

FORUM 8

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Eighth Judicial Circuit Bar Association, Inc.

February 2018

President's Message

By Meshon Rawls



Dennis Archer, the first African-American President of the American Bar Association, gave advice to Eugene Pettis, the first African-American President of the Florida Bar Association, as Mr. Pettis was preparing to take office. The dialogue proceeded as follows:

Mr. Archer: Gene, which is your dominant hand?

Mr. Pettis: I'm right-hand dominant.

Mr. Archer: Well, as you continue climbing the ladder of opportunity, I challenge you to lift yourself up with your left hand and reach back and lift others up with your dominant right hand.

Mr. Pettis described this advice as contrary to what we typically do. "We typically use our best for ourselves, and if we have anything left, we will share with others." Mr. Pettis believed Mr. Archer was inviting him to give his best to his fellow man - to reach out and lift someone else up. To lift someone up and put them in a position to go higher than you is the essence of what it means to intentionally and purposefully invite someone to the table of opportunity.

Reflecting on this story, which Mr. Pettis shared with the Eighth Judicial Circuit Bar Association at the luncheon immediately preceding our first Leadership Roundtable in 2014, I was inspired to revisit and highlight the idea of mentorship in the legal profession. The idea of lifting someone up and making sure they are included at the table is a dynamic that is essential to a productive mentee-mentor relationship. Some of the conversations during the 2014 Leadership Roundtable centered on the idea of partners in law firms taking on the responsibility of

mentoring women as they move up the ladder in the firm. The group consensus seemed to be that in order to change the traditional law firm dynamic and create more opportunities for women to become partners, the effort towards creating an inclusive environment had to come from the top and move down. Those in leadership had to buy-in to the concept of being intentional about providing space for women to lead. I totally understand the rationale of having partners buy-in.

So, as I consider some of the ideas that were presented during the roundtable discussions and look through my lens of a leader in a voluntary bar association, I clearly see how important it is for the leadership to invest in and lift new lawyers - to position new lawyers to make high-level contributions to the profession. There are so many angles and approaches to mentorship that may be explored. However, the approach taken by the American Inns of Court piqued my interest.

To emphasize the impact that mentoring has on building a strong legal community, the American Inns of Court dedicated the month of January as National Mentoring Month and sent their members an email with a link to the American Inns of Court mentoring page, which included the Principles of Inn Mentoring. While reading the Principles, I noticed Inns of Courts are given clear direction in how to develop a mentoring program that aligns with the Inns of Courts' mission of fostering excellence in professionalism, ethics, civility and legal skills. This realization compelled me to make a commitment to continue the EJCBA's effort to develop a strong mentorship program that can be a model for other voluntary bar associations across the state and country. Like the American Inns of Court, voluntary bar associations must have a model for

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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

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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



Wait, What?

Wait, What? is the title of a recent book by James E. Ryan. Mr. Ryan is Dean of the Harvard Graduate School of Education and former professor of law at the University of Virginia. He also clerked for Chief Justice William Rehnquist.

In his book, Mr. Ryan suggests five simple questions to ask either others or ourselves in order to bring clarity and compassion, and to understand what is important in any situation or life in general. We think ‘any situation’ includes mediation, but, you can use the questions in your personal life or legal practice and we encourage you to do so.

“Wait, what?” is the first question “. . . because it is an effective way of asking for clarification, and clarification is the first step toward truly understanding something – whether it is an idea, an opinion, a belief, or a business proposal.” We suggest it may bring clarity to a legal argument or the examination of a witness or during a joint session at a mediation.

Mr. Ryan suggests that if we took more time to understand ideas and perspectives, especially new and challenging ones, we might be less dismissive and instead more curious. He wisely opines “In almost every instance, it is better to ask clarifying questions first and to argue second.”

“I wonder. . . ?” is the second question, but, it comes in two forms: “I wonder if. . . .” and “I wonder why. . . .” Ryan suggests asking ‘why’ is the start of curiosity. It is the question, per Mr. Ryan, that great scientists, artists, and writers ask themselves, and we suggest it is the question great lawyers ask themselves. Asking ‘why’ keeps one curious about the world and asking “I wonder if. . . .” keeps a person engaged with the world. I wonder if I can learn to scuba dive? I wonder if I could take a trip to China? I wonder if this principle of law has been challenged under this particular set of facts? I wonder if things can be different?

