



# The Record

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Fall 2002

## Section Vice Chair, Raoul G. Cantero, III Appointed to Supreme Court of Florida

by Siobhan Helene Shea, Editor



JUSTICE  
CANTERO

Raoul Cantero, Appellate Practice Section Vice Chair, was just back from vacation in Sanibel with his wife Ani and the kids, when the phone rang early Tuesday morning. Ani answered it. She said, "Raoul it's for you. It's the Governor's office."

"I was too sleepy to be nervous," said Raoul.

They put the Governor on the line and he asked whether I would like to be the next Supreme Court Justice

for the State of Florida."

"I told him it would be an honor"

The Governor said he knew that Raoul would represent the state well.

"Then I woke up my wife (who had gone back to sleep) and told her we needed to get to Tallahassee that day," recalls the next Justice of the Supreme Court of Florida.

He and Ani had to go buy new jackets for their sons Christian 12, and Michael 9, who had outgrown them. Then with daughter Elisa 7, and the boys, the whole family flew coach class to Tallahassee.

They were picked up by Chief of Staff and got some rest at the hotel, before going to the Governor's office

the next morning for the announcement.

Now he is busy getting work done at the firm Adorno & Yoss, where he is a shareholder and heads the Appellate Division, and getting ready to move the whole family, including Basset hound Cupid to Tallahassee in August and take the bench in September.

"I went to school in Tallahassee so for me it's a homecoming of sorts," says Raoul.

He earned a Bachelor of Arts degree *summa cum laude* in English and Business at Florida State University. While he was going to school in Tallahassee, he and Ani, whom he met in high school, had a long distance relationship. They got married

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## Message from the Chair

by Angela C. Flowers



In less than a decade the Appellate Practice Section has become one of the most respected sections in The Florida Bar. Our members hold leadership positions in state and national bar organizations.

We see our fellow members called to serve as a Florida Supreme Court Justice, the Supreme Court Clerk

and District Courts of Appeal Judges. We, as a group, exhibit a high level of commitment to volunteerism and public service.

To the many members who dedicate their time and talent to the section, I thank you. We would not be where we are without you. If you have not become involved in the section in the past, now is a good time to start. This year members will be asked to volunteer their time to be a mentor. You can assist with our Pro Bono Committee and help develop

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## CANTERO

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after his first year of law school. He earned a Juris Doctor from Harvard Law School *cum laude* and is a Fulbright Scholar. After graduation from law school, he was a law clerk to the Honorable Edward B. Davis, United States District Court for the Southern District of Florida.

Raoul has worked at Adorno and Yoss since 1988, primarily in civil and criminal appeals. He has had more than 250 appeals and over 100 oral arguments in all five DCA's, the Supreme Court of Florida, federal appellate courts and the United States Supreme Court. His work has also included administrative appeals and civil litigation.

Ani continues to work as a career resource educator through August at the English adult education center run by Miami Dade County Schools. She won't work in Tallahassee at first, but get the family and kids and acclimated and then maybe start

teaching again.

The kids are really excited and will be started new school in Fall, but their grandfather was yelling at his son for taking his grandkids so far away.

When he takes the bench, Justice Raoul G. Cantero, III, at forty-one, will fill the seat left by Justice Major Harding of Jacksonville, who retired after eleven years' service on the court.

Known to members of the Section as a family man, he brought the kids to the retreat and Ani has been with him at many Section dinners. When last at the Section meeting and reception in Boca Raton in June they had no idea that he would be the next Justice.

Justice Cantero was among distinguished appellate jurists whose names were sent to the Governor: Judge Chris W. Altenbernd of the Second DCA; Judge Peter D. Webster and Judge Philip J. Padovano of the First DCA, and Judge Kenneth Bell of Pensacola.

Justice Cantero is Board-certified in Appellate Practice and was active on the Appellate Rules Committee

for nine years. He has also been active in the Appellate Practice Section, where he has served as Secretary, Treasurer and Vice Chair. He has published articles in *The Record* "Certifying Questions to the Florida Supreme Court: What's So Important?" (December 1998) and the *Bar Journal*: "Changes to the Florida Rules of Appellate Procedure," 71 Fla. Bar J. No. 11 (Dec. 1997); "Non-Final Review of Insurance Coverage Issues: Wading through the Quagmire," 69 Fla. Bar J. No. 9 (Oct. 1995); and co-wrote "Controversy in the Competitive Bidding Process," 68 Fla. Bar J. No. 9 (Oct. 1994).

