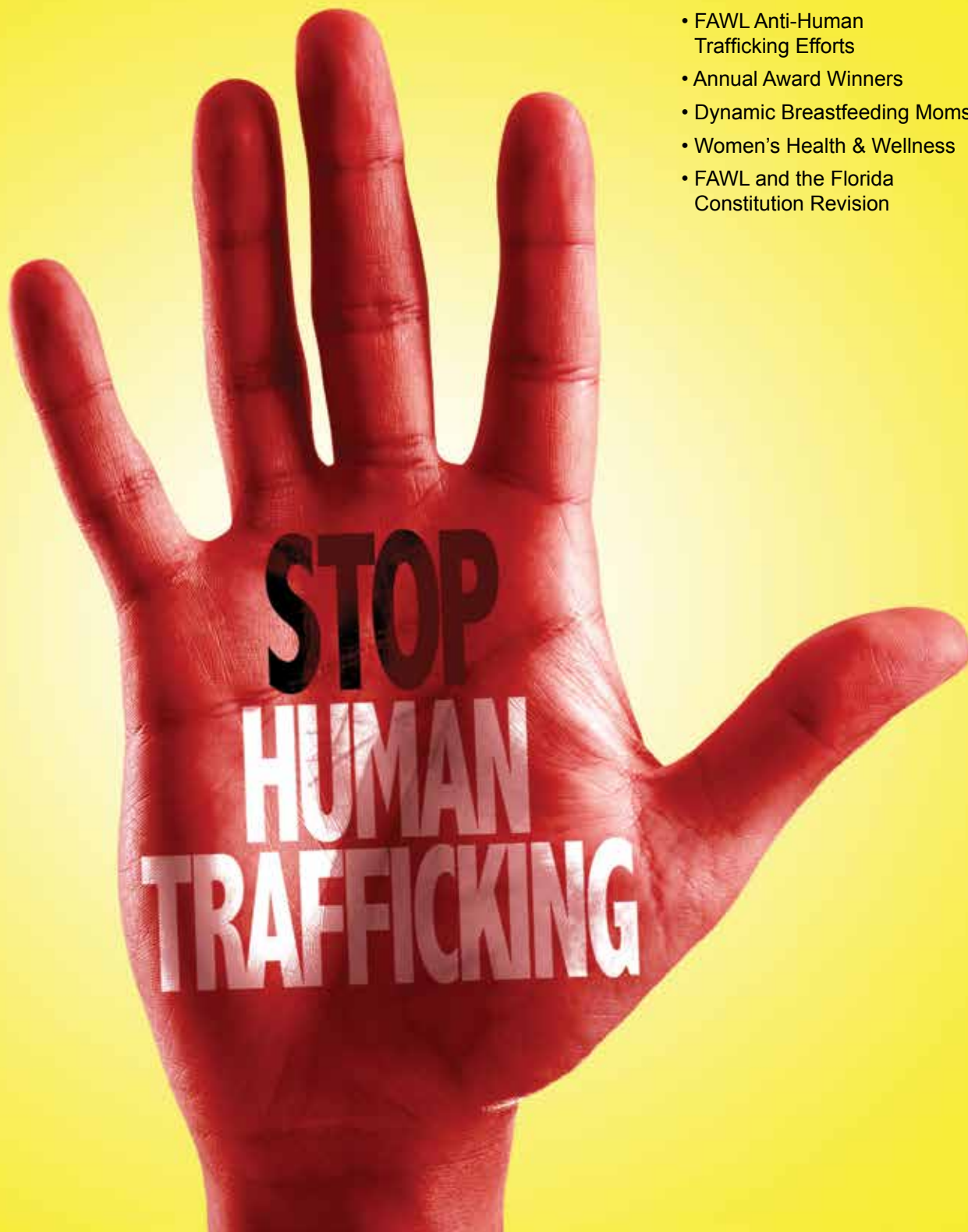


FAWL JOURNAL



SPRING / SUMMER 2017



- FAWL Anti-Human Trafficking Efforts
- Annual Award Winners
- Dynamic Breastfeeding Moms
- Women's Health & Wellness
- FAWL and the Florida Constitution Revision

In 1967, I graduated from Harvard Law School in the top 10% of my predominantly male class.

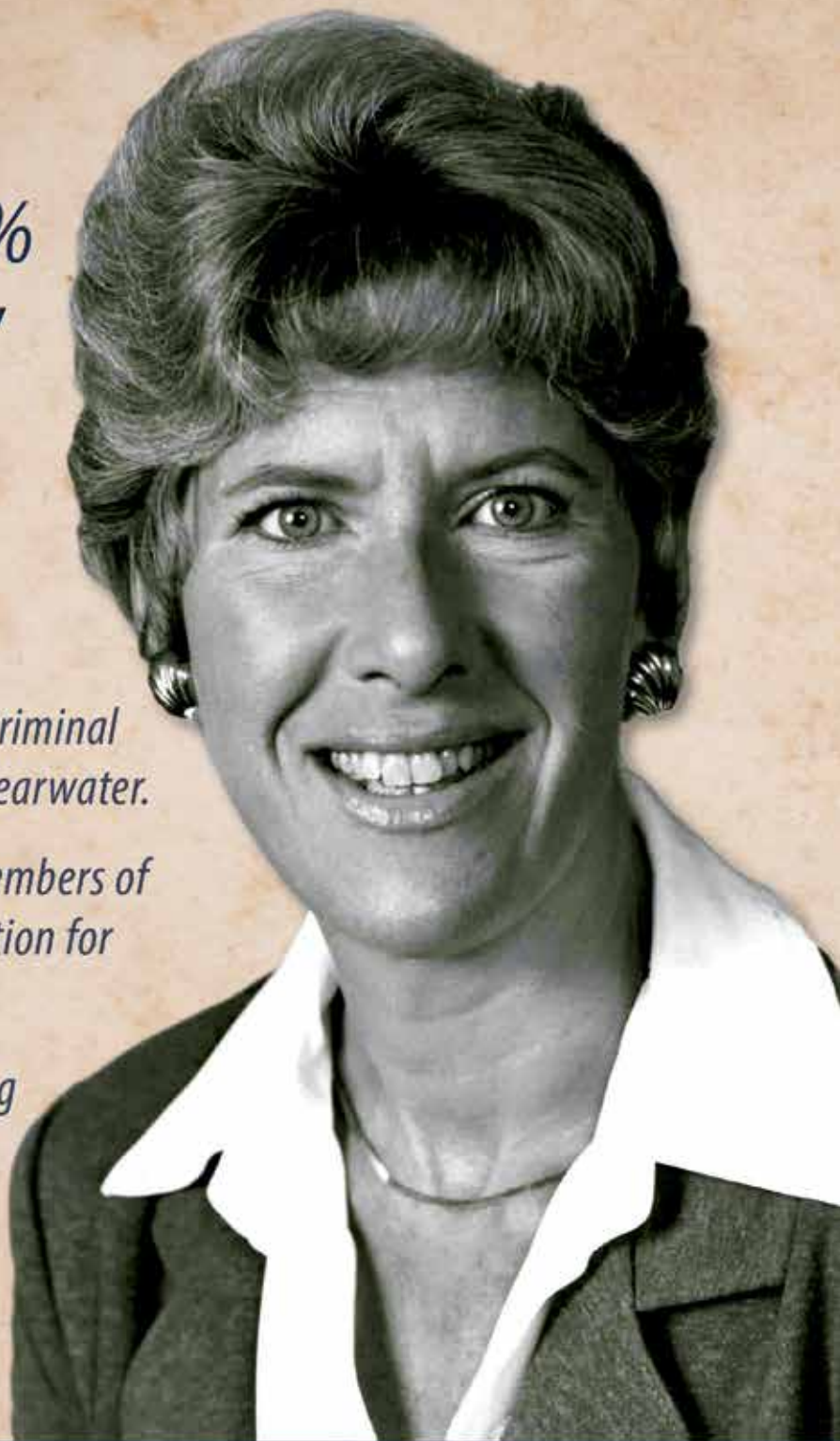
In 1974, a male Judge in a Florida courtroom told me to "go home and have babies."

I went on to help build a successful criminal defense and appellate law firm in Clearwater.

In 1983, I became one of the first members of the newly re-named Florida Association for Women Lawyers.

I spent my entire legal career fighting to help women gain respect as attorneys.

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FAWL JOURNAL



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To actively promote gender equality and the leadership roles of FAWL's members in the legal profession, judiciary and community at large.

To achieve these goals, FAWL will uphold the highest standard of integrity, honor and courtesy in the legal profession, promote reform in law, and facilitate administration of justice.

President's Message



What a wild and incredible journey this year has been serving as your FAWL president!! I have had the opportunity to do so many things as your FAWL President this year. I visited many of our local chapters, represented FAWL at the Florida Bar Board of Governors meetings, and represented our organization at various other functions across the State. However, most importantly, I met and had the honor of getting to know so many amazing FAWL members all over the State of Florida. Serving as your President has absolutely been a highlight of my career and truly a reminder of a lesson I learned long ago: When an opportunity presents itself, take it, as the opportunity may not arise again.

Here is a lesson that we ladies need to remember: take the opportunities before you! Too many times this year, I offered women a leadership opportunity, only to be turned down. I heard several reasons for rejection of offers, but most disconcerting was the frequent expression of self-doubt and the concern of meeting expectations. Sometimes, we ladies are our own worst enemies. There will always be people to

question your ability or your skill. We have to learn to ignore them and rise to the occasion. Whether it's acting as lead counsel on a trial team, delivering an oral argument before the court, or serving in a leadership role, accept the challenge and give it your best effort. People will remember you for it.

Take the challenge and ask for help when you need it. There are women, and men for that matter, who will happily provide the assistance you need in order to succeed! Don't shy away from an opportunity because of fear of failure or self-doubt. Remember, if you don't accept it, there is always someone else who will.

It has been my honor and my privilege to serve as your FAWL President this year. I thank you all for allowing me this wonderful opportunity. I look forward to all the years ahead for FAWL, as I know we have tremendous women leaders who will rise to, and exceed, all our expectations in the years to come!

Leora B. Freire

FAWL President, 2016-2017

What a fast FAWL year this has been! I cannot believe that the second edition of the Journal for the 2016-2017 year is done.

The first thing I would like to say is thank you to our current FAWL President, Leora Freire, who presented me with the opportunity to serve as Editor of the Journal this year. Thank you, Leora! I have really enjoyed leading an amazing group of ladies on the Journal Committee this year. I am really looking forward to the next FAWL year!

Next, I want to thank the ladies of the *FAWL Journal* Committee. The *FAWL Journal* would not have been possible without the hard work of all the members of the *FAWL Journal* Committee, and the committee Co-Chairs, Kathy McHale and Michelle DeLong. I also want to thank FAWL Executive Board members Jennifer Erdelyi and Julie Harris Nelson, and previous FAWL President Gigi Rollini, for their contributions to this edition of the Journal. I really appreciate the fact that you took the time out of your busy schedules to write about FAWL's 2017 Lobby Days event, Dynamic Breastfeeding Moms Seeking Justice, and the benefits of joining the National Association of Women Lawyers!

Although the previous Presidential election may not have gone the way some of you wanted, if you look around you, you will see that amazing things are still happening for women every day. In January, right after the Inauguration, thousands of women marched in Washington D.C. and in other cities. CNN has reported that more women are running for political office than ever before. And as I write this letter on International Womens' Day, women across the globe are acknowledging the day by participating in "A Day Without a Woman." As a way to call attention to the lack of gender diversity on corporate boards and the pay gap of women working in the financial sector, a New York financial firm named State Street Global Advisors has even installed a bronze statue of a girl facing down the bronze bull of Wall Street. The statue has already become a symbol of female empowerment. If these events don't inspire you to get up and do something productive, nothing will.

I hope that you enjoy reading this edition of the Journal. I believe there is something in here for everyone. Whether you are a young lawyer dealing with breastfeeding issues, or a lawyer who wants to learn more about such topics as the Constitution Revision Commission or the many aspects of human trafficking, I hope you find this edition of the Journal informative and stimulating.

Have a great summer, and I hope to see you at a FAWL meeting soon!

Donna L. Eng

FAWL Journal Editor, 2016-2017



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Judge Mattie Bell Davis

Society

Judge Mattie Belle Davis was born in Ellabell, Georgia in 1910 and became a resident of Miami, Florida in 1926. After "reading" the law and apprenticing, Judge Davis was admitted to The Florida Bar. Judge Davis began her legal career by practicing law with her husband, Troy Davis. After twelve years in private practice, she was appointed to the Metropolitan Court of Dade County in 1959 – the first woman judge to serve on the court. In 1973, Judge Davis became a County Court Judge and served on the bench until her retirement in 1980. Even in retirement, Judge Davis continued to sit on the County and Circuit Court benches as a Retired Judge until June, 1996.

In addition to her service on the bench, Judge Davis served on the National Safety Council, the National Highway Safety Advisory Committee, and the Governor's Highway Safety Commission of Florida. She was also active in community and charitable programs as well as bar and professional organizations. Her list of accomplishments

is lengthy: President of the National Association of Women Lawyers, member of the American Bar Association's House of Delegates, sole woman recipient of the ABA Fellow's 50-year Award, presiding temporary chairwoman of the National Association of Women Judges, and namesake of the Miami Dade FAWL Chapter's Mattie Belle Davis Award, to name a few. Significant to those in the FAWL community, Judge Davis was a founding member of FAWL and served as President and Historian. Judge Davis is remembered for her decades-long commitment to FAWL and to promoting women and the administration of justice.

In honor of Judge Mattie Belle Davis, the Mattie Belle Davis Society was established by the Florida Association for Women Lawyers in 2004. The Society funds such FAWL initiatives as participation during the annual state legislative session, involvement in The Florida Bar Board of Governors at meetings of The Florida Bar, and member benefits.

The 2016-2017 members of the Mattie Belle Davis Society are:

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- **Recognition** of member's professional accomplishments in FAWL's statewide e-newsletter and social media, as well as eligibility for prestigious awards.
- **Leadership Opportunities and Development** for members at the statewide level through FAWL Committees and the Executive Board.
- **Publication Opportunities** in the FAWL Journal for substantive areas of law.
- **Representation** on the Florida Bar Board of Governors, the Florida Bar Young Lawyers Division Board of Governors, the National Conference of Women's Bar Associations, and the National Association of Women Lawyers.
- **Mentoring** in practice areas statewide.
- **Championing** non-partisan issues important to women and women lawyers, providing members access to local representatives, and bringing the issues to the forefront in Tallahassee.
- **Connect** with more than 3,000 fellow members and develop a statewide referral network at FAWL signature events, such as the Annual Meeting, Leadership Retreat, Mid-Year Meeting, and Lobby Days.
- **Access** to the statewide database of FAWL membership, free online CLE library, publications, and resources for professional development.

Chapter Benefits

- **Support and Sustain** chapters by providing resources for administration of membership, ideas for chapter programs, chapter development grants to build or maintain membership, and other assistance to pave the way for successful chapters in all areas of the state.
- **Strengthen** chapters and the connections between them through the exchange of best practices during live events, quarterly regional calls for chapter leadership, and monthly board meetings.
- **Monetary Awards** and statewide recognition to chapters for Outstanding Programming, Outstanding Chapter, and Membership Awards.
- **Publication and Promotion** of chapter events and local CLE programs through the FAWL e-newsletter, website, social media, and online FAWL calendar, as well as financial assistance to defray CLE recording costs.
- **Recognition** of chapters and their members through the FAWL Journal, FAWL Leaders in the Law Awards, and partnering with chapters to support nominations or members for prestigious statewide awards.
- **Collaboration** with FAWL and other FAWL chapters to hold seminars, symposiums, and mentoring events with statewide impact.
- **Advocacy** with chapters to support chapter members for appointments to Bar Committees, JNCs, and Judicial and State Government positions.
- **Lobbying** in Tallahassee to draw statewide attention to local issues for women in the profession and connecting chapters with their local legislators.
- **Young Lawyers** collaborate with law student chapters on mentoring projects, gain networking opportunities statewide, and receive statewide advocacy for FAWL chapters with young lawyers programming in front of the Young Lawyers Division Board of Governors.



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FAWL Members Have Another Great Reason To Join NAWL!

*By Gigi Rollini,
FAWL's Delegate to NAWL*



The National Association of Women Lawyers ("NAWL") is one of the longest-serving legal groups in the country. Since 1899, NAWL has been empowering women in the legal profession, cultivating a diverse membership dedicated to equality, mutual support, and collective success. NAWL is dedicated to providing leadership, a collective voice, and essential resources to advance women in the legal profession and advocate for the equality of women under the law.

NAWL's membership year runs from August 1 through July 31 of each year. Thanks to FAWL's relationship with NAWL as an associational member, every FAWL member can join NAWL for a reduced price of only \$55 a year!

For an additional \$25, FAWL members joining NAWL can be listed on NAWL's national networking roster. The roster is comprised of a state-by-state listing of NAWL's members, including their names, contact information and practice areas.

