



The PROFESSIONAL

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MEET OUR [LAW] SUITS — LORI HOLCOMB

By: Beth Kirkland
Program Coordinator

As we move into a new year and the start of a new decade, Lori Holcomb takes on her greatest adventure yet, retirement.

Lori started at The Bar on June 1, 1987 as Assistant Unlicensed Practice of Law Counsel, working alongside Mary Ellen Bateman on UPL cases for the entire state. As the Bar continued to grow, she then transitioned to UPL Counsel before eventually becoming Division Director for Ethics and Consumer Protection. When Lori first began at The Bar, there were no computers, no fax lines, and no UPL branch offices. She has seen The Bar grow in many aspects, from internal affairs all the way to the development of branch offices.

On a daily basis, Lori wears many hats in the work she performs. Whether it be working with the Board of Governors, Executive Director of The Bar Josh Doyle, or serving as the main point of guidance and leadership for her division, she says no two days are alike. She says that she is most proud that, for 32 years, she has been able to have a finger in helping shape the practice of law in Florida and in protecting consumers of legal services. As she told the Board of Governors when



Lori Holcomb

saying goodbye, "It has been an honor and privilege to work for The Florida Bar all of these years."

Lori regularly deals with difficult situations, so professionalism is extremely important to her. She defines Professionalism as being mindful of others in all situations, giving the best possible customer service to our members, and putting her best foot forward while representing The Florida Bar. While doing the right thing in a difficult situation can be challenging, Lori believes that it is imperative to listen closely and then take a breath before making a decision.

Lori has big plans post-retirement. She plans to travel not only domestically, but internationally. She is also planning on giving back to our community through volunteer service and will be spending more time with her children.

A fun fact about Lori is that she plays bass in a steel drum band! She also loves to bake and is currently learning how to knit.

We thank Lori for her 32 years of unwavering service to The Florida Bar and wish her the best in her retirement, and undoubtedly she will continue to impact lives around the community, just as she has done throughout her distinguished legal career.

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Meet Our [Law] Suits — Lori Holcomb

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*Through
the
Years*



MENTOR EFFECTIVE LEGAL WRITING BY HELPING MENTEES KNOW THEIR AUDIENCE

By: Kirsten K. Davis
Stetson University College of Law
Chair, Standing Committee on Professionalism

The Florida Bar's Professionalism Expectations provide that "effective communication" is an expectation for professionalism in legal practice.¹ Advice and education about effective legal writing, then, should be a part of the mentoring experience. Seasoned lawyers, who have worked years to hone their writing expertise, can be excellent legal writing mentors for newer lawyers; but some mentors might be reluctant to read a mentee's legal writing and give written feedback. First, giving written feedback on legal writing projects can be challenging and time consuming for even the most experienced legal writing coaches and mentors. And second, a mentor and mentee both might be concerned about client confidentiality issues if a draft of a legal document is shared between mentors and mentees not in the same law practice.

But mentoring legal writing does not necessarily mean that mentors need to read and give written comments on a mentee's writing projects (although receiving well-constructed written feedback is essential for legal writers to fully develop their writing skills). **Instead, another way mentors can help develop mentees as effective legal writers is through thoughtful conversations with the mentee about the characteristics and needs of the legal writing audience.**

Lacking a complete understanding of the audience for one's legal writing can present a significant obstacle for the new legal writer. That is, most newer lawyers have had little experience serving as the audience for the legal documents they write and also have had little opportunity to fully develop their knowledge about the needs of that audience. For example, a newer lawyer writing his or her first few summary judgment motions has likely not served as a judge, the primary audience who will read and decide the motions. In



addition, it is also likely (based on my experience as a legal writing teacher and coach) that newer lawyer has not reflected much on the judge's needs and expectations of the lawyer's writing. And third, it is likely that the newer lawyer has not had much opportunity to discuss any of these audience considerations with someone else. As a result, the newer legal writer risks being rhetorically ineffective by writing a document that fails to take into account the characteristics and needs of the document's audience.

Arguably, "know your audience" is the single most important piece of advice a mentor can give a newer lawyer about effective legal writing. In other words, mentors can be indispensable resources for mentees about the community of legal readers to whom the mentee is writing. So, what does this kind of legal writing coaching look like in the mentor/mentee relationship?

Sharing information about the legal writing audience can take the form of a mentor/mentee conversation. This conversation might start with a mentor asking a question of the mentee: "So, what are you writing these days?"

When a mentee responds, a mentor

can then share experiences as or with the document's audience and also offer advice. Below are three "lead-ins" a mentor might use to share audience information and writing advice with a mentee:

- **To share what the mentor knows about the characteristics and attitudes of the reading audience:** "The [judge reading your brief/lawyer reading your contract/client reading your letter, for example] will likely be [busy/angry/tired/skeptical, for example], which means you will want to do [this] in your document . . ."
- **To share what the mentor knows about the reading challenges the audience faces with the document:** "Readers of [your document] find [this aspect] the most challenging part of the document to [read/understand/follow]. . . , so you will want to [take these steps] to deal with that problem . . ."
- **To share what the mentor knows about the mental predispositions of the audience:** When reading your [document], the [judge/opposing counsel/client, for example] will most likely be thinking about . . . I've found [taking this approach in the document] has helped me address this. . ."

So, mentors, talk to your mentees about their legal readers. A mentor can be a key to raising the mentee's audience awareness, and this awareness will improve the mentee's writing effectiveness and legal professionalism.

Dr. Davis graduated summa cum laude and Order of the Coif from The Ohio State University College of Law. While at Ohio State, she was a member of the Ohio State Law Journal and chief justice of the Moot Court

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Mentor Legal Writing

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Governing Board. She began her legal career as a judicial clerk for the Honorable Frederick P. Stamp, Jr., judge of the United States District Court for the Northern District of West Virginia. She later practiced in the areas of litigation, employment and taxation. Dr. Davis began her legal teaching career at the Sandra Day O'Connor College of Law at Arizona State University.

Dr. Davis holds a Ph.D. in Human Communication from the Hugh Downs School of Human Communication at Arizona

State University. She has served on the board of directors of the Association of Legal Writing Directors and is a past chair for the AALS Section on Women in Legal Education. She is currently Vice Chair of The Florida Bar's Standing Commission on Professionalism and is on the Board of Directors of the Legal Writing Institute, a national organization dedicated to legal communication.

Dr. Davis's research and scholarship focuses on legal communication, law and rhetoric, professionalism, and professional ethics. Her work has appeared in journals including the Oregon Law Review, Legal Writing: The Journal of the Legal Writing

Institute, and William and Mary Journal of Women and the Law. Her mobile application, My Legal Writing™, is a tool for better legal writing and is available for iPhone and iPad.

Dr. Davis is an affiliate member of the Florida Bar Association and has been admitted to practice in Arizona, Ohio and West Virginia. She is a recipient of the Dean's Award for Extraordinary Service and in 2017 was given Stetson's Award for Teaching Excellence.

Endnote:

1 The Florida Bar Standing Committee on Professionalism, [Professionalism Expectations](#) 2 (Honest and Effective Communication) (2015).



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!

If you are interested in hosting a presentation, please contact the Center to discuss and schedule your program at: (850) 561-5747 or email us at cfp@floridabar.org



RAISING OUR PROFESSIONALISM: A DUTY AND AN OPPORTUNITY

By: Mike Tanner
Board of Governors

It has been almost five years since the last major change to our professionalism standards by The Florida Bar and the Supreme Court of Florida. Our Bar now has more than 107,000 members, and we are the third largest organized bar in the country.

Among our members that I have spoken to over the past several months, there is a consensus that a renewed effort toward improving our professionalism is again necessary. The vexing question is how to do it.

Issues surrounding lawyer professionalism, and how to improve it in Florida, are not new. The Court and The Bar have been actively engaged on those issues since at least the 1980s when a Bar task force created a set of standards which, when later completed and adopted, were known as the Ideals and Goals of Professionalism.

In the early 1990s, the Trial Lawyers Section of the Bar also recognized the growing need for professionalism standards in trial practice and, in 1994, issued its "Guidelines for Professional Conduct" which were later endorsed by the Conference of Circuit Court Judges and Conference of County Court Judges. The Trial Lawyers Section updated its Guidelines in 2001, 2008, and most recently in 2019.

In the 1990s, the Court created both the Center for Professionalism (later renamed the Henry Latimer Center for Professionalism) and the Supreme Court of Florida Commission on Professionalism. The missions of both included raising the professionalism aspirations of our members and instilling in them an appreciation of the practice of law as a service to clients *and* as a means to promote the public good.

In 1998 the Court directed each circuit chief judge to create and maintain a Circuit Committee on Professionalism to help carry out these dual missions.

In 2011, the Court added what is commonly called the "civility proviso" to the Oath of Admission to The Florida Bar. That proviso, which is now an oath that all practicing lawyers in Florida take, states:



To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications.

In 2013, the Court created a structure to affirmatively address unacceptable professional conduct and adopted as an *integrated standard* of professional behavior, the Oath of Admission to The Florida Bar (with the new civility proviso), the Florida Bar Creed of Professionalism, The Florida Bar Ideals and Goals of Professionalism, the Rules Regulating The Florida Bar and decisions of the Court addressing professional standards. At that time, the Court also adopted a Code for Resolving Professionalism Complaints through either The Florida Bar Consumer Assistance and Intake Program (commonly known as ACAP), or through a Local Professionalism Panel (LPP) in each of the 20 Florida judicial circuits.

In October 2014, The Florida Bar Standing Committee on Professionalism developed new uniform professionalism guidelines to address electronic forms of communication and social media, calling those the "Professionalism Expectations." The Professionalism Expectations are a detailed set of behavioral goals which: (1) embrace the commitment of our profession to serve others and the public good; (2) acknowledge that we are dedicated to using our knowledge and skills to promote a fair and just result;

(3) acknowledge that we must always strive to enhance our knowledge, skills and competence; (4) acknowledge that our client's desired results cannot subvert our fairness, honesty, civility and courtesy; and, finally, (5) provide that each of us accepts responsibility for our own professional conduct and agrees to encourage others to meet these aspirations.

The Professionalism Expectations were approved by the Board of Governors of The Florida Bar in January 2015, and in September 2015, the Court amended the Code for Resolving Professionalism Complaints to replace The Florida Bar Ideals and Goals of Professionalism with the new Professionalism Expectations.

With our membership numbers in excess of 107,000, an examination of three broad issues now seems necessary: first, is our definition of professionalism, as set forth in the integrated standards adopted by the Court, still adequate; second, is our current method of teaching professionalism standards throughout a lawyer's career adequate; and, third, are current mechanisms to address unprofessional behavior adequate.

