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Eighth Judicial Circuit Bar Association, Inc.

December 2019

# President's Message

By Cherie Fine



Holiday rituals allow us to feel part of something bigger. Things we do this time of year can truly increase our wellbeing. Here are some of my thoughts on how to make the season merry and bright!

The best traditions are ones that involve giving back — when you give, you get. The EJCBA's Annual Margaret Stack Holiday Project to benefit the Alachua County

Headstart Pre-K program is a wonderful event that provides us with a chance to give! Whether you participate in this program or work at Saint Francis House or have some other charitable group you are involved with, allow yourself the joy of helping others!

Cooking for the holidays can be wonderful. Some recipes we only make once or twice a year. My family makes Latkes, a traditional Hanukkah treat! Meals cooked during the holidays are mindfully prepared. We collaborate with friends and family. Meals are a labor of love. Enjoy the smells and tastes of the season – but, moderation is never a bad idea ...

Singing was a big thing when I was growing up – is it still a thing? The physiological benefits of singing include stress reduction, improved immunity, and reduced muscle tension. Singing and listening to seasonal music can connect us to the past – so, fa, la, to you all!

Decorating and appreciating items that remind us of "Auld Lang Syne" can definitely boost our happiness. Use your good china, put up a wreath or menorah or just enjoy some winter blooms. Take time to make your life special, "spark joy" and show that you appreciate those who are important to you.

Get outdoors! The fresh air and sunshine will brighten your days and the exercise will release endorphins. Enjoy nature - unlike much of the country the

weather outside is not generally frightful so take advantage of our beautiful Florida scenery!

Hope to see you at the EJCBA Holiday get together December 12th!



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#### **Contribute to Your Newsletter!**

From the Editor

I'd like to encourage all of our members to contribute to the newsletter by sending in an article, a letter to the editor about a topic of interest or current event, an amusing short story, a profile of a favorite judge, attorney or case, a cartoon, or a blurb about the good works that we do in our communities and personal lives. Submissions are due on the 5th of the preceding month and can be made by email to <a href="mailto:dvallejos-nichols@avera.com">dvallejos-nichols@avera.com</a>.

#### **About this Newsletter**

This newsletter is published monthly, except in July and August, by:

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Any and all opinions expressed by the Editor, the President, other officers and members of the Eighth Judicial Circuit Bar Association, and authors of articles are their own and do not necessarily represent the views of the Association.

News, articles, announcements, advertisements and Letters to the Editor should be submitted to the Editor or Executive Director by Email. Also please email a photograph to go with any article submission. Files should be saved in any version of MS Word, WordPerfect or ASCII text.

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Deadline is the 5th of the preceding month

# **Alternative Dispute Resolution**

By Chester B. Chance and Charles B. Carter



#### "Judicial Economy Meets Shakespeare"

Back in 2000, Judge David L. Tobin published an article in the Florida Bar Journal entitled "To B...Or Not To B...B... Means Bifurcation." The article still is an excellent outline on the benefits, use of, and reasons for considering bifurcation.

Recently we wrote an article with a similar title but the article addressed

factors to consider for insurance representatives 'B-ing' at a mediation conference. In this article, we are going to revisit the original article by Judge Tobin about bifurcation and the possible/likely judicial economy as well as the economy to lawyers and their clients with a bifurcated trial.

We use and refer to Judge Tobin's article at mediation because of his discussion of how he *first* started to contemplate bifurcation:

... I was discussing calendar control and judicial efficiency with one of my colleagues, Judge Amy Donner, who said she was bifurcating most of her cases. After our conversation, I examined the trials in my division for the [preceding year] and found that of the 40 jury trials, 8 of them were slip-and-fall cases. Of these 8, 7 resulted in a verdict for the Defendant. It occurred to me that if we tried only liability, between 7 and 14 days of jury time would have been saved, enabling us to try several more cases. Accordingly, I then decided to screen our cases and began bifurcating slip-and-fall cases only. I hope that this article will assist judges and attorneys in selecting those cases in which bifurcation would benefit litigants and attorneys, as well as the court.

In his article, Judge Tobin suggests that the court also must be open minded and listen to both sides and analyze whether there are valid objections or reasons not to bifurcate a particular case. "If bifurcation will not result in economics of time and costs for the parties and the court, then obviously it need not be employed."

