



# The PROFESSIONAL

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## UPCOMING EVENTS:

**May 14-18, 2019**

Board Certification Exams, 2nd Cycle  
Hilton Tampa Airport Westshore  
Tampa, FL

**May 19-20, 2019**

Florida Commission on Access to Civil  
Justice  
Hotel Duval  
Tallahassee, FL

**June 26-29, 2019**

2019 Annual Convention  
Boca Raton Resort & Club  
Boca Raton, FL

**July 12-13, 2019**

2019 Voluntary Bar Leaders Conference  
Tampa Marriott Waterside Hotel & Marina  
Tampa, FL

**July 25-28, 2019**

Family Law Section Trial Advocacy  
Workshop  
Tampa Marriott Waterside Hotel & Marina  
Tampa, FL

**August 8-13, 2019**

ABA Annual Meeting  
San Francisco, CA

**August 29 - September 1, 2019**

Business Law Section Labor Day Retreat  
The Ritz-Carlton  
Naples, FL

**October 2-6, 2019**

Elder Law Section Retreat  
The Meritage Resort & Spa  
Napa, CA

The Henry Latimer Center for Professionalism is now accepting submissions for the upcoming edition of *The Professional*. If you or any legal organization you are a member of would like to submit an article for consideration, please email your submissions to [rbandy@floridabar.org](mailto:rbandy@floridabar.org). The articles should pertain to issues of professionalism and be no more than 800 words.

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## A BASIC TENET OF PROFESSIONALISM

By: Charles T. Wells

Former Chief Justice of the Florida Supreme Court

As Chief Justice of the Florida Supreme Court, I presided over those election cases that were decided by the Court following the presidential election in November 2000. Those cases have collectively become known as “Bush v. Gore.” In the book I authored about that presidential election, *Inside Bush v. Gore*, I ultimately concluded that the election crisis demonstrated a fundamental governing strength of our country and of Florida. During and at the end of that thirty-eight-day experience, there was an accepted public consensus that, once the highest and last court ruled, the power of the presidency would peacefully pass. I came to realize and appreciate that this consensus existed because our citizens had developed, over our country’s 200-plus year history,



such respect for the rule of law, as administered by our courts, that the judgment of the Court would prevail over any threats of power transfer by forceful means. In sum, the Court’s judgment was accepted as worthy of respect.

I have more recently stated my view that, even with the divisions which now confront us politically and culturally,

I hope our Court decisions continue to have the respect that is so absolutely necessary for the rule of law. I believe that endeavoring to maintain that respect is a challenge for lawyers.

Fundamental to the rule of law administered by the courts is the work of lawyers. It is in recognition of their essential role that lawyers are referred to and must act as and perform as

*continued...*

## A Basic Tenet of Professionalism

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“officers of the court.” The Preamble to the Rules of Discipline of The Florida Bar appropriately leads with: “A lawyer as a member of the legal profession, is a representative of clients, **an officer of the legal system**, and a public citizen having special responsibility for the quality of justice.” This appropriately recognizes the special responsibility placed upon lawyers.

This special responsibility requires that lawyers perform their advocacy function in a manner, and at a level, which results in a court’s judgment being entitled to and worthy of respect. This responsibility can only be fulfilled by lawyers who are committed to performing their advocacy function with what I consider to be a basic tenet of “professionalism.” This basic tenet of “professionalism” is a commitment to serving as problem solvers.

Courts are for resolving problems. Lawyers present problems for resolution. Properly and justly solving those problems is dependent upon the facts and the law pertaining to those facts, and those being truthfully and knowledgeably presented to the decision maker. It requires preparation and diligence by lawyers to present truth and knowledge competently, accurately, and skillfully to the decision maker. Solving problems is also dependent upon lawyers treating all in the Court—the judge, jurors, court personnel, opposing parties, and witnesses—fairly and with the respect necessary for confidence in the resolution. In sum,

resolving problems and obtaining a judgment that, through due process, will garner and be worthy of respect is dependent upon lawyers resolving and not creating problems.

Being a problem solver is often difficult work. A lot of problems brought to courts are very hard to resolve. A lot of problems materially and in real ways have lasting and permanent effects on individuals, families, communities, and governments. It is not overly dramatic to note that no other part of our government has, day-in-and-day-out, more lasting and permanent effects on the lives of citizens than what happens every day in our courts. These are the reasons that lawyers’ adherence to this basic tenet of professionalism is vital.

**Charles T. Wells** is presently a member of the Appellate and Litigation practice group of the law firm of Gray Robinson. Prior to joining that firm, he served more than 14 years as a justice on the Florida Supreme Court, serving as Chief Justice from July 1, 2000 until July 1, 2002. As Chief Justice, he presided in the year 2000 over the election cases that collectively came to be known as “Bush v. Gore.” He authored a book about that crisis, *Inside Bush v. Gore*. He served six years as the state court representative of the Standing Committee on Federal Practice and Procedure of the Federal Judicial Conference, has served on the Board of Governors of the Florida Bar, has served as President of the Orange County Bar Association, and has served on the Board of Trustees of the Orange County Legal Aid Society. In 2017 he was recipient of the Orange County Bar Association’s William Trickel Professionalism Award.



## INTERESTED IN HOSTING A PROFESSIONALISM SEMINAR?

[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!

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# MEET OUR [LAW] SUITS

By: Hillary Thornton

Mr. John Berry tells a fantastic story about a photograph he still has of when he was around age eight to ten with his grandmother and an apple vendor. He says that the apple vendor was trying to take advantage of his grandmother, which he did not like. The picture was captured right at the moment when he began to stick up for his grandmother to the vendor, with his face in a scowl. The caption, hand-written by his aunt, says, "Future lawyer – John Berry."

As Mr. Berry reflects on his career just prior to his retirement, he says that "[he is] not riding off into the sunset, [he is] riding off into new sunrises." He states that he is "blessed to be part of something that can make a difference in the world." He credits his success to "the influence of Jesus Christ, [his] wife, Barb, and an incredible group of co-workers and bar leadership."

When describing his current job, his ultimate conclusion is that he is a "butterfly landing in different spots to deal with different things," being both reactive and proactive depending on the situation at hand. A typical day for Mr. Berry is "totally unplanned even though it is planned." It could include giving a speech or presentation to a group of law students, processing cases with the ACAP and Lawyer Regulation Departments, meeting with staff, ensuring Josh Doyle, the Executive Director of The Florida Bar, has the appropriate information for a meeting, helping to supervise the five branch offices of The Florida Bar, or a number of other responsibilities that have fallen on his plate since his return to The Florida Bar 13 years ago.

He credits the "incredible people" in his department with providing him the opportunity to perform so many of these responsibilities. The most important thing about a work environment, according to Mr. Berry, is "facilitating others' success" and "connecting people to help them do what they want to do." Atmosphere, he says, provides opportunity for variety. Mr. Berry stated that, from a good atmosphere, good product will flow.

As the Director of the Legal Division, who also oversees the ACAP Department, Mr. Berry aptly describes his main role as "humanizing the discipline system." He says that professionalism is very important in his work, both within and outside of the office. He is a big proponent of leading by example, treating the receptionist the same way you treat the Executive Director, and getting to know people on a personal level.

After graduating from the University of Florida and Stetson University College of Law, Mr. Berry has had many roles in the legal profession. He has been a criminal prosecutor, the Executive Director of The Michigan Bar, a vital part of revitalizing the professionalism effort within Florida's legal community,



and creator of the Diversion Program that allows attorneys that commit relatively minor transgressions to meet one or more conditions in order to be removed from the formal grievance process. Mr. Berry has also represented the Florida legal community on a national scale, serving as an ABA Delegate in the ABA House of Delegates since 1983. He has also been a member of the National Organization of Bar Counsel (NOBC), even serving as its President in 1989 and receiving the NOBC President's Award. In his involvement with the NOBC, he had the chance to advocate to Attorney General Janet Reno and advocated on behalf of an NOBC Delegate in the House of Delegates, of which he was named as the first. He has also been awarded the Michael Franck Award, the highest award given by the American Bar

Association, for his lifetime achievement in the field of Professional Responsibility.

When asked what he will do after he retires, his response is that he is "still trying to figure out what [he] want[s] to do when [he] grows up." One thing he is sure he wants to do is to continue his crucial work with law students, emphasizing the importance of professionalism, health and wellness, and respect in the legal field, as well as encouraging students to put a high priority on the importance of decisions on faith. He will also be spending more time with his wife, Barb, and his family, and preparing to move closer to his extended family. Mr. Berry has another goal for after he retires – to advocate for religious liberty, as well as more civil and open dialogue surrounding controversial legal and moral issues.

His last piece of advice was to take chances in life and to always respect others and yourself. "Treating people decently and treating yourself decently" will encourage and foster professionalism. Mr. Berry says that treating someone well in difficult situations gives both you and the other person the opportunity to grow as people and as professionals. Of course, he ended with a "Go Gators!"

Mr. Berry overwhelmingly expressed his thanks to Jack Harkness, who hired him and provided support and training throughout his career. Mr. Berry believes that the legacy created by Mr. Harkness is being carried on by Mr. Doyle, and he is confident that The Florida Bar will continue thriving under the current leadership.

We thank Mr. Berry for his tireless dedication to "the best Bar in the country," wish him the best in his retirement, and are confident that he will continue to "impact human lives" in the best possible way, just as he has done throughout his career!



# STUDENT EDUCATION AND ADMISSION TO THE BAR: A YEAR IN REVIEW

By: Jason Silver, Chair

The 2018-2019 bar year has been a tremendous one for the Student Education and Admissions to the Bar Committee.

It is hard to believe it is almost a year since we all started our efforts at the Annual Conference in Orlando.

Committee members quickly got to work and there has been an incredible amount of tangibly productive results due to the hard work of the Committee members and Florida Bar staff this year. It was also great to have increased Committee member engagement as well.

