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Photo by Tom Wagner
The tall, long-legged great blue heron is the most common and largest of North American herons. They are waders, typically seen along coastlines, in marshes or near the shores of ponds or streams.
This photo, taken at The Florida Aquarium in downtown Tampa, shows the heron in the Wetlands Gallery, a spacious open gallery with a massive glass dome roof.
Dozens of exhibits depict the fresh water ecosystems found throughout Florida and showcase dozens of free-flighted birds.
Please view the website www.flaquarium.org or call 813-273-4000 for more information, and visit The Florida Aquarium at 701 Channelside Drive, Tampa, FL 33602.
Elections are on my mind. Last November’s elections returned some familiar faces to political office but also added many new ones. Last month, we held elections to choose a new mayor and seven city council members to lead the city of Tampa. We just had Florida Bar elections.

As we look towards May, candidates will be running for Hillsborough County Bar Association officer and board positions. Biographies and statements for the candidates will be included in the voting ballots coming to members. HCBA elections will begin on May 1, 2011. Please cast your vote no later than May 15, 2011 and help elect our leaders for the next bar year.

We elect our leaders to serve in so many different ways. They are the key visionaries. They help set the direction of the group. They motivate and guide people to move in the desired direction. They are role models.

Good leaders listen to different viewpoints and try to build consensus. They sometimes need to have the resolve to make the tough decisions, realizing that some of their decisions may not necessarily be popular.

We are fortunate that our bar association has many leaders who actively contribute their talents and time throughout the year. This magazine records the accomplishments by bar leaders and the good people they recruit. Our members are applying their talents and commitment in a variety of great ways.

I have a special place in my heart for the HCBA's Leadership Institute. I was a member of its first class and served as its program chair from 2009-2010. The HCBA Leadership Institute seeks to identify and develop young attorneys of diverse backgrounds who have the potential to develop into future leaders. The program is designed to:

• Develop the professional and interpersonal skills necessary to succeed in a group dynamic;
• Develop the skills necessary to succeed in a leadership role in professional, service, and extracurricular activities;
• Expose and discuss issues facing legal professionals to include time management, public relations, and community involvement;

We are fortunate that our bar association has many leaders who actively contribute their talents and time throughout the year. This magazine records the accomplishments by bar leaders and the good people they recruit. Our members are applying their talents and commitment in a variety of great ways.

• Increase knowledge of service opportunities in the HCBA and other community outreach programs;
• Identify areas where participants would like to provide volunteer service to their community.

2007-2008 HCBA President Caroline Kapusta Black and Executive Director Connie Pruitt were the main visionary leaders to start the Leadership Institute program. Since then, the HCBA has continued its support to develop more leaders, and it is wonderful to see how various Leadership Institute alumni now give back to the HCBA as leaders in different ways. Please see pages 42-43 in this issue for more information and to apply if you are interested.

In case you have not heard yet, Executive Director Connie Pruitt, one of our most committed bar leaders, will be retiring this July. I have had the pleasure of working with her in many different ways and will miss her. We will have more about Connie in the June issue of the Lawyer.
As I write this column, our nation is still reeling from the shock caused by the mass murder in Arizona. The shootings in January claimed the lives of six people, including a federal judge and a young child, and seriously injured Arizona Congresswoman Gabrielle Giffords. The warped motivations of the shooter are still being investigated. The media, however, immediately speculated on whether the hostile tenor of political debate in this country played a role in the crime. While we may never know the answer to that question, a national discussion of the consequences of public incivility is a discussion well worth having.

Our profession has long been aware of the problem of incivility in the practice of law. We call it being “unprofessional.” Anyone who has ever been unfortunate enough to have case against an “unprofessional” lawyer knows unprofessional behavior diminishes the efficiency and fairness of the entire process. The client suffers. The court suffers. You suffer.

As a profession, we are way ahead of the curve on this issue. We spend hours trying to address the problem of incivility in our profession. I know we go to great lengths to instruct our young lawyers on how to practice law with civility. We warn that no one wants to be known as “that lawyer.” And yet the problem continues. Why?

Continued on page 5
of no other profession that does this, even though I’m sure the problem is not limited to lawyers. We have CLE’s devoted solely to the topic. Indeed, the Inn of Court movement is dedicated to combating incivility and raising the level of professionalism among lawyers. We go to great lengths to instruct our young lawyers on how to practice law with civility, warning that no one wants to be known as “that lawyer.” Yet, the problem continues. Why?

Unfortunately, incivility works, at least on the individual level. It wears down legal opponents in the courtroom. It gets politicians elected. We hope that in the long run there are costs associated with unprofessional behavior. We are told judges take notice of those lawyers, and their bad behavior results in a loss of credibility before the court. However, unless and until those costs become greater than the short-term individual gains incivility can achieve, there is little cause for optimism.

What the tragedy in Arizona has highlighted, regardless of any role played by political incivility in that tragedy, is the need for our leaders to lead by example. If our leaders behave in an uncivil manner towards each other or tolerate incivility from others on their behalf, we should expect nothing better from the followers!
As young lawyers, we each have a lot on our plate. We necessarily have to be good multi-taskers—we are expected to do outstanding work, be involved in community organizations, and provide service to the Bar, among other law-related activities, all while juggling family obligations and other non-law related commitments. We balance these tasks and responsibilities on a daily basis, and many of us do so quite well. However, there are those among us who are truly exceptional. Recently, two of our finest members received special recognition for their outstanding accomplishments.

We wanted to take the opportunity to recognize Amanda Arnold Sansone and Rachel May Zysk, two of our outstanding young lawyers, for their recent honors. Amanda and Rachel are both very active in the Young Lawyers Division and other various community organizations. Many of you probably already know a lot about the good that they do. In fact, in recent years, they have each been named the HCBA YLD’s Outstanding Young Lawyer.

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Amanda Arnold Sansone is a former president of the HCBA YLD and is a Business Litigation and Trade Regulation associate at Carlton Fields. In February, Amanda was recognized as one of three finalists for the American Bar Association’s National Outstanding Young Lawyer Award. The award recognizes young lawyers for their professional excellence and service to the bar, to the profession and to the community. In addition to working hard to serve the needs of her clients and providing numerous hours of pro bono service, Amanda is actively involved in the YLD and other community organizations. Amanda is also a terrific mother to her three-year-old son Charlie.

Rachel May Zysk is an associate in the White Collar Crime and Government Investigations practice group at Carlton Fields. Rachel received the 2010 Florida Bar Young Lawyers Division Pro Bono Award. As the recipient of the Florida Bar award, Rachel was recognized for nearly 900 hours of pro bono work since she joined Carlton Fields in 2007. Rachel works tirelessly to serve the needs of the underprivileged in our community. Also, Rachel makes significant contributions to the YLD and the ABA, among other organizations. Rachel balances all this while being a wonderful mother to her one-year-old daughter Pela.

We recognize that there are many young lawyers in our division who make exceptional contributions to the Bar and to our community. If you know someone who fits the bill as an outstanding young lawyer, we want to hear about them! Please consider nominating them for the HCBA Outstanding Young Lawyer Award. We accept nominations for the HCBA Outstanding Young Lawyer Award in the spring. The award is presented annually at our final YLD membership luncheon. This year, our final membership luncheon is our Judicial Appreciation Luncheon on May 11, 2011.

Congratulations to Amanda and Rachel for their outstanding accomplishments. Their work and achievements should inspire us all. As Hillsborough County’s young lawyers, may we all challenge ourselves to be outstanding!

Author:
Laura E. Ward, Esq., DLA Piper

The Young Lawyers Division Quarterly Luncheon held on February 3rd featured Joseph A. Corsmeier, Esq. speaking on the topic of “Ethical Fee Agreements and Billing and Practice Management Tips to Avoid Traps for the Unwary.”

A special thank you to our sponsor The Bank of Tampa.
Peremptory Challenge

There is no place in jury selection for the elimination of a juror based solely on race.

The purpose of voir dire is to select a jury that will fairly and impartially hear the specific case being tried. Peremptory challenges are an excellent way to eliminate a juror who is basically fair and impartial, but, because of past life experiences, a lawyer believes he or she may not be the best juror for a specific case. There is no place in jury selection for the elimination of a juror based solely on race.

Black’s Law Dictionary defines a peremptory challenge as “the right to challenge a juror without assigning a reason for the challenge.” For many years, this right was seen as an absolute. This is no longer true, as evidence surfaced that the peremptory challenge was often utilized to discriminate against potential jurors. The law now requires that the

Continued on page 9
peremptory challenges be race neutral. A party has a right to object when he believes his opponent is using the peremptory challenge in a discriminatory manner. The objecting party must state that the juror sought to be stricken is a member of a protected racial group. The burden then shifts to the party seeking to exercise the strike to provide a race neutral reason for striking the juror in question. As stated in *Melbourne v. State*, 679 So. 2d 759, 764 (Fla. 1996), “throughout this process, the burden of persuasion never leaves the opponent of the strike to prove purposeful racial discrimination.”

*State v. Slappy*, 503 So. 2d 350 (Fla 3rd DCA 1987), gives guidance to a trial judge weighing a Neil challenge: “After a presumption arises that a party has used its peremptory challenge to exclude prospective jurors on the basis of race, the offending party must articulate ‘legitimate reasons’ which are ‘clear and reasonably specific’ and which are ‘related to the particular case to be tried.’ The following will weigh heavily against the legitimacy of any race-neutral explanation: 1) an explanation based on a group bias where the group trait is not shown to apply to the challenged juror specifically; 2) no examination or only a perfunctory examination of the challenged juror; 3) disparate examination of the challenged juror, i.e., questioning challenged venireperson so as to evoke a certain response without asking the same question of other panel members; 4) the reason given for the challenge is unrelated to the facts of the case; and 5) disparate treatment where there is no difference between responses given to the same question by challenged and unchallenged venirepersons.”Id. at 355.