At this rate, joining should be a no-brainer for anyone who has a national practice, or who is looking to network nationwide to develop one. For those who are in-house counsel, NAWL's General Counsel Institute also offers cutting-edge programming and outstanding opportunities to network with other in-house counsel.

As a NAWL member, you will enjoy many no-cost benefits. NAWL regularly offers affinity/practice group and woman-focused webinars and conference calls at no cost. NAWL also has free online resources for personal and professional development. Members may also participate in NAWL committee work, providing additional opportunities to network with other women lawyers across the country. NAWL even has an active book club.

In addition to personal and professional development resources, NAWL is also actively engaged in vetting U.S. Supreme Court nominees, efforts to increase gender diversity on the federal bench, and regularly submits amicus briefs in federal cases with the potential to impact women.

The NAWL Foundation also conducts nationally recognized surveys on retention and promotion of women in the legal profession, the last of which led NAWL to launch in 2016 the NAWL Challenge calling for one-third female representation by 2020. According to the U.S. Bureau of Labor Statistics, as of 2015, the U.S. legal profession is comprised of 33% women. However, women are not represented at the top levels of practice in the same percentages. NAWL's "One-Third by 2020 Challenge" calls for an increase in the representation of women to one-third across five specific areas of the law, including Fortune 1000 General Counsels, each class of new law firm equity partners, annual law firm lateral hires, law school Deans, and diverse female attorneys in every segment of the legal profession. Your membership helps support these endeavors, in addition to providing a wealth of personal and professional development opportunities. Consider taking advantage of your FAWL member benefit by joining NAWL today at www.nawl.org!

Florida Bar Diversity and Inclusion Committee Supports New Rule in Favor of Continuances for Parental Leave

By Danielle Peterson

In 2016, Florida Bar President Bill Schifino established a task force to examine whether lawyers should be granted continuances for parental leave. Schifino formed the task force when the Rules of Judicial Administration Committee (RJA) and the Committee on Diversity and Inclusion (CDI) took different sides on the issue.

The CDI presented evidence and research to support its belief that State trial judges often fail to give significant weight to motions for continuances in the case of counsel's child birth or parental needs. In fact, the CDI presented "anecdotal evidence" that continuances are being denied for maternity leave. They also stated that men and women attorneys who request continuances for parental leave often face a stigma that can negatively impact their career. As a result, members of the CDI support a new rule that will address continuances for parental leave.

At the Florida Bar's Winter Meeting, a task force comprised RJA and CDI members, voted five to four in favor of recommending that draft Rule 2.570 Parental Leave be added to the Rules of Judicial Administration by the Florida Supreme Court. The Rule states that "[a] motion for continuance based on parental leave [...] shall be granted if made within a reasonable time after learning of the basis of the continuance unless substantial prejudice to the opposing party is shown." The Rule also asks that if the court denies the request, it must state on the record the specific grounds for the denial. Overall, the Rule provides a strong presumption in favor of continuance for parental leave not exceeding three months.

After the vote in favor of recommendation, the Rule went to its first reading at the Board of Governors meeting on March 24, 2017, where the Special Committee voted 6-4 in favor of recommending the rule. The Board heard presentations by the Chair of the Special Committee on Parental Leave in Court Actions and by Craig Leen as a representative to the Special Committee from the CDI. One of the most important pieces of news discussed at the meeting was that the Executive Committee of the Florida Conference of Circuit Judges voted 35-2 in favor of the parental leave rule. The Board will next take written comments from members of the Bar, after which the Board will vote again in May. If the voting results are positive, the final step will be for the rule to go to the Florida Supreme Court for final review and consideration.

To continue to foster discussion on critical issues in the development and growth of the legal profession, the CDI hosted its first annual Diversity and Inclusion Conference on May 11-12, 2017.

2017 FAWL Winter Meeting





2016-2017 FAWL Annual Award Recipients

Jurist of the Year

Hon. Jacqueline Hogan Scola
State of Florida Eleventh Judicial
Circuit
Member, Miami-Dade Chapter

Rosemary Barkett

Outstanding Achievement Award

Senator Kathleen C. Passidomo
Florida 28th District
Member, Collier Chapter

Membership Recruitment Awards

Small Chapter: Lee

Medium Chapter: Jacksonville

Large Chapter: Miami-Dade

Outstanding Member Program

Brevard

Women's History Program

Outstanding Public Service Program

Miami-Dade

Foster Youth Day

Outstanding Student Chapter

Stetson

Outstanding Chapter

Lee

Leaders in the Law

Brevard

Diane C. Baccus Horsley

Broward

Jennifer C. Erdelyi
Stacy Michelle Schwartz

Central Florida

Lorraine Naomi Pitre
Lauren Lynn Millcarek
Annie Po Lam Kwong

Collier

Rachael Spring Loukonen
Starling Newcomb Hendriks

Hillsborough

Amy Lee Badow
Jenay Eunice Iurato
Vivian Cortes Hodz

Jacksonville

Cynthia Kay Trimmer
Imani A. Boykin

Lee

Kristie Ann Scott

Miami-Dade

Ana Maria Cristina Perez Soto
Julissa Rodriguez
Jennifer Vicedo Ruiz

Okaloosa

Ginger Barry Boyd

Pasco

Teresa S. Fitzpatrick

Palm Beach

Amanda Romfh Jesteadt
Heather Greenhill Stohlman

Pinellas

Elise Katherine Winters
Elizabeth Cheney Barnes

Sarasota

Michele Suzanne Stephan

South Palm Beach

Tammy B. Saltzman

Volusia

Jeri Ostuw Delgado

Despite travel delays, a tornado warning, and intense thunderstorms (including hail), Lobby Days 2017 kicked off on April 3rd with a well-attended Welcome Reception at the Hotel Duval in Tallahassee! Members from around the state and several sponsors enjoyed mingling and catching up over delicious hors d'oeuvres and refreshments. The group was up bright and early on Tuesday morning for a full breakfast and CLE session, featuring dynamic and knowledgeable speakers: attorneys Jenay Iurato and Brent Woody, and "Amy," a brave survivor of human trafficking. Jenay and Brent discussed the West Florida Center for Trafficking Advocacy, Brent's non-profit law firm that works on behalf of human trafficking survivors. They also reviewed the anti-human trafficking laws that were enacted over the past few years, thanks in part to their successful advocacy. Our members were riveted as Amy provided a window into her experiences and stressed that the survivor's viewpoint must be considered when proposing and implementing legislation to fight against human trafficking.

Rounding out the program, Kim Hosley, Legislative Committee Co-Chair, presented the group with talking points of the anti-human trafficking legislation that FAWL is supporting and then, off we went to the Capitol! Co-Chair Adrienne Rabinowitz and a team of committee volunteers had pre-arranged several appointments with legislators. Other members who did not have appointments scheduled were able to join others in speaking with Senators and Representatives.

Our members did a wonderful job in discussing the legislation that we are working to have passed. Senate Bill 852/House Bill 1383 would require that a child victim of human trafficking be assessed to determine his or her needs and to respond accordingly with appropriate services and placement for the child. The bills were introduced by Senator

Rene Garcia (R-Miami) and Representative Jeanette Nunez (R-Miami, Speaker Pro Tempore). This legislation, which is supported by the organization of Florida State Attorneys General, also amends the criminal law to make human trafficking a "dangerous crime" requiring pretrial detention of the defendant. Further, it would allow a defendant's confession or admission to be admissible during trial without the state having to prove a corpus delicti of the crime, with certain safeguards to ensure the admission is trustworthy. In essence, if passed, this law would provide additional tools to bring human traffickers to justice. Thankfully, as we go to print, both the House and Senate bills have been rapidly moving through their assigned committees and appear to have a good chance of passage.

FAWL is also supporting Senate Bill 286/House Bill 665, which would revise required health education in public schools to include information regarding the dangers and signs of human trafficking (and would include an opt-out provision for parents). This bill originated with a high school student who was interested in educating teens about the dangers of human trafficking! SB 286 was introduced by Sen. Greg Steube (R-Sarasota), while HB 665 was introduced by Rep. Ross Spano (R-Hillsborough). Unfortunately, the House Bill appears to be stalled and we received feedback indicating that it is unlikely to move forward this year. While certain legislators may be concerned with adding requirements to the public school curriculum, others expressed their support for the provisions of this legislation and encouraged us to try again next year!

Following our lobbying session, attendees joined the Tallahassee Women Lawyers at The Governor's Club for a Joint Luncheon and CLE on a timely topic, "The Unique Florida Constitution and the Opportunity to Improve It" featuring Talbot "Sandy" D'Alemberte, President Emeritus and

Professor at Florida State University. Those in attendance appreciated Mr. D'Alemberte's historical review of issues that have been raised as potential Constitutional amendments and his experience chairing the first Constitutional Revision Commission. In addition to this information, he shared frank opinions and a wit that charmed the audience!

Following lunch, attorney Bib Willis led a Capitol tour, which included viewing both the Senate and House of Representatives' legislative sessions. Bib educated and entertained the group with many anecdotes of her years working in the Capitol and in Tallahassee, and was the perfect leader to acquaint us with the difficult-to-navigate Capitol complex.

Members were happy to end the day with refreshments (and an opportunity to sit) at our Legislative Reception Tuesday evening. We needed a bit of downtime, as Wednesday morning brought the excitement of viewing the Florida Supreme Court's Oral Arguments. Many of our members sat in the gallery for their first time to witness the Florida Bar and other parties making their case for regulation of attorney referral services, among other matters that the Court heard that morning. Newly appointed Justice Alan Lawson appeared as part of the panel, prior to his official Investiture that afternoon, at which our own Leora Freire was featured as a speaker. FAWL members were honored to have been provided with reserved seating to view the ceremony. The FAWL Board of Directors also squeezed in its quarterly in-person Board meeting.

All in all, the few days in Tallahassee were a whirlwind of activity and excitement. Those who attended really enjoyed the opportunity to visit the state Capitol, advocate for the important cause of human trafficking, participate in continuing education programs, and network with members from across the state. Lobby Days 2017 is a wrap!

2017 Lobby Days



Members Jen Sullivan, FAWL Pres. Elect, Abbe Rifkin and Jennifer Shoaf Richardson with David Richter from annual sponsor Phipps Reporting



Lobby Days Chair Jen Erdelyi, Florida Sen Darryl Ervin Rouson (19th Dist.), FAWL Pres. Leora Freire at the Legislative Reception



Leora Freire and Miami-Dade State Attorney Katherine Fernandez Rundle



Bib Willis leads a tour of the Florida Capitol Building



Lobbying



FAWL Members at the Florida Supreme Court



Professor Talbot "Sandy" D'Alemberte discusses the unique Florida Constitution at the joint FAWL - Tallahassee Womens Lawyers luncheon.



Members Jamie Billotte Moses and Daniela Carrion

Three Things You Probably Didn't Know About Justice Barbara Pariente



by Ingrid Osborn



Who is Barbara J. Pariente?

- a) the woman for whom Newt Gingrich left his second wife (for whom he'd left his first wife);
- b) one of the Florida Supreme Court justices who voted to resume the recount;
- c) a friend of Linda Tripp's who said after her plastic surgery it looked like she had a head transplant; or,
- d) the little girl who was first in line to buy the new "Harry Potter" book.

Believe it or not, the above question appeared as question 22 in The New Yorker Magazine's year-end trivia contest on December 25, 2000.¹ Some jokingly refer to that as Justice Pariente's true 15 minutes of fame. Truth be told, Justice Pariente was famous long before that edition, as evidenced by her numerous recognitions and awards. She received the 2000 Florida Council on Crime and Delinquency Distinguished Judicial Service Award, the 2000 Florida Association for Women Lawyers Award in recognition of her lifelong dedication to the success of women lawyers in the legal profession, the 1998 American Bar Association's Law Day Speech Award, the Palm Beach County Jewish Federation's 1998 Lifetime Achievement Award, the 1993 Legal Aid Society Civil Litigation Pro Bono Award, the 1987 Palm Beach County Bar Association's Award for Distinguished Service to the Arts, and many more.²

Justice Pariente graduated with honors from Boston University in 1970, where she majored in public communication, focusing on broadcast journalism.³ In 1973, she graduated fifth in her class from George Washington University Law School, where she earned highest honors and membership in the Order of the Coif. After law school, Justice Pariente clerked for United States District Court Judge Norman C. Roettger, Jr. Following her clerkship, she joined the West Palm Beach law firm of Cone, Wagner and Nugent, and later formed her own law

firm, Pariente & Silber, P.A. She practiced for eighteen years before being appointed to the Fourth District Court of Appeal in September, 1993.⁴

Justice Pariente co-chairs the National Association of Women Judges' Judicial Independence Committee, which focuses on issues relating to the independence of the judiciary. The Committee oversees the Informed Voters - Fair Judges Project (IVP). IVP is a non-partisan voter education project which is designed to educate voters about the importance of a fair and impartial judiciary. As a partner to IVP, FAWL's IVP Committee reaches out to community groups and conducts presentations throughout the State via FAWL's various local chapters. To learn more about IVP or to get involved, visit <http://www.fawl.org/informed-voters-ivp>.

Here are a few fun facts you probably didn't know about Justice Pariente:

Fun Fact #1: Justice Pariente is the longest-serving justice currently on the Florida Supreme Court.

On December 10, 1997, she was appointed as the seventy-seventh Justice of the Florida Supreme Court, where she has served for almost twenty years. Justice Pariente was the second woman appointed to the Florida Supreme Court following her friend and mentor, Justice Rosemary Barkett. In 2004, Justice Pariente was unanimously elected to serve a two-year term as Chief Justice.⁵

On Christmas Eve 2018, Pariente will celebrate her 70th birthday, triggering the Florida Constitution's mandatory retirement age for all judges⁶; also known as the "constitutional senility" deadline. At 70, elder judges and justices are deemed sufficiently aged, such that they are irrebuttably presumed to require a quick replacement. "In short, a mature professional judgment is central to the concept of a wise judge, and the intellectual and dispositional qualities that go to create such a judgment plainly improve with

age up to a point . . . and then plateau until senility.”⁷ The exact date of retirement varies depending on when the judge’s 70th birthday occurs. If it occurs during the first half of a Justice’s six-year term, then the mandatory retirement age is the same as the birthday. If the 70th birthday occurs in the second half of a Justice’s six-year term, then the Justice can remain on the bench until the full term expires.⁸

After serving for more than 20 years on the highest court of the State, Justice Pariente plans to travel and spend more time with family beginning in January, 2019.⁹

Fun Fact #2: She has 10 grandchildren!

Justice Pariente is married to the Honorable Frederick A. Hazouri, who retired as a Judge from the Fourth District Court of Appeal in 2013. Together, they have three married children and ten grandchildren including two who were adopted by her daughter out of foster care.¹⁰ Timothy (age 21) is about to graduate from Florida Atlantic University (FAU) with a major in political science; Silas (age 20) is a junior at FAU; Luke (age 18) is about to enter his third year of college; Jacob (16); Kadie (15); Maddie (14); Ben (12); Alana (7); Sarah (7); and Jason (5).

The joys of being surrounded by lots of children and having a large family goes hand in hand with her longstanding commitment to the rights of children and families. From 2000 to 2002, she served on the Florida Bar’s Commission on the Legal Needs of Children. Since 2010, Justice Pariente has served as the Chief Justice’s designee to the Florida Children and Youth Cabinet. In 2011, she was appointed

to the Department of Children and Families’ Child Protection Transformation Advisory Board. She is also past-Chair and now liaison to the Supreme Court’s Steering Committee on Families and Children in the Courts.¹¹ Justice Pariente has also served as a mentor to students through Take Stock in Children, a program that helps economically disadvantaged students earn a college scholarship.

She has advocated for, and the Supreme Court has adopted, rules to help ensure that all cases involving the same family or child are assigned to one Judge. Justice Pariente firmly believes the under-lying cause of many family cases are problems ranging from mental health, addiction, abuse and/or neglect, and that if the judiciary does not recognize these underlying issues, subsequent generations of the family will be adversely affected.¹²

Fun Fact #3: Justice Pariente was the first person in her family to go to college.

Justice Pariente was born to Mildred and Charles Pariente, who married in October 1941, just two months before the bombing of Pearl Harbor.¹³ Her mother started working at age 15, and her father at age 16. Her father was called to active military duty right after they married, and returned five years later. Her dad later worked for a chocolate company, and her mother also booked movies for Brandt Theaters until Justice Pariente was born. She has a younger sister, Susanne, who is now a clinical social worker.

As children of the Great Depression and World War II, her parents never had time or the chance to at-

tend university. As a result, Justice Pariente is the first member of her family to attend college. She originally intended to enter a career in either public relations or educational broadcasting, but a college project on legal services for the poor motivated her to consider the law as a career. She subsequently applied to law school, and the rest is history.¹⁴

To Know Her Is to Like Her

Justice Pariente has long been a great advocate for women’s rights and equality. Before there was any formal association for women lawyers, Justice Pariente and a close group of strong female lawyers met frequently and supported each other. They eventually formed the Palm Beach County Chapter of FAWL. Since then, Justice Pariente has been a member of the National Association for Women Judges, and the Florida Association for Women Lawyers. Justice Pariente has remained active and frequently participates in FAWL events. FAWL’s 2016-2017 Executive Board had the privilege of being sworn in by Justice Pariente at FAWL’s Annual Meeting.

