

**CRAIG S. BARNARD**  
**AMERICAN INN OF COURT LIV**

MISSION OF THE AMERICAN INNS OF COURT

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

Visit our Inn's website: <http://www.innsforcourt.org/inns/barnardinn/>

2011-2012

John C. Moran, Esq., President

Meeting Dates:

*September 20, 2011*

*October 18, 2011*

*November 15, 2011*

*January 17, 2012*

*February 21, 2012*

*March 20, 2012*

*April 17, 2012*

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## **CRAIG S. BARNARD**

### **AMERICAN INN OF COURT LIV**

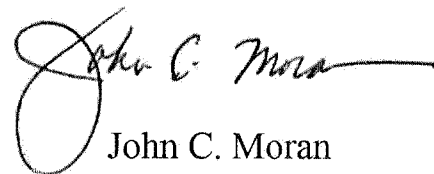
Dear Inn Members:

On behalf of the Board, welcome to the twenty-third year of the Craig S. Barnard American Inn of Court LIV. Our Inn is part of a national movement designed to foster excellence in professionalism, ethics, civility, and legal skills. One of our goals is to help lawyers become more effective advocates and counselors with a keener ethical awareness.

Our Inn has consistently received the highest level of recognition by the American Inns of Court National Office, and the Board has worked hard to ensure that we have another successful year. It is my sincere hope that you take advantage of your membership by meeting new people in our field, by learning from practitioners with experiences different from yours, and by sharing your experiences with those newer to the profession. Throughout this process, I also hope that you will take time to enjoy each other's company and have a little fun. Not only will the Inn as a whole benefit by this spirit of professionalism and camaraderie, but the local bar will be positively impacted as well.

Your active participation in our Inn is crucial to ensure that you reap the benefits of membership. I am eagerly looking forward to what promises to be an outstanding year. I am confident that together we can improve upon the decades of excellence our Inn has enjoyed. If you have any questions or suggestions regarding how to improve our Inn, please do not hesitate to contact me or one of the Board members.

Best Regards,



John C. Moran  
President  
2011-2012

**This Handbook will introduce you to the AMERICAN INNS OF COURT and to the CRAIG S. BARNARD AMERICAN INN OF COURT LIV. Its purpose is to acquaint you with the history of the Inns of Court movement in the United States and in Florida and with the operation of the Craig S. Barnard American Inn of Court LIV.**

## **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

The American Inns of Court is the fastest growing legal organization in the country. Today, there are nearly 350 American Inns of Court in all fifty states and the District of Columbia. Nearly 25,000 judges, lawyers, law professors and law students are currently members of the American Inns of Court, including 40 percent of all federal judges and over 1500 state judges.

American Inns of Court are patterned after the English Inns of Court, which 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 already established in the profession. Their collegial environment fostered common goals and nurtured professional ideals and ethics.

In 1977, Chief Justice Warren E. Burger and other American lawyers and judges spent two weeks in England as part of an Anglo-American Exchange. They were particularly impressed by the collegial approach of the English Inns of Court and by the way the Inns passed on to new lawyers the decorum, civility and professional standards necessary for a properly functioning bar. Following his return, Chief Justice Burger authorized a pilot program that could be adapted to the realities of law practice in the United States.

Chief Justice Burger, former Solicitor General Rex Lee and Senior United States District Judge A. Sherman Christensen founded the first American Inn of Court in 1980. The Inn was affiliated with the J. Reuben Clark School of Law at Brigham Young University in Provo, Utah. The number of Inns increased slowly at first, but the growth of the movement began to accelerate in 1985 with the creation of the American Inns of Court Foundation.

The Chester Bedell American Inn of Court, Florida's first American Inn of Court, was founded in 1985 in Jacksonville, Florida. The Craig S. Barnard American Inn of Court LIV, Florida's fifth Inn, was formed in 1988. There are currently more than 30 Inns in the State of Florida.

American Inns of Court are designed to improve the skills, professionalism and legal ethics of the bench and bar. They help lawyers become more effective advocates with a keener ethical awareness by providing them the opportunity to learn side-by-side with the most experienced judges and lawyers in their community. 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 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 education experiences that will improve and enhance the abilities of lawyers as counselors and advocates and of judges as adjudicators and 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 and to renew and inspire joy and zest in legal advocacy as a service worthy of constant effort and learning.