Jurors should be chosen who are fair and impartial and with no weight given to the person’s race, gender, or ethnicity during jury selection. I recognize that each and every member of society has an interest and desire in justice. My office is committed to the fair selection of jurors who willingly serve in our criminal courts and perform a valuable civic duty.
I am writing this column in mid-January, as talk continues to persist that the state faces a $3.5 billion deficit for the next fiscal year. However, it could be even higher by the time the Florida Legislature convenes in March.

What I do know is that it is unrealistic for the Clerks of Court to ask for additional funds with such a dire forecast or to recommend any additional hikes in court fines and fees in such a lean year. I fear another year where more is expected of the Clerks, with less people to perform our duties.

What I face in the Clerk’s Office is a reduced staff under tremendous stress, with increasing workloads but less people to share the responsibilities. We have endured a Reduction in Force, furlough days, no raises for the past three years, and now we don’t have the money to pay for overtime for our employees to catch up on their workload. Members of management have pitched in to help on their own time, but that’s really not fair to them, and it cannot continue forever.

Given these conditions, it is unrealistic to expect us to meet our performance standards in the Courts. The reality is that many of our employees are experiencing their own problems, including having their homes foreclosed, relatives losing their jobs, family members moving in with them.

Money—or lack of it—is the issue. The Clerks of Court must pass all their revenue to the Department of Revenue for reallocation to us. We previously received money from the Clerk’s Trust fund on a monthly basis, but now the Trust Fund does not have adequate funds for monthly payments. Therefore, our payments were reduced to every two weeks and are now once a week. We are literally living from paycheck to paycheck. The Clerks’ Trust Fund cannot continue on this perilous course.

Also, we face the impact of an eight percent administrative surcharge for the Department of Revenue, imposed on our office by the state. It does not cost eight percent to collect and disburse court fines and fees. We know because we currently have that duty, and it costs our office less than one percent. This surcharge costs our office $2.4 million, which we cannot afford to lose, particularly since we will continue to collect and disperse the revenue.

Once again, I applaud Governor Rick Scott when he says he does not believe in taxes. In the spirit of bipartisanship, I agree with him—I don’t believe in taxes either! So I am hoping that the Florida Legislature grants our request to continue our budget at its current level and spare the Clerks of Court this eight percent “tax.”

In the meantime, our office will continue to work for you in a professional manner, with respect and consideration for the stresses you face. We will communicate to you through hillsclerk.com with timely updates which may affect you. Let’s hope for the best.
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It had been a crazy week—dozens of cases to read, papers to work on, and research assignments from my clinic supervisors—but I had one more commitment which would make this process of becoming a lawyer feel worthwhile. I eagerly anticipated my monthly visit to the children I had been assigned to as a Hillsborough County Guardian ad Litem. Through this program, I have the opportunity to help children who have no real voice in the legal system. Many of these children are traumatized by their experiences and have been removed from their homes due to neglect, abandonment, or abuse. They need the support of the community and the voice of an advocate to make it through.

Students at Stetson University College of Law are required to complete a minimum number of legal and non-legal pro bono hours as a condition of graduation. At the urging of the Student Bar Association this past year, the faculty voted to raise the minimum number of required hours from 20 to 60 per student. This commitment to teaching students the value of public service is a fundamental reason I chose to attend Stetson. Stetson strongly believes that serving the community is a core value of our profession. Raising the graduation requirement to 60 hours per student brought the College of Law back to the forefront of this issue nationally.

Stetson’s pro bono coordinator collects and advertises many pro bono opportunities throughout the local area. Opportunities for service run the gamut from conducting research for Equality Florida and assisting the Innocence Project of Florida, to helping the elderly with consumer issues, to assisting The Salvation Army with collecting food for school-age children. I found out about the Guardian ad Litem program through Stetson. I also have volunteered at the Family Justice Center of Hillsborough County (FJCHC) and Bay Area Legal Services. The FJCHC is a vital resource for victims and their families and is always looking for volunteers to help with their mission of improving the lives of family violence victims through community collaboration and the provision of comprehensive services in a single location. During the week of Thanksgiving, I got the chance to help distribute turkeys and boxes of food to victims of domestic violence at the FJCHC.

Our legal system is filled with pitfalls that impede its navigation and can intimidate even a well-educated person who has the resources to hire an attorney. Consequences of legal proceedings can last a lifetime. Pro bono service acknowledges that many people have little or no access to legal representation. As experts who can clear a path through the system, lawyers who do pro bono work make a big impact—one person, one family—at a time.

Time is a precious commodity. Whether you’re busy as a law student or a practicing attorney, the prospect of spending unpaid time completing pro bono work can seem tiring at best and like a drop in the bucket at worst. However, for the person or family you help, it will be an invaluable gift.

Author: Lela Morris Perez, Stetson University College of Law December 2010 Graduate
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Oftentimes, a trial attorney may focus his or her efforts on simply eliciting the facts necessary in order to survive a judgment of acquittal or a directed verdict. See Evans v. State, 26 So.3d 85, (Fla. 2nd DCA 2010); see also Beisel v. Lazenby, 444 So.2d 953 (Fla. 1984). However, beyond the ability to elicit fantastic testimony on direct and cross-examination, a trial attorney should ask, “How will these facts affect my case at the appellate court level?” The appellate court cannot guess at what you or the witnesses intended to say. Once your verdict or ruling is in, you cannot have a second bite at the factual or legal apple. What you present at the time of a To sustain and protect your verdict, you must assertively create a record.

E xcellent trial attorneys derive a great deal of pleasure from exercising their special brand of magic on a judge or jury. Undoubtedly, it takes a special type of person to impress an audience in the courtroom; however, it is critical to consider that you may ultimately present your case to the appellate court. Continued on page 15

HCBA
Appellate Practice Section Meeting

The Appellate Practice Section hosted “Inside the Second DCA” on February 1st. James Birkhold, Esq. presented the view from the clerk’s office and Judge Chris W. Altenbernd and Judge Patricia J. Kelly offered the view from the bench.

Standing: Duane A. Daiker,
Judge Chris W. Altenbernd,
Maria A. Borland.
Seated: Judge Patricia J. Kelly
and James Birkhold
TRIAL LAWYERS–THE APPELLATE COURT IS YOUR AUDIENCE!
Appellate Practice Section

Continued from page 14

trial or hearing is all of the material that the appellate court has to work with in order to render a decision. The best method to ensure long-term success in any case is to immerse oneself in case law that is specific to the type of trial or hearing that you are conducting. Thorough knowledge of relevant case law can allow a trial attorney to control more effectively the proceedings as they occur and continue to win the case as it travels through the legal labyrinth of appeals.

Facts, facts, and more facts are imperative during any hearing in order to create a thorough record for the appellate attorney and appellate court. To sustain and protect your verdict, you must assertively create a record.

Typically, a matter that is not preserved on the record will not be given consideration by the appellate court unless it is fundamental error. Preservation requires a specific, timely, and legally cognizable assertion by the trial attorney. See Harrell v. State, 894 So.2d 935 (Fla. 2005). Further, you must continue to restate your motions throughout the trial, lest the appellate court assumes that you withdrew that objection through acquiescence. See Joiner v. State, 618 So.2d 174 (Fla. 1993).

Creating a successful legal and factual symbiosis during your hearing can reduce appellate costs and delays. Any failure to protect your record can quickly dismantle your case in the appellate court. A razzle-dazzle trial attorney should not allow himself or herself to be in a position where he or she regrets what happens to the magnificent verdict many years later.

Excellent trial attorneys are very clever and enjoy trial work immensely; however, they can markedly improve their success by developing a thorough understanding of relevant case law. A trial attorney may feel a great sense of relief once the verdict is in. However, if enough appellate issues are created without proper preservation of the record, then the verdict may be just the beginning of the case.

Author:
Caroline Johnson Levine, Office of the Attorney General, Civil Litigation Bureau

Charles W. Ross, ESQ.
Certified Circuit and Federal Mediator

Mr. Ross has been recognized by his peers as one of Florida’s leading mediators, with a Martindale-Hubbell rating of AV. He was selected by the Florida Trial Attorneys for membership in Florida’s Legal Elite and Best Lawyers in America 2010. Member of The National Academy of Distinguished Neutrals.
Graduate of University of North Carolina at Chapel Hill (BA 1975; JD 1978); Phi Beta Kappa. Florida Arbitrator.
Mr. Ross is a full time mediator who has handled thousands of mediations and is qualified to handle most all civil litigation matters.
Significant experience in mediating commercial lawsuits, construction litigation, employment disputes, business tort claims, personal injury litigation, contract disputes, and medical and professional liability claims. No travel charges for Florida mediations.

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The HCBA Community Service Committee shows no signs of slowing down in 2011. We participated in events early this year that helped a number of women and children in crisis. In January, volunteers conducted a legal workshop at the Alpha House of Tampa, a non-profit organization serving pregnant and parenting women in crisis. Volunteers provided legal advice to women, assisting them in improving their lives for the benefit of their children. The mission of the Alpha House is to empower pregnant and parenting women in crisis to realize their ability to break the cycles of poverty and abuse and create promising lives. Their mission is accomplished by providing mothers and pregnant women with safe housing, education and counseling, parenting and life skills training, vocational training and assistance, and spiritual support. By providing safe housing and facilitating access to work, education, substance abuse treatment, personal growth and counseling, Alpha House helps women better prepare themselves for parenting.

