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Advertising - 10th of the month prior to the month of publication

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President's Message

September 2011



Thomas A. Zehnder

Special Thanks to Those Who Deserve it Most

I recently had the good fortune of attending the OCBA's staff retreat. The team-building event began with a lunch meeting, followed by a friendly (but highly competitive), randomly-assigned team bowling tournament. (*Rest assured, I will reveal the victors at the end of this message!*)

Brant kindly asked me to lead off with some remarks about my plans for the OCBA this year and what I hoped we could accomplish. It quickly became apparent, however, that I was not the one who should be talking about the great things the OCBA does and about what it can do for our community. Instead, I learned far more from our wonderful staff about all that *they* do each day to make the OCBA the best voluntary bar association in the state. And, while as OCBA President I would certainly love to take the credit (*that is, after all, what we presidents do best*), make no mistake – our success is directly attributable to the outstanding men and women who work for the OCBA every day.

It all starts with **Brant Bittner**, our Executive Director. Brant is renowned statewide for his visionary leadership. I can't tell you how many times during just the first few months of my presidency I've learned of situations where executive directors of other bar associations looked to Brant for leadership and innovation. Just last month, Brant represented the OCBA at the National Association of Bar Executives meeting in Toronto. Brant was asked to speak, and he was the hit of the conference. And in August, while I was at the OCBA celebrating the one-year anniversary of the RMFM program (*more about the program later*), I learned that the executive director of the Broward County Bar Association was there to meet with Brant about one of our other outstanding programs!

One of Brant's particular leadership skills has been assembling (and keeping) the best bar staff in Florida. Brant would be the first to tell you that without them our OCBA would not be what it is today. At our installation and awards banquet last May, I remarked how the OCBA staff is the strongest, most cohesive group we've ever had. I was reminded of that fact at the staff retreat. This President's Message is dedicated to the very fine people who work so hard for our organization, our legal profession, and our community.

OCBA Staff

Karen Fast – Membership Manager. Since Karen joined the staff, membership has grown

to unprecedented levels. Karen's creativity and can-do spirit in identifying new ways to improve the benefits of OCBA membership are amazing. Among many other endeavors, Karen has led the effort in developing our online Membership Directory and our online Career Center. (*These are great; please check them out on the OCBA's website at www.orangecountybar.org.*)

Norma Paradiso – Lawyer Referral Service Manager. What can I say about Norma that isn't already well known – she is, quite simply, the best. Norma has made our Lawyer Referral Service the envy of the state. It is the most financially successful program of its kind statewide, second only to The Florida Bar's referral program, which has a staff of 10 compared to our staff of two. Norma is incredible. We are so very fortunate to have her.

Mente Piccoli – Marketing Manager. Mente primarily oversees our sponsorships, but she has also been actively involved in developing a new education initiative – Leadership Law – that we hope to launch early next year. On the sponsorship front, Mente has fostered alliances with several diverse businesses, each offering special and unique benefits to our members, including Westlaw, M&I Bank, Marsh, DEX Imaging, and the Orlando Magic.

Mike Remensnyder – Accounting Manager. Mike maintains all of the OCBA's accounts, books, and records, including those for the YLS and the Paralegal Section. Mike also provides critical management support for Brant when Brant's duties require him to be out of the office. Mike is a steady, reliable, go-to employee who has served the OCBA faithfully for years. (*And, he's an excellent bowler to boot!*)

Maria Sanchez – Citizen Dispute Settlement & Family Law Mediation Manager. As head of our CDS/FLM programs, Maria coordinates one of our most important community services. CDS/FLM offers individuals the opportunity to use volunteer mediators to avoid the courtroom and resolve basic disputes. These programs are growing under Maria's watch, and her recent outreach efforts to members of our Hispanic community have been nothing short of amazing.

Peggy Storch – Communications Manager. Peg is at the center of virtually everything the OCBA does because she is the one who ensures the word gets out to our members and to the commu-

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Special Recognition

Federal Judicial Investiture The Honorable Roy Bale Dalton, Jr.

Roy Bale Dalton, Jr. was invested as a United States District Judge for the Middle District of Florida on Friday, July 22, 2011, at the George C. Young United States Courthouse in Orlando. Chief Judge Anne C. Conway presided. The invocation was given by The Very Reverend Anthony P. Clark, Dean, St. Luke's Cathedral, Orlando. Opening remarks and introductions were made by Justice Conway, United States Senator Bill Nelson, American Bar Association Standing Committee on the Federal Judiciary representative Benjamin H. Hill, III, Former President of



Hon. Roy Bale Dalton, Jr.

The Florida Bar Mayanne Downs, and Darrell F. Carpenter, Esquire.

Judge Dalton's credentials were presented by Michael G. Grindstaff, Esquire, Former Chairman of the Florida Middle District Federal Judicial Nominating Commission. Presentations were also made by W. Drew Sorrell, Esquire, President of the Orlando Federal Bar Association, and Thomas A. Zehnder, Esquire, President of the Orange County Bar Association, on behalf of other local bar associations. The Honorable Peter B. Beer, Senior United States District Judge for the Eastern District of Louisiana, administered the Oath

of Office. The enrobing was conducted by members of the Dalton and Loflin families.

The newly invested Honorable Roy Bale Dalton, Jr. gave remarks, and a reception was held for members of the judiciary, family, and friends immediately following closing ceremonies.

Editor's Note

February is the month of passion – so we've decided to take a look at the "arts" in hearts!

What's your passion? Do you play a musical instrument, sing with a group, or compose music? Have you acted in a play recently, or produced a film or script? Are you a fine or graphic artist? Are you a dancer or choreographer? If you're a photographer, has your work been published? Maybe you're a poet or novelist. Perhaps you're a culinary artist. Send us a couple of paragraphs about your participation in an artistic endeavor – along with photos and captions!

If your heart belongs to the law, send your ideas for substantive articles that explore the intersection of arts and the law or legal profession.

We're looking forward to bringing you an exciting **February 2012** issue, so contact us as soon as possible – but no later than November 1 – for publication consideration.

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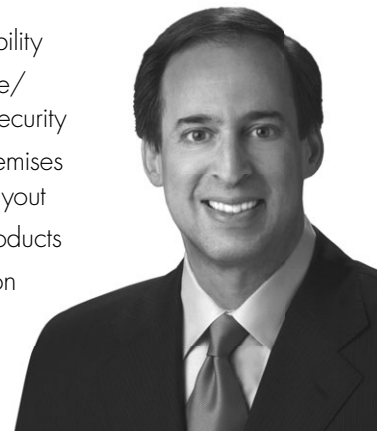
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(Article submission deadline for February 2012 issue: December 15, 2011)

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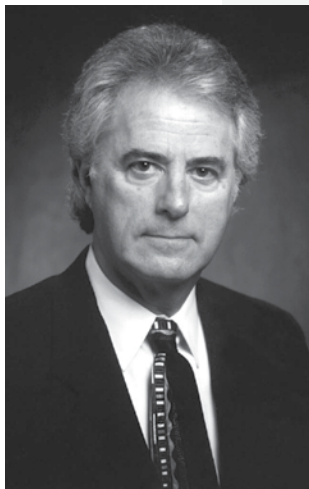
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Barry Richard, Esq.

Barry Richard, Esq. Counsel for The Florida Bar

Recognized by the *National Law Journal* in 2006 as one of “the 100 most influential lawyers in America,” Barry Richard has been identified as a lawyer with the power to “shape public affairs, launch industries, shake things up and get things done.” He is listed as a top litigation and appellate lawyer in Chambers and Partners USA Guide, four and three years running, respectively. Barry, who was selected as one of two National Law Journal Lawyers of the Year in 2001, has been noted for his “national reputation for compelling advocacy.” The *New York Post* has referred to the “trademark clarity and forcefulness” of his argument, and CBS anchor Dan Rather called his nationally televised argument before the Florida Supreme Court in the 2000 Bush-Gore litigation “brilliant.”

