

FORUM 8

Volume 75, No. 6

Eighth Judicial Circuit Bar Association, Inc.

February 2016

President's Message

By Rob Birrenkott



Congratulations!

Our bar association recently received incredible news. We have been selected to receive the 2016 Chief Justice's Voluntary Bar Association Pro Bono Service Award. Congratulations, you should all be very proud! I would like to thank Marcie Green, Pro Bono Coordinator

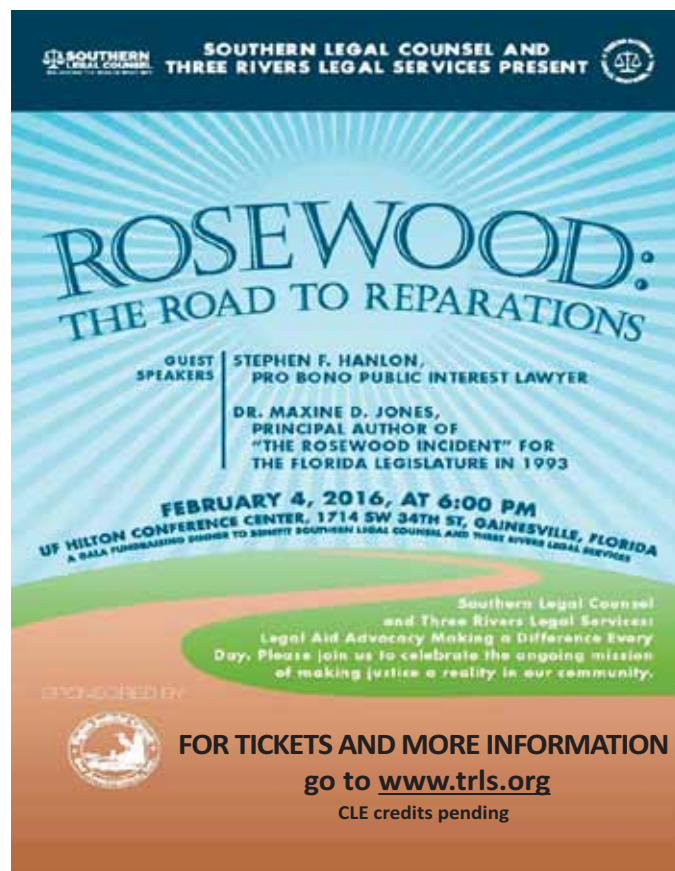
for Three Rivers Legal Services, for taking the time to nominate the EJCBA for this tremendous honor. I encourage you to read Marcie's column which highlights the many activities our association is involved in that make our community a better place.

As I write this message, we are only a few days into the New Year. This is typically a time where resolutions abound and we focus on self-improvement: I am going to join a gym; give up that habit; save more and spend less; etc. While these are great things, and self-improvement is laudable, my opinion is our members raise the bar even higher. Rather than looking internally during the beginning of the year and focusing on self-improvement, our members constantly look externally and seek to improve the lives of others. Our members consistently leverage their influence on behalf of others who lack it. By doing so, we improve the circumstances of others individually, our community collectively, and yes, even ourselves.

My message to our association, whose members give so abundantly, is to take... take a moment to reflect on the great work we do and take pride in this recognition from The Florida Bar and the Florida Supreme Court.

Part-Time Attorney Opening

Three Rivers Legal Services, Inc. has an opening for a Part-time Legal Helpline Attorney. The attorney will be located at our Jacksonville office until training is completed and then may have the option of working remotely from a home location. LHL Attorney will be responsible for providing advice and brief services over the telephone for eligible clients. A minimum of four (4) years legal services or poverty law experience is preferred. Salary DOE. Equal Opportunity Employer. To be considered please send cover letter with resume and references to job@trls.org by 2/12/2016.



SOUTHERN LEGAL COUNSEL AND THREE RIVERS LEGAL SERVICES PRESENT

ROSEWOOD: THE ROAD TO REPARATIONS

GUEST SPEAKERS | **STEPHEN F. HANLON,**
PRO BONO PUBLIC INTEREST LAWYER

DR. MAXINE D. JONES,
PRINCIPAL AUTHOR OF
"THE ROSEWOOD INCIDENT" FOR
THE FLORIDA LEGISLATURE IN 1993

FEBRUARY 4, 2016, AT 6:00 PM
UF HILTON CONFERENCE CENTER, 1714 SW 34TH ST, GAINESVILLE, FLORIDA
A BALLA FUNDRAISING DINNER TO BENEFIT SOUTHERN LEGAL COUNSEL AND THREE RIVERS LEGAL SERVICES

Southern Legal Counsel
and Three Rivers Legal Services
Legal Aid Advocacy Making a Difference Every
Day. Please join us to celebrate the ongoing mission
of making justice a reality in our community.

