

Word from the Chair

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



BARBARA C. WINGO

This is a column that reflects many “thank you’s” as well as plans for the growth of the Government Lawyer Section. I want to thank everyone who responded to the Government Lawyer Section survey. (The survey results may be found on the Government Lawyer Section website at <http://www.flgovlawyer.org/>.) The feedback was invaluable and formed the basis for much of our discussion at the Executive Council meeting on January 24 and at our Executive Council/Section retreat on January 25. I also want to thank those who participated in these meetings. We have gained momentum for furthering the program and goals of the Section.

The survey results clearly indicate that the provision of relevant Continuing Legal Education is of prime importance to our members. The Section’s leadership is committed to providing our signature CLE programs as well as presenting CLE on other topics and in other modes. The Government Lawyer

Section presented a new CLE at the January Florida Bar meeting on “Appealing Administrative Action under the Administrative Procedures Act.” The program was excellent and well-attended. The following week the “Practicing before the Legislature” CLE was once again successfully given. Thanks to all who contributed to these programs.

The Section will continue to provide such CLEs and expand into different modes of delivery. We will be exploring focused short CLEs to be given this year. In addition, as noted below, a Continuing Legal Education program will be given in connection with the Executive Council’s meeting in May.

As revealed by the survey, our membership views communications on current legal developments and

networking as valuable benefits. Although The Florida Bar has contracted the number of meetings that it holds on an annual basis from three to two, the Government Lawyer Section Executive Council will continue to hold three in-person meetings each year. One of these meetings will not be in connection with a Bar meeting, and will provide further opportunities for Section networking as well as Continuing Legal Education. This year the meeting will be held May 16-17 in Tallahassee.

Increasing our membership is of high priority. Expanded membership means expanded services and programs for our Section members. As the time for renewal of

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THE FLORIDA BAR

THE GOVERNMENT LAWYER SECTION REPORTER

Dwight O. Slater, Editor

This newsletter is prepared and published by the Government Lawyer Section of The Florida Bar.

Barbara C. Wingo, Chair
P.O. Box 113125
Gainesville, FL 32611-3125
(352) 392-1358
wingo@ufl.edu

Ellen M. Simon, Chair-Elect
Department of Financial Services
200 E. Gaines St., Rm. 612
Tallahassee, FL 32399-6502
(850) 413-4270
ellen.simon@myfloridacfo.com

Francine M. Ffolkes, Secretary
Florida Dept of Environmental Protection
3900 Commonwealth Blvd # MC-35
Tallahassee, Florida 323996575
(850) 245-2225
(850) 245-2298
francine.ffolkes@dep.state.fl.us

Michael W. Schmid, Treasurer
City Attorney's Office
315 E Kennedy Blvd Fl 5
Tampa, FL 33602-5211
(813) 274-8795
michael.schmid@tampagov.net

Diana K. Bock, Immediate Past Chair
Office of the Attorney General
3507 E. Frontage Rd., Ste. 200
Tampa, FL 33607-7013
(813) 287-7900
diana.bock@myfloridalegal.com

Dwight O. Slater, Editor
Appellate Counsel
Children's Legal Services
Department of Children and Families
2383 Phillips Road, #234
Tallahassee, Florida 32308
(850) 778-4020
dwright_slater@dcf.state.fl.us

Diana L. Polston, Program Administrator
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
Phone: 850/561-5650
dpolston@flabar.org

WORD FROM THE CHAIR, from page 1

Bar membership approaches, ask your colleagues to join our Section! Reach out to newer members of our profession. To this end the Section will be adding a new standing committee: the Young Government Lawyers Committee (YLG Committee). We hope that this will be a committee that promotes membership among those members of the Bar and that also promotes liaisons with the Young Lawyer's Section of the Florida Bar and with Florida law schools. Doubling our membership is an ambitious goal, but it is more than possible. Let us have 2016 members by 2016!

None of these initiatives could be implemented without the volunteer efforts of Section members. Please consider volunteering for any of our committees or a position on the

Executive Council, writing an article for The Voice or for The Florida Bar Journal on behalf of the Section, working on our CLE presentations, and recruiting membership! Contact me directly or contact us through the Government Lawyer Section website.

Finally, I would like to remind all of our members of the presentation of the Government Lawyer Section Lifetime Achievement Award to Senator Bob Graham at The Florida Bar Annual Convention, June 27, 2014, at the Gaylord Palms Resort and Convention Center in Orlando. Please view the invitation letter on the Section's website.