The Community Service Committee also organized a clothing drive for Dress for Success of Tampa Bay, which assists disadvantaged women entering the workforce. Dress for Success solves a very common Catch-22:

Continued on page 17
without employment, a suit is unaffordable, yet it’s difficult for a woman to become employed without a suit appropriate for a job interview. Dress for Success provides unemployed women with a suit along with accessories appropriate for a job interview. Once the Dress for Success client becomes employed, she may be provided with an additional suit or enough apparel to mix and match for up to a week’s worth of outfits. Dress for Success clients are by referral only from other non-profit organizations, such as the Spring or Alpha House. Each client works one-on-one with a volunteer personal shopper who not only helps her select personal attire but provides her with support and encouragement for her upcoming interview. Once a woman obtains employment, she becomes eligible to join the Professional Women’s Group which matches clients with local, volunteer businesswomen in the community who serve as mentors. The Professional Women’s Group meets once a month and assists Dress for Success clients in furthering their professional growth.

Both Alpha House and Dress for Success utilize volunteers on a regular basis. Dress for Success is always seeking volunteers to serve as personal shoppers, donate women’s suits and other professional attire and accessories, work as a career center specialist assisting clients with writing resumes and cover letters, serving as Professional Women’s Group Specialist Speakers or Mentors, and assist with a variety of other activities.

As always, our goal is to organize volunteers and participate in one community service project per month; however, we are always seeking members to volunteer on a regular basis with the committee. We urge you to check your email regularly for committee announcements and events. Feel free to contact us with suggestions for community service projects. Stacy Yates can be contacted at sey@manfitzlaw.com, and Mindi Lasley can be contacted at mlasley@lasleylaw.com.

Author: Mindi B. Lasley, Mindi Lasley, P.A.
turning to the doctrine of “piercing the corporate veil” in an attempt to collect directly from SPE owners. This article briefly discusses: (i) “piercing the corporate veil” under Florida law and (ii) tips for SPE owners on avoiding “veil-piercing” claims.

“Piercing the Corporate Veil” Under Florida Law

Generally, courts recognize SPEs as distinct entities whose liabilities cannot be imposed on their owners. However, courts may use the equitable doctrine of “piercing the corporate veil” to disregard an SPE and impose liability directly on its owners. Although Florida courts are extremely reluctant to “pierce the veil,” these claims are becoming more common in construction cases.

A party seeking to “pierce” an SPE’s veil must establish the following elements: (i) the SPE was used as a mere instrumentality; (ii) the SPE was formed or used for an improper purpose; and (iii) resulting injury.

Determining whether an SPE is used as a mere instrumentality is “intensely fact-specific.” Some factors considered by courts include:

Unfortunately, SPE owners who fail to follow certain protocols may be unknowingly exposing themselves to individual liability.
Continued from page 18

• Insufficient capitalization;
• Disregard of corporate formalities;
• Removal of SPE funds for personal or unrelated purposes;
• SPE engaging in non-arm’s length transactions and informal loans;
• Payment or guaranty of SPE debts by the SPE’s owners;
• Use of common address, telephone, facsimile, etc.; and
• Financing of the SPE by the parent or individual. 4

Even if a claimant establishes that an SPE is a “mere instrumentality,” it must still prove that the SPE was formed or used to mislead or defraud creditors.5

Tips for SPE Owners on Avoiding Veil-Piercing Claims

To avoid potential “veil piercing” exposure, SPE owners should consider the following simple but often overlooked tips:

• Sufficiently capitalize the SPE for its business purpose (obtain adequate financing and insurance, etc.);
• Follow corporate formalities (keep separate books and records, hold meetings, voting, etc.);
• Refrain from: (i) informal loan transactions; (ii) co-mingling SPE and owner funds; and (iii) using SPE funds to pay debts unrelated to SPE activities; and
• Establish separate P.O. Box, telephone, fax, email and checking/credit accounts for all SPE activities and consistently segregate SPE activities from non-SPE activities.

Although SPE owners cannot prevent veil-piercing claims, owners who follow these tips will have a stronger fact-specific defense to any such claims.

1 See Dania Jai-Alai Palace, Inc. v. Sykes, 450 So. 2d 1114, 1121 (Fla. 1984).
2 Id. at 1120-21; Gasparini v. Pordomingo, 972 So. 2d 1053, 1055 (Fla. 3d DCA 2008).
3 In re Hillsborough Holdings Corp., 176 B.R. 223, 252 (M.D. Fla. 1994).
4 Hilton Oil Transport v. Oil Transport Co., 659 So. 2d 1141, 1151-52 (Fla. 3d DCA 1995).
5 Dania Jai-Alai, 450 So. 2d at 1120; Lipsig v. Ramlawi, 760 So. 2d 170, 187 (Fla. 3d DCA 2000).

Author:
Erik P. Raines,
Esq., Hill Ward Henderson, PA.
Potential discrimination against protected groups through credit checks has caught the Equal Employment Opportunity Commission’s (“EEOC”) attention. Detractors argue that the use of credit histories in the employment context could have a disparate impact on protected groups, including people of color, women and people with disabilities.

The EEOC held an informal review in late October 2010 to scrutinize an employer’s use of credit checks in the hiring and promotion process and heard comments from various stakeholders, including National Consumer Law Center, National Council of Negro Women, Society of Human Resources Management and the U.S. Chamber of Commerce.

Generally, employers will only conduct a credit check when it is relevant to the job description, for example a position with financial responsibility or a job that requires access to confidential financial information. Credit checks can also be relevant in positions where the employee would have access to company funds or large amounts of cash. Accordingly, the use of credit checks is much more widespread in the banking, finance and retail industries. Similar to other background screening processes, such as criminal history reports— which the EEOC has previously taken issue with—a credit report presents employers with a snapshot view of the responsibility, integrity and reliability of potential employees.

During the public comment hearing, a suggestion was made for the employer to pose three questions to previous employers:

1) Did the employee perform adequately?
2) Did you have any concerns about the employee’s integrity or reliability?
3) Would you re-hire this employee?

There are, however, reasons why employers will not provide information beyond dates of hire, last pay rate and position held. It is important to use your best judgment when providing information to prospective employers of a current or former employee.

Hawaii and Washington already have made pre-employment credit checks illegal for non-finance jobs. Sixteen other states, including Georgia, New York, Michigan, Pennsylvania and South Carolina, are moving toward banning credit checks completely.

It is anticipated that the EEOC’s next step with regard to credit checks will be the issuance of formal guidelines or a policy statement. Depending on the EEOC’s next move, the impact on businesses could be minimal or significant.

Author:
Alva Cross,
Fisher & Phillips LLP

Tips to avoid discrimination claims resulting from the use of credit checks in the hiring or promotion process:

• Inform job candidates that their credit history will be a consideration in the hiring determination.
• Use credit checks at the end of the hiring process, not to screen out applicants up front.
• Only use credit checks for positions that involve some form of financial responsibility.
• Do not consider a candidate’s credit history unless absolutely necessary.
• Should concerns arise, allow candidates to explain their credit history.
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May 31, 2011

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The American Inns of Court is a national organization designed to improve the skills, professionalism and ethics of the bench and bar. Tampa’s civil litigation Inns are The J. Clifford Cheatwood Inn of Court, The Ferguson-White Inn, and The Tampa Bay Inn. Each Inn limits membership to approximately 80 members, who are assigned to pupillage groups of eight or nine members. Pupillage groups include at least one judge as well as attorneys of varying experience and areas of practice. The Inns usually meet monthly from September through May for dinner programs, with the pupillage groups each presenting one substantive program. Inn members usually earn one hour of CLE credit for each program attended.

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Please attach a current resume limited to one page in length.

Forward Application Package to:
Hillsborough County Bar Association, Attn Connie Pruitt, Chester H. Ferguson Law Center
1610 N. Tampa Street, Tampa FL 33602. Fax (813) 221-7778.
No one ever aspires to be a refugee. Why would they? Refugees are relocated from their homeland, their friends, their neighbors and their loved ones because they have been persecuted or have had their lives threatened. Their fear is well-founded. They are resettled in other countries because of their race, religion, political belief, ethnicity or affiliation with a social group. We will not experience their plight. We are United States citizens with constitutional rights, including the First Amendment.

The HCBA Diversity Committee’s community project this year is a unique one. It links refugees, resettled in our county, with members of the legal community: victims of human rights violations with defenders of our Constitution. The project will give Hillsborough County refugees help from and exposure to members of our legal community. Imagine if you had been tortured in your country, where the legal system was corrupt, and you are then resettled in a new country, where you are welcomed by the legal community. You already love this project, don’t you?

Hillsborough County resettles 500 refugees each year from many different countries. The majority are from Cuba. In addition, Ethiopians, Nepalese, Burmese, Iraqis, and others arrive at Tampa International Airport throughout the year, with few possessions. We have various organizations in Hillsborough County who assist and provide services to these refugees, including: Catholic Charities, FL Center for Survivors of Torture, Caribe Refugee Program, DCF Refugee Services, and Lutheran Ministries.

Most refugees used bicycles in their home countries for transportation and continue to use bicycles here to work, shop, attend English-Language classes, etc. Greg Musselman, Outreach Coordinator for Lutheran Ministries, mentioned an Ethiopian who rides his bicycle all the way from his apartment north of Fowler Avenue to his night shift at the downtown Hyatt. When asked how the HCBA could assist the refugee community, Greg suggested an adult bicycle drive. That is our project!

The HCBA Bicycle Drive to benefit adult refugees will take place this spring. We are collecting used and new 3-or 5-speed bicycles, helmets, lights, U-locks and baskets. The bicycles will be shared among different refugee groups and distributed by participating refugee organizations. The Refugee Spring Summit and Bike Drive will be held on Saturday, May 21, 2011 at the Chester A. Ferguson Law Center and promises to be fun and informative for all. Please participate by:

- Attending the Refugee Spring Summit and Bike Drive on Saturday, May 21, bringing bicycle or bike accessory donations.
- Organizing a bicycle or bike accessory drive in your firm.
- Making a donation.

Checks payable to: HCBA Bicycle Drive.

Joe Haskins’ Bicycle Shop at 2310 N. Florida Avenue (at the Columbus Avenue intersection) has quality new and used bicycles, locks, lights, etc. If you mention the HCBA bicycle drive, Joe will give you a discount.