Regarding the proper mechanism to enforce the standards, we need look no further than to the LPPs. In theory, they exist in each of Florida's 20 judicial circuits; in practice, they are functioning well in some circuits and not so well in others. Making the LPPs uniform in their effectiveness to teach and regulate professional behavior is a logical first step.

We cannot ignore unprofessional behavior. It undermines the administration of justice and therefore the public good, and it creates personal stress which affects the mental health and wellness of our members. Raising the level of our professionalism in the coming years—which together we can do—is therefore both our duty and a great opportunity.

Mike Tanner is a seasoned legal strategist with more than thirty years of experience. He is dedicated to bringing that depth of
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Raising Our Professionalism

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experience and perspective to every client matter in which he is involved. Mike's primary areas of practice include complex litigation, appellate (state and federal courts) and election law. Mike is board certified in both civil trial and business litigation by

The Florida Bar Board of Legal Specialization and Education and he is rated "AV-Preeminent" by Martindale-Hubbell, Inc.

In addition, Mike is listed in *The Best Lawyers in America* for Bet-the-Company Litigation, Commercial Litigation and Appellate Law. He is also named among *The Best Lawyers in America* as a 2019 "Lawyer of the Year" in Jacksonville for Appellate

Practice. Mike has been recognized in *Florida Trend Magazine's* "Legal Elite" (2006-2019) and *The Hall of Fame* (2014-2019), as well as in *Super Lawyers* magazine (2007-2019; "Top 100" attorneys in Florida in 2012, 2013, 2018 and 2019).

In March 2012, Mike was inducted as a Fellow of the American College of Trial Lawyers.

Professionalism History

By: Mike Tanner

Date	Event
1989	TFB task force created to review professionalism issues
1989	Task force submitted professionalism standards to BOG
1990	BOG adopted standards as "Ideals and Goals of Professionalism"
1994	Trial Lawyers Section (TLS) approved "Guidelines for Professional Conduct"
1995	TLS Guidelines approved by Conference of Circuit Judges
1996	Administrative order of Supreme Court creating: <ul style="list-style-type: none"> • TFB Center for Professionalism (renamed Henry Latimer Center for Professionalism after 2005) • TFB Standing Committee On Professionalism (scope SCOP)
7/1996	TFB asks Court to create Supreme Court of Florida Commission on Professionalism <ul style="list-style-type: none"> • Objective: Increase professionalism aspirations of all lawyers in Florida • Instill in lawyers an understanding of practice as a service to clients AND to the public good
6/11/1998	Supreme Court administrative order directing each circuit Chief Judge to create and maintain a Circuit Committee on Professionalism
2001	TLS updates Guidelines for Professional Conduct
2008	TLS again updates Guidelines (most recent edition)
9/2011	Supreme Court adds civility provision to oath of admission
6/6/2013	Supreme Court order in case SC13-688, In re: Code for Resolving Professionalism Complaints <ul style="list-style-type: none"> • Makes finding that education approach to raising professionalism has had a positive effect, but more concrete action is required • Accepts proposal of Commission on Professionalism to create a structure to affirmatively address unacceptable professional conduct • Commission proposes (and Court adopts) as an integrated standard of behavior: <ul style="list-style-type: none"> • Oath of Admission to TFB • TFB Creed of Professionalism • TFB Ideals and Goals of Professionalism • Rules Regulating The Florida Bar • Decisions of the Court • Together, these provide an "integrated standard" of behavior based on standards previously adopted • Approves using Attorney Consumer Assistance and Intake Program of TFB (ACAP) as an appropriate mechanism to screen and resolve complaints about unprofessional behavior—in lieu of formal grievance process. • Acknowledges 1998 order for creation of Circuit Committees on Professionalism and directs each Chief Judge to create a Local Professionalism Panel (LPP) to receive and resolve professionalism complaints as an alternative to ACAP review (each chief judge could re-designate the Circuit Committee on Professionalism as an LPP) • Approves a Code for Resolving Professionalism Complaints through LPP or ACAP, with an emphasis on resolving informally, but provides for formal action if conduct violates RRTFB
5/2014	TFB asks SCOP to develop updated uniform professionalism guidelines to address electronic communications
10/2014	SCOP prepares existing professionalism guidelines with new technological concepts to create "Professionalism Expectations"
1/2015	Professionalism Expectations approved by BOG
9/10/2015	Supreme Court order in case no. SC15-944, "In re Amendments to the Code for Resolving Professionalism Complaints" <ul style="list-style-type: none"> • Amends Code for Resolving Professionalism Complaints to replace TFB Ideals and Goals of Professionalism with TFB Professionalism Expectations
10/9/2017	Supreme Court order in case no. AOFC 17-89, renaming Florida Supreme Court Commission on Professionalism as "Florida Supreme Court Commission on Professionalism and Civility"
3/2019	Supreme Court order in case AOSC 19-12 dissolving Supreme Court Commission on Professionalism and Civility <ul style="list-style-type: none"> • Latimer Center and SCOP have adequately taken over the function

THREE STEPS WE CAN ALL TAKE TOWARDS DEVELOPING A REPUTATION FOR PROFESSIONALISM

By: Ben Fechter

As a lawyer, your reputation is everything. At least, that is what many of us were told as law students and young lawyers. We were scared straight with videos of embarrassing behavior in depositions, copies of hilariously offensive e-mails, and transcripts of public reprimands by the Florida Supreme Court. Even The Florida Bar's Creed of Professionalism states: "I will abstain from rude, disruptive, disrespectful, and abusive behavior..." Fair enough. We all know what *not* to do. But what active steps can lawyers take to develop a reputation for professionalism?

Step One: Get out there.

The Palm Beach County Bar Association has dozens of committees that offer legal professionals the opportunity to get involved. Whether you are a solo or small firm practitioner, want to enhance your alternative dispute resolution skills, or are curious about fast-paced changes in legal technology, these committees are wellsprings for personal and professional connections. Committees typically meet once a month for lunch either at the Palm Beach County Bar Association office or at the Fifteenth Circuit. Attend a meeting and you will quickly be rubbing elbows with professionals who are committed to enhancing the legal community.

Even if you are not interested in joining a committee, local bar events constantly offer ways to get involved. For example, the Young Lawyer Section hosts monthly happy hours for the entire legal community. Not only that, but the YLS is committed to giving back through events such as the dance marathon at the Quantum House, the Adopt-a-School partnership with Office Depot, and various golf and fishing charities throughout the year. If you are hesitant on how to start developing your reputation, start small. Focus on one or two groups or events that you can contribute to and get out there.

Step Two: Model professionalism.

Embrace a commitment to enhancing the legal system's reputation by modelling professional conduct in your community. Now, this does not mean you always need to be



"on" or that you need to act like someone you are not. It just means we all have an obligation to be trustworthy, to promote fairness, and to act with respect – in whatever we do.

During the Palm Beach County Law Week last April, I had the opportunity to conduct a mock trial with the students at Everglades Elementary School right here in town. So I suited up and gave an overview of the legal field. My intention was for the students to leave with a positive impression of lawyers and courts. The students themselves conducted the trial and were clearly fascinated with the process; swearing to tell the truth, asking "gotcha!" questions on cross-examination, and swaying the jury with impassioned closing arguments.

Many of the students, however, also remarked on the importance of fairness, integrity, and justice. Modelling a small legal process left these students with the impression that professionalism is important and can be fun. How we act in front of our children, peers, and even strangers boosts our reputation and helps sway the public's confidence in a just legal system.

Step Three: Prioritize personal connections.

Lawyers constantly interact with colleagues, judges, clients, investigators, property appraisers, you name it. The people you interact with will begin to (or already

do) associate your name and face to your personality. You may be nice, you may be shy, you may be loud, or you may be funny. Regardless of our individual personalities, we can all be professional.

Yes, networking is a vital part of developing a reputation. Just be sure to network for the right reasons. Instead of focusing on how you or your practice can gain from others, prioritize the human side of your network. Remember Christian Bale's character bragging about his business cards in *American Psycho*? Bone coloring. Silian Rail font... But I digress. The real magic is what happens after cards are exchanged. We network for the guidance, the relatable stories, and the shared wisdom. Our personal connections within the legal community can boost our books of business and our bottom lines, but they also bring meaning to a career that can feel stressful and isolating.

Take advantage of the legal professionals in Palm Beach County. Build relationships through a genuine interest in learning, mentoring, or giving back. Your reputation will develop more from the people who care about you than from the business cards in your desk.

On September 16, 2019, the Florida Supreme Court approved 1,487 candidates for admission to The Florida Bar. Whether you fall within that group, or have been practicing law for decades, the time is always right to develop your reputation. So get out there, model professionalism, and prioritize your personal connections. Who knows where your reputation will take you?

Ben Fechter is an associate at Gunster's West Palm Beach office where he focuses on business litigation matters. Within the Palm Beach County Bar Association, Ben is an active member of the Professionalism Committee, the Judicial Relations Committee, and the Young Lawyers Section. You can reach Ben at (561) 650-0644 or bfechter@gunster.com.

THE PINK ELEPHANT IN THE OFFICE

By: D. Culver "Skip" Smith III

"We have a problem with Michael." Alan was speaking at a meeting of the Executive Committee of Wynken, Blynken & Nod, Attorneys at Law. "An angry client just called me threatening to sue us or report us to The Bar because Michael is taking too long to get her work done, is not returning her phone calls or responding to her e-mails, and twice lately has cancelled appointments."

"What do you believe is the problem?" asked Marla.

"I don't know," replied Alan, "but this is not the first time. He comes in late, is shaky and irritable, isolates in his office, and bolts at five p.m. sharp. He has missed two hearings in the last month. His production has been below par all year. A couple of times I spoke to him in his office and thought I smelled alcohol."

"He is a brilliant lawyer and has done excellent work in the past," noted Marla. "Do you think he has a drinking problem?"

"I don't know, and I really don't care," said Alan. "The bottom line is that we cannot afford to continue to tolerate this behavior. We need to tell him that his better future lies elsewhere."

"That seems a little heartless," protested Marla.

"Maybe," replied Alan, "but Wynken, Blynken & Nod is a law firm, not a rehab facility."

* * *

A study released in 2016 as a joint project of the American Bar Association and the Hazelden Betty Ford Foundation, based on surveys completed by 12,825 licensed, employed American lawyers, showed that 20.6% screened positive for hazardous, harmful, and potentially alcohol-dependent drinking. This is twice what is believed to be the prevalence among American adults. A cold, numeric statistic like 20.6% might impress few of us, but think of it as *one in five*. And this does not include other forms of drug abuse or the many other performance-impairing addictions that exist. Remember, this was a survey of *licensed, employed* lawyers—thousands of lawyers already have lost their licenses or jobs due to substance abuse.

