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LINK

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Top Nine Reasons to Take Pro Bono Cases

by Jennifer A. Dietz, Esq.

When my 10:00 a.m. consultation began, I noticed that my soon-to-be-client walked a bit slowly; his eyes were fixed on the floor and he was hunched over slightly. When he looked up, I was taken back by his crystal blue eyes, but not because of the depth of their blueness, but rather, his eyes were red and filled with tears. My first impression, that he had a drink or two before our consultation, was wrong. The reality was he had been crying. He gave me a firm handshake and looked me in the eyes. He then found the strength to say, "At least my dogs are alive."

I believe in the strong human-animal bond. In my line of work as an Animal Law attorney, it is not unusual for my clientele to be nervous, agitated, angry, tearful, or all of the above. Sometimes, it is so strong that it brings grown men to tears in my office. Today started like any other, except this story had a fairy-tale ending. My client explained in detail the tragic story of how a horrible person shot my client's two dogs at point blank range without any justifiable reason. The dogs had wandered, inadvertently, onto the pasture land of another, an acquaintance of the shooter.

As the two gorgeous and goofy Huskies were out playing nearby, the shooter decided to take actions into his own hands, with two fully-loaded guns. The shooter mercilessly plowed down these two dogs with 14 bullets at point blank range. Miraculously, neither dog died, but each underwent significant treatment and rehabilitation. One of the dogs lost an eye when a bullet pieced through it. The other dog's back legs are almost completely paralyzed because one of the bullets shattered the bones located in his hip region. Both dog's lives have been severely compromised by the shootings.

See "Top Nine Reasons," page 7

Agriculture and Natural Resources: Update and Links to Free Publications

The Florida Farm Bureau Federation Building in Gainesville was the location for the "Agricultural Law Update" program held Friday, November 18. The program provided an update on legislation and covered topics on employment law, farm and ranch estate planning, ethics in farm land sales and the power balance between agricultural and natural resources.

The program chair was Dr. Michael Olexa, who is Professor and Director of the University of Florida IFAS Center for Agricultural and

Natural Resource Law. Dr. Olexa has co-authored a number of publications regarding agricultural and natural resource law in Florida that are available on the UF/IFAS Extension website called EDIS (Electronic Data Information Source) at <http://edis.ifas.ufl.edu>. The following publications are available FREE:

Handbook of Florida Agricultural Laws <http://edis.ifas.ufl.edu/fe113>

Handbook of Florida Fence and

See "Free Publications" page 8

INSIDE:

Chair's Message.....	2
Disposing of Devices with Hard Drives.....	3
"Scrubbing" Data from a Hard Drive.....	5
The Florida Bar Website: Resources for Every Need.....	6

Message from the Chair

by Frank Maloney



It is hard to believe it is already winter and we are half way through the 2011-2012 Florida Bar Year. Your section has really been active this year. In June a delegation from the section was invited to attend the Missouri Solo and Small Firm Conference (the largest in the country) to help improve your section's Solo and Small Firm Conference, which is coming up in conjunction with the next Florida Bar Midyear meeting. At the Bar Convention our *Florida Law Update* was the best attended seminar, and we presented the Legal Aid award to Jacksonville Area Legal Aid and awarded the Tradition of Excellence to our very own past chair Margaret Rose "Peggy" Hoyt.

In September the Executive Council went to Tallahassee, and toured the Bar headquarters, and got to meet many of the staff who help so much in keeping the section running smoothly with all of our programs and publications. Peggy Hoyt with an excellent faculty also presented the *Technology for the Extraordinary Lawyer* at the midyear meeting of The Florida Bar at the Hilton Walt Disney World; it was a big hit with all who were there.

October saw our ever popular *Annual Ethics Update* at the Tampa Airport with Eugene Shuey as the CLE program chair, with five hours of ethic CLE credit. It was a great help to our members to keep up with all the changes from the Supreme Court and the Board of Governors.

