

# FORUM 8

Volume 59, No. 8

Eighth Judicial Circuit Bar Association, Inc.

May-June 2000

## In This Issue:

- 1 ..... **President's Message**  
*Frank Maloney*
- 2 ..... **Editor's Rant**  
*Sam Hankin*
- 3 ..... **Federal Bar Association**  
*Robert Griscti*
- 3 ..... **Board Meeting Minutes**
- 4 ..... **Governor's Report**  
*Robert Rush*
- 4 ..... **Florida Association of Women Lawyers**  
*Dorothy Clay Sims*
- 4 ..... **Appointment of New Magistrate Judge**
- 5 ..... **Janet Reno to Lead Celebration**  
*Edith G Osman*
- 5 ..... **President's Pro Bono Award**
- 5 ..... **Bar Luncheon and Annual Dinner**  
*Jennifer Lester*
- 6 ..... **Letters of the Month**
- 7 ..... **Pro Bono Hours**  
*Marcia Lockhart*
- 8 ..... **Family Law Section**  
*Cynthia Stump Swanson*
- 9 ..... **General Counsel**
- 10 ..... **Black Plague**  
*Sam Hankin*
- 11 ..... **Sexual Harassment Training**  
*Marion J. Radson*
- 11 ..... **Gainesville Association of Paralegals**  
*Kimberly D. Kanasky*
- 12 ..... **Quote of the Month**
- 12 ..... **Calendar of Events**

**Can you define it?**

*knock-for-knock agreement*

See definition on page 11

## President's Message

By Frank Maloney



I write to you today following arguably the most successful Bar Luncheon in recent Eighth Judicial history. Our Bar Association was fortunate enough to have Florida Gator Basketball Coach Billy Donovan as its guest speaker on the fourteenth of April. Over 160 turned out to hear Billy share his thoughts and feelings on the coaching and motivation of young people. The youthful Mr. Donovan cited diverse influences ranging from the noted film "Patton" to his own childhood in New York City. He focused on the fervent importance of doing what you love, an ideal he strives to impart to his players as well as his own children. While Billy's oratory ability and bright charisma certainly help him in his recruiting endeavors he did admit that our locale makes it easy to bring players in from less desirable climes.

Our next speaker will shift focus from the young to the elderly when Congresswomen Karen Thurman shares her experiences on the Committees for Aging and Social Security. We look forward to her appearance on the 12th of May.

As you read this, the family outing and picnic at beautiful Kingsley Lake at scenic Camp Blanding has already occurred. On May 6th, several families launched boats and enjoyed Florida May weather as part of Law Week which also featured a meeting of the Florida Women's Attorney Organization, Law School for Laymen, the yearly golf tournament and the annual distribution of the Constitution to area fifth graders.

The recent professionalism seminar at our law school was also a marvelous success. The session was well attended and was highlighted with a thought provoking speech by Judge Morris on the Legislature's recent attempts to invade the powers of the Judiciary. He related a recent discussion on legislation passing Constitutional muster and the Speaker Designate of the House's comment that it would indeed pass despite opposition.

Note: In fact, it did not pass. Chalk one up for the Judicial Branch.

Until next time.

**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**

This newsletter is published monthly, except in July and August, by: 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

**Editor's Rant**



by Samuel Hankin

Another year as your editor has come to an end, and as is my custom in each of those terminal editions, I hereby resign my position as editor, for the same reasons I always resign. I've gotten nothing but complaints this year from the readership. The treasurer of the Bar Association decries the fact that I'm way over budget. The judiciary was upset with me regarding my comments on the new courthouse. I made several *faux pas*, or had several *faux pas* attributed to me, for which I took untold abuse. I reprinted without permission, as is my wont, many written comments from the Bar. I had to stop using my photograph due to the numerous complaints about its frequency and placement.

Even though I stated from the outset that I would have nothing to do with the advertising, I ended up finding many of the advertisers and then the association harasses those advertisers, many of whom are my clients, when they don't pay promptly for commitments they didn't make. I gave a free ad to Darren Burgess, who has done more to make this newsletter possible than anyone save for my assistant Kim Hasko, and was told by the treasurer that he should be paying for his ad.

The Board determines that I should cut the pages of the newsletter from 16 to 12. Half the time I get calls from people who wonder where my articles are. The other half, I get calls from people who want to know why the newsletter is totally devoted to me, Sam Hankin. I've strategically placed this rant in the last edition of the year, since any letters to the editor which it might provoke can't be placed in the next issue. There is none.

In order, however, to end the year on a high note, I have included in this issue my valedictory letters to Vlasic pickles, who steadfastly deny my coupon, and to VEBA, who steadfastly denies its ability to determine whether or not any records exist which detail its involvement with the Axis in WWII.

You will also find in this edition, the Word of the Month, a feature which has received absolutely no comment from anyone, and, even though I said I wouldn't run it again, a last quote comparison between Albert Einstein and Pat Buchanan, notwithstanding the fact that many attorneys misunderstood this column. I've also included another edition of the memorable yet once again unnoticed Ten Years Past in our newsletter.

I wish you all the best for a lovely summer, and advise you once again, as I have in many years past, you won't have Sam Hankin to kick around anymore.

