FORUM 8

Volume 74, No. 2 Eighth Judicial Circuit Bar Association, Inc. October 2014

President's Message

More News from Your EJCBA

By Ray Brady

This month I would like to highlight more EJCBA activities for you. First, however, I will introduce a new "challenge" that I am adding to my columns that will give you a chance to show off your wit, in brief, each month. I call this the **"Your 15 Words (Not Seconds) of Fame" challenge**. I will pose a question or query for you to answer in 15 words or less. The top 10 responses will be featured in my column the following month (specify whether you desire attribution or anonymity). All of the responses will be published on the EJCBA website. This month's challenge is: In 15 words or less, explain to a quizzical foreigner why the U.S. Electoral College is (or is not) a necessary institution. Email your response to me at rbrady1959@gmail.com. So, step up to the challenge!

Looking ahead, here are some upcoming EJCBA events and activities that should be on your calendar. Please note that for some of these, I am soliciting your ideas and opinions, which I will share with the EJCBA Board:

EJCBA Luncheon and CLE event: Our luncheon speaker on October 10th will be Jane Muir, Director of the Florida Innovation Hub at UF, speaking on "Gainesville – The Place Where Innovation is Making a Difference." Immediately following the luncheon, the EJCBA will host a related CLE event on the topic of "What to Do When a Startup Walks in Your Law Office Door." This is a **free CLE** event for EJCBA members. Two hours of CLE credit are anticipated.

Rub Elbows with Gainesville's Medical Community Members: On the evening of October 14th, the EJCBA will co-host a dinner and panel discussion with the Alachua County Medical Society. The topic is navigating the malpractice environment and tort system. We hope that this will be the first of several joint projects with our local medical professionals this year. For information and to register, contact Judy Padgett at execdir@8jcba.org.

The James C. Adkins, Jr. Annual Cedar Key Dinner: This is one of the EJCBA's oldest and best socials! The dinner will be held on October 16th. This year, the EJCBA will offer **coach transportation** to Cedar Key and back. We are renting a 56-passenger coach bus with Candies Limousines. To register for the bus, watch for our email blast to you. The Cedar Key dinner will include the raffle, as always. And we will reprise the **"Dessert Contest"** by asking you to bring your best home-made dessert, which we will judge (and eat) at the event.

The Professionalism Master Class Series: This is a new program that will be directed by Phil Kabler. The Series will feature acknowledged local Bar leaders who will speak with YLD members and third-year law students on topics relating to professionalism and the practice of law. Each Series will be limited to approximately 10 attendees. The meetings will be held at local venues, such as a coffee shop or law

Continued on page 4

2014-2015 EJCBA Officers

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

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

Robert M. Birrenkott, Jr.
President-Elect
PO Box 117630
Gainesville, FL 32611
(352) 273-0860
(352) 392-4640 (fax)
rbirrenkott@law.ufl.edu

Stephanie Marchman
President-Elect Designate
200 E University Ave, Ste 425
Gainesville, FL 32601
(352) 334-5011
(352) 334-2229 (fax)
marchmansm@cityofgainesville.org

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

Leslie Smith Haswell
Secretary
2830 NW 41 St, Ste K
Gainesville, FL 32606
(352) 377-3800
(352) 377-8991 (fax)
leslie.haswell@gainesvillefamilylawyer.com

Members at Large

Marilyn C. Belo
5745 SW 75th Street #363
Gainesville, FL 32608
(352) 448-4500
(352) 448-4510 (fax)
lynn@beloandpaul.com

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

Richard H. Fabiani
P.O. Box 5877
Gainesville, FL 32627
(352) 376-5226
rfabiani@chandlerlang.com

Norm Fugate
PO Box 98
Williston, FL 32696
(352) 528-0019
(352) 528-4919 (fax)
norm@normdfugatepa.com

Courtney Johnson
115 NW 34th St
Gainesville, FL 32607
(352) 372-1282
(352) 375-9960 (fax)
courtney@foldsandwalker.com

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

Philip Kabler
2700 NW 43rd Street, Ste C
Gainesville, FL 32608
(352) 332-7688
(352) 332-7692 (fax)
pkabler@boginmunns.com

Hoa T. Lee
2830 NW 41st Street, Bldg M
Gainesville, FL 32627
(352) 375-5602
(352) 373-7292 (fax)
tee.lee@swansonlawcenter.com

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

James H. (Mac) McCarty, Jr.
4131 NW 28th Ln, Ste 7
Gainesville, FL 32606
(352) 240-1226
(352) 240-1228 (fax)
mac@lawgators.com

Peg O'Connor
102 NW 2d Avenue
Gainesville, FL 32601
(352) 372-4263
(352) 375-5365 (fax)
peg@turnerlawpartners.com

Monica Perez- McMillen
101 NW 75th St, Ste 1
Gainesville, FL 32607
(352) 335-2393
(352) 375-0104 (fax)
m.perez@foryourlaw.com

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

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

Margaret M. Stack
PO Box 552
Alachua, FL 32616
(352) 222-3220
mmstack@att.net

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

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

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 dvallejos-nichols@avera.com.

About This Newsletter

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

Eighth Judicial Circuit Bar Association, Inc.
P.O. Box 13924
Gainesville, FL 32604
Phone: (352) 380-0333 Fax: (866) 436-5944

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

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

Judy Padgett
Executive Director
P.O. Box 13924
Gainesville, FL 32604
(352) 380-0333
(866) 436-5944 (fax)
execdir@8jcba.org

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

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.

To renew/apply for membership, please renew online at http://8jcba.dev.acceleration.net/pay-dues/ or send a check payable to EJCBA in one of the following amounts:

- $55 If, as of July 1, 2014, you are a lawyer licensed to practice law for five (5) years or less; 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

Free If, as of July 1, 2014, you are a lawyers in your first year licensed to practice law following law school graduation. Free membership does NOT include cost of lunches.

*(YLD members can also include their yearly dues of $25 for YLD membership if, as of July 1, 2014, you are an attorney under age 36 or a new Florida Bar member licensed to practice law for five (5) years or less)

You may pay your dues online at http://8jcba.dev.acceleration.net/pay-dues/ or send a 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: 2014-2015

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

President's Message *Continued from page 1*

office. For more information on the Series, contact Phil Kabler at pkabler@boginmunns.com.

