

FORUM 8

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Eighth Judicial Circuit Bar Association, Inc.

March 2023

President's Message

By Robert Folsom



As we enter this month, I am reminded of what noted author and humorist Garrison Keillor once said: "March is the month God created to show people who don't drink what a hangover is like." Although this observation is weather-related, it is also apropos for how exceptionally chaotic the month of March can be, including the beginning of daylight savings time, which is set for March

12, and the start of spring on March 20. March is also a busy month for the EJCBA, which has several exciting events scheduled.

On Friday, March 3, 2023, the EJCBA will be having its monthly luncheon. The topic this month is the recognition of our past EJCBA presidents. In honor of the past presidents, we will be having a panel discussion with some of them on how the local bar and legal profession have changed since their time as president. We will also discuss some of the highs and lows that they, and the local bar, faced during those times. Part of the presentation will include photos of bar members from years past. So, get ready to feel nostalgia! This is a monthly luncheon that you will not want to miss, whether you are a veteran 8th Judicial Circuit attorney or a newly minted member of the local bar.

On Friday, March 10, 2023, the EJCBA will be having its annual Charity Golf Tournament ("The Gloria," *in memoriam of Gloria Fletcher*), which benefits the Guardian ad Litem Program. You can find more information about the Golf Tournament, including the opportunity to be a sponsor, here: <https://www.guardian8foundation.org/news-events/2023-ejcba-charity-golf-tournament-benefiting-the-guardian-ad-litem-program/>.

On March 31, 2023, the EJCBA will have its annual diversity roundtable at the Woolly from 8:30 a.m. until 12:30 p.m. This year's topic will be related to mental health. It will include a mental health training and a discussion directed at how attorneys can meet their own mental health needs as well as how to work with clients with depression, anxiety, and other mental health challenges. The goal is to provide the local bar with resources for mental health first aid. As you may remember from last month's President's Message, supporting your mental health, and the mental health of our community, is a priority for the EJCBA.

Moving into next month, on Friday, April 21, 2023, the EJCBA will have its annual Professionalism Seminar from 9:00 a.m. (registration begins at 8:30 a.m.) until Noon at Trinity United Methodist Church on NW 53rd Avenue. Our keynote will be a moderated panel discussion on the topic of professionalism across practice areas, with moderator Scott Walker, Esq. and panelists Judge William Davis (Criminal), Judge Robert Groeb (Family), Judge Donna Keim (Civil Trial), and Judge Kristine Van Vorst (Civil Non-Trial). 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. Watch your email and the Forum 8 newsletter for reservation information. Questions may be directed to the Chair of the EJCBA Professionalism Committee, Derek Folds, Esq., at (352) 372-1282.

We encourage you to register for, and participate in, all of our events. Your participation and commitment are what drives our organization. As a local bar that depends on volunteers, the EJCBA needs you to flourish. Consider joining the board or one of our committees. Organize a social event. Sponsor a social event. Invite a non-member to a monthly luncheon, to the gold tournament, to the Diversity Roundtable, or to the Professionalism Seminar.

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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



A Wilde Cross-Examination

The other evening we were watching the 1960 movie *Oscar Wilde*. In previous articles we have discussed movies with famous courtroom scenes such as *Anatomy of a Murder*, *To Kill a Mockingbird*, *12 Angry Men*, and *A Few Good Men*. After watching the movie *Oscar Wilde*, we were surprised the movie, which is in large part set in a courtroom, is not on any list of movies featuring courtroom drama. However, perhaps it should be.

In 1895 Oscar Wilde was riding the crest of a wave of celebrity. He was a famous and popular playwright and literary genius. However, in 1895 Wilde sued the Marquess of Queensberry (yes, the Rules of Boxing fellow) for libel. The Marquess had left a card at Wilde's gentlemen's club "For Oscar Wilde, posing sodomite." In essence, the Marquess published a document accusing Wilde of being a homosexual which was a crime under English law at the time.

The trial was a *cause celebre* akin to modern trials involving O.J. Simpson or Johnny Depp although Wilde was undoubtedly wittier than either modern celebrity. Wilde lost the case and the evidence developed in the case by the Marquess' defense team formed the basis of the subsequent prosecution of Wilde for sodomy for which he was found guilty and sentenced to two years in prison. Under British law Wilde as the losing party was required to pay the Marquess' legal expenses which bankrupted Wilde even in the absence of a Proposal for Settlement.