In November your executive council met for its quarterly

meeting in St. Augustine. We had a very busy agenda, working to provide the very best programs to our members and at as economical a cost as possible with this poor economy. Board member and Treasurer Teresa Morgan had to be excused because she was running in the New York Marathon. She did very well and we are very proud of her and her accomplishment. Also, in November U of F Professor Michael Olexa, the chair of our Agriculture Law Committee, presented the Florida Agriculture Law Update in Gainesville at the Florida Farm Bureau and had peanuts for all in attendance. The next day the Gators won over Furman in the Swamp.

Still to come we will have the next quarterly executive council meeting on the afternoon of January 27, 2012 at the Buena Vista Palace Hotel and Spa, Walt Disney Resort. In addition to the normal agenda items we will continue to work on making our Joint Comparative Law CLE: The London Symposium and the Solo and Small Firm Conference the best possible for our members and the Bar. If you are in the area we would love to have you stop by and say hello and share any ideas you may have for the section – just let us know you are coming.

Our Long Range Planning meeting will be March 16 and 17, 2012 at the Marriott Marquis in Atlanta. We certainly appreciate any input we can get from our members regarding what they would like to see in the future

direction of your section. Please give us your thoughts.

May 19, 2012, will begin our joint Comparative Law Symposium in London along with other sections of The Florida Bar and Bar Council (Barristers) and the Law Society (Solicitors). We will have our meetings at the Middle Temple as well as two lunches there. The Middle Temple Church plays a big role in the *Da Vinci Code* and the Master of the Church is an expert on debunking that book. We will have two joint receptions with our English counterparts. Side trips are being planned for London and the English countryside. And, for those interested, an add on trip to Paris via the tunnel is planned. I hope you all will have an opportunity to attend this symposium and we can still accept a limited number of additional registrations.

Teresa Morgan and her committee have already begun the planning for the *Solo and Small Firm Conference* to be held in conjunction with the 2012 Midyear meeting of The Florida Bar at the Buena Vista Palace Hotel and Spa in Walt Disney World Resort Village on September 21-22, 2012. The committee is incorporating much of what was learned at the Missouri Solo and Small Firm Conference back in June, it will be a great conference.

The GPSSF Section – 40 years and strong!

Disposing of Devices with Hard Drives

Professional Ethics of The Florida Bar
Opinion 10-2

The transition from 2011 to 2012 may mean that you or your office obtained new “devices with hard drives” (which includes cellular phones to copiers) and will soon be disposing of similar devices. Have you considered that these devices contain confidential information? Have you thought about how to dispose of such items to ensure client confidentiality is maintained? Below is Opinion 10-2 from the Professional Ethics Committee of The Florida Bar (issued September 24, 2010 and revised August 24, 2011).

Ethics Opinion 10-2

A lawyer who chooses to use Devices that contain Storage Media such as printers, copiers, scanners, and facsimile machines must take reasonable steps to ensure that client confidentiality is maintained and that the Device is sanitized before disposition, including: (1) identification of the potential threat to confidentiality along with the development and implementation of policies to address the potential threat to confidentiality; (2) inventory of the Devices that contain Hard Drives or other Storage Media; (3) supervision of nonlawyers to obtain adequate assurances that confidentiality will be maintained; and (4) responsibility for sanitization of the Device by requiring meaningful assurances from the vendor at the intake of the Device and confirmation or certification of the sanitization at the disposition of the Device.