“Couldn’t we at least. . . ?” is our favorite question. Couldn’t we at least agree that the defendant is at fault? Couldn’t we at least agree that the plaintiff had a pre-existing condition? The question is a way to form consensus. It is what opposing counsel discuss when trying to narrow issues for trial, and when trying to narrow issues at mediation. “Couldn’t we at least get started?”

is a way to get past debate and start looking for resolution.

“How can I help?” is the fourth question. This is a completely different question than “Can I help?” or the statement “Here, let me help.” Ryan suggests asking *how* to help makes your assistance more effective and shows respect. Ryan suggests asking *how* to help is “. . . an effective way of nudging others to identify, express, and confront their own problems.” It is something lawyers should ask their clients and mediators should ask lawyers and parties. It is an aid in determining someone’s real needs and motives rather than their stated reasons and *that* unlocks many doors at a mediation.

“What truly matters?” is the final question.

It forces you to get to the heart of issues at work or school, and to the heart of your own convictions, beliefs and goals in life. It is the question that can help you separate the truly important from the trivial and can help you maneuver through the minutiae in pursuit of the momentous.

Lawyers often engage in conflicts over minutiae perhaps just for the sake of conflict. Asking “What truly matters” is very important in life, and, equally important in the practice of law and at mediation.

We recommend the book, **Wait, What?** It is short and compelling. It may help you in life or in your practice. This article is not meant to bypass your actually reading the book which shouldn’t take you more than 1-2 hours. Well worth the time.



Criminal Law

By William Cervone



I swear, sometimes I don't know if I'm reading advance sheets or some modernized version of *Lady Chatterly's Lover*. Then again, it is February and Valentine's Day is here. Thus we have the sordid tale of Gabriel Nock, formerly of Broward County but now a life resident of Columbia Correctional Institution just to

the north of us.

Gabriel, then 27, struck up an acquaintance with a 68 year-old retired man at a beach and agreed to accompany him to dinner at his home. Predictably, the 68 year-old was soon found dead on the floor of his kitchen with extensive injuries to his neck consistent with pressure. The Medical Examiner couldn't decide whether this was the result of horseplay or erotic choking, but it was surely lethal.

Gabriel was not found in his new best friend's house. Rather, Gabriel was traced through a variety of the victim's credit cards that he used all over Broward County, surveillance videos of him in the victim's car, and his own cell phone use. That and his possession of much of the victim's property when eventually stopped by police resulted in him finding his way to an interrogation room at the local sheriff's office.

After abandoning his initial story about not having any idea who the victim was and having bought all of the victim's stuff from the proverbial "some dude," Gabriel proceeded to explain that he had indeed left the beach with the victim, who was going to pay him for sex. The victim, he said, had a wrestling fetish, and they engaged in assorted and fortunately not detailed activities in and about the house until suddenly the victim, in a headlock, collapsed and didn't come to.

Well, what's a guy to do? So Gabriel poured some bleach around to try to cover up his presence, took what he could, and left for the spending spree that led to not just his arrest but also to his conviction for murder and assorted other unsavory doings.

None of this is the point of this article. Neither is appealing to your prurient interests. Rather, two nice legal principles are.

First, there is the matter of the Rule of Completeness, an infrequently used but thoughtful device to curb an opponent's efforts at obfuscation. The prosecutor in Gabriel's case limited testimony about Gabriel's confession to just asking the detective

about it and did not seek to introduce the actual recording of the statement that had been made or any part of that recording. Gabriel's lawyer, for some reason wanting the jury to see and hear a tape of his client confessing, demanded that it be played under the Rule of Completeness. Well, no. When something is not introduced at all it can't be incompletely introduced. Point one.

Perhaps Gabriel's nine prior felony convictions were the problem his lawyer had. How to hide them from the jury, which might consider them as reflecting poorly on Gabriel? Well, of course, his Rule of Completeness objection being overruled, defense counsel had all the opportunity in the world to simply limit himself to the detective's version of the conversation as used by the State or, if he wanted, to actually play the full tape himself. Except, of course, for those annoying prior impeachables.

