Chair’s Report

What Power, Professionalism, and Spider-Man Have in Common

By Kara Berard Rockenbach, Chair, Standing Committee on Professionalism

“...I believe in power; but I believe that responsibility should go with power....” These words, quoted here from President Teddy Roosevelt in explaining his humble declination to seek a third term as President, exist in various iterations as a cultural maxim invoked toward governmental authority or public service. For instance, Winston Churchill expressed a similar sentiment only a few years earlier in 1906 when delivering a speech in the House of Commons: “Where there is great power, there is great responsibility....” For those of you who may recognize this rule of conduct in a more modern context, yes it was a guiding principle for Spider-Man’s heroic and noble actions in protecting the public.4

Expectation 1

What does power and responsibility have to do with professionalism? These concepts are found in the core of our Professionalism Expectations.4 In fact, the very first Expectation discusses power, privilege, societal influence, and responsibility:

“A license to practice law is a privilege that gives the lawyer a special position of trust, power, and influence in our society.”

The responsibility component to this equation exists in the next sentence of Expectation 1:

“This privilege requires a lawyer to use that position to promote the public good and to foster the reputation of the legal profession while protecting our system of equal justice under the law.”

We are responsible for promoting the public good and fostering the reputation of the legal profession – all while protecting our system of equal justice under the law. This definitely sounds like a task for a superhero! Fortunately for us, we have help – each other. This act of

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helping each other be professional is actually one of the subparts of Expectation 1—we are expected to “counsel and encourage” each other to abide by these Expectations.

To help us accomplish these goals, the Florida Supreme Court and the Florida Bar created the joint project of the Henry Latimer Center for Professionalism.\(^1\) If you have not recently visited the Center’s website, I encourage you to do so! Sure, you can learn about why I am writing this article – the Standing Committee on Professionalism (SCOP) that serves to assist the Florida Supreme Court Commission on Professionalism and Civility. Even more useful, the Center has resources including the Code for Resolving Professionalism Complaints, which was created in the 2013 Supreme Court of Florida Opinion adopting A Professionalism Code and outlining the Professionalism Standards to be considered when regulating professionalism in Florida; a searchable set of Rules Regulating The Florida Bar; our Oath of Admission to The Florida Bar; The Florida Bar Creed of Professionalism; and the Professionalism Expectations, which were approved by The Florida Bar Board of Governors in 2015 and adopted as part of the Supreme Court’s Code for Resolving Professionalism Complaints. There is a wealth of materials to guide us in counseling and encouraging each other.

One shining example of counsel and encouragement is the Florida Supreme Court’s creation of the Local Professionalism Panels (LPPs). The creation of the LPPs opened up a “wide range of interventions from mere conversations to written communications to more severe sanctions as may be applied under our existing Florida Code of Professional Responsibility...”\(^2\) The Chief Judge of every circuit was directed to create a LPP “to receive and resolve complaints informally if possible.” Id. The LPP has no authority to punish, but was purposed with turning the tide through counsel of our peers in our local community.\(^3\)

Having served on approximately eight of these LPPs, I can attest to the mission being accomplished every month across the State of Florida. There is no question that given the right tone and presentation at the outset, the responding attorney can learn and be guided by his or her local peers to “get back on track” before a more egregious act – a rule violation and grievance – occurs. The reality is that each of us is human and prone to err, to lose our temper, or to email in haste. The diversionary LPP helps us to abide by Expectation 1 as we “counsel and encourage” each other to recognize the privilege of the power to practice law. In this effort, we collaboratively recognize the concomitant responsibility to serve our clients and the public by promoting the public good, fostering the reputation of the legal profession and protecting our system of equal justice under the law.

**Expectation 5**

The notion of power existing or requiring the co-existence of responsibility is also found in one of my favorites, Expectation 5, pertaining to Decorum and Courtesy:

“When lawyers display reverence for the law, the judicial system, and the legal profession by acting with respect, decorum, and courtesy, they earn the trust of the public and help to preserve faith in the operation of a fair judicial system.”

