

## Word from the Chair

*By Ellen M. Simon, Esq., Chair, Government Lawyer Section 2014-2015*



ELLEN M. SIMON

As we ring in 2015, I am filled with hope—hope for a number of items related to the Government Lawyer Section and government lawyers as a whole. I am hopeful that 2015

will bring increased membership in the Section and that our work with law schools will broaden our visibility amongst current members of The Florida Bar. I am hopeful that 2015 will see an amendment to Rule 4-4.2 Communication with Person Represented by Counsel (commonly known as the “no contact” rule), ensuring that the relationship between government lawyers and their clients receives the same protection as the relationships between private lawyers and their clients. Lastly, I am most hopeful that 2015 will not come with any further negative impacts on the lives and livelihoods of government lawyers.

In an era of cost-effective, cut-the-bottom-line governing, I am hopeful that the dedication, hard work and commitment of government lawyers—and of all state employees—are once again recognized and

rewarded. Understanding that public sector employment comes with capped salaries, and that as public servants we must remain forever mindful of how the hard-earned tax dollars of the citizens we serve are spent, cost-of-living increases and affordable healthcare must still remain top priorities if we are to obtain and maintain the best and brightest talent in our public workforce.

When I first began my career as a government lawyer, joining the state workforce was a respectable and honorable career choice—one dedicated to service towards the good of the many, not the few. I felt I was entering a field that was held in high esteem. But now it seems that career choice, indeed government employment generally, has been tarnished, and the honor of being a government

lawyer diminished. People used to join the government workforce for the security, the benefits, and for the opportunity to work for the greater good. But, as the security becomes less secure, benefits less beneficial, and working for the greater good less attractive, what’s left to encourage people to public service?

I am hopeful that 2015 will see the tide turn—that government lawyers’ choice to dedicate their lives to the public good will once again be respected and honored, and that government lawyers will once again be paid a wage commensurate with their experience and responsibilities. It is the Government Lawyer Section’s mission to ensure that these things happen. Please come and join us in this endeavor! We look forward to having you as a member.

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THE FLORIDA BAR

THE GOVERNMENT LAWYER  
SECTION REPORTER

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## Join Us!

The Executive Council of the  
Government Lawyer Section

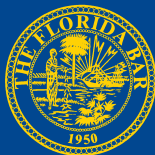
will be meeting on

Friday, January 23, 2015,  
from 2:00 p.m. to 5:00 p.m.

All section members are  
invited to attend.

**Hilton at Lake Buena Vista**  
*Room: Grand Ballroom 1*

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](mailto:TheVoiceSubmissions@gmail.com).



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# Government Lawyer Section is Now on Facebook and LinkedIn

*By Jacek Stramski, Esq.*

The Technology Committee is pleased to announce that the Government Lawyer Section is kicking off 2015 with a brand new social media presence. You can now find us on Facebook and LinkedIn, where our pages will have updates on section meetings, publications, CLEs, as well as provide a forum for section members and the general public to discuss matters of interest to Florida's government lawyers.

It is no secret that social media has in recent years become an important marketing and networking tool for



members of the legal profession. Social media has also become a significant medium for communication and a great platform for the exchange of ideas among far flung people with shared interests. In the spirit of promoting communication

about section events, activities, and achievements, and encouraging vibrant dialogue on matters of interest to our members, we cordially invite you to like us on Facebook, join our LinkedIn group, and become a part of the Government Lawyer Section's online community.

## UPCOMING MEETINGS

### **Long Range Planning Meeting, CLE Lunch, and Executive Council Meeting**

May 16, 2015

The Florida Bar Annex Room 114, Tallahassee

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### **Executive Council Meeting In conjunction with The Florida Bar Annual Convention**

June 26, 2015

Boca Raton Resort & Club



## ***Government Lawyer Spotlight:***

**Mary Ellen Clark, Esq.**

***Senior Assistant Attorney General,***

***Administrative Law Bureau, Office of the Attorney General***

*By Dwight O. Slater, Esq.*

The Government Lawyer Section of The Florida Bar is proud to shine the spotlight on our very own Mary Ellen Clark, who this year serves as the Chair of the Section's Membership Committee, and works with the Section's Legislative Committee.

Mary Ellen, a native Floridian, decided to brave the cold and head north after high school to attend Randolph-Macon Woman's College in Lynchburg, Virginia, where she earned a bachelor's degree in economics. From there she moved to Washington, D.C., where she worked at a large telecommunications company. But, she just couldn't shake the call of Florida life; so, after one too many "beach-less" summers, she decided to return home and go to law school.

Mary Ellen chose Florida State for her legal studies—mostly because of the myriad opportunities that come with living in Tallahassee. Sure enough, Mary Ellen began to take advantage of those opportunities by her third year when she became a law clerk for the Department of Business and Professional Regulation. The combination of drafting administrative complaints by day, and studying the Administrative Procedures Act for class by night, made the cases "come alive" for her.

Upon graduation in 1994, Mary Ellen was offered a full-time position with the DBPR prosecuting cases before several licensure boards. The job came with many travel opportuni-

ties. She attended board meetings all over the state and enjoyed seeing what Florida had to offer outside of her hometown of Pensacola.

During this time, Mary Ellen began to get involved in different voluntary bar organizations. She joined the Tallahassee Bar Association, the Tallahassee Women Lawyers, and the Florida Government Bar Association. Her involvement with these groups brought numerous networking opportunities. She met lawyers from various state agencies and, before long, advanced her career with a move to the Department of Highway Safety and Motor Vehicles.