"I'll miss my colleagues in the Section, but I hope I'll be able to work with them in another capacity," says Raoul. "I think the Section is doing an excellent job improving and maintaining the quality of appellate advocacy in Florida. I think it fills a vital role."

As for advice for those to come before the bench after he gets to the Supreme Court: "What I kept in mind in oral arguments is always have an answer for the most difficult question."

## MESSAGE FROM THE CHAIR

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public service opportunities addressed to appellate lawyers. Additionally, you can join in the drafting of an Appellate Pro Se Handbook. These projects, along with our annual programs, need your participation.

There also will be many occasions for you to grow as an appellate lawyer. This year's CLE programs will

include the Hot Topics Seminar in November 2002, the Appellate Certification Review Course in January 2003, a Federal Appellate Seminar, a Family Law Seminar, and the Appellate Practice Workshop from July 23 to 25 at Stetson Law School. These are outstanding seminars presented by quality individuals.

Our publication of *The Record* continues to provide members with appellate updates, scholarly material and section news. Due to our growth in membership, we may now publish up to twelve articles a year in *The*

*Florida Bar Journal*. The Guide provides you with a comprehensive resource of appellate court information, in addition to section membership data. Each of these publications also offers excellent opportunities for involvement in the section.

In the spring we will have a section retreat. For those of you who attended our retreat in 2000, I know you will want to participate again. The fun, the friendships and the food are reason enough. For anyone who did not attend or joined the section afterward, this event is indispensable if you seek to become a leader in the section. We have accomplished the majority of our goals to date. As we prepare for the future, we will again examine our mission statement and the means by which to achieve our objectives.

Our next Section meeting is in Tampa on September 12, 2002. With the number of events planned for the upcoming year, this will be a very significant meeting. All members are invited to attend. See you there.

## Do you like to WRITE? Write for *The Record!!!*

*The Record* relies on submission of articles by members of the Section. Please submit your articles on issues of interest to appellate practitioners to Siobhan Shea, Editor, P.O. Box 2436, Palm Beach, FL 33480, or e-mail to [Shea@sheappeals.com](mailto:Shea@sheappeals.com)

# Changing Perspectives: From Circuit to Appellate

## An Interview with Fourth DCA Judge Melanie May

by Morgan Roger Rood, Esq.



JUDGE  
MELANIE MAY

*This writer recently had the enjoyable opportunity to spend a few moments speaking with Judge Melanie G. May, recently elevated to the Florida Fourth District Court of Appeal after almost eleven years as a circuit judge in the*

*Seventeenth Judicial Circuit. Judge May graciously agreed to share her thoughts on a number of issues, among them, her new job, the differences between being a judge on the DCA and on the circuit court, and an area of special interest to Judge May, drug court programs.*

"The thing I like best about serving on the DCA" said Judge May, "is that there we have the luxury of time, to be contemplative and to review matters more thoroughly, as well as the opportunity to discuss law with our colleagues." That is also one of the biggest differences Judge May found from serving on the circuit court. "In the circuit court, you rely on the lawyers to a large extent. You're in court so much of the time that there is not a lot of time to spend on legal research in your chambers," she noted. "You're pretty much on your own. There is usually not an opportunity to discuss law with your colleagues."

Judge May said the overall amount of time spent on work by circuit judges and DCA judges may be the same, "but our time on the DCA as is more flexible." "There are less demands on our in-court time," Judge May noted. "We put in a lot longer hours than most people think, however." "We take home briefs nightly and over the weekend."

Asked whether her experience at the appellate level provided any new understanding of whether judges at the trial court and appellate levels fully understand the job implications of the other, Judge May remarked, "I truly appreciate the decisions made

by circuit judges and the time restraints and pressures they are under. I'm a big advocate of not substituting our judgment where it should not be substituted."

