

Seeking Balance In Your Life



PARACLETE
February 2004





President's Message



David Abbey

Walking The Tightrope

Like many of you, one of the biggest challenges I have faced in the practice of law has been maintaining a healthy equilibrium between my professional and private activities. The significant challenges facing our clients can suck much of the satisfaction from our lives, as well as theirs, if we give them half a chance. I have mapped no sure way to balance the demands of my professional and private life, but I have learned pursuing those activities which give me the greatest personal satisfaction to be a course in the correct direction.

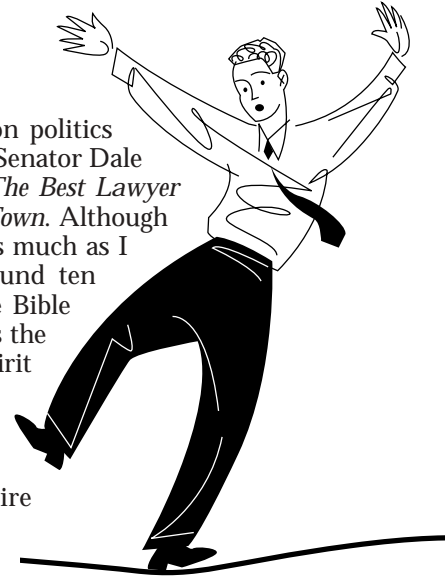
I'm confident most of us have determined the surest and best way to escape the demands of practicing law is with those we love, our families. The simple pleasures of sharing dinner with my wife; going to a movie with my 18 year old son; or assembling a Lego tower with my 4 year old daughter goes a long way toward erasing the challenges of my work day and clearing my mind for the next.

Speaking of the mind, I have found reading a good book keeps me thinking about topics of interest I do not deal with in my daily practice. In the last couple of years I have eliminated some of my ignorance concerning the origins of mankind and human society by reading Dr. Jared Diamond's Pulitzer Prize winner, *Guns, Germs and Steel*; gleaned some knowledge of segregation in the South and its demise from *The Changing South of Gene Patterson*; and learned much about the practice of law in a small Arkansas town as

well as Washington politics through enjoying Senator Dale Bumper's book, *The Best Lawyer in a One Lawyer Town*. Although I do not open it as much as I should, I have found ten minutes with The Bible before bed soothes the mind, calms the spirit and points me in the right direction for the coming day.

In Voltaire's satire *Candide*, the lead character spends years traveling through Europe only to conclude he is better off at home tending his own garden. By wandering through the courts of the Tampa Bay area since 1977, I've determined vegetable gardening has some favorable characteristics which can't be found in the practice of law. First, gardens have no roofs, unlike courtrooms and law offices. A little open sky improves the human psyche. Second, unlike humans, vegetables always listen and never argue. A stalk of sweet corn will always lend its ear.

By the time you read this column the New Year will have started well and we will all find a balance in 2004 which allows for satisfying and productive lives.



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President

David J. Abbey

(727) 821-2080 • dabbey@abbeyadams.com

President-Elect

William H. Walker

(727)821-3060 • bill@walkeratty.com

Secretary

Gentry B. Byrnes

(727)827-6920

gentry.b.byrnes@bankofamerica.com

Treasurer

Jack A. Weiss

(727)896-0601 • weiss@fowlerwhite.com

Immediate Past President

John V. Tucker,

(727) 323-8886 • erisa@andersontucker.com

Executive Director

Nora Riva Bergman,

(727) 823-7474

nbergman@stpetebar.com

Editor

Gay L. Inskeep

(727)582-7964 • ginskeep@jud6.org

Paraclete Advertising

JoAnn Knight, (727) 823-7474

jknight@stpetebar.com

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The opinions and conclusions, including legal opinions and conclusions contained in articles appearing in the *Paraclete*, are those of the authors and do not reflect any official endorsement of these views by the St. Petersburg Bar Association or its officers and directors, unless specifically stated as such.

The *Paraclete* Board welcomes submissions for publication subject to said Board's discretion.

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FEBRUARY MEMBERSHIP MEETING

**The St. Petersburg Bar Association & the Fred G. Minnis, Sr. Bar Association
Welcome National Bar Association President Clyde Bailey**

February 13, 2004 • Noon

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See Registration Flyer in this issue.

Coming Next Month: March 12, 2004

**Join us as we welcome The Honorable Chris W. Altenbernd, Chief Judge
and the Judges of the Second District Court of Appeal.**

See Registration Flyer in this issue.

Adoption Day in the Sixth Judicial Circuit



By Ron Stuart, Public Information Officer

Success of the Sixth Judicial Circuit Adoption Day initiated talk about a ceremony for next year and plans for an annual event. The program on Friday, Nov. 21, created positive coverage in both daily newspapers and major segments on five television stations. The program was praised by all involved, including the new parents, attorneys and judges. Twenty-six families adopted 30 children. The children ranged in age from three months old to sixteen years old. For some families, this was their second or third child being adopted.

Before the formal adoptions were finalized, all families, judges, attorneys, local officials and other interested parties were brought together for a brief program that dealt with praise for adopting families and the importance of the adoption process to our society. The program was emceed by Marty Matthews of WTSP-TV, who hosts a weekly segment on adoptable children in foster care in the Tampa Bay Area. Rob DeMorrow, who works in the Victim/Witness Office of the State Attorney's Office, performed a song he had recently



Circuit Judges Frank Quesada and Irene Sullivan

written called, "Already Loved So Much." Circuit Judges Frank Quesada and Irene Sullivan spoke to the whole group before moving to their courtrooms to formalize

the individual adoptions. Each expressed thanks and admiration to the adopting parents.

All families and children were then invited to enjoy punch, cake and cookies while waiting for their cases to be called. Refreshments were courtesy of Trial Court Administrator Gay Inskip and staff.

Waivers allowed reporters and TV cameras to cover the normally closed adoption proceedings, and each judge's bench was decorated with teddy bears, which were donated by an organization called Comfort for Court Kids, Inc. Following the adoptions, the judges gave each younger child a teddy bear, and other gifts were provided for the older children.