Barry begins each representation with a careful analysis of the case, both factually and legally, to formulate strategy and tactics that maximize his client’s strengths and opponent’s weaknesses. He has assembled a core team of trial lawyers, including those from the firm’s other offices and associated firms, to handle complex commercial trials and manage massive discovery efforts that cross multiple jurisdictions and countries. Some of the more recent matters handled by his team include the representation of Alliance Capital Management Corporation (now Alliance Bernstein) in a \$3 billion action brought by the Florida Board of Administration, the representation of the Royal Bank of Canada in the multi-billion dollar Enron shareholder class action pending in the Southern District of Texas, and the representation of Anheuser-Busch in a \$5 billion dollar action brought by a former distributorship.

Barry concentrates his practice, both jury and non-jury, in the fields

of complex commercial litigation, appellate law, state and federal constitutional law, and government and election law. He is licensed to practice in Florida, New York, and the District of Columbia, and has been admitted pro hac vice as lead counsel in state and federal courts throughout the United States.

Most recently identified in the 2006 edition of *The Best Lawyers in America* for his appellate practice, Barry has successfully argued three major cases before the United States Supreme Court, numerous cases before the Florida Supreme Court, and cases in all other state and federal appellate courts in Florida. Barry has argued many of the significant constitutional cases both in Florida and nationally over the past two decades. He has argued over 250 appellate cases nationally, has obtained successful appellate decisions in cases involving some of the most significant constitutional questions, and secured some of the largest judgments in Florida history.

Barry’s honors include selection as a Fellow in the American College of Trial Lawyers, which limits its membership to one percent of the lawyers in each state and Canadian province, and the International Academy of Trial Lawyers, which limits its membership to 500 lawyers in the United States. In addition, he has been retained for more than two decades by The Florida Bar as its general litigation counsel and has been retained by the Academy of Florida Trial Lawyers (now the Florida Justice Association) to represent it before the Florida Supreme Court.

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The Ballroom at Church Street

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

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Please RSVP to reservations@ocbanet.org
by Friday, September 16, 2011.

Main Entrance: Garland Avenue between
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To ensure a proper luncheon count, RSVPs and
CANCELLATIONS are requested no later than

Friday, September 16, 2011. The OCBA is happy to provide

10 luncheons as part of your member benefits,

but no-shows incur additional charges for the Bar
and walk-ins cannot be guaranteed a seat.

Please keep us up-to-date on your reservation status!

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Elizabeth C. Wheeler

War and Peace: Negotiating Battles and Peace Treaties through Checks and Balances, Strategies and Diplomacy

On June 10, 2011, the Appellate Practice Committee of the OCBA, together with the Professionalism and Business Law committees, presented a major seminar that addressed issues common to all practices. The Appellate Practice Committee offered a lively discussion of the recent legislative proposals to alter the judicial branch of government in Florida. The committee also presented a panel of judges who discussed the importance of professionalism in trial and appellate courts and some distinctions between the two.

Checks and Balances

Moderated by Appellate Practice Committee member Stacy Ford, the panel consisting of former Florida Supreme Court Justice Charles T. Wells and committee members Barbara Eagan, John Hamilton, and Nick Shannin discussed the recent legislative proposals and the historic tension between the three branches of government. As the only current member of OCBA's Legislative Affairs Committee, Nick presented an overview of the proposals and the outcome.

Only a few of these bills ultimately received legislative approval. Proposed amendments to Article V of the Florida Constitution will be submitted to the voters at the next general election. The proposed amendments would limit the Supreme Court's rulemaking authority, require Senate approval of a justice of the Supreme Court, allow the House of Representatives to review confidential files of the Judicial Qualifications Commission at any time, and provide that such files shall remain confidential until the House initiates impeachment proceedings.

The panel discussed the historical context of these attempts to alter the judicial branch. Justice Wells noted that there has been a natural tension between courts and the political branches of government from the time John Marshall ruled that the power of the Supreme Court includes the power to declare statutes unconstitutional. John Hamilton argued that it is a fundamental attack on the system when the legislature seeks to abolish that tension.

There is additional history in Florida with respect to the proposals relating to appointment and retention of appellate judges. Our present system, which gives the governor power to appoint appellate judges, arose after a scandal in the early 1970s, when Florida elected all judges. In 1976, the Florida Constitution was amended to require

appointment and merit retention of appellate judges.

Against this backdrop, the question arises as to whether Senate confirmation of Supreme Court justices would unduly affect the quality of appointees. The governor is now responsible for appointing all members of the judicial nominating commission, who recommend candidates for judicial appointment. While legislators are the elected voice of the voters and theoretically should have input into selection of judges, injection of the Senate into the selection process could interject more politics where, perhaps, there should be less.

Strategy and Diplomacy

Carrie Ann Wozniak moderated a second panel consisting of U.S. District Court Judge John Antoon, Jr., and Fifth District Court of Appeal Judges Jacqueline Griffin, Kerry Evander, and Jay Cohen. This panel had broad and unique perspectives of professionalism practiced by attorneys in trial and appellate courts. Among other outstanding practice tips, the panel presented important guidelines.

- One prevalent professionalism issue the panel discussed is disrespect for other attorneys as well as adverse witnesses at trial. They noted that the best attorneys can effectively cross-examine without being disrespectful. Another issue is the inability of attorneys to agree on whether or not they have made a pre-trial stipulation and, if so, what that stipulation was.
- The panel likewise discussed what they view as the most common professionalism issues in the trial courts: issues involving discovery. They suggested that, before filing discovery motions, attorneys meet and confer in a serious effort to avoid unnecessary expenses for their clients. Discovery disputes also frequently result in wasted hearing time, which could be used for substantive motions.
- In describing what makes an outstanding appellate lawyer, the panel listed understanding the duties of candor to the court, competency, and fairness to others. Such a lawyer embodies these concepts in both written submissions and oral argument by following the rules, adhering

continued page 8

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Please see the OCBA website for meeting times and locations.

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to deadlines, using proper forms, proofreading briefs, complying with technical aspects of the case, and making clear and concise arguments. A professional lawyer is courteous to the court and other litigants and avoids *ad hominem* attacks and insulting innuendo.

- When it comes to filings, the panel stated that appellate attorneys can improve their written work product by having a good working knowledge of the record and dealing with the facts with an understanding that the appellate court will view the record from the perspective of the prevailing party. *Ad hominem* discussions can be deadly in oral argument. In federal court, litigants should take advantage of the opportunity to assist the court in its decision-making process by using hearing time to focus on the primary issues at hand.

- Pertaining to motions for sanctions, the panel cautioned that prior to moving for sanctions against an opponent, a lawyer should consider the severity of the violation, whether it is a repetitive offense, and whether there has been prejudice to the moving party. A good appellate attorney can address most issues in the briefs. However, when the opposing party brings up matters that are outside the record, a motion for sanctions may be appropriate.

- The panel went through the appropriate manner and timing for requests for extensions of time. When a third or fourth extension of time is requested, the court will consider the reasons in deciding whether or not to grant such a motion, even if unopposed. Although the Fifth District has historically been liberal in granting multiple extensions, attorneys should not assume that extensions will automatically be granted, nor assume that the court will issue a warning before denying additional extensions. Federal courts are more stringent in granting extensions. Furthermore, it is unacceptable to wait until a deadline has passed and then request an extension of time. Even so, the Fifth District is reluctant to dismiss an appeal entirely when deadlines are missed. Instead, if a deadline is missed but a late-filed motion for extension is meritorious, the court is inclined to grant the motion and sanction the lawyer.

