

The Bulletin

THE OFFICIAL NEWSLETTER OF THE ADMINISTRATIVE LAW SECTION
OF THE FLORIDA BAR



What's New

ATTORNEY SPOTLIGHT

.....

LAW STUDENT CORNER

.....

FROM THE BENCH

.....

QUICK 5 SPOTLIGHT

.....

**FUN, FOOD & FITNESS
COLUMNS**

A Fresh Start!

Tabitha G. Jackson, Chair-Elect

The beginning of Spring always brings a sense of newness. Let's clean out those cupboards, refresh our wardrobe, deadhead the azaleas, and continue (or start) going to the gym. This is a time for a refreshment and energizing of our whole body and mind. We often get bogged down with our obligations of work, family, and everyday responsibilities. At times, we may forget that we have the duty to give back to our community. This is not necessarily in a monetary fashion, but maybe in a manner of actually getting your hands dirty. When everything is all said and done, if all we have to account for is that we billed 200+ hours in a month or won a DOAH hearing – we have failed ourselves and our City.

That being said, I'd like to introduce you all to the Kearney Center. Most of you may know of the organization.



THE
KEARNEY
CENTER

The professionals at the Kearney Center provide comprehensive services including immediate shelter, healthcare, and safety. The Center houses its own in-house clinic providing health service and dental care. The temporary emergency shelter facilities can house over 500 men and women daily and provide 3 daily meals, with snacks included. The Center is 100% non-profit and relies on grants and local fundraising to support their efforts. I am elated to announce that the Kearney Center will be the charitable component for all of the ALS's events for the 2022/2023 fiscal year. In the immediate future, we are holding our Second Annual March Madness event at Miller's in Tallahassee. Kearney Center professionals will be there to accept your monetary and other donations. There will also be literature handed out.

Please stay tuned for ways you can help out, including clean-up (inside and outside of the facilities), food service, pro-bono legal service, and monetary and tangible needs donations.

Attorney Spotlight: Marc Ito, Esq.

Special to The Bulletin

After graduating from law school in 2008, Marc Ito began his legal career representing the State of Florida in the areas of insurance regulation, civil rights litigation, Medicaid regulation, and Medicaid fraud. During his time with the state, Marc represented the Office of Insurance Regulation, the Agency for Persons with Disabilities, and the Medicaid Fraud Control Unit in the Office of the Attorney General.



In 2015, Marc transitioned to private practice with the firm Parker Hudson, where his practice focused on healthcare litigation, healthcare regulation, healthcare licensing, and bid protests before the Florida Housing Finance Corporation. Marc made the jump to solo practice in May of 2021 by founding the Law Office of Marc Ito, where his Tallahassee-based practice centers on administrative litigation before the Division of Administrative Hearings, with a focus on healthcare litigation, certificate of need litigation, bid protests before the Florida Housing Finance Corporation, and regulatory compliance. When administrative remedies prove to be inadequate, Marc is also able to represent his clients before state and federal courts.

When asked what has been the most challenging part of striking out on his own, Marc said, "It turned out to be less challenging than expected. Due to the pandemic, I was already accustomed to trying cases from home over Zoom, so I already had a good idea of the administrative and technology infrastructure I would need. If I had to pick one aspect as the most challenging, it would be working without an experienced paralegal. I left a firm where I worked with an excellent paralegal. It took some time getting used to working without her."

However, Marc did have someone he could turn to if he needed advice about solo practice. Marc's wife, Jamie, has been representing employers through her own solo practice since 2017. Jamie's practice focuses on employment litigation. "Jamie's advice was invaluable. She has always been my go-to resource for advice about our local state and federal courts, but since I went solo she has been especially helpful on the accounting/tax side of operating a law practice," Marc said.

Law Student Corner

Jacqueline Bourdon

For law students looking for summer jobs, it is very daunting to seemingly have both endless options yet none at all. For those searching for a summer job, the first question to ask is what skills you want to build and add to your resume. Doing that helps narrow a field or area of interest. If location is of relevance, then that would be the next filter to go through. The law school's career page (Symplicity at FSU Law) and the law school's alumni and current students' Facebook page is filled with constant posts for current positions. Additionally, although constantly said, networking is a useful tool in any job search.

