YES!

We are still accepting referrals in the area of medical malpractice after yet another session of legislatively created barriers to patients’ access to our courts.

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You may recognize this bronze statue of Roland Manteiga as the man forever reading his La Gaceta newspaper in Ybor City. Local artist Steven Dickie crafted the statue for the City of Tampa in 2003 as a monument to the man who served as a champion for human rights in the community. Manteiga was a legendary publisher of La Gaceta, the nation’s only trilingual newspaper catering to the Spanish-, Italian-, and English-speaking communities in the Bay Area. Manteiga became a voice for those who weren’t always heard, and he “served as a conduit between power brokers and the powerless,” the statue’s marker notes.
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A Sense of Community

The Lawyer magazine bridges the gap formed by the physical distance of our community and brings us a little closer together.

I was ecstatic when Susan Johnson-Velez asked me to serve as this year’s editor of the Lawyer magazine. It is not often that one gets to take part in an award-winning publication in such a meaningful position. It was even more special that this publication is one that my colleagues, mentors, and legal peers read regularly and hold in high regard.

I thought back to reading the Lawyer magazine as a “baby” attorney, looking for pictures of anyone I knew—or wanted to know—at the Bar events, and discussing the articles with colleagues. Sometimes, a mentor would flag an article for me to read.

This magazine has been and is an integral part of our legal community. I immediately accepted the position.

Of course, my wide-eyed enthusiasm did not come without some trepidation. I know that the position comes with great responsibility. It requires excruciating attention to detail and a keen sense of policy and tradition. Time pressures and deadlines are inherent to the role.

With a busy litigation practice, active participation in community associations, and three school-aged children, I had—actually, still have—a bit of anxiety about meeting the expectations.

However, my trepidation pales in comparison to the honor that I feel in contributing to an organization and publication that provide a foundation and sense of community for our legal profession.

The Lawyer magazine allows us to glimpse into the legal issues that are important to our colleagues practicing within our legal areas, other legal areas, and the judiciary. It keeps us current on upcoming Bar events and opportunities, and it shows us what we missed at those that we could not attend. It tells us who has a new position and who won a distinguished award so we may send notes of congratulations. It tells us about pro bono opportunities and highlights the work and missions of our colleagues dedicated to helping those who cannot help themselves.

At the risk of sounding foolishly sentimental, the Lawyer magazine bridges the gap formed by the physical distance of our community and brings us a little closer together.

With the divisive matters that at times overwhelm society, a sense of support, foundation, and community is important.

Politically, socially, and racially sensitive trials and elections garner national media attention. Sometimes we internalize negativity toward those whose outlooks, views, or leanings differ from ours. Current events sometimes become taboo in discussions among colleagues for fear of exposing differences with deep, emotional connotations.

But differences are important and necessary in a functioning community. Recognizing and accepting those differences allows us to understand and appreciate our similarities. Together our differences and similarities merge to form a sense of community—our legal community. In that vein, we hope that you enjoy our cover theme this year, highlighting photographs that showcase the diversity of our community.

Thank you for allowing me to embark on this new Bar year with you and trusting me with this special position. I hope to increase everyone’s sense of community.
Time Marches On, And So Do We

With every season’s passage and with every personal growth, our lives and the people in them change, but somehow also remain the same.

The year was 2004. I had agreed to serve as editor of the Lawyer and was facing the task of writing an article for each issue of the magazine. Fast-forward nine years, and as I prepare to share my thoughts and musings with you for this Bar year, I began reflecting on this universal truth: With every season’s passage and with every personal growth, our lives and the people in them change, but somehow also remain the same.

I can say this with such confidence merely by looking back at my first article in 2004. It featured an anecdote about two “queens of melodrama”: my then 10-year-old daughter, Cat, and our then 10-month-old Weimaraner puppy, Mia. Although it seems like only yesterday that I was describing (and frequently witnessing) the tendency of both toward melodrama, they, like just about everyone and everything around me, have changed.

That 10-year-old girl joins me in marveling at the fact that she is now almost 20 and a University of Florida...
Continued from page 6

sophomore. And that Weima-
raner puppy is now almost
10 years old, and her once-
seemingly boundless energy
is beginning to show signs that
it in fact does have limits.

But even as we watch the
world change around us, there
are so many issues that remain
and require our collective
attention. Issues such as
judicial independence and
diversity/inclusion are two
eamples. The fact that these
issues are still at the forefront is
proof that they will not be
resolved in a single Bar year.
However, we must continue to highlight them in the
hope that doing so will move us that much closer to the
finish line.

To that end, through various programs during the
coming year, we will promote “Benchmarks: Raising the
Bar on Civics Education.” This initiative of The Florida
Bar and its Constitutional Judiciary Committee is
designed to give attorneys activities that they can use to
teach the fundamentals of government and the courts to
adult civic and community groups. Benchmarks aims to
inform adults through engaging activities about judicial
review; the Bill of Rights and reviewing laws to see
whether they are constitutional; facts and knowledge
about U.S. government and the courts; and judicial
labeling. The program has several activities that
attorneys can use when they speak to community groups.

Each activity has an overview
to outline how the activity
should be presented and
supporting materials, such as
PowerPoints and handouts.
A detailed presentation on
the Benchmarks program is
being planned as part of the
Bench Bar Conference in
November. I hope you will
attend that session and then
accept the invitation to
participate in this important
public education effort.

I also hope to refocus the
Bar’s diversity efforts in the
upcoming year. Although I
have always found the
Hillsborough County Bar
Association to be a welcoming place, I know that for a
variety of reasons that experience is not shared by all. We
have long focused on the diversity issue, but it may be time
for a shift in focus to inclusion. As diversity consultant
Verna Myers noted in her recent book “Moving Diversity
Forward”: “Diversity is being invited to the party;
inclusion is being asked to dance.” I hope to create an
environment that encourages much more dancing.

I can already tell that it’s going to be a busy year, and
I am excited that it is, at long last, underway. Our
calendars will soon be filled with the lunches, CLEs, fun
runs, and other events and traditions that mark our typical
Bar year. As the world changes around us, those things will
stay the same. And I fully expect that the enduring
performances of Cat and Mia, my queens of melodrama,
will also remain happily and comfortably static.
Welcome to the HCBA YLD!

We look forward to your involvement in the YLD as we continue our tradition of making a difference in Hillsborough County!

Welcome to another exciting year for the Hillsborough County Bar Association Young Lawyers Division!

The YLD has a large array of activities for you to get involved in the legal community and beyond. We offer opportunities to mingle with other young lawyers, HCBA members, and members of the judiciary in fun and informal settings.

Continued on page 9
As the incoming president, I am excited to continue the YLD events that have defined our organization over the years, as well as enhance their reach. However, we need the help of all HCBA YLD members!

Some of our familiar projects include Steak and Sports Day, Holidays in January, the Robert J. Simms Mock Trial Competition, Law Week, and the Cornhole for a Cause tournament benefiting Big Brothers Big Sisters. The YLD also intends to deliver more ways for its members to give back through pro bono legal service, including through our partnership with Bay Area Legal Services in the Family Forms Clinic, Wills for Heroes, and Crossroads for Florida Kids. YLD events, such as Judicial Shadowing, Coffee at the Courthouse, the State Court Trial Seminar, and CLE luncheons, are also a great way to develop your legal skills and strengthen your legal expertise.

Be on the lookout for one of the first YLD events of the year — our annual Golf Tournament. The tournament attendance has increased to record numbers in the past two years, so watch for upcoming announcements about registration to take advantage of the early-bird discount. The tournament is open to lawyers and non-lawyers, so encourage your shareholders, colleagues, clients, and friends to join us on the greens!

Throughout the year, the YLD also hosts other networking events such as regular luncheons and quarterly happy hours. These events feature speakers on quality-of-life issues, opening your own legal practice, and pro bono service.