What to do? Well intended, defense counsel forged ahead with cross-examination, introducing what he thought might be helpful information. Perhaps, I suppose, he hoped that some exculpatory parts of the confession ("It was an accident.") would lead, if not to acquittal, to at least something less than Murder I.

And here things get more interesting as the prosecution pounced. The trial judge said that FS 90.806(1) allowed the State to introduce those prior convictions even though Gabriel had stayed far, far away from the witness stand. The applicable statutory rule quite clearly says that hearsay admitted into evidence (Gabriel's statement to the cops) may be attacked by any evidence that would have been proper if the declarant (Gabriel) had testified. Bingo! It's amazing what's in those rules.

To shorten this up, after Gabriel's conviction the 4th DCA agreed that this was proper, citing its own precedent to the same effect and holding that contrary authority from the 2nd DCA was simply wrong.

So off we, and Gabriel, go to the Florida Supreme Court as the 4th DCA did certify conflict with the 2nd. How that turns out is a story for another day and probably another year. And while I learned long ago not to bet on how the Supremes resolve conflicts or how they read unseen things into what I think are very plainly written statutes, my bet is that it wouldn't be a good idea to think that there is some roundabout way to get the defendant's story before the jury without the jury also hearing about those almost omnipresent priors. Unless you want to room with Gabriel.

The Litigation Privilege and the Lis Pendens

By Krista L. B. Collins



Ask any litigator and she will tell you a basic rule of litigation: anything you say during the course of litigation, even if false or malicious, can't be used as the basis for a claim of defamation. However, there is a second part to that rule that is sometimes forgotten: anything you say during the course of litigation, even if false or malicious, can't be

used as the basis for a claim of defamation, *as long as the statements are connected with or relevant to the cause at hand*. *Sussman v. Damian*, 355 So.2d 809, 811 (Fla. 3d DCA 1977). But what about a lis pendens? It is not merely a pleading in the court's file, but is recorded in the public records.

In *Procacci v. Zacco*, 402 So.2d 425 (Fla. 4th DCA 1981), the Court examined this very issue. It held that the filing of a lis pendens is only a statutorily authorized republication of the pleadings in a judicial proceeding, and as such, should have the same privileges as the pleadings. *Id.* at 427. In *Palmer v. Shelby Plaza Motel, Inc.*, 443 So.2d 285, 286 (Fla. 2nd DCA 1983), the Court explained its reasoning for rejecting a claim for slander of title based upon the filing of a lis pendens as follows: "The lis pendens described only the property covered by the mortgage which appellants were seeking to foreclose. It had no existence separate and apart from the litigation of which it gave notice. Therefore, it was encompassed within the absolute privilege of judicial proceedings. Even though they successfully defended the mortgage foreclosure, appellees were not entitled to damages for slander of title."

However, the second part of the litigation privilege does matter. In *Atkinson v. Fundaro*, 400 So.2d 1324, 1326 (Fla. 4th DCA 1981), the Court held that the filing of a lis pendens on condominium units that were not involved in the litigation between the purchasers of other units and the developers was *not* privileged, because it was not a proper notice of lis pendens and did not involve property that was the subject of the litigation. Similarly—and more recently—in *Phillips v. Epic Aviation, LLC*, 234 F.Supp.3d 1174, 1216 (M.D. Fla. 2017), the Court held that the filing of a notice of lis pendens advising the public of the appeal of an auction order fell outside the litigation privilege because the property listed in the lis pendens would not have been affected by the

reversal of the auction order and "was not at issue, and would not have been impacted, except by future litigation asserting frivolous arguments."