All too often law firms and colleagues look the other way. We need to ask



ourselves why. We know logically that avoiding the issue puts the firm and its clients at risk. Addressing the issue is uncomfortable, especially if the lawyer has a book of business and otherwise is well-regarded. Michael is unlikely to admit his problem or ask for help until he hits bottom. Even if he knows he has a problem, he may deny it or promise to do better—a promise he will be unable to keep. He will be concerned about stigma, about loss of stature or respect, about loss of job.

Alan's solution is not a solution. Broader ramifications lurk—not just the obvious for Michael and his family (if he still has one), but also for the firm's clients and for the firm's reputational and financial well-being. Ignoring the issue exposes the clients Michael serves to substandard and damage-causing work. If Michael does not get help, his impaired functioning inevitably will lead to bar grievances and malpractice claims. Most bar grievances arise from lack of client communication—some even outright lying to clients to cover up mistakes or nonperformance. Alcohol or substance abuse underlies a high percentage of those cases. According to the Legal Profession Assistance Conference, studies estimate that in approximately 60% of discipline prosecutions and malpractice claims, alcohol abuse is at work.

Sending Michael on his way does not solve the firm's problem. The unsuspecting clients who follow him will hold the firm accountable for its failure to inform them of Michael's impairment. Either way, the firm is at risk for not addressing the

problem head on. It invites trouble if it waits for others to intervene. The firm already has invested heavily in this lawyer. Is he not usually brilliant, fast-thinking, imaginative, and likeable? Does he not enjoy a solid reputation? But for his drinking, would he not be worth retaining? The firm has an opportunity to salvage a valuable relationship. But how?

Simply telling the lawyer to shape up or hit the road rarely works. Likewise, intervening without professional help is ill-advised. We are lawyers—we practice law. Just as a firm hires accountants to do its accounting, it should enlist the help of a mental-health professional who is certified in addictions and interventions. The firm might offer to underwrite or share the cost of treatment to the extent not covered by insurance—an investment that promises significant returns. Management should assure the troubled colleague that it does not intend to lecture, moralize, or condemn, that he will be forgiven for past derelictions, and that he will retain his position with the firm if he follows through with treatment and recovery—but only if he follows through. His colleagues can assure him that his admitting his problem and seeking help will be seen as admirable, courageous, and responsible. Addiction is a disease—an illness—not a moral failure or a lack of discipline. With proper course of treatment alcoholism can go into complete and lasting remission. The options are varied and many. Successes abound.

If the firm embraces the issue, everyone wins. The firm will have the satisfaction of knowing that it has protected its clients, has protected itself, and has done what it can to save a career, save a family, perhaps even save a life. That is the humanitarian, practical, and professional thing to do.

D. Culver "Skip" Smith III is a solo practitioner with Culver Smith III, P.A., in West Palm Beach. He is a member of The Florida Bar Standing Committee on Professionalism, a former member and chairman of The Florida Bar Professional Ethics Committee, and a former member of The Florida Bar Board of Governors. He focuses his practice on lawyer ethics and professional responsibility. He can be reached at csmith@culver-smithlaw.com.

"THE HELP DESK"

By: Don Blackwell

I work in an interesting and challenging profession.

Turns out, the only thing more detrimental to one's mental health than studying for it is actually engaging in the practice of it. According to recent studies/surveys, 17% of law students screened positive for depression, 23% for mild to moderate anxiety, and 14% for severe anxiety.¹ The prevalence of stress among that same population is reported to be as high as 96%, compared to 70% in medical students and "only" 43% in graduate students, while alcohol and other substance use and abuse among law students also is pronounced. *Id.* See also <http://www.daveneefoundation.org/scholarship/lawyers-and-depression/> This is true despite the fact that, upon entering law school, most students present a psychological profile similar to that of the general public. After law school, however, as many as 20-40% have some form of psychological dysfunction – and then they get to actually enter the practice. *Id.*

It is then that the "fun" really begins, because, in doing so, they join a profession – my profession – whose membership: (1) is 3.6 times more likely to suffer from severe depression than those outside of it; (2) ranks 5th in the incidence of suicide by occupation (almost twice that of the general population); (3) disproportionately struggles with alcohol and substance use and abuse (with some studies suggesting that the prevalence of these afflictions among lawyers may be as high as 2x that of non-lawyers); and (4) whose battles with chronic stress and its kissing cousins – depression and anxiety – border on the commonplace. See Report: "Lawyers Well-Being Falls Short," The Florida Bar News, Vol. 44, No. 17 (Sept. 1, 2017)(sources cited therein).² In light of this, it's perhaps little wonder that only half of lawyers surveyed report that they are either "satisfied" or "very satisfied" with their work. (Dave Nee 2017).

What lawyers and those in law firm management too frequently lose sight of (or choose to overlook), however, is that the foregoing is **superimposed** on the day-in and day-out stresses that are an integral



and inescapable part of everyday life and from which lawyers certainly are not immune. Stresses like: the birth (or loss) of a child or the struggle to have one; the chronic illness, addiction battle, or developmental challenges of a family member; a broken, abusive, or unhappy marriage or relationship; an unexpected financial burden or crisis; a family uprooting and move; and chronic bouts of loneliness; to name just a few. In fact, often the spoken or unspoken expectation among management and supervisory personnel is that lawyers are to "power through" those "kinds of things" or at least relegate them to "life outside the office," as if that is the only time such issues "courteously" decide to rear their ugly heads!

Interestingly, we do not have the same expectations for our machines. Where they are concerned, we have long since resigned ourselves to the reality that no matter how durable, indeed indestructible they may appear on the outside, how sophisticated they may be on the inside, or how much money we spend in acquiring and configuring them, sooner or later they are likely to break, act up, malfunction, and even get lost from time to time. Our response to such inevitabilities, however, is markedly different and more proactive. Cognizant of their value to the firm's functionality, efficiency, and eventual profitability, large firms typically employ a small army of technicians and spend tens, if not hundreds of thousands of dollars a year

to man a "Help Desk" 24/7 to insure such issues are addressed and resolved immediately and skillfully. The same is true of corporate law departments and smaller firms, albeit on a lesser scale.

I suggest we start devoting the same attention and even a fraction of the same resources to the living, breathing, feeling folks who are charged with operating those devices – many of whom are in far greater need of "help," even if it means sacrificing a little on the machines. What could that look like? In firms (large and small), it might look like requiring all employees to annually complete a "module" stressing the importance of mental health wellness, the warning signs, and the community resources that are available to provide support or professional help – not unlike the ones currently mandated for diversity and inclusion, work place discrimination, etc. – or if resources permit, making support available in-house in the form of someone with appropriate training staffing a confidential, real-life "help desk". At a state bar level, it might include a similar "mental health awareness" requirement as part of the CLE program or, as one friend has even creatively suggested, a mandatory annual mental health "checkup" – not unlike the physical one required of commercial pilots. What is (and has been) abundantly clear, however, is that something more than lip service to the importance of mental health – in and out of the workplace – is desperately needed and long overdue if we are to stem the rising tide. Who knows maybe one day a Help Desk will provide real help for the part of the operation that needs it most!

Don Blackwell is of counsel for Bowman and Brooke LLP. For more than 35 years, Blackwell has built a strong and comprehensive practice defending local, regional and national companies in product liability, breach of warranty and commercial litigation claims in Florida, Texas and beyond. He has represented many of the world's largest motor vehicle manufacturers, often in wrongful death cases and cases involving catastrophic injuries.

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"The Help Desk"

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In addition, Blackwell has served as an adjunct professor of legal research and writing at Southern Methodist University's Dedman School of Law and at St. Thomas University School of Law and more recently as an adjunct professor of Torts in the Intensive Paralegal Certificate Program at the University of Miami. He also has authored or co-authored a number of peer-reviewed articles for *The Florida Bar Journal*, *The Professional* and the *Trial Advocate Quarterly* and spoken at several national legal conferences.

Blackwell also dedicates a significant amount of his energies toward supporting and advocating for individuals and families affected by eating disorders. He has authored multiple works on the subject and is frequently called upon to speak at local, regional and national conferences and webinars.

Endnotes:

1 See also Krill, P., Johnson, R, and Albert, L., *The Prevalence of Substance Use and Other Mental Health Concerns Among American Attorneys*, J. Addict Med.; Vol. 10, Issue 1; 46-52 (Feb. 2016) <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4736291/>

See also Jerome M. Organ, David B. Jaffe & Katherine M. Bender, Ph.D., *Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns*, 66 J. Legal Educ., Autumn 2016, at 1, 116-56



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#SLEEPGOALS

By: Brijesh Patel

"I hate that people think sleep is what you have to give up for the grind." -Gary Vaynerchuk.

Be honest. Do you sacrifice sleep in order to "grind more?" As lawyers, we have many competing priorities, but the one that often gets overlooked is getting adequate, quality sleep each night so that we can "grind more" each day.

Consequences of Lack of Sleep

What do Bill Gates, Tim Cook, and Jeff Bezos all have in common? They all get at least seven hours of sleep each night.¹ As some of the most successful and busiest people in the world, these individuals prioritize sleep in order to excel at their craft. As lawyers, we not only need to prioritize sleep in order to excel in our careers, but the Florida Bar Rules of Professional Conduct *require* that lawyers provide competent representation to clients.² At minimum, competent representation includes being prepared to give the client matter the full attention it deserves. Many of us have experienced nights where we do not get adequate, quality sleep and suffer the next day feeling groggy, lethargic and tired, but somehow, we push through it. This can affect our logical reasoning, problem-solving, and attention to detail. Not getting adequate quality sleep each night may inevitably lead to lawyer misconduct. Consistent nights with lack of sleep may not only affect client representation, but something far more important - our health. Studies have shown that impaired sleep may directly contribute to psychiatric disorders.³ Since we have to continuously use our brain in this profession, we must prioritize adequate, quality sleep each night.

Benefits of Sleep and How Much Sleep Do You Really Need?

On occasion, we get to experience a great night of sleep; however, seldom do we stop and think about the benefits.



Studies have shown sleep increases cognitive functions, such as decision-making, language, categorization, and memory⁴ - all functions that lawyers need in order to grind more and be successful.

How much sleep is enough? The Centers for Disease Control and Prevention recommend adults get at least seven hours of quality sleep each night.⁵ One of the most common responses I hear from lawyers is, "I'm too busy to get seven hours of sleep each night." If you were to write down what you do from the moment you wake up until the moment you go to sleep for seven days straight, chances are you will find that you are wasting a lot of time throughout the day.

