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FALL/WINTER 2025



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OUR MISSION

To actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and community at large.

To achieve these goals, FAWL will uphold the highest standard of integrity, honor and courtesy in the legal profession, promote reform in law and facilitate administration of justice.

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It is with deep appreciation and pride that I introduce the Fall/Winter 2025 edition of the FAWL Journal. This issue reflects the extraordinary dedication, intellectual rigor, and professionalism of the authors who have contributed their time, expertise, and voices to our collective work. To each contributor—particularly those joining the Journal’s pages for the first time—thank you for your commitment to thoughtful advocacy and meaningful dialogue. Your scholarship strengthens not only this publication, but the profession we serve.

This edition arrives at a moment that calls for reflection. As lawyers, our words are our tools. They inform, persuade, protect, and, at times, inflame. Throughout this issue, our authors explore trauma-informed advocacy, conscientious lawyering, mediation, mentorship, constitutional history, and civic responsibility. A unifying theme emerges: the law does not operate in a vacuum. Our words and actions have real consequences for real people, and with that reality comes responsibility.

FAWL is, at its core, a professional society committed to integrity, dignity, and the advancement of justice. There is no place in a civil society—or within our profession—for political violence, nor for rhetoric so extreme, slanderous, or inflammatory that it risks inciting harm. The First Amendment is a cornerstone of our democracy and must be respected and protected. At the same time, it cannot be treated as a loophole to excuse language that dehumanizes, endangers, or undermines the rule of law. Free expression and professional responsibility are not mutually exclusive; they are complementary obligations.

A healthy marketplace of ideas depends on the ability to disagree vigorously yet constructively. As attorneys, we must be able to articulate divergent views without resorting to personal attacks or rhetoric that escalates division. The articles in this issue remind us that advocacy grounded in empathy, clarity, and restraint is not weakness—it is strength. It is how trust is built, disputes are resolved, and justice is advanced.

My hope, as Journal Director, is that this edition invites each of us to be mindful and intentional in how we communicate—on the page, in the courtroom, and in the public square. Words matter. They can heal or harm, unite or divide. Let us choose them carefully, guided by conscience, professionalism, and respect for differing viewpoints.

Thank you for reading, for engaging, and for continuing to uphold the highest standards of our profession.

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Beyond the Claim: Integrating Trauma-Informed Principles into Injury Law Practice

By Tiffany Fanelli, Esq.



Tiffany Fanelli

I. Introduction

Personal injury attorneys routinely encounter individuals who are navigating challenging and deeply vulnerable moments. The physical injuries, psychological shocks, and sudden life disruptions that accompany accidents and medical crises often trigger trauma responses that shape the attorney-client relationship in subtle, but consequential ways. Trauma may impair memory, disrupt communication, impede decision-making, and affect a client's comfortability in placing trust in others. Despite this reality, conventional personal injury practice often overlooks the psychological impacts and has historically centered on liability, causation, and damages alone. Trauma-informed lawyering seeks to address this gap by recognizing the client as a whole person, rather than just their claim. This article addresses the importance of trauma-informed lawyering in personal injury cases, reviews communication issues that can arise with clients impacted by trauma, and presents practical ways to implement trauma-informed lawyering within law firms.

II. Understanding Trauma and Its Legal Relevance

Trauma is commonly defined as an emotional or psychological response to a distressing, frightening, or threatening event. In personal injury cases, trauma commonly arises from motor vehicle crashes, major medical events, domestic violence, and chronic pain conditions. Its manifestations often extend well beyond the trauma-inducing incident, and can significantly affect a client's ability to participate in litigation.

Substance Abuse and Mental Health Services Administration's (SAMHSA) 6 guiding principles to a trauma-informed approach – Safety, Trustworthiness and Transparency, Peer Support, Collaboration and Mutuality, Empowerment Voice and

Choice, and Cultural, Historical, and Gender Issues – provide a framework for understanding how trauma can affect both clients and professionals. Trauma can influence how clients remember events, manage their emotions, and communicate with counsel. As a result, attorneys must account for these impacts to meet their professional obligations of competence, diligence, and informed communication with clients.

