

FORUM 8

Volume 59, No. 6

Eighth Judicial Circuit Bar Association, Inc.

February 2000

2000 A.D.



When I was quite young, I spent a great deal of my time, envisioning the future. The gnomon of this speculative exercise was the iconic date of 2000 A.D. I knew that by the year two thousand everything would

have changed. The world as I knew it would be a different place, and I would be very old, turning 48 on May 21, 2000.

When I used to ponder these alien times, say back in 1961, when I was 9, I was planning to be an astronaut when I grew up. I spent a lot of time writing letters to NASA with ideas for improving the Mercury program. One idea I remember was to build a double-hulled capsule with a fluid filled interstice. This cavity would be utilized to plug holes in the skin of the ship, should a micrometeorite pass through. The fluid would then flow out and freeze in the vacuum of space, blocking the leak. NASA sent me a very nice letter in

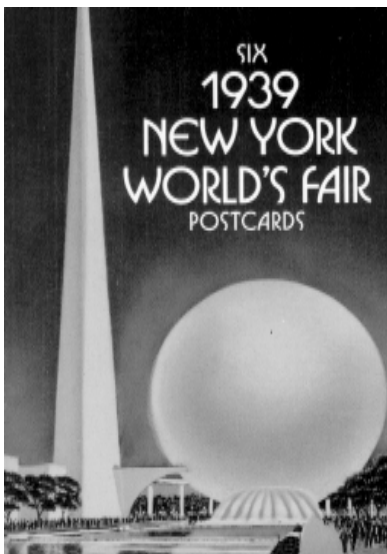


Figure 2

return thanking me for my idea. I specifically remember the illustration I drew for my idea. (see figure 1, page 9) I followed the lives of the 7 Mercury astronauts (Sheppard, Grissom, Glenn, Carpenter, Shirra, Cooper and Slayton) with the same obsessive glee that youngsters today ponder the gender specific vagaries of 'N Synch or anatomical updates on Britney Spears.

The past was as equally elusive as the distant millennium. When I was a student at Anna Blakiston Day School in Mt. Airy, Pennsylvania (just outside of Philadelphia), I remember an "assembly" in 1960 when we celebrated the Centennial of the Civil War. Back then there were a number of Civil War Veterans around; most of them drummer boys. I think one such grizzled percussionist attended this get together. Many more widows of veterans were available for such celebrations. This living, breathing tie to the momentous events of a century

ago was mind-boggling to me.

Likewise, when I thought back to my grandfather,

(continued on page 8)

While my sense of humor may at times raise hackles, offend the vast majority and irk the multitude, I did not, I repeat did not, write the birth "announcement" concerning Darren and Jean that appeared in last month's edition. As you will see from the *mea culpa* below, Darren was the culprit, scamp that he is. Read on and discover the truth. - Sam

Yes, EJCBA members, it was I who wrote the "offensive" passage. Sam had nothing to do with it, and did not even offer the idea. In retrospect, I see that it would have been better written in the first person, so as not create the illusion that your editor wrote such a "horrendous" statement. I do apologize for the confusion. Please note that neither Jean nor I were offended by said "announcement." Well, admittedly Jean was *slightly* miffed and admonished me not to print it, but I did anyway. ;-) - Darren

President's Message

by Frank Maloney



Winter Greetings to all friends and members of the Florida Bar.

When last we met (on printed page at least), mention was made of several holiday events planned by our own Eighth Judicial Circuit Bar Association. One such event was an auction to benefit the Guardian Ad Litem Program. The auction took place in December and was an enormous success.

Carl Schwait, who also announced programs slated for the remainder of the year, presented a check for over \$3,000 to the program. The sum was largely garnered through the generous bids of Bar members for an eclectic array of items from foot warmers to exotic spa visits. The auction items were donated by local Gainesville merchants in support of the fine service the Guardian Ad Litem Program provides. As the locale would dictate, a large selection of Gator paraphernalia highlighted the auction. A good portion of the UF memorabilia and souvenirs were acquired by past Bar President, John Stokes.

Judge Martha Ann Lott got the ball rolling by making the first purchase: a large satellite photograph of hurricane Floyd, a peculiar item to be sure, but the generous judge paid a pretty penny for the oddity. Many speculated on the possibility of a closet passion for meteorology, but most felt compassion for the children was the true motivation for the eccentric purchase. Regardless, thanks are due to both Judge Lot and the kindly donator of the item.

It is hoped by all that the Young Lawyers' Holiday in January event met with the same success. You will remember from prior newsletter installments, the yearly affair is centered around the procurement of toys for needy children in the Eighth Judicial Circuit. We thank the Young Lawyers and contributors for all their efforts.

At another recent Bar event, past Bar Presidents were recognized and honored for their considerable contributions to the organization. Eighteen past presidents were in attendance at the favored Sovereign Restaurant in Gainesville. The luncheon featured speaker Dr. Barrow, an active participant in local historical preservation. Dr. Barrow spoke on pre-statehood history, specifically in regard to Alachua County. Attendees were interested to learn that Alachua County once encompassed all "out" counties in the Eighth Judicial Circuit from Baker to Charlotte. Some mused it must have been the choice of these other counties to "secede" from Alachua. The only sure thing is that Alachua County was once awfully large.

On the first of February, a small Board retreat is scheduled as a planning session for the last half of the Bar year. The meeting will be held at the Archer Road Steak and Ale location in Gainesville. This will proceed the next Bar Luncheon to be held on the 18th, rather than the

previously mentioned 11th. All are expected at the Sovereign Restaurant at the corrected date. I understand we will have the pleasure of our newest Supreme Court Justice's company and address.

Finally, I leave you with this. As you read this, Arbor Day approaches or has just passed. I encourage you and yours to plant a tree in observance of this day. Between the Writs, Decrees, Summons, Edits, Amendments, Suits, Motions, Petitions and Pleas, we have surely taken out more than our fair share of trees. If ever there was a holiday that clove to the legal profession, Arbor Day is certainly it.

Fondest wishes for the remaining Winter. ■

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Can you Define it?

millenarian

See definition on page 11.

Governor's Report

by Robert Rush



The Board of Governors meeting for December was held in Miami Beach, Florida in the Municipal Auditorium. For those of you who have never been there, it is classic '50s Florida architecture with terrazzo floors, cinder block walls and a high ceiling that demonstrated the remarkable advances we have made with acoustics since this old auditorium was built.

The TV and radio ads describing the essential functions that lawyers provide for our society have been running on cable stations throughout the state. If any of you have seen the ads, I would like to get your feedback.

Again, one of the big issues that was discussed is the issue of multi-disciplinary practices. It has been described as an issue which could forever transform the practice of law. Multi-disciplinary practices, or MDPs as they have become known, are professional associations, partnerships or other business organizations owned jointly by lawyers and non-lawyers. At least one of the functions of these organizations is to provide legal services. They would like to share fees amongst the members of the association including fees earned for providing legal services.

