FORUM 8

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President's Message

By Cherie Fine

Happy New Year! It's 2020 - which doesn't even seem real - and if you're like me, "Auld Lang Syne" was playing merrily in the background as a cup of cheer was raised and confetti fluttered on New Year's Eve. The title and main chorus of the song roughly translates to "for old times' sake." On that note I've spent some time reminiscing about the year that's gone by. I've reviewed what EJCBA tackled in 2019, but more importantly I'm looking ahead to where we want to go, how to get there, and how to improve along the way. I have a few "resolutions" I want to share…resolutions we actually intend to keep! These goals will work to further advance the mission of our local bar association "to advance the professional and personal lives of our members through outstanding services, unmatched collaborative opportunities, and professional development."

Membership Value

What is the value of our membership? You can think of this in terms of the value of your contributions to others as well as the value of this organization to you. Is the value of our membership the quality, meaningful programs we put on? Is it the engaging speakers we feature? Is it networking with the membership in every experience level, practice area, and background? Is it the monthly newsletter full of events, newsworthy items, and substantive legal content? Is it mandatory Continuing Legal Education credits? Is it the legal mentorship we fund and support in order to reach out a hand to bring along the next generation of new lawyers? Is it volunteer hours for the Annual Holiday Project, Law in the Library or Ask a Lawyer?

As is apparent from these rhetorical questions, there are many ways in which we can advance our goal of increasing the value of membership. Exploring new ways to increase the value of membership while strengthening existing programs will help us MAXIMIZE the value of membership to our organization, ENCOURAGE members to help others, and SUPPORT our members in their professional development. Does this further our mission? I vote yes.

Appreciations

I want to take a moment to thank the Board members and officers for their dedicated service to EJCBA: Dawn M. Vallejos-Nichols, Ray Brady, Norm D. Fugate, Dean Galigani, Eric Neiberger, George Nelson, Alexis Giannasoli, Abby H. Ivey, Lauren Richardson, Stephanie Hines, Magistrate Katie Floyd, Allison Derek Folds, Magistrate Jodi Cason, Benjamin Steinberg, Mac McCarty, Robert Folsom, Jan Bendik and Frank Maloney. And our officers Dominique Lochridge-Gonzales – Secretary, Sharon Sperling – Treasurer, Phil Kabler - President-Elect and Evan Gardiner - President-Elect Designate. Please join me in sending an especially huge thanks to Executive Director Judy Padgett for her indefatigable management of every aspect of EJCBA, and for going above and beyond time and time again!

A Call for Volunteers

Now to your role in this partnership. I want to hear from you about what you love about EJCBA and what other projects we should consider. Also, I want you to let me know how you can help.

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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.

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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

"HI-YO SILVER"

Although few of us can remember the 1950s, we have heard that in the '50s ABC television ran a popular western series entitled "The Lone Ranger." Clayton Moore was the star of the series. You are probably more familiar with the recent movie with Johnny Depp in the role of the Lone Ranger's companion Tonto. The Lone Ranger taught us that cowboys had class as the title theme was the **1812 Overture**. The Lone Ranger also used silver bullets in his gun and his well-trained horse was named Silver. But as you might suspect, it is the silver bullet reference that is our hook-word.

When a case is in danger of not resolving at mediation, a mediator may sometimes use what is termed either a 'mediator's suggestion,' a 'would you-could you,' or, a 'silver bullet.' All three terms refer to the same process. We are going to refer to this process as a silver bullet in order to make our introductory paragraph relevant.

What is a silver bullet? It is a suggestion by the mediator to both sides in a mediation. The suggestion, usually a dollar amount suggestion (and to lessen confusion we shall use examples of a dollar amount suggestion) is made by the mediator as a possible resolution amount to both sides.

For example: After a 6 hour personal injury mediation, the plaintiff is stuck at a demand of $210,000. The defense seems stuck at an offer of $135,000. The mediator may use a silver bullet suggestion to both sides in which both sides are asked if they would agree to a settlement for a specific amount (say, $170,000). Both sides are asked to tell the mediator either 'yes' or 'no' to that suggestion. Two 'yes' answers results in a settlement. Two 'no' answers OR a single 'no' answer results in no settlement. The key to a silver bullet is that if one party says 'yes' and the other party says 'no,' the side that rejected the suggestion is NOT told of the 'yes' response.

