

FORUM 8

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Eighth Judicial Circuit Bar Association, Inc.

February 2013

President's Message



By Dawn M. Vallejos-Nichols

The Christmas and New Year holidays seem far behind me already as I write this in early 2013, and the Gator loss in the Sugar Bowl is still painful!! But overall 2012 was a successful year for your Bar Association with get togethers for our members (e.g. several free socials, the Annual Reception and Cedar Key), CLE trainings, and fun events, such as the Annual Golf Tournament to look back on. And of course more of the same will be scheduled for this year – we already have the Winter Social scheduled for Thursday, January 31 at 101 Downtown (Union Street Station), the Professionalism Seminar is scheduled for April 5 and the Annual Golf Tournament to benefit the Guardian Ad Litem Foundation is scheduled for April 12. Don't forget that Nancy Baldwin, your President-Elect and whose task it has been to arrange the luncheon speakers this 2012-2013 season, is making sure you can get CLE credit for each luncheon. So we hope you will continue to participate in your Bar events in 2013.

But I would be remiss if I did not put a spotlight on the fantastic works of EJCBA Board Member Anne Rush and the Community Service committee members (Rob Birrenkott, Jan Bendik and Meshon Rawls), along with some help from yours truly and new EJCBA member Courtney Johnson, for the very successful holiday projects – collecting non-perishable food items once again for Bread of the Mighty, and collecting gifts for 3-5 year olds

for Alachua County Head Start. Both endeavors were extremely successful and the Head Start Holiday Program held at Marjorie K. Rawlings Elementary School on December 19, complete with Santa (Carl Schwait in his beautiful new Santa suit) and Head Elf Anne, was a sight to behold and to warm even the most Grinchiest of hearts. Thank you Carl, for once again becoming Santa to so many wide-eyed and excited children, and thank you, EJCBA members, for your generosity in guaranteeing a happy holiday for many community families in need.



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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

Mary-Ellen Cross Receives Florida Bar President's Pro Bono Service Award for the Eighth Judicial Circuit

By Marcia Green

Mary-Ellen Cross is the 2013 Florida Bar President's Pro Bono Service Award recipient for the Eighth Judicial Circuit. Ms. Cross was nominated for the award for her representation of clients referred through Three Rivers Legal Services and for the assistance she provides to those who have come into her office without the resources to hire an attorney as well. Her availability to assist individuals in the area of family law help is particularly valuable as is her willingness to represent victims of domestic violence. The awards ceremony was held at the Florida Supreme Court in Tallahassee on January 31.

In a letter acknowledging her nomination for the award, Ms. Cross wrote, "I am grateful for my experience as a volunteer lawyer for Three Rivers. It feels great to know that I have helped make a difference in my clients' lives, which may sound corny, but it is true. It has also given me deeper insight into the challenges facing the poor."

Mary-Ellen, who represented many of her pro bono clients while working as an associate in the law offices of Cynthia Stump Swanson, assisted a victim of domestic violence with her complicated divorce and child custody. The case involved the client, a legal resident of the United States, and the parties' minor child who was, at the time of the proceedings, living with his maternal grandparents in another country; added difficulties included the need for interpreters for the grandparents' testimony. This very complicated case involved close to 100 hours of Mary-Ellen's time and the time of the partner and paralegal.

In another interesting and unusual case, Mary-Ellen represented a client in the adoption of her nephew after the child's biological parents' rights were terminated and first adoptive parent was found negligent. With more than 50 hours spent on the case, the adoption was accomplished and a financial subsidy was secured from the Department of Children and Families because of the child's special needs.

Mary-Ellen also represented a birth mother to regain parental rights after she gave up custody of her child for adoption. The adoption fell through, however, after the birth father appealed and, although highly contested, the court restored the birth mother's rights to the child. A paternity action resolved the issues between the birth parents and a timesharing arrangement was entered.

In addition to her pro bono work providing legal representation to low income clients, Mary-Ellen is active in community service, particularly through the United Church of Gainesville [UCG]. She volunteers

with the UCG "Mommy Reads" program which works through Lowell Correctional Institution for Women. The project brings children's books to the inmates and records the mothers reading to their children. The audio is put onto MP3 players, and then the listening device, book and a personal note are mailed to the child to keep. Mary-Ellen states "doing this has been such a rewarding experience for me; the women are so grateful."