III. Communication Challenges with Traumatized Clients

Trauma can profoundly influence how clients communicate, often resulting in behaviors that may be misinterpreted by attorneys. Memory fragmentation can lead to inconsistent timelines, while cognitive overload may make processing complex legal information challenging. Clients may also exhibit fight, flight, or freeze responses, manifesting as anger, irritability, or silence. Avoidance behaviors such as unreturned calls or delayed submission of paperwork are common in personal injury cases with clients who have experienced trauma. Clients can experience heightened sensitivity to tone or perceived criticism. For example, a client who freezes during deposition preparation may be mistakenly perceived as unprepared. A client who has experienced trauma may omit key details during a deposition, not out of deceit, but because memory gaps or stress interfere with their recollection. Another example can be seen with a crash survivor who avoids discussing the accident altogether because it triggers upsetting memories or anxiety. When attorneys mistake these behaviors for resistance, evasiveness, or unreliability, they can unintentionally damage trust, slow case preparation, and make it harder to build a strong working relationship with their clients. Understanding that these behaviors stem from trauma, not intention, is key to providing effective support and representation.

IV. Implementing Trauma-Informed Practices in Personal Injury Firms

Integrating trauma-informed principles into a law firm does not mean turning the office into a therapeutic setting. Instead, it's really about making small, practical changes that help cli-

ents feel safer and more supported during your representation. Intake staff can be trained to ask questions calmly and without pressure, avoiding the need for clients to relive every detail right away. Giving clients choices about how and when meetings happen can help them feel more in control. Firms can ensure that client meetings are quiet, private and without time limitations. Remote meetings can accommodate clients with anxiety, safety concerns, or physical limitations. In practice, our team has found that providing clients with brief written follow-up summaries after key discussions significantly reduces confusion, supports memory gaps, and increases trust. This is a trauma-informed adjustment that requires little effort but meaningfully improves the attorney–client relationship.

Initiating more frequent breaks during depositions, mediations, or long meetings can help clients stay focused and engaged. Using both email and text reminders is another simple way to help clients keep track of deadlines and appointments. It’s also important to remember that attorneys and staff can experience secondary stress when working with clients who have experienced significant trauma. Providing opportunities for peer support, debriefings, and guidance from supervisors is key to supporting your staff’s well-being and resilience.

V. Professional Duties Through a Trauma-Informed Lens

Trauma-informed practice aligns closely with already established professional and ethical obligations. By recognizing how trauma can impact memory, attention, and emotional regulation, attorneys can better fulfill their duty of competence under Rule 4-1.1 of the Florida Rules of Professional Conduct ensuring legal advice is communicated clearly and effectively. Rule 4-1.4 further underscores the importance of communication, requiring attorneys to make sure clients genuinely understand settlement terms, procedural requirements, and strategic advice provided by attorneys.

Some practical ways to meet ethical responsibilities in trauma-informed lawyering include pacing interviews, adjusting your tone, offering words of encouragement, and taking breaks to avoid re-traumatizing clients. It’s also important to watch for signs that a client is overwhelmed or confused and to provide clear and repeated explanations of deadlines and settlement options, if necessary, so clients can make informed decisions. Attorneys can support trauma-informed practices across the profession by participating in CLE programs and collaborating with domestic violence advocates, mental health professionals, and community providers to help improve how the legal system responds to trauma. Several FAWL chapters work closely with domestic violence support organizations that offer resources to individuals who may later become clients. Building partnerships with these types of groups and familiarizing yourselves with the

services available can help attorneys gain a deeper understanding of their clients’ experiences and the challenges they have faced.