- For practitioners who do not frequently handle appeals, the panel explained the importance of familiarity with the rules. While the judges agreed that it is a good thing for competent trial counsel to handle their own appeals, all lawyers should remember that showmanship is not appropriate. Appellate practice is the purest form of lawyering in that it addresses solely the legal issues in the case.

The panel also warned lawyers to be cautious in objecting to a motion to supplement the record, even when the motion comes immediately before oral argument. The court will decide whether the matter is essential to its decision and, if so, grant the motion. The panel noted that they have denied motions to supplement when the defect in the record was mentioned in the answer brief and the appellant did not move to supplement until after oral argument.

- An important part of professionalism on the part of appellate attorneys is to remember that it is the lawyer's responsibility to help the court develop good law. What is good for a particular case could be bad as a general rule. The professional appellate lawyer will seek to educate the court as to what is at stake and how its decision will affect future cases.

The Appellate Practice Committee is most appreciative to all the panel members, and also to Marie West of the OCBA, who worked tirelessly to make this seminar a reality.

Elizabeth C. Wheeler is the immediate past chair of the Appellate Practice Committee. She has been a member of the OCBA since 1989.

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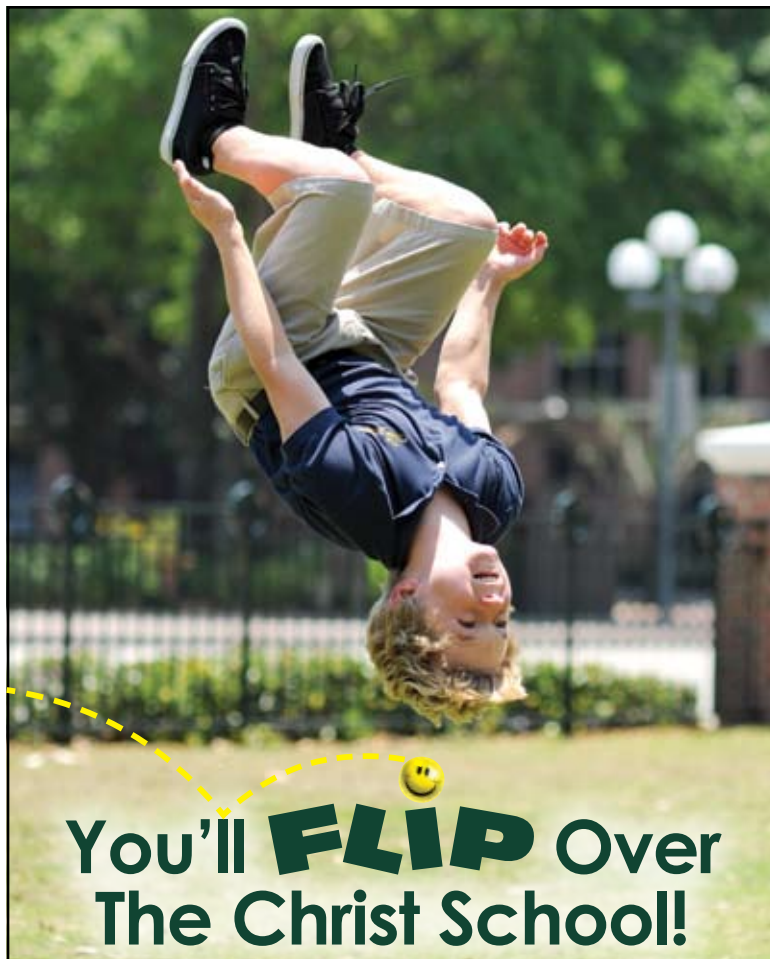


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The Robert Mansbach Lawyer's Literary Society



Jules S. Cohen

Would You Like to Do More Reading for Fun?

Twenty-five years ago several OCBA lawyers who enjoyed reading for pleasure, but were not reading as much as they wanted to, decided to form the OCBA Literary Society. Since then, we have been reading one book per month for ten months of the year and meeting for a brown bag lunch to discuss the book each month. We designate one member of the group to serve as the discussion leader, and he or she researches the author and the book and leads the discussion. The meetings are a great way to get to know each other well through our discussions.

The group welcomes new members who, at our last meeting of the year in June, might enjoy the camaraderie involved in helping to choose the reading list for the following year. At this end-of-year meeting, each member brings a list of ten books he or she would like to suggest to the group, we exchange our lists, negotiate, and decide which ten books we will read.

Over the last 25 years, we have read prize-winning modern novels such as Junot Diaz' *Brief Wondrous Life of Oscar Wao* and Arundhati Roy's *God of Small Things*. Classics by Charles Dickens, Mark Twain, John Steinbeck and others, some plays by Henrik Ibsen, Noel Coward, and Shakespeare, as well as non-fiction and books by international authors make up our group's "literary repertoire."

This coming year, our list includes the recent Pulitzer Prize winner for fiction, *A Visit from the Goon Squad*, by Jennifer Egan. We try to limit the length of the books to about 350 pages or less since most lawyers do not have a lot of spare time

to read. Motivation to find "spare time," however, is easy when we are given a specific book to read, knowing that other lawyers are reading it, and have an opportunity to come together to discuss it while enjoying the collegiality of the group. We have motivated each other to read more than 200 books in the past 25 years, which we may never have done given the pace of the everyday activities of life as lawyers.

A great source of motivation for our group came from Robert Mansbach, who was an avid and passionate reader and an original member. Sadly, Bob passed away on December 25, 2010, at an early age. For the last 24 years, the group has met in a conference room at Zimmerman, Kiser and Sutcliffe, P.A., where he was a partner. In light of his recent passing, our group has decided to change our name from the OCBA Literary Society to the Robert Mansbach Lawyer's Literary Society in memory of Bob.

Our group meets at the OCBA center the second Wednesday of each month at noon. So, if you're looking for spare time to read and have fun, we welcome you to join us for any meeting. A list of the books for the upcoming year and the dates of our meetings is below. If you would like further information, please contact the chair of our group, Dotty Green, at dgreen@lseblaw.com.

Jules S. Cohen is a shareholder at Akerman Senterfitt and a member of the Robert Mansbach Lawyer's Literary Society for 25 years. He has been a member of the OCBA since 1962.

The Robert Mansbach
Lawyer's Literary
Society
of the
Orange County Bar
Association
READING LIST
2011-2012

Date	Author	Book	Discussion Leader
September 14, 2011	Truman Capote	<i>Breakfast at Tiffany's</i>	Dotty Green
October 12, 2011	John Dos Passos	<i>The 42nd Parallel</i> (Bk. 1 of <i>USA Trilogy</i>)	Karen Jennemann
November 9, 2011	John Williams	<i>Stoner</i>	Maria Hinds
December 14, 2011	Steve Martin	<i>Object of Beauty</i>	Mark Lang
January 11, 2012	Leo Tolstoy	<i>Death of Ivan Ilyich</i>	David Falstead
February 8, 2012	William Shakespeare	<i>King Lear</i>	Stuart Bernstein
March 14, 2012	Robert Goolrick	<i>A Reliable Wife</i>	Anna Palmer
April 11, 2012	Jennifer Egan	<i>A Visit From the Goon Squad</i>	Scott Willick
May 9, 2012	Sinclair Lewis	<i>It Can't Happen Here</i>	Robert Hoofman
June 13, 2012	Herman Melville	<i>Bartleby the Scrivener</i>	Dennis Wall



Donna A. Haynes

Changing a Life

Sometimes, the smallest gesture can save or change a life. Local attorney Pamela J. Smith has learned this through the many years she has generously donated her time to the Legal Aid Society and those it serves.

