

Fall 2007 Newsletter

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President's Message



Greetings! I am truly honored that the members of the Virgil Hawkins Florida Chapter of the National Bar Association (VHFCNBA) deemed me worthy to lead the organization this year. The

members of the Executive Board and I are working tirelessly to make this a productive and rewarding year for the organization's members.

The VHFCNBA, an affiliate of the National Bar Association, was originally established in the 1950s with a mission of "ensuring access to the justice system; increasing economic parity for the less fortunate, underprivileged and disadvantaged of our society; and educating the community (particularly, the Black Community) on the need for empowerment and self-determination."

This year, the VHFCNBA will uphold the mission of the original founders by advocating for justice and equality, and by promoting positions that benefit African-Americans in the state of Florida; strengthening its connection with the NBA and the VHFCNBA's local affiliates in Florida; actively building relationships with members of the Bench and Bar through liaison positions with the National Bar Association, the Florida Board of Governors, the Florida Association for Women Lawyers, the Florida Bar Diversity Symposium Committee, and Florida Rural Legal Services.

Through the aforementioned liaison

position with the Florida Bar Board of Governors, our organization has an opportunity to not only view firsthand the governance of the Florida Bar in action, but also to participate in the process. In line with our theme of *Building on the Past, Focusing on the Present, and Preparing for the Future*, we are partnering with other organizations, such as FAWL, to make strong affirmative stands on diversity issues, including the planning of the Diversity Symposium in June 2008, and addressing gubernatorial appointments. We sponsored and supported the 4th Annual Minority Mentoring Picnic and a seminar hosted by the Florida Bar Real Property Probate & Trust Section; we are planning our 4th Annual "Beat the Bar," a free bar preparation crash course to assist law students studying for the Florida Bar exam; and offering valuable CLE course offerings, networking opportunities, and quarterly meetings. Additionally, as president, I made numerous client referrals to our members. Thus, the benefits of membership are countless.

I have made an effort to improve the communication between the executive board and the members. In addition to the regular mailings, please continuously check the website for dates of important events, pictures from events, job announcements, and membership news, as well as updates on issues important to us. Thank you again, and I look forward to working with you and for you this year.

President Kalinthia Dillard is an attorney for the Palm Beach County School Board.

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First Quarterly Meeting Recap by Letisha Bivins and Kenneth Pratt

The Virgil Hawkins Florida Chapter of the National Bar Association held its 1st Quarterly Meeting October 26-27, 2007 in Miami. The meeting was well attended and included several exciting activities.

The Friday night Joint Voluntary Bar reception hosted by Akerman Senterfitt included such attendees as Florida Bar President Frank Anzures and Supreme Court Justice, Peggy Quince, as well as other dignitaries and local attorneys. You may view pictures at the Virgil Hawkins website.

On Saturday, members of the organization participated in a CLE entitled, "Earning Your Keep." Presenters included: Attorneys Martin Burkett, Eugene Pettis, Yolanda Cash Jackson and Robert Vaughn. Together, they did an excellent job of discussing the law firm business-

model and how associates can make their way up the law firm ladder.

At the general meeting on Saturday, news was shared from the affiliate chapters. Of interest, Justice Peggy Quince will be the next Chief Justice of the Florida Supreme Court. She will also become Chair of the Judicial Council of the NBA at the 2008 Annual Convention to be held in Houston, Texas.

A concern was raised regarding the dearth of minority appointments to boards and committees by the Florida Bar and Governor Charlie Crist. Affiliate chapters were asked to view the appointment website, apply to boards and committees of interest, and to write letters in support of minority candidates.

The Second Quarterly Meeting will be held in either Tampa. Contact

Kenneth Pratt, kpratt1906@aol.com with CLE topic suggestions. Dates to remember:

January 11-14, 2008: Beat the Bar Seminar at FAMU's Law School.

Last week of January: Young Lawyers will hold an Affiliate Outreach Conference in St. Petersburg.