The cross-examination of Wilde by Barrister Edward Carson reads like a Hollywood screenwriters' hyperbole. However, a transcript of the cross-examination shows the dialogue in the movie, although abbreviated, is word-for-word and a delight for both lawyers and literature buffs who enjoy Wilde's wit. The movie captures the *repartee* between Wilde and Carson. Carson surprisingly did not ask 'closed questions' in his cross-examination but came at Wilde from every possible direction to take advantage of Wilde's self-confidence in his wit and intellect until he was broken down and destroyed by his own testimony.

Following the trial, Wilde's successful career was destroyed and the public adulation dwindled. Wilde died in poverty only a few years after being released from prison and is buried in Paris where he spent the last few



years of his life before dying at age 46 in 1900. However, his great wit survives as evidenced by the following sample of quotations from Oscar:

"Experience is simply the name we give our mistakes."

"Children begin by loving their parents; after a time they judge them; rarely, if ever, do they forgive them."

"I can resist everything but temptation."

"Consistency is the last refuge of the unimaginative."

"Life is never fair, and perhaps it is a good thing for most of us that it is not."

"Morality is simply the attitude we adopt towards people whom we personally dislike."

"Society exists only as a mental concept; in the real world there are only individuals."

"Moderation is a fatal thing. Nothing succeeds like excess."

"The world is a stage but the play is badly cast."

"True friends stab you in the front."

"Memory is the diary that we all carry about with us."

"It is absurd to divide people into good and bad. People are either charming or tedious."

"No man is rich enough to buy back his past."

"Bigamy is having one wife too many. Monogamy is the same."

"By giving us the opinions of the uneducated, journalism keeps us in touch with the ignorance of the community."

"A gentleman is one who never hurts anyone's feelings unintentionally."

If Oscar Wilde had been born 100 years later, we would have had the benefit of his talent and wit for more than the 46 years of his short life. Since we typically write about mediation, we would say perhaps he should have mediated his case with the Marquess.



March is Women's History Month

By Samantha Howell, Pro Bono Director, TRLS



Women's History Month, celebrated in March, is a time to honor the contributions women have made to the country. Started in 1982 as Women's History Week, the celebration became month-long in 1987, both as acts of Congress.

While women make up approximately 51.1% of the entire population in Florida, they only constitute 31% of the state's 29 seats in Congress and 41.3% of the 160 seats in the State Legislature. On the other hand, Florida ranks 3rd nationally - behind California and New York - with the highest employment of women as lawyers.

For this month's article, I wanted to take some time (and space) to honor Florida women and their achievements in the law, which include:

1898 - Louise Pinnell becomes the first female attorney in Florida admitted to the bar.

1908 - Mary Stewart Howarth-Hewitt becomes the first graduate from a Florida law School (Stetson)

1924 - Edith Atkinson becomes the first female judge in Florida

1928 - Lena Hawkins becomes the first female mayor in the State of Florida (Brooksville) and Annie Joe Law becomes the first female County Attorney in Florida (Hernando)

1978 - Anne C. Booth becomes the first female appellate court judge in Florida

1979 - Susan H. Black becomes the first female judge in a federal court in Florida

1985 - Rosemary Barkett becomes the first female Chief Judge of the Florida Supreme Court

1989 - Barbara Linthicum becomes the first female Public Defender in Florida

1993 - Patricia A. Seitz becomes the first female president of The Florida Bar Association

2010 - Pam Bondi becomes the first female Attorney General in Florida and Stacy A. Scott becomes the first female Public Defender of the Eighth Judicial Circuit

2018 - Sheree H. Lancaster becomes the first female county court judge in Gilchrist County

2022 - Lorelie P. Brannon becomes the first female county court judge in Baker County

The most difficult thing is the decision to act; the rest is merely tenacity.
~ Amelia Earhart ~

Your decision to volunteer is an important one. Not only can you help the community, you can learn new skills and areas of the law that can increase your business. In

addition to training materials and mentorship, Three Rivers Legal Services provides liability coverage, recognition for service, and reimbursement for litigation costs. *We will make every effort to ensure you have a positive experience volunteering with TRLS.*

Telephonic Housing Clinic - This advice-only clinic is offered every Tuesday from 5 pm - 6 pm. Appointments are scheduled for 45 min. TRLS staff screen and schedule clients, notifying volunteers of their assignments on the Friday (or Monday) prior to the clinic.