The YLD will also work this year to spread the word about its hugely successful and Florida Bar-award-winning project from last year, the documentary film chronicling the history of the desegregation of the Hillsborough County legal community, titled “Before the Law Was Equal.” We plan to promote the film locally through a website available to the public. The website will archive the footage and materials obtained during the production of the documentary, as well as market it to other YLD affiliates and lawyers throughout the state.

If you are interested in helping plan any of these projects or events, please join one of our committees. Our events can always use more volunteers and new faces as we continue to enhance our programming. We look forward to your involvement in the YLD as we continue our tradition of making a difference in Hillsborough County!

SAVE THE DATE: October 23, 2013

The HCBA Young Lawyers Division and the Diversity Committee present a repeat evening showing of:
“Before the Law Was Equal”

A documentary chronicling the desegregation of the Hillsborough County legal community
When Susan Johnson-Velez moved from Houston, Texas, to Tampa some 20 years ago to practice law, she didn’t have an affiliation with any Florida law school and few, if any, professional connections.

Not exactly the best way to begin a promising career in Tampa’s historically tight-knit legal community, especially for a woman.

But Johnson-Velez was undeterred. She joined the Hillsborough County Bar Association and eventually became a board member.

This past June, Johnson-Velez made history when she was sworn in as the HCBA’s first African-American female leader in the organization’s 117-year history.

An avid marathoner, she has used her personal discipline and legal acumen to become successful and to thrive, both as a lawyer focusing on land-use issues and as a dedicated single mother of two children, Julian and Catalina.

When she first arrived in Tampa in the early 1990s, Johnson-Velez quickly recognized the value of being actively involved with the HCBA.

At her installation ceremony in June, Johnson-Velez recalled when she first agreed 15 years ago to become co-chair of what is now the HCBA Diversity Committee. She spoke about how welcoming the HCBA is for new members.

“The friendships we form help to balance the everyday stresses and strains of our profession,” Johnson-Velez said.

She also talked about leading the HCBA this year.

“What pushes us and inspires us is the drive to make this Bar association the best,” Johnson-Velez said.

Concluding her remarks, Johnson-Velez shared a well-known quote about success that she says her late father shared with her and her siblings when they were young.

Continued on page 11
**EXECUTIVE DIRECTOR’S MESSAGE**

**John F. Kynes, Hillsborough County Bar Association**

“Good, better, best. Never let it rest. Until your good is better, and your better is best,” Johnson-Velez said, quoting her father.

She added: “That’s my challenge for myself and for the HCBA this coming year. To do our best, and to be our best.”

* * *

The fall season and a new Bar year also bring new opportunities for HCBA members.

Opportunities to forge new relationships with other HCBA members and members of the judiciary by attending one of the many free HCBA events held during the year.

Opportunities to take advantage of the numerous educational events and CLE luncheons available through the HCBA.

And opportunities to give back to the Bar and to the Tampa Bay community through the many programs and events planned by the HCBA’s 30-plus committees and sections.

Like most endeavors in life, you usually get out of something what you put into it.

So challenge yourself, and take full advantage of what the HCBA has to offer.

Stay connected to your colleagues and become informed about upcoming events through the HCBA’s various social-media platforms.

Consider joining the HCBA’s Lawyer Referral and Information Service, and help grow your practice through case referrals.

Also, make it a point to attend the HCBA’s 17th Annual Bench Bar Conference and Judicial Reception scheduled for November 6 at the Hilton Tampa Downtown. The CLE programming, membership luncheon, and judicial reception associated with this event will be one of the highlights of the fall season, I’m sure.

Above all, try to enjoy yourself and the relationships you develop through your involvement with the HCBA.

Hopefully, through the opportunities provided by the HCBA, and with some personal commitment, you will find greater fulfillment in your legal career and your personal life this Bar year.

Let us know what we can do to help.

See you around the Chet.
Confidential Witness Addresses

In a domestic violence case, the victim may apply to participate in the Address Confidentiality Program administered by the Office of the Attorney General.

The prosecution of a criminal case involves respecting the rights of a defendant while still protecting the victims of crimes. Sometimes, the challenge of finding this balance arises during an otherwise straightforward part of the criminal process, such as discovery.

Under Fla. R. Crim. P. 3.220(1)(a), if the defendant elects to participate in the discovery process, the state is required to provide the defendant with “a list of names and addresses of all persons known to the prosecutor to have information that may be relevant to any offense charged.” This list would normally include the victim of the crime, as well as the victim’s address, but in some cases the victim of the crime is in fear of the defendant.

In a domestic violence case, the victim may apply to participate in the Address Confidentiality Program administered by the Office of the Attorney General.1 If the victim is accepted into the program, the victim will designate the Attorney General as his or her agent for the purposes of service of process and receipt of mail. The victim’s address would be exempt from disclosure through public records requests and from disclosure through discovery.2

Even in a case that is not domestic violence-related, the court may enter an order preventing or restricting disclosure of a victim’s address if certain conditions are met.3 The pertinent criminal rule provides that this may occur if the court finds “there is a substantial risk to any person of physical harm, intimidation, bribery, economic reprisals, or unnecessary annoyance or embarrassment resulting from the disclosure, that outweighs any usefulness of the disclosure to either party.”4

This issue was addressed in Holmes v. State, 557 So. 2d 933 (Fla. 5th DCA 1990). In that case, the court recognized that withholding the address and employment information of the victim implicated important constitutional rights of the accused.5 The court went on to acknowledge that the Florida Supreme Court has recognized a narrow personal safety exception to the disclosure requirement.6 In order to withhold this information: “First, an actual, not implied, threat to the witness or his family must be shown. Second, the government must disclose to the judge in camera the information sought to be withheld from the accused. The judge must determine whether the facts must be disclosed in order not to deny effective cross-examination to the defendant. Finally, the accused must be given an opportunity to show any special need for the requested information.”7

As state attorney, I have a duty to protect those who have been the victim of a crime while ensuring that the criminal justice process is able to function in a just manner. My office will use the legal protections available to us to accomplish this goal.

3 Fla. R. Crim. P. 3.220(e)
4 Id.
5 Holmes v. State, 557 So. 2d 933, 935 (Fla. 5th DCA 1990)
6 See State v. Hassberger, 350 So. 2d 1 (Fla. 1977)
7 Holmes, 557 So. 2d at 936.
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You have recognized that it is essential for us to have sufficient funding now more than ever, as we transition to e-filing with the goal of creating an overall paperless court system.

Partnerships do work. When we pool our resources, the end result is invariably better. This applies to so many situations, personal as well as professional. Although the Clerk of the Circuit Court is an independently elected constitutional officer, our office does not exist on an island — although I sometimes wish, in stressful times, that I were on one!

On a more serious note, I am grateful for the partnerships we have formed, working together for the common good, with the Hillsborough County government, the City of Tampa, and other constitutional officers and members of the Florida Legislature, to name a few. I am also truly appreciative of our partnerships with both the Hillsborough County Bar Association and The Florida Bar.

Your leadership has stood strongly for us when we faced serious threats to funding from legislation pending before the Florida Legislature — opposing cuts that would have greatly hindered our ability to do our job and fulfill our constitutional duties. You have recognized that it is essential for us to have sufficient funding now more than ever, as we transition to e-filing with the goal of creating an overall paperless court system.

We are now in the process of implementing our new Odyssey case-maintenance system in the criminal court areas. Here, too, we are partnering — in this case, with the state attorney, the public defender, the sheriff’s office, the Thirteenth Judicial Circuit, the Florida Department of Corrections, and the Department of Juvenile Justice. By working together, we enhance the overall exchange of electronic information, doing it more rapidly and accurately.

Partnerships define us in other key areas of our operations. For example, Project 1 is a historic agreement for shared implementation of an Enterprise Resource Planning (ERP) system. Our office is partnering with Hillsborough County, the county’s Civil Service Board, and the City of Tampa in this groundbreaking project. ERP systems are integrated software solutions that can replace dozens of existing programs, typically focusing on financial and human resource software. Integrated systems share common data between modules.

