



CENTRAL  
FLORIDA  
ASSOCIATION FOR  
WOMEN  
LAWYERS

# NEWSLETTER

October - December 2007

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## FAWL: Working Hard to Be the Best

By Kimberly D. Webb, FAWL Representative

The Florida Association for Women Lawyers has been busy, busy, busy this year working to make this organization at both the local and state-wide levels the best possible voluntary bar association for you. Through a member-wide online survey completed earlier this year, FAWL has been working to determine what matters most to you, how it can work to serve you better, and where it has come up short in the past. And FAWL's Board of Directors has taken that guidance to heart.

FAWL, through its Legislative Director Robin L. Rosenberg, is redoubling its lobbying efforts. Having recently engaged the services of a lobbyist to take issues of interest to FAWL's membership to our legislators, FAWL is striving to identify and impact those legislative initiatives that affect women's rights, personally, medically, and professionally, in the State of Florida. FAWL is monitoring the legislative landscape and ensuring that the voice of its members is heard. Feel free to contact me or Robin at any time regarding legislation that you have identified of particular concern and that you believe impacts CFAWL or its members. You will find a link to FAWL's current Legislative Agenda at [www.fawl.org](http://www.fawl.org). And be sure to stay alert for notices of the upcoming Lobby Days, taking place again during the legislative session next spring, where we can converge as a group in Tallahassee and emphasize those issues of importance to FAWL and CFAWL.

Have you ever gotten to the middle of the month only to realize that your CLE reporting period is about to end and you still need that extra hour and a half of ethics credit? Don't have time to go to Miami or Tampa to attend whatever live seminars are being offered during the time you have left? Or would you just rather get your CLE done in the most cost-efficient, time-saving means possible so you can get on with your life? Well, does FAWL have the solution for you. FREE on-line CLE. Did you know that FAWL was the first voluntary bar association in Florida to offer on-line CLE to its members? FAWL currently has nine hours, including two and a half hours of ethics CLE, available free of charge on its website at [www.fawl.org](http://www.fawl.org). What a great benefit of FAWL membership!

And speaking of benefits, did you know that FAWL now has a Law Firm Merchant Account available for your client-attorney transactions. FAWL's Merchant Account offers a credit card program especially designed for law firms and sole practitioners? The FAWL program offers payment flexibility for your clients, personalized customer service and the ability to accept transactions in a professional manner. FAWL members receive reduced processing rates and multiple features built around the needs of your practice. For instance, with a Law Firm Merchant Account, credit cards accepted for retainers are deposited into your trust account, while processing fees are paid from the operating account. This process helps you keep your trust balance intact while avoiding any commingling of client funds - keeping your firm compliant with ethical accounting practices. More information is available on-line at [www.fawl.org](http://www.fawl.org).

FAWL is working for you, ensuring that being a member of FAWL is more than just a bi-line on your resume - it is a truly valuable membership. If there are ways that you believe FAWL could better serve you or own local CFAWL chapter, please speak up. You can catch me at our monthly CFAWL luncheons, drop me a line at [KDWebb@little.com](mailto:KDWebb@little.com) or give a call at 407-514-2637. I would love to take your ideas for making this the greatest voluntary bar in the state to the next meeting of the board of directors.



## *President's Message*

- SARAH P. REINER

I see where I want to go, but how do I get there? I see examples of great women attorneys in our community all around me including: Ava Doppelt; Barbara Eagan; Mary Ann Morgan; Mayanne Downs; and Diane Holmes, to name just a few. My list could go on and on. But how did they get there? Did they have any help?

I sit on the board of directors for a local non-profit, BETA Center. I am in my third term as Secretary of the OCBA YLS. I am President of CFAWL. I just finished co-chairing an OCBA Social Committee event. I chaired a non-profit gala last year, and oh yeah, I am also an associate in a law firm. Sometimes I feel I am spread so thin I must be transparent to those around me. I love being active in my community and local bar, and I think the things I do are important. I am also told that these activities will help establish me in the community and eventually help me build my own "book of business", and let's face it, I am not going anywhere on the legal ladder without that. But is it working? How will I know? How long does it take? These are only a few of the questions I have, and I know that some of you must have the same or similar questions. Some of you are just as busy as I am, if not more so.

Luckily, by becoming involved in CFAWL I have gained resources (some of whom are named in that first paragraph) that can help me answer these questions, or at least point me in the right direction. You have too. In fact, as someone in her sixth year of practice, I might even be one of those resources for you. (Don't worry I know some stuff.) Now don't get me wrong, I am not suggesting you bombard our more prestigious senior members with phone calls and questions at 2:00 a.m., but chatting with them at a luncheon, Table for Eight, or other CFAWL event is perfectly acceptable. In fact, you may even suggest lunch or dinner sometime. (It is a universal truth that the inclination to snatch-up a free meal does not end upon receipt of a degree, or two.)