For further information or to arrange for collection, please contact: Linda Breen at lbreen@bals.org, Debbie Blews at BlewsD@HillsboroughCounty.org or Cindy Oster at OsterC@HillsboroughCounty.org.

Collectively, we can make the Bicycle Drive a huge success. Thank you!

Author: Linda Breen, Bay Area Legal Services, Inc.
HILLSBOROUGH COUNTY BAR ASSOCIATION
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There has been much debate about valuation methodology during this economic recession, especially with a market full of distressed and short sales. But what happens when an owner, faced with a total taking, paid $550,000 (100% financed) for his property in 2005, but the 2011 market has arms-length sales that neither appraiser can ignore, indicating a value of $400,000? With fair market value as the typical standard for compensation in eminent domain cases, does this unwilling seller have recourse for the $150,000 shortfall?

The easy answer under Florida’s Constitution seems to be “yes.” Article X, Section 6, states that, “No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner.” Obviously, the owner would not be fully compensated, left without his property and a $150,000 debt. But what does full compensation mean and does it include this additional damage? Is this owner stuck with fair market value as a measure of full compensation? There is no case law directly on point. However, over the years, the Courts have expanded the definition of full compensation beyond fair market value for the part taken.

Severance damages were allowed as part of full compensation where the owner’s remaining property was worth less than it was before the taking. State Department of Transportation v. Stubbs, 285 So.2d 1 (Fla. 1973). This may not be helpful in the total take scenario, however.

In Dade County v. Brigham, 47 So.2d 602 (Fla. 1950), the court allowed the payment of expert witness fees to an owner in the context of providing full compensation. In Jacksonville...
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Expressway Authority v. Henry G. Dupree, 108 So.2d 289 (Fla. 1959), the court allowed the payment of moving costs to an owner stating that, “Although the contention that moving costs have no bearing on the fair market value of the premises may be meritorious in other jurisdictions, it has no merit in Florida, where an owner is constitutionally guaranteed full or just compensation.” Id. at 292.

Finally, in finding that full compensation is not determined until the appellate process concludes, the court in Behm v. Division of Administration, Department of Transportation, 383 So.2d 216 (Fla. 1980), held that an owner is entitled to interest on the award during the course of the appeal or inequity would result.

In System Components Corp. v. Florida Department of Transportation, 14 So.3d 967 (Fla. 2009), the Supreme Court of Florida appeared to narrow the definition of full compensation stating that, “the ‘full compensation’ mandated by Article X, Section 6 of the Florida Constitution, is restricted to (1) the value of the condemned land, (2) the value of associated appurtenances and improvements, and (3) damages to the remaining land (i.e., severance damages),” Id. at 976. While this was in the context of a business damage claim, it could provide an argument against allowing a claim for the additional monies due on the mortgage.

If there is any debate about this issue, the owner should set it squarely before the court at the order of taking hearing, arguing that any deposit made that does not include the amount owed on the mortgage is not in good faith. If the owner gets the issue before the jury for its determination of full compensation, it will also allow the condemning authority to present evidence that the owner perhaps made a bad deal in 2005 and that the condemning authority should not be responsible.

Author:
Stephen Tabano,
Trenam Kemker

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EGYPT: A DEMAND for CHANGE

An Eye-Witness Report

Being from the South, I was thrust into the dynamics of change from segregation to desegregation during the 1960s. Fast forward three decades to South Africa, where I chose to spend five years contributing to the change from apartheid to democracy in the late 1990s. While I knew that a collapsing domino political change was expected from Tunisia to other North Africa and Arab countries, I didn’t go to Egypt to join in their protests. But, there I was in the throes of change one more time.

I arrived in Cairo on January 20, 2011 eight days before the Egyptian Marathon and Races. I was celebrating my 65th birthday by participating in the races to raise awareness of and money for children who are born with developmental disabilities, such as autism, cerebral palsy, Downs Syndrome, blindness, and deafness, like my only grandchild, Walter Lee Smith, III. I raise money for Infants & Young Children of West Central Florida.

For safety, I felt a need to be attached to others; I joined a Nile River Cruise/Tour group with whom I traveled for eight of 10 days.

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Egyptian travel is an experience in contrasts and competing realism. The desert interfaces with the river. First World development lags behind historical digs. The world’s first freestanding building and the subsequently constructed pyramids stand in stark contrast to sloppy, leaning, code-free contemporary slum dwellings in congested, ragged conditions.

One-quarter of Egypt’s 80 million population lives in Cairo. Amro, our tour guide, is self-declared middle class. He showed us the Draconian life style of the restricted upper class in gated, zero lot-line $25 million homes, and conditions of the densely populated lower class’ squalid, leaning tenement housing. There were few in the middle.

Sayed, an Egyptian-American, tearfully told me of two university graduates who committed suicide when, urged by their parents to go to work, they couldn’t find jobs. Sayed complained that passage from the bottom seems impossible. Thus, the Egyptians’ sense of despair is deep.


Day 2 - Prison escapees join in the protest. They steal weapons from the prison arsenal. People are shot and killed. Police leave. Military and tanks arrive.

Day 3 - My tour group disburses. I am alone. I fly back to Luxor for the marathon. No unrest.

Day 4 - Hundreds of international runners, walkers, wheelchair racers, inline skaters arrive without incident for the races in the Valley of the Kings.
I accept my medal and certificate of participation on papyrus at the elegant resort headquarters. Going back to my hotel, there is now unrest in Luxor; my driver detours to avoid demonstrators.

All flights were cancelled. I was hours late flying from Luxor to Cairo and from Cairo to New York. Mine was the last commercial flight before officials closed down the airport to departing international flights.

Author: Jeraldine Williams-Shaw, Law Office of Jeraldine Williams-Shaw, PA.
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Being recognized with the Hillsborough County’s Outstanding Lawyer Award in 2010 was just the most recent in a long line of achievements for Leslie Stein. Leslie earned degrees from the University of Michigan, the University of South Florida (masters in history), and the University of Tampa (an M.B.A.). While obtaining her law degree from Stetson University College of Law, she served as Editor-in-Chief of the Law Review and received the Walter Mann Award for Most Outstanding Law Graduate. One begins to see a pattern here!

Leslie began her legal career as associate general counsel to the University of South Florida, followed by a long tenure at Verizon Communications Corporation—which began while it was known as GTE, Leslie served as General Counsel and was

Continued on page 31
involved in numerous international, labor, and other legal and business issues over nearly 25 years. Since then, Leslie served as general counsel for Special Data Processing Corporation and special projects counsel for Publix Super Markets, Inc. She currently practices in her own firm, emphasizing mediation and representing vendors and customers in negotiating technology and other agreements.

With this background, Leslie was a natural to help with the complex and time-sensitive issues facing the Thirteenth Judicial Circuit Residential Mortgage Foreclosure Mediation Program. Leslie devoted hundreds of hours to getting this Hillsborough County Bar Foundation program started and has remained involved as the program has been implemented.

Leslie’s giving back to her local bar and community in this manner is typical of her many volunteer activities over the years. She has served in leadership roles and as a chair of several local and state bar committees and civic organizations. Leslie has been president of both the Hillsborough and Florida Associations for Women Lawyers. She is a life member of the Stetson University College Board of Overseers.

Leslie’s willingness to share her time and talents to assist the HCBA, the Foundation and the citizens of Hillsborough County garnered her the 2010 Outstanding Lawyer Award.

Author: Raymond T. (Tom) Elligett, Jr., Buell & Elligett, PA.
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Jose Gaspar and his band of buccaneers are not the only revelers who descended upon Tampa’s port in January. On January 15, 2011, a merry band of foster children descended upon the Florida Aquarium, along with volunteers from the Young Lawyers Division of the Hillsborough County Bar Association, for the annual Holidays in January Party.

The Foster Angels of Hillsborough County partnered with the Young Lawyers Division in December to provide a holiday event for children who come into foster care. The children enjoyed pizza and gourmet cupcakes donated by Wright’s Gourmet House along with receiving a toy of their choosing donated by the Foster Angels.

Smiles abounded as volunteers painted faces, helped children complete crafts, and applied temporary tattoos. For the finale, the volunteers and children embarked upon a scavenger hunt through the Aquarium that earned them an entry for extra prizes including gift cards and two grand prize packages consisting of an iPod Nano with an iTunes gift card.

The Young Lawyers Division is grateful for the generous support of the Florida Aquarium which provided free entry into the Aquarium, free parking and free use of its Taylor Great Room for the children, the foster families and the volunteers.

Author: C. Christine Smith, Attorney Ad Litem, L. David Shear Children’s Law Center of Bay Area Legal Services
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Leaders:

Marsha G. Rydberg

Born and raised here, Marsha Rydberg is a fourth generation Tampa native. Like her father before her and her daughters after, Marsha Rydberg graduated from Plant High School. She earned her degree in history from Emory University. From Atlanta, she returned to the Bay Area, graduating first in her class from Stetson University College of Law in 1976.

Marsha has enjoyed a transactional and litigation practice in business and real estate, as well as a creditors’ rights/bankruptcy practice. Since 2000, she has practiced with Tom, her husband of 36 years, in The Rydberg Law Firm.

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Our Bar, our community and the imprint of our downtown have all benefitted from Marsha’s tireless energy and devotion.
While at Stetson, Marsha received several awards, including two leadership awards. Those were proven to be well-founded when she went on to serve in a variety of state, local and national leadership roles, including as the first woman president of the Hillsborough County Bar Association in 1991-1992.

Marsha is proud of her “firsts,” including: first Hillsborough County woman on The Florida Bar Board of Governors, first woman to Chair the Tampa Downtown Partnership, first woman member of the University Club of Tampa, first woman President of Tampa’s venerable Exchange Club, first woman Chair of the Tampa Bay History Center, and second woman Chair of the Committee of One Hundred of the Greater Tampa Chamber of Commerce (the first was Stella Thayer, another Tampa lawyer).