Project 1 also includes the following agencies that use one or more of the county’s accounting, budget, procurement, human resources, and/or payroll systems: the Thirteenth Judicial Circuit; the County Attorney’s Office; the Environmental Protection Commission; the Board of County Commissioners; the Auditor’s Office; the Law Library; the City-County Planning Commission; the Public Transportation Commission; the Soil and Water Conservation Board; the Office of the Supervisor of Elections; and Victim Assistance.

The point is, we don’t operate in silos — especially now, as technology has flattened out our operations to make us more accessible to you, as well as to the public we serve.

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The Pro Bono Judicial Summit

Members of the judiciary hold a unique vantage of the need for legal services in their courts.

On May 17, 2013, more than 20 state and federal judges gathered at the Chester H. Ferguson Law Center for what is believed to be the first pro bono judicial summit in our circuit. Although many worthwhile opportunities abound to engage lawyers in the important work of providing legal service to the poor and indigent, this conference instead focused on the judiciary’s involvement in this important area. Judicial officials from the county and circuit courts and the Second District Court of Appeal joined federal magistrate, bankruptcy, and district judges to hear presentations from local pro bono service providers and to share ideas about how judges may effectively — and ethically — promote pro

Continued on page 17

Circuit Judge Matthew C. Lucas moderated the program.
bono service in their respective courts. The event was widely appreciated as an opportunity to discuss an ongoing dilemma in our judicial system — how a litigant’s constitutional right of access to court may be hindered by a lack of legal representation.

Members of the judiciary hold a unique vantage of the need for legal services in their courts. Indeed, under Canon 4(b) of the Code of Judicial Conduct, “[a] judge is encouraged to … participate in other quasi-judicial activities concerning the law, the legal system, [and] the administration of justice.” After hearing presentations from Circuit Judge Matt Lucas, who moderated the program, and U.S. Bankruptcy Judge Catherine Peek McEwen, the chair of the Thirteenth Judicial Circuit’s Pro Bono Committee, about strategies and limitations of which judicial officers should be aware when trying to foster pro bono service, four legal aid organizations offered presentations about the scope of their services.

First, Nancy Lugo, pro bono manager for the Bay Area Volunteer Lawyers Program of Bay Area Legal Services (BALS), talked about the various kinds of legal representation BALS organizes throughout the Tampa Bay area, particularly in the area of family law. Next, Rosemary Armstrong, who helped sponsor the summit, introduced the judges to a new organization, Crossroads for Florida Kids, which was “created to promote and facilitate pro bono legal representation of children in dependency and delinquency proceedings.” Michael Shea of St. Michael’s Legal Center in Tampa talked about his program’s efforts to provide and organize pro

bono service for families whose limited resources may be above qualifying poverty levels but below the ability to hire an attorney.

Finally, speaking to the importance of instilling pro bono service early in a legal career, Amy Bandow, an assistant director at Thomas M. Cooley School of Law, discussed her school’s Service to Soldiers: Legal Assistance Referral Program, as well as the availability of the school’s students to serve supporting roles (as “associates”) for practitioners representing pro bono clients.

It is hoped that this summit will be a catalyst for future meetings among the wider judiciary as we continue to address this important topic.

1 Members of the judiciary are governed by numerous restrictions as to what extent they may permissibly support pro bono service and service providers under the judicial canons and ethics opinions. See, e.g., In re Amendments to the Code of Judicial Conduct, 983 So.2d 550 (Fla. 2008) (modifying judicial canons and explaining limitations on judicial participation in pro bono events and ceremonies).

2 The commentary to this canon states, “[s]upport of pro bono legal services by members of the bench is an activity that relates to the improvement of the administration of justice.”

3 Further information about each of these programs may be found on their respective websites: crossroadsfloridakids.org, bals.org, stmichaelslegalcenter.com, and cooleylaw.edu.

Author: Judge Matthew C. Lucas, Thirteenth Judicial Circuit

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**BENCHMARKS:**
**RAISING THE BAR ON CIVICS EDUCATION**

Do you have friends and family members who are interested in learning more about civic responsibility?

The Florida Bar offers a way for attorneys to connect with and educate adults in their communities through its Benchmarks program. Attorneys can download presentations on topics such as:

- “How to Judge Judicial Candidates”
- “Amending Florida's Constitution”
- “Judge for Yourself”
- “What the Law Means”

The presentations are meant to be engaging and fun for participants, and attorneys who make the presentations can receive one hour of ethics credit for up to three hours in a three-year reporting cycle.

So gather a group from your homeowners association, PTA or church, and start raising the bar! The Florida Bar even helps connect speakers with groups that are interested in having them. For more information, go to floridabar.org and click on the “Speakers Bureau” link under the “For the Public” tab.
THANK YOU 2012-2013 HCBA
Section & Committee Chairs
WE APPRECIATE YOUR
HARD WORK AND COMMITMENT.

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George Cappy and Mike Winer
Once upon a time, “terms of court” made sense. In 1868, only seven circuit court judges served the entire state. Back then, these judges had to “ride the circuit,” sitting in each county seat for “two terms of his court” each year.1 Having a fixed “term of court” ensured that the judges stayed in each county long enough to serve that county’s needs.

At the appellate level, the Florida Constitution of 1868 required the Florida Supreme Court to hold three terms annually.2 These appellate terms of court set fixed times for the justices to travel to Tallahassee to consider appeals.3 When the district courts were created, these new courts were similarly required to hold two terms of court annually.4

In the modern era, terms of court are governed by statute.5 Although terms of court are no longer required to ensure judicial attendance, they still serve one important function at the appellate level: The end of a term marks the end of the court’s ability to recall its mandate. The mandate is the appellate court’s method of communicating its decision to the lower tribunal.6 Appellate courts have the power to recall a mandate “for good cause.”7 For example, a court may recall a mandate to clarify its decision or resolve conflict.8

Currently, the appellate court’s power to recall a mandate and modify a decision “generally ends with the term the mandate issued.”9 But since modern courts meet year round, the arbitrary “term” cutoffs mean that some decisions are subject to modification for nearly six months, while others may be subject to modification for just a few days.10

In its last term, the Florida Legislature addressed this historical quirk. Deeming terms of court to be “an archaic concept,” the Legislature repealed terms of court effective January 1, 2014.11

Starting next year, the Florida Supreme Court may: (1) establish terms of court; (2) authorize lower courts to establish their own terms of court; or (3) dispense with terms of court altogether.12 No matter how terms are used for scheduling, though, an appellate court will have the power to recall its mandate and modify a decision for up to 120 days after the mandate has been issued.14 For appellate practitioners, this means easier calendaring and a simple path to advising clients on finality issues.

Author: Ezequiel Lugo, Butler Pappas Weihmuller Katz Craig, LLP

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1 Art. VI, § 7, Fla. Const. (1868).
6 Martin v. Martin, 139 So. 2d 406, 408 (Fla. 1962).
7 Simpson v. State, 505 So. 2d 1378, 1380 (Fla. 1st DCA 1987).
8 See id.
10 Bill Analysis 3.
11 Bill Analysis 2.
13 Ch. 2013-25, § 9, Laws of Fla.
14 Ch. 2013-25, § 10, Laws of Fla.

Get involved with the HCBA. JOIN A SECTION OR COMMITTEE. CALL (813) 221-7777.
As incoming chairs of the Community Services Committee (CSC), Lara LaVoie and I know we have big shoes to fill. Sarah Glaser and Zach Glaser did an amazing job as past chairs. Thank you, both; we hope to make you proud.

This year, CSC and its volunteers (you!) will help children in need so that they get to just be kids for a day. We will show gratitude to veterans by fulfilling their wish lists and thanking them for their service.

We will help Trinity Café feed, with dignity, Hillsborough County’s working poor and homeless. Finally, we will be elves for elderly wards of the state, providing perhaps the only holiday gifts they may receive.

As you can see, we have an impressive agenda, all of which will make a difference in our community, but we can’t do it without you!