FOR TICKETS AND MORE INFORMATION
go to www.trls.org
CLE credits pending

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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. Also please email a photograph to go with any article submission. 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

EJCBA Wins 2016 Voluntary Bar Association Pro Bono Service Award

By Marcia Green

The Eighth Judicial Circuit Bar Association received the 2016 Voluntary Bar Association Pro Bono Service Award presented by Florida Supreme Court Chief Justice Jorge Labarga on January 28. Although the nomination was from Three Rivers Legal Services for the EJCBA's significant and exemplary contributions to the community, it included letters of support from Jon DeCarmine, Operations Director of Grace Marketplace; Phyllis McKnight, Head Start Program, Alachua County Schools; Meshon Rawls, President of Josiah T Walls Bar Association; and Susan Faulkner-O'Neal, Chair of the Guardian Foundation.

Following are excerpts from the nomination narrative:

The EJCBA is comprised of six counties in North Central Florida; although Alachua County is a larger community with just under 1000 attorneys eligible to practice with the Florida Bar, one county in the circuit has only four eligible members of the Bar. Gainesville is the most populous community in this unique rural circuit and is home to the University of Florida Levin College of Law.

As a voluntary bar association, the EJCBA is relatively small with only about 350 members but it continues to impress and provide its members with opportunities to learn, grow and work together, and professionally to better the community.

The EJCBA actively supports Three Rivers Legal Services, Inc., the local legal aid program serving the indigent residents in the Eighth Judicial Circuit. With more than 100,000 potentially eligible persons, the pro bono services of the individual attorneys and small law firms in the Eighth Circuit are crucial in the delivery of legal services. Additionally, the EJCBA is supportive of the efforts of Southern Legal Counsel, a statewide public interest law firm in Gainesville that works to bring systemic reform.

The opportunity to highlight the pro bono activities of the members of the local legal community is available in the monthly EJCBA newsletter and at bar luncheons. The EJCBA is a co-sponsor of an upcoming fundraising event, *Rosewood - The Road to Reparations*, a collaboration with Three Rivers Legal Services and Southern Legal Counsel.

Significant Projects of the EJCBA:

Ask-A-Lawyer, an on-going project for persons experiencing homelessness, started in January 2015 shortly after the opening of Grace Marketplace. Grace

Marketplace is a local onestop assistance center and shelter for people without housing in Gainesville. Recognizing that lawyers have the unique ability to provide advice and/or assistance that could mean the difference between housing or homelessness, the EJCBA collaborated with Three Rivers Legal Services, Inc., Southern Legal Counsel, and University of Florida Levin College of Law volunteer students to provide services at Grace Marketplace and other locations to reach out to the homeless. Attorneys volunteer their time, primarily one Saturday per month, to provide assistance in a variety of legal issues, including family law, landlord tenant law, criminal law and consumer law. Ask-A-Lawyer attorneys are available to address probate and wills, personal injury cases and other miscellaneous issues that may provide barriers to housing. With the recognition that many of the issues affecting the homeless are criminal matters, the Office of the Public Defender also became involved and began sending volunteers. In September, the Ask-A-Lawyer event was held in conjunction with the Veterans Stand Down for more than 150 homeless veterans.

Since last January, when the project started, more than 40 attorneys have volunteered and the legal problems of more than 120 individuals have been addressed.

Pitch in for the Kitchen was a fundraising project to help raise over \$20,000 for equipment to rebuild the kitchen at Grace Marketplace. Beginning with a challenge to the members of the Alachua County Medical Society, members of the EJCBA and the ACMS raised money for the kitchen at Grace Marketplace which will have the capacity to serve meals to over 70,000 individuals. The fundraising culminated with a "food truck rally" that included the dunking of EJCBA officers and other community leaders.

Law in the Library is a program that provides legal information seminars on a variety of topics at the public libraries in Alachua County. Close to 30 attorneys have participated during the four years that the program has been in existence. Topics of seminars include family law, immigration law, small business topics, elder law, tax issues, child support, bankruptcy, foreclosure, reverse mortgages, landlord tenant law, restoration of civil rights, wills and probate, and criminal law.

In addition to legal information, attendees are directed to free resources available at the libraries and

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Alternative Dispute Resolution

By Chester B. Chance and Charles B. Carter



Days Daze

Recently, the Gainesville Sun ran a contest asking readers to submit an idea to commemorate March 16th. You can do that nowadays: just suggest a date to the folks at Chase Calendar and a commemoration and you are good to go. What are some of the days that are already on the Chase Calendar? We anticipated that question. Commemorative Days include: Ballpoint Pen Day, Upsy-Daisy Day, Youth Cowboy Poetry Gathering Week, World Juggling Day, Let it Go Day, Celebration of the Senses Day, Stupid Guy Thing Day.

We did our own poll of Members of the Bar and we came up with some suggestions:

- No Cell Phone Use in a Grocery Store Day (we don't care about your personal life as you're massaging the mangos)
- No Bluetooth Day (please realize you often look like you are eligible to be Baker-Acted as you wander around talking into your Bluetooth)
- No Prius Driving Under the Speed Limit Day (this can be part of no-Prius Week)
- I Am Not a Victim Day (actually that should be a month)
- No Loud Music on Your Car Sound System Day.
- No No Fossil Fuel Day (this confuses us with a double-negative)

We already have a Talk Like a Pirate Day, but other suggestions were:

- Don't Talk Like a Lawyer Day (and Don't Talk Like a Politician Day)

Other suggestions were Talk Like a Toaster Day (?), Talk Like An Animal Companion Day and Talk Like Your Aunt Ida Day.

