



May/June
2019

RES IPSA LOQUITUR

For the members of the Clearwater Bar Association

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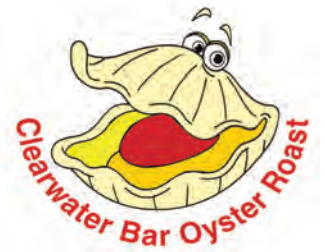
LETTER TO THE EDITOR

The CBA *Res Ipsa Loquitur* editorial staff welcomes your comments on topics relating to the law, the legal profession, the CBA, or articles published in the *Res Ipsa Loquitur*. Anonymous letters will not be accepted, but the author's name can be withheld from publishing if requested. The editor reserves the right to condense.



Another Successful Oyster Roast

by Stephanie Libbey



The 80th Annual Oyster Roast was held on the grounds of Florin Roebig on March 23, 2019. The weather was incredible and there were over six hundred people in attendance this year. The Oyster Roast was previously held in Largo, but the property was sold and a new location was desperately needed. Florin Roebig graciously offered their grounds and has been the home of the Oyster Roast since 2000.

The Oyster Roast is a much anticipated event and this year did not disappoint. The oysters were plentiful and the food booth competition was fierce. Thank you to our sponsors and to those who sponsored a food booth (especially the one that had the fried cheese), for making this year so successful.

We are extremely lucky to have such a long-standing tradition that is so well attended and supported. The Oyster Roast is our opportunity to associate with judges, with peers, and with friends. It's also an opportunity to continue the tradition and share it with new attorneys and to make everyone feel welcome. We strive to make each year better than the last, and this year will be hard to top, so start looking forward to next year!

The author is co-chair of the 2019 Oyster Roast and practices Marital and Family Law with K. Dean Kantaras, P.A. in Palm Harbor.

[See Oyster Roast pictures on page 5](#)





President's Message

By Brandon D. Bellew

Farewell Message

It has been an honor to serve as the President of the Clearwater Bar Association this past year. I am happy to say that the CBA is still here and survived with me at the helm. I knew that I had big shoes to fill given the respected attorneys who held this position before me. The CBA's goal is to promote a professional network to help its members grow their practice and to improve the community in which we all work and live. The CBA now comprises over 900 attorneys and the most rewarding part of serving as president was getting to meet members that I may not otherwise have met.

The greatest asset to any leader is the people around him or her and I was lucky to be surrounded by tremendous individuals helping me along the way. The CBA Board comprises energetic and intelligent attorneys who were more than willing to put in the work that was required to achieve our objectives this year. We are all busy with our work and personal lives, so I greatly appreciate the time and effort the Board members contributed this year.

The accomplishment that makes me the proudest was convincing Teresa Conte to join the CBA as its next executive director. We are extremely lucky to have her. Although she has only been with the CBA for less than a year, she has already made great strides towards the improvement of our CBA. I hope that Teresa will continue to lead the CBA for years to come. She is a tremendous asset to our organization, even if she is not a fan of "all that paperwork stuff".

My personal goal as President was to leave the CBA in a position to continue its path of constant improvement to allow it to better serve its members. The incoming leadership is the best indicator to me that I achieved this goal. The CBA's future looks extremely bright. The President position will be strong for years to come with Rebecca Graham taking over as my successor and with Shelly Beach serving as President-elect. They will both do a great

job as CBA President, and as a bonus, their jokes will be less corny than mine. We also have new incoming officers and directors who are proven leaders and will make great contributions during their respective terms. Evan Frayman will be taking over as Treasurer. Based on my experience, that is an extremely important position and Evan is well equipped to handle the challenge. Suzane Woollums, Zack Zuroweste, Deborah Bushnell, and Jaime Girgenti join the CBA Board as Directors. Suzane has demonstrated her commitment to improving our community through her pro bono work. She received the Pro Bono Award at our Law Day luncheon. Zack is a former CBA YLD President and former Florida Bar YLD President. Debbie is a longtime member of the CBA and has built a very successful probate and guardianship practice. Jaime has served as chair of the CBA's Family Law section and has served as a Trustee on the Clearwater Bar Foundation. Tanya Bell will also take over as President of the CBA YLD. Tanya will provide the YLD with excellent leadership. We are lucky to have these individuals as leaders of the CBA. We will all benefit from the contributions they will make to the CBA.

Finally, I would like to thank all the individuals who helped me prepare for my term as President and helped me make the best decisions possible during my term. I owe all the credit for any success that I had during my term to my fellow Board members. I will never forget how much they helped me make it through this past year, especially during the process to hire a new Executive Director. I would like to specifically thank past CBA presidents Andy Sasso, Josh Chilson, Dan Parri, Wally Pope, and Judge Raymond Gross for their invaluable advice both during my term and leading up to my term. These individuals were always there for me when I needed advice, both when requested and not, haha. I would also like to thank Christina

continued on page 4



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President's Message

from page 2

Rankin, Shelly Beach, and Caitlein Jammo. Those individuals were always ready to do whatever needed to be done to help achieve the CBA's objectives and to discuss planning with me at all hours. They each had a large part in any success that I had during my term. Anything that did not go as planned, was mostly likely because I did not listen to them enough.