The Florida Bar has already received inquiries from attorneys who wish to either own or have partnerships with the following businesses: used car lots, coffee shops, MRI centers, physicians, accountants, financial planners, elder care helpers, title insurance companies, stock brokers, patent research companies, investigators, dentists, mental health counselors, and sports agents, to name a few.

In order for these changes to occur, the existing rules of professional conduct would have to be dramatically changed. Currently, Rule 4-5.4 prohibits a lawyer from sharing legal fees with a nonlawyer. This rule would create serious ethical concerns for ancillary businesses owned partially by non-lawyers. In addition, there are serious implications as to our conflict of interest rules, confidentiality requirements, and concerns regarding the unauthorized practice of law, to name a few.

The Big Five accounting firms seem to be most interested in buying up law firms. In 1996, Arthur Anderson accounting firm acquired one of Spain's leading law firms and Scotland's largest law firm, Dundis and Wilson. This is an issue that we all need to be concerned about before it is unwillingly thrust upon us.

I would like to end on a note congratulating Bruce Hoffman, who was selected as the Florida Bar's recipient of its annual Pro Bono Service Award. By the publication of this issue, Bruce should have received the award as presented to him by The Florida Supreme Court in their yearly Pro Bono Service Award ceremony on February 4, 2000. Congratulations, Bruce! ■

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

President

Frank E. Maloney, Jr.
Tel: (904) 259-3155
Fax: (904) 259-9729
frankmaloney@compuserve.com

President Elect Designate (President, 2001-2002)

Bennett A. Hutson
Tel: (352) 331-3333
Fax: (352) 332-7519

Immediate Past President

John M. Stokes
Tel: (352) 338-8410
Fax: (352) 338-8418
uf1gator@aol.com

Treasurer

Scott D. Krueger
Tel: (352) 376-3090
Fax: (352) 373-7347

President Elect

(President, 2000-2001)

Jennifer Cates Lester
Tel: (352) 331-3333
Fax: (352) 332-7519

Secretary

Lauren Richardson
Tel: (352) 376-4694
Fax: (352) 371-7366
LRichardson@clayton-johnston.com

Directors

Mary E. Adkins
Tel: (352) 475-5546
Fax: (352) 475-5968

Jill R. Greaves
Tel: (352) 376-4694
Fax: (352) 371-7366

Raymond F. Brady

Tel: (352) 378-6118
Fax: (352) 378-8530

Phyllis M. Rosier

Tel: (904) 964-4701
Fax: (904) 964-4839

Brenda Lee Chambliss

Tel: (352) 377-1302
Fax: (352) 377-1169
dbelaw@dbe-law.com

C. Richard Parker ("Rick")

Tel: (352) 338-7386
Fax: (352) 955-2400
rparker@ns1.co.alachua.fl.us

Paul A. Donnelly

Tel: (352) 374-4001
Fax: (352) 374-4046

Laura J. Varela

Tel: (352) 375-7700
Fax: (352) 375-1080
LJVgator@aol.com

Beverly Graper

Tel: (352) 331-8800
Fax: (352) 331-6336
ginstitute@ccgnv.net

E.A.W. "Pan" Zettler

Tel: (352) 528-2225
Fax: (352) 528-2226
panzettler@aol.com

Executive Director

Kathy Janous
Tel: (352) 380-0333
Fax: (352) 380-9112

About This Newsletter

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Eighth Judicial Circuit Bar Association, Inc.
P.O. Box 127
Gainesville, FL 32602-0127
Phone: 380-0333 Fax: 380-9112

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 Email, 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.

Samuel Hankin, Newsletter Editor
Kim Hasko, Managing Editor
305 NE 1st Street, Gainesville, FL 32601
Tel: (352) 375-7100 Fax 352) 375-4634
samuel.hankin@hankinlaw.com
kim.hasko@hankinlaw.com
www.hankinlaw.com

Family Law Section

by Cynthia Stump Swanson



The Family Law Section enjoyed its first ever holiday party December 9, 1999 at Jill Greaves' office. Jill provided a nice opportunity for family lawyers to chat in a pleasant and relaxed atmosphere . . . made all the more pleasant and relaxed by the many bottles of wine!

At its last business meeting, the Family Law Section voted to change its meeting dates to the fourth

Wednesday of each month. It was hoped that this date later in the month will accommodate the deadlines for providing articles to this newsletter, and will promote attendance by providing reminders of upcoming meetings in the newsletter. The next meeting will be Wednesday, February 23, 2000 at 4:00 p.m. in the Grand Jury Room of the Alachua County courthouse.

Here are some tidbits of family law news from around the state: Two major U.S. and international family law groups have weighed in on the Elian Gonzalez issue and both strongly recommended the immediate return of the boy to the custody of his father in Cuba. The American Academy of Matrimonial Lawyers (AAML) and the International Academy of Matrimonial Lawyers (IAML) jointly issued the following statement:

Two major U.S. and international family law groups have weighed in on the Elian Gonzalez issue and both strongly recommended the immediate return of the boy to the custody of his father in Cuba.

The fundamental right of parents to the custody of their children is preeminent both in U.S. and International law. Under the Hague Convention on the Abduction of Children, which has been adopted by the U.S., but not by Cuba, the proper jurisdiction for international custody disputes is the habitual residence of the child. This rule of law corresponds to the Uniform Child Custody Jurisdiction Act (UCCJA) which has been adopted by all 50 states. The Hague convention also requires that the child be returned to the country of his habitual residence, absent grave harm to the child that would result therefrom. The adoption of the Hague convention by Cuba, and those countries which have yet to adopt the convention, would go far in ameliorating similar cases in the future. The above legal principles find their foundation in the precepts of the fundamental rights in all free societies for parents to exercise primary control and decisions concerning their own children. The determination by the U.S. Immigration and Naturalization Service that Elian Gonzalez should be returned to his father, should be given immediate enforcement.

Apparently the Dade County Circuit Judge did not read the Hague Convention in the same way as the AAML and the IAML, when ruling that Florida courts do have jurisdiction to determine Elian's custody and that his Florida relatives have standing to bring a custody action here.

The 2nd DCA has held *in dicta* that the 1997 statute authorizing courts to order rotating custody if it is in the children's best interest did not eliminate the judicial presumption against rotating custody. Mandell v. Mandell, 741 So.2d 1617 (Fla. 2 DCA 1999). The court pointed out that the statutory provision that no presumption shall apply in favor of or against relocation requests by custodial parents was enacted along with the rotating custody provision in the same bill. The express reference to judicial presumptions in part of the bill indicates that the Legislature understood that a judicial presumption may exist and how to set one aside legislatively. The 2nd DCA determined that, because the Legislature otherwise made it clear that they understand judicial presumptions, but said nothing in regard to the rotating custody presumption, this showed that the Legislature did not intend to legislatively terminate the judicial presumption against rotating custody.

