### DADE COUNTY BAR ASSOCIATION

# BULLETIN



DCBA BULLETIN | January 2020



### **President's Message**

Happy New Year and blessings for health and prosperity to you and your families. Let's keep all those experiencing health challenges in our prayers and send them loving healing light. As we remain in gratitude!

The DCBA, as you can see has been operating in a digital environment. In fact, you have voted to change the By-Laws to reflect this. Thank you!

Thanks to our DCBA Past-Presidents, Past- ABA, Past- FLABAR, and FLABAR President-Elect, and local BOGs for your support and participation in a round-table discussion to help and make the DCBA serve you better. You will read the inaugural Legal Foundations section with contributions from luminaries in our legal community. This month Steve and Marguerite Zack share a very personal message.

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THE MESSAGE FROM OUR YOUTH

# "LETTER TO UNBORN CHILD"

written by a young person whose identity is protected.

I was so moved when I heard this young person read this poem out loud in the Honorable Orlando Prescott's, Administrative Juvenile Judge, Courtroom. Accordingly, I decided to share this poem with you.

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Gilbert K. Squires 103rd President of the Dade County Bar Association

Today I'd like to reflect on all the bad choices I've made in my lifetime and how I don't want you to make the same mistakes as I. I've let a lot of people down in my lifetime and now I'm working on making things right but once you're used to going down the wrong path it's hard to change your ways. Trust me I had to learn the hard way. If I ever tell you something that makes it seem as if I'm trying to control your life just know its for your own good, it's not like I'm out to get you and ruin your childhood. Parents know best as they know from experience as they were once your age too. I have high hopes you won't make the same mistakes as me. But also, whatever path you choose to take is your decision. Don't ever be afraid to tell me something because there's nothing I haven't been through and I wouldn't get you in trouble for just anything. Now let's reflect on some of the bad choices I've made in my lifetime.

I've disrespected my mother and trust me it hurts them more than anything when you do something like that, so try to not tell your family you don't care for any advice they give you. I dropped out of high school and I had to spend money to get my diploma a different way but trust me that it is not the path to take. Even if you don't like school and it annoys you and you feel as if it is not necessary, continue to try your best because without a high school diploma life will be more difficult to get around and you don't want to be living paycheck to paycheck as an adult, and without a high school diploma it'll be much harder to even get a job. You shouldn't care what anyone thinks of you, you also shouldn't be too trusting of anyone like me, I used to trust anyone. If you have a bad feeling about someone or something you shouldn't follow through. People don't want the best for you they're only worried about themselves.



In my days I did things without listening to anyone or taking anyone's advice but look where that had led me. Also think before you act because let's just say I used to do that a lot and it always led me to bad consequences. You shouldn't let anyone influence you even if you might feel cool at the moment but in the long run being cool wont matter to anyone. Think of your future, do you want to be successful or do you want to go to jail, would you want you to be working minimum wage jobs living paycheck to paycheck? I'm sure you enjoy your freedom and wouldn't want to be stressing about your next paycheck.

" I used to go missing for days, not letting anyone know where I was; not answering any calls. My mother used to be worried sick, and I'd often get reported missing. I'd also skip school just to smoke or because I was bored. Let me tell you that was not worth it; it was just a big waste of money."

I expect you not to follow the same path as me as it led me to a lot of struggles in life and many bad times. I wish I would've enjoyed my childhood while I could've. I expect you to finish a full four years of high school without cutting class for any reason. I expect you to ask for permission if you ever go out. As well as letting me know where you are going, answering the phone when I call, not staying out past curfew, and not staying out just because you feel like it. I don't want you to give up easily and if you're ever going through something don't be afraid to ask me or your family for advice. We all make mistakes in life and we learn from our mistakes. I expect you to go to college after you complete high school. I expect you to attend school daily. If you do attend college, I'll make sure you get those funds I'll have saved up from your childhood, but if you don't, that's completely your decision and I wont bash you for whatever choice you make. I'm sure you'll make the smart choice. I don't expect you to commit any crimes following my footsteps. I expect you to look up to your grandparents and your aunts and take the right path but then again whatever decision you make is completely up to you and just know that whatever you decide I won't judge you. I'll support you no matter what.

### **Young Lawyers Section President's Message**

The 2019-2020 bar year is off to a great start and the YLS board of directors is ready to hit the ground running with exciting and innovative programming for the DCBA membership. Looking ahead, we have our signature event, Miami Nights, on February 6, 2019 at La Estacion American Brasserie. Hope to see you there!

Stay connected with us on social media to keep up to date with our upcoming events.

Isabella Poschl Young Lawyers Section President

## DCBA'S YOUNG LAWYER'S SECTION PRESENTS

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## NIGHTS

\$50 GENERAL ADMISSION \$60 AT THE DOOR \$35 STUDENTS/GOV'T/NON-PROFITS JUDICIARY COMPLIMENTARY

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#### **Lessons for an Associate**

By Ryan M. McCarthy

Being thrust into an associate attorney role can be overwhelming. The onslaught of unfamiliar tasks, coupled with tackling complex legal issues, and adapting to the varied work styles of partners and staff is daunting. It becomes immediately clear that law school does not adequately prepare you for the practice of law. Most young associates identify the obvious requirements for success: work hard, show initiative, and meet the elusive billable hour requirement. However, the underlying strategies for achieving success are best learned through personal experience, and with the guidance of a colleague that has survived the turbulent first years of practice. Young lawyers are encouraged to seek out mentors, which are of utmost importance in shaping the trajectory of a career. Yes, mentor(s) is plural, because it is critical to learn from multiple people with different abilities and views. Regardless of who is providing the guidance though, there are some constants for success many of which have been referenced in reoccurring advice given to me.

"...simply sending the email, preparing the rough draft, or reviewing just a portion of the legal authority does not constitute "follow through."

#### **Never Confuse Motion with Action**

Associates are assigned to a wide-variety of projects, including drafting motions and memoranda, responding to discovery, and conducting legal research. To accomplish these tasks, you are often responsible for "following through" on sub-tasks, which may include communicating with the client, writing a memorandum supporting a particular position, or assembling pertinent documents. This gives rise to the first lesson, which is that simply sending the email, preparing the rough draft, or reviewing just a portion of the legal authority does not constitute "follow through."