Pam has been employed as an Assistant State Attorney since 1980 and is currently serving in the position of Advanced Felony Specialist. She is also a proud and devoted mother to her two sons, Gary, age 21, and Kevin, age 17. Even though she is a mom and a part-time adjunct professor at Valencia Community College, she remains active



Pamela J. Smith

and involved in the community, her children's schools, and her church choir. Somehow, she also finds time in her busy schedule to provide *pro bono* work through the Legal Aid Society.

Pam has participated in our Telephone Screening Project by donating six Saturday mornings a year to intake for more than 26 years. She is a two-time recipient of the Legal Aid Society's Government Attorney Pro Bono Merit Award of Excellence. Cathy Tucker, the Pro Bono Coordinator, says that "Pam is a dedicated public servant who also finds the time to help in the community through Legal Aid."

Pam states, "As government attorneys, we are limited in what we can do in the *pro bono* arena. I have been volunteering at Legal Aid since the inception of the phone screening program. No matter how many times I answer that phone, I am happy to help people, and I feel so good about trying to turn someone's bad luck around just by making an appointment for them and saying some kind and encouraging words. It keeps me grounded and it is humbling because I could be addressing or thinking about my own problems or issues, and yet that one phone call puts my life and my problems in proper perspective. It has made me a better person and an appreciative person when I reflect on the blessings that God has given me. In addition, I have enjoyed getting to know the various attorneys at Legal Aid, and I always look forward to Mary Anne's pot of Saturday coffee! Legal Aid makes performing *pro bono* work enjoyable; they have many diverse programs from which to choose."

During intake, Pam helps applicants gather the legal information they will need when they meet

with a Legal Aid attorney. Even when applicants are not able to be provided with *pro bono* or in-house representation, Pam helps them understand how to advocate effectively for themselves. When possible, she also directs those individuals to other sources that are able to help. With a sweet smile and words of encouragement, Pam gives applicants the guidance they need.

After Pam's father, Lt. Colonel Gary Thomas Smith, was killed in an F-4 crash at Eglin Air Force Base after returning home from Vietnam, Pam's mother was so frustrated by working with some of the attorneys involved in handling his affairs that she sat down with Pam, who was 14 years old at the time. She shared her frustrations with her daughter and told Pam that she should become an attorney because of her patience, compassion, and willingness to help others. Pam took those words to heart and followed her mother's advice. "I wanted to help people and make a difference in their lives," said Pam. "I never entered the law to make large sums of money. I entered the practice to change lives." Pam adds quietly, "And, I hope I've done that."

We here at Legal Aid can respond to Pam's statement: "Yes, Pam, you have touched many lives."

If you, too, would like to donate your time to a Legal Aid project, there are many to choose from, including:

AIDS Project: A special wills panel provides simple wills and related documents to persons with AIDS, ARC, and who are HIV-positive. Attorneys interview clients at support agencies such as Hope and Help Center, Centaur, or Miracle of Love. Attorneys commit to four sessions of interviews. For more information, please contact Cathy Tucker, Pro Bono Coordinator, at ctucker@legalaidocba.org.

Attorneys Fighting for Seriously Ill Children: Attorneys provide assistance for families with children who are suffering from a critical illness. These families in crisis need help with insurance, wills, trusts, credit problems, bankruptcy, review of real estate documents, and other issues. Panel attorneys do not litigate, but instead provide advice, counseling, referral, and outreach. Preference is given to government attorneys and corporate counsel. For more information, please contact Cathy Tucker, Pro Bono Coordinator, at ctucker@legalaidocba.org.

Citizens Dispute Settlement/Family Law-Mediation: Attorneys serve as mediators for the

OCBA-sponsored CDS and Family Law Mediation program. Attorneys who participate in CDS agree to act as mediators for disputes over civil matters, such as neighborhood disputes, landlord/tenant problems, etc. Attorneys certified as family law mediators participate in Family Mediation. Preference for participation is given to government attorneys and corporate counsel and, because a schedule is needed by mid-January, slots are assigned on a first-come, first-served basis. For more information, please contact Cathy Tucker, Pro Bono Coordinator, at ctucker@legalaidocba.org.

Community Education Panel: Government attorneys (assistant state attorneys, public defenders, and city and county attorneys) and in-house corporate counsel agree to speak to community groups and participate in community programs that impact low-income residents of Orange County. Attorneys speak on a variety of topics and discuss the Legal Aid Society as well. Brochures about Legal Aid are provided. For more information, please contact Larri Thatcher, Intake, Outreach, & Community Education Coordinator, at lthatcher@legalaidocba.org.

Earned Income Credit/Tax Assistance Project: Attorneys help eligible clients prepare their tax returns and assist them in ob-

taining the earned income tax credit. Preference is given to government attorneys and corporate counsel. Volunteers must be available for five to seven clinic sessions, which are held in February. For more information, please contact Cathy Tucker, Pro Bono Coordinator, at ctucker@legalaidocba.org.

Homeless Advocacy Project: This project began its *pro bono* component in 1992. Attorneys conduct intake at a variety of food and shelter sites in and around Orange County each month. Cases identified for specific legal assistance can be handled by the interviewing attorney or referred through the *pro bono* panel. For more information, please contact Michael Resnick, Homeless Project & Housing Attorney, at mresnick@legalaidocba.org.

Teen Court: This diversion program was created to help juveniles who have been accused of misdemeanors. The juveniles appear at a teen court composed of other teens who serve as prosecutor, defense attorney, and jurors. *Pro bono* attorneys serve as advisors and trainers. Preference is given to judges and government and corporate attorneys. Attorneys should expect to be available for 12 sessions or about 30 hours of service. For more information, please contact Cathy Tucker, Pro Bono Coordinator, at ctucker@legalaidocba.org.

Teen Parent Education Project: Attorneys teach a class on legal issues for teen parents in high school classes in Orange County Public Schools. For more information, please contact Stephanie Stewart, GAL attorney, at ss Stewart@legalaidocba.org.

Telephone Screening: Government and in-house corporate counsel answer telephones on Saturday mornings from 9:00 a.m. until noon at the Legal Aid Society office and screen callers for appointments. A schedule is set at the beginning of each year and training is offered. For more information, please contact Larri Thatcher, Intake, Outreach, & Community Education Coordinator, at lthatcher@legalaidocba.org.

To help us continue the great work that is performed at the Legal Aid Society, consider making a donation to our nonprofit charity by visiting www.legalaidocba.org. Also, if you know of a business or individual that would care to sponsor our Breakfast of Champions on November 9, 2011, please contact: Donna Haynes, 100 East Robinson Street, Orlando, Florida 32801; 407-841-8310 ext. 3150; or email dhaynes@legalaidocba.org.

Donna A. Haynes is the Director of Development at the Legal Aid Society. She has been a member of the OCBA since 2008.

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September 13

Public Benefits

Speaker: Edward Dimayuga, Attorney at Law

CLE Applied for

September 27

Mental Health Disorders in Children (GAL topic)

Speaker: Jennifer Schmidt, GAL Case Coordinator

CLE Applied for

October 4

Temporary Custody of Minor Children Using Chapter 751 to Obtain Custody by a Family Member: The Advantages, Limits and Practical Issues

Speakers: William Davis, Attorney at Law

Catherine Tucker, Attorney at Law

CLE Applied for

October 18

Children's Developmental and Medical Issues and Services in Orange County (GAL topic)

Speaker: Ericka Garcia, Attorney at Law

CLE Applied for

November 1

Landlord Tenant Law Update

Speakers: Larri Thatcher, Attorney at Law

Michael Resnick, Attorney at Law

CLE Applied for

December 6

VAWA – Violence Against Women Act

Speaker: Charles Conroy, Attorney at Law

CLE Applied for

For OCBA members, the training is free. For non-OCBA members participating in the LAS *pro bono* program, the training is free. Pre-registration is required for the free lunch and requested for training (or subject to space availability if not pre-registered).