The formation of an American Inn of Court based in West Palm Beach began in 1988 when a group consisting of then Fourth District Court of Appeal Judge Harry Lee Anstead (now a retired Justice of the Florida Supreme Court), 15th Judicial Circuit, Chief Judge Daniel T.K. Hurley (now a United States District Court Judge), Bruce Rogow (former Dean of Nova Southeastern University School of Law), and lawyers Sidney Stubbs, John Beranek, Ted Babbitt, and Kirk Friedland applied to the American Inns of Court Foundation for a charter to form the Inn. Federal District Court Judge Susan Black, a trustee of the National American Inns Of Court Foundation, and John DeVault of the Chester Bedell Inn of Court in Jacksonville, assisted the group. On June 10, 1988, the National Foundation awarded the Inn chapter number LIV. Supreme Court Justice Sandra Day O'Connor presented the charter at the annual American Inns of Court meeting in Washington, D.C., and invitations to membership were sent out to a cross section of the legal community, including a group of Nova Southeastern University Law students and four of their professors, which linked the law school to the Inn.

PUBLIC DEFENDER Craig S. Barnard, a charter member of the Inn, was nationally recognized for his work defending death row prisoners. After his untimely death at the age of 39, the Inn membership spontaneously and unanimously named the Inn in his honor. Thus, the West Palm Beach American Inn of Court LIV became known as the Craig S. Barnard American Inn of Court LIV the following year.

## CRAIG S. BARNARD

*The following is excerpted from Among The Lowest of The Dead, David Von Drehle, Ballentine Books 1995. The paragraphs have occasionally been rearranged.*

Craig Barnard grew up in Portage, Michigan where his father was a conservative Republican accountant and his Uncle was a Republican State Representative. After high school he enrolled in a restaurant and hotel management course at Michigan State. Then the sixties caught up with Craig Barnard. The dutiful young Republican grew his hair long, fell in love with Bob Dylan's music, and began protesting the war. (On his birthday in 1970, four antiwar protesters were killed at Kent State; Barnard never celebrated his birthday again.)

He wanted to do something to change the system, so he switched majors...to prelaw. By then, Barnard's father had moved to southwestern Florida, where he built a retirement village. Craig followed him south, graduating from the University of Florida Law School in 1974.

Barnard joined the public defender's office in Palm Beach County...[and] ...was, very quickly, Jorandby's star assistant; naturally, Jorandby gave him authority over the region's death row cases. Barnard, with his studious bent and modest personality, was drawn to the detail-oriented, conceptual world of appeals. He never missed the hurly-burly of criminal trials.

Craig Barnard did the work of at least three men. As the leader of the death penalty team in Palm Beach, he was chief strategist and often lead litigator on more than a dozen capital cases in his own jurisdiction. Beyond his jurisdiction, he consulted frequently with lawyers for other death row inmates. If there was any coordinated strategy for fighting executions in Florida, Barnard was the strategist. And as Jorandby's chief assistant, he supervised the daily office drudgery, from drafting budgets to purchasing supplies, from hiring new lawyers to counseling old ones, from the lowliest prostitution case to the most complicated murder trial.

As a result, Barnard worked constantly. At his desk by 6:30 or 7 A.M., he labored steadily until eight or nine at night - then lugged a pile of papers home with him. He was the first one into the office and the last one out. A lawyer, under pressure from a big case, might show up bright and early on a Saturday morning, fully expecting to be alone. But the aroma of Barnard's pipe would be wafting down the corridor. On Sundays, Barnard worked to the sound of the Miami Dolphins games on the radio.

But for all his intensity, Barnard was never brusque, much less arrogant. The greenest young attorneys, handling the smallest misdemeanors, felt welcome to poke their heads into his office for advice. Barnard would calmly stop his work, puff his pipe as he listened intently to the question, then patiently offer an answer. Or perhaps a lawyer across the state would call in a panic over an arcane death penalty issue. Barnard would quietly soothe the caller and steer through the problem - and if the question required some legal research, Barnard would drop what he was doing and pore over law books until he found the answer. Or a colleague would call from the public defender's office in another county, frantic at the prospect of preparing an annual budget. Barnard would take fifteen, twenty minutes, maybe half an hour - whatever time it took - to commiserate and offer advice.