The 4th DCA recently discussed the appropriateness of trial judges limiting the time available for a trial. The court stated that it believed that attorneys sometimes underestimate the time needed for a trial, hoping that the judge

will somehow squeeze them in and then accommodate the need for additional time. The appellate court noted that judicial time is not "an infinitely elastic commodity," and that trial judges have a heavy obligation to manage their judicial resources efficiently. Sullivan v. Sullivan, 736 So.2d 103 (Fla. 4 DCA 1999). In that case, the wife's attorney had stated that the trial would require two days, and the husband's attorney had stated that it would require one day. The trial judge gave them one and a half days, and told them it would be divided equally. Periodically throughout the trial, the judge reminded the attorneys how much time each had left. During the presentation of the husband's case, the wife's attorney used a lot of time to cross examine the husband and his witnesses. This time was "charged" to the wife, and thus left her with little time to put on her own case. One of her witnesses was not able to testify at all. Unfortunately, the wife's attorney did not proffer that witness' testimony, and the appellate court held that fact to be fatal to the wife's argument that she was not afforded an opportunity for a full presentation of her case. The 4th DCA held that the trial court's authority to manage trial proceedings authorizes it to set time limits for testimony, although it also stated that

Continued on page 5

Continued from page 4

preestablished limits should be flexible.

Effective October 1, 1999, the amended version of Fla. Stat. §57.105 went into effect. The new standard for an award of fees to be paid to the prevailing party in equal amounts by the losing party **and the losing party's attorney** is if the losing party or losing party's attorney knew or should have known that losing party's claim or defense was not supported by material facts or would not be supported by then-existing law. This standard is thought to be more liberal or easier to meet than the prior "complete absence of justiciable issue of law or fact" standard. The new statute also authorizes an award of damages and attorneys' fees to the party who is forced to obtain a court order in response to opposing party's unreasonable delay. If any readers have had any experience with this new version of the statute, we'd be interested in hearing about it. A quick Westlaw search did not reveal any published appellate decisions yet.

The Florida Bar's Family Law Section has established its new Trial of the 21st Century Subcommittee. The Subcommittee is working on a proposal for a new style management of family law cases. The proposal envisions a new "Court Case Manager," who will evaluate each family law case at or near its inception, and who will categorize it as a complex or simple case, a high conflict or low conflict case, and one in which parties are represented or not represented. The categorization depends upon the nature of the issues. Thus, presumably, a case with sophisticated financial issues may be a complex case, but not necessarily a high conflict case. On the other hand, a case with hotly contested issues of child custody may be a high conflict case, but not a complex one.

Simple cases would be set for a 30 minute case management conference, during which the judge would explain that the Case Management System is a "collaborative method of resolving all disputes," would refer the parties to community resources if needed, identify the issues, set a discovery schedule if needed, and consider temporary relief needs and attempt to assist parties to resolve disputed issues. The judge would then enter an order on resolved issues and set the disputed issues for hearing within 10 days. It is proposed that a final hearing would be had within about 60 days.

A complex case, on the other hand, would have an initial one hour long Case Management Conference, at which each side would make a summary presentation (similar to a short opening statement of their perception of what the issues in the case are and what they think need to be accomplished). The judge would then refer the parties to community resources if needed, identify the issues, set a discovery schedule if needed, and consider temporary relief need and attempts to assist parties to resolve disputed issues. The judge would then enter an order on resolved issues and set the disputed issues for hearing within 10 days. The Court

would continue to hold case management conferences every 30 - 60 days, with each conference resulting in additional stipulations, until finally the entire matter is hopefully resolved.

However, within 60 days after service of process in the case, each party would be required to make a detailed proposal to the other side to resolve all issues in the case. But, the settlement proposal can continue to be revised as the case progresses through the "collaborative" process. The court could consider these settlement proposals in making an award of attorneys' fees.

The trial would now be called the "Factual Resolution Hearing," and would be a "greatly- reduced- tension proceeding which focuses solely on resolving factual issues in dispute. The FRH is not a place for parties to vent their emotions. This should occur in Case Management or by referral to agencies for therapeutic assistance." Parties would be required to file written opening statements at least five days before the FRH., and then parties would have to announce at the opening of the FRH any fact mentioned in the other's written opening statement that the party disputes. If a particular fact is not mentioned as being disputed, then it would be considered to have been stipulated.

The proposal also hopes the Legislature will come through with money for the court system to employ high conflict counselors, child custody investigators, visitation centers for high conflict and abuse cases, accounting assistants, case management staff, and technology clerks, as well as to provide a computer station in every case management hearing room and courtroom for the judge, each attorney, each party, and the Clerk.

A thorough outline of this proposal was included in the most recent issue of *FAMSEG*. There is not enough space here to reprint it, but I would be happy to provide a copy of it if you call me. *FAMSEG* is an electronic newsletter for the Florida Bar Family Law Section -- to receive these issues by email, send an email to jchpa@gateway.net. ■

Eighth Judicial Circuit Family Law Section

Announcement

At our November, 1999 meeting, the members of the Family Law Section decided to change the day for the regularly scheduled monthly meeting. Instead of the first Wednesday of the month, our new day will be the fourth Wednesday of the month. As a result, the January meeting was held on January 26, 2000. The February meeting will be held on February 23, 2000 at 4:00 p.m. at the Alachua County Courthouse in the Grand Jury Room. ■

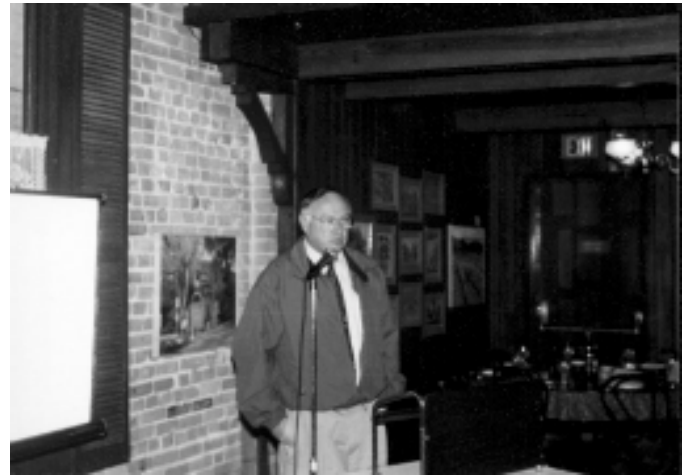
Bar Luncheon

by Jennifer Lester



DON'T FORGET. This month's luncheon is not the second Friday, it is the third Friday, on February 18, 2000 at 11:45 a.m. at the Sovereign Restaurant in Downtown Gainesville. We are honored this month to have Justice Barbara Pariente as the keynote speaker. This is her first opportunity to speak to the Eighth Judicial Circuit Bar Association, so please join us.