Issues involve private landlord/tenant issues (eviction, repairs, and security deposits, usually). Volunteers complete an online form during the call so that TRLS knows what advice was given and if any follow-up by TRLS is needed.

Pro Se Divorce Clinics - These clinics are offered every three months in Gainesville and involve a morning session (for petitioners with minor children) and an afternoon session (for petitioners without minor children). TRLS will pre-fill much of the forms with the clients; volunteer attorneys will participate for the limited purpose of providing counsel/advice.

Ask-A-Lawyer - These "pop-up" clinics are hosted at local shelters including Grace Marketplace, St. Francis House, Peaceful Paths, and the VA Honor Center. Volunteers will meet with individuals in need of legal assistance, and provide advice/counsel and, perhaps, even a brief service. These clinics are held one Saturday a month, typically between 10 am -12 pm. The 2023 schedule will be shared soon.

Law in the Library - These are community outreach events, wherein a volunteer presents on a legal topic for about 40 minutes and then answers a few audience questions. The clinics are presently being held at the Alachua Library Main Branch. Upcoming presentations include:

- March 1st - LITC/Taxes with Derek Wheeler
- April 5th - Driver License Suspensions/Restoration with Samantha Howell

Advice and Counsel/Brief Services - Attorneys can provide limited scope assistance to individuals. Current opportunities include:

1. Alachua County (22-0346519) - draft living will for senior citizen

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March is Women's History Month

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2. Alachua County (22.0343831) - advise client on guardian advocacy process; help client complete petition
3. Alachua County (22-0346759) - assist client in completing pro se divorce forms
4. Alachua County (22-0346298) - prepare will for client
5. Alachua County (22.0346069) - advise client on impact of trust on public benefits

Finally, you can take on a client matter for **full representation** in a variety of areas including bankruptcy, special education, family, housing/property, consumer, income maintenance, and trusts & estates. We are in particular need of attorneys to assist with probate cases, guardianship and guardian advocacy, and landlord/tenant. Summaries of a couple of available cases (as of the writing of this article) follow:

1. Bradford County (22-0341608) - represent client in criminal record expungement (client is located in Alachua County)
2. Union County (23-0346949) - represent client in criminal record expungement
3. Baker County (20-0328644) - represent client in probate of aunt's estate
4. Alachua County (22-0345601) - represent client in a BAR hearing seeking a hardship driver license
5. Alachua County (22-0344834) - represent client seeking relative custody of grandchild

If you would like to take on any of the above, please contact me and include the identification number (XX-XXXXXX).

And, just a friendly reminder that, as attorneys, we are encouraged to provide at least 20 hours of pro bono service each year. Volunteering with TRLS is a great - and easy - way to take care of this duty while meeting colleagues and learning more about our client communities. It is also an effective way to dip your toes into a new area of law.

If you have any questions or would like to participate in any of the above, please contact me at samantha.howell@trls.org or 352-415-2315. You can also select an available case and learn more about TRLS's Pro Bono Legal Assistance Program (PBLAP) at <https://www.trls.org/volunteer/>.

NOMINEES SOUGHT FOR 2023 JAMES L. TOMLINSON PROFESSIONALISM AWARD

Nominees are being sought for the recipient of the 2023 James L. Tomlinson Professionalism Award. The award will be given to the Eighth Judicial Circuit lawyer who has demonstrated consistent dedication to the pursuit and practice of the highest ideals and tenets of the legal profession. The nominee must be a member in good standing of The Florida Bar who resides or regularly practices law within this circuit. If you wish to nominate someone, please submit a letter describing the nominee's qualifications and achievements via email to A. Derek Folds, Esq., derek@foldswalker.com. Nominations must be received via email by Friday, April 28, 2023 in order to be considered. The award recipient will be selected by a committee comprised of leaders in the local voluntary bar association and practice sections.