I will continue to serve on the Board for another year as Past President. I am excited for this opportunity to see the continued success of the CBA. My life, both professional and personal, has benefited from my service to the CBA. I hope that your involvement with the CBA has done the same for you.

Brandon D. Bellew is the immediate past president of the Clearwater Bar Association and is a partner with Johnson, Pope, Bokor, Ruppel and Burns, LLP, where he focuses his practice on trust, estate and guardianship litigation. He was recently named "Lawyer of the Year" for 2019 by Best Lawyers for Trust and Estate Litigation—Clearwater.



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Florida Bar Board of Governors approves proposed rule prohibiting misleading law firm information in all lawyer advertisements

By Joseph A. Corsmeier

This article will discuss the recent approval of revisions to Florida Bar Rule 4-7.13 by the Florida Bar Board of Governors (BOG). If implemented, the proposed revisions would prohibit misleading law firm information in all Florida lawyer advertisements.

The BOG met in May 2019 and the agenda for the meeting included final action on a proposed amendment to Florida Bar Rule 4-7.13 related to misleading law firm advertisements. As I previously reported, the BOG ethics committee previously voted down a proposal to add Bar Rule 4-7.13(c) which would have stated:

"It is inherently misleading or deceptive for a lawyer to intentionally use, or arrange for the use of, the name of a lawyer not in the same firm or the name of another law firm as words or phrases that trigger the display of the lawyer's advertising on the internet or other media, including directly or through a group advertising program."

The revised proposed rule would prohibit all advertisements from stating or implying that a lawyer is affiliated with the advertising lawyer or law firm in a way that misleads

a person searching either for a particular lawyer or law firm or for information regarding a particular lawyer or law firm, to unknowingly contact a different lawyer or law firm. The proposed rule is below.

RULE 4-7.13 DECEPTIVE AND INHERENTLY MISLEADING ADVERTISEMENTS

(b) Examples of Deceptive and Inherently Misleading Advertisements. Deceptive or inherently misleading advertisements include, but are not limited to advertisements that contain:

(11) a statement or implication that another lawyer or law firm is part of, is associated with, or affiliated with the advertising law firm when that is not the case, including contact or other information presented in a way that misleads a person searching for a particular lawyer or law firm, or for information regarding a particular lawyer or law firm, to unknowingly contact a different lawyer or law firm.

The proposed rule will now undergo a review process and will be sent to the Florida Supreme Court in a petition for potential approval and implementation.

Bottom line: As I have previously stated, if the revised Rule 4-7.13 prohibiting all of these types of misleading advertisements is implemented by the Florida Supreme Court, the rule would be consistent with other jurisdictions that have considered the issue.

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 all licensed professionals in disciplinary and admission matters, and expert analysis and opinion and court testimony on ethics and liability issues. Mr. Corsmeier is available to provide attorney ethics and professionalism advice, provide expert opinions on ethics and malpractice issues, 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 Update

By Kit Van Pelt

Question: Who loves Trivia Night?

Answer:

The Clearwater Bar Association!

On February 28, 2019 the Clearwater Bar Foundation held its first Trivia Night Contest at Dilladelphia, located at 2571 Drew St, Clearwater, FL 33765. We had a total of seventeen teams battling it out and after six rounds of trivia, the Clearwater Bar Association's own Executive Director, Teresa Conte's team was our first place winner!

I just wanted to thank everyone again who came out and supported our event. Whether you came to play or just to enjoy the great food and network with bar members, it was definitely a fun night for all. Due to popular demand, trivia night will be something the Foundation will do on an annual basis, so get your teams ready!

We would also like to thank Dilladelphia for hosting our event and providing a great atmosphere for our members. We would also like to thank the following people & companies who supported our event by donating raffle prizes:

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The Bula Family & Villa Bellini
Felice Italian Deli
Toronto Blue Jays
Two Lions Winery & Brewery

Last, but certainly not least, we would like to thank Big Trophy Trivia Company and our host, Kris Parker, for hosting an amazing event. If you cannot wait until our next trivia night, a trivia contest is a fantastic way to hold a fundraiser for your local organizations or have a team building experience for your firm. Please contact Kris at KParker@BigTrophyTrivia.com or call (727) 415-3088 for more details on how you can host your own trivia night.

Again, thank you to all that participated and came out to support the Clearwater Bar Foundation.

The author practices in estate planning, probate and trust administration at Linda Suzanne Griffin, P.A., in Clearwater. Ms. Van Pelt serves as the President of the Clearwater Bar Foundation.



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Florida Family Lawyer

by Scott Schiltz

The 2019 Certification Review in Orlando was a success. It was a great time to brush up on your knowledge of family law, reconnect with colleagues and have a little fun, all in the beautiful setting of Gaylord Palms Hotel. As I heard more than one person exclaim, "It's impossible to attend and not get one perfect, 'on point' case that will benefit at least one of your clients." If you didn't go, consider going next year.