RPC: 4-1.1, 4-1.6(a), 4-5.3(b)

The Professional Ethics Committee has been asked by the Florida Bar Board of Governors to write an opinion addressing the ethical obligations of lawyers regarding information stored on hard drives. An increasing number of devices such as computers, printers, copiers, scanners, cellular phones, personal digital assistants (“PDA’s”), flash drives, memory sticks, facsimile machines and other electronic or digital devices (collectively, “Devices”) now contain hard drives

or other data storage media. As used in this opinion, Storage Media is any media that stores digital representations of documents. (collectively “Hard Drives” or “Storage Media”) that can store information. See Brian Smithson, *The IEEE 2600 Series: An Introduction to New Security Standards for Hardcopy Devices*, **ISSA Journal**, Nov. 2009, at 28; Holly Herman, *Experts Warn Copiers Can Be Fertile Ground for ID Thieves*, **Reading Eagle** (Jun. 2, 2010, 12:28:54 P.M.), <http://readingeagle.com/article.aspx?id=222523>; Mark Huffman, *Digital Copiers Could Be an Identity Theft Threat*, *ConsumerAffairs.com* (May 19, 2010), http://www.consumeraffairs.com/news04/2010/05/digital_copiers.html; Armen Keteyian, *Digital Photocopiers Loaded with Secrets*, *CBSNews.com* (April 15, 2010), <http://www.cbsnews.com/stories/2010/04/19/eveningnews/main6412439.shtml>; Gregg Kelzer, *Photocopiers: The Newest ID Theft Threat*, **Computerworld** (March 14, 2007), http://www.computerworld.com/s/article/9013104/Photocopiers_The_newest_ID_theft_threat. Because many lawyers use these Devices to assist in the practice of law and in doing so intentionally and unintentionally store their clients’ information on these Devices, it is important for lawyers to recognize that the ability of the Devices to store information may present potential ethical problems for lawyers.

For example, when a lawyer copies a document using a photocopier that contains a hard drive, the document is converted into a file that is stored on the copier’s hard drive. This document usually remains on the hard drive until it is overwritten or deleted. The lawyer may choose to later sell the photocopier or return it to a leasing company. Disposal of the device without first removing the information can result in the inadvertent disclosure of confidential information.

Duty of Confidentiality

Lawyers have an ethical obligation to protect information relating to the representation of a client. Rule 4-1.6(a) of the Rules Regulating the Florida Bar addresses the duty of confidentiality and states:

(a) Consent Required to Reveal Information. A lawyer shall not reveal information relating to representation of a client except as stated in subdivisions (b), (c), and (d), unless the client gives informed consent.

The comment to the rule further states:

The confidentiality rule applies not merely to matters communicated in confidence by the client but also to all information relating to the representation, whatever its source. A lawyer may not disclose such information except as authorized or required by the Rules of Professional Conduct or by law.

continued, next page

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DISPOSING OF DEVICES

from page 3

A lawyer must ensure confidentiality by taking reasonable steps to protect all confidential information under the lawyer's control. Those reasonable steps include identifying areas where confidential information could be potentially exposed. Rule 4-1.1 addresses a lawyer's duty of competence:

Competence A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

The comment to the rule further elaborates:

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law *and its practice*, engage in continuing study and education, and comply with all continuing legal education requirements to which the lawyer is subject. (emphasis added).

If a lawyer chooses to use these Devices that contain Storage Media, the lawyer has a duty to keep abreast of changes in technology to the extent that the lawyer can identify potential threats to maintaining confidentiality. The lawyer must learn such details as whether the Device has the ability to store confidential information, whether the information can be accessed by unauthorized parties, and who can potentially have access to the information. The lawyer must also be aware of different environments in which confidential information is exposed such as public copy centers, hotel business centers, and home offices. The lawyer should obtain enough information to know when to seek protection and what Devices must be sanitized, or cleared of all confidential information, before disposal or other disposition. Therefore, the duty of competence extends from the receipt, i.e., when the lawyer obtains control of the Device, through the Device's life cycle, and until disposition of the Device, including after it leaves the control of the lawyer. Further, while legal matters are beyond the scope of

an ethics opinion, a lawyer should be aware that depending on the nature of the information, misuse of these Devices could result in inadvertent violation of state and federal statutes governing the disclosure of sensitive personal information such as medical records, social security numbers, criminal arrest records, etc.