Outside of the job search, make sure your resume is up to date and has been recently reviewed. Career Services provides an online handbook as well as appointments to go over your resume in depth. I have used this resource and can personally attest to how it has bettered my application. Additionally, it does not hurt to brush up on interviewing skills. Looking at commonly asked questions and having a rough outline of an answer can help with delivery during an interview. Good luck!

Spotlight

In his spare time, Marc captains an adult soccer team through the local Tallahassee Soccer Association and plays guitar.

Marc currently serves as the Treasurer of the Administrative Law Section. When asked why administrative practitioners should join the Section, Marc responded "if you are at all a curious person in the field of Florida administrative law, you will enjoy the educational and networking opportunities offered by the Section. Something unique about the Administrative Law Section is the high level of participation of the ALJs. Our live CLE programs are enriched by the comments and constructive debate from our ALJ members. More recently, the Section has sponsored two week-long trial academies at DOAH, where newer members of the section spent a week in mock administrative hearings from beginning to end, all while receiving constructive comment from ALJs and experienced litigator-members participating in the academy. So there are opportunities for participation no matter your experience level. Little of this would be possible without the participation of our ALJ members."

Quick 5 Spotlight



Attorney **Jowanna N. Oates, Esq.**,
Chief Attorney,
Joint Administrative Procedures
Committee

5 Fun Facts about Jowanna N. Oates

1. I am an avid paper crafter – which means I enjoy decorative planning, card making, and hand lettering.
 2. I am a pen snob. I generally only write with a Tul gel pen. A fountain pen or two has also made it to my pen collection.
 3. I interned at the White House as an undergraduate student.
 4. I am a huge fan of the Marvel Cinematic Universe – particularly the Black Panther, Iron Man, and Captain America.
 5. I am allergic to uncooked apples, pears, peaches, kiwi, cherries, and plums.
-

