

FORUM 8

Volume 76, No. 10

Eighth Judicial Circuit Bar Association, Inc.

June 2018

President's Message

By Meshon Rawls



This is it. The time has come for me to pass on the torch. It has been an amazing journey, and I sit in awe as I reflect on all that we have accomplished. At the beginning of my term as President, I set a goal of leaving the EJCBA better than I found it. I hope those of you who have been part of this journey can join me in affirming that we have

made some significant strides and EJCBA has been elevated. The EJCBA Board certainly rose to the occasion and did their part in fulfilling our mission.

We began this year with a very productive Board Retreat. We set clear and manageable goals, which served as our blueprint for the year. The GATHER, GROW, GIVE model is standing the test of time and is the guide we continued to use to make sure we were providing programs that would appeal to a membership that is diverse in many ways. As we wrap up the year, I want to spotlight our BOARD MEMBERS. The success that we have achieved has only been realized because of their selfless dedication to the vision.

Let me begin with some of the contributions made by our Executive Board. Cherie Fine, our President Elect-Designate, shared the responsibility of leading the organization, along with organizing and moderating a panel discussion on Campaigns and Elections and solidifying the plan to offer members the opportunity to attend the UF E-Discovery Conference for a discounted price. Gloria Walker, our President-Elect, in addition to being right by my side, secured a fabulous line-up of luncheon speakers, which included: Anthony Lyons, the City Manager; Keith Long, Investigative Journalist; Mary

Adkins, University of Florida Professor; Michael Higer, Florida Bar President; Toby Monaco, Chief Judge of the Eighth Judicial Circuit; John Stewart, Florida Bar President-Elect Designate; Scott Rogers, University of Miami Professor of Law; Jorge Labarga, Chief Justice of the Florida Supreme Court; and Cameron Newbauer, the Head Coach of UF Women's Basketball team.

Stephanie Marchman, our Immediate Past President, oversaw the Diversity & Inclusion Committee as they planned the Leadership Roundtable. The luncheon remarks by Chief Justice Jorge Labarga and the thoughts of the panel, which consisted of practitioners from each generation, proved to be a great segue into the lively round table discussions on the topic of Intergenerational Relationships. Dominique Lochridge-Gonzales, our Secretary, assumed responsibility for planning the Margaret Stack Holiday Project. In addition to making sure Santa returned, she and her committee collected funds far exceeding the amount needed for all of the books and were able to purchase hundreds of toys for the Head Start Program. Sharon Sperling, our Treasurer, made sure we had a solid budget for the year and kept us abreast of the accounting each month.

As for our general board members, it was my intent to distribute the workload so that everyone could make their highest contribution to EJCBA by focusing on one main area of interest and assisting with other assignments and projects as their time permitted. Kirsten Anderson assumed the responsibility of spearheading the Homeless Youth Legal Network Project. Through this project EJCBA has entered an agreement with the American Bar Association to adopt a shelter in Gainesville. Jan

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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



We Are All In This Together

While scanning the March 15, 2018 edition of The Florida Bar News, we read an article on statistics about attorney mental afflictions.

Apparently, 18% of lawyers have a dependency problem. 19% have high anxiety. 33%

are diagnosed with a mental disorder. Lawyers are 3.6 times as likely to suffer from depression as the general population. Lawyers are twice as likely to commit suicide as the general population. 32% of attorneys struggle with work-life issues. 70% of lawyers would like to change careers.

Reviewing the article in the Florida Bar News prompted us to go to The Florida Bar website. We searched 'professionalism' and found numerous articles discussing lawyers and their mental health.

One article was by Dori Foster-Morales, a Florida lawyer who is chair of The Florida Bar Special Committee on Mental Health and Wellness of Florida Lawyers. She adds some more statistics: 79% of lawyers believe the legal profession is becoming a less desirable career. 33% believe high stress is significant within the profession. The rate of problem drinking among lawyers is twice that of the general population. 92% of lawyers experience stress and 42% experience a great deal of stress. 67% of lawyers report taking two weeks or less vacation per year and 38% report taking less than one week.

