FORUM 8

Volume 83, No. 4 | Eighth Judicial Circuit Bar Association, Inc. | December 2023

President's Message

By Monica Perez-McMillen

Connections

As the end of 2023 draws near, I hope you can slow down to see and enjoy the world around you. The winter holiday season can be magical. Our family celebrates Christmas with rich traditions of our faith combined with the traditions of my Cuban culture. I have fond memories of *Noche Buena (Christmas Eve)*. I grew up in Miami, where nearly every household roasts a full pig (on cinder blocks or "La Caja China"), cooks black beans for days along with other traditional Cuban treats, and hosts a large gathering consisting of friends and family. I have not enjoyed a *Noche Buena* in Miami since my father passed away in early 2014, but the tradition has continued forward. My husband meticulously plans a *Noche Buena* roast in our backyard while I prepare other traditional Cuban foods. Though our kids have no memories of *Noche Buena* in Miami, we have re-created the same sweet memories with family and our dearest friends of gathering on *Noche Buena*, enjoying both traditional Christmas music and salsa and merengue. What traditions have you preserved from your childhood or created? I hope that this season is filled with love for you and your loved ones.

At EJCBA we have a tradition of gathering with our colleagues for the holidays and serving others through the annual Margret Stack Holiday Project. This year, the Project will benefit the Baker, Gilchrist, and Levy County Pre-K Exceptional Student Education (ESE) programs. Please see our EJCBA Facebook page for details on the Amazon Wish List or contact Dominique Lochridge-Gonzales, Esq., (Three Rivers Legal Services) with any questions or clarifications at (352) 415-2324 or Dominique.lochridge-gonzales@trls.org. I look forward to seeing many of you on **December 7th** at our EJCBA Holiday Party at the UF Levin College of Law Bailey Special Event Space and Patio. This event is free for all EJCBA members and includes two drink tickets and appetizers. Please join us at this fun and celebratory event.

The end of October and the month of November kept us busy in the 8th Circuit. Florida Supreme Court Justice Meredith Sasso reminded us that lawyers are the gateway to the judicial branch, and our ability to engage in and model civil discourse in a culture that is filled with media sound bites and keyboard warriors that are quick to quip is vital to maintaining professionalism in our branch of government.

For November, we opted to skip our regular luncheon so that members of the 8th would be encouraged to attend the "Trauma-Informed Courts Workshops" on November 17. The goal of this all-day training was to better serve Florida's families and future by cultivating trauma-informed and trauma-responsible domestic relations courts. As a family law practitioner, I have seen many tragic and traumatic events unfold before me. This training was invaluable to anyone whose practice touches upon many difficult moments, both for us and our clients. This workshop will be held again in other cities throughout the State of Florida through June of 2024. If you were not able to attend the one in Gainesville, I highly recommend that you consider attending one in another city.

The end of a year reminds me that time waits for no one. I often hear others say, "the year flew by" or "I can't believe another year has passed." Time is the most precious gift we have. We can give our time to others and find connections, our time helps us earn a living, and at the end of our days, time is what many of us wish we had more of. Yet so much of our time can be wasted; we try to teach our kids the dangers of wasting time on the internet watching mindless videos of other children dancing.

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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:

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

News, articles, announcements, advertisements and Letters to the Editor should be submitted to the Editor or Executive Director by Email. Also please email a photograph to go with any article submission. Files should be saved in any version of MS Word, WordPerfect or ASCII text.

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Deadline is the 5th of the preceding month

Alternative Dispute Resolution

By Deborah C. Drylie

Global Settlement Conferences & F.S. 624.155 (Part 2)

There are many questions at this early juncture regarding the actual implementation of F.S. 624.155. For example, it does not address things like proposals for settlement, whether the insurer is allowed to seek recovery of its fees and costs for having to institute the interpleader action, how litigation costs would or even if they can factor into the relative value of the competing claims and can be a recoverable or taxable item. Also, would the insurer be comfortable with the results of an interpleader claim when their insured would not receive the benefit of a signed release of all claims nor be indemnified against any and all liens? How would the insurer and its insured be protected from exposure to Medicaid or Medicare repayment expectations via an interpleader action? Finally, many of the claims which are typically handled via a GSC involve multiple claims asserted against a small insurance policy. An interpleader action in this scenario makes no economic sense to carriers or claimants.

