

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

Raymond Brady
President-Elect Designate
2790 NW 43rd St., Ste 200
Gainesville, FL 32606
(352) 373-4141
(352) 372-0770 (fax)
rbrady1959@gmail.com

Sharon Sperling
Treasurer
2830 NW 41st St., Ste. C
Gainesville, FL 32606-6667
(352) 371-3117
(352) 377-6324 (fax)
sharon@sharonsperling.com

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

Michael Pierce
203 NE 1st Street
Gainesville, FL 32601
(352) 372-4381
(352) 376-7415 (fax)
mpierce@dellgraham.com

Meshon Trinette Rawls
P.O. Box 117626
Gainesville, FL 32611-7626
(352) 273-0800
(352) 392-0414 (fax)
rawls@law.ufl.edu

Anne Rush
11621 Research Circle
Alachua, FL 32615
arush@rtix.com

Anthony Salzman
500 E. University Ave., Ste A
Gainesville, FL 32601
(352) 373-6791
(352) 377-2861 (fax)
tony@moodysalzman.com

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

New Administrative Order

On July 16, 2012, Chief Judge Robert E. Roundtree, Jr. entered Administrative Order No. 5.200(A), entitled "Judicial Waiver of Parental Notice of Termination of Pregnancy." This Order replaces Administrative Order No. 5.200, entered on October 5, 2005. The complete Order can be found at www.circuit8.org/administrative-orders.

Classified Ads

FOR RENT: Small lovely professional office space in downtown Ocala in Concord Square building, furnished/unfurnished, \$300 per month. Call 352/401-7521.

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

Dawn Vallejos-Nichols

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

Deadline is the 5th of the preceding month

Tipped Employees

3rd in a 3-Part Series on the Fair Labor

Standards Act

By Paul Donnelly



Businesses may use tips received by tipped employees to take a tip credit against the minimum wage obligations if certain criteria are met under the federal Fair Labor Standards Act (FLSA). Employees must be given a minimum “cash wage” of \$2.13 per hour. If the employee’s

tips combined with this cash wage do not equal the minimum hourly wage (the current minimum wage in Florida is \$7.67 - higher than the Federal minimum wage of \$7.25) then the business must make up the difference.

Prior to taking the tip credit, businesses must notify the tipped employees of certain required information, such as:

- the amount of cash wage they will be paid
- the amount of tips to be credited as wages toward the minimum wage
- the right to retain all tips received by the employees unless the employees participate in a valid tip pooling arrangement limited to employees who customarily and regularly receive tips

Although notice can be provided verbally, the best way to defend against challenges to the notice requirement is to do this in writing and have each employee sign and date the notice, acknowledging that they have received and understand the notice.

Businesses can require tipped employees to split or pool tips among employees who customarily and regularly receive tips. To be valid, tip pooling arrangements must not be required to contribute a greater percentage of their tips to the pool than is “customary or reasonable.” In the past, contribution not exceeding 15% of the employee’s tips was considered reasonable, but there is no longer such a presumption. Where the tip pool includes ineligible employees, such as management or kitchen staff, the business must reimburse the tipped employees for the tips turned over to the ineligible employees.

If the tipped employees work overtime, it is important to be sure that their overtime pay amounts to one and a half times their regular rate of pay, which includes the amount of tip credit taken.

Finally, the U.S. Department of Labor has recently established that tipped employees must be allowed to retain their tips, even if the business does not take a tip credit or use tips to meet its minimum wage obligations.

Circuit Notes

The United States Court of Appeals for the Eleventh Circuit selected **Karen K. Specie** to fill the position of U.S. Bankruptcy Judge for the Northern District of Florida. Judge Specie succeeds the Honorable Lewis M. Killian, Jr.

The Florida Supreme Court has reappointed Gainesville attorney **Philip N. Kabler** to a three-year term on the board of directors of The Florida Bar Foundation, a statewide charitable organization that works on behalf of Florida’s legal profession to expand access to justice. Kabler, whose term on the board begins July 1, is also a Fellow of The Florida Bar Foundation.

Lawrence J. Marraffino was awarded the Walter S. Crumbley Award for Excellence in Teaching & Promoting Law Practice Management from the General Practice Section of the Florida Bar at the Florida Bar Convention in Orlando on June 22, 2012.

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 5th of the preceding month and can be made by email to dvallej@os-nichols@avera.com.

The Florida Bar Board Of Governors Report



By Carl Schwait

The Florida Bar Board of Governors recently met in Miami Beach. Major actions of the board and reports received included:

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

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

Discussion was held on proposed constitutional amendment 5 which will appear on the November 6 general election ballot. The amendment broadens the access of the House of Representatives to Judicial Qualification Commission records, provides for Senate confirmation of Supreme Court justices within a specific time frame of gubernatorial appointment, and allows the Legislature to revoke a Supreme

Court-approved procedural rule by simple majority vote of both chambers instead of the current two-thirds vote. The board's Legislation Committee is considering whether the Bar should take a position on the proposed amendment.

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

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

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

The Vote's in YOUR COURT, a public education program of The Florida Bar, is now being promoted through social media and discussed at editorial board meetings and through presentations to community organizations. Research indicates that a majority of Florida voters do not know what

Continued on page 5

Alternative Dispute Resolution

Slow Food and Mediation



By Chester B. Chance and Charles B. Carter

The 'in' thing seems to be The Slow Food Movement. Fresh, in-season food, cooked the way folks cooked things before microwaves, convection ovens and teflon. Food that takes time and tastes like it took time. Old fashioned taste and charm. If you have not sat at a slow food table and ate food, which tastes like, well, food, put it on your bucket-list. It is a trattoria in Italy. A cantina in Mexico. A bistro in France. It used to be The Primrose Inn in Gainesville. Slow food knows no borders. Its borders have shrunk as they are crowded out by fast food, fast lives, sound bites, and instant, rather than delayed, gratification.

Mediation is the ADR equivalent of Slow Food. Which is actually a bit of a problem.

Mediation requires things that go against the prevailing technology winds: time and patience.