Mary-Ellen was a pro bono presenter of a CLE webinar on Guardian Advocacy for Three Rivers Legal Services and gave a free seminar at UCG on legal issues affecting LGBT individuals and couples.

Admitted to the Florida Bar in April 2002 after graduating from the University of Florida Levin College of Law, she also holds a Master of Public Administration (1988) and Bachelor of Arts in Political Science and French (1986) from James Madison University.

Mary-Ellen is a member of the Appellate Practice and Advocacy, Family Law and Real Property Probate and Trust Law sections of the Florida Bar. She is a member of Eighth Judicial Circuit Bar Association, the Florida Adoption Council, the American Bar Association, and the ABA Family Law Section. Mary-Ellen specializes in Adoption, Appellate Practice, Contracts Corporate, Guardianship, Marital and Family, Probate and Trust Litigation, Research and Wills, Trusts and Estates.



Alternative Dispute Resolution

PETA v. The Opossum Drop

By Chester B. Chance and Charles B. Carter



Last year we published two articles detailing PETA's litigation in federal district court in California attempting to establish constitutional rights (right to bear arms?) for killer whales. Many of you thought the articles were funny, sad, interesting, or insane or at a minimum shocking as the issue was never addressed in The Federalist Papers. Well, now

a PETA issue has hit closer to home.

Many of you vacation in North Carolina. If you are in western North Carolina, near Murphy, around New Year's Eve you may have ventured to Brasstown to ring in the New Year.

New York City has a very expensive crystal ball which drops to signal midnight. Brasstown has a plexiglass cage with an opossum inside. Not as elegant as Times Square, but, in Brasstown you can drink RC Cola in cups which hold more than 16 ounces so things kind of balance out.

Clay Logan operates the general store in Brasstown and has sponsored the Drop since 1994. Now, in case you have visions of an opossum being hurled off the roof of a building, fear not. The opossum is dropped gently in the cage, then released following its descent. Festivities include fireworks, bands, gospel singing, a blessing, and the Miss Possum Contest in which local men dressed as women compete for the title (again, similar to New York City but with larger drinks). Shuttle buses from several miles away transport revelers to tiny Brasstown which has what appears to be a total of 4 parking spaces. But hundreds, if not thousands, show up for New Years. Alcohol is not allowed.

Clay Logan says the opossums "get the best dog food you can get" and added "we talk to them and love them. They hate to leave. Matter of fact, there are probably opossums up around my house holding little signs saying, 'Use me next year.'" Opossums may love Clay, but PETA says not so fast my friend.

"Using a captive opossum as the centerpiece of a raucous party is cruel and illegal" said David Perle, a spokesperson for PETA. PETA is filing an action with the North Carolina Wildlife Resource Commission to void the permit allowing Clay Logan to use the marsupial at New Years. PETA protests the event with picketers.

According to PETA:

The opossum used in this event was snatched from her natural home - a terrifying and disorienting experience - and is reportedly confined to a retail store until the event. During the 'drop' the frightened animal will be confronted by a screaming crowd, fireworks, and the firing of muskets, which can damage her hearing and sensitive respiratory system. After the event the opossum will apparently be released in a parking lot, putting her in danger of being hit by a car.



PETA states the opossum is "abducted, held captive, then suspended and lowered into a horde of boisterous revelers... at a general store."

This appears to put into perspective the constitutional rights of orcas as secondary to the basic marsupial right to know how many calories are in a serving of really good dog food.

The Brasstown controversy seems ripe for mediation.

First, identify the problem. At this point that would require a caucus with PETA because it is unclear which of the following PETA identifies as its main concern: a. The Drop occurs at a retail/general store; b. The marsupial is released into a parking lot, albeit a really, really small parking lot; c. Due to reveler noise the opossum may, well, play opossum; d. 24 ounce slushie drinks can be purchased during the Drop; e. An abducted opossum later is psychologically disoriented and spells its name Possum; f. Men dressing up as women confuse opossums and most Southerners.