Finding the lawyers to represent the flood of condemned men was like bailing out the *Titanic* with a teaspoon. The teaspoon had a name: Scharlette Holdman. Scharlette Holdman had a title: director of the Florida Clearinghouse on Criminal Justice.

Frequently, the emergencies came from Tallahassee, where friends of Scharlette Holdman kept Barnard apprised of her troubles. Her electricity had been shut off again. She was late with her rent. Life was always a crisis with Scharlette. Every time, Barnard would put his own work aside long enough to get Holdman straightened out. Often this involved sending a check drawn on his personal account.

He kept the more substantive facts of his personal life almost entirely to himself. His epilepsy, for instance. The disease had revealed itself only after Barnard was grown. With medication, the seizures were brought under control. (Barnard never had to surrender his precious driver's license.) Still, he lived with the knowledge that the day might come when he would black out and never awaken. Grand mal seizures can be fatal. So it was that Craig Barnard shared something very personal with his death row clients. Like them, he knew the sense of something powerful waiting to snuff you out.

Craig Barnard loved the law, and this love was his deep keel; it kept him on a steady course when he lost so many fights. His love kept him on track, and balanced, as people were melting down around him. The law, at its best, promised rationality in an irrational time, dispassion amid raging emotions, predictability in place of wanton chance.

Even many of his opponents recognized Barnard's devotion and admired him for it. At the attorney general's office, there was a lot of contempt for most of the lawyers who opposed the death penalty, but in general the prosecutors made an exception for Barnard because he stuck to the law. "Always on target, always compelling", said Carolyn Snurkowski, the rising star of Florida's capital prosecutors. One time the attorney general caught wind of two lawyers from the Miami public defender's office going outside their jurisdiction to aid a death row inmate and the prosecutors cracked down hard on the violation. But Barnard did the same thing all the time; he had a finger, at least, in nearly every Florida death case. Dick Burr, Barnard's assistant, had a capital appeal in North Carolina! The prosecutors let Barnard get away with such things because they respected him. As one explained, "We didn't feel the need to yank his chain."

Judges mostly appreciated him too, even as they complained about all the repetitive work he generated. Barnard was always cordial and well prepared; his demeanor was not fiery or confrontational. He argued cases lawyer to lawyer, as if the courtroom were a symposium where everyone had gathered to seek good answers to hard questions. And he was gentle with everyone, from chief judges to file clerks. Barnard felt so comfortable in the Florida Supreme Court that he often called it "my court", and folks in the white marble building on Duval Street liked him right back.

Barnard finished writing in time for the 1989 hiring season at the nation's law schools. God, how he loved it - picking plums from the ranks of fresh young lawyers, boring into them with his probing eyes, seeking a glimmer of the future. Administrative work could be a terrible drag; the budgets, the worksheets, the office squabbles. But this was wonderful. Despite a ferocious cold, he went to a job fair in New York.

His plane touched down back in West Palm Beach the evening of February 26. Exhausted, Barnard drove home from the airport in his sporty little Dodge. The fence outside his condominium was a jumbled heap, just as he had left it. But on his desk at work was a rough draft of the annual budget, and he expected a ruling any day that might put the next prisoner into the chair. Who had time to fix a fence?

He went inside, where he picked up the phone and dialed his father. Ronald Barnard was surprised to hear his son complaining of a cold. Craig was not a complainer. He listened as Craig said that he couldn't sleep, he had no appetite. "I thought I was gonna die on that plane," Craig said.

"Take a day off," his father counseled. "Stay home, eat some chicken soup."

Of course, Ronald Barnard knew that his son never took days off. They talked some more about this and that.

Later, Craig Barnard phoned his friend Susan Cary and his boss Dick Jorandby, and in both conversations he mentioned his cold and his exhaustion. Then he tried to get some sleep. As always, he was up before dawn, and when he rose he shut off the burglar alarm, collected the *Palm Beach Post* from the porch, stripped, and climbed into the shower.

By 9 A.M., everyone sensed something strange at the West Palm Beach public defender's office. Craig Barnard's office was empty, and there was no trace of his pipe smoke in the hallways. He was never that late. "Where's Craig?" people asked. Maybe his flight was canceled.