And a final thank you – for letting me serve a group of such dedicated lawyers!

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



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Petitioning the Government

Patrick L. "Booter" Imhof, Staff Director, Senate Committee on Regulated Industries

The following article provides tips and suggestions for communicating with Legislators and appearing before Legislative Committees.

Caveat

While I have used the materials on both the Senate and House websites, The Florida Bar Grass Roots Legislative Manual, materials from the "Practicing Before the Legislature" a CLE sponsored by the Government Lawyer Section held on January 31, 2014 at the Capitol (available soon on DVD and CD), and other sources, the views that I am expressing are my own and do not represent the views of The Florida Senate or any member of the Legislature.

This article assumes that you are a citizen that wants to Petition the Government for a Redress of Grievances under Amendment 1 to the United States Constitution and to Instruct Their Representatives as well as Petition for Redress of Grievances under Section 5 of Article I, the Declaration of Rights under the Florida Constitution.

These comments are, of course, applicable if you are called upon to represent your agency or your client before the Legislature or if you are asked to accompany your agency's legislative liaison to a Legislator's office or legislative committee meeting.

Lobbying

Regardless of how or why you are dealing with the Legislature you are probably lobbying, but you also probably will not be considered to be a lobbyist. The rules for lobbyists are found in sections 11.045 and 11.062, Florida Statutes, Rule Nine of the Senate Rules, Rule Seventeen of the House of Representatives Rules, and in Joint Rule One.

Both the Florida House of Representatives and the Florida Senate have

very good websites where you can find the rules and joint rules on those websites. I use both websites extensively and the Senate website has just been upgraded. Both websites can be accessed directly or through Online Sunshine. I have listed the addresses for the websites, as well as additional links for suggestions on this topic at the end of this article under Legislative Resources. I recommend exploring the websites – they are full of good information on the Legislative Process. The Senate Rules can be found on the Senate website under the Reference tab and then click on Publications. On the House website, the House Rules can be found under the Documents tab.

"Lobby or lobbying" is defined by Joint Rule One as influencing or attempting to influence legislative action or non-action through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature. So you can see that a private citizen who contacts his or her Legislator can be lobbying.

Only persons who meet the definition of "lobbyist" have to register and comply with registration and reporting requirements of the rules and statutes. A "lobbyist" is defined as anyone who lobbies for compensation or any person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity.

Of course, there are exceptions to every rule. "Lobby and lobbying" does not include a response to an inquiry for information made by any member, committee, or staff of the Legislature. A person is not considered a "lobbyist" under the rule if that person appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

Under the rule, a person who is employed by any executive or judicial department or any community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee, while that person is on approved leave or outside normal working hours and who does not otherwise meet the definition of a lobbyist (i.e. being paid) is also not considered to be a lobbyist.

Different agencies may have different rules in this area.

Knowing the Legislator

Once you decide to contact a Legislator, it is important to research the position of the Legislator on your issue of concern before you contact them. These positions are revealed in the voting record of the Legislator and are also available on the legislative websites. Information on the Legislators can be found under the Representatives tab on the House site and the Senators tab for the Senate.

It is also important to know something of the Legislator's personal background and political history – the voting records and prior positions pertinent to your issues are important facts to understand. Also, it is important to understand the context in which votes were cast and positions were advocated. The Bar's manual gives the example that many Legislators opposed the 1996 education standards bill because an amendment adopted during floor consideration would have allowed school prayer. In that instance, the Legislator may have been chastised as "standing for mediocrity in education," when their real purpose may have been protection of the separation of church and state. Another example is my former Chair, Senator Dennis Jones. He was

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the Chair of the Regulated Industries Committee for many years before his retirement. However, one of his passions is Beach Restoration and he has been instrumental in restoring Florida Beaches.

Some questions to be considered before meeting with a Legislator are:

- What are the interests of the Legislator?
- On what committees and subcommittees does he or she serve?

These are also found on the House and Senate websites.

Working with Staff Members

Get to know the Legislators' support staff, especially their assistants. It is important to remember the assistants do not just answer the phones and open the mail. They are professional, legislative staffers charged with making the Legislator effective. All communication generally flows through the legislative assistant, and it is best to be forthcoming with them about your issue. Understand that Legislators rely on their assistants to be "gatekeepers", and to keep them organized, on track, and informed. Remember, assistants are the only people with immediate and "carte blanche" access to the Legislator, and they can become your best resource for information, advice, and access. Generally, House members are assigned a Legislative Secretary and a Legislative Analyst. In the Senate, the Senators usually have three Legislative Assistants.

