Melbourne High Mock Trial team takes 4th place at statewide Mock Trial Competition

Congratulations to students Gabrielle Little (Best Attorney award at state level and Circuit level), Aidan Polak, Jessica Dixon, Francesco Mancino, Camryn Badis, Vivian Fallows, Eric Brown, and Orietta Carbonel and to their teacher coach/sponsor and Teacher Educator of the Year, Dr. William Booth and to their attorney coaches, Pam Bress, Greg Donoghue and Robert Hoag.
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the Ex Parte

By Members, For Members, About Members

April 2017

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the Ex Parte is a monthly publication for the members of the Brevard County Bar Association. the Ex Parte encourages unsolicited submission of articles, comments, photographs and notes of interest to Brevard County Bar Association members.

Publishing and editorial decisions are based on the editor’s judgment of the quality of the writing, timeliness of the article and potential interest to the readers. Occasionally, the Ex Parte may publish articles dealing with controversial issues.

Views expressed in the Ex Parte are those of the authors and not necessarily those of the officers, directors or employees of the Brevard County Bar Association. No endorsement of those views should be inferred unless specifically identified as the official policy of the Brevard County Bar Association.

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Contact the Brevard County Bar Association office at (321) 254-8801 for advertising rates, specifications and deadline information.
President’s Message

By Bryan A. Lober

Please be on the lookout for nomination forms to serve on the 2017 – 2018 BCBA Board of Directors. If you have not yet received a form, you should receive one within a few days of the date this article is published. For those considering running, I strongly encourage you to speak with a couple of folks who presently serve on the board to get a flavor of what it is like to serve with the board as it is now composed. Be aware that the Association’s fiscal year (and hence board term) runs July through June.

Given concerns chiefly pertaining to voter anonymity expressed to me by members, I reached out to the Supervisor of Elections and have, with the board’s approval and support, arranged, to the greatest extent permissible by the Association’s bylaws, to outsource the handling of BCBA elections to the Supervisor of Elections. Scantron-style ballots will be mailed to your address on file with the BCBA in early May. Ballots will be due back to the Supervisor of Elections on or before May 31. Ballots may be mailed back or physically returned to any of the Supervisor of Elections’ office locations throughout the county. Not only will this outsourcing safeguard voter anonymity but it will also better guarantee the integrity of the vote and, remarkably, reduce BCBA costs in conducting the election by a nontrivial sum. The Supervisor of Elections is charging the Association nothing for their personnel time and is only passing on their actual costs (e.g., ballot paper, postage) without markup. My thanks go out to the Supervisor of Elections and her staff as they will be doing everything from formatting the ballot, in accordance with the statewide uniform ballot rule, to tallying results.

Judge Clarke’s retirement party is slated to be held on the evening of Thursday, May 11 at the Pelican Beach Clubhouse in Satellite Beach. The dress code is casual; anyone spotted with both a tie and jacket affixed is subject to removal. Please calendar this fun event honoring Judge Clarke.

The Clerk’s Office has asked whether BCBA members would be interested in helping at the Clerk’s Pro Se desk, as the Clerk’s Pro Se Coordinator is unable to provide legal advice. Per the Clerk’s Office, the types of cases contemplated include “contested, uncontested, simplified divorce matters, cases to establish paternity, custody (only between parents or temporary extended family custody), child support, visitation, step-parent adoptions, name changes, modifications, motions, summons, subpoenas, judicial hearings/trials and general magistrate hearings.” If you are building a practice and have only a bit of free time, consider serving for a few hours on a particular day of the week every week or even every other week. Expect to spend roughly 30 minutes with each pro se visitor. If their issues can’t be resolved in that amount of time or if they wish to retain you, you would not be prohibited from making arrangements with any such potential clients.

If you haven’t done so already, please calendar Thursday, April 27 at 7:00 PM for the BCBA’s first ever technology CLE. Our presenters include Josh King, Chief Legal Officer of Avvo, Sam Glover, Editor in Chief of Lawyerist.com, Laurie Rice, Chief Deputy Clerk at the Brevard County Clerk’s Office. Topics include online reputation management, legal blogging and metadata. The event will be held at room 101 of Florida Institute of Technology’s Skurla Hall. It is anticipated that this event will provide between 2.5 and 3 technology credits with the Florida Bar.