When the authors began practicing law technology meant an electric typewriter, carbon paper, a legal pad, a 10-cent stamp, and a fountain pen. Speed meant asking a clerical applicant if they knew shorthand. Rules of procedure assumed several days' delivery for mailing. And mailing and hand delivery were the only two options. No Fed Ex. No UPS. No nothin'.

One went to their office, waited for the mail to arrive, made phone calls. Think back (or if you can't, try and imagine): NO fax machine. NO computer. NO email. NO cell phone. NO Skype. If someone wanted you, they called your office; they did not call your cell 24/7. They were not able to email you 50 times a day or fax you stuff 50 times a day. They could not twitter, tweet, google, text (other than with a pen), email, etc. They could not hound, irritate, interrupt, bother, or annoy at will. They did not expect you to react in nano seconds to incessant overtures. They prepared prose with thought and consideration rather than spur of the moment insult. As a result, there was no Xanax, fewer ulcers, fewer feuds, more free time, and less cowardly emails telling someone they are a jerk. Things like pleadings, letters, responses, discovery, all took time. Simmering all day on the mind's stove.

Mediation requires the patience of slow food. Sometimes that is *all* it requires. Time. Consideration. Hearing something 5 times before the light bulb goes off. Give and take. Face to face. Slow cookin'. Slow food. Personal touch rather than personality. Time for time to work its magic. Which is a problem in a world which expects, even demands, quickness. No more time investment ounce of prevention. Instead: "Why is this taking so long?" Oh, I don't know, possibly it isn't when compared to the hundreds of hours you might save; maybe because the participants are working on other matters, emailing, texting, googling and telephoning during the mediation instead of dealing with the matter at hand. Ever see someone texting during a joint conference? You probably don't even notice any more, much less think it's rude. How is that obnoxious ring tone? "Well, I like it. I am an individual!" A rude individual who is trying to multi-task, and managing to not do anything very well. Once someone asked the authors the key to a successful mediation. The answer: time. Oh, yes, one runs the risk of being accused of taking too long. But the simple ingredient of time really works wonders. With food and with mediation. In a legal system, which is the equivalent of a fast food drive through-lane, mediation is The Primrose Inn. Not old enough to remember? Ask someone who does and listen to them explain, if you can stop texting.



Board of Governors

Continued from page 4

judicial merit retention means and also that voters often skip that section of the ballot. Educational resources provided by the Bar include speakers for community groups, a voter guide in English, Spanish and Creole, and biographies of the justices and judges who will be on the November 6 ballot. Visit and recommend the webpage to family, friends, colleagues and clients at www.floridabar.org/thevotesinyourcourt.

I look forward to continuing to report to you on Bar actions in writing and at our Bar luncheons.

Some Good News After “The Summer Break” from a Florida Bar Foundation Board Member



By Philip N. Kabler

It is good to begin the new “business year” (for both The Florida Bar Foundation and the EJCBA) with a positive report. (As opposed to the “mixed bag” offered prior to the beginning of the “Summer Break.”)

As noted on prior occasions, a decrease in IOTA-based transactions over the past few years, together with a low interest rate on IOTA accounts, and a cut in the annual Florida Access to Civil Legal Assistance Act appropriations, have collectively created a “*perfect storm*” scenario, by which funds available to the Foundation to disburse as grants to Florida legal aid organizations have dropped dramatically. The Foundation has done what it can to continue its grant efforts to the greatest extent possible, such as by creating the NOW Campaign, and by using reserves which prior years’ boards had carefully created for financially problematic “what if” situations like actually arose over the past several years.

The Florida Bar has, happily, “stepped up to the plate” to mitigate the serious shortfalls in available grant funds. During the past year, six different Bar sections and divisions have provided the Foundation with gifts totaling \$336,000. Further, nearly 3,000 Florida lawyers have contributed to the NOW Campaign or through the Bar’s annual dues statement. As succinctly stated by the new Bar Foundation President Maria Henderson, “The combined generosity of the Bar, its sections and divisions, and individual attorneys has resulted in gifts of \$620,000 to the Foundation in the past year.”

Here is a summary of the Bar’s donations to the Foundation:

- Trial Lawyers Section - \$75,000 to fund a Children’s Legal Services attorney position that was at risk of elimination
- Family Law Section - \$75,000 to

Continued on page 8

Tips to Enhance Your Appellate Brief



By Audrie M. Harris

Regardless of any particular judge’s preferences, the following three tips will definitely help enhance your appellate brief. These tips may seem simplistic, but they work and they help the reader – the judge deciding your appeal – follow your argument.

1. Prepare a statement of facts that includes only the relevant facts. Don’t frustrate the reader – the judge deciding your case – at the start by including detail that has zero to do with the issues raised on appeal. The statement of facts should not be a tedious read. It should identify the type of case the judge is about to review; target the facts necessary to address the issues; and direct the judge to the appropriate record citations.

2. Limit the number of issues raised on appeal. If you raise too many issues, you run the real risk of allowing the weak issues to dilute the stronger ones. Throwing in every alleged error does not increase the chances of a win for your client. Quite the contrary, it works against them. Be objective and focus on the strongest issues.

3. Outline your argument and use subheadings to break it up. Constantly remind yourself that the goal is to make your brief easy to read for the reader – the judge deciding your case. For each issue, outline the argument to be presented and stick to it! Make sure that the argument that follows is organized consistent with your outline. Use subheadings to break up the argument, helping the reader follow the argument from point A to point B. The key is to keep it simple, direct and objective. Don’t allow unnecessary emotion to overshadow the merit of your issues.

The overall theme is to keep it simple. Appellate judges read a lot of briefs during their day. The merits of the issue could favor your client; yet, if your brief is too wordy, your argument could get lost and fail to persuade the reader – the judge reviewing your case. An appellate brief is the last place to use fancy, long-winded language to argue your point. Use direct, simple language to keep the judge focused on the issues. While the merits will ultimately decide the case, these tips will certainly help you present a very commanding and persuasive argument.