From her experiences as a former trial court judge, Judge May said she is aware that the "black and white transcript does not always fully convey what occurs in the courtroom," even if all the words are there. As a trial judge, sometimes, after an unpleasant discourse in court, Judge May said she would order a transcript and "the transcript never reads the way I thought it would."

As many readers of *The Record* would probably assume, while both are most often excellent, Judge May does notice differences between appellate specialists and trial lawyers appearing at oral argument. "Appellate specialists are more formal and extremely well versed in the law. While trial lawyers are more dramatic and more factually oriented." Interestingly, Judge May suggested it might be helpful at oral argument, if the trial lawyer was present along with the appellate specialist. "Like an appellate lawyer sitting second chair during a trial, it's nice to have." "While the legal argument is often better made by the appellate specialist, the trial lawyer knows the trial better," said Judge May. As an example, she recalled an oral argument where one issue discussed was whether the jury was confused about the instructions. The court asked the appellate specialist: "How long was the jury out?"

Many readers of *The Record* know of Judge May's long and comprehensive involvement in drug court programs. She formerly directed Broward County's drug court program and serves as Chair of the Supreme Court Steering Committee on Treatment-Based Drug Courts. "I'm very proud of what Florida has been able to accomplish in the area of drug courts," said Judge May.

"Florida was the first state to establish a drug court program and still has the largest program in the country." However, Judge May cautions everyone not to grow complacent. "Drug courts won't continue to exist if they continue to be 'boutique-like' independent, separate courts. We need a basic understanding of drug addiction in all our courts because it drives many other types of cases. It's estimated that substance abuse is behind 80% of our crimes, and 75% of our delinquencies. Also 90% of abuse and neglect cases involve substance abuse or mental health issues."

Asked about the interaction between the Appellate Practice Section of The Florida Bar and Florida's appellate courts, Judge May noted, "It's wonderful how the Appellate Practice Section and appellate judges work in tandem on seminars and improving the system. Sharing ideas can only help."

*Morgan Roger Rood is an Assistant State Attorney in the Appeals Unit of the State Attorney's Office of the Seventeenth Judicial Circuit, in Broward County.*

### CHECK OUT THE SECTION'S NEW WEBSITE!

<http://www.flabarappellate.org>

- Upcoming meeting information (the Section is going paperless)
- Committee reports and contacts
- Section news
- Great links for the appellate practitioner
- FREE classified advertising for Section members

## Book Review:

# Florida Appellate Practice and Advocacy

by Valeria Hendricks, Assistant Editor

What do you get when you combine the talents of the “Richie Cunningham” of appellate lawyers (Raymond T. “Tom” Elligett) and the “Father Knows Best” of Florida jurists (Senior Judge John M. Scheb)? You get a comprehensive, yet concise (344 pages), “how-to” book for practitioners of appellate law. **And**, because Richie and Father added a little Bill Gates to the second edition of their book, you also get a CD-rom, with the text of the book in pdf. (Adobe Acrobat) format.<sup>1</sup>

The book and CD-rom are essential references for any attorney who practices appellate law in Florida state and federal courts. The authors, with combined practical and judicial experience of over seventy-five years, answer not only the most basic questions of procedure, they also assist the reader in unraveling the mysteries of finer appellate issues, such as jurisdiction, standards of review, and preservation of error. *Florida Appellate Practice and Advo-*

*cacy* (“FAPA”) directs the practitioner to the appellate rule on the issue and offers the vital case law interpreting the rule, without getting ensnared in an erudite discourse more suitable for a law treatise which would cause an inquiring mind with a deadline to self-destruct.

For example, the subject of chapter six is parties on appeal. The authors begin the discussion with standing and give succinct case law excerpts for each point made. They then explore the acceptance of the benefits rule, again with case law support. The next section of the chapter refers the reader to the definitions of parties in the Florida Rules of Appellate Procedure. This section is followed by examinations of the effect of an appeal on others, joinder and substitution of parties, and amicus curiae. The chapter ends with a brief analysis of the case law on federal standing issues.

