

Chair’s Message – “Back To Basics”

By Francine M. Ffolkes



FRANCINE M. FFKOKES

In keeping with this year’s theme of “Back to Basics,” I am delighted to be writing the Chair’s Message for the 2017-2018 Winter Issue of *The Voice*. I want to thank the Publications Committee led by co-editors, Alvan Balent, Jr., and Bill Gwaltney, along with Trey Nazzaro, for their willingness to make sure that *The Voice* of government lawyers is heard once again! This issue features many voices describing memories and achievements over the Government Lawyer Section’s 25+ years.

Anthony Miller and his CLE planning committee did an impressive job of finalizing the Washington, D.C. Seminar. It’s been a few years since the Section conducted this seminar in the nation’s capital, but the dates, locations, and speakers are confirmed. So plan to visit Washington, DC, and participate in watching oral arguments at the U.S. Supreme Court and listen to speakers on various hot button topics over a two-day CLE program taking place April 22-24, 2018. This issue contains programming information, so mark your calendars and make plans to go to Washington, D.C.!

GLS members should also plan to attend the in-person Executive Council and Annual Section meetings at The Florida Bar Annual Convention in Orlando. Those meetings and a reception are scheduled for June 14 and 15, 2018. Please visit the GLS website for more details www.flgovlawyer.org or The Florida Bar website www.floridabar.org for hotel reservation details.

It’s been 25+ years since the Government Lawyer Section was launched under the leadership of Attorney General Bob Butterworth. This issue features an interview with General Butterworth that’s a must read. We continue to be reminded that this Section is a voice for the demographic within the legal profession who have chosen public service. Thus, both The Florida Bar and

the Section will again recognize this commitment to public service in 2018 with the recognition of the Claude Pepper Outstanding Government Lawyer. Please take the time to nominate a colleague that you admire for this special recognition.

Finally, it is my honor to serve as your 2017-2018 Chair. In my seventeen years on this Section’s Executive Council I’ve seen the leaders relentlessly and consistently advocate for those who choose public service. I plan to do my best to continue that tradition. If you want to volunteer or become a member of the Section, feel free to contact me at francine.fffokles@doah.state.fl.us or Chair-elect Steven Klingner at sklinger@sao17.state.fl.us.

the Section will again recognize this commitment to public service in 2018 with the recognition of the Claude Pepper Outstanding Government Lawyer. Please take the time to nominate a colleague that you admire for this special recognition.

IN THIS ISSUE:

<i>Meeting Reminder</i>	2
<i>Happy 28th Birthday GLS! – An Interview with Our “Founding Father,” Bob Butterworth</i>	3
<i>2018 Government Lawyer Section Spring Retreat to Washington D.C. (2018 Federal Seminar)</i>	4
<i>Government Lawyer Spotlight: Francine M. Ffolkes, Esq.</i>	6
<i>Upcoming Meetings</i>	7
<i>Claude Pepper Award Nomination Information</i>	8
<i>Claude Pepper Award Nomination Form</i>	9
<i>Government Lawyer Section Application for Membership</i>	10



THE FLORIDA BAR

THE GOVERNMENT LAWYER
SECTION REPORTER

Alvan Balent, Jr., Esq., Editor
abalent@jud11.flcourts.org

Bill Gwaltney, Editor
bill.gwaltney@dep.state.fl.us

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

Francine M. Ffolkes, Chair
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-3060
(850) 488-9675
francine.ffolkes@doah.state.fl.us

Steven A. Klinger, Chair-Elect
Broward County Courthouse
201 SE 6th St., Ste. 660A
Fort Lauderdale, FL 33301-3334
(954) 831-7913
SKlinger@sao17.state.fl.us

Jacek P. Stramski, Secretary
Office of the Attorney General
PL-01, The Capitol
Tallahassee, FL 32399-6549
(850) 414-3300
jacek.stramski@myfloridalegal.com

Anthony Bernard Miller, Treasurer
General Counsel
Florida Agency for State Technology
4050 Esplanade Way, Ste. 115
Tallahassee, FL 32399-7016
(850) 895-8317
anthony.miller@ast.myflorida.com

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

Calbrail L. Banner, Program Administrator
The Florida Bar
651 East Jefferson Street
Tallahassee, FL 32399-2300
Phone: (850) 561-5623
cbanner@floridabar.org

Join Us!

The Executive Council of the
Government Lawyer Section

will be hosting a

reception and meeting on

June 14 and 15, 2018.

All section members are
invited to attend.

