



The Florida Bar News

Volume 35, Number 3

FloridaBar.org

February 1, 2008

Supreme Court reinstates stay in CCCRC case

Oral arguments now slated for February 27

By Gary Blankenship
Senior Editor

Florida's five Criminal Conflict and Civil Regional Councils are back in business, at least for now.

The Supreme Court on January 17 granted the state's emergency motion to reinstate an automatic stay in the case, overturning an order by Second Circuit Court Judge P. Kevin Davey that told the CCCRCs to stop accepting new cases after he found the statute creating the offices unconstitutional.

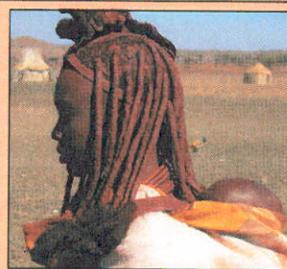
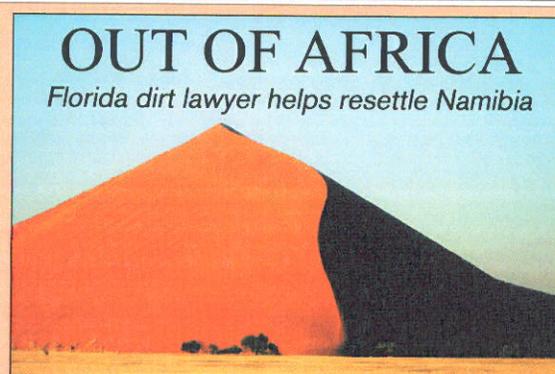
The Supreme Court ruled that the Florida Association of Criminal Defense Lawyers had not demonstrated the compelling circumstances required for vacating the stay provided in the Rules of Appellate Procedure.

"Accordingly, it is ordered that the motion to reinstate the automatic stay filed pursuant to Rule 9.310(b)(2) is granted and the trial court's order dated January 11, 2008, which in part vacated the automatic stay, is hereby vacated," the court ruled.

Two days earlier, on January 15, the Supreme Court accepted jurisdiction in the FACDL's challenge to the new offices, scheduled an expedited briefing schedule, and set oral argument for February 27.

The Supreme Court's entry into the suit comes amid a flurry of motions over the past few weeks involving the legislatively created offices set up to handle criminal cases when the public defenders have a conflict — as well as many civil cases, including Baker Act,

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STEPHEN SNIVELY, left, has created a scholarship program to teach Namibians surveying and land management techniques to help the emerging African nation resettle its people so they can become more self-sufficient.

By Jan Pudlow
Senior Editor

The pastor's words hit home: "Do what you can with what you have, from where you are."

Listening to the Sunday sermon on being a Good Samaritan, Stephen Snively, a commercial real estate lawyer at Holland & Knight in Orlando, looked inward and asked himself: "How can I take what I know from representing developers of shopping centers and high-rise office buildings and use it to 'do good' somewhere?"

Sure, he'd served on plenty of boards of civic groups, but he yearned to give back in a way that would connect his heart.

A convergence of events would soon deliver a unique answer to this 58-year-old member of The Florida Bar's Real Property, Probate and Trust Law Section, who has conducted lawyer land surveyor seminars for the Bar.

At the same time, his then-16-year-old daughter, Madeline, was, as her dad described it, "filled with a sense of purpose but didn't know what to do with it. She needed to get her compass set."

This dirt lawyer would soon find his custom-made cause.

Ultimately, in the summer of 2006, Snively and his daughter would travel to Namibia — on the west coast of Southern Africa — to finalize details for Scholarships for Namibia, Inc.,

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Suit challenges Florida's lawyer advertising rules

By Gary Blankenship
Senior Editor

A Jacksonville lawyer and the public interest group Public Citizen have filed a federal lawsuit challenging the constitutionality of The Florida Bar's advertising rules.

The lawyer, William H. Harrell, Jr., of Harrell & Harrell, P.A., claimed that Bar staff and the Standing Committee on Advertising last year refused to let him use a phrase in an advertising campaign that had been approved in previous ads beginning in 2002.

