

FORUM 8

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Eighth Judicial Circuit Bar Association, Inc.

June 2017

President's Message

By Stephanie M. Marchman



The Year in Review & Looking Ahead

As I reflect on my year as President of the Eighth Judicial Circuit Bar Association, I think about our vision at the outset, the tremendous effort we put forth to implement our vision and respond to unanticipated events, and our immense capacity to continue to serve the bar and our

system of justice.

A year ago, we committed to continuing Rob Birrenkott's simple, but powerful vision of providing meaningful opportunities to members of the bar to GATHER, GROW, and GIVE. In carrying out this vision, I encouraged us to promote diversity and inclusion when creating these opportunities, as well as embrace law students and young lawyers. I am proud to report that we did just that. And we did it well!

GATHER.

Under Meshon Rawls' leadership for all things GATHER, our monthly bar luncheons featured a myriad of diverse speakers on timely, thought-provoking topics, including Vice President of Public Policy at the Gainesville Area Chamber of Commerce Kamal Latham, Retired First District Court of Appeals Judge Nikki Ann Clark, University of Florida Law Professor Teresa Drake, Retired University of Florida College of Medicine Doctor Nancy Hardt, Chief Eighth Judicial Circuit Judge Toby S. Monaco, University of Florida History Professor Paul Ortiz, Guardian ad Litem Executive Director Alan Abramowitz, African American History Professor and Author Ibram X. Kendi, and University of Florida Men's Basketball Coach White (Meshon obviously has an affinity for the Gators, and rightly so!).

The Annual James C. Adkins Dinner at Cedar Key and 2nd Annual Roast and Toast on the Coast, where we honored Chief Judge Robert E. Roundtree, Jr. for his service to our court and legal community, was a huge success thanks to Norm Fugate and his committee members.

Ryan Gilbert, Courtney Johnson, and their committees also hosted our first ever Fall Family Friendly Tailgate and 3rd Annual Spring Fling in the beautiful Thomas Center Gardens, both of which were wonderful free events for members of the bar and their families.

GROW.

Under Ray Brady's leadership for all things GROW, we offered nearly 30 free or inexpensive continuing legal education credits to our members this year. Ray and his committee members planned another successful Professionalism Seminar featuring Past Florida Bar President Hank Coxe on "Civility, the Legal Profession and Public Perception – The Stakes are High," as well as a joint dinner with the Alachua County Medical Society to discuss how lawyers and doctors can collaborate to meet the legal and medical needs of local underserved populations.

Additionally, at the courthouse, Michael and Stephanie Hines organized a free continuing legal education program on "Alternatives to Incarceration for Those with Mental Illnesses" and Eighth Judicial Circuit Judge Victor L. Hulslander, Tee Lee, and Educate the 8th members presented two practical trial practice workshops.

We also continued our partnership with the University of Florida Levin College of Law whereby members of the bar were invited to earn free continuing legal education credit by attending the Overton Lectures featuring Florida Supreme Court

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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

Alternative Dispute Resolution

By Chester B. Chance and Charles B. Carter



Reading Is Fundamental

Recently your authors came upon a review of a new book entitled "The Face of Water: A Translator of Beauty and Meaning in the Bible," by Sarah Ruden. If the book is as well written as the review, it should be a treasured text. The author

of the book review is Nicholas Frankovich. He starts his review with the following sentence:

We would value the written word more if we didn't have so much of it. Street signs, product labels, instruction manuals, tax forms, blog posts, e-mails, text messages...What would Gutenberg say? 'That's not what I had in mind'?

Frankovich suggests we are way out of control when it comes to the pace we produce the written word and the pace in which we read those written words.

The result? A speed-reading tactic that we adopt often without realizing it is to refrain from mentally vocalizing the words as we push our eyes to devour chunks of text as big as possible. We read like a cobra.

Instead of "speed reading," what does Frankovich suggest? He encourages us to read, by way of example, in the same manner as a Christian monk in the Middle Ages. Frankovich explains "...to mediate on scripture was first of all to pronounce the words." He goes on to say:

He (the monk) caressed them with his mouth, ruminating on them, absorbing their nutrients.

Mr. Frankovich suggests modern readers would find such an approach overly time consuming and inefficient. Modern readers want a quick summary, a "bottom line."

