

# Mosaic

CARLTON  
FIELDS  
ATTORNEYS AT LAW

July 2009 | Issue 6

*This newsletter describes our ongoing diversity efforts with our clients, in our communities, and at our law firm. We believe that as we continue a dialogue we will create greater opportunities for advancement of diversity.*

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## CARLTON FIELDS CELEBRATES BLACK HISTORY MONTH WITH FIRMWIDE "TASTING" OF BLACK ART

By Fentrice D. Driskell

Did you know that you should never enclose the back of an oil painting on canvas, lest you prevent the paint from having the opportunity it needs to breathe? This was one of the many insights to art collecting shared by Atlanta-based visual artist Aaron F. Henderson during his February 26, 2009 presentation on African American art. Mr. Henderson's discussion, which took place during a firmwide luncheon, marked the culmination of Carlton Fields' celebration of **Black History Month**. The theme of this year's celebration focused on African American Art and the role it plays in sharing stories and keeping history and traditions alive. In honor of this theme, each of Carlton Fields' seven offices displayed a different work by Mr. Henderson, and he shared the inspiration behind each piece as part of an "art tasting." Mr. Henderson, who is managed by Premier Art, LLC, presented live from Carlton Fields' Atlanta office and his remarks were broadcast firmwide.

Although he is an engineer by trade, Mr. Henderson has been a visual artist for more than 40 years and has dedicated much of his life to the study and creation of art. He is a firm believer that with

motivation and a little education, art collecting is a hobby that is accessible to everyone. Mr. Henderson's informative presentation covered a range of topics, including the differences between assorted media from acrylic to watercolor and how



Henderson's "Oklahoma Jazz"

each medium reacts to different papers and canvas. Mr. Henderson dabbles in a variety of media, but has a particular fondness for painting with gouache, an opaque paint comprised of color pigments suspended in water, which is known for drying unforgivingly fast, but produces rich, brilliant results.

Mr. Henderson spoke of his passion for using art as a means to share stories and folklore emanating from African, Afro-Caribbean, and African American culture. "Midnight Creeper," which was on display in Carlton Fields' West Palm Beach office, derives from particularly colorful Caribbean folklore. The piece features a towering "Moko Jumbie," or stilts walker. The Moko Jumbies can be seen meandering through the crowds during Trinidad's Carnival. Viewed as godlike figures that watch over

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## CARLTON FIELDS' JOHN BLUE RECEIVES PRO BONO AWARD

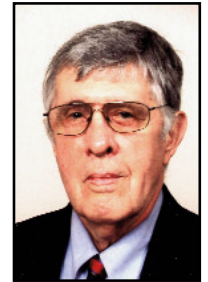
St. Petersburg of counsel **John Blue** (Appellate Practice & Trial Support), a member of the firm's Diversity Committee, was honored by the Florida Supreme Court with the 2009 Chief Justice's Distinguished Judicial Service Award. This prestigious award is given annually by the Chief Justice to the one judge or former judge in Florida who has given the most outstanding service in the area of pro bono legal assistance. Judge Blue was honored during a special ceremony for the pro bono service awards on Thursday, January 29, 2009 at the Supreme Court building in Tallahassee.

Throughout his career, Judge Blue has devoted thousands of hours to helping those who otherwise would not have access to the judicial system. He was appointed to the bench for the Twelfth Judicial Circuit in 1986, and elected to office in 1989. He served until 1992 when he was appointed to the Second District Court of Appeals. During his years on the bench, Judge Blue devoted substantial time to civic and community service organizations.

Since leaving the bench in 2003 and returning to the practice of law, Judge Blue has resumed representing those who otherwise could not afford legal services. Two of his most high profile pro bono cases have also had a unique emphasis on diversity, as he has worked to obtain compensation for a black man wrongfully imprisoned and helped obtain a ruling that Florida must recognize second-parent adoptions granted to same-sex couples in other states.

For the past three years, Judge Blue has devoted hundreds of hours to attempting to obtain compensation for **Alan Crotzer**, a black man who was arrested and ultimately convicted of sexual battery, kidnapping, aggravated assault, burglary, robbery, and attempted robbery stemming from the July 8, 1981 robbery of a home and abduction of two of the robbery victims, a 30 year-old woman and 12 year-old girl. Mr. Crotzer was convicted of the crimes, even though (a) he did not match the physical description of the assailant who brutally committed the double rape and kidnapping, (b) he had a witness who testified that he was with him at the time of the attack, and (c) the family whose vehicle was used during the commission of the crimes contacted prosecutors to advise them of the names of the individuals who actually committed the acts.

Mr. Crotzer was sentenced to 130 years in prison, but maintained his innocence and spent years writing letters to anyone who could possibly assist him, including the ACLU, NAACP, National Baptist Convention, and law schools. Eventually, his case was accepted by the Cardoza School of Law's Innocence Project. The tireless efforts of attorneys representing him on a pro bono basis resulted in the discovery of DNA evidence that proved Mr. Crotzer's innocence and resulted in his exoneration. After serving 24 years, 6 months, 13 days, and 4 hours, he was released from prison.



Blue

*Continued on page 12*

## BLACK ART CONTINUED

the villages, their towering height makes them well-suited to view trouble from a distance and ward off any evil spirits.