The Supreme Court of Florida has "tweaked" the Florida Family Law Rules of Procedure a bit regarding testimony and attendance of minor children at hearing or deposition. Rule 12.407(a) previously provided that "no minor child shall be brought to court to appear as a witness or to attend a hearing or subpoenaed to appear at hearing without prior order of the court or good cause shown unless in an emergency situation."

The new Rule 12.407(a) now specifically includes and forbids the deposition of a minor, or even attendance at a deposition, if the minor is a "witness, potential witness, or related to a family law case." Also, the previous exception "unless in an emergency situation" has been removed. Going forward, it appears an attorney will not have any discretion whatsoever in deposing or bringing a minor to court.



It appears alimony reform is dead in Florida for 2019. An alimony reform bill was submitted in March, 2019, however the bill has failed to appear on the subcommittee's calendar, and with the end of the legislative session approaching, it looks like we won't see any substantive changes until at least 2020.

Florida Family Lawyer word of the month: Bavardage, noun – Foolish or empty chatter. "Your Honor, I'm sure you'll see through opposing counsel's closing argument bavardage and rule for my client."

The author is a past president of Clearwater Bar Association and practices family law in Dunedin.



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The Bank of Tampa Appoints K. Owen LaFave as Senior Vice President, Pinellas County Market President

TAMPA, Fla., May 1, 2019 – *The Bank of Tampa* today announced Owen LaFave has been appointed Pinellas County market president. LaFave will oversee commercial and personal banking throughout Pinellas County. LaFave succeeds Scott C. Gault, who was recently appointed Hillsborough County market president at The Bank of Tampa.

“Owen’s success and leadership has been recognized, both internally and externally, and we are excited to see that success translate to the Pinellas County community,” said Corey Neil, chief banking officer at The Bank of Tampa. “Furthermore, we are proud to continue our effort to promote and develop top talent from within our bank and ensure we have deep leadership for years to come. His passion and energy make him a great leader, coupled with his understanding of The Bank of Tampa’s unique culture, he is a great fit for this elevated role.”

LaFave has been with The Bank of



Tampa for six years, and has more than 18 years of banking and finance experience, specifically in the Tampa Bay region. In his previous role, his responsibilities included expanding The Bank of Tampa’s commercial real estate presence in Pinellas County. LaFave holds a bachelor of arts in business finance from the University of South Florida.

LaFave serves on the board of the Neighborhood Lending Partners, Inc. as past chairman, as well as on the boards

of First Housing, Inc. and the Tampa Downtown Partnership. Previously, he held positions including chairman of the Downtown CRA Advisory Board, chairman of the Historic Preservation Commission for the City of Tampa, president of the National Association of Industrial and Office Properties (NAIOP) and past sponsorship chair for Leadership Tampa.

About The Bank of Tampa

The Bank of Tampa is one of the largest community banks in the Tampa Bay area. It has been privately held by its employees, directors and clients since the bank's inception in 1984. It has offices in Hillsborough, Pinellas and Sarasota counties. The Bank of Tampa's assets total more than \$1.6 billion, with outstanding loans greater than \$1 billion. Its wealth management areas have more than \$750 million in assets under care. To learn more, visit www.thebankoftampa.com, or follow us on Facebook, Instagram, LinkedIn and Twitter.



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Probate Update



Attorneys –

Your client can sell all or part of their life insurance policy.



A Life Settlement Transaction is the sale of an existing life insurance policy that gives the owner a cash settlement in excess of the cash surrender value.

Example: Mr. Smith (age 78) owns a \$400,000 universal life policy on his life which he no longer wants, needs or can afford. Premiums are \$12,000 per year. Cash surrender value is \$3,000 (the amount the insurance carrier would give Mr. Smith if he was to surrender the policy). Rather than surrendering the policy Mr. Smith choose the Life Settlement Transaction option. POLICY SOLD, for \$65,000.

Example is for illustration only and is meant to educate about a life settlement option.

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- Protects foster kids and seniors from abuse.
- Gives veterans access to health benefits.
- Prevents homelessness for low-income families.
- Protects domestic violence survivors.

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Events Calendar

JUNE, JULY, AUGUST 2019

DATE	GROUP AND EVENT	TIME AND PLACE	REGISTRATION
6/23	Team Borham 5th Annual BBQ	12:00 pm, John Chestnut Park, Shelter 7 & 8	jamie.boling@jeffborham.com
6/25	Networking Breakfast Meeting	8:00 am, Belleair Coffee Company	clearwaterbar.org
6/27	Annual WPBA Banquet	5:30 pm, Spartan Manor	wpascobar@gmail.com
7/4-5	CBA Office Closed in Observance of Independence Day		
7/12	Bankruptcy Law Meeting	7:30 am, Perkin's	clearwaterbar.org
7/23	Networking Breakfast Meeting	8:00 am, Belleair Coffee Company	clearwaterbar.org
8/9	Bankruptcy Law Meeting		clearwaterbar.org
8/27	Networking Breakfast Meeting		clearwaterbar.org

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