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Fighting for Professionalism & Embracing Diversity & Inclusion

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Chair of the Florida Bar Standing Committee on Professionalism

Mahatma Gandhi once said, "Our ability to reach unity in diversity will be the beauty and the test of our civilization." As Chair of the Lee County Bar Diversity and Inclusion Committee, I understand the importance that diversity and inclusion has within our community. It is imperative that we always strive to collaborate with one another. Every human being has his/her own culture, experiences, ideas, values, and passions to bring to the table. Without diversity and inclusion, it is impossible for individuals to learn and grow as we all learn from each other. Society is dependent on our ability to work together, as is the legal field. By embracing diversity and inclusion, we can learn from each other, and help one another, which will inevitably improve and strengthen our community.



One country that did not believe in diversity and inclusion was the former Soviet Union. In that country, millions of innocent people were unjustly sentenced to the Soviet Gulags and were never heard from again. Gulags were forced labor camps which were greatly utilized by Joseph Stalin. These gulags housed many different types of prisoners which included people convicted from petty theft to murder and included political prisoners. The political prisoners were kept with the murders because the government considered them dangerous revolutionaries. Political prisoners, who were also known as "enemies of the people," included people who spoke up against the former Soviet Union, and even people who desired to follow their religious faith. A conviction in most cases of political prisoners was simply someone's word that the prisoner was guilty, or a confession obtained from the prisoner himself after many weeks or months of torture. After such "proof" of guilt was obtained, the "enemy of the people" was sentenced to serve in these gulags. Most prisoners simply

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died due to overwork, starvation, as well as the cold. The gulags continue to stand for an instrument of political repression in the Soviet Union. It was hard to find a family who was not somehow affected by the horror of the gulags, including mine.

In the communist Soviet Union, my great-great-grandfather, Yehoshua Neymotin, was ordered into exile from the city of Leningrad because he persisted in practicing his religion. My great-grandfather, Samuel Neymotin was a political prisoner. He was arrested and tortured in the 1920's and then was executed in 1937 for the crime of teaching religion to his children. My grandfather, Yosef Neymotin, in his book titled, "The Story of My Life", writes about how he was imprisoned and sent to the Soviet Gulag for 12 years for the crime of trying to leave the Soviet Union. Six years later, after Joseph Stalin died, my grandfather was sent home to his family. My parents and I became "enemies of the people" for five years when my father declared his wish to leave the Communist Soviet Union with his family to live free in America.

One thing that makes America so unique from other countries is that it is a melting pot of all different people and cultures which helps to encourage diversity and inclusion. Having escaped the oppression of the Soviet regime as a child and coming from a place where the society was devoid of inalienable human rights, I have always appreciated the superiority of our justice system and the fact that we strive to have diversity and inclusion as well as professionalism imbedded into our legal standards.

While America was founded for its religious freedoms, it however, faced other obstacles such as gender and race inequality. In America, it was very difficult for women to attain a basic right, such as the right to vote. Some women received a limited right to vote about 100 years ago in 1920, which white men, who owned property or paid taxes, have had since the creation of the United States of America, dating back to the 1700's. Abigail Adams was a huge proponent of giving women the right to vote 150 years before the House of Representatives voted to pass the 19th Amendment.

Despite many obstacles, women did not give up, and still managed to break through a "man's world". One woman in particular who helped to shape inclusion and diversity through the theory of management was Mary Parker Follett. In the 1800's, Mary Parker Follett, born in 1868, was a revolutionary thinker who looked at the business model in a very different perspective than the businessmen of her time. Mary Follett's approach to public administration was innovative in contrast to what was considered during her time to be the norm. The business industry was likewise saturated with male leaders and executives. Her views on the workplace were considered by some, to be a big step toward feminist theory. She believed that using conflict within the workplace could bring about positive results, and that conflict should not be avoided, but instead it should be worked through to gain strides forward. Mary Parker Follett has been called a prophet of her time and was an example of how women made strides to be included and she made huge improvements in a male dominated workforce.

Even in the legal profession, it was very hard for women to find jobs since it was believed that a woman's job was to stay home and take care of the family. In the 1950's, former Supreme Court Justice, Sandra Day O'Connor graduated from law school and was offered the position of a legal secretary. In 1969, Shirley Anita Chisholm became the first African-American Congresswoman.

Only in 1971 The Supreme Court case Reed v. Reed declared sex discrimination a violation of the 14th Amendment. In the 1980's, President Ronald Reagan appointed Sandra Day O'Connor as the first female Supreme Court Justice of the United States of America. In the 1990's, The American Bar Association inaugurated Roberta Cooper Ramo as its first woman president.

Many committees and organizations are trying to combat discrimination, lack of diversity, and lack of inclusion which sometimes occurs even in the Florida court system. The mission of The Florida Bar:

> "To increase diversity and inclusion in The Florida Bar so that the Bar will reflect the demographics of the state, to develop opportunities for community involvement, and to make leadership roles within the profession and The Florida Bar accessible to all attorneys, including those who are racially, ethnically and

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culturally diverse, women, members of the LGBTQ community and persons with disabilities" (The Florida Bar).

Diversity and inclusion goes hand in hand with professionalism. Professionalism is essential because when people are professional, they can take pride in not only their work, but in their behaviors and interactions with others as well. As Chair of the Florida Bar Standing Committee on Professionalism, I know firsthand the significance of professionalism in the field of law. The Florida Bar Standing Committee's working definition of Professionalism is:

> "Professionalism is the pursuit and practice of the highest ideals and tenets of the legal profession. It embraces far more than simply complying with the minimal standards of professional conduct. The essential ingredients of professionalism are character, competence, civility, and commitment."

Professionalism, by definition, states that members of the justice system cannot practice the highest ideals and tenets of civility without being inclusive of other members. The justice system has so many components to it and for all of these components to come together as well as they do, it requires individuals to work in unison with one another.

It is the intent of The Supreme Court of Florida for all the attorneys to treat each other, their clients, and their peers with dignity, decency, courtesy, and inclusion, as outlined under The Florida Bar Guidelines for Professional Conduct.

Attorneys are sworn in with The Supreme Court Oath of Admission To The Florida Bar, which states:

> "I do solemnly swear, … To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged; I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God."

Furthermore, the actions of an attorney with others are governed by the Creed of Professionalism, which states:

> "… I will strictly adhere to the spirit as well as the letter of my profession's code of ethics, to the extent that the law permits and will at all times be guided by a fundamental sense of honor, integrity, and fair play..."

We are very fortunate to have such a great and fair justice system. Remember that every single member of our justice system is valuable, therefore, we should make every effort to work hard towards diversity and to be inclusive as this is essential to our justice system's overall success.

I am very honored to be the Chair of the Florida Bar Standing Committee on Professionalism; Chair of the Local Professionalism Panel for the Twentieth Judicial Circuit; and a former member of the Supreme Court Commission on Professionalism and Civility. Through these committees, I see firsthand the incredible progress that The Florida Bar and its members are making to achieve the goals of increasing diversity and inclusion. I look forward to the positive changes forthcoming in The Florida Bar and in our community in general, due to the broadening perspectives of our Florida Bar members and the people they represent.

References:

Creed of Professionalism. (n.d.). Retrieved September 23, 2020, from https://www.floridabar.org/prof/presources/creed-of-professionalism/

Cunnea, P. [pseudonym of L.S., Esq.] (1998). A Timeline of Women's Legal History in the United States and at Georgetown University. *Women's Law & Public Policy Fellowship Program,* 1-12. Retrieved September 22, 2020, from http://wlh.law.stanford.edu/wp-content/uploads/2011/01/cunnea-timeline2.pdf

Diversity & Inclusion. (2019). Retrieved from https://www.floridabar.org/about/cmtes/cmtes-cm/cmte-cm315/

Follett, M. P. (2003). Mary Parker Follett: A Prophet Gaining Honour. *Business Strategy Review*, 14(1), 75-76. doi:10.1111/1467-8616.t01-1-00247

Heinzman, J., Kennedy, J., W., Mujaba, M. G. (2007). The early organizational management theories: the human relations movement and business ethical practices pioneered by visionary leader Mary Parker Follett. Journal of Business and Economic Research, 5, 3.

Hylton, J. G. (n.d.). Adam's Rib as an Historical Document: The Plight of Women Lawyers in the 1940s. Retrieved from https://law.marquette.edu/facultyblog/2013/06/04/adams-rib-as-historical-document/

Neymotin, E. (2017). *Hunted by The Hammer and Sickle*. Fort Myers, FL: CreateSpace.

Neymotin, Y. (2018). *The Story of My Life*. Fort Myers, FL: CreateSpace.

Oath of Admission to The Florida Bar. (n.d.). Retrieved September 23, 2020, from https://www.floridabar.org/prof/presources/oath-of-admission-to-the-florida-bar/

Selber, K. & Austin, D. (1997) Mary Parker Follett, Administration in Social Work, 21:1, 1-15, DOI: 10.1300/J147v21n01_01

Silverbrook, J. (2017, February 13). The Gilder Lehrman Institute of American History Advanced Placement United States History Study Guide. Retrieved from http://ap.gilderlehrman.org/node/318598

Women Now Make Up More Than Half of Law School Attendees. (2017, August 02). Retrieved from https://www.goodcall.com/news/women-now-make-half-law-school-attendees-09738

Fulfilling an Oath: John Phillips on an Attorney's Duty to Fight for Diversity

By Tabitha Guinot, 3L FSU College of Law

"I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed, or delay anyone's cause for lucre or malice. So help me God." – Oath of Admission to the Florida Bar

Most people do not begin on a diverse path. A seemingly uncontroversial opinion that is constantly denied, its truth may be more evident than some care to admit. Barring exceptional circumstances in our upbringing (i.e. travel, military family), we are consistently surrounded by the same people and our core beliefs tend to reflect those of family. We go to church because our parents did. We root for the same, subpar sports team year after year because its banner hangs on the den wall. Our "bubble," as referred to by Attorney John Phillips, is predictable and safe. Thankfully, life inevitably bursts our bubble, bringing us face-to-face with people of different backgrounds, with different beliefs and ideas.

With the introduction of the internet, electronic communication, and social media, people were led to the realization that meeting new people no longer required them being in the same room. Today, we hold the privilege of communicating with people from all over the world at our fingertips. In a year defined by pandemic and social justice advocacy, the onus is on attorneys to discuss diversity openly and promote a diverse legal community.

Implicit to the definition of diversity, Mr. Phillips finds a notion of unity, not separation. A commitment to diversity is a "marble" that we can all choose to ride on together or not. The Florida Bar Board of Governors recognizes that diversity is everchanging and to limit its definition to current relevant differences alone does a disservice to future change. Apart from differences in race, gender, and geography, diversity can result from differences in culture, thought, and belief.[1] But it is not until these differences are brought out to



light, that full diversity can be achieved. When people of different backgrounds and ideas combine with one another, then there is diversity.[2]

Mr. Phillips reflects on a popular quote by Atticus Finch in Harper Lee's *To Kill a Mockingbird*: "You never really understand a person until you consider things from his point of view... until you climb into his skin and walk around in it."[3] The message rings as loud today as it did 60 years ago. *Skin*, not shoes. Shoes can be taken off, but skin is eternal and apparent. A visible distinction masking a world of differences between those who diverge.