This expectation seems basic, but a quick primer does not do. Not be rude to the court, opposing counsel, any party, or court personnel.\(^4\) Instead, be civil and courteous (think “superhero”), avoid conduct degrading to our profession.\(^5\) Be courteous and formal in hearings, depositions, and trial, and use last names during legal proceedings.\(^6\) Ask permission before approaching the bench or submitting any document.\(^7\) A lawyer should state only the legal grounds for an objection unless the court requests further argument or elaboration.\(^8\) Inform your clients and witnesses that gestures, facial expressions, or audible comments are absolutely prohibited in legal proceedings.\(^9\) A lawyer should abstain from conduct that diverts the fact-finder’s attention from the relevant facts or causes a fact-finder to make a legally impermissible decision.\(^10\) An old one and good one: A lawyer should address objections, requests, and observations to the judge.\(^11\) Finally, attempt to resolve disagreements before requesting a court hearing or filing a motion to compel or for sanctions.\(^12\)

By following these basics, you will show respect for the law, our system of justice, and our profession. In doing so, you will be fulfilling your superhero responsibility that comes with your power and privilege to practice law.

Personally, Spider-Man has always been my favorite superhero (OK maybe because it was my son’s favorite Halloween costume growing up and his enthusiasm was contagious). Whether you envision yourself as a humble President Teddy Roosevelt, declining the glory of acclaim and public recognition, or as a persistent, unflappable Winston Churchill, or as the web-flinging, citizen-saving superhero, know that with your license or power to practice law comes great responsibility. Do not take the privilege for granted. Power on together with professionalism.

**Kara Berard Rockenbach**, a founding partner of Link & Rockenbach, P.A., focuses her statewide practice on appellate law and insurance coverage. Her extensive experience in appellate practice started with a judicial clerkship at the Fourth District Court of Appeal. For the past twenty years, Kara has co-counseled statewide with hundreds of trial counsel preserving and preventing error at the trial level, assisted trial counsel with pretrial motions and charge conferences on jury instructions, and argued post-trial motions in anticipation of a possible appeal.

**Endnotes:**


2. 1906, The Parliamentary Debates (Authorised Edition), Fourth Series, First Session of the Twenty-Eighth Parliament of the United Kingdom of Great Britain and Ireland, Volume 152 (First Volume of Session), Commons, Speaker: Winston Churchill, Date: February 28, 1906, Start Column Number 1233, Quote Column Number 1239, Printed and Published Under Contract with His Majesty’s Stationery Office by Wyman and Sons, London. (Google Books Full View)

3. 1962 August (Cover Date), Amazing Fantasy #15 (Formerly: Amazing Adult Fantasy), Comic Book Story Title: “Spider-Man!”, Writer: Stan Lee, Illustrator: Steve Ditko, (Quotation appeared in caption above a panel showing the back of character Peter Parker walking away down an urban street), Published by Marvel Comics, New York.


5. https://www.floridabar.org/prof/


8.  Expectation 5.1

9.  Expectation 5.2 and R. Regulating Fla. Bar 3-4.3

10 Expectation 5.3, 5.4

11 Expectation 5.5

12 Expectation 5.6

13 Expectation 5.7

14 Expectation 5.8

15 Expectation 5.9

16 Expectation 5.10
THE NEXT STEP ON THE ROAD TO TRUE CIVILITY: EMBRACING OUR SHARED HUMANITY

By Don Blackwell

Maybe I am just getting old or maybe it takes getting old to see the picture as clearly as it is becoming to me. Maybe you just have to experience all that life outside the practice of law throws at you – usually when you least expect it and, consequently, are least equipped to deal with it – to gain perspective. Maybe it takes 34 years of meals, cups of stale coffee, late nights, and occasional after hour drinks shared with colleagues and “adversaries” in small town dives across the country to “get it.” Or maybe it takes the shocking and tragic suicides of two shining lights in our profession in the span of the last several months – men who, by all outward appearances, had the world on a string both personally and professionally – to bring the issue into stark focus. I am not entirely sure why I feel compelled to write this piece; I only know that I do, and that its writing and its message are long overdue.

For at least the past 10 years, bar associations, committees, federal and state court judges, commentators, and legal educators have issued a clarion call for greater “civility” in our profession, especially among trial lawyers. In the process, lots of ink has been spilled and countless hours have been devoted to articulating rules and guidelines aimed at minimizing, if not eliminating behaviors that, at best, could be characterized as boorish and, at worst, disgraceful. The resulting creeds, codes, and administrative orders run the gamut from broad admonitions to “abstain from all rude, disruptive, disrespectful, and abusive behavior” and, instead, “to act with dignity, decency, and courtesy” (Creed of Professionalism of The Florida Bar) to more specific directives relating to the handling of day-to-day scheduling issues and interactions with opposing counsel, clients, and the courts (Eleventh Judicial Circuit Standards of Professionalism and Civility). Suffice it to say, these initiatives are highly commendable and, one would like to think, have had some impact on the way we as lawyers behave.

