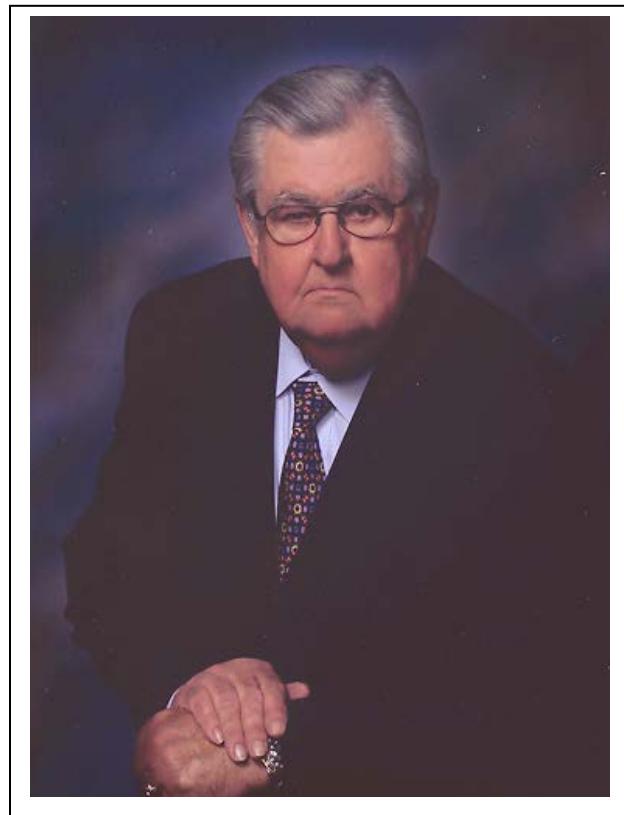
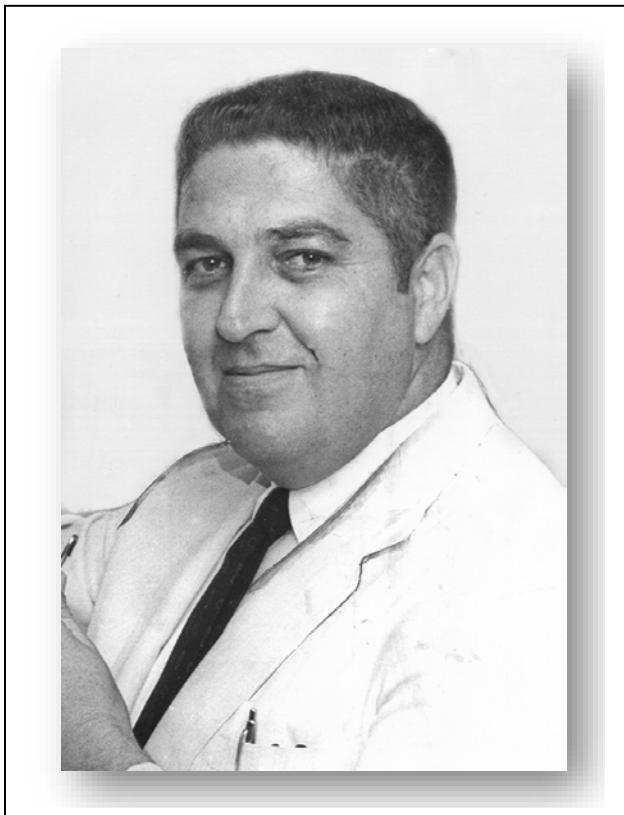


**HERBERT G. GOLDBURG
&
RONALD K. CACCIATORE**

CRIMINAL LAW AMERICAN INN OF COURT



**MEMBERSHIP HANDBOOK
2016-2017**

Legal Excellence • Civility • Professionalism • Ethics



2016-2017

**HERBERT G. GOLDBURG & RONALD K. CACCIATORE
CRIMINAL LAW AMERICAN INN OF COURT**

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THE HERGERT G. GOLDBURG and RONALD K. CACCIATORE CRIMINAL LAW AMERICAN INN OF COURT HANDBOOK

This handbook will introduce the American Inns of Court and the Herbert G. Goldburg and Ronald K. Cacciatore Criminal Law American Inn of Court (the Goldburg-Cacciatore Criminal Law Inn of Court). Its purpose is to acquaint the reader with the history of the American Inns of Court movement overall and with the operation of the Goldburg-Cacciatore Criminal Law Inn of Court, in particular.

