



Holiday Issue
2017

RES IPSA LOQUITUR

For the members of the Clearwater Bar Association

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Bench and Bar Updates for the Florida Family Lawyer

by Scott Schiltz

If you are looking to get your CLE credits in with some family law hours, there is a "Family Law Case Update" webinar December 7. Also, the invaluable "Marital and Family Law Certification Review Course" at the Loews Royal Pacific Resort in Orlando is January 26 and 27, 2018. This program typically provides 15 or 16 CLE credits, including credits in ethics. Contact www.familylawfla.org for more information.

This month's Florida family law case is *Dukes v. Griffin*, 2017 WL 4526760, 1D16-4883 (Fla. 1st DCA, Oct. 11, 2017). This case concerns the former wife's appeal of a final judgment modifying primary residency and the terms of timesharing. The former wife's main complaint was that the trial court failed to establish a formula for reestablishing majority parenting time for her child. The First DCA said that while section 61.13(3), of Florida Statutes, provides a way for parents who are dissatisfied with the parenting plan's timesharing provision to have them modified, it does not mandate nor even authorize courts to set forth steps for parents to modify unsatisfactory timesharing schedules. The parties were divorced in 2010 and agreed upon a parenting plan for their child. The original plan had the former wife with primary residence, and the former husband had alternate weekends and holidays along with summertime. Six years later, the former husband sought to

have the trial court permanently award him majority timesharing. This was after previous contempt orders against the former wife for failing to abide by the established timesharing schedule. The trial court found substantial, material, unanticipated, and permanent change in the parties' circumstances and that the child's best interests would be served by a change in primary residence to the former husband. The First DCA recognized in its holding that section 61.13 does not require the court to set forth specific steps and requirements by which a parent can restore reduced timesharing and eliminate timesharing restrictions. The court reasoned that, in this case, the former wife, Ms. Dukes, could seek to modify the current plan of timesharing by filing a petition under section 61.13 subsection 3 and by satisfying the statute's conditions, just as the former husband did. The court went on to conclude that "Ms. Dukes is not owed a list of alternative steps created ad hoc by the trial court to facilitate her quest to re-establish majority timesharing." The court certified conflict with *Perez v. Fay*, 160 So. 3d 459 (Fla. 2d DCA 2015), and *Witt-Bahls v. Bahls*, 193 So. 3d 35 (Fla. 4th DCA 2016).

Scott E. Schiltz practices family law in Dunedin, and he is past president of the Clearwater Bar Association and past president of the Clearwater Bar Foundation.



President's Message

Mahalo

by Kim Kaszuba

“Mahalo” is a Hawaiian word meaning thanks, gratitude, admiration, praise, esteem, regards, or respects. Having just traveled to the Big Island, this Hawaiian word has resonated with me while thinking about the extensive community and pro bono services the Clearwater Bar Association and our members have provided in the past weeks.

The Clearwater Bar Association's Third Annual Legal Fair was held on November 4, 2017, and over 30 attorneys volunteered to provide free legal services in a variety of legal areas to over 100 members of our community. Mahalo to our member attorneys who volunteered their free time, and a big mahalo to Daniel Parri, who has devoted a great deal of energy to continue to make this annual event a great success!

During our October membership luncheon, we honored Ted Barrett of Barrett & Barrett, Attorneys at Law, located in Dunedin, Florida, for his pro bono services provided through Bay Area Legal Services. Mahalo, Ted! Additionally, in mid-October, the Clearwater Bar Association had a bottled water collection drive to aid the people of Puerto Rico in the aftermath of Hurricane Maria. Mahalo to Judge Myriam Irizarry, her niece Annette Cortes, and the several Clearwater Bar members who donated water and their time to have over 100 cases of bottled water delivered to Puerto Rico!

On October 5, 2017, thanks to the efforts of Rebecca Graham, one of our Clearwater Bar Board members, a legal fair at Lighthouse for the Blind was a success. Mahalo, Rebecca, and mahalo to all our members who volunteered to provide pro bono legal advice for this community event!

Also, Julie Ann Emblar and Linda Ramirez of Bay Area Legal Services developed a free/low cost legal resources guide to be distributed to all Sixth Circuit judges and the clerk's self-help center. The clerk's office is printing these for distribution. Mahalo!

Coming up on December 7, 2017, the Clearwater Bar Association's annual holiday party will be held at the Clearwater Bar Law Center. During this event, we will



be collecting unwrapped toys to distribute locally to children in need for the upcoming holidays. Mahalo to all those who donated a gift!

Being of service to those in need is the greatest feeling! My fondest memory of service work was from volunteering with my husband for a Faith in Practice surgical mission in Antigua, Guatemala. Our mission primarily focused on orthopedic specialty surgeries, and all the medical services and surgeries were provided free of charge. A little, old man walked up to us for his pre-surgical consult, and he was physically debilitated because of bad knees and hips. He was so grateful to be offered a chance to walk “normally” again that he insisted we take a token gift from him in gratitude for the hope he was given. His gift was a bag of roasted nuts, which was all he had. As tears welled up in my eyes, all I could do was give him a hug. What he did not know is that his act of kindness touched my heart in a way that has forever changed my outlook on service work and, ultimately, on my life.

Benjamin Franklin has been quoted as saying, “When you are good to others, you are best to yourself.” Various medical and psychology journals have published results from a long-line of empirical research that has shown that acts of altruism – giving to friends and strangers alike – decreases stress and strongly contributes to enhanced mental health. Acts of kindness and charity do not have to be extravagant; the simplest things can make a difference. Our members continue to show through example the benefits of being of service, and for that, I am very grateful!