VI. Looking Ahead: A More Human Practice

Trauma-informed lawyering strengthens client participation and trust while improving the overall quality of representation. It promotes more accurate fact-gathering, smoother case development, better cooperation, and higher client satisfaction. Implementing these practices doesn’t require sweeping changes. Making small adjustments in your practice can make a meaningful difference. This approach puts professionalism into practice by prioritizing respect, dignity, and client-driven representation.

As the legal profession evolves, trauma-informed principles help us practice with greater clarity, compassion, and effectiveness. At Kogan & DiSalvo, these approaches increasingly shape how we communicate, prepare clients, and support our teams, reinforcing our commitment to ethical, human-centered advocacy across Florida.

Tiffany Fanelli is a litigation attorney at Kogan & DiSalvo, representing clients in personal injury and negligence cases across Florida. She also accepts referrals for litigation matters and partners with attorneys statewide to ensure timely, ethical, and effective case outcomes. She currently serves as the 2025-2026 FAWL Chapter Representative for the South Palm Beach Chapter of FAWL.

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Navigating Mediation Waters with Your Client

By Judy Johnston and Kim Herd



Judy Johnston



Kim Herd

Mediation is an alternative resolution dispute process that helps attorneys and their clients reach a settlement agreement pre-suit or pre-trial. The cornerstone of the mediation process is a neutral mediator who provides an opportunity for clients to voluntarily negotiate their claims in a confidential setting, while exercising self-determination and maintaining control over potential outcomes. Attorneys are instrumental in preparing clients for mediation by setting realistic expectations, fostering effective communication, and empowering meaningful participation throughout the process.

Understanding the Client's Perspective

A legal dispute whether in pre-suit or in litigation is very stressful for most clients. While attorneys focus primarily on the merits of the claim, their clients are worried about a myriad of other issues. Many individuals facing legal proceedings experience significant stress and uncertainty, including:

- Financial strain and concerns about how to pay court costs and attorneys' fees;
- Fear of sitting for a deposition or testifying in court;
- Uncertainty about whether they'll succeed in court and how long the legal process will be dragged out; and
- The emotional toll of a lengthy court battle.

A negotiated settlement can help reduce the parties' stress and help them save money by avoiding litigation expenses. Among the most significant benefits of mediation are its ability to facilitate timely resolution and to empower clients with more control over the outcome.

The Importance of Client Preparation

Attorneys have a pivotal role in maximizing the value of mediation. A successful mediation requires in-depth preparation of the client in advance. Clients who come

to mediation with reasonable expectations are much more successful in reaching a settlement. When parties arrive at a mediation without being prepared to compromise, the chances of getting the outcomes they want is greatly reduced. Explaining

what can happen if the matter is not resolved during mediation and instead proceeds to court, also helps facilitate a client's understanding of the importance of approaching mediation with an open mind and a genuine commitment to the process.

As with any court-related process, thorough preparation is key. It is important to go into mediation with an understanding of all relevant documents and records. Depending on the type of mediation, these could include financial affidavits and supporting documentation, business valuations, home appraisals, school and medical records, repair estimates, and other pertinent information that is needed to come to a final resolution of a matter. Attorneys can significantly maximize the time allotted for mediation by helping clients clarify their priorities in advance.

Courtesy and Respect

A word about courtesy. Mediation participants should be prepared to listen carefully without interrupting when the other side speaks. Offending the other side is rarely helpful in getting a dispute resolved. Similarly, digging in and refusing to consider new information is also problematic. Flexibility and creativity can carry the day. Attorneys play a key role in preparing their clients to be receptive to new information or perspectives shared by the other side and to be open to creative solutions proposed by the mediator.

The Mediator's Role

Fostering better communication between the parties is a key benefit of the mediation process. A mediator can remove obstacles to communication by reframing issues, relaying new information, and helping the parties to once again feel comfortable talking through an issue when previous conversations may have stalled or become too emotional. Mediation provides a safe environment where the parties can learn things about the other side's perspectives regarding the underlying dispute that they may not have had the opportunity to learn or previously consider during prior conversations. Viewing the dispute through a wide-angle lens, mediators can introduce "out of the box" and creative ideas to benefit both sides.