At the DHSMV, Mary Ellen practiced administrative, appellate, and government law. She became especially knowledgeable in DUI law while serving as counsel to the Division of Driver Licenses. Soon, she was promoted to Hearing Officer for the Division of Motor Vehicles. In that position, she got to see some of the more rural parts of Florida while traveling to hearings around the state. She also got to cut her teeth in management—and worked with a sizeable staff spread across the state.

The DHSMV's general counsel, Jon Whitney, who supported involvement with voluntary bar organizations, encouraged Mary Ellen to apply to serve on a Florida Bar committee. After being appointed to the Traffic Court Rules Committee, and then to a special committee to

review Florida Bar Rule 4-4.2, she was "hooked on Florida Bar service."

Since the year 2000, Mary Ellen has attended almost all of The Florida Bar's Annual Conventions. She has served on the Voluntary Bar Liaison and Professional Ethics Committees and on the executive councils of the Administrative and Government Lawyer Sections; including a term as Chair of the Government Lawyer Section in 2010. Along the way, she was also elected President of the Florida Government Bar Association and the Tallahassee Women Lawyers. Through her service, Mary Ellen has met "energetic and inspired lawyers all around the state, but none more so than those in government service."

After several enjoyable years with the DHSMV, she could no longer ignore the call of boards and professional regulation. So, in 2003, she accepted a position with the Office of the Attorney General, where she is currently a Senior Assistant Attorney General, representing the Boards of Accountancy, Architecture and Interior Design, Employee Leasing Companies, and Podiatric Medicine.

During her time at the OAG, Mary Ellen has defended licensure denials and rule challenges, which require her to argue before the Division of Administrative Hearings and file briefs in the District Courts of Appeal. Her typical week involves fielding questions from board mem-

*continued, next page*



## Government Lawyer Spotlight, *from previous page*

bers, prosecuting attorneys, defense attorneys, and licensed professionals about administrative procedure and specific professional practice regulations. She also drafts rules and orders; reviews petitions for declaratory statements, variances, or waivers; and advises boards on any matter that comes before them.

These boards meet anywhere from several hours to several days—all over the state. So, Mary Ellen finds herself on the road for about a third of every month. This may sound grueling to some, but Mary Ellen loves every minute of it. She tells law students that she has the “glamour

job” in administrative law—“always going to a lovely hotel in a beautiful Florida city, to meet some of the most interesting and accomplished professionals in the state.” In the past year, Mary Ellen has taken her practice and influence to the national level, having been appointed to the Continuing Professional Education Model Rules Committee of the National Association of State Boards of Accountancy.

For Mary Ellen, being a government lawyer has exceeded her expectations for the practice; the client relationships are “meaningful,” the work “fulfilling.” She cites supportive

bosses like Charles Tunnicliff, Jon Whitney, and Cathy Lannon, and encouraging mentors like Wendy Loquasto and Judge June McKinney, as instrumental to her success and overall professional contentment.

Mary Ellen’s top advice to young lawyers is “to work for an employer that supports voluntary bar service and to get involved!”

We could not agree more. On behalf of the Section, the Executive Council would like to thank Mary Ellen for taking the time to share her knowledge and experience. We wish her all the best.

## ***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](http://www.flgovlawyer.org)***





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

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**2015 NOMINATION INFORMATION**

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**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 25 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.; and Charles (Chuck) M. Fahlbusch.

**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 March 31, 2015**. 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) 561-5650, FAX: (850) 561-9427.

**Please submit this form and attachments by March 31, 2015 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*

**2015 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: \_\_\_\_\_



# THE FLORIDA BAR - GOVERNMENT LAWYER SECTION APPLICATION FOR MEMBERSHIP

The law relating to government is constantly changing, and the Government Lawyer Section of The Florida Bar seeks to keep its members abreast of all the recent developments in the area through communication. Membership in the Section provides access to the Section's newsletter, *The Voice*, sponsored continuing legal education programs and section meetings.

### Purpose and Mission Statement

The Government Lawyer Section is dedicated to promoting the professionalism and competence of its members; improving the delivery of legal services to all governmental entities; improving the administration of the legal system, and enhancing The Florida Bar's and the public's understanding of the unique needs of the government attorney.

**To join the section:** Please complete this application and enclose a check made payable to The Florida Bar. Mail the application to: The Florida Bar, Government Lawyer Section, 651 E. Jefferson St., Tallahassee, FL, 32399.

Check One:

Member of The Florida Bar: \$30     Affiliate Member of the Section: \$25   
(Item number: 8121001)                                      (Item number: 8121002)

NAME: \_\_\_\_\_

FIRM OR AGENCY NAME: \_\_\_\_\_

OFFICE ADDRESS: \_\_\_\_\_

CITY/STATE: \_\_\_\_\_

PHONE \_\_\_\_\_ Email: \_\_\_\_\_

PROFESSIONAL SPECIALTY(IES): \_\_\_\_\_

MEMBERSHIP IN PROFESSIONAL ORGANIZATION(S): \_\_\_\_\_

What legal areas most affect you or your profession?

SIGNATURE: \_\_\_\_\_

FLORIDA BAR ATTORNEY #: \_\_\_\_\_

DATE: \_\_\_\_\_