SAVE THE DATE – LEADERSHIP & DIVERSITY CONFERENCE

Please save the date and plan to join us at The Woolly on Friday, March 31, 2023, from 8:30 a.m. – 12:30 p.m. for the Annual EJCBA Leadership & Diversity Conference. This year's conference will focus on mental health and will include breakfast. Watch your email for registration information. For additional information, please contact Cherie Fine at cfine@ffplaw.com.

Second DCA Gets It Right: There's a Duty to Retreat, Not a Loss of "Self-Defense Immunity"

By Steven M. Harris



I previously criticized opinions of the Fourth DCA (*Chavers*) and the Fifth DCA (*Kirkland*) which reversed trial court grants of "self-defense immunity" and held that pretrial immunity is not available to a person who was "engaged in a criminal activity" (the righteous behavior prerequisite for "Stand Your Ground") or was not "in a place he or she has a right to be" (the righteous location prerequisite for "Stand Your Ground"). See [Forum 8 January 2020](#) and [November 2020](#). The correct reading of Florida statutes directs that the failure to meet either prerequisite only removes the no duty to retreat "Stand Your Ground" privilege. I also criticized the Second DCA for *dicta* in an opinion (*Bolduc*) which incorrectly stated that the defense of justification is unavailable in such cases.^[1]

An entirely different panel of the Second DCA recently properly related the immunity provision to § 776.012(2), *Fla. Stat.* It did so without mentioning any of the above cases. In *Jimenez v. State* (Fla. 2d DCA, January 20, 2023), the defendant admitted in his motion for immunity that immediately prior to his use of deadly force he was carrying a concealed firearm but was not licensed to do so. The circuit court found he was "engaged in a criminal activity" and thus failed to make out the required *prima facie* case for immunity. It refused to hold an evidentiary hearing and reach the merits of the defendant's motion. On appeal, proceeding by *certiorari*,^[2] the district court granted the petition and ordered the circuit court to hold an evidentiary hearing on Jimenez's immunity claim.

The Second DCA panel relied on *Garcia v. State*, 286 So.3d 348 (Fla. 2d DCA 2019), and *Wyche v. State*, 170 So.3d 898 (Fla. 3d DCA 2015). Those cases held under the prior § 776.012(2), *Fla. Stat.*, that a person engaged in an "unlawful" activity may seek pretrial immunity, but has a duty to retreat. Jimenez alleged in his motion that the circumstances of the incident precluded his ability to retreat or otherwise terminate the encounter before resorting to deadly force. (That allegation was not considered by the circuit court.) The Second DCA held that satisfied a defendant's statutory *prima facie* burden and entitled him to a pretrial "self-defense immunity" hearing.

The holding in *Jimenez* is consistent with the jury instruction language suggested by SJ1 (Crim.) 3.6(f):

If (defendant) was otherwise engaged in criminal activity or was not in a place [he] [she] had a right to be, then the [use] [or] [threatened use] of deadly force was not justified unless [he] [she] used every reasonable means within [his] [her] power and consistent with [his] [her] own safety to avoid the danger before resorting to the [use] [or] [threatened use] of deadly force.

It is also consistent with language in other DCA opinions. See, e.g., *Fletcher v. State*, 273 So.3d 1187 (Fla. 1st DCA 2019); *Garrett v. State*, 148 So.3d 466 (Fla. 4th DCA 2014).

Jimenez demonstrates that a "self-defense immunity" motion in a deadly force case should allege no duty to retreat based on righteous location (such as being on public property or one's own property or place of employment or business, or legal status as invitee) and righteous behavior (violating no criminal law just before deadly force was threatened or used). (See the [November 2022](#) issue of *Forum 8* for additional content I suggested for motions for "self-defense immunity.") If either prerequisite cannot be alleged, the motion should explain why retreat was not available or would have been unavailing.^[3] Under § 776.032(4), *Fla. Stat.*, the State would then have as part of its burden to disprove justification by clear and convincing evidence the burden to prove noncompliance with either the righteous behavior or righteous location prerequisite and the availability of a completely safe avenue of retreat which was known or would have been obvious to the defendant.

