FORUM 8

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President's Letter

By Mac McCarty

A couple of months ago, I discussed in this column the upcoming midyear retreat for the EJCBA's Board of Directors. The retreat was held on February 1, 2012, and I wanted to report to you the results. If you recall from the earlier article, in preparation for the retreat comment was invited from members on a wide range of topics that dealt with the direction of our Association and its activities. Interestingly, while I know that at least a few of you actually read this column, we received zero, none, nada, nary a comment in the specially set up email address for that purpose. It is also interesting that during our member survey administered last year, our membership was evenly split on almost every issue that was presented for review. I am pleased to report that your Board of Directors represents you well and accurately as it, too, is of many minds about the direction of the Association in the future.

These varied opinions were well displayed at the retreat. Many topics were discussed, including full-time staffing, a rented or purchased location, increased fundraising activities (such as advertising on the website or in the newsletter), increased CLEs, increased social events, and the creation of a charitable foundation that would be associated with our Association. The Board's discussion was aided by the efforts of a group of University of Florida Levin College of Law students who participated in the exercise by expending significant time over their winter break researching and drafting discussion points as well as a decision tree for the Board to review as part of the retreat. I am extremely grateful for their time and the four law students, Clay Mathews, Monica Hernandez, Chelsey Clements, and Marcus Powers, are to be commended for their efforts.

Because the Board did not feel there was a strong consensus to move in any particular direction, it directed the Long Range Planning Committee of the Association to meet and determine whether there is a consensus to support any long range goals. In addition, because of the structure of our organization, appropriate questions were raised whether a strategic plan could be adopted at all or, more importantly, followed for multiple years when our Board and Presidency run on a year by year basis.

As in any organization, particular projects seem to rise and fall based upon the efforts of individuals who take leadership roles and "make something happen." At the Board meeting, I cited two particular examples of this, including Ray Brady's efforts on the Professionalism Seminar year after year, and our President-Elect, Dawn M. Vallejos-Nichols' efforts every year to produce and edit our newsletter. There are many other Association members, both on the Board and off, who produce great results, including Scott Krueger and his annual work on the judicial poll. If some of these multi-year projects—perhaps combined with a few aspirational goals—can be

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Contribute to Your Newsletter!

From The Editor

I'd like to encourage all of our members to contribute to the newsletter by sending in an article, a letter to the editor about a topic of interest or current event, an amusing short story, a profile of a favorite judge, attorney or case, a cartoon, or a blurb about the good works that we do in our communities and personal lives. Submissions are due on the 5th of the preceding month and can be made by email to dvallejos-nichols@avera.com.

About This Newsletter

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

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Any and all opinions expressed by the Editor, the President, other officers and members of the Eighth Judicial Circuit Bar Association, and authors of articles are their own and do not necessarily represent the views of the Association.

News, articles, announcements, advertisements and Letters to the Editor should be submitted to the **Editor** or **Executive Director** by Email, or on a CD or CD-R labeled with your name. Also, please send or email a photograph with your name written on the back. Diskettes and photographs will be returned. Files should be saved in any version of MS Word, WordPerfect, or ASCII text.

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Deadline is the 5th of the preceding month

Congratulations to Fisher, Butts, Sechrest, Warner & Palmer, PA and to Leslie Haswell for their Pro Bono Recognitions

By Marcia Green

A Gainesville law firm was recognized with The Chief Justice's Law Firm Commendation at the Florida Supreme Court on Thursday, January 26th in Tallahassee. The firm of **Fisher, Butts, Sechrest, Warner & Palmer, PA**, [FBSW&P] is a small Gainesville firm, primarily serving the residents of rural north central Florida.

Nominated by Three Rivers Legal Services because of their solid commitment to pro bono, many of the firm's individual attorneys have been participating in the Volunteer Attorney Program of Three Rivers Legal Services since as far back as 1998. Attorney Mike Sechrest was a member of the Young Lawyers Division and one of about eight attorneys who regularly came to Three Rivers for an after-hours advice and intake clinic. Later, he continued to volunteer and accept direct pro bono referrals for advice and/or representation, particularly in the areas of construction and consumer law. Attorney Bob Butts also volunteered to accept cases in foreclosure and construction law. Other partners of the firm include Mark Fisher, Marc Warner and Martin Palmer.

Examples of some of the cases accepted by the firm include:

- helping a disabled woman terminate her lease and secure the return of her security deposit;
- assisting a single mother against a car dealership for fraudulent practices;
- representing several indigent clients at trial for accelerated rents;
- representing a single mother in a mortgage foreclosure;
- representing an indigent elderly woman against HVAC contractor who weakened structural components of her home while installing an HVAC unit in the attic;
- representing a laborer in a claim for work against a developer;
- representing an indigent widow in recovering widow's and state retirement benefits;
- representing laborers in a lien claim against a "spec" home builder;
- assisting an elderly client when her roofing contractor did not complete the work for which he was paid;
- assisting an elderly woman in dealing with an insurance company after losing her house to a fire.

One extremely protracted case involved the representation of a low income disabled father who moved to a rural area and contracted to build a home with money he had saved from his former employment. Numerous legal issues were involved, all spiraling from shoddy construction; the case ultimately included mortgage foreclosure. The firm represented the client in an Unfair and Deceptive Trade Practices claim and defended a fraudulent lien claim filed against the property. With more than 160 hours of time, plus the litigation costs including experts, this firm was committed to successfully righting the wrong.

FBSW&P recognizes the need for pro bono representation for those clients referred through Three Rivers as well as those who come into their office without the resources to hire an attorney. Their availability to assist clients in the areas of foreclosure, construction, housing and consumer law is particularly valuable.

Members of the firm are certified circuit civil mediators, certified in construction law and are members of the Florida Bar Construction Law Committee, as well as various residential and commercial building associations. They agreed to accept referrals from The Florida Bar's Florida Attorneys Saving Homes [FASH] program and work closely with various other charities and non-profit organizations, including Catholic Charities, the Muscular Dystrophy Association, Habitat for Humanity, World Vision, Shands Children's Hospital, and Grace Methodist Church. The firm provides free consultations to the elderly through the Florida Bar and the partners have been mentors through Take Stock in Children.

