

# FORUM 8

Volume 78, No. 6

Eighth Judicial Circuit Bar Association, Inc.

February 2019

## President's Message

By Cherie Fine



well·ness  
/'welnəs/  
noun

the state of being in good health, especially as an actively pursued goal.

Hello February! As I suggested in my January column, I hope you are taking time to take care of yourselves. Please reach

out to me or any board member if you want to talk over a problem, work on a project or have a suggestion to make our association more supportive in any way. We are all in this together.

The board members of the EJCBA are hard at work putting together programs to educate and amuse you in the hopes that we can contribute to your wellbeing. You can take a look at upcoming events on the recently updated website at <https://www.8jcba.org/events>. I want to thank board member Magistrate Katie Floyd for helping us navigate this website upgrade experience. If you have any thoughts or items you would like to see included on the website, please let us know!

This month's speakers for the February 15, 2019 luncheon are Circuit Judge Denise Ferrero and Stuart Wegener, who will inform and enlighten us on the CJMHSAG Grant Program. CJMHSAG (Criminal Justice, Mental Health, and Substance Abuse Grant) is a grant that Meridian Behavioral Healthcare receives from the Florida Department of Children and Families (DCF). The grant is dedicated for services in Alachua County and part of a statewide program known as the CJMHSAG Reinvestment Grant Program. The purposes of

this grant are to help counties plan, implement, or expand initiatives that increase public safety, avert increased spending on criminal and juvenile justice systems, and improve the accessibility and effectiveness of treatment services for adults and juveniles who have a mental illness and/or substance abuse disorder and who are in, or at risk of entering, the criminal justice system. I am excited to hear about this much needed and highly regarded program.

In the practice of law, one of the things that can be a source of stress and is not at all conducive to wellness is having to deal with other attorneys who act unprofessionally. Our circuit has historically been known for the civility we show to one another, which makes this circuit a wonderful place to practice law.

In working on this column, I reviewed the Creed of Professionalism,<sup>1</sup> which states as follows:

I revere the law, the judicial system, and the legal profession and will at all times in my professional and private lives uphold the dignity and esteem of each.

I will further my profession's devotion to public service and to the public good.

I will strictly adhere to the spirit as well as the letter of my profession's code of ethics, to the extent that the law permits and will at all times be guided by a fundamental sense of honor, integrity, and fair play.

I will not knowingly misstate, distort, or

<sup>1</sup> Adopted by the Board of Governors of the Florida Bar on May 16, 1990.

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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](mailto: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 Chester B. Chance and Charles B. Carter



## Lawyer-Mediator-Client Relationships at Mediation

An attorney recently shared with us an article by Jeff Kichaven entitled “Understanding Mediation’s Apex Conversation.” That attorney was Richard T. Jones and it is always good to hear

from him.

Mediator Kichaven refers to the “apex conversation” during a mediation as being “the moment when a main participant in the mediation, usually a client, begins to consider seriously settlement options which he or she had not considered seriously before.”

Mr. Kichaven says the purpose of his article is to assist lawyers in understanding the concept so lawyers “. . . can make sure that those conversations do, in fact, ascend and that the apex conversation does, in fact, take place.”

Interestingly, mediator Kichaven suggests it is very common for an apex conversation to take place “between attorney and client alone.” One or the other will ask “what do we do now, if we want the case to settle?” Such a conversation takes place after a long history of attempting to manage client expectations throughout the course of the lawsuit and certainly prior to any mediation conference. Mediation is the last opportunity to reach an apex conversation.

Mediator Kichaven reminds lawyers that a mediator is neutral. “The mediator is not your client’s zealous advocate – only you are.” His suggestion? Direct communication between the lawyers with or without the mediator present might be a good idea because a mediator’s ability to advocate can never equal the ability of a lawyer to advocate on behalf of their client. Mediator Kichaven suggests a mediator can never be as fluent with your message as you are as an attorney and “. . . may leave something out and are not likely to be able to answer any questions the other side may have as well as you [the lawyer] could.”

Mediator Kichaven also suggests that an information exchange prior to a mediation is critical. Your authors would suggest not only does that mean the sharing of information between the parties and between the lawyers, but sharing relevant

information prior to mediation with the mediator.