# Federal Bar Association Announces New Board of Directors



by Robert Griscti

The 2000-2001 officers and members of the Board of Directors of the Gainesville Area Chapter of the Federal Bar Association were installed at the first Annual Dinner of the Chapter on April 28. They are Stan E. Cushman, President and National Delegate; Jeffrey R. Dollinger, President-Elect; Magistrate Judge Gary R. Jones, Secretary; Patrice F. Boyes, Treasurer; Michelle D. Neumann, Membership Chair; and Ted C. Curtis, Andrew J. Fine, Mary C. O'Rourke, and George F. Schaefer, Board members. Ex-officio Board members representing the Young Lawyers Division and the Law School Division of the Chapter will be announced in May.

The first Annual Dinner took place at The Harn Museum of Art. The event was well attended. The Honorable Charles R. Wilson, Judge, United States Court of Appeals for the Eleventh Circuit, was the keynote speaker. Members of the federal bench from the Northern and Middle Districts of Florida, as well as representatives of the state judicial system, attended the event.

The Chapter recognizes the following law firms for their sponsorship of the first Annual Dinner: N. Albert Bacharach, PA; Stephen N. Bernstein; Ted C. Curtis; Dell, Graham, PA; Thomas L. Edwards, PA; Robert S. Griscti, PA; Holden, Rappenecker, Eubank & Mills, PA; Salter, Feiber, Yenser & Murphy, PA; Schackow & Mercadante, PA; Scruggs & Carmichael, PA.; and Johnson & Vipperman, PA. The Chapter's first year has been successful because of the strong support of these and other firms.

We also thank the Eighth Judicial Circuit Bar Association for its tremendous support to our new Chapter. The 8-Bar has provided program and CLE guidance, "Forum 8" column space and announcements, monthly luncheon announcement time and other help, without which the Gainesville Area Chapter could not have succeeded this first year.

Calendar now for the Chapter's Fall Social at the Hippodrome, which is open to all members of the federal and state bench and bar. This popular event is the Chapter's first fall 2000 program. It promises to be well attended by lawyers, judges, faculty and students.

If you have not joined the Gainesville Area Chapter, applications and information are available by contacting Membership Chair Michelle Neumann at 380-0525. The Gainesville Area Chapter remains one of the fastest growing of Florida's Federal Bar Association chapters, representing Alachua, Dixie, Gilchrist, Lafayette, Levy, and Marion Counties in the national Federal Bar Association. We welcome your membership and participation in the Chapter's social and educational programs.

# Minutes of the EJCBA Board of Directors

March 2, 2000 - Meeting called to order at 5:45 at Bronson Courthouse. Members in attendance: Jennifer Lester, Paul Donnelly, Pan Zettler, Scott Krueger, Lauren Richardson, Frank Maloney, Ben Hutson, Beverly Graper, Mary Adkins, also Kathy Janous.

February minutes were approved. Treasurer's report for January and February were approved.

Florida Bar has asked our circuit to take a position on merit retention of judges. Board member asked how often does the Board take positions on political questions. Frank Maloney explained that as a voluntary Bar Association, we rarely take political positions. A motion was made that the Board abstain from taking a position on this issue. Seconded. Approved.

A motion was made to appoint Sharon Sperling and Bruce Hoffman to EJCBA Board of Directors nominating committee for 2000-01. Seconded. Approved.

Executive Director, Kathy Janous, reported that she has been busy with mailings, proofreading the Bar directory, organizing St. Patrick's Day and March luncheons. Regarding the robing ceremony, Ben Hutson, liaison for the Board, spoke to Judge Sieg's organizer about providing food for reception up to \$500.

Members Only Contract Review: Paul Donnelly reviewed the office supply company's proposed changes to the contract. A motion was made to give Donnelly the authority to negotiate the refund/credit clause to the best of his ability and send the signed contract to the company.

A motion was made to give an award of special recognition to Marcie Lockhart for her services to the Bar. Laura Varela will be asked to draft the award language. Seconded. Approved.

March 21 will be the Law Clerk Workshop from 6:30-8:30.

June 14<sup>th</sup> will be the date for the annual dinner, and the Harn Museum of Art is the tentative location.

Next month's meeting will be back at the Burger King conference room on University Avenue. Meeting adjourned 7 PM.

**DON QUINN**  
DOCUMENT CONSULTATION SERVICE, INC.  
Forensic Document Examiner and Handwriting Expert

4040 WOODCOCK DRIVE • SUITE 147  
JACKSONVILLE, FL 32207  
(904) 399-3300

Retired FDLE Examiner  
30 years experience in Federal and State Crime Laboratories  
Qualified in Federal and State Courts



## Governor's Report



by Robert Rush

The Board of Governors of The Florida Bar met in Tampa on April 5, 6 and 7, 2000. The main topic debated was the issue of multi-disciplinary practices. Multi-disciplinary practices are legal services offered in combination with other business services such as financial, for example, financial planning, accounting, or even medical services. There is a move internationally by large accounting firms to acquire law firms because they see the potential for huge profits if they can subsume and control a law practice.

The problem that presents to lawyers in Florida is that such an activity would violate the current Rules of Professional Responsibility. Specific concerns involve the lawyers' duty of confidentiality to their client. The rule prohibiting fee splitting with non-lawyers would impact the lawyers' duty of competence and loyalty to the client first and foremost.