Second: suggest areas of common ground between PETA and Mr. Logan. For instance, perhaps the opossum could be released onto a bike lane instead of a parking lot, or add a roundabout to the parking lot. If the store advertised items for sale at wholesale plus 5% for New Years Day that would address the retail-capitalism-is-evil concern. Consider a parallel competition where women dress-up like men and vie for the Mr. Opossum Title or an even more complicated Victor Victoria competition where men pretend to be women pretending to be men lowering an opossum. Or, instead of a 'horde of revelers', the

Continued on page 5

crowd could be a ‘gaggle of celebrants’, or a ‘pride of saturnalians’, or a ‘sleep of possums.’

Since opossums have poor eyesight and hearing, they may be unaware of the revelry. In the past, many thought they were at a Donnie and Marie concert.

Third, continue to check the PETA website as fodder for future articles which just seem to write themselves.

Postscript: An Administrative Hearing Officer upheld PETA's challenge and the issue is currently on appeal. The Possum Drop still took place, but the cage was covered and no one knew what was inside.



Santa Carl Schwait and his best elves – Anne Rush, Rob Birrenkott and Dawn Vallejos-Nichols at the EJCBA 2012 Holiday Project for Alachua County Head Start.

Social Media and Employees



*By Paul Donnelly,
Donnelly & Gross, P.A.*

Businesses must ensure that restrictions against their employees' use of social media like LinkedIn, Facebook, and Twitter, does not unlawfully infringe on the employees' right to engage in protected, concerted activity to improve their working conditions.

The National Labor Relations Act (NLRA), Section 7, provides all employees, unionized or not, a right to engage in concerted activity for mutual aid and protection. Section 8(a)(1) of the NLRA provides that it is an unfair labor practice for an employer to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed under Section 7 of the NLRA.

Employer social media policies may violate the NLRA if they explicitly restrict Section 7 activities, or if the policy is overbroad such that a reasonable employee would interpret the provisions as prohibiting discussion of Section 7 activities. These Section 7 activities include wages, benefits, or working conditions.

The NLRA has found overly broad policies to include policies that warn employees to not friend co-workers, not post inflammatory or objectionable topics, not disclose personal information about co-workers, not disparage or defame the company, its customers, or its employees, and post only completely accurate and not misleading information.

However, a social media policy that prohibits “inappropriate postings”, as long as the policy provides clear guidance on the nature of the inappropriate postings, is permissible. Inappropriate postings can include threats of violence, discriminatory or harassing comments, and similar inappropriate or unlawful conduct.

Nominees Sought for 2013 James L. Tomlinson Professionalism Award

Nominees are being sought for the recipient of the 2013 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 29, 2013 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.

Professionalism Seminar – SAVE THE DATE

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 5, 2013 from 8:30 AM until Noon, location TBD. The keynote speaker this year will be renowned Ft. Lauderdale litigator Bruce S. Rogow. Mr. Rogow will address issues of professionalism, including issues that arise in his profile cases, such as those he has litigated throughout his career, in both the civil and criminal arena.

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

Watch the newsletter for further information and 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.

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: _____

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RESERVE NOW FOR THE 2013 PROFESSIONALISM SEMINAR!

WHEN: Friday, April 5, 2013 – 9:00 a.m. – 12:00 NOON
WHERE: Trinity United Methodist Church, 4000 NW 53rd Avenue, Gainesville
PROGRAM: Our keynote speaker is Bruce Rogow, a distinguished Florida trial/appellate lawyer and professor of law at Nova Southeastern University Law Center, speaking on the topic of "Lawyers: Unlikely Heroes"
COST: \$70.00 (Make checks payable to EJCBA) (or FREE if you renewed your EJCBA membership prior to 9/30/12) (3.5 Hours of CLE is expected)
REMIT TO: EIGHTH JUDICIAL CIRCUIT BAR ASSOCIATION, INC.
 c/o Raymond F. Brady, Esquire
 2790 NW 43rd Street, Suite 200
 Gainesville, FL 32606
RESERVE: **By Monday, April 1, 2013 – Remit payment with reservation to Raymond F. Brady, Esquire**

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

NAME: _____

EMAIL (required): _____

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

Free parking is available

ARRIVE EARLY



Attendees at the 2012 Holiday Project for Alachua County Head Start, held at M.K. Rawlings Elementary School.