As a result of these statistics, Ms. Foster-Morales states the Bar is set to make changes and enhance the mental health and wellness of its members. How? By conducting CLEs to educate firms on how to address these issues with employees and to learn about practical steps towards wellness. By creating a 24/7 hotline for mental wellness. By enhancing the Bar website by outlining related programs. By hosting a symposium on mental health for Bar members. The article by Ms. Foster-Morales lists several other steps being taken by The Florida Bar to address the problems reflected in the mentioned statistics.

Another article on the Bar website is by Patrick Krill, a leading authority on the substance use and mental health problems of lawyers. Mr. Krill is an attorney and licensed alcohol and drug counselor and founded a behavioral health consulting

firm exclusively for the legal profession.

Mr. Krill states that younger lawyers are the most troubled and at-risk group, but no age bracket or experience level within the profession could even remotely be held out as an exemplar of good mental health.

Mr. Krill states lawyers do not seek help for their mental health problems because of fears about their reputation and others finding out they have a problem. He says lawyers are too afraid to do anything about these types of problems.

According to Mr. Krill, studies show that of the 28% of lawyers with mild or higher levels of depression, the majority are experiencing moderate, severe, or extremely severe depression. He concludes, as a result, the numbers are worse than they first appear.

In his article available at The Bar website, Mr. Krill concludes that given the high-stress nature of the legal profession (starting in law school), the connection between stress, poor mental health, and problematic substance abuse ". . . can't be underscored enough." He adds "With technology and our constant state of connectedness only accelerating the pace of an already demanding profession, the stress levels of lawyers don't show any signs of abating."

Interestingly perhaps, we were going to write a humorous article for our end of the year newsletter topic. Then we saw the article in The Florida Bar News, then went to The Bar website, and then started reading more articles, and here we are trying to present an article on a very serious subject involving our profession. We thought that in some small and hopeful way that someone might see this article and be directed to The Bar website. Perhaps our article referencing our concern would serve as a catalyst for the start of something beneficial and helpful. Why? Because we are all in this together.

On a different topic: we once again give our thanks to Dawn Vallejos-Nichols for her admirable effort to make sure the local newsletter gets out each month. Dawn, you do an amazing job.

Thank you, gentlemen; it's easy with great contributors like yourselves. Have a relaxing summer! – Dawn



Criminal Law

By William Cervone



Sometimes it amazes me what the law can spend its time on. And what you can find when plodding through another week's Florida Law Weekly. Such is what we will discuss today. After all, how could anyone resist an appellate decision that begins "One man's trash is another man's treasure." I thought I was reading something

Shakespearean until I got to the next line, "But sometimes it's just another man's nuisance."

As described by the 2DCA in a delightfully written opinion, Carl Cosio lives somewhere in Tampa. His home is of unknown size. What is known is that his front yard is large enough to be "something of a repository for what one might charitably call unwanted miscellany - newspapers, bottles, cans, tubs, barrels, dolls, toys, pickup trucks - all spread out in scattered piles among a prolific overgrowth of trees, shrubs, plants, and wild vegetation." In other words, a dung heap, which is a Shakespearean phrase, or a junk pile, or an eyesore, to say the least. The quantity of these not exactly objects d'art apparently exceeded multiple dump truck loads that required three days to remove and totaled a remarkable 50 tons by one code officer's estimate.

Not that Carl removed it all. That task fell to the City of Tampa. Over what appears to have been roughly three years, Tampa code inspectors regularly visited Cosio and, apparently, asked, begged, sweet talked, cajoled, cited, and otherwise tried to get Cosio to clean up his yard (if not his act) to no apparent avail. The codes people, as they can now and then, reached their fill of Cosio's landfill and declared it to be "a serious public safety and welfare threat." They then moved in, cut down the offending trees and bushes, trimmed the overgrowth, and removed all of it along with the assorted junk, trash and other debris that was lying about. No doubt the neighbors cheered them on. They then charged Cosio with felony littering.