In Tallahassee, Scharlette Holdman was wondering the same thing. Where's Craig? She greeted every morning with a phone call to her counselor and friend, but when she called his house that morning, the phone just rang and rang. She called Barnard's office, and got no answer there either. Her next call was to Susan Cary. As they talked, it dawned on them that Craig had once said cold medicine, combined with his epilepsy treatment, made him sick. Then came a more chilling thought. Could he have skipped the treatment in favor of a good night's sleep?

Holdman dialed Dick Jorandby, who immediately dispatched an investigator to Barnard's house. The alarm was off, the paper was inside. The investigator heard the shower running. Craig Stewart Barnard, thirty-nine, was dead in the tub, having drowned after an epileptic seizure. The calm eye of the capital punishment storm, the rock and rabbi, Florida's dean of death penalty law, was gone.

Dick Jorandby left Craig's office just as it was, a shuttered shrine above the sparkling blue of the Intercoastal Waterway. Barnard's estate collected \$30,000 worth of forsaken vacation and unused sick days. Posthumous honors continued throughout the year: The old grand jury room of the Palm Beach courthouse was named in his honor, and the local Inns of Court chapter - a prestigious organization made up of judges and lawyers - became the Craig S. Barnard chapter. The annual award for distinguished service by Florida public defenders became the Craig Barnard Award. And so forth.



There might never be another figure like him - but he had developed so many other lawyers, each ready to fill a piece of void; he had spread the knowledge, so another was not needed. Death penalty defense in Florida was no longer a matter of Scharlette Holdman's charisma and Craig Barnard's brains. It had been institutionalized.

### **PERSONALITY TRAITS**

- 1) Generous with his time and talents
- 2) Loved the Law
- 3) Humble and hardworking
- 4) Never brusque or arrogant
- 5) Kind and courteous to both his superiors, subordinates and adversaries.



## **MEMBERSHIP**

The membership of the CRAIG S. BARNARD AMERICAN INN OF COURT LIV is divided into four classifications. "Masters" include lawyers with fifteen or more years of experience and federal, state and local judges, and law professors. "Barristers" include lawyers with five to up to fifteen years of experience. "Associates" include lawyers with up to five years of experience. "Pupils" include law students.

The Inn's members are drawn primarily from PALM BEACH COUNTY, with the exception of pupils, who are drawn from Nova Southeastern University Law Center in Broward County. Membership is open to all qualified persons, regardless of race, color, sex, age, religion, national origin, or handicap. Thus, the Craig S. Barnard American Inn of Court LIV reflects the rich diversity of the bench and bar and includes representatives of the plaintiffs' bar, defense counsel, solo practitioners, government lawyers, corporate counsel, law professors, persons working in large and small firms, and federal, state, and local trial and appellate judges. Efforts are made to ensure that no law firm or type of practice is disproportionately represented.

In addition to the active members, the Inn extends emeritus membership to Masters, Barristers, and Associates who have completed a minimum of five years of membership in good standing. Emeritus members may participate in the Inn's education and social programs at their own expense. Many emeritus members regularly attend Inn meetings. The Inn may also extend Amicus Memberships to those who wish to participate in monthly meetings as a "friend" of the Inn. Neither Emeritus members nor Amicus members are assigned to a pupilage group of the Inn.

## **SELECTION OF MEMBERS**

In the summer of each year, the Inn solicits applications from its existing members and any other persons interested in becoming members of the Inn. After the applications have been returned, the Inn's Executive Board and Board of Trustees review the applications. The Executive Board and Board of Trustees then extend the invitations to join the Inn.

The Inn also requests the Nova Law Center to recommend students who are in their second and third year of studies for membership in the Inn. The students, by their academic performance and participation in extracurricular activities, must demonstrate an active interest in the practice of law.

## **U.S. SUPREME COURT TRIP**

The Inn has scheduled a ceremony at the United States Supreme Court whereby a maximum of twelve of our members will be sworn in and admitted to practice before the United States Supreme Court on Wednesday, March 21, 2012. To be eligible you must be a member of the Florida Bar in good standing for at least three years and must pay a \$200 admission fee. For more information, please contact the Foundation Liaison, Tara McIntosh.