save the date

With Special Thanks To our Sponsor

College Hoops

PHIPPS REPORTING
Raising the Bar!
888-877-3406 • www.phipporeporting.com

GAME TIME

Admin Law Section's March Madness Benefit

Host: Benefitting The Kearny Center

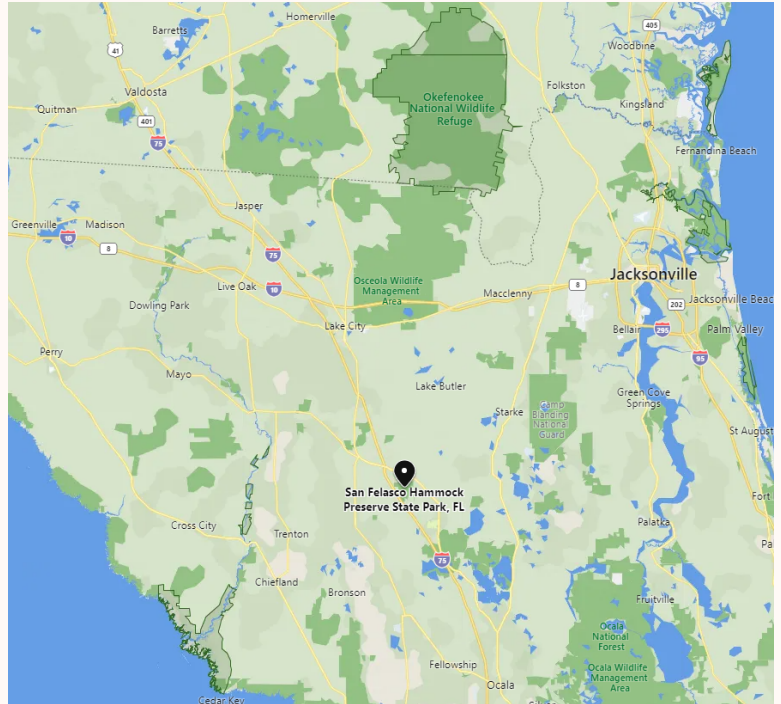
When: Thursday, March 17 at 5:30 PM

Where: Miller's Ale House, Tully



From the Bench

The Honorable Robert Kilbride, Administrative Law Judge



Although we have over 100 miles of beautiful and diverse mountain bike trails in Leon County, there are some awesome trails within fairly close driving distance. If you are looking for a nice day trip, consider driving down near Gainesville, if you dare, for a fun ride or hike at San Felasco Hammock Preserve State Park just outside of Alachua, Florida. It's just over two hours away .

The Preserve touts that it is the “one of the finest and largest remaining mature hardwood forests in Florida”. I had a chance to ride there several weeks ago as a part of a day trip to Gainesville. The Preserve has an extensive system of green, blue and black trails to choose from. Mountain biking or hiking in a dense and expansive forest always creates a sense of remoteness and solitude. But the well-marked trails always lead you back to the trail head! San Felasco is no exception and the website offers a trail map you can download. Keep a trail app on your phone for guidance and you'll eventually make your way back to the welcoming site of the parking lot. Enjoy the ride!”

For more information on San Felasco Hammock Preserve State Park, visit <https://www.floridastateparks.org/parks-and-trails/san-felasco-hammock-preserve-state-park>.

NEW YEAR NEW GROOVE

Try Something New in 2022: Candle Making

By: Brittany B. Griffith

A few years ago, I found myself in possession of a large case of small mason jars. I had no idea what to do with them, but I was certain that the ongoing storage of these jars would soon become an issue. With the holidays approaching, I decided to incorporate these pesky jars into my gift giving and eventually decided to make candles. They were a huge hit!

Shopping list: Soy wax chips, wicks, wick stickers (to attach wick to jar), metal wick holders, peppermint oil, cinnamon fragrance oil, lavender fragrance oil, decorative ribbon (optional). Don't forget the mason jars!

In-home supplies: 2-cup (or bigger) measuring cup, microwave, large chili pot, wooden kabob sticks or tongue depressors, pot holders (at least one per candle you're making), oven mitt, silicone/metal tongs, pipette

How to Make Candles (for amateurs):

1. Boil water in the chili pot (about $\frac{3}{4}$ full).
2. Heat 2 cups of soy wax chips in the microwave until they are fully melted. Stir to inspect using a wooden kabob stick or tongue depressor. Be sure to use an oven mitt when removing from the microwave!
3. Add 2-3 pipettes worth of scented oil to the wax. (Add more for larger candles.) Stir it in.
4. Place a pot holder where you intend for the candle to sit overnight.
5. Use tongs to hold the mason jar in the boiling (or very hot) water on the stove. The goal is to heat the outside of the jar as high as the wax will be without getting water in the jar. Heat evenly.
6. Remove the jar from the water and place it on the pot holder. Dry the inside of the jar if needed.
7. Insert a wick sticker in bottom center of jar.
8. Stick the wick to the wick sticker. Push down using a wooden kabob stick or tongue depressor.
9. Add a metal wick holder to the top of the jar and affix the wick to the wick holder.
10. Holding the wick and wick holder to the side, pour in the melted wax.
11. Position the wick holder so the wick is in the center of the jar.
12. Allow the candle to sit overnight. If possible, try not to move the candle jar; this will decrease the likelihood of air pockets from forming in the candle wax.
13. In the morning, trim the wick, clean up any excess wax on the jar, and, if desired, add a decorative ribbon to the neck of the jar.

Healthy Recipe of the Month

Brittany Dambly, Esq.

Enjoy this Meatless Monday with your special someone this Spring!