The Board of Governors voted 45 to 1 to oppose any changes in the rule that would impact the independence of a lawyer's judgment on behalf of his client, impact the lawyer's loyalty toward the client, or in any way mitigate the duty of confidentiality a lawyer owes to his client. At the same time, the Bar is studying ways to assist lawyers who are faced with the threat of competition from other business entities that are offering "law related services." The Board of Governors has formed a committee to specifically formulate a strategic plan to deal with these issues and the forces wanting to change our rules. This is an issue that warrants all of our attention as it has the potential to dramatically and forever change the practice of law as we know it; from a profession to just another business.

It is interesting that small town practitioners, like myself, have a very different view of these issues than the transactional lawyers from large South Florida firms. Statistically, about 65% of the lawyers in Florida practice in small or one-person firms. If, for example, K-Mart can offer legal services, it would most likely have a devastating effect on small and sole practitioners.

On another note, there are committee appointments that are coming up on a rotating basis including grievance committee, the unlicensed practice of law committee and the fee arbitration committee. If any of you are interested in any of those committees, please feel free to contact me. In addition, the Florida Bar has one appointment that will be made to the Judicial Nominating Commission. If you are interested, please call me for an application.

In closing, the Florida Legislature is in session, there are numerous bills that have been filed that affect both the judiciary, the Supreme Court's ability to make rules, and aspects of the practice of law. These include bill attempts to add more members to the Florida Supreme Court, to change the judicial nominating commission appointments

to give all of the appointments to the new incoming governor instead of having them on a rotating basis and bills that would affect the Supreme Court's rule-making authority. If any of you want any additional information as to the pending bills, please give me a call.

---

## Florida Association of Women Lawyers

by Dorothy Clay Sims

On March 9, 2000, Dorothy Clay Sims hosted a party in her home in McIntosh for the Florida Association of Women Lawyers, Marion and Alachua County Chapters, honoring the Florida Bar President, Edith Osman. Ms. Osman is the second woman to become President of the Florida Bar and most graciously spent several hours answering questions regarding issues such as the Bar's position on the One Florida Plan. The event was coordinated by Nancy Baldwin, Marilyn Peterson, Janet Fuller and Dorothy Clay Sims. Approximately 50 people attended including Judge Kotey, Mediator Mr. Shepard and the National Association for Women Lawyers' current president. All the attendees extend their heartfelt thanks to Ms. Osman for the time and effort she spent in attending the party, especially since McIntosh is not particularly easy to get to and certainly is not on the way to anywhere!

---

## Appointment of New Part-Time Magistrate Judge

The Judicial Conference of the United States has authorized appointment of a part-time United States Magistrate Judge for the Northern District of Florida at Gainesville. Current annual salary: \$21,833, with a reasonable possibility of being increased to \$54,582 per annum upon Judicial Conference approval. Term of office: four years. Full public notice for position posted in District Clerk's offices: Rm 243, 401 SE 1st Ave, Gainesville; Rm 122, 110 E Park Ave., Tallahassee; and Rm 226, 1 N. Palafox Street, Pensacola.

Interested persons contact Robert A. Mossing, Clerk, US District Court, Northern District Florida, Rm 122, 110 E Park Ave, Tallahassee, FL 32301, (850) 942-8826, for application forms. Applications, due June 14, 2000, may be submitted only by potential nominee.

# Janet Reno To Lead Celebration Of First 150 Women In The Florida Bar

By Edith G. Osman

In 1898, twenty-two years before the women of this country won the right to vote, Louis Rebecca Pinnell became the first woman admitted to practice law in the State of Florida. Between 1898 and 1943, one hundred forty-nine more women had the courage and the perseverance to become Florida attorneys. Today, less than twenty of these first 150 women lawyers are alive. In honor of the 50th anniversary of the Florida Bar, I asked the Florida Association for Women Lawyers to research the history of these pioneering women and to publish a book featuring their biographies. After a year-and-a-half of work, the research is complete and the book is going to press!

Please join me, President-elect Herman Russomano, the Board of Governors of The Florida Bar, FAWL President Jean-Marie Whalen, FAWL President Elect Barbara Eagen, the FAWL Board of Directors, and the hundreds of fellow lawyers at this gala celebration! On

Thursday, May 25, 2000 in honor of The Florida Bar's 50<sup>th</sup> anniversary, The Florida Bar and FAWL will honor the first 150 women lawyers of Florida at a gala celebration to be held at the Sheraton Bal Harbour Beach Resort on Miami Beach. Janet Reno, native of Florida and the first female United States Attorney General, is the invited honoree and keynote speaker. Joining her from Florida's Supreme Court are Chief Justice Major B. Harding, Justice Barbara J. Pariente, Justice Peggy A. Quince; Federal Appellate Court Judge Rosemary Barkett; ABA President-elect Martha Barnett and National Bar Association President-elect Evett Simmons. We hope you will join us at this gala evening!

Cocktails will be served at 6:00 p.m. followed by dinner at 7:00p.m. For more information, call Lida Rodriguez-Taseff at (305) 960-2242, or Lea Souza-Rasile at (305) 530-0050.