Please also put next month's luncheon on your calendar now. Next month's luncheon will return to the second Friday, March 10, 2000 and the Florida Bar President, Edith Osman, will be our keynote speaker. ■



Speaker Dr. Mark Barrow

Public Notice

The United States District Court for the Northern District of Florida is considering a revision to N.D. Fla. Loc. R. 5.1, Files and Filing. The addition is included with this notice and is also available for review at any of the U.S. District Clerk's Offices in the Northern District of Florida.

RULE 5.1 Files and Filing (New paragraph)

(L) Certificate of Interested Persons. At the time of filing its first pleading, motion, or other paper, each party that is not a governmental entity or natural person shall file (as a separate document) a certificate of interested persons that contains a complete list in alphabetical order of all persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of the particular case, including subsidiaries, affiliates, parent corporations, and other identifiable legal entities related to a party. In bankruptcy appeals, the certificate shall also identify the debtor, the members of the creditor's committee, any entity which is an active participant in the proceedings, and other entities whose stock or equity value may be substantially affected by the outcome of the proceedings.

Your written comments are invited. Please send them prior to March 1, 2000 to Robert A. Mossing, Clerk of Court; United States District Court for the Northern District of Florida; 110 East Park Avenue, Room 122; Tallahassee, FL 32301. ■



EJCBA past presidents from left to right: Hon. Theron A. Yawn, Jr.; T. Allen Crouch; James E. Clayton, Jr.; Charles G. Felder; Hon. Osee R. Fagan; Melissa Murphy; A. Bice Hope; Hon. George H. Pierce; Philip C. Beverly, Jr.; Nancy E. Yenser; Abby F. Milton; Sharon T. Sperling; John M. Stokes; and James G. Feiber Jr.



December Bar Luncheon/Holiday Auction. Shown standing is Nikolai Aksenov, Chief Prosecutor of Economic Crime for Novorossiist in Russia. See www.gnvsistercities.org for more information regarding the Sister Cities program.

Letters of the Month

SAMUEL HANKIN

305 Northeast First Street ♦ Gainesville, Florida 32601 ♦ 352.375.7100 ♦ FAX 352.375.4634 ♦ samuel.hankin@hankinlaw.com

November 24, 1999

Vlasic Pickles International Foods, Inc.
Attn.: Megan Strauss, Consumer Response Rep.
6 Executive Campus
Cherry Hill, NJ 08002-4112

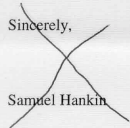
Dear Ms. Strauss:

I have received and reviewed your correspondence of September 29, 1999, as well as the enclosed coupon. Thank you.

In the closing paragraph of your letter, you advised "We're also planning to send you a coupon for a free jar of Hamburger Stackers™ in the future." I have yet to receive that coupon and wonder whether your Board has met to determine whether or not I am entitled to same.

Please keep me advised on a regular basis as to if and when I may expect to receive my Hamburger Stackers™ coupon.

Sincerely,


Samuel Hankin

SH/ksh
<http://complaints/products/vlasic.112299>



December 2, 1999

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

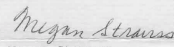
Dear Mr. Hankin:

Thank you for taking the time to contact us about our Vlasic Foods. We appreciate your interest in our company.

We will be mailing the coupon for the free jar in a few months. We want to make sure the new product is actually on the shelves of your local grocery stores when we send it. I have included a complimentary coupon for any of our Vlasic® Pickles.

Again, thank you for contacting Vlasic Foods.

Sincerely,


Megan Strauss
Consumer Response Representative

MLS/cl

0051469B

SAMUEL HANKIN

305 Northeast First Street ♦ Gainesville, Florida 32601 ♦ 352.375.7100 ♦ FAX 352.375.4634 ♦ samuel.hankin@hankinlaw.com

January 24, 2000

Vlasic Pickles International Foods, Inc.
Attn.: Megan Strauss, Consumer Response Rep.
6 Executive Campus
Cherry Hill, NJ 08002-4112

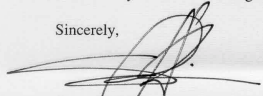
Dear Ms. Strauss:

It has been almost two months since you last wrote me indicating that my coupon for a free jar of Hamburger Stackers™ would be available in a few months. You wanted to delay sending the coupon to me until you could be certain that my local grocery stores would be stocking Stackers™.

Could you do me a favor and send me my coupon now so I can keep it in my wallet? Then, in my travels, if I find a grocery store which stocks Stackers™, I can make my purchase at that time.

Thanks very much for working with me on this.

Sincerely,


Samuel Hankin

SH/ksh

P.S. Have you ever thought about refrigerating your pickles like Clausen's does in order to ensure crispness?
<http://complaints/products/vlasic.012400>

LASIC PLAZA • SIX EXECUTIVE CAMPUS • CHERRY HILL, NEW JERSEY 08002-4112

As you are all painfully aware, I continue in my struggles to obtain my coupon for a free jar of Vlasic Stackers. In my last to letter Vlasic I enquired as to the status of my Board approved coupon. See letter of November 24, 1999. Vlasic's response came just a few days later on December 2, 1999. Mine back to them, of January 24, 2000 appears at the left.

Samuel Hankin (Schmuel Chaikin), arriving at Ellis Island, where they changed his name, I drifted back to a gray, antique era, with no modern conveniences and a life of drudgery, uncertainty and toil. When Grandma Potter (my maternal grandmother) spoke of the “turn of the century” I laughed at the quaintness of the term. Now WE live at the turn of the century, in “aught aught” as my G-ma used to say.

My father used to take me downtown on the Reading Railroad to Leary’s bookstore on 9th Street, just in from Market, a 6 or 7 story bookstore, with each floor devoted to a specific genre. The fourth floor was science fiction, and that was where I spent my time. I would come out of there with a dozen or so paperbacks, all of which I still have, by Isaac Asimov, Robert Heinlein, Ray Bradbury, Theodore Sturgeon, Arthur C. Clarke, Clifford Simak and the rest of the classicists. I would start reading in the train and keep going till my father made me turn the lights out. Then I would read under the covers, with the aid of a flashlight until he would come in again and plead with me to go to sleep, but also kind of proud of me in a way.

The worlds portrayed in these science fiction novels, novellas and short stories were oftentimes set in the timescape of the world we live in now, say January 15, 2000, as I write these words. Or 2001 or 2010. To me, back then, those worlds were far, far away in a future of wonder and distant dreams, numinous and evanescent.