For the email, if a response is required by a certain deadline, specify it, and send a reminder a few days prior. Additionally, the rough draft is worthless, unless the partner can send it to the client or file it with the court "as is." If it is rife with grammatical errors and incomplete arguments, it is another problem to deal with, as opposed to a next step in the project. Lastly, discovery rushes can be problematic and potentially increase the risk of exposure for the client. Any questions about objections and responsive documents, should be asked well in advance of the service deadline, so they can be addressed.

Although you may feel inexperienced, you must remain accountable. Legal assistants and paralegals (the true saviors) are extremely capable. However, the buck stops with you, especially when it comes to meeting deadlines and the quality of work product.

Do not let the heightened sense of responsibility cloud the bigger picture. Partners and senior associates are often receiving triple or quadruple the number of emails, dealing with internal firm and staffing issues, billing their own hours, and trying to manage their personal lives. Your "problem" is hardly a blip on the radar, unless it is articulated early and clearly. And, remember, to establish your value, always offer a solution.

#### **Resist the Comfort Zone**

You should pursue any and all opportunities to work on different cases, because it is difficult to develop the varied skill set required to practice effectively. Litigators need to take depositions (or volunteer to observe depositions of different deponents, including parties, corporate representatives, and experts). If those options are not available, take the alternate route of preparing deposition designations or reading transcripts to identify best practices with respect to direct examination and cross examination. Reading trial transcripts is equally valuable, because you can garner tips on opening statements, closing arguments, and evidentiary issues.

If you are uncomfortable with a particular task, seek it out more. For example, if writing is not your strong suit, prepare more motions, memoranda, and letters. Not into

public speaking? Attend motion calendar hearings where the arguments are kept brief and practice speaking up during office meetings on a case. Your colleagues will notice your contributions.

Although alluring, you cannot be spectacular at everything. The transformation from ordinary associate into huge asset can be achieved by adding value through delivery of quick, quality work product. Willingness to assist is also prized. You may not be told you are doing a great job, but you can rest easy if the work continues to be assigned to you.

#### Stay Educated and Informed

You can sell those outdated law school textbooks, but your legal education is far from concluded. Staying apprised of developments in the law and in your respective area of practice is easier than ever. Subscribe to blogs, newsletters, and publications, such as the Florida Bar Journal or Daily Business Review. Browse Fastcase with keywords to your area of practice, which is provided free to Florida Bar members. Listen to podcasts and TED Talks. Documentaries on Netflix addressing legal issues can be beneficial. Change it up and stay motivated. Ask leaders in your area of practice how they learn and keep updated, and emulate them.

#### Conclusion

This article sets forth just a few tips for success. Every path is different. By approaching your career with a willingness to learn and assist, along with a solution-oriented attitude, everything will fall into place.



**Ryan McCarthy** is an attorney with Shutts and Bowen. He received his J.D. from the University of Miami School of Law.



# HOT TOPICS:

## A PERSPECTIVE FROM THE MEDIA



## GENERAL MEMBERSHIP LUNCHEON

12:00 - 1:30 PM

THE CONRAD MIAMI 1395 BRICKELL AVE ROOM:LISBON B MIAMI, FL 33131

#### 1.5 GENERAL CLE CREDITS

(pending approval from Florida Bar)

\$60: DCBA Members \$75: Future Members

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Members)

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To REGISTER visit www.DadeCountyBar.org/event/ MediaPanel

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Jacqui Kiviat, 305-371-220 or email

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01/30/20



Billy Corben, Film Director of Cocaine Cowboys, The U, Broke 30 for 30s, Dawg Fight & Screwball



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If you have a disability and may require accommodation to fully participate in this activity, please call the DCBA office to request an accommodation at 305-371-2220.



### The Constitutional Corner

By Honorable Milton Hirsch

On August 28, 1962, Justice Felix Frankfurter caused the following letter to be delivered to President John F. Kennedy:

My dear Mr. President:

"Pursuant to the provisions of 28 U.S.C. 371(b), 68 Stat. 12, I hereby retire at the close of this day from regular active service as an Associate Justice of the Supreme Court of the United States.

The occasion for my retirement arises from the affliction which I unexpectedly suffered last April. Since then I have undergone substantial improvement. High expectations were earlier expressed by my doctors that I would be able to resume my judicial duties with the beginning of the next Term of the Court, commencing October 1. However, they now advise me that the stepped-up therapy essential to that end involves hazards which might jeopardize the useful years they anticipate still lie ahead for me.

The Court should not enter its new Term with uncertainty as to whether I might later be able to return to unrestricted duty. To retain my seat on the basis of a diminished work schedule would not comport with my own philosophy or with the demands of the business of the Court. I am thus left with no choice but to regard my period of active service on the

Court as having run its course. I need hardly tell you, Mr. President, of the reluctance with which I leave the institution whose concerns have been the absorbing interest of my life. May I again convey to you my gratitude for your call upon me during the summer and for the solicitude you were kind enough to express."

With high respect and esteem, Faithfully yours, FELIX FRANKFURTER

The following day, the president replied

My dear Mr. Justice Frankfurter:

"Your retirement from regular active service on the Supreme Court ends a long and illustrious chapter in your life, and I understand well how hard a choice you have made. Along with all your host of friends I have followed with admiration your gallant and determined recovery, and I have shared the general hope that you would return soon to the Court's labors. From my own visit I know of your undiminished spirit and your still contagious zest for life. That you now take the judgment of the doctors and set it sternly against your own demanding standard of judicial effectiveness is characteristic, but it comes as an immediate disappointment.