^[1]The righteous behavior and location prerequisites generally burden only deadly force. See § 776.012(2) and § 776.031(2), *Fla. Stat.* For "home defense," a righteous location prerequisite burdens all force under § 776.013(1), *Fla. Stat.*, and righteous behavior and property use prerequisites are imposed for the evidentiary presumption to apply. See § 776.013(3)(c), *Fla. Stat.* Deadly force justification is lost when there is an unmet duty to retreat. The defense of justification under Ch. 776 is lost outright only when § 776.041(1), *Fla. Stat.*, is invoked.

^[2]According to the Second DCA, *certiorari* is the appropriate route for relief when the proceeding or the trial court's ruling is flawed by legal error precluding a determination of a movant's immunity claim.

^[3]In order to completely address any concern about a duty to retreat, a motion might also allege facts demonstrating the absence of provocation and the movant's non-aggressor status under § 776.041(2), *Fla. Stat.*

Collaborative Divorce

By Cynthia Swanson



Collaborative divorce is a relatively new approach to resolving the complexities of a divorce. It is a non-adversarial, out-of-court process that provides divorcing couples with a more cooperative way of ending their marriage. Collaborative divorce involves a team working to reach a mutually acceptable agreement, without the need for court intervention.

In each collaborative divorce, there is a team working together, consisting of the two parties, each of their lawyers, and a neutral financial professional and a neutral mental health professional. The team signs a collaborative participation agreement at the outset. A primary provision in that agreement is that the parties pledge not to file a petition in court until the process is complete and a full settlement agreement has been executed by the team. Of course, there is an out – if the process falls apart, a 30-day moratorium on court action is included. This allows the other party to obtain a new lawyer.

That's the other primary provision in the participation agreement – neither of the lawyers involved may represent either party in court, and the neutral professionals may not testify in court. This is what I consider the carrot-and-stick approach – make the process work, and you get a good agreement with professionals helping you. Drop out of the process and you have to start over, get a new lawyer and new experts with all the time, effort, and money that entails.

Collaborative divorce provides a safe and supportive environment where both parties can have open and honest conversations, with the goal of reaching an agreement that works for everyone. The neutral mental health professional on the team usually prepares agendas for team meetings and monitors the “temperature in the room” during meetings and interjects to lower the temperature if needed. The mental health professional may or may not meet with the parties individually, but if so, it is not for the purpose of marriage counseling or psychological evaluations, but more to help coach a party through the divorce process.

A major benefit of collaborative divorce is that it allows couples to have control over the outcome of their divorce, rather than leaving the decision-making in the hands of a judge, who barely knows the parties or their children. Try this visual exercise that I use a lot with my potential clients when discussing collaboration vs. litigation:

Take a sheet of paper. This paper represents all the facts there are about this family. Fold it in half; this

half size sheet represents all the facts one party can tell his or her attorney. Fold it in half again; this quarter sheet represents all the facts that one attorney can write down or remember and recognize as significant and useful. Fold it in half yet again. That 1/8th sheet of paper represents all of the facts that attorney can get admitted into evidence. Fold it in half again – now that 1/16th of a sheet represents all the information the Judge can hear and process. Fold it one more time – this tiny 1/32nd of a sheet represents the facts that this Judge thinks are relevant and useful, and THAT'S the information the Judge will be using to make decisions about that family that impact that family for years and decades to come.

In the collaborative process, the parties, who possess the entire sheet full of information, can be guided by their lawyers and other neutral professionals to make decisions about their family that can best suit that family.

In the collaborative process, the parties can make agreements about things that Judges cannot order. A major example is providing for adult children. Generally, courts are prohibited from ordering child support for children past the age of 17, or from ordering either party to contribute to college education, health insurance or medical expenses for adult children. But the parents can agree to do so, and the neutral financial professional on the team, after reviewing all of the family's financial records, can suggest efficient and tax effective ways to handle those expenses.

Collaborative divorce can be more cost-effective than traditional litigation. By avoiding the court system, couples can save on the costs of court fees, expert witness fees, and other expenses associated with litigation, and they can protect their privacy. Additionally, the collaborative divorce process resolves more quickly than traditional litigation, allowing couples to move on with their lives in a timely manner.