HERE WE ARE. This moment is concrete, absolute and devoid of the quality I thought would be inherent in it. Now that the future has arrived, I guess I am experiencing a kind of “postpartum blues”. The things I expected and remember from my reading are not in THIS future. No robot housekeepers, no electric automobiles, no flying cars (like those on the old covers of *Popular Mechanics*), no outpost on the moon, no manned missions to the red planet, no videophones (at least that anybody uses), no automated roadways, no mile-high buildings, no multilevel pedestrian walkways, no jetpacks and no supersonic planes (except for the Concorde, which is about to go out of business).

All of the things that we were supposed to have, that the 1939 New York World’s Fair promised us (figure 2, page 1), that the 1964 New York World’s Fair promised us (figure 3), are still part of a future, just not ours. So, what happened? Look at the headline on this page (unless

I have meandered too far in which case you’ll have to thumb back to the front page). Doesn’t it strike you as somewhat incongruous? As if either the moment hasn’t arrived, or having arrived, somehow has been robbed of its semiotic value?

In essence my whine this month, would, in abler hands, be a requiem for a future that was stillborn, full of promise, potential grandeur and style.

As I thought about this article, I began to explore sources of predictions made about the year 2000. I was most interested in those who had made their predictions

30-100 years ago. Of course there is Edward Bellamy’s classic Looking Backward, and lots of disutopias and nulliverses explored in We, 1984, Brave New World and 2001, none of which reflect, nor were they meant to, the world we find ourselves in now. Those books were written more to explain the worlds those authors found themselves, than as an absolute or accurate predictor of a future.

But there are other sources as well. Books that attempted to predict, sometimes, tongue in cheek, the state we would find ourselves in at the turn of the millennium. One is The Year 2000-A Framework for Speculation on the Next Thirty-Three Years, written, obviously, in 1967 by Herman Kahn and Anthony Weiner, and sponsored by the Hudson Institute, the famous “thinktank”.

Here is an excerpt from page 94, describing the likely use of robots as housemaids by the year 2000 (note the chauvinistic bent):

The great majority of the housewives will wish to be relieved completely from the routine operations of the home such as scrubbing the floors or the bath or the cooker or washing the clothes or washing up, or dusting or sweeping, or making beds.

By far the most logical step to allow this variety of human homes and still relieve the housewife of routine, is to provide a robot slave which can be trained to the requirements of a particular home and can be programmed to carry out halve a dozen or more standard operations (for example, scrubbing, sweeping and dusting, washing-up, laying tables, making beds), when so switched by the housewife.

...It is therefore likely that, with a strong



Figure 3

chauvinistic bent):

programme of research, such a robot could be produced in ten years. If we assume that it also takes ten years before industry and government are sufficiently interested to find the sum required for such development (which is of the order of one million pounds), then we could still have it by 1984.

In my mind, it is not absurd that the author thought that such a device could be available by 1984. It is absurd that such a device does NOT exist.

Some predictions are right on the money. Consider this statement in the July 1945 edition of the *Atlantic Monthly* by Vannevar Bush:

Advanced arithmetical machines of the future [will] be (a) electric in nature, (b) far more versatile than accounting machines, (c) readily adapted for a wide variety of operations, (d) controlled by instructions, (e) exceedingly fast in complex computation, and (f) capable of recording results in reusable form.

But on the other hand, in the December 1900 issue of *The Ladies Home Journal*, John Elfreth Watkins Jr. predicted that in the year 2000:

There'd be strawberries the size of apples, peas the size of beets, oranges blossoming in the tropics of Philadelphia, moving sidewalks and pneumatic tubes transporting people. The letters c, x and q would no longer exist, as a time saving measure. (Newsweek-January 1, 2000)

As I read more and more of these predictions, both accurate and uncanny, absurd and hilarious, I began to realize that the future is uniquely ours. It exists as potential in our individual and collective psyches. We have the means to create it as we envision it, or to opt out and let the inevitable randomly walk toward a distant goal of sorts.

Even our past is subject to the interpretation of the historian, the politician, the preacher. It shimmers in the distance as heat coming off an abstracted roadway.

Which leaves the present; the moment. Here is where the future and past meet. Whether it is 3000 B.C., 0004 A.D., 2000 A.D., or 3546 A.D. In the moment; our thoughts, desires, dreams, hopes, plans AND actions, are forged in a foundry of pure light. Here the past and future merge.

My petty differences with the future I dreamt as a child, and the one that I find myself in now seem to fade in reappraisal as I bring this to a close.

Until next month, I remain your obedient Curmudgeon. ■

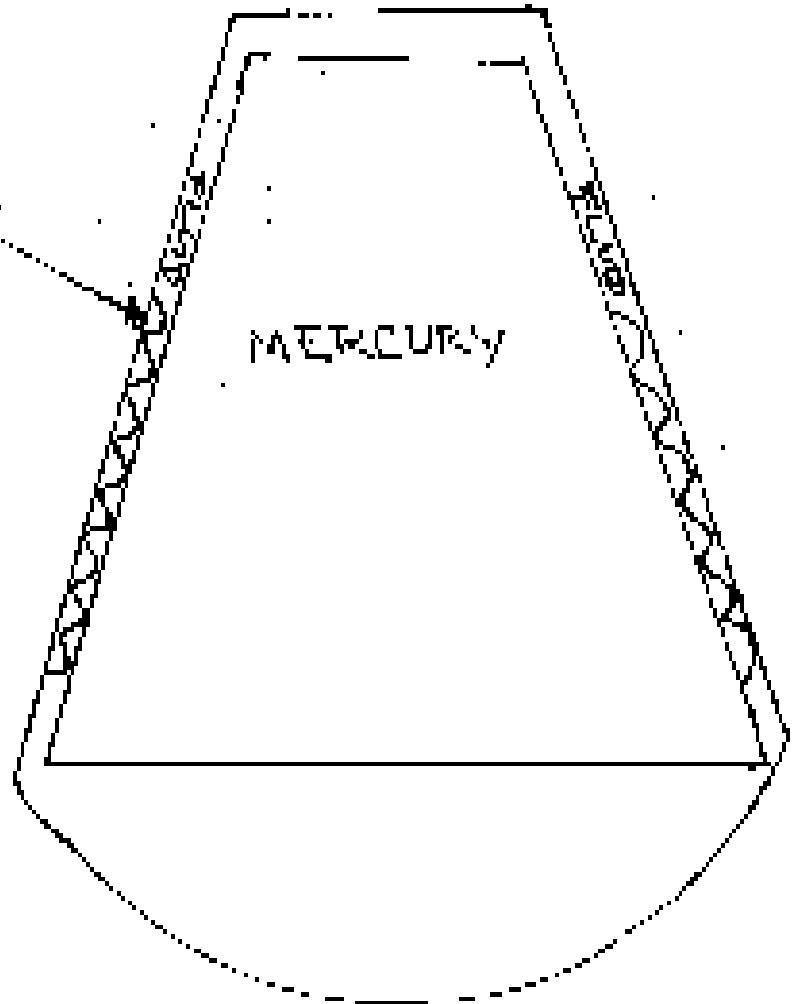


Figure 1



The Millennium Bank Building:
One of the least aesthetically pleasing structures I have ever seen