---

## President's Pro Bono Award

*Florida Bar News Release*

The Florida Bar recently awarded 21 lawyers, including Bruce Hoffman of the Eighth Judicial Circuit, the President's Pro Bono Award for their commitment to providing free legal service to the poor in the state. The recipients were honored with a ceremony held February 4, 2000 at the Supreme Court in Tallahassee.

The Florida Bar President's Pro Bono Service Award was established in 1981 as a way of recognizing individual lawyers within Florida's judicial circuits who are committed to providing free legal services to the poor. The term "pro bono," derived from the Latin phrase "pro bono publico," means "for the good of the public."



Ray Janous and Kathy Janous (Executive Director)

## Bar Luncheon

by Jennifer Lester



We broke the EJCBA luncheon attendance record in April with Billy Donovan! Now we know what everyone really wants to hear. So much for Bar presidents and judges. Next year, maybe Spurrier. We also had a really important speaker for the May luncheon. Karen Thurman spoke about her experience as our elected congresswoman in Washington, D.C., saving Social Security and the rights of elders to procure prescription drugs under Medicare. While these issues may not sound as exciting as the Gator's trip to the National Championship, they are important and affect or will affect our daily lives.

---

## Annual Dinner

by Jennifer Lester

Please put June 14, 2000 on your calendar for this year's annual dinner. EJCBA invites you and your guest to the Harn Museum at 6:00 p.m. to celebrate the arts! We'll begin with wine tasting and appetizers, to be followed by dinner and a very special dessert. This year, the annual dinner is going to be fun! Think music, think dance, wine and good food! Don't miss it!

# Letters of the Month

## Letter to the Editor:



Although I am an old man, I am not without some sense remaining. I still reason and ruminate. I still feel passion surge when unprincipled and slanderous attacks are made, when scurrilous pedantry is practiced at home and abroad.

Thus I take pen in hand, figuratively, not without some small trepidation and set out to comment on your editor's continuing egotistic and bombastic course of elevating his own agenda above that of your local Bar's commonwealth.

Although I am not a member of your esteemed association, I have watched from afar the continuing community efforts and collegial pursuits upon which you and your brethren have embarked, not without some small success. I find your efforts meritorious and heartfelt.

These are the matters of which your editor should write, not drivel about pickles and German corporations (fine fellows I am sure). He writes about hurricanes (more like tempests in teapots if you ask me) and embosses these hallowed pages with photographs of himself or his simian doppelgangers!!

I have been reading his vapid excursions for some ten years now (your newsletters have been furnished to me by a friend from your rolls) and have yet to glean either sense or signification from his epistolary stylings. Have you?

The purpose of this open missive is to ask your "esteemed" editor to give up the ghost, to hand the reins of this august position over to one who merits such a mantle. I have in mind a person, someone noble, just and tempered in his opinion, measure and words. I know that should I mention his name, his modesty will cause him pain; but I feel I must divulge his identity, for the good of the Eighth Judicial Bar Association of the State of Florida will be so much the better for the pronouncement.

Thus I conclude by nominating, if I may so presume, a man I am pleased to call my friend, Carl Schwait, former vice-mayor of South Miami.

Your obedient servant from your northern neighbor,  
Hon. C. Augustus Bleiwt, T.L.C.  
Professor Emeritus  
MacNeil University  
College of Forensic Legal Studies  
Toronto, Canada

### SAMUEL HANKIN

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

May 4, 2000

Josef Nelles, Assistant Vice President  
VEBA AG  
Bennigsenplatz 1  
40474 Düsseldorf  
Germany


Dear Mr. Nelles:

I just received the VEBA annual report and have reviewed it cover to cover. I find no reference to the scientific study which you are undertaking to determine what your company did during World War II. I've written to you on numerous occasions now and I feel that I may have become somewhat of a nuisance. However, in my last I advised you that I was a shareholder of the company and still am and quoted your chairman's language regarding my entitlement to information.

With that in mind, I once again request a considered response. I reiterate my opinion that it is incredible that no historian or archivist has documentation or a real life opinion or memory of what exactly it was that VEBA did during the conflagration between the mid 30s and 1945.

Thank you very much for attending to this matter at your earliest possible convenience.

Sincerely,

  
Samuel Hankin  
SH/ksh  
lv@VEBA.050300

Law Offices of

### HANKIN & HANKIN

305 Northeast First Street  
Gainesville, Florida 32601

Samuel Hankin  
Donna Walsh Hankin

Telephone: (352) 375-7100  
Telefax: (352) 375-4634  
E-Mail: samuel.hankin@hankinlaw.com  
donna.hankin@hankinlaw.com

May 4, 2000

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


Dear Ms. Strauss:

I still await my coupon for the Hamburger Stackers™. I have noticed on numerous occasions that these Stackers™ are available on a regular basis at my local Publix supermarket and I have also noted a competing product from Clausen.

I was wondering whether it would be possible given the time delay that you could send my Stackers™ coupon by Federal Express? After I receive the coupon, I fully intend to purchase a jar of both Clausen Stackables™ and Vlasic Stackers™ and comparing the results on the nearest burgers available. In order to establish a viable control, I actually may go to McDonalds or Burger King, remove the standard pickle fare from my identical orders and replace same with one each of the Clausen and Vlasic varieties.

I look forward to forwarding my results of this experiment to your company, but must insist on the delivery of the oft-times promised Stackers™ coupon.