Another resource you can tap into is the speakers at CFAWL luncheons. Have a question about solo practice, arbitration or construction law? Elaine Lerner and Christi Underwood, speakers from our last panel, can probably answer it. Want to learn about the legal needs of the underprivileged in our community, or how to fulfill your pro bono requirement? These questions and more will be answered at our **October 5th** luncheon when The Legal Aid Society speaks to our members. Have a question about building your client base in our community? Getting involved in local government or the local bar? Concerned about starting and building your own business as a young professional? Interested in learning the important issues for women in the law, or how the judicial nominating process works? On **November 1st** CFAWL will hold its **Professional Leadership Forum**, and you can ask these questions and more of speakers such as Linda Chapin (former Orange County Chairman), Solange Dao (CEO of civil engineering firm Dao Consultants), and others.

I guess the point of this article is that although we may at times feel overwhelmed, at the end of the day none of us are alone in this practice or community. The resources are here, in the membership of CFAWL. All we have to do is ask the questions.

### *SAVE THE DATE!*

**On November 1, 2007**, from 6:00 p.m. to 8:00 p.m. (location TBD), CFAWL will host a Professional Leadership Forum with guest speakers including Linda Chapin (former Orange County Chairman), Solange Dao (CEO of civil engineering firm Dao Consultants), and other prominent women within the Orlando community. Please watch for additional information regarding this wonderful event in future email blasts!

## **CFAWL Calendar of Events**

**October 5, 2007** - CFAWL Luncheon (Citrus Club) 11:45 a.m.

Program: The OCBA Legal Aid Society and Current Pro Bono Issues Impacting our Community

**October 11, 2007** - Come welcome CFAWL's new members at its annual **New Member Reception** which will be held at the Downtown Orlando Marriott from 5:30 p.m. - 7:30 p.m.

**October 18, 2007** - **Table for Eight** - Mary Ann is busy planning our next Table for Eight (location TBA) and there are still seats available...to rsvp please contact Mary Ann Morgan at [MaryAnn@billingslawfirm.com](mailto:MaryAnn@billingslawfirm.com).

**October 25, 2007** - **Lunafest at Leu Gardens** - Gardens open at 6:00pm, show starts at 8:30pm. Leu Gardens and Women in Film & Television Florida will present 9 award-winning short films by, for and about women in the botanical gardens on October 25th. The cost is \$15 per person and must be purchased online prior to the event. If anyone is interested in attending, please email Sarah Reiner at [sreiner@moran-shams.com](mailto:sreiner@moran-shams.com), or Maria Hale at [maria@bradfordlaw.com](mailto:maria@bradfordlaw.com) and we will coordinate a group to attend the show.

**November 1, 2007** - **CFAWL Professional Leadership Forum** - Linda Chapin, Solange Dao and other prominent women within the Central Florida community will join CFAWL for a panel presentation and discussion regarding furthering women in the governmental and judicial arenas, their careers and our community. CLE is pending, and the final location is TBD. Please save the date, November 1st, from 6:00 p.m. to 8:00 p.m.

**November 7, 2007** - CFAWL Luncheon (Citrus Club) 11:45 a.m.

Speaker: Jennifer Taggart - CFO for Florida's Blood Centers in Orlando

**December 6, 2007** - **CFAWL Holiday Party** - 7:00 p.m. - Please join your fellow CFAWL members for our annual Holiday Party! Location TBA. (The Holiday Party will take the place of CFAWL's luncheon for December.)

## **KUDOS!**

- ❖ Kudos to the Grande Dames of CFAWL! Rumor has it that a distinguished group of our comrades celebrated 20 years of practicing law together on September 27th at the Dubsdread Country Club. Yes, the building is still standing.
- ❖ Kudos to Kimberly Webb who recently joined the firm of Littler Mendelson, P.C.
- ❖ Kudos to all those members who attended the Joint Happy Hour at Doc's Restaurant on September 13th!
- ❖ Kudos to CFAWL for its receipt of a \$1,000 grant from the Florida Bar Foundation for its "Art Finds a Place for Children" project! If you are interested in assisting with this project, which will benefit A Place for Children located in the Orange County Courthouse, please contact Sarah Reiner at [sreiner@moran-shams.com](mailto:sreiner@moran-shams.com).