However, I believe we owe ourselves and each other more. I believe we are better than the bare minimum when it comes to how we conduct ourselves and our level of concern for each other’s well-being. Simply put, I believe it is time we aspire to move beyond mere civility and fully embrace our shared humanity. I believe it is time we not only realize, but act in a manner consistent with the inescapable reality that we are human beings, mothers, fathers, spouses, partners, siblings, friends, etc. first and lawyers a distant second. I believe it is time we stop shying away from the truth: that, while we “put on” a brave face in the morning, at the end of the day we are all equally fragile and flawed. We bleed just like the next person. We struggle, get depressed, and feel anxious. We suffer from addictions. We have hard days. We are often over-stressed. And, sometimes, we need help. We need patience, empathy, and understanding. We need each other. Breathing that in and making it the touchstone for how we conduct ourselves is where real change resides.

I do not want it to take anyone else 34 years to get it and I certainly do not want to wake up to the news that we have lost another one of “us” who might have acted differently if only they had been fully “noticed,” not for what they accomplished in the law, but for who they were and what they were grappling with as a human being. We not only can do better, we must do better and we can start today. If you know a colleague who is struggling, take a moment to let them know you are in their corner – that you are there for them. If you are the one struggling, reach out and do not stop reaching out until you get the support you need. The time has come for all of us to stop using the “zealous representation of our clients” as a justification for attitudes and conduct that only serve to add to an already impersonal and insensitive world where our professional lives are concerned. The time has come for a new standard of civility – compassionate professionalism. In short, the time has come to put down the flame throwers and put up our heart antennae. There, I said it!

Don Blackwell is a graduate of the University of Virginia School of Law and has been an AV-rated trial lawyer in South Florida for the past 34 years. He currently is Of Counsel at Bowman and Brooke, LLP and is a Fellow in the Litigation Counsel of America. His practice areas include the defense of automotive product liability, construction defect, and toxic tort cases. He also defends class action cases in state and federal court. Don has authored several feature articles for The Florida Bar Journal and is a former recipient of its annual “Excellence in Writing” award.

Endnote:

1 In fact, recent surveys indicate that an astonishing 33% of attorneys have been diagnosed with some form of mental disorder and that, among members of our profession, the suicide rate is twice that of the general population, as is the rate of alcoholism. Attorneys are 3.6 times more likely than non-lawyers to suffer from severe depression. See Report: Lawyers’ Well-Being Falls Short, The Florida Bar News, Vol. 44, No. 17 (Sept. 1, 2017) (sources cited therein).
Thank Everybody for Everything!

By Peggy Hoyt

Gratitude is one of many emotions, like love and kindness, you can give and give endlessly. No matter how much you give, you will never run out. Everyone craves appreciation and, when genuinely expressed, it can change lives. An interesting phenomenon exists – when we receive appreciation we are happy, but we are actually happier when we give appreciation. Why? Because when we feel and express appreciation, we have noticed something good. When we notice the good around us, there is less room in our heart and in our mind for the bad. The Law of Attraction says that you cannot hold two opposing thoughts simultaneously and that you will attract what you think about most. As a result, when we thank people for the little things they do, it actually makes our lives better.

Gratitude insulates us from negativity. It is a gift we give not only to others but to ourselves. It creates a cycle of positive energy in our lives. What we send out will return to us. We have the power to choose to be grateful for each and every blessing in our life, from our relationship with God to our relationship with family, friends and co-workers; from the rain that nourishes the earth to the sun that warms our heart; from the dog that greets us after a long day at work to the flowers we never noticed on our drive to the store. Just as the lucky have all the luck, so the grateful will have all the blessings!