## INN GOVERNANCE

Governance of the Craig S. Barnard American Inns of Court LIV is entrusted to the Executive Board and Board of Trustees. The Executive Board officers include: President, President-Elect/Counselor, Secretary/Reporter, Treasurer and Immediate Past President. The Board of Trustees consists of the Program Chair(s), the Membership Chair(s), the Mentor Program Chair(s), the Education Chair(s), the Law School Liaison, the Newsletter Chair(s), the Foundation Liaison(s), and at-large members. The President and President Elect/Counselor must be Masters, and at least one of them should be a judge, although that is not required. The other officers and Board of Trustees members may be drawn from any membership category.

Besides their regular duties, members of the Executive Board and Board of Trustees also nominate the Inn's officers for the following year. Officers serve for a one-year term and are eligible for successive terms. The elected officers select the remaining members of the executive committee, who are presented to the membership at the last meeting of the program year. A list of the Inn's Executive Board and Board of Trustees for this year can be found on the first page of this handbook. Members are encouraged to contact any of the Inn's Executive Board and Board of Trustees members if they have questions or comments concerning the Inn.

## ATTENDANCE POLICY

All active members are expected to attend and to actively participate in the Inn's meetings. **Two unexcused absences** during a program year will be deemed to be a resignation unless the Executive Board waives the provision for good cause. Persons who are unable to attend a particular meeting must inform the Secretary **prior to the meeting** of the reasons for their absence. Absences without advance notice are considered to be unexcused. Members who desire to be excused from a meeting should indicate their absence via the online RSVP process and/or by contacting Sue-Ellen Kenny (Secretary) at (561) 837-5025 or [SueEllen.Kenny@myfloridalegal.com](mailto:SueEllen.Kenny@myfloridalegal.com). While excused absences are not grounds for automatic resignation, all absences, whether excused or unexcused, are considered during the application review process the following year.

## GUEST POLICY

The Inn's programs are primarily for the members' benefit. However, members may invite guests from time to time. Members who wish to invite guests must inform the Secretary in advance of the meeting of their guests' names. They must also agree to be responsible for the cost of the guests' dinners. Members may pay for their guests prior to the meeting or at the time of the meeting. The cost of a dinner during the 2011-2012 year is \$40.00 per person.

## CONTINUING LEGAL EDUCATION CREDIT

The Inn has been certified as a CLE provider by the Florida Bar Continuing Legal Education Committee. Members may earn as many as six hours of CLE credit, including three hours of ethics and professionalism credit, by attending and participating in all six of the Inn's

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programs. Members and guests desiring to obtain CLE credit must post their hours online at FloridaBar.org at the conclusion of each program.

## **MEETINGS AND PROGRAMS**

The program year begins in September with an introductory dinner. Thereafter, the Inn holds six meetings. All meetings are held at the Palm Beach County Courthouse in West Palm Beach. Each meeting begins with a cocktail reception from 5:30-6:00 p.m. in the Courthouse dining room. At 6:00 p.m. a program occurs in one of the ceremonial courtrooms. After the program, the members return to the dining room for dinner. Meetings end at approximately 8:00 p.m.

The programs are the heart of the monthly meetings. They involve practical legal skills with an emphasis on ethics, civility and professionalism in lawyering. They generally involve a demonstration or presentation of principles, skills, techniques, and relationships involved in trial and appellate court proceedings and in activities preliminary to courtroom appearances. The programs also incorporate opportunities for participation, critique, and discussion.

## **PUPILAGE GROUPS AND MENTOR PROGRAM**

The Inn's active members are divided into six pupillage groups of approximately 15-20 members. Each pupillage group includes Masters, Barristers, Associates and Pupils who generally would not otherwise encounter each other frequently in their daily work.

Four pupillage groups are named after an Old English Inn of Court -- Lincoln Inn, Gray's Inn, Inner Temple, and Middle Temple. The other two pupillage groups are named Magna Carta and Carbollic Smokeball.

The pupillage groups are encouraged to meet to promote camaraderie among the pupillage group members. Each pupillage group is led by one leader. Pupillage groups dine together at the same dinner table.