As an example, Phillips references "the talk." The thought of discussing the birds and bees with his own three sons is enough to make him or any parent sweat. However, Phillips acknowledges another "talk" being had by Black families everywhere, that stirs up a different sort of anxiety. "The talk" where parents sit down with their children and discuss obedience even in the face of prejudice- complying with police behavior in any circumstance is key to survival, regardless of merit. According to Phillips, acknowledging the connotative differences of something as simple as "the talk" is a steppingstone towards achieving diversity. You begin to crawl in someone's skin when you can appreciate the differences which mold them.

"To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications; I will abstain from all offensive personality and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged[.]"

With tensions high and emotions on edge, conversations about diversity are nesting grounds for conflict (just look at your social media feed). Oftentimes, personal experience clouds judgment as people are quick to interrupt and accuse and slow to listen and educate. In a field which should set the standard for behavior in the midst of turmoil, how can attorneys keep these conversations professional, especially in an online forum?

Phillips draws on the protests and riots in Jacksonville as an analogy. On the one hand there was a group of peaceful protestors, with whom Phillips was involved. On the other, says Phillips, a group of vandals who really wanted to be on the news. Two completely different groups in purpose and practice were met with the same solution: armored cops. Meeting an already tense situation with an even more intense solution can only serve to escalate friction, says Phillips, reminiscing on the 79 people arrested over a two-day period of protests in Downtown Jacksonville.[4]

Instead of meeting conflict with conflict in the legal field, we should opt to deescalate tense situations with simple solutions.

Phillips' simple suggestion? Greet everyone with a smile, even if there is obvious tension. Realistically, you cannot be in the same room with someone for 15 seconds and understand what is going on behind the scenes, he says. Stress comes along with the profession, and given the current times, it is easy for outside emotions to infiltrate legal relationships and

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communications. Meeting each other with a smile attempts to stop or reduce any existing tension before it gets too far.

"I will support the Constitution of the United States and the Constitution of the State of Florida;... I will not counsel or maintain any suit or proceedings which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land[.]"

Phillips is no stranger to tense environments. Since representing the family of Jordan Davis, a 17-year-old teen who was shot and killed in 2012 in Jacksonville, Florida, at a gas station after an argument over loud music, Phillips has garnered a reputation as a champion for civil rights and justice, despite spending his first eight years in Jacksonville representing businesses such as Coca-Cola and GEICO. Recently, Phillips represented five people arrested as part of the police brutality protests (all cases have since been dismissed) and worked with Leonard Fournette and the Jacksonville Jaguars to protest a Hemming Park statue in downtown Jacksonville honoring fallen Confederate soldiers. The monument was removed overnight.

Accepting a judicial clerkship upon graduation, Phillips never thought he would sue the police but finds it necessary in cases involving abuse of power. In a world of hurt, Phillips believes it is the job of attorneys to resolve and flip injustice. One such abuse of power Phillips references is qualified immunity for police officers. In Phillips' opinion, the problem with qualified immunity is its general application, that courts sort out when it does not apply, as opposed to when it does. As a result, qualified immunity gives officers the benefit of the doubt even if it is undeserved.

But the idea of qualified immunity now faces a formidable opponent: the smartphone. In wrongful death claims where one party is unable to tell his side, the introduction of the smartphone, says Phillips, has changed the idea of the "victor" getting to tell the narrative and the presumption that it is correct, particularly in cases where the victor is a police officer. Videos do not lie, even if they may not show the whole story. As surrounding witnesses and victims record police interactions, people are beginning to see that reports and narratives, which traditionally are given the presumption of truth, may be false, claims Phillips.

Moving forward, Phillips states, attorneys must try to educate people on the problems facing the community. The morality of society, politics, and the legal profession are all combined. Just as officers need to police each other, the legal field must regulate their own profession. As Phillips reminds us, we have the ability to choose who we want to be around, and to whom, as citizens, we want to give power and opportunity. As members of the legal community we should look to foster diversity of all forms, respecting the differences that unify us.



John Michael Phillips was born in Mobile, Alabama. After graduating from law school at The University of Alabama, (one of the highest ranked public law schools in the southeast), Phillips relocated to Jacksonville, Florida in 2001 – where he now calls home.

John grew up hearing stories about his grandfather and great grandfather who were both lawyers in Mississippi. His grandfather became Judge Busby. His mother would tell him tales of them making a difference without concern for profit... people paid what they could when they could.

John and his family can be seen in the Emmy award winning documentary Armor of Light. He had a role in the film as the storyteller and lawyer for the family of Jordan Davis and was thanked from the stage by the film's director Abigail Disney. He regularly seeks out opportunities to learn how to be a better lawyer, leader and father.

Phillips made his mark on the legal industry by becoming one of the youngest board-certified trial lawyers in the state of Florida. Having undergone numerous peer reviews, gained substantial trial experience and completed hours of advanced seminars and a full-day exam, Phillips was recognized as an expert in civil trial law (personal injury, car accidents and civil rights).

He is licensed to practice law in Florida (2001), Georgia (2002), Alabama (2000), New York (2019), Washington, D.C. (2019) and Texas (2020), as well as before the United States Supreme Court. He has never been disciplined or been sued for legal malpractice in his career.

During his tenure as a prominent civil justice lawyer, Phillips has:

- Obtained many million-dollar verdicts and large settlements on behalf of clients, including a $495+ million jury verdict in a high-profile wrongful death civil lawsuit in 2019, stemming from the murder of Kalil McCoy in 2012.
- Ignited operational changes within companies and government entities, including mandating major upgrades and safeguards to Florida's driver's license computer system after hundreds were wrongly labeled sexual predators.
- Successfully represented Omarosa Manigault Newman brought by the Trump Administration and Campaign in both arbitration and federal litigation, defending claims brought for breach of contract and violation of non-disclosure agreements, while raising defenses under the First Amendment and other state and federal law.
- Represented 131 children who were the victims of "the worst dentist in America," Howard S. Schneider, which led to his suspension of his right to practice, arrest and a record confidential settlement.
- Fought for and recovered a $2.6 million-dollar jury verdict while Good Morning America's cameras filed the trial of a Kansas schoolteacher who was run over while sunbathing versus Volusia County, Florida.

In addition, Phillips was selected to give a TED Talk, addressing the issues surrounding race and equality. It was one of the first speeches to be broadcast live on the TED

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organization's YouTube and video currently has over 379,000 views. Phillips has also spoken at Howard University, the NAACP Annual Meeting, Peace Jam in Ghana and at many high schools and colleges. He regularly gives seminars to other lawyers as well.

Adding to his commitment to service, justice and the community, in 2018 Phillips' was nominated by Jacksonville's mayor and confirmed by City Council to Jacksonville's Human Rights Commission. That year he was also invited to attend the United Nations Human Rights Council in Geneva, Switzerland.

Although trial work and obtaining justice are Phillips' passions, his heart is made full through his marriage to his best friend, Angela, and the addition of their three sons: Bennett, Weston and Johnathan. When he's not working or spending time with his family, Phillips enjoys traveling and (especially) attending Jacksonville Jaguars games.

Ultimately, Phillips' is always open to opportunities to learn how to be a better lawyer, leader and father.

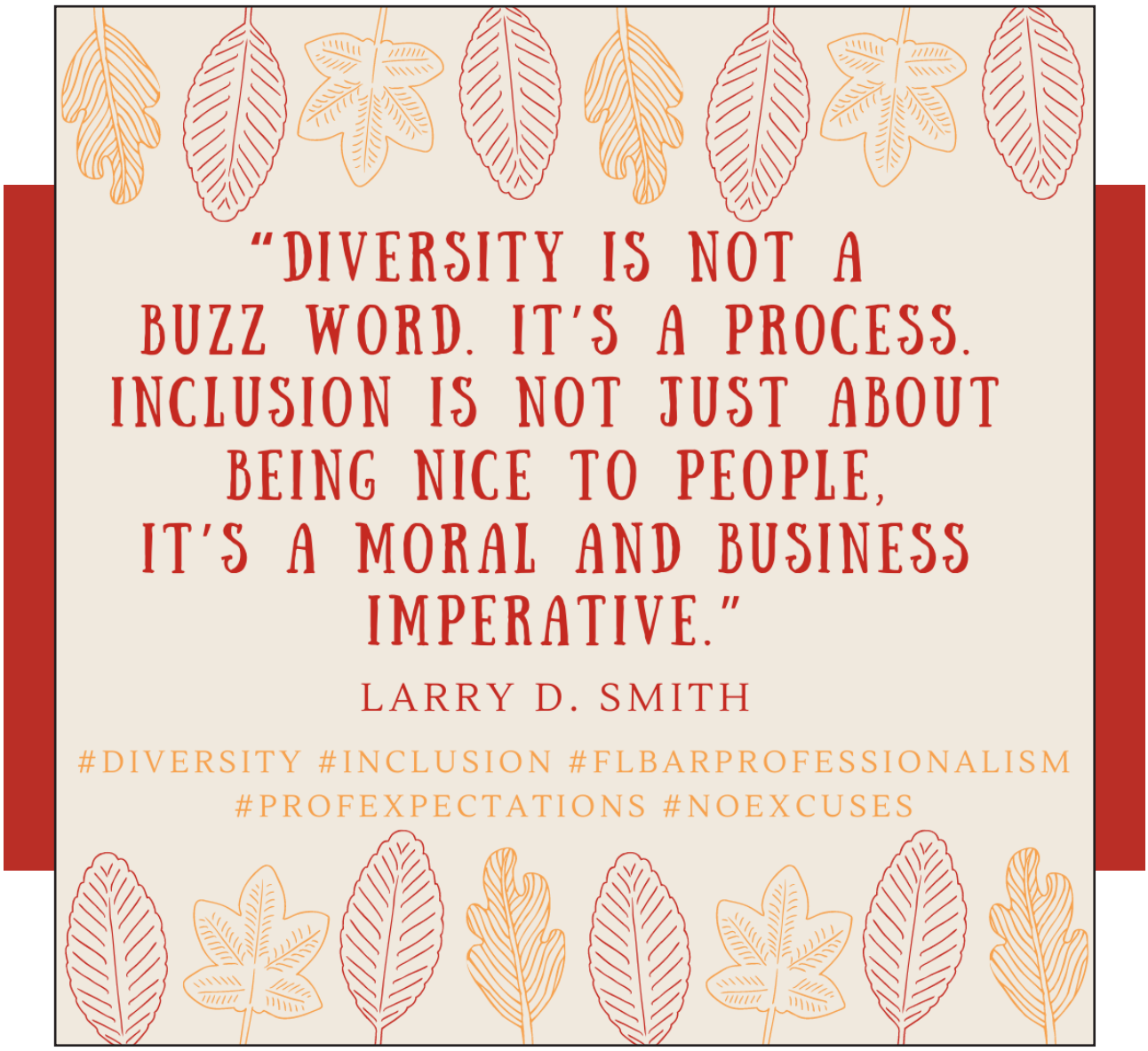
Endnotes:

1 Gary Blankenship, *Bar Reexamines Its Diversity Efforts,* FL BAR NEWS (July 1, 2010), https://www.floridabar.org/the-florida-bar-news/bar-reexamines-its-diversity-efforts/.