Mahalo to all of our members of the Clearwater Bar Association and your families for helping those less fortunate in the greater Clearwater community! My cup runneth over!

Thanks,
Kim

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The comments, messages, statements and opinions, legal or otherwise, expressed in the articles herein are exclusively those of the author and shall not be considered to be those of the Clearwater Bar Association, its officers, directors, agents, this publication, its editors or staff. Additionally, the comments, statements and articles contained herein are general in nature and should not be relied upon as a basis for any legal opinion, action or conclusion on the part of the reader with respect to any particular set of facts or circumstances.



Your Disability Insurance Policy, Does It Mean What You Think It Means?

By William C. Demas

When professionals find out what type of law I practice, it often leads to a discussion about their personal disability insurance coverage (or lack thereof). The response I hear most often from those that have coverage is “I have full coverage.” When they say that, it makes me want to paraphrase Inigo Montoya from the movie, *The Princess Bride*—“You keep on using that term full coverage, I do not think it means what you think it means.” I inquire as to what “full coverage” means in terms of their disability insurance coverage. The further I dig, the more nervous they become. Some questions that make people question their coverage are:

- Is it a private policy or through your work?
- Does it cover you if you are disabled from your occupation or do you have to be disabled from any occupation or is it a mix of both?
- Does it exclude or limit certain illness or conditions?

At this point, they are openly nervous. Oftentimes, even the agents that sell disability insurance do not have any idea of what to look for in a policy.

First, you should decide whether to obtain a policy through your employer (if one is available) or to invest in a private policy. I would recommend a private policy because private policies are not governed by The Employment Retirement Income Security Act of 1974 (ERISA), which is the federal employee benefits law. Although private policies will be more expensive, there are several benefits of a privately purchased individual disability insurance policy over an ERISA Plan. The most important is that if litigation is filed, the standard of review will be *de novo* for a private policy rather than arbitrary and capricious. This means the insurance company must show that it made the correct decision in denying a claim rather than only having to show the denial of the claim was reasonable. Additionally, being outside the purview of ERISA also means that discovery is allowable and the judge is not limited to the evidence in the insurance

company’s claim file to decide the case. Lastly, you will be entitled to a jury trial, and bad faith claims are allowed.

For professionals, the best option is a policy that deems you disabled if you cannot perform your own occupation for the life of the policy. This is referred to as an “own occupation” or “own occ” policy. Most policies have a definition of disability that is based on one or more of the following: whether you are disabled from performing the tasks specifically related to your own occupation, any occupation at all, or your own occupation for a specific period then any occupation for the remainder of the policy term. In the policies that include the “any occupation” language, there are variations from policy to policy as to what “any occupation” means. For example, any occupation could mean a job where you can earn 60% of your prior income, or perhaps, the earnings qualifier is removed and you are considered not disabled if you are able to be a greeter at Wal-Mart. With a private policy, you can control those variables, but you likely will have to shop around quite a bit to find one with the best definition of disability.

Private policies also give you more options regarding illnesses or conditions that are excluded or have a limited benefits period. In almost every employer sponsored policy, there are extensive exclusions and limitations. For example, many employer sponsored policies limit payments for a disability caused by or contributed to by a mental or nervous condition to a period of 24 months of benefits. Other policies limit or refuse to pay for conditions with “self-reported” symptoms such as pain, migraines or Fibromyalgia. Although most insurers today will not write a disability policy without a mental health limitation, investigating private policies will allow you to explore your options regarding which illnesses and conditions are excluded or limited.

The amount of the disability benefit is another area where private policies provide more options. Policies through your employer are almost always based on



a percentage of your pre-disability earnings and usually fall between 50% - 60% of your earnings. With a private policy, you can choose if you want a percentage, what that percentage will be, or you can choose a fixed monthly benefit amount. You can also choose what, if any, benefits will offset the disability amount. Nearly all employer sponsored policies reduce your monthly benefit amount by the amount you receive from other income, such as Social Security, injury settlements, and retirement. Private policies may allow you to exclude this language or provide the option to purchase policy riders to limit these reductions, thereby giving you more money per month.

When you are making the decision regarding what type of disability insurance policy to purchase, remember there is nothing that says you cannot have both an employer sponsored policy and a private policy. As a rule, private disability insurance policies are more expensive than boilerplate employer sponsored disability insurance policies. Your premium will depend on the amount of the benefits you seek, the options/riders you choose, and underwriting for your current health conditions. Just remember that when buying disability insurance, the old saying “you get what you pay for” is true.

William Demas is a senior attorney at Tucker & Ludin, P.A. He concentrates his practice on the representation of individuals in disability, life insurance, AD&D, and ERISA matters. If you have questions regarding this article or other disability/ERISA matters, please contact him at 727-572-5000 or demas@tuckerdisability.com. For more information on William or the firm, please visit Tuckerdisability.com.

The Bank of Tampa is Growing its Presence in Pinellas County... Again.

Earlier this year, The Bank of Tampa announced it would continue its growth in Pinellas with the addition of its third full-service banking office in the county. Recently, with members of its Pinellas

Advisory Board, the company celebrated breaking ground on the new office, which is set to open in Clearwater in early 2018.

“As we expand our presence in Pinellas County, we realize that it’s important to

continue our investment in the community by developing offices in areas that are convenient for both our commercial and personal clients,” said Scott Gault, Pinellas County Market President. “We’re proud to promote our brand of relationship banking and to provide residents and businesses with the opportunity to bank with us face-to-face.”