But what if the plaintiff isn't sure if the property is involved? Or doesn't have an accurate legal description? In *Miceli v. Gilmac Developers, Inc.*, 467 So.2d 404, 405 (Fla. 2nd DCA 1985), homeowners in Phase I of a condominium filed suit for quiet title and declaratory relief as to their rights in Phase II of the condominium, and filed a lis pendens against the entire Phase II property. The defendants, the condominium developers, counterclaimed for slander of title and for the value of improvements in Phase II. *Id.* The property in Phase II had not been submitted to condominium by November 1979 as contemplated by the Declaration. *Id.* Despite losing the ability to amend the Declaration themselves, the developers continued constructing a recreation area in Phase II. *Id.* The Declaration provided that, "The recreation area to be constructed by the developer is that shown as being included in the second phase. If additional phases are not actually constructed and submitted to this Declaration of Condominium, Phase I shall have total ownership of such recreational area." *Id.* The Phase I owners filed suit claiming that the Phase II construction by the developer was improper. *Id.*

The Second District Court of Appeal held that an intentional, wrongful filing of a notice of lis pendens will support an action for slander of title. *Id.* at 405-406. However, the Court held that in this case, the lis pendens was "an appropriate vehicle to notify prospective purchasers that an interest they might acquire would be subject to the trial court's decree." *Id.* at 406. The Court noted that the plaintiffs had a legitimate claim to part of the property covered by the lis pendens – the recreational area. *Id.* But there was no accurate legal description of their partial interest, only a drawing attached to the Declaration. *Id.* The Phase II units were being sold as part of the condominium, even though Phase II did not legally exist as a condominium. *Id.* The Court stated that even if the lis pendens had been filed only as to part of the property, it would have affected the marketability of all of the units. *Id.* Accordingly, there was no slander of title. *Id.*

Case law shows that a lis pendens is subject to the same rule as any other court proceedings when the litigation privilege is applied: a lis pendens will be privileged, so long as the property subject to the lis pendens is related to the cause at hand.

Ray Brady Receives the 2018 Florida Bar President's Pro Bono Service Award

By Marcie Green



Congratulations to Ray Brady, who received the 2018 Florida Bar President's Pro Bono Service Award for the Eighth Judicial Circuit at a ceremony held January 25 at the Florida Supreme Court. Brady, a past president of the EJCBA, sets a powerful example to the legal community for his strong advocacy for the needs of the

poor, less advantaged and disenfranchised.

Brady previously received the award more than 20 years ago and was nominated again by Three Rivers Legal Services for his pro bono work. His nomination was also supported by Southern Legal Counsel and the EJCBA. Although Brady's area of expertise is primarily personal injury and wrongful death cases, his ability to negotiate with hospitals and health and automobile insurance companies makes his services particularly valuable. Brady's pro bono advocacy, however, goes beyond individual representation and advice.

Recently, Brady initiated the creation of a local Senior Medical Legal Partnership with Three Rivers Legal Services, the Florida Department of Elder Affairs and UF Health. This project promotes increased and enhanced access to legal services for elderly patients (age 60 and up) who are at risk of abuse, neglect or exploitation and addresses legal needs that result in vulnerability and contribute to poor health outcomes. Using a holistic approach, healthcare providers identify patients with chronic conditions or "health harming" issues to which there may be a civil legal remedy. Brady's passionate advocacy and interest in the project brought the partners together.

Previously, Brady was instrumental in a challenge to members of the EJCBA and the Alachua County Medical Society to raise money to rebuild the kitchen at Grace Marketplace, the local onestop assistance center and shelter for people without housing in Gainesville. The fundraising culminated with a food truck rally that included the 'dunking' of attorneys and community leaders and raised more than \$20,000 for equipment for the kitchen. The kitchen at Grace Marketplace now has the capacity to serve meals to over 70,000 individuals annually and serves as a classroom for the Culinary Training Program.

In January 2015, Brady spearheaded the collaborative Ask-A-Lawyer project, which has expanded from providing services at Grace Marketplace to include the domestic violence shelter, library partnership locations frequented by homeless families, the annual Veterans Stand Down and a veterans homeless domiciliary.



His efforts have pulled together members of the EJCBA, Three Rivers Legal Services, Southern Legal Counsel, the Office of the Public Defender and students from the University of Florida Levin College of Law.

In addition, Brady is very involved with the EJCBA, where he has served as president and was a key coordinator of the 'Holidays in January' project with the Young Lawyers Division. He was instrumental in the creation of the professionalism committee and leads the annual professionalism seminar and CLE. In 1999 he was awarded the James L. Tomlinson Professionalism Award.