Preparation for the ceremony began earlier in the week with the publication in both daily newspapers of a guest column by Circuit Judge John Lenderman on "Adoption: A View From the Bench," which is reprinted with permission on page 5.

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Adoption – View From The Bench



By Judge John C. Lenderman

This article is inspired by the celebration of National Adoption Day – November 22. My views of adoption are formed by almost 35 years as a lawyer and over 7 years on the family bench.

According to research by the Dave Thomas Foundation For Adoption, there are over 500,000 foster children throughout the United States. Of that number, 126,000 are available for adoption. Most of these children have little hope for the future without adoption. In addition, there are a great number of children in family placements with a stepparent or relative willing to adopt.

In this article I will discuss in-family adoptions and adoptions following termination of parental rights in cases of abandonment, abuse, or neglect. In stepparent adoptions, there may be a biological parent who has simply not bonded with the child, which may be exacerbated by distance or a

erally involuntarily removed from the home because of allegations of abandonment, abuse or neglect. If proven, and a parent cannot show the ability to properly raise the child, the Department of Children and Families files a petition in juvenile court to terminate the parental rights of one or both parents. If proven by clear and convincing evidence, the parent's rights should be terminated. The child, usually already in foster care, is then available for adoption.

People adopt for a variety of reasons. Perhaps a family does not or cannot have biological children. Adoption often fulfills the family's parental needs and provides a permanent placement for a homeless child. People with biological children of their own sometimes have the capacity to take in additional children and raise them with an equal amount of love and affection. New spouses are sometimes anxious to establish a parent-child relationship with



The satisfaction that adoptive parents and children feel is overwhelming.

variety of other reasons. A non-resident biological parent may realize that it is in the child's best interest for the child to blend with a new family. Some stepparent adoptions are instigated by child support difficulties. Where a parent is willing to give up parental rights in favor of another, the legal process is relatively simple. No governmental home study is required. A properly executed consent by all of the parties supports an adoption judgment terminating one parent's parental rights in favor of another.

Other in-family adoptions include grandparents, aunts, uncles and other relatives permanently taking in a related child. Substance abuse, mental illness and other parental disabilities may lead families to this type of adoption. With the agreement of the biological parents, the adoption procedure is quite simple. Without agreement, the relatives must then follow the more complicated termination of parental rights procedure.

The termination of parental rights adoptions are more time consuming and difficult. In these circumstances a child is gen-

erally involuntarily removed from the home because of allegations of abandonment, abuse or neglect. If proven, and a parent cannot show the ability to properly raise the child, the Department of Children and Families files a petition in juvenile court to terminate the parental rights of one or both parents. If proven by clear and convincing evidence, the parent's rights should be terminated. The child, usually already in foster care, is then available for adoption.

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Hearing adoption cases is one of the few truly joyous occasions in the professional life of a family judge. The adoptive parents dress in their Sunday best to come to court. The mother generally holds the baby while the new dad carries the diaper bag and the camera. We can tell that the people are in the courthouse for an adoption just by looking at them. At this very joyous occasion the parents always want

family photographs and a photograph taken by the bailiff of the family and the judge. The feelings of joy and hope for the future is overwhelming for all who are present.

Adoption need not be expensive. In 2003, Congress approved a tax credit of up to \$10,000 for adoption expenses. This means that up to \$10,000 of the cost for adoptions can be offset against income taxes, dollar for dollar. For low to moderate income families there are state and federal programs for adoption assistance. These programs provide adoption cost benefits, medical assistance and social services. The Gift of Adoption Fund, info@giftofadoption.org offers adoption grants to assist prospective parents. Thus, the lack of financial resources cannot be a barrier to those with the heart and desire to adopt a needy, homeless child.

It is extremely difficult to express the emotions and difficulty of presiding over a family court. We deal with broken families, child abuse, domestic violence and people who sincerely hate each other. On the other hand, seeing people going through the adoption process with their ear-to-ear grins more than makes up for the personal misery we must observe at other times. Seeing newly adoptive parents and their beautiful children reaffirms our belief in the family's future and the bright prospects for a child that might otherwise have been discarded.

Seeing Red: Native Americans Try - But Fail - To Cancel The Washington Redskins' Trademark Registrations



By David R. Ellis, Attorney at Law

On September 30, 2003, in the midst of the professional football season, a Federal District Court in Washington, D.C. held that the team trademarks of the Washington Redskins were improperly cancelled by the Trademark Trial and Appeal Board (TTAB) of the U.S. Patent and Trademark Office (PTO) because there was no substantial evidence to support the conclusion that the term was disparaging to Native Americans. In a long opinion, the court also found that because the petitioners had delayed for twenty-five years in bringing their cancellation petition, the team would be prejudiced and therefore the petitioners were barred by laches from prevailing on their petition. *Pro-Football, Inc. v. Harjo*, No. 99-1385 (D.D.C. 2003).

The Redskins began their existence as a National Football League franchise in 1932 as the Boston Braves, taking their name from the major league baseball team with whom they shared a stadium. After their first season, the football team changed its names to the Redskins, and in 1937, they moved to Washington, where they won a championship. The baseball Braves eventually moved to Milwaukee and later Atlanta, leaving Beantown to a team of the same hue as the Redskins, the Boston Red Sox (their blushing color may reflect their embarrassment at not winning a World Series since 1918).

The Redskins registered their team name and logos with the United States Patent and Trademark Office (PTO) over a period from 1967 to 1990. They maintained their politically incorrect name throughout, even in the face of criticism from many people, including Native Americans, who over the past several years succeeded in convincing several colleges to change their ethnic nicknames to less offensive ones. Examples include the Dartmouth Indians (now the Big Green), Stanford Indians (Cardinal), St. John's Redmen (Red Storm), and Marquette Warriors (Golden Eagles). Professional teams have been more resistant to change: thus the Atlanta Braves and Cleveland Indians (with their particularly non-PC caricature of a grinning Indian, Chief Wahoo) in baseball, the Kansas City Chiefs joining the Redskins in football, and the Golden State Warriors in basketball.