2 *See Diversity*, BLACK'S LAW DICTIONARY (11th ed. 2019).

3 HARPER LEE, TO KILL A MOCKINGBIRD 30 (Warner Books ed., 1982).

4 *See* Vic Micolucci, *Jacksonville Demonstrators Bond Out, Share Concerns About How They Were Treated by Police,* NEWS4JAX (June 2, 2020, 6:21PM), http://www.news4jax.com/news/local/2020/06/02/jacksonville-demonstrators-bond-out-share-concerns-about-treatment-by-police/.



Expanding the Table: Eugene Pettis on Demanding and Discussing Civility in Uncivil Times

By Tabitha Guinot, 3L FSU College of Law

There are few attorneys with a resume as impressive as that of Eugene Pettis. Since being admitted to the Florida Bar 35 years ago, Pettis has been inducted into the American College of Trial Lawyers, recognized as Lawyer of the Year three times in three different areas of law, and served the Florida Bar as its first African-American President in 2013. Pettis' new dialogue series "Can We Talk?" seeks to change the legal field through shared conversation in which lawyers empathize and learn from their differing experiences. According to Pettis, attorneys are obligated by oath to advance open, honest conversations which revolve around differing opinions in order to move law and society forward. While the community may choose to engage in tribal responses, attorneys must rise above the politicization of disagreements and meet one another with civility.

According to Mr. Pettis, civility, at its core, is the ability to have a conversation or point of disagreement in a way that fosters a resolution. While a standard of civility must be set the day students walk into law school, civility is not limited to interactions with legal colleagues concerning legal matters. Civility must encompass every aspect of a lawyer's life. As Eugene Pettis states, you cannot be a civil lawyer but lower your standards of civility when you step out into the community. You must be the total package.

"In every great moment of society, lawyers have had an opportunity to be engaged at the forefront." Lawyers are looked at continuously as carrying a higher standard of civility than others. Serving as the voice of those not easily seen or heard, it is imperative lawyers be able to handle a high level of communication with civility. Lawyers should be able to hear opposition and respond to their views facilitating and moving dialogue toward progress.

In his more than three-decade career, Mr. Pettis realizes there are factors attorneys face today that were not relevant



in 1985 when he began his career. Like most, Pettis has noticed the impact that technology has had, particularly on intra-attorney communications. Reflecting on his early years in practice, by the time an angry message was written, edited, and rewritten on an electronic typewriter, a jolted attorney had plenty of time to cool down from his initial irritation. Now, with email access in our pockets, attorneys are emboldened to respond as quickly as possible. Branding this practice the "faceless dialogue of technology," Pettis acknowledges that, unfortunately, these advancements have put people in the position where they put their worse self forward, instead of coming into the light and presenting their best selves.

Another major difference Mr. Pettis sees is an influx of first-year sole practitioners. With more graduates coming out of law school and immediately hanging up their shingles, Pettis poses an obvious question: "Who are they going to mimic?" Laughing at the instincts on which he relied in his first trial, Pettis places high regard on the opportunity for modelling: witnessing an experienced attorney in action and developing a litigation style based on what has been observed. By extending to new lawyers these modeling opportunities, they will learn how to apply civility in the varying circumstances attorneys face. Unfortunately, those opportunities are missing today in comparison to their prevalence years ago.

While it is incumbent that attorneys promote civility in their practice, Eugene Pettis says that courts play a huge role in demanding civility as well. One of the odd byproducts, however, of an elected court system is judges are put in the uncomfortable position of disciplining lawyers while trying to secure election votes from them later. While there are those which will continuously rise above, as a result, judges with the power to sanction bad behavior rarely do because of the partial-popularity contest that is a judicial election.

When the court does not demand civility, there will be attorneys who take advantage. Because of tolerance toward bad behavior, Mr. Pettis has seen lawyers push the envelope, in total disregard of a judge's all-too-clear order, because he or she knows there will be no sanction. This is where self-policing is crucial. "None of us should be tolerating bad behavior," states Pettis, and he advises lawyers to speak up against inappropriate behavior directed at other lawyers, clients, and anyone else.

While it may seem unreasonable for a fresh-faced graduate just out of law school to confront experienced attorneys on their unprofessional behavior, Pettis believes that we cannot allow disparity of age and experience to prevent us from speaking up for what is right. "Some things you learned as a child. How to behave civilly is not something you should start learning in law school… Right is right." Tolerating bad behavior in the first five years of practice will not make a lawyer any more confident in chastising it in the next five. Character is born and respect is given when an attorney stands up for what is right even in the most daunting of settings.

A silver lining in a dreary year, 2020 has set the stage for lawyers to open dialogue on controversial topics, such as race.

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Attorneys must find ways to have a shared conversation involving all sides. There is an opportunity for attorneys to enlarge their perspectives by listening to each other's experiences. The legal field should look to set an example of empathy and respect for opposing views.

Pettis brings up the individualistic nature which is permeating the community. Those who show less respect, he predicts, are more individualized, caring only about what will benefit themselves, not what will have the most positive impact overall. There is a hoard mentality prevalent which is keeping us from sharing opportunity. But inherent to civility is a care and respect for the institution and society, and as part of the justice system, we should attempt to model empathy and tolerance towards race and diversity. As Eugene Pettis says, there is plenty of room for all of us at the table of opportunity. "I'm not asking you to get up out of your chair and give me your seat…let us all eat at the table."



Eugene K. Pettis, Esq. is the co-founder of Haliczer, Pettis & Schwamm, handling medical malpractice and complex personal injury litigation. Attorney Pettis was also the first African-American Florida Bar President (2013), leaving a legacy of initiatives that fostered diversity and inclusion.

Mentorship Makes a Difference!

By Jason Berger



Our profession has given us such great knowledge, pleasure, wisdom and pride. The hope is that with all that our profession has done for us, each of us will give back to our profession. Mentoring is a great way to do that! Whether teaching a new attorney how to make a good first impression with the judiciary, with the clients or with our colleagues, it is up to us to set the bar high. There is only one opportunity to make a good first impression!

For me personally, I have been fortunate to have many colleagues who have helped mold and shape my legal career. Whenever I need assistance, I have been blessed to be able to call my colleagues and mentors for their guidance and advice. My mentors have always been there for me to answer my questions, to share their experiences, and to provide their wisdom.

My mentors have always reminded me (many times through their own life's lessons) that no matter how meaningful and consuming our work is, to always put family first. I certainly feel that my wife and my daughters have benefitted from my ability to follow their advice. In short, mentors have taught me many invaluable lessons in law and in life.

Based on all that my mentors have done for me, I feel a strong sense of responsibility to give back to our profession. Since 2012, I have implemented an internship program through my law practice. I mentor high school, paralegal, college and law school students. I have mentored over twenty interns, and I am proud to share that (as of this summer) three of my former interns have graduated law school and are now practicing attorneys.

Annually, my office sponsors an intern luncheon for all our present and former interns. We keep in touch, and I am happy to continue to mentor "our intern family" throughout their education and their career (whether law related or not). I feel a tremendous sense of satisfaction and joy in watching their personal and professional growth and success.

I cannot thank everyone enough for helping to mold and shape my legal career, and I certainly have always found mentorship to be a very rewarding and tremendously satisfying experience. ***Mentorship really does make a difference!***









Meet Our [Law] Suits: Ghunise Coaxum

By Katie Young

Twenty years ago, Ghunise Coaxum began her journey with The Florida Bar. In her current role, she serves as Bar Counsel for the Unlicensed Practice of Law Department in Orlando. Ghunise, along with her small but mighty team of two, processes the intake of Bar complaints made against unlicensed individuals practicing law. Once the complaints come in, she and her colleagues jump in to begin the investigation process. Some of these complaints can be investigated and closed at staff level, and others are referred to the local committees for further investigation.

Looking back, public service has always been near and dear to Ghunise' s heart. Growing up in Miami with parents who immigrated from Haiti, Ghunise often served as a translator for them. In high school she began volunteering at the Haitian Refugee Center where she met several attorneys, ultimately inspiring her to attend law school. She went on to graduate from the University of Florida's Levin College of Law.

Although the Covid-19 pandemic has forced the transition to remote work, Ghunise continues to remain multifaceted in the tasks she performs daily. Although, one aspect of her routine that has drastically changed is her daily commute; what once took forty-five minutes to an hour



Ghunise Coaxum

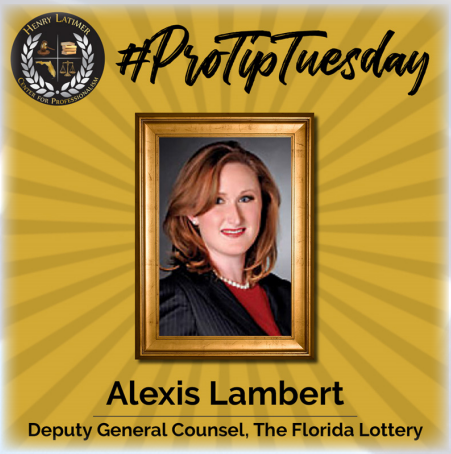
pre-pandemic, now takes just a few steps to her laptop. She begins her day by keeping a list of all her cases and prioritizes them according to need and urgency. As counsel to nine circuit UPL committees and one district paralegal committee, staying organized is a must. She credits her meticulousness to her time spent as a public defender fresh out of law school.

The best thing about working at The Florida Bar, according to Ghunise, is her relationships with her co-workers. She considers herself blessed and lucky that she has always had great co-workers—from senior management at headquarters in Tallahassee to all the branch offices. Ghunise states, "Work is going to be work wherever it is, especially pre-pandemic, I spent more time at the office than I did with my own family and I always found it really nice and refreshing that I had really great co-workers and working relationships."

Ghunise believes that communication in all aspects is key to upholding a high standard of professionalism. Responding promptly to phone calls and emails from respondents, complainants, committee members, and the general public is a professional courtesy that she takes very seriously. At times, Ghunise is faced with difficult situations and she practices professionalism by always treating others with respect and kindness. Her best piece of professional advice is to never respond in anger—take a moment to breathe and then respond. She says you can type the angry email out, read it aloud to yourself, then delete it! By taking a step back and treating others with respect she finds the action is often reciprocated and, if not, she is ok with it because she knows she did her part and has no regrets.

We thank Ghunise for her hard work and continued commitment to The Florida Bar!