Malicious Prosecution Actions: Who won the underlying suit?

By Siegel, Hughes & Ross

Persons who feel that they have been wrongfully prosecuted, either criminally or civilly, may have a claim against their prosecutor for malicious prosecution. There are, however, specific elements that must be alleged in order to establish a claim for malicious prosecution, and a malicious prosecution plaintiff must allege all of them for this cause of action to lie. Those elements are:

- (1) A criminal or civil judicial proceeding has been commenced against the plaintiff in the malicious prosecution action;
- (2) the proceeding was instigated by the defendant in the malicious prosecution action;
- (3) the proceeding has ended in favor of the plaintiff in the malicious prosecution action;
- (4) the proceeding was instigated with malice;
- (5) without probable cause and
- (6) resulted in damage to the plaintiff in the malicious prosecution action.

Wright v. Yurko, 446 So.2d 1162, 1165 (Fla. 5th DCA 1984).

The focus of this article is on the third element mentioned above and its implications in civil malicious prosecution actions. This element has been phrased as requiring that the underlying litigation, giving rise to the malicious prosecution case, end with a “bona fide termination” in favor of the party who was prosecuted. “This is a fancy phrase which means that the first suit, on which the malicious prosecution suit is based, ended in a manner indicating the original defendant’s (and current plaintiff’s) innocence of the charges or allegations contained in the first suit, so that a court handling the malicious prosecution suit, can conclude with confidence, that the termination of

the first suit was not only favorable to the defendant in that suit, but also that it demonstrated the first suit’s lack of merit.” *Doss v. Bank of Am., N.A.*, 857 So.2d 991, 994 (Fla. 5th DCA 2003).

Questions have arisen in Florida law as to which factual scenarios constitute a bona fide termination of the underlying suit. Specifically, courts have focused on whether a voluntary dismissal by the underlying plaintiff and/or a joint stipulation by the parties in the underlying suit are bona fide terminations.

Lawsuits that are dismissed simply for technical or procedural reasons do not meet the bona fide termination requirement. *Union Oil of California, Amsco Div. v. Watson*, 468 So.2d 349, 353 (Fla. 3d DCA 1985); and *Johnson Law Group v. Elimadebt USA, LLC*, 2010 WL 2035284, * 6 (S.D. Fla. 2010). However, if the underlying suit was voluntarily dismissed because it was baseless, then a claim for malicious prosecution may lie. *Cohen v. Corwin*, 980 So.2d 1153, 1156 (Fla.4th DCA2008). In *Cohen*, the malicious prosecution plaintiff sufficiently alleged that the defendant voluntarily dismissed the underlying lawsuit “because there was not a factual basis to support the same” and because he “did not have probable cause or an evidentiary basis to support the allegations.” *Id.* See also *Union Oil of California, Amsco Div. v. Watson*, 468 So.2d 349, 353 (Fla. 3d DCA 1985).

Lawsuits that terminate as a result of a joint stipulation or settlement agreement, generally, are not considered bona fide terminations because there is no clear showing that the underlying suit was meritless. *Doss*, 857 So.2d at 995. The rationale of the Florida courts seems to be that if a case terminates due to negotiations and/or bargaining by the parties, there is no real winner or loser. Courts have, however, carved out exceptions to the general rule. The Florida Supreme Court held in *Alamo Rent-A-Car v. Mancusi*, 632 So.2d 1352, 1356 (Fl. 1994), that bargaining or negotiating for the termination of the underlying suit does not always mean that there was no bona fide termination, and that the facts surrounding a termination must be examined to determine this.

Likewise, the Fifth District Court of Appeal held that in determining whether an underlying suit, which ended due to a joint stipulation, resulted in bona fide termination, courts must look at the total circumstances surrounding the termination. *Doss*,



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Malicious Prosecution *Continued from page 8*

857 So.2d at 995. In *Doss*, a bank brought a lawsuit against one of its customers for monies it paid to an unknown person who had presented checks with the customer's forged signature to the bank. At the time suit was filed, the customer had \$37.14 in her savings account with the bank, which the bank set off against the monies it claimed it was owed and then closed the account. The customer filed a counterclaim for the \$37.14, plus interest, and her attorneys' fees and costs. Shortly after filing suit, the bank's fraud investigation department determined that the customer had no involvement in the check-cashing scheme and the bank offered to settle the case and return the customer's \$37.14.