After years of trying to convince the Redskins to change their name, seven

Native Americans, including the named plaintiff Suzan Shown Harjo, petitioned the TTAB in 1992 to cancel the Redskins' registrations on the grounds that the use of the word "redskins" is "scandalous," "may . . . disparage" Native Americans, and may cast Native Americans into "contempt, or disrepute" in violation of §2(a) of the U.S. Trademark (Lanham) Act. In 1999, the TTAB agreed and cancelled the registrations. The team's owner, Pro-Football, Inc., then sued the petitioners in federal district court for review of the TTAB's order.

The U.S. Trademark (Lanham) Act provides a number of grounds for cancellation of a trademark and permits persons to file a petition with the TTAB to cancel a registration. Under §14 of the Act, a petitioner

In her decision, U.S. District Judge Colleen Kollar-Kotelly indicated that her ruling was based on the sufficiency of the evidence supporting the TTAB's decision and should not be read as making any statement on the appropriateness of Native American imagery for team names. She said that there was no direct evidence of disparagement on the record before the TTAB, and that the TTAB's finding was based only on "the cumulative effect of the entire record." She found further that disparagement must exist at the time a mark is registered, not at the time the cancellation petition is filed.

The judge ruled further that the petitioners could not prevail because of the doctrine of laches, in that they had waited too long

"U.S. District Judge Colleen Kollar-Kotelly indicated that her ruling was based on the sufficiency of the evidence . . . She found further that disparagement must exist at the time a mark is registered, not at the time the cancellation petition is filed."

must allege that he or she will be damaged by continuing registration of a mark, and state one or more statutory grounds. These include allegations that the mark has become the generic name for the goods or services for which it is registered, or is functional, or has been abandoned, or is being used to misrepresent the registrant's goods or services, or was registered fraudulently or contrary to portions of §2 of the Act, namely that the mark:

(a) consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt or disrepute

(b) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, . . . or (c) consists of or comprises a name, portrait, or signature identifying a particular living individual except by his written consent, or the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow.

before they took action to cancel the Redskins' marks. By taking so long to exercise their rights, the petitioners made it difficult for a fact-finder to conclude that the term was disparaging in 1967, the year the first of the trademarks was registered. She said that laches may be applied to a claim of disparagement even in a case in which the public interest may be involved. In conclusion, she found that the TTAB's finding of disparagement was not supported by substantial evidence and that, in view of the doctrine of laches, the TTAB's decision cancelling the marks must therefore be reversed.

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David Ellis is a Largo, Florida attorney practicing copyrights, trademarks, patents, trade secrets, and intellectual property law; computer and cyberspace law; business, entertainment and arts law; and franchise, licensing and contract law. A graduate of M.I.T. and Harvard Law School, he is a registered patent attorney and the author of the book, A Computer Law Primer. He has taught Intellectual Property and Computer Law as an Adjunct Professor at the Law Schools of the University of Florida and Stetson University. Please direct comments to ellislaw@alum.mit.edu <http://www.lawyers.com/davidrellis> < <http://www.lawyers.com/davidrellis>



Balance Your Life - Transform Your Practice



Executive Director's Message*

The way we spend our days is the way we spend our lives

Annie Dillard

During the last two decades, the legal profession has placed an increasingly heavy emphasis on efficiency, on working "smarter" and faster. It makes demands not only on your outer life – in constant deadlines, billable-hour quotas, pressure to keep up with a rapidly growing body of new law – but on your inner life as well. The problem is that most lawyers have never developed the resources to cope with those demands, let alone find in them the kind of meaning that can make their work more rewarding. They hear only the blare of the trumpet and miss the sonority of an orchestra that can provide resonance and depth.

To find real pleasure in the legal life, you need to open yourself to all your sources of potential meaning. You will discover that understanding a client beyond her present legal problem does not detract from the technical job at hand; it gives the technical job deeper meaning by placing it in the context of a life. Contracts, after all, are about human relationships; briefs are

about disappointment, wanting to be heard, needing to heal. Seeing these deeper meanings is not a threat to good work; it enriches the experience of doing the work, engages the lawyer's heart, and makes the end product more likely to be compelling.

The preceding passage is from the book "Transforming Practices: Finding Joy and Satisfaction in the Legal Life," by Steven Keeva, a senior editor of the ABA Journal. The book is enlightening, inspirational, and encouraging. It offers a new perspective on the practice of law, one that recognizes that beneath the demands of the profession, lawyers are human beings – spiritual beings. So much of that is lost in the day to day practice of law.

Not long ago, during a class I taught at Stetson, I told my students about the book. I implored them to read it. But when I told them the title, "Transforming Practices: Finding Joy and Satisfaction in the Legal Life" – you guessed it – they laughed. Perhaps you are chuckling, too. Perhaps

the thought of finding joy and satisfaction in the legal life is as laughable to you as it is to third-year law students. If you are chuckling at the thought, then you must read this book. You owe it to yourself. You owe it to your family, your friends, and your clients.

One of my favorite quotes is from Gandhi: "We must be the change we wish to see in this world." If lawyers wish to change the profession for the better, it must begin with one attorney at a time. But it must begin.

*We shall not cease from exploration
And the end of all our exploring
Will be to arrive where we started
And to know the place for the first time.*

– T.S. Eliot

*This Executive Director's message was originally printed in the November 2000 issue of the Paraclete.

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**GULF COAST
BUSINESS REVIEW**



On December 20, Stetson hosted a brunch for ABA President Dennis Archer who delivered their Commencement Address later that day. The brunch took place in the lobby of the library where the exhibit "A Legacy of Courage, Vision & Hope: African Americans in the Legal Community in Pinellas County" was on display. The exhibit, the first of its kind in the state of Florida, was a project of the Diversity Committee of the St. Petersburg Bar Association. During the brunch Jacqueline Gayle-Kelly had the opportunity to give Mr. Archer a guided tour of the exhibit.



Mr. Archer will be the St. Petersburg Bar Association Law Day Luncheon Speaker on April 30. Please join us as we welcome Mr. Archer and celebrate this year's Law Day theme: The 50th Anniversary of the Brown v. Board of Education decision.