Continued on page 21

CONGRATULATIONS TO AWARD WINNERS!

MARSHALL R. CASSEDY AWARD - Darlene L. Kelly, executive director of the Hillsborough County Bar Foundation, was honored with the Marshall R. Cassedy Award during The Florida Bar’s annual convention in June 2013.

Outgoing Florida Bar President Gwynne Young praised Kelly for her extraordinary leadership, noting that her dedication has ensured the foundation is in “a strong position” and “will be able to continue to serve the public, the courts, and the profession.”

LYNN FUTCH MOST PRODUCTIVE YOUNG LAWYER AWARD - Rachael Greenstein was presented with the Lynn Futch Most Productive Young Lawyer Award during The Florida Bar’s annual convention. This award is given annually to a young lawyer who has worked diligently during the past year in Bar activities or other law-related activities and who has an excellent reputation for legal abilities and integrity.
BE THE DIFFERENCE YOU WANT TO SEE IN THE WORLD — VOLUNTEER
Community Services Committee

Continued from page 20

Unfortunately, our community does not always share a positive opinion of attorneys and the legal profession as a whole. Let’s change these opinions. Let’s make a difference. Let’s be the change we wish to see in the world!

Personally, I have participated in many charitable causes, and I truly believe volunteering can be life altering. That’s why I agreed to co-chair this committee. Nothing puts life’s demands in more perspective than when you adopt an elder, buy them a few items on their wish list (a toothbrush, stuffed animal, perhaps even socks), and then realize that these precious gifts are basic necessities that most take for granted. You may become teary-eyed when, as a holiday elf, you deliver these modest gifts and see the look of delight on an elder’s face when he or she opens the presents.

You may discover that many people eating a meal at Trinity Café are the elderly whose social security checks just do not cover both food and medicine, or they are a working family who, after paying rent and utilities, just cannot afford the entire month’s groceries.

You may smile when you see a child in need giggling with joy and forgetting his troubles!

You may meet a veteran who smiles and stands at attention when you visit, grateful for the chance to spend an hour or so talking about his past, his service, his life. Who knows, you may learn something about our history, about other’s sacrifices, maybe even something about yourself.

Whatever the reason, or whatever the cause, come out and volunteer. Bring a friend, bring your kids, bring your firm, or just bring yourself.

As I close, I ask you to help make a difference. Join CSC. Come to a meeting, volunteer for an event, or just spread the word about what we are doing! There is no commitment or donation that is too little or too late. Think about it, and as they say, just do it! Contact the HCBA or Lisa Esposito, lisa@lesposito.com, for information.

Author: Lisa A. Esposito, Law Offices of Lisa Esposito, PA.
THANK YOU TO PAST CHAIR MARK RANKIN
Criminal Law Section
Chair: Matt Luka, Trombley & Hanes, P.A.

With a new year beginning for the Hillsborough County Bar Association, the Criminal Law Section is experiencing a change of its own. Chairman Mark Rankin is moving on after five years of dedicated service to the section. Mark has given more time and service to our section than anyone could expect. His leadership and commitment have contributed significantly to our section and the HCBA. Mark will be missed, but he deserves a rest and our gratitude.

My name is Matt Luka. I will be assuming Mark’s position and hope to meet the high standard he has set. I am a partner at Trombley & Hanes, P.A., and have been practicing criminal defense for nearly 10 years in state and federal court.

I look forward to serving the section this year and would greatly appreciate your input and support so that we can make our section the best the HCBA has to offer. We welcome your submission of articles for publication in the Lawyer magazine. If you would like more information on how to submit

Continued on page 23

Fowler White Boggs would like to thank W. Donald Cox for his many years of service & friendship.

Over his distinguished 47 year career with Fowler White Boggs, Mr. Cox served on the firm’s Board of Directors from 1993-2002, was Chair of the firm’s Litigation Department from 2008-2010, and most recently was the firm’s General Counsel.

“Don Cox’s many contributions to our firm have helped make us who we are today in so many ways,” said Rhea Law, CEO and Chair of Fowler White’s Board of Directors. “His career epitomizes the Fowler White legacy of leadership.”

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THANK YOU TO PAST CHAIR MARK RANKIN
Criminal Law Section

Continued from page 22

an article or would like assistance finding a topic on which to write, please do not hesitate to contact me. Your participation will only enhance our section, and sharing your experiences, ideas, and interesting topics through articles is a great way to strengthen our local bar association.

The HCBA has many quality and interesting events and CLEs planned for this year. Our section has quarterly luncheons scheduled for: October 1, 2013; January 14, 2014; March 6, 2014; and May 6, 2014. We intend to offer CLE credit for as many of these luncheons as possible. Please add these to your calendar and watch for upcoming announcements regarding luncheon topics and other HCBA events.

We endeavor to cover topics that will be helpful to your practice. If there is a particular topic that you believe our membership would find interesting and educational, please do not hesitate to contact me so we can discuss a possible speaker and presentation.

The Criminal Law Section currently does not have a section committee, but if you would like to more actively participate in our section, we welcome your assistance. Thank you for the opportunity to serve as chair this year. I look forward to the coming year and hope to see you at our quarterly luncheons.

Author: Matt Luka, Trombley & Hanes, PA.

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The 2012-2013 HCBA Leadership Institute Class held its closing reception on May 30 at the Chester H. Ferguson Law Center. Thank you to Maj. Sherri Ohr, Capt. Katie Boucher, and Carter Andersen for their leadership this year.

The class:

- Ana-Klara Anderson
- Angeline Attila
- Diane Barnes-Reynolds
- Tyler Cathey
- Daniel Dietrich
- Felipe Fulgencio
- Laureen Galeoto
- Dee Anna Hays
- George Hunter
- Sarah Kay
- Capt. Erin Kenny
- Jamie Klapholz
- Jill Lowe
- Melissa Madsen
- Stephanie Martin
- Jamie Meola
- Patrick Mosley
- Christina Nethero
- Crystal Roznak
- Matthew Thatcher
- Carly Wolf

Thank you to our sponsor:
The Hillsborough County Bar Association, in conjunction with our local, state, and federal judiciary, is pleased to sponsor the 17th Annual Bench Bar Conference: Stand Up for Justice. Please mark your calendars for November 6 to join us for what promises to be an excellent day-long conference.

Our theme is particularly relevant given this year’s 50th anniversary of Gideon v. Wainwright and of Dr. Martin Luther King Jr.’s “I Have a Dream” speech. Additionally, the theme of this summer’s Florida Bar Annual Convention was “Inclusion: The Path to Unity.”

SAVE THE DATE: November 6
Bench Bar Conference and Membership Luncheon

Stand Up for Justice

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highlighting the topics of inclusion and diversity within the legal profession and the justice system as a whole.

Attorneys fighting the hard cases against all odds for their individual clients have made historic impact upon the lives of all of our citizens. Additionally, the United States Supreme Court has rendered opinions this year that have the potential for significant and sweeping changes in our legal landscape.

We believe that it is important to acknowledge the progress made in our justice system by recognizing the challenges of the past. We must also reflect and promote the qualities, in both the Bench and the Bar, that have made that progress possible.

The Bench Bar Conference is historically designed to provide lawyers and judges a unique forum to candidly share their thoughts, concerns, and expectations, and to discuss ways to improve our legal system. Enhancing collaboration between the Bench and the Bar, fostering our shared commitment to improving the administration of justice, enhancing the rule of law, and practicing with professionalism (fairness, integrity, and civility) are all important goals that the HCBA promotes with this conference.

We will offer morning and afternoon substantive and practical breakout course selections. Attendees will select their CLE sessions from a well-balanced list of course offerings. We also will continue the tradition of conducting discussion roundtables with the federal and state judiciary.

This year, however, we will focus not on the typical “View from the Bench” but rather on the “View toward the Bench,” and we will seek out and respond to input from litigants about how the judiciary can be more responsive to their needs. All are invited to enjoy the collegial Judicial Reception immediately following the conference.