Yes, littering can be a felony. If you have more than 500 pounds of litter or if your litter is more than 100 cubic feet in volume, you may be a felon. So here's our first point: there really was a reason why you took those math and science classes. Otherwise you'd not know what a cubic foot of litter was.

Our next points are somewhat more legal. First, one can indeed litter one's own property. There are,

of course, legal definitions at work here. To litter is to dump, and you may dump litter on private property with the owner's consent unless (another legal nicety or gotcha) you cause a public nuisance. So although one can presume that Cosio consented to himself dumping litter on his own property, he's out of luck because his litter was declared a nuisance by those code guys.

On to our next point. Cosio protested that it was unfair to tag him with the accumulated weight and volume of the various trees and bushes the city cut down and removed. As it turns out, litter is by definition "garbage, rubbish, trash, and refuse," at least for the most part. On this point and under the no doubt well known to all of you legal doctrine *noscitur a sociis*, which translates to the equally arcane principle that a word is known by the company it keeps, Carl wins because "the felled state of the trees and brush [do not] transubstantiate their material into litter." Besides, it was the city that enthusiastically did the felling of this otherwise, per the 2DCA, verdant plant life. "A living tree is not trash," says the court. Besides, Cosio didn't dump the growing things formerly rooted in the earth.

Alas, however, for Carl there appear to have been numerous photographs of his property that established the enormous quantity of accumulated "personal effects" - all of which could easily be deemed litter scattered across the yard - to warrant his ultimate conviction. And so he was.

For the libertarians among you who are appalled that such circumstances could render one a felon, rest assured that Cosio received a withhold of adjudication and a probably meaningless probation. And take heart in the final words of the 2DCA: "Although the State's pursuit of a felony case through a jury trial against an elderly gentleman who hoarded junk on his overgrown yard strikes us as a rather questionable expenditure of criminal justice resources," that is no basis for reversal.

As for me, I'm willing to make a couple of assumptions. First is that none of the DCA judges happen to live across the street from Chez Cosio. Second is that none of the DCA judges have had to endure the loud and long complaints of those good people who do as the irresponsibility of one person literally trashed their neighborhood. Last is that this may be the first and last felony littering opinion that I will read or pass on to you. That said, a happy and restful summer to all, and please remember that you should mow your lawn and pick up your junk.

President's Message

Continued from page 1

Bendik was able to maintain our relationship with the Alachua County Library and the community by ensuring that we had lawyers to present during the Law and the Library series each month. Jan also convinced Lexis Nexis, Rocket Matter, and Schneider and Associates Insurance to sponsor several of our luncheons. Rob Birrenkott, on his second swing at The Gloria, made a hole in one. He put together an all-star team, included the ideas of our innovative young lawyers, and exceeded last year's donation. This year, the committee can rave about raising \$16,630.

Ray Brady did it again. He recruited lawyers and judges to put on our annual professionalism seminar and invited Mayanne Downs, a Past President of the Florida Bar, who set the stage with an engaging and thought-provoking keynote speech. Ray also continued to lead our efforts to provide legal advice to low income persons through our collaboration with Three Rivers, Southern Legal Counsel, and the Ask-A-Lawyer program. Jodi Cason is diligently working on a unique and transformative mentoring program that will launch in August. The program is designed to target a cross-section of students at different stages in their legal career. Katie Floyd, tasked with leading our communications team, increased our social media presence by making sure our events and activities were publicized on our Facebook page. After assessing our concerns regarding our website that was created many years ago, Katie was also able to persuade the board to approve a proposal for a new website.

Derek Folds assisted with our luncheon programs and the Fall Family Friendly Social. She also took the lead in making sure the Spring Fling was executed as planned. Norm Fugate, as he has done in the past, did an exceptional job hosting the Jimmy C. Adkins, Jr. Cedar Key dinner and the Side Bar. This year we had approximately 100 people in attendance, including Supreme Court Justice Alan Lawson. Dean Galigani jumped in head first and took on the challenge of organizing our Fall Family Friendly Social. In collaboration with Adam Lee and the Young Lawyers Division, Dean decided to have this event on a Sunday afternoon at Depot Park because of the numerous conflicts with the UF Football schedule. The families who attended enjoyed music, food, and kid-friendly activities at an amazing venue. The snow cones and face painting were an added bonus, and Sunday afternoon proved

to be a very appropriate time.