Duty to Supervise

The lawyer must regulate not only the lawyer's own conduct but must take reasonable steps to ensure that all nonlawyers over whom the lawyer has supervisory responsibility adhere to the duty of confidentiality as well. Rule 4-5.3(b) states:

(b) Supervisory Responsibility. With respect to a nonlawyer employed or retained by or associated with a lawyer or an authorized business entity as defined elsewhere in these Rules Regulating The Florida Bar:

(1) a partner, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the person's conduct is compatible with the professional obligations of the lawyer;

(2) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(3) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(A) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(B) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

A lawyer's supervisory responsibility extends not only to the lawyer's own employees but over entities outside the lawyer's firm with

whom the lawyer contracts to assist in the care and maintenance of the Devices in the lawyer's control. If a nonlawyer will have access to confidential information, the lawyer must obtain adequate assurances from the nonlawyer that confidentiality of the information will be maintained.

Sanitization

A lawyer has a duty to obtain adequate assurances that the Device has been stripped of all confidential information before disposition of the Device. If a vendor or other service provider is involved in the sanitization of the Device, such as at the termination of a lease agreement or upon sale of the Device, it is not sufficient to merely obtain an agreement that the vendor will sanitize the Device upon sale or turn back of the Device. The lawyer has an affirmative obligation to ascertain that the sanitization has been accomplished, whether by some type of meaningful confirmation, by having the sanitization occur at the lawyer's office, or by other similar means.

Further, a lawyer should use care when using Devices in public places such as at copy centers, hotel business centers, and outside offices where the lawyer and those under the lawyer's supervision have little or no control. In such situations, the lawyer should inquire and determine whether use of such Devices would preserve confidentiality under these rules.

In conclusion, when a lawyer chooses to use Devices that contain Storage Media, the lawyer must take reasonable steps to ensure that client confidentiality is maintained and that the Device is sanitized before disposition. These reasonable steps include: (1) identification of the potential threat to confidentiality along with the development and implementation of policies to address the potential threat to confidentiality; (2) inventory of the Devices that contain Hard Drives or other Storage Media; (3) supervision of nonlawyers to obtain adequate assurances that confidentiality will be maintained; and (4) responsibility for sanitization of the Device by requiring meaningful assurances from the vendor at the intake of the Device and confirmation or certification of the sanitization at the disposition of the Device.

“Scrubbing” Data from a Hard Drive

As outlined in Opinion 10-2, disposing of a device with a hard drive is not simply a matter of sending the device to a recycling center. The device needs to be sanitized or “scrubbed” of data. The information below on data scrubbing is from the “Hot Topics in LOMAS” page of the Florida Bar website. If you are still searching for answers on this topic or need help with technology for your practice, then contact LOMAS for a technology consultation. PMA Jerry Sullenberger has seven years experience as a law firm administrator and more than ten years as an IT consultant and trainer. He is both a Microsoft Certified System Engineer (MCSE) and a Certified Novell Engineer (CNE), among other

IT certifications. If you have questions regarding software or hardware issues, contact Jerry Sullenberger at jsullenberger@flabar.org.

What steps should I take to be certain that confidential information has been removed from computers and digital photocopiers before we dispose of them? (from “Hot Topics in LOMAS FAQ” on the Florida Bar website)

Confidential client information and sensitive business data can be safely “scrubbed” (removed by using wipe programs or ‘shredders’) from the hard drives of digital photocopiers. To truly erase data, you need to

write over it. Simply deleting files or reformatting the drive won’t do. Luckily, plenty of free and inexpensive wipe programs (also known as shredders) can cover the data with zeroes or random patterns, making it unreadable by data-restoration software. There are several good products available, such as “Infosweep” at www.infosweep.com, for scrubbing data off the hard drives of digital photocopiers. There is an even larger selection of “scrubber” products available to wipe data off computer hard drives such as Wipe Drive (www.whitecanyon.com). Always check with your technology support vendor to be sure you are using the latest version of the software tool you choose.

