

Word from the Chair

By Barbara C. Wingo, Chair, Government Lawyer Section 2013-2014



BARBARA C. WINGO

We are in a time of change and exploration for the Government Lawyer Section, The Florida Bar in general, and the legal profession. President Eugene Pettis's recognition of change and the opportunities that it brings are embodied in the Vision 2016 Commission as well as The Florida Bar's William Reece Smith Jr. Leadership Academy. The section has expressed its support (monetarily and otherwise) for the Leadership Academy. We stand ready to support the Vision 2016 process.

Indeed, we have embarked upon a year of opportunity and challenges. The Government Lawyer Section will build upon the accomplishments of previous years, but also look at new opportunities and possibilities. In this vein, the Executive Council is compiling a survey to be sent out to all of our members. It is important for your leadership to find out what you find valuable about your membership in the Government Lawyer Section and what further services and activities you would like the section to sponsor.

Please return the survey so that your voice is heard!

I would ask you to study and consider The Florida Bar legislative positions as well as the Government Lawyer Section legislative positions. In addition, please let us know if you have any suggestions for our bylaws, which are in the process of being revised.

Please check out upcoming Government Lawyer Section-sponsored CLE events as noted in this newsletter. One of our "signature CLEs" is coming in January: Practicing before the Legislature. The section also will hold one of its regular meetings at

The Florida Bar meeting in January, and we are planning another CLE presentation at that time. Further, in order to build on the work done at our retreat last February, which accomplished much in terms of cost-saving measures that will ensure the viability of the section, we will have a retreat in conjunction with the January meeting focusing on long range goals for the section. The input of all section members is welcome.

As your chair, I am honored to serve with a great group of lawyers on the Executive Council and in the section as a whole and excited about the opportunities of the coming year!

IN THIS ISSUE:

<i>Some Government Lawyers May Receive Student Loan Repayment Assistance</i>	2
<i>The Florida Supreme Court Honors Thomas Hall</i>	3
<i>LinkedIn and a Word of Caution</i>	4
CLE: <i>"Appealing Administrative Action Under the Administrative Procedures Act"</i>	7
CLE: <i>"Practicing Before the Legislature"</i>	8



THE FLORIDA BAR

THE GOVERNMENT LAWYER
SECTION REPORTER

Dwight O. Slater, Editor

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Some Government Lawyers May Receive Student Loan Repayment Assistance

by *Dwight O. Slater*

Sen. Jeremy Ring, D-Margate, and Rep. James Waldman, D-Coconut Creek, have pre-filed companion bills (SB 146 and HB 77) for the 2014 legislative session which, if enacted, would provide annual student loan repayment assistance for assistant state attorneys, assistant public defenders, assistant attorneys general, and assistant statewide prosecutors. Attorneys who have continuously served the state for three to six years would be eligible for \$3,000 per year in assistance, and those with six to twelve years of service would be eligible for \$5,000 per year. For those eligible attorneys, many of whom are burdened with considerable student loan debt, this legislation offers hope for relief in the future. Watch this space.

**If you would like to have an article considered for
publication in the next edition of *The Voice*,
please send it to TheVoiceSubmissions@gmail.com.**

The Florida Bar Continuing Legal Education Committee
and the
Law Office Management Assistance Service (LOMAS)
present

New Rule 2.526: Digital Accessibility of Documents Electronically Transmitted to Florida Courts

Course Classification: Intermediate Level

Audio CD with CD-ROM material: \$50

DVD with CD-ROM material included with 1 hour General
credit: \$50

For information, go to www.floridabar.org/CLE and
search for Course No. 1468R



The Florida Supreme Court Honors Thomas Hall

by Ellen M. Simon, Chair-Elect



THOMAS HALL

On October 9, 2013, a few short months after presenting a proclamation to Thomas Hall in recognition of his “exemplary service,” the Florida Supreme Court hosted a retirement ceremony and reception to pay homage to Hall, whose thirteen-year tenure stretched from just before *Bush v. Gore* in 2000, all the way through the launch of the e-portal system in 2013. The ceremony was marked with accolades from current Justices Ricky Polston and Barbara Pariente, former Justices Raoul Cantero and Major Harding, and the clerk of court for the U.S. Court of Appeals for the Armed Forces, William DeCicco, and the clerk of court for Putnam County, Florida, Tim Smith.