Gainesville City Attorney Marion Radson Retires

By City Attorney's office

Marion J. Radson, City Attorney for the City of Gainesville, completed a notable career with the City (31 years!) on July 31, 2012. Marion joined the City of Gainesville in September of 1981 as an Assistant City Attorney, was promoted to the position of Deputy City Attorney and then became City Attorney in October, 1985.

Marion primarily practiced in the areas of zoning and land use, real property, public finance, economic development and community development. Marion is especially proud of his economic and community development projects, with the shining jewel being the City's downtown area. He guided the City in the preservation and restoration of many notable projects, including the Siegle Building, the Hippodrome, the Sun Center, the Star Garage, and the Opera House, which currently houses Harry's Seafood Bar and Grille and professional offices. During his tenure, the Union Street Station, the Criminal Courthouse and the Downtown Parking Garage were built.

Marion has received numerous awards in recognition for his notable legal contributions

and dedicated service to the community and municipalities during his tenure. We are proud to announce that Marion was most recently awarded the Claude L. Mullis Lifetime Distinguished Service Award from the Florida Municipal Attorneys' Association, which is awarded to a recipient for their significant achievements and distinguished service in the field of municipal law. Other awards he has received in the past are the Distinguished Public Service Award, Legal Ethics Award, Keys to the Cities Task Force, Chair Service Award, Florida Legal Elite, Legal Ethics and Professionalism Award,

Paul S. Buchman Award for his Outstanding Service and Contribution to the Public, Outstanding Mentor Award from the University of Florida, and the Ralph S. Buchman Award for Florida's Outstanding Municipal Attorney of the Year.

We are saddened to lose his services while at the same time being happy that he will be able to devote time to his family and other community projects that are important to him. We wish him well in his official retirement from the City of Gainesville.



EJCBA Board Retreat - July 26, 2012

20th Annual Doctors Lawyers Weekend Warriors Surf Festival

Sebastian Inlet, Florida

September 21 and 22nd, 2012

"What a long, wonderful trip it's been." (And it looks like it's the end of the road)

We're happy to announce that the 20th Annual (and last) Doctors Lawyers Weekend Warriors Surf Festival will take place Friday and Saturday, September 21st and 22nd, 2012 at Sebastian Inlet, Florida. This event has raised hundreds of thousands of dollars for children's charities and events and we look forward to another successful year. This year our beneficiary will be the Satellite High School Surf Club, which will be involved in helping raise funds by obtaining sponsors to participate in the event with us.

Doctors Lawyers Weekend Warriors co-founders Jack Kirschenbaum, Harry Greenfield and Dr. Don Stewart, all of whom have been involved since the beginning, are excited to still be around for the 20th annual event.

As Harry Greenfield opined, "It is really hard to believe we've been at this for 20 years. It has been great fun with the added benefit of raising money for various worthy organizations." Dr. Don Stewart added "We have been very successful in raising money for children's causes and we have been able to combine our love of surfing for positive effect." And he went on to say "and there is no place like my favorite wave, Sebastian Inlet."

This year the Surf Stomp Party will be held at Café Surfinista in Cocoa Beach. Dinner and dancing to the Mango Brothers will start at 6:30 p.m. and a splendid time is guaranteed for all.

"There really was no other event like this that we know of in the world and it gave us great pleasure to put it on every year and gave us a chance to surf first peak at the Inlet without the groms" explained Jack Kirschenbaum. "Join us for this grand finale, your last chance to surf first peak with just three friends on a Saturday morning".

For information, please contact:

- Jack A. Kirschenbaum, (321) 727-8100
jack.kirschenbaum@gray-robinson.com
- George Seguna, (321) 693-3249
Gseguna63@gmail.com
- Heather Carver, (321) 508-3348
hcarver2@cfl.rr.com

Florida Bar Foundation *Continued from page 6*

the Children's Legal Services Grant Program

- Real Property, Probate and Trust Law Section - \$85,000 from a Section campaign that brought in \$85,000 in support for Children's Legal Services, a significant portion of which came from individual donations
- Young Lawyers Division - \$100,000, which the Foundation will use to help fund its Law School Loan Repayment Program to help legal aid organizations retain staff attorneys
- Criminal Law Section - \$25,000
- Alternative Dispute Resolution Section - \$1,000
- The Florida Bar – waived the Foundation's booth fee at the Annual Bar Convention, which allowed the Foundation to recruit additional Fellows
- The direct "hands-on" work of Immediate Past President Scott Hawkins and current President Gwynne Young in assisting the Foundation with its current fundraising needs

(Many thanks to all EJCBA members who either had a role in the decision-making behind these gifts, or who made contributions which helped comprise those "Big Bar" donations.)

"All-in-all" an excellent start to this next year. (And I hope to have additional "good news" to report during the upcoming months.)

Please do not, however, think that the Foundation's grant funding needs have been met. Rather, the Bar's donations identified above serve to cover some of the shortfall created over the past years. It is important, then, to consider becoming a Foundation Fellow and contributing to the NOW Campaign if you have not already done so. *(If you already have, then thank you again.)*

For information on becoming a Fellow or participating in the NOW Campaign, or if you have questions about The Florida Bar Foundation's grant programs or the Foundation in general, please feel free to call me at (352) 332-4422. And to get the latest news about the Foundation and its grantees, please become a Facebook fan at www.facebook.com/TheFloridaBarFoundation.

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; retired members of the Florida Bar pursuant to Florida Bar Rule 1-3.5.
- \$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

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: 2012 - 2013

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

News from Three Rivers Legal Services

By Marcia Green

The staff and volunteers at Three Rivers Legal Services have had an active summer and we are looking forward to some cooler temperatures and hoping for fewer foreclosures and evictions.

One of the main priorities of Three Rivers is to keep families and individuals in housing. Since the beginning of the year, however, we have opened nearly 50 foreclosure cases in our Gainesville office and approximately 375 residents of the Eighth Judicial Circuit have contacted us for advice and/or assistance with their housing issues. With cases ranging from simple advice about the return of a security deposit to defending complicated mortgage foreclosures, residents of our community are feeling the stress of the economy. While not every eviction or foreclosure merits representation, those facing the loss of their housing need to be able to access advice and understanding of their legal rights. Staff attorneys Judy Collins and Gloria Walker lead our team of housing advocates, and we rely heavily on our volunteer attorneys and law student interns to keep up with the demand. If you are interested in becoming a volunteer in the area of housing, please contact Three Rivers!