For more information, please email: ctucker@legalaidocba.org or mcarbo@legalaidocba.org or merazmus@legalaidocba.org.

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For more information, please contact Cathy Tucker at ctucker@legalaidocba.org;

Marilyn Carbo at mcarbo@legalaidocba.org; or Michelle Erazmus at merazmus@legalaidocba.org.



Lawrence H. Kolin

E-discovery Rules Approved by The Florida Bar

This summer, The Florida Bar Civil Procedure Rules Committee finally approved draft rule amendments of its longstanding e-discovery subcommittee. The Florida Bar Board of Governors recently gave its unanimous blessing to the Expedited Submission of Proposed Amendments to Address Discovery of Electronically Stored Information. These new rules are likely to be submitted to the Supreme Court of Florida off-cycle and soon published for comment.

Following Congress's 2006 amendments to the Federal Rules of Civil Procedure, which coincided with increasing reliance in modern communication on email, documents, and electronic information residing in computers, storage devices, handhelds, and smartphones, it was decided that the Florida Rules of Civil Procedure also needed to be updated. Likewise, exponential growth in the volume of electronically stored information (ESI) in the possession of parties to litigation, and the significant growth in the frequency with which litigants and courts have since had to address issues related to the discoverability, retrieval, review, and production of ESI, also brought about these changes, with which all practitioners should now become familiar.

After studying the rules enacted in just over half of the fifty states with the intention of facilitating the development of proposed changes to Florida's Rules, the subcommittee adopted core principles that provided predictability by tracking language used in the federal rules so that existing precedents might be applied. The core principles were developed with recognition that the culture in state courts, with their greater variety of litigation, is different from the culture in federal practice. Additionally, issues involving information technology are no longer limited to complex or commercial litigation; they are increasingly evident in the full range of civil cases that routinely involve electronic evidence.

Resources available to litigants also are often different in state court cases than in federal litigation. As such, keeping discovery reasonable and cost-effective, and preventing the cost and burden of electronic discovery from being outcome determinative rather than based on the merits (or at least from being unduly favorable to either requesting or responding parties), was considered.

It should be noted that while encouraging early, meaningful, and reasonable cooperation and communication among parties in a desire to min-

imize the frequency with which disputes must be resolved by the courts, the mandatory "meet and confer" of the federal system seemed impracticable to the full standing committee, which overwhelmingly voted against imposing such requirements in the state rules.

Changes are entirely incorporated into existing rules and specifically include amendments to address ESI within Rules 1.200, 1.201, 1.280, 1.340, 1.350, 1.380 and 1.410 of the Florida Rules of Civil Procedure.

For example, case management in Rule 1.200, as well as Rule 1.201 involving complex litigation, will now include the ability to address topics such as: considering the voluntary exchange of ESI and stipulations for authenticity; considering the need for advance rulings from the court on admissibility; and discussing the possibility of agreements (whether by parties or by referral to a special magistrate, master, or other neutral for mediation) on preservation of evidence, the form in which such evidence should be produced, and whether discovery of such information should be conducted in phases or limited to particular individuals, time periods, or sources.

Other changes include limitations on discovering ESI under Rule 1.280, such as objecting to discovery from sources not reasonably accessible because of burden or cost. On a motion to compel discovery or for a protective order, the person from whom discovery is sought must show that the information sought or the format requested is not reasonably accessible. However, the court, upon finding good cause, may require and specify conditions of the discovery, including ordering that some or all of the expenses incurred by the person from whom discovery is sought be paid by the party seeking the discovery.

In determining any motion involving discovery of ESI contemplated by Rule 1.280, the court must limit the frequency or extent of discovery if it determines: (1) the discovery sought is unreasonably cumulative or duplicative, or can be obtained from another source or in another manner that is more convenient, less burdensome, or less expensive; or (2) the burden or expense of the discovery outweighs its likely benefit, considering the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the action, and the importance of the discovery in resolving the issues.

State practitioners will be glad to know that Rule

1.380 includes a safe harbor, just as in the federal rules, such that absent exceptional circumstances, a court may not impose sanctions for failing to provide ESI lost as a result of the routine, good-faith operation of an electronic information system.

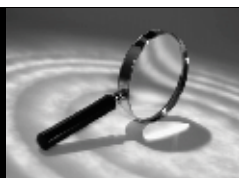
These amendments were the result of much debate among attorneys in diverse areas of practice and members of the judiciary, and thorough study of the application of the federal rules amendments in this area since their passage. The hope is that parties will seek to work through anticipated issues

before judicial intervention, whenever possible, but that the guidance of developing federal case law in this area of ESI will be instructive, as few reported Florida cases exist.

For source material, please see the OCBA website.

Lawrence Kolin served as founding chair of The Florida Bar Civil Procedure Rules E-Discovery Subcommittee from 2006-2010, and is founding chair of the OCBA's ADR Committee. He has been a member of the OCBA since 1994.

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Professionalism Award Nominations Sought

Outstanding Professionalism Deserves to be Recognized

The Orange County Bar Association is one of the most active in the country, and its members are shining examples of professionalism. It is always a pleasant but difficult task to identify who is among the "best of the best" when it comes to professionalism in our legal community. Each year, the OCBA Professionalism Committee and the Orange County Bar Association recognize extraordinary professionalism demonstrated by our more experienced or senior lawyers, more recently admitted lawyers, and judges by presenting awards named to honor those great professionals who are no longer with us, yet who still guide us: **William Trickel, Jr.** (attorneys practicing 15 years or more); **Lawrence G. Mathews, Jr.** (attorneys practicing less than 15 years); and **Judge James G. Glazebrook** (judiciary).

The recipients of these awards are announced and honored during an OCBA luncheon. Each award winner then shares his or her remarks during a bar luncheon, annual dinner meeting, or Young Lawyers Section meeting so that our members can learn more about their views, tips, and observations on how to practice with professionalism. Additionally, each of the award winners is asked to write an article for the *The Briefs*, so that all can benefit from their collective wisdom and practical examples.

Members of the Orange County Bar Association are asked to submit nominations for these awards by using the appropriate form(s), which can be found on the OCBA's website. You may submit supplemental information if you feel that it is appropriate. Please send your completed nomination form to Executive Director Brant Bittner at the OCBA by mail, fax, or email. Nominations will be open until **Friday, December 9, 2011**. For more information, please call the OCBA office at 407-422-4551.

On the cover, judges in alphabetical order with their alma maters:

Allen, Faye L.	Florida A & M University
Ansbro, Deborah B.	University of Florida
Apte, Alan S.	University of Miami
Arnold, C. Jeffery	Florida State University
Bell, Maureen	University of Florida
Cheek, Leon B. III	University of Florida
Egan, Robert J.	University of Florida
Fleming, Jeffrey M.	University of Central Florida
Freeman, Carolyn B.	Florida State University
Higbee, Heather L.	University of Florida
Jewett, Steve	University of Florida
Jordan, John E.	University of Florida
Kest, Sally D. M.	Florida State University
LeBlanc, Bob	University of Miami
Lubet, Marc L.	University of Florida
Munyon, Lisa T.	University of Florida
Murphy, Mike	University of Florida
Plogstedt, Antoinette	University of Florida
Shea, Timothy R.	University of Florida
White, Keith F.	University of Central Florida
Wallis, F. Rand	Furman University



September Luncheon continued from page 5

Barry's capabilities in the area of government and election law are illustrated by the broad, non-partisan nature of his representation. Most notably, he represented President George W. Bush in the 2000 presidential election litigation. In that capacity, he managed 46 lawsuits and personally argued several critical cases on behalf of President Bush. Under both Republican and Democratic administrations, he has been retained at various times as special counsel to the Governor,

the Florida Senate, the Florida House of Representatives, the Florida Attorney General, the Florida Secretary of State, the Florida Department of Health, the Florida Department of Transportation, and the Florida Department of Insurance. In the 1998 election, Barry served simultaneously as campaign legal counsel to Republican Governor Jeb Bush and the Democratic incumbent candidate for Florida Treasurer and Insurance Commissioner (now U.S. Senator) Bill Nelson.