A silver bullet need not take place at the end of mediation. Sometimes it takes place after a mediation has been adjourned and the mediator engages in continued efforts at resolution with the parties.

What are some of the considerations for the mediator when contemplating a silver bullet?

First, the mediator should ask each party if they are willing to allow the mediator to engage in the silver bullet process. We personally believe a silver bullet should not be used unless both sides are willing to accept the concept. Second, the mediator should explain that the number is coming from the mediator, not from one party or the other. Third, the mediator should explain that the suggested number does not represent the mediator's opinion of the value of the case; rather, it is a suggestion for consideration as to a settlement number in lieu of the alternative time, cost, and risk of a trial. The suggestion number is the mediator's estimate of what the two sides might accept rather than the mediator's evaluation of the merits or value of the case. Sometimes, psychologically, the fact that the suggestion comes from a neutral messenger has appeal to mediation participants. After all, the mediator's duty is to assist parties in working out a settlement, not to pronounce a non-binding arbitration finding of merit/value.

All participants at a mediation should be aware that each side has an evaluation bias which means each side downplays negative aspects of their case and over-values positive aspects. A silver bullet may allow each side to try and work past that always present cognitive bias.

Some mediation participants do not like the concept of a silver bullet, as they feel the mediator has intruded on the decision-making right of the parties. In fact, some mediators hold that opinion. That feeling is understood, and that is why a silver bullet suggestion should not be used unless both parties ask the mediator to provide such a suggestion, or agree to the mediator's inquiry about the use of a silver bullet.

Should a silver bullet be used every time a mediation appears to be heading to non-resolution? No. It should be used, we respectfully suggest, sparingly. If the parties are very far apart, then usually their respective evaluations cannot be bridged by a silver bullet technique. For instance, perhaps the defense strongly believes the jury will return a defense verdict.

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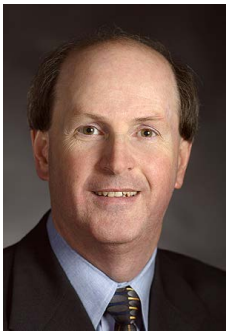
Criminal Law

By William Cervone



Happy New Year! So does anyone but me remember how Y2K was going to exterminate humanity? Yet here we are in 2020. How amazing.

It has been a long time, too long indeed, since I had occasion to write about the plight of various animals who become embroiled in the criminal justice system. Not since back in September of 2010 when we last re-visited Meg the Goat and her having been sexually abused by a man in the Panhandle has there been good reason to do so. I know that faithful reader Charles Carter, whose deep interest in and affection for PETA-related topics and other matters like possum drops in the North Carolina mountains is renowned, will be glad that the time has come for me to rectify my inattention.

But I digress, so on to one Jose Reyes of Miami, which location may or may not be relevant. Jose was found by Hialeah police sitting behind the wheel of a truck as someone else named Robel Morales loaded three dead sheep into the vehicle. One thing led to another and Jose ultimately found himself convicted of Aggravated Animal Cruelty, a conviction that he would much prefer have been reduced to a simple misdemeanor Animal Cruelty charge. The difference between the two crimes, for those non-experts in the field, is that acts resulting in "the cruel death or excessive or repeated infliction of unnecessary pain or suffering" upon an animal aggravates the crime to a felony. Mere "cruel or inhumane" killing or otherwise tormenting of an animal is but a misdemeanor.

In any event and as for the facts, the three sheep, who were sadly un-named, were abducted from their owner's barn. That's the 3DCA's word, not mine. I'd have gone with stolen and left abduction for, well, people and kids who would actually realize and perhaps protest their unwanted removal from a place. But in any event, responding officers found one or two 3" stab wounds to the bellies of the sheep, which were still warm to the touch, and that there was a knife with fresh blood on it (also known as a murder weapon) in the truck. The sheep also had other, I assume, non-fatal wounds in the nature of punctures and slices. There was, finally, evidence of bloody drag marks leading to the truck. The owner (or human companion if you prefer) of the sheep said that she'd left them in their stalls and that when she was allowed to closely look at them after their sheep-icide they were so "crumpled up" that she had to "straighten out their feet," whatever that means, and otherwise "broken up." I am not making light of this, only noting that I'm not sure what all of this means or is based on. *Daubert* may be implicated.