## **Calling All New Members!**

CFAWL welcomes any and all ideas you may have regarding programs CFAWL can establish for its new members. Please email any suggestions for new member activities to Sarah Reiner at [sreiner@moran-shams.com](mailto:sreiner@moran-shams.com).

CFAWL is pleased to welcome the Legal Aid Society  
for its October luncheon at the Citrus Club.

Date: Friday, October 5, 2007 ✧ Time: 11:45 AM - 1:00 PM ✧ Where: Citrus Club - Downtown Orlando  
255 S. Orange Avenue, Orlando BBNT Bank Building, 18th floor (f/k/a Republic Bank Building)

*The Legal Aid Society - Its Successes & Challenges*

The Orange County Bar Association made a landmark commitment to Equal Justice in 1961, when it founded the Legal Aid Society. Attorneys in Orange County realized that a commitment to equal justice for the poor is not an abstract philosophical concept. It is a practical community need. So they committed themselves to provide equal access to the law for the poor and the powerless, the defenseless and the dispossessed. Over the decades, because of strong leadership, good stewardship, and faithful support from the legal community, our Legal Aid Society has acquired a reputation as one of the most effective organizations of its kind in the entire nation. In 2006, more than 1,400 attorneys provided over 20,000 hours of service to indigent clients. Another 1,288 provided financial support. More than 30 attorneys (including 3 members of CFAWL) each donated over 100 hours of pro bono service.

The resulting accomplishments were noteworthy.

- ✧ Approximately 1,000 children were represented through our Guardian ad Litem Program.
- ✧ All together, our volunteers, along with our dedicated and talented staff attorneys, were able to represent 5,162 new clients.

Yet we are struggling to meet the challenges before us. We are faced with a rising tide of domestic violence, broken homes, human trafficking, consumer fraud, homelessness, and child abuse. Last year, we were able to successfully conclude 5,300 cases for clients. That's a lot, and we celebrate those successes. But we are also painfully aware that we had to turn away tens of thousands of requests for assistance, many of which were valid requests from qualified applicants.

The need is urgent . . . but we are confident that the attorneys of Orange County will rise to the challenge as they always have, in order to insure the cause of equal justice.

**How can you help?** The answer is simple. There are four ways:

✧ Take Cases: We have opportunities for you to assist poor clients in the areas of Consumer law, Family law, Housing, Employment, Immigration, Restoration of civil rights, and simple wills. For more information please contact Cathy Tucker, Pro Bono Coordinator at [ctucker@legalaidocba.org](mailto:ctucker@legalaidocba.org).

✧ Be a Guardian ad Litem: Pro bono attorneys and lay volunteers serve as advocates for children in the juvenile and criminal division of the circuit court. The majority of cases involve abused, abandoned, and neglected children. For information about volunteering, training and support services, and other issues please contact Susan Khoury, Program Coordinator at [skhoury@legalaidocba.org](mailto:skhoury@legalaidocba.org).

✧ Participate in a Project : We have a wide variety of active projects where attorneys can make a significant contribution to helping the poor and needy of our community, including "Attorneys fighting for seriously ill children," an "Aids Special Will Project," and "Teen Court." For more information please contact Cathy Tucker, Pro Bono Coordinator at [ctucker@legalaidocba.org](mailto:ctucker@legalaidocba.org).

✧ Make a Financial Contribution - our resources are already being strained to the limit, and anyone who reads the headlines knows that it will be something in the nature of a miracle if we avoid funding cuts as state and municipal budgets are being slashed. For information, contact Bob Storrs, Director of Development, at [bstorrs@legalaidocba.org](mailto:bstorrs@legalaidocba.org).

We are inaugurating our first annual Attorney Participation Drive this Fall. You'll hear more about our Opening Doors for Justice campaign beginning in October, and learn how you can make a significant difference in the life of your community. Be on the lookout for your opportunity. Remember: If it isn't equal . . . it isn't justice.

# **CFAWL Welcomes Jennifer Taggart, CFO of Florida's Blood Centers for its November Luncheon**

**Date:** Friday, November 7, 2007 ✧ **Time:** 11:45 AM - 1:00 PM ✧ **Where:** Citrus Club - Downtown Orlando  
255 S. Orange Avenue, Orlando BBNT Bank Building, 18th floor (f/k/a Republic Bank Building)

**CFAWL** is pleased to welcome JENNIFER TAGGART, of Florida's Blood Centers in Orlando (FBC) for its monthly luncheon on November 2, 2007 at the Citrus Club. Jennifer attended University of Central Florida where she received her Bachelor of Science in Accounting in 1997, and her Master of Accounting in 1999. She is married to Jason Taggart and has two beautiful children, Cody and Lily. Jennifer started her professional career in Orlando at Vestal & Wiler, CPAS as a Staff Accountant in 1998. She later joined Orlando Harley Davidson as their Controller, and was eventually promoted to VP and GM. Jennifer now serves as the Chief Financial Officer for FBC.