More legal-focused suggestions included No Filing Any Discovery Motions Day, No Surveillance Day, Most Billable Hour Day and Trial by Combat Day.

If you have any ideas, just let us know. We will share your ideas and suggestions on our website: www.givemeabreakday.com.

The Chase calendar does not limit itself to commemorative days. The calendar also accepts commemorative months.

For instance, the month of May includes the

following commemorations: Mediation Month, Motorcycle Safety Month, Salsa Month, Ultraviolet Awareness Month, Vinegar Month, Civility Month, Eco-Driving Month, Egg Month, Haitian Heritage Month, and Revise Your Work Schedule Month.



The month of June has about thirty different designations including: Accordion Awareness Month, Bathroom Reading Month (you just can't make this stuff up), Gay and Lesbian Pride Month, Potty Training Awareness Month (you can read about it in the bathroom and knock off two birds with one stone), Surf Music Month, and Fireworks Safety Month. Oddly, there is not a Gay Accordion-Playing Fireworks Safety Bathroom Reading Month.

October is Gay and Lesbian History Month, September is Shameless Promotion Month (talk about glass houses); July includes Horseradish Month and Doghouse Repairs Month; March is Umbrella Month and Frozen Food Month; February is Pet Dental Health Month and January is California Dried-Plum Digestive Health Month. Of course each month has about 20-30 commemoration designations but limited space does not allow us to list them all.

November is in part Gluten-Free Diet Awareness Month, October is Positive Attitude Month and Vegetarian Month (although oddly, November is Vegan Month). Our head spins at all this.

Now, we could write a column that lists approximately 300-400 of the various "months" which are as funny, silly and ridiculous as these. Of course, some are not funny and ridiculous. Some. Most of the day designations are pretty bizarre.

After reviewing all of this, including The Gainesville Sun article, articles about Chase's and the Chase website itself, we have reached the following conclusion: this is about the dumbest thing we have heard of in our lives. In fact, we suggest Chase designate such a date, i.e., Dumb Things Society Accepts as Normal Day, since they routinely accept submissions for made-up days for every thought under the sun. We have lots of suggestions, but, having done research for our column on politically correct terms we find ourselves ham-strung from using ideas that immediately come to mind.

Criminal Law

By William Cervone



One of the hot topics in Tallahassee this session is juvenile direct file, the process by which the State can transfer certain juvenile offenders to adult court. Pending legislation would require judicial approval of such a transfer, the theory behind that being that a judge should determine whether a minor's crime and background

require adult sentencing. What is not often said in these discussions is that a judge already must make the decision about sentencing. Current law requires that a judge decide between juvenile and adult sentencing in cases where there has been a transfer, regardless of a prosecutor having initiated the case in adult court. While a judge may not be making the decision as to which division of the court a case starts in, juvenile or adult, he or she does decide whether the disposition of the case will be as a juvenile or as an adult. Ignoring this provision of law deeply flaws the argument that juveniles are being unfairly or inappropriately dealt with as adults, or that prosecutors have unfettered discretion in this area. What prosecutors have is the ability to designate a starting point that opens up far more resources and options than might be available in juvenile court.

There seems to be an implication by those supporting this that all juveniles who are transferred end up in state prison. This is not so. A juvenile who has been transferred to adult court may still be sentenced as a juvenile. He may be sentenced to adult probation. Prison is far from automatic, at least for those juveniles not convicted of violent crimes, and even they are still entitled to judicial review.

Also flowing from this and a concern that the wrong offenses are sometimes transferred, there are many reasons why non-violent juvenile offenders might be moved to adult court. If a minor commits a series of felony offenses, perhaps burglaries, shortly before his 18th birthday, should he be in the same courtroom with 13, 14, 15 year old juveniles facing far less serious charges? Even if he is going to turn 18 before his case can possibly be resolved? What if he is functionally acting as an adult, as some are whether they should be or not? What if he needs long term treatment for substance abuse or mental health issues that the juvenile court cannot provide or follow through on? What if he is going to owe a large amount of restitution that

could not possibly be paid during a short term of juvenile jurisdiction? Sometimes adult sanctions are actually a better option for all concerned, including the offender.

On a statewide basis the number of direct file cases is significantly down from what it has been in past years. Florida's prosecutors have worked collaboratively with other players in the court system to find better ways to deal with crime, including juvenile crime. That juvenile crime rates, as are virtually all crime rates, continue to fall suggests that we are doing something right. The idea that any disparities that occur in direct file rates in different areas of the state will be solved by adding judges into the equation is simplistic at best. Why would anyone think that the state's nearly 600 circuit judges, any of whom could hear a juvenile transfer case, would be more consistent in their decisions than 20 State Attorneys? And why would anyone think that community standards, resources, and preferences for how we deal with social problems like juvenile crime are, should be or ever could be the same from Miami to Pensacola? One size fits all justice does not work in a state as diverse as Florida. Neither should we be driven by some false assumption that a certain percentage of anything is automatically good or bad. Those of us in one part of the state should be cautious about criticizing what happens elsewhere when we do not know the proverbial rest of the story.