This year, we are pleased to announce an afternoon ethics panel discussion, relevant to the theme of the conference, with outstanding speakers who have effectuated major change by “Standing Up for Justice” in their practice as lawyers.

Please join us at this year’s conference as we continue to strengthen the bond between the Bench and the Bar, enable our Bench and Bar to best meet the challenges ahead, and strive for continued improvements to our system of justice. This is a recognition of those who have championed progress, and it’s a call to “Stand Up for Justice.” So save the date!

Please look for more information about specific course offerings and registration instructions in emails from the HCBA and on the HCBA’s website, hillsbar.com. We look forward to seeing you on November 6.

Authors:
Bench Bar Co-Chairs,
Judge Caroline J. Tesche and Judge Samantha Ward, Thirteenth Judicial Circuit
HCBA President Susan Johnson-Velez and the 2013-2014 HCBA Board of Directors were sworn in on June 24 at the Chester H. Ferguson Law Center.

Johnson-Velez’s children, Julian and Catalina Velez, introduced the incoming president, offering a stirring tribute to her as a mother, role model, and professional.

Chief Judge Manuel Menendez, Jr., administered the oath to the incoming HCBA and YLD leadership.

Jacqueline Simms-Petredis is the president of the YLD for 2013-2014.

Outgoing HCBA President Bob Nader recognized several HCBA members for their contributions to his term and the mission of the HCBA.

Victoria McCloskey received the James M. “Red” McEwen Award, which is given each year for outstanding service and contributions to the president and the HCBA.
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The Elder Law Section of the Hillsborough County Bar Association has been resurrected. My co-chair, Elizabeth Allen, and I invite members to be an active part in this new section. It is our belief that the section will be a huge success. The Florida Bar reports that Hillsborough County has more than 100 lawyers who are members of their Elder Law Section. We hope to attract most of them to attend through relevant, pragmatic CLE programming.

With the help of Carol Moody, we have been working to coordinate a full year of quality programming designed to educate members on important local issues in Elder Law. Our monthly luncheon meetings are held at the Chester H. Ferguson Law Center. Pre-meeting networking begins at 11:30 a.m., and the lunch meeting starts at noon, with a presentation that takes approximately 45 minutes. Please help spread the word.

The Elder Law Section kicked off its

Continued on page 33

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Continued from page 32

2013-2014 monthly luncheon series with a CLE presentation on “Florida’s Medicaid Long-term Managed Care Program.” The program was intended to provide an overview of the new Medicaid program and give attendees, both lawyers and non-lawyers, an opportunity to ask questions to a panel representing the long-term care providers in our region.

As Dr. Martin Luther King, Jr., once said, “Of all the forms of inequality, injustice in health care is the most shocking and inhumane.” With the shift of Medicaid recipients into managed care organizations, change is inevitable. As this shift occurs, it will be the elder law attorney who keeps a watchful eye on the new Medicaid program. Strong advocacy may be needed.

Our first lunch meeting on September 11, 2013, addressed this topic. Maureen Kelly, president and chief executive officer of the West Central Florida Area Agency on Aging, gave an overview of the program, and Rebecca Bell, a Port Richey elder law attorney, moderated a question-and-answer session.

Please mark your calendars for October 9, 2013, when the Elder Law Section will host Sandra Diamond, a Pinellas County attorney and Real Property, Probate and Trust Law Section member, who will present “Tips, Tricks and Traps: A Pragmatic Approach to the Durable Power of Attorney Statute.” Diamond is on the Durable Powers of Attorney Committee charged with the responsibility of redrafting Section 709 of the Florida Statutes.

We will distribute a schedule with topics and speakers for the year. We look forward to seeing you at the meeting.

Author: Jack M. Rosenkranz, Rosenkranz Law Firm

THE HCBA WELCOMES ITS NEW MEMBERS

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Karen Howe
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Jeremy Kovar
Christa Lopez
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Jeremy Shelton
Lindsey Sheppy
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On June 13, 2013, the United States Supreme Court issued its opinion in Association for Molecular Pathology v. Myriad Genetics, Inc., holding that merely isolating a naturally occurring DNA molecule from its surrounding genetic material does not render it patentable subject matter. Writing for a unanimous court, Justice Clarence Thomas emphasized that “patent protection strikes a delicate balance between creating incentives that lead to creation, invention, and discovery and impeding the flow of information that might permit, indeed spur, invention.” In striking that balance, the court also held that certain DNA molecules synthesized in a laboratory, known as complementary DNA (cDNA), are eligible for patent protection because they are not technically found in nature. The decision will undoubtedly have a substantial effect on existing biotechnology patent portfolios, as well as significant implications for the future of the biotechnology industry.

At the center of the dispute in Ass’n for Molecular Pathology was U.S. Patent No. 5,747,282, issued to Myriad Genetics, Inc., which claimed the isolated DNA of two genes, known as BRCA1 and BRCA2. Mutations in the BRCA genes are linked to an increased risk of breast and ovarian cancer in women. Armed with the ’282 patent, Myriad retained the exclusive right to isolate these genes, a necessary step in screening patients for the cancer-causing mutations. Competitors and others filed suit. The court first addressed whether isolated DNA molecules are patentable subject matter. Section 101 of the Patent Act states “[w]hoever invents or discovers any new and useful ... composition of...” Continued on page 35
Continued from page 34

matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” Implicit exceptions to Section 101 include laws of nature, natural phenomena, and abstract ideas, which are “the basic tools of scientific and technological work that lie beyond the domain of patent protection.”

By claiming the naturally occurring DNA sequences of the BRCA genes, “Myriad did not create anything,” the court said. In fact, “[t]he location and order of the nucleotides existed in nature before Myriad found them.” Thus, the isolated DNA molecules were held unpatentable subject matter.

The court, however, reached a different conclusion with respect to cDNA. Generally, human genes are divided into protein-coding regions (“exons”) and non-coding regions (“introns”). An isolated gene contains both the exon and intron DNA sequences, but a cDNA molecule contains only the exon DNA sequences. Thus, according to the court, “a lab technician unquestionably creates something new when cDNA is made.” Even though the cDNA contains the naturally occurring exon sequences, the court determined that it “is not a product of nature and is patent eligible under § 101.”

The ultimate effect of the court’s decision on the biotechnology industry remains to be seen. In the meantime, allowing patents on cDNA but not on mere isolated DNA balances the goals of the Patent Act, creating an incentive for invention, while freeing up the basic tools of scientific research and development for future innovation.

1 133 S. Ct. 2107 (2013).
2 Id. at 2116 (internal citation omitted).
3 35 U.S.C. § 101
4 133 S. Ct. at 2116.
5 Id. at 2117.
6 Id. at 2116.
7 Id. at 2119.
8 Id.

Author:
Stephen G. Anderson, Ph.D., GrayRobinson, P.A.
In 2009, Florida’s Constitution was amended to allow homestead owners to transfer to a new homestead the difference between the prior homestead’s “just” (fair market) value and “assessed” value. Art. VII, §(4)(d)(1) Fla. Const. Unfortunately, the birth of “portability” coincided with the housing bubble burst, limiting the relevance of portability as just values tanked. However, two trends may rekindle interest in the value of portability: rising home values and increased divorce among baby boomers who have owned homesteads long enough to experience a substantial difference between just and assessed value.

What Is Portability?
When homestead property changes ownership, it is assessed at just value as of January 1 of the following year. It is reassessed every year, but the assessed

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value cannot increase by more than 3 percent of the previous year’s assessed value. § 193.155(1), Fla. Stat. (2012). Homestead exemptions are then subtracted to reach the taxable value. The difference between just value and assessed value — the “cap differential” — can be ported to a new homestead. § 193.155(8).