Judge Tobin goes on to suggest that an analysis of each case with thoughtful consideration of what can be accomplished by bifurcation by the parties and the Judge "can be beneficial to the entire system." Judge Tobin suggests bifurcation often enables the attorneys to move their cases through the courts more quickly.

Judge Tobin relates how a lawyer approached him after a case had resulted in a defense verdict (the case was bifurcated) and thanked Judge Tobin for bifurcating the case. The thank you came from the plaintiff attorney.

The attorney suggested that by bifurcating the case he saved thousands of dollars in expert witness fees which he never would have recovered from his client. The plaintiff attorney suggested to Judge Tobin that if he had persuaded the jury to attribute any liability to the defendant "the case surely would have settled before any damage trial."



How does this relate to mediation? At mediations, the mediator, counsel, and the parties always discuss liability issues, damage issues, and cost issues. There is a tendency for cases *not* to settle or resolve at mediation when the defense digs in its heels by strongly denying liability or strongly asserting/ suggesting a high percentage of comparative fault. A trial on the issue of fault will cost less and take less time. Once the issue of liability is determined, i.e., (no fault on the defendant, all the fault on the defendant, comparative fault on both parties) we agree with Judge Tobin that the case will likely end up settling and negate the likelihood of a longer and more expensive trial on damages.

Judge Tobin considers issues relating to the mediation of a bifurcated case. When a case has been bifurcated, he gives the attorneys a list of procedures which include the requirement that plaintiff provide the defense with all medical bills and all medical reports "so that mediation can be meaningful." Although ordering such things, Judge Tobin would stay the discovery procedures on damages by eliminating all depositions of doctors and have counsel proceed strictly upon the medical reports and medical bills. Judge Tobin suggests that this saves thousands and perhaps tens of thousands of dollars on each side for professional fees which might better be used to assist in settlement. We respectfully suggest that whether all medical discovery is stayed or not might be subject to flexibility and discussion among the attorneys and the court.

Judge Tobin also considers cases involving multiple defendants.

There are many cases with multiple defendants. Medical malpractice cases often have hospitals and doctors named as defendants. Often, the case will not settle because each of the defendants believes that the primary liability rests with the other defendant(s). A bifurcated case will enable the jury to apportion liability among the various defendants. In those cases, some of the defendants may be released with the finding of no liability and other defendants may be assessed full or partial liability....

Continued on page 7

#### **Criminal Law**

By William Cervone



I believe that I have commented on the importance of precision in our lawyerly choice of words before. It is, after all, our craft. I am pretty sure that I have also addressed overly legalistic wording, suggesting that using a \$10 word when a \$1 word will do nicely isn't always a good idea. Perhaps that sounds contradictory, perhaps not. Today's lesson is a graphic illustration that both points

are valid.

To begin with, let's discuss the misdeeds of one Neemias Ramos. Neemias was the significant other, a not very nuanced term of art, of the mother of a 7-year-old girl. All too often, that status ultimately puts one in the category of defendant, another term of art. To make an all too predictable story short, when the child returned from a weekend visit with her mother and Neemias to her father's home, where she stayed during the week (another all too familiar story but I won't digress), she was sad and guiet and eventually after some prodding told her father and step-mother (sigh) that Neemias had had "inappropriate contact" with her, the details of which the 4th DCA has spared us. One thing led to another, including police and CPT interviews with the child, inconsistent law enforcement interviews with Neemias as to precisely what happened, but ultimately enough that he was arrested and, some three years later (sighhhh) tried and convicted for capital sexual battery. And herein lies the rub, pun poorly intended.

The child apparently, as many at that age are, was medically imprecise in her descriptions of what Neemias had done to her. Neemias, as defendants tend to be, was apparently non-specific if not evasive about exactly what he had done. And the State fell prey to the same imprecisions, electing to go with the word butt in charging Neemias with sexual battery by penetration or union. And so the child testified at trial: that the contact, whatever it consisted of, was with her butt. Unobjected to by the defense, the jury instructions informed the jury about penetration or union with the butt. To laymen, or at least to this jury, that the word butt is not the word anus that the applicable statute uses [read that as requires] was of no matter. Perhaps or perhaps not significantly, nowhere in the instructions was a definition of "butt" provided. Or, apparently "buttocks."

