

FORUM 8

Volume 59, No. 3

Eighth Judicial Circuit Bar Association, Inc.

November 1999

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Can you define it?

Ulna Ferrea

See page 16 for the answer.

President's Message

by Frank Maloney

Greetings to all as we approach the holiday season.

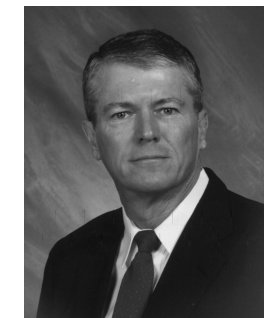
The last few weeks have been busy ones for the Bar and the coming weeks and months look no different regarding frequency of activity. By the time this goes to press, I am sure the Annual Bar Dinner held November 4th will have been a great success, largely due to Sheree Lancaster. Sheree was kind enough to conduct "pre-tasting" at the Captain's Table Restaurant in Cedar Key to ensure a top notch menu. Thanks are due to our sponsor, Attorney Title Insurance, for the handy souvenir cups and complimentary beverages they were kind enough to supply. Both were enjoyed by all attendees. Gratitude is also due to Nancy Baldwin of FAWL for the coordination of the "Just Desserts" after-dinner sweets contest. Who doesn't look forward to dessert?

The recent Bar Luncheon was also a successful endeavor with a terrific turnout. Judge Larry Turner provided great insight and humor regarding his conversion and transition from lawyer to judge. The notion of lower stress due to "leaving work AT work" when hanging up the robe in chambers was especially interesting and appealing to those in attendance. Judge Turner noted this as a stark contrast to his days as a lawyer when work always traveled home with him. His remarks on how he is now received outside the courtroom were also greatly enjoyed. Those gathered found his anecdote surrounding his newly dignified treatment at the gym very amusing. It seems that a hearty "Good afternoon, Your Honor" coupled with assurance that one is covering oneself properly with a towel is now the appropriate protocol in the locker room.

Special thanks are certainly due to our sponsor, Lexus Publishing, recent purchasers of Matthew Bender Publishing, as well as Sheppard. We appreciate their support of our Bar Luncheons.

Congratulations are in order to Cynthia Swanson for her recent "Pro Bono" Award. Her gratis work on behalf of the less fortunate is admirable and appreciated.

The first 1999 Regional Bar Board Meeting was held this year in Lake Butler on a dark and stormy night...and that's not just dramatics, folks. It was indeed a foul night, but the meeting and attendance were still quite



(continued on page 7)

The officers of the Eighth Judicial Circuit Bar Association for the year 1999-2000 are:

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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 by E-mail, or on 3.5" diskettes labeled with your name. Also, please submit a black and white photograph with your name written on the back. Diskettes and photographs will be returned. Files should be saved in any version of WordPerfect, or ASCII.

Deadlines are the 15th of each month.

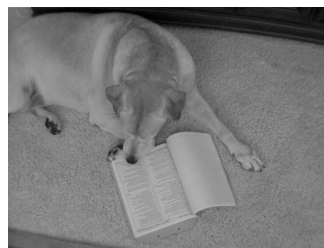
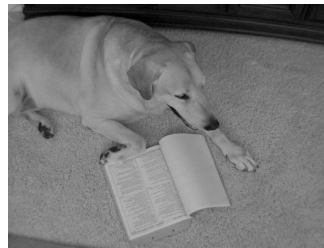
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Thoughts on Reading the Order Requiring a Safe and Functional Courthouse



On August 26th, Chief Judge Robert P. Cates, issued an order *sua sponte* entitled Order Requiring A Safe And Functional Courthouse.* This 19-page document clearly and cogently explicates the Court's determination that the Alachua Board of County Commissioners expeditiously provide the citizens of Alachua County with a safe and functional court facility. I would like to take this opportunity to summarize the Court's findings (and to make up in some small part for my flippant and cavalier comments made in an earlier issue of this periodical.)

Judge Cates divides his order into three main sections---I. Introduction, II. Public Safety Concerns and III. Function Concerns. I will follow this outline in my gloss of

this Proclamation (for want of a better word).

I. Introduction

Here, His Honor recites in homely fashion, a brief history of Alachua County courthouses. The first, a two-story frame affair, complete with white picket fence had a tenure from 1854 to 1885. Later in that same year, it was replaced by the red brick structure that stood until being improvidently demolished in an ill-begotten frenzy of modernism in 1958. I like to refer to this structure as "the real courthouse." This edifice should have been the cornerstone of all future structures devoted to the redress of injury without sale, denial or delay. Instead, what is now known as the County Administration Building was erected, which was and still is, an ugly, severe and awkward facility. I am so old that my first hearing was before Judge Murphree in this building and my first trial was there too, in 1978. Folks v. Green. I carried Leonard Ireland's briefcase - proudly I might add - in a case devoted to the over friendly antics of a small dog whose frenetic yapping allegedly triggered young Master Folks' topple from his moped and sub-

(continued on page 8)

* Order is available for downloading at:
www.co.alachua.fl.us/~ctadmin/alaord.pdf

The New Tort Reform Act

In case any of you missed it, a brand spanking new Tort Reform Act is now in effect as of October 1, 1999. Chapter 99-225, House Bill No. 775 is further codified in several sections of Florida Statutes, most notably § 40.50, § 57.105, and § 768. Some of its salient new provisions which will also be heart breaking to many Florida citizens are as follows:

- On the Court's initiative or the motion of any party, the Court shall award reasonable attorneys' fees to be paid by the prevailing party in equal amounts by the losing party and the losing party's attorney if the Court finds that the losing party or the losing party's attorney knew or should have known that a claim was not supported by material facts. The losing party's attorney is not personally liable if he or she acted in good faith.
- If Claimant gets an award, he or she can also get prejudgment interest if there was a complete absence of justiciable issue of fact or law raised by the defense.
- Expert witness fees cannot be awarded as taxable costs unless the party retaining the expert witnesses furnishes opposing parties with a written report signed by the expert witness summarizing the expert witness's opinions and a factual basis for those opinions including documentary evidence and the authorities relied upon at least five days prior to the deposition of the expert or at least 20 days prior to discovery cut-off, whichever is sooner.
- If manufacturers comply with Federal and State codes, statutes, rules and regulations there is a rebuttal presumption that a product is not defective or unreasonably dangerous and the manufacturer or seller is not liable.
- In civil actions involving the death of a third person caused by an intentional tort of an employee, the employer of that employee is presumed not to have been negligent in hiring such an employee if a background investigation did not reveal information that reasonably demonstrated the unsuitability of the prospective employee and the employer's failure to conduct the investigation does not raise any presumption that the employer failed to use reasonable care in hiring an employee. I would say that's really nasty!
- Those holding or controlling an interest in real property are no longer liable for civil damages for death or injury to a trespasser if the trespasser was under the influence of alcoholic beverages with a blood alcohol level of .08 or greater.
- In any civil action, a plaintiff may not recover any damages if the trier of fact finds that at the time

Check here for a summary of some of the important provisions in this year's Tort Reform Act.

the plaintiff was injured, he was under the influence of alcoholic beverages to the extent that his faculties were impaired, or he registered a blood or breath alcohol level of .08 or higher, and as a result of the influence of such alcoholic beverage or drug, the plaintiff was more than 50 percent at fault for his or her own harm.