Top Tips On Being a Proficient Paralegal

by Michelle Boatright

When asked what tip they would you give a paralegal to be more proficient, a number of attorneys in the Eighth Judicial Circuit replied with the same answer. The following are their top two responses:

1. **PRIORITIZE YOUR TASKS EFFECTIVELY.** As a paralegal, you are given a great deal of assignments. Unfortunately, it is impossible to complete each and every assignment in one day. You must learn to accept this and complete each assignment in order of their priority level.
2. **MANAGE YOUR TIME EFFECTIVELY.** Obviously, this goes hand in hand with prioritizing. You could be practicing unproductive time management skills and not even realize it. It is important to take control of your time and use it wisely. Create agendas, "to do" lists, or any other type of calendar system that is helpful in managing your day. However, in doing so, do not create a "to do" list that is impossible to complete in one day. This may produce a feeling of being overwhelmed and bring unnecessary stress to an already stressful position.

The following are some helpful sources you may contact to obtain information on local seminars to help improve your prioritizing and time management skills.

The Academy of Florida Trial Lawyers
218 S. Monroe Street
Tallahassee, FL 32301
(850) 224-9403
www.aftl.org

Professional Education Systems, Inc.
P.O. Box 1208
Eau Claire, WI 54702
(800) 826-7155
www.pesi.com

To learn more about GAP, or monthly meeting dates and times, please visit our web site at www.afn.org/~gala or contact Michelle Boatright at Avera & Avera, P.A. at (352) 372-9999.

1999-2000 GAP Officers

President: Pamela S. Craig, CLA
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JOB BANK

GAP is proud to be a member of one of the finest legal communities in Florida and is eager to contribute its talents. Call Theresa Banks, CLA at our Job Bank at (352) 491-5106 to locate highly qualified paralegals.

GAP'S UPCOMING EVENTS

Tuesday, February 15, 2000, 12:30 p.m.
GAP's General Business Meeting
Location: Harry's Seafood Bar and Grille
110 SE 1st Street, Gainesville

Tuesday, March 21, 2000, 12:30 p.m.
GAP's Monthly Meeting
Keynote Speaker: Gabrielle Peterson, M.S.
Marriage & Family Therapy
Location: Szechuan Panda Restaurant
3830 SW 13th Street, Gainesville

CLA DEADLINES AND EXAM DATES

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

- Neuromuscular and Deep Tissue Therapies
- Injury Recovery
- Sports Massage
- Stress Reduction

352-375-2650
6421 SW 13th Street
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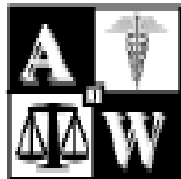
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| 4. psychiatric malpractice | ■ secondary gain |
| 5. competency and sanity | |



Alan J. Waldman, M.D.

Diplomate American Board of Psychiatry and Neurology in
the subspecialty of Forensic Psychiatry, certificate #651

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■ (352) 377-3771 ■

YLD News

by Andy Fine



As I write this, we at the Young Lawyer's Division are still looking forward to a successful Holidays in January, the YLD's annual philanthropy for local foster children. By the time you read this, however, the event will have already occurred. Unfortunately, my prognostication skills are a little rusty, and I still owe my tarot reader \$10.00, so I'm not sure what the

future holds. I can report, however, that each committee charged with making the Holidays in January a success has been working diligently towards that goal. Over \$700.00 has been raised and everything looks to go off without a hitch. Therefore, I will make the following bold prediction: The Holidays in January, held on January 23rd at O2B Kids, was a rousing success. We were happy to be able to provide some fun activities for some great local kids, and look forward to doing it again next year.

Even though the event is over, we can still use donations from the legal community to ensure that the Holidays event continues to grow. We would like to expand the event to include even more children next year. Donations are accepted year round -- send them to Laura Varela's attention at P.O. Box 90028, Gainesville, FL 32607. Checks should be made out to The Florida Bar Children's Fund. We will be publishing a thank you note to all who make a donation in the *Gainesville Sun* next month.

If you have been practicing law for less than five years or are under the age of 35, you may not feel young, but you are still eligible to join the YLD. We are having a membership drive / party in February. Come on down and help us plot our impending (and inevitable) takeover of the Gainesville legal community. If you'd like more information (about the YLD, not the takeover), contact Mark Frasier at (352) 372-8401 or Andy Fine at (352) 373-8000 or by email at andy@ccgnv.net. ■

Classifieds

For Lease:

Two office suites available for rent. Walk to the Courthouse. Suite 1: 1,596.9 sq. ft. - 4 offices, conference room, built-in supply/copy area, secretarial areas, reception room, bath and kitchenette. Suite 2: 1,242.69 sq. ft. - 1 large office, 2 small offices, conference room, secretarial/reception area, bath and kitchenette. Please call Suzanne at Moody & Salzman (352) 373-6791. ■

Office space available at 305 NE First Street, within walking distance to the Courthouse. Bring your desk and move in! Complete amenities including utilities, conference room, law library, telephones, magazines, lounge/coffee, janitorial, and ample parking. Call Sam Hankin at (352) 375-7100 for further details. ■

Professional Office Space available in West Gainesville. Finished 844± sq.ft. office featuring 3 offices, reception area, three office sinks and half bath in the prestigious Meridien Centre at 2770 NW 43rd Street. Call Sam Hankin at (352) 375-7100. ■

Finished office space available on Park Avenue, next to the new City Hall building in Chiefland, containing space for three or more attorney offices. It has a lobby, conference room, support workstations, a kitchen, breakroom, file storage areas and includes an installed telephone system. Willing to lease the entire office or individual offices with a shared common area arrangement. Please call David Hallman at (352) 493-4908 or (850) 322-7636. ■

Definition of the Month

MILLENARIAN, *n.* a chiliastic.

Webster's Deluxe Unabridged Dictionary, Second Edition. Simon & Schuster, 1972, p. 313.

ADVERTISEMENT FOR PROPOSALS

NOTICE IS HEREBY GIVEN THAT THE ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS
IS CALLING FOR AND REQUESTING PROPOSALS FOR:

RFP #20-224; ADMINISTRATIVE HEARING OFFICER
RFP Opening Date: 2:00 P.M., WEDNESDAY, MARCH 8, 2000

The scope of services for the Request for Proposal includes but is not necessarily limited to the following:

Alachua County wishes to contract with an attorney on a part-time basis, to hear and decide a variety of administrative matters in hearing, including :

- 1) child care center disciplinary actions under section 67.52(ak), County Code,
- 2) appeals of dangerous dog determination, under section 72.14, County Code,
- 3) appeals from sign permit denials, under Section 345.31 County Code,
- 4) appeals of decisions of the development review committee, under section 322.09, County Code, and
- 5) other cases as required by the County.