Your authors are always amazed when someone tells us they read a 600 page novel on a Saturday afternoon. It reminds us of an old Woody Allen joke: "I took an Evelyn Wood speed reading course, and then I read War and Peace. I think it had something to do about Russia."

As lawyers, we make our living with words. We speak them, we write them, we read them. But, do we really *read words*?

Many lawyers cite a case as authority and



unintentionally misrepresent the holding or the facts to the court or to another attorney. Do they intend to do that? We hope not. It's possible it may be more likely they just read the decision too fast. Maybe if they had slowed their reading pace and read the words out loud, even if *sotto voce*, they would understand more. Take the time to read a letter, a statute, a Supreme Court decision out loud, or, at least make some minimal effort to mouth the words. Frankovich suggests if you attempt to do that the written word "...will yield its mystery to the degree that [the reader] davens to its music and forgets the clock."

Many commentators have suggested that we have lost the ability to write a letter. The beauty of holding a letter in your hand, written in cursive, is a precious thing indeed. And one we rarely see any more. Maybe we've also lost the ability to read. We mean really *read*; the way Frankovich suggests: "...like a sensitive reader relishing and taking her time with a book she loves." Or with the case we need to represent accurately. Or the statute that is the key to our case and where every single word and comma is important.

Oh, by the way, what is "The Face of Water: A Translator on Beauty and the Meaning of the Bible" about? Well, maybe it's sufficient for us to tell you that Nicholas Frankovich suggests it's a worthwhile read.

Announcement: the winner of the March contest matching answers to "legal" questions with local lawyers and their answers was: Katherine Mockler. Congratulations, Katherine. We hope you enjoy the gift certificate for Embers which you earned as being the winner of our contest!

Circuit Notes

Commercial litigator and *Forum 8* contributor Krista L.B. Collins has become a partner at Siegel Hughes & Ross. Congratulations, Krista!

Criminal Law

By William Cervone



You've just got to love Facebook. Even if, like me, you have no Facebook page and even less interest in looking at the postings of other people as they describe their most mundane and inglorious day to day musings and happenings.

Attorneys, of course, need to be very careful about their postings as there are abundant ethical pitfalls regarding such things as ranting about what an idiot opposing counsel or even perhaps the court is. Judges must be even more circumspect with "friending" lawyers and such. And I'm not sure but I don't think any of us who employ people are supposed to snoop around to see what those employees are saying about us on Facebook, much less to see if potential employees might be prone to posting pictures of themselves in various drunken poses or otherwise indulging in behaviors that might make them less than attractive as co-workers.

Facebook does have one redeeming virtue for me, though, and that is the seeming compulsion defendants have for posting incriminating things about themselves. So far it is not an unconstitutional violation of some right to privacy to discover and use a picture of Joe The Bad Guy holding the stolen goods and gun he used to procure them that he himself has posted for all the world to see. Note to Joe: the cops do look at Facebook.

Which leads us to Royce Goldsmith. Royce is a robber, or at least I think he is and certainly he was before his conviction was reversed by the Fourth DCA, all because of Facebook. During his trial, the main issue was apparently identity. Testimony showed that the robber was known as "Biggy." Why this became important is beyond me since it also seems that the victim had known Royce/Biggy since high school, but no matter as Royce testified in his own defense that he had never gone by the nickname Biggy.

At this point the prosecutor pounced, for apparently in the one or two minutes just before Royce took the stand, and perhaps being bored or maybe having had a flash of inspiration, he had located Royce's Facebook page and found that it loudly proclaimed Royce to indeed be Biggy. Or something like that. Oh, the wondrous things courtroom technology can provide! In any event, you can imagine the cross-examination that ensued and Royce's weak claim that someone else must have added that appellation to his Facebook page because it certainly wasn't him, and the defense

attorney's loud and long screaming objection that all of this constituted a discovery violation and just wasn't legal, permitted, fair or right.

Now to the point, and it's really about discovery and not Facebook at all. While the prosecutor may have skated with the trial judge on the theory that not only was this information about Royce publicly available to anyone and that besides that he, the prosecutor, had only had the information for scant seconds before springing it on the unsuspecting Royce and his unaware attorney, the DCA took a dim and reversing view of it all.

The problem, of course, is that had Royce known that he was going to be confronted with his contradictory Facebook postings he might have thought better of testifying as he did. Or if Royce did not have the insight to stay off the stand more likely his lawyer, had he known, would have muzzled him. Or at least tried to do so.