When I was a young prosecutor assigned to the juvenile division in the 1970s, the kind of hearings for judicial approval of juvenile transfers now being talked about were required. The legislature eliminated them as an unnecessary step in the judicial process. Legislation that would re-institute this is no more than a solution looking for a problem. Florida has its lowest crime rate in over 40 years, and that is in part because Florida's prosecutors are doing a good job. When talking about juvenile justice it would be easy to fall into the trap of thinking that we are always dealing with harmless Dennis the Menace pranksters, but we are not. Sometimes juveniles commit horrendous crimes, or are headed in that direction. It is prosecutors who have the best access to background information from a host of sources ranging from social workers to law enforcement with which to make the important decisions that we make. Those decisions are not made rashly but are the product of thoughtful and experienced judgement. Let us continue to do our jobs and leave the judicial system as the check and balance it already is. Change for the sake of change or as a reaction to a perceived isolated problem is seldom a good thing.

EJCBA Wins Award

Continued from page 3

courthouses. Nine presentations are made each year between September and May. The partnership with the Alachua County Library District allows presentations at a number of branches, including those in Gainesville as well as the rural communities of Hawthorne and Waldo.

Holiday Project - Gifts for Head Start Children is a project that provides a holiday party, with Santa, and distributes age-appropriate gifts to children enrolled in the Head Start program. Although this gift-giving program has been in existence for more than a decade, the current program working with Head Start has been going on for five years. A holiday party is held for about 200 children at a Head Start school; the schools are alternated yearly. Since more than enough gifts are generally collected, the extra gifts are provided to Head Start staff for distribution to the most needy children in other schools. The EJCBA provided gifts for more than 300 children during the holidays.

Law and Justice Youth Conference is a project initiated by the Josiah T Walls Bar Association. In 2010, the EJCBA began collaborating with the project to promote diversity in the bar association. The conference is a "one day, high energy, interactive, educational event for middle school at risk youth." The EJCBA participation in the event includes assisting with all aspects of the conference, e.g., raising funds and recruiting volunteer law students, attorneys and the judiciary. The affirmative interaction of the teenagers and members of the bar has been positive for all participants.

EJCBA Annual Golf Tournament raised \$11,000 for the Guardian Foundation in 2015. The annual event supports the work of the Eighth Judicial Circuit Guardian Ad Litem Program, a partnership of community advocates and professional staff providing a powerful voice on behalf of Florida's abused and neglected children. The Foundation provides grants for after school activities, camp scholarships, prom dresses, gift cards and supports teenagers in independent living as well as provides support services for GAL volunteers, and educates and advocates on behalf of the GAL program. The EJCBA has donated more than \$75,000 to the program over the years, funding that is equal to about two-thirds of the "Direct Needs to Children" budget. In addition, members of the EJCBA volunteer as pro bono attorneys and guardians ad litem.

The nomination packet included letters of support, articles from the Gainesville Sun and other media outlets, as well as photos and flyers from various events.

What Is Your Mileage Reimbursement Rate Policy?

by Laura Gross



Just when you had the standard mileage rates memorized, the IRS has announced new rates for 2016. As a reminder, businesses with personnel policies related to mileage reimbursement should update their policies immediately to reflect this change. An easy way to avoid annual policy

updates is to add a provision that the employer's mileage reimbursement rate will be consistent with the IRS rate without reference to a specific number. The policy should also require the employee requesting reimbursement to maintain a valid driver's license and insurance and to submit a written request for travel reimbursement.

"The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile," per the IRS. These costs have decreased recently with the price of oil. So, the IRS has dropped the rate 3.5 cents, from 57.5 cents to 54 cents per mile for 2016.

According to the IRS, "Taxpayers always have the option of claiming deductions based on the actual costs of using a vehicle rather than the standard mileage rate." But, that means your business must track gas, oil, repairs, tires, insurance, registration fees, licenses, and depreciation (or lease payments) for that portion of the total miles driven that are business miles. To simplify the calculation, most businesses use the optional standard mileage rate to determine the deductible costs of operating an automobile for business purposes and to reimburse employees for mileage. The formula is simple: multiply the number of miles traveled for business purposes by the rate. Using the reduced rate of 54 cents will save businesses about 5% in 2016.

Position Wanted

2L seeks summer law clerk position. Please contact Nicolas Iannucci at niannucci@law.ufl.edu if interested.

Filing (Or Not Filing) Sensitive Information

By Siegel Hughes & Ross



Some of us can remember when public access to court records meant going to the basement of the courthouse and asking a deputy clerk to allow us to check

out the file, which, of course, could not leave the courthouse. Those days are gone, and with greater access to court filings comes a greater risk of misuse and a greater need to protect sensitive information. This need was met by the adoption of Rule 2.425, Fla. R. Jud. Pro. in 2011 and its amendment in 2012. Though the rule has been around for a while, I was not totally conversant in its requirements and thought a simple check list (arranged by subject matter) might be helpful to others as well.