As to the second option outlined in F.S. 624.155(6), in those instances when the carrier has decided to tender the full policy coverage, binding arbitration may end up being the favored choice and path toward resolution for all concerned. The cost of the arbitration will be the responsibility of the carrier, just as a pre-suit GSC is scheduled and paid for by the insurance carrier. Counsel for claimants historically agree to the selected global settlement facilitator/mediator, and would likely agree to the carrier selecting the arbitrator. Since *all* participants must agree to the arbitrator to be used, if agreement cannot be reached, the carrier's fall-back option is to file an interpleader action. As to the process of arbitration itself, the information needed for the parties to assess the relative strengths and weaknesses of each claim will simply be presented under the rules of arbitration. Please note, the essence of what needs to be presented is identical to what is typically presented at a GSC; thus, the arbitration option is likely not going to turn into a mini bench trial. While not specified in the new statute, the opinion of TRC personnel is that an attempt will first be made by the arbitrator to determine if the claimants can resolve the dispute on their own terms. The arbitrator will determine the equitable split of the policy *only* if the claimants are unable to reach a consensus on resolution. Again, this is not unlike the current model for global settlement conferences ~ if the claimants cannot agree, the carrier has the ultimate power and authority to settle certain claims, leaving what is left of the policy to be divided up or offered to claimants who were intransigent.

In summary, while there are two options provided to insurance carriers under the new statute intended to insulate them from a claim of bad faith, most will likely first pursue the "old fashioned" GSC. If unsuccessful, and the carrier has tendered its policy, within 90 days after *all* known claim information is received and evaluated, it is believed the carriers will then pursue an arbitration. In fact, in the interest of time and expense, the arbitration could take place immediately upon the conclusion of an unsuccessful GSC. While there may be a knee-jerk negative reaction by claimant counsel to an arbitration, when faced with an interpleader action, arbitration may suddenly become much more palatable.

Amaze-Inn Race 2023

Photo by Ryan Gilbert (foreground) of the winning Amaze-Inn Race team, featuring EJCBA President Monica Perez-McMillen (left) and photo-bombed by Ret. Judge Monica Brasington (background)

Photo by Ryan Gilbert (foreground) of the winning team incognito.

A Mistaken But Reasonable Belief Justifies Force Under Chapter 776

By Steven M. Harris

The title states the overarching legal principle respecting threatening or using deadly or non-deadly force in defense of self, another, or property.[1] Yet, it is often overlooked that certainty and correctness in analyzing a threat or its imminence, or the necessity to act, are not demanded by Chapter 776.[2] All that is required is reasonable belief — an actual subjective belief (sometimes stated as an "honest good faith" belief) that is objectively reasonable.[3] The intent or perspective of the "victim" isn't germane.[4]

The statutory phrase "reasonably believes" is often erroneously equated with "fear." The presence of genuine fear might confirm only that the accused held an actual good faith *subjective* belief.[5] The requirement for the subjectively-held belief prevents an after-the-fact contrived or sham defense. It also prevents justification of force when the accused knew there was no actual threat or danger in circumstances where a reasonable person might have believed there was. Reasonable belief respecting the existence of a deadly force threat may be presumed in certain circumstances."[6]

Reasonable belief is determined in light of the facts and circumstances as they appeared and were known by the accused at the time. *See, e.g.*, *State v. Quevedo*, No. 3D21-2450 (Fla. 3d DCA March 15, 2023); *Price v. Gray's Guard Service, Inc*., 298 So.2d 461 (Fla. 1st DCA 1974).

A comment to Model Penal Code § 3.04 explains that if an actor "makes a negligent mistake in assessing the need for self-defensive action, he cannot be prosecuted for an offense that requires purpose to establish culpability." SJI (Crim.) 3.6(f) and 3.6(g) include "read in all cases" suggested language on mistaken belief:

> The danger need not have been actual; however, to justify the [use] [or] [threatened use] of [non-deadly] [deadly] force, the appearance of imminent danger must have been so real that the defendant actually believed the [use] [or] [threatened use] of [non-deadly] [deadly] force was necessary. Moreover, to justify the [use] [or] [threatened use] of deadly force, a reasonably cautious and prudent person under the same circumstances would have believed the [use] [or] [threatened use] of deadly [non-deadly] force was necessary.

Jury instructions in other states contemplate mistaken but reasonable belief. A *New York* jury might be instructed: "It does not matter that the defendant was or may have been mistaken in his/her belief; provided that such belief was both honestly held and reasonable." A jury in *Washington* might be instructed: "A person is entitled to act on appearances in defending himself if he believes in good faith and on reasonable grounds that he is in actual danger of injury, although it afterwards might develop that the person was mistaken as to the extent of the danger. Actual danger is not necessary for the use of force to be lawful." A jury in *Michigan* might hear: "If the defendant's belief was honest and reasonable, he could act immediately to defend himself even if it turned out later that he was wrong about how much danger he was in." A *California* jury is likely to get an instruction which includes: "If the defendant's beliefs were reasonable, the danger does not need to have actually existed." In *Wisconsin*, jurors will be instructed: "A belief may be reasonable even though mistaken." *Ohio* judges will use similar language. A comment to *Arizona's* pattern instruction states: "An instruction on self-defense is required when a defendant acts under a reasonable belief; actual danger is not required." A *North Carolina*