The EJCBA Golf Tournament: Please mark your calendars to "save the date" of Friday, March 20, 2015, to attend this great annual event, which is chaired by Mac McCarty. Last year, thanks to your participation and generous support, Mac and his team were able to raise more than $10,000 for the Guardian Ad Litem Program. (It may be that we will hold the **"Spring Fling" EJCBA party** I described in my September column on the night of March 20th, to tie it in with the Golf Tournament. Watch my column for more information on this new EJCBA social event.)

The EJCBA Professionalism Seminar: I would like your feedback on both the venue and the format for this annual event. It appears that due to unavoidable scheduling conflicts and time constraints, fewer law students will be able to attend this event. This may mean that we can return to holding the Seminar at the law school, if we wish (which we had outgrown when we had 100-plus law students attending). We also could explore new program formats. For years, we have featured a keynote speaker, followed by breakout small group discussions. I would like to hear from you on these questions. Please email me at rbrady1959@gmail.com.

The EJCBA Annual Dinner: Last year, Past President Nancy Baldwin had the good vision to hold this event at the Sweetwater Branch Inn as a sit-down dinner, and to include a keynote speaker. The event was a huge success. Approximately 130 of you attended. Please email me to say whether you would like to see us hold the event again this year at the Sweetwater Branch Inn, and whether you liked having a sit-down dinner, and a keynote speaker.

10 Things to Know about Collaborative Divorce

by Cynthia Swanson

Widely quoted research shows that 1 out of 2 first marriages, 2 out of 3 second marriages, and 3 out of 4 third marriages will end in divorce. Other statistics show that women and children post-divorce are the largest segment of the population entering poverty each year.

Last month, I wrote about a new standing order which will be automatically entered in every divorce in the 8th Circuit against the petitioner upon filing, and against the respondent as soon as he or she is served. Regardless of whether you think this is a good or bad thing, whether you think it's a violation of due process or not, I think that in some cases, it is quite likely to continue to increase the cost of divorce litigation.

And how many times have you said to a client or heard a judge say it to both parties at a status conference – you'll be happier in the long run if you can settle this case yourselves. And don't forget, your checkbook is likely to take less of a hit.

So, one way to help parties settle cases themselves is through collaborative divorce. This process empowers the parties to resolve their legal disputes without judges, magistrates or court personnel making decisions for them. It provides them with specially trained collaborative lawyers, mental health and financial professionals to educate, support and guide them in reaching balanced, respectful and lasting agreements. And, finally, it offers the parties a safe and dignified environment to reduce the conflict and minimize its impact on them, their children, their family and their lives.

Collaborative divorce is a private process. It does not depend for its existence or its procedure upon any rule or statute or case law. It exists because parties agree for it to exist and they agree how it will proceed. Essentially, the parties agree not to go to court until their case is completely resolved by them, and then only for the court to adopt their agreement and actually divorce them.

Here are 10 things to know about the collaborative divorce process:

1. To begin the process, the parties sign a collaboration agreement which provides that neither one will go to court until the whole case has been settled between them. It also provides for the rest of these things in this list.

2. The process is client-driven. It seeks

Continued on page 5

Collaborative Divorce *Continued from page 4*

creative outcomes, not pat legal solutions. Pretty much anything that the parties agree to will become part of their agreement, and they will ask the court to adopt it. Even if the court - absent an agreement of the parties - has no authority to make such an order. Providing for the payment for college expenses for adult children is a prime example, but so is providing for unequal distribution of property, or for unusual spousal support arrangements.

3. The parties agree to keep the process private and confidential. They will not go blabbing to all their friends, post collaborative meeting updates on Facebook, or otherwise publicize the process. This is not to say that parties can't talk to their trusted friends and family members or run things by other professionals with whom they have relationships. But the idea is to keep this pretty much between the two people who are making the decisions. This shows respect for the process and respect for the other spouse.

4. The team of professionals is to facilitate the process, not make decisions. This should be true whether the case is collaborative or not - it's the parties' case, not the lawyers' case, after all. Even more so in the collaborative cases, however, lawyers should not be invested in the outcome. Not financially and not emotionally, and they should not be "outcome oriented" (want to win). Mental health professionals are there to help the parties move through the divorce process and to help them look out for their children, not to "cure" them. The financial professional is not a "hired gun" for one party or the other, but instead is a neutral professional to help maximize the financial benefit to both parties. When they both have the same information, they can make the best decisions for both of them.

5. In order for this to happen, all team members have to work together constructively - and transparently. There can't be any triangulation; any going behind one another's back; any secreting of information. When one party starts feeling like he is being left out, that her needs are being brushed aside, or that he is not receiving the benefit of the whole team's advice, this does not bode well for the process. In order for the process to be transparent, the team must fully disclose all important and relevant information, and no secrets can be kept.

6. Because all decisions will be made jointly and with both parties and their welfare in mind, the parties must come willing to listen, willing to talk honestly, and willing to compromise.

7. In addition, there cannot be any unilateral action taken by anybody. All important and relevant decisions are made jointly and all important and relevant actions are approved first by the team.

8. The parties cannot take advantage of mistakes. This is a natural result of the transparency and respect for the parties and the process.

9. If the parties do give up on the collaborative process, none of the professional team members can continue to help either party in the resulting litigation. That's the caveat of the collaborative process – if the process breaks down completely and one or both parties decide they must go to court, then all the professionals who have been involved with the parties must terminate their involvement and the parties must start over with new lawyers, new experts, etc. This is usually a pretty big incentive to keep the process going, compromise, be creative, and accomplish settlement.

10. The cost of the process can really vary. If you think of having a two-hour meeting with two attorneys, a mental health professional, and a CPA all in attendance, you can just see the dollar signs dancing around and hear the ka-ching sound! However, if you think of the training, experience, and expertise being brought to bear in that meeting, you can see how much progress can be made in one two-hour meeting. So, yes, it can be fee-intensive, but if the case is settled in a few two-hour meetings, the overall fees will be much lower than a full blown trial on financial and custody issues.