Courtney Johnson organized the bus to Cedar Key and did all of the planning for the 4th Annual Spring Fling. She ventured out this year and invited a new band and caterer. The change was welcomed and added a different flare to the event. Tee Lee has reported that more than 30 CLE credits were made available to members, and the majority of the credits were free. Some of the programs for which we received credit included the Overton Lecture Series, co-sponsored by the Center for Governmental Responsibility, the Mental Health and Wellness Town Hall organized by Carl Schwait, and "Educate the Eighth," the Trial Practice Series developed by Judge Victor Hulslander. Frank Maloney, our Historian, took pictures to memorialize our events and has teamed up with Lauren Richardson on an Oral History Project, which we plan to unveil at the Annual Dinner.

George Nelson is a board representative from Baker County; and he attended most, if not all, of the major events, despite the distance. He assisted with the Fall Family Friendly Social and served on the Judicial Poll committee. Peg O'Connor was instrumental in putting the pieces in place for us to move forward with entering an agreement to upgrade our website. Monica Perez-McMillen continued to develop ideas for recruiting, retaining, and reclaiming members. The last count received for membership was 454. Her plans are evolving and members can expect to see more in the upcoming year. Star Sansone served on the Golf Tournament and the Policies and Bylaws committee. Aside from committee assignments, she was always available to assist as needed. Dawn Vallejos-Nichols faithfully worked to ensure that our newsletter, the *Forum 8* was published from September through June. Like clockwork, all newsletter contributors were sure to receive the gentle reminder that articles are due on the 5th of each month.

As you see, I was supported by a dynamic team. Words can't express my gratitude for all the support they gave me. I am certainly grateful for their time and efforts, and proud to call them my friends. I would like to conclude my tenure just as I began it, with the words of Maya Angelou: "People may not remember what you did, they may not remember what you said, but they will always remember how you made them feel." I will always remember the 2017-2018 EJCBA Board and the experience of being your President.

Three Rivers Legal Services Awarded Pro Bono Innovation Grant

By Marcia Green



A small new grant from the Florida Bar Foundation will enable rural clients to interact with volunteer attorneys through the use of video technology. The Three Rivers Legal Services project will employ a part-time paralegal who will travel to small and remote communities to meet with clients and assist in pre-scheduled video appointments

with pro bono attorneys.

Three Rivers has discovered that a large segment of rural communities have difficulty engaging in the technologically advanced communications used by many service providers and government agencies. With added transportation costs and difficulties, rural residents, especially families and seniors, are often left without access to needed resources.

Three Rivers is partnering with the Tri-County Community Resource Center in Chiefland, the New River Library Cooperative and other agencies that serve the rural communities in the Eighth Judicial Circuit. Students from the University of Florida Levin College of Law will provide the added bonus of reaching out, tabling and making presentations in the communities to inform residents of the availability of legal help.

This is an opportunity to share your legal expertise to the greatly underserved rural residents without leaving the convenience of your office or home. Let us know how you can help and join us in once again showing off the generosity, creativity and inventiveness of our local legal community. We look forward to working with the attorneys in Gainesville and the Eighth Judicial Circuit. Available? Contact marcia.green@trls.org

Circuit Notes

The Eighth Judicial Circuit Bar Association is featured as a model of collaborative pro bono service for its work with Southern Legal Counsel, Three Rivers Legal Services, UF Levin College of Law, the public defender's office and others to address targeted problems and populations. The Ask-A-Lawyer and Homeless Youth Legal Network projects are featured in the article. See pp. 12-13 of the May 2018 edition of The Florida Bar Journal or read the entire article [here](#).