Collaborative divorce can also be beneficial for children involved in the divorce. The collaborative process emphasizes communication and cooperation, which can help to reduce the negative impact of divorce on children. This can be especially important for families with young children, as the impact of a divorce can be long-lasting and far-reaching.

For lawyers, working in collaborative divorce is generally less stressful than litigation, while still allowing for the use of their professional experience and creativity to help families through this difficult time in their lives.

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Bona Fide Purchasers in Litigation

By Krista L.B Collins



For many of us whose practice focuses on civil litigation, the last time we thought about the term bona fide purchaser for value, or “BFP,” was in law school. But the protections afforded to a bona fide purchaser are worth remembering – and can make or break a case involving real property. Florida law has long protected innocent, good faith purchasers of real estate by providing such a buyer with superior rights to the property over those who may have a valid interest that is unrecorded. *Rivas v. Shiu Tsang*, 299 So. 3d 522 (Fla. 5th DCA 2020), *reh’g denied* (May 11, 2020), *review denied*, SC20-965, 2020 WL 6336028 (Fla. Oct. 29, 2020); *Myers v. Van Buskirk*, 96 Fla. 704, 119 (Fla. 1928).

The first question we must ask is who qualifies as a bona fide purchaser? Under Florida law, a party is considered a bona fide purchaser for value when:

(1) the purchaser obtained legal title to the challenged property, (2) the purchaser paid the value of the challenged property, and (3) the purchaser had no knowledge of the claimed interest against the challenged property at the time of the transaction.

2000 Presidential Way, LLC v. Bank of New York Mellon, 326 So. 3d 64, 68 (Fla. 4th DCA 2021) (quoting *Harkless v. Laubhan*, 278 So.3d 728, 733 (Fla. 2d DCA 2019)).

As to the first element, the key point is *legal* title – generally, “the purchaser of an equitable interest is not protected as a bona fide purchaser.” *Myers* at 712. Likewise, where a buyer does not take absolute title but rather has a contract for title, the buyer will not qualify as a BFP. *Haimovitz v. Robb*, 178 So. 827, 830 (Fla. 1937). Legal title includes both those who take under a warranty deed *and* those who obtain title via a quit claim deed. Section 695.01(2), *Fla. Stat.*, specifically provides that “Grantees by quitclaim, heretofore or hereafter made, shall be deemed and held to be bona fide purchasers without notice within the meaning of the recording acts.” The second requirement, payment of the value of the property, is a simple factual question: did the purchaser pay for the property?¹ Finally, the purchaser must not have any knowledge, whether actual, constructive, or implied, of the claimed interest against the property at the time the purchaser took title. *Soknoh Partners, LLC v. Audio Visions S., Inc.*, 319 So. 3d 175, 179 (Fla. 2d DCA 2021).

Several recent cases have dealt with the issue of a party’s status as a BFP, in what may be some unexpected

situations, from parking easements, as in *Soknoh Partners*, to estate disputes. In *Soknoh*, the decision turned on whether the appellant was a bona fide purchaser, such that §695.01(1), *Fla. Stat.* (providing that no interest in real property shall be good and effectual in law or equity against subsequent purchasers for valuable consideration and without notice unless the interest is recorded), applied to an unrecorded easement. *Id.* at 179. The Second District Court of Appeal reversed, holding there was a genuine issue of material fact as to whether the appellant, the buyer of the subject property, was a bona fide purchaser without notice of the easement; specifically, whether the buyer had implied notice of the existence of the easement. *Id.* at 180. The Court noted that “[w]hether a purchaser made a sufficient inquiry is a question of fact largely dependent upon the circumstances in a given case.” *Id.*