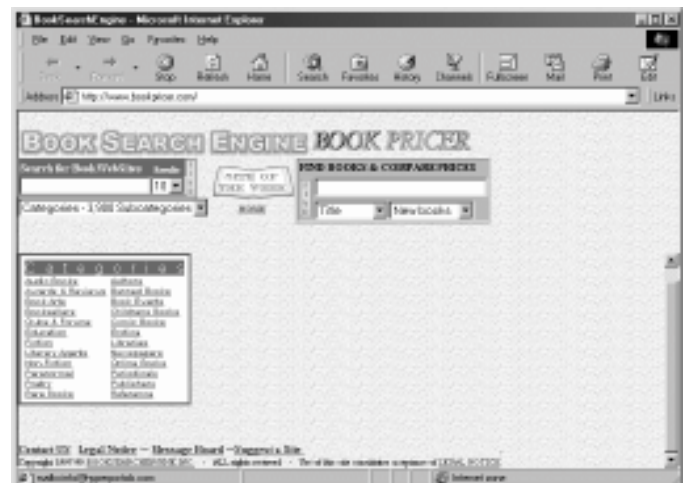
- Special requirement for the imposition of punitive damages is made much stricter.
- Punitive damages are limited in the terms of dollars by an arcane formula contained in Section 768.73. This section, like some others in the act, applies to all causes of action arriving after the effective date of October 1, 1999.
- There is an interesting exception that allows a back door opening for plaintiffs, if at the time of the act or omissions for which the punitive damages are sought, the miscreant was under the influence of alcoholic beverages to the same point, 0.08 or higher, in which case apparently, the formulaic calculation for punitive damages and the threshold requirement is excepted.
 - I have left out a number of really odious provisions.

The Act is interesting and comprehensive and is well worth a detailed reading and underlining. It's available online through West Publishing through the Session Law service or accessing Chapter 99-

225 or the House Bill No. 775 and now, since it's in effect, you can also access it by specific statute and number. ■

Website of the Month

www.bookpricer.com



This site provides a comprehensive and exhaustive comparison of book retailers so that you can be sure to obtain the lowest possible price. It will also locate sites specifically related to books in which you've expressed an interest.

Thoughts On Restrictive Covenants

by Richard Knellinger

Frequently clients provide us their commercial leases, employment agreements, distributor and licensing contracts or other apparently dissimilar documents with questions about whether a restrictive provision or a covenant not-to-compete is enforceable. These types of agreements frequently have in common attempts by one party to restrict the behavior of the other party during, and even after, the termination of their business relationship.

Under common law, restrictive covenants were viewed with hostility by Florida courts because they were considered impediments to competition. Over time the courts realized that some restrictive covenants actually enhance competitiveness. In 1931, the Florida Supreme Court invoked a "rule of reason" in determining whether a covenant was an unreasonable restraint of trade.¹ In 1953, the Florida Legislature enacted its first effort in this regard.²

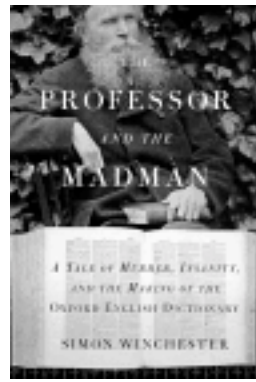
In the past decade, the Legislature has thrice amended Florida Statute §542.335, effectively creating three different rules of law as it applies to contracts containing restrictive covenants² effective: (1) prior to June 18, 1990, (2) on or after June 28, 1990, but before July 1, 1996, and (3) on or after July 1, 1996. If one seeks to enforce or defend against such a covenant one must analyze the law pertaining to the appropriate period of time.

Florida Statute §542.18 states: "Every contract, combination, or conspiracy in restraint of trade or commerce in this state is unlawful." The language of this statute corresponds to that of the Federal Sherman Act.³ Federal⁴ and State⁵ courts have not interpreted this language literally but have developed a standard of commercial reasonableness which generally requires an analysis of the business environment and the effects this restrictive covenant has on it. Some actions are considered per se unreasonable, such as price fixing by competitors in the same marketplace. Other actions are prohibited if they suppress competition, as opposed to fairly regulating it.

Florida Statute §542.335 states "...enforcement of contracts that restrict or prohibit competition...reasonable in time, area, and line of business is not prohibited."⁶ However, the party seeking enforcement must plead and prove the existence of a legitimate business interest⁷ such as protection of trade secrets, or confidential customer lists, and must also prove that the restraint is necessary to protect those interests. The burden then shifts to the other party to prove the restraint is "overbroad, overlong, or otherwise not reasonably necessary to protect the legitimate business interest..."⁸ There are some rebuttable presumptions of reasonableness built into the statute depending upon the type of restraint, such as those that pertain to trade secrets, distributors and sellers of business. If a court determines that a restriction is overbroad, it will usually adjust the restriction rather than throw it out altogether. This

(continued on page 10)

The Professor and the Madman



I bought the *Oxford English Dictionary* in 1974, used, in an old bookstore in Media, Pennsylvania, just down the street from the County Courthouse. It was August 8th, lunch time. I was clerking at the firm of Trevaskis, Bunting, Bennett, & Slama. Richard Nixon had just resigned, literally, minutes before. I didn't buy the twelve-volume set, but rather a used copy of the two-volume compact edition, photo-reduced from the original (4 pages to a page). New, it came with a sturdy slip case and a magnifying glass, but my worn set had neither. No matter, at twenty-two years of age, my eyes were more than a match for the eight-point type. Alas, no more.

In any event, what started me thinking about the *Oxford English Dictionary* once again, was a wonderful book about its creation over a twenty year span. The book is entitled, *The Professor and the Madman* by Simon Winchester. This astonishing and superbly written lexicographic

(continued on page 14)

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Workers' Compensation Claimants' Bar

by Dorothy Clay Sims

The Workers' Compensation Claimants' Bar is pleased to announce that meetings will be held on a monthly basis to discuss new cases and topics of interest. The meetings initially will occur at Craig Hall's office as long as he can put up with us. Hall & Hall is located at 317 N. First Street in Gainesville. Lunch will be provided. The first meeting was held on October 15th at 12:00 noon. Attendees donated memoranda of law or other such documents to the benefit of us all. The purpose of the meetings is to exchange ideas and theories on issues involving workers' compensation. A Workers' Compensation Claimant e-mail list is also being created. All workers' compensation claimant attorneys are invited to attend even if they are not from the Gainesville area. Questions regarding the Workers' Compensation Claimants' Bar can be directed to Dorothy Sims at (352) 337-0065. ■

Three Rivers Seeks Staff Attorney for Lake City Office

Three Rivers Legal Services is seeking an energetic and creative attorney for their Lake City office. Good working environment; rural location; great place to raise children; low cost of living. A desire to aggressively represent the needs of the poor is essential. Experience is preferred but not necessary. Salary DOE; excellent benefits; EOE. Send resume and writing sample to Allison Thompson, TRLS, 111 S.W. 1st Street, Gainesville, FL 32601. ■



Sheree Lancaster and friends making sure our Cedar Key night is a success by tasting the food at Captain's Table

Health Access and Education Projects at Three Rivers Legal Services

by Marcia Lockhart

Thanks to a \$35,000 grant from the Florida Bar Foundation, Three Rivers Legal Services has launched a legal advocacy for children project. The goal of the project is to expand legal services to children with special needs regarding health care access and education. University of Florida law student Heidi Gardner is assisting TRLS staff attorney Judy Collins with the project. Gardner is pursuing a dual degree in law and health care administration.