Pictured from left to right: Tamara Felton-Dudley, Co-Chair Diversity Committee; Jacqueline Gayle-Kelly, President Fred G. Minnis Bar; David Abbey, President, St. Pete Bar; Dennis Archer, ABA President; Elita Cobbs, President George Edgecomb Bar; Ike Williams, an attorney featured in the exhibit; Ya'Sheaka Campbell.

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If music be the food of love, play on. So said the lovelorn Duke Orsino in the opening line of Shakespeare's *Twelfth Night*. If you think good music helps you enjoy food, you might try the newly opened "The Ballet Café." It is located in an older, but totally refurbished house, in the area near the main post office that is seeing a lot of new development.

As the name implies, ballet is the central theme. One of the times I ate there, my friends and I were even waited on by a ballet student, in costume. We were even treated to a demonstration of a few steps. Classical music is played in the background (although it is not all ballet music). Being an old house, the restaurant is divided into many rooms. This enhances the intimate atmosphere. The rooms are tastefully decorated with ballet memorabilia.

The food has always been very well prepared. It is listed as "Fine Classical American Cuisine." The regular lunch offerings are good, if somewhat lacking in imagination, such as hamburgers, Phillis, and chicken sandwiches. I would look at the daily specials if you want something more exotic. I had quesadillas the last time I was there, and they were terrific. There are always several to choose from. The same is true for the dinner menu. Prices at lunch range from \$4.25 for a cold tuna sandwich through \$6.95 for a seafood salad (which is also great). Dinner prices are obviously a little more, from several entrees at \$8.95 through \$12.95. There are a number of salads, soups, and appetizers to choose from. Having spoken to the owner and staff, they are especially (and justifiably) proud of their soups.

I have enjoyed my trips to "The Ballet Café;" I'm sure you will as well.

Rejuvenate
your spirit!

The time to relax is when you don't have time for it.

-Sydney J. Harris

From The Florida Bar Center on Professionalism . . .



The fear of burnout is real to almost fifty percent of those cited by Mike Papantino in his book entitled *In Search of Atticus Finch* (1995, Seville Publishing).

The pressures and demands of law firms and clients, the element of speed created by the advent of fax machines and computers, and the increasing lack of courtesy between lawyers - to name just a few of the factors that create strain between lawyers - have together changed the quality of the hours worked so that 200 hours in today's practice is far more stressful than 200 hours in the 1960's.

Over the past twenty years, lawyers nationwide agree that the environment is changing in which we practice our profession. Some might add that the changes were so gradual, that most of us either did not notice, or turned a blind eye.

Far too many lawyers are bored, dissatisfied, depressed, or burned out. Many younger attorneys are regretting ever going to law school, while middle-aged attorneys yearn for early retirement, despite earning record amounts of money and exercising more power over our political economy than their predecessors ever did. The glorious vision of lawyers working with others to shape a just society seems very distant on their horizons.

Ralph Nader and Wesley J. Smith, *No Contest*, (1996, Random House).

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St. Petersburg Bar Association Partners With Eckerd College to Present a Free Wellness & Work-Life Balance Workshop



Join your colleagues on February 6 for a Free Workshop on Wellness & Work-Life Balance. This free workshop for St. Pete Bar members and their staff will take place on the beautiful campus of Eckerd College and is the first event to be co-hosted by Eckerd College and the St. Pete Bar.

The workshop will begin with a casual luncheon and Wellness Fair with exhibitors from St. Pete who provide a variety of services and products to help you improve the quality of your life! The workshop will include presentations by Margaret Cooley, an instructor in Eckerd College's Leadership Development Program; Dr. Michael Cohen; and personal trainer Jon Willis.

The Leadership Development Institute (LDI) at Eckerd College was founded in 1980 to help individuals and organizations achieve their potential. LDI has been a Network Associate of the Center for Creative Leadership (CCL)[®] since 1981 and has delivered internationally-acclaimed programs to thousands of local, national and international clients. Because of its exceptional programs, CCL has been ranked as the #1 provider of leadership education in the world three consecutive times by a BusinessWeek survey of HR and training professionals across the globe (October 1999, 2001, 2003).



Margaret Cooley, Director of Open Enrollment Programs for LDI

As a primary instructor & Director of Open Enrollment Programs for LDI, Margaret Cooley has created and conducted countless executive workshops aimed at strengthening leadership capabilities, enhancing self-awareness, building high-performance teams, and managing change. As a consultant and as an instructor, she brings to the table a deep understanding of organizational culture, commitment to the achievement of measurable outcomes,

unflagging enthusiasm, and an ever-present sense of humor. Margaret is also a keynote speaker at this year's American Bar Association Bar Leaders Institute in Chicago. Margaret will help you better understand the impact your personal approach to problem solving, creativity and communication has on the stressors in your life. Don't miss her fantastic presentation right here in our backyard! *See the article on page 17 for more information on Margaret's presentation.

In addition to Margaret, psychologist Michael F. Cohen will help you find effective ways to deal with stress. What do you do when you're stressed out? Isn't it time you learned strategies that really work for identifying stress and dealing with it? Dr. Cohen has specialized in the areas of wellness, substance abuse, and the treatment of anxiety and depression. He will show you some simple ways to handle stress in your practice and your life.

We'll end the day with a presentation by personal trainer and fitness expert Jon Willis. Learn the latest in fitness strategies from Jon who specializes in training people for triathlons. Get ready for the "Triathlon of Life" with some fitness tips that you can use every day.

Seating is limited for this free workshop, so be sure to RSVP early!

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Global Reach from My Desk



By William L. Vinson, Esq.

For better or for worse, our world continues to shrink by that inter-connecting web of communications known as the Internet. Thanks to Netscape and Microsoft, user-friendly browser software hides the many nodes, links, servers, switches, routers, hubs, modems and countless other Internet components from us as we surf the web. Advances in technology continue to smooth the interface between us and the web. As it does, the connected world becomes a virtual extension of our eyes and fingers. Our world view, fashioned over decades by parents, teachers, books and the media, cannot help but change as the Internet puts us seemingly in direct contact with countless millions of fellow e-citizens. These connections have no regard for those imaginary lines that divide nation from nation, people from people, us from them.