Say Tom and Betty Babyboomer purchased their homestead in 1995 at $100,000 just value. They weathered the ups and downs of the housing market, and today the homestead’s just value is $400,000. Because of the cap, however, the assessed value is only $170,000. Tom and Betty’s cap differential is $230,000, or almost 60 percent of just value. If they were to “upgrade” to a $750,000 home, the $230,000 differential would be subtracted from the just value of the new homestead, so the assessed value would be $520,000. § 193.155(8)(a). This would be the floor for future increases to assessed value. If they “downgraded” to a $200,000 home, they would port the percentage of just value (60 percent) for an assessed value of $120,000 on the new homestead. § 193.155(8)(b).

Portability and Divorce

Divorcing spouses can divide the cap differential if they both “abandon” the homestead. An equal division is simple when the homestead is sold. But what if Betty divorces Tom and keeps the house? Abandonment does not require physical abandonment, only the filing of a notice of abandonment of homestead with the property appraiser. § 193.155(8)(g). However, her abandonment will cause the homestead to be reassessed at just value, and the differential will be applied the following assessment year. But if Tom relinquishes any claim to the differential, the transfer in ownership to Betty will not require reassessment at just value because the transfer is pursuant to a divorce. § 193.155(3)(a)(2). If Tom has no plans to establish a new homestead in the next two years, he may want this “asset” placed on Betty’s side of the marital balance sheet.

If the parties want to split the differential unequally, they must be married on the date the homestead is abandoned. § 193.155(8)(d). Therefore, notice of abandonment of homestead must be filed before final judgment is entered.

Family law attorneys should anticipate the cap differential receiving greater attention as a valuable marital asset in the upcoming years.

Author: Bridget Remington, Harris and Hunt, P.A.

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STAFF SPOTLIGHT

Corrie Benfield joined the Hillsborough County Bar Association as PR/communications coordinator in late July, taking over the reins from Wendy Whitt, who left to become a professor at the University of South Florida. She manages HCBA sponsorships and works with Rena Upshaw-Frazier to produce the Lawyer magazine.

Corrie came to the HCBA from Booz Allen Hamilton, where she worked as a strategic communications consultant. Prior to that, she spent 10 years editing everything from wacky crime briefs to serious investigative reports at The Tampa Tribune.

A native of North Carolina, Corrie has lived in Tampa since 1998, when she moved here to enter the mass communications program at USF. After years of bouncing between North Tampa and South Tampa, Corrie settled in the “just right” neighborhood of Seminole Heights.

On the weekends, you’ll find Corrie trying to wrangle her two rowdy dogs — a coon hound named Oliver and a lab mix named Bon — or working on renovations to a 1908 bungalow that she recently purchased with her boyfriend, Joe.

So, the next time you’re in the mood to discuss local dog beaches, outdated wiring, or HCBA sponsorship opportunities, please stop by to visit Corrie. You can also call her at (813) 221-7779 or email corrie@hillsbar.com.
SYNERGY WITHIN OUR CIRCUIT
Professionalism & Ethics Committee
Chairs: Julie Sneed - Akerman Senterfitt LLP; and Joan Boles - Bay Area Legal Services, Inc.

In the beginning of his term, Hillsborough County Bar Association Past President Bob Nader gave a clear directive to the co-chairs: “Reinvigorate the Professionalism Committee.” The first order of business was to change the name to the Professionalism & Ethics Committee to more accurately reflect its mission. During his term, the committee participated in the HCBA Bench Bar Conference and the ABOTA/HCBA Practicing with Ethics, Civility and Professionalism Seminar. It published articles in the Lawyer, provided speakers for events, and began to make connections within the legal community.

An important connection was made between the HCBA committee and the Florida Thirteenth Judicial Circuit Committee on Professionalism. The Circuit Professionalism Committee Program Guide states: “In 1997 the Supreme Court’s Commission on Professionalism determined the need for professionalism programs and activities to have a primary emphasis at the local level. It was decided each circuit should have a Professionalism Committee. The intent was for programs and activities to be implemented locally and shared among the circuits.”

The connection led to a consensus in formalizing a combined committee with structure for appointments going forward to promote consistency and continuity. This consensus comes at the ideal time and has the full support of HCBA President Susan Johnson-Velez.

The Supreme Court of Florida recently issued Opinion No. SC 13-688, In Re: Code for Resolving Professionalism Complaints, within each circuit. It reads in part: “The Professionalism Commission has proposed that a

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WHEN AND HOW SHOULD A LAWYER WITHDRAW AS COUNSEL?
Professionalism & Ethics Committee

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local committee in each circuit be activated to receive, screen and act upon any and all complaints of unprofessional conduct and to resolve those complaints informally, if possible, or refer to The Florida Bar if necessary. We agree with this proposal and also adopt the Local Professionalism Panel plan. The Chief Judge of every circuit shall create a Local Professionalism Panel to receive and resolve professionalism complaints informally if possible. In the discretion of the Chief Judge, the Circuit Committee on Professionalism may be designated as the Local Professionalism Panel. The Chief Judge of each circuit is responsible for activating the respective committees.”

The Standards of Professionalism are found in the Oath of Admission to The Florida Bar, The Florida Bar Creed of Professionalism, The Florida Bar Ideals and Goals of Professionalism, The Rules Regulating The Florida Bar, and the decisions of the Florida Supreme Court.

A combined taskforce has been created to address the Supreme Court mandate regarding professionalism efforts and a local panel in our circuit. The taskforce is chaired by Thirteenth Judicial Circuit Judge Ashley Moody and includes members of the Professionalism and Ethics Committee, Committee on Professionalism, and the HCBA Peer Review Program. A Thirteenth Judicial Circuit plan and structure will be put in place for implementation. Stay tuned.

Authors: Judge Ashley Moody, Thirteenth Judicial Circuit; Julie Sneed, Akerman Senterfitt; and Joan Boles, Bay Area Legal Services

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Trial & Litigation Section
Chair: Brad Kimbro - Holland & Knight, LLP

Florida courts have historically provided absolute immunity to “judges, counsel, parties, and witnesses from liability for alleged defamatory statements made in the course of a judicial proceeding.” See Delmonico v. Traynor, ___ So. 3d ___, SC10-1397, 2013 WL 535451 (Fla. 2013). In fact, the Florida Supreme Court had established in Myers v. Hodges, 44 So. 357 (Fla. 1907), “the principle of the litigation privilege in Florida, essentially providing legal immunity for actions” taken or statements made in the course of pending litigation. See Echevarria, McCalla, Raymer, Barrett, & Frappier v. Cole, 950 So.2d 380 (Fla. 2007). However, the Supreme Court recently qualified or withdrew that privilege for attorneys in the type of circumstances demonstrable in Delmonico.

Daniel Delmonico sued Tony Crespo and Donovan Marine, Inc., because Delmonico believed that Donovan’s employee, Crespo, had defamed Delmonico. Crespo’s defamatory statements asserted that Delmonico had supplied prospective customers with female escorts and that Delmonico was being criminally prosecuted for the illegal activity. Based upon Traynor’s allegations, Delmonico’s customers chose to abrogate their business contracts with Delmonico, resulting in a documented financial loss of at least $7 million. Delmonico subsequently filed a defamation suit against Traynor, due to Traynor’s scandalous accusations made to potential witnesses in the Crespo suit. Traynor filed a motion for summary judgment in the new lawsuit against him and claimed that as an attorney defending an underlying lawsuit, his statements were absolutely privileged.

In Delmonico, the Supreme Court narrowed the absolute immunity privilege by finding that it applies in the types of legal proceedings that occur in a courtroom, in depositions, and in pleadings. However, the court refused to extend the privilege to “statements made by an attorney during ex-parte, out-of-court questioning of a potential, non-party witness while investigating matters connected to a pending lawsuit.” See Delmonico, 2013 WL 535451. Further, the court found that a “qualified privilege instead should apply to ex-parte, out-of-court statements, so long as the alleged defamatory statements bear some relation to or connection with the subject of inquiry in the underlying lawsuit.” Id. Importantly, a defendant’s qualified privilege “requires the plaintiff to establish express malice” by the defendant. Id. However, when the litigator’s defamatory statements are not related to the underlying lawsuit, the Supreme Court found that “the defendant is not entitled to the benefit of any privilege.” Id.