The Center has launched its new social media campaign, #ProTipTuesday. These short videos go a long way toward helping young attorneys and those new to practice learn about and stay focused on practicing with professionalism. The videos can be found on the Center's Twitter (@FLBarCFP), Facebook (@FLBarProfessionalism), and website: https://www.floridabar.org/prof/pro-tips/



The Next Step In Professionalism: Inclusive Excellence

By Larry D. Smith, Esq.



I'm going to start with an assumption that we agree that Diversity and Inclusion are integral parts of Professionalism. Although we often consider them together, these concepts have distinct meanings and importance.

According to our new best friend, Google, "diversity" means "the practice or quality of including or involving people from a range of different social and ethnic backgrounds and of different genders, sexual orientations, etc." "Inclusion," on the other hand, means "the action or state of including or of being included within a group or structure."Or, as Verna Myers has explained, "Diversity is being invited to the party; inclusion is being asked to dance."

To these fused concepts, we have begun adding the term "equity" to recognize an additional perspective: "Equity is an approach that ensures everyone has access to the same opportunities. Equity recognizes that advantages and barriers exist, and that, as a result, we all don't all start from the same place. Equity is a process that begins by acknowledging that unequal starting place and makes a commitment to correct and address the imbalance." https://generalassembly/blog/diversity-inclusion-equity-differences-in-meaning/ (last visited October 19, 2020)

Some argue that this is all"political correctness", a needless and endless changing of amorphous concepts. You know, like "fairness" and "justice." But I would like to suggest that sensitivity, mindfulness, and application of these interrelated principles are vital to achieving a legitimate and practical professional imperative: excellence. I further submit that our profession cannot achieve excellence without simultaneously being inclusive. In other words, a profession, or organization, or business, which aspires to improve its status quo must seek inclusive excellence.

Inclusive Excellence is not a term I coined; it has been used in academic settings for years. The concept of Inclusive Excellence moves us from a simplistic definition of diversity to a more inclusive, comprehensive, and omnipresent awareness where:

INCLUSIVE EXCELLENCE

1. Inclusiveness and Excellence are interdependent rather than separate concepts;
2. Everyone in the organization (not one person or department) is responsible for the inclusiveness of everyone;
3. Diversity is embedded throughout the organization and measured by overall progress and not by quota goals; and
4. A broad and flexible definition of diversity is used and updated as needed.

This paradigm posits that it may be possible to be inclusive without being excellent, but it is impossible to be excellent without being inclusive. Why? Because infusion of new ideas and perspectives introduce layers of analysis that improve the result. Put simply, homogeneity rarely produces the best thought or work product.



Inclusive Excellence begins with a recognition of the intrinsic value of the individual. People who feel valued tend to contribute more. The cumulative effect of greater contributions produce better products, whether that's a widget, as many businesses have come to learn, or a trial team.

A commitment to Inclusive Excellence by team members changes the mindset from "we can't find any 'qualified' minorities" to "we can't succeed without the contribution of a diverse team."

Inclusive Excellence also internalizes the goal of inclusion, moving it from a committee or department's "job" to the mutual responsibility of each team member. The more diverse and inclusive a team becomes, the more likely it is to approach and solve problems in unique ways.

Imagine, if you will, a small plane crashes on an island in the middle of nowhere. The team of brain surgeons in the first-class cabin is surely handy to have around, but, smart as they are in their field, they may not be able to build the rescue boat out of salvaged materials you need to get home. What if there were a few engineers on board? Helpful? If it took a month to construct the boat, wouldn't it be nice to have hunters who could provide food, and people with knowledge about which local plants are poisonous? What if some of the other passengers understood different languages so that instructions on the underside of salvaged parts from around the world could be understood, or distress calls made in a number of modes? You can see that the success of the whole depends on the contributions of the individual and the cooperation of all members, not an order from the Captain to "get us out of here."

My silly example also underscores another aspect of Inclusive Excellence: success is not measured solely by numbers but by the overall progress of the organization. On my little island, for example, success is measured by how well the passengers work together to get everybody off the island and home safely. Counting the survivors is nice but of limited comfort, if you're not among them.

Inclusive Excellence rejects stereotypes but also avoids clinging solely to historical or common perceptions of diversity or minorities, allowing definitions and the environment to expand as we learn more or as needed to recognize team members and their contributions. It is open-minded enough to celebrate the day when we no longer have to remind our colleagues that equality cannot be claimed by anyone until it is offered to everyone.

Let's be honest: the legal profession lags woefully behind businesses, educational and medical institutions, and even organized little league sports in terms of embracing inclusion. We need to do better. We have to do better. I think Inclusive Excellence is a way to get there.

FSU Law's Raising The Bar Professionalism Program Wins Gambrell Award

Oct 07, 2020 Gary Blankenship



ASSOCIATE DEAN NANCY BENAVIDES

Florida State University College of Law's Raising the Bar Professionalism Program has won one of this year's three E. Smythe Gambrell Professionalism Awards from the ABA.

The program was created by Associate Dean Nancy Benavides and she accepted the award on behalf of the program.

The Raising the Bar Professionalism Program exposes law students in all three years to professional development resources and to lawyer role models to prepare them for a life in law. It emphasizes personal productivity and resilience, civic engagement, relationship building, practice area exploration, and technology and effective communication.

The program uses alumni and student advisory boards to help with the program, as well as partnerships with the Bar's Henry Latimer Center for Professionalism, the Bar's Young Lawyers Division, Tallahassee Women Lawyers, Legal Services of North Florida, local inns of court, Florida Lawyers Assistance, Inc., the AccessLex Institute, and various FSU resources.

It also features a professionalism writing contest, won this year by third-year law student Katie Mesa.

The Gambrell awards are given by the ABA's Standing Committee on Professionalism and "recognizes the nation's exemplary, innovative, and on-going professionalism programs in law schools, bar associations, courts and other legal organizations that help ensure the maintenance of the highest principles of integrity and dedication to the legal profession and the public." Other awards this year went to the Mississippi Access to Justice Commission and The Mississippi Bar for their access to justice initiative and the New York State Judicial Institute on Professionalism in the Law.

It's the second year in a row a Florida law school has been honored. Last year, the Stetson University College of Law Professional Development Conference: Campus to Career Program won the award.

Building a Team with Diversity and Inclusion

By Maribel Diaz

The general understanding is that diversity consists of different types of individuals with a myriad of gender identities, sexual orientations, age groups, and racial, ethnic, and educational backgrounds. In recent years, diversity has expanded to include a diverse range of individuals and personalities that add value to a business by increasing participation and performance. Diversity and inclusion in the workplace start with those in leadership positions. Law firm partners and managers are accountable for fostering and nurturing diversity and inclusion. Becoming more diverse in the workplace should be a standard to which all law firms strive. Law firms and managers must demonstrate their willingness to understand and incorporate diverse points of view. This may be accomplished by creating policies, procedures, and a teamwork environment among law firm staff and attorneys that is always mindful of broadening the tent and inclusion.

Creating an environment that fosters teamwork is a component of professional conduct. Employees perceive that they receive equitable treatment and feel encouraged when they contribute to the effectiveness of a work group. Developing trends for inclusion is the key to managing diversity effectively. Design and develop programs geared towards recruiting summer interns. Encourage partners and senior associates to participate in mentorship programs. Mentorship programs are a great way to train attorneys to practice law while participating in teamwork-building and enjoying meaningful learning experiences. In times where we are not threatened by a global pandemic, design a side by side office space for one-on-one mentoring. Attorneys should be members of various legal organizations and bar associations and attend engagements and conferences. It is necessary for team members to hail from different races, religions, nationalities, sexual orientations, age groups, ethnicities, and gender identities in order



to develop a cohesive and successful team.

Once your diverse team is developed, law firm partners and managers must develop strategies on how to assemble the team to achieve positive outcomes. It is essential for members of the team to get to know one another. Because time is a precious commodity, practicing attorneys are often penurious with respect to their time. Nonetheless, time must be carved out to realize the firm goals and objective with regard to diversity and inclusion. Create activities for the attorneys and staff to socialize and engage outside the office environment. For example, organize a picnic where staff and attorneys can bring family members to meet and spend time with each other. Arrange yearly retreats outside the office to discuss firm issues. Develop work groups to resolve pending matters and achieve a successful outcome. In the time of COVID-19, provide socially distant alternatives to traditional physical engagement such as zoom parties, classes, games, or small, physically distanced in-person, outdoor events where possible. Good communication is the root of great teamwork. Have team members share their ideas in a professional manner. Design a pattern of listening to diverse perspectives and valuing all voices within the team. On a team, everyone will have their own frame of reference, some you may not understand. Come to a consensus that works well for everyone. Differences in opinion can benefit the team by offering unique perspectives, encouraging collaboration, and inspiring creativity. A team's success depends on the commitment of its members.

The success of a law firm is not only predicated on successful attorneys but dedicated employees as well. Employee recognition creates a sense of belonging. Satisfied employees do better work. This is key to a great team. It is important that recognition be given by law firm partners and managers. It is often the case that law firm partners and managers repeatedly recognize the same employees. Again, broaden the tent from time-to-time. Develop a program for rewarding employees objectively, instead of subjectively. Rewarding employees should be objectively based in order to remove any appearance of impropriety or bias. Law firms should reflect to the community with common goals dedicated to quality work product and team success. If individuals conduct themselves professionally and with mindfulness of these issues, diversity and inclusion will naturally follow.

The legal profession is a relationship driven business. Law firms can distinguish their practice from other law firms by building a more diversified workforce. Having a diverse team provides law firms the opportunity to acquire clients from different backgrounds and in turn stimulate economic growth. It is often the case that the selection of counsel is determined by how comfortable the individual feels with that attorney. When clients from different backgrounds feel comfortable and confident with the firm's ability to represent their diverse interests, the number of business opportunities increase. In conclusion, developing a diversity and inclusion enterprise is a way for a law firm to distinguish itself and build success in the legal profession.

continued...

Building a Team

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References:

Cesario, Angelica (2020). The Benefits of Diversity in the Legal Profession. LawLine Blog.

https://blog.lawline.com/the-benefits-of-diversity-in-the-legal profession#:~:text=Diversity%20brings%20more%20clients%20and%20spurs%20economic%20growth.&text=Clients%20from%20different%20backgrounds%20will,growth%20for%20the%20firm%20overall

Robert, Yola (2020). *4 Ways to Actually Create Diversity and Inclusion In the Workplace, 1-2.*

https://www.forbes.com/sites/yolarobert1/2020/06/11/4-ways-to-actually-create-diversity-and-inclusion-in-the-workplace/#68c8e7303fcd

Sexton, Amanda (2020). *Diversity and Inclusion: What Your Law Firm Can Do.* New Jersey: Law Journal.

https://www.law.com/njlawjournal/2020/07/17/diversity-and-inclusion-what-your-law-firm-can-do/

Stevens, Lydia (2019). *3 Reasons Why Workplace Recognition Promotes Diversity and Inclusion.*

https://blog.preciate.com/3-reasons-why-recognition-promotes-diversity-and-inclusion

West, Michael, Dawson Jeremy, Kaur Mandip (2015). *Making the Difference; Diversity and Inclusion in the NHS.* The Kings Fund.

https://www.kingsfund.org.uk/sites/default/files/field/field_publication_file/Making-the-difference-summary-Kings-Fund-Dec-2015.pdf

Starving for Salad: LGBTQ+ Inclusion in the Law Community

By Tabitha Guinot, 3L FSU College of Law

Name: Shenika "Nik" Harris

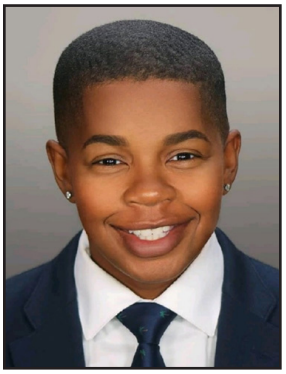
Current Title: LGBTQ Consumer Advocate for the Department of Agriculture and Consumer Services.