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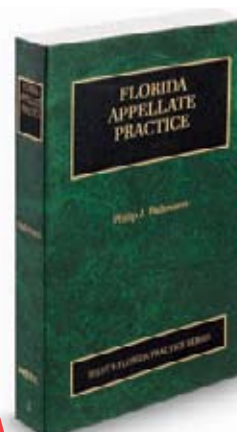
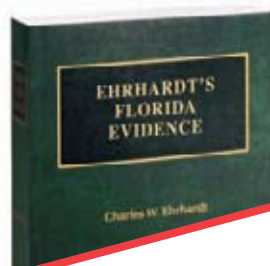
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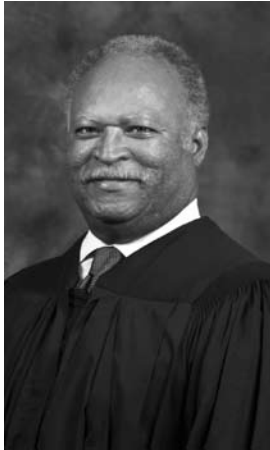
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Florida Bar FoundationNews



Judge Emerson R. Thompson

Senior Judge **Emerson R. Thompson** of the Fifth District Court of Appeal will serve as second vice president of The Florida Bar Foundation. Thompson has served on the Foundation board since 1995 and previously served from



Mayanne Downs

1991 to 1993. He has served on several Foundation committees, including the Investment, Legal Assistance for the Poor/Law Student Assistance, Medal of Honor Award, and Improvements in the Administration of Justice committees.

As immediate past president of The Florida Bar, **Mayanne Downs** will serve as a designated director on the board of The Florida Bar Foundation. Mayanne is a shareholder with King,

Blackwell, Downs & Zehnder, P.A. She is also the attorney for the City of Orlando and is a Florida Bar Foundation Fellow.

Matthew G. Brenner, Lowndes, Drosdick, Doster, Kantor & Reed, P.A., has been reappointed by the Florida Supreme Court to serve his second three-year term on the board of The Florida Bar Foundation. Brenner was first appointed to the Foundation's board in 2008 and has served on the Foundation's Development committee and Improvements in the Administration of Justice grant committee.



Matthew G. Brenner

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1. Do you serve clients in a fiduciary capacity?

Unlike the legal industry where every attorney functions as a fiduciary, in the financial world true fiduciaries are difficult to identify.

Many in the financial industry adhere to the "suitability" standard, meaning that they only have to document an explanation of why their investment advice was *reasonably* justified for a client. That said, an advisor operating under this standard could still win an incentive prize to Hawaii for referring clients to a particular "suitable" investment. Most non-fiduciary financial advisors work under commission-based sales models, but this is not always the case. The linguistic waters are murky, and the line is blurred between functioning in a fiduciary capacity and *almost* functioning in a fiduciary capacity.

To be sure the financial advisor upholds the fiduciary standard, get it in writing before making referrals.

2. How are you compensated?

Insist that the financial advisor disclose *all* sources of compensation. Don't become confused by the purposefully tricky terminology used in the industry, such as the terms "fee-only" and "fee-based."

"Fee-only" means an advisor is paid a flat fee, a percentage of the value of a client's assets, or an hourly fee. The compensation structure eliminates conflicts of interest because there's no commission. "Fee-based" means an advisor takes either fees or commissions on products and/or services he sells.

Some financial advisors are strictly fee-only, some are solely fee-based, and others are a combination of both. Ideally, fee-only compensation ensures impartial judgment. There are some highly qualified fee-based financial

advisors, however, so evaluate this on a case-by-case basis.

Also, ask the advisor whether he accepts any "soft dollar" payments (i.e., does he/she receive some benefit for referring products or services?). For example, in exchange for business referrals, some companies provide advisors with upgraded computer terminals, which cost thousands of dollars. The Securities and Exchange Commission (SEC) requires that every financial advisor disclose any "soft dollar" payments, as well as other forms of compensation.

3. Can you provide professional references?

The SEC forbids financial advisors from disclosing any client references. Therefore, ask the advisor for professional references – preferably those who are attorneys and/or CPAs. Both of these types of professionals can provide insightful references because they have a basis for comparison in working with various financial advisors.

4. Do you have any disciplinary action against you?

Inquire about disciplinary actions against the financial advisor brought by any organization. Any regulatory disciplinary actions or judgments would be present on the financial advisor's U-4 Form. If there is anything present, have the financial advisor explain it.

5. Do you have an independent custodian for client assets?

In the Bernie Madoff world in which we now live, it's also important to ask whether the client's assets are held by an independent custodian. All of Madoff's clients' money was accounted for only by Madoff's firm, which was generating false statements. For this reason, it's imperative to have an independent custodian so that clients can compare their statement to what they're getting from the advisor.

6. What is your ratio of clients to investment advisors?

Ideally, the financial planning and investment advisory firm should have, at most, a ratio of 50 clients per investment advisor (50:1). Since financial advising is an ongoing, comprehensive process, the ratio should be low so that your client receives individualized attention for financial peace of mind.

continued page 39

OCBA Luncheon | July 27, 2011

Sponsored by M & I Bank - A part of BMO Financial Group

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Lawson Lamar



Dean Cannon, Mayanne Downs



Alex Martins, Orlando Magic



Lawson Lamar, Dean Cannon, Bob Wesley



Wiley Boston, Tara Tedrow, Heather Juster



Kristyne Kennedy presents the Ninth Judicial Circuit Outstanding Service Award to Judge John H. Adams



Kristyne Kennedy presents the 100% Club Award to (right) Kristin and Arthur Grossman, Grossman & Grossman, P.A.; (below) Michele Johnson, Banker Lopez Gassler, P.A.; (below right) Richard Leigh, Swann & Hadley, P.A.



PHOTOS: Floiran Boehm



LEGAL Aid Society of the OCBA

The 4th Annual Breakfast of Champions

WEDNESDAY, NOVEMBER 9, 2011

BALLROOM AT CHURCH STREET

REGISTRATION: 7:30 A.M.

PROGRAM: 8:00 A.M. TO 9:00 A.M.

Save the Date

We are seeking Table Captains for this annual fundraising event. As a Table Captain, you will be asked to invite 14 colleagues or other professionals – your physician, dentist, accountant, insurance agent and others – and confirm for a table of ten. Your guests will be asked to make a personal or business contribution to the Legal Aid Society.

Corporate sponsors are needed to defray the cost of the event and provide funds for direct services to low-income citizens of Orange County.

Please consider making a donation in the following amounts:

Bronze - \$250

Recognition as a Bronze Sponsor in *The Briefs* and at the breakfast

Silver - \$500

Recognition as a Silver Sponsor in *The Briefs* and at the breakfast

Gold - \$1,000

Recognition as a Gold Sponsor in *The Briefs*, at the breakfast, on our website, and at our annual awards banquet

Platinum - \$2,500

Recognition as a Platinum Sponsor in *The Briefs*, at the breakfast, on our website, and at our annual awards banquet

If you would like to serve as a Table Captain or sponsor the event, please contact Donna Haynes, Director of Development, at dhaynes@legalaidocba.org.