The focus of the health access component is to educate and inform low-income families throughout the Three Rivers' 12-county service area of their right to obtain appropriate health services and adequate health screening under medicaid, Medikids, the CMS network and Healthy Kids programs. This is particularly critical since recent data reveals that almost 30% of children under the age of 18 living in low-income families lack health insurance coverage.

The education component focuses on identification, testing and appropriate placement of children who are having difficulty learning and may need special services. ■

Forms Help for Social Security Applicants

by Marcia Lockhart

Social Security Disability and SSI applicants, turned down on their initial application for benefits, often find the task of completing the subsequent applications and forms overwhelming and daunting. While the Social Security Administration gives applicants for benefits an opportunity to request a review of their file, the complexity of the documents to be completed is often difficult for low income or poorly educated individuals. Working with a group of volunteer law students from UF, Three Rivers Legal Services has started a project to help financially eligible applicants complete these forms.

The law students involved in the project work in pairs to help the applicants complete the forms. Three Rivers is not accepting representation of these applicants but rather providing a service to help in the tedious process of filling out the paperwork.

With training and one session completed, the students, all members of the Christian Legal Society, are scheduled to return October 28 and again on November 18. If the project is successful, the students will schedule more sessions during the Spring semester. ■

What Is NALA And This Thing Called CLA?

by Theresa D. Becks, CLA

As of September 9, 1993, Gainesville Association was officially associated with the National Association of Legal Assistants (NALA). The question has come up on several occasions "What is NALA?"

National Association of Legal Assistants, Inc. was incorporated in April of 1975 as a non-profit organization, in response to the need for a strong national voice to represent legal assistants nationwide.

Some goals of NALA are promulgation of a code of professional responsibility for legal assistants, establishment of a national voluntary certification program, cooperation with local, state and national bar associations in setting standards for legal assistants, educating the public for advancement and improvement of the profession and broadening public understanding of the function of legal assistants, informing its members through continuing legal education and providing a form of exchange for members to share experiences, opinions and knowledge with peers.

Some benefits of membership are as follows:

- Receipts of NALA's publication, Facts & Findings which features interesting and in depth articles on topics and issues of concern to legal assistants and the legal profession as a whole.
- Membership in any of NALA's five specialty sections probate and taxation, corporate, real estate, litigation and law office management.
- Receipt of the membership newsletter.
- Special discounts off registration fees and purchase prices for NALA seminars and education.
- Opportunities to upgrade the profession through input to the Association and sharing your thoughts, experiences and concerns with members.
- Assistance in forming a state or local Association in your own area.
- Opportunity to become involved in and initiate research or education projects to meet your professional needs.

Another question that comes up is "What is the certified legal assistant examination (CLA)?"

NALA offers the only national certification program specifically designed for legal assistants.

The CLA examination program involves successful completion of a two-day examination. The body of knowledge required to obtain the CLA designation is great. Although the NALA Certifying Board recognizes the expertise required of the legal assistant cannot be reduced to a formula, certain basic skills common to the profession are measurable; verbal and written communication skills; judgment analytical abilities; and a thorough understanding of ethics, human relations and legal terminology and legal research. The examination covers these areas as well as substantive knowledge of the law and procedures. The substantive law section requires each CLA candidate to complete the sec-

tion on the American legal system and to choose and complete four of nine sections; litigation, probate and estate planning; real estate, criminal law, bankruptcy; contracts; tax; corporate law and administrative law. As a standardized national examination, all sections are on the federal level - no state law or procedures are tested.

(continued on page 13)

Gainesville Association of Paralegals

1999-2000 GAP Officers

President	Pamela S. Craig, CLA
Vice-President	Barbara Barlow
Secretary	Michelle Boatwright
Treasurer	Lisa "Nan," Mack, CLA
Parliamentarian	Tony Alvarez
NALA Liaison	Pam Perry

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GAP'S UPCOMING EVENTS


Tuesday, November 16, 1999
GAP's Monthly Meeting
Keynote Speaker: Thomas W. Brown, Gainesville MRI
Location: Szechuan Panda Restaurant SW 13th Street

Tuesday, December 21, 1999
GAP's Holiday Social
Location: Harry's Bar and Grille

CLA DEADLINES AND EXAM DATES

<u>Filing Deadline</u>	<u>Exam Date</u>
January 15, 2000	March 24-25, 2000
May 15, 2000	July 21-22, 2000
October 1, 2000	December 1-2, 2000

Responses of the Month



"I just can't wait until the Board of Directors authorize my Stacker's Coupon!!"

September 29, 1999

Mr. Samuel Hankin
305 Northeast First St.
Gainesville, FL 32601

Dear Mr. Hankin:

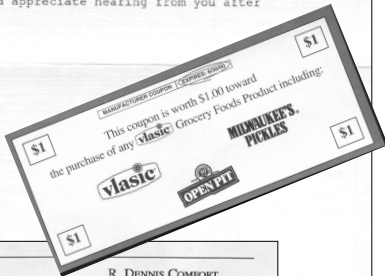
Thank you for taking the time to contact us about our new Hamburger Stackers™ pickles. We take great pride in the quality of all of our products and regret that you were dissatisfied with the jar you purchased.

We make every attempt to produce only the highest quality products. Occasionally, due to agricultural and production variables, a jar gets produced that is not up to our standards and gets into the marketplace. Unfortunately, in spite of our efforts, that apparently is what happened in this instance. We make every effort to prevent this from occurring, and regret that you were dissatisfied.

At Vlasic, we appreciate your loyalty and want you to be satisfied with all of our products. Thank you for taking the time to alert us about your experience and to provide us with the opportunity to address your concerns.

We hope that you will try this product again and have enclosed a \$1.00 off coupon good towards your next purchase of any Vlasic® Pickle item. We're also planning to send you a coupon for a free jar of Hamburger Stackers™ in the future. We would appreciate hearing from you after you've tried them again.