Sincerely,

  
Samuel Hankin  
SH/ksh  
lv@complaints@productivlasic.050300



# Eighth Judicial Circuit Professionalism Committee

To: Jon L. Mills, Interim Dean, U.F. Levin College of Law  
From: Raymond F. Brady, Esq., Chair, 8<sup>th</sup> Circuit Professionalism Committee  
Date: April 10, 2000  
Re: 2000 Professionalism Seminar

Dear Dean Mills:

On behalf of the Eighth Judicial Circuit Professionalism Committee, the Eighth Judicial Circuit Bar Association, and the attorneys and judges of the Eighth Judicial Circuit, I would like to thank you and the other members of the administration and faculty of the U.F. Levin College of Law for your support and co-sponsorship of the 2000 Professionalism Seminar.

This year, more than 275 lawyers, judges, law professors and law students attended the seminar. I am sure the speeches and small group discussions both educated and inspired the participants. I agree with Rob Griscti, Esq., that Judge Stan Morris' keynote address was certainly one of the best speeches on professionalism that I have heard.

I would like to thank your entire Law School Professionalism Committee for the hard work they put into this joint project. Special thanks are due to Professor Lyrissa Lidsky and John Berry, Esq., for the countless hours they spent organizing this seminar, drafting professionalism hypotheticals, and preparing the seminar faculty. I would also like to thank Associate Dean Patrick Shannon for making the necessary arrangements to ensure that the seminar ran smoothly.

I would appreciate it if you would circulate a copy of this letter to all of the members of the Law School Professionalism Committee. Also, by copy of this letter I am asking Professor Lidsky to please extend our thanks to the numerous law school professors who served as panelists and small group discussion leaders in the seminar.

cc: Robert P. Cates, Chief Judge, Eighth Judicial Circuit  
Frank E. Maloney, Jr., President, Eighth Judicial Circuit Bar Association  
Professor Lyrissa B. Lidsky  
John T. Berry, Esq.



Judge Morris

# Pro Bono Hours

by Marcia Lockhart

Florida attorneys should be receiving your Florida Bar dues statement in the mail soon. As you may recall, Florida has a mandatory reporting requirement for pro bono hours. If you need assistance in calculating the hours you donated through the Volunteer Attorney Program of Three Rivers Legal Services, please contact Marcia Lockhart at 352-372-0519.

If you discover that you have not met the Florida Bar's aspirational goal of providing 20 hours of pro bono service, please consider signing up and becoming a volunteer with Three Rivers Legal Services, or donating \$350 in lieu of providing services.

If you are not already one of our volunteers, please join! Contact Marcia Lockhart, Three Rivers Legal Services, Primrose Square, 214 West University Avenue, Suite A, Gainesville, FL 32601 or e-mail [mlockhart@trls.org](mailto:mlockhart@trls.org). If you are already a volunteer and have not heard from us in a while, call and let us renew your volunteer application.

## Classifieds

### For Lease:

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 43<sup>rd</sup> Street. Call Sam Hankin at (352) 375-7100.



Panel of Experts

# Family Law Section

By Cynthia Stump Swanson



The Family Law Section had its regular meeting on April 26, 2000 in the Alachua County Courthouse. We appreciate Judge Smith's regular attendance. Judge Sieg has also attended in the past, but could not come to this particular meeting. Those at the meeting agreed that we are all interested in sharing information and discussing

ideas, as those activities will increase the competency and professionalism of our bar as a whole.

Most of the meeting was taken up with discussion of proposed legislation. HB2421 is a long bill relating to child support. It will create a new Chapter 62 of the Florida Statutes, dedicated exclusively to child support, including provisions for the determination of income and deductions, imputation of income, the guidelines and lots of "legislative intention" language, as well as a statutory formula for deviations. The recent hot topic in child support issues has been the implementation of the provision, passed by the Legislature last year, requiring a deviation when the nonresidential parent spends substantial amounts of time with the child(ren). If passed, HB2421, would provide as follows:

## **(2) Deviations For Parenting Time, Shared Parenting, And Split Custody Or Split Parenting.**

(a) The child support guidelines contemplate that the alternate residential parent who is making support payments has regular contact or parenting time, including vacation time, with his or her children and that he or she makes direct expenditures on behalf of the children. If this parenting time is less than 30 percent of the child's time, no deviation from the aggregate child support obligation pursuant to this section shall be made by the court. When, however, the child spends 30 percent or more of his or her time during the year with that parent, a rebuttable presumption exists that the alternate residential parent who is making support payments is entitled to a reduction in the basic child support obligation to reflect this additional time.

