Gunn is proud to accept referrals of medical malpractices and insurance cases.

2017: Medical Malpractice caps declared unconstitutional

[We ...hold that the caps in section 766.118 violate equal protection under the rational basis test because the arbitrary reduction of compensation without regard to the severity of the injury does not bear a rational relationship to the Legislature's stated interest in addressing the medical malpractice crisis with your clients.

NORTH BROWARD HOSPITAL DISTRICT v. KALITAN, 219 So.3d 49 (Fla. 2017).

2018: Insurer's duty to act with reasonable care and due diligence in the handling of claims reaffirmed

"Rather, the critical inquiry in a bad faith is whether the insurer diligently, and with the same haste and precision as if it were in the insured's shoes, worked on the insured's behalf to avoid an excess judgment.

HARVEY v. GEICO GENERAL INSURANCE COMPANY, --- So. 3d ---, 2018 WL 6602094, (Fla. 2018)
Continuing with our theme of highlighting important historical industries in Florida, this issue’s cover features a beautiful photo entitled “Seminole Indian cowboys herding cattle in the pasture – Brighton Reservation.” The photo was taken in Glades County in 1950, and is from the Florida Department of Commerce collection.

Florida has the longest history of ranching of any state in the United States. Florida’s Andalusian/Caribbean cattle were the first in today’s United States. Some scholars believe that cattle brought by the expeditions of Ponce de Leon in 1521 and Don Diego de Maldonado in 1540 escaped and survived in the wild in the state. In the 21st century, there are now over 1.7 million cattle in Florida, including nearly one million head of beef cows. Florida is 12th in the nation for beef cattle and 18th for total cattle and calves. Industry officials assess the annual economic impact of beef cattle ranches at nearly $4 billion.

The Seminoles’ relationship with cattle also has endured for centuries. A new era of Seminole cattle ranching began in the 1930s, when the Dania and Brighton Seminoles, shown in the cover photo, acquired starter herds. The Seminole Tribe established the Indian Livestock Association in 1939. In 1944, they created separate cattle enterprises for Brighton and Big Cypress, with the Central Tribal Cattle Organization providing general supervision. Today, the Seminole Tribe is one of Florida’s leading beef producers.

Photo used with permission from the State Archives of Florida online Florida Memory collection.
50 THERE ARE NO ROSEN FEES
Marital & Family Law Section
by Mark Baseman

55 CAN AN HEIR AGREE TO
RELEASE ALL RIGHTS TO
AN ANCESTOR'S ESTATE?
Real Property Probate & Trust
Section by Lauren Taylor
and Nicole Zaworska

56 SETTLEMENT SILVER LINING: RETAINING TAX
DEFERRED GROWTH
Securities Section
by Joseph P. Glackin

58 INTELLECTUAL PROPERTY
MISTAKES SOLO
MARKETERS MAKE
Solo & Small Firm Section
by Dineen Pashoukos Wasylik

62 FLORIDA SUPREME COURT
REAFFIRMS THAT FREY
IS THE STANDARD
Trial & Litigation Section by
Jaret J. Fuente & Monica L. Strady

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IN EVERY ISSUE
15 BENEFIT PROVIDERS
20 TO INFINITY AND BEYOND: EXPLORING LEADERSHIP THROUGHOUT TAMPA BAY
Bar Leadership Institute by Kendra McCann Lyman
29 100 CLUB
32 WE'RE NOT SO DIFFERENT
Diversity Committee by Adam L. Bantner, II
33 NEW HCB A MEMBERS
36 SEA CHANGE FOR MILITARY JUSTICE
Military & Veterans Affairs Committee by Matthew Smith
40 DIRECT PRIMARY CARE: NOT INSURANCE
Health Care Law Section by Matthew Alex Smith
43 PRESERVING THE SECRECY OF TRADE SECRETS IN A DIGITAL WORLD
Intellectual Property Section by Vanessa Ferguson
46 TAKING A KNEE TO FREE SPEECH IN THE WORKPLACE
Labor & Employment Law Section by Gregory A. Hearing & Matthew A. Bowles

46 IN EVERY ISSUE
15 BENEFIT PROVIDERS
20 TO INFINITY AND BEYOND: EXPLORING LEADERSHIP THROUGHOUT TAMPA BAY
Bar Leadership Institute by Kendra McCann Lyman
29 100 CLUB
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Intellectual Property Section by Vanessa Ferguson
46 TAKING A KNEE TO FREE SPEECH IN THE WORKPLACE
Labor & Employment Law Section by Gregory A. Hearing & Matthew A. Bowles

66 AROUND THE ASSOCIATION
67 CLASSIFIED ADVERTISING
67 JURY TRIALS
67 ADVERTISING INDEX

ISSN 1553-4459 THE HILLSBOROUGH COUNTY BAR ASSOCIATION Lawyer is published six times per year by the Hillsborough County Bar Association. Editorial, advertising, subscription, and circulation offices: 1610 N. Tampa St., Tampa, FL 33602. Changes of address must reach the Lawyer office six weeks in advance of the next issue date. Give both old and new address. POSTMASTER: Send change of address notices to Hillsborough County Bar Association, 1610 N. Tampa St., Tampa, FL 33602. One copy of each Lawyer is sent free to members of the Hillsborough County Bar Association. Additional subscriptions to members or firm libraries are $50. Annual subscriptions to others, $100. Single copy price, $15.00 (All plus tax.) The Lawyer is published as part of the HCBA’s commitment to provide membership with information relating to issues and concerns of the legal community. Opinions and positions expressed in the articles are those of the authors and may not necessarily reflect those of the HCBA. Submissions of feature articles, reviews, and opinion pieces on topics of general interest to the membership of the Lawyer are encouraged and will be considered for publication.
"It’s never too late to welcome you home.” Judge Michael Scionti, who presides over Hillsborough County’s Veterans Treatment Court (VTC), addressed those remarks to a Vietnam veteran as he graduated from the VTC. Although Judge Scionti’s humble gesture surely was intended to atone for the shameful treatment Vietnam veterans received from the country when they returned home from their service, his remarks were equally apt as a metaphor for the VTC program.

Established in 2013, the VTC is a hybrid court that integrates alcohol, drug treatment, and mental health services with criminal case processing. Once admitted to the VTC program, the veteran takes part in a coordinated strategy developed by a veteran treatment intervention team. Advancement from one phase of the program to the next is not guaranteed. Veterans who meet all the program requirements take part in a graduation ceremony (held in court before other veterans who have been accepted into the program), where Judge Scionti reminds them that they are obligated to comply with the very laws they took an oath to support and defend.

Shortly before his remarks welcoming home the Vietnam veteran, Judge Scionti opened the December 14, 2018 graduation ceremony by welcoming home another veteran. As Judge Scionti commanded everyone’s attention, the courtroom, which had been buzzing with idle chit chat in anticipation of the final VTC hearing of the year and the upcoming holidays, immediately fell silent. It was then that Judge Scionti announced, in a somber tone, that a recent graduate of the VTC had passed away.

The sadness that overcame the courtroom was palpable. I sat numb as Judge Scionti left the bench and took to the well of the courtroom, where he fondly recalled the deceased veteran and then invited the veteran’s mentor and family to do the same. In addressing the courtroom, which felt more like family gathered together than court staff, the deceased veteran’s mother revealed something that was undoubtedly no surprise to those who work with the VTC: the cause of death was suicide.

According to VTC mentors, one in five veterans has been diagnosed with some mental illness or cognitive impairment. And a recent study by the Department of Veterans Affairs found that the suicide rate for veterans was 22 percent higher than for non-veterans. By identifying veterans who are susceptible to getting lost in the criminal system, the VTC (with the assistance of the VTC mentors) strives to put an end to the vicious cycle of hopelessness and non-recovery that all too often leads to suicide.

I was honored to attend the December 14 VTC graduation ceremony at the invitation of Colonel DJ Reyes, U.S. Army (Ret), who along with Judge Richard Weis, established the VTC. Watching the heroic work the VTC is doing integrating our veterans back into our community is truly inspirational. I plan on being a regular attendee at the VTC graduation ceremonies, which are open to the public. I hope I’ll see you there to welcome our veterans home.
The United States Department of Defense Warrior Games were launched in 2010. The Warrior Games is an annual multi-sport Olympic-styled event for wounded, ill, or injured service members and veterans. The Warrior Games were established to aid recovery and rehabilitation for our wounded, ill, and injured service members and to expose them to adaptive sports (competitive sports for people with disabilities). The eleven sports are archery, cycling, indoor rowing, powerlifting, shooting with Olympic-grade pellet guns, sitting volleyball, swimming, time trial cycling, track and field, and wheelchair basketball.

Over 300 service members and veterans are expected to participate in this year’s competition. They will represent the United States Army, Marine Corps, Navy, Air Force, and Special Operations Command. Athletes from the U.K. Armed Forces, Australian Defence Force, and Canadian Armed Forces will also compete. The Games encourage the service-members and veterans to stay physically active when they return home, as well as to inspire and promote opportunities for personal growth and achievement.

The 2019 Warrior Games are coming to Tampa this summer, June 21 through June 30, with Tampa’s Special Operations Command hosting the Games. The opening Ceremony is Saturday, June 22, 2019 at Amalie Arena. Emmy award-winning

Continued on page 5
Continued from page 4

actor, writer, commentator, and director Jon Stewart will emcee the opening ceremony and host the 2019 Games. Stewart also emceed the opening ceremony of the 2017 Warrior Games in Chicago, which featured concerts by Kelly Clarkson and Blake Shelton, and the opening ceremony in 2018 in Colorado Springs, which featured concerts by Clarkson, Rivers Cuomo (the lead singer of Weezer), and Eric Pasley.