Which leads to today's Law 101 lesson. There is no exception to the State's discovery obligations just because something is proffered for impeachment only. Nor is disclosure not required if everyone has whatever the item is, or could have had it, although there is some wiggle room there sometimes, maybe. Rather, the State has a continuing duty to disclose evidence as it receives it; moreover, the State is to do so promptly. This is especially so with regards to a written or recorded statement of the defendant, which a Facebook post probably is. Hence, since his ability to make informed decisions during trial was certainly affected by the non-disclosure of the Facebook impeachment, Royce, or Biggy, or whatever his name is, got a new trial. All of this seems a bit unfair to the State but I suppose at least arguably the prosecutor could have assumed that Royce would lie if he testified and intuitively checked to see if Facebook would provide proof of that a few months in advance of trial.

But why do I mention this, other than as a legal exercise, which this column is supposed to at least now and then be? Well, to ask my friends in the defense Bar to please not complain when the State keeps sending you discovery supplements as a case goes on, even if those come on the very eve of or during trial. We don't stop looking for evidence against your guy after we file a charge. Sometimes it even falls in our lap when we're not actively looking for it. And we're going to give it to you as best we can. I'd prefer not to hear any more complaints when the State has just provided its umpteenth discovery document. It's what we do.

Probate Section Report

By Larry E. Ciesla



The Probate Section continues to meet on a monthly basis. Matters of interest, including those specifically discussed during recent meetings, are set forth below (in no particular order).

Katherine Mockler announced new judicial assignments effective July 1, 2017 (subject to change by Chief Judge Monaco):

1. Judge Keim will replace Judge Hulslander as the sole judge for all Alachua County probate and guardianship cases.
2. All Alachua County Circuit Civil cases will be shared by Judge Keim and Judge Brasington.
3. Judge Hulslander will handle family law and *pro se* cases.
4. Newly appointed Circuit Judge Bullard will be assigned to family law, juvenile court, and Department of Revenue support cases.

Staff Attorney Mirelis Torres-Rodriguez will be on maternity leave, during which time her Levy and Gilchrist County probate and guardianship cases will be handled by Corey King (352-264-7061) and Katherine Mockler (352-264-6895). The members of the Probate Section extend their best wishes for good health to Mirelis and her new baby.

A discussion was held during the April meeting regarding Xerox Recovery Services, the private company holding the contract for all Medicaid recovery programs with the State of Florida Agency for Health Care Administration. Effective January 3, 2017, Xerox Corporation split into two separate and independent publicly traded companies. The new name of the company in charge of the Florida Medicaid recovery unit is Conduent Payment Integrity Solutions. Until and unless contrary instructions are received, it appears that there is no change of address for sending the notices to creditors (P. O. Box 12188, Tallahassee, FL 32317). The foregoing information was confirmed on the Florida Agency for Health Care Administration Third-Party Liability Recovery Unit's website.

An opinion regarding recovery of attorneys' fees that should be highly of interest to all litigators was released by the First DCA on April 18, 2017. In *Henderson v. OneWest Bank FSB*, a mortgage foreclosure case, an award of fees by the trial court was reversed based upon a lack of competent and substantial evidence to support the fee award. According to the opinion, although an

affidavit regarding fees was filed with the court prior to the trial, the affidavit was not introduced into evidence at trial; no attorney representing the plaintiff testified as to fees; and there was no expert testimony as to fees.

The DCA held that, absent a stipulation waiving the required proof, "... the party seeking fees should present testimony from the lawyer who performed the services or an authorized representative of the law firm and an expert as to reasonableness of the rates and fees" (emphasis supplied).

The First DCA issued an opinion on March 31, 2017 that is significant for estate planners. In the case of *Edwards v. Maxwell*, the court held that a beneficiary of three irrevocable trusts did not have standing to challenge the adoption by his father of a second son. The three trusts in question were created by the great-great-grandparents of the complainant and provided for discretionary distributions for the descendants of the grantors. Although not expressly stated in the opinion, it appears that the adopted son was, in fact, a grown adult at the time of the adoption. The trial court apparently viewed the adoption as a sham and set it aside. The gist of the complainant's beef was that his share of the distributions from the trust was being diluted. The fallacy of this argument is readily apparent to trust practitioners: the complainant had no vested right to any trust distributions at all. That's why the distributions are termed "discretionary."