The referenced article suggests it is always an option, and one that should be considered, for a lawyer to contact a mediator on the phone before the mediation. Why? “. . . to tailor and focus the agenda for the joint session on those issues which, when joined, will lead to progress when pursued in the subsequent private caucuses and throughout the mediation day.”

The article suggests attorneys for the various parties should meet with the mediator without the presence of clients as a possible efficacious mediation device. Why? “The report the client hears is a direct report of what her own loyal lawyer has heard from the other side, not a report of the other side’s views as filtered through a hearsay declarant, the mediator.”

The article also touches on the idea of the mediator building rapport with clients at mediation. A simple suggestion is for the mediator to meet with the lawyer and their client at the very start of the mediation as soon as the lawyer and client arrive at the mediation venue. Such a meeting builds rapport and allows the lawyer and mediator to answer questions the client has about the process or issues.

Mediator Kichaven states something we often forget but seems obvious:

The client, as always, has more reason to believe her own lawyer, who has a fiduciary duty to her, than to believe the mediator, who owes duties to all sides, and who may be perceived as simply interested in making a deal for the sake of making a deal. The apex conversation finally unfolds when the mediator leaves the room. The client and his or her lawyer must agree that, either they adjourn the mediation, or they take a new approach. They need to consider settlement options which they had not considered seriously before.

Your authors enjoy reading books and articles about mediation psychology, mediation techniques, etc. There is always something to be learned, and, by means of these articles, always something to be shared. And we thank Richard T. Jones for sharing.





# Criminal Law

By William Cervone



This month brings us the rare opportunity to go all legal while also praising the writing of a DCA judge, which must be done since I plan to steal from and quote an opinion so extensively and blatantly that otherwise plagiarism would come into play. Our topic is constructive and joint possession and our hero is 1st DCA Judge Scott Makar,

a double Gator I might add. The set-up, and I quote:

*The biblical injunction to flee from, and not keep company with, bad influences applies to college dormitories, where the close proximity of ne'er-do-well roommates and after-hours verboten jollities meld, raising the question: who possessed the marijuana and mason jar on the anteroom table in the downstairs 'common area' in a compact four-bedroom townhouse located in Edith McCollum Hall on the Florida State University campus at 4:10 am on October 23, 2016?*

Space being what it is I'll cut to the chase. FSU cops responded to a complaint of loud music and marijuana fumes, the indicated hour being well into the wee hours of a Sunday even though it was an off weekend on campus, football wise. The pungent odor of pot, noticeable from the hallway, was all the more so when the door was opened, exposing to view a common area "strewn with beer bottles, beer cans, marijuana 'shake' in a mason jar, cigarette wrapper casings (from which tobacco had been removed) and a bottle cut and shaped into a smoking apparatus. Five young men - four playing videogames and all appearing to be 'under the influence' of drugs or alcohol - were present in the common area, each disclaiming use or ownership of the contraband (one had a grinder in his pocket, which he claimed was not his). As citations for possession of marijuana were being written, an offer was made by the group that they play 'rock, paper, scissors' to see who could take the charge. Enough to make a mama proud.

In any event, the fifth, non-game playing participant in the revelry, a 17-year old known only as S.S., who throughout exhibited bloodshot eyes and delayed speech and movement, thought that it was unfair that he be tagged with any share of the

guilt. At the point of the untimely intervention by the cops he had been in the back of the room by some stairs leading to the second floor, and thus sought to disclaim any knowledge of the evening's festivities. As his attorney argued, he'd not been in actual possession of anything, was unaware (yeah, right) of the items, and exercised no dominion and control over them. Mere presence, in other words. Suffice it to say that the trial judge and the DCA panel by PCA thought otherwise. Fortunately, Judge Makar wrote a delightful concurrence from which we can glean much more.

First, to the extent that this is arguably a circumstantial evidence case, that standard of review applies only when *all* of the evidence is circumstantial. The open location of the pot, the intensity of its pervasive odor, and S.S.'s lack of sobriety provided direct evidence. So that claim was unavailing.