Jazz also is a primary source of inspiration for Mr. Henderson's work, and the Atlanta, Miami, Orlando, and Tallahassee offices each featured artwork that portrayed some aspect of that musical genre. "Oklahoma Jazz," featured in Carlton Fields' Atlanta office, portrayed the story of how guitar legend Charlie Christian played his way into the band of Benny "King of Swing" Goodman. The Oklahoma-born Christian,



Henderson's "Blue Horn"

who was unknown, 23-years-old, and a fresh arrival in Los Angeles, wore a green suit, pointed yellow shoes, a purple shirt, and a broad-brimmed hat to an on-the-spot audition. Although Goodman was unimpressed by Christian's appearance, his talent was undeniable and the Benny Goodman Sextet was born.

Mr. Henderson's vibrant artwork and colorful stories combined for a truly enjoyable presentation that was received enthusiastically throughout the firm. For more information about Premier Art and Mr. Henderson, please visit [www.premierart.net](http://www.premierart.net).

## MEEKS TAKES LEADING ROLE IN FIGHT FOR LGBT EQUALITY

Following the passage of numerous discriminatory and anti-gay amendments in Florida and other states on November 4, 2008, Orlando shareholder **Mary Meeks** (Business Litigation & Trade Regulation) organized a new advocacy organization called "One Orlando," a unity coalition of Orlando-area LGBT and LGBT-allied groups dedicated to fighting for equal rights for Florida's LGBT citizens. The coalition includes a multitude of human rights and civil rights organizations, community and legal services organizations, bipartisan political organizations, university student and faculty groups, and multiple local churches and faith organizations. Since its formation, One Orlando has played a leading and active role in the fight for LGBT equality and has garnered substantial media coverage for its efforts. Additional information about One Orlando can be found at <http://www.oneorlando.org/>.



Meeks

## CARLTON FIELDS RELEASES 2008 ANNUAL DIVERSITY REPORT

Carlton Fields has released its **2008 Annual Diversity Report**, which again demonstrates the firm's strong commitment to improving the hiring, retention, and promotion of diverse attorneys. Among other initiatives, the 2008 Report highlights the following developments in 2008:

- The distribution of the ModernThink Law Firm Insight Survey to all firm employees, to obtain candid, anonymous feedback about, among other things, employees' perceptions about the firm's commitment to diversity. As a result of the comments received from the ModernThink Survey, a Best Workplace Task Force was created to make Carlton Fields an even more inclusive workplace. The cross functional task force comprises employees from varying departments, job functions, races, genders, and sexual orientations to ensure all employees of the firm have a "seat at the table" and are empowered in the decision-making process.
- The creation of Balanced Scorecard Evaluations for managers to measure key performance standards, including promoting diversity. Practice group leaders are asked to rate themselves on how well they are doing in promoting diversity in their practice groups, including identifying opportunities for the hiring, professional development, and advancement of minorities. In this 360-degree review process, all firm attorneys and government consultants are surveyed and asked to rank their practice group leaders on their diversity initiatives and other performance standards. The results from the scorecards are taken into consideration during performance reviews and determination of compensation for managers.

The report also highlights the firm's performance in recent diversity rankings:

### **2008 Vault Guide to the Top 100 Law Firms**

Carlton Fields is ranked in the 2008 *Vault Guide to the Top 100 Law Firms* as one of the best law firms in which to work. The firm ranked in the following "Diversity" categories:

- 1st in Diversity Issues with Respect to Women
- 2nd in Diversity Issues with Respect to Minorities
- 3rd in Best Law Firms for Diversity

### **Minority Law Journal's 2009 Diversity Scorecard**

Carlton Fields ranked #20 overall on the 2009 Diversity Scorecard.

Additionally, Carlton Fields recently ranked #19 in *MultiCultural Law magazine's 2009 Top 100 Law Firms for Diversity* list. The ranking is based on the results of a Diversity Survey completed by minority and women attorneys at over 200 law firms across the country.

In addition to the firm's overall ranking, Carlton Fields also ranked:

- 52nd in the Top 100 Law Firms for Women
- 8th in the Top 50 Law Firms for Partners
- 13th in the Top 50 Law Firms for Associates
- 16th in the Top 25 Law Firms for African-Americans
- 2nd in the Top 25 Law Firms for Hispanics
- 7th in the Top 25 Law Firms for Native-Americans

## GLEN HOSTS FIRST FIRMWIDE EQUALITY LUNCHEON

On June 8, 2009, in honor of Pride Month, Carlton Fields' **Gay and Lesbian Equality Network (GLEN)** hosted its first ever Equality Luncheon. The luncheon featured guest speaker Nadine Smith, the Executive Director of Equality Florida, a statewide LGBT rights organization that works in Tallahassee and local communities to change Florida law to ensure that no individual suffers harassment or discrimination on the basis of sexual orientation or gender identity and/or expression.

The luncheon began with a few words from firm President and CEO, **Gary Sasso**, who welcomed Ms. Smith to Carlton Fields and noted the historic nature of the event. He acknowledged that, unlike many other issues involving diversity, the issue of LGBT equality is one that still stirs fear and controversy in some circles. However, he wished to convey a very simple message on behalf of the firm – that the values of inclusiveness, collegiality, and friendship are hallmarks of Carlton Fields. Simply put, "We want to have a place where all Carlton Fielders feel welcome."