EJCBA President Meshon Rawls at the May luncheon



UF Women's Basketball Coach Cameron Newbauer was our May luncheon speaker



EJCBA Board Member George Nelson, Judge Colaw, Judge Davis and Judge Lancaster at the May luncheon



Thank you to the staff at The Woolly, our home for the 2017-2018 EJCBA luncheons



George Nelson and Judge Colaw listen to Coach Newbauer at the May luncheon



EJCBA President-Elect Designate Cherie Fine asks a question at the May luncheon



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

2018 Annual Dinner and Meeting

*Thursday, June 7, 2018,
6:00 pm until 8:30 pm
(Cocktails 6:00 pm – 7:00 pm)*

*at the
Harn Museum of Art
3259 Hull 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*

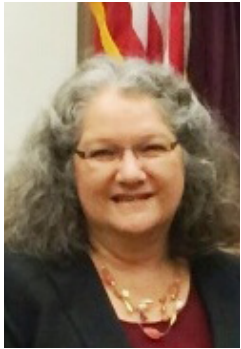
*[http://www.8jcba.org/event-
registration/2018-annual-
dinner/](http://www.8jcba.org/event-registration/2018-annual-dinner/)*

*Cocktails and Buffet
Dinner Included*

*Reservations must be
received no later
than May 31st*

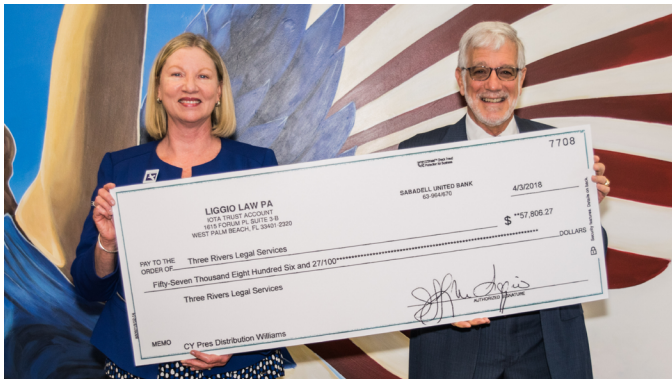
Unclaimed class action settlement is good news again for Three Rivers Legal Services!

By Marcia Green



This spring, several legal aid agencies, including Three Rivers Legal Services, split more than \$1.5 million from a class action lawsuit as part of a judgment against Heritage Propane. Heritage, now Amerigas, was sued by Jeff Liggio of Liggio Law in south Florida. Heritage had

started charging rental fees for underground propane tanks installed years earlier even though the original sales contracts made no mention of rental fees. Twelve years later, the 70,000 class of Florida customers won a \$21 million judgment.



Chris Larson, Executive Director of TRLS, and attorney Jeff Liggio hold a check made out to Three Rivers Legal Services in the amount of \$57,806.27

When a class action suit is settled, full restitution to all of the plaintiffs is sometimes impossible. Oftentimes, all members of the class cannot be found, as in the Heritage case, because of poor record keeping on the part of the propane company. Under *cy pres* rules, the court can approve a charitable donation or a direct grant out of unclaimed class action funds in lieu of damages to vindicate class member rights in the future. A *cy pres* often then acts as to deter future violations.

The term *cy pres* doctrine comes from Anglo-French, meaning “as near as may be.” According to the MerriamWebster Online Dictionary, it is “a rule providing for the interpretation of instruments in equity as nearly as possible in conformity to the

intention of the testator when literal construction is illegal, impracticable, or impossible —called also *cy pres* doctrine.” For Three Rivers Legal Services, our \$57,806.27 simply means GOOD NEWS!

In addition to the legal aid programs statewide, money was allocated to the Salvation Army for utility bill assistance, the Florida Bar Foundation and the Florida Justice Association Research and Education Foundation.

Florida Federal Court: DACA Discrimination Suit Can Proceed

By Laura Gross



A Florida federal court recently denied a motion to dismiss filed by The Proctor & Gamble Company (“P&G”) and allowed a proposed class action complaint for alienage discrimination in employment to proceed. *Rodriguez v. The Proctor & Gamble Company*, Case Number 1:17-cv-2265 (S.D. Fla. March 30, 2018).