Still, if you will allow it, I will say that there is also consolation in your decision. I believe it good for you as well as for the rest of us that you should now be free, in reflective leisure, for activities that are impossible in the demanding life of a Justice of the Supreme Court. You have been part of American public life for well over half a century. What you have learned of the meaning of our country is reflected, of course, in many hundreds of opinions, in thousands of your students, and in dozens of books and articles. But you have a very great deal still to tell us, and therefore I am glad to know that the doctors are telling you, in effect, not to retire, but only to turn to a new line of work, with new promise of service to the Nation

Meanwhile, I should like to offer to Mrs. Frankfurter and to you, for myself and for all Americans, our respectful gratitude for the character, courage, learning and judicial dedication with which you have served your country over the last twenty-three years."

Sincerely, JOHN F. KENNEDY

**The Hon. Milton Hirsch** has been a judge of the 11th Judicial Circuit of Florida since January of 2011. He is also an adjunct professor of law at the University of Miami School of Law and at St. Thomas Law School.

## THE

# Constitûtional Corner

BY HONORABLE MILTON HIRSCH

### Call for Nominations for the David W. Dyer Professionalism Award

By Russell S. Jacobs, Co-Chair DCBA Professionalism Committee

Integrity, humility, compassion, and professionalism. Together, those four qualities defined Judge David W. Dyer in all that he did in his remarkable personal and professional lives.

Many may not be aware of his incredible vision and his service as an agent for change at a difficult time in South Florida's history.

After service in the Army in the Judge Advocate General's Corps during World War II Judge Dyer was appointed to the United States District Court for the Southern District of Florida by President John F. Kennedy where he ultimately served as chief judge from 1962 to 1966. While serving as a district judge, he issued a landmark decision to desegregate the restaurants which served travelers on Florida's Turnpike.

In 1966, President Lyndon B. Johnson appointed Judge Dyer to the United States Court of Appeals for the Fifth Circuit. There, Judge Dyer presided over several important civil rights and voting rights cases, including a ruling in 1967 to reapportion Florida on the "one-man, one-vote" principle.

Judge Dyer's qualities and contributions were capsulized by Resolution in the United States House of Representatives upon Judge Dyer's passing in 1998:

"... Judge Dyer is nothing short of a hero. During a time of great national struggle, he consistently advocated and maintained that the Constitution guaranteed equality for all Americans—no matter what their race. To put it simply, Florida's most respected jurist."



In 1997, the historic United States Post Office and federal courthouse were renamed to honor Judge Dyer and the Dade County Bar Association created the David W. Dyer Professionalism Award. To this day the David W. Dyer Professionalism Award is the greatest honor bestowed by the DCBA and one of the few reserved for the DCBA's annual inauguration gala and awarded to the lawyer or judge whose conduct most closely reflects and honors the integrity, humility, compassion, and professionalism of Judge Dyer himself.

Each year the DCBA Professionalism Committee, joined by the Executive Committee of the Dade County Bar Association selects one recipient of the David W. Dyer Award. Nominations are taken from those who may have benefitted or have been mentored by a lawyer whom the nominator believes best embodies the ideals Judge Dyer held so dear.

If you have been personally and professional impacted by a member of the Dade County Bar Association, honor them with an application submitted to the DCBA for consideration for this most prestigious award. Applications can be found at www.DadeCountyBar.org. The deadline nominations to be submitted to the bar office is February 21, 2020. Take a moment to think of the lawyers and judges that impacted your life and your profession and the lives and professions of others and complete an application on their behalf. The time you spend on the application will certainly be less than the time the mentor invested in you. Questions about the application can be directed to Shay Garcia at the bar office at 305.371.2220 ext. 304.



## **Another Successful Nuts and Bolts of Family Law Seminar!**

By: Geoffrey Valdes-Alba, Esq., Dade Legal Aid Staff Attorney

For 27 years, Dade Legal Aid has presented the annual Nuts and Bolts of Family Law Seminar for the legal community. "The Nuts and Bolts of Family Law Seminar has always featured some of the most well-known and experienced lawyers in the field, who present on how best to handle Family Law cases," said Bruce Levine, Put Something Back Pro Bono Manager. This year, Geoffrey Valdes-Alba, Dade Legal Aid Staff Attorney and Chair of the Family Law Committee for the Dade County Bar Association, Geoffrey Valdes-Alba, Esq., took on the role as moderator. Among the speakers who presented were Nuts and Bolts veterans, Maurice Kutner, Esq., Robert Josefsberg, Esq., Jacqueline Valdespino, Esq., and Michelle Gervais, Esq. This year, N&B also welcomed new speakers, Anastasia Garcia, Esq., Marck Joseph, Esq. and Patricia Elizee Saint Surin, Esq. The Honorable Samantha Ruiz Cohen also provided her perspective of Family Law Cases from the Bench.

The seminar, which is entirely free to attend, asks that attorneys who attend "Put Something Back" by taking on a family law case on a pro bono basis, through the Put Something Back Pro Bono Program. All who attended will be receiving Continued Education credits. This year the seminar featured both breakfast and lunch, thanks to generous sponsors, Esquire Deposition Solutions, LLC., Blank Rome, LLC., and Foster-Morales Sockel-Stone LLC. "Thank you for making this year's Nuts and Bolts a success. We hope to see you all again next year!" said Valdes-Alba.

## Legal Foundations: Past FLABAR President Edward Atkins and Judge C. Clyde Atkins

By Marguerite Atkins Zack and Steve Zack

For many in the legal profession, the name "Atkins" is a household word. Edward J. Atkins decided to become a lawyer in high school. He attended the University of Miami law school, where he was a member of the Phi Alpha Delta legal honorary. Upon graduation in 1951, he entered the Army at Fort Jackson, SC and saw active duty in Korea for thirteen months. He then became a member of the Reserves, graduating from the Judge Advocate General's School and the U.S. Army Command and General Staff College, becoming commanding officer of the 168th, 174th and 175th JAG Detachments. He advanced to the rank of Coronel, Judge Advocate General's Corp.

After his active Army service, Ed Atkins returned to Miami to practice law, engaging in civil law, including personal injury, and became a specialist in regulated public utilities cases.

## "If mountains can be moved, he will move them."

His peers recognized his leadership skills voting him President of the Dade County Bar, Secretary of the Federal Bar Association, a member of the International Association of Insurance Counsel, a member of the Florida Bar Board of Governors for ten years and President of the Florida Bar.