He also charged that some of the rules are unconstitutionally vague and that the requirement that TV and radio ads be submitted for Bar review before airing is prior restraint that violates the First Amendment. For its part, Public Citizen said the advertising rules prevent its members in Florida from getting truthful and accurate information which could help them select a lawyer.

The suit was filed in the U.S. Middle District of Florida in Jacksonville on January 7.

The Bar released this statement in response to the suit: "The Florida Bar regulates attorney advertising to protect Floridians from misleading information and to promote

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Bar proposes rules for lawyer Web sites

The Florida Bar's proposed rules revisions for lawyer and law firm Internet Web sites will be filed with the Supreme Court later this month, and interested parties will have 30 days from that filing to make their own comments to the court.

The Bar expects to file the amendments around February 14.

The Web site rules came about after extensive study by both a task force and special committee, and were also influenced by comments from Supreme Court justices made during oral arguments in another advertising rules case.

The amendments to Bar Rule 4-7.6 would require that home pages comply with all the general ad requirements of Rule 4-7.2. The remainder of the Web site would have to comply with the general ad requirements of Rule 4-7.2, except they may include statements characterizing the quality of legal

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The Cost of an Education

Three years of in-state tuition and fees at Florida's law schools range from \$22,701 for Florida A&M to nearly \$104,000 for the University of Miami. Below is the breakdown for each of the 10 law schools in Florida.

University of Miami	\$103,956
Barry University	\$87,900
Stetson University	\$87,720
Florida Coastal	\$86,820
Nova Southeastern	\$86,040
St. Thomas U.	\$83,520
University of Florida	\$32,425
Florida International	\$28,945
Florida State	\$28,863
Florida A&M	\$22,701

* 2006-2007 tuition
Source: Kelly Carmody and Associates, September 2007, conducted at the request of The Florida Bar Foundation

Public Interest Law Section advocates for a just society

Addressing the legal needs of children. Understanding the challenges of persons with disabilities.

Advocating the homeless should not be charged with crimes because they have no place to live.

Protecting the First Amendment.

Working on preserving the family.

All are embraced by the Public Interest Law Section, where the issues are as diverse as its 431 members.

Often referred to as "the conscience of The Florida Bar," the Public Interest Law Section, created in 1989, is open to all who

have a common interest in advocacy and enhancement of constitutional, statutory, or other rights that protect the dignity, security, justice, liberty, or freedom of the individual or public, according to PILS Chair Lisa Kane DeVitto of Tampa.

She noted the section prides itself as a forum for discussion and exchange of ideas leading to increased knowledge and understanding of the areas of public interest law.

DeVitto said PILS stands slightly apart from the Bar's other sections in that it is more diverse in terms of its focus. Public interest lawyers practice in a variety of areas, from administrative law, to creating policy or legislation, even civil litigation.

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DeVITTO

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Namibia

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a nonprofit 501(c)(3) charitable organization he created to raise money for academic scholarships so poor Namibians can become surveyors, land planners, and managers to help resettle landless, destitute people onto property they can farm.

To his surprise, in August 2007 his efforts inspired Namibian government officials to name Snively "honorary consul" for the Republic of Namibia, which affords him diplomatic privileges and gives him responsibilities to promote tourism, investment, trade, educational opportunities, and cultural exchanges between Florida and Namibia.

"Namibia sparked a flame in each of our hearts that continues to grow stronger," Snively expressed in writing.

"More than all the exotic animals, dramatic landscapes, and exciting experiences, the wonderful people impressed us the most. Scholarships for Namibia, Inc., is about those people, and the scholarships it provides will benefit generations to come."

Namibia is Where, Exactly?

Just a couple of years ago, Snively knew nothing about Namibia.

While reading his church's newsletter about a missionary couple living in Namibia, Snively's curiosity was piqued to research how to pronounce the country's name ("Nam-IB'-ee-uh") and where to find it on a map of Africa (on the west coast, north of South Africa).