Hilton Orlando Bonnet Creek



If you would like to have an article
considered for publication in the next
edition of *The Voice*, please send it to
abalent@jud11.flcourts.org.



NEED TO UPDATE YOUR ADDRESS?

The Florida Bar's website
(www.FLORIDABAR.org) offers
members the ability to update their
address and/or other member
information.

The online form can be found on the
website under "Member Profile."





Happy 28th Birthday GLS! – An Interview with Our “Founding Father,” Bob Butterworth

By Alvan Balent, Jr.

How time flies! Our 834 member-strong government lawyers section is not only old enough to legally drink, it is almost thirty! Before long, the section may be married and enrolled in Medicare, so now seemed like the perfect time to speak with its “Founding Father,” Bob Butterworth, and rediscover what led to GLS’ creation in 1990. Yes, 1990—a time when George H.W. Bush was America’s president, Lawton Chiles was not yet Florida’s governor, nobody had heard AOL’s famous “You’ve got mail” catch phrase, and Home Alone debuted in theaters. On a January 30, 2018 telephone call, Mr. Butterworth answered the following questions about GLS’ early years:

- What led to GLS’ creation?

BUTTERWORTH: In 1990, despite having at least ten percent of its members serving as government attorneys, the Florida Bar was not known for representing the interests of public sector lawyers. This section was thus a way to 1) give those individuals a voice, and 2) help the Bar demonstrate that it speaks for everyone in the legal profession.

- Who was involved in getting this organization started?

BUTTERWORTH: Numerous people had previously tried to turn what was a government lawyers committee into a section before I got involved with this project. I think my effort was successful because then-Florida Bar President Jimmy Fox-Miller supported the idea, and with his help, the Board of Governors authorized GLS’ creation within twenty-four hours of receiving the formal proposal.

- What was the Section’s initial purpose or involvements?

BUTTERWORTH: We really focused on bringing attention to the government lawyer as we wanted to erase, or at least combat, the stigma that public sector attorneys are somehow “less than” private sector ones. That notion, after all, is just wrong. For instance, government lawyers not only handle major cases, they often do a better job than the private one, especially in terms of knowledge of the law or court rules. In addition, we worked with the Bar to ensure it understood the need for government lawyers to receive regular pay increases as well as the general importance of public service.

- How was GLS received by the Bar and others once it was established?

BUTTERWORTH: Surprisingly well. Various people wanted to join, and the section’s presence really benefitted the Bar in terms of its outreach and relationship with public sector lawyers. I also think that our quick membership rise really opened the Bar’s eyes as to 1) how many government lawyers there are, 2) how hard they work, and 3) how much they do for the public and the Bar itself. Government lawyers, after all, may not make “big money,” but they perform vital work for their employing entities. I, for instance, was attorney general for the State, and Jerry Jaski, who succeeded me as chair of GLS, was general counsel for Florida State University. Similarly, many public sector lawyers helped create continuing legal education programs, a key aspect of the Bar’s overall work.

- Do you have any thoughts on what issues GLS should try to address going forward?

BUTTERWORTH: First, GLS should continue advocating for pay increases because without competitive pay, government will not attract top legal talent, and quality workers are the best means of combatting the notion that government attorneys are second-rate lawyers, which, again, they most definitely are not! There has also been real progress on that front because a generation ago, major cases were almost always outsourced to private firms, which could easily lure legal talent away from the public sector. Now, you see government lawyers handling major cases, and long-time private sector attorneys trying to get into government. I doubt that would happen if views about public sector work had not improved. Going forward though, GLS should focus on student loan debt forgiveness plans for public employees because with law school having become so expensive, many graduates cannot afford to work in the public sector. Government consequently misses the opportunity to hire the next generation of legal talent.

GLS will definitely follow your advice, Bob, and we thank you for all the support you have provided to government lawyers over the years.



2018 Government Lawyer Section Spring Retreat to Washington D.C. (2018 Federal Seminar)

Are you looking for a fun way to earn CLE Credit and see our Nation's Capital (And Capitol as well)? Then why not join the Government Lawyer Section on our 2018 Retreat to beautiful Washington, D.C. April 23rd & 24th?

This event has been the highlight of years past and looks like the 2018 trip is shaping up to be just as memorable. The agenda includes: Supreme Court Oral Arguments; Lunch in the SCOTUS dining facility; and Tour of the United States Capitol.

If you haven't signed up yet you can find more information and a link to the registration on our webpage: <http://www.flgovlawyer.org/>

We hope you can join us for the fun and experience.