1. Identification of a minor (Initials only)
2. A persons birth date (Year only)
3. Telephone no. (Last four digits only)
4. Drivers' License no. (Last four digits only)
5. Passport no. (Last four digits only)

6. Social Security Number (No part may be used)
7. Taxpayer ID no. (Last four digits only)
8. Employee ID no. (Last four digits only)
9. Bank account number (No part may be used)
10. Financial account number, except for a bank account number (Last four digits only)
11. Brokerage account number (Last four digits only)
12. Credit card account, charge account, or debit account number (No part may be used)
13. Loan account no. (Last four digits only)
14. Insurance policy no. (Last four digits only)
15. Customer account no. (Last four digits only)
16. Patient or healthcare no. (Last four digits only)

In addition, while no specific directions are given on exact formatting, it is required that the following items be truncated if contained in court filings:

1. Email address
2. Computer user name
3. Passwords
Personal Identification Number (PIN)
4. Rule 2.425(b) does contain some exceptions which rarely will be applicable.

Reserve Now for the EJCBA February 2016 Luncheon



WHEN: Friday, February 12, 2016 – 11:45 a.m.
WHERE: The Woolly – 20 N. Main Street, Gainesville, FL 32601
PROGRAM: Bruce B. Blackwell—CEO/Executive Director of The Florida Bar Foundation
COST: **Members: \$17.00, Non-Members: \$25.00***
Chef's choice luncheon buffet, including meat or vegetarian entrees, seasonal sides, and dessert
DEADLINE: Register on or before **Monday, February 8th at Noon at**
<http://www.8jcba.org/event-registration/feb-2016-luncheon/>

*\$20.00 for members and \$25.00 for non-members, not having made prior reservations. If you are reserving at the last minute, or need to change your reservation, email Judy Padgett at execdir@8jcba.org or call (352) 380-0333. Note, however, that after the deadline, EJCBA is obligated to pay for your reserved meal and we make the same obligation of you. Thank you for your support.

Mark Your Calendars for Upcoming Events

Professionalism Seminar—Friday, February 26, 2016 from 9:00am – 12:00pm.
Registration begins at 8:30am

EJCBA Charity Golf Tournament benefiting the Guardian ad Litem Program—Friday
March 18, 2016

Leadership Roundtable to Follow the March 11th EJCBA Luncheon

This year's Leadership Roundtable will be on March 11, 2016 from 1:00 to 4:00 PM. American Bar Association President Paulette Brown, who is also Partner and cochair of the firmwide Diversity & Inclusion Committee at Locke Lord LLP, will be speaking on implicit bias in the legal profession. President Brown's remarks will be followed by a workshop on implicit bias, a networking reception, and, of course, roundtable discussions.

Mary K. Wimsett receives President's Pro Bono Service Award

By Marcia Green

Mary K Wimsett received the Florida Bar President's Pro Bono Service Award for the Eighth Judicial Circuit at a ceremony held January 28 at the Florida Supreme Court. Nominated by attorney Shannon Miller, Wimsett's passionate advocacy for children, those with special needs and the elderly are exemplary of the purpose of the award and the phrase *pro bono publico* meaning "for the good of the public."

Wimsett, an attorney in Gainesville who shares her time in the Law Office of Mary K. Wimsett and the Miller Elder Law Firm, also serves as Special Counsel of Policy and Training Development for the Guardian ad Litem Program Statewide Office. She contributes pro bono services with the Partnership for Strong Families, Three Rivers Legal Services, and the Eighth Judicial Circuit Guardian ad Litem Program, and speaks, free of charge, at various venues on issues related to elder law. Wimsett averages 4-5 hours weekly in pro bono service and/or teaching/speaking engagements.

As examples of Wimsett's pro bono services, Miller points out that Wimsett handles adoptions in the Eighth and Third Judicial Circuits, incurring personal expenses in travel time and costs to the more rural areas where adoption attorneys are not generally available. She is also a "frequent resource for foster families, who call her regularly for pro bono advice and assistance." As an Attorney ad Litem, Wimsett assists "with complicated legal issues as they relate to the child's education, disability or need for permanency. ... and she is often appointed by the Court to the most complex and difficult cases given her expertise and experience."

Having worked with Wimsett since 2003, Stephen Pennypacker, President and CEO of Partnership for Strong Families, states "She stood out then as an attorney with high ethical standards and the desire to make the legal system do what was right for children." Pennypacker notes one case in which a child, abused while in state custody, was in need of a motorized wheelchair. Due to bureaucratic "intransigence," the wheelchair was not being provided. Through Wimsett's efforts, the child got his wheelchair.

Further, as an Attorney at Litem for children in the 8th Circuit, Wimsett represents three to five children in the dependency system each year on a *pro bono* basis. The representation can, according to Pennypacker, "mean numerous court appearances, conferences with the client, and communication with case managers and attorneys."