Therefore, an attorney’s choice to defame parties in pending litigation could result in civil liability. Accordingly, a litigator must always consider whether his statements to non-party witnesses could be construed as defamatory, even if the statements are solely intended to elicit relevant information in an investigation.

Author:
Caroline Johnson Levine, Office of the Attorney General

A litigator must always consider whether his statements to non-party witnesses could be construed as defamatory.
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American Board of Trial Advocates Seminar

The Tampa Bay Chapter of the American Board of Trial Advocates, in cooperation with the Hillsborough County Bar Association, held its “Practicing with Ethics, Civility and Professionalism” seminar on May 31.

Florida Supreme Court Justice James E.C. Perry was the keynote speaker at the opening session, held at the Stetson University College of Law’s Tampa Campus. Justice Perry discussed the importance of practicing law with the highest degrees of ethics and professionalism.

The afternoon-long seminar featured several judges, including Judge Nelly Khouzam of the Second District Court of Appeal and others from the Thirteenth and Sixth Judicial Circuits, who participated in a panel discussion at the Chester H. Ferguson Law Center.

The day wrapped up with a social hour sponsored by Wagner, Vaughan & McLaughlin.
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Stay Connected
AROUND THE ASSOCIATION

Stephenie Biernacki Anthony, a trial lawyer and founding member of Anthony & Partners, LLC, has been chosen as the incoming president of the Tampa Bay Bankruptcy Bar Association (TBBBA).

Michael Blickensderfer, principal attorney of Blick Law Firm, has added immigration law to the firm’s practice areas. The Carrollwood-based firm will help immigrants discover pathways to citizenship and obtain the proper authorizations to live and work in the United States.

Keith and Clay Bricklemyer have formed the Bricklemyer Law Group, P.L., with offices at 400 N. Ashley Drive, Suite 1100, Tampa. The Bricklemyers will continue to concentrate their practice in real estate, land use, zoning, land planning and development, and environmental law.

Mayor Bob Buckhorn announced in June that Tampa law firm Hill Ward Henderson will donate $50,000 to replace aging exercise equipment along the Bayshore Fitness Trail. Extending for one mile along Bayshore Boulevard, the Bayshore Fitness Trail runs from the Davis Islands bridges to Rome Avenue.

David Caldevilla has been appointed to serve as secretary of the The Florida Bar’s Appellate Court Rules Committee. Caldevilla is a shareholder at de la Parte & Gilbert, P.A.

Carlton Fields is pleased to announce that five of its Tampa attorneys have been named “Lawyers of the Year” by the 2014 Best Lawyers in America: Nathaniel L. Doliner, Tampa Corporate Governance Law; Edward W. Gerecke, Tampa Product Liability Litigation–Defendants; C. Douglas McDonald, Jr., Tampa Patent Law; Thomas J. Roehn, Tampa Litigation-Real Estate; and Wm. Cary Wright, Tampa Construction Law.

Carlton Fields is pleased to announce that Jin Liu, an associate in its Tampa office, has been named to Lawyers of Color’s Hot List of minority attorneys younger than 40 in the Southern region.

Carlton Fields’ Tampa shareholder Kenneth A. Tinkler received the Judy Florence Memorial Outstanding Service Award from The Florida Bar’s Environmental & Land Use Law Section (ELULS).

Carlton Fields’ Tampa shareholder Sylvia H. Walbolt has been elected to serve as vice president of the Florida Supreme Court Historical Society. She was elected during The Florida Bar’s Annual Convention in June.

Carlton Fields has been ranked in the 2014 Vault Law Quality of Life rankings in a number of areas including transparency, career outlook, and formal/informal training. The firm ranked third in the country for transparency and fourth for career outlook, formal training, and informal training.

James E. Felman of the law firm Kynes, Markman & Felman, P.A., in Tampa was elected as the first vice chair of the Criminal Justice Section of the American Bar Association at its annual meeting in San Francisco. Felman was also appointed to a second three-year term as the American Bar Association’s liaison to the United States Sentencing Commission. Felman concentrates his practice in the areas of criminal defense and criminal appeals in federal and state courts.

Continued on page 47
**AROUND THE ASSOCIATION**

Continued from page 46

Adam B. Cordover has been nominated by the Collaborative Divorce Institute of Tampa Bay and selected by the International Academy of Collaborative Professionals (IACP) to attend the IACP Leadership Academy.

B. Ben Dachepalli, a shareholder in Hill Ward Henderson’s Construction Group, was recently elected by his peers as president of Leadership Florida’s 31st class. In addition, Dachepalli will serve a term on the Board of Directors of Leadership Florida. A community of leaders actively engaged in understanding and serving our state, the Leadership Florida program is highly competitive, accepting only 40 to 70 leaders throughout the state each year.

Foley & Lardner senior counsel Nathaniel Lacktman has been ranked by Chambers USA: America’s Leading Business Lawyers 2013 for his health care practice in Florida. Eleven of Foley’s practice areas received national recognition in Chambers, including the firm’s health care practice. In addition, Foley & Lardner received the top honor of “Law Firm of the Year - Health Care Law” for the second consecutive year by U.S. News and World Report.

FORDHARRISON, LLP, is pleased to announce that the firm is a 2013 recipient of the Women in Law Empowerment Forum’s (WILEF) Gold Standard Award. The firm was recognized for its commitment to the advancement of women for the third year in a row.

Michael L. Forte of Rumberger, Kirk & Caldwell, P.A.’s Tampa office spoke at the National Apartment Association’s annual government roundtable and legal symposium in Denver, Colorado, on the topic of “Insurance Claims from Apartment Complexes: The Rights and Responsibilities of the Insured, Insurer and Attorney.”

GrayRobinson, P.A., is pleased to announce that Chambers USA has recognized Tampa attorneys Richard M. Blau, Elizabeth A. DeConti, Grace H. Yang, and Frank N. Fleischer.

Paige Greenlee, a commercial litigator with Sivery, Barlow & Watson, P.A., has been appointed by The Florida Bar to serve a three-year term on the board of The Florida Bar Foundation, a statewide charitable organization that provides leadership and funding for justice in Florida.

Donna L. Longhouse and Gregory A. Richards, Jr., have joined the law firm Allen Dell, P.A., in Tampa as shareholders. Longhouse practices in the areas of tax, trusts and estates, business planning, and tax-exempt organizations. Richards practices in the areas of estate planning; probate, guardianship, and trust administration; and probate, guardianship, and trust litigation.

Kynes, Markman & Felman, P.A., is pleased to announce that 2014 Best Lawyers in America has named two of its lawyers as “Lawyer of the Year” — Stuart C. Markman, as Tampa “Lawyer of the Year” for Bet-the-Company Litigation, and James E. Felman, as Tampa “Lawyer of the Year” for Appellate Practice. Markman was also listed for Appellate Practice, Commercial Litigation, and Criminal Defense: White-Collar. Felman was also listed for Criminal Defense: White-Collar and Non-White-Collar and Bet-the-Company Litigation. Katherine Earle Yanes was listed for Criminal Defense: White-Collar and Appellate Practice, and Kristin A. Norse was listed for Appellate Practice.

Stephen A. Liverpool, an associate at Hill Ward Henderson, was recently selected to participate in the 2013 Class of the Tampa Bay Public Leadership Institute. He was one of 25 members selected from more than 150 applicants. The Tampa Bay Public Leadership Institute is an independent and nonpartisan program for professionals to learn about the political process, leadership, and public policy, while networking with other area leaders.

Malinda R. Lugo, an associate in the Tampa office of Shumaker, Loop & Kendrick, LLP, spoke at the Gulf Coast Health Information Management System’s education symposium on May 18, 2013, at the Shriner’s Hospital in Tampa. Malinda presented on “Legal Risks Associated with Electronic Medical Records.”

Continued on page 48
Derrill L. McAteer has joined Smolker, Bartlett, Schlosser, Loeb & Hinds, P.A., a Tampa law firm concentrating in real estate and property rights representation, as an associate.

