



Adverse Witness

A publication of the Collier County Bar Association

Volume 148 • March 2016



COLLIER COUNTY
BAR ASSOCIATION

Adverse Witness

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The Adverse Witness is pleased to feature articles submitted by Collier County Bar Association members, affiliates and the general public that may be of interest to Collier County Bar Association's membership. The Collier County Bar Association does not verify the accuracy of the information contained in the articles published in the Adverse Witness, nor are the articles published in the Adverse Witness intended to express the views of the Collier County Bar Association. If you have any questions or concerns about information contained in articles published in the Adverse Witness, please contact the author of the article directly.

Adverse Witness

March 2016

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On the cover:
White-Tailed Deer

The whitetail deer is an extremely adaptive animal. Some argue that in overall terms of athleticism, it earns the gold medal in the Animal Olympics. The fact that it has learned to not only coexist with humans, but thrive alongside them is remarkable. Indeed, during the dead of winter, when it seems that the species may be living in peril, whitetails have evolved into a finely-tuned winter weather machine.

If you have a picture (old or new) that you'd like to submit for consideration as cover art for the next issue of the Adverse Witness, please forward a JPG image to Lisa Mead lmead@colliercountybar.org along with a brief description of the photo. If yours is selected, you'll receive a shout out in the Adverse Witness.



***“... we have to
take a moment
to look around
us to appreciate
what we have.”***

To every season ...

It's March already? Where did January go? In the spirit of Andy Solis' intriguing presentation on mindfulness from our last membership luncheon I am trying to become more aware of the present. But it seems like time is flying.

Perhaps time feels like it is moving so fast because we are in the heart of our season at the CCBA. As we rush to events such as the venerable annual Bar B Q at Joe Stewart's home and the Young Lawyers' Happy Hour at Bob Menzies' new local spot, Riptide Brewery, we fight against another record breaking tourist season. Increased traffic resulting in lights which take three cycles to move through; shopping carts which turn into bumper cars at the grocery store; an increase in errant golf swings and the lost golf balls that accompany them...all the signs of season are here.

As a kid growing up I looked forward to every season when our northern families would visit and we expanded into a “bigger city” for three months. I still eagerly anticipate the months of January through April. How can I argue with a sunny high of 70 on a breeze swept day? However, as I've gained a little experience and spent a few more minutes in my car trying to get from South Naples to North Naples, months like May and October have begun to hold a dearer place in my heart. How can anyone argue with a beach sunset after a late afternoon summer shower.

Looking at some of the upcoming Bar events during these seasons, I see that the Law Week Luncheon stands out. This year's speaker is David Lee Windecher. In his book “The American Dream: HisStory in the Making”, David chronicles his journey from a troubled criminal defendant on the streets of Miami to a successful criminal defense attorney with a multistate practice. With this story as his premise, his talk promises to be inspirational and will compliment this year's law week theme of Miranda Rights.

One note on the passing of time. Since the inception of my Bar presidency, I have attended three funerals for fellow Bar members: David Leigh, Michelle Hill and Michael McDonnell. Nationally, the Supreme Court Justice Antonin Scalia recently passed away. Each person impacted us differently, and the remarks made by their loved ones and friends at each of their services stay with me as a reminder of how I can be a better person and live a better life. Their memories will transcend the end of this tourist season, when April gives way to the gardenia and frangipani blooms in my back yard. Then school will be out, the summer will begin, then end and give way to a new school year, a new cycle, a new season. There are many memories to cherish, and many to look forward to, but as Andy so poignantly reminded us during his lunch presentation, we have to take a moment to look around us to appreciate what we have. Perhaps it was best put by the turtle from Kung Fu Panda (one of my family's favorite movies) when he says: “yesterday is history and tomorrow is a mystery, so enjoy today because the present is a gift.”

**Jeffrey Ahren**

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**8th Annual
Barrister's Bash
April 28, 2016
Hilton Naples
\$125 per person
Sponsorships available
(239) 298-8138
lmeester@legalaid.org**

Major award profiles, part 1 of 2

ATTORNEY OF THE YEAR - CURTIS B. CASSNER, ESQ.