Following an introduction from Orlando shareholder **Mary Meeks** (Business Litigation & Trade Regulation), Ms. Smith spoke at length about the history and current status of state and federal laws regarding workplace discrimination and protection, recognition of gay relationships, and the Florida statute banning adoption by gay parents. The central theme of her discussion concerned the need to get all people, whether gay or straight, to think about issues of LGBT equality in human terms, rather than political, religious, or moral terms.

She expressed her belief that the nation currently is at a tipping point moment, as more and more people are beginning to question long-held beliefs about homosexuality and concluding that discrimination on the basis of sexual orientation or gender identity is wrong. She explained that much of the divide in the battle over same-sex marriage occurs because the issue gets framed as a battle between certain people's religious beliefs vs. other people's legal rights. What is needed to bridge this divide is for people to think in more human terms and ask themselves, "In a democracy, do we

fundamentally believe that the law should treat all people equally?" Ms. Smith spoke at length about what she called the "Don't ask, don't tell" code of silence, a curious anomaly in which straight individuals are reluctant to ask their LGBT family members, co-workers, and friends about their lives for fear of being intrusive, while LGBT individuals simultaneously are reluctant to tell their straight family members, co-workers, and friends about the struggles they face in their daily lives, believing that their straight friends would ask if they were interested. She explained that this failure to communicate

keeps barriers in place between the two communities and prevents the exchange of meaningful dialogue that could help straight people understand the ways in which discrimination affects LGBT individuals in even the most mundane activities that straight people take for granted, such as knowing they'll be able to visit a sick loved one in the hospital or being able to arrange for proper estate planning. She thus encouraged the luncheon attendees to engage in more conversation with each other and not be afraid to discuss what, on the surface, might seem like personal,

private issues.

Finally, Ms. Smith encouraged everyone to become members of Equality Florida, no matter their sexual orientation. She noted that over 30% of Equality Florida's members are heterosexual, and, regardless of sexual orientation, there is plenty of volunteer work that can be done to ensure equality, justice, and fairness for all people in Florida.

She finished her presentation by acknowledging the 40th anniversary of the Stonewall riots that gave birth to the modern gay rights movement. She noted that 40 years is a relatively short period of time in our nation's history and the gains achieved by the LGBT community during that period have been significant, but now is an important opportunity to make a real breakthrough in the continuing fight for LGBT equality, and all of us can be part of that fight.

For more information on Equality Florida, please visit <http://eqfl.org/>



Gary Sasso with Nadine Smith

## CARLTON FIELDS DIVERSITY NEWS

On April 22, 2009, Tampa shareholder **Sylvia Walbolt** (Appellate Practice & Trial Support) was recognized by Chief Justice John Roberts at the annual dinner of the U.S. Supreme Court for contributions made to the U.S. Supreme Court Historical Society. Sylvia was elected to the Board of Directors of the Southern Legal Counsel, Inc. (SLC), a not-for-profit public interest law firm that is committed to the ideal of equal justice for all. Sylvia also received the 2009 Heroes Among Us Service Award by the St. Petersburg Bar Foundation Board of Trustees. Additionally, Sylvia and Tampa shareholder **Kathy McLeroy** (Real Property Litigation) were appointed by the Chief Justice of the Supreme Court of Florida to serve on the Chief Justice's Advisory Committee for the 2009 Tobias Simon Pro Bono Awards.

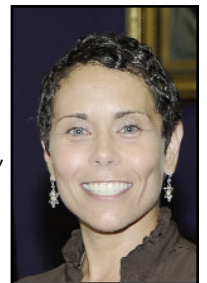


Walbolt

In reporting on the luncheon and the award in its March 20, 2009 issue, the *Business Journal* noted that acceptance and tolerance were prevalent in Carlton Fields' history, "[l]ong before diversity was a commonly held value in corporate culture." The firm was praised in particular for its efforts to "institutionalize and formalize a commitment to diversity." The *Business Journal* encouraged its readers to adopt the best practices of Carlton Fields and the other honorees "as a road map to a position of strength within their workplaces — a place where cultural, gender and physical differences can be seen an asset."

### CARLTON FIELDS WELCOMES 2009 DIVERSITY FELLOWS

This past spring, Carlton Fields welcomed Stetson University College of Law student **Vilma Martinez**, who joined the firm's Tampa office as the Spring 2009 Carlton Fields Diversity Fellow. Vilma spent approximately 200 hours working on legal projects under the guidance of attorneys from all seven offices. Approximately half of her work time was devoted to legal projects for pro bono clients for the firm, with her remaining work being performed for other firm clients. Vilma is fluent in Spanish, and proficient in Mandarin Chinese and French. She received her B.A. in Interdisciplinary Social Science from the University of South Florida and received her J.D. from Stetson University in May 2009. For a first hand account of Vilma's first assignment this summer, please see pages 6-7.



Martinez

This fall, Carlton Fields will welcome its Fall 2009 Diversity Fellow, **Onyema M. Anene**. Onyema received her B.A. in Business Administration from the University of Georgia, and anticipates receiving her J.D. and a M.B.A. from Stetson University in December 2009. Onyema, the American-born daughter of Nigerian parents, describes herself as living "the best of both worlds," and believes that her background gives her a unique perspective on the world that she hopes to apply to her study and future practice of law.

Carlton Fields looks forward to welcoming Onyema this fall!