I experienced an example of that global shrinking when Aruna Dukhi, a staff person in the Chambers of Justice T. H. Madala, of The Constitutional Court of South Africa, searched the Internet for the source of a particular legal maxim that the justice wanted to use: "justice must not only be done, it must be seen to be done."

One of the pages he found in that search was a collection of quotations about judges and justice that I post on my website. The particular quote he sought was not among those posted on my site, so the clerk sent me an email asking for assistance.

I gladly seized the unusual opportunity to assist the high court of a foreign country, spent a few minutes searching the Internet and, after a short while, found a reference to the desired quote. I discovered that it was attributed to a British judge, Lord Hewart (1870B1943), in *Rex v. Sussex Justices*, 1 King= s Bench Reports 256, at 259 (1924). The actual quote is:

Justice should not only be done, but should manifestly and undoubtedly be seen to be done.

Justice Madala quoted Lord Hewart to bolster his dissent in *van der Walt v. Metcash Trading Ltd.*, Constitutional Court Case CCT37/01. In his scathing dissent, Justice Madala argued that it was manifestly unequal, unjust and inconsistent with the Constitution of South Africa to allow South Africa's Supreme Court of Appeal to issue two diametrically opposed orders on two successive days in two cases involving identical issues. Reading that case makes me thankful for even the half-hearted obeisance to the doctrine of stare decisis observed by activist jurists in America. The stabilizing effect on society resulting from the common law's sturdy foundation built with intellectual honesty on precedent should not be quietly dismissed. I have since added that quote to my collection of quotations on justice.

The global reach of the Internet has also given me the means to respond to inquiries from Australia, Canada and England. My firm's no-frills do-it-yourself website can be found at <http://thevinsongroup.com>.

William L. Vinson is a graduate of Stetson University College of Law and maintains his office in Tarpon Springs. He practices in the areas of Probate Litigation, Estate Planning, Corporate & Business Law, Real Property, Contract Litigation, Mortgage Foreclosures and Landlord Tenant Disputes.



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One Person Can Make a Difference

As we begin the year, won't you please take a moment to consider joining the St. Petersburg Bar Foundation. It is through the generous, tax deductible donations of our members that the Foundation will continue to grow and accomplish its mission. Although the Foundation is just getting started, it already supports numerous programs including the Judge Frank H. White Diversity Scholarship, the Judge Thomas E. Penick, Jr. Award for Community Service, Enterprise Village at the Gus A. Stavros Center, the museum exhibit "A Legacy of Courage Vision & Hope: African Americans in the Legal Community in Pinellas County," and Holidays in July.

There is a Membership Application enclosed in this issue of the Paraclete. Your support will help make the years to come even more successful than our first year! And you'll know that the funds raised by the St. Petersburg Bar Foundation will be used in our community. One person can make a difference. Please don't leave the important work of our Foundation to "the other person." We need you! Please join us today!

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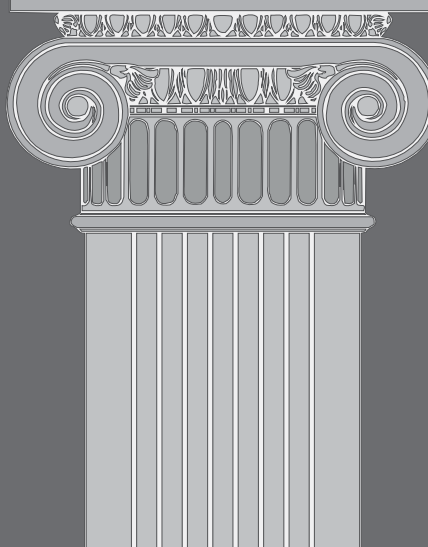
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Community Law Program



By Janet D. Herron, Esq.,
Executive Director of the Community Law Program

Be Healthier, Live Longer, Be Happier – Volunteer

Studies have shown that individuals who volunteer when compared to those who don't are healthier, happier and live longer. Volunteering is also an excellent way to reduce stress in your life because it provides an opportunity to focus on something different from your day to day concerns. Volunteerism is a fundamental building block of civil society. It brings to life the noblest aspirations of humankind - the pursuit of peace, freedom, opportunity, safety, and justice for all people.

The central role of volunteerism in American life was first noted in 1831 by Alexis deTocqueville when he began his year long study of the United States which resulted in his famous work, "Democracy in America." Yet volunteerism is not limited to Americans but occurs whenever and wherever people choose to express their concerns about the quality of life in their communities through positive, helping action.

Volunteering is an essential element of all societies. It turns into practical, effective action the declaration of the United Nations that said, "We, the Peoples" have the power to change the world. (IAVE Universal Declaration on Volunteering, 2001)

A recent survey for Civic Ventures found that 59% of respondents said they had volunteered or done community service work in the past year. One of the top motivators for volunteering according to a recent AARP survey is a sense of personal responsibility to others.

When asked why they volunteer at Community Law:

Attorney Kimberly Rodgers, "Since Justice is not free in today's society, I volunteer to ensure that the less economically fortunate will have more equal access to justice."

Attorney John Hadsall, "I remember my grandfather telling me that at the end of your life what will matter is not how much you made, but how much you gave."

The ABA model rules require 50 hours of Pro Bono service per year. The Florida Bar's aspirational goal is 30 hours per year. What better way to fulfill these goals than by volunteering through the Community Law Program.

U.S. Supreme Court Justice Hugo Black, 1964, "There can be no equal justice where the kind of trial a man gets depends on the amount of money he has."

Without attorneys who volunteer their time and skills to provide legal assistance to the indigent population of St. Petersburg the Community Law Program would not exist. When you give of your time and talent you contribute to the achievement of our goal of equal access to justice.

Our heartfelt thanks to those attorneys who regularly volunteer for our clinics, accept extended service pro bono cases, and serve as our board members. For anyone interested in becoming a volunteer, contact the Community Law Program at 582-7402.

