

the SideBar



Newsletter of the Martin County Bar Association

February 2006

MARTIN COUNTY BAR ASSOCIATION TO HOST U.S. SOLICITOR GENERAL

The Officers of the Martin County Bar Association are pleased to announce that the Association will be hosting a special cocktail party and dinner on Thursday, March 30, 2006, featuring an address by Paul D. Clement, the Solicitor General of the United States. The Dinner will be at the Hutchinson Island Marriott, with a cocktail hour followed by a special dinner and the Solicitor General's remarks. Please remember this date as we will need you to RSVP!

Solicitor General Clement is the 43rd Solicitor General of the United States. He was nominated by President George W. Bush on March 14, 2005, confirmed by the United States Senate on June 8, 2005, and took the oath of office on June 13, 2005. He is a native of Cedarburg, Wisconsin and continues to be a fervent fan of the Green Bay Packers. He received his bachelor's degree summa cum laude from the Georgetown University School of Foreign Service (MCBA Secretary Alan Forst's alma mater), and a master's degree in economics from Cambridge University. He graduated magna cum laude from Harvard Law School where he was the Supreme Court editor of the Harvard Law Review.



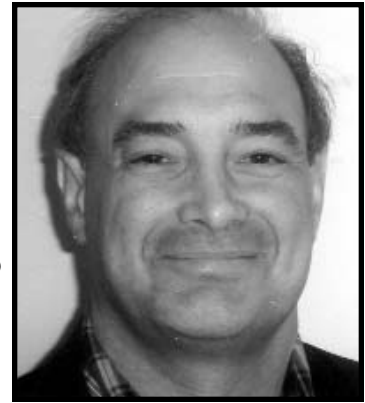
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The Martin County Bar Association
P.O. Box 2197
Stuart, FL 34995-2197
Voice Mail Line: (772) 220-8018

Hello everyone!!

As you are reading this, Chief Justice Barbara J. Pariente has spoken at our January, 2006 luncheon and Judge Kathy Roberts has had her Investiture as a Martin County Judge. It has been an event-filled year for the Martin County Bar Association so far, and as we turn into 2006, there is much more to look forward to as well.



However, I wanted to share something I came across on the American Inns of Court Foundation website, which is the Standards of Professional Conduct found in the Iowa Rules of Court. I have devoted a significant portion of my columns to issues of civility and professionalism, and I thought that the Iowa Standards for Professional Conduct, while simple and straightforward, create the kind of conduct standard for attorneys that not only should we aspire to meet, but should demand from ourselves and our colleagues. I therefore share those Standards for Professional Conduct, as they appear in the Iowa Rules of Court, with you.

Rule 33.1. Preamble

(1) *A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms.* In fulfilling our duty to represent a client vigorously as lawyers, we will be mindful of our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a *rational, peaceful and efficient manner.*

(2) A judge's conduct should be characterized at all times by courtesy and patience toward all participants. As judges we owe to all participants in a legal proceeding respect, diligence, punctuality and protection against unjust and improper criticism or attack.

(3) Conduct that *may be characterized as uncivil, abrasive, abusive, hostile or obstructive* impedes the fundamental goal of resolving disputes rationally, peacefully and efficiently. *Such conduct tends to delay and often to deny justice.*

(4) The following standards are designed to encourage us, judges and lawyers, to meet our obligations to each other, to litigants, and to the system of justice, and thereby achieve the *twin goals of civility and professionalism*, both of which are hallmarks of a learned profession dedicated to public service.

(5) We expect *judges and lawyers will make a mutual and firm commitment to these standards.* Voluntary adherence is expected as part of a commitment by all participants to improve the administration of justice throughout the state.

(6) Lawyers are alerted to the fact that, while the standards refer generally to matters which are in court, the same standards also *apply to professional conduct in all phases of the practice of law.*

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Message from the MCBA President continued from Page 2

Rule 33.2. Lawyers' Duties to Other Counsel

(1) We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of our clients. *We will treat all other counsel, parties and witnesses in a civil and courteous manner*, not only in court, but also in all other written and oral communications.

Rule 33.3. Lawyers' Duties to the Court

(1) We will speak and write *civily and respectfully* in all communication with the court.

Rule 33.4. Courts' Duties to Lawyers

(1) We will be *courteous, respectful and civil to lawyers, parties, and witnesses*. We will maintain control of the proceedings, recognizing that judges have both the obligation and authority to *ensure that all litigation proceedings are conducted in a civil manner*.

Perhaps a good project for the Nineteenth Judicial Circuit would be to adopt a set of rules such as these, so that those attorneys who do not comport themselves in compliance with this type of code of conduct can have a standard which they must meet when practicing in our Circuit, which would also be the standard by which we would practice in the Circuit to measure ourselves. While much is written about civility and professionalism, these rules put in writing what many of us visualize and aspire to, but also to which too many of us simply do not.