### CARLTON FIELDS RECEIVES RECOGNITION FOR COMMITMENT TO DIVERSITY

On Thursday, March 19, 2009, the *Tampa Bay Business Journal* recognized Carlton Fields as one of the top 10 businesses for Diversity and Inclusion in the Tampa Bay area during a luncheon and awards ceremony. The firm also received special recognition, along with only four other businesses, for its commitment to diversity.

In accepting the award on behalf of the firm, **Nancy Faggianelli**, co-chair of the Diversity Committee, noted that, in an era in which professional firms typically were all male and all white, Carlton Fields hired its first female lawyer in 1963 and its first black lawyer in 1971. Today, Carlton Fields' lawyers come from 14 countries and the firm's President and CEO, **Gary Sasso**, is Hispanic. She paid particular homage to **Wm. Reece Smith, Jr.**, Chair Emeritus, whom she credited for fostering the type of firm culture that has placed such an emphasis on diversity and inclusion throughout the years.



Faggianelli

## FULL FAITH, NO CREDIT: MY REMEMBRANCE OF A REMARKABLE FIRST ASSIGNMENT

By Vilma Martinez<sup>1</sup>

I do not know how often a Diversity Fellow is asked to write about her first assignment, but I do know that I will always look back on my first day at Carlton Fields and feel fortunate to have been given such a wonderful opportunity.

My first day in the Tampa office was ordinary, or so I thought, until I had lunch with two of my mentors, **Penelope Dixon** and **Joanna Garcia**, and received my first assignment. "It's a really interesting case." Ms. Dixon said.

Actually, it was life changing.

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### Sixteen words

The assignment, which was given to me by **Judge John Blue** in the St. Petersburg office, focused, in part, on sixteen words. These sixteen words, along with two cases involving foreign adoptions and a supposed public policy exception, convinced a Sarasota judge to enter an order denying full faith and credit to a lawful adoption that took place years earlier in Washington State.

I was apoplectic. "How could a court deny a child the opportunity to be raised by a loving parent who lawfully adopted the child in another state?"

In this case, the trial court's decision was based on Section 63.042(3), Florida Statutes, which expressly dictates those persons who are prohibited from adopting children in the State of Florida.

The sixteen words comprising that subsection read: "No person eligible to adopt under this statute may adopt if that person is a homosexual."

### The Back Story

The case underlying the appeal began when our client, Lara Embry, and Kimberly Ryan registered in Seattle, Washington as domestic partners. They decided to each bear one child, adopt the other's biological child, and raise their children together. Ryan became pregnant first, giving birth to one child. The birth certificate named both women as parents. The couple next

petitioned for and received a second parent adoption in Washington, where the King County court entered an order granting the judgment of adoption. Embry thus became the second legal parent of Ryan's child.

The family subsequently moved to Sarasota, Florida, where Embry gave birth to a child, with only Embry's name on the birth certificate. Embry returned for a short while to Washington in order to complete her doctoral degree. The couple once again successfully petitioned the King County court for a second parent adoption, this time naming Ryan as the second legal parent of Embry's child. They returned to Sarasota, where they lived together for another two years, before ending their romantic relationship. Two years later, Embry and Ryan entered into and signed an agreement intended to act as a time sharing, visitation, and property settlement agreement. Among other things, the Florida agreement provided that the two women waived the right to challenge the adoptions on grounds of standing, lack of jurisdiction of the court, and/or repugnancy to the laws of the state of Florida.

Some seventeen months later, Ryan changed her mind. She sent a letter expressing concern about for the well being of the children and decided she would no longer allow any time sharing between her biological child and Embry. Embry filed for relief in the Sarasota circuit court. The day before the scheduled hearing, Ryan filed a Motion to Dismiss the petition. The judge ultimately granted her motion, relying on two cases involving putative foreign adoptions. In broad, sweeping language, the Sarasota court held that Florida courts are not required to recognize foreign adoptions that violate Florida's clearly established public policies. The court thus concluded that the Washington second parent adoption decree did not have to be recognized in Florida.

Carlton Fields became involved in the case after receiving a call from the National Center for Lesbian Rights (NCLR) asking if the firm would partner with the NCLR as co-counsel on the appeal.

### The Moot Court

Judge Blue invited me to attend the moot court in the St. Petersburg office along with **Matt Conigliaro**, **Bob Biasotti**, and **Stephanie**

<sup>1</sup> Ms. Martinez was the firm's Spring 2009 Diversity Fellow. For more about Ms. Martinez, please see page 5.

**Zimmerman, Sylvia Walbolt, and Cristina Alonso. Shannon P. Minter**, of the National Center for Lesbian Rights, participated by phone. Judge Blue tasked everyone with “asking the hard questions.” After about forty-five minutes of intense verbal fencing, the focus wound its way back to Embry and a discussion of how the conceivable outcomes of this appeal would affect her and the children. The discussion was serious and thoughtful. What I remember most about it is that no one ever lost the client-centered focus. The concern and sensitivity toward her was evident and admirable.

#### **The Oral Argument**

We were the second case up before the Second District Court of Appeal in Lakeland on March 18, 2009. Judges Fulmer, Whatley, and Villanti made up the three-member panel. As Judge Blue and counsel for the Ryan made their arguments, it was evident that the panel fully understood the legal issues and rights at stake. Judge Whatley asked about the best interests of the child and remarked that there exists no public policy exception to the Full Faith and Credit Clause. I inferred that Judge Whatley understood that sending the case back to the lower court without guidance might prove disastrous.

