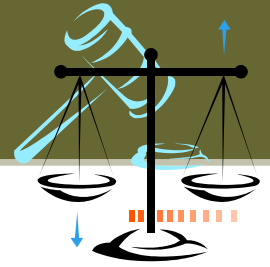




CRIMINAL LAW SECTION MONTHLY UPDATE



THE FLORIDA BAR CRIMINAL LAW SECTION
651 East Jefferson Street, Tallahassee, FL 32399
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Message from the Chair

By: Donnie Murrell, Chair

Last month an extraordinary event took place in that most extraordinary town, Miami. The event was a fundraiser for the defense of long-time Executive Council member, Ben Kuehne. As most of you know, Ben has been indicted by the federal government for his activities in vetting a fee for a fellow defense lawyer representing a drug cartel kingpin.

In the middle of the week, a posh bar in Coconut Grove was absolutely packed with lawyers, judges, prosecutors and others who all turned out to lend financial and moral support to Ben and his wife as they battle the Department of Justice. (Never has that title sounded more like something from an Orwell novel.) The Co-Chairs of the event were Former Chief Justice of the Florida Supreme Court Gerald Kogan and Jay Hogan. The committee members read like a who's who of the South Florida Bar. To say that Ben Kuehne is well respected by all who know him is simply an understatement.

You all know Ben. You all know he is innocent. (Not just "not guilty".) The United States Attorney for the Southern District, Alex Acosta is to be commended for passing on this prosecution. The local prosecutors, both state and federal, who have publicly voiced support for Ben are also to be commended. They know who Ben is. More importantly, they know what Ben is: an honest, ethical lawyer.

Our Section has already passed a resolution supporting Ben. If there is more we can do as a Section, I am certain we will. This is just a reminder that he is still in harm's way. Facing the federal government is a frightening prospect. He needs our support. Give him a call, send him an email. Let him know we care.

MARK YOUR CALENDARS!

2009 Board Certification Exams for Criminal
Appellate and Criminal Trial will be held:

May 15, 2009

Hilton Hotel - Tampa

813/877-6688

Advanced Federal Practice	January 15, 2009
Masters of DUI	January 16, 2009
Mid-year Executive Council Meeting	January 16, 2009
Criminal Law Rules of Evidence	March 5, 2009
Criminal Law Update	Date TBD
Annual Executive Council Meeting	June 26, 2009
Gerald T. Bennett PPD Program	August 1-7, 2009

Advanced Federal Practice Seminar

January 15, 2009 • Hyatt Regency Downtown, Miami

SIGN UP TODAY! This seminar includes topics such as defense of economic crimes; sentencing guidelines update; recent developments in the Supreme Court and the Eleventh Circuit; ethical concerns for the defense lawyer; and defending a child pornography case. It offers five (5) hours of general credits and five (5) hours of **criminal appellate and criminal trial certification credits**.

The seminar will be held in conjunction with the Mid-year meeting of The Florida Bar. The brochure can be found on the Criminal Law website at www.flacfs.org or on The Florida Bar website at www.floridabar.org.

Mid-Year Executive Council Meeting

January 26, 2009

Hyatt Regency Downtown Miami

We have a lot going on at the Mid-Year meeting. I invite any of you who have never attended a meeting of the Executive Council to come join us. Get involved, we could use your help.

The Section Holds its Final Budget Summit

By: Donnie Murrell

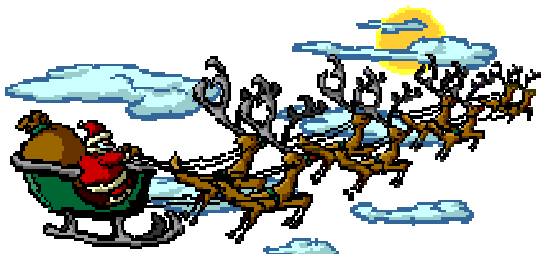
On December 3, 2008 we held the final meeting of the Criminal Law Section's Budget Summit at Bar headquarters in Tallahassee. In attendance were representatives from the Florida Prosecuting Attorneys Association, the Florida Public Defender Association, Regional Conflict Counsel and various law enforcement agencies. Also in attendance were Rod Smith, our Section's new lobbyist, Paul Hill, General Counsel of the Florida Bar and Bob Harris, lobbyist/member of the Trial Lawyer's Section.

Whether these meetings will accomplish anything in the upcoming session remains to be seen. However, I believe our Section can take some credit for raising awareness of the big Bar regarding the critical state of criminal justice funding.

Thanks to Hank Cox and the coverage provided by The Florida Bar News, the Board of Governors, the Trial Lawyers Section and The Florida Bar lobbyists are now at least aware of how serious the funding crises is. The Bar is moving in our direction for criminal justice. They are trying to help. It may not succeed, but at least we have reinforcements.

At the Mid-Year meeting in Miami, The Florida Bar is sponsoring "A Budget Summit". Its purpose is to raise awareness of the funding crises. The Bar also hopes to enlist the business community in supporting better funding for the court system. Big Business may not care about lowly state attorneys or public defenders, but it will care when it can't get bad check cases prosecuted or when evictions can't be heard because of congested dockets.

The bottom line is this: we have a plan... We're gonna sic Rod Smith on'em.