Sincerely,
Megan Strauss
Megan Strauss
Consumer Response Representative
MLS/cl
0051469A




Dear Mr. Editor:

Your letter to Vlasic International (Pg. 8, 8th Bar Post), left me somewhat surprised, yes, even bewildered at the magnitude of your amazement concerning the low quality of the offending product. I do recall accompanying you throughout the offending purchase, and noting the sickly yellow color of the pickles, and expressing my (as always helpful, yet unsolicited) opinion and doubts that said condiment would be as crispy as advertised, or even crispy at all. Whoever heard of a cuke with the same dimensions as a hamburger (except for some gardens in PA, near the 3 Mile Island site)?

Nonetheless, I am pleased you discarded the jar and have applied for some sort of recompense from Vlasic Headquarters for your troubles. Now we only have 16 or 17 other open jars of pickles crowding the fridge.

Sincerely,
Mrs. Sam "Weatherman" Hankin



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R. DENNIS COMFORT
BOARD CERTIFIED CIVIL TRIAL LAWYER
CERTIFIED CIRCUIT COURT MEDIATOR

October 22, 1999

Editor: 8th Bar Post
c/o Samuel Hankin
305 NE 1st Street
Gainesville, FL 32601

Re: 8th Bar Post, Volume 59, No. 2; October 1999

Dear Editor:

I am writing to let you know how much I enjoyed the new format of the newsletter.

I do, however, have a question about the individual whose likeness appears in four different photographs (two on page one, one on page five and one on page six). Perhaps there should be a subtitle to the 8th Bar Post describing it as "Hankin's Herald."

I also thought that the information appearing on page six re: Professional Video Conferencing Suite should have contained a disclaimer as a "paid" or "unpaid" advertisement.

Finally, I wonder how the editor finds the time to practice law. Can he recommend a time management course?

Sincerely yours,
RDC
R. Dennis Comfort

RDC/ch

President's Message (continued from page 1)
good and a great deal was accomplished. Despite the downpour, Union County Judge David Reiman was still kind enough to come out and greet us. Thanks to Judge Reiman for his warm welcome.

Finally, Social Chairman Mark Frazier is desperately seeking good softball players for Young Lawyers. Any ringers should contact him immediately. When the Young Lawyers aren't making their best attempt at softball, they are devoting loads of time to good causes. Several members worked on the construction of a new dwelling for a deserving recipient on October 23rd as part of the Habitat for Humanity program. Word has it they swing their hammers quite a bit better than they do baseball bats. Mark has also given his assurance that "Holidays in January" will indeed actually be in the month of January this year. The program solicits toy donations for needy children in the area. Mark and the Young Lawyers are asking for your help and participation to make "Holidays in January" successful as well as timely.

In closing, we hope to see you all at our next Bar Luncheon where featured guest speaker and U.F. Law School benefactor, Fred Levin, will grace us with witty and stimulating dialogue surrounding our grand profession.

Well wishes. ■

Editor's Response:



sequent injuries about his posterior and various appendages. This was just after strict liability for canine miscreants was legislatively mandated (why didn't they ever do it for cats?) and we thought we would give it a try. We lost. Judge Crews presided. Defense counsel were John and Anne Winnie. John was loud, obnoxious and stubborn, like me. Anne was calm, collected and intelligent, like Donna. So all in all, they made a good team. When John would stand up and make a fool of himself, Anne would reach up and grab his coattails and pull him back down into his seat. Judge Crews' jaw worked a mile a minute during that trial.

Anyway, where was I? Oh, yes. In 1978, the extant five-story, 101,000 square foot courthouse we all call home was built across the plaza from the County Administration Building. Which brings us to the current dilemma as Judge Cates sees it. Since 1978, we've added five judges (soon to be six). Our population has increased by 70,000. Court filings have soared from 16,000 to over 40,000. The number of cops, of one sort or another, has gone from 258 to 601. The average number of daily inmates in our detention facilities has gone from 119 to 751. In addition, courts must now provide more services and greater support as the cases in the system work their way through, like a rat through a snake. Due to these increasing constraints, major modifications have been undertaken to improve the facility. Many support functions have moved out of the confines of the courthouse proper into the Star Garage.

Are we going to build another throw-away facility that will last less than a quarter of a century?

In concluding his introduction, Judge Cates notes that these major modifications have compromised elements of public safety and function to such an extent that we have reached a critical condition. Those Public Safety concerns are [with the correspondingly lettered issues as addressed by the court]:

II. Public Safety

A. Overview: Essentially the Court determines that our courthouse is really unsafe. He addresses issues such as egress in an emergency; prevention of harm coming from other citizen litigants, witnesses or prisoners; facility defects; escape; physical safety of employees; protection of the infrastructure; and safekeeping of court records. Much of the potential for harm, the Court reasons, comes from a lack of security measures. This is in part due to inadequate inmate transfer from holding cells in the basement staging area, holding cells in the courtrooms, elevators, circulation halls, courtroom sizing, witness rooms and attorney/client conference rooms. The Court also alludes to insufficient exterior perimeter security.

B through M: In these sections, the court addresses the above issues with greater particularity as follows:

B. Basement holding cells and inmate staging areas

- C.* Inmate transport
- D.* Inmate elevators
- E.* Courtroom inmate holding cells
- F.* Public, Private and Secure Circulation
- G.* Jury assembly area
- H.* Witness waiting area
- I.* Attorney/Client meeting Rooms
- J.* Courthouse Annex Security
- K.* Security monitoring station
- L.* Safe, secure and adjacent parking
- M.* Building exterior Security

In each of these subsections, Judge Cates makes clear findings of our courthouse's deficiencies. It appears that these concerns have arisen due to several significant causative forces. One would be inadequate foresight and planning in the original construction of the courthouse; another would be the altered needs that have arisen due to a sea of change in public policy over the twenty years; and the last would be the desire on the Court's part to construct a facility with standards of excellence rather than inadequacy, mediocrity or sloth. The problem with this, as I see it (if anyone cares) is that the County Administration Building served 20 years as our courthouse and our present courthouse has lasted 21. Are we going to build another throw-away facility that will last less than a quarter of a century or do we have the common sense to go back to the ideals that allowed the "real courthouse" to last for three-quarters of a century?

III. Functional Concerns.

- A.* The Court determines, rightfully so, that our courthouse does not comply with the ADA.
- B.* The Order deals with the Alachua County Master Space Plan and other studies which hold us up to the clear light of day regarding the future needs of our county concerning square footage.
- C.* This section discusses the trends associated with a burgeoning requirement for adequate space-growth, more trials and a number of larger high volume proceedings.
- D.* Judge Cates prepares a time line for the new millennium and facility: site selection in less than 30 days from your reading of this article; architect selected by February 1, 2000; and completion of the new facility by October 1, 2004. The Court also requires the County to submit quarterly reports to the Chief Judge on progress toward each of these milestones.
- E.* The Court concludes, relying in part on numerous authoritative sources, that the time for action has passed and the citizens of our county do not have a safe and functional court facility.

(continued on page 13)

Minutes of the EJCBA Board of Directors Meeting

by Lauren Richardson, Secretary

September 7, 1999

Members in attendance: Mary Adkins, Beverly Graper, Laura Varela, Lauren Richardson, Paul Donnelly, Jennifer Lester, Ray Brady, Frank Maloney, Ben Hutson, Phyllis Rosier, Scott Krueger. Also in attendance: Dan Williams, Joshua Kunkle.

