

Word from the Chair

Chair's Last Word

By Diana K. Bock, Chair, Government Lawyer Section, 2012-2013



DIANA BOCK

We are now at the close of the 2012-2013 Bar year and the Government Lawyers Section has not been standing still so there is much to report.

The Section's Long Range Planning Meeting was held in Crystal River on February 1-2 at the Crystal River Plantation Inn. During the Retreat, the Executive Council identified several areas of budgeting concerns that will assist the Section in streamlining services to its Members while maintaining cost efficiency.

One change that will be taking effect in the up-coming year is a restructuring of the Section's CLE presentations. Our CLE Committee will be working on several shorter (one to two hour) presentations of targeted topics such as Sunshine Laws, Ethics in Representing Government Entities, Electronic Filing Requirements and Practice Before Specific State and Federal Courts. At this time it is our intention to offer these CLE presentations as on-demand programs available electronically. This formatting will allow Members flexibility in accessing CLE and reduce the costs associated with attending live CLE presentations. The CLE Committee is always looking for suggestions as

to which topics would be of interest to our Members; if you have a particular interest in a topic please let us know by forwarding your suggestions to Tim Dennis at tim@theriaquelaw.com. The Section will also continue to sponsor some of the more traditional CLEs that have been the flagship programs for us; Practicing Before the Florida Supreme Court and Practicing Before the Florida Legislature. We also hope to add back in by 2014-2015 the Federal Practice Seminar held in Washington, D.C.

Another change you may have already noticed is that our newsletter will be electronically sent to our Members rather than mailing out hard copies. By making this change the Section will see significant cost savings over the course of two or three publications a year. Our Newsletter Committee is

always looking for articles on topics of interest to our Members; should you have an interest in authoring an article please contact Francine Ffolkes, our Newsletter Committee Chair at Francine.Ffolkes@dep.state.fl.us.

In mid-February the officers of the Section had the pleasure of dining with then President-elect Gene Pettis in Tallahassee. We are looking forward to working with President Pettis in his upcoming term. During our meeting, the officers were informed that the Government Lawyers Liaison Seat on the Board of Governors would be re-appointed for 2013-2014. And at the Executive Council's meeting last month in Boca Raton at the Annual Convention, President-elect Greg Coleman gave assurances he too would be appointing

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THE FLORIDA BAR

THE GOVERNMENT LAWYER SECTION REPORTER

Francine M. Ffolkes, Editor

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by the Government Lawyer Section of
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a government lawyer representative to the Board of Governors during his term as President. This is very good news for all government lawyers in the Bar. The Board of Governor liaison seat has offered, and will now continue to offer, an opportunity for the concerns of government lawyers across the Bar to be heard and addressed more directly. At the May Board of Governors Meeting in Sarasota, President Pettis officially announced my appointment as the 2013-2014 Government Lawyers Liaison to the Board of Governors. I welcome any comments, questions or suggestions you may have regarding the role of government lawyers within the Bar and how we can be of service to you. Please contact me at diana.bock@myfloridalegal.com.

President Pettis also discussed with us the newly instituted William Reese Smith, Jr. Leadership Academy. This Academy offers government lawyers the opportunity to participate in leadership roles within the Bar. Historically government lawyers have found it difficult to fully participate in Bar activities and committees in leadership roles due to financial restraints. The Leadership Academy scholarships will help to alleviate the financial constraints upon your full participation. I am extremely pleased to announce that one of our own was selected for appointment to the Academy; Mike Schmid is a member of the inaugural class of the Academy where he will learn how the Bar functions from the inside out and gain invaluable knowledge to serve the government lawyers of the Bar in future leadership roles.

Lastly, I am honored to announce a significant change in the presentation of the Claude Pepper Outstanding Government Lawyer Award for 2012-2013. This year, thanks to President Gwynne Young, the Claude Pepper Award was presented at the General Assembly in Boca Raton. This was the first time the Award had been presented at General Assembly for over a decade. This is quite an honor and we extend our gratitude and appreciation to President Young for her willingness to allow us valuable time at General Assembly to recognize the outstanding government lawyer recipient before the General Assembly at the Bar Convention.

While we have been busy over the past year, there is still much to do. The most important part of what we do is to strive to better serve and represent our membership. If you have any suggestions or comments to aid us in that goal, please contact any member of the Executive Council; contact information is provided in this edition of *The Voice* for your convenience in doing so. The Officers and Executive Council of the Section look forward to continuing to serve our Members.

