

## Legal eagles

**Christine L. Weingart**, an associate attorney in the Orlando office of Dean Mead, has been appointed to the Community Leadership Council Board of the Howard Phillips Center for Children & Families.



GRUBER



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LEE

Baker & Hostetler LLP, Orlando, has hired **Kurt P. Gruber** as a partner in the firm's hospitality practice team, **Karen Procell** as of counsel in the business practice group and **Gregory D. Lee** as of counsel in the real estate and land use sections of the business practice group.

E-mail appointments, promotions and new hires to [jrassel@orlandosentinel.com](mailto:jrassel@orlandosentinel.com).

## Local events

**Teen Court volunteers:** The Central Florida Paralegal Association needs adult volunteers for its Teen Court program. Orange County volunteers meet Tuesday and Thursday evenings at the Juvenile Justice Center. Contact David Medvec at [ctaddm1@ocnjcc.org](mailto:ctaddm1@ocnjcc.org). Osceola County volunteers meet Wednesdays at the Osceola County Courthouse. Contact Angie Martinez at [ctadam1@ocnjcc.org](mailto:ctadam1@ocnjcc.org). Seminole County volunteers meet Tuesdays at the Juvenile Justice Center in Sanford. Contact Alison Mikel at 407-665-5364 or [amikel@seminolecountyfl.gov](mailto:amikel@seminolecountyfl.gov).

## COUNSEL

FROM PAGE B1

Staver's organization, which has about 60 cases in litigation and between 150 to 200 non-litigation cases at any given time, is just one of many religious-liberty law firms, as advocates sometimes call them.

Others include the American Center for Law and Justice founded by evangelical pastor Pat Robertson, the Michigan-based Thomas More Law Center and the Arizona-based Alliance Defense Fund.

Mike Johnson, senior legal counsel at the Alliance Defense Fund, said religious-liberty law firms are necessary because there is increasing hostility in the public sphere against religious freedom, particularly Christianity.

"We're defending the original intent of the founders. We're intellectually consistent in our positions," Johnson said. "We're defending religious liberty for everyone."

Opponents of these organizations argue that they don't understand the U.S. Constitution and are trying to meld religion and government.

"On almost every church-state issue, I think the Liberty Counsel gets it wrong," said Barry Lynn, executive director of Americans United for Separation of Church and State. "They are a far-right advocacy group that is using the courts as their principal leverage."

Staver's team has worked on several Central Florida cases. In 2006, the firm represented Deltona artist Lloyd Marcus after the city banned his paintings from a Black History Month display at City Hall because of their religious content.

Deltona city officials said they wanted to protect the city's religious neutrality, they said. The ban was eventually reversed after Staver's organization threatened to sue.

In 2007, Liberty Counsel represented an Orlando woman, Shirley Snyder, after Orange County banned Snyder from handing out religious literature at Cypress Grove Park.

Orange County commissioners settled the case out of court and agreed to pay Snyder \$10,000.

The firm has even taken a case all the way to the U.S. Supreme Court.

In 1994, it represented Judy Madsen, a member of the anti-abortion group Operation Rescue, who was banned from protesting outside an abortion clinic in Melbourne. Madsen and the Liberty Counsel said the ban violated the First Amendment. The Supreme Court ruled that Madsen and other members of her group could protest, with some limitations.

Liberty Counsel also organizes the "Friend or Foe Christmas Campaign," which aims to save "Christmas from censorship in cities, parks, housing, schools and businesses," according to the organization.

It defended the city of Green Bay in a lawsuit filed by the Wisconsin-based Freedom from Reli-

gion Foundation over a nativity scene displayed in front of Green Bay City Hall. The lawsuit was dismissed in U.S. District Court because the display had been removed and because the city imposed a moratorium on displays until it established an official policy.

Annie Laurie Gaylor, co-president of the Freedom from Religion Foundation, said the Liberty Counsel gets involved in disputes that are none of its concern.

"We don't go around intervening in their lawsuits. They do the opposite," Gaylor said. "They're a Christian-interest law firm and they're mischief-making."

Staver said his group sees nothing wrong with speaking up for religious freedom anywhere in the nation. The group also does not limit itself to disputes with government.

In 2006, the organization called for a boycott of Wal-Mart and other stores for choosing to use the phrase "Happy Holidays" instead of explicitly recognizing Christmas in advertising and promotions.

The threat worked. Wal-Mart began displaying the word "Christmas" in its store displays and advertising.

"December is about Christmas anyway, so let's go ahead and allow it to be celebrated," Anita Staver said. "People wanted to excise religion from the public sphere. They were doing silly things, like renaming Christmas trees holiday trees. We wanted to bring to light that Christmas is constitutional."