The International Association of Collaborative Professionals has a great website with lots of information about collaborative divorce, as well as other collaborative practices: www.collaborativepractice.com.

Save The Date

Please note and calendar the date of March 20, 2015 for the EJCBA Annual Charity Golf Tournament to benefit the Guardian Ad Litem program. Watch this newsletter for future announcements and registration information.

Alternative Dispute Resolution

Ultracrepidarianism

By Chester B. Chance and Charles B. Carter

Your humble authors are fans of Steven D. Levitt and Stephen J. Dubner who are the authors of the various "Freakonomics" books and the "Freakonomics" website, Podcasts, etc. Why? As National Public Radio stated, "An afternoon with Levitt and Dubner's book[s] will transform you into the most interesting person in the room that evening."

Your authors need all the help they can get to be interesting.

What does all this have to do with the title of this article?

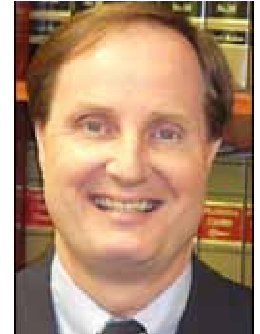
As discussed in their latest book, Levitt and Dubner discussed the term ultracrepidarianism, which is "the habit of giving opinions and advice on matters outside of one's knowledge or competence."

The "Freaks" as they are called, discussed the term when analyzing the three hardest words in the English language to say out loud. What are they? I don't know. No, we *do* know - what we mean is the three hardest words to speak are "I don't know."

As people and as lawyers, we may suffer from ultracrepidarianism. We are very reluctant to admit we do not know a particular fact related to a case, that we do not know the holding of a particular case, etc. We do what most people do: we fake it and hope there are no consequences.

The Freak authors refer to a study conducted by Philip Tetlock focusing on politics and expertise. Tetlock's study involved nearly 300 experts including government officials, political-science scholars, national-security experts, and economists who were told to make numerous predictions that he then charted over the course of 20 years. "The result of Tetlock's study were sobering. Most expert of experts – 90% of them had post-graduate training – thought they knew more than they knew. How accurate were their predictions? They weren't much better than dart-throwing chimps, as Tetlock often joked." Think Like a Freak, page 24.

Stock market "experts" have an accuracy rate of less than 50%. We are not even going to tell you about the accuracy of meteorologists. Most "experts," including lawyers, are "massively over-confident." Expert predictions, including lawyers making predictions as to trial outcomes, have what the Freak authors call a "lethal combination – cocky plus wrong."



So, ask the Freak authors, if the consequences of pretending to know something can be so damaging, why do people keep doing it? The answer is, the cost of saying, "I don't know" is higher than the cost of being wrong, at least for the individual.

Lawyers would rather protect their own reputation than act for the good of the profession or the good of their clients. Not all the time, but it is a natural human tendency which lawyers are not immune to.

Lawyers, like most people, desire to protect their own reputation rather than promote the collective good. "None of us want to look stupid, or at least over-matched, by admitting we don't know an answer. The incentives to fake it are simply too strong." Think Like a Freak, page 29.

According to the authors of the above-referenced book, when a person is consumed with the rightness or wrongness of a given issue it is easy to lose track of what the issue actually *is*. This applies to an analysis of a legal position, case value, negotiations about case value, mediation, etc.

What advice do the authors of Think Like a Freak have? They suggest that the next time you run into a question that you can only pretend to answer, go ahead and say, "I don't know" – and then follow up with "but maybe I can find out." The authors suggest you may be surprised by how receptive people are to your confession. Especially when you come through with the answer a day or so later.

Sometimes during a mediation, an impasse occurs because someone is not willing to admit they do not know something and are not willing to take an additional bit of time, whether it be a few hours, a few days or a few weeks, to determine the answer. Perhaps Mr. Levitt's and Mr. Dubner's suggestion, when we find ourselves in similar circumstances, should be kept in mind.

Criminal Law

By William Cervone

I really don't know how to characterize what I'm writing about today. To paraphrase, sometimes you just know a topic or subject when you see it. This one is kind of a "What in the world are you guys doing?" issue. So here we go.

Jermaine Moore got himself arrested in Orlando back in 2011 for multiple counts of capital sexual battery. A bad start to the day for him. Upon demand, the State provided discovery, included in which was the names of two Category A witnesses, both of whom apparently were CPT counselors of some sort. Moore's attorney wanted to depose these witnesses but for some unknown and inexplicable reason filed a motion for an order allowing that instead of just setting the depositions. More inexplicable yet, the judge denied that motion but authorized the issuance of written interrogatories with a hearing to be set once answers and objections to the interrogatories were filed. Never mind that there is no provision for interrogatories in criminal procedure.

Not liking that process, Moore tried for certiorari. The State conceded Moore's entitlement to the depositions, but here comes the third inexplicable part of this tale, for the 5th DCA concluded that there was no basis for cert because the strange order directing interrogatories did not represent "a material departure from the essential requirements of the law causing harm *irremediable* on plenary appeal."

Say what? The whole process has been screwed up at the trial court level, everyone agrees to that, and the appellate court is going all semantic on us? Instead of just telling everyone to read the Rules, start over and do it right?

To illustrate why this case will not likely make it into the curriculum of our law schools, at least not in a positive way, I will give you the language of the opinion, which, by the way is at 39 FLW D601 if you think I'm making this up:

> The obvious question to ask in this case is why the defendant sought a court order to do what he claims he is entitled to do without a court order. In the State's response, it is suggested that a court order is obtained as a matter of "normal practice" in the Ninth Circuit, based on confidentiality concerns of the Department of Children and Families. Whatever the reason, experienced lawyers know that when a court is asked to order something to be done that does not require an order, the outcome may be neither predictable nor desirable. [Author's Note: DUH!! You think??] Concededly, there is no explanation in this record for the court's decision to require written interrogatories to be propounded as a condition of the court's considering the motion. The State has offered none. The trial court did not favor us with any reasons in any of the four orders it issued on the subject, and we can think of none. ...Whatever the reason, it is apparent that attempting to require a criminal defendant such as Moore to us a discovery device not authorized by the criminal rules places an undue burden on the defense [Another Author's Note: Hey, guys - what about the burden on prosecutors and the witnesses who have to respond to and litigate a non-issue??] With limited time and resources, the public defender is now faced with creating out of whole cloth a form of discovery for which there are no rules, no forms, no format, no method for compliance. Suppose these third-party witnesses choose not even to respond to this jury-rigged discovery?
>
> ...Hopefully, the trial court will reconsider its position. If not the trial for the discovery the defense seeks after review of the interrogatories and answers...