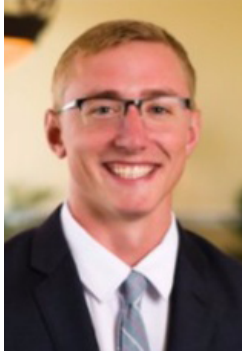
The action was filed under 42 U.S.C. § 1981 by a Venezuelan national residing in Miami, who is authorized to work under the Deferred Action for Childhood Arrivals (“DACA”). When his employment application was denied, he was told by the P&G recruiter that he was not eligible to be hired because “per P&G policy, applicants in the U.S. should be legally authorized to work *with no restraints on the type, duration, or location of employment.*” Plaintiff also learned that some P&G job postings stated that “candidates must be a U.S. citizen or national, refugee, asylee or lawful permanent resident.”

Section 1981 provides in relevant part: “All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts...as enjoyed by white citizens...” 42 U.S.C. § 1981(a).

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Better Rest

By Michael Alvarez



June 21st marks the first day of summer! As we move into this time of vacations, extended weekends, and summertime fun, I thought it would be beneficial to think about how to get more out of our rest. Lawyer mental health has become a primary focus of the Florida Bar in recent years.

There is an entire column series about mindfulness directed at increasing awareness of mental health issues and improving the mental well-being of lawyers.¹ Last month was Health and Wellness month for lawyers.² So in the spirit of being mindful of our mental health, I want to give some quick tips on how to get more out of our leisure.

First, let's talk about what we are doing wrong. It's Friday, you finished up your work, and you head home for the weekend. Ah, time to relax. You get into your favorite sweats, grab the remote, pour a glass of wine, and hunker down on the couch to binge that show on Netflix or Amazon that everyone is talking about (if you missed it, *The Marvelous Mrs. Maisel* on Amazon is fantastic) or you head to the bar to watch the game. Rinse and repeat over the next two days, and now it is Monday and time to get back to work. You spent the whole weekend resting, but yet you still feel tired on Monday. What went wrong? The problem is that your leisure was too casual. "Casual leisure pursuits are short lived, immediately gratifying, and often passive; they include activities like drinking, online shopping, and the aforementioned binge-watching."³ These types of leisure activities cause the brain to release dopamine providing instant soothing comfort. Our work weeks are hectic. We move at 100 mph for as long as possible and then collapse at the end of the day or end of the week and these pursuits provide immediate, albeit short-lived, relief.

Time to get serious about our leisure. "**Serious leisure** is the systematic pursuit of an amateur, hobbyist, or volunteer core activity that is highly substantial, interesting, and fulfilling and where, in the typical case, participants find a career in acquiring and expressing a combination of its special skills, knowledge, and experience."⁴ Serious leisure leads to "eudaimonic" happiness as opposed to the quick release of dopamine. Eudaimonic happiness is based on the Aristotelean pursuit of a virtuous life and Maslow's ideal of "self-actualization."⁵ While casual,

passive leisure makes us feel good for the moment, serious leisure leads to personal growth, a higher sense of self-worth, and ultimately more energy.⁶

So, what does a weekend of serious leisure look like? Seek flow. Flow is the state of effortless concentration and enjoyment that occurs when you are fully entranced in what you are doing.⁷ Time drifts by without a thought and our brain is firing on all cylinders. Flow is easy to find at work and harder to find in leisure, but it is essential to our mental well-being. Bottom line, flow makes us feel good. Be purposeful in leisure by seeking out activities that induce flow.

Here are four ways to pursue serious leisure and increase flow:

Socialize. Digital networks do NOT count; social media has the opposite effect.⁸ Human interaction reduces depression, strengthens our immune system, increases mental acuity, and wards off cognitive decline.⁹

Hobby. Participating in hobbies is a great way to induce flow. Flow only occurs about 13% of the time while watching TV, but occurs over 34% while participating in a hobby, and over 44% when playing a sport or game.¹⁰ So pick up knitting or go play tennis; whatever keeps your mind focused!