The new office, which is led by veteran Clearwater banker Craig West, will be located at 900 S. Fort Harrison Ave. West brings more than 35 years’ experience in the financial services industry, with 15 years specifically in the Clearwater area.

The Bank of Tampa has operated throughout the Tampa Bay area since its inception in 1984. In 2012, The Bank of Tampa expanded its reach to Pinellas County. Currently, the bank has 11 offices, including its new Sarasota office. For more information on The Bank of Tampa in Pinellas County, contact Scott Gault at (727) 502-8401.





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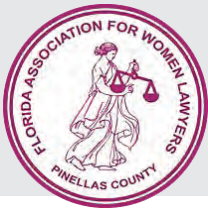
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PFAWL

PFAWL members have enjoyed fantastic programs and events over the past few months! In early October, PFAWL partnered with the Tampa Bay Chapter of the Federal Bar Association in commissioning the Joint CLE Program: Immigration Law for the Non-Immigration Practitioner. PFAWL would like to thank our speaker panel of Adriana Dinis and Kathlyn Mackovjack of the Immigration Law Group of Florida, P.A. and Maria del Carmen Ramos of Shumaker, Loop & Kendrick, LLP for their time and informative program! PFAWL would also like to thank the Platinum Sponsor of the CLE, **MileMark Media**. Thank you for your support!



PFAWL members also enjoyed networking and fantastic food at PFAWL's member appreciation event, the Annual Shrimp Boil in October! Many thanks to Elise Winters for hosting the wonderful

event. PFAWL would like to thank the following Gold Sponsors of the Shrimp Boil: Compass Land & Title, LLC; Jenny Martin Insurance Agent of State Farm; and Elise K. Winters, P.A. Thank you for your support!



Jenny Martin Insurance Agent of



Elise K. Winters, P.A.

Thank you to all who donated PFAWL's October clothing drive benefiting Dress for Success Tampa Bay and St. Petersburg Free Clinic! Your support is appreciated!

Mark your calendar for the PFAWL Holiday Party on December 5, 2017 at the Clearwater Yacht Club! Check out our website to learn more www.pfawl.org.

Don't miss these great events – Join Now! If you would like to join PFAWL or renew your membership, please visit www.fawl.org/. For membership inquiries, please contact Megan Hurchalla at pfawlmembershipdirector@gmail.com.

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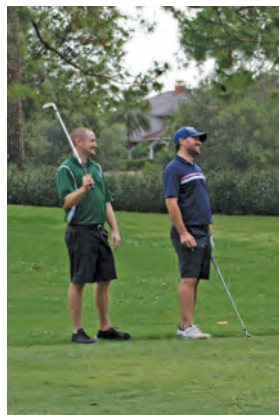
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10 Tips You Need to Know Regarding Medicare in 2018

By Linda R. Chamberlain

Those of us that enjoyed a visit from Harvey, Irma, or Maria this year get to have a **special enrollment period** to enroll, dis-enroll, or switch Medicare health or prescription drug plans through the end of this calendar year. Yes, that's right, until December 31, 2018, individuals in effected areas may contact 1-800-MEDICARE to request enrollment using this special enrollment opportunity.

During **Open Enrollment** you can switch from Original Medicare to Medicare Advantage, or vice versa. You can also switch from one Medicare Advantage plan to another, or from one Medicare Part D (prescription drug) plan to another. And if you didn't enroll in a Medicare Part D plan when you were first eligible, you can

do so during the general open enrollment, although a late enrollment penalty may apply.

The www.Medicare.gov website provides a great tool: the **Medicare Plan Finder**, which guides you through the process of selecting your coverage for 2018. To save yourself some aggravation, take some time to prepare and think about what coverage may work best with your health, lifestyle, and medications. You will need to know:

- your Social Security number;
- adjusted gross income (from your tax return);
- other insurance coverage;
- current medications and pharmacy (including name, strength and amount



prescribed per day); and

- routine medical treatments and physicians.

Practice tip – use the same pharmacy for all medications. Not only does the pharmacy have an exact record of all of



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your medications, but the pharmacist is able to alert you to duplicate medications or contraindications when prescribed by different doctors.

Beginning April 2018 through April 2019, all Medicare beneficiaries will receive a new Medicare card without their Social Security number. The Social Security number will be replaced by a **Medicare Beneficiary Identifier** (MBI) number, comprised of 11 numbers/letters. By January 1, 2020, all claims will be filed via the MBI, not the Social Security number of the beneficiary.

Prevention visits as opposed to illness visits should be your focus. As a new Medicare beneficiary, you are entitled to a “free” **Welcome to Medicare preventive visit** within the first 12 months you have Part B. This visit includes a review of your medical and social history related to your health and education and counseling about preventive services, including these:

- Certain screenings, shots, and referrals for other care, if needed;
- Height, weight, and blood pressure measurements;
- A calculation of your body mass index;
- A simple vision test;
- A review of your potential risk for depression and your level of safety; and
- An offer to talk with you about creating advance directives.

This visit provides a written plan letting you know which screenings, shots, and other preventive services you need.

Each year you are eligible for a “free” **wellness visit** to develop or update your personalized prevention help plan. You

will need to complete a “Health Risk Assessment” questionnaire to help you and your healthcare provider develop a personalized prevention plan to help you stay healthy. It may also include:

- A review of your medical and family history;
- Developing or updating a list of current providers and prescriptions;
- Height, weight, blood pressure, and other routine measurements;
- Detection of any cognitive impairment;
- Personalized health advice;
- A list of risk factors and treatment options for you; and
- A screening schedule (like a checklist) for appropriate preventive services. Details about coverage for screenings, shots, and other preventive services. And Advance Care Planning. (Only 12% of us nationwide utilize this benefit).