The pupillage groups provide Inn members an opportunity to become better acquainted with other lawyers practicing in Palm Beach County. The pupillage groups are the principal component of the Inn's mentoring activities. Their diverse membership is intended to build an intergenerational relationship that encourages frank and personal discussion of matters of practice, ethics, civility, and all other aspects of the practice of law. The most experienced members of the pupillage group are encouraged to pass on the best of the practice to the less experienced members. Accordingly Masters and Barristers as mentors may be teamed with Associates and Pupils respectively and are encouraged to provide their Associates and Pupils with opportunities to observe them in court, in deposition, or in the office. At the back of this handbook is a listing of this year's membership in both alphabetical order and by practice group.

The pupillage groups can earn competition points through mentoring. Each member who participates in a mentoring session with a member of our Inn, whether in their pupillage group or another pupillage group will receive 20 points for their pupillage group. Example: If three Magna Carta members participate in a mentoring session with each other, Magna Carta receives 60

points. If a Magna Carta member and two Lincoln Inn members participate in a mentoring session, Magna Carta receives 20 points and Lincoln Inn receives 40 points. Mentoring sessions must be noted on the mentoring forms handed out at each meeting.

All communications between the mentor and mentee shall be kept strictly confidential, unless disclosure is required by federal or state statute, or the Florida Rules of Professional Conduct. Any detailed conversation between the mentor and mentee regarding a specific problem of a client may require the mentee to obtain consent from the client before the mentee makes any disclosure to the mentor. A mentee's failure to obtain this consent may violate the Florida Rules of Professional Conduct.

## **ANNUAL DUES**

The annual dues for 2011-2012 for members of the Inn are as follows:

Judges	\$275.00	Associates	\$275.00
Masters	\$375.00	Govt. Attorneys	\$225.00
Barristers	\$325.00	Pupils	\$150.00

The funds provided by the dues defray the Inn's operating expenses, including the cost of the members' dinners at the monthly Inn meetings, and dues to the American Inns of Court Foundation.

## **BENEFITS FROM THE FOUNDATION**

Members of the Craig S. Barnard American Inn of Court LIV receive benefits from the American Inns of Court Foundation. They receive a subscription to *The Bench*, the Foundation's bimonthly newsletter, and a national membership directory as well as access to resources at [InnsofCourt.org](http://InnsofCourt.org). Members of local Inns are also entitled to attend the annual Celebration of Excellence at the United States Supreme Court. Members may also participate in the annual trip to Washington, D.C. to be sworn in and admitted to practice in the United States Supreme Court. Members traveling to England may also obtain letters of introduction to one of the four English Inns of Court.

## **INFORMATION**

For further information about your membership in the American Inns of Court Foundation, please contact the Foundation office at: American Inns of Court Foundation, 1229 King Street, 2nd Floor, Alexandria, Virginia 22314, (703) 684-3590, (703) 684-3607 (fax) or [www.innsofcourt.org](http://www.innsofcourt.org).

**2011-2012  
PROGRAM MATERIALS**

*The Craig S. Barnard Chapter of the American Inns of Court LIV Presents:*

**SHADES OF GRAY:  
WHEN THE GLARE OF THE BRIGHT LINE FADES**

**I. PROGRAMMING SUMMARY**

As we strive to be the model of ethics and professionalism, it helps when there is a bright line answer or solution to an issue facing us. But when the shine of the bright line is muted or there simply is no bright line to guide us, what do we do? What steers us when we are pulled in different directions by competing or conflicting duties, commitments or motives?

This year's focus is on those situations where there is not necessarily a right or wrong way to do things. What would you do? What would your colleagues do? The goal of each presentation should be to spark honest debates; each group should strive to portray scenarios where reasonable and principled minds might differ as to the appropriate way to handle the ethical and/or professional predicament or, in some cases, whether there even is such a predicament.

To indulge our competitive spirits, pupillage groups will compete with each other for the prestigious Inny Cup. Points will be awarded as set forth herein. The winner will be announced in April.

**II. PROGRAMS**

**A. PRESENTATIONS**

Each pupillage group will present one program on a topic that is relevant to ethics, professionalism and the practice of law. The topic for each pupillage group will be selected by a random draw at the first group meeting. The following program titles are just proposals; each pupillage group is free to keep the proposed title or change the title to suit the presentation. Please be creative.