Tips to Prioritize Sleep

Here are some tips to get at least seven hours of sleep each night:

1. Find an app that lets you set the amount of hours you want to sleep and reminds you to go to sleep fifteen minutes prior to bedtime. If you are an iPhone user, you can utilize the Bedtime feature within the Clock app. This feature will also track sleep data.
2. Delete apps off your phone that

serve you no purpose. It is difficult to delete those social media apps; however, you will be amazed at how much more time you free up in your day.

3. Download an app to help meditate before bed. Meditation apps help lessen stress and calm the mind. A popular app you can download is "Headspace: Meditation & Sleep."
4. Turn your bedroom into a tranquil space. This could mean dimming the brightness on your tech gadgets fifteen minutes before bed, purchasing blackout shades and/or a weighted blanket, and finding your optimal bedroom temperature for quality sleep.

Conclusion

Your family, friends, colleagues, and clients all rely on you to be the best version of yourself; but you will not be able to give them your best until you prioritize sleep. Do not wait until an arbitrary day to set the goal of getting more sleep. Do it now and thank me later!

Brijesh Patel is an Assistant County Attorney with the Seminole County Attorney's Office practicing primarily in County Government law.

Endnotes:

- 1 <https://www.forbes.com/sites/alicegwalton/2015/11/13/the-sleep-habits-of-highly-successful-people-infographic/#6f0b39206d7f>
- 2 https://www-media.floridabar.org/uploads/2019/09/Ch-4-from-2020_03-SEP-RRT-FB-9-19-19-3.pdf
- 3 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4677034/>
- 4 <https://www.ncbi.nlm.nih.gov/pubmed/28044430>
- 5 https://www.cdc.gov/sleep/about_sleep/how_much_sleep.html



FAMILY LAW & “JUST WIN BABY!”

By: Gary E. Williams, B.C.S.

We attorneys are, by nature, a competitive group. We have an obligation to represent our clients and they want to win their case. In turn, we want to win for them, and we also want to win for ourselves. Winning not only feels better than losing, winning feels great. Your client is happy, you are happy, (and it increases our chances of getting paid). But what if your client winning, your winning, is the wrong result?

There was an article in the *Tampa Bay Times* last year which discussed the case of an African American man from Louisiana, Mr. Glenn Ford, who was convicted in the shooting death of a jeweler in 1984. Mr. Ford was convicted, and he was sentenced to die for the shooting and was sent to await his fate on death row. Marty Stroud was the prosecutor that handled the case for the state.

After 30 years on death row, the Capital Post-Conviction Project of Louisiana found the evidence necessary to have Mr. Ford's conviction overturned and, after considerable legal wrangling, Mr. Ford was set free.

In Louisiana, as in Florida, the state legislature must act to compensate Mr. Ford for his wrongful imprisonment, and their legislature had been refusing to do so. As a result of the state's refusal to compensate the wrongly convicted Mr. Ford, Prosecutor Stroud took the unusual step of writing a letter to the *Shreveport Times* newspaper about his role in sending an innocent man to death row.

In his letter to the editor, the prosecutor said that “Glenn Ford should be completely compensated to every extent possible because of the flaws of the system that effectively destroyed his life.” Prosecutor Stroud continued by saying that the bureaucratic response from the state appears to be that since “nobody did anything intentionally wrong, the state has no responsibility.” Prosecutor Stroud believed this argument to be “nonsensical.”

The prosecutor's siding with Mr. Ford is interesting in and of itself, but the prosecutor's reasons for doing so are even more interesting. What follows is a direct quote of Prosecutor Stroud from his letter:

“At the time this case was tried, there was evidence that would have cleared



Glenn Ford. The easy and convenient argument is that the prosecutors did not know of such evidence, thus they were absolved of any responsibility for the wrongful conviction.” I can take no comfort in such an argument. My fault was that I was too passive. I did not consider the rumors about the involvement of parties other than Mr. Ford to be credible.... Had I been more inquisitive, perhaps the evidence would have come to light years ago. But I wasn't. I was confident that the right man was being prosecuted and I was not going to commit resources to investigate what I considered the bogus claims that we had the wrong man. I did not question the unfairness of Mr. Ford having appointed counsel who had never tried a criminal jury case, much less a capital one. It never concerned me that the defense had insufficient funds to hire experts. In 1984, I was 33; I was arrogant, judgmental, narcissistic, and very full of myself. I was not as interested in justice as I was in winning. To borrow a phrase from Al Pacino in the movie *And Justice for All*, ‘Winning became everything.’ How totally wrong I was.”

Mr. Stroud concluded his letter with an apology to Mr. Ford, to the victim's family, and to the Court for not having been diligent enough in his work.

So, how does this apply to those of us who practice family law? We do not deal with murderers or capital crimes and we do not falsely convict people and have

them sent to jail or death row. We are divorce lawyers; and our job is to just represent our client's, right? Yes, it is true that our job is to help our clients get what they want; but do we not also have a responsibility to understand that we can have a tremendous impact on the rest of people's lives? When we enter into a divorce case, our role, our task, our mission becomes one of winning the case for our client and, in doing so, we may well impact the parties' lives, their children's lives, and their financial lives in significant and, maybe, devastating ways.

When we complete a case, we close the file, try to collect what is owed us and go on to the next one. But, for our clients, and their children, the far-reaching effects of divorce reach out into the future for decades.

In consideration of Prosecutor Stroud's reflections on the Ford case, can we have a candid conversation with ourselves for a just a moment? In how many cases have I failed to consider that maybe, just maybe, the other side of a family law case was telling the truth and my client was lying about an important issue, or substance abuse, or a mental health problem? How many times have I failed to allow important, relevant, evidence to be considered by the Court over some technicality? How many times have I failed to adequately consider the other side's issues and concerns about a parenting plan and the real-life impact of that parenting plan on the children? How many times have I taken advantage of a young, inexperienced opposing counsel? How many times have I fought opposing counsel's attorney's fees request in order to take advantage of an economically disadvantaged spouse?

Certainly, we can respond to these questions by saying that these issues are not my responsibility. After all, is opposing counsel not the person responsible for presenting his case? Is opposing counsel not the person responsible for getting the evidence in or not? Is opposing counsel not responsible for handling their issues and concerns? I have only one job, winning for

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“Just Win Baby!”

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my client; I should not have to do opposing counsel's job too, right?

The phrase “Don't drink the Kool-Aid” originated after 913 members of a cult, led by Jim Jones, all died from drinking poison laced Kool-Aid. Webster's now defines “drink the Kool-Aid” as meaning: “a figure of speech... that refers to a person...holding an unquestioned belief, argument or philosophy without critical examination.” How many of us are guilty of just accepting what our client says as the gospel truth? How many of us do not really even want to know the truth of the matter? How many of us are guilty of just accepting what our client wants as what our client should get? How many of us just ignore the reality of the facts of the case and continue the fight to get our client what they want? How many of us have totally disregarded the claims of the opposing side? How many of us are focused on the goal of “Just Win Baby!” versus trying to get it right?

Certainly, a case can be made to absolve us of responsibility to all of these questions. But what if winning for my client is the wrong thing for the children? Do I care to be responsible for having a child grow up with the wrong parent? Do I care to be responsible for a child having to deal with a parent who is not really fit to raise them; or children who would be so much better off with a different time-sharing schedule? Do we have an obligation to care about the impact we cause on families and children by “winning”?

I submit for consideration the idea that we should all consider ourselves responsible for making sure that we (you, opposing counsel, and the Judge) get it right. We should all be responsible for trying to lead the parties to the place that is best for the children and we should focus less on winning just for winning's

sake. We should all be responsible for making sure the Court has the information it needs to get the right result, as well.

This is a tough conversation for us to have with ourselves; I know I struggle with it every day and answers are tough to come by when we are facing these issues. Because just doing what we typically do is so much easier than working through the facts and issues and what is actually true as opposed to what can be proven.

However, as family law attorneys who have significant impact on our client's lives, and on the opposing parties' lives, and on their children's lives, should we not be willing to consider and reconsider how to do our job so that we do not do to children what Mr. Stroud and Louisiana did to Glenn Ford? Is it not worth the effort to perform a critical analysis of a case before we adopt a position that may be harmful to the children involved or that may result in an unjust result otherwise?

Now before all of you that know me start sending me nasty emails, please note that I make no claim to being perfect in this respect. I too am competitive, and I much prefer winning over losing, but I have

given great thought to these issues since the Stroud letter and I want to offer these insights for consideration as the family law courts become more oriented toward therapeutic justice and preventing adverse childhood experiences.

Al Davis' “Just Win Baby!” philosophy works well in the world of football, but does it have a place in family law? Instead, what if we all adopted the physician's mantra of “first, do no harm”? Could that approach improve the way we practice family law? Just food for thought for all of us in the trenches every day; after all, ultimately, is it not us, the professionals, who are all in this together?

Gary E. Williams, B.C.S.

Attorney at Law

Board Certified as an Expert in Marital and Family Law;

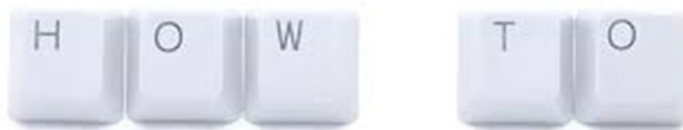
Board Certified by the ABA as a Trial Advocate;

AV Rated by Martindale-Hubbell;

Rated as a Super Lawyer;

Rated by Best Attorneys; and

Founder of The Law Firm for Family Law in Clearwater, FL



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COMPETENCY IN MAINTAINING TRUST ACCOUNT RECORDS

By: Renee E. Thompson
Board of Governors

Lawyers who are otherwise dedicated to the highest standards of ethics and civility can nevertheless run afoul of the Rules Regulating The Florida Bar, often for relatively minor transgressions involving trust accounts, resulting in disciplinary action. This can paint a false picture of a practitioner as lacking professionalism and ethics in the eyes of the profession, which not only diminishes the public's perception of lawyers but can have lasting effects on an attorney's ability to attract clients. This is especially true now that potential clients can view an attorney's ten-year disciplinary history online.

During my legal career, it seems that little technological advancement has been realized with regard to trust account records and methodologies for achieving compliance with the Rules Regulating The Florida Bar. For those attorneys who work in a larger firm setting, recordkeeping is likely not as much of a challenge if there are CPAs or other staff who help with the administration of recordkeeping. However, if you are the person performing the monthly reconciliations or overseeing them, it can be very time consuming. Fortunately, there is now emerging software that seeks to solve this long standing problem, as further addressed herein.

