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The cover artwork was created by a survivor of sexual assault working with an artist, who helped her share her message of pain and hope. Assistance was provided to this survivor by the Family Justice Center of Hillsborough County (FJCHC). The FJCHC is a community-wide collaborative between public, private and non-profit organizations to provide comprehensive services to domestic violence victims and their families in a centralized location, or one-stop-shop. Staff from over 20 different agencies and programs work together, as one team to assist victims of domestic violence and their children. Where can you view this art? See page 50.
Laura Ward, president of the HCBA’s Young Lawyers Division, reported in last month’s issue that the Florida Supreme Court added new language to the Oath of Admission to The Florida Bar on September 12, 2011: “To opposing parties and their counsel, I pledge fairness, integrity, and civility, not only in court, but also in all written and oral communications.” Readers can view the new Oath in each issue of The Florida Bar Journal magazine and online at the Florida Bar’s website.

Did you know that the HCBA played a role in the events that led to the adoption of the new language? The HCBA, the Tampa Bay American Board of Trial Advocates (ABOTA), and Stetson University College of Law hosted a civility seminar last year at the Chester H. Ferguson Law Center. Chief Justice Charles Canady of the Florida Supreme Court was the seminar’s keynote speaker.

At the seminar, ABOTA National President-Elect Mick Callahan asked Chief Justice Canady to consider the addition of civility language to the Oath of Admission. Mr. Callahan said, “The Chief Justice endorsed the idea with enthusiasm and promised to take the matter up with the Court.” He also informed me that the Florida Supreme Court’s actions ultimately made Florida the fourth state to include the oath of civility and professionalism in its oath of admission.1

HCBA member Chris Knopik is the current president of the Tampa Bay ABOTA. He told me that, “An integral part of ABOTA’s mission is the elevation of standards of integrity, honor, and courtesy in the legal profession. We applaud the Supreme Court’s adoption of the new oath of admission as an important next step in improving professionalism in our state.”

Local judges also encourage professionalism. For example, Judge Ashley Moody and Judge James Moody gave presentations about professionalism and courtroom decorum to various groups last year. Some of their reminders were:

1. Do not interrupt the judge or opposing counsel.
2. Do not speak directly to opposing counsel, the clerk, or the court reporter when speaking in open court unless you first obtain permission from the Court. When speaking aloud, it should be to address the judge, to question a witness on the stand, or to address jurors.
3. Avoid making negative comments or facial expressions towards the Court, opposing counsel, witnesses, jurors or litigants.

HCBA presidents urge professionalism, too. Amy Farrior, HCBA President from 2010-2011, wrote in her President’s Message in the April 2011 issue of The Lawyer that, “Our profession has long been aware of the problem of incivility in the practice of law . . . unprofessional behavior diminishes the efficiency and fairness of the entire process.” Current HCBA President Pedro Bajo, Jr. wrote in his President’s Message in the September/October issue of The Lawyer that “our motto shall be ELE—Everybody Love Everybody” and to “treat our adversaries with dignity and respect.” If we act respectfully to each other, then we all benefit.

1 South Carolina, Utah, and New Mexico are the other three states with oaths of civility.
If you have put off scheduling your Continuing Legal Education (CLE) requirements, now may be a great time to consider the many different CLE opportunities available through the HCBA. “The HCBA offers 65 or so CLE seminars throughout the year, but the spring always seems to be the busiest time of year, with six to eight different classes a month,” says Amanda Uliano, the HCBA’s CLE director.

Currently, the Florida Bar requires members to complete 30 CLE credits over a three-year period, with five of those

Continued on page 5
Continued from page 4

credits focused on ethics or professionalism. “We know CLE is an important issue for HCBA members,” says Uliano, “and we work to provide ample opportunities throughout the year for members to satisfy their Florida Bar requirements.” A recent HCBA membership survey, in fact, showed CLE seminars as the most popular member benefit for HCBA members.

“We consult with each of the HCBA’s 15 or so committee and section chairs to develop CLEs that are targeted to members and address hot topics,” says Uliano. “Our goal is to make the seminars as relevant and interesting as possible. CLE participants learn from instructors who are experts in their fields of practice, as well as from members of the judiciary who bring their own individual perspective from the bench,” Uliano says. Additionally, HCBA members are provided a discount on the cost of HCBA-sponsored CLEs.

HCBA member Thomas Hyde of the Law Office of Thomas Newcomb Hyde is the chair of the twelve-member CLE Committee for the HCBA. “We have a diverse group of committee members, and we try to stimulate thinking and consider new ideas for CLEs that are consistent with the goals of the HCBA,” Hyde says.

One of the more popular recent seminars was a CLE that focused on the role of the media and ethics in our justice system. More than 125 people participated in this CLE, which was held in conjunction with the HCBA’s successful Annual Bench Bar Conference & Judicial Reception last November.

At the same time, the HCBA is working to harness advances in technology to make it easier for members to get their CLE credits. This includes a new option to download CLEs from the HCBA website.

Some upcoming HCBA-sponsored CLEs for you to consider are:

- **March 1-5**, a four-hour “Ethics at Sea” seminar aboard a Carnival cruise ship departing from Tampa, in conjunction with Bay Area Legal Services.
- **March 23**, a “CLE and a Show” featuring a two-hour seminar on current ethics topics, and then a performance of *To Kill a Mockingbird* at Stageworks Theatre.
- **March 26-29**, an overseas CLE trip to Le Havre, France, in conjunction with the Le Havre Bar Association on various legal topics.
- **May 8**, a four-hour seminar on “Using Cross Examination to Tell Your Client’s Story” presented by the HCBA’s Trial and Litigation Section.

HCBA board member John Schifino of Williams Schifino, who has participated in numerous HCBA-sponsored CLE seminars over the years, says these programs have been valuable to him in his practice. “From a professional standpoint, I can’t think of a better or easier way to get my CLE credits, and on a personal level, I enjoy the opportunity to interact with and get to know my colleagues who share the same legal interests as I do,” Schifino said.

If you are interested in signing up for an upcoming CLE seminar, please visit the HCBA’s Web site at www.hillsbar.com or call 813-221-7777 for more information.

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**HCBA Lawyer Referral & Information Service**

HCBA’s Lawyer Referral & Information Service handles more than 14,000 calls a year. With over 140 attorney members, averaging 10 years of legal experience in over 90 areas of law, the LRIS is ready and able to serve you and your clients. Please refer your clients to the Hillsborough County Bar Association LRIS when the case involves an area of law you do not practice.

**Contact Cathy Fitch, LRIS Director**

AT (813) 221-7783 for more information.
If you enjoy competitions with beer, Tampa Bay Lightning tickets, a chance to win prizes, and benefiting a great local organization, then the Young Lawyers Division Cornhole for a Cause competition is for you! Mark your calendars for March 31, 2012, because the Young Lawyers Division will be hosting its Third Annual Cornhole for a Cause tournament to raise money for Big Brothers Big Sisters of Tampa Bay (BBBS of Tampa Bay).