Legal Aid is proud to honor attorney Curtis Cassner as its Attorney of the Year. Curtis is a Board Certified Tax Lawyer and a Board Certified Wills, Trusts and Estates Lawyer with the law firm of Bond, Schoeneck & King. As a member of Legal Aid's Advisory Board, Curtis has contributed his leadership, time, and expertise in support of the Legal Aid mission. As a volunteer for the annual Wills for Heroes pro bono clinic, Curtis's contributions have greatly helped Wills for Heroes grow into a successful annual event that helps dozens of veterans and first responders draft estate planning documents every November. Curtis has also generously supported Legal Aid financially, as well as by supporting the annual Adopt a Family gift exchange held each December.

Curtis's work with Legal Aid exemplifies the commitment to service and our community that every attorney strives for. Legal Aid's staff has tremendous respect for his work and dedication. Many thanks to Curtis Cassner, Legal Aid's Attorney of the Year!

LAW FIRM OF THE YEAR - LAW OFFICE OF DONALD P. DAY

For many years, the Law Office of Donald P. Day has generously supported Legal Aid Service of Collier County. The Law Office of Donald P. Day is a criminal defense and personal injury firm. Prior to founding the Law Offices of Donald P. Day, Mr. Day was a partner in one of the largest criminal defense firms in Florida.

As a longtime sponsor of the Barrister's Bash, The Law Office of Donald P. Day has demonstrated an ongoing commitment to Legal Aid's mission to help the most vulnerable members of our community on matters of health, safety, and minimum economic security. Additionally, Mr. Day is working to establish a volunteer partnership with Legal Aid and the Community School of Naples.

Thank you to Donald Day and the Law Offices of Donald P. Day. We are pleased to honor the Law Office of Donald P. Day as the 2016 Law Firm of the Year!

8TH ANNUAL BARRISTER'S BASH

Please join us at 6:00 p.m. on April 28th at the Hilton of Naples to celebrate the 8th Annual Barrister's Bash. The Bash includes a cocktail hour, three course dinner, complimentary glass of wine, silent auction, and community awards ceremony. This year, Legal Aid is proud to honor its 2016 honorees for their hard work and outstanding service towards Legal Aid's mission of equal justice:

Law Firm of the Year - Law Offices of Donald P. Day

Attorney of the Year - Curtis B. Cassner, Esq.

Leadership Award - Sharon M. Hanlon, Esq.

Outstanding Pro Bono Service Award - Greg A. Champeau, Esq.

Volunteer of the Year - Sister Ines Gizzarelli

Please join us in honoring these exceptional individuals at the 8th Annual Barrister's Bash. The Bash will be held on April 28, 2016 at the Hilton of Naples. Tickets, sponsorships, and more information are available online at www.collierlegalaid.org/bash, by email at lmeester@legalaid.org, or by phone at (239) 298-8138.

Legal Aid launches new Telephone Advice Clinic - pro bono attorneys needed

Legal Aid is constantly striving to meet the critical legal needs of those who cannot afford counsel, and to find innovative ways for pro bono attorneys to serve. After studying models in Florida and throughout the country, Legal Aid is rolling out a new Pro Bono Telephone Advice Clinic in Collier County.

This new initiative falls under the Collier Lawyers Care Pro Bono Program, a collaborative effort involving the Collier County Bar Association facilitated through Legal Aid's Pro Bono Unit. Here are the elements of the new **Telephone Advice Clinic**:

1. Clients call Legal Aid and have their intake performed fully by telephone - speeding up the process immensely and saving clients from travel expense and having to miss time from work;
2. Legal Aid's Pro Bono Unit determines if the matter is one appropriate for an 'advice and counsel' session, versus those who need more extended service;
3. Clients who primarily need only advice and counsel are then paired with a private pro bono attorney who has volunteered for the clinic and can handle the area of law in question;

See "Legal Aid Notes," page 10

Adverse Witness, March 2016

MARK YOUR CALENDAR

**Register for any event
through Lisa Mead.**

Phone: 239-252-8711

lmead@colliercountybar.org

www.colliercountybar.org



Event Policy

It is the policy of the Collier County Bar Association to request that all reservations for our events are placed at least two days prior to the event.

We are always willing to accommodate our members; however, event sites must order food two days prior to an event.

Also, it is the policy of the Collier County Bar Association to issue refunds ONLY if a member cancels a reservation two days prior to an event. If a member cancels the day before, or the day of an event, a refund will not be issued.