Next, a resident is presumed by law to have a degree of dominion and control over the property that a visitor or guest lacks. An important corollary to the general rules about possessory rights is that dominion and control is met by a resident as to common areas. In combination with being present, this amounts to constructive possession. In other words, "joint occupancy, with or without ownership of the premises, where contraband is discovered in plain view in the presence of the owner or occupant is sufficient to support a conviction for constructive possession." This per a 1983 Florida Supreme Court case quoted by Judge Makar. Old law, after all, is good law. In other words, there is no distinction between control over the place where contraband is found and control of the contraband itself. Evidence of actual control is not necessary. There is no requirement for independent evidence linking a joint occupant (said, I assume, with tongue firmly in cheek) to seized marijuana.

Could an otherwise blameless roommate end up in trouble this way? Absolutely, noted Judge Makar, who also noted that "either outcome would be permissible ... even if one more closely approximates the truth."

Although I seldom provide citations, in this case I will as Judge Makar's concurring opinion is much more detailed and, more importantly, a delight to read, and not just for a prosecutor, or so at least I believe. So see *S.S. v State*, 43 FLW D1127 (Fla. 1<sup>st</sup> DCA 2018).

# President's Message

*Continued from page 1*

improperly exaggerate any fact or opinion and will not improperly permit my silence or inaction to mislead anyone.

I will conduct myself to assure the just, speedy and inexpensive determination of every action and resolution of every controversy.

I will abstain from all rude, disruptive, disrespectful, and abusive behavior and will at all times act with dignity, decency, and courtesy.

I will respect the time and commitments of others.

I will be diligent and punctual in communicating with others and in fulfilling commitments.

I will exercise independent judgment and will not be governed by a client's ill will or deceit.

My word is my bond.

Our annual Professionalism Seminar, chaired by board member Ray Brady, will be held March 29<sup>th</sup>. Our speaker will be Roberta Kemp Flowers, Professor of Law at Stetson University College of Law and William Reece Smith Jr. Distinguished Professor in Professionalism. I know she will inspire us to put our professional obligations in context and not sacrifice our wellbeing, reputation or health to our obligations to our clients. This can be such a challenge and I stand in admiration of the local bar for the civility and kindness I have experienced in the practice of law here in the Eighth Judicial Circuit over the years. By acting with civility and integrity we make ourselves and those around us better.

To foster this same spirit in the next generation of lawyers, the EJCBA has been supporting and encouraging the new mentorship program designed and implemented with the thoughtful oversight and hard work of board member Magistrate Jodi Cason. Let us know if you want to participate by contacting the mentoring committee at [execdir@8jcba.org](mailto:execdir@8jcba.org)

Thanks everyone for your on-going support and participation in EJCBA events! I look forward to seeing you soon.

# Deadline Extended to Apply for Appointment to Judicial Nominating Commissions

*By Stephanie M. Marchman*



The Florida Bar has extended the deadline to receive applications for one lawyer vacancy on each of the 26 Judicial Nominating Commissions. The Florida Bar must nominate three lawyers for each Judicial Nominating Commission to the governor for his appointment, including

Judicial Nominating Commissions for the Eighth Circuit, First Appellate District and Florida Supreme Court. Note, there are presently *no Eighth Circuit lawyers* on the First Appellate District and Florida Supreme Court Judicial Nominating Commissions. Thus, I particularly encourage Eighth Circuit lawyers to apply for these Commissions.

Each appointee will serve a four-year term, commencing July 1, 2019. An applicant must be a member of The Florida Bar engaged in the practice of law and a resident of the territorial jurisdiction served by the commission to which the member is applying. Commissioners are not eligible for state judicial office for vacancies filled by the JNC on which they sit for two years following completion of their term.

Lawyers interested in applying for these vacancies [may click here to download the Judicial Nominating Commission application](#) from the Bar's website, [www.floridabar.org](http://www.floridabar.org), or call Bar headquarters at 850-561-5757 to obtain the application form. Completed applications must be received by the Executive Director, The Florida Bar, 651 E. Jefferson St., Tallahassee, FL 32399-2300 or submitted via email to [jncform@floridabar.org](mailto:jncform@floridabar.org), no later than 5:30 p.m. on **Monday, February 4, 2019**. Resumes will not be accepted in lieu of the required application.

The Board of Governors will review all applications and may request telephone or personal interviews. If you have questions, please contact Stephanie Marchman at [stephanie.marchman@gray-robinson.com](mailto:stephanie.marchman@gray-robinson.com). Thank you.