"I have been fortunate to work with Ms. Wimsett

for the past seven years in my role as Adoption Program Manager for Partnership for Strong Families," states Kim Johnson. "During this time I have had ample opportunities to witness Ms. Wimsett's dedication to render services to families in need with efficiency, expertise, and compassion." Johnson points out that in many of the adoptions, Wimsett is representing families who have been through "substantial emotional turmoil" and states that they are often "carrying the burden of helping the children through their traumas and providing for the daily expenses of their unexpected new additions with minimal financial assistance. It is at a critical juncture that Ms. Wimsett has served many of these families to assist them through the final chapter of the dependency story and to instill hope in them toward their future."

Alan F. Abramowitz, Executive Director of the Florida Guardian ad Litem Program, states that "Mary K uses her considerable legal skills in the courtroom representing dependent children" and that "not only is Mary K a tireless advocate in the courtroom, she shares her enthusiasm and knowledge with other child welfare professionals" She is "committed to ensuring the legal system works for children and she works hard to make sure children are given a voice."

Wimsett serves on the board of the Pace Center for Girls, a program for underprivileged and at-risk girls ages 12-18. She offers "legal services at no cost to the at-risk girls and families we serve at Pace," states Executive Director Natalya Bannister. "I can say on a personal and professional level, that Mary K is one of the most genuine, hard working women I have had the pleasure of working with. Her unwavering service to our girls will help curb the cycle of poverty in our community and shape the next generation as she continues to help girls become productive citizens."

Wimsett is a volunteer attorney with Three Rivers Legal Services, providing her expertise to staff regarding adoption, accepting referrals in adoption as well as elder law and participating in elder outreach and advance directives clinics in and around the rural counties of the Eighth Judicial Circuit.

Wimsett was instrumental in the establishment of the Gerald T. Bennett Inn of Court. "I have witnessed Mary K. consistently reach out to young lawyer and law student members of diverse backgrounds to provide them with support, advice and mentoring opportunities to ensure their success, as well as

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Bruce Blackwell, Ceo/Executive Director Of The Florida Bar Is February's Luncheon Speaker



On February 12, 2016, Bruce B. Blackwell will be our featured luncheon speaker. Mr. Blackwell is CEO/Executive Director of The Florida Bar Foundation, a statewide charitable organization whose mission is to provide greater access to justice.

Prior to joining the Foundation he was a founding partner with the seven-lawyer Orlando law firm of King, Blackwell, Zehnder & Wermuth, P.A., specializing in complex civil litigation. He retired from the firm in mid-2014 to become only the second CEO/Executive Director in the Foundation's history.

Mr. Blackwell has received numerous professional and public service awards, including, the American Bar Association's highest award for public service in 2013, the Pro Bono Publico Award, and in 2008, he was the recipient of the American Bar Association's Grassroots Advocacy Award for his sustained and effective lobbying efforts to the United States Congress on behalf of the poor throughout the United States. He is the first Floridian to receive this national award. That same year the Florida Council of Bar Association Presidents awarded Mr. Blackwell the statewide Outstanding Voluntary Bar President Award, their highest award, and he received the Judge James G. Glazebrook Memorial Outstanding Member Award from The George C. Young First Central Florida American Inn of Court.

Mr. Blackwell has also dedicated much of his career to the legal profession, including serving on various Florida Bar Committees, as a member of The Florida Bar Foundation Board of Directors, and as Past President of the Orange County Bar Association.

A fifth generation Floridian, Mr. Blackwell was raised in rural Marion County. He graduated with honors from the Florida State University College of Law in 1974 and earned his bachelor's degree at Florida State University, graduating in 1968 and receiving numerous leadership honors and awards including the Hall of Fame, Omicron Delta Kappa, Order of Omega, Gold Key, Senior Class President, Outstanding Senior of Lambda Chi Alpha Fraternity, and Founding Chair for the predecessor of the first Student Alumni Association. After graduation, Mr. Blackwell served as an officer in the United States Air Force with distinction, initiated the first Interracial Council on any United States Air

Force base in the United States and was named to Outstanding Young Men of America, 1972 edition.

Mr. Blackwell has been married for more than 46 years to Julie McMillan Blackwell, and together they have two daughters, Blair Allison Blackwell and Brooke Blackwell Castino. He has two granddaughters. Source: thefloridabarfoundation.org.

In addition to Mr. Blackwell, the following luncheon speakers have been confirmed for the remaining luncheons in 2015-2016:

March 11: Paulette Brown, President, American Bar Association

April 15: Nathan Whitaker, Lawyer and Co-Author of *Through My Eyes* by Tim Tebow and *The Mentor Leader, Quiet Strength*, and *Uncommon* by Tony Dungy

May 13: Ramon Abadin, President, The Florida Bar

Mark Your Calendars Now – The Leadership Roundtable will Immediately Follow the March 11th EJCBA Luncheon



The purpose of the Leadership Roundtable is to bring together leaders from the local legal community, including law professors, experienced lawyers, and judges, with young lawyers and law students, to discuss topics and solutions related diversity and

inclusion in the legal profession.