We live in a hectic and stressful world, and it is indeed rare when we can stop for even a moment to really savor and appreciate the pleasant things in our lives. However, making a habit of seeing and appreciating our blessings can be as simple as noticing what seems to be the smallest and simplest things in life. You do not need to make a major modification in your schedule. You do not have to try to “fit it in” or find an hour to reflect on your life. All you really need is one moment . . . as many times a day as you can spare . . . to make gratitude a habit. It means only stopping long enough to say thank you: to a friend, a family member, a team member, yourself, and even the Universe.

Gratitude and appreciation are an important part of our personal lives, gratitude and appreciation should also form the core of our business model. You will stand out from your competitors if you feel and express genuine appreciation for your current and potential clients, your referral sources, and your team members. Your clients will remember you best if their experience is unique and genuine. Be grateful for each and every one of those people you interact with on a daily basis. Take checks, but give hugs. Steven Covey once said, “People don’t care how much you know, until they know how much you care.” This could not be more true than today.

It is not just Superwoman (or Superman) who has power over good and evil. You have it, too! You have the power to control how you feel and what your outlook will be. What will you choose? Choose a positive outlook! Genuine caring and appreciation will be returned to you ten-fold. Have some fun, spread your joy, and thank everybody for everything!

“Appreciation can make a day, even change a life. Your willingness to put it into words is all that is necessary.”

~ Margaret Cousins

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I BELONG AND SO DO YOU!
By Rosanna Catalano

In my 20 years of professional working life, I have had to explain on more than one occasion that I was a Florida licensed attorney and I belonged in the room. My favorite story occurred early in my career during a deposition for an administrative hearing. I represented the petitioner and was the first attorney to arrive in the conference room for the deposition. When the respondent and his attorney arrived, I introduced myself as “Rosanna Catalano with the Department of Health.” After our handshakes, I pulled out a pen and legal pad as I waited for the court reporter to arrive. After a few minutes, the respondent’s attorney complained to me that the “prosecutor from the Department of Health is late after she requested this deposition.” I responded by saying, “I believe we are waiting on the court reporter because I am the prosecutor. Once again, my name is Rosanna Catalano.” The attorney turned five shades of red and we shared a little laugh. I am not sure why the opposing counsel thought I was a court reporter; perhaps he made assumptions about my age, gender, ethnicity, or my large black wheeled briefcase. This attorney’s comments could have shaken my confidence, caused me to feel inferior, and made me feel like I did not belong. I had a choice to make in that instant. Instead of worrying about why he did not think I was an attorney like him, I kept my focus on the job I came to do and made some assumptions about his hearing ability and cognition quietly in my head.

Many of my attorney friends, especially women, have similar stories and after speaking with them, there seems to be some themes related to how you can overcome a situation that may cause you to feel as though you do not belong.

Control your emotions.
Feeling out of place can hold you back professionally. You cannot let negative emotions or nervousness prevent you from speaking up at meetings or in the courtroom. You do not want to miss an opportunity to express your viewpoint and shine. You have to figure out a way to control these emotions so that you are not paralyzed into inaction. Remember that what makes you different from everyone in the room is also what makes you unique and special. Your viewpoint has value and you should be proud to share it with the rest of the world.

Call a friend.
Confide in a trusted friend about your feelings because there is strength in numbers. You will most likely find that you are not alone in feeling out of place or out of your league at times in our profession. Fear in your head is always scarier than the actual situation. Sometimes it takes you putting your fears into words to realize they have no real merit. If you are not comfortable sharing your feelings, then write them down so you can shine a light on the dark corners of your mind.

Prepare.
To help boost your confidence, you should over-prepare for hearings, trials, and meetings. Spending time preparing notes and questions will give you the impetus to speak up and shine. Having notes in front of you will keep you focused and will spark your memory for talking points.

Pay attention to your physical body.
When you feel inadequate, it can manifest physically as a fast heartbeat, shaky voice, hunched shoulders, or sweaty palms. You can counter these physical changes in a couple of ways. Take a deep breath and place your hands on your hips as if you are Wonder Woman. There is a lot of scientific evidence showing that making your body larger will make you feel more powerful and confident. Also, you may want to slow down your speech, especially if you are worried about speaking in run-on sentences or saying the wrong thing. Slowing down your speech will give your brain a chance to catch up with your words. It will sound a bit funny in your head, but most people will not notice, and it will make you look more articulate.