As always, thank you for your continued work on behalf of our mission to ensure that equal access to justice is a reality for all, not just for those who can afford it.

Chris Pantano and Ana Tangel-Rodriguez, Development Committee Co-Chairs

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Ryan T. Santurri, Esquire

Have You Talked to Your Clients about Google Adwords®? Part II

This is a continuation of the Intellectual Property Committee article, *Have You Talked to Your Clients about Google Adwords®? Part I*, that that appeared in August's issue of *The Briefs*.

Are "Sponsored" Ads Likely to Confuse Consumers?

Although most courts appear to consider the use of Google Adwords® (and similar services) to be a use in commerce under the Lanham Act, the traditional "likelihood of confusion" analysis must still be undertaken to determine a user's liability under the Lanham Act. In the context of enforcing a permanent injunction, the Massachusetts District Court found that the use of "sponsored linking" – which displays a sponsored ad set apart from search results – was not likely to confuse consumers and therefore not a violation of the injunction against use of the plaintiff's trademark.¹ Similarly, both the Eleventh Circuit and the Second Circuit have cast doubt on whether the use of a "sponsored link" would be sufficient to cause confusion. For example, in *Rescuecom Corp. v. Google, Inc.*, 562 F.3d 123, 130 n.4 (2d Cir. 2009), the court suggested that a "separate 'sponsored links' or paid advertising section" may not be highly likely to cause confusion.² The decision in *North American Medical Corp. v. Axiom Worldwide, Inc.*, 522 F.3d 1211, 1224, n.10 (11th Cir. 2008) suggested a similar notion; the Eleventh Circuit distinguished the facts before it from an instance where "use of plaintiff's trademark as a meta tag causes in the search result merely a listing of the defendant's website along with other legitimate websites, without any misleading descriptions." The Eleventh Circuit went on to note that legitimate reasons may exist "to use a competitor's trademark as a meta tag," such as in the context of comparative advertising, thus reducing the likelihood of confusion.³ Moreover, there is no case in the Eleventh Circuit adopting the doctrine of initial interest confusion,⁴ and at least one district court has rejected the doctrine.⁵

How to Advise Clients in the Eleventh Circuit

The viability of claims based on Google Adwords® is unsettled within the Eleventh Circuit. But in light of the case law from other circuits, and the Eleventh Circuit's recent holding on metatags, it appears likely that the use of Google Adwords® that include a competitor's trademark will generally support a Lanham Act claim. However, one could infer from the dicta in the *Axiom* case

that simply using a competitor's trademark as a Google Adword® may not be sufficient to establish a likelihood of confusion.⁶ For example, triggering a sponsored ad (without displaying a competitor's trademark in the ad itself) may be less likely to confuse consumers because the section is segregated from other search results and obviously contains paid advertisements. This may be especially true if the Eleventh Circuit does not recognize initial interest confusion. So can you tell your clients they are clear to buy Google Adwords® containing a competitor's trademark? Probably not.

Consider the nature of Internet advertising – it is, after all, the *Worldwide Web*. There is no guarantee that your client will be sued in the Eleventh Circuit if it uses another's trademarks in Google Adwords®. If your client is subject to personal jurisdiction elsewhere, it could be sued in a jurisdiction where the initial interest confusion doctrine is more strongly enforced, or in a circuit that has definitively determined that the use of Google Adwords® containing a competitor's trademark violates the Lanham Act. Either way, whether sued in the Eleventh Circuit or elsewhere, the nature of the use will be critical because the likelihood of confusion analysis will likely be determinative. On one hand, it is still highly questionable that use of a trademark to trigger a sponsored link, without more, would satisfy the likelihood of confusion standard.⁷ On the other hand, at least one court found the use of Google Adwords® to weigh in favor of liability.⁸ If your client decides to purchase a competitor's trademark for Google Adwords®, it is critical that the triggered advertisement avoid creating any confusion. For example, the competitor's trademark should *not* be displayed in the text of the advertisement itself, such as in *Axiom and Storrus Corp. v. Aroa Marketing, Inc.*, 2008 U.S. Dist. LEXIS 11698, *13 (N.D. Cal. Feb. 15, 2008).⁹ You can also counsel your client to make efforts to use the trademark in a manner which is consistent with "nominative fair use." However, given the uncertainty that remains in this area of the law, the best course is to err on the side of caution – clients should avoid use of another's trademark with Google Adwords® or similar services.

footnotes page 39

Ryan T. Santurri is a shareholder at Allen, Dyer, Doppelt, Milbrath and Gilchrist P.A. He served as the 2010-2011 chairperson for the IP Committee and has been a member of the OCBA since 2006.

President's Message

continued from page 3

nity at large about all of our programs and services. Among many other things, Peg oversees *The Briefs*, she produces the *Discovery* e-mail blasts, and she manages our website. President-Elect **Kristyne Kennedy** and I had the great privilege of working closely with Peg when we served as co-editors of *The Briefs*, so we know first-hand just how wonderful she is.

Gloria Warrick – Lawyer Referral Assistant. Gloria is Norma's right hand and is the other reason why our Lawyer Referral Service is so successful! Gloria helps Norma



Mente Piccoli, Peggy Storch, Els Coulter, Maria Sanchez

track all of our incoming calls and outgoing referrals. To give you an idea of the scope of this program, consider that in a recent three-month period alone, our LRS received more than 18,000 calls. Gloria, we are in your debt!

Marie West – Events and Seminars Manager. Marie's enthusiasm and joy for her work are unmatched. Marie is in charge of organizing all of our seminars, room bookings, and other events. She holds a special place in my heart because she handles all of the arrangements for our monthly luncheons, which I can assure you is no easy task. She is unfailingly positive and energetic. For those interested in putting on a seminar or booking a room at the OCBA, contact Marie and she will set you up.

Barbara Zablocki – Receptionist. In many ways, Barbara is the face of our organization in the community. Hired only a week after Brant joined us, Barbara is the first point of contact when people call or come to the OCBA office. She is a master at handling difficult inquiries and troubled callers or visitors, and she unfailingly reassures them about how the OCBA can help. Barbara also provides valuable assistance

to all of our other staff, tackling whatever projects they need done. (And Barbara is also a darn good bowler!)

William Michael Remensnyder – Marketing Assistant and Support Staff. Affectionately known in the office as "Little Mike," Michael supports advertising sales and assists the rest of the OCBA staff with overflow projects and general administrative needs. Even though we only have him part time, "Little Mike" is a great asset and a wonderful help to our staff.

Residential Mortgage Foreclosure Mediation Program Staff

For those of you who may be unfamiliar with the OCBA's RMFM program, I offer some brief background. Faced with an unprecedented residential mortgage foreclosure crisis, the Florida Supreme Court implemented a mandatory residential foreclosure mediation program throughout the state, requiring all residential (homestead) mortgage foreclosure cases to participate in mandatory mediation before the matter could be set for final hearing. Many times, the mandatory mediation is the first opportunity the borrower and lender have had to communicate directly about the case and to work toward resolution. Charged with designating an RMFM Program Manager for the Ninth Judicial Circuit, Chief Judge Belvin Perry, Jr. called on the OCBA to assist in the design and implementation of RMFM, and to run the program. We were honored to be selected

by Judge Perry and immediately sprang to action. Fortunately, we were able to hire Kim Homer to help develop and run the program, and the rest, as they say, is history.