Eric D. Nowak of de la Parte & Gilbert, P.A., has been appointed to the Wheels of Success Board of Directors. Wheels of Success is the Bay Area’s only 501(c)3 nonprofit organization dedicated to providing personal transportation solutions by partnering with the community to keep people working and sustain their independence.

Mike Reeves has become co-leader of Trenam Kemker’s Business Transactions Practice Group. Mike is a shareholder in the Tampa office and also serves on the board of directors for the Early Learning Coalition of Hillsborough County.

Stichter, Riedel, Blain & Prosser, P.A., is pleased to announce that Barbara Hart and Michael Bachman have been named shareholders. Hart joined the firm in 2009 and is actively involved in the firm’s bankruptcy, state court (including foreclosure and deficiency defense), and work-out practices. Bachman also joined the firm in 2009 and is actively involved in the firm’s bankruptcy, work-out, and transactional practices.

Charles Reynolds, partner at Butler Pappas, has been named the incoming chair of the Construction Litigation Committee for the International Association of Defense Counsel (IADC).

Shumaker, Loop & Kendrick, LLP, is pleased to announce that Kelly Zarzycki Andrews, a partner in the Tampa office, has been selected to join the Women Presidents’ Organization (WPO). The nonprofit membership organization was formed to improve business conditions for female entrepreneurs and promote the acceptance and advancement of female entrepreneurs in all industries.

Shumaker, Loop & Kendrick, LLP, is pleased to announce that Vanessa Goodwin, an associate in its Tampa office, has been named to Lawyers of Color’s Hot List of minority attorneys younger than 40 in the Southern region.

Gwynne A. Young, a Carlton Fields’ Tampa shareholder and immediate past president of The Florida Bar, received the Friend of FAWL Award from the Florida Association for Women Lawyers (FAWL) on June 26, 2013, during The Florida Bar Annual Convention in Boca Raton, Florida. The award recognizes those who have made considerable contributions to FAWL and to women in Florida over the years and who are supportive of FAWL’s goals.

To submit news for Around the Association, email Corrie Benfield at corrie@hillsbar.com.

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<tr>
<td>• Opportunity to place a company item in golf carts</td>
<td>• Sponsor acknowledgement in the HCBA Weekly email blast, Lawyer magazine and on Facebook</td>
</tr>
<tr>
<td>• Sponsor recognition at luncheon and awards dinner</td>
<td>• Sponsor thank-you sign at registration, lunch, and awards dinner</td>
</tr>
<tr>
<td>• One Tee Sponsorship with a golf hole sign and a sponsor table</td>
<td>• Sponsor acknowledgement in the HCBA Weekly email blast, Lawyer magazine and on Facebook</td>
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<tr>
<td>• Sponsor acknowledgement in the HCBA Weekly email blast, Lawyer magazine and on Facebook</td>
<td>• Recognition on pre- and post-event publicity</td>
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</tbody>
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<table>
<thead>
<tr>
<th>SILVER SPONSORS ($500)</th>
<th>CLOSEST TO THE PIN CONTEST ($300)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• One Team Foursome greens fees, golf carts, lunch, and awards dinner</td>
<td>• Priority par 3 tee selection</td>
</tr>
<tr>
<td>• Opportunity to place a company item in golf carts</td>
<td>• Golf tee sign board</td>
</tr>
<tr>
<td>• Sponsor acknowledgement in the HCBA Weekly email blast, Lawyer magazine and on Facebook</td>
<td>• Opportunity to provide golfers a gift at tee</td>
</tr>
<tr>
<td>• Recognition on pre- and post-event publicity</td>
<td>• Sponsor thank-you sign at registration, lunch, and awards dinner</td>
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<td>• Sponsor acknowledgement in the HCBA Weekly email blast, Lawyer magazine and on Facebook</td>
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<table>
<thead>
<tr>
<th>BEVERAGE CART ($1,000)</th>
<th>HOLE-IN-ONE ($300)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• One representative to ride with beverage cart</td>
<td>• Priority par 3 tee selection</td>
</tr>
<tr>
<td>• One Team Foursome greens fees, golf carts, lunch, and awards dinner</td>
<td>• Golf tee sign board</td>
</tr>
<tr>
<td>• Beverage cart sign board</td>
<td>• Opportunity to provide golfers a gift at tee</td>
</tr>
<tr>
<td>• One Tee Sponsorship with a golf hole sign and a sponsor table</td>
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<tr>
<th>TEE/GOLF HOLE SPONSOR ($100)</th>
<th>MARQUIS SPONSOR</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Golf tee sign board</td>
<td><strong>C1 Bank</strong></td>
</tr>
<tr>
<td>• Sponsor thank-you sign at registration, lunch, and awards dinner</td>
<td>Clients 1st. Community 1st.</td>
</tr>
<tr>
<td>• Opportunity to provide golfers a gift at tee</td>
<td><strong>MARQUIS SPONSOR</strong></td>
</tr>
<tr>
<td>• Sponsor acknowledgement in the HCBA Weekly email blast, Lawyer magazine and on Facebook</td>
<td><strong>C1 Bank</strong></td>
</tr>
</tbody>
</table>

For information on sponsorship opportunities, contact Jason Whittemore at Jason@wagnerlaw.com or Corrie Benfield at corrie@hillsbar.com.
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- Shazia Sparkman
- Jason Valkenburg
- Majid Vasigh
- Chip Waller
For the month of: April 2013
Judge: Honorable Pamela Campbell
Parties: Richard Falkouski vs. Hector and Jessica Rivera
Attorneys: For Plaintiff: Nicholas Athanason; For Defendant: Robert Peterson and Chad C. Guzzo
Nature of case: Premises liability involving negligence, causation and injuries, including percutaneous diskectomy surgery
Verdict: Defense verdict; Defendants’ motion for attorney’s fees and cost is pending.

For the month of: June 2013
Judge: Honorable James M. Barton, II
Parties: Estate of George A. Stewart, Jr., vs. City of Tampa
Attorneys: For Plaintiff: Peter Mittenthal and John Malkowski; For Defendant: Toyin K. Aina-Hargrett and Allison Singer
Nature of case: Wrongful death; Plaintiff alleged that failure to dispatch law enforcement officers in a timely manner resulted in murder.
Verdict: Defense verdict

For the month of: June 2013
Judge: Honorable Thomas Minkoff
Attorneys: For Plaintiff: Robert O. Newton and A. Anderson Dolgali; For Defendant: Charles D. Bavol and Melissa D. Krepps
Nature of case: Alleged improper programming of neurostimulation device led to “full-blown” RSD and ultimate amputation of right arm
Verdict: Defense verdict

For the Month of: July 2013
Judge: Honorable Wayne Durden
Parties: Timothy Hale and Leticia Hale vs. USAA
Attorneys: For Plaintiff: David C. Murray and Howard W. Weber; For Defendant: Andrew P. Rock and Suzanne Lehner
Nature of case: Sinkhole claim denied by Defendant
Verdict: For the Plaintiff in the amount of $242,000.00; Plaintiff’s motion for attorney fees, cost and interest is pending.

For the month of: July 2013
Judge: Honorable Mark Shames
Parties: Star Beard vs. USAA
Attorneys: For Plaintiff: Hunter Hall; For Defendant: Brandon Scheele and Michael Bird
Nature of case: UM claim involving admitted liability accident with TMJ surgery
Verdict: $1,527.45

For the month of: July 2013
Judge: Honorable Bernard C. Silver
Parties: Nahum Thermidor vs. City of Tampa
Attorneys: For Plaintiff: Betty Charles; For Defendant: Assistant City Attorneys Ursula D. Richardson and Toyin K. Aina-Hargrett
Nature of case: Defamation: Former city employee who resigned prior to conclusion of police field training alleged that notes in his personnel file were defamatory and precluded him from obtaining employment in the law enforcement field.
Verdict: Defense verdict

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