AMERICAN INNS OF COURT

The American Inns of Court has grown faster than any other organization of legal professionals in the country. Today, there are over 350 American Inns of Court across the United States. Over 23,000 judges, lawyers, law professors, and law students are currently members of American Inns of Court; Inns of Court members include 40 percent of all federal judges and more than 1500 state court judges.

The American Inns of Court was patterned after the English Inns of Court. That program began in 1292, when King Edward I directed his chief justice to satisfy a growing need for skilled advocates at the Royal Court at Westminster. The English Inns of Court grew in number and importance during the Middle Ages. They emphasized the value of learning the craft of lawyering from those individuals already established in the profession. Their collegial environment fostered common goals and nurtured professional ideals and ethics.

The American Inns of Court concept was the product of a discussion in the late 1970s among the United States' members of the Anglo-American exchange of lawyers and judges, including Chief Justice Warren E. Burger and Chief Judge of the Ninth Circuit J. Clifford Wallace. Chief Justice Burger subsequently invited Rex E. Lee (then Dean of the J. Reuben Clark School of Law and Brigham Young University and later United States Solicitor General) and Dallin Oaks (then president of Brigham Young University and later Justice of the Utah Supreme Court) to test the idea.

At the suggestion of Rex Lee, a pilot program was entrusted to Senior United States District Court Judge A. Sherman Christensen, who honed the idea into a feasible concept. The first American Inn of Court was founded in 1980 in the Provo/Salt Lake City area of Utah and included law students from Brigham Young University. Within the next three years, additional American Inns formed in Utah, Mississippi, Hawaii, New York, and Washington D.C.

In 1983 Chief Justice Burger created a committee of the Judicial Conference of the United States. Its aim was to explore whether the American Inns concept was of value to the administration of justice and, if so, whether there should be a national organization to promote, establish, and assist American Inns and to promote the goals of legal excellence, civility, professionalism, and ethics on a national level. The committee reported to the Judicial Conference affirmatively on the two questions and proposed the creation of the American Inns of Court Foundation. The Judicial Conference approved the reports and, thus, endorsed the American Inns concept and the formation of a national structure. In 1985 the American Inns of Court Foundation was formally organized.

The Chester Bedell American Inn of Court, Florida's first, was founded in 1985 in Jacksonville. The Ferguson-White American Inn of Court, Tampa's first Inn and the second in Florida, was formed in 1987. The William Glenn Terrell Inn is Tampa's second Inn and was formed in 1988. Both the third (the Peter T. Fay Inn) and the fifth (the Barney Masterson Inn) Florida Inns were formed the same year. As of 2004, there were 31 Inns operating across the state and discussions taking place concerning the formation of a new Inn in Tallahassee. There is a family law Inn in Tampa Bay, and talk of creating labor law Inns in both Tampa and Miami, as well.

American Inns of Court are designed to improve the skills, the professionalism, and the legal ethics that the bench and the bar utilize in the performance of their functions. Its role is to help lawyers become better

advocates, with a keener ethical awareness, by providing them with the opportunity to learn side-by-side with the most experienced judges and lawyers in their communities. The objectives of each Inn are as follows:

1. To establish a society of judges, lawyers, legal educators, law students, and others to promote excellence in legal advocacy in accordance with the Professional Creed of the American Inns of Court;
2. To foster greater understanding of and appreciation for the adversary system of dispute resolution in American law, with particular emphasis on ethics, civility, professionalism, and legal skills;
3. To provide significant educational experiences that will improve and enhance the abilities of lawyers as counselors and as advocates as well as those of judges as adjudicators and as judicial administrators;
4. To promote interaction and collegiality among all legal professionals in order to minimize misapprehensions, misconceptions, and failures of communication that obstruct the effective practice of law;
5. To facilitate the development of law students, recent law school graduates, and less experienced lawyers as skilled participants in the American court system;
6. To preserve and transmit ethical values from one generation of legal professionals to the next; and
7. To build upon the genius and strengths of the common law and the English Inns of Court to renew and inspire joy and zest in legal advocacy as a service worthy of constant effort and learning.