Leslie Smith Haswell received The 2012 Florida Bar President's Pro Bono Service Award for the Eighth Judicial Circuit. Although admitted to the Bar in 1982, Leslie did not seriously begin to practice law until 2002 when

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The Future Of Residential Mortgage Foreclosure Mediation

"A man's home is his castle." *James Otis, Paxton's Case*

By Bob Stripling

The Florida Supreme Court created the Task Force on Residential Mortgage Foreclosure Cases in March, 2009 to recommend a method of implementing a Residential Mortgage Foreclosure Mediation Program to deal with the mounting backlog of foreclosure filings in Florida. (No. AOSC09-8). Based upon the recommendations of the Task Force, the Court entered an Administrative Order in December, 2009, finding that foreclosure case filings in Florida trial courts totaled 369,000 during the prior year, that Florida has the third highest mortgage delinquency rate in the country, the worst foreclosure inventory, and nearly one half million pending foreclosure cases statewide at the close of 2009 when the Order was entered. The Court categorized the problem as "a crisis (which) continues unabated."

In the final report of the Task Force to the Court, the lack of communication between lenders and borrowers was noted to be the most significant issue impeding early resolution of foreclosure cases, and that case management and mediation were the best techniques for resolving cases. Based on the Task Force report, the Court ordered that all residential mortgage foreclosure cases involving homestead property must be mediated before trial. A program manager was to be employed by each circuit to manage the process, and the various circuits were required to implement administrative orders carrying out the mandate of the Supreme Court.

Among the requirements of the program was the creation of a web-enabled information platform, where the borrower was required to provide certain financial information to the lender which could be accessed through the internet. Foreclosure counselors were provided by the circuits to meet with borrowers before mediation. Informal discovery was likewise allowed from either party. Failure of either party to comply with the discovery provisions and requests for additional information needed to negotiate in good faith at mediation would potentially subject that party to sanctions, ranging from delay of the final hearing to dismissal of the action.

The program managers for each circuit were required to establish a panel of Florida Supreme Court Certified Civil Circuit Mediators, specially trained in residential foreclosure mediation matters, to serve as mediators in the program. Sylvia Stripling and I served on the panels managed by the American Arbitration Association in the 8th, 17th and 18th Circuits. After mediating approximately 100 cases between us, we were encouraged by the results. We found a common thread running through many of the cases. First of all, the borrowers almost uniformly complained that they had not been able to communicate with the lending institution in an effective way towards resolution of their problem. They often reported that they had made multiple submissions of the required documentation to the lender, but were told by lenders that the information was not received. On the other hand, the lenders would often point out deficiencies in submissions by borrowers, and referenced that some of the financial material was outdated before the case got to mediation. Inasmuch as borrowers were required to bring all of their documentation with them to mediation, we were often able to solve these communication problems during the mediation itself by e-mailing or faxing deficient or supplemental financial information. A certain perseverance on the part of the mediator is required in order to make this occur, since the knee-jerk reaction to the problem was to suggest impasse and submission and review of the material at a later date. The conscientious mediators would try to make the mediation process successful by the instantaneous exchange and review of materials while everyone was present and able to deal with the problem face-to-face. This would often result in a resolution or at least significant progress toward a resolution.

As in all mediations, the Court required the presence of parties at mediation who have the authority to settle. However, in this special type of mediation, there were practical problems prohibiting the personal attendance of banking representatives, who were often located in remote parts of the county. Because of this practical problem, the Supreme Court required the personal appearance of the lender's attorney and the borrower, but it allowed the lender's representative to appear by phone. By and large this never posed a problem at mediation. In fact, we found that most of the mediations conducted in this fashion rapidly evolved into open discussions between the lender

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Foreclosure Mediation *Continued from page 4*

and borrower, without the need for separate caucuses. This was the first time these parties had been able to discuss a resolution of the problem in a constructive and structured, yet informal manner.

The homeowners in these cases seemed to come from all walks of life and different socio-economic backgrounds. We had nurses, school teachers, small business owners and members of the labor force come before us, many of whom had lost their jobs or had illnesses or other family circumstances that contributed to their getting behind in their mortgage payments. We were extremely gratified when we could participate in a process which actually reached a solution for these people. Sometimes the solution would come by way of loan modification. However, in other cases there would be a short-sale or possibly a deed in lieu of foreclosure. In these situations, the homeowner knew that the home had become unaffordable and was provided with a graceful way out.

From the standpoint of the lenders, it was far better to resolve the problem at mediation than to go through the expense of the foreclosure process. In instances where loan modifications could occur, certain government programs assisted the lender in refinancing. Even if it required some concessions by the lender, it was a better solution than taking back the house and having more unwanted inventory on the bank's books.

The program operated for approximately two years before the Supreme Court discontinued it by its Administrative Order No. AOSC11-44 in December, 2011. In a brief Order, the Court terminated the program as a statewide managed mediation program, saying only that it had determined that it could not justify its continuation. However, the Court left it to the chief judge of each circuit to adopt or employ any alternative dispute resolution methods allowed by §44.102, Fla. Stat., and Rule 1.700(a), Fla. R. Civ. P.

The question now is what the various circuits will do about ADR in an environment where the residential mortgage foreclosure case load remains unabated. In the immediate future, the Supreme Court has ordered that the statewide program will remain in effect until completion of mediation of all cases that had been referred to mediation before the date of the order terminating the program. The future of ADR beyond that is seemingly uncertain in many of the circuits in North and Central Florida. The Honorable Paul Silverman, General Magistrate for the 8th Judicial Circuit, has stated that, "The RMFM Program has been discontinued and mediation will no longer be required in every residential mortgage foreclosure case. Requests for mediation will be considered on a case-by-case basis." The 8th Circuit will appoint mediators who are qualified to handle mortgage foreclosure mediations on an as-needed basis. In the 4th Circuit, the Jacksonville Bar Association has served as program administrator, but is winding down the program. The same is true of the 9th Circuit, which includes Orlando. However, the 5th Circuit will continue its RMFM Program on a temporary and trial basis under its program manager, Oasis Alliance. In the 7th Circuit, which includes Daytona, the program manager is Upchurch, Watson, White and Max. Although the mandatory program is winding down, Upchurch, et. al. is launching a statewide voluntary foreclosure mediation program, based upon "....numerous requests from lenders, lenders' attorneys and borrowers...."

In conclusion, I am forced to disagree with those who believe that mediation in residential foreclosure cases does not work. From our experience and the experience of those on the AAA mediation panels with whom I have spoken, the RMFM Program has made a valuable contribution to borrowers, lenders and the court system if for no other reason than it provides a much needed forum for the parties to attempt to resolve their differences. The Task Force's original conclusion that lack of communication between the parties has been a major problem in resolving cases will still be true after the program completely ends. Without foreclosure counseling and mediation, lenders will continue to have insufficient loan modification packages, borrowers will still not be able to reach the appropriate person at the lending institution by phone, and judges will be all the more frustrated by the unabated crisis of too many foreclosure cases in the court system.