FBC is one of the largest blood centers in the country, and it annually provides more than 360,000 units of blood and blood products to its hospitals. It was established in 1942, shortly after the start of World War II. During its 60 years, FBC has consistently provided communities it serves with a safe and adequate blood supply. Today, FBC is the sole supplier of blood and blood products to 70 healthcare facilities in a 21-county area. With its 875 employees, the not-for-profit 501(c3) organization remains the largest blood bank in Florida and the fourth largest independent blood bank in the nation.

FBC, a founding member of both the American Association of Blood Banks and the Florida Association of Blood Banks, has been a pioneer and leader within the industry. It was one of the first blood banks in the country to implement new capabilities and services such as frozen blood storage, a national clearinghouse system for exchanging blood, community branches and bloodmobile collection. More recently, FBC responded within 15-minutes of the terrorist attacks on September 11, 2001. FBC sent 400 units of blood for the innocent victims in the New York and Washington, D.C. area. It also served as the second-largest civilian supplier of blood to the military during the Gulf War and was one of the first to respond to the urgent need for blood following the Los Angeles civil riots, Hurricane Andrew and Hurricane Charley.

***\*Only 5% of the population donates blood for a staggering 60% who will need it during their lifetime. At least 1,500 donors per day are needed to fulfill the needs of patients FBC serves. To donate blood, you must be in good health, 16 years of age (with parental permission) or older, a photo ID and weigh a minimum of 102 pounds. Blood donation is safe and painless, and healthy people can donate every eight weeks (56 days). FBC encourages donors to give every eight weeks to help maintain a consistent blood supply and so that the community is prepared for any emergency. For more information on Florida's Blood Centers go to [www.floridasbloodcenters.org](http://www.floridasbloodcenters.org).***

**To RSVP for the luncheons, email Treasurer-Elect Christine Arendas at: [cfawl.reserve@gmail.com](mailto:cfawl.reserve@gmail.com).**

Just a reminder, the cost of CFAWL luncheons is \$20 per person for those who rsvp, and there is a \$5 charge for those who attend but did not rsvp. Also, those who rsvp but do not attend will be invoiced the \$20 luncheon charge. Unfortunately, these charges are necessary because the Citrus Club charges us per person for luncheons based on our rsvp list. Thank you for your understanding and cooperation!

*Please arrive on time for monthly luncheons. This meeting will start promptly at 11:45 AM, so that it can be concluded by 1:00 PM.  
Please dress appropriately according to dress code of the Citrus Club.*

**FOR IMMEDIATE RELEASE:**

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**WORKING MOTHER MAGAZINE AND FLEX-TIME LAWYERS ANNOUNCE  
THE FIRST-EVER LIST OF THE 2007 BEST LAW FIRMS FOR WOMEN**

*Leading Advocates for Work/Life Balance and Women Pair to Honor the Nation's Most Progressive Law Firms*

**New York, NY (August 14, 2007)**-Working Mother magazine, the authoritative source for career mothers, and Flex-Time Lawyers LLC, a national consulting firm advising attorneys and legal employers on work-life balance and the retention and advancement of women, today announced the list of the 2007 Working Mother & Flex-Time Lawyers Best Law Firms for Women. The winning firms are notable for their work/life and women-friendly policies-including flex-time, child care and women-focused mentoring, leadership and networking programs-as they set new standards to retain and promote top female legal talent.

In a profession often distinguished by cut-throat competition, 100-hour work weeks, and few women in top partnership positions, the 2007 Working Mother & Flex-Time Lawyers Best Law Firms for Women firms are redefining standards of success and creating workplaces that encourage the retention and promotion of women. For more than twenty years, women have comprised 40-50% of law school graduates and forward-thinking firms are recognizing that in order to retain and promote the best talent, they need to ensure women lawyers' success.

"Forget the old stereotypes of law firms as inhospitable to women," said Suzanne Riss, Editor in Chief, Working Mother magazine. "As Working Mother examined the practices of many of the nation's law firms, I was pleasantly surprised to discover that a number have been quietly changing their policies in recent years to reflect changes that are afoot in society as a whole. The 2007 Working Mother & Flex-Time Lawyers Best Law Firms for Women are making women's issues a priority, and the success of their policies will hopefully become reflected in the number of women, from associates all the way up to partners."