Preferred pronouns: She/Her

Identity: Gender non-conforming, non-binary

Objective: Diversity, equity, and inclusion

Status: **Trailblazer**



Shenika "Nik" Harris

As a child, Harris knew she would become a lawyer. She had high hopes of graduating law school, becoming rich, and buying her mom a Volkswagen Beetle, one just like Herbie. Fast forward to 2020, Harris has spent much of her career in public service. Her partner, a teacher, jokes that she'll be there to support Harris when she needs money. While she may not have the millionaire title she envisioned, Harris holds a much higher status.

A graduate of Florida A&M University and Florida State University College of Law, Harris was appointed as the first LGBTQ Consumer Advocate for the Department of Agriculture and Consumer Services by Commissioner Nikki Fried. Harris spends her days helping others and fighting for LGBTQ rights. She wakes up each day eager to face the challenges the justice system presents, which, as a former public defender, she has seen first-hand. One of the issues she is particularly passionate about is diversity, which Harris says cannot exist without equity and inclusion.

"We don't just want people to show up. We want people to show up and be their best selves." Harris says as she thinks back to her first days in law school. For the minority student—the one whose parents did not go to college, let alone become a lawyer or a judge—law school is full of foreign concepts. Thankfully, Harris was able to take advantage of a program designed to help these kinds of students. Harris attended the FSU College of Law Summer for Undergraduates Program. Established by Dean Donald J. Weidner, the program, Harris says, spoke to equity and was designed to put marginalized-prospective students on a level playing field with others, by attempting to provide similar experiences. The program allowed Harris to enter law school with more confidence and an understanding of basic, yet complicated, topics that other students may have taken for granted.

Diversity is a big catch-all, but to Harris it simply means getting people in a room together that do not look like one another. "You can invite someone like me into the room and then claim that you have diversity. But if you haven't made me feel included, then what was the point of the diversity?" As someone who identifies as a "queer black woman," Harris is no stranger to being the "only one" in the room, and she says change is made when diverse people are honored in how they show up and who they show up as.

Once those voices are in the room, how can we make them feel included? In law school it is vital to include diverse voices in matters involving the programs being taught and the different methods used to teach them. And to Harris, visibility

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Starving for Salad

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matters. Are the professors representative of a diverse student body? Do they share similar backgrounds with the students, making it easier for students to form mentor-mentee connections and for professors to empathize with the trials students are facing? The key is diversity AND inclusion.

Inclusion weighs heavy on the minority as well. Sparking changed demands hard work, and a trailblazer like Harris has no desire in being a token. The difference? A token is invited to a seat at a table where "addressing the issues" is not open for discussion. "Tokenism is you invited me in but we're not looking to address prolonged issues… such as systemic racism… homophobia, transphobia… gender inequality pay gaps." Harris would rather have no one at the table than one full of tokens. She refuses to be a symbol others look to and say, "Oh look! Nik is at that table. They can't be doing anything wrong."

Diversity is worth more than a paycheck and its disappointing to think students and attorneys would be willing to serve as a token so long as they get paid. "Don't bring me on the board unless you're prepared to do real work," says Harris. Work that starts with taking a look at the current situation and evaluating what changes need to take place. If you are ok with the way things look now, don't bother calling Nik. And while being a trailblazer implicitly suggests being the first of a particular type, being the only one on a committee, board, or in a firm for an extended period of time may be a hint that it's time to leave. "Someone has to be the first, but you shouldn't be the last."

Inclusivity of LGBTQ+ identifying people does not end in the law community. In our professional and personal lives, we need to evaluate how we come across to others. "Are you a safe space?" asks Harris, which she says can involve something as simple as putting pronouns in your email signature line. Typically, referring to pronouns is an indicator that someone is LGBTQ+ identifying. But when it becomes the norm for all people, Harris says an environment is created which makes it easier for those people who need to do it to survive.

When Harris first met her now boss, Fried kept referring to her "partner". "I'm not gonna lie," Harris recalls, "I left… like 'Is Commissioner Fried gay?'" It wasn't until after she met Fried's now fiancé that Harris asked her why she used the term. Fried told her it's just what she felt everyone should be doing. Just like pronouns, we inevitably connect the word "partner" to the LGBQT+ community. If allies could implement these simple changes, members of the LGBTQ+ community would feel more comfortable being and sharing their true selves.

On a grander scale, supporting the LGBTQ+ community could include taking part in pride month and volunteering for LGBTQ+ organizations. And one thing everyone can do which cost no money and takes very little time can even be started at home. "One of the easiest, most simple things you can do… register to vote and when you vote, vote for pro-equality candidates."

The Florida Competitive Workforce Act, which would add sexual orientation and gender identity to the list of impermissible grounds for discrimination in public housing and food service establishments, is one of the most popular pieces of legislation every year in the state for all political parties and NPAs. "How is it that the most popular piece of legislation is not law? Because if it can't get a hearing then it can't be passed, if it can't be passed it doesn't get to the Governor's desk to be signed. And so that's about who we are putting into office."

Starting at the local and moving up to state and nationwide levels, ask yourself: "Am I supporting candidates who believe in full equality for LGBTQ people?" And if you can't donate your talent or your time, there's always your treasure. "If you can't do any of those things… and voting doesn't cost you anything, then you can also financially contribute to organizations that are doing this work."

Despite pushback, change may be inevitable. As generations continue, some "issues" that were once at the height of controversy seem to die down as they become the norm. "When people come to expect, 'you can't discriminate against people because of sexual orientation, gender identity', I think, ultimately we make places safer." Harris says the more this expectation becomes the standard, the more normal it becomes to question the obvious. "Why don't we have gender neutral bathrooms? Why aren't we providing health-care benefits for same-gender-loving couples? Why are we not providing health care for transgender folks? If this is now normal, law of the land, I think this starts to change attitudes." Sometimes the legal system leads the country. Other times, the country needs to take charge and direct the law.

Changing the standard of inclusion and striving for equity cannot mean losing sight of the differences which make us diverse. It has often been said that the United States is a melting pot, but in 1992, on an episode of Oprah, activist and educator, Jane Elliott, gave us a different analogy to consider: The United States is a salad bowl.

In a salad bowl, it's easy to point out the tomatoes from the carrots and the olives from croutons. The different foods are clear in a salad bowl unlike a melting pot where it would be virtually impossible to point out one ingredient from another when they have all been combined down into the same, consistent slop.

"That's why I say you do, you want a salad bowl," explains Harris, "you want to appreciate that Nik is in here…and this person is in there. But if we do a melting pot, Nik got lost... because what we're saying is somehow it's better that we're all mixed. Don't blend me down to where my identity is gone... I love my blackness, I love my queerness, I love my community, I love my identity!" When we start to see and honor the humanity in everyone, what results is a more diverse, inclusive, and safe community.

The grievance process: What attorneys need to know

In Florida, lawyers are self-regulated, with the state Supreme Court having exclusive jurisdiction over discipline.

by: The Jacksonville Bar Association Staff Writer

By Jamie Karpman, JBA board of governors

Lawyers are expected to adhere to our Oath of Admission and to the Rules Regulating The Florida Bar.

Other than reading published summaries of discipline orders, most lawyers give little thought to the system that regulates and enforces sanctions against attorneys.

In Florida, lawyers are self-regulated. The state Supreme Court has exclusive jurisdiction over attorney discipline, including prescribing standards of conduct, methods of enforcement and sanctions.

As an official arm of the court, The Florida Bar is charged with administering a statewide disciplinary system to enforce the rules. It takes matters of discipline very seriously. The grievance process handles complaints against lawyers and The Florida Bar board of governors retains review oversight throughout.

Often, concerns about unprofessional behavior or attorney-client issues can be informally resolved without a complaint being filed. Local Professionalism Panels and The Florida Bar Attorney Consumer Assistance Program hotline at (866) 352-0707 are available to aid in these matters.

The 4th Judicial Circuit LPP is led by the Jacksonville Bar Association Professionalism Committee.

When a complaint is filed against a lawyer, it is up to The Florida Bar to investigate the allegation and determine whether there is sufficient probable cause that a violation of the rules has occurred and if so, what discipline is appropriate.

Although The Florida Bar prosecutes a higher percentage of its members than similar professional regulatory bodies in the state, few lawyers have complaints filed against them and even fewer are disciplined.



Jamie Karpman

There are more than 100,000 members of The Florida Bar. Each year, about 7,500 disciplinary files are opened and the state Supreme Court issues around 400 orders for disciplinary sanctions.

The grievance process begins when a complaint is filed by a client, a lawyer or a judge. When a complaint is received, a file is opened and assigned to an ACAP attorney.

The Florida Bar conducts a preliminary investigation of the allegations, assuming that if they are found to be true, it constitutes a rule violation. That is the point at which most files are closed.

However, if questions remain or there is sufficient evidence of a potential rule violation, the file will be referred to the accused's local grievance committee for consideration.

There are grievance committees across the state, at least one in each judicial circuit. Each comprises two-thirds lawyers and one-third public non-lawyer members, all volunteers. In the 4th Circuit, there are four grievance committees.

A grievance committee acts similarly to a grand jury, reviewing the evidence to decide if there is probable cause that the lawyer is guilty of misconduct justifying disciplinary action. Before making a determination, the committee may conduct further investigation and interview witnesses.

A grievance committee may close a file with a finding of no probable cause, issue a letter of advice, recommend diversion to a practice and professionalism course, or issue a finding of minor misconduct.

Where there is a finding of probable cause, The Florida Bar files charges with the state Supreme Court.

The court will appoint a circuit or county court judge to serve as a "referee" to hear evidence, recommend sanctions or review consent judgments.

The Florida Bar board of governors and the accused lawyer have an opportunity to appeal after the referee's report is filed.

The court may approve or disapprove any aspect of the referee's report, making the ultimate and final decision on guilt and discipline.

Discipline can range from a public reprimand or admonishment to suspension from the practice of law, all the way to disbarment, based on the level of the misconduct.