(b) The court shall deviate from the basic child support obligation if the child spends 30 percent or more of his or her time with the alternate residential parent who is making support payments. However, the court may not deviate on that basis if the deviation will result in insufficient funds in the household receiving the support to meet the basic needs of the child or if the child is receiving public assistance. When determining the amount of deviation, the court shall consider evidence concerning the increased expenses to an alternate residential parent who is making support payments, resulting from the increased time the child spends with that parent, and shall consider the decreased

expenses, if any, to the parent receiving the support on behalf of the child, resulting from the significant amount of time the child spends with the alternate residential parent who is making support payments. When parents are sharing residential responsibilities as provided in this paragraph, the court shall calculate the amount of child support as follows:

1. Determine the combined net income of the parents.
2. Determine the basic child support obligation pursuant to s. 62.304.
3. Multiply the basic child support obligation by 1.5.
4. Determine each parent's share of the increased support amount obtained pursuant to subparagraph 3. by multiplying the increased support amount by each parent's percentage share of income.
5. Determine the percentage of overnights the child will be in the physical care of each parent. In the case of rotating custody or rotating parenting, each parent is presumed to have the child 50 percent of the time.
6. Prorate the basic child support obligation for each parent by multiplying the obligation amount obtained in subparagraph 4. by the percentage of time the child will spend with each parent.
7. Determine each parent's share of the support amount by subtracting the amount determined in subparagraph 6. from the amount determined in subparagraph 4.
8. Subtract the smaller obligation from the larger obligation. The parent owing the greater support obligation shall be ordered to pay the difference in the amount of support to the other parent, unless the court determines, pursuant to other provisions of the child support guidelines, that it should deviate from the provisions of this paragraph.

In addition, HB2421 provides that when a split custody or split parenting situation exists, the court shall use combined parental income to calculate separate basic child support obligations for the children residing with each parent. The two obligations shall then be offset to arrive at a single obligation which one parent pays to the other to correctly apportion their combined income.

This bill would also provide specific instructions to trial courts to consider the income tax exemption and child care tax credit, and to consider whether to require the residential parent to sign release forms to allow the other parent to claim the exemption.

Other bills discussed by the Section included HB29, which has some 20 sponsors. This bill would authorize the establishment of "Domestic Partnerships." People who are not married to anyone else would be able to register with

*(continued on page 9)*



## Family Law

(continued from page 8)

the Secretary of State and then enjoy some of the privileges of marriage, particularly being eligible for family coverage of one partner's health insurance. If the partnership were to terminate a notice of termination would have to be filed with the Secretary of State, and those partners would be prohibited from entering into any other partnership for 30 days. There is no mention of an entitlement to alimony in this bill. The consensus of the Section was that this bill was unlikely even to make it out of committee, much less to be passed by either house.

The Section also reviewed CS-SB288 which attempts to provide for grandparent visitation in the face of the Florida Supreme Court's finding of most of the present statute to be unconstitutional, as violating parents' rights to privacy. This would seem to show that the grandparent lobby is a very, very potent one.

Other bills of interest include SB2270, which would amend Fla.Stat. §61.08 to specifically define permanent and rehabilitative alimony, and add another type, called TRANSITIONAL ALIMONY, which is defined as: nonmodifiable alimony that is awarded, for a period of time not to exceed 24 months, for the purpose of covering identifiable, immediate, short-term expenses incurred by the receiving spouse in making an economic transition from married life to single life.

Another interesting bill, although it specifically does NOT apply to family law matters is CS-SB154 which defines a vexatious litigant as a person who, in the immediately preceding 5-year period, has commenced, prosecuted, or maintained, pro se, five or more civil actions in any court in this state, except an action governed by the Florida Small Claims Rules, which actions have been finally and adversely determined against such person or entity. Courts may, upon motion, require vexatious litigants to post security which is intended to cover the defendant's attorneys' fees and costs. If the security is not posted, the action can be dismissed.

Finally, SB4298 would increase the county court's jurisdiction to \$25,000.

Check out these and other bills yourself on the Florida Legislature's website ONLINE SUNSHINE. Just type "onlinesunshine" and your browser will take you there. You can now search the text of every bill filed in the house and senate by words and phrases, and you can see the schedules for committee meetings and votes, as well as the progress of a bill.

## Membership Directory Correction

Shannon Miller's facsimile number is (352) 379-3926.

## General Counsel

The Gainesville-Alachua County Regional Airport Authority (GACRAA), a Special District, is soliciting statements of qualifications from qualified providers for legal services as General Counsel for GACRAA. The GACRAA is desirous of retaining the services of attorneys experienced in representing city, county, special districts, and other local governmental agencies and who can demonstrate familiarity with legal issues affecting Airport operations.

The assigned attorney(s) from the firm must demonstrate substantial involvement in the practice of governmental law, which includes at least five years of actual practice of law. Knowledge of laws and regulations related to airport operations is required.

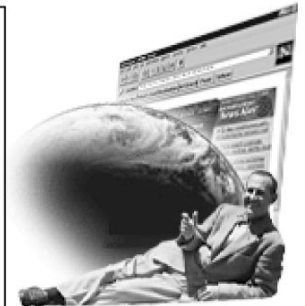
Requirements and instructions for the submission of Statements of Qualifications may be obtained from the Gainesville Regional Airport Accounting Office, 3880 N.E. 39<sup>th</sup> Avenue, Suite A, Gainesville, Florida 32609, 352-378-8797.