"We are delighted to celebrate the firms that have begun to make strides with respect to women. Competition is the ultimate instrument of change and my goal in partnering with Working Mother to create this list is to make work/life balance and women's issues a basis of competition among law firms, as historically has been the case for salary or pro-bono," said Deborah Epstein Henry, Founder and President, Flex-Time Lawyers LLC.

Added Henry, "The other key component to making change is information and participating law firms are now positioned to acquire the national benchmarking data they need to improve the status of women in the profession and raise the bar on what makes a best law firm for women."

**THE 2007 WORKING MOTHER & FLEX-TIME LAWYERS BEST LAW FIRMS FOR WOMEN**

ALSTON & BIRD, Atlanta, GA	DEBEVOISE & PLIMPTON, New York, NY	HELLER EHRMAN, San Francisco, CA
ARMSTRONG TEASDALE, St. Louis, MO	DICKSTEIN SHAPIRO, Washington, DC	HOGAN & HARTSON, Washington, DC
ARNOLD & PORTER, Washington, DC	DLA PIPER US, New York, NY	HOLLAND & KNIGHT, New York, NY
Baker & Daniels, Indianapolis, IN	DORSEY & WHITNEY, Minneapolis, MN	HOWREY, Washington, DC
BAKER & MCKENZIE, Chicago, IL	DUANE MORRIS, Philadelphia, PA	HUNTON & WILLIAMS, Richmond, VA
BINGHAM MCCUTCHEN, Boston, MA	ECKERT SEAMANS CHERIN &	ICE MILLER, Indianapolis, IN
BLACKWELL SANDERS, Kansas City, MO	MELLOTT, Pittsburgh, PA	KATTEN MUCHIN ROSENMAN,
BRYAN CAVE, St. Louis, MO	FARELLA BRAUN + MARTEL,	Chicago, IL
CHAPMAN AND CUTLER, Chicago, IL	San Francisco, CA	KING & SPALDING, Atlanta, GA
COVINGTON & BURLING,	FOLEY & LARDNER, Milwaukee, WI	KIRKLAND & ELLIS, Chicago, IL
Washington, DC	FOLGER LEVIN & KAHN,	KIRKPATRICK & LOCKHART
CRAVATH, SWAINE & MOORE,	San Francisco, CA	PRESTON GATES ELLIS,
New York, NY	GIBBONS P.C., Newark, NJ	Pittsburgh, PA

KRAMER LEVIN NAFTALIS &  
FRANKEL, New York, NY  
MANATT, PHELPS & PHILLIPS,  
Los Angeles, CA  
MAYER, BROWN, ROWE & MAW,  
Chicago, IL  
MCDERMOTT WILL & EMERY,  
Chicago, IL  
MCGUIREWOODS, Richmond, VA  
MILLER & CHEVALIER  
CHARTERED, Washington, DC

MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO, Boston, MA  
MORRISON & FOERSTER,  
San Francisco, CA  
ORRICK, HERRINGTON &  
SUTCLIFFE, New York, NY  
PATTON BOGGS, Washington, DC  
PAUL, WEISS, RIFKIND, WHARTON  
& GARRISON, New York, NY  
PILLSBURY WINTHROP SHAW  
PITTMAN, New York, NY

REED SMITH, Pittsburgh, PA  
SIDLEY AUSTIN, Chicago, IL  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM, New York, NY  
SONNENSCHNEN NATH &  
ROSENTHAL, Chicago, IL  
WHITE & CASE, New York, NY  
WILMERHALE, Washington, DC  
WOMBLE CARLYLE SANDRIDGE  
& RICE, Winston-Salem, NC

The complete information about the 2007 Working Mother & Flex-Time Lawyers Best Law Firms for Women—including profiles of the winning firms—appears in the August/September issue of Working Mother, available on newsstands August 14, 2007 and at [www.workingmother.com](http://www.workingmother.com) and [www.flextimelawyers.com](http://www.flextimelawyers.com).

### **Methodology**

The 2007 Best Law Firms for Women application was developed in a partnership between Working Mother & Flex-Time Lawyers LLC. The application included detailed questions about the issues that are most important to the retention and promotion of women lawyers. The 50 winning firms were selected based on their responses to an application measuring six areas of importance: workforce profile, benefits and compensation, parental leave, child care, flexibility, and retention and advancement of women.