Getting the Warrior Games to Tampa took a monumental effort by many in the Tampa Bay community. Sgt. Michael Nicholson, a medically-retired Marine and Tampa resident who lost three limbs in Afghanistan, got the ball rolling. Luis Viera, a Tampa City Council member and HCBA member, quickly joined Sgt. Nicholson’s effort. Viera introduced a measure to City Council, which was unanimously approved, and City Council sent a letter to SOCOM urging the DoD to consider Tampa for the 2019 Warrior Games. U.S. Rep. Kathy Castor also reached out to SOCOM in support of Tampa hosting the Games.

The HCBA’s Military & Veterans Affairs Committee (MVAC) also quickly jumped on board. MVAC’s mission is to support our veterans through outreach programs, legal services, and mentorship in partnership with Judge Michael Scionti and the Thirteenth Circuit’s very successful Veterans Treatment Court. Recognizing that the Warrior Games are completely consistent with its mission, MVAC sent a letter to the DoD encouraging the Department to give Tampa a shot. In responding to MVAC chairs David Veenstra and Alexandra Srsic, the Office of the Assistant Secretary of Defense wrote: “I am pleased to inform you that the 2019 Warrior Games will indeed be held in Tampa, Florida. … The supportive relationship between the military and the Tampa community, as illustrated in your letter, made Tampa the clear choice for the 2019 Games.” It took no time at all for our MVAC members to commit to volunteering at the 2019 Games.

The Warrior Games is important to our veterans, and that means it should be important to our community as a whole. Servicemembers are well-known for their emphasis on fitness, teamwork, and striving for excellence. According to the DoD, “[s]erious illness or injury can profoundly impact that way of life, often confining a service member to a hospital bed and significantly altering their physical capabilities. Adaptive sports help our wounded warriors build strength and endurance, while also drawing inspiration from their teammates.” The Warrior Games are open to the public, and Hillsborough County needs to get behind our veteran athletes. It is truly an inspiring event. We hope you can mark your calendars to make at least one event to see these wounded but not defeated heroes compete. As Sgt. Nicholson notes: “The people of Tampa will be able to see a lot of veterans pushing themselves past a limit they didn’t know they had. That is something we should all be excited for.” Sgt. Nicholson is one of those athletes by the way. He won six gold medals at the 2018 Warrior Games.

The HCBA and its MVAC would like to express our deepest and most sincere gratitude and appreciation to all the brave men and women — Soldiers, Sailors, Airmen, Marines — who have answered the call of duty in service to our great nation with the United States Armed Forces. We’re all looking forward to the 2019 Games!
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YLD Recognizes Two Outstanding Members of the Legal Community with Annual Awards

Congratulations to the Honorable Marva Crenshaw, winner of the Robert W. Patton Outstanding Jurist Award, and Maja Lacevic, winner of the Outstanding Young Lawyer Award.

Every year, the YLD President has the distinct honor of presenting the YLD’s two premier awards — The Robert W. Patton Outstanding Jurist Award and the Outstanding Young Lawyer Award. It was a privilege to present the awards to the Honorable Marva Crenshaw and Maja Lacevic at the HCBA Diversity Luncheon in January.

The Robert W. Patton Outstanding Jurist Award

The Robert W. Patton Outstanding Jurist Award recognizes a jurist who has an excellent reputation, has an unblemished record for integrity as a lawyer and judge, is recognized by Bar members as highly qualified, is active in bar-related activities, demonstrates concern or willingness to assist young lawyers, and demonstrates respect for young lawyers’ abilities.

Not only is Judge Crenshaw recognized in our legal community as an outstanding jurist and trailblazer, her record of public service is second to none. Judge Crenshaw has spent her entire career, spanning over four decades, in public service. In that time, she has served as deputy director for Bay Area Legal Services, county judge for the Thirteenth Judicial Circuit, circuit judge for the Thirteenth Judicial Circuit, and, for the past ten years, as an appellate judge on the Second District Court of Appeals. In each of these positions, her dedication to mentoring young lawyers has always been one of her top priorities.

During her career, she has tirelessly served our state bar, local bar, and our community. She is a past recipient of the HAWL Achievement Award, the George Edgecomb Bar Association Achievement Award, and the Florida Association of Women Lawyers’ Leaders in the Law Award.

The YLD is honored to recognize Judge Crenshaw for her dedication to our legal community and to young lawyers.

The Outstanding Young Lawyer Award

The Outstanding Young Lawyer Award recognizes an attorney who is a YLD member, is recognized as exemplary in the area of professionalism and in the practice of law in her field of practice, actively performs service to the community on a personal level, and has been actively involved in the HCBA’s YLD.

Maja Lacevic, assistant general counsel of clinical affairs for Moffitt Cancer Center, has tirelessly dedicated her time to supporting the mission of the YLD. From 2014 to 2017, she served as chair of the YLD.
Continued from page 8

YLD Law Week Committee, and from 2013 to 2018, served on the HCBA YLD Board.

Ms. Lacevic’s philanthropic work rivals her work with the YLD. She has used her experience as a Bosnian refugee forced to leave her war-torn country as motivation to give back to the community here in Tampa. In the past year, she and a group of other former Bosnian refugees established a USF scholarship to benefit young women who themselves are refugees.

The first recipient of the scholarship was a current USF student who is a refugee from Syria.

In recognition for her accomplishments professionally and in her community, she was recently awarded the University of South Florida’s Outstanding Young Alumni Award — an award given to only one percent of USF’s former students.

The YLD is proud to recognize Ms. Lacevic for the difference she has made in the practice of law and in the community through her ethics and conduct.

YLD Holiday Happy Hour

The YLD had a festive night on December 12 at their annual Holiday Happy Hour, held at the new Fermented Reality Biergarten.

Thank you to the YLD members that attended and The Bank of Tampa for sponsoring this fun event!
S tating that the current criminal justice system in the U.S., which encourages mass incarceration, has created the “greatest human rights and civil rights crisis of our time,” justice reform advocate Adam Foss called on HCBA members to speak out and help improve the lives of others around them.

“The thing that strikes me most about mass incarceration is, yes, it is harming them, but it is also harming us,” Foss said, referring to the people caught up in the prison pipeline. “We are depriving ourselves of their creativity, of their relationships, of their leadership.”

“We are in danger [as a nation]. … We are not doing enough to stop this tide,” Foss said.

Foss’ remarks came during his keynote address at the HCBA’s Diversity Membership Luncheon in January.

A former prosecutor with the Suffolk County District Attorney’s Office in Boston, Foss has been traveling extensively in recent years, talking to groups about diversity issues and the need for criminal justice reform.

In 2016, Foss founded a nonprofit called Prosecutor Impact with the mission of improving community safety through more effective education and training for criminal prosecutors and helping them better understand their role in the justice system.

In his remarks, Foss talked about the racial disparities that exist in the criminal justice system and the consequences of mass incarceration.

He cited the staggering statistics related to incarceration in the U.S., such as the fact that there are 2.3 million people currently in prison, with another five million on probation or parole.

One of three black men born today will spend time in prison, Foss added.

Foss also shared how his upbringing and his brush with the law have shaped his views and helped make him a fierce advocate for reform.

Foss said he grew up an orphan who by “the luck of the draw” was adopted by loving parents who lived in a white working-class neighborhood in the Boston suburbs.

At one low point in his early life, he was caught trafficking marijuana by his father, who was a police officer.

But Foss said he was shown mercy and not subjected to the court system and being labeled a convicted drug felon, with limited prospects for the future outside of prison.

“I didn’t know how close I was to the precipice of a black hole that thousands and thousands of people who look just like me fall down every single year,” Foss said.

“I didn’t know how close I was to my life being over, but it wasn’t, and I’m here.”

Foss said because of the love and support he received from his parents, he was able to graduate from college and go to law school.

After graduating from law school, he took a position at the Suffolk County District Attorney’s Office, where he worked for nine years.

Continued on page 11
Later, Foss said his vision for criminal justice reform got the attention of singer-actor John Legend, who suggested he do a TED talk on the issue. Foss quickly agreed, and his talk went viral, with more than two million views.

Foss joked that even Oprah Winfrey met with him and told him how “dope” he was.

Concluding his remarks, Foss challenged those in attendance, “How do you want to be remembered?”

Noting the choices people face, Foss quoted Dr. Martin Luther King, Jr., saying, “In the end, we will remember not the words of our enemies, but the silence of our friends.”

“As ask yourself, what am I going to do today to make someone’s life a little bit better?” Foss said.

“Just take time out of your day to see someone as a human being, to lend a helping hand to someone who doesn’t look like you,” Foss said, adding, “If you do, then you will be one of the civil rights leaders of our time.”

See you around the Chet.
Elevating Victims’ Rights in Hillsborough County

The implementation of the crime victims’ rights amendment created an opportunity to revisit and re-energize our Victim Assistance Program.

Victims of crime deserve respect and dignity from our criminal justice system. From the right to receive notification of hearings to having a voice in front of a judge who is considering the impact of a defendant’s crime, legal protections for crime victims restore much-needed balance to our criminal justice system. Efforts to establish constitutional rights for crime victims began in 1982 when President Ronald Regan created the President’s Task Force on Victims of Crime.

In a report issued that year, the Task Force concluded that the criminal justice system had lost an “essential balance.” While in no way seeking to lessen the constitutional safeguards that protect the rights of the accused, the Task Force found that “the system has deprived the innocent, the honest, and the helpless of its protection.” Nearly 36 years later, Florida sought to return balance to our judicial process and relieve burdens the criminal justice system has placed on crime victims.

During the November 2018 elections, constitutional rights for crime victims in Florida became law.

Imagine you or a loved one is the victim of a violent crime and just days afterwards is shocked to learn that...
Continued from page 12

the perpetrator is standing in the same aisle as you in the grocery store, having been released pending trial. Between the inevitable fear and anger, obvious questions such as “how could this happen,” “why didn’t anyone tell me,” and “what about my safety,” would race through your mind. That stark reality for Marsy Nicholas’ family led to a recent nationwide movement known as “Marsy’s law,” which seeks to ensure that no family member suffers the indignity of not knowing an accused criminal has been released on bail. Hillsborough County has embraced this movement.