Even though this is our third annual tournament, many may see the title of the event and still not know what cornhole is. It has been called many things: Corn Toss, Bean Bag, Bean Toss, Soft Horseshoes, and Indiana Horseshoes. The true history of the game is mostly unknown, though there is no shortage of theories. One theory claims that the game was first played during the 14th century in Germany and then rediscovered in Kentucky within the last century. Fueling the debate about whether the game was actually

Continued on page 7
created in the Kentucky farmland, some sources credit the invention to western Cincinnati, but by whom or when is unknown. Popularity of the game began to increase in the late 1990’s in Cincinnati area universities, particularly Miami University of Ohio, where cornhole became a mainstay at parties. Despite the debate over its origin, cornhole is becoming more and more popular nationwide.

Cornhole is similar to horseshoes except you use wooden boxes called cornhole platforms and corn bags instead of horseshoes and metal stakes. Teams take turns pitching their corn bags at the cornhole platform until a team reaches the score of 21 points. A corn bag in the hole scores 3 points, while one on the platform scores 1 point. The game is generally played tournament style with an individual or team being named the champion at the end of the tournament.

Enticed? You should play in Cornhole for a Cause because it is easy, fun, and you will be benefiting a great organization in BBBS of Tampa Bay. At our First Annual Cornhole Tournament in 2009, we raised almost $4,000 for BBBS of Tampa Bay. We raised nearly $10,000 at last year’s tournament.

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Please join us in making this year’s tournament better than ever! The Third Annual Cornhole for a Cause Tournament will take place on Saturday, March 31st on the grounds of the Tampa Bay Times Forum. Custom Corn Toss, a Clearwater organization which runs cornhole tournaments and leagues all around the Tampa Bay area, will run the tournament, along with Tampa Bay Club Sports. The entry fee for the tournament is $60.00 in advance for a team of two and $70.00 on the day of the event. The entry fee includes admission for a team of two players and two tickets to watch the Tampa Bay Lightning take on the Winnipeg Jets on the evening of March 31st. You can find registration information on the YLD website and on our Facebook page.

This year’s tournament will be an event you do not want to miss. Find your teammate, warm up that arm, and join the YLD as we raise money for BBBS of Tampa Bay and play a little cornhole! Hope to see you at the tournament.

Author: Jeff Wilcox,
Hill Ward Henderson, PA.
What makes someone an effective leader?

There are few topics—whether it be in business, law, sports or politics—that have generated more vigorous debate and academic study over the years.

From leadership at the presidential level in Washington to leadership at the local school, everyone can make their own observations and form their own opinions about whether someone is a good leader or a bad leader. The strange thing is, everyone can be correct in the conclusions they reach, even when those conclusions are very different.

At the same time, however, there is broad consensus that effective leadership, and the development of future leaders, is a central component to the long-term success of any organization. It’s that long-term view, and especially the importance of developing future HCBA leaders, which was the primary impetus behind the creation of the Leadership Institute in 2007 by then-HCBA President Caroline K. Black of Mason, Black & Caballero, P.A.

The 2011-2012 Institute class has 12 participants and is led by Chair Robin Horton, Staff Attorney at the Second District Court of Appeal. “The Institute is a wonderful program designed to help educate young lawyers with diverse backgrounds about the leadership opportunities available to them through the HCBA,” said Horton.

“It’s gratifying to see so many of the class members already engaged in leadership roles, and I hope it inspires them to remain active with the HCBA in the future.”

Throughout the year, participants attend seven or so different learning modules that showcase important community institutions, such as the Port of Tampa and MacDill Air Force Base, and help educate them about other aspects of the community. The program’s sponsor this year is The Bank of Tampa.

Additionally, Institute participants are required to work on a community service project selected by the group, and they assist the HCBA’s Young Lawyers Division in its community service and outreach efforts. One program the Institute will support this year is the HCBA’s Lawyers for Literacy program, which is designed to help provide new books to local children in need.

“‘If your actions inspire others to dream more, learn more, do more and become more, you are a leader.’

—John Quincy Adams

Continued on page 9
executive director’s message
John F. Kynes, Hillsborough County Bar Association

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“As a younger lawyer, it is often difficult to find the time to learn about community issues and to appreciate how the many different institutions and worthwhile organizations operate in our community,” said current Institute participant Jason K. Whittemore of Wagner, Vaughan & McLaughlin PA.

“The Institute provides people like me a unique opportunity to meet directly with community leaders and to learn more about what makes Tampa a great city,” Whittemore added.

The members of the current Institute class are: Kathryn Boucher; Jonathan Gilbert; Kimberly Jones; Michael Kamprath; Michael Kangas; Matthew West Kindel; LaKisha Kinsey-Sallis; Amy Rani Nath; Sherri Ohr; Jeffrey Patenaude; Jared Reeves; and Jason Whittemore.

Current HCBA board member S. Gordon Hill of Hill, Ward & Henderson, PA. is a past graduate of the Leadership Institute. “Participating in the Leadership Institute program helped me learn more about the inner workings of the HCBA and about the Tampa Bay community as a whole,” Hill said. “The personal and professional relationships I developed with my colleagues in the program also have been beneficial to me in many different ways throughout my career.”

If you would like more information about the Leadership Institute, please contact Robin Horton at (863) 802-6426.

See you around the Chet.
A rising crime detrimentally affecting all Florida drivers is automobile insurance fraud. The Insurance Information Institute notes that the costs associated with automobile insurance fraud in Florida are climbing by 70 percent each year.¹ The Institute estimates that automobile insurance fraud will cost Florida drivers close to one billion dollars in 2011.² Inevitably, insurance companies pass these rising costs on to Florida insurance customers. The Institute blames “staged accidents,” excessive and unnecessary medical

Continued on page 11
treatment, and inflated or questionable claims as the primary factors contributing to these increased costs.\(^3\)

Florida’s Motor Vehicle No-Fault Law requires all vehicle owners in Florida to maintain security on each vehicle to cover losses associated with automobile accidents regardless of who is at fault.\(^4\) Typically, the security is in the form of an automobile insurance policy. Under each automobile insurance policy, the insurer must provide personal injury protection to cover up to $10,000 in medical losses for each person involved in an automobile accident.\(^5\) The purpose behind the Motor Vehicle No-Fault Law is to help Floridians by reducing the need for individuals to sue others to recover the costs associated with automobile accidents.\(^6\)

Unfortunately, many criminals throughout Florida have been exploiting the requirement that insurance companies cover medical losses up to $10,000 for each person involved in an automobile accident. To those with criminal intent, the $10,000 coverage has become a “dollar target” for each person purportedly in an accident.\(^7\) The $10,000 “dollar target” can easily multiply for each person purportedly in an accident, thereby providing a large monetary incentive to those willing to commit fraud. For example, a staged accident involving seven individuals easily results in a $70,000 “dollar target” and an eventual loss of $70,000 to an insurance company willing to do business here in Florida.

My office has discovered that those willing to commit automobile insurance fraud are part of a larger criminal enterprise with many members. Each member of the enterprise has a specific purpose. Some members are staged accident coordinators who are responsible for recruiting individuals who are willing to participate in a staged accident in order to provide a massage therapy clinic with “patients.” Other members are employees of the massage therapy clinic who, along with the staged accident participants, routinely falsify documentation to bill automobile insurance companies for massage therapy never provided. The fraudulent billing continues until the clinic reaches the $10,000 personal injury protection limit for each “patient.” All members of the enterprise receive a portion of the $10,000 received from the insurance company from the fraudulent billing. Some of the staged accident participants may seek to recover additional money by making a fraudulent bodily injury claim or tort claim against the purported at-fault driver’s insurance carrier, thereby causing additional losses to an insurance company.