The Attorney shall render a written decision that contains findings of fact, conclusions of law and recommendations.
The Attorney must be available to have hearing within 21 days of notice.

Attorneys submitting proposals will be requested to meet the following minimum requirements:

- The Attorney shall be a 5 year member in good standing of a bar of any U.S. State. Familiarity with the Alachua County Code and with the Florida Rules of Civil Procedure is desirable.
- The Attorney must adhere to the Rules of Professional Conduct and the Rules Regulating the Florida Bar.

Solicitations documents and details on the related charges (.05 per page and \$5.00 handling plus shipping) for receiving documents may be obtained by contacting Demandstar.com at (407) 975-0070. Vendors registered with Demandstar.com, Inc. can download package at no cost from their website - www.demandstar.com.

Alachua County has a 15% goal and policies encouraging participation of small and minority businesses in the provision of goods/services and construction and monitors those goals. The County reserves the right to accept or reject any and all proposals in whole or in part and to waive all informalities. If any accommodations are needed for persons with disabilities, please contact the Alachua County Equal Opportunity Office at 352/374-5275 (voice) or 352/374-5284 (TDD).

In accordance with the Provisions of ADA, this document may be requested in an alternate format.

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U.F. Levin College of Law

by Darian Wagner

To all attorneys who would be interested in speaking to the U.F. Levin College of Law students:

My name is Darian Wagner and I am the Assistant Director at the Center for Career Services. One of my job responsibilities includes educational program planning for our students, and so I would like to take this opportunity to seek speakers. Many programs address practicing in substantive law areas as well as other important career-related goals (i.e., resume writing, interview skills, etc.).

This invitation is open for the Spring 2000 semester as well as future semesters. I do not have a set agenda, but I would like to present the following programs over the next several months: criminal defense, intellectual property & patent law, state courts judicial clerkships, interviewing skills, computer & Internet law, labor/employment law, and immigration or international law.

The programs are generally structured to last about one hour, having a panel of 3-5 speakers with time for questions from students. This semester, students have a free period from 11:30am-12:30pm on Thursdays and Fridays, but if other times are more convenient for the speakers, that can be accommodated.

If you would like to volunteer your time and speak on one of these topics, or if you have a different topic in mind, please feel free to contact me at (352) 392-0499 or email me at: wagnerdm@law.ufl.edu.

Thank you in advance for your attention to this matter, and I look forward to meeting you! ■

Marvin Bingham receives Pro Bono Award for January

by Marcia Lockhart

Marvin "Rack" Bingham received the January Pro Bono Award at the monthly Bar Association luncheon. Three Rivers Legal Services nominated him for the award for his years of work with the Volunteer Attorney Program. Representing a variety of clients primarily in guardianship, probate and real property, he has volunteered close to 200 hours in the past several years. His cases are often very complicated heirs property cases for rural residents. Additionally, he is an active member of the Three Rivers Board of Directors.

In 1986, Mr. Bingham received the Florida Bar President's Pro Bono Service Award for the 8th Judicial Circuit. In her nomination for the award, former Three Rivers attorney Randy Kammer wrote:

He has always been a strong supporter of our program. Despite increased personal and family responsibility, he continues to volunteer his time and services in a selfless and professional manner. He is an invaluable resource for our staff in the areas of probate and real estate.

In the 13 years since, he remains invaluable to Three Rivers. Mr. Bingham is active in a variety of local activities, primarily centered in the rural community of Alachua. Most recently, he served on the Citizens Budget Advisory Committee for the Alachua County School Board and is very active with youth recreational activities for the town of Alachua. Over the years, he has worked with DAWN, an organization for disability awareness, the Gainesville Urban Conservation Advisory Board and the Alachua Chamber of Commerce ■.

March CLE

Getting Past Impasse: Suggestions and Strategies for Attorneys and Mediators in Difficult Mediations

The March CLE, *Getting Past Impasse: Suggestions and Strategies for Attorneys and Mediators in Difficult Mediations*, will be held on March 10, 2000 from 1:30 - 3:30 at the Alachua County Courthouse. The Hon. R.A. Green, Jr. will moderate the program and tentative panelists include: Bobbie Lee Eubanks, Jill Conti, James Fieber, Jr., Zelda Hawk, Jean Bice, Irwin Weiner and Alison Gerencser. The cost is \$20.00 for EJCBA members and \$30.00 for nonmembers. Two hours of CLE credit have been applied for. If you have any questions regarding this program please call Lynn Schackow at (352) 371-3000. ■

The most difficult thing in the world is to know how to do a thing and to watch someone else doing it wrong, without commenting.
- T.H. White

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Minutes of the Board Meeting

by Lauren Richardson, Secretary

Minutes for EJCBA Board of Directors Meeting dated December 7, 1999

Members in attendance: Brenda Chambliss, Rick Parker, Paul Donnelly, Ben Hutson, Frank Maloney, Ray Brady, Pan Zettler, Lauren Richardson. Also in attendance: Kathy Janous, DeeDee Smith, Denise Herrero.

Meeting called to Order at 5:40 p.m.

DeeDee Smith, Project Director, presented information about the Child Advocacy Center (CAC). There is a task force comprised of 20 agencies with four core agencies: Dept. of Children and Families, State Attorney's Office, Meridian Behavioral Center, and Law Enforcement. The CAC coordinates efforts, provides staffings, reduces the number of child interviews, and sets up an action plan. There is less trauma for the child and the cases are speeded up. The CAC will be a 501(c)(3), independent of other agencies. Partner agencies participate by providing funding or in-kind assistance. They are deciding whether they should start with just Alachua County or expand to include the entire circuit. There are opportunities for our members to serve on committees, to volunteer or to contribute funds to the CAC. DeeDee is soliciting the Board's help in getting the word out. She will attend the December luncheon and distribute information. The Board offered to mail out a flyer with the newsletter.

Scott Krueger presented the Treasurer's report for October and November. Approved. The November minutes were approved.

The interim executive director, Kathy Janous, presented

her report. She has been working on the Bar Directory, soliciting ads with the help of Ben Hutson and Lauren Richardson. Have received confirmation of \$1,600 in ads and also sold some newsletter ads in the process. She is working to get the photos from last year's directory in a format that we can use. Also, she prepared and mailed out luncheon cards, sold a set of member labels and has been working on the calendar.

A motion was made to approve the expenditure of \$250.00 to purchase the Bar Directory photos from the former publisher. Seconded. Approved.

Lauren Richardson and Ben Hutson reported that they have leads to sell the back cover and inside covers of the Bar Directory. Richardson's goal is to break even on the directory.

Ben Hutson reported that the law clerk panel is in development.