The customer then brought a malicious prosecution suit against the bank. In the malicious prosecution suit, the bank argued that the underlying suit did not end in a bona fide termination because the joint stipulation was "bargained for." In support of this argument the bank relied on the following facts: 1) its payment of the \$37.14 to the customer; 2) the customer waiving her right to interest on the \$37.14, which the bank argued showed that the termination was therefore not completely in the customer's favor; and 3) the customer did not pursue her claim for attorney's fees or costs. The court found that the bank's payment of the \$37.14 showed, if anything, the customer's innocence in the underlying suit. As to the customer's waiver of interest on the \$37.14, the court found the sum to be *de minimus*. Finally, the court found that the customer's waiver of her right to seek fees and costs was insufficient to show that the termination was not in her favor. The court reasoned that an award of fees under section 57.105, Florida Statutes is difficult to obtain and the costs were an insubstantial amount. Notably, the court explained that "the policy in this state is to encourage settlement of cases expeditiously; especially ones which the parties agree have no merit. If we refused to allow *Doss* [the customer] to pursue her malicious prosecution case because she did not require that the collection suit be played out in county court to its finality on the merits, including her \$37.14 counterclaim, we would be in derogation of this policy." *Id.* at 996. Perhaps most instructive, the court stated that "[t]here was no genuine compromise on...[the customer's] part as she gave up nothing of value."

The rule regarding voluntary dismissals seems to be clearer than that for cases which terminate due to a joint stipulation. Essentially, a malicious prosecution plaintiff whose prior suit was dismissed must show

that the underlying suit was dismissed due to a lack of evidence or merit, as opposed to procedural or technical reasons. As to a malicious prosecution plaintiff whose underlying case terminated as a result of a joint stipulation, Florida case law has made it apparent that courts must examine the total circumstances surrounding the termination to make a determination on this issue. Unfortunately, this rule is not all that instructive. *Doss* does shed some light on this question and can be interpreted to mean that even in cases where bargaining or negotiations took place to reach a joint stipulation, so long as the defendant in the underlying suit did not give up something of value to reach the agreement, there may still be have been a bona fide termination in his or her favor.



Chief Judge Robert Roundtree gives his "state of the circuit" address at the January bar lunch.



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Some Good News to Report Early in the Year From a Florida Bar Foundation Board Member



By Philip N. Kabler

Way, way, way long ago (... OK, last May -- <http://8jcba.org/archives/2012May.pdf>, page 6) your reporter offered a brief piece regarding the Innocence Project of Florida (www.floridainnocence.org or <http://tinyurl.com/FB-Innocence-Project>). As you *might* recall, The

Florida Bar Foundation has been the Innocence Project's single largest source of funding since 2004, providing it more than \$2.2 million to support their exoneration advocacy work.