In the old days, it was not called the Holiday Season; the Christians called it 'Christmas' and went to church; the Jews called it 'Hanukka' and went to synagogue; the atheists went to parties and drank. People passing each other on the street would say 'Merry Christmas!' or 'Happy Hanukka!' or (to the atheists) 'Look out for the wall!'" - Dave Barry "Christmas Shopping: A Survivor's Guide"

Nominations for the Selig I. Goldin Memorial Award

The Executive Council of the Criminal Law Section of The Florida Bar is seeking nominations of deserving candidates to receive the Selig I. Goldin Memorial Award, which recognizes outstanding contribution to Florida's criminal justice system.

The Council will make its selection at The Bar's mid-year meeting in January, and present the award at the Section's honorary luncheon, held during The Bar's Annual Meeting in June.

Past recipients include: Tobias Simon (1982), Albert Datz (1983), Honorable Richard Gerstein (1984), Honorable Benjamin M. Tench (1985), Honorable Phillip A. Hubbard (1986), Honorable James C. Adkins (1987), Honorable Gerald Kogan (1988), Honorable Edward D. Cowart (1989), Honorable Marvin U. Mounts (1990), T. Edward Austin, Jr. (1991), Professor Paul Barnard (1992), William Sheppard (1993), Professor Gerald T. Bennett (1994), Professor Steven M. Goldstein (1995), Robert E. Jagger (1996), Honorable Stanley R. Morris (1997), Professor John F. Yetter (1998), Honorable Ben F. Overton (1999), Professor William R. Eleazer (2000), Honorable Janet Reno (2001), Honorable Bennett H. Brummer (2002), Professor Charles Ehrhardt (2003), Honorable Susan Schaeffer (2004), Honorable Lou Frost (2005), Neal R. Sonnett (2006), Albert J. Krieger (2007), and Honorable Seymour Gelber (2008).

Nominations must be submitted by Tuesday, December 30, 2008, and include the name of the candidate, a description of their contribution to the criminal justice system, a biographical sketch or resume, and the candidate's contact information.

Please send your nomination to:

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Florida's Legal Board Certification Celebrates Twenty-Five Years

Program Offers Greatest Number of State Certification Areas; Adoption Law and Education Law Specialties Are On the Horizon

TALLAHASSEE – Growing from just two specialty areas in 1983 to an impressive 22 today, Florida's legal board certification program in its 25th year has distinguished itself as the specialization program that offers the greatest number of state-approved certifications in the nation.

"Florida's board certification program is predicated on experience and integrity, the foundations that are inseparable from our work as lawyers to advance the administration of justice," said Florida Bar President John G. "Jay" White, III. "The program is one of the nation's leaders in maintaining the highest standards for excellence and professionalism while adding practice areas for greater public access to legal specialists."

Certified attorneys are the only Florida lawyers allowed to identify or advertise themselves as specialists or experts.

With standards for adoption law and education law now pending with The Florida Supreme Court, the program continues to reach milestones in its missions to help the public identify legal specialists and make informed decisions when selecting lawyers:

- The program recently added two first-in-the-nation specialties: intellectual property law, and state and federal government and administrative practice.
- The Florida Bar this fall approved board certification for 208 lawyers in 22 specialty areas of legal practice. Nearly one-fourth of the newly certified lawyers are Young Lawyers Division members, Florida Bar members in good standing who are under age 36 and members who have practiced law for fewer than five years.
- As of Oct. 1, 2008, 4,259 Florida lawyers are board certified in one or more of the 22 practice areas.
- The program requires high standards for competence, knowledge, skills and proficiency, and the required peer review includes an assessment of character, ethics, and reputation for professionalism.
- Florida Lawyers Mutual Insurance Co. offers a 10 percent discount for board-certified attorneys.
- Internal surveys show that attorneys with 6 – 16 years of Florida Bar membership are most likely to apply for certification.

The Florida Bar maintains an online directory of certified lawyers by city and specialty at FloridaBar.org/certification.

Background. A lawyer who is a Florida Bar member in good standing and who meets Supreme Court prescribed standards may become board certified in one or more of the 22 certification fields. Certification is the highest level of evaluation by The Florida Bar of the competency and experience of attorneys in areas of law approved for certification by the Supreme Court of Florida. Minimum requirements are listed below; each area of certification may contain higher or additional standards.

- A minimum of five years in law practice
- Substantial involvement in the field of law for which certification is sought
- A passing grade on the examination required of all applicants
- Satisfactory peer review assessment of competence in the specialty field as well as character, ethics and professionalism in the practice of law
- Satisfaction of the certification area's continuing legal education requirements

Board certification is valid for five years. The attorney during that time must continue to practice law and attend Florida Bar-approved continuing legal education courses. Recertification requirements are similar to those for initial certification. Not all qualified lawyers are certified, but those who are board certified have taken the extra steps to have their competence and experience evaluated.

For more information, please visit The Florida Bar Web site at Floridabar.org/certification or contact The Florida Bar's Legal Specialization & Education Department at 850/561-5842.

SHARING THE NEWS

We want to hear from you! Please email your information to wgraham@flabar.org.

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We're on the Web!

Visit us at:

www.flacsl.org



I don't know about you, but Christmas is the only time of the year I don't like my job. Being in a criminal courtroom usually makes it very difficult to get in the holiday spirit. Let's face it; what we do as prosecutors and defense lawyers is hard, stressful work. It takes a toll. Try not to let it interfere with your ability to relax during the holidays. Spend some time with your family; forget about what's waiting for you in the office. I guarantee it will still be there when you get back. And to all you Judges—would it really kill you to knock off a couple of days and let the lawyers and courtroom personnel have some time off? Go home, have some eggnog (or some other appropriate beverage) and ***Happy Holidays!***

Donnie Murrell, Chair
 Criminal Law Section