Please Note And Pre-Register For The March 16 Bar Lunch With Justice Barbara Pariente

The March EJCBA lunch is being held MARCH 16 and will feature our very important guest, Justice Barbara Pariente. Her talk is entitled, "Reflections of a Supreme Court Justice on the State of the Judicial Branch." Please pre-register for this very important lunch by sending in your reservation card or emailing your reservation to execdir@8jcba.org, or call Judy Padgett at 380-0333.

President's Letter

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agreed upon, creating a long range strategic plan to guide future Boards makes sense. To that end, the long-range planning committee consisting of the immediate Past President, the current President, the President-Elect, and the President-Elect Designate, along with the Treasurer, will meet to try to fine tune a proposal to present to the Board. Whether one will pass or not is completely unknown and, given the wide divergence of opinion amongst our membership as to direction, projects, and the structure of our Association, it may be that simply maintaining the status quo as a year to year organization is the best solution.

I also want to emphasize and remind our members of certain upcoming events that are, in my opinion, important for our Association. The aforementioned Professionalism Seminar will be held Friday, April 6, 2012, at the University of Florida's J. Wayne Reitz Union on campus. Parking will be provided as part of the seminar registration. There were a variety of reasons to move the event from the Levin College of Law to the Union, the overriding one being that of additional space. The law school simply did not have an auditorium large enough to house all of the attendees; law students were frequently segregated into separate rooms to watch on video. Hopefully, bringing the entire group together will encourage professionalism amongst the law students and provide for important interaction between all attendees.

April 13, 2012 is the Association's benefit golf tournament. The Guardian Foundation, Inc., which provides incredibly important ancillary support to the Guardian Ad Litem program for the Eighth Judicial Circuit, is the beneficiary again in 2012. We always struggle to find enough golfers so please participate. You don't have to be a good golfer—the event is for fun and to support a worthy cause. We are proud that the operation of the tournament is funded from the entry fees, which lets us tell potential sponsors that every penny they give for the tournament will go directly to the Guardian Foundation to help kids in need.

The third event I want to mention for early planning is the Association's Annual Meeting and Reception to be held on May 31, 2012 at the Thomas Center. In past years, we've had a great turnout of our members and their guests, who seemingly have enjoyed an evening of music, hors d'oeuvres, and a collegial atmosphere with their fellow practitioners. We again will attempt to keep the "meeting" part of the event to a bare minimum of time to maximize the "fun" aspect of the event.

Lastly, I would be remiss if I didn't mention our Winter Social Meet & Greet Event held on January 26th at the 101 Downtown Restaurant & Martini Bar. Interestingly, we only had about thirty total attendees. However, I want to particularly thank Chief Judge Martha Lott and many other members of the local judiciary for their incredible turnout. It was an outstanding experience to be able to visit with the judges in a casual social atmosphere. While our judges were there in force, the low membership turnout was—in a word—disappointing. One would think that free food and free adult beverages on a Thursday evening right after work would be an attractive option, but apparently it was not. Again, I'd love to hear from you, the members, about how we could make these events more successful. Do we need to hold them in a different part of town? Do we need to hold them at a different type of establishment? Do we need to hold them on a different day of the week? Do we need to hold them at a different time? These are all things that we ask ourselves after investing time and money into an event that is only lightly attended. My email address is mmccarty@lawgators.com . Thank you for reviewing this column and I hope to see you at an Association event soon.

2012 EJCBA Golf Tournament

Please save the date for the 2012 EJCBA Golf Tournament which will be held Friday, April 13th in Gainesville, at the Mark Bostick Golf Course at the University of Florida.

Registration and lunch for the 2-person scramble will begin at 11:30 a.m., with shotgun start at 1:00 p.m. The cost will be $100 per golfer. All proceeds will benefit the 8th Circuit's Guardian ad Litem Program through the Guardian Foundation, Inc. Cost of the tournament includes 18 holes, riding cart, lunch, awards and/or prizes and a post-round reception.

Alternative Dispute Resolution

Lee Jay Berman

By Chester B. Chance and Charles B. Carter

Lee Jay Berman is a very successful mediator in California. Mr. Berman is not a lawyer. Most attorneys feel a mediator should also be an attorney. Whether that feeling is true or false can be the subject of a future article. However, attorneys who have heard Mr. Berman speak, at a minimum, say he is the exception to the rule, i.e., he is a non-attorney who as a mediator can handle any dispute thrown his way.

Mr. Berman writes articles and blogs for the Mediation Institute website. He recently wrote one with the title "Impasse is a Fallacy."

His article addresses the start of mediation with the thought impasse often occurs because the right people are not in the room. Mediators should make a determination at the beginning of a mediation whether all decision makers are present. If a decision maker, or someone who needs to "bless" the settlement or needs to be consulted with is not present at the start of the mediation, arrangements need to be made for telephone availability of any decision maker who is not in attendance. Mr. Berman notes, "the common mistake is to try to arrange this at 5:00 p.m. on the day of the mediation as people are leaving their offices for the night." This mistake should be avoided at the outset of the mediation.

Mr. Berman also suggests mediations can sometimes end abruptly due to a participant's time constraints. We have all experienced the person who makes an announcement that he has to leave immediately to catch a plane, etc. Mr. Berman says this cause of impasse can also be avoided at the start of the mediation by inquiring as to everyone's expectation about time availability.

Mr. Berman also notes another cause of impasse which has been discussed at length in prior articles in this series: preparation by the lawyers and the parties is critical in avoiding impasse. In this regard, Mr. Berman also notes:

> "While informational impasse can be avoided by preparing adequately, and have the mediator facilitate the exchange of information prior to the mediation, it is part of the commercial mediator's role to help the parties to stay on a settlement track and continue preparing for a return to mediation, rather than leaving with the idea that the mediation process has failed, and returning to the litigation preparation track."

Mr. Berman also identifies "emotional" impediments to mediation. By way of example he refers to lawyers and/or clients who fall in love with their cases and who lose the ability to see a case through objective eyes. Mr. Berman's suggestion: a mediator must bring those people "back to reality by reminding them of [the] objective marketplace in which this negotiation is occurring and what that market will bear."