Congratulations to Attorney Jeannine Williams who has been nominated for the Florida Bar Young Lawyers Pro Bono Award!



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February 6 Wellness Workshop at Eckerd College Will Address Self-Awareness and Stress



Research from the renowned Center for Creative Leadership® in Greensboro, NC, has shown that greater self-awareness can enhance leadership effectiveness. Greater self-awareness can also dramatically help you deal with the stressors in your life. (The Leadership Development Program at Eckerd College has been a Network Associate of the Center for Creative Leadership (CCL)® since 1981 and has delivered internationally-acclaimed programs to thousands of local, national and international clients.)

Part of the Wellness & Work-Life Balance Workshop being presented by the St. Pete Bar and Eckerd College on February 6 will help participants gain more self-awareness through the use of a simple self-scoring test. Participants will have the opportunity to take the Kirton Adaption-Innovation Inventory (KAI) during a presentation by Margaret Cooley, Director of Open-Enrollment Programs at the Leadership Development Institute at Eckerd College. "The results of the KAI help individuals better understand how they approach decision making, problem solving, and conflict resolution among other things. The individuals can then see how their approach differs from others and learn how the differences can be either a source of misunderstanding or the basis of effective collaboration." Cooley says.

The KAI instrument focuses on styles of problem solving and creativity. It is based on the idea that people exhibit a range of approaches to these processes. One set of

approaches involves "adaption" and people who favor this approach prefer to work with existing structures and seek solutions that improve or refine the current system. People who prefer the approach characterized as "innovation" are less concerned with current policies and practices and produce many ideas that would change the current structure.

People can have difficulty working with people who have a different style. Adaptors may see innovators as impractical, risky, abrasive, and a threat to the system. Innovators can see adaptors as inflexible, intolerant of ambiguity, and too predictable. Yet, regardless of style, it is possible for people to learn to work with others who have a different style.

Both styles bring strengths to problem solving. Adaptors tend to generate a few creative, relevant and practical solutions that aim at doing things better. Innovators will frequently come up with many ideas, some of which will demonstrate "out-of-the-box" thinking. The nature of the problem being addressed will effect which of these styles will be most productive. Without having people of both styles, an organization risks being too narrow in its problem-solving approach.

Leaders will work to understand their own style and will seek to utilize the strengths of both adaptors and innovators in addressing problems. They will also attempt to avoid having their style dominate the process, thereby losing potentially valuable alternative perspectives.

Craig Runde, a graduate of Duke Law School and the Director of New Program Development in the Special Programs Division at Eckerd College, says these relationships between self-awareness, stress and effective leadership are certainly applicable in law firm contexts. "Self-aware leaders can contribute to this by understanding their own strengths and potential weaknesses. This allows them to use their strengths and work on dealing with potential pitfalls that might otherwise be overlooked," Runde says. These leaders will also understand that their firm will be made up of people with a variety of types and styles. They will work to understand this variety and look for ways to make it work for their organization's advantage. "They will also recognize differences with their clients or other members of the firm and will likewise appreciate these differences and attempt to work with them rather than be frustrated by them," Runde says.



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E-mail: ana@tgtgr.com

Undergraduate degree from Allegheny College, law degree from Stetson College of Law. Admitted to The Florida Bar in 2003. Ms. Antolik is an associate in the firm of Thompson, Goodis, Thompson, Groseclose & Richardson, P.A.

HULL, JASON ROBERT

P.O. Box 90, St. Petersburg, FL 33731-0090
Phone: 727-823-0540; Fax: 727-823-0230
E-mail: jrh@tgtgr.com

Undergraduate degree from Florida State University; law degree from Cumberland School of Law. Admitted to The Florida Bar in 2000. Mr. Hull is an associate in the firm of Thompson, Goodis, Thompson, Groseclose & Richardson, P.A.

JOHNSON, JUSTIN C.

4020 Park St. N.,
St. Petersburg, FL 33709-4030
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Undergraduate degree from Florida State University, law degree from Stetson College of Law. Admitted to The Florida Bar in 1980. Mr. Johnson is President of Justin C. Johnson & Associates.

MEYER, LARRY KEITH, JR.

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Phone: 727-490-3100; Fax: 727-490-3101
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Undergraduate degree from Florida State University, law degree from the University of Florida. Admitted to The Florida Bar in 2000. Mr. Meyer is an associate in the firm of Buckley & Fudge, P.A.

RICH, JOHN D.

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Seminole, FL 33776-2161
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E-mail: johndrich@kentuckymg.com

Undergraduate degrees from Ohio Wesleyan University and University of Florida, law degree and MBA from Stetson College of Law. Admitted to The Florida Bar in 1998. Mr. Rich is President and Corporate Counsel for Bannum, Inc., a company that contracts solely with the U.S. Dept. of Justice, Bureau of Prisons in the field of corrections.

STROTHMAN, NICOLE DANIELLE

2350 34th St. N., Suite 110,
St. Petersburg, FL 33713
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E-mail: nstrothman@agg-inc.com

Undergraduate degree from Florida State University, law degree from Stetson College of Law. Admitted to the Florida Bar in 2003. Ms. Strothman is an associate in The Law Offices of Linster E. Brinkley, Jr.

TILLMAN, CHARLES M., JR.

P.O. Box 90, St. Petersburg, FL 33731-0090
Phone: 727-823-0540; Fax: 727-823-0230
E-mail: cmt@tgtgr.com

Undergraduate degree from the University of Florida, law degree from Cumberland School of Law, L.L.M. in taxation from the University of Denver. Admitted to The Florida Bar in 2001. Mr. Tillman is an associate in the firm of Thompson, Goodis, Thompson, Groseclose & Richardson, P.A.

WARD, KATHERINE PAIGE

100 North Tampa Street, Suite 3500,
Tampa, FL 33602
Phone: 813-225-3186; Fax: 813-314-6004
E-mail: pward@broadandcassel.com

Undergraduate degree from Auburn University, law degree from Stetson College of Law. Admitted to The Florida Bar in 2003. Ms. Ward is an associate in the firm of Broad and Cassel.