He chaired important Florida Bar committees, such as the Budget Committee and the Bar Center Commissions which raised 1.5 million dollars in 1976 to build an addition to the Florida Bar Headquarters in Tallahassee. He was honored by Florida's Top Political and Judicial Leaders at the Florida Bar Center for leading the statewide fundraiser to build the extra space for present and future legal programs of the Florida Bar.

As President of the Florida Bar, he regularly met with local bar associations to learn what they expected from the organized Bar and was a strong advocate of Merit Selection of Judges.

The goal-oriented achiever has been described by colleagues as a "forward-looking, dedicated man" who was an early advocate of videotaped and televised trials. He was also an active campaigner for lifelong continuing education for attorneys

The Editor of the Miami Review wrote that Edward J. Atkins is "a hardworking activist, a go-getter. If mountains can be moved, he will move them."



Hon. Celeste H. Muir is sworn in as YLS President by Judge C. Clyde Atkins, 1982

Ed's love of the law was greatly influenced by his brother, Judge C. Clyde Atkins, who preceded him as President of the Dade County Bar and the Florida Bar.

Judge Atkins was appointed to the U.S. District Court Southern District of Florida by President Johnson. He served as Chief Judge of the Southern District from 1977-1982, and ruled on a number of controversial, high profile cases, including the Eastern Airline strike in 1989. In 1992, he ruled on his arguably most influential case which involved the homeless in Miami by ordering the creation of "Safe Zones" the area's homeless could congregate without the threat of police arrest. Much of the nation's subsequent attitude to rehabilitate the homeless through training and the creation of shelters was influenced by this decision.

He also upheld the rights of Cuban and Haitian refugees to lodge petitions in U.S. Courts and worked for the desegregation of public schools.

As Chief Judge, he earned a solid reputation for running an effective court during a difficult time in Miami - A time that was riddled with refugee problems, violence and drug smuggling.

Sadly, both of these legal pioneers are no longer with us. Ed Atkins died of a heart attack at the age of 53. He left behind his beautiful wife, Helen, who raised their five young children. His daughter, Marguerite, is married to attorney, Stephen N. Zack, past president of both the Florida Bar and the American Bar Association.

Judge Clyde Atkins died of cancer in 1999 at the age of 84. He was survived by his wife, Esther and daughter Julie A. Landrigan. Children of his children were previously deceased. In honor of his legacy, a Federal Courthouse in Miami was named after him.

Thanks to the legal contributions of these gentle giants, the diverse population of Florida can freely exercise civil liberties and the lawyers who represent them can continue their legal training in the expansive facilities of the Florida Bar Headquarters.



Marguerite Atkins Zack graduated from FSU with a BA in Business and has Masters Degrees in Special Education: Varying Exceptionalities, LD and EH. She was a Special Education teacher and a Dropout Prevention teacher for twelve years, specializing in Reading, and is a mentor of students-at-risk. She is also a National Board Certified Teacher. She served on the State of Florida Education Standards Commission and on the State of Florida Fire Code Advisory Council. Marguerite started a dog therapy program, teaming her therapy dog, Maggie, with autistic students to improve their literacy skills. She is also a realtor with Brown, Harris, Stevens.



Steve Zack is President of the American Bar Association and was the first Hispanic American to assume the ABA Presidency. He has served as President of the National Conference of Bar Presidents and as the Chair of the ABA's House of Delegates—one of the nation's most influential positions on matters relating to the legal profession. He was appointed by Governor Lawton Chiles to rewrite the Florida Constitution as a member of the Florida Constitution Revision Commission in 1997. He served as Chair of the Florida Ethics Commission from 1987 to 1994 and as General Coursel to Governor Bob Graham.

## ANNUAL BENCH & BAR MARCH • 06 • 2020



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#### DCBA President Gilbert K. Squires

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### Mindfulness, Compassion and Hurricanes in our Midst

By Scott Rogers

Hurricane season is here and its frequent rains serve to remind us that circumstances can change with little notice and conditions, once pleasant and calm, can become harsh and extreme. This is a clear seeing of weather patterns and a useful metaphor for life.

The October 2017 issue of the Bulletin included an article that elaborated on this theme. "Mindfulness and the Hurricane of our True Nature" looked to the elemental makeup of hurricanes—both the calm and chaotic-and the ways that we embody these same characteristics. There are times when we feel peaceful, relaxed and at ease. And there are moments when we feel agitated, angry, frustrated and afraid. As an exploration in mindfulness, the column noted the preference we tend to have for the calm, and the tendency to want to deny or reject our more tumultuous and agitated characteristics and behaviors. It addressed the mindfulness insight that rather than grasp for the pleasant, and deny and push away the unpleasant, there can be great value in embracing the totality of who we are as human beings.

When practicing mindfulness . . . rather than seeking to escape or change this experience in search of the eye of calm, mindfulness invites us to stay put and notice the fluctuating and sometimes intense flow of our interior experience. And because we are not just one aspect of the hurricane, but embody it all, there will be times when we also reside comfortably and at ease within the eye, knowing deep down that it is not the destination, but part of the experience. For every aspect of the storm depends on the other; without the eye wall, there could be no eye.

For those who find the practice of mindfulness to be challenging-agitated states of mind and body arising again and again-this insight is a reminder that this experience is not only typical, but the very grist of practice: to attend to these conditions within ourselves, drop into the felt experience, be it pleasant, unpleasant, or neutral, and observe its evolving and changing nature. So often we instinctively resist and move away from these moments (often without awareness) that we lose touch with our capacity to weather them and emerge more responsive to its call. But, as Steve Jobs reminds us "It's a discipline; you have to practice it."

Today's column builds off of this primary insight and metaphor by looking to the hurricanes arounds us-other people! And indeed, it is rare when there are not multiple hurricanes forming at the same time. Some just happen to be closer to than others. This expanded perspective asks us to consider not just the "I" of our personal hurricane, but of those in our midst, which can be difficult Through the practice mindfulness, we come to appreciate that our own tumultuous natures are more a product of conditions and circumstances than something intrinsic to the heart of who we are. We observe first hand that judgmental thoughts of self and others frequently arise, unbidden. appreciate that impulses, whether they be useful or destructive, emerge beyond our willing them into (or out of) existence. And we realize and accept that our conduct, more often than we might like, tends to be as much in the service of feeling better as it is in the service of doing the good we so wish to achieve.