Since Marsy’s Law — aka the Victims Rights Amendment — passed as part of Amendment 6, the State Attorney’s Office has made several policy and procedural changes to improve our steadfast protection of victims’ rights. Our office has developed notification systems, victim counseling, and advocacy services that ensure that we treat crime victims fairly and with respect.

The implementation of the crime victims’ rights amendment created an opportunity to revisit and re-energize our Victim Assistance Program. Working with law enforcement agencies, the Clerk’s Office, and our court administrators, we have refined our notification procedures to ensure that crime victims are aware of the defendant’s initial court appearance and that they have a voice in bond decisions, including circumstances where pre-trial detention is appropriate. We have updated our informational resources so every crime victim will know his rights. We have trained our Assistant State Attorneys and legal staff on these new constitutional protections. We have met with all criminal justice agencies within our circuit to coordinate the development of systems and procedures that support these new rights. All our local criminal justice agency leaders have welcomed this effort.

In the coming months, the Legislature may address some definitional issues in the new law and funding challenges. In Hillsborough County, however, we are already implementing the will of the voters, who spoke clearly and loudly in support of constitutional protections for crime victims.
THANK YOU!

The Hillsborough County Bar Association appreciates those attorneys who participate in our Lawyer Referral & Information Service.

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Several HCBA members were recently recognized by The Florida Bar for their great work in the community at its annual Pro Bono Service awards ceremony on February 7, held at the Supreme Court of Florida.

Tori Simmons of the Hill Ward Henderson Tampa office received the 2019 Florida Bar Young Lawyers Division Pro Bono Service Award. The award recognizes public service or legal aid performed by a lawyer who is 35 or younger or who has not practiced for more than five years.

Simmons consistently donates more than 150 hours per year in pro bono legal services on matters such as guardianship, eviction/landlord-tenant disputes, dissolution of marriage, child support, domestic violence, general representation for nonprofit organizations, and representing children in foster care.

In 2014, she began coordinating her firm’s involvement in Project H.E.L.P., which offers free weekly legal clinics at Metropolitan Ministries for people who are homeless or impoverished. In 2015, Simmons became a volunteer attorney for Crossroads For Florida Kids and became the pro bono coordinator for Hill Ward Henderson. Currently she represents two siblings in foster care.

In 2016, she began volunteering at the Domestic Violence Injunction Clinic at the Hillsborough County courthouse. And last year, Simmons worked on the merger of two nonprofits – Trinity Cafe, Inc., merging into Feeding Tampa Bay as of Jan. 1, 2019.

Simmons is a member of the 13th Judicial Circuit’s Pro Bono Committee and represented that committee to assist in launching the Pro Bono Matters website in Tampa.

* * * *

The Tampa office of Foley & Lardner LLP also was recognized at the Pro Bono Awards ceremony with the Florida Bar’s 2019 Law Firm Commendation. From 2015 through 2017, Foley & Lardner’s Tampa attorneys donated 5,598 hours of pro bono hours to countless clients and projects. One-hundred percent of Foley & Lardner attorneys participate in pro bono service. In its nomination of the law firm, the Volunteer Lawyers Program of Bay Area Legal Services praised the firm for its help with VLP’s Case Referral Panel, Intake Clinic and Mentor Panel as well as the Community Counsel Program, which provides pro bono transactional legal assistance to nonprofit organizations that serve the poor. Foley attorneys have donated more than 1,900 hours to the Volunteer Lawyers Program and worked on at least 140 cases.

Continued on page 17
Foley & Lardner attorneys also regularly participate in Project H.E.L.P., a clinic at Metropolitan Ministries where lawyers assist people who are homeless with a variety of legal issues.

* * * *

HCBA member George B. Howell III of the Holland & Knight Tampa office also was recognized at the ceremony with The Florida Bar President’s Pro Bono Service Award for the Thirteenth Circuit. This award recognizes members who work on behalf of low-income and disadvantaged clients in each circuit.

Howell has a long history of service to the Tampa Bay community, especially its military community. A signature achievement was establishing Mission United, a program launched in January 2018 that assists veterans and their families, with a special focus on active duty service members who are transitioning back to civilian life. Services include pro bono legal assistance, as well as navigating the Department of Veterans Affairs health system, GI Bill assistance, housing and homelessness, and emergency financial assistance. Working with United Way Suncoast, Howell recruited a 21-member Advisory Council, raised funds, hired a program director and brought the community and veterans together to understand veterans’ needs.

Howell also is leading an effort with Bay Area Legal Services to seek a $500,000 recurring appropriation for a five-county regional Veterans Legal Helpline. Howell’s commitment to the military also involves pro bono representation of individuals and families. Howell also has represented the small True Faith Inspirational Baptist Church pro bono for over a decade.

Congratulations to these HCBA members for their dedication and support of the Tampa Bay community through pro bono service!
The new year brought significant changes to the Florida Rules of Appellate procedure. Effective January 1, at 12:02 am, the Florida Supreme Court approved changes to long-standing deadlines, approved new interlocutory appeals, clarified briefing practices, liberalized motions for a written opinion, and updated Florida’s “Bluebook.”

**Deadlines.** The biggest practical impact will be the way deadlines are calculated. For starters, gone forever are the extra five days for service by mail. Fortunately, most deadlines have been extended so that you will get more time, not less, to respond. What’s more, under the new amendments, instead of counting from the next day after service, the counting begins on the next day that is not a Saturday, Sunday, or legal holiday. Thus, if you are served with a brief on a Friday, the deadline for your response starts counting from the following Monday. Fla. R. Jud. Admin. 2.514(1)(1)(A). In cases where multiple briefs are filed, the deadline for responding to any brief runs from the service of the last such brief or, if the last brief due is ultimately not filed, from the deadline for service of that brief. Fla. R. App. P. 9.210(f).

Finally, in most cases, the period for responding has been lengthened. For example, answer and reply briefs are now due in 30 days (instead of 20 days plus mail time) from service. Id. Virtually every relevant deadline has changed, so consult your updated rules before marking your calendar.

**Interlocutory Appeals.** There are two new categories of interlocutory appeals as a matter of right in Rule 9.130. You may now appeal orders that determine, as a matter of law, that a settlement agreement is unenforceable, should be set aside, or never existed, as well as orders that grant or deny a motion to disqualify counsel.

**Briefing.** The appellate rules now follow the Eleventh Circuit Court of Appeals’ practice of “one lawyer, one brief.” Thus, a lawyer representing more than one party in a case may file only one combined brief. Fla. R. App. P. 9.416 and 9.410.

**Rehearing Practice.** The Court reorganized and simplified the rule on rehearing, making clear that all forms of post-opinion relief (rehearing, rehearing en banc, clarification, certification, motion for written opinion) must be combined in a single motion. Fla. R. App. P. 9.330. The amendment also liberalized the motion by expanding the reasons a litigant may seek a written opinion. Previously, the rule limited you to arguing that an opinion would necessarily reveal a ground for Florida Supreme Court review. Now you can argue that a written opinion would provide an explanation for an apparent deviation from past precedent or that a written opinion would provide guidance to the parties or the lower court in certain cases.

**Citations.** Rule 9.800, Florida Rules of Appellate Procedure, has been amended to update Florida standard citation formatting. In particular, the amendment clarifies the preferred method for citing slip opinions.

These are just the highlights. There are many more changes affecting many aspects of appellate practice. Of course, it is always important, even for long-time practitioners, to consult the rules, but now you have an excellent excuse to spend a little extra time with your rulebook.

Author: Steven L. Brannock - Brannock & Humphries
Tampa American Inns of Court

Information & Membership Application
Deadline: May 28, 2019

THE AMERICAN INNS OF COURT TAMPA CHAPTERS INVITE YOU TO APPLY FOR MEMBERSHIP.

The American Inns of Court is a national organization designed to improve the skills, professionalism, and ethics of the bench and bar. Tampa’s civil litigation Inns are The J. Clifford Cheatwood Inn, The Ferguson-White Inn, The Tampa Bay Inn, and The Wm. Reece Smith Litigation Inn. Each Inn limits membership to approximately 80 members who are assigned to pupillage groups of eight or nine members. Pupillage groups include at least one judge as well as attorneys of varying experience and areas of practice. The Inns usually meet monthly from September through May for dinner programs, except for The Wm. Reece Smith Litigation Inn which meets monthly for a weekday luncheon. Inn members usually earn one hour of CLE credit for each program attended.

Each year, the Inns invite new members to join for varying membership terms. Members are selected based upon their length and area of practice. Discounted memberships are available for full-time law students who wish to apply. If you are interested, please apply promptly! (Please note: Current Inn members who wish to renew membership in their present Inn need not apply.)

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Forward Application Package to:
Hillsborough County Bar Association, Attn: John Kynes, Chester H. Ferguson Law Center
1610 N. Tampa St., Tampa FL 33602. Fax (813) 221-7778.
As members of the HCBA Bar Leadership Institute (BLI), my fellow classmates and I are enjoying a year of learning and exploring all facets of leadership and progress in the Tampa Bay area. In particular, the BLI program’s on-site modules throughout Hillsborough County offer incredible insight into the internal (and legal) operations of some of our area’s most prominent businesses and partnerships — both in the public and private sectors. A core component of the BLI program, these modules help us explore leadership both within and beyond the legal profession.

Despite forming the foundation of our local economy and communities, many of Tampa’s most established and thriving enterprises are essentially hiding in plain sight for those who are unfamiliar with their impressive histories and inner workings.

For example, the BLI’s December tour of Port Tampa Bay provided eye-opening insight into the Port’s multi-billion-dollar commerce operations — including the Port’s diverse and comprehensive services for cruise lines, shipbuilding and repairs, and massive cargo handling.

The BLI’s November trip to Moffitt Cancer Center highlighted Tampa’s position as a national beacon of cutting-edge, critical healthcare. As the only Florida-based comprehensive cancer center (as designated by the National Cancer Institute), Moffitt Cancer Center is a recognized leader in scientific excellence, as well as community outreach.