Schlossberg v. Est. of Kaporovsky, 303 So. 3d 982 (Fla. 4th DCA 2020) presents an interesting application of the BFP defense where appellant successfully challenged a final judgment declaring that he owned only a one-half interest in a condominium. The condominium originally belonged to Sadie Kaporovsky, who deeded it to herself and her daughter as joint tenants with rights of survivorship. *Id.* at 984. Sadie Kaporovsky later deeded her half interest to her trust, destroying the joint tenancy. *Id.* Both Sadie Kaporovsky and her daughter were trustees of the trust, and a year later in 2005, they executed a deed transferring the one-half interest from the trust to a life estate for Sadie Kaporovsky, with the remainder to her daughter. *Id.* After Sadie Kaporovsky died, her daughter sold the condominium to appellant. *Id.* During probate, the daughter and the personal representative got into a dispute which led to a third-party action against appellant claiming, amongst other issues, that the 2005 deed was voidable because it was procured by undue influence from the daughter. *Id.* at 988. Appellant defended by alleging that as a bona fide purchaser, his title was valid against a voidable deed. *Id.* The Fourth District Court of Appeals agreed, reversing the trial court’s decision denying appellant’s motion for summary judgment, and directing that judgment be entered in appellant’s favor because he met the three criteria to be a bona fide purchaser for value. *Id.* The Court found that as a bona fide purchaser for value, Schlossberg was protected from the appellee’s claims that the deed at issue was voidable as the product of undue influence and misrepresentation. *Id.*

So, when litigating a dispute that involves real property, don’t forget about BFPs – you never know when it might be the deciding factor!

¹ Fun fact: in a case from 1867, the Circuit Court of the Southern District of Georgia held that a purchaser of real property at judicial sale in 1863 was *not* a bona fide purchaser because “the purchase money...must have been paid in money; whereas the proof is that it was paid in ‘Confederate notes.’” *Cuyler v. Ferrill*, 6 F. Cas. 1088, 1090 (C.C.S.D. Ga. 1867).

President's Message

Continued from page 1

And, as always, please share your ideas and suggestions with me or a member of the board. We want your feedback. You are the heart of the EJCBA. And we are committed to keeping you, the EJCBA, strong and healthy. The Board looks forward to seeing all of you soon. Have a Happy Spring!

Collaborative Divorce

Continued from page 7

Collaborative divorce can be highly satisfying to lawyers, most of whom generally want to help families.

With the help of trained professionals, couples can effectively communicate and resolve their differences in a supportive and structured environment. This approach can result in a more tailored agreement that meets the specific needs of the couple and their children, while also reducing the stress, time, and financial costs associated with divorce.

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Federal Bar Association
Criminal Law Section

Criminal Law Scholarship

The Criminal Law Section of the Federal Bar Association is offering three \$1,500 scholarships for graduating 3Ls interested in pursuing a career in criminal law serving the public interest.

Interested students should send a resume and cover letter to sections@fedbar.org.

The cover letter should state the student's plans after graduation and how the student has shown an interest in criminal law during law school.

Materials are due **April 15, 2023**. The winner will be chosen by May 15, 2023.

The Federal Bar Association (FBA) is dedicated to promoting the welfare, interests, education, and professional development of attorneys involved in federal law. With more than 15,000 members—including 2,000 federal judges—its members run the gamut of federal practice, from small to large firms, corporations and federal agencies. The FBA welcomes all law students and wants to help ensure that you have a successful career practicing law! Learn more at fedbar.org/membership/join/associate-membership/law-students.

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Federal Bar Association

4075 Wilson Boulevard, 8th Floor Arlington, VA 22203 (571) 481-9100 fba@fedbar.org



January 2023 Luncheon

Judge Craig DeThomasis, Magistrate Bridget Baker, Magistrate Katie Floyd, and Judge Tom Jaworski attend the State of the Circuit address by Chief Judge Mark Moseley at the January EJCBA luncheon.

EIGHTH JUDICIAL CIRCUIT BAR ASSOCIATION CHARITY GOLF TOURNAMENT



“THE GLORIA”

In Memoriam of Gloria Fletcher

Benefiting the Guardian ad Litem Foundation

Format: Four-Person Scramble

Mark Bostick Golf Course

Friday, March 10, 2023

\$130/golfer (\$115/golfer early registration)



2800 SW 2nd Avenue
Gainesville, FL 32607
Phone: 352-375-4866

Cost: \$130 per golfer
\$115 Early Registration

Registration begins at 11:00 AM

Lunch: 11:30 AM

Tee Time: 12:30 PM

Outdoor Reception following
the round.