Another group of staff members that are valuable resources are the staff of the Legislative Committees. They are in Tallahassee year-round and are the people that the members call upon to be experts on the issues. Contact committee staff members who handle the issues you are interested in. Each committee has a staff assigned to it. The jurisdiction of the committees are listed on the websites. The commit-

tee staff try to be friendly, helpful, and knowledgeable, and can help relieve the uncertainty or apprehension many people experience when they plan their first lobbying activities. Do not be disappointed if most of your contacts are with staff members. A Legislator's time is limited and he or she relies heavily on staff members. This is especially true for Legislators who are chairs of committees. In fact, I would recommend that you contact the committee staff BEFORE you contact the chair of the committee. Many times when you contact a committee chair, he or she will ask if you have already contacted his or her committee staff.

You can contact Legislators or their assistants at their office at the Capitol in Tallahassee during the Legislative Session, or during interim committee weeks. The Regular Legislative Session is scheduled for March 4 through May 2, 2014. When the Legislators are not in Tallahassee contact them in their districts. The contact information is listed on the websites.

Try to find out if the Florida Bar or one of the sections has a position on your issue. If so, contact the Bar or section lobbyist (if they have one) to coordinate your efforts. Steve Metz is the Florida Bar's chief outside lobbyist and Paul Hill is the Bar's General Counsel and in charge of the Bar's in-house lobbying effort. You may want to do that for other interest groups that share your interest in the issue as well.

Developing your Presentation

When developing your presentation for a Legislator, try to restrict each contact to a single issue unless more information is sought or expected from you. Understand your issue well enough to explain it simply and succinctly. Legislators work with many varied and complex matters, and may not be familiar with your issue – however, don't overwhelm the Legislator with details,

"legalese," or other esoteric terms. Be concise, but specific. Be sure to tell the Legislator what you want them to do, support or oppose an issue or bill.

Localize and personalize your presentation whenever possible – nothing hits home like "home." Tell them how this issue will affect you, your children, business, and others in the community. However, never use "home" interests as a veiled or implied threat.

Whether you're supporting or opposing an issue, consider a positive approach. Legislators usually consider themselves problem solvers and appreciate individuals who offer "solutions." Most lawmakers appreciate clear, well-defined "solutions" – even if they might not agree with you.

Be sure to provide the Legislator with pertinent information, (e.g. history of financial assistance, how much aid is currently provided, how much aid is needed for future, and your proposals and their impact on the representative's constituency). Make certain this information is written.

Prepare a one-page summary sheet that you can leave with the Legislator.

Prepare two sets of your backup materials for advance delivery (maybe 1-2 days ahead of the scheduled appointment) to the Legislator and their assistant. Advance delivery will ensure the Legislator and the assistant have perused the material and will be prepared for the meeting.

I also recommend delivering a set of materials and summary to the Legislative Committee Staff that will handle your issue. This will help them have a contact for the issue and information that may be included in the bill analysis when and if a bill on the subject is going to be heard.

If your issue is already the subject of proposed legislation, know as much as possible about the bill and the companion proposal in the other chamber:

- Bill number(s);



- Actual title and any other working title or popular name;
- Primary sponsor and any co-sponsors;
- Which committees (both House and Senate) the bill has been referred to, and who serves on those committees;
- Where the bill is currently within the legislative process – this is very important and can be found under the Bill History section for the bill;
- The “players” in the process (i.e. who are in support or opposition);
- The political dynamics surrounding the bill or the issue;
- Whether the original proposal has been (or might be) amended, and the effect of these amendments; and
- A copy of the bill analysis, if available.

Most of this information can be obtained on the legislative websites and on the political blogs and websites. Both the House and Senate websites now have a bill tracking component that can be used to track bills of interest.

Realize there are over 2,000 bills filed every session and no lawmaker is familiar with them all. Remember, you may be monitoring one single issue or bill, but the Legislator and their assistant may be monitoring a *hundred or more* bills.

Ideally, your advance efforts will set the stage for more meaningful contact later. Future communications should be timely, when the most important legislative action is imminent.