Research on the Internet answered those questions and beyond. The more he learned, the more fascinated he became about this uranium and mineral-rich country, the last in Africa to gain independence in 1990, after a protracted armed rebellion that dragged on for 20 years.

Once independent, Namibians, whose official language is English, forged a progressive constitution that prohibits the death penalty, recognizes the importance of families as a social unit, gives women equal rights, and protects its stunning environment dotted with elephants, giraffes, zebra, springbok, oryx, kudu, eland, wildebeest, and lions.

"It has all the basic protections that we have in our Bill of Rights. The government is set up like ours, with a judicial system with a supreme court and courts of appeal, two houses similar to ours in some respects, and an executive branch. It does have a prime minister. Really, the structure of its government is a freely elected democracy like ours. It impressed me. They did it on their own," Snively said.

At the same time, Snively learned, Namibia is saddled with the remnants of its colonial history and seven decades of apartheid and poverty, plus a grim HIV/AIDS rate. About half of the land in Namibia is privately owned by the white minority. In the past, black Namibians were not allowed to own land, so most lived on "communal" land administered by tribal leaders and had no legal right of ownership.

"The more I learned, the more fascinated I became. I knew I had to be part of it. Namibia is unique in Africa. No other country has the economic and political stability that Namibia currently has. There are so many things they are doing right, notwithstanding the odds against it," Snively said.

The government is slowly taking steps to resettle Namibians from urban squalor onto land owned previously by successors to the original colonial settlers. The goal is that resettlement will strengthen families, reduce poverty, and slow the spread of AIDS.

Unlike the turmoil in Zimbabwe, where land has been retaken without compensation — sparking political, social, and economic unrest — Namibia pays fair compensation for landowners, much like the eminent domain process in the U.S.

Namibia's success in the resettlement effort would mean families could farm land, and use it as collateral for loans to buy seed, fertilizer, and livestock — and it would serve as a shining example to other struggling African nations, Snively said.

That's why the need for surveyors is so crucial, he said, because if you can't describe the land, you can't own the land.

E-malling Dignitaries Across the Globe

Already very familiar with the importance of land surveyors who create legal descriptions needed to transfer property ownership, Snively was stunned to learn there were only 20 surveyors in the whole country of Namibia, about twice the size of California, with a population of 2 million, slightly more than Houston. Without enough surveyors, positive

change would be even slower to come.

At first, Snively tossed around the idea of organizing a group of American land surveyors and taking them to Namibia to do the work. But after drawing up a rough budget, he soon realized it would cost too much and accomplish too little.

"All the dollars would go to airfare. Why not take those dollars and invest in the nation and get a lifetime of returns?" Snively asked.

He kicked around ideas with friends in the engineering and surveying community, and others who had worked on philanthropic projects in Africa.

Remembering the words of his pastor, Snively did what he could, using what he had, from where he was: sitting at his computer with an Internet connection. Via e-mail, Snively reached out to representatives of The Republic of Namibia, the Polytechnic of Namibia, the U.S. Embassy in Windhoek, and USAID/Namibia.

"I just reached out, and people sensed I was sincere and not motivated out of self-interest. The most important part was my persistence," Snively said, adding his stature as a Holland & Knight lawyer meant nothing on the other side of the Atlantic.

"I wanted to go to the U.S. ambassador first. After I developed the idea, I knew nothing about what I was doing, but my heart was open," Snively said. "Politically, I didn't want to do anything inconsistent with what the U.S. was doing. I touched base with the U.S. State Department office in Namibia, and they gave me their blessing. They put me in touch with a high government official at the Department of Resettlement, as high up as a Cabinet member in our country."

Those connections led to the highest ranking officer in the universities. It soon became crystal clear to Snively: "The establishment of a scholarship fund was a clean way to help."

In January 2006, Snively also reached out to Grenville Barnes, an associate professor in the Geomatics Program at the University of Florida in Gainesville.

"After doing some background research and contracting various key people, Steve had decided that the best way he could help a country struggling with land inequities was to develop much-needed capacity in land surveying/management," Barnes said.