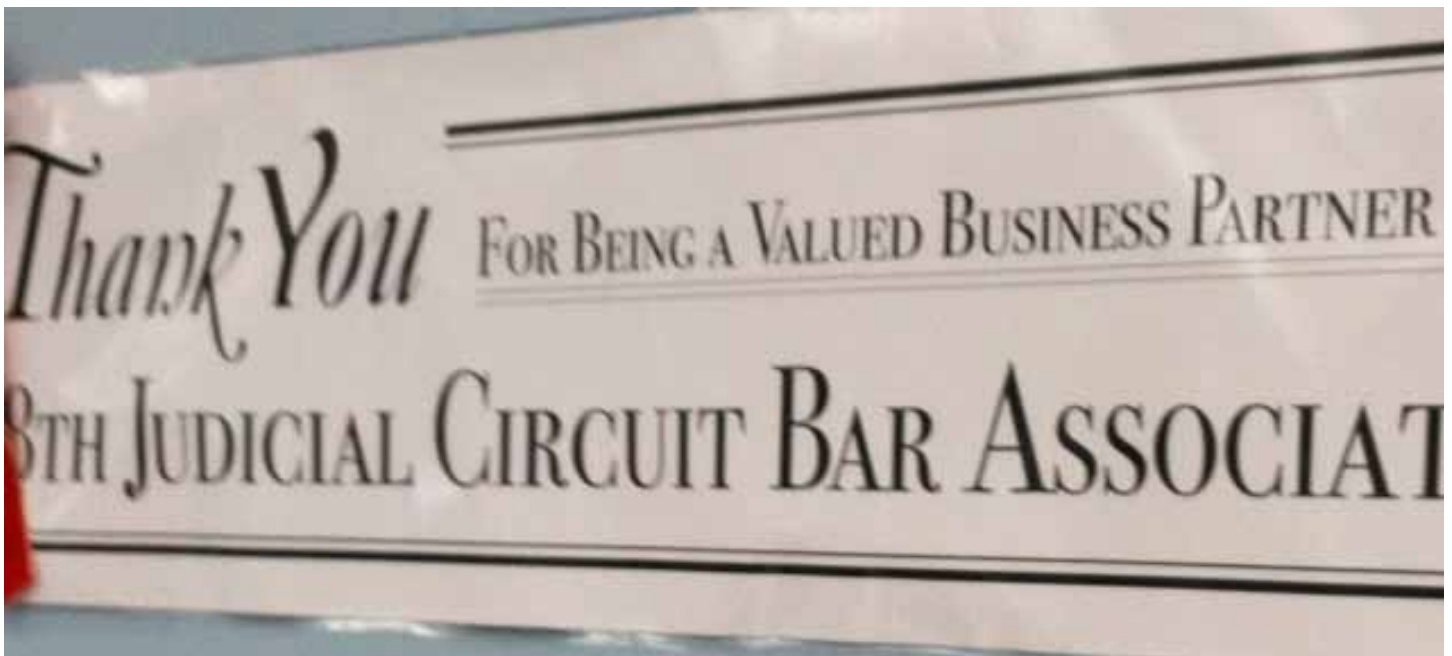
Well, it is nice to learn of success stories from The Foundation's grants. Two recent "front page" exonerees have worked hard to restore their lives since their release from wrongful incarceration.

James Bain was convicted in 1974 in Polk County for rape, breaking and entering, and kidnapping, and was given a life sentence. In late 2009, after 35 years in prison, Mr. Bain was exonerated based upon eyewitness misidentification and unreliable and limited science. You can read his case profile here: <http://tinyurl.com/Jamie-Bain>. Mr. Bain was awarded compensation by the State, and since his exoneration he has engaged in public speaking to students and the community about his life story. Additionally, he is now married and a new father.

William Dillon was convicted in 1981 in Brevard County for first-degree felony murder, and was given a life sentence. In late 2008, after 27 years in prison, Mr. Dillon was exonerated based upon eyewitness misidentification, informant/snitch, unreliable and limited science, perjured witness testimony, and manufactured evidence. You can read his case profile here: <http://tinyurl.com/William-Michael-Dillon>. Mr. Dillon was awarded compensation by the State, and since his exoneration he has pursued a professional musical career. His current album is entitled "Black Robes and Lawyers." For information about his recording and touring activities visit here: <http://www.williammichaeldillon.com/>.

By no means are these the only two Florida exoneration cases. To learn about several other Innocence Project-represented exonerees, please visit here: <http://tinyurl.com/Case-Profiles>. (While you are there, please consider signing up for Innocence Project e-mail updates.)

For information about The Florida Bar Foundation or its grant programs, please feel free to call me at (352) 332-4422. And to get the latest news about the Foundation and its grantees, please become a Facebook fan at www.facebook.com/TheFloridaBarFoundation.



Thank you to the 8JCBA from Head Start!

Criminal Law



By William Cervone

I thought that the plight of Meg the Goat, as documented in this journal several years ago, had solved the problem of bestiality in Florida but it appears that I am wrong. Meg, you'll recall, was sexually assaulted in the Panhandle and there wasn't much anyone

could do about it because at the time Florida had no bestiality statute. After a couple of years of fits and starts the legislature passed such a law. While it was too late for Meg, other animals would surely be safer. Now, however, and in our own back yard, comes Doodle the Donkey.