Let me take this opportunity to thank you for allowing me to serve as Chair of the Section this past year, it has been a pleasure and an honor, as well as an experience in personal growth. I know that incoming Chair Barbara Wingo will continue the work we have begun over this year and carry the Section forward with sound leadership. I look forward to continuing to serve the government lawyers of the Bar over the next year on the Board of Governors.

Save the Date
October 4, 2013,
“Practicing Before DOAH”

Details to be made available soon.
See your Florida Bar News, or visit www.floridabar.org/CLE



2012-2013 Annual Report of the Government Lawyer Section

This year marks the 22nd year of the Government Lawyer Section of the Florida Bar. Looking back this Section has much to be proud of in its representation of all government lawyers within the Bar. Two years ago we were able to assist in the process of restoring legislation to facilitate the payment of bar dues and continuing legal education expenses for attorneys employed by government agencies. Last year the Section accomplished one of its long-term goals of having a government lawyer representative appointed to the Florida Bar's Board of Governors. Building on our past successes, we are now looking toward the future.

Government lawyers currently comprise approximately 17% of the Bar's membership. Over this past year our Section has experienced a modicum of growth in its membership despite the continued downsizing and belt-tightening experienced by virtually all government agencies, both State and Federal. We continue to provide exceptional and unique continuing legal education to our members in programs not offered by other Sections of the Bar or in the private sector, such as our flagship programs Practicing Before the Florida Supreme Court and Practicing Before the Florida Legislature. Both of these programs are held in the State's capitol and provide an exclusive look "behind the curtain" at these areas of legal practice up close and personal.

As a fiscal measure we are also turning toward newer concepts in continuing legal education working on a contained program series to be viewed on-demand, offering subjects of specific interest to those in government practice. Other topics are also being chosen to expand the marketability of the CLE programs to garner a larger audience through electronic media. Although the Section's submission for a President's Showcase Presentation

at the up-coming Annual Meeting of the Bar was not chosen, that proposed programming is now being converted into smaller on-demand presentations with the hope of generating a broader interest to generate revenue for the Section.

Although a small Section, we have maintained and improved our website, including future expansion plans, in our continued efforts to better communicate with our current members and increase our membership base. As do many other Sections, we face concerns for long-term financial stability. Although cognizant of the challenges, we look forward to the future with great anticipation.

At the Section's Long-Range Planning Retreat held in early February this year, the Executive Council was able to focus its efforts on programs and cost-saving measures that will enhance the effectiveness of the Section's service to its current members and aid in the recruitment of new members. In furtherance of those goals the Executive Council voted to take the Section's newsletter digital, create more direct and targeted continuing legal educational programs that will allow government lawyers to have access to up-to-date and relevant training without the expense of travel by the use of on-demand webcast presentations, and to upgrade the Sections' website to insure more accessibility and timely dissemination of important information affecting our members. While growth of the Section remains a high priority, the Section has not lost sight of the ever constant need to serve our current members; we believe the planned changes will serve both purposes.

Currently the Section is preparing a survey of our members designed to explore ways in which we can better serve current members and increase recruiting of new members. Subjects

covered by the survey will include targeting areas of continuing legal education, legislative proposals, improving general dissemination of information, overall membership benefits, and unique practice concerns.

We continue to support current and future board certification programs, co-sponsoring continuing legal education programs for certification review in State and Federal Government and Administrative Practice.

The unique challenges faced by government lawyers in Florida have continued, including issues of financial inequities, cutbacks and a general lack of respect accorded to those who have chosen public service. In the midst of this unrelenting "negative press," the Government Lawyer Section has maintained its commitment to support, encourage and recognize those individuals dedicated to serving the citizens of Florida through public service.

This Section continues to manage the Bar's Claude Pepper Outstanding Government Lawyer Award, conferred annually at the Bar's Annual Convention. The 2012 Claude Pepper Award was presented to Michael J. Alderman, Deputy General Counsel of the Florida Department of Highway Safety and Motor Vehicles, by Past-President Scott Hawkins and President Gwynne Young at a special reception sponsored by the Section at the Annual Bar Convention. Mr. Alderman's acceptance speech resonated with the core beliefs and commitment of this Section: "Government lawyers play a unique and vital role in our system of liberty under law. The government lawyer is not only a counselor, but a guardian and conscience as well. The government lawyer is the counselor who advises his agency so that the laws will be faithfully executed. The government lawyer is the guardian of the principle that in our country, it is law, and not man, that