### **About Working Mother**

Founded in 1979, Working Mother magazine reaches nearly 3 million readers and is the only national magazine for career mothers. Its 21-year signature initiative, Working Mother 100 Best Companies, is the most important benchmark for work/life practices in corporate America. The publication also releases the annual list of the Best Companies for Multicultural Women in the June issue. Working Mother is published by Working Mother Media (WMM), which also owns the National Association for Female Executives (NAFE), NAFE Magazine, the annual 100 Best Companies WorkLife Congress, as well as the Best Companies for Multicultural Women Conference and regional Town Halls. In 2006, WMM acquired Diversity Best Practices and the Business Women's Network, making Working Mother Media the largest media company in the country focused on diversity and the advancement of women. For more information, please visit [www.workingmother.com](http://www.workingmother.com).

### **About Flex-Time Lawyers LLC**

Flex-Time Lawyers LLC® is a national consulting firm advising lawyers, law firms, bar associations, law schools and corporations on work/life balance, business development, women's initiatives, re-entry of comeback professionals and the retention and promotion of women. It hosts a membership organization with chapters in New York and Philadelphia, offering networking opportunities, support, career guidance, education and information sharing to effect change. Flex-Time Lawyers LLC is a resource to the press and legal community at large on work/life balance and women's issues and also provides recruiting services. It has been covered extensively in the national and legal press, including The New York Times, NBC Nightly News with Brian Williams, National Public Radio, The Boston Globe, The Los Angeles Times, The Philadelphia Inquirer, National Law Journal, New York Law Journal, and numerous others. For more information, please visit [www.flextimelawyers.com](http://www.flextimelawyers.com).

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## CASE LAW UPDATE:

### Highlights of Appeals of Decisions from the Ninth Judicial Circuit\*

By Linda Brehmer Lanosa, Esq.

*\*This article contains the personal opinions of the author and it is not intended as legal advice to anyone.*

*The decisions are available at <http://www.5dca.org> and may not be final*

**Is there such a thing as a Complaint for Discovery?** In *Payne v. Beverly*, 5D06-3344 (June 22, 2007) (Kirkwood, J.), a pro se plaintiff filed a Complaint for Discovery. The trial court dismissed the action and granted the defendant attorney's fees. The Fifth District reversed. According to the Fifth District, a bill of discovery "may still 'be used to identify potential defendants and theories of liability and to obtain information necessary for meeting a condition precedent to filing suit.'"

**Is it a good practice to include a general release in a proposal for settlement?** In *Sparklin v. Southern Industrial Associates, Inc.*, 5D06-913 (July 20, 2007) (Stroker, J.), the trial court entered an order granting a motion for attorney's fees and costs pursuant to the offer of judgment statute in section 768.79 of the Florida Statutes. The Fifth District reversed because the general release contained ambiguities and offended the particularity requirement of Rule 1.442. As a result, the offer of judgment was unenforceable.

**Does a drug user have a reasonable expectation of privacy on his porch?** In *State v. E.D.R.*, 5D06-2559 (June 22, 2007) (McDonald, J.), the trial court suppressed all physical and testimonial evidence seized from the defendant because the officers trespassed on private property and seized evidence without a warrant. The Fifth District reversed and remanded because the defendant, who was sleeping on a porch open to the public with cocaine in his lap, had no expectation of privacy.

**Is it possible to obtain relief from an overly broad discovery order?** In *Universal City Development v. Williams*, 5D07-832 (Aug. 24, 2007) (Smith, M.T., J.), Ms. Williams sued Universal for damages that she allegedly suffered as a result of the Back To The Future ride. During the discovery phase, the trial court ordered Universal to produce "the names and addresses of all persons who during a period of seven years, three years prior to the incident and four years after the incident, reported that they suffered from either heart attack, headache, stroke, neck pain, passing out, fainting or dizziness after riding the Back To The Future attraction." In response to the order, Universal filed a petition for certiorari review. "Certiorari is available when a discovery order departs from the essential requirements of law and causes material injury throughout the remainder of the case, leaving no adequate remedy on appeal." The Fifth District granted the writ and quashed the discovery order in part. The Fifth District limited discovery to information prior to the date of the alleged injury, to accidents or incidents that were substantially similar to the injury in question, and to medical information without any identifying information.

**Can you use evidence of prior molestation concerning a different victim in a sexual battery case?** In *Mendez v. State*, 5D06-2972 (July 27, 2007) (Fleming, J.), the Fifth District held that Section 90.404(2)(b) authorizes the admission of collateral crime evidence in child molestation prosecutions for any relevant purpose, including to corroborate the victim's testimony by showing that the accused had a propensity for such criminal conduct. To ensure that this type of evidence does not infringe upon the due process rights of the accused, the Supreme Court adopted several standards. "First, the court required that the evidence of the collateral crime be proven by clear and convincing evidence. Second, the court required that the trial court balance the probative value of the evidence against the danger of unfair prejudice . . . . Third, the court cautioned that the collateral crime evidence must not become a 'feature' of the trial. Finally, the court required that, upon request, the jury be instructed as to the limited purpose for which the evidence may be considered."

