



Of Counsel

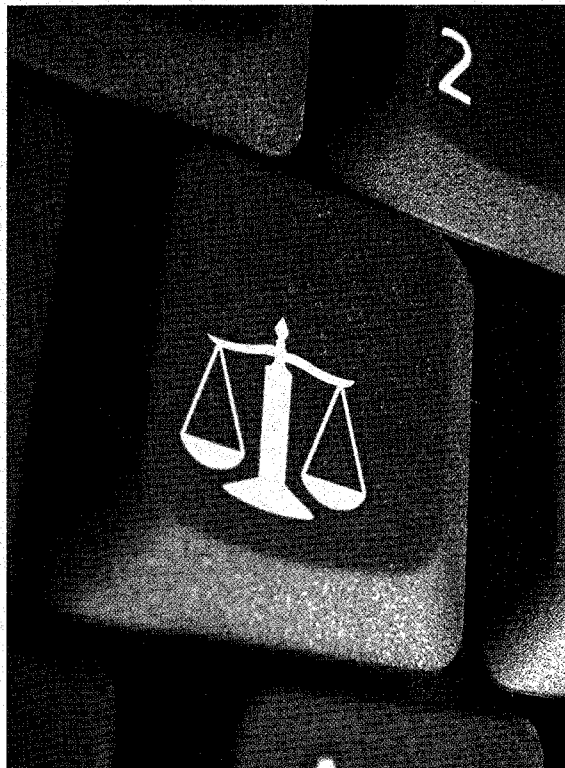
[Florida Law]

By Cynthia Barnett

LEGAL BLOGGING

'Blawg' & Order

More Florida lawyers are turning to blogs as a creative outlet — or in some cases to score new business.



Miami federal courthouse junkies who couldn't escape the office to attend January's packed bond hearing for terror suspect Jose Padilla didn't have to wait for the nightly news or the AP wire to get the scoop. Miami defense lawyer David Markus sat in on the hearing, ran back to his office and blogged about it on his Southern District of Florida Blog (sdfla.blogspot.com).

Padilla, a U.S. citizen held for more than three years as an "enemy combatant," pleaded not guilty to criminal charges alleging he was part of a secret network that supported Muslim terrorists. The magistrate that day denied bail, siding with prosecutors who said Padilla was likely to flee. Markus' account of the hearing had all the who-what-when-where stuff you'd get from a reporter but with more color about who was in the courtroom and

more extensive quotes from the lawyers on both sides.

"Lawyers are the biggest gossips in town," says Markus, who started his blog last summer. "This is just a forum for the lawyers to talk about all the great stuff going on in the busiest district in the United States."

Markus joins a growing number of Florida lawyers with legal blogs, aka "blawgs." He says he blogs strictly for fun. Some advocacy lawyers, like Orlando's Jacqueline Dowd, who works on behalf of indigent clients and also teaches at Florida A&M University's law school, use blogs to expose injustices. (Dowd is known as "the 13th juror" at jackiedowd.blogspot.com.) Other Florida law blogs are a bit more wonky, and some aim at generating business. *The American Lawyer* called

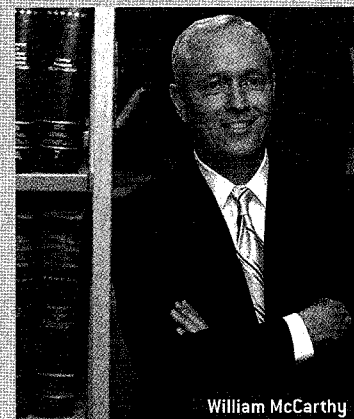
blawgs "the hottest thing to come along in marketing since the telephone." They let lawyers show off their expertise; a well-done blog is impressive to potential clients surfing the web for legal advice on a particular topic. Orlando's Jonathan Alper juggles two: One on bankruptcy (bankruptcyorlando.com) and another on asset protection (floridaassetprotection.blogspot.com). Sarasota's Robert Lincoln may operate the longest-running law blog in the state: Next month he celebrates three years of blogging on Florida land-use law (flalandlaw.com/landblog).