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As the events for the Brevard Bar Foundation draw to an end for the 2016-2017 year, we can take a moment to reflect back on how far the Foundation has come since its inception. Originally founded by a determined group of successful attorneys committed to building bridges with the community, the Brevard Bar Foundation has grown to be a backbone for charitable giving in our community. The organizations supported by the Foundation are too many to count. In the last year alone, we have contributed to Big Brothers Big Sisters, Rolling Readers, Brevard County Legal Aid, Take Stock in Children, and many more. In the coming year we anticipate reaching our endowment funding goal, which will allow us to be self-sustaining. I send my sincere thank you to everybody who supports the Brevard Bar Foundation and has brought us to where we are today.

In March, we had the pleasure of donating to support the mock trial team from Melbourne High School, which included Gabrielle Little, Aidan Polak, Jessica Dixon, Francesco Mancino, Camryn Badis, Vivian Fallows, Eric Brown, and Orietta Carbonel, as they competed at the State Mock Trial Competition. The team finished 4th out of 20 circuits represented at the competition, while their coach, Dr. William Booth was honored with the Teacher Educator of the Year award and team member Gabrielle Little won Best Attorney. Ms. Little was one of only three students chosen out of 54 competitors. It is our pleasure to support the next generation and play a small part in allowing them to continue to do great things.

If you have a suggestion for one of our monthly donations, please let any of our board members know. the Brevard Bar Foundation board members vote on donations and priority is given to donation recipients suggested by Foundation members.

You can also support the work of the Brevard Bar Foundation by becoming a member. Members provide financial support of varying levels and are not required to attend meetings or otherwise volunteer their time, though that is always welcomed, too. You can enjoy a lifetime of membership for a one-time payment of $1,000 or you may become an annual member for $100. Membership applications may be requested from any of our board members.
The YLD is springing into action!

Our new Annual Judge’s Roundtable Luncheon will be held Friday, May 12, 2017 from 12:00 (noon) to 1:30 p.m. The YLD submitted a grant proposal and received funding from the Florida Bar Young Lawyers Division to host this event. The luncheon will take place at the Pizza Gallery at the Avenues, Viera, and many judges are scheduled to attend to provide advice and social discussion to attendees. I would like to thank our judges who have offered their time to attend this event and provide valuable insight and advice. I would also like to thank YLD Board Director, Nick Vidoni, for his efforts in making this event possible. We are lucky to have a Judiciary that supports events such as this. This is a unique opportunity for young lawyers to get insight and advice directly from the Judges. Do not miss this opportunity!

In Early April, the YLD sponsored the 19th Annual Great Brevard Duck Race in Titusville benefiting Crosswinds Youth Services. The Duck Race generates funding to help change the lives of vulnerable children and youth in Brevard County. Also in Early April, the YLD teamed up with Keep Brevard Beautiful to host a beach cleanup site at Bicentennial Beach Park. This is also the beach site the YLD has adopted and committed to cleaning up on a regular basis.

Keep your eye out for coming details regarding our next Happy Hour and Beach Cleanup. As always, please do not hesitate to reach out to me if you have any suggestions, comments, or wish to get involved with the YLD in any way! Email me: shane@shanesmithlegal.com.

We look forward to hearing from you.

Kari Van Meter, Assistant Comptroller, City of Indian Harbor Beach (left) and Jeff Nuckols, YLD Board Member (right)
Family Mediation

The following is provided to address frequently asked questions and issues that arise in family mediation. The information below has been reviewed and approved by Trial Court Administrator Mark Van Bever and Family Administrative Judge Jennifer Taylor.

REQUIREMENT FOR FINANCIAL AFFIDAVITS
Financial Affidavits must be filed prior to requesting family mediation, to determine financial eligibility and mediation fees. Per Administrative Order 16-30-B, Paragraph #4a, “Current Financial Affidavits for BOTH parties MUST be filed prior to obtaining an Order to Family Mediation.” Parties are eligible for the court mediation program if their combined annual incomes are less than $100K.

EFFECTIVE MAY 1, 2017, THE MEDIATION STAFF WILL NO LONGER ISSUE REQUESTS FOR FINANCIAL AFFIDAVITS AND ORDERS TO COMPEL.
We will follow up on those in process.

FAILURE TO APPEAR – RESCHEDULING
If a party fails to appear for mediation, they will be assessed applicable mediation fees. Mediation will not be rescheduled until all outstanding fees are paid.

MEDIATION QUESTIONNAIRE (re: Domestic Violence) Without exception, each party to a mediation must complete this questionnaire prior to the beginning of the session. The questionnaire must be completed by the party, not the attorney. Mediations will not begin until the questionnaire has been submitted to the mediation office, as we may need to provide appropriate accommodation to ensure the safety of all persons in the mediation suite.