You may register at **MyMedicare.gov** to get direct access to your preventive health information—24 hours a day, every day. You can track your preventive services, get a 2-year calendar of the Medicare-covered tests and screenings you’re eligible for, track your personal medical conditions/diagnosis, medications and pharmacy information, and print a personalized “on-the-go” report to take to your next doctor’s appointment.

If you get sick, please be aware the hospital must provide you with a **Medicare Outpatient Observation Notice (MOON)** alert so you know whether your visit is covered under Part A or Part B. This is vital information if you need to stay at a

rehabilitation center and expect Medicare to cover the cost of your rehab.

The Medicare Improvement Standard for a rehabilitation stay does not apply anymore. On February 16, 2017, in *Jimmo v. Sebelius*, the U.S. District Court for the District of Vermont approved a Corrective Statement to be used by CMS:

*The Medicare program covers skilled nursing and skilled therapy services under Medicare’s SNF, HH, and out-patient therapy when a beneficiary needs skilled care in order to maintain or to prevent or slow decline or deterioration. ***Maintenance standard now recognized. Lack of restoration potential cannot serve as basis for denying coverage.¹*

This is a huge win for Medicare beneficiaries to be able to have therapy to maintain their level of self-care and abilities.

All of this information and much more is available at www.medicare.gov.

1 Center for Medicare Advocacy, *Federal Court Approves CMS Corrective Statement to Enforce Jimmo Settlement*, available at <http://www.medicareadvocacy.org/federal-court-approves-cms-corrective-statement-to-enforce-jimmo-settlement/>

Linda R. Chamberlain is a Board Certified Elder Law Attorney with Special Needs Lawyers, PA. Linda’s practice areas include elder law, long term care planning, estate planning, special needs trust, and public benefits. Linda can be reached by email at Linda@specialneedslawyers.com.

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Ethical Obligations of Lawyers to Maintain Client Confidentiality in Public Places

By Joseph A. Corsmeier

One of the axioms of legal ethics is that preserving client confidentiality is one of the lawyer's most important obligations. This can become an issue when lawyers discuss client matters in public, which could result in disclosure of client confidential information and a violation of The Florida Bar Rules as well as a potential loss of the attorney/client privilege.

The latest high-profile example of this is the widely reported conversation between White House Counsel in a Washington D.C. restaurant, which was overheard by a New York Times reporter who was sitting next to them.

According to the reporter, the lawyers openly discussed litigation tactics that they planned to use in response to the special prosecutor's investigation of possible Russian influence on the 2016 Presidential Election as well as tensions between members of the legal team. The details of these conversations appeared in the following articles in the NY Times this September: "Isn't That the Trump Lawyer?: A Reporter's Accidental Scoop" and "Trump Lawyers Clash Over How Much to Cooperate With Russia Inquiry."

This illustrates and dramatizes the problem that can be created when a lawyer discusses client confidences in public. When I was a criminal prosecutor, there was incident when a lawyer was in hot water because he discussed confidential information and strategy regarding a client's ongoing trial while he was sitting in the court cafeteria, and his conversation was overheard by others, including the jurors in the case. I have also personally heard lawyers discussing confidential matters, and there are cases where lawyers have been criticized (and sometimes prosecuted) for this type of indiscretion.



Attorney/Client Confidentiality

One of most important obligations of a lawyer is to protect the confidences of clients. Rule 4-1.6 (Confidentiality of Information), of the Rules Regulating The Florida Bar, states that "[a] lawyer shall not reveal information relating to representation of a client [...] unless the client gives informed consent." There are exceptions to the rule, but none of them apply to a lawyer discussing confidential client matters in public.

The Comment to 4-1.6 states: "A fundamental principle in the client-lawyer relationship is that, in the absence of the client's informed consent, the lawyer must not reveal information relating to the representation."

Lawyers should not discuss confidential client information when they are in public, whether in person or on an electronic device. Delaware State Bar Opinion 2001-2 discusses confidentiality issues when a lawyer uses a cell telephone in public to discuss client matters, and the ethics opinion states the following on this issue:

The extraordinary instances in which mobile phone communications might be electronically intercepted are far less likely than the problem presented when lawyers and clients share confidential communications on mobile phones while in public places within earshot of others. **Lawyers therefore should take precautions not to discuss confidential matters with clients**

while in a public place, such as on a train or in an airport, if others may overhear the conversation. Likewise, lawyers should advise their clients to take similar precautions when speaking to counsel on mobile phones.

Del. State Bar. Ass'n Comm. Prof. Ethics, Op. No. 2001-2 (2001) (emphasis added).

Attorney/Client Privilege

Depending on the circumstances, the attorney/client privilege could certainly be lost if a lawyer has a conversation with a client in a public setting that is overheard. In *MacFarlane v. Fivespice, LLC*, No. 3:16-CV-01721-HZ, 2017 WL 1758053 (D. Ore. May 4, 2017), the plaintiff argued that a conversation between a lawyer and an agent of the defendant in a coffee shop lost the privilege because it took place in public. The defendant ultimately retained the privilege; however, this was only after the lawyer convinced the judge that there was no one within hearing distance of the conversation when it took place.

The bottom line is: the next time you are in a public place and want to talk about confidential matters, whether it is at a restaurant, a sporting event, or your daily trip to and from the office, you should not do it in a public location that does not provide the level of privacy and security required under The Florida Bar Rules. Be careful out there.