# FloridaLawSchoolChallenge.org

January 7 - May 10, 2019

Double your volunteer impact by mentoring a law student from your alma mater on a pro bono case.



THE FLORIDA BAR FOUNDATION



SCAN TO VIEW FAQs

## 2019 EJCBA Charity Golf Tournament

### “The Gloria: In Memoriam of Gloria Fletcher”

By Rob Birrenkott



Please consider joining our team to help youth in our circuit who are in the dependency system enjoy the normal experiences that many of us may take for granted. All of the proceeds from the tournament go to The Guardian Foundation, which provides resources to children in our community who have been abused, neglected, or abandoned. We have made it possible, whether you're a golfer or not, to support the tournament; you can: [PLAY](#), [SPONSOR](#), or [DONATE](#).

This year's tournament will take place on Friday, March 1, 2019, at the UF Mark Bostick Golf Course. Registration, lunch, and warm up will begin at 11:30 a.m. followed by a 12:30 p.m. tee time. The tournament format is a two-person or four-person scramble (player's choice). The registration fee is \$130 per golfer (early bird rate of \$115 if registered by February 16). Please contact Rob Birrenkott ([Rbirrenkott@law.ufl.edu](mailto:Rbirrenkott@law.ufl.edu)) to learn more about supporting the tournament.

## NOW ACCEPTING NOMINATIONS!

THE STANDING COMMITTEE ON PROFESSIONALISM IS NOW ACCEPTING NOMINATIONS FOR:

William M. Hoeveler Judicial Professionalism Award

Law Faculty/Administrator Professionalism Award

Group Professionalism Award

<https://www.floridabar.org/prof/pawards/>  
NOMINATIONS DUE FEBRUARY 12, 2019!



# Interpleader Actions

By Krista L. B. Collins



Interpleader actions are usually brought when a plaintiff is in possession of funds to which multiple parties are laying claim: an escrow agent with funds claimed by both the buyer and the seller when the deal has fallen apart, or insurance proceeds that are claimed by multiple parties, or funds in a bank account claimed by several heirs. But what if a person finds herself in possession of *property* that is claimed by multiple other parties? Tangible – or not so tangible – goods? Does interpleader still apply?

The short answer is yes, although it is not apparent on the face of the rule of procedure that governs interpleader. Rule 1.240, *Fla. R. Civ. P.* makes no mention of what may be interpleaded. Instead, Rule 1.240 simply states:

Persons having claims against the plaintiff may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to double or multiple liability. It is not ground for objection to the joinder that the claim of the several claimants or the titles on which their claims depend do not have a common origin or are not identical but are adverse to and independent of one another, or that the plaintiff avers that the plaintiff is not liable in whole or in part to any or all of the claimants. A defendant exposed to similar liability may obtain such interpleader by way of crossclaim or counterclaim. The provisions of this rule supplement and do not in any way limit the joinder of parties otherwise permitted.

As seen in the quoted language above, the only requirement of Rule 1.240 is that the plaintiff is or may be exposed to double or multiple liability. While the rule makes no mention of what exactly may be interpleaded, the Authors' Comment from 1967 provides guidance, stating that a plaintiff may file an interpleader action "when two or more persons claiming the same **thing or fund** of a third person, and the latter, laying no claim to it himself, is ignorant as to which of them has a right to it, and fears he may be prejudiced by their proceeding against him to recover it." Rule 1.240, *Fla. R. Civ. P.* [emphasis added]. Florida case law

has likewise noted that interpleader is "a procedural device a stakeholder may use to settle conflicting claims to the same **thing or fund.**" *Wassman v. Travelers Cas. & Sur. Co.*, 797 So.2d 626, 631 (Fla. 5th DCA 2001) [emphasis added].