The meeting was called to order at 5:40 pm.

Executive Director Dan Williams gave a presentation regarding a group purchasing plan for office supplies for EJCBA member firms through Association Members Only, an organization out of Tampa, Florida. The company representative, Joshua Kunkle, explained the benefits and provided literature and references from other Florida Voluntary Bar Associations who are participating. The EJCBA would receive 3% of sales to members. There's a guaranteed low price, 4% cash rebate on invoice to members, custom fax orders, internet orders, and overnight delivery.

The minutes of the July 24, 1999 annual planning retreat were approved.

Scott Krueger presented the July-August Treasurer's Report and it was approved.

Executive Director's Report

Howard Lidsky has agreed to serve as chair of UF Relations Committee. EJCBA has been asked to participate in next year's Florida Bar essay contest as part of law week, the theme of which will be "Speak Up for Democracy, Speak Up for Diversity." Brenda Chambliss and the Josiah T. Walls Bar Association have volunteered to organize the essay contest locally.

President's Report

Frank Maloney and Dan Williams visited the attorneys at the State Attorney's office to encourage membership. The Bar is also encouraging membership in the Public Defender's office. Maloney has made contact with law school administrators to discuss opportunities to work together and to encourage membership.

Luncheon Committee Report

Jennifer Lester gave the committee report. A new program this year is sponsorship of a luncheon for a fee of \$350.00. The first lunch sponsor is West Group. West has asked for a fee reduction based on their subsidy of Tech Fair breakfast and their ongoing support of the Tech Fair, given the low turnout this year. Lester made a motion to reduce the fee to \$175.00. Seconded. Approved.

Lester has asked that Board members volunteer to "meet and greet" at each luncheon or dinner.

Carl Schwait is organizing luncheon speakers. Judge Larry Turner will be the October speaker and Fred Levin will be the speaker in November. Lester made a motion

that all UF law professors be invited to the November luncheon. Seconded. Approved.

Lester proposed that in lieu of a speaker for December that we have an auction to benefit a local children's charity, with the proceeds distributed before Christmas. The Board will select a local charity, possibly either GAL or SPARC.

Other Committee Reports:

- Sam Hankin has agreed to serve as Newsletter editor, and the September newsletter is on its way to the press.
- Beverly Graper is looking for a Tech Fair chairperson.
- Mary Adkins and Lynn Schackow are working on a CLE program for October.
- Laura Varela, Dudley Hardy and Marcia Lockhart (chair) are serving on the Pro Bono Committee, and they have discussed holding an annual honors luncheon and will also focus on monthly newspaper publication of the award recipient each month.
- Scott Krueger has not had success getting the Florida Bar to sponsor our judicial poll as a pilot program. This committee will seek input from members of the broader community before proceeding with this year's poll.
- Sheree Lancaster has agreed to serve as Cedar Key Chairperson. The date for Cedar Key dinner is Thursday, Nov. 4th.
- Ben Hutson reported that the law school already has a law clerk workshop in the spring and that this committee will participate and add to their activities.
- Phyllis Rosier has asked Mark Fraser to find a young lawyer to serve as chair for the Social Committee.
- Lauren Richardson is looking for a Bar Directory chairperson for next year's directory.
- New Business: There will be a Habitat for Humanity work day on October 23rd and attorneys will be encouraged to participate or to make monetary contributions.
- The Federal Bar Association has thanked us for providing the telephone for the Federal Courthouse. ■

EDITOR GENERAL'S WARNING:

CIGARETTE SMOKING CAN LEAD TO INSANITY, INANE HUMOR, AND OVER-EMOTIONAL ATTACHMENTS. CALL 800-578-7453 FOR PROOF.

Restrictive Covenants

continued from page 4

statute also provides that unless there is a provision expressly authorizing enforcement by a party's assignee or successor, the court probably will not enforce it.⁹ This provision is usually found in boilerplate provisions and could substantially affect the value of a business being sold or a license granted since the agreement could constitute a valuable asset of the business being sold. The statute also authorizes the court to award attorney fees and costs to the prevailing party regardless of terms in the parties' agreement to the contrary.¹⁰

Restrictive covenants exist in many different kinds of business environments and the documents that govern them. These cases and statutes provide guidelines in drafting a responsible and reasonable response to a client's desire to protect legitimate business interests. ■

Footnotes

1. Massari v. Salciccia 136 So. 522 (Fla. 1931)
2. FS §542.12
3. The Sherman Act 15 U.S.C. (1)
4. Standard Oil Co. v. United States 221 U.S. 1, 58 (1911).
5. St. Petersburg Yacht Charters v. Morgan Yacht, Inc. 457 So. 2d 1028 (Fla. 2d DCA 1984)
6. FS §542.335 (1)
7. FS §542.335 (1)(b)
8. FS §542.335 (5)(c)
9. FS §542.335 (3)(f)(2)
10. FS §542.335 (3)(k)

Rule 1.070 Revision

Good news for those of you who may not follow the evolution of the *Florida Rules of Civil Procedure* with regularity. Rule 1.070(j) has been revised, and revised in such a fashion as to reward those of you who may be less than zealous with regard to service of process within the requisite 120 day period.

Prior to the revision, the rule required that service be effected within 120 days or your goose was cooked, unless you could demonstrate excusable negligent or other good cause. This generally meant that your own sloth and incompetence, or that of your prompt and courteous staff, would not be sufficient to save your butt. Neither would such "excuses" equivalent to the "my dog ate the homework" refrain from junior high school.

But now, thanks to a new kinder and gentler rule, consonant with the rapid fall of all standards in this, the twilight of the millennium, one is able to be "excused" without an excuse and the Court, in its discretion, which discretion will not be lightly disregarded, may grant you an extended period of time simply because it, the Court, woke up on the

Cynthia Swanson receives — October Pro Bono Award

by Marcia Lockhart

Cynthia Stump Swanson received the Pro Bono "Bone" Award for October for her assistance to Planned Parenthood of North Central Florida. Her work includes reviewing contracts, providing guidance and negotiation of changes, and assisting with employment concerns, personnel policies and Board matters. She reviews laws regarding health care services, pharmacy dispensing, physician privilege, treatment of minors and keeps the organization informed on state regulations and guidelines.

In her letter of nomination, Laura Knudson, President of Planned Parenthood, said "She has provided exemplary guidance in all facets of our work. Her contribution is critical and she is always gracious in her service . . . We have been blessed with Cynthia Swanson's gift of service to us. Her contribution to Planned Parenthood has been significant."

Cynthia also volunteers with Three Rivers Legal Services, providing pro bono representation and advice since the late 1980s. She has accepted referrals in areas such as dissolution of marriage, custody, adoptions, guardianships and employment matters.