*FAPA* covers the mechanics for civil and criminal appeals in both

state and federal courts. The authors include the sample forms from the Florida Rules of Appellate Procedure, as well as a sample motion form. They also share some of their “practice tips” and recommend further reading materials on specific subjects. *FAPA* not only details the step-by-step process for filing a notice of appeal, securing the record, and writing a brief, it also offers suggestions for effective oral argument. There is even a chapter (thirteen) on professional responsibility of the appellate advocate. Chapters fourteen and fifteen are especially interesting for their insight on an appellate court’s decision-making process.

*FAPA* is not just an appellate practitioner’s manual. Trial attorneys could especially benefit from the book’s chapter on preservation of issues for appellate review (chapter three) and the section in chapter fifteen on standards of review. Moreover, anyone contemplating board certification in appellate practice should buy and study this book in preparation for the examination. This reviewer found *FAPA* the single most valuable study aid for the certification examination.

You may purchase *FAPA* on line at: <http://www.law.stetson.edu/cle/appellate.htm>, which also conveniently provides the authors’ current updates to the manual.

**Valeria Hendricks**, a partner at *Davis & Harmon, P.A.* in Tampa, is Florida Bar Board Certified in Appellate Practice. She is a member of the Appellate Rules Committee and the Executive Council of the Appellate Practice Section of The Florida Bar.

### Endnote:

<sup>1</sup> Scott Makar, who reviewed the first edition of *Florida Appellate Practice and Advocacy*, will be relieved to know that the authors revised the text in the second edition to correct a typographical error in an article written by former Justice Grimes. See Scott D. Makar, “Florida Appellate Practice and Advocacy,” March 1999, at 10; Raymond T. Elligett and John M. Scheb, *Florida Appellate Practice and Advocacy*, at 304 (2d ed. 2001).

## Section General Meeting Activities

Thursday, September 12, 2002  
Tampa Airport Mattiott

9:00 a.m. – 11:00 a.m.	Committee Meetings
1:00 p.m. – 3:00 p.m.	Executive Council
4:30 p.m. – 6:00 p.m.	Reception

This newsletter is prepared and published by  
the Appellate Practice and Advocacy Section of The Florida Bar.

Hala A. Sandridge, Tampa	Chair
Angela C. Flowers, Miami	Chair-elect
Jack J. Aiello, West Palm Beach	Vice-Chair
Raoul G. Cantero III, Miami	Secretary
Thomas D. Hall, Tallahassee	Treasurer
Susan Whaley Fox, Tampa	Editor-in-Chief
Siobhan Helene Shea, West Palm Beach	Co-Editor
Austin Newberry, Tallahassee	Program Administrator
Lynn M. Brady, Tallahassee	Layout

Statements or expressions of opinion or comments appearing herein are those of the editor and contributors and not of The Florida Bar or the Section.

# Standing in Bankruptcy Appeals Refined

by Paul A. Avron and Ilyse M. Homer<sup>1</sup>

In June the Eleventh Circuit Court of Appeals adopted the “person aggrieved” standard for determining who has standing to appeal a bankruptcy court order in *In re Westwood Community Two Ass’n, Inc v. Barbee*.<sup>2</sup> The standard adopted by the Eleventh Circuit also clarifies and puts into proper context the right of parties to be heard in bankruptcy proceedings, and distinguishes how parties in interest do not necessarily have standing to appeal orders entered by Bankruptcy Courts.

The Eleventh Circuit noted that, “[u]nlike the prior law, the Bankruptcy Act of 1978 (“Bankruptcy Code”) does not define who has standing to appeal an order of a bankruptcy court.” Neither the Supreme Court nor the Eleventh Circuit had defined who may appeal a bankruptcy court order under the Bankruptcy Code. The Eleventh Circuit noted that since Congress passed the Bankruptcy Code, every circuit court to have addressed the issue has applied the “person aggrieved” standard, which was applied under prior law, the Bankruptcy Act of 1898. The Eleventh Circuit acknowledged that the “person aggrieved” standard is “widely established in bankruptcy law” and that the former Fifth Circuit defined “aggrieved” parties as “those parties having a ‘direct’ and substantial interest in the question being appealed.” The court noted that the “person aggrieved” standard, which restricts standing to those persons “directly and adversely affected pecuniarily by the order,” limits standing more than Article III standing. In other words, the “person aggrieved” standard limits the standing to appeal bankruptcy court orders to those persons “who have a financial stake in the order being appealed.” Persons have a “financial stake” in an order when it “diminishes their property, increases their burdens or impairs their rights.”