The Committee continued the work of its five sub committees. The Law School Gender Bias, Legal Education & Reform, Mission & Vision, Mentoring Initiatives, and the Student Education Handbook sub groups all hit the ground running, advanced efforts and goals of their respective missions, held conference call meetings to advance to the next step of each goal from last year and are finishing the bar year by holding additional conference call meetings to ensure the Committee is productive to start the next bar year. Thank you to all the subcommittee group Chairs for their efforts.

Another goal this year was to try to bring the Committee to the law schools and conduct number of events on law school campuses. Together with the above, the Committee also met its goal of working together more with other Divisions and Sections of the Bar to advance goals related to preparing students to pass the bar, professionalism, increasing awareness of The Florida Bar, and making students aware of opportunities for bar involvement both in law school and after law school.

As a major goal of the Committee this year was to interact with law students and law school campuses in person, an event focusing on health and wellness on law school campuses was a joint event together with the Young Lawyers Division's Law Student Division at the Levin College of Law at the University of Florida in Gainesville in November 2018, and it



was amazing, informative, and engaging.

The event consisted of an interactive panel discussing the causes of mental and overall health issues that law students and bar takers are experiencing, what is going on now to help law students and bar takers, practices that current lawyers use to manage similar issues and stress, and what else could be done in the future to tackle challenges facing law students and bar takers.

The group then held a roundtable with multiple student leaders and discussed issues facing students on campus such as what is currently working on campuses to help with mental health and wellness, what more can occur, and their concerns related to submitting applications for admissions to the bar. The concerns were forwarded to The Florida Bar's Governor assigned to the Committee.

Next, an extremely successful CLE event was held at the Florida State University College of Law in March 2019, where the Committee teamed together with The Henry Latimer Center for Professionalism to put on a CLE with FSU Law's Professionalism Center called, "How to Become the Law You're Supposed to Be," which included a panel with members of the Committee, Florida Bar staff, and other leaders in the legal community.

Additionally, the Committee then

worked together with student leaders from The Real Property, Probate and Trust Law Society at the Shepard Broad College of Law at Nova's College of Law to put to hold a panel titled "A Day in the Life of a Transactional Real Estate Attorney and Real Estate Litigation Attorney," with the focus on real estate law in both the transactional and litigation fields. This also took place in March and was incredibly successful.

The committee also was thankful to be invited to and take part in the Young Lawyers Divisions' 2019 Deans' Summit, which was held in January 2019.

Another goal for this year was to build the electronic infrastructure for the Committee within the Committee Members portal on The Florida Bar's web site for committee members. The committee has thus far been successful with this effort as there has been improved and increased correspondence with the Committee.

There of course is still more work to do and the Committee will be working up to the annual conference in June 2019 to ensure as many goals as met as possible.

A major thank you to the wonderful staff of The Florida Bar who are always available for committee members and greatly assist in the daily efforts of the Committee. Without the assistance of the bar's staff much of the above accomplishments would not have been possible at all.

It has been an honor and privilege to work with Committee members and bar staff this year and for the previous six years as a member of the Committee. The biggest gifts from this past year have been the impact we have hopefully had on law students across the State of Florida and the inspiration I have drawn from the amazing work of so many Committee members and bar staff who really are the ones who made this past year a success.

Jason D. Silver, Esq.  
Chair, Student Education and Admissions to the Bar Committee, 2018-2019



# WHAT IS THE VALUE OF HUMAN ATTORNEYS IN TODAY'S TECHNOLOGICAL AGE?

By: Hollie Morey

FSU Law 3L and Raising the Bar Professionalism Writing Competition First Place Winner

*It is not the strongest of the species that survives, nor the most intelligent that survives. It is the one that is the most adaptable to change.* - Charles Darwin

The legal profession has entered a new era. Gone are the days of handwriting client notes, sifting through boxes of documents, and solely relying on a team of legal assistants and paralegals. In fact, according to Deloitte, 100,000 legal jobs will be automated by 2036.<sup>1</sup> This is a staggering statistic, but perhaps it is not as frightening as one may think. Artificial intelligence ("AI") has the potential to transform the legal profession as we know it, but in many cases, it should not be feared but viewed as a tool to augment the work that attorneys perform and free up time for those attorneys to tackle more challenging tasks, such as negotiating settlements and litigating in court.

So, what is AI and why is it seen as a threat to the legal profession as we know it? AI refers to a machine that is able to complete tasks that require human intelligence.<sup>2</sup> Through a series of algorithms, AI machines recognize and learn patterns by analyzing data.<sup>3</sup> The AI tool can then replicate these patterns and use this knowledge to function similar to a human, for example, by asking questions, responding with answers, drafting documents, and using practice management programs such as Clio. As a result, it is feared that these AI tools will make many roles in the legal field obsolete. It is true that the advancement of technology has given rise to the emergence of new types of legal software. Firms can now outsource contract review to LawGeex or Kira Systems, and Wevorce provides married couples with an online divorce solution for a fraction of the cost of hiring a private attorney.<sup>4</sup> The benefit, however, is that this advanced technology has opened up access to certain legal services for those who cannot necessarily afford a private attorney. Legal Zoom is an example of one such platform that has risen



through the ranks in today's technological age. At any time, an individual can create a free account on the Legal Zoom website, pay a nominal fee of \$69, and create a last will and testament in 15 minutes.<sup>5</sup> The question then becomes, however, how willing are people to sacrifice quality for efficiency? Does a \$69 will that only provides seventy five percent protection and carries a higher risk of being subject to probate better than no protection at all?

While clients must evaluate quality versus efficiency, attorneys should not see technological advancement as a threat, but rather an opportunity to embrace the creativity the profession allows. In fact, attorneys are trained to be creative as soon as their legal education begins in law school. Part of the reason why the Socratic Method is such an effective learning tool is because it requires the student to think independently and *creatively*. If all of the answers could be found in the black letter law, why is the individual thought process of students so important to learning law in the first place? Why are exams written essays, as opposed to multiple choice or true and false questions?

While technology has the ability to revolutionize the legal profession, attorneys are superior – at least for now – in their unique ability to rationalize and reason.

Take a simple estate planning case as an example. The AI tool can easily ask the client basic questions, such as "How many children do you have?" What the tool cannot do, however, is understand the nuances of that question. To one client, "children" refers to biological children. For another, "children" may be understood to include biological children *and* stepchildren. These subtle differences can have an enormous impact. Further, AI currently lacks the ability to troubleshoot all sides of a legal issue. This is mainly because AI cannot effectively think independently. In law, issues are rarely black and white. Some of the most pivotal cases in history were won by *not* sticking to a pattern. One of the reasons why litigation is such an important component of the legal profession is the attorney's ability to think and respond in the moment. AI is no substitute for an attorney who can think of questions to ask a witness on cross-examination based on how he or she reacts to previous questions, who asks their client to try on a glove during trial, who can successfully negotiate a settlement, or who can prepare for trial according to the presiding judge's personal mannerisms and sentencing history.

Legal skills aside, the ability to connect with a client on an emotional level is an inherent human quality. Consoling a person after the death of a loved one, expressing sympathy, regret, joy, and relief are all fundamental emotions that allow humans to connect with one another. They allow clients to trust their attorneys, and fuel attorneys to help their clients to the best of their ability. Without empathy and a sense of purpose, many clients would not receive the thorough representation that they deserve. The personal touch that a human attorney provides throughout the representation process leaves a unique footprint on both the case and client. No two attorneys are the same. This is why human attorneys will always remain valuable,

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## Value of Human Attorneys

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even as technology expands and improves. Solely using an AI tool for legal services introduces the risk of losing the creativity of the legal process. If clients are restricted to choosing between a few cookie-cutter outcomes, their legal needs may not be addressed as effectively as they could be. Client advice and counseling also may not be as effective, as AI tools as they currently exist are not able to fully understand the depth and layers of each client's unique story. An AI machine, for example, may not pick up on a change in a client's tone or a sense that a client is not sharing all of the relevant details of their story.

This presents the question at hand. What is the true value of a human attorney in today's technological age? Perhaps the value of a human attorney is not in their unparalleled legal skills or their rigor of education, but rather in the small moments of connection. The vulnerable moment a client shares their story. The reassuring smile as a client takes the stand. The bond between two people working toward a common goal. Technology is not yet so advanced to allow AI tools to simulate these emotions and reach clients as a human attorney can. The emergence of new legal technology, however, is not something that should be shied away from, but rather embraced and utilized to provide access to anyone in need of legal assistance. A word of caution, however: It is important that we, as a profession, do not compromise

the true value of looking at each case and client through a unique lens simply to streamline the representation process.

### Endnotes

- 1 *Deloitte Insight: Over 100,000 legal roles to be automated*, LEGAL TECHNOLOGY, <https://www.legaltechnology.com/latest-news/deloitte-insight-100000-legal-roles-to-be-automated/> (last visited Jan. 3, 2019).
- 2 Nick Heath, *What is AI? Everything you need to know about Artificial Intelligence*, ZDNET, <https://www.zdnet.com/article/what-is-ai-everything-you-need-to-know-about-artificial-intelligence/> (last visited Jan. 3, 2019).
- 3 *Id.*
- 4 WEVORCE, [www.wevorce.com](http://www.wevorce.com) (last visited Jan. 3, 2019).
- 5 LEGAL ZOOM, [www.legalzoom.com](http://www.legalzoom.com) (last visited Jan. 3, 2019).



# THE VALUE OF HUMAN ATTORNEYS IN TODAY'S TECHNOLOGICAL AGE

By: Deborah Huveltdt

FSU Law 2L and Raising the Bar Professionalism Writing Competition Second Place Winner

## Part I: A Hug

Hugs are not really my thing. Growing up, my family was very loving but not especially demonstrative. Hugs were reserved for close friends and family and special occasions. I have always found hugs from acquaintances, and especially strangers, to fall somewhere between slightly and extremely uncomfortable. And yet, I recently received – not just received, but welcomed – a hug from someone I just met.