Finally Mr. Berman notes, "Most of the rest of the reasons for impasse occur as a result of the negotiation process." He states the primary reason in this regard is the mediator "buying into the bluff" when one or both parties say "that is our bottom line." Mr. Berman would rather rephrase such a statement to mean one or both parties have not yet been convinced, or given enough information, to change their final position. Mr. Berman says an experienced mediator, and an experienced participant, should hear that statement as meaning "knowing what I know now, about the case and about the other party, I am not willing to move from this position." Moreover, such a "bottom line" may be just another strategy in the negotiation process.

We enjoy reading the articles by Mr. Berman because often his thoughts coincide with our own independent thoughts. That should probably scare either Mr. Berman or these authors; probably such a thought should scare Mr. Berman.

The authors do not even like to use the word "impasse." It's a negative word, which suggests negotiations and attempts at resolution have come to an end. That is rarely the case.

It's that time again!

The Eighth Judicial Circuit Bar Association Nominations Committee is seeking members for EJCBA Board positions for 2012-2013. Please consider giving a little time back to your bar association. Please complete the application below and return the completed application to EJCBA. The deadline for completed applications is **April 30, 2012**.

Application for EJCBA Board Membership

Name: _____ Bar No. _____
Office Address: _____
_____

Telephone Numbers: (Home) _____ (Office) _____
(Fax _____ (Cellular) _____
(E-Mail) _____

Area of practice: _____ Years in practice: _____

Office of Interest: (Check all that apply)
Secretary ___ Treasurer ___
Board member ___ Committee Member ___

Preferred Committee Interest: (Check all that apply)

___Advertising	___Lawyer Referral Services	___Publicity/Public Relations
___Annual James C. Adkins Dinner	___Luncheon/Speakers	___Social
___Annual Reception	___Member Survey	___Sponsorships
___CLE	___Membership	___UF Law Liaison
___Community Service	___Mentorship	___Website
___Golf Tournament	___Policies and Bylaws	___Young Lawyers Division Liason
___Judicial Poll	___Pro Bono	___Other (Describe Below)
___Law Week	___Professionalism	_____

Briefly describe your contributions, if any, to date to EJCBA.

What new goals would you like to explore for our association?

How many hours per week can you devote to your EJCBA goals?

Return to: EJCBA – Nominations Committee
P.O. Box 13924
Gainesville, FL 32604

Or email completed application to: execdir@8jcba.org

Thank You to CGAWL and Participants!

1-9-2012

To: The Attorneys,

You certainly contributed in a large way to a joyous Christmas. After a fire destroyed most of my belongings, I was thrilled to open your beautiful packages to discover a complete kitchen as well as a beautiful set of pots + pans - practicality as well as visual pleasure.
Thank you for your

thoughtfulness and effort to help give me both the joy of opening presents and the relief of having implements in my kitchen so I can cook. Also, healing from a fire includes emotional as well as physical issues. Your kindness gave my heart a much needed boost. I hope your New Year reflects back onto you the goodness you have shown to me

Rosaleen Salvo

Probate Section Report

By Larry E. Ciesla

The Probate Section continues to meet on a monthly basis on the second Wednesday of each month starting at 4:30 p.m. in the fourth floor meeting room in the civil courthouse in Gainesville. Following are issues of interest discussed at recent meetings.

Barbara Cusumano announced that she and Zana Dupee have recently formed the firm of Cusumano & Dupee, P.L. They are located at 4040 West Newberry Road, Suite #1500, Gainesville, FL 32607. Barbara's phone number is 379-2828 and Zana's phone number is 379-5900. Barbara will continue her practice in bankruptcy and will also be expanding into guardianship, wills and probate cases. Zana will continue with commercial law, litigation, wills, probate and real estate, as with her prior experience at Bogin, Munns & Munns, with a new focus in family law. Best wishes to Barbara and Zana for a successful practice.

Nadine David announced that in addition to her duties as probate staff attorney for Alachua County, she has also taken over responsibility for guardianships in Alachua County from Chessie Ferrell, with some exceptions for pending issues in existing cases. All new guardianships will be handled by Nadine. Check with either Nadine or Chessie if you have existing issues in pending cases.

Nadine also led a discussion regarding the new ex-parte hour which has been started by Judge Hulslander. Ex-parte hour is being held each Wednesday from 8:30-9:30 a.m. and is available for uncontested matters in any case pending before Judge Hulslander on a first come, first served basis. There will be a sign-up sheet for this purpose. During the first two weeks of each month, if a jury is in the wings, ex-parte time will be limited to 8:30-9:00 a.m. Practitioners are asked to abide by a ten-minute time limit. A notice of hearing need not be filed, however, an email should be sent to Judge Hulslander's JA and to Nadine, 1-2 days beforehand, to allow sufficient time to retrieve the court file, if necessary. Based on early experience with the new procedure, the key seems to be making sure the court file is available on the court's internal computing system, or there is a hard file that can be retrieved. For example, if you want to use ex-parte time to have letters of administration issued in a new probate, you need to be sure that the petition for administration and will (in a testate case) have been filed in advance of the hearing with sufficient time for the clerk to create a file or image the documents. For existing cases, in order to avoid the problem of your motion not yet making its way into the court file or not yet being imaged, it was suggested that you could email the motion to Nadine beforehand and simply bring the original motion (and proposed order) to the hearing. Nadine also indicated that the anticipated changeover of all probate cases from Judge Griffis to Judge Hulslander has been put on hold until further notice.

A discussion was held regarding the current state of the requirement to serve a copy of the probate Inventory on the Florida Department of Revenue. This requirement was deleted from Rule 5.340 of the Probate Rules in 2010 and from FS 199.062(2) in 2006 (there is no such requirement in Chapter 733). Nadine indicated that notwithstanding these changes, the court will still require proof of service of the Inventory on the Department of Revenue as a prerequisite to closing a probate file. It should be pointed out that FS 733.2121(3)(e) requires service of the Notice to Creditors on the Department of Revenue. This requirement may be satisfied by instead serving the Department with a copy of the Inventory.

A somewhat related issue was also discussed regarding the estate tax filing requirements for Florida estates, as described in a January 2012 Florida Bar Journal article entitled, "The Florida Estate Tax: Updated". For the period January 1, 2005-December 31, 2012, there is no Florida estate tax, due to changes in the federal law. In cases where the estate is not subject to the federal estate tax, personal representatives should file the standard non-taxable affidavit, Department of Revenue Form DR-312. In cases where the estate is subject to the federal estate tax, Department of Revenue Form DR-313 should be filed. This latter form is relatively new and is needed to clear title to real property in taxable estates. The federal law which eliminated the state death tax credit for 2005-2012 expires at the end of this year. What happens with the Florida estate tax thereafter depends on what happens with the federal law later this year

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Probate Section

Continued from page 10

(or, if history is to be a guide, what will happen with the feds in 2013).