Well, you can see where this is going, or at least I hope you can. The colloquial butt is not the legal anus. The conviction Neemias may well have deserved and its consequent life sentence resulted from the jury deliberating on and convicting for "conduct less than that

required by statute for the crime of sexual battery," which is of course fundamental error.

Fortunately, at least from my perspective, is that conviction for a non-existent offense does not bar by double jeopardy Neemias being brought back to trial, a new trial being the order of the DCA. I suspect, though, that once back in the trial court (Palm Beach County if anyone cares) such a claim will be made and there will be motions and orders and appeals and the usual such proceedings, with who knows what result yet to come. One wonders why there weren't defense motions attacking the State's charging language to begin with but that's probably another story.

For the rest of us, the lesson is simpler. There is a time and a place for specific, legal, even cumbersome words and phrases. Statutes and the words and phrases they use are one of those places. While common speak remains high on my list of advice, that cannot come at the expense of precision of language. I have seen it said "Do not overwrite" and "Avoid fancy words." That is wise. Wiser is to not choose your own word in lieu of what the law requires.



# **Checklist for a Happy New Year: Employment Law**

By Laura A. Gross



Employment contracts. Old contracts are like old underwear—need I say more? Sometimes, our clients get so comfortable reusing old contracts and forms, that they do not notice the insufficient coverage until it is too late. Aside from changes to the law—and there are often real changes that implicate employment contracts—people tend to repurpose these documents for a myriad of scenarios for which they were never

intended. Cut, copy, paste, and edit and after a few years, our client has created a Frankenstein—a mumbling monstrosity that must be destroyed. The new year is a perfect time to break this habit and commit to a review and update of employment contracts and forms (really, all internally edited business contracts and forms).

**Personnel policies.** Now is also the time to review and update employee handbooks and personnel policies. While every employer may not need a full blown employee handbook, some policies are important to all employers.

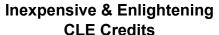
- A strong, up-to-date policy against discrimination and harassment in the workplace can provide an affirmative defense against harassment claims. While the federal and state laws prohibiting discrimination and harassment generally apply only to employers with 15 or more employees, there are other similar laws (and municipal ordinances in Gainesville and Alachua County) which apply to smaller employers.
- A clear, written and enforced policy on hours of work (with provisions on recording time, working overtime, and penalties for violation) is an important tool to avoiding hourly wage disputes.
- A communicated, written plan establishing an "initial employment probationary period" allows an employer to avoid liability for unemployment compensation paid to an employee who is discharged within the first 90 days of employment. The initial probationary period plan must apply to all employees or a specific group of employees and not exceed 90 calendar days (not three months as many policies state), and the employee must be so informed within the first 7 days of work. While a discharged employee may still be entitled to receive benefits, an employer who can show it has a plan and that the employee was so notified, will not be charged.

**Wages.** Effective January 1, 2020, there are two significant wage-related changes that Florida employers need to incorporate into their pay practices.

- State minimum wage will rise from \$8.46 to \$8.56 per hour, an increase calculated on September 30, 2019 based on the CPI for the immediately preceding 12-months. For tipped employees, the new minimum wage is \$5.54 per hour plus tips which together must equal at least \$8.56 per hour. The tipped minimum wage is calculated by subtracting the federal tip credit of \$3.02, set in 2003, from the higher of federal or the applicable state minimum wage, here \$8.56. The federal minimum wage has remained at \$7.25 per hour since 2009, though 29 states have set their minimum wage higher than the federal rate and 14 of those states have a minimum hourly wage of \$10 or more.
- The minimum salary threshold for exempt employees under the Fair Labor Standards Act will increase from \$455 to \$684 per week, but will now allow employers a limited credit of certain non-discretionary payments. This change in expected to expand overtime pay obligations to 1.3 million more workers.

# **Professionalism Seminar - Register Now**

By Ray Brady





Mark your calendars now for the annual Professionalism Seminar. This year the seminar will be held on Friday, February 14, 2020, from 9:00 a.m. (registration begins at 8:30 a.m.) until Noon at the Trinity United Methodist Church on NW 53rd Avenue. Our keynote speaker will be The Honorable James P. Nilon, Chief Judge of the Eighth Judicial Circuit of Florida. The title of his

address is "Reflections on Professionalism Over the Course of a Career."