Take a look at a couple of memories from our members' past trips:

The first Government Lawyer Section Federal Seminar in Washington, D.C., was only my second visit to the nation's capital. Although the cherry blossoms were falling off the trees they were still beautiful and fragrant! The courtroom at the United States Supreme Court is quite intimate and from my seat I could have reached out and touched Justice Ginsburg! She was very vocal during the oral argument pertaining to whether the prisoners at Guantanamo Bay were entitled to some kind of due process hearing. A quick tour of the White House Rose Garden was a treat and I was surprised to learn that hidden microphones could capture our conversation (the microphones helped make sure that Rose Garden press conferences had good sound quality). I look forward to this year's seminar in April.

Francine M. Ffolkes, 2018 Chair



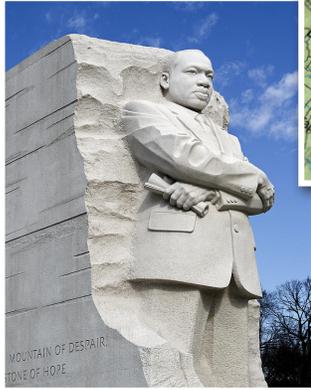
"I am so excited to be involved in helping plan the 2018 Federal Seminar. I attended the seminar in 2006 and it was a "bucket list" experience. The highlight was being seated in the Supreme Court chambers watching Oral Arguments. I will never forget that sense of awe and inspiration I felt as an attorney. I also recall the diversity of the attendees, including federal and state practitioners. Like me, anyone attending will be inspired by the seminar's unique experience."

**Anthony Miller, CLE Chair, Government Lawyer Section
Co-Program Chair, Federal Seminar 2018**



REGISTER TODAY!

April 23-24, 2018



Government Lawyer Section *Spring Retreat to Washington, D.C.*

Monuments by Moonlight Night Tour
Tour of the Capitol
Group dinner
Dynamic CLE program

Recommended Hotels (Individual booking, A room block is not available for this event)

Washington Court
Kimpton George

Hyatt Regency (Capital Hill)
Phoenix Park



Government Lawyer Spotlight:
Francine M. Ffolkes, Esq.
Administrative Law Judge,
Florida Division of Administrative Hearings

By Edward (Trey) C. Nazzaro, Esq.

The Government Lawyers Section of the Florida bar is proud to shine the spotlight on a new addition to the Bench, our very own Francine M. Ffolkes. In October of 2017, Francine became Judge Ffolkes, Administrative Law Judge with the Florida Division of Administrative Hearings (DOAH), assigned to the Environmental and Specialization District. In this role, Judge Ffolkes hears cases brought under the Florida Administrative Procedure Act (APA) involving environmental permitting, growth management, local land use, and licensing.

This accomplishment did not come easy, with Judge Ffolkes first applying to become an ALJ in 2000. Since that first application and interview, she continued to pursue this goal while obtaining valuable experience representing the Florida Department of Environmental Protection (FDEP) and the Board of Trustees of the Internal Improvement Trust Fund in state and federal courts and at the Florida DOAH. As Adminis-

trative Law and Ethics Counsel, she was responsible for reviewing recommended orders from administrative law judges, including the record of evidentiary hearings, drafting agency final orders, and advising the agency head regarding final agency action. Immediately prior to becoming an ALJ, Judge Ffolkes spent a year as the Deputy General Counsel in charge of the Litigation Section at FDEP. "The experience gained in continuing to practice law over those seventeen years are now invaluable in my current role," she said.

This new role fits Judge Ffolkes well. Her first day on the job entailed "lots and lots of paperwork and reading. I loved it!" Life on the bench has been quiet and less hectic than being a litigator, with more time for research and reflection. "Litigating and supervising at DEP involved 'outing fires' and quickly dealing with questions and issues," she said. "That was not always condu-

cive to detailed research and lengthy thought process."

Still, as a litigator Judge Ffolkes was always prepared, and expected that from others. Her pet peeves as a litigator and now on the bench remain unchanged – what has always bothered her are "sloppy and rushed arguments, with no legal authority and no thought given to really trying to persuade the ALJ and rebut the other side." That's why her advice to lawyers appearing before her, or her colleagues at the DOAH are to "bring your 'A game.' Represent your client at a high level of professionalism and competence."

In addition to her recent position at the DOAH, Judge Ffolkes is also the current Chair of the Government Lawyer Section. On behalf of the Section, the Executive Council congratulates Judge Ffolkes on her accomplishment and thanks her for continuing to share her time, knowledge, and experience with the Section.