Family, including his wife Lisa, friends and members of the legal community, turned out in droves to recognize Mr. Hall’s tenure at the Court, his tireless service to the state and The Florida Bar, and his professional contributions to court administration nationwide. Indeed, there are many reasons for the big fuss over Mr. Hall, as there are few who have made such a lasting impact.

Mr. Hall’s legal career and record of service are vast and impressive. According the Florida Supreme Court’s website, Mr. Hall clerked for the Honorable Daniel S. Pearson at the Third District Court of Appeal upon completing law school. Thereafter, he transitioned to private practice in Miami, where he handled complex commercial trial and appellate litigation. Next, he served as Chief Staff Attorney for the First District Court of Appeal, before moving on to become the Clerk of the state’s highest court.

Throughout his impressive career, Mr. Hall has found time to teach at the University of Miami School of Law, St. Thomas University School of Law, the Florida College for Advanced Judicial Studies, the Florida Conference of Circuit Judges, the Justice Teaching Institute, the Florida Workers’ Compensation Institute, the Barry University Legal Assistants Program, and countless Continuing Legal Education programs.

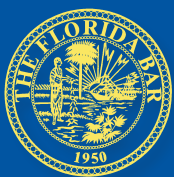
Mr. Hall’s record of service to the legal community and The Florida Bar is equally, if not more, impressive than his career. He is a charter member of the First District Appellate American Inn of Court, a member of the Florida District Court of Appeal Performance & Accountability Commission and is currently President of the National Conference of Appellate Court Clerks.

He has served as editor of the Reporter’s Handbook published by The Florida Bar, and as chair of The Florida Bar’s Continuing Legal Education Committee. Additionally, he has been a member of the Appellate Court Rules Committee for approximately 15 years and is a longstanding member and past chair of the Appellate Practice Section.

Mr. Hall’s widespread positive influence has impacted the Government Lawyer Section as well. He has tirelessly advocated on behalf of government lawyers, having been a member of this Section for several years, including serving as its chair. Further, his assistance with this Section’s annual Practicing Before the Florida Supreme Court seminar has been instrumental to its continued success.

We would like to join the growing chorus of admirers in thanking Mr. Hall for his many years of service and in wishing him a happy and well-earned retirement. Congratulations, Tom!

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LinkedIn and a Word of Caution

by Betsy Stupski and Dwight O. Slater

More and more attorneys are using social media in their professional lives. A number of Internet websites report that surveys show that over 75% of attorneys responding use social media for professional purposes. While the percentage for government lawyers may not be as high, a word of caution is still in order.

On September 11, 2013, The Florida Bar issued a staff opinion letter in response to an inquiry regarding whether a law firm or an attorney could list areas of practice under the LinkedIn header “Skills and Expertise.”

According to the opinion letter, attorneys may not list their areas of practice under this header unless they are certified by The Florida Bar or another state bar with comparable standards, or a certification program accredited the American Bar Association, citing Rule 4-7.14(a) (4); and, because certification is specific to individual attorneys, law firms can neither be board certified

nor claim specialization or expertise in a practice area, citing Rule 6-3.4(c). Pursuant to these rules, the opinion letter states: “it is staff’s position that you may not list your areas of practice under the header ‘Skills and Expertise’ as you are not board certified.”

Recognizing that Rule 4-7.14(b) may permit the use of potentially misleading language in an advertisement so long as it is adequately clarified elsewhere in the advertisement, the Bar staff took the position that a statement in the LinkedIn profile that the firm or the attorney is not board certified and not an expert would not sufficiently remedy the problem. In reaching its conclusion, the Bar staff referenced Opinion 972 from the New York State Bar Association, which came to a similar conclusion.

While there has been no formal advisory opinion addressing LinkedIn, The Florida Bar Standing Committee on Advertising considered these and other LinkedIn-related

issues at its most recent meeting. The Committee voted 3-1 to affirm the staff opinion that a law firm may not list its practice areas under the header “specialties” despite the firm’s inability to modify LinkedIn’s headers. Additionally, the Committee voted unanimously to reverse the staff opinions that (1) a listing of practice areas under the header “Top Skills and Expertise,” and (2) a positing by former firm employee that indicates board certification but fails to list a specific area, violate Florida Bar rules because, according to the law firm, LinkedIn has exclusive control of these postings.

Looking ahead, the Committee also voted to inform LinkedIn of the problems created for members of The Florida Bar by non-modifiable LinkedIn headers that use words like “specialties” and “expertise,” and voted unanimously to ask the Board of Governors to direct the Committee to issue a formal advisory opinion addressing these matters.