These entities, given their size and the scope of their operations, are not only significant employers of attorneys and providers of legal services, but they are also pillars of our region’s economy. Of course, no such operation can exist, let alone thrive, without superb leadership and commitment to the communities served. As we have already learned, leadership in its most successful form requires collaboration, self-reflection, and constant affirmation of goals and strategies. Fortunately, Tampa Bay is teeming with excellent examples of these principles.

As we embrace these learning opportunities, the 2018-2019 BLI class is reminded that leadership is a continuing and fulfilling journey. We will undoubtedly continue to reflect upon the BLI program as we develop our professional skills, identify our unique priorities and aspirations, and strive to emulate the accomplished leaders we follow. The possibilities are truly endless.

Author:
Kendra McCan Lyman – Hill Ward Henderson
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Practicing in an area of law where you help clients work through family disputes such as divorce, dependency, probate, and family business disputes can be extremely rewarding. It is a privilege helping clients move on from difficult and painful situations to a better and happier place in their lives. Clients are typically deeply grateful for this support.

But handling these cases can also be personally challenging because they involve highly charged emotions and difficult issues such as personality disorders, physical and emotional abuse, substance abuse, and toxic family dynamics. Not to mention, our clients tend to feel that every issue in their case is an emergency and expect us to resolve those issues immediately.

As family law practitioners, we often absorb our clients’ emotions and stress and the stress of their situations. And we do so without even realizing it has occurred until it begins interfering with our daily lives in a way that we cannot ignore — distraction, anxiety, loss of sleep, or worse. While collaborative practice offers a more constructive path for resolving family disputes, collaborative practitioners still deal with all these same challenges.

Because we strive to do the best job possible for our clients, family practitioners struggle with prioritizing cases above our own needs. But putting a client’s needs above your own self-care does your clients a disservice. How can we care for others if we aren’t first taking care of ourselves? Everyone is familiar with the words of flight attendants giving instructions in case of emergency: “Please secure your own oxygen mask before assisting others around you.” These words should resonate with family practitioners.

We must attend to our own well-being first in order to effectively care for clients. How can we put ourselves first — i.e., take better care of ourselves while still doing our best work?

Here are some thoughts: With respect to client interaction, remember to empathetically listen to their problems without making them our own. Think of what you would say to a friend, and tell yourself the same thing about taking on the problems. Know that it’s not our job to fix everything. And keep in mind that it’s important to set boundaries regarding personal time.

With respect to our general well-being, set enough time on your calendar to do your best work versus “reacting” to issues. Discuss cases and challenges with another collaborative professional. This offers both support and new perspectives. If you’re feeling “off,” preoccupied, or overwhelmed, consider an appointment with a licensed therapist. A “tune up session” can help keep you balanced, generate new coping tips, and avoid burn-out. Incorporate mindfulness activities like mediation, prayer, journaling and yoga in your daily life. Remember and reclaim the things that bring you joy.

So grab the oxygen mask and take a few breaths first. You will find yourself in a better position to help with your clients’ emergencies.

Authors: Katherine C. Scott - Harris, Hunt & Derr, P.A. and Alice M. Boullosa, MSW, LMFT - Alice Boullosa LMFT, LLC
Collaborative Law Section CLE

On November 28, the Collaborative Law Section hosted a CLE on the informative topic “The Mediator as a Multipurpose Tool for the Collaborative Process.” Tami Sbar, Esq., a certified family law mediator, presented an overview on the subject.

Thank you to the luncheon's sponsor:
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Rosemary Armstrong Recognized by ABA Criminal Justice Section

HCBA Member Rosemary Armstrong, executive director of Crossroads for Florida Kids, was honored in November with the American Bar Association Criminal Justice Section's Livingston Hall Award. The award recognizes an active member of the bar who devotes a significant portion of his or her legal practice to youth and children, and is making positive contributions to the field both inside and outside the courtroom. The Hillsborough Association of Women Lawyers (HAWL) and Katherine Yanes of Kynes, Markman & Felman, who is a past president of HAWL, nominated Armstrong for the award.

Crossroads for Florida Kids, Inc. is a nonprofit organization that trains and mentors pro bono attorneys to represent children and young adults in their dependency, delinquency, and criminal proceedings in Hillsborough County. Created in 2012, the number of Crossroads pro bono attorneys is currently 130. In 2016 and again in 2017, Crossroads attorneys collectively contributed 5,500 pro bono hours representing poor kids.

Armstrong also served on the board of Bay Area Legal Services in Tampa for over 20 years and served as its president three times, during which she created and implemented projects to improve and expand legal services in the community. As a Bay Area Legal Services volunteer attorney, she assisted women victims of domestic violence obtain dissolutions of marriage, child support, and custody. She also recruited pro bono attorneys and mentors for a Family Law Mentor Project, which became a model for other pro bono programs in Florida. Congratulations to Rosemary Armstrong on this well-deserved award!
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HCBA Past Presidents Luncheon

The Association was pleased to host a large gathering of our past HCBA presidents and the past presidents of the Hillsborough County Bar Foundation on December 10. These leaders of the local legal community took the time to catch up and reminisce about their experiences with the HCBA.

Thank you to the luncheon’s sponsor:
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The Fourth District recently held that homeowners commenced an “action,” when they served a pre-suit notice of construction defect claim.

The Fourth District Court of Appeal recently held that homeowners in a construction defect class action lawsuit commenced an “action,” for statute of repose purposes, when they served a pre-suit notice of construction defect claim under Chapter 558, Florida Statutes (2014), even though they had not yet filed a lawsuit or arbitration action. Robert Gindel, et al. v. Centex Homes, et al., 2018 WL 4362058 (Fla. 4th DCA Sep. 12, 2018) (The opinion has not been released for publication in the permanent law reports. Until it is released, it is subject to revision or withdrawal.)

Centex built townhomes that homeowners closed on and took possession of on March 31, 2004. On February 2, 2014, more than ten years later, the homeowners provided Centex a pre-suit notice of construction defect claim under Chapter 558. In response, Centex notified the homeowners, under Chapter 558, that it would not cure the alleged defects. The homeowners then sued Centex on May 2, 2014, more than ten years after they closed on and took possession of the townhomes.

The trial court found that the homeowners had commenced an “action” when they filed the lawsuit against Centex. The action was therefore untimely because it was commenced after the 10-year statute of repose for actions founded on the design, planning, or construction of an improvement to real property had expired. See § 95.11(3)(c), Fla. Stat. (2014).

In ruling that the action was untimely, the trial court rejected the homeowners’ argument that they had commenced the action when they provided Centex the pre-suit notice of construction defect claim under Chapter 558, which occurred before the expiration of the 10-year statute of repose. According to the homeowners, they would have sued earlier if Chapter 558 had not contained mandatory pre-suit procedures.

The Fourth DCA noted that, while section 558.002(1), defines “action” as “any civil action or arbitration proceeding,” section 95.011 more broadly defines an “action” as “a civil action or proceeding” without limiting the meaning and without relying on or referring to Chapter 558. The Fourth DCA agreed with the homeowners that Chapter 558 is a mandatory “proceeding” and thus an “action” for purposes of the statute of repose. The Fourth DCA acknowledged that the homeowners could have filed a lawsuit earlier and taken advantage of the stay provision in section 558.003, but it opined that the stay provision in Chapter 558 has no bearing on whether an action was commenced before the statute of repose period lapsed.

It concluded that the homeowners had commenced the action when they served Centex with the pre-suit notice of construction defect claim under Chapter 558, even though they had not yet filed a lawsuit.

Motions for rehearing and for certification are fully briefed and pending disposition by the Fourth DCA. Until the issues raised in Gindel are finally resolved, Gindel will have implications for all involved in construction disputes when the statute of repose is at issue.

Authors: Jaret J. Fuente & Monica L. Strady – Carlton Fields
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David has been practicing law in Tampa and courts throughout the state of Florida for forty-four years. He has concentrated his practice in commercial litigation cases including areas of special expertise in breach of contract, business torts, deceptive and unfair trade practices, antitrust, interference with contacts and prospective business relationships, breach of fiduciary duties by officers, directors and others, professional malpractice, defamation and securities fraud.

David has tried many cases to conclusion before juries, state and federal judges, administrative judges, and arbitration panels. For many years, he has been certified by the Florida Bar in civil trial law, business litigation, and antitrust law.

David’s professional accomplishments have been recognized by prestigious legal groups such as:

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- Hall of Fame (2014 - Present)

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- Commercial Litigation

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With 11 appellate attorneys, we put our resources, reputation and breadth of experience to work for you. Appeals are all we do.
On June 9, 2017, a legislative amendment sent shockwaves throughout the Florida criminal court system. It was the biggest procedural or substantive change in the history of the 2005 Stand Your Ground Law, which has made Florida infamous throughout the legal community. Just when everyone believed that judges and practitioners had finally mastered the ins-and-outs of Stand Your Ground, the Legislature threw the courts a procedural or substantive curveball we hadn’t seen since Sandy Koufax was on the mound for the Dodgers. First the okey-doke with the Frye versus Daubert standard — and now this? What is a lawyer or judge to do? Relax, here’s your easy guide to navigating the 2017 amendment to the SYG law.

The 2017 amendment reads: “In a criminal prosecution, once a prima facie claim of self defense immunity from criminal prosecution has been raised by the defendant at a pretrial immunity hearing, the burden of proof to demonstrate entitlement to Stand Your Ground immunity, and shift the burden of proof from the defendant to the prosecution in this pretrial immunity hearing. The second effect is to change the standard of proof from a mere preponderance of the evidence standard to a clear and convincing evidence standard.

Now, in any case occurring on or after June 9, 2017, once a defendant has raised a prima facie claim of immunity, the prosecution has the burden of proving by clear and convincing evidence that the defendant is not entitled to such immunity. But what about cases that occurred before June 9, 2017?

As of now, all five District Courts of Appeal have weighed in on the matter of retroactivity and, in a not-so-shocking conclusion, there is a major split.