For it is with this wise and compassionate insight into our own nature that we can relate to others with an empathy and understanding that, notwithstanding appearances to the contrary, they may not be enjoying this moment either, might even being doing the best they can, and, as is the case with all hurricanes, "this too shall pass."

In the coming weeks of hurricane season, allow the rainy weather to remind us that in those moments when a colleague, adversary or judge acts in ways that are unbecoming of our profession, that they may be going through a difficult time. Whether at home with family, matters involving their own health, or the stress and overwhelm of their work life, they may be struggling. As Longfellow wrote, "If we could read the secret history of our enemies, we should find in each [person]'s life sorrow and suffering enough to disarm all hostility." And, as our profession is addressing pressing mental health concerns, we appreciate all the more that these struggles may run very deep. Lost in our own agitation and personal concerns, we may not fully realize the efforts being made to "keep it together" and to just get through another day. And for some, the very nature of the workthe desire to be of assistance and to help others heal from their traumatic experiences—can become the very real and deeply felt pain of vicarious trauma and compassion fatigue, which can leave us feeling angry, tired, fearful, sad, and irritable.

Articles like this, and of the related theme explored in the September "Mindful Lawyer" column in the Florida Bar News, ask us to put aside the adversarial lens through which we often view others and ourselves, and to approach our shared humanity in ways that are supportive and compassionate. Consider the possibility that we can most effectively zealously represent our client's best interest without compromise, when we zealously remember that we are all in this together. For unlike the hurricanes tracked by the National Weather Service over which we have no control, when we bring wisdom and compassion to the hurricanes in our midst, we can play a meaningful role in helping them subside—by being present and steady, and not fueling them through the reactive force of our own powerful hurricane natures. And so, the next time you sense a hurricane forming—be it on the inside or outside-consider taking a few slower, deeper breaths, bringing awareness to the sensations in your body, and attending to the coming and going of thoughts and feelings. The sun may not immediately break through, but you become ever so much more aware that it is there.



Scott Rogers is founder and director of the University of Miami School of Law's Mindfulness in Law program, and the University's Mindfulness Research and Training Initiative. He is a nationally regarded expert on Mindfulness and has been sharing mindfulness with members of the legal profession since 1992. Scott can be reached at srogers@law.miami.edu

## Dade Legal Aid Launches Class V of its Distinguished Leadership Academy

By Stephanie Grosman, Esquire

Dade Legal Aid is pleased to introduce Class V of the Dade Legal Aid ("DLA") Leadership Academy. The mission of DLA's Leadership Academy is to engage the future leaders of our community to serve as Ambassadors for Legal Aid. The Academy recruits Fellows whose distinguished resumes reflect accomplishments and concern for the profession. Many have excelled in their areas of practice, accepted pro bono cases, hosted events, and pledged to do more for the community. The goals of the Academy are to enhance the leadership skills and civic engagement of a diverse group of lawyers by connecting with other Legal Leaders of influential firms, members of the judiciary and clients in need. Fellows are selected to serve for a year and will develop a deeper understanding about important issues facing Dade Legal Aid and the indigent in our community.

"The purpose of the Academy is to expose young legal talent to Legal Leaders in order to allow the Fellows to develop a deeper understanding of effective leadership while learning about important issues facing Dade Legal Aid and Miami's indigent population. Fellows are selected based on their professional experience, leadership and service to the community," said Karen Ladis, Executive Director. "Fellows will be fully equipped with skills necessary to serve as Ambassadors in the legal community and beyond."

Throughout the 2019-2020 bar year, the Fellows will be presented with unique opportunities to develop connections with each other and to expand their knowledge of DLA, while creating lasting relationships and developing a strong commitment to probono service.

The Fifth Class of the Dade Legal Aid Leadership Academy includes the following attorneys:

Adrian Acosta, Acosta & Lichter P.A.

Tammy Brito, Rumberger, Kirk & Caldwell
Nicole Comparato, Weil, Gotshal & Manges
Paige Comparato, Hogan Lovells LLP
Kelly Cox, Miami Waterkeeper
David Emas, Falk Waas Hernandez

Tara Faenza, Perlman, Bajandas, Yevoli & Albright, P.L.
Adam Finkel, Mase Mebane & Briggs
Matthew Kohen, Carlton Fields

Francesse Lucius, Social Security Administration
Nora Rotella, Rotella & Hernandez, LLC
Jessica Saiontz, Rubinstein & Associates, PA
Alex J. Saiz, Public Defender
Jordan Shaw, Zebersky PayneShaw Lewnez
Alec Shelowitz, Phillips, Cantor & Shalek, P.A.



Pictured here are: Nora Rotella, Tara Faenza, Adrian Acosta, David Emas, Tammy Brito, Jordan Shaw, Matthew Kohen and Karen Ladis at the first session held at Dade County Bar Association featuring an Overview of Pro Bono Opportunities and View from the Bench by the Honorable Samantha Ruiz Cohen, Eleventh Judicial Circuit, Eamily Division

**Dade Legal Aid ("DLA")** provides a critical safety net of legal services for the indigent of Miami-Dade County in the areas of Family Law, Domestic Violence, Guardianship, Children & Foster Youth Advocacy, Bankruptcy, Housing, Foreclosure Defense, Probate, Nonprofits, Legal Clinics for the Self Represented, Venture Law, Taxation, CLE Educational Trainings and Community Workshops. For more information please contact Stephanie Grosman, Staff Attorney, at 305-579-5733 ext. 2224 or sgrosman@dadelegalaid.org



Stephanie Grosman began her carreer at Dade Legal Aid in 2006 representing victims' rights in domestic violence injunction hearings. She is currently a Staff Attorney in the Family Department where she handles complex family cases and serves as a Guardian Ad Litem in contested family cases. She earned her JD from Stetson University College of Law and her BA from Barry University. She is fluent in Spanish.