Defining Success

How do you define success in mediation? The prepared client has thought through "secondary wins." And the secondary wins are not framed as losses going into the mediation. Although what is most important to many clients is the settlement "number," validation of the client's position is often key to resolution. Sometimes even when a mediation results in impasse, success

can be found. Perhaps the mediation has helped the parties streamline the issues so that a deal can be reached in the future. Or maybe the issues are narrowed, resulting in fewer issues to resolve at trial and consequently, a less costly litigation process.

During a successful mediation, both sides end up walking away feeling like their point of view was heard and validated. Typically, the parties settle for less than they may have hoped for, but they leave mediation with an agreement they can live with and no longer have to worry about the stress and cost of a lengthy litigation process. Sometimes, the parties may decide that not reaching a resolution is ultimately in their best interests. Regardless of the outcome of the mediation, if the parties are well-prepared and come willing to roll up their sleeves and put in the work to try to resolve the matters in dispute, the process is much more likely to be a positive and productive experience for them.

Judy Johnston is a Florida Supreme Court Certified Circuit and County Court Mediator. She is a MN licensed attorney with more than 20 years of experience in trial practice in MN. She has also trained attorneys, judges, physicians and community members. She is the founding member of Johnston Mediations and can be reached at JohnstonMediations.com. Creative solutions to tough problems.

Kim Herd is a Florida Supreme Court Certified Circuit and County Court Mediator. She previously worked as an attorney in the District of Columbia and Minnesota, focusing on criminal justice and victims' rights and services matters. As the founder of Fair Winds Mediations, she can be reached at: KimHerd@fairwindsmediations.com.



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The Conscientious Lawyer: Rehumanizing the Practice of Law

By Rachel Gonzalez, Esq.



Rachel Gonzalez

con·sci·en·tious

/ˌkän-shē-'en-shəs/

adjective

guided by or in accordance with one's conscience; acting with careful attention, intention, and a sense of responsibility; wishing to do what is right, with thoroughness, honesty, and awareness of the impact of one's actions

Conscientious lawyering is the art of practicing law with awareness of the whole human experience. It's rooted in the belief that every client, case, and conflict exists within a web of interconnected lives. Our duty as

lawyers isn't just to apply the law, but to understand the human stories it's meant to serve.

Our clients are not blank slates; they are parents, business owners, survivors, dreamers. They carry mental health struggles, cultural identities, religious and spiritual beliefs, and deeply personal ways of coping with life. They have different core beliefs about the world, MBTI/DISC profiles, trauma histories, attachment styles, and communication preferences. They don't live in a vacuum, and neither should our strategies.

Conscientious lawyering means seeing all of this as relevant. It means crafting legal approaches that are not only technically or logistically sound, but equally emotionally and psychologically intelligent. When we meet people where they are, human to human, we can create solutions that actually hold, not just win.

The Pillars of Conscientious Lawyering

Presence

Presence is power. It's the ability to walk into a room and stay centered, to listen deeply, to pause before reacting. When we're present, we don't just hear facts, we perceive the emotional and energetic landscape of a case. We can sense when to push, when to yield, and when silence will say more than words ever could. Presence turns advocacy from reaction into intention.

Empathy and Human Understanding

Empathy isn't weakness; it's insight. When we understand a client's world, particularly how trauma, culture, or personality shapes their choices, we stop labeling behavior as "difficult" and start seeing it as data. Empathy helps us design strategies that fit the person, not just the problem. It transforms conflict into clarity. A conscientious lawyer doesn't just represent a name on a court docket. We represent the full human story behind that name.