Next on Liberty Counsel's agenda is stopping a repeal of the federal Defense of Marriage Act, which says that states and the federal government do not have to recognize same-sex marriages, even if legal in a state.

Staver said he considers the law threatened in the wake of Barack Obama's election as president.

He said his organization will continue to fight against efforts to curb religious liberty and free speech.

"We can't pick and choose which viewpoints we want, because then the first amendment becomes unnecessary," Staver said. "Free speech is for all of us or it's for none us."

Satta Sarmah can be reached at 407-420-5359 or [ssarmah@orlandosentinel.com](mailto:ssarmah@orlandosentinel.com).

## Immigration

# Sibling of citizen usually need not fear deportation

By ALLAN WERNICK  
KING FEATURES SYNDICATE

**Question:** I have applied to adjust my status (interview here for permanent residence). If immigration catches me, can I be deported? If I gave evidence in a civil or criminal court, would I be in danger? I qualify for permanent residence in the category of brothers and sisters of U.S. citizens. After many years of waiting, I finally got to the front of the line under the quota system. I qualify to adjust my status under the 245i rules since my sibling filed for me many years before the 245i rule cutoff of April 30, 2001.

— NAME WITHHELD  
EDISON, N.J.

**Answer:** Usually, applicants for adjustment of status who are here illegally need not fear arrest or de-

tention. Immigration Customs and Enforcement officers who come across adjustment-of-status applicants typically review the applicant's records, and if all seems in order, they won't arrest the applicant. That makes sense given that an adjustment applicant is immediately eligible for permanent residence. Still, until the U.S. Citizenship and Immigration Services grants you permanent residence, ICE could arrest you, but it would be a rare exception to what normally happens. As for testifying in court, I see no problem. ICE avoids going after witnesses in court cases, civil or criminal. The agency doesn't want to favor one side.

Send questions to Allan Wernick, c/o King Features Syndicate, 300 W. 57th St., New York NY 10019 or visit his Web site at [allanwernick.com](http://allanwernick.com).

## Family court

# Court, state laws decide what's marital property

By JAN WARNER  
and JAN COLLINS  
UNITED FEATURE SYNDICATE

**Question:** I am thinking about leaving my wife. During our 22-year marriage, we have acquired a home, furnishings, bank accounts, a withering stock account, automobiles, IRAs, my pension and debt. I have read a couple of books and understand that, even though she did not work outside the home (to raise our son), she will receive a percentage of "marital property." When does "marital property" stop and "separate property" begin? What happens to what I acquire after I move out? Should I put these funds in a separate account? Should I move current assets into separate accounts?

**Answer:** What is, or is not, marital property — and all issues about property — are matters decided under the law of your state of residence. This means there may be different answers. In some states, the final separation of a husband and wife is the dividing line. In others, the date on which one spouse files a matrimonial action stops the clock from ticking

on marital-property decisions. In many states, assets that increase or decrease in value on their own, such as stock accounts, are valued at the time of division, rather than at the time of filing.

In any event, the court is the final arbiter of what is, and is not, marital property — it factors in the date on which the property is valued, its worth, and how it should be divided. If you leave your wife and begin putting assets in separate accounts, the judge who hears your case may take a dim view of your actions. So put down the books where "experts" tell you how to hide assets and seek answers from a qualified matrimonial lawyer before you take any action.

Send family-court questions to Flying Solo, P.O. Box 11704, Columbia, S.C. 29211 or e-mail [readers@flyingsolo.com](mailto:readers@flyingsolo.com).

## Meet the experts

**Jan Warner** is a matrimonial, tax and elder-law attorney. His colleague **Jan Collins** is a writer and editor. They write the Flying Solo column, about family-court issues such as divorce, separation and custody, and the Next Steps column, about elder-care legal issues.

**Allan Wernick** is a professor and attorney who directs the Citizenship and Immigration Project at the City University of New York. Along with his Citizenship & Immigration column, he is also the author of *U.S. Immigration & Citizenship — Your Complete Guide*, (Revised 4th Edition).



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Lie #2: If you transfer assets you have to wait 36 or 60 months to qualify.

(There is no such rule.)

Lie #3: You have to give your assets away.

(This is not true. Learn about your other options.)

Do not miss these free workshops! Call for reservations!

January 6th, 2:00 p.m. Fairfield Inn 1750 Hunt Trace Clermont, FL

January 27th, 5:30 p.m. RDV Sportsplex 8701 Maitland Summit Blvd. Orlando, FL

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