Three Rivers Legal Services, Inc. provides legal services to 17 counties in north Florida, including the most rural counties and communities in the state. Brady currently serves as President of the Three Rivers' Board of Directors and played a major role in bringing in a new director, updating policies in a challenging financial climate and navigating the move of the Gainesville office.

Florida Pro Bono Matters!

Finding the right pro bono case takes just a couple of clicks – thanks to the new FloridaProBonoMatters.org website. Find available pro bono cases by entering your county or "Three Rivers" into the search bar. When you find the right case, click **Interested**, fill in your information and submit. You will then be contacted with more information. It's really that simple!

EJCBA launches new pro bono initiative to help homeless youth

By Kirsten Anderson

Every night, thousands of young people in our country go to sleep without the safety of a home or support of a family. Homelessness is not just experienced by adults, but many youth resort to sleeping on the streets, staying with friends or strangers, or seeking refuge in a shelter. In addition to the numerous unmet needs experienced by these vulnerable youth, many of them have significant legal issues that impact their ability to secure housing, safety, and stability.

To address the legal needs of the homeless youth in our local community, the Board of the EJCBA voted at its January meeting to participate in a new pro bono initiative. The Homeless Youth Legal Network is a nationwide project of the American Bar Association to pair the more than 350 homeless shelters across the country that serve homeless children with law firms or bar associations to provide direct representation. Florida was selected to pilot this initiative under the direction of The Florida Bar Foundation and is seeking to pair all of its shelters in Florida with legal programs.

The EJCBA answered this call to action and will be matched with Interface shelter in Gainesville to provide free legal advice and help to the children who stay at the shelter or receive services there. Legal issues may include education, access to identification documents, public benefits, and other issues. The ABA will provide support and information so that lawyers who do not practice in these areas can participate and provide these children with the help they need.

Anyone who wishes to volunteer or learn more about this project should contact EJCBA Board Member Kirsten Anderson at (352) 271-8890 or at Kirsten.anderson@southernlegal.org. Together, we can make a difference in the life of a child.



260 unaccompanied homeless youth live in the Eighth Judicial Circuit, with more than 4,000 homeless youth unaccompanied by families statewide.

President's Message

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mentoring that aligns with their purpose and mission and is tailored for their membership.

At the Voluntary Bar Leaders Conference in Orlando this past summer, bar leaders across the state acknowledged the value of mentoring, and discussed the difficulties associated with developing and maintaining a strong mentoring program. While engaged in the discussion, it was clear to me with the University of Florida Levin College of Law in our circuit, the EJCBA is in a perfect position to start developing relationships with law students as they prepare themselves to enter into the profession. For law students, having the guiding hand of an experienced lawyer to assist them in understanding what it means to practice law and lifting them up as they climb the ladder of success is invaluable. EJCBA board member, Magistrate Jodi Cason, sees this value and has taken the lead in developing a mentoring program for law students.

I am excited about this program and the unique approach that is being considered in its conception. To make this a stellar program, three things are occurring during the preparation phase. First, this program is not being designed like traditional mentoring programs that simply match mentee with mentor by gathering a list of persons, identifying areas of law both persons are interested in, and then exchanging contact information. Second, the program will be developed by a diverse planning committee, which includes experienced lawyers, young lawyers and law students. Third, the program will offer options for different types of mentoring relationships. I am already impressed just thinking about the potential impact that can be made. I certainly appreciate all of my mentors, those people who believed in me and were willing to lift me up with their dominant hand. I hope those of you who have mentors or were mentored will join us in this effort to create opportunities for law students to excel in the legal profession. If you are interested in serving on the mentoring committee or any EJCBA committee, contact us at execdir@8jcba.org.

FLAG Guest Speaker

FLAG (Family Law Advisory Group) is hosting a special speaker, Professor Mimi Graham, on February 28, 2017 from 3-5 pm. Location TBD. Professor Graham will present on the ACES study and the presentation will feature a new interactive brain game from Harvard.

Circuit Notes - In Memoriam

The EJCBA was deeply saddened by the passing of two local attorneys in December – Kenneth (Ken) Davis and Stephen Johnson.