Rewind about eight months to a stiflingly hot day in mid-May. I was two weeks into my 1L summer externship and heading to the courthouse for the very first time since beginning law school. Naturally, I was wearing my brand-new, freshly-tailored suit, carrying my padfolio, and trying hard to look lawyerly. When I reached the lobby, my supervising attorney (we will call her Colleen) introduced me to our client, a young woman going through a contentious divorce and custody battle (we will call her



Abigail). The three of us huddled together and discussed our legal strategy before the hearing. The case was relatively straightforward and would likely be resolved in Abigail's favor . . . eventually.

Although we encouraged her to be patient with the process, Abigail was anxious,

fearful, and close to capitulating to her husband's demands. Since escaping an abusive relationship, she had been struggling to support their children without any financial support from him. She was working two minimum wage jobs to make ends meet and did not have any local family to help with rent, childcare, or transportation. Abigail was exhausted, broke, and did not think she could keep fighting for much longer.

Her desire for a swift divorce was overshadowed by her husband's best efforts to delay, delay, delay. And on this day, he was successful. As soon as we exited the courthouse, Abigail collapsed into Colleen's arms and sobbed uncontrollably. We stood there on the street corner, sweltering in Florida's afternoon heat as traffic flowed around us. While Abigail cried on Colleen's shoulder, we put together a new comprehensive strategy that included both

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## Value of Human Attorneys

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legal and social services. After about 15 minutes, Abigail stood back and wiped her eyes with a timid but hopeful smile. To my surprise, she turned from Colleen and reached out to give me a huge hug. I had just met her, but that no longer mattered. I hugged her back.

### Part II: Technology

I graduated from high school long before laptops, texting, and social media. I will never forget the joy of receiving a Sony Walkman for my birthday, or the incredibly frustrating experience of using a typewriter to fill out my college application forms. Cell phones, Amazon, and Google did not exist when I was a kid. If I needed to speak to a friend, purchase something, or ask a question, I had to either physically enter a library or store, make a call from my home phone, or meet with someone in person.

That is not the case anymore. Now, no one *needs* to leave their home to work, eat, shop, or interact with other people. Tasks that used to be complicated and time-consuming can now be accomplished easily, within seconds, and from almost anywhere in the world. Many routine jobs such as toll booth attendants, bank tellers, cashiers, and customer service representatives have been moved online, automated, or replaced by artificial intelligence (AI).

Most people are unacquainted with the sophistication and pervasiveness of AI today. Just for fun, I did some internet searches for artificial intelligence and found several, including an online AI called InspiroBot.<sup>1</sup> InspiroBot creates Hallmark-(un)worthy inspirational quotes using natural language processing, a type of artificial intelligence. With the click of a button, the AI generates nuggets of astounding wisdom such as “Only when you manage to grasp your own take on vegetables, will you find solitude” and “Could it be that aliens are scary when you learn to let go?” When I shared these quotes with several friends, they laughed, unsurprised by the AI’s ineptitude.

In truth, however, InspiroBot is a crude illustration of current AI capabilities. Better examples would be virtual assistants, such as Amazon’s Alexa and Apple’s Siri. If you have ever had an online chat with

a customer service agent, chances are you were conversing with an AI.<sup>2</sup> An even more impressive example can be found with China’s state-run television agency, which recently began using artificial news anchors<sup>3</sup> that look and speak almost like real humans. While virtual assistants and artificial news anchors represent high profile AI entities, the most pervasive uses of artificial intelligence are much less conspicuous.

Thomson Reuters surveyed 207 in-house attorneys about the use and perception of AI in corporate legal departments.<sup>4</sup> Of those surveyed, 30% identified as Baby Boomers, 46% as Generation X, and 16% as Millennials. About 76% believe AI will not be mainstream for five years, with half of those thinking it will take ten years or more. Two-thirds of respondents indicated that they are confident and ready to try new technology and yet 50% stated they are not interested in purchasing AI or AI-based tools. Only 1% believe their department is currently using AI.

The survey indicates a fundamental misunderstanding of AI and its application within the legal field. Most of the 99% who think they are not using AI are incorrect, as AI has been embedded inside legal research tools for years. For example, Thomson Reuters has been using various types of AI since the 1990s and just unveiled Westlaw Edge, which applies cutting edge artificial intelligence behind the scenes of its research platforms.<sup>5</sup> Lexis Nexis has integrated automation and AI into its platforms with Lexis Advance, Context, Lex Machina, and Intelligize.<sup>6</sup> Many attorneys are already using AI-based tools that extract and analyze data, evaluate contracts, identify risk, recognize patterns, and make predictions.<sup>7</sup> Ready or not, advanced artificial intelligence technology is already here.

### Part III. The Intangibles

The more we rely on AI and automation, the more we must be concerned about quality, reliability, confidentiality, and accountability. Legal strategies are complex and fact-driven rather than one-size-fits-all. Law students quickly learn that often there is no single correct answer but rather a spectrum of possibilities. Computer software, on the other hand, is coded with ones and zeros and designed to provide black and white answers. It literally thinks *inside* the box. It lacks the intangibles.

Sports announcers often speak of a player’s “intangibles” as being just as important as their measurable statistics. In the law school context, we often hyper-focus on class rank, GPA, and journal membership, downplaying the intangibles of patience, compassion, empathy, and kindness. As with Abigail, legal professionals often interact with clients at their most raw and vulnerable moments. These are the moments when we are challenged to recognize the client’s needs and respond as *humans*, not just as attorneys or law clerks. It may mean taking extra time to stop and listen, even if there is nothing you can do or your next appointment is already waiting. It may mean helping a client access social services, even if that is not really your job. Or it may mean giving a reassuring hug, even if hugs are not really your thing.

I think what matters is not just the value of human attorneys but the value of *humanity* in the practice of law. Maybe someday an artificial intelligence will be sophisticated enough to give sound legal advice. Maybe. But even then, it will lack the intangibles. I have never said “thank you” to an ATM after it gave me cash. And while I have written emails with tears streaming down my face, I have never considered hugging my computer. As InspiroBot said in a rare moment of semi-clarity, “The human soul is the only viable option.”

Maybe hugs *should* be my thing.

### Endnotes

1 <https://inspirobot.me/>

2 For examples see Mariya Yao, *11 Powerful AI Tools You Can Use to Upgrade Your Customer Experience*, <https://www.topbots.com/best-customer-service-automation-enterprise-technology-software/> (last visited January 7, 2019).

3 Taylor Telford, *These news anchors are professional and efficient. They’re also not human*, The Washington Post (November 9, 2018).

4 Thomson Reuters, *Ready or Not: Artificial Intelligence and Corporate Legal Departments*, (2017).

5 Jeff McCoy and Gretchen DeSutter, *Thomson Reuters Unveils New Legal Research Platform with Advanced AI: Westlaw Edge*, PRNewswire (Jul 12, 2018).

6 Lexis, <https://www.lexisnexis.com/en-us/products/lexis-analytics.page> (last visited January 6, 2019).

7 Thomson Reuters, *supra* note 4.



# DESTIGMATIZING MENTAL HEALTH AND WELLNESS: A DISCUSSION AMONG LAWYERS

By: John Schifino

According to a 2016 study published by the Hazelden Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs, 21-percent of licensed, employed attorneys are clinical problem drinkers, 28-percent struggle with some level of depression, and 19-percent suffer from anxiety.<sup>1</sup> These percentages far outpace those of the general population. Most troubling, the suicide rate for lawyers is double that of the general population.<sup>2</sup> These statistics do not describe a healthy profession. Too many of our colleagues are suffering and we need to get to work on finding a solution.

We have chosen a stressful profession. To get here, we endured three tough years of law school, a grueling bar exam (or two), and long work hours necessary to establish a practice. We often find ourselves in highly competitive and adversarial arenas. Many of us are driven by tight deadlines, billable demands, collection requirements, and an increasing amount of nonbillable obligations. We gladly shoulder our clients' burdens and make ourselves available 24/7. We are taught to identify vulnerabilities and weaknesses in our cases and our opponents' cases, and to anticipate everything that can go wrong. Even though our true tasks are to solve problems and help others be successful, we too often fall back on pessimisms. It is no wonder we are facing such challenges to the health and wellness of our bar.

In July 2017, the Florida Bar Board of Governors created a Special Committee on Mental Health and Wellness of Florida Lawyers. Now a standing committee chaired by Florida Bar President-Elect Designate and Board of Governor member Dori Foster-Morales, the committee members are working to destigmatize mental illness within our legal community, educate lawyers, judges, and employers on how to identify and address mental health issues among lawyers, and create "best practices" on how to address mental health issues. Ms. Foster-Morales and the entire committee have been working diligently and have done a fantastic job getting the message out. For more information and to explore resources provided by The Florida Bar, take a moment to visit the committee's website at <https://www.floridabar.org/member/healthandwellnesscenter/>.



The topic of mental health and wellness in the profession is getting some much-needed attention, but there is more to do. On May 15, 2019, the Hillsborough County Bar Association (HCBA) is partnering with the Hillsborough Association for Women Lawyers (HAWL) to host a Mental Health and Wellness Town Hall Meeting. Florida Bar President-Elect John Stewart and Committee Chair and President-Elect Designate Dori Foster-Morales are joining us at the Town Hall and will share their knowledge regarding mental health and wellness in the profession, and will give a presentation about The Florida Bar's efforts to address and foster discussion regarding lawyer health. An open forum will follow the presentation during which attendees can share with Mr. Stewart and Ms. Foster-Morales their own experiences and what they suggest for The Florida Bar going forward. Mandi Clay, Vice President of Programs for HAWL, and Carter Andersen, Past President of the HCBA, are passionate about lawyer health and have graciously agreed to co-chair and coordinate our Town Hall. We hope to use this opportunity to bring Hillsborough attorneys together to discuss this important topic in an open and candid manner.

Lawyers must be more open about mental health and wellness. We have generally not been the best of resources for each other and it is time for that to change.