As HCBA president, Marsha started the Solo/Small Firm Committee (now a section), the Community Liaison Committee, and what is now the Diversity Committee. She conceived the idea of the Barrister Ball, implemented the following year during Mark Buell’s term, to raise money for charitable legal causes. This effort later evolved into the Foundation’s Law and Liberty Dinner.

Marsha’s work “behind the scenes” also has been well-recognized. She received the HCBA’s James M. “Red” McEwen award three times for her service to the HCBA—twice during the decade before her presidency and once after.

After serving as our president, Marsha represented our circuit on the Florida Bar Board of Governors and worked on and led numerous other Florida Bar...
and American Bar Association committees. Marsha has been a strong supporter of her law school, serving on Stetson’s Board of Overseers, as president of the Alumni Association, and teaching as an adjunct professor.

Stetson bestowed the Ben C. Willard Humanitarian Award on Marsha in 2000.

When asked about how she spends her “free” time, Marsha replied that she does not have traditional hobbies, but loves spending time with her two daughters and her incredible two-year-old grandson. She added: “my great joy is researching and teaching, including both legal education and a weekly Bible study class. My other passion is participating in a wide range of legal, civic and community activities. Probably my most exciting non-lawyer service was 6 years on the Board of Directors of the Jacksonville Branch of the Atlanta Federal Reserve Bank.”

Marsha also is justifiably proud of her contributions to the construction of several Tampa landmarks. As HCBA President, she was involved in locating and naming the Federal Courthouse in Tampa. As Downtown Partnership chair, she played a central role in the creation of Lykes Gaslight Square. As President of the Drug Abuse and Comprehensive Coordinating Office, Inc., she helped construct two residential drug treatment facilities. As Chair of Stetson’s

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Board of Overseers, she worked with Mayor Dick Greco to develop the Tampa law campus and to sell the adjacent parcel to the HCBA. She concludes, “Currently, I have had the honor to follow two great leaders, Tom Touchton and George Howell, as Chair of the Tampa Bay History Center, which recently opened its new facility. What better hobby could anyone have than contributing to their home town?”

Marsha practiced in Rob Williams’ former firm, where Rob supported her interest in the HCBA. He encouraged her to run for HCBA president because he knew she would do an outstanding job—which he observes she did.

Rob recalls Marsha co-chairing what might have been the first Title VII maternity leave trial in Middle District, before Judge Ben Krentzman, while Marsha was eight months pregnant. He also recalls when Marsha got an adverse summary judgment reversed on appeal in state court, then going on to try and win the case.

When Bill Schifino, Jr., graduated from law school, he was assigned to work with Marsha.

Early in his career, he recalls watching Marsha disarm five senior lawyers from a large New York firm in a large title insurance case. Bill says she helped teach him from her outstanding work ethic and approach to analyzing complex legal issues. He credits Marsha with getting him interested in being active in the HCBA—of which he went on to become president in 2004.

Mark Buell, Marsha’s successor as HCBA President, recalls her attention to detail and her creative and energetic leadership, which included starting the ball rolling on the Barrister Ball. He observes that it raised tens of thousands of dollars over the years for the Guardian Ad Litem, Bay Area Legal Services, and other worthwhile programs—a tradition continued by the Law and Liberty Dinner.

Our Bar, our community and the imprint of our downtown have all benefitted from Marsha’s tireless energy and devotion.

Author:
Raymond T. (Tom) Elligett, Jr., Buell & Elligett, P.A.

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LOOKING FOR A WAY TO GET INVOLVED IN THE HCBA?

THE HCBA LEADERSHIP INSTITUTE IS NOW ACCEPTING APPLICATIONS!

HCBA Leadership Institute seeks to identify and develop young attorneys of diverse backgrounds who have the potential to develop into future leaders. The Leadership program is designed to:

- Develop the professional and interpersonal skills necessary to succeed in a group dynamic;
- Develop the skills necessary to succeed in a leadership role in professional, service, and extracurricular activities;
- Expose and discuss issues facing legal professionals to include time management, public relations, and community involvement;
- Increase knowledge of service opportunities in the HCBA and other community outreach programs;
- Identify areas where participants would like to provide volunteer service to their community.

The Leadership program consists of seven (7) learning modules and culminates with the completion of a community service project chosen, managed, and completed by Leadership participants. The learning modules are scheduled monthly through April 2012. The Leadership program has been designed to help participants gain and develop skills, knowledge, and relationships which will help them emerge as future HCBA and Tampa community leaders.

NOW IS THE TIME TO GET INVOLVED!

An online version of the Leadership Institute application is available on the HCBA’s website, www.hillsbar.com. For more information, please contact Grace Yang, 813-273-5043 or grace.yang@gray-robinson.com
I. PERSONAL INFORMATION

Name: ______________________________________________________________________________________
Firm/Employer: __ ______________________________________ Number of Attorneys: ______
Position: __ __________________________________________________________________________________
Business Address: __________________________________________________________________________
Telephone: (_____)___________ Fax: (_____)___________ Email: __________________________________
Practice Area(s): ____________________________________________
Special Interests (hobbies, sports, talents, etc.): ________________________________

Date of Birth:____/____/____   Gender: ☐ Male ☐ Female

How did you hear about the Leadership Institute? ______________________________________
______________________________________________________________________________________

II. EMPLOYMENT HISTORY

Please provide the following information with respect to all past employment following graduation from college.

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III. PARTICIPATION INFORMATION

Describe why you would like to be involved in the Leadership Institute.__________________________________________________
______________________________________________________________________________________

Describe your past involvement with community and professional organizations.__________________________________________________
______________________________________________________________________________________
______________________________________________________________________________________

Describe the qualities that you believe are most important for leadership positions in bar and/or community organizations.__________________________________________________
______________________________________________________________________________________
A

At almost one year old, the new health care reform law has been quite the polarizing topic of conversation. No matter your viewpoint, the reality is that it is now the law of the land.

Health care reform will not happen quickly. In fact, the reform is actually a multi-year transition. These reforms change the delivery system from one focused on employer provided benefits to a system of individual responsibility and consumer driven controls on benefits and costs. It is a process this nation has only just begun.

The initial transition steps took effect in 2010; bigger steps come on line in 2011, and reform’s most divisive features roll out in 2014 and 2018. Utilizing the theorem that it is “better to be prepared rather than ill informed,” a short primer on reform provisions and effective dates might be helpful.

In this article, we examine the reform changes scheduled for 2010 through 2012.

The initial reform steps were taken in 2010 with a few immediate changes. First, the new law requires coverage be extended to adult children until they reach age 26.

Second, the law requires 60 days advance notice of a material change to a plan. Third, the law requires the creation of a temporary federal program to reimburse employers who provide certain retiree coverage. Fourth, a tax free $250.00 rebate will be available to Medicare recipients who reach the prescription drug “donut hole.”

A number of changes take effect for plan years beginning on or after September 23, 2010 (for a calendar year plan that was January 1, 2011):

- Application of discrimination rules to insured plans

Continued on page 46
Continued from page 44

• No pre-existing exclusions for children under age 19
• The medical expense definition is altered as it relates to FSAs, HSAs, and Archer MSAs—prescriptions are required for over the counter medications
• Prohibition on the right to rescind coverage already in existence
• Remove lifetime limits on “core benefits”
• Begin the phase in of the ban on the use of overly restrictive annual limits—no lower than $750,000 for 2011
• Nonqualified Health Savings Account (HSA) distribution penalty increases from 10% to 20%
• Nonqualified Medical Savings Account (MSA) distribution penalty increases from 15% to 20%
• New simple cafeteria plan for small employers (avoids discrimination testing, benefits offered to all employees)
• Cost sharing on preventative services no longer permitted
• Enhanced internal and external appeal procedures
• Employers can voluntarily report or disclose the aggregate cost of each employee’s health care benefits on W-2 form. (This becomes mandatory in 2012.)

In 2012, pursuant to a revenue provision, the pharmaceutical manufacturing sector is required to pay annual fees which will be used to help pay for increased coverage. In 2012, we also have two important provisions to reduce waste and fraud: (1) hospitals with high rates of preventable readmissions rates face reduced Medicare payments and (2) plans must provide a uniform summary of coverage and benefits for consumers.

In the next issue of the Lawyer, we will examine the health reform changes scheduled to be implemented in 2013 and after.

Author: Barbara L. Sanchez-Salazar, Fowler White Boggs PA.
Can a patentee introduce evidence of commercial success for one embodiment to support the patentability of a broader invention? This question is answered by the Court of Appeals for the Federal Circuit in *In re Glatt Air Techniques, Inc.*, Case No. 2010-1141 (Fed. Cir. 2011).

The decision in *In re Glatt* is not merely dicta. Because the appellate panel also held that the Board failed to establish *prima facie* obviousness, it might be thought that no consideration of the patentee’s evidence of secondary considerations is necessary. However, the determination of whether there exists any prima facie case for obviousness must take into consideration any objective evidence of secondary considerations timely presented by the patentee. See *Graham v. John Deere*, 383 U.S. 1, 17 (1966). Therefore, the appellate panel’s decision is not dicta and is binding precedent.

Also, secondary considerations may include subject matter not known or disclosed at the time that the application was filed. In *re Chu*, 66 F.3d 292, 289-99 (Fed. Cir. 1995); and see also, *In re Saunders*, 444 F.2d 599, 607 (CCPA 1971). Even “evidence developed after the patent grant ... should not be excluded from consideration since 'understanding the full range of the invention is not always achieved at the time of filing the patent application.’” *Knoll Pharms. Co., Inc. v. Teva Pharms. USA, Inc.*, 367 F.3d 1381, 1385 (Fed. Cir. 2004). Evidence of commercial success is nearly always obtained, at least in part, after an application for a patent is filed.