The initial effect of the amendment is to reverse Bretherick v. State, 170 So. 3d 766 (Fla. 2015), where the Florida Supreme Court held that the defendant bears the burden of proof to demonstrate entitlement to Stand Your Ground immunity, and shift the burden of proof from the defendant to the prosecution in this pretrial immunity hearing.

The initial effect of the amendment is to reverse Bretherick v. State, 170 So. 3d 766 (Fla. 2015), where the Florida Supreme Court held that the defendant bears the burden of proof to demonstrate entitlement to Stand Your Ground immunity, and shift the burden of proof from the defendant to the prosecution in this pretrial immunity hearing.

The second effect is to change the standard of proof from a mere preponderance of the evidence standard to a clear and convincing evidence standard.

Now, in any case occurring on or after June 9, 2017, once a defendant has raised a prima facie claim of immunity, the prosecution has the burden of proving by clear and convincing evidence that the defendant is not entitled to such immunity. But what about cases that occurred before June 9, 2017?

As of now, all five District Courts of Appeal have weighed in on the matter of retroactivity and, in a not-so-shocking conclusion, there is a major split. The First, Second, and Fifth DCAs have all held that the amendment should only be applied prospectively. See Love v. State, 247 So. 3d 609, 612 (Fla. 3d DCA 2018); Bailey v. State, 246 So. 3d 555, 556 (Fla. 3d DCA 2018); Hight v. State, 253 So. 3d 1317, 1143 (Fla. 4th DCA 2018); Langel v. State, 255 So. 3d 359, 361 (Fla. 4th DCA 2018). Nota bene: According to the First, Second, and Fifth DCAs, retroactivity is to be applied to all pending cases — i.e., cases that have not yet been finalized on appeal, regardless of whether they went to trial.

Great … the tricky 7-10 split. What do we do? We wait … until after oral arguments are heard by the Florida Supreme Court on March 6, 2019, and the Court renders its opinion.

Author: Matthew Alex Smith – Office of the State Attorney
2018 Outstanding Lawyer Award Presented to Tom Gonzalez

At its Diversity Membership Luncheon in January, HCBA presented its highest annual award, the Outstanding Lawyer Award, to Tom Gonzalez of Thompson, Sizemore, Gonzalez & Hearing, P.A.

This award recognizes an attorney who has made a significant difference in the practice of law and the community because of his or her personal and professional ethics and conduct. This year's recipient, Tom Gonzalez, is a shareholder with Thompson, Sizemore, Gonzalez & Hearing, and regarded as a preeminent expert in the field of labor and employment law.

Gonzalez is considered in the legal profession to be a brilliant, tough trial lawyer, who advocates tirelessly for his clients. He has tried innumerable cases before the federal and state courts in Florida, as well as the state appellate courts. He also is regarded as a mentor to many in the profession, who have learned how to be a better lawyer and citizen from him. Gonzalez has always recognized the importance of community service and created a culture of service in his firm. Early in his career, he represented indigent criminal defendants in federal court. He also spent much of his career in service to local government entities, including the City of Tampa where he served as City Attorney; the Hillsborough County School Board, where he served as the long-time School Board Attorney; and the Florida College System Risk Management Consortium, where he served as General Counsel.

Gonzalez has also dedicated his time to the legal profession, serving as president of the HCBA from 1984-1985, and serving on the Executive Council of the Labor and Employment Section of The Florida Bar, as well as the Board of Governors of The Florida Bar.

Congratulations to Tom Gonzalez on this well-deserved honor!

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Jessica Spencer  
Keebler Straz  
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Assita Toure  
James Vazquez  
Susan Washburn  
Marcy Wilson
Diversity Membership Luncheon

About 350 members and invited guests attended HCBA’s Diversity Membership Luncheon on January 9 at the Tampa Hilton Downtown. Attendees enjoyed the thought-provoking presentation from our guest speaker, Adam Foss, who is a nationally-known advocate on criminal justice reform and racial equality. Florida Bar President Michelle Suskauer also offered remarks on the Bar’s activities and the Criminal Justice Summit held by The Florida Bar in the fall in Tampa.

At the luncheon, HCBA also was pleased to present three annual awards: local attorney Tom Gonzalez with Thompson, Sizemore, Gonzalez & Hearing was recognized with the 2018 Outstanding Lawyer Award; Judge Marva Crenshaw of the Second District Court of Appeal received the 2018 Robert W. Patton Outstanding Jurist Award; and attorney Maja Lacevic with the Moffitt Cancer Center received the Young Lawyer Division’s Outstanding Young Lawyer Award. Read more about these three recipients on pages 8 and 33.

Thank you also to our luncheon’s sponsor, Florida Lawyers Mutual Insurance Company, for their support and involvement.

Photography is courtesy of Thompson Brand Images and A/V assistance at the luncheon is courtesy of TCS. Thompson Brand Images and TCS are benefit providers for the HCBA. www.thompsonbrandimages.com and www.trialcs.com. Visit Facebook.com/HCBATampaBay to view additional photos from the luncheon.
When I started my campaign for Hillsborough County Court Judge in April 2017, I knew it would be expensive and time consuming and that I would meet a lot of people.

Hillsborough is a very large county with a diverse population — with diversity being defined under the traditional understanding of that word (race, sex, religion, age, ethnicity). The population of East Tampa, for instance, looks very different from the population of East Hillsborough. And the people of Sun City Center have very different interests from the folks in South Tampa.

The campaign allowed me to really get to know our communities across the county on a much deeper level. It was inspiring to learn that despite our different hues, levels of wealth, accents we speak with, and gods we pray to, we live in a community that is passionate about making Hillsborough a better place to live, work, play, and to raise a family.

A few individuals illustrate this common interest from differing perspectives.

First, Candy Lowe is a community activist focused on growing business and economic empowerment in East Tampa — a largely black community. Her Black Business Bus Tour unites communities by raising awareness and bringing capital to minority-owned business. This passion extends to her Tea & Conversation meetings which bridge the gap between politicians, candidates, and communities. Her energy and commitment to communication and empowerment is unmatched.

Second, Yvette Lewis of the NAACP is a tireless advocate on issues of criminal justice. She is fearless in holding everyone accountable — from the elected State Attorney, to the judges, the candidates, and other politicians. But she doesn’t do it just to cause
Continued from page 36

trouble; she does it because she believes the actions of those in power can destroy families and divide communities, and she provides a voice to the powerless.

Third, Christine Bradley Miller of the Plant City Chamber of Commerce works harder than anyone I know in fostering a vibrant business community, while still maintaining the charm that makes Plant City special. She is keenly aware that business, for it to be successful, needs a consistent and knowledgeable judiciary that understands how business works in the real world of Small Town, U.S.A.

Because of this I’ve learned that we really aren’t that much different. Our county certainly differs greatly from community to community in appearance, wealth, politics, etc. But, in the end, we all want the same thing: to make our community better today than it was yesterday. Once you come to that realization, all the other differences vanish (or, at least, become largely immaterial). It becomes easier to find solutions and to compromise when you know you are working toward the same goal. I simply pray that those who found success in their campaigns learned this same lesson.

Author: Adam L. Bantner, II – The Bantner Firm

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Direct Primary Care (DPC) is an alternative health care model gaining traction in Florida and throughout the U.S. Unlike traditional health care models, DPC does not accept insurance but instead charges patient “members” a fixed monthly fee that covers a range of primary care services.

On March 23, 2018, Florida became the 24th state to pass legislation that expressly exempts DPC agreements from the state’s insurance code. Under Florida’s DPC law, which went into effect on July 1, 2018, “A direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code. The act of entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the Florida Insurance Code.” Notably, because a DPC agreement is not considered “insurance,” DPC practices are not subject to often onerous Insurance Code requirements, such as obtaining a certificate of authority or license. See generally, §§ 624.401 et seq., Fla. Stat.

DPC agreements cover preventative “primary care services,” which are defined under the statute to include “screening, assessment, diagnosis, and treatment of a patient conducted within the competency and training of the primary care provider for the purpose of promoting health or detecting and managing disease or injury.” Patients are still encouraged to obtain some form of insurance for potential catastrophic events, such as car accidents or life-threatening emergencies that fall outside the scope of primary care services.

The law provides minimum requirements that must be included in a DPC agreement. Section 624.27, Florida Statutes, provides that DPC agreements must be in writing, must be signed by the primary care provider and the patient, patient’s employer, or patient’s legal representative, and must:

- Provide a 30-day advanced notice termination provision. Agreement may also provide for immediate termination due to a violation of the physician-patient relationship or a breach of the terms of the agreement.
- Describe the scope of primary care services that are covered by the monthly fee.
- Specify the monthly fee and any fees for primary care services not covered by the monthly fee.
- Specify the duration of the agreement and any automatic renewal provisions.

Continued on page 41
Continued from page 40

• Offer a refund to the patient, the patient’s legal representative, or the patient’s employer, of monthly fees paid in advance if the primary care provider ceases to offer primary care services for any reason.
• Contain, in contrasting color and in at least 12-point type, the following statement on the signature page: “This agreement is not health insurance and the primary care provider will not file any claims against the patient’s health insurance policy or plan for reimbursement of any primary care services covered by the agreement. This agreement does not qualify as minimum essential coverage to satisfy the individual shared responsibility provision of the Patient Protection and Affordable Care Act, 26 U.S.C. s. 5000A. This agreement is not workers’ compensation insurance and does not replace an employer’s obligations under chapter 440.”

DPC providers, which include allopathic physicians, osteopathic physicians, chiropractors, nurses, and primary care group practices, should review the new Florida law to ensure their agreements contain the required information.


Author: Sunny Levine – Foley & Lardner, LLP

Healthcare Law Luncheon/CLE

On November 29, the Healthcare Law Section held a CLE on the subject of “Telemedicine Law & Regulation in Florida and Beyond.” Thomas (T.J) Ferrante with Foley & Lardner LLP provided an informative update on ensuring compliance with state and federal regulations, practice standards and malpractice considerations for telehealth, and payment and reimbursement opportunities and concerns.
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For some clients, the value of their business lies in the business’ specific data or information, which may or may not be properly categorized as a trade secret. A business’ data is a trade secret as long as it derives independent economic value and is not generally known. This data, which can include a customer list, a special recipe, or a software algorithm, is often the result of long hours and may be the very thing that makes a business profitable. But failing to reasonably maintain the secrecy of the data will leave your client with no recourse if someone else uses the data to your client’s detriment.