Joint Comparative Law CLE: The London Symposium

London! Buckingham Palace, Big Ben, Houses of Parliament, London Eye and many more landmarks to visit.

We still have availability for you to join us for this exciting trip and informative seminar May 20-26, 2012. The seminar will take place at the Middle Temple on May 22-23, and will be comparative law panels with both U.S. and U.K. panelist.

A deposit of \$500.00 per person is required at time of reservations, Contact Cara with Bowen Travel Service at carat@bowenkeepie.com or call 813-289-8344 for reservations.

SAVE THE DATE

The 2012 Annual Solo and Small Firm Conference
is scheduled for September 21 – 22.

The conference will be held in conjunction with The Florida Bar Midyear Meeting, at the Buena Vista Palace Spa and Resort in the Walt Disney World Village.

Don’t miss “The Extraordinary Lawyer: Minding Your Own Business”

The Florida Bar Website: Resources for Every Need

If the primary reasons you log-in to The Florida Bar website (www.floridabar.org) are to pay your dues once a year, check for CLE programs or determine how many CLEs you have in the current cycle, then you are missing the BEST part of The Florida Bar website – FREE or low-cost resources in every category. Whether you are starting a new practice or have been practicing for 30 plus years, there are resources available to you that are yours with the click of a mouse. Take some time and check out The Florida Bar website. Below is just a sample of the resources you will find on the website.

Starting a New Practice

The **Starting a New Practice** area of the Law Office 411 site has sample forms, management information, and guidance for lawyers opening a firm.

Free Legal Research

There are many online resources for free or inexpensive legal research including **Virtual Law Libraries** and **FastCase**, a member benefit providing free Florida caselaw search.

Finding New Clients

Developing a client base is a key step to firm success. **Advertising** is one way, and another is joining the Bar's **Lawyer Referral Service**.

Center for Professionalism Resource Database

This **databank of articles and materials** on many professionalism topics has been compiled by the Henry H. Latimer Center for Professionalism.

Law Office 411 – Firm Management

Law Office 411 is the website of the Law Office Management Assistance Service. For more than 30 years, LOMAS practice management advisors have supported Florida lawyers with answers to many office management issues.

SCOPE – Practice Area Mentoring

Do you need help with a substantive law issue or have a how-to-do-it question in an unfamiliar area of law practice. Who do you ask? The Bar's **Seek Counsel of Professional Experience (SCOPE) program** is designed to provide short-term mentoring for just such occasions.

Pro Bono

Providing **pro bono legal services** within your community enhances your professional reputation and personal satisfaction.

Stress Management

A lawyer's life is filled with confrontation and competition, conflict resolution and dealing with various trauma situations, all of which make stress a common and serious issue. **Stress management help** is available from **Florida Lawyers Assistance**.

Job Search/Career Resources

Are you looking for **the perfect job** or career building tips? Please visit The Florida Bar Career Center and job resources.

Member Benefits

Florida Bar **Member Benefits** provide a variety of products and services at discounted rates to members. Review a *Bar Journal* article, **The Bar's Member Benefits - Saving Costs During a Lean Economy**.

Free CLE

Free and reduced rate CLE programs are available on line. Meet your requirements with minimal impact on your budget.

Ethics Opinions Subject Index

You can always call the Ethics Hotline for ethical guidance, but the source material is available on line and the **Ethics Opinion Subject Index** makes it easy to locate.

Advertising Rules

If you are planning to advertise, or are wondering if you can ask for referrals from colleagues, you need to understand the rules. **The Advertising Handbook and related material** has the answers.

Get Involved

Networking with your peers and performing pro bono work within your community contributes to your success. Join your **local voluntary bar association** and be active in The Florida Bar through practice area **Sections** or as a **Bar Committee** member.