All of this, the 3DCA ruled, sufficiently established cruel deaths *and* unnecessary pain and suffering. Moreover, the DCA said that no expert testimony is necessary to establish those things when they are "a matter of common sense."

So Jose, whose reason for being involved in this went unexplained in the DCA opinion, and who is in his 60s, will serve the three year probation that the trial court imposed. His DOC website photo makes him look distinctly unhappy about all of this.

I, personally, am left to wonder about how the DCA summarily came to the conclusions it did, logical as they are, all of which are in an opinion that in print barely fills one column of one page in FLW. In contrast, the incalculable number of opinions and pages that you can find parsing in words and syllables the nuance of depravities committed on people in not just capital murder cases but others in which similar things have been done to those people as these sheep suffered does make me wonder about things like priorities. Are the terms at issue really any different from what we talk about in a variety of contexts ranging from capital aggravators to simple batteries? Do people get the same common sense deference that sheep do? But that's for another day.

President's Message

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In closing, I have a couple thoughts to share about the future. Our Circuit is respected statewide for our professionalism, and this comes in part from the mentorship we have received from the lawyers who came before us. This year's Professionalism Seminar will feature a number of stellar legal minds who will consider the careers they have had and pass on some thoughts and advice about what legal professionalism is and why it benefits the profession and makes our lives personally better. I encourage all of you to join us as we reflect and consider how we make the practice of law the best it can be right here in our circuit. Also, the new year holds great opportunities to Gather, Grow and Give with the Charity Golf Tournament "The Gloria" that benefits The Guardian Foundation, the Spring Fling and the annual Leadership Diversity and Inclusion Roundtable all set to be fabulous events! I look forward to seeing you all and thank you for the chance to continue serving as your President.

Florida Senate Bill to Protect Medical Marijuana Patient's Employment Rights

By Laura A. Gross

Many states and local jurisdictions have adopted laws which prohibit discrimination in employment decisions based on an employee's use of medical marijuana. Currently, 16 states prohibit employers from discriminating against workers based on their status as a medical marijuana patient: Arizona, Arkansas, Connecticut, Delaware, Illinois, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, New York, Oklahoma, Pennsylvania, Rhode Island, and West Virginia. Florida is not one of them. Under Section 381.986(15), Florida Statutes, employers are not required to accommodate the use of medical marijuana. This, however, may change in 2020.

On November 18, 2019, Senate Bill 962 was introduced which would enact the "Medical Marijuana Public Employee Protection Act" under Section 112.219 and the "Medical Marijuana Employee Protection Act" under Section 448.111, prohibiting an employer from taking adverse action against an applicant or employee who is a qualified patient using medical marijuana. An employer would also be required to allow positive drug test results for medical marijuana and make reasonable accommodations for the medical needs of an employee with a valid registry identification card.

The law would not apply to positions with "safety-sensitive job duties" including "tasks or duties of a job which the employer reasonably believes could affect the safety and health of the employee performing the tasks of duties or other persons." Thus, employees who handle hazardous materials, operate or repair motor vehicles or machinery, engage in firefighter or police officer duties, operate or oversee critical services like utilities, dispense pharmaceuticals, carry a firearm, or provide direct care of a patient or child would be automatically excluded. Similarly, accommodations would not be required where accommodations would pose a threat of harm or danger to persons or property, impose an undue hardship on the employer, or prohibit an employee from fulfilling their responsibilities. Law enforcement agencies with policies prohibiting employee use of medical marijuana and employers who are required to follow federal drug-testing mandates would be exempt.

An aggrieved employee could file a civil action for reinstatement, injunctive relief, compensatory damages, and attorney's fees.