Tom Williams has retired after a life-long legal career with Three Rivers; Tom started in 1977 as a Vista volunteer paralegal and returned immediately upon completion of law school in 1981 as a staff attorney. Tom focused primarily on family and elder law and, for the past several years, headed up our student legal services office at Santa Fe College. Tom continues to be involved with Three Rivers as a volunteer attorney.

We want to welcome our new staff attorney, Dorrella Gallaway, a graduate of Georgetown University Law Center and a member of the Florida Bar since 2009. Although no one can fill Tom's shoes, Dorrella is certainly ready to carry the load. She comes to Three Rivers with a background in real estate and consumer law and is a member of the Public Interest Section of The Florida Bar.

We also recognize attorneys Dan Friedel and Itasca Gregor who have been working in our office as volunteers. As funding and staff positions have decreased, the need for volunteer attorneys dramatically increases. Dan has been working closely with staff attorney Gloria Walker in housing and unemployment cases, and Itasca works with staff attorney Nery Alonso in our family law unit.

As so many of you are aware, our Florida Bar

Foundation funding was cut by 30% this year and we anticipate future cuts as well. State funding was eliminated altogether and we've lost money from many of our local grants as well. Our Legal Services Corporation funding is tied to a continuing resolution in Congress until March, once again leaving us with stagnant and reduced funding and no assurances for future funding. We greatly thank all of the attorneys who have responded to our requests for donations and to the University of Florida staff who contribute through the University of Florida Federated Campaign.

A big thank you goes out to the Law Offices of Avera and Smith, who graciously allowed our use of their conference room for our Educational Advocacy for Children with Disabilities CLE. We hope to continue our very successful series of CLE webinar and training events throughout the remainder of the year.

Congratulations to Gainesville attorney Phil Kabler who has been appointed by the Florida Supreme Court to a second three-year term on The Florida Bar Foundation Board of Directors. We greatly appreciate representation on this statewide board by an attorney from North Central Florida who understands the key issues of rural communities, small law firms, solo practitioners and the low income residents living in our circuit.

President's Letter

Continued from page 1

Annual EJCBA membership dues are presently due and owing and I am happy to say that not only was your board able to keep the cost at last year's prices but also offer an incredible incentive for on-time payment. All paying members who renew their membership by September 30, 2012 will receive a coupon for one free lunch during the 2012-2013 membership year AND receive free attendance when you register for the spring 2013 Professionalism Seminar. A membership application is enclosed in this edition of the Forum 8 so send it in now!

I am very happy to serve as your President for the next several months and look forward to working with the board and all EJCBA members to keep our bar organization moving forward in the spirit of our mission: to assist attorneys in the practice of law and in their service to the judicial system and to their clients and the community.

Criminal Law



By William Cervone

In June I left you with the dismal prospect of The *Graham* Dilemma, Part Four, only partly with tongue in cheek suggesting that there was inevitably more to come. Sure enough, that has happened, so here it is. Apparently, at least to me, Florida's appellate courts are as confused as I am in

trying to sort out the mess the United States Supreme Court left us with regarding juvenile sentencing. Not since the heyday of sentencing guidelines cases in the early to mid-80s have I seen such a constant stream of conflicting decisions trying to split hairs into ever thinner slices. Either that or the courts have finally concluded that there really are too many lawyers in Florida, lack the fortitude to simply declare lawyers unconstitutional, and have instead decided to thin the ranks by driving at least those of us who are criminal practitioners insane.

The latest installment in what is now obviously going to be a painfully long process is *Smith v State*, a 1st DCA case released in late June. Raymond Smith is no child, at least not now. When he was in the nadir of his youth at age 17 back in 1985, he accomplished two sexual batteries, two burglaries, an aggravated assault, a kidnapping, a possession of a weapon during a felony, and a possession of burglary tools crime spree over a three day period. For these he received five life sentences, some concurrent and some consecutive, and assorted other inconsequential terms of years.

End of story until *Graham*, after which, in 2011 (on the State's request that he be re-sentenced, I might add), those life sentences were vacated and instead he received concurrent 40 year sentences on four charges and a consecutive 40 year sentence on another charge, for a total aggregate sentence of 80 years. Plus concurrent small change for the still inconsequential counts that were tagging along for the ride.

End of story? After all, the 5th DCA has held in *Henry v State* that an aggregate sentence of 90 years, even though essentially a *de facto* life sentence, does not run afoul of *Graham*. But wait! The same 1st DCA said in *Floyd v State* that 80 years *did* violate *Graham* because it *was* the functional equivalent of life. So surely the no longer young Mr. Smith would be entitled to relief once the circuit judge's paperwork hit the DCA, right?

Wrong! You see, defendant Floyd had the unfortunate happenstance of having committed his

crimes and gotten his 80 years under Florida's current 85% rule, meaning that he must serve a tad over 68 years, a span of decades he is not likely to see pass. The far more fortunate Smith's 80 years is not subject to the 85% rule, which came into play only sometime in the 1990s. Instead, he has available to him a variety of gain time provisions provided by statutes in effect when he was sentenced under which his sentence may well be significantly reduced. Thus, the 1st DCA says, he has a meaningful opportunity to obtain release and *Graham* is simply no problem. Thus, also, we enter a realm where a calculator and a BC Powder should be issued to all sentencing judges and lawyers trying to guess what will ultimately fly with a juvenile who has committed a very un-juvenile like crime.

Perhaps the most interesting thing about the *Smith* case is a concurring opinion by Judge Padovano, who I've always had great respect for, and who acknowledges that courts can never draw a line between a term of years that offends the 8th Amendment and one that doesn't. Instead he suggests that simply restoring parole for juveniles (by declaring its abolition as to them unconstitutional) is what really solves the problem. That is, by the way, the approach that the Florida Prosecuting Attorneys Association is urging.