Joseph A. Corsmeier is a Martindale-Hubbell "AV" rated attorney who practices in Clearwater, Florida. His practice consists primarily of the defense of attorneys and licensed professionals in disciplinary and admission matters along with expert analysis, opinion, and court testimony on ethics and liability issues. Mr. Corsmeier is available to provide attorney ethics and professionalism advice and expert opinions on ethics and malpractice issues; he can also assist attorneys to ensure compliance with The Florida Bar Rules and defend applicants before the Florida Board of Bar Examiners.

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Clearwater Bar Foundation Trustee Spotlight / Upcoming Events



Charlie Fyler

We'd like to introduce you to our newest trustees: Charlie Fyler and Ashley Donnell!

Charlie Fyler grew up in Monmouth, Maine, and he moved to Florida in 2006 to attend law school and explore a warmer climate. Charlie practiced in the area of bankruptcy law until 2011, when he started handling family law matters. Today, Charlie's practice is dedicated to marital and family law. He works at Audrey A. Jefferis, P.A., serving clients in Pinellas, Pasco, Hillsborough, and Hernando counties.

Charlie is a creative problem solver, who enjoys cooking and working on mixed medium art in his spare time. He resides in Palm Harbor, Florida, with his mackerel tabby cat, Korona.



Ashley Donnell

Ashley Donnell hails from Ponte Vedra Beach, Florida, just outside of Jacksonville. She graduated from the University of Florida in 2008 (Go Gators!) and moved to the west coast of Florida to study at Stetson University College of Law, graduating in 2012. Ashley began her career as a prosecutor at the Office of the State Attorney for the Sixth Judicial Circuit. In 2016, she began working for the Pinellas County Attorney's Office as an Assistant County Attorney, practicing primarily in civil litigation.

Ashley is member of the Junior League of Clearwater-Dunedin and recently chaired the League's annual art show, drawing in over 50,000 attendees. She resides in the Countryside area of Clearwater with her husband and her two cats, Gus and Roland.

Upcoming Events

The Foundation is planning a night in January at Hamburger Mary's for Drag Queen Bingo! The proceeds from Drag Queen Bingo will go to the Foundation. If you've never been, now is the time to go! Join us for 10 rounds of bingo called by Hamburger Mary's own hilarious hostess, Melanie Minyon. Bingo cards cost just \$10 for 10 rounds. Fantastic prizes await the winners! There will also be a 50/50 raffle benefitting the Foundation.

Drag Queen Bingo is open to the public, so make it a girls' night (or a guys' night), or even a date night! Bingo starts promptly at 7:30 p.m., but we suggest arriving around 6:30 p.m. to enjoy any one of Hamburger Mary's amazing burgers and a cocktail or two. Reservations are highly recommended, as it fills up fast.

So, gather your friends, devour an awesome burger (I recommend the Mac Daddy), and get ready to laugh and win! Keep a lookout for posts and emails from the Foundation with the date.



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Safety Harbor Resort & Spa , October 12, 2017





The Florida Bar Young Lawyers Division – A Workhorse of The Florida Bar

By Dane Heptner and Jason Lambert

During this year's Annual Convention of The Florida Bar, we were privileged to be sworn in as members of the Board of Governors of the Young Lawyers Division of The Florida Bar (the "YLD"). Our tenure on this board has been extremely rewarding, as it has allowed us to work with bright and talented attorneys from Key West to Pensacola for the betterment of our legal community and the State of Florida.

We are often asked—what does the YLD do? Simply put, the YLD is the "workhorse" of The Florida Bar, and we work hardest for you, our members, and more importantly, our constituents. We do this by advocating for, educating, and serving Florida young lawyers.

The YLD is an important engine of The Florida Bar that, among other things, produces top-notch programming, provides support for attorneys beginning their careers, and stimulates involvement and interest in the over 26,000 members of The Florida Bar below the age of 36 or who have been practicing for five years or less. While it is impossible to mention all of the initiatives of the YLD in the limited space provided, a few of the programs are highlighted below.

One of the primary roles of the YLD is to assist its members in the transition from law school to law practice. Historically, this responsibility has included administering the Practicing with Professionalism seminars that are required for all first-year attorneys, as well as the Basic Skills CLE courses that must be completed within the first three years of practice. Through our efforts, these courses are now offered online, eliminating the mandatory in-person attendance requirement.

The YLD has also focused its efforts on providing resources to help new attorneys operate in today's challenging legal marketplace. For instance, the YLD recently launched a comprehensive website providing information on how to start a Florida law firm at www.startmyfloridalawfirm.com. There, you will

find all of the basics you need to launch your own firm, including tips on how to incorporate your new firm for free! The YLD is also continuing to compile and build a library of videos and webinars that provides instruction and advice on how to accomplish various legal tasks. The YLD library of "How To" videos and "Mentoring with the Masters" is quickly becoming one of the most robust collections in the nation.

This year, the YLD is continuing its support of Florida's young lawyers by creating a website designed to provide virtual education and mentorship to every young lawyer in Florida. The website will aggregate all of the YLD's existing educational resources in one searchable place, while adding thousands of short 3-minute videos answering common questions young lawyers have regarding professional development, ethics, The Florida Bar, and substantive legal matters, to create a virtual hallway of instant mentoring advice.

The YLD is also in the forefront of effectuating change in our profession. Some of the most important work that we do is to advocate for young lawyers. The YLD's diversity efforts earned attention from across the country as its Pipeline Initiative Diversity Symposium, which seeks to motivate, encourage, and help high school, college, and law students enter our profession, received a national award from the American Bar Association.