A Quiet Shift in Perspective

In family court, I've seen tears on both sides of the table: people fighting not just for their families, but for their dignity. I've seen attorneys, myself included, running on fumes, armor on, hearts half-shut just to survive another day. Somewhere between discovery, pleadings, and rulings, something human gets lost. One afternoon, sitting in court and feeling the weight of everyone's stress in the room, I caught myself wondering something simple but radical: *What if we just treated people like people?*

That moment became the beginning of what I now call conscientious lawyering—a philosophy of practice that I believe can shift our profession, if we're willing to receive it with openness and honesty. It's about bringing awareness, empathy, and integrity back into our profession. It's about remembering that behind every file number is a living, breathing human being navigating one of the hardest and most uncomfortable chapters of their life.

Recognizing the Need for a New Approach

The legal field has, for too long, been shaped by a culture of quiet suffering. Studies from the American Bar Association¹ and the Institute for Well-Being in Law² continue to report staggering rates of burnout, suicide, depression, and substance use among attorneys. Many of us entered this field wanting to make a difference, but somewhere along the way, we learned to numb ourselves in order to stay afloat.

Our clients feel that disconnection too. They come to us seeking clarity and end up meeting our exhaustion. Somewhere in the noise of deadlines and disputes, the heart of this work, the human part, fades into the background. But what if the problem isn't just systemic? What if it's philosophical?

Integrity

Integrity is the quiet force that builds trust. It's showing up with your actions, your words, and your attitude in alignment, especially when no one is watching. It's choosing transparency over posturing, truth over shortcuts. It's remembering that every motion we file, every deal we strike, carries ripples that touch real lives. Integrity isn't about perfection. It's about congruence and consistency.

Interconnectivity and Creative Solutions

Law doesn't happen in isolation, it happens in the ecosystem of people's lives. A divorce affects not just two adults, but children, co-parents, and extended families. A business dispute affects employees, communities, and financial ecosystems. When we understand this, our approach changes. We begin to think more creatively, more holistically.

Sometimes the best legal solution involves collaboration with a therapist, financial planner, or parenting coordinator. Sometimes it means designing an agreement that honors cultural or niche familial needs the law doesn't account for. When we approach the practice of law as a living system, our resolutions become more sustainable and more humane. Justice breathes easier when we allow it to be creative.

Energetic Sustainability

We cannot pour from an empty cup. Conscientious lawyering includes preserving and prioritizing our own wellbeing through mindfulness, exercise, journaling, religious/spiritual practice, or simply saying no when needed. We hold so much space for others that we often forget to tend to our own. But inner regulation isn't indulgence, it's professional maintenance. We can't hold space for justice if we're collapsing inside.

The Call to Conscious Evolution

To practice law conscientiously is to remember why we took the oath in the first place. We are advocates, yes. But we are also healers of systems, weavers of futures, and alchemists of human pain into pathways forward. As lawyers, we have the power and platform to usher change. Right now, we stand at the frontier of this shift.

We have the capacity to change not just outcomes, but the tone of justice itself. Our empathy, intuition, and emotional intelligence are not soft skills; they're strategic powerhouses. Change begins with one conversation, one motion, one mindful breath. When we start bringing presence and compassion into the courtroom, we don't just practice law, we evolve it.

1. See Monique White, *Attorney Well-Being: A Pressing Concern for the Legal Profession*, A.B.A. Litigation Section—Solo & Small Firm Newsletter (Nov. 20, 2024); see also Patrick Krill, *2024 Attorney Well-Being Report: The Divide Between Health & the Legal Industry* (Bloomberg Law Sept. 2024).
2. See *Nat'l Task Force on Lawyer Well-Being, The Path to Lawyer Well-Being: Practical Recommendations for Positive Change from the National Task Force on Lawyer Well-Being* (Aug. 2017).



McGlinchey Stafford, along with our Florida women attorneys and all of the members of **Uplift**, our Women's Initiative, are proud to support the **Florida Association for Women Lawyers** in its mission to promote **gender equality** and the **advancement** of its members to positions of **leadership** in the legal profession, judiciary, and community at large.