Judge Fulmer next pointed out that two of the cases cited by Ryan did not support the propositions for which they were cited, and noted that Ryan seemed to be making different arguments on appeal than were made at the trial court level. Judge Villanti spoke little, but his tone conveyed annoyance with the lower court opinion. Judge Fulmer finally flatly told Ryan’s counsel, “A judgment is a judgment is a judgment.”

I think I have forgotten almost all of the rebuttal argument because my memory is focused on a single moment during Judge Blue’s second turn at bat: the moment Judge Whatley asked him, “Hypothetically, if we were to decide this case in your favor, what would you want us to say?”

I heard an audible gasp come from somewhere in the courtroom. It was the magic moment, and Judge Blue hit a home run. “You really want me to tell you what I think you should say? Well, I think you should say that the judgment of a sister state is entitled to Full Faith and Credit in Florida, that there is no public policy exception to Full Faith and Credit, and that the lower court must enforce the

judgment of adoption entered into in Washington. That’s what I’d want you to say.”

#### **Lessons Learned**

Getting the opportunity to work on this case has been best experience I have had in law school. The attorneys who volunteered to represent Embry truly understood what matters: that, in the end, the client is the focus. This assignment also taught me to step back from the argument and to consider the playing field. We are, by virtue of our profession, a ferociously competitive lot, but this experience has shown me that a win is not really a win if the result is not the best one for the client. The attorneys who briefed and argued this case on Embry’s behalf never lost sight of that.

Neither should we.

#### **Update**

On May 13, 2009, the Second District Court of Appeal unanimously reversed the Sarasota circuit court’s ruling and held that Embry “must be given the same rights as any other adoptive parent in Florida.” The court based its decision on the Full Faith and Credit Clause of the federal Constitution and a Florida statute requiring Florida to honor adoption decrees from other states. Noting that “there are no public policy exceptions to the full faith and credit which is due to judgments entered in another state,” the court concluded that “regardless of whether the trial court believed that the Washington adoption violated a clearly established public policy in Florida, it was improper for the trial court to refuse to give the Washington judgment full faith and credit.” A concurring opinion further noted that Embry’s “same-sex relationship with [the other parent] is irrelevant for the purpose of enforcing her rights and obligations as an adoptive parent.”

Judge Blue issued the following statement in response to the Court’s ruling: “We are pleased this decision resolved an important constitutional issue and protected the legal bond between adoptive parents and their children. The court affirmed the longstanding rule that Florida must honor valid adoptions from other states, which ensures the permanence and stability of parent-child relationships across state lines.”

## RECENT ACHIEVEMENTS OF OUR WOMEN AND MINORITY ATTORNEYS

Atlanta associate **Katie Salinas** (Business Litigation & Trade Regulation) was appointed to the Board of Directors of the Atlanta Legal Aid Society. Katie previously served on the Advisory Committee.

Miami shareholder **Cristina Alonso** (Appellate Practice & Trial Support) was named President of the Board of Directors of Florida Legal Services, Inc. Cristina also was elected Co-Chair of the newly-formed Young Lawyers Committee of The Lawyers Committee of the National Center for State Courts.

The State Bar of Georgia reappointed Atlanta associate **Derek Harris** (Business Litigation & Trade Regulation) to the Children & the Courts Committee.



Harris

Orlando shareholder **Charlotte Warren** (Construction) received Board Certification in Construction Law from The Florida Bar Board of Legal Specialization and Education.

Tampa associate **Nicole Kibert** (Real Estate & Finance) was presented the Lifetime Achievement Award in recognition of her enduring dedication, commitment, and contributions to The Florida Gulf Coast Chapter of the U.S. Green Building Council. The ABA Section of Real Property Trust & Estate Law also recognized Nicole and her father, Dr. Charles J. Kibert, with the 2008 Excellence in Writing Award, Best Cutting Edge Article - Real Property, for their article, "Sustainable Development and the U.S. Green Building Movement: Profitable Development Projects Can Be Good for the Planet, Too." The ABA magazine, *Probate & Property*, published the co-authored article in the March/April 2008 issue of the publication. Nicole also recently was recognized at The City of Tampa's Women's History Month Celebration. The theme was Women: Taking the Lead to Save the Planet.



Descalzo

Miami associate **Marissel Descalzo** (White Collar Crime & Government Investigations) was elected as Co-Chair of the Internal Investigations/Corporate Prosecution Subcommittee of the American Bar Association Criminal Litigation Section.

Tampa associate **Stephanie Bolton** (Construction) was elected to the Clearwater Bar Association Board of Directors.

Miami shareholder **Amy Furness** (Products & Toxic Tort Liability) published an article entitled, "California Green Chemistry Program," in the Winter 2009 issue of the *Globalaw Product Liability Business Initiative Newsletter*.



Bolton

Miami shareholder **Patricia Thompson** (Construction) served as a panelist for a program entitled, "Industry Panel Forum: Legal Update." This program was organized by the Greater Miami Chamber of Commerce as part of its annual conference, "Human Resource Insights 2009: Aligning Your HR & Business Strategies for Success." Patricia also spoke on "Deposing Expert Witnesses and Plaintiffs" at a program entitled "Defense Practice for Young Lawyers," sponsored by the Florida Defense Lawyers Association and the Dade County Defense Bar Association. Patricia also organized and served on an employment law panel which was part of the Greater Miami Chamber of Commerce HR Insights day-long program on March 17, 2009. The focus of the program was "Aligning your HR & Business Strategies for Success" and she spoke on "Retaliation, Telecommuting and Workplace Privacy Issues."