My office is devoted to combating this fraud. With the assistance of Florida’s Chief Financial Officer Jeff Atwater, we have obtained a grant focusing on this abuse. We have increased our full-time automobile insurance prosecutors from one to three in the past year and have also added a full-time investigator to assist our dedicated prosecutors. These prosecutors only handle automobile insurance fraud and work closely with various law enforcement agencies to battle this ongoing problem. With the resources allocated to fight this fraud, I am hopeful that our efforts are successful and will keep automobile insurance affordable for the citizens of Hillsborough County.

\(^2\) See id.
\(^3\) See id.
\(^4\) See § 627.733(1)(a) and § 316.646, Fla. Stat. (2011).
\(^7\) See id.
HCBA President Pedro F. Bajo, Jr. and members of the HCBA Board of Directors hosted the past presidents of the association for a luncheon on December 12, 2011 at the Chester H. Ferguson Law Center. The former presidents shared many humorous stories from their tenures in office.


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Proud to support the Hillsborough County Bar Association.
The new Plant City Courthouse opened for business on November 14, 2011. On December 9, 2011, ribbon-cutting ceremonies were conducted in Courtroom Three. This happy event was presided over by County Commissioner Al Higginbotham (a native of Plant City) and was attended by HCBA Executive Director John Kynes, the Clerk of the Circuit Court Pat Frank, Court Administrator Mike Bridenback, State Representative Rich Glorioso, Plant City Mayor Daniel D. Raulerson, various Circuit and County judges, and a number of other elected officials and interested citizens.

The new two-story courthouse is approximately 60,000 square feet. It replaces the 53-year old and 30,000 square foot court facility located across the street on North Michigan Ave. It has four courtrooms and also includes offices for the resident judges, the Clerk of the Circuit Court, the State Attorney, the Public Defender and the Sheriff. In addition, there are offices to accommodate mediation services and quasi-judicial officers. The new facility is equipped to handle both civil and criminal cases and has secure areas (holding cells) that meet current security standards.

With economy in mind, the new building was constructed with operational cost-saving features such as low maintenance and long-lived finishes and fixtures. With the environment in mind, it includes water-efficient plumbing, energy-efficient lighting with room occupancy sensors and drought-tolerant outdoor landscaping. In fact, the

Construction of this courthouse was made possible through the cooperation of local, county and state governments.

design meets the LEED (Leadership in Energy and Environmental Design) standards of the United States Green Building Council. It is expected to receive LEED certification.

Construction of this courthouse was made possible through the cooperation of local, county and state governments. It represents the culmination of many years of planning, lobbying and hard work undertaken by citizens, lawyers and a number of our elected officials (both current and former). Securing the funding for building the courthouse was no small task. It took several years to

Continued on page 15
secure the monies needed for the project. Ultimately the Hillsborough County Commission provided $16.4 million, and an additional $5 million was provided by the state of Florida.

There are three judges currently housed in the Plant City courthouse. County Judge Art McNeil currently presides over county criminal cases. County Judge Christine Vogel presides over county civil matters and civil traffic infractions. She also presides over domestic violence injunctions while serving as an acting circuit judge. Circuit Judge Tom Barber presides over family law, circuit civil and probate matters assigned to the East Circuit Division. A fourth courtroom and offices are available for use by senior judges or potential future expansion.

The next time you find yourself in Plant City, please make it a point to visit your new courthouse.

Author: Manuel Menendez, Jr., Chief Judge, 13th Judicial Circuit
ADKINS: USING BYPASS JURISDICTION TO KEEP CHAOS AT BAY
Appellate Practice Section
Chairs: Marie A. Borland, Hill Ward Henderson, and Kristin A. Norse, Kynes, Markman & Felman, P.A.

Ardent advocates can render settled law not so settled. This may be best illustrated by the vicissitudes behind State v. Adkins (2D11-4559).

In September 2011, the Second District Court of Appeal had for review a Manatee circuit judge’s order finding Florida’s drug trafficking statute (section 893.13) unconstitutional and dismissing cases against 42 defendants. The district court, without deciding the appeal, certified the order to the Florida Supreme Court for pass-through jurisdiction. Various district courts, though, previously had rejected the same argument adopted in the order—the Legislature’s ostensible elimination of a mens rea element rendered section 893.13 an unconstitutional deprivation of due process. The Supreme Court promptly accepted jurisdiction (SC11-1878), and oral arguments were heard in December 2011.

The impetus for these new challenges was a July 2011 decision by U.S. District Judge Mary Scriven. She held section 893.13 unconstitutional because a person could be convicted under it for trafficking drugs without the state of Florida proving knowledge of the possessed substance’s illicit nature.

The opinion created what one judge called a “category-five hurricane in the Florida criminal practice community.” Pretrial motions were filed in many pending drug cases. The just-quoted circuit judge in Miami dismissed trafficking cases against 39 defendants, and briefing continues in the appeal of his order. Another Miami circuit judge rejected the constitutional argument, as did a Hillsborough judge.

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Meanwhile, the Second District began receiving supplemental and amended briefing requests, and the constitutional argument began to appear in newer appeals.

Florida Constitution article V, section 3(b)(5), grants the Supreme Court discretionary jurisdiction to directly review any trial court order on appeal certified by the district court “to be of great public importance, or to have a great effect on the proper administration of justice throughout the state, and certified to require immediate resolution by the supreme court.” Pass-through jurisdiction does not require a district court decision. The district court’s fundamental role is to assess whether an issue before it so affects the administration of justice that the Supreme Court’s immediate intervention is required. The Second District performed that role in Adkins.

A conflict already had developed between circuits and among felony divisions within the same circuit (over what seemingly had been settled law). If the district court affirmed the Manatee order, its decision would have statewide effect. The Second District expressed serious concern that drug cases at all levels would “be subject to great uncertainty throughout Florida.” The court sought “to avoid a multitude of serious problems in the county, circuit, and district courts” by quickly passing the matter to the supreme court for resolution.

The judges of the Second District were keenly aware of the buzz created in the criminal defense bar. The Supreme Court no doubt relies on this type of awareness in the district courts. The pass-through process allows the district courts to help stanch the uncertainty created by these legal groundswells—even over previously decided issues—if left to percolate too long without uniform resolution. Adkins accomplished the result anticipated under section 3(b)(5).

Author: Adam S. Tanenbaum, Adam S. Tanenbaum, Appeals and Trial Support

Guardian

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HCBA members for a truly amazing and memorable event. Throughout the year, the HCBA also is dedicated to donating wonderful experiences to the Children’s Cancer Center through the HCBA’s Ticket Bank. The Ticket Bank is designed to accept tickets to local sporting events, concerts, plays, and other events that would otherwise not get used (or that are just donated for goodness sake). The tickets are then donated to the Children’s Cancer Center where they are distributed to the children and their families. The Children’s Cancer Center is a non-profit organization.