So let me see if I've got this right. The DCA knows that what the trial court has done is totally unauthorized and improper, but won't do anything about it because the defendant can ultimately appeal if the case doesn't go his way in the long run, which is what they mean when they say there is no irremediable harm, and then they'll solve it by reversing. Terrific. Let me close with the content of a footnote to the opinion, again quoting in full the DCA's language:

> Before issuing an unusual order like the one in this case, it would be helpful if trial judges give some thought to the consequences of their actions. A defendant in Moore's position might simply acquiesce in the trial court's denial of discovery and then might well succeed in arguing, on plenary appeal after a conviction, that the denial of the motion to depose the witnesses was "built in" reversible error, requiring a new trial. Apart from the expense and uncertainty involved in such an endeavor, as the State points out, a new trial would require the victims to testify again.

Yep, I've got it right. Geez.

Proposals for Settlement: Dotting "I's" and Crossing "T's"

By Siegel Hughes & Ross

For those who enjoy exalting form over substance, Florida's law on Proposals for Settlement is a wonderful area of the law. Florida appellate courts have consistently held that all of the technical requirements of the rule[1] and the statute[2] must be strictly enforced. This technical approach to Proposals for Settlement was first articulated by the Supreme Court in *Campbell v. Goldman*, 959 So.2d 223 (Fla. 2007). In that case Plaintiff received a jury verdict that exceeded the amount of his Proposal for Settlement by over 80%. While the Proposal specifically referenced Rule 1.442, Fla. R. Civ. Pro., it did not specifically state it was served under Fla. Stat., §768.79. The trial court denied Plaintiff's motion for fees because the Proposal did not comply with subsection 768.79(2)(a) which required a proposal to "state that it is being made pursuant to this section" or Rule 1.442(c)(1) which requires a proposal to "identify the applicable Florida law under which it is being made." The Court of Appeal reversed the trial court holding that the failure to identify the statute was an "insignificant technical violation of the rule." 959 So.2d at 225.

The Supreme Court ruled that "The district court erred in so holding." *Id.* at 226. It held that the statute and the rule were in derogation of the common law and must be strictly construed. It further held that strict construction is applicable to both the substantive and procedural portions of the rule and the statute.

The plain language of the statute provides that an offer *must* state it is being made pursuant to this section. This is a mandatory requirement for this penal, fee-shifting provision. Because the overall subject is in derogation of the common law, all portions must be strictly construed. *Id.*

Why would the statute and rule contain this requirement if it was of no substance? When the statute and the rule were adopted there was more than one statute which authorized a proposal for settlement or offer of judgment. Some may remember former statute section 45.061. These different statutes were substantively different, so it was necessary to identify the applicable statute. However, by the time the proposal in *Campbell* had been served all other statutes had been repealed and sec. 768.79 was the only statute which authorized a proposal for settlement. As Justice Pariente stated in her "reluctant" concurrence, "There is now only one statute governing offers of judgments implemented by *rule 1.442.* Thus the requirement that the offer reference the statute on which it is based no longer has any true meaning…." *Id.* at 227 (citations omitted).

The Third District Court of Appeal relied on and followed the *Campbell* decision in *Milton v. Reyes*, 22 So.3d 624 (Fla. 3rd DCA 2009). In that case the plaintiff served a Proposal for Settlement. Though the sheets of paper on which the Proposal was written did not contain a Certificate of Service it was served in an envelope with a separate sheet of paper titled "Notice of Service of Proposal for Settlement to Defendant Pursuant to F.S. § 768.79 and Fla. R. Civ. P. 1.442" which did contain a Certificate of Service. It was undisputed that the Notice was mailed to Defendant, that the Proposal was contained in the same envelope, and that Defendant received the Notice and Proposal. However, based on *Campbell* the court affirmed the trial court's denial of Plaintiff's Motion for Attorneys' Fees for failure to comply with Rule 1.442(c)(2)(G) which states that a proposal shall…include a certificate of service in the form required by rule 1.080(f).

That the Third District did not misread the intent of the Supreme Court is demonstrated by the Court's 2013 decision in *Diamond Aircraft Industries, Inc. v. Horowitch*, 107 So.3d 362 (Fla. 2013). On referral to the Supreme Court from the 11th Circuit Court of Appeals, *Horowitch* addressed, among other issues, whether a Proposal for Settlement that specifically stated it would resolve all claims but did not specifically state it would resolve a claim for attorneys' fees or whether attorneys' fees were part of the claim was enforceable. The Supreme Court

Continued on page 9

 Continued from page 8

held such a Proposal did not strictly comply with Rule 1.442(c)(2)(F) which states that "a proposal shall:…state whether the proposal includes attorney fees and whether attorney fees are part of the legal claim." The Supreme Court discussed the decision of the Fourth District addressing a very similar issue in *Bennett v. American Learning Systems of Boca Delray, Inc.,* 857 So.2d 986 (Fla. 4th DCA 2003). In *Bennett* the Fourth District had stated, "It would make no sense to require a defendant to state in its offer of judgment that the offer does not include attorneys' fees, when plaintiff did not claim an entitlement to them and could not recover them because of a failure to plead…." and held that language that stated the proposed settlement of all counts was sufficient to include a claim for attorney's fees.

The Supreme Court did not criticize the Fourth District's ruling, but noted it had been decided before *Campbell*. Relying on Campbell it rejected the *Bennett* decision and reiterated that all portions of the rule and statute "must be strictly construed." 107 So.2d at 376. The Court concluded that the offer was not enforceable because it "did not strictly comply with rule 1.442, as it did not state that the proposal included attorney's fees and attorney's fees are part of the legal claim." 107 So.2d 377.