Thompson

Atlanta of counsel **Nestor Rivera** (Health Care) presented at a Lorman Education seminar on HIPAA Audits and Investigations, earlier this year in Atlanta. Nestor spoke on "HIPAA and State Privacy Enforcement Developments," to health care attorneys, health information managers, IT professionals and privacy officers, hospital administrators, health care providers, medical records directors, billing managers, compliance officers, and physicians. Nestor also presented and served as a panelist on careers in health law at Emory University School of Law on March 18, 2009.



Rivera

## CARLTON FIELDS PARTICIPATES IN MIAMI-DADE FAWL'S CHALLENGE TO PROMOTE WOMEN IN THE LEGAL PROFESSION

By Xinning Shirley Liu

On May 29, 2009, the Miami-Dade Chapter of the Florida Association for Women Lawyers (Miami-Dade FAWL) hosted a half-day conference at the Downtown Miami Hyatt, drawing over 40 participants, including judges, lawyers, and other business professionals, to discuss its Challenge on promoting the advancement of women in the legal profession. Miami shareholder, **Kristy Johnson** (Healthcare, Labor & Employment), as Secretary and soon to be President-Elect of Miami-Dade FAWL, organized and chaired the event with the support and sponsorship of Carlton Fields, along with Blizin Sumberg, Greenberg Traurig, and Holland & Knight. Other firms and organizations that participated included: Akerman Senterfitt; Boise Schiller and Flexner; Burger King Corporation; Clarke Silvergate & Campbell; Colson Hicks Edison; Cozen O'Connor; the Miami-Dade County Bar Association; Gibraltar Private Bank & Trust; Gunster Yoakley & Stewart; K&L Gates; Lisa Lehner, P.A.; Shook, Hardy & Bacon; Thompson Legal Services; University of Miami School of Law; and Weiss Serota Helfman.

One of Miami-Dade FAWL's key missions is to actively promote gender equality and the leadership roles of women lawyers in the legal profession, judiciary, and community at large. Statistics show that while women graduate law school and join law firms at approximately the same rates as men, the percentage of women partners do not reflect similar progress. Miami-Dade FAWL invited local law firms and corporate legal departments in Miami-Dade County to join its Challenge in supporting the advancement of women lawyers. Among the goals of the Challenge are: increasing the percentage of women partners, increasing the representation of women on firm committees, and increasing the number of women practice group leaders. Additionally, the Challenge encourages law firms to review their flexible-hour policies to assure that equitable and viable alternative schedules are available for women lawyers. The goal of the conference was to present a written draft Challenge and obtain feedback from the attendees.

The keynote speaker of the conference was Lauren Stiller Rikleem, author of *Ending the Gauntlet: Removing Barriers to Women's Success in Law*. Ms. Rikleem shared thoughtful insights from her book with the group regarding the management of today's law firms and the related institutional impediments to the retention and advancement of women lawyers. The former President of the Boston

Bar Association, Ms. Rikleem also is the founder and executive director of the Bowditch Institute for Women's Success, as well as the founding member of the Massachusetts Equality Commission. In addition to being an equity partner at Bowditch & Dewey, LLP, she also is currently a member of the American Bar Association Board of Governors and Board of Directors for the Massachusetts Women's Political Caucus. All attendees of the Miami-Dade FAWL conference received a copy of Ms. Rikleem's book.

Wendi Christensen, CPA and a tax partner at the Florida Lead Tax Service Group of Deloitte Tax LLP ("Deloitte"), was another presenter at the Miami-Dade FAWL conference. As leader of Deloitte's Florida practice Women's Initiative ("WIN") for the past 3 years, Wendi discussed programs Deloitte has pursued since 1993 to support the advancement of women, such as the development of Deloitte's career customization pilot and the "Females as Buyers" program.

The Miami-Dade FAWL conference also included small group discussions led by four local judges and one retired judge, including the Honorable Mercedes Bach (retired), the Honorable Abby Cynamon, the Honorable Leslie B. Rothenberg, the Honorable Jacqueline Hogan Scola, and the Honorable Lisa S. Walsh. The groups discussed and reported on their unique reflections regarding significant impediments to the advancement of women in the legal profession, and made valuable suggestions to the Miami-Dade FAWL's Board of Directors on improving the Challenge.

The Miami-Dade FAWL Board of Directors will be finalizing the details of the written Challenge and will move forward on the issuance of the Challenge to the local community in the near future. For more information, please contact Kristy Johnson at [kjohnson@carltonfields.com](mailto:kjohnson@carltonfields.com).

**Xinning Shirley Liu** is currently a summer associate at the Miami Office of Carlton Fields. Born in China, she moved with her family to South Florida at the age of nine. After graduating from the University of Miami with dual degrees (B.A./B.B.A.), Shirley was awarded a Fulbright fellowship to conduct research on economic and social development in China. A rising third year student at the University of Florida Levin College of Law, she has actively participated in women and minority student organizations, serving as President of the Asian Pacific American Law Student Association (APALSA) and the Vice President of the Law Association of Women (LAW).