In the words of Justice Major B. Harding: **“To know her is to like her.”**¹⁵ FAWL likes her and wishes her continuous success in her remaining term.

Author’s note: In 2012, I had the honor of meeting Justice Pariente at a Jacksonville Bar Association luncheon. I’m still very impressed at how approachable and down to earth she is. She is a true inspiration and testimony that you can achieve anything as long as you remain focused and give it your all.

¹ The New Yorker Magazine, December 25, 2000, page 79. <http://archives.newyorker.com/?iid=15456&crd=0&searchKey=pariente#>

² <http://www.floridasupremecourt.org/justices/parienteinterview.shtml>

³ A Conversation with Florida Supreme Court Justice Barbara J. Pariente By Jodi L. Wilkof <http://www.floridasupremecourt.org/justices/parientearticle.shtml>

⁴ <http://www.floridasupremecourt.org/justices/pariente.shtml>

⁵ Pariente ready for Chief Justice Role, Jackie Hallifax, July 1, 2004. <http://www.theledger.com/news/20040701/pariente-ready-for-chief-justice-role>

⁶ Fla. Const. art. V, §8 (1995)

⁷ Richard A. Posner, *Aging and Old Age* 194 (1995).

⁸ Merit Retention & Mandatory Retirement of Justices of the Supreme Court, available at <http://www.floridasupremecourt.org/justices/merit.shtml>

⁹ <http://www.ninthcircuit.org/sites/default/files/openninth/transcripts/Transcript-Episode%209.pdf>

¹⁰ <http://www.ninthcircuit.org/sites/default/files/openninth/transcripts/Transcript-Episode%209.pdf>

¹¹ Chief Justice Barbara Pariente: A Woman of Talent, Diligence and Energy, Shaw, Jack, *The Florida Bar Journal of the Appellate Practice*, Volume XIII, No. 2, Fall 2004; available at <http://www.flabarappellate.org/record/App-1004.pdf>

¹² Reflecting on Justice Pariente’s Career in the Law, *Florida Supreme Court Historical Society Magazine*, Spring/Summer 2017, available at http://www.flcourthis-tory.org/resources/Documents/2017%20Magazine/FSCHS__2017_web.pdf

¹³ <http://www.floridasupremecourt.org/justices/parientearticle.shtml>

¹⁴ Id. Shaw

¹⁵ Barbara J. Pariente, *Chief Justice of the Florida Supreme Court*, Pudlow, Jan, *TFB Journal*, Oct. 2004, Vol SXXVII, No. 9 (2004), available at: <http://www.floridasupremecourt.org/justices/parientearticle.shtml>

Justice Peggy A. Quince

From Attorney to Florida Supreme Court Justice



by Lauren Brusca

A graduate of Howard University, Justice Peggy A. Quince was born in Norfolk, Virginia and has two daughters. She became a Florida resident in 1978 and began practicing as a general civil law attorney until 1980, when she joined the Attorney General's Office, Criminal Division. In 1993, Justice Quince became the first African American female to be appointed to one of the district courts of appeal, when Governor Lawton Chiles appointed her to serve on the Second District Court of Appeal. Five years later, on December 8, 1998, Justice Quince was appointed by the late Governor Lawton Chiles and Governor-elect Jeb Bush to the Florida Supreme Court.

I had the pleasure of meeting Justice Quince at a speaking engagement at Florida A & M University College of Law, where she shared her journey from attorney to Florida Supreme Court Justice. My first impression of Justice Quince was that she embodied what so many women in the legal arena strive to become. Justice Quince's quiet resolve and thoughtful perceptions about the path of becoming a successful lawyer and Florida Supreme Court Justice were powerful and long-lasting. Justice Quince offered the law students practical and wise suggestions to help them deal with the "sink or swim" attitude found so often in the legal profession, and those comments have stayed with me long since her presentation.

I have memorialized my lasting impressions of Justice Quince in the following take away tips. I hope these tips serve to encourage females who are considering whether to pursue a legal career to take that step. As for female lawyers who already practicing, I hope these tips remind us of all of the things we are truly capable of, even when life throws challenges our way.

Take Away Tip #1: Get a Mentor

The importance of a true mentor can never be underrated for attorneys. Young attorneys need wise and consistent guidance and encouragement. Attorneys know that those first five years out of law school can define your career, and the support of a mentor cannot be understated. Justice Quince found a mentor early in her career, spoke very highly of that individual, and encouraged the students to find one of their own.

Take Away Tip #2: Do not be Afraid to Fail

Failure early in your practice will happen, but it is what you do with those failures that will define your career. Learn from your mistakes, and make sure they do not happen again. Only those who do not learn from their mistakes are truly the losers.

Take Away Tip #3: Remember that you can do this

Juggling a career in law by itself can be overwhelming and discouraging to some, but Justice Quince reminded us all that the legal profession is a rewarding experience, and that the challenges can be overcome with hard work and tenacity. Even though many female lawyers have to juggle the time constraints of a legal career and family life, they can still manage to make a lasting impact on society, and the world.



STOP HUMAN

Human Trafficking in the Middle District of Florida

by Jennifer Waugh Corinis,
*Assistant United States
Attorney for the Middle
District of Florida*

BACKGROUND

The devastating crime of human trafficking has increased in Florida, and across the United States. According to the Clearwater Taskforce on Human Trafficking, among the victims of human trafficking, 80% are female and 70% of them are sexually exploited. Up to half are minors.¹

According to the federal Trafficking Victims Protection Act, Human Trafficking includes “sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”²

From 2009 to 2015, there were 3,524 instances of trafficking reported to the Florida Abuse Hotline.³ There has been increase in reported allegations of human trafficking, due in large part to increased awareness, improved training and a new screening tool developed between DCF, the Florida Department of Juvenile Justice and the Attorney General.⁴ The Statewide Council on Human Trafficking also implemented specialized training for first responders and other child welfare professionals to help recognize the signs of human trafficking.

The problem of human trafficking in Florida was highlighted in a 2013 documentary by WEDU, Tampa’s PBS station, *Too Close to Home: Human Trafficking in Tampa Bay*. The documentary highlights efforts by local law enforcement, service providers, and citizens involved in the movement to help combat human trafficking. The website for the documentary also includes resources for victims of trafficking.

THE U.S. ATTORNEY’S OFFICE FOR

THE MIDDLE DISTRICT OF FLORIDA

The United States Attorney’s Office for the Middle District of Florida has aggressively prosecuted human trafficking offenders for several years. The District’s geographical region extends from the Georgia border north of Jacksonville, diagonally across Florida to the Everglades south of Fort Myers, covering over 300 miles of territory from north to south and including more than 10 million of Florida’s 18.8 million residents. This includes five major metropolitan areas where fully staffed offices of the U.S. Attorney are located: Tampa/St. Petersburg, Orlando, Fort Myers, Jacksonville, and Ocala.

Since 2008, the United States Attorney’s Office for the Middle District of Florida has prosecuted several notable cases, resulting in significant prison sentences for offenders involved in human trafficking. These cases include:

United States vs. Weylin O. Rodriguez – Rodriguez transported a minor against her will to Orlando and forced her to engage in prostitution, along with other minors and adult victims who were forced into prostitution under the false promise of jobs as models. He was sentenced to life imprisonment.

United States v. Esthela Clark – Clark pleaded guilty to a charge of forced labor, which carries a maximum penalty of 20 years in federal prison. Clark paid “coyotes” approximately \$3,000 to smuggle a woman from Mexico into the United States for the purpose of serving as her pregnancy surrogate. Instead, Clark forced her victim to engage in domestic labor through physical and psychological abuse. The case was investigated by U.S. Immigration and Customs Enforcement’s Homeland Security Investigations (HSI) and prosecuted by Assistant United States Attorney Laura Cofer Taylor.

United States vs. Eric Bell – 30 years (Defendant pleaded guilty to sex trafficking of four homeless minor females)

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United States v. Miguel Morancy – 20 years (Defendant pleaded guilty to sex trafficking a 13-year old female)

United States v. Michael Gallon – (Defendant sentenced to more than 33 years after pleading guilty to sex trafficking multiple female minors)

United States vs. Ian Sean Gordon – Defendant sentenced to life imprisonment

United States vs. Marvin Madkins – Defendant sentenced to 50 years

United States vs. Andrew Fields – Defendant sentenced to 34 years

United States vs. Tyrone Townsend – Defendant sentenced to 26 years and 8 months

United States vs. Ruel Brown – Defendant sentenced to 15 years and 8 months

The USAO/MDFL has joined forces with federal, state, and local law enforcement partners to combat human trafficking. In 2013, then U.S. Attorney for the Middle District of Florida, A. Lee Bentley, III, along with federal, state, and local partners, announced a Human Trafficking Initiative designed to educate the public and combat the recruitment of children by sex traffickers via the Internet and other means. In 2014, USAO/MDFL hosted a forum bringing together federal, state, and local law enforcement experts and victims' services providers to educate members of the community on human trafficking and domestic sex trafficking. The half-day forum included presentations from trafficking victims, law enforcement agents involved in trafficking investigations, a prosecutorial overview, an insight into the forensics interview process, and resources for assisting victims of human and sex

trafficking. Participants discussed human and sex trafficking in Florida, and U.S. Attorney Bentley discussed ways in which federal, state, and local public safety agencies, along with the greater community, can work together to raise awareness and help combat the issue. Florida Attorney General Pam Bondi also participated in the forum, and addressed the need for greater collaboration among stakeholders. Attorney General Bondi described efforts by the Office of the Florida Attorney General to combat trafficking in Florida through a statewide initiative to educate Floridians on the dangers of child exploitation, which she described as dedicated to making Florida a zero tolerance state for human trafficking. The USAO/MDFL convened this forum again in April of 2016 as part of National Crime Victims' Rights Week.

Assistant U.S. Attorneys who prosecute human trafficking cases in the MDFL participate in numerous community organizations and task forces to investigate and combat these crimes. Among them is Assistant U.S. Attorney Stacie B. Harris. AUSA Harris has prosecuted over 20 defendants for human/sex trafficking related charges since 2009. In 2010, AUSA Harris and a colleague tried Manuel A. Walcott in the first sex trafficking case in the Middle District of Florida. Walcott was convicted of prostituting a 14 year old during Super Bowl activities in Tampa, FL, and was sentenced to 20 years in federal prison. Ms. Harris was recognized by Governor Rick Scott, along with Florida Attorney General Pam Bondi, as Prosecutor of the Year in 2013 for her work. AUSA Harris also was responsi-

ble for prosecuting the first person to be sentenced to life for human trafficking in Florida. In addition, AUSA Harris is an active participant in the Central Florida Crimes Against Children Task Force and the Clearwater/Tampa Bay Area Task Force on Human Trafficking, both of which investigate and prosecute minor and international sex trafficking crimes. She has been a presenter at the International Association of Human Trafficking Investigators and trained attorneys at the Florida Attorney General's office and the office of Children's Legal Services on how to identify sex trafficking victims.

While the USAO/MDFL provides victim services through all five offices, community-based services available to human trafficking victims is still limited. Once victims of trafficking are recovered, the goal of the United States Attorney's Office is to provide services in order to stabilize them and prepare them to serve as a witness in the case. However, basic services, such as residential treatment facilities and counseling, are inadequate to address all of the individual's needs. Moreover, many victims are minors. Minors who are not already in the DCF system must be returned home, often to an abusive or neglectful environment that left them vulnerable to trafficking and victimization in the first place. For adults, residential programs that provide education and job training also are in short supply. The inadequacy of community-based services for recovered human trafficking victims remains a challenge not only for victims, but also for law enforcement and prosecutors involved in combating these crimes.

¹ <https://www.crisiscenter.com/tag/clearwater-task-force-on-human-trafficking/>

² <https://www.state.gov/j/tip/laws/61124.htm>

³ <http://www.myflfamilies.com/service-programs/human-trafficking>

⁴ Florida House Bill 7141, 34, Spring 2015: DJJ began implementing a new screening tool, Florida's Human Trafficking Screening Tool, to identify both male and female victims of sex and labor trafficking. This instrument is comprised of primarily "forced response" questions as opposed to open-ended questions and can be utilized by non-clinical staff for the purpose of determining whether a youth is a victim of sex and/or labor trafficking.



STOP HUMAN

Florida's Holistic Approach to Human Trafficking *Identifying and Treating Victims of Sexual Exploitation*

by Mariane Dorris

"I cannot fail these girls by diverting my eyes from the invisible residue of slavery that clings to them like a shadow."¹

Florida defines human trafficking as the recruitment, harboring, transportation, provision or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjugation to involuntary servitude, peonage, debt bondage, slavery or a commercial sex act.² In 2013, social scientists estimated that there were as many as 27 million victims of human trafficking worldwide, including 4.5 million people trapped in sexual exploitation.³ In the United States, more than eight in ten suspected incidents of human trafficking involve sex trafficking.⁴ The Department of Justice has reported that more than half of sex-trafficking victims are 17 years old or younger.⁵

There are numerous risk factors associated with youth becoming victims of human trafficking. Often times, the youth exploited in human trafficking have inadequate education, limited employment opportunities, poor family support, a history of sexual or physical abuse, and mental, emotional or physical disabilities.⁶ Additional risk factors include domestic violence, substance abuse, mental illness in family members, being a runaway or throwaway youth, drug dependency, gang membership, immaturity, and poor sexual decision-making.⁷ However, recent research has demonstrated that the most damaging type of child abuse that creates susceptibility to exploitation among both boys and girls is sexual abuse.⁸

"[A]lthough cumulative trauma is more harmful than a singular instance of trauma, sexual abuse may be a particularly strong form of childhood trauma that functions as a "gateway" trauma, providing for increased exposure to other forms of victimization."⁹

Florida's Coordinated Response to Sex-Trafficking: The national trend among state legislators, policy advocates, and service providers is moving toward a victim-centered approach that does not treat the sexually exploited youth as a criminal. Many strategies and policies have emerged that incorporate the most contemporary ideologies toward identifying and treating victims of human trafficking.

Florida's Legislative Initiatives:

- ❑ Pursuant to *House Bill 7141*, effective July 1, 2014, the Department of Juvenile Justice began implementing the newly created "Florida's Human Trafficking Screening Tool," which targets the identification of both male and female victims of sex and labor trafficking.
- ❑ Pursuant to *House Bill 545*, signed into law in March 2016, youth under the age of 18 can no longer be arrested for prostitution or related offenses, including lewdness and assignation under Fla. Stat. §796.07, and makes correlating changes in Chapter 39, Fla. Stat., relating to the definition of the term "sexual abuse of a child," to reflect that sexually exploiting a child in prostitution should be viewed as human trafficking.
- ❑ *Senate Bill 1294*, effective July 1,

2016, increases the eligible age of a child victim or witness who may have his or her testimony videotaped or who may testify by closed circuit television from "under 16 years of age" to "under 18 years of age," as well as extending the protections of court orders intended to protect a victim or witness from severe emotional or mental harm due to the presence of the defendant.

- ❑ Pursuant to *House Bill 1333*, effective October 1, 2016, parents or guardians may now be designated as a sexual predator or offender when he or she has been convicted of a specified kidnapping, false imprisonment, or luring or enticing a child offense against his or her minor child.
- ❑ Pursuant to proposed *Senate Bill 1788*, currently pending before the Criminal Justice Florida Senate Committee, victims of human trafficking will be provided an exemption from public records requirements for specified redacted and sealed information identifying a victim of human trafficking.

Community Support:

- ❑ *Drop-In Centers* is a term used to describe various kinds of centers that address the needs of individuals who are being trafficked or are at risk to be trafficked, including, but not limited to, runaways, homeless men and women, those with limited English proficiency, and those identifying as LGBTQ. Services provided may include meeting basic needs such as clothing, food, showers, laundry and email; crisis stabilization; safety planning; support groups; legal services; substance

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abuse or mental health counseling; and an onsite nurse practitioner with a relationship with the local emergency room and other medical services. There are currently three drop-in centers with specialized programming for sex trafficking victims: Kristi House Project GOLD in Miami; More Too Life in Sarasota; and The Wayne Foundation in Charlotte County.

“Safe” Foster Care Homes, as defined by House Bill 7141, are specialized foster homes with foster care parents who have received specialized training and 24-hour support designed to address the needs of exploited youth. There are currently two providers of safe foster homes in Florida: CHANCE in Miami, and Devereux in Central Florida.

Safe Homes are traditionally 4-8 beds and provide a comprehensive array of services including mental health, family support, education support, career planning, trauma-informed treatment, life skills, recreational programming, survivor-led mentoring and individual counseling. There are currently four safe homes: Porch Light, Redefining Refuge, Wings of Shelter, and Hope House. For adult survivors of sex trafficking there are beds at More Too Life, Samaritan Village, Selah Freedom, Camillus House, Agape in Miami, and Salvation Army in Tampa.