We appreciate your consideration of this policy.

MARCH

- 1 CCBA Board Meeting
CCBA Offices, 7:30 a.m.
- 1 CCBF Board Meeting
CCBA Offices, 8:30 a.m.
- 1 Trial Law Luncheon
Bonefish Grill, 12:00 p.m.
TL Members - \$25; Non-members - \$30
- 3 Trusts and Estates Section Luncheon
Northern Trust, 12:00 p.m.
This is a free event, please bring your own lunch
- 7 Young Lawyers Board Meeting
Pelagos Cafe, 12:00 p.m.

Not sponsored by the CCBA, but may be of interest.

- 8 Inns of Court
The Club at Naples Bay Resort, 5:30 p.m.
- 9 Trial Law Board Meeting
Sushi Thai, 12:00 p.m.

Not sponsored by the CCBA, but may be of interest.

- 10 CCACDL Luncheon
Greek Gourmet, 11:45 a.m.

- 10 Real Estate Section Luncheon
Kensington Country Club, 12:00 p.m.
RE Members - \$25; Non-members - \$30
- 11 CCBA Membership Luncheon
Kensington Country Club, 12:00 p.m.
Members - \$20; Non-members - \$25
- 16 Family Law Section Luncheon
Bonefish Grill, 12:00 p.m.
Members - \$25; Non-members - \$30
- 19 YL hosts Holiday in March
Benefits Friends of Foster Children
Naples Zoo

Not sponsored by the CCBA, but may be of interest.

- 23 CCWBA Luncheon
Northern Trust, 11:45 a.m.

***Friday March 25
CCBA Offices Closed in
Observance of Good Friday***

APRIL

- 1 YL Behind the Badge Event
CCSO Special Operations, 2:00 - 5:00 p.m.
\$10 - YL Members Only
- 5 - CCBA Board Meeting
CCBA Offices, 7:30 a.m.
- 5- CCBF Board Meeting
CCBA Offices, 8:30 a.m.
- 5- Trial Law Luncheon
Bonefish Grill, 12:00 p.m.
TL Members - \$25; Non-members - \$30
- 7 Joint Trusts and Estates and
Real Estate Section Luncheon
Northern Trust, 12:00 p.m.

Two events not sponsored by the CCBA, but may be of interest.

- 12 Young Lawyers Board Meeting
Pelagos Cafe, 12:00 p.m.
- 12 Inns of Court
The Club at Naples Bay Resort, 5:30 p.m.

- 13 Trial Law Board Meeting
Sushi Thai, 12:00 p.m.

Two events not sponsored by the CCBA, but may be of interest.

- 14 CCACDL Luncheon
Greek Gourmet, 11:45 a.m.
- 20 CCWBA Luncheon
Northern Trust, 11:45 a.m.
- 29 Estate Planning Symposium
Naples Hilton, 7:30 a.m. - 12:00 p.m.
TE Members - \$40; Non-members \$60

- 30 YL Bowling Tournament
Beacon Bowl, 12:00 p.m. - 3:00 p.m.
Followed by a happy hour at Pelican Larry's
Single Bowler - \$15 for government members;
\$25 for everyone else
Team - \$75 for government members; \$125 for
everyone else

Sponsorships available - contact Lisa Mead for details



New Collier Circuit Court line-ups announced

Now that the 2016 baseball season is fast approaching we thought it only appropriate to announce the new Collier County Circuit Court judicial lineups for the coming season.

Judge Cynthia Pivacek, one of our MVPs, has retired after 27 years of All-Star service in the County League and the Circuit League in Collier County.

To fill Judge Pivacek's position, Judge Lauren Brodie has been traded from Team Felony to Team Civil effective at the start of the season on April 1.

Also, to fill Judge Brodie's position, Judge Christine Greider has been traded from Team Family to Team Felony where she will be paired with Judge Fred Hardt.

Judge Hugh Hayes and Judge James Shenko each declined to exercise their trade options and they will remain on Team Civil.

Judge Joe Foster and Judge Mary Evans also declined to be traded. They will remain on Team Family where they will be joined by Judge Geoffrey Gentile, a first-round draft pick by the Governor. Judge Gentile has extensive trial experience handling insurance defense cases. Please join us in welcoming Judge Gentile to the Collier County bench.