Judy Paul led a discussion regarding a new requirement, in summary administration cases for decedents over age 55, to file proof of formal notice of the petition on the Florida Agency for Health Care Administration (through its contractor, ACS). Although there is no specific statutory authority for this requirement, the court's position is apparently that it is justified by the general diligent search requirement, as well as the requirement to provide this notice in formal administration. There are three options for satisfying this requirement. First, there is the traditional twenty-day formal notice, together with filing of the green return receipt card. Second, a waiver/consent form can be obtained from ACS and filed with the court. Third, the petitioner[s] may call ACS; give them the decedent's social security number; obtain a verbal indication that nothing is owed to Medicaid; and then file an affidavit to this effect in the court file.

If you are interested in being added to the email list for notice of monthly probate section meetings, please send an email to lciesla@larryciesla-law.com.

Florida Bar Board Of Governors Report

By Carl Schwait

The Florida Bar Board of Governors met in Tallahassee on January 27, 2012. Major actions of the board and reports received included:

Chief Legislative Counsel Steve Metz reported on the current legislative session. The Governor and the House of Representatives have issued proposed budgets with no funding cuts for the courts and which replace unstable funding from foreclosure filing fees with general revenues. The House budget also includes extra funds for handling foreclosure cases. The Senate has not released a budget and may not until later in February. For weekly updates on bills and matters being monitored by The

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February 2012 luncheon speaker Dr. Lora Levett

EJCBA President Mac McCarty addresses the attendees at the Feb 2012 luncheon

Senior Status Reception and Unveiling of Official Portrait of The Honorable Stephan P. Mickle

By Jamie L. Shideler, Law Student Representative for the North Central Florida Chapter of the Federal Bar Association

On March 19, 2012, from 4:00 p.m. to 7:00 p.m., a reception will be held at the University of Florida President's House to honor United States District Judge Stephan P. Mickle's assumption of senior status. At the reception, Portrait Artist Carl Hess, II, will unveil Judge Mickle's official portrait. All members of the North Central Florida Chapter of the Federal Bar Association and the Eighth Judicial Circuit Bar Association are invited to attend the reception. Members who would like to attend must RSVP to Jamie Shideler at jamie_shideler@yahoo.com or 407-221-8540 by March 9, 2012. Parking for the reception will be available in the Stephen C. O'Connell parking lot.

Judge Mickle's assumption of senior status is the culmination of his many years of hard work and dedication in the field of law. To name of few of his accomplishments, Judge Mickle was the first African American to graduate from the undergraduate program at the University of Florida in 1965, he was the first African American to establish a private law practice in Gainesville in 1972, he was the first African American to become a county judge in Alachua County in 1979, he was the first African American to become a circuit judge in the Eighth Judicial Circuit in 1984, he was the first African American (and only lawyer) from the Eighth Judicial Circuit to be appointed to the Florida First District Court of Appeals in 1993, and he was the first African American to become a federal judge in the Northern District of Florida in 1999.

The reception is sponsored by the Federal Bench and Bar Fund for the Northern District of Florida, the North Central Florida Chapter of the Federal Bar Association, the Eighth Judicial Circuit Bar Association, and the University of Florida Levin College of Law.

Nominees Sought for 2012 James L. Tomlinson Professionalism Award

Nominees are being sought for the recipient of the 2012 James L. Tomlinson Professionalism Award. The award will be given to the Eighth Judicial Circuit lawyer who has demonstrated consistent dedication to the pursuit and practice of the highest ideals and tenets of the legal profession. The nominee must be a member in good standing of The Florida Bar who resides or regularly practices law within this circuit. If you wish to nominate someone, please complete a nomination form describing the nominee's qualifications and achievements and submit it to Raymond F. Brady, Esq., 2790 NW 43rd Street, Suite 200, Gainesville, FL 32606. Nominations must be received in Mr. Brady's office by Monday, April 30, 2012 in order to be considered. The award recipient will be selected by a committee comprised of leaders in the local voluntary bar association and practice sections.

James L. Tomlinson Professionalism Award Nomination Form

Name of Nominee:_____

Nominee's Business Address:_____

_____

_____

County in which Nominee Resides:_____

The above named nominee exemplifies the ideals and goals of professionalism in the practice of law, reverence for the law, and adherence to honor, integrity, and fairness, as follows (attach additional pages as necessary):

_____

_____

_____

_____

Name of Nominator:_____

Signature:_____

RESERVE NOW FOR THE 2012 PROFESSIONALISM SEMINAR!

WHEN:	Friday, April 6, 2012 – 9:00 a.m. – 12:00 NOON
WHERE:	J. Wayne Reitz Union on UF Campus (Rion Ballroom)
PROGRAM:	Our keynote speaker is Rob E. Atkinson, Jr., Ruden McClosky Professor of Law at the Florida State University College of Law, speaking on "The Amended Oath of Admission to the Bar: Why its New Civility Clause is Far Less Radical Than its Classical Republican Core"
COST:	$70.00 (Make checks payable to EJCBA) (3.5 Hours of CLE is expected)
REMIT TO:	EIGHTH JUDICIAL CIRCUIT BAR ASSOCIATION, INC. c/o Raymond F. Brady, Esquire 2790 NW43rd Street, Suite 200 Gainesville, FL 32606
RESERVE:	**By Monday, April 2, 2012 – Remit payment with reservation to Raymond F. Brady, Esquire**

NAME: _____

EMAIL (Req. for parking pass):_____

NOTE: Please send a separate card with specialty areas for each attorney attending. Thank you.

Please identify first and second choices for your area of specialty for small group discussions.

_____ **Civil/Tort Law**

_____ **Family/Domestic Relations Law**

_____ **Criminal Law**

_____ **Estates & Trusts Law**

_____ **Business Law**

_____ **Government Lawyers**

_____ **Real Estate & Land Use Law**

Free parking will be provided for the Reitz Union parking garage. A parking pass will be emailed to you in advance.

Pro bono Awards

Continued from page 3

she chose to exclusively practice family law. Long recognizing the need for low income individuals to have representation in court, she regularly accepts clients referred through Three Rivers Legal Services as well as those who come into her office without the resources to hire an attorney. She makes it a point to handle at least two cases annually, at least one of which is a referral from Three Rivers. Her availability to assist individuals in need of family law help is particularly valuable, as is her willingness to represent victims of domestic violence and to work hard to ensure that her clients do not lose their few family assets.