To promote better understanding of the grievance process, the Jacksonville Bar Association hosted two continuing legal education courses on the topic: "The Grievance Process: Asking Permission; Not Forgiveness," at the 2019 Professionalism Seminar at The Players and "An Inside Look at The Florida Bar Grievance Committee Process," a joint program with the D.W. Perkins Bar Association. Recordings

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The Grievance Process

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of these CLEs are currently free for JBA members at jaxbar.org.

The challenges of the COVID-19 pandemic have compounded the typical anxiety and stresses of the practice of law, but your state and local Bar associations are here to support you.

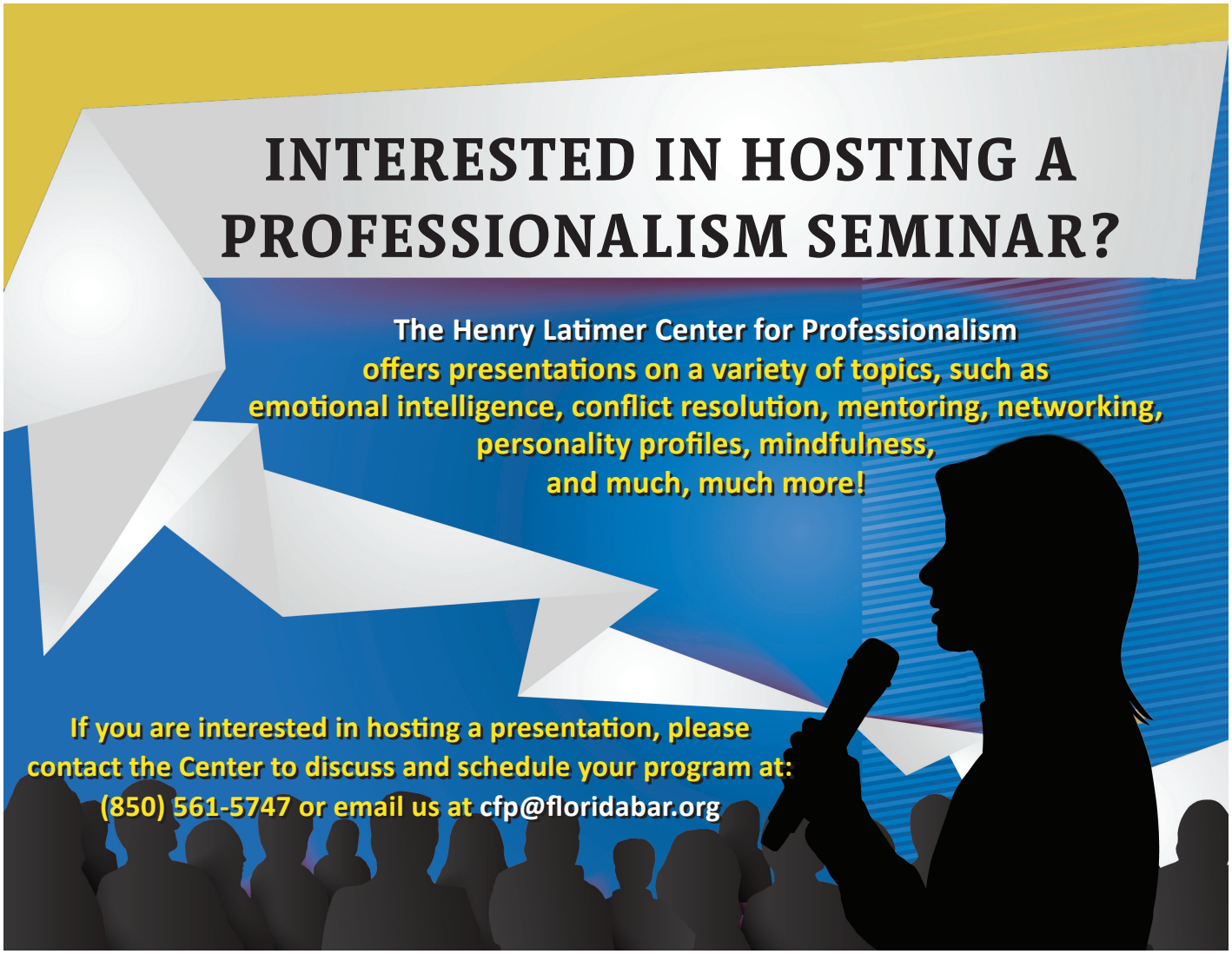
If you are concerned you are not meeting your professional obligations, struggling with emotional or mental well-being or grappling with substance abuse, there are resources to help. Florida Lawyers Assistance provides confidential mental health and substance abuse counseling to lawyers, judges and law students.

The Florida Bar Young Lawyers Division #StigmaFreeYLD campaign supports lawyers to meet and overcome the challenges of mental illness and substance abuse.

The Florida Bar offers a free confidential 24/7 lawyer helpline with crisis intervention and other services at (833) FL1-WELL; an ethics hotline at (800) 235-8619; the Henry Latimer Center for Professionalism, a clearinghouse for professionalism materials; and LegalFuel.com, a toolkit of practice management resources.

Mentoring relationships and monthly mentoring roundtable discussions are available to any JBA member interested in participating.

Jamie Karpman *is a government attorney practicing real estate and housing law. She serves on the JBA board of governors and is vice chair of Grievance Committee D for 4th Judicial Circuit.*



Overcoming the Obstacles (or Challenges) of Working from Home during the Pandemic

"You're talking too loud!", I said, with a tone somewhere between impatience and anger. "You need to put your headset on. This is a cognitive problem, not a hearing problem!", my attorney husband of 15 years said in a similar tone.

We had been co-working in the house for more than a month, and the nerves were really starting to get on edge. I was used to him being gone all day and I could get my work done in the quiet. Now I was dealing with his client Zoom and speaker phone calls and we had both had it.

Perhaps you have been in similar circumstances over the past 6 months. You may have been sharing space with your partner, kids and extended family. You are having trouble concentrating. You may be distracted by the noise, plus other household responsibilities that keep coming to mind. At the same time, you are trying to talk with clients and prepare work documents. It has been very challenging.

Some other issues for you may be:

1. **Feeling disconnected from your firm and your co-workers.** The sense of community has dwindled. This also goes for your friends and support groups.
2. **Emailing questions back and forth may be frustrating, requiring follow-up emails.** It's not as easy as walking down the hall to discuss an issue. Texting doesn't work either in trying to brainstorm with your team.
3. **Feelings of worry, anxiety, depression, fear, numbness, unmotivated, obsessing, lack of focus, overwhelmed and having a short fuse.** There is a sense of uncertainty about the future – your financial situation and the health of you and your family.
4. **These feelings may result in what we call "buffering."** Buffering is distracting yourself from unpleasant emotions with other activities, such as eating (snacking, overeating), drinking (one glass of wine becomes two or three), using social media to numb out, binge watching TV shows, online shopping, indulging in pornography and simply overworking. Buffering presents a problem, if there is a **net negative consequence** – such as gaining weight, disconnecting from your partner or children, the inability to get motivated and get your work done or losing sleep.



Jane Springer

So, what are some strategies for getting quality work done at home, staying mentally and physically healthy, keeping your relationships close and effectively managing your household? Some of these are how my family has managed this time and some are from other sources, such as The Wall Street Journal.

1. **Give yourself permission to be unreasonable about the small things that irritate you.** You may be experiencing some of the feelings I mentioned above a lot of the time. Cut yourself some slack and work together with family members to reduce the irritants that are affecting your work and relationships.
2. **Set a schedule.** Map out your days in chunks, including what you want to get done with definite begin and end times. This includes work priorities, free time, and household responsibilities. Set a definite time to stop work for the day. Otherwise, you may go from one thing to another without getting anything done effectively.
3. **Take time for moving your body every day.** The best way to relieve anxiety and other negative emotions is to move your body in some way. Your body will produce "feel good" hormones, such as endorphins, which have been shown to be just as effective as anti-depressants and therapy. Pick something you enjoy. This could include walking, running, biking (indoor and outdoor), swimming, going to the gym, exercise classes, stretching or yoga. My husband bought a bike in January with the intention of riding his bike to work every day and relieving stress. While his office is closed, he been riding the countryside and having so much fun. A great change of pace. We have also been hiking in nature. Being in nature is a natural de-stressor.
4. **Set boundaries.** Make clear to others in the house when you can or cannot be disturbed and that where you are is a distraction-free zone. Speaking of distractions, silence news or social media alerts on phones or laptops or at least minimize during your working hours.
5. **Establish self-care habits.** Getting quality sleep, limiting sugar and processed foods and eating healthy whole foods, taking rest breaks, doing meditation or breath work and avoiding "buffering" habits can go a long way towards improving your health and well-being for the long haul.
6. **Express gratitude.** This one may seem too expressive, but it's honestly so good for you. Your brain cannot process negative emotions and gratitude at the same time. Share with your partner, family, friends and even colleagues what you are most grateful for in your life. The perfect time is at the end of the day. Sleep on the good feelings. It will have a positive effect on your relationships and work the next day.

Finally, let this unusual time be an opportunity to reset your life. This is the perfect time to re-evaluate your work goals, health habits, and relationships. Do you need to make a change or shake things up? Now's the time to contemplate and do just that!

FYI –The Florida Bar now has the Florida Lawyers Helpline 833-FL1-WELL

Jane Springer *is a Life and Wellness coach and a member of The Florida Bar Mental Health and Wellness Committee.* jane@janespringer.com

The Price Of Needing To Be Right

By Don Blackwell

There are few phrases in the English language that resonate quite as sweetly in the human ear as "You're Right!" Their mere utterance swells the chest as our hearts reflexively fill with pride. They are reaffirming, if not gratifying. On occasion, particularly when preceded by "I hate to admit it but ...," they can even be empowering. In fact, repeat them often enough to the same person, whether it be out of a sense of duty, respect, deference, or fear and before long they will instill a sense of superiority. It's almost inevitable. Don't get me wrong: All of us deserve the nearly intoxicating pleasure of being told we're "right" from time to time and, when warranted, we shouldn't hesitate to confer that same benefit on others. The problem arises when our **desire** to be "right" once in a while becomes our **need** to be right all the time – about everything!



Indeed, therapy rooms, family living rooms, office conference rooms, and marital bedrooms are filled with people intent on proving they're right – no matter what the cost. And, believe me, they have the "evidence' they need to do just that. They've been stockpiling it their entire lives. They've kept careful track/score of all the times they were "right" and, as importantly, the times in their not-so-humble opinion others (spouses, friends, lovers, colleagues, children, etc.) were "wrong" and they're more than happy (and able) to pull that scorecard out on a moment's notice should anyone (even someone they profess to love) dare to challenge the correctness of their point of view.



I know intimately of what I speak, because, truth be told, I spent a number of years and expended a considerable amount of valuable emotional energy needing to be right.