Contacting Your Legislator Personal Visits – Capitol or District Office, and Elsewhere

A personal visit is the best opportunity to discuss specific issues or to meet a lawmaker and support staff – and to enhance the likelihood that you will be remembered and heard in the future.

Set an appointment in advance and specify the purpose of your call. Many assistants will try to schedule appointments that are “timely” (i.e. if there is a meeting of the Insurance Committee on Wednesday, appointments related to insurance issues may be scheduled for Monday or Tuesday). Be flexible and expect to negotiate a mutually convenient time for the meeting. Also expect a brief visit – usually 15 minutes maximum – unless you have both agreed to a more lengthy discussion.

Expect the Legislator to be behind schedule; expect to wait; expect appointments to be cancelled and re-scheduled. **DO NOT GET CRANKY WITH THE ASSISTANT ABOUT SCHEDULING PROBLEMS.** Sometimes these problems are unavoidable, for example, impromptu meetings with the Legislative leadership or interruptions by other Legislators.

Be flexible and accessible (i.e. provide cell numbers, e-mail addresses, etc.,) and be prepared to come when called (i.e. if there is a short recess from session, or if the Legislator steps back into the office for a break between committee meetings). Assistants will generally bend over backward to get you in, to correct a scheduling problem.

Just work with them.

It is extremely helpful to know a Legislator’s preferences about weekend visits when they’re home at their district offices, especially during session. These can be great opportunities for contact unless they collide with other personal or professional priorities.

Be prepared for the meeting ... you will have already delivered your advance materials, but frame a mental agenda to help the meeting flow smoothly.

Seek a commitment on your position respectfully, but do not expect an immediate one. Most Legislators will immediately answer “no” if they feel pressured. A neutral or equivocal reaction may indicate an open mind – and a true opportunity to be for influenced.

If you don’t know the answer to a Legislator’s question, admit it and pledge to find the answer – then do so promptly. If asked to provide additional information or do more legwork, do it within requested timelines – or find someone responsible who will.

Always attached a business card or your personal information to the information you leave with the assistant. If other people accompany you – or would be additional resources on an issue – be sure their names are also provided via some appropriate listing.

Follow up most meetings with a note or letter expressing thanks and briefly recapping any important aspects of your visit. If the Legislator votes in favor of your position or takes action on your behalf, write a note of appreciation.

If a member of the Legislator’s staff assists you in a legislative or casework

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matter, write a note to the Legislator to tell the Legislator about the assistance and write a thank you note to the staff person. This may pay dividends later.

Don't ever give up. Persistence frequently makes the difference in the legislative process. Attorneys should especially appreciate that it often takes a great deal of time and effort to make a law (or to keep that process from occurring).

The Bar emphasizes that among the biggest "don'ts" in legislative communications are: demands for specific action without a stated rationale for it; claims of your influence in the political process or elsewhere; or threats to defeat a lawmaker in the next election.

Telephone Contacts

During session, a telephone call may be the most expedient way to deliver a message; however, do not expect to talk directly with your Legislator due to likely conflicts with committee meetings and other demands.

If a return call is requested, understand the call will be made at the convenience of the Legislator, i.e. during lunch hours, after hours, etc.,. Be sure to provide the assistant with as much background information as possible. Often, a Legislator will not return a call unless the assistant can explain the reason for the call. Sometimes, Legislators will ask their assistant to return a call on their behalf and address the matter. Be prepared to work with the assistant in that instance.

ALWAYS leave your message directly with the assistant to ensure the information will reach the Legislator.

Be sure to leave your name and all appropriate phone numbers and contact information.

Written Communications – Notes, Letters, FAXes, E-Mails, Etc.

A thoughtful, concise *one-issue* message is easiest for Legislators or their

staff to quickly digest and catalogue – the well-aimed rifle shot often beats several shotgun blasts.

Make clear which side you are on, and ask the Legislator to support your side. Illustrate your position with a local example.

Time your letters or e-mails to arrive far enough in advance to be effective, e.g. not where it arrives the day of the committee meeting or worse – after the committee meeting or floor vote. Be sure to check the bill history for the bill on the websites.

Try to limit your presentation to one page for letters and the equivalent for your e-mails. Concise written correspondence is more likely to grab and keep the reader's attention.

Identify your issue or opinion at the beginning of the letter or e-mail; don't bury your main point later in the text. Be brief and to the point. Cover only one issue per correspondence. If you have another issue to address, write another letter or e-mail.