**THE HERBERT G. GOLDBURG and RONALD K. CACCIATORE
CRIMINAL LAW AMERICAN INN OF COURT**

In the spring of 1999, Tampa attorney Bill Wagner was on the National Council of Inns of Court. Inns of Court wanted to expand its membership and was particularly interested in creating specialty Inns. The concept of specialty Inns had been endorsed by Judge Patrick E. Higginbotham of the Fifth Circuit Court of Appeals. Mr. Wagner approached Ron Cacciato, who agreed to spearhead this effort. Mr. Cacciato in turn contacted former prosecutors and colleagues, John Fitzgibbons, Gary Trombley, and George Tragos. Although there were some white collar Inns, the Goldburg Inn was the first criminal law Inn in the United States. Meetings commenced in the fall of 2000.

HERBERT G. GOLDBURG

Our Inn was initially named after Herbert Gilbert Goldburg, a man known for his fairness, integrity, and willingness to help his fellow man. Mr. Goldburg was born in Norfolk, Virginia, on January 9, 1925, but moved to Tampa during his youth. His father worked as a Deputy Sheriff for Hillsborough County. Mr. Goldburg graduated from Plant High School and, after attending Erskine College, obtained his undergraduate degree from the University of Tampa. In 1955, upon graduating from law school at the University of Florida, Mr. Goldburg became a County Solicitor for Hillsborough County. In 1960 the State Attorney's Office and the County Solicitor's Office merged. At that time Mr. Goldburg became the Chief Assistant State Attorney under State Attorney Paul B. Johnson. Mr. Goldburg remained in the position until 1963 when he left the State Attorney's Office and formed his own law firm. The firm was initially called Goldburg and Putney, with Louis Putney as Mr. Goldburg's partner. In 1964 Peter Taylor joined the firm. Their offices were located on the third floor of the Legal Center, just downstairs from attorneys Jim Palermo and Ron Cacciato.

Tragedy struck on January 1, 1970, when Mr. Goldburg was only 44 years old. Mr. Goldburg had spent the holidays with his wife and two children in Calloway Gardens, a resort in Northern Georgia. While returning to Tampa, both Mr. Goldburg and his 11-year-old son, Mark, were killed in a car accident caused by a drunken driver.

At the time of his death, Mr. Goldburg had the largest criminal law practice in Tampa. At that time, practicing criminal law was not particularly popular. Yet, Mr. Goldburg chose to pursue that field. He was the type of person whom everyone trusted. In particular, law enforcement officers knew that Mr. Goldburg could be relied upon to do the right thing. Although he was able to conduct a very effective cross-examination of law enforcement personnel, he did so without causing the officer any unneeded embarrassment.

Every year the Trial Lawyers Section of the Hillsborough County Bar Association presents an award to a lawyer who exemplifies those traits that distinguished Mr. Goldburg – fairness, integrity, courtesy, zeal, forensic skill, legal acumen, good sense, respect for fellow lawyers, and devotion to the legal system. This award, presented annually, is known as the Herbert G. Goldburg Award.

Ron Cacciato was Herbert Goldburg's good friend. Mr. Cacciato particularly admired the way that Mr. Goldburg was always willing to provide advice and guidance to younger lawyers. Thus, it is only fitting that our Inn was originally named in honor of Herbert Gilbert Goldburg.