STUDENT MEMBERS

DAUVAL, RICHARD MICHAEL

6349 6th Ave. N., St. Petersburg, FL 33710
Phone: 727-343-0786
E-mail: rdauval@ufl.edu

Undergraduate degree from the University of Colorado, law degree from the New England School of Law. Admitted to The Florida Bar in 2003. Mr. Dauval is currently a student at Stetson College of Law.

HOAG, BRIAN MICHAEL

6085 Gulfport Blvd., Gulfport, FL 33707
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Undergraduate degree from Florida State University. Mr. Hoag is currently a student at Stetson College of Law.



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Florida Bar President Challenges Lawyers to Provide Legal Aid for Children



Over 100 people attended the January Membership Luncheon with guest speaker Miles McGrane, President of The Florida Bar. McGrane spoke about the need for attorneys to serve children throughout the state.

According to McGrane, there are fewer than 20 full-time legal aid and legal services attorneys dedicated to addressing the special legal needs of children in Florida. "That's only one legal aid attorney for every 31,000 poor children, McGrane said. "Even counting the significant amount of pro bono services for children already donated by Florida Bar members, the need for legal advocacy is far greater."

McGrane is asking attorneys to donate their time and talent to nonprofit organizations that act as advocates for children. Bar members may also make a donation to the Lawyers Challenge for Children through The Florida Bar. For more information on this program, visit The Florida Bar website at www.flabar.org.



Pictured above from left to right: St. Pete Bar President David Abbey; Miles McGrane; Past St. Pete Bar and Florida Bar President, Bill Blews.

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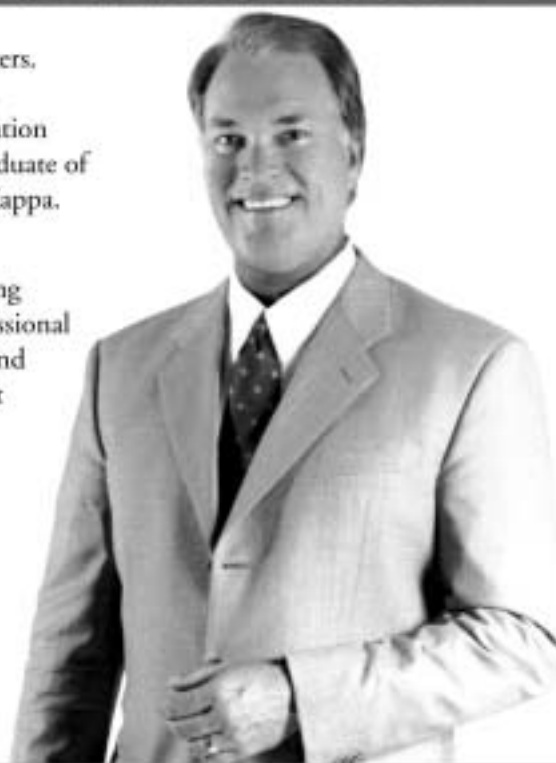
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The St. Petersburg Association of Legal Support Specialists monthly meetings are held the first Tuesday of each month. The next upcoming meeting is:

February 3, 2004 - 6:00 p.m.
David J. Abbey, Esq., President of the
St. Petersburg Bar Association
Location: Holiday Inn Select
3535 Ulmerton Rd., Clearwater, FL

March 2, 2004 - 6:00 p.m.
Appreciation Banquet
Honoring Boss of the Year
Location: same as above

Reservations are required.
Contact Loretta Aldridge for more
information at 727-894-0676.

Pinellas County Paralegals

The next meeting of the Pinellas County Chapter of the Paralegal Association of Florida, Inc., will be :

February 9, 2004
Dinner Meeting 6:15 p.m.
Holiday Inn Select, 3535 Ulmerton Rd.,
Clearwater, FL
Speaker: Joseph N. Perlman, Esq.
Topic: *Communication*
Cost: \$18 members, \$19 non-member, \$5
after-dinner guests

March 8, 2004

Dinner Meeting: 6:15 p.m.
Location: same as above
Speaker: David J. Wollinka, Esq.
Topic: *Homestead Issues and Probate*
Location: same as February 9 meeting

Paralegals, student paralegals, non-members and attorneys are always welcome. For further information or to make reservations, please call Patricia Weaver at work: 727-586-4224, fax: 727-585-4452, or e-mail: patricia1208@yahoo.com no later than five days in advance of the meeting.

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The Paraclete Parent

By Gay L. Inskip



When I think of balancing work and family,

I immediately get a visual of myself doing what our President, Dave Abbey, mentioned in his monthly column – walking the tightrope. There I am, hundreds of feet in the air, one foot placed precariously in front of the other. The crowd below me is rapt, hushed. In my right hand, I hold my family, which includes my husband, children, mother, siblings, and in-laws. In the other hand, I hold my work obligations. To represent that aspect, I am holding my car (for traveling to meetings) my calendar, my computer, my bosses, my co-workers, and my colleagues. Pressed between my ear and my shoulder is my cell phone. My arms are spread wide, and I struggle to keep them at shoulder height. I feel a tug at my right – one of the kids is sick. Then, on my left, another pull. A meeting that I can't miss. Back to the right – my mom needs a ride to the eye doctor. Now to the left – I promised a co-worker I would cover a hearing for her. My arms are getting tired and I can feel one of them starting to drop. My toes grip the wire in a desperate attempt to regain my footing. It is too late. The crowd gasps, then shrieks, and then...

Thankfully, this is just a vision. In real life, I am not balanced high above an expectant crowd with no safety net. I do have a supportive family, an understanding boss, and helpful co-workers. All the same, there are times when I feel no less anxious about falling off the figurative tightrope as I try to meet the needs of my family, my friends, and my work associates. Oh, yeah, and throw my own needs in there, too.