Residential Treatment Centers are specialized congregate care facilities designed to meet victims’ intensive needs prior to being placed in a home or a foster care setting. Devereux, Citrus Health Network and Aspire Health Partners offer comprehensive residential services for victims of sex trafficking.

Future Issues:

Florida’s Statewide Council on

Human Trafficking has identified several areas which need to be further developed to make Florida’s response to human trafficking more comprehensive. Below are a few of the issues outlined in the 2016 Annual Report of the Human Trafficking Response in Florida:

Transitional Services such as transitional living, education, and job skill development, as well as a continuity of treatment for mental health and substance abuse.

LGBTQ and Male Survivors currently lack access to services, including short and long-term housing, shelter options, livable wage employment opportunities, and gender-affirming health care. Institutional barriers such as service denial, unsafe and discriminatory treatment by staff and other recipients of these services, on the basis of their sexual orientation, gender identity, gender expression, and age.

Children and Adults with Disabilities are perhaps the most vulnerable of all our citizens, but little is known about the commercial sexual exploitation of children and adults with disabilities. Studies demonstrate that the rate of sexual abuse among mentally disabled individuals is higher than the general population. Individuals with intellectual disabilities may have an increased risk and lower opportunity for identification as they may not recognize what is occurring, they may not be believed due to their disability, they may not recognize the illegal behavior being perpetrated on them, and they may be susceptible to threats preventing disclosure. The Devereux Viera campus is the only known program specializing in youth with developmental delays.

Contemporary research supports engaging victims of sex trafficking in a voluntary system of trauma-centered specialized services to en-

courage their healing, foster service compliance, and develop trust, which will assist in the identification and prosecution of sex traffickers. “Involuntary detention was found to replicate the trauma experienced by sexually trafficked youth, preventing recovery, and increasing the likelihood of recidivism.” Since the Statewide Council on Human Trafficking was created in 2014, Florida has adopted a comprehensive approach to combating human trafficking, prosecuting human traffickers, and healing the victims. These collaborative efforts of law enforcement officers, prosecutors, legislators, service providers, as well as leaders in the fields of health, education and social services will hopefully assist in reducing the demand, increasing prosecution, and treating the victims.

¹ Burke-DeJesus, M. (2014). *Radically Ordinary*. Tate Publishing.

² Florida Statute §787.06 (2015).

³ U.S. Dep’t of State, *Trafficking in Persons Report 2013*, at 7 (June 2013); Polaris Project, *Sex Trafficking*, <http://www.polarisproject.org/sex-trafficking>.

⁴ U.S. Dep’t of Justice, Bureau of Justice Statistics, *Characteristics of Suspected Human Trafficking Incidents, 2008-2010*, at 1 (Apr. 2001).

⁵ U.S. Dep’t of Justice, Office of Juvenile Justice & Delinquency Prevention, *Literature Review: Commercial Sexual Exploitation of Children/Sex Trafficking*, at 3 (2014) (citing Bureau of Justice Statistics data).

⁶ Reid, J. et al. (2016). “Human Trafficking of Minors and Childhood Adversity in Florida.” *American Journal of Public Health*, 107(2), 306-311.

⁷ See id. at p. 306.

⁸ See id. at p. 309.

⁹ Id. at p. 309-310.

¹⁰ Dank, M. “Surviving the Streets of New York.” <http://www.urban.org/research/publication/surviving-streets-new-york-experiences-lgbtq-youth-ymms-and-ywsw-engaged-survival-sex/view/media-mentions>.

¹¹ Reid, J. (2016). “Sex Trafficking of Girls with Intellectual Disabilities. An exploratory Mixed Methods Study” *Sexual Abuse*, February 17, 2016.

¹² See id.

¹³ Wasch, S. et al. (2016). *An Analysis of Safe Harbor Laws for Minor Victims of Commercial Sexual Exploitation: Implications for Pennsylvania and Other States*. The Field Center for Children’s Policy, Practice & Research, University of Pennsylvania.



STOP HUMAN

Open Doors: A Coordinated Care Approach for Commercially Sexually Exploited Children

by Adrienne Vining

The National Human Trafficking Resource Center, an international anti-slavery organization based in Washington, D.C., operates a 24-hour national hotline that receives tips, provides service referrals, and offers technical assistance pertaining to all forms of human trafficking, including the commercial sexual exploitation of children (CSEC). In 2016, Florida ranked third in the volume of calls received by the National Human Trafficking Resource Center Hotline, behind only California and Texas.¹ The high number of calls in Florida results from the prevalence of tourism, large numbers of vulnerable state residents, and transportation patterns. The large transient population and number of children in foster care also contribute to the human trafficking problem, as these segments of the population become targets for traffickers.

In an effort to address the prevalence of CSEC in the state, the Florida Legislature passed the Safe Harbor Act in 2012, which allowed sex-trafficked children to be considered dependent children in need of therapeutic services, rather than viewing them as juvenile delinquents.² Implementation of this legislation, however, has lacked strategic development, coordination, continuity, and resources. Throughout the State, large gaps exist within cross-sector collaboration, professional training, trauma-focused crisis intervention, and restorative services that meet the complex needs of sexually exploited and trafficked victims.³ To build a strong foundation for a continuum of care, policymakers and service providers need to address the connection between the survivor's background of violence, abuse, rape, isolation or other traumas, and the lasting impact these traumatic experiences have throughout one's life. Additionally, policymakers

and service providers must specifically understand the acute and complex effect of the trauma of being trafficked.⁴ To be successful, Florida must create a continuum of services that address all aspects of the youth's life and involve survivors in the creation of programming whenever possible. The service spectrum should be capable of improving victims' physical, social, emotional and spiritual health, and family functioning, when appropriate. It must also address the acute and chronic trauma suffered by victims of CSEC, but also facilitate increased functional ability and skills development in order to help the victimized youth to integrate into mainstream society.⁵

A critical facet for implementation of the Safe Harbor Act is a statewide coordinated care approach for care management and funding for CSEC victims, because the current approach is fragmented and the ability to strategically manage care of victims is weak.⁶ The States of Georgia, Minnesota, and Texas all address care coordination for CSEC victims at the state level. Priorities of these initiatives include emergency response and assistance, screening and research-based assessment, safety planning, individual care plan creation, coordination and monitoring of services, mentoring, victim support and restoration, training and awareness, and collaboration.

Georgia Care Connection was established in 2009 by the Georgia Governor's Office for Children and Families to serve as a central hub for victims of exploitation. It operates as a public-private partnership capable of utilizing state dollars and private funds and is the single care coordination entity for commercially sexually exploited youth in Georgia.⁷ Care Connection staff assess the types of services the youth needs and lead a multi-disciplinary team in developing a comprehensive care plan to address those needs. Once the

plan is developed, staff locates the appropriate services and assists the victim in accessing funding for those services.

Minnesota enacted the Minnesota Safe Harbor for Sexually Exploited Youth Law in 2011, which affirms that it is a best practice to treat sexually exploited children and those at risk for exploitation as victims rather than as juvenile delinquents. As part of the implementation of its Safe Harbor Law, Minnesota implemented a statewide service model called "No Wrong Door."⁸ The No Wrong Door model also addressed funding of services for commercial sexually exploited youth using a public-private partnership approach. Minnesota funds eight regional "navigators" who serve as care managers for all CSEC victims in the state. The navigators are contracted through Minnesota's Department of Health and manage multidisciplinary staffing and care plan development.

The Texas Legislature passed House Bill No. 10 in 2015, which served as a comprehensive bill addressing human trafficking in the state.⁹ The bill created a Child Sex Trafficking Prevention Unit within the Governor's Office. The goals of the unit are to assist other state agencies in leveraging and coordinating state resources directed toward sex trafficking services. These cooperative efforts will address prevention, recovery of victims and placement of victims in short-term and long-term care. The unit will also collect and analyze data, and research and share the collected information with others serving the population. Finally, the unit will refer victims to appropriate services and work to provide support for child sex prosecutions.

In Florida, a significant step toward the implementation of a statewide coordinated care approach was the development of the Open Doors model, the goal of which is to

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provide a framework and program designed to assist victims immediately and expertly through the improved delivery and coordination of existing services, as well as the development of a statewide service delivery network.¹⁰ The intent of Open Doors is to provide a coordinated system that will open doors to improved care, improved system coordination, and improved outcomes for CSEC victims.¹¹ The Open Doors model was developed by Dr. Lawanda Ravoira, CEO of Delores Barr Weaver Policy Center, and Roy Miller, President of The Children's Campaign. Open Doors adapts the best practices learned from other states that have addressed care coordination for CSEC victims at the state level, for use in Florida. A pilot project implementing the Open Doors model in five target regions of Florida is slated to begin providing services on May 1, 2017. The five target regions are Northeast Florida (Nassau, Duval, St. John, Baker, and Clay counties), the Big Bend (Leon and Bay counties), Central Florida (Orange and Osceola counties), Southwest Florida (Collier and Lee counties), and Suncoast (Hillsborough, Manatee, and Sarasota counties).

Open Doors places rescued or referred CSEC victims in the care of a team of professionals, including survivor-mentors, regional advocates and clinicians that work with law enforcement and community partners where a victim is identified. The regional advocates work collectively with the systems in their targeted area to provide services based on the individual needs of the children. Survivor-mentors establish connections more readily with victims and build trust, which results in victims running away less and being more likely to participate in recovery plans. The survivor-mentors also serve as first responders to provide immediate crisis intervention and assistance for victims, along with their day-to-day care management services under the supervision of the regional advocates. Clinicians provide specialized therapeutic care

that is aligned with the total care management plan developed for each victim.¹² Open Doors also plans to provide training and education programs for direct service personnel and community partners, and to establish a system to collect and monitor data and information to address gaps in service to provide better outcomes for victims.¹³

The Open Doors Network will utilize a public-private partnership approach and will be administered by a single contract non-profit organization, Voices for Florida. Voices for Florida is responsible for coordinating and monitoring cross-sector implementation, identifying ways to further leverage resources, developing common goals as well as uniform protocols, training and education requirements among stakeholders, measuring outcomes, providing program and policy guidance, and improving program performance continually.¹⁴ An initial general revenue appropriation was approved in the 2016 legislative session for the pilot project, and Voices for Florida has now been approved for additional funding through a Victims of Crime Act (VOCA) grant.¹⁵ The receipt of the VOCA grant allowed Voices for Florida to enter into contracts with first responder partners and for emergency/total care assistance services, which will allow Voices for Florida to begin serving CSEC victims through the Open Doors Network. Voices for Florida is requesting an increase in the general revenue appropriation for Open Doors in the 2017 legislative session to increase the availability of services to CSEC victims. Through the implementation of Open Doors, Voices for Florida will be able to enhance service delivery and improve outcomes for male and female CSEC victims up to age 24. The administration of the Open Doors pilot program through a single contractor allows for uniform protocols in the delivery of effective services and increased efficiency in the sharing of information, resources, and data collection.

The expectation is that with the implementation of Open Doors in Flor-

ida, there will be increased care coordination for sexually exploited and trafficked children by developing and implementing emergency response and assistance, victim support, survivor-mentors, screening, access to clinical services, research-based assessments, safety planning, individual care plans, coordination of mentoring services, training, public awareness and collaboration.¹⁶ Overall, Open Doors provides a very promising option for a statewide coordinated care approach for care management and funding for CSEC victims. If the pilot project is successful, Open Doors should be rolled out statewide.

¹ <http://traffickingresourcecenter.org/>

² Ch. 2012-105, Laws of Fla.

³ <http://voicesforflorida.org/open-doors/>

⁴ Epstein, R. & Edelman, P. (2013). *Blueprint: A Multidisciplinary Approach to the Domestic Sex Trafficking of Girls*. Center on Poverty and Inequality, Georgetown Law.

⁵ *Restoring Our Kids: An Analysis of Florida's Continuum of Care and Recommendations to Improve Services for Commercially Sexually Exploited Children*. November 13, 2014. Report of Commercial Sexual Exploitation of Children Services Workgroup Convened by Florida's Department of Children and Families and Department of Juvenile Justice. <http://www.djj.state.fl.us/docs/comm/restoring-our-kids12-17-14.pdf?sfvrsn=2>

⁶ *Statewide Council on Human Trafficking 2016 Annual Report Supplement*. [http://myflorida-legal.com/webfiles.nsf/WF/MNOS-AF9P43/\\$-file/2016HumanTraffickingAnnualReportSupplement.pdf](http://myflorida-legal.com/webfiles.nsf/WF/MNOS-AF9P43/$-file/2016HumanTraffickingAnnualReportSupplement.pdf)

⁷ <http://www.gacares.org>

⁸ *No Wrong Door: A Comprehensive Approach to Safe Harbor for Minnesota's Sexually Exploited Youth*. January 2013. Report of Department of Public Safety Office of Justice Programs. [http://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20\(FINAL\).pdf](http://dps.mn.gov/divisions/ojp/forms-documents/Documents/!2012%20Safe%20Harbor%20Report%20(FINAL).pdf)

⁹ Texas HB 10 <http://www.legis.state.tx.us/BillLookup/History.aspx?LegSess=84R&Bill=HB10>

¹⁰ *Open Doors: A Statewide Network for Victims of Sex Trafficking Policy Brief*. <http://iamforkids.org/wp-content/uploads/2016/06/candidate-connection-Policy-Brief-Layout-final.pdf>

¹¹ Information received from Robyn Metcalf, Open Doors Statewide Director

¹² *Id.*

¹³ Information received from Robyn Metcalf, Open Doors Statewide Director

¹⁴ <http://voicesforflorida.org/open-doors/>

¹⁵ <http://voicesforflorida.org/2017/01/new-year-brings-new-coordinated-system-for-helping-trafficked-and-exploited-victims/>; Interview with Linda Alexionok, Voices for Florida President

¹⁶ *Open Doors: A Statewide Network for Victims of Sex Trafficking Policy Brief*



STOP HUMAN

An Overview of Federal, State, and Local Efforts to Combat Human Trafficking and to Aid the Victims

by Shannon Timmann

The International Labour Organization estimates that there are 20.9 million victims of human trafficking, globally.¹ Of those 20.9 million, 68 percent are trapped in forced labor, 26 percent are children, and 55 percent are women.² While there is no official estimate of the total number of human trafficking victims in the United States, the Polaris Project believes the figure to be in the hundreds of thousands. In 2016, Florida ranked third in the nation for the number of reported cases.³ In light of these sobering statistics, Federal, State, and local governments have decided to come together to more directly address human trafficking.

In 2004, the Bush Administration took monumental steps to combat human trafficking on a national level. The executive plan set forth more funding to address the crisis, better coordination with governmental agencies, and stricter laws, including comprehensive anti-trafficking statutes.⁴ Most recently, in 2015, the Office of Trafficking in Persons (“OTIP”) was established to develop “anti-trafficking strategies, policies, and programs to prevent human trafficking, build health and human service capacity to respond to human trafficking, increase victim identification and access to services, and strengthen the health and well-being outcomes of trafficking survivors.”⁵

In 2014, the Florida legislature unanimously passed HB 7141 which formed a 15 member Statewide Council on Human Trafficking tasked with enacting better policies to confront trafficking in the State.⁶ Council members include law enforcement officers, prosecutors, legislators, and experts in the fields of health, education, and social services. The duties of the Statewide Council include:

- Developing recommendations for comprehensive programs and

services including recommendations for certification of safe houses and safe foster homes;

- Making recommendations for apprehending and prosecuting traffickers and enhancing coordination of responses;
- Holding an annual statewide policy summit with an institution of higher learning;
- Working with the Department of Children and Families to create and maintain an inventory of human trafficking programs and services in the state; and,
- Developing overall policy recommendations⁷

The Bill also directs the Florida Department of Children and Families (“DCF”), the Department of Juvenile Justice (“DJJ”), and other lead agencies to coordinate local responses to human trafficking. According to DCF, the number of reported cases of human trafficking in Florida has increased 54 percent over the last year.⁸ This increase can be attributed to specialized training implemented by the Statewide Council on Human Trafficking, and the coordinated effort across state agencies to train professionals, all of which has resulted in more cases being reported.⁹

Counties throughout the State have also begun organizing task forces to combat human trafficking. In 2017, Palm Beach County organized a Law Enforcement Human Trafficking Task Force which includes personnel from the State Attorney’s Office, the Federal Bureau of Investigation, and the Palm Beach County Sheriff’s Office. These organizations work very closely on a daily basis to investigate and prosecute cases. In addition, like other counties in Florida, the State Attorney’s Office in Palm Beach County has a prosecutor specially assigned to human trafficking cases.