John A. Schifino, President, Hillsborough County Bar Association

*John Schifino is a trial and appellate lawyer experienced in handling cases in the areas of business litigation, labor and employment law, and environmental law.*

*John is also a certified state court mediator and has experience mediating a variety of business disputes. He has served as lead counsel in numerous jury and bench trials, and has represented municipalities, manufacturers and recyclers, large restaurant franchisees, physician practice groups, large private prison service providers, large food and beverage distributors, private securities firms, real estate developers and other businesses in Florida's state and federal courts.*

*John represents public and private companies and their officers and directors in a variety of business-related matters. John's business litigation and appellate practice involves complex contract disputes, business torts, shareholder disputes, premises liability, real estate disputes, professional malpractice claims, employer/employee disputes (including claims arising out of the FLSA, ADA, FMLA, ADEA, USERRA and Title VII of the Civil Rights Act), trademark and copyright infringement litigation and First Amendment matters. John also assists clients in their compliance with applicable employment laws.*

*Regarding environmental matters, John represents clients and their principals in U.S. Environmental Protection Agency (EPA) enforcement and superfund actions, Florida Department of Environmental Protection (FDEP) enforcement actions, and Hillsborough County Environmental Protection Agency (EPC) enforcement actions.*

*In addition to his trial practice in Florida's state and federal courts, John has represented clients in appeals before Florida's District Courts of Appeal and before the United States Court of Appeals for the Eleventh Circuit.*

## Endnotes

1 Available at <https://www.hazeldenbettyford.org/about-us/news-media/press-release/2016-aba-hazelden-release-first-study-attorney-substance-use>

2 Dori Foster-Morales, *Mental Health and Wellness: Destigmatizing the Discussion and Promoting Solutions*, The Florida Bar Journal, January 2019 Volume 92, No. 1, p. 8.



## THE EMOTIONALLY INTELLIGENT LAWYER

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Rebecca J. Bandy, Director  
The Henry Latimer Center For Professionalism



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# OVERCOMING OBSTACLES: ADVICE FROM FLORIDA'S FIRST OPENLY AUTISTIC ATTORNEY

By: Beth Kirkland and Hillary Thornton

Haley Moss, a recent graduate of the University of Miami School of Law and newly admitted Florida Bar member, starts her day like most other attorneys. She gets to the office and enthusiastically greets everyone as she walks in, even though she is not much of a morning person. As a new attorney, she is excited to get to work to learn more from her mentors as she explores her new career. But, something most people may not recognize, is that Ms. Moss is also autistic, having been diagnosed at the age of three.

Autism is a neurological and developmental disability. It is recognized as a spectrum disorder which imposes hurdles unique to that individual. "If you have met one autistic person, you have met one person," she says, as it presents differently in different people. While some people experience intellectual or communication difficulties, others experience difficulty with social cues and eye contact. Ms. Moss's autism caused her to be nonverbal at the time of her diagnosis. Her only forms of communicating involved her behavior, crying, and screaming. Currently, autism affects one in 59 children in the US and many adults as well.

Throughout Ms. Moss's life, she and her parents were met with serious doubts when it came to her desire to surpass the expectations society had for her. Societal standards set the bar low for her cognitive development and the ability to deal with social situations with which she would inevitably be presented. People laughed when her mother insisted that Ms. Moss would graduate from high school. Her parents were told that she would be "lucky" to hold even a minimum wage job. While this was a major obstacle in her life, Ms. Moss "wanted to be the one to make [the] decision" about where her life would go and what she could do. While she admits she has limitations and challenges, she insists that only she can make the decision about



how they affect her life because "[she is] the expert on [her]self."

When it came to the pivotal moment of deciding which college was right for her, she decided to continue her education at the University of Florida. Although she was discouraged from attending college because "it would be too far or too big," she flourished in the educational environment, graduating with two bachelor's degrees in Psychology and Criminology. She then decided to continue her education at the University of Miami College of Law.

Even though there was overwhelming doubt surrounding Ms. Moss's decision to attend law school, she knew it would be the perfect decision for her as it mixed two of her passions: writing and public speaking. This is particularly notable when one remembers that she was nonverbal at the age of three and now enjoys public speaking, even giving an address at her law school commencement ceremony. Ms. Moss has always seen lawyers fulfilling various roles, including writers, speakers, and advocates for the community. As an advocate for autism awareness since before she entered high school, it was a logical transition for her to enter the legal profession where she could advocate for others daily. She believes that her prior advocacy work

has vastly helped to prepare her skill sets to become a legal professional.

She hopes to bring a sense of normality to, and break the stigma surrounding, autistic people and their ability to exist in all aspects of life. She believes that "being openly autistic and visible in [the legal] profession is a form of advocacy," and that is not a role that she takes lightly. She understands this heightened role requires professionalism at every level. She defines professionalism as "treating others with respect and dignity, as well as listening to what others have to say." With her focus on independence and social autonomy, this is the same treatment for which she strives in every area of her life.

Ms. Moss has used art to overcome some of the challenges associated with her autism. She has been drawing and painting for most of her life. She also enjoys finding new places to sweat around Miami as part of her fitness journey. You can see her artwork and published books online at [haleymoss.net](http://haleymoss.net).

Although Ms. Moss still faces challenges daily, she has overcome various social deficits to be a professional legal representative. She understands that the practice of law, by nature, includes interaction with others. Her advice to others who may not be comfortable with face-to-face interaction is that "it is ok to feel uncomfortable in certain situations." Ms. Moss states that it is important to remember that it does not make anyone any "less of a lawyer" if public speaking causes nervousness. "Our profession has room for different skill sets," she says.

Ms. Moss has been a shining example of this concept, as she is redefining what it means to provide unique skill sets to the legal profession. She emphasizes the importance of being kind to both others and yourself because, after all, "your best matters."

*continued...*



## Overcoming Obstacles

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Haley Moss was diagnosed with autism at age 3 and is a first-year associate at Zumpano Patricios in Coral Gables, Florida. She graduated with her Juris Doctor from the University of Miami School of Law in 2018, and graduated from the University of Florida in 2015 with Bachelors degrees in Psychology and Criminology.

She is a renowned visual pop artist and the author of "Middle School: The Stuff Nobody Tells You About" and "A Freshman

Survival Guide for College Students with Autism Spectrum Disorders: The Stuff Nobody Tells You About." She also was the illustrator and a contributor for the Autism Women's Network anthology "What Every Autistic Girl Wishes Her Parents Knew." Her writing has been featured in HuffPost, Elite Daily, The Mighty, and other websites and publications.

Haley was most recently honored with the 2019 Occhigrossi Family Youth in Service Award, the 2018 Publix Self-Advocate of the Year, the 2018 UM-NSU CARD Outstanding Self-Advocate, and the 2018 Voices of Hope Honoree by Birch Family

Services in New York City. She was also recognized as a BlogHer 2016 Voices of the Year honoree and one of South Florida's Young Leaders in Philanthropy. She was also presented with the Council For Exceptional Children's Yes I Can! International Award in April 2011. Haley created the featured artwork as well as being presented with the Teen Hero Award at the 10th Annual Samsung Hope for Children event in June 2011.

She is currently serving on the constituency board for UM-NSU CARD and previously served on the board of directors for Unicorn Village Academy.



# MINDFULNESS AND EMOTIONAL INTELLIGENCE FAVORITES

By: Rebecca Bandy

The Center often gets asked about our go-to resources for mindfulness and emotional intelligence. Here are a few ideas to get you started on your journey to #mentalhealthandwellness.

- Keep thank you cards on your desk along with stamps. I especially love the "A Month of Thank You's Gratitude Kit" by North Carolina artist Lori Portka. Try to send out at least one card each day. You will be surprised at the positive impact you have on the recipients. [https://www.etsy.com/listing/107501629/a-month-of-thank-yous-gratitude-kit?ref=hp\\_rv-2](https://www.etsy.com/listing/107501629/a-month-of-thank-yous-gratitude-kit?ref=hp_rv-2)
- Invest in fun pens and markers. I especially love Sharpies with ultra-fine points in bright, pretty colors.
- Try to journal daily. I absolutely love the beautifully inexpensive Florida Ruled Notebook by Spartina. When you journal, make sure to write by hand and always review and reflect on what you have written. <https://www.spartina449.com/florida-notebook-21511.html>
- Combat loneliness by seeking out human connection. Instead of

texting, call a friend or loved one you have not spoken to in a while. Send an email to someone you miss. Plan a coffee, lunch, or dinner date with someone special. Volunteer in your community. Make a point to ask colleagues how they are doing and actively listen to their responses. The Campaign to End Loneliness is an organization based in the United Kingdom, but their website

is packed with alarming statistics, phenomenal videos, and fantastic ideas on how you can better connect. <https://www.campaigntoendloneliness.org/>

- Check your screen time and take part in the #ScreenTimeChallenge based on Diane Sawyer's ABC News special which aired May 5, 2019. <https://abc.go.com/movies-and-specials/screentime-diane-sawyer-reporting>



*Journal Prompt: What is your screen time? How do you feel about your findings? What, if anything, would you like to change about how much time you are on devices? What is the impact this time is having on your relationships with others professionally and personally?*

# WHAT IS WORKPLACE BULLYING?

By: Karla Ellis

Last summer I attended a workshop at a mediation conference where the presenter spoke about her experience with workplace bullying. Workplace bullying? I had never heard of the topic but based on the comments and questions of the attendees, many of them were more than familiar with the concept. After returning home from the conference, I decided to do a little more research on the subject. What I found made my jaw drop.

First, what is workplace bullying? I was familiar with kids bullying kids at school or on the playground. I believe most people have experienced it as a child to some degree. Nowadays, cyberbullying has gained great exposure due to the sad news stories of targeted adolescents and young adults who resorted to suicide to end the repeated shame and humiliation caused by relentless cyberbullying. By the time I reached adulthood, I thought that bullying was a thing of the past, something that only occurs during childhood and adolescence. Not necessarily.

Workplace bullying is somewhat of a new concept, the study of which started in Great Britain. In their book *The Bully at Work*, Drs. Gary & Ruth Namie define workplace bullying as “the repeated, malicious verbal mistreatment of a Target (the recipient) by a harassing bully (the perpetrator) that is driven by the bully’s desire to control the Target.” In essence, workplace bullying is very similar to school-yard bullying. It is about control and the abuse of power. The Workplace Bullying Institute (found [here](#)) also defines it as “repeated, health-harming mistreatment of one or more persons (the targets) by one or more perpetrators. It is abusive conduct that is threatening, humiliating, intimidating, or work-interference, i.e. sabotage, which prevents work from getting done.” Simply put, workplace bullying is the repeated, deliberate, and disrespectful treatment by the perpetrator for his or her own personal gain.