This, of course, is to say nothing of another wrinkle thrown into everything by the United States Supreme Court this summer, that being *Miller v Alabama*. While we have all been trying to figure out what to do about juveniles who have committed non-homicide crimes that got or could have gotten them life sentences before *Graham*, which, after all, specifically said that it was only dealing with non-homicides because murder was clearly a different beast altogether, *Miller* plays a mulligan and says that that's not so after all and that juvenile murderers can't have life either, at least not mandatorily.

Maybe it's a good thing that the legislature hasn't cobbled together something to fix *Graham* after all. While I absolutely refuse to even consider that their inaction was advised or prescient, had they done so we would still be stuck with the same problem because of *Miller*.

And so round and round the merry-go-round goes. On the plus side, after having written this column for 10 years now, finding something to write about on a monthly basis can be a chore and this whole convoluted mess promises to give me a topic for many more articles. That much I like.

Probate Section Report



By Larry E. Ciesla

The Probate Section continues to meet on a monthly basis on the second Wednesday of each month starting at 4:30 p.m. in the fourth floor meeting room in the civil courthouse in Gainesville. Following are issues of interest

discussed at recent meetings.

Shannon Miller has provided the leadership in creating a new task force to deal with cases of financial exploitation of the elderly. The initial meeting was held on July 11, 2012 at Bill Cervone's office. Jeanne Singer indicated her willingness to act as the initial point person at the state attorney's office for practitioners to contact when a financial exploitation case is discovered. Michael Becker will also be providing assistance. Efforts are underway to establish law enforcement point persons at GPD and ASO. Particular emphasis was placed during the meeting on Section 709.2114, Florida Statutes, which imposes a fiduciary duty upon the holder of a power of attorney to act solely in the best interest of the principal; together with Section 825.103(1)(c), Florida Statutes, which makes it a felony for the holder of a power of attorney to breach the foregoing fiduciary duty. It is the goal of the task force to provide a mechanism to facilitate increased criminal prosecution of perpetrators of financial abuse of the elderly, as these cases have historically enjoyed a very low profile with local law enforcement. Shannon has compiled an email list for the group and anyone interested in participating should send their email address to me or to Shannon.

Service by email is on the way. According to the Supreme Court of Florida's second corrected opinion issued 06/21/12 (www.floridasupremecourt.org/decisions/2012/sc10-2101.pdf), the new e-service rules become effective on 09/01/12. In summary, new Rule 2.516, Florida Rules of Judicial Administration, provides that all documents, with limited exception, must now be served by email. Immediately upon appearing in a case, a lawyer must file a notice designating his or her primary email address. Documents must be emailed in accordance with the following procedure: The document to be served is attached to the email in PDF format. The email must contain the subject line "SERVICE OF COURT DOCUMENT", in all capital letters, followed by the case number. The

body of the email must identify the court; the case number; the name of the first party on each side; the title of the document being served; and the sender's name and phone number. Emails may not exceed 5 megabytes in size. The Rule also gives the court the authority to serve copies of orders by email.

A discussion was held regarding a little-known provision contained in Section 222.25(4), Florida Statutes, providing that a \$4,000.00 personal property exemption may be claimed by an individual not claiming a real property homestead exemption under Section 4, Article X of the State Constitution.

New judicial assignments were reviewed. Judge Roundtree is now chief judge and will be handling Union County cases; Judge Lott has moved to the criminal division; and Judge McDonald has moved to Levy/Gilchrist duty.

Richard White discussed a comprehensive power of attorney form created by a highly regarded Florida practitioner. The document is of interest owing to its comprehensive nature. Tidbits from it could be usefully incorporated into practitioners' current power of attorney forms. If you would like to review a copy, please contact my office. Various opinions were offered on the issue of the advisability of having a client with an existing valid power of attorney execute a new power of attorney which comports with the new law. Section 709.2106(2), Fla. Stat., specifically provides that an "old" power of attorney continues to be valid under the new law. Significant advantages of executing a new power of attorney include the new bank and broker friendly provisions contained in Section 709.2208, Fla. Stat.; and the provisions allowing for multiple and successor attorneys-in-fact contained in Section 709.2111, Fla. Stat. Peter Ward pointed out another advantage of having a client sign a new power of attorney is that when faced with a power of attorney executed many years ago, a bank will sometimes take the position that it is not required to honor the power of attorney due to its being "stale". All in all, it was thought that in most cases signing a new power of attorney would be in the client's best interest.

It was pointed out that a CD-ROM entitled, "Annual Survey of Florida Law," which is good for 10 CLE credits, can be checked out from the mediation office in the civil courthouse and kept

Continued on page 13

for up to four weeks.

Virginia Griffis pointed out that the original language of the recently revised Section 732.102, Fla. Stat., "Spouse's Share of Intestate Estate," provided that it applies to all cases pending or commenced on or after 10/01/11. A 2012 glitch bill changed this to read that it applies to all decedents dying on or after 10/01/11.

Judge Hulslander continues to hold ex-parte time every Wednesday from 8:30 - 9:30 am. Staff Attorney Nadine David has resigned. Jennifer Kerkhoff is now handling Alachua County probates and Erin Hunt is handling Alachua County guardianships. Monica Brasington led a discussion regarding a new type of long-term care insurance policy now available in Florida, known as a Partnership Policy. Pursuant to new Medicaid rules, if an individual owns one of these policies and then needs to become Medicaid eligible to pay for nursing home care, instead of the traditional \$2,000.00 limit, the individual may retain an amount of cash equal to the lifetime benefit stated in the policy for long-term care. Details are available at www.completelongtermcare.com/states/florida.

Richard White initiated a discussion regarding the need for practitioners to counsel with their estate planning clients on the issue of digital asset estate planning. This issue was the subject of a presentation made to a RPPTL Section meeting held in March 2011. Please contact my office if you would like a copy of the written material presented at this meeting. Richard suggested that at a minimum, the client should provide access to all of his or her passwords to at least one other person.