Justin Hoover has been the Human

Trafficking Prosecutor in Palm Beach County since 2015, and explains that the entire Special Victim’s Unit works together to “combat those who prey on vulnerable members of [the] community.” While it is difficult to provide a firm number of human trafficking cases he works on annually, Hoover states that “the number of investigations grows every year.” This is due in large part to the creation of the task force which has given the State Attorney’s Office “the ability to investigate and charge more traffickers at a faster pace. With each passing day, awareness of human trafficking is becoming more acute, which leads to more reports and investigations. Indeed, the number of human trafficking reports to the National Human Trafficking Hotline from Florida rose over 35% from 2015 to 2016.¹⁰ Hoover believes that this “reflects an increase in our community’s awareness of the problem.”

Despite the common misconception that most human trafficking victims are transported into the United States and Florida from other countries, the reality is that the vast majority of victims are actually U.S. citizens or legal residents. “Traffickers tend to prey on vulnerable populations,” says Hoover. This often includes juvenile runaways, drug addicts, and undocumented immigrants. Unfortunately, because human trafficking is so underreported, reliable statistics on the victim populations are difficult to obtain. Labor traffic, for instance, is especially underreported, and human trafficking organizations, both governmental and private, conduct outreach programs with agricultural and migrant worker populations to spread awareness and encourage investigative tips and leads. According to Florida Senator Denise Grimsley, within the migrant worker community there have been reports of sex trafficking, forced criminal activities, and forced labor such as exotic dancing,

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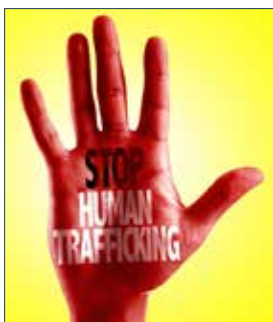


agricultural work, domestic work, child care, factory work, commercial cleaning, hospitality, construction, health and elder care, day labor, door to door sales, and salon services. Despite the progress that outreach programs are making in migrant communities, Hoover notes that “there are many factors that can discourage victims from coming forward, including fear of retaliation from the trafficker and the belief—often instilled by the trafficker—that if the victim comes forward, he or she will be the one who is prosecuted or deported.”

In order to encourage undocumented victims to step forward, the federal government provides visas for the victims of human trafficking. Congress created the “T” nonimmigrant status in October of 2000, by passing the Victims of Trafficking and Violence Protection Act (“VTVPA”), which allows victims to remain in the United States and assist law enforcement authorities in the investigation and prosecution of human trafficking cases.¹¹ In order to be eligible for a T Visa, an applicant must show: (1) he/she is or was a victim of human trafficking as defined by law; (2) he/she is in the United States, or at a port of entry, due to trafficking; (3) he/she will comply with any reasonable request from a law enforcement agency for assistance in the investigation or prosecution of human trafficking; (4) he/she will suffer extreme hardship involving unusual and severe harm if he/she were removed from the United States; and, (5) he/she is admissible to the United States.¹² U.S. Citizenship and Immigration Services (“USCIS”) also provides additional resources for victims of trafficking.

In addition to Task Forces and Councils focused on raising awareness and preventing and prosecuting human trafficking, the State and Federal government also provide ample funding to organizations dedicated to victim’s services. These services include shelter and housing, financial relocation assistance, healthcare, dental care, legal aid, and mental health services among others.

Through the aforementioned Federal, State, and local efforts, government officials appear to be committed to combating the human trafficking epidemic. While eradicating human trafficking may seem like an insurmountable obstacle, concerted efforts like those described above are making great strides in raising awareness, prosecuting criminal cases, and decreasing the number of instances of human trafficking.



¹ Polaris Project, *The Facts*. <https://polarisproject.org/facts>

² *Id.*

³ National Human Trafficking Hotline. *Hotline Statistics*. <https://humantraffickinghotline.org/states>

⁴ Florida Coalition Against Human Trafficking. *Activism*. <http://www.stophumantrafficking.org/activism.html>

⁵ Administration for Children and Families. *Office on Trafficking in Persons*. https://www.acf.hhs.gov/sites/default/files/assets/2016factsheets_otip_0.pdf

⁶ The Florida Senate. <http://www.flsenate.gov/session/bill/2014/7141/?Tab=Bill-History>

⁷ Florida Attorney General’s Office. *Statewide Council on human Trafficking 2016 Annual Report*. <http://myfloridalegal.com/pages.nsf/Main/8AE-A5858B1253D0D85257D34005AFA72>

⁸ CBS/AP (2017). *Human trafficking cases increase more than 50 percent in Florida*. <http://www.cbsnews.com/news/human-trafficking-cases-increase-more-than-50-percent-in-florida/>

⁹ *Id.*

¹⁰ Cone, Alan. “Human Trafficking in U.S. Rose 35.7 Percent in One Year.” *United Press International*, February 5, 2017. Available at http://www.upi.com/Top_News/US/2017/02/05/Report-Human-trafficking-in-US-rose-357-percent-in-one-year/5571486328579/

¹¹ U.S. Citizenship and Immigration Services. *Victims of Human Trafficking and Other Crimes*. <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status/questions-and-answers-victims-human-trafficking-t-nonimmigrant-status>

¹² U.S. Citizenship and Immigration Services. *Victims of Human Trafficking: T Nonimmigrant Status*. <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>



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STOP HUMAN

Selah Freedom - Bringing Light into the Darkness of Sex Trafficking

by Donna L. Eng and
Vanessa Morris

On November 10, 2016, I attended a symposium on the topic of human trafficking. "An Evening of Hope - Florida Unites to End Human Trafficking," sponsored by Florida Power and Light and FAWL, was truly inspiring.

For those of you who may not have been able to attend the event, the key speakers were Ms. Kathleen Fernandez Rundle, State Attorney for the Eleventh Judicial Circuit, and Ms. Elizabeth Fisher, co-founder and President/CEO of Selah Freedom. What is Selah Freedom you ask? As noted by Ms. Vanessa Morris, Director of Awareness, Selah Freedom is a national organization focused on providing education and training throughout the country, as well as teen prevention, outreach, and safe housing in the Midwest and Southeast regions of the United States. Selah Freedom's national headquarters is located in Sarasota, Florida.

Selah Freedom actively confronts the issue of sex trafficking and is being upheld as the statewide model for how to effectively bring solutions to survivors of sex trafficking & exploitation. Selah is a Hebrew word which means to pause, rest, and reflect. Selah Freedom gives survivors a chance to do just that. Women in Selah Freedom's programs have an opportunity to dream again; to discover who it is they were created to be.

In 2010, Selah Freedom's founders discovered the horrifying truth that local children were being bought and sold for sex right here in our own communities - that's right, American children! What began as the grassroots initiative of women from across the country to be a voice for the voiceless, has quickly transformed into a thriving organization with four foundational programs: Awareness, Prevention, Outreach, and Residential. Selah Freedom closely

partners with law enforcement, legislators, and influential leaders to not only shed light on the staggering statistics, but to work together to change those statistics by changing lives!

Selah Freedom brings awareness and education to the community and organizations through their speakers bureau team, CSEC (Commercial Sexual Exploitation of Children) 101 Course, law enforcement training, and Global Training & Organizational Development. The My Life, My Choice Prevention Programming is designed for teen girls ages 12-17 years old, and provides them with the tools they need to avoid being manipulated by a pimp. This survivor-written, survivor-led curriculum has a 90% success rate of preventing girls from being commercially sold. Selah Freedom's Outreach Program is active in the jail system and on the street and provides support groups, case management, and referral services to women currently in "the life." Selah Freedom has partnered with law enforcement and the State Attorney's Office to launch the TYLA Program, a diversionary program for sex trafficking survivors in the legal system. Selah Freedom provides Residential Programming for survivors of sex trafficking that includes a personalized educational plan, job placement, trauma therapy, life skills, medical and legal assistance, and holistic restorative care.

As Selah Freedom brings light into the darkness of sex trafficking, victims have been transformed into survivors. Here is a look into the experience survivors in the Selah Freedom program have had:

Eight months ago I was raped, and that was the final straw for me to stop walking the street and being sold. I was arrested the morning after the rape which led to my second felony prostitution, a serious offense -

then came my angels! The Lord sent me to Selah Freedom. I agreed to stay and ran to them with open arms. I decided to take and apply any and every tool they offered me. Throughout the last eight months I have been able to receive in depth counseling, groups, individual therapy and life changing skills. I have redeveloped MYSELF! I am confident, trustworthy, giving, loving and completely grateful.

-Selah Survivor

It's going on six months now that I've been here at Selah. Gradually, over time, I've accomplished or experienced new things that have opened the door to a whole new world of opportunities. One of my accomplishments was regaining my license which I haven't had in 12 years. I am also continuing to study for my GED. Personally, I have become more aware of negative behaviors that I can now identify and correct. In the past, these behaviors and struggles would have forced me to give up. Everything about me is changing; the way I eat, the way I care for my body, and the way I feel about myself. I am starting to love myself, which all comes from the man above. He put all these people in place to help encourage me and keep looking forward. I thank you God for these wonderful people: my mentors, for the guidance, time given, new experiences, and words of wisdom, my tutors and staff, for always being there for me and having faith in me when I didn't. Thank you for all the love and support. You are all special to me.

-Selah Survivor

To learn how you can help Selah Freedom meet its mission of bringing light into the darkness of sex trafficking, please visit the Selah Freedom website: <https://www.selahfreedom.com/>

TRAFFICKING



FROM SEX TRAFFICKING TO SELAH FREEDOM
THIS IS HER JOURNEY.

She is sexually abused.
Childhood sexual abuse typically begins between 2-4 years old.

She is lied to.
"Look what you made me do," "You better not tell anyone," "You should be ashamed of yourself."

To escape the abuse, she runs away.
13-14 is the average age of running away and entering sex trafficking.

Within 48 hours she is approached by a trafficker.

She is disposable.
Her average life expectancy is only 7 years in "this life"...but...

She is sold
15-40 times in 24 hours making her pimp an average of \$200,000 annually.

She took a chance when she reached out to Selah Freedom's collaborative partners on the streets of Chicago.

She made a move by entering Selah Freedom's Residential Program.

She has a new life.
She is now getting her GED, receiving restorative therapy, life skills, and learning that she is LOVED.

SELAHFREEDOM
Bringing Light into the Darkness of Sex Trafficking

Learn more at www.SelahFreedom.com



Outreach:
1,221
Survivors

Awareness:
50,995
Educated

How many lives has Selah Freedom touched so far in 2016?

Prevention:
125
Teen Girls

Residential:
61
Survivors





The Past, the Present and the Future of **Dynamic**

Reflecting On The Past

by Julie Harris Nelson

The title of this article says it all: We, as women, seek “Justice and Truth” on all levels from the classroom to the courtroom. Reflecting on the past will provide a better understanding of how far mothers have come.

During all of my pregnancies, I decided that I would breastfeed my children. In 1994, I was a young prosecutor under the leadership of State Attorney Kathy Fernandez Rundle. By 1997, I was married and pregnant with my first child. In my professional circle, breastfeeding was not a widely-discussed topic in the workplace. Rather, you just “did it” if you could. At the time, new to the motherhood world, I thought how difficult could this breastfeeding “thing” be? Well, I was in for a surprise socially, economically, politically, and physically.

My first experience as a lactating mom working outside of the home was drastically different than my last. As a young prosecutor, my office was footsteps from the Miami-Dade Criminal Courthouse. I could easily plan my nursing schedule around my court schedule. I had a family network in the workplace from the beginning to the end.

My colleagues knew when it was time to pump or to nurse the baby. However, by the time I had my last child, I was in private practice and litigating breach of contract actions. Attempting a work-life balance was much more challenging and frustrating. I found myself rushing from one end of town to the other to nurse my child who was only ten-weeks old. When that didn't work, I tried pumping from my locked office or from the car. Imagine that... pumping from your car in South Florida? When that didn't work, I concluded my breastfeeding days were over.

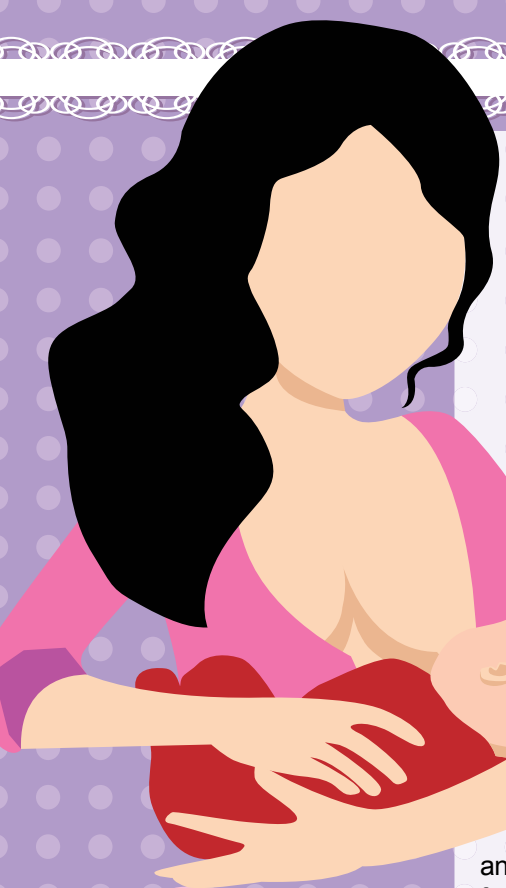
Unfortunately, sometimes people think breastfeeding is simply done to save money. In my “lawyer world,” that was far from the truth. Breastfeeding takes time and

commitment. In the nineties, many legal beagle moms seeking justice in the courtroom decided to breastfeed their children for a variety of reasons. One of the most popular reasons centered on the fact that breastfeeding/nursing is one of the healthiest options for babies aged zero to twelve months. Over the years, I continued to do my research, which showed that the US Centers for Disease Control and Prevention (CDC) put forth some of the best practices for maternal and child health, which included promoting breastfeeding for all mothers who can nurse exclusively for babies up to twelve months. Now, one can link breastfeeding to federal healthy start grants. During my lactation days, I was not aware of any efforts to promote lactation rooms in the court house. This is odd because it should have been advertised, promoted and required for purely public health reasons.

Let's take the breastfeeding analysis further. We all need to eat, breathe, and use the restroom. Imagine if there were no bathrooms and you had to take your “toilet with you.” Then imagine having to find a quiet and discrete place to use that toilet. By now, you are probably thinking this scenario is absurd, but many breastfeeding mothers seeking justice (lawyers) are faced with this scenario every day during their wonderful lactation days. I know because I was one of those mothers.

Reflecting on the past, you might ask if I would choose to breastfeed again given my life experiences. Without hesitation, I respond by simply saying, absolutely! The benefits far outweigh the personal and professional sacrifices made.

Julie Harris Nelson is a Partner with ROIG Lawyers in Miami, Florida who defends breach of contract actions. She is a mother of three children, ages twenty, seventeen, and ten. Harris Nelson sits on the Boards of FAWL, the Miami Bridge and Jack and Jill of America, Inc. She is a graduate of the University of Michigan, School of Business Administration and St. Thomas University School of Law.





Breastfeeding Moms Seeking Justice

Where Are We Now?

by Erica Rutner and Lauren Brusca

South Florida

Certainly, the accommodations for breastfeeding women in the past were neither adequate nor fair. But women across the state have worked tirelessly to make changes by forming committees, discussing the issue with judges, and getting the word out about this important issue. We are finally starting to see the results. The present situation in Miami-Dade County is a preeminent example of what can happen when lawyers and judges come together to demand something better. For years, the Miami-Dade Chapter of FAWL had lobbied for lactation rooms in the state courthouses so that breastfeeding women could readily participate in hearings and trials without having to worry about where they would pump. Their efforts finally paid off when they got the attention of Judges Jennifer Bailey and Scott Bernstein. After learning of the FAWL initiative, Judges Bailey and Bernstein personally advocated for the lactation rooms from the inside and were instrumental in making the initiative a reality. They found the spaces, got the approval, and oversaw a slew of staff members who helped to clean out the rooms and give them a coat of fresh paint. Then FAWL stepped in and provided the artwork and the furnishings for the lactation rooms. It truly was a coordinated and successful effort between FAWL and the Judges, and there are now lactation rooms in four different state courthouses across the County: The Miami-Dade County Courthouse (West Flagler Street); The Lawson E. Thomas Courthouse; The Richard E. Gerstein Justice Building; and The Miami-Dade Children's Courthouse. The rooms include comfortable chairs, several electrical walls, and beautiful artwork. Now,

nursing lawyers, along with jurors, witnesses, litigants and court employees, no longer have to wonder where or how they will pump.

Lara Bach—a member of the Miami-Dade FAWL who also played an instrumental role in getting the lactation rooms set up—explained that as soon as Judges Bailey and Bernstein got involved, it was only a few months until the lactation rooms were up and running. She emphasized that if other FAWL chapters want to see the same success, they “need to find a champion on the inside,” judges who are willing to push the issue and make it a priority. Miami-Dade FAWL’s next breastfeeding initiative is focused on bringing a lactation room to the federal courthouses in the area.