## NEW MINORITY AND FEMALE SHAREHOLDERS

*Carlton Fields is pleased to announce the most recent minority and women attorneys to join the firm.*

On February 20, 2009, four new shareholders were elected at the 2009 Annual Shareholders Meeting held in Tampa. Of the four new shareholders, three were women, and two were minorities. In addition to **Mark Rankin**, the following attorneys comprised the new shareholder class:

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**Joanna Garcia** (Tampa) is a member of the Business Litigation & Trade Regulation practice group. She practices primarily in the areas of class action defense, commercial contract litigation, real property litigation, and other general business disputes. She has particular experience defending insurance companies in state class actions involving issues relating to payments for magnetic resonance imaging under Florida's personal injury protection statute, as well as defending developers and builders against claims brought under the Interstate Land Sales Act and the Florida Condominium Act.



Garcia

Joanna is fluent in Spanish and currently serves as the President of the Tampa Bay Hispanic Bar Association. Joanna received her J.D., cum laude, from Stetson University College of Law in 2000; her M.B.A. from Stetson University in 2000; and her B.A., with highest honors, from the American International College in 1996. After graduating from law school Joanna clerked for The Honorable Mary S. Scriven, United States District Judge for the Middle District

of Florida. Joanna lives in St. Petersburg with her husband, Larry Parkin.

**Kenya Reddy** (Tampa) is a member of the Business Litigation & Trade Regulation practice group. Her practice focuses primarily on major commercial litigation, with an emphasis in antitrust law and class action defense. She has particular experience in indirect purchaser litigation, defending Sherman Act claims, and defending claims based on the Florida Deceptive and Unfair Trade Practices Act. Kenya serves on the boards of Bright



Reddy

Beginnings, The Ophelia Project - Tampa Bay, and the Gasparilla Festival of the Arts. She received her J.D. from the University of Virginia School of Law in 2000 and her B.A. from Duke University in 1997. Following her graduation from law school, she clerked for The Honorable Anne C. Conway, Chief Judge of the United States District Court for the Middle District of Florida from 2000-2002. From 2002-2003, she clerked for The Honorable Charles R. Wilson, Circuit Judge for the Eleventh Circuit Court of Appeals.

**Leslie Schultz-Kin** (Tampa) is a member of the Real Property Litigation Practice Group. She litigates real property contract disputes, quiet title actions, and specific performance actions. She represents developers/homebuilders in matters involving the Interstate Land Sales Full Disclosure Act (ILSA) and the Florida Condominium Act, and in all types of cases brought by residential purchasers.

Leslie also has a practice in labor and employment law. Leslie serves as Treasurer of the Board of Directors of Bay Area Legal Services, Inc. She received her J.D., cum laude, from Stetson University College of Law in 1999; her



Schultz-Kin

Master of Public Administration degree, with honors, from the University of South Florida in 1997; and her B.A. in Political Science from Ohio University in 1992. Leslie lives in Tampa with her husband, Stephen, and their sons, Reece, 4, and Tyler, 1 ½.

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**Lesley Daigle** joined the firm in the Atlanta office as a shareholder in the Real Estate & Finance Practice Group. Lesley has broad

experience in all aspects of commercial real estate transactions with a focus on the representation of institutional lenders in mortgage loan origination and servicing transactions. She received her J.D., with honors, (Winter) 1997, and her M.A. in 1995 from the University of Texas at Austin. Lesley received her B.A., with distinction in major, from Yale University in 1992.



Daigle

**Jill Riola** joined the firm as a shareholder in the Orlando office and serves as Co-Chair of the firm's Intellectual Property

## NEW MINORITY AND FEMALE ATTORNEYS

& Technology Practice Group. A nationally known Intellectual Property attorney, Jill concentrates her practice on corporate and transactional intellectual property matters including domestic and international trademark and copyright selection, prosecution, protection, licensing, and enforcement, complex intellectual property transfer transactions, such as acquisition, licensing, development, manufacturing, and distribution agreements, and advertising and promotions. Prior to joining Carlton Fields, she practiced as a shareholder with Akerman Senterfitt in with Akerman Senterfitt in Orlando. Jill received her J.D. from New York University School of Law in 1979 and her B.A., magna cum laude, from the University of Rochester in 1976.



Riola

**Natalie Carlos** joined the firm in the Miami office as a shareholder in the Business Litigation & Trade Regulation Practice Group. Natalie's practice incorporates all aspects of complex business litigation and appeals, including commercial fraud, contract, employment, wrongful competition, media and First Amendment rights. She has served as the Secretary of The Florida Bar Appellate Court Rules Committee, on which she has been a member for the past six years. Natalie received her J.D., with



Carlos

honors, in 1998 from the University of Miami School of Law and she received her B.A. in 1993 from Florida State University.

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The firm also is pleased to announce the most recent associates to join Carlton Fields.

**Paul Ray Borr** joined the firm in the Miami office in the firm's Business Litigation & Trade Regulation Practice Group. Prior to joining Carlton Fields, Paul practiced with Tew Cardenas, LLP in Miami. He received his J.D., magna cum laude, from the University of Miami School of Law in 2006 and his B.S. and B.A., magna cum laude, from the University of Florida in 2003.



Borr

**Jennifer Christianson** joined the firm in the Miami office in the Business Litigation & Trade Regulation Practice Group. Prior to joining Carlton Fields, Jennifer served as Assistant General Counsel for the University of Miami Hospital. Previously, she was an associate with Zuckerman Spaeder LLP in Miami. Jennifer received her J.D., summa cum laude, from the University of Miami and her B.A., magna cum laude, from Carleton College.