## AM Austin Michael Internet Solutions

Internet Access - WebHosting - WebDesign - Ecommerce

### Internet Access \$16.95/month

- ▶ Unlimited 56K V.90 access nationwide (over 1100 numbers)
- ▶ 2 E-mail accounts per subscriber
- ▶ 5 Mb web space per subscriber
- ▶ Access to over 40,000 newsgroups



### Web Site Hosting ONLY \$19.95/month

Registration Of Your Domain Name - [www.yourcompany.com](http://www.yourcompany.com)  
100mb Disk Storage • Unmetered Data Transfer  
Unlimited Email Accounts (POP3 or Forwarding)  
Unlimited Email Auto Responders  
Unlimited FTP Updates • IMail Web Email Access  
FlashStats Log Statistic Generator • CGI Support  
OC48 Internet Backbone • Daily Tape Backups  
Power Generator Backups

**352.331.6535**  
**austinmichael.com**

# Black Plague

by Samuel Hankin

I have spent much of my spring, as I am sure you have as well, reading about the black death, the bubonic plague, the pandemic that scourged Europe and the East in 1347-49 and then reappeared in the early 17<sup>th</sup> century wiping out vast numbers of the European population. Some estimates place the death toll as high as 60% of the population of Europe during the first infestation. The history of the plague presents an unusual backdrop against which the rich pageant of human history proceeds, notwithstanding the horror and anguish associated with daily life or lack thereof.

There are surprisingly few general treatises on the epidemics, but one which I would highly recommend to one gingerly stepping a toe into the black and tepid waters of contagion lore would be The Black Death, by Philip Ziegler. This general approach to the plague in its 14<sup>th</sup> century incarnation discusses its origins, types, progression, and cultural, as well as religious legacy. Copiously illustrated, this book has served as a general reference point for many of the other novels, treatises, and works on the matter. Ziegler describes in detail the three types of plague associated with the “black death”:

- the first, septicemic, goes into the bloodstream and kills within hours.
- the second, “bubonic” produced buboes or boils, sometimes described as knobs, kernels, biles, blisters, blaines, pimples, or wheals.

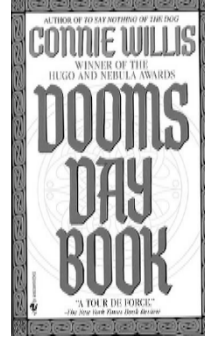
Boccaccio describes these in the Decameron:

“...in men and women alike it first betrayed itself by the emergence of certain tumours in the groin or the armpits, some of which grew as large as a common apple, others as an egg, some more, some less, which the common folk called gavocciolo. From the two parts of the body this deadly gavocciolo soon began to propagate and spread itself in all directions indifferently; after which the form of the malady began to change, black spots or livid markings making their appearance in many cases on the arm or the thigh or elsewhere, now few and large, now minute and numerous. And as the gavocciolo had been and still was an infallible token of approaching death, such were these spots on whomsoever they shewed themselves...” Page 5.

- the third is pneumonic and was spread by droplet infection, killing quickly but also being extremely contagious

A novel which relies heavily on The Black Death is The Domsday Book by Connie Willis, a prolific and richly honored science fiction writer, the most frequent winner of the Nebula and Hugo awards, whose later companion time travel novel, To Say Nothing of the Dog, is also an excellent read.

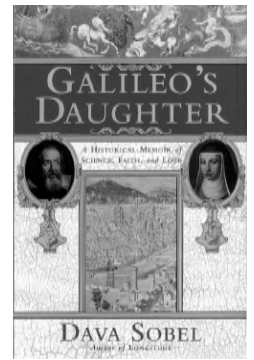
The Domsday Book deals with modern day English scientists who invent a “net” device which allows time travel.



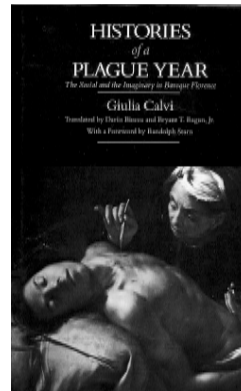
In this case, a young woman is unfortunately misdirected, finding herself abandoned in early 1348, in the midst of the initial outbreak of the plague throughout London and its environs. The serious and forbidding approach to her experiences is surprisingly uplifting and intelligent. Ms. Willis writes with fervor and with concentrated effort. This work took her five years to complete. I would highly recommend this book for both pleasure reading and an

instructional primer on plague terms and types.

An eccentric approach to the plague can be gleaned from a reading of Galileo's Daughter, by Dava Sobel. This is a biography which approaches the life of Galileo Galilei, the father of so many of our scientific assumptions. The book's title is derived from the fact that Galileo's illegitimate and eldest daughter, Suor Maria Celeste, was confined to a convent at an early age, never to subsequently leave its walls. She and her father corresponded regularly; in fact, almost daily, during their lives, until her untimely demise. Galileo's correspondence has been unfortunately destroyed over time, but his daughter's letters remain, and each chapter of the book evolves around an epistle from daughter to father chronicling, in a seamless fashion, Galileo's life. The

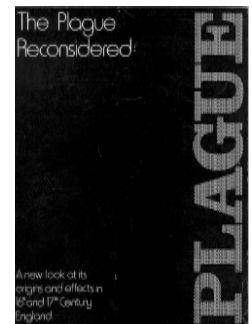


plague enters and exits often in its 17<sup>th</sup> century guise as Galileo travels throughout Italy and is sometimes forestalled in his journeys by an infestation in one city or another. In fact, during the inquisitory process, he was delayed in Rome due to outbreaks of plague in Florence. This plague outbreak in Florence in the year 1630 is minutely reported in the book, Histories of a Plague Year, by Giulia



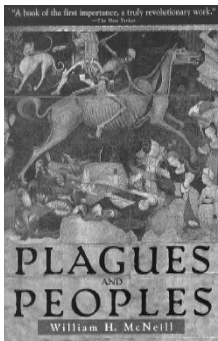
Calvi, which uses the detailed records of the city as a starting point for describing the intricacies of the plague as it affected day-to-day life.