Workplace bullying is not gender specific and does not always occur between a supervisor and a subordinate. Women can bully women, men can bully men, and



co-workers can bully fellow co-workers. A good example of workplace bullying that reached national headlines occurred within the National Football League’s Miami Dolphins football team. Jonathan Martin, a 6’5”, 312-pound offensive lineman bravely left the Miami Dolphins in October 2013 after experiencing unrelenting bullying, which included threats of violence and racial slurs, from his teammates. Teammate Richie Incognito, who was the alleged ring leader, was ultimately suspended by the Dolphins because of his bullying conduct.

You may ask yourself, “Why should I care about bullying at my job? Is it not a conflict that should be worked out between the target and the bully?” It is estimated that one in five persons in the United States workforce is affected by bullying. It specifically affects employee health and safety, dignity at work, retention of skilled employees, and employee morale and productivity. If you have witnessed a co-worker being bullied, you were indirectly bullied as a bystander. Approximately 75-percent of employees have been affected by workplace bullying as a target or as a bystander based on data collected in a study by Judith Fisher-Blando of the University of Phoenix.<sup>1</sup> Another reason you should care, particularly if you are a part of management at your job, is that an employer can open itself up to potential litigation if bullying is condoned and ingrained in the work culture. Workplace bullying, in and of itself, is not illegal in the United States; however, such

conduct may be connected to a form of harassment or discrimination that is the subject of litigation.

Workplace bullying is more prevalent than we may realize, but it cannot be accepted in the legal field. Firms must establish policies to combat such behavior from their employees and protect the people who work for them. We, as attorneys, can prevent workplace bullying as well by ensuring that we ourselves do not exhibit such behaviors toward our co-workers.

**Karla D. Ellis** recently opened the Law Office of Karla D. Ellis, PLLC., where she practices appellate law and legislative advocacy, and serves as a Florida Supreme Court-certified circuit civil mediator. Before opening her law practice, Ms. Ellis was a Chief Attorney with the Office of Bill Drafting Services at the Florida Senate and a Career Staff Attorney and Senior Staff Attorney at the Florida Supreme Court where she worked for two justices. Ms. Ellis also has a background in criminal appeals as a former Assistant Attorney General. She has been a member of The Florida Bar for 21 years and is a graduate of the Florida State University College of Law and Howard University. Ms. Ellis has been active with The Florida Bar in several sections and committees, and received the 2014 Leaders in the Law Award by the Florida Association of Women Lawyers. Ms. Ellis has volunteered with various local community organizations, including the Second Judicial Circuit’s Guardian ad Litem Program as a Guardian ad Litem volunteer; the Delta Kappa Omega Chapter of the Alpha Kappa Alpha Sorority, Inc.; and Refuge House, a local safe place for survivors of domestic violence and sexual assault. Visit Karla’s website at [www.karladelis.com](http://www.karladelis.com) and connect with her on [Twitter](#), [Facebook](#), or [Instagram](#).

## Endnote

<sup>1</sup> Judith Lyn Fisher-Blando, *Workplace Bullying: Aggressive Behavior and its effect on Job Satisfaction and Productivity*, University of Phoenix Doctoral Dissertation Presentation, pg. 92, <https://www.workplaceviolence911.com/docs/20081215.pdf>.

# ‘BOUNDS OF ADVOCACY’ PROFESSIONAL AND ETHICAL PRACTICE GUIDELINES FOR FLORIDA FAMILY LAWYERS

By: Nicole L. Goetz  
Nicole L. Goetz, P.L., Naples

During my term as Chair of The Florida Bar Family Law Section, the section published an updated version of the *Bounds of Advocacy*, a guide for Florida lawyers on the professional and ethical dilemmas that are unique to the practice of family law. The *Bounds of Advocacy* offers goals for professional cooperation, competence and advice, conflict of interest, fees and children. It suggests a higher level of practice than the minimum baseline of conduct required by Florida Bar rules and spells out guidelines for situations that often arise in family law where the rules do not provide sufficient guidance.

The Family Law Section offers the *Bounds of Advocacy* at no charge; it is available to download from the section's website at [this link](#).

The American Academy of Matrimonial Lawyers published the original *Bounds of Advocacy* in 1991 and revised it in 2002. The Florida Bar Family Law Section the same year formed a committee to adapt the guide to Florida law and practice, and the section published *Bounds of Advocacy Goals for Family Lawyers in Florida* in 2004. The newly released version is an update from the 2004 Florida publication.

The *Bounds* has been an invaluable part of my family law practice. I remember receiving a copy of the original publication when I first started into private practice. It was such an incredible resource to me that I knew that I wanted to ensure that a revision of the publication was a primary goal of the section. With the vast changes in technology, ethics, and the law since its original publication, revisions were necessary to once again make the publication a key document for family law practitioners or any attorney that is addressing a family law issue.



To that end, I created the Family Law Section Ad Hoc Bounds of Advocacy Committee to update the guide to reflect recent and significant changes that impact the practice of Florida family law. The committee—active and retired members of the judiciary and some of Florida's most experienced family lawyers and professionals—revised the guide to capture not only changes in marital and family law, but in ethics, professionalism, social media, and technology.

I was honored that family law experts Richard West and Melinda Gamot accepted appointments to co-chair the ad hoc Bounds of Advocacy Committee. Both are Florida Bar board certified in marital and family law and are fellows of the American Academy of Matrimonial Lawyers and the International Academy of Family Lawyers.

Mr. West and Ms. Gamot shared their thoughts about the importance of the *Bounds* to the practice of family law. Their quotes were published in the May 15, 2018, issue of The Florida Bar News.

"We hope family lawyers will use the *Bounds* to better serve our clients, our system of justice, and our individual practices

by reducing the emotional and financial costs of family law conflicts," said West. "Adopting the spirit of the *Bounds* will lead to increased cooperation while eliminating many of the negative aspects of restructuring a family. The committee is proud to present our vision to the family law bar."

"The *Bounds* is a tool for the family lawyer to increase the level of professionalism and civility in an area of law fraught with human emotions," said Gamot. "We strive to raise the level of positive behaviors for the lawyers and their clients."

## Family Law Section Ad Hoc Bounds of Advocacy Committee

Richard West, co-chair, Orlando

Melinda Gamot, co-chair,  
Palm Beach Gardens

Hon. Scott Bernstein, Miami

Dr. Deborah Day, Winter Park

Maria C. Gonzalez, Ft. Lauderdale

Ky Koch, Clearwater

David Manz, Marathon

Hon. Ray McNeal, Ocala

Ashley Myers, Jacksonville

**Nicole Lange Goetz (nee Nicole Lange Smith)** was born in Virginia and raised in Southwest Florida.

She graduated cum laude from the University of South Florida in Tampa in 1993. During her studies at the University of South Florida, she was a member of two national honor societies, earned a perfect grade point average in her major, and was recognized on the Dean's list every semester that she attended. Ms. Goetz went on to receive high honors and honors multiple times during her legal studies at the

*continued...*



## Bounds of Advocacy

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University of Florida in Gainesville, and in 1997, she received her Juris Doctor degree with honors from the University of Florida Levin College of Law. She has been licensed to practice law in Florida since 1997.

After graduation, Ms. Goetz counseled indigent clients in family law matters when she served as a staff attorney at Brevard County Legal Aid in Brevard County, Florida. In 1999, she became a staff attorney for the State of Florida, Twentieth Judicial Circuit. As a staff attorney in Collier County, she assisted the Court Administrator and the judges of the circuit by providing research and recommendations on substantive and procedural issues in a myriad of areas, including but not limited to the review and resolution of county to circuit appeals and of extraordinary writs. In 2003, Ms. Goetz joined the law firm of Asbell & Ho, P.A. as an associate attorney where she focused on the litigation and appeal of complex family law issues, leaving briefly to run a

family owned aerial operation and to help form a very successful right of way maintenance company. After returning to the firm, she became a shareholder in 2006, and she served as managing shareholder of the firm from 2007 until 2010 when she left the firm to start her own practice, Nicole L. Goetz, P.L.

Ms. Goetz has been a frequent lecturer on family law. She has lectured for various organizations, including multiple sections of the Collier County Bar, the Lee County Bar Family Law Section, and she lectured in 2009, and again in 2011, in Tampa and Miami on Equitable Distribution at The Florida Bar's Basic Family Law course.



The Florida Bar's Henry Latimer Center for Professionalism, in partnership with FIU, hosts a comprehensive Professionalism Library Guide offering Professionalism Standards as well as articles, videos, and newsletters.



<http://libguides.law.fiu.edu/henrylatimerguide>



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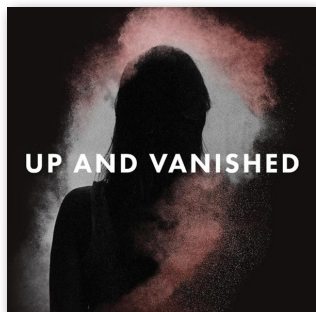
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# REBECCA'S PODCAST PLAYLIST

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## ***Up and Vanished: The Disappearance of Tara Grinstead***

"The Trial Series": <https://upandvanished.com/>

I did not know Tara Grinstead personally, but we were in the same social circles when we were both young history teachers, cheerleading squad sponsors, and pageant coaches in South Georgia in the early 2000's. We even dated the same gentleman, at different times, of course. So, when Tara came up missing when I was fresh out of law school, it really hit home. I have followed her story from the start, have been heart-broken at its unfolding, and now I am riveted by the respectful and insightful coverage of the trials of those accused of her disappearance and murder. Payne Lindsey and his team do an amazing job of explaining the law and court procedure in the follow-up to Season 1, called "The Trial Series."