Kim Homer – RMFM Executive Director. When Judge Perry designated the OCBA to serve as the RMFM Program Manager, it didn't take us long to realize that we needed a top-notch person who could launch, and then run, this massive new program. I wish I could take credit for hiring Kim, but Brant, Immediate Past President **Frank Bedell**, and Past President **Diego "Woody" Rodriguez** rightly deserve the praise. Kim is an out-

standing manager, leader, and innovator. And she's a lawyer, too! She has taken this behemoth head-on and turned it into the



Kim Homer, Mike Remensnyder, Barbara Zablocki

most efficient, cost-effective, and result-oriented program in the state. Since its inception in July 2010, our RMFM program has processed more than 6,100 cases. Like Brant, Kim would be the first to say that the RMFM program is a success because of the wonderful staff she has assembled. (By the way, Kim bowls with the heart of a lion. Sadly for Kim, lions are notoriously bad bowlers...)

David Perrow – RMFM Paralegal and Mediation Scheduling Manager. I know this is out of alphabetical order, but Dave Perrow was the second person hired when we started the RMFM program, and so it just makes sense to talk about him next. If Kim designed the engine that makes RMFM go, then Dave is the mechanic that keeps that engine running smoothly. Dave works out of the OCBA offices and

serves as the lead mediation coordinator and scheduler. He handles all areas of the program, from compliance, to mediator training, to IT support. Simply put, there would be no RMFM program without Dave.

Els Coulter – Paralegal. Els works with Kim in the RMFM office at the courthouse. She is involved in the critical step of ensuring we make contact with bor-

rowers about RMFM within the 45 days provided under the administrative order. She also prepares the notice of non-compliance forms we must file with the court.

Candice Disorbo – Paralegal. Located in the OCBA's offices, Candice is Dave



Candice Disorbo, Darshini Ramkarran, Mike Fajerski, Marie West



Karen Fast, Brant Bittner, Dave Perrow, Norma Paradiso

Perrow's right hand, working with Dave in scheduling and coordinating the mediations. Dave would be the first to say that he couldn't do his job without Candice's support.

Mike Fajerski – Paralegal and On-site Mediation Manager. Mike works in the RMFM mediation offices at the courthouse. He deals directly with our mediators, ensures program compliance, and removes from the program parties who are noncompliant. Fortunately, Mike also knows how to fix the copiers and computers when they are on the blink! Along with Darshini Ramkarran, Mike recently visited nearly every community and senior

center in our area, helping to educate the public about the benefits of our wonderful RMFM program.

Evelyn Lawing – Receptionist and Administrative Staff. Like Barbara for the OCBA, Evelyn often serves as the face of RMFM. She works in the RMFM mediation office at the courthouse and is the first point of contact for lenders, borrowers, and their attorneys when they arrive for mediation. Evelyn schedules the mediation rooms, ensures the parties and their lawyers are in the right place, and provides addition support to Mike Fajerski and Darshini Ramkarran.

Jill McGurk – Payment Processing. Jill provides the very important service of making sure all RMFM program payments are received, accounted for, and entered into our system. She also ensures that refunds of program fees, which must be determined and calculated on a case-by-case basis, are processed and sent out.

Darshini Ramkarran – Administrative Staff. Darshini works with Mike and Evelyn in the RMFM offices at the courthouse and provides critical administrative sup-



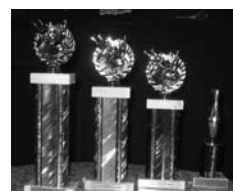
Tom Zehnder

port to the program. Working with Mike, Darshini also has been heavily involved in our community outreach effort, which is invaluable in getting the word out to the community about the program.

I just cannot say enough about the dedicated individuals who support the OCBA and our RMFM program. Those of us who have been privileged to serve in OCBA leadership positions realize that we are mere stewards of the organization during our limited time in office.

Fortunately, we can all take comfort in knowing there is an outstanding staff in place to ensure that the fine work of the OCBA will continue for years to come. Very well done, gang!

And now, because I'm sure you are dying to know who won the bowling tournament... I am pleased to report the victor was TEAM 2 – Mike Remensnyder, Barbara Zablocki, Kim Homer, and yours truly. ☺



Thomas A. Zehnder, is a partner with King, Blackwell, Downs & Zehnder, P.A. He has been a member of the OCBA since 1995.

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YLS on the move



Jacquelynne J. Regan

Happy September and Happy Labor Day! First celebrated in 1882, the recognition of Labor Day as a national holiday flows from our nation's labor movement and commemorates the achievements of America's workforce. It continues as a time-honored tribute to the prosperity, strength, and welfare that America's work force brings to our country. This month, YLS recognizes the contributions of hard workers all over the City Beautiful, the Sunshine State, and the Sweet Land of Liberty, beginning with you!

The YLS would like to thank the Orange County legal community for once again making the **Backpack Project** a huge success! On July 26, 2011, the YLS partnered with CFAWL and the Federal Bar Association for a happy hour at Urban Flats to raise money for the annual event that benefited the students of Rock Lake Elementary School. The Backpack Project provides students with backpacks full of school supplies to use throughout the school year. The backpacks have provided supplies for students who otherwise might not have been able to afford them. Over 75 people attended the happy hour and more than \$1,500 was raised in support of this worthy cause. Many thanks to committee co-chairs **Keshara Davis** and **Alisia Mary Adamson**, and their committee, who worked tirelessly to collect and deliver the school supplies and donations to Rock Lake Elementary.

On July 21, 2011, the YLS hosted its annual **Young Lawyers Reception** at the John & Rita Lowndes Shakespeare Center. More than 300 local attorneys, judges, and law clerks turned out to mix, mingle, taste, toast, and take part in a silent auction. The event was organized by event chair **Jill Simon**, co-chair **Chanel Mosley**, and their amazing committee. The YLS would like to thank the event's Signature Sponsors, **Lexis Nexis** and **Morgan & Morgan, P.A.**, for their generous support and participation. Our thanks also go out to the many other businesses and firms who supported this event! It wouldn't have been so successful without the support of all involved!

Calling all Bar takers!! The official **YLS Oath of Administration Ceremony and Reception** will take place on Monday evening, **September 26, 2011**, at Orlando City Hall. The YLS invites all takers of the 2011 bar exam to participate in

this special swearing-in ceremony. The oath will be administered in City Council Chambers, with a reception to follow in the City Hall Rotunda. Family members, lawyers, and members of the judiciary are also invited to witness this swearing-in of our newest members of The Florida Bar. For more information, please contact committee

co-chairs **Laura Lee Shields** at lauralee@bodi-fordlawgroup.com or **Chanel Mosley** at camosley@md-wcg.com. RSVPs are requested by September 22.

The YLS is looking forward to its signature golf



July's YLS Luncheon was held at the University Club. Pictured above is LaShawnda Jackson with Judge Heather O'Brien.

Judge Heather O'Brien
Judge John Jordan



tournament this month! The **20th Annual OCBA Young Lawyers Section Golf Tournament** will take place on Friday, **September 30, 2011**, at 8:00 a.m. at the beautiful Reunion Resorts Golf Course. The last spots for teams and sponsorships are filling up fast, so get your information in ASAP if you are hoping to participate! Please contact Brett Renton at 407-835-6791, brenton@shutts.com, or Jerry Lee Hanbery at 407-389-9695, jerry.hanbery@brockandscott.com for more information. The YLS greatly appreciates the continued support of this annual event by local firms and businesses.

YLS' Second Annual Lawyers for Literacy Spelling Bee will be held on **October 20, 2011**, at the Hilton Doubletree Hotel in downtown Orlando. This event pits teams of spellers against each other (at least one attorney per two person team) in an old-fashioned spelling bee tournament to raise money for the Adult Literacy League, an organization dedicated to eradicating illiteracy in our community. Last year's event was a smashing success, and our committee, led by Daryl Gott-