Economic News

Get international, national and state-wide economic news from the **Wall Street Journal**, **Financial Times**, **Law.com**, and **Florida Trend**.

TOP NINE REASONS

from page 1

Neither dog had acted aggressively toward the cows in the pasture or the group of people who had gathered to see the dogs. The shooter happened to drive by and stopped when he saw the line of cars on this fairly rural road. The shooter had no legal right to the land or the cattle. Within minutes, the shooter discharged his guns at point blank range into the dogs. My client, the dogs' owner, arrived at the scene just before shot numbers 11, 12, 13, and 14 were dispatched into his beloved dogs. My client begged the shooter to stop as he ran onto the field to comfort his dogs, one of which he thought was dead.

My client was devastated by the tragedy that had befallen his Huskies. They were good dogs, prone to wander if they got off their leads. As luck would have it, animal rights activists learned of the story and began petitioning the State Attorney's Office to file charges against the shooter. After months and months of petitioning and pleading, the State Attorney's Office filed two felony counts against the shooter.

At the time of our initial consultation, no charges of any kind had been brought against the shooter. In fact, some people were hailing him as a hero who shot two "wolves." It is undeniable that the dogs were well-cared for Huskies without a mean bone in their bodies. Both dogs were wearing their large brightly colored collars with tags.

My client asked if he was entitled to file a civil suit against the shooter to recover the veterinarian costs of close to \$28,000. The seven bullets which struck the dogs cost my client thousands of dollars for their treatment and my client had spent his life savings on obtaining the very best care for his dogs. Consequently, he was unable to pay a lawyer to represent him.

I explained that a civil action would be difficult to win as the law categorizes dogs as mere property, just like a living room sofa. It was going to be an immense uphill battle to get monetary satisfaction for the

money my client had paid to the veterinarians. One dog was treated with surgery to remove his eye which one bullet had smashed. That Husky remained hospitalized for four days. The second Husky was in his seventh week stay at the veterinarian's office. We discussed the pros and cons of bringing a civil action, but I knew in my heart of hearts that I had to help this man.

Along the way, my client sent little tokens of appreciation, like home-made-cookies, to me for my office. He emailed me wonderful proverbs and beautiful pictures of animals. These always brightened my day. I was introduced to his lovely wife and two daughters as "my attorney." I was the first attorney he'd ever had. Even though his case was not financially rewarding, it soon became one of the most enriching experiences of my legal career.

No doubt my paying clients appreciate me too. It is hard to describe to someone who hasn't experienced it, but the appreciation is different when you've helped someone who had nowhere else to turn. And the appreciation is even more difficult to explain when the client knows you helped them with no expectation of financial gain.

During law school I was a law clerk for insurance defense firms. Once I graduated from law school, I continued to practice insurance defense and employment law. I always represented the defendants in the case. I told myself that I would never be a plaintiff's attorney. I had no basis in fact for saying that other than it seemed very scary to step out on a ledge and fight a big insurance company. After 15 years of defense practice, I became a full-time plaintiff's attorney. I champion the case of animals and their rights as well as the rights of their guardians. As you can imagine, no two Animal Law cases are alike. Quite frankly, there are days where I have quietly cried in my office and then tell myself to get on with the business of helping these clients in their time of need. I can not afford to earn the pay that full-time public service provides nor can I take every case on a pro bono basis. However, I believe it is absolutely possible to hold to a little of our inner Atticus Finch by taking a pro bono case or

two each year. And for me, my furry client's big eyes and sloppy kisses is all the reward I need.

TOP NINE REASONS TO DO PRO BONO

Here are my top nine reasons to do pro bono work:

1. For every pro bono case you take, that is one attorney joke that is undermined.

2. Pro bono allows me to continue to pay my mortgage and still hold on to my dream of changing the world. While I can't afford to work full time in public service, I can find time for a pro bono case here and there.