The First District Court of Appeal has applied the same principles to the issue of punitive damages in *R.J. Reynolds Tobacco Co. v. Ward*, 141 So.3d 236 (Fla. 1st DCA 2014). Plaintiff in that case had served a Proposal for Settlement which specifically stated, "punitive damages are included in the amount of this proposal, whether pled or unpled. Acceptance of this proposal will extinguish any present or future claims for punitive damages." *Id.* at 237. Even though the Plaintiff received almost ten times the amount of the proposal the First District reversed the award of attorneys' fees. Following *Campbell* and *Diamond Aircraft*, the First District reversed because the proposal did not state with particularity the amount proposed to settle any claim for punitive damages. Rule 1.442(c)(2)(E). The Court stated, "There is no ambiguity in Mr. Ward's offers of judgment-it is clear the punitive damages claims would have been extinguished if the tobacco companies had accepted the offers-but the supreme court has made the test strict compliance, not the absence of ambiguity." 141 So.2d at 238.

How far will this formality be taken? One indication may be the decision of the Third District in *Matte v. Caplan*, (Fla. 3rd DCA 2014) involving a claim for attorneys' fees under Fla. Stat. §57.105. In *Matte* the court considered an appeal from the denial of a motion for attorneys' fees by the successful defender of a "frivolous" suit for tortious interference. The motion was not denied because the claim was not frivolous, but solely because the email by which the motion was served on Defendant did not strictly comply with Rule 2.516, Fla. R. Jud. Admin. The violations: the motion sent by email was in Word format, not PDF; the subject line did not contain the words "Service of Court Document;" and the body of the email stated only "See attached Motion." Thus, at least in the First District, strict construction of claims for attorneys' fees extends to the emails by which the documents on which the claims are based are served as well as the documents themselves.

In her "reluctant" concurrence in *Campbell v. Goldman, supra,* Justice Pariente restated her concern that the Proposal for Judgment statute was increasing litigation rather than meeting its intended purpose of encouraging settlement. In a juxtaposition of opposites she stated, "Because parties will now be on notice that all "t's" must be crossed and "i's" dotted, there should be no further litigation on this particular issue." Yet after only one intervening sentence she stated, "But if the past history of litigation on offers of judgment is any indication, this will not be the last time the Court must clarify the requirements of the rule and statute." 959 So.2d at 227. While the advantage of seven years of hindsight reveals that Justice Pariente's latter statement was much more prescient than her first, the practitioner must remember her first and dot all "i's" and cross all "t's."

1 Rule 1.442, F. R. Civ. Pro.

2 Sec. 768.79, Fla. Stat.

FREE CLE

The Family Law Section will be offering a free CLE on the issues of cyberstalking and stalking on Tuesday, October 21, 2014 at 4:00 pm in the Family/Civil Justice Center, courtroom TBD. Guest speakers include Teresa Drake, director of the Intimate Partner Violence Assistance Clinic, and first-hand experience from the crime prevention unit of the Alachua County Sheriff's Office.

Probate Section Report

By Larry E. Ciesla

The Probate Section continues to meet on the second Wednesday of every month beginning at 4:30 p.m. in the Chief Judge's Conference Room on the 4th Floor of the Alachua County Family and Civil Justice Center at 201 East University Avenue. Following are some issues discussed during recent meetings, in no particular order.

Judy Paul announced that she is no longer associated in practice with Lynn Belo and has opened her new solo office: Judith Paul, LLC, 4040 West Newberry Road, Suite 1500, Gainesville, FL, 32607, phone (352) 872-5911, fax (352) 872-5912, e-mail judy@jbpaullaw.com. She will continue practicing in the areas of estate planning, guardianship, probate and divorce. Scott Krueger attended a recent meeting and advised the group that, in addition to practicing law, he is now the coach of the Santa Fe College Women's Basketball Team. Jesse Caedington explained that, in addition to his relatively new position practicing with John Roscow, IV, he is pursuing an LLM degree on a part-time basis at the UF Law School. The Probate Section wishes success to all three in their new endeavors.

Katherine Mockler led a discussion regarding the new mandatory fingerprinting and credit background check requirement for all potential guardians (effective July 1, 2014, per Session Law Ch. 2014-124-HB 635). She indicated that, to the best of her understanding at the present time, the procedure is as follows: (1) obtain a form from Katherine or the Clerk's Office for request for fingerprinting; (2) take the completed form and $60.00 to the Sheriff's Office on Hawthorne Road for the actual fingerprinting; (3) for the credit background check, go online and obtain a credit report from one of the "Big Three," *to-wit:* Equifax, Experian or TransUnion. This procedure has in no way been made official and could change as we move forward and gain experience. Questions remain such as, "How is the judge going to understand or interpret the credit report?" The credit reports I have seen are indecipherable except to an experienced bank loan officer. For now, we will just have to wait and see.

As a side note, Katherine indicated she is sharing Alachua County guardianship duties with David Altman, and practitioners should contact David if Katherine is unable to respond after a reasonable time.

Jane Hendricks raised a question for discussion regarding how to handle a decedent who owned and resided in a mobile home as his or her homestead but did not own the real estate underneath the mobile home. I responded that I had come across this situation once many years ago and discovered Section 222.05, Florida Statutes, in the Chapter entitled "Homestead and Exemptions," which grants to the owner of the mobile home an exemption from levy and sale, which I believe to be the equivalent of the real property homestead law.

A brief discussion was held on the topic of electronically recording documents in the Public Records. I had recently been told by a local lawyer who does this on a daily basis that it is handled through a thirty party vendor. It was announced at the meeting that one of the vendors is called erecordcentral.com. As it was explained, the procedure works as follows: First you sign up with a vendor. You e-mail the document to the vendor. The vendor records the document and either sends you a bill and you send them a check, or they take the money electronically from your bank account. Scott Krueger indicated it is his practice to set up a separate account from which electronic debits are made and to keep a minimal amount of money in the account "just in case" so the third party will not have access to his main accounts. Electronic recording is authorized by Sections 695.27 and 695.28, Florida Statutes, and Chapters 1B-31.001 and 1B-31.002, Florida Administrative Code.