The lesson for estate planners is that it is prudent to raise this issue with clients as they plan their trust drafting. Do they want their grown children to be provided with an incentive to go out and adopt a grown adult as their "child" so as to make this person eligible to receive trust distributions? After discussing this case recently with a childless client who was establishing a testamentary trust for the benefit of the descendants of his eight siblings, he instructed me to specify that "descendants" would include all biological descendants and adopted descendants whose adoptions were final as of the date of his death. When questioned whether this would be fair to a subsequently adopted in good faith infant or young child, his response was basically, "you gotta draw the line somewhere."

The Probate Section continues to meet on the second Wednesday of each month at 4:30 p.m. in the Chief Judge's Conference Room on the 4th floor of the Alachua County Family and Civil Justice Center, 201 East University Avenue, and all interested parties are invited to attend. Please contact Jackie Hall (352-378-5603 or jhall@larryciesla-law.com) to be included in the e-mail list for notices of future meetings.

President's Message

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Chief Justice Jorge Labarga and Justice Barbara J. Pariente, as well as the 5th Annual University of Florida eDiscovery Conference.

Given our judicial vacancies, Michele Lieberman and Norm Fugate organized a timely panel discussion on “Demystifying the JNC” with current and former members of the Judicial Nominating Commission (Brian Kramer, Paul Donnelly, and Scott Walker), Eighth Judicial Circuit Judge Robert K. Groeb, Florida Bar Board of Governors Representative Carl Schwait, and General Counsel for the Governor William N. Spicola.

The Clara Gehan Association for Women Lawyers, Eighth Judicial Circuit Bar Association, Josiah T. Walls Bar Association, and North Central Florida Chapter of the Federal Bar Association also came together to host the 4th Annual Leadership Roundtable. During the event, Peg O'Connor led a workshop and panel discussion with stakeholders in the Eighth Judicial Circuit's criminal justice system – including the bench, bar, and law enforcement – on racial disparities in the criminal justice system, likely causes of the disparities, and potential solutions to address the disparities. Professor Ibram X. Kendi and the River Phoenix Center for Peacebuilding assisted during the Roundtable with providing a greater understanding of the problem and developing solutions. The Roundtable was an important start to a dialogue about racial disparities in our community, and we are hopeful this dialogue will continue in the months and years ahead.

GIVE.

Under Gloria Walker's leadership for all things GIVE, our project chairs and their committee members gave to 350 children in need in rural areas in our circuit through the Holiday Project (Chairs Dominique Lochridge-Gonzales, Jennifer Springfield), delivered Law in the Library programs on such topics as Medicaid, identity theft, probate, and restoration of civil rights (Chair Jan Bendik), raised \$11,566 through the Charity Golf Tournament/“The Gloria” to support the Guardian ad Litem Foundation (Chair Rob Birrenkott), impacted at-risk youth at the Law & Justice Youth Conference (Chair Meshon Rawls), and provided pertinent information to the community through the bar's annual judicial poll (Chair Scott Krueger).

Ask a Lawyer also continued under Ray Brady's leadership, in partnership with GRACE Marketplace, Three Rivers Legal Services, and Southern Legal

Counsel, and assisted Grace residents (and beyond) with basic legal problems. This project launched in January 2015, and since that time 25 lawyers (donating 235 hours of legal service) and 79 law students provided legal assistance to 224 clients at 21 community events. A big thank you to Ray, his committee, and all the lawyer and law student volunteers for giving freely of their talent to help members of our local community in need.

MEMBERSHIP & ADMINISTRATION.

Over the last several years, Meshon Rawls and Monica Perez-McMillen have led the bar's efforts to ensure that existing, new, and potential members feel supported and included in our programs. They have ensured that we have name tags at various bar events, new member ribbons, a staffed membership table at the monthly luncheons, and that we make personal contact with members at bar events throughout the year. Moreover, Executive Director Judy Padgett, Mary K. Wimsett, and Dawn Vallejos-Nichols have worked hard throughout the year to ensure our members receive timely, relevant communication about what is happening in the circuit through various channels, including email, newsletter, website, and Facebook. Sharon Sperling, our longtime treasurer, ensures our finances are in good order so we are able to do all we do during the year, and our longtime board members, including Sharon, Frank Maloney, Ray Brady, and Dawn Vallejos-Nichols, provide all of us with historical perspective and guidance in all we do.