We expect to be approved, once again this year, for 3.5 General CLE hours, which includes 2.0 ethics hours and 1.5 professionalism hours.

To register on-line, go to https:<u>8jcba.org/event-3626898</u>. Questions may be directed to the EJCBA Professionalism Committee chairman, Ray Brady, Esq., at 373-4141.

## **Small Claims Clinic - After-Hours Volunteer Opportunity**

By Marcia Green



As 2019 winds down and we prepare for the winter holidays, I am again humbled by the commitment of the attorneys who continuously give their time and energy to serving the needs of the poor.

Do you know Bill Galione? Amy Abernethy? Lucy Goddard-Teel? These attorneys have been volunteering with the Three Rivers Legal Services Small Claims Clinic

for more than 15 years!

I often remember events based on their location and Three Rivers has moved several times. We started the Small Claims Clinic when our office was in the Primrose Inn on University Avenue. I loved that location but it wasn't the best for our clients as parking was limited and it was a few blocks from a bus stop. The rent increased and there were the rats. In fact, one time a rat ate my mouse! Actually, the rat ate the cord to my computer mouse but it's funnier to say "a rat ate my mouse!" The building had lots of windows and the wood floors were beautiful; I loved being downtown. But I digress; this article is really to tell you about the Clinic.

The after-hours Small Claims Clinic was an outgrowth of our general Advice Clinic which had been spearheaded by the local Young Lawyers Division. We narrowed our scope after a few years and focused on clients with security deposit issues, wage claims, consumer issues and claims of less than \$5000. Our volunteers provide advice and, sometimes, draft pro-se demand letters or small claims complaints. They advise the clients about presenting their evidence at mediation, what to consider towards settlement and then how to behave in court. The attorneys review the issues, give the pros and cons of the claim and sometimes have to explain "sometimes you just need to move on" or "you can't get blood from a turnip" when the adverse party has nothing.

The Clinic, held at Three Rivers' office next to Public & General, sometimes leaves the volunteers frustrated that more cannot be done or weary at a client's insistence that they need their day in court. Most of all, however, Small Claims Clinic allows an individual to meet one-on-one with an attorney with the opportunity to tell their story and get legal advice that might otherwise be unavailable.

One of our consumer-focused staff attorneys is always available to review oddities that may come up and can help trouble-shoot the more unusual problems. For example, issue spotting is essential when reviewing a used-car purchase or car repair claim. Sometimes our staff attorney decides that Three Rivers should open a

case for the client, especially when the adverse party is well-known to our agency for their actions against low income residents.

Retired staff attorney Judy Collins is now one of our Small Claims Clinic volunteers; it's a perfect fit for her and we're so glad she's returned! Bill (private practice), Amy (UF academics) and Lucy (retired from DCF) have so much experience with the Clinic and new volunteer, Elyot Xia–Zhu, has joined the team. We've all become friends; we talk about children and grandchildren, vacations, sports and crafting; we have snacks and we laugh. But our focus is on the clients and providing them with the best possible solutions to their problems.

Interested in joining this team of volunteers? Let me know! Email me at <a href="mailto:marcia.green@trls.org">marcia.green@trls.org</a> or call 352-415-2327.



#### **ADR**

Continued from page 2

In other cases with multiple defendants, if the issues of apportionment and comparative negligence are established by a jury, our experience is that the damage issues are always settled thereafter.

Judge Tobin suggests that bifurcated cases settle at almost <u>twice</u> the percentage of non-bifurcated cases. He suggests bifurcation is not a punishment to plaintiffs nor a second bite at the apple for the defendant.

The purpose of this article is not to suggest bifurcation works in all cases. In fact, we are aware of some courts which bifurcate *all* cases. We respectfully suggest that might be throwing out the baby with the bath water. However, when the subject of the benefits of bifurcation is discussed, when appropriate, at a mediation, we are very surprised that often counsel has not even considered or thought about the benefits or potential application of bifurcation.

Several times, prior to mediation, we are aware of situations where a defendant has filed a motion for summary judgement and that motion has been denied before the mediation conference took place. In some of those situations, the plaintiff attorney has confided that he almost wished the court had granted the summary judgment because now he had to proceed with the time, cost and expense of a trial on the liability and damage issues, although privately acknowledging the chances of success were small. That same analysis applies to bifurcation. Often one attorney or the other immediately dismisses the other side's suggestion to discuss bifurcation. Perhaps both counsel and the court should consider bifurcation, if not routinely, more often than occurs.