Your Government Lawyer Section Website

Remember to visit the Government Lawyer Section’s website. The website contains lots of information about the Section. Look for dates and times of future meetings and minutes of past meetings. Find new CLE courses or CDs and materials on recent CLEs. Get involved with the Florida Bar by contacting members of your executive council through the website.

www.flgovlawyer.org



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MEETINGS • EVENTS • CLES



CLE

Appealing Administrative Action Under the Administrative Procedures Act (#1757)

Live and Webcast: Friday, January 24, 2014
Hilton Orlando Lake Buena Vista
Orlando, FL

(More information on page 7.)

Practicing Before the Legislature (#1470)

Live: Friday, January 31, 2014
Tallahassee, FL

(More information on page 8.)

Learn more at www.floridabar.org/CLE.
Search by course number.

Government Lawyer Section Executive Council Meetings

November 21 – 12:00 p.m. EST
(Telephonic)

December 12 – 12:00 p.m. .EST
(Telephonic)

January 24 – 1:30 p.m. EST
Orlando, FL Hilton Lake Buena Vista
(Florida Bar Winter Meeting)

January 25 – Long Range Planning Retreat
Orlando Hilton Lake Buena Vista
(Registration information to come.)

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**THE
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The Florida Bar Continuing Legal Education Committee and
the Government Lawyer Section present

Appealing Administrative Action Under the Administrative Procedure Act



COURSE CLASSIFICATION: INTERMEDIATE LEVEL

Live and Webcast Presentation: Friday, January 24, 2014

**Hilton Orlando Lake Buena Vista • 6001 Destination Parkway
Orlando, FL 32819 • (407) 313-4300 • 9:00 a.m.- 11:00 a.m. EST**

Course No. 1757R

This presentation will cover appealing agency administrative actions to the courts pursuant to Florida's Administrative Procedure Act, Chapter 120, Florida Statutes. Many practitioners are aware that under Florida's Administrative Procedure Act, proposed agency action must typically be challenged in a quasi-judicial forum before the Division of Administrative Hearings or an agency hearing officer. However, Chapter 120 specifies that a broad appellate review is available once such agency action becomes final. Moreover, in some instances, judicial review may be sought before such agency action is finalized. This CLE program is designed to educate attorneys about the process of seeking such review of agency actions from Florida's courts of appeal and circuit courts.

This session is a moderated panel discussion featuring practitioners with substantial experience in appellate administrative proceedings. The course will begin with approximately an hour of presentations by the panel members, followed by a moderated panel discussion of hypotheticals, and a question-and-answer session with the audience.

9:00 a.m. – 9:05 a.m.

Introduction of Panel Members and Overview

Tim Dennis, Tallahassee

9:05 a.m. – 9:20 a.m.

Prerequisites to Judicial Review

Khai Patterson, Tallahassee

9:20 a.m. – 9:35 a.m.

Initiating and Filing the Appeal

Keith Rizzardi, West Palm Beach

9:35 a.m. – 9:50 a.m.

Standards of Review and Remedies

Francine Ffolkes, Tallahassee

9:50 a.m. – 10:05 a.m.

Extraordinary Writs, Interlocutory Review, and Attorney's Fees

Katherine Giddings, Tallahassee

10:05 a.m. – 10:35 a.m.

Moderated Panel Discussion Including Hypotheticals

All Speakers

10:35 a.m. – 10:50 a.m.

Open Question and Answer Session

All Speakers

GOVERNMENT LAWYER SECTION

Barbara C. Wingo, Gainesville — Chair

Ellen M. Simon, Tallahassee — Chair-elect

Timothy E. Dennis, Tallahassee — CLE Chair & Program Chair

CLE COMMITTEE

Laura Sundberg, Orlando — Chair

Terry L. Hill, Director, Programs Division

CLE CREDITS

CLER PROGRAM

(Max. Credit: 2.0 hours)

General: 2.0 hours

Ethics: 0.0 hours

CERTIFICATION PROGRAM

(Max. Credit: 2.0 hours)

Appellate Practice: 2.0 hours

City, County & Local Government: 2.0 hours

State & Fed. Gov't. & Administrative Practice: 2.0 hours

REFUND POLICY: A \$25 service fee applies to all requests for refunds. Requests must be in writing and postmarked no later than two business days following the live course presentation or receipt of product. Registration fees are non-transferrable, unless transferred to a colleague registering at the same price paid.