Below, Kalinthia Dillard, Deana Holiday, Rachele Munson, and Kenneth Pratt enjoy the Quarterly Meeting.



Fourth Annual Minority Mentoring Picnic by Sherria Williams

Only one word can sum up my experience at the 4th Annual Minority Mentoring Picnic—AMAZING. After receiving countless emails, looking at pictures and even reading news articles, I was nervous about traveling more than 600 miles to attend the Fourth Annual Minority Mentoring Picnic. After arriving in Miami, I was unsure how my day would transpire—I am a first generation law student and was not sure whether this would be your typical mentoring event. When I arrived, I immediately noticed the colorful tents that formed an inviting wall at the picnic, and my initial nervousness began to subside.

After checking in, I received a "I need a mentor" sticker that would identify me as a student who was looking for a mentor. I took a second look at the row of tents, and started to feel comfortable in my surroundings. I visited tables hosted by The Florida Bar Young Lawyers Divi-

sion, Wilke D. Ferguson Bar Association, and the Public Defender's Office, to name a few.

I would have never thought there were so many people willing and ready to assist law students in navigating their legal careers. My mother, whom I had invited to the event, was astonished by the friendly attitudes and the overall helpfulness of all participants. She even commented, "I would like to come to more law events if everyone is this nice!"

Aside from the wonderful conversation and diverse mix of legal practitioners, I was also able to sample an array of foods like barbeque, paella, and jerk chicken. Both the food and conversation were unforgettable!

During this event, I was constantly approached by law students and attorneys. I was also able to have rare conversations with judges and attorneys more than willing to

share their insight about the bar exam, summer clerkships, and the transition from law school.

I recommend that everyone attend this event, especially if you wish to relocate to South Florida.

Sherria Williams is a 2nd year law student at Florida State University. She is pictured below with John Kozyak, the primary coordinator of the annual Minority Mentoring Picnic in Miami. The VHFCNBA sponsored the Picnic



Spotlight on Affiliate Chapters

The Tallahassee Barristers Association: Affecting Change, One Mentee at a Time

During 2006-2007, the Barristers partnered with Florida A&M University's Hatchett Pre-Law Society and Florida State University's BLSA to form a comprehensive mentoring program. The Barristers' Mentoring Committee matches mentors and mentees, and plans events to strengthen mentoring relationships.

This year, the Barristers were asked to mentor 48 Hatchett students and 27 BLSA students, twice the size of last year's request. This is a testament to the impact the Barristers has had on college and law school students. So far this year, Hatchett students have debated whether illegal aliens should be granted am-

nesty; both Hatchett and BLSA students attended a business etiquette workshop facilitated by Justice Peggy Quince; and both groups have participated in social gatherings with the Barristers. Next spring's events include a potluck; a judicial dinner, where mentees will discuss legal issues with local judges; and a mock trial competition.

The Barristers look forward to completing another successful year of mentoring activities. Thus far, several mentees have been able to procure internships, clerkships and job offers through the program. As it grows, we hope to include a Moot Court competition, an essay writing contest, as well as a resume writing and interview skills

workshop. We are proud of our program and look forward to its continued success.

By Althea Nicholson, Tallahassee Barristers' Mentoring Committee Chair and Associate at Parks & Crump, LLC.

The Hatchett Debate's winning team, left to right, Arien Cannon, Jacoby Young and Sterlin Mesadieu.



The Cunningham Bar Association Kicks Off Its Community Service Project

This summer the F. Malcolm Cunningham, Sr. Bar Association (CBA) received a \$3,000 grant from the Florida Bar Foundation to establish the Community Law Project. The mission of the Community Law Project is to provide African American senior citizens with access to attorneys for the preparation of simple wills.