With technology constantly evolving, it can be difficult to determine what steps are necessary to reasonably preserve the secrecy of your client’s data and maintain the data’s trade secret status. Even so, you must advise your client to be proactive in securing valuable data with physical and digital barriers. Failing to address privacy and security concerns increases the likelihood that the data will become compromised.

Breached data can be expensive — and sometimes impossible — to retrieve. Your client will be dragged through lengthy litigation to either prove misappropriation or discover that the secrecy of the data was not reasonably preserved. Data can end up in the wrong hands because of insufficient policies and training, viruses, data thieves, breach, or a third-party’s negligence. Because of the many ways data can be accessed and exploited, appropriate measures must be taken to ensure that the secrecy of the data is reasonably preserved.

To do so, you should begin by categorizing your client’s data to ascertain its value and determine whether it’s worth protecting. Next, you must locate the information and determine any risks associated with that location. If the information is contained in a notebook, physical barriers will be key to ensuring security. If the information is stored electronically, both physical and digital barriers are necessary. Physical barriers may include placing information in a locked surveillance room or hiring a guard to prevent unauthorized access. Digital barriers can include encryption, virus protection, or access controls.

Finally, your client must limit individual access to the information. Creating an Access Control List (ACL) is a great way to accomplish this. ACLs can be as simple as giving someone a key to the locked room or as complicated as employing software designed to create separate logins. Depending on the method of storage, access controls can limit a user’s ability to read or print information. Your client should also adequately train those that currently have access to the information so that they can prevent unauthorized access.

Failing to reasonably secure the information can lead to misappropriation or lack of trade secret protection, both of which can be economically detrimental to your client’s business. In summary, because of the dangers associated with failing to reasonably preserve the secrecy of valuable data, it is essential that the data is:

1. Categorized to determine whether it should be secured;
2. Located and that the risks of the location are weighed; and
3. Reasonably secured with physical and digital barriers.

Author:
Vanessa Ferguson
— Ferguson Legal
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Wenzel Fenton Cabassa, P.A. represents employees who are victims of illegal workplace violations in state and federal courts throughout Florida.
Employers are often scrambling to find an effective way of keeping such discussions and opinions out of the workplace environment.

As our society becomes more polarized, we are constantly exposed to the unsolicited opinions and protests of others, including our family, friends, and coworkers. Workplace boundaries and social norms, which once held such discourse at bay, suddenly are eroding, if not collapsing altogether. Employers are often scrambling to find an effective way of keeping such discussions and opinions out of the workplace environment, because they are unproductive and can lead to claims of unfair employment practices. Employers must remain properly informed of the boundaries of employee speech, including an employee’s right to engage in speech relating to protected concerted activities.

Continued on page 47
which is protected by federal and state labor laws.

Many employers are not sure where they can draw the line. For example, the Dallas Cowboys recently faced an unfair labor practice charge because their owner, Jerry Jones, told players that they may no longer take a knee during the national anthem to protest political or social issues. Even though Jones did not threaten termination, he nonetheless made it clear that he would take adverse action against his players — i.e., benching them — if they did not stand during the national anthem.

Jones’ actions made national headlines and prompted Local 100 of the United Labor Unions to file an unfair labor practice charge against the Cowboys with the National Labor Relations Board (NLRB), claiming the threat to bench players chilled protected concerted activity. But Local 100 withdrew the charge because, in order to succeed, the Cowboys players would have been required to show that they kneel during the national anthem to protest the terms and conditions of their employment, rather than the ongoing political and social issues relating to the treatment of African Americans by law enforcement, which issues have permeated the news since at least mid-2016.

Jones’ actions and Local 100’s response raise a critical issue: what are the limits on employees exercising their right to engage in concerted activity by engaging in controversial, unpopular, or even profane speech? In Nat’l Labor Relations Bd. v. Pier Sixty, LLC, 855 F.3d 115, 117 (2d Cir. 2017), the Second Circuit provided employees substantial leeway to engage in such speech. In Pier Sixty, an employee on break posted a profanity-laced rant on social media regarding his boss and his boss’ mother. Because the employee inserted the words “Vote YES for the UNION” in the same post, the Second Circuit held that the employee’s termination for making the post constituted an unfair labor practice. While Pier Sixty does not support the conclusion that an employee may immediately take to social media to berate his or her boss or boss’ family, or otherwise disrupt the workplace with such speech, it does show the broad deference courts give the NLRB in protecting an employee’s right to engage in concerted activity.

In today’s divisive political climate, labor and employment law practitioners, as well as in-house counsel, should ensure that their clients or employers are well-versed in these matters to avoid taking a knee to unprotected speech.

Authors:
Gregory A. Hearing & Matthew A. Bowles – Thompson, Sizemore, Gonzalez & Hearing, P.A.
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<thead>
<tr>
<th>Room</th>
<th>Full-day Rate</th>
<th>Half-day Rate</th>
<th>Capacity</th>
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<tr>
<td>Grand Cypress</td>
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Chair: Chris Givens - Givens Givens Sparks, PLLC

Rosen does not create a cause of action for the party with the “greater financial ability to pay” to recover fees.

To ensure that “both parties [can] obtain competent legal counsel,” Florida’s family law statutes permit attorney’s fees claims.1 To recover fees under these statutes, the party seeking fees must “need” assistance and the other party must have the “ability to pay.”

In 1997, the Supreme Court held in Rosen v. Rosen that a fee award could be based on more than the parties’ “financial resources.”3 Additional valid considerations have included the litigation history, the merits of the claims, and whether the litigation was primarily brought to harass.4

Since Rosen, practitioners commonly argue for “Rosen fees” based on these factors, especially when they represent the more financially well-to-do party. Despite the ubiquity of these claims, the district courts consistently reaffirm that there is no such thing as Rosen fees. In other words, Rosen does not create a cause of action for the party with the “greater financial ability to pay” to recover fees.5 When the party with no “need” seeks fees from the party with the “lesser ability to pay,” the “primary criteria” for an award “are not present” and the Rosen factors are not applicable.6

This does not mean that an impecunious spouse or parent is permitted to abuse the judicial system. In such cases, the wealthier party may seek fees by appealing to the trial court’s “inherent authority” to sanction “egregious” conduct; however, this is a much higher bar than Rosen: This doctrine is “rarely applicable” and is “reserved for those extreme cases where a party acts in bad faith, vexatiously, wantonly, or for oppressive reasons.”7

In sum, although Rosen fees are widely referenced, Rosen does not actually create an avenue for the more affluent spouse to recover fees. Instead, such fee shifting can occur only based on the trial courts’ inherent authority to sanction in the rarest and most egregious of cases.


2 See, e.g., Dennis v. Dennis, 230 So. 3d 1277, 1278 (Fla. 1st DCA 2017).
3 Rosen, 696 So. 2d at 700. Although Rosen expressly addressed section 61.16, it has been held “equally applicable to paternity actions.” Zanone v. Clause, 848 So. 2d 1268, 1271 (Fla. 5th DCA 2003).
4 Rosen, 696 So. 2d at 700-01.
5 Hahamovitch v. Hahamovitch, 133 So. 3d 1020, 1024 (Fla. 4th DCA 2014).
6 Id. at 1024.
7 Bitterman v. Bitterman, 714 So. 2d 356, 365 (Fla. 1998) (internal quotations omitted). A party may also seek attorney’s fees against the other party, regardless of their relative financial circumstances, as a sanction under section 57.105 for raising unsupported claims or defenses or for intentionally delaying the proceedings. § 57.105(1)-(2), Fla. Stat. (2018).

Author: Mark Baseman - Felix Felix Baseman
The Marital & Family Law Section held a popular luncheon on January 24 on the subject of “How to Avoid Client Dissatisfaction with the Help of a Certified Financial Planner.” Attorney Ellen Ware and Certified Financial Planner Tina Tenret discussed how working with a CFP can minimize client dissatisfaction, avoid frustration, and convert the anxious client into a happy client.
Signed into law by President Obama in December 2016, the Military Justice Act of 2016 took effect on January 1, 2019. It provides the most sweeping changes to the military justice system since the Uniform Code of Military Justice was implemented in 1951. Among other things, the Act:

1) Created a new special court-martial colloquially known as the “short-martial.” This new court-martial removes the accused’s option to elect a member panel (military version of a jury), instead mandating the judge-alone option for both findings and sentencing. While the traditional special court-martial remains eligible to award up to a year of confinement and a bad conduct discharge, this new “short-martial” can only award confinement of up to six months and cannot adjudge a punitive discharge.

2) Standardized and increased the required sizes of member panels. Special courts-martial now require a panel size of four members, an increase over the previous requirement of at least three members. General courts-martial now require a panel size of eight members, an increase over the previous requirement of at least five members.

3) Increased the member concurring percentage necessary for a finding of guilt and for sentencing. Members panels now require a three-fourths vote to convict and to

Continued on page 53
agreement includes minimum and maximum punishments. The military judge is made aware of these limits and awards a punishment within that range.

Sun Tzu stated, “In the midst of chaos, there is also opportunity.” Growing pains are sure to accompany the implementation of the Military Justice Act. Military justice practitioners should seek to understand the changes as best as possible in order to maximize the opportunities for their military clients.

Author: Matthew Smith - Matthew T. Smith Law, P.A.

Continued from page 52

adjudge a sentence. Previously, only a two-thirds vote was required. This change is somewhat illusory, however, since panel sizes of four and eight require three and six votes respectively for a conviction under both the two-thirds and three-fourths systems.