But cases dealing with the interpleader of property rather than funds remain few and far between. One of the few interpleader cases dealing with personal property is *Red Beryl, Inc. v. Sarasota Vault Depository, Inc.*, 176 So.3d 375 (Fla. 2d DCA 2015), in which the vault company had possession of a lock box that contained approximately \$5 million worth of red beryl gems. Based upon a convoluted set of circumstances and paperwork, Sarasota Vault was not sure which of several parties was entitled to take possession of the gems. *Id.* at 379. Sarasota Vault filed an interpleader action, requesting that it be allowed to transfer the gems into the court registry and be released from all liability. *Id.* Despite objection from the defendants, the trial court agreed that Sarasota Vault was a stakeholder with possession of the gems for purposes of interpleader. *Id.* at 380. It further found that interpleader was proper but ordered that the gems remain with Sarasota Vault for safekeeping and refused to dismiss Sarasota Vault, as the defendants had counterclaims against Sarasota Vault. *Id.* In denying the defendants' petition for certiorari, the Second District Court of Appeal stated that "[p]utting aside whether Sarasota Vault bears any responsibility or fault for the circumstances leading to the dispute, it can take no course of action or inaction regarding the gems without facing liability to someone. Although this situation is unusual, it is precisely the kind of situation that interpleader was intended to address." *Id.* at 384.

In *Schneider v. Cate*, 405 F.Supp.2d 1254, 1267 (D. Colo. 2005), the Court surveyed cases from across the country in which property, other than money, had been the subject of an interpleader action.<sup>1</sup> In New York, paintings were deposited with the Court in an interpleader action. *Id.* (citing to *John v. Sotheby's Inc.*, 141 F.R.D. 29, 33 (S.D.N.Y. 1992)). In Kansas, the court held that disputed rights to process natural gas were a valid interpleader fund, but required a

<sup>1</sup> The Florida interpleader rule is very similar to Rule 22(a), *Fed. R. Civ. P.*, the federal rule that governs interpleader. Cases interpreting the federal rule are persuasive in cases arising under Rule 1.240. *Rainess v. Estate of Machida*, 81 So.3d 504, 511 n. 4 (Fla. 3d DCA 2012); also see *Newkirk Constr. Corp. v. Gulf County*, 366 So.2d 813 (Fla. 1st DCA 1979).

Continued on page 9

# New Year, New Minimum Wage

By Laura Gross



Florida's minimum wage for 2019 has increased 21 cents to \$8.46 per hour. The state's annual calculation is based on inflation—the percentage increase in the federal Consumer Price Index for Urban Wage Earners and Clerical Workers in the South Region for the 12-month period prior to September 1, 2018.

Meanwhile, the federal minimum wage remains stagnant since 2009 at \$7.25 per hour. Ironically, while the federal wage is lower, federal law provides that where an employee is subject to both the federal and state minimum wage laws, the employee is entitled to the higher of the two wages.

Given the increased minimum wage and in compliance with the Fair Labor Standards Act (FLSA) and/or state law, employers are required to take the following steps:

Post the Florida minimum wage notice in a conspicuous area at work accessible to affected employees. This notice is in addition to the federal requirement to post a notice of the federal minimum wage. The state poster is available for downloading at the Florida Department of Economic Opportunity's website at [www.floridajobs.org](http://www.floridajobs.org), and the federal poster can be downloaded from the U.S. Department of Labor's website at: [www.dol.gov/whd/regs/compliance/posters/flsa.htm](http://www.dol.gov/whd/regs/compliance/posters/flsa.htm).

Pay nonexempt employees at least \$8.46 per hour for the first 40 hours of work each week and at least \$12.69 per hour for overtime work.

Pay tipped employees \$5.44 per hour (with a \$3.02 tip credit).

Provide tipped employees with notice, preferably in writing, (a) of the amount of cash wages being paid by the employer; (b) of the amount claimed by the employer as a tip credit; (c) that the tip credit cannot exceed the tips received; (d) that the employee retains all tips except where a valid tip pool exists; and (e) that the tip credit will not apply to any employee unless the employee has been so informed.

While the increase is only 21 cents per hour, compliance is critical. As I have previously mentioned, wage claims are popular with and profitable for plaintiffs' attorneys whose fees in such cases often

## Professionalism Seminar

### Inexpensive & Enlightening CLE Credits

By Ray Brady

Mark your calendars now for the annual Professionalism Seminar. This year the seminar will be held on Friday, March 29, 2019 from 9:00 a.m. (registration begins at 8:30 a.m.) until Noon at the Trinity United Methodist Church on NW 53rd Avenue. Our speaker will be Roberta Kemp Flowers, Professor of Law at Stetson University College of Law and William Reece Smith Jr. Distinguished Professor in Professionalism. Professor Flowers will speak on "The Public's Perception of Our Profession: Whose Fault Is It?"