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[1] For the sworn and nonsworn, "reasonable belief" is the foundation for deadly and non-deadly force under § 776.012, § 776.013 and § 776.031, *Fla. Stat*., and any force under § 776.07(1), *Fla. Stat*., and also for the sworn, to use any force under § 776.05 and § 776.07(2), *Fla. Stat*. More than reasonable belief is never required. *See Crockett v. State*, 188 So. 214 (Fla. 1939). The prerequisite for justified deadly force under § 782.02, *Fla. Stat*., is actual attempted murder or commission of a felony; the statute is silent as to "reasonable belief."

[2] Consider, e.g., a malefactor mistakenly believed to be armed when actually possessing a toy or replica weapon, or unarmed; a late night aggressive, strangely acting "wrong house" trespasser believed to be a felonious actor attempting unlawful entry.

[3] An honestly held *unreasonable* belief invokes the concept of "imperfect self-defense." Chapter 776 does not provide for that mitigation defense. *See Hill v. State*, 979 So.2d 1134 (Fla. 3d DCA 2008).

[4] See ***Forum 8***, October 2021.

[5] The word "fear" appears once in Chapter 776, in § 776.013(2), *Fla. Stat*.

[6] *See* § 776.013(2), *Fla. Stat*., as limited by § 776.013(3), *Fla. Stat*.

REFRESHER ON THE STANDING ORDER FOR FAMILY LAW MATTERS

By Cynthia Swanson

An 8th Circuit administrative order effective November 19, 2015 applies to all original dissolution of marriage actions, separate maintenance, and annulment actions filed in the circuit. It is Administrative Order 5.09 and can be found at circuit8.org/administrative-orders.

The Standing Order is effective as to the petitioning spouse at the time of filing. The Clerk is prohibited from issuing a summons unless the signed Standing Order is filed. The Clerk is directed to docket the signed Standing Order as a separate document with its own time stamp.

The Petitioner is required to serve a copy of the signed Standing Order with the petition and summons on the Respondent, and the Standing Order is effective as to the Respondent upon service of process, or upon the execution of a waiver of service of process.

The administrative order provides that failure to comply with the Standing Order is punishable by contempt and any other sanctions permissible by law and deemed appropriate by the court.

The Standing Order itself is essentially an injunction which applies to both parties (after the Respondent has been served) and prohibits them from the following:

1. From transferring assets – any assets, whether marital or non-marital, owned separately or jointly, of any type of property, and for any reason – without the written consent of the other party or a court order. The exceptions to this are when the transfer of assets would be in the "normal course of business," or for "customary and usual household expenses," or for "reasonable attorney's fees in connection with this action."
2. From incurring "unreasonable debts." This includes a prohibition against additional borrowing against the marital home, or any marital asset, the unreasonable use of credit cards, and taking cash advances against bank cards.
3. From removing the minor child(ren) of the parties from the State of Florida – for any reason.
4. From removing either party or the minor child(ren) from any medical or dental insurance coverage.
5. From changing the beneficiaries of any existing life insurance policies or other financial products or accounts; from changing any existing life, auto, homeowner's, and renter's insurance policies.

In addition, if the parties have a child or children in common, then the party who may vacate the marital residence must provide his or her new address and telephone number within 48 hours of the move. And, further, the order requires the parties to "assist their children in having contact with both parties which is consistent with the previous habits of the family."

The idea behind the order was a benevolent one – to keep the status quo in effect when an original dissolution of marriage or paternity action is filed.

At the time of the entry of this administrative order, several Gainesville lawyers expressed concern that this order awards relief which no party had requested, and thus it would be a violation of the due process rights of both parties. See, e.g., *Hunter v. Booker*, 133 So. 3d 623, 627 (Fla.1st DCA 2014), where a trial judge was reversed for awarding a rotating timesharing schedule in a domestic violence proceeding, when nether party had requested that any timesharing schedule be entered. See also, *Guida v. Guida*, 870 So.2d 222 (Fla. 2d DCA. 2004), where a trial judge's entry of an injunction prohibiting the husband from having contact with the wife and their son was reversed. There, the appellate court held that a permanent injunction cannot be properly granted simply on notice, without process duly served, and without formality of pleading, or presentation of proof, in the absence of waiver. *Guida*, at 225.

The Standing Order itself provides that the order shall remain in effect during the pendency of the action until modified, terminated, or amended by the court. It does appear that a voluntary dismissal of the petition, where there is no counter-petition, would terminate the "pendency of the action" and thus the effectiveness of the order is terminated.