Earlier in November 2019, a similar bill was introduced in the Florida House of Representatives. Florida employers should be on the lookout for the House and Senate's consideration of the respective bills in 2020.

ADR

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We believe that along with suggesting a number for resolution, the mediator should state any conditions that apply, such as a dismissal with prejudice, execution of a release, confidentiality, satisfaction of liens, each side bears its own costs and fees, etc. Those conditions can be explored prior to suggesting the 'silver bullet.'

Although not often used, a variation on a single number silver bullet is the tool in which a bracket suggestion is made by the mediator. Example: The plaintiff is not moving off a demand of $975,000. The defendant is stuck at an offer of $225,000 and both sides are frustrated, as is the mediator. Perhaps a variation on the silver bullet may be considered along the following lines: If the plaintiff would agree to be at $810,000 would the defendant agree to be at $395,000? Acceptance does not result in a settlement, but, may remove a terminal roadblock to the negotiation process and allow the process to continue. Be sure and advise both sides that if the "bracket" is mutually accepted, it is 'x' side's next move. Details, details.

The mediator should always explain the process as one sometimes known as a 'silver bullet,' sometimes known as a 'mediator's suggestion,' and sometimes known as a 'would you-could you.' Why? Because different parts of the state of Florida use different terms for the same process and of course practitioners in different parts of the country do also. Refer to all three terms before settling on any particular term so there is no confusion.

How does a mediator arrive at the number or bracket used in a silver bullet? Ah, that is an interesting question with a long and complicated answer, best suited for a future article. We have been writing this article and humming the **1812 Overture** for about an hour. Time to go to the Dish Network and watch an old episode of The Lone Ranger. Hi-Yo Silver Away.

Happy New Year and Thank You from Three Rivers Legal Services!

By Marcia Green

It's hard to believe another year has passed and it's 2020 already!

Three Rivers is grateful for the support and dedication of this community to serving the needs of those less fortunate. We have continued to grow with grants that allow us to address specific areas of need. Our Low Income Taxpayer Grant from the IRS, for example, has allowed us to hire a paralegal to work with our tax attorney, Lakesha Thomas. Grants from FCADV and the Florida Attorney General's office allow us to have more family law specialists who focus on the legal needs of victims of domestic violence. Services to those experiencing homelessness, including many veterans, are provided by attorneys and social worker/paralegals through grants from United Way, Meridian and Volunteers of America.

These are just examples, however; even with the abundance of funding, we are still only scraping the surface of need.

We so greatly enjoy recognizing and thanking the attorneys in our community who have provided services, made donations and otherwise supported Three Rivers Legal Services in the past year. This added support helps us address the legal issues facing our low-income residents and we could not do it without the dedication and compassion shown by our legal community. Because of these attorneys, our accomplishments are greater. It is a pleasure to share this list of very special lawyers with you.

Attorneys on this list recognize that there are residents in our circuit who need help in navigating the legal system, who face poverty, domestic violence, homelessness, and age and disability related impairments. Thank you for caring and helping to make so much possible.

My sincerest apologies to any names omitted in error or enrolled or donated after publication deadline.

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Proving Lost Profits

By Kirsta L.B. Collins

As every attorney who has practiced business litigation knows, the purpose of damages in a breach of contract action is to place the injured party in the position it would have been in if the other party had not breached. *Katz Deli of Aventura, Inc. v. Waterways Plaza, LLC,* 183 So.3d 374, 379 (Fla. 3d DCA 2013). There are several methods by which damages to a business can be calculated, including expectation damages such as lost profits. *Id.* at 380.

The general rule under Florida law is that "anticipated profits of a commercial business are too speculative and dependent upon changing circumstances to warrant a judgment for their loss. But the rule is not an inflexible one, and if profits can be established with reasonable certainty, they are allowed." *Devon Med., Inc. v. Ryvmed Med., Inc.*, 60 So.3d 1125, 1128 (Fla. 4th DCA 2011) (quoting *Levitt–ANSCA Towne Park P'ship v. Smith & Co., Inc.,* 873 So.2d 392, 396 (Fla. 4th DCA 2004)). But what does "reasonable certainty" mean? "Florida law is clear that an award of lost profits 'must be supported by evidence and cannot be based on mere speculation or conjecture.'" *Pier 1 Cruise Experts v. Revelex Corp.*, 929 F.3d 1334, 1342 (11th Cir. 2019) (quoting *Sampley Enters., Inc. v. Laurilla*, 404 So.2d 841, 842 (Fla. 5th DCA 1981)).