Three recent cases and two new statutes were briefly discussed by your author:

In *Souder v. Malone*, issued by the 5th DCA on August 1, 2014, the 5th DCA joined the 1st and 2nd DCA's in holding that a creditor who does not receive written notice to creditors and does not file its claim within three months of the date of first publication of notice to creditors must file a motion for extension of time to file claim as a prerequisite to filing a late-filed claim. Since the 4th DCA recently disagreed, presumably the Supreme Court will settle the issue at some point in the future.

In *McKinney v. Rawl*, issued by the 2nd DCA on March 7, 2014, the court held that there is no statutory prohibition against a lawyer in an incapacity case communicating with members of the court-appointed examining committee. Under the specific facts in that case where the attorney was seeking a "do-over" of the examination, the court noted the better procedure

Continued on page 11

would have been for the lawyer to file a motion to strike the report and request for a re-examination; however, the holding of the court was that direct communication is not prohibited.

In the third case, *Matte v. Caplan*, issued by the 4th DCA on June 11, 2014, we once again see the lengths some courts will go to in order to not allow one side to recover fees from the other side. There, in a case where fees were properly to be awarded under Section 57.105, Florida Statutes, the trial court nevertheless denied fees, and the 4th DCA affirmed. Under the procedure contained in Section 57.105(4), Florida Statutes, 21 days prior notice is required before the motion for fees can be filed. This notice was provided, and the opposition acknowledged actual receipt of the notice. However, the opposition was able to successfully argue at the trial court level and in the 4th DCA that fees should be denied because the notice, which was served by e-mail, did not comply in all respects with the procedures for e-mail service contained in Rule 2.516, Florida Rules of Judicial Administration (the wording in the e-mail's subject line was non-compliant; the wording in the body of the e-mail was non-compliant; and the attachment was sent in Word format [as opposed to pdf]).

Effective July 1, 2014, Sections 733.808(4) and 736.05053(1), Florida Statutes, were amended to fix the so-called *Morey v. Everbank* or "Morey" problem where life insurance proceeds were ruled not to be exempt from creditors' claims. Under the new law, life insurance proceeds are exempt unless the governing document (will, codicil, trust or trust amendment) specifically refers to the applicable statute and states that this exemption is intentionally being waived.

All interested parties are invited to participate in Probate Section meetings. There are no dues and no obligations to attend future meetings. Please contact my assistant, Jackie Hall (jhhall@larryciesla-law.com), if you wish to be added to the e-mail list to receive advance notice of the monthly meetings.

"CUPcon" and Striving for More Consistent Water Use Permitting in Florida

By Jennifer B. Springfield and Alexander Boswell-Ebersole

The Florida Department of Environmental Protection (DEP), in conjunction with the state's five water management districts (WMDs), has been heading an initiative called the Consumptive Use Permitting Consistency Initiative—commonly referred to as "CUPcon"—to achieve greater efficiency and greater statewide consistency in the implementation of the state's Consumptive or Water Use Permitting (CUP/WUP) program. One of several regulatory programs created by Florida's Water Resources Act, the CUP/WUP program is implemented by the WMDs and designed to provide for comprehensive water supply management.[1] The CUP/WUP program requires that WMDs regulate the use of ground and surface water by issuing limited-duration permits for the withdrawal and consumptive use of larger quantities of water—quantities exceeding specified threshold amounts. Administration of the program is an important function of the WMDs because the WMDs have exclusive, preemptive authority to regulate consumptive uses and, therefore, local governments are prohibited from regulating water use.[2]

Nevertheless, despite the exclusive regulatory authority of the WMDs and the fact that all the WMDs operate under the same statutes, the five individual WMDs have developed various and differing CUP/WUP rules to dictate how the program operates in their respective jurisdictions.[3] The differences have led to complaints of confusion, inefficiency, and inconsistency. These complaints come most notably from permit applicants, and especially from those applicants seeking permits for uses that are near the border areas of the WMDs and/or from more than one WMD.

To address the inconsistencies, Governor Rick Scott directed DEP (soon after he became governor) to carry out its legal obligation to supervise the WMDs so as to achieve greater statewide consistency among the WMDs' regulatory activities;

Continued on page 12

Water Use Permitting *Continued from page 11*

hence, the emergence of CUPcon. In response, DEP and the WMDs began working toward a more streamlined and consistent permitting scheme by conducting meetings around the state with several stakeholder groups and thereafter organizing work groups to develop solutions to the issues raised by stakeholders. The stakeholder groups consisted of public water supply, agricultural water use, industrial use, natural resource advocates, recreational use, and small commercial self-supply groups.[4] At the completion of the stakeholder group meetings, the issues raised by the stakeholders were categorized based upon subject and complexity before being submitted to the work groups.

These activities recently culminated in the promulgation of several amendments to the individual WMDs' CUP/WUP program rules.[5] Prior to the WMDs' rules being amended, the CUPcon process also led to amendments to DEP's Water Resources Implementation Rule, which provides minimum standards and implementation guidelines that the WMDs must adhere to in their CUP/WUP-related actions, including rulemaking.[6] A substantive summary of the recent CUPcon rule changes is forthcoming from the authors.

As the CUP/WUP program has been developing for decades, it will continue to require reassessment and updating; however, for CUPcon purposes, these recent amendments essentially complete the statewide initiative.

1 The Florida Water Resources Act's provisions establishing the CUP/WUP program are codified as Fla. Stat. Part II, Chapter 373. See also Fla. Admin Code R. 62-40 (consisting of the Water Resources Implementation Rule, which is the DEP rule guiding the operation of the CUP/WUP program, among other programs).

2 See Fla. Stat. § 373.217.

3 See Fla. Admin. Code R., Title 40 (containing five separate subtitles which consist of rules promulgated by the five water management districts).

4 For an example of a list of issues that stakeholders put forward during the meetings, see the final list of consolidated issues developed by the agricultural water user state holders at http://www.dep.state.fl.us/water/waterpolicy/docs/cupcon/ag-consolidated-issues.pdf.