Wharton Cole announced that he has gone into semi-retirement and is no longer partners with John Haswell. Wharton is now working out of his home. Virginia Griffis announced that Kevin Daly left the Scruggs Carmichael firm and is likewise working from home. Virginia further indicated that Jim Larche has also left the firm. Jim is now sharing space with Pete Enwall.

Peter Ward raised an issue regarding the wording of the provision in a trust which sets forth the method for determining the compensation to be paid to the trustee. Frequently this provision states that the fee will be determined by applying the regularly published fee schedule for a local institutional trustee's services. There could be a problem in a case involving a small trust, as

institutional trustees typically require a minimum size of \$500,000.00 - \$1,000,000.00 and there is no fee schedule available for a trust containing less than \$500,000.00. Peter suggests including language establishing a minimum trustee's fee, for example, \$5,000.00 per year, so as to avoid the foregoing problem.

Several practitioners indicated that they subscribe to the very popular and informative Florida Probate & Trust Litigation Blog published by Juan C. Antunez. Important appellate decisions; new statutes; and other matters of interest to probate, trust and guardianship practitioners are discussed at the rate of approximately one per week. To sign up, go to flprobatelitigation.com and look for the "subscribe" box on the lower left side of the homepage.

Please contact my office if you are interested in being added to the email list for notice of monthly probate meetings.

J. MARK DUBOSE, JR. & GILBERT J. ALBA

are pleased to announce the formation of



4404 NW 36TH AVENUE, SUITE B
GAINESVILLE, FL 32606

P: 352-327-3643

F: 352-354-4475

The firm's areas of practice include:

PERSONAL INJURY ■ FAMILY LAW
ESTATE PLANNING ■ BUSINESS LITIGATION
APPEALS

www.mygainesvillelawyer.com

Mark@mygainesvillelawyer.com

Gil@mygainesvillelawyer.com

London Symposium 2012



By Frank Maloney

London was the site of a Comparative Law Symposium held May 22nd and 23rd, and hosted by the General Practice, Solo and Small Firm Section of the Florida Bar as well as The Young Lawyers Division (YLD) of the Florida Bar, along with the Inns of Court and the Law Society of England. This two-day symposium comparing the English and Florida legal systems was put together by EJCBA Board Member and Historian, Frank Maloney. The event kicked off with a welcome reception at the Charing Cross Hotel on the Strand where the fifty Florida Bar member attendees stayed. The hotel was centrally located for the Inns, the Law Society and the Courts; it was also just around the corner from Ben Franklin's London home, Trafalgar Square and Buckingham Palace.

The joint meetings were held at the Middle Temple Inns of Court's law library on the American floor, which is also the London home for the American Inns of Court, and dedicated to those Middle Temple members who were signers of the Declaration of Independence and the U.S. Constitution. The symposium began with a lively conversation between Jeremy Dein, QC (Queen Counsel) for the defense, Bill Cervone, State Attorney for the 8th Judicial Circuit and George Nelson, Chief Public Defender for Baker County. Mr. Cervone was utterly gobsmacked (astounded) that there was no Fifth Amendment protection, and secret witnesses could be used by the crown during trial, testifying behind a screen. While Mr. Cervone jokingly stated that he might consider a move to England, Mr. Nelson was most likely feeling rather homesick at that moment.

The presenters of the comparative topics were a veritable who's who of the English and Florida Bars: "Getting to the Bar" was presented by Linda Calvert Hanson, Director of the Center for Professionalism at The Florida Bar (and until very recently at the Levin College of Law), Sean Desmond, President YLD, and Hon. Bernard Richmond, QC faculty of Middle Temple Advocacy Training Council for the Bar. Civil Law was hosted by Camille Iurillo, Jake Schickel (Florida Bar Board Certified) and Peter Sussman, QC along with Michael Ashe, QC. Family Law was presented by Terry L. Fogel, Florida Bar Board Certified in Family Law and Marie-Claire Sparrow, Barrister; Law Practice Management was facilitated

by Peggy Hoyt (Florida Bar Board Certified) and Ronnie Fox, Founder, Law Management Section of the Law Society; Real Property, Probate and Trust was hosted by Paige Greenlee, President-Elect YLD, Peggy Hoyt and Robert Craig, Solicitor specializing in trust; International Law was interpreted by C. Ryan Reetz and Saionton Basu, Solicitor Specialization in UK/Europe-India trade.

Lunch on both days was served at the Middle Temple's great hall, where the participants dined at the Benchers' head table (which was a gift from Queen Elizabeth I). It was an honor to be seated at the table normally reserved for the Judiciary members of the Middle Temple. At the end of the first day, the Florida delegation was treated to a reception at the Middle Temple with Barristers, who included participants in a recent University of Florida, Levin College of Law program on advocacy held in Gainesville. A jolly time was had by all with further exchange of information on our two systems of law.

The program culminated with an interesting comparison of the Courts of England and Florida. English Judges Simon Brown and Peter Susman kept Florida Supreme Court Justice Harry Lee Anstead, Retired, amazed at the similarities and the differences between our court systems, policies and procedures. We were then guests of The Royal Courts of Justice and permitted to observe trials in session in order to apply what we just learned. Barristers still wear the traditional robes and wigs.

After the Royal Courts the lawyers met with Rev. Robin Griffin-Jones, Master of the Temple Church, the "Mother Church of the Common Law." He informed us that the church was built by the Knights Templar and was shared by the Inner and Middle Temple Inns of Court. He also told how the Temple Church played a pivotal role in our country's legal system from the Magna Carta and the founding of Jamestown. He is the only nonfictional person mentioned in Dan Brown's book, *The Da Vinci Code*.

We then became guests of Lincoln's Inn with a full tour given by His Honour Judge Samuels (Ret.) from the Criminal Appeals Court and Barrister Alessandra Williams. We learned that Charles Dickens' novel *Bleak House* began in the Inn's original great hall which then housed the Royal Chancery Courts. After leaving Lincoln's Inn we strolled down Chancery Lane and popped into Ede and Ravenscroft Haberdashers

Continued on page 15

FBA Update

By Stephanie Marchman

Mark your calendars for these upcoming special events honoring our local federal judges!