"Coincidentally, one of my best friends in Gainesville is a land surveyor who practiced in Namibia for over 20 years before emigrating to the U.S. We met with Steve in Gainesville soon after he contacted me.

"I must admit I was a little skeptical when he first broached the idea, but I soon realized that Steve was dead serious about doing this," Barnes said. "As I have come to know Steve better, I also realized that he was one of those determined people who acts on his ideas."

Now, the scholarships are in place and the best students will attend UF to obtain master's degrees in geomatics (surveying) and related topics.

"These kids come out of the program as licensed surveyors, and they agree to work for three years. While they are scholarship recipients, we ask they do volunteer work at the university and community service work," Snively said.

One current scholarship recipient, Snively said, had lived in a poor part of town in a dirt-floor, one-room shack with an uncle and several siblings and had to walk five miles to get to class.

"Now, that student lives in a dorm at the university and can study with the lights on," Snively said.

Saved by a Shoelace and a Satellite Phone

His efforts reaped him the title of a dignitary.

"Mr. Stephen Snively, our Namibian Honorary Consul in Florida, is doing a commendable job for our country, especially in the field of education," said Morven Luswenyo, minister counselor and deputy chief of mission at the Namibia Embassy in Washington, D.C.

"As founder and president of Scholarships for Namibia, Inc., he had, in June 2007, formally handed over to the rector of the Polytechnic of Namibia, bursaries for four students who are studying toward obtaining qualifications in land surveying. This has been seen as a great contribution toward development in our country."

Currently, the scholarship fund is helping four students become surveyors, at \$6,000 per student per year, of which 100 percent goes to the students, Snively said. He is hoping

Scholarships for Namibia

Scholarship for Namibia, Inc., created by Florida lawyer Stephen Snively, sponsors students in the undergraduate program in land surveying at the Polytechnic of Namibia in Windhoek, established in 1994 and one of two institutions of higher learning in the region.

The selection process is designed to identify candidates with academic potential and special financial need. Some who complete the undergraduate program may be selected to attend the University of Florida and pursue a graduate degree.

The scholarships pay tuition, academic fees, lodging, food, and other expenses. Those who graduate from the program will be trained and ready to help the national resettlement effort. Related educational activities are also sponsored, such as a survey instructor exchange program between the two universities.

Snively is available to speak to bar associations and civic groups about the project.

For more information, visit www.scholarshipsformamibia.org. To learn more about Snively's role as Namibia's honorary consul for Florida, go to www.honoraryconsul.us

to raise more money to help more students become surveyors, and is available to speak to bar associations and civic groups about the project.

There are no good statistics on the number of families resettled to the land so far, Snively said, but the process is slowly moving forward as more land becomes legally described.

This Florida dirt lawyer is proud to play a part in Namibia's progress, while embracing creative philanthropy that connected his heart and inspired his daughter.

While Snively met in Windhoek with government and university representatives to discuss details about the scholarship fund, his daughter worked in Okahandja in an impoverished camp and saw with her own eyes the importance of the resettlement program.

The father and daughter duo took a two-week camping trip to explore the rest of Namibia, hiking to the bottom of Sesriem Canyon and climbing to the top of Waterberg Plateau.

One harrowing day, their vehicle's fan belt broke, and they were stranded in the desert near the Skeleton Coast. Snively had to think back to what he'd once learned as an Eagle Scout, and used his shoelace as a makeshift fan belt.

"That experience told a story to me," Snively said, about how Namibia preserves its ancient lifestyles and traditions, while adapting to a dramatically changing world.

"The shoelace got us to a station where we could wait in a little building. I had a satellite phone for emergencies. We used it to call for help, and they drove a vehicle several hundred miles to get us. We were saved by a combination of a shoelace and a phone.

"That is exactly what is going to get Namibia out of the desert: using what the past has to offer, symbolized by the shoelace, and what the future has to offer, symbolized by the satellite phone. In Namibia, the past and present live together. You have to have both. The past and present have to co-exist."