RONALD K. CACCIATORE

Ronald K. Cacciato founded our Inn and served as our first President in 2000-2001. For many years, Mr. Cacciato has been considered to be the “Dean” of the criminal defense bar in Tampa and universally regarded for his trial skills and ethics. He was born in Donalson, Georgia on February 5, 1937, and grew up in Tampa. He graduated from the University of Florida with a B.A. degree in 1960 and his law degree in 1963. While at Florida, he was a member of Florida Blue Key and elected to the University of Florida’s Hall of Fame.

Mr. Cacciato began his legal career in 1963 as an Assistant State Attorney and then entered private practice in 1965. For over forty-five years, he has practiced criminal law with great success in both federal and state courts. He has served as the President of the Hillsborough County Bar Association, President of the Tampa Bay Chapter of the Federal Bar Association, Chair of the Florida Council of Bar Association Presidents, Chair of The Florida Bar’s Criminal Rules Committee, Chair of The Florida Bar’s Criminal Law Section, and Chair of the Hillsborough County Bar Association’s Trial Lawyers Section. He has also been a member of the Federal Judicial Advisory Committee of Florida and a member of the Florida Supreme Court’s Committee on Standard Jury Instructions in Criminal Cases.

Mr. Cacciato has been honored with the George C. Carr Memorial Award for Excellence in Federal Practice by the Tampa Bay Chapter of the Federal Bar Association and our Inn’s Jack Edmund Award for Excellence and Civility in the Practice of Criminal Law. For over twenty-five years, Mr. Cacciato has been recognized in the Best Lawyers in America in both white-collar and non-white-collar criminal defense. He is a Fellow of the American College of Trial Lawyers and a Fellow of the International Academy of Trial Lawyers, the two of the most prestigious invitation-only trial lawyer organizations in the United States. Our Inn would not exist without the work of Ron Cacciato and in 2012 we honored our friend and colleague by changing the name of our Inn to the Herbert G. Goldburg and Ronald K. Cacciato Criminal Law American Inn of Court.

MEMBERSHIP IN THE GOLDBURG INN

The Goldburg-Cacciatoore Criminal Law Inn of Court active membership is divided into three classifications: Masters, Barristers and Pupils. Masters include lawyers, law professors, and judges who have demonstrated superior character, ability, and competence as advocates. Barristers include lawyers who have some experience, but who do not yet qualify as Masters and who have demonstrated good character and a desire to improve and refine their skills as advocates. Finally, the Pupil category includes lawyers with fewer than two years of experience, as well as law students. The total active membership never exceeds 100 members, excluding pupils and Masters Emeritus. There always should be at least one pupil assigned to each pupilage group.

The Inn's membership is drawn from those practicing criminal law in the Tampa Bay area, as well as federal and state judges and law professors. Membership is open to all qualified persons, regardless of race, color, sex, age, creed, national origin, or disability. Membership shall be conferred upon those accepting invitations extended by the Executive Committee after consultation with the Inn's past presidents. Invitations are extended based on recommendations made to the Executive Committee by any member of the Goldburg-Cacciatoore Criminal Law Inn.

Retention of status as a Master is contingent upon reasonably active participation, reviewable by the Executive Committee. Masters may serve indefinitely but must serve continuously for at least five years before being eligible for election to emeritus status. Barristers serve three-year terms, and pupils serve a one-year term. Barristers and Pupils may be invited to extend their terms if the Executive Committee deems it appropriate. Members are not permitted to change their membership classifications during their terms but may be placed in a different classification if they are re-elected to the Inn. Membership in any category may be terminated in the sole discretion of the Executive Committee.

In addition to the active members, the Inn may offer emeritus memberships to Masters on the basis of long and distinguished service to the Inn. Emeritus members may participate in the Inn's education and social programs without paying annual dues, only paying for the cost of the individual programs attended.

Honorary membership may be conferred upon individuals on the basis of distinguished service to the bench or bar, furtherance of American Inns of Court objectives, or other noteworthy achievements. Honorary members may attend the Inn's programs without charge.