But the reigning king of the Florida blawgs has to be St. Petersburg lawyer Matt Conigliaro of Carlton Fields. In the summer of 2003 he launched Abstract Appeal (abstractappeal.com) "the first web log devoted to Florida law and the 11th Circuit Court of Appeals." Little did

IN THE NEWS

➤ Miami attorney **Francisco R. "Frank" Angones** will become the first Cuban-born president of the Florida Bar in 2007. Angones, elected without opposition, will serve his term after incoming President Henry M. "Hank" Cox III, who will be sworn in as president in June. Angones practices civil trial, personal injury defense, commercial torts and insurance defense litigation at the firm he co-founded, Angones, McClure & Garcia, P.A. Since 2000, he's been a member of the Florida Bar Board of Governors, where he serves on the executive committee. He's past president of the Dade County and Cuban American Bar associations.

➤ Akerman Senterfitt lured five prominent international attorneys away from Greenberg Traurig in Miami to launch the firm's new global practice group: **Jorge Gutierrez, Luis O'Naghten, Bert Diaz, Sean Santini** and **Susana Betancourt**. ➤ Shutts & Bowen named a longtime IRS lawyer as partner in its Miami office. **William Bernard McCarthy** most recently



William McCarthy

worked for more than five years at the national accounting firm of KPMG, where he was a director in the Tax Controversy Services practice. Before that, he worked for 17 years in the IRS Office of Chief Counsel. ➤ Coral Gables firm George, Hartz, Lundeen, Fulmer, Johnstone, King & Stevens, with eight offices throughout Florida, has tapped a 20-year Navy pilot as partner. **Robert F. Cooke** served in the U.S. Navy for 20 years before he earned a midcareer law degree. One of his specialties is aviation law.

Zayra Morales right



he know that the Terri Schiavo end-of-life case would make his new blog an international must-read that at its peak received 60,000 hits a day. These days, he gets between 600 and 800 hits a day. Many of his readers are practicing lawyers. Most are from Florida, but Conigliaro says he's always surprised at how many check in from other states and even other countries.

"I started my blog long before the Schiavo case received international attention, and I'm continuing it long after, always for the same reason: I really enjoy the law," Conigliaro says. "It's my job and my hobby all rolled into one."

Civics Lesson

During a speech at the University of Florida last fall, retiring U.S. Supreme Court Justice Sandra Day O'Connor spoke of political and physical threats against judges in the former Soviet republics, Eastern Europe and Zimbabwe. And then she spoke of political and physical threats against judges in the U.S. The stories were little different. Here in Florida, it is well-known that Pinellas-Pasco Circuit Judge George Greer had to don a bullet-proof vest because of death threats against him over his rulings in the Terri Schiavo case.

In the wake of that wrenching case, former House Majority Leader Tom DeLay, R-Texas, spoke of "a judiciary run amok." Sen. John Cornyn, R-Texas, suggested there may be a "cause and effect connection" between unpopular judicial rulings and "the recent episodes of courthouse violence in this country." O'Connor recounted other cases in which politicians threatened to cut judicial budgets or salaries because of unpopular decisions. "The experience of developing countries, former Communist countries and our own political culture teaches us that we must be ever-vigilant against those who would strong-arm the judiciary into adopting their preferred policies," she warned.

Among the disturbing aspects to threats over "judicial activism" is how readily the public seems to buy into them; how little people seem to understand why the judiciary is independent in the first place. A poll conducted by the American Bar Association showed only 55% of Americans can correctly identify the three branches of government. Fewer than half knew what "separation of powers" meant or that one role of the judiciary is to determine how existing law applies to the facts of a case.