Typed letters, printed on business or personal stationery, work well. Otherwise, make sure that your address, phone and FAX numbers are part of the letter or e-mail. Don't expect envelopes to be retained.

Preprinted messages and form letters or e-mails are NOT well received. Form letters and e-mails will usually be acknowledged with a form letter response, if at all.

The same rules apply to FAX transmissions or telegrams – which are often used as "last minute" communications where brevity is even more significant. Refer to the matter in its present form, e.g. "I strongly support and urge your favorable consideration of HB 123, as now amended by ...," and then briefly state your reasons for that position.

"Blast faxing or blast e-mails" are not good form. Many Legislators share FAX machines with other Legislators or with legislative committees, and blast faxing ties up the machine and prohibits

use. Tying up e-mail servers is also not a good idea.

After Any Contact

Assume that your sentiments will be recorded and tallied with others, for the Legislator's future reference. Many lawmakers have office policies that require follow-up and acknowledgment of your visit or other contact (i.e. usually there is a policy that all letters are answered, all phone calls returned, e-mails answered, etc.).

Find opportunities for further contact with Legislators:

- Invite them to local bar functions or other community activities as appropriate.
- Compliment them when they've been honored or done something commendable.
- Make contact in the off season, when your concerns and other legislative matters don't seem as pressing.

Most importantly, praise Legislators when they've done something for which you're appreciative. Again, follow up most meetings with a note or letter expressing thanks and briefly recapping any important aspects of your visit. If the Legislator votes in favor of your position or takes action on your behalf, write a note of appreciation.

Appearing before a Legislative Committee

As you know, each agency or company has its own rules regarding appearances by its employees before legislative committees and needless to say, you need to check with your agency regarding those requirements.

Legislative committees are the heart of the legislative process. It is usually much easier getting a bill changed in committee than on the chamber floor. Technically, the Senate and the House could sit as a committee, called the Committee of the Whole, but it is more



efficient and effective to hear a bill in committee.

The appointment of the chair, vice-chair and membership of the committees is in the discretion of the Presiding Officers (the Speaker in the House and the President in the Senate) and are usually appointed at the organizational session that is held two weeks after the general election in every even year. This year that will be November 18, 2014.

Bills are referenced to committees by the Presiding Officers and are usually heard in the order of reference. Just because a bill has been referred to committee doesn't necessarily mean it will get a hearing. Bills can be withdrawn from the committees of reference, but this has been more difficult of late and usually happens later in the Legislative Session.

Once a bill has been sent to committee, the Chair of the committees will set the agenda for the committee meetings. To be heard by a committee a bill must be noticed according to the rules of each chamber. If a bill is not noticed, no action can be taken on it by the committee.

You can keep track of the committee's schedule by reading the notices on the committee room door, on the bulletin boards next to the committee offices, in the daily calendar available in the capitol rotunda and on line, on the various TVs around the Capitol complex or by checking the House or Senate website. Tracking your bill on the websites is one of the best ways to get up to date on what is happening. If you are interested in a particular bill, you should be in the committee room when the hearing is scheduled to begin.

Even though a bill has been noticed on the agenda, the Chair may or may not follow that order. If non-committee members' bills are on the agenda, the Chair will usually take those members' bills out of order to accommodate their schedules. They are usually a member of another committee that is meeting at the same time and many times they are needed back at that committee for

a quorum. In the Senate, no business can be conducted without a quorum. In the House, testimony can be taken on a bill without a quorum, but no vote can be taken until the committee has a quorum. A quorum is 50% of the membership of the committee plus one.

Meeting packets for the committee meetings are available on the House and Senate websites. Free Wi-Fi is available throughout the Capitol Complex. As such they can be accessed by various electronic devices. Many lobbyists are utilizing these devices so they don't have to lug around a big stack of paper. Hard copies of the meeting packets are available in the Senate and House documents offices which are located on the 3rd floor of the Capitol on the Senate and House sides.

The meeting packets can be accessed on the Senate website by clicking on the Committee tab, then committee list and then clicking on the name of the committee. This gives you the committee page the meetings are listed under the meetings tab. The default will be the current session. The meeting packets include copies of the bills, amendments, bill analyses, and any other documents such as presentations. Prior sessions can be researched by inserting the Session Year in the drop down menu.