- **THE BARE MINIMUM**  
AN ANALYSIS OF THE RULES REGULATING THE FLORIDA BAR AS THE BARE MINIMUM REQUIREMENTS
- **EXPERTS AND CLIENTS SAY THE DARNDDEST THINGS**  
ETHICAL AND PROFESSIONAL RESPONSIBILITIES OF ATTORNEYS IN DEALING WITH EXPERTS AND CLIENTS IN DISCOVERY AND DURING TRIAL
- **DAWN OF A NEW ERA: WHAT TECHNOLOGY WANTS WITH LAWYERS**  
ETHICAL RISKS AND PROFESSIONAL QUANDARIES ATTORNEYS CAN FACE WHEN DEALING WITH CURRENT CLIENTS, OPPOSING COUNSEL, EXPERTS

AND WITNESSES IN THE AGE OF EMAIL, SMARTPHONES, CLOUD COMPUTING, AND SOCIAL NETWORKING

- **RAINMAKING – BUILDING YOUR PRACTICE YOUR WAY**  
ETHICAL RESPONSIBILITIES OF ATTORNEYS WHILE MARKETING WITH THE FOCUS ON INTERACTION WITH POTENTIAL CLIENTS - ANYWHERE FROM THE CASUAL CONVERSATION AT A COCKTAIL PARTY TO REFERRAL ARRANGEMENTS WITH OTHER ATTORNEYS TO BLOGGING AND OTHER NEW WAYS OF REACHING OUT TO POTENTIAL CLIENTS IN THE AGE OF TECHNOLOGY
- **EVERY ROSE HAS ITS THORN – THE THORNY CLIENT**  
ETHICAL PROBLEMS FACING THE ATTORNEY WHO REPRESENTS A TRICKY CLIENT – WHETHER THE CLIENT IS OF QUESTIONABLE MORALS OR CAPACITY, OR FOR ANY OTHER REASON. EXPLORE THE STICKY SITUATIONS THE ATTORNEY MAY FIND HIMSELF OR HERSELF INTERACTING WITH THE CLIENT, OPPOSING COUNSEL AND/OR THE JUDGE
- **LET’S MAKE A DEAL – TRANSACTIONS WITH CLIENTS**  
ETHICAL ISSUES OF THE ATTORNEY THAT MAY ARISE IN TRANSACTIONS WITH CLIENTS: THE PROPRIETY OR IMPROPRIETY OF ENTERING INTO CERTAIN TRANSACTIONS WITH CLIENTS; THE POTENTIAL FOR FUTURE ETHICAL ISSUES WHEN ENTERING INTO A TRANSACTION WITH A CLIENT; SITUATIONS THAT ONE MAY NOT EXPECT TO BE TRANSACTIONS BUT ARE UNDER THE RELEVANT RULE; ETC.

Each presentation will be in one of the formats listed below, which will also be selected at random at the first group meeting.

- **SKIT/REENACTMENT** - a presentation with pupillage members playing roles in a story elucidating legal principles
- **TRIAL** – a presentation of a fictional trial or reenactment of a famous trial
- **MEDIATION** – a presentation of all or part of a mediation
- **JURY DELIBERATION** – a presentation of a jury’s deliberation relating to an attorney’s conduct
- **ASSOCIATE REVIEW** – a presentation of a meeting of law firm partners reviewing their associates’ conduct and performance
- **TALK SHOW** – a presentation in which pupillage members playing roles are interviewed by other pupillage members regarding topics of legal import

The month of presentation for each pupillage group will be determined by random draw at the first group meeting as well.

The presentation should require more than reading a PowerPoint so as to be FUN and INTERACTIVE with the entire Inn!

**Above all, substance is critical** in the presentations so that they will be awarded CLE credit by The Florida Bar. Both substantive law and ethics should be covered. Additionally, creativity and interaction within the pupilage group and amongst the other members of the Inn is both encouraged and emphasized. That being said, please strive to keep your presentation tasteful.

Pupilage groups may use video clips but should use them judiciously so as not to prejudice the entirety of the presentation given its necessary emphasis on substance, creativity, and interaction. For courtroom technical assistance, please contact Noel Chessman in Court Administration at 561-355-4359.