New Chair's Word

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



I am honored to have been chosen to be Chair of the Government Lawyer Section. Diana Bock is certainly a hard act to follow! In the coming year we will be building upon the previous

accomplishments of the Section and its leadership. Those accomplishments

have been many, including the establishment of a robust certification program, creation of an ongoing liaison with the Board of Governors, the awarding of the Claude Pepper Award at the Florida Bar Annual Meeting and our signature CLE presentations. But there is much more to accomplish: increasing our membership, improving and expanding our CLE offerings, promoting our legislative positions, continuing to recognize outstanding government lawyers and, in general,

servicing our membership through the provision of resources and increased support for government lawyers in the State of Florida. I would encourage each of you to convey your ideas and concerns to me or to any officers of the Section. I would also encourage you to let me know that you would like to serve on one of our committees. And use and contribute to our newsletters, visit our website www.flgovlawyer.org and participate in our meetings!

ANNUAL REPORT, *continued*

rules. Finally, and most importantly, the government lawyer is the conscience of his agency, urging that justice be done.”

It is with great appreciation and no small amount of pride that the Section can announce this year's Claude Pepper Outstanding Government Lawyer Award will be presented by President Gwynne Young and President-elect Eugene Pettis at the General Assembly of the Annual Convention. Nominations are pending for the 2013 award and the members of the Claude Pepper Award Committee, under the chairmanship of Morgan Rood, will be reviewing those applications within the next few weeks to make a recommendation to the Bar for the 2013 recipient.

It is our understanding President-elect Eugene Pettis will continue the appointment, as initiated by Past Presidents Hawkins and Young, of a government lawyer to a designated non-voting government lawyer seat on the Board of Governors. We have pledged our support for this individual and look for-

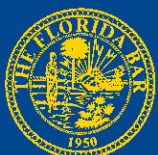
ward to assisting President-elect Pettis' appointment in any way possible for the on-going recognition, improvement of communications and understanding of government lawyers within the Bar.

The Section supported the creation of the Bar's Leadership Academy proposed by President-elect Eugene Pettis which has just closed its first application period. Two of our members have made application to the Academy and are hopeful of obtaining some level of scholarship. In an effort to assure government lawyers are afforded opportunities to attain leadership roles in the Bar, a member of the Section has donated monies to the Section for the establishment of a Section-directed sponsorship for a government lawyer to attend the Academy. We are currently in the midst of a challenge to match this generosity and create a directed sponsorship that can augment partial scholarships from the Academy or provide for a government lawyer to attend with some financial assistance even if

no scholarship is awarded by the Academy. We are hopeful that this program will afford more government lawyers the opportunity to receive training and experience in the inner workings of the Bar, establish relationships that can enhance the ability of government lawyers to serve in positions of leadership, and provide for the voice of government lawyers to be heard now and for years to come.

In summation, it has been, and will continue to be, my privilege to serve as Chair of the Government Lawyer Section of the Florida Bar for the 2012-2013 term. It is my sincerest hope that the changes we have embraced and the plans we have laid down will reach far into the future to assist all government lawyers practicing in the State of Florida. Continuing to build upon its successes and accomplishments, and with an eye toward the future, the Section thanks the leadership of the Bar for its continued assistance and support.

Diana K. Bock, Chair



Florida Bar CLE-24/7, Online & downloadable

For the Bar, By the Bar. www.floridabar.org/CLE



Col. Joseph Bradshaw receives Florida Bar Government Lawyer Award

Colonel Joseph A. Bradshaw, Jr., the Director of Legal Affairs for the Palm Beach County Sheriff's Office, is the recipient of the **2013 Florida Bar Claude Pepper Outstanding Government Lawyer Award**. The award recognizes an outstanding Florida lawyer who has made exemplary contributions as a practicing government lawyer. It is named after the Honorable Claude Pepper, a Florida attorney, United States Senator, and United States Congressman, who was an advocate on behalf of the people, and who represented the highest ideals of government service through twelve Presidential administrations.

Col. Joseph Bradshaw has been a Deputy Sheriff with the Palm Beach County Sheriff's Office for more than 27 years. Prior to joining the Sheriff's Office, Col. Bradshaw was a road patrol police officer and detective with a municipality in Broward County for four years, then left that position to attend law school at Pace University. After graduating from law school in 1983, Col. Bradshaw spent 2-1/2 years as an Assistant District Attorney in Brooklyn, New York, spending the majority of his time prosecuting child abuse cases.