## ***The Science of Happiness***

"Listen Like It's Your First Date": [https://greatergood.berkeley.edu/podcasts/item/listen\\_like\\_your\\_first\\_date](https://greatergood.berkeley.edu/podcasts/item/listen_like_your_first_date)

This podcast episode from the Greater Good Science Center at UC Berkeley explores distraction. *The Takeaway's* Tanzina Vega trades in her cell phone and technology to explore what it means to practice active listening and to engage "like it's your first date."



## ***Radiolab Presents: More Perfect***

"American Pendulum II": <https://www.wnycstudios.org/story/american-pendulum-ii-dred-scott>

The Center's law clerk Hillary recommended this episode to me. She said it brought her to tears. "American Pendulum II" explores the 1857 Supreme Court decision, *Dred Scott v. Sandford*, in which a slave named Dred Scott sued for his freedom and lost. I taught this case every year in my US History classes; however, this podcast adds another layer, as descendants of Dred Scott, Chief Justice Roger Brooke Taney, Jefferson Davis, and Thomas Jefferson gather together for a meeting in Missouri to "figure out what reconciliation looks like in the 21<sup>st</sup> century."



## ***The Florida Bar Podcast***

"The State of Professionalism in the Legal Industry": <https://legaltalknetwork.com/podcasts/florida-bar/2019/04/the-state-of-professionalism-in-the-legal-industry/>

I and my Assistant Director, Adriannette Williams, talk about the Center's role in encouraging and fostering professionalism in the legal field, the programs and resources the Center has to offer, and how we can do more to reach the level of professionalism the legal field requires.

# IT'S ALL IN YOUR HEAD! MANAGE YOUR BRAIN AND WATCH THE TRANSFORMATION

By: Jane Springer

It's 3 p.m. You have a brief due today. With e-filing, you know you technically have until midnight. But once you get home and get caught up in family activities and responsibilities, you will not have time to work on it anymore. And, oh by the way, your child has to be picked up from day care by 5:30 pm. What do you do?

Do you go into panic mode? Tell yourself, "I will never get this finished by 5 o'clock"? Feeling anxious, you decide that getting a pick-me-up – such as the M&Ms on your assistant's desk or someone's donation to the kitchen – would be just the thing to get you producing in a hurry. Maybe you are having trouble concentrating.

The result? Your energy fluctuates, you may have foggy brain, and you do not do your best work. You finish the brief and rush out the door, still anxious and stressed. When you get home, you carry that stress right into the house, spending the rest of the evening in catch-up mode. Perhaps over-eating or over-drinking. This is not good for your mind or your body. Tomorrow, it all starts again.

Does this sound familiar?

What if you could manage things differently? End up calmer, more confident and focused? There is a simple method, but it takes practice. You manage your brain.

For every circumstance you are in, you have a thought about that circumstance. You may not be consciously aware of the thought, but it is there. That thought creates a feeling in your body. The feeling then drives an action, or in some cases, inaction. That action will always produce a result. The result flows from the thought.

In our example, the circumstance was the brief deadline. The thought was, "I will never get this finished by 5 o'clock." You felt anxious, and the action was panic and eating. The result was perhaps not your best work, and you were still stressed as you rushed out the door. A by-product could be weight gain or chronic low-level anxiety.

You can turn things around by changing your thoughts and feelings. If this sounds too easy, let me be clear. You are not



inventing a mantra. You are literally changing your brain by making a new neural pathway with a new thought. But your new thought must be repeated, or your brain will dive right back into that old pathway of panic ("I will never get this done").

It is important to be compassionate and curious about the scenario, looking at how you got to where you are now. Lawyers are under a lot of pressure. You have constant deadlines and demanding clients. On top of that, you are concerned about life at home and your own health. These can be managed, if you take an honest look at your thoughts in the situations where you are feeling particularly stressed.

How to turn around our example? The circumstance remains the same. The brief is due today. Instead of anxious, how would you rather feel? What thought might lead to a different feeling? You might tell yourself, "I have got this!" or "I am smart and I can handle it." Your thought must be believable, or your brain will not buy it. Your brain will go right back down the old pathway of panic and anxiety.

Once you are feeling more calm, your actions might be to take a short walk around the office, turn on some music that will put you into "go" mode, have some tea or coffee, take some deep breaths, or perhaps get some help from your assistant. The result is you move forward confidently and focused to finish the brief. After filing, you feel satisfied.

Take this tool and use it. Examine and write down your experience: Circumstance, Thought, Feeling, Action and Result. Then come up with a turnaround set of thoughts, feelings, actions and results to move you forward in a different way.

The tool is useful at work, and for relationships and health, too. Suppose your circumstance is that your body-mass index (BMI) indicates you are overweight. Your thought is, "I have tried every diet under the sun, and they do not work." You feel frustrated, and your action is to keep stress eating and drinking. The result is weight gain, and your self-esteem plummets.

What if, in this same circumstance, your thought becomes, "I can find a protocol that works for me and my lifestyle." You now feel inspired and motivated. Your action is to do some research on finding a plan that works for you. You get help by having some accountability to someone, like a coach, friend or program. The result? You lose weight and you have support in the process. The key is to always look at your thoughts. Ultimately, they are producing the results you are getting. The good news is you can always change your thoughts and use that very smart brain of yours.

Manage your brain and watch the transformation happen in your work and your life!

*Jane Springer is a Certified Life and Wellness Coach focusing on empowering people to move beyond life's challenges to live life on their own terms. She is also a research assistant for the FSU College of Medicine, Department of Behavioral Sciences and Social Medicine. Recognized among her colleagues as the expert source for strategies that empower people to re-design their life from the inside out, Jane also teaches people how to change their mindset for success in improving their health, business, relationships and style.*

Jane Springer

[www.janespringer.com](http://www.janespringer.com)

e:mail [jane@janespringer.com](mailto:jane@janespringer.com)



# "MENTORING MATTERS"

By: The Honorable Suzanne Van Wyk



When Becky asked me if I would write something for the Mentoring Matters column, I jumped at the chance. What better opportunity to highlight the Tallahassee Women Lawyers (TWL) Mentoring Program?!

TWL has established a formal mentoring program with The Florida State University College of Law (FSU Law) through the Women's Law Symposium (WLS), a student bar organization at FSU Law. The TWL program is chaired by my friend, and sometimes mentor, Christi Gray. Christi has chaired the program for the past several years. Each year over 50 TWL members volunteer to mentor a law student through the program. There is frequently a waiting list as mentors are in high demand! Christi works closely with WLS to match the law students with a mentor based on common interests.

After matching, TWL supports mentors by providing specific opportunities to interact with their mentees, including an evening fall kickoff mixer, two morning "coffee talk" gatherings in the law school student lounge, a spring mixer, and frequent "Table of 8" luncheons throughout the year hosted by a single judge or attorney. Each of these events provides an opportunity for interactions between mentor and mentee, as well as between the students and many local practitioners in a variety of practice areas. The coffee talks and mixers are especially important for me as a mentor: I can efficiently connect my mentee with someone practicing in an area of law in which she has expressed interest or solicit advice from other mentors regarding my mentee's options for summer internships.

TWL's support does not stop with those events. Christi provides emails to mentors throughout the year to remind mentors to connect with their mentees. I always appreciate the reminder to connect with my mentee just before exams for a quick coffee, note of support, and overall confidence builder!

I have had the great fortune to have mentored no fewer than ten young women through the TWL/WLS program. While I usually take on one new student each year, I will occasionally accept two students when the waiting list is burgeoning. I have three daughters of my own, so what is one or two more!

Mentoring is easy and rewarding. Usually, the most important help a mentor can provide is an introduction to someone practicing in the area of law in which your mentee is most interested. The saying, "it is not what you know, but who you know," has never been more true than in the current tight legal market.

The introduction does not have to be targeted for a job

opportunity. Often, a law student wants to meet someone in a practice area for advice on the career path or suggestions on the best areas for a growing practice. The introductions often take the mentor out of her usual circle of influence. The Honorable Jessica Varn, a TWL Board member and one of my fellow Administrative Law Judges, commented that these meetings offer her an "opportunity to peek into a day in the life of attorneys [who] practice in family law, elder care law, health care law, criminal law, appellate law, international law, and lobbying." To this day, the most interesting lunch I set up for a mentee was with an attorney in Tallahassee who practices intellectual property law. I am certain I would not have otherwise met him. That mentoring match also prompted me to reach out to an acquaintance who practices IP in Orlando. We had not spoken in some time and she was so gracious about meeting my mentee and offering advice on breaking into the practice area.

What mentoring means to the mentee is best expressed in their own words. Dayna Maeder, a 2L at FSU recalled her first year mentoring experience as "so vital" that she volunteered to run the WLS mentoring program this year. Dayna recounts that through the TWL/WLS program she has met "amazing and inspirational women in the local legal community who have helped shape my career path." Lauren Pettine, my mentee from 2016, still values the networking opportunities I was able to provide for her, especially since she came to FSU from Colorado and "did not have a single connection in Tallahassee."

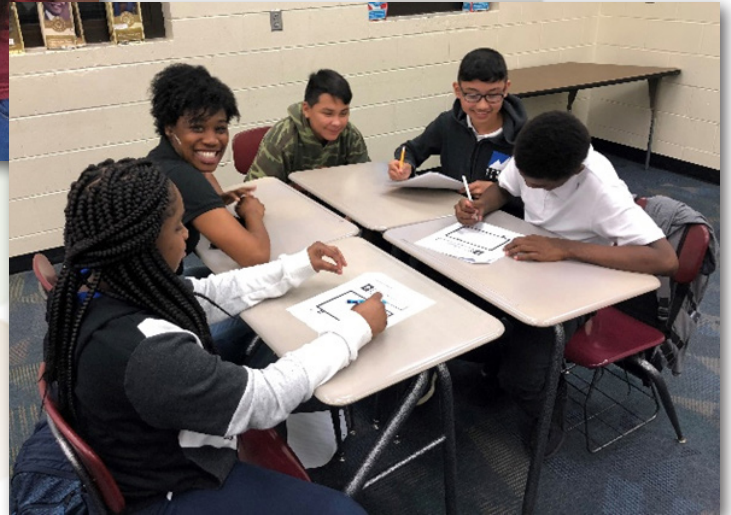
However, Lauren also mentioned a lunch and learn presentation on drone law we attended at Domi Station. Domi Station is a business incubator founded in collaboration between FSU, FAMU, Leon County, and the U.S. Economic Development Administration. That particular year, TWL President Christin Gonzalez set up a lunch and learn for members that included a demonstration by an FSU student who had turned his project into a local business with support from Domi Station. Lauren commented that she "still references what she learned when chatting with friends about their classes in surveillance and aviation law."