## **How Legal Profession and Education Can Innovate Utilizing the Blockchain**

By Benjamin R. Rosenberg

Just over a decade after the invention of the iPhone, we now live in a time where we have never been more connected or given more access to information. Technology is at an all-time high and most industries are jumping at the chance to be at the bleeding edge. This is because in most industries laggers get lapped and the more adaptable and well-rounded thrive. However, in the legal profession (which almost singlehandedly kept Blackberry afloat well past its competitive lifespan), many firms of all sizes still run off decades old technology, don't know the difference between Ricardian and maintain smart contracts, and unnecessarily large amount of documents in physical form.

All of the aforementioned come at the expense and to the detriment of not only the client but the associate by increasing uptimes and mitigating productivity. Legal education and the legal profession happen to be two of the most egregious offenders.

The hesitancy to change is understandable, because both have an interest in maintaining the status quo whether or not it is in the best interest of attorneys or students. There are few professions that can get away with being slow to adept to the realities of our changing technology landscape, yet the practice of law seems to remain a stalwart supporter of the old guard. As a profession, it has been slow to adapt to the bevy of tools made possible by the blockchain that streamline services from notarization to collections. The antiquated methods of law schools and the legal profession are primed for disruption and the blockchain has the potential to do just that.

#### What is the blockchain?

The blockchain, although its applications ary, is best known for its connection to bitcoin. The blockchain is best described as a decentralized ledger. This means that when a transaction occurs a block of data is created. These blocks are recorded and stored across millions of computers and hard drives ("nodes"). The transaction is then synchronized on all the computers and hard drives across the chain to reflect the updated data in relative real-time. Each subsequent transaction creates a new block of data which is then linked to the previous block of data and so on and so forth to create a chain of verifiable information.

Once a transaction or data point is validated across the nodes on the chain, the transaction, asset, or data point carries a high degree of confidence in its authenticity because it would be unlikely that data could be tampered with across all the records throughout the chain at the same time. Its decentralized nature is what allows for it to maintain its immutability, anonymity, and security (despite consistent efforts to the contrary).

## How can it impact legal practice and pedagogy?

Blockchain will be a major driver of change to the legal profession mainly by providing a litany of tools that can securely and efficiently streamline the daily necessities of practice. Chief among these tools being the smart contract. Smart contracts are digital documents which are self-executing (not selfinitiating), immutable, self-verifying, and auto-enforcing. Effectively they monitor and verify every stage of the contract from seed to table. In addition to providing tools, the blockchain is also able to create a verification array for skill sets and knowledge bases that could be used to obtain specialized clients in addition to eliminating state-by-state bar requirements and improving legal educations.

The stagnation of the old guard becomes even more apparent when considering the antiquated model for legal education, where the number of volumes held in the library is still considered a ranking metric for law schools. Through the block-chain it is entirely possible to track an individual's intellectual progress through learning modules designed to determine the preparedness of an individual to become a practicing attorney. process could be designed to verify the fitness of a candidate through a multimodal approach over the course of years as opposed to our current system that uses a handful of essays and hundreds of multiple-choice questions over the course of two days. This could be accomplished with the evolution of the law school curriculum elevating to meet these new challenges and working handin-hand with practitioners. Working to create a system capable of monitoring and analyzing an individual's progress over the

course of several years in an effort to exhibit the knowledge and skills necessary prior to being admitted into practice.

#### Conclusion

With this, as with all emerging technologies, digital disruption is an issue for those who aren't familiarizing themselves and making use of it already. For firms, this means that clients' expectations will change and the requisite skills and delivery methods will shift. For law schools, professors and administrators will have to adapt to different success metrics and students will be looking to adjust their approach to maximize individual marketability in the workforce. Both these industries have similarly been ripe for disruption for years. Change has occurred slowly, if at all, due to protections afforded to them by large state entities (bar associations), traditional corporate clients. However, with the ever-growing number of tech savvy entrepreneurs and traditional establishments adapting bankrupt, the pressure is mounting for change. Firms and schools unwilling or unable to change to address and prepare for new realities will be lapped. Whereas the firms and the schools willing to start tackling the issue head on will be awarded with a significant market advantage as the landscape continues to shift and pressures begin to mount from clients and students for these traditional institutions to address and prepare for the new challenges ahead.

"The antiquated methods of law schools and the legal profession are primed for disruption.."



Benjamin R. Rosenberg, Contract and Grants Officer, Officer of Research Administration, University of Miami. The views and opinions expressed in this article are those of the author and do not necessarily reflect the official policy or position of the University of Miami.

## 104 YEARS OF LEGACY, SERVICE & LEADERSHIP



On June 27, 2020, many will gather from near and far to celebrate the Dade County Bar Association's 104th Installation of President-elect, Jane Muir and YLS President-elect, Kristen Corpion. Will you celebrate with us?

#### **Hurricane Dorian Relief Effort**



### **Summer Internship Program**

#### By Karen Ladis

This summer, Dade Legal Aid was truly blessed to have a variety of interns from the Florida Bar Foundation, University of Miami HOPE Program, Florida International University School of Law, St. Thomas University School of Law and the Duke University Engage Program. We thank each and every one of these dedicated students for their tireless efforts while interning at Dade Legal Aid with our Family Law, Domestic Violence, Child Advocacy and Guardianship teams. Lindsay Cambell, a Duke student, stated, "I was very lucky to work with dedicated attorneys who took the time to make sure we learned as much as possible.