Leslie, a solo practioner, is active in the Gainesville Collaborative Divorce Team, volunteering to teach classes through Santa Fe College Community Education. She has served as an officer and participates in the organization of the team's activities. She is also an active volunteer in her church. She is a certified family mediator and certified collaborative family attorney.

Congratulations to FBSW&P and Leslie, and thank you to all of the attorneys in the Eighth Judicial Circuit who provide pro bono

Professionalism Seminar

Inexpensive (CHEAP) CLE Credits

By Ray Brady

Mark your calendars now for the annual Professionalism Seminar. This year the seminar will be held on Friday, April 6, 2012 from 9:00 AM until Noon, at the University of Florida. Check-in/registration begins at 8:30 AM. The keynote address will be given by Rob E. Atkinson, Jr., who is the Ruden McClosky Professor of Law at the Florida State University College of Law. Professor Atkinson's address is titled, "The Amended Oath of Admission to the Bar: Why its New Civility Clause is Far Less Radical than its Classical Republican Core."

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

Fill out the EJCBA reservation card included in this newsletter or look in your mail for an EJCBA reservation card in early March. Questions may be directed to the EJCBA Professionalism Committee chairman, Ray Brady, Esq., at 373-4141.

Dismissal for Lack of Prosecution after *Chemrock*

By Jesse Caedington, Scruggs & Carmichael, P.A.

Barring a future amendment of Fla. R. Civ. P. 1.420(e), plaintiffs may indefinitely avoid dismissal for lack of prosecution by filing any paper, no matter how insubstantial, within 60 days of a trial court's notice of lack of prosecution.

The Florida Supreme Court's decision in *Chemrock Corporation v. Tampa Electric Company*, 71 So. 3d 786 (Fla. 2011), rehearing denied, 2011 Fla. LEXIS 2339 (Fla. Sept. 22, 2011) (Quince, J., dissenting) recently resolved an ambiguity regarding involuntary dismissal for failure to prosecute. This ambiguity was created by the 2006 amendment to Fla. R. Civ. P. 1.420(e), made subsequent to the Court's 2005 decision in *Wilson v. Salamon*, 923 So. 2d 363 (Fla. 2005).

History of the Rule up through *Wilson*

At the time of *Wilson*, Fla. R. Civ. P. 1.420(e) provided for dismissal of actions in which no record activity had been filed for a period of one year, unless a stipulation staying the action had been approved by the court, a stay order had been filed, or the party opposing dismissal showed good caused in writing at least five days prior to a hearing on the dismissal. Prior to *Wilson*, trial courts analyzing dismissal for lack of prosecution engaged in an examination of whether the subject record activity was active, *i.e.* designed to move the case to a conclusion on its merits, or passive, *i.e.* activity which had no effect on the progress of the case. The trial courts' examination of the active or passive nature of record activity had been fostered by the Florida Supreme Court's opinion in *Gulf Appliance Distributors, Inc. v. Long*, 53 So. 2d 706 (Fla. 1951), which held that record activity sufficient to avoid dismissal for failure to prosecute required "something more than a mere passive effort to keep the suit on the docket of the court; *it means some active measure taken by [the] plaintiff, intended and calculated to hasten the suit to judgment.*" (Emphasis in original). The *Wilson* opinion noted that the version of the Rule at the time of *Gulf Appliance Distributors* provided for involuntary dismissal in actions in which it did not "affirmatively appear" that record activity had occurred within the prior year. *Wilson*, 923 So. 2d at 365. By the time of *Wilson*, the Court had removed the word "affirmatively" from the Rule, and added the requirement that activity sufficient to preclude dismissal must appear "on the face of the record." *Id*. In spite of these changes, the *Wilson* opinion noted that the Court's prior opinion in *Gulf Appliance Distributors* had continued to influence the courts (including the Florida Supreme Court), which persisted in weighing whether record activity was sufficiently active to preclude dismissal for failure to prosecute. *Wilson*, 923 So. 2d at 366.

In *Wilson,* the Florida Supreme Court therefore receded from 50 years of *Gulf Appliance Distributors* and its progeny, and established a bright-line test requiring "only a cursory review of the record" to find the existence of record activity. *Id*. at 368. The *Wilson* opinion specifically expressed that under Rule 1.420(e) a trial court was not required

> to look behind the face of the record to subjectively determine whether the activity reflected of record is merely passive, and therefore insufficient to preclude dismissal under the rule, or active and therefore designed to hasten the suit to a conclusion on the merits and therefore sufficient to preclude dismissal.

Id. at 369. As later noted by the First District in *Chemrock Corp. v. Tampa Elec. Co.*, 23 So. 3d 759, 761 (Fla. 1st DCA 2009), under *Wilson* the passage of time was the only relevant consideration as to dismissal under the version of the Rule in 2005.

2006 amendment of the Rule

Having established a bright-line test in *Wilson*, the Court then amended Rule 1.420(e), effective January 1, 2006. The 2006 version of the Rule shortened the time (from 12 months to 10 months) before a notice of lack of prosecution could be issued. The amendment also created a 60-day grace period during which the plaintiff can avoid dismissal through either record activity, obtaining a stay, or showing good cause in writing at least five days prior to hearing why the case should remain pending. Some Florida appellate courts continued to apply the *Wilson* bright-line test to the new 60-day grace period under the amended Rule. See *Pagan v. Facilicorp, Inc.*, 989 So. 2d 21 (Fla. 2d DCA 2008); *Padron v. Alonso*, 970 So. 2d 399 (Fla. 3d DCA 2007); and *Edwards v. City of St. Petersburg*, 961 So. 2d 1048 (Fla. 2d DCA 2007).

The First District's interpretation of the amended Rule

Contrary to the Second and Third Districts, in 2009

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Criminal Law

By William Cervone

Call it The *Graham* Dilemma. Not a spy novel but definitely a crime and punishment story, and also a real life problem that somehow manages to persist in Florida criminal law.

Some of you will recall that back in 2010 the United States Supreme Court issued *Graham v Florida*, holding that a juvenile cannot be sentenced to life without parole for a non-homicide crime. The premise for that conclusion was that such a sentence would violate the Constitution's prohibition against cruel and unusual punishment. That conclusion, in turn, is based on the belief that a young person has not reached complete maturity, including the physical development of the brain and the reasoning and decision making potential under the law that includes, until some unknown time after the arbitrary age of 18 (or whatever age a particular jurisdiction might elect) when he or she magically becomes an adult. As a result, the thinking of some goes, a juvenile should not be held to the same standard as an adult.