Lost profits are generally proven by one of two methods: the before and after method; or the yardstick method (comparison with a similar business). *Devon Med.* at 1128. The before and after method involves comparing the earnings record of the business before the incident at issue to the earnings afterward. *See Katz Deli, supra.* The yardstick method is used when a business has not been established long enough to utilize the before and after method, and compares the profits of a closely comparable business to the plaintiff's profits. *River Bridge Corp. v. American Somax Ventures ex rel American Home Development Corp.*, 18 So.3d 648, 650 (Fla. 4th DCA 2009).

Whichever method is used, the plaintiff must present specific facts. In *Devon Med.*, the Fourth District Court of Appeal made clear that the term "closely comparable" means very closely comparable indeed. The Court reversed an award of lost profits where the plaintiff attempted to establish lost profits through the yardstick method, but failed to establish that the company it sought to use as a yardstick was in the same "start-up" position as the plaintiff, did not introduce any evidence of costs and expenses of a similar company, and did not testify that a similar company made a profit. *Id.* at 1129.

The lack of specific facts was the downfall of the plaintiff in *Pier 1*, *supra*, as well. The plaintiff's financial manager testified about alleged lost profits suffered by Pier 1, claiming that Pier 1's sales would have doubled, its expenses increased by 10%, and that Pier 1 brought in revenue of $1,000 per cruise. *Pier 1* at 1342. The Eleventh Circuit stated that "Pier 1's lost-profit calculation was too speculative to proceed, and that, without it, the evidence regarding lost profits was legally insufficient. The district court correctly concluded that [the financial manager] seemed to have 'decided to pick a number out of thin air' to conclude that Pier 1 could have sold 'double []' the number of cruises that sold through conventional means." *Id.* Similarly, in *N. Dade Cmty. Dev. Corp. v. Dinner's Place, Inc.*, 827 So. 2d 352, 353 (Fla. 3d DCA 2002), the Third District Court of Appeal held that the plaintiff's one page of projected earnings "was little more than an unsupported wish list of what the lessee hoped would occur in the coming years" that "fell woefully short of the reasonable yardstick required" to establish lost profits.

While lost profits are an available method of computing damages for breach of contract, those damages must be established with "reasonable certainty" – in other words, a plaintiff seeking lost profits must rely on more than their own word.

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[1]Of course, a plaintiff seeking to recover lost profits must also prove that the defendant's action(s) caused the damage. *Pier 1 Cruise Experts v. Revelex Corp.*, 929 F.3d 1334, 1342 (11th Cir. 2019).

Florida Bar Committee Preference Forms Due January 15

Florida Bar Committee Preference forms are due January 15, 2020. Members of the Eighth Judicial Circuit Bar Association who are interested in serving on a standing committee of the Florida Bar may complete the form online at https://www.floridabar.org/about/cmtes/pref-form/. If you have any questions about a committee or the appointment process, please do not hesitate to contact Stephanie Marchman at Stephanie.Marchman@gray-robinson.com for additional information.

Misconceptions Regarding the Law of "Justification"

By Steven M. Harris

The affirmative defense of justification (usually referred to as "self-defense") has been described as a "somewhat complex" area of law. *State v. Floyd*, 186 So.3d 1013, 1022 (Fla. 2016). "Somewhat" means "a little" or "to a limited extent." Nonetheless, patent misunderstanding of various aspects of the law by LEOs, lawyers, and judges abounds. Hence, errors in investigation procedure, trial conduct and strategy, and jury instruction are, sadly, common in cases where self-defense has been asserted.