No matter how long you have practiced, your behavior sets you apart as a professional when delivering legal services to your clients. Chapter 5 of the Rules Regulating The Florida Bar covers all aspects of the ethical duties that apply with regard to trust accounting, specifically including the areas of record keeping and retention, reconciliation, accounting processes, and disbursement of trust monies. Attorneys are mandated to follow these high standards to ensure accuracy in maintenance and disbursement of a client's trust funds. Attorneys must have a complete understanding of the Rule requirements or else face grave consequences. Having served on the Discipline Review Committee of the Bar's Board of Governors beginning in 2009 and now as a Designated Reviewer, it is undeniable that trust accounts are a



constant source of bar grievance issues. In the past two fiscal years alone (2017-18 and 2018-19) over 17 percent of the discipline cases of the Bar have been related to trust account issues. Discipline is not only embarrassing and time consuming for all involved, but costly as well, and minimizing such expenses would provide a great benefit to the legal system.

Some attorneys spend an inordinate amount of time every month preparing handwritten records and reconciliations of their trust accounts in order to meet the high standards mandated by Bar Rules. While Bar Rules do not mandate the use of handwritten vs. electronic record keeping, keeping handwritten records can have its advantages, by ensuring a proper understanding of the rules in order to ensure compliance and by keeping attorneys from dealing with the electronic hitches that software can bring. However, handwritten records also have many disadvantages, primarily, the time it takes to maintain such records, but also the risk for potential inaccuracies that can occur from human error.

By contrast, maintenance of electronic trust account records, which can access remotely and printed, is a method which can assist attorneys with the time it requires to maintain their records and can assure accurate calculations to avoid human error. However, it is not without its risks either. For decades, solos and small law firms

have been using Excel and QuickBooks to track and manage their trust accounts. The Bar makes available to attorneys, free of charge, on Legalfuel.com, a series of Excel spreadsheets which can be downloaded and automatically calculate the required reconciliations once data is inputted and can be printed for physical retention. This method is a relatively easy way to ensure that records are maintained in accordance with Bar Rules. It can be a bit cumbersome to work within spreadsheets if you are not proficient with Excel. The Excel forms are set up with built-in formulas, but the user is still required operate within Excel spreadsheets. Unfortunately, this method also does not allow you to print checks directly from it, and thus, the potential for writing a check that will result in insufficient funds is possible.

Additionally, QuickBooks and Excel spreadsheets can be flawed, because QuickBooks cannot perform a three-way reconciliation to compare a month-end bank statement with a firm's trust ledger and client ledgers, and does not have easily created client ledgers. QuickBooks was not designed for law firms, so automated entries and multi-step work arounds can be time consuming, and ensuring compliance can often require other staff or a CPA to maintain these records accurately. When it comes to maintaining a client ledger, maintaining a three-way reconciliation of the trust ledger balance, the trust bank statement, and the sum of all individual client balances and not overdrawing a client ledger balance, there are still risks and pitfalls involved with the use of such programs. Further, maintenance of records electronically or in the cloud can be risky without printing copies of your records.¹

No matter what method you choose, a more streamlined process for trust accounting would not only assist attorneys in avoiding professionalism issues but would also help the Bar to minimize disciplinary actions and the consequent procedural costs. Having worked as an attorney in a

continued...

Trust Account Records

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small firm setting, then as a partner in a mid-sized firm, and now as a solo practitioner in my own firm, I realized there must be a more efficient way to help small firm attorneys manage recordkeeping and to help relieve the time consuming nature of monthly reconciliations. In search of a new way, I spent the past two years working as a member of the Special Committee on Trust Accounting, looking at a possible custom software solution. As with all custom solutions, sometimes they offer more in dreams than in reality, but now as the current Chair of the Technology Committee for the Board of Governors and Member Benefit Liaison on the Board of Governors, I am very excited about the possibilities offered by new software on the market to help attorneys with competency in maintaining their trust account records.

Notably, The Florida Bar Board of Governors recently approved *TrustBooks*² as a new member benefit discount. What is promising about this new software are the built-in safeguards that keep you from overspending a client's balance, the ability

to perform three-way reconciliation automatically with electronic signoffs, and a function allowing a practitioner to print checks electronically and automatically generate reports compliant with Bar Rules. Whether used as a stand-alone program or in combination with a practice management program such as Clio, this software allows the user to print trust checks from the program so that a client ledger cannot be overdrawn. It also integrates with *LawPay* for credit card processing.

While the tried and true methods certainly work, your practice might nevertheless benefit from the systematized functions of newly developed and emerging software and technologies. Competency and professionalism in practice is judged many times not only by legal skills, ethics and substantive knowledge, but on sound practice management processes as well. Keeping accurate trust account records is no exception.

Renee E. Thompson is a solo civil trial attorney and mediator from Ocala, Florida. She is an active leader in The Florida Bar, serving on the Board of Governors as the current Technology Chair and Member Benefit Liaison and on the Executive Council of the Solo

and Small Firm Section. She is an adjunct professor at the University of Florida Levin College of Law in the area of Practice Management and Technology, and has received the General Practice/Solo and Small Firm Section's Walter S. Crumbley Award for her contributions in the area of Practice Management. She established a reputation at a young age as a high achiever, as President of The Florida Bar Young Lawyers Division and inaugural Chair of The Florida Bar Leadership Academy, and received the President's Award of Merit twice while serving on the Board of Governors. She is currently a candidate for President-elect of The Florida Bar in the March 2020 election.

Endnotes:

1 The use of QuickBooks Cloud this past year proved that solely maintaining your trust accounting books in the cloud is not a viable option. In the Summer of 2019 QuickBooks cloud hosting provider iNSYNQ was hit with a ransomware attack that shut down its network making it impossible for them to safely access their data or backups. This ransomware attack left customers unable to access their accounting data for more than three days.

2 <https://www.floridabar.org/member/benefits/practice-resources/>



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FLORIDA RURAL LEGAL SERVICES' DRIVE TO WORK PROGRAM

Overview of Court Debt Reform:

In the past 25 years, criminal justice debt has increased dramatically as states impose fines, fees, and other costs on people who are accused of infractions, misdemeanors, or felonies. More than 7 million people nationwide have had their licenses suspended for failure to pay court debt. According to research done by the Brennan Center¹, since 1996, Florida has added 20 more new categories of criminal fines and fees, at the same time eliminating most of the exemptions for those who cannot afford to pay. Compounding the problem, debt not paid within 90 days is sent to private collection companies who can add up to a 40% surcharge on unpaid court debt. Florida routinely suspends driver's licenses for failure to pay court debt. This creates, for low-income families, an insurmountable cycle of additional fees, mounting debt, and poverty.

Many organizations are in the news and working behind the scenes to address the consequences of the imposition of fees, fines, and costs against indigent defendants. To reduce this effect, systemic and legislative changes are occurring following litigation in Chicago, Philadelphia, New York, Nevada, Montana, Virginia, Tennessee, and other locations. The State of Virginia has temporarily halted the suspension of driver's licenses for unpaid court fines and fees as a result of ongoing litigation, i.e., *Stinnie v Holcomb*, Docket/Court 3:16-cv-00044-NKM (W.D. Va.), a lawsuit challenging the constitutionality of Virginia's statute automatically suspending the driver's licenses of nearly one million Virginia drivers who cannot afford to pay court costs and fines.

Advocates in Florida are also attacking the issue of driver's license suspensions for indigent debtors. Specifically, Florida Rural Legal Services, Inc. (FRLS), a provider of legal services to low-income individuals, assists low income individuals restore their driver's licenses through a grant from The Florida Bar Foundation. Erika J. Cruz and Lisa Dos Santos, attorneys at FRLS' Drive to Work Program, work to resolve their clients' unpaid court debt with the goal of full license restoration. Resolution of suspensions for non-payment of court debt can take place directly with the Clerks' offices or by filing motions to recall the debt from collections agencies and allow the unpaid court debt to be either included in a periodic payment plan or converted into community service hours. Indigent debtors can set up a reasonable payment plan as defined in Chapter 28 of the Florida Statutes. Conversion into community service hours can be ordered upon a judicial determination of a debtor's inability to pay.

Both options provide FRLS' Drive to Work clients with a clear path to license restoration and an anticipated end to the cycle of poverty. However, many of Florida's residents are unaware of these statutory options and the resolution of their court debt seems impossible. The Drive to Work Program was initiated to educate and assist low-income individuals restore their driver's licenses, as well as to foster systemic change.

Benefits of Court Debt Reform and Future Goals:

While the purpose of FRLS' Drive to Work Program is to help low income individuals restore their driver's licenses enabling them to work and support their families, a secondary benefit occurs for the judicial system statewide. Allowing Floridians to set up payment plans that are reasonable reduces the amount of court debt that Florida's Clerks were previously unable to collect.

Since 2018, the advocates in the Drive to Work Program have worked with local Clerks of Court to implement procedures that tailor payments to an individual's ability to pay. In collaboration with FRLS, the Clerk of Court in St. Lucie County streamlined its collections procedures relative to indigent individuals. Criminal payment plans now include all unpaid court debt owed by an individual – including civil traffic court debt. The amount required as a down payment is reasonable and the statutory 2% calculation of the monthly payment occurs with regularity. Based on these procedural changes with strategic impact, FRLS has assisted over 800 indigent Floridians through the Drive to Work Program since the program's inception in 2018 and the advocates have processed over \$1,281,469.63 in unpaid court debt. With the availability of payment options and payment alternatives, like community service, some judicial circuits have been able to realize an increase in their collection's revenue for old court debt – a feat that previously was once thought to be insurmountable. By taking the initiative of gathering collections data from all 67 Clerks of Court, the advocates of the Drive to Work Program continue to collaborate with other legal service providers in Florida, including Southern Legal Counsel, a not-for-profit interest law firm that is committed to the ideal of equal justice and the attainment of basic human and civil rights. Through continued passionate advocacy in the area of driver's license restoration and collaborating on new initiatives, it is FRLS' goal to encourage a state-wide reform that does not perpetuate the cycle of poverty but allows all people the opportunity to work and reach their full potential.

Closing and Program Continuation:

Jaffe Pickett, Executive Director of Florida Rural Legal Services, is extremely proud of FRLS's Drive to Work (DTW) Program and the staff dedicated to providing services through this project. The services, fully funded by The Florida Bar Foundation, are critical to so many residents in Central Florida; DTW services are especially crucial to residents in rural areas who lack public transportation and who may otherwise become a prisoner in their homes without a driver's license. These men and women, already burdened by living expenses and court debt, often feel forced to risk their freedom driving to work to provide for basic necessities. FRLS hopes to continue and expand its DTW services. In addition to resolving unpaid court debt to allow for driver's license reinstatement, FRLS will also collaborate with other agencies that are assisting low income and vulnerable residents by providing them with help, hope, and the ability to drive to work.

continued...