Before each meeting, the official Meeting Notice is published and the meeting packet is available. The meeting packet is updated throughout the day. Amendments to bills must be filed 24 hours before the committee meeting to be timely filed in the Senate. Amendments to the amendments and substitute amendments can be filed up to two hours before the meeting to meet the filing deadline. Meeting packets are also available on the third floor of the Capitol on the House and Senate side.

After each meeting, the Expanded Agenda, detailing committee action on each agenda item, and the Attendance form, noting the presence of committee members at the meeting, are published. Also a podcast of the meeting is available and if the meeting

was televised, a video of the meeting is also available.

If you plan to speak on a bill or amendment at a committee meeting, you must fill out an appearance card and submit it to the committee administrative assistant for the committee. He or she will organize the appearance cards for the Chair. If the committee meeting has already started, fill out the card and submit it to the nearest staff member, they will get it to the committee administrative assistant. Be sure to indicate what bill you wish to speak on or what amendment you wish to speak on.

Presenting Before a Committee

The Chair presides and controls the meeting. The committee administrative assistant (CAA) is the official clerk and record keeper for the committee and, in addition to keeping the appearance cards, the CAA assures that the meeting is recorded and that the amendments and votes are correctly processed.

When the time comes to consider a particular bill, the Chair will announce its number, it's relating to clause and the name of the sponsor. The sponsor or his or her legislative assistant will explain the proposal to the committee. Any member of the committee may ask the sponsor questions. Then the Chair will ask if there are appearance cards for anyone in the audience wants to comment on the proposal – either for or against. Usually the Chair will take the appearance cards in the order that they are submitted to the committee administrative assistant.

Since the chair controls the meeting, all comments, questions, and responses must go through the Chair unless the Chair indicates otherwise. Anyone who wishes to speak – committee members, witnesses or members of the public – must be recognized and called on by the Chair.

When you are called upon to speak,

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begin by introducing yourself to the Chair and committee members, who you represent, and stating your purpose. For example,

“Mr. or Madam Chair and members of the committee, I am John Doe from Tallahassee. I am here representing myself. I support this bill because . . .”

Be brief and be sure your remarks are clear. Avoid being too technical and do not repeat previously made remarks. Tell the members what effect you think the bill will have on you, your family, business, or the community.

Be prepared for questions and comments from committee members. These are designed to gain additional information. Be sure to look to the Chair to be recognized. Don't answer if you are not sure of the answer. Tell the members that you don't know and that you will find out the answer. Also tell the members you will send a written answer to the committee (e-mail is good for this), and then follow through. Send your follow-up information to the members' offices and copy the committee staff.

Eye contact is important as in all presentations. Mr. John Turcotte, the former director of the Legislative Office of Program Policy Analysis and Government Accountability (OPPAGA) suggests to make eye contact by “sweeping” each member of the committee, but anchor your eyes on the Chair. Remember to wait for the Chair to recognize you before responding to questions unless the Chair indicates otherwise. Sometimes this is hard to do.

The Bar emphasizes that just like the meetings with individual Legislators, be polite, even if you disagree strongly with the Legislator or the bill. Lawmakers cannot please everyone. Your communication will be more effective if you are reasonable in your approach. Suggest a course of action and offer assistance. Don't make promises or threats.

If it appears that the vote is going your way, you may want to just show

support for that position by stating: “I waive my time in support (or opposition) of the bill.

If you are opposing a bill, be sure to contact the sponsor or his or her legislative assistant with your concerns before the meeting. Many times an issue can be resolved to your mutual satisfaction through an amendment to the bill or a commitment to work on the bill language as it moves through the legislative process. Legislators do not like it if you express a problem with their bill and haven't given them an opportunity to see if your concern could have been addressed.

In conclusion, I think Pete Dunbar, the lobbyist for the Bar's Real Property, Probate and Trust Law Section, summed up the basic rules best in his presentation at the Practicing Before the Legislature CLE.

His basic rules are:

(1) Understand the process and where your issues fit in the process—there is always more going on than what you are directly interested in.

(2) Understand the tools of the process.

(3) Know the Rules governing the process.

(4) Know the protocols, the customs and practices of the process.

(5) Know the people and where they fit in the process—particularly the legislative staff.

(6) There is no substitute for candor and truthfulness—be a reliable resource.

(7) Issues should never be personal. And finally ...

(8) The Legislative Process is a world of “gray” and issues are rarely “black” and “white.”

I hope this article has given you some insight into those basic rules and will make your contact with your representatives effective.