This year's Leadership Roundtable will be on March 11, 2016 from 1:00 to 4:00 PM. To set the stage for the Leadership Roundtable, American Bar Association President Paulette Brown, who is also Partner and co-chair of the firmwide Diversity & Inclusion Committee at Locke Lord LLP, will be speaking at the bar luncheon on implicit bias in the legal profession. President Brown's remarks will be followed by a workshop on implicit bias lead by University of Florida Law Professor Jason Nance, a networking reception, and, of course, roundtable discussions. **The Leadership Roundtable is free for members of sponsoring bar associations, including EJCBA members, and 4 credits of CLE are anticipated.** Additional information for the March Luncheon and Leadership Roundtable will be distributed to EJCBA Members via email and in the March newsletter.

Pro Bono Service Award

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provide them monetary support so they are able to join the Inn” writes attorney Stephanie Marchman. “While Mary K. leads a remarkable professional and personal life, she is always humble and never loses her sense of humor.”

A member of the Florida Bar since 1997, Wimsett serves on the board of the Bennett Inn of Court (currently President), on the Florida Adoption Council and the Eighth Judicial Circuit Bar Association. She has previously served on the Florida Bar Family Law Rules Committee, Florida Bar Juvenile Rules Committee, The Eighth Judicial Circuit Grievance Committee and several other professional organizations. She makes numerous professional presentations on representing children in the dependency system, adoption, special needs of veterans, and elder issues.



Santa (Carl Schwait) visits Head Start classrooms at Terwilliger Elementary School on December 16, 2015 as part of EJCBA's Holiday Project gift distribution.

Professionalism Seminar – REGISTER NOW

Inexpensive (CHEAP) CLE Credits

By Ray Brady

Register now for the annual Professionalism Seminar (register at www.8jcba.org/event-registration/2016-professionalism-seminar/). This year the seminar will be held on Friday, February 26, 2016 from 8:30 AM until Noon at the UF Levin College of Law, Room 180. Our speaker will be Greg Coleman, past President of The Florida Bar, speaking on “Professionalism in the New Digital Age.”

We expect to be approved, once again, for 3.5 General CLE hours, which includes 2.0 ethics hours and 1.5 professionalism hours. Questions may be directed to the EJCBA Professionalism Committee chairman, Ray Brady, Esq., at 373-4141.

Submit Your Nominations Now For Leadership Roundtable Diversity Award

This year’s Leadership Roundtable Planning Committee would like to recognize a member of our legal community who advances diversity, inclusion, and equality in the legal profession. Please send your nominations for the Diversity Award with a short statement of support to Stephanie Marchman at marchmansm@cityofgainesville.org by February 26, 2016. The Diversity Award will be awarded at the Leadership Roundtable on March 11, 2016

The Florida Bar Board of Governors Report

By Carl Schwait

The Florida Bar Board of Governors met on December 4, 2015. The major actions of the Board and the reports received included:

The board unanimously voted that The Florida Bar opposes term limits for judges at any level of Florida's state court system. The position is in response to [pending legislation](#) for a constitutional amendment to impose term limits on Florida's appellate judiciary. The 2016 legislative session begins on Jan. 12. To review The Florida Bar's legislative positions, legislation of interest to the legal profession, weekly session updates, information about Bar advocacy and other links for those interested in the legislative process, please visit www.floridabar.org/legislativeactivity. A recommendation by the [Code & Rules of Evidence Committee](#) was approved by a vote of 33 to 9 that the Supreme Court not adopt the amendments to *Florida Statutes* §90.702 and §90.704, as amended by Chapter 2013-107 (regarding the Daubert standard), as rules of evidentiary procedure to the extent they are procedural. All Florida Bar members and legal organizations were given the opportunity to provide feedback on the matter to the Board by Nov. 15 for review prior to the vote; all feedback and letters received are posted at www.floridabar.org/daubertfrye along with additional information including the board materials and the committee's reports. The Code & Rules of Evidence Committee submits three-year cycle reports with recommendations regarding procedural adoption of statutory substance amendments to the Code. The next cycle report is due to the Florida Supreme Court by Feb. 1, 2016. The Board of Governors receives and must vote on all matters prior to submission to the Supreme Court pursuant to [Florida Rule of Judicial Administration 2.140\(b\)](#).

President-elect William J. Schifino, Jr., announced that [committee preference forms are now available on the Bar's website](#) and must be submitted by Jan. 15. Florida Bar members are encouraged to request appointment to Bar committees to address the many challenges facing the legal profession. For more information on the process, the [December 1 Florida Bar News](#) includes details and instructions.

[The Florida Bar Wm. Reece Smith, Jr. Leadership Academy](#), a multi-session training program designed to assist a diverse and inclusive group of lawyers in becoming better leaders within the legal profession and their communities, is currently reviewing applications for the 2016-17 class. Applications were due Jan. 15.

The [Board Technology Committee](#) announced that a special issue of *The Florida Bar Journal* will be published in January focusing on technology's impact on the practice of law, and it will be available in an online dynamic digital edition at www.floridabar.org/journal as well as in print. In this issue, a diverse group of authors covers a variety of subjects of interest and concern facing the profession relating to technology. The goal of the special issue is to awaken the thoughts of Florida lawyers to the changing landscape and to encourage using collective wisdom to guide the practice of law through the technological gauntlet.