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HCBA MEMBERS ACTIVE IN THE COMMUNITY DURING THE HOLIDAYS
Community Services Committee

Just because the holiday season is behind us does not mean the time for charitable giving is over. During December, the HCBA was involved in a number of charitable events throughout the Tampa area. For example, the HCBA partnered with the Alpha House of Tampa Bay to help give the Alpha House mothers and their children the best holiday party possible. Thanks to your generous donations of both time and money, the HCBA was able to fill wish lists for the mothers and provided substantial cash donations for gift cards. The Alpha House mothers were provided with gift cards to purchase gifts for their children so they could experience holiday shopping on a budget. On December 19, 2011, Alpha House, with HCBA volunteers’ assistance, threw the Alpha House families a wonderful holiday party.

Another great HCBA event during the holidays was the diversity committee’s Sensory Friendly Santa event. Autistic children throughout the Tampa area joined HCBA volunteers at the HCBA building for an autism-friendly day with Santa! The Santas were played by Judge Nazaretian and Judge Barbas. The event was a hit, with roughly 75 autistic children in attendance. Gifts for the children were collected from local businesses and HCBA members.

The HCBA was involved in several charity events during the holiday season, and there are several more opportunities to stay on Santa’s “Nice List” coming up.

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Conti...dedicated to providing children who have cancer or chronic blood disorders and their families with the educational, emotional and financial assistance necessary to cope with their life-threatening illnesses. The Ticket Bank is one small way the HCBA can assist the Children’s Cancer Center with its mission.

The Young Lawyers Division also had a very philanthropic holiday season by holding a toy drive to benefit Metropolitan Ministries. YLD members gathered toys at a number of YLD events and they were able to gather a room full of toys. Another event that HCBA members assisted with was the Hillsborough County Foster Angels Program. This program was designed to ensure that every child in foster care was able to experience the joy of the holiday season. There are 2,500 foster kids in our community, so the HCBA's efforts were greatly appreciated.

As you can see, the HCBA was involved in several charity events during the holiday season, and there are several more opportunities to stay on Santa’s “Nice List” coming up. Please monitor the HCBA e-mail bulletins for more opportunities, and feel free to contact Community Services Committee co-chairs Sarah Hammet and Zach Glaser at HCBACommunityServices Committee@gmail.com with any ideas, suggestions, or to lend a helping hand.

Authors: Zachary J. Glaser, Sponsler, Bennett, Jacobs & Adams, PA., and Sarah M. Hammett, Saxon, Gilmore, Carraway & Gibbons, PA.
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NEW MEDIATION RULE: MORE ACCOUNTABILITY OR COMPLICATIONS?
Construction Law Section
Chairs: Timothy C. Ford, Hill Ward Henderson, and Jason J. Quintero, Carlton Fields, P.A.

While it remains to be seen what the actual effects the amended Mediation Rule will have, at least two practical implications exist regarding insurers having representatives at mediation with “full authority to settle” and the possible disincentive for parties to engage in “out of the box” mediation negotiations. Insurers likely need to undertake pre-mediation planning to confirm its representative named in the certification and attending mediation has “full authority to settle” up to the policy limits or up to the amount of the last demand, whichever is less. Assuming the opposing party, prior to mediation, makes a demand for policy limits (even though the insurer believes the case is worth less), is the insurer required to send a representative to mediation with authority to settle up to the policy limits? According to the amended Mediation Rule, it appears so.

The second practical implication from the amended Mediation Rule is that it does not adequately clarify the meaning of “full authority to settle.” Although the definition set forth above was added, there may be uncertainty as to the extent of authority required.

For example, publicly-traded Company X and private Company Y agree to mediate their claims. At mediation, the parties engage in negotiations concerning a possible resolution of the litigation that involves creative remedies not sought in the litigation and not provided for in the underlying contract documents. Because it is publicly traded, Company X must take the possible settlement to its board for approval, which is ultimately denied. Can Company Y make a claim that the Company X representative did not have “full authority to settle” and seek sanctions against Company X? It remains to be seen.

The Supreme Court’s amendment sends a serious message about its goal of meaningful mediation… Initially it appears that, if nothing else, it will make scheduling mediation much more complicated.”

Author: Erin E. Banks, Carlton Fields, P.A.
This year, the Hillsborough County Bar Association Young Lawyers Division has partnered with the Hillsborough County Bar Association Diversity Committee to spearhead a project that should be of great excitement to all members of our Bar—“Before the Law was Equal: A Documentary of Desegregation in the Hillsborough Legal Community.”

The project is to capture the oral history from those who experienced these inequalities during this time and witnessed the struggles and changes in our society. It is important to memorialize these stories so future generations always remember from where we came.

Continued on page 23
Though many of us take for granted the Tampa and Florida we presently know, there was a different reality decades ago. Between 1900 and 1930, the state of Florida was the state with the highest per capita rate of lynching. State and local politics were defined by the presumption of racial segregation and racism. Schools were separate and not equal, courthouses were segregated, and African-American, women and Latino representation in the local Bar was almost non-existent.

By preserving the memories and narratives of those attorneys who lived during this time, we can pay tribute to the sacrifice and courage of those who sought to change the social realities as they existed decades ago. Our goal is to interview prominent attorneys and judges who practiced in the Tampa Bay area in this era and then compile these interviews into a documentary to be shown to the legal community and the general public.

We are also going to create a website where anyone can access the full-length stories and other historical documents from this period. We want the project to not only be informative, but also relevant to current times as there are other forms of discrimination that occur to this day. Though certainly no one can deny that circumstances have greatly improved on many fronts, too many injustices exist today on issues of not only race and gender, but religious affiliation, disability and sexual orientation. The voices of those great members of the Bar, such as Judge E.J. Salcines, Delano Stewart, Senator Arthenia Joyner and so many others, continue to call upon us to address these injustices, and we hope that the documentary compels others to carry on the battle to eliminate all types of inequalities.

If you are interested in contributing to the project or would like any additional information, please contact Rachael Greenstein at rachael.greenstein@akerman.com or Victoria McCloskey at vmccloskey@ogdensullivan.com.

Authors: Victoria McCloskey, Ogden & Sullivan, PA. (shown on page 22) and Rachael Greenstein, Akerman Senterfitt
finds that the parties deliberately attempted to shift the burden of payment onto Medicare and ignore the legal requirements outlined by MSP; they have the right to recover double damages. For case examples where Medicare has sought recovery under MSP, see U.S. v. Harris, United States of America v. James J. Stricker, et al and U.S. v. Stricker.

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HAWL’s Leadership Through Mentoring

The Hillsborough Association for Women Lawyers (HAWL) is making a substantial impact in the Hillsborough legal community through its mentoring program. HAWL initiated the program for Stetson University College of Law students in 2005. Under the enthusiastic direction of Rachael Greenstein of Akerman Senterfitt and Victoria McCloskey of Ogden, Sullivan & O’Connor, P.A., the mentoring program has grown to include 57 mentors and 84 mentees.

The success of HAWL’s mentoring program has resulted in statewide and national recognition. It was awarded the Florida Bar Young Lawyers Division Most Outstanding Member Service Project Award in January 2010 and the National Conference of Women’s Bar Associations Most Outstanding Member Program Award in August 2010.