In the *Westwood Community Two Association, Inc.* bankruptcy case, the debtor association filed a Chapter 7 petition after an adjudication by the district court that it had violated

the Federal and Florida Fair Housing Acts. The plaintiffs filed claims against the debtor’s estate. The bankruptcy trustee’s objection to the claims was overruled and the trustee did not appeal that adverse order. Instead, the trustee assessed each homeowner in the association to satisfy the allowed claims. Subsequently, a group of homeowners formed an ad hoc committee and sought reconsideration of the adverse claim ruling. The homeowners’ committee’s challenge was denied by the bankruptcy court. The committee also challenged the trustee’s authority to make the assessment. The bankruptcy court denied the committee’s motion for reconsideration and rejected its argument that the trustee lacked the authority to make assessments to collect monies owed to the plaintiff claimants. The committee appealed both rulings to the district court, which serves as an appellate court in bankruptcy appeals. The appeals were consolidated at the district court level after which the court granted the trustee’s motion to dismiss the consolidated appeals based on the committee’s lack of standing. The district court accepted the trustee’s argument that the debtor (as opposed to the committee) was the real “party in interest” with standing to appeal.

The Eleventh Circuit found that the district court’s application of the “real party in interest” standard to determine whether the committee had standing to appeal the bankruptcy court orders was reversible error. In so finding, the Eleventh Circuit agreed that the debtor was the “real party in interest,” but stated that standing to appeal bankruptcy court orders was not limited to such persons. Instead, the court stated that the “proper inquiry is whether the party seeking to appeal is a person aggrieved by the bankruptcy court’s order.” The Eleventh Circuit concluded that the order denying the committee’s motion to reconsider the punitive damage award directly and adversely pecuniarily affected the committee members who were being assessed by the trustee to satisfy the

claims in the bankruptcy proceeding. Thus the committee had standing to appeal to the district court denial of its motion to reconsider. The court found that the committee met the “person aggrieved” standard where its members, who were being assessed to pay the bankruptcy claimants, had a “direct financial stake” in the assessment order. The court remanded both matters to the district court to consider the two appeals on the merits.

In finding that the real party in interest standard applied by the district court was reversible error, the Eleventh Circuit noted that while parties in interest had the right to be heard before the bankruptcy court, those parties did not necessarily have standing for purposes of appeal. The Eleventh Circuit agreed that § 1109(b) of the Bankruptcy Code, which gave “parties in interest” the right to be heard in Chapter 11 proceedings, also applied in Chapter 7 proceedings. However, to find that all parties in interest had standing to appeal bankruptcy court orders would be too unwieldy, since there are multitudes of persons who might seek to appeal such orders but who, in reality, were not directly affected by such orders. Thus, the “person aggrieved” standard provides a built-in limitation on such appeals and restricts standing to those persons directly affected financially by such orders. Viewed in this framework, the “person aggrieved” standard provides a workable rule whereby only parties who truly have an interest in, *i.e.*, are affected by, bankruptcy court orders, as opposed to parties in interest who merely have an interest in the proceedings, generally, have standing to appeal such orders. This standard relieves what would otherwise be an unbearable burden on the district courts, and the circuit courts of appeal, concerning bankruptcy appeals.

Through its decision in *Westwood*, the Eleventh Circuit has joined with every other Circuit Court to consider the issue and adopted the “person aggrieved” standard for determining which persons have the right to ap-

**STANDING REFINED**

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peal Bankruptcy Court orders. This decision should serve as a guidepost for practitioners who are in doubt as

to whether their clients have the right to appeal such orders.