A proposed amendment to the Rules of Judicial Administration was approved with joint amendments of appellate and criminal rules allowing limited representation in cases and defining who is the lead attorney in cases and how associate and covering attorneys can appear in and leave cases. Also approved were proposed amendments to Family Law Rules that would end all references to Civil Procedure Rules. The proposed amendments will be filed with the Florida Supreme Court. [Florida Rules of Court Procedure, proposed amendments, guidelines for rules submissions and rules of court procedure opinions are posted on the Bar's website.](#) [A proposed amendment to Bar Rule 4-1.5](#) was approved on using lien modification attorneys at the end of a personal injury or wrongful death case to handle negotiations over health liens. Under the proposed amendment, which must be approved by the Florida Supreme Court, those attorneys could be hired in extraordinary cases with disclosure and written approval of the client and with a judge's approval. The judge would also be authorized to review and adjust the fees both of the main tort attorney and attorneys handling the liens.

SAVE THE DATE!

2016 EJCBA Charity Golf
Tournament Benefitting the
Guardian Ad Litem Program

When: Friday, March 18, 2016

Where: University of Florida Golf
Course

Sign Up: Go to EJCBA website for the
link to download the registration form



Local judges participated in a question and answer session at the “View from the Bench” CLE following the January luncheon.

Reserve Now for the 2016 Professionalism Seminar

<p>WHEN: Friday, February 26, 2016 – 9:00 a.m. – 12:00 NOON</p> <p>WHERE: UF College of Law—Chesterfield Smith Ceremonial Classroom—Room 180</p> <p>PROGRAM: Greg Coleman, Past President of The Florida Bar, speaking on “Practicing with Professionalism in the New Digital Age”</p> <p>COST: EJCBA paid members: \$40, Non-Members: \$75</p> <p>CLE: 3.5 Hours of CLE is expected</p> <p>DEADLINE: Register on or before Monday, February 22, 2016 at: http://www.8jcba.org/event-registration/2016-professionalism-seminar/</p>	<p>When registering online, you will need to select your first and second choices for your area of specialty for small group discussions from the following options:</p> <ul style="list-style-type: none"> <li style="text-align: center;">Civil/Tort Law <li style="text-align: center;">Family/Domestic Relations Law <li style="text-align: center;">Criminal Law <li style="text-align: center;">Estates & Trusts Law <li style="text-align: center;">Business Law <li style="text-align: center;">Government Law <li style="text-align: center;">Real Estate & Land Use Law
<p>Parking:</p> <p>Decal requirements for Commuter parking will be waived.</p> <p>Spaces are limited, so arrive early.</p>	



Chief Judge Robert Roundtree, Jr. delivers the State of the Circuit address at the January luncheon.



Florida Bar Board of Governors Representative Carl Schwait gives the membership an update at the January luncheon.

February 2016 Calendar

- 3 EJCBA Board of Directors Meeting – 5:30 p.m., UF Law, Room TBA
- 4 Rosewood: The Road to Reparations, Gala Dinner, UF Hilton Conference Center, 6:00 p.m.
- 5 Deadline for submission to March Forum 8
- 10 Probate Section Meeting, 4:30 p.m., Chief Judge’s Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 12 EJCBA Luncheon, Bruce Blackwell, CEO/Executive Director, The Florida Bar Foundation, The Woolly, 11:45 a.m.
- 13 2016 Law & Justice Youth Conference, UF Levin College of Law, 9 a.m. – 3 p.m.
- 14 *Valentine’s Day – show the love!*
- 15 President’s Day Holiday – Federal Courthouse closed
- 16 Family Law Section Meeting, 4:00 p.m., Chief Judge’s Conference Room, Alachua County Family & Civil Justice Center
- 26 EJCBA Professionalism Seminar, Greg Coleman, Past President of The Florida Bar, “Professionalism in the New Digital Age,” UF Levin College of Law, Room 180, 9 a.m. – 12 noon.

March 2016 Calendar

- 2 EJCBA Board of Directors Meeting – 5:30 p.m., UF Law, Room TBA
- 4 Deadline for submission to April Forum 8
- 4 Second Annual EJCBA Spring Fling (Member & Guest only), The Thomas Center, 6pm
- 9 Probate Section Meeting, 4:30 p.m., Chief Judge’s Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 11 EJCBA Luncheon, ABA President Paulette Brown, “Implicit Bias in the Legal Profession,” The Woolly, 11:45 a.m.
- 11 EJCBA Leadership Roundtable: Workshop on Implicit Bias presented by UF Law Professor Jason Nance, with networking reception (CLE), The Woolly, 1-4 p.m.
- 15 Family Law Section Meeting, 4:00 p.m., Chief Judge’s Conference Room, Alachua County Family & Civil Justice Center
- 18 EJCBA Annual Charity Golf Tournament benefiting the Guardian ad Litem Program, UFGolf Course
- 25 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 to 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.