So, family law practitioners should do some careful planning with their clients about when and how to file the original petition for dissolution of marriage, separate maintenance, or annulment, and should also consider whether to file a counter-petition. Because of the hefty filing fee that goes along with the filing of a counter-petition, the decision is sometimes made to forego it. However, as has always been the case, if the petition is voluntarily dismissed and there is no counter-petition, then the case dissolves and the Standing Order will no longer be in effect.

Additionally, when meeting for the first time with a client who has been served with the Standing Order, practitioners should educate their clients about all the provisions of the order to be sure they understand that they now have certain restrictions on how they handle their family affairs. I had initially thought that we might

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REFRESHER ON THE STANDING ORDER FOR FAMILY LAW MATTERS

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see early hearings questioning whether a $200 haircut or a new $1,500 lawn mower or a new $30,000 car is a customary household expense. However, at least to my knowledge, they really haven't materialized.

I was involved in one local case where a party was held in contempt of court for violating the Standing Order when they unilaterally obtained cash from a HELOC in order to pay marital property taxes. The party was ordered to immediately pay to the lender an amount equal to the cash obtained, even though the funds went to pay a marital obligation. The party was also ordered to pay the other party's attorney's fees incurred in bringing that motion for contempt. Reported appellate cases seem to deal about half and half with violations related to relocation of children and to the "wasting" of marital assets.

The First District has held that a party in violation of the Standing Order may be found in contempt. *Milton v. Milton*, 113 So. 3d 1040 (Fla. 1st DCA 2013). The Second District reversed a judgement where a trial court failed to include in equitable distribution and to distribute to the husband assets which he had sold in violation of the Standing Order which prohibited their sale. *Shaver v. Shaver*, 203 So. 3d 932 (Fla. 2016).

In a concurring opinion, Judge Davis on the Fourth District Court of appeal wrote:

> "I would also note that the majority opinion recognizes that during the course of this litigation, the Husband made decisions regarding the marital estate including spending joint monies and liquidating assets of the estate without the consent or input from the Wife. Often this occurs in dissolution proceedings before the parties can have a temporary relief hearing and obtain a court order to prevent such unilateral decision-making by one or both parties. This points out the value of standing orders in each jurisdiction prohibiting either party from selling, donating, pledging, encumbering, or otherwise disposing of any marital property without prior consent of the other spouse or court order, except for use of cash, checking accounts, or other sources of funds customarily used to pay ongoing living expenses, debt, or other marital obligations of the parties." *Peralta v. Peralta*, 835 So. 2d 1244, 1247 (Fla. 4th DCA 2003).

The Fifth District has approved a trial court's determination that a husband had violated the Standing Order when he liquidated an entire 401(k) account without agreement of the wife or permission of the court, and the wasted portion of the proceeds of that account being attributed to the husband in equitable distribution. *Lopez v. Lopez*, 135 So. 3d 326 (Fla. 5th DCA 2013). It's hard to see, though, how this result would have been any different even if no standing order would have prohibited it.

But so far at least, there don't seem to be any parties for whom the Standing Order is a violation of due process which they wish to challenge in court. I think people going through a divorce already have enough on their plate.

A Mistaken But Reasonable Belief

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jury may be instructed it is for them "to determine the reasonableness of the force used by the defendant under all of the circumstances as they appeared to the defendant at the time." When self-defense is asserted in *Massachusetts*, the jury will hear that force may be used by the defendant "even if he had a mistaken belief which was reasonable based on all of the circumstances presented in the case."

A valid justification defense which is burdened by mistake that could creep into the record demands a seamless defense strategy; to enlighten prospective jurors (*see* *Forum 8*, April 2022), to ensure narrow incident framing (*see* *Forum 8*, January 2022) by pretrial motion and contemporaneous objections, and to specially instruct the jury how to consider and accept the specifics of the manifest mistaken belief. A jury should not be allowed to consider an incident frame beyond what the accused knew or could reasonably believe at the time he or she threatened or used force. It should be made clear to the jury that it *must* find the accused acted justifiably and return a verdict of not guilty if the accused was mistaken, but his or her belief respecting the necessity to threaten or use force was reasonable. Hindsight, even when perfect, is not permitted.