We are pleased to announce that

Joe Negron

*Currently a Member of the
Florida House of Representatives,*

*has joined the firm as Of Counsel
in the firm's West Palm Beach office.*

*Mr. Negron will assist clients with
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MARTIN COUNTY BAR ASSOCIATION TO HOST U.S. SOLICITOR GENERAL

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Following graduation, Mr. Clement clerked for Judge Laurence H. Silberman of the U.S. Court of Appeals for the D.C. Circuit, and for Associate Justice Antonin Scalia of the U.S. Supreme Court. After his clerkships, he worked as an associate in the Washington, D.C., office of Kirkland & Ellis. Mr. Clement went on to serve as Chief Counsel of the U.S. Senate Subcommittee on the Constitution, Federalism and Property Rights. Afterwards, he was a partner in the Washington, D.C., office of King & Spalding, where he headed the firm's appellate practice. Mr. Clement also served from 1998 to 2004 as an Adjunct Professor at the Georgetown University Law Center, where he taught a seminar on the separation of powers.

Mr. Clement joined the Department of Justice in February of 2001. Before his confirmation as Solicitor General, he served as Acting Solicitor General for nearly a year and as Principal Deputy Solicitor General. He has argued over 25 cases before the United States Supreme Court, including *McConnell v. FEC*, *Tennessee v. Lane*, *Rumsfeld v. Padilla*, *United States v. Booker* and *Gonzales v. Raich*. He also argued many of the key cases in the lower courts involving challenges to the President's conduct of the war on terrorism.

Solicitor General Clement will be discussing the role of the Solicitor General (frequently called "the 10th Justice") and providing an overview of the 2005-06 Supreme Court term to date, the first term of the John Roberts Court.

The Cocktail Party and Special Dinner is open to MCBA members, their guests, as well as the public. The price for MCBA members, their spouses, and members of the judiciary is \$45, this includes appetizers and one drink ticket per person. The price for individuals who do not fall in the above-noted categories is \$50. Menu and further information soon to come. If you have any further questions please leave a message on the voice mail line.

Please RSVP, to the MCBA Voice Mail Line at 772-220-8018 or to martincountybarassociation@msn.com. Reservations are required. We anticipate a capacity audience and therefore encourage you to make your reservations ASAP. Once we have reached capacity, we will be unable to confirm your reservation.

Position to re-open for Judge of the 19th Circuit Court

Dan McEntyre has withdrawn his appointment as a circuit judge prior to being formally sworn in citing personal and medical reasons for his decision in a letter to Governor Jeb Bush. Mr. McEntyre will return to his job as County Attorney in St. Lucie County. McEntyre was to be appointed to the 19th Circuit which covers Indian River, Martin, Okeechobee, and St. Lucie counties. According to Chief Circuit Judge William Roby, the position will be reopened and the local judicial nominating commission will begin taking applications before forwarding a new recommendation to the Governor.

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	287-0096	Linda Hake	223-5945	
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		Fernando Giachino	287-0980	
		Todd Thurlow	287-0980	
	546-6633	Nancy Crane	288-5899	
	219-0911	Myrtice Waldo	561-745-	
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		Jon Martin		
	287-0096	Employment and Labor Law		
	781-7727	Alan Forst-Chair		
	283-8260	Stuart Address	223-2004	
		Shiela Biehl	223-5353	
		David Earle	287-1745	
	287-2600	Karen Johnson	223-5001	
	463-3281	George Bovie	287-2600	
	287-0660			
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	288-1020	Rhonda Werner-Schultz	- Chair	
		Deborah Beard	286-8303	
		Jami Duckson	287-4444	
	283-8224	David Morris	781-3331	
	287-4444	Eula Robinson-Clarke	781-6920	
	287-4444	John Sherrad	220-3324	
	287-4444	Karen Mentor	283-9322	
	221-7757	Karen Johnson	545-7590	
	221-7757	Portia Scott	223-5001	
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	287-0660	Jennifer Waters	225-3393	
	283-8260	Debra Klein	287-4444	
	283-8260	Oliveann Lancy	283-2192	
	286-9881	Linda Weisknar	219-0911	
	286-9881	Richard Gitlen	287-2600	
	286-0200	Darren Steele	219-0819	
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		Alan Hunt	201-2640	
		George Bovie	287-2600	
		Bruce Bailie	220-8888	
		Probate and Trust Litigation		
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		Larry Stewart	283-8191	
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		Portia Scott	287-0096	
		Alan Hunt	201-2640	
		James Bowdish	287-2600	
		William Ponsoldt	286-5566	
		Anthony George	286-2200	
		Phillip Newcomm	419-0195	

Those of you interested in CLE credit for Friday, January 20, 2006 Luncheon:

The Course no. for the Pariente lunch was 92905.

To get the credit, go to www.floridabar.org;
click on Member profile on the right side of the web page;
click on CLE Activity Posting.

You'll need to know your Bar number and need to register with the website.
Once you're registered, it takes less than 5 minutes to get the credits.

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Calendar

of Upcoming MCBA Events

Friday February 17, 2006 - Luncheon with guest speaker Joe Negron of the House of Representatives @ 12:00 noon at the Monarch Country Club

Friday March 17, 2006 - Luncheon at the Monarch Country Club

Thursday March 30, 2006 - Cocktail Party and Dinner with Paul D. Clement the Solicitor General of the United States @ the Hutchinson Island Marriott.

Friday April 21, 2006 - Luncheon at the Monarch Country Club



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P.O. Box 2197
Stuart, FL 34995-2197