Their efforts, as well as the efforts of all our committees who plan relevant and fun programs throughout the year, have paid off, as we presently have 411 members, up from 385 this time last year, and 21 law student members, up from 8 this time last year.

LOOKING AHEAD.

In the past year, we responded to a lawsuit naming the bar as a party in federal court, braced for Hurricane Matthew in October, woke up the morning of November 9th surprised, and became concerned when we read stories in the *Gainesville Sun* about our local courts and proposed legislation giving the legislature authority to overturn judicial decisions and term limits for judges. We followed issues of inequality, poverty, education, environment, healthcare, international relations, and immigration on the national stage, and mourned the loss of well-respected, longtime members of our legal community

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(The Honorable Maurice M. Paul, Margaret Stack and Judge Edward Philman). We celebrated our Public Defender's much needed new building, reveled in our new parks, arena, restaurants, and innovative businesses, and recognized changes on the bench, including the retirement of Judge Robert E. Roundtree, Jr., new Chief Judge Toby S. Monaco, new Circuit Judge Susanne Wilson Bullard, and new County Court Judge Tatum Davis.

As a bar, we have been a part of the conversation, the celebrations, and the solutions. The opportunities we have provided to GATHER, GROW, and GIVE over the past year are exceptional examples. We will continue to learn about issues facing our society, and play an active role by getting involved in the broader community, developing solutions locally, and advocating for what is right and just, in our circuit and beyond. We have and will use our talent, passion, and professionalism to make a difference at all levels.

Thank you to the Eighth Judicial Circuit Bar Association's Board of Directors for your dedication and service. Thank you to the City Attorney, Nicolle Shalley, my colleagues in the Gainesville City

Attorney's Office, and my family, Brian, Marina, and Landon, for your constant understanding, care, and encouragement. And thank you to the members of the bar. It was truly an honor and privilege to serve you and our community as President. I am so proud to be a lawyer in our circuit, and I am excited to continue to serve the bar as the circuit's next representative on The Florida Bar's Board of Governors, hopefully as diligently and zealously as our retiring, longtime representative, Carl Schwait. No doubt, you are in good hands with Meshon Rawls as your next President and Gloria Walker as your President-Elect, as well as a full Board of Directors energized and committed to serving our community.

I look forward to celebrating all we accomplished this year and passing on the torch at the Eighth Judicial Circuit Bar Association's Reception and Annual Dinner on June 8th at the University of Florida's Austin Cary Forest. In the meantime, if you see a member of the bench or bar who helped make this year a success, please take the time to congratulate each on a job well done and think about joining them in their efforts to serve our community in the year ahead.



Looking back: EJCBA President Stephanie Marchman and her elves with Santa at the 2017 Holiday Project



Guardian ad Litem Executive Director Alan Abramowitz, EJCBA Executive Director Judy Padgett, Carole Zegel, Stephanie Marchman and Rob Birrenkott show off the proceeds from "The Gloria" golf tournament - a new record!

F-word Facebook Post Insulting Boss's Mother is Protected Activity

By Laura Gross



The U.S. Second Circuit Court of Appeals recently affirmed a National Labor Relations Board's ("NLRB") decision finding an employer had violated the National Labor Relations Act ("NLRA") by terminating an employee for a Facebook post insulting his boss' mother and encouraging employees to vote for the union.

Pier Sixty, LLC, a catering company in New York City, and its employees experienced a "tense [union] organizing campaign that included threats from management that employees could be penalized or discharged for union activities." During this time, one of its managers, Bob McSweeney, used a "harsh tone" in directing employees which was viewed as part of management's ongoing contempt for its employees. Worker Hernan Perez was offended. Forty-five minutes later, during an authorized break, Perez posted the following insult on Facebook (four-letter words edited by me):

Bob is such a NASTY MOTHER F___ER don't know how to talk to people!!!!!! F__ his mother and his entire f__ing family!!!! What a LOSER!!!! Vote YES for the UNION!!!!!!!

Perez knew his post was viewable by his Facebook friends including ten coworkers. It was also publicly accessible though he may not have known that.

When Perez was fired for the post, he filed a charge with the NLRB alleging he had been terminated for protected, concerted activities. The NLRA generally prohibits employers from retaliating against employees for protected, concerted activities like those that are union-related or for other mutual aid or protection.

