



F. Scott Westheimer
Sypret, Meshad, et al

SCBA President's Message

A Challenging Year, and Another Ahead

Thankfully, the time has finally come for my last Docket column. I want to thank everyone for all of their hard work for the Bar Association over the last year. It has been a true honor and privilege to serve our Bar Association which I feel is the strongest in the state. Our Board of Directors is an exceptionally talented group which deserves special thanks, and I am proud to have served with them. Hunter Carroll deserves special recognition for his extraordinary efforts on the multitude of legislative issues we faced. As always, Jan Jung did another excellent job this year as our Executive Director and she deserves everyone's thanks. After his coronation this September, you will be in the well-qualified (I hope) hands of President-Elect Derek Byrd.

Next year will pose a new set of challenges for our Bar Association as well as Florida's judicial branch as a whole. The next legislative session will undoubtedly include renewed attacks on the court system and renewed efforts to effectuate

some of the recent session's failed proposals to weaken the judicial branch. I am sure Derek and the Bar will have a coordinated plan in 2012 to oppose the upcoming proposed constitutional amendment, which would impose Senate approval for Supreme Court justices; require only a majority legislative vote to change Court Rules; and remove the confidentiality of judicial investigations in certain proceedings. This is a not-so-subtle attempt to weaken the judicial branch and attack the separation of powers as mandated by the Constitution.

Further attempts to block the door to the courthouse and prohibit individuals from their constitutional right to a jury trial will continue unless the Bar, our clients, and the public are educated against the dangers of these constitutional attacks. I highly recommend viewing an excellent documentary which was recently aired on HBO, *Hot Coffee*, by director Susan Saladoff, which gives a very in depth view of the fictions and falsehoods disseminated by the so-called "tort reform" movement and shows its real purpose which is to block individuals access to the court (and jury trials). As one expert asks, if we trust juries nationwide to determine the death penalty in criminal cases, why does it make sense then to not trust juries to award damages in civil cases by implementing caps or other "reform" tools? The film also has an excellent view on "court packing" and the risks behind these endeavors. I would highly recommend that Bar members view this film and recommend it to their friends to help educate them on this issue.

I want to thank J. Brent Jones, who pointed out a mistake I made during my last Legislative Update at the June Bar meeting. Two pieces of proposed legislation eventually failed. One proposed allowing the defense ex parte interviews of claimant's health providers, and another would have set a new clear and convincing evidentiary standard in medical malpractice cases to prove a breach of the standard of care for failing to order supplemental diagnostic tests. Also, after the meeting, the Governor used a budget veto to strike the Speaker of the House's proposal for an "independent review" of the court system at the cost of approximately \$400,000.00.

Finally, I want to thank all the Section and Committee Chairs, Adam Portnow and Cyndi Riddell as Docket Editors, the numerous Docket contributors, and everyone else who devoted so much of their time and energy this year for our Association. It was an honor to serve as your President. A special thanks also to former Chief Judge Lee Haworth, who did an outstanding job during his term as Chief Judge with the multitude of challenges he faced.



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YLD President's Message

The End of a...Year

Its very difficult to believe that I am writing my last YLD President's monthly update. It seems only a few weeks ago I was meeting with Burt Romanoff to discuss plans for the coming 2010/2011 Bar year. By the time this article is published, Burt will have completed his long range planning meeting and be ready to take over the direction of the YLD.

My plan as YLD President was to maintain those programs that continued to be successes, sunset those programs that were not as successful as they once had been, streamline some of the YLD processes, and revisit/revise the governing policies for the YLD. While some of the goals may have been a bit lofty, we were able to accomplish most of them. The YLD continued its tradition of socials, judicial luncheons, Law Week programs, and civics projects (a newer tradition). The YLD ended a longstanding charity program that had become increasingly more difficult to support and was receiving less and less participation; however, that program was ended with the hope that the YLD could focus its charitable efforts on developing a new charity program, which remains part of the Charitable Action Committee's charge. The YLD also placed the Law at the Library program back into committee planning to be revamped for the future.

We were also able to revisit and revise our governing policies. In fact, this revisit caused the YLD to ultimately reactivate its Sports Committee. As a result of its reactivation, the YLD had one of the more successful events in recent memory with the First Annual Barrister's Kickball. It was such a success that I'm sure we can expect the event to earn its "annual" name by throwing the second annual event this coming bar year.

All in all, I believe it was a successful year, but I'm looking forward to sitting in the Past-President's chair and seeing what Burt and his Board come up with this coming year. I would like to thank all of the YLD Board Members and committee volunteers for their hard work throughout the year.

If you would like to participate in any YLD programs, or if you have some good ideas for new programs, please contact...Burt.

New CD's added to CLE library

The SCBA has updated its CD Lending Library with the 2011 version "Maintaining a TRUSTworthy Trust Account." The program contains a detailed presentation of rules and expectations from The Florida Bar about how to properly manage your trust account. Certified for 1.0 General/1.0 Ethics, the course is perfect for anyone needing one hour of CLE credit.

A new edition to the Library is "Ethics Today and The Florida Bar...A Primer." This 3 disc set provides 4 credits in ethics and covers ethical practice in the real world; ethical assistance to Florida Bar members and The Florida Bar grievance process. The course is certified for 4.0 General/4.0 Ethics.

For a complete listing of CLE offerings, check out the SCBA's website at www.sarasotabar.com. Click on "Members" and look for "Continuing Legal Education" in the drop-down menu. CDs may be checked out for a period of seven (7) business days. If you have recently purchased CLE tapes from The Florida Bar and would like to donate them to the SCBA, please contact us.