THE FLORIDA BAR

**24/7 Online &
Downloadable
CLE**

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



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

UPCOMING MEETINGS



Annual Section Member and Executive Council Meeting

June 15, 2018
Hilton Orlando Bonnet Creek

In conjunction with The Florida Bar Annual Convention

June 13-16, 2018



The Florida Bar's
Claude Pepper
Outstanding Government Lawyer Award

2018 NOMINATION INFORMATION

NOMINATION INFORMATION:

Purpose: The purpose of The Florida Bar's Claude Pepper Outstanding Government Lawyer Award is to recognize a lawyer who has made an extraordinary and exemplary contribution as a practicing government lawyer. The award is named in honor of 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. This prestigious award will be presented at The Florida Bar's Annual Convention. Originated in 1989, there have been 28 recipients of the award: Charles C. Jeffries, Jr.; Chriss Walker; John J. Copelan, Jr.; Enoch J. Whitney; Irene K. Quincey; Joseph Lewis, Jr.; Anthony C. Musto; George B. Barrs; Jorge Fernandez; James A. Peters; George Waas; Deborah K. Kearney; Denise Dytrych; William B. Hammill; Sheryl Wood; Jack Shreve; Anthony Loe; Judson M. Chapman; Patricia R. Gleason; Gerald Currington; John S. Slye; Stephanie Daniel; Michael Alderman; Col. Joseph Bradshaw, Jr.; Charles (Chuck) M. Fahlbusch; Clarke Jennings; Mary Ellen Clark/Mary Jewel White; and Richard Jay Weiss.

NOMINATION CRITERIA:

Nominee must be a member of The Florida Bar in good standing and currently a practicing government lawyer, who has provided legal services at least ten (10) years in full-time government employment. The nominee should exemplify the highest ideals of dedication, professionalism, and ethics in service to the public. The nominee should have made outstanding contributions in providing legal services for the public interest. (Elected officials or judges currently serving in that capacity are not eligible.)

SELECTION PROCEDURE:

Nominations are reviewed by the Claude Pepper Award Nominations Committee, which selects semi-finalists to be submitted to the Claude Pepper Selection Committee. Nominees from the previous year will be included for consideration of the award. The recipient of the award will be chosen by the Selection Committee, which is comprised of the President of The Florida Bar, the Chair of the Government Lawyer Section, and the Chair of the Claude Pepper Award Nominations Committee. Additionally, two other members from the Government Lawyer Section Executive Council will be selected as alternate members of the Nomination or Selection Committee, and who will only vote in the event of a conflict of interest of one or more members of a committee.

A "conflict of interest" is presumed and the committee member must recuse him or herself if one or more of the following factors occurs: 1) member is the employer of the nominee; 2) member is the employee of the nominee; 3) member is a co-worker of the nominee; or 4) member is a relative of the nominee. "Relative" for the purposes of this procedure means any nominee who is the father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law of the committee member.

If a question arises as to the applicability of this provision, it shall be referred to the Chair of the Section for resolution. If the question relates to the applicability of this provision to the Chair of the Section, it shall be referred to the Chair-Elect of the Section for resolution.

Each year, selected nominees from the two previous years will be "rolled over" and eligible to be considered for the current award.

DEADLINE:

Completed nomination forms for each nominee should be submitted **on or before April 30, 2018**. Questions and inquiries should be directed to: Claude Pepper Government Lawyer Award; Government Lawyer Section, The Florida Bar, 651 E. Jefferson Street; Tallahassee, Florida 32399-2300; (850) 561-5623, FAX: (850) 561-9427.

Please submit this form and attachments by April 30, 2018 to:

Claude Pepper Government Lawyer Award
The Florida Bar – Government Lawyer Section
651 E. Jefferson Street
Tallahassee, Florida 32399-2300
FAX: (850) 561-9427



*The Florida Bar's Claude Pepper
Outstanding Government Lawyer Award*
2018 Nomination Form

1. Name of nominee: _____
Title: _____
Address: _____
City/State/Zip: _____ Phone: _____
E-mail: _____
2. Government agency where nominee is employed full time: _____

3. Number of years nominee has practiced law in full-time government employment: _____
4. Attach a current resume of the nominee (if possible).
5. Describe in detail the contributions made by the nominee in the area of providing exemplary legal services as a government lawyer. You may list specific matters handled by the nominee. (Use separate sheet if necessary)

6. Name of person/organization submitting this nomination, address and telephone number.
Name: _____
Organization: _____
Address: _____
City/State/Zip: _____ Phone: _____
E-mail: _____
7. Name of contact person with additional information, if different from above:
Name: _____
Phone: _____

