



LAW DAY IS MAY 1:

Local attorneys offer their perspectives on the law and our nation.

Chamber President John McPhee began this discussion on page 3 of this month's Egret with his column on the Rule of Law. John solicited these additional treatises from prominent area attorneys who are active in our Chamber.

REDUCING THE LEGAL COSTS OF A DIVORCE

David L. Benjamin, Esq. and Mark P. Melmer, Esq. of Benjamin & Melmer, LLC

When a marriage ends there are many difficult decisions that need to be made. There are often issues with regards to time sharing of children, distributing assets (what is called equitable distribution under Florida law), and support issues, including child support and alimony.

However, one issue we have found to be particularly troublesome, causing countless hours of work for family law attorneys, is the collection of financial documents that are required to be turned over to your spouse. These documents, called mandatory disclosures, are required to be disclosed to your spouse 45 days after a petition of dissolution of marriage is filed with the courts. These documents, found in Florida Law Rule 12.285, include, but are not limited to, bank records, tax returns and credit card statements. These documents are very easily gathered by you, the client. Attorney's often charge by the hour for their services, so if you can gather these documents yourself, it saves the attorney time and you your hard earned money. So, when you are contemplating divorce, or have recently been served with papers for dissolution of marriage, start gathering these documents. It will save you money and your attorney headaches in the end.

EQUAL ACCESS TO THE COURTS FOR ALL

Lance Harke Esq., Harke Clasby & Bushman LLC

On May 6, 1961, Robert F. Kennedy, then Attorney General of the United States, traveled to Athens, Georgia, to deliver the Law

Day address at the University of Georgia Law School. The nation—particularly the South—was wracked by dissension, violence, and murder over enforcement of the Supreme Court's 1954 desegregation ruling in Brown v. Board of Education, as well as recently passed federal civil rights legislation intended to secure equal rights for all Americans, including those of color. The Attorney General addressed these issues forcefully, calling for reason, the supremacy of the rule of law, and the equal application of those laws to all Americans. In particular, Mr. Kennedy noted that "all the high rhetoric on Law Day about the noble mansions of the law, all the high sounding speeches about liberty and justice are meaningless unless people such as you and I breathe meaning and force into it. For our liberties depend upon our respect for the law."

This is as true today as it was in 1961. Equal access to the courts is under attack from many quarters in our society today. Banks, telephone and internet providers, insurance providers, pharmaceutical giants, and others seek to deprive ordinary Americans from entering the courthouse door and seeking justice before a jury of their peers for harms committed against them. Honest businesses need to be able to hold unscrupulous businesses accountable when they violate the law. Legislatures such as our own in Tallahassee refuse to provide the needed funds so that courts and judges can do their job efficiently and fairly. Without access to the American court system — the finest in the world — and effective enforcement of our laws, the rule of law would indeed become "meaningless" and justice would be available only for those who can afford it, or to none at all. As Mr. Kennedy so eloquently summed it up 51 years ago, "respect for the law in essence, that is the meaning of Law Day. And every day must be Law Day, or else our society would collapse."

Mr. Kennedy's speech in full (including audio) is available at www.americanrhetoric.com/speeches/rfkgeorgialawschool.htm.

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