5 For DEP's update related to the WMDs' CUPcon amendments, see http://www.dep.state.fl.us/water/waterpolicy/rule.htm.

6 See Fla. Admin Code R. 62-40.

Discussion On Fair And Impartial Judiciary

The Gerald T. Bennett Inn of Court and the North Florida Chapter of ABOTA will present, on Monday, October 27, 2014, an interactive discussion with Florida Supreme Court Justice Barbara Pariente and former Iowa Supreme Court Chief Justice Marsha Ternus on a Fair and Impartial Judiciary. A cocktail hour begins at 7:00 PM in the Faculty Dining Room at the Levin College of Law at UF with the discussion commencing at 8:00 PM. The Bennett Inn and ABOTA are also sponsors of the Tuesday October 28 Symposium on a Fair and Impartial Judiciary which starts at 1:00 PM at the law school. Please feel free to call Carl Schwait at 372-4381 for further information.

What to do when a Startup Walks in your Law Office Door

Panel Discussion Immediately Following the October 10th EJCBA Luncheon

Please join us for a panel discussion immediately following the October 10, 2014 Eighth Judicial Circuit Bar ("EJCBA") Luncheon at the Wooly to continue the conversation on innovation in Gainesville. A panel of attorneys with experience in working with local startups will discuss basic legal issues with startups, from business structure to intellectual property, from employment law to how to connect with legal specialists and startups in the community. 2 hours of CLE are anticipated. This CLE is **free** for EJCBA members and $50 for non-members. To register for the CLE, go to http://8jcba.dev.acceleration.net/event-registration/october-2014-luncheon-cle/.

October is Pro Bono Month - Let's Celebrate!

By Marcia Green

October brings cooler air, fall colors, apples and pumpkins and the opportunity to celebrate the dedicated volunteer attorneys in the Eighth Judicial Circuit who give of their time and legal expertise to our community. The American Bar Association has designated October as Pro Bono Month and throughout the country, attorneys are being recognized for their volunteer efforts on behalf of low income clients and families.

Lives are changed when those in need or those who are vulnerable are able to gain access to the legal system. Here are some examples of how local attorneys have assisted clients by accepting pro bono referrals from Three Rivers in the past year:

- an elderly woman finally obtained the deed to the lot adjoining her home after years of resistance by the former owner to make good on their verbal agreement
- a disabled woman was awarded alimony, retirement benefits and equitable distribution of the parties' property in a contested dissolution of marriage
- a rural resident successfully obtained clear title to property purchased through a contract for deed after the former owner went missing; after years of struggle, she has a deed to the property long-ago paid off
- an individual received funds held by the state as "unclaimed" after an attorney assisted him with summary administration of his mother's estate
- a disabled woman maintained her housing with legal assistance in the dismissal of a wrongful eviction

These are just a few examples of some of the positive results accomplished by our local volunteer attorneys. Some cases take more time than others; some clients need only advice while others need an attorney to represent them in litigation. Pro bono attorneys represent our clients in dissolution of marriages and custody disputes, draft numerous wills and advance directives, represent individuals and families in landlord-tenant disputes, help clear title to homesteads, provide hours of advice on small claims matters, help with expungement of records and assist non-profit organizations focused on the needs of the low income community.

Thank you for your responses to our calls for help. With the good work of volunteers and the gracious donations of time and financial support, Three Rivers is able to expand our services to so many more members of our community.

ABA President William Hubbard said "let's work together to help build a legal system that ensures justice for all." Thank you to the attorneys, dedicated law students and other volunteers who help so generously. We couldn't do what we do without your help and we celebrate your work!!

October CLE Event With Alachua County Medical Society

The EJCBA and Alachua County Medical Society are participating in a dinner and panel discussion to be held on Tuesday evening, October 14 from 6-8:30 p.m. at the Hilton UF Conference Center, 1714 SW 34th Street. 1.5 hours of CLE are anticipated. The topic for the evening is:

Navigating the Current Malpractice Environment and Tort System: A Panel of Lawyers, Physicians and a Judge Shares Insights and Answers Questions

Moderated by:
David Winchester, M.D.

Judicial/Lawyer Panelists
Judge Toby Monaco, Patrick Perry, Esq. and Dale Paleschic, Esq.

Physician Panelists:
Karen Harris, M.D. and Patricia Moser, M.D.

Advanced Registration Required by:
October 6, 2014

6-7 p.m. social hour
7-8:30 dinner/discussion

$46 Members; $55 Non-members (appetizers & dinner); Cash Bar

You may register for the event at:
http://8jcba.dev.acceleration.net/event-registration/october-cle-event-with-alachua-county-medical-society/

Cedar Key Memories[1]

By James G. Feiber, Jr. and Frank E. Maloney, Jr.

Our annual Jimmy C. Adkin's Cedar Key dinner began quite informally, but was established by the early 1950's. There were a number of factors that came together for a Fall Bar event, the beginning of the Fall Term of Court, stone crab season, hunting season, and football. After World War II the Florida Homecoming parade caused the closing of downtown Gainesville where the courthouse and law offices were located. Previously Levy County had held a social after the formal opening of the Fall Session of the Court. It seems the function just moved down the road to Cedar Key.

The social event grew slowly with the function moving to various venues. The male lawyers and judges would come straight from work and were dressed more formally with slacks and dress shirts being the norm. The lady lawyers were originally not included. As a result first the wives would all get together back in Gainesville and then Clara Gehen organized the counter-Cedar Key for the lady lawyers. We can only assume that event evolved to our dessert contest of today. The social could get to be a little rowdy with card playing, drinking and even fist fighting. Tradition has it that on one occasion a Circuit Judge and a Chief State Attorney physically settled their differences and on another a civil leader (who was a guest) and a future State Attorney for our circuit battled it out.

Because the event did not have one set location, Justice Jimmy Adkins hosted many at his townhouse. The EJCBA supplied the adult beverages, with local cooks preparing the meals. Young Jimmy Feiber and Steve Rappenecker were assigned to deliver the beverages and felt they were walking the plank as the carried cases out to Buren Brice's vacation spot out over the water to set up the bar. As the event grew, not only were the Levy County officials included, but also the Clerks of Court and Sheriffs of all six of our counties. Even as late as the 1980's the lawyers, judges, and county officials from Baker, Bradford and Union Counties would all pile into a RV with a deputy driving. Because of Justice Adkins' association, we always had a good turn out from the Supreme Court and the First District Court of Appeal.

