Message from the President

Greetings all!

Well, now that the witches, ghosts and mummies have vanished back into thin air, it is time for us to make our dentist appointments to counteract all of the candy we really, truly bought for the Trick or Treaters and meant to give to them, but they failed to show. Still, now begins my favorite time of the year. The nights begin early and last so long, Orion returns to our evening sky in full glory and the annual festivities begin again.

I remember a book I read on helping the reader identify and establish her life's goals. The key exercise was to imagine your own funeral and the eulogies given. The eulogies were from a member of your community, a family member, someone from your house of worship, one of your friends and someone who was a colleague. What would you want each of them to say about you? The answers establish your priorities and goals. One of my ideal eulogies included that I was grateful for all the gifts I had been given by God at the beginning of my life and all I had received as I lived. Of course, this being the month of Thanksgiving, I hope we all can remember the blessings we have received, not only what we have, but that we all have so many opportunities, everywhere, every day and in so many ways.

Happy Thanksgiving, kids!

Our speaker at this month's luncheon is going to be Mark Perry of the Florida Oceanographic Society who will be giving us an up-date on the river litigation and other goings-on with the society. Thanks to Marc Teplitz for the recommendation on Mr. Perry

In this month's edition of the SideBar, you will find updates from our Family and Pro Bono Committees.

I look forward to seeing all of you on November 17 at noon for our next luncheon. Call 220-8018 and please let us know you're coming.

Most Sincerely,
Portia B. Scott
Lawyers And Judges Go Back To School During Constitution Week 2006
by Hon. Alan Orantes Forst, MCBA Vice President & Constitution Week Chair

Martin County lawyers and judges shared their knowledge and respect for the United States Constitution with area students during the week of September 15-22 when the Martin County Bar Association celebrated Constitution Week. Five Circuit Court judges and 27 local attorneys made 48 presentations at three high schools, five middle schools and eight elementary schools, teaching thousands of Martin County students about the history of the Constitution and about the rights protected by the document and its Bill of Rights. This was the second year that the Martin County Bar Association has sent volunteers to the Martin County schools. Last year, the Bar Association volunteers lectured about the Constitution to area students, including assemblies of 500 students. This year, there were more presentations and smaller groups of students, with an emphasis on an interactive program that encouraged the students to identify the rights that they value the most.

Judging from the e-mail feedback that I received from the lawyers and judges, this is one of those volunteer activities that enrich the volunteers as much as the recipients of the volunteerism. Laurie Ehler wrote, "This was such a great experience! It really gave me an emotional boost! These kids are incredibly smart, and it was refreshing to see how interested they really are in our history and our rights." Mark Miller related, "The children were absolutely fantastic, attentive, interested in working on the exercise, talkative, etc. After Phyllis G. and I finished, several children wanted our autographs. That was very, very cute." It was further noted by Jean Laws Scott and Bob Parenti that "they both were amazed at the attentiveness of the students and their knowledge of the constitution and their rights. Bob, who joined Jean at the last minute, was truly delighted that this information is being presented by our local Bar Association." These comments are representative of the very much appreciated e-mails I received, as was Chief Judge Roby's succinct statement that "I think that we are making positive impacts on the kids and young adults...only time will tell..."

The participants in this year's effort deserve to be recognized, though I am 100 percent sure that public recognition was the least of their incentives (which is good, because we did a great job of organizing this effort, preparing "lesson plans," and putting on our program, but we failed in terms of getting appropriate media recognition - so much for press releases!). Special appreciation is due to Chief Judge Roby, who prepared the PowerPoint presentation that was used by many presenters and spent many hours on this project. Other judicial volunteers were judges Barbara Bronis, Robert Belanger, Kathy Roberts, and Steven Levin (Judge Shack was hoping to participate, but was distracted by a capital murder trial that week!). These judges did not divorce themselves from their community once they donned the judicial robes. Martin County Bar Association President Portia Scott, MCBA Treasurer Linda Weiksnar, MCBA Secretary Scott Konopka, and our immediate past President Richard Levenstein were participants and this program would not have gotten off the ground without their enthusiastic support, as well as the logistical support of MCBA administrator Michelle Andrade. The Willie Gary law firm was especially well represented, by Goretta Hall, Shields McManus, Bob Parenti, Phyllis Gillespie, Donald Watson, Anika Hardmon, Jean Laws-Scott, Rachael Johnson and Mark Miller. Other local volunteers included Greg Weiss, Preethi Sekhara (who also organized a very nice reception for the volunteers at Bonefish Grill), Darren Steele, Eula Robinson-Clarke (who handled Indiantown Middle School on her own), Linda Hake (our leadoff, who got the ball rolling the Friday before Constitution Week), David Acton, Gene Zweben, Shaun Pymale, Karen Johnson, Bud Bovie, Caroline Appis & the two Jacks, Cox and Sobel.