IT'S EASY TO DONATE TIME (OR MONEY) TO TRLS

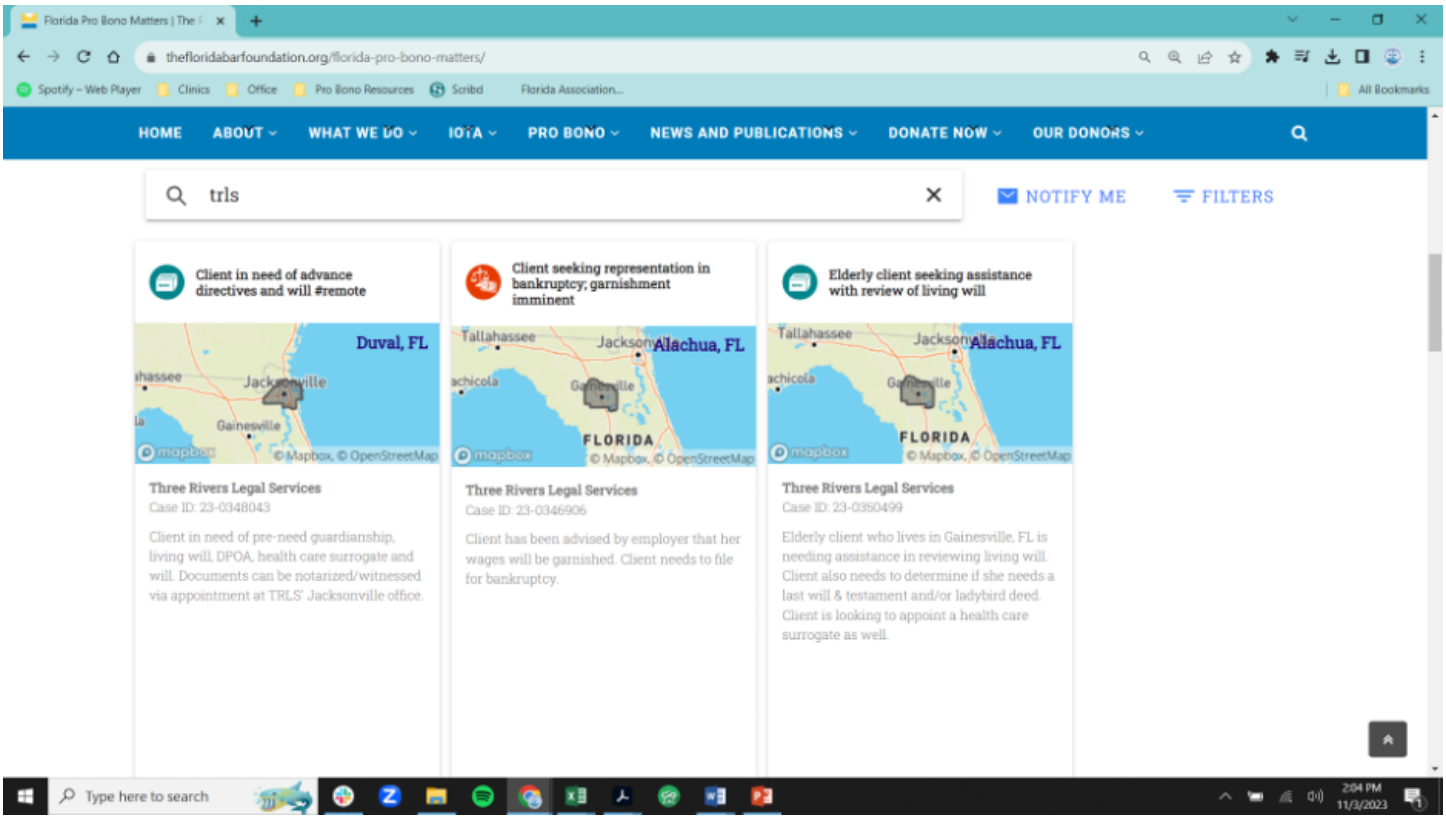
By Samantha Howell, Pro Bono Director, TRLS

Happy December! I want to start by wishing you and yours a wonderful holiday season and hope you are able to rest, celebrate, and enjoy the season. Please know that I am sending the merriest of wishes your way!

The last month of the year is also a very popular time for donations or brief services to charities. So, it should come as no surprise that I am going to remind you of the expectation to donate $350 to a civil legal services organization or provide twenty (20) hours of pro bono service to indigent persons.

"But, Samantha!," you may say, "I'm so swamped for the holidays - and broke! You can't *possibly* expect any more from me!" I hear you, I do! Lucky for you, though, there is a way to plug pro bono - or giving - into your life anyway you can fit it.

For example, instead of doom-scrolling through Facebook, Instagram, or whatever platform is popular this week, visit the Florida Pro Bono Matters website (https://thefloridabarfoundation.org/florida-pro-bono-matters/) and look at available pro bono opportunities throughout Florida. Not only can you look up *currently* available opportunities, you can also set your preferences to be notified when something of interest becomes available! You can filter for cases vs. clinics, the type of legal problem, the civil legal aid organization, or by county!



When you find a case you are interested in, just click on "Interested," and add your contact information. An email will be automatically sent to the agency that posted the opportunity, alerting them that a volunteer is interested. Easy peasy, lemon squeezy!!