*Ilyse M. Homer and Paul A. Avron are associates in the firm Berger Singerman, P.A., Miami, FL where they practice appeals, primarily in federal court. Both writers are mem-*

*bers of the Appellate Practice Section and the Appellate Practice Publications Committee.*

**Endnote:**

<sup>1</sup>. *In re Westwood Community Two Ass'n, Inc v. Barbee*, --- F.3d ---, 39 Bankr.Ct.Dec. 194, 15 Fla. L. Weekly Fed. C 650 (11th Cir. June 13, 2002).

## ***Congratulations to Newly Board-Certified Appellate Practice Attorneys***



The Board of Legal Specialization and Education  
*and*

The Appellate Practice Certification Committee  
are pleased to announce the following attorneys are now Board Certified  
As of June 1, 2002

Congratulations to them for achieving  
Appellate Practice Certification!

***Jodi L. Corrigan, Largo***

***Valerie Hendricks, Tampa***

***Lucinda A. Hofmann, Miami***

***Jon J. Johnson, Tampa***

***David C. Knapp, Orlando***

***Julie Hope Littky-Rubin, West Palm Beach***

***Beverly A. Pohl, Ft. Lauderdale***

***Anthony J. Russo, Tampa***

***David A. Wallace, Sarasota***

# Judges Kelly and Covington Join Second DCA

by Susan W. Fox

*Two women jurists have joined the distinguished Second DCA: Judge Patricia J. Kelly and Judge Virginia M. Hernandez Covington.*



**Judge Virginia M. Hernandez Covington** was born in Tampa, Florida, on July 12, 1955. She is married and has three children.

Judge Covington graduated *cum laude* with a Bachelor of Science degree from the University of Tampa in 1976, where she received the Outstanding Female Graduate Award, Class of 1976-77. In 1977, Judge Covington received the degree of Master of Business Administration, also from the University of Tampa. Judge Covington then attended Georgetown University Law Center, where she was elected to The Tax Lawyer law review and received her Juris Doctor degree in 1980. After graduation, Judge Covington was a trial attorney for the Federal Trade Commission and thereafter became an Assistant State Attorney for Hillsborough County, Florida. Judge Covington joined the United States Attorney's Office in 1983.

From January 1989 until September 24, 2001, she was Chief of the Asset Forfeiture Section of the United States Attorney's Office for the Middle District of Florida. Judge Covington received an award for outstanding contribution to the asset forfeiture program by the Executive Office for Asset Forfeiture in 1993. She also received Director's Awards in 1990 and in 1996, as well as numerous commendations from law enforcement agencies. Judge Covington has lectured extensively on asset forfeiture, money laundering, and complex prosecutions to prosecutors and law enforcement personnel throughout the United States. She also has lectured to prosecutors, law enforcement personnel, and judges in Chile, Argentina, Mexico, Venezuela, Colombia, Costa Rica, and Honduras on trial advocacy

practices and procedures. In addition, she served as a liaison between the Department of Justice and the Bolivian Government, assisting the Bolivians with their asset forfeiture program.

She is the 1999 winner of the Raymond E. Fernandez Award given by the Hillsborough County Sheriff's Hispanic Advisory Council to the individual who has made outstanding contributions to the criminal justice system. In October 2001, Judge Covington was honored to serve as the keynote speaker at the Orange County Bar Association's Hispanic Heritage Celebration Luncheon. Judge Covington has long been active in community affairs. She served as Chair of the Board of Counselors of the University of Tampa; President of Tampa Hispanic Heritage; Regional President of the National Hispanic Prosecutors Association; and Chair of the Government Law Section of the Hillsborough County Bar Association. She also has been a member of the Hispanic Needs and Services Council; the Hispanic Professional Women's Association; and the Hispanic National Bar Association, as well as numerous other community and professional organizations. Additionally, Judge Covington is a founding member and has been elected to the Executive Board of the Herbert G. Goldburg Criminal Law American Inn of Court.

Governor Jeb Bush appointed Judge Covington to the Second District Court of Appeal, and she began her service on September 25, 2001.



**Judge Patricia J. Kelly** was born in New Orleans, Louisiana on December 25, 1956. She has two children, Megan and Patrick. She received her B.A. degree in political science, *cum*

*laude*, from the University of South Florida, and her Juris Doctor degree, *cum laude*, from the University of Florida College of Law.

