

Court says who gets what in divorce, B3

The Law & You



No laughing matter for comic Dane Cook, B2

Why did they pick that?

Terry Olson, Orange County’s director of arts and cultural affairs, discusses how artists and works are selected for public venues; 7 p.m. at Casselberry City Hall; 407-262-7700.

OrlandoSentinel.com/law



Mathew Staver founded Liberty Counsel in 1989 to focus on ‘law in the pro-life arena and in the religious-liberty arena.’

JOE BURBANK/  
ORLANDO SENTINEL

Court victories

**Alaska**  
Defended churches against the ACLU, which sought to have certain property-tax exemptions revoked.

**Kentucky**  
District court ruled that Ten Commandments set among historical documents regarding the development of American law and government is constitutional.

**North Carolina**  
Successfully defended a second-grade boy who was told not to give Bibles to his friends on Valentine’s Day.

**Washington**  
Successfully defended students who were suspended for peacefully praying before school.

**Florida**  
Court ruled against supporters of abortion rights seeking to block “Choose Life” license plates; argued in favor of state law requiring informed consent for women considering abortion; successfully argued before U.S. Supreme Court regarding rights of sidewalk counselors.

**Georgia**  
First case ever to declare a Vermont civil union is not equivalent to marriage, and a state and federal Defense of Marriage Act permits a state to ban same-sex unions.

SOURCE: Liberty Counsel

FAITH IN THE LAW

By SATTIA SARMAH || SENTINEL STAFF WRITER

**I**n the early 1980s, Mathew Staver saw a video that would change the trajectory of his career. Then a pastor in Kentucky, he watched a video on abortion at a gathering with fellow pastors and became resolved to play a key role in advancing religious freedom, the sanctity of human life and the traditional family, he said. Staver decided to attend law school at the University of Kentucky and in 1989 founded the Liberty Counsel, a law firm based in Maitland that has been involved in hundreds of cases that help define the culture wars in America. At the time, he recalled, not many law firms dealt with religious freedom. “Back in the late ’80s, there really wasn’t much in the United States that really focused on pro-life and religious liberty issues from more of a Christian perspective,” Staver said. “We wanted to start an organization that dealt with

Mathew Staver and Maitland-based Liberty Counsel advance their views on religious freedom through the courts.

law in the pro-life arena and in the religious-liberty arena.” With offices in Florida, Virginia and Washington — and the help of like-minded lawyers across the country — Liberty Counsel is helping shape the law on such issues as free speech, marriage rights and separation of church and state. Staver also is influencing the direction of future lawyers as dean of Liberty University School of Law in Virginia. In 2005, Staver and his wife, Anita, also a lawyer, began drafting the language for Florida’s Amendment 2, which defined marriage as between a man and a woman. In November, 62 percent of Floridians voted it into the state Constitution, creating a stronger barrier to same-sex marriage in the state. That was a triumph, Staver said. “It’s thrilling and it’s exciting that they did this,” he said. “It’s a gratifying feeling to be part of drafting a constitutional amendment that is now part of Florida’s constitution and part of our history.”

PLEASE SEE COUNSEL, B3

Ask a lawyer

HOA fees voluntary now, but can that be changed?

**Q** I belong to a small homeowners association, and our yearly dues are voluntary. We are now, for the first time, collecting dues from more than half of our homeowners, and I think it’s time to make the dues mandatory for all new homeowners. Before proposing this to our board, I’d like to know: Would it be legal? If so, what stipulations would have to be followed and how high are the legal bills likely to be?

— R.F. MAITLAND



AMANDA R. HOPKINS  
Zimmerman, Kiser & Sutcliffe, P.A.

**A** You should first review your association’s governing documents and pay particular attention to the sections dealing with 1) assessments and charges; and 2) amendment procedures and requirements. If you want to make the payment of assessments mandatory rather than discretionary, you would need to amend the governing documents in accordance with the section dealing with amendment procedures and requirements. However, if your governing documents are silent as to amendment procedures, then chapter 720.306(b) of the Florida Statute states that governing documents may be amended with an affirmative vote of two-thirds of the voting interests of the association. Generally speaking, you should retain an experienced attorney to assist you in this process. He or she will provide you with a cost estimate of the legal fees.

He’s king of his domain — but all aren’t the same

**Q** I own the copyright to a name for a news and information Web site. I own the .net domain, but someone else — using my copyrighted name — owns the .com domain. The owner of the .com is not using his domain and simply has it “parked.” I asked the Web-hosting service to negotiate a sale for me, but the owner said he was not interested in selling. I have considered either billing the current owner for use or demanding the release of the domain. Do I have any recourse, and, if so, would it be very expensive?

— S.R. ORLANDO



TERENCE BRENNAN  
Roetzel & Andress, P.A.

**A** Although you cannot copyright a name, you have two likely avenues to pursue. The Anti-Cybersquatting Consumer Protection Act allows trademark owners to recover against “cybersquatters” — people who knowingly register a famous or distinctive mark as a domain name for the purpose of coercing the trademark owners into paying for the right to use their own marks. To bring a successful claim, you must show: that your opponent had a bad-faith intent to profit from the mark and that he registered, trafficked in, or used a domain name that is identical, or confusingly similar, to your mark; and that your mark has been used for some time, that it has been well-advertised, and that it is recognized in its area of commerce. You also likely will have to demonstrate something beyond the defendant’s refusal to sell the domain name. The anti-

PLEASE SEE ASK, B2

To submit a question to a lawyer, e-mail Harry Wessel at [harrywessel@gmail.com](mailto:harrywessel@gmail.com) or write to Ask A Lawyer at 633 N. Orang Ave., Orlando, FL 32801.

You Be the Judge

Is fear of heights a disability?

The Department of Health and Human Services hired Farris as a utility-systems repairer. But when he was asked to climb a ladder to repair a transformer, Farris refused, telling his supervisor he was medically unable because of a fear of heights. “You’re fired,” said the supervisor, “because you’re unable to perform the requirements of your job.” “Not so fast,” replied Farris. “You can’t fire me for a physical handicap.” He hired a lawyer to sue the employer for unlawful discrimination against a disabled person under federal law. If you were the judge, would you order the employer to keep Farris on the job?

— JOHN A. RITTER  
SPECIAL TO THE SENTINEL

The judgment: Page B2