Just recently, the YLD impressed upon the The Florida Bar Board of Governors the importance of the proposed Parental Leave Continuance Rule for all young lawyers. With our assistance, that groundbreaking rule was passed by the Board of Governors with unanimous support. Additionally, the results of a poll conducted by the YLD's Women in the Profession committee revealed that 43% of female lawyer respondents had experienced gender bias, and this garnered national attention and fueled a YLD effort to support and recognize the achievements of women

in the profession. This effort continues today and will continue to lead to positive changes for women in the legal field.

The YLD also remains on the cutting edge of technology, the rapid growth of which necessitates the need for lawyers to stay up to date. The Florida Bar looks to the YLD to stay in front of the changing technology affecting our profession to assist all attorneys to keep abreast of changes. We have proven to be up to the challenge and remain dedicated to this cause.

That is only a small fraction of the work that we do for you. We encourage all YLD members to reach out to us, your circuit representatives, and/or visit our website at flayld.org for more information on the YLD and for opportunities to get involved. The YLD truly is a great organization doing hard work for the good of The Florida Bar.

To learn more about the Florida Bar YLD, please visit <https://flayld.org>.

Dane Heptner is an appointed member of The Florida Bar Young Lawyers Division Board of Governors for the Sixth Judicial Circuit and the President-Elect of the Clearwater Bar YLD. Dane also chairs the Law Week Committee for the Hillsborough County Bar Association and is a graduate of Leadership Pinellas class of 2016. He practices in the areas of personal injury, workers' compensation, and social security disability appeals.

Jason Lambert is an elected member of The Florida Bar Young Lawyers Division Board of Governors for the Sixth Judicial Circuit and the current President of the Clearwater Bar YLD. Jason also sits on the Moot Court/Law Related Education Committee of the Young Lawyers Division of The Florida Bar. He represents businesses in commercial and complex litigation with an emphasis on construction and real estate industries.

The Florida Bar Young Lawyers Division Affiliate Outreach Conference, January 12-13, 2018

Picture it: clouds colored like cotton candy bloom in the setting sun. Sailboats docked in front of a five-star resort rock gently in their slips. The Dali Museum stands as a monument to its muse's abstract vision. Conversation bubbles over at a dozen local microbreweries. A French brasserie, world-class steakhouse, and rooftop cocktail bar rest affront yet another fine arts museum. All within walking distance of your room at The Vinoy Resort and Golf Club in Downtown St. Petersburg, Florida.

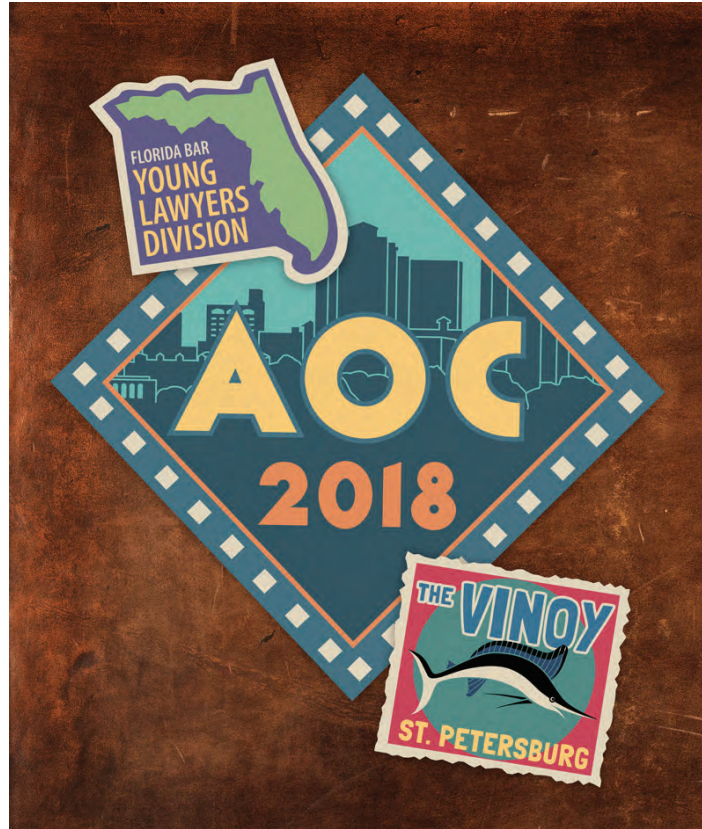
This is the destination for The Florida Bar Young Lawyers Division's next Affiliate Outreach Conference, set for January 12-13, 2018. Two members of each local affiliate are each eligible to receive a \$400 reimbursement for attendance at the conference.

"It's an opportunity for young leaders across the state to come together, network, learn from one other, and have some fun along the way," said Alex Palermo, co-chair of the event. "There are also opportunities for local bar affiliates to apply for grant money to start up or continue charitable projects in their local communities."

"As someone who practices in St. Pete, I am excited to show people across the state everything our home has to offer," added co-chair Paul Silvestri. "We want to incorporate a lot of the great culture St. Pete has to offer, so we are hosting our Friday night gala at the Museum of Fine Arts, and are teaming up with a few local breweries to add some flavor to things."

The conference is open to all young lawyers' affiliates in Florida and designated Law Student Division representatives.

The YLD plans to award more than \$50,000 to local young lawyer organizations in its annual competition for project grant funding. Typical awards range between \$500 and \$1,500, though projects have received as much as \$5,000 in the past.