Reception and prizes following
the round

To register online please go to:

[Click here to register](#)

OR please return this form
with payment to:

The Guardian Foundation, Inc.
3919 W. Newberry Rd, Ste 3
Gainesville, FL 32607



SIGN-UP
DEADLINE FOR
EARLY DISCOUNT
FEBRUARY 25, 2023



The cost of this event is **\$130 per golfer with an early registration discount of \$115 per golfer** for those who register and pay by February 25, 2023. This price includes 18 holes of golf, riding cart, lunch, reception, and various awards and/or prizes. All net proceeds of this charity tournament benefit the Guardian ad Litem Program of the 8th Judicial Circuit through the Guardian Foundation, Inc.

The EJCBA Charity Golf Tournament benefiting The Guardian Foundation, Inc. has been named in honor of the late Gloria Fletcher. While the names of major golf tournaments, such as “The Masters,” are synonymous with the best in the field, Gloria Fletcher’s name, and her legacy, represent the pinnacle for children’s advocacy. Gloria was a dedicated champion for vulnerable children in the 8th Circuit and across Florida. The EJCBA tournament bears Gloria’s name to ensure her example, passion, and work on behalf of abused, neglected, and abandoned children will continue.

To register, please see the link above or return this form with payment. All checks must be made payable to the Guardian Foundation, Inc. We strongly encourage online registration and payment! However, if you prefer, please fill out the corresponding number of spaces below. Don't worry if you don't have a full foursome--we'll find you some playing partners (even maybe a ringer)! Also, per course rules, no metal spikes are allowed.

Entry Fee: \$130 per golfer (\$115 if registered & paid by February 25, 2023)

Name (Golfer 1)

Name (Golfer 2)

Email

Email

Phone

Phone

Name (Golfer 3)

Name (Golfer 4)

Email

Email

Phone

Phone

Professionalism Seminar – SAVE THE DATE

Inexpensive & Enlightening CLE Credits

By A. Derek Folds

Mark your calendars now for the annual Professionalism Seminar. This year the seminar will be held on Friday, April 21, 2023, from 9:00 a.m. (registration begins at 8:30 a.m.) until Noon at Trinity United Methodist Church on NW 53rd Avenue. Our keynote will be a moderated panel discussion on the topic of professionalism across practice areas, with moderator Scott Walker, Esq. and panelists Judge William Davis (Criminal), Judge Robert Groeb (Family), Judge Donna Keim (Civil Trial), and Judge Kristen Van Vorst (Civil Non-Trial).

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.

Watch your email and the *Forum 8* newsletter for reservation information. Questions may be directed to the EJCBA Professionalism Committee chairman, Derek Folds, Esq., at (352) 372-1282.

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 call Paula Moreno of CDS Family & Behavioral Services, Inc. at [paula_moreno@cdfsfl.org](mailto:Paula_Moreno@cdfsfl.org) or (352) 244-0628, extension 3865.



March 2023 Calendar

- 1 EJCBA Board of Directors Meeting, Stephan P. Mickle, Sr. Criminal Courthouse, 220 South Main Street, 3d Floor Conference Room, or via ZOOM, 5:30 p.m.
- 3 EJCBA Monthly Luncheon Meeting, Panel of EJCBA Past Presidents, The Woolly, 11:45 a.m.
- 5 Deadline for submission to April Forum 8
- 8 Probate Section Meeting, 4:30 p.m. via ZOOM
- 10 EJCBA Charity Golf Tournament "The Gloria" Benefiting The Guardian Foundation/Guardian ad Litem Program, UF's Mark Bostick Golf Course, 11:30 a.m.
- 31 EJCBA Leadership & Diversity Conference on Mental Health, 8:30-12:30, The Woolly

April 2023 Calendar

- 5 Deadline for submission of articles for May Forum 8
- 5 EJCBA Board of Directors Meeting, Stephan P. Mickle, Sr. Criminal Courthouse, 220 South Main Street, 3d Floor Conference Room, or via ZOOM, 5:30 p.m.
- 7 Good Friday – County Courthouses closed
- 12 Probate Section Meeting, 4:30 p.m. via ZOOM
- 14 EJCBA Monthly Luncheon, Michael Ufferman, Esq. – Preservation of Error/Criminal Appeals, The Woolly, 11:45 a.m. – 1:00 p.m.
- 21 EJCBA Annual Professionalism Seminar, Trinity United Methodist Church, 4000 NW 53rd Ave., 9-12 noon (registration begins at 8:30)

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.