The Florida Bar Continuing Legal Education Committee and the Government Lawyer Section present

Practicing Before the Legislature

COURSE CLASSIFICATION: INTERMEDIATE LEVEL

Live Presentation: Friday, January 31, 2014

The Capitol Building • 300 S. Monroe Street • Tallahassee, FL 32301
(850) 488-6167 • 8:00 a.m. - 5:00 p.m. EST



Course No. 1470R

This seminar is open to lawyers and non-lawyers alike. The program is designed to assist anyone who wants to learn about the legislative process and access legislative information, including private practitioners, agency attorneys, agency personnel, agency heads, lobbyists, non-profit personnel, business persons, and citizens. This course will provide information that will be useful to anyone who has ever needed to locate pending legislation, appropriations, and procedures relating to the legislative process and passage of bills.

PLEASE NOTE: No food or beverages are allowed in the Senate Committee Room or in the House Chamber.

MORNING SESSION Room 401 – Fourth Floor, Senate Office Building

8:00 a.m. – 8:25 a.m.

Registration in front of Room 401,
Fourth Floor Senate Office Building

8:25 a.m. – 8:30 a.m.

Introduction and Welcoming Remarks

8:30 a.m. – 9:20 a.m.

The Legislative Process – How Sausage is Made!

An overview of “The Legislative Process.” Find out how bills are filed, move through the legislative process, are passed, amended, defeated, become law, and are vetoed.

Patrick L. “Booter” Imhof, Staff Director, Senate Regulated Industries Committee, Tallahassee, FL

9:20 a.m. – 10:10 a.m.

Lobbying and Ethics

A discussion on the Florida law governing registration, reporting, and regulation of lobbyists representing public and private interests. It will also include practical tips on dealing with legislators and some of the ethical rules dealing with non-adjudicative proceedings.

Peter M. “Pete” Dunbar, Former Representative, Florida House of Representatives, Tallahassee, FL

10:10 a.m. – 10:30 a.m. **Break**

10:30 a.m. – 10:50 a.m.

Overview of Senate Rules and Procedures

An overview of the rules and procedures governing the operation of the Senate.

John B. Phelps, Staff Director, Senate Rules Committee, Tallahassee, FL

10:50 a.m. – 12:00 p.m.

Simulated Committee Meeting

Committee members will present the committee process, including consideration of bills, taking of testimony and disposing of motions and amendments during a Legislative Committee Meeting.

Committee Members:

Patrick L. “Booter” Imhof, Chair

Jennifer L. Hrdlicka

Miguel Oxamendi

Stephen M. “Pepper” Uchino

Tom Cibula

Yolanda Siples

J. Lynn Koon, Committee Administrative Assistant

Joshua D. “Josh” Aubuchon – Bill Sponsor

Ashley Mayer – Bill Opponent

12:00 p.m. – 1:30 p.m. **Lunch** (on your own)

AFTERNOON SESSION House Chamber – Fourth Floor, The Capitol Building

1:30 p.m. – 1:35 p.m.

Reconvene and Welcoming Remarks

1:35 p.m. – 2:10 p.m.

The Appropriations Process – Show Me The Money!

A discussion of the appropriations and budgeting process. It will explain how the process works and how budget and money decisions are made. It also will touch on how to interact with the players in the process.

JoAnne Leznoff, Staff Director, Florida House of Representatives Appropriations Committee, Tallahassee, FL

2:10 p.m. – 2:45 p.m.

After the Bill is Passed – Then What Happens?

Highlights of what happens after the bill is passed, including who to contact after the bill is passed to give input on veto decisions of the Governor. It will also include the budgetary process from the Governor’s Office perspective.

Megan Demartini, Chief Analyst/Attorney, Office of Policy and Budget, Executive Office of the Governor

2:45 p.m. – 3:05 p.m.

State Constitutions

A look at a bit of the interesting history and unique provisions in state constitutions (giving a nod to the federal constitution), with emphasis on the provisions in the Florida Constitution that affect the legislative process on a daily basis.

Richard Herring, Tallahassee, FL

3:05 p.m. – 3:25 p.m.

Statutory Revision – It’s in the Books, Is it the Law?

How the law that’s passed is put in the law books, what the law is, what happens when there is a conflict between two laws, and why you need to know about the Statutory Adoption Act.