Finally, the League Commissioner (Chief Judge) has ordered a realignment of divisions by transferring the Probate and Guardianship players from Team Felony to Team Civil effective July 1, 2016.

The trading deadline has passed and no other trades or realignments are anticipated.

Enjoy the new season!



The saga of a \$24,600,000.00 trustee fee

When eclectic artist, philanthropist and multi-millionaire Robert Rauschenberg died at the age of 82 on May 12, 2008, in Captiva Island, Florida, no one could have predicted that his Trustees would be pitted against his Foundation in a bitter legal battle over trustee fees. Center stage in the dispute is the 1958 Florida Supreme Court case, *West Coast Hosp. Ass'n v. Florida National Bank of Jacksonville*, 100 So. 2d 807 (Fla. 1958), which remains the seminal case in Florida addressing the calculation of trustee fees where the trust document is silent. Although many Florida attorneys have long questioned *West Coast Hospital's* continued application, the Florida Second District Court of Appeal recently affirmed its applicability, and a \$24,600,000 trustee fee, in *Robert Rauschenberg Found. v. Grutman, et al.*, 2016 WL 56456 (Fla. 2nd DCA Jan. 6, 2016).

The Trustees, Bennet Grutman, Bill Goldston and Darryl Pottorff, friends and colleagues of Rauschenberg, managed the Trust's assets for several years after Rauschenberg's death. Eventually the assets were transferred to the Robert Rauschenberg Foundation, the sole remainder beneficiary of the Trust. The evidence presented in the trial court showed that under the Trustees' stewardship, the value of the Trust's assets increased from \$605,645,595 to \$2,179,000,000. Applying the factors outlined in *West Coast Hospital*, the Trustees argued that they were entitled to a trustee fee of between \$51,000,000 and \$55,000,000. These factors include: (a) the amount of the capital and income received and disbursed by the trustee; (b) the wages or salary customarily granted to agents or servants for performing like work in the community; (c) the success or failure of the administration of the trustee; (d) any unusual skill or experience which the trustee in question may have brought to his work; (e) the fidelity or disloyalty displayed by the trustee; (f) the amount of risk and responsibility assumed; (g) the time consumed in carrying out the trust; (h) the custom in the community as to allowances to trustees by settlors or courts and as to charges exacted by trust companies and banks; (i) the character of the work done in the course of administration, whether routine or involving skill or judgment; (j) any estimate which the trustee has given of the value of his own services; and (k) payments made by the cestuis to the trustee and intended to be applied toward his compensation.

The Foundation claimed that the Trustees were owed no more than \$375,000 pursuant to the lodestar method of fee calculation set forth in *Florida Patient's Comp. Fund v. Rowe*, 472 So. 2d 1145 (Fla. 1985), modified, *Standard Guar. Ins. Co. v. Quanstrom*, 555 So. 2d 828 (Fla. 1990). The lodestar method is a two-step process. The number of hours reasonably expended, determined in the first step, multiplied by a reasonable hourly rate, determined in the second step, produces the lodestar. The lodestar can then be increased or decreased to take into account the results obtained by the party seeking fees.

The trial court ultimately disagreed with the Foundation. On August 1, 2014, Lee County Circuit Court Judge Jay B. Rosman ruled that *West Coast Hospital* applied, and awarded a \$24,600,000 trustee fee. The Foundation appealed, arguing that the legislative intent behind the use of the phrase "reasonable under the circumstances" in Florida Statutes § 736.0708(1), was to abrogate *West Coast Hospital*, and instead direct Florida courts to apply the *Rowe* lodestar factors. The *Rowe* lodestar factors, however, had only previously been applied to attorney and personal representative fees, and not to trustee fees. The Second District Court of Appeal, citing to 2006 Senate Staff Analyses, held that the legislature intended for the courts to continue to apply the *West Coast Hospital* factors when determining trustee fees, and that "...the trial court correctly refused to calculate the Trustees' fees using the lodestar method."