Our first event was held on September 27, 2007 at the Lindsey Davis, Sr. Community Center in Riviera Beach. Seven volunteer attorneys prepared simple wills, living wills, designation of health care surrogate, and durable power of attorney forms for 17 senior citizens; and three volunteer notaries helped finalize documents. All documents were prepared free of charge. This event was so successful that we had to turn away a couple of senior citizens. Special thanks to Salesia Smith-Gordon, Esq., Ethel Isaacs Williams, Esq., Sandra Powery, Esq., Edwin Ferguson, Esq., David Prather, Esq., Corey Smith, Esq., Victoria Butler, Carlton Smith, and Mickale Linton!

Our next event will be held in West Palm Beach. We already have three seniors on our waiting list for West Palm Beach. CBA members are encouraged to participate in the project, and receive pro bono hours providing a worthwhile service to senior citizens.

Below left, Attorneys Corey Smith and Ethel Isaacs Williams assist elderly clients. Below right, Cunningham Bar President Tequisha Myles and President Elect Sandra Powery input information and print the final documents.

This article was submitted by the Cunningham Bar for inclusion in this Newsletter.



Legislative Update

By Yolanda Cash Jackson, Esq.



The Florida Legislature has had a very active year. Before the 2007 Regular Session concluded, Governor Crist, Senate President Pruitt, and House Speaker Rubio called for a Special Session to revisit the issue of property tax reform and relief. Legislators were soon summoned back a month later to deal with this growing concern for many Floridians. On June 12th, 2007, the Florida Legislature reconvened for their second Special Session to vote on legislation to lower property taxes for Floridians. After three days of debate, the Florida Legislature passed three bills that required local governments to rollback their taxes and would allow the voters to approve a super homestead exemption on January 29, 2008.

However, on September 25, 2007, Circuit Judge Charles Francis of Tallahassee struck the constitutional amendment from the January 2008 ballot. The judge ruled that the amendment was “misleading and confusing”. Judge Francis added, “The ballot summary says the amendment would preserve existing property tax breaks [Save Our Homes], although it actually would phase them out.”

The fourth Special Session of the year began on October 12, 2007. Governor Crist, Senate President Pruitt, and House Speaker Rubio released their compromised proposed plan. There was no consensus on the proposed tax plan from House Democrats with Republicans. House leaders decided to meet and agree on an alternative proposal that would have allowed for more equitable reform and lessen the impact to public education. The House’s new property tax plan was passed and sent to the Senate.

In an interesting turn of events, the Senate decided not to consider the House’s new plan and introduced a new version of their own. The Senate property tax plan would;

1. Double the Homestead Exemption, which allows an additional exemption of \$25,000 off the value of homestead property above \$50,000. This would not impact school taxes.
2. Provide existing homesteaders with portability. Homeowners may transfer their Save Our Homes benefit up to \$500,000, to a new home. For homeowners who have given up their homestead already this year, the differential may still be transferred if they apply for a new homestead in the next two years.
3. Provide a 10% assessment cap on non-homestead properties. This cap would not affect school levies.
4. Grant a \$25,000 exemption in tangible personal property for business assessments.

The Senate passed their property tax plan and were allowed to leave Tallahassee. The House members were left with the task of passing the Senate’s plan or doing nothing at all. Members on both sides of the aisle voiced their concerns with the Senate’s actions and the Senate’s new property tax plan. After hours of debate, the House voted to concur the Senate’s property tax plan and passed the legislation. The Special Session ended on October 29, 2007.

As the debate continues to heat up over whether the constitutional amendment will be approved, State legislators were faced earlier with two more important issues; the future of Personal Injury Protection (PIP) and a reduction of money in the State’s budget.

During the third Special Session, which began on October 2, 2007, efforts to reinstate PIP after it expired on October 1st, were achieved. The no-fault auto insurance will renew on January 1st of next year with added measures to reduce fraud and protect uninsured motorists. Also, a shortfall of 1.5 billion dollars in sales tax revenues required House and Senate members to impose budget reductions on various State agencies.