Whether providing us materials about the inner workings of court proceedings or guiding us to become future guardian ad litems and sending us to trainings throughout Miami, we became more familiar with the foster care system and expanded our knowledge about advocacy at every turn. Legal Aid organized regular outings and meetings with various stakeholders across Miami-including Miami Beach's Mayor's Office,

members of the Judiciary, the Guardian ad Litem Program and other partnering agencies in order to expose us to as many opportunities as possibly to follow after law school. While working with the Child Advocacy and Guardianship Staff Attorneys, we spent mornings at the Courthouse observing court and taking notes. In the afternoons, we asked questions, researched, and contacted Pro Bono attorneys using new technology to recruit them to represent the best interest youth in dependency unaccompanied minor cases. In addition, we drafted memorandum of law and pleadings, organized cases, contacted clients, and translated. One of the highlights of my summer was observing court. I am very, very grateful to Dade Legal Aid for allowing me to spend my summer with them, and am excited to take what I learned and apply it to my own choices in the future." Legal Aid offers a variety of internships and fellowships year round for law school and college students. For more information please email psb@dadelegalaid.org



Duke students Lindsay Cambelle and Cece Cardelle on a tour of the City of Miami Beach

## Some New Top-Level Domains Can Help Reduce Cybersecurity Risk Exposure and Generate New Client Leads

By Russell Baird "RB" Tewksbury

What is the best domain name for an attorney, law firm or any business for that matter? The seemingly obvious answer is the domain name that brings in the most new client and referral business. Finding a decent domain name is nearly next to impossible if the only top level domain extension considered is .com.

According to Verisign, Inc. (NASDAQ: VRSN –the authoritative registry of all .com domain names) "The fourth quarter of 2018 closed with approximately 348.7 million domain name registrations across all top-level domains (TLDs), an increase of approximately 6.3 million domain name registrations, or 1.8 percent, compared to the third quarter of 2018. Domain name registrations have grown by approximately 16.3 million, or 4.9 percent, year over year." "As of Dec. 31, 2018, the .com domain name base totaled approximately 139.0 million domain name registrations..."

Nearly every conceivable, meaningful combination of words in the English language have been registered using .com TLD.

The largest top level domain —in terms of total number of registrations— is .com. A prodigious percentage of people still believe .com to be the only viable TLD choice out of 1,226 other options. This false premise of .com supremacy creates an illusion of scarcity which in turn artificially drives up the price for .com domain names —on the secondary market— at the expense of all other TLDs.

#### What's in a (Domain) Name?

Domain names operate under the Internet's domain name system (DNS) hierarchy. All domain names have at least one technical element in common. They must include a top-level domain or "TLD" extension. TLDs hold the highest level in the hierarchy of the Internet's domain name system, appearing to the right-of-the-last-dot of every domain name. For example, www.goforit.com is comprised of three separate elements:

Sub-Domain	Second-Level Domain	Top-Level Domain
www	goforit	.com

Top-level domains are categorized as generic (gTLD), country code (ccTLD), sponsored (sTLD) and restricted generic top-level domains (grTLD). New top-level domains (nTLD) are those that were added to the root zone of the Internet on or after October 2013.

01010110	01100001	01100011
01100001	01110100	01101001
01101111	01101110	00101110
01010010	01100101	01101110
01110100	01100001	01101100
01110011		

#### What Makes One TLD More Valuable Than Another?

- · Historical aftermarket sales data
- · Widespread name recognition and adoption of the TLD with the general public
- Number of domain names registered using that TLD extension
- Number of domain names registered using that TLD extension with active websites
- · Trust (or lack of) in the registry operators and/or registrars who manage the TLDs
- Trust (or lack of) in the network upon which the TLD operates
- Cognitive biases and fear of missing out (FOMO)

## What Is the Value Proposition for New Top-Level Domains?

The primary function of all domain names is as an aid-to-navigation on the Internet. Domain names are proxies. They're used to help humans locate specific resources without having to remember numerical IP addresses.

## How much would you pay for the unique-right-to-use the following string of binary code on the web?

Computers use binary code to read and convert text into numbers and vice versa. The binary string above is the binary representation of the domain name VacationRentals.com. HomeAway.com, Inc. (NASDAQ: EXPE) "acquired the established business Vacation Rentals.com in 2007 for \$35 million. The CEO of the company in 2007, Brian Sharples, indicated that it was mostly to keep it out of its competitor's hands and a big part of that was the domain name."

In April 2018, Vacarent Inc. purchased – from Donuts Inc.– the registration rights to the new TLD domain name Vacation.Rentals for \$500,300. The company is owned by a group of long-time friends –including Mike Kugler who was interviewed for this article. As long as they continue to pay the annual registration enewal fee, Vacarent will continue to benefit from the unique-right-to-use the following string of binary code on the web:

Why is one string of binary code more or less valuable than any other? Why would Vacarent pay half a million dollars or more for a domain name that does not end in .com? Because some specific strings of binary code convert into domain names that can deliver massive amounts of organic (non-paid) search traffic. They're digital money-making machines.

The value and potential volume of web traffic created by an exact-match-keyword domain name can be easily determined and independently verified. The screenshot below provides a snapshot of potential volume and projected cost (replacement value) of web traffic on Google Ads –for the next year—created by the exact-match keyword phrase vacation rentals. This dynamic data can be used to evaluate and justify a domain name's acquisition purchase price.

Based on data generated by Google Ads Keyword Plan tool, the corresponding exact- match keyword phrase –vacation rentals— had an average cost-per-click (CPC) value of \$6.78 for North America. If Vacarent had to pay Google for this exact-match-keyword traffic –at the time this article was written— they could have expected to pay about \$678 for every one hundred visitors delivered to the Vacation. Rentals website.

Vacarent's upfront expenditure to acquire the Vacation.Rentals domain name appears to have been a wise investment. Based on Google-generated CPC data, Vacarent's break-even-point for its initial investment of \$500,300 is

73,790 website visitors. It's reasonable to assume -given Google search volume and CPC value- a properly constructed progressive web app (web site) could generate more than enough new organic search-traffic to return Vacarent's initial investment within a few years, if not sooner. After breakeven, every organic exact-match keyword visitor to Vacation. Rentals is money in the bank for Vacarent.

#### **Domain Names and Cybersecurity**

On January 1, 1968, Federal motor vehicle safety standards took effect in the United States. The Intermodal Surface Transportation Efficiency Act of 1991 mandated airbags as standard front-seat equipment in all passenger automobiles and light trucks built after September 1, 1998. What does any of this have to do with domain names you ask? Federal safety standards have made modern passenger vehicles much safer than those produced prior to 1998. Few would argue to the contrary.