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OFAWL:

A Small Chapter with a Big Impact



The Okaloosa Florida Association for Women Lawyers (OFAWL) is a small chapter with a big community impact. In 2014, OFAWL was founded by five local attorneys seeking to provide support and camaraderie for fellow women lawyers. OFAWL provides social, networking, and philanthropy opportunities for members. Annual community contributions include fundraising for breast cancer research, Toys for Tots, and a clothing drive for Dress for Success supporting Emerald Coast Women of Distinction. In support of legislative changes, OFAWL obtained a grant from FAWL to purchase supplies for a courthouse lactation space. OFAWL recognizes the contributions of our members through FAWL awards and the Women's Hall of Fame. Many members have made lifelong friendships supporting each other in difficult times and in our successes. This year, OFAWL is proud to recognize our first member to serve on the FAWL Board, President Jennifer Gutai Comella. While OFAWL's Chapter size is small the impact that we have on each other's lives is immeasurable.





Mentors Matter:

How the Florida Guardian ad Litem Office and FAWL Members Are Changing Futures



Each of us hopes to make the world a little better. Through FAWL in Love with GAL, pro bono attorneys have the unique opportunity to do exactly that—by serving as mentors to older youth in foster care who are moving toward aging out of the system and preparing for adulthood.

FAWL in Love with GAL is a statewide partnership between the Florida Association of Women Lawyers and the Florida Guardian ad Litem Office. Together, we connect FAWL members with teens in foster care who benefit from having a consistent, supportive adult as they navigate the transition to adulthood. The partnership brings together compassionate legal professionals with young people who need guidance, encouragement, and someone who believes in their potential.

Every year in Florida, hundreds of teens age out of foster care. Many do so without a consistent adult to turn to for guidance, reassurance, or help navigating major life decisions. These young people are stepping into adulthood with courage—but far too often, without a support system.

The Florida Guardian ad Litem Office connects teens in foster care with positive, supportive role models from

their communities—mentors who understand life’s challenges and can offer perspective, consistency, and encouragement. These relationships are deeply personal and meaningful: mentors help young people build confidence and develop the skills they need to pursue a stable future.

Teens often face unique hurdles as they approach adulthood, but with a committed mentor, they can overcome barriers, set goals, and gain confidence in their ability to thrive. Mentors walk beside them as they pursue education, seek employment, explore housing options, or learn essential life skills. Sometimes, it’s as simple as being the person who answers the phone.

One teen recently shared her excitement about getting her first job. She wasn’t sure how to apply, how to prepare for the interview, or even what to wear. Her mentor stepped in—helping her complete the application, taking her shopping for professional attire, and practicing interview questions until she felt ready. They celebrated her first part-time job together, a milestone that set her on a path to independence.

For another young man, graduation felt out of reach. He would be the first in his family to earn a high school diploma.

His mentor helped him stay on track academically, encouraged him through setbacks, and reminded him that his goals mattered. When graduation day arrived, his mentor was in the front row, cheering as he crossed the stage—a life-changing moment made possible through steady encouragement.

These examples reflect what mentors across Florida do every day. Whether through large milestones or quiet moments, mentors help teens feel supported and understood. One young woman shared that her mentor paid attention to what mattered to her as a person. For her, that realization came through a simple gesture: her mentor took her out for her favorite meal—something no one had ever done before.

Right now, more than 150 teens across Florida are waiting for their person. January is National Mentoring Month, making this the perfect time to step forward. Your involvement can change the trajectory of a young person’s life—helping a teen step into adulthood with confidence, connection, and hope for a future full of possibility.