SELECTION OF MEMBERS

In the spring of each year, the clerk solicits nominations for new Masters, Barristers, and Pupils from the Inn's active members and from state and federal judges. The applications are provided to the members of the Inn, who identify persons who have a demonstrated interest in developing their own professional skills and in improving the quality of justice in the Tampa Bay area. The members then submit their recommendations to the Inn's Executive Committee, which makes the final decision whether to extend an invitation of membership.

INN GOVERNANCE

Governance of the Goldburg-Cacciatoore Criminal Law Inn of Court is entrusted to the Executive Committee. The Executive Committee includes the officers of the Inn: president, chancellor, secretary/treasurer, clerk, and immediate past-president. The Executive Committee also includes up to four judges and all past presidents. Holding of offices is by annual succession. The clerk is appointed each year by a majority vote of the Executive Committee.

In the event of a vacancy in the Executive Committee, the vacancy is filled by a majority vote of the Executive Committee.

Inn members are encouraged to contact any of the Executive Committee members if they have questions or comments concerning any aspect of the Inn.

ATTENDANCE POLICY

All active members are expected to attend and to participate in the Inn's nine monthly meetings. Three unexcused absences during a program year will be deemed to be a resignation unless the president waives the provision for good cause. Persons who are unable to attend a particular meeting must inform the clerk prior to the meeting of the reason for their absence so the clerk may seek to obtain an excusal from the president. Absences without advance notice are unexcused.

If you wish to be excused from an Inn meeting or wish to request approval for a guest to attend a meeting, please contact:

Michael Sinacore
(813) 274-1653
Sinacore_Mi@sao13th.com

GUEST POLICY

The Inn's programs are primarily for the benefit of its members. Members cannot send a non-member, even from the same law firm, school, or government office, in their place if they cannot attend. However, members may invite guests with them to Inn programs. Guests are only permitted with prior approval of the president. Members who bring guests will be charged \$35 per guest.

CONTINUING LEGAL EDUCATION CREDIT

The Inn is a CLE provider. Members may earn as many as eight hours of CLE credit, including ethics credit, by attending and participating in all eight of the Inn's CLE programs. The number of credit hours available for participating in a program will be subject to approval by The Florida Bar.

The Chancellor for the Inn will coordinate the CLE programs and will apply for CLE designation from The Florida Bar. Members are responsible for reporting their attendance to The Florida Bar at www.floridabar.org once CLE course numbers are obtained and provided to the membership by the Chancellor.

MEETINGS AND PROGRAMS

The program year usually begins in September with an introductory kick-off dinner. Thereafter, the Inn, as a whole, meets an additional eight times a year. All meetings are held at the University Club, unless otherwise noticed. Each meeting begins with a cocktail reception (cash bar) from 5:30 – 6:15 p.m. Dinner follows the reception with one of the Inn's eight pupilages presenting a 50 to 60 minute program dealing with a practical aspect of the practice of criminal law.

The programs are the heart of the monthly meetings. They address practical legal skills with an emphasis on ethics, civility, and professionalism in lawyering. There is no set format for the programs. However, they are generally comprised of a demonstration or presentation of principals, skills, techniques, and relationships

involved in trial or appellate court proceedings or in activities preliminary to courtroom appearances. The programs also incorporate opportunities for critique and discussion.

Another crucial aspect of the Inn's focus is the individual pupilage meetings. Organized by the pupilage group leader or by a designated member of the pupilage at the leader's behest, each pupilage group should meet in person prior to the group's assigned program date. The pupilage meetings serve a dual purpose – to prepare for that pupilage's demonstration and simply to encourage and promote the relationships among the pupilage members. Some pupilages may organize meetings with other pupilages, as well.

Programs are prepared by the pupilage teams, usually one team per monthly program. It is not necessary for every member of the pupilage to have a speaking role in the program, although everyone in the pupilage usually makes a contribution to the program. This contribution can take the form of research, writing, design, demonstration, or any job that ensures that the program is instructive and interesting. One of the group's pupils is responsible for offering the Inn's monthly after-dinner toast to follow the pupilage presentation.