My mentoring journey has taken me so many places. I have edited (and rewritten) numerous resumes, organized mock oral arguments for mentees to practice their 1L oral arguments with feedback from lawyers with appellate law backgrounds, taken a mentee to the Florida Bar Foundation dinner and introduced her to (then) Justice Barbara Pariente, planned multiple lunches with lawyers in all areas of practice, scheduled and attended a meeting with the dean of students to help a mentee obtain information about a leave of absence following a personal crisis, loaned furniture, met parents, and of course, brought many mentees along to TWL meetings. I fully agree with Jessica that this mentoring role is "one of the most rewarding roles that I play."

For students out there looking for a mentor, I will offer this piece of free advice: When you go to any networking opportunity bring a business card (so cheap to design your own online) and plenty of breath mints!



*Students from the FSU College of Law Black Law Students Association volunteered to teach seventh graders at Havana Middle School about the rule of law. The project was organized by the Innovative Community Engagement (ICE) Foundation.*



*The Center for Professionalism prepares for a Valentine's Day presentation on gratitude given to TFB employees.*





*DCA Judges Annual Conference, Ethics and Professionalism Panel: Front row (l-r): Judge James Edwards, Judge Bradley Harper, Kara Berard Rockenbach, Judge Peter Blanc, Judge Elizabeth Metzger. Back row (l-r) Culver "Skip" Smith, Judge Krista Marx, Scott Perry (moderator), Judge Cory Ciklin (moderator), Judge Sheree Davis Cunningham and Judge Jon Gerber — at Hilton West Palm Beach.*



*Former Standing Committee on Professionalism chair Kara Berard Rockenbach receives the Palm Beach County Bar Association's Sidney Stubbs Professionalism Award.*



# PROFESSIONALISM IN PICTURES

## HOW TO BECOME THE LAWYER YOU'RE SUPPOSED TO BE

The Center for Professionalism, the Student Education and Admission to the Bar Committee (SEABC), the Young Lawyers Division (YLD), and the FSU College of Law Professionalism Center recently hosted a lunch panel, "How to Become the Lawyer You're Supposed to Be." The panel was moderated by the Center's law clerk, Hillary Thornton, and featured Will Spillias of TFB; Administrative Judge, The Honorable Hetel Desai; Joe Longfellow; Josh Magidson; Josh Magidson; Molli McGuire; and past SEABC Chair, Doug Bates.



## THE GEORGE EDGECOMB BAR ASSOCIATION SCHOLARSHIP BANQUET

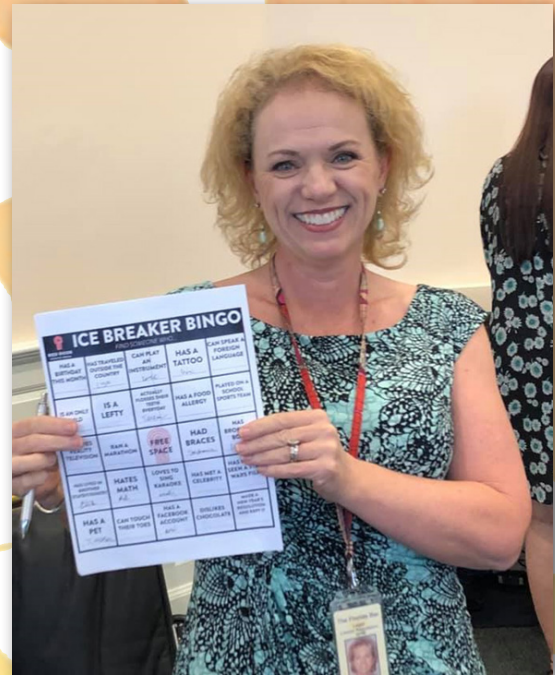
The George Edgecomb Bar Association (GEBA) held its' 36th Annual Scholarship Banquet on Monday, April 22, 2019, at the Hilton Tampa Downtown in Tampa, Florida, where approximately \$25,000 in scholarships were awarded to deserving students. The keynote speaker was Nikki Giovanni-- a well-known American poet, writer, commentator, activist, and educator.





## “RESILIENCE: WHEN LIFE GIVES YOU LEMONS”

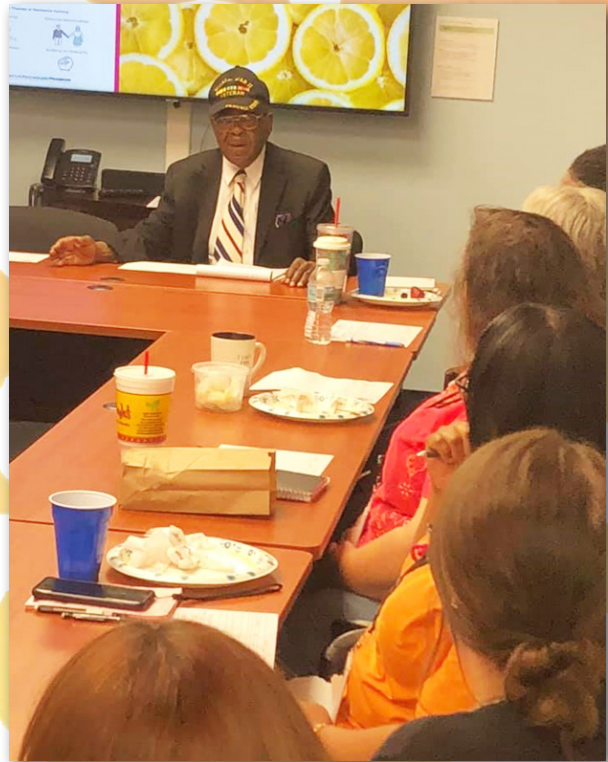
In April, the Center for Professionalism hosted a workshop for TFB employees called, “Resilience: When Life Gives You Lemons.” The event featured Holocaust survivor Martha Schwartz.





## “RESILIENCE: WHEN LIFE GIVES YOU LEMONS” (CONTINUED)

The Center later hosted the same workshop for TFB’s Finance Department, with surprise guest George Pittman, A WW2 veteran and respected educator. Here, Mr. Pittman is seen with Executive Director Josh Doyle and with TFB employees.





## TAKE YOUR CHILD TO WORK DAY

The Center hosted a segment of TFB's Take Your Child to Work Day program called, "The Magic of Mastering Stress and Why It Matters." Center staff discussed what professionalism means, taught students the importance of breathing and mindfulness, and helped them make a magical stress-relief potion.





## LEON COUNTY DIVERSITY IN LAW PROGRAM

Rebecca Bandy recently took part in the Leon County Diversity in Law Program. She was honored to host a table of Leon County High School students and discuss law school, the legal field, and professionalism. She was also thrilled to be serenaded by the students with songs from *Hamilton*.





# Congratulations, Hillary Thornton!

The Center's law clerk, Hillary Thornton, graduated this spring from FSU College of Law and it was an honor to celebrate her achievements. Human connection is what life is all about! We need it and, as Dr. Brené Brown often says in her ground-breaking work, we are made for connection. We spend most of our time at work. It is essential that we build authentic relationships to conquer loneliness and thrive in our legal profession.



FLORIDA STATE UNIVERSITY  
COLLEGE OF LAW





## MENTAL HEALTH AND WELLNESS

Rebecca Bandy has recently presented workshops on mindfulness-based emotional intelligence, not just around The Bar, but beyond it. She was invited to speak at the Florida Registered Paralegal Conference in Tallahassee and the Florida Restaurant and Lodging Association's annual meeting in Orlando.



Coming Soon: "How to Become the Lawyer You're Supposed to Be."  
Earn 1 CLE Credit

PRESENTED BY THE FLORIDA BAR'S HENRY LATIMER CENTER FOR  
PROFESSIONALISM AND THE STUDENT EDUCATION AND ADMISSION TO THE BAR COMMITTEE

# ATTORNEYS AND ALCOHOL: FINDING SOLUTIONS TO ABUSE AND DEPENDENCY

By: Magdalena Ozarowski

In early 2016, results of a study on lawyers and alcohol consumption caused quite a stir. And rightly so. The study by the American Bar Association and Hazelton Betty Ford Foundation showed that more than 20 percent of licensed lawyers consumed alcohol at levels considered “hazardous, harmful, and potentially alcohol-dependent.”

That is three times higher than the rate of alcohol abuse among the general public and twice as high as that of doctors in a comparable, high-stress profession.

Of note: this problematic drinking rate was highest among young lawyers. Nearly 32 percent of lawyers under 30 and 31 percent of junior associates, reported drinking at levels considered hazardous or harmful and potentially indicative of alcohol dependence.

Not surprisingly, one of the study’s co-authors strongly suggested that bar associations increase efforts to de-emphasize alcohol consumption at bar events.

Some voluntary bar associations are taking this advice to heart. The Young Lawyers Section of the Tallahassee Women Lawyers (the Tallahassee Chapter of the Florida Association for Women Lawyers) recently adopted a new approach to planning YLS events. Rather than remove alcohol from traditional networking and socializing events, they plan non-traditional networking and socializing events at which alcohol is not served and would even seem out of place. Last year, TWL held a fundraiser at a local yoga studio, with donations benefiting the Humane Society, and an exercise class at a local fitness studio catering to women. For those uninterested in sweaty activities, TWL planned a chocolate party, in partnership with a local chocolatier, right before Valentine’s Day, at which participants could hand-temper chocolate and create delicious goodies to take home. These events followed popular and well-attended events at a painting class, private tours of the Florida Historic



Capitol Museum, and volunteering for Habitat for Humanity.