Col. Bradshaw began his career with the Palm Beach County Sheriff's Office first as a road patrol deputy, then Investigator, then as Public Information Officer. He eventually became the first full-time in-house Legal Advisor for the Palm Beach County Sheriff's Office.

Col. Bradshaw and his department provide legal advice to the Sheriff and the Sheriff's Office, an organization with more than 4,000 employees. His department oversees and



Col. Bradshaw accepts his award from Florida Bar President Gwynne Young at the Annual Florida Bar Convention in Boca Raton.

manages all of the litigation involving the Sheriff's office, and provides advice on criminal law and procedure, employment and labor law, civil liability, forfeiture law, contracts, and departmental policy.

Col. Bradshaw has been a member of the Florida Association of Police Attorneys for more than 20 years and served as its President for an unprecedented three terms. He is a member of the Legal Officer's Section of the International Association of Chiefs of Police and a member of the National Sheriff's Association.

Col. Bradshaw received his award from President Gwynne Young at the General Assembly of the Annual Convention of The Florida Bar in Boca Raton. Government Lawyer Section Chair Diana Bock and Claude Pepper Award Chair Morgan Rood introduced Col. Bradshaw to the section's executive council at the annual convention.



Standing with Col. Bradshaw are Claude Pepper Award Chair Morgan Rood, Florida Bar President Gwynne Young and Diana Bock, 2012-2013 Chair of the Government Lawyer Section.



Board of Governors Report

By Bill Davis, BOG Liaison

The Florida Bar Board of Governors met on May 31, 2013. Major actions of the board and reports received include:

Three rule amendments were approved that will be sent to the Florida Supreme Court for its approval:

- an amendment to [Rule 4-1.5](#) would allow an additional fee for outside assistance in resolving complex subrogation and medical lien issues in tort cases without violating the fee limitations on contingency fees in that rule;
- an amendment to [Rule 3-5.3](#) would allow more frequent use of diversion programs in lieu of discipline; and
- an amendment to [Rule 3-5.2](#) would establish a procedure for clients to file a notice of claim to frozen trust account funds with a referee, allowing clients and other third parties to gain access to their funds held in the trust accounts of emergency suspended attorneys without having to file a separate proceeding in civil court.

For more information on these amendments, please check [The Florida Bar News](#).

The board's [Program Evaluation Committee](#) presented recommendations for the goals and functions of the [Henry C. Latimer Center for Professionalism](#) and the role and work of the [Public Interest Law Section](#).

Revisions to the Bar's special appointments application form were approved to include asking lawyers to voluntarily provide gender and ethnicity information. This voluntary information will assist the Bar in determining whether it is meeting its [diversity and inclusion goals](#). Also approved was the creation of the Standing Committee on Diversity and Inclusion.

At the recommendation of President-elect Eugene Pettis, the board approved renaming the [Leadership Academy](#) as the [Wm. Reece Smith, Jr.](#) Leadership Academy, in recognition of the late Bar president's devotion to diversity, inclusion and providing legal services to the poor.

A new three-year commission was approved to study the future of the practice of law. The commission will perform an in-depth review of four general areas that will impact the future of law: Technology, Legal Education, Bar Admissions and Delivery of Legal Services/Pro Bono. More information about the commission will be available in [The Florida Bar News](#).

President-elect Pettis officially appointed Diana Bock to fill the Government Lawyers Liaison Seat on the Board of Governors for 2013-2014.





Ethically Speaking...

The following is a synopsis of recently issued opinions of the Florida Commission on Ethics that may be of interest to governmental agency attorneys. To read a complete version of any of these opinions, visit www.ethics.state.fl.us. To discuss these opinions, call the Commission staff at (850) 488-7864.

12-21: County commission candidate's law firm may continue serving as special counsel to a municipality within the county, if the candidate is elected and takes office, under the Code of Ethics, even though the county and municipality have an ongoing dispute over expansion of an airport and its impact on the municipality and its citizens. Since the municipality is not "regulated" by the county and an interlocal agreement between the county and the city does not constitute "doing business," there would be no conflict of interest related to an employment or contractual relationship. The situation does not create a continuing or frequently recurring conflict or impediment to duty since the airport expansion is a unique situation and neither the candidate nor his law firm been involved in the city's dispute with the county.

12-22: Former Florida Department of Transportation (FDOT) Central Office employee is subject to the two-year, post-public-employment, representation prohibition as to the FDOT Central Office and the FDOT Districts. The former employee is not restricted from such representation as to the Turnpike Enterprise, as to other entities of State government, or as to local government.