*Report on National Conference of Women's Bar Associations Women's Bar Leadership Summit\**  
*August 10, 2007*

The National Conference of Women's Bar Associations Summit was held in San Francisco, and included about 60 participants. Most of the participants were either NCWBA current or former Board members, or were from local chapters in California. However, there were representatives from several other statewide women's bar organizations, including California, New Hampshire, Arizona, Minnesota, Oregon, and Georgia. Below you will find a brief summary of some of the presentations.

***No Glass Ceiling Initiatives***

A "No Glass Ceiling" initiative generally involves encouraging local employers to sign a written commitment agreeing to certain goals for recruitment, retention and promotion of women attorneys in their organization. Three bar organizations discussed their No Glass Ceiling initiatives - The Bar Association of San Francisco, the Chicago Bar Association, and the Women Lawyers of Sacramento.

Due to the difference in the status of women in those three communities, the goals included in their No Glass Ceiling Commitments varied widely. The San Francisco Bar Association's Commitment included objectives such as achieving a 20-30% increase in the number of women at partnership level by January 1, 2010 (the percentages varied by the type of employer, size of the legal staff and location of its primary office); having at least one female chairperson or managing partner by 2010; and taking certain specified steps toward those goals (such as getting feedback, embracing flexible work schedules, etc.)

The Chicago Bar Association's goals were more modest, but had a shorter deadline for accomplishing those goals. They also provided participating firms with a list of Best Practices to ensure compliance with the Commitment. The Sacramento initiative has even more modest goals, since it is a conservative community and is not starting off as far ahead as San Francisco.

**Recommendations from the panelists on Glass Ceiling Initiatives included:**

- ◆ Encourage the local bar association to take on the project, as it will be much more successful as a full bar project than if the local women's bar organization does it on their own;
- ◆ Develop the goals and strategies on your own, based on the local climate, before turning it over to the task force or committee for implementation (you don't want to let firms haggle with you over the goals);
- ◆ Appoint a "blue ribbon" committee of judges, managing partners and in-house counsel to implement the initiative and recruit employers to sign up;
- ◆ Use the press to publicize the initiative (the Sacramento Business Journal did a nice article on the Sacramento initiative);
- ◆ Recruit corporate general counsel and legal departments to sign Commitments, which will help attract law firms that would like these companies' business;
- ◆ Midway through the goal period, survey the employers as to their progress and send out a press release with the names of the employers that have made the most progress, or who are on track to meet their goals; and
- ◆ Emphasize the use of the Commitment as a recruitment tool, and publicize the list of committed employers and the employers that meet their goals to the law school career services departments and law student organizations.

If any local chapters are interested in pursuing a No Glass Ceiling Initiative on their own or with their local bar association, FAWL has copies of the Commitment forms and Best Practices forms used by these three organizations.

***Mock Interviews for Judicial Appointment Candidates***

Two of the state presidents (Arizona and Oregon) said that their most popular program was the mock interviews that they do for women preparing to be interviewed by a judicial nominating commission. In both states, the state organization focuses its efforts on offering mock interviews to women seeking appellate court appointments. The local chapters handle the mock interviews for women seeking appointment to trial court seats. They said that the main key to their success is the full and candid feedback that they give, which can include anything from the responses to their questions, to hairstyle and wardrobe advice.

Florida will try a pilot mock interview program in Tallahassee, and then expand it to the other areas of the state.

*Women's Bar Leadership Summit, continued*

*Opting In and Out of the Legal Profession*

The featured panelist for this topic was Patricia Gillette, a shareholder with Heller Ehrman, LLP. She is Co-Chair of the firm's Gender Diversity Committee, and is helping the firm head up a nationwide initiative to recruit and retain women attorneys, called the Opt In Project. She is willing to travel around the country to speak and, in fact, her firm has budgeted money to pay for her to travel and speak about the Opt In Project.

**The panelists made the points that:**

- ◆ While firms are making more women partners, they are creating different "tiers" of partnership, such as equity and non-equity, so that a partnership does not mean what it once did.
- ◆ Male attorneys from Generations X and Y are just as interested in a flexible work schedule as women, as shown by the recent decision by all of Jones Day's senior associates to forego raises in favor of better hours.
- ◆ Part-time arrangements are usually bad because the women end up getting low quality work with no client contact, and often end up working close to the same hours as full-time attorneys, but for less pay.
- ◆ Flex time is much more preferable, and is what attorneys are really looking for.
- ◆ Flex time should be sold as a "family values" issue.