4) Provided an option for sentencing by the military judge after guilty finding by a members panel. If an accused elects sentencing by a military judge, the military judge now awards segmented sentencing for each guilty finding. The judge can also decide whether the punishments runs concurrently or consecutively. Under the former system, judges and member panels awarded punishment under a unitary sentencing scheme.

5) Added mandatory minimum punishments to pretrial agreements. Under the former plea bargain system, the accused and commanding officer signed a pretrial agreement placing caps (ceilings) on punishments in exchange for guilty pleas. This sentence limitation portion of the agreement was kept secret from the military judge until after the judge’s announcement of a sentence. The accused then received the lesser of the punishment awarded by the military judge or the sentence limitation section of the pretrial agreement. As a result, it was possible for a defense counsel to present a strong extenuation and mitigation case to “beat the deal.” Under the new system, the pretrial agreement includes minimum and maximum punishments. The military judge is made aware of these limits and awards a punishment within that range.

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By representing those who would otherwise be unrepresented, pro bono lawyers play a critical role in narrowing the justice gap in this country. Building a bridge from law school to practice that includes treating pro bono work as a professional responsibility is critical to our profession’s responsibilities. With the privilege of a legal education comes the responsibility to help those who need help.

Indeed, the Oath of Admission to The Florida Bar says to never reject, for personal reasons, “the cause of the defenseless or oppressed, or delay anyone’s cause for lucre or malice.” Lucre, meaning money, is not a word many of us use after gaining admission to the Bar, yet most lawyers do engage in meaningful pro bono work throughout their careers. Fortunately for all of us, many of those lawyers are also willing to supervise law students who want to help with the pro bono work.

I speak with law students and recent alumni every week who tell me that their pro bono or clinical experiences are the most compelling of their entire law school career.

Stetson does have a pro bono requirement: Students must engage in a minimum of thirty hours of community service and thirty hours of pro bono work in order to be eligible for graduation.

To be sure, some students are motivated to do pro bono work solely by the graduation requirement. But even those students consistently report that seeing what a difference their work can make is inspiring enough to keep them engaged in pro bono work after graduation. When they are helping untangle a consumer protection issue, assisting in filling out Family Court forms, or helping low-income taxpayers file their taxes, and everything else that pro bono lawyers do, law students’ eyes are opened to the power and responsibility that comes with this education. Students cannot have these experiences without supervising attorneys.

To those of you who engage in pro bono work, thank you. And to those of you who supervise law students in undertaking pro bono work, a very special thank you. Teaching law students not just what to do but why to do it, in the context of pro bono work, is a key component of the students’ education.

Remember your own Professional Responsibility class in law school? It may have helped you pass the MPRE, but there is no single three-credit law school class that can ingrain notions of true professionalism in a student’s mind. Working on a pro bono case, however, can and does make a difference.

Research by the ABA shows that law students who engage in pro bono work continue to do so after graduation and throughout their careers. Without pro bono lawyers, the students’ education would be incomplete. The next time you are asked to represent a client who has no “lucre,” and a law student asks to help you, please know that your contributions make a difference not just in the life of the client but of the student as well.

Author:
Ann M. Piccard
- Stetson University College of Law

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**ARE YOU RECEIVING HCBA’S EMAILS?**

HCBA regularly communicates with members via email. Stay in the know by making sure your email is up-to-date in your member profile at hillsbar.com.
The possibility exists that a release governed by Florida law, if challenged, could potentially be deemed unenforceable.

Today, Roundtree could be materially distinguishable if an heir’s release was challenged. The issue before the court in Roundtree was not whether the grandchildren waived their rights, but rather whether the father had waived the grandchildren’s rights by signing the instrument. Because the persons seeking to inherit were not the same person who signed the release, Roundtree’s holding arguably should not be extended to an heir who signs a release.

Not to mention that, in Roundtree, the release was held to be invalid to bar the grandchildren’s claims to inherit through intestate succession. Roundtree’s holding, if it applies at all, should be limited to releases of the right to inherit through intestate succession. It should not apply to an heir’s release of the right to contest a will or trust. Further, most of the cases ruling on the validity of a release of an heir’s rights to an ancestor’s estate are of an equitable nature. So, at law, an heir seeking to inherit could be deemed in breach of the release agreement merely for bringing a claim.

While Roundtree may be distinguishable on a number of bases, a release governed by Florida law, if challenged, could still be deemed unenforceable or be treated as an advancement in the amount of the consideration provided to the heir.

1 See generally, Release to ancestor by heir expectant, 28 A.L.R. 427.
2 10 Fla. 299 (Fla. 1863); see also Assignment or release of expectancy, 17 Fla. Jur. 2d Decedents’ Property § 73.

By comparison, an heir can assign his expectancy interest in an estate to a third party if the assignment is fair, satisfies the court’s equitable considerations, and is supported by sufficient consideration. Diaz v. Rood, 851 So. 2d 843, 846 (Fla. 2d DCA 2003).

Authors: Lauren Taylor and Nicole Zaworska - Shutts & Bowen LLP

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Imagine you’ve been contributing to your Individual Retirement Account (IRA) for quite some time. Your account’s tax deferred status has allowed appreciation of its underlying investments to accumulate tax-free, highlighting the benefits of this particular investment vehicle. Now, lamentably, imagine this vehicle crashes, and the investments “sitting in the trunk” have depreciated to nothing.

To exacerbate your frustration, you learn that the financial advisor in charge of driving your retirement vehicle has caused this metaphorical crash by mismanaging your account and making unauthorized trades. Using your securities law expertise, you seek to recover your losses from the advisor, and a settlement is within sight. What will the tax consequences of the settlement be? Shouldn’t the law take into account the loss of any tax-deferred growth you would have enjoyed if the crash had never occurred?

Historically, the Internal Revenue Service would require a defrauded IRA owner to recognize a settlement amount as income in doing so, the individual avoids all the tax consequences of the settlement and maintains the tax-deferred growth of the IRA.

Continued on page 57
SETTLEMENT SILVER LINING: RETAINING TAX DEFERRED GROWTH
Securities Section

Continued from page 56

independent third-party arbitration award) to put the money back into their IRAs as restorative payments (that is, payments to restore losses due to the aforementioned breach, fraud, or securities violations) instead of as an ordinary contribution. In doing so, the individual avoids all the tax consequences of the settlement and maintains the tax-deferred growth of the IRA, since restorative payments can be made without regard to the usual limitations on contributions to an IRA.

It is important to note that in determining whether settlement proceeds are restorative payments, the IRS takes into consideration all the relevant facts and circumstances surrounding the particular payment of settlement proceeds. For instance, in PLR 200640003, reimbursements for diversion of plan assets by a trustee were characterized as restorative payments, and in PLR 200604039, a reimbursement for losses from a prohibited transaction was also characterized as a restorative payment.

Keep in mind, however, that the legal effect of a private letter ruling is limited to the taxpayer who requests it, so PLRs cannot be cited as authority in any litigation with the IRS. So it is prudent to consider seeking a PLR to obtain a definitive ruling for your particular circumstances.


2. PLR 200921039 (February 25, 2009); PLR 200719017 (Feb. 12, 2007).

3. See id.

4. See PLR 200723025 (June 26, 2007).

5. Steiner, supra note 1.

Author: Joseph P. Glackin – McNamara & Carver, P.A.

Morgan Stanley is proud to support Hillsborough County Bar Association
As a solo or small firm lawyer, you wear many hats: attorney, business owner, salesperson, chief marketing officer. For lawyers, that marketing role is fraught with peril — both ethically and on the intellectual property front. The ethics of attorney marketing is a whole other article, but here are some of the biggest intellectual property mistakes solo marketers make.

**Mistake #1: Assuming Works Are Not Copyrighted.**

I hear it countless times: “If it’s on the internet, it’s not copyrighted, right?” Or worse, “I can use it if there is no watermark or copyright notice, right?” Wrong. Copyright “subsists” from the moment an “original work of authorship” is “fixed” in a “tangible medium of expression.” 17 U.S.C. § 102(a). This means that once it is out of someone’s head and perceivable to the world, an original work is protected by copyright law, whether or not it is registered. While registration has important advantages, and not every owner chooses to enforce copyright protection, don’t assume something is not protected. Unless you are sure it was created in or before 1923, it is probably protected. Moreover, removing watermarks or other copy protection controls is a separate violation, in addition to damages for infringement. 17 U.S.C. § 1203. Google Images is NOT your friend — find something that is properly licensed, in the public domain, or better yet, create your own content.

**Mistake #2: Assuming You Own It Because You Paid for It.**

Small businesses generally don’t have on-staff photographers or web designers, but many don’t realize that if they commission content for their business from independent contractors, they don’t necessarily own the resulting copyright. “Work Made for Hire” is a term of art that applies only to employees working within the scope of their employment, or certain kinds of works that are created subject to an express written agreement. 17 U.S.C. § 101. Be sure to have a written assignment when commissioning works — else you may not be able to enforce your ownership, and you may be subject to allegations of infringement if your relationship sours.

**Mistake #3: Exceeding the Scope of a License.**

Even if you think “I am good; I bought a license” or “I made sure it was Creative Commons,” you may not be in the clear. Using a work outside the scope of that license can still be infringement. I’ve seen a business snagged for incorporating a licensed image into a logo in violation of the license terms. And another was dinged by a photographer for not giving the proper attribution under a Creative Commons license. Understand the scope of your license.

**Mistake #4: Not Vetting Outside Work.**

If you didn’t know this stuff, and you are a lawyer, don’t assume your web designer does, either. If a contractor makes some of these mistakes on your website, you can still be responsible for infringement. Keep good track of where content is coming from, even from third parties, and insist on getting copies of purchased licenses.

**Author:**

*Dineen Pashoukos Wasylik – DPW Law*
Solo/Small Firm Section CLE

On January 7, the Solo/Small Firm held an interactive CLE on the subject of “Finding Success Out of Failure.” Jennifer Strout, Esq., owner of Improv4Lawyers P.A., discussed the reality that practicing law inherently involves failures, and how to make sure those failures provide valuable lessons.