3. Democracy demands it. If our legal system is not made to work for even the most economically vulnerable, then it ceases to be just.

4. God does not really care if I am "this close" to a billable hours' bonus. I don't get a pass just because I am busy.

5. The economy stinks. Unemployment and foreclosures are mushrooming. Creditors are becoming increasingly aggressive. More people than ever with legal needs qualify for pro bono services.

6. The economy stinks, *parte dos*. Budget cuts have reduced government help to low-income people. Funding for full-time public service attorneys is drying up while donations to nonprofits are going down. Society's safety net for our most vulnerable is fraying.

7. It makes me a better attorney. When I was in law school, we did not discuss what happens in an Animal Law case. I had to figure this out for a pro bono case. One can either learn a new skill or sharpen an existing one. For example, in many pro bono cases, lawyers represent clientele from different socioeconomic or cultural backgrounds which can improve a lawyer's communication skills. Furthermore, pro bono service builds confidence for less experienced attorneys, especially those working in the shadow of senior partners. By regularly doing pro bono work, they quickly lose feelings of inadequacy and grow in the realization that they can autonomously assist others with legitimate legal problems. Some attorneys have found that their pro bono service actually enhances their skills in a certain legal area to such a

continued, next page

TOP NINE REASONS

from page 7

degree that it attracts paying clients.

8. Pro bono service benefits the entire legal profession. The public's confidence in the legal system remains low. However, lawyers forget that they have a monopoly to provide a service that enables many to gain powerful positions and wealth in their communities, subject to the self-regulation of the profession. The legitimacy of the legal system is dependent upon meaningful participation of all American citizens. Pro bono service ensures that participation is being accomplished by lawyers themselves, thereby preserving the system's legitimacy.

9. It recharges my batteries. I haven't conducted a scientific study of the subject, but I am convinced that attorneys who participate in pro bono work have greater career satisfaction.

Many of us went to law school

imagining that we would be the next Atticus Finch. And while "thanks" with a paycheck feels good, the thanks you get from your clients when you took their case for nothing feels good on a completely different, but very real level. My pro bono clients have sent me cards, letters of thanks, flowers and cookies. They have hugged me with tears in their eyes and proudly introduced me as "my attorney" to their family. And, as a bonus, they occasionally send me paying clients, or hire me for other work when they get back on their feet. Those one or two pro bono cases we take each year allow us to hold on to our inner Atticus Finch.

The dog shooting case discussed above became an international sensation with two YouTube videos, three petition sites and a web-page dedicated to the dogs. My client and I were interviewed by local and national television stations and multiple newspapers. As for my client, the insurance company settled for six figures. As for me, I received an inordinate number of

calls from people wishing to hire me to handle their Animal Law case. It was a win-win-win conclusion to a tragic event. The shooter was charged with two counts of felony animal abuse; my client's settlement will pay the veterinarian bills incurred and those which will be incurred in the future; and as for me, I am proud to have worked on the case and to have received the many referrals that came forward from the media coverage.

Portions of this article have been reprinted with the gracious permission of Dawn Levine, Esq. who practices estate law at Lyle Deling & Levine in Marietta, GA.

Jennifer A. Dietz, Esq. teaches Animal Law at Stetson College of Law and practices Animal Law in Tampa Bay. She is a member of the Executive Council of the General Practice and Solo and Small Firm Section of The Florida Bar. She can be reached at jdietz@jenniferdietz.com

FREE PUBLICATIONS

from page 1

Property Law <http://edis.ifas.ufl.edu/fe889>

The Florida Agricultural Handbook of Solid and Hazardous Waste Regulation <http://edis.ifas.ufl.edu/fe758>

Handbook of Employment Regulations Affecting Florida Farm Employers and Workers <http://edis.ifas.ufl.edu/fe390> (also available in Spanish)

Handbook of Florida Water Regulation <http://edis.ifas.ufl.edu/fe579>

A chapter from the recently revised *Handbook of Florida Water Regulation* reprinted, in part, below provides an explanation of a state agency usually referred to by its acronym FDACS, but which touches

your life every day. Zachary Broome, former student at the Levin College of Law, University of Florida, is co-author with Dr. Olexa.