Assignments of programs and dates are prepared by members of the Executive Committee during the summer before the start of the year. Although the general topics may be assigned, the format of presentation is left to the pupilage. Panel discussions, demonstrations, game-show formats, skits, or small-group discussions are ways in which a program can be presented. Some of the most memorable programs have been those involving frank and spirited disagreements among Inn members. Humor is also an effective teaching tool.

Audience participation is very important. Whatever the format, allow for discussion at least every ten minutes or so. If you present a demonstration or skit, you may want to use the "freeze-frame" technique to stop the action periodically to permit other Inn members to make comments or ask questions. It is not necessary, however, that each table be assigned a question.

ORGANIZATION

The Inn's active members are divided into pupilage groups with the first pupilage group generally consisting of Inn officers and past presidents. The Executive Committee selects the groups and ensures that each group includes Masters (one of whom is generally a judge and the group leader), Barristers, and Pupils. Group assignments may be altered for good cause.

Groups are encouraged to meet in person to prepare their programs and to promote camaraderie among the pupilage members. Groups choose their own meeting places and times. The group leader is responsible for convening the pupilage, for assuring that the members attend the Inn's meetings and activities, and for promoting contacts among pupilage group members between Inn meetings. The group leader also supervises the preparation of the pupilage group's program and is responsible for all other group activities.

Each group must prepare and present one of the Inn's eight substantive programs. The group's responsibilities in this regard include: (1) selecting the format most likely to present the assigned topic in an interesting manner; and (2) preparing written materials that meet the requirements of The Florida Bar (written materials should be submitted to the Chancellor of the Inn).

In addition to presenting a program, the pupilage groups provide Inn members with opportunities to become better acquainted with other lawyers practicing criminal law in the Tampa Bay area. The groups are the principal component of the Inn's mentoring activities. Their diverse membership is intended to build an inter-generational relationship that encourages frank and personal discussion of matters of practice, ethics, civility, and all other aspects of the practice of criminal law. The most experienced members of the group are encouraged to pass on the best of the practice to the less experienced members. Accordingly, Masters are encouraged to provide their Barrister and Pupil colleagues with opportunities to observe them in court, in depositions, or in the office.

INN WEBSITE

For more information regarding the Inn's policies, to view directory of Inn members, and to review the by-laws, please visit www.innsofcourt.org/inns/goldburgcriminalinn/.

ANNUAL DUES

The annual dues for Master, Barrister, and Pupil members of the Inn range from \$175 to \$500, depending on the membership category and whether the member is in private practice or government employ. Emeritus members pay \$100. The funds provided by the dues defray the Inn's operating expenses, including the cost of the members' meals at the monthly Inn meetings, and the members' dues to the American Inns of Court Foundation.

BENEFITS FROM THE FOUNDATION

The Goldburg-Cacciatoe Criminal Law Inn of Court members receive benefits from the American Inns of Court Foundation. They receive a subscription to The Bencher, the bimonthly newsletter, and a national membership directory. Members are also entitled to attend the annual meeting and to purchase videotaped programs such as the Visions of Excellence series. Members traveling to England may also obtain letters of introduction to any of the four English Inns.

The American Inns of Court Foundation confers several awards annually. The awards program encourages excellence and creativity and endeavors to expand the vision of the American Inns of Court beyond the Foundation and the individual American Inns of Court. The Foundation's awards program is a respected symbol of not only the American Inns of Court movement, but of the American legal profession as well.

For further information about your membership in the American Inns of Court Foundation, please contact the foundation directly at:

1229 King Street
Second Floor
Alexandria, Virginia 22314
703/684-3590
Facsimile 703/684-3607
www.innsofcourt.org

JACK EDMUND AWARD

Each year the Inn presents the Herbert G. Goldburg and Ronald K. Cacciato Criminal Law American Inn of Court's Jack Edmund Award for Civility and Excellence in the Practice of Criminal Law. The award recognizes a prominent member of the Bar who exemplifies the many qualities of the late Jack Edmund and is the most prestigious award given by the Inn.