Legislative Resources

Legislative Websites:

On line Sunshine:

<http://www.leg.state.fl.us>

Florida Senate Website:

<http://www.flsenate.gov>

Florida House of Representatives Website:

<http://www.myfloridahouse.gov>

The Florida Bar Legislative Page:

<http://www.floridabar.org/tfb/TFBLegNW.nsf/DC7EE304C562ED5B85256709006A26EE/2AAB8D7FB749CDD885256B2F006CD7DE?OpenDocument>

Resources regarding communicating with elected representatives

Florida Senate:

<http://www.flsenate.gov/About/EffectiveCommunication>

Florida House of Representatives:

http://www.myfloridahouse.gov/contentViewer.aspx?Category=PublicGuide&File=About_The_Representatives_Effective_Communication_With_Your_Representative.html

Washington Legislature:

<http://www.leg.wa.gov/legislature/Pages/Testify.aspx>

Wyoming Legislature:

<http://legisweb.state.wy.us/leginfo/handout.htm>

Rocky Mountain Association of Student Aid Administrators - Communicating with Legislators/Legislative Advocacy Made Simple:

http://www.rmasfaa.org/docs/resources/legislative_guide/legguide2.html

Connecticut Association of Nonprofits – Nonprofits and Lobbying:

<http://www.ctnonprofits.org/policy/resources/>

Project Vote Smart for biographies, voting records, issue positions, ratings, speeches, campaign finance information for all politicians - Instantly. <http://votesmart.org/>



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Government Lawyer Spotlight

Pamela Cichon, Esq. ***Senior Assistant City Attorney For The City of St. Petersburg***

By: Dwight O. Slater, Esq.

The Government Lawyer Section is proud to shine the spotlight on one of its founding members and former chairs, Pamela Cichon, whose impressive career is sure to inspire both the newly-minted and the more seasoned attorneys among us. Pam recently retired from her position as Senior Assistant City Attorney for the City of St. Petersburg, where she litigated in several areas including land use and zoning, labor and employment, and tort defense. Pam took the time to sit down and tell about her journey and to offer some sage advice for young lawyers.

Pam's entry into law was not entirely voluntary; as she put it, she wasn't exactly "drawn" to the practice, but rather she was "pushed." With parents who, in her words, come "from a generation that saw law, medicine, and accounting as the most desirable of all professions," becoming a lawyer was all but a foregone conclusion. (Her younger brother is both a lawyer and a CPA). Still, upon finishing law school, she had no idea where her degree would take her. In fact, she worked as a high school English teacher while studying for the Bar exam.

On how practice compares to her expectations. . .

"It is not at all like what we see on TV, and sometimes I tell my juries that just so they will have a more open mind about the course of a trial. The hours are long and if you are a trial attorney, you are rarely ever 'through for the day.' I am always thinking about my cases, formulating strategies, and practicing arguments in my head."

Pam started her legal career in the private sector handling land use matters for Amoco Minerals in Colorado and Nebraska. Her first job with the government would come a short time later when she accepted a position with Central Florida Legal Services. After a brief return to private practice, Pam, once again, answered the call of government practice – and this time it stuck. She enjoyed a three-year stint in the Criminal Appeals Division of the Office of the Attorney General, where she had the opportunity to use her then-strongest skill, writing. She was also able to develop an expertise in criminal law and procedure, and to strengthen her oral advocacy skills. From there, Pam moved on to the Office of the City Attorney where she worked until she retired last year.

On being a government lawyer . . .

The freedom to "concentrate entirely on the practice of law" is what drew Pam to government practice. Having only one client means there's no need to worry about generating business and no fuss over the dreaded billable hour.

When she began for the City, Pam practiced regularly in county court prosecuting municipal ordinance violations. After a short time, her practice grew to handling circuit and federal court litigation, including various tort actions for the City, like auto accident, slip and fall, and § 1983 excessive force and false arrest cases. Then one day, about 8 or 9 years ago, her boss handed her box and told her that she was now the City's employment litigator. In this new venture, Pam found herself directly advising the City's human resources department and representing the City as trial and appellate counsel in state and federal courts, representing the City before arbitrators, the civil service board, and the Equal Employment Opportunity Commission. If that wasn't enough, Pam also assisted in the enforcement of condemnation and demolition orders and served as legal advisor to the City's Board of Adjustment (later the Community Preservation Commission).