That this begs the question of exactly how many criminal defendants, regardless of chronological age, are acting with a full deck of cards, is apparently an aside. Also cast aside is the often very serious nature of the crimes committed by too many juveniles. Excluding non-homicide crimes leaves us with such less than merely juvenile delinquency behavior as attempted murder where perhaps but for the grace of God and pure luck death would have resulted, rape, violent robbery, and other crimes that pose a real danger to society. These are not, after all, tow-headed little Dennis the Menace types who are pestering Mr. Wilson next door.

Where we are left, and the point of this discussion, is with quite a mess, even now after nearly two years and in our second legislative session after the case was issued. Clearly under *Graham* re-sentencings were required on dozens and dozens of cases across Florida, and those have happened with widely disparate results. At re-sentencing hearings, some judges have imposed terms of years tantamount to life anyway. Others have hugely reduced the term of imprisonment involved in order to provide for the realistic opportunity for release that *Graham* requires. Not only has there been no consistency in how re-sentencings have occurred (with the peril of appellate decisions yet to come on whether *Graham* has been complied with or not), there is also no guidance for new cases with the same attendant peril.

This is not for lack of effort. Florida's prosecutors asked the Governor to immediately institute a type of parole review to address the problem of current inmates captured under *Graham*, and proposed something similar to the legislature for future cases. Nothing was done, either by the Governor, or the legislature in a Special Session in the Fall of 2010 or during the 2011 regular session.

This session, there are multiple proposals before the legislature. One has already failed to pass committee. It called for what essentially would have been a *de novo* sentencing hearing for any juvenile sentenced to more than 10 years at the time he or she reached the age of 25, as well as every 7 years thereafter until release was approved by the court. The failure of those time frames (especially in the beginning), to address the serious nature of the crimes involved, and the fiscal and work load impact of *de novo* proceedings of that sort, were fatal to its passage. Other proposals remain on the table as I write this article. The debate is really about how long a juvenile offender who might well have earned and gotten a life sentence but for the fortuitous accident of his birth date making him even a single day shy of legal majority when he committed whatever crime he is to be sentenced for should be imprisoned. This debate has engaged a classic tug of war between the one end of the spectrum where it is argued we should forgive and forget because the offender was just a kid and the other end where one misdeed causes it to be over for the juvenile offender forever. One would think that reasonable minds could have fashioned a compromise to this by now. Then again, as I may have noted before, reasonable minds often seem to be in short supply in Tallahassee.

Law Day 2012 Activities

Hold This Date For Your And Your Children's Calendars!

The EJCBA is co-sponsoring a COMMUNITY-WIDE *Law Day 2012* panel with the Eastside High School Parent Teacher Student Association

- Topic: "No Courts. No Justice. No Freedom."
- Moderator: James H. (Mac) McCarty, Jr., Esq., President of the EJCBA and an Eastside High School parent
- When: Monday, April 23, 2012, early evening
- Where: Eastside High School Auditorium
- More details to follow.

Florida Bar, as well as information on legislation of interest to the legal profession and links to contact legislators, please visit the homepage at www.floridabar.org or use this direct link www.floridabar.org/2012legislativesession.

Florida Supreme Court Chief Justice Charles T. Canady reported that he is encouraged by support from the Governor and in the House of Representatives for proposing budgets that do not cut court funding. He said the courts and Bar need to plan for when state revenues begin to rise so the court system can restore lost services that have hindered its efficiency.

A preview of the Bar's first mobile device app for The Florida Bar *News* was demonstrated. The free app will be available for Blackberry, Android and iPhone smart phones and for the iPad tablet computer in early spring. Features will include automatic content updates, top/breaking news, most recent news articles, classified ads with direct dial and email, ability to hold articles as favorites and a share feature. Board Communications Committee Chair reported that additional apps are currently being considered, as is the Bar's use of social media outlets Facebook and Twitter. Watch The Florida Bar News (www.tinyurl.com/mbuhp2) for announcements on these new communications tools.

The board voted to amend advertising rules now pending before the Supreme Court, set for a March 7 oral argument, to prevent lawyer advertisements from using authority figures such as judges or police to endorse or recommend a law firm or lawyer's services. The official notice will be available on the Bar's website (www.floridabar.org) and in The Florida Bar News (www.tinyurl.com/mbuhp2).

The board received on first reading amendments for Rule 5-1.2(b) and (c) on trust accounting records which describe responsibilities of lawyers in law firms for trust accounts and add sample trust accounting forms to assist in complying with the rules. Final action will be taken in March. To receive a full copy of the text of these proposed amendments, call 1-850-561-5751. Comments may be sent to The Florida Bar, Attention: Rules, 651 East Jefferson Street, Tallahassee, FL 32399.

Several past Bar presidents addressed the importance of educating voters about the merit selection and retention processes. In November 2012, three supreme court justices and 17 district courts of appeal judges will be on ballots for merit retention votes. Florida Bar President Scott Hawkins announced that the Bar is committed to carrying out a statewide public education campaign.

An updated strategic plan for The Florida Bar was approved for 2012-2015 (www.tinyurl.com/6q66oj5) that includes five objectives: (1) Ensure the Judicial System, a Coequal Branch of Government, is Fair, Impartial, Adequately Funded and Open to All; (2) Enhance the Legal Profession and the Public's Trust and Confidence in Attorneys and the Justice System; (3) Strive for Equal Access to and Availability of Legal Services; (4) Enhance and Improve the Value of Florida Bar Membership and the Bar's Relationship with its Members; and (5) Continue to Encourage and Promote Diversity and Inclusion in All Aspects of the Profession and the Justice System.

The Special Committee to Study the Decline in Jury Trials (www.tinyurl.com/7wwt73e) presented its final report. (www.tinyurl.com/7rx9jyt). Recommendations to counter the decline of civil and criminal jury trials in the state and federal courts are included. Concern is expressed in the report that fewer jury trials could undermine public confidence in the courts and have devastating impacts on the third branch of government.

Former Florida Supreme Court Justice Major Harding reported on a special commission appointed by Florida Bar President Scott Hawkins to explore honoring the 1961-1980 Bar Executive Director Marshall R. Cassedy, Jr., who died in December. Other commission members are Burton Young, Miami, Chair; Marshall M. Criser, Gainesville; L. David Shear, Tampa; William Reece Smith, Jr., Tampa, and Gwynne A. Young, Tampa.

ALSO: Video messages by the Bar President to keep Bar members informed and engaged have been emailed and are posted with the text on the President's Page (www.tinyurl.com/7mllv9d) on the website.