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IT'S EASY TO DONATE TIME (OR MONEY) TO TRLS

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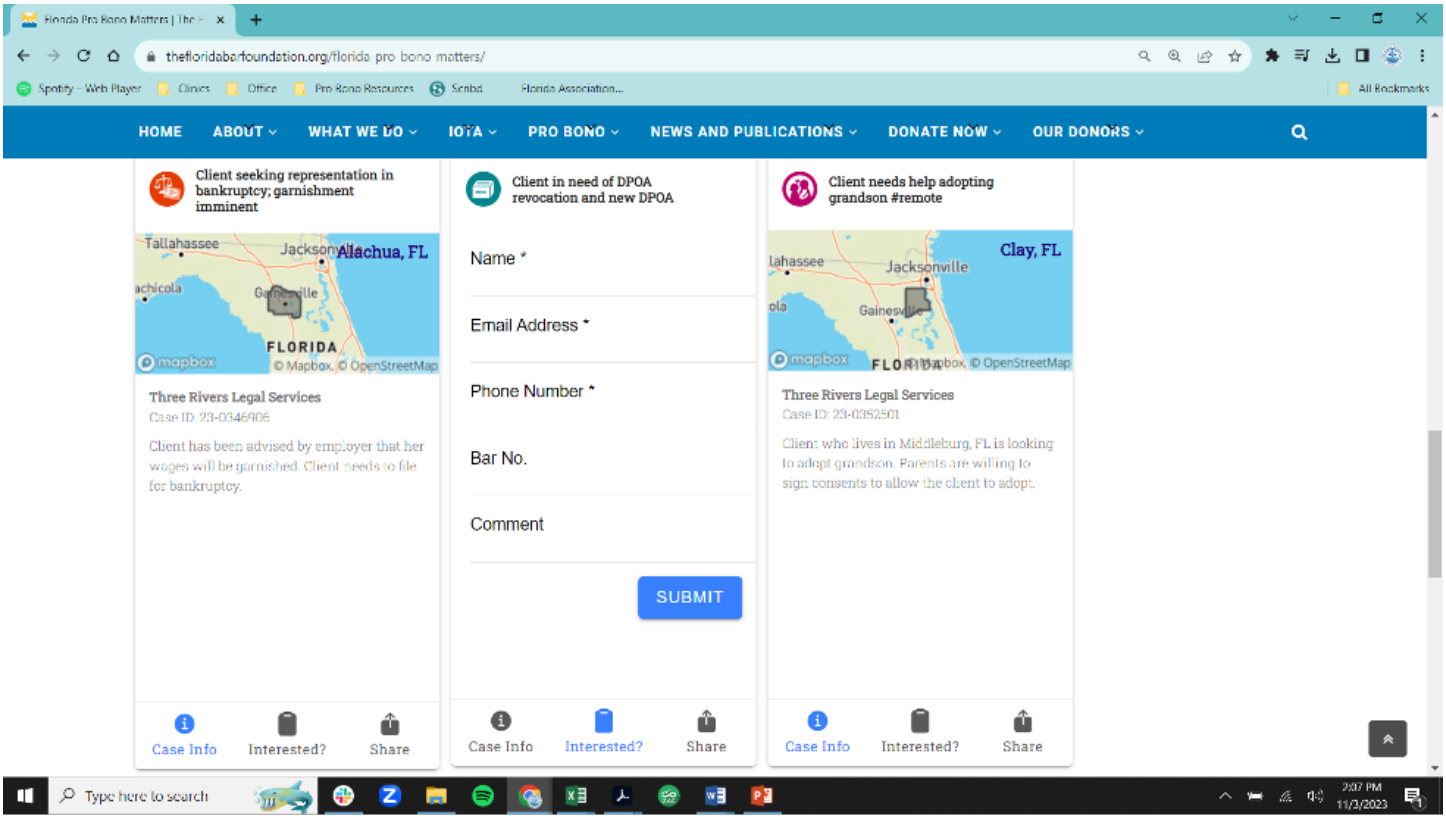
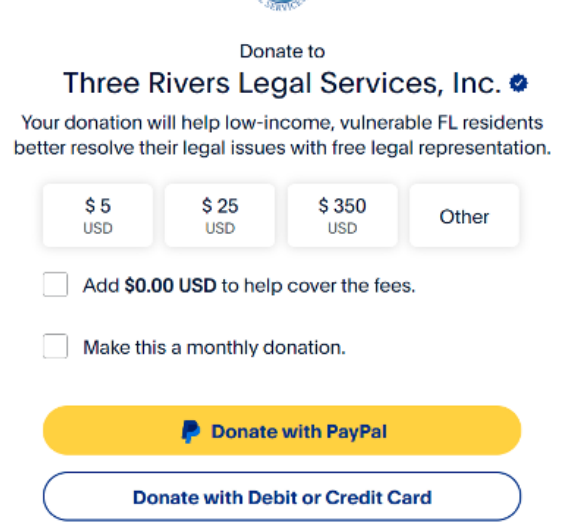


You can also sign up to donate to your favorite civil legal aid organization. If, perchance, that organization is Three Rivers Legal Services, just pop over to our DONATE page. There, you can give a one-time donation or join an elite group of monthly donors. Just $5 makes a difference for us and our clients.