Believe in YOU!
The fact that you are in the room means that you belong there. Stop second-guessing yourself. No one is going to believe you belong in a room unless you start believing it yourself. Take a moment before you walk into a room to visualize your success and quietly remind yourself of the value you bring to the table. These visualizations and silent affirmations will eventually change your mindset. Constantly reminding yourself that you are a winner and that you can do this, will help you overcome any self-doubt and instill the confidence that you need.

In the 20 years of my professional career, I have had the honor of being in rooms with political leaders, CEOs, entrepreneurs, corporate titans, prominent attorneys, and king makers. I belonged in the room with those successful people and so do YOU!

Rosanna Catalano is a double graduate of the University of Florida, earning her bachelor's degree with high honors in Telecommunication in 1994 and a juris doctor degree in 1997. She has served as Executive Director of the Florida Elections Commission; board counsel to professional regulatory boards including the Board of Medicine Credentials Committee and Board of Nursing; criminal prosecutor; university administrator; and television news producer. Rosanna currently works as a lobbyist and consultant for Rocket Ship Consultants. To contact Rosanna, please email rosanna@rocketshipconsultants.com.
Meet Our [Law] Suits

By Hillary Thornton

Shanell Schuyler will tell you she “wears two hats” in her position as the Director of the Attorney Consumer Assistance Program (ACAP) and Intake Department of The Florida Bar. One “hat” refers to ACAP, where staff attorneys field and respond to written or call-in inquiries and provide education and resources to both members of the public and attorneys. She oversees eight staff attorneys who assist in answering general questions about attorney conduct and provide resources regarding complaints. Her department is responsible for operating the ACAP hotline that is open Monday through Friday, 9 a.m. to 5 p.m.

Since 2007, most complaints filed against attorneys throughout the state have been sent to a centralized intake department in Tallahassee. This is what Ms. Schuyler refers to as her other “hat.” Intake ensures that the proper protocol has been followed and conducts the initial investigation of the complaint. If necessary, Intake transfers the case to the proper branch office for further investigation.

This is not Ms. Schuyler’s first experience with The Florida Bar. During her private practice career in South Florida, Ms. Schuyler served as a volunteer for various bar committees, including the Grievance and Unlicensed Practice of Law committees. In July of 2007, she began working as a senior attorney for ACAP and was promoted to director of the department in February of 2012.

Ms. Schuyler says that her favorite thing about working at The Bar is the people, whom she describes as “elite across the board.” She explains that there is a great working relationship within The Bar and that it is a family. “The Florida Bar does a great job of instilling in our employees the role of The Bar in promoting professionalism and justice, and providing services for our membership.”

Ms. Schuyler says her typical day is inherently atypical. In a given day, she could work on special projects from the Legal Division Director, be briefed by a staff attorney on a new case, or explain to an attorney’s client the rules and potential reasoning behind the attorney’s behavior. Her main task is to manage the daily affairs of the department. In a year, ACAP/Intake receives approximately 20,000 requests for assistance, with approximately one quarter of those becoming case files, all of which is under her purview. She also reviews file closures and publications for potential further action.

As a supervisor, and as someone who interacts with members of the public and attorneys, she deals with a number of instances where professionalism is important. Ms. Schuyler’s biggest piece of advice for practicing professionalism in the office is to “speak to people how you would expect to be spoken to and treat people how you would expect to be treated, even if you do not agree with them.”

When asked what her best piece of advice is for practicing professionalism in difficult situations, she immediately said, “Think before you speak.” She recommends that an attorney should focus on the task at hand and the services for which they were hired to provide, and to stay professional even when it is difficult. Ms. Schuyler further recommends remembering that “you are representing yourself, your reputation, your client, your firm, and your organization,” all of which are important and all of which are more difficult to rebuild than to tear down.

Recently, Ms. Schuyler has begun branching out of her work with attorneys and into the local community theater, Bainbridge Little Theater. After being on the board of directors for the theater for the past five years, she decided to try her hand at acting. She has been in two plays so far, Meet Me in St. Louis and Lost in Yonkers, and wants to keep going!