12-23: Public school teacher or coach is not prohibited from privately tutoring or providing supplemental instruction to public school students, or from offering private summer programs to students, provided that the students tutored/instructed or offered the programs are not students involved in the teacher's or coach's classes, group instruction, sports tryouts, or sports teams, at the time of the tutoring/instruction or offer.

13-01: Sheriff's relative is not prohibited by the anti-nepotism law from serving as an uncompensated volunteer of the sheriff's office. While the law does not require that one hold a compensated position in order for its prohibitions to apply, an exemption within the law for service as a volunteer providing "police services" applies.

13-02: City council member who places highest bid on a "poker party" donated to a silent auction by a pari-mutuel facility which is the principal of a lobbyist of the city has not received a gift as defined in the Code of Ethics. Rather, he has purchased an item at fair market value. Nor has the city council member received a gift when the pari-mutuel facility, as part of its business operations, makes a contribution to a charity chosen by a member of the city council member's poker party group.

13-03: Mayor's travel to conferences and events paid for by others would not be considered a "gift to the city." Consistent with legislative intent and Commission precedent, the mayor's travel constituted gifts to him personally. Only where a public official's travel is paid for by his or her own agency and where the agency then receives reimbursement from a third party would the reimbursement be considered a "gift to the agency." Funds received by the city from third parties, deposited into a public fund, and used to pay for city officials' travel could be considered a "gift to the agency."

Your Government Lawyer Section Website

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

www.flgovlawyer.org



State and Federal Government and Administrative Practice Certification Update

From The Florida Bar Board of Legal Specialization and Education

*Board certified lawyers are legal experts dedicated to professional excellence.
Are you ready for the challenge?*

2014 Board Certification Application Filing Period Now Open

The Board of Legal Specialization and Education invites you to consider board certification. Applications are currently being accepted for the 2014 board certification examinations. Access the applications, rules, policies, exam dates and specifications and other information online at www.floridabar.org/certification.

Why Become Certified?

- Board certification establishes an independent measure of competence, professionalism and peer acknowledgment, and helps clients and fellow lawyers set expectations for professional abilities.
- Board certification serves both prospective clients and counsel seeking to refer legal matters to an expert. Board certification can therefore help lawyers grow their practices with matters in which they best can utilize their expertise. The Florida Bar supports this valuable service by providing a direct URL to its directory of board certified lawyers: FloridaBar.org/certification.
- Board certification provides an objective measure that a corporate executive, hiring partner, government official or other leader may justifiably rely upon when selecting a lawyer and explaining the choice to stockholders, clients, citizens or others to whom the leader is accountable.
- Board certification enhances the stature of a law firm or office, as tangibly demonstrated by lower malpractice insurance rates for certified lawyers. Board certified lawyers foster their firms' well-being and serve as role models.
- Board certification demonstrates commitment for practitioners who vary their work styles from the traditional mode. For example, certification helps validate the commitment of a lawyer who chooses to work alternative hours or from home to accommodate health, family or other personal demands.
- Board certification is not just a personally satisfying professional milestone, it is an impetus toward investing energy and thought necessary for future growth and professional contribution. Because continued certification requires satisfaction of specific standards and peer affirmation others can be assured that the certified lawyer remains committed to excellence.

Be among the only Florida lawyers known as experts and specialists. Board certification recognizes attorneys' special knowledge, skills and proficiency in various areas of law, and professionalism and ethics in practice. Board certified attorneys are the only Florida lawyers allowed to identify themselves as "specialists" or "experts" or to use "B.C.S." to indicate Board Certified Specialist.

October 31 Application Deadline:

- State and Federal Government and Administrative Practice
- City, County and Local Government
- Criminal Appellate
- Criminal Trial
- Health Law





MEETINGS • EVENTS • CLES



CLE

October 4

Practice Before the Division of Administrative Hearings

(Course #1632)

Division of Administrative Hearings
Tallahassee, FL

*Learn more at www.floridabar.org/CLE.
Search by course number 1632.*

Government Lawyer Section Executive Council Meetings

Thursday, August 8, 2013 — 12:00 p.m.
(Telephonic)

Thursday, October 10, 2013 — 12:00 p.m.
(Telephonic)

Thursday, December 12, 2013 — 12:00 p.m.
(Telephonic)

* * * * *

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

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

Course Classification: Intermediate Level

Audio CD with CD-ROM material: \$50

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

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