Rule 1.730, Florida Rules of Civil Procedure, addresses a mediation where no agreement occurs. If the parties do not reach an agreement as to any matter as a result of mediation, the mediator shall report the lack of an agreement to the Court without comment or recommendation. With the consent of the parties, the mediator's report may also identify any pending motions or outstanding legal issues, discovery process, or other action by any party which, if resolved or completed, would facilitate the possibility of a settlement.

Perhaps (we repeat, perhaps) the parties and counsel might suggest to the mediator to report that a hearing with the court to consider the possibility of bifurcation would be something which might facilitate the possibility of a settlement.

This article is not an hour-long seminar on the pros and cons of bifurcation. It is not our intent to discuss the various benefits and draw backs to either side with respect to bifurcation of any particular matter. We merely respectfully and humbly suggest: (1) bifurcation and the possibility of bifurcation is being discussed more often at mediation; (2) perhaps both attorneys and the Court should take the concept of bifurcation and the benefits of bifurcation and move it from the back of their consciousness closer to a state of awareness and consideration.

Note: Judge Tobin's article can be found in the November, 2000 issue of the Florida Bar Journal. Do not dismiss the article because it's almost 20 years old. We routinely rely on case precedent which is much older.

# The Best Advice I Have Received By Jack M. Ross



After practicing law for over 40 years most of what I know I learned from others. I thought it might be useful if I share some of the best advice I have received over that time. Some of this advice is specifically about the practice of law, and some is more general, but all can be applied to our practice.

- We will outwork and outthink the other side.
- Larry G. Turner
- 2. You can over try a case, but you can never over prepare one.
  - Honorable Benjamin M. Tench
- 3. If you are unsure about an action, think about whether you would like to read about it on the front page of the Gainesville Sun.
  - Henry Grey by way of Larry Ciesla
- 4. We must treat everyone with professionalism all the time, **especially** those who don't deserve it.
  - Jim Sullivan
- 5. You can work or you can worry
  - Professor Ken Hughes by way of Ted Curtis and Larry Ciesla
- 6. You will accomplish more by maximizing your strengths than by shoring up your weaknesses.
  - Dorene Ross (my wife)
- Progress only happens outside of the comfort zone.
  - Sign at SNAP Fitness Center in Burlington, Vt.
- 8. Success is the product of small daily changes, not a single once in a lifetime change.
  - Habit Stacking by S. J. Scott
- 9. Take care of the clients and the money will take care of itself.
  - One piece of advice I did develop myself

# **EJCBA Holiday Project**

By Dominique Lochridge-Gonzales

EJCBA's Annual Margaret Stack Holiday Project to benefit the Alachua County Headstart Pre-K program is underway! This year, we will again provide bags of 12 books each, which correspond with the Headstart curriculum's monthly themes, to each of the 35 Alachua County Headstart classrooms. Additionally, we will offer new toys (educational preferred) appropriate for 3 and 4 year olds to be distributed to the Headstart students at Duval Early Learning Academy and Shell Elementary School.

The Amazon Wish List of books for the classroom bags may be found at https://www.amazon.com/gp/ registry/wishlist/1FCAQ7I3NLUYG/ ref=nav\_wishlist\_lists\_1. Please ship books directly to the default Gift Registry address (which is HEAD START, FEARNSIDE FAMILY SERVICES CENTER, 3600 NE 15TH ST, GAINESVILLE, FL 32609-2484) and include a gift receipt!

For contributing toys, we have several options this year:

1. Purchase a toy online at Amazon (or elsewhere) and send to HEAD START, FEARNSIDE FAMILY SERVICES CENTER, 3600 NE 15TH ST, GAINESVILLE, FL 32609-2484 and include a gift receipt!

- 2. Purchase a \$10 Amazon gift card (to be used towards) a toy) by going to the Amazon Wish List provided above and again sending it to the default Gift Registry address (which is HEAD START, FEARNSIDE FAMILY SERVICES CENTER, 3600 NE 15TH ST, GAINESVILLE, FL 32609-2484) and include a gift receipt!
- 3. Contribute monetarily by mailing a check made out to EJCBA, ATTN: Holiday Project, PO Box 13924, Gainesville, FL 32604.
- 4. If you previously requested a box to fill with toys, Dominique will arrange to pick it up no later than December 4th.