The Board argued a lack of evidence of commercial success “commensurate in scope” with the claims. See *In re Tiffin*, 448 F.2d 791, 171 USPQ 294 (CCPA 1971). However, in this case there did not appear to be any dispute over whether the evidence of commercial success was attributable to the claimed features encompassed by the scope of the claims. Instead, a generic claim encompassed both the features of the product achieving commercial success and another means for shielding, an air wall shield. According to the Board, “no evidence demonstrates any ... commercial success based on the actual difference between the claimed invention, as broadly recited...” and the air wall shielding means. See *Ex parte Glatt Air Technologies, Inc.*, No. 2009-012215 (B.P.A.I. Sept. 29, 2009). The Board argued that the patentee must include evidence of secondary considerations addressing “an air wall shielding means” for the submitted evidence to be commensurate with the scope of a claim.

Evidence of commercial success should be considered so long as what was sold was within the scope of the claims.

The appellate panel held that the Board’s requirement were “...not consistent with our precedent,” stating that it “...seems unlikely that a company would sell a product containing multiple, redundant embodiments of a patented invention....” “[W]e have consistently held that a patent applicant ‘need not sell every conceivable embodiment of the claims in order to rely upon evidence of commercial success,’” citing *In re DBC*, 545 F.3d 1373, 1384 (Fed. Cir. 2008) (quoting *Applied Materials, Inc. v. Adv. Semiconductor Materials Am., Inc.*, 98 F.3d 1563, 1570 (Fed. Cir. 1996) (stating that evidence of commercial success “...should be considered ‘so long as what was sold was within the scope of the claims’”). The decision in *In re Glatt* repudiates the Board’s logic and holds that objective evidence of secondary considerations for any product within the scope of the claims must be weighed in determining *prima facie* obviousness or overcoming a *prima facie* case for obviousness.

Author:
Christopher Paradies, Ph.D., Esq., Fowler White Boggs PA.
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On December 21, 2010, the National Labor Relations Board (NLRB) proposed a rule requiring employers to post a notice of employee rights under the National Labor Relations Act. Acting NLRB General Counsel Lafe Solomon announced an initiative to seek aggressive remedies in response to charges of employer misconduct during an organizing campaign. These moves show that the NLRB is poised to make union organizing easier going forward.

The proposed posting rule would require such notices to be placed in conspicuous places and by electronic means if the employer customarily uses such methods to communicate with employees. The notice would advise employees that they have the right to organize and bargain collectively with their employers and to engage in other protected concerted activity.

Finally, the notice tells employees that if they select a union, the employer must bargain in good faith to reach an agreement, that employees have six months to contact the NLRB after unlawful activity, and that employees may obtain lost wages and benefits for unfair labor practices.

The proposed rule states a failure to post is an unfair labor practice, that the NLRB may order the employer to toll the statute of limitations for unfair labor practice charges, and that it can consider knowing failure as evidence of unlawful motive in unfair labor practice proceedings. Arguably, these penalties go beyond any harm caused by an employer’s failure to post a notice.

Later that same day, Mr. Solomon suggested that discharges in response to union organizing are often accompanied by threats, solicitations of grievances, promises or grants of benefits and surveillance. In such situations, he stated that remedies should be crafted to recreate an atmosphere in which employees may fully utilize their right to free choice. He then authorized special relief providing for the reading of a remedial notice to employees, allowing union access to employee bulletin boards and furnishing employee addresses to the union, all of which would enhance a union’s ability to organize.

These developments likely will create a more conducive environment for unions to access and organize workforces. It is clear that the defeat of legislative initiatives such as the Employee Free Choice Act has caused the Obama Administration to seek a labor agenda through change at the Board.

Author:
Scott Silverman,
Akerman
Senterfitt LLP
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**May 2011 HCBA Calendar of Events**

1. **3rd**
   - 12:00 - 1:00 pm
   - Trial Lawyers Quarterly Luncheon

2. **4th**
   - 12:00 - 1:00 pm
   - Appellate Practice Lunch
   - 1:00 - 3:00 pm
   - Appellate Practice CLE

3. **5th**
   - 7:00 - 9:00 am
   - Channel 13 Ask-A-Lawyer

4. **6th**
   - 12:00 - 1:00 pm
   - Corporate Counsel / Immigration Lunch & CLE

5. **10th**
   - 12:00 - 1:00 pm
   - Workers Compensation Lunch & CLE
   - 12:00 - 1:30 pm
   - Judicial Lunch & CLE
   - 12:00 - 1:00 pm
   - Solo/Small Firm Lunch

6. **11th**
   - 12:00 - 5:00 pm
   - ABOTA / HCBA CLE
   - Stetson Tampa Campus & Chester H. Ferguson Law Center

7. **12th**
   - 12:00 - 1:00 pm
   - Real Property Probate & Trust Lunch

8. **15th**
   - 12:00 - 1:00 pm
   - Intellectual Property Lunch
   - 12:00 - 1:00 pm
   - Senior Council Lunch

9. **16th**
   - 12:00 - 1:00 pm
   - Law Day Membership Luncheon
   - Hyatt Regency Downtown

10. **18th**
    - 12:00 - 1:00 pm
    - Law Day Membership Luncheon

11. **19th**
    - 12:00 - 1:00 pm
    - Construction Law Lunch & CLE

12. **21st**
    - 1:00 - 4:00 pm
    - Diversity Committee Spring Refugee Summit & Bike Drive

13. **24th**
    - 12:00 - 1:00 pm
    - YLD Quarterly Luncheon

14. **25th**
    - 5:30 - 7:00 pm
    - John Adams A Scholarly & Theatrical Law Day Symposium

15. **26th**
    - 12:00 - 1:00 pm
    - Family Law Quarterly Luncheon

16. **27th**
    - 1:00 - 3:00 pm
    - Family Law CLE

**RSVP** for events online at www.hillsbar.com, by calling 813-221-7777 or emailing hcbarsvp@hillsbar.com.

Walk-ins are charged an additional $5 fee, and seating is not guaranteed for walk-ins.

**Please note**: Events may change from time of print. Call 813-221-7777 for updated event information. All events held at the Chester H. Ferguson Law Center unless otherwise noted.
Law Week 2011 affords us with the opportunity to educate children in our community about democracy and the legal profession. The annual event aims to improve public access to our profession by reaching out to area children and providing them with a glimpse of what lawyers do on a daily basis.

Law Week is divided up into three main events: classroom speeches, courthouse tours and mock trials. Each event involves working with Hillsborough County schools and teachers. Most importantly, each Law Week event allows a lawyer to reach out to a child and share some knowledge and experience.

The first event is the classroom speeches. These take place at area middle schools and high schools. The purpose of the speeches is to educate children about a legal topic and speak about personal experiences as a lawyer. The theme of Law Week 2011 is “The Legacy of John Adams, From Boston to Guantanamo.” John Adams’ role in the 1770 Boston Massacre trials has come to be seen as a lawyerly exemplar of adherence to the rule of law and defense of the rights of the accused. Therefore, the speeches will focus on every American’s fundamental constitutional rights, even when advocates may represent unpopular clients. The classroom speaking aspect of Law Week provides an opportunity for volunteers to improve their public speaking skills, while students learn valuable lessons about the importance of the United States Constitution.

The second event is the courthouse tours. Tours are a great way to show students what really happens inside the courthouse doors. Most kids only know about the fictional lawyers they see on television or in the movies. The courthouse tours provide the children with an accurate depiction of how our judicial system works. Every year, judges open up their courtrooms, allow the children to observe proceedings, and speak to them afterwards about the experience. In the past, children have observed everything from an arraignment to a jury selection. The students are always eager to learn and truly appreciate the experience.

The third event is the mock trials. The Law Week volunteers team up in groups of three, and each team goes to an area elementary school to assist in putting on a mock trial at the school. This year, the case of “United States v. Paul Bunyan” will be presented. Following the trial, a question and answer session is conducted so the students can ask questions about the trial. This provides us with the opportunity to interact with the students and teach them some of the basics of trial practice.

This year, the three main Law Week events will take place from May 2nd to May 6th. To volunteer or find out more information, please contact Kelly Zarzycki at kzarzycki@slk-law.com or Brad Barrios at brad.barrios@akerman.com. You may help a future lawyer find his or her calling or learn something about your own trial skills. You’ll definitely impact the lives of children and enjoy a rewarding experience.

Author: Lauren G. Raines, Quarles & Brady LLP

REGISTER NOW FOR THE MAY “LAW DAY” MEMBERSHIP LUNCHEON
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Ask a Colleague to Join Today!

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♦ Support pro bono efforts by participating in the 5K Run to the Courthouse
♦ Connect with your colleagues at complimentary HCBA Events & Happy Hours
♦ Learn about different practice areas through the Lawyer magazine

Encourage an associate to visit www.hillsbar.com now!
MacDill Air Force Base is home to two of the largest military commands in the United States, which means that chances are good that at some point you will be retained to represent a servicemember, spouse or former spouse of a servicemember. These family law cases need special treatment because, in addition to Florida laws, they are governed by the Servicemembers Civil Relief Act (SCRA) and the Uniformed Services Former Spouse’s Protection Act (USFSPA).

The first consideration when representing a servicemember is whether a stay is appropriate. There is no automatic stay that applies to servicemembers in civil cases, but, a stay is generally granted upon proper application. The SCRA provides that a court may, on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than 90 days. The application must include a letter or other communication from the servicemember stating the manner in which current military duty requirements materially affect the servicemember’s ability to appear and a date when the servicemember will be available, along with a letter or other communication from the servicemember’s commanding officer stating that the servicemember’s current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter. The SCRA is not intended to protect a servicemember who starts an action while deployed or to serve as a delay tactic. Furthermore, the current military duty must materially affect the member’s ability to participate, which means that not all military service will warrant a stay.