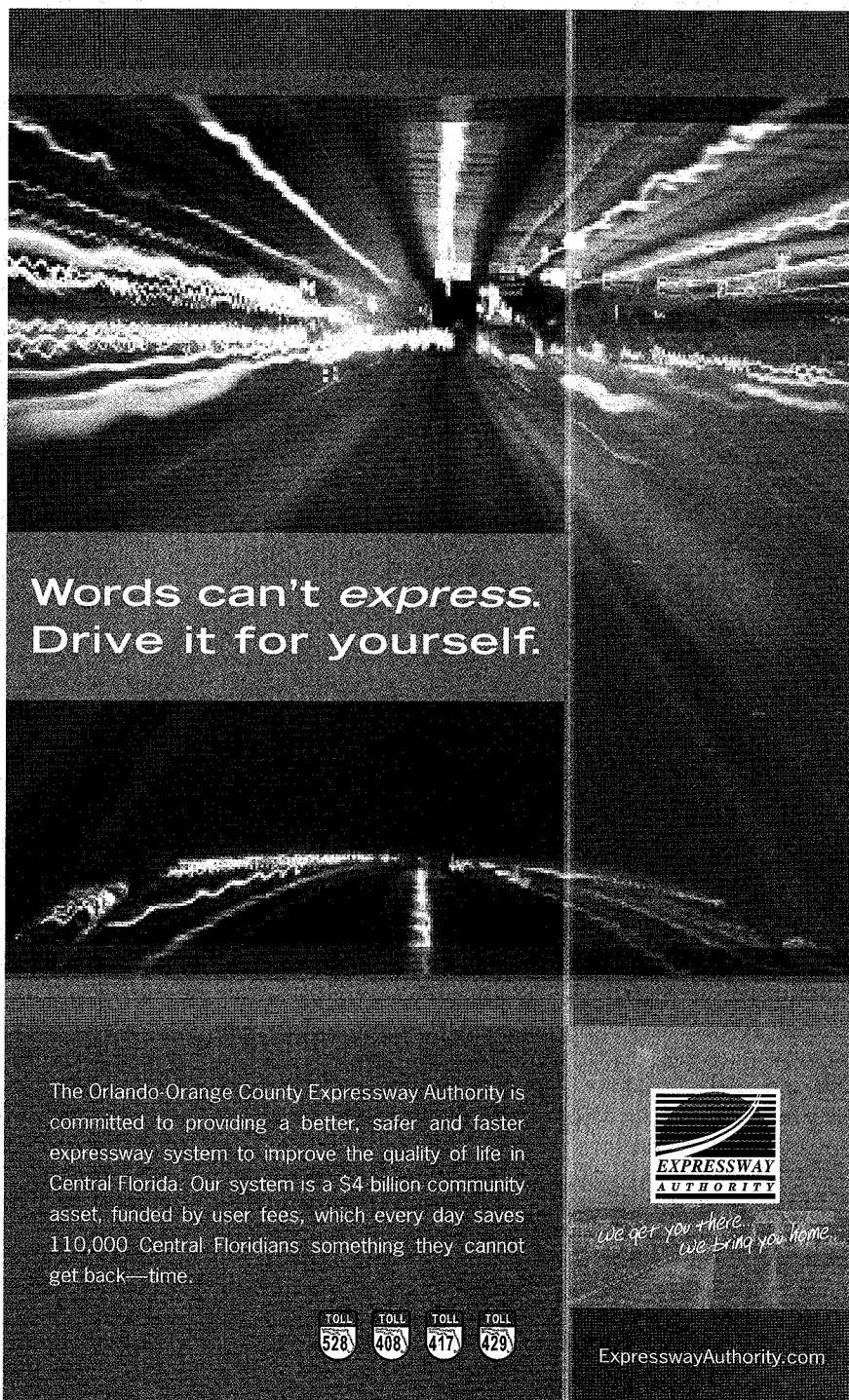
After seeing the ABA's results, the Florida Bar "became very concerned about our own

citizens' knowledge of these vital principles of democracy," says President Alan B. Bookman. The Bar hired Harris Interactive to poll Floridians and found only 59% of those surveyed knew that the three branches of government are legislative, executive and judicial. The second-most-frequent answer was "local, state and federal," followed by "Republican, Democrat and Independent."

In response, both the national and state Bars are embarking on educational efforts. The Florida Bar is focusing on civic education for the state's schoolchildren. Accord-


ing to the Florida Law Related Education Association, fewer than 10% of Florida's 67 counties require civics classes in middle school. ABA President Michael S. Greco, meanwhile, has appointed a Commission on Civic Education and the Separation of Powers, co-chaired by O'Connor and former U.S. Sen. Bill Bradley of New Jersey.


"Judicial independence doesn't happen all by itself," O'Connor said in her visit to Gainesville last fall. "It's tremendously hard to create — and easier than most people imagine to destroy." ■



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