If every member of the EJCBA donated $5 a month to a civil legal aid organization in our circuit, we would be providing over $15,000 a year of support. Even better, though, civil legal aid dollars have a return on investment of 7 to 1 so, in reality, that $15,000 would result in $120,000 in positive economic impact for the community!!! *That* is pretty darn cool and an easy lift for us busy attorneys.



TRLS Celebrates 45 Years!

By Samantha Howell, Pro Bono Director, TRLS

On October 12, 2023, Three Rivers Legal Services, Inc. (TRLS) celebrated its 45th Anniversary at the Best Western Gateway Grand in Gainesville. The evening highlighted four decades of service, spotlighting long-time employees and volunteers, and included the presentation of several pro bono awards, as well as a robust silent auction and raffle.

Judge Gloria Walker was the emcee for the evening and the keynote address was provided by Merritt McAlister, the interim Dean of UF Levin College of Law. Dean McAlister discussed her experience, including clerking for Justice Stevens of the U.S. Supreme Court, and how her compassion and empathy for our client population was influenced by learning from the esteemed Justice.

TRLS also presented several pro bono awards:

- Pro Bono Student Award - Presented to Belay Alem of Duval County. Belay has volunteered with TRLS for several years and continues to assist our client population in his new position with LISC Jacksonville.
- Pro Bono Hero Attorney Award - Presented to Amy Abernethy of Alachua County. Amy has volunteered with TRLS for more than two decades, working on over 300 pro bono cases! Amy is a dedicated participant in TRLS' weekly housing clinic, advising clients on their rights as tenants.
- Pro Bono Dream Team Community Partner Award - Awarded to GRACE Marketplace and presented to GRACE Executive Director, Jon DeCarmine. GRACE has been a wonderful partner of TRLS since its inception. Not only does TRLS host Ask-A-Lawyer Clinics at GRACE regularly (with co-hosts Southern Legal Counsel, UF Levin College of Law, and the EJCBA Pro Bono Committee), they even provided TRLS with an office, on-site, for our staff to meet with clients.
- Champion of Justice Law Firm Award - Presented to Howard Rosenblatt and Shirley Rose, of Howard Rosenblatt, P.A. Howard has volunteered with TRLS since 1997!! Not only does he accept regular referrals from TRLS, he is also willing to refer clients to TRLS to be screened for pro bono eligibility, taking the cases if the client meets our criteria. Howard's office manager and paralegal, Shirley Rose, was also featured and thanked. As the gatekeeper for the firm, Shirley is a friendly face for our clients. She has worked with Howard for eight years and is an important reason for the firm's positive impact in the community.

TRLS would like to thank everyone who attended, contributed, and volunteered, including our amazing sponsors: Baggett Law, Avera & Smith, Jacksonville University College of Law, Akerman LLP, Bingham & Mikolaitis, P.A., Gray Robinson, thredpartners, First Federal Bank, Yonge Development Services, Lexitas, Purvis Gray, Eighth Judicial Circuit Bar Association, and Mutual of America.

We hope to see you at the next event!

CONSTRUCTION LAW CLE UPDATE:

PLEASE TAKE NOTE that the Construction Law CLE scheduled for November 30 with Brice Miller of Miller Building Group has been POSTPONED. It will be rescheduled for early 2024.

Florida Supreme Court Justice Meredith L. Sasso spoke at the October EJCBA Luncheon on October 27, 2023.

Scammers Targeting Gainesville Lawyers

By Siegel Hughes Ross & Collins

We want to share a recent lawyer scam that has been going around lately in hopes we can alert others to potential problems. Over the past several years, as scammers have grown more sophisticated, law firms have become the target of attempted scams. While attorneys across the country have been targeted, we are happy to report that we are not aware of any local firms that have suffered damages as a result. One of the most common scams works like this: a "client" calls or emails an attorney seeking representation on a breach of contract claim against a local resident or local company. The purported client is usually a business, sometimes local, sometimes from another state, or even another country. If the attorney agrees to represent the client and sends a retainer agreement, along with a request for retainer funds, the client sends back the signed agreement—but no retainer funds.