Looking to alimony and child support, servicemembers receive several types of income not all of which is taxable. This materially affects child support and alimony. Part of the income is a housing allowance, which varies depending on the servicemember’s station, rank, and dependents. Retired servicemembers may receive multiple forms of pay, including retired pay, disability pay or concurrent retirement and disability pay. The interplay between these forms of pay and the taxability of each form can greatly affect the ability to pay alimony and child support. Knowing what type of income is available, how it is taxed and when it changes can be a huge advantage in your representation.

With regard to equitable distribution, the USFSPA provides that the court may treat disposable retired pay as marital property. Accordingly, Florida courts can, and do, divide the marital portion of the military pension regardless of the length of marriage. There is no ten year minimum for division, however, in order to receive direct payment. Ten years of service needs to overlap with ten years of the marriage. The pension can be divided in the Final Judgment. If done correctly, no separate order is needed.

In representing the servicemember or spouse, it is imperative to know what laws apply and how to leverage those laws strategically. If you are not experienced in this area, at a minimum, consult with an attorney who practices in the area of family law for servicemembers.

Author: Kristin R. H. Kirkner, Esquire, DeCort & Kirkner, PL.
Chester H. Ferguson Law Center is the perfect place for your mediation, business meeting, wedding and reception, or holiday party. The 17,000 sq. ft. building is extremely versatile and available for rental.

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WHEN (WIN) TO MEDIATE
Mediation and Arbitration Section
Chairs: Louise B. Fields, Louise B. Fields, LLC; and George E. Nader, Trenam Kemker Scharf Barkin Frye O’Neill & Mullis, P.A.

Each time a new case comes in, I ponder the question of when to mediate. Early? Middle? Late? The idea that mediation is only appropriate toward the end of the case is antiquated. The idea that every case should be mediated pre-suit is unrealistic. So, when should I mediate? Only your hairdresser knows for sure, but no mediator or lawyer can give you a one size fits all answer.

Early: Yes, if liability is unquestionable, damages can be reasonably calculated, there may be limited insurance coverage or ability to collect issues. Another scenario that militates toward early settlement is when you may have evidence or documents which torpedo your case but are not yet in the possession of the other side. You know the other side will ultimately obtain the evidence or documents through the normal discovery process. Mediate early and you may be able to achieve a better settlement than later after the beans have been spilled. Here’s another one: suppose your client is not very presentable, i.e. makes a horrible witness, is arrogant, can’t speak the truth or his or her story doesn’t add up.

Once opposing counsel takes your client’s deposition, you are doomed. Schedule early mediation and get out. Of course, convincing your client that he or she is a cad may be difficult. I had two nearly identical cases years ago in which all the witnesses and documents were in the hands of the defense. I didn’t have much evidence and considered dropping the case. I tried to discuss an embarrassingly cheap settlement early to a chorus of boos from the defense. Fast forward two requests to produce, three court orders granting motions to compel and two or three depositions later and, presto, a settlement just shy of seven figures. I could never fathom why they didn’t stroke a check early and leave me and my clients wondering forever what we might have left on the table.

Late: Sometimes, neither side knows enough about either the case or the other’s. The danger of waiting to mediate late is all the costs of depositions, subpoenas, fees, experts, et al. have been incurred and mediation either increases the price of doing business or makes alternative dispute resolution no alternative. Here’s another issue. Some lawyers prescribe to the strategy of hiding all their favorable evidence either until trial or when the court makes them fork it over, depriving their own client of the opportunity to settle early and favorably. If the opposing party sees how good your case is, they will settle. Now you make the same settlement (or maybe worse) but you have incurred all the costs and fees so the client is worse off, paying or receiving the same or similar amount it could have paid or received two years earlier. What is the point? Show your cards. Next case please.

Middle: Get some basic discovery. Depose the plaintiff, the defendant and some of the critical witnesses. Evaluate the case. Get opposing counsel to agree to mediate and get it done. When I say middle, I don’t mean that every witness, every expert has to be deposed, every damage calculation has to be made to the penny. That’s too late. If you must, do a focus group early, and that may give you some good insight to the strengths and weaknesses of the case.

Conclusion: Plot your course to mediation at the outset of the case. It should be part of your initial intake discussion with the client and discern if the client really has the stomach for trial or wants the case to go away.

Author: George E. Nader, Esq., Trenam, Kemker, Scharf, Barkin, Frye, O’Neill & Mullis, PA.
Many lawyers coming out of law school or who have been in the profession for quite some time are faced with the challenge of our new economy. As a result, setting up a law practice has become a need rather than a requirement. I started my law firm three years ago on a kitchen table with a cell phone, printer and laptop. I now have employees, and I recently won the 2010 Brandon Chamber Small Business of the Year Award in the Minority and Small Business Category in the worst economy possible. How did I do it? Mostly I am not sure and I am not an expert, but I can tell you about some of the things I did for free that seem to work out positively.

1. Kept expenses low and growth steady
   I did not start my law firm until I had my first paying client, and I did not spend a dime until I did. I tend to believe you can’t have an expense until you actually spend it —so earn it, THEN spend it. Don’t rack up big loans or credit card bills in starting your solo practice.

   My first expense was a $10.00 black and white stack of business cards. I already had a cell phone, laptop and printer. If you don’t have the computer, phone and printer, see if you can get someone to donate one to you or ask for one for a present. These days, you would be surprised how you can find a FREE computer. Every time I made money from a client, only then would I buy something I needed to grow the practice.

2. Researched and picked various services carefully
   When I started my law practice, I spent an enormous amount of time researching services and tools I would need for my business. I investigated office space carefully before selecting an executive suite. I researched numerous computer software and phone services. I tested all the online research services for free before I invested in one. I looked for computer support services. I studied various servers and office set ups. Start with your state bar website and your local law library. The Florida State Bar has free resources for setting up your law practice. You would be amazed at the free information you can find that will save you thousands of hours of work and money.

3. Did it on my own first before delegating
   I do everything on my own I possibly can in my office. It is important because it teaches me how long it really takes to do something when someone else has to do it. It helps me to establish good procedures. It prevents ethics violations. It helps me know what the cost is of having someone else do it.

4. Established standard procedures
   I tried very hard to establish standard forms and procedures. If I drafted an intake form, I would research various forms and then I would draft the best possible intake form I could. Once I had the form, I then tested it by figuring out when to have potential clients complete the form. My team then could properly execute because I had a standard profitable procedure, and I knew it would work effectively.

5. Made the few clients I had very happy
   The most important thing you can do when opening an office is take care of your first few clients with over the top service. Actually, this advice goes for every single person who walks in your office or you speak with on the phone. That is the most important free investment you need. It does not matter how much the client is paying you. Give them multi-million dollar service.

Author: Rinky S. Parwani, Parwani Law, PA.
Many attorneys are called upon to assist charities by providing pro bono legal services and by serving on boards of directors. The following is the first part of a two-part primer on issues attorneys should be aware of when working with non-profit organizations.

Florida Application to Solicit Contributions

In Florida, many charities are required to register with the Florida Department of Agriculture and Consumer Services (DACS) prior to engaging in fundraising activities. This registration must be renewed annually, and the fee ranges between $10 and $400, depending on the contributions received by the organization in the preceding fiscal year. Late renewals are subject to a $25 fee for each month or part thereof after the registration due date.

Organizations that are exempt from the registration requirement include religious organizations, educational institutions, state agencies or other.

The prospect of personal liability may be enough to scare highly qualified, talented individuals away...

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government entities, and professional fundraising consultants. Under Fla. Stat. §496.404(8), “educational institutions” include non-profit schools and organizations which raise funds for schools, such as most booster clubs, alumni organizations, and parents groups.

Pursuant to Fla. Stat. §496.411(3), charities which have registered with the DACS are required to display the following statement in capital letters on every printed solicitation, written confirmation, receipt, or reminder of a contribution:

“A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.”

To determine whether a particular organization has registered, you can visit http://www.800helpfla.com/ and click on the link that says “Gift Givers’ Guide.” This website also provides some basic financial information about the charities that have registered.

IRS Reporting Requirements

Exempt organization tax returns are due on the 15th day of the 5th month after the end of the organization’s fiscal year. For organizations operating on a calendar year, tax returns are due May 15th. If an organization fails to file a return for three years, its tax exempt status will be revoked. To be reinstated, the organization will have to reapply for tax exempt status by filing Form 1023 with the IRS and paying a substantial “user fee.”

For organizations with annual gross receipts of less than $50,000, the only reporting requirement is Form 990-N, otherwise known as an e-postcard, which is filed online. For organizations with gross receipts in excess of $50,000, income is reported on Forms 990 or 990-EZ. Churches and other places of worship are generally exempt from the requirement to file, regardless of their income.

Indemnification

Individuals who serve on boards of directors should take a moment to review the organization’s bylaws to determine whether the organization will indemnify the board members from personal liability for actions taken (or not taken) on behalf of the organization. The prospect of personal liability may be enough to scare highly qualified, talented individuals away from serving on charity boards, but a well-drafted indemnification clause should allay those concerns.

* * * * *

Stay tuned next month for a thrilling discussion of prohibited activities and unrelated business taxable income!

Author: Katie Everlove-Stone, Akerman Senterfitt
By all accounts, the extreme makeover of the new standard jury instructions for civil cases brought substantial improvement over the old jury instructions. The revised instructions improved organization, making them easier to use, and simplified the language, making them easier to understand.¹ The instructions for professional negligence benefited from much of these improvements. The following are some of the more significant changes to §402, Professional Negligence.

No area of professional negligence saw more changes than the most common professional negligence claim, medical negligence. Instruction 402.4, Medical Negligence, was significantly expanded to include instructions on many issues that commonly arise in these cases. Included are instructions on various causes of action, such as the presence of foreign body, res ipsa loquitur, informed consent, and failure to maintain medical records. The language of each of these instructions is simple and direct, to instruct the jurors in as clear a manner as possible, without legalese and run-on sentences. For instance, on the presence of foreign body instruction, the committee eschewed the language of the statute, §766.102(3), “prima facie

The new instructions for professional negligence claims should go a long way towards simplifying the complex determinations jurors must make in deciding these cases.