Not surprisingly, the Foundation is not taking the loss in stride, and on January 20, 2016, filed a Motion for Rehearing, Motion for Rehearing En Banc and Motion for Certification to the Florida Supreme Court. At the time of submission of this article, the Second District Court of Appeal had not yet ruled on the Foundation's post-opinion motions. Stay tuned as this saga unfolds, because final outcome will undoubtedly affect Florida trustees, their counsel, and drafting attorneys alike.

Jamie B. Schwinghamer, Esquire is a Partner in the Naples office of Hahn Loeser & Parks LLP, and focuses her practice on estate, trust and guardianship litigation. Ms. Schwinghamer attended the University of Miami School of Law, earning her J.D., magna cum laude, in 2006.

BULLETIN BOARD

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Contact Lisa Mead by
calling 252-8711 or
drop an email
line to lmead@
colliercountybar.org

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SPACE AVAILABLE NOW: 900 sq. ft. in BMO Bank Bldg. Perfect for law, CPA, mortgage company. Rent far below current values and executive space. Possible shared furnished conference room with financial professionals. Could include some office furniture. Call (239) 435-9433 to see the space or email with questions to bill@sfgnaples.com. Also, one private office with one person law firm.

PARTNERSHIP OPPORTUNITY:

Mclaughlin & Stern, LLP, is inviting attorneys and small to mid-size firms with portable business to discuss with us the possibility of partnership in our Naples office located in the Newgate Office Tower. Contact: Christopher Marsala at cmarsala@mclaughlinstern.com.

MclaughlinStern.com

ANNOUNCEMENTS

Inclusion Policy

If you are a CCBA member in good standing and you've moved, been promoted, hired an associate, taken on a partner, or received an award, we'd like to hear from you. Talks, speeches (unless they are of national stature), CLE presentations and political announcements are not accepted. In addition, we will not print notices of honors determined by other publications (e.g., Super Lawyers, Best Lawyers, etc.).

Notices must be submitted in writing and limited to 100 words; they are printed at no cost to members and are subject to editing. E-mail your notice to lmead@colliercountybar.org.

*Hahn Loeser & Parks LLP is pleased to announce that **Jamie B. Schwinghamer** has been elected to the firm's partnership. Schwinghamer focuses her legal practice in the areas of probate and trust litigation, guardianship and complex commercial litigation. She provides clients with strategic counseling, business, and legal advice on a variety of matters including, but not limited to: will and trust contests, disputed estate and trust administrations, trust modification, revocation and termination, surcharge and removal proceedings, guardianships, guardianship litigation, business, commercial and real estate contracts, business transactions, business torts, shareholder and partnership disputes and appeals. Jamie has been tapped consecutively as one of "Florida's Rising Stars", Florida Super Lawyers, 2009-15, and is also AV® Preeminent™ Rated, Martindale-Hubbell's highest available rating for legal ability and professional ethics.*

Michael Petruccelli is pleased to announce the opening of his new firm, *Petruccelli & Osher, Attorneys at Law*, with offices in Naples and Fort Lauderdale. Mr. Petruccelli is AV rated by Martindale Hubbell and is Board Certified in the area of Civil Trial Law. Petruccelli & Osher will handle civil litigation matters involving medical negligence, whistleblower/qui tam, and health law.

Woods, Weidenmiller, Michetti & Rudnick, LLP is expanding with the addition of a new law partner, three attorneys, and seven additional legal support personnel on February 8, 2016. **Brad A. Galbraith, Esq.**, who is board certified in Wills, Trusts and Estates by The Florida Bar, joins the firm as a partner and as the Chair of the firm's Estate Planning Group. With his addition, the firm will become *Woods, Weidenmiller, Michetti, Rudnick & Galbraith, PL*. The firm also welcomes attorneys David A. Ruben, Joseph O. Hankins, and Joanna S. Feltz.

LEGAL AID BARRISTER'S BASH

Gift Basket Competition!



Did you know?

- Each year, at Barrister's Bash, there is a gift basket competition. Two baskets are chosen, from a panel of Judges, to receive the honor of the "most creative" gift basket and the "Gordon Gekko" award (*most money!*)
- Each year, most of the gift baskets are donated by individual lawyers and sections (*where are the big firms in this race?*)
- The gift baskets are the items which raise the most money for Legal Aid.
- The gift baskets loaded with alcohol make the most money (*that says something, doesn't it?*)

Why should you join in and submit a Gift Basket for your firm?