As you can see, it has been an extremely busy legislative year thus far. With the upcoming Presidential Primary Election and Property Tax Reform amendment on the ballot in January, voters will have much at stake at the polls.

As Sessions and Committee meetings approach, monitoring legislation will be important in effectively lobbying for our concerns. Strengthening legislative and executive contacts that we have made throughout the years will be critical in ensuring our organization’s success. Also, please make it a priority to introduce yourselves to legislative members and staff you did not meet or who were recently elected.

We look forward to continuing to serve as dedicated advocates for the Virgil Hawkins Chapter’s issues. The upcoming Regular Session begins on March 4, 2008.

Yolanda Cash Jackson, Esq., is a Shareholder in the Fort Lauderdale Office of Becker Poliakoff, P.A.



Remembering a Dedicated Pioneer: Jesse J. McCrary, Jr., Esq.

Jesse James McCrary, Jr., a pre-eminent legal practitioner and pioneer, passed away on October 29, 2007. Below are portions of the comments delivered by his close friend, H.T. Smith, Jr., Esq., at Attorney McCrary's funeral on November 3rd:

*Isn't it strange how princes and kings,
and clowns that caper in sawdust rings,
and common people, like you and me,
are builders for eternity?*

*Each is given a list of rules;
a shapeless mass; a bag of tools.
And each must fashion, ere life is flown,
A stumbling block, or a Stepping-Stone.*

—R. Lee Sharpe

In the State of Florida that profound poem has become synonymous with Florida's favorite son—Jesse James McCrary, Jr., Jesse was born in a little town, but he made big contributions to the cause of equal rights, equal opportunities, and equal justice for all. Jesse James McCrary, Jr., was a Sterling Stepping Stone.

Jesse was Commissioned an Officer in the United States Army at a time when he could live in a foxhole with a white soldier in a foreign land, but could not legally live next door to that same white soldier in America. So Jesse set out to do his part to tear down the massive wall of racial discrimination.

He earned his law degree from the legendary Florida A&M College of Law that produced the likes of Congressman Alcee Hastings, State Senator Arthenia Joyner, and eminent Trial Lawyer Elbert Hatchett, to name a few. While earning his law degree, he placed his freedom and future at stake as an organizer of sit-ins in Tallahassee. Even as a student, Jesse James McCrary, Jr., was a Sterling Stepping Stone.

In 1967, he became the first Black Assistant Attorney General in Florida. During his interview, he told then-Attorney General Earl Faircloth, "If you hire me, I expect to be treated just like your other Assistants. I will not be your Negro." Two white secretaries resigned rather than work for Jesse.

While at the AG's Office, Jesse faced a defining moment—one of his cases reached the U.S. Supreme Court. Soon after the Court accepted the case, his supervisor told Jesse that the case would be transferred to a more "seasoned" attorney. Jesse said, "NO WAY! I took this case to the Supreme Court and I intend to walk up those steps to argue it." Jesse then went to the AG and reminded him of his promise to treat Jesse just like he treated the other attorneys, and the AG allowed Jesse to keep the case.

On July 12, 1970, the headline in the Tallahassee Democrat read: "Negro Represents State Wins Supreme Court Suit." In less than 3 years in the AG's office—and 5 years out of law school—Jesse became the first Black lawyer to argue before the Court on behalf of a southern state. Soon after, job opportunities began to open up for Black lawyers around the state, and across the south. Jesse James McCrary, Jr., was a Sterling Stepping Stone.

The legal community is not fully aware of just how great a legal legend Jesse was:

*He argued 10 cases in the Florida Supreme Court and won all 10;

*He argued and won the landmark Florida *criminal* case that outlawed the insidious practice of excluding jurors because of their race;

*He argued and won the Florida

civil case that stopped the practice of excluding Blacks solely because of race;

*He, along with Wilkie Ferguson, Harold Long and George Knox, were key organizers of the Black Lawyers' Association now named the Wilkie D. Ferguson, Jr., Bar Association. Jesse McCrary, Jr. was a Sterling Stepping Stone.