On September 21, 2012 at 4:00 p.m., an investiture ceremony will be held to formally swear in The Honorable Philip R. Lammens as United States Magistrate Judge for the Middle District of Florida, Ocala Division. The ceremony will be held at the Golden-Collum Memorial Federal Building & U.S. Courthouse, 207 N. W. Second Street, Ocala. A reception will immediately follow the ceremony. Members of the bar are welcome to attend. RSVP by Wednesday, September 12, 2012 to (407) 835-4359 or lammens_rsvp@flmd.uscourts.gov.

On November 2, 2012 at 6:00 p.m., the North Central Florida Chapter of the Federal Bar Association will host "A Toast to Judge Hodges – Celebrating 40 Years on the Federal Bench" at the Historic Thomas

Center in downtown Gainesville. This event will include a mix and mingle portion with stations of wine and complimentary food pairings from various regions, and more importantly, a program celebrating The Honorable Wm. Terrell Hodges, Senior United States District Judge for the Middle District of Florida, Ocala Division, and his 40 years of service to the federal bench. Details regarding the event to follow.

London Symposium *Continued from page 14*

where barristers buy their wigs and robes. The Florida lawyers were all tempted to buy a wig until we learned they were selling for 580 pounds sterling.

We finished the day at a reception hosted by the solicitors for us at the Law Society. It was yet another opportunity to make friends and exchange cards with our fellow English lawyers. Terry Fogel, Chair of the Specialization Section and Justice Harry Anstead, for whom the annual specialization recognition award is named, posed for photographs at the Law Society holding the Florida Bar's Specialization banner with solicitors who are also specialist in their fields.

Some members of the group were lucky enough to be able to squeeze in the Chelsea Flower Show, experience *Phantom of the Opera* on the London stage, enjoy Hampton Court and still manage to enjoy shopping and sightseeing.

On our last night in London we had a memorable farewell dinner cruise on the Thames that boasted a live band and dancing. A highlight was doing doughnuts in the river under the Tower Bridge to Handel's *Water Music*. Everyone will all remember our new London friends in London and that beautiful night.

After the symposium, sixteen members of our group journeyed to Paris via the Chunnel and enjoyed Normandy Beach for Memorial Day, explored the history of the city and extended the memory of this year's out of country experience.



The Middle Temple's great hall. The Bencher's head table was a gift from Queen Elizabeth I and was cut from one tree

Marsha Ternus, Former Chief Justice of the Iowa Supreme Court, To Speak at “Law In The Library” Series

Justice Marsha Ternus, former Chief Justice of the Iowa Supreme Court, is scheduled to be the first speaker in the 2012-2013 Law in the Library series, which begins its monthly run on Monday, September 10, 2012 at the Alachua County Public Library Headquarters on East University Avenue. Justice Ternus and two of her colleagues on the court were denied retention by Iowa voters after she and her six fellow justices unanimously held that a ban on same-sex marriage was unconstitutional. She will speak from 6-7 p.m. on “Judicial Elections: Can Accountability be Balanced with Independence From Outside Influences?” This talk is free and open to the public; CLE credit will be available to lawyers.

Justice Ternus, a honors graduate of Drake University Law School (1977) and editor-in-chief of the Drake Law Review, worked for sixteen years in the private practice of law in Des Moines, primarily in the field of civil litigation and insurance law. While in private practice, she served as president of the Polk County Bar Association, on the Board of Governors of the Iowa State Bar Association, and on the Board of Directors of the Polk County Legal Aid Society, among others.

Ms. Ternus was appointed to the Iowa Supreme Court in 1993 by Governor Terry Branstad. She was selected by members of the court to serve as chief justice in 2006; she was the first woman to serve as chief justice of Iowa’s highest court. Her term on the court expired on December 31, 2010.

As chief justice, Justice Ternus encouraged court efforts to improve access to justice. In collaboration with Iowa Legal Aid, the court took steps to persuade Iowa lawyers to provide more pro bono services to persons who could not afford an attorney. The court also adopted rules to facilitate lawyers in providing unbundled legal service and organized a task force to study civil justice reform.

As chief justice, Chief Justice Ternus made the improvement of court oversight of child welfare cases a priority for the Iowa Judicial Branch. To this end, she led an effort to form and then chaired the State Children’s Justice Council, which consists of representatives of the judicial branch, state agencies and private entities involved in the child welfare system. The council works collaboratively

to institute reforms and improvements in the Iowa courts’ processing of child welfare cases to minimize the time children spend in the foster care system. Chief Justice Ternus also served on the planning committee that organized a national summit on the protection of children in 2009.

Ms. Ternus currently practices law in Des Moines with a focus on appellate and trial case consulting and arbitration. In May 2012, she and two of her former colleagues on the court received the 2012 John F. Kennedy Profile in Courage Award. She has also been honored with the 2011 Outstanding Contribution to the Well-Being of Children & Youth Award from Youth & Shelter Services, Inc. and the 2011 Louise Noun Civil Liberties Award from the Iowa ACLU. In 2011, Ms. Ternus was recognized with the first annual award for outstanding contributions to the welfare of children given by the Iowa Children’s Justice Initiative.

Paul A. Remillard, Certified Mediator

Now available in Jacksonville, Pensacola, Gainesville and Panama City at no travel cost to the participants.

Recognized as one of the most experienced and successful mediators by the National Academy of Distinguished Neutrals, Mr. Remillard has mediated over 2,000 disputes.