- We lawyers have pretty big egos and we want to WIN!
- Civic responsibility and duty (feel good about yourself!)
- It's pretty fun to put together something creative, isn't it?
- Why not?

Testimonial:

"I have donated a gift basket every year to Legal Aid and have won both the Gordon Gekko and the Most Creative award (bragging rights). Come try to beat me this year!" - *Tamara Nicola*

New for 2016: To increase friendly competition, we are adding a new award! Best in Show! This award will go to the best law firm basket overall. Whether you are a sole practitioner, a mid-sized firm or a big-firm, winning this award will bring prestige, recognition, and the honor of holding the coveted "Best in Show" trophy until the competition next year. By the way, if I am the only one in this competition, I am WINNING! I am going to pick out the trophy for this award and make sure it will look good in my office. Come try to beat me this year! - *Tamara Nicola*

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Legal Aid Notes *from page 4*

4. Legal Aid sends information in advance to the pro bono attorney to perform a conflicts check;
5. If there are no conflicts, Legal Aid emails the pro bono attorney the client contact information, and any relevant correspondence or pleadings;
6. Legal Aid tells the client in advance that all that will be provided is a single advice and counsel session with the pro bono attorney;
7. The pro bono attorney schedules the appointment with the client, setting a time for a call;
8. The advice and counsel session is done fully by phone, with the client at home and the attorney at his or her office;
9. After the call is complete, the pro bono attorney completes a written summary of the advice given, applying the facts of the case to the applicable law, and sends it to Legal Aid through a secured and encrypted web based form (so that Legal Aid can meet grant requirements funding the project);
10. Legal Aid then logs the time the pro bono attorney spent and the case information into our database, and can provide this information to participating attorneys when they annually report their Pro Bono service to The Florida Bar.

Legal Aid is calling for **pro bono attorneys at this time willing to "give back" by making calls directly from their office. Attorneys with knowledge in almost all areas of civil practice are needed, including, but not limited to: family law, consumer law, foreclosure, bankruptcy, landlord-tenant, garnishment, employment law, trusts and estates, probate, small claims, contracts, immigration, tax, expungement, wage claims, guardianship and more.**


To join the Telephone Advice Clinic Pro Bono Attorney Panel, **we are looking for attorneys willing to do 3 advice and counsel sessions in a given month, and to choose 2 months of the year to make calls to clients - therefore serving 6 clients a year.** Each session, including prep time, should take less than an hour in most cases, and some uncomplicated matters could take as little as 15 minutes to address. Join the panel by emailing me at jahren@legalaid.org, or by calling (239) 298-8130. You will be proud of your service and will improve the lives of those in need!

Congratulations to Eric Vasquez, Legal Aid's 'Attorney of the Month!'


Legal Aid Service of Collier County is very pleased to announce that Eric J. Vasquez, Esq., has been selected as our 'Attorney of the Month' for March, 2016. Eric is a partner with Bond, Schoeneck & King PLLC. He focuses his practice on civil litigation in both State and Federal courts. Eric has supported Legal Aid in many important ways over many years. He provided leadership during the critical early years of our program as a member of Legal Aid's Advisory Board. Eric routinely volunteered and performed pro bono service through Legal Aid's Collier Lawyers Care Pro Bono Program, and served the needy over the years at pro bono clinics. Eric has also provided generous financial support to Legal Aid, sponsoring the Barrister's Bash event. He and his wife Melissa have furnished gifts annually to needy children served by Legal Aid through the Adopt a Family Holiday Gift program. "Eric has always been there for Legal Aid and our clients since the program was launched in Collier County back in 2004," states Carol O'Callaghan, Legal Aid's Managing Attorney. "Whenever we reach out to him for help, he always answers the call. His strong leadership, generous support and dedication to assisting the poor is greatly appreciated, and we are pleased to honor him for his service." Eric will receive his award at the Barrister's Bash on April 28, and please join us in congratulating him!