Shanell Schuyler is director of the Attorney Consumer Assistance Program (ACAP) and Intake Department of The Florida Bar. She also supervises the Bar’s Grievance Mediation and Fee Arbitration Program pursuant to Chapter 14 of the Rules Regulating The Florida Bar. In 1990, she graduated from Florida State University, cum laude, with a B.S. in Finance. She attended Stetson University.
Meet Our [Law] Suits, continued

University College of Law, graduating in 1994, and began her legal career in a South Florida law firm where she made partner and practiced commercial litigation, banking law, eminent domain, real estate and probate administration. Ms. Schuyler chaired the Unlicensed Practice of Law Committee, and later she became chair of a Grievance Committee in the 17th Circuit. From 2003-2007, she practiced law in Johnson City, Tenn., focusing on representing children with dependency issues. She relocated to Tallahassee in 2007, as a senior attorney in The Bar’s ACAP program. She became director of the ACAP/Intake Department in February, 2012. Ms. Schuyler taught School Law online for Liberty University’s School of Education and she was an adjunct professor at East Tennessee State University. She is also active in her local church and in her community, where she serves on the board of a local theatre.

Rebecca Bandy named Director of the Henry Latimer Center for Professionalism

Rebecca J. Bandy has been named the Director of the Henry Latimer Center for Professionalism. She joined Center as Assistant Director in March 2017.

Prior to joining The Florida Bar, Ms. Bandy was an associate attorney at the Law Offices of Thomas L. Powell, PA in Tallahassee, where she litigated in the areas of family and criminal law. She most recently taught college level courses at Lawton Chiles High School, where she helped co-found the school’s award winning mock trial team along with The Honorable Mark Walker and attorneys David Frank and David Grimes.

Ms. Bandy previously served as the Director of Alumni Relations at the Florida State University College of Business and as the Assistant Director of Alumni and Development at the Florida State University College of Law.

She earned her Juris Doctor from the Florida State University College of Law. A native of Nassau County, Florida, she earned her Bachelor’s in Communications with Honors from Jacksonville University and her teaching credentials at Georgia Southern University.

Ms. Bandy is active in her church, is a community volunteer at an area elementary school, and she has supported causes including the Epilepsy Association of the Big Bend, the Holocaust Education Resource Council (HERC), and Honor Flight Tallahassee.
Mentoring Matters: A Tale of Two Melanies

By Hillary Thornton

Winston Churchill said, “We make a living by what we get, we make a life by what we give.” I have been very fortunate to have two mentors who believe just that.

Melanie Kalmanson became my mentor by accident through the Women’s Law Symposium at the Florida State University College of Law. My original mentor dropped out of the mentor program due to time constraints. That is how Ms. Kalmanson became my mentor and it was the best thing that could have happened in this situation. As a recent graduate of the FSU College of Law, Ms. Kalmanson has given me advice on everything from classes to life decisions, organizations to join to finding my niche. As a clerk at The Florida Supreme Court, she introduced me to Justice Barbara Pariente and showed me the amazing library in their building. She even texted me a good luck message on my first day of class as a 2L. She has become a true friend, and I am lucky that she continues to invest so much in my success, both in school and in life.

Ironically, another Melanie has also played a major role in my law school experience. I met Melanie Griffin through the Professional Development course put on by the Placement Office when she gave a presentation on networking. I was so compelled and learned so much in that hour that I wanted to keep in touch with her. That is how I ended up attending the Orange County Bar Association meeting when I was working in Orlando this past summer. Further, through her network, I attended two events put on by the Young Lawyers Section of the Orange County Bar Association and met many attorneys who were quick to give advice or a business card. Ms. Griffin’s mentorship and willingness to help a young law student she had just met has given invaluable insight into the tight-knit legal profession and has reaffirmed my desire to be a part of it.

Both professionally and personally, mentors have been a shining light in my first year of law school. With such phenomenal mentors to show me how, I look forward to the opportunity to give back to the incoming 1Ls this year. Although I am excited to make my living in the legal field, I cannot wait to “make my life” by giving my support to the success of the newest class of future attorneys.
Standing Committee on Professionalism (SCOP) member, The Honorable Scott Suskauer, and Chair Kara Berard Rockenbach, acting as mentors to recent University of Florida Levin College of Law graduate Maggie Powers (Center). Ms. Powers is clerking for Link & Rockenbach, P.A. in West Palm Beach, and she will be shadowing Ms. Rockenbach in court and in meetings.