The Section thanks its luncheon sponsor:

SeacoastBank
Holiday Open House

The Hillsborough County Bar Association hosted about 300 lawyers, judges, family members and friends at the Holiday Open House on December 6. Attendees enjoyed a festive atmosphere as they gathered to celebrate, mingle, and catch up before the year came to a close. The open house was a great success, thanks largely in part to the generosity of our sponsor:
TURN TO PAGE 68 TO VIEW MORE PHOTOS.
Florida Supreme Court reaffirms that Frye is the standard
Trial & litigation Section
Chair: Katherine Yanes – Kynes, Markman & Felman, P.A.

The Florida Supreme Court, in a 4-3 opinion, held that Frye, not Daubert, remains the standard in Florida for determining the admissibility of expert testimony. DeLisle v. Crane Co., 258 So. 3d 1219 (Fla. 2018). In doing so, the Supreme Court held unconstitutional the Legislature’s 2013 amendment to section 90.702, Florida Statutes, incorporating Daubert into the Florida Rules of Evidence.

The plaintiff in DeLisle alleged that exposure to asbestos caused him to develop mesothelioma. The defendants challenged the plaintiff’s experts under section 90.702, Florida Statutes, as amended in 2013. Following Daubert hearings, the trial court admitted the plaintiff’s expert testimony, and the jury returned a verdict for the plaintiff.

Some of the defendants appealed the trial court’s admission of expert testimony. The Fourth District Court of Appeal reviewed the admission under Daubert, held that the trial court failed to properly exercise its gatekeeping function, and reversed. The plaintiff sought review by the Florida Supreme Court on the ground that the Fourth DCA’s decision conflicted with Marsh v. Valyou, 977 So. 2d 543 (Fla. 2007), which reaffirmed the procedural rule set forth in Stokes v. State, 548 So. 2d 188 (Fla. 1989), wherein the Court formally adopted Frye.

The Supreme Court held that the 2013 amendment infringed on the Court’s rulemaking authority. The Court noted that article II, section 3 of the Florida Constitution prohibits one branch of government from exercising any of the powers of the other branches, and that article V, section 2(a) granted the Supreme Court exclusive authority to adopt rules for the practice and procedure of all courts. The Court ruled that section 90.702, as amended in 2013, is a procedural statute that solely regulates the action of litigants in court proceedings; therefore, the amendment interfered with the Court’s exclusive authority.

The Court further noted that the Legislature enacted the 2013 amendment without the required two-thirds vote of the membership of each House of the Legislature necessary to repeal a rule of the Court. It held that while the Legislature purported to have pronounced public policy in overturning Marsh, the rule reaffirmed in Marsh was a procedural rule that the Legislature could not repeal by the simple majority vote that passed the amendment.

The Supreme Court reaffirmed that Frye, not Daubert, is the appropriate test in Florida courts. It ultimately held that, under Frye, the trial court properly admitted the expert testimony in DeLisle, and that the Fourth DCA should not have excluded it. The Court noted that, as stated in Marsh, medical causation testimony is not new or novel and therefore is not subject to a Frye analysis. The Court quashed the Fourth DCA’s decision and remanded with instructions to remand to the trial court to reinstate the final judgment. At least for now, DeLisle clarifies that Frye, not Daubert, is the standard in Florida for determining the admissibility of expert testimony.

Authors:
Jaret J. Fuente & Monica L. Strady - Carlton Fields
HCBA’s Trial & Litigation Section was pleased to host Cal Jackson, the Diversity & Inclusion Global Leader at Tech Data Corporation, at their luncheon on January 25. He discussed the continuum from corporate diversity and inclusion to social justice, and provided participants best practices and ideas to enhance their inclusion programs.

The Section thanks its luncheon sponsor: Morgan Stanley

TONY PASTORE
FINANCIAL ADVISOR
Thanks to All our FOX 13 Ask-a-Lawyer Volunteers!

The attorneys from the Lawyer Referral & Information Service were on the job once again in December and January, answering phones as part of Fox 13’s Ask-A-Lawyer program. We appreciate all those who volunteered to take calls and help out local residents.

- Richard Alexander
- Dale Appell
- Chris Arnold
- Debbie Baker
- David Befeler
- John Brewer
- Michael Broadus
- Hunter Chamberlain
- Ricardo Duarte
- James Giardina
- Lynn Hanshaw
- Dane Heptner
- Betsey Herd
- Thomas Hyde
- Nehemiah Jefferson
- Suzanna Johnson
- Lisa Knox
- Keith Ligori
- Jamila Little
- Gian Franco-Melendez
- Kari Metzger
- Denny Morgenstern
- Stan Musial
- Kemi Oguntebi
- Rinky Parwani
- Larry Samaha
- Marie Sartiano Schoeb
- William Schwarz
- Shamika Askew-Storay
- Betty Thomas
- Roland Waller
- Robert Walton
- Valentina Wheeler
- Jared Wrage
Steven L. Brannock - Steve Brannock of Brannock & Humphries has been invited to join the American Academy of Appellate Lawyers, the most exclusive group of appellate attorneys in the United States.

Susan Tillotson Bunch - of Thomas & LoCicero PL, Tampa, has been appointed to the Advisory Board of the Privacy Bar Section of the International Association year term.

Christopher Cavaliere - Shumaker, Loop & Kendrick, LLP is pleased to announce that Tampa Associate Chris Cavaliere has been appointed to the Board of Directors of HR Tampa, Tampa Bay’s premier professional association of human resource professionals with over 600 members.

Patrick Chidnese - Holland & Knight congratulates Patrick Chidnese, who has been elected to partnership in the firm. Chidnese focuses his practice on trial and appellate litigation involving class action claims, commercial business disputes, municipal and local government representation, insurance defense litigation.

Megan P. Dempsey - has been reappointed to the Children’s Board of Hillsborough County. Dempsey serves as senior corporate counsel with TECO Services, Inc.

Jeffrey B. Fabian - The law firm of Shumaker, Loop & Kendrick, LLP is pleased to announce that Jeffrey B. Fabian has been elected partner of the firm. Fabian focuses his practice on intellectual property law, including litigation, procurement, and counseling, as well as other areas of complex commercial litigation.

Leonard H. Gilbert - Holland & Knight’s Leonard H. Gilbert, a partner in the firm’s Tampa office, was honored with a Resolution of the Court from the Eleventh Circuit Court of Appeals recognizing his contributions to the court, including his five-year tenure as president of the Eleventh Circuit Historical Society.

Jeffrey Glassman - Smoak Chistolini & Barnett is pleased to announce the appointment of Jeffrey Glassman as partner. Glassman’s practice focuses primarily on insurance defense litigation.

Rachel B. Goodman - The law firm of Shumaker, Loop & Kendrick, LLP is pleased to announce that Rachel B. Goodman has been elected partner of the firm. Goodman concentrates her practice on healthcare law in the Tampa office.

David S. Hendrix - founder and chair of the firm’s banking and finance practice group and shareholder in GrayRobinson’s Tampa law firm office, has been re-elected to the Executive Board of the Greater Tampa Bay Area Council – Boy Scouts of America. Hendrix is a former president of the Greater Tampa Bay Area Council and also served as president of the Boy Scouts of America for the State of Florida.

Celene H. Humphries - Celene Humphries of Brannock & Humphries recently presented “Appellate Considerations During Trial” at The Florida Bar Young Lawyers Division’s Basic Trial Practice Seminar.

Stephanie Kane - Bradley Arant Boult Cummings LLP is pleased to announce that Stephanie L. Kane, an attorney in the firm’s Tampa office, has been elevated to partner. Kane is a member of the Banking and Financial Services and Real Estate practice groups.

Christina C. Nethero - The law firm of Shumaker, Loop & Kendrick, LLP is pleased to announce that Christina C. Nethero has been elected partner of the firm. Nethero is a corporate transactional attorney in the Tampa office.

Stan Rowe - Stan Rowe has joined Glausier Knight, PLLC, in Tampa as an associate focusing on community association law, real estate, business litigation, and bankruptcy.

Laura Tanner - Burr Forman LLP announces the election of Laura Tanner to partnership. Tanner is a member of the Consumer Finance Litigation & Compliance service group, where she represents clients in consumer disputes ranging from state common law claims to claims for alleged violations of state and federal statutes.

Weekley | Schulte | Valdes and Barr Murman & Tonelli proudly announce that the two firms have merged. The firm, now known as Weekley | Schulte | Valdes | Murman | Tonelli, will continue its state-wide practice in the areas of mediation and alternative dispute resolution, workers compensation, and personal injury liability defense, focusing in the areas of automobile and trucking liability, premises liability, medical malpractice, professional malpractice, and nursing home liability.
For the month of September 2018
Judge: Hon. Jack Day
Attorneys: for plaintiff: R. Evan Bassett; for defendants: Jonathan Zaifert
Nature of Case: Rear-end collision resulting in two back surgeries.
Verdict: Total verdict of $942,139.14. Plaintiff’s PFS triggered attorney’s fees and costs.

For the month of October 2018
Judge: Hon. Elizabeth Rice
Parties: April Johnson v. James Estrada
Attorneys: for plaintiff: R. Evan Bassett; for defendant: Kyle Maxson and Jason Thomas
Nature of Case: Plaintiff alleged compensatory damages for a rear-end collision resulting in a back surgery, and punitive damages as the defendant was DUI.
Verdict: Compensatory verdict of $473,436.63. Punitive verdict of $100,000. A PFS was triggered and plaintiff’s motion for attorney’s fees and costs is pending.

Stoler Russell Keener Verona P.A., an AV rated Tampa law firm, is seeking associates with 0-4 years of experience for both its insurance coverage and casualty litigation practices. Candidates must have outstanding academic credentials, proficiency in research and writing, excellent communication and interpersonal skills. Competitive salary and benefits commensurate with credentials and experience. Candidates should email letter of interest and resume to srazick@stolerrussell.com.

To submit news for Jury Trials, please email Stacy@hillsbar.com.
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Additional Holiday Open House Photos

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