The question was whether Perez's post was so opprobrious as to lose protection. Applying its nine-factor totality of the circumstances test, the NLRB considered: "(1) any evidence of antiunion hostility; (2) whether the conduct was provoked; (3) whether the conduct was impulsive; (4) the location of the conduct; (5) the subject matter of the conduct; (6) the nature of the conduct; (7) whether the employer considered similar content to be offensive; (8) whether the employer maintained a specific rule prohibiting the content at issue; and (9) whether the discipline imposed was typical for similar violations or proportionate to the offense." The NLRB found the termination was found unlawful and Perez was ordered reinstated.

Pier Sixty appealed to the Second Circuit

which affirmed, recognizing that the NLRB is the expert at determining which activities fall within this protection. The Second Circuit noted three points in particular. One, the "vulgar attacks on McSweeney and his family" included workplace concerns." Two, "Pier Sixty consistently tolerated daily profanity, including use of the words "f___" and "motherf___er" and other expletives and racial slurs, among its workers including by management employees and McSweeney. And, three, the location was social media which is a "tool for organization in the modern era."

While this decision was fact-specific and viewed by the court as "the outer-bounds of protected, union-related comments," employers should be cautious and seek legal counsel when disciplining employees for social media posts, especially criticisms of the workplace.

Florida Bar's Board of Governors Report

By Carl Schwait



Dear Colleagues:

Thank you for allowing me to serve as your representative on the Florida Bar's Board of Governors these last 12 years. This has been one of the greatest experiences of my life. I have been a chairperson of a Board of Governors committee for 8 years; a member of the Executive Committee for three terms; appeared on two occasions before the Florida Supreme Court advocating proposed rules; chaired numerous special committees and subcommittees; was a member of a Vision 2016 committee and a member of the recent search committee for the new Executive Director; and travelled the state discussing professionalism and advertising rules. However, my most important role was always speaking for the lawyers and judges of the Eighth Judicial Circuit every 6 to 8 weeks at the Board of Governors meetings.

Words cannot truly express my gratitude for your confidence in my ability to be a contributing member of the Board of Governors. So the best I can do is to again say thank you for the gift of serving you and the Bar.

Best always,
Carl

Heart and Hard Work

By Marcia Green

I recently heard a speaker say that “equal justice requires heart and hard work” and realized how grateful I am to our local legal community. It is a privilege to work with a profession that values the worth of all of the individuals — the elderly, the poor, the homeless, the abused, the ill — by working to ensure access to the legal system.

There’s “Lucy,” a single mother working as a hotel maid, who found that more than \$175 was being garnished from her biweekly paychecks. This is significant for a family surviving on a minimal income. With help from Three Rivers, Lucy was able to prove that she was head of household and exempt from garnishment. The garnishment was dismissed by the court and Lucy was again able to pay her family’s living expenses.

When “Fred,” a disabled veteran, lost his disability benefits, he became homeless; Social Security had sent a notice to him at an incorrect address, causing him to miss a mandatory deadline. With representation, Fred submitted an appeal to Social Security and his case was re-opened. Finally, Fred’s benefits were reinstated and Fred was able to move back into an apartment.

Legal advocacy on behalf of those like Lucy and Fred, people who are the most vulnerable in our communities, can make a huge difference in the lives of the individuals served as well as the community at large.