Her pro bono commitment goes beyond her work with Planned Parenthood and Three Rivers, and includes working with the Micanopy Historic Preservation Trust, EXPO - the Children's Museum of Gainesville, the Gainesville Commission on the Status of Women, Current Problems (part of the Adopt-A-River program), the Pilot Club of Greater Gainesville and the Pilot Scholarship House. ■

right side of the bed. Therefore, sufficient whining, cajoling, wheedling, crying and wheezing may, in fact, buy your otherwise doomed plaintiff, a second breath at life. ■

(A public service announcement from your editor)

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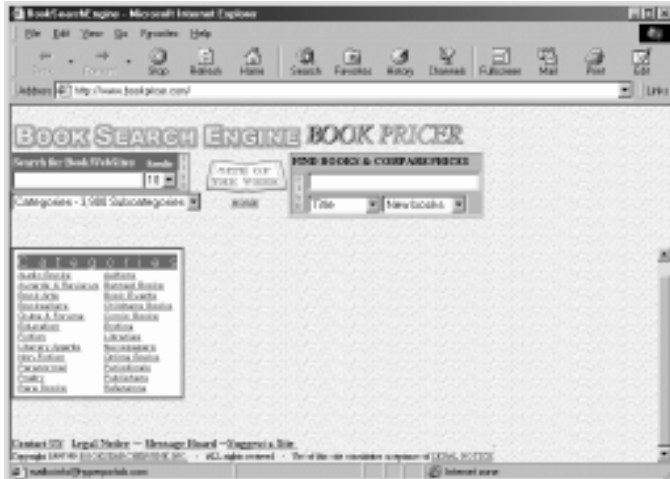
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Gainesville, FL 32601
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Fax: (352) 373-8301

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Lake City, FL 32025
(904) 755-3060

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Starke, FL 32091
(904) 964-8155

Website of the Month

www.bookpricer.com



This site provides a comprehensive and exhaustive comparison of book retailers so that you can be sure to obtain the lowest possible price. It will also locate sites specifically related to books in which you've expressed an interest.

A Series of Online Advice Sites:

- www.eHow.com You can find out how to ask for a raise, treat a cold, raise a baby.
- www.howtoHQ.com Divided into categories: how to work, how to play, how to buy a home and how to shop and save.
- www.learnto.com Offers information on information technology course offerings.
- www.about.com Staffed by over 600 expert guides regarding a variety of services and the site does not charge a fee.
- www.expertcity.com Allows customers and experts to work together as if they were sitting next to each other.
- www.expertcenter.com Over 4,000 live experts who offer advice for a fee.
- www.exp.com Online market place for expert advice and services.
- www.inforocket.com Simply post your question and anyone else can bid to answer it for a mutually agreed upon price.
- www.ithority.com Links people with questions to people who have answers, specifically focuses on career and financial advice.

Websites of Interest for Lawyers

- www.lido.com 10,000 medical illustrations and reusable exhibits
- www.abanet.org/legalservices/lpl.html Useful web site for lawyers
- www.CLEadvisor.com Good site for looking up CLE courses available on particular subjects
- www.crashtest.com Crash test data on every make and model of domestic and foreign car, truck, van and sports utility vehicle, new and used
- www.alberty.com Provides forms for limited liability companies
- www.thomson-thomson.com Trademark research called BannerStake
- www.ilr.cornell.edu/library/reference/guides/dw_primer Disability and the Workplace: An Internet Primer
- www.hg.org Hieros Gamos/Law and Government
- www.probono.net ProBono - Lawyers serving the public good
- www.10Kwizard.com 10K Wizard / SEC Filings
- www.law.umkc.edu/faculty/projects/FTrials/ftrials.htm Famous American Trials
- www.ipo-express.com Detailed information on IPO filings, pricings, and performance. A free service from EDGAR Online
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Family Law Section

by Cynthia Stump Swanson

The Family Law Section met on October 6, 1999 in the Grand Jury Room of the Alachua County Courthouse, chaired by Jill Greaves. As the first order of business, Jill provided a copy of a letter dated October 7, 1988 to Zelda Hawk, then chair of the group, from Dick Belz, then President of EJCBA, stating that the EJCBA board had unanimously approved the group's request and had conferred official sectionship on the group. Jill said that she hoped that the dredging up of this letter would put to rest the issue of whether we can call ourselves the Family Law Section of EJCBA.

Changes to §61.30: 14 lawyers and Judge Giunta attended this meeting, at which a main topic of discussion was the change to Fla. Stat. §61.30(1)(a) which provides that notwithstanding the 5% variation limitation which trial courts can make in guideline child support without making specific findings of fact, the trial court shall order child support which varies from the guidelines "whenever any of the children are required by court order or mediation agreement to spend a substantial amount of time with the primary and secondary residential parents." This section then refers to an amendment in §61.30(11), which is now numbered §61.30(11)(b) which requires an adjustment to guidelines "Whenever a particular shared parental arrangement provides that each child spend a substantial amount of time with each parent. . . ." The statute now gives some items that the trial court is required to address in determining such an adjustment, including the child's needs, the direct and indirect expenses for each child, the comparative incomes of the parents, and the new "station in life of each parent and each child." This change was effective October 1, 1999.

There was considerable concern among lawyers as to what will be the definition of "substantial amount of time," and how it may be defined differently by each judge and in each case. Cynthia Swanson passed out copies of an excerpt from the current FAMSEG (the Florida Bar Family Law Section E-Mail Group) newsletter, which contained an article by a CPA showing one suggested method of determining guideline variations depending upon the raw percentages of time spent with each parent.

Many lawyers believe that this change to the statute may have the effect of making the award of child support completely discretionary with each judge – a change which is directly contrary to the purposes hoped to be achieved with the adoption of the child support guidelines. The guidelines were adopted in compliance with federal legislation by which Congress intended to increase the equity of child support awards by providing comparable orders in families with comparable circumstances. In addition, most practitioners have learned that the existence of the guidelines essentially takes away one issue of contention, sometimes easing the overall settlement of a case.

This statutory change seems destined to have the opposite effect, increasing litigation over what is a "substantial amount of time" in every situation, and providing an issue which can be used by one (usually more affluent) parent to force concessions from the other (usually less affluent) parent.

An article in the September 1999 issue of the Commentator includes a chart showing the definition of "substantial amount of time" adopted by the 24 other states which have a similar statutory provision for a variation from guidelines. Those state legislatures had the foresight to include a definition in their statutes; unfortunately, Florida's legislature did not. The Florida Bar's Family Law Section meets October 29, 1999 to work on proposals for changes to the law for the next legislative session.

Meanwhile, Judge Giunta announced his take on the changes: Because he never requires the non-residential parent to spend any time whatsoever with the children, he does not believe the statutory changes will be applicable in his court. In addition, as he pointed out, any order which finds that the non-residential parent spends "substantial" time with the child will require fact finding very similar to that required presently in order to deviate more than 5% from the guidelines. Thus, he doesn't expect many changes in the way he decides child support issues.

On the other hand, Harvey Baxter reported that his sense from talking to other judges is that any visitation order which provides for any more than the "standard" visitation will be considered a "substantial amount of time," thereby necessitating some adjustment in guideline support.