Christianson

**Jennifer Coalson** joined the firm in the Atlanta office in the Business Litigation & Trade Regulation Practice Group. Jennifer

was a Carlton Fields summer associate in 2007 in the firm's Atlanta office. She received her J.D. from the University of Georgia School of Law in 2008 and her B.A. from Wake Forest University in 2005.



Coalson

**Tenikka Cunningham** joined the firm in the Miami office as an associate in the Business Litigation & Trade Regulation Practice Group.

Tenikka's primary area of practice is complex business litigation. She was previously an associate at Adorno & Yoss in Miami and is a former Supreme Court of Florida staff attorney with Justice Barbara J. Pariente. Tenikka received her J.D., cum laude, in 2004 from the University of Miami School of Law and she received her B.S., cum laude, in 2001 from Florida State University.



Cunningham

**Kristin Johnson** joined the firm in the West Palm Beach office in the Business Litigation & Trade Regulation Practice Group. Kristin received her J.D. from Fordham University School of Law in 2006 and her B.A. from Lehigh University in 2003.



Johnson

Profiles continued on page 12

## NEW MINORITY AND FEMALE ATTORNEYS CONTINUED

**Nicole Neustein** joined the firm in the Miami office in the Products & Toxic Tort Liability Practice Group. Nicole was a Carlton Fields summer associate in 2006 in the firm's Miami office. She received her J.D. from the University of Miami School of Law in 2008 and her B.A. from Barnard College in 2000.



Neustein



Orender

**Samantha Alves Orender** joined the firm in the Tampa office in the Corporate, Securities & Tax Practice Group. She was a summer associate in 2007, working in the Tampa office. Samantha received her J.D., with honors, from the University of Florida College of Law in 2008 and her B.A. from Amherst College in 2000.

**Raul Reichard** joined the firm in the Miami office in the Business Litigation & Trade Regulation Practice Group. Prior to joining Carlton Fields, Raul was a summer associate for the firm in the Miami office in 2007. He received his J.D. from the University of Puerto Rico in 2008 and his B.A. from Harvard University in 2003.



Reichard



Vargas

**Michele A. Vargas** joined the Miami office in the firm's Insurance Practice Group. Prior to joining Carlton Fields, Michele practiced with Adorno & Yoss, LLP. She received her J.D. in 2003 and her B.A., cum laude, in Political Science and Psychology in 2000 from St. Thomas University.

**Sara G. Witmeyer** joined the firm in the Tampa office in the Real Property Litigation Practice Group. She received her J.D., summa cum laude, from Florida State University College of Law in 2006 and her B.A., with honors, from the University of Wisconsin-Madison in 2002.



Witmeyer

## PRO BONO AWARD CONTINUED

Since his release, Mr. Crotzer, with the assistance of Judge Blue and a team of Carlton Fields attorneys, has fought to convince the Florida Legislature not only to provide just compensation to help him rebuild his life, but also to implement a fair and balanced system to compensate anyone who has lost part of their lives to wrongful incarceration. Thanks to the efforts of Judge Blue and others, in April 2008, Florida Governor Charlie Crist signed a bill which compensated Mr. Crotzer in the amount of \$1.25 million – \$137 for each day of the 24 years he spent in prison, and waives community college tuition on his behalf up to 120 hours. Judge Blue continues to provide pro bono representation to Alan Crotzer, including providing advice on protecting his compensation from the State.

In the past year, Judge Blue has further devoted his pro bono efforts to representing Lara Embry in her appeal of a Florida state court ruling denying her petition for shared custody of a child she had raised with her former partner, despite the fact that Ms. Embry had adopted the child through a second-parent adoption in the state of Washington, where the family had lived previously. Carlton Fields partnered with The National Center for Lesbian Rights (NCLR) and Karen Doering to represent Ms. Embry during the appeal. Judge Blue and Miami shareholder **Cristina Alonso** (Appellate Practice & Trial Support) successfully briefed and argued the case before the Second District Court of Appeal on March 18, 2009, obtaining a reversal of the trial court's ruling. (An account of the case is further detailed in Diversity Fellow Vilma Martinez's account of her first assignment, on pages 6-7).

Throughout his 40 year career, Judge Blue has given back to the community through pro bono representations and civic activities and taught younger lawyers the importance of pro bono legal work through his example. He has influenced many lives – both those of the indigent people he has represented over the years and those of the members of the legal profession who have had the honor to work with him. Moreover, his pro bono efforts have furthered the important and admirable goals of fostering an environment of inclusion and respect for all people.

For more information on the **Carlton Fields Diversity Newsletter, Mosaic**, please contact: **Kenya J. Reddy**, at 813.229.4331 or by email at [kreddy@carltonfields.com](mailto:kreddy@carltonfields.com)

Atlanta Miami Orlando St. Petersburg Tallahassee Tampa West Palm Beach  
[www.carltonfields.com](http://www.carltonfields.com)

The material contained in this newsletter is general and summary in nature, and consists of highlights and information pertinent to clientele of Carlton Fields. It is not intended to be specific legal advice on any matters discussed. If you have questions regarding the content of this newsletter, please contact your attorney at Carlton Fields. The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free, written information about our qualifications and experience.