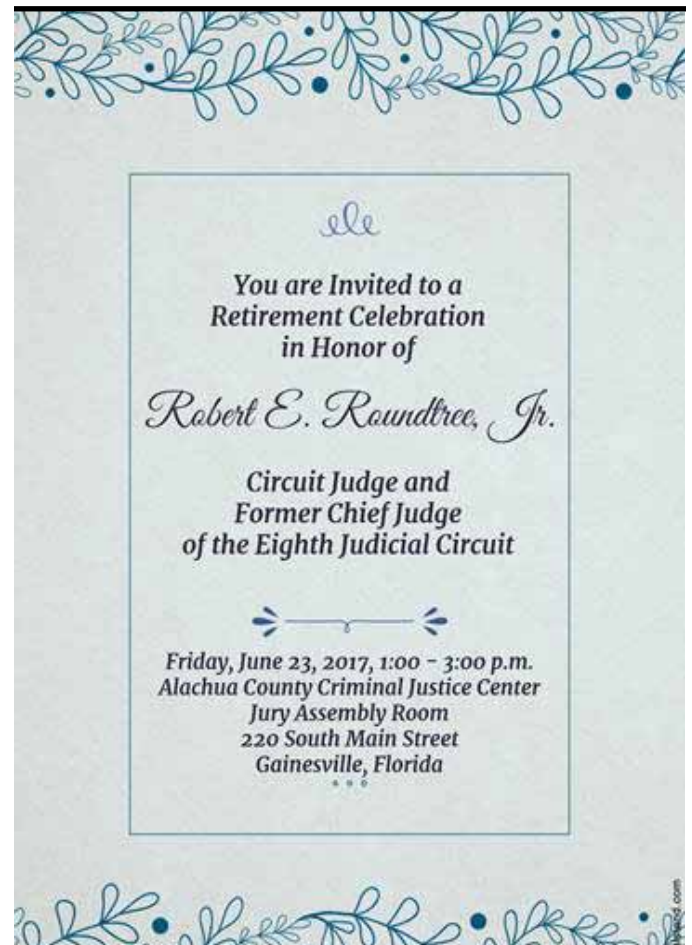
These and other stories can be found in the Three Rivers Legal Services Annual Report. You will find that in 2016, Three Rivers obtained \$2.3 million of one-time and annualized benefits for our clients while helping and advising 4,153 clients, including 570 veterans, 840 seniors, and 1,200 survivors of domestic violence. These households included 5,769 adults and 3,953 children.

These benefits add to our local economy and have included, for example, saving homes from foreclosure and obtaining disability benefits, alimony, child support, and tax and debt relief. The results are not possible without the dedicated Three Rivers staff attorneys and paralegals, nor are they possible without the volunteer attorneys and law students who add so much to our program. With “heart and hard work” we are able to accomplish much, although still just a small percent of the need.

Please join us; become a part of the outcomes for Fred and Lucy and all of those in our community who may need legal help. Visit our website at www.trls.org where you can view our Annual Report, enroll to volunteer or make a donation to support our work. Feel free to contact me at marcia.green@trls.org. We would love for you to become a part of these outcomes that benefit us all.

Retired Judge Edward Philman Passes

Senior Judge and Alachua County Hearing Officer Edward Philman passed away on May 17, 2017. Judge Philman was the son of the late Johnnie and Synthie Philman, the 5th of twelve children. Judge Philman served in the Army and spent one year deployed in Vietnam. After marrying his wife Jeanne and having three daughters, Judge Philman attended evening classes at the University of Florida while working a full time job and a part time job. After receiving his Bachelor’s Degree in 1978 he attended Mercer School of Law, and graduated in 1981. Judge Philman practiced family law in Trenton, and also served as an Assistant State Attorney. He became Gilchrist County Judge in January, 1989 and retired in December, 2012. Following retirement, he served as a Senior Judge and Hearing Officer for Alachua County traffic court until March, 2017. The members of the Eighth Judicial Circuit Bar Association were deeply saddened upon learning of the passing of Judge Philman; our hearts and prayers are with his family and friends.



Try Something New

By Krista Collins



As I write this, the law students are preparing for and taking their exams, and the 3Ls are preparing to graduate and take the bar exam. It's both a stressful and heady time. As I look back, I realize how little I actually knew when I was in their position. Not just about the law or how to be a lawyer – although that was certainly true too – but

about myself.

When I was in law school, I was certain that I didn't want to be a litigator. Standing up in a courtroom and making arguments to a judge or jury held zero appeal for me. I had an idea in my head of what litigation was and I just knew that that was not for me. No sir, no how, no way. So during law school, I stayed away from litigation-related courses and activities. No trial team or trial advocacy; for me, it was law review instead. And then I did the same as I began my career. But a funny thing happened: after about a year I realized I wasn't happy doing what I was doing. Problem was, I still didn't know what I really wanted—and I still didn't really consider litigation. I looked into going back to school, getting a master's degree in library science and becoming a law librarian. Then, as luck, chance and the quickly collapsing real estate market would have it, I fell into a new life as a litigator. Surprise! I loved it – and I quickly realized that my prior vision of what it meant to be a litigator was nothing at all like the real thing.