Ingredients

- 12 ounce box 30 jumbo pasta shells
- 1/4 teaspoon kosher salt
- 1/4 teaspoon ground black pepper
 - 1 pound ricotta cheese (about 2 heaping cups)
 - 12 ounces (3 cups) shredded mozzarella cheese, divided
 - 24-ounce jar marinara sauce, divided
 - 2 tablespoons finely grated Parmesan cheese



Instructions

1. Preheat the oven to 375°F, with the rack in the middle.
2. Boil a large pot of salted water. Add the shells to the boiling water and cook the pasta according to the package directions.
3. Remove the pot and drain the cooked pasta, then briefly rinse with cold water until cool enough to handle.
4. Place the ricotta, 2 cups of the mozzarella, salt, and pepper in a large bowl and stir to combine.
5. Stuff each shell with about 1 heaping tablespoon of the mozzarella filling.
6. Spread 1 cup of the sauce on the bottom of a 9x13-inch baking dish. Place each shell filling-side up in the dish on top of the sauce.
7. Using the remaining 2 cups of sauce, top the shells with the marinara sauce. Sprinkle with the remaining 1 cup mozzarella and Parmesan.
8. Bake uncovered until the cheese is melted and the sauce is bubbling, about 30 minutes.

Reposted from:

<https://www.thekitchn.com/recipe-classic-stuffed-shells-228135#post-recipe-11524>

Fitness, Administratively Speaking

Maria P. McCorkle, Runner-In-Chief

@saltwaterrun

I've run five half marathons this year. I've had the chance to run with several different people, and I have noticed a recurring motif. The people I run with are often running their first half or going for the PR of 3 hours- incredible efforts and goals. Yet, consistently, when I congratulate and encourage them, the overwhelming response is, "but I didn't train enough" or "I'm too slow" or "who cares lol."

Well. Me. I care. I'm impressed. Running a half marathon is no simple undertaking- it is 13.1 miles of running. I often respond to such statements from my runners with the following: If you've come so far and objectively can see that you have radically improved, why downplay your success? Why say "it's no big deal" or "well, I could be faster, strong, better"?

I'm sure there are many reasons why we do it, but the point I wish to make is this- we may all find ourselves treating our accomplishments this way, minimizing our efforts. In the many races I have paced, I have met many runners who were *ashamed* they were running with me at my 13:43 pace. "Oh, well, I didn't train" or "I've always been slow," or any other rationalization for why they find themselves with me for three hours. My response?

Objection. Facts not in evidence.

As attorneys, we know all too well that to support your argument, you must have the law and facts on your side. Our arguments must be limited to the facts and evidence presented and the logical deductions from said facts and evidence. See *Hosang v. State*, 984 So. 2d 671 (Fla. 4th DCA 2008).

Let's apply this to a "case." The facts show a runner is running their first half marathon. A logical deduction from this fact is that they have trained or at least made an effort to prepare for this long distance. If they're not reporting pain or discomfort but rather "wow, this is hard," the evidence suggests they are successfully running the race. When they say "I'm too slow" or "I can't do this," a proper objection to offer is that... it is not a logical deduction from the evidence presented. Nothing is suggesting they are **not** running the race and will **not** succeed. Eventually, the finish line appears. While I may not cross with everyone, everyone does cross.* Curiously, upon crossing the finish, the prior statements of being "too slow" or "not good enough" are quickly forgotten and replaced with "I can't believe I did that" or "I am incredible." I don't object to those statements- I believe the evidence speaks for itself, but instead of *res ipsa loquitur*, it is perhaps more appropriate to state *res ipsa fugit* or "the thing runs for itself."

The next time you go for a walk, a run, or ride, whether it's your first time out trying a new habit or sport or your tenth Ironman, remember that it is an accomplishment. The evidence supports it. Don't downplay your success, don't minimize your efforts to be a better, healthier version of yourself. Remember to focus on the facts and evidence presented in reminding yourself that you're doing a great job. See *id*. No objections here.

Until the next run,
Maria

Update from the Young Lawyers Division of the Florida Bar

Special to The Bulletin from Todd Baker, Esq., President

It is with incredible pride and honor that I get to serve the young lawyers of Florida as President of the Florida Bar Young Lawyers Division. This year, the YLD has aimed to channel the passion and excitement of young lawyers into helping our members develop professionally and personally in a way that improves their practice and the profession.