More Americans can name Donald Duck's nephews than can identify the three branches of government. So found a poll of ADULTS. Our Constitution Week program and participation in Justice Lewis' "justice learning" effort isn't a cure-all for this collective ignorance. However, in conjunction with new laws requiring the teaching of civics and American Government, it is a start. Moreover, when lawyers and judges go into the schools and roll up their sleeves and converse with our youth, it provides a positive image and is a true indicator of whom we are and why we are participants in this nation's legal system. There are some bad apples in our profession, even in this county. However, the majority of us are substantially invested in our community, providing funds and volunteer hours to charity, religious institutions and educational efforts. Our Constitution Week program reflected well on our profession in general and on the individuals who participated in making presentations to a very important audience, our kids. We'll be back, not only next September, but during the school year. We hope to encourage broad participation from our membership in this continuing endeavor. In the meantime, thank you once again to this year's volunteers and our school's administrators, teachers and, most importantly, students. Cue Whitney Houston: "I believe that children are our future. Teach them well and let them lead the way..."

The November Bar Association Luncheon will take place at the Monarch Country Club, 1801 SW Monarch Club Drive in Palm City, on Friday, November 17, 2006 at 12:00 p.m. Lunch will include pumpkin soup and sliced breast of turkey, followed by pumpkin cheesecake for dessert. The cost is $25. To RSVP, please contact Michelle Andrade via e-mail at martincountybarassociation@msn.com, or (772) 220-8018.
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What Would You Do?  
November Ethics Puzzler

You are a court clerk. A woman came in with her kids. She has been really beaten up and wants help with a restraining order. You give her copies of the restraining order forms. You answer some of her questions about what words on the forms mean and try to be nice to her. She gives you her papers to file. Your court assigns each filing to a different judge based on the number of the case file. The next file number goes to a judge who has a history of treating victims of domestic violence badly. In fact, the bar association has rated the judge unqualified and supported her removal.

Lawyers game the rotation system and you know if this woman were represented, her lawyer would never allow her case to go before this judge. They would simply wait until someone else filed and rotate to a different judge.

Do you follow the procedures to ensure impartiality and just file the papers assigning her to the next judge in line?

Do you suggest that she go make a copy or something and come back in a few minutes (anticipating that someone else will be assigned to the other judge)?

Do you try to give her a tip?

Do you explain to her the problem she has and suggest she wait for someone else to file before her?

Florida Rural Legal Services, Inc.  
Calls Out to Attorneys

Florida Rural Legal Services, Inc. is a federally funded, non profit organization that provides free legal services to the indigent or those not otherwise being able to afford an attorney. That being the case, we have specific areas of civil law that we are able to assist with. We are not able to provide any legal services to those with criminal matters. The Legal Service Corporation funding comes to our program with restrictions on what we can and cannot do.

A person must meet the federally mandated poverty guidelines in order to qualify to be eligible for services. In addition to being financially eligible, one must meet certain criteria for merit.

In the state of Florida, 20% of attorneys perform pro bono legal services. Sadly enough, of the 1,274 attorneys in the 19th circuit, 70 buy out with only 64 attorneys assisting with their time by helping those less fortunate.

Recruitment is underway for Pro Bono attorneys in the 19th circuit. Florida Rural Legal Services, Inc. provides the screening to ensure that a client is both merit and financially eligible for those services that we ask you to perform. Our indigent clients come to us with a multitude of problems, including learning disabilities, low education and non-language proficiency. These are the people that most need your help.

Please consider playing a more integral part of our Pro Bono team. We need attorneys to help with recruitment, recognition and retention of our attorneys. We need someone to help with marketing and public relations. We need you!