Ken Davis had a master's degree in mathematics from Tulane University and taught math in both Fernandina Beach and Pinellas County schools prior to attending and graduating from UF College of Law. Following graduation he began a private practice doing real estate, corporate and civil law. Ken served as chairman of the Gainesville City Plan Board and was a member of the Board of Directors for Three Rivers Legal Services. He left private practice to join the FDOT office in Lake City as general counsel and became an expert in eminent domain law. Following retirement, he returned to teaching mathematics at Santa Fe College. Ken was 75 when he passed away on December 12, 2017.

Stephen K. Johnson passed away on December 29, 2017 at the age of 73. Stephen was a graduate of both the University of Florida (Business Administration) and the University of Florida College of Law and was a lifelong Gator sports fan. He lived and practiced in Gainesville since 1971 and specialized in the areas of family law and criminal defense. In addition to representing clients in their initial criminal cases, Stephen focused on criminal appeals, other post-conviction matters, parole issues and prison transfers, as well. Stephen was a committed member of the Gainesville Rotary Club International and received the Paul Harris Fellow Award for his generous contributions to Rotary.

Ken and Stephen will be greatly missed, and our thoughts and prayers go out to their families and friends.

John M. Stewart Is February's Luncheon Speaker



According to Gary Blankenship's recent article in the Florida Bar News, John M. Stewart is a veteran Board of Governors member from the 19th Circuit who recently became president-elect designate of The Florida Bar. Blankenship states that Stewart's filing for president-elect was unopposed. He will be sworn in as president-elect at the Bar's Annual Convention in June when President-elect Michelle Suskauer takes the oath as Bar president; Stewart will become president a year later for the 2019-20 Bar year. John Stewart will be EJCBA's guest speaker at the February 16th Bar Luncheon.

Trial Skills Spring Workshop – February 23, 2018

Judge Hulslander will present another session of his popular Trial Skills series on Friday, February 23, 2018, from 1:00 p.m. - 5:00 p.m. at the Alachua County Family and Civil Justice Center. This session will have something for everyone including elements of family, criminal, and general civil litigation. Trial skills and techniques will be demonstrated by seasoned practitioners in a "show and tell" fashion.

Topics will include:

- Direct and Cross-Examination
- Using Real and Demonstrative Evidence
- Common Objections and responses and how to avoid them
- Impeachment
- And much more...

Register now at www.educatethe8th.com

2018 EJCBA Charity Golf Tournament

"The Gloria: In Memoriam of Gloria Fletcher"

Please consider joining our team to help youth in our circuit who are in the dependency system enjoy the normal experiences that many of us may take for granted. All of the proceeds from the tournament go to The Guardian Foundation, which provides resources to children in our community who have been abused, neglected, or abandoned. We have made it possible, whether you're a golfer or not, to support the tournament; you can: [PLAY](#), [SPONSOR](#), or [DONATE](#).

This year's tournament will take place on Friday, March 2, 2018, at the UF Mark Bostick Golf course. Registration, lunch, and warm up will begin at 11:30 a.m. followed by a 12:30 p.m. tee time. The tournament format is a two-person or four-person scramble (player's choice). The registration fee is \$130 per golfer (early bird rate of \$115 if registered by February 16). Please contact Rob Birrenkott (Rbirrenkott@law.ufl.edu) to learn more about supporting the tournament.

WWW.STRIPLINGMEDIATION.COM

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Minimum Wage Update

By Laura Gross



With the federal minimum wage rate stagnating at \$7.25 since 2009, more states and local governments are passing laws to raise the minimum wage in their respective jurisdictions. The District of Columbia and 29 states provide a higher minimum wage than the federal rate. For 2018, 18 states and 19

cities or counties increased their minimum wage rate which is expected to affect 4.5 million workers. The highest local minimum wages, up to \$15.40, are found in California, New York, and Washington. The five highest state minimum wages are Washington (\$11.50), California (\$11.00), Arizona, and Vermont (\$10.50), and New York (\$10.40). Per federal law, employers must pay whichever rate is higher.

Effective January 1, 2018, Florida's minimum wage rose from \$8.10 to \$8.25 for regular employees and from \$5.08 to \$5.23 for tipped employees (with a maximum tip credit of \$3.02). Florida's minimum wage rate is determined by Article X, Section 24 of the Florida Constitution, passed in 2004, that ties increases to the Consumer Price Index. When the CPI is negative, as in 2016, there is no change in the state's minimum wage. For 2018, the increase was just shy of 2%.