How do parents achieve “balance” in their lives? I’ve come to believe that is a distinctly personal decision. In talking to other parents, I’ve learned

that for as many families as there are out there, there are as many ways to achieve that allusive balance. Some parents have made career decisions that assure they are at home more. Some parents pursue work schedules that allow one of them to be at home at all times with their kids. Others volunteer at their children’s schools, or take time out of their work day to meet their children for a brief respite at lunch. Thankfully, employers are becoming more sensitive to families’ needs and offering more flexible work schedules, job share opportunities, day care or even schools in the work place, and generous maternity (or paternity) leave packages.

For me, I have come to see “balance” as something akin to the concept of equitable distribution in family law cases. Equitable isn’t necessarily equal. It’s not always a 50/50 proposition. I think the same about balance. At times, we need to give more than 50% to our families; for instance, when we have a sick child or spouse, we tend to give 100% until the crisis passes. At other times, work demands more than half of our available time and attention. The key is, for me, that when I feel one arm starting to get heavy, I take a time out and evaluate what adjustments I need to make. This may mean taking a day off to go on a field trip with one of my children, taking a walk, going out for a quiet evening with my spouse, or just trying to get home in time for dinner.

I’m convinced there is no right or wrong way to achieve balance. The key is to have some kind of plan in place to help you stay securely on that tightrope, even if we all teeter to one side or the other once in a while!

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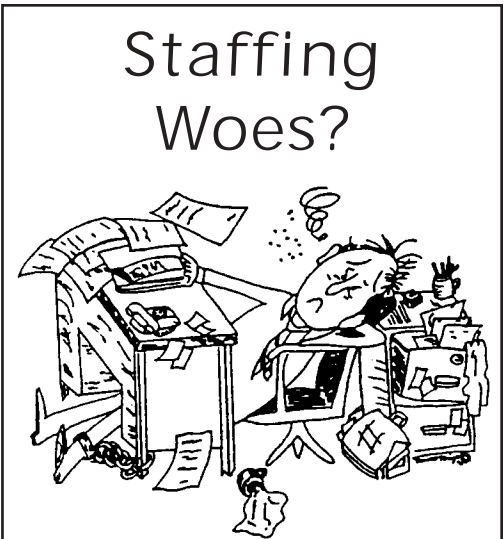
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Satisfying Your Spirit



Kimberly G. Jackson, Esq.

After speaking with several attorneys, I realized that many of us have a difficult time balancing family, work, and our personal goals. Some attorneys described having an unfulfilled life despite having an extremely successful career and supportive family. The most common complaints centered around too much work and too little fulfilling work. Other complaints included low energy level and drive. Tapping into your spirit is often taxing when one considers the many responsibilities attorneys tackle on a daily basis, but while conducting my research for this article, I remembered at least one attorney who always seemed to have his spirit intact.

Steve Everhart, Professor of Evidence at Stetson University College of Law balances his life by tapping into his spirit through meditation and exercise. "I run, swim, bike, and weight train." Professor Everhart has practiced meditation techniques for four decades. "When possible, I meditate three times a day." He explained to me that meditation or deep breathing, decreases his stress, makes him feel more energetic and allows him to focus on the important aspects of his life. "If you just sit in a quiet room, relax and tap into your spirit, you will be surprised at how quickly your perspective on life changes."



Meditation and exercise are not the only way Professor Everhart taps into his spirit; he also is a strong advocate of community service. "Public service is a gift." Professor Everhart enjoys serving as a mentor to young students, and teaching young attorneys how to be great attorneys. He says the best reward is giving unselfishly because he derives the benefit of seeing others achieve their goals. "Seeing my students receive jobs is the best reward I could receive." Professor Everhart does not want to be praised for giving back to the community. He simply believes giving back helps him stay focused and makes him appreciate the position he has as an attorney in this community.

If you would like to give back, contact the St. Pete Bar for information on pro bono projects or the Community Law Program to volunteer.

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The St. Petersburg Bar Association & the Fred G. Minnis, Sr. Bar Association Welcome National Bar Association President Clyde Bailey



February 13, 2004 • Mirror Lake Lyceum

Join us on February 13 as we welcome the current president of the National Bar Association (NBA), Clyde Bailey, as our luncheon speaker. The NBA is the largest bar association for attorneys of color in the United States. Its members include attorneys from the United States and from countries around the world. 2004 marks the fourth year that the St. Pete Bar has welcomed the president of the National Bar Association as a speaker at one of our membership luncheons and the third year that the luncheon has been co-sponsored by the Minnis Bar Association.

Mr. Bailey is a distinguished Patent Counsel for Eastman Kodak Company of Rochester, New York. During his illustrious career as a patent attorney he has prepared and prosecuted well over 500 patent applications world-wide in diverse technologies - including advanced turbomachinery components and materials, space and terrestrial analytical equipment, photosensitive film/paper processing equipment, advanced ceramic/composite materials, packaging, and photosensitive materials. In addition to his core patent responsibilities, Bailey has also provided litigation support in major patent infringement matters involving Eastman Kodak Company. He also had the distinction of having been directly involved, as a transactional lawyer, in the Company's largest global divestment of business assets in 1994 - 1995.

Prior to Kodak, Mr. Bailey's law practice included intellectual property law, space commercialization law and equal employment law for the National Aeronautics and Space Administration. He also spent a brief period as congressional staff attorney in the Capitol Hill office of Congressman Louis Stokes (Ohio).

Also distinguished in science and engineering, Mr. Bailey was a Senior Engineer and Physicist at the Xerox Corporation, Rochester, NY, Technical Leader at General Electric Company, Cleveland, OH, and an Adjunct Professor of mathematics, Cuyahoga Community College, Cleveland, OH.

Mr. Bailey's scholarship achievements include: a Bachelor of Science degree (B.S.) in mathematics and a Master of Science degree (M.S.) in physics both from Virginia State University; a Master of Science degree (M.S.) in materials science from the University of Rochester; a Juris Doctor degree (J.D.) from Cleveland State University; and, a Master of Laws degree (LL.M.) in Patent and Trade Regulation law from the National Law Center of The George Washington University. Mr. Bailey also completed the Executive Development Program of The George Washington University and attended the Weatherhead School of Business, Case Western Reserve University.

See the Registration Flyer in this issue.

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