We expect to be approved, once again, for 3.5 General CLE hours, which includes 2.0 ethics hours and 1.5 professionalism hours.

Register online now at: <https://www.8jcb.org/event-3133582/Registration>. Questions may be directed to the EJCBA Professionalism Committee chairman, Ray Brady, Esq., at 373-4141.

## Thank you to the EJCBA!

Thank you so much for your unbridled generosity towards the annual Margaret Stack Holiday Project! Through your generosity, you provided over \$4200 worth of books to the 35 Alachua County HeadStart classrooms and a record 342 toys to the HeadStart students! Thank you for choosing to bless others this past holiday season!





## Federal Bar Association, North Central Florida Chapter's Ocala "Chambers Luncheon" Series

Senior District Judge James Moody, Jr.\*

Wednesday, March 6, 2019, starting at noon

United States District Court, Middle District  
of Florida, Ocala Division

Golden-Collum Memorial Federal Building  
and U.S. Courthouse

207 N.W. Second Street, Ocala, Florida  
34475

\$15.00 for members, North Central Florida  
Chapter, Federal Bar Association

\$25.00 for non-members (lunch will be pro-  
vided)

Moderated by Stephanie M. Marchman,  
Esq. of GrayRobinson, P.A.

\*Senior District Judge James Moody, Jr. of  
Tampa

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2<sup>nd</sup> Avenue, Gainesville, Florida

## Interpleader Actions

Continued from page 7

bond be deposited with the court. *Id.* (citing to *Oxy USA Inc. v. Panhandle Eastern Pipe Line Co.*, 771 F.Supp. 337, 339 (D. Kan. 1991)). In a case arising in Kentucky, the Sixth Circuit affirmed the District Court's judgment in an interpleader action in which the District Court had ordered that assignments of oil and gas leases be placed in the registry. *Id.* (citing to *Guy v. Citizens Fidelity Bank & Trust Co.*, 429 F.2d 828, 829 (6<sup>th</sup> Cir. 1970)). In *Corrigan Dispatch Co. v. Casa Guzman, P.A.*, 696 F.2d 359, 361 (5<sup>th</sup> Cir. 1983), the court held it was proper for a warehouseman to file an interpleader action because it had four conflicting claims to the 1,000 sacks of coffee in its warehouse. And in *Network Sols., Inc. v. Clue Computing, Inc.*, 946 F.Supp. 858, 860 (D. Colo. 1996), which was also cited in *Schneider*, although the Court dismissed the interpleader claim, it stated that "under some circumstances a determination of rights to intangibles, such as [internet] domain names, could be decided in an interpleader action."

As such, interpleader applies to a wide variety of circumstances when a party finds themselves in possession of funds or property in which the party has no interest, but multiple other parties do claim an interest.

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## Save The Following Dates for Upcoming 8<sup>Th</sup> Judicial Circuit Investitures

Eighth Judicial Circuit Court Judge Denise Ferrero  
February 1, 2019 at 3:00 p.m. (reception following)  
Alachua County Criminal Justice Center

Alachua County Court Judge Meshon Rawls  
February 22, 2019 at 3:00 p.m. (reception following)  
Alachua County Criminal Justice Center

Eighth Judicial Circuit Court Judge Gloria Walker  
March 22, 2019 at 3:00 p.m. (reception following)  
Alachua County Criminal Justice Center

Union County Court Judge Mitchell Bishop  
March 29, 2019 at 3:00 p.m. (reception following)  
Union County Courthouse

# Howard Rosenblatt Receives the 2019 Florida Bar President's Pro Bono Service Award

By Marcia Green



Congratulations to Howard M. Rosenblatt who receives the 2019 Florida Bar President's Pro Bono Service Award for the Eighth Judicial Circuit at a ceremony February 7<sup>th</sup> at the Florida Supreme Court. Rosenblatt is recognized for his steadfast advocacy for the needs of the poor, less advantaged and disenfranchised.

Mr. Rosenblatt has been a pro bono volunteer with Three Rivers Legal Services for more than 20 years and has readily supported the needs of our clients and the program. Although many of the cases he accepts are relatively simple wills and advance directives, he has been willing to step into other cases if needed.