Here is where the real danger begins: the client also sends an email stating he had told the prospective defendant he had hired the law firm, and the defendant was adamant it did not want to be sued and agreed to pay a portion of the amount claimed immediately and the remainder at some point in the future. The client tells the attorney that the attorney will receive a check from the defendant that includes both the partial payment *and* money to be kept by the attorney as the retainer. Soon thereafter the attorney receives a purported cashier's check to be deposited, and the client asks the attorney to forward the partial payment immediately. If the attorney does so, they will learn, to their detriment, that the cashier's check was fraudulent, there are no funds, and their trust account is suddenly in the red.

Fortunately, there are warning signs for which to be on the lookout before the proposed representation reaches the stage of an empty trust account:

- The initial inquiry from the potential client is an out-of-the-blue email directly to the attorney, rather than a call to the office or a website inquiry.
- Unusual phrases or exceedingly poor grammar in email communications—more than just a typo. For example, one scam email that has made the rounds to firms all over the country includes the question, "Are they any foibles you see in this case?" Yes, it said "they." Yes, it used foibles in a strange way. And yes, it was definitely a scam.
- The email address doesn't match the business name. For instance, the person contacting the attorney claims to be with ABC, Inc., but instead of "robert@abcinc.com" the email address is "robert@gmail.com" or even something like "ajdsfladkl74@gmail.com."
- The client will only communicate via email.
- The defendant is going to send money before the law firm has taken any action – and that money is going to include the law firm's retainer. Obviously, the retainer should always come directly from the client.
- And, of course, always wait to be sure the check has cleared, even when it appears it be a cashier's check. Typically, the check will either clear, or not, within ten (10) business days after it is deposited. Your banker can confirm how long your individual bank requires and how long you should wait before transferring the funds or writing a check.

Watch out! Forewarned is forearmed – and remember, if it seems too good to be true, it probably is.

SAVE THE DATE

The EJCBA Charity Golf Tournament, "The Gloria," benefiting the Guardian Foundation, Inc., has been rescheduled for Friday, April 5, 2024 at the Mark Bostick UF Golf Course. Watch your inbox and this newsletter for registration information.

President's Message

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I read a Forbes article that included several ways people waste time and the top 7 ways people are wasting time are: being disorganized, procrastinating, reading the news, scrolling through social media, gossiping, worrying, and checking emails (many of us could spend all day checking emails). If any one of these timewasters resonates with you, I would like to encourage you to act on any way that you are wasting time and change that habit for the month of December and substitute it with some form of connection (spend that extra time with a spouse, child, friend, colleague, or giving your time to charity).

Many of us were reminded of just how precious time is as we started the month of November learning that one of our most esteemed colleagues, Jonathan Turner, passed away. Many of us were deeply saddened and impacted by this loss. We extend our deepest condolences and prayers to Jonathan's wife (and our colleague) Lindsey Turner, their children, family, friends and to all of you who knew Jonathan.

As a reminder to all members, the Florida Bar permanently added the Mental Health and Wellness Committee in 2018 and started the Mental Health and Wellness Center which provides a wide variety of services to members of the Bar that promotes free mental and physical health services. If you are not familiar with this program, please visit this website and become familiar with all of the services offered to us:

https://www.floridabar.org/member/healthandwellnesscenter/

I wish each of you a joyous, safe, and fulfilling holiday season and end of 2023.

Become a Safe Place

Please consider becoming a Safe Place location. All your office will need to do is complete a few questions and a training. If a runaway youth or a child feels endangered, they can easily spot the sign at your door and seek safety. Your role is to make them comfortable, give us a call, and we will take it from there. You will be doing a true service with a recognized national program and at no cost to your organization.

For information, please contact Phil Kabler of CDS Family & Behavioral Services, Inc. at philip_kabler@cdsfl.org or by telephone at (352) 244-0628, extension 3824.

December 2023 Calendar

2 SEC Football Championship, Atlanta, GA – 4:00 p.m.
5 Deadline for submission to January Forum 8
6 EJCBA Board of Directors Meeting via ZOOM, 5:30 p.m.
7 EJCBA Holiday Party, UF Levin College of Law – Bailey Special Event Space & Patio, 5:30pm
13 Probate Section Meeting, 4:30 p.m. via ZOOM
25 Christmas Day, County & Federal Courthouses closed

January 2024 Calendar

1 New Year's Day, County & Federal Courthouses closed
3 EJCBA Board of Directors Meeting via ZOOM, 5:30 p.m.
5 Deadline for submission to February Forum 8
10 Probate Section Meeting, 4:30 p.m. via ZOOM
15 Martin Luther King, Jr. Birthday, County and Federal Courthouses closed
19 EJCBA Monthly Luncheon Meeting, Chief Judge Moseley, "The State of the Circuit," The Wooly, 11:45 a.m.