FDACS Overview

The Florida Department of Agriculture and Consumer Services (FDACS) carries out functions related to farming practices and products, such as ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs; assisting Florida's farmers and agricultural industries with the production and promotion of agricultural products; and conserving and protecting the state's agricultural and natural resources by reducing wildfires, promoting environmentally safe agricultural practices, and managing public lands.

FDACS is divided into nineteen divisions, each with a separate concern, as illustrated in the following four divisions:

Division of Agricultural and Environmental Services regulates and licenses pest control operators and provides assistance to the Soil and Water Conservation Districts. Within this division are four bureaus. The Bureau of Pesticides registers pesticides that are sold and used in the state and oversees pesticide programs that are related to the protection of public health and the environment. The Bureau of Entomology and Pest Control protects the health and safety of Florida's consumers and environment through effective mosquito control and pest control regulation, and assists in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act under a cooperative agreement with the United States Environmental Protection Agency (EPA). The Bureau of Agricultural Environmental Laboratories (through its feed and seed programs) tests samples of feed and seed to ensure that consumers receive

quality products, provides a level playing field for all manufacturers, and promotes environmental stewardship. The Bureau of Compliance Monitoring, among other activities, ensures the compliance and regulatory status of feed, seed, and fertilizer distributors; regulates the distribution and use of registered pesticide brands; and enforces the Federal Worker Protection Standard.

Division of Standards is responsible, through its Bureaus of Fair Rides Inspection: (<http://www.freshfromflorida.com/standard/fairs/>) [September 2011]; Liquefied Petroleum Gas Inspection: (<http://www.freshfromflorida.com/standard/lpgas/>) [September 2011]; Petroleum Inspection: (<http://www.freshfromflorida.com/standard/petro/>) [September 2011]; and Weights and Measures Inspection: (<http://www.freshfromflorida.com/stand/weights/>) [September 2011] for the protection

of consumers from unfair and unsafe business practices across a wide range of products, including gasoline, brake fluid, antifreeze, liquefied petroleum gas, amusement rides, and weighing and measuring devices.

Division of Forestry manages forest resources. Within this division is the Bureau of Planning Services, which includes the Watershed Protection Section (WPS). The WPS offers professional hydrology (water-use science) services to the public and other state agencies. It is also responsible for developing the silviculture (forestry) elements of the Florida Surface Water Quality Plan (see <http://edis.ifas.ufl.edu/FE94>, Water Management Districts). Most important, WPS monitors impacts of water regulation on forestry and assists farmers in managing any forest resources that they might possess.

Division of Administration handles the administrative functions of

FDACS. This division includes the Office of Agricultural Law Enforcement, which provides for the inspection of agricultural products, and the Bureaus of Finance and Accounting, General Services, Personnel Management, Planning and Budgeting, and Training and Development, and the Agriculture Management Information Center.

FDACS also includes the Office of Energy and Water (OEW), which provides for communication between federal, state, and local agencies and the agricultural industry on energy, water quantity and water quality issues involving agriculture. The OEW is actively involved in the development of Best Management Practices (BMPs), addressing both water quality and water conservation on a site-specific, regional, and watershed basis.

More information about FDACS can be found at the FDACS website at <http://www.freshfromflorida.com>.

Agricultural Law Update

November 18, 2011
Florida Farm Federation Building
Gainesville, Florida



Gene Shuey, Speaker, "Ethics of Real Estate Practice in Farm Land Sale"



Patrice Boyes, Speaker, "Agricultural and Natural Resources: Toward a New Balance of Power"



Richard Withers, Speaker, "Farm and Ranch Estate Planning"