Newly-appointed Director of the Henry Latimer Center for Professionalism, Rebecca Bandy, moderated a panel of esteemed alumni and local attorneys at the Florida State University College of Law’s 1L Orientation on August 25, 2017. Panelists included Jami Coleman of Viera Williams, P.A.; DOAH staff attorney Stephanie Hayes; Criminal Law attorney and Tallahassee Bar Association President Sean Desmond; and Kelly O’Keefe of Stearns Weaver Miller Weissler Alhadeff & Sitterson.

The panel shared tips and advice with the incoming 1Ls about the importance of being professional and establishing a good reputation early, because it will follow them throughout their legal careers. They also gave tips for time and stress management and emphasized the importance of mentors.

Photo Courtesy of FSU Law
Administrative Law Judge Suzanne Van Wyk mentors law students through a partnership between Florida State University College of Law Women’s Law Symposium and Tallahassee Women Lawyers. Judge Van Wyk is pictured here with her 1L Mentee, Ashley Englund (left), and 2L Mentee, Lauren Pettine. Ms. Pettine signed up to mentor a 1L this academic year through an FSU Peer Mentoring program. She is also pictured here with her mentee. “Start mentoring now to enrich your life and the lives of others. It may be contagious!”

Give the Gift of a Nomination!

The Henry Latimer Center for Professionalism and the Standing Committee on Professionalism are now accepting nominations for:

**William M. Hoeveler Judicial Professionalism Award**

**Law Faculty/Administrator Professionalism Award**

**Group Professionalism Award**

For more information, please visit [www.floridabar.org/prof/pawards/](http://www.floridabar.org/prof/pawards/)
Members of the Standing Committee on Professionalism (SCOP) at the Fall 2017 Meeting in Tampa (L-R): Ita Neymotin, Judge Suzanne Van Wyk, Professor Kirsten Davis, and Henry Lee Paul with Henry Latimer Center for Professionalism Program Coordinator Leisa Davis.

Standing Committee on Professionalism (SCOP) Chair, Kara Berard Rockenbach, with Florida Bar President Michael Higer.

Florida Bar Board of Governors Communications Committee Chair and Committee Liaison F. Scott Westheimer with Student Education and Admission to the Bar Committee (SEABC) member Laurie Briggs and Chair, Doug Bates.

FSU College of Law 1L Meaghan Maus with mentor Stacy Biggart of CCRC-North.
The Second Circuit Professionalism Panel hosted a recent event in its ongoing Professionalism Sidebar Series on October 16, 2017. Here Leon County Court Judge Nina Ashenafi-Richardson meets with Second Circuit practitioners to answer questions regarding practicing with professionalism in her courtroom. The Sidebar Series gives attorneys an opportunity to meet with local judges in an informal setting to discuss circuit professionalism issues.

The Henry Latimer Center for Professionalism offers presentations on a variety of topics, such as emotional intelligence, conflict resolution, mentoring, networking, personality profiles, mindfulness, and much, much more!

If you are interested in hosting a presentation, please contact the Center to discuss and schedule your program at:

(850) 561-5747 or email us at cfp@floridabar.org
In November, the Standing Committee on Diversity and Inclusion (“SCDI”) hosted the 2017 Path to Inclusion Symposium in Orlando, aimed at creating a more inclusive legal profession and law practices in corporate law departments, law firms and in the public sector. Presentations included topics on gender bias, implicit and explicit bias, multicultural inter-disciplinary programs, and analysis of Project Implicit.

The Center for Professionalism, through Director Rebecca Bandy, worked together with Jarred Reiling from the SCDI to host a workshop as one of the final breakout sessions. There, leaders from Florida Bar sections facilitated discussions with Symposium attendees to brainstorm ideas and solutions regarding the Symposium’s topics to potentially implement going forward. Section leaders included: Jamie Billotte Moses (Appellate Law), David Brunell (Animal Law), A. Michelle Jernigan (ADR), Chelsie Flynn (Labor and Employment Law), and Collett Small (Elder Law).

Attendees were asked to address the following topics as part of their work:

- Beyond the tasks already outlined by The Florida Bar, what other ways can attorneys in Florida contribute to solving issues regarding gender bias and implicit bias, including in the private sector, the public sector, and in legal education?
- What manifestations of implicit bias are currently under-addressed and what can be done to address them?
- What recommendations can be given to the SCDI to work on?
- What recommendations can be given to the new Mental Health Committee of The Florida Bar to work on?