Here are recent examples:

- Defense counsel did not seek a self-defense instruction, but instead, chose a strategy to only argue self-defense in closing, believing the client's defense was "bad" and the instruction would be "awful." The Fifth DCA's response: "Counsel's hope that the jury would use some undefined, uninstructed law to determine that Washer acted in self-defense rendered Washer's trial testimony, as well as counsel's self-defense closing argument, useless to the jury. Thus, we conclude that Washer was prejudiced by counsel's deficiencies." ***Washer v. State*** (November 15, 2019).

- A prosecutor elicited, and the trial judge erroneously allowed, testimony from an investigating detective, that there was no evidence the defendant acted in defense of self or of others. The Fourth DCA's response: "In summary, we find that the admission of the detective's testimony about appellant's theory of self-defense invaded the exclusive province of the jury and was harmful error." ***State v. Hunt*** (November 20, 2019).

- In ***State v. Chavers***, 230 So.3d 35 (Fla. 4th DCA 2017), the panel opinion incorrectly states that in order for a defendant to be immune from prosecution, the trial court's findings must include that the defendant "was not engaged in a criminal activity and was in a place he had a right to be." See also ***State v. Kirkland*** (5th DCA July 24, 2019). The statutes, however, are clear; the benefit of having no duty to retreat is lost, not the availability of immunity, if either such disqualifying predicate applies. F.S. § 776.012(2); § 776.031(2).

- In ***State v. Bolduc*** (September 4, 2019), the Second DCA incorrectly stated in dicta that F.S. § 776.012(2) restricts the "availability of the defense of justifiable use of deadly force to when the defendant is not engaged in a criminal activity and is in a place where he or she ha[d] a right to be." The statute which makes the defense of justification unavailable is the *forcible felony* rule – F.S. § 776.041(1). A misreading of the law similar to ***Chavers*** and ***Kirkland***, above.

- The Fifth DCA recently determined that not requesting the non-deadly force instruction (SJI 3.6(g)) for firearm display and mere gun pointing was ineffective assistance. ***Copeland v. State*** (August 23, 2019). It is beyond question from decades of case law that only the *actual discharge* of a firearm is deadly force as a matter of law.

- In ***Johnson v. State*** (Fla. 4th DCA April 17, 2019), a police officer misrepresented the law of self-defense and induced a confession, causing the defendant to have an "unrealistic hope and delusions as to his true position." The confession (admitting to self-defense) was found to be involuntary, and thus inadmissible. The convictions were reversed.

Mistaken interpretation and description are most apparent in reference to the so-called Stand Your Ground ("SYG"). There is no SYG defense to be distinguished from "usual" or "normal" self-defense. The pretrial *immunity* hearing (F.S. § 776.032(4)) is not a SYG hearing. SYG only refers to not having a duty to retreat before using force. I shall address SYG further, the predicates for self-defense justification, immunity, evidentiary presumptions in "home" defense, and a freestanding homicide justification provision (F.S. § 782.02) in later articles.

The Florida Bar Foundation Kicks Off 2020 Florida Pro Bono Law School Challenge

The 2020 Florida Pro Bono Law School Challenge will kick off on Feb. 3, 2020. The statewide competition, now in its second year, connects Florida law students with lawyers to partner on pro bono cases from local legal aid organizations. Students and lawyers can visit www.FloridaLawSchoolChallenge.org through April 3, 2020, to pick a case. All 12 of Florida's law schools will compete to see which can take the most cases.

"Law students were thrilled to be given an opportunity to learn from lawyers and gain practical experience with clients through the first challenge," Claud Nelson, the Foundation's pro bono program director, said. "And, we heard from many lawyers that they had meaningful experiences mentoring a student and giving back to their community."

A core part of the Foundation's mission is to promote public service among lawyers by making it an integral part of the law school experience. The Foundation launched the pilot version of the competition in January 2019.

More than 300 students and lawyers were matched on cases. Florida Coastal School of Law won the top honor for matching the most students with its own alumni. Florida A&M University College of Law and The Barry University Dwayne O. Andreas School of Law were runners up.

"After such a phenomenal response to our pilot, the Foundation knew we needed to continue this successful program," Florida Bar Foundation President Hala A. Sandridge said. "It's another unique Foundation project that has gained national attention for creative and efficient strategies that increase access to justice."