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• www.guardianadlitem.org



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ALL IN FOR KIDS - PRO BONO OPPORTUNITIES

Constitutional Calendar

By Hon. Milton Hirsch

NOVEMBER 2, 1920

Readers of Earl Warren's memoirs are sometimes surprised to learn that the great Chief Justice did not consider *Brown v. Topeka Board of Education* the most important opinion of his tenure. Significant as *Brown* was, Warren considered *Reynolds v. Sims*, 377 U.S. 533 (1964) and *Baker v. Carr*, 369 U.S. 186 (1962) – commonly referred to in the language of those days as the “one man, one vote” cases – as the most important of all. His reasoning was simple: the right to vote is the gateway to all other legal rights.

Which brings us to Ocoee, Florida, on election day, November 2, 1920.

If you don't live in Florida, and even if you do, you may never have heard of Ocoee. It's a small town in Orange County, quite close to Disney World.

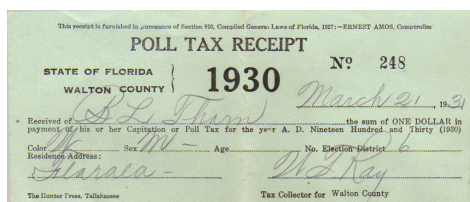
African-Americans had been, for all intents and purposes, disenfranchised in Florida since at least the outset of the 20th century. In 1920, however, the Black community made concerted and organized efforts to get Blacks to register and

body was taken to Orlando, the nearest big city, hanged from a telephone pole, and left to rot as an example to others. Mose Norman was never seen or heard from again.

The surviving members of the Black community fled. No Black person lived in Ocoee until 1981.

No one was ever sued or prosecuted for the Ocoee Massacre.

That would have required access to the court system, to the legal system, to the organs of government. But without the right to vote, that access is easily denied. The right to vote is – as Earl



Warren realized – the gateway to all other legal rights.

DECEMBER 6, 1933

The New York City law firm of Greenbaum, Wolff, & Ernst included among its client list the publishing firm of Random House, Inc. In the early 1930's, Random House sought legal advice on a very intriguing issue: Random House wanted to publish an American edition of James Joyce's *Ulysses*. The novel was viewed in some quarters as among the greatest, perhaps the very greatest, literary work of the 20th century; and in other quarters as pornography of a particularly disgusting variety.

One option, of course, was simply to acquire the rights to publish an American edition and then run off ten or twenty thousand copies for sale. It was an option, but an expensive and dangerous option: if it were to be determined that the novel was illicit pornography, a large financial investment would have to be written off.

Greenbaum, Wolff, & Ernst came up with an ingenious alternative. A young associate at the firm was dispatched to Paris to purchase a single copy of *Ulysses*. When he returned to New York City, the book would surely be seized as contraband by Customs, and Random House could then litigate the fate of that single volume. If it were determined to be pornography, no great investment had been made (apart from a nice voyage to Paris for a first-year law associate). If it were determined not to be pornography, publication on a grand scale could go forward.

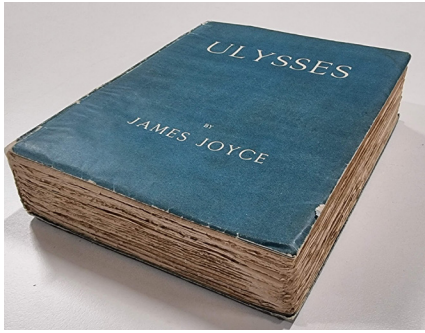
(Legend has it that the ship on which the young lawyer was sailing returned to New York in the dead of night, and that when



"The Georgetown Election - The Negro at the Ballot Box" by Thomas Nast - Harper's Weekly - March 16, 1867

vote. On election day, Mose Norman and Julius Perry were among the leaders of those presenting themselves at the polls and demanding to exercise their franchise.

What followed is remembered to history—if it is remembered at all—as “the Ocoee Massacre.” Perhaps 30 or 35 Blacks were murdered by a mob, and all the Black homes, as well as churches and schoolhouses, were burned to the ground. Julius Perry's



he presented himself before a weary Customs inspector at the end of his shift, the inspector attempted to wave him through. His entire legal future passing before his eyes, the young associate practically screamed at the inspector something like: Hey, this book in my suitcase is contraband! You have to seize it! Please!)