When the venue for the event moved to the Captain's Table, the bar association continued pay for the dinner and beer, but made those attending pay for their hard drinks. The local title company came to our rescue and issued two drink tickets per attendee, along with plastic cups, which became collector's items. Phil Beverly has a complete collection of cups.

Finally in 1985, under the tenure of President Rod McGalliard, the Bar had to start charging members. Our bar association had become just too large to fund the entire event. Sadly, the clerks and sheriffs stopped coming. At the same time DWI evolved into DUI and the consequences became much more serious. This, of course, means we all drink less and drive back more carefully. The EJCBA even experimented with renting Gainesville city buses to bring people down from the Oaks Mall, and some of the attendees even hired limos.

For us, it is an opportunity to see seasoned lawyers that we do not see very often and to meet new young lawyers. We try to attend every year and do enjoy it.

This article was originally published in October 2011. We reprint it here with permission of Mr. Maloney.

1 This article was originally published in October 2011. We reprint it here with permission of Mr. Maloney.

Happenings from the North Central Florida Chapter of the FBA

The North Central Florida Chapter of the Federal Bar Association took home two awards from the national association at this year's annual conference in Providence, Rhode Island. New Chapter President Peg O'Connor, of Turner O'Connor Kozlowski, PL, accepted a Presidential Achievement Award on Sept. 6. The award recognizes that the Chapter is actively providing member benefits and hosting worthwhile events such as the Women in the Law roundtable this past April (cosponsored with other local bar associations and organizations).

The Chapter also received a Community Outreach Grant from the Foundation of the Federal Bar Association. Thanks in part to that award, the Chapter is sponsoring a student writing competition for University of Florida Levin College of Law students. The contest will be open to all UF law students and will include a $1,000 scholarship for the winning student. The event was kicked off at the Chapter's annual meeting and reception on Sept. 18 at the law school.

Lastly, the North Central Florida Chapter will soon be announcing dates for two programs coming in early 2015 that are expected to attract top notch speakers on topics of broad interest to all lawyers. Keep your eye out for those, and expect to hear details at the next luncheon.

ANNUAL EJCBA JIMMY C. ADKINS CEDAR KEY DINNER

WHEN: **Thursday, October 16, 2014 beginning at 6:00pm**

WHERE: Steamers: 420 Dock Street, Cedar Key, Florida

COST: $40.00*

DEADLINE: Please register on or before **Thursday, October 9, 2014**

REGISTER: http://8jcba.dev.acceleration.net/event-registration/cedar-key-dinner/

*$45.00 at the door for attendees not having made prior reservations. For questions or if you need to change your reservation, please contact Judy via email at execdir@8jcba.org or call (352) 380-0333.

Ride the Bus to Cedar Key!!

This year the EJCBA has arranged for free bus transportation to and from the event. The bus will pick up registered attendees at 4:30pm on SW Archer Road between Pollo Tropical and the Gainesville Ale House. The bus will depart Cedar Key at 10:00pm and return to the pick-up location. **You must register for bus transportation. Space on the bus is limited to the first 50 people**, so hurry up and make your Cedar Key and bus reservations now! When registering for the event, you will be given the opportunity to register for bus transportation also.

Cocktail hour sponsored by Attorneys' Title Fund Services, LLC

Many thanks for its continued generosity

NOTE: Attendance is limited to current members of the EJCBA and attorneys who are members' guests, but only if the guest attorney(s) would not otherwise be eligible for membership in the EJCBA. You may join/renew your dues online at http://8jcba.dev.acceleration.net/pay-dues/

Attendees, including Judge Nylon, enjoy the first EJCBA luncheon of the year on September 12

EJCBA luncheons this year will all be held at The Wooly, 20 N. Main Street

October 2014 Calendar

1 EJCBA Board of Directors Meeting – 5:30 p.m., Gaineswood Clubhouse
4 UF Football at Tennessee (Knoxville), 12:00 p.m.
6 Deadline for submission to November Forum 8
8 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
10 EJCBA Luncheon, Jane Muir, Director of Florida Innovation Hub at UF, The Wooly, 11:45 a.m.
10 EJCBA CLE Panel Discussion on "What to do when a Startup Walks in your Law Office Door," The Wooly, 1-3 p.m.
11 UF Football v. LSU, TBA
13 Columbus Day Holiday – Federal Courthouse closed
14 EJCBA CLE dinner/panel discussion with Alachua County Medical Society, "Navigating the Current Malpractice Environment and Tort System," 6-8:30 pm, Hilton UF Conference Center
16 EJCBA Annual James C. Adkins, Jr. Cedar Key Dinner, 6:00 p.m.
18 UF Football v. Missouri, TBA
21 EJCBA Family Law Section CLE on cyberstalking and stalking with guest speaker Teresa Drake, Alachua County Family & Civil Justice Center, Courtroom TBD, 4:00 p.m.
27 Bennett Inn of Court/ABOTA Discussion on "A Fair and Impartial Judiciary," with speakers Justice Barbara Pariente and former Iowa Supreme Court Chief Justice Marsha Ternus, Faculty Dining Room, Levin College of Law, 8:00 p.m. (cocktail hour at 7)
28 Symposium on a Fair and Impartial Judiciary, 1:00 p.m., UF Levin College of Law

November 2014 Calendar

1 UF Football v. Georgia (Jacksonville), 3:30 p.m.
5 EJCBA Board of Directors Meeting – 5:30 p.m., Gaineswood Clubhouse
5 Deadline for submission to December Forum 8
8 UF Football at Vanderbilt (Nashville), TBA
11 Veteran's Day Holiday – County & Federal Courthouses closed
12 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
14 EJCBA Luncheon, Chief of Police Tony Jones, "Initiatives to Keep Youth Out of the Criminal Justice System, The Wooly, 11:45 a.m.
15 UF Football v. South Carolina, TBA
18 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
22 UF Football v. Eastern Kentucky, TBA
27 Thanksgiving Day – County & Federal Courthouses closed
28 Friday after Thanksgiving Holiday – County Courthouses closed
29 UF Football at FSU (Tallahassee), TBA

Have an event coming up? Does your section or association hold monthly meetings? If so, please fax or email your meeting schedule to 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.