HAWL’s mentors promote professionalism to the mentees by offering answers to substantive, procedural, business, and ethical questions and by providing objective feedback on the mentees’ skills for success. The mentees who participate in the program demonstrate an enterprising attitude and want to seize the benefit of direct access to experienced legal practitioners. These students typically have already developed impressive resumes establishing their ambition and commitment to community involvement.

An ardent supporter of the program, Circuit Judge Claudia Rickert Isom explains that “mentoring is a great way to ‘pay it forward’ while maintaining a connection with the next generation of attorneys.”

Continued on page 27
Continued from page 26

and providing an invaluable support system to assist in successfully and ethically establishing a legal career.”

The mentoring program held a kick-off event in September, which was designed to introduce the students to the legal community and find compatible pairings between the mentors and mentees. Ten groups rotated ten times for approximately eight minutes per rotation. 60 mentees and 33 mentors attended, including private practitioners, government lawyers, corporate counsel, and members of the judiciary as mentors.

Bryony Swift, a second year law student at Stetson, raved, “The HAWL mentoring kick off event was a rewarding opportunity to network with respected professionals of the Hillsborough legal community. It was such a positive experience!”

A courthouse Shadow Day held on October 25, 2011 provided the mentors and mentees with a half day of activities, which included breakfast, a presentation of criminal, civil, family, and dependency law, visits to first appearances, criminal and family courtrooms, tours of the Children’s Justice Center and electronic court reporting, and a lunch with a judicial panel to discuss ethical considerations for judges and legal practitioners.

Lane Cryar, a first year law student at Stetson, finds these mentoring events to be helpful in her legal education and notes that the students “are offered valuable information from a professional’s perspective addressing the requirements of different specialties as it relates to our own interests in the law.”

Additional annual mentoring events included a December HAWLiday party, a January judicial reception, and a February pro bono project. A March mixer and softball tournament, and an April dinner banquet and diversity picnic will complete the year.

Author: Caroline Johnson Levine, Office of the Attorney General
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The 2012 5K Race to the Courthouse

The 2012 5K Race to the Courthouse to support pro bono legal services is ready to rock and roll! Now in its fourth year, the race has earned some bragging rights. Based on our records, we had 222 registered runners earlier this year. Although some of the runners were “comped” (primarily judges), this should have generated around $7,000.00 in registration fees. We had expected some drop off in registrations from the 2010 race because we did not allow volunteers to run for free (as part of trying to be more fiscally responsible) and because we raised the registration fee to $35 to help cover the increased cost of offering a “technical” (dry wicking) t-shirt to the runners. Instead, we added runners and generated over 850 hours of pledged pro bono hours. While it would be tempting to “bill” this amount at a higher rate, the U.S. Bureau of Labor Statistics sets a figure between $46.35 (median) to $56.75 (mean) hourly rate as reported by attorneys in Florida in their May 2010, report. Taking the average, the hours pledged this year is worth at least $42,000.00 to our community, not to mention what it generates for the runner’s own personal benefit, physical and mental. Whether you run, walk or volunteer on the 5K Committee, you’ll find this is a great way to have fun and support pro bono volunteerism! Please mark your calendars for March 24, 2012, and plan to join us then!

Author: The Honorable Claudia Rickert Isom, 13th Judicial Circuit Court Judge

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5K Race to the Courthouse
Registration Form
March 24, 2012

Check in: 2:30 p.m. Race start: 4:00 p.m. Awards: 6:00 p.m.
On the Grounds of Stetson University College of Law Tampa
(The race includes paved roads and some uneven terrain.)

The 2012 HCBA Judicial Pig Roast & 5K Race to the Courthouse is a family friendly event and supports pro bono legal services in Hillsborough County. Registration is open to all individuals who work within the legal system and their families. Minors must be accompanied by an adult at the Pig Roast and 5K. Participants are asked to obtain pro bono pledges from lawyers, pledge pro bono hours themselves (if they are a lawyer), or make a separate voluntary contribution to a pro bono project. Please visit www.hillsbar.com for pro bono opportunities.

First Name: ____________________ Last Name: ____________________

Address: _______________________________________________________

City: ___________________________ State: ______ Zip: ____________

Email: _________________________________________________________

Home Phone: ____________________ Work Phone: __________________

☐ Adult Male $35  ☐ Adult Female $35  ☐ Youth $15  Age on Race Day _________

☐ Team Member*  Name of Team: ____________________________
*(Teams must have 3 or more runners and each runner must register separately.)

Adult Dry Wicking T-shirt: ☐ Size: ☐ Small ☐ Medium ☐ Large ☐ X-Large

*(Men’s sizes and only if pay adult registration fee on or before March 2, 2012)

Youth Cotton T-shirt: ☐ Size: ☐ Y-Small (6-8) ☐ Y-Medium (10-12) ☐ Y-Large (14-16) ☐ Y-X Large (18-20)

Youth (under 18) and Late Registrations will receive cotton T-shirts.

Pro Bono Hours Pledged (see other side) __________________________

PAYMENT INFORMATION: Check/Credit Card Charge $_________ Card Type: MasterCard or Visa only (circle)

Card # __________ Exp. Date: ________ Security Code: __________

I am at least 18 years old, understand the HCBA may not provide refunds, and authorize the credit card charge above.

Print Name on Card: __________________________ Signature of Cardholder: __________________________

ASSUMPTION OF RISK AND WAIVER STATEMENT: In consideration for the acceptance of my or my minor child’s registration as a participant in the above described event, and with the understanding that participation in this event is only on condition that I enter into this agreement, for myself, my heirs and assigns, I hereby assume the inherent and extraordinary risks involved in the Judicial Pig Roast Race to the Courthouse and any risks inherent in any other activities connected with this event in which I or my minor child may voluntarily participate. I expressly assume the risks and accept full responsibility for any and all injuries, including death and accidents which may occur as a result of my or my minor child’s participation in this event, and release from liability the Hillsborough County Bar Association (“HCBA”) and their officers, directors and agents, representatives, employees and members, regardless of whether or not caused in whole or in part by the negligence or other fault of the HCBA. I hereby waive any claim I may have hereafter as a result of my or my minor child’s participation in the Judicial Pig Roast Race to the Courthouse and in any other activities connected with this event in which I or my minor child may voluntarily participate and agree to indemnify and/or hold the HCBA harmless from all losses, liabilities, damages, costs or expenses incurred by the HCBA as a result of any claims or suits that I or anyone claiming by, under or through me may bring against the HCBA to recover any losses, liabilities, costs, damages, or expenses which arise during or resulting from my participation in the Judicial Pig Roast Race to the Courthouse, I have read and understand the foregoing, and attest that I am an adult or am the legal parent or guardian of a youth race participant.

Name of Participant: __________________________

Signature of Adult Runner or Minor’s Parent/Legal Guardian: __________________________

Emergency Contact Name: __________________________ Emergency Contact Phone: __________________________

For additional information, please call 813-221-7777.
# 5K Race to the Courthouse

## Registration Form

**Pro Bono Hours Pledged**

<table>
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<tr>
<th>Name of Person Pledging Pro Bono Hours</th>
<th>Telephone</th>
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If you pledged pro bono hours in 2011, please share with us the following:

Pro Bono Hours Pledged in 2011_________ Pledged Pro Bono Hours Completed since April 2011_________

Location(s) of Pro Bono work _____________________________________________________________

Please complete race registration information on reverse side.