The resulting litigation is captioned *United States v. One Book Called "Ulysses,"* 5 F. Supp. 182 (S.D.N.Y. 1933). The opinion issued by Judge John M. Woolsey on December 6, 1933, was something of a literary specimen in its own right. Excerpts follow:

"Joyce has attempted – it seems to me, with astonishing success – to show how the screen of consciousness with its ever-shifting kaleidoscopic impressions carries, as it were on a plastic palimpsest, not only what is in the focus of each man's observation of the actual things about him, but also in a penumbral zone residua of past impressions, some recent and some drawn up by association from the domain of the subconscious. He shows how each of these impressions affects the life and behavior of the character which he is describing.

Joyce's "attempt sincerely and honestly to realize his objective has required him incidentally to use certain words which are generally considered dirty words and has led at times to what many think is a too poignant preoccupation with sex in the thoughts of his characters... In respect of the recurrent emergence of the theme of sex in the minds of his characters, it must always be remembered that his locale was Celtic and his season spring.

[I]n *Ulysses*, in spite of its unusual frankness, I do not detect anywhere the leer of the sensualist. I hold, therefore, that it is not pornographic."

Random House reprinted Judge Woolsey's full opinion in every copy of its first run of *Ulysses*. The opinion is, therefore, arguably the most widely-reproduced judicial writing in American history.

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Meditation Meets Mediation:

How My Yoga Practice Shapes My Work as a Neutral

By Merryl S. Haber, Esq.



Merryl S. Haber

As a certified mediator and dedicated yoga practitioner, I've come to appreciate the profound overlap between the disciplines of meditation and mediation. While one is rooted in inner stillness and the other in resolving external conflict, both require presence, patience, and a deep commitment to clarity.



The Mental Discipline: Holding Space Without Judgment

In both meditation and mediation, the goal is not to control outcomes but to create space for transformation.

- In meditation, I observe thoughts without attachment.
- In mediation, I observe parties' positions without judgment.

This mental discipline allows me to remain neutral, even when emotions run high. Just as I return to the breath during meditation, I return to the process during mediation—anchoring the room in calm, even when the conversation becomes turbulent.



Listening Deeply: Beyond Words

Yoga teaches me to listen to my body's subtle cues. Mediation requires the same attunement—except the cues come from tone, posture, and silence.

- I've learned to recognize when a party is holding back, when tension is rising, and when a breakthrough is near.
- My yoga practice sharpens this intuition, helping me read the room with empathy and precision.



Breath as a Tool for De-escalation

Breath is central to yoga and meditation—and it's surprisingly powerful in mediation.

- When parties become agitated, I often guide the room back to a slower pace.
- I may pause intentionally, speak more slowly, or even suggest a short break. These moments mirror the reset that breath provides in yoga: a chance to recalibrate and re-engage with clarity.



Flexibility—Not Just Physical

Yoga teaches flexibility, but not just in the body. It's about mental and emotional adaptability.

- In mediation, flexibility is key to creative problem-solving.
- I encourage parties to stretch beyond rigid positions and explore interests, just as I stretch beyond physical limits on the mat.



Cultivating Presence and Patience

Both practices demand presence.

- In yoga, I stay with discomfort rather than resist it.
- In mediation, I stay with conflict rather than rush resolution.

This patience allows parties to feel heard, which is often the first step toward resolution. It also helps me remain grounded, even when the path forward isn't immediately clear.



Final Reflection

Meditation and mediation are both acts of courage. They ask us to sit with discomfort, listen deeply, and trust the process. My yoga practice doesn't just make me a calmer person—it makes me a more effective mediator. It reminds me that resolution isn't forced—it's invited. And like a well-held pose, it requires balance, breath, and belief.

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