After graduating from law school in 1986, Judge Kelly practiced law with firms in West Palm Beach and Tampa before leaving private practice in 1989 to serve as a staff attorney to the Honorable James E. Lehan at the Second District Court of Appeal. In 1993, she returned to private practice, limiting her practice to appellate matters. In 1998, Judge Kelly obtained board certification in appellate law from the Florida Bar. She is a member of the Appellate Court Rules Committee and is active in the Appellate Practice and Advocacy Section of the Florida Bar where she has served on the CLE and Publications Committees. She is also a member of the Justice William Glenn Terrell Inn of Court, the Hillsborough County Bar Association, and the Catholic Lawyers Guild. In addition, she has been a writer for Florida Jurisprudence and has lectured on appellate practice and ethics.

Judge Kelly also serves her community and her children's school in various capacities, including leading a Girl Scout troupe, serving on the parent's board at the Academy of the Holy Names, and volunteering at her church.

Judge Kelly was appointed to the Second District Court of Appeal by Governor Jeb Bush and began serving as a member of the Court in December 2001.

*Susan W. Fox is a Florida Bar Certified Appellate Lawyer who practices in the Appellate Division of Macfarlane Ferguson & McMullen in Tampa. A former editor of The Record, she is on the Executive Council of the Appellate Practice Section and the Rules of Judicial Administration Committee of The Florida Bar.*

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# Awards A-plenty as Section Gathers in Boca Raton for Bar's Annual Meeting in June



LEFT: Outgoing Section chair, Hala Sandridge, presents the Adkins Award to Hon. Chris Altenbernd

RIGHT: Steve Brannock is honored for his work as Section chair.



LEFT: Supreme Court Justice Designate and Section secretary, Raoul Cantero (facing the camera, left) chats with guests at Thursday night's dessert reception.



LEFT: Incoming Section Chair, Angela Flowers recognizes outgoing chair, Hala Sandridge, with a clock.

RIGHT: Hala Sandridge expresses the Section's gratitude to Angela Flowers for her work as chair-elect.





# Appellate Law Section is **BUSY** at the Bar's Annual Meeting

## Boca Raon, June 2002



Angela Flowers addresses members of the Supreme Court panel during the "Discussion with the Supreme Court" session.



Justice Cantero and his wife, Ana Maria.



Judges Mario Goderich, Margurite Davis and Peter Webster.



(L-R) Section officers: Austin Newberry, Florida Bar program administrator; Jack Aiello, vice-chair; outgoing chair, Hala Sandridge; incoming chair, Angela Flowers



Above left: Hala Sandridge and June Hofman celebrate the end of another year at the Chair's reception.

Above center: Justice Raoul Cantero and John Crabtree at the Chair's reception.

Above right: Justice Cantero and Judge Peter Webster.

Right: Jack Aiello addresses members of the Supreme Court panel.



# Appellate Practice Section

## 2001 - 2002 Final Budget

	Actual	Budget
<b>Income</b>		
Dues	14,878	15,000
Cert Review	5,970	7,000
CLE	1,029	2,000
Audio Tapes	4,093	3,700
Videotapes	385	500
Material	41	0
Books	362	1,050
Sponsorships	3,348	1,200
Sponsor Reception	4,350	5,000
Member Service	0	3,000
<u>Investment</u>	<u>1,933</u>	<u>4,616</u>
<b>Total</b>	<b>36,389</b>	<b>48,066</b>
<b>Expenses</b>		
Cert Review	4,417	6,754
Employee Travel	1,372	1,976
Postage	1,216	1,500
Printing	297	400
Newsletter	2,821	2,500
Membership	0	500
Supplies	28	0
Photocopies	108	300
Officer Travel	0	300
Meeting Travel	406	400
Committee Exp	657	1,000
Public Info	0	750
General Mtg	1,018	1,078
Annual Mtg	5,298	5,000
Midyear Mtg	1,296	1,296
Section Service	0	2,500
Retreat	0	1,626
Directory	6,567	7,000
Awards	354	500
Writing Contest	0	500
Website	30	3,000
Legislative Trav	0	200
Council of Sec	300	300
Reserve	0	3,273
<u>Misc</u>	<u>14</u>	<u>100</u>
<b>Total</b>	<b>26,199</b>	<b>42,753</b>
<b>Net Operations</b>	<b>10,190</b>	<b>5,313</b>
<b>Fund Balance</b>	<b>99,997</b>	