Drive To Work Program

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Erika J. Cruz was admitted to practice law in the State of Florida in 2018 and is a recent addition to Florida Rural Legal Services, Inc. ("FRLS"). Prior to her joining FRLS, Ms. Cruz did work in Immigration Law and Social Security Disability benefits. Ms. Cruz has always had a passion for working in a field that serves low-income communities and had previously participated in various volunteer works for other Legal Services affiliated firms. While

in college, Ms. Cruz participated in an internship program with the Legal Services of North Florida located in Pensacola, Florida, where she assisted in family law and bankruptcy issues. Ms. Cruz also recently participated in pro bono work for Gulf Coast Legal Services, Inc., where she assisted in the firm's birth certificate clinic.



Lisa dos Santos has been a Member of The Florida Bar since 1996. Prior to joining Florida Rural Legal Services, Inc. (FRLS), her areas of legal practice included personal injury/negligence law, family law, probate law and litigation, guardianship law, consumer debt litigation, real property law and litigation, business and general civil law and litigation. Since joining FRLS in 2018, Ms. dos Santos has handled Drive to Work cases for clients living in

Martin, Indian River, Okeechobee, and St. Lucie Counties.



Amy Burns is the Deputy Director at Florida Rural Legal Services, Inc. (FRLS). FRLS is a non-profit law firm serving low-income individuals and families in 13 counties in South Central Florida and farmworkers throughout the state. Prior to coming to FRLS in 2007, she worked as an assistant Public Defender.



Jaffe Pickett is the Executive Director for Florida Rural Legal Services (FRLS), Inc. Before joining FRLS, Ms. Pickett was employed by Legal Services Alabama where she held various leadership positions since becoming a staff attorney in 2005. During her employment with Legal Services Alabama, Ms. Pickett served as the Deputy Director; the Interim Executive Director of Legal Services of Alabama in 2016 and 2017; Director of Development, Direc-

tor of Training; Statewide Call Center Director; and the Director of Alabama's first Elder Law Helpline. In addition to her leadership positions, Ms. Pickett was also appointed to serve on the Board of Directors for the Middle District for the Alabama State Bar's Lawyer Referral Program and the Pro Bono Service Committee of the Alabama State Bar. Ms. Pickett was selected as a member of the Alabama State Bar's Leadership Class in 2013 and also served on the Board of Directors for the Central Alabama Alliance, Resource, & Advocacy Center. With her extensive experience and knowledge in Legal Services programs, management and leadership, Ms. Pickett has brought with her the level of expertise that will greatly benefit FRLS and joins with FRLS board members and staff to ensure greater service capacity, partnerships and access to justice for low income and vulnerable populations.

Endnote:

- 1 Diller Rebekah. (The Hidden Costs of Florida's Criminal Justice Fees) (Brennan Center for Justice)2010



St. Lucie County Clerk of Court Joseph Smith Discussing the Driver's License Clinic with Lisa dos Santos of FRLS



Clerk Joseph Smith with the FRLS Staff at the St. Lucie County Driver's License Clinic

Tallahassee Women Lawyers hosted its first mentee/mentor mixer with FSU Law students on November 4th. TWL has an established mentoring program with its partner, the Women's Law Symposium at FSU Law. Students are paired with local attorneys who provide helpful guidance in the student's 1L year. Many pairings result in mentoring relationships throughout the law school experience, even into a young lawyer's career.





South Florida lawyers representing Universal Property Insurance Corporation devote a Saturday to raise the bar for Professionalism and refresh trial skills and appellate preservation. Universal's Chief Legal Officer, Darryl Lewis, along with Former Chair of The Florida Bar's Standing Committee on Professionalism, Kara Rockenbach, and her law partner, Scott Link, Board Certified in Business Litigation, and former Coordinating Counsel for Citizens Property Insurance Corporation, present a Florida Bar approved CLE on Professionalism at Trial and on Appeal.





“Health is Wealth”

On, September 20, The Florida Bar’s Henry Latimer Center for Professionalism, the Standing Committee on Professionalism (SCOP), and Ave Maria School of Law hosted a wonderful CLE for a packed room of students, faculty, and community members. The CLE focused on mental health and wellness, balanced living, nutrition, exercise, and suicide prevention. The speakers included valuable local resources for both students and attorneys. A special thanks to Ita Neymotin, SCOP Vice-Chair; Ave Maria Dean Kevin Cieply; John P. Cardillo, Esq.; and Jacy Boudreau, Esq.



Members of SCOP During Fall Meeting—
Magdalena Ozarowski, Ita Neymotin, The
Honorable Gisela Then Laurent, and SCOP
Chair Kirsten Davis



FSU Law Associate Dean Nancy Benavides and the Center's Beth Kirkland at FSU Law's Wellness Fair

Rebecca Bandy was honored to speak at FSU Law during Wellness Week about ways Emotional Intelligence strategies can and will change life for the better. Her talk focused on mindfulness-based self-awareness, recognizing and responding to triggers, practicing gratitude, and combatting loneliness by building authentic relationships.





The Honorable Paul C. Huck (Left), 2018 Hoeveler Judicial Professionalism Award Winner, was a panelist recently at a luncheon sponsored by the University of Miami School of Law Chapter of the Federal Bar Association. Judge Huck spoke, among other things, about practicing with professionalism.



Second Circuit Professionalism Sidebar Series with Franklin County Judge Gordon Shuler

REBECCA'S PODCAST PLAYLIST

#FLBarProfessionalism #DownloadThis #WhatIAmListeningTo



The Florida Bar Podcast

"A Conversation About Professionalism": <https://legaltalknetwork.com/podcasts/florida-bar/2019/11/a-conversation-about-professionalism/>

Mike Tanner, a member of The Florida Bar's Board of Governors, hosts an important panel discussion on the current state of legal professionalism. Panelists include Ashlea Edwards, associate attorney at Akerman LLP and a member of The Florida Bar's YLD; The Honorable Paul C. Huck, Senior Judge, United States District Court for the Southern District of Florida; The Honorable Nellie Khouzam, Florida's Second District Court of Appeal; and Kara Rockenbach, founding partner of Link & Rockenbach. The conversation focused on four important questions—*How do we define professionalism? How do we teach it? Who do we teach it to? And how do we enforce professionalism?*



Mobituaries with Mo Rocca

"Billy Carter: Death of the First Brother": <https://podcasts.apple.com/us/podcast/billy-carter-death-of-the-first-brother/id1449045549?i=1000455679236>

Mobituaries with Mo Rocca has quickly become one of my favorite podcasts. In this episode, he interviews President Jimmy Carter about his beloved late brother Billy, an infamous character whose antics ranged from charming to alarming and which helped define the Carter administration. Billy Carter's life story took me back to my early childhood and is a perfect reminder, as the holidays approach, that families are not meant to be perfect.



The Happy Lawyer Project

"HLP090: On the Habits and Strategies They Didn't Teach You in Law School with Drew Amoroso of Move Associates": <https://thehappylawyerproject.com/hlp090/>

Okeoma Monoru has created a wonderful podcast which helps "people with law degrees live happy, fulfilled lives." I stumbled upon this show while doing research for a presentation and found it to be a rich resource for all things professionalism. This particular episode looks at the skills young attorneys will need and which may not have been taught in law school, including goal-setting, knowing your "why," challenging yourself, building a network, and time management.

DIVERSITY AND PROFESSIONALISM EDUCATIONAL SEMINAR IN FORT MYERS, FLORIDA

Ita M. Neymotin, Regional Counsel, Office of Criminal Conflict and Civil Regional Counsel of the Second District Court of Appeal, with Henry Lee Paul, The Lee County Legal Aid Society, and Florida Bar Foundation, hosted a *Diversity and Professionalism Educational Seminar* in Fort Myers, Florida on October 11, 2019, with several wonderful guest speakers. The presentations by the speakers were educational and inspiring.

Honorable Lee County Commissioner Frank Mann and Honorable Lee County Clerk of Court Linda Doggett graciously opened the seminar with welcoming remarks.

Honorable Judge Carolyn D. Swift of the 20th Circuit Court discussed the professional qualities of competence, communication, and confidentiality. She also discussed the necessity of conflict-free representation, functional attorney-client relationships, the attorney's obligation to be fair with both the client and opposing counsel, and how attorneys are role models.

Honorable Lee County Clerk of Court Linda Doggett talked about how an entire office or workplace is interconnected and interrelated, and how an attitude of excellence as a mission statement and goal can influence the work environment and create teamwork.

Mr. Henry Lee Paul, Esq., spoke about the importance of Standards of Professionalism, and how standards for behavior

are becoming part of disciplinary proceedings. He also discussed the importance of mentorship discussed various Florida Bar resources to help new attorneys and ones encountering difficulties, and emphasized the need for attorneys who are encountering difficulties to be willing to ask for help.

Ms. Adriannette Williams, Esq., discussed the concept of micro-aggressions, and how unthinking or careless acts could hurt others.

Ms. Kelly Fayer, past President of the Lee County Bar Association, discussed the need for diligence and prompt communication, and how vital it is to make sure that an attorney's professional behavior is beyond reproach.

Mr. John Webb, the President of the Lee County Bar Association moderated a panel discussion Ita M. Neymotin Esq., Regional Counsel, Office of Criminal Conflict and Civil Regional Counsel of the Second District Court of Appeal, the Honorable Amira Fox, Esq., State Attorney for the 20th Judicial Circuit, and the Honorable Kathleen A. Smith, Esq., Public Defender for the 20th Judicial Circuit. Various topics were discussed including the use and pitfalls of social media, the difficulty of rehabilitation of a damaged reputation, the importance of mentorship, how important it is to maintain mental health, and the strengths diversity and different cultures bring to the office.



Pictured above (left to right): Honorable Lee County Commissioner Frank Mann; Henry Lee Paul, Honorable Lee County Clerk of Court Linda Doggett; Ms. Kelly Fayer, past President of the Lee County Bar Association; Ita M. Neymotin, the Regional Counsel of the Office of Criminal Conflict and Civil Regional Counsel, 2nd DCA; Mr. Henry Lee Paul, Esq.; Adriannette Williams, Assistant Director, Florida Bar Henry Latimer Center for Professionalism; Honorable Judge Carolyn D. Swift



Pictured above (left to right): Mr. John Webb, Esq., the President of the Lee County Bar Association; Honorable Kathleen A. Smith, Esq., Public Defender for the 20th Judicial Circuit; Honorable Amira Fox, Esq., State Attorney for the 20th Judicial Circuit, Esq.; Ita M. Neymotin, Esq., the Regional Counsel of the Office of Criminal Conflict and Civil Regional Counsel, 2nd DCA; Ms. Kelly Fayer, Esq., past President of the Lee County Bar Association; Mr. Andrew J. Banyai, Esq., Executive Director, Lee County Legal Aid Society

HEALTH & WELLNESS, MENTAL HEALTH, WELL-BEING, AND PROFESSIONALISM EDUCATIONAL SEMINAR IN TAMPA, FLORIDA

Ita M. Neymotin, Esq., Regional Counsel, Office of Criminal Conflict and Civil Regional Counsel of the Second District Court of Appeal, with Henry Lee Paul, Esq., The Florida Bar Student Education and Admissions Committee, in conjunction with the 13th Judicial Circuit, hosted a *Health & Wellness, Mental Health, Well-being, and Professionalism Educational Seminar* in Tampa, Florida on August 30th, 2019, with several wonderful guest speakers. The presentations by the speakers were inspirational and motivating.