**PRE-REGISTRATION ENDS TUESDAY, MARCH 20, 2012**

Registration also will be available at the Race Packet Pick Up on March 23, 2012 from 12:00 p.m. - 6:00 p.m. at the HCBA, 1610 N. Tampa Street, Tampa, FL 33602 and on the day of the event from 2:30 p.m. - 3:30 p.m. at the race registration table near the starting line.

Please mail completed registration form and race fee, payable to:

Hillsborough County Bar Association (HCBA)

c/o Michele Revels ◆ 1610 N. Tampa Street ◆ Tampa, FL 33602

If paying by credit card, completed form may be faxed to 813-221-7778. Registrations will not be accepted by phone.
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Please return form to dawn@hillsbar.com. For sponsor questions call Dawn at 813-221-7779.

Thank you!
It is now, more than ever, imperative that parties work together in resolving e-discovery issues or risk being liable for costs related to electronic document production in intellectual property and other federal court cases. In *In re Ricoh Company, Ltd. Patent Litigation*, 2011 WL 5928689 (Fed. Cir. Nov. 23, 2011), the Federal Circuit emphasized the importance of working through e-discovery issues on a cooperative basis, especially in light of courts allowing the taxation of e-discovery costs on a more widespread basis. While 23 U.S.C. § 1920(4) allows costs for “fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case,” courts have hesitated to award many e-discovery related costs as simply being incurred for the convenience of counsel (i.e., scanning paper documents for production) and thus such fees were not “necessary” under the statute.

With the rise of voluminous email-related document productions, however, “exemplification” has taken on a different meaning. As noted in *Ricoh*, emails by their nature are not maintained in hard copy form, thus requiring different mechanisms to retrieve, review and “exemplify” for production to the opposing side. *Id.* at *2. At issue in *Ricoh* was nearly $250,000 in fees incurred in the retention of a vendor to collect, maintain and permit review of Ricoh’s email files which the plaintiff sought to recover as a taxable cost. *Id.* The Court found that the basic costs incurred in setting up and running the database were taxable costs under §1920(4), especially in light of the fact that it was Ricoh’s objection to the production of its own email files in native format (as required under Fed.R.Civ.P. 34(b)(2)(E)) which necessitated the expense. *Id.* at *3. While the Federal Circuit signed off on the concept that such e-discovery charges are permissible under the statute, ultimately Ricoh was not liable for the plaintiff’s share of the expense because the parties had agreed to share the cost of the vendor, which trumped the plaintiff’s claim for taxable costs. *Id.* at *5.

*Ricoh* originated in California, but the overall trend it captures has been spreading. Although there have been no reported cases by Florida district courts, several decisions within the Eleventh Circuit have allowed e-discovery related costs under §1920(4). See, e.g., *In re Scientific Atlanta Securities Litigation*, 2011 WL 2671296 (N.D. Ga. July 6, 2011) (noting that the services required for the production of electronic information differ from hard copy documents); *CBT Flint Partners, LLC v. Return Path, Inc.*, 676 F. Supp. 2d 1376, (N.D. Ga. 2009), rev’d on other grounds, 654 F3d 1353 (Fed. Cir. 2011) (awarding costs related to “technical” services in connection with a 1.4 million document production).

Knowing the potential for having e-discovery costs taxed following a judgment should prompt attorneys to consider entering into cost-sharing arrangements with other parties as a hedge against what could be a costly downside. In cases without such an agreement, prevailing parties should seek to tax these costs.

Author:
Eric Pellenbarg,
Phelps Dunbar LLP
3,000 hours
$150,000 costs
5-year recovery horizon

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The rapid expansion of social media and its corresponding intersections with the workplace have spurred nuances in labor and employment law. The National Labor Relations Board (The Board) has recently issued a guiding memorandum on the application of the National Labor Relations Act (NLRA) to such issues.

Defining ‘Concerted Activity’

The Board explained the outcomes of cases stemming from social media activity and policies. In a majority of those cases, the Board found NLRA violations. Among other things, Section 7 of the NLRA grants employees the right to engage in concerted activity for mutual aid or protection. An employee’s action is protected under Section 7 only if it is undertaken in connection with other employees or in an effort to rally others, rather than for an individual concern. Thus, the Board undertook the difficult task of determining when social media postings constitute concerted activity, as opposed to individual conduct.

Logically, the Board found that communications which would be protected in a traditional workplace setting are also protected when posted on-line. Thus, employees who instigated discussions of workplace terms or conditions or work-related frustrations that would impact a group of employees, rather than the individual only, on social media websites such as Facebook, had engaged in Section 7 concerted activity. For example, in one case, the Board said that the Facebook discussion was protected, because the posts directly implicated terms and conditions of employment and were initiated in preparation...
Continued from page 40

for a meeting with management. In a different case, an employee complained of various workplace conditions and terms. Although no other employee engaged in the post, the employee was still protected, because he was expressing the sentiment of co-workers. The Board held that unless remarks are disloyal, reckless, or maliciously untrue, they remain protected under Section 7 as lawful concerted activity. Of course, an individual employee ‘venting’ online about individual concerns will not qualify as protected concerted activity, no matter how many virtual friends click the ‘Like’ button.

Drafting Social Media Policies

Many employers have devised social networking policies. However, unless the policy contains specific guidelines and examples of what will or will not be tolerated and expressly states that it is not meant to curtail NLRA rights, the policy may be overbroad and violate the law. Employers must carefully tailor policies in light of these principles.

For instance, in one case, an employer’s policy against employees’ posting pictures depicting the company’s name, logo, or uniform violated the NLRA, because it would preclude, for example, a picture of an employee picketing. In another case, a policy was unlawful when it prohibited employees from using any social media that may violate, compromise, or disregard the privacy or confidentiality of any person. Without limiting guidelines, the policy could be reasonably regarded as prohibiting concerted activity. Similarly, policies that prohibit social media posts that might defame or damage the reputation of the employer were overbroad, as they would include Section 7 activity to complain about employment terms and conditions.

Authors: Scott T. Silverman, Akerman Senterfitt (shown on page 40) and Bridget McNamee, Duke University School of Law, Class of 2011
Section 61.08 of the Florida Statutes provides the statutory authority for a court to award alimony to a spouse in a dissolution of marriage proceeding. Prior to 2010, many of the principles for alimony in Florida could only be found in the appellate case law. In 2010, Section 61.08 was amended for the first time since 1991, with many significant changes made to the statute. Further substantive revisions followed in 2011. The revisions to Section 61.08 require family law practitioners to carefully re-evaluate the advice they give their clients and way they prepare their alimony cases.

A few of the key amendments made in 2010 to Section 61.08 were as follows:
1) Bridge-the-gap has been codified as a form of alimony, with a specific limit of two years placed on such an award;
2) Durational alimony has been created as an available form of alimony that can be awarded when permanent alimony is not appropriate, and specifically that it can be no longer in length than the length of the marriage at issue and may be modified upon a showing of “exceptional circumstances”; 
3) For each form of alimony (bridge-the-gap, rehabilitative, durational, and permanent), specific

The revisions to Section 61.08 require family law practitioners to carefully re-evaluate the advice they give their clients and way they prepare their alimony cases.