Certainly, while we have come a long way, we also have a long way to go. The improvements that have been implemented in Miami-Dade Courthouses do not exist in most courthouses across the state. It is a basic right and necessity for breastfeeding women to have a designated place to pump when they are in court. Indeed, the intent of the anti-discrimination laws, and the policies of the profession, should make that clear. But a lot still needs to be done to

implement adequate reform state-wide. The only way that will happen is if lawyers and judges across the state come together to make this issue a priority. As the experience of Miami-Dade demonstrates, it only takes the attention of one or two judges to make the successes in Miami-Dade a reality in other counties across the state.

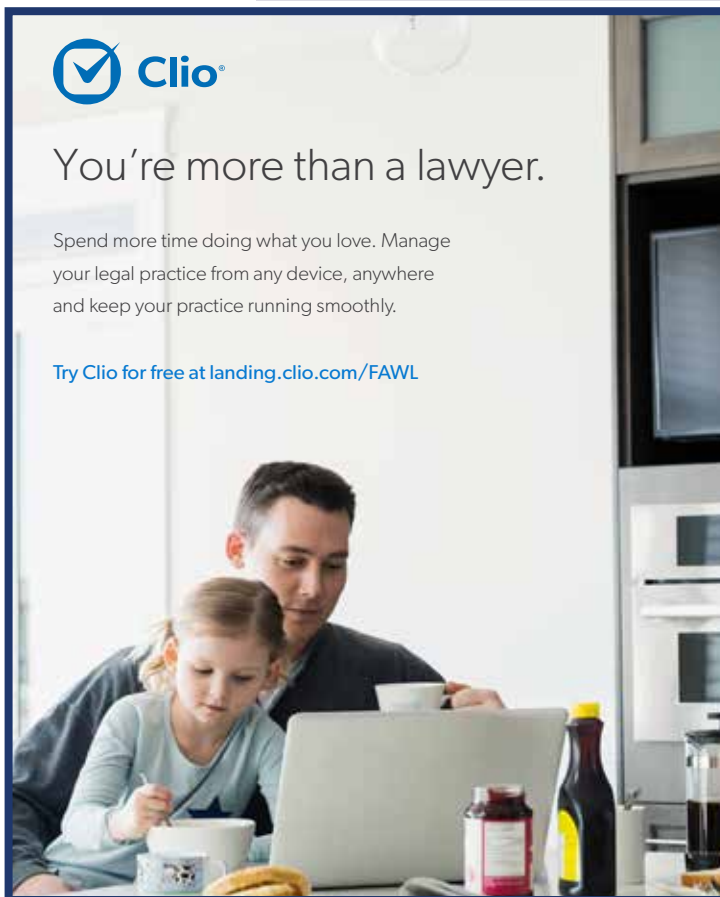
Erica Rutner is the Mother of two boys, ages three and six. She is a Senior Associate at Lash & Goldberg, where she practices complex commercial litigation. Prior to joining Lash & Goldberg, Rutner worked at Weil, Gotshal & Manges for seven years, where she was given five months paid maternity leave that significantly eased the burden of breastfeeding in the early months. Rutner is a graduate of Barnard College, Columbia University and the University of Miami School of



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Comments on the Current State of Our Governing Laws

by Chelsea Hardy

Law.

Currently, there are a variety of federal and state laws that either seek or have the capability to protect and support lactating mothers in the workplace. Most notably, these laws include the Pregnancy Discrimination Act (PDA), the Americans with Disabilities Act (ADA), the Patient Protection and Affordable Care Act (PPACA), and the Florida Civil Rights Act.

The PDA was enacted in 1978 to declare that employment discrimination based on pregnancy, childbirth, or associated medical conditions is a form of sex discrimination prohibited by Title VII of the Civil Rights Act of 1964.¹ Under the PDA, women affected by pregnancy, childbirth, or associated medical conditions, such as lactation, must be treated the same as other persons not so affected, but similar in their ability or inability to work in all material respects.² Such women must be treated equally in terms of hiring, firing, disciplinary actions, pay, assignments, promotions, layoffs, training, benefits, and similar material aspects of employment.³ Thus, a lactating employee must be able to address needs related to lactation in a similar manner and to the same extent as other employees with similarly limiting medical conditions. For example, if an employer routinely allows an employee with a medical condition to be on light duty, or provides a room for a diabetic to administer insulin shots, the employer must make the same or similar accommodations for a lactating employee. Importantly,

discrimination is also present under the PDA if a neutral policy or practice has a disproportionate impact on disabled individuals.⁴ As such, the PDA would also likely prevent an employer from having a policy that prohibits all employees from taking breaks, other than a lunch break, no matter the length of the work day or what medical conditions are present.

The ADA also provides limited protection and support to lactating women in the workplace. Specifically, Title I of the ADA requires employers to provide reasonable accommodations to "disabled individuals". Reasonable accommodations are generally defined as modifications to a job or the work environment that will enable an otherwise qualified individual with a disability to equally participate in the application process or perform essential job functions.⁵ While pregnancy itself has not yet been considered a disability under the ADA, the ADA Amendments Act of 2008 (ADAAA) amended the definition of disability which now makes it easier for pregnant and lactating employees to demonstrate medical conditions that *may* qualify as disabilities, which would in turn entitle such women to reasonable accommodations under the ADA.⁶ Pregnancy or childbirth-related medical conditions can constitute a disability under the ADA if they substantially limit one or more major life activity or have done so in the past, or if the employee is regarded as having such an impairment. According to the ADA, major life activities include, but are not limited to, concentrating,

thinking, and working, as well as the operation of major bodily functions.⁷ According to the U.S. Department of Health and Human Services and Centers for Disease Control and Prevention, not expressing breast milk for extended periods of time is not only uncomfortable, but can cause extreme pain and infection.⁸ Further, not expressing when necessary can make it difficult to maintain a full milk supply.⁹ In turn, the resulting medical conditions and their effect on the operation of major bodily functions can easily affect lactating women's ability to concentrate, think, and perform essential functions of the job.¹⁰ Thus, lactating women may very well qualify as disabled, and thus, entitled to reasonable accommodations under the ADA if women are able to individually demonstrate that not expressing in a timely manner will substantially limit a major life activity.

Although it does not yet provide direct support to lactating women, Title II of the ADA also has the ability to provide support. Title II prohibits discrimination on the basis of disability pertaining to access to state and local government services, such as access to the courts.¹¹ Section 504 of the Rehabilitation Act provides the same protection regarding access to any program or activity that receives federal financial assistance, such as federal courts.¹² Thus, all courthouses must be accessible to individuals with disabilities. Due in large part from pregnancy and medical conditions related to childbirth not falling within the definition of disa-



Breastfeeding Moms Seeking Justice

bility, courts are not yet required to ensure that they are accessible to lactating women.

The most recent federal law that supports lactating women is Section 4207 of the Patient Protection and Affordable Care Act, passed on March 23, 2010. The PPACA amended the Fair Labor Standards Act to require employers with fifty or more employees to provide reasonable break time for breastfeeding employees to express breast milk until the child's first birthday, and to provide a private place shielded from the view and intrusion from coworkers and the public, other than a bathroom, for this purpose.¹³

Aside from the federal laws referenced herein, Florida law now directly prohibits discrimination on the basis of pregnancy. The Florida Civil Rights Act, codified in Chapter 760, *Florida Statutes*, was recently amended in 2015 to specifically prohibit employers with fifteen or more employees from discriminating against pregnant workers.¹⁴ This amendment was enacted in large part to correct past rulings from Florida Courts that found sex discrimination did not include pregnancy, childbirth, or related medical conditions.¹⁵

While the laws referenced herein have significantly increased the protection and support of lactating women, they suffer from two significant shortfalls for lactating women practicing in, appearing before, or accessing the courts. First, the law referenced above only applies in the employer-employee context. Second, the ADA definition of disability does not directly include pregnancy, childbirth or related medical conditions. Instead, a lactat-

ing mother has the burden of proving that by not lactating when necessary has a significant impact on major life activities on an individual basis, which in turn, may not entitle lactating women to reasonable accommodations or reasonable access to the courts. Unfortunately, these shortfalls inadvertently and unduly burden lactating attorneys, clients, and women of the general public who wish to take part in the judicial process in a variety of ways.

First, the shortfalls of the law discussed herein negatively impact lactating attorneys that decide to return to their role as officers of the court after childbirth. As an initial matter, the return to work for a lactating attorney is often daunting; the attorney must balance the physical, mental, and emotional effects of new motherhood with the fast-paced and often high-stress environment of a law office. If the attorney is also a litigator, she has the additional stresses of strict court-imposed deadlines and the possibility of multiple and lengthy court appearances. Due to the lack of accommodations in the courtroom, a lactating litigator may be forced or pressured to no longer provide court representation as long as she is lactating, withdraw from current representation, or sit as a second chair, all of which may negatively impact her career. Due to societal, job, and other external pressures, the litigator may instead choose to accept or continue to provide court representation and bear the physical impacts of not expressing in a timely manner, such as reduced or eliminated milk production. Such physical impacts can easily lead to negative thoughts about the mother's worth and ability

to provide for her child, which can impact mental health, emotional health, and job performance. Unfortunately, some female litigators may even choose not to have children or not return to work to completely avoid these issues. No woman should have to choose between being a breastfeeding mother and having a career in litigation, especially given the various and relatively simple accommodations available.

Second, the deficiencies in the body of anti-discrimination laws discussed herein also impact one of the paramount rights of the current and prospective clients of whom lactating attorneys represent—the right to the counsel of his or her choice.¹⁶ Courts may be inadvertently infringing upon this fundamental right if a lactating litigator is a client's attorney of choice, but the attorney is unable to accept or continue representation due to the lack of courtroom accommodations and access. While the right to counsel of one's choice is not absolute, courts only disregard this right in limited, legitimate non-discriminatory situations including, but not limited to, the following: if the client cannot afford the attorney; if the attorney is not properly licensed; or if there is an inherent and incurable conflict of interest.¹⁷ A court's failure to provide a reasonable accommodation to a lactating attorney effectively denies a client the representation of his or her choice. Not only is the resulting denial in direct conflict with the spirit and intent of the laws that the court is charged with protecting, but the basis of the inadvertent denial is illegitimate.

Further, the lack of courthouse accommodations also impacts





The Past, the Present and the Future of **Dynamic**

Comments *(Continued)*

lactating attorneys and women of the general public in their ability to exercise their constitutional right to equally access the courts. As expressly stated in the Florida Constitution, "courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial or delay."¹⁸ Courts consistently hold that this right should be liberally construed in favor of providing broad access to the courts.¹⁹ Thus, any ambiguity in construction of the statute should be resolved in favor of providing, as opposed to either directly or indirectly denying, access.²⁰ Similar to an individual in a wheelchair avoiding a building without wheelchair ramps or a diabetic individual avoiding a building without a private area to rest and administer medication, a lactating attorney or woman of the general public may avoid a courthouse without a private place to express milk out of pure physical necessity. A lactating attorney may also avoid appearing in court if adequate breaks to express milk are not provided by the court. As the fundamental purpose of the court system is to facilitate access to the judicial system, and as Florida's Constitution expressly provides for broad accessibility to the courts, courts may have an ethical obligation to provide reasonable accommodations for lactating women.

Looking Towards the Future

The foundation to provide lactation accommodations in the courtroom already exists in the PDA, ADA, PPACA, and the Florida Civil Rights Act. Adopting a policy to extend and slightly modify the coverage of these laws to lactating attorneys and other women utilizing the courts will not only better uphold the intent of

these laws, but it will also add to the integrity and efficiency of the judicial system as a whole. Studies show that providing a lactating support program as an employee benefit results in higher morale, greater loyalty and productivity of employees, and reduction in absenteeism and sick leave taken by employees who are parents.²¹ The same may be true if said accommodations are provided in the courthouse context. Regardless, courts should be motivated to provide these accommodations. It is measurably valuable to the justice system for courts to have litigators with higher morale, productivity, and work product, as well as a stronger ability to provide competent client representation. Similarly, reasonably accommodating litigators should yield a tangible reduction in administrative inefficiencies such as rescheduling, cancellations, and requests to withdraw. It is in a court's economic, social, and administrative interest to have qualified litigators practicing before it.

Society has made it clear that preventing discrimination of lactating women is important. The law discussed herein, albeit generous, has significant gaps in coverage. Specifically, the law does not cover non-employee attorneys that spend a significant amount of time in court. Thus, individual judges are not required to offer reasonable breaks for an attorney to express milk, nor is the court required to provide a suitable location to pump. As a result, lactating litigators may be forced to withdraw from current representation, not accept new clients, assign their cases to another attorney, or even not return to work, all of which will negatively

impact her career. These negative outcomes directly impact the public through a client's right to the counsel of his or her choice. An ancillary, yet equally important effect of not providing a suitable place to express, includes denying a large class of women equal access to the courts. An easy and nearly immediate way that courts can remedy this issue, and increase the efficiency and integrity of the judicial system in the process, includes offering practical accommodations to lactating women as a matter of course. A few courts have already started.

I am a fairly new mother to a beautiful one year old girl. I made the personal choice to breastfeed my daughter during the majority of her first year of life. I also made the choice to return to work after maternity leave. Even though I do not litigate, continuing to breastfeed my daughter after my return to work was a challenge, to say the least. There is never enough time in the day, there are constant interruptions and fires that need to be put out, and so on. With that said, however, I am fortunate to have a very family-friendly employer, and my own office where I can shut my door as needed. I cannot imagine how difficult it would have been if, on top of all other complicating factors, I had to spend a significant amount of time away from my office and in the courtroom, without a guaranteed ability to express milk.

Chelsea Hardy, Mother of one, Assistant County Attorney with Pinellas County Attorney's Office. Hardy is a graduate of the University of Akron, Charlotte Law and University of Florida Law School.



Breastfeeding Moms Seeking Justice

¹ The Pregnancy Discrimination Act, EEOC (June 25, 2015), https://www.eeoc.gov/laws/guidance/pregnancy_guidance.cfm#_ftnref11 (citing 42 U.S.C. § 2000e(k)).

² 42 U.S.C. § 2000e.; see also *E.E.O.C. v. Hous. Funding II, Ltd.*, 717 F.3d 425 (5th Cir. 2013) (stating "[i]n a matter of first impression, adverse employment action against a female employee because she was lactating or expressing milk constituted sex discrimination in violation of Title VII").

³ The Pregnancy Discrimination Act, *supra* note 1.

⁴ See *Young v. United Parcel Service, Inc.*, 135 S. Ct. 1338 (2015).

⁵ American with Disabilities Act: Questions and Answers, ADA (May 2002), <https://www.ada.gov/qandaeng.htm>; see also 29 C.F.R. § 1630.2(o) (2011).

⁶ ADA Amendments Act of 2008, Pub. L. No. 110–325, 122 Stat. 3553 (2008).

⁷ 42 U.S.C. § 12102(a)(2) (2008).

⁸ Katherine R. Shealy, The CDC Guide to Breastfeeding Interventions, CDC (2005), https://www.cdc.gov/breastfeeding/pdf/breastfeeding_interventions.pdf.

⁹ Travel Recommendations for the Nursing Mother, CDC https://www.cdc.gov/breastfeeding/recommendations/travel_recommendations.htm (last visited Apr. 7, 2017).

¹⁰ *Id.*; see also Tara Haele, Women Who Have to Delay Pumping Risk Painful Breast Engorgement, NPR (May 26, 2016, 1:53PM), <http://www.npr.org/sections/health-shots/2016/05/26/479288270/women-who-have-to-delay-pumping-risk-painful-breast-engorgement>.

¹¹ 42 U.S.C. § 12101 (2008).

¹² Rehabilitation Act, ADA, <https://www.ada.gov/cguide.htm#anchor65610> (last visited Apr. 7, 2017).

¹³ Kristin A. Zech, Federal Protections for Breastfeeding Mothers in the Workplace, Fed. Law., 60 Fed. Law. 16 (Sept. 2013).

¹⁴ Fla. Stat. § 760.10 (2017).

¹⁵ Donna L. Eng, The Unsettled State of Pregnancy Discrimination Claims

Under the Florida Civil Rights Act of 1992, 86 Fla. B. J. 54, 54 (Sept./Oct. 1992), available at <https://www.floridabar.org/DIVCOM/JN/JN-Journal01.nsf/c0d731e03de9828d852574580042ae7a/de0a738ef-d64452685257a67004ede27?OpenDocument&Highlight=0>,* (citing Newport News Shipbuilding and Dry Dock Co., 462 U.S. 669, 678 n.15–16 (“noting that the House of Representatives’ report stated, ‘[i]t is the [c]ommittee’s view that the dissenting Justices correctly interpreted the [a]ct,’ and that the Senate report similarly noted that such dissenting opinions ‘correctly express both the principle and the meaning of title VII’”).

¹⁶ *United States v. Gonzalez-Lopez*, 548 U.S. 140, 147–48 (2006) (The United States Supreme Court has held that “the right to select counsel of one’s choice . . . [is] the root meaning of the constitutional guarantee” of the Sixth Amendment); see also *United States v. Davila*, 569 U.S. ____ (2013) (slip op., at 12) (noting that denying clients the counsel of their choice undermines the fairness of the judicial system as whole).