The energy in the room was fantastic. After about one hour, attendees presented some of the following ideas:

- Developing guidelines for CLE programming involving diversity and inclusion topics
- Expand diversity and inclusion discussions to “all aspects” of the legal profession, including support staff (not just lawyers)
- Encourage ADR/Mediation firms (as well as litigants) to seek out more diverse mediators
- Develop guidelines for policies concerning client origination credits (keep diversity and inclusion in mind when developing and implementing these policies)
- Develop guidelines for incorporating diversity and inclusion concerning policies about client development (one example was the need to have more than two tickets for basketball games due to gender of attorney and client)
- Lean In Program – example of soliciting strategies for communicating in professional environments with the understanding of potential stereotyping
- Encourage diversity among board certified attorneys by developing programming focused on voluntary bar associations with diverse memberships to explain board certification process, as well as develop mentorship between potential candidates and current board certified attorneys.
- Sections reaching out to law schools to encourage membership early in legal careers (for example: provide complimentary membership)

If you have more ideas about these topics, or have an interest in working toward advancing these ideas, please contact Rebecca Bandy, rbandy@floridabar.org, or Jarred Reiling, jreiling@gsgpa.com.

Jarred Reiling is an associate at Gelber Schachter & Greenberg, P.A., where he practices primarily commercial litigation and white collar defense. Before then, Jarred served as a law clerk for Judge Adalberto Jordan of the U.S. Court of Appeals for the Eleventh Circuit and then with Judge Beth Bloom of the U.S. District Court for the Southern District of Florida. Jarred has also served as a Presidential Management Fellow with the U.S. Food & Drug Administration, Center for Tobacco Products. He currently is an adjunct professor, and President of the Law Alumni Association, at the Florida International University College of Law, and serves on many other organizations, including The Florida Bar Standing Committee on Diversity and Inclusion.
A lawyer’s writing skills (or lack thereof) can have a direct—even severe—impact on clients’ interests.

Did an employer owe a former employee a $7.5 million commission? The court’s answer hinged on imprecise word usage in an employment contract. (Langford v. Paravant, 912 So.2d 359, (Fla. Dist. Ct. App. 2005))

Did an insurance policy cover a child’s injuries that occurred at a parent’s workplace? The court’s answer involved analysis of the careless placement of commas and a restrictive modifier in the policy. (N. Pointe Cas. Ins. Co. v. M & S Tractor Servs., Inc., 62 So. 3d 1281 (Fla. Dist. Ct. App. 2011))


Cases

A case included in our Spring 2017 edition misstated the year in which The Florida Bar v. Conway was decided. The case was decided in 2008, not 2013. The decision of the case, as well as the corrected citation, is below.

The Florida Bar v. Conway, 996 So.2d 213 (Fla. 2008). A lawyer received a public reprimand after disparaging a judge in a public post online. In the post, the lawyer referred to the judge as an “evil unfair witch,” suggested she was “clearly unfit for her position,” did not know “what it means to be a neutral arbiter,” had an “ugly, condescending attitude,” and was “seemingly mentally ill.” The lawyer was found to be in violation of Rules 3-4.3, 4.82 (a) (false statements concerning the integrity and qualifications of a judge), 4.84(d), and 4.8.4.

In short, lawyers who lack writing skills or grammatical knowledge risk violating at least two of the Florida Bar’s Rules of Professional Conduct: (1) Rule 4-1.1, which requires lawyers to provide “competent representation” to clients and (2) Rule 4-1.3, which requires lawyers to act with “reasonable diligence” when representing clients.

Arguably, Rule 4-1.1 requires lawyers to overcome deficiencies in the knowledge or skills required to competently represent a client in a given case.

It is not enough for lawyers to rely on grammar-checking software when writing for clients. Grammar checkers can make errors, so users must be able to check the checker. Also, grammar checkers do not adequately teach grammar rules.

The good news: improving one’s writing skills and grammatical knowledge is easy. All it requires is a reputable grammar book and some time.

One of the most reputable is Harbrace, which has been around for decades under different names (Harbrace College Handbook, Harbrace Handbook, and Hodges Harbrace Handbook). As well as grammar and punctuation, Harbrace covers basics about writing clear sentences.

You can find the book by searching Amazon using the term “Harbrace.” Older editions are adequate for beefing up on grammar, and some cost less than $10.

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