Continued on page 43

Judge Gregory P. Holder presented “How to be an Effective Expert Witness” on December 13, 2011 at the Chester H. Ferguson Law Center. Judge Holder has served on the County and Circuit Bench since 1994 in the areas of criminal, civil, family and juvenile delinquency and dependency.
Continued from page 42

definitions have been included; 4) The “need” of the requesting spouse and the “ability to pay” of the non-requesting spouse as the primary factors that must be met to justify any award of alimony has now been codified as a specific factual determination that a court must make prior to awarding alimony; 5) The measures of time to be used by a court for defining the length of a marriage as either a short-term, long-term, or a moderate-term have been standardized.

In 2011, Section 61.08 was amended for the second consecutive year with additional substantive changes including the following: 1) That permanent alimony may be awarded “based upon clear and convincing evidence” after consideration of the Section 61.08(2) factors; 2) In awarding permanent alimony, the trial court now must make a specific finding that “no other form of alimony is fair and reasonable under the circumstances of the parties”; and 3) For all forms of alimony, the award of alimony may not leave the payor with “significantly less net income than the net income of recipient” without written findings of exceptional circumstances.

Prior to the 2010 and 2011 revisions to Section 61.08, the insistence on consistency and predictability in alimony cases had been escalating. Currently, the trier of fact still has broad discretion in deciding alimony claims. Lobbying groups are continuing in their efforts for the adoption of further amendments to the alimony statute. Current bills in the Senate and House would eliminate permanent alimony altogether, extend the designation of long-term marriage, cap awards of alimony, and terminate alimony completely upon a finding of supportive relationships or reaching retirement age. Alimony is likely to be an area of law subject to continued debate with future statute changes aimed at providing more predictability to the litigants and practitioners.

Author: Christine L. Derr, Law Office of Christine L. Derr, P.A.
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Disputes and disagreements, hereinafter “issues,” come in all sizes, shapes and dimensions. This article examines non-family law civil mediations. While no two mediations are identical, virtually all result from situations in which parties have different opinions about how to resolve an issue/issues between them. Often, the mediation conference is the first face-to-face meeting to discuss the dispute and settlement options.

**Explain the Mediation Process To Your Clients Before I Do**

A mediation conference begins with the mediator describing what mediation is and isn’t, explaining confidentiality, caucus, self-determination and the mediator’s role as a neutral. Although you have heard this introduction before, please don’t request that I dispense with it. It is required and important for your client to understand these concepts. Hopefully, your client is already familiar with the process because you have already explained it to him/her.

Make sure clients know opposing counsel will espouse a markedly different and usually opposing opinion about the dispute and consider summarizing opposing counsel’s anticipated opening for your client. It allows you to observe your client’s reaction and demeanor to conflict and discuss any “warts and hairs” of your claim or defense.

*Continued on page 47*
should know how your client wants to resolve the dispute, although you need not share this information with the mediator. Remind clients not to interrupt or show reaction to opposing counsel’s position. There may be down time when the mediator is caucusing. Both you and clients can use this time as you wish.

Remind your client mediation is a process, and initial offers are only beginnings. Don’t threaten to leave because an offer is significantly lower than your valuation. Instead, consider it an invitation to educate the opposing party of the value of your claim.

Please make sure your client understands the ultimate financial division of settlement proceeds if the dispute is resolved. While your client has already signed a fee agreement, many don’t really understand the concept of net and gross proceeds, division of fees, letters of protection, liens and repayment of costs. It is not appropriate for me to explain these things to your client the first time at mediation.

**Help Me Help You And Your Client**

Although you are familiar with the disputed issues, I am not. A short phone conversation or mediation summary helps me frame the dispute. Because these communications are confidential, feel free to speak openly. It will not affect my impartiality but may help me deal more effectively/efficiently with your client. Often, outside issues pose obstacles that impede negotiation and can be eliminated or minimized. Tell me if you have a conference call scheduled during the mediation, have a phone hearing, or if your client has a child-care obligation. With notice, none of these issues pose a problem. However, please don’t advise in hour three of mediation that you have a plane to catch in 30 minutes.

(Article to be continued in the March/April issue)

Author:
Betsy S. Singer,
Betsy S. Singer, PA
On November 16, 2011, Florida’s First District Court of Appeal issued an opinion in Layne v. Estate of Layne which discusses the doctrine of after-acquired title and its interaction with intestacy laws. So.3d ____, 2011 WL 5560563 (Fla. 1st DCA Nov. 16, 2011). Though not groundbreaking in its application or interpretation of the law, the case is helpful in explaining the after-acquired title doctrine.

In Layne, the appellant acquired a one-half interest in a townhouse as joint tenants with right of survivorship. His father and his stepmother, as husband and wife, owned the remaining one-half interest. Five years later, the appellant quitclaimed his interest to his father and stepmother, who were then divorced. Thus, the father and mother each owned 50% of the townhouse as tenants in common. Several years later, the father died intestate.

The stepmother, the appellee in this case, filed a petition for subsequent

The doctrine is intended to address fraud or inequity, neither of which was present in the Layne case.

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LAYNE V. LAYNE AND THE AFTER-ACQUIRED TITLE DOCTRINE
Real Property Probate & Trust Section

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summary administration, asking the court to distribute the father’s one-half interest in the townhouse to the stepmother and the appellant’s sister. The stepmother argued that because the appellant had quitclaimed his interest in the townhouse, the doctrine of after-acquired title prohibited him from receiving any interest in the property through the intestacy laws. Amazingly, the trial court agreed and ordered the father’s interest to be distributed equally to the stepmother and the appellant’s sister.

In reversing the trial court’s decision, the First DCA explained that the doctrine of after-acquired title applies when a person purports to convey an interest in property that he does not then possess and then, after actually obtaining that interest, seeks to avoid the consequences of the conveyance on the ground that he had no interest to convey in the first place. The doctrine is intended to address fraud or inequity, neither of which was present in the Layne case. Moreover, the appellant actually owned an interest in the townhouse when he conveyed it to his father and stepmother. Thus, the doctrine of after-acquired title had no application in this case.

In the trial court, the stepmother further argued that by quitclaiming his interest to the father and stepmother, the appellant conveyed all interest he had in the property, including the right to inherit an interest in the property later through intestacy laws. The First DCA disagreed with this argument, stating that, although it is possible to convey an expectancy, the quitclaim deed in this case did not expressly convey any future right to the property acquired by virtue of an expectancy, such as a will or via intestacy. Furthermore, by quitclaiming his interest in the property, the appellant conveyed only that interest which he had at the time he signed the deed. According to the court, an expectancy is not an interest in property.

The court concluded that the father’s interest in the townhouse should have been distributed one-half to the appellant and one-half to the appellant’s sister. It seems clear that the appellate court got it right, correcting an error not just in law, but also in equity.

Author: Katie Everlove-Stone, Galloway, Johnson, Tompkins, Burr & Smith

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The law firm of Shumaker, Loop & Kendrick, LLP is pleased to announce that partner Ronald A. Christaldi has been elected to the Board of Directors of the Tampa Club and has been elected to serve as chair of the Tampa City Council’s Citizens Advisory Committee on the Economic Impact of Cultural Assets.