Judge Giunta pointed out another possible problem which could result from this change. Suppose Dad wants more visitation, and accommodating Mom agrees, and encourages and arranges things so that Dad has more and more time with the children. This statutory change would then allow Dad to come ask for a downward modification, thereby punishing Mom (who has the same, unchanged expenses) for working with Dad for him to see the kids more. Backlash = Mom never agrees to one minute more than the previously awarded visitation. All of this to the detriment of the children.

One question the group left unanswered was whether the changes apply to cases which were filed prior to October 1, 1999 but come up for final hearing after that date.

Treasurer's Report: Marilyn Peterson reports a balance of \$510.25. She requests that those who have not yet paid their annual dues of \$5.00 do so now. Make out your check to Marilyn Peterson Trust Account, note it as being for the Family Law Section, and mail it to Marilyn at 5000 N.W. 27th Court, Suite C, Gainesville, FL 32606.

The next meeting of the Family Law Section is November 3, 1999 at 4:00 PM. The meetings are always on the first Wednesday of each month in the Grand Jury Room of the Alachua County Courthouse.

Governor's Report

by Robert Rush

I'm presently in attendance at the Board of Governor's meeting in Boston, but due to the deadline imposed by the newsletter czar, you won't be able to read a report on this meeting until next publication. So, in an effort to fill space for our esteemed editor, I wanted to provide a little more information on The Florida Bar's Communication Plan. This is an initiative designed to help restore public trust and confidence in the legal profession.

The plan has six target audiences: Bar members themselves; the public; the news media; the local and/or specialty bar associations; the judiciary; and finally, law schools and law students.

To achieve those goals, The Florida Bar's outreach to members includes providing articles and columns discussing lawyers' responsibilities, facilitating speeches by Bar leaders, producing videos designed to help attorneys to talk with the public about the legal profession and asking lawyers to devote one hour per week to their profession by either attending local Bar Association meetings, doing pro bono work, speaking to a school or community group, or any other activity that helps build trust in our profession.

The outreach to the general public is going to consist of creating thirty-second television and radio public-interest announcements about the legal system.

The Bar does have educational materials and other

tools that can assist local Bar Associations in dealing with the news media and engaging in activities that build a positive relationship between lawyers and the public.

The effort also includes the Judiciary. The Bar has coordinated meetings and activities with the Florida Conference of Circuit Judges and other Judicial groups to discuss their views on restoring public trust and confidence in the legal system. In addition, the Bar is actively encouraging judges to reinforce the importance of civility and professionalism in the legal profession, and to remind and encourage lawyers to comply with the creed of professionalism for Florida lawyers.

None of this image raising can occur without the active participation of our local voluntary Bar Associations. To that end, please take the opportunity to respond to false, misleading or negative articles that appear in the media. Take the opportunity to speak to local groups about all of the good things that lawyers do to assist and maintain an orderly society.

The Bar has a new logo which I have included here. If any of you have any comments or suggestions or would like to get more involved in any Bar activity, please feel free to contact me. ■

(The editor sincerely apologizes for failing to include the Governor's Report in last month's issue)

NALA

continued from page 6

Many of NALA's philosophies or concepts are embedded in its certification program. The program encourages, supports and exemplifies an attitude of professionalism and professional development through discipline and self-study. It is a voluntary program. Therefore, individuals who take the examination are committed to the concepts of professionalism and achievement.

In support of this concept is the requirement of continuing education. A certain number of hours through seminars, workshops, special non-job related projects or formal classes must be accumulated in order for an individual to maintain the CLA designation. This requirement recognizes the constantly changing nature of the profession. Lifetime certification is not available.

In July 1982 NALA's certifying board announced the availability of specialty certification. These four-hour examinations are administered twice yearly during the same time as the full examination.

As with all NALA programs, the purpose of the examination program is to help the legal assistant profession by serving as a means of distinguished and recognizing excellence among legal assistants and by serving as a stabilizing force and directional tool in the growth of the profession.

Gainesville Association of Paralegals embraces the CLA examination and offers a yearly workshop. For more information about our Association visit our website at www.afn.org/~gala/ ■

Courthouse

continued from page 8

Here's my solution:

- Move the criminal aspects of the courthouse to another facility, more conveniently located to our detention center. Some have commented on the constitutionally chilling aspects of such a logistical move; that is, if jurors and other fact finders are located near where prisoners are already detained, they will be more likely to determine, in one way or another, that they should stay there. I doubt that, but it is something to think twice about. Perhaps the county should have thought twice before building the jail within one block of the airport.
- Add more broadband video conferencing capability, using "nailed down connections" where logical. This could be accomplished economically, expeditiously and safely, and in civil contexts. There are absolutely no downsides to this existent and logical technology.
- Remodel the existing facility, to accommodate the needs of ALL civil functions including mediation and other alternative dispute resolution. Do you realize that there were less than sixteen civil jury trials in Alachua County last year?
- Or lastly, in a more Hankinesque approach, build a new and larger state of the art facility on the site of the community plaza--it's been a waste of space for 20 years and then demolish the County Administration Building and the existing courthouse and construct wings for parking and support facilities. ■

Eighth Judicial Circuit Bar Association, Inc.

FY 99-00 Treasurer's Report

September, 1999

Summary:

	98/99 <u>ACTUAL</u>	99/00 <u>BUDGET</u>	SEPT. <u>ACTUAL</u>	Y-T-D <u>TOTAL</u>
Current Revenues:	\$44,863.28	\$56,700.00	\$18,770.50	\$19,134.56
Current Year Expenditures:	<u>48,338.73</u>	<u>56,700.00</u>	<u>3,499.03</u>	<u>5,289.61</u>
Net Revenues over Expenditures:	(3,475.45)	0.00	15,271.47	13,844.95
PY BOD Approved Exp. Paid in CY:	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	(3,475.45)	0.00	15,271.47	15,271.47

Bank Accounts:

	<u>CHECKING ACCOUNT</u>	<u>MONEY MARKET</u>	<u>BANK TOTALS</u>
Beginning Balance @ 9/1/99:	\$3,047.91	\$9,149.47	\$12,197.38
Money Market/Checking Transfers:	0.00	0.00	0.00
Net Revenues over Expenditures:	15,271.47		15,271.47
Prior Yr. Approved Exp. Paid in CY:	0.00		0.00
Money Mkt Int. Incl. in Net Revenues:	0.00	0.00	0.00
Accrued Expenses & Adjustments:	<u>(135.34)</u>	<u>0.00</u>	<u>(135.34)</u>
Ending Balance @ 9/30/99	18,184.04	9,149.47	27,333.52

Special Note: This report was prepared prior to the receipt of September bank statements; therefore, no interest income is included herein.