Doodle, actually a miniature donkey, was found in a compromising position with one Carlos Romero in Marion County last August. Romero, not to be confused with Romeo, ended up being charged under Florida's relatively new bestiality law with a misdemeanor offense dealing with sexual activity with animals. While Doodle reportedly had nothing to say to investigators, her being "found in a compromising position" suggests that there wasn't much debate over what happened.

Also according to published reports, Romero was offered a reasonable enough sounding disposition including probation, psychosexual counseling and treatment, STD testing, no ownership or possession of animals, and revocation of his license to work in the horse racing industry. Choosing instead to exercise his every constitutional right, he initially declined that offer and instead, assisted by three (3???) enterprising Assistant Public Defenders, demanded a trial and filed a motion claiming that his rights had been infringed on by this onerous statute.

In particular, Romero claimed that his "personal liberty and autonomy when it comes to private activities" had been demeaned. He said that the statute is unconstitutional because it does not require proof of any harm to one's animal partner or that the sexual activity be non-consensual. This after I thought that Meg's case clearly established the rule that Baaaaaaa Means No. So should braying. Romero further argued that the only possible basis for the statute is a moral objection to sexual acts that are considered deviant or just disgusting. Well, duh!

Because of all of this, he concluded that his

equal protection rights as a zoophile were being violated. Strangely, the dictionary definition I found of a zoophile is a person who is "devoted to animals and their protection from practices such as vivisection." I suppose that in Romero's case the operative phrase is "devoted to animals" since he apparently, again in published reports and I am not making this up, admitted that he gets sexually aroused around animals more so than with people and that he eventually planned to have sex with Doodle but that she wasn't ready and was only "blooming into maturity." Illustrative of the certainty that most defendants simply don't know when to shut up, Romero also supposedly said that all he wanted was to have Doodle back. I imagine so.

Eventually and for reasons that may or may not be clear, Romero entered a no contest plea and was adjudicated guilty. This happened in December so perhaps it was the spirit of the season. Anyhow, among other conditions of the probationary term imposed on him is that he have no unsupervised contact with animals. Always a plus.

Thus ends this latest saga of the world of the bizarre in our criminal courtrooms. I understand that Meg and Doodle have formed a support group that will be funded by federal dollars. Orcas are not invited.



Hugging Santa



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

February 2013 Calendar

- 5 Deadline for submission of articles for March Forum 8
- 6 EJCBA Board of Directors Meeting; Ayers Medical Plaza, 720 SW 2d Avenue, North Tower, Third Floor – 5:30 p.m.
- 11 Law in the Library, Alachua County Public Library Headquarters, “A Parent’s Guide to Educational Rights and Resources,” 6-7:00 p.m.
- 13 Probate Section Meeting, 4:30 p.m., 4th Floor, Family & Civil Courthouse
- 15 EJCBA Luncheon, Professor David Denslow, Department of Economics, UF, “The Cliff Fallout,” Paramount Plaza Hotel, 11:45 a.m.
- 18 President’s Day, Federal Courthouse closed
- 19 Family Law Section Meeting, 4:00 p.m., Chief Judge’s Conference Room, Alachua County Family & Civil Justice Center
- 23 2013 Law & Justice Youth Conference, UF Levin College of Law, 9:00 a.m.

March 2013 Calendar

- 5 Deadline for submission of articles for April Forum 8
- 6 EJCBA Board of Directors Meeting; Ayers Medical Plaza, 720 SW 2d Avenue, North Tower, Third Floor – 5:30 p.m.
- 11 Law in the Library, Alachua County Public Library Headquarters, Restoration of Civil Rights and Expungement,” 6-7:00 p.m.
- 13 Probate Section Meeting, 4:30 p.m., 4th Floor, Family & Civil Courthouse
- 15 EJCBA Luncheon, Professor Michael Foley, UF Journalism, “The Role of the Press and the Potential Collision with the Law,” Paramount Plaza Hotel, 11:45 a.m.
- 19 Family Law Section Meeting, 4:00 p.m., Chief Judge’s Conference Room, Alachua County Family & Civil Justice Center
- 29 Good Friday, County Courthouses closed

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.