Edith Pollitz, Reviser, Division of Law Revision and Information, Florida Legislature, Tallahassee, FL

3:25 p.m. – 3:40 p.m. **Break**

3:40 p.m. – 4:00 p.m.

Overview of House Rules and Procedures

An overview of the rules and procedures governing the operation of the House of Representatives.

Stephanie Birtman, Staff Director, Florida House of Representatives Rules & Calendar Committee, Tallahassee, FL

4:00 p.m. – 4:10 p.m.

Accessing the Legislature Through Technology

Do you have the App? Find out how to access the Florida House of Representatives app for smartphones and tablets. This segment will explain the highlights of the FL House Mobile App.

Ryan Duffy, Communications Director, Florida House of Representatives, Tallahassee, FL

4:10 p.m. – 5:00 p.m.

Simulated Floor Session

Registrants will sit in the members’ chairs on the floor of the House with legislative staff and former members of the legislature and debate amendments, motions, and vote on legislation.

Participants:

Frederick R. “Fred” Dudley – Speaker

Peter M. “Pete” Dunbar – Majority Leader

Stephanie Birtman -Rules & Calendar Committee Chair

Richard Herring – Speaker pro tempore

Randy Havlicak – Member

Jennifer Hrdlicka – Member

Trina Kramer – Member

Josh Aubuchon – Member

Tom Cibula – Member

Robert L. “Bob” Ward, Clerk of the House of Representatives – Reading Clerk



CLE CREDITS

CLER PROGRAM
(Max. Credit: 7.5 hours)
General: 7.5 hours Ethics: 1.0 hour

CERTIFICATION PROGRAM
(Max. Credit: 7.5 hours)
State & Federal Gov't &
Administrative Practice: 7.5 hours

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Stephanie Birtman, Tallahassee — Program Co-Chair
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CLE COMMITTEE
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TO REGISTER  **ON-LINE:** www.floridabar.org/CLE  **MAIL:** Completed form with check  **FAX:** Completed form to 850/561-9413

Register me for the "Practicing Before the Legislature" Seminar


ONE LOCATION: (007) THE CAPITOL BUILDING, TALLAHASSEE, FL (FRIDAY, JANUARY 31, 2014)

TO REGISTER OR ORDER AUDIO CD, DVD OR COURSE BOOK BY MAIL, SEND THIS FORM TO The Florida Bar, Order Entry Department: 651 E. Jefferson Street, Tallahassee, FL 32399-2300 with a check in the appropriate amount payable to The Florida Bar or credit card information filled in below. If you have questions, call 850/561-5831.

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 Please check here if you have a disability that may require special attention or services. To ensure availability of appropriate accommodations, attach a general description of your needs. We will contact you for further coordination.

REGISTRATION FEE (CHECK ONE):

- Member of the Government Lawyer Section: \$150
- Non-section member: \$180
- Full-time law college faculty or full-time law student: \$90
- Persons attending under the policy of fee waivers: \$0

Members of The Florida Bar who are Supreme Court, Federal, DCA, circuit judges, county judges, magistrates, judges of compensation claims, full-time administrative law judges, and court appointed hearing officers, or full-time legal aid attorneys for programs directly related to their client practice are eligible upon written request and personal use only, complimentary admission to any live CLE Committee sponsored course. Not applicable to webcast. (We reserve the right to verify employment.)

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COURSE BOOK — AUDIO CD — DVD — ONLINE — PUBLICATIONS

Private recording of this program is not permitted. **Delivery time is 4 to 6 weeks after 1/31/2014. TO ORDER AUDIO CD / DVD OR COURSE BOOKS,** fill out the order form above, including a street address for delivery. **Please add sales tax to the price.** Those eligible for the above mentioned fee waiver may order a complimentary audio CD in lieu of live attendance upon written request and for personal use only.

Please include sales tax unless ordering party is tax-exempt or a nonresident of Florida.

<input type="checkbox"/> COURSE BOOK ONLY 1470M Cost \$60 plus tax (Certification/CLER credit is not awarded for the purchase of the course book only.) TOTAL \$ _____	<input type="checkbox"/> AUDIO CD 1470C (includes electronic course material) \$150 plus tax (section member) \$180 plus tax (non-section member) TOTAL \$ _____	<input type="checkbox"/> DVD 1470D (includes electronic course material) \$250 plus tax (section member) \$300 plus tax (non-section member) TOTAL \$ _____
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