Rosenblatt represented a mother in the guardian advocacy of her adult disabled child and continued his services when there was an investigation of child abuse. His advocacy on behalf of the mother and her son showed that the allegations were misdirected and the family was able to move forward. Rosenblatt also represented the executor of the estate of her aunt who had passed away leaving 52 relatives and heirs in Alaska, Montana, Texas, New York, Alabama, Georgia and Florida. The two-year search for relatives led to small inheritances for family members but, more importantly, their discoveries of each other and the legacy of their aunt. Most recently, Rosenblatt entered into representation of a disabled veteran to protect his home and land from a lawsuit filed by other family members.

Rosenblatt is often approached by those who have no ability to secure legal representation. He agrees to assist them if they first apply through Three Rivers Legal Services and are found eligible for pro bono referral. His willingness to accept referrals and positively impact the lives of our clients is gratefully appreciated.

When approached about the Florida Bar Foundation's Celebrate Pro Bono activities at the Florida Bar Meeting, Rosenblatt said "I understand that we, as attorneys, have the keys to the courthouse." He noted that "the average consumer is not aware of the benefits they can derive or the costs they may have to pay without the advice of counsel.

By having a pro bono option and having a means by which people can qualify, it allows us to provide service to those who are underserved."

Rosenblatt has provided more than 275 hours of pro bono work in just the past five years. He also accepts referrals from the Ocala office of Community Legal Services of Mid-Florida.



A 1981 graduate of UF Levin College of Law, Rosenblatt is a member of the American Bar Association, the Florida Bar, the Eighth Judicial Circuit Bar Association, the Florida Association of Women Lawyers, The Jewish Ministers and Cantors Association, the Million Dollar Round Table, the Florida Lawyers Legal Insurance Corporation, and Phi Alpha Delta Law Fraternity International. He has received numerous awards and recognitions and is a Chartered Life Underwriter and a Chartered Financial Consultant. He has worked as an insurance and financial advisor as well as expert witness on life and disability insurance issues. He is Of Counsel to the Gainesville office of Bogin Munns & Munns, PA.



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## February 2019 Calendar

- 1 Investiture of Circuit Court Judge Denise Ferrero, Alachua County Criminal Justice Center, 3:00 p.m.
- 5 Deadline for submission to March Forum 8
- 6 EJCBA Board of Directors Meeting, Three Rivers Legal Services, 1000 NE 16th Avenue, 5:30 p.m.
- 13 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 14 Valentine's Day – show the love!
- 15 EJCBA Luncheon, Judge Denise Ferrero & Stuart Wegener, CJMHSAG Grant Presentation, The Wooly, 11:45 a.m.
- 18 President's Day Holiday – Federal Courthouse closed
- 19 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
- 22 Investiture of Alachua County Court Judge Meshon Rawls, Alachua County Criminal Justice Center, 3:00 p.m.

## March 2019 Calendar

- 1 EJCBA Annual Charity Golf Tournament – “The Gloria,” benefiting the Guardian ad Litem Program, UF Mark Bostick Golf Course, 11:30-5
- 5 Deadline for submission to April Forum 8
- 6 EJCBA Board of Directors Meeting, Three Rivers Legal Services, 1000 NE 16th Avenue, 5:30 p.m.
- 13 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 15 EJCBA Luncheon, John Jopling & Renata Castro, Immigration Law, The Wooly, 11:45 a.m.
- 19 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
- 22 Investiture of Circuit Court Judge Gloria Walker, Alachua County Criminal Justice Center, 3:00 p.m.
- 29 Annual EJCBA Professionalism Seminar w/Keynote Speaker Professor Roberta Kemp Flowers, “The Public's Perception of Our Profession: Whose Fault Is It?” Trinity United Methodist Church, NW 53rd Avenue, 9-noon.
- 29 Investiture of County Court Judge Mitchell Bishop, Union County Courthouse, 3:00 p.m.

Have an event coming up? Does your section or association hold monthly meetings? If so, please fax or email your meeting schedule to let us know the particulars, so we can include it in the monthly calendar. Please let us know (quickly) the name of your group, the date and day (i.e. last Wednesday of the month), time and location of the meeting. Email to Dawn Vallejos-Nichols at [dvallejos-nichols@avera.com](mailto:dvallejos-nichols@avera.com).