¹⁷ *Wheat v. United States*, 486 U.S. 153, 159 (1988); see also Andrew Cohen, What Does the Supreme Court Really Think About the Right to Counsel?, *The Atlantic* (Feb. 27, 2014), <https://www.theatlantic.com/national/archive/2014/02/20what-does-the-supreme-court-really-think-about-the-right-to-counsel/284085/> (stating that a defendant does not have a right to choose counsel he or she cannot afford, a member that is not properly licensed, or counsel with an impermissible conflict of interest).

¹⁸ Fla. Const. Art. I, § 21.

¹⁹ *Psychiatric Associates v. Siegel*, 610 So. 2d 419 (Fla. 1992).

²⁰ 10A Fla. Jur 2d Constitutional Law § 349 (citing *Univ. of Miami v. Exposito ex rel. Gonzalez*, 87 So. 3d 803 (Fla. 3d DCA 2012)).

²¹ U.S. Dep’t of Health and Services, The Surgeon General’s Call to Action to Support Breastfeeding, SurgeonGeneral.Gov, (2011), <https://www.surgeon-general.gov/library/calls/breastfeeding/calltoactiontosupportbreastfeeding.pdf>.

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New from
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Women's Health and Wellness Corner: Crossfit and Healthy Eats!

By Courtney Kilbourne-Hayes



There seems to be a constant struggle for work-life balance when it comes to women. We want to be the best at our career, the best to our family, the best to our friends and somewhere along the way we forget to be the best to ourselves. Throughout my journeys from South Florida back to Daytona Beach, I have met so many amazing women, attorneys and non-attorneys alike. The elite have always carved out the time to do what they love in the arena of fitness and health. This is a story of one of those amazing women.

Melissa Kiel. She is a female entrepreneur, a mother, a girlfriend and she is strong! She owns EOB Crossfit, a crossfit gym in Ormond

Beach, and is currently starting up a food preparation company called Chef Rx with her partner, Kevin Alexander. Because she did not always put herself first, she has a story many of us can relate to.

Melissa had her son Troy in 2006 and was trying to get back into shape after gaining roughly 60 pounds during pregnancy. She was determined to become a healthier and better person and walked into a crossfit gym in Orlando. At that time, crossfit wasn't as nationalized and there were only a few located in the central Florida area. She loved the concept, the training, old rusty dumbbells, large warehouse gyms, more people than machines

and a camaraderie that spoke for itself. Melissa was obsessed and looked into something she had never dreamed of doing: becoming a business owner.

Excited about this new venture, Melissa opened the doors to her first crossfit gym, with a partner in 2008, CrossFit Daytona. Two years later, she had a failing partnership and a crumbling marriage. Unsure about her direction but determined to succeed, she picked herself back up in 2011 and started over in her home garage. This time she was starting a business alone. This time she needed to find people who would follow her and believe in her vision. This time, she used her strong faith in

following the path that was the healthiest for her and her family. Crossfit taught Melissa how to be strong, independent and yet how to support others simultaneously. This was not just about her, but also about the gym family she was creating. Melissa trained her students, and in return, they taught her that she is strong enough to accomplish the challenging things in life, too. They encouraged her and supported her. They believed in her enough that she decided to try and open another crossfit gym, Beachside. Could she overcome the fears from her past gym failures? Her friends and family encouraged her and wouldn't let her fail.

Renewed, Melissa opened up EOB Crossfit in a little commercial space on the beachside, near the Outback Steakhouse. Not long after she opened those doors, was she busier than she ever expected. Her students were filling up the gym space and overflowing into the parking lot with Outback patrons. With that growth, she needed more space. She expanded to a larger commercial space off Orchard Avenue in Ormond Beach and continues to focus on helping people become fitter both mentally and physically. Her students range from attorneys, entrepreneurs, stay at home moms, and current and retired military servicemen. Her eldest client, and admittedly one of her favorite clients, Jack, is 98 years young. She also trains her father who is 72 and recovering from several back surgeries. Fit-

ness and health are a lifestyle and you are never too old for Crossfit.

Melissa expressed how Crossfit has taught her so many things about life and business, and that we should never stop building and striving to be better and more well rounded individuals. I have personally attended Crossfit classes here at EOB Crossfit, and can attest to the family that supports you, the strength mentally and physically they provide to everyone and the non-judgment you want at any gym.

Additionally, while she was training at the gym, Melissa has spent that past 2 years working on a plan to support the community's need to eat more healthy. She is focused on leading the community to become more healthy--only through exercise, but also through nutrition. She has partnered with an amazing chef, Kevin Alexander, and they have created Chef Rx. The kitchen is being built on site and food testing has already begun. The food is healthy, portioned out for a proper protein/carb/

fat ratio, and it's delicious! Chef Rx is set to launch in April and they hope to provide Ormond Beach and the surrounding areas with a fast and easy way to eat healthy foods on the go for lunch, dinner after a long day's work, or just because it's healthy and tastes great.

Determine what YOU need with regards to health and fitness, what makes you stronger mentally and physically, put yourself first, and don't be scared to try new things. You may learn you like it!

For more information on EOB Crossfit or Chef Rx, please go to these web links:
<http://www.ormondbeachfitness.com/>
<https://www.facebook.com/Chef-RX-738764319584740/>





WOMEN'S MENTAL TOUGHNESS

Apologize *ONCE*, If At All

By Bobbi-Jo Brighton, CST, LCI, Boldful.Life –
Women's Mental Toughness

Hillary Clinton — the first person in history to say “I’m sorry” in a presidential concession speech.

Have you ever noticed the person who over apologizes? And does it cause you to look at the person a bit differently?

Early this year, I met with a C-suite executive who apologized at least 4 times throughout the course of our meeting that the receptionist was not on hand to greet me when I arrived.

No worries. No harm, no foul. A clearly posted sign at the reception desk gave me specific instructions to call any one of five employees at their extensions. I reached the second employee, and within a minute, the executive arrived to greet me and usher me in.

One “I’m sorry” would have been fine, even though it was actually unwarranted as clear instructions were provided.

“It is a good rule in life never to apologize. The right sort of people do not want apologies, and the wrong sort take a mean advantage of them.”

- P.G. Wodehouse

When we apologize excessively and add on reasons or excuses, it can have the opposite effect of our original intention of basic, genuine politeness and respect. For one, it gets annoying real fast to the listener and the humility behind the first apology is lost. Gone!

Yet more importantly, saying “I’m sorry” repeatedly inadvertently shifts the conversation away from the bigger topic being discussed and can cast a poor image of the person doing the apology in revealing insecurity, decreased confidence/self-esteem or a need for approval/reassurance.

If you’re growing in your legal career, over-apology coupled with excuses can be a CLM (Career Limiting Move) because you’re not seen as a strong leader, and leadership requires backbone and conviction.

Hillary Clinton’s Apology

Even saying “I’m sorry” once can send the wrong message. Hillary Clinton

became the first woman in history to run for president, and the first person in history to say “I’m sorry” in a presidential concession speech. Whatever your politics, women need strong female role models. I clearly remember my reaction when I heard Hillary Clinton apologize. Instantly, my opinion and respect of Clinton dropped when she uttered those two little words. I found her weak, and my heart sank for empowered women across our nation. If you heard Clinton’s concession speech, do you recall your reaction? Pause here a moment and consider how her “I’m sorry” may have affected your opinion of her.

I’m sorry, but women really DO need to stop apologizing. (We also need to give up filler words that, like, diminish our professionalism, you know?) I hear apology all the time and everywhere from the waitress in the restaurant who drops a spoon – to clients on mental toughness coaching calls who don’t complete their homework – to women leaders on stage presenting their company report when they slip on a word. I’m certainly guilty of apologizing when I don’t need to. Sorry.

Embrace Your Mistakes

Beyond mis/overuse as a social politeness, apology comes with the price of holding us back. It’s our tendency as professional women to overthink and overprepare. We’re afraid of making mistakes and appearing incompetent. Often this keeps us from trying new things and stretching ourselves.

We certainly hear that failure is the stepping stone to success, yet deep inside, many of us don’t believe it. Instead we strive to avoid failure, pain. We berate ourselves for making a mistake and thus our ultimate success remains elusive. Success is nearly impossible without failure. The lessons and growth are in our mistakes. Mistakes should

not be viewed as punishable wrong doings that require an apology. Make mistakes, lots of them, and don’t apologize for them. Choose instead to recognize and honor your learning and growth.

Strengthen Your Voice

In sales, there’s an adage “You get sent to whom you sound like.” If you’re building your book of business, do you sound like you should be speaking directly with the CEO or to someone in the purchasing department?

Unconsciously, women have internalized ways for toning down assertive and aggressive characteristics to fulfill the feminine mystique in our society. “I’m sorry” falls into this bucket. This also includes softening our voices by exhaling before we start to speak whereas a man typically speaks from the top of a full breath. Tip – take voice lessons with a singing or acting coach, train to use your full breath and take ownership of your full voice.

Kick the Habit

Saying “I’m sorry” is a behavioral habit that can be easily changed. In the corporate world, women executives have taken it to task to stomp out apology through the use of the “Sorry Jar,” a \$1 penalty each time they say the word.

To change this limiting habit for yourself, start to build an awareness of each time you say those words, “I’m sorry.” Enlist colleagues, family and friends to call it out to you. Are there certain situations or triggers that make you automatically want to apologize? Examine them, understand them, and replace your apology with an accurate statement of the point you wish to make.

Rule of Thumb:

Apologize ONCE, if at all, then forget it and move on.

Bobbi-Jo Brighton, CST, LCI coaches the FAWL CLE Women’s Mental Toughness workshop series, www.FAWLMentalToughness.com.

In-House/Corporate Counsel Committee

By Danielle Peterson

The In-House/Corporate Counsel Committee was created in 2016 with the goals of furthering FAWL's mission and examining how FAWL can increase membership among in-house/corporate counsel. Started by FAWL President Leora Freire, the Committee works to demonstrate and communicate the value FAWL membership to in-house/corporate counsel by providing them with a tool for locating litigators and outside counsel throughout the state, and a means for meeting with other corporate counsel. The Committee also seeks to enhance in-house/corporate counsel's education and experience by providing programming and advice tailored to specific issues that in-house attorneys may face.

In January of 2017, the Committee hosted a continuing education event entitled "#FAWLStrong- Corporate Counsel and Outside Counsel Join to Advance Equality

in the Profession." The seminar started with ABA President-Elect Hilarie Bass discussing gender bias and continued with a panel composed of accomplished in-house and private counsel. The panel discussed several topics, including a discussion of the day-to-day practice of the in-house attorney, to how gender may or may not have influenced career choice.

For the remainder of 2017, the Committee hopes to host more events at upcoming FAWL meetings. The Committee also aims to promote FAWL on a national level at the National Association for Women Lawyers, promote events to other bar associations, and advertise future events with the Association of Corporate Counsel.

For more information about this Committee, please contact the current Committee Chair, Marcelana Anthony.



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JNC Oversight Committee: Keeping an Eye on Gender Bias for Judges

By Danielle Peterson

Gender equality in the judiciary is a critical component of the Florida Association of Women Lawyers' mission. Not only are judges recognized by their peers, but they are also recognized by the community at large. Because judges serve as a beacon to the legal profession and the judicial branch of government, FAWL established a Judicial Nominating Commission Oversight Program to highlight the importance of and help ensure gender equality in the judiciary.

The Oversight Committee allows FAWL to actively engage in the judicial application process by observing Judicial Nominating Commission (JNC) interviews throughout Florida. The Committee's goals include educating FAWL members about the judicial application and JNC interview process, supporting FAWL members who apply for judicial seats, and ensuring that the judicial applicant review process is fair and that gender does not play a role in the selection process.

Through the Committee, FAWL is making a concerted effort to eliminate gender-biased questioning from the applicant review process in hopes of increasing the number of women judges in Florida. The Committee has asked FAWL chapters to monitor JNC interviews and provides training for participants so they can monitor whether the interview questions could be perceived as biased. For instance, among the current topics that participants are monitoring are whether JNCs are asking about an applicant's child care plans if he or she is selected and implying that applicants who have a flexible or part-time work schedule are less committed to their jobs.

Both of these topics reflect the inherent bias related to child care and gender. A recent Harvard Business Review article stated that people respond more favorably to men who request flexible work schedules for child care purposes than women.¹ The article also stated that participants in the study perceived

men who requested more flexible work schedules to accommodate their children's needs as more likable and committed than women who requested the same schedule modifications.²

The Committee hopes to eliminate such biased questioning from interviews and provides FAWL members with a list of best practices for monitoring the selection process. The Committee asks that when questions do arise in the selection process that appear biased, the monitors write a letter to the JNC Chair explaining their concern and asking whether there was a legitimate reason for the question. The Committee's other suggestions include advising monitors to stay for all interviews and not just interviews of female applicants in an effort to clarify that monitoring of interviews is a way to improve the selection process.

To encourage gender equality and fairness in the selection process, the Committee also often provides positive feedback by applauding JNCs for transparency and letting them know when no questions of concerns arose during the process. Most recently, the Committee commended the Supreme Court JNC when it livestreamed the interviews to fill Justice Perry's seat. The Committee also sent a letter to the JNC Chair recommending that other commissions livestream their interview processes as well.

It is important to note that FAWL members can play an important part in the elimination of gender-biased questioning for judicial applicants by working with the Committee. If there is an upcoming JNC interview in your area, the Committee, upon request, will send letters explaining the purpose of the JNC Oversight Committee to the Chair of any JNC that will be convening.

¹ David Burkus, *Everyone Likes Flex Time, but We Punish Women Who Use It*, Harvard Business Review (Feb. 20, 2017), <https://hbr.org/2017/02/everyone-likes-flex-time-but-we-punish-women-who-use-it>.

² *Id.*



2017 Florida Constitution Revision Commission

By Brittany Adams Long

The Constitution Revision Commission (CRC) convened for its first meeting on Monday, March 6, 2017, in Tallahassee. The Commission is created every twenty years for the purpose of reviewing Florida's Constitution and proposing changes for voter consideration. The thirty-seven (37) member panel includes fifteen (15) appointees from the Governor, nine (9) from the Speaker of the House, nine (9) from the Senate President, three (3) from the Chief Justice of the Supreme Court, and the Attorney General. The CRC will meet for approximately one year. If the CRC proposes changes to the Constitution, the amendments will be placed on the 2018 general election ballot.

If you are interested in participating in the process, the CRC will be travelling around the State and holding workshops. All public hearings and public meetings will be broadcast on the www.TheFloridaChannel.org. The CRC's website, www.flcrc.gov, will allow Floridians to submit proposed constitutional amendments and comments online. Until that time, comments should be directed to admin@flcrc.gov. Information about meeting and hearing schedules, frequently asked questions, and news is available on the website.

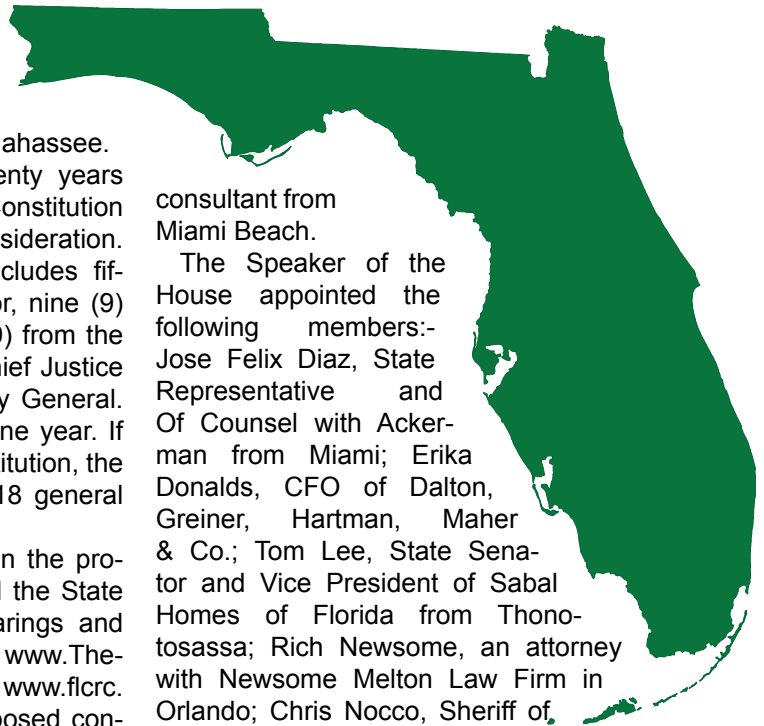
The Attorney General, Pam Bondi, is the only automatic member of the CRC. The following CRC members were appointed by the Governor: Carlos Beruff, Chairman of the CRC, a real estate developer from Manatee County; Jose "Pepe" Armas, a doctor and Chairman of MMCI Group from Miami; Lisa Carlton, Co-Owner and Manager of the Mabry Carlton Ranch from Sarasota; Timothy Cerio, an attorney with GrayRobinson in Tallahassee; Emery Gainey, Director of Law Enforcement for the Florida Department of Legal Affairs in Tallahassee; Brecht Heuchan, CEO of ContributionLink, LLC from Tallahassee; Marva Johnson, Regional Vice-President of the State Government Affairs for Charter Communications from Winter Garden; Darlene Jordan, Executive Director of the Gerald R. Jordan Foundation from Palm Beach; Fred Karlinsky, a shareholder with Greenberg Traurig from Weston; Belinda Keiser, Vice Chancellor of Keiser University from Parkland; Frank Kruppenbacher, an attorney with Morgan & Morgan from Orlando; Gary Lester, a developer and Vice-President of The Villages from Oxford; Jimmy Patronis, a Public Service Commissioner from Panama City; Education Commissioner Pam Stewart; and Nicole Washington, an education

consultant from Miami Beach.