## **B. CLE OUTLINE**

Each pupilage group will be responsible for preparing a CLE presentation outline in the standard Florida Bar format. The CLE outline must be submitted to the Programming Co-Chairs (Cristina Papanikos at [cpapanikos@gunster.com](mailto:cpapanikos@gunster.com) and Brian Bull at [sbull@scott-harris.com](mailto:sbull@scott-harris.com)) **NO LATER THAN NOON ON THE MONDAY BEFORE THE PRESENTATION.**

A sample format is included at the end of this handout for reference. Each segment of the presentation must include citation to authority. CLE materials should be professional in appearance as each pupilage group will be presenting a CLE of sufficient caliber to receive credit from The Florida Bar. Each Inn must ensure that their program meets the American Inns of Court mission “to foster excellence in professionalism, ethics, civility and legal skills.”

There is no need to print hard copies of the outline for the other pupilage groups, although you may do so if you feel it will benefit the presentation. The outline plus any additional materials used in the pupilage group’s presentation will be uploaded to the website for the Inn (<http://www.innsofcourt.org/inns/barnardinn>) following each presentation. You should also print two copies of the outline and give them to the Education Chair (Ed Shipe) immediately after the presentation (in other words, at dinner) and e-mail all electronic presentation materials to the Web Administrator Sean Ingram at [sean.ingram@novakdruce.com](mailto:sean.ingram@novakdruce.com). Failure to timely submit a complete and satisfactory CLE outline will result in the pupilage group incurring a 250 point scoring penalty.

## **C. RESOURCES**

Each pupilage group may use any variety of materials and resources in creating its presentation. Each group is encouraged to employ materials on the American Inns of Court Website for reference and even as the basis for a presentation, although each group should keep in mind the goal of creativity and the need to make presentations relevant to Florida. To access these materials visit <http://www.innsofcourt.org> and login. Click on “Store” in the right column. Enter search appropriate to your presentation topic. A list of program materials, the majority of which are free, will appear for download.



### III. POINTS

The pupilage group with the highest total of points will be awarded the Inny Cup. A chart updating the points awarded will be posted to the website after each presentation. Points will be given to each group for its presentation, attendance, guests, mentoring and community involvement as follows:

PRESENTATION	<p>After each presentation, the other pupilage groups will score the presentation on a scale of 0 (low) to 50 (high), and those scores will be included in the total number of points the pupilage group earns toward the Inny Cup during the year. The scoring pupilages shall award points in the following four categories:</p> <p><b>Substance (0-20 points)</b> – substance of the presentation in presenting an accurate and practical understanding of Florida law regarding key ethical and professional issues</p> <p><b>Interaction (0 -15 points)</b> – inclusion of other pupilage groups and members in presentation (include as many members of each pupilage group as possible)</p> <p><b>Creativity (0 -10 points)</b> – creativity of the presentation</p> <p><b>Professionalism (0 -5 points)</b> – inclusion of all pupilage members in presentation (if some worked behind the scenes, please announce this information as part of the presentation) and quality/taste of presentation</p>
ATTENDANCE	10 points for each member in 2011 20 points for each member in 2012
GUESTS	25 points for each paying guest
MENTORING	20 points for each mentoring session
COMMUNITY INVOLVEMENT	50 points for each event actively attended

### IV. CONTACT INFORMATION

If you have any questions regarding the programming or the rules, please contact:

Brian Bull  
[sbull@scott-harris.com](mailto:sbull@scott-harris.com)  
561-624-3900

Cristina Papanikos  
[cpapanikos@gunster.com](mailto:cpapanikos@gunster.com)  
561-650-0623

**THE CRAIG S. BARNARD CHAPTER OF THE AMERICAN INNS OF COURT LIV  
AND [PUPILAGE NAME] PRESENT**

**[PROGRAM TITLE]**

**[DATE]**

**OVERVIEW**

**[Include a brief synopsis of 150 words or less regarding the intended focus of the presentation]**

**DESCRIPTION**

**6:05 p.m. to 6:15 p.m.**

**Opening Remarks/Introduction**

**[TIME to TIME]**

**[Repeat for Each Segment/Sub-Topic of Presentation]**

**6:55 p.m. to 7:00 p.m.**

**Conclusion/Adjournment**

**For sample outline see**

**<http://www.floridabar.org/FBWEB/CLEReg.nsf/zLocations2/TVMR-85TKJE?OpenDocument>**