The Pro Bono Committee Report

Did you know that statewide, the percentage of attorneys who do pro bono work through a legal services agency (like Florida Rural Legal Services, Inc.) is 20%? In the Nineteenth, we’re only at 2%. Let’s see if we can meet, or even better, beat that average.

The Martin County Pro Bono Committee has decided to take on a new direction this year. Led by Christine Moreno, the Pro Bono Committee has decided that, in addition to the typical pro bono function of placing Florida Rural Legal Services, Inc. files with volunteer attorneys, the committee is endeavoring to help alleviate the courts’ workload. With all of the new judgeships created over the past couple years, there has not been the concomitant increase in staff attorneys. As a result, the judges are often overloaded with research projects which would otherwise be the job of staff. Christine Moreno, recognizing this as an opportunity for volunteer attorneys, has set her committee to recruit such attorneys.

Also, the committee is trying to place the following files with a private lawyer:

1. A 60 year old, English speaking woman needs advice regarding some credit issues, including options. This one has been pending placement for 9 months; or

2. A 31 year old, English speaking man needs help with credit issues, bankruptcy or other debt relief. This one has been pending placement for 7 months; or

3. A 52 year old, English speaking woman, who has a restraining order in place already, needs help with a divorce or annulment her marriage, this one has been pending placement for 2 months.

Remember, as always, Florida Rural Legal Services will provide forms, insurance coverage and costs reimbursement (over $200.00 needing prior approval from FRLS). For an updated list, please see www.floridaprobono.org. For anyone ready, willing and able to help in any of these cases, please call (772) 287-0096 and we will forward the file(s) to you.

The law firm of ROSS EARLE & BONAN, P.A. is pleased to announce that JACOB E. ENSOR has joined the firm as an associate attorney.

Mr. Ensold graduated from Florida State University, College of Law, in May, 2006 and was admitted to the Florida Bar on September 21, 2006.

Mr. Ensold will concentrate in the areas of civil litigation and community association law.

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Martin County Bar Association
Family Law Committee
by Committee Chair Rhonda R. Werner Schultz
The Family Law Committee meets regularly to explore issues specific to family law practice and work with court personnel to streamline the process and address concerns. The purpose of the committee is to provide a forum to share current information about substantive issues in this area of practice and family court procedures.

Do You Know a Law from Florida
Harder to Obey?
In Pinecrest, Florida, there is a requirement of prior approval by the local police and a registration form for anyone, not just residents, who want to have an alarm system anywhere in the village. You will be in violation of the law if your automobile alarm system is activated (by, say, a cart bumping into the car or a “panic” button being pushed during a car-jacking) if you have not provided contact information to the police.

Betcha Can’t
Directions - This game is an offshoot of Catharine B. Scott’s original (more complicated) puzzle called DOUBLE CHECK IT. See if you can work this out in less than 15 minutes time.

BETCHA CAN’T rules require you to place 9 of the 10 alphabetically listed words into a blank grid so that no words contain any of the same letters in any 3 straight lines - not horizontally, diagonally, or vertically. The meaning of the words is unimportant, but you must eliminate one word from the list before you can place the remaining 9 words to find a solution.

SAMPLE:
List
1. BUSHY
2. FLOCK
3. JINX
4. JOY
5. PIQUED
6. PUB
7. SHY
8. TRADING
9. TZAR
10. WARMTH

A possible solution:

<table>
<thead>
<tr>
<th>JINX</th>
<th>BUSHY</th>
<th>TZAR</th>
</tr>
</thead>
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<tr>
<td>WARMTH</td>
<td>FLOCK</td>
<td>PIQUED</td>
</tr>
<tr>
<td>PUB</td>
<td>TRADING</td>
<td>SHY</td>
</tr>
</tbody>
</table>

Hint: The word to be Eliminated is JOY because all three letters appear in other words, but FLOCK has letters not used in the remaining eight words; therefore, FLOCK must be correct.