In 1978, Governor Ruebin Askew appointed Jesse Florida's 19th Secretary of State, and the first Black Cabinet member in 110 years. At his swearing-in ceremony, he stated, "I do not intend to be a caretaker," and the record shows that he took care of business—advertising for the first time in Black-owned newspapers, and hiring Black lawyers and Black vendors. Jesse unlocked the vaults of opportunity and provided Blacks access to the inner workings of Florida's Government.

Jesse James McCrary, Jr., was a brilliant lawyer, an electrifying speaker and a bold leader. But most important, Jesse was my good friend.

Jesse leaves behind a loving wife and three precious daughters. Today, Jesse speaks to all of his loved ones in that high-pitched voice—"Don't cry because it's over, smile because it happened. Life is Good!" After 70 years on this earth, Jesse James McCrary, Jr., peacefully slipped the surly bonds of Earth to touch the face of God. What on this Earth could possibly compare to that experience? Way to go, Jesse James. Way To GO!

Attorney H.T. Smith, Jr., is a long-time VHFCNBA member and Florida attorney who has his own firm in Miami, Florida.

**VIRGIL HAWKINS FLORIDA CHAPTER OF
THE NATIONAL BAR ASSOCIATION**

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Save the Date

The next VHFCNBA Quarterly Meeting will be held in Tampa, FL.

Be sure to visit us at www.vhfcnba.org and watch your emails for updates on the exact date and time.

In Loving Memory

of

Jesse J. McCrary, Esq.

Trusted Colleague, Exceptional Attorney and Pioneer

*We Salute You and Humbly Thank You For All You
Have Done For the Legal Community, the State of
Florida and this Nation.*

Virgil Hawkins Florida Chapter of the National Bar Association

Black Man Refused Service In Restaurant By Pamela Guerrier, Esq.

In March 2006, Christopher Bivins went into the Nature's Way Café in the town of Atlantis to order lunch for himself and his mother's co-workers. He was unfamiliar with the menu so he sat down at a table to study it closer. He then called his mother's co-workers to confirm their orders. After placing his order at the register, he discovered that he was short a couple of dollars. He told the cashier that he was about \$3.00 short and would go to a nearby ATM. The cashier saw that he only had \$21.00 and was going to suggest that he eliminate a bag of potato chips from his order when the owner, Annie Raso, broke into the conversation. She loudly accused Mr. Bivins of previously coming into the shop, making a large order, leaving to get money and never returning.

Ms. Raso continued shouting at Mr.

Bivins, even though he told her that he had never been in the shop before and the cashier didn't think that Mr. Bivins was the same person. Ms. Raso even called 911 to summon the police who issued a verbal trespass warning to Mr. Bivins barring him from the premises under threat of arrest.

Mr. Bivins filed a public accommodations complaint with the Palm Beach County Office of Equal Opportunity ("OEO"). After conciliation efforts failed, a federal suit was brought by a private attorney. After a two-day trial, Judge Middlebrooks found that Mr. Bivins was unlawfully discriminated against because he is a Black man. During the trial, Ms. Raso admitted that Mr. Bivins did not shout at her, or act in a strange manner. She also admitted that she asked the cashier to lie to the OEO during its inquiry.

Judge Middlebrooks awarded Mr. Bivins \$5,000.00 in compensatory and \$5,000.00 in punitive damages for his emotional distress and mental anguish. The judge wrote, "I emphasize that this relatively small punitive award does not fully reflect my view of the serious magnitude of the conduct at issue in this case, but instead results from my understanding of [Ms. Raso's] limited financial resources." The court reserved authority to award attorney's fees to Bivins' counsel, which will be substantial. Additionally, as part of the ruling, Raso was ordered to contact the Atlantis police to let them know that the trespass warning was inappropriate and that Bivins is free to return to the restaurant if and when he desires.

Pamela Guerrier is an attorney with the Palm Beach OEO.