The Professor and the Madman

continued from page 4

thriller, details and weaves together the lives of two very different men whose similarities are also revealed in crystalline prose. James Murray was the driving force behind the creation of the greatest dictionary of all time and William Miner was one of its most prolific contributors. Murray was a sedate and mild Scotsman while Miner was a certified lunatic, committed to an asylum (until the Queen made known her pleasure) for murder most foul. Diagnosed with *daementia praecox*, Miner was an American surgeon, branded by the cruelties of the U.S. Civil War and driven over the edge of sanity by the acts he was required to perform therein. Notwithstanding his incarceration, he contributed thousands of entries to the O.E.D. and developed an enduring friendship with the Dean of Dictionaries.

Written with the intensity of a murder mystery, but with the erudition of an historical tableaux by a learned scholar, the book will be read by most in a single sitting. After I finished, I turned back to my now ancient and hoary, dog-eared copy of the O.E.D. and started reading at the letter

“A.” I am now up to “aardwolf.” At this rate, I will finish the 500,000th word on or about February 24, 2024.

I also found an excellent article about James Murray and the traces of his own psyche and personality he left behind in the definitions he wrote for the dictionary. It's entitled, “Reading the Traces of James Murray in the Oxford English Dictionary” by John Considine, published in the quarterly, *Verbatim*. You can read it online at www.verbatimmag.com/considine. In addition, note that modern technology seems perfectly designed for the O.E.D. The compact O.E.D. is now astonishingly published as one volume (6 pages to a page) and the OED with every word, the Corrigenda and all supplements is available for \$395.00 at Amazon.com. There's also an ever-evolving online edition available for \$995.00 institutionally and a price for individuals will soon be made available.

Lastly, if you wish like poor Mr. Miner to become a part of the O.E.D. yourself, a call for readers for the next great revision is open now. Go to www.OED.com/readers.

Bar Luncheons

by Jennifer Lester

This month's Bar Luncheon features an exciting speaker who's had quite an impact locally. Fred Levin, of the University of Florida Fred Levin College of Law, will join us and give us some insights on who he is, why the law school is now named after a trial lawyer and the role of trial lawyers in today's society. Bring your questions and comments, and join us and the law school faculty for lunch! The luncheon is November 12, 1999, at 11:45 a.m. at the Sovereign Restaurant in downtown Gainesville.

Please also mark your calendars now for December's lunch. In December, we are going to have an all new, interactive event! Ben Campen, Auctioneer, is going to join us to auction off some great items, there will also be door prizes and gifts. Come do your holiday shopping at lunch! All proceeds will be donated to a local charity to help during this giving season. The date is December 10, 1999, at 11:45 at the Sovereign. Don't miss it!



Judge Turner at the October Bar Luncheon

Federal Bar Association Hosts "View from the Bench" Seminar

by Rob Griscti

On November 17, 1999, the Gainesville Area Chapter of the Federal Bar Association will sponsor a CLE seminar entitled "A View from the Bench." The event will start at 1:00 p.m. at the Sovereign Restaurant, 12 SE Second Avenue in Gainesville. The Chapter has applied for up to 4 hours of CLE credit for the seminar, including one hour of ethics/professionalism credit.

Speakers will address recent amendments to the Federal Rules of Appellate Procedure and the Local Rules of the United States District Court for the Northern District of Florida. Sharon Bruley, the Resident Deputy Clerk for the Northern District of Florida, Gainesville Division, will present some of the "do's and don'ts" of federal practice from the Clerk's perspective. Following these speakers, a panel consisting of Senior Judge Maurice M. Paul, District Judge Stephan P. Mickle, and Magistrate Judge Gary R. Jones (the Federal judges sitting in Gainesville) will present a "View from the Bench" that will allow questions and answers between judges and lawyers.

This program will be very informative. Registration fees are minimal to encourage both chapter member and non-member participation. You can register with the form below or contact Chapter Treasurer Sharon Sperling at 352/375-5602 in Gainesville.

If you have not joined the Federal Bar Association, applications will be available at the November 17 seminar. The Gainesville Area Chapter represents Alachua, Marion, Dixie, Gilchrist, Lafayette, and Levy Counties in the national Federal Bar Association. The Chapter recently received its Charter from the national Federal Bar Association and recognition as one of the nation's fastest-growing chapters. Contact the Chapter's membership chair, Elizabeth Waratuke, at 352/334-5011 for further information about applications and membership services.

Cut out and send to:
Gainesville FBA
CLE Committee
P.O. Box 2361
Gainesville FL 32602-2361

Register me for the VIEW FROM THE FEDERAL BENCH seminar, Wednesday, November 17, 1999

Name(s) _____

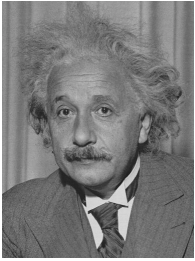
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 Address: _____

 Phone: _____

_____ GFBA member: \$25.00
 _____ GFBA law student member: free
 _____ YLD member: \$25.00
 _____ Non-member attorney: \$45.00
 _____ Non-member law student \$10.00

Please include registration fee as indicated, payable to "Gainesville Area Chapter, FBA". It is anticipated this course will qualify for 4.0 CLE hours, including 1 hour of Ethics & Professionalism. Non-members, join the Federal Bar Association now (before dues increase Oct. 1st) and register for this seminar as a member! Include \$86 (\$44 if 5 years or fewer in practice; \$11 law students) payable to Federal Bar.

Nationalism - Two Views



Albert Einstein

Nationalism is an infantile disease. It is the measles of mankind.

Statement to G.S. Viereck, 1921; quoted in Dukas and Hoffman,
Albert Einstein, the Human Side, p. 38

Pat Buchanan on Free Trade & Immigration: Jun 11, 1999



In a Global Economy financial blunders from Mexico to Asia shake US markets. As our independence falters, our sovereignty erodes. In 1994, for the first time, the US joined a global institution, the WTO, where America has no veto power & the one-nation, one-vote rule applies. Global interdependence is a betrayal of our heritage of liberty. As President, I will use the trade laws of this country and the power of my office to protect the independence of our country, and the sovereignty of the US.

Quote from Pat Buchanan in "Pat Buchanan on Free Trade & Immigration: June 11, 1999" at [www.GoPatGo.org/Issues:America First Trade Policy.](http://www.GoPatGo.org/Issues:America%20First%20Trade%20Policy) ■

Calendar Of Events

Please call the EJCBA office for more information

11/03/99	Family Law Section Meeting
11/04/99	Jimmy Adkins Annual Cedar Key Event
11/09/99	EJCBA Board of Directors Meeting
11/10/99	Probate Section Meeting
11/12/99	EJCBA Monthly Luncheon
11/16/99	GAP's Monthly Meeting
11/17/99	View from the Federal Bench Seminar
12/01/99	Family Law Section Meeting
12/08/99	Probate Section Meeting
12/10/99	EJCBA December Luncheon
12/21/99	GAP's Holiday Social

ulna ferrea (I-n fer-ee-). [Law Latin "iron ell"]. *Hist.* An iron measuring device, approximately a yard in length, kept in the Exchequer as a standard measure. *Black's Law Dictionary, Seventh Edition*, 1999, page 1524.

Contact the editor to submit your unusual definitions for the next newsletter.

FORUM 8

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