We launched the Council of Affiliates, where two representatives from each YLD Affiliate join members of the YLD Board of Governors to discuss YLD's programming, resources, grants, awards, and much more. We also recently hosted our annual Affiliate Outreach Conference in Tampa, Florida, which consisted of grant presentations, an educational component with an opportunity to earn CLE credit for the first time, a gala, and much more.

The YLD has also continued to build upon its #YLDIsMe campaign to focus on the inclusion and equality efforts of voluntary bar associations around the state. The YLD is expanding our relationships with the sections of the Bar to show young lawyers the benefits of section membership. We'd love to work more closely with the Admin Law Section, and if you have any ideas on partnership opportunities, we're happy to make something work. We have lots more planned for 2022, and I hope you will also get involved. For more information on the efforts of the YLD and its members, please <https://flayld.org/yld-yearbook-2021-22/>.

YLD Update

Special to The Bulletin from Iris A. Elijah, Esq., President-Elect



With over 26,000 young lawyers stretching from Pensacola to Key West, Ponte Vedra Beach to Brooksville, and Bonita Springs to Fort Pierce, the Florida Bar Young Lawyers Division encapsulates the best of who a lawyer is. Better yet, we are always looking for opportunities to collaborate! We want to facilitate joint events with other Affiliates and the YLD, pursue initiatives that matter to young lawyers, increase opportunities for young lawyers within Florida Bar sections, divisions, and committees, and nourish hands-on civil engagement.

Under the leadership of President Baker, we are doing just that and will continue to do so under my presidency. The young lawyers of Florida are the pulse of the legal profession, and we hope you will join us for the many opportunities to get involved and improve the profession for young lawyers.

[To learn more about the YLD as a young lawyer, please visit \[www.flayld.org\]\(http://www.flayld.org\) today!](http://www.flayld.org)

Upcoming Section Events

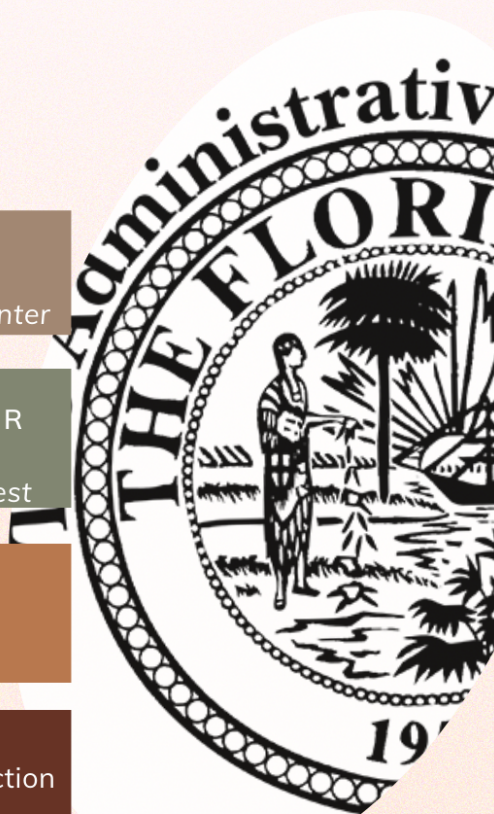
3/17 MARCH MADNESS
Miller's Ale House
Benefiting the Kearny Center

4/21 SECTION HAPPY HOUR
Location TBD
Benefiting Second Harvest

4/30 YOGA WITH FGBA
Cascades

5/12 PUPPY PIT EVENT
With the Animal Law Section
of the Florida Bar

@flabaradminlaw



The ALS Bulletin

*A seasonal publication from the Administrative Law
Section of the Florida Bar*

Publications Chair and Editor-In-Chief: Maria McCorkle

Chair-Elect and Managing Editor: Tabitha Jackson

With Special Thanks to the Honorable Gar Chisenhall, Administrative Law Judge

ALS IS ONLINE

www.fladminlaw.org