\* The original report on the NCWBA was thoughtfully authored and provided by FAWL President, Sherri Johnson. The report above has been edited with permission for use in the CFAWL newsletter.

**CFAWL's Mission Statement:**



**CFAWL** is a professional organization devoted to actively promoting the advancement of women in the legal profession and expanding the leadership role of its members in the community at large. To achieve these goals, CFAWL will further the common interests of its members and encourage camaraderie and learning among its members. CFAWL will promote women's opportunities and rights, uphold the highest standards of integrity, honor and courtesy in the legal profession, promote reform in the law and facilitate the administration of justice.

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## FAWL CELEBRATED DIVERSITY AND LEADERSHIP AT THE ANNUAL FLORIDA BAR CONFERENCE

*By: Barbara A. Eagan\**

*The* annual joint luncheon and awards ceremony, co-hosted by FAWL, the Virgil Hawkins Florida Chapter National Bar Association, and the Diversity Section of the Florida Bar, proved to be one of the most note-worthy events at the Florida Bar Conference held in Orlando, in June.

As in past years, noted leaders from the Bar, Bench, and professional community attended; thus, providing a wonderful opportunity to socialize with those who have done so much to advance the cause of women and minority lawyers. Attendees included Justice Barbara Pariente, Judge Rosemary Barkett (the first woman Florida Supreme Court Justice) and United States District Court Judge, Patricia Seitz, the first woman Florida Bar President, along with numerous others. This year, FAWL was particularly honored to present its



*Left to Right: Judge Patricia Seitz, United States District Court/Southern District of Florida and the first woman Florida Bar President; Wendy Loquasto, FAWL President 2006-07; Edith Osman, FAWL President 1989-90 and second woman President of the Florida Bar*

most prestigious award, The Rosemary Barkett Outstanding Achievement Award, to former Attorney General Janet Reno - a long-time proponent for FAWL and a champion for women in positions of leadership. The award's namesake, 11th Circuit Court of Appeals Judge, Rosemary Barkett, presented the tribute to Ms. Reno. Barely a dry eye existed in the house as Ms. Reno, who is battling the ravages of Parkinson's Disease, gave a moving acknowledgment, which included her call for each of us to come together and continue to advance opportunities for women, minorities and the underserved in our society.

Additionally, Ms. Reno urged attendees to take up the cause of conserving and protecting Florida's threatened natural resources. Ms. Reno grew up in Southwest Dade County in a house built by her mother on the wild edges of the Everglades. Her childhood passions for nature have made her a long-time proponent of the conservation movement in Florida. She graciously chose to share her vision with attendees. Following that address, the Virgil Hawkins Florida Chapter presented its Affiliate Chapter Award to the F. Malcom Cunningham, Sr. Bar Association and its President's Award to Benjamin Crump, a noted Tallahassee personal injury lawyer.



*Janet Reno & Barbara Eagan*

*Barbara Eagan served as FAWL President 2000-2001. Ms. Eagan is Board Certified in Appellate Practice and a shareholder in Broussard, Cullen, DeGailler & Eagan, P.A.*

By way of background, this event was established in 2001, as a collaborative effort between 2000-2001 Virgil Hawkins President, Craig Gibbs, and me during my term as President of FAWL. During our tenures, Mr. Gibbs and I decided that women lawyers and African American lawyers should work together to advance causes important to all of us. As a result of this endeavor, we now have reciprocal Board seats between the organizations, as well as the wonderful opportunity this yearly award luncheon brings to break bread, plot strategy and honor our leadership. If you missed it, you should plan to attend next year!



*Those pictured include: Jennifer Coberty, FAWL President 1997-98; Bon Shea, FAWL President 2002-03; Janet Reno, Recipient of the Rosemary Barkett Outstanding Achievement Award and the first woman Attorney General of the United States; Edith Osman; Judge Patricia Seitz; June McKinney, FAWL President 2005-06; Wendy Loquasto; Florida Supreme Court Justice Barbara J. Pariente; Barbara Eagan FAWL President, 2000-01; and Caryn Carvo, FAWL President 1994-95.*



*CFAWL member and past President of FAWL, Barbara Eagan is pictured with Craig Gibbs, 2000-2001 president of Florida Chapter Virgil Hawkins National Bar Association. Craig and Barbara collaborated and formed the FAWL/ Virgil Hawkins reciprocal board seats and the annual combined luncheon event which is now in its sixth year.*



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