TWL’s strategy has been this: Plan many small activities that not all members would attend but that could spark the interest of certain groups within the larger organization, and then spreading the word through focused social media campaigns. Starting small has allowed TWL to test the kinds of events and activities that will appeal to its members. Voluntary bar associations are comprised of individuals in various stages of life and career, with diverse interests and specializations, and whose only commonality may be geography. TWL is no exception. Recognizing that one event will not draw everyone promotes freedom to be creative in event planning. At the same time, catering to the interests of different groups can bring together attorneys who would not typically socialize with each other. This is more than just an added benefit considering bar events are mainly designed to foster community and networking. Smaller events also promote working with various local businesses other than bars and restaurants. Bar associations will likely find that local businesses, large and small, will be receptive to partnering for events and working together to plan cost-effective programs.

After initial planning is finished, TWL’s Public Relations Director focuses on promoting the events on all of TWL’s social media platforms, with focused posts on Facebook, Twitter, and Instagram, as well as in the weekly email updates. Contrary to popular belief, social media interactions are not limited to younger attorneys. A 2018 Pew Research Center survey found that 68-percent of adults in the United States now use Facebook, and general social media use is up to 78-percent among those 30 to 49 years old and 64-percent among those 50 to 64. Social media can be used not only to reach members and promote upcoming events, but also to close the loop and publish photographs of the event.

TWL is not the only voluntary bar association planning such events. Recent events from various groups around the state include brown-bag lunches with local judges, early-bird coffee meet-ups, and organizing running teams for local races. Planning morning and lunchtime events are an easy way to “de-couple” alcohol from networking, and activities that pair more strenuous activity, such as running or yoga, accomplishes the same thing for evenings.

This is not to say that voluntary bar associations should eschew all traditional monthly membership dinners or happy hours. However, the fact that alcohol-free events keep popping up on the schedules of bar associations, and that they succeed, should ameliorate any worries that an alcohol-free policy will decrease membership or alcohol-free events will be poorly attended.

Finding solutions to substance abuse among attorneys of all ages is important. Voluntary bar associations can and should take the lead to change the culture of attorney networking and socializing, not only as a preventive measure, but also to include and welcome attorneys struggling or in recovery, or attorneys who do not drink.





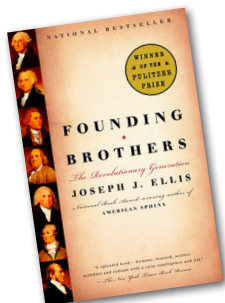
# Resources for Young Lawyers

- **Legal Fuel**
  - <https://www.legalfuel.com/>
  - Dubbed “The Practice Resource Center of The Florida Bar,” LegalFuel helps Florida Bar Members by providing free CLEs, information on everything from setting up a trust account to cybersecurity, and resources regarding starting your own practice.
- **YLD’s Legal Accelerator**
  - Accessed through the MyFloridaBar Members Portal, this one-stop hub for short, helpful videos provides advice on over 500 topics across five main categories: professional development, ethics and professionalism, substantive legal questions, The Florida Bar, and health and wellness.
- **Rules Regulating the Florida Bar**
  - <https://www.floridabar.org/rules/rrtbf/>
- **Fastcase Legal Research**
  - [https://member.floridabar.org/CPBase\\_\\_custom\\_login?site=a0a36000003SDujAAG](https://member.floridabar.org/CPBase__custom_login?site=a0a36000003SDujAAG)
  - A comprehensive national law library coupled with searching, sorting, and data visualization tools provided on The Florida Bar Member Portal.
- **Continuing Legal Education/In Reach**
  - <https://www.floridabar.org/member/cle/>
  - Providing quality legal education courses to the members of The Florida Bar, you can purchase or register for CLE courses on a variety of topics.
- **Florida Bar Member Benefits Program**
  - <https://www.floridabar.org/member/benefits/>
  - More than any other state bar, this program provides more than 60 free or discounted products and services, including free trials, demos or initial services, legal forms, and legal research to members of The Florida Bar.
- **Florida Lawyers Assistance Program**
  - <https://www.flalap.org/home>
  - This program assists attorneys, judges, and law students to find solutions to substance abuse, compulsive behavior, and psychological problem issues, and provides resources to assist in recovery.
- **The Florida Bar Mental Health and Wellness Center**
  - <https://www.floridabar.org/member/healthandwellnesscenter/>
  - Where Florida Bar Members can find information on Florida Lawyers Assistance Program, wellbeing coaches, meditation, CLEs, and more on mental health and wellness in the legal field.

- **Lawyers Advising Lawyers**
  - <https://lawyersadvisinglawyers.com/>
  - This free service for all members of The Florida Bar provides advice on over 50 areas of law, procedure, or other legal issues that may arise in your practice.
- **#StigmaFreeYLD**
  - <https://flayld.org/health-wellness/>
  - One of the most recent initiatives of the YLD and its Health and Wellness Committee, #StigmaFreeYLD attempts to remove the stigma associated with mental health treatment.
- **The Professional Newsletter**
  - <https://www.floridabar.org/prof/pwsltr/>
  - Disseminated by the Center for Professionalism, this triannual newsletter provides the latest updates in practicing professionalism in the law.
- **Professionalism Library Guide**
  - <http://libguides.law.fiu.edu/henrylatimerguide>
  - Managed by the Center for Professionalism and hosted by the Florida International University's College of Law, this Library Guide provides professionalism-related resources in every medium from YouTube videos to TED Talks to newspaper articles.
- **Professionalism Handbooks**
  - <https://www.floridabar.org/prof/presources/presources001/>
  - Providing the most up-to-date information on the professional responsibility expectations and guidelines for the practice of law in Florida.
- **Leadership Academy Mental Health Toolkit**
  - <https://www.floridabar.org/prof/presources/> (PowerPoint under "Leadership Academy" heading)
  - Compiled by members of Class IV of the Wm. Reece Smith, Jr. Leadership Academy, this toolkit provides information and resources regarding mental health, warning signs of declining mental health, and resources for seeking help.
- **Diversity and Inclusion in the Legal Profession**
  - <https://www.floridabar.org/about/diversity/>
- **Leadership Academy Diversity & Inclusion Toolkit**
  - [https://www-media.floridabar.org/uploads/2017/04/Team-One\\_Diversity-Inclusion-O1782866x9F8AD.pdf](https://www-media.floridabar.org/uploads/2017/04/Team-One_Diversity-Inclusion-O1782866x9F8AD.pdf)
  - Compiled by members of Class IV of the Wm. Reece Smith, Jr. Leadership Academy, this toolkit provides information and resources regarding diversity and inclusion in the legal practice, and how these principles can be incorporated into everyday practice.
- **YLD Local Bar Affiliates**
  - <https://flayld.org/get-involved/find-an-affiliate/>
  - This list of local bar association affiliates spans the state of Florida and provides contact information for various bar associations in your area or demographic.

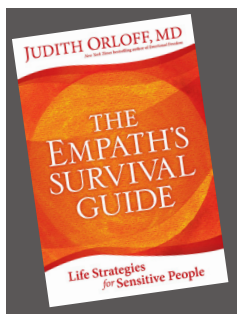
# REBECCA'S READING LIST

#FLBarProfessionalism #whatiamreading



## ***Founding Brothers: The Revolutionary Generation* by Joseph J. Ellis (2000)**

My 8-year-old daughter has been obsessed with the *Hamilton* soundtrack for well over a year and, after seeing the show in Tampa recently, so am I. She especially likes to pretend to be King George III belting out a love song to the colonies. No traditional history classroom is ever going to teach her the nuances of the American Revolution quite like this cultural phenomenon has done. Since we are now playing it on repeat, I decided to hone up on my own knowledge of the period by re-reading portions of Joseph J. Ellis' *Founding Brothers: The Revolutionary Generation*. This book has been a staple on my shelf since its publication and was a great reference when I was teaching American History. It is dense but worth the time and effort; and it conveniently begins in Chapter One with "The Duel."



## ***The Empath's Survival Guide: Life Strategies for Sensitive People* by Judith Orloff, MD (2018)**

This book is not for everyone; however, I have never had myself described so accurately before reading it. If you are highly sensitive or an empath—someone who feels others' emotions, energies, and physical symptoms in your body without the barriers that other people have—this is a must-read. I highlighted well over half of the pages and mailed it to a close friend who is also a strong empath. Becoming more self-aware is a huge part of the journey to improved emotional intelligence. For me, that means understanding my sensitivities, my triggers, and learning practical ways to stay grounded. The best part of this selection is that it does just that—each chapter gives examples of how to manage life when bombarded with the energies that over-stimulate empaths, as well as giving amazing ways to stay calm and centered and to recover from hectic experiences.



## ***I am Here Now: A Creative Mindfulness Guide and Journal* by The Mindfulness Project (2016)**

This cute, handy book sits on my desk at all times. Inside are a plethora of fun, creative, playful activities to help with mindfulness. I often use it when I am stressed, in need of a break, or after I have mediated. The best part of it is that the activities are great for all ages and levels, including those new to mindfulness practices.



### **HENRY LATIMER CENTER FOR PROFESSIONALISM**

651 East Jefferson Street  
Tallahassee, FL 32399-2300  
Phone: 850/561-5747, Fax: 850/561-9428  
Email: [cfp@floridabar.org](mailto:cfp@floridabar.org)  
Website: [www.floridabar.org/prof/](http://www.floridabar.org/prof/)

Director: Rebecca Bandy  
Assistant Director: Adriannette Williams  
Program Coordinator: Beth Kirkland  
Law Clerk: Hillary Thornton

### **Words to the Wise**

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15 Apr

"Professional is not a label you give yourself — it's a description you hope others will apply to you." — David Maister



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15 Apr

"A successful man is one who can lay a firm foundation with the bricks others have thrown at him." — David Brinkley



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15 Apr

"Ethics is knowing the difference between what you have a right to do and what is right to do." — Potter Stewart

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