MBCA #1 List
1. BLACK
2. FOX
3. GRINS
4. MUD
5. PLAY
6. RIGS
7. RINGS
8. TAXI
9. VAULT
10. WHEY

Solution on page 7.
Discover The New CLE Tapes Available Free To Martin County Bar Members

The Law Library Committee, using funds provided by the Martin County Bar Association has the following audiotape sets. These tapes are available for free to Martin County Bar Members at the Law Library in the Courthouse. Hours can be reported online or the library also has a few scan forms to report your credit hours. Short sets (such as the Ethics only tapes) may be checked out for one week. Longer sets (8 or more credits) may be checked out for two weeks, although the sooner they come back to the law library, the better. The following Tapes also provide Martin County Bar Members the opportunity to earn CLE credits and stay up to date on the state of the law. Stop by the Law Library to take advantage of this Martin County Bar Member benefit. The Law Library is open Mon - Fri 9:00am - 4:55pm Newly arrived CD:

Basic Construction Law 2006 - 8 credits - 0 ethics credit - #0390C - Expires 2/24/2008
Topics:
1. The Major Players and Duties
2. Construction Contracts
3. Public Projects
4. Bonds and Insurance
5. Performance Issues
6. Key Litigation Issues
7. Changes, Extras and Delays
8. Lien Law

Also available: Florida Bar CLE Audiotapes

Courses were purchased by the Martin County Bar Association. Current members may borrow audiotapes at no charge.

<table>
<thead>
<tr>
<th>Course Title</th>
<th>Total Credits</th>
<th>Ethics** Included</th>
<th>Cost to Nonmembers</th>
<th># Manuals &amp; Handouts</th>
<th>Course #</th>
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<tr>
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<td>1.0</td>
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<td>Who Gets What &amp; How: Theory/Reality of Equitable Distribution</td>
<td>8.5</td>
<td>1.0</td>
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<td>3/22/07</td>
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<td>Your 2005 Trust &amp; Estate Symposium</td>
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<td>$20</td>
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<td>$25</td>
<td>1</td>
<td>0243R</td>
<td>/06</td>
<td>4</td>
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</table>

* The annual Survey of Florida Law Audiotapes are supplied by the Florida Bar and are available at no charge to any attorney.
** The 5 credits needed for "Ethics" can include credits in legal ethics, professionalism or substance abuse programs.

Florida Dispute Resolution Center Audiotapes

<table>
<thead>
<tr>
<th>Conference</th>
<th>1.8 CME/tape</th>
<th>$10 for the 1st tape</th>
<th>$5 each additional tape</th>
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<tbody>
<tr>
<td>13th Annual Dispute Resolution Conference</td>
<td></td>
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</tbody>
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To check on tape availability or rental charges call the Law Library, 221-1427. Questions or Comments call Eric Buetsch 546-6633.

JENSEN BEACH, large 13'x26' window office and adjacent sect'y station for sublet in law office. $900-1100, utilities included. 772-225-3393

BETCHA CAN’T - A possible solution:

<table>
<thead>
<tr>
<th>WHEY</th>
<th>RIGS</th>
<th>BLACK</th>
</tr>
</thead>
<tbody>
<tr>
<td>VAULT</td>
<td>FOX</td>
<td>RINGS</td>
</tr>
<tr>
<td>GRINS</td>
<td>PLAY</td>
<td>MUD</td>
</tr>
</tbody>
</table>
Former MCBA Presidents' Remembrances
Name: William A. Oughterson, President for the fiscal year 1962-63

Bill Oughterson laments that he has never been a historian, not even for himself. He did find his year of Presidency and, according to last month’s Former President’s Remembrance, he succeeded that other Bill, Bill Scott. Beyond that, seeing how it was more than forty years ago, none of the specific questions posed triggered an immediate response.

Generally, Mr. Oughterson recalls the Martin County Bar was a loose "organization" which did not really have set meeting times or dates, they just sort of happened. Finally, there was no mandatory Pro Bono reporting yet, so there were no records on that.

C. Norris Tilton, on the other hand, was President from...guessing 1985-86 and had about 20 members, maybe a few more. The meetings were every month, or so, and were at the dining room of the Pelican Hotel over on the water. The reasons for the bar association were social mostly, but also as a forum to discuss problems that arose before the more formal advent of the Bench-Bar Committee.

Pro Bono performed by the association included two attorneys going to the Courthouse every Wednesday evening from 6pm until 8pm (we're going to guess not the same two attorneys every week!). The attorneys met with the indigent and offered counsel and advice. Mr. Tilton recalls two attorneys who were denied membership when their names were submitted. One was denied because there had been a shooting incident when the attorney was caught with the shooter’s wife and the other because of some funny questions about the attorney’s involvement with a witness. Hmm.

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