For Pam, working for the City "gave [her] the opportunity to practice in and become proficient in several fields of law." Indeed, even though her myriad responsibilities make it seem as though she was a one-woman operation, she was, in fact, one of many. The City employs other attorneys who handle tort, land use, and general litigation, as well as attorneys who draft contracts, handle ordinance violation prosecutions, workers compensation cases, and real estate and collections matters. Her colleagues also draft ordinances and resolutions and advise both the City Council and the Mayor. Additionally, the police department has its own in-house counsel who provides advice and handles forfeiture cases.

Pam's most memorable "war story" involved battling particularly abrasive opposing counsel while slogging through the retrial of a case that had ended with a hung jury the first time around. Opposing counsel hired a well-known medical expert witness who, despite being the go-to expert for local media, actually knew very little about his patient in this case, the plaintiff. This expert arrived late and when he finally began his testimony, repeatedly ignored Pam's



inquires into his qualifications, attempting instead to insert his opinions of the plaintiff into every answer. After multiple sustained objections to his non-responsive testimony, the expert became visibly irritated, and even checked his watch multiple times. Finally, the expert asked the judge how much longer he would have to be there because, he complained, this trial was costing him money. As Pam recalls, the judge (who shared the expert's frustrations, but for the exact opposite reasons) told the expert that if he simply answered the questions, "he could get out of here and go make some money." After that case, lawyers from all over the country called Pam to ask for a copy of her deposition transcript and any other materials she had on this expert. This "war story," particularly the delicious little exchange between the judge and the expert, not only makes for a great anecdote, it also reinforced a valuable lesson for Pam: "Be well-prepared and don't assume that just because someone has a reputation as an expert that he really is one in your case."

Throughout her career, Pam has remained active with local Bar associations. She has provided pro bono legal services for many years and has served on the Board of Gulfcoast Legal Services for over 20 years. Indeed, one of her proudest moments was being able to take her mother to Tallahassee to watch her receive The Florida Bar President's Pro Bono Award for the 7th Judicial Circuit. "Her being proud of me made me feel that way too."

On mentorship . . .

"I have had many impressive co-workers during my career who took the time to answer particular questions or help with a problem or just listen to me vent after a tough day in court, but unfortunately, I have never had the benefit of a mentor. It would have been most valuable, but I was too shy to ask and no one ever stepped up. Worrying about being a pest or seeming

incompetent, I think, stops many young lawyers from seeking help from a potential mentor. Don't let that stop you because most lawyers are very happy to help, and the worst anyone can do is say 'no.' Just ask someone else and try an older attorney who may have a little more time because they are not trying to juggle kids and his/her own caseload. Lastly, and I know it's cliché, but take up golf, fishing, paddle boarding, or something that you can do out of the office to spend time with established attorneys in your community. I watched one attorney in my (former) office do that and it has worked very well for him."

Pam's impressive career demonstrates not only the benefits reaped by the public from talented attorneys choosing a career as an Assistant City Attorney, it also shows the tremendous benefits that come with government service, namely, the exposure to a wide-array of legal issues and practice areas, and the freedom to simply practice law.

On what's better than winning . . .

"Once, while shopping I was approached by a young woman who had served as a juror on a recent case I had tried successfully for the City. When I realized who she was, I asked her how she liked her experience sitting on a jury. She spoke fondly of the other jurors, commented on opposing counsel, and then on one of the witnesses whom she had not liked. Then she said, 'I just wanted to tell you that I thought you were awesome!' That meant more to me than winning any case."

Well, Pam, we in the Government Lawyer Section think you are awesome too. Thank you for taking the time to share your stories, thoughts, and wisdom with us. Congratulations on an amazing career!

CLE

Open Government – Legislative Updates

May 16, 2014
The Florida Bar Annex
Tallahassee, FL
12:30 p.m.

Procurement Law – Funds in the Sun

June 27, 2014
2014 Annual Convention
Gaylord Palms Resort & Convention Center
Kissimmee / Orlando, FL

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

Government Lawyer Section Executive Council Meetings

Thursday, March 20 – 12:00 p.m. EDT
(Telephonic)

Thursday, April 10 – 12:00 p.m. EDT
(Telephonic)

Friday, May 16 – 2:00 p.m. EDT
The Florida Bar Annex
(Reception Immediately Following at Level 8)

Friday, June 27 – 1:00 p.m. EDT
Annual Convention
Gaylord Palms Resort & Convention Center

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