## 2002 - 2003 Budget

Approved January 10, 2002

<b>Income</b>	
Dues	16,250
CLE	1,781
Audio Tapes	3,700
Videotapes	500
Books	200
Sponsorships	1,000
Sponsor Reception	5,000
Directory Ads	1,200
Member Service	1,000
Moot Court	5,000
<u>Investment</u>	<u>7,140</u>
	42,771
Cert Rev.	2,087
<b>Total</b>	<b>44,858</b>
<b>Expenses</b>	
Employee Travel	1,833
Postage	1,000
Printing	250
Newsletter	2,800
Membership	250
Photocopies	300
Officer Travel	250
Meeting Travel	200
Committee Exp	600
Public Info	300
General Mtg	1,100
Annual Mtg	6,000
Midyear Mtg	1,100
Section Service	1,000
Retreat	3,000
Directory	7,000
Awards	600
Website	3,000
Legislative Trav	200
Council of Sec	300
Moot Court	5,000
Reserve	3,618
<u>Misc</u>	<u>100</u>
<b>Total</b>	<b>39,801</b>
<b>Net Operation</b>	<b>5,057</b>
<b>Fund Balance</b>	<b>105,054</b>

# Thinking About Becoming Board Certified in Appellate Practice?



For more information, visit our website at

**www.FLABAR.org**  
Click "member services," then "certification."



If you would like to become Board Certified in Appellate Practice or would like more complete information, please contact the area's staff liaison below:

**Carol Vaught**  
**Legal Specialization**  
**& Education**  
**The Florida Bar**

**650 Apalachee Parkway**  
**Tallahassee, FL 32399-2300**  
**800/342-8060, ext. 6798 or**  
**850/561-5842, ext. 6798**  
**cvaught@flabar.org**



Certification is granted for five years. To be recertified, requirements similar to those for initial certification must be met.

**C**ertification can help you by giving you a way to make known your experience to the public and other lawyers. Certification also improves competence by requiring continuing legal education in a specialty field.

There are many benefits to becoming Board Certified in Appellate Practice such as:

- ★ Malpractice carriers discounts.
- ★ Advances the importance and significance of certification to large malpractice carriers.
- ★ Good source of referrals from both attorneys and the general public.
- ★ Ability to advertise yourself as a "certified specialist" in your chosen area of practice.
- ★ Young lawyers are seeking certification as a means of expediting their professional advancement.
- ★ Name is listed in the Directory issue of *The Florida Bar Journal* in the Certified Lawyers' section.

The application filing period is July 1 - August 31 of each year. Applications may be requested year-round, but only filed during this two month period.

All requirements must be met by the August 31st filing deadline of the year in which you apply.

Your application must be approved before you become eligible to sit for the examination, usually given in March.

## What are the requirements?

- ☞ Have been engaged in the practice of law for at least five years prior to the date of the application.
- ☞ Demonstrate substantial involvement in the practice of appellate practice during the three years immediately preceding the date of application. (Substantial involvement is defined as devoting not less than 30% in direct participation and sole or primary responsibility for 25 appellate actions including five oral arguments.)
- ☞ Complete at least 45 hours of continuing legal education (CLE) in appellate practice activities within the three year period immediately preceding the date of application.
- ☞ Submit the names of four attorneys and two judges who can attest to your reputation for knowledge, skills, proficiency and substantial involvement as well as your character, ethics and reputation for professionalism in the field of appellate practice.
- ☞ Pass a written examination demonstrating special knowledge, skills and proficiency in appellate practice law.

## Certification Statistics

**There are currently 133 attorneys Board Certified in Appellate Practice. The area was started in 1993. Certified attorneys make up approximately 6% of The Florida Bar's total membership. Attorneys certified in Appellate Practice make up roughly 4% of all board certified attorneys.**

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**The Florida Bar**  
**650 Apalachee Parkway**  
**Tallahassee, FL 32399-2300**

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