APPEARANCE AT FAMILY MEDIATION
The appearance of counsel of record is strongly encouraged, as mediation is court-ordered. If an attorney does not intend to appear at mediation, the attorney is required to file a consent with the Court, signed by them and their client, permitting their client to appear at mediation without counsel present. This consent must be filed within ten calendar days of the date of the Order.

Attorneys who attend mediation must be in attendance for the duration of the session. If an attorney exits mediation, the mediator is directed to end the session.

Parties who fail to attend the scheduled mediation may be held in contempt of court, which may result in the Court entering sanctions against them. Additionally, if a party fails to appear for mediation, they will be assessed applicable mediation fees.

DRAFT AGREEMENTS
You may provide a draft agreement for use in mediation. Please contact the mediation office at 321-690-6834 for instruction.

SAME DAY FOLLOW-ON MEDIATION SESSIONS
In response to requests for more mediation time, follow-on mediation sessions are permitted in certain situations. If your mediation is set for the morning and parties/attorneys wish to extend, please make the mediator aware as early as possible. At a minimum, parties must pay the fee for the initial and second session; parties, attorneys, and the mediator must be available for up to 3 more hours; and a mediation room must be available.

FINAL JUDGMENT HEARINGS AFTER MEDIATION
We are pleased that our General Magistrates (GM’s) will continue conducting Final Judgment hearings immediately after mediation, if there is a complete agreement and if a GM is available. Parties and their attorneys, if applicable, must attend the hearing. As soon as you expect a complete agreement, please advise the mediator. Upon request, our mediation staff will make arrangements with the GM’s office.

If you have questions or concerns, please contact the ADR Director, Deborah Haataja-Deratany, at (321) 637-5529 or email Deborah.haataja-deratany@flcourts18.org.

Florida Bar Member Portal

The Florida Bar recently began its transition to the new MyFloridaBar Members Portal and urges members to log in to www.floridabar.org and follow the instructions provided in the message bar at the top, or go directly to the new portal at member.floridabar.org.

Please make sure you access the new system before May 1st as the old system will be retired as of that date, and the Bar Number/password login will not work in the new system. If you have questions, contact Jennifer Krell Davis, Deputy Director of Public Information & Bar Services at 850-561-5670 or by email at jkrelldavis@floridabar.org.
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(Atticus Finch in To Kill a Mockingbird, by Harper Lee)

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Legally Bald —
And other strange law-related thoughts  
by Geoffrey Golub

(All complaints and comments please send to: geoffgolubpa@aol.com) © 2016 Please remember the views of Legally Bald are in no way whatsoever (not even remotely) the views of the BCBA or any of its members, employees, advertisers, and affiliates.

MUTUAL RELEASE MADE EASY
Each party releases the other party from any liability of any kind whatsoever for anything of any kind whatsoever that has ever happened, never happened, hasn’t yet happened, could’ve happened, might still happen, and will happen, whether known or unknown, disclosed or undisclosed, from before the beginning of time until the date the last party signs this release.

GOODWILL GANJA!
A person who donated some old clothes and an old cooler to Goodwill also accidentally (no doubt too fried to realize it) left another 3.75 pounds of Goodwill Ganja tucked away inside of that cooler. The Goodwill employees being the goody two shoes that they are, called the police. I’ll tell you right now had this been accidentally donated to the Candlelighter’s of Brevard County, Florida it would have been lit up for sure.


LAWYER, LAWYER, PANTS ON FIRE!
A lawyer defends a man accused of arson. The Defense was the fire was a result of spontaneous combustion not arson. During the closing argument, all of sudden, out of nowhere, the lawyer’s pants caught on fire. The lawyer ran out of the courtroom to put the fire out. He claimed it must have been his e-cigarette that by an amazing coincidence (they do happen)...drum roll please...from spontaneous combustion...caught on fire. You have to admire a lawyer who is willing to set himself on fire for his client. I guess it’s a good thing the charge wasn’t aggravated battery with a firearm and the defense wasn’t an accidental shooting.


GUN-TOTING TODDLER SHOOTS AGAIN
A 7-11 clerk refused to except a jar full of dirty and gooey pennies as a form of payment for certain goods, which set off the customer in a very bad way. Strangely enough this all occurred on a 7-11 located right off of FEE avenue. Now, what the customer did was horrible, and she deserves to be punished, but I don't think it's asking too much for 7-11 to purchase from Amazon a Royal Sovereign Manual Coin Sorters and Counters, Black/Clear (QS-1) for $29.08, free membership if you’re a prime member and two-day shipping.

MIKE KRASNY

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