I found out that litigation is *fun*. As a litigator, you get to help your clients resolve what is often the most important issue in their lives at that time. You research and you write. You puzzle out how to best present your client's position. You get to figure out all the ways the other side is wrong, and then tell them about it! Litigation is, in many ways, a lot like school (something that, nerd that I am, I always loved). As a commercial litigator, I'm always learning something new, be it about legal issues or just areas of business and life that I never would have known about otherwise. I have learned how gas gets from the port to the gas station and how the price per gallon is determined. I have learned how franchises work. I have learned what a car dealership floorplan is. I have learned about the installation of the nurse call buttons in hospital rooms. I have learned how the home health care industry operates. The law is

amazing and infinitely interesting because it touches on every aspect of our lives. If you're bored as a lawyer, you're doing it wrong.

So why am I telling all of you lovely people about this? Because I can't go back in time and give this advice to myself, but in the event this column makes its way in front of any law students or recent grads, please let me offer a little unsolicited advice: try things you don't think you'll like. Not just a good approach for law school, but for life as well. You never know what might surprise you. And in our chosen profession, there is always something new to surprise you.

Bennett Inn Of Court Accepting Applications For 2017-18

The Gerald T. Bennett American Inn of Court is accepting applications for its September 2017 – March 2018 session. Applications can be downloaded online at <http://inns.innsocourt.org/for-members/inns/the-gerald-t-bennett-cooperative-learning-american-inn-of-court/membership-information.aspx> and are due on or before June 30, 2017. The Bennett Inn of Court was established in 2011 to foster a cooperative learning environment between law students, attorneys, and judges, with a strong emphasis on exploring cutting-edge legal issues, mentoring, and interactive learning. The Inn is part of the American Inns of Court, America's oldest, largest and fastest-growing legal mentoring organization. For over twenty years, American Inns of Court have provided judges, lawyers, and law students an opportunity to participate actively in developing a deeper sense of professionalism, achieving higher levels of excellence and furthering the practice of law with dignity and integrity. Meetings are held monthly at the Levin College of Law, with dinner provided. Continuing legal education credits are available via participation in each meeting. Prospective members should reserve the evening of September 21, 2017 on their calendars for the new member welcome reception. Scholarships are available for public interest attorneys and attorneys employed by the State of Florida. To submit applications or request additional information, contact the Membership Chair, Katie Floyd c/o Law Office of Katherine L. Floyd, PLLC at (352)327-8411 or katie@floydlaw.net. You may also follow the Bennett Inn on Facebook.

4th Annual Leadership Roundtable 2017

Photos by Katherine Artman



Judge Pena makes a point at the 2017 Leadership Roundtable, "Is Justice Blind? Racial Disparities in the Criminal Justice System"



AuBroncee Martin accepts the 2017 Diversity Award at the 4th Annual Leadership Roundtable as EJCBA President Stephanie Marchman looks on



Luncheon Speaker and Panelist Ibram X. Kendi, Author of *Stamped From the Beginning: The Definitive History of Racist Ideas in America*



Panelists and attendees at the 2017 Leadership Roundtable on April 20, 2017



EJCBA President-Elect Meshon Rawls during table discussion at the Leadership Roundtable



Federal Magistrate Judge Gary R. Jones, Circuit Court Judge Monica Brasington and County Court Judge Sheree Lancaster listen to a speaker at the Leadership Roundtable



*The Eighth Judicial Circuit Bar Association
invites you and your guests to join us for our*

2017 Annual Dinner and Meeting

*Thursday, June 8, 2017,
6:00 pm until 8:30 pm
(Cocktails 6:00 pm – 7:00 pm)*

*at the
Austin Cary Forest Learning Center
10625 NE Waldo Rd, Gainesville*

*Reservations required
\$40 for members and non-lawyer guests
\$55 for non-members*

To RSVP

*You may RSVP for you and
your guest(s) at*

*[http://www.8jcba.org/event-
registration/2017-annual-
dinner/](http://www.8jcba.org/event-registration/2017-annual-dinner/)*

*Cocktails and Buffet
Dinner Included*

*Reservations must be
received no later
than June 1st*

June 2017 Calendar

- | | |
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| 8 | EJCBA Annual Dinner and Meeting, 6-8:30 p.m., Austin Cary Forest Learning Center |
| 14 | Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4 th Floor, Alachua County Family & Civil Justice Center |
| 20 | Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center |
| 21-24 | 67 th Annual Florida Bar Convention, Boca Raton Resort & Club |
| 23 | Judge Roundtree's Retirement Celebration, 1-3:00 p.m., Alachua County Criminal Justice Center, Jury Assembly Room |

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.

*Have a great summer!
The Forum 8 will return September 1.*