Ultimately, however, I came to realize that there's a price that comes with needing to be right – a significant price. Among other things, always needing to be right makes it virtually impossible to truly listen to another's point of view, let alone actually entertain the possibility that they may be right. It also makes the Needer quick to judge, at times even confrontational or dismissive of opposing points of view – not to mention predisposed to seeing even complex, multifaceted problems and issues in stark, black and white terms. Over time, the combination of these highly undesirable attributes also has a "chilling effect" on others in the Needer's life (e.g., spouses, children, co-workers, friends, colleagues, etc.), who would just as soon swallow their voice than engage in the debate that too often accompanies its expression or, worse yet, get the sense that they are being ignored – again!

Finally, but no less importantly, needing to be right presupposes that there is a right and wrong in every situation, which simply is not the case, especially when it comes to matters of the heart. In fact, one of the most difficult, but critical lessons I've had to learn over the years is that, as parents, spouses, friends, supervisors, etc., we can be all kinds of right with respect to our intentions, words (and even our actions) only to later discover that those words and actions were misperceived, misdirected, and/or misunderstood in a way that rendered them all "wrong" to those on the receiving end. And yet, the more we need to be right, the less likely it is that we will ever be able to embrace that sobering reality (i.e., that we may have hurt someone with the best of intentions), let alone find the humility required to seek forgiveness so that meaningful healing can begin in earnest.

I get that we work in a profession that places a very high premium on being right. I should, after all I've been bearing the weight of that premium for nearly 37 years now (have I really been doing this that long?!?). And, truth be told: There's nothing inherently wrong with that pursuit, except that too often it spills over into what matters most (i.e., matters of the heart), where, left unchecked, it can and does cause considerable damage. One need only look at today's world to see that. You see, the obsession with needing to be right – and its fallout – aren't unique to the legal profession. It's all around us and, like an out-of-control weed, it's sucking the life out of the once lush landscape that was respectful dialogue, the art of listening, empathy, compromise, real civility, and compassion. We can do better, friends. Actually, we must.

Ita M. Neymotin Regional Counsel, Second District & The "Money Savers" Team – First of Fifty Agencies Under The Umbrella of The Justice Administrative Commission To Be Awarded The Lean Six Sigma Black Belt Certification.

Redesign of Capital Case Management Process





*Ita M. Neymotin, Regional Counsel Second District Court of Appeal; Diana Golden, Administrative Director; Clay Oberhausen, I.T. Chief; Diana Gurevich; Margarita Gordon; Elena Pokamestova; (pictured on right) Bob Seemer, **ets** COO and Performance Improvement Consultant, Coach and Trainer; Bruce Berger, Performance Improvement Consultant*

FORT MYERS, Fla. (July 17, 2020) – In a time of budget deficits and economic difficulty, the Office of Criminal Conflict and Civil Regional Counsel, Second District Court of Appeal (RC2), "Money Savers", through the Black Belt Lean Six Sigma Course, embarked on the comparison of costs of death penalty cases between RC2 and private court-appointed attorneys paid with taxpayer dollars. RC2 "Money Savers" team in consultation with RC2 Homicide Chief Byron Hileman and RC2 Homicide Managing Attorney Chris Boldt is proposing a Cross Jurisdictional Death Penalty Program to show how the program will provide death penalty representation at reduced costs and save taxpayer dollars, when compared with private registry counsel, while still ensuring client representation is adequate and is not diminished in effectiveness; and, creating death penalty litigation teams for the state of Florida. The cost of a death penalty case can vary from $100,000 to close to $2.1 million. The largest expense in death penalty litigation is usually attorney labor. Assigning death penalty cases to RC2 attorneys who are receiving a set salary eliminates the uncapped private registry attorney labor resulting in significant cost savings to the state of Florida. The Justice Administrative Commission (JAC) pays attorney labor and due process costs for death penalty cases litigated by private registry counsel. JAC's records show a high number of death penalty registry fees paid throughout the state of Florida. Additional factors were accessibility, economy, and the unlikelihood of a conflict of interest. Hence, the more that death penalty cases can be handled in-house by RC2 attorneys, the more taxpayer dollars can be saved. The cycle times in death penalty cases of RC2 were also a great deal lower when compared to private registry attorneys in the same type of cases. The "Money Savers" team analyzed the prospective effectiveness of this program using the Lean Six Sigma DMADV methodology and statistical tools.

The **ets** Lean Six Sigma Black Belt program is designed to identify the costs of inefficiencies and ineffectiveness within organizations in need of new or redesigned processes to guide and support the performance improvement and budgetary goals of their agency. Emphasis is placed on leadership processes including Organizational Assessments, Key Performance Indicators, Strategic Planning, Work Systems, and advanced Lean Six Sigma

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Lean Six Sigma Black Belt Certification

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statistical tools. Black Belt candidates are expected to demonstrate competency through the application of knowledge to a strategic priority from their organizations.

The team utilized **ets'** version of the 5-Step DMADV Design for Lean Six Sigma methodology. The RC2 team did a public records request to assess the amount of taxpayer dollars paid to private death penalty attorneys on the registry. The problem/impact was the excessive taxpayer dollars incurred by private registry attorneys for handling of death penalty eligible cases. The team will develop an enhanced capital case defense process. The impact will be achieved through the reduction of cases handled by the private registry attorneys and savings of taxpayer dollars with more cases handled by RC2. The Expected Benefits include saving the state of Florida millions of taxpayer dollars by streamlining litigation of death penalty eligible cases outside of RC2 jurisdiction. The team identified stakeholder process output needs using SIPOC (Suppliers, Inputs, Process Steps, Outputs, and Customers) Analysis.

The "Money Savers" team used SWOT and Measurement System Analysis to compile a scorecard of KPIs (Key Performance Indicators) to assess overall RC2 performance, eliminate waste, and measure the Costs of Poor Quality for private registry attorneys handling death penalty eligible cases. The "Money Savers" team also put together a budget for the proposed Cross Jurisdictional Death Penalty Program. Ita M. Neymotin, Regional Counsel of the Office of Criminal Conflict and Civil Regional Counsel, Second District Court of Appeal, met with the Executive Director to the CF Foundation at the College of Central Florida and discussed the Cross Jurisdictional Death Penalty Program, the Criminal Justice Program, Paralegal Program, and Internships that could be offered through this partnership. This partnership would provide internships for students and a home for the Cross Jurisdictional Death Penalty Program. The Public Policy Institute of Marion County is also housed at the CF Foundation at the College of Central Florida and could be approached to complete a study on the savings of this proposed program. The RC2 team is working on a statewide application of the Cross Jurisdictional Death Penalty Program.

Office of Criminal Conflict and Civil Regional Counsel Second District Court of Appeal, Florida

RC2 is pleased to announce The Florida Bar President, Dori Foster-Morales, has appointed Regional Counsel Ita M. Neymotin as Chair of the Committee on Professionalism. Ms. Neymotin oversees 14 counties within the Second District Court of Appeal and manages 140 attorneys and staff. In addition to being Regional Counsel, she began her new voluntary appointed position July 1, 2020, and will hold the post through June 30, 2021.

Ms. Neymotin was appointed by Governor Rick Scott in 2011 and confirmed by the full Florida Senate. When Ms. Neymotin was appointed at age 38, she was the youngest attorney and the first appointed female to hold a position as Regional Counsel in the state of Florida. Ms. Neymotin was appointed by the chief judge of the Twentieth Judicial Circuit to chair the Professionalism Panel for the past five years. In addition, Ms. Neymotin has worked tirelessly as a member of the Standing Committee of Professionalism by helping to educate attorneys on the "Ideas and Goals of Professionalism." The function of the committee is to assist the Henry T. Latimer Center for Professionalism in implementing programs, events, and activities to promote professionalism throughout the state. In her role as Chair, Ms. Neymotin has championed other licensed attorneys in the state of Florida to advance professionalism and civility in the practice of law.



Ita M. Neymotin
Criminal Conflict and Civil Regional Counsel
Second District Court of Appeal

2020 Champion of Professionalism Award

The Honorable Julianne M. Holt, Hillsborough County Public Defender for the 13th Judicial Circuit



On June 25, 2020, the Honorable Public Defender Julianne M. Holt of the Thirteenth Judicial Circuit was awarded the 2020 Champion of Professionalism Award presented by Ita M. Neymotin, Regional Counsel for The Office of Criminal Conflict and Civil Regional Counsel for the Second District Court of Appeal. This award was created by Regional Counsel, Second District last year to recognize an individual who has shown exemplary professionalism and ethical qualities in his/her work environment and in his/her interactions with the other members in the legal profession, as well as community partners. Ita M. Neymotin, in conjunction with the Thirteenth Judicial Circuit, hosted the annual Champion of Professionalism Award ceremony (by Zoom). In attendance were distinguished speakers and guests including judges and elected officials.

During this award ceremony, the speakers had wonderful things to say about the Honorable Public Defender Julianne M. Holt.



Ms. Ita M. Neymotin, Regional Counsel, Second District Court of Appeal

Ita M. Neymotin, Regional Counsel for The Office of Criminal Conflict and Civil Regional Counsel, Second District Court of Appeal, introduced The Honorable Julianne Holt as this year's award recipient of the 2020 Champion of Professionalism Award. Ms. Neymotin further went on to outline Ms. Holt's distinguished qualifications over the years. Ms. Holt has served the community for 5 years as a special court-appointed Public Defender and for 28 years as the elected Public Defender for The Thirteenth Judicial Circuit. She went on to say that Ms. Holt was always available to work on any issues that have come up and is a very hands-on Public Defender. She also stated that Ms. Holt participated in Regional Counsel Second District's Tampa Professionalism and Ethics Interactive Seminar on 6/27/2017.

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Ms. Neymotin further stated that Ms. Holt also participated in Regional Counsel Second District's Hillsborough Diversity Training Seminar on 08/22/2018. Additionally, Ms. Holt's office participated in Regional Counsel Second District's Health & Wellness, Mental Health, Well-being, and Professionalism Educational Seminar in Tampa, Florida on 8/30/2019. Ms. Neymotin went on to further state that despite Ms. Holt's very busy schedule as the Public Defender, she has always been willing to participate in educational seminars. Ms. Neymotin also stated that she is very grateful for their friendship that has developed over the years.



Honorable Chief Judge Ronald Ficarrotta

The Honorable Chief Judge Ronald Ficarrotta, Thirteenth Judicial Circuit, said he was pleased to be present to honor their Honorable Public Defender, Ms. Julianne Holt. Judge Ficarrotta went on to say Ms. Holt is a champion of professionalism and that is reflected and carried forward by the people who work in her office, which has an outstanding reputation, and that she is respected statewide for her leadership. Judge Ficarrotta further stated that Ms. Holt's zealous advocacy in representing her clients is well known. Judge Ficarrotta stated he is most proud to have her as a partner in the justice system, and as a friend.



Honorable Judge Samantha L. Ward

The Honorable Judge Samantha Ward, Thirteenth Judicial Circuit, stated that she has had the pleasure of knowing Ms. Holt in many different roles over the years including as an adversary when Judge Ward was a prosecutor, as a boss when working for Ms. Holt, as co-counsel, as a criminal justice partner, and as a friend. Judge Ward stated that Ms. Holt's true commitment to professionalism shines in every role she performs. Judge Ward further stated that Ms. Holt has been a true friend to Judge Ward over the years.