Honorable Chief Judge Ronald N. Ficarrotta graciously opened the seminar with welcoming remarks. He reminded everyone how important the work of the criminal justice system professionals is, but only by taking care of ourselves, are we then able to take care of others.

Ita M. Neymotin, Esq., Regional Counsel, spoke about mental health and wellness in the Soviet Union and the United States, and its importance in relation to professionalism and the Florida Bar.

Henry Lee Paul, Esq., spoke about the Florida Bar's focus on attorneys with mental health issues and on getting them treatment. He entertained the crowd with funny videos of what happens when these problems go unresolved.

Rocky Brancato, Esq., Felony Bureau Chief, Office of the Public Defender, 13th Judicial Circuit, filled in for the Honorable Public Defender Julianne Holt. He spoke about the importance of a work/life balance to avoid burnout. He also touched on the importance of

dealing with compassion fatigue through self-care, through utilizing the given to us resources, and by looking out for each other.

Gene Gray, USPTA Certified Tennis Professional, talked about the keys to wellness, mental health and social well-being, all of which include setting realistic expectations, being consistent, getting adequate rest, and thinking positively. He explained the importance of sports, as playing sports keeps us busy, and thus leaves no time for bad habits.

John Allen Schifino, Esq., Hillsborough County Bar Association Past President, talked about what The Florida Bar is doing to tackle the serious challenges that attorneys are facing regarding their health and wellness. He reminded everyone that our goal has to be redefining success and finding a mental balance.

Adriannette Williams, Esq., Henry Latimer Center for Professionalism Assistant Director, talked about the cost of success, including the risks, the failures, the sacrifices, etc., and how it all takes a mental toll on us. She talked about the importance of emotional intelligence, and left us with some personal recommendations on how to improve emotional well-being.

Dr. Valerie McClain, Licensed Psychologist, could not appear in person; however, she created a great video on stress management and strategies for relaxation. She talked about the symptoms of burnout, how to prevent burnout, and the importance of having a self-care plan.

Pictured right (left to right): Henry Lee Paul, Student Education & Admissions To The Florida Bar Committee; Ita M. Neymotin, Regional Counsel, Second District Court of Appeal; Ronald Ficarrotta, Honorable Chief Judge, 13th Judicial Circuit; Adriannette Williams, Assistant Director, Henry Latimer Center for Professionalism at The Florida Bar; John Allen Schifino, Past President of the Hillsborough County Bar Association; Gene Gray, USPTA Certified Tennis Professional; *Speakers not pictured above:* Dr. Valerie McClain, Licensed Psychologist, and Rocky Brancato, Felony Bureau Chief, Office of the Public Defender, 13th Judicial Circuit



Attendees from the Office of Criminal Conflict and Civil Regional Counsel, 2nd District

PROFESSIONAL COURTESY SHOULD NOT BE A DINOSAUR

By: Howard Marsee

When I began trial practice in 1971, I frequently heard the phrase “professional courtesy.” I do not hear it much anymore and necessarily wonder if it has been relegated to the trash bin of history. In the 70’s and 80’s and even into the 90’s, most lawyers intuitively accepted that courtesy was an essential part of being a “professional.” That included consenting to the reasonable requests of opposing counsel. Those who did not were often shunned.

I occasionally serve as court-appointed magistrate and, in that role, have observed how lack of professional courtesy can lead to open warfare between lawyers. It is rich soil for unprofessionalism to grow. It may begin with something as simple as plaintiff’s counsel refusing additional time for the defendant to respond to a complaint or to answer interrogatories—or for the defendant refusing to make his or her client available for deposition at a convenient time and place.

What begins as a perceived slight may be reciprocated by a refusal to reschedule a deposition or hearing—or to barrage opposing counsel with unduly burdensome discovery requests. Discourtesy follows discourtesy until both lawyers lose sight of their professional obligations.

It seems that, faced with a reasonable request for a deadline extension, cancellation, postponement, rescheduling, waiver, or other accommodation, we ought to ask ourselves several questions:

First, will granting the request prejudice my client—as opposed to merely annoying or inconveniencing them? *Professionalism Expectation 4.5* provides: “A lawyer should accede to reasonable requests for waivers of procedural formalities when the client’s legitimate interests are not adversely affected.”

Second, how reasonable is opposing counsel’s request? There is of course a difference between a five-day extension and a thirty-day extension. Can we, in a spirit of cooperation, offer a lesser, more reasonable extension? *Professionalism*



Expectation 6.5 provides: “A lawyer should promptly agree to a proposed time for a hearing, deposition, meeting or other proceeding or make his or her own counter proposal of time.”

Third, am I refusing the request because I have a client who is demanding aggressive, no-holds-barred representation? We must inform our clients early what they can and cannot expect from us. They need to understand that we are professionals and, as such, have procedural and ethical obligations that may not always permit us to do everything they demand. *Professionalism Expectation 2.1* provides: “A lawyer should inform every client what the lawyer expects from the client and what the client can expect from the lawyer during the term of legal representation.”

Fourth, by delaying the request, am I merely delaying the inevitable? If the judge is going ultimately to grant the request for waiver or extension, why waste everyone’s time with a refusal and a hearing? Judges do grow weary of lawyers who habitually ask them to rule on non-essential procedural issues.

Fifth, if I am the lawyer scheduling an event, setting a deadline, or requesting a courtesy, what is my motive? *Professionalism Expectation 4.19* provides: A lawyer

must not request rescheduling, cancellations, extensions, and postponements without legitimate reason or solely for the purpose of delay or obtaining an unfair advantage. *Professionalism Expectation 6.1* provides: A lawyer should not impose arbitrary or unreasonable deadlines on others.” *Professionalism Expectation 6.2* provides: “A lawyer should schedule a deposition during a time period sufficient to allow all parties to examine the deponent.”

Sixth, am I inviting reciprocity that down the road will cause me headaches? A cycle of discourtesy costs lawyers and clients time, unnecessary labor, and money.

Seventh, am I damaging my reputation in the legal community? Lawyers do talk, and a reputation for discourtesy, over the long haul, makes our job more difficult and unpleasant. It diminishes us in the eyes of our peers.

In the final analysis, we must be courteous because we are “professionals.” *The Code of Professionalism Expectations* may provide guidelines, but it is merely proscriptive unless and until we internalize a basic truth. As lawyers, we are engaged in a common enterprise—the promotion of justice and the orderly resolution of disputes. Professional courtesy is essential to that enterprise and to our own sense of esteem.

Bob Woolf in his book *Friendly Persuasion* sums it up nicely: “When you are creating a balance sheet on which to judge the issues, you should give strong consideration to reputation, motivation, production, success, camaraderie, style, trust, compassion, honor, and respect—all the components which offer you dignity. You may find that some things are worth more than money.”

Howard R. Marsee is a mediator, arbitrator and special magistrate with the ADR firm of Upchurch Watson White & Max. He was admitted to the Florida Bar in 1971 and for over thirty years served as a trial lawyer in Orlando, Florida.



THE 19TH AMENDMENT AND WOMEN'S SUFFRAGE IN FLORIDA

By: Wendy S. Loquasto¹

On October 10, 2019, Judge Nina Ashenafi Richardson and I attended our first meeting of the Tallahassee Historical Society. Secretary of State Laurel Lee was the featured speaker and the topic was the history of the 19th Amendment in Florida.

The THS's newsletter explained Secretary Lee's interest in women's history, which dates back to her childhood when she received a school assignment to interview a member of her Southern California community who had been alive at the turn of the 20th century. That would mean someone then in their 80's. Happily, there were still quite a lot of those folks around. She chose a woman named Helen Grisamore, not famous at all, but someone who had seen a lot. Lee recalled that Ms. Grisamore remembered all sorts of things, including a pre-television world, which to Lee, then an elementary school student, was inconceivable. The interview made a lasting impression on Lee about the value of oral history, and how rapidly things change.² Thanks to that, Florida is fortunate to have a Secretary of State who is preserving, communicating, and celebrating its history of the 19th Amendment.

Secretary Lee began her discussion of the women's right to vote in Florida with the Woman's Rights Convention in Seneca Falls, New York. You may recall that equal rights and civil rights activists gathered in upstate New York on July 19-20, 1848, among them Lucretia Mott, Elizabeth Cady Stanton, and Frederick Douglass. Of the 300 or so persons present, 68 women and 32 men signed the Declaration of Rights and Sentiments, which was modeled in large part upon the Declaration of Independence. The opening paragraphs of the Declaration of Sentiments provide:

When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes that impel them to such a course.



We hold these truths to be self-evident: that all men and women are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights governments are instituted, deriving their powers from the consent of the governed. Whenever any form of government becomes destructive of these rights, it is the right of those who suffer from it to refuse allegiance to it, and to insist upon the institution of a new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed, but when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of the women under this government, and such is now the necessity which constrains them to demand the equal station to which they are entitled.

The history of mankind is a history of repeated injuries and usurpation on the part of man toward woman, having in direct object the establishment of an absolute tyranny over her. To prove this, let facts be submitted to a candid world.^[3]

First among the listed "Sentiments" was: "He has not ever permitted her to exercise her inalienable right to the elective franchise."

The list included the following among the total 15 Sentiments:

He has compelled her to submit to laws, in the formation of which she had no voice.

He has withheld from her rights which are given to the most ignorant and degraded men - both natives and foreigners.

Having deprived her of this first right of a citizen, the elective franchise, thereby leaving her without representation in the all of legislature, he has oppressed her on all sides.^[4]

The Declaration concluded:

Now, in view of this entire disfranchisement of one-half the people of this country, their social and religious degradation, - in view of the unjust laws above mentioned, and because women do feel themselves aggrieved, oppressed, and fraudulently deprived of their most sacred rights, we insist that they have immediate admission to all the rights and privileges which belong to them as citizens of these United States.^[5]

The struggle for the women's right to vote would take over 70 years to come to be with the passage of the 19th Amendment, which was ratified by the necessary three-fourths of the states on August 18, 1920, and finally became law on August 26, 1920, which is now celebrated as Women's Equality Day.