Carlton Fields is pleased to announce that Andrew W. Lennox and Thomas “T.J.” Ferrante joined the firm as shareholder and associate, respectively. Mr. Lennox is a member of the firm’s Bankruptcy and Creditors’ Rights practice group, and Mr. Ferrante is a member of the firm’s Healthcare practice group.

Julie Sneed, a shareholder with the law firm of Fowler White Boggs, has been elected president of the Tampa Bay Chapter of the Federal Bar Association (FBA).

Members of the Florida Commission on Human Relations unanimously selected attorney Gilbert M. Singer, a shareholder with Marcadis & Singer P.A., to serve as the chairman for the next two years.

Broad and Cassel is pleased to announce that Of Counsel Mercedes Gonzalez Hale was appointed as a Co-Chair of the Bankruptcy Litigation Subcommittee of the ABA Litigation Section’s Commercial & Business Litigation Committee.

Shannon M. Sheppard has joined Bricklemyer Smolker & Bolves, P.A., a law firm concentrating in real estate and property rights representation, as an Of Counsel attorney.

Michael G. Cooke, the former Director of the Division of Air Resource Management for the Florida Department of Environmental Protection, and former General Counsel of the Florida Public Service Commission, has joined Greenberg Traurig as an Of Counsel in the firm’s Environmental practice group.

Rod B. Neuman, Esquire of Gibbons, Neuman, Bello, Segall, Allen & Halloran, P.A., has been certified by the Florida Supreme Court as a Circuit Court mediator and will focus his mediation practice on real property, commercial and contract related litigation.

The law firm of Shumaker, Loop & Kendrick, LLP, is pleased to announce that Kelly A. Zarzycki has been named partner. Ms. Zarzycki practices primarily in business law with a concentration in health law, corporate matters and litigation.

Shumaker, Loop & Kendrick, LLP, is pleased to announce C. Victoria Knight has joined the Tampa office as an associate in the healthcare department.

Holland & Knight is pleased to announce that Eric S. Almon, Christopher B. Burton, and David J. Lisko have joined the firm as associates.

Fowler White Boggs is pleased to announce that Michael V. Leeman has joined the firm as an associate in the Commercial Litigation Practice Group.

Fowler White Boggs is pleased to announce that Jake C. Blanchard has joined the Firm as an associate. Mr. Blanchard practices in the Bankruptcy and Financial Restructuring Practice Group.

answer for about the cover

To view the cover art and see firsthand all the services provided at the Family Justice Center of Hillsborough County (FJCHC), call Nikki Daniels, Executive Director, at 813-490-9401 and attend a Lunch and Learn with a complimentary lunch, information about the FJCHC and a tour. The FJCHC is located at 9309 N. Florida Avenue, Suite 109, Tampa, FL 33612, and their website is www.fjchc.org.
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FOR YOUR FIRM TO BE LISTED HERE, CONTACT DAWN McCONNELL, DAWN@HILLSBAR.COM
For The Month of: June 2011.  
Judge: Honorable Terry LaRue  
(Putnam County).  
Parties: James Robinson vs.  
CSX Transportation, Inc.  
Attorneys: For Plaintiff: James  
Holland; For Defendant:  
Daniel J. Fleming.  
Nature of Case: Plaintiff was  
crushed between Defendant’s  
train and a truck.  
Verdict: For the Defendant;  
Defendant’s Motion to Tax Costs  
is pending.

For The Month of: December 2011.  
Judge: Honorable Charles Roberts.  
Parties: Teresa Basnight, Michael  
Basnight, TiBar, LLC vs.  
Williams Parker, Harrison,  
Dietz & Getzen, P.A., Terri Costa  
& John Moore.  
Attorneys: For Plaintiff: Andrew  
Seiden and Wayne Alder; For  
Defendant: Lawrence Ingram,  
Jessica Kirkwood Alley, and  
Shannon Rodriguez of Phelps  
Dunbar, LLP  
Nature of Case: Legal Malpractice-  
pre-trial demands were in the  
range of $5-$15 million.  
Verdict: Defense verdict, jury  
found that none of the  
Defendants breached a standard  
of care of fiduciary duty owed to  
the Plaintiffs.

For The Month of: December 2011.  
Judge: Honorable William Levens.  
Parties: Jay Sook Spicer & U.J.  
Burke, Jr. vs. Ronald J. Markese.  
Attorneys: For Plaintiff: Timothy F  
Prugh; For Defendant: Bryon  
Kennedy, III,  
Nature of Case: 43 year-old Korean  
woman had un-operated  
cervical disc.  
Verdict: $153,200.00 (Motion for  
Fees & Costs is pending)  
Defendant admitted liability.

Send Us Your Jury Verdict  
(Please Use This Form When Submitting)

For the month of: ____________________________  
Judge: ____________________________  
Parties: ____________________________  
Attorney(s) for Plaintiff: ____________________________  
Attorney(s) for Defendant: ____________________________  
Nature of Case: ____________________________  
Verdict: ____________________________  

SEND COMPLETED FORM TO:  
HCBA, Chester H. Ferguson Law Center  
1610 N. Tampa Street, Tampa, FL 33602  
Fax: 813-221-7778 or Email: hcbarsvp@hillsbar.com
March 2012

HCBA Calendar of Events

Sun | Mon | Tue | Wed | Thu | Fri | Sat
--- | --- | --- | --- | --- | --- | ---

1 | 2 | 3 | 4 | 5 | 6 | 7
7:00 - 9:00 a.m. Ask-A-Lawyer Fox 13

8 | 9 | 10
12:00 - 1:00 p.m. Corp. Counsel Lunch & CLE
12:00 - 1:00 p.m. RPPTL Luncheon

11 | 12 | 13 | 14 | 15 | 16 | 17
12:00 - 1:30 p.m. Judicial Luncheon CLE
4:30 - 6:30 p.m. YLD Family Forms Clinic at Edgecomb Courthouse
12:00 - 1:00 p.m. 5K Race Committee
12:00 - 1:00 p.m. YLD Quarterly Luncheon
12:00 - 1:00 p.m. Construction Law Lunch & CLE
12:00 - 1:00 p.m. Environmental & Land Use Lunch & CLE

18 | 19 | 20 | 21 | 22 | 23 | 24
12:00 - 1:00 p.m. Tax Lunch & CLE
12:00 - 1:00 p.m. Intellectual Property Lunch
1:00 - 5:00 p.m. Intellectual Property CLE
12:00 - 1:00 p.m. Senior Council Luncheon
12:00 - 1:00 p.m. Solo / Small Firm Lunch & CLE
5:30 - 10:00 p.m. CLE & A Show: An Evening of Ethics & Entertainment
4:00 - 5:00 p.m. 5K Race
5:00 - 7:30 p.m. Judicial Pig Roast on the grounds of Stetson Tampa

25 | 26 | 27 | 28 | 29 | 30 | 31
8:00 a.m. - 5:00 p.m. Le Havre, France Seminar (Trip dates March 26-29)

RSVP for events online at www.hillsbar.com, by calling 813-221-7777 or emailing hcbarsvp@hillsbar.com. Walk-ins are charged an additional $5 fee, and seating is not guaranteed for walk-ins. Please note: Events may change from time of print. Call 813-221-7777 for updated event information. All events are held at the Chester H. Ferguson Law Center unless otherwise noted.
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