The Speaker of the House appointed the following members:- Jose Felix Diaz, State Representative and Of Counsel with Ackerman from Miami; Erika Donalds, CFO of Dalton, Greiner, Hartman, Maher & Co.; Tom Lee, State Senator and Vice President of Sabal Homes of Florida from Thonotosassa; Rich Newsome, an attorney with Newsome Melton Law Firm in Orlando; Chris Nocco, Sheriff of Pasco County; Jeanette Nunez, State Representative and small business owner from Miami; Darryl Rouson, State Senator and attorney with the Dolman Law Group from St. Petersburg; Chris Sprowls, State Representative and attorney from Palm Harbor; and John Stemberger, civil trial lawyer with the Law Offices of John Stemberger from Orlando.

The Senate President appointed: Don Gaetz, retired co-founder of VITAS Healthcare Corp. from Niceville; Anna Marie Hernandez Gamez, an attorney with Holland & Knight in Coral Gables; Patricia Levesque, Executive Director of the Foundation for Florida's Future and CEO of the Foundation for Excellence in Education from Tallahassee; Sherry Plymale, retired from Palm City; William "Bill" Schifino, Jr., an attorney with Burr & Forman, and current Florida Bar President, from Tampa; Chris Smith, an attorney with Tripp Scott from Ft. Lauderdale; Bob Solari, Indian River County Commissioner; Jacqui Thurlow-Lippisch, a realtor from Town of Sewall's Point; and Carolyn Timmann, Clerk of the Court and Comptroller of Martin County.

The Chief Justice of the Supreme Court appointed the following members: Hank Coxe, an attorney with the Bedell Firm from Jacksonville; Arthenia Joyner, an attorney with the Vanguard Attorneys from Tampa; and Roberto Martinez, an attorney with Colson Hicks Edison from Coral Gables.



Report on the Florida Bar's Gender Bias Task Force

By Courtney Kilbourne-Hayes

"If we do not step forward, then we step back. If we do not protect a right, then we deny it."¹

While some attorneys may say there is no gender bias in the workplace and courtroom, most, if not all, female attorneys would strongly disagree. Most of us have at least one personal story relating to gender bias, whether it is a story regarding harassment by peers or supervisors, or a story of unequal compensation and lack of opportunity for growth. While FAWL has been working on this issue for sixty-five years, after the July 2016 Bar Convention, the Florida Bar decided to design a task force for the specific purpose of addressing the issue of gender bias. What an amazing step in the right direction!

The Gender Bias Task Force is comprised of leaders, attorneys, and judges, all appointed by the Florida Bar. As of May 2017, the appointed members include the following:

1. Mr. Michael Jerome Higer, Chair;
2. Mr. William J. Schifino, Jr.;
3. Ms. Fentrice DeNell Driskell;
4. Ms. Leora Beth Freire;
5. Ms. Kristin Ann Norris;
6. Mr. Andrew M. Smulian;
7. Mr. Gary L. Sasso;
8. Mr. Steven Sonberg;
9. Ms. Alexandra Haddad Palermo;
10. Ms. Laura Rosenbury;
11. The Honorable Gill S. Freeman;
12. The Honorable Claudia Rickert Isom;
13. Mr. John Stewart;
14. Ms. Katherine Hurst Miller;
15. Mr. Fred Douglas Franklin;
16. Ms. Dori Foster-Morales;
17. Ms. Colleen Maranges;
18. Mr. Paul Louis SanGiovanni; and
19. Arnell Bryant-Willis as the Staff Contact.

The Task Force did not begin with the question of whether gender bias exists. Rather, the members accepted that gender bias does exist, and decided to discuss where to go from there. Determined, the members sent out surveys to 400–500 female attorneys requesting input as to the types of conduct they considered gender bias, so that they could begin to target the greatest areas of gender bias.

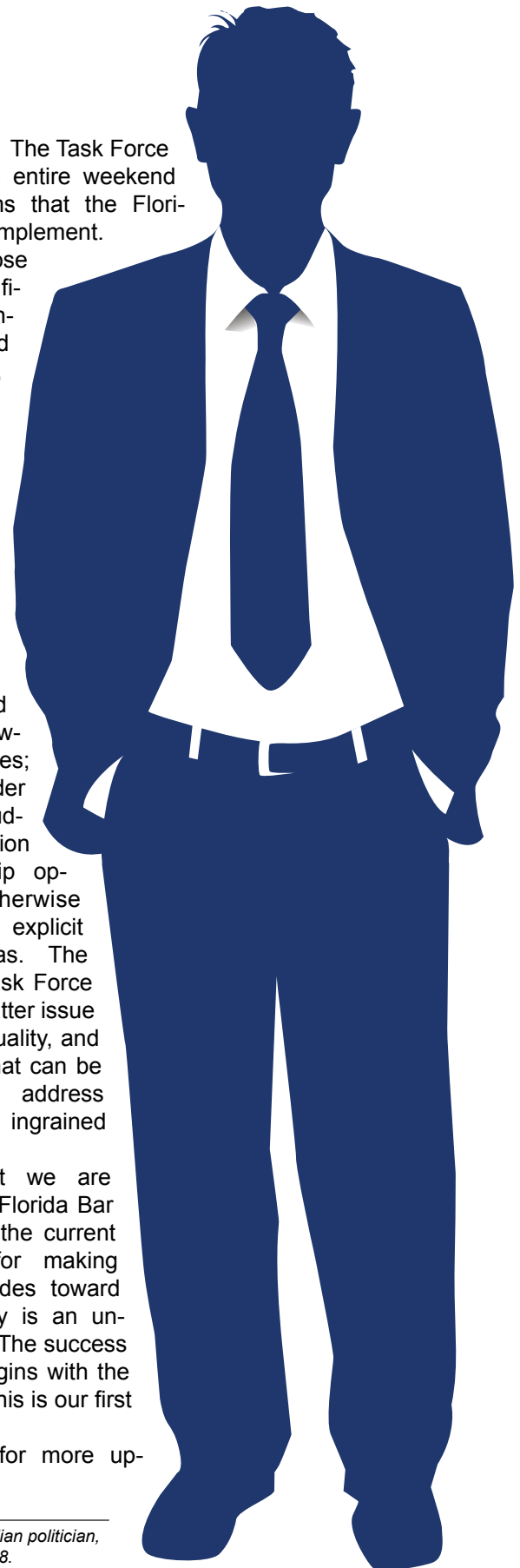
In March of 2017, the Gender Bias Task Force met for a two-day conference, whereat the members listened to presentations from four different individuals considered to be leaders on the topic of gender

bias education. The Task Force worked for the entire weekend on action items that the Florida Bar can implement. Although those items are confidential and cannot be shared until approved, we can share that there are generally two forms of gender bias: (1) inappropriate conduct, including harassment between lawyers, between judges, and between lawyers and judges; and, (2) gender inequality, including compensation and partnership opportunities—otherwise referred to as explicit and implicit bias. The focus of the Task Force will be on the latter issue of gender inequality, and on the steps that can be undertaken to address what are now ingrained societal norms.

To say that we are grateful to the Florida Bar President and the current Task Force for making these BIG strides toward gender equality is an understatement. The success of any goal begins with the first step, and this is our first big step.

Stay tuned for more updates to come!

¹ Paul Martin, Canadian politician, born August 28, 1938.





Chapter and Member Accolades

by Ashley Krenelka Chase

FAWL is delighted to highlight the following achievements of our Chapters and Members, submitted by Chapter Presidents and Liaisons:

Broward County Women Lawyers Association

In October 2016, the BCWLA raised \$2,279 for Glam-A-Thon, a charity that raises funds for breast cancer patients in Broward County. As part of the Glam-A-Thon Activities, BCWLA participated in a Strut in downtown Fort Lauderdale and was awarded the "Team Stiletto Smackdown Award." BCWLA President Stacy Schwartz raised an additional \$2,963 for Glam-A-Thon and was recognized with a Glammy Award. Additionally, in February, BCWLA Team "Run Like a Lady" participated in a 5K Walk/Run for Women in Distress to raise funds and awareness for domestic violence.

In addition, the following are notable achievements for some of the chapter members:

- Member Maxine Streeter - elected to the Broward County Bar Association's Board of Directors.
- Board Member Jamie Finizo-Bascombe is serving as the Chair of the Board for PACE Center for Girls in Broward County.

Collier County Women's Bar Association

The CCWBA is proud to announce that in December 2016, it awarded grants to two local organizations: SCORE Naples' *inSights* Initiative, and Champions for Learning's Take Stock in Children program.

SCORE Naples' *inSights* Initiative is a program dedicated to providing education, tools, and strategies to small businesses owned by women in Collier County. As part of the first installation in the *inSights* series, local female business owners and entrepreneurs served as panelists offering innovative business strategies to local businesswomen.

Champions for Learning's Take Stock in Children program addresses the need for post-secondary educational access, youth development, and mentoring. The CCWBA's grant will be used by Take Stock to help subsidize the cost for a female student to participate in the program from 8th through 12th grades. Through various workshops and prep courses, Take Stock gives participants the tools they need to graduate high school and attend college, as well as learn financial literacy and foundational employment and leadership skills.

Florida Association for Women Lawyers

In January 2017, FAWL Informed Voters Project Committee Co-Chair Jamie Karpman educated law students at Florida

A&M University College of Law in Orlando about the non-partisan "Informed Voters, Fair Judges Project." She stressed the importance of educating citizens about the impartial role of judges and why voters must select judges based on integrity and fairness, not the influence of politics. Learn more at <http://ivp.nawj.org>.

Florida Association for Women Lawyers Pinellas County

PFAWL would like to highlight the notable achievements of some of the chapter members:

- Kathlyn Mackovjak and Adriana Dinis – founders of The Immigration Law Group of Florida, received the Florida Bar 2017 Law Firm Commendation
- Katherine Yanes – received the Florida Bar President's Pro Bono Service Award
- Jennifer Perez Edwards – received the Florida Bar YLD Pro Bono Award
- Regina Kardash, PFAWL President – reappointed Chair of the Pinellas County Legal Planning Agency
- Jennifer Coddington, PFAWL Past President – appointed to serve another term as Trustee of the 6th Judicial Circuit Law Library Board of Trustees
- Shavarne Dahlquist, PFAWL Public Relations Director – promoted to Vice President and Sales & Service Support Manager of Raymond James Trust, N.A.

Florida Association for Women Lawyers – Manatee

Alyssa M. Nohren, president of FAWL – Manatee, was named Volunteer of the Year by the Conservation Foundation of the Gulf Coast. Ms. Nohren was honored for her contribution of more than 100 hours of pro-bono legal support to ensure the permanent protection of Triangle Ranch, a 1,143-acre working cattle ranch in Manatee County with a rich diversity of native plants and animals. The Conservation Foundation is a regional non-profit organization that works to protect eco-sensitive lands, waterways, and wildlife.

Florida Coastal Women Law Students' Association

The Women Law Students' Association at Florida Coastal hosted a Halloween Party for Hubbard House in Jacksonville, Florida. Hubbard House is a shelter for domestic violence victims. They also hosted an item drive throughout the school by collecting toiletry items, bedding, and canned goods which were donated to the shelter. Additionally, the Florida Coastal WLSA hosted a Valentine Bake Sale and

raised money that will be donated to Family Support Services of North Florida, to help victims of human trafficking.

Jacksonville Women Lawyers Association

On January 12th, the JWLA hosted “Rainmaking for Women Lawyers” at their monthly CLE luncheon. The panelists included candidate for Florida Bar President-Elect and managing partner of Suskauer Feuer, LLC, Michelle Suskauer, Esq., Akerman partner and former General Counsel of the City of Jacksonville, Cindy Laquidara, Esq., and Holland & Knight partner and real estate practice group leader Melissa Turra, Esq. These attorneys spoke about the importance of hard work and building relationships as keys to rainmaking and developing business.

Martin County Florida Association of Women Lawyers

Martin County FAWL presented a program for Martin County Public Broadcasting regarding how to handle a police stop; FAWL Board Member Barbara Cook moderated the program, which was organized by Martin FAWL member Carrie Lavargna. Additionally, through the efforts of FAWL Board Member Rose Schneider, Martin County FAWL presented a CLE by Martin County Clerk of Court, Carolyn Timmann, regarding a very interesting educational presentation about technology in relation to e-service/e-filing of court documents. The program included information on the importance of scrubbing metadata from electronic documents.

In October, Dawn Connelly, Esq., an executive business coach, provided Martin FAWL with a seminar on Self Leadership—Two ways to be Successful Woman of Influence. In November, Andi Amaral, Esq. and Kathy McHale, Esq. presented “Shatter the Glass . . . Go Solo and Ways to Effectively Use Social Media in Your Law Practice.” In January, Legal Graphicworks showed Martin FAWL how to use modern technology in trial. And in February, Martin FAWL hosted a Board Certification Boot Camp, with panelists of board-certified members of Martin FAWL (Donna Eng, Barb Cook, Jane Hunston, Carrie Lavargna, and Kathy McHale).

In June, Donna L. Eng will begin her term as President of the Craig S. Barnard American Inn of Court LIV.

Nova Southeastern University Law School

Nova Southeastern University Law School's chapter partnered with Nova's Student Bar Association for the 3rd annual Kick-For-A-Cause event, where they raised \$4,000 to benefit the Muscular Dystrophy Association.

Palm Beach County FAWL

On April 6th, the ribbon cutting was held for the Nursing Room at the Palm Beach County Courthouse.

Tallahassee Women Lawyers

TWL's 34th Annual Judicial Reception was held on Thursday, October 13, at the Old Capitol in Tallahassee. In January, TWL co-hosted a two-day CLE program on human trafficking with the Survive and Thrive Advocacy Center, the Legal Aid Foundation, and a number of other voluntary bar organizations in Tallahassee. Speakers were flown in from around the country,

including Kate Mogulescu, the project director for the ABA's Survivor Re-Entry Project for victims of human trafficking in New York City, and Martina Vandenburg, who flew in from DC. The program's second day was organized in affiliation with the Public Defender for the Second Judicial Circuit, and provided interactive training for lawyers on how to identify human trafficking cases and assist victims.

Additionally, TWL held a Women's Health Panel on February 8, 2017. The panel featured attorney Dana Brooks, one of the attorneys involved in the tampon tax case; Dr. Marlisha Edwards, a family practitioner; and Heather Fuselier, a well-known health and wellness coach in Tallahassee. The panel discussion focused on both mental and physical health, and the speakers provided practical tips on how women lawyers can maintain their health in a busy, and often stressful, profession.

Volusia/Flagler Association for Women Lawyers

VFAWL would like to thank all of its members, sponsors, and supporters for their contributions which made the Ugly Sweater Holiday Party a success; they raised nearly \$500 to help women in need through the Domestic Abuse Council.

Later this spring, VFAWL is hosting its Annual Tea to benefit the PACE Center for Girls, as well as a Professional Women's Clothing Drive to help women in need succeed in the workplace with confidence.

In addition, the following are notable achievements for some of VFAWL's chapter members:

- Jeri Delgado, President – welcomed her first child in January
- Erum Kistemaker, Vice President – appointed to FAWL's Fast Track Subcommittee to represent the region in addressing urgent matters that require FAWL's consideration and input
- Amber Davids, Development Chair – joined Hassell Legal, P.A.
- Rachel Ebert, Treasurer – opened the Law Office of Rachel D. Ebert, P.A., a new firm focusing on family law, estate planning, and property law
- Wendy Mara, Chapter Representative – received the AV rating with Martindale Hubbell
- Courtney Kilbourne, Membership Chair - opened Coastline Legal, a new firm focusing on Real Estate, Corporations, Estate Planning, and Animal Law. Additionally, Courtney will represent VFAWL and work with the FAWL Legislative Committee at this year's FAWL Lobby Days.

WMU Cooley Law School:

In October, the chapter hosted a panel of women lawyers that discussed salary negotiation and family planning. In November, they sponsored three local families for Thanksgiving and, in January, sponsored a lunch at Every Day Blessings, a foster home for children.

In February, the WMU Cooley Law School chapter hosted a FAWL fashion show, where professors presented examples of “what not to wear” and a panelist of speakers discussed the importance of appropriate dressing and what hiring managers look for in interviews.



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