Jack Thomas Edmund was a legendary criminal defense lawyer from Bartow who was tragically killed in a car accident on the evening of March 7, 2002 while on his way home from a federal trial in Tampa. He was 77.

Mr. Edmund graduated from the University of South Carolina and the University of Miami School of Law. He practiced criminal law for over 46 years and tried hundreds of Federal and State cases throughout Florida, including over 100 capital cases. It was not unusual for other lawyers to observe Mr. Edmund's trials where he possessed an uncanny ability to relate to jurors during jury selection, opening statements, closing arguments and particularly during cross examination.

Mr. Edmund was one of those rare lawyers who was liked and respected by everyone in the criminal justice system, from judges to prosecutors to court clerks. He was courteous and honorable and he earned the trust of all those who dealt with him.

The Herbert G. Goldburg and Ronald K. Cacciato Criminal Law American Inn of Court is proud to recognize the accomplishments of Jack Edmund through the presentation of this award in his memory.

Previous Recipients

- 2002 – Honorable Joseph G. Donahey, Jr.*
- 2003 – Ronald K. Cacciato*
- 2004 – Anthony S. Battaglia*
- 2005 – Honorable Susan F. Schaeffer*
- 2006 – Bill James*
- 2007 – Honorable Robert Simms*
- 2008 – Honorable Susan Bucklew*
- 2009 – Victor Pellegrino*
- 2009 – Marcelino J. Huerta, III*
- 2010 – Honorable William Fuente*
- 2011 – Denis deVlaming*
- 2012 – Honorable Richard A. Lazzara*
- 2013 – Honorable Manuel Menendez, Jr.*
- 2014 – Honorable Mark Ober*
- 2015 – John Fitzgibbons*

American Inns of Court

PROFESSIONAL CREED

Whereas, the Rule of Law is essential to preserving and protecting the rights and liberties of a free people; and

Whereas, throughout history, lawyers and judges have preserved, protected and defended the Rule of Law in order to ensure justice for all; and

Whereas, preservation and promulgation of the highest standards of excellence in professionalism, ethics, civility, and legal skills are essential to achieving justice under the Rule of Law;

Now therefore, as a member of an American Inn of Court, I hereby adopt this professional creed with a pledge to honor its principles and practices:

I will treat the practice of law as a learned profession and will uphold the standards of the profession with dignity, civility and courtesy.

I will value my integrity above all. My word is my bond.

I will develop my practice with dignity and will be mindful in my communications with the public that what is constitutionally permissible may not be professionally appropriate.

I will serve as an officer of the court, encouraging respect for the law in all that I do and avoiding abuse or misuse of the law, its procedures, its participants and its processes.

I will represent the interests of my client with vigor and will seek the most expeditious and least costly solutions to problems, resolving disputes through negotiation whenever possible.

I will work continuously to attain the highest level of knowledge and skill in the areas of the law in which I practice.

I will contribute time and resources to public service, charitable activities and pro bono work.

I will work to make the legal system more accessible, responsive and effective.

I will honor the requirements, the spirit and the intent of the applicable rules or codes of professional conduct for my jurisdiction, and will encourage others to do the same.

American Inns of Court

MISSION STATEMENT

The mission of the American Inns of Court is to foster excellence in professionalism, ethics, civility, and legal skills for judges, lawyers, academicians, and students of law in order to perfect the quality, availability, and efficiency of justice in the United States.

The Goals of the American Inns of Court Foundation

To promote, establish, and charter American Inns of Court throughout the United States.

To help ensure the vitality and continuity of local Inns.

To facilitate the exchange of ideas, experiences, and ongoing education among members of American Inns of Court, thereby maintaining an institutional forum where judges, lawyers, academicians, and students of law, working together, may pursue the highest goals of the legal profession.

To shape a culture of excellence in American jurisprudence by promoting a national commitment to civility, ethics, advocacy skills, and professionalism in the practice of law, by communicating these ideals to the nation and the world, and by transmitting these values from one generation to the next.

To establish organizational credibility, visibility, and long-term stability for the American inns of Court.