Executive Committee reported on its recent meeting regarding EJCBA employee evaluation and accountability and also submitted proposed bylaws changes regarding the hiring and firing of an employee to the bylaws committee.

Kathy Janous presented information regarding the National Scrip Center gift certificate program and suggested that the Bar consider the program as a fundraiser. The Board decided to table the issue until a later time.

Pan Zettler encouraged the Board to revisit the issue of lunch with the judges after the January reassessment.

Meeting adjourned at 6:50 p.m. ■

Fy 99-00 Treasurer's Report November, 1999

Eighth Judicial Circuit Bar Association, Inc.

	98/99 <u>Actual</u>	99/00 <u>Budget</u>	November <u>Actual</u>	Y-T-D <u>Total</u>
Summary:				
Current Revenues:	44,863.28	56,700.00	6,683.73	32,325.90
Current Year Expenditures:	<u>46,838.73</u>	<u>56,700.00</u>	<u>8,481.78</u>	<u>20,203.78</u>
Net Revenues over Expenditures:	(1,975.45)	0.00	(1,798.05)	12,122.12
PY BOD Approved Exp. Paid in CY:	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	(1,975.45)	0.00	(1,798.05)	12,122.12

BANK ACCOUNTS:

	<u>Checking</u> <u>Account</u>	<u>Money</u> <u>Market</u>	<u>Bank</u> <u>Totals</u>
Beginning Balance @ 11/1/99:	18,265.41	9,179.79	27,445.20
Money Market/Checking Transfers:	(17.39)	17.39	0.00
Net Revenues over Expenditures:	(1,798.05)		(1,798.05)
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>86.07</u>	<u>14.59</u>	<u>100.66</u>
Ending Balance @ 11/30/99	16,536.04	9,197.18	25,747.81

Federal Bar Association Welcomes Lawyers and Staff to A "View from the Clerk's Office" CLE Tour

by Robert Griscti



The Gainesville Area Chapter of the Federal Bar Association will hold an informative "View from the Clerk's Office" tour March 3, 2000 from noon to 2:00 p.m. at the United States Courthouse and Post Office Building, 401 S.E. First Avenue, Gainesville, Florida. The purpose of this event is to acquaint lawyers and their staff with the operation of the United States District Court Clerk's office. Sharon

Bruley, Resident Deputy Clerk for the Northern District of Florida, Gainesville Division, will host the tour with Magistrate Judge Gary R. Jones.

Sharon Bruley will introduce participants to her office staff and procedures, address federal court practice from the clerk's perspective, and demonstrate the computerized filing and information access systems of her office. The tour will begin in the Jury Assembly room on the second floor, immediately opposite the elevators, at noon sharp.

Register your staff and yourself for this event – it is one that secretaries, paralegals, clerks, and runners should not miss! The Chapter has applied for 2 hours' CLE credit for lawyers. If you are not a member of the Gainesville Area Chapter, applications and information will be available at the March 3, 2000 tour. We are now over one hundred members strong and welcome your participation in the Chapter's social and educational programs. Contact the Chapter's membership chair, Elizabeth Waratuke, at 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 CLERK'S OFFICE seminar, March 3, 2000.

Name(s) _____

Firm: _____

Address: _____

Phone: _____

Please include registration fee made payable to "Gainesville Area Chapter, FBA".

- ___ GFBA member or staff: \$25.
- ___ Non-GFBA-member: \$35.
- ___ GFBA law student member: free
- ___ Non-GFBA law student \$10.

Registration fees are nonrefundable.

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(904) 755-3060

486 N. Temple Ave.
Starke, FL 32091
(904) 964-8155

Reserve Now For The 2000 Professionalism Seminar!!

What: Professionalism Seminar cosponsored by the EJCBA and UF Levin College of Law. (4 hours of ethics/professionalism CLE have been applied for.)

When: Friday, MARCH 31, 2000, from 1:00 to 5:00 p.m.

Where: U.F. Levin College of Law Auditorium

Program: Keynote speech by Circuit Judge Stan R. Morris, followed by small group discussions.

Cost: \$25.00 (make checks payable to EJCBA)

Deadline: Monday, March 27, 2000

Remit To: Eighth Judicial Circuit
Bar Association, Inc.
c/o Raymond F. Brady, Esq.
1216 N.W. 8th Avenue, Gainesville, FL 32601-2947

Please identify (1st and 2nd choices) your area of specialty for small group discussions.

___ P.I./Insurance Defense Law

___ Family/Domestic Relations Law

___ Criminal Law

___ Estates & Trusts Law

___ Transactional Law

___ Commercial Law

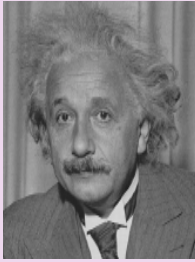
___ Government Law

NAME: _____

Note: Please send separate card with specialty areas for each attorney.

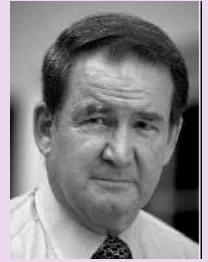
Parking: The College of Law will provide ample parking and decal requirements will be waived.

EINSTEIN BUCHANAN



To know that what is impenetrable to us really exists, manifesting itself as the highest wisdom and the most radiant beauty which our dull faculties can comprehend only in their most primitive forms - this knowledge, this feeling is at the center of true religiousness. ■

What was it in the upbringing or education of these two boys that failed to instill in their souls a conscience that discerned right from wrong? What was it in our polluted and poisoned culture that suggested that violence, murder, and suicide was a valid expression of their resentment? America got a glimpse of the last stop on that train to hell she boarded decades ago when we declared that God is dead, and that each of us is his or her own god who can make up the rules as we go along. Source: www.GoPatGo.org ■



Calendar of Events

- | | | | |
|----------|--|----------|---|
| 02/01/00 | EJCBA Board Meeting at 5:30 p.m.
Steak & Ale Restaurant in Gainesville | 02/23/00 | Family Law Section meeting at 4:00 p.m.
Grand Jury Room of the Alachua County Courthouse |
| 02/03/00 | CLE Workshop at 8:00 a.m.
Holiday Inn, University Center in Gainesville | 03/03/00 | Federal Bar Association's View from the Clerk's Office" tour at 12:00 p.m. |
| 02/09/00 | Probate Section Meeting at 4:30 p.m.
Grand Jury Room of the Alachua County Courthouse | 03/10/00 | CLE: Getting Past Impasse, 1:30 - 2:30 p.m.
Alachua County Courthouse |
| 02/18/00 | Arbor Day - plant a tree | 03/31/00 | Professionalism Seminar at 1:00 p.m.
U.F. College of Law in Gainesville |
| 02/18/00 | EJCBA Luncheon at 12:00 p.m.
The Sovereign Restaurant in Gainesville | | |

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