In 2003, a year before the passage of Article X, Section 24 and perhaps precipitating it, the Florida Legislature enacted Section 218.077(2), Fla. Stat., a preemption statute that expressly prohibits subdivisions of the state from establishing a minimum wage. Finding the state minimum wage too low for its residents, the City of Miami Beach in 2016 passed a local ordinance setting the local minimum wage at \$10.31 to take effect on January 1, 2018, with the wage rising \$1 each year to \$13.31 in 2021. The City posited that the 2004 constitutional amendment invalidated the 2003 preemption statute. Last month, the Third District Court of Appeals disagreed, rejecting the local minimum wage as preempted by state law. The City has asked the Supreme Court for review. Florida is among the majority of states, 27, that have preemption laws which prevent municipalities from setting their own minimum wage rates.

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Mr. Barnett graduated from the University of Florida Levin College of Law in 2015 and clerked for the Honorable Philip R. Lammens in the Middle District of Florida, Ocala Division, for a two-year term.

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Professionalism Seminar – SAVE THE DATE

Inexpensive & Enlightening CLE Credits

By Ray Brady

Mark your calendars now for the annual Professionalism Seminar. This year the seminar will be held on Friday, April 20, 2018 from 9:00 a.m. (registration begins at 8:30 a.m.) until Noon at the Trinity United Methodist Church on NW 53rd Avenue. Our speaker will be Mayanne Downs, past President of The Florida Bar, speaking on "A New Approach to Professionalism: Competence, Kindness & Millennials."

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 your email and the *Forum 8* newsletter for reservation information in early February. Questions may be directed to the EJCBA Professionalism Committee chairman, Ray Brady, Esq., at 373-4141.

Reserve Now for the EJCBA February 2018 Luncheon



WHEN: Friday, February 16, 2018 — 11:45 a.m.
WHERE: The Wooly — 20 N. Main Street, Gainesville, FL 32601
PROGRAM: John Stewart, President-Elect Designate, Florida Bar — “Legal Information Technology: Challenges and Opportunities for the Future”
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 12th at Noon at <http://www.8jcba.org/event-registration/feb-2018-luncheon/>**

***\$25.00 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.

Reserve for Upcoming Events

Trial Skills Workshop CLE

Friday, February 23, 2018

Register at

<http://www.educatethe8th.com/>

EJCBA Charity Golf Tournament

benefiting the Guardian ad Litem Program—Friday March 2, 2018.

Lunch and Registration at 11:30am

Register at [http://](http://www.guardian8foundation.org/2018-ejcba-charity-golf-tournament-registration/)

[www.guardian8foundation.org/2018-](http://www.guardian8foundation.org/2018-ejcba-charity-golf-tournament-registration/)

[ejcba-charity-golf-tournament-](http://www.guardian8foundation.org/2018-ejcba-charity-golf-tournament-registration/)

[registration/](http://www.guardian8foundation.org/2018-ejcba-charity-golf-tournament-registration/)

Mark your Calendars for EJCBA Upcoming Events

Spring Fling — Wednesday, April 4, 2018

Leadership Roundtable — Friday, April 13, 2018

Professionalism Seminar — Friday, April 20, 2018

It's #TimetoTakeaCase



FloridaProBonoMatters.org

Search for pro bono matters from your local legal aid programs and submit an interest form.



Change a life starting with a few clicks.

5th Annual Leadership Roundtable

Focus on Intergenerational Relationships in the Legal Profession

By *Stephanie M. Marchman*



Do you get frustrated when a young lawyer only communicates with emojis and then expects to run the place after only being on the job for six months? Or are you exasperated that you have to be in the office 9 to 5, Monday through Friday, just to sit at a computer all day to review documents? If so, you will not want to miss the 5th

Annual Leadership Roundtable on intergenerational relationships in the legal profession.