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Left to Right: Chief Judge Darryl Casanueva, Chief Judge Anne Conway, Chief Judge Manuel Menendez, Jr. with Ronald Hanes, Trial & Litigation Section Chair.
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evidence of negligence,” which the committee thought was not helpful to lay jurors. Instead, the instruction uses the common definition of prima facie, “evidence sufficient to establish a fact unless and until rebutted.” See Notes on Use for 402.4c, FLORIDA STANDARD JURY INSTRUCTIONS - CIVIL CASES. Other changes specific to medical negligence cases include the new 402.16. This instruction dealing with emergency medical treatment clarifies in plain English the decision-making process for the jury in a complicated area of the law. Every practitioner who has a medical negligence case involving emergency medical treatment might benefit from reading it early in the case.

Instruction 402.9, Preliminary Issues - Vicarious Liability, is another notable change. The structure and organization of the instruction provides a clear path for jurors’ determination of the preliminary issues of vicarious liability. Included are instructions on agency (both with and without an independent contractor issue) and apparent agency, non-delegable duty, and joint venture. The notes on use of this instruction are particularly helpful and are up-to-date with current law on these issues. For instance, the notes for use of the non-delegable duty instruction include citations to recent, defining decisions on non-delegable duty in medical negligence cases.

Medical negligence is not the only area of law with significant changes and new additions. Instruction 402.12 provides a new instruction on issues in attorney malpractice claims. Instruction 402.5 applies to all nonmedical professional negligence claims. The new standard jury instructions for civil cases were written with an eye on juror engagement, with input from judges, practitioners, and even jury consultants and psychologists. The new instructions for professional negligence claims should go a long way towards simplifying the complex determinations jurors must make in deciding these cases and perhaps a long way towards keeping a few more jurors awake and alert during the lengthy recitation of the jury instructions.


Author: Charles T. Moore, Morgan & Morgan, PA
For The Month of: January 2010.
Judge: Honorable Jeffrey Streitfeld.
Attorneys: For Plaintiff: Ethan Loeb & Jon Tasso; For Defendant: Michael Marcil & Jeremy Hart.
Nature of Case: Breach of contract for gas pipeline relocation
Verdict: $82,697,567.00 in favor of Florida Gas Transmission Company, LLC.

For The Month of: September 2010.
Judge: Honorable Martha Cook.
Attorneys: For Plaintiff: Jeffrey "Jack" Gordon of Maney|Gordon; For Defendant, Thomas Smith, Esq.
19 year-old Plaintiff suffered facial fractures as a result of assault at defendant’s nightclub.
Verdict: $853,543 in favor of Plaintiff.

For The Month of: October 2010.
Judge: Honorable Bernard Silver.
Parties: Blanca Hughes v. Colonial Village Apartments.
Attorneys: For Plaintiff: Jeffrey "Jack" Gordon of Maney|Gordon; For Defendant, Thomas Smith, Esq.
19 year-old Plaintiff suffered facial fractures as a result of assault at defendant’s nightclub.
Verdict: $853,543 in favor of Plaintiff.

For The Month of: October 2010.
Judge: Honorable Herbert J. Baumann, Jr.
Attorneys: For Plaintiff: T. Patton Youngblood, Jr.; For Defendant: Ann Lehr O’Hern & P.D. Sabourin Goldstein.
Nature of Case: Plaintiff timely filed Demand for Judgment for $55,000.00.
Verdict: No breach of contract, defense verdict.

For The Month of: January 2011.
Judge: Honorable S. Pendino.
Parties: Southwest Contracting, Inc. v. City of Tampa.
Attorneys: For Plaintiff: John H. Rains, III; For Defendant John J. Thresher, Michael Kamprath.
Nature of Case: Contractor sued city for breach of construction contract.
Verdict: No breach of contract, defense verdict.

For The Month of: January 2011.
Judge: Honorable James M. Barton.
Parties: Henry King v. Mildred and Michael Jackson.
Attorneys: For Plaintiff: Ernie E. Trichler, II, and Paul M. Sisco; For Defendant: Pro Se.
Nature of Case: Civil rights violation, excessive force alleged during execution of warrant.
Verdict: Defense verdict, no excessive force occurred. Defendant’s motion for Attorney’s Fees and cost pending.

For The Month of: February 2011.
Judge: Honorable Ralph Steinberg.
Attorneys: For Plaintiff: D. James Kadyk; For Defendant Lisa L. Alvardo and James J. Pratt.
Nature of Case: Defendant admitted negligence but denied permanent injury.
Verdict: No permanent injury. $17,408.53 awarded for medical and lost earnings.

For The Month of: February 2011.
Judge: Honorable Martha J. Cook.
Parties: Holli Thorne v. State Farm, Daniel Thomas et al.
Attorneys: For Plaintiff: Hendrick Uiterwyk; For Defendant: Ann O’Hern, James Pratt, Catherine Nadeau.
Nature of Case: Rear-end auto accidents with injuries to shoulder, neck, knee and TMJ.
Verdict: $1,170,430.05 against driver of second accident.

For The Month of: February 2011.
Judge: Judge: Honorable James S. Moody, Jr.
Parties: Jarvis Brown v. Hillsborough County Sheriff’s Office Detective.
Attorneys: For Plaintiff: Michael Maddux; For Defendant Thea G. Clark and Christopher E. Brown.
Nature of Case: Civil rights violation, excessive force alleged during execution of warrant.
Verdict: Defense verdict, no excessive force occurred. Defendant’s motion for Attorney’s Fees and cost pending.

For The Month of: February 2011.
Judge: Honorable James S. Moody, Jr.
Parties: Lorenzo Rubio v. Hillsborough County Sheriff’s Office and Hillsborough County Sheriff’s Office Deputy.
Attorneys: For Plaintiff: Michael Maddux; For Defendant: Thea G. Clark.

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**Nature of Case:** Civil rights violation, excessive force alleged during arrest.  
**Verdict:** Defendant’s motion for summary judgement as to all counts granted: no excessive force occurred: Defendants’ motion for Attorney’s fees and cost pending.

**For The Month of:** February 2011.  
**Judge:** Honorable Herbert J. Bauman, Jr.  
**Parties:** Mary Bottini, as Personal Representative of the Estate of Gerard Bottini, Deceased v. Geico General Insurance Company, a foreign corporation (GEICO).  
**Attorneys:** For Plaintiff: C. Steve Yerrid & David D. Dickey of the Yerrid Law Firm; For Defendant: James B. Thompson, Jr., Todd B. Miller & Jason Stedman of Thompson, Goodis, et al.  
**Nature of Case:** Negligent car maintenance/operation results in catastrophic engine failure causing rollover.  
**Verdict:** $30,872,266.00 in favor of plaintiff.

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The Honorable Susan Sexton, of the Thirteenth Judicial Circuit, in Tampa, is the recipient of the 2011 Distinguished Judicial Service Award. The award honors outstanding and sustained service to the public especially as it relates to support of pro bono legal services.

Ford & Harrison LLP, a national labor and employment law firm, is pleased to announce the addition of Shane T. Muñoz as a Partner in the firm’s Tampa office.

Christina J. Anton is proud to announce with pleasure the formation of Anton-Castro Law, LLC.

Adams and Reese associate Kim Madison in the firm’s Tampa office will serve as Vice-Chair of the Hillsborough County Human Relations Board for 2011-2012.

Former Tampa City Councilman John Dingfelder proudly announces the opening of Dingfelder Law, a full service law firm.

George Nader has been accepted to the American Board of Trial Advocates (“ABOTA”).

Holland & Knight Managing Partner Steven Sonberg announced that Mike Chapman, a partner in the firm’s Tampa office, has been appointed General Counsel of the firm.

The Law Firm of Shutts & Bowen LLP is pleased to announce the naming of new partners Tiffany Dilorio and Robin Henderson Leavengood, who are members of the firm's Tampa office.

Shumaker, Loop & Kendrick, LLP is pleased to announce that Michele Leo Hinton, Brian R. Lambert and Steven S. Greico have been named Partners in the firm’s Tampa Office.

Forizs & Dogali, P.A. is pleased to announce that Haley Maple has been named Equity Partner of the firm.

Andy Dogali, Managing Partner of Forizs & Dogali, P.A., was recently appointed Co-Chair of the Emerging Issues Subcommittee of the Insurance Coverage Litigation Committee of the American Bar Association Section of Litigation.

Thomas A. Burns has joined Greenberg Traurig’s Appellate Practice as an associate in the Tampa office.

Williams Schifino Mangione & Steady P.A. is pleased to announce that Robin Keener has been elected the firm’s newest shareholder.

Givens Law Group is proud to announce the appointment as Partner of Robert D. Sparks.

Holland & Knight is pleased to announce that Howell Melton, a partner in the firm’s Orlando office, has been elected Vice Chair of Enterprise Florida’s Board of Directors.

The Honorable Manuel Menendez, Jr. was elected by his colleagues to serve another two-year term as Chief Judge of the Thirteenth Judicial Circuit.

Carol Still Moody, managing attorney of the Senior Advocacy Unit of Bay Area Legal Services, was presented the Salt and Pepper Award in January 2011 by the West Central Florida Area Agency on Aging.

Susan Steinberg Sandler, managing attorney of the Bay Area Volunteer Lawyers Program of Bay Area Legal Services, was presented the 2011 Kay Meyers Pro Bono Coordinator Award by the Florida Pro Bono Coordinators Association.

Michael L. Bridenback, Trial Court Administrator for Florida’s 13th Judicial Circuit, is the recipient of a 2010 Distinguished Service Award, one of the highest recognitions given by the National Center for State Courts (NCSC).
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