Please remember you can access Board of Governors member and committee lists, minutes, agendas and the special appointment calendars on the website (www.tinyurl.com/75gxcos). I look forward to your questions and comments.

Lack of Prosecution *Continued from page 14*

the First District, in *Chemrock Corp.*, 23 So. 3d at 761, held that the *Wilson* bright-line test continued to apply only to the 10 months preceding a notice of lack of prosecution. However, as to the 60-day grace period, the First District held that the Rule as amended permitted a trial court to consider more than just the passage of time before dismissing for failure to prosecute. *Id*. The First District disagreed with the Second and Third Districts, and held that during the 60-day grace period a plaintiff must substantively demonstrate active re-commencement of prosecution, and that the plaintiff in *Chemrock* failed to do so when it merely filed a motion in opposition to dismissal, blaming the defendant for the inaction of the case. *Id*. at 762. The First District opined that continuing to apply the *Wilson* bright-line test to the 60-day grace period, which would permit a party to avoid dismissal via meritless filings, "render[ed] any role the trial court may play, any equitable arguments the moving party may be able to raise, and the facts of the case irrelevant." *Id*. at 761. The First District cited to the amended Rule's Committee Notes, which explained that the purpose of the amendment was to protect a party from dismissal for lack of prosecution without an opportunity to recommence prosecution of the action. The First District therefore reasoned the new 60-day grace period was intended to provide the plaintiff the opportunity to recommence prosecution. *Id*. at 761-62.

In support of its position, the First District relied upon new language in the amended Rule precluding dismissal if a stay is "issued or approved" by the trial court during the 60-day grace period, reasoning that the Rule's implicit contemplation of motions for stay that were not timely approved meant that the mere filing of a motion for stay is not sufficient to avoid dismissal. *Id*. The First District also relied upon the Rule's amended language precluding dismissal if a plaintiff shows good cause in writing at least five days prior to hearing; the court focused on this good-cause requirement, and noted that if a mere token filing was sufficient to avoid dismissal, a good-cause filing would not be necessary. *Id*. The First District further noted that continuing to apply the *Wilson* bright-line test during the 60-day grace period would permit a party to avoid dismissal through such filings as notices of unavailability, changes of address, or "even an acknowledgement of receipt of the notice of lack of prosecution." *Id*. at FN 7.

The Florida Supreme Court's interpretation of the amended Rule

The Florida Supreme Court accepted jurisdiction of the case after the First District's certification of conflict with the Second and Third Districts as to the proper interpretation of amended Rule 1.420(e). *Chemrock Corp. v. Tampa Elec. Co.*, 28 So. 3d 44 (Fla. 2010). Over the dissent of Justice Peggy A. Quince, the Florida Supreme Court held the *Wilson* bright-line test continued to apply to the 60-day grace period, quashing the First District's opinion and approving the holdings of the Second and Third Districts. *Chemrock Corp.*, 71 So. 3d at 786. The Court clarified that the creation of the 60-day grace period was not intended

> to create a situation in which the plaintiff or the trial court must again guess at what type of record activity will be required during the sixty-day grace period to preclude dismissal for lack of prosecution. Just as we held in *Wilson*, the bright-line interpretation of [R]ule 1.420(e), under which any filing of record is sufficient to preclude dismissal, applies to both time periods set forth in the amended rule.
> *Id*.

The dissenting opinion, filed by Justice Quince, argued that while the record filing at issue technically complied with Rule 1.420(e), such a filing was not intended to apply to the situation presented in *Chemrock*. *Id*. Noting that the plaintiff's lack of prosecution had been brought to the trial court's attention twice (the second of which was after 16 months without record activity), the dissent held that the Rule was not "intended to give plaintiffs multiple opportunities to simply sit on a case." *Id*.

As Justice Quince feared, the Florida Supreme Court has now clarified that plaintiffs may indeed simply sit on cases. At present, a torpid plaintiff may successfully avoid dismissal for lack of prosecution by the timely filing of any paper whatsoever, whether or not it serves to advance the prosecution of the case.

February's luncheon speaker – Dr. Lora Levett

FORUM 8

Eighth Judicial Circuit Bar Association, Inc.
Post Office Box 13924
Gainesville, FL 32604

March 2012 Calendar

1 CGAWL meeting, Manuel's Vintage Room, 5:45 p.m.
5 Deadline for submission of articles for April Forum 8
8 North Florida Area Real Estate Attorneys meeting, 5:30 p.m., TBA
14 Probate Section Meeting, 4:30 p.m., 4th Floor, Family & Civil Courthouse
14 EJCBA Board of Directors Meeting; Ayers Medical Plaza, 720 SW 2d Avenue, North Tower, Third Floor – 5:30 p.m.
16 EJCBA Luncheon, Justice Barbara Pariente, Florida Supreme Court, Jolie, 11:45 a.m.
19 Senior Status Reception & Unveiling of Official Portrait of the Honorable Stephan P. Mickle, 4-7 p.m., UF President's House
21 CGAWL lunch/business meeting, Fat Tuscan, 11:45 a.m.
27 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center

April 2012 Calendar

5 CGAWL meeting, Manuel's Vintage Room, 5:45 p.m.
5 Deadline for submission of articles for May Forum 8
6 2012 Professionalism Seminar w/keynote speaker Rob E. Atkinson, Jr., Ruden McClosky Professor of Law at FSU College of Law; J. Wayne Reitz Union on UF Campus, 9-12 noon
11 Probate Section Meeting, 4:30 p.m., 4th Floor, Family & Civil Courthouse
12 North Florida Area Real Estate Attorneys meeting, 5:30 p.m., TBA
13 EJCBA Charity Golf Tournament, UF Golf Course
18 CGAWL lunch/business meeting, Fat Tuscan, 11:45 a.m.
18 EJCBA Board of Directors Meeting; Ayers Medical Plaza, 720 SW 2d Avenue, North Tower, Third Floor – 5:30 p.m.
20 EJCBA Luncheon, Gene Pettis, President-Elect Designate of The Florida Bar, Jolie, 11:45 a.m.
24 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
30 Deadline for Nominees to be received for 2012 James L. Tomlinson Professionalism Award

Have an event coming up? Does your section or association hold monthly meetings? If so, please fax or email your meeting schedule let us know the particulars, so we can include it in the monthly calendar. Please let us know (quickly) the name of your group, the date and day (i.e. last Wednesday of the month), time and location of the meeting. Email to Dawn Vallejos-Nichols at dvallejos-nichols@avera.com.