We are thrilled to announce that Chief Justice Jorge Labarga and American Bar Association President Hilarie Bass, proud Baby Boomers, will join representatives from the Silent Generation (including our very own Frank Maloney), Gen X (AuBroncee Martin and Nick Zissimopoulos), and Millennial Generation (Adam Lee and Caroline Labarga) to discuss this topic. Following the panel discussion,

Continued on page 11

Leadership Roundtable

Continued from page 10

there will be desserts (whoopie pies will be back by popular demand!), small group discussions, and a cocktail networking reception. Ultimately, our goal for this year's roundtable is to better understand generational differences and commonalities, as well as identify potential tools for members of different generations to work together more effectively and enjoyably.

Registration will open soon, but until then, please save the date for the 5th Annual Leadership Roundtable -- April 13, 2018, from 11:45 AM to 5:30 PM, at the Woolly in downtown Gainesville.

Thank you for your generosity!

Thank you so much for your exceedingly bountiful contributions towards the EJCBA Holiday Project to benefit the children of Alachua County HeadStart. You provided new toys to 285 children and over \$3150 worth of books to the 35 HeadStart classrooms. Thank you for having chosen to bless so many this past holiday season!



EJCBA President Meshon Rawls with Chief Judge Toby Monaco after his State of the Circuit Address at the January luncheon

Save The Date

Mental Health and Wellness Town Hall CLE – 3/16/18

The Florida Bar's Special Committee on Mental Health and Wellness of Florida Lawyers will hold a one hour town meeting immediately after the March 16 Bar luncheon for which attendees will receive **1 CLE credit in Mental Health**.

It will be an interactive discussion with the Florida Bar including the luncheon speaker, Scott Rogers, and members of the special committee to discuss what services are available or are needed which could facilitate the mental health and wellness of our members.

Save The Date - Federal Bar Chambers Lunch

Chambers Lunch with U.S. Magistrate Judge Philip R. Lammens
March 22, 2018, starting at noon
United States District Court, Middle District of Florida, Ocala Division
Golden-Collum Memorial Federal Building and U.S. Courthouse
207 N.W. Second Street, Ocala, Florida 34475

\$15.00 for members, North Central Florida Chapter of the Federal Bar Association
\$25.00 for non-members
(lunch included)

For more information and to RSVP, please contact Robert Griscti,
rob.griscti@dellsalter.com, 352/375-4460

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February 2018 Calendar

- 5 Deadline for submission to March Forum 8
- 7 EJCBA Board of Directors Meeting – Room 355C, UF Law, 5:30 p.m.
- 14 Valentine’s Day – show the love!
- 14 Probate Section Meeting, 4:30 p.m., Chief Judge’s Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 16 EJCBA Luncheon, John Stewart, “Legal Information Technology: Challenges and Opportunities for the Future,” The Woolly, 11:45 a.m.
- 19 President’s Day Holiday – Federal Courthouse closed
- 20 Family Law Section Meeting, 4:00 p.m., Chief Judge’s Conference Room, Alachua County Family & Civil Justice Center
- 23 Trial Skills Spring Workshop w/Judge Hulslander, Alachua County Civil and Family Justice Center, 1-5:00 p.m.
- 24 2018 Law & Justice Youth Conference, UF Levin College of Law, 9 a.m. – 3 p.m.
- 28 EJCBA (March) Board of Directors Meeting – Room 355C, UF Law, 5:30 p.m.

March 2018 Calendar

- 2 EJCBA Annual Charity Golf Tournament – “The Gloria,” benefiting the Guardian ad Litem Program, UF Mark Bostick Golf Course, 11:30-5
- 5 Deadline for submission to April Forum 8
- 14 Probate Section Meeting, 4:30 p.m., Chief Judge’s Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 16 EJCBA Luncheon, Professor Scott Rogers, “Theory of Mindfulness,” The Woolly, 11:45 a.m.
- 16 EJCBA Free CLE – Panel Discussion on “Focusing on the Mental Health & Wellness of Florida Lawyers,” 1:00-2:00 p.m.
- 20 Family Law Section Meeting, 4:00 p.m., Chief Judge’s Conference Room, Alachua County Family & Civil Justice Center
- 22 Chambers lunch with US Magistrate Judge Philip R. Lammens, 207 NW Second Street, Ocala, FL 34475, Noon
- 29 UF Law E-Discovery Conference
- 30 Good Friday Holiday – 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.