Likewise, a few of the new TLDs recently delegated into the root zone of the Internet (e.g.- .app, .page and .dev) are more secure TLD options over legacy TLDs like .com, .net, .info, .biz, etc. The reason being, these new TLDs force end-to-end encryption of all content, helping to secure attorney-client communications.

On October 17, 2018 the American Bar Association Standing Committee on Ethics and Professional Responsibility released Formal Opinion 483; "Lawyers' Obligations After an Electronic Data Breach or Cyberattack." This Formal Opinion reaffirms the duty attorneys have to their clients to notify them in the event of a cyberattack or data breach.

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Vacarent's upfront expenditure to acquire the Vacation.Rentals domain name appears to have been a wise investment. Based on Google-generated CPC data, Vacarent's break-even- point for its initial investment of \$500,300 is 73,790 website visitors. It's reasonable to assume -given Google search volume and CPC value- a properly constructed progressive web app (web site) could generate more than enough new organic search-traffic to return Vacarent's initial investment within a few years, if not sooner. After breakeven, every organic exact-match keyword visitor to Vacation.Rentals is money in the bank for Vacarent.

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Your plan can get 510K clicks for \$3.4M using custom max. CPCs 17M 510K \$3.4M 3.0% \$6.78 1

Source: Google Ads Keyword Planner

Based on data generated by Google Ads Keyword Plan tool, the corresponding exact- match keyword phrase -vacation rentals- had an average cost-per-click (CPC) value of \$6.78 for North America. If

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What's the best domain name for an attorney, law firm or any business for that matter? The answer is more nuanced than simply the domain name that brings in the most new clients and referral business. It's also a domain name that can best help keep you, your law firm and your website visitors safe and engaged. It's also a domain name that's optimized for search marketing using an exact-match, secondlevel domain. It's also a domain name that's well positioned for what comes next on the mobile web.

Happy domain name hunting. Choose wisely.

Author's Note: Verisign, Inc. did not respond to multiple requests for comment for this article. Portions of this article first appeared on the American Bar Association's Law Technology Today website. https://goo.gl/UFqLzv

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Russell Baird "RB" Tewksbury is President of MarketWorks LLC, an attorney marketing and legal technology management company - goforit.com. His professional certifications from Google include AdWords Advanced Search, Advertising Fundamentals, Mobile Advertising, Video Advertising Advanced, AdWords Advanced Display, and Google Analytics. He is the creator and host of Cybersecurity Fundamentals for Law Firms and Attorneys, a series of CLE events conducted over live web meetings and interactive webinars. He is also a U.S. Merchant Marine Officer-U.S. Coast Guard Licensed Master Captain.

### Congratulations New Admittees & Welcome to the Dade County Bar!

RUTH ACEVEDO KIMBERLY ACEVEDO SCOTT ALLBRIGHT ALYSSA ALTONAGA VICTOR ARCA ROJAS

**ROSY AVAEL** 

JEFFREY BERCOW
DARA BERNSTEIN
DANIEL BITRAN
PATRICIA BLANCO
MATTHEW BRUST
ORLANDO CABEZA
PAMELA CHAMBERLIN

LOREN COHEN
PEDRO DEMAHY
JASON DOMARK

CHRISTINA ECHEVERRI

JONATHAN FONTE CAROL GRANT HOLLY GROSS AMANDA HAND LISA HELLER DONELL HICKS

ISABEL JOLICOEUR

KAREN KAMMER AMBER KETTERER

ALEXANDER KOROLINSKY

MICHAEL KRZYWICKI CHRISTIAN LACAYO

CHERYL LINTON ROBINSON

LUIS LLAMAS

OSCAR LOMBANA LORENIA LOPEZ STEPHANIE MARTIN MICHELLE MIRANDA ISAAC JAIME MITRANI

ISAAC JAIME MITRAN NOEL PACE CANDICE PALTE MELANIE PARFAIT NATASHA PEREZ ALEX PEREZ GEORGE PETRE MARY ANNE PHILIPS JANNETTE PINEIRO

BRIAN PUJOLS
JEREMY RADNOR
BRADLEY SHAPIRO
AMANDA SPENCER

RACHEL STREITFELD
JOHN THORNTON
CHRISTOPHER WATSON
EILEEN YASBIN
ENRIQUE ZAMORA
WALTER ZEBROWSKI
CYNTHIA ZUNIGA ROQUE



JOIN TODAY!

### **Mark Your Calendar**

#### **January Events:**

1/16: Civil Litigation Committee Meeting

1/22: Dade Leagal Aid / Put Something Back: You Be the Judge

 $1/23: \ Vulnerable\ Vendors:\ The\ Role\ of\ Service\ Providers\ to\ Law\ Firm\ \&\ Corporate\ Legal\ Dept\ Cybersecurity$ 

1/30: General Membership Luncheon: Hot Topics- A Perspective from the Media

#### **February Events:**

2/4: Professionalism Committee Meeting

2/6: YLS Miami Nights

2/11: Professionalism Committee and YLS: Civility and Stress: Practicing Law Without Regret

2/13: Probate & Guardianship

2/19: Juveline Court Committee: Dependency Case Law Update

2/21: Latest Developments in PIP Insurance Litigation

2/21: County Court Committee: Latest Developments in PIP Insurance Litigation

2/27: Artificial Intelligence in Courtroom Practice: What Lawyers and Judges Need to Know

#### **March Events:**

3/6: Annual Bench and Bar 2020

3/11: Probate & Guardianship Committee- Update in Procedural Changes in Probate Division 2020

3/12: Probate & Guardianship

3/12: Juvenile Court Committee - Happy Hour

3/18: Professionalism Committee Meeting

3/20: Joint VBA Diversity Seminar (MDFAWL, DCBA, GSCBWLA, WDFJBA, CBA)

3/25: Professionalism Committee- Keep It Cool On the Court: How to Deal with Difficult Opposing Counsel (Lower Level Heat Tickets Included- Miami Heat vs. Denver Nuggets)