Honorable State Attorney Andrew Warren

The Honorable State Attorney Andrew Warren, Thirteenth Judicial Circuit, said Ms. Holt will do everything she can to make sure the system functions appropriately. She does not take shortcuts and is a true believer in our criminal justice system. State Attorney Warren went on to say he appreciates the friendship they have developed throughout the years. Mr. Warren said he could not imagine working with a better Public Defender, and he congratulated Ms. Holt on a lifetime of achievements.



Mr. John Schifino, Esq.

John Schifino, Esq., The Past President of the Hillsborough County Bar Association, said the Hillsborough County Bar Association's mission statement is to inspire and promote respect for the law and our justice system, and they succeed because of community partners and leaders like Ms. Holt. Mr. John Schifino serves on the Florida Bar Standing Committee on Professionalism with Ms. Ita M. Neymotin, and one of the ways they promote professionalism is by encouraging mentoring. Mr. Schifino stated that an excellent lawyer is a person of strong character who practices with civility and professionalism, competency, and is committed to his/her client. Mr. Schifino further stated that Ms. Julianne Holt is all of these things, and she will always be a mentor to him.

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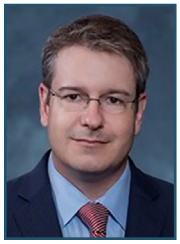
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Mr. Henry Lee Paul, Esq.

Henry Lee Paul, Esq., The Florida Bar Student Education and Admissions Committee member and recipient of the first Champion of Professionalism Award in 2019, reminisced about the first time he met Ms. Holt. Mr. Paul stated that right from the start he was impressed with Ms. Holt's dedication, intelligence, diligence, and fearlessness, when it comes to practicing law. He further stated that Ms. Holt is a true professional, and is very deserving of this award.



Mr. Rocky Brancato
Felony Bureau Chief

Mr. Rocky Brancato, Esq. Felony Bureau Chief for the Office of the Public Defender, Thirteenth Judicial Circuit, said Ms. Holt is a true champion of professionalism and leads by example. She is one of the few elected Public Defenders who actually tries cases. Mr. Brancato also pointed out that Ms. Holt tries the difficult cases. Ms. Holt is very hands-on, and deals with issues personally. He stated that despite her busy schedule, she still travels to Tallahassee every year to advocate for her office with the legislature. Professionalism is of the utmost importance and is part of the day to day workings of the office.



The Honorable Pat Frank,
Clerk of Court & Comptroller,
13th Judicial Circuit

The Honorable Clerk of Court & Comptroller Pat Frank, Thirteenth Judicial Circuit stated that working with Ms. Holt has opened her eyes to the tremendous responsibility Ms. Holt has and how well she has handled it. She stated that currently, we needed good people like Ms. Holt. Ms. Frank said that she respects Ms. Holt's character, integrity, and devotion to duty. She further stated it has been truly delightful working with her.



The Honorable
Julianne M. Holt,
Public Defender, 13th
Judicial Circuit

The Honorable Julianne M. Holt, who was very humbled by this award, thanked Ms. Ita M. Neymotin for bestowing this honor upon her, adding that Ms. Neymotin has been a great partner in the judicial system. Ms. Holt stated she is happy they have become friends over the years. Ms. Holt thanked everyone in attendance and expressed how much she loves her job and treasures the friendships and memories, and that she will continue to work hard.

Distinguished guests at this event:

Rebecca Bandy, Director of the Henry T. Latimer Center for Professionalism; The Honorable Judge Catherine Catlin, The Honorable Judge Melissa Polo; Mr. Scott Swartz, Assistant Regional Counsel; Mr. Jonathan Jenkins, Assistant Regional Counsel; Mr. Daniel Raysin, CIO/ Accounting Finance Director for the 13th Judicial Circuit Public Defender's Office, as well as other guests were in attendance. The Honorable Judge Katherine Essrig and The Honorable Senator Jeff Brandes could not attend but sent their well wishes and congratulations to Ms. Holt on receiving the 2020 Champion of Professionalism Award.



Rebecca Bandy,
Director of the
Henry T. Latimer Center
for Professionalism



The Honorable Judge
Catherine M. Catlin



The Honorable Judge
Melissa M. Polo



Mr. Scott Swartz,
Assistant Regional
Counsel, Second
District



Mr. Jonathan Jenkins,
Assistant Regional
Counsel, Second District



The Honorable Judge
Katherine G. Essig



Honorable Senator
Jeff Brandes

Ask Judge Smith

By: Judge J. Layne Smith

The writers and readers of statutes have separate roles

Punctuation matters. Compare "let's eat Nancy" with "let's eat, Nancy." Following that first directive may result in criminal charges.

Q. Judge Smith, you say you are a textualist and that you interpret statutes based on their plain language. Why don't you also consider the legislature's policy intentions when reading a statute? — Will

A. Your question contains the answer. The constitutional role of the legislature is to write statutes and the constitutional role of the judiciary is to read statutes as written. Judges shouldn't deviate from the plain meaning of the words that the legislature chose to employ. Here's why.



Judge J. Layne Smith *(Photo: Judge J. Layne Smith)*

It's the legislature's job to clearly articulate a statute so that regular people can read and understand it. A statute should put the people on notice of what the law requires, how to comply, and what happens if they don't.

Suppose people think that a statute is unsatisfactory as written. They might think it too harsh or not comprehensive enough. Only the legislature can modify or repeal the statute. Judges cannot change the law by modifying or ignoring the express language of a statute to negate or expand its reach. Doing otherwise would violate the separation of powers and usurp the legislature's rightful authority.

The legislature is bicameral by design. It is comprised of two independent bodies, a 120-member house of representatives and a 40-member senate. Often, the house of representatives and the senate have different objectives in mind, as do the individual representatives and senators regarding a statute. When that happens, there is no single legislative intent. There may be a multiplicity of legislative intents, some of which are inconsistent.

Enacting legislation is a collaborative give-and-take process that typically involves lobbyists, political trade offs, and deal making. Statutory law does not include prior drafts or discarded ideas that didn't make the final cut. Before proposed legislation becomes the law, identical bills must be passed by a majority vote in both chambers. Thus, a duly enacted statute is the end-product of bicameralism and practically everything that preceded it is miscellaneous noise.

Determining legislative intent isn't easy and in a partisan society legislative intent often depends on the eye of the beholder. When the genesis of a statute was a mixed bag of motives, some at cross-purposes, judges don't possess special insight that enables them to divine "legislative intent." Instead, they must read statutes as written. Otherwise the rule of law will suffer.

Fortunately, judges' decisions can be appealed and appellate decisions about reading statutes provide guidance and promote uniformity.

The Honorable J. Layne Smith is a Circuit Judge and author of the international bestselling book "Civics, Law, and Justice—How We Became U.S." Email your questions to askjudgesmith@gmail.com.

The Center's Podcast Playlist

#FLBarProfessionalism #DownloadThis #WhatWeAreListeningTo



Never Contemplated

Podcast series: https://www.buzzsprout.com/1319629

The Florida Bar's Henry Latimer Center for Professionalism presents Never Contemplated, a candid discussion with female judges from across the state about gender bias, professionalism, and civility in the judicial system, hosted by Judge Hetal Desai. The series is available on Buzzsprout and wherever you get your podcasts.

Make No Apologies—Judge Rachel Nordby

RECORDED SEPTEMBER 16, 2020

The Florida Bar's Henry Latimer Center for Professionalism welcomes Judge Rachel Nordby to share her experience and advice on balancing family and the bench. This podcast has been approved by The Florida Bar Continuing Legal Education Department for 1 hour of General CLE Credit, 0.5 hours of Bias Elimination Credit, and 0.5 hours of Professionalism Credit. Course #4141.

Disagree Without Being Disagreeable—Judge Andrea Wolfson

RECORDED OCTOBER 14, 2020

Judge Andrea Wolfson discusses the importance of civility, congeniality and community in the legal profession. This podcast has been approved for 1 hour of General CLE Credit, 0.5 hours of Bias Elimination Credit, and 0.5 hours of Professionalism Credit. **Course #4223.**



The Florida Lawyers Helpline 833-FL1-WELL

https://legalfuel.buzzsprout.com/695056/5698318-the-florida-lawyers-helpline-833-fl1-well

Practicing law was stressful enough before COVID-19 exacerbated the anxiety and depression that can come from worrying about finances, job security, or the health of loved ones. In response, The Florida Bar fast tracked the debut of the free, 24/7/365 mental health helpline. The Florida Lawyers Helpline is exclusively for Bar members to call and speak to mental health professionals, and if needed, receive up to three free in-person therapy sessions with licensed mental health counselors. Members can also call the helpline to receive financial consults or get assistance from caseworkers to locate eldercare and childcare providers, all at no charge.

In this episode hosts **Christine Bilbrey** and **Karla Eckardt** speak with CorpCare Vice President, Lisa Hardy, to discuss the Helpline and its confidentiality and independence from The Bar and to explain what members can expect when they call.

Lisa Hardy is VP of Clinical Operations at CorpCare. She has over 35 years of experience in mental health, substance abuse and human resources and has been with CorpCare EAP since 2000 where she oversees all aspects of the program delivery systems and quality control. As a certified leadership coach, Lisa is a recognized international speaker on leadership development, corporate team building, resiliency and emotional health, employee wellness, substance abuse/addiction, workplace issues and anti-bullying.

REFERENCED RESOURCES:

The Florida Bar's Mental Health and Wellness Center

- **Florida Lawyers Helpline**

The Florida Lawyers Helpline (1-833-FL1-WELL) is a 24/7/365 confidential service that connects Florida Bar members with mental health counselors and provides up to three in-person or telehealth counseling sessions per year at no cost to the member to help develop strategies to better deal with professional pressures and personal life challenges.

The Florida Board of Bar Examiners

The Florida Bar YLD's Supervised Practice Program Webpage

This podcast has been approved by The Florida Bar Continuing Legal Education Department for 1 hour of General CLE Credit and 1 hour of Mental Illness Awareness Credit. Course #4260.

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The Center's Podcast Playlist

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The Florida Bar Podcast

https://legaltalknetwork.com/podcasts/florida-bar/2020/06/the-science-of-working-from-home/

The Science of Working from Home

The Florida Bar Podcast welcomes Judge Robert Hilliard, Rebecca Bandy, and Jack Newton to explore their perspectives on the legal profession's shift to remote work during the pandemic.



Dare to Lead with Brené Brown

https://brenebrown.com/dtl-podcast/

Brené's newest podcast is based on her book, Dare to Lead, which debuted at #1 on the New York Times and Wall Street Journal bestseller lists, and has become the ultimate courage-building playbook for leaders at every level. Brené writes, "The Dare to Lead podcast will be a mix of solo episodes and conversations with change-catalysts, culture-shifters, and as many troublemakers as possible."

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