Nelson and Eli Mattern, CEO of SavvySuit, the legal tech firm that built the challenge's online platform, will present on the challenge at Legal Services Corporation's 2020 Innovations in Technology conference in January.

Professionalism Seminar - Register Now

By Ray Brady

Inexpensive & Enlightening CLE

Register now for the annual Professionalism Seminar. This year the seminar will be held on Friday, February 14, 2020, 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 keynote address will be a panel discussion with Chief Judge James P. Nilon, Senior Circuit Judge Stan Morris, Retired Circuit Judge Toby Monaco, and State Attorney William Cervone, speaking on "Reflections on Professionalism Over the Course of Our Careers," moderated by Richard Jones, Esq.

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

Register online at https://8jcba.org/event-3626898. Questions may be directed to the EJCBA Professionalism Committee chairman, Ray Brady, Esq., at 373-4141.

Interested in Housing or Consumer Legal Issues?

Three Rivers Legal Services is looking for private attorneys interested in accepting referrals for potentially fee generating cases (or co-counseling opportunities) involving clients with housing and consumer issues. Specifically, we want to know if you are eager or interested in cases involving claims pursuant to the following laws:

Real Estate Settlement Procedures Act
Truth in Lending Act
Electronic Funds Transfer Act
Equal Credit Opportunity Act
Fair Credit Reporting Act
Fair Debt Collection Practices Act
Florida Consumer Collection Practices Act
Motor Vehicle Installment Sales Contracts Act or Florida equivalent
Florida Deceptive and Unfair Trade Practices - *primarily related to automobile purchase & financing or landlord/tenant transactions*
Fair Housing Act
Section 504 of the Rehabilitation Act
False Claims Act
Florida Residential Landlord-Tenant Act – *tenant-only litigation & claims*

Interested? Contact Marcie at marcia.green@trls.org.

Happy New Year and Thank You from Three Rivers Legal Services!

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Are you interested in joining this list? We can make it easy for you!!

If you become a volunteer, we will refer cases to you in your area of expertise or we will provide some training opportunities and information to assist you in other areas of law. You can participate in clinics or outreach events. Our clients are pre-screened for financial eligibility and, if needed, we can connect you with attorneys who are willing to discuss the case with you to share their legal expertise. We provide malpractice insurance coverage, litigation cost reimbursement (if feasible and available) and, if needed, you can meet with your pro bono client at our office. We will make your experience positive while recognizing that our clients are often needy and confused with the legal system.

For those who donate money, we thank you for your kindness and generosity. As you are aware, funding for Three Rivers Legal Services is a constant challenge. Our program survives with good management, dedicated staff, and generous donors and volunteers.

Please contact me to volunteer at marcia.green@trls.org or call me at 352-415-2327. Check out our website at http://www.trls.org/ for opportunities to volunteer and to donate. Look for cases to consider at https://thefloridabarfoundation.org/florida-pro-bono-matters/ a statewide website that lists available pro bono cases. We look forward to your continued support and working with you in 2020.

January 2020 Calendar

1 New Year's Day observed – County and Federal Courthouses closed
6 Deadline for submission to February Forum 8
8 EJCBA Board of Directors Meeting, Three Rivers Legal Services, 1000 NE 16th Avenue, 5:30 p.m.
8 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
17 EJCBA Luncheon, Chief Judge James Nilon, "The State of the Circuit," Big Top Brewing Company, 11:45 a.m.
20 Birthday of Martin Luther King, Jr. observed, County and Federal Courthouses closed
21 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center

February 2020 Calendar

5 Deadline for submission to March Forum 8
5 EJCBA Board of Directors Meeting, Three Rivers Legal Services, 1000 NE 16th Avenue, 5:30 p.m.
12 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!
17 President's Day Holiday – Federal Courthouse closed
18 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
21 EJCBA Luncheon, The Guardian Foundation/Guardian ad Litem program, speaker Bethanie Barber, Deputy Director, Legal Aid Society of the O.C.B.A., Inc., Big Top Brewing Company, 11:45 a.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.