This type of approach is also used in The Plague Reconsidered, published by 'Local Population



(continued on page 11)

Studies' in association with the S.S.R.C. Cambridge Group for the History of Population and Social Structure, which discusses the disease in 16<sup>th</sup> and 17<sup>th</sup> century England.



Our final entry is Plagues and People by William H. McNeill, which discusses the course of disease and human history at the same time. The premise of the book is that plague is a primary sculptor of human progress, both in a positive and negative light, pushing, prodding, and probing at the human journey toward evolutionary goals.

In conclusion, while plague arcana may not be light summer fare for all, the study of one of the worst things, if not the worst thing, that has ever happened to mankind, from a distance, both temporally and spatially, can be quite edifying because the pain, loss and futility of this almost mythic event is played out against what must perforce continue as our regular daily life against a backdrop of human frailty, nobility, and spiritual search.

## Sexual Harassment Training

by Marion J. Radson

As a service to the Eighth Judicial Bar Association, attorneys in the City Attorney's Office will volunteer to conduct sexual harassment training for any member of the Association and their support staff. This Office regularly conducts such training for City employees.

If you would like to accept this service, we will have to select a time, date and place. I would also suggest that interested persons send their names to a designated person to regulate the number of persons who may wish to attend. These sessions usually last 2 hours.

### Definition of the Month

**KNOCK-FOR-KNOCK AGREEMENT.** An arrangement between insurers whereby each will pay the claim of its insured without claiming against the other party's insurance.

*Black's Law Dictionary, Seventh Edition.* West Group, 1999, p. 876.

## Gainesville Association of Paralegals

By: Kimberly D. Kanasky

The Gainesville Association of Paralegals (GAP) is dedicated to the promotion of the legal assistant profession. Through GAP, legal assistants have a great base for networking. You have contact with legal assistants in all realms of law, which is great for those moments when you may be stumped or just for some friendly advice.

Coming in June, GAP will begin a new year with newly appointed officers. Nominations were held in April, and Voting will be held this month. We invite members and non-members to join us in the closing of a great year and the start of a new session, "with a bang".

If any of the legal assistants out there are interested in becoming certified, GAP offers a CLA exam review course that is entertaining, interesting, and informative. You will gain invaluable information and materials from this review course. The instructor is Pamela Linquist, CLA, who has been teaching this course since 1985. Ms. Linquist is very knowledgeable with the ins and outs of studying for the exam. The review course is offered in August, 2000 for four Saturday sessions from 10:00 a.m. to 4:00 p.m. (2- 15 min. breaks 1- 30 min. lunch) at City College.

For further information on this review course, please visit our web site at [www.Afn.org/~gala/](http://www.Afn.org/~gala/) or contact Pamela S. Craig, CLA at (352) 372-9999.

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

### Job Bank

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

### GAP's Upcoming Events

#### Tuesday, May 16, 2000

GAP's Monthly meeting  
Election of 2000-2001 Officers  
Location: Szechuan Panda Restaurant  
3830 SW 13th Street, Gainesville  
Time: 12:30 p.m.

#### Tuesday, June 20, 2000

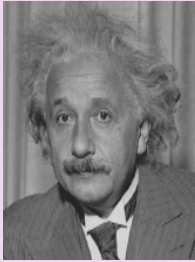
GAP's Monthly meeting  
Annual Banquet/Dinner  
Location: Napolatano's  
606 NW 75th Street, Gainesville  
Time: 6:30 p.m.

### CLA Deadlines And Exam Dates

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



# EINSTEIN BUCHANAN



I cannot imagine a God who rewards and punishes the objects of his creation, whose purposes are modeled after our own - a God, in short, who is but a reflection of human frailty....It is enough for me to contemplate the mystery of conscious life perpetuating itself through all eternity, to reflect upon

the marvelous structure of the universe which we can dimly perceive and to try humbly to comprehend even an infinitesimal part of the intelligence manifested in Nature.

-Albert Einstein from "My Credo," for the German League of Human Rights, 1932; quoted in Leach, *Living Philosophies*, p. 3



## Calendar of Events

- 05/24/00 Family Law Section meeting at 4:00 p.m.  
Grand Jury Room of the Alachua County  
Courthouse
- 05/25/00 FAWL and Florida Bar celebration at 6:00 p.m.  
Sheraton Bal Harbour Beach Resort on Miami  
Beach

- 06/14/00 EJCBA Annual Dinner at 6:00 p.m.  
Harn Museum in Gainesville
- 06/20/00 GAP's monthly meeting at 6:30 p.m.  
Napolatano's in Gainesville

# FORUM 8

Eighth Judicial Circuit Bar Association, Inc.  
Post Office Box 127  
Gainesville, FL 32602-0127

Non-Profit  
Organization  
U.S. Postage  
Paid  
Gainesville, FL  
Permit No. 179