Also, recently inducted into the National Association of Elite Mediators. Contact our office at 850-656-7821 or remillardlaw@comcast.net

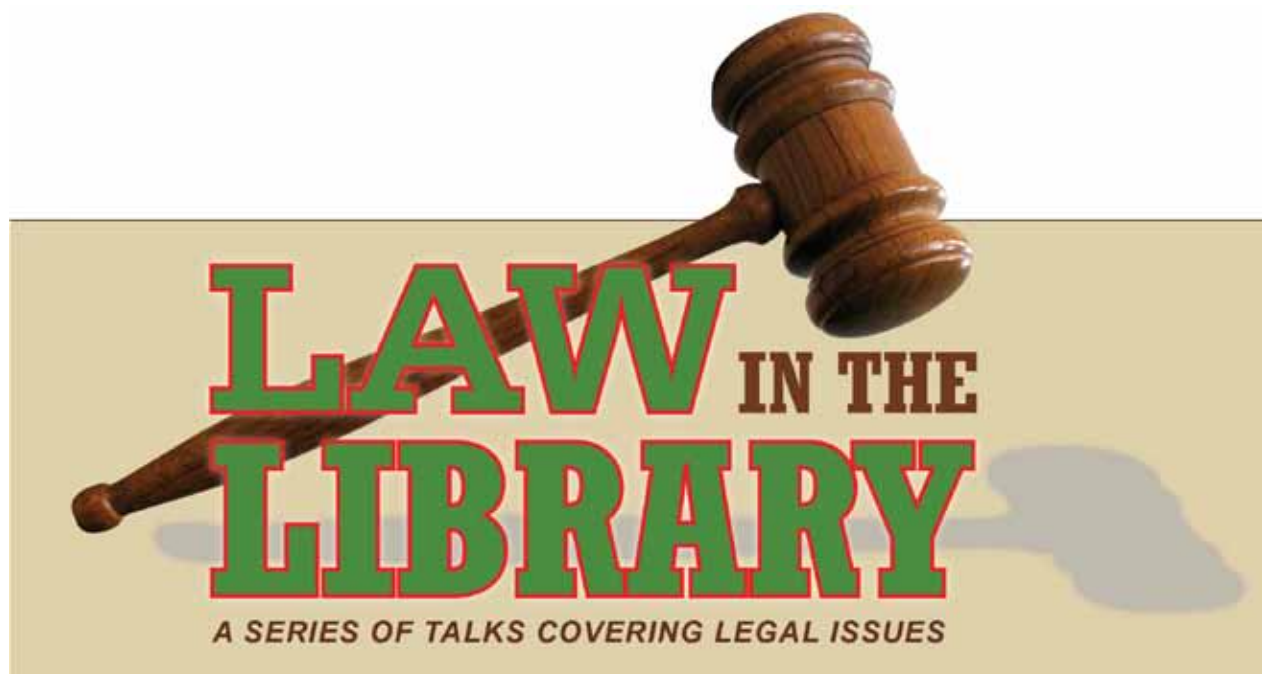


Remillard Law Firm, P.A.

Law In The Library 2012-2013*

Date/Time	Topic	Branch
9/10/12 (6:00)	Judicial Elections: Can Accountability be Balanced With Independence From Outside Influences?	Headquarters
10/8/12 (6:00)	Collaborative Divorce: An Alternative to the Courtroom	Headquarters
11/5/12 (6:30)	Child Support and the Law	Alachua
11/15/12 (6:00)	Legal Issues Impacting Social Security and Disability Benefits	Tower Road
1/14/13 (6:00)	The Patient Protection and Affordable Care Act: Just the Facts, No Politics	Headquarters
2/11/13 (6:00)	A Parent's Guide to Educational Rights and Resources	Headquarters
3/11/13 (6:00)	Restoration of Civil Rights and Expungement	Headquarters
4/8/13 (6:00)	Residential Foreclosure Legal Issues	Millhopper
5/13/13 (6:00)	Bankruptcy	Headquarters

*Open to the public; free of charge.





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

September 2012 Calendar

- 1 UF Football v. Bowling Green, 3:30 p.m.
- 3 Labor Day Holiday – County and Federal Courthouses closed
- 5 Deadline for submission to October Forum 8
- 5 EJCBA Board of Directors Meeting; Ayers Medical Plaza, 720 SW 2d Avenue, North Tower, Third Floor – 5:30 p.m.
- 8 UF Football v. Texas A&M (College Station, TX), 3:30 p.m.
- 10 Law in the Library Speaker Series, Alachua County Public Library Headquarters, Fmr. Iowa Chief Justice Marsha Ternus, “Judicial Elections,” 6-7:00 p.m.
- 12 Probate Section Meeting, 4:30 p.m., 4th Floor, Family & Civil Courthouse
- 15 UF Football at Tennessee (Knoxville, TN), 6:00 p.m.
- 17 Rosh Hashanah Holiday – County Courthouses closed
- 18 Family Law Section Meeting, 4:00 p.m., Chief Judge’s Conference Room, Alachua County Family & Civil Justice Center
- 21 EJCBA Luncheon & CLE, Dr. Daniel Smith, “Does My Vote Count?”, Paramount Plaza Hotel, 11:45 a.m.
- 22 UF Football at Kentucky, TBA
- 26 Yom Kippur – County Courthouses closed
- 29-30 Northern District of Florida Bankruptcy Assoc. 2011 Annual Seminar, Tallahassee

October 2012 Calendar

- 3 EJCBA Board of Directors Meeting; Ayers Medical Plaza, 720 SW 2d Avenue, North Tower, Third Floor – 5:30 p.m.
- 4 EJCBA Fall Social, Location TBD, p.m.
- 5 Deadline for submission to November Forum 8
- 6 UF Football v. LSU, TBA
- 8 Columbus Day Holiday – Federal Courthouse closed
- 8 Law in the Library, Alachua County Public Library Headquarters, Collaborative Divorce: An Alternative to the Classroom, 6-7:00 p.m.
- 10 Probate Section Meeting, 4:30 p.m., 4th Floor, Family & Civil Courthouse
- 13 UF Football at Vanderbilt (Nashville, TN), TBA
- 16 Family Law Section Meeting, 4:00 p.m., Chief Judge’s Conference Room, Alachua County Family & Civil Justice Center
- 19 EJCBA Luncheon & CLE, Dr. Noll, “Water: The Impact of the Cross Florida Barge Canal,” Paramount Plaza Hotel, 11:45 a.m.
- 20 UF Football v. South Carolina, TBA
- 27 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.