"The competition challenges local young lawyers to design projects to benefit their members or their communities and pitch their proposals to a panel of judges in a short but informative presentation," Palermo said.

Affiliates are required to submit proposals to the local bar affiliates chair Jason Lambert via email to jlambert@broadandcassel.com by 11:59 p.m. on Friday, December 29. Applications received by 11:59 p.m. on Friday, December 8 may receive additional points during the scoring process. Additional points will also be given for video submissions to be shown during the conference presentations.

Applicants must make five-minute presentations on their proposed projects at the conference, where a panel of judges will ask questions and award funding.

"It's always a treat to watch all the proposal presentations each year. There are usually a couple of side splitters and always a few tear jerkers in the bunch," Silvestri noted. "The most impressive thing is really that there are so many young attorneys who are passionate about helping

their communities and fellow lawyers."

The YLD plans to present annual affiliate awards, including the Outstanding Young Lawyer Affiliate to a local division for excellence in public service, member service, and creative use of resources. Awards will also be presented to affiliates who produced the most outstanding public service and member service projects during the preceding year. Letters of nomination must be emailed to YLD Awards Chair Annika Ashton at aash-ton@broward.org no later than 11:59 p.m. on Friday, January 4.

The conference is set to begin with a presentation by John Higgins, General Counsel for the Tampa Bay Rays, followed by a roundtable discussion with local affiliate executives and YLD President Zack Zuroweste.

The conference is also set to include a Saturday morning 5k along St. Pete's beautiful Beach Drive and Vinoy Park and a social event for Saturday afternoon.

"The theme with all things YLD is to 'come early and stay late,'" Palermo said. "We are hoping to encourage local affiliates to do the same so that they can make connections with lawyers from across the state, maybe learn a little about a community project or member benefit, and take that knowledge back to their hometown to incorporate it in their own local bar. It really is an amazing group to learn from and network with."

Reservations at The Vinoy Resort and Golf Club should be made by Friday, December 29. Conference attendees must also register by Friday, January 5.

For more information about the conference, including instructions for registering, booking accommodations, and applying for grants, visit www.flayld.org/yldevents/aoc.



YLD Update

By Jason Lambert



As we head into the holiday season, the Young Lawyers Division continues to support the local community and our profession. We will once again hold our annual week of giving in December. This year, during the first full week of December, we will help Habitat for Humanity, the Salvation Army, and Homeless Empowerment Program. Keep an eye on your



email for additional information, and if you are interested in helping out with any of these events, please contact me or any one of our YLD Board members for more information.

In January, we have two events as well. The first event is the Affiliate Outreach Conference held by the Young Lawyers Division of The Florida Bar. The conference will be at the Vinoy in St. Petersburg, and we will be



making a presentation for grant money to support additional Clearwater Bar YLD charitable work for 2018. It is a terrific event if you are interested in learning more about bar leadership opportunities or simply want to meet other young lawyers from around the state.

The second event is our annual **Holidays IN January** party at the Clearwater Marine Aquarium. Each year, through this event, the Clearwater Bar YLD hosts over 150 underprivileged families to a day at the Clearwater Marine Aquarium,

Holidays IN January



complete with gifts and a pizza party. We will be sending out additional information soon, so please let us know if you are interested in participating.

We also have monthly membership meetings throughout the year. We again want to thank Murray & Associates Court Reporting for sponsoring our July and August meetings, Bank of Tampa for sponsoring our October meeting, and Brown & Brown Insurance for sponsoring our November meeting. Our December meeting will be December 14, 2017, at Buffalo Wild Wings on U.S. 19 in Clearwater. Please RSVP to our secretary, Randall Baskin, at rbaskin@baskinfleece.com if you are interested in attending.

There are a lot of exciting events coming up, and we hope to see you there!

Jason Lambert is the President of the Clearwater Bar Young Lawyers Division and one of the Sixth Circuit representatives to the Young Lawyers Division Board of Governors of The Florida Bar. He is a commercial litigation attorney at Broad and Cassel in Tampa, focusing on serving clients in the construction industry.

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Admitted to the Florida Bar 09/22/1993, Stetson College of Law, 10823 Seminole Blvd Ste 2A, Seminole, FL 33778-3347

Matthew Perry

Admitted to Florida Bar 02/18/1987, Stetson University College of Law, 400 N Tampa St Ste 3200, Tampa, FL 33602-4798



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Thank You CBA!

Clearwater Bar Association Hurricane Relief Water Drive Was A Success!

More than 100 cases of bottled water was collected for the citizens of Puerto Rico. Special thanks to David Robert Ellis, Judge Myriam Irizarry, Annette Cortes, Teresa Stalheim and her husband Greg.

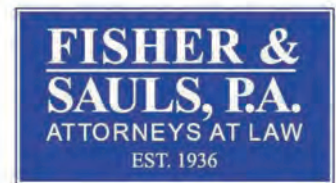




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Support for The Florida Bar Foundation spurs innovation in legal services

by Jewel White

The core mission of The Florida Bar Foundation is to expand access to justice. While we have an excellent system of justice, it often is not accessible to those who need it. In fact, we know that about 80-90% of those who cannot afford an attorney will not get help with their legal needs.

We'll never have enough legal aid and pro bono attorneys to fix the problem, especially now that revenue from Florida's Interest on Trust Accounts (IOTA) program, the Foundation's primary source of funding, is down to about \$6 million a year from \$44 million a year before the recession. This is due to persistent near-zero interest rates on IOTA bank deposits over the last eight years.

In order to best support the civil legal aid delivery system, The Florida Bar Foundation board last year adopted a strategic reset through which it is focusing on serving as an agent of rapid, effective, and high-impact change that furthers its mission.