LEGAL AID HOSTS OPEN HOUSE

On January 21 Legal Aid held its first Open House, showcasing new offices at 4436 Tamiami Trail East. This is the culmination of many years' work, and would not be possible without the hard work and dedication of hundreds of supporters. On behalf of everyone at Legal Aid, **thank you to the many people who attended the Open House and the countless others who made it all possible.**





PETRUCELLI & OSHER
ATTORNEYS AT LAW




Michael Petrucelli and Steven Osher are pleased to announce the opening of their new firm, Petrucelli & Osher, Attorneys at Law, with offices in Naples and Fort Lauderdale. Mr. Petrucelli is AV rated by Martindale Hubbell and is Board Certified in the area of Civil Trial Law. Petrucelli & Osher will handle civil litigation matters involving medical negligence, whistleblower/qui tam, and health law. Mr. Petrucelli has been Board Certified in the area of Civil Trial Law since 1998, and has tried many cases to conclusion involving medical negligence. He has been an appointed member of ABOTA since 2004, and is also a fellow of the Litigation Counsel of America. Mr. Petrucelli welcomes consultations from colleagues in the areas of medical negligence, whistleblower/qui tam, and health law. Mr. Petrucelli can be reached by email at mpetrucelli@equaljustice.law.


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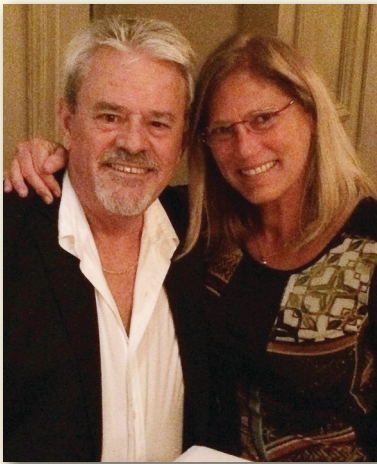
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It is with deep sadness that we note the passing of our dear colleague, Michael R. McDonnell on February 4, 2016.

A 1962 graduate of West Point, Michael served with extraordinary bravery as a United States Army Captain in Viet Nam, was an Army Ranger and paratrooper, earned a Silver Star, two Bronze Stars, the Presidential Air Medal, and numerous other medals and commendations for bravery under enemy fire.

Following his active duty military service Michael graduated from Stetson Law School with a JD in 1970 and an LLM in 2001, was admitted to The Florida Bar on May 18, 1970, and immediately commenced practicing law in Collier County upon admission.

Michael revered the law and practiced with a passion. Although Michael could have been an extremely successful corporate lawyer anywhere in the world, he preferred representing the citizens of the State of Florida. Known for an inquisitive mind, a life-long penchant for learning, and the ability to place at ease even the most ardent adversary, Michael greatly enjoyed getting to know his clients, representing their interests in courts throughout the State of Florida, and resolving their matters ethi-



cally and with civility.

Ever generous with his time and knowledge, Michael mentored numerous attorneys and was one of our most active Bar members. Michael was a founder and past president of our local Inn of Court, the founder and past president of the Collier County Bar Association Trial Lawyers' Section, Board Certified in Civil Trial Law, AV rated, and a Super Lawyer. At the time of his passing Michael was on the Board of Directors of the Collier County Bar as well as the Trial Lawyers' Section. He was also serving as the president of the Florida Military and Veteran's Legal Services, an organization he founded to provide pro bono legal services to active duty military personnel and veterans. His many other accomplishments are just too numerous to mention here.

Of greatest importance, Michael was a great family man and a dear friend to many of us. Warm, gentle and decent, Michael was the type of person that many of us aspire to be. Our legal community has suffered a great loss in his passing and he will be dearly missed.

*Respectfully, Edward L. Larsen
on behalf of the members of the Bar*

The 32nd Annual Mock Trials Competition

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Congratulations to the eight local schools represented by 13 teams at this year's Mock Trials Competition. Just to give you a glimpse behind the curtain, here are some statistics on the mock trial event. Each team consists of eight students (104 in total for this year), who begin meeting in October. These teams are supervised by teachers and attorney volunteers. There were 76 attorneys who filled the volunteer judge positions during the two days of competition. There were just as many honor students who served as clerks and timekeepers. This event would not be possible without all of them. Special thanks also to Wendy Hodgson and Judy Baker of Collier County Public Schools who coordinate this event. We also gratefully acknowledge the work of our bailiffs, security and court administration staff, who work countless hours to make this event run smoothly. Collier County will be ably represented by the team from Gulf Coast High School at the Circuit.





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