Secretary Lee pointed out that Florida was not one of those initial ratifying states, but it passed a law in 1921 that allowed the right to vote to women. Belatedly, Florida ratified the 19th Amendment in 1969. Within the next year, South Carolina,

continued...

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Georgia and Louisiana also belatedly ratified the 19th Amendment, and Mississippi reversed its 1920 rejection of the amendment in 1984 when it finally ratified it.⁶

The movement to secure the right to vote for women was relatively unorganized in Florida until just before the turn of the 20th century. As explained by Secretary Lee, Ella C. Chamberlain, from Tampa, attended a suffrage convention in Des Moines, Iowa, in 1892 and returned to Florida eager to accomplish something. "She sought out space in a local newspaper, only to be directed to write a column on issues of interest to women and children. Legend had it she exclaimed that the world was 'not suffering for another cake recipe and the children seemed to be getting along better than the women.' She resolved instead to write about women's rights, and to deploy the knowledge she had picked up in Des Moines."⁷

Ms. Chamberlain established the Florida Women's Suffrage Association in 1893, which associated itself with the broader National American Women Suffrage Association, and it attempted to inject women's rights into local politics. It was through this association that Chamberlain came to know Susan B. Anthony, to whom she sent a big box of Florida oranges during the winter as a gesture of appreciation.⁸

Unfortunately for Florida, Ms. Chamberlain left the state in 1897 and women's suffrage efforts lagged. In June 1912, however, a group of 30 Jacksonville women founded the Florida Equal Franchise League with the goals of improving the legal, educational, and industrial rights of women and promoting the study of civics and civics improvements. The Orlando Suffrage League formed in 1913 with the aim of getting women to attempt to vote in a sewerage bond election. Similar groups started forming and communicating around the state and the need for a statewide organization became clear. In 1913, the Florida Equal Suffrage Association was born in Orlando with the Rev. Mary A. Safford as its president.⁹ Tallahassee Caroline Mays Brevard, granddaughter of Florida territorial governor Richard Keith Call and noted Florida historian, was a founding member of the Florida Equal Suffrage Association and eventually became Vice President.¹⁰

Several Florida communities granted women the right to vote in municipal elections even before passage of the 19th Amendment. Secretary Lee pointed out that Fellsmere (then in St. Lucie County) was the first to do so when it put the necessary language in its town charter, which was approved by the Florida Legislature and signed by Governor Park Trammell on June 8, 1915. The relevant clause provided: "Every registered individual, male or female, elector shall be qualified to vote at any general or special election held under this Charter to elector recall Commissioners, and at any other special election . . ."¹¹

By November 1919, a total of 16 towns in 10 counties allowed women to vote in municipal elections, including Fellsmere (now in Indian River County); Tarpon Springs, Clearwater, Dunedin, and St. Petersburg in Pinellas County; Aurland and Cocoa in Brevard County; Orange City and DeLand in Volusia County; West Palm Beach and Delray in Palm Beach County; Florence Villa in Polk County; Miami in Dade County; Fort Lauderdale in Broward County; Moore Haven in DeSoto County; and Orlando in Orange County.¹²

Empowered to vote, women began serving in public office. Marian Horwitz of Moore Haven was elected mayor on July 30, 1917, becoming the first woman to serve in that role in Florida. Many women also served on county and state boards and commissions, particularly school boards.¹³ Widowed women were sometimes appointed to complete their husbands' terms of office, which is how Mary Jane Curry became Monroe County's treasurer in 1915 when her husband died.¹⁴

Florida's early women lawyers were also active in the suffrage movement. Helen Hunt West, one of Florida's First 150 Women Lawyers admitted to practice law in 1917, was a member of the more militant National Woman's Party, formed under the leadership of Alice Paul. In 1917, she marched in front of the White House in support of women's rights. She later became the first woman to register to vote in Duval County in 1920 after the adoption of the 19th Amendment.¹⁵

Passage of the 19th Amendment spurred women to enter the legal profession. In the years before 1920, generally only one or two women would be admitted to practice law by the Florida Supreme Court. In 1925, that number exploded to 11, it grew to 14 in 1926 and 1927.¹⁶

Secretary Lee pointed out that with the

passage of the 19th Amendment, many more women began serving in public office at the county and state level in Florida. Eleanor H. Floyd was elected on November 2, 1920, to be County Assessor of Taxes for Franklin County.¹⁷ Edna Giles Fuller of Orange County was the first woman elected to the Florida Legislature. She was elected to the Florida House in 1928 and re-elected in 1930.¹⁸ Ruth Bryan Owen was the first woman elected to the U.S. Congress from the South. She was the daughter of presidential nominee William Jennings Bryan and the widowed mother of four children when she was elected to Congress in 1928 from a district along the Atlantic Coast in Florida.¹⁹

After more than 70 years of efforts to gain the right to vote at the national level, and the passage of nearly 50 more years for Florida ratification, Senate Concurrent Resolution No. 1172 was read, Senator Verle A. Pope of St. Augustine moved to waive the rules, it was read a second time by title, unanimously adopted by a vote of 42 yeas and no nays, and immediately certified to the House by waiver of the rules. Thus, the once controversial 19th Amendment was unanimously ratified in Florida on May 13, 1969.²⁰

SENATE CONCURRENT RESOLUTION NO. 1172

A concurrent resolution ratifying the Nineteenth Amendment to the Constitution of the United States relating to the right of all citizens to vote.

WHEREAS, the Congress of the United States of America in both houses by a constitutional majority of two-thirds thereof has amended the Constitution of the United States in the following words:

"Senate Joint Resolution proposing an amendment to the Constitution of the United States relating to the right of all citizens to vote.

"Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of its submission by the Congress:

AMENDMENT XIX

"The right of the citizens of the United

continued...

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States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation." NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That the said amendment to the Constitution of the United States be, and the same is hereby ratified by the Legislature of the State of Florida.

BE IT FURTHER RESOLVED that certified copies of the foregoing preamble and resolution be immediately forwarded by the Secretary of State of the State of Florida, under the great seal, to the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives of the United States.^[21]

I encourage you to read The Florida Memory Blog (<https://www.floridamemory.com/blog/tag/suffrage/>), which memorializes much of the history related by Secretary Lee at the Tallahassee Historical Society meeting.

As we approach the centennial celebration of the passage of the 19th Amendment, it is a fitting time learn and remember those brave Floridian women who struggled to achieve the right to vote and to hold office for us, our daughters, and granddaughters.

Join TWL at its November 13 meeting, when we will partner with the Oasis Center for Women & Girls for Women Can Run program, an inspirational evening with women elected to office, which will be held at the Goodwood Carriage House from 5:30 until 8:00 p.m.

Then on March 11, 2020, TWL will present a program on Black Women's Suffrage, featuring FSU Law Professor Carla Laroche, at its regular membership luncheon meeting at the FSU College of Law Rotunda as part of "TWL's Day of Celebration." TWL has arranged to have the American Bar Association's 19th Amendment Traveling Exhibit on display at the lunch meeting.

To top off the March 11 TWL Day of

Celebration, you can attend the Tallahassee Community College's Women's History Month event that night at the Ghazvini Center for Healthcare Education, 1528 Surgeons Drive, for which the theme will be "Valiant Women of the Vote." I hope to see you at one or all of these great events. In the meantime, keep reading and learning about the 19th Amendment.

Endnotes:

1 Wendy Loquasto is President of Fox & Loquasto, LLC, an appellate law firm in Tallahassee, Florida. She is a former president of Tallahassee Women Lawyers (1996-97) and the Florida Association for Women Lawyers (2006-07), chaired FAWL's First 150 Women Lawyers Project, and chairs TWL's 19th Amendment Committee.

2 Bob Holladay, "Florida's Secretary of State Laurel Lee will open the Tallahassee Historical Society's 2019-2020 Season on October 10," *The Apalachee Redux*, Vol. 2, No. 3 (Oct. 2019).

3 Declaration of Sentiments, National Park Service, Women's Rights National Historical Park, <https://www.nps.gov/wori/learn/historyculture/declaration-of-sentiments.htm> (last visited Oct. 11, 2019).

4 *Id.*

5 *Id.*

6 19th Amendment By State, National Park Service, 19th Amendment, State Ratifications, <https://www.nps.gov/subjects/womenhistory/19th-amendment-by-state.htm> (last viewed Oct. 11, 2019).

7 Blog posted by Josh, "The First Florida Women in Public Office," The Florida Memory Blog, Tag Archives: Suffrage, <https://www.floridamemory.com/blog/tag/suffrage/> (posted Feb. 28, 2019).

8 *Id.*

9 *Id.*

10 *Id.*; History, Caroline Brevard Chapter of the National Society Daughters of the American Revolution, Tallahassee Florida, <https://carolinebrevardchapterfssdar.weebly.com/history.html> (last viewed Oct. 11, 2019).

11 Blog posted by Josh, "The First Florida Women in Public Office," The Florida Memory Blog, Tag Archives: Suffrage, <https://www.floridamemory.com/blog/tag/suffrage/> (posted Feb. 28, 2019).

12. *Id.*

13. *Id.*

14. *Id.*

15 Maria Isabel Matthews, "Helen Hunt West," *Celebrating Florida's First 150 Women Lawyers* 12-13 (Lexis Pub. 2000).

16 See *Celebrating Florida's First 150 Women Lawyers*, xxiii-xxiv (Lexis Pub. 2000).

17 Blog posted by Josh, "The First Florida Women in Public Office," The Florida Memory Blog, Tag Archives: Suffrage, <https://www.floridamemory.com/blog/tag/suffrage/> (posted Feb. 28, 2019).

18 Mark Andrews, "Pioneering Public Women Also Excelled in Other Fields," *Orlando Sentinel*, Oct. 17, 1999, <https://www.orlandosentinel.com/news/os-xpm-1999-10-17-9910150449-story.html> (last viewed Oct. 11, 2019).

19 Ruth Bryan Owen, Florida Commission on the Status of Women, <http://fcs.w.net/dt/team/ruth-bryan-owen/> (last viewed Oct. 11, 2019); Ruth Bryan Owen, United States House of Representatives, History, Art & Archives, [https://history.house.gov/People/Listing/O/OWEN,-Ruth-Bryan-\(O000154\)/](https://history.house.gov/People/Listing/O/OWEN,-Ruth-Bryan-(O000154)/) (last viewed Oct. 11, 2019).

20 Senate Concurrent Resolution No. 1172, Journal of the Senate for May 13, 1969.

21 Ratification of the Nineteenth Amendment by the Florida Legislature, 1969, Florida Memory, State Library & Archives of Florida, https://www.floridamemory.com/exhibits/floridahighlights/19th_amendment/page2.php (last viewed Oct. 11, 2019).



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