In addition to providing funds directly to Florida legal aid organizations, the Foundation engages in catalytic philanthropy by investing in training, technology, technical assistance, assessment, and capacity-building for the legal aid delivery system, and it works to develop and expand innovative pro bono initiatives. We are doing this in a number of ways right now. One example is FloridaProBonoMatters.org, a first-of-its-kind website that enables lawyers to search



for pro bono cases across multiple legal aid and pro bono programs, choose the case best suited for them, and submit an interest form to the program that listed it. Another is by advocating for continued federal funding for the Legal Services Corporation, which provides a major portion of the funding for Bay Area Legal Services and six other legal aid organizations that together serve all 67 Florida counties. We have also supported summits on applying design thinking to civil legal aid, which led to the development of the BALS iLawyer project, as well as on LGBTQ issues and the law, and fundraising, communications, and grant writing for legal aid.

Meanwhile, just a few days before Hurricane Irma made landfall in Florida, the board met and approved \$10.5 million in grants for 2017-18. In addition, the board set aside \$500,000 to help legal aid organizations that sustained infrastructure equipment damage and to provide civil legal aid to Floridians affected by the hurricane. We also established a Florida

Hurricane Legal Aid Fund to supplement the funds for civil legal aid related to Irma recovery. You can contribute to the fund at www.TheFloridaBarFoundation.org/storm.

Another great way to support The Florida Bar Foundation is by becoming a fellow at www.TheFloridaBarFoundation.org/fellow. Our fellows are our core supporters who make a \$1,000 pledge that is payable over five years, or ten years in the case of young, nonprofit or government lawyers. Fellows pledge payments go to The Florida Bar Foundation Endowment Trust, helping to secure the Foundation's future.

We can all do our part, whether by taking pro bono cases, supporting legal aid and The Florida Bar Foundation financially, or by sharing information about the importance of civil legal aid with our colleagues and friends.

We are grateful for the support of the many FAWL members who are among The Florida Bar Foundation's Fellows and supporters. And I'd like to personally invite all of you who are just now learning about the Foundation to reach out to me for more information or visit www.TheFloridaBarFoundation.org to find out more about the great things your Florida Bar Foundation is doing.

Jewel White serves as The Florida Bar Foundation President and is also a past president of the Clearwater Bar Association. Ms. White is the County Attorney for Pinellas County.



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info@elclfoundation.org
727-773-2665

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Each Firm's name will be engraved in glass located on the entrance wall to the room. The Firm's name will be listed on the donor recognition displayed in the building foyer. The Firm will be recognized in Res Ipsa Loquitur and on the bar's website. Customized payment schedules can be arranged for exclusive naming rights.

Other Levels of Support

Members are asked to make either a contribution of \$1,000.00 (Friends of the Bar) or \$2,500.00 (Partner's Circle) which would include one and two years of CBA membership, respectively.

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Events Calendar

| DATE | GROUP AND EVENT | TIME AND PLACE | REGISTRATION |
|----------------------|------------------------------------|-------------------------------------|------------------------|
| DECEMBER 2017 | | | |
| 12-05 | Gov't & Admin Law | Noon: CBA Law Center | RSVP clearwaterbar.org |
| 12-05 | Collaborative & Family Law | Noon: Café Ponte | RSVP clearwaterbar.org |
| 12-07 | Holiday Party | 5:30pm, CBA Law Center | RSVP clearwaterbar.org |
| 12-08 | Bankruptcy Section Meeting | 7:30am Perkin's Restaurant | RSVP clearwaterbar.org |
| 12-14 | YLD Section Meeting | 5:30pm, Buffalo Wild Wings | RSVP clearwaterbar.org |
| 12-25 | CBA Office Closed | CBA Office Closed | |
| JANUARY 2018 | | | |
| 01-01 | CBA Office Closed | CBA Office Closed | |
| 01-09 | Family Law | Bellaire Country Club | RSVP clearwaterbar.org |
| 01-09 | Solo & Small Firm | 5:30pm, CBA Law Center | RSVP clearwaterbar.org |
| 01-11 | Membership Luncheon | 11:30am, Safety Harbor Resort & Spa | RSVP clearwaterbar.org |
| 01-11 | YLD Section Meeting | 5:30pm, BJ's Restaurant | RSVP clearwaterbar.org |
| 01-12 | Bankruptcy Section Meeting | 7:30am Perkin's Restaurant | RSVP clearwaterbar.org |
| 01-15 | CBA Office Closed | CBA Office Closed | |
| 01- 24 | Elder Law CLE | SPC Clearwater Campus | RSVP clearwaterbar.org |
| FEBRUARY 2018 | | | |
| 02-06 | Collaborative Joint w/St. Pete Bar | SPC EpiCenter | RSVP clearwaterbar.org |
| 02-08 | Membership Luncheon | 11:30am, Safety Harbor Resort & Spa | RSVP clearwaterbar.org |
| 02-08 | YLD Section Meeting | 5:30pm, Rumba Island Bar & Grill | RSVP clearwaterbar.org |
| 02-09 | Bankruptcy Section Meeting | 7:30am, Perkin's Restaurant | RSVP clearwaterbar.org |
| 02- 16 | Probate Joint CLE w/St. Pete Bar | 9:00 am, SPC | RSVP clearwaterbar.org |
| 02-16 | Solo & Small Firm Social | Noon: Grillsmith | RSVP clearwaterbar.org |

Consult CBA's web calendar for event updates at clearwaterbar.org. Click on date for details.