The gift distribution parties will be at Duval Early Learning Academy on Wednesday, December 11th at 9 AM and Shell Elementary School on Thursday, December 12th at 9 AM, and please, please let Dominique know if you would like to attend!

We also have a significant need of a new Santa for the parties if you are willing to volunteer (or suggest someone else)!



Carl Schwait cschwait@uww-adr.com

# Mediator Carl Schwait

is available to serve Gainesville, our circuit, Ocala and throughout North Central Florida.

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## **Submit Applications for Appointment to JNC Vacancies**

By Stephanie Marchman

There are currently one lawyer vacancies for the 8th Judicial Circuit and the First DCA JNCs. The Florida Bar has the opportunity to nominate three lawyers for each JNC to Gov. Ron DeSantis for his appointment. Each appointee will serve a four-year term, commencing July 2, 2020. Applicants must be members of The Florida Bar engaged in the practice of law and a resident of the territorial jurisdiction served by the commission to which the member is applying. Commissioners are not eligible for state judicial office for vacancies filled by the JNC on which they sit for two years following completion of their term.

Persons interested in applying for these vacancies click here to complete and download the Judicial Nominating Commission application form from the Bar's website, <a href="www.floridabar.org">www.floridabar.org</a>, or should call Bar headquarters at (850) 561-5757, to obtain the application form. Completed applications must be received by the executive director, The Florida Bar, 651 East Jefferson Street, Tallahassee, Florida, 32399-2300, or submitted via e-mail to <a href="mailtojincform@floridabar.org">jincform@floridabar.org</a>, no later than 5:30 p.m. on Monday, December 16. Resumes will not be accepted in lieu of the required application. The Board of Governors will review all applications and may request telephone or personal interviews.

#### **Amaze-Inn Race**

Thank you to all who participated in the 2019 Amaze-Inn Race which was at participant capacity! This wonderful event benefitted the Margaret Stack Holiday Project, donating toys and books to children in the Alachua County Headstart program.

Below are photos of some of the teams that participated in the Amaze-Inn race legal themed scavenger hunt









# **Circuit Moments**



Top and middle left: Participants of the UF Law mentorship event with members of the EJCBA.



Bottom and middle right: Photos from the fourth annual Fall Family-Friendly Social at First Magnitude





### **December 2019 Calendar**

- 4 EJCBA Board of Directors Meeting, Three Rives Legal Services, 1000 NE 16th Avenue, 5:30 p.m.
- 5 Deadline for submission to January Forum 8
- 7 SEC Championship Game, Atlanta, GA 4:00 p.m.
- 11 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 12 EJCBA Holiday Cocktail Hour (in lieu of luncheon) Big Top Brewing Company, 5:30-7:30 p.m.
- 17 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center
- 23 Hanukkah begins
- 25 Christmas Day County and Federal Courthouses closed

## January 2020 Calendar

- 1 New Year's Day observed County and Federal Courthouses closed
- 6 Deadline for submission to February Forum 8
- 8 EJCBA Board of Directors Meeting, Three Rivers Legal Services, 1000 NE 16th Avenue, 5:30 p.m.
- 8 Probate Section Meeting, 4:30 p.m., Chief Judge's Conference Room, 4th Floor, Alachua County Family & Civil Justice Center
- 17 EJCBA Luncheon, Chief Judge James Nilon, "The State of the Circuit," Big Top Brewing Company, 11:45 a.m.
- 20 Birthday of Martin Luther King, Jr. observed, County and Federal Courthouses closed
- 21 Family Law Section Meeting, 4:00 p.m., Chief Judge's Conference Room, Alachua County Family & Civil Justice Center

Have an event coming up? Does your section or association hold monthly meetings? If so, please fax or email your meeting schedule to let us know the particulars, so we can include it in the monthly calendar. Please let us know (quickly) the name of your group, the date and day (i.e. last Wednesday of the month), time and location of the meeting. Email to Dawn Vallejos- Nichols at dvallejos-nichols@avera.com.









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