Volunteer. Altruism creates purpose and meaning, which in turn gives you more confidence by making you feel effective and capable.¹¹ It is also a great way to socialize!

Play. This is something that becomes harder to do as we age because play is something kids do, right? Wrong! We don't stop playing because we grow old, we grow old because we stop playing.¹² Though it sounds antithetical to the idea behind serious, purposeful leisure, when we play we enter the state of flow without a known outcome or necessary beginning or end. Play has numerous health benefits including relieving stress and boosting energy.¹³ It also improves our connections with others, thus increasing the benefits from socialization.

So, as you head to the beach for the weekend to relax, think about how to get more out of your rest. Instead of sitting under the umbrella, drinking your margarita, and napping, take some time to build a sand castle with your children or significant other, pick up trash as you walk the beach and play like a kid! You will feel better and come back more energized than ever to tackle your next case.

Endnotes on page 10

Better Rest

Endnotes

Continued from page 9

- 1 <https://www.floridabar.org/news/blog/new-mindfulness-series-the-mindful-lawyer/>
- 2 <https://www.floridabar.org/news/may-is-health-and-wellness-month-for-florida-lawyers/>
- 3 <https://qz.com/1012585/the-best-weekend-activities-are-most-likely-not-the-ones-youre-currently-doing/>
- 4 <https://www.seriousleisure.net/concepts.html>
- 5 <http://positivepsychology.org.uk/the-concept-of-eudaimonic-well-being/>
- 6 *Id.*
- 7 <https://www.psychologytoday.com/us/articles/199707/finding-flow>
- 8 <https://www.theatlantic.com/magazine/archive/2012/05/is-facebook-making-us-lonely/308930/>
- 9 Debra Umberson & Jennifer Karas, *Social Relationships and Health: A Flashpoint for Health Policy*, *Journal of Health and Social Behavior*, 51(S) S54–S66 (2010); Montez <https://www.highbeam.com/doc/1G1-373370960.html>
- 10 <https://www.psychologytoday.com/us/articles/199707/finding-flow>
- 11 Cassie Mogilner, Zoë Chance, & Michael I. Norton, *Giving Time Gives You Time*, *Psychological Science* 23(10) 1233–1238 (2012).
- 12 G. Stanley Hall, *Adolescence: Its Psychology and Its Relations to Physiology, Anthropology, Sociology, Sex, Crime, Religion and Education* (1904), [p. 235](#)
- 13 <https://www.helpguide.org/articles/mental-health/benefits-of-play-for-adults.htm>

DACA Discrimination Suit

Continued from page 8

This includes discrimination in the making and enforcing of employment contracts. P&G conceded that Plaintiff was a member of a protected class (alien) and the alleged discrimination concerned one of § 1981's enumerated activities (employment). P&G moved to dismiss the complaint arguing that Plaintiff had alleged a claim based on his temporary immigration status which is not protected – rather than his alienage – and that the policy challenged did not affect all immigrant applicants, only those with temporary status.

Citing 11th Circuit precedent, the court noted that discrimination in employment based on alienage is prohibited by § 1981. The court also relied on a New York federal court decision involving a DACA recipient who was denied employment based on Northwestern Mutual's policy to only hire U.S. citizens and green card holders. The New York court had concluded: "allegations that [plaintiff's] application was rejected pursuant to a policy that expressly denies employment to lawfully present aliens without green cards – a protected subclass – suffice to state a claim under § 1981."

In denying the motion to dismiss, the Florida federal court pointed out that P&G's policy could be construed to affect a subset of legal aliens, a protected class, and that Plaintiff was not required to allege discrimination against the whole class under § 1981. The suit now proceeds seeking damages, back pay, declaratory judgment, and injunctive relief.

June 2018 Calendar

- 7 EJCBA Annual Dinner and Meeting, 6-8:30 p.m., Harn Museum of Art
- 13 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 13-16 2018 Annual Florida Bar Convention, Hilton Orlando Bonnet Creek
- 19 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center

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.